

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Brian and Joy McKay**  
Report Number COA2018-066

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**Public Meeting**

**Meeting Date:** October 18, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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**Ward: 8 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from Section 3.1.3.1(c) to increase the maximum lot coverage permitted for a building accessory to a dwelling unit in the Agricultural (A1) Zone from 150 square metres to 196.94 square metres in order to permit the construction of a detached garage.

The variance is requested at 10039 Simcoe Street, geographic Township of Mariposa (File D20-2018-050).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-066 Brian and Joy McKay, be received;

**THAT** minor variance application D20-2018-050 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 dwelling 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 COA2018-066, 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 owners acknowledge through the granting of this approval that the detached garage 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** upon completion of the construction of the detached garage, as part of building permitting process, there be a requirement that the storage

container, and the garden shed 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 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 COA2018-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The application proposes to construct a detached garage in the form of a steel building. The applicants indicated that the proposed development will serve as an additional storage to house a travelling trailer, a utility trailer, and other items in order to keep them out of the outside elements.

This application was deemed complete August 14, 2018.

**Proposal:** To construct an approximately 144.92 square metre (1,559.33 square foot) detached garage.

**Owners:** Brian and Joy McKay

**Applicant:** Brian and Joy McKay

**Legal Description:** Part Lot 1, Concession 1, RP 57R-605, Part 1, geographic Township of Mariposa, City of Kawartha Lakes

**Official Plan:** Prime Agricultural in the City of Kawartha Lakes Official Plan

**Zone:** Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07

**Site Size:** 1.5 acres (6,000 square metres)

**Site Servicing:** Private individual septic and well system

**Existing Uses:** Residential

**Adjacent Uses:** North: Agricultural  
East: Agricultural  
South: Residential, Agricultural  
West: Agricultural (Regional Municipality of Durham)

**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 garage is proposed to be purposed for additional storage that will facilitate a less cluttered property whereby utility equipment and other items randomly placed on the property can be housed together in one location. Likewise, the proposed removal of the garden shed and steel container located at the rear of the property will also enable an improvement to the appearance of the property from a property standard perspective.

Further, the location, footprint configuration, and size of the new detached garage are not anticipated to impede functional access to the rear of the property. The proposed removal of the roof overhang attached to the existing detached garage will also ensure there is adequate spatial separation between the proposed garage and the existing garage.

In terms of scale, the massing of the proposed garage will be adequately screened by vegetation when viewed from Simcoe Street. As well, the location of the subject property in a predominantly rural area also ensures that no land use compatibility issues will arise since the surrounding uses are mostly farmlands.

Based on the above analysis, 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 hectare (2.5 acres) or less in size are subject to the Rural Residential Type One (RR1) Zone provisions.

Regardless of whether the subject property at 1.5 acres is to be treated under the RR1 Zone lens, the proposed garage will ensure the By-law provisions for a maximum of two (2) accessory buildings in any class of residential zone is still maintained. Condition 3 will also ensure compliance with this requirement.

The 46.94 square metres increase to the 150 square metres required for maximum accessory building lot coverage, if granted, is not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard.

Overall, the building will have a low profile, being below the maximum height of 5 metres permitted in the zoning by-law, and together with existing detached garage on the property, it would be maintaining combined lot coverage below the 10% maximum permitted in the corresponding zoning by-law at 3.5%.

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 Prime Agricultural in the City of Kawartha Lakes Official Plan, which permits accessory buildings as ancillary to residential uses. The proposed garage is not anticipated to negatively impact the rural character of its immediate surrounding uses.

Thus, the proposal maintains the general intent and purpose of the City's Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by private well and septic system.

**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 (October 4, 2018): No concerns.

Building Division – Sewage Systems (October 4, 2018): No objections

Engineering & Corporate Assets – (October 9, 2018): No Objections

**Public Comments:**

No comments as of October 9, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-066

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

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**Department Head:** Chris Marshall

**Department File:** D20-2018-050