

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Sullivan
Report Number COA2019-059

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

Detached Garage

1. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 2 metres.


Permit Shed in current location

2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 8 metres; and
3. Section 3.1.2.2 to reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

The variance is requested at 14 Wakeford Road, geographic Township of Mariposa (File D20-2019-042).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-059 Paul and Fiona Sullivan be received;

1. **That** minor variance application D20-2019-042, 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 C and generally in accordance with the elevation in Appendix D submitted as part of report COA2019-059, which shall be attached to and form part of the Committee's Decision;

- 2) **That** the owners make a payment of \$500.00 (minor application review fee) to Kawartha Conservation (KRCA) within a period of one (1) month after the date of the Notice of Decision. Confirmation of the payment shall also be provided to the Secretary Treasurer to clear this condition; 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 COA2019-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property currently contains two accessory buildings being a detached garage built circa 1963 (MPAC) located in the front yard, and an accessory shed in the rear yard which according to the property owners was built circa 2001 when the third building on the property (the main dwelling) was built.

Through this application, the owners are proposing to construct a second detached garage in the front yard, and to permit the location of the accessory shed within the water setback buffer area. The initial application submission on August 30, 2019 did not include the accessory shed. Staff upon site inspection on September 24, 2019 determined that the accessory shed was to be included as part of the reliefs sought through the variance given its proximity to the shoreline. The revised application was deemed complete September 27, 2019.

Proposal: To construct an approximately 44.6 square metre (480.5 square foot) single-bay detached garage and to recognize the location of an approximately 7.4 square metre (80 square foot) accessory shed.

Owners: Paul and Fiona Sullivan

Applicant: Paul and Fiona Sullivan

Legal Description: Part Lot 14, Concession D, Parts 1-2, 57R-8321, geographic Township of Mariposa, now City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa By-law 94-07

Site Size: 1,578.24 square metres (0.39 acre)

Site Servicing: Private individual well and sewage system

Existing Uses: Residential

Adjacent Uses: North: Residential, Lake Scugog
South: Residential
West: Lake Scugog
East: Wakeford Road, Residential and Agricultural

Rationale: When a Planning Act application is applied for, it opens up the subject property for zoning compliance, which in this instance is an accessory structure compliance issue. As of right, a private garage is permitted on shoreline residential lots within the Township of Mariposa By-law provided the minimum front yard requirement is complied with. Other accessory buildings are only permitted in either the side or rear yards subject to applicable setback provisions. The existing detached garage which is located at approximately 1 metre from the front line is considered legal non-complying at this time and not included as part of the variance because it predates the Township of Mariposa by-law which was enacted in 1994. Although the accessory shed was built in 2001 after the by-law came into force, given that it functions to store items related to enjoyment of the lake for boating and swimming, consideration is given for its current location in proximity to the water. As well the 1.52 metre proposed in the northerly interior side yard exceeds the Engineering Division's minimum requirement of 1.2 metre for storm water drainage between an accessory structure and a lot line.

- 1) **Are the variances minor in nature?**
 - (i) **Front Yard Setback - Yes**
 - (ii) **Water Setback and Interior Side Yard Setback - Yes**

And
- 2) **Is the proposal desirable and appropriate for the use of the land?**
 - (i) **Front Yard Setback - Yes**
 - (ii) **Water Setback and Interior Side Yard Setback - Yes**

The subject property is located in an established residential neighbourhood along Lake Scugog.

The area proposed for the garage on the subject property is already disturbed and no vegetation needs to be removed from the property in order to install the proposed garage. There is also a drop in the site topography moving westward from this area into the property. The placement of the proposed garage at 2 metres from the front lot line will ensure sufficient spatial separation from the dwelling and the septic bed areas respectively. However, the garage is proposed to be built on top of the area where the well is located. Provided the Part 8 Systems Supervisor advises of no concerns, planning staff do not anticipate any negative impacts as similar type of installation exists within the municipality.

