

Internal Memorandum

Planning, Building and Development Services

| Date: | December 23, 2020 |
|----------|---|
| То: | Agricultural Advisory Committee |
| From: | Shawn Postma, MCIP RPP Senior Policy Planner, Planning Services |
| Subject: | Application for Zoning By-law Amendment No. 1 Auto – 207542 Highway 26 |

Overview:

Planning Services has received an application for Zoning By-law Amendment to consider the following requests:

- To permit the existing non-conforming motor vehicle repair garage as a lawful use,
- To permit a minor expansion (for indoor storage of equipment and parts), and
- To permit outdoor storage related to the garage.

It has been submitted that no additional vehicle bays or employees are proposed.

Notice of Application and Public Meeting were previously circulated to agencies and area property owners. The Public Meeting occurred on September 20, 2020 with a recommendation report to the Committee of the Whole to be prepared in the future. At this time, Staff wish to provide this memo and to request comments from the Agricultural Advisory Committee on this Zoning By-law Amendment.

Background:

Planning and Development Services has received an application for Zoning By-law Amendment from Lois and Joe O'Donnell that proposes to add a motor vehicle repair garage to the list of permitted uses on the subject lands. A repair garage has existed on the site since the early 1990's and is now recognized as a non-conforming use under the current Zoning By-law.

The Owners made application for an addition to the existing garage in December 2019. The building permit was refused as the addition does not comply with The Blue Mountains Zoning By-law 2018-65. In order to allow the proposed addition, approvals are required by the Town for a Zoning By-law Amendment.

The Subject Lands are located at Concession 11 SPH Part Lot 36 and are locally known as 207542 Highway 26. The lands are approximately 4.05 hectares in size with 130 metres of frontage along Highway 26. (See Figure 1 below)

The site includes the existing motor vehicle repair garage consisting of a 150 square meter garage, 70 square meter indoor storage, outdoor storage of vehicles, outdoor customer parking, as well as an existing single detached dwelling. The property is serviced by private well water supply and private septic sewage system shared between the garage and the dwelling. The lands are generally flat with an east/west earth berm located approximately in the centre of the property. (See Figure 2 and 3 below)



Figure 1: Location Map and Official Plan Designation (Subject Lands in Red)

Figure 2: Air Photo (Property)





Surrounding land uses include vacant and agricultural lands to the east, west and south and the Lora Bay Golf Course to the north. Also in the area are a limited number of rural residential dwellings.

In support of the application for Zoning By-law Amendment, the Town has received the required application forms and fees, a Planning Justification Letter prepared by Pascuzzo Planning Inc., building permit drawing set, and application form/fees for Site Plan Approval all attached for your information.

Planning Staff has reviewed the <u>Provincial Policy Statement (PPS 2020)</u> which provides policy direction on matters of provincial interest related to land use planning and development. All agricultural areas are to be conserved and protected for Ontario's long term prosperity. (Section 2.0, PPS 2020). *Prime Agricultural Areas* shall be protected for long-term use for agriculture. (Section 2.3, PPS 2020). Permitted uses are generally limited to agriculture and agriculturally related uses. Non-agricultural uses may be permitted under strict control and are subject to criteria set out in Section 2.3.6.

Planning Staff requests that the Agricultural Advisory Committee review and comment on this application for Zoning By-law Amendment and to provide recommendations on agricultural related issues that may affect the agricultural area. Planning Staff are available to speak to the Committee at its next meeting to answer any questions that may arise.

Questions or comments requiring response prior to the meeting date can be sent to <u>spostma@thebluemountains.ca</u>.

Planning Services The Town of the Blue Mountains P.O. Box 310, 32 Mill Street Thornbury, Ontario NOH 2P0 Tel.: (519) 599-3131 Fax: (519) 599-3018 Email: planning@thebluemountains.ca

ł.

3



APPLICATION TO AMEND THE ZONING BY-LAW

| FOR OFFICE USE ONLY | |
|--|--------|
| DATE OF PRECONSULTATION: | |
| APPLICATION RECEIVED: (date) DATE ACCE | EPTED: |
| FILE NO ROLL NO | FEE: |
| RECEIPT NO RECEIVED BY: | |
| CONCURRENT APPLICATIONS: | |
| OTHER FEES RECEIVED: | |
| | |

APPLICATION TYPE:

X Zoning By-law Amendment

Request to remove Holding 'h' Symbol

Request for Temporary Use By-law (Extension)

Request for exemption to Part Lot Control

Deeming By-law

APPLICANT INFORMATION

| 1. | Name of Registered Owner: Lois + Joe O'ponnell |
|----|--|
| | Address: 207542 Hwy #26 RR#1 Thornboy, ON. |
| | Tel. Tel. The Email: Email: Email: The March Andrew Pascutzo |
| | Address: 243 Hrontonb St. |
| | T $_{\text{Email:}}$ |

