

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Smith
Report Number COA2022-053

Public Meeting

Meeting Date: August 18, 2022
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 recognize a constructed carport.

Relief sought:

- 1) Section 18.1.2.a. permits accessory structures in interior side or rear yards only; the carport is in the front yard.
- 2) Section 18.1.2.b. requires that structures be no closer to a street than the required front yard setback for the zone in which it is located (7.5 metres); the setback is 4.6 metres.

The variance is requested at **66 Shadow Lake Road 28** (File D20-2022-046).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations

That Report COA2022-053 – Smith, be received;

That minor variance application D20-2022-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-053, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2022-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To recognize a constructed carport
Owners:	Andrew and Karen Smith
Applicant:	Andrew Smith
Legal Description:	Part Lot 46, Front Range (being Lot 8, Plan 248)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential 'LSR' (Township of Somerville Zoning By-law 78-45)
Site Size:	1,347 sq m (0.33 ac)
Site Access:	Private, unmaintained road
Site Servicing:	Private lake draw, holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential, Gull River, woodlands

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

In the absence of a garage for vehicle storage, the carport provides shelter for vehicles as well as a convenient outdoor, covered workshop space not available or practical elsewhere on the property. The topography of the lot exhibits a very steep slope towards the west into Gull River, leaving a limited building envelope adjacent to the road, further limited by the siting of existing buildings and structures (cottage, sheds), servicing infrastructure, and natural features.

The variance maintains the general intent and purpose of the Official Plan.

Accessory structures for residential uses are permitted in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law. The carport was constructed in a cleared area of the lot, preserving

¹ See Schedule 1

² See Schedule 1

surrounding vegetation and maintaining a low building profile choosing natural materials to blend well with the surroundings.

According to Kawartha Conservation the property is adjacent to Shadow Lake/fish habitat (Natural Heritage Feature), and, is within the boundary of the Shadow Lake and Silver Lake Management Plan and within a Highly Vulnerable Aquifer (Water Resources). It has been determined that the application poses a low risk to the of fish habitat on adjacent lands.

The variance maintains the general intent and purpose of the Zoning By-law.

The carport is a permitted accessory structure, and complies with the applicable zone provisions, with the exception of yard location and front yard setback.

Where a lot fronts on a navigable waterway, the By-law permits a private garage in a front yard, but does not include all accessory structures more generally; the intent of shelter for vehicle storage is upheld. A front yard setback can support a consistent built form adjacent to a street; the location of the carport contributes to the existing character of the area given numerous front yard encroachments of accessory structures, including carports, in the vicinity.

Though the application seeks relief from Section 18.1.4.ii. to recognize the existing 0.76 m eaves overhang (over the permitted yard projection of 0.6 m), relief is unnecessary as the provision relates to main buildings only.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

The applicant discussed siting options with staff prior to applying for a building permit. Though construction took place prior to the issuance of a building permit, the existing carport would be supportable in its current location given the reasons outlined in the above evaluation.

Other Alternatives Considered

Not applicable.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

No concerns or objections received as of the writing of the staff report.

DS-Building & Septic Division, Building Inspector – Part 8: “Based on your application, it would appear that the location of the carport will not

encroach within the boundaries of the existing sewage system serving the dwelling (based on the July 8, 2021 submission provided by Applicant Andrew Smith), nor will it cause an increase in the total daily sewage flow beyond the capacity of the system components. In that light, you are not required to install a new sewage system, or upgrade your existing one, and we have no objection to the proposal.”

