

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Mark and Kaitlyn Morrison
Report Number COA2021-005

Public Meeting

Meeting Date: February 18, 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 to request relief from Section 3.1.3.1 a) in order to increase the total allowable lot coverage of all accessory buildings and structures, excluding outdoor swimming pools from 10% of the lot area to a maximum of 100 square metres to 163.28 square metres in order to allow for the construction of a new detached garage.

The variance is requested at 4 Bruce Street, geographic Township of Mariposa (File D20-2020-047).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-005 Morrison, be received;

That minor variance application D20-2020-047 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 COA2021-005, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structure identified on Appendix C to Report COA2021-005 as 'Existing Temporary Steel Shed' has been removed,
- 3) **That** within three (3) months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the above-ground pool identified on Appendix C to Report COA2021-005 as 'Above Ground Pool' has been removed, and;

- 4) **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 COA2021-005. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner contacted the Planning Division following direction from the Building Division relating to a potential lot coverage exceedance based on the plans for a new detached garage.

The parcel currently addressed as 4 Bruce Street was once three separate Property Identification Numbers (PINs) under two civic addresses known as 2 & 4 Bruce Street. Historically, a portion of the property was owned by the City of Kawartha Lakes, serving as a pumphouse for the Oakwood water distribution and supply network.

Following confirmation from both Realty Services Division and the owner's solicitor that the aforementioned PINs were consolidated and no Deeming By-law would be required, Planning Staff conducted a cursory review of the proposal and confirmed that the maximum allowable lot coverage for Accessory Buildings and Structures based on the zone category would be exceeded and a minor variance would be required.

The application was deemed complete on December 22, 2020.

Proposal: To construct a new 103.9 square metre (1,118 square feet) two-bay detached garage with partial walk-up storage loft. The garage is not intended for human habitation.

Owners: Mark and Kaitlyn Morrison

Applicants: Mark and Kaityln Morrison

Legal Description: 4 Bruce Street, Lot 49, Plan 570, Part of Lot 16, Concession 8, geographic Township of Mariposa, City of Kawartha Lakes

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

Zone: Hamlet Residential Exception One (HR-1) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 1,625.80 square metres (17,500 square feet)

Site Servicing: Municipal water supply and private septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Bruce Street, Hamlet Residential
West: Eldon Road, Hamlet Residential

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 within the Hamlet of Oakwood on a through-lot that is bound by Eldon Road to the west, Bruce Street to the north and Doble Street to the east. The residence forms part of a residential subdivision in which the homes range from bungalows to two-storey detached dwellings with design elements reminiscent of the style of homes created in the mid-to-late 1980's. The property is composed of a bungalow with a detached one-bay garage, steel garden shed and an attached wooden deck leading from rear patio doors to an above-ground pool. A portion of the property previously contained a pumphouse associated with the Oakwood water distribution and supply system. To the west of the subject lands are several rural residential lots fronting onto Eldon Road before the land use transitions to agricultural fields under production.

The proposed detached garage will function separately from the existing detached one-bay garage and comply with all spatial distance separation requirements. An existing gravel driveway will provide access to the proposed garage, which will be located in the rear yard of the property. Since the height of the garage at 4.95 metres to the midpoint of the rafter complies with the maximum allowable height provision for accessory structures and there are no habitable buildings to the south and west of the proposed detached garage, there are no anticipated massing impacts to the properties fronting onto adjacent Doble Street. The proposed garage will complement the character of the property and streetscape by providing enclosed storage for a trailer, boat, vehicles and other items that would otherwise be stored outside within the rear yard.

A new wooden fence on the western and southern lot lines is proposed in order to demarcate property boundaries and provide an additional element of privacy to the property. A portion of the newer fence has been installed on the eastern lot line (Doble Street side), which the intended fence will match once constructed. The metal shed in the southwest corner of the lot will be removed as will be discussed in Rationale 3 of the report.

The increased lot coverage as a result of the garage does not impair the area of available amenity space of the property, as the deck to the pool and a spacious southwest corner remain available.

Due to the above analysis, the variance is minor in nature and 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 Hamlet Residential Exception One (HR-1) Zone in the Township of Mariposa Zoning By-law 94-07. The Exception pertains to a minimum lot area of 1,390 square metres and a minimum lot frontage of 22 metres. All other provisions and permitted uses of the Hamlet Residential (HR) Zone apply. The property is compliant with the minimum lot area and frontage requirements of the HR-1 Zone.

