

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Davis

Report Number COA2021-034

Public Meeting

Meeting Date: May 20, 2021

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 provisions in order to permit the construction of a detached garage:

1. Section 3.1.2.1 to permit an accessory building (detached garage) within the front yard whereas a side or rear yard location is required,
2. Section 8.2.1.4 to increase the maximum permitted lot coverage from 5% to 9.6%; and
3. Section 3.18.5.1(a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 2.1 metres.

The variance is requested at 1193 Salem Road, geographic Township of Mariposa (File D20-2021-024).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2021-034 Davis, be received;

That minor variance application D20-2021-024 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' and elevation in Appendix 'D' submitted as part of Report COA2021-034, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within a period of twenty-four (24) months after the date of the Notice of Decision the owner shall provide photographic evidence to the Secretary-Treasurer that the temporary storage shelter within the front yard has been removed; and

- 3) 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 COA2021-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner proposes to demolish the existing 7.62 x 7.62 metre (25' x 25') detached garage, constructed circa 1966, and replace it with a larger 9.14 x 12.19 metre (30' x 40') detached garage.

This application was deemed complete March 29, 2021.

Proposal: To permit a new detached garage.

Owner: Thomas Davis

Legal Description: South Part Lot 20, Concession 6, geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: "Prime Agricultural" within the City of Kawartha Lakes Official Plan

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

Site Size: 2,022.66 square metres (0.49 acre)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Agricultural
West: Mariposa Brook

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 an agricultural area. The Mariposa Brook and its forested floodplain is to the west. There are other rural residential lots along the road, but they are not in the area immediately surrounding the subject property. The property is narrow and deep, containing a modest single detached dwelling set back from the road.

The detached garage is proposed to provide additional storage on the lot for various vehicles and household items, but in particular will store a vintage bus that is approximately 30' (9.1 metres) long which has been converted into a motorhome. Most of these items and vehicles are currently stored within the front yard outdoors or within a temporary shelter. The owner has advised that the temporary shelter will be removed once the garage is constructed.

The front yard of the dwelling has a more utilitarian nature. The front yard is used for the storage of items and vehicles, as is evident from the presence of the existing detached garage and parking pad to its east. Having a storage use within this area continues to provide between the parking area, storage area, and dwelling, and maintains the rear yard as open amenity space.

The larger garage will be situated further back from the front lot line, which will assist in mitigating its increased mass, while also providing additional maneuvering room between the driveway entrance and garage door. Appendix "D" provides an elevation of the garage face proposed to face the road along with the cladding treatments, consisting of stone along the bottom of the building to break up the façade and add visual interest.

The lot is sufficiently sized to accommodate the proposed increase to lot coverage.

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 "Agricultural (A1) Zone" within the Township of Mariposa Zoning By-law 94-07. The A1 Zone permits dwellings on existing lots of record not exceeding 1 hectare in area that were not created by consent to utilise the RR1 setback provisions for the construction of a single detached dwelling. However, the 5% maximum lot coverage provision of the A1 Zone continues to apply.

As the zoning by-law permits the utilisation of the RR1 Zone setback provisions on a rural residential lot within the A1 Zone, it is reasonable to permit a higher lot coverage, as the rural residential lot by its nature is going to be smaller, and thus development of a reasonably sized dwelling and/or accessory building will likely require relief if the lot is not sufficiently large. The increase in lot coverage permits the lot to be used residentially, and is not anticipated to adversely affect the use of the property or character of the area.

The property is narrow and deep, and the dwelling is set well back from the road at about 36 metres. While there is some room between the dwelling and side lot lines for vehicles, the sewage system occupies a large portion of the rear yard, which would make it difficult to construct a garage, maneuver vehicles, and due to the curvature of the brook would actually bring the built form closer to the water. There is also an existing parking pad to the east of the current garage.

