

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Etherington
Report Number COA2024-009

Public Meeting

Meeting Date: January 25, 2024
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 facilitate the construction of a detached garage.

Relief sought:

1. Section 3.1.3.2. of the Zoning By-law permits a maximum height of 5 metres for accessory structures. The proposed height is 5.17 metres.

The variance is requested at **938 Zion Road** (File D20-2023-094).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-009 – Etherington, be received;

That minor variance application D20-2023-094 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and structural drawings in Appendix D submitted as part of Report COA2024-009 which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2024-009. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a detached garage
Owners:	Sara and Ian Etherington
Applicant:	Ian Etherington
Legal Description:	Part Lot 16, Concession 2 (being Part 1 on Reference Plan 57R-1212)
Official Plan ¹ :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Agricultural (A1) Zone (Township of Mariposa Zoning By-law 94-07)
Site Size:	4,058.14 square metres
Site Access:	Zion Road (year-round municipal road)
Site Servicing:	Private individual well and septic
Existing Uses:	Residential
Adjacent Uses:	Residential and Agricultural

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in an agricultural area, within the geographic Township of Mariposa. The property is rectangular in shape and has frontage onto Zion Road (a public road). The property currently contains single detached dwelling with an attached garage constructed in 1975, a wrap-around deck, an above-ground pool, two sheds, and two small shelters for a chicken coop.

The proposal is to install a pre-fabricated detached garage. The applicant has stated that the purpose of the garage is for personal use, for the storage/parking of vehicles and personal equipment. The family currently residing on the property is comprised of 6 children and the parents. As the family has grown, the current existing garage has become insufficient to accommodate the expanding needs of

¹ See Schedule 1

² See Schedule 1

vehicle storage. The children are getting to the driving age and will be acquiring vehicles of their own soon. Therefore, the construction of the proposed detached garage is essential to meet the practical requirements of the family. It is important to note that the garage in question was pre-manufactured. The proposed detached garage will be used exclusively for personal purposes, serving as a storage facility for the family's vehicles and personal equipment. It is not intended for commercial use or any activities that would disrupt the residential character of the neighborhood.

Moreover, the location of the proposed detached garage is not clearly visible from neighbouring properties as it is guarded by tall vegetation from both the subject property and the neighbouring property. In the abutting neighbouring property, there are no dwellings or structures nearby the proposed detached garage. The garage is located 22 metres away from the existing dwelling, avoiding any potential for overcrowding and/or shadowing issues.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan (2012). The proposed detached garage is a permitted accessory building to a dwelling in the Prime Agricultural designation; performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Agricultural (A1) Zone under the Township of Mariposa Zoning By-law 94-07. As per Section 8.2.1.7 of the Zoning By-law, the subject property is less than 1 hectare and as a result, the permitted uses and provisions of the Rural Residential Type One (RR1) Zone apply.

The RR1 Zone permits residential uses and accessory structures thereto.

The proposed detached garage would be located in the side yard, adhering to all required minimum setbacks except the maximum height for accessory structures.

As per Section 3.1.3.2. of the Zoning By-law, a maximum height of 5 metres is permitted for all accessory structures, the proposed height of the detached garage is 5.17 metres. The intent of this provision is to regulate the vertical dimension of accessory structures while preserving the visual character of an area and preventing structures from overshadowing neighbouring properties. The proposed detached garage is pre-fabricated with a higher pitch design to allow for better rain and snow runoff. The variance in height is minimal, with a difference of 0.17 metres. Additionally, the proposed location of the detached garage is situated in a less visible area on the property, guarded by tall vegetation from both the subject property and the neighbouring property. In the abutting neighbouring property,

there are no dwellings or structures nearby the proposed detached garage. As a result, variance in height of the proposed detached garage is minimal and ensures the intent of this provision is being supported while being attentive of visibility and shadows.