Section 3.1.3.1 a) of the General Provisions of the Zoning By-law sets a maximum lot coverage for accessory buildings or structures, exclusive of a private garage attached to the main building and outdoor swimming pools within the Hamlet Residential Exception One (HR-1) Zone category. Lot coverage shall not exceed 10% of the lot area to a maximum of 100 square metres. The modest 103.9 square metre building presents an exceedance of 63.28 Square metres from what is permissible; however, the total lot coverage for accessory buildings and structures is still less than the 10% requirement at 8.39%. Correspondingly, the total lot coverage would also still be nearly 50% less than the required 30% maximum lot coverage of the HR Zone category at approximately 17.02%.

One of the objectives of the lot coverage provision under the HR-1 Zone category is to restrict the size of accessory buildings on much smaller lots within the Hamlets of Oakwood, Manilla, Little Britain, Taylor Corner's, Valentia, Cresswell and Sonya. From Bruce Street, the existing dwelling maintains prominence as the primary use on the property with the proposed garage being setback from Bruce Street in relation to the dwelling. Also, sufficient open space for amenity space, servicing (i.e. private sewage system with municipal water supply) and storm water infiltration exists on the lot; thus, it is appropriate to permit the additional lot coverage.

The 'existing temporary steel shed' as identified within Appendix C of the application within the southwest corner of the property line will be removed upon completion of construction. The steel shed was acknowledged during the pre-screening process and the applicant has agreed to remove the structure. Condition 2 is recommended in order to confirm removal of the structure.

The 'above ground pool' identified within Appendix C of the application will be removed from the property. The Supervisor – Part 8 Sewage Systems of the Building Division has provided comments by indicating there are spatial separation concerns with respect to the proximity of the above-ground pool and the sewage system. Specific comments from the Supervisor – Part 8 Sewage Systems are included in the 'Agency Comments' section of the report. The

applicant acknowledges staff concerns and has agreed to remove the above-ground pool. Condition 3 is recommended in order to confirm removal of the above-ground pool in a timely manner.

Therefore, the variances maintain 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 Hamlet Settlement Area within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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

Other Alternatives Considered: No alternatives have been considered at this time.

Servicing Comments:

The property is serviced by municipal water supply 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:

Development Engineering Division (January 21, 2021): No objections.

Building Division (January 21, 2021): No concerns.

Community Services Division (January 21, 2021): No comments or concerns.

Part 8 Sewage Systems – Building Division (January 22, 2021): A site visit and sewage system review were conducted with the owner to determine allowances for the detached garage. It was noted during the site visit that the above-ground pool and a portion of the existing deck were located on the sewage system. These items would need to be relocated off the system or removed from the property in order to bring the sewage system into compliance with requirements of the legislation at the time of approval.

Upon review of the site plan provided for circulation, it appears these items were not relocated or removed. Should the items be relocated it may alter the location of the garage. Confirmation of the proposed position of the deck and pool to ensure that there will not be any compliance issue with the sewage system or the proposed location of the garage is requested.

Public Comments: No comments have been received as of February 8, 2021.

Attachments:



Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's 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: Chris Marshall, Director of Development Services
Department File: D20-2020-047

