

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Kevin Hodgins and Donna Lumani
Report Number COA2019-049

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Somerville

Subject: The purpose and effect is to permit the construction of a detached garage, and to recognize two other existing accessory buildings (a cabin and a tool shed) by requesting relief from the following provisions:

Construction of a Detached Garage

1. Section 5.2(d) to reduce the minimum front yard requirement from 7.5 metres to 4.5 metres.

Recognition of Existing Tool Shed

2. Section 18.1.2(a) to permit an accessory building other than a private garage in the front yard where it is only permitted in an interior side or rear yard.

Recognition Pertaining to an Existing Cabin

3. Section 18.1.6(a) to permit a private cabin on a residential property with less lot area and frontage than the minimum requirements of the LSR Zone

The variance is requested at 39 Juniper View Drive, geographic Township of Somerville (File D20-2018-047).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-049 Kevin Hodgins and Donna Lumani, be received;

That minor variance application D20-2018-047 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 COA2019-049, 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 for the detached garage, the applicant shall obtain all necessary permits required from the Kawartha Conservation (KRCA) prior to construction. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the permitting process has been initiated to its satisfaction;
- 4) **That** as part of the KRCA permitting process, the applicant shall provide the Secretary-Treasurer written confirmation from the KRCA advising that the Private Cabin (Bunkie) has been raised to a satisfactory gradient from the Balsam Lake flood elevation at a minimum water setback of 15 metres from the lake; and
- 5) **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 COA2019-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The proposal seeks to construct a two-bay detached garage in the front yard. Physical constraints were identified as limiting factors to the chosen location of the proposed building. The supplementary reliefs sought for the tool shed and private cabin were considered necessary to be part of the minor variance request upon site inspection in September 2018, in order to ensure the accessory building situation on the property aligns with the provisions of the Somerville zoning by-law. The amended application was deemed complete July 25, 2019.

Proposal: To construct an approximately 53.58 square metre (576.5 square foot) two-bay detached garage in conjunction with the

recognition of two supplementary accessory buildings (a tool shed and a private cabin)

Owners: Kevin Hodgins and Donna Lumani

Applicant: Kevin Hodgins

Legal Description: Part Lot 24, Plan 470, Lot 2, geographic Township of Somerville, now City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45

Site Size: 1,352 square metres (0.33 acres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North: Juniper View Drive, Agricultural, Residential
East: Residential, Agricultural
South: Balsam Lake
West: Residential

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 situated in an established waterfront residential neighbourhood.

As of right, a private garage is permitted in the front yard in the Township of Somerville 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.

The lot has an irregular shape whereby the easterly part of the front yard contains a circular driveway shared with the easterly abutting property (37 Juniper View Drive) leaving a small portion of the westerly front yard area to build. As well, a septic bed is located in the front yard between the driveway area and the dwelling, including a hydro line that traverses the front yard between the dwelling and front lot line. Observation from site visit also suggests that an attempt to push the proposed detached garage location further from the front lot line may create spatial separation issues from existing servicing on the property and most importantly limit the functionality of the proposed building.

As comments received from Hydro One Networks and the Sewage Systems Supervisor expressed satisfaction regarding the location of the proposed detached garage, no negative impacts are anticipated. Likewise, no land use compatibility issues are anticipated with the westerly abutting property given that the detached garage will meet the minimum setback requirement of 1.2 metres from the common (side) lot line.

With regards to the tool shed, it is considered an existing situation and the location has not been determined by commenting agencies to pose any negative impacts in relation to spatial separation or setback from property lines.

In addition, the private cabin was initially located by the water's edge during staff visitation in September 2018. Although the applicant has advised that it has been relocated in a compliant manner at a minimum water setback of 15 metres and adequate side yard setback, the undersized nature of the lot warrants an additional relief to be sought from the minimum lot area requirement. Notwithstanding this deficiency, a private cabin is permitted within the respective zone.

Given the above analysis, the variances are minor in nature 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

The Limited Service Residential Zone provision contemplates accessory uses as ancillary to a principle use. The accessory buildings under the scope of this variance application are being utilized as devoted uses to the detached dwelling on the subject property. They are also in keeping with maximum number of accessory buildings permitted in any class of residential zone (three in total).

The front yard reliefs requested for both the detached garage and the tool shed are not anticipated to impact the function of the said yard, sufficient space will remain between the structures and the front lot line for maintenance. The vegetation along the frontage of the property would also ensure that the massing of the detached garage is not discernible from the abutting street.

Respecting the private cabin, although the lot configuration presents a constraint, the compliant setback from the water's edge will ensure that storm water can adequately drain on the property before being discharged into Balsam Lake.

In all other respects, considering that the total lot coverage for all accessory buildings permitted would still be met at 5.16% or 69.7 square metres, where 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 Waterfront 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:

No other alternatives have been considered 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 – Part 8 Sewage Systems (September 13, 2018): No objections.

Hydro One Networks (November 27, 2018): Proposed location of garage is appropriate.

Building Division (August 1, 2019): No concerns.

Engineering and Corporate Assets Division (August 2, 2019): No objection.

Kawartha Conservation – KRCA (August 6, 2019): No concerns. Permits required prior to construction. The Bunkie (Private Cabin) should be raised 0.3 metres above the Balsam Lake regulatory flood elevation. See comments.

Public Comments:

No comments as of August 6, 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-E to
Report COA2019-049

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 File: D20-2018-047