The Notice circulated as part of this application included the need for relief from Section 3.1.3.1 of the Zoning By-law for exceeding the maximum permitted lot coverage for accessory structures. Upon further review, it has been determined that the proposed detached garage complies with this section and relief will not be needed from Section 3.1.3.1.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

E&CA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Septic): “A sewage system use permit was located for the property. The use permit indicates the sewage system has been constructed in the south yard of the dwelling. The detached garage is being proposed in the east yard of the dwelling. The garage construction will remain inline or slightly in front of the rear dwelling wall. The placement of the garage will ensure the required minimum clearance distances to the sewage system are being maintained. Additionally, the garage does not have any plumbing fixtures or habitable space incorporated in the proposal. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

Public Comments:

Jacob Weber (Owner of 930 Zion Road): “I am the direct neighbour to the west of the subject property (938 Zion Rd). I have viewed the site and understand the

build plan, and I have no objection to the minor variance or the building as proposed.”

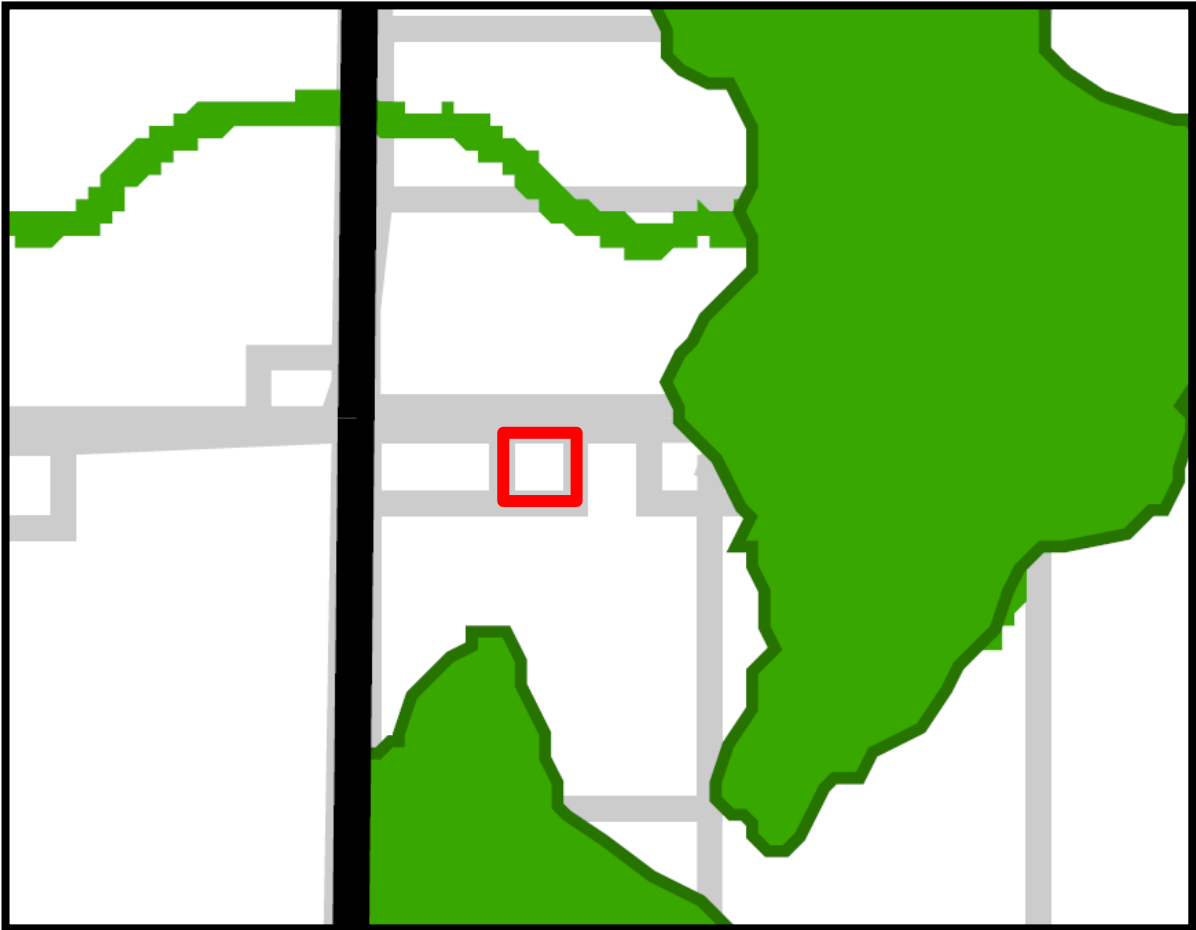
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Structural Drawings

