

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bress**

Report Number COA2018-018

Public Meeting

Meeting Date: April 19, 2018

Time: 1:00 pm

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

Ward: 10 – Former Town of Lindsay

Subject: An application authorize a variance from Section 5.2 (b)(i) to reduce the minimum exterior side yard setback from 4 metres to 1.5 metres to permit the construction of a detached garage on property located at 59 Cambridge Street North, former Town of Lindsay (File D20-17-042).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-018 Jordan and Christa Bress, be received;

THAT minor variance application D20-17-042 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-018, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** prior to the framing inspection, the owner shall submit to the Building Division a certificate or plan prepared by an Ontario Land Surveyor that confirms that the dimensions of the setbacks proposed to the rear and flankage lot lines and to the pool conform to the requirements of the Zoning By-law and the variance granted by this Decision; and
- 3) **THAT** the building construction related to this minor variance shall be completed within a period of twelve (12) 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 COA2018-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was last amended March 29, 2017.

Proposal: To construct an approximately 40.13 square metre (432 square foot) single detached garage. Its proposed dimensions are 5.48 metres (18 feet x 7.31 metres (24 feet). A frame shed containing pool equipment is located within the proposed garage footprint. The frame shed is proposed to be removed, and the pool equipment relocated to a space within the proposed garage. Ladder-only access is proposed to access the storage space on the second level.

Owners: Jordan and Christa Bress

Applicant: Jordan Bress

Legal Description: North Part Lot 11 South of Bond Street, Town Plan, former Town of Lindsay, City of Kawartha Lakes

Official Plan: “Residential” – Town of Lindsay Official Plan

Zone: “Residential Two (R2) Zone” – Town of Lindsay Zoning By-law 2000-75

Site Size: 731.32 square metres (7,871.86 square feet)

Site Servicing: Municipal sanitary sewer and water supply

Existing Uses: Residential

Adjacent Uses: North: Community Facility (Cambridge Street United Church), Residential
South, East, and West: Residential

Rationale:

- 1) Is the variance minor in nature? Yes**
And
2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is a corner lot within a mature residential neighbourhood. As a corner lot, the dwelling (circa 1914) is a prominent feature. The high exposure of the eastern and northern lot lines on the subject property causes the lot to have two front yards: (1) the yard between the dwelling and Cambridge Street North, and (2) the yard north of the dwelling’s northern wall and Bond Street (northern front yard). The “northern front yard” space contributes greatly to the Cambridge Street North and Bond Street streetscapes because it is a long, narrow yard visible from both roads. Accessory buildings,

such as garages, that are closer to the road than the primary building (dwelling) are especially prominent because they deviate from the established line of built construction. When buildings are proposed upon lots within spaces that function as front yards, particular care must be taken to minimize attention to such buildings by controlling their location, height, and general appearance.

The garage proposes a setback similar to that established by the existing frame shed, and alternative locations for the garage are extremely limited due to the presence of an in-ground pool which the owners wish to maintain.

The owners have proposed a garage design which, architecturally, is complementary to the house and streetscape by presenting a built form with carriage house aspects. The size and scale of garage proposed ensures it visually remains accessory to the dwelling. This accessory scale is in keeping with the size of garages established on other corner lots within the neighbourhood. Dormer windows on all faces of the second level storage space are proposed, along with two windows on the first level wall facing Bond Street to add visual interest to both streetscapes and lessen the massing impacts a solid wall would otherwise present to Bond Street. These design elements are anticipated to compliment the established character of the neighbourhood.

Orienting the bay door away from Bond Street also permits the space north of the garage to continue to be used as landscaped amenity space, and provides for the continued use of an existing parking pad to the east. Vehicles that park upon this eastern space in-front of the garage door have sufficient space to park outside of the municipal road allowance.

Therefore, the variance is minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

The property is zoned “Residential Two (R2) Zone” in the Town of Lindsay Zoning By-law 2000-75. Single detached dwellings and accessory uses are permitted within this zone category.

The intent of the zoning by-law is to ensure residential accessory buildings maintain an appearance that is clearly accessory to the main residential use on the lot, and preserve the character of residential streetscapes by ensuring storage uses are relegated to locations in-line with or behind dwellings. The setback to the exterior side lot line also ensures sight lines are maintained for vehicles entering/exiting the subject lot or abutting residential lots.

The proposed setback ensures that approximately 6 metres is maintained between the sidewalk edge and garage wall to provide vehicles with a clear view of the street without blocking pedestrian movement. The proposal also ensures that the garage is as complementary to the existing mature Bond Street and Cambridge Street North streetscapes as possible by utilising elements of design to reduce any adverse massing impacts that may otherwise result from the construction of a detached garage with a storage loft in the

proposed location. Such elements include the use of a hip roof, dormer windows and wall windows. It is anticipated that the proposed detached garage will compliment the character of the streetscape, and therefore the established character of the neighbourhood.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) **Do the variances maintain the intent and purpose of the Official Plan?**

Yes

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan (Official Plan) continues to remain in effect. The property is designated “Residential” within the Official Plan. The designation anticipates a variety of residential uses including low density residential uses.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Originally, a two storey attached garage was proposed. As a result of continued dialogue with staff and the creation of a survey, the location, height, and footprint of the garage was substantially modified to provide a design more compatible with the site that is anticipated to be compatible with and contribute significantly to the established neighbourhood character.

Servicing Comments:

The property is serviced by municipal sanitary, water and stormwater services..

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 (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

Public Comments:

No comments as of April 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-018.

- Appendix "A" – Location Map
 - Appendix "B" – Aerial Photo
 - Appendix "C" – Applicant's Sketch
 - Appendix "D" – Elevations
 - Appendix "E" – Department and Agency Comments
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