

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Piney

Report Number COA2024-053

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### Public Meeting

**Meeting Date:** June 27, 2024

**Time:** 1:00 pm

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

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### Ward 8 – Geographic Township of Manvers

**Subject:** The purpose and effect is to facilitate the construction of a detached garage.

### Relief sought:

1. Section 20.1 c) of the Zoning By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 6 metres.

The variance is requested at **35 Old Mill Road** (File D20-2024-043).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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### Recommendations

**That** Report COA2024-053 – Piney, be received;

**That** minor variance application D20-2024-043 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 drawings in Appendix D submitted as part of Report COA2024-053, 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 COA2024-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |  |
|------------------------------|--|
| Proposal:                    | Construction of a detached garage                          |
| Owners:                      | Kim Piney  |
| Applicant:                   | Same as owner  |
| Legal Description:           | Part Lot 20 Southeast of North Half, Concession 11         |
| Official Plan <sup>1</sup> : | Rural (City of Kawartha Lakes Official Plan, 2012)         |
| Zone <sup>2</sup> :          | Rural General (A1) Zone (Township of Manvers By-law 87-06) |
| Site Size:                   | 6.35 ha. (15.69 ac.)                                       |
| Site Access:                 | Year round municipal road                                  |
| Site Servicing:              | Private individual well and septic system                  |
| 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 on the west side of Old Mill Road, south of the intersection of Old Mill Road and Fleetwood Road. The area is comprised primarily of larger agricultural lots with some smaller residential lots. The subject property is used for residential purposes and contains a single detached dwelling constructed in 2023 (according to Municipal Property Assessment Corporation).

The purpose of the application is to facilitate the construction of a detached garage. Part of the garage is to be one storey, and part is to be two storeys. The one storey area is to be used for vehicle parking. The lower storey of the two storey area is to be used for storage of smaller vehicles and items including four wheelers, a boat, paddle boards, etc. The owner is downsizing from their previous home and the additional storage will allow them to accommodate their belongings

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

on the property. The upper level is to contain a woodworking shop to be used by the property owner.

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 Rural under the City of Kawartha Lakes Official Plan. Low density residential uses along with accessory uses are anticipated 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 subject property is zoned Rural General (A1) Zone under the Township of Manvers Zoning By-law 87-06. A single detached dwelling and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the maximum height for an accessory structure.

As per Section 20.1 c) of the Zoning By-law, a maximum height for accessory structures of 5 metres is permitted. The proposed height of the garage is 6 metres. The purpose of a maximum height for non-agricultural accessory structures in an agricultural zone is to ensure the accessory use is subordinate to the primary uses, being the primary dwelling.

The proposed garage is to be built into a slope, and as such one end of the garage is taller than the other. In these instances, the average height above grade is used, being 6 metres in this case. The dwelling and proposed garage are located in a cleared area on the subject property, and are surrounded by mature vegetation. Additionally, the proposed garage is approximately 118 metres from the front lot line. The property slopes upwards from the front lot line to the location of the dwelling and proposed garage. As such, the garage will not be visible from neighbouring properties and the vegetation along the front lot line and upwards slope will result in it being minimally visible from the road. It is not anticipated that the proposed garage will result in the dwelling becoming visually subordinate nor will it change the overall character of the property.

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.

**Building and Septic Division (Septic):** “A sewage system use permit has been granted for the private on-site sewage disposal on the property. The location of the proposed garage will not encroach on the minimum required clearance distances to the existing sewage system. Additionally, the garage will not incorporate any habitable space or plumbing fixtures. As such, the Building and Septic Division has no issue with the minor variance as it relates to private on-site septic disposal.”

**Building and Septic Division (Building):** “Outstanding building permit BP2023-0272 for SDD (not relevant to this application). No other comments.”

