



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: August 21, 2024
Report Number: PDS.24.106
Subject: Recommendation Report – Consent Applications B13-2024 and B14-2024 – 105 Patricia Drive (Garpan Holdings Inc.)
Prepared by: Carter Triana, Intermediate Planner
Shawn Postma, Manager of Community Planning

A. Recommendations

THAT the Director of Planning and Development Services deems Consent Application B13-2024 and B14-2024 as Contested Applications and advances the Applications to the Committee of Adjustment for a decision.

AND THAT the Committee of Adjustment receives Staff Report PDS.24.106, entitled “Recommendation Report – Consent Applications B13-2024 and B14-2024 – 105 Patricia Drive (Garpan Holdings Inc.);”

AND THAT the Committee of Adjustment GRANT provisional consent to application B13-2024, subject to the following conditions:

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Official to be issued.
2. That the Applicant provide payment of cash-in-lieu of parkland dedication for the severed lot, or 5% of its appraised value, to the satisfaction of the Town of The Blue Mountains.
3. That all existing accessory structures and buildings are demolished, removed or otherwise brought into compliance with the Zoning By-law, to the satisfaction of the Town of The Blue Mountains.
4. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
5. That all above conditions be fulfilled within two (2) 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.

AND THAT the Committee of Adjustment GRANT provisional consent to application B14-2024, subject to the following conditions:

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Official to be issued.

2. That the existing dwelling unit is demolished, removed or otherwise brought into compliance with the Zoning By-law, to the satisfaction of the Town of The Blue Mountains.
3. That the lots created by Consent Application B13-2024 be registered prior to those created by Consent Application B14-2024.
4. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
5. That all above conditions be fulfilled within two (2) 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.

B. Overview

The purpose of this report is to provide a summary of the subject application and the review undertaken by Planning Staff. Planning Staff recommend that provisional consent be granted, subject to the conditions outlined in Attachment 1.

C. Executive Summary

Application File #: B13-2024 (P3432), B14-2024 (P3433)

Application Received Date: June 7, 2024

Application Deemed Complete Date: June 21, 2024

Official Plan Designation: Residential Recreational Area

Zoning Bylaw Category: Residential One 'R1-1'

STA Permissions: N

The Town received a re-submission of applications for consent to sever two new building lots from the subject lands. The applications have the effect of creating two new residential lots, each with frontages of approximately 20.34 metres on Patricia Drive and an area of approximately 933 square metres. The retained parcel would have the same approximate frontage and lot area.

In PDS.21.102, Planning Staff recommended granting provisional consent for the previous applications (B07-2021 and B08-2021), subject to conditions, however, the applications were refused by the by the Committee of Adjustment on September 15, 2021. The decision was appealed by the applicant and the Ontario Land Tribunal granted provisional consent for the applications on March 30, 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 both of the new residential lots, as required by the Town.

3. That the existing dwelling unit and all accessory structures/buildings are demolished or removed from the property prior to registration, to the satisfaction of the Town of The Blue Mountains.
4. That the consent Application B07-2021 be registered prior to Consent Application B08-2021.
5. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
6. That all above conditions be fulfilled within two (2) 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.

The Ontario Land Tribunal decision can be found under Attachment #5.

The applicant was unable to fulfill all conditions imposed through the provisional consent within two years of the decision being issued, or by March 30, 2024. A Consent Agreement was proposed to permit additional time to fulfill conditions but was not supported by the Council at its March 26, 2024. As such, the applicant is required to submit new applications to permit the proposed severances.

Two of the original conditions were met and have been removed from the list of conditions on the updated applications. Development Charges were received by the Town in March 2024. The installation of water and sanitary laterals are in place and were constructed at the same time the Town completed servicing upgrades for the subdivision. A local improvement charge to all properties within Prices Subdivision may still be required and rests with the Finance Department. Any local improvement charges will be collected through separate process to these consent files.

As the policy framework applicable to the subject lands has not changed since the previous decision was issued, Planning Staff are of the opinion that the analysis provided in the previous recommendation report, PDS.21.102, remains relevant and recommend granting provisional consent, subject to the conditions outlined in this report, which have been slightly modified from those approved by the OLT for clarity and to reflect the current state of the subject lands. A video recording of the discussion that occurred during the Committee of Adjustment meeting on August 18, 2021 can also be viewed using [this link](#), with discussion of the file beginning around the 16:50 mark.

It is noted that a number of comments were received from area residents in opposition to the proposed severance during the circulation of applications B07-2021 and B08-2021, with the primary concerns being:

- Impacts to character
- Increased density
- Short-Term Accommodations
- Traffic and road infrastructure
- Loss of trees

Full comments from the circulation of applications B07-2021 and B08-2021 and from the circulation of the subject applications (B13-2024 and B14-2024) are included as Attachment 4.

D. Background

Please review PDS.21.102 for additional information.

E. Analysis

Brief commentary is provided below on several items, but PDS.21.102 can be reviewed for additional analysis.

