

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Vitek
Report Number COA2024-010

Public Meeting

Meeting Date: January 25, 2024

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 8 – Geographic Township of Manvers

Subject: The purpose and effect is to recognize an addition that was constructed onto an existing shed.

Relief sought:

1. Section 5.1 b) i) of the By-law requires a minimum rear yard setback for accessory structures of 1.3 metres; the existing setback of 0.76 metres is to be maintained.

The variance is requested at **213 John Street** (File D20-2023-095).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2024-010 – Vitek, be received;

That minor variance application D20-2023-095 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 the construction drawings in Appendix D submitted as part of Report COA2023-010, 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 eight (8) 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 COA2024-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an addition constructed onto an existing shed
Owners:	James and Margaret Vitek
Applicant:	Abby Steele
Legal Description:	Block D, Lot 23 and Part Lot 22 West of John Street, and Part Lot 22 East of Amelia Street on Plan 14
Official Plan ¹ :	Rural Settlement within the Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan, 2012
Zone ² :	Rural Residential Type One (RR1) Zone (Oak Ridges Moraine Zoning By-law 2005-133)
Site Size:	1,809 sq. m. (19,471.91 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is located in an established residential neighbourhood located at the centre of the Rural Settlement of Pontypool. The property is irregular in shape and contains a single detached dwelling constructed in 1900 (according to Municipal Property Assessment Corporation) and three sheds.

The purpose of the application is to recognize an addition that was constructed onto one of the existing sheds, which has been partially constructed. The addition to the existing shed is to provide additional storage space on the subject property for items such as a lawn tractor, snow blower, and outdoor play equipment.

¹ See Schedule 1

² See Schedule 1

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 property is designated Rural Settlement under the City of Kawartha Lakes Oak Ridges Moraine Policy Area. A single detached dwelling and accessory buildings and structures are permitted within this 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 property is zoned Rural Residential Type One (RR1) Zone under the Oak Ridges Moraine Zoning By-law 2005-133. A single detached dwelling and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the By-law with the exception of the minimum rear yard setback required for an accessory structure.

As per Section 5.1 b) i), the minimum required rear yard setback for an accessory structure is 1.3 metres. The original portion of the shed was constructed approximately 40 years ago and has a rear yard setback of 0.76 metres, and the new addition maintains this setback. The intent of the minimum rear yard setback for an accessory structure is to reduce land use and privacy conflicts between abutting properties, and address massing impacts

The rear yard of the subject property abuts the rear yard of the property directly to the west, separated by a solid privacy fence. The rear yard of the neighbouring property also contains accessory structures which have a similar proximity to the lot line as the shed on the subject property. The shed also complies with the maximum height. As such, land use conflicts and massing issues are not anticipated. Additionally, as the shed does not contain a residential use, privacy issues are not anticipated.

Under Schedule F of the Oak Ridges Moraine Zoning By-law 2005-133, the subject property is located in an area of significant woodlands. As per Section 6.2 of the By-law, the expansion of an existing building may require a Natural Heritage Evaluation (NHE). The property is outside of the Otonabee Region Conservation Authority regulated area. The original portion of the shed and the addition are located within an area that is cleared, and therefore the impact is existing. As such, Planning staff have determined that the waiving of the requirement for an NHE is appropriate and acceptable.

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:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Otonabee Region Conservation Authority (ORCA): “Otonabee Conservation mapping indicates that the proposed development is not located within a known hazard. Therefore, it is the opinion of Otonabee Conservation staff that the application remains consistent with Section 3.1 of the PPS. Otonabee Conservation mapping indicates that the lands are not subject to Ontario Regulation 167/06 Otonabee Conservation’s “development, interference with wetlands and alterations to shorelines and watercourses” regulation. Permits from this agency will not be required. The subject lands are not located in a vulnerable area as per the SPP.”

The Ministry of Transportation: “The ministry has determined that the subject lands are not within MTO’s permit control area, therefore we have no comments to offer this application.”

