

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Joss

Report Number COA2019-029

Public Meeting

Meeting Date: April 18, 2019

Time: 1:00 pm

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

Ward: 7 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from the following provisions to permit the construction of a detached garage:

1. Sections 3.3 and 6.3.6 to permit the construction of an accessory building despite the property being subject to a holding provision which prevents new buildings from being constructed;
2. Section 5.2(b)(i) to permit an accessory building within a front yard whereas only a side and/or rear yard location is permitted; and
3. Section 6.2(c) to reduce the minimum front yard setback from 7.5 metres to 6.5 metres; and

Further relief is also requested from Section 5.12(x) to permit the parking or storage of two commercial motor vehicles in excess of one ton capacity on a residential lot, being a boom truck and a one ton truck, whereas such vehicles are not permitted as-of-right on residential lots.

The variances are requested at 78 Logie Street, former Town of Lindsay (File D20-2019-020).

Author: David Harding, Planner II

Signature:

Recommendation:

Resolved That Report COA2019-029 Joss, be received;

That minor variance application D20-2019-020 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 C and elevations in Appendix D to Report COA2019-029, which shall be attached to and form part of the Committees' decision;

- 2) **That** prior to the issuance of a building permit the owner shall submit a lot grading and drainage plan to the satisfaction of the Engineering and Corporate Assets Department. The owner shall provide to the Secretary-Treasurer written confirmation from the Engineering and Corporate Assets Department that the lot grading and drainage plan is satisfactory; and
- 3) **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 COA2019-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: A detached garage is proposed. Relief is sought from the front yard setback and location provisions, and a variance is also sought to the holding provision to permit the construction of the garage whereas the holding provision currently does not permit the construction of any further buildings.

Proposal: To construct an approximately 12.19 metre x 18.28 metre (40 foot x 60 foot) detached garage and store two commercial vehicles on the residential lot.

Owners: Calvin and Sarah Joss

Applicant: Calvin Joss

Legal Description: Park 2 East Logie Street, Plan 8P, former Town of Lindsay, City of Kawartha Lakes

Official Plan: Residential within the Town of Lindsay Official Plan

Zone: Residential One Holding One (R1(H1)) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: 7,196 square metres (1.8 acres)

Site Servicing: Municipal water and private individual septic system

Existing Uses: Residential

Adjacent Uses: North: Residential
South: Residential
East: Vacant Residential Land
West: Park

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 subject property is an older lot located within a developing residential neighbourhood on the east side of Lindsay. Access to the lot is obtained via Logie Street to the west, but the north lot line, which is defined as the front lot line abuts a new subdivision road named Holtom Street. The property is a corner lot as it is located at the southeast corner of the Logie Street and Holtom Street intersection.

The topography on the lot rises up away from Logie Street with the east lot line being the highest area on the lot. The 7,196 square metre lot is large for a residential lot in Lindsay. The lot is wide and deep, but tapers toward the north end due to the diagonal orientation of Logie Street. The dwelling is located at the south end of the lot. The garage is proposed at the northeast end. At least 30 metres is proposed between the dwelling and garage. The great degree of spatial separation between the two buildings ensures the garage will not visually overwhelm the dwelling, ensuring the dwelling continues to appear as the most prominent and principal use.

Due to the orientation of the dwelling and configuration of the area prior to the construction of the new subdivision, the west lot line abutting Logie Street functions as the front yard. The garage is most visible from Logie Street as the west lot line does not have any vegetative buffering and the footprint is proposed on one of the highest points on the property. However, the garage does not overwhelm the streetscape as it is proposed as far back from Logie Street as possible. The increased spatial separation from Logie Street assists in mitigating any potential adverse massing impacts and also serves to minimize the loss of useable yard amenity space. While the setback from Logie Street is substantial, the setbacks to the north and east lot lines are sufficient enough to protect the vegetative buffers established along those lot lines. These buffers are proposed to be retained and where possible enhanced with additional plantings. The garage bay door is proposed on the west wall. Access to the garage will be from an extension to the existing semi-circular driveway north of the dwelling.

The front yard is by definition the space between the dwelling and Holtom Street. As the lot is a corner lot and the building is proposed closer to a lot line which abuts a street, the proposed building site is a fairly visible location, though its massing is substantially mitigated along Holtom Street due to the vegetative buffer. Design treatments in the form of windows and windowed doors are proposed on the north, west, and south walls to further 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 roads. The visual interest also causes the building to appear more residential in nature rather than utilitarian, further tying it into the residential streetscape.

One of the property owners is the sole owner-operator of a tree cutting service, Joss Tree Service. Relief is sought for the on-site storage of the two vehicles related to this commercial operation. The vehicles are proposed to be stored within the garage. As the business has no other employees, only the administrative component of the business occurs on-site, the vehicles are proposed to be stored within the garage when not in use off-site, and the lot is sufficiently sized to accommodate a garage of the proposed size, no adverse impacts are anticipated to the neighbourhood by permitting the storage of the two commercial vehicles on the lot.

The construction of the garage will provide for additional space to store vehicles and other household items. Permitting the construction of the garage on a property subject to a holding provision is not anticipated to substantially alter the future development potential of the lot.

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 subject property is zoned Residential One Holding One (R1(H1)) Zone within the Town of Lindsay Zoning By-law 2000-75. The holding provision prevents the construction of any buildings until sufficient water and sewer capacity is confirmed. The holding provision was likely intended to prevent the lot from being subdivided or otherwise intensified until adequate municipal servicing was confirmed and/or constructed.

As the application is proposing to add an accessory building, and said accessory building is not proposed to have any water/wastewater services, there is no change to the existing service levels within this area. Also, no residential intensification is occurring. Furthermore, the holding provision will continue to remain in place for all subsequently proposed development so that the merits of any further proposal can be reviewed through a Planning Act application.

Additionally, the intent of the General Provisions section 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 garage is proposed well back from Logie Street, will be well buffered from Holtom Street, and is proposing design treatments to the south, west and north walls to add visual interest and character to the building where it is visible from those two streets. The proposed garage design ensures that it appears more residential in nature rather than utilitarian, and will complement the

neighbourhood streetscape. The proposed accessory use is anticipated to add to the character of the streetscape rather than adversely impact it.

Furthermore, the intent of the Zoning By-law is to ensure commercial uses and activities do not occur on residential lots where there may be conflict with abutting residential uses. The property is of sufficient size to accommodate the two commercial vehicles belonging to the owner-operator, being a boom truck and truck, and their storage on the lot when not in use is not anticipated to adversely impact the use of the abutting residential lots.

Therefore, the variances maintain the general intent and purpose of the Zoning By-law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan remains in effect. The land is designated Residential within the Town of Lindsay Official Plan.

The residential designation anticipates that the predominant use of the land shall be for residential purposes.

As the application proposes an accessory use to a single detached dwelling, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Due to the type of building proposed, and the fact that the vehicles were only being stored on the property rather than operating on the property, it was determined that the variance process would be more appropriate than a zoning by-law amendment.

Servicing Comments:

The property is serviced by a municipal water supply and private individual 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:

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

Engineering and Corporate Assets Department (April 9, 2019): No concerns.

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

Public Comments:

No comments have been received as of April 9, 2019.

Attachments:



Appendices A-E to
COA2019-029.pdf

- Appendix A – Location Map
 - Appendix B – Aerial Photo
 - Appendix C – Applicant’s Sketch
 - Appendix D – Elevation Drawings
 - Appendix E – 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: D20-2019-020