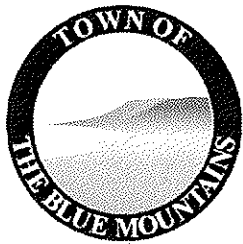


STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: Monday, June 7, 2010
REPORT NO.: PL.10.50
SUBJECT: Request for Comments
Niagara Escarpment Commission
File No. G/R/2010-2011/9020
Helen Bambrough
SW Part Lot 7, Concession 2;
Part 5, RP 16R-2236;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council advise the Niagara Escarpment Commission that the Town has no objection to the Development Permit Application File No. G/R/2010-2012/9020; legally described as SW Part Lot 7, Concession 2; Part 5, RP 16R-2236; Town of The Blue Mountains; subject to the following conditions:

1. That comments be received from County of Grey Planning and Development Department with regards to the Area of Natural and Scientific Interest – Earth Science, to the satisfaction of the Niagara Escarpment Commission.
2. That the proposed accessory building shall preclude any form of human habitation, to the satisfaction of the Niagara Escarpment Commission.
3. That the accessory building commence in conjunction with or, following the construction of the main building, being the single detached dwelling, to the satisfaction of the Niagara Escarpment Commission.
4. That the subject lands, inclusive of the accessory building, shall preclude any form of commercialized use, to the satisfaction of the Niagara Escarpment Commission.
5. 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.
6. 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 1 storey, 659.4 square metre (7090 square foot) accessory building, in four parts, which will include:
 1. a 355.7 square metre (2825 square foot) “area” section having a maximum height of 8.5 metres (28 feet), to be used as a private, multi-use arena for a “three-on-three” hockey rink in winter and tennis in summer;
 2. a 70 square metre (725 square foot) utility room attached to the arena section to house the “Zamboni”;
 3. a 1.5 storey, 215 square metre (2307 square foot) “storage barn” section, having a maximum height of 8.5 metres (28 feet), with an open loft, to be used for storage for ice making and maintaining equipment, and for a change room, two piece washroom, showers, and a steam room;
 4. a 21 square metre (230 square foot) connecting section to be used as a bar and viewing area.
- install a private sewage disposal system for the arena

Planning and Building Committee of Council should recall that there was a Planning Staff Report (PL.10.10) for before Committee on February 1st, 2010 Committee Meeting for the proposing a similar accessory use building and a dwelling.

Since that time, the NEC has issued conditional approval on the original development permit application on April 16, 2010. The proponents are wishing to revise the accessory building location which is the basis of this application.

The subject property is located on Southwest Part Lot 7, Concession 2; northeast of the intersection of 2nd Line and 6th Sideroad in the Town of The Blue Mountains, on a 10 hectare (24.9 acre) existing lot.

The Owner/Applicant is Helen Bambrough, who retained Upstream Construction Ltd – Andrew Noxon to act on her behalf for this development permit application.

Official Plan

The subject lands are designated as Rural (R) in the Town of The Blue Mountains Official Plan. 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.

It is noted that there is an Area of Natural and Scientific Interest (ANSI) – Earth Science on the adjacent lands and on the southwest portion of the subject property as indicated on Appendix Map ‘D’ of the Official Plan. Being that the proposed location is shifting towards the west, it may be impacted by the 50 metre adjacent lands setback of the ANSI. Planning Staff recommends that as a condition to this application that comments

be received from County of Grey Planning and Development Department addressing the ANSI, to the satisfaction of the NEC.

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

Zoning

If zoning were in place, the Rural Estate Residential (RERc) Zone would apply to the subject lands due to the limited lot area. The Rural Estate Residential (RERc) Zone would permit this type of use on the subject lands.

It should be noted that to be compliant with zoning:

- The proposed accessory building would preclude any form of human habitation.
- The accessory building commence in conjunction with or, following the construction of the main building, being the single detached dwelling.
- The subject lands, inclusive of the accessory building, would preclude any form of commercialized use.

Planning Staff recommends these items listed above as a condition to this application, to the satisfaction of the NEC.

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 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 68 metres (225 feet) 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 on the lands.

