

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: April 4, 2011
REPORT NO.: PL.11.36
SUBJECT: Request for Comments -
Niagara Escarpment Commission:
Development Permit Application
File No. G/R/2010-2011/9168 -
Paul Szymanski
South ½ Lot 7, Concession 3;
Part 4, RP 16R-2107;
569559 6th Sideroad;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.36, “Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2010-2011/9168 – Paul Szymanski; South ½ Lot 7, Concession 3; Part 4, RP 16R-2107; 569559 6th Sideroad; Town of The Blue Mountains”; and

THAT Council advise the Niagara Escarpment Commission that the Town has no objection to the Development Permit Application on a 10 hectare (25 acre) existing lot to:

- 1. Construct a 1 storey, 9.0 square metre (96 square feet) accessory building (pool cabana), having a maximum height of 4.3 metres (14 feet);**
- 2. Construct a retaining wall of boulders to replace an existing timber retaining wall;**
- 3. Construct a 10.7 metre by 12 metre (35 foot by 40 foot) asphalt basketball half court; and**
- 4. Grade and construct a landscaping berm in the area associated with construction of an in-ground swimming pool.**

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, 9.0 square metre (96 square feet) accessory building (pool cabana), having a maximum height of 4.3 metres (14 feet);
- Construct a retaining wall of boulders to replace an existing timber retaining wall;

- Construct a 10.7 metre by 12 metre (35 foot by 40 foot) asphalt basketball half court; and
- Grade and construct a landscaping berm in the area associated with construction of an in-ground swimming pool.

The subject property is located on South ½ Lot 7, Concession 3; Part 4 of Reference Plan 16R-2107; in the Town of The Blue Mountains, locally described as the north side of 6th Sideroad east of the community of Gibraltar with a civic address of 569559 6th Sideroad. The subject lands are serviced by private on-site well and septic system, on a lot comprised of 10 hectares (25 acres) in area. The Owner is Paul Szymanski and his contractor and Agent is Jeff Scheper of The Landscape Group on this development permit application (DPA).

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 (basketball half court) 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. Planning Staff has no issues of concern due to the increased setback and the amount of natural vegetation that exists on the site to screen the accessory use.

Therefore, Planning Staff note that the development proposal would appear to conform to the Official Plan.

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.

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 accessory use basketball half court, 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 accessory use would have a setback over 100 metres from the public road (6th Sideroad (year-round maintenance) and 2th Line (seasonal maintenance)), 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 use of the basketball half court on the lands.

With respect to the proposed pool cabana, retaining wall and landscaping berm, Planning Staff have no issues of concern with the proposed site location.

Additional Comments

The Town's Building Division doesn't require a building permit for the 9 square metre accessory building (pool cabana) as it is below the footprint area requirements (a minimum of 10 square metres) of the Ontario Building Code (OBC). Planning Staff note that there is no issue of concern with the proposed retaining wall with respect to the OBC.

For informational purposes, Planning Staff note that the owner plans on constructing an in-ground pool, but is exempt from development control of the NEC. Planning Staff note that the Town has a Swimming Pool Fence By-law 2002-8, that needs to be adhered to on the matter; and an associated Swimming Pool Fence Permit is required with the Town.

Based on the foregoing, Planning Staff would have no objections to this application for a Development Permit.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.11.36 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. Site Plan

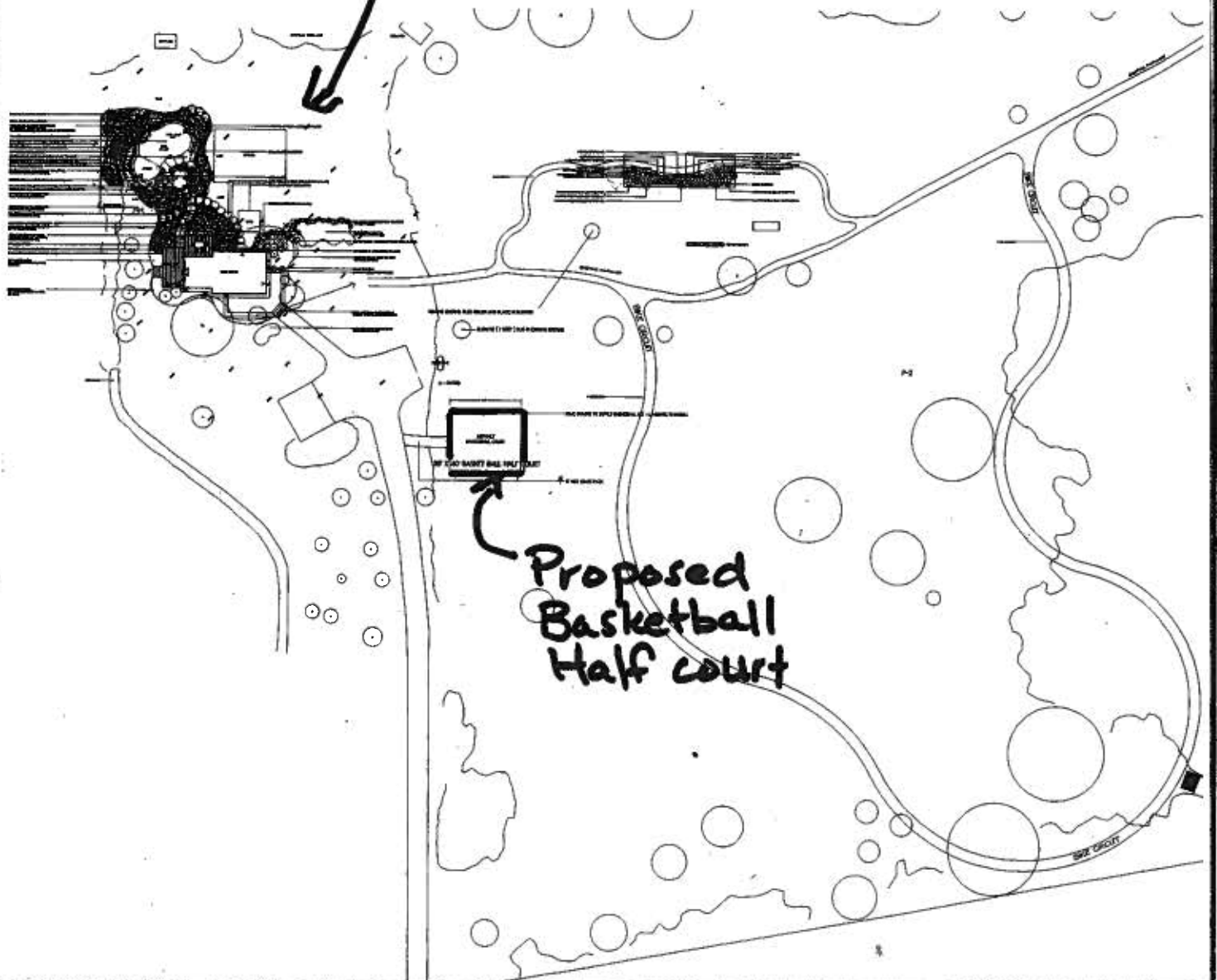
Respectfully submitted,

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See Detail Map 3B



Proposed
Basketball
Half court

Map 3A

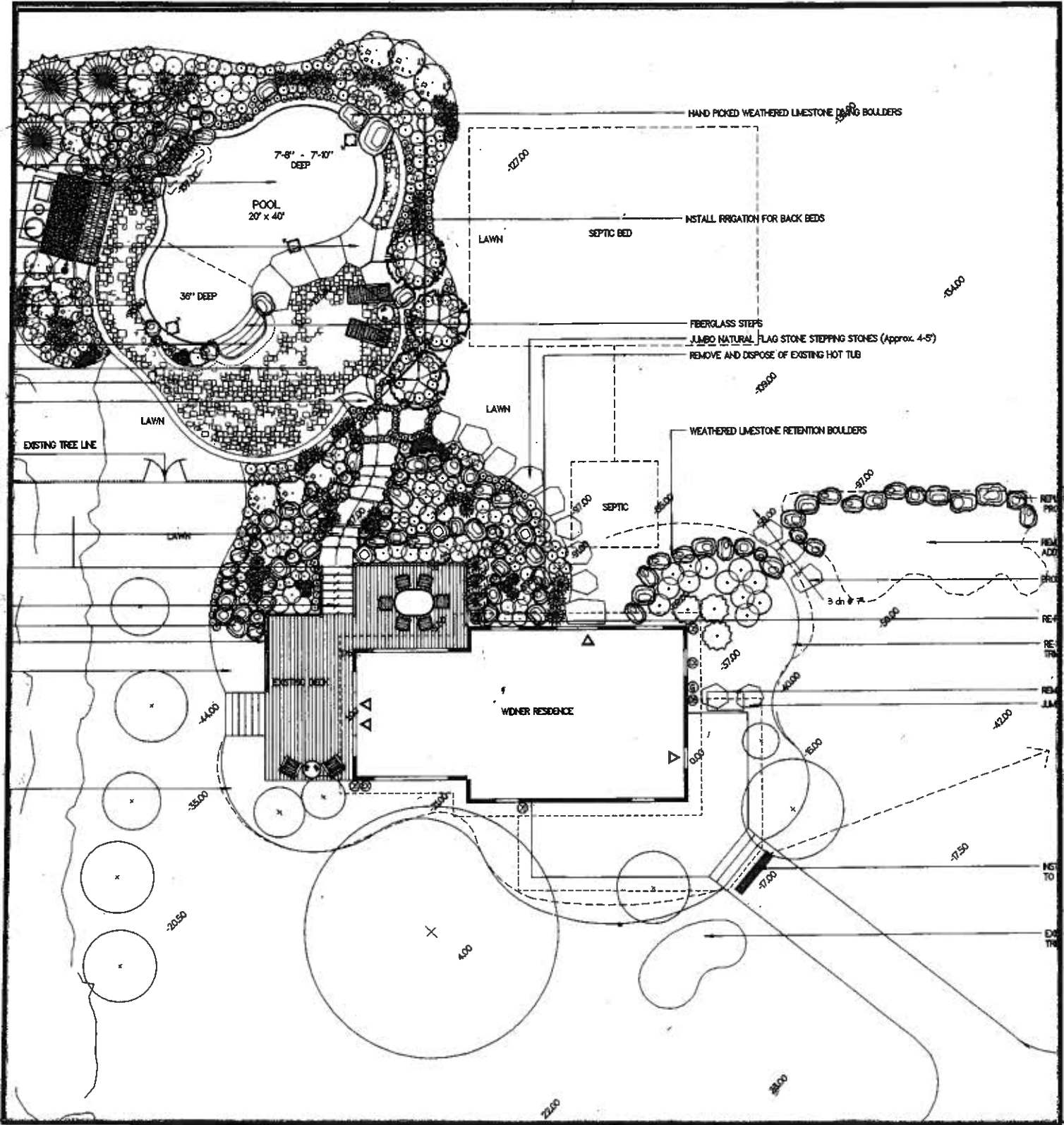
Site Plan

Name Szymanski

File Number G/R/2010-2011/9168



Not to Scale



Map 3B

Site Plan

Name Szymanski

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Not to Scale