Public Comments:

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

Attachments

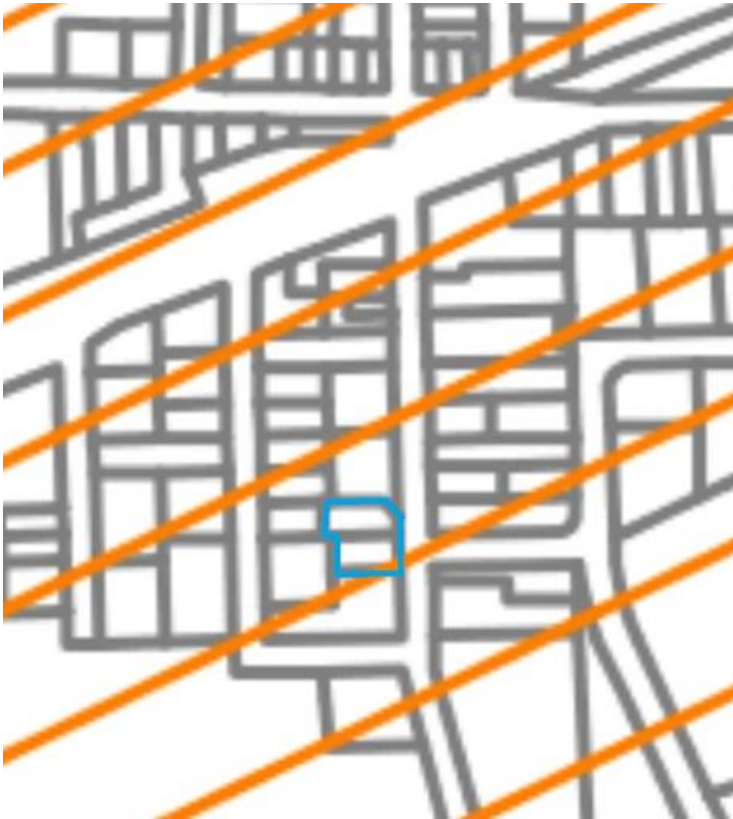
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-095

Schedule 1

Relevant Planning Policies and Provisions

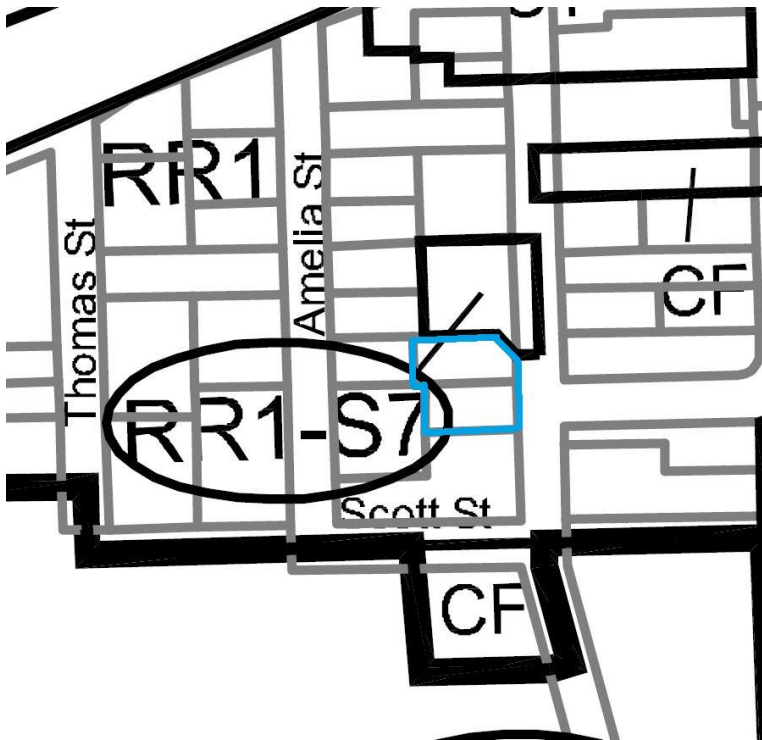
The City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP OPA No. 104), 2004



 Rural Settlement

4.4 Countryside Area (Rural Settlement)

Oak Ridges Moraine Zoning By-law 2005-133



Section 5 General Provisions

Section 5.1 Accessory Buildings, Structures and Uses

b) Location

Except as otherwise provided for herein, an accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

- i) An accessory building may be erected not closer than 1.3 metres from a rear lot line and 1.3 metres from the side lot line or closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.3 metres to a residential building.