**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

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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-043

## Schedule 1 Relevant Planning Policies and Provisions

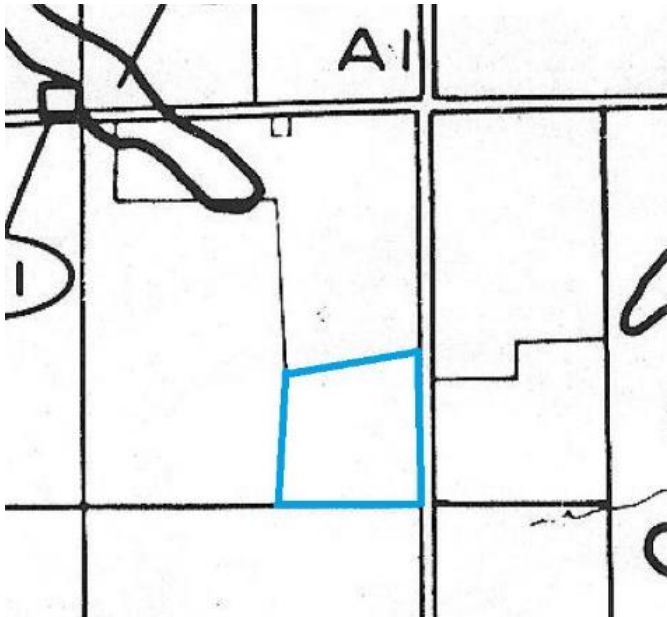
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### City of Kawartha Lakes Official Plan



### 16. Rural Designation

## Township of Manvers Zoning By-law 87-06



### Section 10 Rural General (A1) Zone

10.1 A1 Uses Permitted

10.2 A1 Zone Requirements

### Section 20 General Provisions

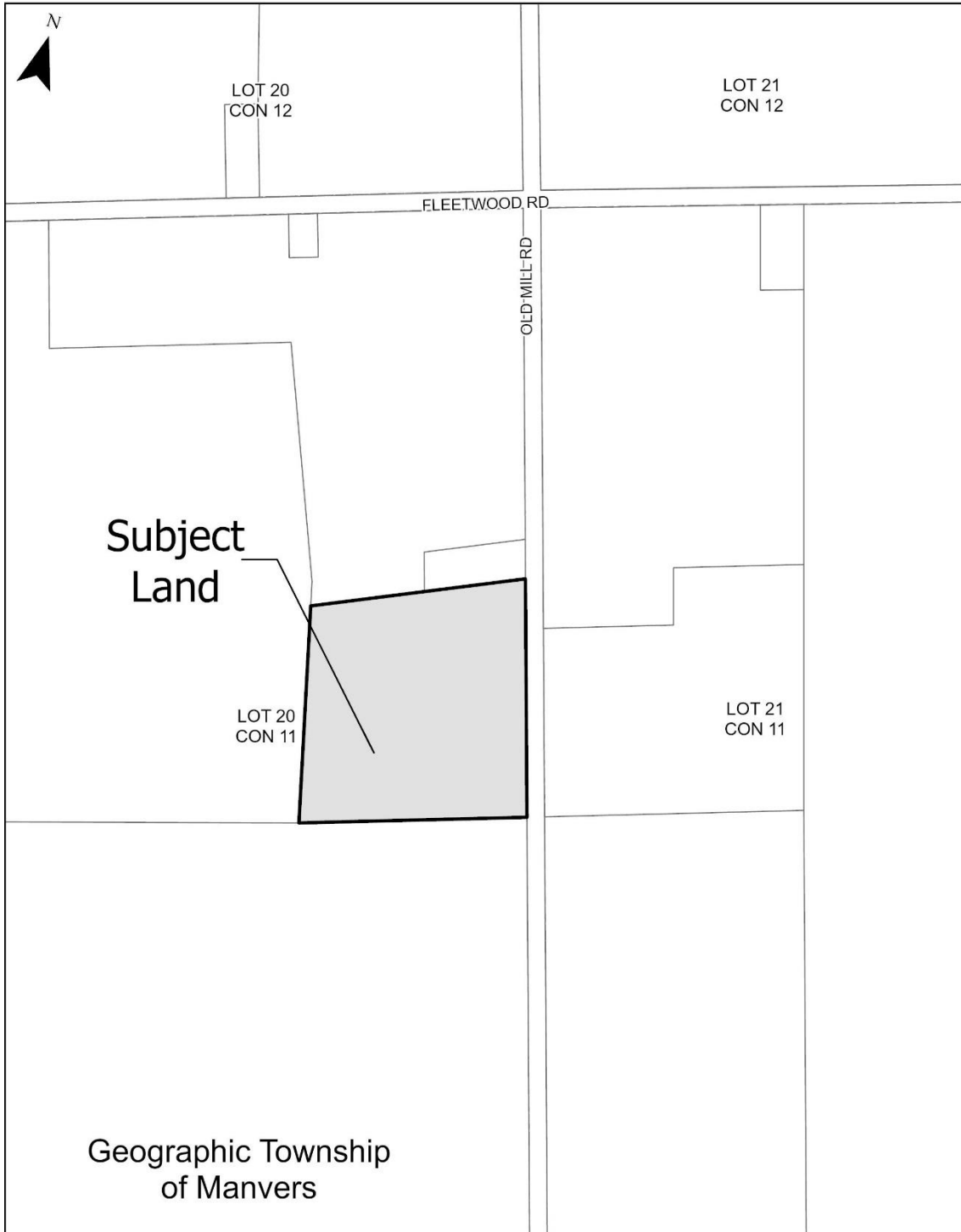
20.1 c) Lot Coverage and Height

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.

to

LOCATION MAP

# D20-2024-043



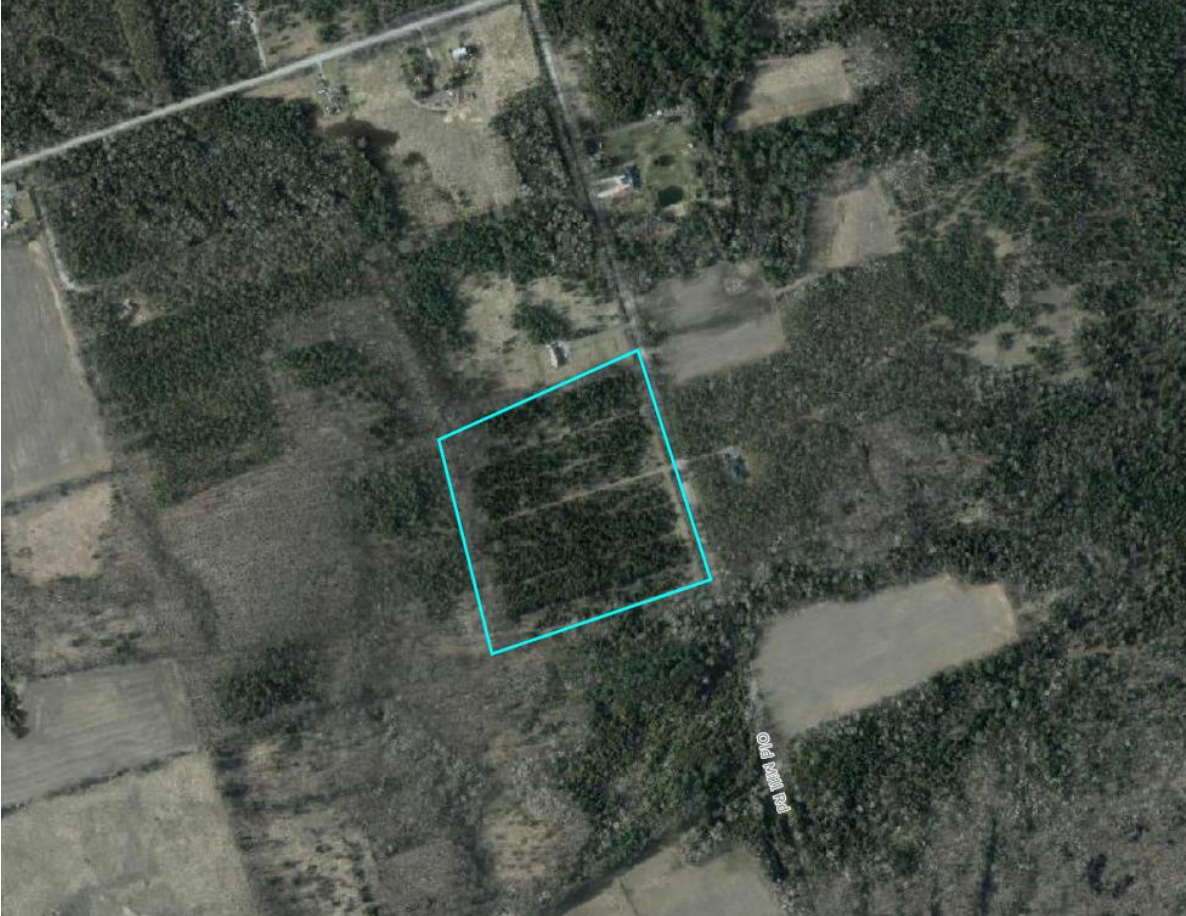
APPENDIX " B "

to

REPORT COA2024-053

FILE NO: D20-2024-043

**AERIAL PHOTO**





to

APPLICANT'S SKETCH

