



Staff Report

Planning & Building Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: November 19, 2025
Report Number: PBS.25.109
Title: Recommendation Report – Consent Application B11-2025 and
Minor Variance Application A24-2025 – Part Lot 17, Concession 4 (Weir)
Prepared by: Manuel Rivera, Planner I

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PBS.25.109, entitled “Recommendation Report – Consent Application B11-2025 and Minor Variance A24-2025 – Part Lot 17, Concession 4 (Weir)”;

AND THAT the Committee of Adjustment GRANT a minor variance for A24-2025 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. That this variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on November 19, 2027.

AND THAT the Committee of Adjustment grant Provisional Consent to Application B11-2025, subject to the following conditions:

1. That the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;
2. That the Owner provide payment of cash-in-lieu of applicable parkland dedication and Development Charges, as required by the Town;
3. That the Owner provides a description of the land which can be registered in the Land Registry Office;
4. That all above conditions be fulfilled within two years of the Notice of Decision so that the Secretary-Treasurer or the Town Clerk are authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

B. Background

The subject lands are legally described as Con 4 S Pt Lot 17, which are adjacent to Rural and Hazard uses in all surrounding directions. The subject lands are approximately 41.08 ha (101.51 ac) in size, with a lot frontage of 260.74 m along 4th Line Rd. The property contains mature vegetation that currently screens the lands from the road. The lands are presently farmed for cash crops and contain a 407 m² shed primarily used for machinery storage. A portion of the property are located within the Grey Sauble Conservation Authority (GSCA) regulated area, commentary will be required.

The owner wishes to consider the creation of one new lot through consent. The proposed new lot will have a lot area of 0.8 ha and a lot frontage of 78 m along 4th Line Rd. The purpose of this new lot is to accommodate a future single detached dwelling, along with accessory buildings and/or structures. The retained lot will have a lot area of 40.28 ha and a lot frontage of 182.74 m on 4th Line Rd, with the existing shed to remain. Please Figure 1.



Figure 1. The green outline represents the proposed severed parcel and the red outline represents the proposed retained parcel.

In addition to the proposed consent application, the applicant is concurrently applying for a minor variance for the proposed severed lot. The applicant is seeking relief from Table 8.2 of the Town of The Blue Mountains Zoning By-law for the following:

1. A lot area of 0.8 ha, whereas 20.0 ha is required; and
2. A lot frontage of 78 m, whereas 150 m is required.

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) and Hazard (H) in the 2016 Town of The Blue Mountains Official Plan. The proposed severed lot will be located within the RU-designated portion of the property.

The objectives of the RU policies are to protect the open-space character of the countryside and agricultural lands, while ensuring that 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 use on the retained parcel will be unaffected. In addition, the subject lands are not currently used for agricultural purposes.

Section B.4.4.2 states that new lot creation shall be permitted in accordance with the Official Plan policies. It further notes that new lots shall not be smaller than 0.8 ha in area and should have a frontage-to-depth ratio of approximately 1:3 (B.4.4.2 b), ensuring that lots created within the RU designation are not narrow linear parcels and that the physical attributes of the rural landscape are protected.

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 Rural (RU) and Hazard (H) under the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65. Proposed severed parcel is to be located on the RU portion of the subject lands. Table 8.2 of the By-law establishes the zone standards for the Rural zone. The purpose of the minimum lot frontage standard is to prevent the creation of long, narrow lots.

Table 8.2 includes Special Provision (2), which applies to existing Rural lots that have a lot area of less than 2.0 ha. This provision applies the regulations and permitted uses of the Residential R1-4 Zone to such lots, except that the existing lot frontage and lot area requirements remain as they existed at the time of passing of the By-law.

These provisions, however, are not applicable in this case, as the proposed retained land did not exist prior to the passing of this provision. Therefore, the Rural Zone provisions will continue to apply, along with the R1-4 requirements for minimum lot area and lot frontage.

Planning Staff are 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 limited and the proposed relief will not result in adverse impacts on adjacent properties, uses, or the surrounding area.

The proposed variance seeks relief from the minimum lot area and frontage standards of the Rural Zone. The request will not affect the retained rural lands. The proposed lot is located on an open and maintained public road and will have adequate frontage-to-depth proportions.

Planning Staff are 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 lands. The requested variances to the lot standards will not negatively impact agricultural lands.

Planning Staff are satisfied that the proposal to establish a new minimum lot frontage and lot area for the subject lands meets all four tests for a minor variance, provided no other objections are received.

