

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Kevin & Tamara Thirnbeck
Report Number COA2018-020

Public Meeting

Meeting Date: April 19, 2018

Time: 1:00 pm

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

Ward: 15 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 3.1.3.1 to increase the total lot area permitted for accessory buildings or structures from 225 square metres to 428.5 square metres, in order to permit the reconstruction of a detached garage on the property.

The property is located at 15 Loop Line, geographic Township of Emily (File D20-2018-013).

Author: Quadri Adebayo, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-020 Kevin & Tamara Thirnbeck, be received;

THAT minor variance application D20-2018-013 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 detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-020, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the owner acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;

- 3) **THAT** as part of issuance of the building permit, there be a requirement that the green tent, and the steel storage container shall be removed from the property to the satisfaction of the Chief Building Official; and
- 4) **THAT** the building construction related to the minor variance 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 COA2018-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The area of the subject property was established by consent application D03-15-009 in 2015, whereby 15 Loop Line benefitted 0.37 hectares of lands from a neighbouring “Agricultural (A1) Zone” parcel, also belonging to the owners of 15 Loop Line. As a condition for the consent approval, and in accordance with Section 7.2.1.7 of the geographic Township of Emily Zoning by-law, for lots within the “A1 Zone” that are equal to or less than one 1 hectare, the zoning provisions applicable to a “Rural Residential Type One (RR1) Zone” applies to 15 Loop Line.

The proposal seeks to reconstruct and enlarge an existing 41.90 square metre (451 square foot) detached garage. This application was deemed complete February 26, 2018.

Proposal: To construct an approximately 128.94 square metre (1,388 square foot) detached three-car garage.

Owner: Kevin & Tamara Thirnbeck

Applicant: Landmark Associates Limited

Legal Description: Part Lot 20, Concession 4, geographic Township of Emily, City of Kawartha Lakes

Official Plan: “Rural” – City of Kawartha Lakes Official Plan

Zone: “Agricultural (A1) Zone” – Township of Emily Zoning By-law 1996-30

Site Size: 0.75 hectares (1.84 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: Residential; East: Agricultural; South: Residential; West: Agricultural

Rationale:

1) Is the variance minor in nature? Yes

And

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

The proposed garage will be replacing an already established detached garage built in 1974. Although, the new detached garage will be larger and extending further into the southerly interior side yard, it is not anticipated to impede functional access to the rear of the property.

In terms of scale, the proposed garage will blend in with the rural character of the immediate surrounding uses. Therefore, no land use compatibility issues are anticipated.

Similarly, the proposed garage will be located at a suitable distance from the dwelling and the metal clad storage building located at the rear of the property. The existing well located behind the rear wall of the existing garage also ensures that the replacement garage will be restricted to maintaining same rear wall line and enabling the width of the proposed structure to be directed away from the septic bed location, thereby minimizing any potential impact to existing servicing utility.

However, removal of both the green shed, and the steel storage container currently on the property, is required, to comply with the maximum of three (3) accessory buildings and a condition of approval is included to address this.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

Within the "Agricultural (A1) Zone", existing lots of record one (1) hectare or less in size are subject to the "Rural Residential Type One (RR1) Zone" provisions.

The proposed garage will be approximately 3.1 metres from the southerly interior side lot line and will comply with the minimum 3 metres required. The proposed garage is seven (7) times the required minimum front yard setback. It is noted the garage also exceeds the A1 Zone minimum front yard setback of 30 metres.

The proposed total floor area of all accessory building would increase from 340.6 square metres to 428.5 square metres, where only a maximum of 225 square metres is permitted. The proposed total lot coverage for all accessory buildings permitted would still be met, as the proposal would only be comparatively increasing the existing coverage from 4.5% to 5.7%, where a maximum of 8% total lot coverage is permitted.

In all other respects the height of the garage complies with the Zoning By-law provisions for accessory buildings.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

The property is designated “Rural” under Section 16, in the City of Kawartha Lakes Official Plan. Low density residential dwellings and accessory buildings are anticipated within this designation. Thus, the proposal maintains the general intent and purpose of the City’s Official Plan.

Other Alternatives Considered:

The applicant has communicated in an email dated April 9, 2018 that mobile toilet on the property is a temporary rental; and as such will be removed. The steel storage container is also a rental used to house contents of the existing detached garage subject to minor variance, while additional items that could not fit into the temporary storage due to size limitations are currently stored in the green tent.

The applicant, having conferred with their client has also assured staff in the same email that the storage container and green tent will be removed from the property upon completing construction of the proposed garage, and the contents of the temporary storage structures will have been relocated to the new garage.

Servicing Comments:

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or toileting facilities.

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 – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Building Division – Sewage Systems (April 9, 2018): No objections

Engineering & Corporate Assets – (April 10, 2018): No Objections

Public Comments:

No comments as of April 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-020

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

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