

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Brown and Gilliland
Report Number COA2020-029

Public Meeting

Meeting Date: September 17, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Manvers

Subject: The purpose and effect of the application is to request relief from:

1. Section 5.1b) i) to reduce the side yard setback for an accessory building (detached garage) greater in size than 60 square metres from 6 metres to 1.6 metres;
2. Section 5.1b) iii) to reduce the setbacks for a garage accessory to a residential use from 15 metres to the front lot line to 10.68 metres and from 6 metres to the side lot line to 1.6 metres; and
3. Section 5.1b) iv) to reduce the side yard setback for an accessory building (garage), which exceeds 4.3 metres in height, from 6 metres to 1.6 metres.

The variance is requested at 231 Corbett Drive, geographic Township of Manvers (File D20-2020-025).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-029, be received;

That minor variance application D20-2020-025 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 sketches in Appendices C - E submitted as part of Report COA2020-029, 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; and

- 3) **THAT** prior to the request for final Building Inspection, the owner shall confirm to the Secretary-Treasurer, that the portable shelter located to the northwest of the existing dwelling has been removed.

This approval pertains to the application as described in report COA2020-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	This application proposes to construct a 80.74 square metre (869.08 square feet) detached garage beside the existing single detached bungalow. An existing shed and breezeway from the dwelling unit will be demolished in order to accommodate the garage.		
	The application was deemed complete on August 16, 2020		
Proposal:	The proposal involves the construction of a new 80.74 square metre (869.08 square feet) detached garage.		
Owner:	James Brown and Nicole Gilliland		
Legal Description:	231 Corbett Drive, Part Lot 11, Concession 3, Lot 31, Plan 9M-725, geographic Township of Manvers, City of Kawartha Lakes		
Official Plan:	Rural Settlement - City of Kawartha Lakes Oak Ridges Moraine Policy Area		
Zone:	Rural Residential Type One (RR1) Zone – Oak Ridges Moraine Zoning By-law 2005-133		
Site Size:	1,670.90 square metres (17,985.42 square feet)		
Site Servicing:	Private individual sewage system and municipal water supply		
Existing Uses:	Residential		
Adjacent Uses:	North:	Rural Residential	
	East, South, West:	Residential	

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 situated in a residential subdivision north of Pontypool. Based on MPAC data, the homes were built in the mid 1980s and reside on modest sized lots. Side split dwelling configurations dominate the design within

modest sized lots. Side split dwelling configurations dominate the design within the neighbourhood. Noteworthy is the fact that the majority of the homes along Corbett Drive are similarly constructed with either attached garages or garages connected via breezeways to the dwellings. The proposed detached garage would emulate both the location and designs occurring along Corbett Drive.

The subject property abuts two nearly identical parcels to the east and west sides; both containing single detached dwellings. To the north, the property drops off considerably with a vegetative bluff dropping down to a larger rural residential lot to the north that fronts onto Telecom Road. The eastern lot boundary including the lot line from the terminus of the proposed garage to the street contains a well established hedge and shrubs that effectively screen the garage from the neighbouring property and the road if traveling from the east. A wooden fence along the property line also provides a spatial barrier. Since there are no windows on the western side of the neighbouring dwelling and no structures along the western side yard of the neighbouring property, no adverse massing or accessibility impacts are anticipated through locating the garage in the eastern interior side yard. The shed currently occupying a portion of the proposed location of the garage has an established presence that the detached garage will replace.

The location of the existing septic system to the north of the proposed garage prohibits the footprint from being set back further from Corbett Drive. Through eliminating the breezeway, access to the rear yard will be maintained between the dwelling and the detached garage with the western interior side yard remaining open for any required maintenance access to the north of the dwelling unit. Rear yard amenity space is also preserved, which is imperative given how shallow the space is before the grade transitions into a considerable slope. The increased lot coverage as a result of the garage does not impair the area of available amenity space or the appearance of the property.

