

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott Saunders
Report Number COA2018-006

Public Meeting

Meeting Date: January 18, 2018

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 16 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a 133.8 square metre detached garage:

1. Section 20.1(b)(iii) to reduce the minimum rear and side yard setbacks for an accessory building with a footprint exceeding 60 square metres from 6 metres to 3 metres;
2. Section 20.1(b)(vi) to reduce the minimum rear and side yard setbacks for an accessory building which exceeds 4.3 metres in height from 6 metres to 3 metres; and
3. Section 20.1(c) to increase the maximum permitted accessory building height from 5 metres to 6.4 metres.

The property is located at 871 Highway 7A, geographic Township of Manvers (File D20-2018-007).

Author: David Harding, Planner II

Signature:



Recommendation:

RESOLVED THAT Report COA2018-006 Scott Saunders, be received;

THAT minor variance application D20-2018-007 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling and garage related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" and generally in accordance with the elevation in Appendix "D" submitted as part of Report COA2018-006, which shall be attached to and form part of the Committee's decision;

- 2) **THAT** further to condition 1, the southern wall of the garage shall contain a person door and at least one window;
- 3) **THAT** the garage be a single storey building;
- 4) **THAT** prior to the request for final Building Inspection, the Chief Building Official or his/her designate shall confirm, in writing to the Secretary-Treasurer, that the portable shelter depicted on the sketch in Appendix "C" has been removed; and
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	This application was deemed complete December 5, 2017. The proposed garage is intended to house a variety of recreational vehicles and watercraft, currently stored within the attached garage, portable shelter, and off-site.	
Proposal:	The application proposes to construct a 133.8 square metre detached garage with dimensions of 10.97 x 12.19 metres (36' x 40').	
Owner:	Scott Saunders	
Legal Description:	Part Lot 14, Plan 57R-6828, Part 1, geographic Township of Manvers, City of Kawartha Lakes	
Official Plan:	"Prime Agricultural" – City of Kawartha Lakes Official Plan	
Zone:	"Rural General (A1) Zone" – Township of Manvers Zoning By-law 87-06	
Site Size:	3,658.06 square metres (0.9 acres)	
Site Servicing:	Private individual sewage system and well	
Existing Uses:	Rural Residential	
Adjacent Uses:	North & West:	Agricultural
	East:	Agricultural & Rural Residential
	South:	Forest, Agricultural & Rural Residential

Rationale:

1) Are the variances minor in nature? Yes

The subject property is situated in a rural area where the predominant land use is agriculture. The detached garage is proposed within the northeast corner of the rear yard. The eastern lot line abuts a narrow but long forest that acts as a vegetative buffer between the rural residential lot and the agricultural operation to the east.

The garage, while large, maintains a great degree of spatial separation (approximated 14.3 metres) from the dwelling, ensuring that it visually remains accessory in relation to the house. A person door and at least one window is proposed on the wall which faces the highway, which assists in providing additional residential character to the building.

Therefore, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The rear yard functions as the primary amenity space for the property. The majority of the frequently used amenity space within the rear yard appears to be to the immediate northwest of the dwelling, corresponding with the location of a deck.

The garage is proposed to be situated in a portion of the rear yard that does not appear to be as frequently used as the balance of the property. As such, it is not anticipated to impede the function of the rear yard as an amenity space area.

The construction of the proposed garage, if approved, will facilitate the removal of a portable storage building located within the front yard, and provide additional space within the attached garage through the relocation of items that are currently stored within it.

Based on the above analysis, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The property is zoned "Rural General (A1) Zone" within the Township of Manvers Zoning By-law 87-06. However, due to its size, the lot is subject to the "Rural Residential Type One (RR1) Zone" provisions.

The intent of the General Provisions appear to be that a larger accessory building maintains the same minimum setback to a side or rear lot line as a dwelling in order to avoid adverse massing impacts and land use conflicts. In this case, a lesser reduction is appropriate as there are no abutting rural residential lots, and the proposed setback of 3 metres remains adequate for building and property maintenance.

The height increase is to permit an increased bay door height to store a motor home. No second storey is contemplated. The garage is situated far enough away from the dwelling that the garage will continue to appear accessory in relation to it. The vegetative buffers on the abutting farm lot, and front and side yards of the subject property assist in both screening the garage from the road and tying it into the surrounding rural landscape. The lot as a whole will continue to appear rural residential in nature.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated "Prime Agricultural" within the City of Kawartha Lakes Official Plan. The designation anticipates agricultural and limited low density residential uses.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternative locations were considered, but the length of the garage was reduced as a result of the pre-screening process.

