

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Junkin & Patterson
Report Number COA2018-033

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 7 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a garage:

1. **Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard; and**
2. **Section 9.2(c)(ii) to reduce the front yard depth from 10 metres to 3.93 metres.**

The property is located at 196 St. Albans Road, geographic Township of Verulam (File D20-2018-023).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-033 Dean Junkin, be received;

THAT minor variance application D20-2018-023 for be **DENIED**, as parts of the application does not meet the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-033 Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application originated from an enforcement notice issued to the applicant for compliance on February 26, 2018, after staff at the Building Division discovered that the accessory structure was built without obtaining necessary permits. The property is a lot of record of which two out of the six structures on the property were built in 1987 (MPAC) – a dwelling with an attached garage, and a detached garage (located in the front yard). The property also contains three sheds, and a second detached garage (built 2015), and located in the front yard.

The second detached garage (sixth structure) is proposed to be recognized through this minor variance application. This application was deemed complete April 27, 2018.

- Proposal: To recognize an approximately 102.17 square metre (1,099.34 square foot) detached garage.
- Owner: Dean Junkin and Liana Patterson
- Applicant: Dean Junkin
- Legal Description: Part Lot 20, Concession 8, geographic Township of Verulam, City of Kawartha Lakes
- Official Plan: "Rural" in the City of Kawartha Lakes Official Plan
- Zone: "General Rural (A1) Zone" in the Township of Verulam Zoning By-law 6-87
- Site Size: 2 acres (8,000 square metres)
- Site Servicing: Private individual septic and well systems
- Existing Uses: Residential
- Adjacent Uses: North: Residential; East: Residential; South: Vacant and Open Space Lands; West: Agricultural

Rationale:

- 1) **Are the variances minor in nature? No**
And
- 2) **Is the proposal desirable and appropriate for the use of the land? No**

In terms of scale, the proposed detached garage appears to be visually incompatible especially in comparison with the height of the dwelling and the older detached garage on the property respectively.

The elaborate appearance of the accessory building fits the category of an agricultural use structure (pole barn) as it's nowhere near the category of what could be referred to as ancillary to a residential use.

Regarding the downward sloping topography of the property from the front yard to the rear yard, observations from site visit suggests that there may have been some considerable site alteration carried out in order to establish the foundation/footprint of the proposed structure.

The front yard relief requested for the proposed detached garage is anticipated to impact the function of the yard, as only a small portion of treed space remains between the proposed structure and the front lot line for maintenance and drainage purposes.

It is pertinent to emphasize that the purpose of a minor variance is to obtain relief where a proposal has reasonably demonstrated regard for their inability to comply with policy regulations. In this case, the proposal has not demonstrated a need for relief.

Considering the above the variances are not considered minor as well as desirable and appropriate for the use of the land.

3) **Do the variances maintain the intent and purpose of the Zoning By-law?**
No

Within the “General Rural Zone (A1) Zone”, existing lots of record one (1) hectare or less in size are subject to the residential use provisions.

An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the “A1 Zone”. Overall, the building being proposed although below the maximum permitted height of 5 metres (16.4 feet) is considered not to be low profile, but rather, reflective of a design where an accessory use structure (having a height of 4.81 metres) is proposed to be bigger than a primary use building (with a height of 4.5 metres), a deviation from what would normally be anticipated in a “A1 Zone” treated as a residential.

Section 19.2 in conjunction with Section 5.1.3(b) of the Township of Verulam Zoning By-law 6-87 exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use.

These same sections also contemplate relief where the by-law provisions are regarded as practicably possible, and where inability to comply results from undue hardships presented by the physical characteristics of a property.

Consequentially, it is very clear that the applicant is requesting the front yard variance relief out of preference, as they have not demonstrated any hardship to justify why the proposed garage cannot be built in the side or rear yard as prescribed in the By-law.

Based on the above analysis, the variances do not 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

The property is designated “Rural”, in the City of Kawartha Lakes Official Plan. Low density residential dwellings and accessory buildings are contemplated within this designation.

Therefore, the proposal maintains the general intent and purpose of the City's Official Plan.

Other Alternatives Considered:

It is appreciated that the gradient of the property presents a challenge for installing a structure. However, it is not enough justification to proceed to build and alter the property landscape without obtaining necessary approvals. The applicant's action translates into contravention of the Verulam Zoning By-law. As a result, staff is unable to support the requested relief.

Also, responsible planning demands consistency and support for complying proposals as precedence setting in fulfillment of City-wide policies. This proposal has proven otherwise.

Servicing Comments:

The property is serviced by private well and septic systems.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division – Building Inspection/Plans Examiner (June 7, 2018): Structure built without permits. See comments.

Kawartha Region Conservation Authority (KRCA - May 15, 2018): No objections.

Building Division – Sewage System Program (April 30, 2018 & June 11, 2018): No concerns. See comments.

Public Comments:

No comments as of June 11, 2018.

Attachments:



Appendices A-E to
Report COA2018-033

- Appendix "A" – Location map
 - Appendix "B" – Air photo
 - Appendix "C" – Applicant's sketch
 - Appendix "D" - Elevations
 - Appendix "E" – Department and Agency comments
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Phone: 705-324-9411 ext. 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-023