July 30th, 2020

Mayor, Deputy Mayor & Members of Council
c/o Corrina Giles, CMO
Town Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
NOH 2P0

The purpose of this letter is to request that the Town of The Blue Mountains Council support a resolution to allow a Minor Variance application to be submitted, prior to the end of the two-year period for Zoning By-law Amendment No. 2020-21, passed by Council on March 30, 2020 (14 Arrowhead Crescent).

The Minor Variance would allow a reduction of the interior side yard setback for a retaining wall over 1 m in height and increase the encroachment of a balcony into the interior side yard.

Sub-section 45(1.4) to the Planning Act allows Council the opportunity to pass a resolution that would allow the proponents to apply for a Minor Variance, prior to the second anniversary of By-law 2020-21.

“45(1.3) – Two-year period, no application for a Minor Variance
Subject to sub-section (1.4), no person shall apply for a minor variance from the provisions of the By-law in respect of the land, building or entrance before the second anniversary of the day on which the By-law was amended. 2015, c.26, s.29(2).

45(1.4) – Exception
Sub-section (1.3) does not apply in respect of an application for a minor variance if the Council has declared, by resolution, that such an application is permitted, which by resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c.26, s.29(2).”

A site-specific request for a Zoning By-law Amendment on the subject property was made on July 10th, 2018, under the provisions of the former Township of Collingwood Zoning By-law 83-40. At that time, Plan Wells Associates on behalf of the applicant, requested that a portion of the property be re-zoned from the Private Open Space (OS2) Zone to the Estate Residential Exception 63 (ER-63) Zone (supported by the recommendations of an Environmental Study), and to increase the eave encroachment on the southern façade of the proposed dwelling from 1.0 m to 1.9 m. The submission was made prior to the new Town of The Blue Mountains Zoning By-law 2018-65 being in full force and effect.

The Zoning By-law Amendment application was submitted in July 2018. Final passage of site-specific By-law 2020-21 occurred on March 30, 2020. The Notice of Passing was issued on July 7, 2020, with the appeal period ending a few days ago, on July 27, 2020. A chronology of events over the past two years is summarized below.
The Public Meeting was held on August 27th, 2018. Based on comments from circulated agencies and a neighbouring property owner, the Town requested additional information, notably:

- Stormwater Management
- Grading
- Tree Preservation

A Tree Preservation Plan, prepared by Hensel Design Group, was submitted to the Town on October 27th, 2018.

A Stormwater Management Report and revised Lot Grading Plan, both prepared by C.C. Tatham & Associates Ltd. were submitted to the Town on December 21st, 2018.

In a March 7, 2019 e-mail, Town Planning Staff indicated that the Stormwater Management Report was with the Engineering Department for review. On June 24, 2019, the Town indicated that Staff was reviewing all comments and follow-up information and would provide comments by the end of that week. On August 29th, 2019, Town Staff sent an e-mail indicating that a peer review of the Slope Stability Study that was submitted in July 2018, will now be required. This request came 13 months after our Zoning By-law Amendment had been submitted and deemed complete on July 27th, 2018.

On January 13th, 2020, the Town circulated the completed peer review to us and stated “The peer review generally agrees with the Stantec Report submitted with the application and is satisfied with the recommendations of the slope report. At this point in time, Staff will be beginning to prepare a Staff Recommendation Report for the project as all remaining issues appear to now be resolved/addressed. Staff are aiming to have the Report included on the next available COW agenda, being February 25, 2020, Committee of the Whole agenda, subject to any unforeseen matters which may arise. The COW date will be re-confirmed as the date draws nearer.”

On February 20th, 2020, Town Staff circulated Staff Report PD.20.10 recommending enactment of the Zoning By-law Amendment and a “draft” By-law Amendment. The Town had now reviewed the 2018 Site Plan under the provisions of the new Town of The Blue Mountains Zoning By-law 2018-65.

On that same day, Plan Wells commented back to the Town indicating that the “draft” By-law was incorrect. Although the Site Plan met all provisions under the former Township of Collingwood By-law 83-40, save for an except the eave encroachment, under the new By-law, exceptions were required for the following:

- Minimum lot frontage shall be 27.0 m (this was not carried forward from By-law 83-40);
- Maximum height for a single detached dwelling shall be 10.3 m and 3 storeys; and
- Eaves associated with a single detached dwelling are permitted to encroach into the required interior side yard setback a maximum of 1.9 m

The “draft” By-law prepared by the Town did not include these required exceptions. Consequently, on February 21st, 2020, the Town indicated that they had pulled the Staff Report from the February 25th, 2020 COW meeting and moved it to the March 10th, 2020 COW meeting.
The COW did meet on March 10, 2020, however, the Planning portion of the meeting was cancelled as there was not a quorum. The Town indicated that they would re-schedule the planning items to a future date.

On March 11, 2020, the Town sent an e-mail indicating “Please be advised that the PDS portion of the March 10 COW meeting has been rescheduled for Monday March 16, 2020, starting at 11:00 am”. This meeting did take place, with the COW in support of bringing the By-law Amendment in front of Council for passage at their upcoming March 23, 2020 meeting.

