

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Tonia Mason
Report Number COA2021-073

Public Meeting

Meeting Date: October 21, 2021
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 the construction of a detached garage which is not part of the main building within the front yard.

The variance is requested at 233 Long Beach Road, geographic Township of Fenelon (File D20-2021-061).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2021-073, Mason be received;

That minor variance application D20-2021-061 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 and generally in accordance with Appendix D submitted as part of Report COA2021-073, which shall be attached to and form part of the Committee's 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 for the detached garage shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which the variance pertaining to the detached garage 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 COA2021-073. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner contacted the Planning Division following direction from the Building Department in regard to constructing a detached garage within the front yard of the subject lands. A pre-screening meeting with Planning Staff was conducted associated with the proposal on July 20, 2021.

This application was deemed complete September 30, 2021.

Proposal: To construct a new 140 square metre (approximately 1,500 square feet) detached garage within the front yard of the subject property.

Owners: John and Tonia Mason

Legal Description: 233 Long Beach Road, East Part of Lot 7, Concession 7, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: Prime Agricultural within the City of Kawartha Lakes Official Plan (2012)

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

Site Size: 2.43 Hectares (approximately 6 Acres)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: North, West: Agricultural
East: Rural Residential, Southview Estates
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 situated in a predominantly rural area, where agricultural use surrounds the parcel. The Southview Estates community on the western shore of Sturgeon Lake can be found to the southeast and south of Long Beach Road. The property is located on the inside of a large bend where Long Beach Road changes direction in order to avoid Sturgeon Lake. There are several residences along Long Beach Road with no other dwellings in the immediate vicinity of the property on the north side of Long Beach Road.

The dwelling was constructed in 2013 (according to MPAC) and has a larger walk-out deck with a swimming pool. There is some storage space located under sections of the deck; however, no additional storage buildings or structures exist on the property. The proposed garage will provide enclosed

storage for items that would otherwise be stored outside and vulnerable to the elements.

The property contains a well-established hedgerow within close proximity to the the western and northern property boundaries. The vegetation effectively screens the presence of the dwelling when traveling eastbound along Long Beach Road and would provide substantial screening for the proposed location of the garage. The presence of the trees detracts from any aesthetic dominance the detached garage would impose through being constructed just to the southwest of the dwelling. Moreover, the design elements of the garage including windows facing Long Beach Road, result in a building that is more aesthetically-pleasing than a typical utilitarian accessory building.

Due to the above analysis, the variances are minor in nature and 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 Agricultural (A1) Zone permits a variety of rural uses, including single detached dwellings. As the lot was created by consent, but the size of the lot is greater than two (2) hectares, the lot essentially functions as an undersized agricultural lot in accordance with Section 8.2.1.7 of the Zoning By-law. While the lot exceeds the minimum lot frontage requirement of 230 metres for the A1 zone at 292 metres, the lot is deficient in terms area at only 2.43 hectares; whereas, the A1 Zone requires 38 Hectares. As the lot was created before 1978, Section 3.11.1 (Lot Area and Frontage Less than Required) of the Zoning By-law applies. The property is compliant with the setback, yard, lot coverage, parking and landscaping requirements of the A1 Zone. It is important to note that the garage is also compliant with the height requirement for buildings accessory to residential uses as well.

The intent of Section 3.1.2.1 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. The proposed location of the detached garage is approximately 55 metres from the front lot line with the dwelling located approximately 70 metres from the front lot line. Given the distance from the front of the lot, any building prominence imposed as a result of the garage location will be diminished.

The location of the dwelling is shifted to the west of the lot directing development to the eastern side of the dwelling; however, The presence of the septic system and deck to the east of the dwelling make this location impractical. As a cistern for the well is located along the western side of the dwelling, constructing the garage within the front yard and to the west of the dwelling is the most reasonable location in order to provide accessibility from the existing driveway. As the garage is not proposed directly in front of the

dwelling, the dwelling will continue to appear as the principal use when viewed from the road.

