



Agenda

Committee of Adjustment

Meeting Date: October 18, 2017 - **REVISED**

Meeting Time: 4:00 pm

Location: Town Council Chambers, 32 Mill Street, Thornbury

Prepared by Lori Carscadden – Secretary/Treasurer Committee of Adjustment

A. Call to Order

A.1 Call to Order by Chairman Morgan

A.2 Fire Evacuation

A.3 Approval of Agenda – October 18, 2017

A.4 Declaration of Pecuniary Interest

A.5 Previous Minutes – September 20, 2017

A.6 Business Arising from Previous Minutes

B. Deputations/Presentations

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town's website and/or made available to the public upon request.

** Deputations regarding Agenda Item C.2 will be received below.

C. Minor Variance Applications

C.1 Application No: A14-2017
Owner/Applicant: Gary Duke and Chantal Brault
Legal Description: Part Lot 9, Concession 5
Civic Address: #589214 Grey County Road 19

C.2 Application No: A08-2017
Owner: Parkbridge Lifestyle Communities
Agent: Andrew Pascuzzo – D.C. Slade Consulting
Legal Description: Part Lot 161, Plan 529
Civic Address: Grey Road 19

NOTE: Application #A08-2017 was considered by the Committee of Adjustment on June 21, 2017. The Committee at that time deferred the decision of the matter, and it is now before the Committee of Adjustment for decision. Staff are recommending refusal of Application #A08-2017 as noted in Staff Report #PDS.17.58, as attached.

Deputations:

1. Terry Bunting
2. Blue Mountain Watershed Trust Foundation

D. New and Unfinished Business:

E. Next Meeting Date – Tuesday, November 14, 2017

F. Adjournment



Staff Report

Planning & Development Services – Planning

Report To: Committee of Adjustment
Meeting Date: June 21, 2017
Report Number: PDS.17.58
Subject: Minor Variance A08-2017
Prepared by: Denise Whaley, Planner II

A. Recommendations

THAT the Committee of Adjustment Refuse Minor Variance Application No. A08-2017, which requested zoning relief to permit a temporary sales office on the lands.

B. Overview

This application requests permission for a temporary sales office on the property. The sales office would be related to the Parkbridge Development proposal. Planning Applications were received by the Town and Grey County, for a residential Plan of Subdivision, Zoning By-law amendment, Site Plan Control and Part Lot Control. The proposal is residential development of up to 208 units.

The property is currently zoned Deferred Development (DD) which does not allow the use of temporary sales office. Approval of this application would permit a temporary sales office on the property, for a specified period of time.

The Parkbridge Development proposal was received last winter and a public meeting was held May 15, 2017.

Location

The lands are approximately 26 hectares, vacant and located with frontage on Grey Road 19 and Lakeshore Road east. The legal description of the lands is Plan 529, Part of Lot 161 (formerly the Township of Collingwood), Town of The Blue Mountains. The property is an area of primarily residential uses, near the ski communities and Georgian Bay.

The location proposed for the temporary sales office is a cleared area with entrance from Grey Road 19.

Figure 1: Location Map

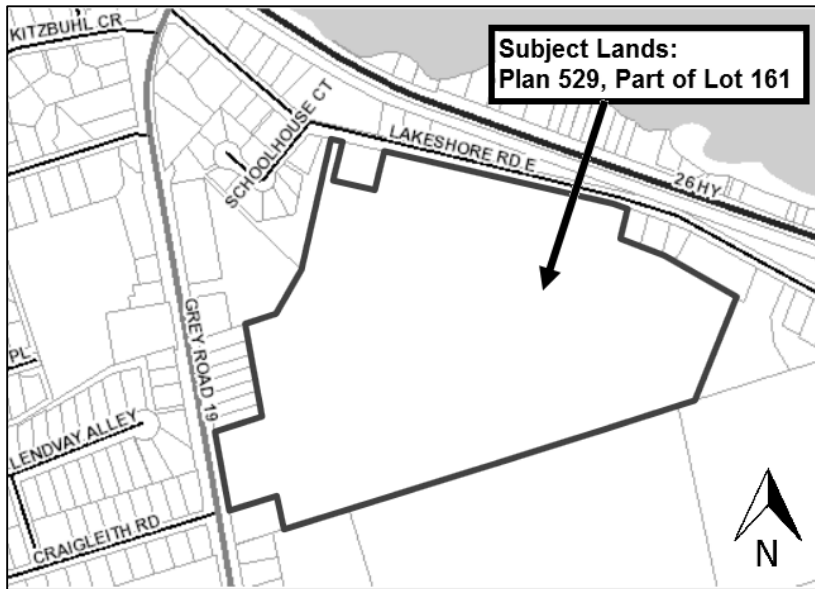


Figure 2: Aerial Photo



Summary of Received Comments

At the time of the writing of this report, comments had been received from the Historic Saugeen Metis with no objection or opposition.

