



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** Committee of Adjustment  
**Meeting Date:** May 18, 2022  
**Report Number:** PDS.22.069  
**Title:** Recommendation Report – Severance B08-2022 – Lot 3, Concession 9, being Part 1, 16R-8525 (Elmes)  
**Prepared by:** Travis Sandberg, Intermediate Planner

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### A. Recommendations

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THAT the Committee of Adjustment receive Staff Report PDS.22.069, entitled “Recommendation Report – Severance B08-2022 – Lot 3, Concession 9 being part 1, 16R8525 (Elmes)”;

AND THAT the Committee of Adjustment GRANT Consent B08-2022, subject to the following conditions:

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued.
2. That the Applicant provide payment of cash-in-lieu of applicable parkland dedication and Development Charges for the new residential lot, as required by the Town.
3. That the depth of the Lot be modified to ensure it is located wholly within the R1-1 zone only.
4. That the Applicant prepare a Tree Inventory/Retention Plan, to the satisfaction of the Town, prior to final approval and registration of the Lot.
5. That the Applicant retains an engineer to provide an engineered Lot Development Plan to demonstrate that the existing Town water and sewer services can be extended to service the severed lot. The Lot Development Plan shall be submitted to the Town prior to final approval and registration of the Lot. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works.
6. That the Applicant retains an engineer to provide detailed design drawings for the provision of appropriate access to the site, to the satisfaction of the Town. Any design shall provide for a formalized pedestrian trail connection from Alice Street East to the

Beaver River Trail. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works.

7. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.

## **B. Overview**

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The purpose of this report is to provide a summary of the Planning staff review of this proposal to sever a new building lot on the property legal described as Lot 3, Concession 9, being Part 1, 16R-8525, in Thornbury. Staff recommend approval of this application, subject to the conditions outlined within this report.

## **C. Executive Summary**

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**Application File #:** B08-2022

**Official Plan Designation:** *Community Living Area*, subject to *Sewage Treatment Plant Area* constraint

**Zoning Bylaw Category:** *Residential One (R1-1), Development (D)*, subject to *Holding 'h5'*

**Short Term Accommodations Permissions:** Not Permitted

**Location:** Louisa Street East/Alice Street East, Thornbury

The Town received an application to sever a new building lot from the subject lands. The application seeks permission to create:

- A severed vacant lot of approximately 0.25ha in area, with 19m of frontage on Alice Street East.
- A retained vacant lot of approximately 0.72ha in area, with 50.5m of frontage on Louisa Street East.

Future development on the severed and retained lands would be serviced by municipal water and sewer services.

## **D. Background**

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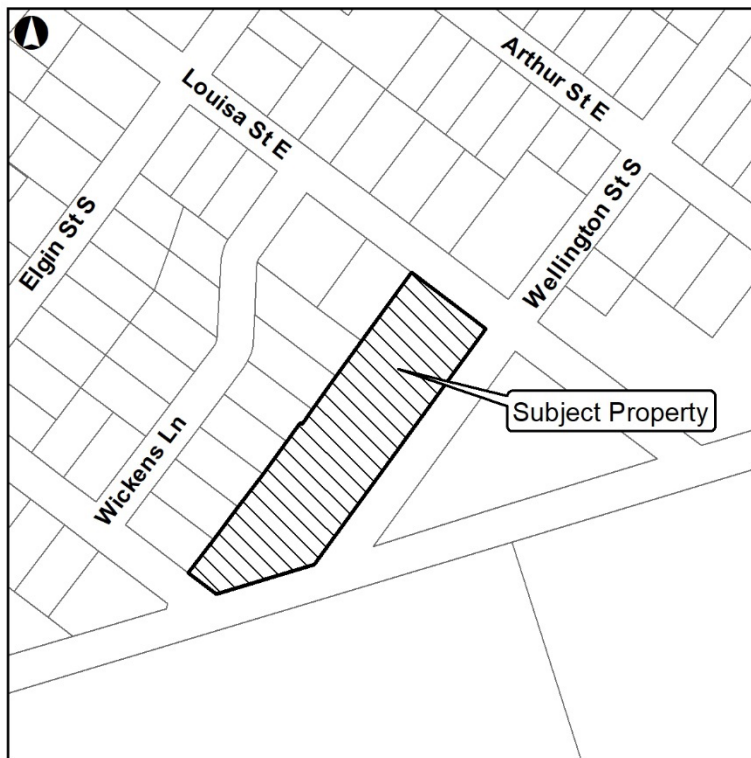
This file was submitted by Travis and Associates Inc., authorized Agent of the registered property Owner. It is Planning staff's understanding that the applicant intends to build a single detached residential dwelling unit on the proposed severed lands. No development is currently proposed for the retained vacant parcel.