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E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-094

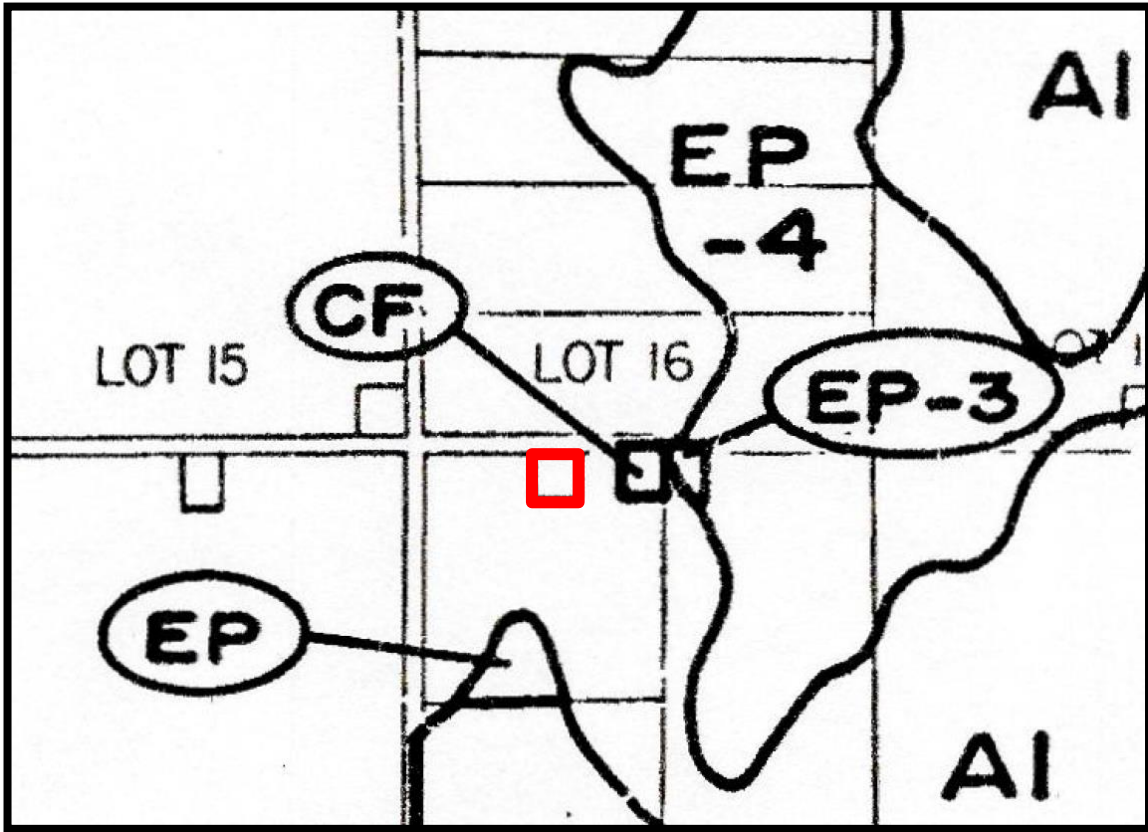
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 15 – Prime Agricultural Designation

Township of Mariposa Zoning By-law 94-07



SECTION 3 – GENERAL PROVISIONS

3.1 ACCESSORY BUILDING, STRUCTURES AND USES

3.1.3 LOT COVERAGE AND HEIGHT

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. (B/L 2002-139)

