

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Harford

Report Number COA2018-075

Public Meeting

Meeting Date: November 29, 2018

Time: 1:00 pm

Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 13– geographic Township of Emily

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

1. Section 3.1.3.3 to permit a fourth and fifth accessory building (shed and canvas shelter) on a temporary basis until the garage is constructed where only three are permitted; and
2. Section 3.1.2.1 to permit a detached garage to be constructed within the front yard.

The variance is requested at 62 Woods Avenue, geographic Township of Emily (File D20-2018-058).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-075 Harford, be received;

THAT minor variance application D20-2018-058 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 and recognition of the existing accessory buildings related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices C and D submitted as part of Report COA2018-075, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** the southwestern wall of the garage contain at least one window;
- 3) **THAT** prior to the issuance of a Building Permit, the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the accessory building (Lean To) titled Building 5 in Appendix

C to Report COA2018-075, has been demolished or removed from the property;

- 4) **THAT** six (6) months after the date of the framing inspection for the detached garage, the variance from Section 3.1.3.3 permitting a total of five accessory buildings on the property shall lapse. When the variance lapses, the buildings identified as Building 4 (Shed) and Building 6 (Canvas Shelter) in Appendix C to Report COA2018-075 are no longer permitted. The owners shall submit to the Secretary-Treasurer photographic evidence of the removal of Buildings 4 and 6 on or before the lapsing date to ensure conformity with the zoning by-law; and
- 5) **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 COA2018-075. Fulfillment of conditions 1-3 and 5 are required for the Minor Variances to be considered final and binding.

Background: The application was advertised stating that the number of accessory buildings would be increased from 3 to 4 and a fifth would be permitted temporarily while the garage was being constructed.

The applicant has since advised that once the garage is constructed the fourth (shed) and fifth building (canvas shelter) will be removed once their contents are moved into the proposed garage. Relief is now sought to temporarily increase the number of accessory buildings from three to five while the garage is being constructed. Staff is satisfied that no re-advertisement is needed for Committee to make a decision on the amended proposal.

The application was last amended November 15, 2018.

Proposal: To permit the construction of an approximately 10.75 metre (35.3 foot) x 8.71 metre (28.6 foot) detached garage within the front yard. To recognize the four existing accessory buildings, and to permit the issuance of a building permit for a proposed fifth accessory building (garage).

Owners: Lance and Jennifer Harford

Applicant: Jennifer Harford

Legal Description: Block A, Plan 358, geographic Township of Emily, City of Kawartha Lakes

Official Plan: Rural and Environmental Protection within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Three (RR3) and Environmental Protection (EP) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1.72 hectares (4.26 acres) (MPAC)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: Rural, Wetland
East: Residential
South: Residential
West: Wetland, Forest

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 subject property is a back lot within an established shoreline residential neighbourhood. The property is situated at the end of Woods Avenue. Woods Avenue slopes down towards the subject property and transitions into its driveway as there is no cul-de-sac.

Rear yards border the east side of Woods Avenue as the dwellings along this side achieve primary access off of Cowans Drive. The eastern terminus of Woods Avenue is entirely gravelled due to the presence of two rear yard driveways used to store trailers. Single detached dwellings face the west side of Woods Avenue.

The proposed garage would be situated directly at the end of the road to the left of the front wall of the dwelling on the subject property. This is a highly visible location. The garage is anticipated to contribute to the character of the neighbourhood by increasing the presence and variety of built form visible along the street.

The land between the front lot line and dwelling is a gravelled parking area. There is insufficient space on the east side of the front yard or the east interior side yard to accommodate the proposed garage. While there is space along the eastern side of the rear yard for a garage, there is currently no driveway that leads there and the grade is uneven.

The western half of the property is lower and consists of provincially significant wetland. There is likely insufficient space within the west interior side yard that remains between the wetland and dwelling for a garage. Should there be space for the garage in the west interior side yard, it would impede the function of the space. The space contains a deck that runs the length of the dwelling's west

wall and facilitates access to the entrance to the dwelling. The deck also functions as an outdoor amenity area.

The garage is proposed in an area of sufficient size that is currently utilised for parking in a location that is acceptable to the Kawartha Region Conservation Authority. The garage therefore will formalize and enclose the parking currently taking place on the property and provide storage for some items currently kept outside or within the shed and temporary canvas shelter.

The temporary increase to the number of permitted accessory buildings from 3 to 5 is not anticipated to adversely impact the function of the property as the property is of sufficient size to accommodate these buildings and most of the buildings are modest in area. The increase will be temporary as building 4 (shed) and building 6 (canvas shelter) contain items that will be stored within the garage. Once the garage is constructed, these buildings will be removed as they are no longer needed.

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

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

The subject property is zoned Rural Residential Type Three (RR3) Zone and Environmental Protection (EP) Zone within the Township of Emily Zoning By-law 1996-30.

No development is proposed within the EP Zone and the garage is located at least 15 metres away from the EP Zone boundary as required by section 3.18.1.1.

The zoning by-law intends for accessory storage uses to be relegated to interior side or rear yards, as such uses are not intended to be visually prominent. However, the parking use which the detached garage will enclose is already present within the front yard, and the building is anticipated to compliment the streetscape by adding to the built form present along it. The garage is proposed 7.8 metres from the front lot line, greater than the minimum 7.5 metres required for a dwelling in the RR3 Zone. The proposed setback is in keeping with the similar front yard setbacks established by the dwellings on the west side of Woods Avenue closest to the subject property. The setbacks established by these dwellings appear to be between 8 and 9 metres. In this circumstance, it is appropriate to permit a garage within the front yard.

The total number of accessory buildings is also contemplated to be increased temporarily. As such, there is no long term impact to permit a temporary increase to the number of permitted accessory buildings in order to facilitate the issuance of a building permit for a detached garage. No adverse short-term impacts associated with the temporary increase in the number of accessory buildings are anticipated as four of the five buildings are clustered together to the west of the dwelling. The clustering concentrates the majority of the storage use to one area of the property.

Therefore, the variances 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 Environmental Protection and Rural within the City of Kawartha Lakes Official Plan (CKLOP). No development is proposed within the Environmental Protection designation. Within the Rural designation, low density residential uses are permitted. The variances sought are accessory to a residential use.

In consideration of the above, 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 on private individual well and septic 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 – Part 8 Sewage Systems (November 2, 2018): No concerns.

Building Division (November 15, 2018): No concerns.

Kawartha Region Conservation Authority (November 19, 2018): No concerns. Their office is in receipt of a permit application for the proposal.

Public Comments:

No comments as of November 19, 2018.

Attachments:



Appendices A-E to
COA2018-075.pdf

- Appendix “A” – Location Map
- Appendix “B” – Aerial Photo
- Appendix “C” – Applicant’s Sketches
- Appendix “D” – Elevations
- Appendix “E” – Department and Agency Comments

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