



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: April 30, 2024
Report Number: PDS.24.080
Title: Recommendation Report – Removal of Holding H Symbol – Part Lot 7, Concession 5 (Blackstock and Hobson)
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.24.080, entitled “Recommendation Report – Removal of Holding H Symbol – Part Lot 7, Concession 5 (Blackstock and Hobson)”;

AND THAT Council enact a By-law to remove the Holding Provision ‘h2’ from the previously established building envelopes on the lands legally known as Part Lot 7, Concession 5 as shown in Attachment 1.

B. Overview

The purpose of the application is to remove the holding provision ‘h2’ associated with Areas of Natural and Scientific Interest (ANSI – Life Science) and Adjacent Lands to permit the construction of a single detached dwelling. A building envelope was established on the property in 2003 through a Zoning By-law Amendment, but this envelope was removed upon adoption of Zoning By-law 2018-65, recognizing that any buildings built between 2003-2018 would continue to be permitted as legal non-conforming buildings. As the building envelope no longer exists, the holding provision will need to be lifted to facilitate the issuance of a building permit for the proposed single detached dwelling. Grey County Planning Ecology Staff have indicated no concerns with the removal of the holding provision for the previously established building envelope. County Staff support waiving the Environmental Impact Study requirement for the removal of the holding provision. The holding provision is proposed to be retained where it exists on the remainder of the property and as such, subsequent applications for lifting the holding provision would be required for future development outside of the building envelope.

C. Background

The subject property is approximately 192,837 square metres (19.3 hectares) in size with frontage on 4th Line in Gibraltar. Provisional consent to sever a portion of the property was given in June 2003 (Town File No. B05-2003) and included a condition that a Zoning By-law Amendment be passed to address deficiencies in lot area and frontage of the severed and retained lots and

to establish a building envelope recognizing the ANSI on the retained parcel. Council passed By-law 2003-57 on July 2, 2003, to address the deficiencies and to establish a building envelope.

During the creation of the current Zoning By-law 2018-65, review of existing permissions granted through amendments to the previous Township of Collingwood and Town of Thornbury Zoning By-laws was undertaken to determine which amendments should be carried forward into the new Zoning By-law. Generally, for amendments like those granted through By-law 2003-57, it was determined that the permissions granted for reduced lot areas and lot frontages would continue as legal non-conforming even if the amendment were to be removed from the Zoning By-law. It was also determined that previous permissions to establish building envelopes could continue in the same manner, with buildings built within those envelopes existing as legal non-conforming buildings.

In this case, 15 years had passed between the establishment of the building envelope and the creation of a new Zoning By-law, with a building never being constructed on the property. As such, the building envelope established under By-law 2003-57 was removed when the current Zoning By-law was adopted, requiring any development proposed after the adoption of Zoning By-law 2018-65 to lift the Holding Provision 'h2' prior to the issuance of a building permit. The owner of the property now wishes to construct a single detached dwelling within the previously established building envelope, which requires the holding provision to be lifted. Figure 1 shows the extent of the holding provision on the subject property towards the front (right/east) of the property. It is noted that an additional holding provision (h1) is located towards the rear of the property and associated with a wetland feature. The single detached dwelling is proposed to be located at the front of the property and well outside of this holding provision. Figure 2 shows the original building envelope established by By-law 2003-57.

