

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Keeler
Report Number COA2022-073

Public Meeting

Meeting Date: September 22, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate construction of a detached accessory building (workshop / garage).

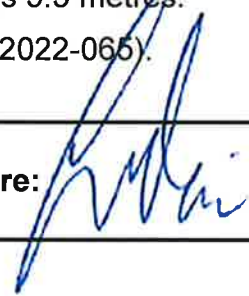
Relief sought:

1. Section 3.1.2.2 provides that an accessory building may be erected no closer to a street than the required front yard setback for the zone in which it is located, that being 7.5 metres; the proposed setback is 5.5 metres.

The variance is requested at 63 Charlore Park Drive (File D20-2022-065).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations

That Report COA2022-073 – Keeler, be received;

That minor variance application D20-2022-065 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 COA2022-073, 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 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 COA2022-073. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate construction of a detached accessory building (workshop / garage)
Owners:	Daniel and Shauna Keeler
Applicant:	Same as Owners
Legal Description:	Part Lot 14, Concession 7 (being Part 1, RP 57R9126
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three 'RR3' (Township of Emily Zoning By-law 1996-30)
Site Size:	1,625.8 sq m (0.4 ac)
Site Access:	Year-round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject through lot, bound on both sides by Charlore Park Road, is the widest and most narrow in this area of the neighbourhood. Siting challenges for the proposed garage are exacerbated by the layout of the existing buildings and structures, that include the dwelling with attached garage, shed with lean-to, three-sided shelter, and garden shed, and above-ground pool. The proposed garage provides a suitable workshop space otherwise lacking on the lot. An existing second driveway entrance would provide convenient access.

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

The Waterfront designation permits residential uses and accessory uses thereto; performance and siting criteria are implemented through the Zoning By-law.

¹ See Schedule 1

² See Schedule 1

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

The RR3 zone permits residential uses and accessory uses thereto.

The rear yard setback encroachment is reasonable given the lot configuration and existing built form along Charlore Park Drive. The resulting rear yard setback, the grade change towards the right of way and the significant ditch buffers the proposed garage from the travelled portion of the street. Amenity space typically associated with a rear yard is provided for in the extensive interior 'side' yard.

Section 3.1.3.3 of the By-law provides that a maximum of three accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone. The proposed garage results in a fourth accessory structure. The By-law limits accessory structures to enhance a cohesive built form, ensuring priority of primary uses over subordinate ones. Given the spacing of the structures across the lot, the accessory structures do not appear scattered, and will remain subordinate both in appearance and use; the overall coverage for all accessory structures falls well under the maximum permitted 225 sq m and 8%.

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.

Other Alternatives Considered:

Based on the surrounding lot fabric and built form, staff undertook a desktop GIS mapping and zoning exercise in an attempt to eliminate the need for the application altogether.

According to the By-law, the Established Building Line means the average distance from the street line to existing buildings, located on the same side of the street and within 150 metres of a lot, where a minimum of three buildings have been built prior to the date of passing of this By-law (1996). Staff determined a range of reduced front yard setbacks across four adjacent lots ranging from 6.06 m down to 2.8 m from the front lot line, resulting in an average front yard setback of +/- 4.08 m. However, according to MPAC records, only one of these dwellings was built prior to 1996, that being 1993. Had two more dwellings been constructed prior to 1996, the proposed garage could have been sited within the front yard setback, thereby eliminating the need for the application addressing the proposed 2.0 m reduced rear yard setback.

Consultation Summary

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

Agency Comments:

DS-Building and Septic (Building): "No comments."

DS-Building and Septic (Septic): "A review of the historical sewage system files was conducted to locate information on the system serving the property. A Sewage System Installation Report was located under file EM-61-04. The minor variance site plan indicates that the proposed detached garage will be placed at 25.3 metres from the existing attached garage. Based on this proposed separation of the 2 structures with acknowledgement for the sewage system sizing (outlined in the report), the proposed garage will be located in a manner to ensure the required sewage system clearance distance is maintained in compliance with the Ontario Building Code. As such, the Building and Septic Division has no issues with the minor variance application as it relates to private on-site sewage disposal."

