Carter Triana

From: Karen Long
Sent: April 25, 2024 10:46 AM
To: Greg Marek
Cc: Town Clerk; Ben Krul; Carter Triana; Adam Smith
Subject: RE: Notice of Public Meeting - May 14, 2024 - NVCA No Comments 25-APR-2024

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Thank you for your email.

Karen Long
Administrative Assistant for Planning Services
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 263| Fax: 519-599-7723
Email: klong@thebluemountains.ca | Website: www.thebluemountains.ca

IMPORTANT INFORMATION

As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Greg Marek <gmarek@nvca.on.ca>
Sent: Thursday, April 25, 2024 10:00 AM
To: Karen Long <klong@thebluemountains.ca>
Cc: Town Clerk <townclerk@thebluemountains.ca>; Ben Krul <bkrul@nvca.on.ca>
Subject: Re: Notice of Public Meeting - May 14, 2024 - NVCA No Comments 25-APR-2024

Good morning Karen,

Thank you for circulating the NVCA the notices of public meeting for the following:

1. ZBA Development "D" Zone provisions update - Town-wide, File No. P3355
2. Proposed Water and Wastewater Allocation Policy

NVCA staff has reviewed the proposed amendments and has no comment.

Best regards,

Greg Marek, RPP, MCIP
Senior Planner

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T 705-424-1479 x242
gmarek@nvca.on.ca | nvca.on.ca

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the original message.

From: Karen Long <klong@thebluemountains.ca>
Sent: Friday, April 19, 2024 11:17 AM
Subject: Notice of Public Meeting - May 14, 2024

Good morning,

Please find attached hereto the Notice of Public Meeting for May 14, 2024.

If you have any questions or comments, please email the Planning Department at planning@thebluemountains.ca

At this time, I trust you find this in order

Karen Long

Administrative Assistant for Planning Services

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 263| Fax: 519-599-7723

Email: klong@thebluemountains.ca | Website: www.thebluemountains.ca

IMPORTANT INFORMATION

As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

Carter Triana

From: planning@grey.ca
Sent: April 30, 2024 11:20 AM
To: Planning General
Subject: County comments for P3355 Development 'D' Zone Provisions

County comments for P3355 Development 'D' Zone Provisions

Hello Mr. Triana,

County staff have no comments for Zoning application P3355 Development 'D' Zone Provisions - Town of the Blue Mountains.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Stephanie Lacey-Avon

County of Grey, Owen Sound, ON

Carter Triana

From: Clinton Stredwick - Environmental Planner <c.stredwick@greysauble.on.ca>
Sent: May 13, 2024 1:45 PM
To: Planning General
Cc: Carter Triana; Alex Maxwell
Subject: GSCA comments

Hi Carter ,

The GSCA has no comments or concerns with regard to applications P3355, P3401, P3402, A2-2024 and A19-2024

Kind regards,

Clinton Stredwick, BES, MCIP, RPP
Environmental Planner

519.376.3076
237897 Inglis Falls Road
Owen Sound, ON N4K 5N6
www.greysauble.on.ca

Grey Sauble
CONSERVATION

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For after-hours non-911 emergencies please call 226-256-8702. Please do not use this number for planning related inquiries. For information regarding properties, visit our website at www.greysauble.on.ca.

Carter Triana

From: Kyra Dunlop
Sent: April 23, 2024 3:57 PM
To: [redacted]
Cc: council; SMT; Town Clerk; Planning General
Subject: FW: D zone (ZBLA)
Attachments: Notice of Public Meeting for Development D Zone P3355.pdf; sept 17 presentation.ppt

Good afternoon Andrew,

I acknowledge receipt of your below comments and attachments regarding the May 14, 2024 Council Public Meeting: Notice of Public Meeting - Proposed Town-wide Zoning By-law Amendment for Development "D" Zone (P3355), and by way of copy I am forwarding same to Council and staff for their review and information.

Your comments will be read aloud at the public meeting and included in the follow-up staff report brought to Council.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: Andrew Pascuzzo [redacted]
Sent: Tuesday, April 23, 2024 3:48 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: D zone (ZBLA)

I am concerned about the potential passing of a ZBLA that would revise the Development (D) Zone permitted uses and provisions. (see attached notice)

I spoke on this matter back in 2018, prior to the new ZBL being approved.

Attached is my presentation from 2018.

Slide 8 references my concerns related to the proposed changes to the D zone. At that time, Council recommended that staff leave the D zone alone. There were a number of concerned ratepayers that spoke on this matter.

By removing single detached dwellings as a permitted use, all properties zoned D would have no ability to be developed on. This is unacceptable. Why would the Town want to zone a property into a zone that allows essentially nothing to be constructed on it??

I would recommend that instead of the Town removing single detached dwellings from the permitted uses of the D zone, which is not good planning in my opinion, that they should instead use forward thinking and good planning to pre-zone the properties to a residential zone either R1 or R2.

At the very least one single detached dwelling, accessory buildings/apartments, and recreational uses, etc.. should be permitted uses in the D zone.

Andrew Pascuzzo MCIP RPP Pascuzzo Planning Inc. www.pascuzzoinc.ca 173 Ste Marie Street, Collingwood, Ontario, L9Y 3K4 Tel: (705)444-1830

The information above is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete the material from your computer.

Henry & Debra Gilas
[redacted]
The Blue Mountains
[redacted]

May 1, 2024

Town of The Blue Mountains Council
Re: Application for Zoning Bylaw Amendment File No: P3355

We support the proposed amendment before Council with the exception of prohibiting the construction of a new home on D-zoned property. We have personally learned first hand that not all such zoned land can be developed with the desired higher density in an economically viable manner.

We are the owners of a small unserviced parcel of D-zoned land east of Peel St. and west of the Little Beaver Creek that at one time fronted on King St. West and currently contains the ruins of a single family dwelling. When this portion of King St. was closed it made our property inaccessible. To regain access to our property so that we could build a home on it for ourselves in the future we purchased the 620' closed road allowance from the Town. Knowing town services were quite a distance away and were not likely to ever be extended to our property we were comfortable with relying on a well and septic system. The property is approximately 3.5 acres in area. It is mostly zoned hazard due to the proximity to the Little Beaver Creek. There is only less than 1/2 of an acre of buildable land that is zoned D in the general area of the existing ruins.

We were encouraged by the Town to develop the property at a density that met with Town and County guidelines. This resulted in a proposal of a maximum of 5 semi-detached lots creating ten units. A planner, an engineering firm and numerous other consultants were engaged to prepare the proposal at a cost to date of close to $100,000. After being presented with estimates of potentially more than $2.1M to service the property and $1.3M in development charges we realized this project was well beyond our means and made absolutely no economic sense. We then considered selling the land to at least recoup what we had spent on the project but were told by realtors that no prudent developer would ever be interested in such a costly venture for a maximum of only ten modest units.

At this point we made the decision to cut our losses and pull the plug on the project. We then reverted back to our original plan to build a home there for ourselves when we retire in the not too distant future.

If the zoning amendment before Council is approved as proposed we will not be able to do anything with our land. It will likely then be rendered worthless forever after purchasing the closed road allowance from the Town and spending a considerable amount of time and money on a failed attempt to develop it. There has recently been a Supreme Court of Canada landmark ruling (Annapolis Group Inc. v. Halifax Regional Municipality) in favour of property owners where government regulations removed most or all reasonable uses of their property. This makes me wonder if what is proposed is even legal.

We respectfully request that Council reconsider the proposal to prohibit the construction of a new home on D-zoned land.

I regret that I cannot appear in person as I am working out of town for the month of May.

[redacted]

Henry Gilas.
cc: Cowan & Vaillancourt LLP

Carter Triana

From: Kyra Dunlop
Sent: May 6, 2024 4:01 PM
To: [redacted]
Cc: council; SMT; Town Clerk; Planning General
Subject: FW: Development D Zone Amendment Zoning By-law 2018.65
Attachments: Development D Zone Amendment Zoning By-law 2018-65.docx

Good afternoon Denis,

On behalf of Corrina I acknowledge receipt of your attached comments with thanks and by way of copy I am forwarding same to Council and staff for review. Your comments will be read aloud at the May 14, 2024 Council Public Meeting regarding the Public Meeting: Development "D" Zone Proposed Zoning By-law Amendment, and included in the followup staff report to Council.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: Denis Martinek [redacted]
Sent: Monday, May 6, 2024 2:56 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Development D Zone Amendment Zoning By-law 2018.65

Dear Corrina,
Please accept the attached comments for the upcoming public meeting on May 14, 2024, regarding an amendment to Zoning By-law 2018-65, update the Development 'D' zone provisions.

Thank you,
Denis

Denis Martinek, CA, CPA
Tyrolean Village Resorts
Cell Phone:[redacted]

Tyrolean Village Resorts 2021 Limited
[redacted] Blue Mountains, Ont. [redacted]
Tel. [redacted]

May 21, 2024

Town of the Blue Mountain

32 Mill St. Box 310, Thornbury, Ontario N0H 2P0

Corrina Giles, Town Clerk (townclerk@thebluemountains.ca)

(By email only)

Attention: Mayor and Members of Council

Re: Update to Development 'D' Zone provisions, amendment to Zoning By-Law 2018-65

Dear Mayor Matrosovs and Members of Council,

I am writing further to my letter dated May 6, 2024, respecting the subject matter.

Please be advised that I have had the opportunity to review and evaluate the proposed zoning by-law amendment further and communicate with Town staff and continue to have significant concerns with the proposed zoning by-law amendment.

First, please be advised that it is our opinion that the proposed Zoning By-law Amendment goes well beyond what is proposed on the Notice provided and for that reason we believe that the Notice given is flawed.

