

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Williams

Report Number COA2023-079

Public Meeting

Meeting Date: September 28, 2023

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate the construction of a detached garage.

Relief sought:

1. Section 14.1 b) of the By-law permits accessory structures in the side or rear yard; the proposed garage is to be located in the front yard; and
2. Section 14.1 b) of the By-law states that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the Limited Service Residential (LSR) Zone and the minimum front yard setback is 7.5 metres; the proposed setback is 5 metres.

The variance is requested at **128 Fulsom Crescent** (File D20-2023-071).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2023-079 – Williams, be received;

That minor variance application D20-2023-071 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 and the drawings in Appendix D submitted as part of Report COA2023-079, which shall be attached to and form part of the Committee's Decision;

- 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; and,
- 3) **That**, prior to the issuance of a Building Permit, the Supervisor of Part 8 Sewage Systems provide written confirmation to the Secretary Treasurer that the comments pertaining to clearance distances have been addressed.

This approval pertains to the application as described in report COA2023-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Background:	The Supervisor of Part 8 Sewage Systems has identified that the true extent of the septic system was not correctly identified on the original sketch that was submitted as part of the minor variance. The Supervisor confirmed that the proposed location of the garage needed to be moved closer to the front lot line, and that the garage needed to be made smaller in order to comply with the required clearance distances from the septic system and to avoid impacting the location of the existing well. The applicant was agreeable to these changes.
Proposal:	The construction of a detached garage
Owners:	Dave and Lesley Williams
Applicant:	Dave Williams
Legal Description:	Part Lot 22, Concession 1 (being Lot 41 on Plan 429)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Carden Zoning By-law 79-02)
Site Size:	1,376 sq. m. (14,811.14 sq. ft.)
Site Access:	Unassumed road
Site Servicing:	Private individual well and septic system

¹ See Schedule 1

² See Schedule 1

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 property is within an established residential neighbourhood located on the eastern shore of Dalrymple Lake. The property is rectangular in shape and has frontage on the water. The property currently contains a single detached dwelling constructed in 2010 (according to Municipal Property Assessment Corporation), two sheds, and two tarp storage structures. The tarp storage structures are temporary and are to be removed.

The proposal is to construct a detached garage. The garage will allow for additional storage opportunities on the property which will replace the temporary storage that is currently being provided by the tarp storage structures. The garage will provide a storage option that is more permanent and aesthetically pleasing.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Limited Service Residential (LSR) Zone under the Township of Carden Zoning By-law 79-2. A single detached dwelling as well as accessory structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of location and minimum front yard setback.

As per Section 14.1 b) of the By-law, accessory structures are permitted in the side or rear yard. The new garage is proposed to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

The subject property is approximately 76 metres in depth, and the existing dwelling is setback approximately 43 metres from the front lot line. As such, the property

has an extensive front yard and a smaller rear yard. Due to the shoreline and the required water setback, there is limited opportunity to locate the garage in the rear yard. Additionally, due to the setbacks between the dwelling and the side lot lines and the existing entrance to an attached garage on the south wall of the dwelling, there is limited opportunity to locate a garage in the side yards. The placement of the garage in the front yard also allows for vehicle access from the driveway. Therefore, the most logical location for the proposed garage is between the dwelling and the road, being the front yard. Additionally, other properties in the area have accessory structures in the front yard, and as such the proposed garage on the subject property will not be out of character with the surrounding area.

Under the majority of the City's other Zoning By-laws, a private garage is permitted in the front yard when a property has frontage on a navigable waterway/has a shore lot line. For comparative purposes, if this property was located within an area covered by a different Zoning By-law that did contain a provision allowing private garages in the front yard for properties with shore lot lines, a minor variance would not be required to permit the proposed garage to be located in the front yard. Additionally, the new consolidated Rural Zoning By-law contains a provision which allows for garages in the front yard on properties with shore lot lines.

As per Section 14.1 b) of the By-law, an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the Limited Service Residential (LSR) Zone and the minimum front yard setback is 7.5 metres; the proposed setback is 5 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as sight lines and the character of the streetscape.

The proposed 5 metre front yard setback is required to ensure the garage complies with the required clearance distances from the septic system. The proposed front yard setback is not anticipated to impact site lines or the travelled portion of the road.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

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

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns with this Minor Variance application.”