Location

The lands are a through lot with frontage on Alice Street East, Louisa Street East, and the unopened portions of Wellington Street South and Russell Street, and are generally located at

the boundary of the urban settlement area of Thornbury. The area is characterized by single detached dwellings. The Beaver River Trail abuts the subject lands within the Russel Street Road allowance, with existing agricultural uses located to the south. A location map of the lands is provided below as Figure 1. The legal description of the lands is Lot 3, Concession 9 being Part 1, 16R-8525.

**Figure 1: Location Map**

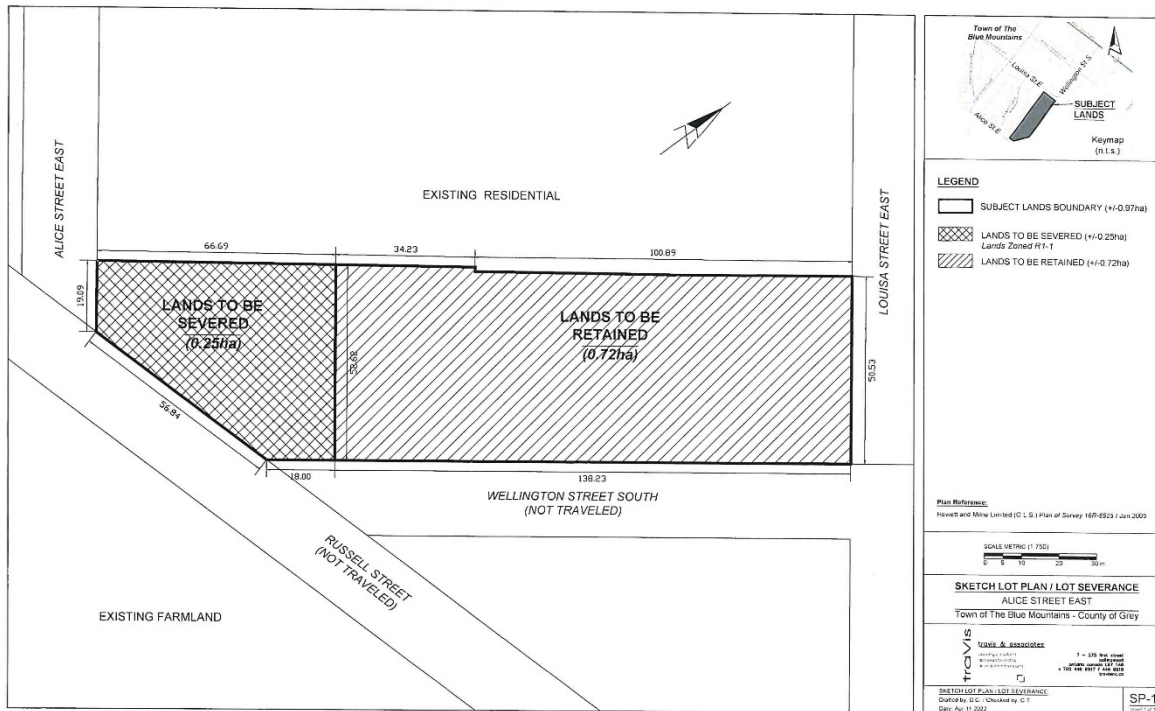


The subject property is vacant and contains an abandoned orchard. Figure 2 below shows an aerial view of the lands. The area proposed for severance in this application is at the southerly limit of the property, fronting onto Alice Street East. Figure 3 below is a sketch of the proposed lot boundaries submitted by the applicant.

