

STAFF REPORT: **Planning & Building Services Department**



REPORT TO: **Mayor & Members of Council**
DATE: **Monday, August 10, 2009**
REPORT NO.: **PL.09.92**
SUBJECT: **Request for Comments**
 Niagara Escarpment Commission
 File No. G/R/2009-2010/9025
 Fiorita Cont
 Part Lot 15, Concession 3;
 629520 Grey Road 119;
 Town of The Blue Mountains

PREPARED BY: **Bryan Pearce,**
 Planner I

A. Recommendations

THAT Council advise the Niagara Escarpment Commission that the Town have no objection to the Development Permit Application File No. G/R/2009-2010/9025; legally described as Part Lot 15, Concession 3; Town of The Blue Mountains.

B. Background

The purpose of this report is to consider a proposal to construct a concrete block foundation and full basement beneath an existing 1 storey, 64 square metre (692 square foot) storage building currently on piers, having a maximum height of 5.5 metres (18 feet) measured from the lowest grade to the peak. The subject property is located on Part Lot 15, Concession 3 in the Town of The Blue Mountains and is 4 hectares (10 acres) in area. The Applicant is Fiorita Cont whom is joint Owner with Giovanni Cont.

Official Plan

The subject lands are designated as Rural (R) and Escarpment (E) in the Town of The Blue Mountains Official Plan. The Escarpment (E) designation is associated with a portion of lands in the far southwest corner of the property. The proposed development is situated all within the Rural (R) designation. 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. Rural non farm dwellings are a permitted use; and therefore would appear to conform to the Official Plan.

Zoning

The subject lands are affected by two land use authorities exercising development control, as the eastern portion of the lands the zoning is in effect and regulated by the

Town, whereas the western portion of the lands are affected by development control of the Niagara Escarpment Commission.

If zoning were in place, the Rural Estate Residential (RERc) Zone and Hazard (H) Zone would apply to the subject lands. The Hazard (H) Zone would be associated with the steep slope at far southwest corner of the property. The proposed development would be situated in the Rural Estate Residential (RERc) Zone. The Rural Estate Residential (RERc) Zone permits a single detached dwelling; home occupation; home industry; agricultural uses excluding buildings of structures; and uses, buildings and structures accessory to the dwelling.

There would be compliance issues with regards to this development proposal, if zoning were in place. This relates to the proposed location of the detached storage building appears to be located closer to the street than the existing main dwelling, contrary to the general provisions for accessory uses under Section 5.2(iii). Given that the proposed detached storage building is setback approximately 32 metres (105 feet) from the public road limiting the visual impacts, Planning Staff have no concern.

Additional Comments

A building permit, application number 2001-77, was issued on April 18, 2001 for the construction of a block foundation under an existing storage building (eastern structure on the subject lands). At the time of this permit, the development proposal, being the western structure was the dwelling on the subject lands.

Another building permit, application number 2005-31, was issued on May 31, 2005 for renovating the second structure on the eastern portion of the property into a single detached dwelling with the condition that the subject development proposal be converted from the dwelling into an accessory use and only to be used for storage, with plumbing to be capped and culinary and sanitary conveniences to be removed. This is due to the fact that the Zoning By-law does not permit the use of having two dwelling units on one lot and does not permit habitable space in accessory buildings.

Based on the foregoing, Planning Staff support this application for a Development Permit.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.09.92 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
3. Floor Plan

