

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: March 7, 2011
REPORT NO.: PL.11.25
SUBJECT: 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

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.25, "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 on a 10 hectare (25 acre) existing lot to:

1. Construct a 2 storey, 651 square metre (7000 square foot) dwelling, having a maximum height of 12.2 metres (40 feet);
2. Install a private sewage disposal system;
3. Construct a 1.5 storey, 149 square metre (1600 square foot) accessory building (4 car detached garage), having a maximum height of 7.3 metres (24 feet);
4. 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);
5. Construct an underground tunnel from the dwelling to the accessory building housing the swimming pool (length to be determined)
6. Construct an outdoor deck/patio area surrounding the in-door swimming pool structure; and
7. 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 front yard setback of the development envelope be increased to 130 metres, reducing the development envelope to 130 metres in depth and increasing the rear yard setback to 30 metres, as the total depth of the lot is

approximately 290 metres, to ensure the continuation of agricultural practices by protecting the actively tilled agricultural lands, to the satisfaction of the Niagara Escarpment Commission.

2. 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.
3. That the proposed site location of the septic area shall be in closer proximity to the dwelling and detached accessory use poolhouse that require that service to limit the development area on the subject lands; and be fully contained within the development envelope, to the satisfaction of the Niagara Escarpment Commission.
4. That the driveway shall be placed along the western edge of the forested area on the east side of the subject lands to lessen the impacts on the tilled agricultural lands to gain access to the development envelope to the satisfaction of the Niagara Escarpment Commission.
5. 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.
6. 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.
7. 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, 651 square metre (7000 square foot) dwelling, having a maximum height of 12.2 metres (40 feet);
- Install a private sewage disposal system;
- Construct a 1.5 storey, 149 square metre (1600 square foot) accessory building (4 car detached garage), having a maximum height of 7.3 metres (24 feet);
- 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).

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.

As Council will note, the proposed development envelope is extensive and affects the actively farmed lands along the frontage of 6th Sideroad. Planning Staff are of the opinion that the proposed development envelope should be reduced on the south side to lessen the impacts on the actively farmed lands and to conform to the land use designation policies of the OP. Therefore, as a condition, Planning Staff recommend that the front yard setback of development envelope be increased to 130 metres to be to the tree line that bisects the property in an east-west fashion, reducing the development envelope to 130 metres in depth and increasing the rear yard setback to 30 metres, as the total depth of the lot is approximately 290 metres.

Further, Planning Staff note that the proposed 4-car detached garage should be shifted northward to be within the side 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 3.15 of the OP. Planning Staff note that this can further be achieved through natural vegetative screening of the structure from the public street and the increased setback from the street further supports this. As a condition, Planning Staff recommends that the accessory use buildings have limited prominence on the subject lands.

With regard to the location of the septic bed, Planning Staff recommend that as a condition, that the proposed site location of the septic area be in closer proximity to the dwelling and detached accessory use poolhouse so as to limit the development area on the subject lands; and be fully contained within the development envelope as recommended to be modified.

The proposed driveway access on the west side of the subject lands will impact the active agricultural farming that is occurring. As a condition, Planning Staff recommend that the driveway be placed along the western edge of the forested area at the east side of the subject lands to lessen the impacts on the tilled agricultural lands.

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.

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 proposed dwelling, contrary to the general provisions for accessory uses under Section 5.2(iii). Given that the proposed detached accessory building would have a front yard setback over 130 metres from the public road (6th Sideroad), it would appear to have limited visual impacts on the surrounding area; and therefore Planning Staff have no concern with the proposed location of the proposed accessory building subject to the recommendations of this Report. It would appear to have limited visual impacts on the surrounding area with the existing mature vegetation and the tree line that bisects the property in the east-west direction, aiding the limited prominence requirements of the OP.

