

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – MacDonald**  
Report Number COA2019-033

---

**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 from the following provisions in order to permit the constructed detached garage:

1. Section 3.1.2.1 to permit an accessory building within a front yard whereas only an interior side and/or rear yard location is permitted; and
2. Section 3.1.3.2 to increase the height of an accessory building from 5 metres to 5.2 metres.

The variances are requested at 221 Francis Street East, geographic Township of Fenelon (File D20-2019-004).

---

**Author: David Harding, Planner II**

**Signature:**

---

**Recommendations:**

**Resolved That** Report COA2019-033 MacDonald, be received;

**That** minor variance application D20-2019-004 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-033, which shall be attached to and form part of the Committee's Decision.
- 2) **That** the west wall of the detached garage shall contain four faux windows or windows.
- 3) **That** the lower portion of the west and south walls of the detached garage shall contain stone veneer/cladding covering between 35%-45% of the height of each wall face from finished grade to the eaves.

- 4) **That** to satisfy Conditions 2 and 3 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 Appendix D to Report COA2019-033, and said satisfactory elevations shall be submitted as part of the amended building permit application; and
- 5) **That** the building construction related to the minor variances 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 COA2019-033. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On February 28, 2019, the Committee deferred this application to allow the applicant and City to discuss the proposal further. Please see other alternatives considered section for further details.

This application is the result of a Building Division enforcement matter. In June of 2017, the applicant applied for a building permit, but it could not be issued as the garage location did not comply with the zoning by-law. On February 20, 2018, the Building Division became aware that the garage had been constructed without a permit. A pre-screening application was submitted March 2018. Planning Division's request for a meeting in May went unanswered, resulting in the Building Division laying a compliance order in November. The pre-screening meeting took place in December 2018.

This application was submitted December 14, 2018.

**Proposal:** To recognize the construction of a 6.1 x 7.3 metre (20 x 24 foot) detached garage.

**Owner:** Nancy and Shirley MacDonald

**Applicant:** Adam Hayter - RWH Construction

**Legal Description:** Part 2, 57R-2234, geographic Township of Fenelon, now City of Kawartha Lakes

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

**Zone:** Rural Residential Type Two (RR2) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 2,307 square metres (0.57 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Residential  
West: Shoreline Residential

**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) 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 situated on a former County Road which is the sole access road for approximately 200 residential lots located to the south. The subject property is part of a cluster of residential properties on the east side of Francis Street East that are just outside of the Fenelon Falls Urban Settlement Area.

From the road, the subject property steadily rises up to the house, and rises more gently from the dwelling to the rear lot line. The existing dwelling is served by an attached garage at its northern end. The dwelling is built into the slope such that the west basement wall is partially to fully exposed. The attached garage is located on the basement level of the dwelling.

The detached garage is proposed to the north and east of the attached garage in a location where the existing driveway area could be utilised and where further excavation into the slope is not required. The location of the garage is appropriate in order to cluster the storage functions on the property together.

However, due to the topography and absence of vegetation, the absence of other large accessory buildings along this portion of the street, and the absence of any dwellings constructed closer to the road allowance, the garage figures prominently within the front yard when viewed from the west or south. The neighbouring lot to the north has mature deciduous and coniferous trees which assist in providing a vegetative screen when travelling south on Francis Street East.

Provided aesthetic modifications are made to the garage so that it better addresses and compliments the streetscape by adding windows/faux windows and carrying the stone cladding treatment present along the lower portion of the east wall of the garage is carried around its south and west walls, the location and increased height is permissible as the garage will then compliment the residential character of the neighbourhood. The aesthetic modifications will also mitigate any adverse height or massing impacts currently presented by the two blank west and south walls.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land provided that the placement of stone cladding and additional faux windows or windows on the west wall as proposed by staff are implemented.

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**  
**Yes**

The intent of the General Provisions section is to ensure the storage function of accessory buildings is located to the side or rear yard of a dwelling to ensure the dwelling retains its visual prominence as the primary use and building on the property.

As the gables of the garage are on the north and south walls, the tallest wall face is not proposed to directly face the road, which assists in minimizing the height and massing of the building.

Dwellings by their nature address and compliment the streetscape through the use of windows, doors, different cladding treatments and varying rooflines. When accessory buildings are proposed within side or rear yards, lack of cladding treatments, windows and/or doors do not impact the character of the neighbourhood as they are not in prominent locations and are often overshadowed by the dwelling. In this case, the garage is in a very prominent location in the front yard and some additional steps are needed to address and compliment the streetscape to make to building appear less utilitarian in nature. This neighbourhood has few accessory buildings within front yards, and none at a scale as large as what is proposed for the subject property.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law provided that the placement of stone cladding and additional faux windows or windows on the west 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 Rural 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 variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

On March 27, 2019, staff discussed the report with the applicant. No consensus could be reached as no changes to the building were desired by the applicant. The applicant expressed concern over placing windows on the west wall as that wall is used for storage. In response to this concern, staff is proposing Condition 2 permit faux windows or real windows.

**Servicing Comments:**

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

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

Kawartha Region Conservation Authority (February 5, 2019): No concerns.

Building Division – Part 8 Sewage Systems (February 5, 2019): No concerns.

Building Division (February 7, 2019): The building was built without a permit.

Engineering and Corporate Assets Department (February 11, 2019): No concerns.

**Public Comments:**

Judith Currie of 214 Francis Street East spoke at the previous public meeting held on February 21, 2019. She raised some concerns with the application.

**Attachments:**



Appendices A-F to  
COA2019-033.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Staff Proposed Elevations

Appendix E – Applicant's Elevations

Appendix F – 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:** D20-2019-004