

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: March 7, 2011
REPORT NO.: PL.11.24
SUBJECT: Request for Comments -
Niagara Escarpment Commission:
Development Permit Application
File No. G/R/2010-2011/9150 -
Brian and Kaley Roy
East Part Lot 19, Concession 6;
576196 5th Line;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.24, "Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2010-2011/9150 – Brian and Kaley Roy; East Part Lot 19, Concession 6; 576196 5th Line; 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 on a 15.4 hectare (37.94 acre) existing lot to:

- 1. Construct a 1 storey, 74.4 square metre (800 square foot) accessory building (driveshed), having a maximum height of 6 metres (20 feet);**
- 2. Construct 2 store pillars, 2 metres (6 feet) high, each with a 1 metre (3 foot) high wing wall at the driveway entrance; and**
- 3. Extend 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 a Visual Impact Assessment be submitted to the satisfaction of the Niagara Escarpment Commission to ensure that adequate natural screenings is provided to protect the natural views of the escarpment slope and subsequently incorporated into the landscaping plan.**
- 2. That the proponent conducts a karst topography investigation to determine if shallow overburden with karst topography does exist in the development area, to the satisfaction and clearance of the Niagara Escarpment Commission.**
- 3. 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.**

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 1 storey, 74.4 square metre (800 square foot) accessory building (driveshed), having a maximum height of 6 metres (20 feet);
- Construct 2 store pillars, 2 metres (6 feet) high, each with a 1 metre (3 foot) high wing wall at the driveway entrance;
- Extend the driveway.

The subject property is located on East Part Lot 19, Concession 6; in the Town of The Blue Mountains, locally described as 576196 5th Line. The subject lands are serviced by private on-site well and septic system, on a lot comprised of 15.4 hectares (37.94 acres) in area. The Owner and Applicant are Brian and Kaley Roy, whom have authorized Scott Beaumont of Beaumont Construction Ltd as their Agent on this development permit application (DPA).

Official Plan

The subject lands are designated as Rural (R) and Escarpment (E) in the Town of The Blue Mountains Official Plan (OP). The Escarpment (E) designation is associated with the slope that runs east/west through the middle of the subject lands with the topography of the land falling to the north. The proposed development is situated all within the Escarpment (E) designation, identifying significant escarpment features within the Escarpment Protection area of the Niagara Escarpment Plan that is intended to protect the natural and visual continuity of the escarpment. This is further identified as Slope, Floodplain and Shoreline Hazards under Appendix "A" of the OP. Site selection is further detailed under Section 4.6.6 of the OP where attention must be given to the protection of the natural and visual characteristics of the escarpment, minimizing potential disruption to the existing topography and natural environment, adequate building site on slopes less than 25%, etc.

Planning Staff note that the existing slope appears to be less than 25% as the lands decrease in elevation as you proceed northward on the site. The subject lands appear to have numerous mature trees planted, so retention efforts shall be utilized to protect the natural environment, as well as additional native plantings are encouraged. As a condition of support, a visual impact assessment should be completed to the satisfaction of NEC to ensure that adequate natural screenings are provided to protect the natural views of the escarpment slope for this development proposal and subsequently incorporated into the landscaping plan.

The property has been identified as an Archaeological Area under Appendix "D" of the OP. Section 8.11 of the Plan ensures that cultural heritage features are protected, preserved and enhanced as further indicated by the province. Being that the development proposal is a slab-on-grade driveshed and in close proximity to the existing 2-storey detached garage (as the construction could have altered the

landscape), there would appear to be no impacts to significant cultural heritage features in the development area.

The property has been identified as Thin Overburden Areas under Appendix “E” of the OP. Section 8.16 of the OP requires the preparation of an EIS if karst topography is present in order to minimize the risk of contamination of water resources. Being that the development proposal is slab-on-grade driveshed; NEC Staff should ensure that there is no impacts to the karst. This requires the proponent to have a qualified individual conduct a preliminary karst investigation by digging test holes to determine if there is significant karst present on the subject property. If the test holes reveal karst topography with shallow overburden then an EIS is necessary to assess the impacts and mitigation measures on the surface and ground water supply. Planning Staff recommends as a condition to this application that the karst investigation shall be completed to the satisfaction of the NEC.

Therefore, Planning Staff note that the development proposal would appear to conform to the OP, subject to addressing any visual impacts and karst topography.

Zoning

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

There would 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, as it appears to be located closer to the street than the existing dwelling, contrary to the general provisions for accessory uses under Section 5.2(iii). Given that the proposed detached accessory building would have a exterior side yard and front yard setbacks over 125 metres from the public road (18th Sideroad and 5th Line), it would appear to have limited visual impacts on the surrounding area with the existing mature vegetation and further shall conform to the OP policies with respect to visual impacts. Therefore Planning Staff have no concern with the proposed location of the proposed accessory building on the lands.