Building and Septic Division (Septic): “A sewage system certificate of approval was located for this property. A site visit was conducted to review the placement of the garage. During the site visit, it was observed that the sewage system extended further into the roadside yard than noted on the site plan. This placed the garage within the allowable setback to the leaching bed. In order to ensure development does not disrupt the existing sewage system and to accommodate the required clearance distance under the Ontario Building Code, the garage will need to be located closer to the roadside property line and reduced. Measurements were taken and a new location was plotted. The new location will place the garage at +/- 5.5 metres to the property line and it will require the garage to be reduced by 0.6 metres.

If the owner can demonstrate a reduced size in garage with the required minimum clearance distance to the sewage system, the Building and Septic Division will have no further issue with the minor variance proposal.”

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 – Construction Drawings

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E-Mail: kevans@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Division File: D20-2023-071

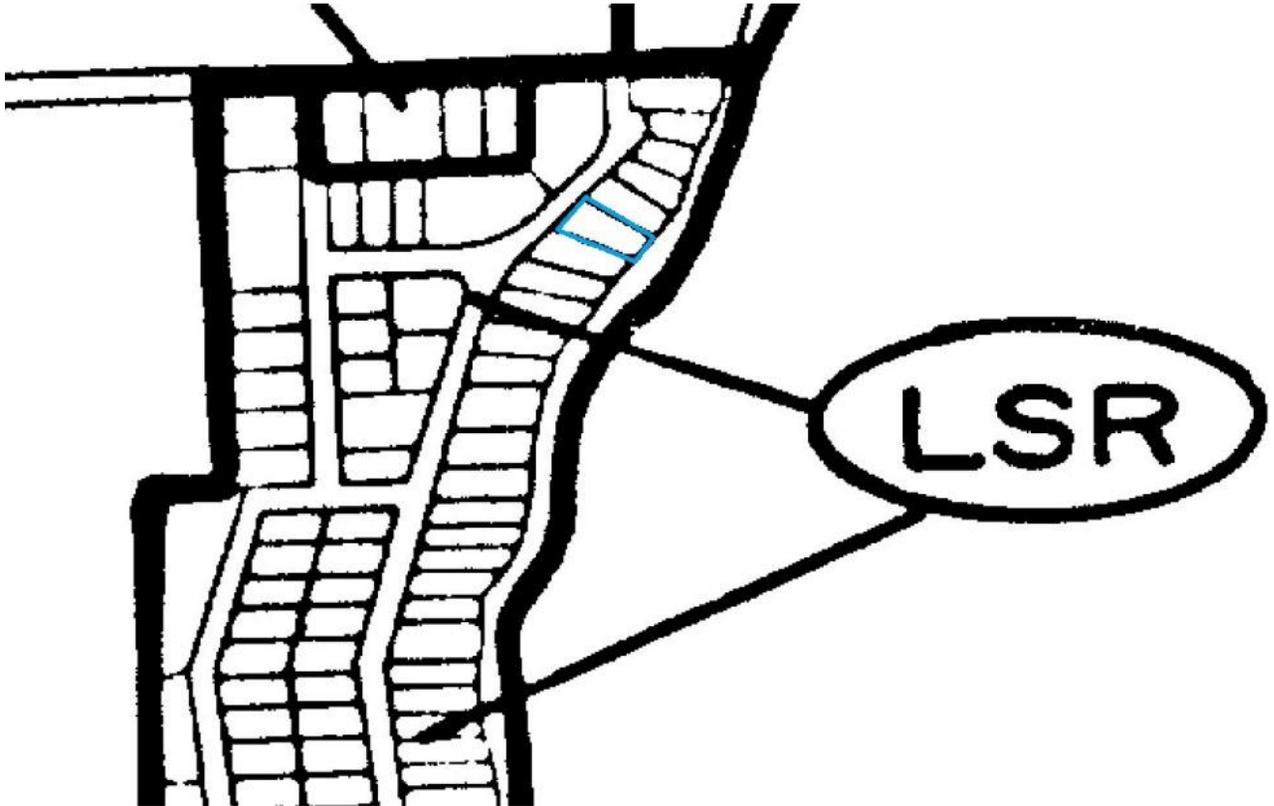
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Carden Zoning By-law 79-2



Section 2 Limited Service Residential (LSR) Zone

2.1 LSR Uses Permitted

2.2 LSR Zone Requirements

Section 14 General Provisions

14.1 b) Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building. Where the rear lot line is a shore lot line, article 14.21 a. shall apply.

