

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2396559 Ontario Limited
Report Number COA2022-003

Public Meeting

Meeting Date: January 20, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 –Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 5.13 b) in order to permit six (6) overhead doors and a loading dock on the wall of a new industrial building facing a street (John Street). The Zoning By-law does not permit a loading space or platform or loading door in any yard or wall of any building or structure which adjoins or faces a street.

The variance is requested at 6 John Street, geographic Township of Manvers (File D20-2021-075).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2022-003 2396559 Ontario Limited, be received;

That minor variance application D20-2021-075 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 generally in accordance with the site plan sketch in Appendix C and with the elevations in Appendix D submitted as part of Report COA2022-003, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the site plan agreement shall be registered 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 approval pertains to the application as described in report COA2022-003. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner of the property has made application for Site Plan Approval (File No. D19-2021-006) to construct an industrial building comprised of three (3) separate warehouse units. Each unit will have two (2) overhead loading doors. There is also a larger loading dock proposed on the northern wall of the building.

Upon reviewing the site plan application, it was determined that relief is required to permit the six (6) overhead doors and a loading dock facing John Street.

This application was deemed complete on November 26, 2021.

Proposal: To permit the construction of a 1,118 square metre (12,034 square feet) Industrial building comprised of three warehouse units; each unit features two (2) overhead doors.

Owner: 2396559 Ontario Limited (c/o Harry Schillings)

Legal Description: Vacant Lands, Lot 1 of 57M781, Geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Rural Settlement – Schedule 2 within the City of Kawartha Lakes' Oak Ridges Moraine Policy Area

Zone: General Industrial Special Exception One Holding [M1-S1(H)] Zone within the Oak Ridges Moraine Consolidated Zoning By-law 2005-133

Site Size: 8,097 square metres (2 Acres)

Site Servicing: Private individual well and private individual septic system

Existing Uses: Vacant lands

Adjacent Uses:	North:	Vacant Lands, Industrial Park
	East:	John Street, Agricultural, Rural Residential
	South:	Rural Residential
	West:	Highway 35, Industrial, Aggregate

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 located at the southern end of the Pontypool Industrial Park, south of the Hamlet of Pontypool. The lots as part of the Industrial park taper as one travels south from Sandy Hook Road to the intersection of John Street and Highway 35. To the east, the property fronts onto John Street and is accessed at this location. With Highway 35 abutting the property to the west, Ministry of Transportation (MTO) entrance criteria combined with setback requirements for the septic and well locations relegate the location of the building and its access points to their proposed locations. Two vacant industrial lots as part of the same industrial subdivision are located to the north of the property. A larger agricultural parcel is located on the east side of John Street across from the subject lands.

The loading activity is inherent to an industrial use and is not anticipated to adversely impact the neighbourhood character or any of the abutting residential lots given the fact the lot is part of an industrial park. The vast majority of lots on Sandbourne Road have at least one loading door, which face a street. Industrial businesses require sufficient area for loading and unloading activity, which includes space for truck manoeuvrability.

Any impacts resulting from the location of the overhead doors and loading dock to the residential lot to the south are negated by the greater than 45 metre separation distance from the industrial building to the residence. The residential lot is buffered from industrial activity by a substantial mature coniferous treed barrier. The adjacent agricultural lands with a single detached dwelling on the east side of John Street (34 John Street) are also well-screened by mature trees eliminating any land use incompatibility presented by the location of the overhead doors and loading dock.

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 General Industrial Special Exception One with a Holding Provision [M1-S1(H)] Zone within the Oak Ridges Moraine Zoning By-law 2005-133. The M1-S1 Zone prohibits activities within the M1 Zone to dry uses, which shall not require water for cooling or washing as it relates to an industrial process and/or consumption of water as part of the process and which do not discharge processing waste to a sub-surface waste disposal system. The holding provision is in-place as the property is located within the Pontypool Industrial Park and a Site Plan Agreement is required to be entered prior to the Holding provision being removed by City Council.

The intent of the Zoning By-law provision relating to the location of the overhead doors and loading dock relative to a street is to reduce potential land use conflict between adjacent businesses and adjacent residential uses by relegating loading activity to an interior side yard; thus, minimizing nuisances and incompatibilities with adjacent land uses. Permitting loading activity in yards and/or on walls facing John Street is not anticipated to generate any adverse impacts. The vast majority of the adjacent industrial lots on Sandbourne Road to the north contain buildings with overhead doors and loading docks that face the street. There are only two other vacant lots within the immediate vicinity of the industrial park, which are the two abutting lots to the north. The abutting lot fronts onto John Street with the lot beside it fronting onto the terminus of Sandbourne Road.

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 subject lots are designated Rural Settlement Area within the Oak Ridges Moraine Policy Area (ORMPA). A range of uses, including industrial, are permitted within the Settlement Area under the ORMPA.

