

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: Monday, February 1, 2010
REPORT NO.: PL.10.10
SUBJECT: Request for Comments
Niagara Escarpment Commission
File No. G/R/2009-2010/9099
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/2009-2010/9099; 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 the proposed accessory building shall preclude any form of human habitation, to the satisfaction of the Niagara Escarpment Commission.**
- 2. 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.**
- 3. That the subject lands, inclusive of the accessory building, shall preclude any form of commercialized use, to the satisfaction of the Niagara Escarpment Commission.**
- 4. 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.**
- 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 1.5 storey, 214 square metre (2300 square foot) dwelling, having a maximum height of 8.5 metres (28 feet) measured from the lowest grade to the peak;
- construct a 1 storey, 631 square metre (6787 square foot) accessory building, having a maximum height of 8.5 metres (28 feet) measured from the lowest grade to the peak;
- install two private sewage disposal systems, one for the dwelling and a separate system for an arena/barn; and
- establish a new driveway entrance from the 6th Sideroad and construct a driveway; and
- demolish an existing barn foundation

It should be noted that the accessory building would be comprised of the following:

- a 395 square metre (4250 square foot) “arena” 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,
- a 1.5 storey, 215 square metre (2307 square foot) “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 shower facilities,
- the above two parts would be connected with a 21 square metre (230 square foot) section to be used as a bar and viewing area

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. The subject property had a Development Permit Application filed in the permit year of 2007-2008 and 1992-1993 with the Niagara Escarpment Commission.

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, such as the proposed detached garage and shed, 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. It would appear that the development proposal would not impact the 50 metre adjacent lands of the ANSI and therefore would appear not to generate any potential negative impacts to the ANSI.

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

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 78 metres (258 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 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 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 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.10.10 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

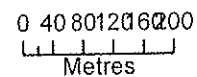
FILE NO. G/R/2009-2010/9099

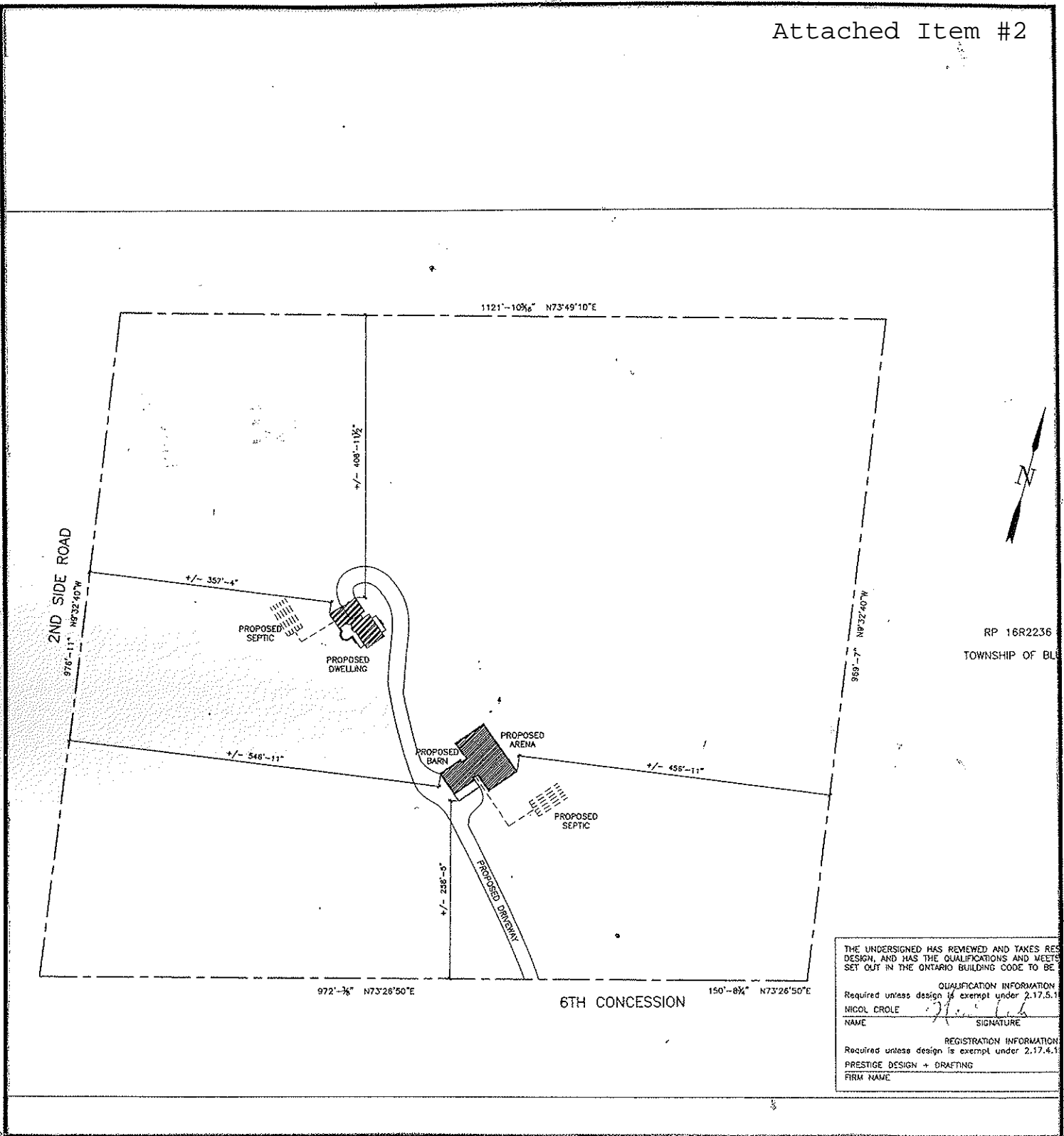
APPLICANT: HELEN BAMBROUGH

LEGEND

 Subject Property

Approximate Scale 1:10000





Map 3A

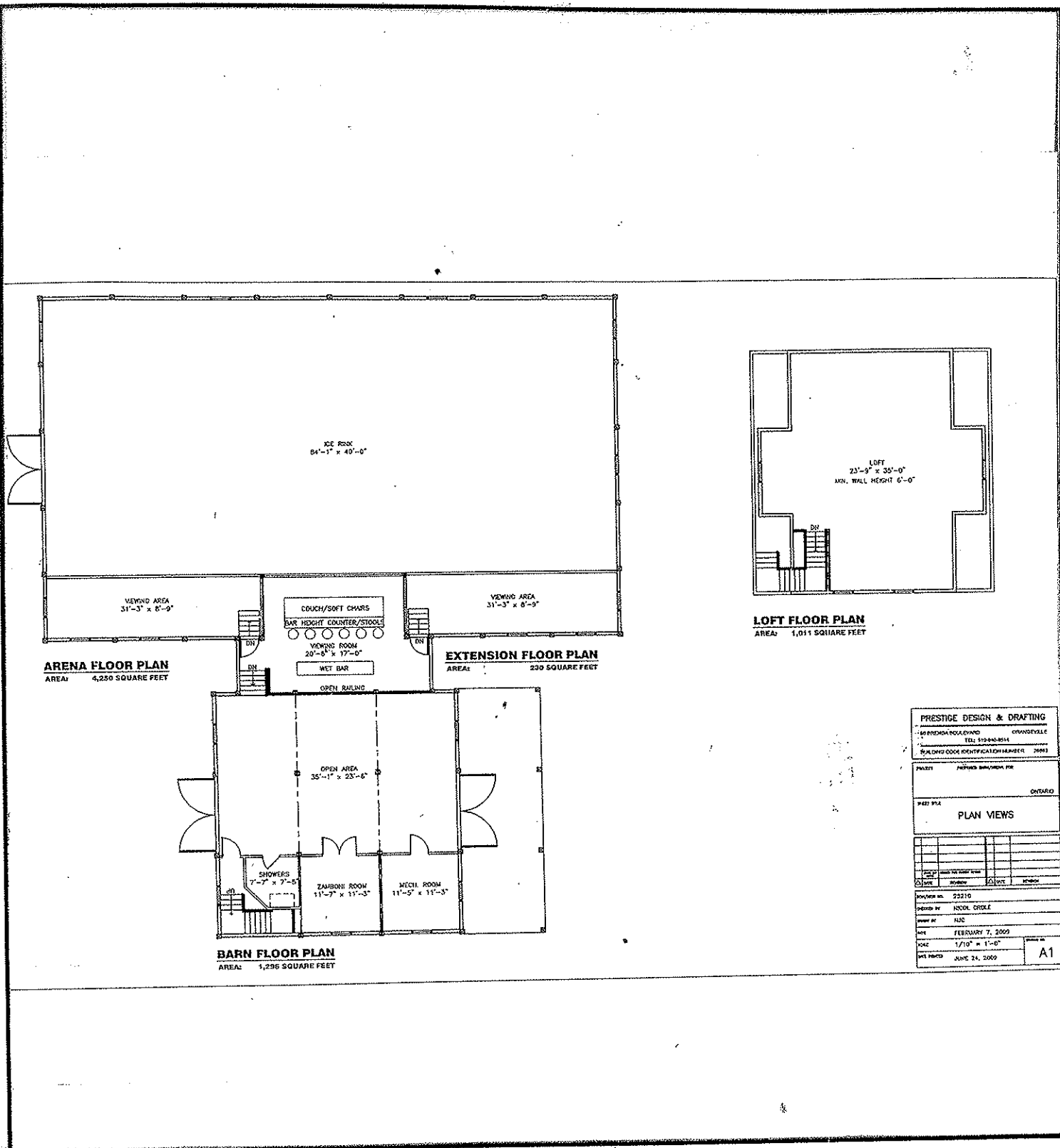
Site Plan

Name... *Helen Bambrough*

File Number... *G/R/2009-2010/9099*



Not to Scale



PRESTIGE DESIGN & DRAFTING	
30 BRINDEN ROAD	ORANGEVILLE
TEL: 810-888-8811	
REGISTERED PROFESSIONAL ENGINEER	2003
PROJECT: HAYDEN BAMBROUGH FOR	
ONTARIO	
SHEET NO: PLAN VIEWS	
DATE: FEBRUARY 7, 2009	
SCALE: 1/16" = 1'-0"	
DATE: JUNE 24, 2009	A1

Map 3B

Site Plan

Name Helen Bambrough
 File Number G/R/2009-2010/9099



Not to Scale