



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: November 20, 2024
Report Number: PDS.24.134
Title: Recommendation Report – Minor Variance File A39-2024 / P3461 – Freed Village Site B
Prepared by: Adam Farr, Senior Planner

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.134, entitled “Recommendation Report – Minor Variance A39-2024 – Freed Village Site B.”

AND THAT the Committee of Adjustment REFUSE a minor variance to Town of Collingwood By-law 83-40 as amended, Section 5.8 (b)(i), Section 15.2 (c), (e) and Section 15.9 (e) to permit:

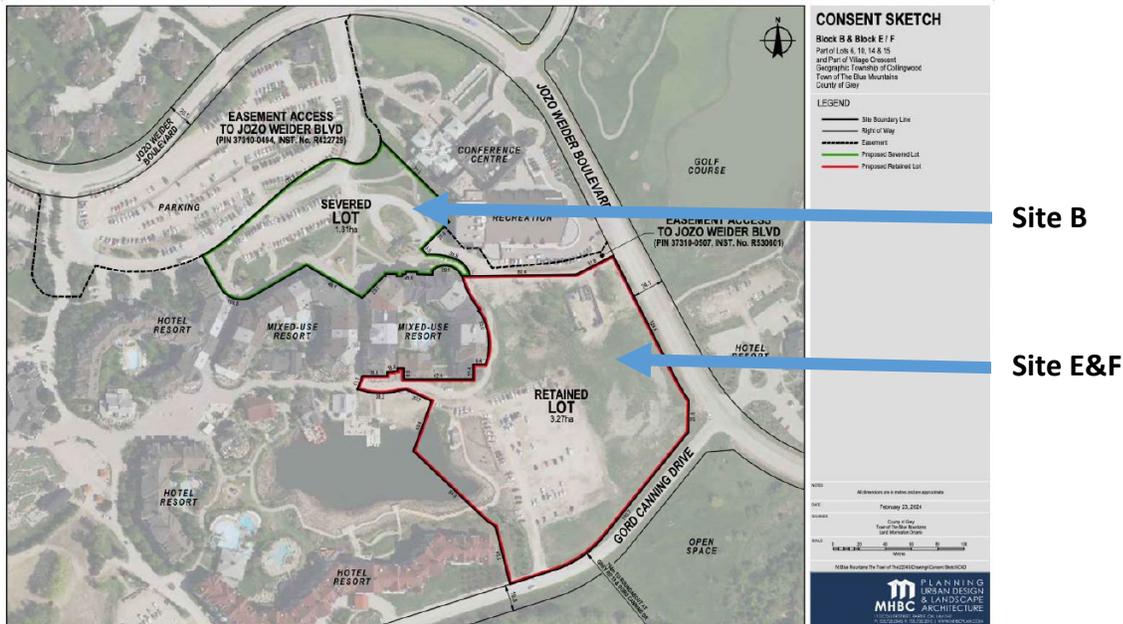
1. A development on a lot which fronts on a private road;
2. An increase of maximum lot coverage from 30% to 32%;
3. A reduction in the required minimum front yard setback from 15 metres to 7.5 metres;
4. A reduction in required minimum surface parking from 30% to 0% surface parking space.

B. Background

The subject lands are located as the northerly 1.31 HA portion of lands at Plan 1065 PT Lots 6, 10, 14, 15 PT Village Cres RP 16R9197 PARTS 1 TO 3 PARTS 4 AND 5 RP 16R10248 PARTS 1 TO 5. The entirety of the lands in this legal survey description are located within and adjacent to the existing Blue Mountain Village Resort Area Core and currently exist as vacant land, portions of an existing parking lot and a municipally unrecognized commercial parking lot.

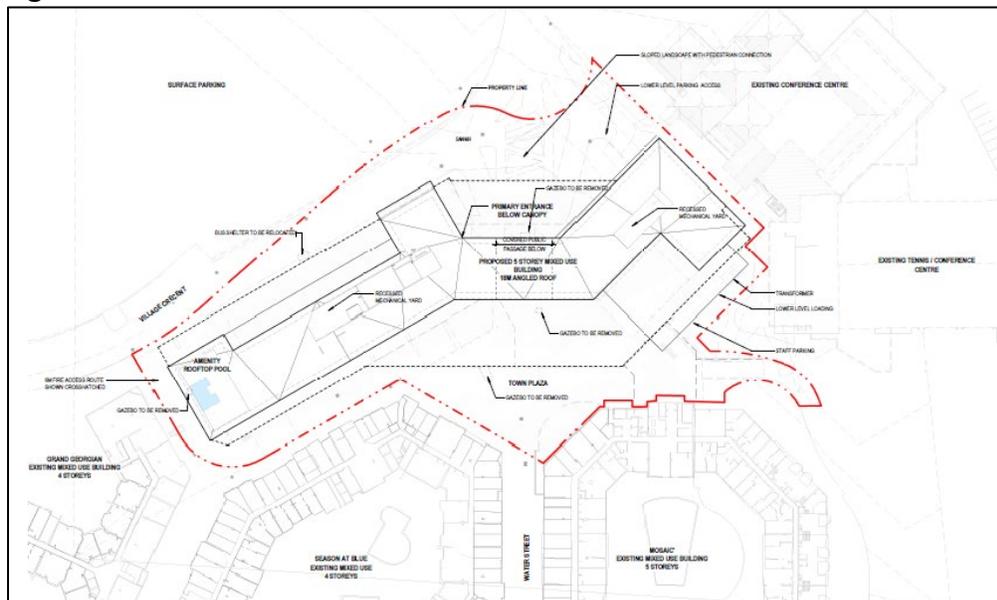
A provisional consent (B08-2024) to sever the lands that are the subject of this application was approved with associated conditions on July 5, 2024 (See Figure 1 below). Conditions must be fulfilled by July 5, 2026 with one of the conditions requiring that the owner receive a Zoning By-law Amendment or Minor Variance addressing the requirement to have frontage and access on a public road. The final approval of that consent and creation of the proposed parcel cannot occur until the various conditions of the consent are fulfilled and the lot is registered.

