

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Sweet

Report Number COA2020-042

Public Meeting

Meeting Date: November 5, 2020

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Ops

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a detached garage:

1. Section 2.1 to permit the height of an accessory building or structure, in a residential zone that is greater than 5 metres in height at 5.42 metres, and;
2. Section 5.2 to permit an increase in the maximum allowable building height for accessory buildings from 5 metres to 5.42 metres.

The variance is requested at 57 Weldon Road, geographic Township of Ops (File D20-2020-035).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-042 Sweet, be received;

That minor variance application D20-2020-035 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 & D submitted as part of Report COA 2020-042, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-042 as 'helicopter storage tent' has been removed;
- 3) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming

that the small garden shed located immediately adjacent to the eastern side of the dwelling and north of the attached garage has been removed, and;

- 4) **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 COA2020-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: To construct a new detached garage on the subject lands in order to store two (2) motor homes, a sailboat, a helicopter and a backhoe. Relief from the height requirements of the Zoning By-law are required in order to facilitate personal access when performing maintenance to the upper portions of the motor homes and sailboat.

This application was deemed complete on October 14th, 2020.

Proposal: To permit a new 185.78 square metre (2000 square foot) detached garage. There is no habitable space proposed within the detached garage.

Owners: Murray and Carol Sweet

Legal Description: 57 Weldon Road, Part Lot 21, Concession 7, Part Lot 61, Plan 44, Geographic Township of Ops, City of Kawartha Lakes

Official Plan: Urban Settlement Area within the City of Kawartha Lakes Official Plan

Zone: Rural Residential (RR) Zone within the Township of Ops Zoning By-law 93-30

Site Size: 3,277.95 square metres (0.81 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: Rural Residential, Agricultural

East, West: Rural Residential, Agricultural
South: Weldon Road, Agricultural, I.E.
Weldon Secondary School

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 neighbourhood, which transitions from smaller residential lots to a predominantly agricultural setting to the east. The small cluster of rural residential lots is located northeast of I.E. Weldon Secondary School. The larger rural residential lots occupy the stretch of both Weldon Road and Pigeon Lake Road to the north. The property contains two legal entrances with the western entrance permitted access to the rear yard.

The size and depth of the lots enable larger accessory buildings to be situated on the lots with 47 Weldon Road and 56 Pigeon Lake Road (the abutting lot to the north) being prime examples of lots containing garages/workshops, which are nearly identical in height to the garage proposed within the application. In fact, the proposed location of the garage will be immediately south of the garage on 56 Pigeon Lake Road. The existing garage on the abutting lot effectively screens the proposed garage from the lots on Pigeon Lake Road. A row of trees planted to the north and east of the proposed location of the garage along the property line substantially screens the garage location from the lots to the northeast. No adverse impacts to the neighbourhood are anticipated as a result of the vegetative buffers along the northern property line.

As mentioned, the proposed location of the garage is set back near the rear of the lot and away from the dwellings along Weldon Road. The proposed location will not present any massing impacts as a result, since the height of the garage will be similar to the height of the existing detached dwelling that occupies the property. The garage is also smaller in gross floor area than the dwelling, which is 249.34 square metres in size.

The current two-bay garage attached to the dwelling contains a workshop. An existing coverall structure in the front yard currently serves as storage for a helicopter. There are also two garden sheds – one of which is recommended for removal through the application – that provide storage on the property. With two motor homes, a sailboat and a back-hoe, the proposed garage is intended to store the larger items that are currently stored outside within the rear yard of the property. The garage will compliment the character of the property and overall neighbourhood by providing enclosed storage for the larger items that would otherwise be stored outside.

The design elements of the garage including windows on all sides of varying sizes and the strip of flashing composed of shingles along the front (south) face of the garage, work towards blending in the appearance of the garage with the dwelling unit. The result is a building that appears more aesthetically-pleasing than a typical utilitarian accessory building.

