

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – George Butterworth and Molly Cooper

Report Number COA2021-063

Public Meeting

Meeting Date: September 16, 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 from the following provisions in order to permit the construction of a new detached garage:

1. Section 3.1.3.1(b) to increase the total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, from 10% of the lot area (to a maximum of 150 square metres) to 313.07 square metres, and;
2. Section 3.1.3.2 to increase the maximum allowable height for accessory buildings from 5 metres to 6.63 metres.

The variance is requested at 872 The Glen Road, geographic Township of Mariposa (File D20-2021-054).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-063 Butterworth/Cooper, be received;

That minor variance application D20-2021-054 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 COA2021-063, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the applicant enters into a Development Agreement addressing the landscaping components and planting plan associated with the application within twelve (12) months after the date of Notice of Decision, failing which this application shall be deemed to be refused;

- 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 COA2021-063. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant submitted a pre-screening application for a detached garage (see Other Alternatives Considered) on the subject lands in the middle of March 2021. Subsequently, a pre-screening meeting was held on June 4, 2021. During the meeting, the overall footprint of the proposed garage was discussed and reduced with the applicant agreed to enter into a Development Agreement in order to establish landscape plantings to further screen the location of the garage.

This application was deemed complete August 27, 2021.

Proposal: To construct a 297.33 square metre (3,200 square feet) detached garage in the southeast corner of the subject lands.

Owners: George Butterworth and Molly Cooper

Legal Description: 872 The Glen Road, Part Lot 15, Concession 13, Part 1, 57R-6298, geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: Prime Agricultural within the City of Kawartha Lakes Official Plan (2012)

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

Site Size: 4, 047.50 square metres (1 acre)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: North: Agricultural, The Glen Road
East, South, West: Agricultural lands

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 rural area southeast of Woodville. The parcel is surrounded by agricultural land under production. The closest rural residential dwelling is approximately 200 metres to the southeast. The property itself sits atop a hill that rises to the west before plateauing at the property. The property, itself, is uniformly flat.

The subject property was created through Consent with a two-storey single detached dwelling with attached double garage being constructed in 2007. The house is approximately 185.82 square metres (2,000 square feet) in size. The property also contains an in-ground swimming pool and an associated 15.74 square metre (169.4 square feet) pool house for the storage of pool equipment.

The proposed location of the garage is set in-line with the rear of the existing dwelling in the southeast corner of the lot. An established hedgerow comprised of deciduous tree and shrub species delineating the approximate limit of the eastern lot line offers significant screening for the garage when viewed from the east and will remain in-tact. Access to the garage will be achieved through a 2nd entrance to the east of the existing entrance (see Appendix C); an Entrance Permit has been issued for the proposed location of the 2nd entrance on the property.

The proposed location and height of the garage at 6.63 metres will not present any massing impacts on the adjacent agricultural properties. The height of the garage is also less than the height of the two-storey dwelling, which is approximately 9.44 metres. While the property does contain a row of Crimson maple trees spanning east-to-west across the front of the lot, the applicant has expressed a desire to plant six (6) additional trees that, once established, will offer veritable visual screening of the garage when viewed from the road. A condition is recommended in order to ensure a Development Agreement is entered into, including the collection of securities and a monitoring component.

As a former dealer of collector automobiles, the applicant requires storage for his personal collection of vehicles as well as a large motor home and tractor (for property maintenance purposes) that is currently stored in the driveway of the property, as it cannot fit in the two-bay garage attached to the dwelling. The motor home requires a door height of approximately 4.27 metres (14 feet) in order to be stored. There is no second storey or storage loft proposed within the garage. The garage will compliment the character of the property by emulating the design of the existing pool house and provide enclosed storage for the motor home and automobiles that would otherwise be stored outside and vulnerable to the elements.

The design elements of the garage include an ornamental vent above the two garage. Three security windows and an access door are proposed on the western elevation with three additional windows breaking up the southern face of the garage. The design and colours will match the pool house in order to tie the garage together with the property. The result is a building that appears more aesthetically-pleasing than a typical utilitarian accessory building.

The increased lot coverage does not impair the area of available landscaped amenity space or the appearance of the property.

