

**Land Use Planning  
Justification Report**

**125, 127 and 129 Delphi Lane  
(Assessment Roll No. 424200000639300)**

**and**

**209171 Highway 26  
(Assessment Roll No. 424200000639500)**

**Part of Lot 26, Concession 5 (Geographic Township of Collingwood),  
Town of The Blue Mountains**

**November 26, 2025**

**Prepared By: David Finbow**

## **Purpose**

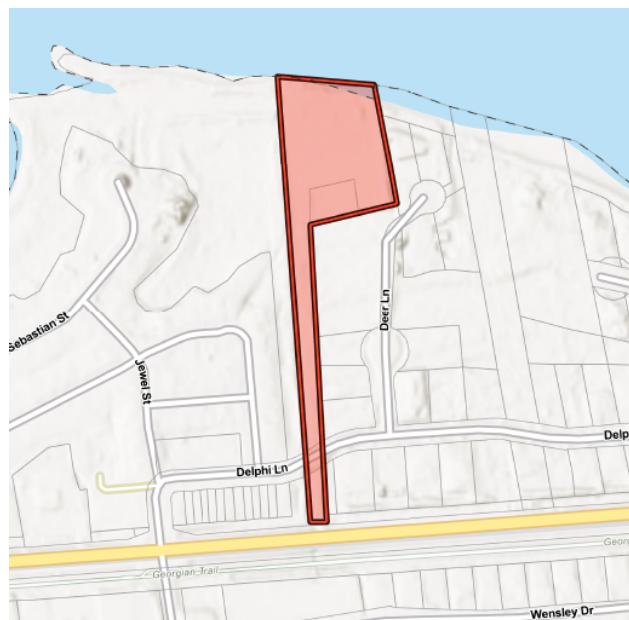
The purpose of this report is to provide justification for the proposed rezoning of the lands located between Highway 26 and Georgian Bay (separated by Delphi Lane) known municipally as 125, 127 and 129 Delphi Lane and 209171 Highway 26 (the 'subject lands') to facilitate the construction of a replacement single detached dwelling, an addition to a single detached dwelling and the ability to maintain 2 existing single detached dwellings, all located on the northerly portion of the subject lands, and allow for the future construction of a single detached dwelling on the remnant lands located between Highway 26 and Delphi Lane.

This report will address the land use planning documents that apply to the subject lands - Provincial Planning Statement, 2024, The Niagara Escarpment Plan, County of Grey Official Plan and The Blue Mountains Official Plan.

In addition, this report and supporting reports/studies will consider the regulations of the Grey Sauble Conservation Authority as they relate to natural hazards and review the provisions/regulations of The Blue Mountains Zoning By-law No. 2018-65, as amended, and propose appropriate regulations to implement the proposal.

## **Subject Lands**

The subject lands are located between Highway 26 and Georgian Bay (separated by Delphi Lane) and are known municipally as 125, 127 and 129 Delphi Lane and 209171 Highway 26 and are all owned by Mr. Kenneth Szekely.