The subject lands are located in the Blue Mountain Village Area, as defined by the Town's Official Plan. As such, new development is limited to a maximum density of 15 units per gross hectare, under Section B3.7.4.1. Generally, these policies are applied to larger developments like new subdivisions, but it is noted that this policy would permit a density of four (4) residential units on the subject lands, based on their total area of 0.28 hectares. Based on these density policies, the density resulting from the proposed severances can be supported.

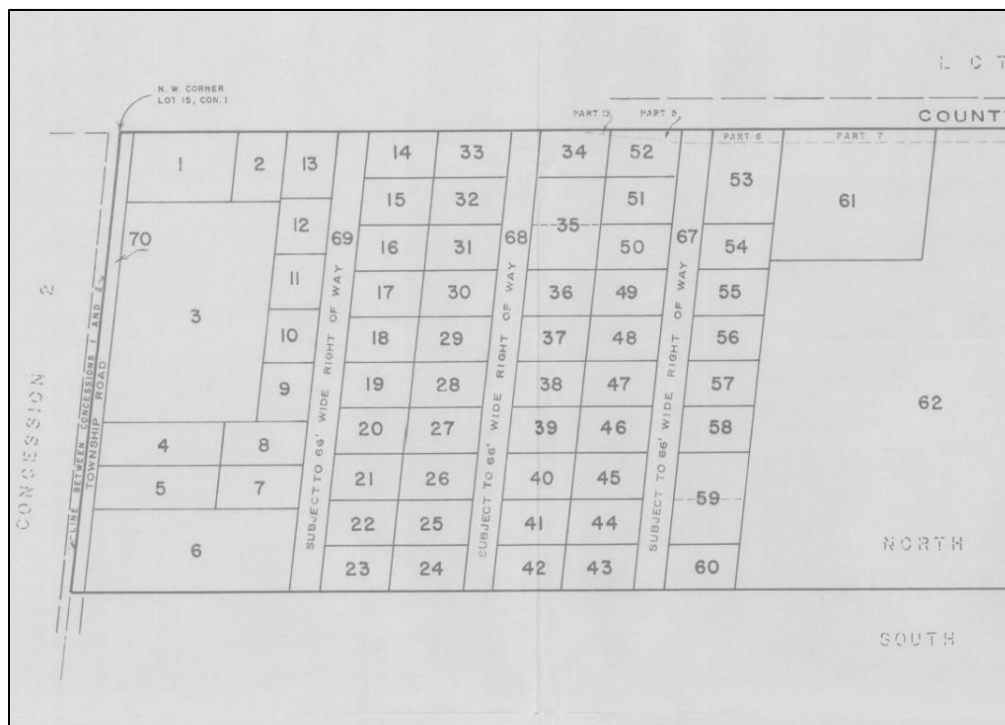


Figure 1. Plan 950

Section B3.7.4.2 limits lot creation in registered plans of subdivision but allows for the consideration of individual consents for residential lot creation in accordance with the Infill Development policies of the Community Living Area designation as outlined in Section B3.1.5. The subject lands are located within a registered plan of subdivision, Plan 950, which shows the lands as a double lot compared to other lots within Price's Subdivision (Lot 35 in Figure 1). It is noted that this plan was registered in 1974 and that the context of the surrounding area and

the Town as a whole has changed dramatically since that time. As such, it is Planning Staff's opinion that it is appropriate to consider the subject applications under the policies of Section B3.1.5.

Section B3.1.5 states that existing residential neighbourhoods are intended to retain their existing character but that this does not mean that new housing must mimic the character, type and density of existing housing. Instead, new housing must fit into and reinforce the stability and character of the neighbourhood. The proposed severances would create lots that maintain the existing R1-1 zoning of the surrounding neighbourhood and therefore would require new buildings to meet applicable standards for that zone. It is also noted that the frontage of the three resulting lots is in excess of the minimum permitted in the R1-1 zone, or 18 metres. As such, Planning Staff are satisfied that the proposal can be considered compatible with the existing neighbourhood.

Planning Staff note that short-term accommodation (STA) uses are not permitted in the R1-1 zone. It is further noted that the subject lands are not located within the Exception Area identified in Section B3.7.6.14 of the Town Official Plan, as amended. As such, the establishment of an STA use on the subject lands would require, at minimum, an Official Plan Amendment and a Zoning By-law Amendment, which would be subject to public consultation and a decision of Council. Recent amendments to the STA policies of the Official Plan can be reviewed [here](#).

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 impacts to the environment are anticipated as a result of this proposal.

H. Financial Impact

No adverse impacts to the Town are anticipated as a result of this proposal.

I. In consultation with

Relevant Town Departments, Agencies, and the general public.

J. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Notice was circulated in accordance with the Planning Act for public comment. Comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

K. Attached

1. B13-2024 Draft Decision
2. B14-2024 Draft Decision
3. PDS.21.102
4. Public Comments
5. Ontario Land Tribunal Decision

Respectfully submitted,

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