2. Indicate the primary contact for correspondence relating to this application:



| 3. | Encumbrances (i.e. mortgagees, charge or encumbrance) |
|----|--|
| | Name: |
| | Address: |
| | |
| | Tel. No.: |
| | PROPERTY INFORMATION |
| 4. | Description of the subject land: |
| | Assessment Roll No.: 424200001507500 |
| | Concession No.: 11 Lot No.: SPH PT LOT 36 |
| | Registered Plan No.: Lot(s)/Block(s): |
| | Reference Plan No.: Part(s): |
| | Reference Plan No.: Part(s): Municipal Address:207542 Highway #26 |
| | Date acquired by current owner: |
| 5. | Subject Property Information: |
| | a) Frontage (m): $30+4$ Depth (m): $310+7$ Area (m ²): $4h_3+7$ |
| | b) Type of Access: |
| | Municipal Road Regional Road Provincial Highway Other |
| | If other, please specify: |
| | |
| | |
| | c) If access is provided by water only, please indicate the parking and docking facilities (to be) used and |
| | the approximate distance from these facilities to the nearest public road. |
| | |
| | |
| 6. | What is the existing and proposed use of the subject lands? |
| | Existing use of the subject lands: residental house, astomobile ship |
| | Length of time existing use has continued: 2000 shop since early 1990's |
| | Length of time existing use has continued: <u>auto shap since early 1990's</u> Proposed use of the subject lands: <u>no change to use</u> Small expansion to auto shap |
| | small expansion to auto snop |

9. For EXISTING buildings and structures on the subject land. Please Specify:

| Building Type | Gross Floor Area or Dimension (m ²) | Front Yard Setback (m) | Side Yard Setback (m) | Side Yard Setback (m) | Rear Yard Setback (m) | Building Height (m) | Date Constructed |
|-------------------|--|------------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------------|---------------------|
| Residential House | 110m2 | 35+ | 40+ | 60+ | 300+ | less than 5 | ~ 1980's |
| Shop#1 | 155m2 | 45+ | 12+ | 85+ | 300+ | lerithanle | own |
| Shop#2 | Fom2 | 60+ | 20+ | 80+ | 300+ | less the | Sm |
| | | | | | | | |

10. For PROPOSED buildings and structures on the subject land. Please Specify:

| Gross Floor Area or Dimension (m ²) | Front Yard Setback (m) | Side Yard Setback (m) | Side Yard Setback (m) | Rear Yard Setback (m) | Building Height (m) |
|--|------------------------------|---|--|--|---|
| 113 m ² | 55+ | 12+ | 85+ | 300+ | lers than (|
| | | | | | |
| | Dimension (m ²) | Gross Floor Area or Dimension (m ²) Setback (m) | Gross Floor Area or Dimension (m ²) Setback (m) (m) | Gross Floor Area or Dimension (m ²) Setback Setback (m) (m) (m) | Gross Floor Area or Dimension (m ²) Setback (m) Setback (m) Setback (m) Setback (m) Setback (m) |

SITE SERVICING

(4)

| 11. | Is water provided by a publicly ow | ned and operated water system? |
|-------------|------------------------------------|---|
| | YES | NO 🔽 |
| | If no, please specify: | priste well. |
| 12 . | Is sewage disposal provided by a p | publicly owned and operated sanitary sewage system? |
| | YES 🗌 | NO |
| | If no, please specify: | private septe system |

*NOTE: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day, a servicing options report and a hydrogeological report must accompany this application.

13. Is storm water drainage provided by:

| | Sewers | Ditches 🗌 | Swales | Other |
|------------------------|--------|-----------|--------|-------|
| If other, please speci | fy: | | | |

PLANNING INFORMATION

14. What is the current Official Plan designation of the subject lands?

| County of Grey Official Plan: Agricultural |
|---|
| Permitted uses: section 9.8 permits existing |
| non-conforming uses |
| |
| Town of The Blue Mountains Official Plan: |
| Permitted uses: Section ES.1 permits existing |
| non-conforming uses |
| |

15. What is the current Zoning By-law classification applied to the subject lands?

Applicable Zoning By-law: Tarnof Blue Mountain 2018-65 Existing Zone Category: ______Agricultura Permitted uses: ______ non-conforming uses

16. Describe the nature and extent of the rezoning request:

O acknowledge the non-conforming automobile shap am2, outdoor storage space o to amaximim 250 2 300r Site specific Agricultural exception zone.

17. Proposed change to Zone Category:

From: <u>Agricultural</u> To: <u>Agricultural Exception</u>.