Figure 2: Aerial View of the Subject Lands



Figure 3: Severance Sketch



Summary of Comments Received

At the time of the writing of this report, the following comments had been received:

Submitted From:	Comments:
EPCOR	Owner is responsible for the cost and installation of new underground service from transformer in front of 11 Wickens Lane to their residence.
Dave Thomson	Objects to the application. Concerned with impact on forest and greenspace, and impact of road extensions and associated traffic. Suggest that an Environmental Impact Study be completed, and access be provided from Louisa Street East. Information about development plans should also be shared with community.
Paul McCool	Comments include: <ol style="list-style-type: none"><li>1. Inaccurate drawing for Alice Street East.</li><li>2. Deceptive drawing, as both severed and retained lands are to be severed and retained.</li><li>3. No mention of current zoning – believe it is Development “D”.</li><li>4. No indication of future plans for retained lands.</li><li>5. Drawing should detail existing lots on Wickens Lane.</li><li>6. Is there a requirement to extend Alice Street or develop Wellington Street or Russell Street as part of this award?</li></ol>

No other comments were received at the time of this report

## E. Strategic Priorities

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### Land Use Policy and Documents Review

The Analysis section of this report provides an overview and analysis of the relevant Planning legislation and policies that apply to this application and used to determine whether the proposal can be supported.

### Planning Act

The *Planning Act* gives the authority to grant a consent to sever land under Section 53 (1) of the Act, provided that the Committee is satisfied a Plan of Subdivision is not required for the

orderly development of the lands. Given the limited nature of the proposed development (one new lot) Planning staff would recommend that a Plan of Subdivision is not required. It is noted that an appropriate Agreement will be required for the extension of services and completion of any necessary improvements to the Alice Street East right of way, prior to any development or construction occurring.

The *Planning Act* also requires when making decisions, that Councils and Committees have regard for matters of Provincial Interest in Section 2 and matters under Section 51 (24) of the Act. Staff have reviewed the matters under Section 51 (24) the matters of Provincial Interest of Section 2 and have no concerns. It should be noted that these matters are captured within both the Provincial Policy Statement and the two relevant Official Plans in more detail, as outlined below.

#### Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interest related to land use planning and development. Within the PPS framework, the subject property is located in a (primary) Settlement Area. The PPS supports a wide range of uses within Settlement Areas, acknowledges these as areas for the focus of growth and development, and that their vitality and regeneration shall be promoted.

The PPS also provides for intensification and redevelopment of settlement areas, using land and resources efficiently and where appropriate infrastructure and public services are available. Policies also provide for promotion of appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. These development standards have been developed within the Town's Official Plan.

In the case of this proposal to create one residential lot, the subject lands are designated in the Official Plan as an area to support growth, being within a primary settlement area and designated residential lands. The proposed severed lot is also appropriately zoned to allow for a single detached residential dwelling unit and can be serviced with full municipal water and sewer services. Staff are satisfied that the proposal is consistent with Provincial Policy.

#### County Official Plan

The property is designated *Primary Settlement Area* in the County's Official Plan. Within the County's Plan, a variety of urban land uses are supported on full municipal water and sewer services, including commercial, industrial, institutional, and residential. The County's Official Plan defers detailed development policies to the Town's Official Plan.

#### Town of The Blue Mountains Official Plan

The Town's Official Plan designates these lands *Community Living Area (CLA)*. The CLA designation allows for a range of residential uses. The proposal is considered to be Greenfield Development, as defined by the Plan. More specifically, "Greenfields" are lands within designated settlement areas, which are designated for growth over the planning horizon, but which have not yet been fully developed. In this case, the proposed development is considered Greenfield development as the lands are designated for residential growth and are currently

vacant. It is noted that the retained lands are subject to the *Sewage Treatment Plant Area* constraint. This constraint does not apply to the proposed severed lot. No other constraints, including *Significant Woodlands*, are identified on the subject lands nor within 120m thereof.

Section B3.1.5 notes that existing residential neighbourhoods are intended to retain their existing character with limited change, but this does not mean that new housing must mimic the character, type and density of existing housing but rather, it shall fit into and reinforce the stability and character of the neighbourhood. These policies are reinforced by several design parameters that are intended to further retain neighbourhood character and stability, outlined in Section B3.1.5.3 of the Official Plan, as applies to Greenfield Development. Table 1 provides a detailed review of the Greenfield Development policies as apply to the subject proposal.