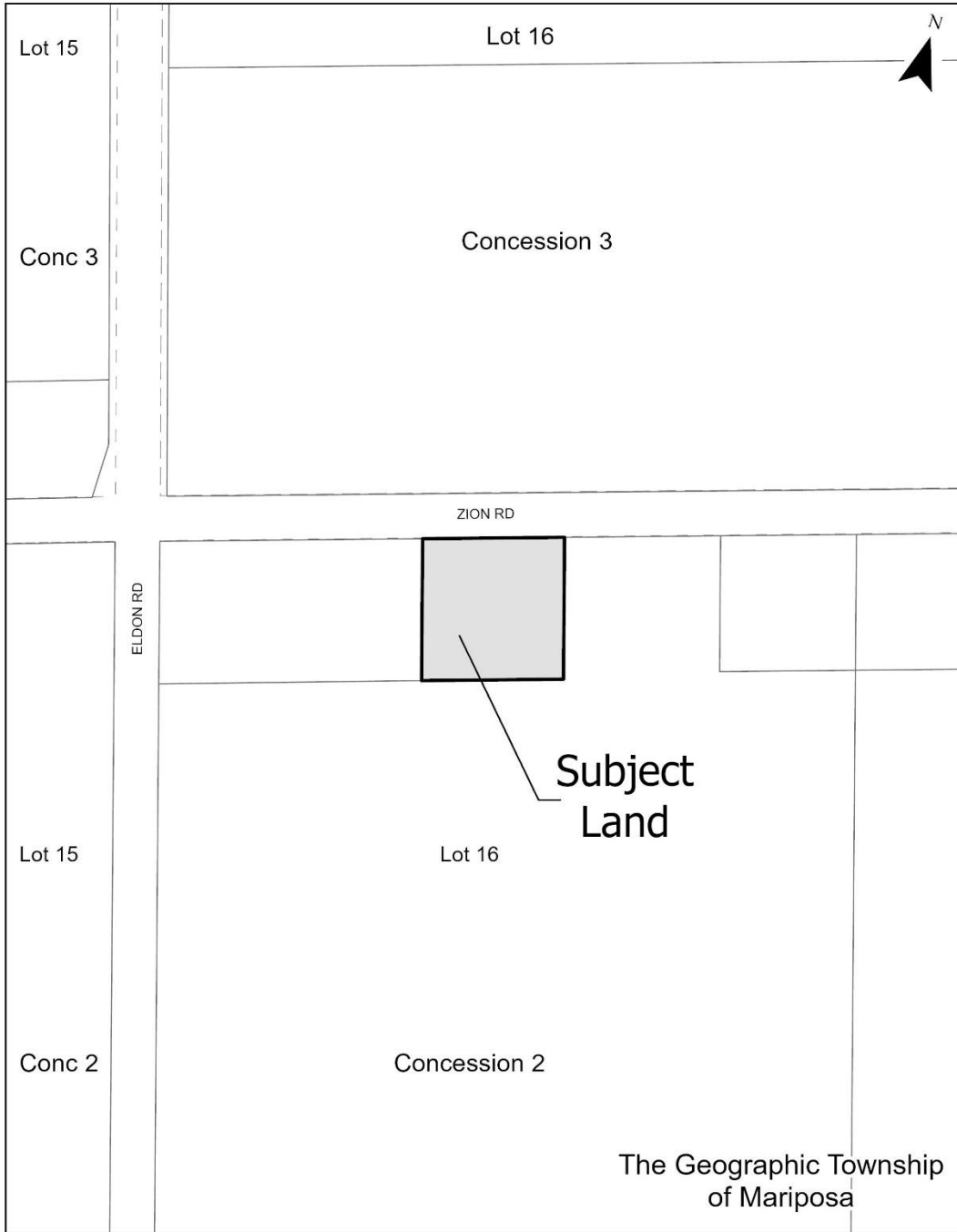
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LOCATION MAP

D20-2023-094



APPENDIX " B "