Section 6 Special Provisions

6.1 Prohibited Uses

a) Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule D attached hereto and forming part of this By-law:

- i) Generation and storage of hazardous waste or liquid industrial waste;

- ii) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities;
- iii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;
- iv) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

b) Notwithstanding Section (a) above, storage by an individual for personal or family use of the following is permitted in areas of High Aquifer Vulnerability:

- i) petroleum fuels;
- ii) petroleum solvents;
- iii) pesticides, herbicides and fungicides;
- iv) construction equipment;
- v) inorganic fertilizers;
- vi) road salt, and
- vii) contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 or the revised regulation of Ontario.

c) Notwithstanding any other provisions of this by-law to the contrary the following use is prohibited in the areas shown on Schedules A and B attached hereto and forming part of this by-law:

- i) The storage, field spreading, or construction of berms of paper biosolids created by the paper manufacturing process, or other similar processes, either in the form of pure fibre biosolids or as mixed with other materials.

6.2 Expansion of Existing Buildings and Structures

a) New accessory uses, buildings and structures, including swimming pools, related to the existing uses are permitted in any zone provided that:

- i) the accessory use, building or structure complies with all provisions of the applicable zone;
- ii) such expansion complies with all provisions of the applicable zone; and
- iii) such expansion will not, to the extent possible, adversely affect the ecological integrity of the Oak Ridges Moraine. A natural heritage evaluation and/or hydrological evaluation may be required and will be approved by the City in consultation with the local Conservation Authority.

b) Where the expansion of an existing building or structure or the establishment of an accessory use, building or structure intrudes or areas within the Environmental Review Area as shown on Schedule C and/or Schedule F, the applicant shall submit a natural heritage evaluation and/or a hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved in consultation with the local Conservation Authority. All costs of studies and peer review shall be at the expense of the applicant.

6.4 Landform Conservation Area

b) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 2) as indicated on Schedule E attached hereto and forming part of this By-law:

- i) the net developable area of the site that is disturbed shall not exceed 50 percent of the total site area; and
- ii) the net developable area of the site that has impervious surfaces shall not exceed 20 percent of the total site area.

Section 13 Rural Residential Type One (RR1) Zone

Section 13.1 RR1 Uses Permitted

Section 13.2 Regulations

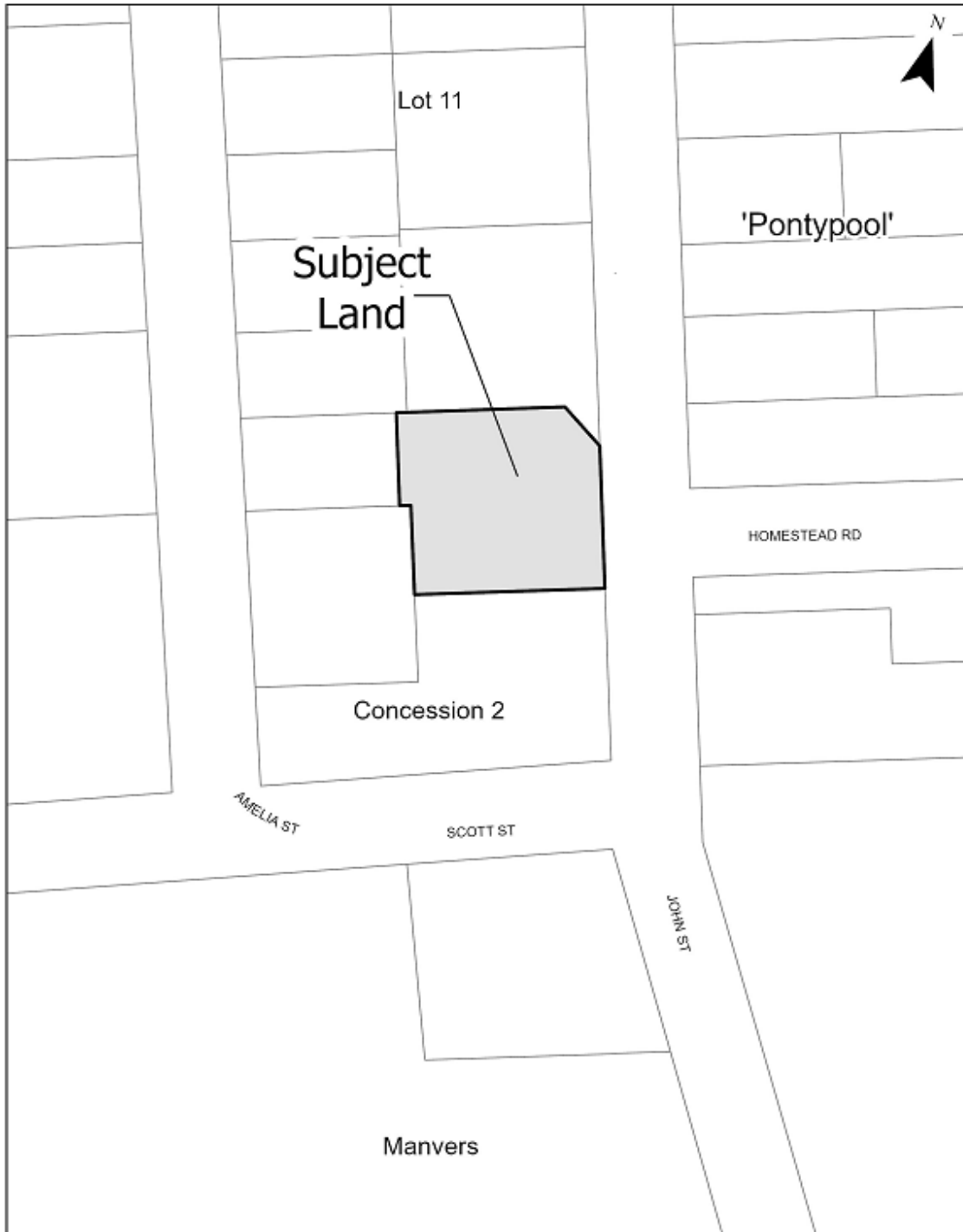
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REPORT COA2024-010

