



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** COW-Operations, Planning and Development Services  
**Meeting Date:** November 28, 2023  
**Report Number:** PDS.23.114  
**Title:** Recommendation Report – Follow-Up to the Public Meeting –  
Application for Zoning By-Law Amendment – 107 Martin Grove Bed  
and Breakfast  
**Prepared by:** Carter Triana, Intermediate Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.114, entitled “Recommendation Report – Follow-Up to the Public Meeting – Application for Zoning By-Law Amendment – 107 Martin Grove Bed and Breakfast”;

AND THAT Council enact a By-law to rezone the subject lands from the Residential One ‘R1-1’ Zone to the Residential One ‘R1-1-9’ Zone within Zoning By-law 2018-65, as amended, to permit the use of a Bed and Breakfast Establishment.

### B. Overview

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The purpose of this report is to provide Council with a summary of public consultation and a recommendation regarding a proposed Zoning By-law Amendment for the lands municipally known as 107 Martin Grove. The application proposes to rezone the subject lands to the Residential One ‘R1-1-9’ Zone within Zoning By-law 2018-65, as amended, to permit the use of a Bed and Breakfast Establishment with up to 3 guest rooms.

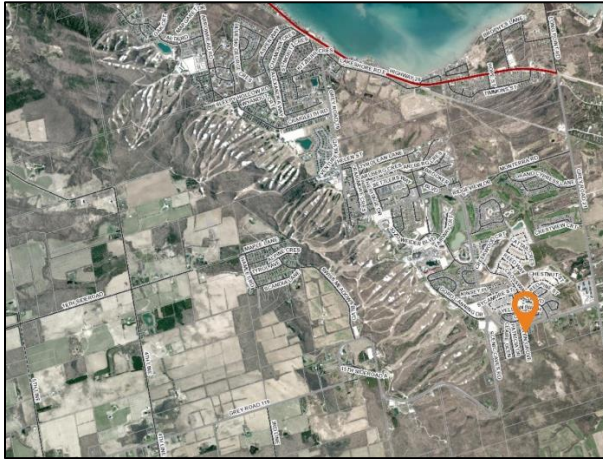
Importantly, the recommendation in this report is based on an evaluation of the land-use in accordance with the Planning Act. If the use is to be permitted, the Bed and Breakfast will remain subject to the Licensing By-law. A license to allow for the operation of the Bed and Breakfast has yet to be provided.

### C. Background

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Planning Services received a request to rezone the subject lands to permit a Bed and Breakfast Establishment use on September 25, 2023. No new construction is included as part of this proposal.

The subject lands are municipally known as 107 Martin Grove. The property is approximately 0.3 acres in area and currently contains a single detached dwelling detached garage. A location map and aerial photograph of the subject lands are shown in Figures 1 and 2.



**Figure 1. Location Map**



**Figure 2. Aerial Photo (ca. 2020)**

Surrounding land uses include a Hydro One facility to the north and residential uses in all other directions. The existing dwelling appears to be located approximately 12 metres from the dwelling on the property to the south and approximately 24 metres from the Hydro One facility on the property to the north. The proposed Bed and Breakfast Establishment is to be located entirely within the existing single detached dwelling.

It is noted that three short-term accommodation units currently exist in Price's subdivision, with the closest being located approximately 135 metres from the subject lands on Patricia Drive. All three of these units are not bed and breakfast units and carry Class C licenses as they are not zoned for short-term accommodation use.

### Public Comments

A Public Meeting was held on October 31, 2023, with written and verbal comments being received from public agencies and area residents. Summarized comments and Staff responses are included as Attachment 2 to this report. Full comments are included as Attachment 3. Comments were received from the following public agencies:

- **Nottawasaga Valley Conservation Authority:** The property is partially regulated for an unevaluated wetland on the southeast portion of the property and the associated 120m area of interference. A permit under the Conservation Authorities Act is not required. Staff have no natural hazard concerns as no additional structures or buildings are proposed. We have no objection to the approval of this application.
- **Grey County:** No concerns.

