

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Titterton
Report Number COA2019-052

Public Meeting

Meeting Date: August 15, 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 Sections 20.1(b)(iii) and 20.1(b)(vi) to reduce the minimum side yard setback for an accessory building that exceeds 60 square metres and exceeds a height of 4.3 metres, from 6 metres to 2.4 metres in order to permit the construction of a detached garage.

The variance is requested at 87 Bethany Hills Road, geographic Township of Manvers (File D20-2019-036).

Author: David Harding, Planner II **Signature:**

Recommendations:

Resolved That Report COA2019-052 Ian and Carey Titterton be received;

That minor variance application D20-2019-036 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 D and generally in accordance with the elevation in Appendix E submitted as part of report COA2019-052, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit:
 - a. The owners shall obtain demolition permits for the garage and garden shed to the northeast of the dwelling identified as Existing Garage and B5 Garden Shed on the sketch in Appendix C to report COA2019-052; and
 - b. The Chief Building Official or his/her designate shall verify that the garden shed to the northwest behind the existing shop, identified as B4 Tin Shed on the sketch in Appendix C to report COA2019-052 has been satisfactorily demolished; and

- 3) **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 COA2019-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The owners propose to construct an 8.5 x 11.6 metre detached garage.
Owners:	Ian and Carey Titterton
Applicant:	Ian Titterton
Legal Description:	Part Lot 12, Concession 11, Part 1, 9R-828, geographic Township of Manvers, now City of Kawartha Lakes
Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06
Site Size:	4,069.08 square metres
Site Servicing:	Private individual well and sewage system.
Existing Uses:	Rural Residential
Adjacent Uses:	North, East, West: Agricultural South: Forest

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 a rural residential lot within an agricultural area.

The garage is proposed at the northeastern corner of the property currently occupied by a smaller garage and garden shed. This location is within the rear yard, east of the dwelling's side wall. The garage is proposed to be accessed via an extension to the existing driveway serving the dwelling. This placement towards the rear of the lot ensures that the dwelling continues to appear as the prominent building and use when viewed from the road. This accessory appearance is enhanced by the single storey with gable roof design above

proposed for the garage in comparison to the two storey dwelling with its gable roof design.

The garage is proposed to the east of the existing sewage system, and the Building Division has advised that its placement is the minimum setback required to a raised tile bed, and as such it will not affect the operation of the sewage system.

The garage will consolidate the storage provided by the three smaller accessory buildings into one larger building. The new garage will increase the functionality of the lot through the consolidation and expansion of storage spaces. Condition 2 is recommended to ensure continued compliance with the maximum accessory building lot coverage requirements.

Therefore, 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 property is zoned Rural General (A1) Zone within the Township of Manvers Zoning By-law. Due to the size of the lot, the property is subject to the Rural Residential Type One (RR1) Zone provisions instead of the A1 Zone provisions. Accessory buildings are subject to the General Provisions.

The General Provisions from which relief is sought provide an increased side yard setback for buildings exceeding 60 square metres and 4.3 metres in height. The intent of those two zone provisions is to reduce massing and land use conflicts that may arise between abutting lots when such large accessory buildings are placed. However, the subject property does not abut any rural residential lot and there are no nearby agricultural or residential buildings, only fields. In the case of the agricultural lot to the east, there is a hedgerow separating the two lots. Therefore, the reductions are appropriate since the conflicts the zoning by-law is controlling for are not present.

As the proposed garage meets or exceeds all other applicable zone provisions the proposal 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 within the City of Kawartha Lakes Official Plan. Existing rural residential lots and their accessory uses are recognized within the designation. The variance maintains the general intent and purpose of the Official Plan

Other Alternatives Considered:

The construction of the garage on east side of the lot is not possible without a variance due to the location of the sewage system. Construction on the west side of the lot may impact the ability to construct a replacement sewage system.

Servicing Comments:

The property is serviced by a private individual 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 (August 1, 2019): No concerns

Building Division – Part 8 Sewage Systems (August 1, 2019). No objections. The owners are encouraged to update the sewage system to current standards as it is undersized.

Engineering and Corporate Assets Department (August 2, 2019): No concerns.

Public Comments:

No comments received as of August 6, 2019.

Attachments:

Appendices A-F to
Report COA2019-052.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch of Existing Site Conditions

Appendix D – Applicant's Sketch of Proposed Site Conditions

Appendix E – Conceptual Elevation

Appendix F – Department and Agency Comments

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Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-036