Figure 1 Severance Sketch



The applicant has submitted a site plan concept package with the minor variance applications. This site plan submission is not the subject of a formal application before the Town of The Blue Mountains. Limited engagement with the Town has taken place to establish the requirements for this site plan application. The proposed site plan (See Figure 2 below) submitted with this variance application includes 196 Village Commercial Resort Units, 1748 m² of commercial retail space and a one storey underground garage. These drawings form the basis upon which the applicant is seeking the associated relief contained within this minor variance application.

Figure 2 Site B – Informal Site Plan



The governing Zoning By-law related to these variance requests is the Township of Collingwood Zoning By-law 83-40 as amended by By-laws 99-71 and 2000-50. The Blue Mountains

Comprehensive Zoning By-law 2018-65 does not apply to the Village Core as these lands were specifically excluded at time of approval as noted in By-law 2018-65 Section 1.5(g). The owner wishes to seek relief from the related provisions of the applicable C5-67 zoning in the Township of Collingwood By-law 83-40 and applicable amendments through By-law 99-71 and By-law 2000-50 as follows:

1. Whereas Section 5.8 (b)(i) requires that development front onto a public road the applicant seeks relief to be permitted to front onto a private road (Village Crescent)
2. Whereas Section 15.2(e) requires a front yard setback of 15 m the applicant seeks relief to permit a 7.5 m front yard setback
3. Whereas Section 15.9(c) requires minimum 30% surface parking the applicant seeks relief to permit no surface parking
4. Whereas Section 15.2 (c) permits a maximum 30% lot coverage, the applicant seeks relief to permit an increase to 32%

There is some additional file history to development proposals on this site.

- On December 8, 2022 the applicant met with the Town to review application requirements for an earlier alternate proposal for Site B that required both Official Plan and Zoning By-law Amendments. One of the significant outcomes from that proposal was for the applicant to also consider the entirety of proposed development of the adjacent Site E&F and the requirements of the Village Core Master Development Agreement in any future formal Official Plan and Zoning By-law Amendment applications.
- In February 2023, the applicant submitted an Official Plan Amendment and Zoning By-law Amendment applications for Sites E&F and B. These applications were deemed incomplete and continue to have no status.
- A Master Development Agreement and Master Servicing Agreement applies to the development of the village and includes a wide range of content intended to facilitate its orderly development including on-going monitoring of the Village build out, collaboration between all phases of development, timing for external improvements (servicing, stormwater, roads, sidewalks, etc), and others.
- Reciprocal Private Easements and other agreements regarding access, parking and other related matters exist.

C. Analysis

Pursuant to Section 45(1) of the Planning Act, the Committee of Adjustment is authorized to grant minor variances to by-laws enacted by the Town which are established to implement the Official Plan.

Staff have reviewed the proposal against the relevant planning documents, including the four tests of a minor variance. The following sections include:

- Overall commentary on the proposed Minor Variance Application and the cumulative effect of the 4 variances being considered, and

- Within Attachment 1, which is to be read as part of this report, detailed commentary on each of the requested Variances which includes additional information and how they have been evaluated against the four tests as set out in the Planning Act.

The intent of individual variances and the combined effect of the 4 variances is to facilitate a development that does not meet the intent and purpose of the Official Plan or Zoning By-law and it cannot be concluded by staff to be minor or desirable. It is recommended that the proposed variances be considered by way of a Zoning By-law Amendment and decision of Town Council.

