Dear Shawn:

Pascuzzo Planning Inc. was retained to submit a site-specific Zoning Bylaw Amendment application and a Site Plan application to permit a 113 m² enlargement of the existing commercial vehicle repair shop that has existed at 207542 Highway 26 since the early 1990's.

The subject land maintains approximately 130 m of frontage on Provincial Highway 26, is approximately 310 m in depth and 4 ha + in area. The subject lands are occupied by an existing 110 m² residential home, a 150 m² commercial building, a 70 m² commercial building, outdoor storage of vehicles, parking spaces, a shared septic system and a shared well.

As per our virtual preconsultation meeting, which occurred on May 14, 2020, and email correspondence from yourself dated June 1, 2020 I understand that staff require the following information to deem a Zoning Bylaw Amendment application complete:

1. (1) one copy of a Zoning Bylaw Amendment application form to rezone a portion of the property
2. (1) one copy of a Site Plan application form
3. (1) one cheque in the amount of $21,830.50 made out to the Town of The Blue Mountains for the Small-Scale ZBLA fee ($16,522.00) and Small-Scale Site Plan fee - $6718 less 25% ($5308.50)
4. (3) three copies of the Site Plan
5. (2) copies of this Planning Justification letter prepared by Pascuzzo Planning Inc.
6. digital copies of all material

PASCUZZO PLANNING INC.
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The following is a review of the related Planning Policy.

**Provincial Policy Statement (2020)**

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1; Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

e) home occupations and home industries;

It would appear that over a long period of time the vehicle repair shop has advanced beyond a home industry and into a commercial use.

g) other rural land uses

The existing vehicle repair shop is now a non-conforming commercial use that would appear to fall into the other rural land use category.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

The existing vehicle repair shop is a successful business that attracts customers from the surrounding area. The proposed enlargement represents an economic opportunity that will improve the functionality of the business.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The enlargement of the existing vehicle repair shop is compatible with the existing rural landscape and can be sustained by rural service levels.

Based on the above it was determined that the proposed ZBLA is consistent with the Provincial Policy Statement.

Recolor Grey

The subject lands are designated Agricultural Land Use Type in Schedule A – Map 2 of the Grey County Official Plan.

A vehicle repair shop is not a permitted use in the Agricultural Land Use Type.

**Section 9.8 Non-Conforming Uses**

2) Where a legally established use does not conform to the policies of this Plan, local Councils may consider recognizing the use as a permitted use in the zoning bylaw, where it is satisfied that:

a) The use is not incompatible with, or harmful to, nearby uses;

The existing vehicle repair shop is not incompatible with or harmful to nearby uses. The size of the property and established setbacks from property lines prevents any incompatibility concerns.

b) The use will not detract from future intended land uses for the area;

The existing vehicle repair shop will not detract from future intended uses for the area.
c) The zoning would not set a precedent to encourage other similar uses in the area;

Any proposed vehicle repair shop or similar use in the area would not be permitted as it would not conform to section 9.8 of Recolor Grey. A County OPA and a Town OPA would be required and neither of these applications would be consistent with the PPS.

3) Where an application is made to expand a legally established non-conforming use, the application may be dealt with by the Committee of Adjustment if the expansion is minor, or by the local municipal Council if it is major. In the case of an application for a major expansion, Council will consider the feasibility of the owner acquiring an alternative property or assisting the owner to find an alternative location for the use. If these are not appropriate options, Council may consider passing a by-law to permit the enlargement under the following conditions:

a) the proposed extension or enlargement of the established non-conforming use must not unduly aggravate the situation created by the existence of the use;

The proposed 113 m$^2$ enlargement to the vehicle repair shop will not increase the number of bays, nor the number of employees. The enlargement is being considered in order to connect the two existing commercial buildings as well as to provide indoor storage for equipment and supplies.

b) The proposed extension or enlargement must be reasonable relative to the size of the existing use;

The existing commercial space on the property consists of approximately 225 m$^2$. At 113m$^2$ the proposed enlargement represents 50% of the existing commercial space. It is my professional opinion that the enlargement is reasonable relative to the size of the existing use.

c) The characteristics of the existing non-conforming use and the proposed extension or enlargement should be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generating capacity. No change to the zoning bylaw should be made if one or more such nuisance factors will be created or increased;

I am not aware of any complaints by surrounding properties owners since the vehicle repair shop began operating. The enlargement will not create or increase any nuisance factors.

d) Neighboring conforming uses are to be protected by imposing appropriate site plan control measures;

The existing separation distances between the surrounding neighbors would appear to reduce the need for any specific site plan control measures (i.e. fencing, landscaping).

e) The servicing policies of Section 8.9 can be met and the development proposed is consistent with the Ontario Building Code.

The existing residential home and vehicle repair shop are serviced by a private well and septic system. The proposed building expansion has been reviewed by a structural engineer and building permit drawings have been submitted to the Town’s Building Department to confirm consistency with the Ontario Building Code.

Based on the above it was determined that the proposed ZBLA conforms with the County of Grey Official Plan.
The Town of The Blue Mountains Official Plan (2016)

The subject lands are currently designated Agricultural in the Town of The Blue Mountains Official Plan. Permitted uses in the Agricultural designation do not include a commercial vehicle repair shop.

No. 1 Auto has been operating on the subject lands since the early 1990’s. The commercial vehicle repair shop predates the original Town of Blue Mountains Official Plan (2004) and the current version of the Town’s OP (2016).

It would appear that the existing use can be considered a non conforming use as per the policy below.

E5 NON-CONFORMING USES

E5.1 INTENT OF OFFICIAL PLAN

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use, which is in conformity with the goals of the Official Plan and the intent of the implementing Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the implementing Zoning By-law. In such instances, Council shall have regard for the following principles:

a) The feasibility of acquiring the property for holding, sale, lease or development by the Town for a more appropriate permitted use; and,

b) The possibility of relocating the non-conforming use to another site.

I am not aware of any vacant commercial properties on the west side of the Town of Thornbury that are currently zoned M1 and would permit a vehicle repair shop.

Based on the above noted policy and the approval of a site specific ZBLA the existing and proposed use can conform with the Town of The Blue Mountains Official Plan.
The subject lands are zoned Agricultural (brown) in the Town of The Blue Mountains Comprehensive ZBL 2018-65.

The owner/applicant was not aware that the Town was conducting a Comprehensive ZBL Review. If the owner was aware of the Comprehensive Review they would have requested that a site specific exception be included to recognize the existing vehicle repair shop on the property. Unfortunately, since the Agricultural (A) Zone does not permit a vehicle repair shop a site specific Zoning Bylaw amendment is required to permit the existing vehicle repair shop and the proposed expansion to a maximum of 350 m² and outdoor storage space to a maximum of 300 m².

Justification for a ZBLA

1. Small scale operation - The existing vehicle repair shop is relatively small in size at 225 m², even with the proposed expansion of 113 m². The addition will not create any additional vehicle bays, nor will any additional employees be hired as part of the expansion. The intent of the building addition is to connect the two existing shop spaces and provide indoor storage of equipment and parts.

2. Surrounding Commercial Uses – Two other neighborhood properties, which are also designated Agricultural, are also currently occupied by commercial business.

Rural Employment (M2-5) Zone - These lands shall only be used for an abattoir associated buildings and structures and accessory uses.

Rural Commercial Exception (C7-26) Zone - These lands shall only be used for a farm produce outlet and a retail nursery and buildings, structures and accessory uses.

3. Non-conforming status – The vehicle repair shop has been operating on the property since the early 1990’s.

4. Compatibility – The vehicle repair shop does not appear to have any incompatible or conflicting adjacent uses.

A review of the Agricultural Zone provisions was undertaken and it was determined that the following exceptions are required to address conformity.

<table>
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<th>Requirement</th>
<th>Required</th>
<th>Existing</th>
<th>Conforms</th>
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<tr>
<td>Minimum Lot Area</td>
<td>40 ha</td>
<td>4 ha</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>150 m</td>
<td>130 m</td>
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<td>Minimum Front yard setback</td>
<td>15 m</td>
<td>35 m+</td>
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<tr>
<td>Minimum Interior Side Yard</td>
<td>8 m</td>
<td>12 m+</td>
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<td>Maximum Height</td>
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<td>5.5 m</td>
<td>Yes</td>
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If the site specific ZBLA is approved to allow a vehicle repair shop and outdoor storage, as well as relief from the lot area and frontage is granted, then the vehicle repair shop use will conform to Zoning Bylaw 2018-65 and the Site Plan and building permit for the proposed expansion will be permitted on the property.

**Recommendation:**

Based on the information provided within this submission package we request that the Town of The Blue Mountains proceed with public meeting for the Zoning Bylaw Amendment.

We trust that you will find the enclosed satisfactory, however, should you require any further information or clarification, please contact our office.

Respectfully Submitted:
**Pascuzzo Planning Inc.**

Andrew Pascuzzo  MCIP, RPP