

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Crosbie

Report Number COA2024-077

Public Meeting

Meeting Date: August 22, 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 facilitate the construction of a detached garage.

Relief sought:

1. Section 5.1.b of the Zoning By-law requires accessory structures to be located in the side or rear yard, the proposed detached garage is to be located in the front yard; and,
2. Section 5.1.c. of the Zoning By-law permits a maximum height of 5 metres for accessory structures, the proposed height of the detached garage is 6.71 metres.

The variance is requested at **64 Telecom Road** (File D20-2024-068).

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



Recommendations

That Report COA2024-077 – Crosbie, be received;

That minor variance application D20-2024-068 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 Appendix D submitted as part of Report COA2024-077, 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 COA2024-077. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage (127.88 square metres)
Owners:	Michelle Crosbie
Applicant:	Owner
Legal Description:	Part Lot 2, Concession 3 (being Part 1 of Reference Plan 9R2117)
Official Plan ¹ :	Natural Core Area – Oak Ridges Moraine Policy Area, 2004 (Amendment #104, Victoria County Official Plan)
Zone ² :	Oak Ridges Moraine Core Area (ORMCA) Zone (Oak Ridges Moraine Zoning By-Law 2005-133)
Site Size:	5,948 square metres (1.47 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Vacant Land

Rationale

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

The subject property is located in the in the former township of Manvers, with access from Telecom Road (year-round maintained public road). Based on the Municipal Property Assessment Corporation (MPAC), the surrounding lots are primarily rectangular in shape and large in size with a majority close to or greater than 100 acres. The surrounding lots are mainly residential in use, some with industrial or agricultural accessory uses and others currently vacant (MPAC). There is no clear period of when the built-form was constructed in the area; some

¹ See Schedule 1

² See Schedule 1

properties feature dwellings and/or accessory structures constructed in the 2000's, and others include structures dating from before 2000, spanning a broad timeframe (MPAC). Many of these lots contain multiple single-detached dwellings. The majority of the surrounding development lots that contain dwellings also contain numerous accessory structures (MPAC). These lots generally feature multiple accessory structures, including but not limited to sheds, barns, garages, workshops, and pools.

The subject property is smaller in comparison to the surrounding lots and currently contains a one-and-three-quarter-storey single-family dwelling (1990), shed, and a chicken coop (not currently in use). The proposed application seeks to facilitate the construction of a two-storey detached garage. The proposed detached garage contains parking for personal vehicles with a workshop on the first floor, and storage space with additional workshop space on the second floor. There is no habitable space or rooms proposed. The proposed detached garage is 127.88 square metres in floor area and 248.88 square metres in gross floor area, with a height measured at 6.71 metres. It is notable that garages with multiple storeys or more storeys than the primary dwelling are not uncommon in this area. A representative example is the property directly to the north of the subject property (67 Telecom Road), which features a two-storey detached garage and a dwelling with fewer than two storeys (MPAC).

The property is surrounded on all sides by dense and tall vegetation buffers, which effectively screen the property from neighbours and the road. It is anticipated that the construction of the detached garage will involve the removal of some of the existing tree vegetation. The proposed detached garage will be used for personal parking and storage of multiple vehicles, including school bus, camper trailers, multiple ATV's, snowmobiles and dirt bikes. The proposed detached garage will provide greater space for storage and enclosed vehicle parking on the property in a singular structure, avoiding the construction of multiple detached structures. As mentioned above, a detached garage is a common accessory structure in the area and is considered appropriate on the subject property given the permanent residence of the current owners and need for enclosed parking and storage.

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 Natural Core Area under the City of Kawartha Lakes Oak Ridges Moraine Policy Area (Amendment #104, Victoria County Official Plan). The Natural Core Area designation promotes the protection of key natural heritage features by only allowing low intensity developments in the area. Accessory buildings are permitted ancillary uses to principle uses within this designation.

The Oak Ridges Moraine policies permit residential uses and associated accessory structures in the Natural Core Area where they were permitted by the Township of Manvers Zoning By-law 87-06. The residential use was permitted in By-law 87-06 and the proposed development enhances the function of the residential use.