Further, reflecting on the presentation provided by Town staff at the May 14, 2024, Committee of the Whole Meeting, we do not believe that the Committee was fully apprised of the potential ramifications if the Draft Zoning By-law Amendment is proceeded with as the focus of the presentation was on the removal of the permission for the construction of a single detached dwelling on lands located in a Development "D" Zone versus the full implications. Of particular concern is the lack of reference to the implications of removing land use permissions that were carried over from the former Collingwood Township Zoning By-law 83-40, as amended, through the enactment of the current comprehensive zoning by-law. These permissions include agricultural permissions, a proposed commercial lodge development on commercially designated land that is fully serviced, and a greenhouse permission on a Tyrolean property. In addition, we note that the Draft Zoning By-law Amendment affects a development proposal for 138 Kandahar Lane that is currently before the Ontario Land Tribunal.

The removal of development permissions that exist on lands located in a Development "D" Zone will have a significant impact on the value of vacant land and will cause serious financial implications for owners that have secured financial commitments

Tyrolean Village Resorts 2021 Limited
[redacted] Blue Mountains, Ont. [redacted]
Tel. [redacted]

based on the lands highest and best use based on underlying official plan and zoning permissions.

For the reasons stated above, we strongly urge Council to request further information with regard to the implications of the Draft Zoning By-law Amendment. As a minimum, we request that TVR's lands be exempted from the Draft Zoning By-law Amendment.

As noted previously, we continue to object to the Draft Zoning By-law at this time.

Yours truly

[redacted]

Sincerely,

Denis Martinek, President

Tyrolean Village Resorts 2021 Limited

Carter Triana

From: Kyra Dunlop
Sent: May 7, 2024 8:42 AM
To: [redacted]
Cc: council; SMT; Town Clerk; Planning General
Subject: FW: Application for Zoning Bylaw Amendment - Concern Concern (File #P3355)

Good morning,

On behalf of Corrina I acknowledge receipt of your attached comments with thanks and by way of copy I am forwarding same to Council and staff for review. Your comments will be read aloud at the May 14, 2024 Council Public Meeting regarding the Public Meeting: Development "D" Zone Proposed Zoning By-law Amendment, and included in the followup staff report to Council.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

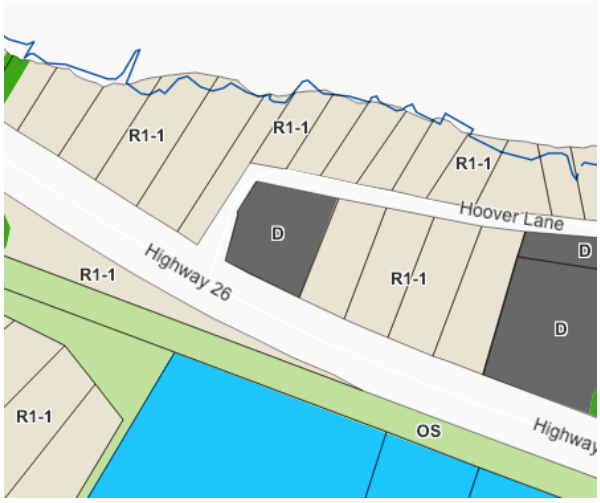
From: Chris S [redacted]
Sent: Tuesday, May 7, 2024 12:41 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Application for Zoning Bylaw Amendment - Concern Concern (File #P3355)

Dear Corrina Giles, Town Clerk,

In the mail we just received a notice of public meeting for a Zoning Bylaw Amendment scheduled for May 14th, 2024 at 9:30am. The proposed amendment has to do with 'D' zoned lands and their permitted uses, which is of great concern to us.

We acquired a vacant lot, and planned to build our retirement home on it. This lot was previously zoned as RERa under the former Township of Collingwood Zoning By-law 83-40. The lot is just under 1 acre, typical shape, and is surrounded by single detached dwellings on R1-1 lots.

Our lot is [redacted]



Reading the proposed provisions, #4 "***Construction of new single detached dwellings on vacant properties are prohibited"*** is of great concern to us as this affects our plan to build a single detached dwelling. We object and wish for it to be retracted from the proposed previsions.

Being a RERa zoned lot under Township of Collingwood 83-40, is there a provision to re-zone our 'D' lot to a R1-1? Should we be submitting an application to do this?

Respectfully,
Chris & Kitty Studiman

I Dale Harbottle ~~are~~ am infavour of the new proposals of the ~~county~~ M1 Zoning ~~Chang~~ Changes. My property that I live at was a existing bunk house and now my home, but apparently illegal. I as well wish to no the outcome when counsil makes the decision.

May 13/024

[redacted] Rear House and 14 Acres [redacted]

Public Mt. ⇒ Application for Zoning Bylaw Amendment.
May 14., 2024

Carter Triana

From: Kyra Dunlop
Sent: May 14, 2024 11:00 AM
To: richard lamp; Carrie Fairley
Cc: council; SMT; Town Clerk; Planning General
Subject: RE: comments for meeting

Hi Richard,

I acknowledge receipt of your below comments regarding today's Public Meeting: Proposed Development "D" Zoning and by way of copy am forwarding same to Council and staff for information and inclusion in the follow-up staff report.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: richard lamp [redacted]
Sent: Tuesday, May 14, 2024 10:59 AM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>; Carrie Fairley <cfairley@thebluemountains.ca>
Subject: comments for meeting

I will send my comment in by email since i cannot open my mic or camera.

Having a 3-storey house approved by LPAT a few years ago, to prevent my 13 acre lot from one house i would object to,

without a secondary plan.

this is as fast as i can type. i have other comments

richard lamperstorfer
[redacted]

Carter Triana

From: Kyra Dunlop
Sent: May 16, 2024 11:22 AM
To: richard lamp
Cc: Town Clerk; council; SMT; Planning General
Subject: FW: comments: Application for Zoning By-law Amendment Development 'D' Zones Throughout the Town File P3355(TBM)
Attachments: PL190155-JUL-16-2019.pdf

Good morning Richard,

I acknowledge receipt of your attached and below comments regarding the May 14, 2024 Council Public Meeting regarding the Development "D" Zoning, and by way of copy am forwarding same to Council and staff for information.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: richard lamp [redacted]
Sent: Thursday, May 16, 2024 9:59 AM
To: Town Clerk <townclerk@thebluemountains.ca>; Corrina Giles <cgiles@thebluemountains.ca>
Subject: comments: Application for Zoning By-law Amendment Development 'D' Zones Throughout the Town File P3355(TBM)

To council,
These are my first comments about the subject, and will be followed with perhaps two more, before the deadline to submit, being late May.

For some early history, context, please read attachment first,
LPAT File No. PL190155 Lamperstorfer v. The Blue Mountains (Town)

Further, my comments to subject application involve the larger picture, scope, including Campus of Care proposal, allotment of services via points-based scoring system--public meeting same day as subject, titled 'Proposed Water and Wastewater Allocation Policy, misnamed Campus of Care Peel Street servicing proposal,
proposed Bill 185 changes to definition of affordable, or attainable, to a municipality context due perhaps June 1st, 2024. ("sure, it's a long sentence")

So, times change, i get that. Just as a Wake Park proposal on Town Employment Zone land is no longer supported(by upper levels of government), by TBM Municipal Planning, I accept that building one detached house on existing 'D' acreage in West Thornbury may/should no longer be supported, period.

For "the greater good". Yet, is it justified, justified with Campus of Care MZO/CIHA on recently zoned 'D' land outside Thornbury West urban
containment boundary? No! I argue that is sprawl and consumes the allotment of services, services that should be reserved to long term owners
of Thornbury 'D' land, allotments to be removed by Town requested CIHA, for what now appears a "real estate development disguised as LTC"
as a commenter submitted. It's hard not to agree, as the scope has changed, the purpose has changed, and BIll 185 will diminished the expected
return, that being the price of the five-storey rental apartments in a municipal context, read "not affordable", read extensive outdoor paved parking lots.

Further, examples in Carter Triana's 'presentation photos' are just some of the examples of poor planning, planning neglect, ignorance of highest and best land use.
For example, how many acres of Thornbury West future planning area 'D' land is being used bound by Napier St W, Albert Street, 10th Line, Duncan Street W, watercourse? (see Carter & Carter builder signs on Napier for scope) for just another 'trophy house' ? This Land, lost forever to density, to highest and best use, to families, to "walkability", being excessive frontage feet, making viable TBM servicing ability cost, future cost, absurb, and future sprawl, assured.
Blame 1977 zoning yet? I do.

So, should TBM prezone, or start a Secondary Plan? Yes.

Should Campus of Care developers be allowed to consume Thornbury West & East 'D' lots service allotments? No.

Will I allow my previous LPAT win, planning dept-supported three-storey detached and mid-lot prevent same via subject application?
same three-storey on corner one corner of the property witt yet anothr public NIMBY shadow risk NO?
Maybe, as times change. Environment first. Sprawl last. And, it depends?

thank you,
h. richard lamperstorfer

part 2 soon, as one never knows where the Ontario gov goalposts will move, in days, weeks, by the end of May.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: July 16, 2019 **CASE NO(S).:** PL190155

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	H. Richard Lamperstorfer
Subject:	Minor Variance
Variance from By-law No.:	Town of Thornbury Zoning By-law 10-77
Property Address/Description:	Beaver St. S and 10th Line- Thornbury
Municipality:	Town of The Blue Mountains
Municipal File No.:	P2723
LPAT Case No.:	PL190155
LPAT File No.:	PL190155
LPAT Case Name:	Lamperstorfer v. The Blue Mountains (Town)

Heard: July 5, 2019 in Thornbury, Ontario

APPEARANCES:

Party	**Counsel**
Town of The Blue Mountains	L. Longo
Richard Lamperstorfer	Self-represented

MEMORANDUM OF ORAL DECISION DELIVERED BY HELEN JACKSON ON JULY 5, 2019 AND ORDER OF THE TRIBUNAL

[1] Richard Lamperstorfer (the “Applicant”) applied for relief from Zoning By-law No. 10-77 (“ZBL”), as amended, to permit the construction of a single detached three storey dwelling and accessory structure (covered tennis court) for his property as noted above. The Town of The Blue Mountains (“Town”) Committee of Adjustment (the “COA”) refused the application. The refusal was appealed to the Tribunal as is described further herein.