Therefore, 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 Prime Agricultural within the City of Kawartha Lakes Official Plan. Residential lots and their uses (single detached dwelling, accessory uses) existing within the designation prior to the adoption of the Official Plan (2012) are to be recognized.

In consideration of the above, the variances maintain 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 private 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:

Development Engineering Division (October 8, 2021): No objections to the proposal.

Public Comments:

No comments have been received as of October 13, 2021.

Attachments:



Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D - Elevations

Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-061

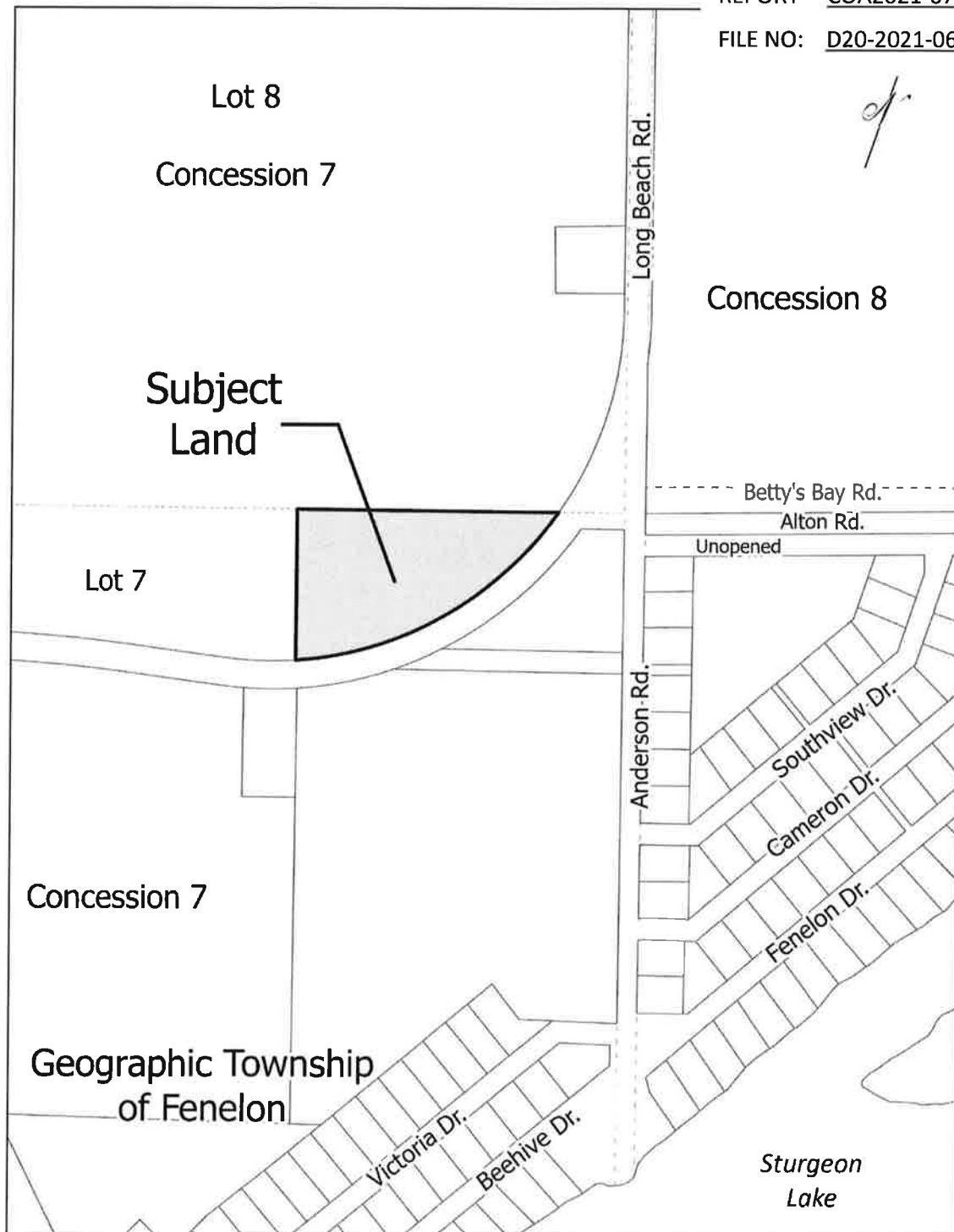
D20-2021-061

APPENDIX " A "