It is anticipated that the garage will complement the character of the property and streetscape by providing enclosed storage for vehicles and other items that would otherwise be stored outside within either the rear yard or the front yard. The proposed height of the garage will match the elevation of the side split portion of the dwelling unit. Once again, the garage will blend in with the design and location of the other garages along Corbett Drive.

Due to the above analysis, 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 property is zoned "Rural Residential Type One (RR1) Zone" within the Oak Ridges Moraine Zoning By-law 2005-133.

The intent of the zoning by-law is to relegate accessory uses to the interior side or rear yard, and maintain sufficient spatial separation between accessory uses and interior side lot lines. While the zoning by-law requires a minimum side yard

setback of 6 metres for both an accessory building that is greater than 60 square metres and exceeds 4.3 metres in height (garage proposed is 4.87 metres high), the 1.6 metre side yard setback leaves adequate space between the proposed building and the side lot line for maintenance and drainage purposes. The proposal also maintains a 1.5 metre setback from the dwelling unit, which exceeds the required 1.3 metre setback and maintains accessibility to the rear yard. The presence of the mature vegetative screening along the eastern side lot line greatly assists in ensuring no massing or land use incompatibilities arise from the size of the garage, as the building is adequately screened from both the neighbouring property and Corbett Drive.

It is important to note that a temporary storage structure located adjacent to the dwelling near the western property line was found when conducting the site inspection. The small coverall structure currently houses items that will be relocated to the detached garage upon the completion of construction. A condition is recommended in order to confirm removal of the structure upon the final inspection of the garage.

Another intent of the location provision is to ensure accessory buildings and uses do not dominate the streetscape. While the zoning by-law requires a minimum front yard setback of 15 metres, the proposed garage set back of 10.68 metres from the front property line will be imperceptible and follow the established building line of the adjacent lots, representing no greater encroachment into the front yard setback than the adjacent development has established. All existing front yard space is preserved with no visual impedance created by the garage.

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 "Rural Settlement" within the City of Kawartha Lakes Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan. The designation permits residential uses and associated accessory structures.

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

Other Alternatives Considered:

Servicing Comments: The property is serviced by municipal water and private septic systems. The proposed accessory use will not be connected to water or septic facilities.

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 (September 8, 2020): No Concerns

Public Comments: No comments have been received as of September 9, 2020.

Attachments:



Appendices A-F for
Report COA2020-02'

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawings (North and South)
Appendix E – Elevation Drawings (East and West)
Appendix F – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	kstainton@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-025

D20-2020-025

APPENDIX " A "

to

REPORT COA2020-029

FILE NO: D20-2020-025



231 Corbett Drive, Geographic Township of Manvers



0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☐ Road Centreline (2016 Needs)
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

Notes

Notes

REPORT COA2020-029
FILE NO: D20-2020-025

APPENDIX " B "

8/10/2020

survey.JPG

APPENDIX " C "