**Figure 4: Official Plan Excerpt**



**Table 1: Intensification and Greenfield Development Policy Review (Section B3.1.5.3)**

Policy	Staff Response
a) Where appropriate, consider the role of topography and natural vegetation in minimizing the impacts of taller buildings on adjacent land uses.	Building form is a single detached dwelling, as is the case on adjacent residential properties. The future dwelling will be subject to provisions of the R1-1 zone category and will remain at a consistent/compatible height to existing low-density residential land uses.
b) Demonstrate that the potential shadow impacts associated with taller buildings will be at an acceptable level on adjacent properties; new buildings adjacent to low rise areas are designed to respect a 45-degree angular plane measured from the boundary of a lot line which separates the lot from an adjacent lot with a low rise residential building.	The severed lands are zoned R1-1, similar to abutting residential land uses. There is no concern with respect to shadow impacts as the future dwelling will be limited to a maximum height of 9.5m, as permitted in the R1-1 zone, consistent with adjacent residential uses.
c) Respect the character of adjacent residential neighbourhoods, in terms of height, bulk, and massing.	The severed lands are zoned R1-1, similar to abutting residential land uses, and will be subject to the R1-1 zone provisions. There are no concerns with respect to height, bulk, and massing.
d) Building height reflects the pattern of heights of adjacent housing.	The severed lands are zoned R1-1, similar to abutting residential land uses, and will be limited to the maximum height permitted in the R1-1 zone.
e) Design considerate of lot coverages of adjacent housing.	The severed lands are zoned R1-1, similar to abutting residential land uses, and will be limited to the maximum lot coverage permitted in the R1-1 zone.
f) Consider the predominant or average front yard setback for adjacent housing to preserve streetscape edge and character.	The subject property exceeds the minimum lot frontage requirements of the R1-1 zone and may be considered compatible with existing lot frontages in the area.
g) Provide for similar side yard setbacks to preserve the spaciousness on the street.	The R1-1 zone provisions ensure that side yards will remain comparable to existing residential lots.



Policy	Staff Response
h) Design in order that new lots backing onto existing single detached residential lots have rear yards that are comparable in size to these existing residential lots.	The severed lands abut existing residential uses along the interior side yard of the proposed parcel. Notwithstanding, it is noted that the R1-1 zone provisions ensure that rear yards will remain comparable to existing residential lots.
i) Provide a built-form that reflects the variety of façade details and materials of adjacent housing, such as porches, windows, cornices, and other details.	Architectural details for the future dwelling unit are not available at the time of writing. Notwithstanding, it is noted that development will be subject to the R1-1 zone provisions, consistent with adjacent residential lots.
j) Retain and enhance existing trees and vegetation, where possible, and additional landscaping will be provided to integrate the proposed development with the existing neighbourhood.	It is recommended that a condition be included to require a tree inventory/retention plan prior to lot creation to identify trees that can/should be retained on the subject lands.
k) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads.	The addition of one single detached dwelling unit is not expected to cause or create traffic hazards or congestion on surrounding roads. It is recommended that the existing trail entrance be formalized through the future works on Alice Street East, as will be required to provide access to the lands. Detailed engineering drawings outlining the proposed improvements for Alice Street East will be required to be approved by the Town prior to registration of the proposed lot.
l) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.	The proposed lot is of adequate size and exceeds the minimum lot area permitted in the R1-1 zone. Required parking, buffering (i.e. minimum setbacks) and resulting on-site amenity area will be addressed as development of the site will be in conformity with Zoning By-law provisions.
m) If applicable, creates a street and block pattern, which serves as a seamless extension of the surrounding neighbourhoods by providing an	Not applicable as the proposal includes the creation of one single detached residential

Policy	Staff Response
interconnected block structure and the extension of the existing local road network.	building lot (as opposed to multiple lot Plan of Subdivision etc.).
n) Will have minimal impact on adjacent properties in relation to grading, drainage, access and circulation, and privacy.	A Building Permit, including a lot grading plan, will be required prior to construction of the future dwelling unit. No substantial impact on privacy is expected as development on the severed lands will maintain R1-1 setbacks etc. just as existing neighbouring properties on Wickens Lane are subject to R1-1 setbacks.
o) Buffers and loading and storage facilities that are provided so as to minimize disruption and to protect the enjoyment of neighbouring residential properties for adjacent residential areas.	No loading or storage facilities are proposed.
p) If large in scale, will not obstruct views of Georgian Bay along streets that terminate at or close to a water's edge	The proposal is minor in scale and includes the construction of one single detached dwelling unit and is not located in the vicinity of Georgian Bay.