In terms of scale, the proposed garage will blend in with the rural character of the surrounding residential lots where garages are situated in the front yards. Therefore, no land use compatibility issues are anticipated.

The buffer between the front lot line and the edge of the road allowance in conjunction with the vegetation along the property frontage is also anticipated to screen any massing impact along Wakeford Road.

Regarding the request to permit the accessory shed in its current location, observation from site visit suggests that a water setback of 30 metres and a side yard setback of 2 metres would hinder the functionality of the shed. The structure appears to function primarily for the storage of marine and swimming supplies. Therefore, the need for shoreline proximity is considered appropriate given the modest size of the structure.

Overall, the variances are considered minor in nature and desirable and appropriate for the use of the land.

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

Yes

(i) Front Yard Setback - Yes

(ii) Water Setback and Interior Side Yard Setback – Yes

Accessory buildings by their nature address and should complement both the dwelling on the property and the general neighbourhood streetscape. This neighbourhood contains detached garages within the front yards. The RR3 Zone provision contemplates accessory uses as ancillary to a principle use. The detached garage under the scope of this variance application is being proposed as a devoted use to the dwelling on the subject property.

In terms of functionality, the proposed location of the garage bay door is anticipated ensure safe vehicular ingress and egress via the driveway and the functionality of the accessory shed location in relation to the water is also defined for marine and swimming equipment storage.

Zoning standards are established amongst other reasons to ensure adequate spatial separation between structures and to ensure storm water run-off can be contained on the property before being discharged elsewhere. The roof design and the modest size of the accessory shed demonstrates that this can be achieved as agency comments provided by commenting agencies reflected no concerns.

In all other respects, the proposed lot coverage for all accessory buildings will comply with the maximum Zoning By-law provisions of 10% to a maximum of 100 square metres at approximately 5.97% and 94.6 square metres. The height of the proposed garage is also modest at approximately 3.35 metres where a maximum height of 5 metres is allowed.

Therefore, variances are considered to 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

(i) Front Yard Setback - Yes

(ii) Water Setback and Interior Side Yard Setback – Yes

The property is designated as Waterfront in the City of Kawartha Lakes Official Plan. Accessory buildings are permitted as ancillary to residential uses. The proposed location of the detached garage is not anticipated to negatively impact the residential character of the surrounding properties.

As well, the accessory shed location is considered to conform with the designation policies given its functionality in relation to the water, whereas boat houses or marine related structures are permitted to be located close to the shoreline edge.

In consideration of the above, the variance maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

None at this time.

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 (October 7, 2019): No concerns.

Engineering Division (October 8, 2019): No objections or concerns.

Kawartha Conservation - KRCA (October 9, 2019): KRCA advised that they do not have concerns with the proposal. See comments.

Public Comments:

No comments received as of October , 2019.

Attachments:



Appendices A-E to
Report COA2019-059

Appendix A – Location Map

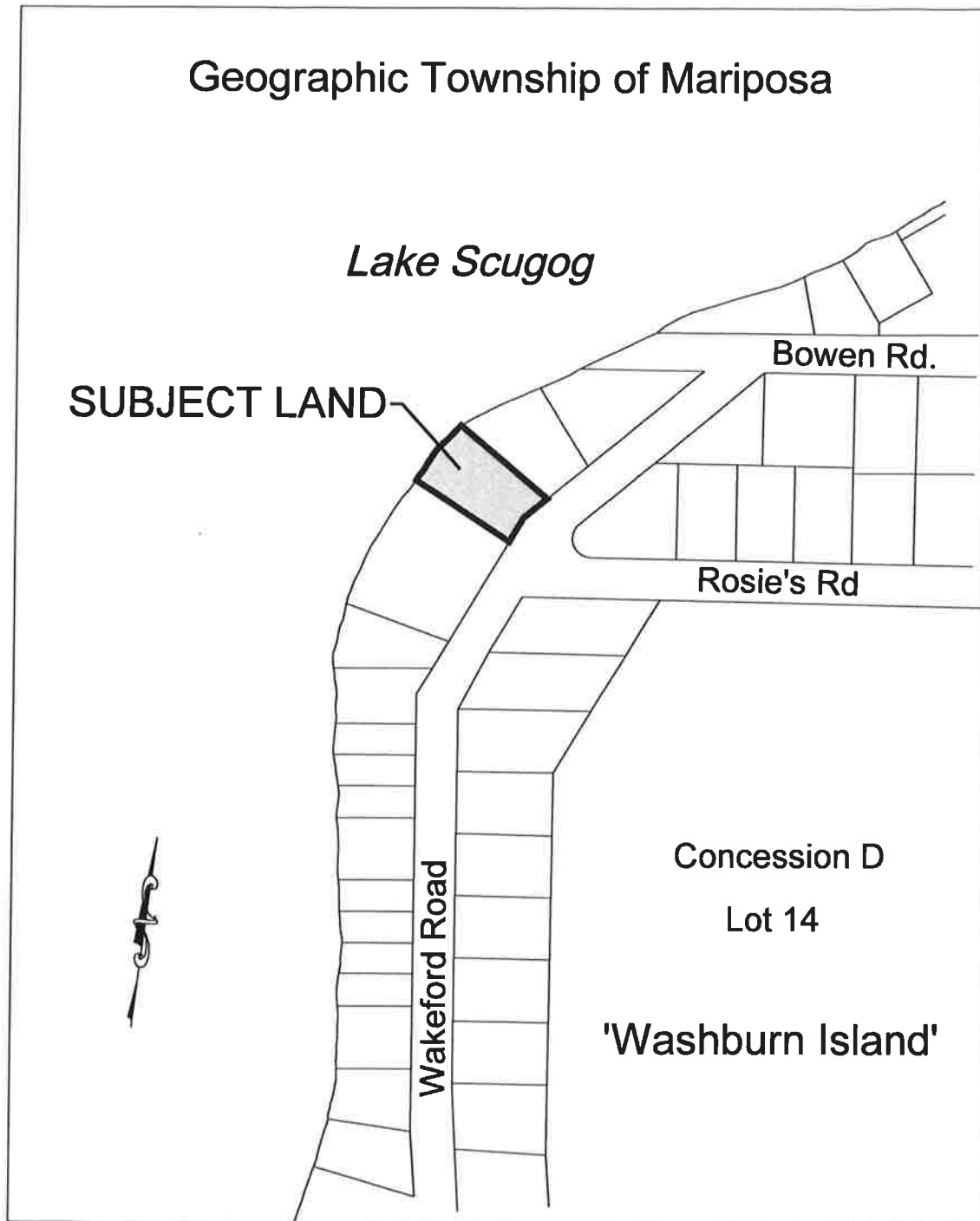
Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Conceptual Elevation
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: D20-2019-042