18. Please complete the following zoning chart where modifications to the existing zoning regulations or other By-law provisions are proposed. *Note: It is the Applicant's responsibility to list all the required amendments to the By-law.*

| ZONE REGULATION | BY-LAW SECTION NUMBER | EXISTING ZONE REGULATION | PROPOSED ZONE REGULATION |
|----------------------|--------------------------|-----------------------------|-----------------------------|
| Minimum Lot | Tille Q 2 | 10 | 120 |
| Frontage (m) | LAPIR D.C | Isom | ISOM |
| Minimum Lot Area | Table 8.2 Pble 8.2 | 150m 40 ha | 130m 46ha |
| (m) | Pple 0.2 | TONA | tha |
| Minimum Front Yard | | | |
| Setback (m) | | | |
| Minimum Side Yard | | | |
| Setback (m) | | | |
| Minimum Rear Yard | | | |
| Setback (m) | | | |
| Minimum Landscaped | | | |
| Open Space (%) | | | |
| Maximum Lot | | | |
| Coverage (%) | | | |
| Maximum Height (m) | | | |
| Maximum Number of | | | |
| Storeys | | | |
| Minimum Floor Area | | | |
| (m²) | | | |
| Minimum and | | | |
| Maximum Density | | | |
| Minimum Distance | | | |
| Between Buildings on | | | |
| the same Lot | | | |
| Minimum Number of | | | |
| Parking Spaces | | | |
| Minimum Number of | | | |
| Loading Spaces | | | |

| Other (e.g. Genera | l Provisions, Holding | Provisions) | 11 | |
|--------------------|-----------------------|-------------|----|--|
| | | | | |
| | | | | |
| | | | | |

19. Existing Use of Adjacent Lands

÷.

| North | Highway Z | 6, Rupi R | Veridential, Lora | Bay Golf Course | Residential | beorgian Bay |
|-------|-----------|-----------|-------------------|-----------------|-------------|--------------|
| South | Rubl | , Vacant | | 1 | • / = | |
| East: | Rual, | vacant | commercial | tomers market | | |
| West: | Ruel | , vacant | , commercia | 1 meat shop | | |

10

POLICY CONFORMITY

20. Please explain how the proposal is consistent with the Provincial Policy Statement (<u>http://www.mah.gov.on.ca/Page215.aspx</u>):

| Are the subject lands within an area of land designated under any provincial plan? |
|--|
| |
| If yes, please describe how the proposal is consistent with, or does not conflict with, the applicable provinci plans: |
| |
| |
| |
| |
| |
| |
| Please explain how the proposal conforms to the applicable policies of the County of Grey Official Plan ar the Town of The Blue Mountains Official Plan: |
| the Town of The Blue Mountains Official Plan: See PJR |
| see PJR |
| the Town of The Blue Mountains Official Plan: |
| the Town of The Blue Mountains Official Plan: See PJR |
| the Town of The Blue Mountains Official Plan: See PJR |
| the Town of The Blue Mountains Official Plan: See PJR |
| the Town of The Blue Mountains Official Plan: See PJR |
| the Town of The Blue Mountains Official Plan: <u>See PJR</u> <u>see Section 9.8 Recolar Grey</u> <u>see Section ES.1 Town of the Blue Mountains Official Plan</u> |
| the Town of The Blue Mountains Official Plan: <u>See PJR</u> <u>see Section 9.8 Recolar Grey</u> <u>see section ES.1 Town of the Blue Mountains official Plan</u> Does the proposal alter the boundary of a settlement area or implement a new area of settlement? |

24. Does the proposal remove the subject land from an employment area, as defined by the Provincial Policy Statement?

э ^с 6 -

| lf yes, describe area: | e the current Official Plan p | policies, if any, dealing with the removal of land from an employ | | | |
|--|--|---|--|--|--|
| | | | | | |
| | | | | | |
| | | - | | | |
| - | | | | | |
| Are the lands subject to site specific or conditional zoning policies? | | | | | |
| | YES | NO | | | |
| If yes, please d conditions: | lescribe how the application | on conforms to the Official Plan policies relating to zoning with | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | MATION | | | | |
| Has the prope | | of any application under the <i>Planning Act</i> (such as a plan of variance, etc.)? | | | |
| Has the prope | erty ever been the subject | | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES rovide the file number, sta | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES rovide the file number, sta | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES rovide the file number, sta | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES rovide the file number, sta | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES rovide the file number, sta | NO N | | | |
| Has the prope subdivision, sit | erty ever been the subject te plan application, minor YES provide the file number, stan nber of the Minister's Zon | NO N | | | |

- 28. Please describe any easements or restrictive covenants affecting the subject lands:
- 29. Please identify the file number, status, and details of any concurrent application(s) that have been submitted for approval for the subject lands (i.e. consent, site plan, plan of subdivision, etc.).