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

Other Alternatives Considered: No other alternatives were considered

Servicing Comments: The property is serviced by private individual water supply and private individual 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 (January 6, 2022): No objections.

Building and Septic Division – Part 8 Sewage Systems (January 7, 2022): The current orientation of the proposed building with the overhead doors and loading dock towards John Street will allow for the installation of a private on-site sewage system. This system has been proposed in the north corner of the property. It would be challenging to place the sewage system in another location with the current building size and lot shape.

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

Building and Septic Division – Chief Building Official (January 10, 2022): A Building Permit is required for the proposed industrial building. No other concerns.

Public Comments: No public comments were received as of January 12, 2022.

Attachments:



Appendices A-E for
COA2022-003.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Site Plan
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:	D20-2021-075

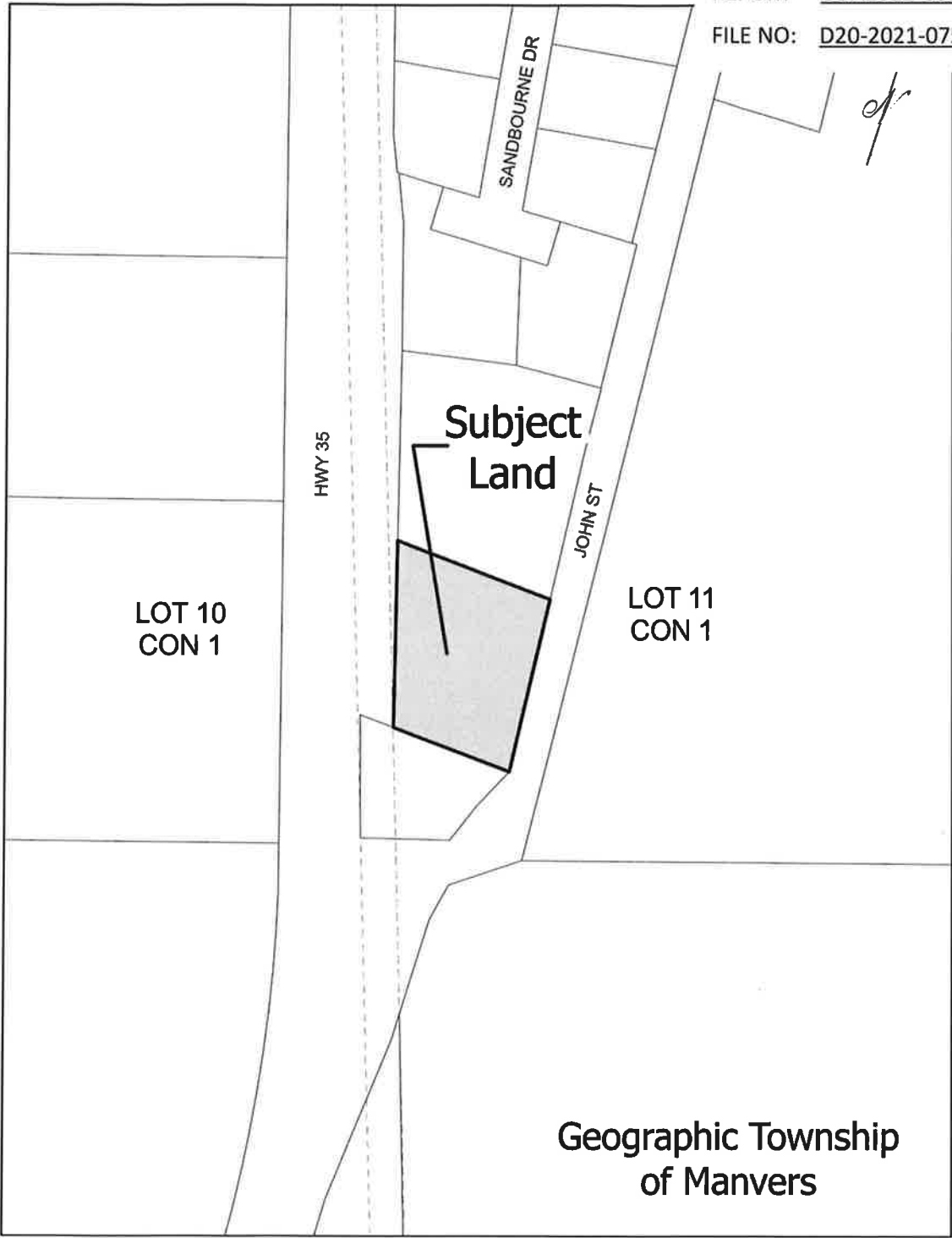
D20-2021-075

APPENDIX " A "

to

REPORT COA2022-003

FILE NO: D20-2021-075



Vacant Lands, John Street, Geographic Township of Manvers



Legend

- Property Roll Number
- Lots and Concessions

Notes

Notes

APPENDIX " B "

to

REPORT COA2022-003

FILE NO: D20-2021-075

0.45

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.

