

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Nancy L’Estrange
Report Number COA2018-056

Public Meeting

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

Ward: 6 – Former Village of Fenelon Falls

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

1. Section 4.3.5.12(b)(iii) to reduce the minimum setback for a yard adjacent to a private right-of-way from 6 metres to 2.48 metres;
2. Section 4.3.5.12(b)(iv) to reduce the minimum setback from the centreline of a private right-of-way from 9 metres to 5.53 metres; and
3. Section 5.1.4 – to increase the maximum lot coverage requirement for accessory structures from 5% to 5.69%.

The variance is requested at 43 Knox Crescent, former Village of Fenelon Falls (File D20-2018-042).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-056 John and Nancy L’Estrange, be received;

THAT minor variance application D20-2018-042 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 COA2018-056, 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;

- 3) **THAT** as part of building permitting process, there be a requirement that the tool shed in the northerly interior side yard between the northern wall of the dwelling and the northerly interior side lot line, and the beer shed located in rear yard between the rear wall of the dwelling and the water's edge shall be removed from the property to the satisfaction of the Chief Building Official upon completion of the detached garage; and
- 4) **THAT** the building construction related to the 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 COA2018-056. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The proposal seeks to construct a detached garage with storage loft above the main level. This application was deemed complete July 6, 2018.
Proposal:	To construct an approximately 109.29 square metre (1,176 square foot) detached two-car garage.
Owners:	John and Nancy L'Estrange
Applicant:	Nancy L'Estrange
Legal Description:	Lot 8 and Part Lot 18 and Part Water Street, Plan 100, Part 8, 57R-4644, South Louisa, West Colborne, former Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	Low Density Residential in the Village of Fenelon Falls Official Plan
Zone:	Residential Type One Exception 12 (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-25
Site Size:	1,479 square metres (15,914.04 square feet)
Site Servicing:	Private individual septic and Lake water system
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: County of Victoria Recreation Corridor, Residential South: Residential

West: Cameron Lake

Rationale:

1) Are the variances minor in nature? Yes

And

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

The detached garage is proposed to be situated in an established shoreline residential neighbourhood. The only means of access to the neighbourhood is through a private right-of-way (Knox Crescent) which provides ingress and egress to an improved public street (Louisa Street).

The inability of locating the garage at a compliant setback from the right-of-way is limited by the existence of a septic and mantle that sits on an elevated topography behind the proposed location. Observation and preliminary measurements taken during site visit also suggests that the reduced setback of the garage from Knox Crescent will not be discernible as the scale of the proposed garage is presumed to visually blend in with the character of the immediate surrounding accessory uses. Therefore, no land use compatibility issues are anticipated. The proposed placement of the structure on the property also ensures that it will be at an appropriate separation distance from the septic bed location.

Currently, there are five (5) accessory buildings on the property that accounts for a total of 1.01% accessory building lot coverage on the property (a recreational room, a wood shed, a tool shed, a ski shed, and a beer shed). Given that the proposed garage at 4.86% lot coverage will enable additional space, staff would ordinarily recommend that the accessory use situation be brought to compliance. However, discussions with the applicant substantiated with observation from site visit revealed that removing the woodshed from the property may cause the owner undue hardship for easy access to firewood during cold weathers to heat the cottage. As such, staff will consider leaving the wood shed as is in its current location.

The applicant further indicated that they plan to replace the house with a larger structure in 2019, which will enable more space for storage. In the interim, staff is recommending allowing the applicant keep two other accessory buildings (the recreational room, and the ski shed) in conjunction with the wood shed and the proposed garage respectively. This is substantiated by the fact that the applicant has obtained clearance approval for the placement of the proposed garage, and that the applicant has advised that the beer shed within the water setback will be removed from the property accordingly. Therefore, a resulting 0.69% increase in the maximum lot coverage requirement for accessory buildings can be viewed as minor.

Based on this, the variances are minor as well as desirable and appropriate for the use of the land.

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

Yes

An accessory use is permitted within the Residential Type One Exception 12 (R1-12) Zone. The structure of the Village of Fenelon Falls Zoning By-law assumes the shoreline of Cameron Lake as being the front yard in this neighbourhood. Hence its emphasis regarding setbacks and yard requirements for properties adjacent to a private right-of-way. Whereas the physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of the garage complying with this setback requirement.

Considering the proposed garage footprint will comply with other setback requirements at approximately 1.5 metres and 5.7 metres respectively from the interior side lot lines where 1.2 metres minimum is required, and at approximately 23.6 metres from the rear lot line where minimum of 6 metres is required, the applicant has reasonably demonstrated that it is possible to develop the lot.

The height of the garage complies with the Zoning By-law provisions for accessory buildings.

Following 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 property is designated Low Density Residential in the Village of Fenelon Falls Official Plan. Low density residential dwellings and accessory buildings are anticipated within this designation. Thus, the proposal maintains 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 serviced by private individual septic and lake water system.

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 – Sewage System Program (August 27, 2018): No concerns.

Public Comments:

No comments as of September 11, 2018.

Attachments:



Appendices A-E to
Report COA2018-056

- Appendix A – Location Map
 - Appendix B – Aerial Photo
 - Appendix C – Applicant’s Sketch
 - Appendix D – Elevation Drawings
 - Appendix E – Department and Agency Comments
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