



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: October 16, 2024
Report Number: PDS.24.132
Title: Recommendation Report – Minor Variance A37-2024 and Consent B16-2024 – 415814 10th Line (CV Farmco Ltd.)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.132, entitled “Recommendation Report – Minor Variance A37-2024 and Consent B16-2024 – 415814 1 10th Line (CV Farmco Ltd.)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A37-2024 subject to the following conditions:

1. That the lot addition be completed substantially in accordance with the submitted site plan; and
2. That this variance to the Zoning By-law is for the purpose of a lot addition and is only valid for a period of two (2) years from the date of decision. Should the new lot not be registered within two years, the variance shall expire on October 16, 2026.

AND THAT the Committee of Adjustment GRANT a consent for B16-2024 to permit a lot addition, subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property adjacent to the east legally known as CON 11 S PT LOT 12 and any subsequent transfer, charge or other conveyance of the land to be severed is subject to Section 50(3) or (5) of the Planning Act.
2. That the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;
3. The Owner provides proof of mortgage details for both the enlarged lot and retained lots;
4. That the Owner provides a description of the land which can be registered in the Land Registry Office;
5. That all above conditions be fulfilled within two years of the Notice of Decision so that the Town Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

B. Background

The subject lands are located at 415814 10th Line which is adjacent to Rural and Agricultural uses throughout the surrounding directions. The site characteristics contains portions that slope, a pond and mature vegetation all throughout. The lands are approximately 41 hectares and with a lot frontage of approximately 229 metres. The subject property contains an existing 240 square metre detached dwelling and existing 215 square meter accessory building all within close proximity of each other.

The owner's request is for a lot addition through consent by creating a proposed severed Agricultural lot of 39.6 hectares with a lot frontage of 129 metres and a proposed retained Rural lot of 1.15 hectares with a lot frontage of 100 metres. The lot addition will be combined with the adjacent lands known municipally as 415782 10th Line with a lot area of 43.5 hectares with a lot frontage of 318.68 metres. In conjunction with this lot addition, a minor variance has been requested for minimum lot frontage and minimum lot area for the Rural lot standards for the proposed retained lot.

The objective of the lot addition is to enlarge an existing rural parcel of land with a lot frontage of approximately 447.68 metres and lot area of approximately 83.1 hectares. It has been submitted that this combined parcel will not create unwarranted fragmentation and will continue to serve its existing agricultural functions. The retained land will create a rural residential (non-farm) parcel.

C. Analysis

Pursuant to Section 45(1) of the Planning Act, the Committee of Adjustment is authorized to grant minor variances to by-laws enacted by the Town which are established to implement the Official Plan. Staff have reviewed the proposal against the relevant planning documents, including the four tests of a minor variance, as outlined in the following section.

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

The subject lands are designated Rural (RU) in the 2016 Town of the Blue Mountains Official Plan. The objectives of the RU policies are to protect open space character of the countryside, the agricultural land and ensure the scale of development is compatible with the role and function of the rural area. The subject lands will remain designated Rural under the Official Plan and the existing agricultural land on the retained parcel will be unaffected. In addition, the subject lands do not appear to be used for agricultural land and are not currently used as such.

Section B.4.4.2 notes that new lot creations shall be permitted in accordance with the Official Plan policies. It further states that new lots shall not be no smaller than 0.8 hectares in area, the frontage-to-depth to be approximately 1:3 (B.4.4.2 b). This is to ensure that creation of new lots on the RU designation are not narrow linear parcels of land and are protecting the physical attributes of the RU designation.

Planning Staff is therefore 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 RU in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Table 8.2 in the Zoning By-law lists zone standards for Rural zones. The purpose of the minimum lot frontage standard is to prevent the creation of long, narrow lots. The retained lot will have a lot frontage of 100 metres with a depth 115 metres which results in a frontage-to-depth ratio meeting the 1:3 ratio that is listed in the Official Plan. The objective a minimum lot area is to control density and prevent fracturing of the land. As mentioned, the subject lands are not currently used for agricultural purposes and will not be used for agricultural purposes.

In Table 8.2 states in special provision (2) for existing Rural lots that have a lot area of less than 2.0 hectares. This provision applies the regulations and permitted uses of the Residential R1-4 zone to the lot, except for lot frontage and lot area requirements, which remain as existing. These provisions are not applicable due to the proposed retained land did not exist prior to passing of this provision, therefore the Rural provisions will continue to apply along with R1-4 requirement for the minimum lot area and lot frontage.

Planning Staff is satisfied that the proposal maintains the general intent and purpose of the Zoning By-law.

Is the proposal Minor in nature?

A variance may be considered “minor” where the scale 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 proposed request is varying the minimum lot area and lot frontage of the Rural lot standards and will not be affecting the agricultural lands. The proposal is on an open and maintained road and has access to the property and will have a sufficient frontage-to-depth ratio.

Planning Staff is satisfied that this proposal is minor in nature.

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

The proposal will establish a new rural non-farm lot on Rural land and the requested variances to lot standards will not affect agricultural land. Planning Staff are satisfied that the proposal to establish a new minimum lot frontage and lot area for the subject lands can meet all four tests for minor variance, provided no other objections are received.

Consent B17-2024

Planning Act

The Ontario Planning Act gives municipal councils, or their delegate, the authority to grant provisional consent under Section 53. The Act requires that, in making planning decisions, a

municipal council must have regard for the list of matters of provincial interest, as outlined by Section 2 of the Act. Additional commentary is provided below regarding matters of provincial interest.

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and provides for appropriate development while protecting the resources of the province, public health and safety, and the quality of the natural and built environment. Decisions on planning matters made by a planning authority must be consistent with the PPS.

In the PPS a portion of the subject lands can be considered Agriculture. In the case the proposed severed lands will be amalgamated to the lands of the south with a combined lot area of approximately 83.1 hectare. This lot addition will not create fragmentation on agricultural land and will maintain its functioning use.

Another portion of the subject lands can be considered Rural lands according to the PPS. Section 1.1.5.2 (c) permits residential development which includes lot creation, that is locally appropriate. This proposed retained lot currently has an existing dwelling and structures on these lands due to fact that it has been developed.

The subject lands includes portions of natural hazards in accordance with the PPS. In section 3.1.1 (b) hazardous lands adjacent to river, streams, small inland lake system which is impacted by flooding and erosion. The subject lands are partially regulated by the Grey Sauble Conservation Authority (GSCA) which will not affect proposed lot addition that is being requested.

Sections 1.1.5.8 and 2.3.3.3 for the Rural and Agricultural shall comply with the Minimum Distance Separation formulae (MDS) for the creation of new lots. MDS formulae noted that minimum distance is 119 metres but the MDS formulae report noted that was not applicable but according to the Planning Justification Report noted the actual distance is approximately 290 metres between the existing dwelling on the RU and the barn in the adjacent lands to the south. This distance is being met according to the MDS formulae.

The province announced that the 2024 Provincial Planning Statement will take into effect on October 20, 2024. No policy changes contained in the 2024 Provincial Planning Statement would impact staff analysis or recommendation in this instance.

Grey County Official Plan

These lands are designated as Agricultural, Rural and Hazard in Grey County Official Plan. The original township lot is comprised of entirely out of Lot 12 Concession 11 which comprises approximately 85.5 hectares in lot area.

In section 5.2.3 (5) in the Agricultural policies state that a non-farm sized consent is being proposed on a split land use type property the consent can be supported if the Agricultural land use will remain intact and lands that are outside the Agricultural lands are required to the other

land use designation. For the severed lot will be remain Agricultural in use and will be remaining intact which will be added to the adjacent lands to the south.

Section 5.4.3 permits new lot development shall be no smaller than 0.8 hectares in area based on the Original Township Lot size. For Original Township Lot Size that has 80 hectares or more the permitted total number lots are six which consist of five severed lots and one retained lot. Three lots are currently in existence on the original Township parcel and based on the County Official Plan it would support the request from this application.

Further comments should be obtained from the County of Grey regarding their position regarding the proposed application request.

Town of The Blue Mountains Official Plan, 2016

The subject lands in The Town of The Blue Mountains Official Plan are designated as Agricultural, Rural and Hazard. In Appendix “1” of the Official Plan identifies significant woodlands on the western side of the property.