Overall Commentary:

The intent of individual variances and the combined effect of the 4 variances is to facilitate a future application for Site Plan Approval that is impacted by existing Master Development Agreement provisions, Official Plan policy and Zoning requirements that are in place for the remaining development phases of the Village. At this time, the proposed application has not sufficiently demonstrated that the proposed variances are minor, meet the intent and purpose of the Official Plan and Zoning By-law or can be considered appropriate development for the lands. If granted, the effect of these variances could permit development that may adversely impact the existing Village Core, as well as the remaining development lands. Prior to obtaining variances to the Zoning By-law, consideration of the Official Plan, Master Site Plan and Master Development Agreement should be given to ensure that the proposed Site Plan remains aligned with those higher order documents. If changes to those documents are needed, amendments should be considered as part of the approvals process.

The proposed variance to recognize a lot which does not front on an open and maintained public street as required by the condition of Consent is accompanied by three other variance requests to facilitate a development proposal described in the accompanying site plan concept. Previous requests through pre-consultation meetings for additional information regarding development requirements on the subject lands are not addressed in the applicant's submission. It is noted that a formal Site Plan Application has not been submitted at this time, however some site plan matters such as the provision of parking, lot coverage and setbacks do overlap into the consideration of the variances requested today. As part of determining if the variances are desirable development, consideration must be given to the impacts on the entire Village and not just the individual parcel. Items such as access, parking, integration of public/private spaces must be considered at the Site Plan level and Minor Variance level as the Village itself operates as a whole where each phase of development relies on the others for its continued success and mutual benefit.

The combined four variances do not meet the intent and purpose of the Official Plan. The Official Plan contains detailed policies for the orderly development of the Village. A requirement for a Master Development Agreement and comprehensive Site Plan are needed to ensure the full build out of the Village. Hard caps are placed on the commercial and residential components that are to be shared across all of the Village sites. The implications of the requested variances on the Master Development Agreement requirements as well as the

remaining Site E/F lands are not understood. More specifically, items related to parking, access, variations to the development concept are described below.

Official Plan

Official Plan policies apply as follows and the proposal triggers issues not considered to maintain the general purposed and intent of the Official Plan:

Blue Mountain Village Resort Area Core B3.10.6 c) regarding the Master Development Agreement

In order to ensure that development within the Blue Mountain Village Resort Area Core designation proceeds in an orderly manner, the proponent shall prepare a comprehensive site plan for this area to illustrate location, size, height, and massing of all buildings and structures, and the parking, access, pedestrian circulation and landscaping of the entire area. This detailed site plan shall be approved by Council under a Master Development Agreement prior to any development proceeding.

The materials submitted reflect a change from the development concept and related provisions set out within the approved Master Development Agreement in particular with respect to parking and access, variations in the development concept and related obligations set out in the agreement.

The Blue Mountain Village Resort Area General Development Policies B3.10.9 I) regarding parking requirements for new development:

It is intended that day-use skier parking areas be provided in such a manner as to balance the location and quantity of parking with the carrying capacity of the ski facilities. The required parking for the Blue Mountain Village Resort Area Core uses must be considered in relation to the parking for the ski resort. In this regard, the parking needs of the Blue Mountain Village Resort Area Core shall be monitored under a parking monitoring program established under a Master Development Agreement to the satisfaction of Council. The required parking for the Blue Mountain Village Resort Area Core uses must be considered in relation to the parking for the ski resort. Where any new development is proposed on lands currently used for parking purposes or any other lands, the proponent shall demonstrate, to the satisfaction of Council, that any displacement of parking will not affect the carrying capacity of existing ski lift systems and parking for all other Village uses, or that appropriate alternate parking provisions will be made available, in addition to any parking requirements for the proposed development.

The applicant has not acknowledged the applicability of B3.10.9I) in their submission regarding new development parking requirements, displacement of existing surface parking, adequacy of parking as set out in this policy, replacement and suitability of parking requirements for the proposed development. In order to be exempt from these provisions it appears that an Official Plan Amendment is required.

Zoning By-law

As a condition of consent approval B08-2024, the owner was required to address the public road frontage requirements of the Zoning By-law through a Minor Variance or a Zoning By-law Amendment. As noted above, the development proposal detailed in the proposed site plan triggers various conflicts with the Official Plan and the Zoning By-law. The issues raised by the informal site plan; the nature of the By-law relief sought through this minor variance application are significant. Amendments to the Official Plan and Zoning By-law are required to address related policy and development issues. The proposal is not considered to maintain the general purposed and intent of the Zoning By-law

Master Development Agreement

The Master Development Agreement is a requirement under Official Plan Policy B3.10.6c). Compliance with the terms of the Master Development Agreement and Servicing Agreement as noted below is set out in the private easement instrument that was supplied by the applicant in support of their proposal. The Master Development Agreement, as noted above, is also referenced in Official Plan policy B3.10.6l).

In addition to the terms of the foregoing, the Transferor and Transferee will comply with their respective obligations relating to the Easement Works, the parking and access rights, and/or the Easement Lands, as the case may be, set forth in the Servicing Agreement dated 30 May 2000 and registered as Instrument No. 422720 and the Master Development Agreement dated 30 May 2000, and registered as Instrument No. 422719 and acknowledge that the Easement herein is a Service Easement as defined in those agreements.