As soon as this March 16, 2020 COW meeting to address planning matters was over, the Town closed the municipal office to implement safety guidelines in consideration of Covid 19. Council did re-convene on March 30, 2020 and passed By-law 2020-21. At the same time, the Province released O. Reg. 73/20 under the *Emergency Management and Civil Protection Act*, which suspended Planning Act timelines until further notice by the Province. The Town could not issue the Notice of Passing.

On June 22, 2020, the suspension of Planning Act timelines was lifted. The Town issued the Notice of Passing on July 7, 2020, with an appeal date of July 27, 2020. No appeals were received and By-law 2020-21 went into full force and effect on July 27, 2020.

As noted above, our ZBA submission was made under the old Township of Collingwood By-law 83-40 and the proposed retaining wall (greater than 1 m in height), along the southern lot line was in compliance with the provisions of that By-law. The site specific ZBA prepared by Town Planning Staff and passed by Council earlier this year did not include an exception for the required setback provision in the new Town of Blue Mountains Zoning By-law 2018-65, which requires that a retaining wall over 1 m in height must maintain the same setbacks as the principal building/structure, which in this case would require a setback of 5.0 m. This omission was an oversight by both parties and our proposed request for a Minor Variance will correct this situation.

During the last few months, the owners have modified the design of their proposed dwelling. The location of the dwelling and the driveway configuration remain the same, however, the notable changes are:

- The footprint of the dwelling has been reduced from 406 m² to 208 m²
- By reducing the footprint, the rear yard setback has been increased from 14.7 m to 20 m.
- An internal landscape feature (armour stone retaining wall) has been established at the front of the dwelling to provide for a hammerhead turn around for vehicles and/or visitor parking. The property will still comply with Section 5.2.2(b) of the Zoning By-law by maintaining a minimum of 50% of the front yard in which the driveway is located as a landscaped yard.
- The design of the dwelling, as submitted with our July 2018 ZBA submission, had two terraces facing east (Arrowhead Crescent). The revised design has eliminated these two terraces and now proposes to relocate one terrace to the south façade. This proposed southern balcony would rest upon support beams attached to the house at one end and embedded into the retaining wall along the southern lot line at the other end.

The above noted proposed changes are predicated on the architect’s and owners review of:

- Structural integrity
- Visual aesthetics
- Enhanced separation from tree retention area in the rear yard
The proposed dwelling is sited toward the rear of the lot and setback from the rear lot line of the developed neighbouring residential property to the south. This residential property to the south does not abut the subject lot, as there is a block of vacant land between the two lots that is undevelopable land and owned in common with the surrounding property owners. The proposed re-location of the balcony will overlook this vacant land to the south and will have no impact to the neighbour to the south.

As noted above, the proposed southern balcony would be supported by steel posts which would be embedded into the retaining wall. As the retaining wall is proposed to be setback .58 m from the southern lot line, the proposed balcony will encroach more than the permitted 1.5 m into the southern side yard.
Zoning Conformity-Bylaw 2018-65

<table>
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<tr>
<th>R1-4 ZONE</th>
<th>PROVISION</th>
<th>SITE PLAN</th>
<th>CONFORMS Y/N</th>
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<tr>
<td>Min. Lot Area</td>
<td>2,000 m²</td>
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<td>Min. Lot Frontage</td>
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<td>Min. Front Yard Setback</td>
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<td>Min. Rear Yard Setback</td>
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<td>Min. Int. Side Yard Setback</td>
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<td>Max. Lot Coverage</td>
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<td>Max. Height</td>
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<td>*3 storeys</td>
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<td>Yard Encroachment-Eaves</td>
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<td>Retaining Wall Setback</td>
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<td>0.58 m</td>
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<td>Balcony Encroachment</td>
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Notes:
- New site-specific provisions based on passed By-law #2020-21

The request before you would allow a Minor Variance application to be submitted and permit the owners of the subject lot to finally build their home, after a two-year wait.

We would respectfully request that Council support the proposed resolution:

_Pursuant to Section 45, Sub-section 1.4 of the Planning Act, Council hereby authorizes Jo-Anna and David Schroeder to submit a Minor Variance application to the Town of The Blue Mountains._

Thank-you for your consideration.

Yours truly,
Plan Wells Associates

Miriam Vasni, MCIP, RPP

c.c.: Trevor Houghton
       Travis Sandberg
       Jo-Anna & David Schroeder
       Shelley Wells
SITE PLAN SUBMITTED JULY 2018 - ZBA APPLICATION – 14 AROWHEAD CRES.

SITE AREA = 31,228 SF / 2901 SM
PROPOSED BUILDING FOOTPRINT = 4,371 SF / 406 SM
JULY 2020 SITE PLAN – 14 ARROWHEAD CRES.

SITE AREA = 2901 SM
PROPOSED BUILDING FOOTPRINT = 285.0 SM
+ 81.29 SM FOR TERRACE