Respectfully submitted,

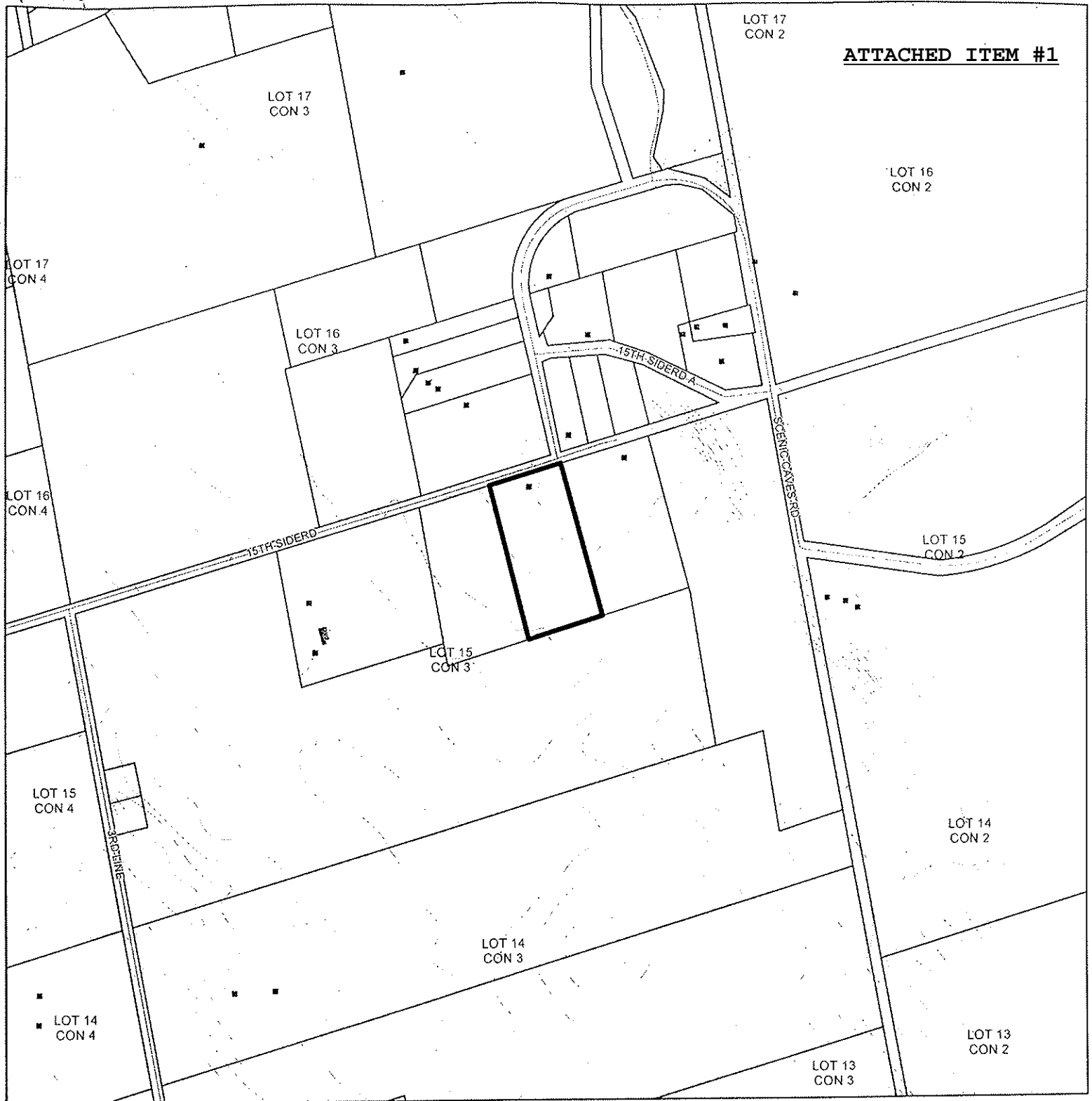
Bryan Pearce, HBA, CPT
Planner I
26 Bridge Street, PO Box 310
Thornbury, ON NOH 2PO
Phone: 519-599-3131 ext.269
Fax: 519-599-3018
bpearce@thebluemountains.ca

David Finbow
Director of Planning & Building Services Department
26 Bridge Street, PO Box 310
Thornbury, ON NOH 2PO
Phone: 519-599-3131 ext.246
Fax: 519-599-6032
dfinbow@thebluemountains.ca

/bp

K:\2009 NEC\PL0992 Cont - basement addition to storage building.doc

ATTACHED ITEM #1

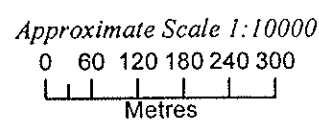


**MAP 2
LOT CONFIGURATION**

LEGEND
[Thick black border] Subject Property
[Dashed line] Contour (5 metre intervals)

FILE NO. G/R/2009-2010/9025

APPLICANT: FIORITA CONT

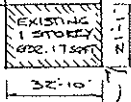


475' ±

STREET

106' ±

107' ±



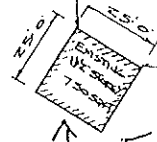
Proposed Basement Foundation

PROPOSED BASEMENT FOUNDATION TO AN EXISTING FRAME 1 STORY AND PROPOSED 4" FACE BRICK ALL AROUND EXISTING

Existing Accessory Building

7'-5" ±

900' ±



101' ±

Existing Dwelling

Map 3A

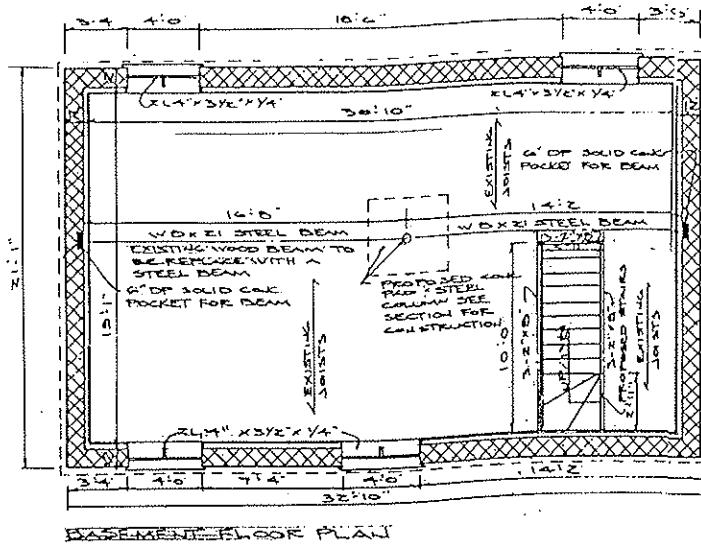
Site Plan

Name... *Cont*

File Number... *6/12/2009-2010/9025*



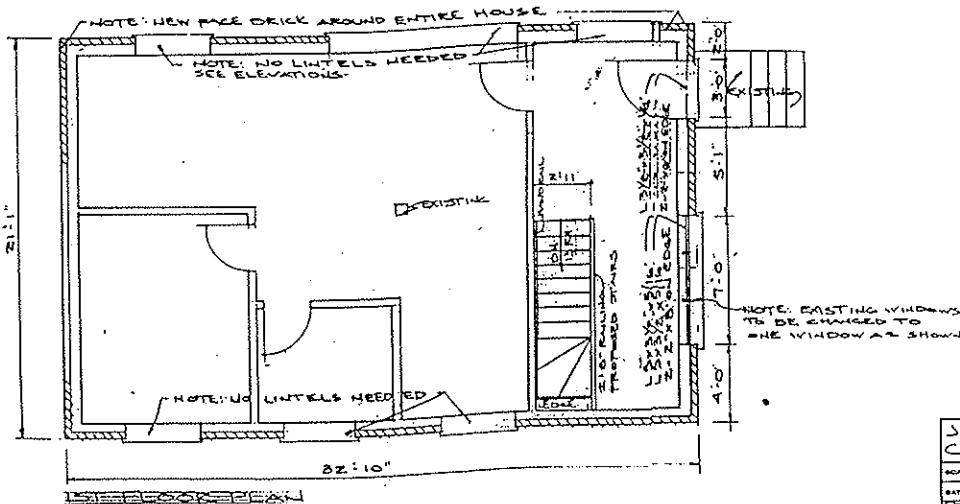
Not to Scale



NOTES

- ALL STAIRS/EXTERIOR STAIRS - OCC 200-
- MAX RISE 7"6/8"
- MIN RUN 110 (8-1/4")
- MIN TREAD 11 (8-1/4")
- MAX nosing 1/2" (1")
- MIN HEADROOM 180 (6'-8")
- RAIL LANDING 200 (6'-11")
- RAIL STAIR 200 (6'-11")
- MIN STAIR WIDTH 2'-10"

RECEIVED
 JUN 23 2009
 NIAGARA ESCARPMENT
 COMMISSION



OFFICE SITE COPY

JOHN CONT		
CONCESSION 3 PART LOT 15		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:	REVISION:	
PROJECT: PROPOSED NEW CONCRETE BLOCK FOUNDATION FOR PROPOSED BASEMENT & NEW 4" FACE DRICK		
TITLE: FLOOR PLANS		DRAWING NUMBER: 2

Map 3B

Floor Plan

Name..... **CONT**

File Number..... **G/R/2009-2010/9025**



Not to Scale