Comments received from Council and interested members of the public and Staff responses can generally be summarized as:

- **Does this set precedent for other Bed and Breakfast Establishments or Short-Term Accommodations in Prices' subdivision?**

Bed and Breakfast Establishments are not permitted as-of-right in any standard zone in the Town. Property owners wishing to use their property as a Bed and Breakfast Establishment are required to obtain council approval by applying for a Zoning By-law Amendment to permit this use. Each proposal is analyzed on a site-specific basis and the approval of one application does not guarantee the approval of similar applications for other properties. In addition, Bed and Breakfast Establishments are not permitted within 120 metres of other Bed and Breakfast Establishment or Short-Term Accommodation uses. In this case, if the application is approved, only one additional Bed and Breakfast Establishment may be possible within Price's subdivision under the existing Zoning By-law provisions, at one of the two properties at the southeast end of Martin Grove. This would also be subject to a Zoning By-law Amendment application and approval by Council. This does not preclude an applicant from requesting a reduction to this buffer, but additional justification for this reduction would be required and this request would be subject to additional review.

- **How can the Town ensure the owner lives on site during the operation of the Bed and Breakfast Establishment?**

The owner is aware of this requirement under the Official Plan, Zoning By-law, and Licensing By-law. Failure to abide by these regulations may result in penalties and/or the license being revoked.

- **How are the associated By-laws enforced?**

By-laws are enforced by the Town's Municipal Law Enforcement Officers. Generally, these Officers respond to complaints from area residents and determine the appropriate course of action. Officers also monitor advertisements on websites like AirBnB and VRBO to ensure that listings comply with Town requirements. After hours complaints are directed to a third-party agency, who directs calls to the OPP, Municipal Law Enforcement Officers, or to the By-law department to be addressed during regular business hours.

- **How does this align with the Ontario government's goal of building more homes?**

This neighbourhood contains other single detached dwellings similar to that of the subject property. Although approval of this application would allow the owner to use the dwelling as a Bed and Breakfast Establishment, it does not require the owner to use it as such. The existing home is proposed to remain and could alternatively be used by the current or future owners as a long-term rental property or for personal use. As stated above, existing Town regulations seek to protect existing housing stock by limiting the wide-scale development of Bed and Breakfast Establishments or Short-Term Accommodations.

- **How will the residential character of the neighbourhood be protected?**

No development is proposed as a result of this application. The existing single detached dwelling will be used for the proposed use. Minimal additional traffic is anticipated, and the property will be limited to a maximum number of occupants through the licensing process. In addition, the requirement for the owner to be on site during the operation of the Bed and Breakfast Establishment ensures that potential conflicts will be addressed promptly.

- **Why does the Town need more Short-Term Accommodations when there are already many areas where they are allowed?**

Bed and Breakfast Establishments are distinct from Short-Term Accommodation uses as they require the owner to be present on-site during operation and have less potential to disrupt existing neighbourhoods. Short-Term Accommodation uses are heavily restricted in the Town because of potential conflicts with residential uses. As such, the permissions sought in this application are distinct from those in zones where Short-Term Accommodation uses are permitted.

## D. Analysis

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This section provides the staff analysis for the Application for Zoning By-law Amendment that proposes to rezone a portion of the subject lands from the Residential One 'R1-1' Zone to the Residential One 'R1-1-9' Zone. The analysis provides a review of relevant legislation, policies, and identified issues.

### Planning Act

The Ontario *Planning Act* gives municipal Councils the authority to pass zoning by-laws and make amendments to existing zoning by-laws under Section 34 of the *Act*. The *Planning Act* requires that, in making planning decisions, Council must have regard for the list of matters of Provincial Interest, as outlined by Section 2 of the *Act*.

Planning Staff are satisfied that there are no concerns with matters of Provincial Interest, as noted above.

### Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development and provides for appropriate development while protecting the resources of the province, public health and safety, and the quality of the natural and built environment. Decisions on planning matters made by a planning authority must be consistent with the PPS.

Section 1.1.3 provides policy direction to support settlement areas in municipalities, including focusing growth and development in these areas and efficiently using land and resources. Section 1.7 provides policy direction to support long-term economic prosperity and includes providing opportunities for sustainable tourism development. The proposal will utilize an existing dwelling that contributes to the low-density character of the area and provides additional opportunity for tourism at a scale that is compatible with existing land uses.

The proposed Zoning By-law Amendment does not raise any concerns of provincial significance and Planning Staff are therefore satisfied that the proposed amendment is consistent with the PPS.

### Niagara Escarpment Plan 2017

The subject lands are designated *Escarpment Recreation Area* in the Niagara Escarpment Plan 2017 (NEP). The objectives of this designation include minimizing the negative impacts of recreational development on the Escarpment environment and community character, recognizing the importance of the four-season recreation resort areas to the tourism sector, and conserving natural and cultural heritage features, functions, and resources. As no new construction is proposed, no adverse impacts on the Escarpment environment are anticipated and natural and cultural heritage features will be conserved.

Permitted uses in this designation include uses as provided for in the Town of The Blue Mountains Official Plan. As discussed later in this report, Bed and Breakfast Establishments are a permitted use in the Town of The Blue Mountains Official Plan, subject to an amendment to the implementing Zoning By-law.

Planning Staff are therefore satisfied that the proposed Zoning By-law Amendment does not conflict with the Niagara Escarpment Plan.

### Grey County Official Plan

The Grey County Official Plan is intended to guide development within the whole of Grey County and provides a broad policy framework to be included in local municipal Official Plans, Secondary Plans, and Zoning By-laws. The subject lands are designated *Recreational Resort Area* in the Grey County Official Plan. This land use type is a designated settlement area. New development in this 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. Figure 3 provides an excerpt of the Grey County Official Plan land use designation for the subject lands.



**Figure 3. Grey County Official Plan Land Use Designations**

Section 4.2.8 of the Official Plan provides direction regarding short-term accommodations, which includes Bed and Breakfast Establishments. The Plan recognizes the potential for land use conflicts with surrounding residential areas and long-term impacts on the available rental market. This section recommends the implementation of policies at the municipal level to address potential long-term concerns.

Detailed policies have been implemented through the Town of The Blue Mountains Official Plan and Zoning By-law 2018-65, as discussed later in this report. Planning Staff are therefore satisfied that the proposed Zoning By-law Amendment complies with the Grey County Official Plan.

### Town of The Blue Mountains Official Plan

The Official Plan establishes the vision for growth and development in the Town and contains policies supporting the Goals and Objectives of the Plan to achieve that vision. The policy framework builds upon Provincial and County policy as described above.

The subject lands are designated *Residential Recreational Area 'RRA'* in the Official Plan. The intent and purpose of this land use designation is to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses that support and provide access to resort and recreational amenities. Permitted uses include semi-detached dwellings and accessory buildings or structures. Figure 4 provides an excerpt of the Official Plan land use designations for the subject lands.



**Figure 4. Town of The Blue Mountains Official Plan Land Use Designations**

The proposal does not include the construction of new buildings or structures and as such, the Bed and Breakfast Establishment use will be contained to the existing single detached dwelling,

which fits into the existing character of the area. The proposal supports tourism in the area, while maintaining its low-density residential nature.

Section B2.5.1 provides policies for Bed and Breakfast Establishments, including the requirement for an amendment to the implementing Zoning By-law to permit this use. Policies in this section also include:

- a. That the owner of the dwelling must reside in the dwelling while the Bed and Breakfast Establishment is operating.
- b. That the use shall not be detrimental to any adjacent land use and will include, where necessary, landscaping, buffering or screening, of buildings, structures or uses to reduce any detrimental effect.
- c. That adequate parking be provided at a minimum of one additional parking space per guest room.
- d. That Bed and Breakfast Establishment uses may be subject to site plan control.