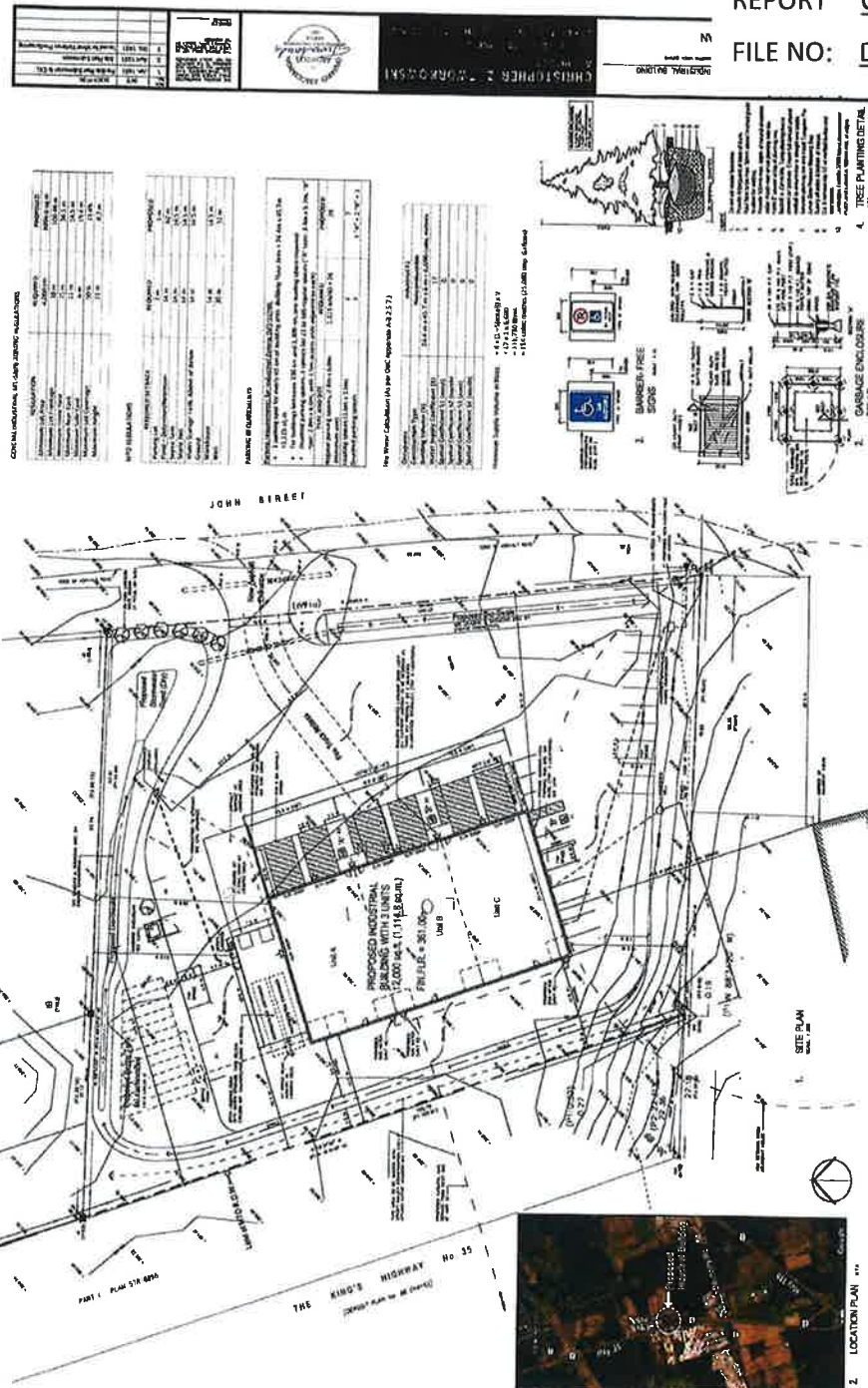
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APPENDIX " C "

