

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Dunstan**  
Report Number COA2019-028

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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: 2 – Former Village of Bobcaygeon**

**Subject:** The purpose and effect is to request relief from the following in order to permit the construction of a replacement detached garage:

1. Section 3.1(b) to reduce the minimum side yard requirement for an accessory building from 1.2 metres to 0.6 metres; and
2. Section 5.2(c) to reduce the minimum front yard requirement from 7.5 metres to 1.1 metres.

The variances are requested at 19 Snake Point Road, former Village of Bobcaygeon (File D20-2019-019).

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**Author:** Quadri Adebayo, Planning II      **Signature:**

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**Recommendations:**

**Resolved That** Report COA2019-028 Dunstan, be received;

1. **That** minor variance application D20-2019-019 seeking relief from Section 5.2(c) to reduce the minimum front yard requirement from 7.5 metres to 1.1 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-019 seeking relief from Section 3.1(b) to reduce the minimum side yard requirement for an accessory building from 1.2 metres to 0.6 metres, be DENIED, as this portion of the application does not meet 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 shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-028, 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; and

- 2) **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 COA2019-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	The proposal seeks to construct a three-bay detached detached garage in the front yard to replace an existing two-bay detached garage built circa 1970 (MPAC). The proposed development will result in a larger accessory building with a reconfigured footprint. The application was deemed complete March 20, 2019.
Proposal:	To construct an approximately 89.1 square metre (958 square foot) three-car detached garage
Owners:	Stanley and Kathryn Dunstan
Legal Description:	Lot 13, Plan 257, former Village of Bobcaygeon, now City of Kawartha Lakes
Official Plan:	Urban within the Victoria County Official Plan
Zone:	Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78
Site Size:	1,160 square metres (0.29 acres)
Site Servicing:	Municipal water and sanitary systems
Existing Uses:	Residential
Adjacent Uses:	North: Snake Point Road, Residential West and East: Residential South: Sturgeon Lake (Bobcaygeon River Channel)

**Rationale:** It is evident that the deficient setback values for both the front and side yards have already been established by the footprint of the current detached garage. While the replacement garage is proposed at an improved side yard setback of 0.1 metres than what currently exists at 0.5 metres, the relief sought for a 0.6 metres reduction from the minimum 1.2 metres allowed in the side yard will not alleviate the lot drainage inconsistencies in that portion of the side yard.

**1) Are the variances minor in nature?**

- (i) **Side Yard Setback - No**
  - (ii) **Front Yard Setback - Yes**
- And**

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

- (i) **Side Yard Setback - No**
- (ii) **Front Yard Setback - Yes**

The subject property is part of a cluster of residential properties that are located on fringe of the Bobcaygeon Urban Settlement Area, on the south side (water side) of Snake Point Road.

As of right, a private garage is permitted in the front yard in the Village of Bobcaygeon 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 metre front yard setback.

Following discussions with the applicant during pre-screening about re-orienting the footprint of the proposed detached garage or reducing the size of the structure as reasonably possible, staff have been able to confirm the potential hardship claimed by the applicant through observation during site inspection. The property is irregularly narrow in shape with approximately 19 metres of room between the front wall of the house and the front lot line. A reduction in the size of the proposed garage may not avail sufficient room to fit the applicant's boat with supplementary space for other storage items and coupled with the fact the rear yard of the property is not a viable location to place an accessory building due to a 20 metre water setback requirement and there is only about 26 metres of room between the rear wall of the house and the closest point of the water's edge. The applicant also desires to construct a front porch addition to the dwelling.

The applicant has also demonstrated receptiveness to staff recommendation during prescreening to push the proposed garage to the 1.1 metre front yard setback requested under this application but initially proposed at 0.9 metres.

In all other respects, the front yard setback recommended by staff will ensure that the proposed development aligns with the front wall of the detached garage on the easterly abutting property. This in conjunction with the tree located in front of the property is anticipated to ensure that the said reduction is indiscernible at human scale and that the massing will not detract away from the residential streetscape of the neighbourhood.

Staff would also advise that aesthetic cladding treatment be made to the proposed garage wall so that it compliments the dwelling and streetscape accordingly.

Regarding the request for the side yard setback relief, observation from site visit suggests that a compliant setback of 1.2 metre is achievable without hindering the functionality of the driveway. The Engineering and Corporate Assets Department has also commented that a 0.6 metre side yard setback

doesn't provide sufficient room for drainage purposes and that the 1.2 metre setback should be maintained.

Although the proposed side yard setback reduction is not considered minor and desirable and appropriate in this instance, the variance to reduce the front yard setback would be considered 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?**

- (i) **Side Yard Setback – No**
- (ii) **Front Yard Setback - Yes**

Accessory buildings by their nature address and should compliment both the dwelling on the property and the general neighbourhood streetscape. This neighbourhood has few accessory buildings within the front yards. The R1 Zone provision contemplates accessory uses as ancillary to a principle use. The accessory building under the scope of this variance application is being proposed as a devoted use to the detached dwelling on the subject property.

The physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of siting the proposed accessory building in accordance with the front yard requirements. However, zoning standards are established amongst other reasons to ensure adequate spatial separation between structures and properties for safe access to and from a property during emergency situations, and most especially to ensure storm water run-off can be contained on the property before being discharged. In conjunction with Engineering Division's comments below, a compliant side yard setback of 1.2 metres will also help to ensure sufficient room for proper drainage. Sufficient space will also remain within the side yard to facilitate access to other portions of the property.

In all other respects, the proposed height of the detached garage will comply with the maximum Zoning By-law provisions of 5 metres at approximately 3.4 metres.

Although the proposed side yard setback reduction is not supported, the variance to reduce the front yard setback would 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 Urban Designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan (VCOP) applies. 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. Planning staff did attempt to discuss the proposed side yard setback with the applicant, but it was expressed that a compliant side yard setback for the building was not desired.

**Servicing Comments:**

Full municipal services for water and sanitary.

**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 – Plans Examiner (April 4, 2019): No concerns.

Kawartha Conservation – KRCA (April 5, 2019): No objections provided the proposed works are constructed as per the plans provided through this application. See comments.

Engineering & Corporate Assets (April 8, 2019): They advised that the 0.6 metre side yard setback proposed is not considered sufficient should any potential drainage issues arise from the proposed garage replacement. They also recommend that the City request and receive confirmation of clearance/understanding from the neighbouring property municipally addressed as 25 Snake Point Road (with an existing frame garage close to property limit). And that both property owners must be aware that any potential drainage issues between the properties will be difficult to resolve with a limited 0.6 metre setback as these type of drainage issues are between the private property owners. See comments.

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

**Public Comments:**

No comments as of April 10, 2019.

**Attachments:**



Appendices A-E to  
Report COA2019-028

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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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-019