In contrast to the direction and detail both within Official Plan policy and the terms of the easement instrument applicant has provided only the following statement in their supporting document with respect to the MDA:

The Master Development Agreement (MDA) was established for the Blue Mountain Village in June 2000. The MDA serves as a general guide for the long-term development of the area and does not require new development to proceed strictly in accordance with it. The MDA contemplates development in the proposed location.

It does not appear as though there has been compliance with some of the key provisions regarding parking. The inclusion and required compliance with the MDA and Servicing Agreement provisions in the private easement instrument raises questions regarding the status of the easement. Further confirmation of the status of this easement may be required if it is to support any related application. In the absence of confirmation a permanent reciprocal access easement may be required through the Committee of Adjustment as a prerequisite to addressing Zoning By-law compliance issues and offsite, site plan issues once that application is filed.

Regarding the test of meeting the intent and purpose of the Zoning By-law, Planning Staff recognize that the existing zoning for the subject lands was last updated in 2000. Lot coverage, setbacks and minimum parking standards were set for what was anticipated based on studies prepared at the time. The intent is to ensure a cohesive build out of the Village and a balanced distribution of units and commercial space. Requirements for frontage onto a public road are in place to ensure access to the parcel can be made by residents, visitors, emergency services and others. The easement documents provided appear to provide the necessary access

requirements, however Planning Staff require further confirmation that the easement will continue to provide that access in perpetuity. Lot Coverage and Required Setbacks are in place partly to govern the building massing and location on a parcel. Items such as temporary (drop off) parking, any other required parking, landscaping, pedestrian access, integration with adjacent lands, and other design features need to be confirmed. The parking requirements set out in the By-law were based on previously completed parking studies for the Village Core which clearly identified that on-going parking monitoring and the preparation of parking studies prior to each phase of development as being a requirement in order to evaluate the on-going evolution of parking needs for the Village. Any variance to the Zoning By-law to the minimum parking standards must be justified through a parking study for the site and for the greater Village Core. Based on the above commentary, Planning Staff are not satisfied that the proposed variances as submitted can meet the purpose and intent of the Zoning By-law.

Summary

The minor variances are not desirable in the context of the range of issues described above with regard to the various burdens and complexities imposed on the surrounding properties, the significant shift in direction they represent and questions of the role of the Master Development and Servicing Agreements in guiding and coordinating development in the village and as relates to development on these lands.

Based on the foregoing and analysis in Attachment 1 staff are not satisfied that the proposal meets the four tests and do not recommend support for the proposed minor variance application.

D. Attached

1. Attachment 1 – Detailed review of minor variance proposal
2. Draft Decision

Respectfully submitted,

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Report Approval Details

Document Title:	PDS.24.134 Recommendation Report - Minor Variance A39-2024 (Freed Village Site B).docx
Attachments:	- Attachment 1 to PDS.24.134 - Detailed review of minor variance proposal.pdf - Attachment 2 Draft Decision.pdf
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:

Shawn Postma - Nov 14, 2024 - 1:38 PM

Street Frontage:

Whereas Section 5.8 (b)(i) requires that development front onto a public road the applicant seeks relief to be permitted to front onto a private road (Village Crescent)

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Blue Mountain Village Core Area in the Official Plan. The proposal contemplates development which appears to encroach onto and/or present site works directly adjacent to the travel way. How the interface between proposed development and the travel way will be handled relative to the reference plan and private easement obligations has not been addressed in the submission and may impact the status of the access easement and/or have impacts on the development proposal.

Fig. 1 Site Plan concept DWG A-01

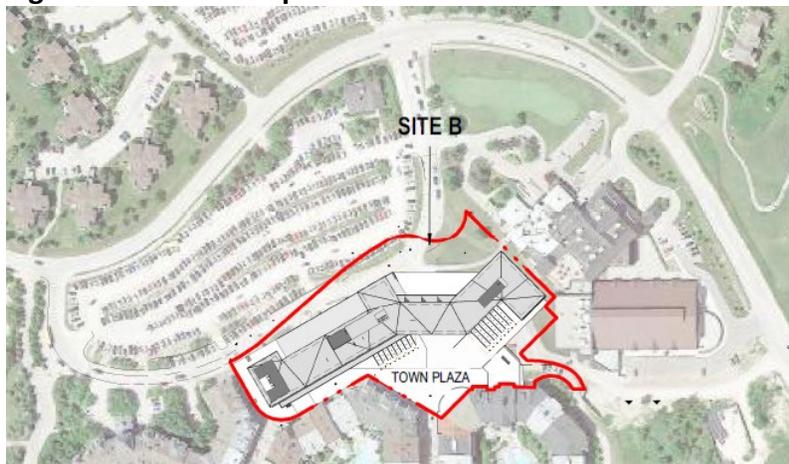
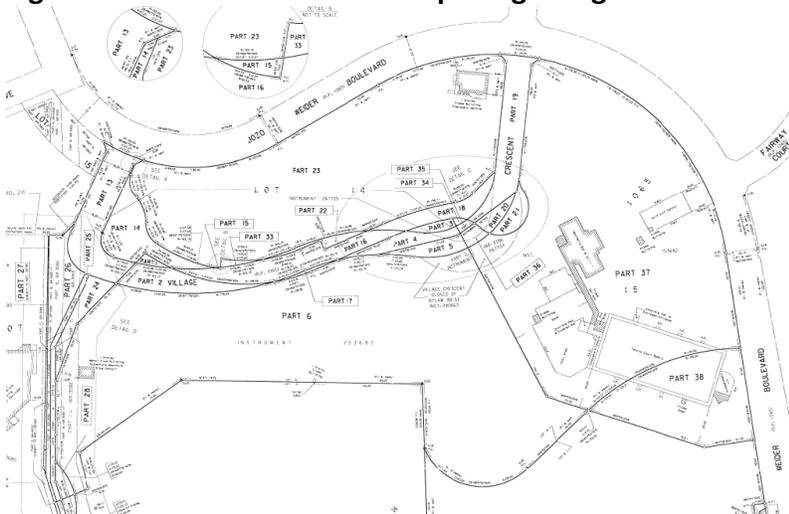