Based on the housing type proposed (single detached as per the R1-1 zone), the proposal appears to comply with the Greenfield policies and the intent and direction of the Official Plan. It is noted that an extension of existing municipal sewer and water services on Alice Street East will be required, at the owner's sole cost.

#### Zoning By-law

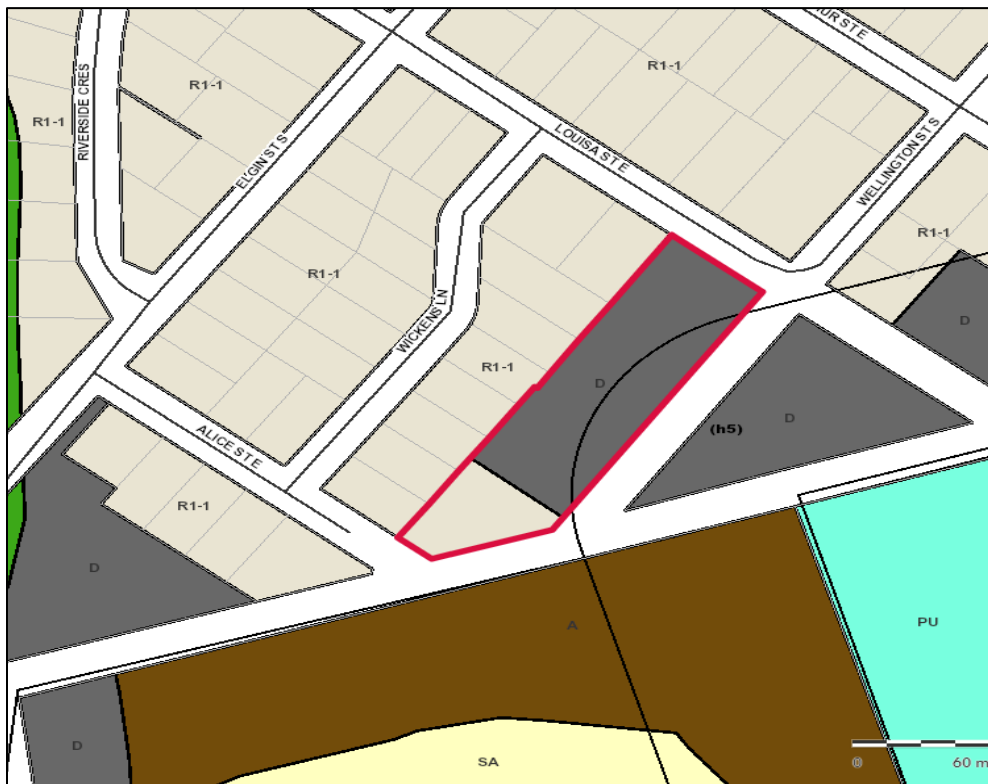
The severed lands are zoned *Residential (R1-1)*, which permit single detached residential units and accessory uses. The retained lands are zoned *Development (D)*. The retained lands are also within the Holding (-h5) Symbol area, due to proximity to the Thornbury Wastewater Treatment Plant.

Per Section 1.5(g) of Zoning By-law 2018-65, all lands within the *Development (D)* zone remain subject to the previously in-force Zoning By-law. In this case, the retained lands remain in the jurisdiction of the Town of Thornbury Zoning By-law 10-77, as amended. In this regard, the retained lands in their entirety are zoned *Development (D)* per Zoning By-law 10-77. Permitted uses in the *Development (D)* zone of Zoning By-law 10-77 include the construction of one single detached dwelling unit on a lot existing at the date of passing of Zoning By-law 10-77.

The proposed severance conforms to the R1-1 zone as the new lots exceed the minimum lot area of 550 square metres and minimum lot frontage of 18 metres. There are no concerns with respect to the retained lands, as the entirety of the *Development (D)* zone will be maintained as is currently in place.

General Provision 4.15, entitled *Frontage on a Public Street*, does not permit the construction of a building or structure unless the lot abuts or fronts on a public street which is assumed by by-law by a public authority for maintenance purposes. The severed lands currently front onto an unimproved section of Alice Street East. In order to satisfy zoning requirements, it is recommended that a condition of provisional Consent be included to require the applicant to prepare detailed engineering design drawings for the extension of Alice Street East, as needed to provide for safe access to the site. An acceptable design shall be determined prior to registration of the lot, and to the satisfaction of the Town. In this regard, the future improvements shall include a formal public trail access to the Beaver River Trail to replace the current informal access now located on Alice Street East. All required improvements shall be borne solely by the applicant.