Public Comments:

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

Attachments

Appendix A – Location Map

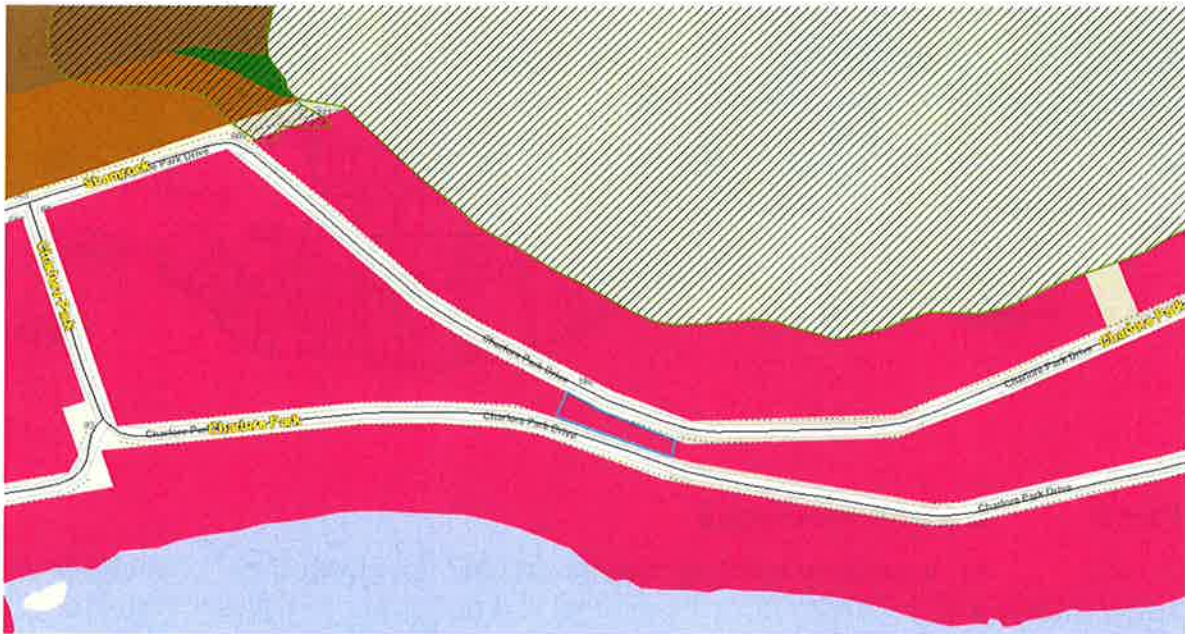
Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-065

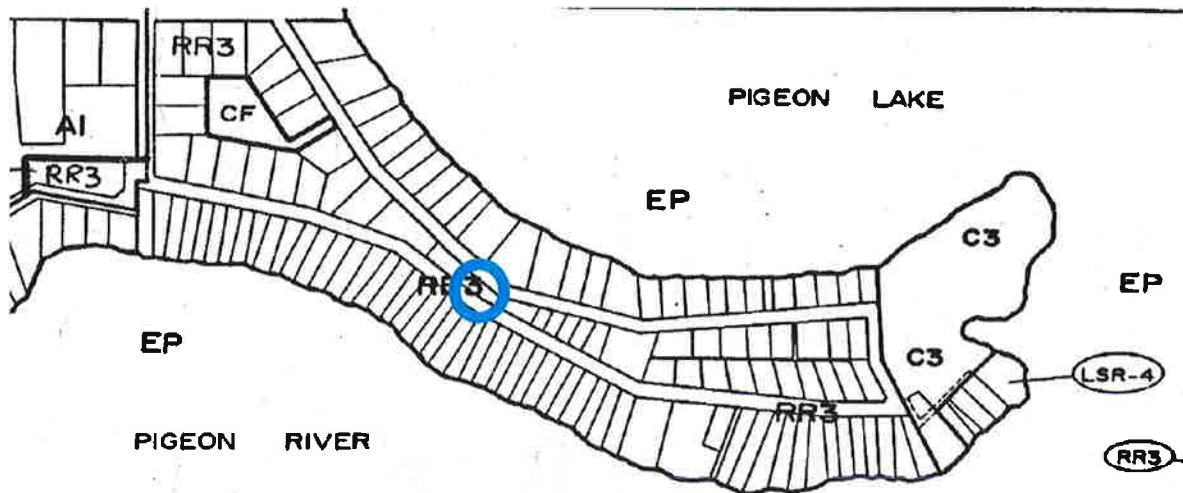
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Emily Zoning By-law 1996-30



Part 3 General Provisions

3.1.2.2 An accessory building may be erected not closer than 1.0 metre from a rear lot line and 1.0 metre from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 2 metres to a residential building located on the same lot.