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 Rural Residential (RR) Zone permits a variety of rural uses, including single detached dwellings. The Township of Ops Zoning By-law also identifies accessory structures within the parent zone; thus, the requirement for relief from the parent zone category in addition to relief from the height requirement of the General Provisions of the Zoning By-law.

The garage is situated away from Weldon Road on a deeper lot and is proposing the aforementioned design treatments to ensure that it appears more residential in nature rather than utilitarian and will compliment the neighbourhood. There is no partial storey or storage loft proposed within the building, eliminating the possibility of a conversion to habitable space above the garage.

One of the intents of the General Provisions of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is accessory to a primary use. The requested 0.42 metre relief from the Zoning By-law is imperceptible when viewing the building from ground-level. The garage will match the overall height of the existing dwelling; however, the deeper lot provides for the garage to be screened with the dwelling maintaining most of the visual interest. The garage will appear secondary to the dwelling when viewed from Weldon Road.

The property is of sufficient size to accommodate the detached garage within the large open space to the north of the dwelling and is not anticipated to adversely impact the use of the rear yard. The proposed garage will also replace the views of the rear side of the garage to the north. As mentioned in Rationale 1 & 2, no massing and height incompatibilities with the primary residential use are anticipated.

The coverall shed housing the helicopter in the front yard between the dwelling and eastern property line as well as a small garden shed against the eastern side of the dwelling will be removed upon completion of construction. Both structures were acknowledged during the pre-screening process and the applicant has agreed to remove the structures. A condition is recommended in order to confirm removal of the structure. The small garden shed near the northeast corner of the lot will remain and is compliant with the Zoning By-law.

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

As the 'Urban Settlement Area' Designation of the City of Kawartha Lakes Official Plan (2012) is under appeal, the Victoria County Official Plan (VCOP), in particular, the Township of Ops Official Plan remains in effect. Within this document, the property is designated Residential. Low density residential uses and their accessory uses are anticipated within this designation.

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

Other Alternatives Considered:

No alternatives are considered 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:

Engineering and Corporate Assets Department (October 23, 2020): No concerns.

Building Division (October 23, 2020): No concerns.

Public Comments:

No comments have been received as of October 28, 2020

Attachments:



Appendices A-E for
Report COA2020-04.

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevation Drawings
- Appendix E – 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: D20-2020-035