The environmental restrictions within the General Provisions appear to have been written on the premise that the EP Zone represents the extent of water or other environmental feature of significance. The function of Section 3.18.5 is therefore to provide a minimum buffer around the feature of interest, and require review where encroachment into the buffer is proposed. In this case, it is the brook which is the feature of interest. The EP Zone is extended to the lands on either side of Mariposa Brook. As the sketch in Appendix "C" reveals, the minimum water setback is exceeded, as 19 metres is proposed between the garage and edge of the brook. The KRCA have reviewed the proposal and have confirmed that a permit for the garage project has been issued. Therefore, the intent of the zoning by-law is being met as the minimum water setback requirement is being exceeded.

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 "Prime Agricultural" within the City of Kawartha Lakes Official Plan (Official Plan). The designation recognizes the existence of older rural residential lots created across the agricultural landscape.

Section 3.11 permits buildings and structures to be up to 15 metres from the water on existing lots of record provided development is directed away from the water to the extent possible. The garage exceeds the minimum water setback requirement by proposing 19 metres.

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

Other Alternatives Considered:

Through the pre-screening process the footprint of the garage was shifted north in order to provide additional maneuvering space between the driveway and garage door for the larger vehicle(s) to be stored within the garage.

Servicing Comments:

The property 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 (May 6, 2021): No comments.

Development Engineering Division (May 7, 2021): No objection.

Kawartha Region Conservation Authority (May 11, 2021): No concerns

Public Comments:

No comments received as of May 11, 2021.

Attachments:



Appendices A-E to
COA2021-034

- 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: Richard Holy, Acting Director of Development Services
Department File: D20-2021-024

D20-2021-024

APPENDIX " A "

to

REPORT COA2021-034

FILE NO: D20-2021-024



Lot 20

Concession 6

Subject
Land



Salem Rd.