Fig. 2 Reference Plan 16R-751 depicting Village Cres



The private easement documents provided with the submission addressing access for the subject lands over Village Crescent include obligations for the fulfillment of parking and access requirements of the Master Development and Servicing Agreements and no supporting

information has been provided to demonstrate how these are fulfilled. These requirements are reinforced and/or set out in detail in related Official Plan policies B3.10.6c) and B3.10.9I)

This proposal also appears to trigger off-site works on Village Crescent for which no information is provided. Confirmation is required that non-compliance with the Master Development Agreement does not impact the viability of the easement and necessitate a requirement for a permanent easement approved by the Committee of Adjustment to secure the tenure for access over Village Cres to a public road.

Planning Staff is therefore not satisfied that the proposal maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicable Zoning By-law is Town of Collingwood Zoning By-law 83-40 which applies to the Blue Mountain Village Core. It has been further amended by By-law 99-71 and By-law 2000-50.

No provision is made in the Town of Collingwood 83-40 Zoning By-law as amended for alternative access arrangements to establish frontage onto a public road. This triggers the need to gain compliance with the related Zoning provision.

The applicant has provided an easement agreement establishing certain access and other rights and obligations with respect to the subject and the northerly property. This instrument includes provisions with respect to parking and access rights set out in the MDA. The proposed development and associated variances do not appear to properly reflect the intent and obligations of the MDA with respect to parking and access thereby raising a question as to whether this impacts the access and other provisions within the agreement. If the private access agreement was to fail then, any related variance to allow access onto a private road would not be functionally viable while development approvals could otherwise be approved.

Given the extent of the proposed development in addition to related higher order applications, a permanent easement may be required to provide certainty with respect to access.

In addition, Zoning By-law compliance also appears to be required to establish the proposed front lot line given the ambiguity in By-law 83-40 which states:

“Lot Line, Front” in the case of an interior lot shall mean the lot from the street.”

Planning Staff is therefore not satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

The proposed variances are not minor in nature. The combined effect of the 4 variances alters the intent of the existing Zoning By-law, conflicts with Official Plan direction and the direction within the Master Development Agreement, appears to create additional complexities and burdens on surrounding properties and signals what appears to be a different development direction from that which is currently referenced in the related documents.

Confirmation of the tenure of the private road relative to agreement requirements to comply with Master Development and Servicing Agreements where the applicant is not complying with related parking provisions appears to be required to ensure the long term viability of Village Crescent as a private road.

Planning Staff is therefore not satisfied that the proposal is minor in nature.

Is the proposal desirable for the development and use of the lands?

The proposal both generally and with respect to this specific variance raises numerous questions that require resolution in order to establish that the proposal is desirable. Otherwise, it is anticipated that a variety of implications would ensue that would burden adjacent property owners and introduce further complexities with respect to coordination and management of multi-party relationships in the Blue Mountain Village Core and potentially negatively impact its function.

The subject proposal, while facilitating further investment in the Blue Mountain Village Core Area, appear to raise questions with regard to established direction for the coordinated and integrated development of the area as set out in the MDA. Without additional information and consideration of the broad set of factors that impact the development of the Village as a whole, the overall desirability of the proposed development cannot be concluded.

It should also be noted that further development of the entirety of the land holdings including Sites E&F is also contemplated. If a significant shift in direction in terms of the coordination, site design, built form, parking, function etc. is to be considered, it is ideally considered in its totality with respect to all of the related and pertinent matters set out herein.

Planning Staff is therefore not satisfied that the proposal is desirable.

1. Front Yard Setback:

Whereas Section 15.2(e) requires a front yard setback of 15 m the applicant seeks relief to permit a 7.5 m front yard setback

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Blue Mountain Village Core Area in the Official Plan.

There are various Official Plan policies as noted above that have not been addressed by the applicant that have a direct bearing on the review of the requested variances.

The reduced setback has the effect of removing existing surface parking opportunities that have not been addressed with respect to Official Plan policies B3.10.6c) and B3.10.9e) and B3.10.9l) and the Master Development Agreement. Additionally, the building massing and relationships which are influenced by changes to the front yard requirement have not been supported by related information as required under B3.10.9 e),

The applicant indicates that Village Crescent is a private road. The private easement instruments submitted with the minor variance application indicate that there is a reciprocal private easement over the entirety of the block directly north of the subject lands that separates them from a public road. The easement includes obligations to meet parking and access requirements set out in the MDA. The applicant has made no related submissions which may impact the status of the access easement. This is relevant in and of itself and also with respect to parking requirements for new development set out in B3.10.9l).

The proposed development within the subject property appears to conflict with the access road and/or presents works directly adjacent both of which may impact its function and may raise agreement related issues.

The proposed setbacks are an integral part of the village design that contribute to management of the interface of the buildings and structures with surface parking and access both of which relate to the accessibility of the ski hill and the village as a whole. Changes to this development concept may require revisiting the terms of the MDA as approved under B3.10.6 c) and as referenced in B3.10.9 l) to establish parking requirements and address lost surface parking.

Planning Staff is therefore not satisfied that the proposal maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject lands are zoned C5-67 in the Town of Collingwood By-law 83-40 as amended by By-law 99-71 and By-law 2000-50. Permitted uses in the C5-67 zone include those contemplated within the subject development proposal.

The applicant has stated that relevant sections of the applicable By-law is dated to 1983 and therefore significantly outdated whereas various sections for which relief is being sought are contained in the amended By-laws adopted in 1999 and 2000.

With respect to the proposed front yard setback reduction from 15.0 m to 7.5 m, insufficient information has been provided with the preliminary site plan to determine whether the requested reduction from the 15 m front yard setback requirement to permit a 7.5 m front yard setback is sufficient to accommodate the proposed site works and continued integration of this site with the remaining Village Core lands.

The table below and associated drawings appear to show yard setbacks less than the proposed minimum of 7.5 m.

Figure 1 Applicant’s Minor Variance Information Table

15.2(e)	Minimum Front Yard Setback	15 metres	6.6 metres – building to property line 9.6 metres (3.7 metres – balcony) – building to Village Crescent 4.6 metres – patio to property line 3.5 metres – patio to Village Crescent	7.5 metres
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The result of the failure to consider these factors would be a continuing lack of compliance with the By-law. The setback at the western end of the proposed to a structure appears to be less than 7.5 m.

Zoning By-law compliance also appears to be required to establish the proposed front lot line as such given the ambiguity in By-law 83-40 which states:

“Lot Line, Front” in the case of an interior lot shall mean the lot from the street.”

Zoning By-law compliance appears to be required to allow the projections of the various structures such as balconies, unenclosed porches and decks, covered or uncovered steps and patios beyond 1.5 m into the required yard.

Planning Staff is therefore not satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

The total number of Zoning By-law provisions that appear to be required have not been addressed in the application and also add to the extent and scale of variances proposed.

The variances don’t appear to capture all of the required relief. Additionally, the effect of this variance appears to facilitate reduction in surface parking that plays a role in providing access to the Village core and increases building massing and as such it is significant.

Planning Staff is therefore not satisfied that the proposal is minor.

Is the proposal desirable for the development and use of the lands?

The subject proposal, while facilitating further investment in the Blue Mountain Village Core Area, conflicts with direction for the coordinated and integrated development of the area.

Planning Staff is therefore not satisfied that the proposal is desirable for the development and use of the lands.

2. Surface Parking:

Whereas Section 15.9(c) requires minimum 30% surface parking the applicant seeks relief to permit no surface parking

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Blue Mountain Village Core Area in the Official Plan. There are various Official Plan policies as noted above that have not been addressed by the applicant that have a direct bearing on the review of the requested variances.

The proposal contemplates providing removing minimum 30% surface parking requirements and providing only underground parking within the proposed new development. Existing parking spaces will be removed and no information has been provided in accordance with related Official Plan policy 3.10.9 l) that speaks to overall availability of parking and the provisions for replacement parking in the Blue Mountain Village Resort Core as set out in and as further supported in the terms of the Master Development Agreement which is referenced in both 3.10.6c) and 3.10.9l).

The Official Plan section 3.10.9 l) requires that parking related to new development be addressed as follows and the subject application provides no supporting information responding to this policy:

l) It is intended that day-use skier parking areas be provided in such a manner as to balance the location and quantity of parking with the carrying capacity of the ski facilities. The required parking for the Blue Mountain Village Resort Area Core uses must be considered in relation to the parking for the ski resort. In this regard, the parking needs of the Blue Mountain Village Resort Area Core shall be monitored under a parking monitoring program established under a Master Development Agreement to the satisfaction of Council. Where any new development is proposed on lands currently used for parking purposes or any other lands, the proponent shall demonstrate, to the satisfaction of Council, that any displacement of parking will not affect the carrying capacity of existing ski lift systems and parking for all other Village uses, or that appropriate alternate parking provisions will be made available, in addition to any parking requirements for the proposed development.

