

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott and Hollie Lawder
Report Number COA2019-044

Public Meeting

Meeting Date: July 18, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from the following zone provisions in order to permit the construction of a single-storey detached garage thus:

1. Section 3.1.2.1 to permit an accessory building within a front yard where it is only permitted in an interior side or rear yard; and
2. Section 3.1.3.2 to increase the maximum height for an accessory building from 5 metres to 5.3 metres.

The variances are requested at 44 Riverview Drive, geographic Township of Emily (File D20-2019-031).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-044 Scott and Hollie Lawder, be received;

That minor variance application D20-2019-031 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 shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-044, 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;
- 2) **That** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation. Similar wording shall be placed on the required building permit;

- 3) **That** prior to the issuance of a building permit, the storage shed located in the front yard between the front (northerly) wall of the dwelling and the front lot line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been removed; and
- 4) **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 COA2019-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	The proposal seeks to construct a steel clad three-bay detached garage in the front yard. Physical constraints were identified as limiting factors to the chosen location of the proposed building. The application was deemed complete June 14, 2019.
Proposal:	To construct an approximately 186 square metre (2001.4 square foot) three-car detached garage
Owner:	Scott and Hollie Lawder
Applicant:	Scott Lawder
Legal Description:	Part Lot 13, Concession 5, , Plan RCP 3, Part Lots 18 and 19, Part 2, RP57R-3871, geographic Township of Emily, 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 Emily Zoning By-law 1996-30
Site Size:	6,280 square metres (1.57 acres)
Site Servicing:	Private individual well and septic systems
Existing Uses:	Residential
Adjacent Uses:	North: Riverview Drive, Residential West: Residential East: Residential, Agricultural South: Agricultural

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 part of a cluster of residential properties bounded by agricultural lands to north, east and south respectively.

The property is an irregular shaped lot. The inability of locating the proposed structure in a compliant yard appears to be limited by the existence of a well and significant woodland in the easterly side yard. As well, the area proposed for the accessory building appears to be less vegetated with a near-to-flat topography. The proximity of the proposed building location to the driveway is also anticipated to enable easy access to and from the proposed structure.

No land use compatibility issues are anticipated with the abutting property to the east as the proposed structure would be masked by the surrounding trees.

With regards to the relief requested for the increased height, the applicant indicated that they run an arborist business offsite and that more headroom is required to store their work vehicle along with other household items and equipment. In all other respects, the massing of the proposed structure is not anticipated to be discernible given that it would be situated at a suitable distance from the road, and further that the vegetation within the front yard would provide sufficient buffering and screening of the structure from the road.

Based on this, the variances are minor as well as desirable and appropriate for the use of the land.

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

As mentioned in Rationale 1 and 2 above, the existing site constraints appear to limit the ability to locate the proposed structure in a compliant yard.

Although the height proposed for the structure is over the maximum allowed by 0.3 metres, the accessory use function of the structure is anticipated to prevail. Condition 2 has also been placed to ensure this.

In all other respects, considering that the total lot coverage for all accessory buildings permitted would still be met for the proposed detached garage and the existing wood shed proposed to be retained at 3.24% or 194.5 square metres, where a maximum total lot coverage of 8% or 225 square metres (whichever is greater) is allowed, 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

The property is designated as Rural in the City of Kawartha Lakes Official Plan. Residential dwellings and accessory buildings are anticipated within this

designation. Thus, the proposal maintains the general intent and purpose of the City's Official Plan.

Other Alternatives Considered:

None at this time.

Servicing Comments:

The property is serviced by private individual well and septic systems.

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 (July 4, 2019): No concerns.

Building Division – Sewage System Program (July 4, 2019): No objection to the proposed minor variance.

Public Comments:

None as of July 4, 2019.

Attachments:

A pdf document is embedded into this document. Please contact Quadri Adebayo, Planner II at 705-324-9411 extension 1367 to request an alternative format.



Appendices A-F to
Report COA2019-044

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawings
Appendix E – Sample Design
Appendix F – Department and Agency Comments

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Department File:	D20-2019-031