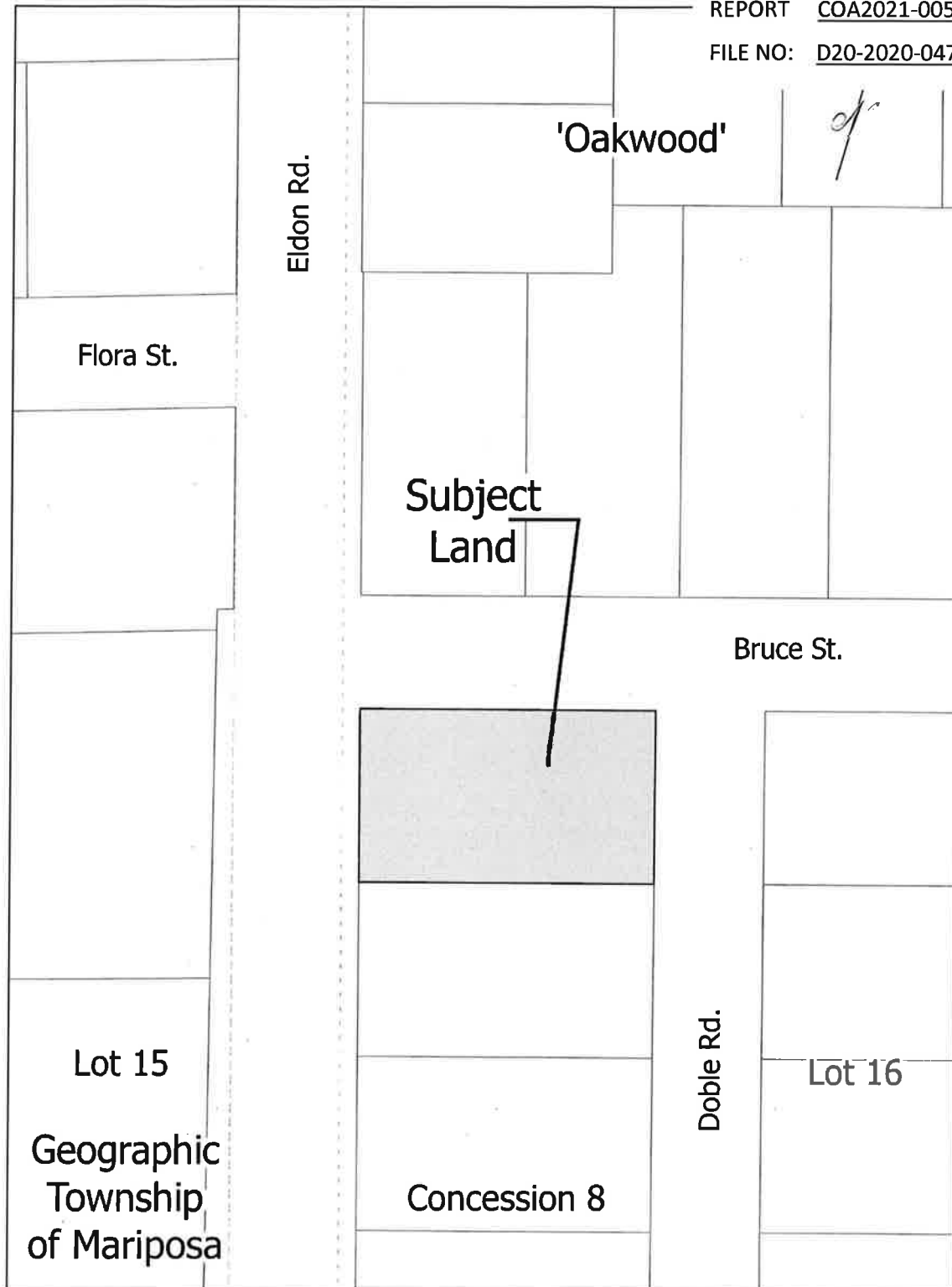
APPENDIX " A "

D20-2020-047

to

REPORT COA2021-005

FILE NO: D20-2020-047





GEOMATICS
MAPPING

4 Bruce Street (Oakwood), Geographic Township of Mariposa



0.06

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

Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

Notes

APPENDIX " B "

