

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

1) Are the variances minor in nature? Yes
And

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 the 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

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Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-004