Additional Comments

With respect to the proposed stone pillars, Planning Staff have no issues of concern, as the proposed site location would be setback 17.75 metres from the lot line along the existing driveway entrance at 5th Line.

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.

Based on the foregoing, Planning Staff would have no objections to this application for a Development Permit, conditional upon addressing visual impacts and karst topography to the satisfaction of the NEC; and obtaining building permit(s) with the Town.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.24 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. Budget Impact

NIL

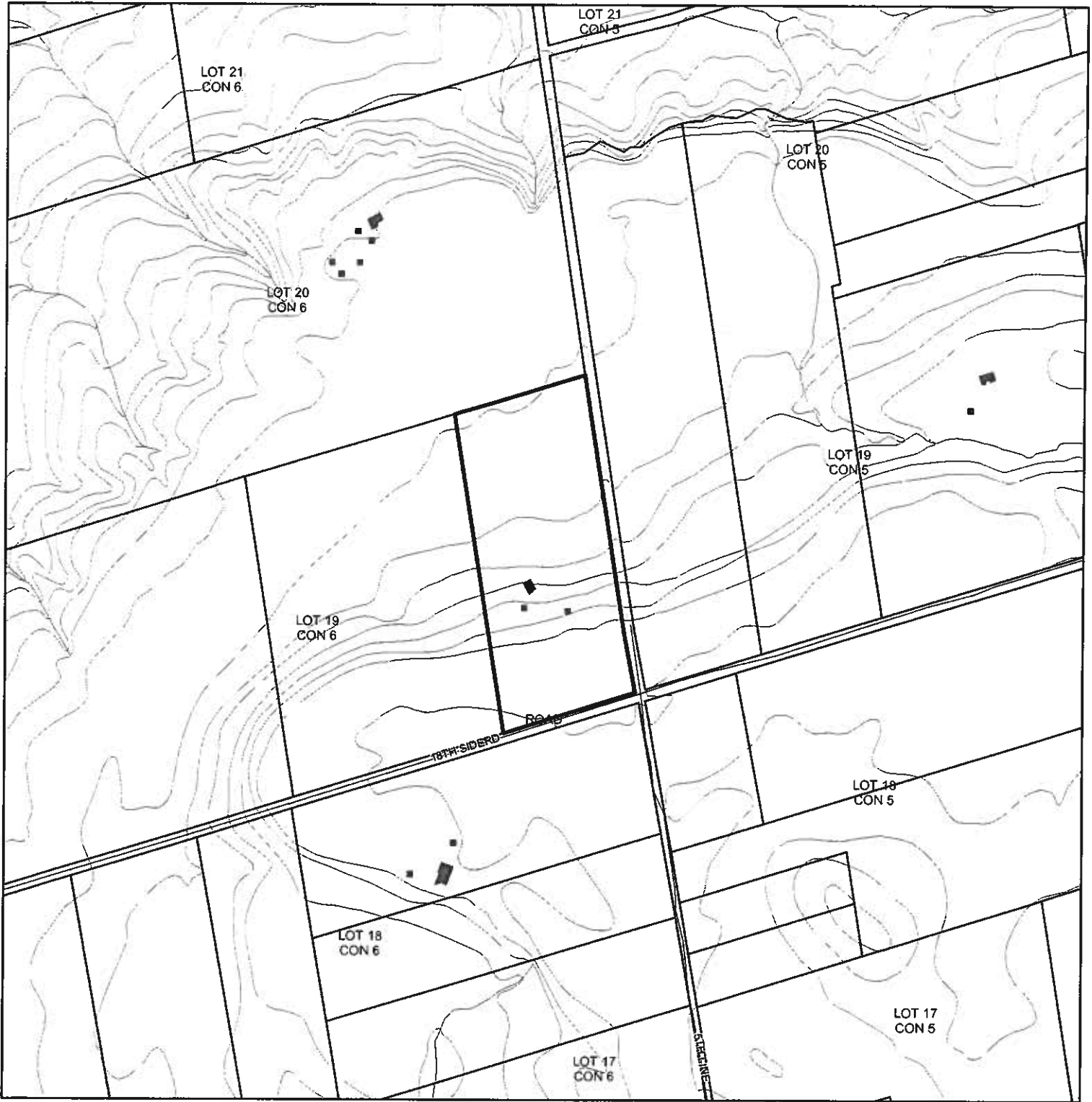
F. Attached

1. Lot Configuration
2. Site Plan

Respectfully submitted,

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**MAP 2
LOT CONFIGURATION**

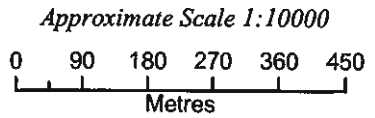
FILE NO. G/R/2010-2011/9150

APPLICANT: ROY

LEGEND

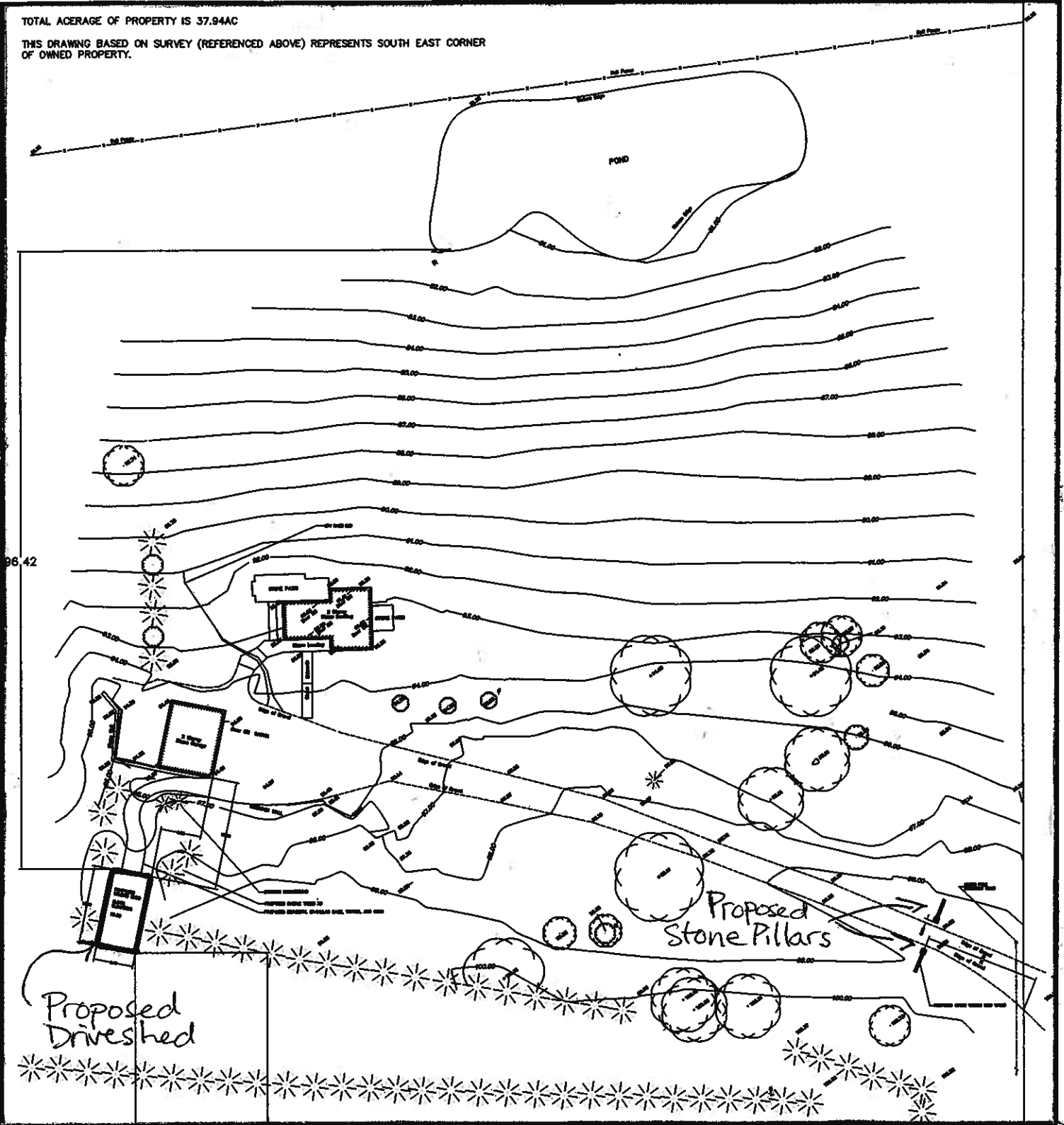
 Subject Property

Printed on Jan 20, 2011 by brownca3



TOTAL ACERAGE OF PROPERTY IS 37.94AC

THIS DRAWING BASED ON SURVEY (REFERENCED ABOVE) REPRESENTS SOUTH EAST CORNER OF OWNED PROPERTY.



Map 3A

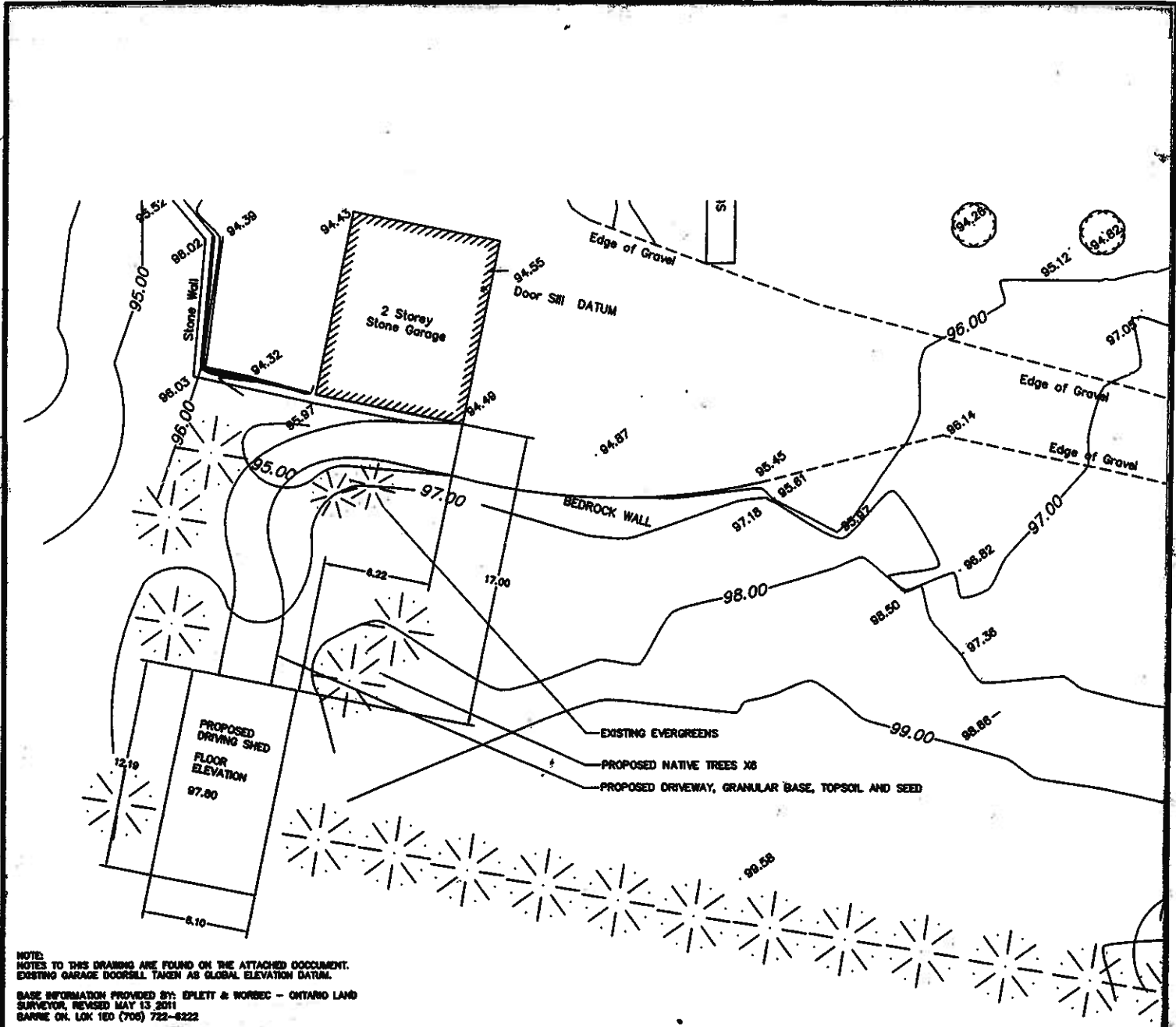
Site Plan

Name... Roy

File Number... G/R/2010-2011/9150



Not to Scale



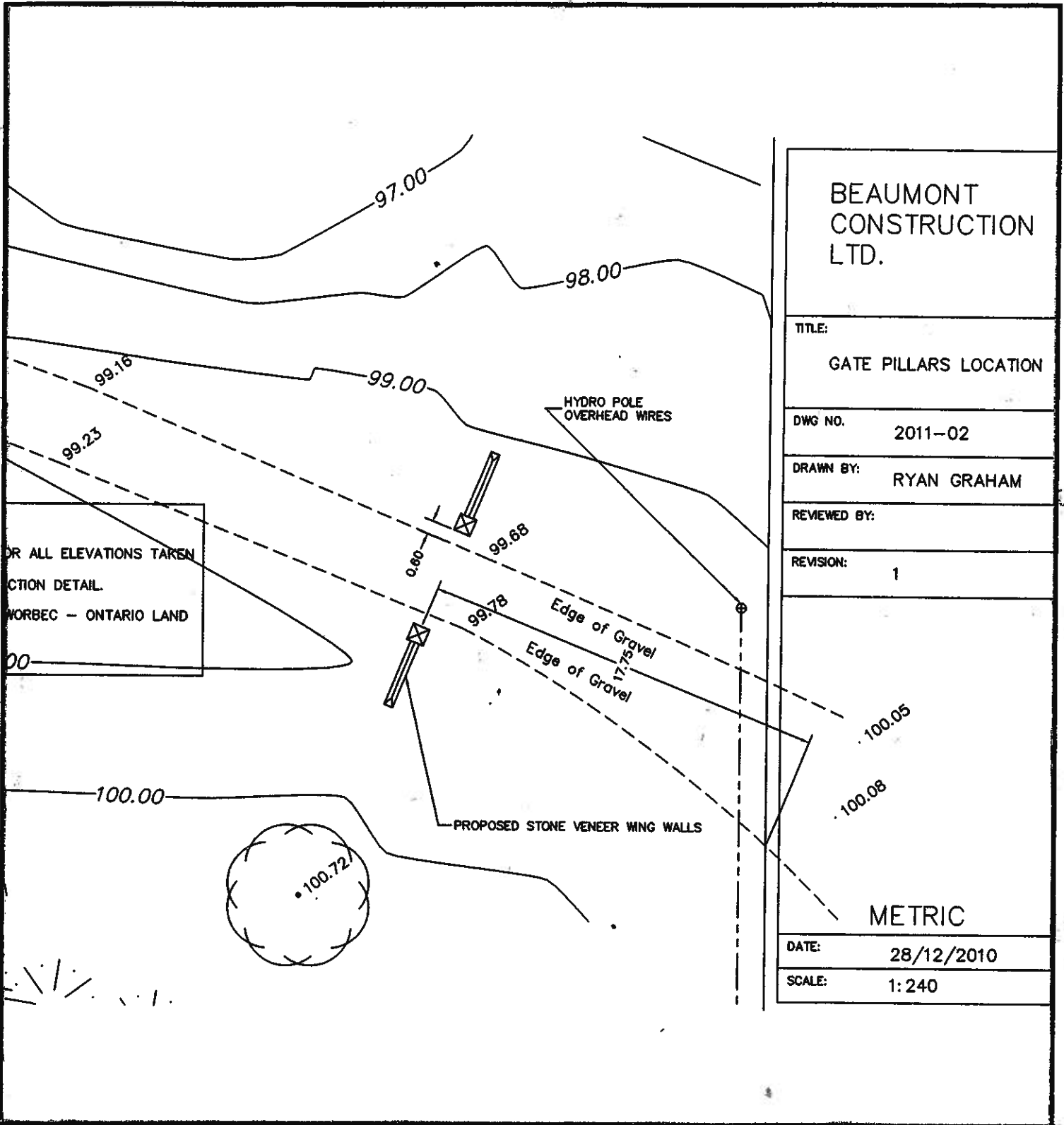
NOTE:
 NOTES TO THIS DRAWING ARE FOUND ON THE ATTACHED OCCUPANT.
 EXISTING GARAGE DOORSILL TAKEN AS GLOBAL ELEVATION DATUM.
 BASE INFORMATION PROVIDED BY: OPLETT & WORDEC - ONTARIO LAND
 SURVEYOR, REVISED MAY 13 2011
 BARRIE ON. LOK 1ED (706) 722-6222

BEAUMONT CONSTRUCTION LTD.	TITLE: PROPOSED DRIVING SHED LOCATION	DRAWN BY: RYAN GRAHAM	DATE:
	DRAWING NO. 2011-03	REVIEWED BY:	SCALE

Map 3B
 Site Plan - Detail

Name.....Roy.....
 File Number.....G/R/2010-2011/9150.....





BEAUMONT
CONSTRUCTION
LTD.

TITLE:
GATE PILLARS LOCATION

DWG NO. 2011-02

DRAWN BY: RYAN GRAHAM

REVIEWED BY:

REVISION: 1

METRIC

DATE: 28/12/2010

SCALE: 1:240

Map 3C

Site Plan - Detail

Name Roy

File Number G/R/2010-2011/9150



Not to Scale