

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – William Ball and Heather Clarke-Ball
Report Number COA2018-060

Public Meeting

Meeting Date: September 20th, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 2 – Geographic Township of Bexley

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

- (i) 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;
- (ii) Section 13.1.1 to add Accessory Building – Detached Garage to the list of permitted uses within the Limited Service Residential (LSR) Zone; and
- (iii) Section 3.1.3.2 to increase the maximum height of the detached garage from 5 metres to 6 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 Limited Service Residential (LSR) Zone provisions apply:

- (iv) Section 3.1.2.2 – accessory building setbacks; and
- (v) Section 3.1.3.1 – accessory building lot coverage requirement;

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

- (vi) Section 13.2.1.3(a) to increase the front yard setback from 7.5 metres to 8 metres;
- (vii) Section 13.2.1.3(b) to increase the interior side yard setback from 3 metres to 5.6 metres from the north lot line, and from 1.2 metres to 3.3 metres from the south lot line respectively; and
- (viii) Section 13.2.1.3(d) to increase the rear yard setback from 7.5 metres to 43.12 metres.

The variance is requested at 10 Lake Street, geographic Township of Bexley (File D20-2018-046).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-060 William Ball and Heather Clarke-Ball, be received;

THAT minor variance application D20-2018-046 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 generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-060, 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** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 3) **THAT** the 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 COA2018-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The subject lot (a backlot) is owned by the same individuals who own the shoreline residential lot across the road at 10 Lake Street. The backlot and the shoreline residential lot have same tax roll number but different PINs. As such, the owners are proposing to replace an existing accessory structure on the backlot portion of their property with a three (3) bay detached garage in order to provide additional storage space.

This application was deemed complete August 2, 2018.

Proposal: To construct an approximately 181.7 square metre (1,955 square foot) detached garage with loft space above the main level on a lot where the garage is accessory to a nearby residential lot.

Owners: William Ball and Heather Clarke-Ball

Applicant: William Ball and Heather Clarke-Ball

Legal Description: Range North West Bay, Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront in the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 0.29 acres (1,196.61 square metres)

Site Servicing: Not Serviced

Existing Uses: Vacant (containing an accessory building)

Adjacent Uses: North: Residential (Vacant)
East: Shoreline Residential, Balsam Lake
South: Residential (containing an accessory building)
West: Agricultural - (Forest)

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. The reliefs being sought are to clarify the zone provisions that apply to the proposed detached 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 already contains an accessory structure similar to the prevailing character of the other backlots in the neighbourhood whereby each shoreline residential lot has exclusive access to its adjacent backlot.

While the proposed replacement accessory structure (the garage) will be located on a separate lot, it will remain accessory to the residential lot across from it. As such, the accessory relationship of the building to the dwelling across the road is maintained. Condition 2 has also been placed to prevent any land use compatibility issues.

Given that the garage will be further set back from the lot lines than the minimum requirements of the LSR Zone, observation from site visit suggests that the increased height of the garage may appear visually imposing due to the insufficient vegetation on the subject lot. As such, staff would encourage that the owners save any existing trees or shrubs on the property and plant new ones in order to mask the massing and scale of the garage from being visible from the Road. Especially when viewing from Poplar Grove Trail.

Based on the above, 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 Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09. The LSR Zone contemplates residential accessory uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses whilst discouraging their construction within a water setback. There is insufficient room on the shoreline portion of 10 Lake Street to accommodate a garage at the size proposed. The accessory use is being proposed on a lot separate from where the primary residential use is located but a relationship between the two lots is maintained due to their proximity to one another. Therefore, 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. Condition 2 and paragraph 3 in rationales 1 and 2 above ensures that the proposed garage will not be repurposed nor result into a prominent feature in the neighbourhood.

In consideration of the above, the variances maintain 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 designated Waterfront in the City of Kawartha Lakes Official Plan. The designation contemplates backlot developments and accessory uses as being primarily ancillary to residential dwellings.

In that regard, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is not serviced.

Consultations:

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

Agency Comments:

None received as September 10, 2018.

Public Comments:

No comments as of September 11, 2018.

Attachments:



Appendices A-D to
Report COA2018-060

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix E – Elevations

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