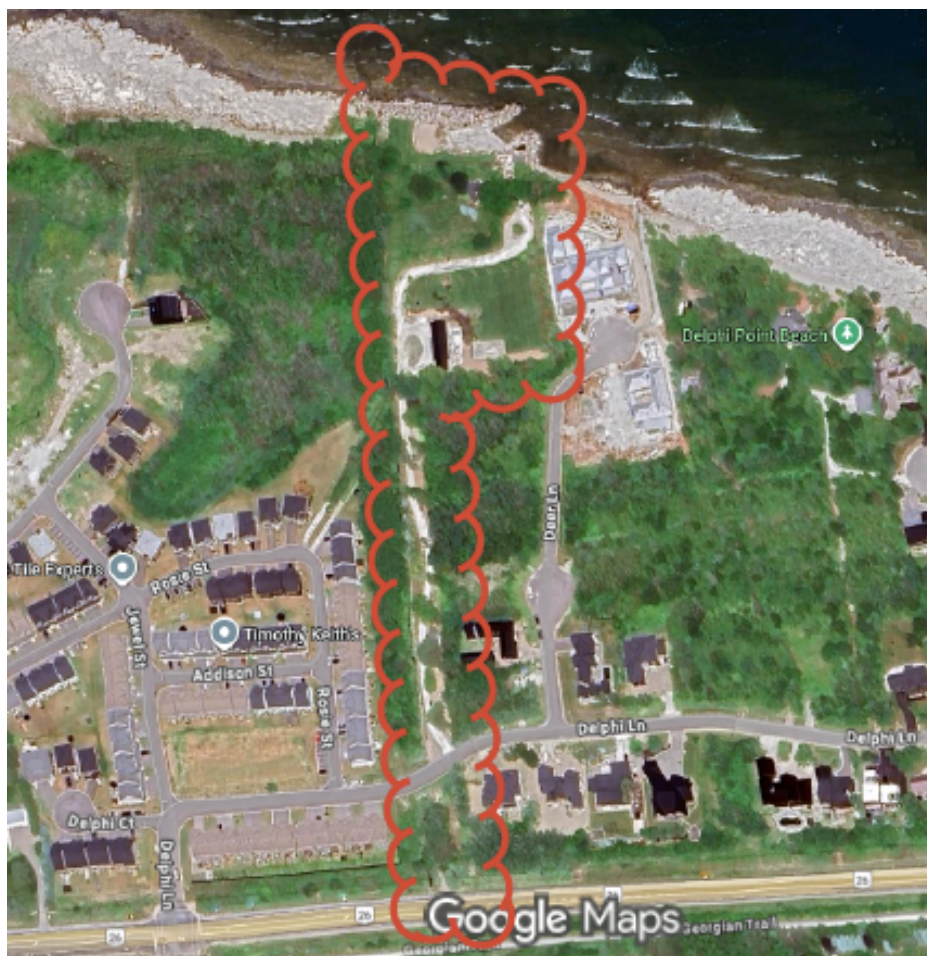


Key Plan

As noted on the Key Plan, the subject lands were separated by the expropriation of those lands that now form part of Delphi Lane (The Blue Mountains By-law No. 2015-37 - Part 1, Plan No. 16R-10553).

The lands north of Delphi Lane contain 4 single detached dwellings, all of which are connected to an internal private water and sanitary sewer system (constructed under Town permits/approvals in 2024), with this system connected to the Town's municipal systems located within the Delphi Lane right-of-way. Regarding the locations of the existing single detached dwellings, please see the Plan of Survey at Appendix 'A'.

The lands south of Delphi Lane are vacant and were previously utilized for laneway purposes from Highway 26.



Aerial Photo of the Subject Lands

## **Proposal**

It is proposed to rezone the subject lands from the Development D Zone and the Hazard H Zone under By-law No. 2018-65, as amended<sup>1</sup>, to the following:

- Lot to the north of Delphi Lane - R1-1 Exception Zone and the Open Space (OS) Zone (Area of Natural and Scientific Interest (ANSI) / Shoreline)
- Lot to the south of Delphi Lane – R1-1 Zone

The rezoning of the subject lands is proposed to facilitate the construction of a replacement single detached dwelling located on the northerly portion of the subject lands and an addition to another single detached dwelling, both within proposed Building Envelopes that have regard to the ANSI and natural hazards, and allow for the future construction of a single detached dwelling on the remnant lands located between Highway 26 and Delphi Lane in accordance with the R1-1 Zone Regulations of the Zoning By-law. This proposal will provide for the efficient use of land (intensification) and municipal infrastructure.

A Draft Zoning By-law Amendment is found at Appendix 'B'.

## **Pre-Consultation**

Pre-consultation with the approval authorities and/or agencies occurred as follows:

- The Blue Mountains – Shawn Postma, Manager of Planning, February 18, 2025
- Grey County – Derek McMurdie, Planner, March 6, 2025
- Grey County – Michael Cook, Planning Ecologist, September 19, 2025

In addition, inquiries were made with the Grey Sauble Conservation Authority regarding the preparation of the Shoreline Hazard Study and Flood Hazard Assessment prepared by Tatham Engineering and Crozier & Associates, respectively and the Ministry of Transportation.

Summaries of the pre-consultation with the Town and Grey County are attached at Appendix C.

## **Surrounding Lands/Area**

- East:  
Lands occupied by or zoned for single detached dwellings (Lots 1, 2, 6, 7 & 8, Plan 16M-62), Town owned open space and servicing Blocks (Blocks 18 and 21, Plan 16M-62).  
Lots 1 - 4 2 and Block 23 on Plan 16M-62 are situated within Grey Common Elements Condominium Corporation No. 123.

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<sup>1</sup> Section 1.5 g) of Zoning By-law 2018-65, as amended, indicates that the provisions of the former Township of Collingwood Zoning By-law No. 83-40 continue to apply to the lands with By-law No. 83-40 placing the subject lands in the Deferred Development (DD) Zone and the Private Open Space (OS2) Zone.

- West:  
Town Drainage Course Outlet No. 26 and further to the west The Neighbourhoods at Delphi Plan of Subdivision
- South:  
Highway 26 and further to the south the Peaks Ski Club
- North:  
Georgian Bay and the Delphi Point (Lower Whitby Formation) Area of Natural and Scientific Interest (ANSI).<sup>2 3</sup>



### **Provincial Planning Statement, 2024 (PPS)**

The subject lands are located within a Settlement Area<sup>4</sup> with the PPS indicating that such areas are to be the focus of growth and development.

*Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario's settlement areas vary*

<sup>2</sup> The Delphi Point ANSI (Area of Natural and Scientific Interest) is a narrow strip of Georgian Bay shoreline, located midway between Thornbury and Collingwood, off of Highway #26 (see Figure 1 – Delphi Point ANSI Location). The Delphi Point ANSI is part of the Lower Whitby Formation and consists of bituminous broken shale that contains a variety of significant invertebrate fossils that are estimated to be 455 million years old. The fossilized shale extending the length of the Delphi Point ANSI is designated as a Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI) by the Ministry of Natural Resources and Forestry (MNRF). The ANSI is located just to the west of Delphi Point Park – a municipally owned and maintained shoreline park. Credit: Skelton, Brumwell & Associates Inc. - 2018 Delphi Point Park Report for the Town of The Blue Mountains

<sup>3</sup> Delphi Point (Lower Whitby Formation) ANSI exhibits the Reference Section for the Late Ordovician, Nottawasaga Group, Whitby Formation (Lower Member) shale. The bedrock is extremely fossiliferous containing well preserved species of trilobites, nautiloids and graptolites. ANSI endangered by fossil collectors. (Earth Science Data Base, Ontario Parks)

<sup>4</sup> The Grey County Official Plan designates the subject lands Recreational Resort Settlement Area and indicates The Recreational Resort Settlement Area *land use type* applies to areas within the Town of The Blue Mountains and the Municipality of Grey Highlands which exhibit a mix of seasonal and permanent residential and recreational growth on full municipal services. While these *settlement areas* are fully serviced, they do not contain the same range of uses as a traditional urban centre or Primary Settlement Area and are instead focused on a recreational component as the basis for *development*.

*significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.*

*Settlement areas are: a) built-up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for the development over the long term.*

The PPS promotes general intensification with intensification being directed to appropriate locations. It further directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The Camperdown Area of the Town of The Blue Mountains has long been the focus of recreational dwellings on larger lots as reflected in the (former) Craighleith Camperdown Secondary Plan, the former and current Town of The Blue Mountains Official Plans and the general development of the area.

The subject lands are located within a Settlement Area as defined by the PPS however the subject lands are not necessarily within a built-up area given the characteristics of the area and the lands, nor is it a designated growth area (as it is not a Primary Settlement Area and thus minimum targets for intensification are not necessarily applicable to the local area).

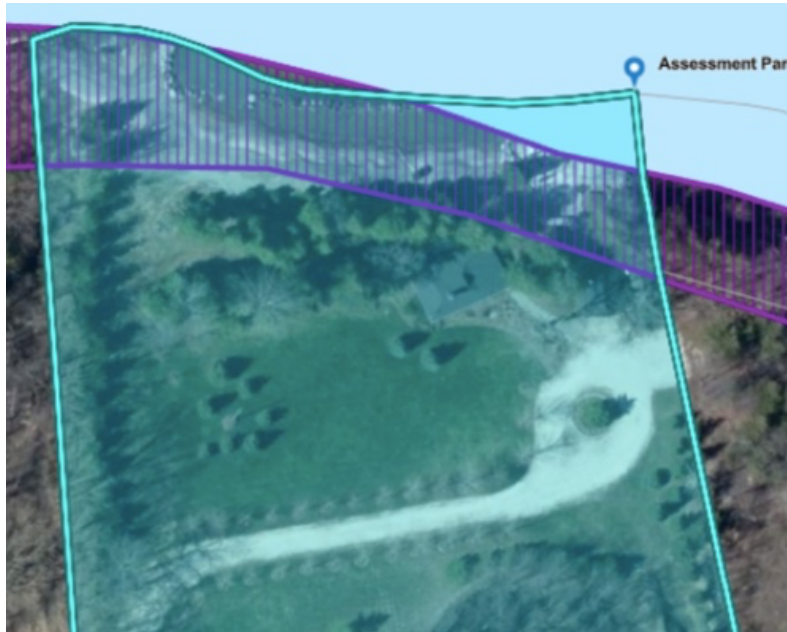
It is noted that the subject lands are in proximity to an area identified as an Area of Natural and Scientific Interest and Section 4.1 5. indicates that (amongst other matters):

- Natural features and areas shall be protected for the long term.
- *Development and site alteration shall not be permitted in significant areas of natural and scientific interest (4.1.5. e)*

The County of Grey's Official Plan provides mapping related to the ANSI with clarification provided by the County as noted below.