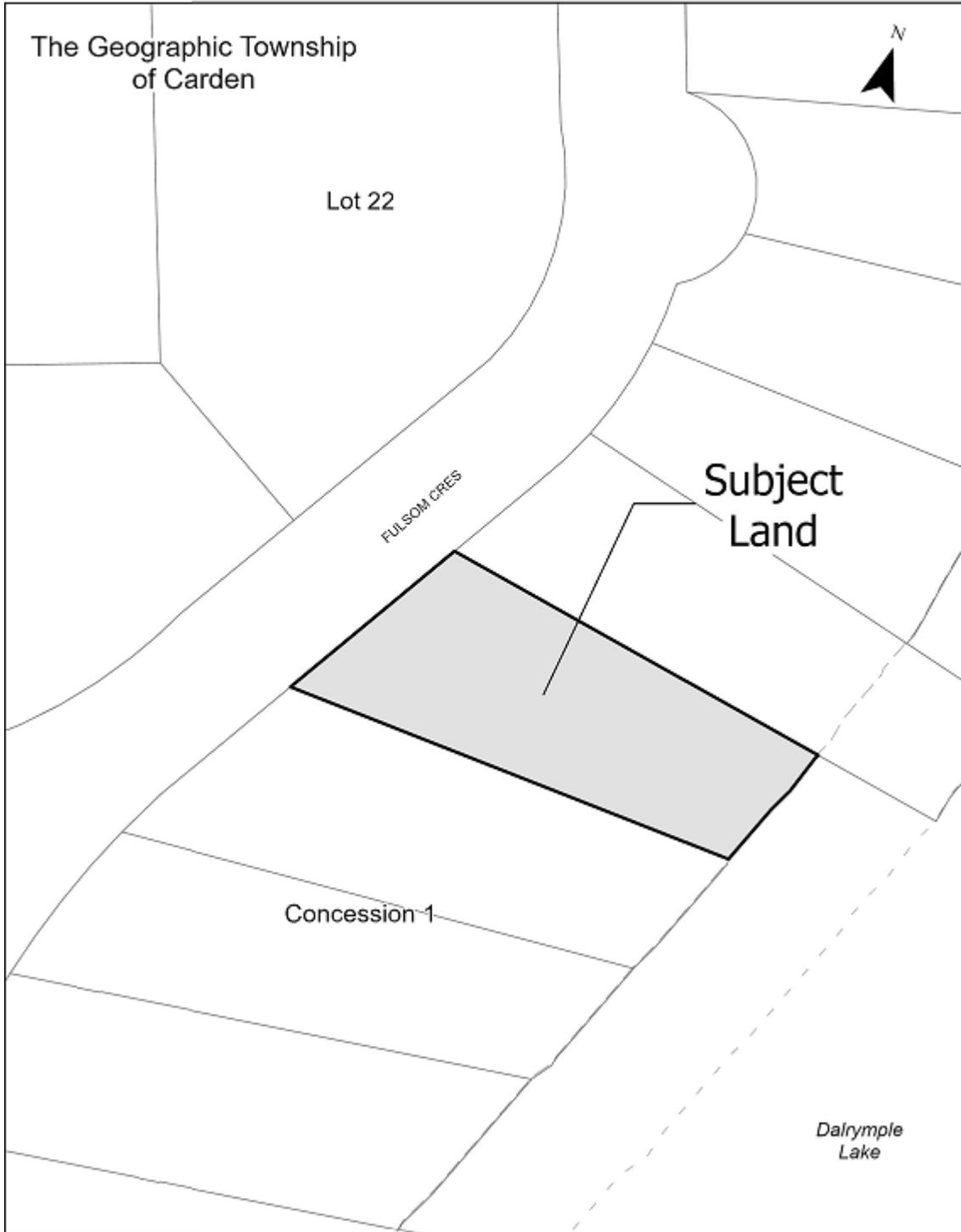
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LOCATION MAP

