

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: September 7, 2011
REPORT NO.: PL.11.94
SUBJECT: Request for Comments -
Niagara Escarpment Commission:
Development Permit Application
File No. G/R/2011-2012/9041 -
Kevin Bambrough
West Part Lot 7, Concession 2;
Parts 4 and 6, RP 16R-2236;
6th Sideroad;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.94, “Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2010-2011/9152 – Kevin Bambrough; West Part Lot 7, Concession 2; Parts 4 and 6, RP 16R-2236; 6th Sideroad; Town of The Blue Mountains”; and

THAT Council advise the Niagara Escarpment Commission that the Town conditionally has no objection to the Development Permit Application within a development envelope (150 metres wide by 100 metres deep) on a 10 hectare (25 acre) existing lot to:

1. Construct a 2 storey, 1116 square metres (12000 square feet) dwelling (inclusive of associated attached garage, covered patio and veranda), having a maximum height of 12.2 metres (40 feet);
2. Install a private sewage disposal system;
3. Construct an in-ground swimming pool within a 1.5 storey, 112 square metre (1200 square foot) accessory building (glass structure), having a maximum height of 7.3 metres (24 feet);
4. Construct an underground tunnel from the dwelling to the accessory building housing the swimming pool (length to be determined)
5. Construct an outdoor deck/patio area surrounding the in-door swimming pool structure; and
6. Construct the driveway.

The Town’s comments to the Niagara Escarpment Commission on this Development Permit Application shall be subject to the following conditions:

1. That the accessory use/buildings have limited prominence (side or rear yards of dwelling or vegetative screening) on the subject lands, to the satisfaction of the Niagara Escarpment Commission.

2. That the driveway shall be placed along the western edge of the forested area on the east side of the subject lands; or in close proximity to the western interior side lot line to gain access to the development envelope; to the satisfaction of the Niagara Escarpment Commission.
3. That an Entrance Permit must be obtained from the Town of The Blue Mountains Engineering and Public Works Department prior to the onset of construction.
4. That Building Permit(s) must be obtained from the Town of The Blue Mountains Building Division for the development proposal prior to the onset of construction.
5. That On-Site Sewage Permit(s) must be obtained from the Town of The Blue Mountains Building Division for the development proposal prior to the onset of construction.

B. Background

The purpose of this Report is to consider and to develop comments related to a Development Permit Application filed with the Niagara Escarpment Commission (NEC) with respect to a proposal to:

- Construct a 2 storey, 1116 square metres (12000 square feet) dwelling (with associated attached garage, covered patio and veranda), having a maximum height of 12.2 metres (40 feet);
- Install a private sewage disposal system;
- Construct an in-ground swimming pool within a 1.5 storey, 112 square metre (1200 square foot) accessory building (glass structure), having a maximum height of 7.3 metres (24 feet);
- Construct an underground tunnel from the dwelling to the accessory building housing the swimming pool (length to be determined)
- Construct an outdoor deck/patio area surrounding the in-door swimming pool structure; and
- Construct the driveway

The subject property is located on West Part Lot 7, Concession 2; Parts 4 and 6 of Reference Plan 16R-2236; in the Town of The Blue Mountains, locally described as the north side of 6th Sideroad. The subject lands would be required to be serviced by private on-site well and septic system, on a lot comprised of 10 hectares (25 acres) in area. The Owner is Kevin Bambrough and his contractor is Andrew Noxon of Upstream Construction Ltd. The Owner has authorized Kathie Houghton of Niagara Escarpment Consulting as their Agent on this development permit application (DPA).

As you may recall, a Planning Staff Report was before the Planning and Building Committee of Council on April 4, 2011 for the original development proposal under DPA #G/R/2010-2011/9152. The proponent's have now increased the total floor area of the proposed dwelling, requiring a new DPA to be filed. It should be noted that a positive decision with respect to this DPA, will nullify the previous DPA from 2010-2011.

Official Plan

The subject lands are designated as Rural (R) in the Town of The Blue Mountains Official Plan (OP). The purpose of the Rural designation is to provide for the continuation of agricultural practices in areas of generally lower capability soils while permitting other uses considered compatible with the rural environment. Agricultural operations and related buildings and structures and farm related residential dwellings are a permitted use; and accessory structures are a common incidental use to the main dwelling.

Planning Staff note that the proposed accessory use should be within the side or rear yard of the proposed dwelling to ensure the limited prominence of the accessory use on the subject lands to conform to the accessory use general development policies of Section 3.5 of the OP. Planning Staff note that this can further be achieved through natural vegetative screening of the use and structure from the public street aided through the increased setback from the street, further supporting this policy. As a condition, Planning Staff recommends that the accessory use building have limited prominence on the subject lands.

The proposed driveway access location should be located in close proximity to the existing tree line on the easterly portion of the subject lands or in close proximity to the westerly interior side lot line, to minimize the impacts that the driveway has in sectioning off the tillable acreage of the farmlands. Planning Staff recommend this as a condition to this DPA.

Subject to the recommendations contained in this Report, Planning Staff are of the opinion that the development proposal would appear to conform to the OP.

Zoning

If zoning were in place, the General Rural (A1) Zone would apply to the subject lands. The General Rural (A1) Zone would permit this type of use on the subject lands.

Planning Staff note that since no site plan details have been submitted with the DPA, there could be a compliance issue with regard to this development proposal, if zoning were in place. This relates to the proposed location of the detached accessory building. Planning Staff have no concern with the proposed location of the proposed accessory building subject to the commentary of the OP and recommendations therein.

Additional Comments

The Town's Engineering and Public Works Department requires an entrance permit be obtained on the subject lands for the proposed new entrance onto 6th Sideroad. Planning Staff recommends this as a condition to this application prior to the onset of construction.

The Town's Building Division requires that building permit(s) be obtained for the proposed development. Planning Staff recommends this as a condition to this application prior to the onset of construction.

The Town's Building Division requires that on-site sewage permit(s) be obtained for the proposed development. It is recommended that the proponent retain the services of an Ontario Building Code qualified "On-site Sewage Systems" person to review the schematic design/location of the proposed On-site Sewage System. Particular regard should be had to the field size required and the capability of the soils to support the proposed loading. Planning Staff recommends this as a condition to this application prior to the onset of construction.

Based on the foregoing, Planning Staff would have no objections to this application for a Development Permit, conditional upon ensuring the limited prominence of the accessory uses and buildings, modifying the driveway location, all to the satisfaction of the NEC; and obtaining an entrance permit, building permit(s) and on-site sewage permit(s) with the Town.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.94 is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community"

D. Environmental Impacts

The proposed development does not appear to generate any significant environmental impacts that can be regulated by the Town.

E. Financial Impact

NIL

F. Attached

1. Lot Configuration
2. Revised Site Plan

Respectfully submitted,

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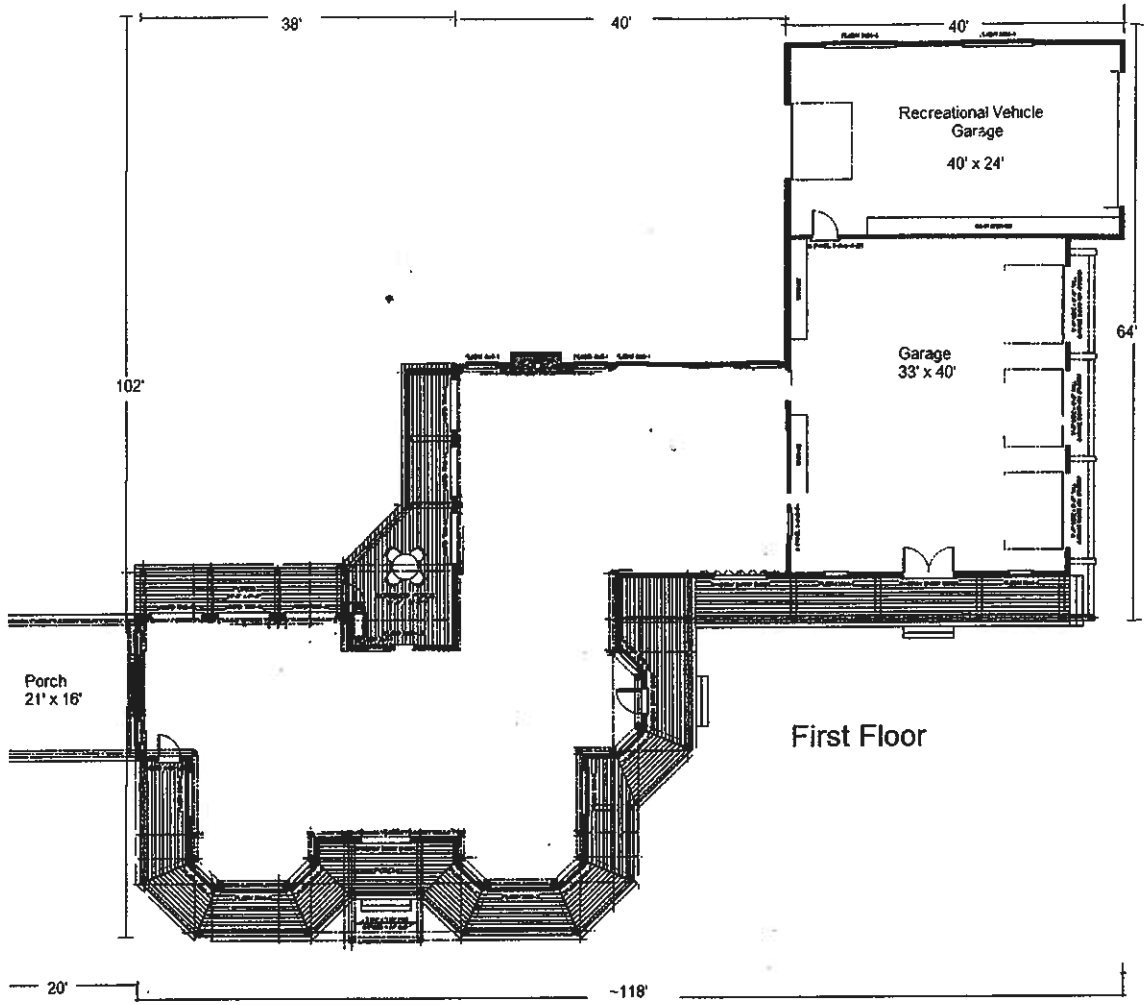
SITE PLAN

SUBJECT PROPERTY

North ↑



APPROVED BUILDING ENVELOPE



Map 3 B

Name Bambrough

File Number G/R/2011-2012/9042



Not to Scale