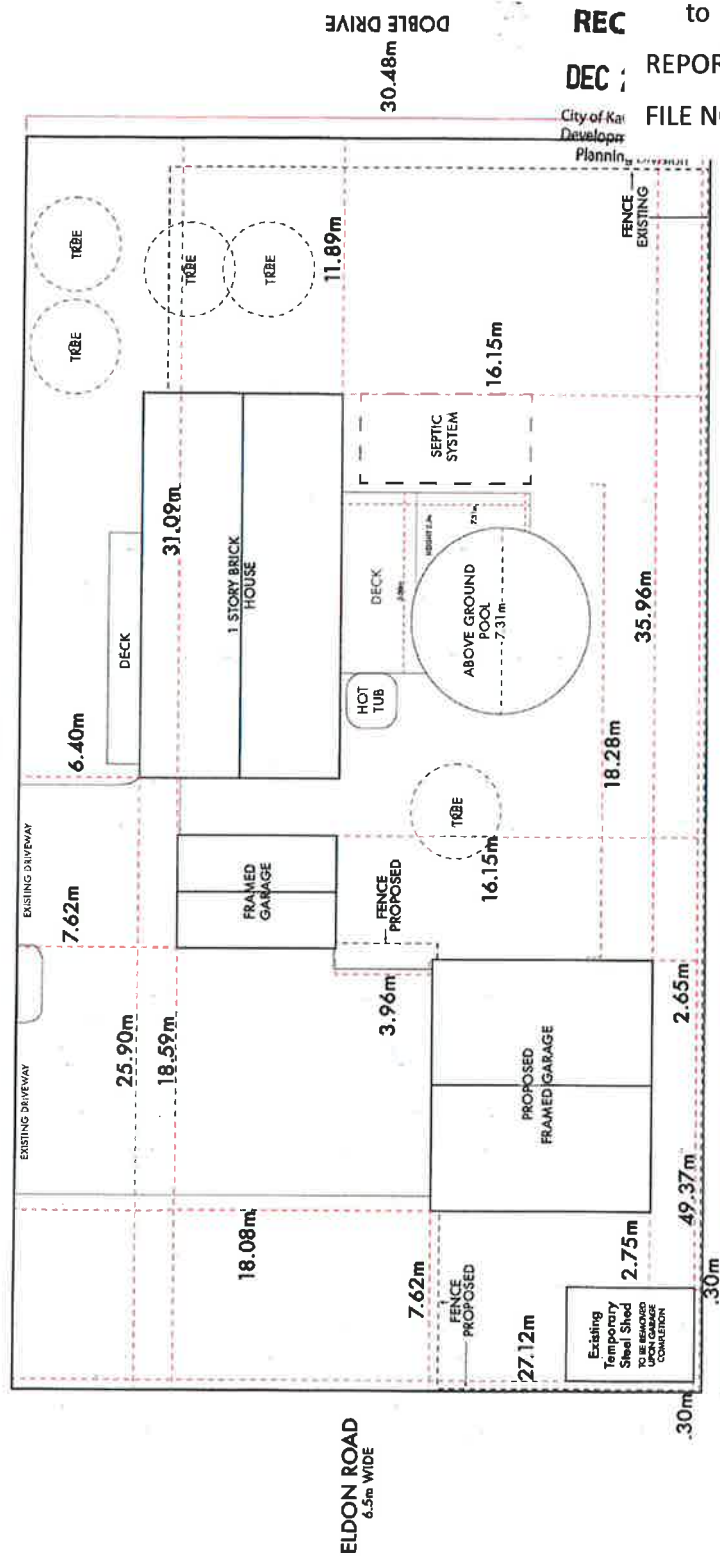
to

REPORT COA2021-005

FILE NO: D20-2020-047

BRUCE STREET

4 Bruce St
Kawartha Lakes ON
KOM 2M0

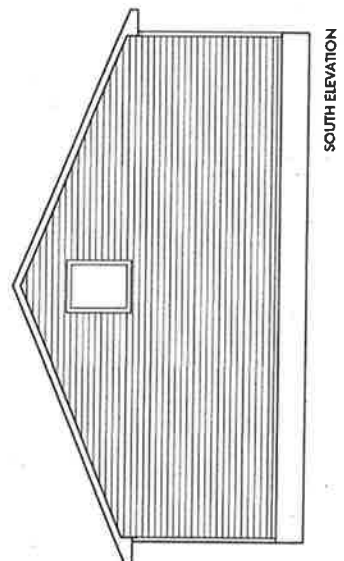
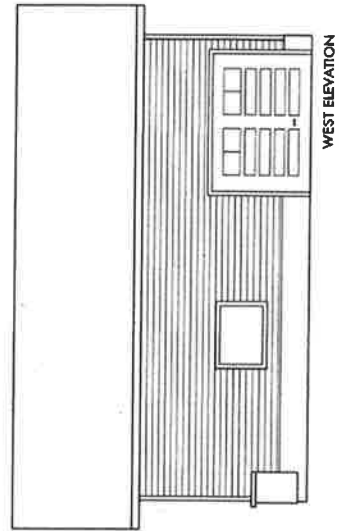
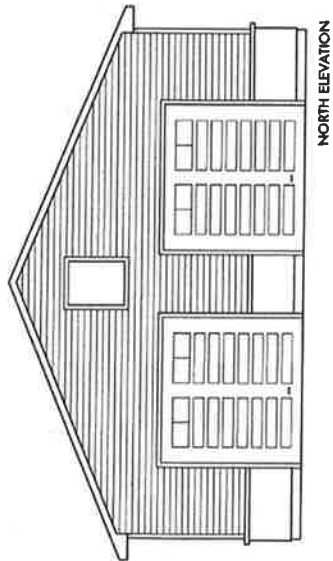
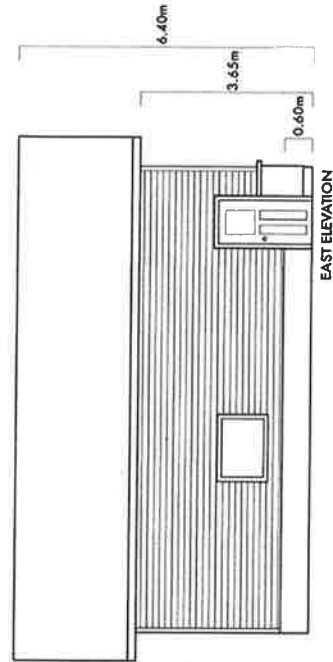