D20-2023-071



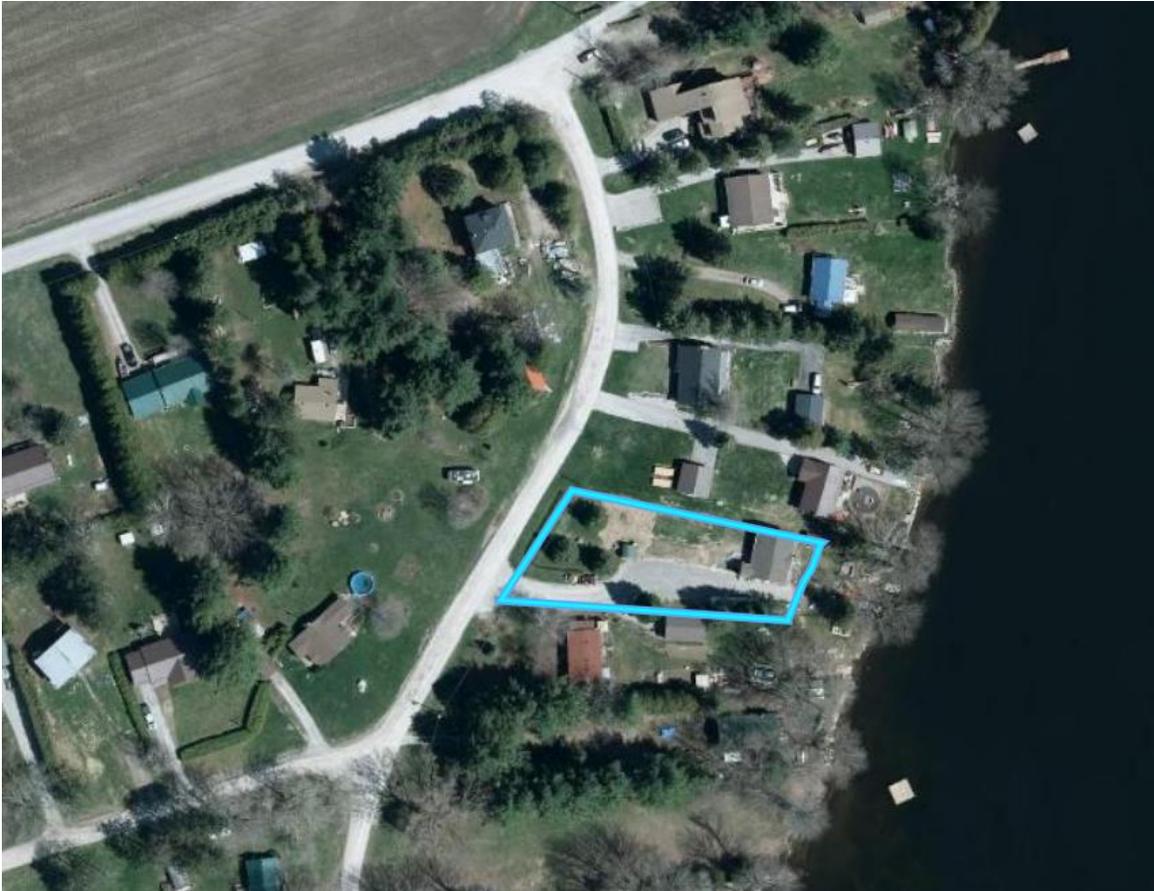
APPENDIX " B "

