

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Marks and Ward
Report Number COA2020-001

Public Meeting

Meeting Date: January 23, 2020 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 Section 3.1.3.1(c) to increase the maximum permitted footprint of all residential accessory buildings from 150 square metres to 295 square metres to permit the construction of a 223 square metre storage building.

The variance is requested at 1022 Highway 7, geographic Township of Mariposa (File D20-2019-055).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2020-001 Marks and Ward, be received;

That minor variance application D20-2019-055 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-001, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances 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 COA2020-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The subject property contains a legal non-conforming barn within the rear yard, constructed circa 1959 according to

MPAC. The barn is now used for storage, and measures approximately 5.7 metres x 8.5 metres (19 feet x 28 feet).

The owners propose to replace the barn with a 12.2 metre x 18.2 metre (40 feet x 60 feet) residential accessory storage building to contain classic cars, a tractor and implements and equipment.

The application was submitted November 28, 2019.

Proposal: To construct a 12.2 metre x 18.2 metre residential accessory storage building.

Applicant: Earl Marks

Owners: Earl Marks and Linda Ward

Legal Description: 1022 Highway 7, North Part of Lot 17, Concession 8, geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan

Zone: Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 6,536 square metres (1.62 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: North: Agricultural, Highway Commercial, Rural Residential
East: Rural Residential, Mariposa Brook
West, South: 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

The subject property is situated in a rural area where there is a small cluster of rural residential lots. One of these lots, 1027 Highway 7, appears to contain some sort of motor vehicle or farm implement service building. The exact use of this building could not be discerned as there was no visible business sign.

Rural residential lots addressed as 1025 and 1035 Highway 7, also located across the highway from the subject property, contain larger garages/storage buildings as well.

The garages/accessory storage buildings at all three properties are similar to or exceed the size of their respective dwellings. The garages/accessory storage

buildings are consistent with the size and appearance of larger storage buildings found within the rural landscape. As the rural residential cluster is within an agricultural area, the scale of these garages/accessory storage buildings are in keeping with the character of the broader rural landscape.

While the storage building proposed on the subject property will be larger than the dwelling, the dwelling is located near the highway and the storage building is proposed at the rear of the property. This provides about 46 metres or 151 feet of spatial separation. This separation lessens any potential massing impacts that may cause the dwelling to no longer appear as the primary use on the lot.

The subject property is also screened from the west by a coniferous hedgerow, which would better tie the building into the landscape.

Due to the above analysis, 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 Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07. Relief is sought from a provision contained within the General Provisions section.

One General Provision regulates the maximum footprint of residential accessory buildings in order to ensure accessory uses on the property do not dwarf the scale of the dwelling as the dwelling is the primary use. Regulating scale assists in regulating character. In this case, larger residential accessory buildings within the rural residential cluster, which is located within an agricultural area, are in keeping with the rural character established within the cluster and the broader agricultural landscape.

Further, the: (1) location of the dwelling close to the highway, (2) placement of the proposed building directly behind rather than to the side of the dwelling, and (3) degree of spatial separation between the dwelling and the proposed storage building ensures that the dwelling retains its visual prominence on the lot. The retention of the west hedgerow also assists in better tying the proposed building into the landscape.

Additionally, because the lot is relatively large, a larger accessory building may be accommodated on the property without it appearing too large for the scale of the property. The total proposed lot coverage of the existing detached garage by the house and the proposed storage building is about 4.52%.

Therefore, the variance 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 and Environmental Protection within the City of Kawartha Lakes Official Plan.

The Prime Agricultural designation identifies lands which are primarily class 1-3 soils and contains policies to protect the long term agricultural viability of the landscape. The designation also recognizes the existence of existing rural residential lots of record. As such, low density residential uses and their associated accessory uses are anticipated within this designation.

No development is proposed within the portion of the property designated Environmental Protection.

In consideration of the above the variance maintains 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 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:

Development Engineering Division (January 14, 2020): No concerns.

Public Comments:

No comments as of January 14, 2020.

Attachments:



Appendices A-E to
COA2020-001.pdf

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

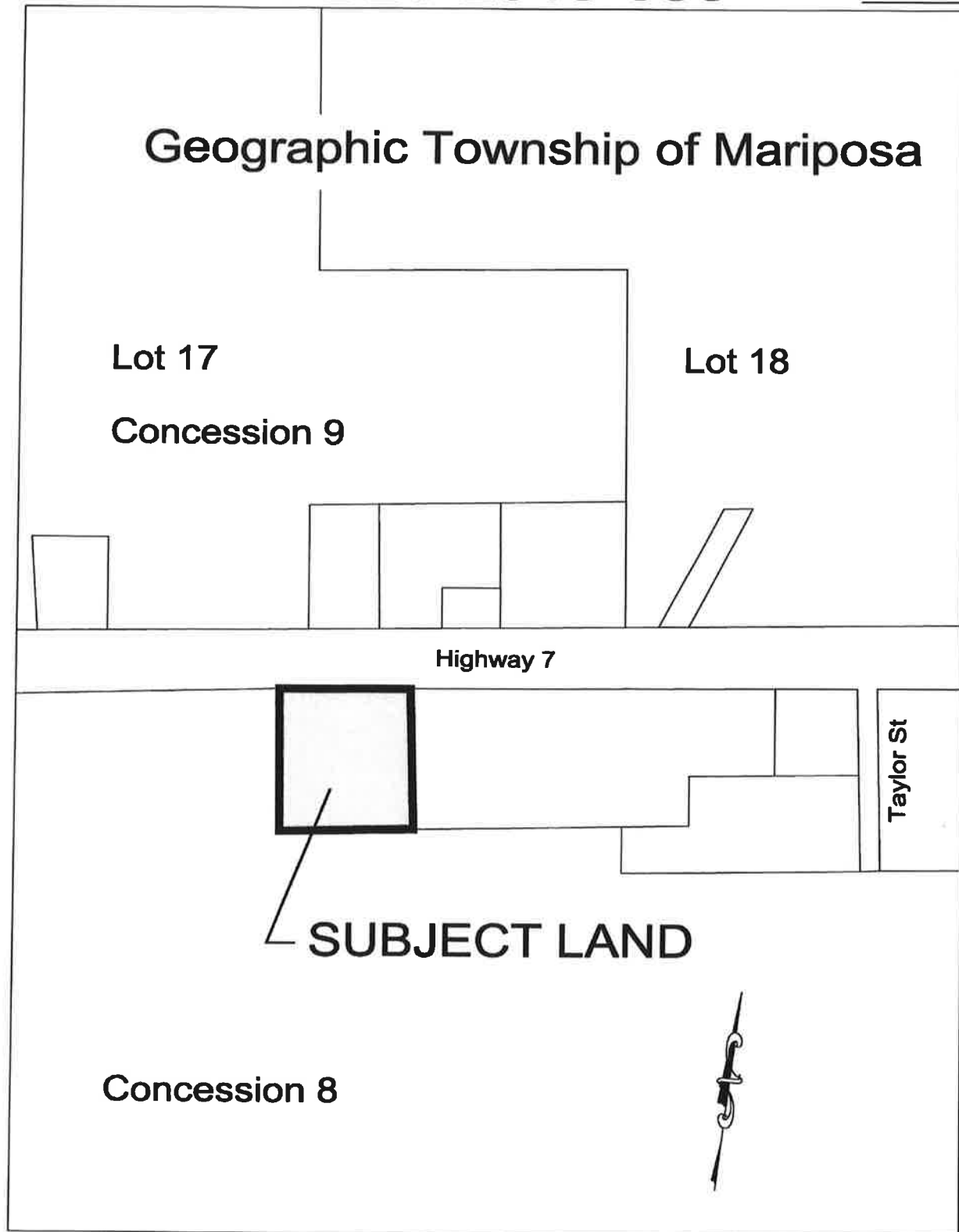
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-055

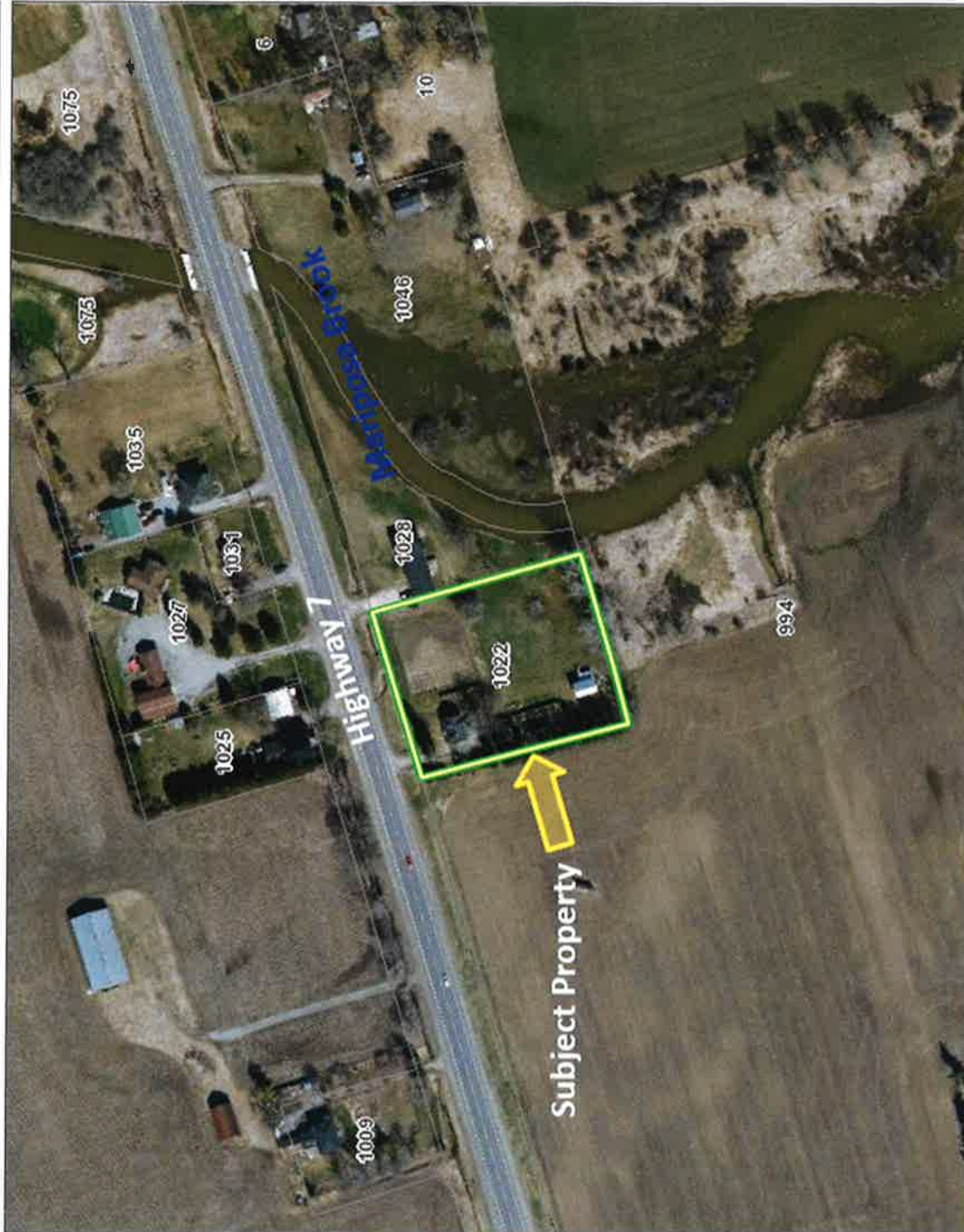
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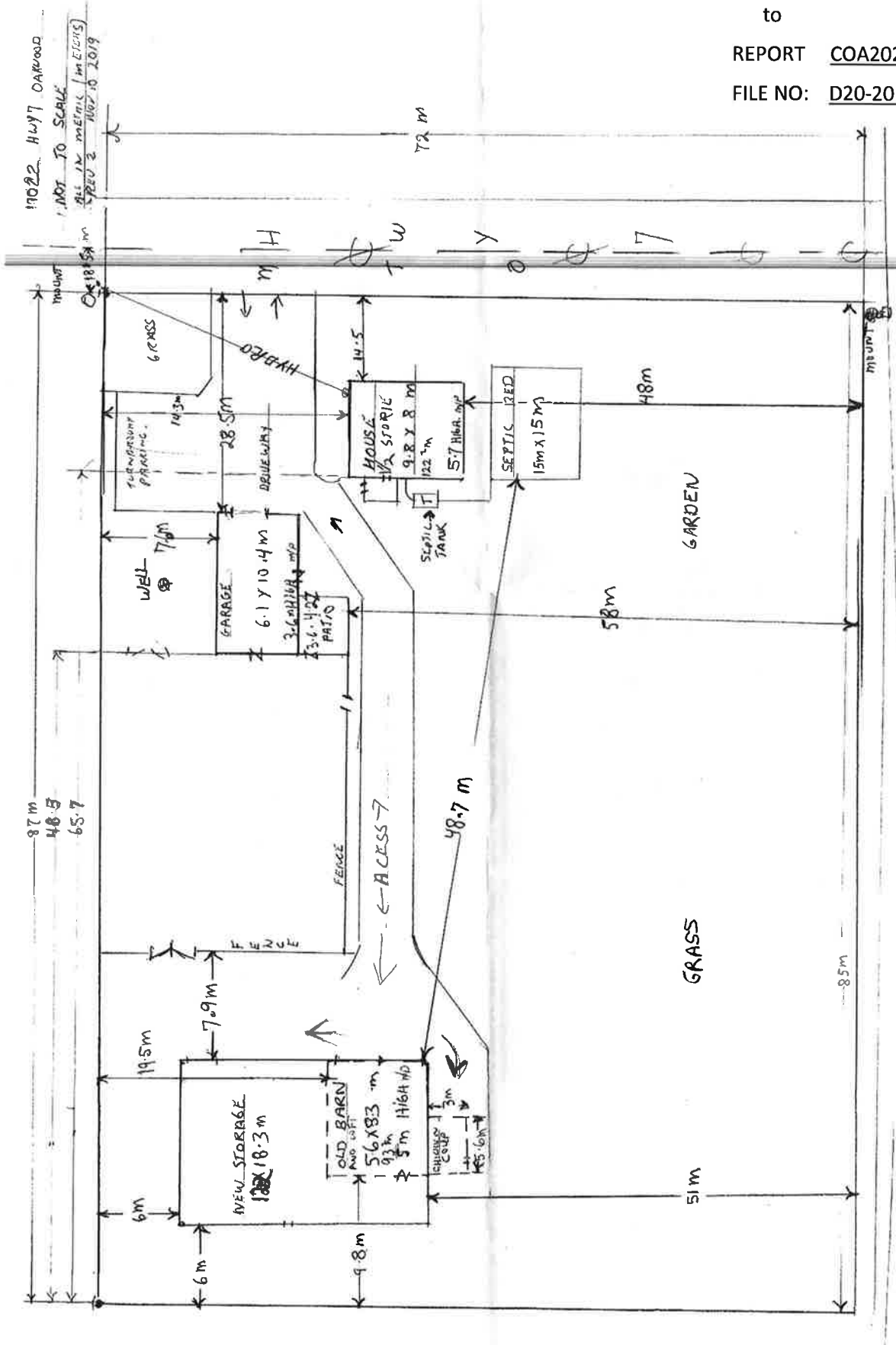
FILE NO: D20-2019-055

APPENDIX " C "

to

REPORT COA2020-001

FILE NO: D20-2019-055



APPENDIX " D "

to

REPORT COA2020-001

FILE NO: D20-2019-055



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Proposed BUILDING

David Harding

From: Mark LaHay
Sent: Tuesday, January 14, 2020 1:58 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200114 D20-2019-055 - Engineering review

APPENDIX " E "
to
REPORT CoA 2020 - 001
FILE NO. D20 - 2019-055

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Tuesday, January 14, 2020 12:43 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200114 D20-2019-055 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-055
1022 Highway 7
North Part Lot 17, Concession 8
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief to increase the maximum permitted footprint of all residential accessory buildings from 150 square metres to 295 square metres to permit the construction of a 223 square metre storage building.

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