Furthermore, although the property is largely covered by trees and existing vegetation, the proposed detached garage is located in an area largely without trees and vegetation, thereby minimizing impact on the natural features.

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 within the Oak Ridges Moraine Core Area (ORMCA) Zone under the Oak Ridges Moraine Zoning By-Law 2005-133. The ORMCA Zone permits accessory structures/uses that are ancillary to a permitted primary use. Single detached dwellings are permitted within the ORMCA Zone if they were also permitted in the Township of Manvers Zoning By-law 87-06. A single detached dwelling was permitted under the previous By-law 87-06. As a result, a detached garage is a permitted accessory structure in the ORMCA Zone. Relief is required for the proposed location of the detached garage and from the maximum permitted height.

With respect to the reliefs required, firstly, Section 5.1.b of the Zoning By-law requires accessory structures to be located in the side or rear yard, the proposed detached garage is to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area.

Secondly, Section 5.1.c. of the Zoning By-law permits a maximum height of 5 metres for accessory structures, the proposed height of the detached garage is 6.71 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.

As previously mentioned, the property is covered and surrounded by the existing vegetation including large trees. The existing tree cover guards views of the property from the road and surrounding neighbours. The proposed detached garage is not anticipated to cause any major visual impact to the property from the public view, as it is setback approximately 30 metres from the road and guarded by the existing vegetation. Furthermore, although located in the front yard and exceeding the maximum permitted height, the proposed detached garage remains subordinate to the dwelling as the height of the dwelling (7.32 metres) is greater of that than the proposed garage. As mentioned earlier in the report, two-story garages are not uncommon in the area even when the existing dwelling contains less stories. Also, the proposal maintains the required front yard and interior side yard setbacks. As a result, no massing and height incompatibilities with the primary residential use and surrounding properties are anticipated.

Additionally, given the existing footprint of the dwelling and the septic field in the interior side yard, space is limited in the interior side yards for a garage structure.

The septic field is located within the east interior side yard, and the west interior side yard provides very limited space.

Similarly, locating the proposed detached garage in the rear yard would require extending the driveway over the existing septic field or going through the narrow west interior side yard and being located closer to the neighbouring property lot line. The detached garage is proposed in a portion of the front yard that attempts to maintain the existing tree cover and reduce any impact to the existing vegetation. Any other location within the front yard would result in the removal of significant tree; and other location within the other remaining yards would be very restrictive and require closer setbacks to neighbouring properties.

Overall, the proposed detached garage is not anticipated to cause any visual impact to the neighbours or the public view, is located in a portion of the front yard that seeks to reduce any impact to the existing tree vegetation, and remains subordinate to the dwelling with respect to height. Also, the overall lot coverage of all the accessory structures including the proposed detached garage is well in-compliance at 2.53 percent (2.53%) in comparison to the permitted 8 percent (8%), ensuring accessory structure remain subordinate to the primary dwelling and overcrowding is avoided.

Under Schedule C of the Oak Ridges Moraine Zoning By-Law 2005-133, a small portion of the property contains Oak Ridges Moraine Heritage Features (Areas of Natural and Scientific Interest, and wetlands). The proposed detached garage is not within this area and therefore not subject to Schedule C.

Moreover, under Schedule F, the property is located in an area containing significant woodlands. Section 6.10 of the Zoning By-law states lots containing significant woodlands shall permit accessory uses, structural additions and/or site alteration including filling, grading and excavation if the use and location would have been permitted by the previous Township of Manvers Zoning By-law 87-06, if the use and structure complies with the Oak Ridges Moraine Conservation Plan (ORMCP), and as far as practically possible, tree removal is limited to the area required for the structure requested.

The proposed detached garage does not conflict with the policies provided in the ORMCP. With respect to the former By-law 87-06, the property was within the Rural General (A1) Zone, which permitted a detached garage in accessory to a residential use. Additionally, the A1 Zone of the former By-law 87-06 permitted detached garages in the front yard.

Section 6.2 of the Oak Ridges Moraine Zoning By-Law 2005-133, states the expansion or establishment of a structure within Schedule C and/or Schedule F requires a natural heritage evaluation (NHE) and/or hydrological evaluation which will be approved by the City. Given the above, Planning Staff have determined that the waiving of the requirement for an NHE and/or hydrological evaluation is appropriate and acceptable in these circumstances.