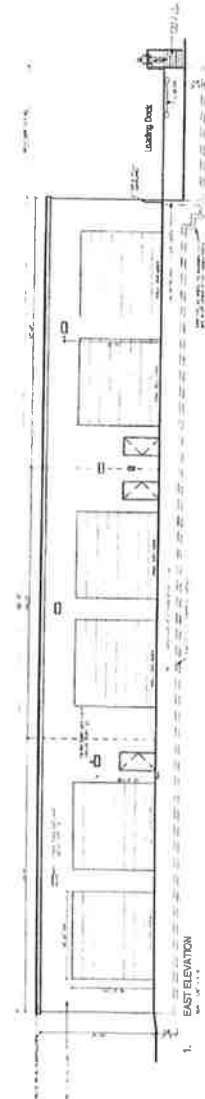
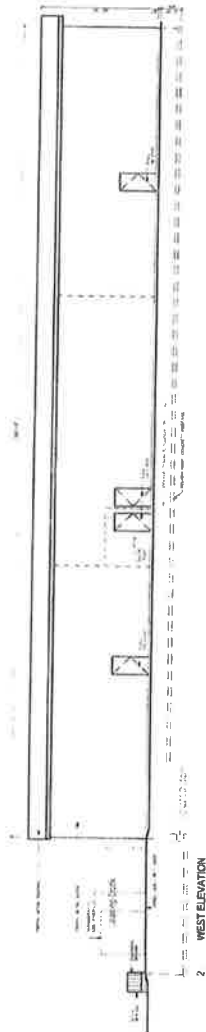
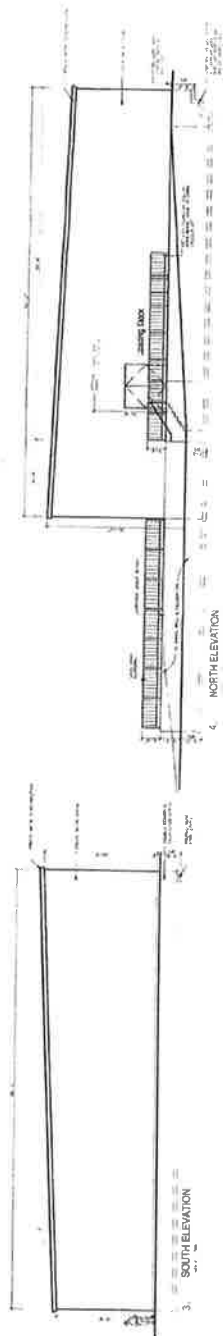
to

REPORT COA2022-003

FILE NO: D20-2021-075



to
REPORT COA2022-003
FILE NO: D20-2021-075



Charlotte Crockford

From: Susanne Murchison
Sent: Monday, January 10, 2022 4:16 PM
To: Charlotte Crockford
Subject: MV comments

APPENDIX " E " to

REPORT COA 2022-003

D20-2021-075

FILE NO.

The Building and Septic Division comments, save and except comments being provided by the Supervisor of Part 8 Sewage Systems, are as follows:

- D20-2021-071 a building permit will be required for the proposed replacement dwelling, no other concerns
- D20-2021-075 a building permit will be required for the proposed industrial building, no other concerns
- D20-2021-076 a building permit will be required for the proposed detached garage, no other concerns
- D20-2021-078 a building permit will be required for the proposed addition to the dwelling, no other concerns
- D20-2021-079 a building permit will be required for the proposed detached garage, no other concerns
- D20-2021-080 completion of the pending building permit application will be required for the proposed second storey dwelling addition and deck addition, an outstanding building permit BP2012-1137 for the installation of solar panels on the dwelling and garage requires a final inspection to close the file
- D20-2021-081 a pool permit will be required for the proposed pool, no other concerns

Susanne Murchison, CBCO

Chief Building Official

Building & Septic Division, Development Services, City of Kawartha Lakes

705-324-9411 ext. 1200 www.kawarthalakes.ca



Kent Stainton

From: Kim Rhodes
Sent: Thursday, January 6, 2022 1:05 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20220106 D20-2021-075 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " E "
to

REPORT COA-2022-003

Please see the message below from Christina Sisson:

FILE NO. D20-2021-075

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

Minor Variance – D20-2021-075
6 John Street
Part Lot 10, Concession 1, Lot 1 of Plan 57M781
Geographic Township of Manvers

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.13 b) in order to permit six (6) overhead doors and a loading dock on the wall of a building facing a street (John Street).

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.
Manager, 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.

Kent Stainton

From: Anne Elmhirst
Sent: Thursday, January 6, 2022 2:54 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-075, 6 John Street, Manvers

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Charlotte,

I have received and reviewed the minor variance application D20-2021-075 to permit a building with overhead doors and loading dock facing a street.

The current orientation of the proposed building with the overhead doors and loading dock towards John Street will allow for the installation of a private on-site sewage system. This system has been proposed in the north corner of the property. It would be challenging to place the sewage system in another location with the current building size and lot shape.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to private 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.

From: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Sent: Thursday, January 6, 2022 12:27 PM
To: Christina Sisson <csisson@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>; Tracy Richardson <trichardson@kawarthalakes.ca>
Cc: Kim Rhodes <krhodes@kawarthalakes.ca>
Subject: Notice of Public Hearing for Minor Variance D20-2021-075, 6 John Street, Manvers

Good morning

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-075 to be heard at the January 20, 2022 C of A meeting.