Servicing Comments:

The property is serviced by a private individual well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division (January 7, 2018): No concerns.

Engineering and Corporate Assets Department (January 3, 2018): No concerns.

Ministry of Transportation (MTO) (December 14, 2017): No concerns. A MTO building and land use permit is required.

Building Division – Part 8 Sewage System (December 6, 2017): No concerns.

Public Comments:

No comments as of January 9, 2018.

Attachments:



Appendices A-E to
Report COA2018-006.

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevation
Appendix "E" – Department and Agency Comments

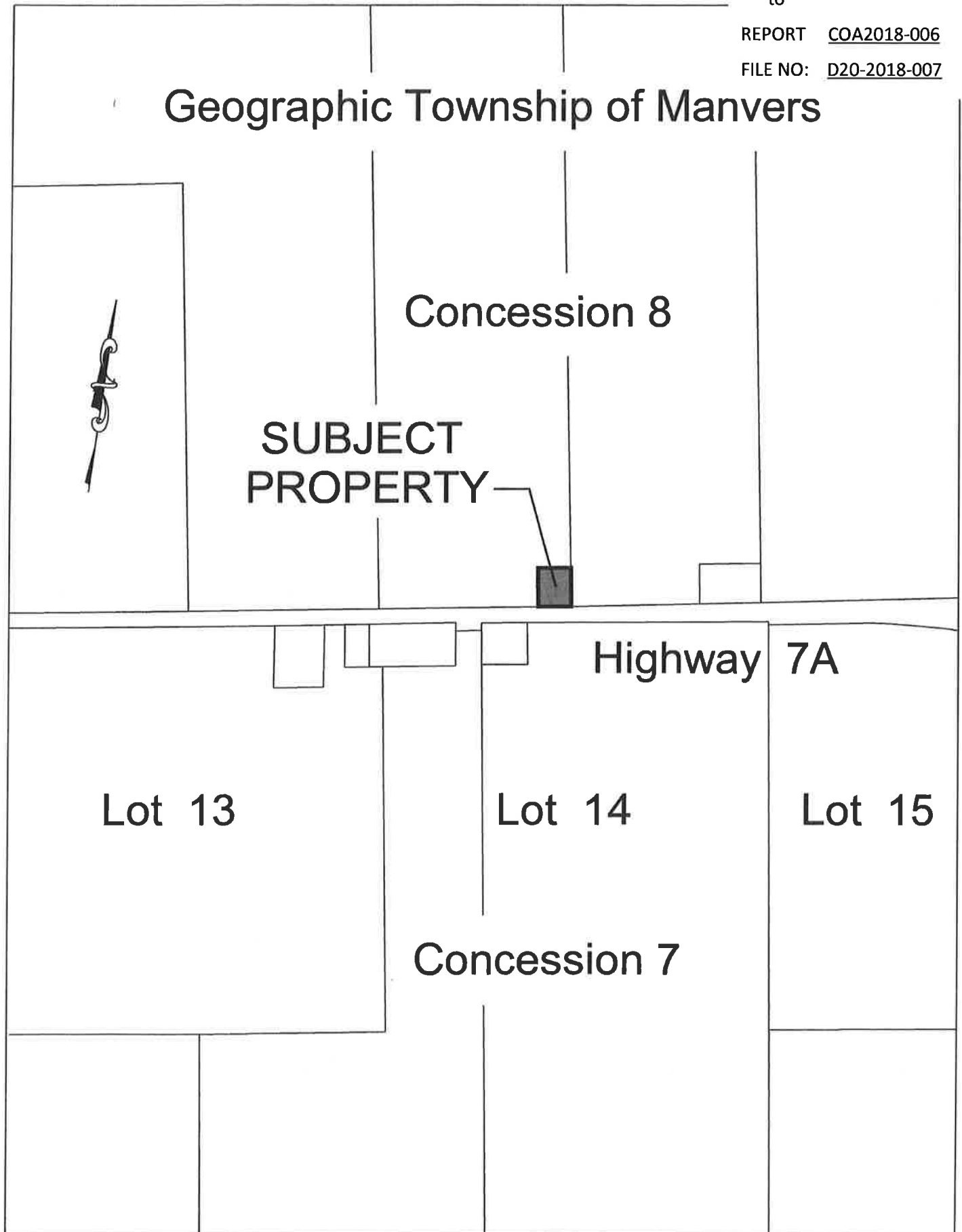
Phone:	705-324-9411 ext. 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-007

to

REPORT COA2018-006

FILE NO: D20-2018-007

Geographic Township of Manvers





GEOMATICS
MAPPING

871 Highway 7A, geographic Twp. of Manvers



APPENDIX " B "