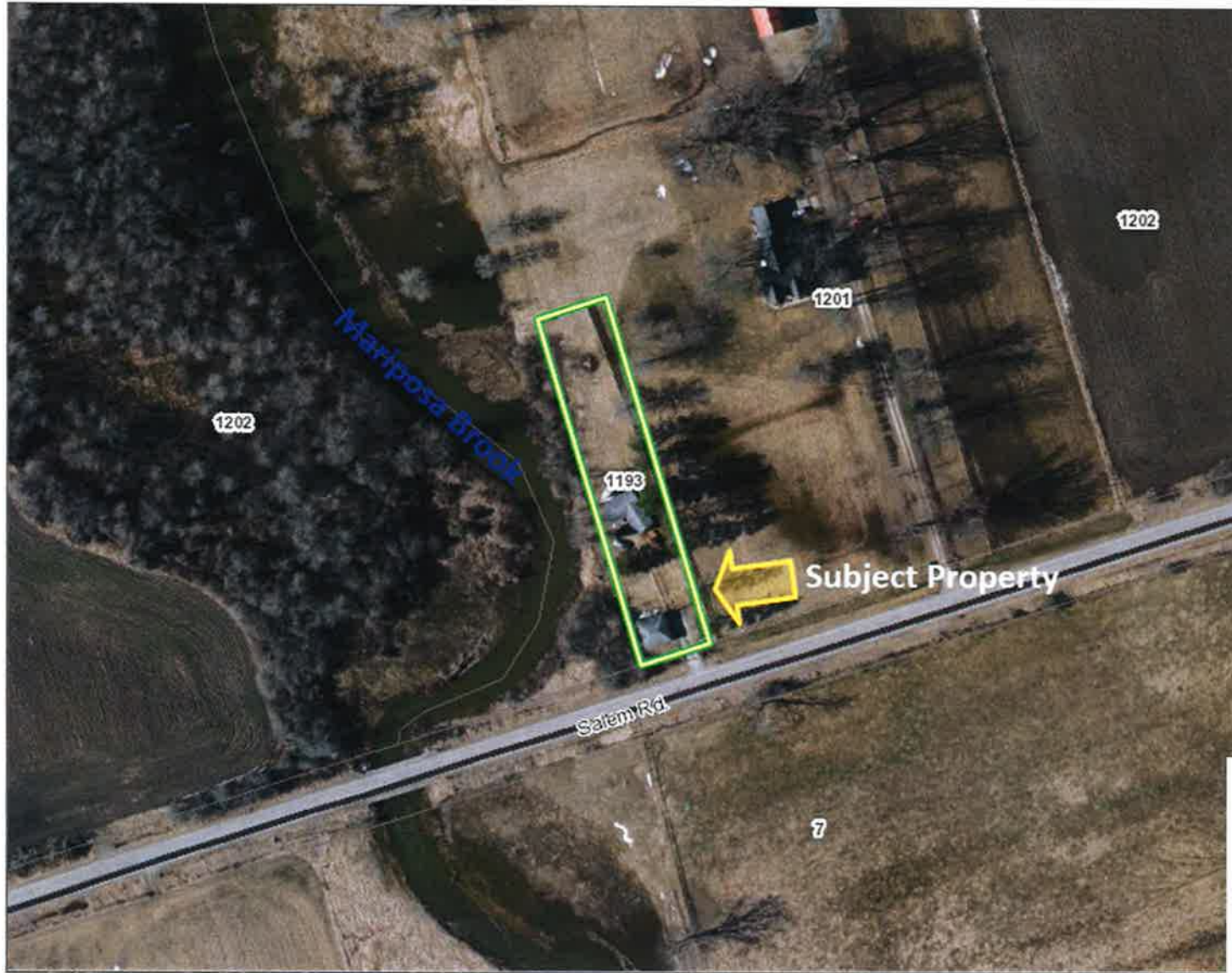
Lot 20

Concession 5

Mariposa Brook

Geographic Township
of Mariposa

1193 Salem Road, geographic Twp. of Mariposa