County of Grey Appendix B, Map 2



Extent of ANSI

Michael Cook, Planning Ecologist, County of Grey (see Appendix 'D')

Regarding the ANSI, development is not proposed within the ANSI with it being noted that the proposal is to rezone the ANSI to the Open Space OS Zone which would preclude the development of these lands.

As to Natural Heritage matters, the County of Grey advised that:

County Planning Ecology staff have reviewed the subject application and have a comment stating,

#### Natural Heritage

The property contains and/or is adjacent to significant wildlife habitat, potential habitat for threatened and/or endangered species, fish habitat, and areas of natural and scientific interest (earth science). It is staffs understanding that the proposed development will be located within and/or adjacent to the features on previously disturbed and developed lands. As such, It is staffs opinion that the potential impact to natural heritage would be negligible and the requirement for an Environmental Impact Study (EIS) can be waived.

Staff strongly recommend that the proposed zoning be limited to an area outside of the ANSI feature. (See Appendix 'C')

Section 5.2 Natural Hazards indicates that:

Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.

Further, Section 5.2 indicates that:

Development shall generally be directed to areas outside of:

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c) hazardous sites.

A Shoreline Hazard Study (Appendix 'D') and a Flood Hazard Assessment (Appendix 'E') have been completed in support of the subject application with these studies demonstrating that the proposal is consistent with the PPS as development will be outside of the associated constraint areas.

Lastly, regarding hazards, the County of Grey advised that;

County Planning staff would also note that Appendix A of the County OP indicates that the subject lands are near an 'Unknown Petroleum Well'. The Ontario Oil, Gas, and Salt

Resource Library states that the location of the well is within 1,000 metres of the mapped location. The subject property is approximately 250 metres from the mapped location of the well. County Planning staff recommend consulting with a qualified engineer to ensure that the proposed development will not be located on top of the Abandoned Petroleum Well. (See Appendix 'C')

As noted by the County, the mapped location of the well is 250 metres distant from the subject location. Recent site servicing, landscaping, surveying and shoreline works, and general 'clean-up' activities have not revealed the presence of an Abandoned Petroleum Well on the subject lands.

It is submitted that the proposal is consistent with the PPS.

### **Niagara Escarpment Plan**

The subject lands are in the Niagara Escarpment Plan (NEP) Area and are designated Escarpment Recreation.



Section 1.8 of the NEP indicates that the Escarpment Recreation designation is an area of existing or potential recreation development associated with the Escarpment and that such areas may include both seasonal and permanent residences.

Single dwellings are permitted within the Escarpment Recreation Area designation.

Regarding the 4 single detached dwellings that exist on the subject lands, it is acknowledged that the NEP does not specifically permit more than one single detached dwelling on a single lot however Section 1.8.3 1. indicates that 'Existing uses' are permitted.

'Existing uses' are defined as:

Existing use: The legal use of any land, building or structure for a purpose that is not otherwise listed as a permitted use under the applicable designation in the Niagara Escarpment Plan, and that was:

- a) existing on the day of approval of the Niagara Escarpment Plan, June 12, 1985; or
  - b) approved in accordance with the provisions of the Niagara Escarpment Plan since June 12, 1985 but prior to the date of any amendment to this Plan under which the use ceased to be a permitted use; or
  - c) existing, in an area added to the Niagara Escarpment Plan at the date of the approval of the amendment to this Plan that added the lands to this Plan;
- Provided that the existing use has continued without interruption after the effective date as set out under a), b), or c).

It is evident that the 4 single detached dwellings on the subject lands have existed since prior to the day of approval of the Niagara Escarpment Plan and that the use of these lands were used or intended on being used continually without interruption.<sup>5</sup>

The NEP also indicates that growth and development in the Escarpment Recreation Area shall be compatible with and provide for the protection of natural heritage features and functions. As noted previously, development is not proposed in the ANSI and the County of Grey has

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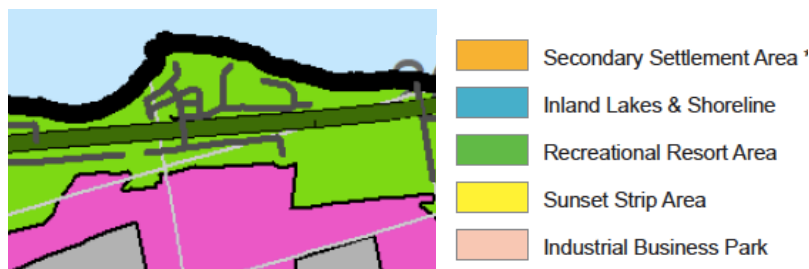
<sup>5</sup> Input from the owner, first-hand knowledge and a visual inspection of/by the author of this report as well as knowledge that the water service to the dwellings was previously provided by a 6" dia. cast water service installed in the 70's (water service system 'inherited' by the Town) until 2024, amongst other matters.

commented on the necessity of an Environmental Impact Study and noted that '...an Environmental Impact Study (EIS) can be waived.' (See Appendix 'C') The Plan also indicates that municipal sewer and water services are the preferred form of servicing, which the subject lands are serviced by.