to

REPORT COA2018-006

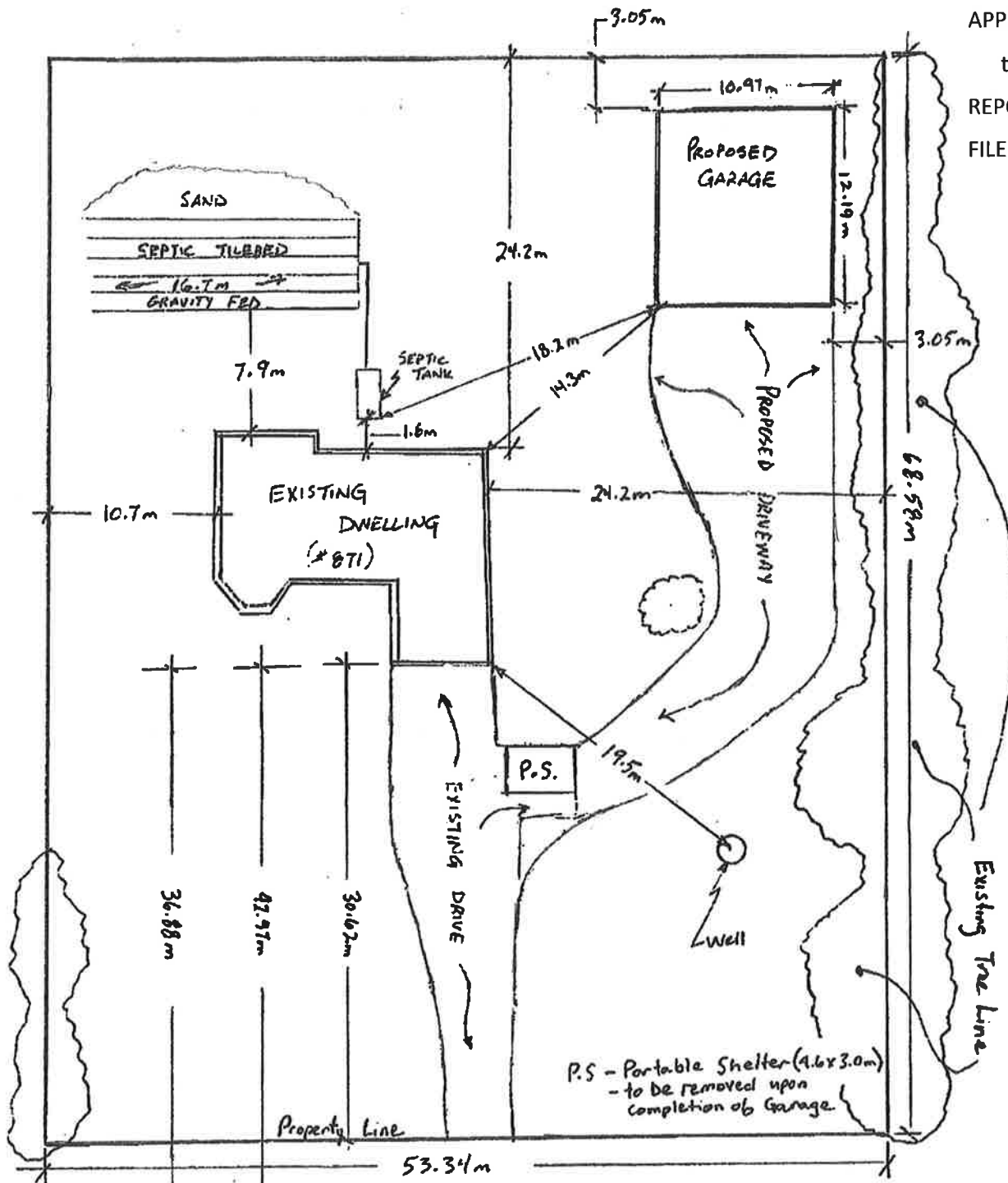
FILE NO: D20-2018-007

0.11

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an internet mapping site
is for reference only. Data layers that appear on this map may or may not
accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



