



# Staff Report

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## Operations

**Report To:** COW-Operations\_Planning\_and\_Development\_Services  
**Meeting Date:** June 11, 2024  
**Report Number:** CSOPS.24.004  
**Title:** 160 Timmons Street Deputation Response  
**Prepared by:** Jim McCannell, Manager of Roads & Drainage

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### A. Recommendations

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THAT Council receive Staff Report CSOPS.24.004, entitled "160 Timmons Street Deputation Response" for their information.

### B. Overview

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This report provides a response to the deputation received by the Owners of 160 Timmons Street on October 30, 2023, as directed by Council.

### C. Background

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On October 30, 2023, the Owners of 160 Timmons Street provided 2 deputations to Council raising the following concerns:

- Building Permits and other property related permits;
- Zoning compliance and parking;
- Drainage;
- Noxious Weeds on Town land; and
- Management of hazard trees on Town land.

### D. Analysis

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The following provides a summary of the issues brought forward by the Owners of 160 Timmons Street and Town staff responses:

#### 1. Building Permits & Other Property Related Permits

The Building Services Division issued Building Permit 2008-365 on July 11, 2008, for the reconstruction of a new dwelling on top of an existing foundation.

All mandatory building inspections regulated under the *Ontario Building Code* were conducted by Building Services staff between July 2008 and November 2020.

Occupancy of the residential building was granted on September 9, 2019.

A final Inspection was completed on October 13, 2020. The inspection concluded that no building code deficiencies were identified, and the building permit was closed.

The deputation presented to Council by the current property Owner on October 17, 2023, incorrectly stated that only one building permit was issued on the property, which was a pool permit. A Building Permit (Permit 2008-265) was issued in 2008 for the reconstruction of the building. It should be noted that the Pool Permit the current Owner referred to, is not considered a "Building Permit", but rather a Pool Permit. The current Owner's statement that the builder was constructing without a building permit is incorrect.

The deputation stated that the property should not have received an Occupancy Permit as there are serious safety concerns with the building. The Building Services Division is not aware of any building concerns and repeated requests by the Chief Building Official to meet with the current Owner to discuss her concerns have been denied.

The Town of The Blue Mountains By-Law Enforcement Services Division issued Pool Permit 2021-0355 on September 28, 2021, for the installation of a rear yard pool. The Pool Permit remains open, pending a final inspection.

The previous Owner completed the construction and renovations. In the spring 2020 the property was sold to the current Owner. Efforts were made by the Operations Division to make parties aware of the parking issues on Town land during the sale. Notice of the deficiencies was provided to the Real Estate Agent representing the previous Owner. See Attachment #2.

The previous Owner did not make application for works on Town lands as is required under Municipal Land Use Permit By-law 2014-65 and resurfaced the existing two entrances with concrete, constructed a small garden and extended concrete parking areas for several cars on the Town lands. Town staff become aware of the works completed in the boulevard through complaints from the neighbours, the operator of the CollTrans bus and finally when Staff attended the site. The previous Owner was informed they had completed works on Town land without the benefit of a Municipal Land Use Permit (MLUP). The parking of the cars abutting the traveled portion of the road were creating a hazard for snow removal operations and eliminated any clear zone between parked cars and those driving. Sight line issues were noticed as the stop sign was blocked at times.

Staff from Operations, By-law, Roads and Drainage and Planning met with the previous Owner on site to explain the need to obtain a MLUP permit prior to completing the works and to create parking areas that comply with the zoning requirements. Staff have corresponded with the previous Owner through emails, letters and on-site visits.

Town staff have worked with the Mortgage Insurance Adjustor, the Ontario Land Surveyor, and staff from Tatham Engineering for over a year to develop a parking design that complies with the Town's current zoning requirements and provides 2 parking spaces for the resident. These works were at the request of the Mortgage Insurance Adjustor. The last correspondence with any of the three parties was September 8, 2023. All correspondence has since stopped. A copy of the site plan created by Tatham Engineering is attached. See attachment #1.

## **2. Zoning Compliance and Parking**

The property is currently zoned R1-1 Residential under the Town's current Zoning By-law 2018-65.

Prior to the issuance of the building permit in 2008, staff at the Building Services Division would have reviewed the former Township of Collingwood Zoning By-law 83-40, to determine if the proposed construction was in compliance with the By-law.

A zoning review includes building setbacks, parking, driveway standards, and confirms compliance with other applicable laws and By-laws. Where there are no proposed changes to the existing building location, size or use, the existing non-conforming setbacks would be deemed acceptable.

Section 5.1.4 (b) of the Zoning By-law states: Existing uses, buildings and structures which have insufficient parking on the date of passing of this by-law are permitted to continue but shall maintain their existing parking and loading areas on private lands. This does not apply to the use of public lands.

The previous Owner also completed the landscaping and driveway features in the Town's Right of Way (ROW). The boulevard area was hard surfaced with concrete and a rock garden feature was added. This work occurred without an approved permit application. An entrance permit is required for the change of surface type. The application for an entrance permit triggers a grading review, a check for hazards to snow plowing and a check against the Town Engineering Standards.

The creation of the two (2) concrete parking areas on the Town lands would not have been approved as the property does not have sufficient lot frontage.

Staff worked with Tatham Engineering to develop a site plan that would meet the Town's requirements. The entrance is set back from the stop sign to reduce the sight line blockage. The design allows room for 2 cars to be parking on private lands. The design is consistent with the other driveways along the street. A copy of the site plan is attached. See attachment #1.

