

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – MacDonald

Report Number COA2019-011

Public Meeting

Meeting Date: February 21, 2019

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 –Geographic Township of Fenelon

Subject: The purpose and effect is from the following provisions in order to permit the constructed detached garage:

1. Section 3.1.2.1 to permit an accessory building within a front yard whereas only an interior side and/or rear yard location is permitted; and
2. Section 3.1.3.2 to increase the height of an accessory building from 5 metres to 5.2 metres.

The variance is requested at 221 Francis Street East, geographic Township of Fenelon (File D20-2019-004).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-011 MacDonald, be received;

THAT minor variance application D20-2019-004 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-011, which shall be attached to and form part of the Committee's Decision.
- 2) **THAT** the west wall of the detached garage shall contain at least one window.
- 3) **THAT** the lower portion of the west and south walls of the detached garage shall contain stone veneer/cladding covering between 35%-45% of the height of each wall face from finished grade to the eaves.

- 4) **THAT** to satisfy conditions 2 and 3 the owner shall prepare and submit to the Planning Division building elevations of the detached garage to the satisfaction of said Division. The elevations are to be prepared in general accordance with Appendix D to Report COA2019-006, and said satisfactory elevations shall be submitted as part of the building permit application; and
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of five (5) 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 COA2019-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application is the result of a Building Division enforcement matter. In June of 2017, the applicant applied for a building permit, but it could not be issued as the garage location did not comply with the zoning by-law. On February 20, 2018, the Building Division became aware that the garage had been constructed without a permit. A pre-screening application was submitted March 2018. Planning Division's request for a meeting in May went unanswered, resulting in the Building Division laying a compliance order in November. The pre-screening meeting took place in December 2018.

This application was submitted December 14, 2018.

Proposal: To recognize the construction of a 6.1 x 7.3 metre (20 x 24 foot) detached garage.

Owner: Nancy and Shirley MacDonald

Applicant: Adam Hayter - RWH Construction

Legal Description: Part 2, 57R-2234, geographic Township of Fenelon, now City of Kawartha Lakes

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

Zone: Rural Residential Type Two (RR2) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 2,307 square metres (0.57 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Residential
West: Shoreline Residential

Rationale: While the garage exists, it did not receive a building permit nor does it comply with zoning. For these reasons, the Planning Act requires that this building be presented and discussed as a proposed building.

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 situated on a former County Road which is the sole access road for approximately 200 residential lots located to the south. The subject property is part of a cluster of residential properties on the east side of Francis Street East that are just outside of the Fenelon Falls Urban Settlement Area.

From the road, the subject property steadily rises up to the house, and rises more gently from the dwelling to the rear lot line. The existing dwelling is served by an attached garage at its northern end. The dwelling is built into the slope such that the west basement wall is partially to fully exposed. The attached garage is located on the basement level of the dwelling.

The detached garage is proposed to the north and east of the attached garage in a location where the existing driveway area could be utilised and where further excavation into the slope is not required. The location of the garage is appropriate in order to cluster the storage functions on the property together.

However, due to the topography and absence of vegetation, the absence of other large accessory buildings along this portion of the street, and the absence of any dwellings constructed closer to the road allowance, the garage figures prominently within the front yard when viewed from the west or south. The neighbouring lot to the north has mature deciduous and coniferous trees which assist in providing a vegetative screen when travelling south on Francis Street East.

Provided aesthetic modifications are made to the garage so that it better addresses and compliments the streetscape by adding a window and carrying the stone cladding treatment present along the lower portion of the east wall of the garage is carried around its south and west walls, the location and increased height is permissible as the garage will then compliment the residential character of the neighbourhood. The aesthetic modifications will also mitigate any adverse height or massing impacts currently presented by the two blank west and south walls.

Due to the above analysis, 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 intent of the General Provisions section is to ensure the storage function of accessory buildings is relegated to the side or rear yard of a dwelling to ensure the dwelling retains its visual prominence as the primary use and building on the property.

As the gables of the garage are on the north and south walls, the tallest wall face is not proposed to directly face the road, which assists in minimizing the height and massing of the building.

Dwellings by their nature address and compliment the streetscape through the use of windows, doors, different cladding treatments and varying rooflines. When accessory buildings are proposed within side or rear yards, lack of cladding treatments, windows and/or doors do not impact the character of the neighbourhood as they are not in prominent locations and are often overshadowed by the dwelling. In this case, the garage is in a prominent location in the front yard and some additional steps are needed to address and compliment the streetscape to make to building appear less utilitarian in nature. This neighbourhood has few accessory buildings within front yards, and none at a scale as large as what is proposed for the subject property.

Provided changes to the building are made, the intent of the zoning by-law with respect to accessory buildings is maintained.

Therefore, 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 within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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. Planning staff did attempt to discuss the proposed building treatments with one of the owners, but it was expressed that no changes to the building were desired.

Servicing Comments:

The property is serviced by a private individual septic system, and well.

Consultations:

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

Agency Comments:

Kawartha Region Conservation Authority (February 5, 2019): No concerns.

Building Division – Part 8 Sewage Systems (February 5, 2019): No concerns.

Building Division (February 7, 2019): The building was built without a permit.

Engineering and Corporate Assets Department (February 11, 2019): No concerns.

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-F to
COA2019-011.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Staff Proposed Elevations

Appendix E – Applicant's Elevations

Appendix F – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-004