ON LOT 31, PLAN 9M-725
TOWNSHIP OF MANVERS
COUNTY OF VICTORIA
(FORMERLY COUNTY OF DURHAM)
SCALE 1:300 METRES

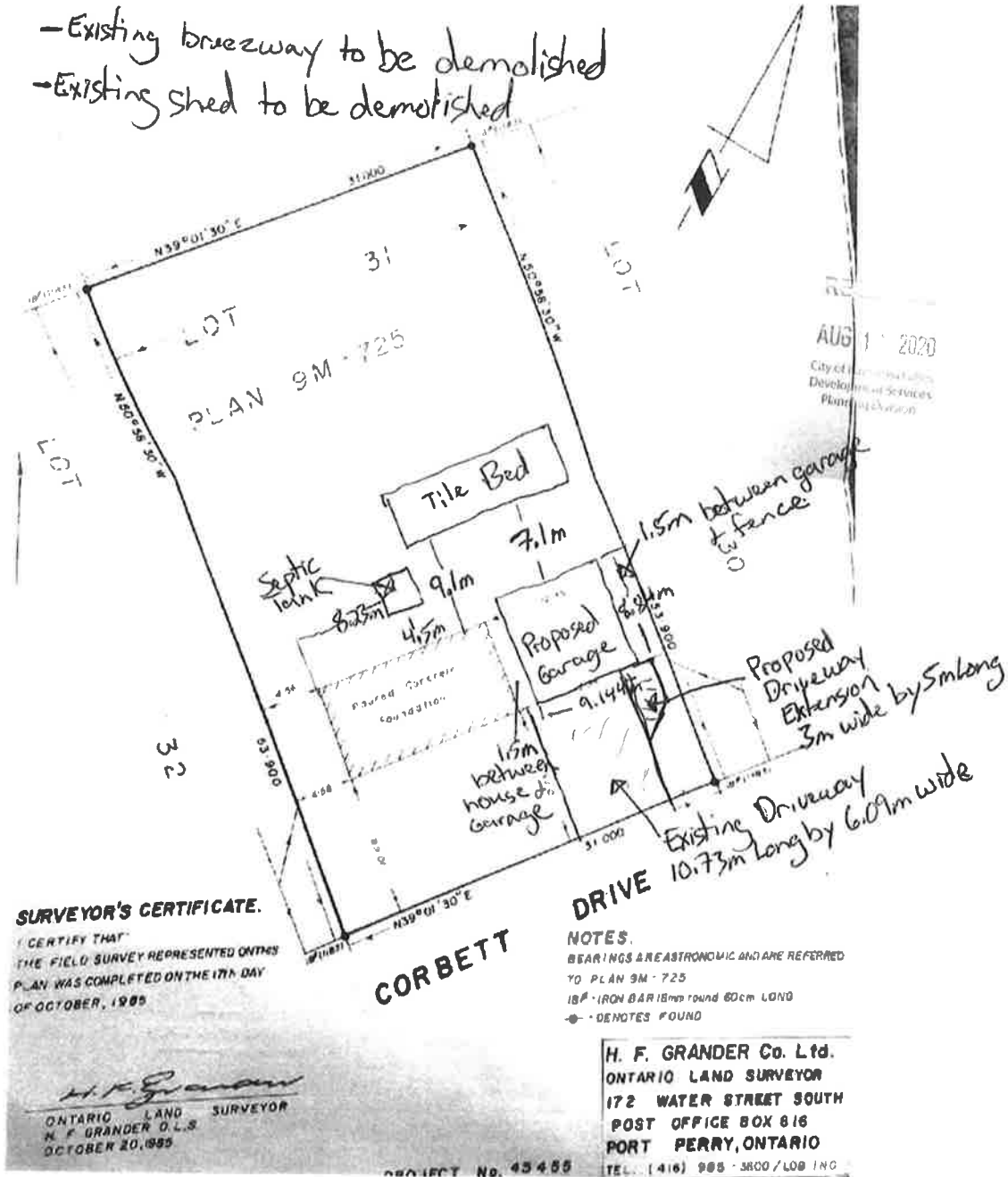
TO BE SET BY DIVIDING BY

to

REPORT COA2020-029

FILE NO: D20-2020-025