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 increasing the front yard setback of the development envelope, ensuring the limited prominence of the accessory use buildings, modifying the septic area in closer proximity to the structures, 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.11.25 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

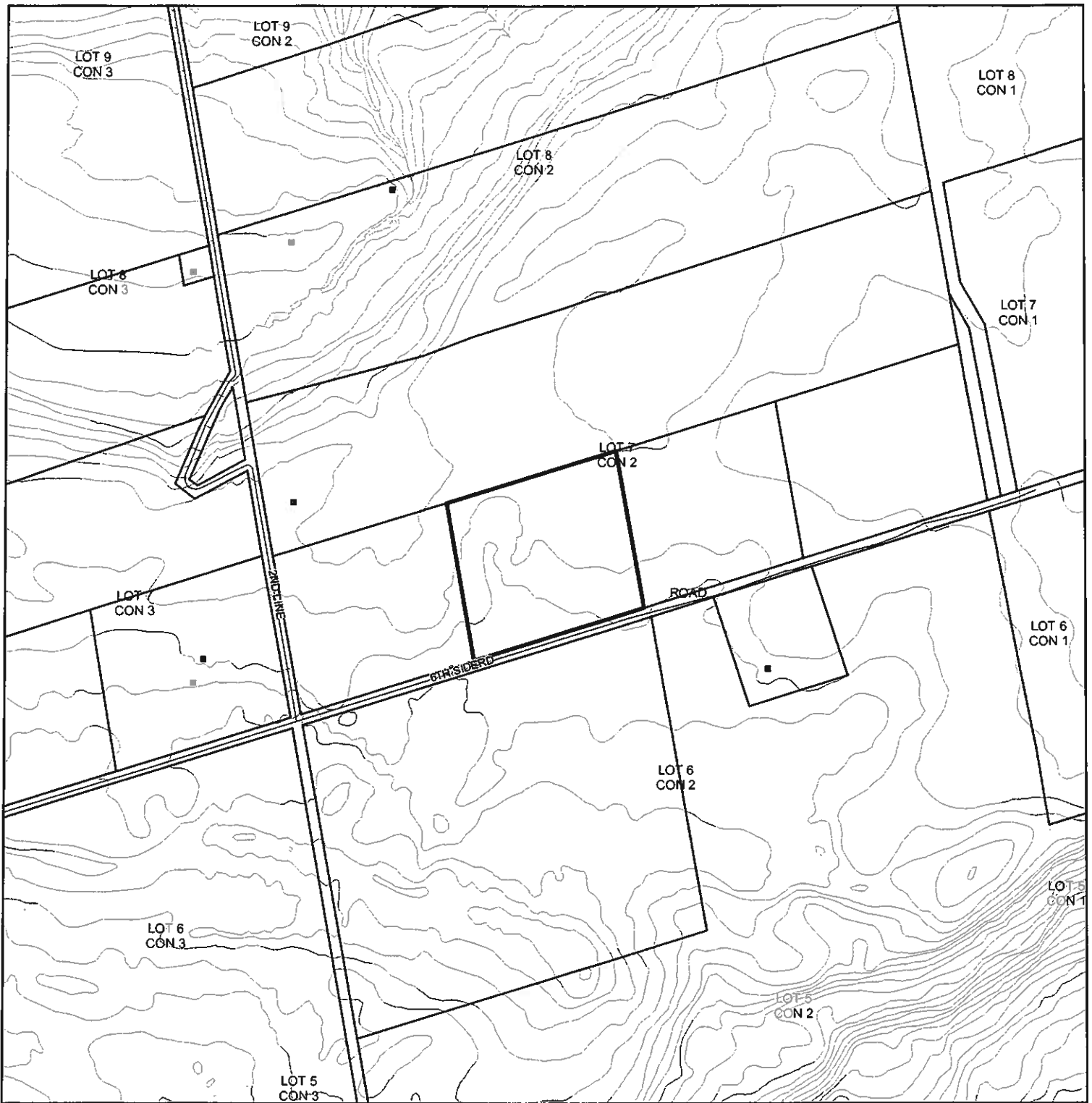
F. Attached

1. Lot Configuration
2. Site Plan

Respectfully submitted,

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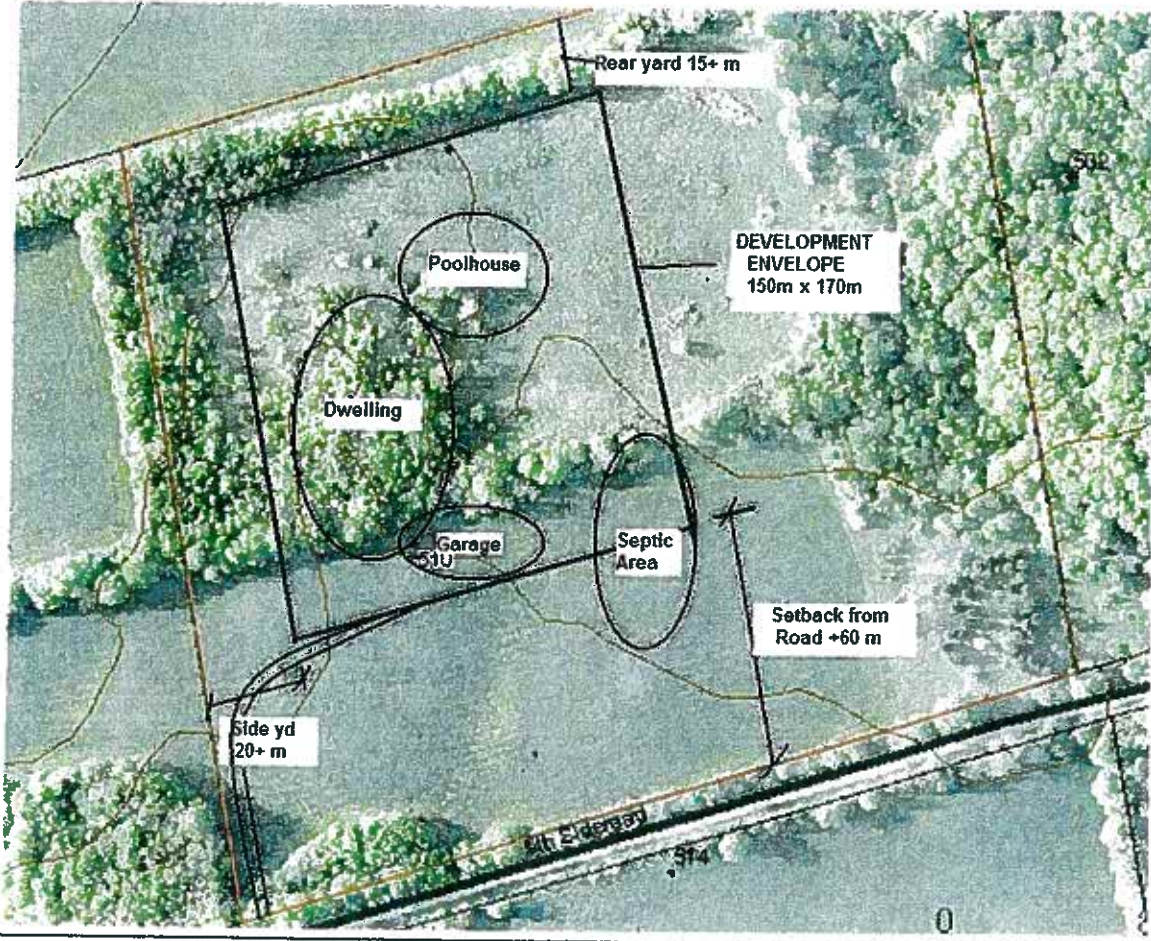
MAP 2
LOT CONFIGURATION

FILE NO. G/R/2010-2011/9152

APPLICANT: BAMBROUGH

LEGEND
 Subject Property

SITE PLAN DETAILS



Map 3

Site Plan

Name... Bambrough

File Number... 0/2/2010-2011/9152



Not to Scale