to

REPORT COA2024-009

FILE NO: D20-2023-094

AERIAL IMAGERY



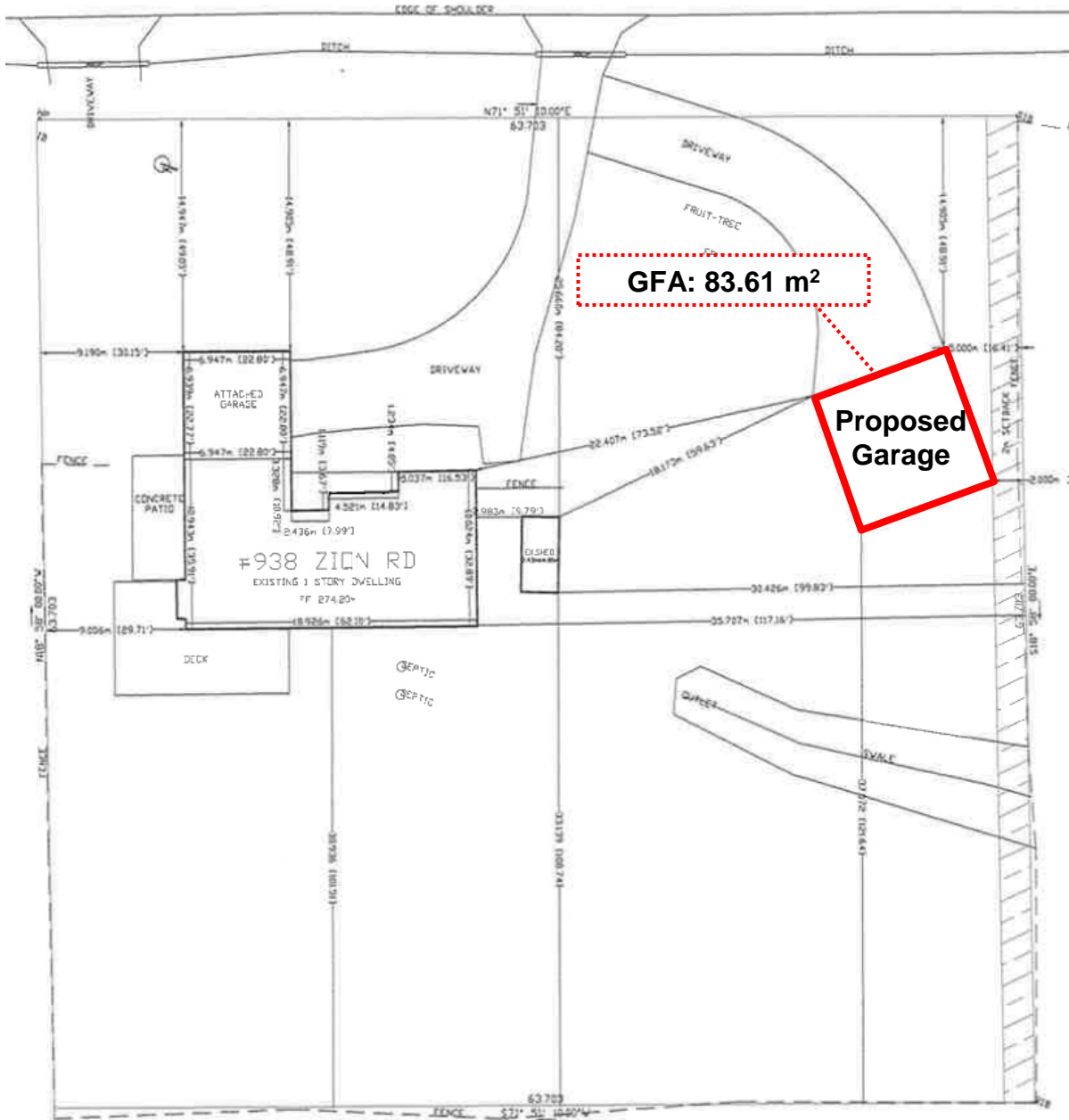
APPENDIX " C "

