

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Keenan

Report Number COA2019-025

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### Public Meeting

**Meeting Date:** April 18, 2019

**Time:** 1:00 pm

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

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### Ward: 6 – Geographic Township of Emily

**Subject:** The purpose and effect is to request relief from Section 3.1.2.1 to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted.

The variance is requested at 23 Helen Drive, geographic Township of Emily (File D20-2019-017).

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**Author:** David Harding, Planner II

**Signature:**

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### Recommendation:

**Resolved That** Report COA2019-025 Frank and Tera Keenan, be received;

**That** minor variance application D20-2019-017 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 related to this approval proceed substantially in accordance with the sketch in Appendix D and elevations in Appendix E to Report COA2019-025, which shall be attached to and form part of the Committees' decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owner shall submit to the Secretary-Treasurer written confirmation from the Building Division that the building identified on Appendix C to Report COA2019-025 as Shed has been removed;
- 3) **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
- 4) **That** prior to the issuance of a building permit the owner acquires the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the detached garage; and

- 5) **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 COA2019-025. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	The application was deemed complete March 1, 2019.
Proposal:	To construct an approximately 9.1 metre x 15.2 metre (30 foot x 50 foot) detached garage within the front yard.
Owners:	Frank and Tera Keenan
Applicant:	Frank Keenan
Legal Description:	Part Lot 7, Concession 3, Part 4, 57R-7741, City of Kawartha Lakes
Official Plan:	Urban Settlement Area within the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Two Exception Three (RR2-3) Zone within the Township of Emily Zoning By-law
Site Size:	8,881.4 square metres (2.2 acres)
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural Residential
Adjacent Uses:	Rural Residential

**Rationale:**

**1) Is the variance minor in nature? Yes**  
**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The property is located within a rural residential neighbourhood immediately south of Omeme.

Due to the curvature and topography of Helen Drive, and the lack of vegetation within the front yards, the dwelling subject property forms part of a continuous series of seven (7) dwelling units which stretch from 17 Helen Drive to 39 Helen Drive. All of the dwellings at the above-noted addresses are visible from the portion of the road in front of 17 Helen Drive when entering the neighbourhood

and from the portion of road in front of 39 Helen Drive when leaving the neighbourhood.

Of the seven addresses, the dwelling at 17 Helen Drive is the closest to the road, the dwellings at 29-39 Helen Drive are all nearly identical distances from the road, and the dwelling on the subject property is furthest away from the road. The dwelling on the subject lot was likely located further from the road as it has more depth than the lots south of it.

The garage is proposed of a size similar to the dwellings on the lots to the south and would be a similar distance away from the road as those dwellings.

The garage is proposed within the front yard to the immediate south of the existing driveway and southwest of the single bay attached garage. The proposed location therefore clusters the storage functions on the property, increasing property functionality. Due to the lot's topography, which slopes upward away from the road, the presence of significant woodland within a portion of the rear yard, and the use of the rear yard as an amenity area, the front yard is functionally the most suitable location for a detached garage.

From the characteristics of this neighbourhood previously noted, the front yard the garage is proposed in is a highly visible location. The introduction of a storage building in such a visible location has the potential to adversely impact neighbourhood character if certain design steps are not taken.

The owner has worked with staff to develop design elements. The two bay doors of the garage are proposed to face north, windows are proposed on the west and southern walls, and a board and batten style siding is proposed along the bottom third of the north, south and western walls. The design features collectively reduce the overall massing impacts that such a large accessory building would otherwise generate by introducing visual interest to the three walls visible from the road. These features cause the building to also appear more residential in nature rather than utilitarian, matching the appearance of the built form found in the dwellings along this side of the street.

Due to the above analysis, the variance is minor in nature and 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 subject property is zoned Rural Residential Type Two Exception Three (RR2-3) Zone within the Township of Emily Zoning By-law. Residential uses are permitted on this property.

The intent of the zoning by-law is to restrict the placement of accessory buildings within a front yard, relegating them to side or rear yards. Side and rear yards are usually less visually prominent locations in comparison to a front yard. As it is usually the most visible yard from the street, front yards have the greatest ability to shape the character of the street through their appearance and use. One of the intents of the location provision is to ensure accessory buildings and uses do not dominate the streetscape.

The proposed garage design ensures that it appears more residential in nature rather than utilitarian, and will complement the design of the neighbourhood's dwellings and therefore the established streetscape. As it will complement the design of the existing dwellings, it is anticipated to contribute to the character of the streetscape rather than dominate it.

Furthermore, no relief is being sought from the accessory building height provision. A low roofline will also ensure that the building's mass will not dominate the streetscape.

Therefore, the variance maintains the general intent and purpose of the Zoning By-law.

**4) Does the variance maintain the intent and purpose of the Official Plan?**  
**Yes**

As the Omemee Secondary Plan is under appeal, the interim designation established within the City of Kawartha Lakes Official Plan (Official Plan) applies. The property is designated Urban Settlement Area within the Official Plan. Within this designation, single detached dwellings are anticipated to be the predominant use of land.

As the application proposes an accessory use to a single detached dwelling, the variance maintains 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 a 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:**

Kawartha Conservation Authority (April 5, 2019): No objection to the proposed variance provided the owner obtains a permit from their office and, should the removal of trees be proposed, that construction adhere to the provisions of the Migratory Bird Act and the Fish and Wildlife Conservation Act.

Building Division (April 4, 2019): No concerns.

Engineering and Corporate Assets Department (April 8, 2019): No concerns.

Community Services Department (April 9, 2019): No concerns.

**Public Comments:**

No comments received as of April 8, 2019.

**Attachments:**



Appendices A-E to  
COA2019-025.pdf

- Appendix A – Location Map
  - Appendix B – Aerial Photo
  - Appendix C – Applicant’s Sketch
  - Appendix D – Elevation Drawings
  - Appendix E – Department and Agency Comments
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**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-017