Edge of Pavement

← HWY 7A →

NORTH

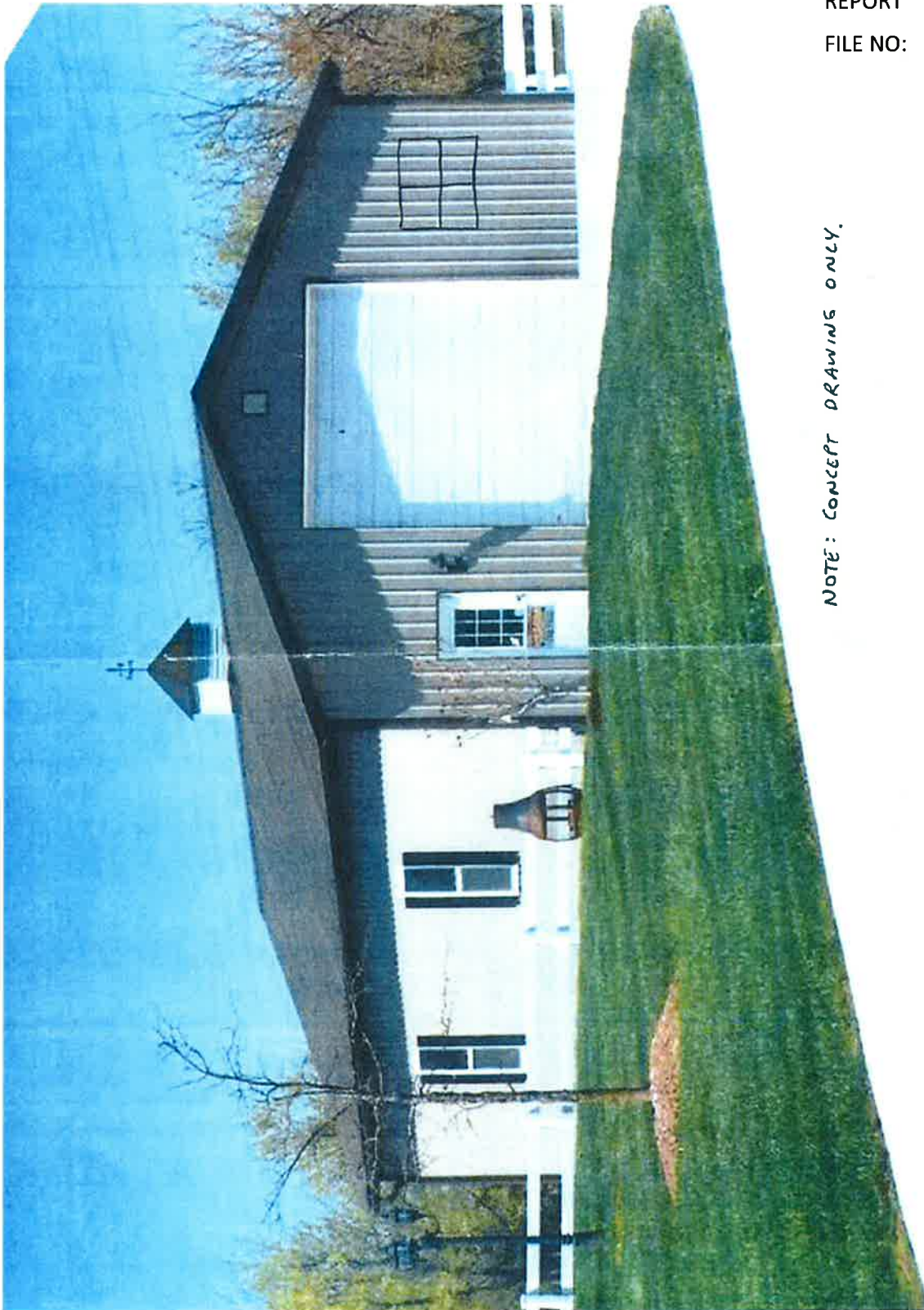
LOCATION: BTI HIGHWAY 7A, KAWARTHA LAKES, ONT	
MINOR VARIANCE APPLICATION	OLT 2017
SCOTT SMUNDERS	SCALE: 1:250
REV. 1	NOV 2017

APPENDIX " D "

to

REPORT COA2018-006

FILE NO: D20-2018-007



NOTE: CONCEPT DRAWINGS ONLY.

David Harding

FILE NO. D20-2018-007

From: Susanne Murchison
Sent: Sunday, January 07, 2018 6:47 PM
To: Mark LaHay
Cc: Erica Hallett; Derryk Wolven; Anne Elmhirst
Subject: MV comments

Follow Up Flag: Follow up
Flag Status: Flagged

The Building Division has the following comments regarding the noted files, save and except those related to sewage systems which will be provided under separate submission:

D20-18-001 - no concerns

D20-18-002 - no concerns

D20-18-003 - no concerns

D20-18-004 - no concerns

D20-18-005 - no concerns

D20-18-007 - no concerns

D20-18-008 - no concerns

D20-18-010 - no concerns

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON
K9V 2Y6
(705)-324-9411 ext. 1200
fax (705)-324-5514
1-888-822-2225