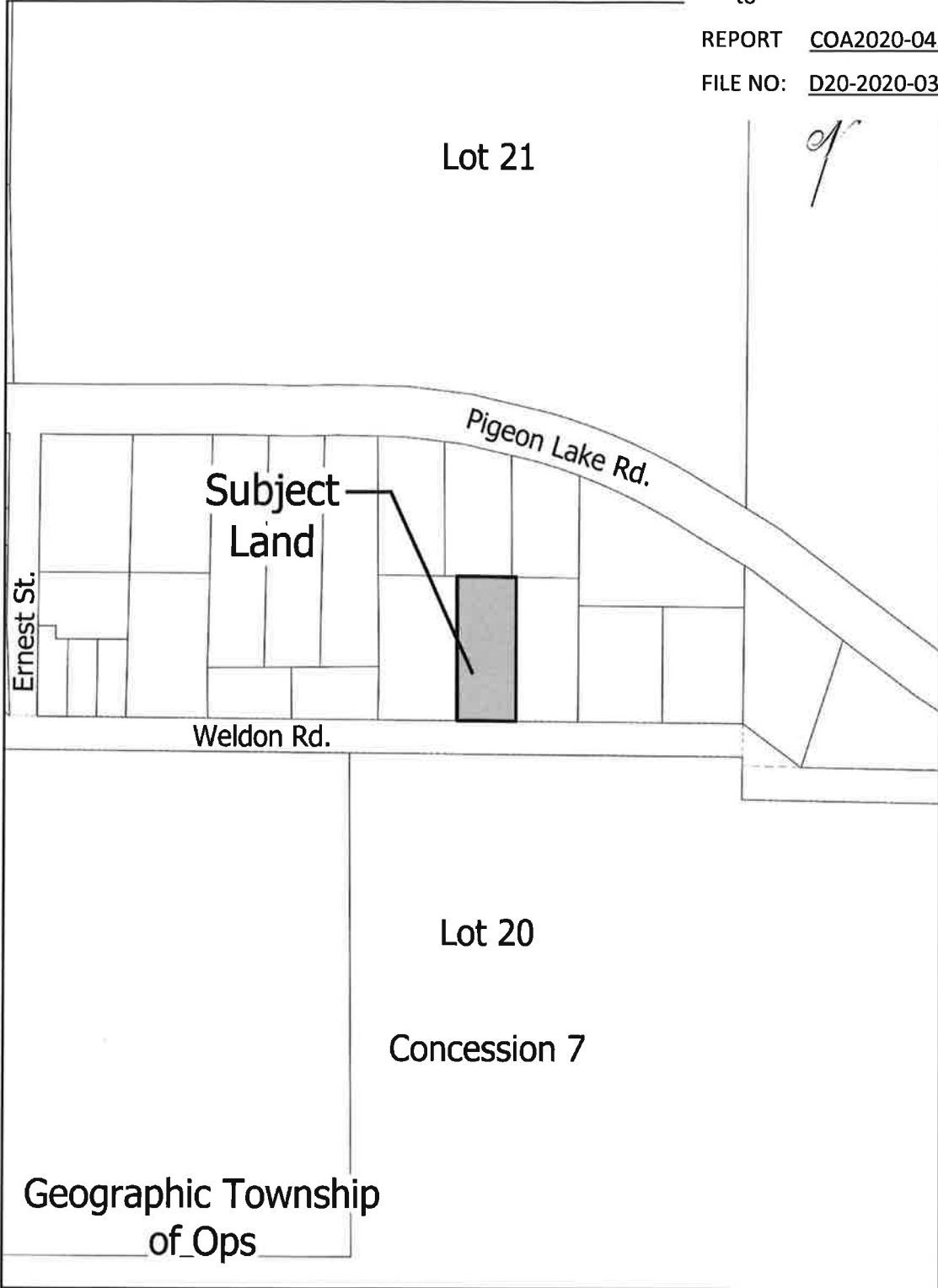
D20-2020-035

APPENDIX " A "