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 in the Township of Mariposa Zoning By-law 94-07, as amended. As the lot was created via Consent, Section 8.2.1.7 of the Zoning By-law applies and the lot shall only be used in accordance with Sections 12.1 and 12.2 of the By-law (Uses Permitted and Zone Provisions for the Rural Residential Type One (RR1) Zone). Single detached dwellings and accessory uses are permitted within the zone.

The General Provisions set a maximum coverage of 10% for accessory buildings to a maximum area of 150 square metres. The proposal would result in only a 7.72 % lot coverage percentage for both the garage and the pool house. The proposal also complies with the total lot coverage provision of the RR1 Zone. As a result of the location of the garage and the landscaping proposed, the dwelling retains its visual prominence as the primary use and building on the property. The increase in coverage also maintains the intent of the zoning by-law to maintain adequate landscaped open space for amenity, servicing (i.e. sewage system and well) and stormwater infiltration. Neither of the Supervisor of Part 8 Sewage Systems nor the Development Engineering Division have concerns with the proposal with respect to servicing and stormwater management.

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 1.63 metre relief from the Zoning By-law would be imperceptible when viewing the building from The Glen Road. As mentioned, the garage will be less than the height of the existing dwelling and is situated as far away from the road as possible. Given the design treatments proposed for the garage and the additional tree plantings proposed in order to further soften the presence of the garage, the garage will compliment rather than dominate the presence of the proposed two-storey dwelling.

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

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. Residential lots existing within the designation prior to the adoption of the Official Plan (2012) are to be recognized.

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 garage was decreased in size from 356.75 square metres (3,840 square feet) to the current size of 297.33 square metres.

Servicing Comments:

The property is serviced by a private individual well and private 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 Division (September 2, 2021): No objections.

Building and Septic Division (September 3, 2021): The applicant has submitted an Application for a Sewage System Permit to upgrade the system serving the property. This system has been designed to accommodate a new single detached dwelling on the property. As well, the sewage system has been located to provide adequate space for the detached garage and the lot size.

The detached garage height is to accommodate recreational vehicles and storage. The applicant has indicated that it will not be used for human habitation, nor will it contain plumbing fixtures.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to on-site sewage disposal

Building and Septic Division – Chief Building Official (September 7, 2021): No concerns, Building Permit required for the proposed detached garage, outstanding Building Permit relating to construction of the single detached dwelling BPH2007-0325 requires a final inspection.

Public Comments: No comments have been received from the public as of September 8, 2021

Attachments:



- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketches (Site Plans)
- Appendix D – Elevation Drawings
- Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-054

D20-2021-054

APPENDIX " A "

to

REPORT COA2021-063

FILE NO: D20-2021-054

Geographic Township
of Mariposa

Lot 15

Concession 14

The Glen Rd.



Subject
Land

Lot 15

Concession 13

Eldon Rd.

872 The Glen Road, Geographic Township of Mariposa



Legend

- Property Roll Number
- Lots and Concessions
- Road Centreline (2016 Needs)

Notes

Notes

0.22 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

REPORT COA2021-063
 FILE NO: D20-2021-054

APPENDIX " B "

