Application Summary

Applicants: David & Linda Cummins
Legal Description: Plan 171, Lots 6 to 8, N/S Washington; Plan 171, Lots 8 to 10, W/S Nelson, Plan 171; Pt Lt A RP 16R-7374, Pts 1 & 2
Civic Address: 172 Balmy Beach Road
Assessment Roll Number: 4203 580 003 23610

The purpose of the zoning by-law amendment and deeming by-law applications is to create one 795.25 m² building lot by merging two existing small lots into one larger lot. Application Z-05-20 seeks relief to the following provisions of Zoning By-law 2020-020:

1. Table 10.3 to reduce the minimum lot area from 1500 m² to 795.25 m²;
2. Table 10.3 to reduce the minimum lot frontage from 30 m to 24.38 m;
3. To recognize the deemed parcels as an existing lot of record.

The existing developed lots will also be merged to comply with the zoning by-law.

Policies Affecting the Proposal

PL.2020.29

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The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions ‘be consistent with’ provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal’s conformity with the Provincial Policy Statement.

Under Section 4.6 of the PPS, the Official Plan is identified as, “the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans should identify provincial interests and set out appropriate land use designations and policies.” (PPS 2020, pg. 35). Schedule A of the Grey County Official Plan (GCOP) designates the subject property as “Inland Lake and Shoreline” and permits residential uses.

The lots in this area are partially serviced. Municipal water is available and the owner will be required to connect at the time that permits are issued from the Township. The property will be serviced by a septic system in accordance with the Ontario Building Code. Section 1.6.6.5b) of the PPS, 2020 allows partial servicing “within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.” (PPS, 2020 pg.19). These are existing lots of record within a settlement area.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones the subject lands ‘SR’ Shoreline Residential and permits residential development. The zoning amendment application proposes to reduce the minimum lot area from 1500 m² to 795.25 m² and the minimum lot frontage from 30 m to 24.38 m. As the lots currently sit, they could be developed with each lot accommodating an 800 sq. ft. dwelling. So while the proposed lot is considered deficient in lot area for this zone the merging of the two smaller lots to create a larger lot definitely meets the intent of the zoning by-law and should be supported.

Deeming By-law

Pursuant to Section 50(4) of the Planning Act, a deeming by-law application was submitted as part of this development proposal to deem the lots not to be lots on a registered plan, so that they no longer have registered lot status and can be merged. The eights lots will be deemed to become two larger residential lots. The Zoning By-laws do not recognize deemed lots to be existing lots of record so a by-law amendment will recognize them as lots of record so that they may be built on.
The deeming by-law will be registered on title to the lands and the property owner will invoiced for the registration costs and the associated legal fees.

**Relevant Consultation**

The Notice of Complete Application and Notice of Public Meeting/Public Hearing was circulated to various agencies for review. The following comments were received:

- **Grey Sauble Conservation Authority**: in comments dated June 6, 2020, the GSCA notes, “no objections to the conceptual lot creation for a new residential dwelling. A permit will be required from our office for the development of the lot. As part of the permit application an engineered grading and drainage plan is required.”

- **Grey County Planning & Development Department**: County Planning staff recommend, “receiving comments from the Conservation Authority regarding the Significant Woodlands. Should the applicant seek to injure or destruct trees on lands that extend more than 15 metres from the outer edge of which a Building Permit has been issued, staff recommend consulting the County's Forestry Management By-law - https://www.grey.ca/forests-trails. An exemption to the by-law includes the injuring or destruction of trees required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued. Provided that positive comments are received from the Conservation Authority regarding the Significant Woodlands, County planning staff have no further concerns with the subject application.” The County requests notice of any decision rendered with respect to this application. (Correspondence dated June 4, 2020)

  **Staff comment**: in the comments provided for this application, the GSCA notes that they are of the opinion that the woodland does not meet the criteria for significant woodland. They noted no objections to this application.

- **Historic Saugeen Metis (HSM)** in email correspondence dated May 28, 2020 the HSM note that, “The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and has no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.”

The Notice of Complete Application and Notice of Public Meeting was circulated to all property owners within 120 m of the subject property. Written comments were received from:

- Doug Crawford- Email correspondence dated June 7, 2020 – Mr. Crawford expressed concerns with the size of the property and the potential for development to result in drainage problems. His comments are attached for Council’s consideration.

  **Staff comment**: Staff provided Mr. Crawford with a copy of the GSCA comments. An engineered lot grading and drainage plan will be required by the GSCA as a
condition of their permit. This also requires the submission of certification from the engineer that the works were completed as approved.

Conclusion & Recommendation

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, the County of Grey Official Plan and the Township of Georgian Bluffs Zoning By-law 2020-020.

It is recommended that Report PL.2020.29 for Z-05-20 for David and Linda Cummins be received for information, and

Provided that no issues are raised at the Public Meeting, that Deeming By-law and Zoning By-law Amendment application Z-05-20 for David and Linda Cummins for lands described as Plan 171, Lots 6 to 8, N/S Washington; Plan 171, Lots 8 to 10, W/S Nelson, Plan 171; Pt Lt A RP 16R-7374, Pts 1 & 2, be approved.

An amending zoning by-law and a deeming by-law will be presented to Council at a later date.

Respectfully Submitted:

Original signed by J. Burnett

Jenn Burnett, MSc., MCIP, RPP
SITE PLAN
172 Balmy Beach Road
Plan 171, Lots 6 to 8, N/S Washington; Plan 171, Lots 8 to 10, W/S Nelson,
Plan 171; Pt Lt A RP 16R-7374, Pts 1 & 2
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Site Plan submitted by Applicant:

Sketch showing building location on lots 7 and 8 and a part of
lot 6 north of Washington Avenue and part of lot 10 west of
Nelson Avenue. All according to registered plan #171 in the
township of Gray, county of Grey. Severance requested of lots
8 and 9 west of Nelson Avenue, once they are deemed to be one:
shed to be relocated onto retained portion of property.