

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Chynoweth and McLean-Parfitt
Report Number COA2022-014

Public Meeting

Meeting Date: February 17, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Laxton

Subject: The purpose and effect is to request relief from Section 18.1(c)(ii) to increase the maximum permitted height of an accessory building from 5 metres to 6.1 metres to permit the construction of a detached garage

The variance is requested at 228 Hilton's Point Road, geographic Township of Laxton (File D20-2022-008).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2022-014 Chynoweth and McLean-Parfitt, be received;

That minor variance application D20-2022-008 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 elevations in Appendix D submitted as part of Report COA2022-014, which shall be attached to and form part of the Committee's Decision,
- 2) That the detached garage shall not exceed one (1) storey; and
- 3) That the building construction related to the minor variance 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 COA2022-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: A detached garage measuring approximately 12.9 metres x 15.89 metres (42' x 52') is proposed. The east side of the garage is proposed as a lean-to design.
The application was last amended January 25, 2022.

Proposal: To permit the construction of a detached garage.

Owners: Kevin Chynoweth and Dietra Chynoweth (McLean-Parfitt)

Applicant: Kevin Chynoweth

Legal Description: Part of Lots 8 and 9, Concession 9, and Part of Road Allowance Between Lots 8 and 9, Concession 9, Geographic Township of Laxton

Official Plan: "Rural" within the City of Kawartha Lakes Official Plan

Zone: "Rural General (A1) Zone" within the United Townships of Laxton Digby and Longford Zoning By-law 32-83

Site Size: Approximately 3,620 square metres (0.89 acre)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: Rural/Forest/Wetland

Rationale:

1) Is the variance minor in nature? Yes

The subject property is a stand alone rural residential lot located within a rural area that has been left in a very natural state. As a result, the lot is surrounded and screened by forest. There are also wetlands further to the northwest, southeast, and east. There are no other established uses apparent within the vicinity of the property.

The property is at the top of a steep ridge that runs on a diagonal from southwest to northeast. The ridge results in the topography southeast of the lot to be about 10 metres lower. As a result of this drop in combination with the vegetation, the dwelling is not visible from the southeast. The land also slopes down to the south of the property. The south slope in combination with the vegetation also screens the property from view.

The lot is accessed from the northwest in the form of a driveway sloping upwards up from the municipal road to the dwelling positioned in the centre of the property. The lands around and to the north of the dwelling are relatively level. There is a parking pad to the east of the dwelling used for the parking of

vehicles and a camping trailer. The only time the interior of the lot is readily visible from the road is at the driveway access.

The garage is proposed to the northeast of the dwelling in the general area of a single door detached garage and canvas storage shelter. Both will be removed should the garage be constructed to make way for its footprint.

The garage would be taller and would have a larger footprint than the dwelling. However, the garage will be positioned behind and 11 metres away from the home. As the interior of the lot is only visible from the southwest, and the garage is proposed to the northeast of the dwelling, the garage, when viewed from the road, will be largely screened by the dwelling. Any portion of the garage that is visible from the road is anticipated to be minimal due to the dwelling's location and the garage's spatial separation from the dwelling. Therefore, the dwelling will remain the visually prominent building on the property.

No adverse land use impacts are anticipated due to the presence of the vegetative buffers.

Due to the above analysis, the variance is minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The property is heavily forested. The lands immediately around the dwelling to the south, west, and north are maintained as manicured lawn. The parking pad is to the east, which is also where the functioning front door of the dwelling is located. The sewage system is within the rear yard. The most viable space to place the garage that will not conflict with the operation of the dwelling or its established parking or amenity spaces is to the northwest. The northwest is where the storage uses of the property are primarily located.

The subject property is surrounded on all sides by vegetative buffers, which effectively screen the property from the road. Due to the broad expanse of vegetation in the area and large lot fabric of the abutting rural lots, there are no uses in the vicinity that are anticipated to be impacted by the proposal.

