

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Fuller & Cornish
Report Number COA2018-052

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., 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 detached garage and recognize two existing accessory buildings (sheds):

For all Accessory Buildings:

1. Section 5.1(b) to permit accessory buildings within a front yard; and

For the Detached Garage

2. Sections 5.1(b)(i) and 8.2(c) to permit an accessory building with a setback of 1.3 metres to an flankage lot line where a setback of 30 metres is required.

The property is located at 21 Colonel William Lane, geographic Township of Manvers (File D20-2018-030).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-052 Gerry Fuller and Bobbi Cornish, be received;

THAT minor variance application D20-2018-030 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 substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-052, which shall be attached to and form part of the Committee’s Decision; and
- 2) **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 COA2018-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	This application was deemed complete July 25, 2018.
Proposal:	To construct an approximately 7.3 metre x 7.3 metre (23.9 feet x 23.9 feet) two bay detached garage. To recognize the locations of two accessory buildings (11.9 square metres and 11.07 square metres) within the front yard.
Owner:	Gerry Fuller & Bobbie Cornish
Applicant:	Ben McKelvie – B & M Contracting
Legal Description:	Part Lot 23, Concession 4, Part of Part 2, 9R-1200, geographic Township of Manvers, City of Kawartha Lakes
Official Plan:	Natural Core Area – City of Kawartha Lakes Oak Ridges Moraine Policy Area
Zone:	Oak Ridges Moraine Core Area (ORMCA) Zone and Oak Ridges Moraine Environmental Protection (ORMEP) Zone – Oak Ridges Moraine Zoning By-law 2005-133.
Site Size:	4.37 hectares (10.8 acres)
Site Servicing:	Private individual septic and well systems
Existing Uses:	Residential, Forest, Rural
Adjacent Uses:	North: Agricultural, Forest East: Forest, Residential South: Railway, Forest West: Forest, Residential

Rationale: The precise location of the flankage lot line is unknown. The degree of relief requested provides for adequate tolerance in the event the lot line is further east from the existing hedge than anticipated. The lot is considered a corner lot, and as such, the shorter of the two lot lines abutting the street is considered the front lot line. The front lot line is considered to be the lot line abutting Solanum Way.

1) Are the variances minor in nature? Yes

And

2) Are the proposals desirable and appropriate for the use of the land? Yes

The detached garage is proposed in order to offer sheltered vehicular storage on the property. The garage is proposed within the existing gravel parking area to the northwest of the dwelling. As such, no adverse stormwater impacts to the function of the property are anticipated as the proposal is utilizing the hard surfacing of an existing parking area. For this reason, there will also be no loss to the amount of landscaped amenity space.

Spatially, the garage will appear approximately 13 metres from the travelled edge of the Colonel William Lane. Further, no adverse impacts to the streetscape are anticipated as the garage will be screened from the road by a row of cedar and spruce trees that run the length of the developed portion of the property.

No adverse impacts are anticipated by permitting the three accessory buildings (2 existing sheds and the proposed detached garage) within the front yard as the buildings are in excess of 175 metres away from Solanum Way, and the land between the proposed buildings and road is forested.

Therefore, the variances are considered minor in nature and 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 Oak Ridges Moraine Core Area (ORMCA) Zone and Oak Ridges Moraine Environmental Protection (ORMEP) Zone within the Oak Ridges Moraine Zoning By-law 2005-133. The development is proposed within the ORMCA Zone.

The intent of the zoning by-law is to relegate accessory uses to a side or rear yard to ensure the front and flankage yard is not dedicated to accessory uses, such as storage, that would be visible from the street and adversely impact the character and function of the neighbourhood. However, the flankage yard is screened from Colonel William Lane and is not visible from Solanum Way. A modest two bay garage is not anticipated to adversely impact the character of the street or function of the neighbourhood.

Therefore, the variances are in keeping with 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 City of Kawartha Lakes Official identifies the subject property as being subject to the City of Kawartha Lakes Oak Ridges Moraine Policy Area (ORMPA). The property is designated Natural Core Area within the ORMPA. The purpose of the Natural Core Area designation is to maintain and, where possible, improve and restore the ecological integrity of the land. As such, it

anticipates uses such as wildlife and forest management, agricultural uses, parks, and a limited scope of low density residential uses. As such, the proposal maintains the general intent and purpose of the Official Plan as the proposal contemplates development within the manicured area of the property where the impact has already been established.

Other Alternatives Considered:

No alternatives have been examined at this time.

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:

Building Division (August 2, 2018): No concerns.

Otonabee Region Conservation Authority (July 16, 2018): No objection. See comments.

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-E to
Report COA2018-052.

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

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