The proposed severed land is within the Agricultural designation which is subject to section B.4.2.4.3 that permits consents may be granted where the lands being conveyed is to be added to an existing farm. The proposed severed land will create a 39.6 hectare lot which will be conveyed to the adjacent lands known municipally as 415782 10th Line which has a lot area of 43.5 hectares which will new lot area of approximately 83.5 hectares. This will prevent fragmentation in the agricultural lands will be added on to an existing farm.

The proposed retained land is within the Rural designation which would be subject to section B4.4.4.2 of the Official Plan. This policy notes that the new lot development shall be no smaller than 0.8 heactres in area and that lot density shall be determined based on the original Township lot. If the original township lot was 80 hecatres a maximum of four lots which includes the retained lot may be considered. The subject lands had previously gone through a consent (B10 – 2022) to facilitate a 1.0 hectare rural lot. This retained rural lot will still be within the threshold of lot development as stated in Section B4.4.4.1.

Section B4.1.5 of the Official Plan states that proposals must comply with MDS Formulae. Comments have been provided earlier in this report noting no further concerns regarding MDS.

Town of The Blue Mountains Official Plan Zoning By-law 2018-65

The lands contain, Agricultural, Rural and Hazard in the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65. Zone Standards as identified under Table 8.2 require the following:

	<u>Agricultural</u>	<u>Severed lot</u>	<u>Amalgamated</u>	<u>Rural</u>	<u>Retained</u>
<u>Minimum Lot Area</u>	<u>40 ha (2)</u>	<u>39.5 ha</u>	<u>43.5 ha</u>	<u>20 ha (2)</u>	<u>1.15 ha</u>

<u>Minimum Lot</u>	<u>150 m</u>	<u>129 m</u>	<u>318.7 m</u>	<u>150 m</u>	<u>100 m</u>
<u>Frontage</u>					

Special Provision (2) is included as part of Table 8.2 for lots 2.0 ha in size or less stating that the provisions of the Residential R1-4 zone shall apply with the exception of lot frontage and lot area requirements which shall be as existing at the date of passing of the Zoning By-law.

The purpose of this exception is applicable to existing lots on the date of when the By-law was passed. This was done to recognize the deficiency of these existing lots only and to ensure that any future severances cannot occur on these lands without a Zoning By-law Amendment or Minor Variance. The other application request was submitted for a variance from special provisions (2) for the minimum lot area and lot frontage from the Rural zoning standard.

Planning Staff are satisfied that the proposed lot addition and proposed retained lot are able to meet the requirements of the Zoning By-law.

Additional Comments

At time of writing this report, comments from external agencies, internal town departments and the general public have not been received. The Committee will need to consider all comments received prior to making a decision and developing necessary conditions to approval. It is noted that a standard list of conditions will apply including the following:

1. That the severed parcel be deeded as a lot addition to the property adjacent to the east legally known as CON 11 S PT LOT 12 and any subsequent transfer, charge or other conveyance of the land to be severed is subject to Section 50(3) or (5) of the Planning Act.
2. That the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;
3. The the Owner provides proof of mortgage details for both the enlarged lot and retained lots;
4. That the Owner provides a description of the land which can be registered in the Land Registry Office;
5. That all above conditions be fulfilled within two years of the Notice of Decision so that the Town Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Conclusion

Based on the staff review above, it appears that the proposed consent application for a lot addition has regard for the Planning Act, is consistent with the Provincial Policy Statement, complies with the County Official Plan, Town Official Plan and can conform to the Town Zoning By-law.

Subject to any comments from agencies or the public, staff recommend approval of this application as outlined in this report.

D. Attached

1. Draft Decision

Respectfully submitted,

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Report Approval Details

Document Title:	PDS.24.132 Recommendation Report - Minor Variance A37-2024 and Consent B16-2024 - 415814 10th Line (CV Farmco Ltd.).docx
Attachments:	- Attachment 1 - A37-2024 Draft Decision.docx - Attachment 2 - B16-2024 Draft Decision.docx
Final Approval Date:	Oct 9, 2024

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

Shawn Postma - Oct 9, 2024 - 8:27 PM