[2] The variance relief requested was for a building height of three storeys for a single detached dwelling, whereas a maximum height of 2.5 storeys is permitted in the Development (D) zone; relief to permit a maximum height of 16.0 metres (“m”) for a detached accessory structure, whereas a maximum height of 4.5 m is permitted; and relief to permit a maximum building height of 11.0 m and 16.0 m for a single detached dwelling and detached accessory structure, respectively, whereas a maximum height of 10.5 m is permitted.

[3] At the commencement of the hearing, the Tribunal was advised that the Applicant no longer required variance relief to allow the covered tennis court, as he no longer intended to construct the accessory structure.

[4] Pursuant to s. 45(18.1) of the *Planning Act* (the “Act”), the parties requested the Tribunal consider an amended application to include only the variances related to height for the single detached dwelling. The Tribunal exercised its discretion pursuant to s. 45(18.1.1) of the Act and is satisfied that with the removal of variances required to permit the tennis court, the change to the application is minor and no further notice is required.

[5] Travis Sandberg, the Planner with the Town responsible for this application, was qualified to provide land use planning opinion evidence specific to this matter at the hearing. His uncontested evidence was in support of the amended application.

[6] Andrew Saunders, a nearby neighbour, attended the hearing. He expressed his support with the amended application.

REQUESTED VARIANCES

[7] The amended application requests relief from the ZBL, as amended, subject to Conditions requested by the Town, which were agreed to by the Applicant, as follows:

> VARIANCES:
>
> 1. Relief from Section 13.2(a) to permit a maximum height of three storeys for a single detached dwelling, whereas a maximum height of 2.5 storeys is permitted in the Development (D) zone;
>
> 2. Relief from Section 6.3(a) to permit a maximum building height of 11.0 m for a single detached dwelling, whereas a maximum height of 10.5 m is permitted.
>
> CONDITIONS:
>
> 1) That an adequately dimensioned site plan sketch depicting the location of the proposed dwelling and its associated driveway access to Beaver Street South is provided with the future building permit application, to the satisfaction of the Town of Blue Mountains Building Services Division;
>
> 2) That any permits required for the development are applied for and received from the Grey Sauble Conservation Authority, prior to the submission of a building permit application; and
>
> 3) This variance to the zoning by-law is for the purpose of obtaining a building permit and is valid for a period of two years from the date of the decision only. If a building permit has not been issued by the Town within two years, the variance shall expire on July 5, 2021.

ISSUE

[8] Section 45(1) of the Act allows the Tribunal to authorize variances to a zoning by-law where the variance is minor; is desirable for the appropriate development or use of the land, building or structure; maintains the general intent and purpose of the Official Plan; and maintains the general intent and purpose of the zoning by-law. The Tribunal must be satisfied that all four tests are met in order to authorize the requested variances.

EVIDENCE

[9] Mr. Sandberg gave a brief overview of the planning merit of the amended application, referencing his planning report provided in Exhibit 1, Tab 11. He testified that the lands are within a Future Secondary Plan Area, which is an area intended for future development at such a time that additional lands are required to accommodate future growth. A single detached dwelling is permitted as of right, subject to applicable provisions of the ZBL.

[10] He testified that the amended application which requests a three storey, 11 m height single family dwelling, meets the general intent and purpose of the Official Plan which is to maintain a low density and low height profile. Given the large lot and location near trees, any excess in height is mitigated by the site context. Similarly, the general intent and purpose of the ZBL is maintained by the amended application, as a generally low height profile is maintained. He also indicated that the amended application results in a home that is desirable and appropriate as the use is permitted, and the dwelling is proposed to be within the Grey Sauble Conservation Authority Regulated Area, but outside the Hazard Lands. A permit from the Grey Sauble Conservation Authority will be required for the proposal. Mr. Sandberg testified that the requested relief for the amended application is minor, as the impact on the surrounding lands is minor given the location of the house, and the presence of setbacks and the tree line that acts as a buffer will soften the impact of the excess height above the limit of the ZBL.

[11] Mr. Sandberg testified that the three requested Conditions are appropriate, and that with these Conditions, the amended application meets the four tests of the Act and should be approved.

ANALYSIS AND FINDINGS

[12] The Tribunal has considered the uncontroverted evidence provided at this hearing. Based on this evidence the Tribunal finds that the amended application and

requested variance for height to permit a new single detached dwelling meets the intent and purpose of both the Official Plan and the ZBL. The Tribunal is satisfied that the variance relief for height is minor and that there is no undue adverse impact that will arise from this development. The Tribunal finds this to be a desirable and appropriate development of the lands.

ORDER

[13] The Tribunal allows the appeal and authorizes the requested variance to Zoning By-law No. 10-77, as amended, subject to the Conditions, all as provided in paragraph [7] above.

"*Helen Jackson*"

HELEN JACKSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Carter Triana

From: Kyra Dunlop
Sent: May 17, 2024 1:05 PM
To: richard lamp
Cc: council; SMT; Town Clerk; Planning General
Subject: FW: 2nd comments: *Application for Zoning By-law Amendment Development 'D' Zones Throughout the Town File P3355(TBM)
Attachments: PDS.20.102 Minor Variance A09-2020.asd.pdf

Hi Richard,

I acknowledge receipt of your attached and below comments regarding the May 14, 2024 Council Public Meeting regarding the Development "D" Zoning, and by way of copy am forwarding same to Council and staff for information.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: richard lamp [redacted]
Sent: Friday, May 17, 2024 1:03 PM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>; Town Clerk <townclerk@thebluemountains.ca>
Subject: 2nd comments: *Application for Zoning By-law Amendment Development 'D' Zones Throughout the Town File P3355(TBM)

Council,
As a further history of Thornbury West 'D' zone, please read attachment first,
Staff Recommendation Report PDS.20.102 regarding Minor Variance A09-2020,

which I and others challenged at CoA meeting, trying to retain "highest and best future use" of lands, and our land,
the applicant's subject lot bordered
by Peel Street South, 113 / Alfred St S, and 10th Line,
and being opposite Tomahawk Recreation Centre.
Decision: variance failed.

So, my point is, if TBM fails to educate and protect the Future Development 'D" zones, specifically Thornbury West (where next door TBM ask for MZO/CIHA prematurely jumped Peel Street into Lora Bay for density, jumped the waiting line for water/sewage allotments)
then,

the risk of poor decisions of persons, landowners/purchasers, those decisions including single family houses or farm or expanded farm use, will perhaps continue,
continue until the shortest distance for "all", distance A to B, for future pipes, sidewalks, children, will just become suburbanish car-centric sprawl, soccer parent(s)
or,
perhaps infill of the primary settlement area & an isolated "Campus"of renters/seniors
& farms with stray-spray across from Town largest park land, Tomahawk.

So, today, I suggest an actual freeze for new builds, additions, thereby being able to seek other levels government (read taxpayer) funds for studies,
studies for a Secondary Plan or Prezoning per the *presentation, other(I'm not a planner)
I'm sure money is there for the asking, for housing anyway!
just don't ask for money for the under 55 age group, for Greens,
and,
perhaps not for studies for a cable park, ferris wheel, or pickleball court on actual employment.(land)

thank you,
h. richard lamperstorfer

attachment

This document can be made available in other accessible formats as soon as practicable and upon request

Staff Report

Planning and Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: October 21, 2020
Report Number: PDS.20.102
Subject: Minor Variance A09-2020 Beaver Hops Inc.
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.20.102, entitled "Minor Variance A09-2020 Beaver Hops Inc.";

AND THAT the Committee of Adjustment GRANT Minor Variance A09-2020 to permit a 538 sq.m. accessory building to have a maximum height of 6.5m and to permit a minor encroachment into the front yard, subject to the following conditions:

1. That the structure be sited within the recommended building envelope, as outlined on the attached site sketch;
2. That the structure shall be used solely for personal use and storage purposes as accessory to a residential use only;
3. And that this variance is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on October 21, 2022.

B. Overview

This report provides review and recommendations regarding Minor Variance A09-2020. A decision on the application as deferred by the Committee at the August 19, 2020, Committee of Adjustment Hearing in order to allow the applicant opportunity to revise the application and address comments and concerns raised by the public and planning staff.

C. Executive Summary

Application File # P2882

Application Received Date: June 4, 2020

Application Deemed Complete Date: June 16, 2020

Official Plan Designation: Future Secondary Plan Area

Zoning Bylaw Designation: Development "D", per Thornbury Zoning By-law 10-77

Location: Thornbury-West Service Area

The Town received an application for minor variance requesting relief from the provisions of Zoning By-law 10-77 in order to permit the construction of a 538 sq.m. detached accessory structure on the subject lands. The original application was heard by the Committee on August 19, 2020, and was requesting the following relief:

1. To permit a maximum height of 10.0m for an accessory structure, whereas Section 6.1(iv) permits a maximum height of 4.5m; and
2. To permit an accessory structure to be constructed in the front yard, whereas Section 6.1(v) does not permit accessory structures in the front yard.

Staff Recommendation Report PDS.20.69 recommended refusal of the application as the proposal did not meet the four tests of a minor variance, as outlined by the *Ontario Planning Act*. Comments were also received from the general public identifying the following concerns:

1. Siting and massing of the proposed building is incompatible with future residential development of the "triangle block area";
2. Not the highest and best use of Development "D" zone;
3. Privacy concerns related to building height and second floor exterior deck;
4. Noise; and
5. Visual impact.