Kawartha Conservation: “We encourage the landowner to take any opportunity to naturalize the shoreline and buffer strip around the shoreline and existing structure to ensure minimal impacts to fish habitat and ecological function of Shadow Lake. A permit will not be required for the proposed minor variance pursuant to Ontario Regulation 182/06, as the subject property is not in Kawartha Conservation’s regulated area.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Applicant’s Supplementary Photos

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-046

Schedule 1

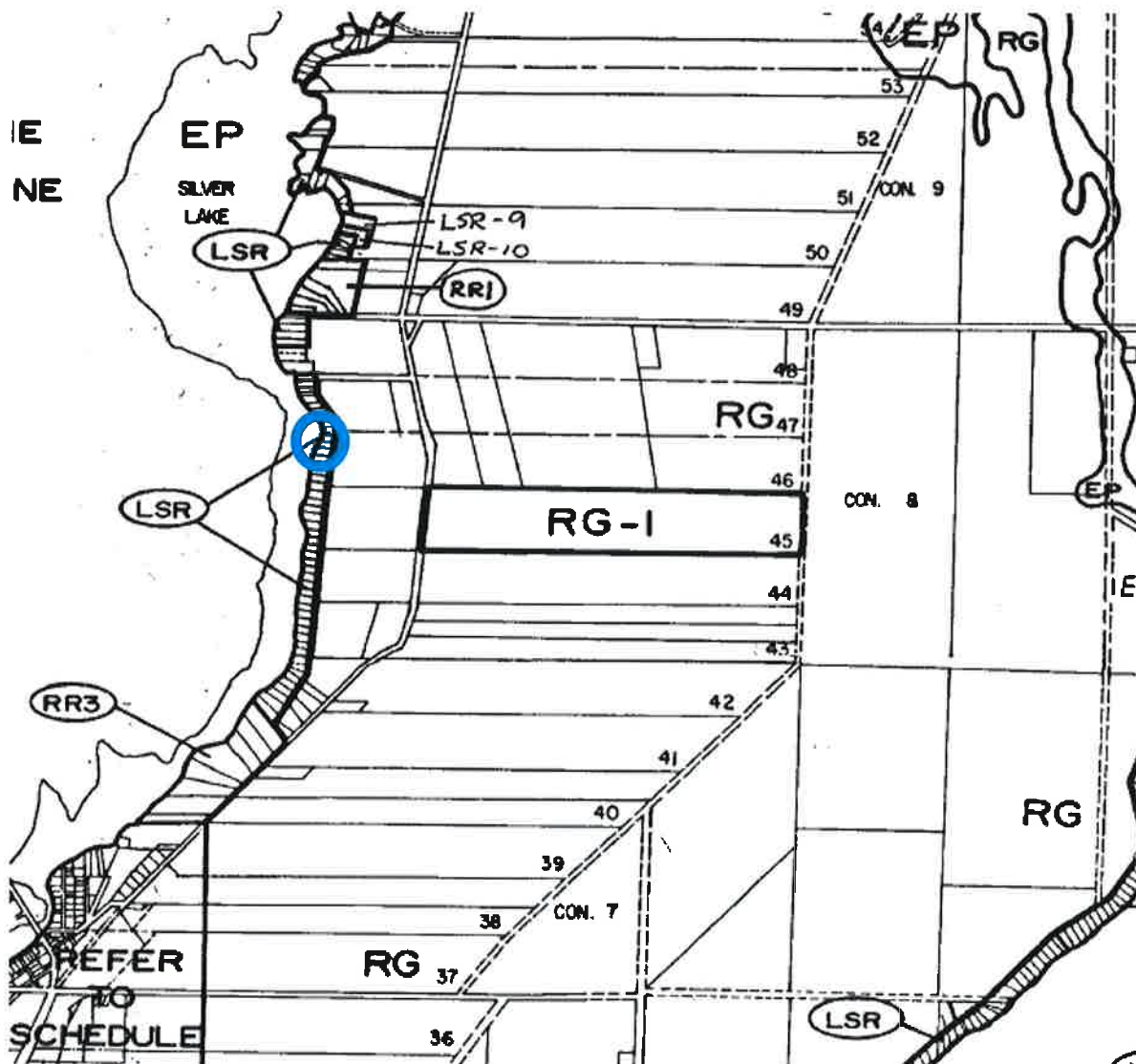
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.5	Natural Heritage System
3.11	Water Setback and Accessory Uses
20	Waterfront Designation

