

**STAFF REPORT:**      **Planning & Building Services Department**



**REPORT TO:**            **Planning & Building Committee**  
**MEETING DATE:**    **Monday, December 7, 2009**  
**REPORT NO.:**        **PL.09.100**  
**SUBJECT:**            **Zoning By-law Amendment  
(Temporary Use)  
David Camplin (James Carne)  
Lot 25, Concession 7 (516599 7<sup>th</sup> Line)  
Town of The Blue Mountains**  
**PREPARED BY:**      **Shawn Postma, Planner II**

#### **A. Recommendations**

**That Council enact a Temporary Use By-law to permit the continuation of an existing garden suite, for a maximum period of 3 years from the date of passing of this By-law, and to permit the temporary dwelling to be located closer to the street than the main building.**

#### **B. Background**

The purpose of this Temporary Use By-law is to satisfy a request by the applicant to continue the use of an existing 110 square metre mobile home and addition (known as a granny flat or garden suite) on the subject property in accordance with the provisions of Section 39.1 of the Planning Act. The garden suite has existed on the property for approximately 13 years; with the existing temporary use by-law now expired.

It should be noted that there are no proposed changes to the use or its location. Section 11.6 of the Town of The Blue Mountains Official Plan permits the temporary use of land, buildings or structures by Amendment to the implementing Zoning By-law, in accordance with the provisions of Section 39.1 of the Planning Act. Garden suites are included in this provision, and are permitted for an initial maximum period of ten years, and may be renewed for periods of up to three years thereafter. In this case, the initial ten year occupancy and first three year extension has expired and the applicant is requesting to continue the use for another three year period.

The Temporary Use policies under section 11.6 of the Town of The Blue Mountains Official Plan state that temporary uses shall be permitted provided that council is satisfied that the use is clearly of a temporary nature and that steps are taken to ensure that the use does remain temporary. 11.6(3) would indicate that Temporary Use By-laws are generally restricted to a maximum period of 3 years and that only one extension (up to 3 years) may be granted. The intent of the Plan is to ensure that temporary uses remain temporary and that more permanent uses should proceed by way of a full Zoning By-law Amendment. In this case, Garden Suites are intended to remain temporary until such time as the use is no longer needed. The use is reviewed every three years and the intent of the Planning Act and the Official Plan is to permit extensions for as long as the use is needed for its purpose.

The subject lands are zoned General Rural A1 and Hazard H, the garden suite would appear to meet the requirements of the By-law except that the structure is located closer to the street than the main dwelling. In this case an amendment would be considered appropriate due to the significant setback (350 m) from the street.

The effect of this new Temporary Use By-law is to permit the continuation of the use of an existing garden suite as an accessory temporary dwelling unit for a maximum of 10 years from the date of passing of this By-law. It is the opinion of Planning Staff that the Temporary Use By-law be granted for a maximum of 3 years which is consistent with Temporary Use By-law extensions and is also consistent with comments received by the County of Grey. An exemption is also being made to permit the temporary building to be located closer to the road the main building.

It would appear that are no significant impacts as a result of the extension of the existing use. The applicant is not proposing any changes to the existing trailer, its use or location.

Based on the foregoing, it is the opinion of Planning Staff that a maximum 3 year Temporary Use By-law is appropriate for the lands.

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

The recommendation in this Planning Staff Report PL.09.100 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**

Nil

### **E. Budget Impact**

Nil

### **F. Attached**

1. Draft Zoning By-law

Respectfully submitted,

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**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. \_\_\_\_\_**

Being a By-law to amend Zoning By-law No. 83-40  
which may be cited as "The Township of Collingwood  
Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 and Section 39.1 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Notwithstanding the permitted uses of Section 8.1 to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40, a maximum one bedroom garden suite comprised of a maximum 100 square metre mobile home and addition is permitted on a temporary basis as an accessory temporary dwelling unit on those lands those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 25, Concession 7 as indicated on the cross-hatching on the attached Key Map Schedule "A-1".
2. Notwithstanding the provisions of Section 5.2 (iii) to the Zoning By-law of the Township of Collingwood, being By-law No. 83-40, the garden suite may be located closer to the street than the main building is to the street, a minimum distance of 350 metres from the front lot line for those lands indicated in Section 1 above.
3. The attached Key Map Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall come into full force and effect on the date of passing of this By-law and remain in effect for a period of three (3) calendar years.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Stephen Keast, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DATED at \_\_\_\_\_

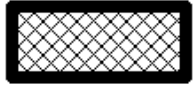
this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Stephen Keast, Clerk

# Town of The Blue Mountains

## Key Map Schedule A-1

By-Law No. \_\_\_\_\_



Area Affected by this Amendment