The property is also under Schedule D, which identifies the property being within an Area of High Aquifer Vulnerability. Section 6.1 relates directly to the Area of High Aquifer Vulnerability and the types of substances stored in this area. These

substances include Severely Toxic Contaminants and hazardous waste or liquid industrial wastes not stored or generated through uses permitted within a residential zone. Lastly, the property is under Schedule E which identifies the property as a Category 1 Landform Conservation Area. Section 6.4 states the net developable area of the site being disturbed must not exceed 25 percent (25%); and the net developable area of the site that has impervious surface shall not exceed 15 percent (15%) of the total site area. The proposed lot coverage is 4.17 percent (4.17%), and the driveway is comprised of gravel; thus, being in conformity of Section 6.4 of the By-Law 2005-133.

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 other than the site considerations outlined in this Report.

Consultation Summary

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

Agency Comments:

DS – Building and Septic (Building): “No comments.”

ECA – Development Engineering: “From a Development engineering perspective, we have no comment or objection to the proposed Minor Variance.”

Public Comments:

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

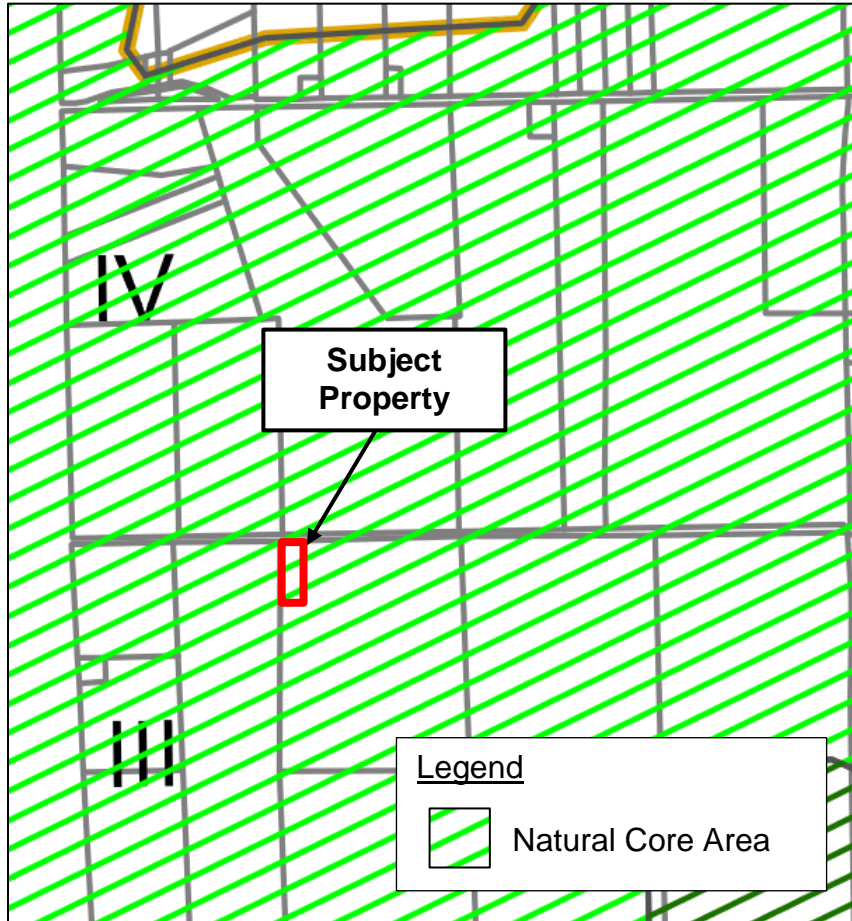
Attachments

- Appendix A – Location Map
 - Appendix B – Aerial Photo
 - Appendix C – Applicant’s Sketch
 - Appendix D – Supplementary Materials
-

