



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: March 23, 2021
Report Number: PDS.21.039
Subject: Abbotts Subdivision – Notice of LPAT Appeal
Prepared by: Denise McCarl, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.21.039, entitled “Abbotts Subdivision - Notice of LPAT Appeal”;

AND THAT the Director of Legal Services and/or Town legal counsel be authorized to take the appropriate actions necessary, including retention of professional services to support the Town’s position and attendance at any discussion, negotiations, and proceeding related to this Local Planning Appeal Tribunal (LPAT) matter.

B. Overview

The purpose of this report is to advise Council that the Town has received an appeal to the Local Planning Appeals Tribunal respecting the Abbotts Subdivision development proposal.

C. Executive Summary

Application File #: P2632 (Zoning By-law Amendment and Draft Plan of Subdivision)

Applicant: Tammy Alice Margaret Abbotts

Application Received Date: November 22, 2019

Application Deemed Complete Date: December 20, 2019

Official Plan Designation: Community Living Area (CLA)

Zoning Bylaw Category: Residential One (R1-1), within Holding Zoning Areas (h3 and h4a), seeking Residential Two (R2)

Short Term Accommodations Permissions: Not currently permitted or proposed

Location: Lots 35-39, Southwest Side of Bay Street Town Plot of Thornbury

The Town has received an appeal to the LPAT, relating to the Zoning By-law Amendment for the Abbotts development lands on March 1, 2021. The County of Grey also received an Appeal on the County Draft Plan of Subdivision Application for the subject lands.

The basis of the appeals is that the Town failed to make a decision on the Zoning By-law Amendment application within 90 days of deeming the application complete, and that the County of Grey failed to make a decision on the Subdivision Application within 120 Days of deeming the application complete. These timelines are set out in the Planning Act. As noted, the Town deemed the application complete on December 20, 2019.

D. Background

The Town received a Zoning By-law Amendment application and a draft Plan of Subdivision application on November 22, 2019. The Zoning By-law Amendment application seeks to rezone the lands from Residential One (R1-1) to Residential Two (R2) to allow semi detached units on the lands. The Draft Plan of Subdivision Application seeks to create 22 lots for residential semi-detached dwellings.

The subject lands are vacant lots with frontage on Lansdowne Street North and with frontage on the unconstructed road allowances of Bay Street West (as shown in in Figure 1.)

Figure 1: Aerial Photo of Subject Lands



The Town hosted a virtual Public Meeting on September 16, 2020. A number of letters were received from the public and a number of verbal submissions were made.

Following the Public Meeting, Town Staff were conducting the file review of the submitted Studies and Reports and working through the issues raised at the Public Meeting with the applicant's consulting team.

E. Analysis

Planning staff have prepared the submission to the LPAT, as required by the Planning Act. It is anticipated that Planning staff over the coming weeks will be dialoguing with County staff, and the Abbotts Subdivision consulting team, as all parties prepare for an upcoming case management conference. Staff also anticipate preparing further staff report(s) on this matter once the appeal has been accepted by the LPAT.

As the appeal proceeds through the LPAT process, the Town will need to examine its position.

F. Strategic Priorities

1. Communications and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

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

There are no negative Environmental Impacts related to the recommendations in this staff report. Environmental Impacts will be further examined through the File review and Application materials as part of the Hearing process.

H. Financial Impact

Given that this appeal is based on “non-decision”, Town planning staff can provide evidence to support the Town’s position. Legal Counsel will need to be retained to administer the Town’s defense of the appeal. Accordingly, this appeal and resulting hearing will have an impact on the Town’s budget allocated to address LPAT matters. The Town does carry an annual amount in the approved budget for these LPAT matters.

I. In consultation with

Sam Dinsmore, Deputy Treasurer/Manager of Accounting and Budgets

Will Thomson, Director of Legal Services

J. Public Engagement

The topic of this Staff Report was the subject of a Public Meeting on September 16, 2021. Those who provided comments at the Public Meeting a, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

Comments regarding this report should be submitted to Denise McCarl, planning@thebluemountains.ca .

K. Attached

None.

Respectfully submitted,

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