

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Adam and Amanda Milson**  
Report Number COA2019-008

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**Public Meeting**

**Meeting Date:** February 21, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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

**Subject:** The purpose and effect is to request relief from Section 8.2(f) to reduce the minimum rear yard setback from 20 metres to 15 metres in order to permit an accessory structure (a steel framed storage building) in its current location.

The variance is requested at 379 Ballyduff Road, geographic Township of Manvers (File D20-2019-001).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2019-008 Adam and Amanda Milson, be received;

**THAT** minor variance application D20-2019-001 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the accessory building 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 COA2019-008, 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 shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and

- 3) **THAT** the Building Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2019-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	For Committee's information, this application originated from an enforcement notice through the Building Division. The application seeks to permit a steel framed storage building in its current location within the rear yard.  This application was deemed complete December 5, 2018.
<b>Proposal:</b>	To recognize an approximately 190 square metre (2,044.4.square foot) accessory building within the rear yard area.
<b>Owner:</b>	Adam and Amanda Milson
<b>Legal Description:</b>	379 Ballyduff Road, Part Lot 7, Concession 6, Part 1, RP 57R-8068, geographic Township of Manvers, City of Kawartha Lakes
<b>Official Plan:</b>	Natural Core Area within Amendment #104 to the County of Victoria Official Plan
<b>Zone:</b>	Oak Ridges Moraine Core Area (ORMCA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133
<b>Site Size:</b>	15.2 hectares (38 acres)
<b>Site Servicing:</b>	Private individual well and septic system
<b>Existing Uses:</b>	Residential
<b>Adjacent Uses:</b>	North & West: Agricultural, Wetland East & South: Residential, Agricultural and Wetland

**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 a rural area where there is a small cluster of rural residential lots. The property is of considerable size and mostly

surrounded by agricultural and rural land to the west and north respectively. The subject accessory building is on the north side of this sizeable agricultural lot in close proximity to the north lot line. The nearby rural residential lots are located about 500 metres to the south and about 100 metres to the northeast of the subject building location respectively. As a result, no negative impacts to nearby servicing is anticipated.

Likewise the location of the subject building is majorly surrounded by vegetative buffers, which effectively screens it from neighbouring lots and partially from the abutting road. Century Farm Road appears to be a through vehicular road. The northwest road bend that connects to the site together with the roadside vegetation helps to conceal the massing of the accessory building when driving from that direction. As well the 5 metre reduction to the minimum rear yard setback requirement is not anticipated to be discernible when driving from the opposite (northeast) direction. The site topography also contributes to ensure that the subject structure is appropriately located in the least visible location within the rear yard.

Based on the above analysis, the variance is minor in nature and 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 Oak Ridges Moraine Core Area (ORMCA) Zone typically permits a variety of agricultural uses, including single detached dwellings. The ORMCA Zone also recognizes accessory uses as ancillary to a principle use.

Regardless of the reduced rear yard setback of the accessory building, the total lot coverage permitted for all buildings within the ORMCA Zone would still be met, as the subject building would only account for 0.13% out of the 0.36% total lot coverage occupied by all buildings on the property, whereas a maximum of 10% total lot coverage is permitted in the ORMCA Zone.

In all other respects the height of the garage complies with the Zoning By-law provisions for accessory buildings.

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 designation follows the Natural Core Area policies within the Amendment #104 to the County of Victoria Official Plan which promotes the protection of key natural heritage features by only allowing low intensity developments in the area. Accessory buildings are permitted ancillary uses to principle uses within this designation.

The accessory building as proposed in conjunction with the comments provided by the Kawartha Conservation demonstrates that no negative impacts to the ecological integrity of the Plan area are anticipated.

Therefore, 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 private individual septic and well 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 (February 7, 2019): No concerns.

Kawartha Conservation Authority (February 8, 2019): No concerns. See comments

Engineering and Corporate Assets Department (February 11, 2019): No objection.

**Public Comments:**

No comments as of February 11, 2019.

**Attachments:**



Appendices A-E to  
Report COA2019-008

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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**Phone:** 705-324-9411 extension 1367

**E-Mail:** qadebayo@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D20-2019-001