As a result of Staff Recommendations and comments received from the general public, the applicant requested the application be deferred to allow the property owner an opportunity to revise the proposal to address the concerns identified. The revised application now before the Committee of Adjustment includes the following variance requests:

1. To permit a maximum height of 6.5m for an accessory structure, whereas Section 6.1(iv) permits a maximum of 4.5m; and
2. To permit an accessory structure to be constructed in the front yard, whereas Section 6.1(v) does not permit accessory structures in the front yard.

D. Background

The subject lands are located at the intersection of the 10th Line, Peel Street South, and Alfred Street West, in the Town of Thornbury settlement boundary. The property is currently developed with a single detached dwelling, constructed circa 1880, with an existing building footprint of approximately 79 sq.m. An existing agricultural building (barn) also exists on the property, constructed circa 1972, with an approximate building footprint of 273 sq.m. A portion of the property is within an area regulated by the Conservation Authority due to the presence of a watercourse which bisects the property east to west.

The lands are within a *Future Secondary Plan Area*, as designated by the Official Plan, 2016, and are currently zoned *Development (D)* and *Hazard (H)* by Comprehensive Zoning By-law 2018-65.

The Council of The Town of The Blue Mountains approved Comprehensive Zoning By-law 2018-65 on November 29, 2018. In approving Comprehensive Zoning By-law 2018-65, Council chose to keep all *Development (D)* and *Deferred Development (DD)* zones of the Town of Thornbury Zoning By-law 10-77 or the Former Township of Collingwood Zoning By-law 83-40 in full force and effect. As such, the lands are subject to the *Development (D)* and *Hazard (H)* zone policies of the Town of Thornbury Zoning By-law 10-77.

The applicant wishes to construct a detached accessory structure on the subject lands. This new structure is to be an accessory use to the existing residential dwelling on the lot. The detached accessory structure is proposed to be 538sq.m. in area with a maximum height of 6.5m, as defined by the Zoning By-law. The new structure is also proposed to be located in the front yard of the lot. To facilitate this development the applicant has applied for the following relief from the provisions of Zoning By-law 10-77:

1) To permit a maximum height of 6.5m for a detached accessory structure, whereas Section 6.1(iv) permits a maximum height of 4.5m for accessory structures; and
2) To permit a detached accessory structure to be located in the front yard, whereas Section 6.1(v) does not permit detached accessory structures in the front yard.

<u>Application Revisions</u>

The following revisions have been made to the original application for the Committee's consideration:

1. Proposed building height has been reduced from 10.0m to 6.5m;
2. The general building location has been slightly modified:
   - Setback from Peel Street has been increased from 230.5m to 250.3m;
   - Setback from 10th Line has been increased from 21.2m to 36.5m.

3. The general footprint of the building has been revised from a generally rectangular shape to an "L" shape configuration. The total floor area has also been reduced from 555 sq.m. to 538 sq.m; and
4. An additional site entrance from Alfred Street West has been incorporated.

Summary of Received Comments:

At the time of writing this report, no comments had been received from commenting agencies regarding the revised application.

At the time of writing this report, comments were received from neighbouring property owners indicating the following concerns:

- The proposed building is more than 1.4 times the permitted height.
- The proposed building is to be located in the front yard.
- The proposed building, as sited and massed, is incompatible with the future residential development of the triangle block area - which area includes the subject property and the three properties south of it.
- The proposed building may not reasonably be considered an accessory structure at all as it is 7 times the size of the abandoned house on the property. It is a mega barn. It is 5 times the size of the circa 1890 barn located on [the individual's] property.

LPAT Decision PL190155 (Minor Variance A05-2019)

It is noted that the Committee of Adjustment reviewed Minor Variance A05-2019 in the summer of 2019, relating to a variance request in the immediate area of the subject lands. Minor Variance application A05-2019 included similar requests as the subject application, including:

1) To permit a maximum height of three (3) storeys for a Single Detached Dwelling, whereas Section 13.2(a) permits a maximum height of 2.5 storeys in the Development "D" zone;
2) To permit a maximum height of 16.0m for a Detached Accessory Structure (indoor tennis court), whereas Section 6.1(iv) permits a maximum height of 4.5m for accessory structures; and
3) To permit maximum building height of 11.0m and 16.0m for a Single Detached Dwelling and a Detached Accessory Structure, respectively, whereas Section 6.3(a) permits a maximum building height of 10.5m for all structures.

The Committee of Adjustment refused Minor Variance A05-2019 as the application was found to not meet the four tests of a minor variance. The decision of the Committee was subsequently appealed to the Local Planning Appeal Tribunal (LPAT). It is noted that the application was amended during the LPAT hearing to remove the requests related to the accessory structure. Ultimately, the LPAT granted a variance to permit a maximum dwelling height of three-storeys and 11.0m for the lands.

While minor variances are evaluated on their own individual merit and previous decisions of the Committee of Adjustment are not precedent setting, Planning staff considered LPAT decision PL190155 in the review of the subject application. Specifically, that the LPAT process highlighted additional height allowances may be considered in the Development "D" zone, subject to appropriate siting on the site.

E. Analysis

Pursuant to Section 45(1) of the Planning Act, the Committee of Adjustment is authorized to grant variances to by-laws enacted by the Town, established to implement the Official Plan. Staff have reviewed the proposal against the four tests as outlined in the following sections and matters of provincial interest including the Provincial Policy Statement.

Ontario Planning Act

The Ontario Planning Act requires that in making planning decisions, the Committee must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and the Provincial Policy Statement, as outlined by Section 3 of the Act. Based on review of the pertinent policies, Staff generally have no concerns with respect to the provisions of the Ontario Planning Act and matters of provincial interest.

Provincial Policy Statement, 2020

The PPS provides more detailed policy direction regarding matters of provincial interest related to land use planning and development. All planning matters in the province must be consistent with the direction of the policies of the PPS.

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. Growth and intensification are directed to existing Settlement Areas where appropriate infrastructure is available.

The subject lands are within a designated growth area identified by the Official Plan. The lands are intended for future development at such a time that it is required to accommodate growth in the Town. Development of the lands that will impact the viability and potential to achieve efficient development and land use patterns within the Settlement Area should be avoided.

Without the benefit of a community approved Secondary Plan in place, the long-term uses for the land and area have not been determined. However, it is anticipated that uses in the Future Secondary Plan Area will be urban in scale and nature, and not agricultural or rural. It is noted that the proposed location of the structure appears to remain contrary to the direction of Section 1.1.3.6 of the PPS, which requires:

> "… new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for efficient use of land, infrastructure and public service facilities".

Planning Staff are not satisfied that the proposed revised building location is consistent with the direction of Section 1.0 of the PPS with respect to efficient use of land within a designated growth area within a Primary Settlement Area. The proposed revised building location appears to be generally similar as the initial proposal and remains to pose potential challenges in achieving efficient, cost-effective, and compact development patterns and densities for the future development of the Secondary Plan Area. It is recommended that the proposed structure be shifted further south to be located within the easterly exterior side yard of the property to the greatest extent possible (See **Figure 3)**. This will allow for greater variety and flexibility in the subsequent future planning and development of the Secondary Plan Area. Provided that the structure is located substantially in accordance with Figure 3, Planning Staff are satisfied that the proposal is consistent with the direction of Section 1.0 of the PPS.

Section 2.0 of the PPS promotes long-term prosperity, environmental health, and social well-being of the province through the conservation and protection of resources. No natural heritage features or other resources of Provincial interest are identified on or within 120m of the subject lands. Staff are satisfied that the proposal is consistent with the direction of Section 2.0 of the PPS.

Section 3.0 of the PPS aims to protect public health and safety by directing development away from areas of natural and man-made hazards. The proposal is consistent with this direction as the proposed development maintains an appropriate setback from the known watercourse.

Subject to the recommended conditions outlined in this report, Planning Staff are satisfied that the proposal is consistent with the intent of the Provincial Policy Statement.

The County of Grey Official Plan, 2018

The County of Grey Official Plan (2018) designates the subject lands as “Primary Settlement Area” and “Hazard”. No development is being proposed in the Hazard designation.

The “Primary Settlement Area” designation applies to larger settlements with full municipal services and a wide range of uses, services, and amenities which are intended to be the primary target for residential and non-residential growth. Within Settlement Areas, the County Plan establishes an overall intensification target of 15% for new growth. Residential intensification in the Town of The Blue Mountains is set at a target of 10%, with a density target of 20 units/hectare in Primary Settlement Areas.

In accordance with Section 3.5, land use policies and development standards in areas designated Primary Settlement Areas will be in accordance with local official plans and/or secondary plans. Where there are existing partially serviced or non-serviced areas in Primary Settlement Areas, development must proceed in accordance with approved local official plans or official plan amendment policies.

Provided that the proposal is consistent with the intent and direction of the Municipal Official Plan, there would be no concerns with respect to the requirements of the County Official Plan. An analysis of the general intent and purpose of the Town’s Official Plan is provided below.

Four Tests of a Minor Variance

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

A1 The Community Vision and Guiding Principles

To implement the vision for the Town, Guiding Principles are included in the Official Plan that are forward thinking and speak to the type of healthy and complete community the Town of The Blue Mountains is and wishes to continue to be. Various guiding principles relate to the nature and character of the Town and development. Specifically, the following guiding principles are included in the Official Plan:

- To ensure that land use planning decisions made in the Town provide the basis for managing growth that will support and emphasize the Town's unique character, diversity, civic identify, recreational/rural based lifestyle, tourism destinations, natural heritage and cultural heritage and to do so in a way that has the greatest positive impact on the health of the community and quality of life enjoyed by residents and business owners alike;

- To provide an opportunity to create compact neighbourhoods with a range of services that includes necessary amenities and transportation options that affords equitable access to the ingredients of what makes for economically and socially viable neighbourhoods;

- To ensure that the character of existing and well-established residential neighbourhoods is maintained and enhanced by ensuring that development and redevelopment is compatible, in terms of built form and street pattern, with the character of adjacent buildings and neighbourhoods and the scale and density of existing development.