FILE NO: D20-2023-095

LOCATION MAP

D20-2023-095

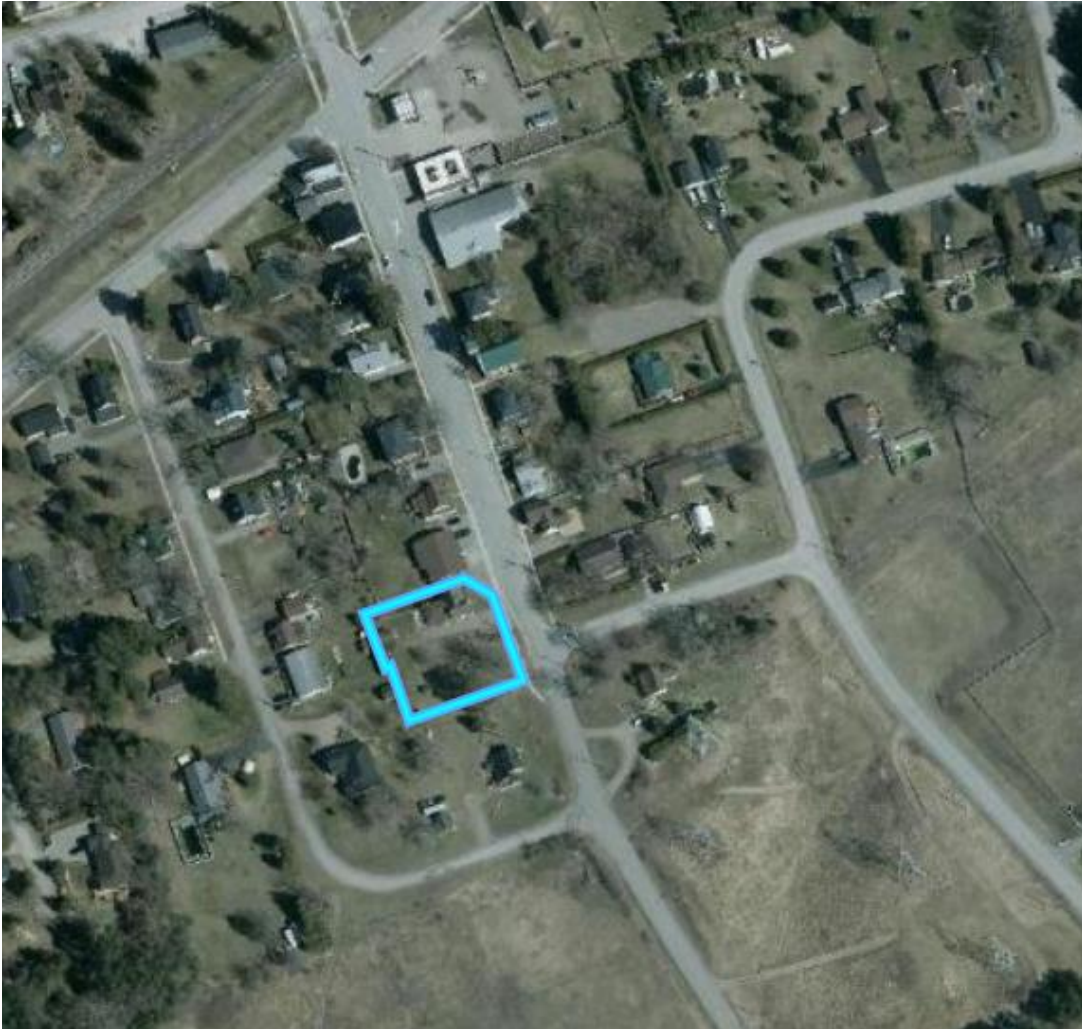


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AERIAL PHOTO