## **3. Drainage**

The rear of the lot is deemed to be Environmental Hazard Lands and Wet Areas by the Grey Sauble Conservation Authority (GSCA). Most of the lot is within the generic regulated area

for the GSCA. The adjacent properties to the east including the unopened section of Hope Street all back onto the same wet area.

Timmons Road is a rural road with open ditches. The subdivision was created in 1954 long before thought was given to storm water management. The ditches sizes and locations vary along the road. The entrances have culverts and there are road crossing culverts along Hope Street to direct storm water out to the Provincial Highway and on to Water Course #6.

On October 18, 2023, a By-Law officer and a Town Roads and Drainage employee attended at the subject property to investigate the complaint in relation to the Hope Street drainage concerns raised by the resident. At that time, it was discovered that there was pipe discharging water onto the Town's Hope Street property. It was subsequently determined that the pipe was coming from the 160 Timmons Street property. The Owner at 160 Timmons has placed the discharge pipe from their sump pump into the Town's road allowance. The storm pipe has been buried in the ground and discharges to the unopened section of Hope Street. This is in contravention of the Town Engineering Standards. The discharge of nuisance water should be directed to a ground level splash next to the house and allowed to flow away from the house in a side yard swale. The concentration and discharge of nuisance water onto the adjacent lands is not an acceptable practice under the *Drainage Act*. These works have been conducted on Town land without the benefit of a permit and are a chargeable offence under By-law 2014-65.

#### **4. Noxious Weeds on Town Property**

The Town does respond to requests for the destruction of noxious weeds. These efforts are limited to areas of higher risk exposure such as adjacent to sidewalks, boulevard areas near parks, or when instructed by the Director such as for the control of wild chervil. The unopened section of Hope Street does not have foot paths or trail connections so is not anticipated to be used by pedestrians. This area would not be sprayed to control the growth of poison ivy or any noxious weeds unless by Order from the Town or Provincial Weed Inspector.

The Town does ask residents to take stewardship of the boulevard areas adjacent to their homes. This includes picking up any garbage, keeping catch basins and culverts clear of debris and controlling noxious weeds by cutting the grass and weeds along the road and ditches.

It appears in this instance the Owner encountered poison ivy while cutting trees and brush on Town land to allow for the excavation and installation of the sump discharge as well as the clearing of the unopened road allowance for their exclusive use.

Upon inspection of the area, it was determined the location of the garbage box is not in compliance with Town policies and is required to be relocated. The Town has requested that this box be relocated. It is also noted that the Owner has laid stone onto Town property which in fact appears to look like an extension of their property. There was no permit for this landscaping to be conducted. In discussions with the Owner, they were advised that this also needed to be removed.

## 5. Management of Hazard Trees on Town Land

The Town is experiencing a problem with Ash trees that are affected by the Emerald Ash Borer. The Town has recognized over 60,000 hazardous trees across the Town. The Town has entered a service contract to remove hazardous trees. When a service request is received to address a hazardous tree such as along Hope Street, Staff attend the area to confirm ownership and condition of the tree. A Work Order is then issued to the Contractor to enter the lands and make the area safe. In most bush lots the trees are brought to the ground to make the area safe. Tree debris is not removed from the site to control costs.

During a high wind event on December 24, 2022, a tree did break apart and crews responded to clean up the debris. A Service Request was received on January 2, 2023, regarding the rest of the tree. A Contractor was used to cut the tree down and make the area safe.

### Recommendations:

Staff is recommending that the current Owner:

- A. obtain a MLUP permit to implement the parking spaces shown on the site plan.  
See Attachment #1
- B. remove the rock garden and concrete areas shown on the site plan and reinstate the boulevard to its original state.
- C. relocate the sump pump discharge to a splash pad adjacent to the house as is the Town standard.
- D. remove the landscaping features encroaching on Town land (unopened section of Hope Street).
- E. relocate the garage box as per the Town Engineering standards.

## E. Strategic Priorities

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### 1. Communication and Engagement

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

### 2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### 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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N/A

## **G. Financial Impacts**

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N/A

## **H. In Consultation With**

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Ryan Gibbons, Director of Community Services

Debbie Young, Interim Manager of By-Law and Licensing

Tim Murawsky, Chief Building Official/Manager of Building Services

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Jim McCannell, Manager of Roads & Drainage [managerroadsdrainage@thebluemountains.ca](mailto:managerroadsdrainage@thebluemountains.ca).

## **J. Attached**

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1. Site Plan from Tatham Engineering
2. Email and Letter provided to the Listing Agent prior to sale.

Respectfully submitted,

Jim McCannell  
Manager of Roads & Drainage

Alan Pacheco  
Director of Operations

For more information, please contact:

Jim McCannell, Manager of Roads & Drainage  
[managerroadsdrainage@thebluemountains.ca](mailto:managerroadsdrainage@thebluemountains.ca)  
519-599-3131 extension 271

### Report Approval Details

Document Title:	CSOPS.24.004 160 Timmons Street Deputation Response.docx
Attachments:	- Attachment 1 Site Plan.pdf - Attachment 2 Email and Letter to Listing Agent.pdf
Final Approval Date:	May 31, 2024

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

**No Signature found**

**Jim McCannell - May 27, 2024 - 3:31 PM**

**Alan Pacheco - May 31, 2024 - 8:12 AM**