While the character of the Future Secondary Plan Area in Thornbury is intended to ultimately be established through a future Secondary Plan process, it is expected that development in the Future Secondary Plan Area will complement the existing built form of the Thornbury/Clarksburg Settlement Area. It is noted that the existing character and built form of the Thornbury/Clarksburg community is generally urban in nature and is pre-dominantly characterized by buildings (and by extension accessory buildings) with generally low-height profiles.

Section A2 of the Official Plan identifies the Thornbury/Clarksburg Settlement Area as the main concentration of urban activities, such as commercial, residential, cultural and governmental functions of the Town. It is intended that the settlement area will continue to function as a place of symbolic and physical interest for residents and visitors. Consistent with the Guiding Principles outlined under Part A1 of the Plan, it is generally intended that all new development in the Thornbury/Clarksburg Settlement Area will respect the character of the community and established neighbourhoods while making efficient use of infrastructure.

Future Secondary Plan Area and *Hazard* Designation

The subject lands are designated *Future Secondary Plan Area* and *Hazard* in accordance with the Official Plan. The intent of the *Future Secondary Plan Area* designation is to:

- Identify lands intended to be developed in the future, when additional lands are required for development;
- Allow for the continued, interim use of these lands provided any use, buildings or structures are constructed and located in a manner which would not adversely affect the long-term development of the lands;
- Identify lands for which additional study is required to determine its ultimate land use; and
- Establish the process by which these lands will be designed for development in the Official Plan.

Permitted uses in the *Future Secondary Plan Area* designation are limited to one single detached dwelling per lot of record, accessory uses, agricultural uses (new agricultural buildings are not permitted) and uses which legally existed at the time of passing of the Official Plan.

Planning staff are not satisfied that the revised location of the proposed structure maintains the intent of the *Future Secondary Plan Area* designation. Specifically, the general intent of the Official Plan is that accessory structures be limited in size and sited appropriately in order to remain subordinate to its primary use (in this case a residential dwelling). While the proposed height of the structure may maintain the structure as "accessory", when considering the proposed location, the combined effect would appear to result in a contradictory relationship to that intended of an accessory building being normally incidental and subordinate to the main residential building/use, as found elsewhere in the Thornbury/Clarksburg Settlement Area. The size and massing of the proposed structure in addition to the revised location would effectively render the main residential building/use to a secondary and subordinate role.

In addition to the above, it remains unclear to planning staff that the proposed revised location of the proposed accessory structure would not adversely impact the long-term development potential for the lands. In order to maintain the accessory nature of the structure and to provide maximum flexibility in the future planning and development of the Secondary Plan Area, it is recommended that the proposed structure be relocated into the easterly exterior side yard to the greatest extent possible. This will help to maintain primacy of the residential use of the lands and to maintain maximum flexibility in the future Secondary Plan exercise to achieve efficient, cost-effective, and compact development patterns and densities, as contemplated by the *Future Secondary Plan Area* policies of the Official Plan.

Subject to the conditions outlined in this report, Staff are satisfied that the proposal maintains the intent of the *Future Secondary Plan Area* policies.

The intent of the Hazard designation is to identify lands having inherent environmental hazards or hazards that exhibit instability, poor drainage, or any other physical condition which is severe enough to pose a risk to public health and safety if developed. Buildings and structures are generally not permitted within the Hazard designation and development may only occur when the hazards can be safely addressed, no environmental impacts will result, the development does not include institutional uses or emergency services or involve hazardous substances, the

Grey Sauble Conservation Authority and County of Grey are satisfied with respect to mitigation effects on natural heritage features, and there is no feasible location outside of the Hazard Land designation.

Planning staff have no concerns with respect to the policies of Section B3.13.

B2.13 Height

Section B2.13 limits the height of all buildings and structures to a maximum of 11.0m and/or three storeys, except for those which by nature require a greater height, such as barns, silos, water towers, etc. (which is not the case for this application).

The height provisions of the Official Plan are considered maximum provisions and the implementing Zoning By-law may further establish lower height restrictions for specific zoning categories based on the intended character of development for the respective zone.

Official Plan policy to restrict height based on intended character of development is purposeful and is meant to be implemented by appropriate Zoning By-law provisions. Zoning By-law 10-77 establishes maximum height requirement of 2.5 storeys for residential dwellings and 4.5m for accessory structures. The lesser allowable height for an accessory building in the Zoning By-law is intended to ensure that such buildings are subordinate in scale and massing to the main use (in this case a residential dwelling) and is an implementation of current Official Plan policy. The proposed height of 6.5m for the structure does not appear to independently offend the policies of the Official Plan.

A request for an increase in maximum building height for an accessory structure may be supportable, however, in considering the collective merit of the requests and the effect of the application, Planning staff recommend that the building be located closer to the rear lot line in order to utilize the existing dwelling as an additional visual buffer from the 10th Line and to maximize future development potential of the parcel. Subject to the conditions outlined in this report, Staff are 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 *Development (D)* and *Hazard (H)* by the Town of Thornbury Zoning By-law 10-77.

The *Development (D)* zone allows some limited development under strict controls in order to ensure the long-term viability and development potential of the lands are protected until such a time that a secondary plan is completed, in accordance with the Official Plan. No development in the *Hazard (H)* zoned portion of the lot is proposed with this application.

One single detached dwelling is permitted within the *Development (D)* zone on an existing lot of record, without amendment or variance, in accordance with the provisions of Section 13 of the By-law. Detached accessory structures are also permitted on the lands, subject to Section 6.1 of the By-law.

General provision 6.3(a) of By-law 10-77 identifies a maximum permitted height of 10.5m for all buildings and structures within the Town of Thornbury. However, Section 6.1(iv) further provides a maximum height of 4.5m for detached accessory structures. The general intent and purpose of establishing a maximum height for a detached accessory structure is to ensure that the structure remains accessory and subordinate to the main building/use on the land. It is also noted that Zoning By-law 2018-65, which is informative but not determinative in the review of planning application in the Development "D" zone, permits a maximum building height of 5.0m for private garages in all zones.

The applicant proposes an accessory structure of a height of 6.5m as defined in the Zoning By-law and to locate the proposed structure in the front yard of the property. This accessory building is intended to be used "solely for personal uses and storage" of the occupants of the residence including for storage of boats, recreational vehicles, and equipment of the maintenance of the lands.

Section 6.1(v) of Zoning By-law 10-77 prohibits detached accessory structures from being located in the front yard. Section 2.127 of Zoning By-law 10-77 defines the front yard as a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot. In the case of the subject lands, the front lot line is that abutting Peel Street South.

The general intent and purpose of Section 6.1(v) of the Zoning By-law is to direct detached accessory structures to the rear or side yard of properties at an equal or greater setback from the front lot line than the main building/use. The intent of this provision is to establish a streetscape and buffer to the public realm, to recognize the primacy of the main use of the land (in this case a residential dwelling) and sufficient space for general property maintenance is available.

Taking into consideration the scale and massing of the proposed accessory building and its proposed revised location, in the opinion of Planning staff, it would be contrary to the character and streetscape for a residential main use. There is ample space available on the lot to shift or pivot the footprint of the proposed building to achieve better conformity with the intent of the provisions of the Zoning By-law.

There has been no hardship justification offered as to why the proposed structure cannot be otherwise located on the property with better zoning conformity. While Planning Staff agree with the submitted planning cover letter stating that the existing dwelling location precludes the ability for the structure to be located in the rear yard of the property, it is noted that there appears to be sufficient space within the site to locate the proposed structure in closer compliance to the Zoning By-law within the exterior side yard of the lands, and oriented behind the dwelling along the 10th Line street frontage. Such a location would be more in keeping with the intent of the Zoning By-law and a minor variance would generally not be required. In the context of this application, the recommended location would be less prominent from view from the street and the public realm, primacy of the main dwelling would be promoted, and the future development potential of the lands would be maximized as the residential structure and

accessory building could be included on one compact lot with limited impact on the development potential for the remaining portions of the property (see **Figure 3**).

Subject to the conditions outlined in this report, Planning staff are of the opinion that this application meets the general intent and purpose of Zoning By-law 10-77.

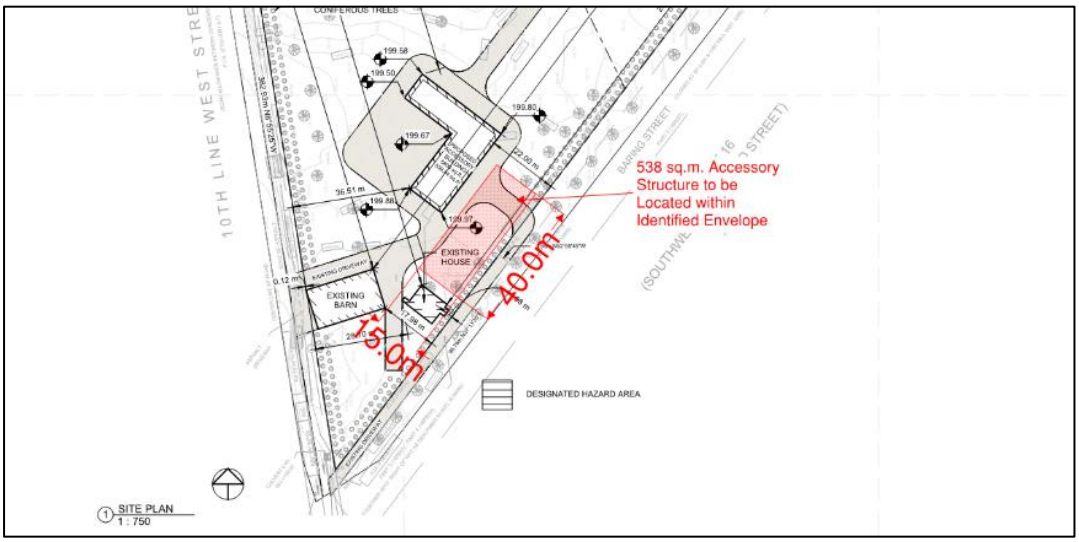


Figure 3: Recommended Location for Proposed Accessory Building

Is the proposal minor in nature?