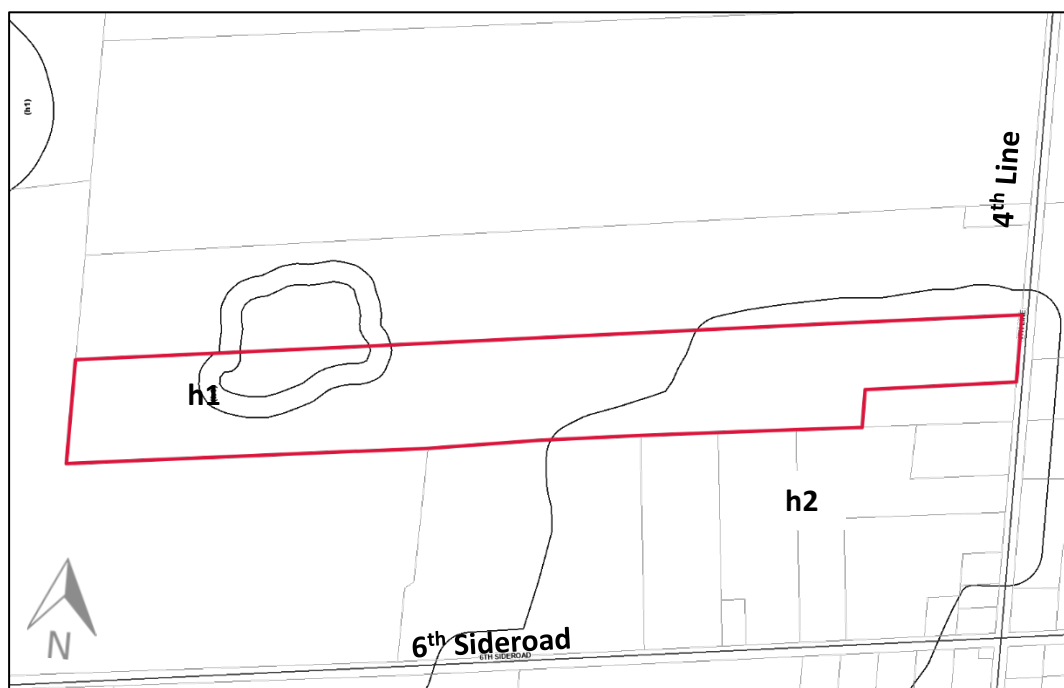


Figure 1. Extent of Holding Provisions on the Subject Lands

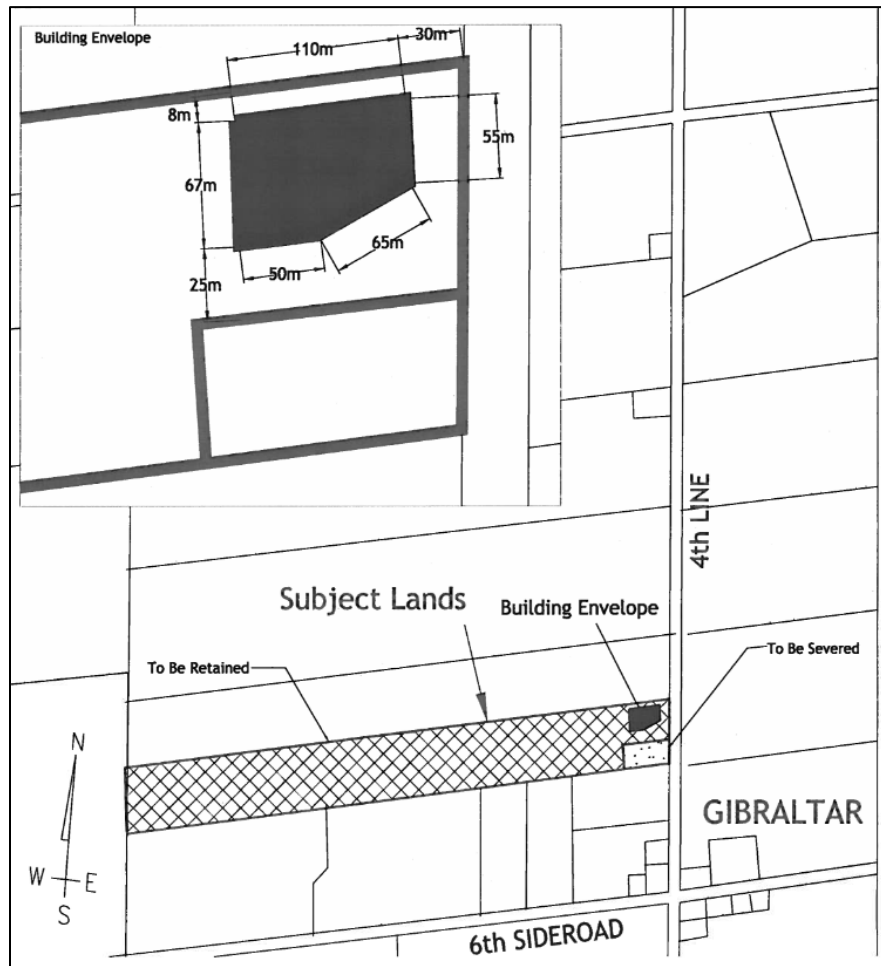


Figure 2. Building Envelope Established by By-law 2003-57

D. Analysis

Previously, the Town relied on Conservation Authorities as a commenting agency to provide support and recommendations related to natural heritage features and their ecological functions. Recent changes to the Conservation Authorities Act removed this mandate from the scope of Conservation Authorities' review. In light of these changes, recently hired Grey County Planning Ecology Staff fill this gap to provide commentary and recommendations in this regard.

Town Planning Staff consulted with Grey County Planning Ecology who conducted a site visit and indicated no concerns with the proposed development. The ANSI associated with the subject lands is related to the protection of groundwater infiltration, which may be impacted by the addition of impermeable surfaces as part of a development. The proposed development would add minimal additional impermeable surface and additional assessment is not warranted at this time.

Grey County Planning Ecology staff have indicated that future development on the subject lands should still be evaluated for its impact on the associated ANSI and as such, Planning Staff recommend that the holding provision on the subject lands only be lifted for the previously

established building envelope. Any future development within the holding provision area will require another application to lift the holding provision.

E. Strategic Priorities

1. Communication and Engagement

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

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.

F. Environmental Impacts

Nil

G. Financial Impacts

Nil

H. In Consultation With

Shawn Postma, Manager of Community Planning

Grey County Planning Ecology

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

J. Attached

1. Draft By-law

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:

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519-599-3131 extension 262

Report Approval Details

Document Title:	PDS.24.080 Recommendation Report - Removal of Holding H Symbol - Part Lot 7, Concession 5 (Blackstock and Hobson).docx
Attachments:	- PDS-24-080-Attachment-1.pdf
Final Approval Date:	Apr 26, 2024

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

Shawn Postma - Apr 26, 2024 - 9:46 AM

Adam Smith - Apr 26, 2024 - 12:27 PM

The Corporation of the Town of The Blue Mountains

By-Law Number 2024 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law".

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

- 1. That Schedule ‘A’ to The Blue Mountains Zoning By-law 2018-65 is hereby amended by removing the Holding (h2) symbol from a portion of those lands known as Paet Lot 7, Concession 5, as indicated on the attached Schedule ‘A-1’.
- 2. That Schedule ‘A-1’ affixed hereto is declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 13th day of May, 2024

Andrea Matrosovs, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2024-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 13th day of May, 2024.

Dated at the Town of The Blue Mountains, this 13th day of May, 2024.


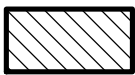
Corrina Giles, Clerk

Town of The Blue Mountains

Schedule 'A-1'

By-Law No. _____

Legend

-  Subject Lands of this Amendment
-  Area subject to (h2) removal