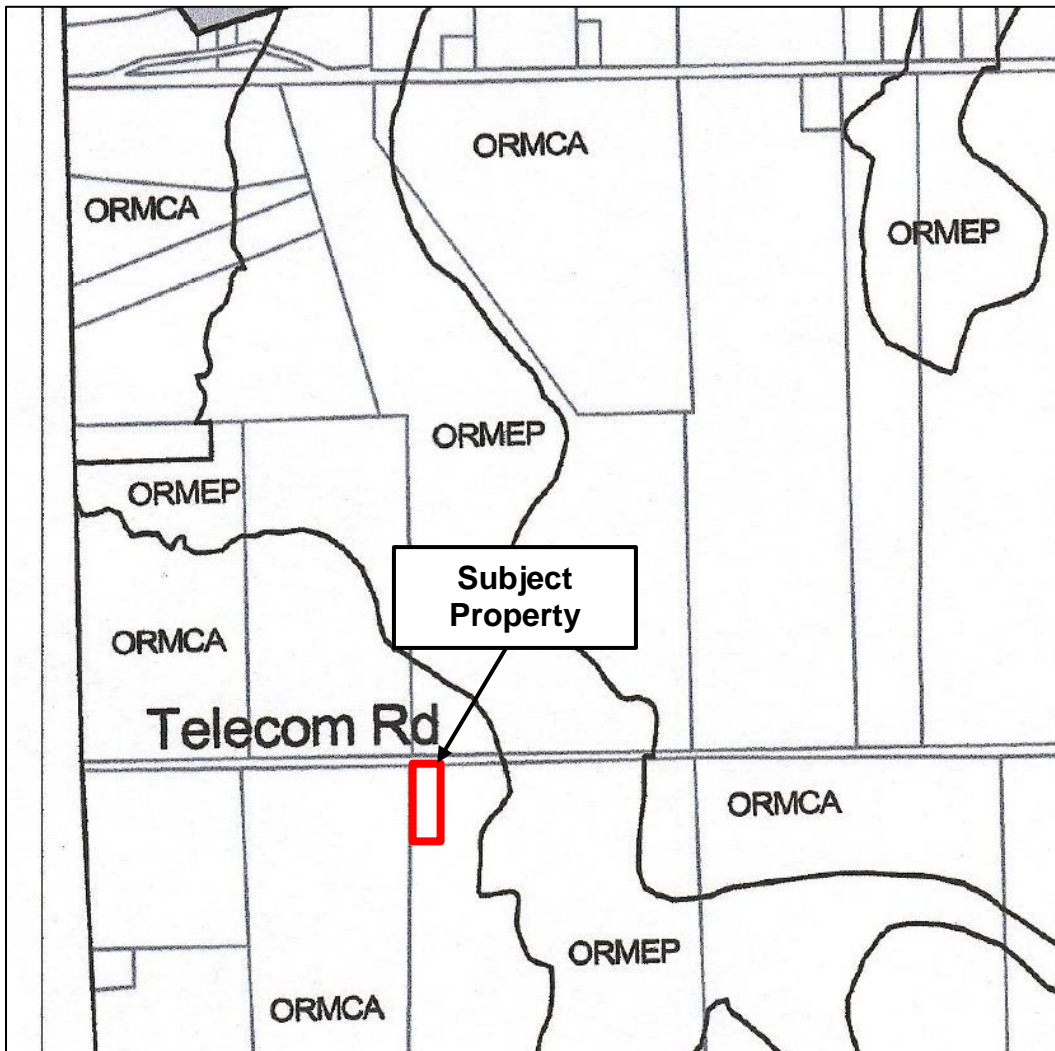
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-068

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Oak Ridges Moraine Policy Area, 2004 (Amendment #104, Victoria County Official Plan)



