

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Andrew and Susan Tummonds
Report Number COA2018-050

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 9 – Geographic Township of Ops

Subject: The purpose and effect is to request relief from Section 2.1 to increase the permitted height of an accessory structure from 5.0 metres to 7.55 metres.

The variance is requested at 812 Monarch Road, geographic Township of Ops (File D20-2018-039).

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

Recommendations:

RESOLVED THAT Report COA2018-050 Andrew and Susan Tummonds, be received;

THAT minor variance application D20-2018-039 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 detached 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 COA2018-050, 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 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 COA2018-050. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The proposed development seeks to replace an existing garage with a new structure constructed at a height greater than permitted under the Township of Ops Zoning By-law.

The property is an undersized agricultural lot created by consent in 1989. Accordingly, pursuant to Section 16.2, the property is treated as a Rural Residential lot.

The subject property currently contains a single detached dwelling, accessory structure, rear yard porch, a swimming pool, a framed pool shed, and a storage container along the southern lot line.

This application was deemed complete June 18, 2018.

Proposal: To construct an accessory structure on an undersized agricultural property at a height 2.55 metres greater than permitted as of right.

Owner: Andrew and Susan Tummonds

Legal Description: Part Lot 24, Concession 3, Plan 57R5956 Part 1, geographic Township of Ops, City of Kawartha Lakes

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

Zone: Agricultural (A) Zone (treated as Rural Residential (RR) pursuant to Section 16.2 - Township of Ops Zoning By-law No. 93-30

Site Size: 0.40 hectares (0.99 acres)

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**

The subject property is situated in an established agricultural area. Aside from two severed undersized agricultural lots to west, the properties immediately surrounding the subject property are active farms. The close proximity of the dwellings on the subject property exhibits the qualities of a rural cluster. As

such, considering the potential effects of the increased height on the cluster will determine the existence of potential land use conflicts.

The subject property's interior lot line (to the south) is heavily vegetated and masks the view of the property from 802 Monarch Road. At the property's northern lot line, one can note the importance of the property's grading. Walking towards the northern lot line from the southern lot line, the property's slight slope helps mitigate the added height, as the proposed accessory structure is sited on the lower half of the property. Therefore, due to the property's grading, the accessory dwelling appears to match the height of the existing single detached dwelling from the vantage point of 832 Monarch Road. The height difference between the existing dwelling and proposed structure is expected to be imperceptible.

Across Monarch Road, the proposed accessory structure will be out of view from 821 Monarch Road thanks to the front yard vegetation and the structure's setback behind the dwelling.

The proposed structure has been designed to suit the agricultural and rural character of the area. The wood panel walls, gabled roof, and the increased height will match the visual style and massing of a barn.

Considering the above, the 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

The subject property is zoned Agricultural (A) under the Township of Ops Zoning By-law 93-30.

In 1989, the subject property was severed from 832 Monarch Road. Accordingly, the property is being considered under the Rural Residential (RR) Zone pursuant to Section 16.2, which requires agricultural lots created by consent be treated as a rural residential properties.

The applicant is seeking permission to construct the proposed accessory structure at an increased height of 7.55 metres. The By-law, under Section 2.1, permits a maximum height of 5.0 metres for an accessory structure in a residential zone. The property is graded in such a way that the existing single detached dwelling is sited on the higher ground, while the accessory structure is located at a lower grading. The lot grading is anticipated to hide the increased height to the naked eye.

Based on the above analysis, 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 subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan.

The Official Plan recognizes the existence of undersized agricultural lots created prior to the passing of the Official Plan. Accordingly, the designation permits a single detached dwelling and the proposed structure.

As an undersized agricultural lot, the Official Plan does not anticipate farming to occur. However, the Official Plan does recognize the need to protect prime agricultural lands from fragmentation, over-development, and incompatible uses, all while maintaining the agricultural character of the area.

The accessory structure is proposed to be located on the same building footprint as the existing structure. Moreover, as discussed above, this development matches the Official Plan's promotion of context-based design insofar as the proposed structure has been designed to match the agricultural and rural character of the area. The wood panel walls, gabled roof, and the increased height matches the style and massing of a barn. The applicant's plans match the cluster's agricultural setting and will serve to maintain the intended character of the Prime Agricultural designation.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by full municipal services.

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.

Building Division – Sewage System Program (July 23, 2018): No concerns.

Public Comments:

No comments as of August 9, 2018.

Attachments:



2018.08.16
Appendices to Report

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

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Department File: D20-2018-039