

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Jeremy Graham and Kailey Flindall
Report Number COA2022-004

Public Meeting

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

Ward: 7 – Geographic Township of Mariposa

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

- 1) Section 3.1.3.1 c) to increase the maximum allowable lot coverage for accessory buildings and structures, excluding outdoor swimming pools from 10% to a maximum of 150 square metres to 160.16 square metres;
- 2) Section 3.1.3.2 to increase the maximum allowable height for accessory buildings and structures from 5 metres to 5.1 metres;

The variance is requested at 527 Cottage Road, geographic Township of Mariposa (File D20-2021-076).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2022-004 Graham, be received;

That minor variance application D20-2021-076 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 generally in accordance with the drawing in Appendix D submitted as part of Report COA2022-004, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within twenty-four (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 COA2022-004 as 'Pool Shed' has been removed;

- 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 COA2022-004. 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. Subsequently, a pre-screening meeting was held on November 4, 2021. During the meeting, the overall height of the proposed garage was discussed and reduced.

The circulation of the application identified additional reliefs under Sections 8.2.1.4 and 8.2.1.8 of the Zoning By-law. Through further analysis, it has been determined that these reliefs are extraneous and do not apply to the property since the subject lands were created via consent.

This application was deemed complete December 3, 2021.

Proposal: To construct a new 148.64 square metre (1,600 square feet) detached garage.

Owners: Jeremy Graham and Kailey Flindall

Legal Description: 527 Cottage Road, Part Lot 24, (Southerly ½), Concession A, Part 1, RP 57R5835, 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 94-06

Site Size: 4,019 square metres (0.993 acres)

Site Servicing: Private individual well and private individual septic system

Existing Uses: Rural Residential

Adjacent Uses: North, East: Agricultural, Rural Residential, Woodlands
West: Rural Residential

South:

Cottage Road, Rural residential,
Agricultural

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 southwest of the Hamlet of Valentia and west of the Scugog River. The parcel is surrounded by agricultural land under production to the north and east with several rural residential dwellings on larger linear lots to the west. Across the road is another rural residence on a half-acre lot on the southwest corner of the intersection of Cottage Road and Twilight Road. The property itself is uniformly flat with mature coniferous trees situated throughout the property.

The subject property was created through consent and contains a bungalow and attached garage, constructed in 1992. The dwelling is approximately 154.6 square metres (1,664 square feet) in size. The proposed location of the garage is back in the northeast corner of the lot with the existing driveway extending north past the attached garage to provide access. Cultivated lands extend from the adjacent parcel to the property limits of the northeastern corner of the subject lands. An established hedgerow delineating approximate limit of the western lot line offers significant screening for the garage when viewed from the west and will remain intact.

As a long-haul truck driver, the applicant requires storage for his tractor trailer when not in-use. A motor home is also required to be stored. These larger vehicles cannot be stored in the existing attached garage and both require a building with a higher bay door in order to facilitate storage. There is no second storey or storage loft proposed within the garage. The garage will compliment the character of the property by introducing a modern colour scheme as shown in Appendix E of the report, which makes the building look less utilitarian than typical accessory buildings. The garage will also provide enclosed storage for the tractor trailer and motor home that would otherwise be stored outside and vulnerable to the elements.

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 3.93% lot coverage percentage for both the detached garage and garden shed; however, the total area covered is 160.16 square metres. As a result of the location of the garage, 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. private individual septic system and well) and stormwater infiltration. Neither of the Supervisor of Part 8 Sewage Systems or 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 0.1 metre relief from the Zoning By-law would be imperceptible when viewing the building from Cottage Road and is considered negligible in terms of a variation from the Zoning By-law. The garage is also situated as far away from the road as possible. No massing and height incompatibilities with the primary residential use and surrounding properties are anticipated.

It is important to note that upon conducting the site visit associated with the variance application, Planning staff identified a small shed located adjacent to the northeast corner of the dwelling. While there are options to relocate the structure on the property, the owner has expressed intent to remove the remaining structure following construction of the garage. A condition is recommended in order to ensure the remaining shed is entirely removed from the property

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.

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 (January 7, 2022): No objections.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (January 10, 2022): A sewage system use permit has been located for the property under file M-73-89. The sewage system is located on the west side of the property in the rear yard. The accessory structure is being proposed in the east side of the rear yard. The proposed structure will maintain a minimum clearance distance of 6.5 metres.

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

Building and Septic Division – Chief Building Official (January 10, 2022): A Building Permit will be required for the proposed detached garage. No other concerns.

Public Comments: No comments have been received from the public as of January 12, 2022

Attachments:

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch (Site Plan)
Appendix D - Elevation drawings
Appendix E – Photograph for Colour Scheme
Appendix F– 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:	D20-2021-076

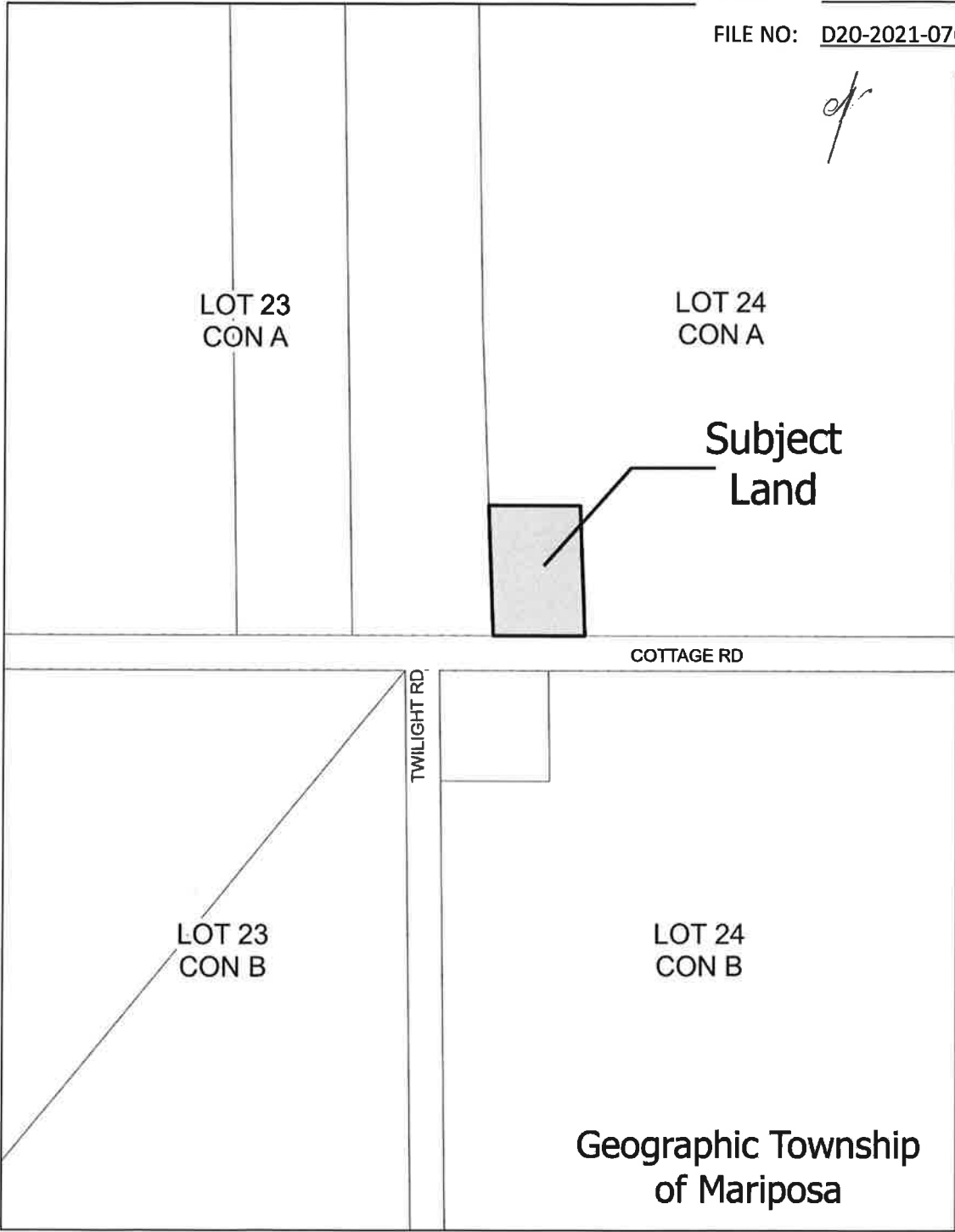
D20-2021-076

APPENDIX " A "

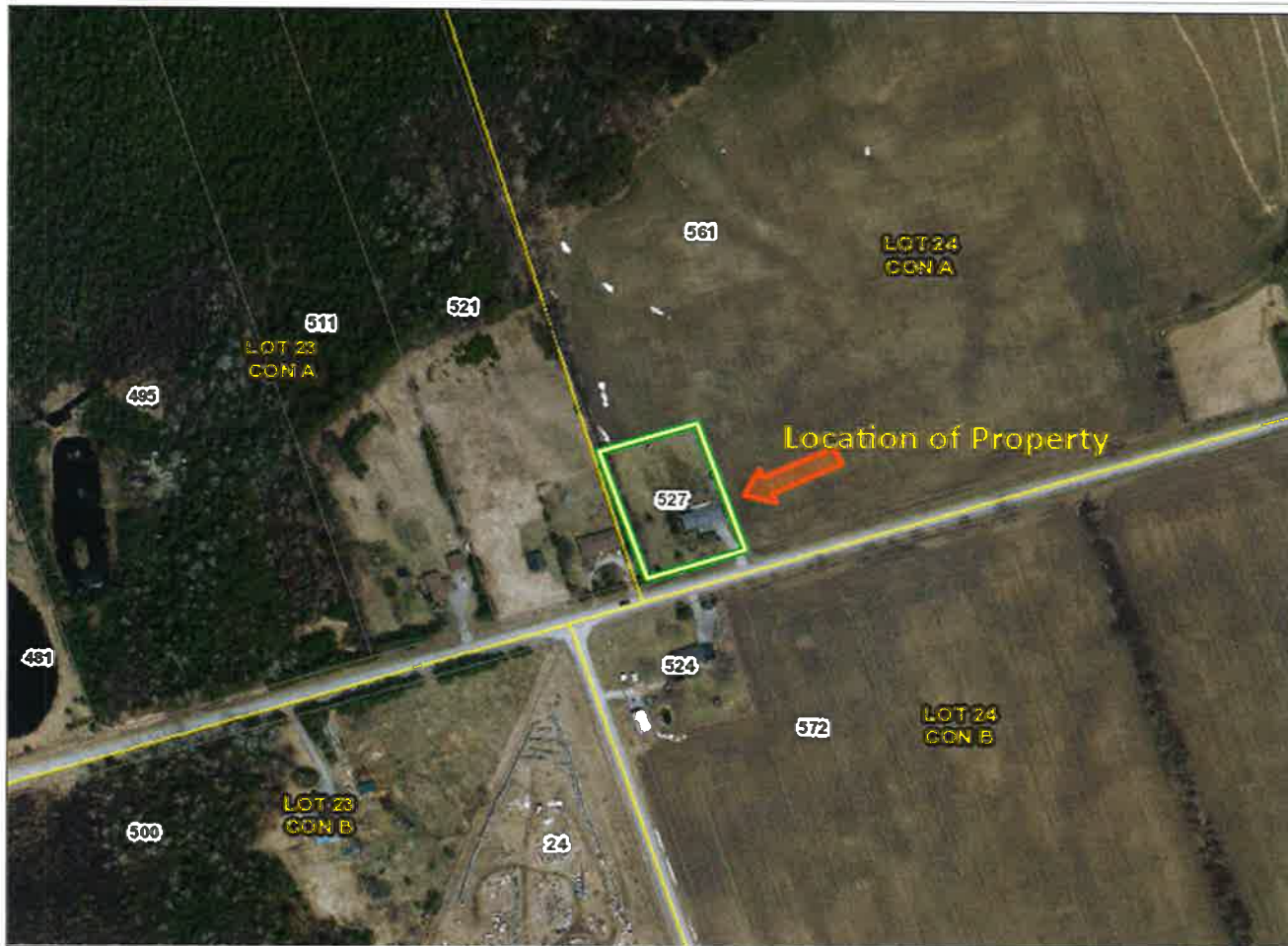
to

REPORT COA2022-004

FILE NO: D20-2021-076



527 Cottage Road, Geographic Township of Mariposa



Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions

Notes

Notes

APPENDIX " B "

to

REPORT COA2022-004

FILE NO: D20-2021-076

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.

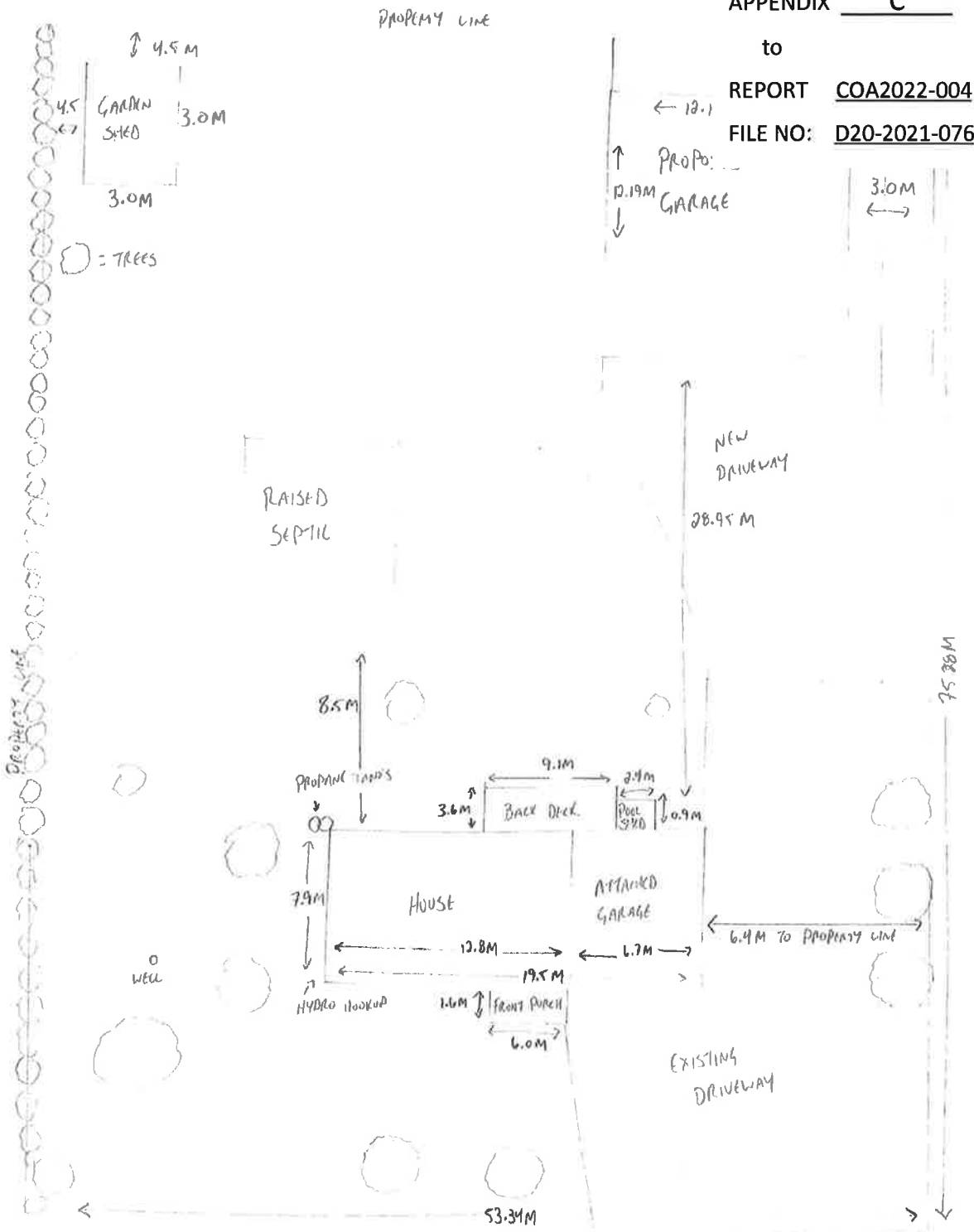
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APPENDIX " C "

to

REPORT COA2022-004

FILE NO: D20-2021-076



527 COTTAGE RD, LITTLE BRITAIN, ON



PROPOSED BUILDING COLOUR, CHALKBOARD GREY WITH BLACK DOORS
(JUST A COLOUR REFERENCE, BUILDING BY SAME COMPANY
BUT OBVIOUSLY MUCH LARGER)

APPENDIX " E "

to

REPORT COA2022-004

FILE NO: D20-2021-076

Kent Stainton

From: Anne Elmhirst
Sent: Monday, January 10, 2022 2:51 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-076, 527 Cottage Road, Mariposa

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " F "

to
REPORT COA2022-004

FILE NO. D20-2021-076

Hello Charlotte,

I have received and reviewed the Minor Variance application D20-2021-076 for 527 Cottage Road. The application has been submitted to request relief for lot coverage and structure height to permit the construction of a detached structure in the rear yard.

A sewage system use permit has been located for the property under file M-73-89. The sewage system is located on the west side of the property in the rear yard. The accessory structure is being proposed in the east side of the rear yard. The proposed structure will maintain a minimum clearance distance of 6.5 metres.

As such, the Building and Septic Division has no concerns with the minor variance proposal 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 11:36 AM

To: 'Erin McGregor' <emcgregor@kawarthaconservation.com>; Christina Sisson <csisson@kawarthalakes.ca>; Patrick O'Reilly <poreilly@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>

Cc: Kim Rhodes <krhodes@kawarthalakes.ca>

Subject: Notice of Public Hearing for Minor Variance D20-2021-076, 527 Cottage Road, Mariposa

Good morning

Charlotte Crockford

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

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 1:04 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20220106 D20-2021-076 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-076
527 Cottage Road
Part South Half of Lot 24, Concession A
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 facilitate the construction of a detached garage:

- 1) Section 3.1.3.1 b) to increase the maximum allowable lot coverage for accessory buildings and structures, excluding outdoor swimming pools from 10% to a maximum of 150 square metres to 160.16 square metres;
- 2) Section 3.1.3.2 to increase the maximum allowable height for accessory buildings and structures from 5 metres to 5.1 metres;
- 3) Section 8.2.1.4 to increase the maximum allowable lot coverage from 5% to 7.82%;
- 4) Section 8.2.1.8 to increase the maximum allowable height and lot coverage for an accessory building being used for the parking or storage of a commercial motor vehicle on a lot in an agricultural zone from 5 metres to 5.1 metres and for total lot coverage of accessory buildings from 150 metres to 160.16 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.
Manager, Development Engineering
Lean Six Sigma Black Belt