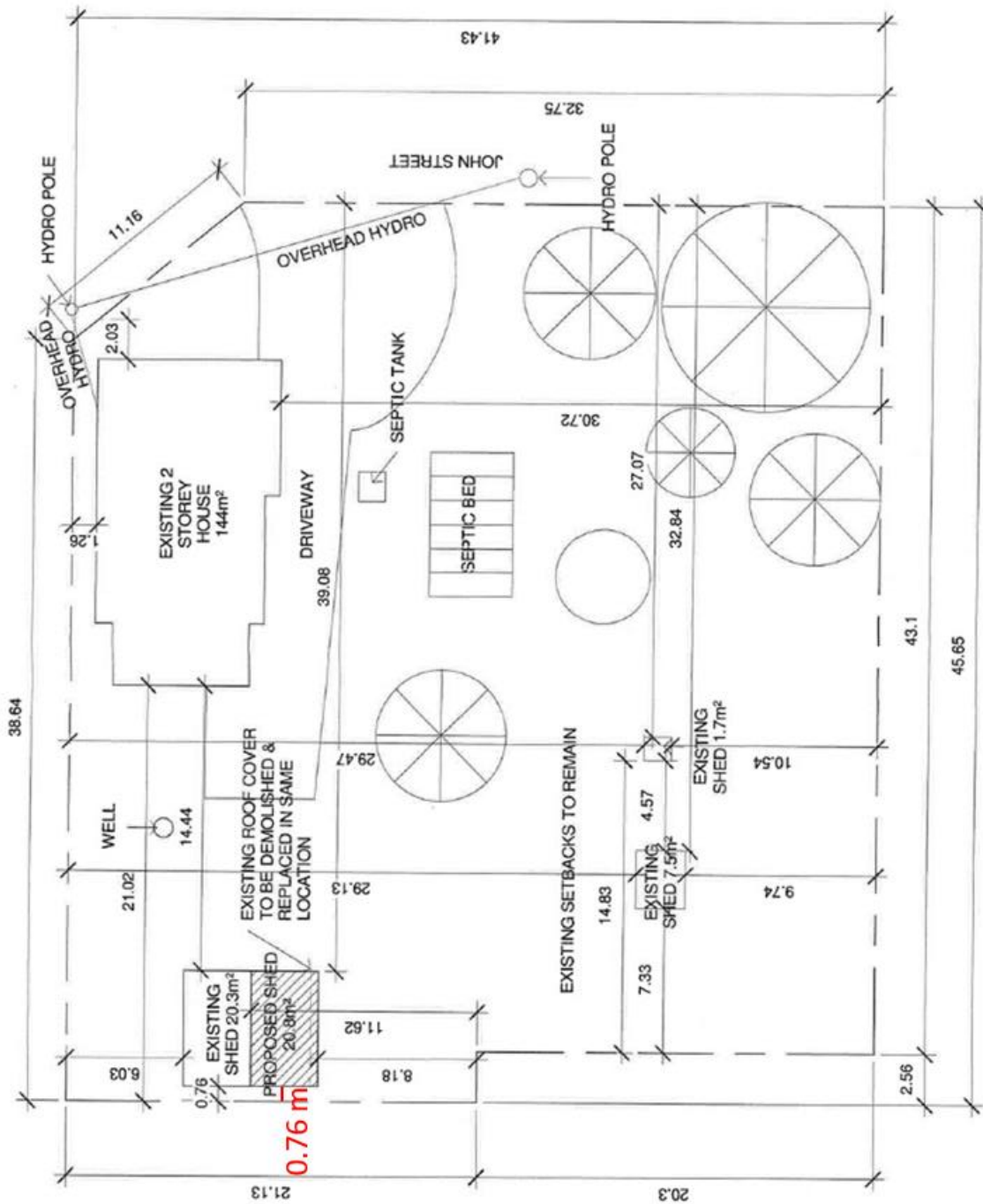


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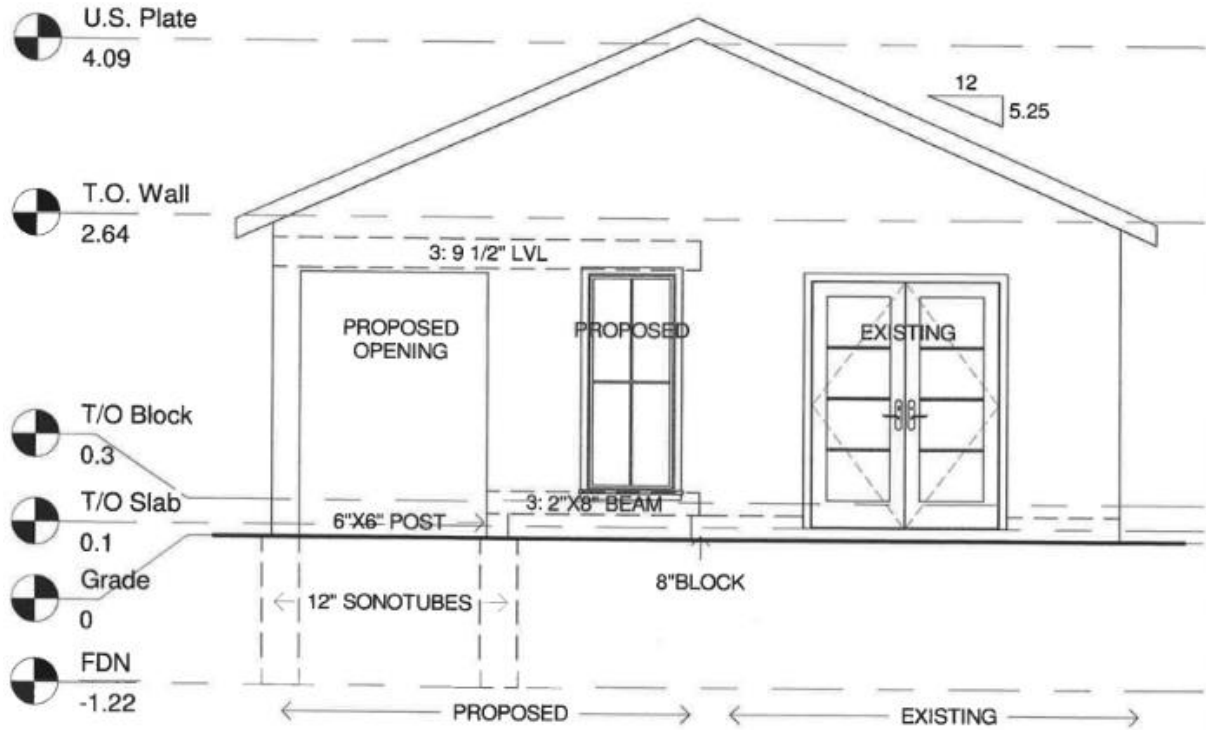
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APPLICANT'S SKETCH



to

REPORT COA2024-010FILE NO: D20-2023-095**CONSTRUCTION DRAWINGS**

2 East
1 : 48