The proposal represents a significant change to the terms of the approved MDA particularly with respect to parking monitoring and management and with respect to the general development concept and may trigger update requirements to the MDA:

- B3.10.6 c)
In order to ensure that development within the Blue Mountain Village Resort Area Core designation proceeds in an orderly manner, the proponent shall prepare a comprehensive site plan for this area to illustrate location, size, height, and massing of all buildings and structures, and the parking, access, pedestrian circulation and landscaping of the entire area. This detailed site plan shall be approved by Council under a Master Development Agreement prior to any development proceeding.

As noted in the related policies above, the focus on the ski hill and related accessibility through surface parking is and continues to be a fundamental component of the Blue Mountain Village design that sits alongside and is integral to other design elements such as the compact and pedestrian design scale of the village. Changes to this approach may require review of contents and updates to the Master Development Agreement and should appropriately be considered in the context of Official Plan Amendments, Zoning By-law Amendments and related site plan applications.

The Master Development Agreement contains provisions for on-going parking monitoring programs. The Official Plan recognizes the uniqueness of the Village Core and that the Parking Studies that were prepared prior to development indicated that parking monitoring should be completed so that up to date information including new data learned from actual parking use in and around the Village Core can be used to determine more appropriate and specific parking requirements with each phase of build out of the Village. Parking is noted as an existing issue throughout most of the year and not just on prime ski weekends. The applicant has submitted additional commentary on parking with a focus solely on its own parking requirements based on the parking standards set out ~25 years ago. The MDA and requirement for parking monitoring is specifically there to ensure that parking requirements are updated to current day standards based on parking demands and actual usage of the Village Core. Without the required Parking Study, Planning Staff are vigorously opposed to providing any relief to minimum parking requirements.

Planning Staff is not satisfied that the proposal maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The proposed reduction in the minimum surface parking requirement from 30% to 0% is not consistent with the direction of the By-law (adopted in 2000) which clearly intends to provide parking as a fundamental land use element of the Village Core and also corresponds to directive Official Plan language that supports parking linked to access to the ski hill and to service the commercial components of the village.

Surface parking is required to also accommodate a portion of guest/visitor parking demand that are not easily accommodated in underground spaces. Every phase of the Village development has a part to play in the larger guest and visitor experience to the Village. The cooperative

arrangement between all phases of development in the Village Core ensures that there is a seamless experience and use of the Village Core and adjacent ski hills.

Planning Staff is not satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

The proposed variances are not minor in nature. The combined effect of the 4 variances alters the intent of the existing Zoning By-law, conflicts with Official Plan direction and the direction within the Master Development Agreement, creates additional complexities and burdens on surrounding properties and signals an altogether different development direction from that which is currently referenced in the related documents.

The extent of the variance from a 30% minimum to 0% is a significant change in scale relative to Zoning By-law requirements and cannot be considered minor. Further the proposed relief has a significant effect on the development relative to the related policies of the Official Plan and matters set out within the MDA which alter the general direction of the Village Core.

Note also that proposed underground parking appears to require additional consideration of possible reciprocal easement approvals for the management of commercial (retail and service) and village commercial resort elements of the proposed building depending on how the building is owned and tenured.

Planning Staff is therefore not satisfied that the proposal is minor in nature.

Is the proposal desirable for the development and use of the lands?

Adequate parking must be provided for the site in cooperation with the rest of the village. No information has been provided to address related Official Plan policies and Master Development and Servicing Agreement obligations.

Planning Staff is therefore not satisfied that the proposal is desirable for the development and use of the lands.

3. Lot Coverage:

Whereas Section 15.2 (c) permits a maximum 30% lot coverage, the applicant seeks relief to permit an increase to 32%

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Blue Mountain Village Core Area in the Official Plan.

The proposed variance seeks to increase the permitted lot coverage and massing of structure on the site. Combined with the removal of surface parking, and reduced front yard setbacks this will result in a significant change to the existing massing, location, character of structures in the Village and therefore may trigger required changes to the Master Development Agreement and related potential amendments to the Official Plan. Increased lot coverage also contributes to reduced parking availability and triggers the associated conflicts with related policies.

Planning Staff is therefore not satisfied that the proposal is maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The proposed increase in site coverage, while minimal (numerically) at an increase of 2%, is exacerbated by the proposed reduction in surface parking requirements from 30% and to a minimum of 0% and has the effect of increasing the massing and intensity of the proposed development beyond that which is contemplated in the Zoning By-law. Similarly, the proposed front yard setbacks further increase massing and reduce open space opportunities while also removing opportunities for parking.

Planning Staff is therefore not satisfied that the proposal is maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.