Township of Somerville Zoning By-law 78-45



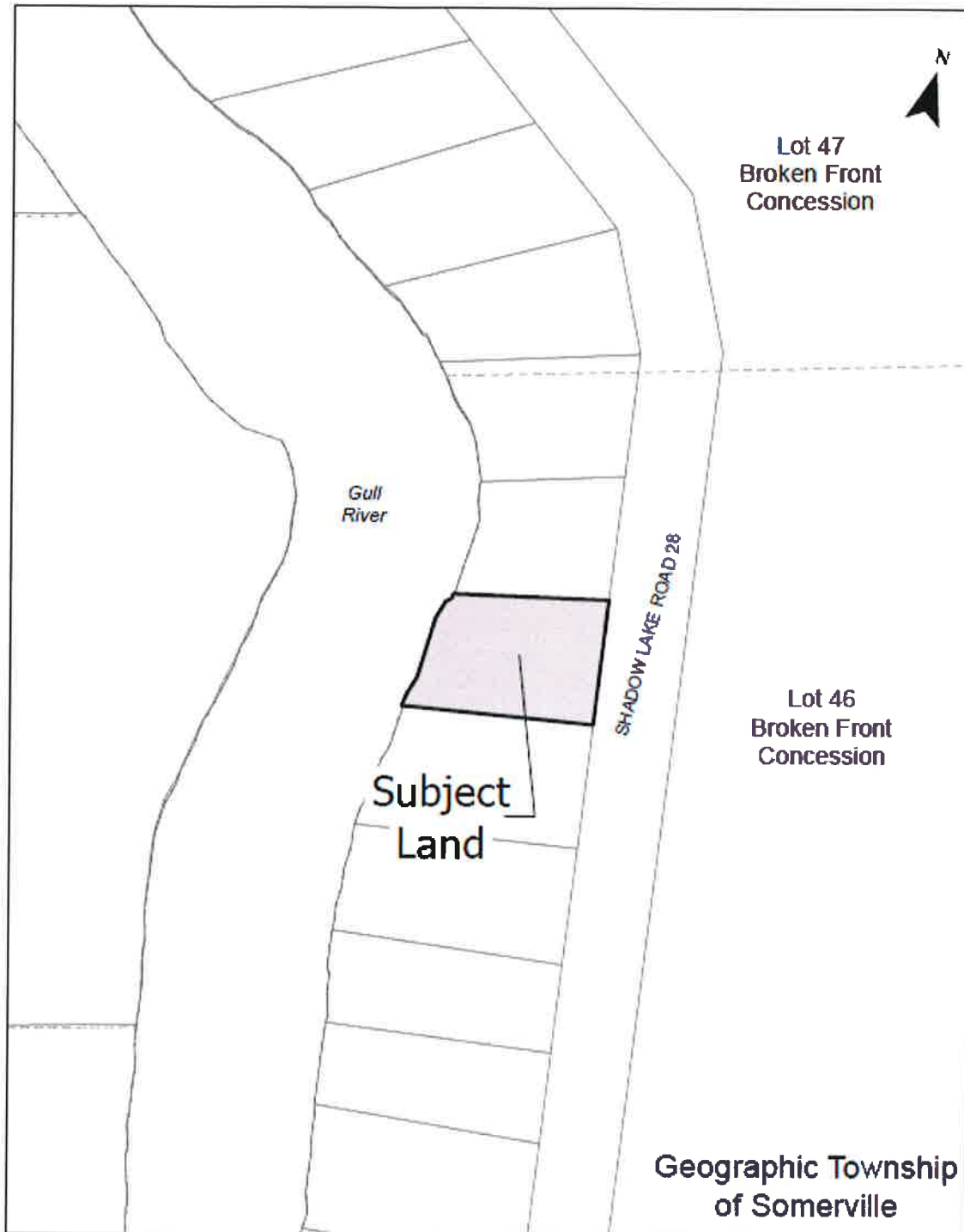
Section 5 Limited Service Residential (LSR) Zone
18.1 Accessory Buildings, Structures and Uses

