

**STAFF REPORT:** Town of The Blue Mountains Planning Department



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** Monday, January 19, 2009  
**REPORT NO.:** PL.09.05  
**SUBJECT:** Application for Consent  
File No. B14-2008; and  
Zoning By-law Amendment -  
Heather Nicholson, Elspeth Kelley &  
Bonnie Haggis  
Part Lot 30, Concession 8;  
208479 & 208481 Highway 26;  
Town of The Blue Mountains

**PREPARED BY:** Bryan Pearce,  
Planner I  
Shawn Postma,  
Planner II

#### **A. Recommendations**

THAT Council does receive Planning Staff Report PL.09.05, “Application for Consent File No. B14-2008; and Zoning By-law Amendment – Heather Nicholson, Elspeth Kelley & Bonnie Haggis; Part Lot 30, Concession 8; 208479 & 208481 Highway 26; Town of The Blue Mountains”; and

THAT Planning Staff support Application for Consent File No. B14-2008, subject to the following conditions:

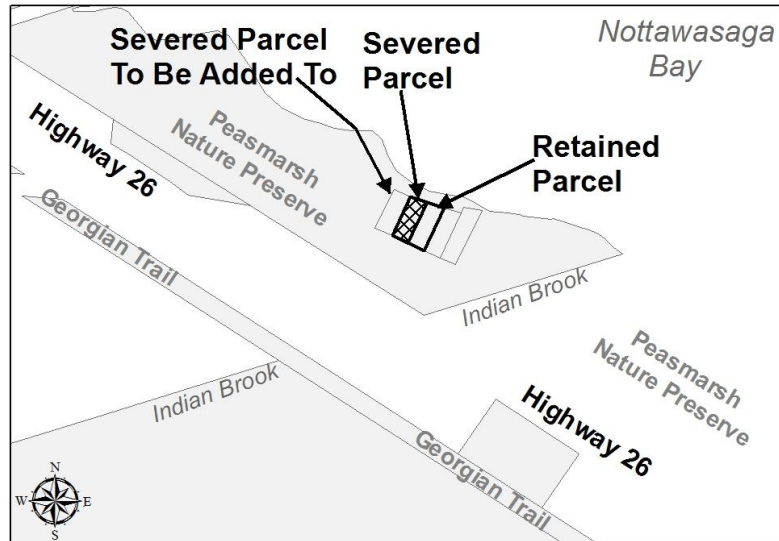
1. A Zoning By-Law Amendment;
2. That the severed parcel be deeded as a lot addition to the property to the west in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990; and
3. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel; and further

THAT Planning Staff support the Application for Zoning By-law Amendment to deem the existing registered private right-of-way for vehicular access purposes as meeting the requirements for direct frontage and access to an improved public street for the retained parcel and the newly enlarged parcel.

#### **B. Background**

The purpose of this Application for Consent is to sever a 1,239 square metre vacant residential parcel on the western portion of the property; and deed it as a lot addition to the existing 1,987 square metre residential parcel to the west, containing an existing dwelling. A 1,239 square metre residential parcel would be retained, containing an existing dwelling and detached garage.

The Applicant has also filed an Application for Zoning By-Law Amendment in conjunction with the consent, as the consent proposal does not appear to comply with the Zoning By-Law regulations. An amendment is required to recognize the retained parcel and the newly enlarged parcel without having direct frontage and access to an improved public street. The subject lands have access to a public street (Highway 26) over an existing registered private right-of-way for vehicular access.



The subject lands are serviced by a municipal water and septic system, with an easement through the Grey Sauble Conservation Authority's (GSCA) Peasmarsh Nature Preserve to Highway 26, an open and maintained public street by the Province.

The Owners are three sisters, Heather Nicholson, Elspeth Kelley and Bonnie Haggis, who have authorized Bonnie Haggis to act on their behalf for these applications since Bonnie and Paul Haggis are interested in receiving the proposed lot addition to their adjacent property to the west. This proposal is part of some estate planning being conducted by the family.

The surrounding uses include three other residential lots to the east and nature preserve lands of the GSCA to the north, south and west. This is situated on the shores of Georgian Bay at the mouth of the Indian Brook watercourse just to the east.

### Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Residential Infilling (RI). The purpose of the Residential Infilling (RI) designation is to recognize existing residential plans of subdivisions which have been registered and other residential areas that have been substantially developed.

Section 9.3(7) of the Official Plan provides policy on lot boundary adjustments and states that "*Consents may be granted for boundary adjustments... and other purposes which do not create separate lots. Such consents shall be evaluated on their own*

*merit...*” This has been justified by the three sisters conducting some estate planning, as noted above in this report.

The Official Plan also encourages shared entrances onto higher class road networks, limiting the amount of access points onto the highway. Therefore, Planning Staff have no issue of concern as the five residential lots share access through a right-of-way on GSCA's lands.

Therefore, it would appear that the proposed consent and zoning by-law amendment conforms to the policies of the Official Plan.

### **Zoning By-law**

The subject lands are zoned Residential (R3) within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the Residential (R3) Zone include a single detached dwelling; a home occupation; a home industry; as well as uses, buildings and structures accessory to those uses. Minimum lot frontage and area requirements of the Residential (R3) Zone are 18 metres (60 ft) and 550 square metres (6000 sq ft) respectively.

A Zoning By-law Amendment is required to recognize the retained parcel and the newly enlarged parcel without having direct frontage and access to an improved public street, as the subject lands have an existing registered private right-of-way for vehicular access. The five residential lots have a deeded right-of-way through the GSCA lands described as Part 5 of Reference Plan 16R-2723 (see Attached Item #3). Being that these are existing residential lots of record with access on a right-of-way, Planning Staff have no issues of concern to the proposed consent and zoning by-law amendment.

### **Additional Comments**

Comments were received from the County of Grey - Planning and Development Department; GSCA; and Ontario Ministry of Transportation (MTO). These comments are summarized below.

The County of Grey Planning and Development Department have no issues of concern, provided positive comments are received from the GSCA with regards to the easement and the associated hazard lands of the Nottawasaga Bay.

The GSCA indicates that the shoreline of the bay is associated with Ontario Regulation 151/06; and that a permit is required prior to development within the affected area on the subject lands. The GSCA have no issues of concern with the proposed consent and zoning by-law amendment, as there is access to the residential lots via the right-of-way.

The MTO indicates that they have no objection to the proposal, but should be aware that any construction will require a building/land use permit from their office. With regards to corridor management, it has been noted that there are three (3) existing shared driveways with entrances onto Highway 26, but all five (5) residential lots only

have legal access over the far easterly driveway and entrance through the GSCA lands. From a Town Planning perspective, the Official Plan provides direction in limiting access points on the major road networks and promotes the shared driveway access through a minimum 6.0 metre wide right-of-way. Therefore, the MTO will physically close and remove the two (2) westerly access points, improving the safety of the driving public on Highway 26 (see Attached Item #2). Planning Staff notes that the closure and removal of the entrances and driveways are not a required condition of consent, but will be mandated by the MTO in support of the comments received from the GSCA and the Town.

The public meeting was held on the 3<sup>rd</sup> day of November, 2008, as required under the Planning Act. No issues of concern were raised, with one item of correspondence received from the public in support of the proposal.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent and zoning by-law amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support these applications for consent and zoning by-law amendment subject to the conditions noted in this report.

### **C. The Blue Mountains' Strategic Plan**

The recommendation in this Planning Staff Report PL.09.05 is consistent and supports the following Strategic Plans Goals:

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

### **D. Environmental Impact**

The proposal does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

NIL

### **F. Attached**

1. Draft Zoning By-law Amendment
2. Aerial Photograph of the Subject Lands, May 2006
3. Right-Of-Way - Part 5 of RP 16R-2723

Respectfully submitted,

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Bryan Pearce, HBA, CPT  
Planner I  
26 Bridge Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.269  
Fax: 519-599-3018  
[bpearce@thebluemountains.ca](mailto:bpearce@thebluemountains.ca)

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Shawn Postma, BES  
Planner II  
26 Bridge Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.248  
Fax: 519-599-3018  
[spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca)

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