

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cannon and Robbins
Report Number COA2019-021

Public Meeting

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

Ward: 8 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 20.1.b.(iv) to reduce the minimum setback from the front lot line from 15 metres to 4.2 metres in order to permit the construction of a detached garage in the front yard.

The variances are requested at 268 Pigeon Creek Road, geographic Township of Manvers (File D20-2019-013).

Author: Quadri Adebayo, Planning II **Signature:**

Recommendations:

Resolved That Report COA2019-021 Bradley and Donna Cannon and Terry Robbins, be received;

That minor variance application D20-2019-013 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 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 COA2019-021, 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 owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, and shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 3) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit

the placement of any other accessory buildings or structures between the front wall of the dwelling and the front lot line;

- 4) **THAT** prior to the issuance of a building permit for the detached garage, the steel storage container located in the front yard be removed from the property to the satisfaction of the Chief Building Official;
- 5) **THAT** prior to construction of the detached garage, the applicant shall obtain permit from Kawartha Conservation (KRCA). This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that permitting process has been initiated by the applicant;
- 6) **THAT** as part of building permitting process, upon the complete construction of the detached garage, there be a requirement that the shed (Shed 2) located in the front yard between the eastern wall of the dwelling and the easterly property line shall be removed from the property to the satisfaction of the Chief Building Official; and
- 7) **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 COA2019-021. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: As of right, a garage accessory to a residential use is permitted in the front yard in a Rural Residential Type One (RR1) Zone within the Manvers Township Zoning By-law, subject to a minimum setback of 15 metres from the front lot line and 6 metres from the side lot line.

The subject property has a RR1 Zone category and contains three other accessory structures: Shed 1 – located in the rear yard, Shed 2 – located in the front yard, and a steel storage container. The proposal seeks to construct a detached garage in the front yard at a reduced setback from the front lot line, with an intention to remove Shed 2 and the steel storage container from the property as part of the approvals process.

This application was deemed complete February 19, 2019.

Proposal: To construct an approximately 55.7 square metre (599.3 square foot) detached garage.

Owner: Bradley Cannon, Donna Cannon and Terry Robbins

Legal Description: Part Lot 5, Concession 12, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Prime Agricultural

Zone: Rural Residential Type One (RR1) Zone within the Township of Manvers Zoning By-law 87-06

Site Size: 0.24 acres (957.3 square metres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North, East and South: Residential, Agricultural & Open Space Lands
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 garage is permitted in the front yard in the Manvers Township Zoning By-law, it appears that the proposed structure cannot practicably meet the 15 metres minimum front yard requirement due to the existence of a septic bed approximately 5 metres behind the proposed location of the structure. In addition, following discussions with applicant during pre-screening about re-orienting the footprint of the proposed detached garage or reducing the size of the structure as reasonably possible, staff have been able to confirm the potential hardship claimed by the applicant through observation during site inspection. The elevated topography beside the proposed structure to the west appears to present a constraint. Likewise, a reduction in the size of the proposed garage may not sufficiently fit the applicants' 5.7 metre (19 feet) long vehicle nor have supplementary room to store items that would be transferred from the existing shed (Shed 2) in the front yard, which the applicant has indicated will be removed once the garage is built.

In all other respects, the scale of the proposed garage is not anticipated to take away from the rural character of the neighbourhood as the reduced gradient of the proposed building location is anticipated to limit any visual impact to the neighbouring property to the north and to vehicular traffic along Pigeon Creek Road respectively. As well, sufficient vegetation exists around the location of the proposed structure to mask the massing accordingly.

Based on this, 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

The Rural Residential Type One (RR1) Zone provision contemplates accessory uses as ancillary to a principle use. The accessory building under the scope of this variance application is proposed as devoted uses to the detached dwelling on the subject property.

Further, the physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of siting the proposed accessory buildings in accordance with the front yard requirements. The reduced front yard setback, if granted, is not anticipated to be perceptible. Sufficient amenity space will remain within the said yard to facilitate access to other portions of the property.

In all other respects, the proposed height of the detached garage appears to comply with the maximum height of 5 metres as prescribed in Zoning By-law.

Considering the proposed structure will result in a compliant lot coverage requirement for accessory buildings at approximately 6.4% where 8% maximum is required (existing shed in the rear yard inclusive), the variance maintains the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

Accessory buildings are contemplated as ancillary to residential uses on residential lots of record within the Prime Agricultural designation. The proposed location of the accessory building is not anticipated to negatively impact the rural residential character of the surrounding properties.

In consideration of the above the variances maintain 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 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 – Part 8 Sewage Systems (November 19, 2018): No objection. See comments.

Building Division – Chief Building Official (March 7, 2019): No concerns.

Kawartha Region Conservation Authority - KRCA (March 8, 2019): KRCA proffered two recommendations. The first recommendation requires the applicant to obtain permits from them prior to the construction of the detached garage. The second recommendation requires the applicant to provide a tree inventory/preservation plan as part of the permitting process (if any) trees will be removed. Planning staff advise that the second recommendation may not be applicable as observation from site visit suggests there are no trees in the location of the proposed structure.

Public Comments:

No comments as of March 11, 2019.

Attachments:



Appendices A-E to
Report COA2019-021

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawing
Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-013