The garage will provide additional vehicle storage space, allow for a camping trailer currently kept outside to be parked within it, and also provide for the installation of vehicle lifts in order for the owners to service their pickup trucks.

Due to the above analysis, the variance is desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned "Rural General (A1) Zone" within the United Townships of Laxton Digby and Longford Zoning By-law 32-83. The A1 Zone permits a variety of rural and agricultural uses. The zone category also permits residential use. As the garage is an accessory building, it is subject to the General Provisions.

One of the functions of the General Provisions height provision is to ensure an accessory building remains visually ancillary to the primary use on the lot, which in this case is the dwelling. The ancillary function also ensures there are no adverse impacts to abutting lots.

As was examined in test 2, the garage will remain visually ancillary to the dwelling as a result of its placement behind the dwelling, spatial separation from the dwelling, and vegetative buffering of the property. No abutting uses are anticipated to be impacted from the height increase as the abutting lands are in a natural state.

The owners have advised that the additional garage height is requested to accommodate the camping trailer and hoists to regularly service their pickup trucks. No second storey is proposed.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?
Yes

The property is designated "Rural" within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation. The property has an established residential use.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

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 and Septic Division – Chief Building Official (February 3, 2022): No concerns. Completion of permit BP2021-1403 relating to the garage is required.

Development Engineering Division (February 4, 2022): No concerns.

Building and Septic Division – Part 8 Sewage Systems Supervisor (February 8, 2022): No concerns.

Public Comments:

No comments received as of February 8, 2022.

Attachments:



Appendices A-E to
COA2022-014

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Department and Agency Comments

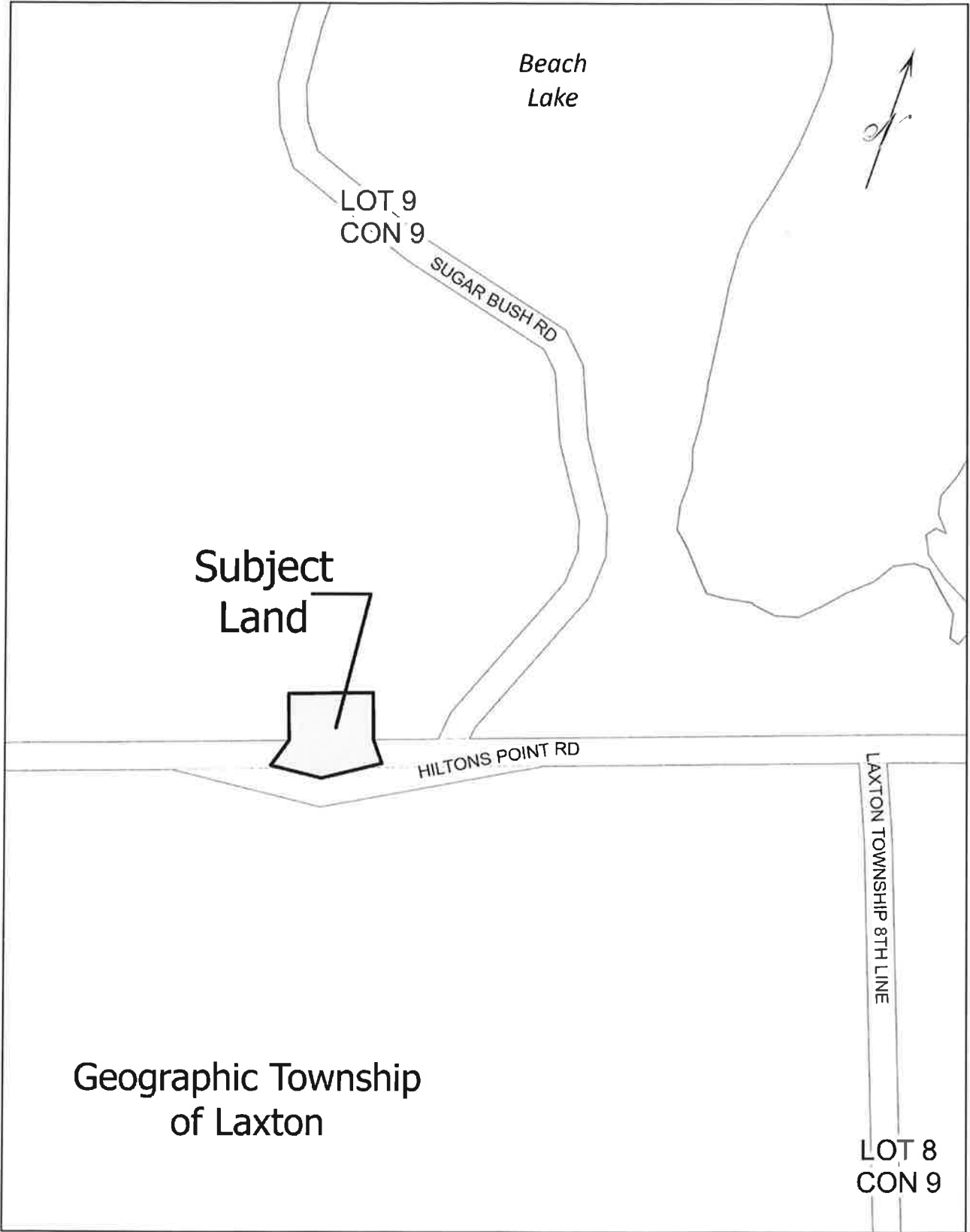
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Department File:	D20-2022-008

to

REPORT COA2022-014

FILE NO: D20-2022-008

D20-2022-008



228 Hilton's Point Road, geographic Township of Laxton



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. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

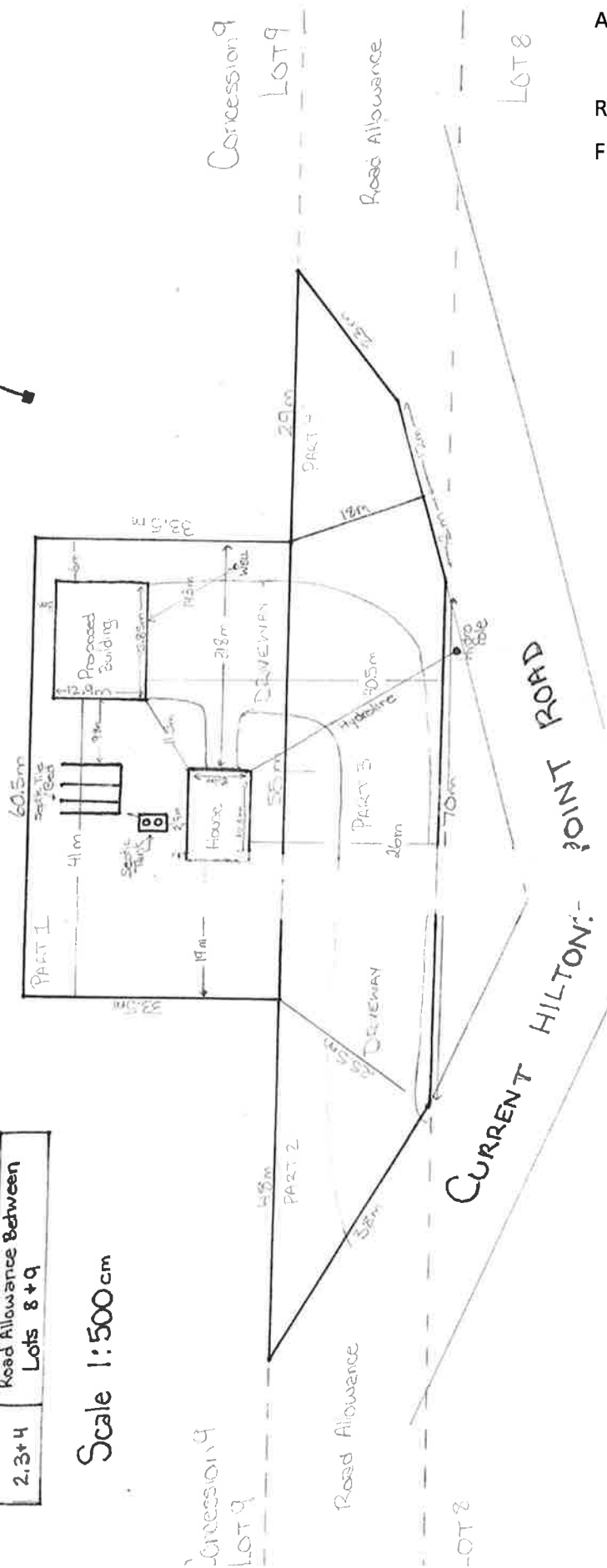
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

*boundaries of lot are approximate

Lot 9 Concession 9 Laxton

Schedule	
PART	DESCRIPTION
1	Lot 9, Concession 9
2, 3 + 4	Road Allowance Between Lots 8 + 9

Scale 1:500cm



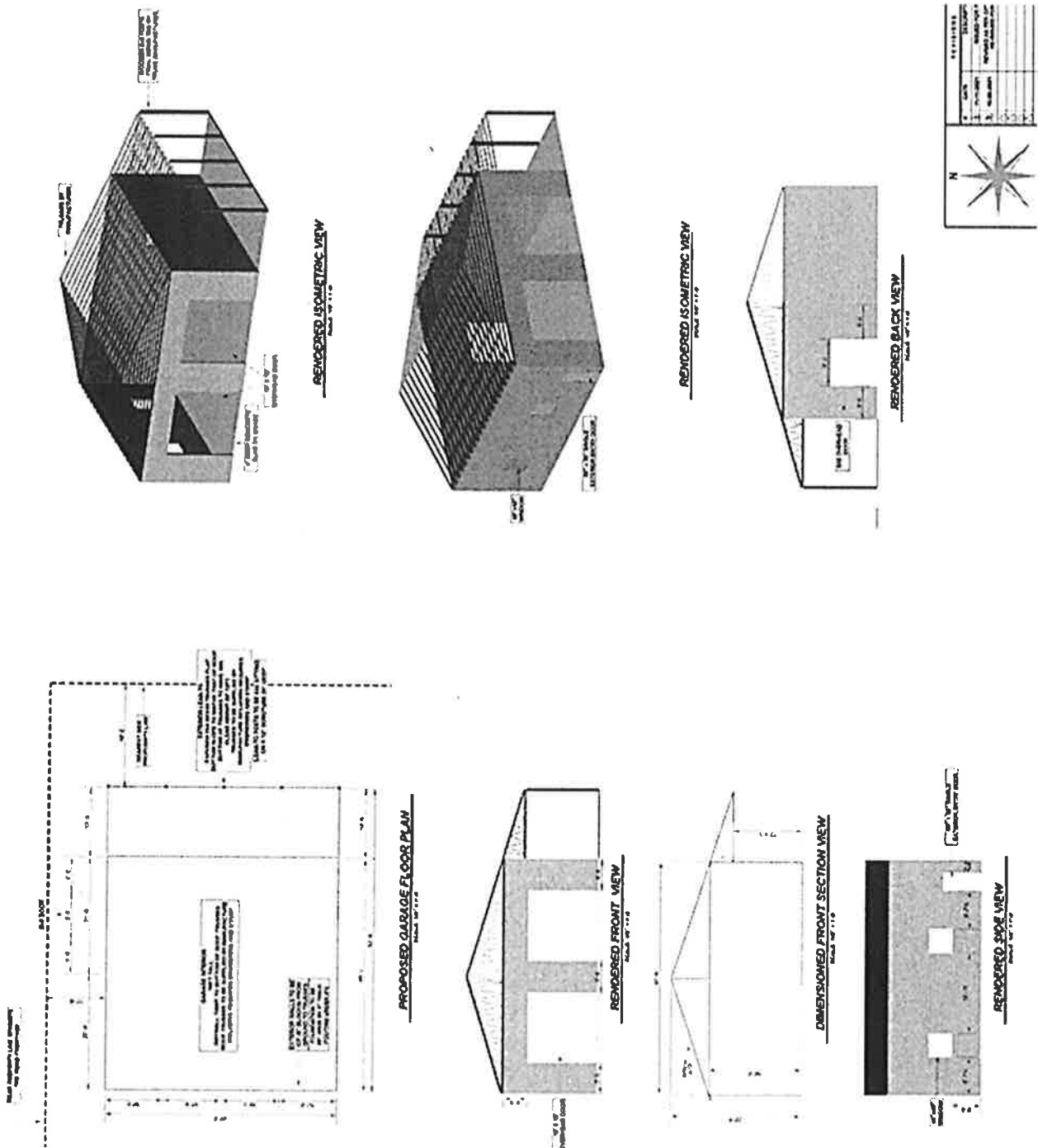
APPENDIX " C "

to

REPORT COA2022-014

FILE NO: D20-2022-008

to
REPORT COA2022-014
FILE NO: D20-2022-008



David Harding

From: Susanne Murchison
Sent: Thursday, February 3, 2022 5:13 PM
To: Charlotte Crockford
Cc: Mathew McKinnon
Subject: CofA comments

APPENDIX E
to
REPORT COA 2022-014

Follow Up Flag: Follow up
Flag Status: Flagged

FILE NO. D20-2022-008

The Building and Septic Division has the following comments, to be read in conjunction with comments provided by the Supervisor of Part 8 Sewage Systems:

- D20-2022-001 no concerns, a building permit is required for the proposed 2 storey addition
- D20-2022-003 no concerns, a building permit is required for the proposed addition to the commercial building (last known uses office/bakery/apartment)
- D20-2022-005 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-006 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-008 no concerns, completion of building permit application BP2021-1403 is required for the proposed detached garage
- D20-2022-009 no concerns, completion of building permit application BP2021-1114 is required for the proposed detached garage

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes - Building and Septic Division
180 Kent Street West, Lindsay ON K9V 2Y6
(705)-324-9411 ext. 1200
www.kawarthalakes.ca



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

David Harding

From: Kim Rhodes
Sent: Friday, February 4, 2022 11:29 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20220204 D20-2022-008 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-008

228 Hilton's Point Road

Part of Lots 8 and 9, Concession 9, and Part of Road Allowance Between Lots 8 and 9, Concession 9
Geographic Township of Laxton, Ward 1, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 18.1(c)(ii) to increase the maximum permitted height of an accessory building from 5 metres to 6.1 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.

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.

David Harding

From: Anne Elmhirst
Sent: Tuesday, February 8, 2022 4:51 PM
To: David Harding
Subject: D20-2022-008 - 228 Hilton's Point Rd

Hello David,

RE: Minor Variance Application D20-2022-008
228 Hilton's Point Rd, Former Laxton Township,
Roll No. 165142000109900
Owner: Kevin and Dietra Chynoweth

I have received and reviewed the proposal for minor variance to request relief in height for an accessory structure. The applicant is proposing to construct a detached garage in a similar location to the existing detached garage.

A site visit was conducted to review the location of the existing sewage system completed under files SS2015-0927 and LDL-45-89. The distribution lines for the leaching bed were located and evaluated for proximity to the proposed accessory structure. The sewage system distribution lines will be maintained a minimum of 6.25 metres from the closest point of the new structure.

As such, the Building and Septic Division has no concerns with the proposed minor variance application 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.