Consent B11-2025

Planning Act

The Ontario Planning Act authorizes municipal councils, or their delegate, to grant provisional consent under Section 53. The Act requires that, in making planning decisions, a municipal council must have regard for the matters of provincial interest outlined in Section 2 of the Act. Additional commentary regarding these matters is provided below.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, supporting appropriate development while protecting the province’s resources, public health and safety, and the natural and built environments. Decisions on planning matters must be consistent with the PPS.

The subject lands are identified as rural lands under the PPS. On rural lands, residential development, including lot creation, is permitted if site conditions are suitable and appropriate water and sewage services are available (2.6.1(c)). Rural development should be supported by rural service levels (2.6.2), align with existing or planned infrastructure, and not necessitate uneconomical expansion of these services (2.6.3). Lot creation must also comply with the Minimum Distance Separation (MDS) formulae (2.6.5).

The subject lands include portions considered natural heritage. Section 4.1.1 of the PPS encourages long-term protection of natural features and areas. Section 4.1.2 promotes maintaining, restoring, and, where possible, enhancing the ecological function and biodiversity

of natural heritage systems, and recognizing linkages among natural features, surface water, and groundwater systems.

A portion of the lands is also considered hazardous, consistent with PPS policy 5.2.2(b), which discourages development within hazardous lands adjacent to rivers, streams, and small inland lakes affected by flooding and/or erosion.

The proposed lot will utilize existing infrastructure and private services for water and wastewater. The proposed lot does not incorporate hazardous or natural heritage features on the subject lands. An MDS report submitted with the application identified a required minimum distance of 124 m from livestock barns and manure storage. The actual distances are 575 m from the livestock barn and 605 m from manure storage, satisfying MDS requirements.

Planning Staff are satisfied that the proposal is consistent with the policy direction of the PPS.

Niagara Escarpment Plan (NEP)

The subject lands are designated Escarpment Recreational Area under the Niagara Escarpment Plan (NEP). Section 1.8.4 states that lot creation within this designation is subject to the Development Criteria in Part 2 and must conform to applicable Official Plan, Secondary Plan, and By-law policies that do not conflict with the NEP.

Section 2.4 provided direction in the creation of new lots to those locations that are at least environmentally sensitive. This includes, but is not limited to the following:

- i. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas (2.4.2).
- ii. The size and configuration of new lots shall be subject to the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws and the objectives of the designation (2.4.4).
- iii. New lots must:
 - a. maintain and enhance the existing community character and/or open landscape character of the Escarpment; and
 - b. protect and enhance existing natural heritage and hydrologic features and functions (2.4.5).
- iv. Except for new lots permitted under Part 2.4.12, new lots created by consent shall front onto an existing public road that is of a reasonable standard of construction and generally maintained all year round (2.4.8).

The proposed new lot demonstrates compliance with the policies of the Escarpment Recreational Area and Part 2 of the NEP, including those related to lot creation.

Therefore, the proposed new lot does not conflict with the policies of the NEP.

County of Grey Official Plan

The subject lands are identified as Escarpment Recreational Area in the Grey County Official Plan. Section 6.1(1) states that the Escarpment Recreational Area and Recreational Resort Settlement Area land use designations correspond to those identified in the NEP. Section 6.1(2) notes that local official plans and/or secondary plans will provide more detailed land use policies and development criteria that are not in conflict with the NEP.

Planning Staff are satisfied that the proposal is consistent with the Grey County Official Plan.

Town of The Blue Mountains Official Plan

The subject lands are designated Rural (RU) and Hazard (H) in the Town's Official Plan. Appendix "1" identifies Areas of Natural and Scientific Interest (ANSI) and Significant Woodlands along the eastern portion of the property. The proposed severed lot will not disturb these constraints, which will remain within the retained parcel. Please see Figure 2.



Figure 2. The green outline represents the proposed severed lot, and the red outline represents the proposed retained lot. The legend identifies the Official Plan designations and applicable constraints associated with the subject lands.

Section B4.4.4.1 states that development within the *Rural* designation is permitted only when specific conditions are met. Development should avoid improved agricultural land unless no reasonable alternative exists on the same property. Where municipal services are unavailable, the site must demonstrate its ability to provide safe and adequate water and sewage systems in accordance with Ministry or municipal standards, with additional review required for lots under 0.4 ha. Adequate drainage and safe, year-round public access must also be ensured. Furthermore, development must not contribute to ribbon development (defined as four or more non-farm lots under 20 ha along a road). Zoning by-law amendments are required for small lots or non-farm uses to ensure compatibility with the rural landscape.

