

REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee

MEETING DATE: Wednesday, September 8, 2010

REPORT NO.: PL.10.80

SUBJECT: Application for Consent
File No. B09-2010 -
Joan Liddiard and
the late Donald Liddiard
Part Lot 26, Concession 6;
Part 2, RP 16R-3319;
133 Old Lakeshore Road;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.10.80, “Application for Consent File No. B09-2010 – Joan Liddiard and the late Donald Liddiard; Part Lot 26, Concession 6; Part 2, 16R-3319; 133 Old Lakeshore Road; Town of The Blue Mountains”; and

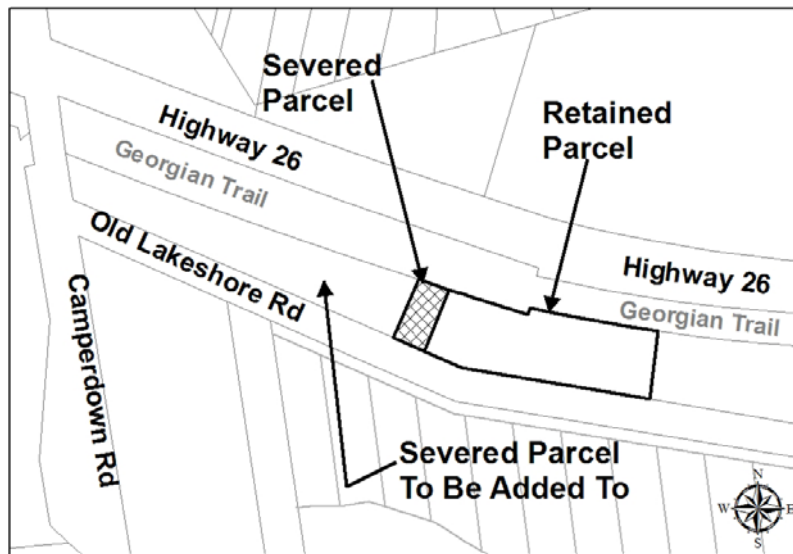
THAT Council authorize Consent No. B09-2010, subject to the following conditions:

- 1. That relief from Zoning By-law No. 83-40, as amended, related to minimum lot area for the Rural Estate Residential (RERa) Zone be obtained and come into full force and effect;**
- 2. That the severed parcel be deeded as a lot addition to the property abutting 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.**

B. Background

The purpose of Application for Consent File No. B09-2010 is to sever an 850 square metre vacant residential parcel on the western portion of the property and deed it as a lot addition to the existing 6,732 square metre residential parcel to the west, containing an existing dwelling and accessory building. A 5,284 square metre residential parcel would be retained, containing an existing dwelling and accessory building. It should be noted that there is an easement in favour of Hydro One on the subject lands.

The subject lands are located on the north side of Old Lakeshore Road approximately 300 metres east of Camperdown Road, with a civic address of 133 Old Lakeshore Road on the retained parcel, while the proposed newly enlarged parcel has a civic address of 119 Old Lakeshore Road.



The subject lands have municipal water, and have a private on-site septic system, in this Camperdown service area and are currently used for residential purposes, as illustrated in the May 2006 aerial photography (see Attached Item #1).

The Owners are Joan Liddiard and the late Donald Liddiard, who passed away on July 11, 2010. The Liddiard's have authorized their abutting neighbours to the west, Douglas and Laura Tipple, to act on their behalf as they would be conveyed the severed parcel to be deeded as a lot addition. The Tipple's have retained a Planning Consultant, Brandi Clement of The Jones Consulting Group Ltd. to act on their behalf on the planning application. The Agent has submitted a planning justification report as supporting documentation with this planning application.

The intent of this application is to provide the Tipples at 119 Old Lakeshore Road a greater buffer between the existing residence and the easterly side lot line on the proposed newly enlarged parcel.

The surrounding uses include:

- To the north is the Georgian Trail, Highway 26 and existing residential development on the shores of Georgian Bay;
- To the east is the residential lands and some vacant residential lands;
- To the south are vacant residential development lands, that is currently under draft plan review; and
- To the west are residential lands, Camperdown Road and Georgian Bay Golf Club.

Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the

County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

The PPS-2005 supports this lot addition proposal under Section 1.1.3, as settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Planning Staff note that Old Lakeshore Road has residential lots with large frontages and shorter depths due to the site location of the Georgian Trail (former railway) and the lot addition proposal is not creating any development potential, rather a larger easterly side yard for the existing residence of 119 Old Lakeshore Road.

Planning Staff are of the opinion that this lot addition proposal is consistent with the PPS-2005, raising no issues of Provincial significance.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Escarpment Recreation Area within the County of Grey Official Plan. Section 2.5.2(2) states that *“Local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan”*; and Planning Staff note that the applicable provisions of the Town’s Official Plan, noted later in this Report, do not conflict with the Niagara Escarpment Plan (NEP).

It should be noted that Appendix A, Map 2 identifies the subject lands as Special Policy Area. Section 2.8.4 of the County of Grey Official Plan states that one must address the need of an Environmental Impact Study (EIS) to ensure there isn’t any karst topography present. Being that the retained and the newly enlarged parcel are already developed and with no new proposed development in this application, an EIS is not required on this lot addition proposal.

Therefore it is Planning Staff’s opinion that the County Official Plan supports this residential lot addition proposal.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Estate Residential Exception 23 (ER-23). The intent and purpose of the Estate Residential designation is to recognize resort areas for existing and potential low density, large lot, single detached dwelling development.

Under Section 4.15 of the Official Plan, Estate Residential land use policies note that when within the Escarpment Recreation designation of the NEP, special attention shall

be given to the protection of the natural and visual characteristics of the Escarpment features. Planning Staff note that this lot addition proposal is below the toe of the slope and raises no issue of concern on the matter.

Under Section 13 of the Official Plan, Exception 23 policies note that single detached residential dwellings units may be permitted at a maximum density of 1.25 units per hectare on these lands with municipal water supply and sewage services. Planning Staff note that this is a lot addition proposal and is not creating any new lots to conform to the density requirements.

Consent policies under Section 9.3(7) of the Official Plan note that consents for boundary adjustments shall be evaluated on their own merit. Merit has been provided on the application in the form of a Planning Justification Report mentioned above. It further notes that lot additions may affect existing mortgages, thus Planning Staff recommend as a condition of consent, that any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.

The property has been identified as a Thin Overburden Area (karst) under Appendix "E" of the Official Plan. Under Section 8.16 of the Plan the proponent must address the need of providing an EIS. This requires the proponent to have a qualified individual conduct a preliminary karst investigation by digging test holes to determine if there is significant karst present on the subject property. Planning Staff note that because this is a lot addition proposal with no development proposed, an EIS is not required.

Therefore, it would appear that the proposed consent conforms to the policies of the Official Plan.

Zoning By-law

The subject lands are zoned Rural Estate Residential (RERa) within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the Rural Estate Residential (RERa) Zone include a single detached dwelling, home occupation, home industry, agricultural uses excluding buildings and structures, as well as uses, buildings and structures accessory to the dwelling.

It should be noted that an amending By-law, being 87-31, rezoned the property from Deferred Development (DD) Zone to Rural Estate Residential (RERa) Zone; and reduced the minimum lot area provision from 8,100 square metres to 6,070 square metres, as part of a condition of consent filed in 1986.

Planning Staff note that in this application the proposed retained parcel would be approximately 5,284 square metres and would not comply with the amended provisions above for the minimum lot area of 6,070 square metres. Therefore, Planning Staff recommend as a condition of consent that appropriate relief be obtained from the Rural Estate Residential (RERa) Zone for the retained parcel.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; Niagara Escarpment Commission (NEC); Grey Bruce Health Unit (GBHU); Grey Sauble Conservation Authority (GSCA); and Ontario Ministry of Transportation (MTO). These comments are summarized below.

The County of Grey - Planning and Development Department has no issues of concern, as they note the lands are designated Escarpment Recreation Area and Special Policy Area with respect to the karst topography.

The NEC has no objection, as they note that the NEP designates the lands as Escarpment Recreation Area, but outside of the development control regulations.

The GBHU has no objection, as they note that the Class 4 sewage disposal system located east of the residence on the retained parcel and no development is proposed with this application thus karst topography is not an issue on the matter.

The GSCA has generally no objection. They note that the severed parcel is partially treed, landscaped in lawn and is relatively flat with a slight slope towards the Georgian Trail at the rear of the property. The retained has a small watercourse or drainage channel to the east of the current dwelling. It should be noted that a small portion of the property associated with the drainage channel is regulated under Ontario Regulation 151/06; and there were no significant natural heritage features currently identified on the property.

The MTO has no concerns or objections with this application, as it has been reviewed in accordance with the requirements of the MTO's highway access control policies and the *Public Transportation and Highway Improvement Act*.

Interdepartmental Comments

Comments were received from Engineering and Public Works Department (EPW), having no issues of concern with the proposal. Planning Staff note that no other interdepartmental comments have been received on these applications and therefore no further issues of concern has been raised.

Public Meeting Comments

Based on the site visit conducted on August 4, 2010, the placard for consent was posted as required under the *Planning Act*, along with a mail out circulation of the Notice of Public Meeting to area assessed property owners and agencies.

The public meeting was held on August 9, 2010, as required under the *Planning Act*. Additional comments were received through Town Council with the public in attendance

at the public meeting with discussions around the varying widths of the Georgian Trail. No issues of concern were raised at the public meeting with the proposal.

Written Correspondence Received From the Public

No correspondence was received from the public on the proposal.

Summary

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

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.10.80 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 special or significant environmental impacts.

E. Budget Impact

N/A

F. Attached

1. Aerial Photograph of the Subject Lands, May 2006

Respectfully submitted,

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