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. A 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

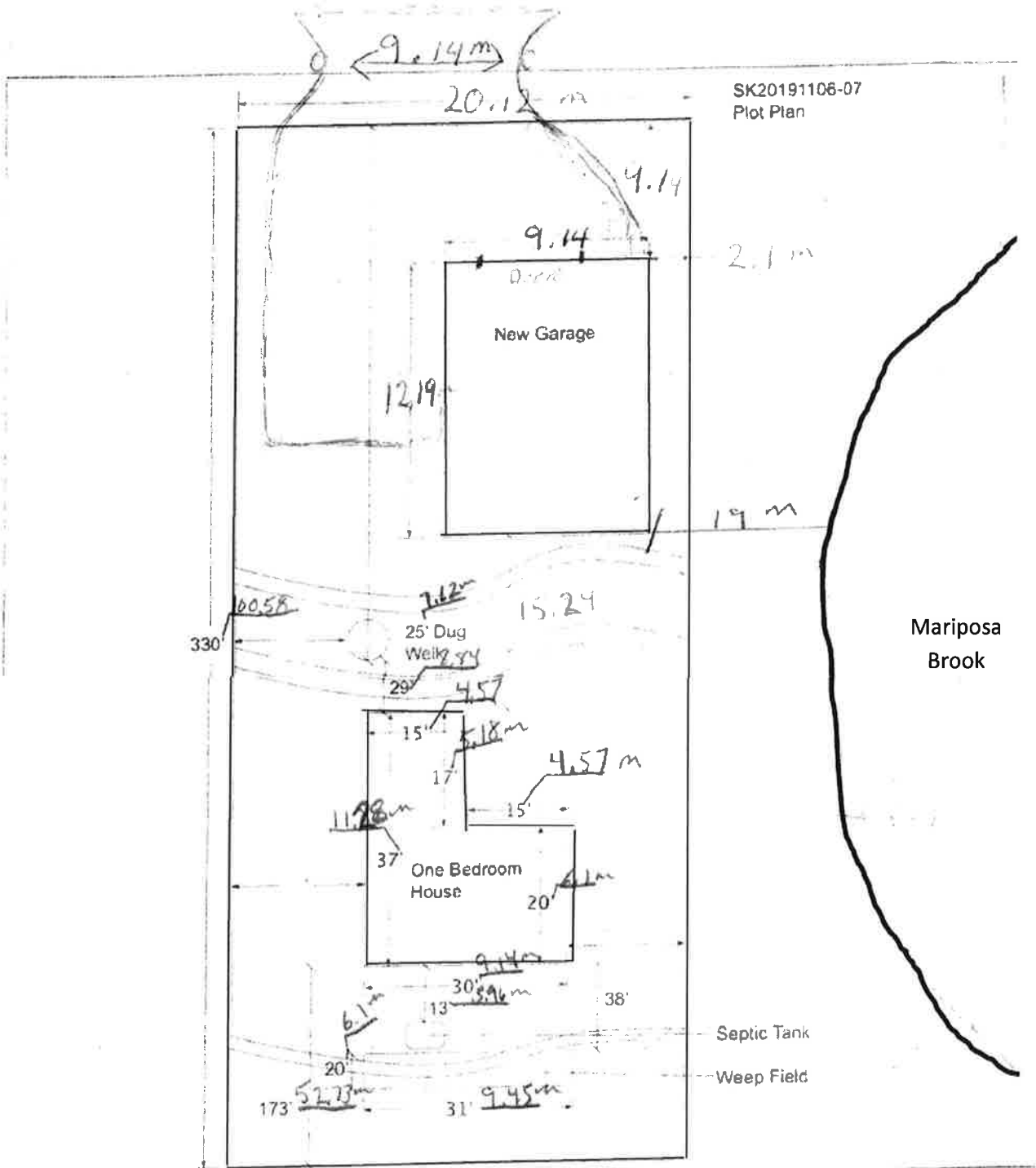
APPENDIX " B "
to
REPORT COA2021-034
FILE NO: D20-2021-024