Farm Field 897

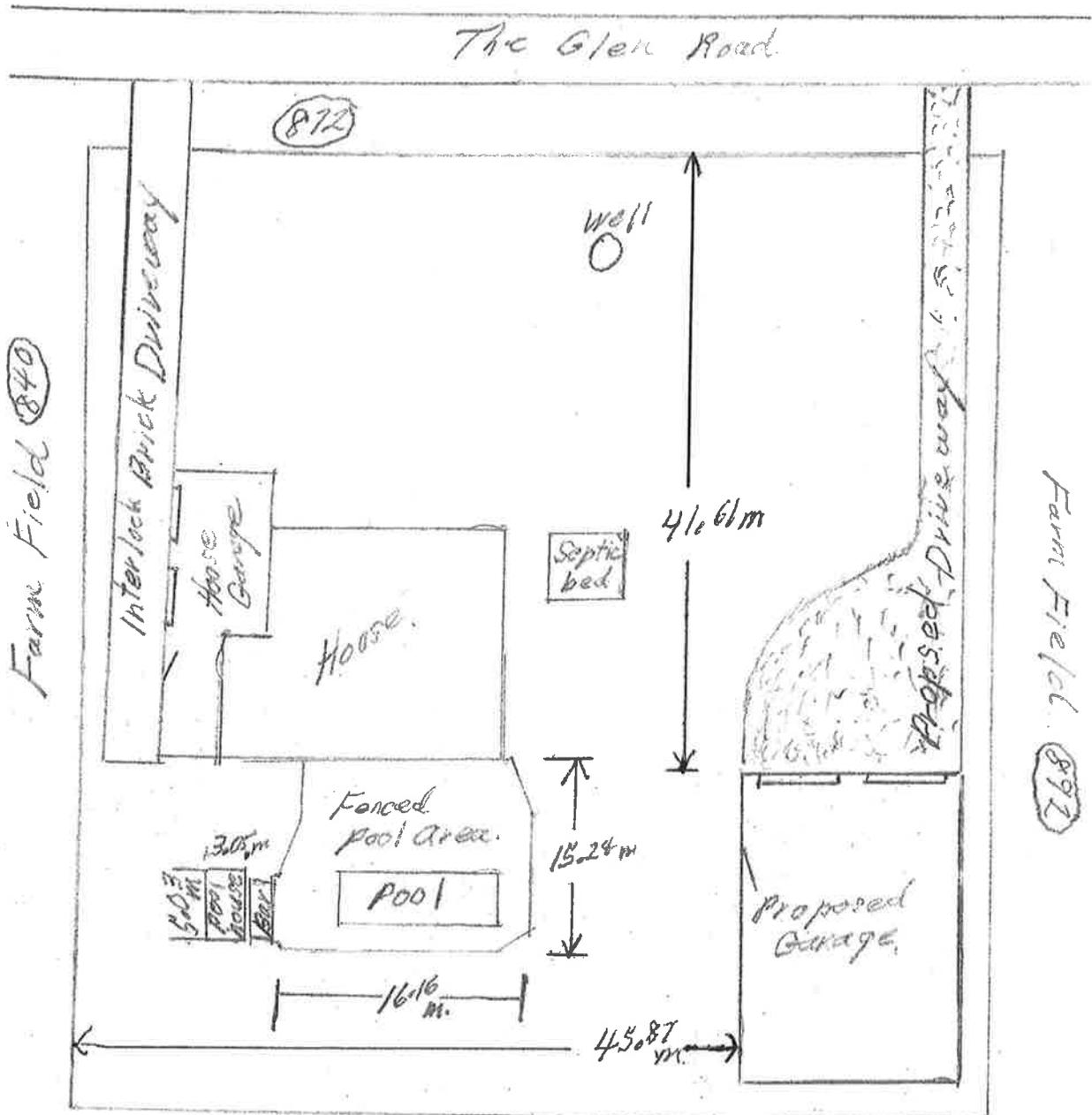
APPENDIX " C "

