

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: Monday, December 17, 2007
REPORT NO.: PL.07.153
SUBJECT: Application for Consent
File Nos. B12-2007 & B13-2007
Blue View Chateaux Inc.
Mark Faiz Sakkejha & Abeer Sakkejha
Lot 66 to 68, Plan 320
209555 Highway 26;
Town of The Blue Mountains

PREPARED BY: Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

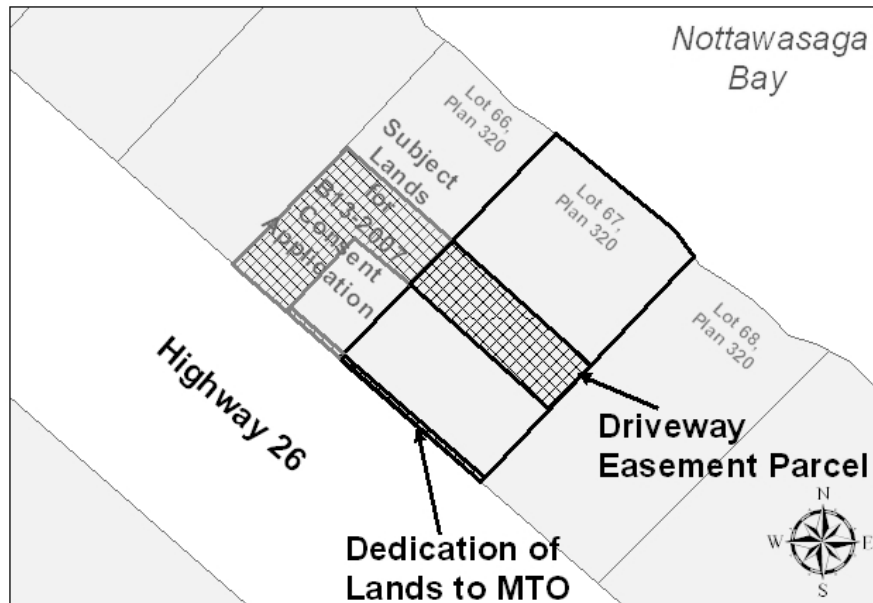
THAT Planning Staff support Application for Consent File Nos. B12-2007 and B13-2007, subject to the following conditions:

- 1. A draft reference plan specifying the easement and the 0.3 metre reserves must be submitted to the MTO for review for Lots 66 through 68, Plan 320 as well as the transfer deed and certification of title conveying the 0.3 metre reserves to the MTO must be submitted for review and approval prior to the registration in the Land Registry Office;**
- 2. A variance to the Zoning By-law to recognize the development of Lots 67 and 68, Plan 320 without direct frontage and access to an improved Public Street.**

B. Background

The purpose of this Planning Staff Report is to provide a recommendation on Application for Consent Nos. B12-2007 and B13-2007.

The purpose of these applications is to consider a request by the applicant to create a single driveway access for three existing lots fronting onto Highway 26. The easement areas, as shown on the drawing below, would provide an easement over Lot 66 for the benefit of Lots 67 and 68 and an easement over Lot 67 for the benefit of Lot 68. In addition a .3 metre reserve would be deeded to the MTO to restrict any future access to all three lots, save and except for the proposed entrance.



Official Plan

The subject lands are designated Residential Infilling (RI) and Hazard (H) within the Town of The Blue Mountains Official Plan. The purpose of the Residential Infilling (RI) designation is to:

“recognize existing residential plans of subdivision which have been registered and other existing residential areas which have been substantially developed.”

Policies that pertain to this development proposal state under Section 4.12:

- (1) *Infilling development upon existing vacant lots shall be encouraged. All buildings and structures erected shall be in general harmony with existing dwellings and multiple residential buildings shall not be permitted.*

Further, under the Consent Policies of Section 9.2:

“Consents may be granted for boundary adjustments, correction of title, leases, easements, rights-of-way, and other purposes which do not create separate lots. Such consents shall be evaluated on their own merit. The extent to which any consent may affect existing mortgages, especially with regard to lot additions, may be addressed as a condition of consent.”

Section 7.4(6) of the Official Plan states the following:

*“Access to the Provincial Highway, County, Arterial and Collector roads shall be discouraged, where possible. Secondary road access, **common access driveways**, and internal service roads **shall be encouraged wherever possible** for new land uses and development located along such roads subject to the requirements of the applicable road approval authority. Direct access may be considered under a traffic impact study, as provided under paragraph (7). **Where appropriate, 0.3 metre reserves shall also be required** as part of the development approval process in order to restrict access.”*

Currently Lot 67, Plan 320 has an existing dwelling, but it is the intent of the Proponent to develop all three of the registered lots which would need individual entrance permits for the vacant lots. The Proponents have opted to create a driveway and entrance easement across the three registered lots instead of three separate entrances, limiting the amount of entrances onto Highway 26. Thus it would appear that the proposed consents comply with the direction of the Town of The Blue Mountains Official Plan.

Zoning By-law

The subject lands are zoned Residential (R3) and Hazard (H) within the Township of Collingwood Zoning By-law, being By-law 83-40. The Residential (R3) Zone permits a single detached dwelling; home occupation and home industry; and uses, buildings and structures accessory thereto.

Section 5.8 of the By-law requires that:

“No person shall use any land for any permitted use, nor shall any building or structure be erected, altered, extended or enlarged except upon a lot which fronts upon and has direct access to an improved public street.”

With a shared access and 0.3 metre reserve, this provision of the By-law will not be met and therefore a variance will be required.

The Zoning By-law regulates parking requirements through Section 5.14. It should be noted that at the time of development, a single detached dwelling unit is required to have at minimum of two parking spaces. Through the draft reference plan submitted with the application, there does not appear to be any further conformity issues with the Zoning By-law.

Additional Comments

Agency Comments

Agency comments were received from the County of Grey Planning and Development Department; and Ministry of Transportation. These comments are summarized below.

Comments were received from the County of Grey Planning and Development Department states that provided positive comments are received from the Ministry of Transportation, that they have no further issue of concern with these Applications.

Comments received from the Ministry of Transportation states that a draft reference plan specifying the easement and the 0.3 metre reserves must be submitted to the MTO for review, as well as the transfer deed and certification of title conveying the 0.3 metre reserves to the MTO must be submitted for review and approval prior to the registration in the Land Registry Office. It should be noted that entrance and building/land use permits are required from the Ministry before any grading/construction commences.

Public Comments

The Public Meeting was held on the 3rd day of December, 2007, as required under the Planning Act. Issues of concern that were brought forward at the public meeting include traffic volumes on Highway 26, why the easements are needed when the ownership of the three lots are in the company and personal names of the Proponent, dedication to the MTO on all three lots, locations of sewage disposal, short-term rental use of the property and traffic associated with it.

The three existing registered lots are currently allowed to be developed which will inherently add to the volume of traffic associated with Highway 26. This proposal creates fewer entrances onto the Highway 26, creating a larger separation between entry points onto the Highway. Therefore, it is our opinion that this proposal improves the impact of the increased traffic which is otherwise permitted.

A lot of the concerns expressed with regard to the development of these lands are outside the scope of this application and need to be addressed through other existing and contemplated processes within the Municipality. The issue of Short Term Rental is currently being considered under a separate process by the Town. This issue is looking at a number of issues including intensification of activity on single detached lots that attribute to increased noise and traffic amongst other matters.

There were concerns expressed that a Draft Site Plan was not submitted in support of the application. The Town is in receipt of a Draft Site Plan which is attached. It is noted that the entrance location is aligned with the existing entrance to the lands. All other aspects of conformity of the Site Plan with Zoning will be confirmed as part of the building permit process, although it does appear to comply with Zoning.

All three lots are subject to Building Code requirements for Septic Approval, irrespective of whether the lots share a driveway or not. This will be reviewed by the Health Unit under the building permit process. These lots also remain separate lots by virtue of the Registered Plan, irrespective of common ownership.

Engineering and Public Works Department note that the three subject registered lots affected by this application will be charged for water and sewer on all three lots, as municipal services become available. Currently there is municipal water connected and the Town is in the process of charging out the benefiting property owners fronting the new municipal water main extension.

It should also be noted that Planning Staff would not support the creation of lots on the basis of a shared access onto Highway 26. However, we would support this application on the basis that it involves existing lots.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consents to create a common driveway are encouraged within the Town of The Blue Mountains Official Plan. Further these applications maintain the intent of the Zoning By-law and represents good planning. Therefore Planning Staff support these applications for consent subject to the conditions noted in this Report.

C. The Blue Mountains' Strategic Plan

These changes continue to be consistent with Strategic Plan goal #1:

"Managing growth to ensure the ongoing health and prosperity of the community."

D. Budget Impact

NIL

E. Attached

1. Draft Reference Plan
2. Draft Site Plan
3. Public Comments

Respectfully submitted,

Robert Armstrong, MCIP, RPP, CPT
Manager of Development Planning & IS

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