

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Miller

Report Number COA2023-092

Public Meeting

Meeting Date: November 23, 2023

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 facilitate the construction of a detached garage.

Relief sought:

1. Section 3.1.3.2 of the By-law permits a maximum height of 5 metres for accessory structures; the proposed height is 5.7 metres; and,
2. Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed garage constitutes the fifth accessory structure on the lot.

The variance is requested at **236 Francis Street East** (File D20-2023-084).

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

Recommendations

That Report COA2023-092 – Miller, be received;

That minor variance application D20-2023-084 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 COA2023-092, 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 COA2023-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage
Owners:	John Miller
Applicant:	Same as owner
Legal Description:	Part Lot 21, Concession 11 (being Lot 7 on Plan 253)
Official Plan ¹ :	Residential and Special Policy Area 3 (Sturgeon Lake Floodplain Area) (Fenelon Falls Secondary Plan, 2015) and Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	2,023 sq. m. (21,775.39 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private holding tank and lake draw water
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 Fenelon River. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1960 (according to Municipal Property Assessment Corporation),

¹ See Schedule 1

² See Schedule 1

two sheds, a house boat, a barrel sauna, and a shipping container that is to be removed.

The proposal is to construct a detached garage. The dwelling on the property has limited storage space, so the proposed garage with its increased height would provide enhanced storage options and enclosed vehicle parking on the property. Additionally, the garage will replace the storage that is currently being provided by the shipping container, providing a storage option that is more permanent and in keeping with the aesthetic of the existing built form.

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 Residential under the Fenelon Falls Secondary Plan, 2015. A variety of dwelling types as well as accessory buildings and structures are permitted within this designation. The shoreline of the property is within the Special Policy Area 3 (Sturgeon Lake Floodplain Area), however the proposed garage is located outside of this area.

The property is within the Floodplain Hazard, being the 120 metre buffer along the shoreline. As per section 31.4.2.6.6 of the Fenelon Falls Secondary Plan, an Environmental Impact Study or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. The study is to be prepared in accordance with sections 3.5.37 to 3.5.40 of the City of Kawartha Lakes Official Plan. Section 3.5.39. provides that the City in consultation with the Conservation Authority and MNR, and Parks Canada Trent Severn Waterway as appropriate, shall identify the appropriate scope and study area for each required EIS. As such, Planning staff are working with the appropriate agency to determine if a study is required, and if so, the extent of the works. Discussions were underway at the time of report preparation, and a condition of approval may be warranted to address this policy.

Kawartha Region Conservation Authority (KRCA) has determined that the subject property is in an area of known karst, that being a provincially significant natural hazard feature. The presence of this feature is to be addressed through the KRCA permitting process.

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 Rural Residential Type Two (RR2) Zone under the Township of Fenelon Zoning By-law 12-95. 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 the maximum height for an accessory structure, and the maximum number of accessory structures.

As indicated in Appendix C, the contractor will be removing the shipping container once the garage is constructed. As per Section 3.19.1 of the By-law, a building or structure incidental to construction is permitted until such construction has been finished or discontinued for a period of 90 days.

As per Section 3.1.3.2 of the By-law, a maximum height of 5 metres is permitted for accessory structures. The height of the proposed garage is 5.7 metres. The purpose of a maximum height for accessory structures in a residential zone is to ensure the accessory use is visually subordinate to the primary (residential) use and to maintain the residential character of an area.

A detached garage is permitted in the front yard on a property that fronts on a navigable waterway. Additionally, the garage complies with the required front and side yard setbacks. There is a grouping of mature vegetation between the front lot line and the proposed garage location, limiting the visibility of the garage and its increased height from the road, if any. Additionally, a line of mature vegetation along the side lot line will limit the visibility of the garage from the neighbouring property. The proposed garage will be adjacent to the garage on the neighbouring property and will not directly abut the neighbouring dwelling, so it is not anticipated that the garage at its proposed height will result in massing or privacy issues.

As per Section 3.1.3.3 of the By-law, a maximum of 3 accessory structures is permitted on a lot in any class of residential zone. The proposed garage constitutes the fifth accessory structure on the lot. The intent of establishing a maximum number of accessory structures is to control built form in order to maintain the residential character of the property, manage massing, reduce visual clutter, and to ensure that accessory uses remain subordinate to the primary (residential) use. The existing and proposed structures are evenly dispersed throughout the property, reducing visual clutter and massing impacts. Additionally, the proposal complies with the maximum lot coverage for accessory structures.