to

George Butterworth to Kent Stainton
re Pre screening, Minor Variance Appl

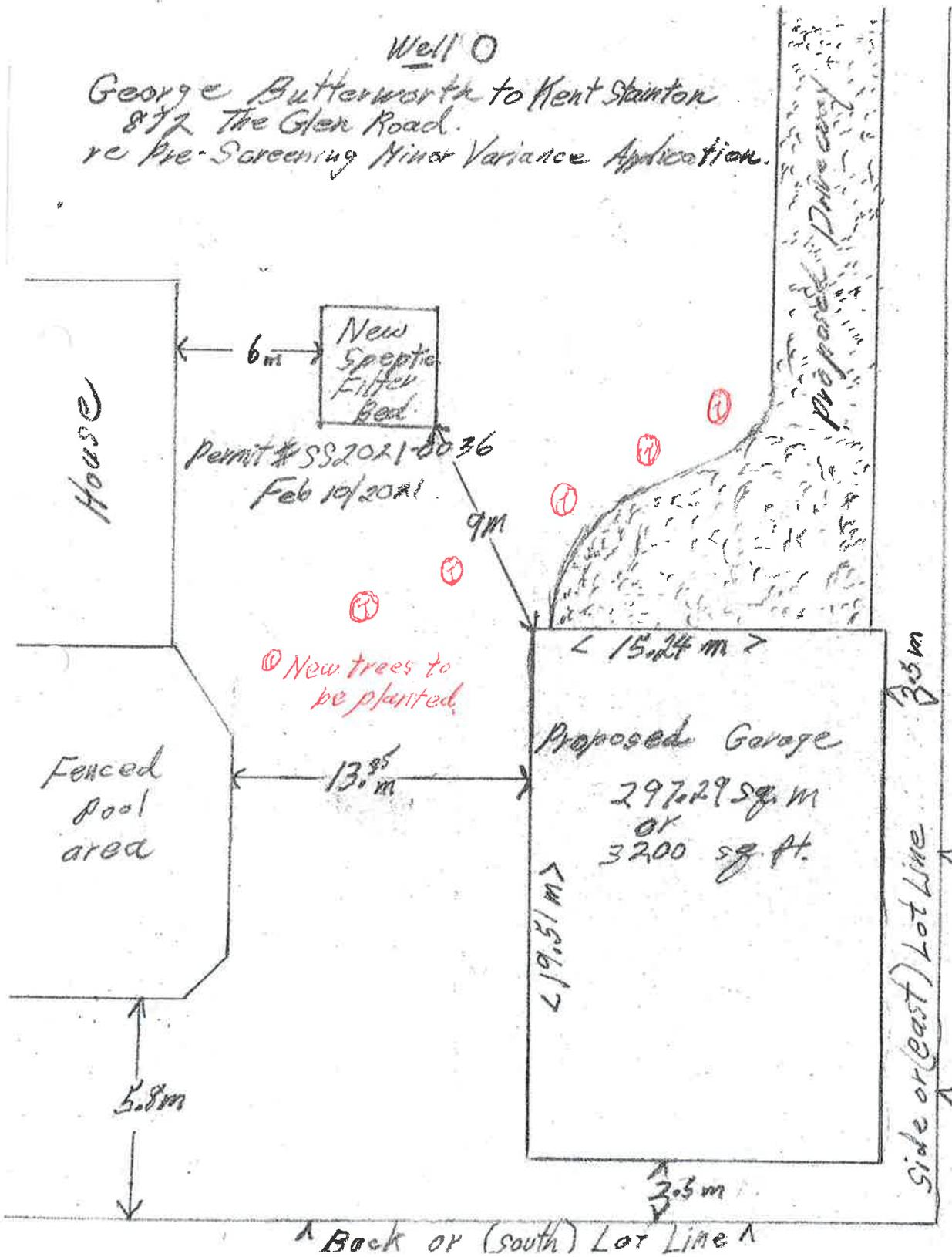
REPORT COA2021-063

FILE NO: D20-2021-054



Farm Field 840

Well O
George Butterworth to Kent Stanton
877 The Glen Road.
re Pre-Screening Minor Variance Application.



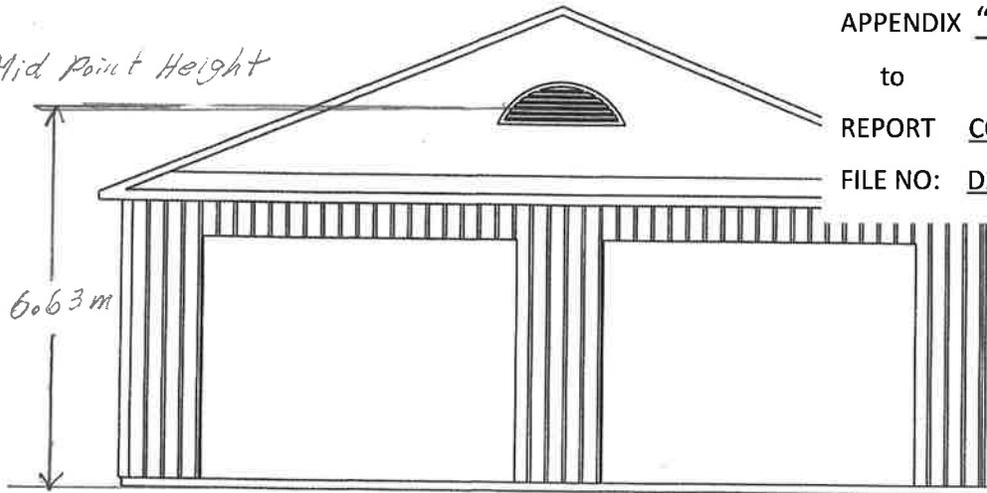
APPENDIX " D "