A variance may be considered "minor" where the scope 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 test for what constitutes "minor" is not numerically measured, but rather considers the potential for adverse impact on adjacent properties, uses and area.

In review of the requested height variance, it is noted that Zoning By-law 2018-65 permits a maximum height of 5.0m for a private garage. Zoning By-law 2018-65 is informative in the review of the planning applications in the secondary plan area as any future development would generally be subject to similar provisions. In considering the proposed height of 6.5m, the scope of the request may be considered minor.

Further to the above, it is noted that the adjacent property is currently vacant. It is recommended that the accessory structure maintain a minimum 2.0m setback, rather than the 1.2m setback permitted, in order to ensure room is available for building maintenance and to mitigate potential impacts of the additional height on the adjacent property. The recommended 2.0m setback has been incorporated into the proposed building envelope shown on the attached site sketch.

Subject to the conditions outlined in this report, Planning Staff are of the opinion that the proposed variances are minor.

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

Subject to the conditions outlined in this report, the proposed variances are desirable for the development of the lands as it allows for the continued, interim use of the lands for uses permitted by the By-law, and does not appear to pose adverse impact on the long-term development potential for the lands.

Planning Staff are satisfied that the proposal is desirable for the development and use of the lands.

F. Strategic Priorities

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.

G. Environmental Impacts

No adverse environmental impacts are anticipated as a result of this application.

H. Financial Impact

No financial impacts to the Town are anticipated as a result of this application.

I. In consultation with

Public agencies, municipal departments, and the general public through the circulation of the Notice of Public Hearing.

J. Public Engagement

The topic of this report will be subject to a public hearing on October 21, 2020. Those individuals who have provided comments on the application have been provided a copy of this report.

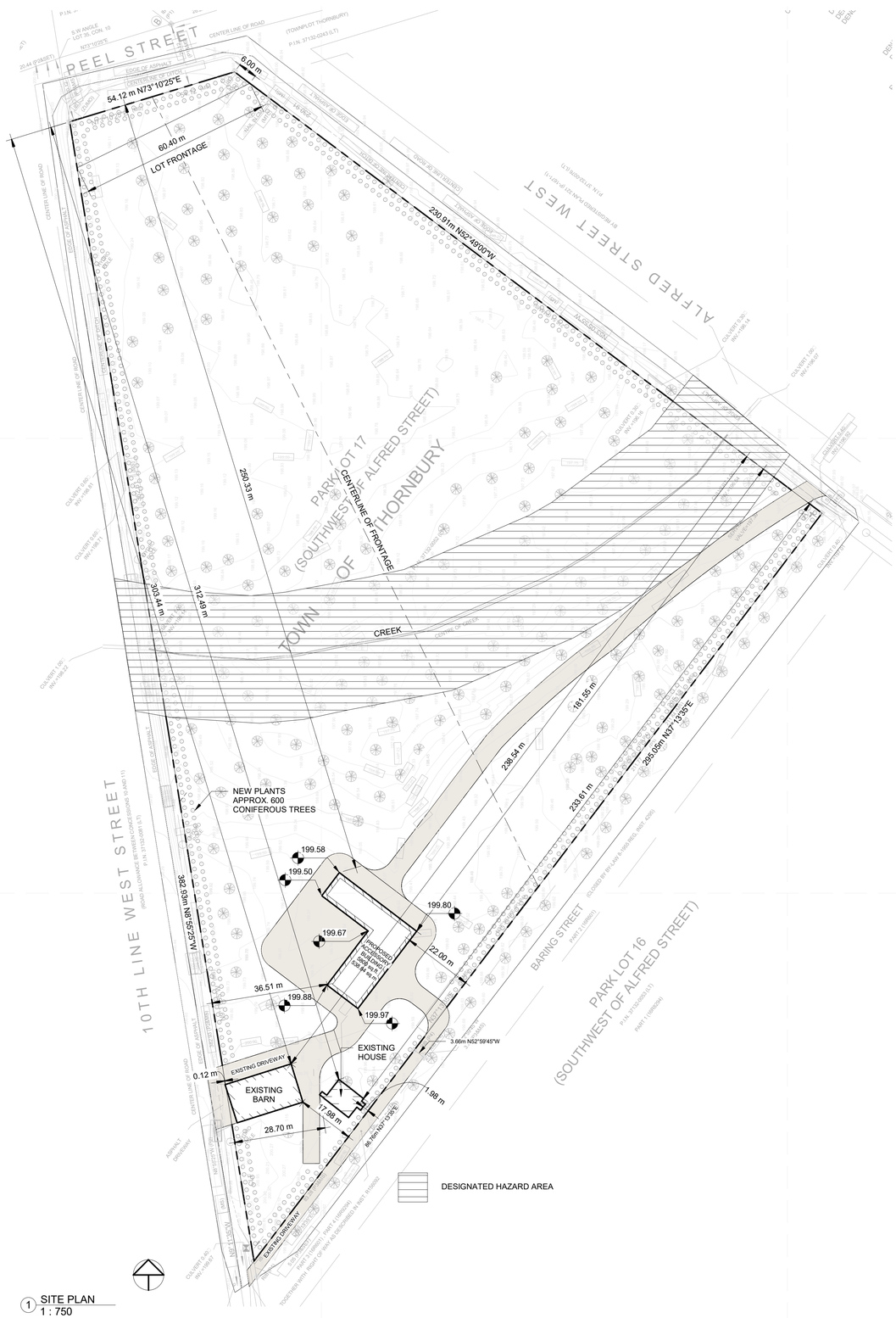
K. Attached

1. Applicant's Site Sketch
2. Draft Decision

Respectfully submitted,

_____
Travis Sandberg, Planner I

For more information, please contact:
Travis Sandberg
tsandberg@thebluemountains.ca
519-599-3131 extension 283



1 SITE PLAN
1 : 750

SITE STATISTICS

ZONING	D (DEVELOPMENT) & H (HAZARD)	
LEGAL DESCRIPTION	PARK LOT 17, SOUTHWEST OF ALFRED STREET, TOWNPLOT OF THORNBURY	
Address	417211 10TH LINE, BLUE MOUNTAIN	

Areas	Required	Proposed / Existing		
Lot Area	N/A	44100.267 m2		
Lot Frontage	N/A	60.4 m		
Floor Area Ratio	N/A			
Lot Coverage	**Required**			
		Proposed New Coverage / Building Area		
Building Coverage	N/A MAX.	Ex. House	80.11 sq.m.	0.18%
		Ex. Barn	273.20 sq.m.	0.62%
		New Acc. Bldg.	538.84 sq.m.	1.22%
		Proposed Total	**892.15 sq.m.**	**2.02%**
Landscaped/Paved Area	N/A MIN.	**43216.11 sq.m.**	**97.98%**	
Gross Floor Area				
		New Floor Area	Existing Floor Area	
First Floor Area		538.84 sq.m.	353.31 sq.m.	
Second Floor Area		sq.m.	51.47 sq.m.	
	Total	538.84 sq.m.	404.78 sq.m.	
		GRAND TOTAL	943.62 sq.m.	
Setbacks Acc. Bldg.	Required	Proposed		
Front Yard	N/A m.	250.33 m		
North-East Side Yard	N/A m.	181.55 m		
South-West Side Yard	N/A m.	36.51 m		
Rear Yard	N/A m.	22.00 m		
Building height	5 m.	6.44 m		
Parking	Existing	NEW		
	N/A	5PACES		
No. of Loading Spaces				

Firm Name:
Pro Vision Architecture Inc.
14961 Yonge St, Unit B
Aurora, Ontario L4G 1M5

Certificate of Pratice Number: 4682

Name of Project: Accessory Building for 417211 10th Line

Location:
417211 10TH LINE, BLUE MOUNTAIN, ON.

ONTARIO ASSOCIATION OF ARCHITECTS
DAVID EQBAL
LICENCE
6709

The architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCDN.

Ontario's 2012 Building Code OBC Reference Data Matrix Part 3 or 9

References are to Division B unless noted [A] for Division A or [C] for Division C.