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:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Building and Septic Division (Septic): "The detached garage is being proposed in the roadside yard of the existing single detached dwelling. The sewage system

use permit indicates the class 5 holding tank is located adjacent to the existing single detached dwelling in the roadside yard. Based on the proposed location of the detached garage, the minimum required clearance distances to the sewage holding tank will be maintained. Additionally, the detached garage is not being proposed with any plumbing fixtures or habitable living space as part of the construction.

As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage systems.”

Public Comments:

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

Attachments

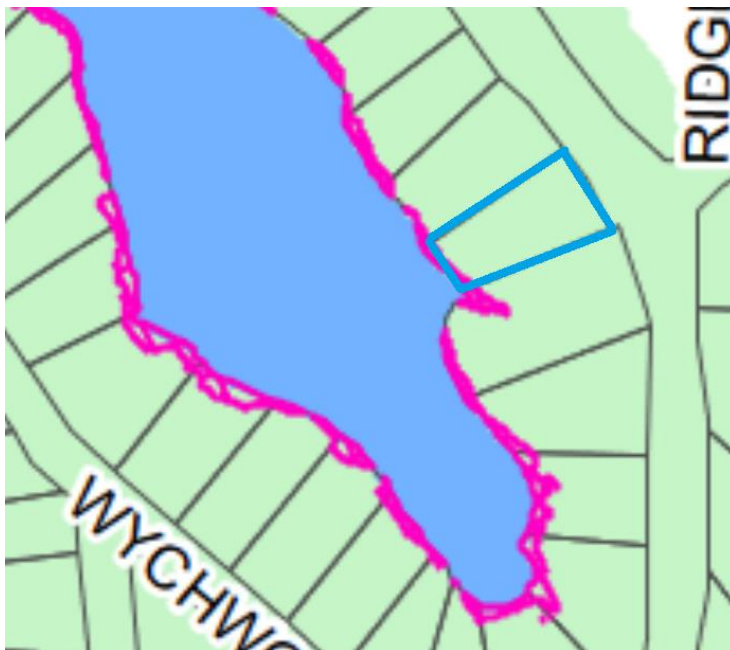
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

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E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-084

Schedule 1

Relevant Planning Policies and Provisions

Fenelon Falls Secondary Plan



31.4.3 Land Use Policies

31.4.3.1. Residential

31.4.2.6. Environment and Natural Heritage

31.4.2.6.6 Schedule "G-3" delineates as Environmental Constraint Areas those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, contain Provincially Significant Wetlands, and/or contain Environmentally Sensitive Features. Development of the lands in accordance with the designation on Schedule "F-3" may be permitted provided that the development does not result in an increased risk of loss of life, property damage, or the degradation of the environment. An EIS prepared in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area.

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1.2 Location

3.1.2.4 Where a lot fronts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof.

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.

3.19 Temporary Uses Permitted

- 3.19.1 Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of 90 days.

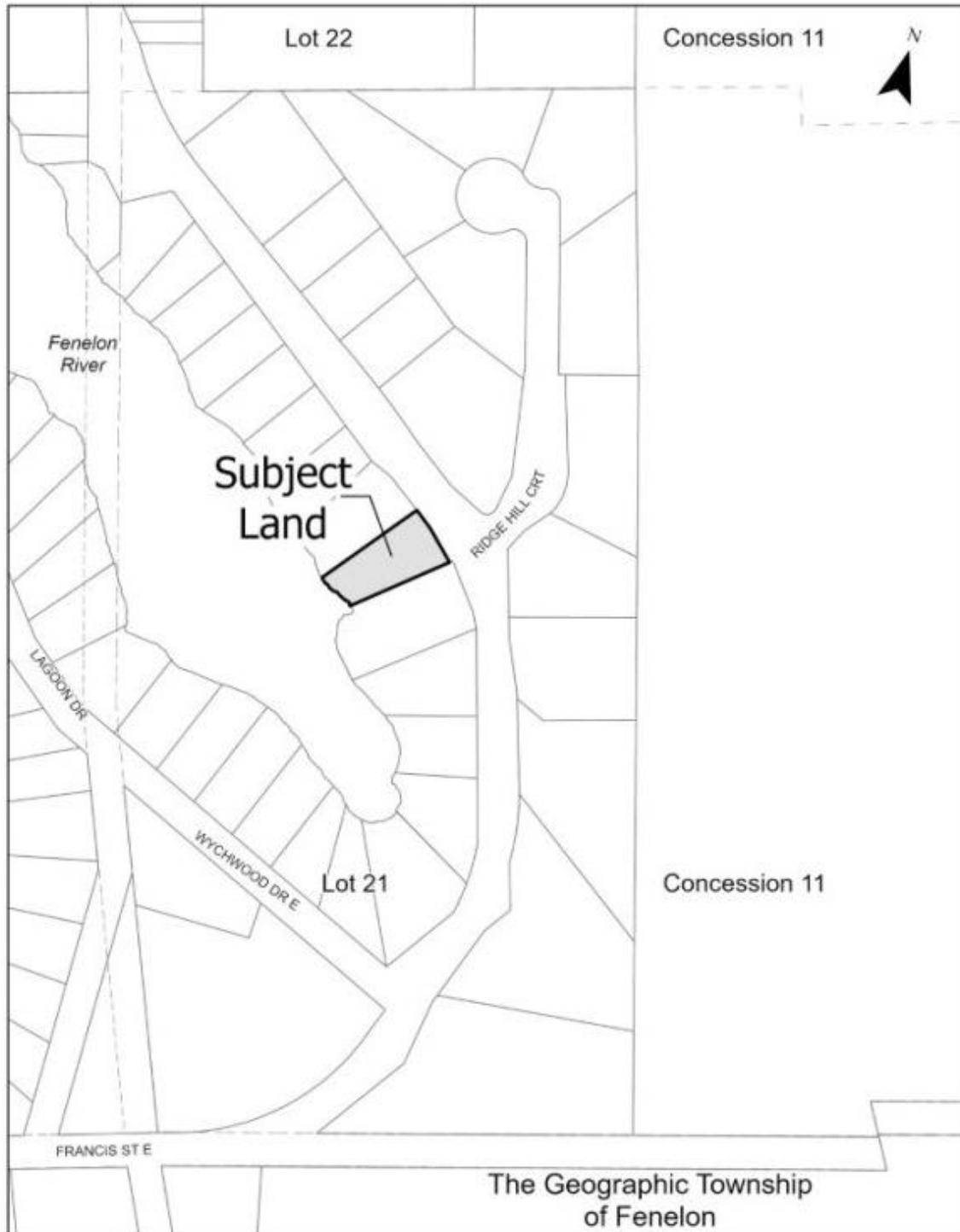
Part 12 Rural Residential Type Two (RR2) Zone

12.1 Uses Permitted

12.2 Zone Provisions

LOCATION MAP

D20-2023-084

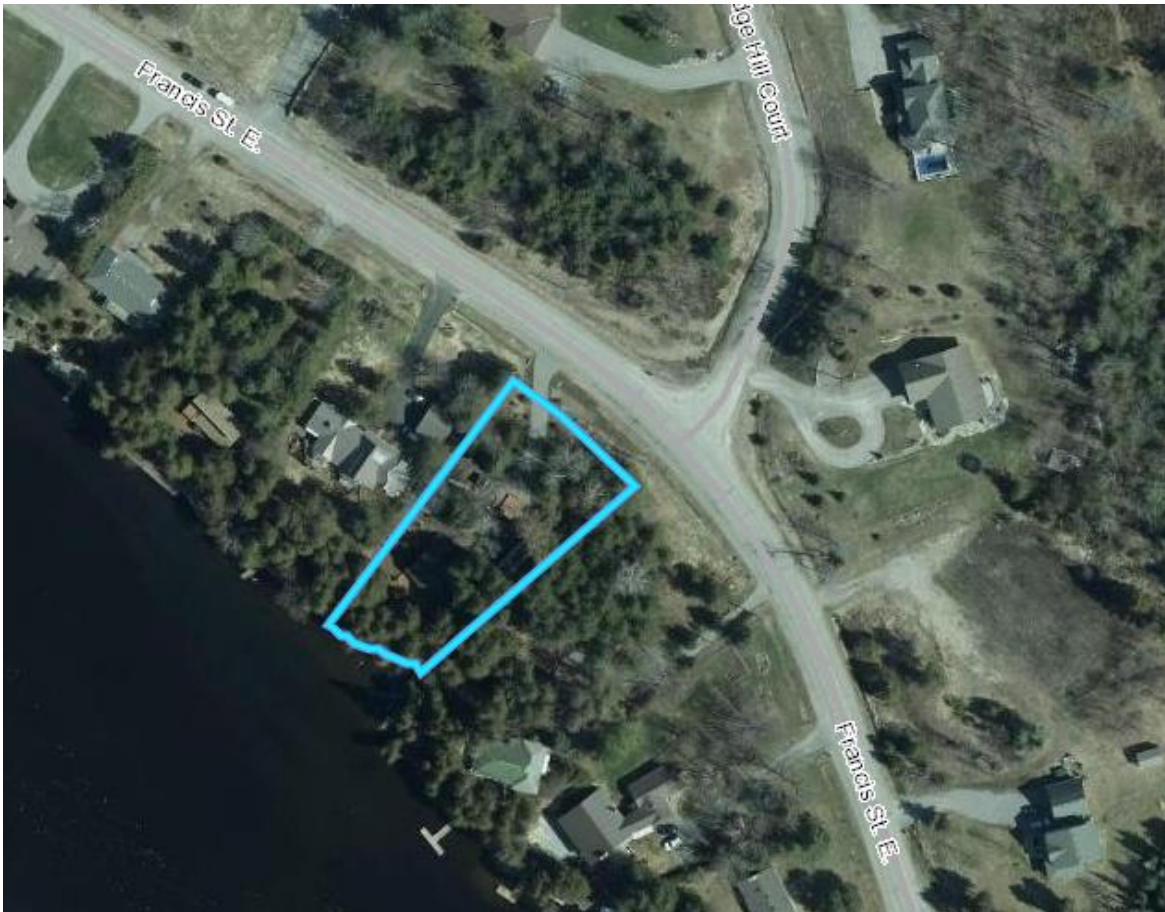


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REPORT COA2023-092

FILE NO: D20-2023-084

AERIAL PHOTO

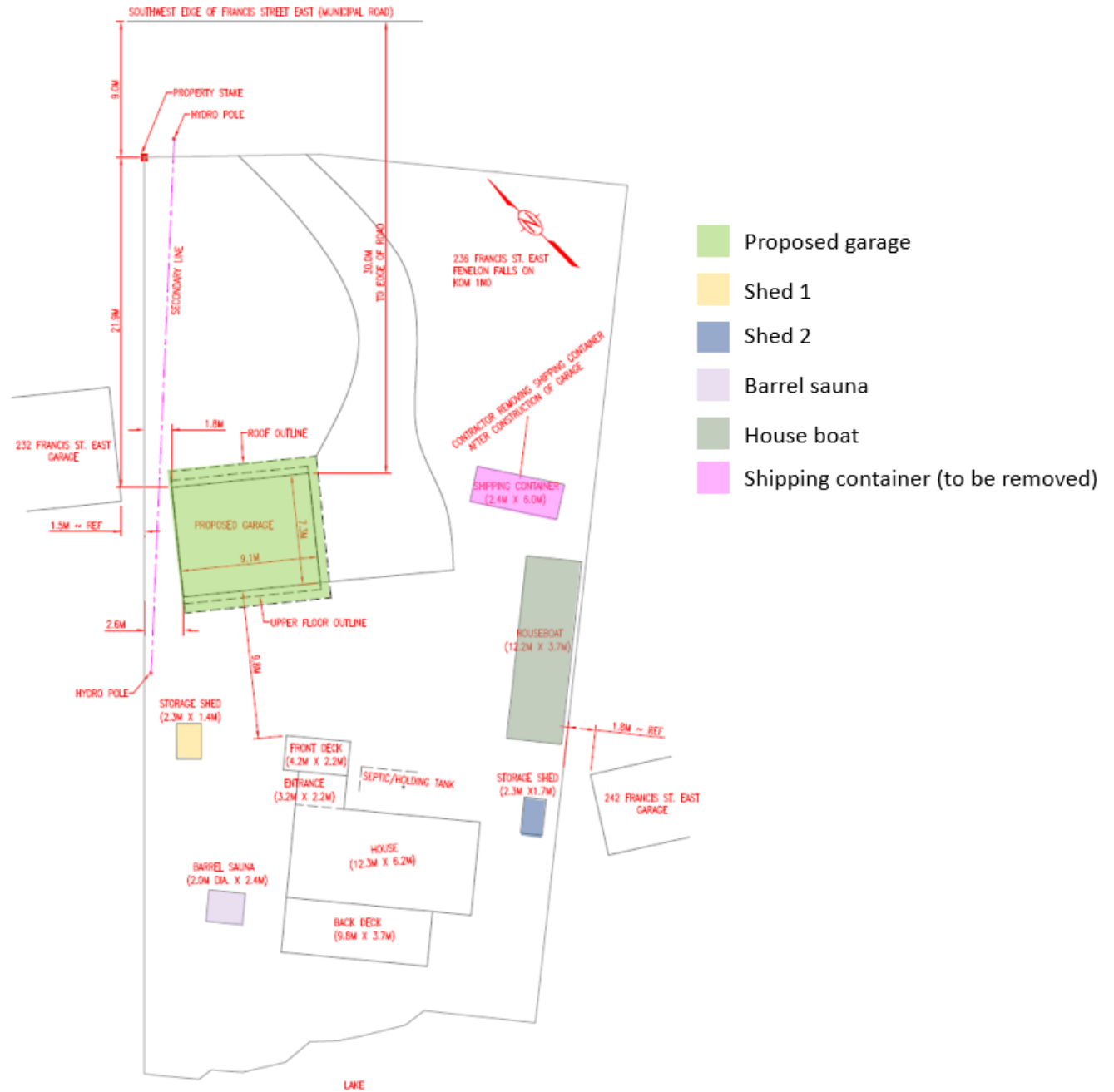


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APPLICANT'S SKETCH

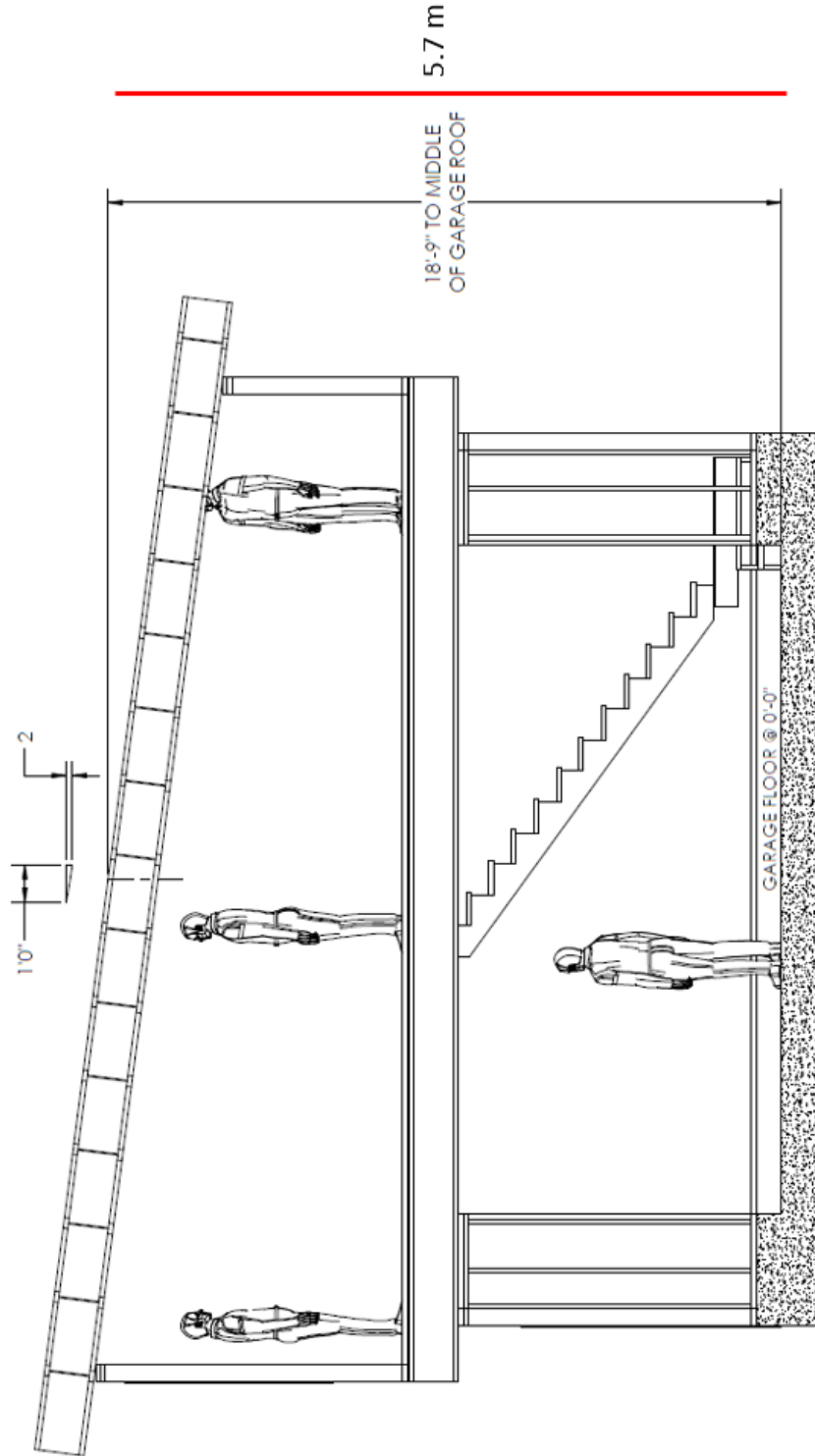


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FILE NO: D20-2023-084

CONSTRUCTION DRAWINGS



FRONT ELEVATION