to

REPORT COA2020-042

FILE NO: D20-2020-035





Legend

- Lots and Concessions
- Lower Tier Municipalities

Notes

Notes

APPENDIX " B "
to
REPORT COA2020-042
FILE NO: D20-2020-035

0.07

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



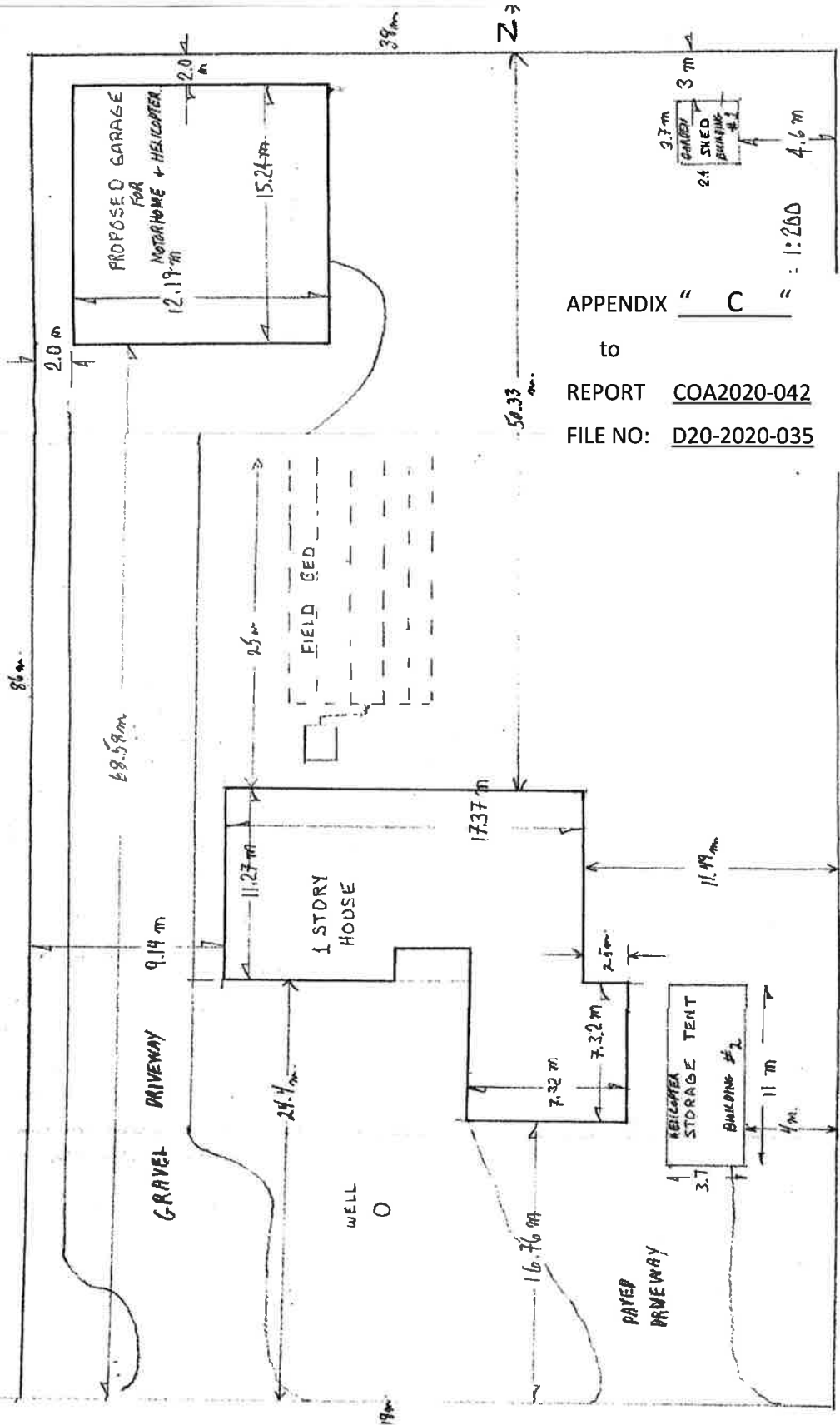
This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

57 WELDON ROAD

MURRAY SWEET
 CEL. (202) 971-0158

RD
 RD
 PL



APPENDIX " C "
 to
 REPORT COA2020-042
 FILE NO: D20-2020-035

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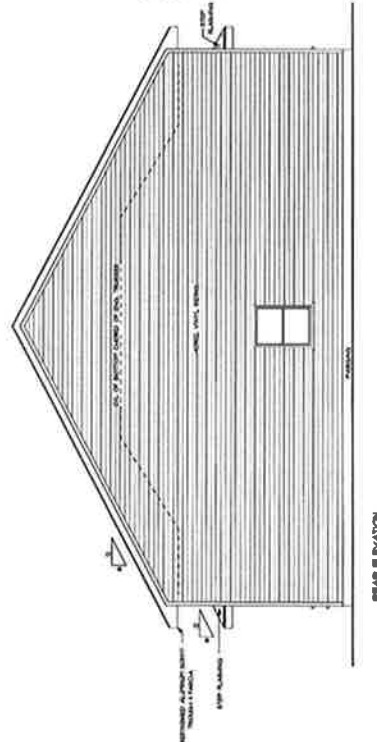
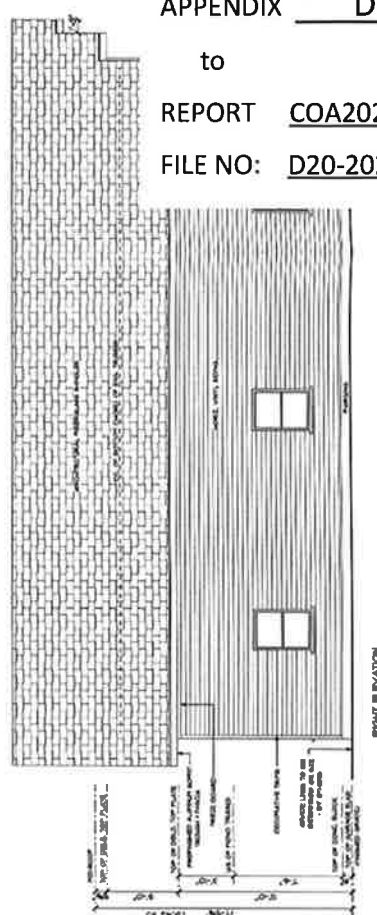
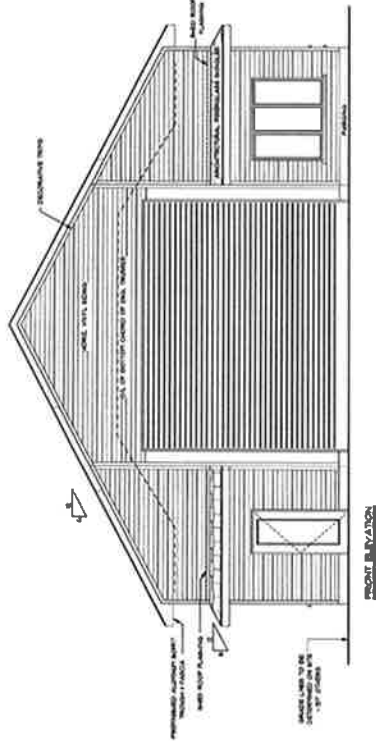
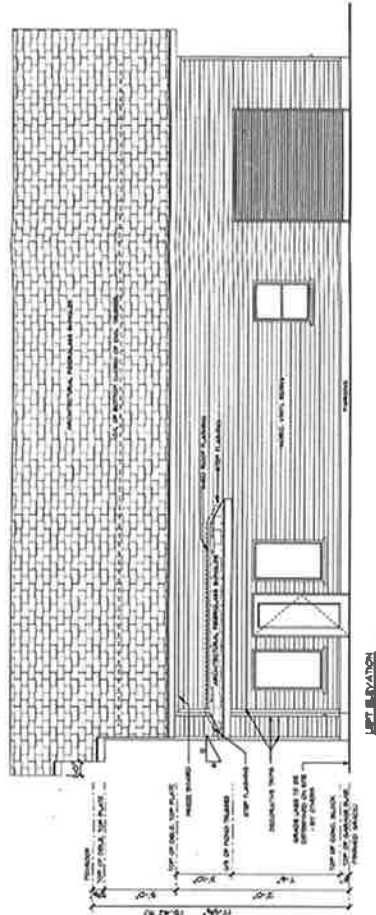
APPENDIX " D "

to

REPORT COA2020-042

FILE NO: D20-2020-035

ALL OVERLAP AND FOR UNLESS OTHERWISE NOTED



Kent Stainton

From: Mark LaHay
Sent: Friday, October 23, 2020 2:15 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201023 D20-2020-035 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Friday, October 23, 2020 1:37 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20201023 D20-2020-035 - Engineering review

APPENDIX " E "

to

REPORT COA 2020-042

FILE NO. D20-2020-035

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-035
57 Weldon Road
Part Lot 21, Concession 7, Part Lot 61, Plan 44
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief from Section 2.1 and Section 5.2 – maximum accessory building height to increase the maximum height of an accessory building from 5 metres to 5.5 metres to permit the construction of a detached garage.

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



Kent Stainton

From: Derryk Wolven
Sent: Friday, October 23, 2020 1:10 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-035

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised building 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