David Harding

From: Kirk Timms
Sent: Wednesday, January 03, 2018 12:23 PM
To: Erica Hallett
Cc: Kim Rhodes; Christina Sisson; Susanne Murchison; Anne Elmhirst; Lisa Peimann
Subject: D20-18-007 - 871 Highway 7A, Bethany

Follow Up Flag: Follow up
Flag Status: Flagged

Erica,

Further to our review of the above noted application to permit construction of an accessory building, Development Engineering confirms we have no objection to the proposed minor variance for Zoning By-Law;

- Section 20.1.b.iii. to reduce the minimum side yard and rear yard setback from 6.0 m to 3.05 m for an accessory building with a greater floor area than 60 sq. m
- Section 20.1.b.vi. to reduce the minimum side yard and rear yard setback from 6.0 m to 3.05 m for an accessory building which exceeds 4.3 m in height
- Section 20.1.c. to increase the maximum height of an accessory building from 5.0 m to 6.4 m

We respectfully request that if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Thanks,

Kirk Timms, C.E.T.

Engineering Technician
Engineering & Corporate Assets Department
City of Kawartha Lakes
P.O. Box 9000
12 Peel Street
Lindsay, ON
K9V 5R8
(705) 324-9411 Ext. 1119



David Harding

From: Tolles, Cheryl (MTO) <Cheryl.Tolles@ontario.ca>
Sent: Thursday, December 14, 2017 5:23 PM
To: Erica Hallett; Sherry Rea
Cc: Lawrence, Donald (MTO)
Subject: Minor variance for proposed garage - 871 Hwy 7A

Follow Up Flag: Follow up
Flag Status: Flagged

December 14, 2017

Erica, I am in receipt of the minor variance advance circulation document for a proposed residential garage building at 871 Hwy 7A which is on the north side of hwy 7A just west of Beers Road.

As the garage is being proposed at the back of the property, MTO has no concerns. If the City approves this, the proponent will require a MTO building & land use permit which can be obtained through our online system at www.hcms.mto.gov.on.ca

If you have any questions, please do not hesitate to contact me.

Cheryl

Erica, note that I am only in the office mon/tues next week and then I am on vacation until January 8th. Anything that you send to me now, I will respond in the new year.

Cheryl Tolles
Ministry of Transportation
Corridor Management Planner
Highway Corridor Management Section
1355 John Counter Blvd.
Kingston, ON K7L 5A3

Cheryl.Tolles@ontario.ca

613-545-4744

Toll Free: 1-800-267-0295









Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 1882
1-888-822-2225
Fax: 705-324-5514
website: www.city.kawarthalakes.on.ca

December 6, 2017

Scott Saunders
871 Highway 7A
Bethany, ON
L0A 1A0

Dear Mr. Saunders,

**RE: Addition/Renovation/Additional Building Application
871 Highway 7A, Roll # 165100802020701
Conc. 8, Pt Lot 14, Plan 57R6828, Part Lot 1
Former Manvers Township
City of Kawartha Lakes
File: SS2017-0466**

Please be advised we have received and reviewed your application for an addition. Specifically, we reviewed the **proposal to construct a detached garage** at the above-mentioned property.

A Sewage System Use Permit has been issued for this site (MA-29-92). The following items are the total items proposed for the entire property, including this proposal. (Note: This includes guest cabins, bunkies, basements, etc.).

1. **Number of Bedrooms – 3**
2. **Number of Fixture Units – <20**
3. **Total Living Space – <200 m²**

Based on your application, it would appear that your plans do not suggest an increase in the daily sewage flow as per the requirements of the Ontario Building Code, nor are you proposing a structure that will encroach within the required setback clearance distances to the existing sewage system. In that light, you are **not required to install a new sewage system or upgrade your existing one** at this time. However, please note that the existing deck is encroaching within the setback clearances to the distribution lines.

You should have your septic tank pumped by a licensed sewage hauler and the internal components checked if not done recently. Section 8.9.4.3. Division B of the Ontario Building Code requires the tank to be cleaned when the sludge and scum layers occupy 1/3 of the operating capacity of the tank.

Please ensure the existing sewage system is protected from vehicles and equipment during construction. Any further additions on your property will require approval from this office (Part 8 Ontario Building Code).

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 1882 between 8:30-9:30 am.

Sincerely,

A handwritten signature in black ink, appearing to read 'A Elmhirst'.

Anne Elmhirst, B.A. Sc., B.Sc.(H), C.P.H.I. (C)
Supervisor – Part 8 Sewage System
Development Services – Building Division

Cc. Building Inspector