3.1.3.3 A maximum of three accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

Part 12 Rural Residential Type Three (RR3) Zone

12.2.1.3 Yard Requirements (min.)

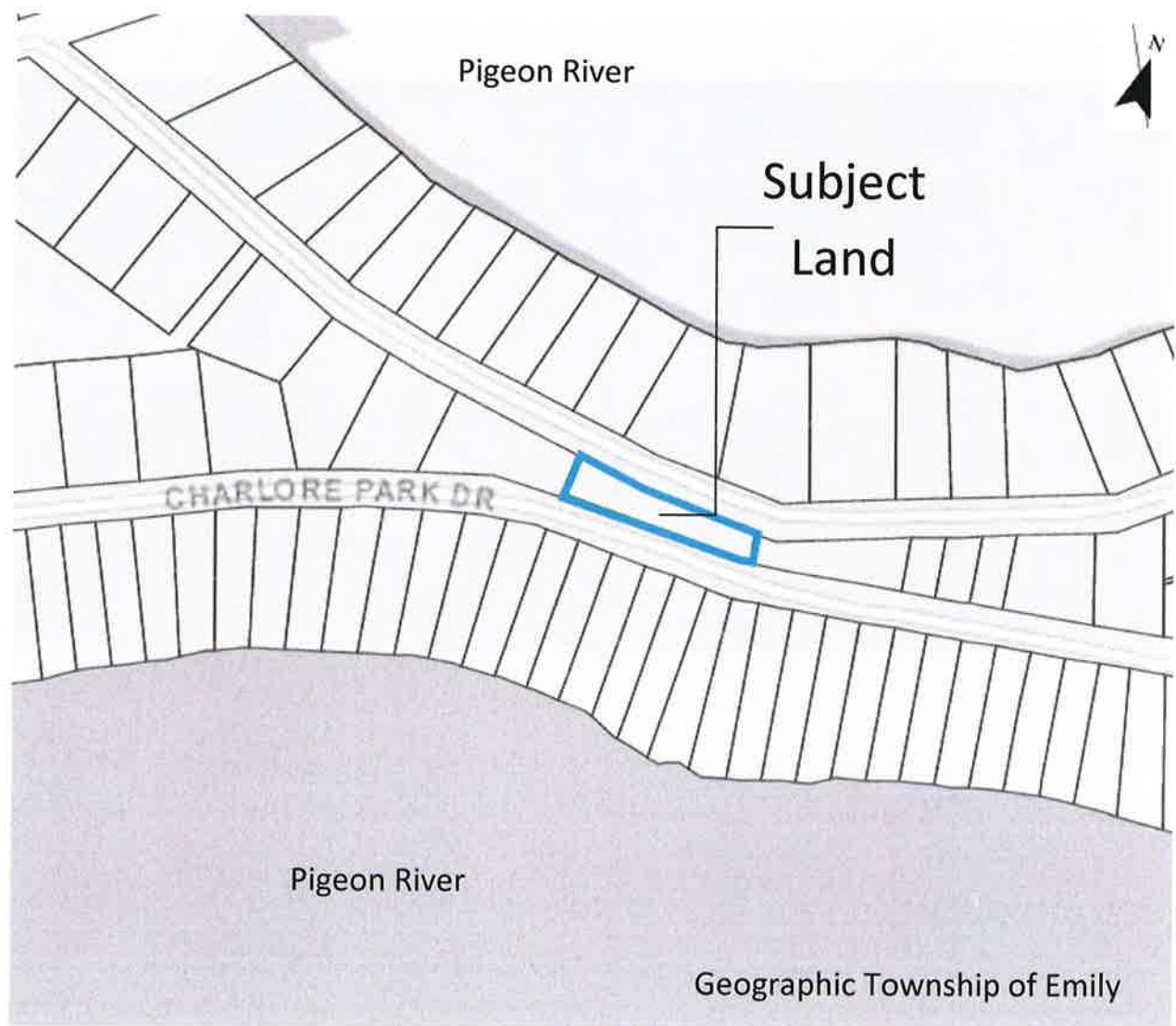
(a) front 7.5 m

to

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LOCATION MAP