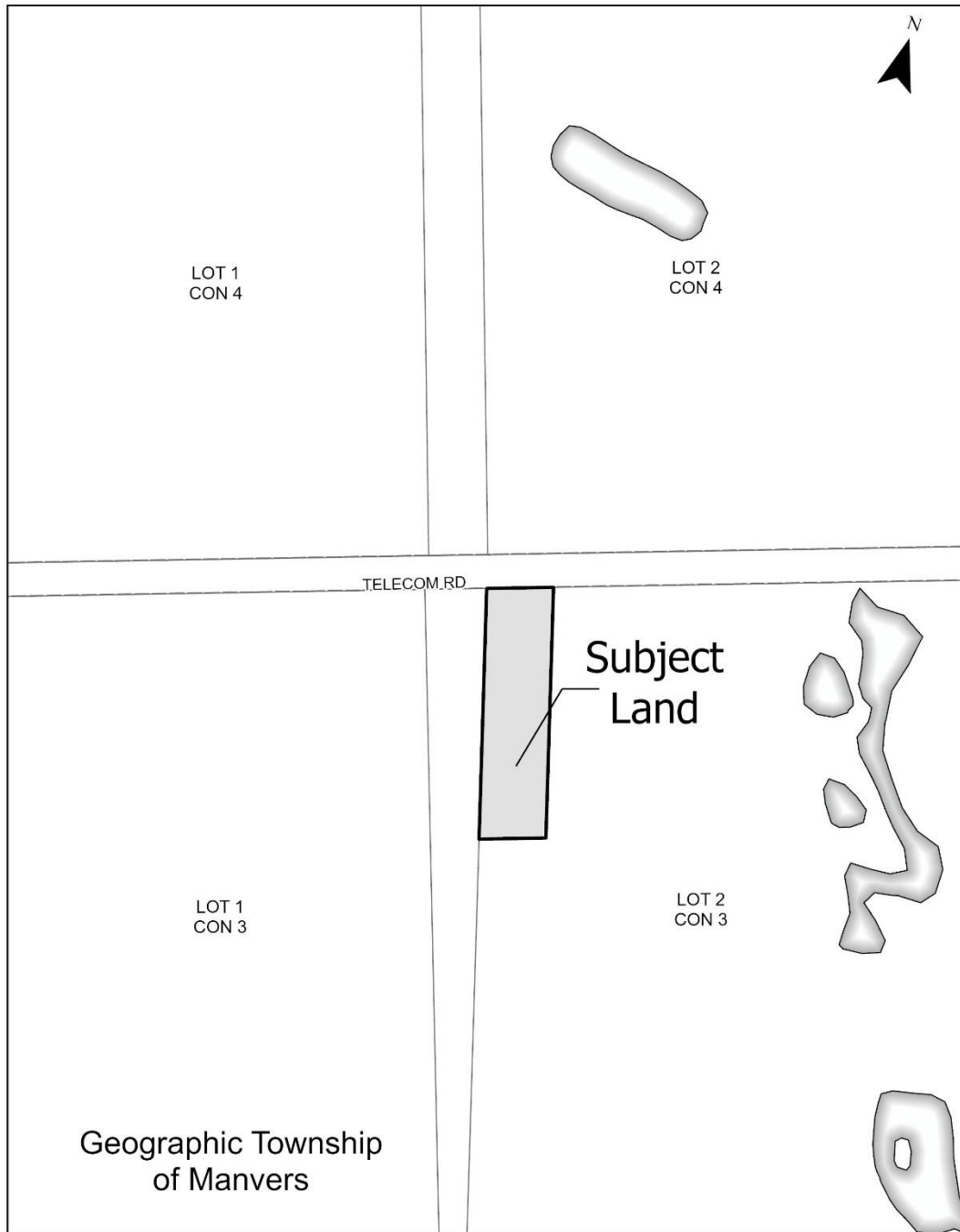
Oak Ridges Moraine Zoning By-Law 2005-133



