



# Staff Report

---

## Planning & Development Services – Planning Division

**Report To:** Committee of Adjustment  
**Meeting Date:** January 15, 2025  
**Report Number:** PBS.25.008  
**Title:** Recommendation Report – Consent for New Lot B09-2024 – Part 1, 16R8525 (Elmes)  
**Prepared by:** Shawn Postma, Manager of Community Planning

---

### A. Recommendations

---

THAT the Committee of Adjustment receive Staff Report PBS.25.008, entitled “Recommendation Report – Consent for New Lot B09-2024 – Part 1, 16R8525 (Elmes)”;

AND THAT the Committee of Adjustment GRANT provisional consent for application B09-2024, subject to the following conditions:

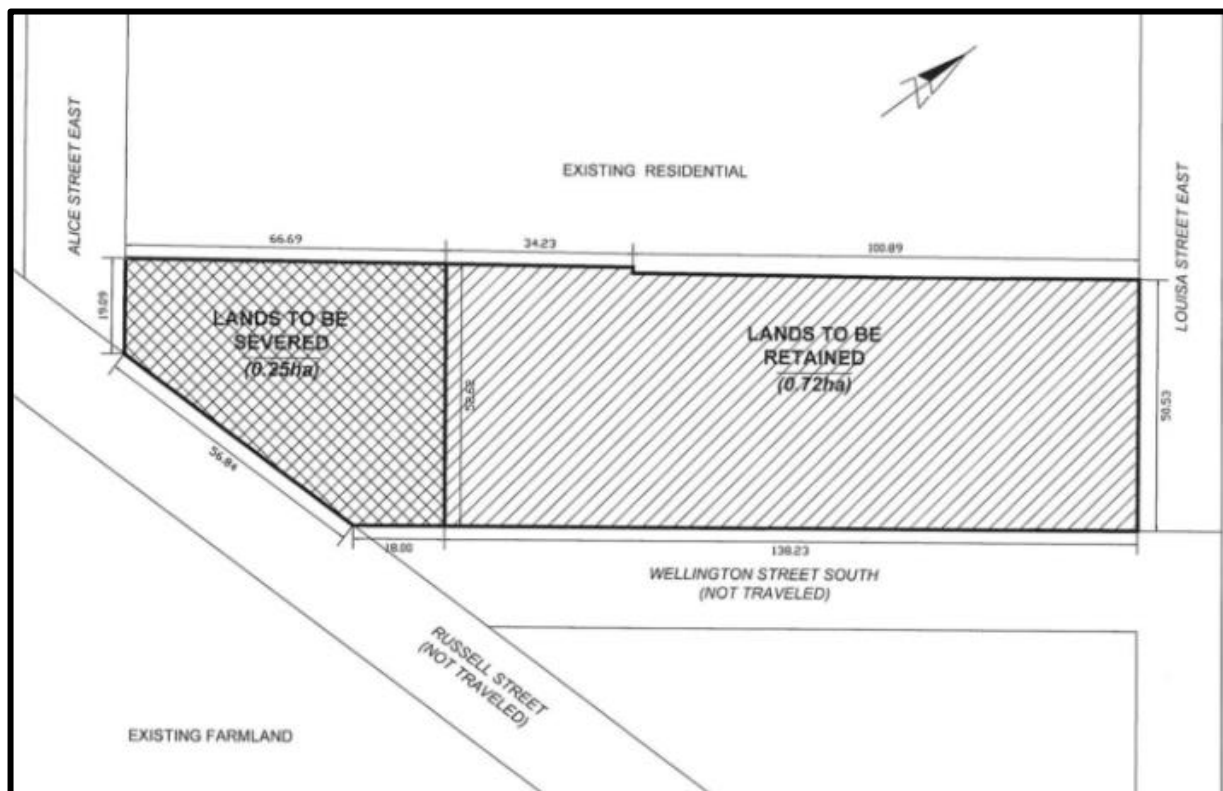
1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued.
2. That the Applicant provide payment of cash-in-lieu of parkland dedication for the severed lot, or 5% of its appraised value, to the satisfaction of the Town of The Blue Mountains.
3. That the Applicant provide payment of applicable Development Charges for the severed lot, as required by the Town.
4. That the depth of the severed lot is confirmed to be located entirely within the R1-1 zone or that the depth of the severed lot be modified to ensure that it is located entirely within the R1-1 zone.
5. That the Applicant retain 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. All costs associated with the installation of required services shall be the responsibility of the Applicant.
6. That the Applicant retain an engineer to provide detailed design drawings for the provision of appropriate access to the site, to the satisfaction of the Town. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works. All costs associated with the installation of required works shall be the responsibility of the Applicant.
7. That the Alice Street right-of-way shall not be used to satisfy Conditions 5 and 6.
8. That the Applicant provide Phase 1 and Phase 2 Environmental Assessments, and that any recommendations from the Assessments be implemented, to the satisfaction of the Town.

9. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
10. 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.

## B. Background

The Town received an application for consent to sever one new building lot from the subject lands. The application has the effect of creating a new residential lot with a frontage of approximately 19 metres on Alice Street East, 57 metres on Russell Street, and 18 metres on Wellington Street South. The retained parcel would have a frontage of approximately 50.5 metres on Louisa Street East, and 140 metres on Wellington Street. It is noted that only the Louisa Street frontage has access to an open and maintained year road municipal road. (See Figure 1: Consent Sketch)

**Figure 1: Consent Sketch**



The application is a resubmission of a previous Consent Application B08-2022 that was granted provisional consent and expired before the conditions could be satisfied and the new lot registered. Staff Report [PDS.24.102](#) and Staff Report [PDS.22.069](#) have been previously provided to the Committee of Adjustment and contain additional background information on the previous and current file. The purpose of this Staff Report is to provide the Committee with an update on the status of the Alice Street right-of-way which has been the primary concern related to this new lot creation.