to

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AERIAL PHOTO

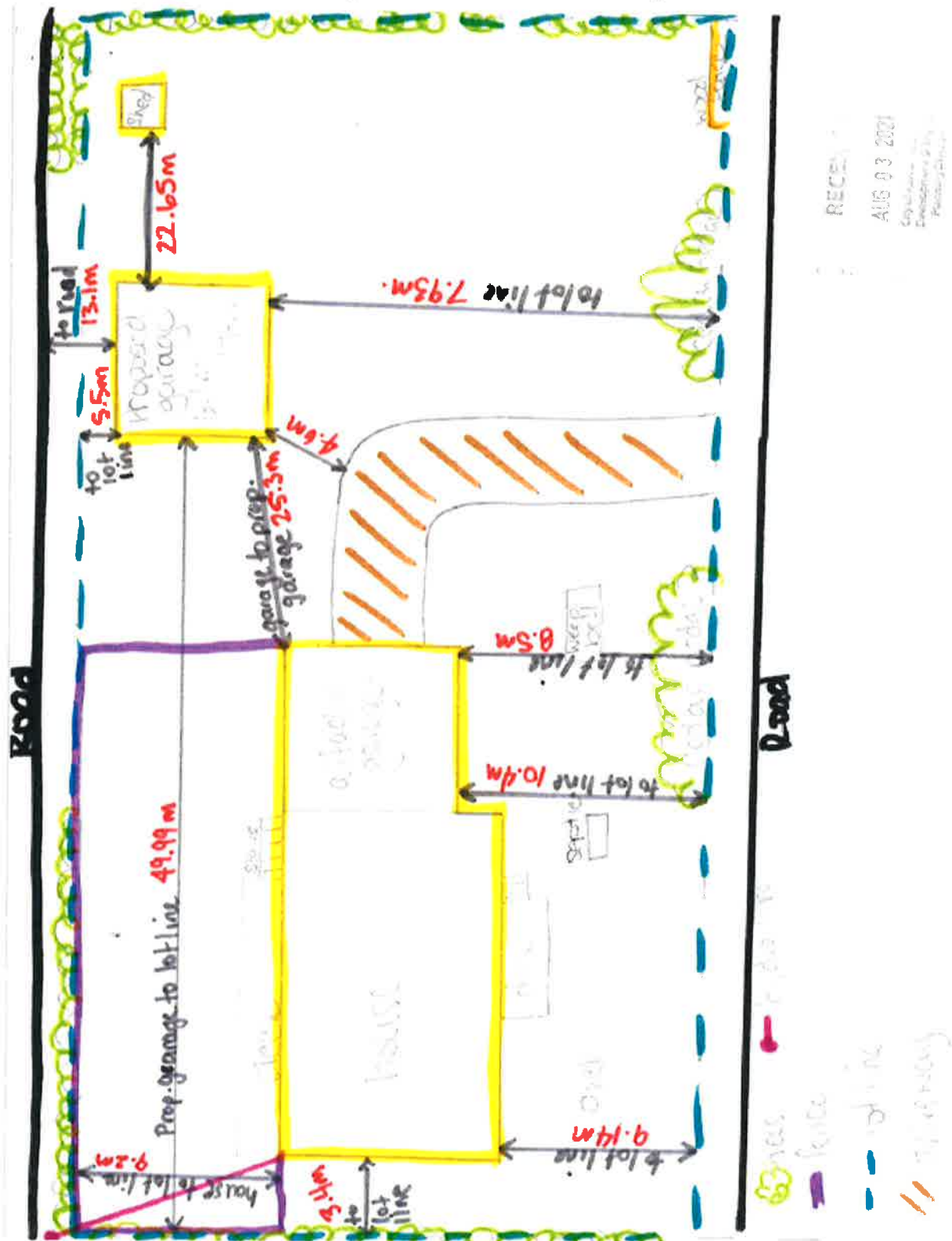


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APPLICANT'S SKETCH



RECEIVED
AUG 03 2021
City of...
Department of...
Planning Division