It is submitted that the proposal conforms to the policy direction of the Niagara Escarpment Plan.

### **Grey County Official Plan**

The subject lands are located within an area designated Recreational Resort Settlement Area by the County of Grey Official Plan.



Section 2.1 of the County OP indicates:

*The Settlement Area Land use types applies to existing urban centres, towns, villages, and recreational areas. Settlement Area Land use types are divided into Primary and Secondary Settlement Area Land use types based on servicing capabilities, population, and function. These areas will be the focus of the permanent household and employment growth. Additional Settlement Area Land use types include Recreational Resort Settlement Area and Inland Lakes and Shoreline Settlement Area which may experience a larger percentage of seasonal residential and commercial growth, as well as the Sunset Strip Settlement Area and the Industrial Business Park Settlement Area which support commercial and employment growth.*

Section 3 of the County OP indicates:

*The Recreational Resort Settlement Area land use type applies to areas within the Town of The Blue Mountains and the Municipality of Grey Highlands and which exhibit a mix of seasonal and permanent residential and recreational growth on full municipal services. While these settlement areas are fully serviced they do not contain the same range of uses as a traditional urban centre or Primary Settlement Area and are instead focused on a recreational component as the basis for development.*

Section 3 further indicates that:

*New development in the Recreational Resort Settlement Area land use type must serve the public interest by contributing to the provision of community recreational amenities, by facilitating municipal service infrastructure, and by accommodating existing un-serviced development areas and areas with development potential within the existing land use type or in settlement areas.*

Regarding this policy, as noted previously, it is proposed to ultimately construct a new dwelling on the remnant lands located between Highway 26 and Delphi Lane which will be subject to Town and County Development Charges which contain components that contribute to the provision of community recreational amenities and municipal infrastructure. Further, the subject lands, by way of the Town's expropriation of the Delphi Lane lands, has accommodated the servicing and development of lands within the area.

As to the policies within the County OP related to natural heritage matters, the County has advised that:

The property contains and/or is adjacent to significant wildlife habitat, potential habitat for threatened and/or endangered species, fish habitat, and areas of natural and scientific interest (earth science). It is staffs understanding that the proposed development will be located within and/or adjacent to the features on previously disturbed and developed lands. As such, It is staffs opinion that the potential impact to natural heritage would be negligible and the requirement for an Environmental Impact Study (EIS) can be waived.

Staff strongly recommend that the proposed zoning be limited to an area outside of the ANSI feature. (See Appendix 'C')

Section 8.9.1 addresses services (municipal water and sewage systems) and indicates that full municipal services are the preferred method of servicing. As noted, the existing single detached dwellings on the subject lands are connected to municipal water and sanitary services and the remnant parcel located between Highway 26 and Delphi Lane fronts full municipal services and will be connected to these services.

Section 9.8 entitled Non-Conforming Uses indicates:

- 1) It is intended that a use which does not conform to the policies of this Plan will normally no longer continue to exist in the long term.
- 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 by-law, where it is satisfied that:
  - a) The use is not incompatible with, or harmful to, nearby uses;
  - b) The use will not detract from future intended land uses for the area;

c) The zoning would not set a precedent to encourage similar uses in the area;

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;
- b) The proposed extension or enlargement must be 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 by-law should be made if one or more such nuisance factors will be created or increased;
- d) Neighbouring conforming uses are to be protected by imposing appropriate site plan control measures;
- e) The servicing policies of Section 8.9 can be met and the *development* proposed is consistent with the *Ontario Building Code*.

The proposed residential use of the land is compatible with nearby uses, it will not detract from future intended land uses for the area as much as the adjacent lands are fully developed and the rezoning would not set a precedent.

