

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Amy Stoddart

Report Number COA2019-003

Public Meeting

Meeting Date: January 17, 2019

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of two accessory buildings being a detached garage and a workshop/storage building:

Detached Garage

1. Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 5 metres.

Workshop/Storage Building

1. Section 3.1.2.1 to permit an accessory building in the front yard where it is only permitted in an interior side or rear yard; and
2. Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 5 metres.

The variance is requested at 110 Jasper Drive, geographic Township of Fenelon (File D20-2018-065).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-003 Amy Stoddart, be received;

THAT minor variance application D20-2018-065 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 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 COA2019-003, 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** prior to the issuance of a building permit for the proposed accessory buildings, the applicant shall through a site plan sketch delineate the limits of the sewage system leaching bed from the limits of the proposed accessory buildings. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Part 8 Sewage System Supervisor advising that location of the proposed detached garage and workshop/storage buildings meets the spatial separation requirements from the limits of the septic system respectively;
- 3) **THAT** the owner acknowledge through the granting of this approval that the neither the detached garage nor the workshop/storage building shall be used for human habitation, and that both structures shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 4) **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 buildings or structures between the front wall of the dwelling and the front lot line;
- 5) **THAT** as part of building permitting process, upon the complete construction of the detached garage and the workshop/storage building, there be a requirement that the shed located in the rear yard between the eastern wall of the dwelling and the water's edge shall be removed from the property or relocated in a compliant manner to the satisfaction of the Chief Building Official at a minimum water setback of 15 metres and at a minimum set back of 1.2 metres from the southerly interior side lot line; and
- 6) **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 COA2019-003. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The proposal seeks to construct two accessory buildings in the front yard: one being a two-car detached garage that will be replacing an existing garage in the northwest corner of the property, and the second being a new detached out-building to be utilized as workshop/storage building proposed to be located in the southwest corner of the property.

This application was deemed complete November 7, 2018.

Proposal: To construct an approximately 40 square metre (430 square foot) detached two-bay garage and an approximately 32 square metre (430 square foot) workshop/storage building.

Owner: Amy Stoddart

Applicant: Tom deBoer

Legal Description: 110 Jasper Drive, Part Lot 29, Concession 3, Plan 213, Lot 3, geographic Township of Fenelon, City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 0.56 acres (2,240 square metres)

Site Servicing: Private individual septic and lake water systems

Existing Uses: Residential

Adjacent Uses: North: Residential & Agricultural
West: Agricultural
East: Balsam Lake
South: Residential & Balsam 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 accessory buildings are proposed to be situated in an established shoreline residential neighbourhood.

The applicant indicated that the property owner plans an expansion to the dwelling in the near future which will necessitate an expansion to the existing septic system located in the front yard area. This in turn presents the inability of locating both accessory buildings in a compliant setback in the front yard.

As of right, a private garage is permitted in the front yard in the Fenelon Township Zoning By-law when a residential property abuts a shoreline, provided it complies with the yard provisions of the applicable zone. In the case of the proposed detached garage, it cannot practicably meet the 7.5 metres minimum front yard requirement due to the existence of a septic bed in the front yard area.

With regards to the proposed workshop/storage building location, again, the septic area in conjunction with owner's plan to redevelop the house limits the opportunity to locate the structure in a compliant manner as the footprint of the

dwelling expansion including the limits of the subsequent septic expansion are undetermined. The septic bed already occupies a significant portion of the property. Therefore, requiring the owner to locate the outbuilding in a compliant manner given the narrowness of the lot in conjunction with the water setback and other yard requirements is anticipated to present undue hardship to the owner as it may restrict the opportunity to redevelop the house to its full potential.

The applicant has also indicated that the existing raised planters in the front yard will remain in their current location following a suggestion by staff whether adjustments could be made to accommodate either of the proposed accessory buildings. As a trade-off, staff have placed condition 5 to ensure that the existing shed in the rear yard within the water setback is brought into compliance.

In all other respects, the existing cedar edge along the front lot line is anticipated to mask the scale of the proposal from the road. There is sufficient vegetation along the southwest corner of the property, and trees on the northerly lot lines to adequately screen the massing of the proposed outbuilding and detached garage respectively from the adjacent residential properties. As such, no land use compatibility issues are anticipated. Condition 2 has also been placed to ensure servicing requirements are met.

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

The Rural Residential Type Three (RR3) Zone provision contemplates accessory uses as ancillary to a principle use. The accessory buildings under the scope of this variance application are being proposed as devoted uses to the detached dwelling on the subject property.

Further, the physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of citing the proposed accessory buildings in accordance with the front yard requirements. The reduced front yard setback, if granted, is not anticipated to be perceptible. Sufficient amenity space will remain within the said yard to facilitate access to other portions of the property.

In all other respects, the proposed height of the detached garage and the workshop/storage building each comply with the maximum Zoning By-law provisions of 5 metres at approximately 3.5 metres and 5 metres respectively.

Considering the proposed structures will comply with the lot coverage requirements for accessory buildings at approximately 3.2% where 8% maximum is required (exclusive of the 0.5% coverage for the existing shed in the rear yard), 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

Within the Waterfront designation policies of the City of Kawartha Lakes Official Plan, accessory buildings are permitted ancillary to residential uses. The proposed location of the accessory buildings is not anticipated to negatively impact the residential character of the surrounding properties.

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 septic and lake water systems 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 (December 14, 2018): See comments.

Building Division – Chief Building Official (January 7, 2019): No concerns. See comments regarding building permitting process for the workshop/storage building regarding the storage loft.

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 COA2019-003

- 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: D20-2018-065