ZBUA Site Plan Building Permit (expansion)

30. Please identify any reports or studies that are submitted with this application:

Justifizzhion Regart Planning Ste

2

| DECLARATION OF OWNER OR AUTHORIZED AGENT | | | | | | |
|--|-------------------------------------|-----------------------------------|--|--|--|--|
| 1/1/1/ | Andrew Bscuro | _ of the of the | | | | |
| | (Name of Owner or Authorized Agent) | (e.g. Town of the Blue Mountains) | | | | |
| in the | County | of Simile | | | | |

(e.g. County of Grey)

make oath and solemnly declare that the information contained above and that the information contained in any documents that accompany this application is true and that I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **Canada Evidence Act**.

For the purposes of the Freedom of Information and Protection of Privacy Act, I hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the PLANNING ACT for the purposes of processing this application and correspondence purposes. Questions about this collection should be directed to the Town Clerk of The Town of The Blue Mountains.

It is understood and agreed that the fee submitted with this application covers only routine processing costs (ie. review by municipality, a Public Meeting and Amendment documents, if approved). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (ie: Planning, Legal or Engineering Fees, LPAT Hearing Costs, Agreements, Special Studies, other Approvals or Applications, and any other related matters), will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.

EXECUTION OF THIS DECLARATION MUST BE WITNESSED BY A COMMISSIONER OF OATHS. A COMMISSIONER OF OATHS IS AVAILABLE AT TOWN HALL.

own Sworn or declared before me at the of 2020 Ime Simcar this 15th day of Applicant Signature Applicant Name (Print) I have authority to bind the Corporation Joseph Bruce Hart, a Commissioner, etc., Province of Ontario, for Baulke Stahr McNabb LLP. Barristers and Solicitors. Expires July 13, 2025 Fioners Seal Commissioner of Oaths



AUTHORIZATION OF APPLICANT/AGENT

I/We, the undersigned, being the registered owner(s) of

See attached (Legal description or municipal address) in the Town of the Blue Mountains, hereby authorize (Print name of agent and/or company) as my/our agent for the purpose of submitting application(s) to the Town of The Blue Mountains and acting on my/our behalf with respect to the application. The authority granted by this authorization shall continue until I shall have revoked such authority in writing, and delivered such written revocation to The Town of The Blue Mountains Planning and Development Services Department. No such revocation shall invalidate any action taken by the authorized applicant prior to the date The Town of The Blue Mountains received such written revocation. Dated the day of , 20 (Signature of owner or signing (Please wint the full name and position of the individual signing) officer) I have authority to bind the Corporation -{Name of corporation, if applicable) (Signature of owner or signing officer) (Please print the full name and position of the individual signing) I have authority to bind the Corporation (Name of corporation, if applicable)



PERMISSION TO ENTER

Date: June 15/2020

Planning Services The Town of the Blue Mountains P.O. Box 310, 32 Mill Street Thornbury, Ontario NOH 2P0 Tel.: (519) 599-3131 Fax: (519) 599-3018

To Whom It May Concern,

RE:

9

Application to Amend the Zoning By-law Location of Land: <u>207542</u> (high mg 26 (Municipal Address)

I hereby authorize the members of Council and members of staff of the Town of The Blue Mountains to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of owner or authorized agent

ndre 2501220

Please print name

PASCUZZO PLANNING INC.

SENT BY EMAIL: @thebluemountains.ca

June 16, 2020

The Town of The Blue Mountains Attn: Shawn Postma MCIP RPP 32 Mill Street, P.O. Box 310 Thornbury, ON. N0H 2P0

Site Specific Zoning Bylaw Amendment/Site Plan No. 1 Auto, 207542 Highway 26, Thornbury

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.

243 Hurontario Street Collingwood, ON L9Y 2M1 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.

PASCUZZO PLANNING INC.

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 m² 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 m². At 113m² 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.

PASCUZZO PLANNING INC.

243 Hurontario Street Collingwood, ON L9Y 2M1

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. Th 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:

- 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 Town of The Blue Mountains- Zoning Bylaw (2018-65)



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

- 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.

| | Required | Existing | Conforms |
|----------------------------|----------|----------|----------|
| Minimum Lot Area | 40 ha | 4 ha | |
| Minimum Lot Frontage | 150 m | 130 m | |
| Minimum Front yard setback | 15 m | 35 m+ | Yes |
| Minimum Interior Side Yard | 8 m | 12 m+ | Yes |
| Maximum Height | 11 m | 5.5 m | Yes |

PASCUZZO PLANNING INC.

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