to

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AERIAL PHOTO

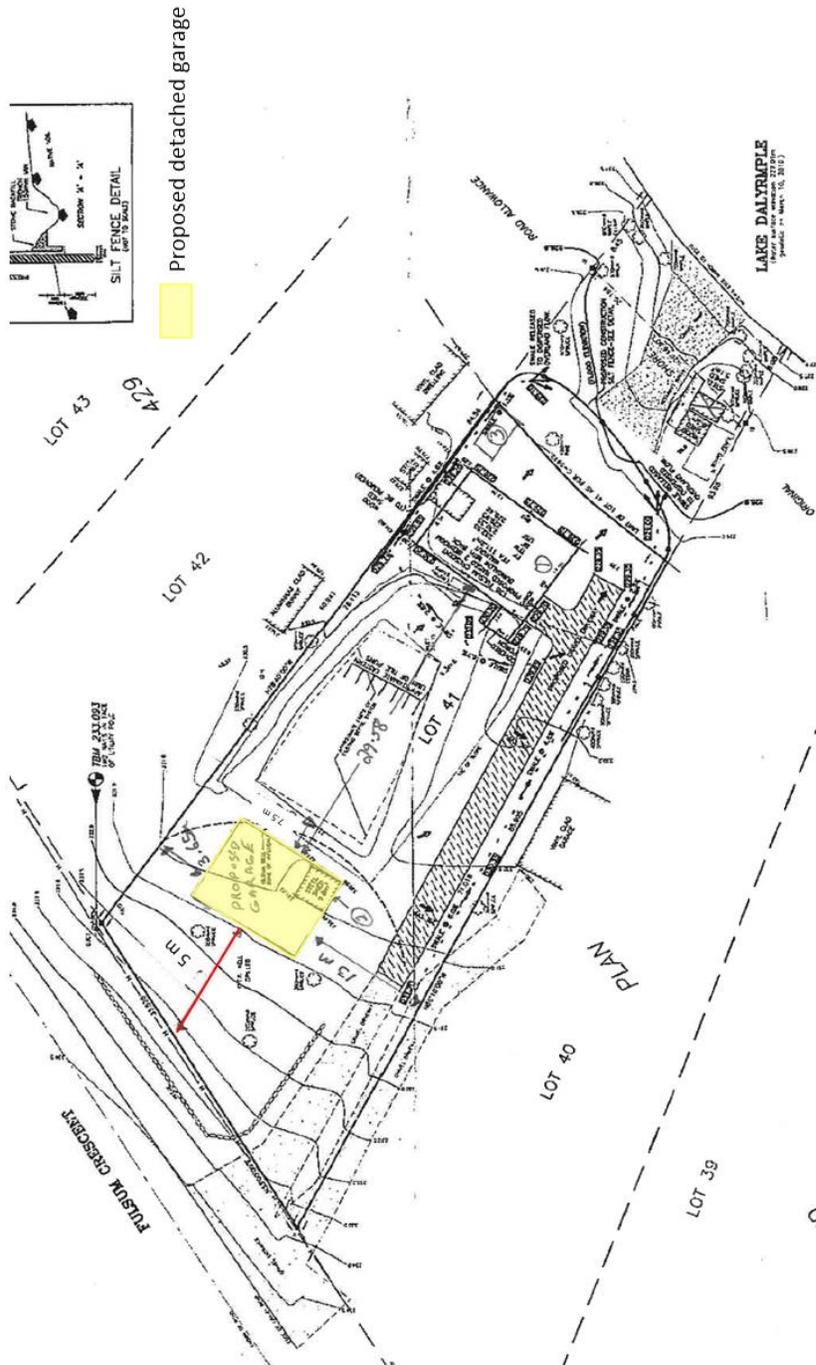


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APPLICANT'S SKETCH

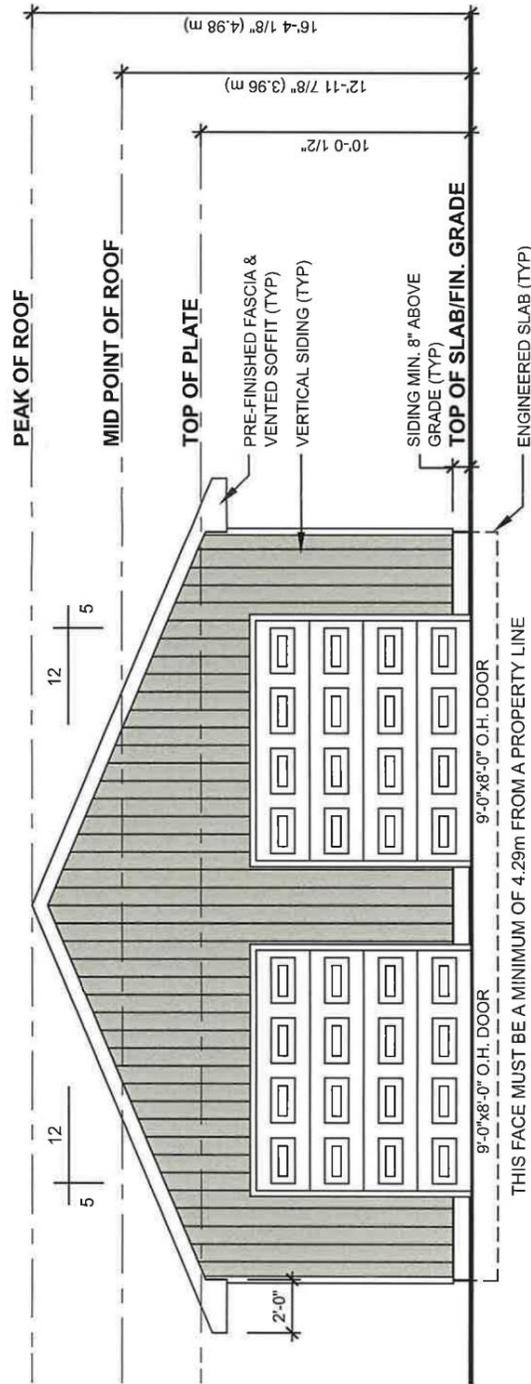


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CONSTRUCTION DRAWINGS



FRONT ELEVATION
SCALE: 3/16" = 1'-0"