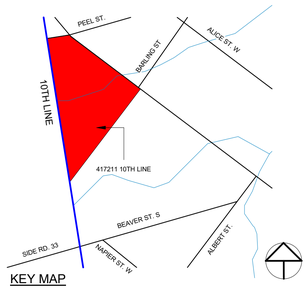
Item					
1	Project Description:	☐ New ■ Addition ☐ Change of Use ☐ Alteration	☐ Part 11 11.1 to 11.4	☐ Part 3 1.1.2. [A]	■ Part 9 1.1.2. [A] & 9.10.1.3.
2	Major Occupancy	GROUP C, STORAGE GARAGE			
3	Building Area (m#)	Existing : 0 M2 New : 538.84 M2 Total : 538.84 M2		1.4.1.2. [A]	1.4.1.2. [A]
4	Gross Area	Existing : 0 M2 New : 538.84 M2 Total : 538.84 M2		1.4.1.2. [A]	1.4.1.2. [A]
5	Number of Storeys Above grade	1 (ONE)			
6	Number of Streets/Fire Fighter Access :	4 (FOUR)		2.2.10. & 3.2.5.	9.10.20.
7	Building Classification:	SMALL BUILDING - HOUSE - STORAGE GARAGE		3.2.2.20.-.83	9.10.2.
8	Sprinkler System Proposed	☐ entire building ☐ selected compartments ☐ selected floor areas ☐ basement☐ in lieu of roof rating ■ not required		3.2.2.20.-.83 3.2.1.5. 3.2.2.17. INDEX	9.10.8.2. INDEX
9	Standpipe required	☐ Yes ■ No		3.2.9. N/A	
10	Fire Alarm required	☐ Yes ■ No		3.2.4. 9.10.18.	
11	Water Service/Supply is Adequate	■ Yes ☐ No		3.2.5.7. N/A	
12	High Building	☐ Yes ■ No		3.2.6. N/A	
13	Construction Restrictions Actual Construction	☐ Combustible permitted ☐ Combustible	■ Non-combustible required ■ Non-combustible	☐ Both ☐ Both	3.2.2.20.-.83 9.10.6.
14	Mezzanine(s) Area m² N/A			3.2.1.1.(3)-(8)	9.10.4.1.
15	Occupant load based on NEW ACCESSORY BUILDING - STORAGE GARAGE	■ m²/person STORAGE GARAGE 0 Total = 0	☐ design of building	3.1.17. 9.9.1.3.	
16	Barrier-free Design	☐ Yes ■ No (Explain)		3.8. 9.5.2.	
17	Hazardous Substances	☐ Yes ■ No		3.3.1.2. & 3.3.1.19.	9.10.1.3.(4)
18	Required Fire Resistance Rating (FRR)	Horizontal Assemblies FRR (Hours) Floors N/A Roof N/A Mezzanine N/A	Listed Design No. or Description (SG-2)	3.2.2.20.-.83 & 3.2.1.4.	9.10.8. 9.10.9.
		FRR of Supporting Members	Listed Design No. Or Description (SG-2)		
	Floors	N/A			
	Roof	N/A			
	Mezzanine	N/A			
19	Spatial Separation – Construction of Exterior Walls 3.2.3. 9.10.14.				

Wall	Area of EBF (m#)	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb Const	Comb. Constr. Nonc. Cladding	Non-comb. Constr.
North				-						Yes
South				-						Yes
East				-						Yes
West				-						Yes

20 Other – Describe

DRAWING LIST

SD1	SITEPLAN / SITE STATISTICS
A101	FLOOR PLANS
A102	ELEVATIONS



KEY MAP

PRO VISION ARCHITECTURE INC.
T:(416)800-6347 F:(416)800-9625
Email: pva@provisionarch.com
14961 Yonge St. Unit B, Aurora, ON L4G 1M5

C

ONTARIO ASSOCIATION OF ARCHITECTS
2020/09/22
DAVID EQBAL
LICENCE
6709

REVISION SCHEDULE

No.	Description	Date	By

B

PROJECT NAME:
ACCESSORY BUILDING FOR
417211 10TH LINE

PROJECT ADDRESS:
417211 10TH Line, Thornbury, ON N0H 2P0

CLIENT'S NAME & ADDRESS:
Beaver Hops Inc.
417211 10TH Line, Thornbury, ON N0H 2P0

PROJECT STATUS:
MINOR VARIANCE APPLICATION

DRAWN BY: DE, AP, SC
CHECKED BY: DE
DATE: MAR 2019
A **SCALE:** As indicated
COPYRIGHT: 2020 PRO VISION ARCHITECTURE INC.

PROJECT NO:
1901303

SHEET TITLE
SITE PLAN / SITE STATISTICS

SD1
SHEET OF

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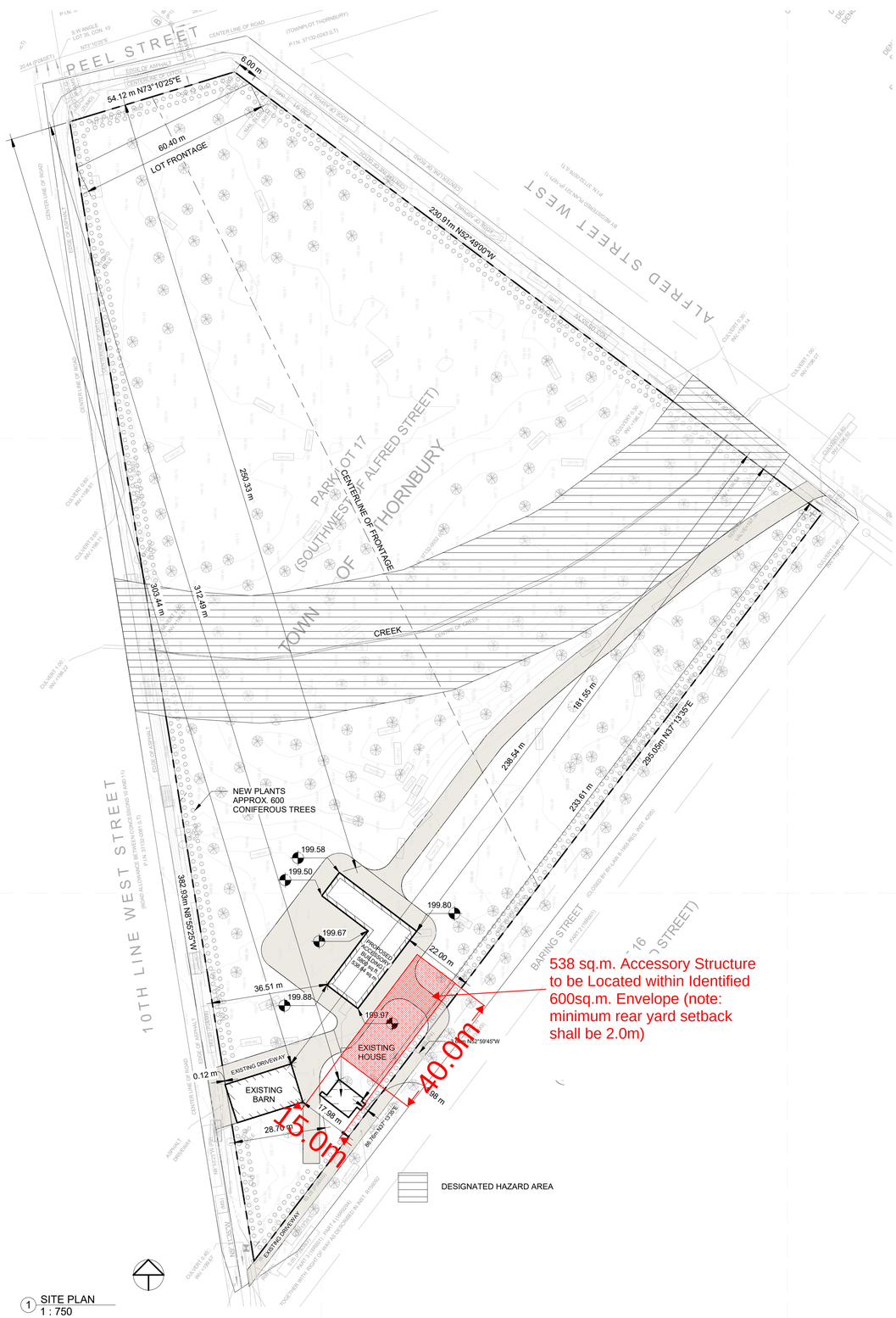

1 SITE PLAN
1 : 750

SITE STATISTICS

ZONING	D (DEVELOPMENT) & H (HAZARD)
LEGAL DESCRIPTION	PARK LOT 17, SOUTHWEST OF ALFRED STREET, TOWNPLOT OF THORNBURY
Address	417211 10TH LINE, BLUE MOUNTAIN

Areas	Required	Proposed / Existing	
Lot Area	N/A	44100.267 m2	
Lot Frontage	N/A	60.4 m	
Floor Area Ratio	N/A		
Lot Coverage	**Required**		
		Proposed New Coverage / Building Area	
Building Coverage	N/A MAX.	Ex. House 80.11 sq.m.	0.18%
		Ex. Barn 273.20 sq.m.	0.62%
		New Acc. Bldg. 538.84 sq.m.	1.22%
		Proposed Total 892.15 sq.m.	**2.02%**
Landscaped/Paved Area	N/A MIN.	**43216.11 sq.m.**	**97.98%**
Gross Floor Area		New Floor Area / Existing Floor Area	
First Floor Area		538.84 sq.m. / 353.31 sq.m.	
Second Floor Area		sq.m. / 51.47 sq.m.	
	Total	538.84 sq.m. / 404.78 sq.m.	
		GRAND TOTAL 943.62 sq.m.	
Setbacks Acc. Bldg.	Required	Proposed	
Front Yard	N/A m.	250.33 m	
North-East Side Yard	N/A m.	181.55 m	
South-West Side Yard	N/A m.	36.51 m	
Rear Yard	N/A m.	22.00 m	
Building height	5 m.	6.44 m	
Parking	Existing	NEW	
	N/A	5PACES	
No. of Loading Spaces			

Firm Name:
Pro Vision Architecture Inc.
14961 Yonge St, Unit B
Aurora, Ontario L4G 1M5

Certificate of Pratice Number: 4682

Name of Project: Accessory Building for 417211 10th Line

Location:
417211 10TH LINE, BLUE MOUNTAIN, ON.

ONTARIO ASSOCIATION OF ARCHITECTS
DAVID EQBAL
LICENCE
6709

The architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCDN.

Ontario's 2012 Building Code OBC Reference Data Matrix Part 3 or 9

References are to Division B unless noted [A] for Division A or [C] for Division C.