to

REPORT COA2021-073

FILE NO: D20-2021-061





0.22 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Legend

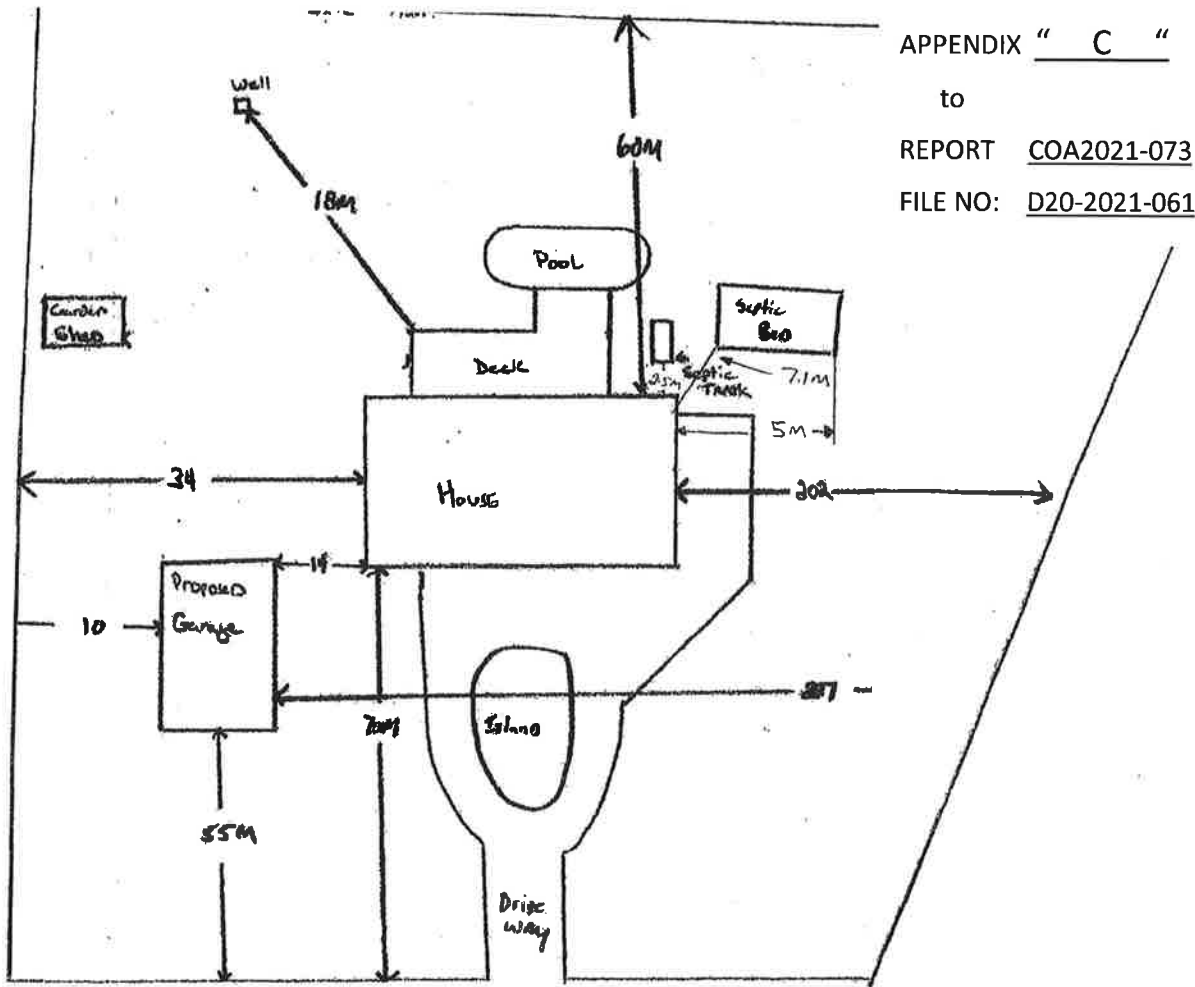
- ☐ Property Roll Number
- ☒ Lots and Concessions