**Figure 5: Zoning Excerpt**



### Conclusions

Based on the staff review above, the proposed Consent application for a new residential building lot meets the PPS, County Official Plan, and Official Plan Policy provided that the recommended Conditions of Consent are fulfilled to the satisfaction of the Town. A draft Consent Decision is found in Attachment 1.

Subject to any comments from agencies or the public, staff recommend approval of this application as outlined in this Report and as per the Conditions of Consent provided.

## **F. Strategic Priorities**

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### **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**

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No negative natural environmental impacts are anticipated as a result of the recommendations in this report. The proposed new lot would be created within an area used as an apple orchard, as such it is recommended that an Environmental Site Assessment be completed as a condition of provisional Consent.

## **H. Financial Impact**

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No negative financial impacts to the Municipality are anticipated as a result of the recommendations in this report. The cost of service extensions, lateral installations, and costs associated with construction of the future private driveway/road extension, are to be borne by the applicant or property owner. The creation of a new lot does require payment of development charges and will provide for a new dwelling, which will require building permit fees.

## **I. In Consultation With**

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Municipal departments, public agencies, and the general public as a result of circulation of the Notice of Public Hearing in accordance with the provisions of the *Planning Act*.

## **J. Public Engagement**

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The topic of this Staff Report will be the subject of a Public Meeting taking place on May 18, 2022. Those who provide comments at the Public Meeting including anyone who has asked to receive notice regarding this matter, will be provided a Notice of Decision.

Comments regarding this report should be submitted to Travis Sandberg, [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

**K. Attached**

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1. Draft Decision

Respectfully submitted,

Travis Sandberg  
Intermediate Planner

For more information, please contact:  
Travis Sandberg, Intermediate Planner  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 283

### Report Approval Details

Document Title:	PDS.22.069 Recommendation Report - Severance B08-2022 - Lot 3, Concession 9 being Part 1, 16R8525 (Elmes).docx
Attachments:	- B08-20221 - Decision TOWN of THE BLUE MOUNTAINS.docx
Final Approval Date:	May 13, 2022

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

**Trevor Houghton - May 13, 2022 - 1:17 PM**



# The Corporation of the Town of The Blue Mountains

## Committee of Adjustment

### Decision on Consent Application File No. B08-2022

<b>Owners/Applicants:</b>	Elmes		
<b>Purpose / Effect:</b>	The purpose and effect of this application is to sever a portion of the lands in order to create a new residential lot.		
<b>Legal Description:</b>	Lot 3, Concession 9, being Part 1, 16R-8525		
<b>Severed Parcel:</b>	Frontage: 19.0metres	Depth: 52 metres (Irreg.)	Area: 1726.5sq metres
<b>Retained Parcel:</b>	Frontage: 50.5 metres	Depth: 152.9 metres	Area: 7672.7 sq metres
<b>Road Access:</b>	Opened Alice Street East Right-of-Way		
<b>Servicing:</b>	Municipal Sanitary and Water		
<b>Decision:</b>	<b><u>Grant Provisional Consent</u></b>		
<b>Date of Decision:</b>	<b><u>May 18, 2022</u></b>		

In making the decision upon this application for Consent, the Committee of Adjustment of The Corporation of the Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning.

**Notice:** The last date for appealing this decision or any of the conditions is: **June 9, 2022**

**If provisional consent is given, then the following conditions must be met by May 20, 2024 (two years of the Notice of Decision).**

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued.
2. That the Applicant provide payment of cash-in-lieu of applicable parkland dedication and Development Charges for the new residential lot, as required by the Town.
3. That the depth of the Lot be modified to ensure it is located wholly within the R1-1 zone only.
4. That the Applicant prepare a Tree Inventory/Retention Plan, to the satisfaction of the Town, prior to final approval and registration of the Lot.
5. That the Applicant retains an engineer to provide an engineered Lot Development Plan to demonstrate that the existing Town water and sewer services can be extended to service the severed lot. The Lot Development Plan shall be submitted to the Town prior to final approval and registration of the Lot. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works.
6. That the Applicant retains an engineer to provide detailed design drawings for the provision of appropriate access to the site, to the satisfaction of the Town. Any design shall provide for a formalized pedestrian trail connection from Alice Street East to the Beaver River Trail. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works.
7. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
8. That the Owner provide a Phase 1 Environmental Site Assessment, and that any recommendations from this Assessment be implemented to the satisfaction of the Town.
9. That all above conditions be fulfilled within two years of the Notice of Decision so that the Certificate of Consent pursuant to Section 53(42) of the Planning Act, can be issued by the Town.