While the specific increase in coverage by 2% is a small increase, the combined effect of the 4 variances alters the intent of the existing Zoning By-law, conflicts with Official Plan direction and the direction within the Master Development Agreement, creates additional complexities and burdens on surrounding properties and signals an altogether different development direction from that which is currently referenced in the related documents.

Planning Staff is therefore not satisfied that the proposal is minor in nature.

Is the proposal desirable for the development and use of the lands?

The subject proposal, while facilitating further investment in the Blue Mountain Village Core Area, conflicts with established and agreed upon direction for the coordinated and integrated development of the area.

Planning Staff is not satisfied that the proposal is desirable for the development and use of the lands.

Conclusion

With regard to proposed relief sought in the subject minor variance application please see the following summary of issues addressed in the detailed review:

1. Whereas Section 5.8 (b)(i) requires that development front onto a public road the applicant seeks relief to be permitted to front onto a private road (Village Crescent)
 - Status of easement and tenure relative to obligations to comply with Master Development, Servicing Agreements, and Official Plan policies.
 - Confirmation that the existing easement document is sufficient to provide access in perpetuity.
 - Confirmation that requirements under the Master Development Agreement can be met.
2. Whereas Section 15.2(e) requires a front yard setback of 15 m the applicant seeks relief to permit a 7.5 m front yard setback
 - Apparent required relief with respect to definition of front lot line
 - Confirmation if further relief required for projections into required yard
 - Confirmation that the proposed building can meet proposed 7.5 m setback
 - Confirmation that the setback reduction does not impact overall on-site surface parking needs, walkways, landscaping, integration with adjacent lands, and impacts from increased massing.
 - Confirmation that requirements under the Master Development Agreement can be met.
3. Whereas Section 15.9(c) requires minimum 30% surface parking the applicant seeks relief to permit no surface parking
 - Request to alter minimum parking requirements is not supported by a Parking Study, or updated Parking Monitoring Study
 - Confirmation of minimum surface parking needs for short term check-in, drop-offs, deliveries, taxi or other short term needs.
 - Loss of surface parking at subject location impacts coordination of resort functions and integration including use of adjacent Village Core lands for surface parking needs.
 - Significant change in scale and effect
4. Confirmation that requirements under the Master Development Agreement can be met. Whereas Section 15.2 (c) permits a maximum 30% lot coverage, the applicant seeks relief to permit an increase to 32%
 - Confirmation that the increased coverage does not impact overall on-site surface parking needs, walkways, landscaping, integration with adjacent lands, and impacts from increased massing.
 - Confirmation that requirements under the Master Development Agreement can be met.

Based on the above comments and, in combination with the analysis provided in report PDS.24.134, Planning Staff is not satisfied that the proposal meets all four tests for minor variance.



**Town of The Blue Mountains
Committee of Adjustment
Decision**

In the matter of application for File No. **A39-2024** to consider a variance to the Township of Collingwood Zoning By-law 83-40, as amended.

Date of Hearing: November 20, 2024
Property Location: Plan 1065 PT Lots 6, 10, 14, 15 PT Village Cres RP 16R9197 PARTS 1 TO 3 PARTS 4 AND 5 RP 16R10248 PARTS 1 TO 5
Owner/ Applicant: BMR GP Inc (Freed Developments)
Purpose of Application:

The purpose of this application is to request a minor variance to Town of Collingwood By-law 83-40 as amended, Section 5.8 (b)(i), Section 15.2 (c), (e) and Section 15.9 (e) to permit:

1. A development on a lot which fronts on a private road;
2. A reduction in the required minimum front yard setback from 15 metres to 7.5 metres;
3. A reduction in required minimum surface parking from 30% to 0% surface parking space; and
4. An increase of maximum lot coverage from 30 % to 32 %.

DECISION:

THAT the Committee of Adjustment REFUSE Application **A39-2024** to permit:

1. A development on a lot which fronts on a private road;
2. A reduction in the required minimum front yard setback from 15 metres to 7.5 metres;
3. A reduction in required minimum surface parking from 30% to 0% surface parking space; and
4. An increase of maximum lot coverage from 30 % to 32 %.

Reasons For Decision:

See Attached Schedule "A"

Robert B. Waind
Chairman

Jim Oliver
Vice Chairman

Michael Martin

Jan Pratt

Duncan McKinlay

Date of Decision: November 20, 2024

The last date for filing an appeal to the decision is December 10, 2020

CERTIFICATION

Planning Act, R.S.O. 1990, c.P13, Sec 45(10)

I, Carrie Fairley, Secretary-Treasurer of the Town of The Blue Mountains Committee of Adjustment, certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Carrie Fairley, Secretary-Treasurer

Town of The Blue Mountains Committee of Adjustment

32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: November 20, 2024



**Town of The Blue Mountains
Committee of Adjustment
Decision**

- Schedule A -

REASON FOR DECISION:

The Committee has reviewed the request as it relates to the four tests for minor variance of S.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.24.134.

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.