

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Read, Lawrence and Marian
Report Number COA2018-040

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Mariposa

Subject: An application to request relief to reduce the minimum front yard setback from 30 metres to 20 metres in order to construct a single detached dwelling on property located at 35 Rainbow Ridge Road, geographic Township of Mariposa (File D20-2018-028).

Author: Daniel Hahn, Student Planner **Signature:**

Recommendations:

RESOLVED THAT Report COA2018-040 Lawrence and Marian Read, be received;

THAT minor variance application D20-2018-028 for 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 single detached dwelling related to this approval shall proceed in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-040, 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 building construction related to the minor variance shall be completed within a period of twenty-four (24) 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 COA2018-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property is a lot of record containing a single detached dwelling and a detached barn. This application was deemed complete May 22, 2018.

Proposal: To construct an approximately 445.93 square metre (4,800 square foot) single detached dwelling with an attached garage.

Owner: Lawrence and Marian Read

Applicant: Lawrence Read

Legal Description: East Part Lot 17, Concession B, geographic Township of Mariposa

Official Plan: “Prime Agricultural” – City of Kawartha Lakes Official Plan

Zone: “Agricultural (A1) Zone” and “Environmental Protection (EP) Zone” – Township of Mariposa Zoning By-law 6-87

Site Size: 6.35 hectares (15.69 acres) - MPAC

Site Servicing: Private individual septic and well systems

Existing Uses: Agricultural

Adjacent Uses: North: Agricultural
East: Agricultural and Residential
South: Residential
West: Scugog Lake

Rationale:

1) Are the variances minor in nature? Yes
And

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

The proposed relief seeks to recognize a single detached dwelling currently under construction. The variance was determined to be necessary during the course of a building inspection.

It was noted during the site visit that the property has two entry points: a gated entry located at the terminus of Rainbow Ridge and a second at the terminus of Oakdene Crescent. The properties along Rainbow Ridge Road are predominantly agricultural properties, whereas the properties along Oakdene Crescent are primarily waterfront or seasonal cottages. As such, the nature and appropriateness of the development must consider these two differing uses.

The 20 metre front yard is not anticipated to impact the function of the use on the property. The single detached dwelling sits on a large property and there remains ample space for drainage, maintenance, and the agricultural uses occurring on the property. The applicants have noted that their intent to continue to use the property for agricultural purposes, which is consistent with the surrounding uses along Rainbow Ridge Road.

Additionally, Staff have no concern regarding the impact of the building's massing near the Oakdene entrance way. The property's front yard is lined with mature trees and vegetation effectively masking the single detached dwelling from the public road. In fact, the property's heavy foresting is in keeping with the character of the area. The the front yard relief is not anticipated to disturb neighbouring cottage properties along Oakdene.

As such, the request for relief from the 30 metre front yard setback is both minor and an appropriate use of the land.

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

The Mariposa Zoning By-law requires a 30 metre front yard setback for any building or structure in an "Agricultural (A1) Zone." The intent of this provision is to ensure a single detached dwelling and/or buildings accessory to an agricultural use are set back far enough from a public road to accommodate larger farming operations, implement sheds, and to locate potentially incompatible scents and sounds at times present on agricultural properties away from the road and adjacent properties.

The entranceway at Oakdene Crescent is of particular interest insofar as the 20 metre setback could be seen as placing an agricultural use too close to residential uses. It is worth noting that the single detached dwelling on the Subject Property is setback nearly three times more than the neighbouring residential lots zoned Rural Residential Type Three (RR3), for which the Mariposa Zoning By-law requires a front yard setback of 7.5 metres. This, in addition to the heavy vegetation along the front lot line, is not expected to create any adverse impacts on the RR3 zone.

The Subject Property also contains an implement shed for the storing of agricultural tools and machinery. It is located in the rear yard of the property at a distance greater than 30 metres from the front yard. Therefore, staff are satisfied that the agricultural functions are setback well away from the residential uses on Oakdene Crescent and will bear no adverse affects on the nearby residential uses.

Moreover, it is not out of character for a residential property to be located in close proximity to agricultural uses. In the Township of Mariposa, it is common to see a property zoned RR3 abutting or across from an agricultural property. A survey of the area shows the residential units, primarily cottages back on to

Lake Scugog, were developed within close range to agricultural uses (see Appendix B).

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” in the City of Kawartha Lakes Official Plan.

Section 15.3.1 of the Official Plan permits a single detached dwelling in the “Prime Agricultural” designation if it is accessory to an agricultural, agricultural-related, or agri-business use.

Section 15.3.2. outline’s the City of Kawartha Lakes’ desire to preserve prime agricultural lands for these uses. As such, the non-agricultural use (in this case the dwelling) should not adversely impact the continued use of the land for agricultural purposes.

Schedule B-2 of the Official Plan recognizes a Significant Woodland on the Subject Property. Section 3.5.18. permits development and site alteration in or within 120 metres so long as it can be demonstrated that there will be no negative impacts on the natural heritage features. The applicant has retained a significant portion of the woodland and has expressed a strong desire to keep it in good health; so much so that it was noted in the application that locating the single detached dwelling 10 metres deeper in the front yard would require significant tree cutting, therefore leading to negative impacts on the woodlands. As such, development has been directed away from the noted natural heritage features.

Additionally, Schedule B-2 of the Official Plan recognizes both a Locally Significant Wetland and a small portion designated as Unevaluated Wetland. Staff are satisfied that the location of single detached dwelling will not negatively impact the features or functions of the wetland. Furthermore, Kawartha Region Conservation Authority has issued a permit to the applicant and voiced no concern for any adverse impacts on the wetland (see Appendix E).

Therefore, the variances proposed by the applicant are in keeping with the policies of the Official Plan.

Other Alternatives Considered:

The applicant was notified of the need to submit an application for a minor variance during the building inspection period. Since the single detached dwelling is currently under construction, no other alternatives have been considered.

Servicing Comments:

The property is serviced by private well and septic systems.

Consultations:

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

Agency Comments:

Kawartha Region Conservation Authority (KRCA - July 5, 2018): No objection. See Appendix E.

Engineering and Corporate Assets Department (July 10, 2018). No objection. See Appendix E.

Building Division (July 6, 2018): No concerns. See Appendix E

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-040

Appendix "A" – Location map
Appendix "B" – Air photo
Appendix "C" – Applicant's sketch
Appendix "D" - Elevations
Appendix "E" – Department and Agency comments

Phone:	705-324-9411 ext. 1884
E-Mail:	dhahn@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-028