

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bruce, Burns and Steinberg
Report Number COA2018-046

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Bexley

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

1. Part 2 – Definitions to amend the definition of Accessory Building to include one detached building ancillary to a developed residential lot that is within 30 metres of the subject property
2. Section 7.1.1 to add Accessory Building – Detached Garage to the list of permitted uses within the Rural General (RG) Zone; and
3. Section 3.1.3.2 to increase the maximum height of the detached garage from 5 metres to 6.1 metres

Relief is also sought from the following General Provisions for accessory buildings to ensure they do not apply to the proposed detached garage so that the applicable Rural General (RG) Zone provisions apply

4. Section 3.1.2.2 – accessory building setbacks; and
5. Section 3.1.3.1 – the accessory building lot coverage requirement;

Further relief is sought from the following RG Zone provisions to clarify and facilitate the proposed placement of the garage when no other main building is present on the same lot:

6. Section 7.2.1.7(b) shall not apply where reference is made to Sections 10.1 and 10.2;
7. Section 7.2.1.3(a) to increase the front yard setback from 35 metres to 42 metres;
8. Section 7.2.1.3(b) to increase the interior side yard setback from 9 metres to 35 metres from the south lot line and 48 metres from the north lot line; and
9. Section 7.2.1.3(d) to increase the rear yard setback from 25 metres to 64 metres.

The variances are requested at 57 West Bay Boulevard, geographic Township of Bexley (File D20-2018-035).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-046 Bruce, Burns and Steinberg, be received;

THAT minor variance application D20-2018-035 for 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 submitted as part of Report COA2018-046, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variances 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 COA2018-046. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property is owned by the same individuals who own residential lots across the road at 54, 58, and 64 West Bay Boulevard. A tenants in common agreement entitles each of the three shoreline residential lots to the exclusive use of one third of the subject lot. The owner of 58 West Bay Boulevard has exclusive use of the centre third of the lot, and is proposing to construct the detached garage on its portion to provide the additional storage space.

This application was last amended July 24, 2018.

Proposal: To construct an approximately 9.2 metre x 11 metre (30 foot x 36 foot) detached garage on a lot where the garage is accessory to three nearby residential lots.

Owner: Diane Bruce, Romy Burns and Isla Steinburg

Legal Description: Part Lots 4 and 5 , Bexley Range West Bay, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Rural - City of Kawartha Lakes Official Plan

Zone: Rural General Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 1.22 hectares (3 acres)

Site Servicing: Un-serviced

Existing Uses: Vacant Land (Forest)

Adjacent Uses: North, South, and West: Vacant Land (Forest)
East: Shoreline Residential

Rationale: By adding an accessory use to the list of permitted uses, the garage becomes subject to the provisions governing a primary structure and accessory structure simultaneously. Many of the reliefs have been sought to clarify the zone provisions that apply to the proposed garage.

1) Are the variances minor in nature? Yes
And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is a back lot within an established shoreline residential neighbourhood. The lot is heavily forested, contains three separate driveways corresponding with each third of the lot that each shoreline residential lot has exclusive access to. Each driveway leads to a single clearing within the centre.

While the garage is located on a separate lot, it remains accessory to the three shoreline residential lots across the road. As such, the accessory relationship of the building to the dwellings across the road is maintained.

The garage will be set back approximately 45 metres from the front lot line. The forest in between the proposed garage and front lot line is composed primarily of deciduous trees. The increased height of the garage will not adversely impact the character of the neighbourhood as it will not be visible from the road in the spring, summer, and most of fall due to the forest vegetation screening the garage from view. In late fall and winter, the spatial separation from the road ensures the garage will not be a prominent feature along the streetscape.

Therefore, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09. The RG Zone permits a variety of rural uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses. The owner of 58 West Bay Boulevard has stated that there is insufficient room on their shoreline property to accommodate a garage of sufficient size. While the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another. As such, it is appropriate to permit an accessory use on the subject lot.

The by-law has set the height of the garage at 5 metres to ensure that the second floor is not made into habitable space, nor that the garage becomes

more prominent than the primary building. Due to the distance the garage will be away from the road, and the fact that this distance is forested, the garage, when visible, is not anticipated to be a prominent feature in the neighbourhood.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

The subject property is within the Rural designation of the City of Kawartha Lakes Official Plan. The Rural designation permits a variety of rural land uses focused on agricultural production and resource management, but low density residential uses are also anticipated. The proposal is in keeping with the general intent and purpose of the Official Plan as a residential accessory use is proposed.

Other Alternatives Considered:

A pre-consultation application, file D38-17-069, was submitted to examine the potential to permit solely residential accessory uses. However, the owners do not wish to preclude the potential future construction of a dwelling. As such, they began a dialogue with staff to determine if there was a possibility to submit a variance application given the close proximity of the developed residential lots to the subject property. A merger agreement was discussed as part of the variance proposal, but determined not be an effective solution due to the structure of the tenants in common agreement and the possibility of a future dwelling on the lot.

Servicing Comments:

The property is un-serviced.

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 (August 2, 2018): No concerns.

Building Division (August 8, 2018): No comments as no sewage system has been requested for the lot and the building is proposed for storage only.

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-D to
Report COA2018-046.

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