

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Linda Mark
Report Number COA2019-016

Public Meeting

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

Ward: 7 – Geographic Township of Ops

Subject: The purpose and effect is to request from Section 17.2 to reduce the minimum lot frontage from 45 metres to 19.4 metres, Section 10.2(a) Side Yard to reduce the minimum side yard from 10.5 metres to 3 metres, Section 10.2(b) Building Separations to reduce the required building setbacks for shipping/storage containers from 3 metres to 0 metres, and Section 10.2 to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota.

The variances are requested at 2149 and 2155 Little Britain Road, geographic Township of Ops (File D20-2019-008).

Author: David Harding, Planning II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-016 John and Linda Mark, be received;

That minor variance application D20-2019-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **That** if the related provisional consent decision for application D03-2019-006 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-016. Fulfillment the condition is required for the Minor Variances to be considered final and binding.

Background: On June 11, 2019, the Director of Development Services issued provisional consent to application D03-2019-006 to sever a parcel containing a legal non-conforming dwelling from the balance of the lands containing the business operating as Race Toyota. This minor variance application was deemed complete September 6, 2019.

Proposal: To adjust setbacks and development standards that would otherwise apply to the mutual lot line to be created.

Owner: John and Linda Mark

Applicant: David Mark

Legal Description: Part of East Half of Lot 16, Concession 4, geographic Township of Ops, now City of Kawartha Lakes

Official Plan: Severed – Industrial
Retained – Highway Commercial
within the City of Kawartha Lakes Official Plan

Zone: Severed – Agricultural Support (AS) Zone
Retained – Highway Commercial (CH) Zone
within the Township of Ops Zoning By-law 93-30

Site Size: Severed – 1.49 hectares
Retained – 1.18 hectares

Site Servicing: Private individual wells and sewage systems

Existing Uses: Severed – Residential
Retained – Commercial (Race Toyota)

Adjacent Uses: North – Agricultural
South, West – Agricultural, Commercial, Industrial
East – Rural, Commercial

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject property is located within a commercial/industrial corridor along the eastern extent of Little Britain Road before it ends at Highway 7. The corridor has very few residential uses. The residential use upon the subject property is the only one within this immediate area of the corridor. The proposed severed lot containing the residential use is flag-shaped with the dwelling located to the northwest, set back in and behind the abutting uses and screened and buffered by stands of trees. The proposed retained lot is triangular, and contains the Race Toyota business, which is grouped closer to the proposed mutual lot line.

The variances, if granted, will permit the separation of a commercial and residential use from one another, and allow the properties to continue to exist in their current states instead of applying current landscape development standards.

The location where the landscape strip is absent is the space between the shipping containers and front lot line. This space functions as an oversized parking area for Race Toyota, though there is a clear linear division between the lands intended to be used by Race Toyota, which are paved, and the gravel driveway area used by the residence. Enforcement of the current zone standards would require the removal of parking and driveway area and replacement with sod and/or other vegetation. Should this be required of either property in the future, it would be more appropriate to address the need for a buffer through the site plan review process. At this time, adding the landscaping requirement will not result in any significant buffering improvement given the dwelling that would benefit most from this buffering is located at the opposite end of the property.

The yard setback reduction for the storage containers is not anticipated to result in any adverse massing impacts and sufficient space remains to perform maintenance around them and the mutual lot line. Permitting the shipping containers to abut one another also clusters the storage functions on the retained lot together and lessens any visual impact that may be experienced.

Sufficient frontage remains for the proposed severed lot for driveway access.

The variances are 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

The subject land contains two zone categories. The portion containing the residential use is zoned Agricultural Support (AS) Zone in the Township of Ops Zoning By-Law 93-30. The balance of the lot is zoned Highway Commercial (CH) Zone.

The parcel to be severed does not meet the frontage requirement of 45 metres as about 19.46 metres is proposed. The residential use on the proposed severed parcel is able to continue as a legal non-conforming use. The lot frontage provision appears to have been written on the premise that a lot within the AS Zone would be rectangular in nature. Based on this premise, the intent of the lot frontage provision is to create a lot of sufficient width for the establishment of a sizeable building and its operational requirements. The interior of the property is of sufficient size to accommodate an AS Zone use if one is desired in the future.

The reduced side yard setback to the metal storage containers is not anticipated to generate any adverse impacts given there are currently no buildings on the proposed severed parcel anywhere near the proposed mutual lot line and the ability to perform maintenance within the reduced side yard will not be impaired.

The intent of the building spatial separation provision is to provide adequate setbacks for Building Code purposes and for adequate maintenance to be performed around buildings. The Building Division has raised no issues with

respect to allowing the storage containers to abut one another. In this case, the containers perform storage functions and are located upon a parking lot surface. As such, due to their collective storage function and the flat surface topography they are situated upon, it makes sense to treat the storage containers as a single storage entity and cluster them together for functionality and to reduce visual impacts rather than evenly distribute the containers throughout the side and rear yards.

The intent of the landscape strip requirement is to provide for a vegetative buffer between a newly developed property and a residential use to provide privacy. In this case, the residential and commercial uses on the property have operated independently from one another and have done so for quite some time, with a clear dividing line between the residential (gravel driveway) and commercial (paved parking lot) uses. Additionally, the dwelling which would benefit most from this buffering is set well away from the mutual lot line at the western extent of the property. If the owner of the severed lot wishes to establish a vegetative buffer at a later date, this may be done so. The City would also have the opportunity to review buffering requirements should the Race Toyota site go through redevelopment.

Therefore, 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 Industrial and Highway Commercial within the City of Kawartha Lakes Official Plan. The portion of the property containing the dwelling is designated Industrial and the portion containing Race Toyota is designated Highway Commercial. The Highway Commercial designation anticipates a wide assortment of uses which require large areas to display their products and nearby main roads to provide convenient access and easy exposure. No change is proposed to the portion of the property with the Highway Commercial designation. The Industrial designation provides for a range of businesses, including manufacturing and service uses. The existing dwelling unit on the Industrial designation is considered a legal non-conforming use. Section 34.1 permits the continuation of legal non-conforming uses.

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:

Each distinct use is serviced by a private individual well and sewage 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. Spatial separation will be addressed through an agreement.

Engineering and Corporate Assets Department (October 8, 2019): No concerns.

Public Comments:

No comments received as of October 9, 2019.

Attachments:



Appendices A-D to
Report COA2019-016.

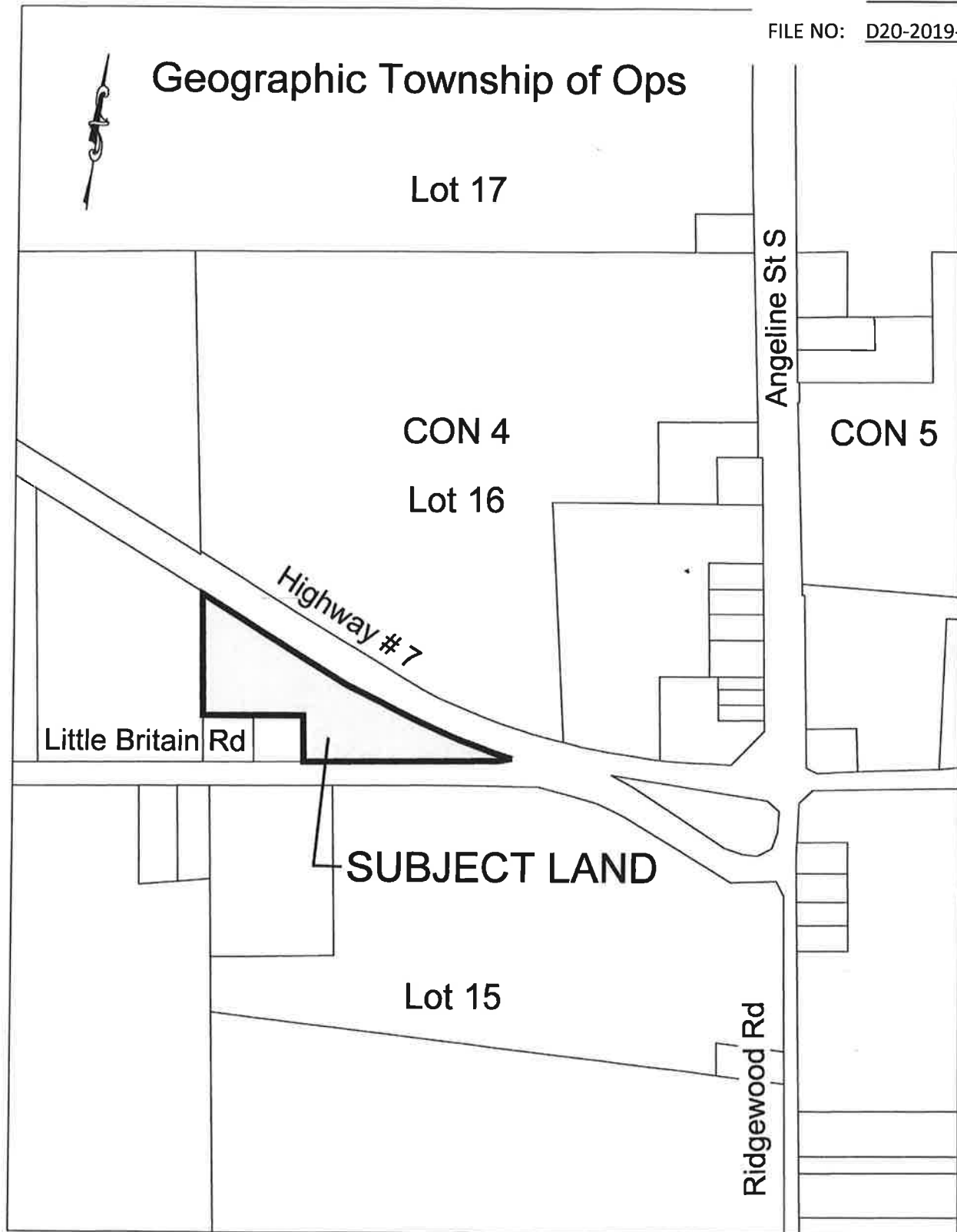
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-008

to

REPORT COA2019-016

FILE NO: D20-2019-008





GEOMATICS
MAPPING

2149 & 2155 Little Britain Road, geographic Township of Ops



Subject Property

Little Britain Rd

Avenue St. S.

0.34

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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This map is a user generated static map output and is for reference or data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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FILE NO: D20-2019-008

REPORT COA2019-016

APPENDIX " B "
to

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:38 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-008

APPENDIX " D "
to
REPORT C012019-016

FILE NO. D20-2019-008

Please be advised building has no concerns with this application. Spatial will be dealt with through an agreement.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:00 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 2149 and 2155 Little Britain Road - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:03 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 2149 and 2155 Little Britain Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on April 2, 2018, Engineering provided a review on D38-2018-024 noting that further to our review of the application and our attendance at the March 22, 2018 meeting with the owner, we confirm the following engineering requirements must be addressed for any proposed planning application for this property:

- Topographic and legal survey – confirm existing site layout, entrance, grading and drainage and potential impacts of a consent to the existing Race Toyota Site Plan requirements on the property.
- Entrances must comply with the City of Kawartha Lakes By-Law 2017-151 to Regulate Access to Municipal Right of Ways, an Entrance Permit from Public Works is required.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-008
2149 and 2155 Little Britain Road
Part of East Half of Lot 16, Concession 4
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum lot frontage from 45 metres to 19.4 metres, reduce the minimum side yard from 10.5 metres to 3 metres, reduce the required building setbacks for shipping/storage containers from 3 metres to 0 metres, to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota.

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