to

REPORT COA2022-053

FILE NO: D20-2022-046

LOCATION MAP



to

REPORT COA2022-053

FILE NO: D20-2022-046

AERIAL PHOTO



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SCALE
1:250



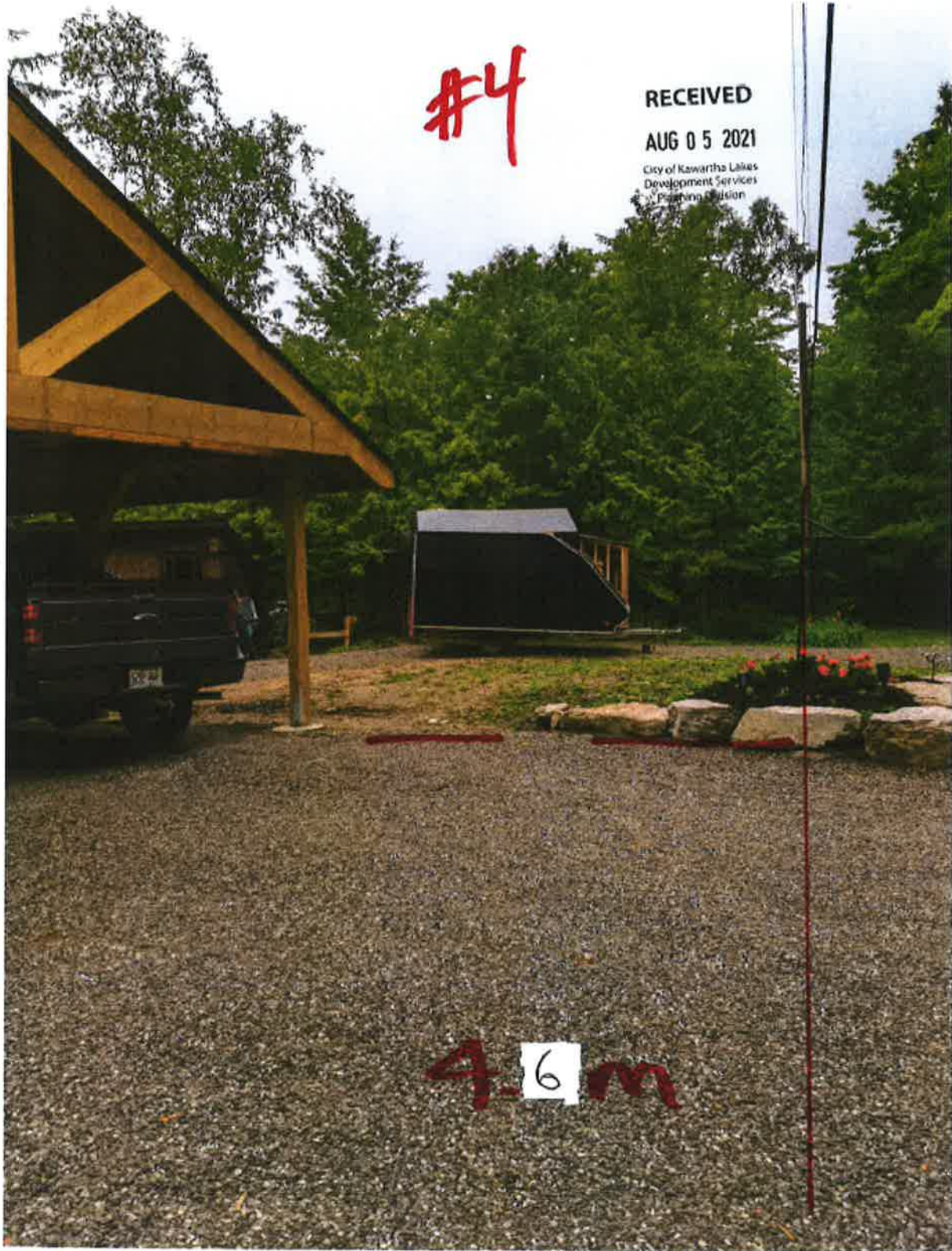
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City of Kawartha Lakes
Development Services
Planning Division

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**APPLICANT'S SUPPLEMENTARY PHOTOS –
NEIGHBOURING STRUCTURES**



