

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Junkin & Patterson
Report Number COA2018-054

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, 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 an accessory building in the form 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 COA2018-054 Dean Junkin, be received;

THAT minor variance application D20-2018-023 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-054, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit

the placement of any other accessory buildings between the front wall of the of the dwelling and the front lot line;

- 3) **THAT** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the detached garage has been ratified to his/her satisfaction under the Ontario Building Code; and

THAT the Building Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official. **This approval pertains to the application as described in report COA2018-054 Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background: For Committee's information, 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 the necessary permits. The application was initially heard at the June 21, 2018 Committee meeting where Committee deferred the application to allow further dialogue with staff per the requested reliefs.

Subsequently, the application was deferred for a second time at the July 19, 2018 Committee meeting to enable the applicant sufficient time to amend the application with additional information related to the fulfillment of the building permitting process. Planning staff have conferred with Building Division staff regarding the requested reliefs and have determined that they are satisfied with the application subject to the conditions in this report.

The application was neither re-advertised nor recirculated to other agencies following the deferrals by Committee.

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 - City of Kawartha Lakes Official Plan

Zone: General Rural (A1) Zone - 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? Yes**
And
- 2) **Is the proposal desirable and appropriate for the use of the land? Yes**

In terms of height, the accessory building appears to be more visually imposing than the dwelling and the older detached garage when viewed from within the property respectively. However, the massing is not easily discernible when viewed from the road. This is enabled by the gradient of the land which slopes downward from the road to the rear of the property. The scale of the accessory building also appears to be veiled by the existing trees in the front yard. Likewise, the configuration of the structure of having the front of the accessory building facing inwards (north) as opposed to having it face the road (west) contributes to minimization of the visual impact from the road.

The general character of the neighbourhood is primarily rural, and the yard spaces of the adjacent properties (north, east and south) are heavily treed. In addition, given that the westerly property across the road is an agricultural use land surrounded by tall thick hedge, no land use compatibility issues are anticipated.

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. Regarding the front yard relief, additional information (See Appendix F) provided by the applicant suggests that there is a very steep and heavily wooded ravine to the south of the property that severely limits the side yard as a suitable location for the building. It was also indicated that there is a septic bed located behind the house which is in the process of being replaced. The remaining rear yard space behind the septic bed is wooded while the available side yard space is needed to facilitate maintenance access to the septic bed. Observation from site visit by staff has also confirmed the existing physical constraints suggested by the applicant.

Based on the above, the variances are being 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?
Yes

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 taller than the other structures on the property is below the maximum permitted height of 5 metres (16.4 feet) at 4.81 metres for an accessory building.

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.

Since the proposal has not exhausted the zone provision privileges by utilizing total lot coverage of 4.41% from a possible 10% maximum, the variances can be considered to 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:

The applicant has responded to staff recommendation by initiating a building permit process with the Building Division, and following rationale 2 above, has been able to provide more information (See Appendix F) to demonstrate the reasoning for the accessory building in its current front yard location rather than the side or rear yard, as prescribed in the By-law.

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 (June 11, 2018): No concerns. See comments.

Engineering & Corporate Assets Department (June 13, 2018): No objections.

Public Comments:

No comments as of June 11, 2018.

Attachments:



Appendices A-F to
Report COA2018-054

Appendix A – Location map

Appendix B – Air photo

Appendix C – Applicant's sketch

Appendix D - Elevations

Appendix E – Department and Agency comments

Appendix F – Applicant's Letter to Staff

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