

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning and Building Committee
DATE: August 27, 2012
REPORT NO.: PL.12.98
SUBJECT: Request for Comments
 Niagara Escarpment Commission
 File No. G/R/2012-2013/9039
 Sven and Judy Larsen
 East Part Lot 10, Concession 7
 Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Planning Staff Report PL.12.98, “Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/R/2012-2013/9039 – Sven and Judy Laresn, East Part Lot 10 Concession 7; Town of The Blue Mountains”;

AND THAT Council advise the Niagara Escarpment Commission that the Town has no objection to the Development Permit Application to: construct a 1 storey 431.1 square metre dwelling with walkout, having a maximum height of 7.3 metres; to install a new private sewage disposal system; to convert an existing dwelling into a workshop/art studio/sauna; and to extend the existing driveway conditional upon the following:

- 1. That an updated Environmental Impact Study is completed to review the potential impacts of development within 120 metres of a provincially significant wetland and to review the potential impacts of development on the surrounding Butternut Trees.**
- 2. That the proposed dwelling is located a minimum of 8.0 metres from the southerly side lot line.**
- 3. That a Change of Use Building Permit is obtained from the Town of The Blue Mountains Building Department to ensure that the existing dwelling is converted into a workshop / studio / sauna and that any required plumbing fixtures and/or other elements of the dwelling are removed, and that no portion of the dwelling can be considered habitable space.**
- 4. That the proposed workshop / studio / sauna building is not used for commercial purposes.**

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 431.1 square metre dwelling with walkout, having a maximum height of 7.3 metres; to install a new private sewage

disposal system; to convert an existing dwelling into a workshop/art studio/sauna; and to extend the existing driveway

The subject property is located on East Part Lot 10, Concession 7; in the Town of The Blue Mountains.

Official Plan

The lands affected by this application are designated as Wetland Hazard 'WH' and Escarpment 'E' in the Town of The Blue Mountains Official Plan. Development is not permitted within the Wetland Hazard designation. It would appear that the proposed location of the new dwelling is located on lands designated Escarpment and within 120 metres of a provincially significant wetland. This location remains consistent with a previous Development Control Permit which is now expired. Limited development within 120 metres of a wetland may be permitted provided that an Environmental Impact Study (EIS) is completed to the satisfaction of the Town, Conservation Authority, County of Grey and Niagara Escarpment Commission. It is noted that an EIS was completed in 2007. An updated study should be prepared to determine if the recommendations from 2007 are still applicable, and to also study and provide recommendations on the Butternut Trees that exist on the property.

Zoning

If zoning were in place, the General Rural 'A1' Zone and Hazard 'H' Zone would appear appropriate for the lands affected by this application. The General Rural 'A1' Zone permits single detached dwellings. A minimum 8.0 metre sideyard setback is required from the southerly side lot line. Accessory uses such as the proposed workshop / studio / sauna and existing detached garage are directed to be no closer to the street than the main dwelling. If zoning were in place a variance would be required to recognize the proposed location of these buildings. Based on the existing quality and location of the proposed workshop / studio / sauna building, the proposed setbacks of the new dwelling, plus the significant mature trees in the area, Planning Staff would have no objections to the variance.

Accessory uses including the proposed workshop / studio / sauna building shall not be used for human habitation. Only limited plumbing fixtures may be used in the building and some fixtures may be required to be removed. A change of use building permit should be added as a condition of approval to ensure that the existing dwelling is adequately converted into an accessory building and that the building cannot be used or converted back into habitable space.

Additional Comments

Based on the policies and comments above, Planning Staff have no objections to this application for Development Permit conditional upon the comments and recommendations contained in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report is consistent with and supports Strategic Plan goal #1: *“Managing growth to ensure the ongoing health and prosperity of the community.”*

D. Environmental Impacts

It is recommended that an Environmental Impact Study be completed to address the potential impacts of development adjacent to a provincially significant wetland, and on the surrounding Butternut Trees.

E. Budget Impact

NIL

F. Attached

NIL

Respectfully submitted,

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