

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Matthew and Amy Coultice
Report Number COA2019-022

Public Meeting

Meeting Date: May 16, 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 to request relief from Section 3.1.2.1 to permit a detached garage within a front yard instead of an interior side or rear yard.

The variance is requested at 2173 Elm Tree Road, geographic Township of Fenelon (File D20-2019-014).

Author: David Harding, Planner II

Signature:

Recommendation:

Resolved That Report COA2019-022 Matthew and Amy Coultice, be received;

That minor variance application D20-2019-014 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-022, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the east wall of the detached garage shall contain two artificial/faux windows in accordance with Appendix E to Report COA2019-022;
- 3) **That** prior to the issuance of a building permit the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the building identified as Bus Shelter on Appendix C to Report COA2019-022 has been removed;
- 4) **That** to satisfy Condition 2 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 Appendices D and E to Report COA2019-022, and said satisfactory elevations shall be submitted as part an amended building permit application; and

- 5) **That** the building construction related to the minor variance shall be completed within a period of four (4) 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 COA2019-022. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application is the result of a Building Division enforcement matter. On January 11, 2019 the Building Division received a request for an inspection for a detached garage build. Upon further investigation it was discovered that it had been previously communicated to the applicant that a building permit had not been issued because the building did not comply with zoning. On February 7, 2019 the applicant was requested by the Building Division to comply by submitting a variance application. The application was submitted February 20, 2019, but contained deficiencies that prevented the application from being processed.

This application was last amended May 7, 2019.

Proposal: To recognize the construction of a 9.144 x 9.144 metre (30 x 30 foot) detached garage.

Applicant: Ryan Hayter – RWH Construction

Owners: Matthew and Amy Coultice

Legal Description: Part E ½ Lot 3, Concession 1, Part 1, 57R-6378, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: Prime Agricultural within the City of Kawartha Lakes Official Plan

Zone: Agricultural (A1) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 5,971 square metres (1.48 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: North, East: Agricultural, Rural Residential
South, West: Agricultural

Rationale: While the garage exists, it did not receive a building permit nor does it comply with zoning. For these reasons, the Planning Act requires that this building be presented and discussed as a proposed building.

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 located within a small cluster of rural residential dwellings a short distance south of the hamlet of Cambray. The lot abuts agricultural fields. The fields to the north have no trees or vegetation of any substantial height, while the field to the south appears to be scrubland with vegetation of minimal height.

The dwelling is situated approximately halfway into the lot and closer to the north lot line. This positioning has resulted in a sizeable front yard, most of which is lawn. Development is precluded from the southern portion of the lot due to the location of the septic system. Constructing the garage within the rear yard would also remove recreational amenity space. While the garage would fit in the north interior side yard, this would substantially restrict access to the rear yard.

The south wall of the garage is proposed to be approximately in-line with the north wall of the dwelling, very close to the existing driveway and 1.5 bay attached garage. Aerial photography also indicates that most of the area where the garage is proposed functioned as a surface parking area. The proposed location therefore clusters the storage functions on the property, and encloses the outdoor storage area, increasing property functionality.

The garage bay door is proposed to be oriented towards the existing driveway, eliminating the need to create additional driveway surface, which in turn preserves available landscaped open space.

As the entire garage will be closer to the road than any part of the dwelling, but be off to the side of the dwelling rather than directly in-front of it when viewed from the front lot line, the dwelling will continue to retain some prominence in relation to the overall rural streetscape. While there is a great degree of spatial separation (30.48 metres) between the garage and front lot line, the garage does feature prominently within the landscape due to: topography (being at the crest in the road), placement (lack of any other accessory buildings within the front yards of nearby lots), size, and lack of substantial vegetation that would assist in screening it from view. This prominence is mitigated through the use of the following design elements: multiple gables, eaves that separate the gables from the lower wall face and the staff proposed placement of two faux windows on the east wall, being the wall which faces the road (See Appendix E). The combination of these building design elements also assists in mitigating adverse massing impacts in the rural residential cluster where there are no other accessory buildings within front yards. These elements also add residential character to a storage building, better tying it into the rural residential cluster where the dwellings feature more prominently.

From the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land provided that the placement of two faux windows or windows on the east wall as proposed by staff are implemented.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

Yes

The subject property is zoned Agricultural (A1) Zone within the Township of Fenelon Zoning By-law 12-95. Due to its size, the lot is subject to the Rural Residential Type One (RR1) Zone provisions.

The intent of the zoning by-law is to restrict the placement of accessory buildings within a front yard, locating them within the 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.

While a garage in-line with or behind the dwelling would enhance the prominence of the dwelling and in turn reduce the prominence of the garage, the garage would still remain a fairly prominent feature upon the landscape due to the combination of the property being at a small rise in the land and the lack of hedgerows or residential plantings that would otherwise screen it from view.

Detached garages behind the front wall of dwellings are common within this small rural residential cluster. Therefore the building type is not out of character for the neighbourhood. 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 rural residential streetscape.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law provided that the placement of two faux windows or windows on the east wall as proposed by staff are implemented..

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

Yes

The property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan. Low density rural 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:

Upon attending the property staff discussed the possibility of adding a window feature or features to the east garage wall with the owners. The owners have noted their agreement to adding the feature(s) should staff request it. In consultation with the owners, staff has developed Condition 2.

Servicing Comments:

The property is serviced by a private individual well and septic system.

Consultations:**Agency Comments:**

Engineering and Corporate Assets Department (May 6, 2019): No concerns.

Building Division (May 6, 2019): No concerns.

Building Division – Part 8 Sewage Systems (May 8, 2019): No concerns.

Public Comments:

No comments have been received as of May 7, 2019.

Attachments:

Appendices A-F to
COA2019-022.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Staff Proposed Changes

Appendix F – Department and Agency Comments

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Department File:	D20-2019-014