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APPLICANT'S SKETCH



Proposed Height: 5.17 m

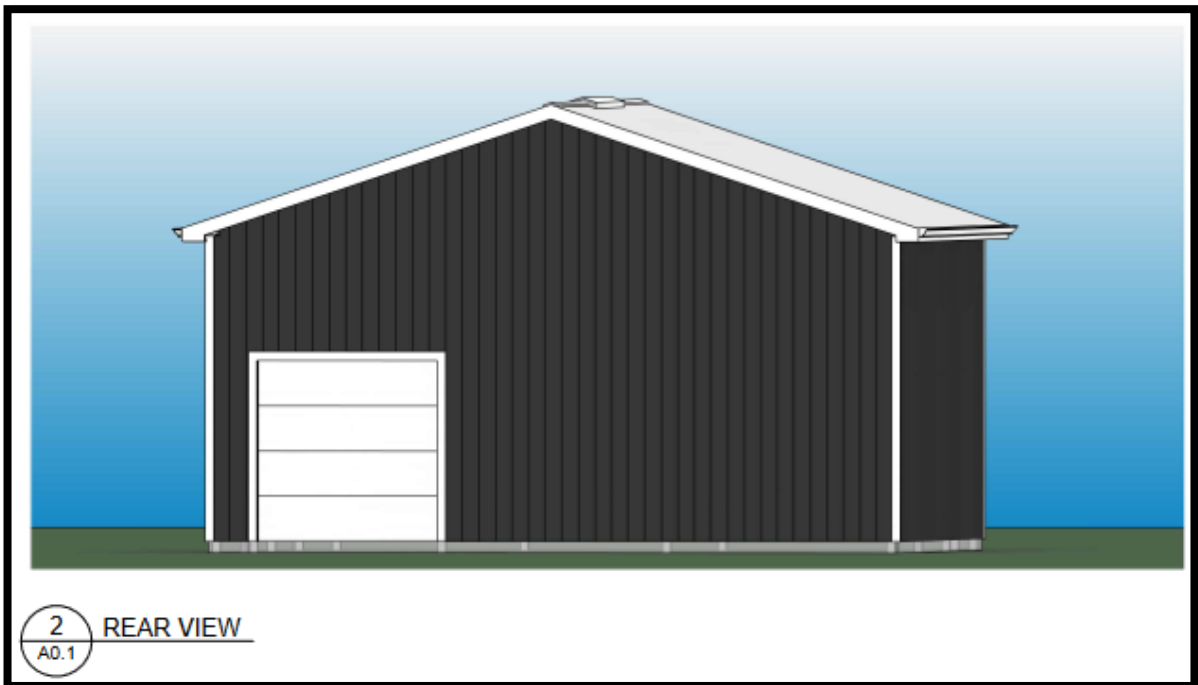
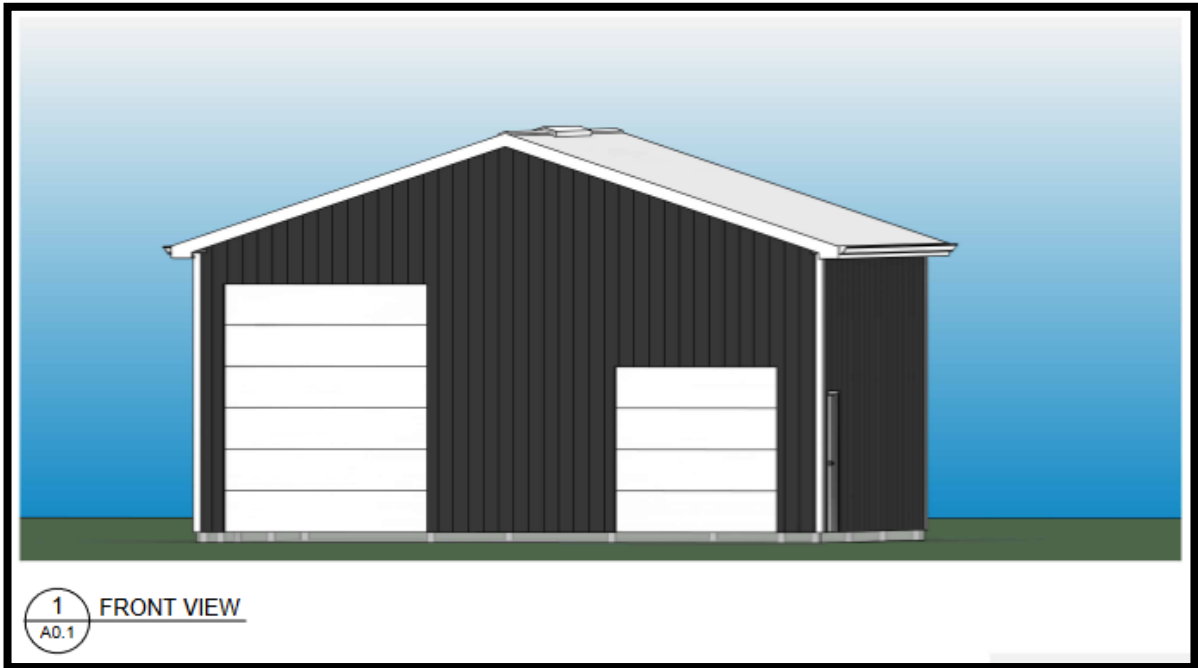
APPENDIX “ D ”