The severed parcel has proposed a new driveway and water/sewer service extensions off of the Alice Street right-of-way. The Blue Mountains Zoning By-law 2018-65 (Section 4.15) requires that a lot shall have frontage onto a year-round open and maintained public road before a building permit for a new dwelling is allowed. This requirement is to ensure that all properties containing a dwelling has safe and adequate access to the road network. In this case, the proposed lot on the proposed severed parcel does not have access to a public road, and therefore access must be provided as a condition of consent before the new lot can be created. The 2022 consent application included a condition that required the upgrade and extension of Alice Street East to provide this access. This condition was carried forward again with the 2024 application, however renewed concerns regarding tree removal and use of potential alternative access points were raised. The 2024 application as considered by the Committee of Adjustment was heard in August 2024 and ultimately deferred by the Committee as follows:

*THAT the Committee of Adjustment DEFERS Consent Application B09-2024 for 90 days, pending presentation to the Committee of agreement(s) with the town for access to an open and maintained municipal road.*

The decision of Committee required that the applicant come back to the Committee with additional information on the required road extension and new trail entrance. It being noted that the proposed works on the Alice Street right-of-way includes the extension of the Municipal Road, underground services, and roadside ditch to a point 6 metres beyond the proposed driveway entrance to the new lot. The extension of municipal roads is subject to Town approval and is delegated to Staff. Road extensions are subject to meeting Town Engineering Standards and subject to entering into a Municipal Land Use Agreement.

In response to the Committee decision, and to also address the proposed conditions of Consent, the applicant has provided the Town with a Tree Inventory Plan that includes a functional engineering design drawing for the road extension that also identifies all tree locations/sizing including removal/preservation notes, municipal road extension design, required grading/ditch works, new driveway location, trail entrance, and other details. (See Attachment #3)

At the same time, resident and special interest group delegations were submitted to Town Council in December 2024 objecting to the use of the Alice Street right-of-way for the municipal road extension. Concerns related to tree removal and trail entrance modifications were raised. Staff Report [PDS.24.154](#) was provided by Town Staff to provide Council with options on the Alice Street right-of-way. Ultimately Council passed the following resolution:

*THAT Council receive Staff Report PDS.24.154, entitled "Municipal Land Use Agreement for Alice Street Unopened Road Allowance";*

*AND THAT Council **does not** support the execution of a Municipal Land Use Agreement for the upgrade of Alice Street East to municipal standards in order to provide lot frontage and access to a proposed lot through Consent Application B09-2024.*

Based on the resolution above, the Alice Street right-of-way is no longer available to be used to provide access to the proposed new lot. Town Staff will not enter into a Municipal Land Use Agreement on Alice Street.

With Alice Street no longer a viable access to the proposed new lot, an alternative solution to providing access must be evaluated. Based on the location of the proposed lot, the extension of Wellington Street South built to municipal standards including any necessary intersection upgrades at Lousia Street East, a potential cul-de-sac bulb at the terminus of the new road, and new trail access point could be considered. It is unclear if a portion of the intersection of Russell Street/Wellington Street right-of-way may be needed to accommodate the required road extension. It is noted that Wellington Street right-of-way is where the main Beaver River Trail is located. Alternative modes of access could include consideration of applications for minor variance plus consent for an easement to allow a private driveway to extend over the retained lands or Wellington Street to access the new lot. Other options may be available however have not been examined in greater detail at this time.

### **C. Analysis**

---

Analysis of Consent File B09-2024 has been provided by way of previous Staff Reports PDS.24.102 and PDS.22.069 (Attachment #1 and #2).

Based on the previous planning analysis completed under those reports, and the Council direction received on the use of Alice Street for access, it is Planning Staffs opinion that the proposed new lot still has merit and can be considered for severance subject to the previous conditions of consent as modified to strictly limit access to not use the Alice Street right-of-way. Based on the comments above, Planning Staff could support the creation of a new lot through the upgrade of Wellington Street South to municipal standards. The road extension would also provide road frontage to the remainder of the retained lands which could also be subdivided or otherwise developed in accordance with the Official Plan.

The option to consider a proposed easement over the retained lands will require further review and supporting information, as Staff have concerns about the impact that an easement may have on the future development potential of the retained lands. It is noted that both the Residential 'R1-1' Zone and the Development 'D' Zone permit the development of one single detached dwelling on one lot and that a proposed easement may be considered premature until such time as a more comprehensive plan is considered for the entirety of the subject lands that also includes the necessary Wellington Street South road upgrades. Similar to the easement approach, the use of a Road Agreement to allow for a temporary driveway over the Wellington Street South right-of-way until such time as the road can be brought up to municipal standards is not supported by the Town. Issues do arise in these types of agreements, and the Town generally does not enter into these types of agreements anymore.

Based on the foregoing, Planning Staff continue to support the new lot creation, with a modification to the Conditions of Approval that Alice Street right-of-way not be used to provide servicing and driveway access to the new lot.

**D. Attached**

---

1. Preliminary Tree Inventory and Protection Plan
2. Draft Decision

Respectfully submitted,

Shawn Postma  
Manager of Community Planning

For more information, please contact:  
Shawn Postma, Manager of Community Planning  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 248