to

REPORT COA2021-063

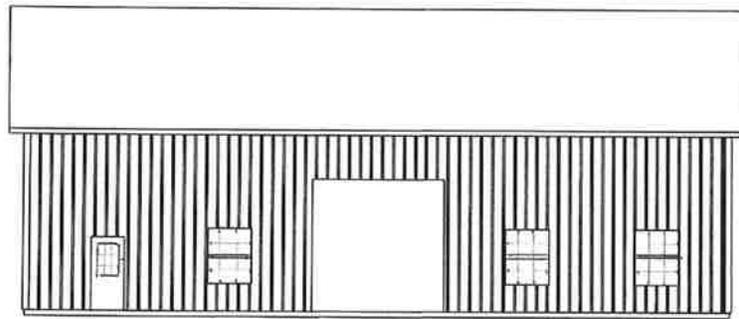
FILE NO: D20-2021-054

Mid Point Height

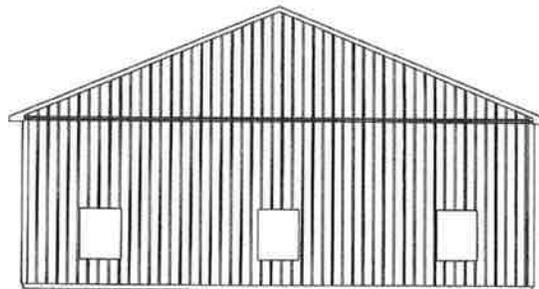


6.63m

North Elevation



West Elevation



South Elevation

Charlotte Crockford

From: Susanne Murchison
Sent: Tuesday, September 7, 2021 7:08 PM
To: Charlotte Crockford
Cc: David Harding; Kent Stainton
Subject: MV comments

APPENDIX " E "
to

REPORT COA2021-063

FILE NO. D20-2021-054

The following reflect the Building and Septic Division comments, save and except those relating to on-site sewage systems which will be provided under separate email by Part 8 Supervisor:

D20-2021-047: no concerns at this stage, further comments will be provided through the site plan approval process, building permit required for proposed hotel building, development is subject to development charges bylaw

D20-2021-050: no concerns, structure built without benefit of building permit but owner is working with staff to correct issues, building permit required for proposed dwelling, development charges apply to this development

D20-2021-051: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-052: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-053: no concerns, applications have already been filed for building permits relating to this proposed detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection

D20-2021-054: no concerns, building permit required for the proposed detached garage, outstanding building permit relating to construction of the single detached dwelling BPH2007-0325 requires final inspection

D20-2021-055: no concerns at this stage, further comments will be provided through the site plan approval process, building permits required for proposed self-storage buildings, development is subject to development charges bylaw, the following are some of the major building code items that may affect the placement and size of the proposed self-storage buildings: design of on-site supply of water for fire fighting, spatial separation and related construction materials, fire route design – these items will be reviewed at site plan approval stage

D20-2021-056: no concerns, application has already been filed for building permit relating to the construction of this proposed foundation

D20-2021-057: no concerns, building permit required for proposed dwelling, development charges apply to this development

Susanne Murchison, CBCO
Chief Building Official

Kent Stainton

From: Anne Elmhirst
Sent: Friday, September 3, 2021 4:01 PM
To: Charlotte Crockford
Subject: D20-2021-054 - 872 The Glen Rd

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2021-054 to request relief to permit a detached garage in the rear yard of the property with an allowance for an increased height.

The applicant has submitted an Application for a Sewage System Permit to upgrade the system serving the property. This system has been designed to accommodate the existing single detached dwelling on the property. As well, the sewage system has been located to provide adequate space for the detached garage proposal.

The detached garage height is to accommodate recreational vehicles and storage. The applicant has indicated that there will be no human habitation, nor will it contain plumbing fixtures.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to on-site sewage disposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building and Septic Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division 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.

Kent Stainton

From: Kim Rhodes
Sent: Thursday, September 2, 2021 1:17 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20210902 D20-2021-054 - Engineering review

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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

Minor Variance – D20-2021-054
872 The Glen Road
Part Lot 15, Concession 13, Part 1, 57R6298
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 construct a new detached garage:

1. Section 3.1.3.1(b) to increase the total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, from 10% of the lot area to a maximum of 150 square metres to 313.07 square metres, and;
2. Section 3.1.3.2 to increase the maximum allowable height for accessory buildings from 5 metres to 6.63 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