- Existing breezeway to be demolished
- Existing shed to be demolished



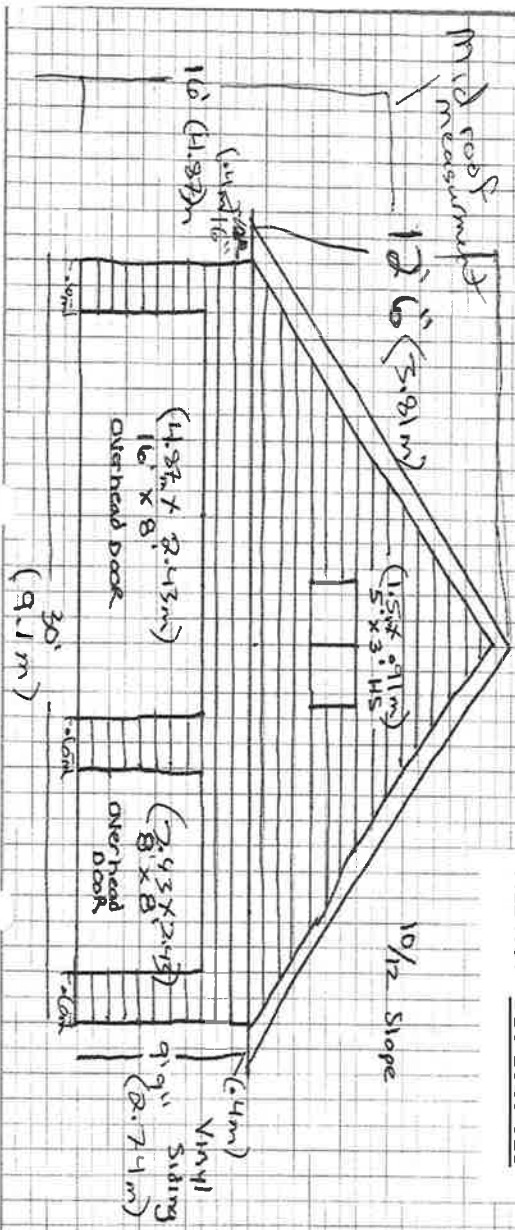
Dr. Fox

Dr. Fox

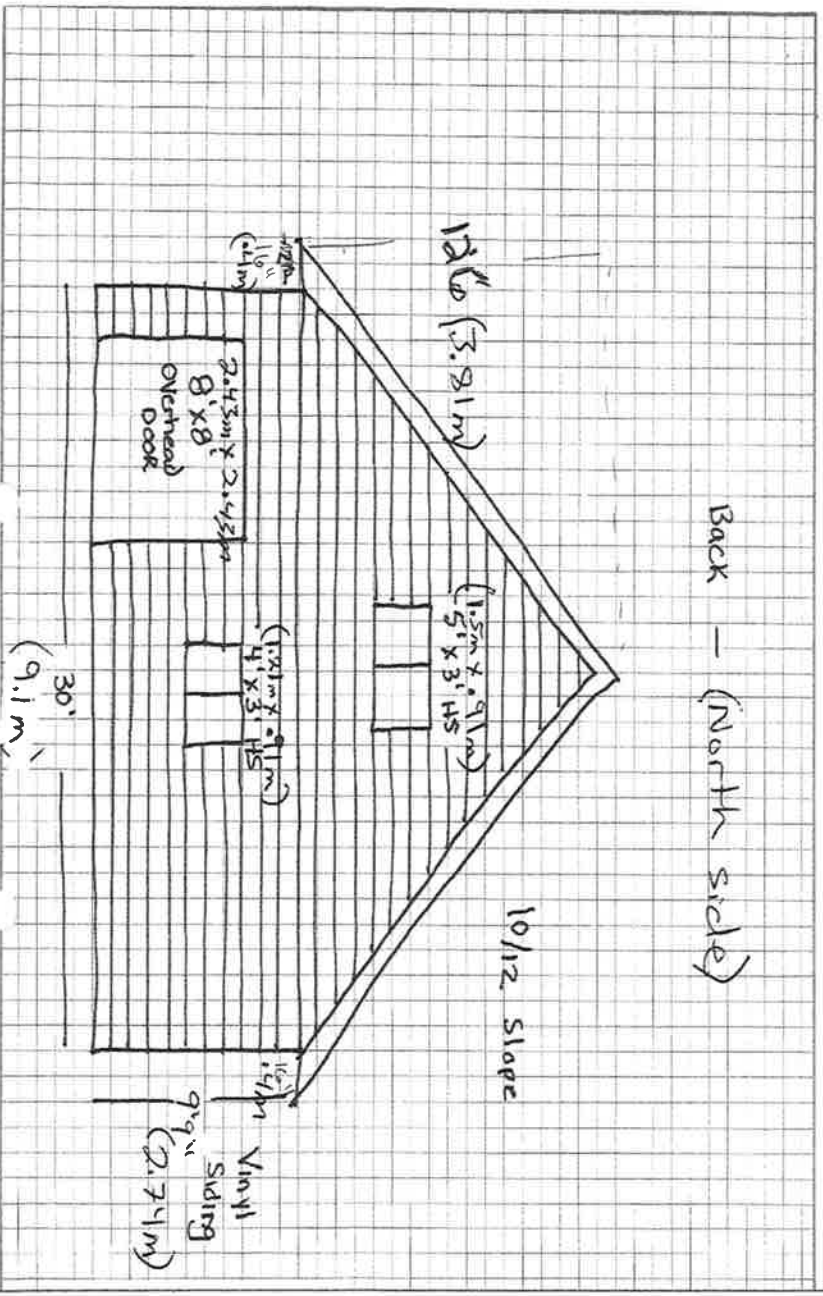
REPORT COA2020-029

REPORT COA2020-029

FILE NO: D20-2020-025



Back - (North side)

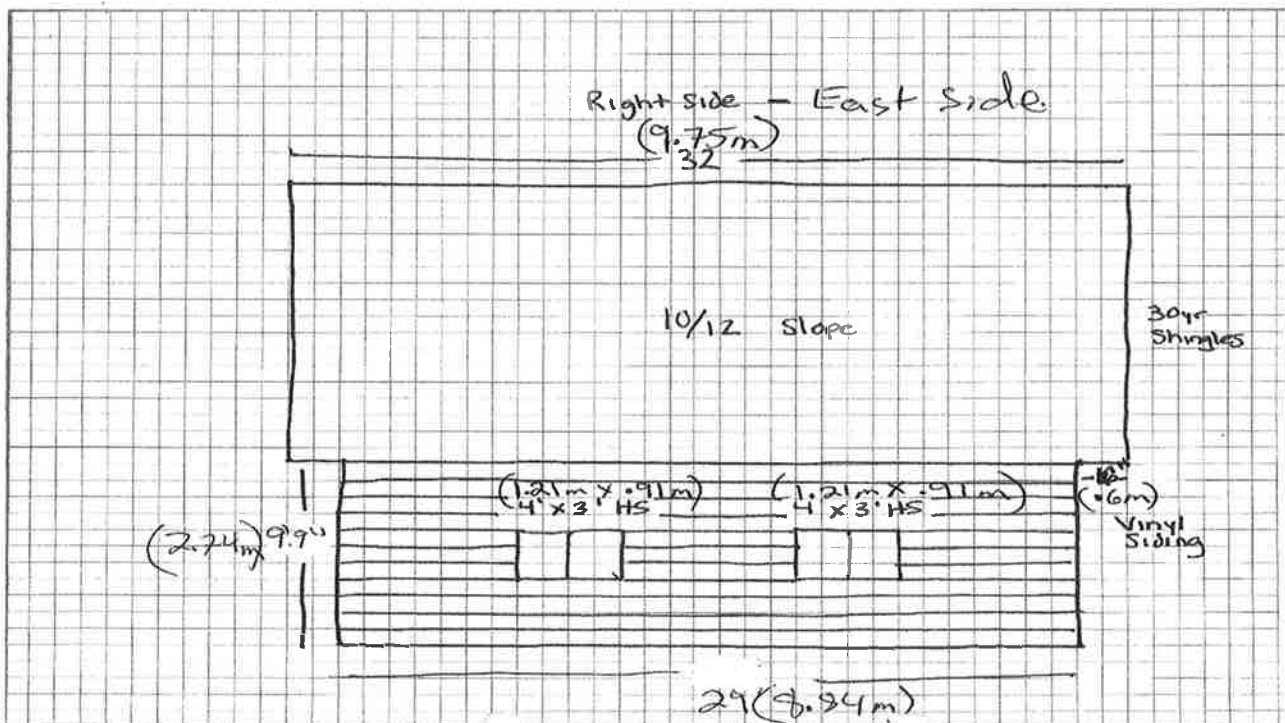
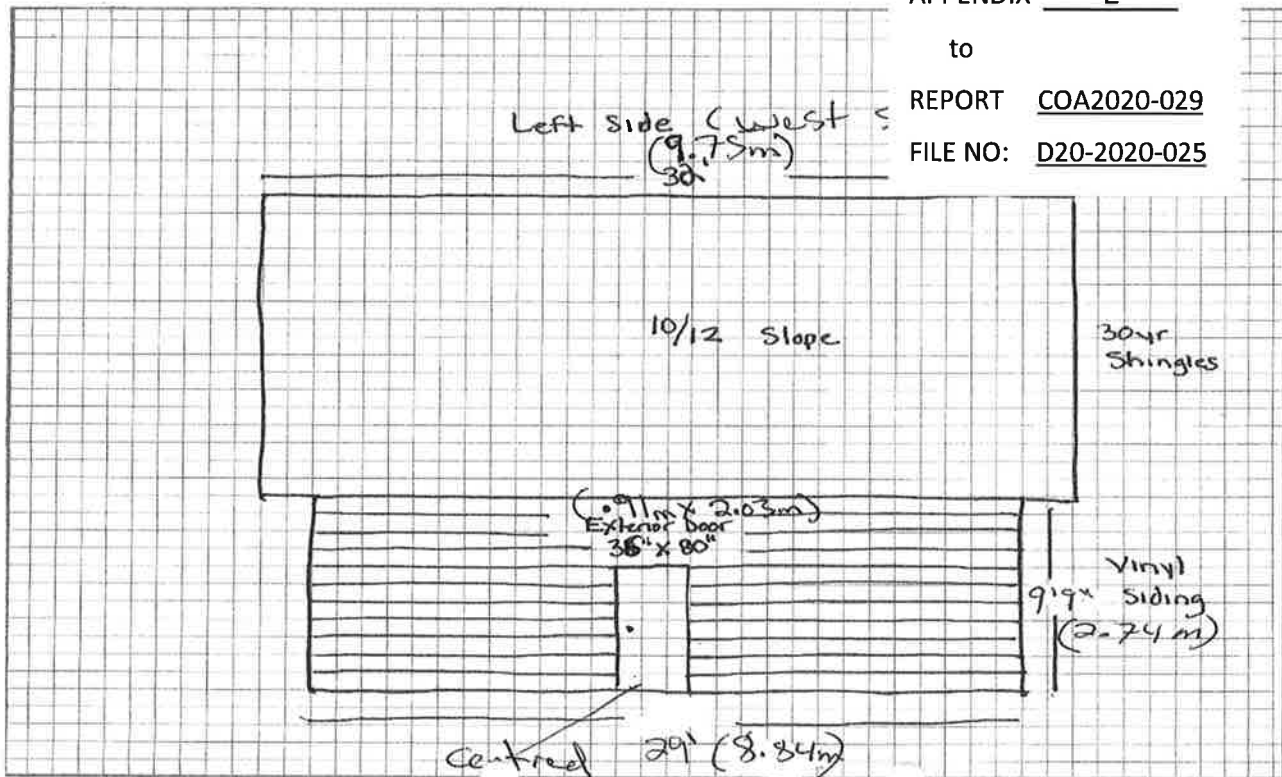


APPENDIX " E "

to

REPORT COA2020-029

FILE NO: D20-2020-025



Kent Stainton

From: Derryk Wolven
Sent: Tuesday, September 8, 2020 2:00 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-025

APPENDIX " F "
to

Follow Up Flag: Follow up
Flag Status: Flagged

REPORT COA2020-029

FILE NO. D20-2020-025

Building Division has no concerns with the above noted application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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