Additional Comments

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 ANSI comments being received from County of Grey Planning and Development Department, to the satisfaction of the NEC; precluding

human habitation in the proposed accessory building, the accessory building commence in conjunction with or, following the construction of the dwelling, precluding commercialized use on the subject lands, inclusive of the accessory building, all to the satisfaction of the NEC; and obtaining 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.10.50 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

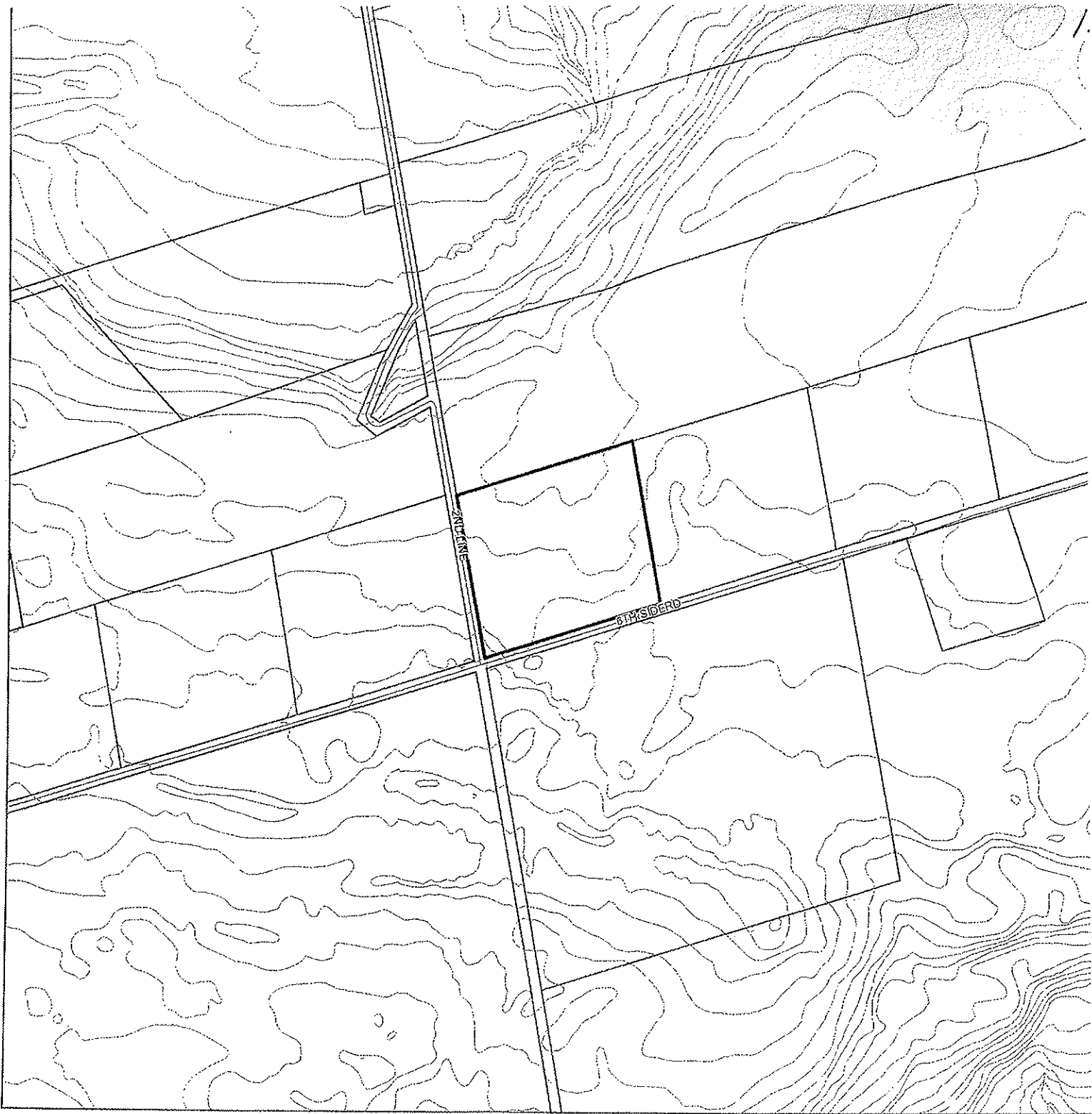
F. Attached

1. Lot Configuration
2. Site Plan

Respectfully submitted,

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MAP 2
LOT CONFIGURATION

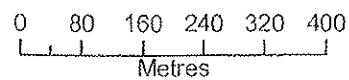
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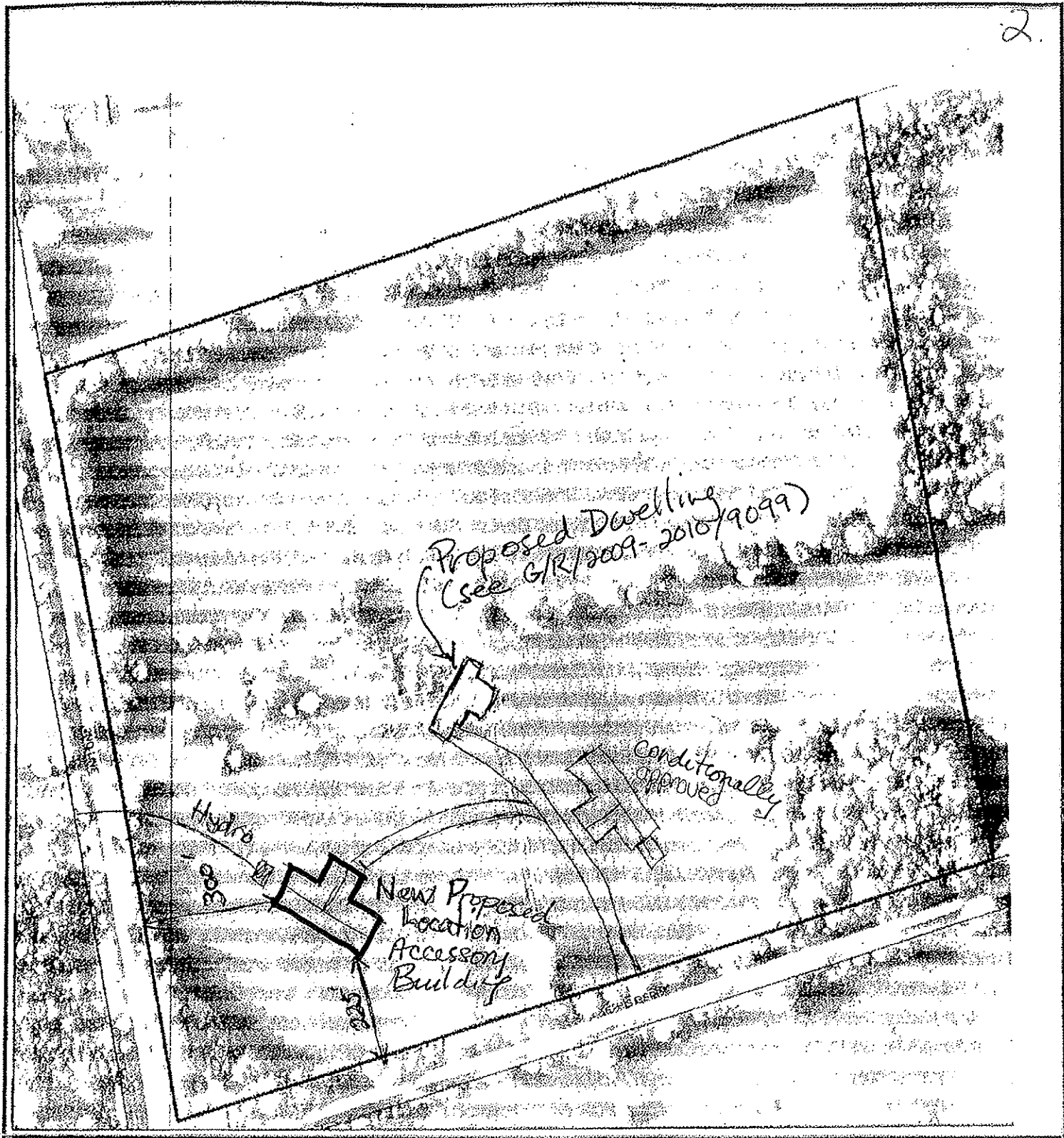
APPLICANT: HELEN BAMBROUGH

LEGEND

 Subject Property

Approximate Scale 1:10000





Map 3

Site Plan

Name: Helen Bambrough

File Number: G/R/2010-2011/9020



Not to Scale