D20-2019-042



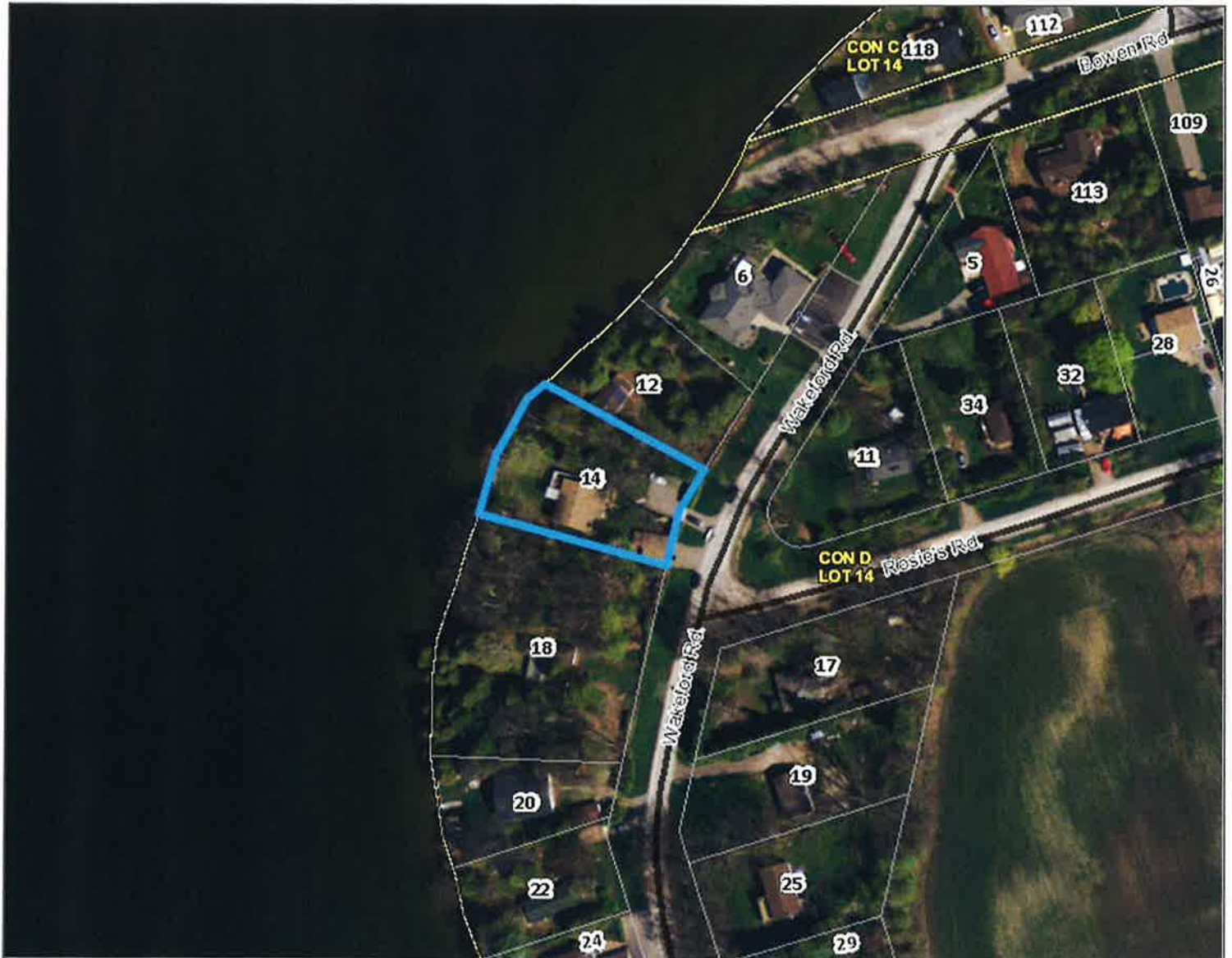
APPENDIX: B

to

REPORT COA2019-059

FILE NO: D20-2019-042

14 Wakeford Road, geographic Township of Mariposa



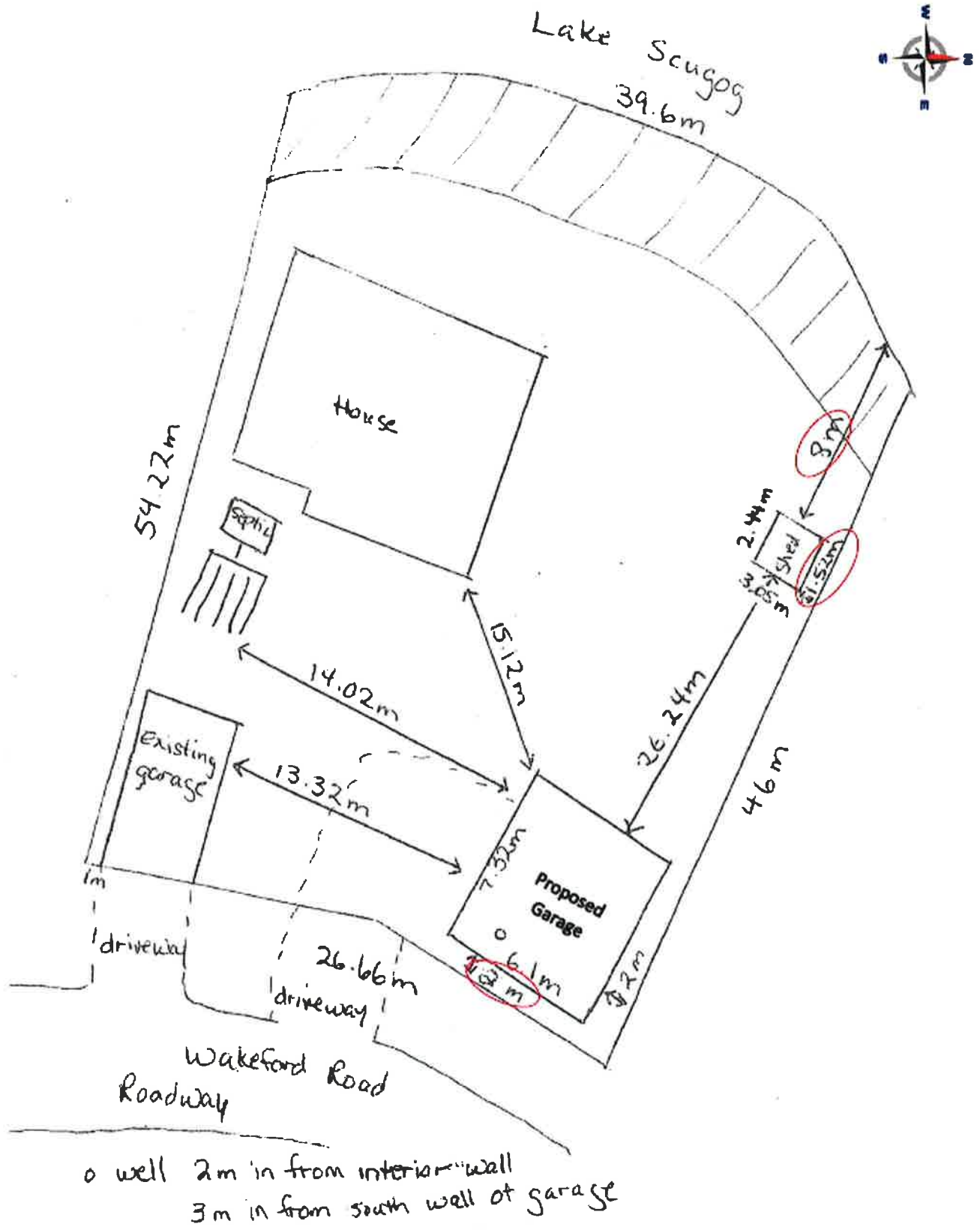
0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

Site Plan Sketch

APPENDIX: D

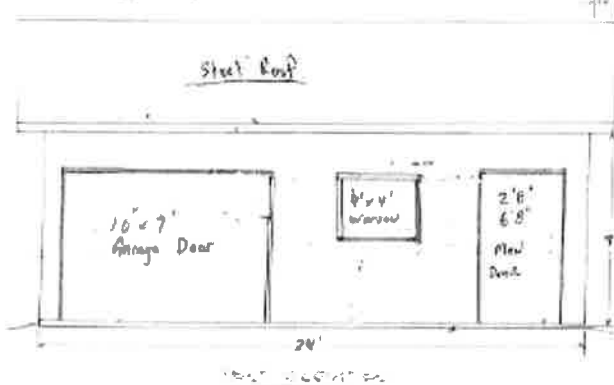
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REPORT COA2019-059

