

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Popela
Report Number COA2023-078

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.

The variance is requested at **21 Fox Beach Lane** (File D20-2023-070).

Author: Katherine Evans, Planner II **Signature:** *Katherine Evans*

Recommendations

That Report COA2023-078 – Popela, be received;

That minor variance application D20-2023-070 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 COA2023-078, 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 COA2023-078. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a detached garage
Owners:	Dan and Shona Popela
Applicant:	Dan Popela
Legal Description:	Part Lots 19 and 20, Concession 4 (being Part Lots 1 and 2 on Reference Plan 57R4830)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential Exception One (LSR-1) (Township of Carden Zoning By-law 79-2)
Site Size:	1,745 sq. m. (18,783.02 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

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) a tarp storage structure, and a shipping container. The shipping container and tarp storage structure are temporary and are to be removed.

The proposal is to construct a detached garage in the front yard. The proposed garage will provide additional storage opportunities on the property. The proposed garage will be able to store the items that are currently kept in the shipping

¹ See Schedule 1

² See Schedule 1

container and tarp storage structure in a manner 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 Exception One (LSR-1) Zone under the Township of Carden Zoning By-law 79-2. A vacation dwelling as well as accessory structures are permitted within this exception zone, which applies to multiple lots within this area. The proposal complies with all provisions of the Zoning By-law with the exception of location.

As per Section 14.2 of the By-law, a building or structure incidental to construction is permitted only for as long as it is necessary to complete the work in progress and for a maximum of one year.

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 deep, and the existing dwelling is setback approximately 23.2 metres from the front lot line. This creates an extensive front yard, and a smaller rear yard. Due to the shoreline and required water setback, the proposed garage could not be constructed in the rear yard without approval through the minor variance process. Additionally, as the lot is approximately 22 metres wide, and the existing dwelling is approximately 15.24 metres wide, the proposed garage could not be located 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.

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. 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.

The proposed garage complies with the required front yard setback, and as such it is not anticipated that the garage will impact site lines or the travelled portion of the road. 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.

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."

Public Comments:

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

Attachments

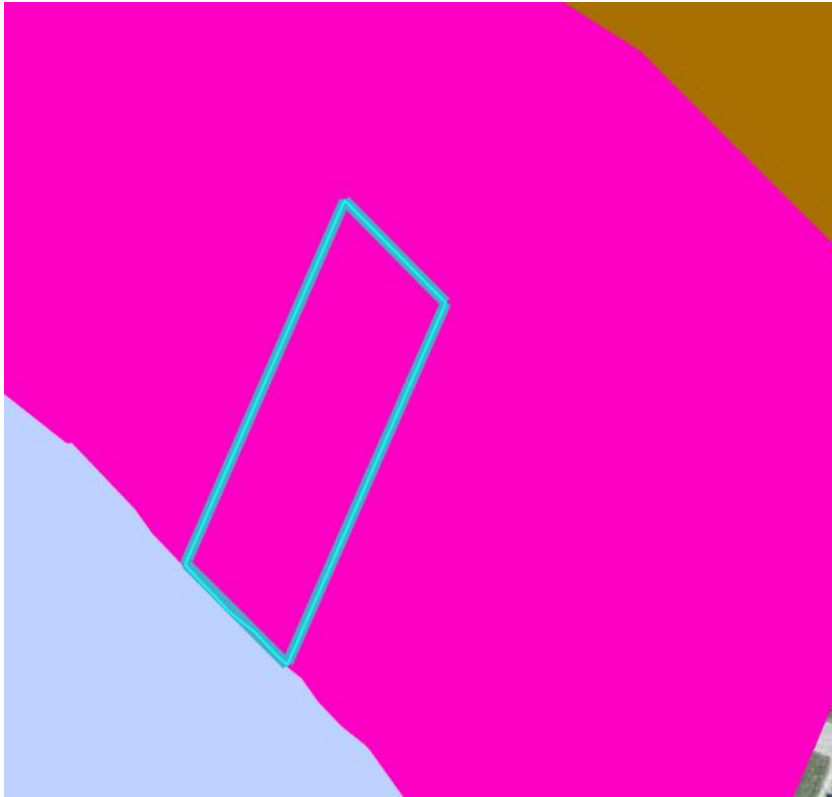
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Construction Drawings

E-Mail: kevans@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Division File: D20-2023-070

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

2.3 LSR Exception Zones

2.3.1 Limited Service Residential Exception One (LSR-1) Zone

- a. Notwithstanding subsection 2.1, land zoned "LSR-1" shall only be used for a vacation dwelling.

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.

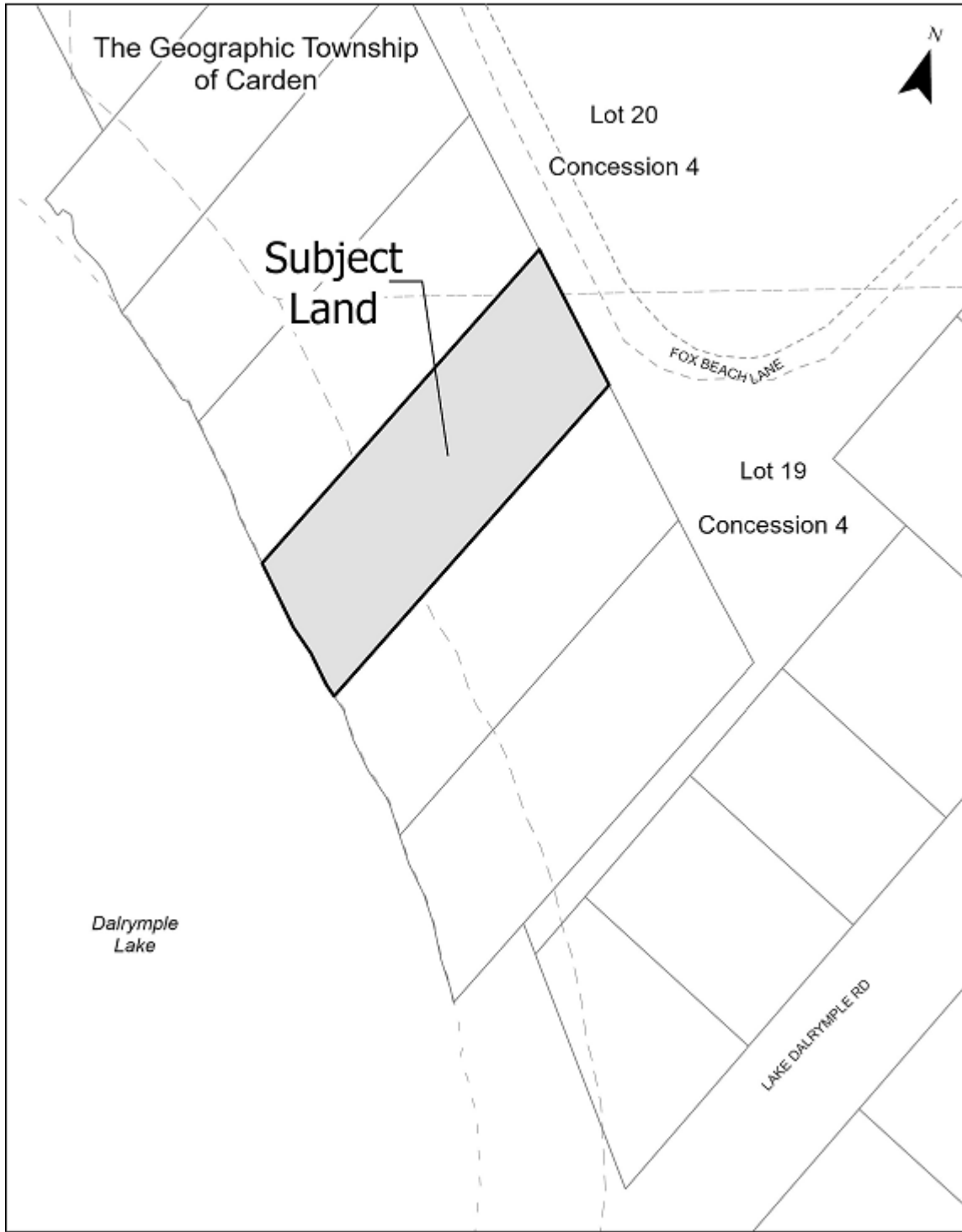
to

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LOCATION MAP

D20-2023-070



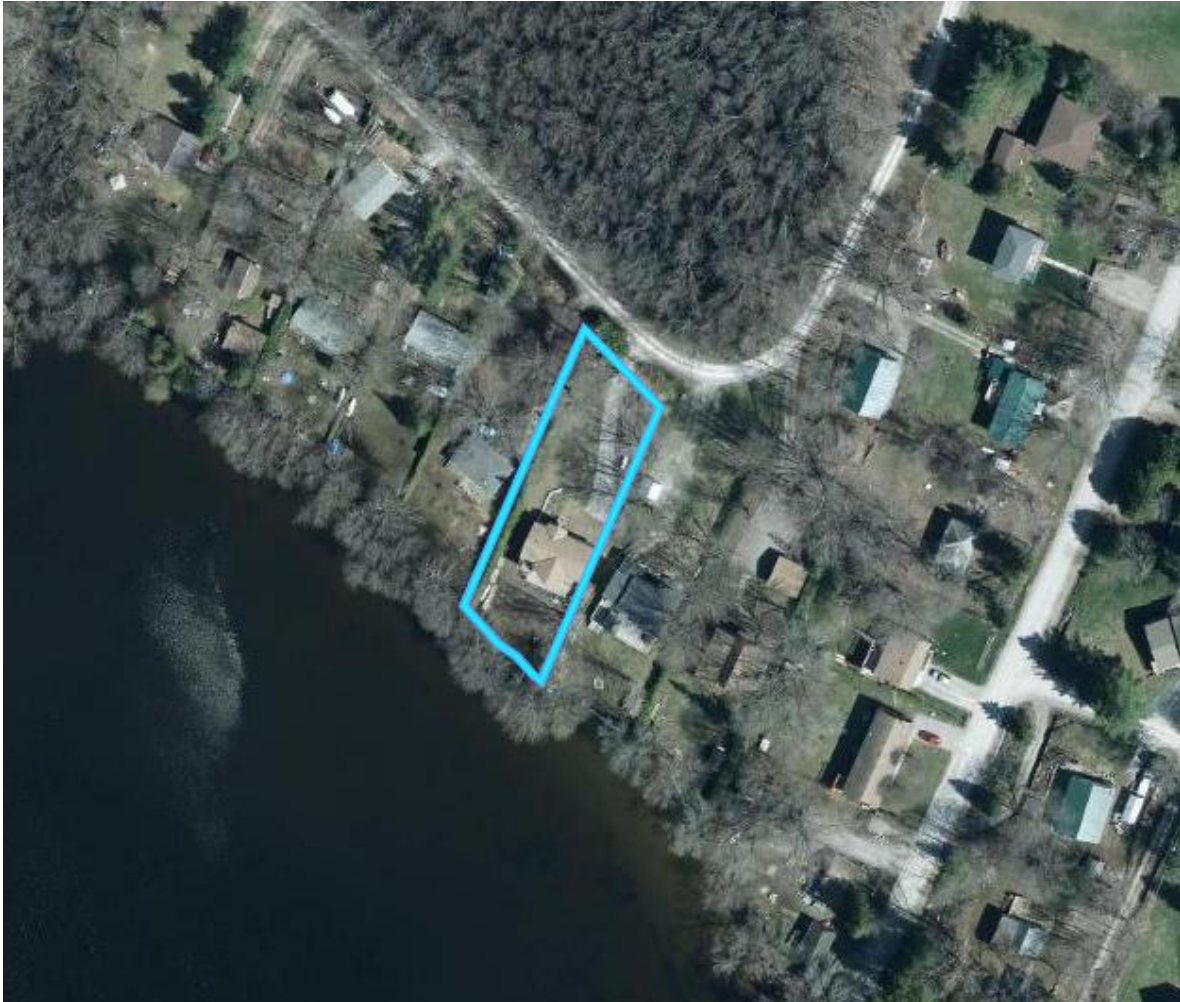
APPENDIX " B "

to

REPORT COA2023-078

FILE NO: D20-2023-070

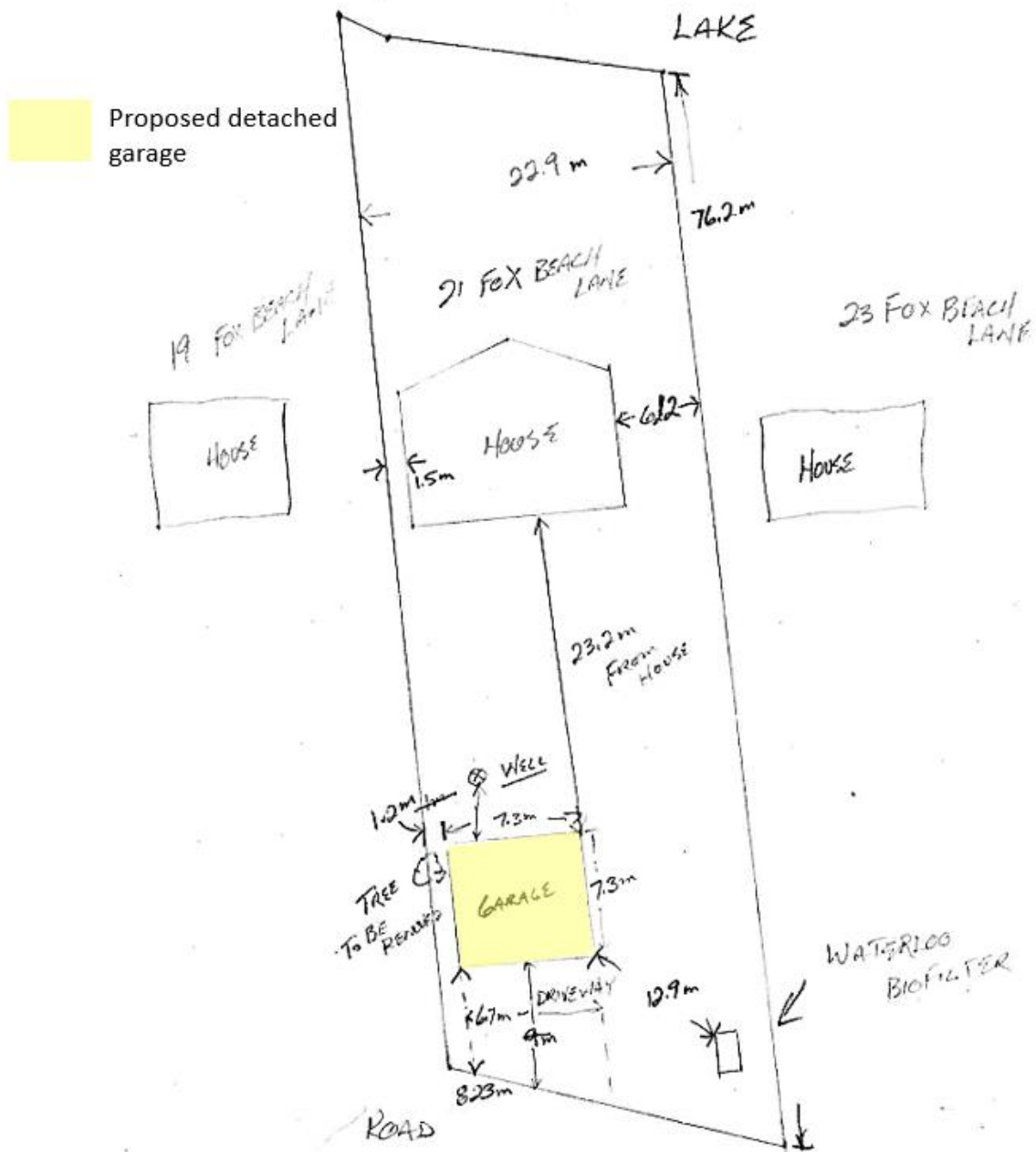
AERIAL PHOTO



to

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APPLICANT'S SKETCH



CONSTRUCTION DRAWINGS

APPENDIX " D "
to
REPORT COA2023-078
FILE NO: D20-2023-070