Comments received from the Ministry of Transportation detailed concerns, including that a sales office is premature at this time.

Grey County Planning noted that Transportation Services requires an entrance permit for this development, with specific exemptions. They recommended that the requirement for an entrance permit be included as a condition, should the variance be approved. There was also a comment that a temporary zoning amendment may be a more appropriate tool for this proposal.

Grey Sauble Conservation Authority noted that their process is still early and the larger development application has not yet been reviewed or approved. They also commented that the minor variance is premature. And further they would like to see a more detailed site plan and stormwater management report for the sales office.

No other comments were received prior to the writing of this report.

C. Planning Analysis

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

Four Tests of a Minor Variance

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

The property is designated **Residential Recreation Area** and **Hazard**. The proposed sales office site appears to be located outside the Hazard lands on the site. The Residential Recreational Area allows for a variety of residential housing types, on full services.

While the Official Plan is silent on Temporary Sales offices, it does speak to temporary uses and provides for temporary use zoning amendments. In addition, more detailed development policies and lot standards are found in the implementing zoning by-law.

A temporary sales office would appear to maintain the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Town's Zoning By-law?

The property is zoned Deferred Development (DD) and Hazard Lands (H). The purpose of the DD zone is to hold lands until matters like water/sewer, roads etc. are in place, and is generally applied to larger parcels of land where development beyond a single detached dwelling will one day be possible.

The zoning by-law General Provisions provides for sales trailers under section 5.15 (g):

The temporary use of land or the temporary use or erection of a building, structure...for a sales and rental office incidental to the construction of one or more dwellings

approved under a Plan of Subdivisions, Plan of Condominium or Site Plan Control, in accordance with the provisions of the Planning Act and/or Condominium Act, as amended, for a period of not more than three years from commencement of the said temporary use provided said building, structure, mobile home recreational vehicle, park model trailer or other transportable structure is not used for human habitation and the property is zoned to permit the said approved development of the lands. (By-law 92-27 & 96-32)

The uses of sales office trailers is contemplated based on having some approvals and zoning to permit development of the lands, along with a maximum time of 3 years.

This variance does not maintain the intent and direction of the zoning by-law, which is meant to allow for these uses once there is some assurance the development can move forward. Since it is not currently known if the proposal will be approved and matter of limiting time may not work based on the stage of the proposal, staff are not satisfied that the proposal is appropriate as a variance in light of the zoning by-law.

Is the proposal minor in nature?

A variance may be considered minor where the impact will be minor or negligible and the “level of magnitude” is considered low / minor. In this case it is difficult to know what the impact might be, since we are not able to assess the length of time the trailer might be needed – compounding the early use, with the continued use after any approvals of Parkbridge are given, it would be some time. These structures are meant to be temporary and the community should be able to count on it being removed within a reasonable period of time.

Staff are not satisfied that this variance would be minor.

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

Staff are not satisfied that having a sales trailer on the property now, is a desirable use of these lands, particularly, given that the community has no assurance of how long it may be used. Having a sales office advertise units now could also give the impression that the development is already approved. This impression could undermine the public planning process in the long run.

D. Conclusion

This variance appears to be premature, given that the overall proposal is in the very early stages, and not been reviewed by staff. The accompanying studies (i.e. EIS, Stormwater etc.) have not yet been reviewed and accepted. At this early stage, many changes could take place – the project could stall, be reworked or even not move forward. If the variance is not approved, the property would still have the ability to locate a sales trailer once the lands are rezoned for the proposed uses as per section 5.15 (g).

While staff recommend refusal, should the Committee determine the four tests have been satisfied, the following conditions should be applied to any approval:

1. That the development be constructed in a manner substantially in accordance with the attached Site Plan – Attachment #1
2. That an entrance permit is received from the County of Grey.
3. This variance to the zoning by-law is for a maximum of two years from the date of decision.

E. Attached

1. Applicant's Site Plan

Respectfully Submitted,

Denise Whaley, MSc MCIP RPP
Planner I

Report Date: June 19, 2017

For more information, please contact:
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