to

LOCATION MAP

D20-2024-068

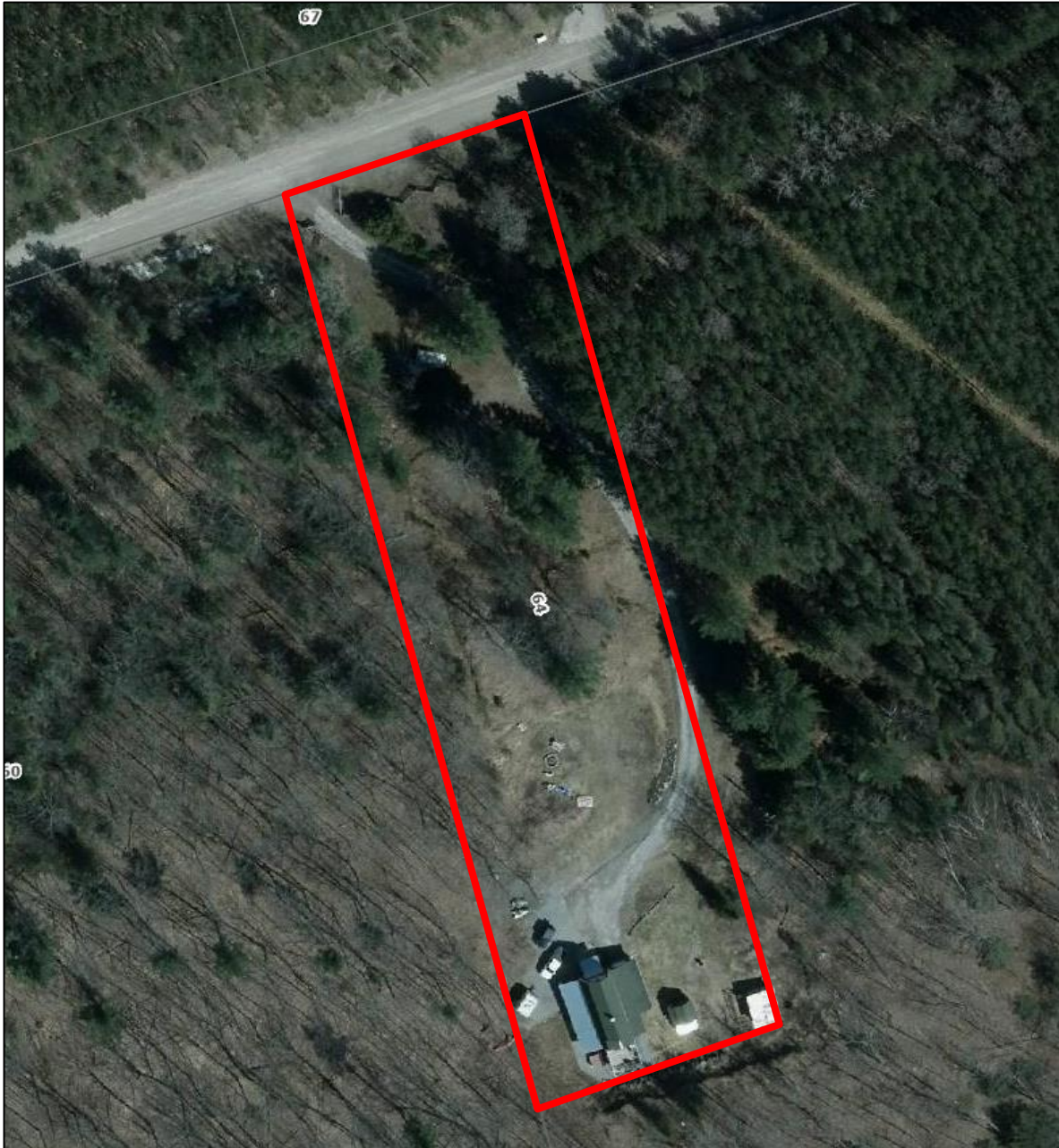


to

REPORT COA2024-077

FILE NO: D20-2024-068

AERIAL PHOTO



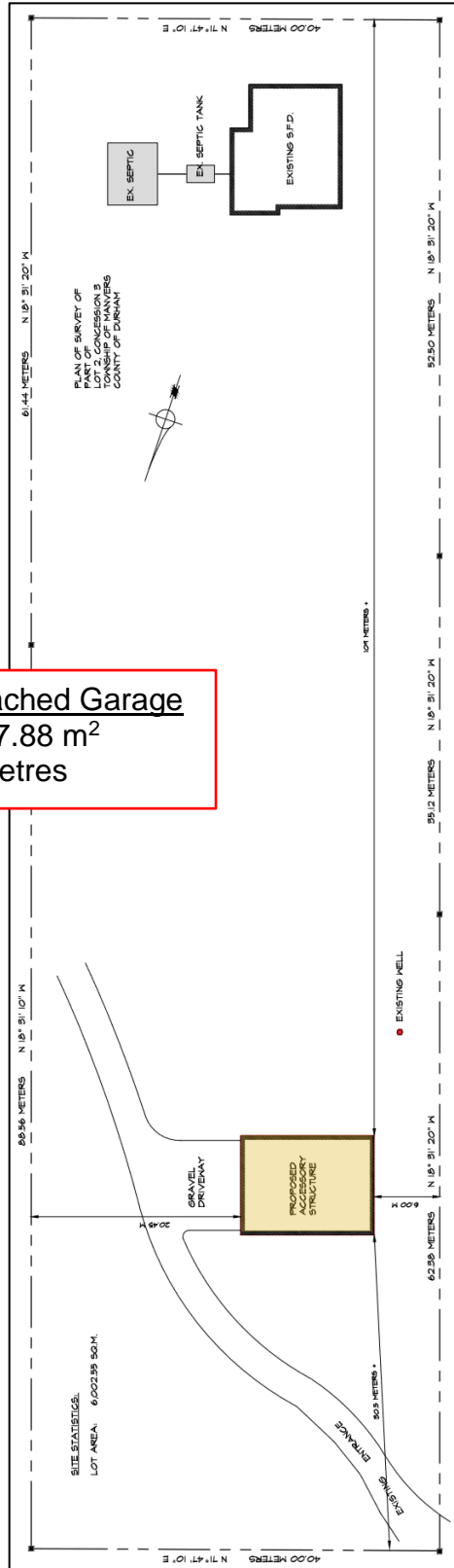
to

REPORT COA2024-077

FILE NO: D20-2024-068

APPLICANT'S SKETCH

Proposed Detached Garage
 Floor Area: 127.88 m²
 Height: 6.71 metres

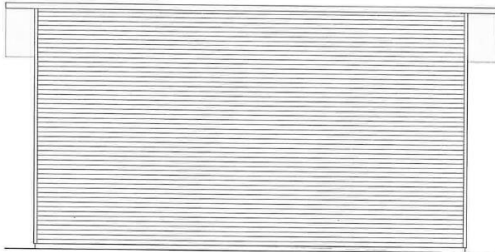