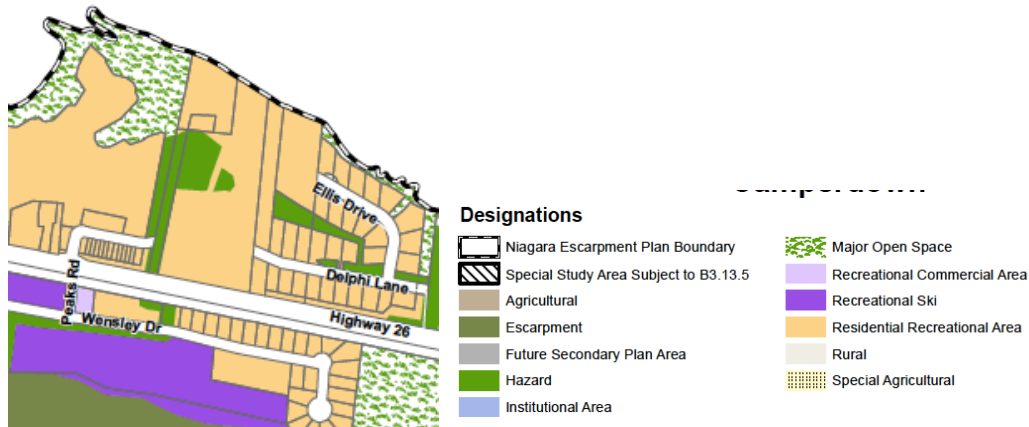
Furthermore, the proposed replacement dwelling, modest addition to an existing dwelling and the future dwelling on the remnant lands will not unduly aggravate the situation and the enlargement of the existing dwellings is modest and provides for a reasonable/adequate habitable living space. It is submitted that the proposal would not create a nuisance, with it being noted that the lands are fully serviced and connected to municipal services.

Lastly, the proposal is in proximity to an Area of Natural and Scientific Interest (ANSI) and development is not proposed within the ANSI (and the intent is to rezone the lands identified as forming part of the ANSI to the Open Space (OS) Zone).

It is submitted that the proposal is conformity with the County of Grey Official Plan.

### **The Blue Mountains Official Plan**

The Town of The Blue Mountains Official Plan designates the subject lands as Residential Recreation Area and Hazard.



Recreation Resort Area – Policy B3.7.2 indicates:

*The settlement area designated as Recreational Resort Area in the County Official Plan that extends along the Georgian Bay shoreline providing a seasonal and permanent residential and recreational function.*

Permitted uses within the Residential Recreation land use designation includes single detached dwellings as well as other house form buildings.

The Town OP provides for a maximum density and requires a minimum open space within the Residential Recreational Area of 10 units/gross hectare and 40% respectively. The land parcels/lots are existing and the subdivision and or conveyance of land is not proposed.

The lands to the north of Delphi Lane are currently occupied by 4 single detached dwellings and will continue to provide a minimum open space of 40% following the completion/execution of the proposal while the lands to the south of Delphi Lane comprise an existing lot within the meaning of the Town’s planning documents with it being created by the Town’s expropriation of a portion of the previous overall site and that which now forms part of Delphi Lane (and will be developed for a single detached dwelling).

The Plan indicates that lot creation within the Residential Recreation Area may be considered in accordance with the Infill Development policies of the Community Living Area designation per Section B3.1.5. While the Policy does not necessarily apply to existing lots but rather lot creation, it is noted that this Section indicates:

*Infill development, which includes the creation of lot(s) for single detached and semi-detached dwellings between existing residential lots, may be permitted provided Council is satisfied that:*

- a) *the proposed development, including building form and density, is compatible with the character of the existing neighbourhood;*

- b) *new buildings are designed in a manner that is sensitive to the location, massing and height of adjacent buildings;*
- c) *proposed building height reflects the pattern of heights of adjacent housing and shall not exceed two storeys;*
- d) *a similar lot coverage to adjacent housing is provided to ensure that the massing or volume of the new dwelling reflects the scale and appearance of adjacent housing;*
- e) *the predominant or average front yard setback for adjacent housing is maintained to preserve the streetscape edge, and character;*
- f) *similar side yard setbacks are provided to preserve the spaciousness on the street;*
- g) *the frontages of new interior lots are generally no less than 70% of the average lot frontages on the same side of the public road to provide for, to the greatest extent possible, appropriate separation between new and existing dwellings;*
- h) *the frontages of new corner lots are generally no less than 80% of the average lot frontages on the same side of the public road to provide for an appropriate setback from the exterior side lot line;*
- i) *the depth of the new home provides for a usable sized rear yard amenity area and minimizes the potential impacts of the new home on the enjoyment of adjacent rear yards;*
- j) *the use will have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;*
- k) *existing trees and vegetation will be retained and enhanced where possible and additional landscaping will be provided to integrate the proposed development with the existing neighbourhood; and,*
- l) *l) the proposed development will not create a traffic hazard or an unacceptable increase in traffic on local roads.*

With respect to the above, it is submitted that the (infill) development of the remnant parcel will conform with this policy.