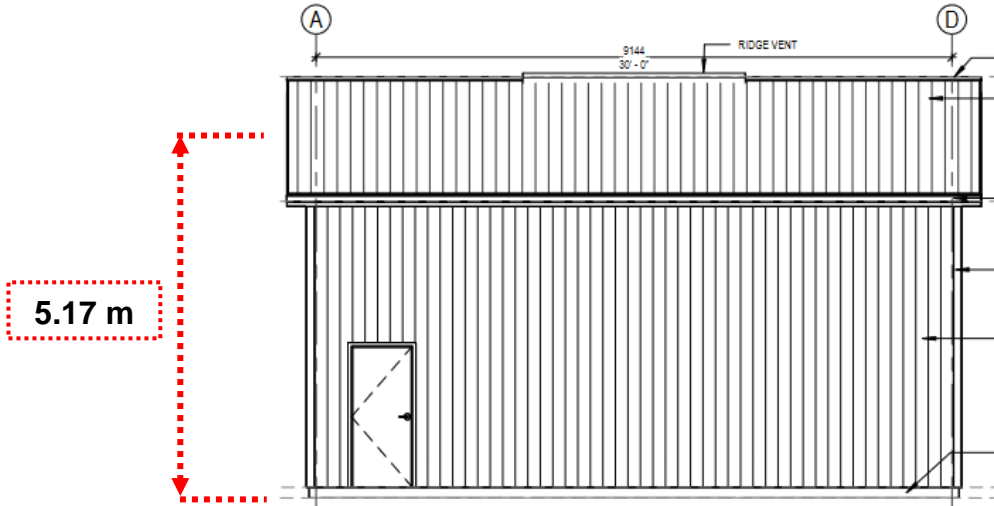
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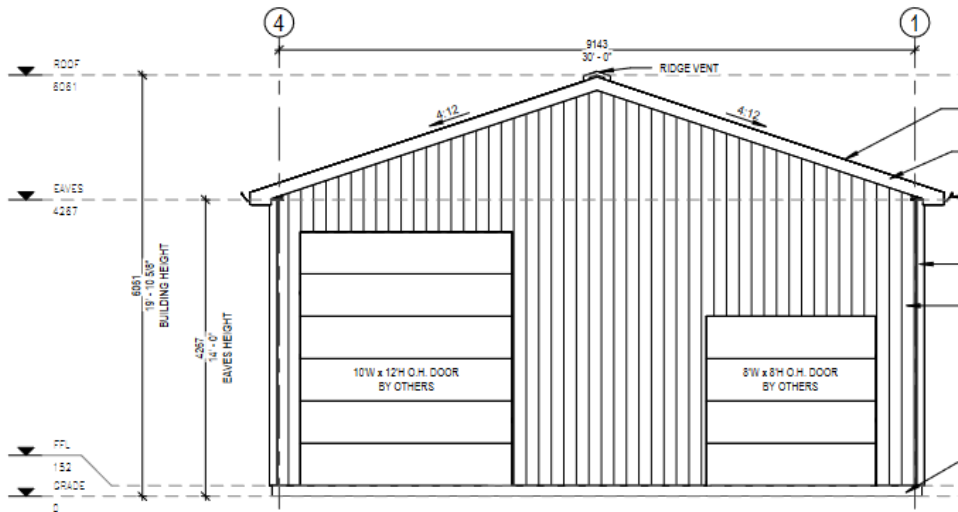
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STRUCTURAL DRAWINGS





1 RIGHT ELEVATION
A3.0 1:60



2 FRONT ELEVATION
A3.0 1:60