



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: March 19, 2024
Report Number: PDS.24.039
Title: Recommendation Report – Follow-Up to the Public meeting –
Zoning By-Law Amendment for 208579 Highway 26 (Durst)
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A. Recommendations

THAT Council receive Staff Report PDS.24.039, entitled “Recommendation Report – Follow-up to the Public Meeting – Zoning By-Law Amendment for 209579 Highway 26 (Durst)”;

AND THAT Council enact a By-law to rezone the subject lands from Residential One (R1-1) and Hazard (H) to Residential One – Site Specific (R1-1-149) and Hazard (H), and to establish site-specific development standards for the Residential One – Site Specific (R1-1-149) Zone, as outlined in Attachment 1 – Draft Zoning By-law Amendment.

B. Overview

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 209579 Highway 26. The proposal is seeking an amendment to Zoning by-law 2018-65 to construct a single detached dwelling, to redefine the boundary of the Hazard (H) zone, and to request the following site-specific performance standards for the R1-1 zone:

1. A minimum required setback from a Provincial Highway of 8.0m, whereas a minimum setback of 14.0m is required.
2. A minimum required setback from the 177.9 GSC elevation of 7.0m for a dwelling and 4.0m for a deck, whereas a minimum setback of 15m is required.
3. Retaining walls greater than 1m in height to be located within the front, interior side, and rear yards, whereas they are required to be no closer to the front lot line than the main building and no closer than 1.2m from interior and rear lot lines. Specifically, retaining walls will be permitted to be within 0 metres of each lot line.
4. A maximum of 3 storeys, whereas a maximum of 2.5 storeys is permitted.

C. Background

Planning Services received a request for a rezoning of the subject lands to permit the construction of a new single detached dwelling. The subject lands are municipally known as 209579 Highway 26 and are

located in Craighleith. The property is situated between Highway 26 and the Georgian Bay shoreline, with a lot area of 1157.8 m² to the water's edge. The property is accessed from Highway 26, with a frontage of 36 metres. There is an existing single detached dwelling and accessory structure on the lands which are proposed to be demolished. The lands are partially serviced by municipal water and private septic. There are existing single detached residences on either side of the property to the east and west. The general area opposite Highway 26 includes a mix of commercial and residential uses. A location map and aerial of the subject lands are shown in **Figure 1** and **Figure 2**. A watercourse flows through the western portion of the property.

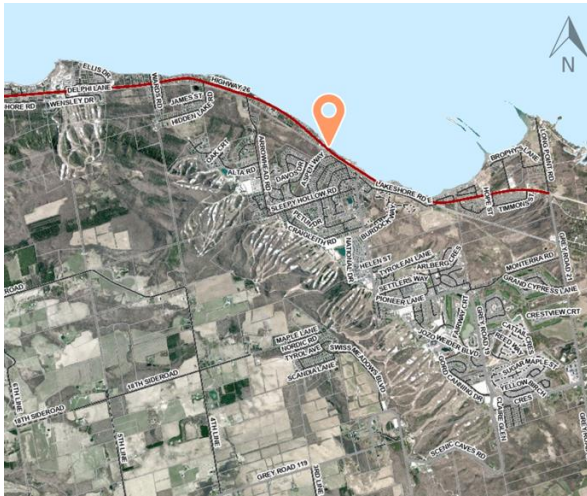


Figure 1. Location Map



Figure 2. Aerial View of the Surrounding Lands

The applicant proposes to construct a new two and a half storey dwelling (as seen from Highway 26) with a walkout basement. The proposed ground floor area of the dwelling is 124 m², with a gross floor area of 248 m², including 43 m² of covered deck. The applicant is seeking a site specific rezoning for the lands, which are currently zoned Residential One (R1-1) and Hazard (H) Zone. A rezoning is required to adjust the boundary of the Hazard (H) Zone, and to establish site-specific performance standards for the R1-1 portion of the subject lands. The proposed site-specific performance standards for the R1-1 portion of the subject lands are discussed below.

- Reduced setbacks to Highway 26 and the shoreline are required to permit the development (and associated approval from MTO and GSCA is also required).
- Retaining walls greater than 1 metre in height also encroach into the front yard, rear yard and interior side yard beyond what is permitted in the Zoning By-law.
- The proposed dwelling is proposed to appear as two storeys from the front lot line along Highway 26, however a rezoning to permit a maximum height of three storeys is being sought to comply with the height definition within the Zoning By-law and recognize the grade change on the property which slopes down towards the shoreline.

Table 1 provides an overview of the existing requirements of the Residential One (R1-1) Zone and the proposed site-specific exceptions.

Table 1. Existing and Proposed Zoning

Performance Standards	Existing Zoning Requirement	Proposed Site-Specific Exceptions
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Setback from Provincial highway	(min.) 14m	8m
Setback from 177.9 GSC elevation	15m	7m for dwelling 4m for deck
Retaining walls greater than 1 m in height	Front yard: no closer than main building Rear yard: no closer than 1.2m Interior side yard: no closer than 1.2m	Front yard: ~2m Rear yard: 0m Interior side yard: ~0.3m
Maximum height (storeys)	2.5	3

It is relevant to note that the Zoning By-law requires a minimum of two parking spaces for single detached dwellings, which are proposed to be provided on the site, representing an improvement from the current condition (currently, parking is provided on the shoulder of Highway 26). As such, the proposed development will comply with the parking requirements of the Zoning By-law.

The portion of developable area on the property is limited in size by the location of Highway 26 to the south and Georgian Bay to the north, creating a shallow lot with minimum setback requirements from the Provincial Highway and 177.9 GSCA elevation mark.

Agency Comments

A Public Meeting was held on February 13, 2024, with written comments received from public agencies. No comments were received from area residents regarding this application. Comments were received from Grey County, Grey Sauble Conservation Authority and the Ministry of Transportation.

All comments received to date have been summarized and full versions of all written comments are included in this report. Planning Staff responses to the summarized written comments are also included.

Generally, there are no remaining concerns of any departments and agencies arising from the proposed development.

D. Analysis

Provincial Policy Statement (2020)

The Provincial Policy Statement (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 notes settlement areas are to be the focus of growth. Development in settlement areas should be based on land uses which efficiently use land and infrastructure available; minimize impacts to the environment and prepare for the impacts of climate change; and are transit and freight supportive and support active transit. The proposed development utilizes an existing residential lot. The lands are serviced by municipal water and private septic, as a sewer connection along Highway 26 is not yet available. Highway 26 connects the subject lands along the south Georgian Bay area from Collingwood to Thornbury. The Georgian Trail traverses along Highway 26 and the coastline, adjacent to the lands.

Section 3 of the PPS aims to protect public health and safety by directing development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. An Environmental Impact Study, a Slope Stability Assessment and a Shoreline Assessment were undertaken in support of the proposed development. The studies recommend several mitigation measures and conditions to ensure that the proposed development can proceed without adverse impacts to the natural hazards on the lands.

Niagara Escarpment Plan

The subject lands are located within the Niagara Escarpment Plan and are designated Escarpment Recreation Area. Single detached dwellings are permitted within this designation. The plan provides that development shall be compatible with the protection of natural heritage and hydrologic features and functions, the conservation of cultural heritage resources and the sustainable use of water resources for ecological and servicing needs. Technical reports including a Shoreline Hazard Assessment, Slope Stability Study and Environmental Impact Study have been conducted in support of the proposed development. Hydrologic features and functions will be protected, and adverse impacts are not anticipated.

Grey County Official Plan

The County of Grey Official Plan is intended to guide development within the whole of the County of Grey and provides broad policy framework to be included in local Municipal Official Plans, Secondary Plans and Zoning By-laws.

The subject lands are designated 'Recreation Resort Area' in the Grey County Official Plan. This designation applies to settlement areas which have developed as a result of site-specific amendments to the County and local Official Plan. This designation consists of a defined development area, specific recreational amenities, and residential development serviced with full municipal services. New development in the RRA designation must serve the public interest by contributing to community recreational amenities and facilitating municipal service infrastructure. The RRA designation shall further strive to enhance recreational and tourism activities encouraging the maintenance and expansion of existing recreation facilities and encourage new land uses that will promote existing recreation facilities.

The proposed development will utilize an existing residential lot for the purpose of constructing a single detached dwelling. The subject property is surrounded by a mix of residential and commercial uses along Highway 26. The new single detached dwelling will be serviced by municipal water and private septic proposed residential development will utilize the existing lot and public infrastructure efficiently and will supplement existing recreational and commercial uses in the area.

Section 7.2 of the County Official Plan notes Hazard Lands include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained areas, and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and/or dynamic beach hazards or have poor drainage, or any other physical condition that is severe enough to pose a risk for the occupant, property damage, or social disruption if developed. Generally, new development is not permitted within the Hazard Lands. Section 7.2(9) of the Official Plan provides policies that must be achieved prior to considering any new development within the Hazard Lands. Namely, the hazard should be addressed and not aggravated; no adverse environmental impacts should result; safe entry shall be maintained; approval is required from the Conservation Authority; and there is no feasible location for the development outside of the Hazard Lands. For the purposes of this application, an Environmental Impact Study, Slope Stability Study and a Wave Uprush study have been prepared to support the proposal.

Given the many unknowns that arise from a context of climate change, County Staff have noted they generally do not recommend setbacks to large bodies of water to be reduced, for reasons of human health and safety, and potential property damage in future. Section 7.13 of the County's Official Plan states: "Under climate change, the risks associated with natural hazards may change and this should be considered as we plan for the future." In this case, the completed studies have put forward a number of recommendations to reduce the potential impact of the hazard on the proposed two-storey dwelling. Should this proposal be approved, it is recommended that these recommendations be implemented at the site-development stage. County Staff have also recognized the size of the lot is quite small and the combined setbacks from the Highway and Georgian Bay result in minimal opportunity for a building envelope that does not encroach on either setback. Ultimately, County Staff have placed a reliance on the Grey Sauble Conservation Authority (GSCA) and their opinion and recommendation for the proposed development. The GSCA has confirmed that they are satisfied that the proposed development is consistent with applicable policies and have no objections.

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' and 'Hazard' in the Official Plan. **Figure 3** provides an excerpt of the Official Plan land use designation for the subject lands. The intent of the Residential Recreational Area land use designation is to recognize areas in the Town with a mix of seasonal and permanent residential and recreational uses and to recognize areas where the location of some residential uses supports and provides access to resort and recreational amenities. Single detached dwellings are permitted in the Residential Recreational Area designation. The surrounding area comprises of a mix of permanent and seasonal residential uses, and provide access to commercial uses and recreational amenities, including Northwinds Beach, Craigeith Provincial Park and Blue Mountain Ski Resort.



Figure 3. Official Plan Land Use Designations

Section B5.2 of the Official Plan provides policies related to Natural Heritage Features. Generally, development is not permitted in significant wildlife habitats, unless it has been demonstrated that there will be no adverse impacts to the natural heritage features or their functions. The policies also prohibit

development within fish habitat, except in accordance with Provincial and Federal requirements. The proposed development is limited to the Residential Recreational Area designation.

The Blue Mountains Zoning By-law

The subject lands are zoned Residential One (R1-1) and Hazard (H) in the Town's Zoning By-law 2018-65. No changes are proposed to the zone categories of the subject lands, other than the realignment of the Hazard (H) zone boundary. However, a site-specific Zoning By-law Amendment is required to permit:

1. A minimum required setback from a Provincial Highway of 8.0m, whereas a minimum setback of 14.0m is required.
2. A minimum required setback from the 177.9 GSC elevation of 7.0m for a dwelling and 4.0m for a deck, whereas a minimum setback of 15m is required.
3. Retaining walls greater than 1m in height to be located within the front, interior side, and rear yards, whereas they are required to be no closer to the front lot line than the main building and no closer than 1.2m from interior and rear lot lines. Specifically, retaining walls will be permitted to be within 0 metres of each lot line.
4. A maximum of 3 storeys, whereas a maximum of 2.5 storeys is permitted.

Figure 4 and **Figure 5** provide excerpts of the current and proposed zoning of the subject property.



Figure 4. Existing Zoning



Figure 5. Proposed Zoning

Retaining walls have been proposed within the front, interior side and rear yards of the property, which are required to support the development and reconstruction. Given the characteristics of the subject property with a limited developable area and the comments received from external agencies and Town departments, there are no concerns with the request to allow retaining walls to be located closer to the property lines, as this will allow for a wider Hazard (H) zone, improved shoreline protections, and appropriate septic system (to be approved through the building permit process).

Similarly, the requested change to minimum setbacks from the front lot line and 177.9 GSC elevation are a result of the characteristics of the property and limited space to accommodate a dwelling and associated septic system. Both GSCA and MTO have provided comments on the proposed setbacks and have not indicated any concerns, subject to filing for the applicable permits. From a zoning perspective,

the proposed setback to the front line is reflective of the character of many dwellings along Highway 26, while still allowing for an improved parking configuration where vehicles will be parking on the subject property rather than on the side of Highway 26.

The Zoning By-law Amendment also proposes to permit a maximum building height of 3 storeys, whereas a maximum of 2.5 storeys is permitted in the Residential One (R1-1) Zone. While the proposed dwelling would appear as two storeys from the front lot line along Highway 26, the request for 3 storeys pertains to the rear elevation of the dwelling as seen from Georgian Bay and compliance with the definition of 'height' as set out within Zoning By-law 2018-65. **Figure 6** provides an excerpt of the definition for 'height' contained within the Town's Zoning By-law.

HEIGHT

Means when used in reference to a *building or structure*, the vertical dimension between the *finished grade* of the wall of such *building or structure* facing the front *lot line* and:

- In the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and,
- In the case of a pitched roof, a point midway between the eaves and the ridge.

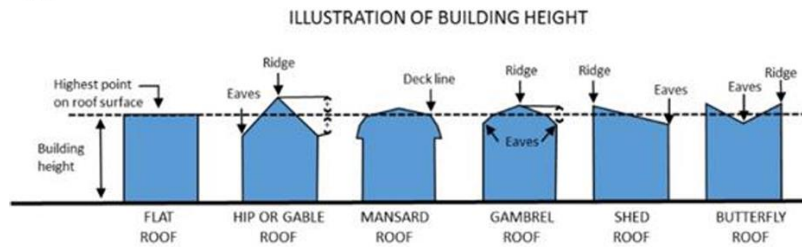


Figure X. 'Height' Definition from Zoning By-law 2018-65

The Town's definition of 'height' is the vertical dimension between the finished grade of the wall of a building facing the front lot line. As the finished grade along the shoreline is lower than that of the property's Highway 26 frontage, with the addition of a walkout basement, the dwelling could potentially be defined as 3 storeys according to the Town's Zoning By-law at the building permit stage. **Figure 7** provides a sketch from the applicant, illustrating the building's conceptually proposed Highway 26 elevation, seen as 2.5 storeys from the front lot line, and side elevation, which appears as 3 storeys.

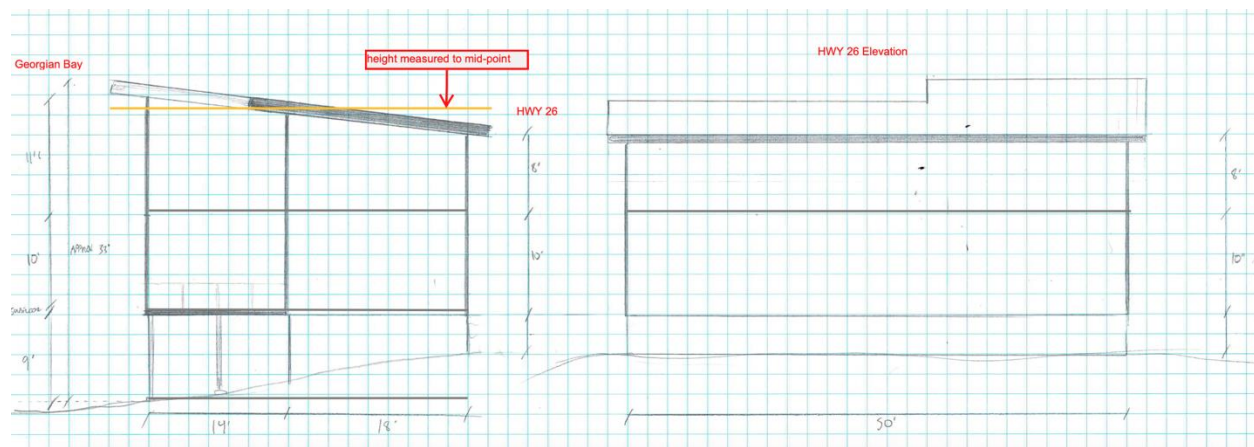


Figure 7. Applicant's Sketch of Building Elevation from Highway 26 and Georgian Bay

In our opinion, the effect of the change from a maximum of 2.5 storeys to 3.0 storeys is negligible, as the building will still be perceived to be 2.5 storeys in height from the street, and there is no change proposed to the maximum building height of 9.5 metres. The applicant has also suggested that the maximum building height can be reduced to 9.144 metres (30 feet) to provide for further assurance that the proposed building will not appear to be 3 storeys in height from Highway 26.

E. Strategic Priorities

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

No adverse environmental impacts are anticipated as a result of the recommendations contained in this report.

G. Financial Impacts

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

H. In Consultation With

Municipal Departments, Agencies, and the general public through the circulation of the Notice of Public Meeting in accordance with the provisions of the Ontario Planning Act.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on **February 13, 2024**. 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 planning@thebluemountains.ca.

J. Attached

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

Respectfully submitted,

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