Part C of the Town's OP addresses Water, Environmental and Hazard Policies with objectives including:

- Recognize *watercourses* in the Town and protect them through the planning process from *development* that may have an impact on their function as an important component of the *natural heritage system*
- Ensure that *development* does not occur on lands that are unstable or susceptible to flooding
- Encourage the further study of natural heritage features and related *ecological functions* to provide information that may assist in determining appropriate measures to protect them
- Encourage the regeneration of natural areas near *watercourses*
- Preserve trees and wooded areas and facilitate the planting of trees, to the extent practicable, including through the *development* process
- Identify the tools that are required to evaluate an application for *development* in or adjacent to natural heritage features and related *ecological functions* that are considered to be an integral component of the *natural heritage system* of the Town

Regarding the foregoing, and as noted previously, a Shoreline Hazard Study (Appendix 'D') and a Flood Hazard Assessment (Appendix 'E') have been completed and the County of Grey have provided commentary on Natural Hazards (Appendix 'C').

The Town's OP at Section B5.4 indicates that:

The purpose of the *Hazard Lands* designation is to identify those lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, and dynamic beach hazards, and *hazardous sites* that exhibit instability, or poor drainage, or any other physical condition which is severe enough to pose a risk for the occupant, property damage or social disruption if developed.

As to the proposed rezoning of a portion of the subject lands from Hazard to R1-1 Exception and R1-1, it is noted that Section B.5.4.2 e) indicates:

Minor alteration of Hazard Lands mapping, as interpreted by the Town, in consultation with the appropriate Conservation Authority, may occur without amendment to the Official Plan. It is the intent of the Town to include more detailed Hazard Land mapping in the implementing Comprehensive Zoning By-law as provided by the Conservation Authorities.

A Shoreline Hazard Study (Appendix 'D') and a Flood Hazard Assessment (Appendix 'E') have been completed that demonstrates that the lands to be placed in the R1-1 Exception and R1-1 Zone do not have inherent hazards such as flood susceptibility and, considering Section B.5.4.2 e) and the other policies at Section B.5.4.2 and the limited area (minor alteration) to be removed, it is submitted that an Official Plan Amendment is not required to implement the requested rezoning.

It is submitted that the proposal conforms to the Town's Official Plan.

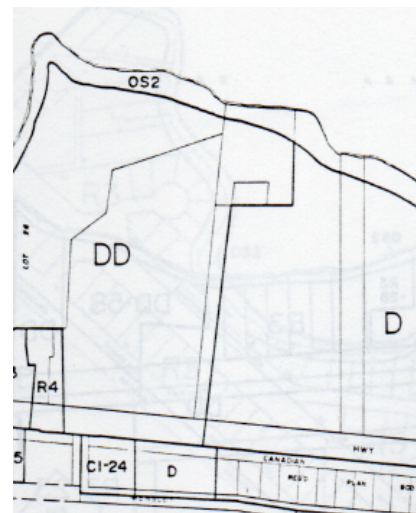
### **The Blue Mountains Zoning By-law No. 2018-65**

The subject lands are in the Development D Zone and Hazard H Zone pursuant to Zoning By-law No. 2018-65.

Section 1.5 g) of the Zoning By-law indicates that the provisions of the former Township of Collingwood Zoning By-law No. 83-40 continue to apply to these lands which placed the subject lands in the Deferred Development DD Zone and Open Space OS2 Zone.



Zoning By-law No. 2018-65



Zoning By-law No. 83-40

Section 30 of By-law No. 83-40, as amended, indicates that the DD Zone “applies to defined areas which due to their status as a special study area, require interim land use controls pending the formulation and adoption of revised land use development policies.” Given the current planning regime in Ontario, Grey County and the Town, the surrounding development that has occurred (Peaks Bay West and The Neighbourhoods of Delphi) and the nature of the subject lands, the policy direction/regime associated with the DD Zone has been superseded and no longer serves a purpose.

The R1-1 Zones permits single detached dwellings as well as additional dwelling units whereas the Open Space OS Zone does not permit the construction of a building or structure with the OS Zone Footnotes at Table 8.1 indicating:

Note 1 - All buildings or structures are prohibited, unless for flood or erosion control.

Note 5 - No buildings or structures are permitted, except for the following:

- a) Renovated or minor expansions to existing buildings and structures which were legally established on the date of passage of this By-law;
- b) Non-habitable buildings connected with public parks (i.e. picnic shelters);
- c) Flood and erosion/sedimentation control structures;
- d) Fences, provided they will not constitute an obstruction or debris catching obstacle to the passage of flood waters or create or aggravate an erosion problem; and,
- e) Recreational facilities, as approved by the Niagara Escarpment Commission, on lands identified as being prominent escarpment slope. Buildings and structures (excluding docks and boathouses which are portable or floating in nature) will be setback 30 metres from all lakes.

The Open Space OS Zone regulations, as well as the GSCA Regulations, will provide the necessary protection and controls for the ANSI. It is noted that the lands to the east, being Block 17, Plan 16M-62, also contain a portion of the ANSI and are located in the Open Space OS Zone.