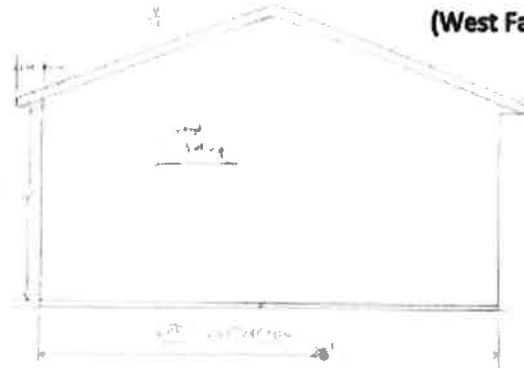
FILE NO: D20-2019-042

Front and Left Perspective Drawings – (Detached Garage)

(South Facing Side)



(West Facing Side)



PROPOSED GARAGE 20'
14 Wakeford Rd Wakeburin Island
Paul Sullivan
PLAN & FRONT ELEVATIONS

Rear and Right Perspective Drawings – (Detached Garage)

(North Facing Side)



(East/Road Facing Side)



PROPOSED GARAGE 20'
14 Wakeford Rd Wakeburin Island
Paul Sullivan
REAR & FRONT ELEVATIONS

APPENDIX: E

to

REPORT COA2019-059

FILE NO: D20-2019-042

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-042

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



APPENDIX: E

to

REPORT COA2019-059

FILE NO: D20-2019-042

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:04 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 14 Wakeford Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-042
14 Wakeford Road
Part Lot 14, Concession D, Parts 1-2, 57R-8321
Geographic Township of Maniposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

Detached Garage

1. to reduce the minimum front yard setback from 7.5 metres to 2 metres.

Permit Shed in current location

2. to reduce the minimum water setback from 30 metres to 8 metres; and
3. to reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



October 9, 2019

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**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

Via Email: mlahay@kawarthalakes.ca

Mark LaHay, MCIP, RPP

Planner II

Development Services – Planning Division, City of Kawartha Lakes

180 Kent Street West,

Lindsay, ON, K9V 2Y6

Regarding: **Application for a Minor Variance**
 D20-2019-042
 14 Wakeford Road, Part Lot 14, Concession D
 Geographic Township of Mariposa
 City of Kawartha Lakes
 Revised Comments

Dear Mr. LaHay,

This letter acknowledges the receipt of the above noted application for Minor Variance. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Mariposa Zoning By-law 94-07, as amended. The purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

- Detached garage
 - o To reduce the minimum front yard setback from 7.5 metres to 2 metres.
- Permit shed in current location
 - o To reduce the minimum water setback from 30m to 8 metres; and
 - o To reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

Site Characteristics:

The subject property is adjacent to the following natural heritage features:



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- Lake Scugog
- Fish Habitat

The following natural hazards are associated with the above noted natural heritage features:

- Flooding

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Any development within Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Portions of the subject property contain lands regulated by Kawartha Conservation. Kawartha Conservation regulates 15 metres from the shoreline of Lake Scugog.

Detached Garage:

- Kawartha Conservation does not have concern with reducing the front yard setback.
- The applicant is advised that the garage will not be subject to permissions from Ontario Regulation 182/06 as it is proposed outside of Kawartha Conservation's regulated area.

Permit shed in current location:



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- Kawartha Conservation does not have concern with the current position of the shed and recognizes that it has been there for approximately 20 years.

Recommendation:

Kawartha Conservation has no objection to the approval of the Minor Variance Application D20-2019-042. It is the opinion of Kawartha Conservation that the application is consistent with Section 3.1 of the PPS. The proposed works (detached garage) are not subject to Ontario Regulation 182/06, or to the policies of Kawartha Conservation at this time, and as such, a permission from Kawartha Conservation is not required.

Please inform this office of any decision made by the City of Kawartha Lakes with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin McGregor'.

Erin McGregor

Resources Planner Technician – ex 232

Kawartha Conservation

CC:

Quadri Adebayo, Planner II, City of Kawartha Lakes

Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation