

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Barrett & Belbeck
Report Number COA2019-001

Public Meeting

Meeting Date: January 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 8 – Geographic Township of Manvers

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 5.25(a) – to erect a building in or structure on a lot that does not front upon or has no direct access onto an improved public street.

Relief is also sought to recognize the location of an existing shed on the property thus:

1. Section 5.1(b) - to permit an accessory building in the front yard where it is only permitted in a side or rear yard; and
2. Section 13.2(c) – to reduce the minimum front yard setback from 15 metres to 2.4 metres.

The variance is requested at 14 Bradley Street, Pontypool, geographic Township of Manvers (File D20-2018-063).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-001 Ian Barrett and Rebecca Belbeck, be received;

THAT minor variance application D20-2018-063 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the accessory buildings 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 COA2019-001, 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 owners 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 sanitary services. Similar wording shall be placed on the required building permit;
- 3) **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 structures or buildings between the front wall of the dwelling and the front lot line; and
- 4) **THAT** the Building Permit process 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 COA2019-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application proposes to construct a detached garage on an undersized and landlocked lot of record where the residential use was established circa 1985 (MPAC). Access to the subject property is through a driveway/right-of-way that runs through the southerly abutting property municipally known as 12 Bradley Street, which is a municipally assumed road.

This application was deemed complete October 25, 2018.

Proposal: To construct an approximately 53 square metre (575 square foot) detached garage.

Owner: Ian Barrett and Rebecca Belbeck

Applicant: Ian Barrett

Legal Description: 14 Bradley Street, Part Lot 11, Concession 3, RP 9R-1322, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Rural Settlement within Amendment #104 to the County of Victoria Official Plan

Zone: Rural Residential Type One (RR1) Zone within the Oak Ridges Moraine Zoning By-law 2005-133

Site Size: 0.3 acres (1,250.42 square metres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: Agricultural & Residential;
East & West: Community Facility
South: Residential

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 proposed footprint of the detached garage ensures that its accessory function will be maintained as observed from site visit and compared with the site plan sketch provided by the applicant. The front wall limits of the accessory building will not project further than the front wall of the house and the proposed location is at a suitable distance from the dwelling. This will also ensure that the established residential character of the neighbourhood is maintained.

The westerly lot line of the subject property abuts the rear yard space of the westerly adjacent properties, one of them being a commercial use property (Canada Post) that operates during business hours only. As a result, the scale of the proposed structure is not anticipated to create any land use compatibility issues. There also appears to be enough vegetation on the northeast corner of the abutting southwest property and on the southerly interior side yard of the northerly abutting property to adequately screen the massing of the proposed development.

The proposed configuration of the accessory building also ensures that sufficient amenity space will remain in the side and rear yards respectively.

Regarding the existing shed in the front yard, observations from site visit suggest that its current location is the best area to site the structure on the subject property because the location of the septic tile bed located in easterly side yard presents a spatial separation constraint. The same constraint can be cited for the westerly side yard where a detached garage is being proposed within close proximity to a well.

The location is also considered suitable because the heavily treed nature of the easterly and southerly lot line helps to conceal the visual impact than if it were to be relocated elsewhere on the property.

Based on the above analysis, 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

The Rural Residential Type One (RR1) Zone provision contemplates accessory uses as ancillary to a principle use. The accessory buildings under the scope of this variance application function as accessory uses to the dwelling on the subject property.

The proposed garage will be approximately 3 metres from the westerly interior side lot line and approximately 4.93 metres from the rear lot line respectively. These setbacks will exceed the minimum 1.3 metres required from the said lot lines as sufficient space remains within the said yards to facilitate access between the rear and front yards respectively.

The subject property, although landlocked, is an undersized lot of record for which the residential use was established circa 1985 (MPAC). Therefore, the ability of the proposal to meet the zoning provisions as exactly set out in the corresponding zoning by-law is hypothetically not attainable. However, the by-law does provide that reviews are done when development is proposed upon undersized lots of record to ensure the proposed construction is appropriate for the neighbourhood and can be adequately serviced.

Given that the proposed total lot coverage for all accessory buildings permitted would still be met for the proposed detached garage and existing shed at 4.98% where a maximum of 8% total lot coverage is permitted, 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 Rural Settlement within Amendment #104 to the County of Victoria Official Plan. The designation follows Countryside Area policies within the Plan that considers existing or established residential hamlets and communities. Accessory buildings are permitted ancillary uses to residential uses within this designation. The accessory buildings as proposed are not anticipated to negatively impact the residential character of its immediate surrounding uses.

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 serviced by 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 – Chief Building Official (January 7, 2019): No concerns. See comments

Engineering & Corporate Assets (January 8, 2019): No objections.

Community Services Department (January 8, 2019): No comments or concerns.

Public Comments:

No comments as of January 8, 2019.

Attachments:



Appendices A-E to
Report COA2019-001

- Appendix A – Location Map
 - Appendix B – Aerial Photo
 - Appendix C – Applicant’s Sketch
 - Appendix D – Elevation Drawing
 - Appendix E – Department and Agency comments
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Department File: D20-2018-063