Regarding the R1-1 Zone Regulations and the requested Exception, the 2 ‘lots’ as defined by the Zoning By-law exist however the ‘lot’ to the north of Delphi Lane contains 4 single detached dwellings and therefore an Exception is required to recognize that these dwellings will continue to be on 1 ‘lot’ with it being noted that the proposed replacement dwelling and modest addition to one of the other existing detached dwellings will comply with the other regulations of the Zoning By-law (Lot Coverage, Interior, Front, Rear and Georgian Bay Yards/Setbacks and Height).

Additions/alterations to the 2 remaining single detached dwellings are not proposed at this time and it is proposed to limit the size of these to that which existed on the day of enactment of the proposed Zoning By-law Amendment.

As to the remnant lands to the south of Delphi Lane, there is sufficient ‘unconstrained’ land to construct a single detached dwelling in accordance with the R1-1 Zone Regulations.

### R1-1 Zone Regulations

R1-1 Regulation	Requirement	'Lot' North of Delphi Lane	'Lot' South of Delphi Lane <sup>6</sup>
Min Lot Area	550 m <sup>2</sup>	> 550 m <sup>2</sup>	+/- 800 m <sup>2</sup>
Max Lot Coverage	30%	< 30%	240 m <sup>2</sup> @ 30%
Min Lot Frontage	18.0 m	Existing	Existing
Min Front Yard	7.5 m	7.5 m	TBD
Min Int Side Yard	2.0 m	> 2.0 m	TBD
Min Rear Yard	9.0 m	> 9.0 m	TBD
Max Height	9.5 m	9.5 m	TBD
Max Height (Storeys)	2.5 Storeys	2 Storeys	2 Storeys

In summary, the proposal to rezone the subject lands to the Open Space OS Zone and the R1-1 Zone Exception to recognize the ANSI and the 4 single detached dwellings on the 'lot' to the north of Delphi Lane, including the proposal to replace the most northerly dwelling and to modestly increase the size of one of the other existing single detached dwellings (both in accordance with the Building Envelopes found at Schedule 'A2'), as well as the rezoning of the 'lot' to the south of Delphi Lane to the R1-1 Zone which, as demonstrated above, is viable.

A Draft Zoning By-law Amendment is attached as Appendix 'B'.

### **Ministry of Transportation**

Consultation with MTO occurred with MTO advising that provided access to the 'lots' was by Delphi Lane they would not have concerns with the proposal. They further advised that MTO Building and Land Use Permit(s) will be required. While new service connection work is not required to implement the proposal, MTO indicated that if any new service connection work (hydro, bell, gas, sanitary, water) is required within the highway property limit, an MTO review and encroachment permit may be required.

It is understood that the subject application will be circulated to MTO for comment.

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<sup>6</sup> With a maximum lot coverage of 30% (+/- 240 m<sup>2</sup>) and required interior lot line setbacks of 2.0 metres and required front and rear yard setbacks of 7.5 and 9.0 metres respectively, a 2 storey building having dimensions of 12.0 metres wide x 20 metres in length is viable.

### **Grey Sauble Conservation Authority – Natural Hazards**

The subject lands are regulated by the Grey Sauble Conservation Authority (GSCA). The GSCA has a core mandate of protecting people, property and natural resources from the threats and impacts of extreme weather and flooding. In consideration of the Conservation Authority's core mandate, a Shoreline Hazard Study (Appendix 'D') and Flood Hazard (Appendix 'D') have been prepared which demonstrates that the proposal is supportable.

### **Lot Ownership and Use**

The subject lands are all owned by Mr. Kenneth Szekely with Mr. Szekely intending on continuing to utilize the lands to the north of Delphi Lane for family purposes and remaining under a single owner. Short term rentals are not intended/proposed of the single detached dwellings.

The lands to the south of Delphi Lane, which are separately conveyable from the lands to the north of Delphi Lane, may, or may not be conveyed in the future. The use of these lands will be regulated by the Town's Zoning By-law (in particular, the R1-1 Zone Provisions).

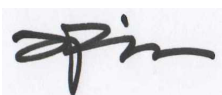
### **Summary**

The proposal is consistent with and/or conforms with the PPS, Niagara Escarpment Plan, County of Grey Official Plan and the Town of The Blue Mountains Official Plan.

Studies/reports have been completed that are demonstrative of the ability to develop the site as contemplated having specific regard to the hazard constraints located on or adjacent to the subject lands.

A Draft Zoning By-law Amendment has been prepared that would allow for the implementation of the proposal.

Respectfully submitted,



David Finbow

Attachments:

Appendices A, B, C, D & E