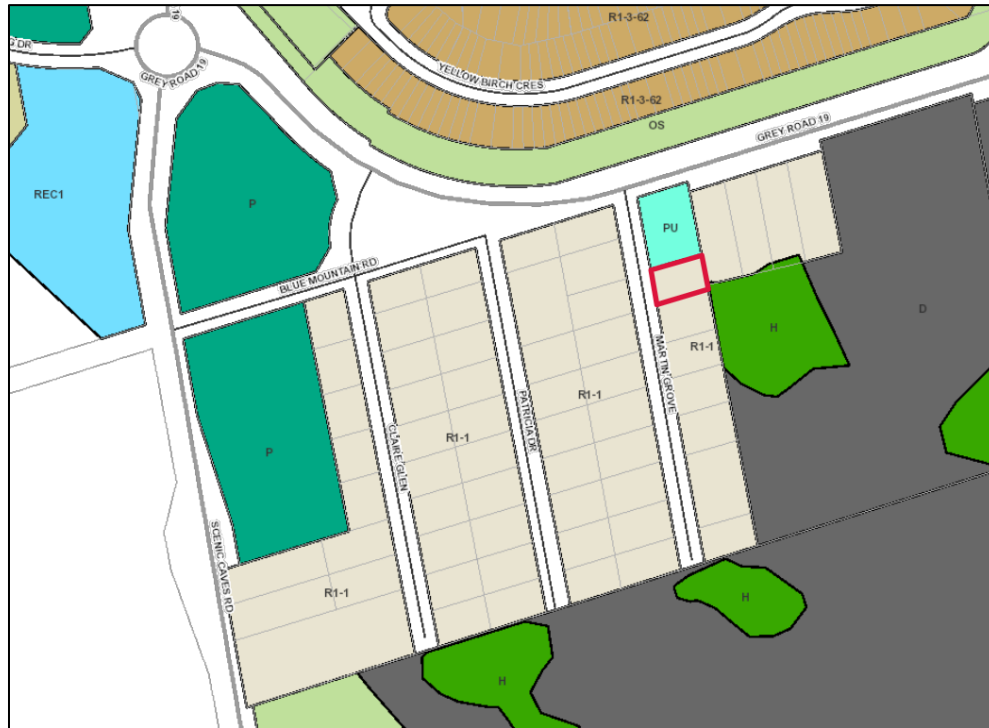
The owner plans to reside in the dwelling while the Bed and Breakfast Establishment is operating. Under Zoning By-law 2018-65, Bed and Breakfast Establishments are subject to site plan control and licensing, through which parking, buffering, occupancy, and safety will be reviewed. Given the strict requirements of the Zoning By-law, including site plan control and licensing, no adverse impacts to adjacent land uses are anticipated as a result of the proposal.

Section B5.2.1 of the Official Plan outlines development policies related to natural heritage features. It is noted that Significant Woodlands and an unevaluated wetland currently exist on the subject lands. It is unlikely that the proposal will impact the Significant Woodlands as no construction or site alteration are proposed. Grey County Staff and NVCA Staff have indicated no concerns with the proposal in this regard.

Planning Staff are therefore satisfied that the proposed Zoning By-law Amendment conforms to the policies of the Town's Official Plan.

#### Town of The Blue Mountains Zoning By-law 2018-65

The subject lands are zoned Residential One 'R1-1' under Zoning By-law 2018-65. It is noted that the R1-1 zone does not permit Bed and Breakfast Establishment uses as-of-right. The proposed Zoning By-law Amendment would rezone the subject property to the Residential One 'R1-1-9' zone, where Exception 9 permits the lands to be used for a Bed and Breakfast Establishment with up to a maximum of three guest rooms. Figures 5 provides an excerpt of the current zoning of the subject property. The proposed zoning will remain the same, but with Exception 9 added.