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Robert B. Waing

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Peter Franklyn

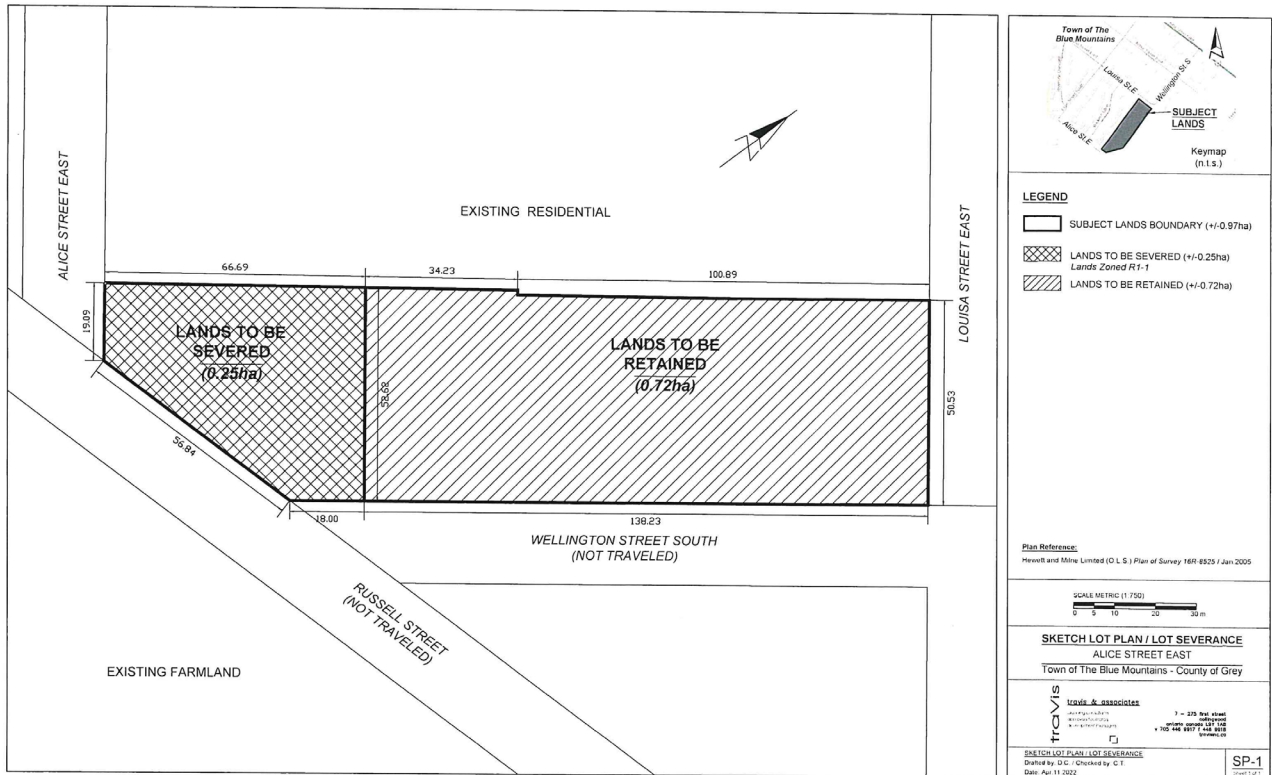
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Bill Remus

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Jim Uram

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Jim Oliver

Dated: May , 2022

**Key Map - Severance Sketch**



**Certification**

Planning Act, R.S.O 1990, c. P.13, Sec 53(17) and 53(24), as amended

I, Kyra Dunlop, Secretary-Treasurer of the Committee of Adjustment of the Town of The Blue Mountains, certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded therein.

\_\_\_\_\_  
 Kyra Dunlop, Secretary-Treasurer  
 Committee of Adjustment  
 Town of The Blue Mountains

Dated: May , 2022