Section B4.4.4.2 of the Official Plan requires that new lots be no smaller than 0.8 ha and that lot density be based on the size of the original township lot. If the original township lot was 80 ha, a maximum of four lots (including the retained lot) may be considered.

Section D4.2.1 requires that new lots have direct, year-round access to a public road and be located to avoid traffic hazards. Lots must be capable of being serviced by appropriate water and sewage systems, must not negatively affect local drainage, and must not limit the development potential of surrounding lands or adversely impact environmentally sensitive features.

Section B4.1.5 requires compliance with the Minimum Distance Separation (MDS) Formulae, which has been confirmed earlier in this report.

The proposed severed lot is located within the *Rural (RU)* designation as depicted in Figure 2 outlined in green. The proposed severed lot meets intent of Sections B4.4.4.1 and B4.4.4.2 of the RU policies as well as the requirements of Section D4.2.1. The severed lot will be privately serviced for both water and wastewater. It will not contribute to ribbon development and has a proposed lot area of 0.8 ha, which exceeds the 0.4 ha threshold and therefore does not require a zoning by-law amendment.

As noted, three lots have already been created from the original township lot. The proposed new lot would result in a total of four lots, which includes the retained parcel, in accordance with the Official Plan. The proposed severed lot is located on 4th Line, which is a year-round maintained road and does not appear to present any traffic hazards. The proposed lot will not negatively impact environmentally sensitive features or limit the development potential of adjacent lands.

The proposed severed lot is situated within the Rural (RU) designation, as depicted in Figure 2 outlined in green. This severed lot aligns with the intent of Sections B4.4.4.1 and B4.4.4.2 of the RU policies, as well as the requirements of Section D4.2.1. It will be serviced privately for both water and wastewater, will not contribute to ribbon development, and covers a proposed area of 0.8 hectares, which surpasses the 0.4 ha threshold, eliminating the need for a zoning by-law amendment.

Three lots have already been created from the original township lot; the proposed new lot will result in a total of four lots, including the retained parcel, in compliance with the Official Plan. Located on 4th Line, a year-round maintained road, the new lot seemingly presents no traffic hazards. Additionally, the development of this lot is not expected to adversely affect environmentally sensitive features or limit the potential for development on adjacent lands.

Based on the above commentary, Planning Staff are satisfied that the proposed severance maintains the intent and purpose of the Official Plan.

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

The lands are zoned Rural (RU) and Hazard (H) in the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65. The proposed severed lot is to be located in the RU zone. The RU Zone standards in Table 8.2 require the following:

	<u>Rural</u>	<u>Severed lot</u>	<u>Retained lot</u>
<u>Minimum Lot Area</u>	<u>20 ha (2)</u>	<u>0.8 ha</u>	<u>40.28 ha</u>
<u>Minimum Lot Frontage</u>	<u>150 m</u>	<u>78 m</u>	<u>182.74 m</u>

Special Provision (2) in Table 8.2 applies to lots of 2.0 ha or less, stating that the provisions of the Residential R1-4 Zone shall apply, except for lot frontage and area requirements, which remain as existing at the time of By-law adoption. This provision recognizes existing undersized lots only, ensuring that future severances cannot occur on such lands without a Zoning By-law Amendment or Minor Variance.

The current application seeks a variance from the RU Zone standards for minimum lot area and frontage for the proposed severed parcel.

Planning Staff are satisfied that the proposed retained and severed lots can meet the intent 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 Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued;
2. That the Owner provide payment of cash-in-lieu of applicable parkland dedication and Development Charges, as required by the Town;
3. That the Owner provides a description of the land which can be registered in the Land Registry Office;
4. 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 new lot creation has regard for the Planning Act, is consistent with the Provincial Planning Statement,

and complies with the County of Grey Official Plan, Town of The Blue Mountains Official Plan, and Town of The Blue Mountains Zoning By-law.

D. Attached

1. A24-2025 Draft Decision
2. B11-2025 Draft Decision

Respectfully submitted,

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Report Approval Details

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Attachments:	- A24-2025 Draft Decision.docx - B11-2025 Draft Decision.docx
Final Approval Date:	Nov 13, 2025

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

No Signature - Task assigned to Shawn Postma was completed by delegate Tim Murawsky

Shawn Postma - Nov 13, 2025 - 10:45 AM