

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Wallis

Report Number COA2019-023

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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 – Geographic Township of Verulam

**Subject:** The purpose and effect is to request relief Section 5.1.3(b) 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 36 Stinson's Bay Road, geographic Township of Verulam (File D20-2019-015).

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**Author:** David Harding, Planner II

**Signature:**

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### Recommendation:

**Resolved That** Report COA2019-023 Stephen and Cynthia Wallis, be received;

**That** minor variance application D20-2019-015 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 COA2019-023, which shall be attached to and form part of the Committees' decision;
- 2) **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; 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 COA2019-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** This application proposes to construct a detached garage within a front yard. This application was last amended April 1, 2019.

**Proposal:** To construct an approximately 7.3 metre x 7.3 metre (24 foot x 24 foot) two bay detached garage.

**Owners:** Stephen and Cynthia Wallis

**Applicant:** Garry Newhook, Garfield Design

**Legal Description:** Part of Lot 16, Concession 1, Part 1, 57R-1631, former Township of Verulam, City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan

**Zone:** Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

**Site Size:** 1,998 square metres (0.494 acres)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Residential

**Adjacent Uses:** North: Forest, Agriculture  
South, West: Forest, Shoreline Residential  
East: 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 subject property is situated within a neighbourhood bordering the north shore of Sturgeon Lake. A portion of this neighbourhood may be classified as shoreline residential, and a portion may be classified as rural residential. To the south of the subject property are the shoreline residential lots and shoreline residential backlots. To the east, spanning the distance from CKL Road 8 to the shoreline residential lots are the rural residential lots. The neighbourhood as a whole contains a mixture of seasonal and year-round residential dwellings.

It appears that the neighbourhood was originally a forest, and that trees were selectively removed to provide for suitable building envelopes. This has resulted in substantial vegetative buffers between lots. The subject property contains vegetative buffers on all sides. However, the vegetative buffer along the front lot line is the thinnest and the driveway entrance provides a break in that buffer, making the front yard visible from the street.

The dwelling is located near the rear and north side lot lines. The placement of the dwelling has resulted in a wide and deep front yard in relation to the other yards on the property. As the subject property does not have a garage, parking is provided in the form of a large gravel parking area in front of the dwelling. The septic system is located south of the dwelling. Due to the location of the dwelling and septic system, the only potential building envelope for a detached garage is within the front yard.

While the garage is proposed within the front yard, it would be south of the dwelling and south of the driveway entrance. The north wall of the garage is proposed to be in-line with the south wall of the dwelling. As the garage will be to the side of the dwelling rather than directly in front, the dwelling will continue to remain the visually prominent use where the property is visible from the street. It is anticipated that the garage use will complement the character of the property and streetscape by providing enclosed storage for vehicles and other items that would otherwise be stored outside within the front yard.

The two bay doors are proposed on the north wall. Their positioning ensures minimal expansion to the existing driveway, and preserves the vegetative buffer between the garage and street. As there is vegetation between the garage and the street, and the garage is proposed to maintain a fair spatial separation from the street (7.7 metres), no adverse massing impacts are anticipated by permitting the garage in the proposed location.

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 Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87.

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 7.7 metre setback from the front lot line further assists in mitigating the prominence of the building.

As examined previously, the front yard on this property is the most visible yard from the road. The garage is proposed to the south of the surface parking area. As the garage is not proposed directly in front of the dwelling, but off to the side, the dwelling will continue to appear as the principal use when viewed from the street. The north wall of the garage will be the most visually prominent of the garage walls, as the driveway entrance is located northeast of the proposed garage. Two bay doors and a window within the gable wall, as well as a horizontal eave are proposed on the north face. Collectively these three

features work to break up the face of the wall, add visual interest and compliment the streetscape.

In this case, the garage is proposed in a location which functions and appears as something other than a front yard. 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**

The property is designated Waterfront 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 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:**

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

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

Kawartha Conservation Authority (April 4, 2019): No objection to the proposed variance provided the owner adheres to the recommendations of the Migratory Bird Act and the Fish and Wildlife Conservation Act.

**Public Comments:**

No comments as of April 8, 2019.

**Attachments:**



Appendices A-E to  
COA2019-023.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:** D20-2019-015