NOTE*
NEW FENCE TO BE BUILT FOLLOWING
COMPLETION OF GARAGE

APPENDIX " C "

REC to
DEC : REPORT COA2021-005
City of Kar FILE NO: D20-2020-047

ELEVATIONS 4 Bruce St
Kawartha Lakes ON
KOM 2M0



APPENDIX " D "

to

REPORT COA2021-005

FILE NO: D20-2020-047

Kent Stainton

From: Anne Elmhirst
Sent: Friday, January 22, 2021 1:36 PM
To: Charlotte Crockford
Subject: RE: Advanced Circulation for Minor Variance D20-2020-047, 4 Bruce Street, Mariposa

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " E
to
REPORT COA2021-005

FILE NO. D20-2020-047

Hello Charlotte,

I have reviewed the Minor Variance Application D20-2020-047, 4 Bruce Street to permit the construction of a detached garage.

A site visit and sewage system review were conducted with the owner to determine allowances for the detached garage. It was noted during the site visit that the above-ground pool and a portion of the existing deck were located on the sewage system. These items would need to be relocated off the system or removed from the property to bring the sewage system into compliance with the requirements of the legislation at the time of approval.

I note in the site plan, provided for circulation, that these items have not been relocated, nor removed. Should the items be relocated it may alter the request for minor variance for the placement of the garage. I will need confirmation of the proposed position of the deck and pool to ensure that there will not be any compliance issue with the sewage system or the proposed detached garage.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building 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
Sent: Wednesday, January 20, 2021 4:28 PM
To: Christina Sisson ; Kim Rhodes ; Amber Hayter ; Cathie Ritchie ; LeAnn Donnelly ; Andrew Veale ; Susanne Murchison ; Derryk Wolven ; Anne Elmhirst
Subject: Advanced Circulation for Minor Variance D20-2020-047, 4 Bruce Street, Mariposa
Importance: High

Kent Stainton

From: Mark LaHay
Sent: Thursday, January 21, 2021 12:46 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210121 D20-2020-047 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Thursday, January 21, 2021 11:27 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210121 D20-2020-047 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-047
4 Bruce Street
Part Lot 16, Concession 4
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.3.1 a) to increase the maximum allowable lot coverage of all buildings and structures, excluding outdoor swimming pools from 10% of the lot area to a maximum of 100 square metres in the Hamlet Residential Exception 1 (HR-1) Zone to 163.28 square metres in order to permit the construction of a new 103.9 square metre 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.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca





Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date: January 21, 2021
To: Committee of Adjustment
From: LeAnn Donnelly, Executive Assistant, Community Services
Re: Minor Variance – Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2020-037	18 Westlake Court, Fenelon
D20-2020-045	128 Romany ranch Road, Fenelon
D20-2020-046	120 Charlore Park Road, Emily
D20-2020-047	4 Bruce Street, Mariposa
D20-2020-048	121 Grassy Road, Emily

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services
705-324-9411 ext. 1300

Kent Stainton

From: Derryk Wolven
Sent: Thursday, January 21, 2021 10:01 AM
To: Charlotte Crockford
Subject: D20-2020-047 4 Bruce St

Please be advised building division has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca

