

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – White

Report Number COA2019-034

Public Meeting

Meeting Date: June 20, 2019

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 4 – Geographic Township of Eldon

Subject: The purpose and effect is to request relief from the following in order to permit the construction of a detached garage/shop building:

1. Section 3.1.2.1 to permit an accessory building in the front yard where it is only permitted in an interior side or rear yard;
2. Section 3.1.3.1 to increase the maximum lot coverage requirement for all accessory buildings and structures from 125 square metres to 220 square metres; and
3. Section 3.1.3.2 to increase the maximum height requirement for an accessory building from 5 metres to 6 metres.

The variances are requested at 467 Sandhills Road, geographic Township of Eldon (File D20-2019-023).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-034 White, be received;

That minor variance application D20-2019-023 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/shop 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 COA2019-034, 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 accessory structure 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** as part of the building permitting process for the proposed detached garage/shop, the sugar shack located in the front yard between the front (eastern) wall of the dwelling and the front lot line be relocated in a compliant manner or removed from the property to the satisfaction of the Chief Building Official upon the complete construction of the detached garage/shop building;
- 4) **That** as part of building permitting process, there be a requirement that the steel storage container and the sawmill cover structure located in the front yard between the front (eastern) wall of the dwelling and the front lot line, including the ice hut located in northerly side yard between the north wall of the dwelling and the northerly side lot line shall be removed from the property to the satisfaction of the Chief Building Official upon the complete construction of the detached garage; and
- 5) **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 COA2019-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: According to MPAC data the existing dwelling with an attached garage on the property was built circa 1989 (MPAC). This suggests that the residential lot may have been created around the same period.

Currently, there are six (6) accessory buildings on the property which accounts for approximately 121.83 square metre thus: a wood shed (Building 2), a shed (Building 3), a sugar shack (Building 6), a steel storage container, a sawmill cover, and an ice hut. Through this application, the applicant is proposing to remove some of the accessory buildings and keep buildings 2, 3 and 6 in conjunction with the proposed detached garage/storage building.

Proposal: To construct an approximately 185 square metre (1,990 square foot) detached garage/shop building

Owners: Patricia and William White

Applicant: Patricia White

Other: Doug Carroll, D.C. Planning Services Inc. (Applicant's Representative)

Legal Description: Part Left North-Half of Lot 8, Concession 8, Part 1, 57R-5396, geographic Township of Eldon, now City of Kawartha Lakes

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

Zone: Agricultural (A1) Zone within the Township of Eldon Zoning By-law 94-14

Site Size: 0.69 hectares (1.72 acres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North, West and South: Agricultural;
East: Sandhills Road, Agricultural

Rationale: In accordance with Section 7.2.1.7 of the geographic Township of Eldon Zoning by-law, for lots within the A1 Zone that are equal to or less than one hectare, the zoning provisions applicable to a Rural Residential Type One (RR1) Zone applies to 467 Sandhills Road.

**1) Are the variances minor in nature? Yes
And**

2) Is the proposal desirable and appropriate for the use of the land? Yes

The detached garage/shop building is proposed to be situated on a heavily treed rural property. The inability of locating the proposed building in a compliant yard appears to be limited by the existence of a septic system at the rear of property. Also, the northerly side yard does not appear to have sufficient room to accommodate the elaborate size of the proposed structure. Added to the space constraint is that the portion of the yard already contains a wood shed and a wood boiler.

Further, the location proposed for the detached garage/shop building appears to be suitable since it will be replacing the sawmill cover structure where the ground has already been landscaped with gravel that connects to the driveway. The driveway linkage is also anticipated to enable easy access to and from the proposed building.

With regards to the relief requested for the increased height, the applicant's representative states that the property owner runs a welding and large equipment repair business. As the information provided to staff suggests that the detached garage/shop building is to function as storage, it is anticipated that more headroom may be required to store large vehicles. In all other respects, accessory buildings of this scale and metal clad design are typical in rural residential settings that are primarily surrounded by agricultural uses. The massing of the structure is also not anticipated to be discernible since the

vegetation on the property would provide sufficient buffering and masking of the structure from the road.

Similarly, an increment of 95 square metres over the maximum total floor area of 125 square metres allowed for all accessory building could be considered minor as the proposal would only be comparatively increasing the existing coverage from approximately 1.8% to 3.2%, where a maximum of 10% total lot coverage is permitted for all accessory buildings.

Based on this, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?

Yes

As mentioned in Rationale 1 and 2 above, the proposed total lot coverage for all accessory buildings permitted would still be met, as the proposal would only be comparatively increasing the existing coverage from 1.8% to 3.2%, where a maximum of 10% total lot coverage is allowed. In light of this, the removal of the steel storage container, the sawmill cover and ice hut currently on the property have been included as a condition of approval.

The existing site constraints also appear to limit the ability to locate the proposed structure in a compliant yard portion.

Although the height proposed structure is over the maximum allowed, the accessory use function of the building is anticipated to prevail. Condition 2 has also been placed to ensure this.

In all other respects, considering that the proposed footprint will comply with setback and spatial separation requirements, the applicant has reasonably demonstrated that it is possible to develop the lot.

Following the above, the variances maintain 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 property is designated Prime Agricultural in the City of Kawartha Lakes Official Plan. Residential dwellings and accessory buildings are anticipated within this designation. Thus, the proposal maintains the general intent and purpose of the City's Official Plan.

Other Considerations:

The applicant's representative has assured staff in an email of the following:

- That the use of the proposed detached garage/shop will function as an accessory storage building for the permitted residential use on the lot;
- That no commercial welding or mechanical repair takes place in the existing dwelling or elsewhere on the lot. There is no intention that any client will bring their machinery to the new detached garage/shop building;

- That given the home occupation provisions in the by-law which permits the home occupation use to account for a maximum of 25% of the gross floor area of the dwelling whether it is operated within a dwelling or within an accessory structure, the administrative function of the welding & large equipment repair business is wholly contained within 12% of the existing dwelling;
- That all commercial welding and mechanical repair is conducted off-site at the properties which contain the large equipment on which Mr. White works; and
- That although the use of the existing wood cutting (sawmill) will not cease, because it is used to process wood from a separate bush-lot, for the owner's firewood for the boiler furnace. It will not have a permanent cover.

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 – Building Inspection/Plans Examiner (June 5, 2018): No concerns.

Public Comments:

None as of June 10, 2019.

Attachments:



Appendices A-E to
Report COA2019-034

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

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