Item				
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		FRR of Supporting Members: Floors N/A; Roof N/A; Mezzanine N/A	Listed Design No. Or Description (SG-2)	

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Wall	Area of EBF (m#)	L.D. (m)	L/H or H/L	Permitted Max. % of Openings	Proposed % of Openings	FRR (Hours)	Listed Design or Description	Comb Const	Comb. Constr. Nonc. Cladding	Non-comb. Constr.	
North				-						Yes	
South				-						Yes	
East				-						Yes	
West				-						Yes	

20 Other – Describe

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SD1	SITEPLAN / SITE STATISTICS
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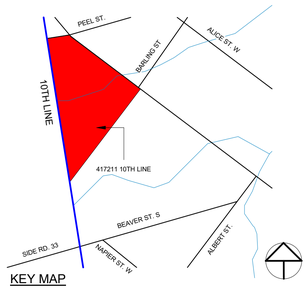
A102	ELEVATIONS



KEY MAP

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ONTARIO ASSOCIATION OF ARCHITECTS
2020/09/22
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REVISION SCHEDULE

No.	Description	Date	By

B

PROJECT NAME:
ACCESSORY BUILDING FOR 417211 10TH LINE

PROJECT ADDRESS:
417211 10TH Line, Thornbury, ON N0H 2P0

CLIENT'S NAME & ADDRESS:
Beaver Hops Inc.
417211 10TH Line, Thornbury, ON N0H 2P0

PROJECT STATUS:
MINOR VARIANCE APPLICATION

DRAWN BY: DE, AP, SC
CHECKED BY: DE
DATE: MAR 2019
A **SCALE:** As indicated
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PROJECT NO:
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SHEET TITLE
SITE PLAN / SITE STATISTICS

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SHEET OF

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Town of The Blue Mountains
Committee of Adjustment
Decision

In the matter of application for Minor Variance File No. **A09-2020** to consider a variance to the Town of the Town of Thornbury Zoning By-law 10-77, as amended,

Date of Hearing: October 21, 2020

Property Location: 417211 10th Line

Owner/ Applicant: Beaver Hops Inc.

Purpose of Application:

The proposed minor variance seeks relief from the provisions of Zoning By-law 10-77 to permit the construction of a 538 sq.m. detached accessory garage on the subject lands. The following variances are included in the decision of the Committee of Adjustment:

1. To permit a maximum building height of 6.5m for a detached accessory building, whereas Section 6.1(iv) permits a maximum height of 4.5m; and
2. To permit a minor encroachment of a detached accessory structure into the front yard, whereas Section 6.1(v) does not permit accessory structures in the front yard.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, **CONCUR** in the following decision and reason(s) for decision:

DECISION:

THAT the Committee of Adjustment **GRANT** Minor Variance Application No. A09-2020 to permit the development of the lands in accordance with the attached site sketch.

Conditions and Reasons For Decision:

See Attached Schedule "A"

Robert B. Waind	Bill Remus	Peter Franklyn
Chairman		

Date of Decision: October 21, 2020

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

CERTIFICATION

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

I, Travis Sandberg, Acting 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.

Signature of Secretary-Treasurer

Town of The Blue Mountains Committee of Adjustment

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

Dated: October 21, 2020

DRAFT

File No: A09-2020
Owner: Beaver Hops Inc.
Roll # 4242 000018144000000

Town of The Blue Mountains
Committee of Adjustment
Decision

- Schedule A -

CONDITIONS:

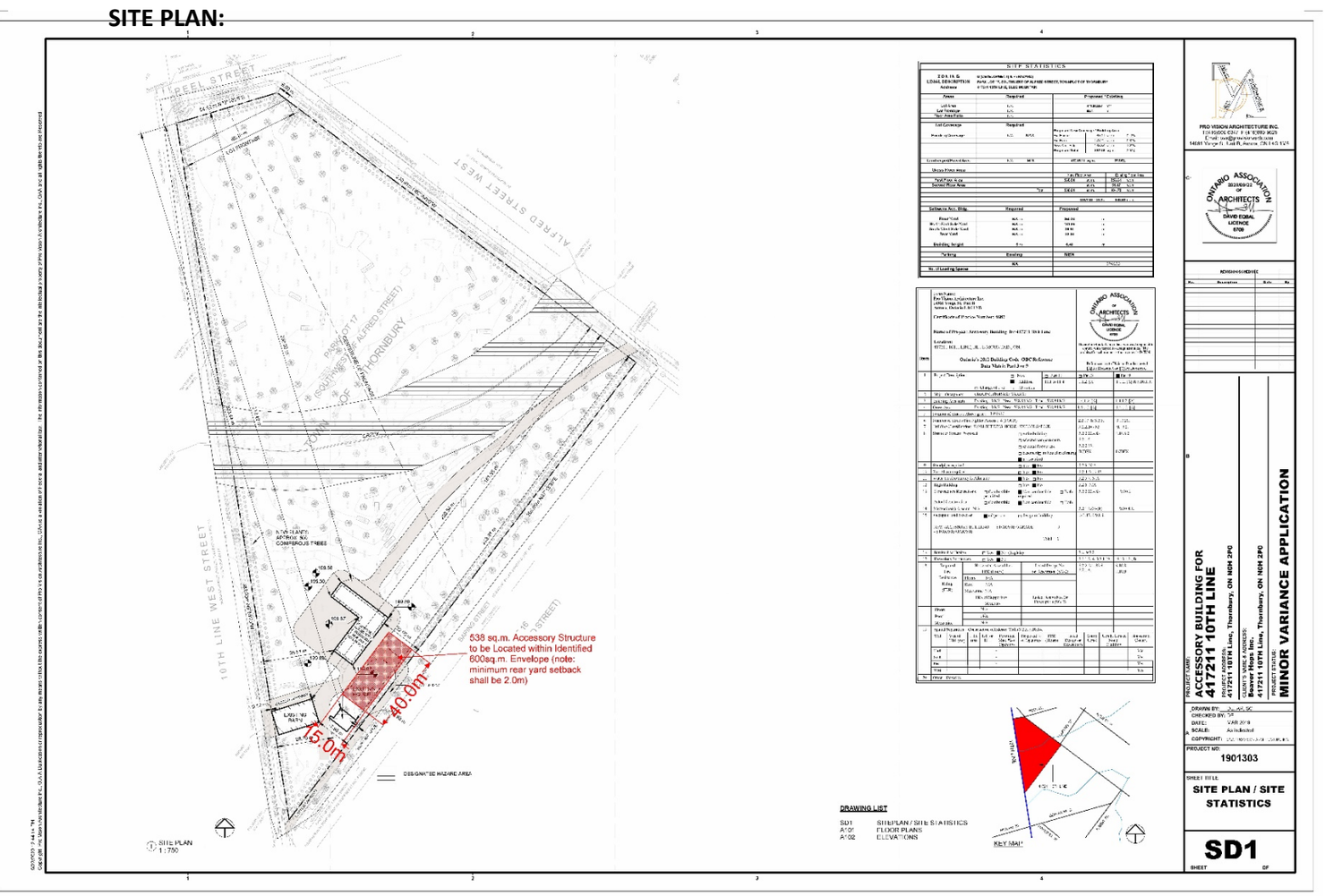
1. That the structure be sited within the recommended building envelope, as outlined on the attached site sketch;
2. That the structure shall be used solely for personal use and storage purposes as accessory to a residential use only;
3. And that this variance is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on October 21, 2022.

REASON FOR DECISION:

The Committee is satisfied that the application meets 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.20.102.

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.

SITE PLAN:



As prescribed under the *Accessibility for Ontarians with Disabilities Act* – this document can be made available in other accessible formats as soon as practicable and upon request.

Carter Triana

From:	Kyra Dunlop
Sent:	May 21, 2024 9:18 AM
To:	richard lamp
Cc:	council; SMT; Town Clerk; Planning General
Subject:	FW: Minor Variance #A05-2019 (Lamperstorfer)
Attachments:	PDS.19.34 A05-2019 (Lamperstorfer).pdf; Bldg Mar04-19.pdf; Council.pdf; County Mar11-19.pdf; GBHU Mar01-19.pdf; GSCA_.pdf; Hist Saug Metis Mar01-19.pdf; IPW.pdf
Follow Up Flag:	Follow up
Flag Status:	Completed

Hi Richard,

I acknowledge receipt of your attached and below comments regarding the May 14, 2024 Council Public Meeting regarding the Development "D" Zoning, and by way of copy am forwarding same to Council and staff for information.

Kyra Dunlop
Deputy Clerk, BA (Hons)
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306| Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs, require communication supports or alternate formats.

From: richard lamp <[redacted]
Sent: Monday, May 20, 2024 6:50 PM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>; Town Clerk <townclerk@thebluemountains.ca>
Subject: Fwd: Minor Variance #A05-2019 (Lamperstorfer)

3rd comments : Application for Zoning By-law Amendment Development 'D' Zones Throughout the Town File P3355(TBM) --- *I am against not allowing one house as of right on my vacant lot in the Thornbury West 'D' zone without a Town initiated 'Secondary Plan or Prezoning' with a satisfactory schedule/ timeline* --- Council should not take the MZO/CIHA shortcut keys, route, on their RECENTLY purchased land (including height and storey limits) while punishing 'Closer to the Core' properties, with in effect, just another (lame) planning "freeze". I will challenge to the OLT. And, it won't be

pretty! thank you, richard lamperstorfer (see attached files for reference to years of "lame planning")

From: **Lori Carscadden** <lcarscadden@thebluemountains.ca>
Date: Tue, Mar 19, 2019 at 9:15 AM
Subject: Minor Variance #A05-2019 (Lamperstorfer)
To: richard lamperstorfer [redacted]
Cc: Travis Sandberg <tsandberg@thebluemountains.ca>

Good morning Richard – attached is the Planning Staff Report and comments received to-date pertaining to your Minor Variance application #A05-2019.

I trust this is of assistance,

Enjoy the day!

Lori

Lori Carscadden

Administrative Assistant

Planning Services Dept

32 Mill Street – PO Box 310

Thornbury, ON N0H 2P0

519-599-3131 X263

1-888-258-6867

lcarscadden@thebluemountains.ca

planning@thebluemountains.ca

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