Notes

Notes

REPORT COA2021-073
FILE NO: D20-2021-061

APPENDIX " B "
to



APPENDIX " C "

to /

REPORT COA2021-073

FILE NO: D20-2021-061

Long Beach Roads.

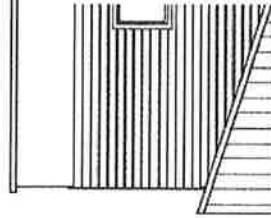
Revised Site Plan.

APPENDIX " D "

to

REPORT COA2021-073

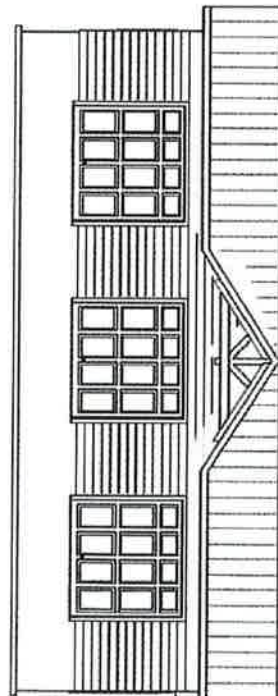
FILE NO: D20-2021-061



FRONT ELEVATION

SCALE 1/4" = 1'-0"

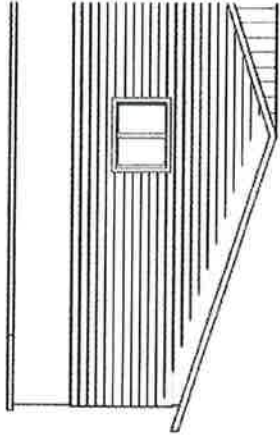
South



RIGHT ELEVATION

SCALE 1/4" = 1'-0"

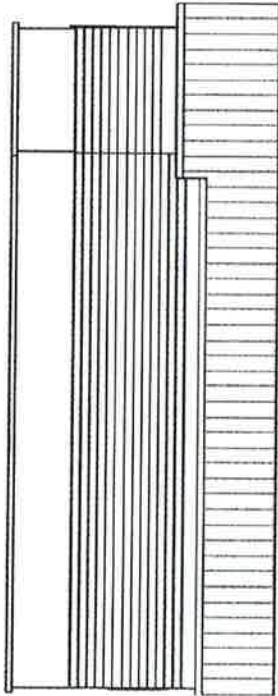
East (Garage Doors instead of windows)



REAR ELEVATION

SCALE 1/4" = 1'-0"

North



LEFT ELEVATION

SCALE 1/4" = 1'-0"

West

Kent Stainton

From: Charlotte Crockford
Sent: Friday, October 8, 2021 1:42 PM
To: Kent Stainton
Subject: FW: 20211008 D20-2021-061 - Engineering review

APPENDIX "E"
to

REPORT COA2021-073

FILE NO. D20-2021-061

fyi

Charlotte Crockford
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, October 8, 2021 10:54 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>; Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20211008 D20-2021-061 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2021-061
233 Long Beach Road
Part Lot 7, Concession 7
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.2.1 to permit an accessory building (detached garage) which is not part of the main building within the front yard of the subject lands.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

Christina

Christina Sisson, P.Eng.

Manager, Development Engineering

Lean Six Sigma Black Belt

Engineering & Corporate Assets, City of Kawartha Lakes

705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.