

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – A. Lean and M. Norris
Report Number COA2018-041

Public Meeting

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

Ward: 14 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 3.1.3.2 to increase the maximum height for an accessory building from 5 metres to 5.1 metres in order permit the construction of a detached garage.

The property is located at 65 Fox Road, geographic Township of Emily (File D20-2018-029).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-041 Adam Lean and Marsha Norris, be received;

THAT minor variance application D20-2018-029 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 accessory 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 COA2018-041, 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 applicant 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; and
- 3) **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 COA2018-041
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background: The parking garage which is already installed on the property is proposed to be recognized through this minor variance application. Information obtained from the applicant suggests that there was a discrepancy in the benchmark for the height measurement between pre-build and final-build. The height measurement was taken from above the 8-inch concrete base slab, instead of from ground-up. This application was deemed complete March 20, 2018.

Proposal: To recognize an approximately 82.18 square metre (959.57 square foot) detached garage.

Owner: Adam Lean and Marsha Norris

Applicant: Adam Lean and Marsha Norris

Legal Description: Concession 6, Part Lot 4, geographic Township of Emily , City of Kawartha Lakes

Official Plan: Prime Agricultural - City of Kawartha Lakes Official Plan

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

Site Size: 0.95 acres (3,844.51 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Agricultural
East: Agricultural
South: Agricultural
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

Although the parking garage appears to be taller than the residential dwelling on the property, it is located further back from the front lot line than the house. As a result, the massing impact is reasonably undiscernible as the setback location of the garage ensures that the scale is not pronounced thereby reinforcing the subordinativeness of the accessory structure to the house.

The fact that the subject property is located in a rural area, and surrounded by Agricultural use lands on all sides ensures that no land use compatibility issues will arise as the extensive distance between the proposed garage and the residential dwellings or accessory structures on these farmlands limits any perceptible visual impact at human scale. Observations from the site visit also revealed that the general rural character of the area have similar configuration of accessory garage sizes.

The location and footprint of the proposed garage ensures sufficient separation distance from the house, and that adequate amenity space remains to enable the functioning of the front yard, the easterly side yard, and the rear yard respectively.

Based on this, the height variance is considered 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. An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the RR1 Zone.

Overall, the proposed increased height of 0.1 metres over the maximum permitted height of 5 metres (16.4 feet) is considered to be minimal. In all other respects, the garage complies with the Zoning By-law provisions for accessory buildings as it would be maintaining a combined area below the maximum 225 square metres at 116 square metres, and a lot coverage below the 8% maximum permitted at 3% for the total accessory buildings on the property.

Therefore, the variance maintain 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 Prime Agricultural in the City of Kawartha Lakes Official Plan. An accessory structure is contemplated as secondary use on the property.

In consideration of the above, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

None.

Servicing Comments:

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or septic 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 (July 6, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-041

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

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