**Figure 5. Current Zoning of the Subject Lands**

Section 4.8 of the Zoning By-law provides policies for Bed and Breakfast Establishments. The By-law requirements are listed, with staff commentary in italics:

- a. A Bed and Breakfast Establishment shall only be permitted in a single detached dwelling and shall not contain more than three (3) guest rooms.

*The existing single detached dwelling contains four bedrooms, three of which will be used by guests and the fourth of which will be used by the owner.*

- b. No Bed and Breakfast Establishment shall be located closer than 120 metres from another Bed and Breakfast Establishment or short-term accommodation use.

*No Bed and Breakfast Establishment or short-term accommodation uses are located within 120 metres of the existing dwelling.*

- c. A Bed and Breakfast Establishment shall have the owner residing on the premises during the operation of the establishment.

*The owner has indicated that they will reside on the premises during the operation of the Bed and Breakfast Establishment*

- d. On-site parking shall be provided in accordance with Section 5 of the Zoning By-law.

*Two parking spaces are required for the existing single detached dwelling and one for each of the three guest rooms, for a total of five required spaces. The subject property*



*can accommodate these spaces and will be confirmed through site plan control and licensing.*

- e. A minimum of two (2) metres of landscaping shall be provided adjacent to parking area where 4 or more cars are parked.

*Parking is proposed in a driveway and not a parking area. Regardless, ample landscaping is present between the driveway and the existing dwelling, between the driveway and the road, and between the driveway and adjacent properties. Required landscaping will be confirmed through site plan control.*

- f. A minimum of 50% of a rear yard shall be maintained as landscaping.

*100% of the required rear yard appears to be landscaped and will be confirmed through site plan control.*

- g. Bed and Breakfast Establishments shall be subject to site plan control.

*A subsequent application for Site Plan Approval is required prior to applying for a Bed and Breakfast license.*

- h. Bed and Breakfast Establishments shall be subject to licensing.

*The owner understands that a license to operate the Bed and Breakfast Establishment will need to be obtained prior to advertisement and operation.*

Planning Staff are therefore satisfied that the proposed Zoning By-law Amendment is an appropriate modification to Zoning By-law 2018-65.

### Conclusion

Based on the forgoing, Planning Staff have no further concerns or objections. It is Staff's opinion that the proposed Zoning By-law Amendment is consistent with the PPS, the Grey County and Town of The Blue Mountains Official Plans and is appropriate for the lands. Planning Staff therefore recommend that Council enact the Zoning By-law Amendment as attached to this Staff Report. As Council is the approval authority for these types of proposals, Council may alternatively decide to refuse the application if it so wishes. It should be noted that any decision of Council on this matter may be subject to appeal and could result in costs to the Town that are not covered by the fees that have been paid by the applicant.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

#### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

### **F. Environmental Impacts**

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No adverse environmental impacts are anticipated from the recommendations contained in this report.

### **G. Financial Impacts**

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No adverse financial impacts to the municipality are anticipated from the recommendations contained in this report.

### **H. In Consultation With**

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The general public and commenting agencies through the public consultation process.

### **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **October 31, 2023**. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana, [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca).

### **J. Attached**

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1. P3338 Draft Zoning By-law Amendment
2. P3338 Public Meeting Comments (Summary)
3. P3338 Public Meeting Comments (Original)

Respectfully submitted,

Carter Triana  
Intermediate Planner

For more information, please contact:  
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### Report Approval Details

Document Title:	PDS.23.114 Recommendation Report - Follow-up to the Public Meeting - ZBA - 107 Martin Grove Bed and Breakfast.docx
Attachments:	- PDS-23-114-Attachment-1.pdf - PDS-23-114-Attachment-2.pdf - PDS-23-114-Attachment-3_Redacted.pdf
Final Approval Date:	Nov 16, 2023

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

**Shawn Postma - Nov 16, 2023 - 11:41 AM**

**Adam Smith - Nov 16, 2023 - 11:50 PM**