to

REPORT COA2021-034

FILE NO: D20-2021-024

Salem Road



705.656.3883

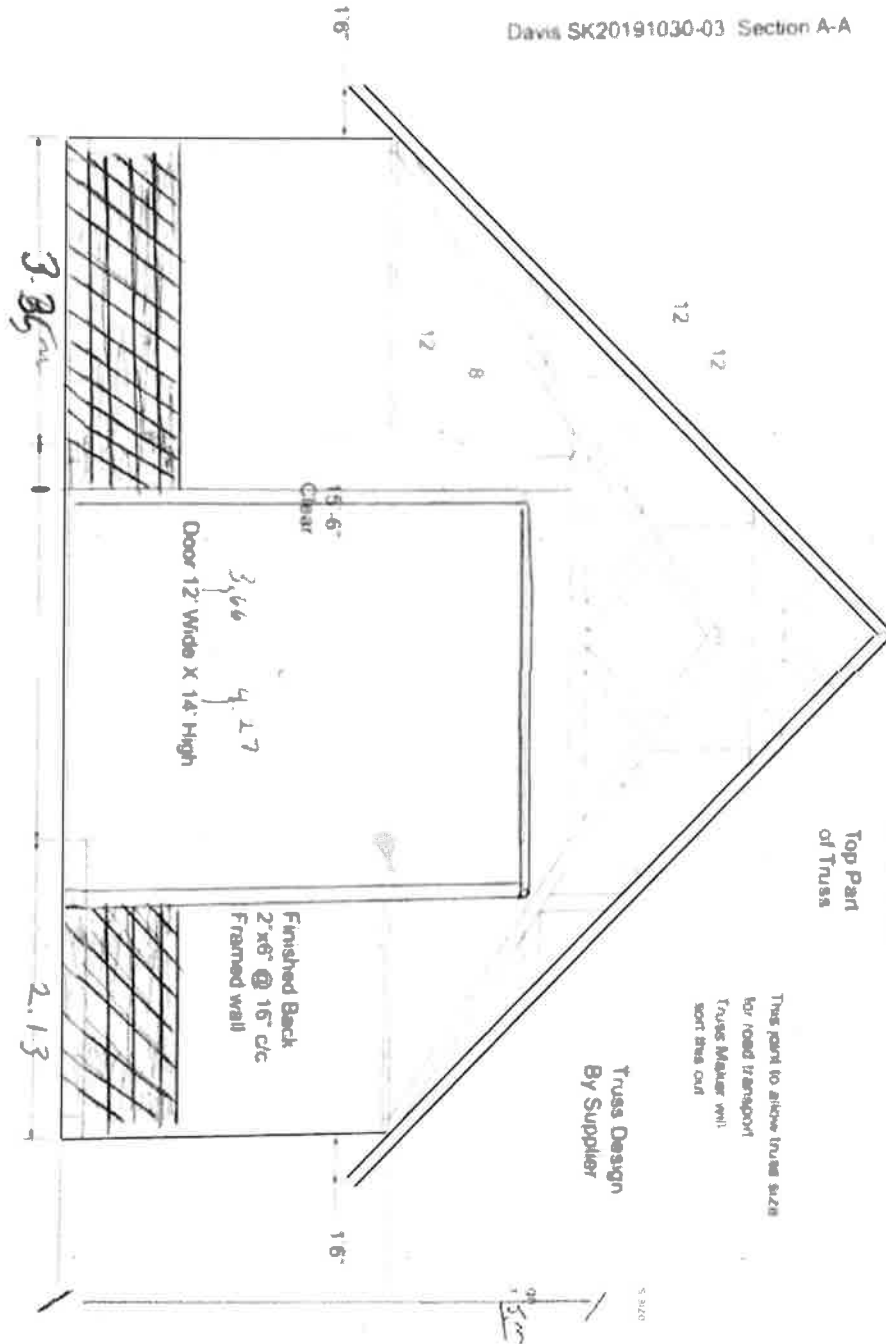
M.D. Thompson

APPENDIX " D "

to

REPORT COA2021-034

FILE NO: D20-2021-024



David Harding

From: Derryk Wolven
Sent: Thursday, May 6, 2021 1:22 PM
To: Charlotte Crockford
Subject: Re: Notice of Public Hearing for Minor Variance, D20-2021-024, 1193 Salem Road, Mariposa

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " E "
to
REPORT COA 2021-034
FILE NO. D20-2021-024

Building has no concern with the above noted application.

From: Charlotte Crockford
Sent: May 6, 2021 1:12:28 PM
To: 'Erin McGregor'; Christina Sisson; Kim Rhodes; 'alanna.boulton@canada.ca'; Andrew Veale; Susanne Murchison; Derryk Wolven
Subject: Notice of Public Hearing for Minor Variance, D20-2021-024, 1193 Salem Road, Mariposa
Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-024, 1193 Salem Road, Mariposa.

Many thanks

Charlotte Crockford
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19

David Harding

From: Kim Rhodes
Sent: Friday, May 7, 2021 12:14 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Benjamin Courville
Subject: 20210507 D20-2021-024 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-024
1193 Salem Road
South Part Lot 20, Concession 6
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the construction of a detached garage:

1. Section 3.1.2.1 to permit an accessory building (detached garage) within the front yard whereas a side or rear yard location is required,
2. Section 8.2.1.4 to increase the maximum permitted lot coverage from 5% to 9.6%; and
3. Section 3.18.5.1(a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 2.1 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
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

KRCA File NO: PPLK-10059

Via Email: Ccrockford@kawarthalakes.ca
Charlotte Crockford
Administrative Assistant
Development Services – Planning Division
180 Kent Street West
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application
D20-2021-024
1193 Salem Road, Mariposa
Tom Davis**

Dear Ms. Crockford,

Kawartha Conservation has completed review of the above noted Minor Variance Application. submitted by Tom Davis. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2021-024 is to request relief from the Township of Mariposa Zoning By-law 94-07 in order to permit the construction of a detached garage:

- Section 3.1.2.11o permit an accessory building (detached garage) within the front yard whereas a side or rear yard location is required,
- Section 8.2.1.4 to increase the maximum permitted lot coverage from 5% to 9.6%; and
- Section 3.18.5.1(a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 2.1 metres.

Site Characteristics:

No natural heritage features are mapped on the property, but it is within the area of interference of an adjacent wetland.

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Any development with 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.

The applicant has obtained a permit from our office for the construction of the garage (Permit # 2020-016).

Recommendation:

Kawartha Conservation has no concern with the approval of D20-2021-024. I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely,

Erin McGregor



Resources Planner Technician
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering