

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Julie and Andrew Austin
Report Number COA2022-001

Public Meeting

Meeting Date: May 19, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Somerville

Subject: The purpose and effect is to provide relief from Section 9.2(h) to increase the maximum lot coverage from 5% to 8.24% in order to recognize an existing +/- 1,176.76 square metre horse stable.

The variance is requested at **4953 Monck Road**, geographic Township of Somerville (File D20-2021-043).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations:

Resolved That Report COA2022-001, Austin, be received;

That minor variance application D20-2021-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the horse stable related to this approval shall be recognized generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-001, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance shall be completed within a period of four (4) 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 COA2022-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The owners applied for a building permit in 2018, which was subsequently cancelled after being incomplete after 12 months when land title issues remained unresolved. In their review and enforcement of matters within sourcewater protection areas, Kawartha Conservation flagged with the City's Building Division in 2020 that the horse stable was constructed, and enforcement was commenced. A building permit application was submitted in February, 2021. A zoning deficiency needs to be addressed prior to the issuance of the building permit.

The Minor Variance application was received in May 2021 with fees received in July 2021. Planning staff requested supplementary information through a title search in order to complete their evaluation and review of the application.

Proposal: To recognize an existing +/- 1,176.76 sq m horse stable for up to 5 horses.

Owners: Julie and Andrew Austin

Applicant: EcoVue Consulting Services Inc. (Kent Randall)

Legal Description: Part Block K on Plan 105, being Part 4 on RP 57R9973 and Part 1 on RP 57R9694, geographic Township of Somerville (Kinmount), City of Kawartha Lakes

Official Plan: Hamlet Settlement Area within the City of Kawartha Lakes Official Plan

Zone: Rural General (RG) Zone within the Township of Somerville Zoning By-law 78-45

Site Size: 1.47 ha (3.63 ac)

Site Servicing: Private individual well and septic system

Existing Uses: Rural residential

Adjacent Uses: Residential, commercial, rural, agricultural, and recreational.

Rationale:

1) Are the variances minor in nature? Yes

When evaluating the possible impacts of the variance, an assessment of environmental features, municipal functions and neighbouring properties is warranted.

The site is designated for restricted land use under Section 59 of the Clean Water Act, 2006 in relation to the Kinmount Municipal Water Supply System. Kawartha Conservation reviewed the project in consideration of the current Trent Source

Protection Plan, and determined that the proposal is not subject to Section 57 (Prohibition) or Section 58 (Risk Management) and therefore no prohibition or risk management plan is required as part of this application.

There are no anticipated impacts on the function of the municipal right of way with respect to access or drainage.

The stable is located to the rear of the owner's house and business, setback a significant distance from the street and neighbouring uses, and is not anticipated to impact the overall streetscape. Given the compatibility of surrounding land uses, acreage and siting of the horse stable, there are no anticipated impacts on neighbouring properties.

As such, the variance is minor in nature.

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

The size and location of the horse stable serves the recreational needs of the owners and does not preclude future development on adjacent lands. The stable was constructed in an area that was previously disturbed, and will not impact natural resources in the area.

As such, the proposal is 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 property is zoned Rural General (RG) Zone, permits the horse stable use and complies with the Minimum Distance Separation requirement.

As a point of comparison, had the lot been closer to 1 ha in size the coverage for accessory buildings increases to 8% from 5%.

The intent of the maximum lot coverage provision is to limit overdevelopment on a property and to ensure adequate open space is available for drainage. The size of the horse stable does not impede stormwater infiltration, while maintaining ample open space. The scale of the increased square footage is imperceptible from the street.

As such the variances maintain the 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 a Hamlet Settlement Area, with a goal to accommodate small-scale residential and non-residential development; and, with objectives to maintain the existing character and amenities, and, to ensure development is adequately serviced and does not impact soil, water and other natural resources. The existing dwelling and its accessory uses are permitted.

As such, the variances maintain the 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 septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from the following parties.

Agency Comments:

DS-Building and Septic Division, Plans Examiner: At original application BP2018-1137 the property was deemed to not have lot frontage, building permit BP2018-1137 was then cancelled; construction occurred after cancellation of permit BP2018-1137; permit required a minor variance therefore permit fees are tripled as per by-law 2021-161; property is also located in a source water protection area, completion of pending permit file BP2021-0150.

DS-Building and Septic Division, Supervisor – Part 8 Sewage Systems: The structure does not incorporate any proposed plumbing and has not been constructed in an area of proximity to any established sewage systems. As such, the Building and Septic Division has no concerns relating to private sewage disposal for this application.

EA-Development Engineering Division, Manager: From an engineering perspective, we have no objection to the proposed Minor Variance.

Public Comments:

No comments received as of the writing of the staff report.

Attachments:

Appendices
A-E_Monck Rd_Aust

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

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthlakes.ca
Department Head:	Richard Holy, Director of Development Services
Department File:	D20-2021-043

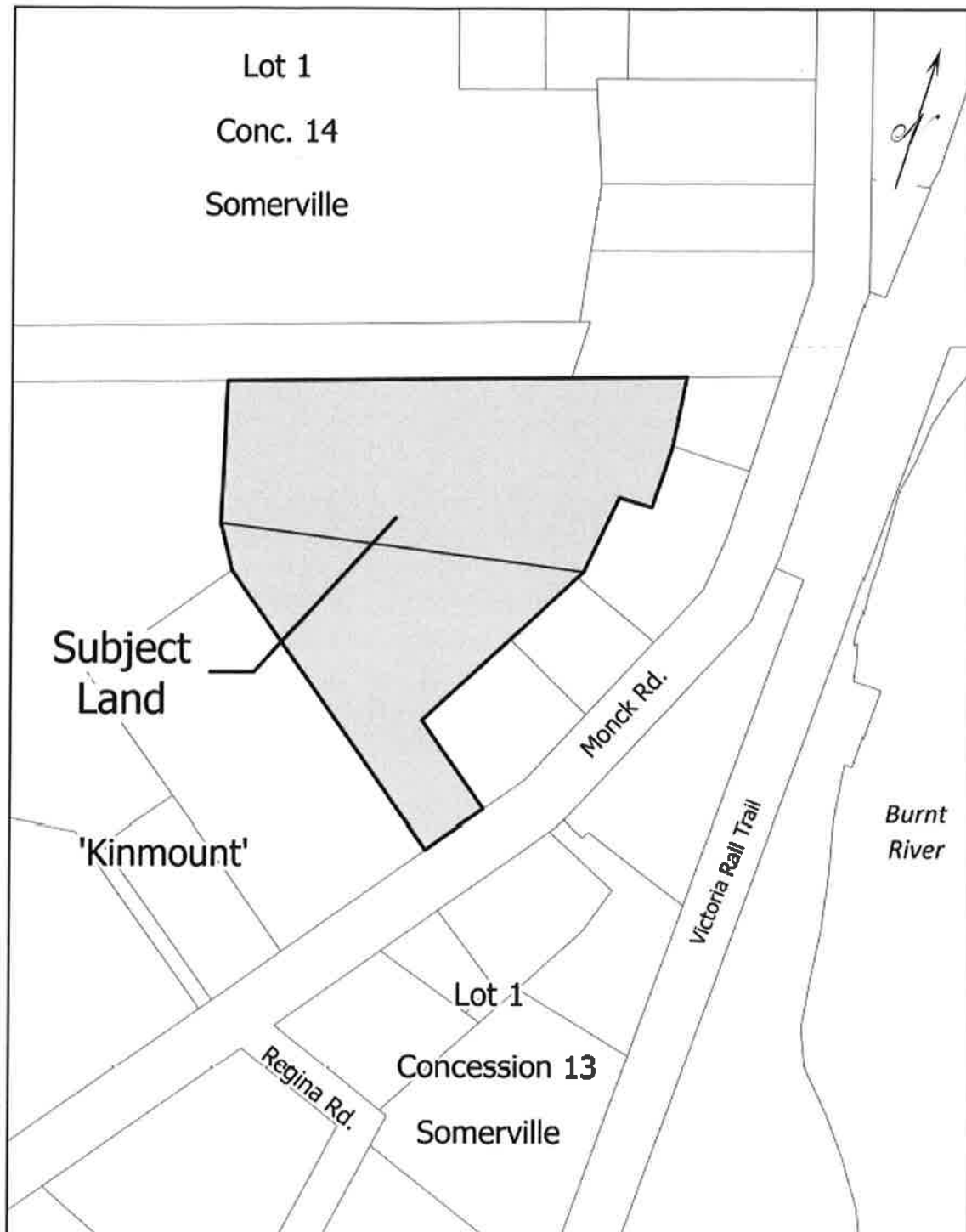
to

REPORT COA2022-001

FILE NO: D20-2021-043

LOCATION MAP

D20-2021-043

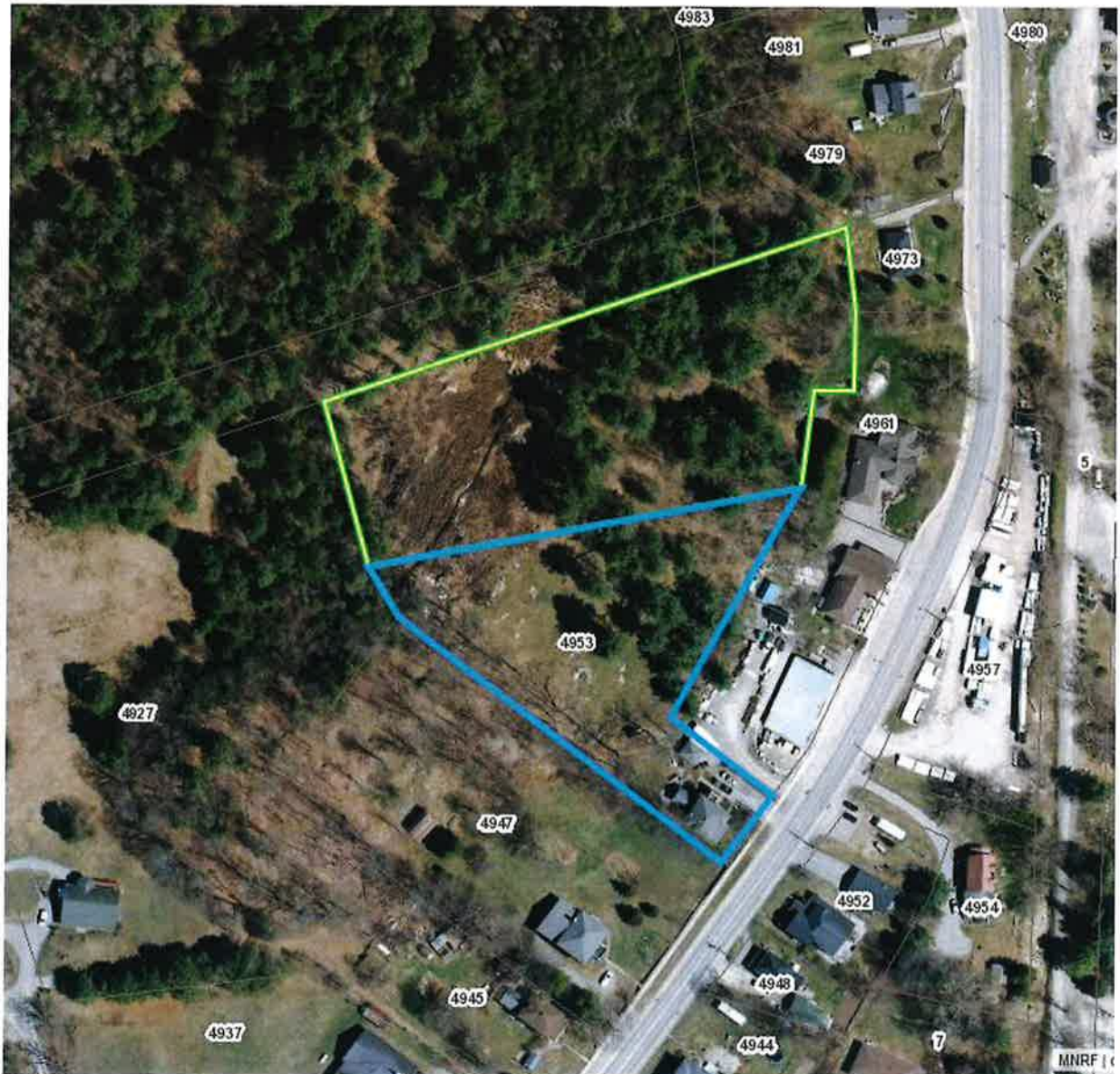


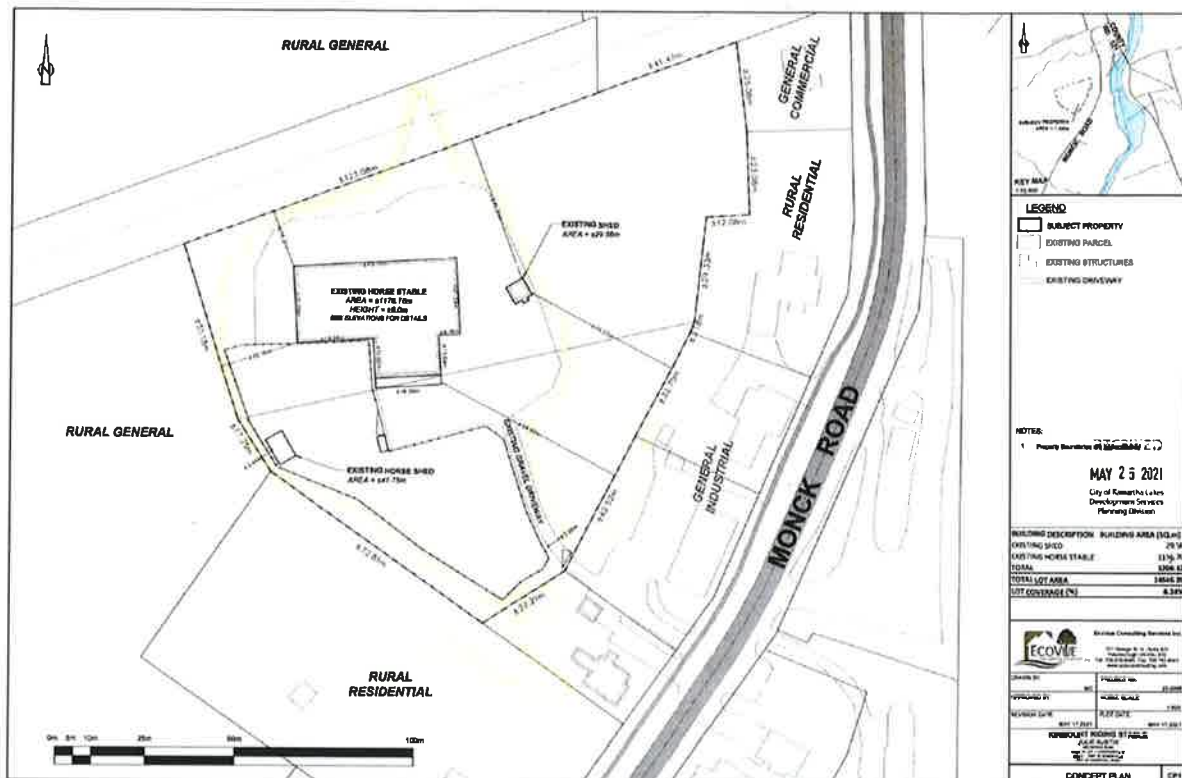
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AERIAL PHOTO



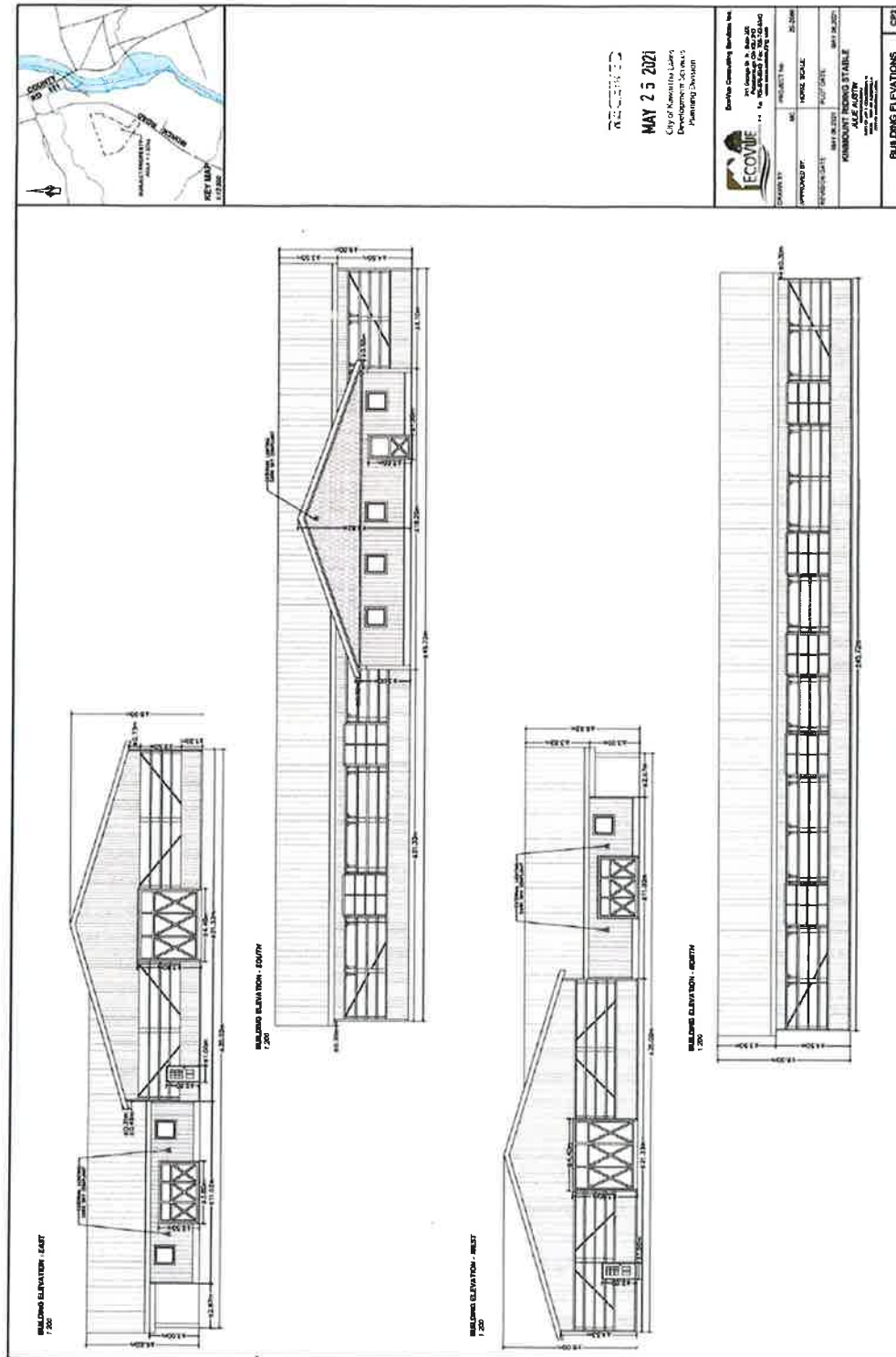


to

REPORT COA2022-001

FILE NO: D20-2021-043

ELEVATIONS



to

REPORT COA2022-001FILE NO: D20-2021-043**COMMENTS****From:** Mathew McKinnon <mmckinnon@kawarthalakes.ca>**Sent:** Monday, May 9, 2022 9:04 AM**To:** Charlotte Crockford <ccrockford@kawarthalakes.ca>**Cc:** Susanne Murchison <smurchison@kawarthalakes.ca>**Subject:** RE: Notice of Public Hearing for Minor Variances May 2022

The following comments are provided from the Building & Septic Division, save and except those comments provided separately by the Supervisor of Part 8 Sewage Systems:

D20-2021-043 – at original application BP2018-1137 the property was deemed to not have lot frontage, building permit BP2018-1137 was then cancelled; construction occurred after cancellation of permit BP2018-1137; permit required a minor variance therefore permit fees are tripled as per by-law 2021-161; property is also located in a source water protection area, completion of pending permit file BP2021-0150

Mathew McKinnon

Plans Examiner

Development Services, City of Kawartha Lakes

Tel: (705) 324-9411 ext. 1273 www.kawarthalakes.ca

From: Anne Elmhirst <aelmhirst@kawarthalakes.ca>**Sent:** Wednesday, August 4, 2021 10:15 AM**To:** Charlotte Crockford <ccrockford@kawarthalakes.ca>**Subject:** D20-2021-043 - 4953 Monck Rd

Hello Charlotte,

I have received and reviewed the minor variance application to request relief for lot coverage to allow a personal horse barn at the property of 4953 Monck Road.

The structure does not incorporate any proposed plumbing and has not been constructed in an area of proximity to any established sewage systems.

As such, the Building and Septic Division has no concerns relating to private sewage disposal for this application.

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

From: Lisa Peimann <lpeimann@kawarthalakes.ca>

Sent: Thursday, May 5, 2022 8:11 AM

To: Mark LaHay <MLaHay@kawarthalakes.ca>

Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>

Subject: 20220504 D20-2021-043 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-043

4953 Monck Road

Part Block K on Plan 105, being Part 4 on RP 57R9973 and Part 1 on RP 57R9694

Geographic Township of Somerville (Hamlet of Kinmount), Ward 2, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to provide relief from Section 9.2(h) to increase the maximum lot coverage from 5% to 8.24% in order to recognize an existing +/- 1,176.76 square metre horse stable.

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