

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: April 2, 2007

REPORT NO.: PL.07.32

SUBJECT: Application for Consent and
Zoning By-law Amendment
File No. B03-2004
Karen Sheppard
Lots 48 and 49, Plan 529;
Town of The Blue Mountains

PREPARED BY: Shawn Postma,
Planner II
Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

THAT Council does receive Planning Staff Report PL.07.32, “Application for Consent File No. B03-2004, Karen Sheppard”; Lots 48 and 49, Plan 529; and

AND THAT Council does hereby grant approval to Application for Consent File No. B03-2004, subject to the following conditions:

1. A Zoning By-law amendment to permit a minimum lot frontage of 15 metres for the retained parcel and to establish a suitable building envelope on the severed parcel to the satisfaction of the Town and Grey Sauble Conservation Authority;
2. A six (6) metre road widening on the severed and retained parcels;
3. A Development Agreement to upgrade Fraser Crescent along the severed and retained parcels to a standard acceptable to the Town for maintenance purposes;
4. To extend the municipal water and sanitary sewer services, plus payment of necessary water and sewer charges ;
5. Removal of buildings and/or structures that encroach into the required setbacks for the retained parcel;
6. The payment of applicable development charges;
7. The payment of applicable parkland dedication charges;
8. That an entrance permit may be obtained on the severed parcel.

B. Background

The purpose of this report is to consider a request to restore the original lot boundaries between Lot 48 and 49 except for a small portion towards the north of the property where

the existing dwelling straddles the lot lines. Both properties have frontage onto Georgian Bay. The severed parcel is currently vacant and measures approximately 30 m of frontage, by 59 m deep. A watercourse flows along the eastern boundary. The retained parcel contains an existing dwelling and measures approximately 15.22 m of frontage, by 59 m deep. The subject property is serviced by municipal water and sanitary sewers.

Lot 48 and Lot 49 merged in 1963 when both properties were placed in the same ownership. Although the two lots still have two separate roll numbers, the Town has always treated them as one. The easterly lot was never assessed a capital charge for water or sewer when municipal services were extended to Fraser Crescent.

In 2003 the Grey Sauble Conservation Authority identified a building envelope on the easterly lot, as they were under the impression that Lots 48 and 49 were separate lots.

An application for consent was then submitted and a Public Meeting was heard in 2004. Based on the new information, the Grey Sauble Conservation Authority indicated that the property had some significant constraints due to the location of the watercourse and shoreline. The proposed new lot did not meet the recommended natural hazard or natural heritage setbacks. Their recommendation was to keep Lot 48 and 49 as one lot, and to impose a 15 metre side yard setback from the easterly side lot line. This matter was deferred by Council in 2004 to provide the applicant an opportunity to discuss this application with the Conservation Authority.

The Town of The Blue Mountains Official Plan designates the retained and newly enlarged parcels as Residential Infilling RI and Hazard H. The Residential Infilling designation identifies existing residential plans of subdivision and other existing residential areas which have been substantially developed. The Hazard designation recognizes the inherent constraints of the watercourse and shoreline.

The original character and intended density for the subject lands was two lots, identified as Lots 48 and 49 of Judges Plan 529. An application for severance to sever the property back to the two original lots is not automatic. Planning policies of today must be used to consider the suitability of the two new lots. In this instance, the Residential Infilling policies state that when a severance that is not within a plan of subdivision is being considered a number of criteria must first be met. Section 4.12.3(2) states that individual consents for residential purposes may be considered where: (a) the lots being created are of a similar size to those in the area; (b) the development will not adversely affect the character of the area or natural environment; (c) services are provided; (d) no additional access onto Highway 26 is permitted; and (e) the lot complies with Section 3.15 of the Plan which deals with general development policies for residential infilling. In this case a severance can be considered appropriate as the new lot maintains the intent and direction of the Official Plan criteria, is able to support a suitable building envelope and will follow the original boundaries between lots 48 and 49.

The subject lands are zoned Residential R3 and Private Open Space OS2 within the Township of Collingwood Zoning By-law 83-40. The R3 zone permits single detached dwellings, a home occupation, and uses, buildings and structures accessory to the

permitted dwelling. Lot development requirements for the R3 zone include frontage onto an open and maintained public street, a minimum lot frontage of 18 metres, and a minimum interior side yard setback of 2 metres. The Private Open Space OS2 zone is located along the shoreline and provides for, among other uses, outdoor recreational uses.

In order to meet the provisions of the Zoning By-law, Fraser Crescent is required to be upgraded to a standard acceptable to the Town for maintenance purposes, and a Zoning By-law amendment to define the suitable building envelope and to permit a new minimum lot frontage of 15 metres.

Discussions between the Grey Sauble Conservation Authority and the Applicant have generated support for the proposed consent provided that any new buildings and structures are strictly regulated by a suitable Building Envelope and establishing a minimum elevation for openings to address wave uprush issues.

Comments were received in 2004 by the County of Grey and Niagara Escarpment Commission who had concerns over the location of the hazard boundaries, referring the matter to the Conservation Authority. The Ministry of Transportation requires Building and Land Use Permits from their office before any grading/construction begins within 395 metres of the Fraser Crescent, Highway 26 intersection. Comments were also received from an adjacent land owner with concerns over the hazard boundaries, property maintenance, access, zoning and general overcrowding.

Comments were also received early in the process that recognized the severed lot as not having frontage onto an open and maintained municipal street. It is noted that Fraser Crescent road allowance is only 6m (20 ft) wide and is not built to the Town's urban standard. As a result, the portion of Fraser Crescent fronting the severed and retained parcels will require a road widening and will have to be upgraded to a standard acceptable to the Town for maintenance purposes. It should also be noted that in this case a formal turn-around will not be required due to the length of road at this location.

It is our opinion that a new public meeting to consider this application is not necessary under the Planning Act. The original application has not changed and no new issues have been identified with the revised, more restrictive Zoning By-law.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-law Amendment conforms to the direction of the Official Plan and is appropriate for the lands. Planning Staff recommends that Council grant Application for Consent File No. B03-2004, conditional upon those noted in the Planning Staff Report.

C. The Blue Mountains' Strategic Plan

N/A

D. Budget Impact

NIL

E. Attached

1. Proposed Building Envelope
2. Draft Zoning By-law Amendment

Respectfully submitted,

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