to

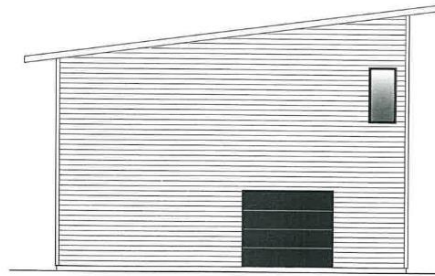
REPORT COA2024-077

FILE NO: D20-2024-068

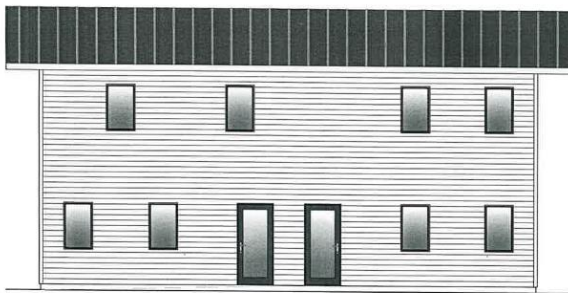
SUPPLEMENTARY MATERIALS



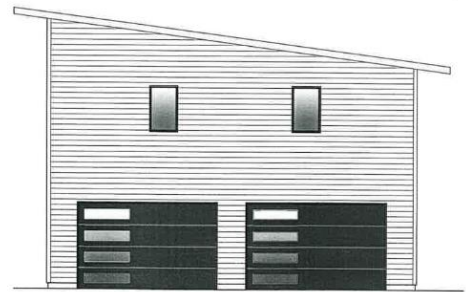
SOUTH ELEVATION
SCALE: AS NOTED



WEST ELEVATION
SCALE: AS NOTED



NORTH ELEVATION
SCALE: AS NOTED



EAST ELEVATION
SCALE: AS NOTED

**6.71 m
(midpoint)**

