

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – and
Report Number COA2020-045

Public Meeting

Meeting Date: November 26, 2020
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 request relief from the following provisions in order to permit the construction of a detached garage:

1. Section 3.1.2.1 to permit the construction of an accessory building (detached garage) which is not part of the main building in the front yard of the subject lands;
2. Section 10.2.1.10 to increase the maximum allowable lot coverage of all accessory buildings and structures, exclusive of a private garage attached to the main building and outdoor swimming pools from 129 square metres (50% of the main building gross floor area) to 208 square metres, but in no case shall it exceed 8% of the total lot area.

The variance is requested at 18 Westlake Court, geographic Township of Fenelon (File D20-2020-037).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-045 and be received;

That minor variance application D20-2020-037 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendices C-E submitted as part of Report COA2020-045, which shall be attached to and form part of the Committee's Decision;

- 2) **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line; and
- 3) **That** the building construction related to the minor variances 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 COA2020-045. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application proposes to construct a 208.1 square metre (2240 square feet) detached garage within a front yard.

This application was deemed complete on October 29, 2020.

Proposal: The proposal involves the construction of a new detached garage to be used as a woodworking shop on the subject lands.

Owners: _____ and _____

Legal Description: Lot 20, Plan 57M 775, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: Hamlet Settlement Area within the City of Kawartha Lakes Official Plan

Zone: Hamlet Residential (HR) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 6,598 square metres (71,020 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Hamlet Residential
East: Agricultural, Cameron Rock
Drumlin Earth Science Area of
Natural and Scientific Interest
(ANSI)

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated on a cul-de-sac within a rural estate subdivision (Moore Subdivision) forming the western portion of the Hamlet of Cameron. The subject property is bounded by the Cameron Rock Drumlin Earth Science ANSI, a steep geological feature to the west that transitions to agricultural lands. The single detached bungalow on the property was constructed in 2017. The abutting property to the north possesses a General Industrial Exception One (M2-1) Zone, which permits a farm and heavy equipment repair and service shop as well as a single detached dwelling.

The proposed location of the detached garage will provide screening between the dwelling and the farm equipment repair and service shop, effectively screening the views of abutting property when viewed from the front porch. Several of the properties along Westlake Court contain similar large detached garages constructed beside the dwellings; however, the irregular lot shape tapers to the west, which prevents the construction of the workshop beside or in the rear yard of the property. Rear yard amenity space would be compromised if the building was constructed within the rear yard with the side yards providing limited space for a driveway to access the building. Also, the increasing grade to the rear of the property and the presence of the Earth Science ANSI further inhibits the situation of a detached garage within the rear yard of the subject lands.

The design of the garage is intended to emulate the overall appearance of the bungalow with stone veneer and siding identical to that of the dwelling unit. Added step flashing, matching light fixtures and three windows on the street-side of the building further compliment the design elements of the building. When combined with the plantings proposed in the landscaping plan, the garage will seamlessly blend in with the dwelling. The additional plantings will also provide vegetative buffering from the property to the north.

The increased lot coverage does not impair the area of available landscaped amenity space or the appearance of the property.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The Hamlet Residential (HR) Zone permits a variety of rural uses, including single detached dwellings. The intent of the zoning by-law is to restrict the placement of accessory buildings within a front yard, relegating them to side or rear yards. Side and rear yards are usually less visually prominent locations in comparison to a front yard. As it is usually the most visible yard from the street, front yards have the greatest ability to shape the character of the street through

their appearance and use. One of the intents of the location provision is to ensure accessory buildings and uses do not dominate the streetscape.

The tapered lot configuration together with the location of the septic system in the southwest section of the property relegates the location of the garage to the northeastern portion of the property. As the three-bay garage attached to the bungalow is occupied by vehicles and lawn maintenance equipment required for an estate lot, the owners intend on using the garage for a workshop for woodworking equipment and the storage of other items. Moreover, the location of the tile drain outlets from the roof leaders of the dwelling run out to the side yard (north) preventing additional expansion of the existing three-bay garage.

Through the pre-screening process, the applicant was able to locate the garage footprint further from the front yard by an additional 1.5 metres, further lessening the prominence of the garage within the front yard. By applying the landscaping and plantings mentioned in Rationale 1 & 2, the overall visual impact of the garage is substantially lessened.

Section 10.2.1.10 of the Hamlet Residential (HR) Zone category sets a maximum lot coverage for accessory buildings or structures, exclusive of a private garage attached to the main building and outdoor swimming pools. Lot coverage shall not exceed 50% of the required minimum floor area for a residential dwelling (46.5 square metres) or 50% of the main building gross floor area, whichever is greater, but in no case shall it exceed 8% of the total lot area to a maximum of 8% of the lot area. Since the gross floor area of the dwelling is 258 square metres, the maximum lot coverage for the garage could not exceed 129 square metres. The modest 208 square foot building represents a 62% increase from what is permissible; however, the total lot coverage is less than the 8% requirement at 7.1%.

One of the intentions of the lot coverage provision under the HR Zone category is to restrict the size of accessory buildings on much smaller lots within the Hamlets of Cameron, Cambray and Rosedale. With the spacious estate lots created within the Hamlet of Cameron, the carrying capacity of land is much greater than the smaller residential lots along Highway 35 and Cameron Road. Sufficient landscaped open space for amenity space, servicing (i.e. sewage system and well) and storm water infiltration exists on the estate lot; thus, it is appropriate to permit the additional lot coverage.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated Hamlet Settlement Area within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual well and private septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Development Engineering Division (November 17, 2020): No objections.

Building Division (November 13, 2020): No concerns.

Part 8 Sewage Systems (November 9, 2020): No concerns.

Public Comments:

No comments have been received as of November 18, 2020.



Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketched Site Plan

Appendix D – Building Elevations (North & South)

Appendix E – Building Elevations (East & West)

Appendix F – Department and Agency Comments

Phone: 705-324-9411 extension 1367

E-Mail: kstainton@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D20-2020-037

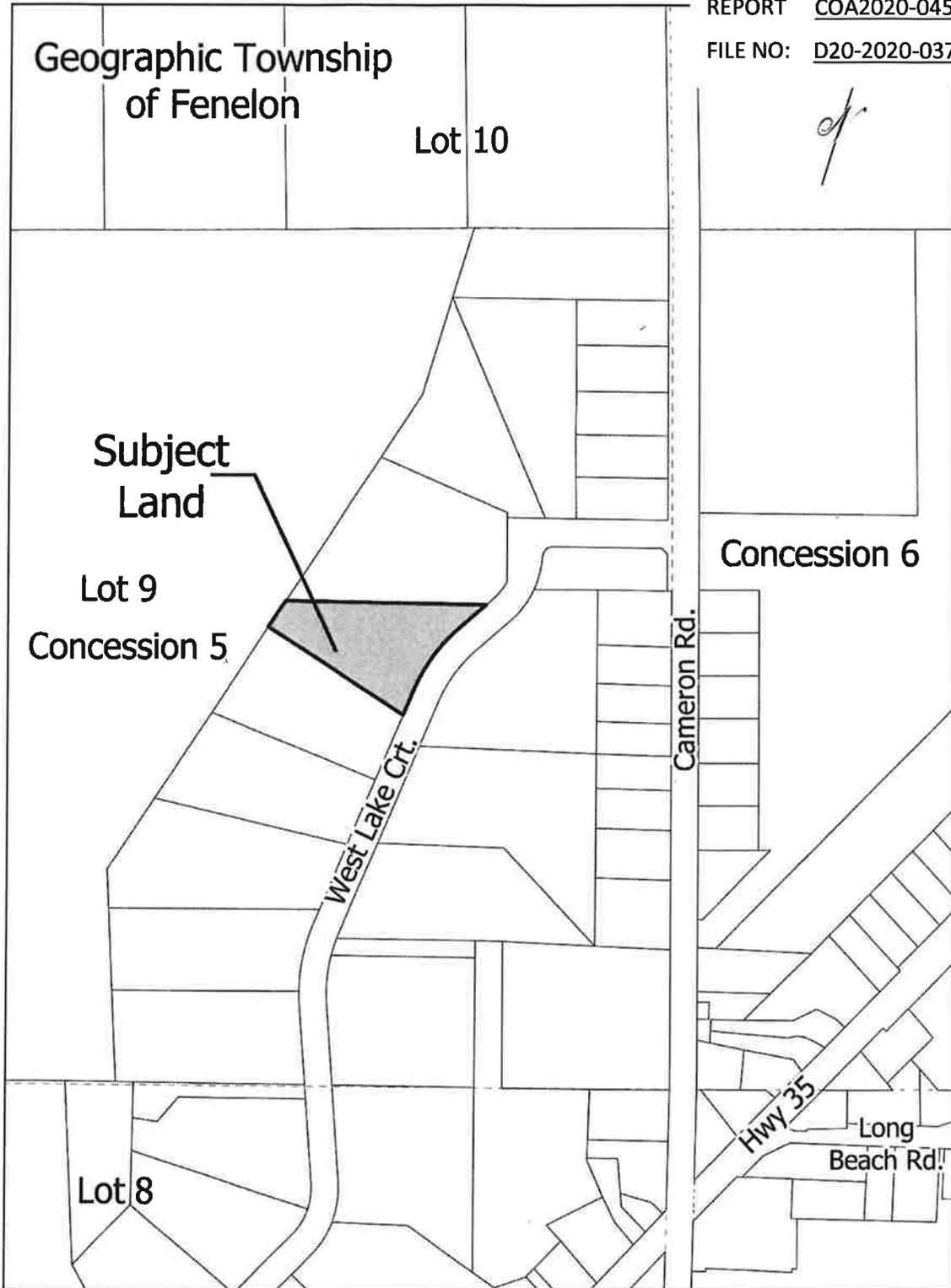
D20-2020-037

APPENDIX " A "

to

REPORT COA2020-045

FILE NO: D20-2020-037





18 Westlake Court, Geographic Township of Fenelon



Legend

- Property Roll Number
- Lots and Concessions
- Lower Tier Municipalities

Notes

Notes

APPENDIX " B "

to

REPORT COA2020-045

FILE NO: D20-2020-037

0.22

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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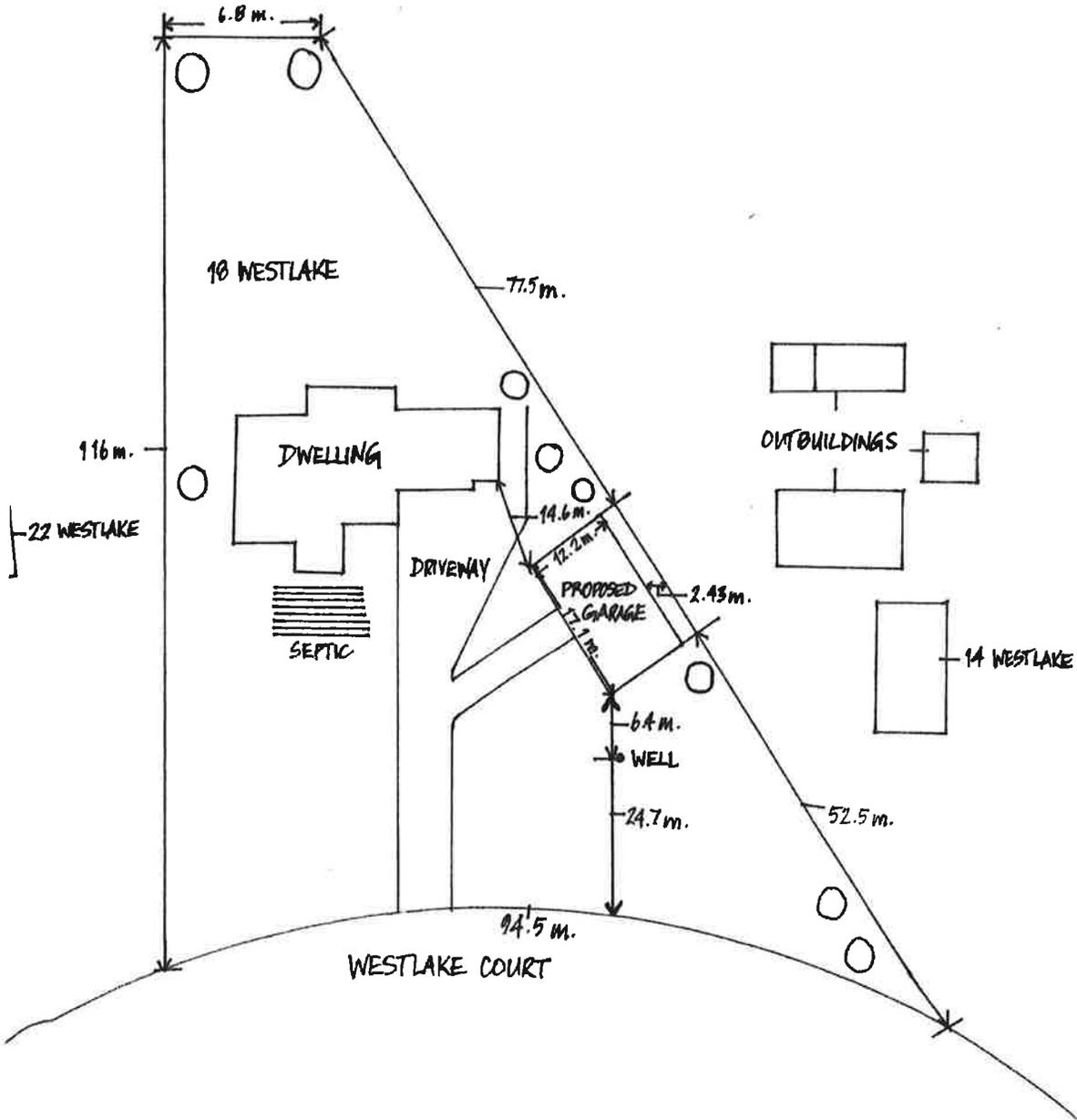
APPENDIX " C "

to

REPORT COA2020-045

FILE NO: D20-2020-037

SKETCH PLAN



Kent Stainton

From: Kent Stainton
Sent: Tuesday, November 17, 2020 11:02 AM
To: Charlotte Crockford-Toomey
Subject: FW: D20-2020-037 - 18 Westlake

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " F "
to
REPORT COA 2020-045
FILE NO. D20-2020-037

FYI

Kent Stainton
Planner II
Development Services, City of Kawartha Lakes
705-324-9411 ext. 1367 www.kawarthalakes.ca

City of Kawartha Lakes
Development Services Department, Planning Division
180 Kent Street West
Lindsay, ON K9V 2Y6
705-324-4027 (F)



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

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From: Anne Elmhirst
Sent: Tuesday, November 17, 2020 11:01 AM
To: Kent Stainton
Subject: D20-2020-037 - 18 Westlake

Hello Kent,

I have received and reviewed the application for a minor variance to request relief to construct an accessory structure (detached garage) in the front yard at 18 Westlake Road. I completed a site visit to confirm the location of the sewage system with the proposed garage.

The detached garage will be used as a personal workshop and to store yard equipment. The proposal does not include any plumbing fixtures for the accessory structure. The garage will be maintained outside the required clearance distance to the existing sewage system.

As such, the Building Division – Sewage System program has no concerns with the proposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

Kent Stainton

From: Mark LaHay
Sent: Tuesday, November 17, 2020 9:28 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201117 D20-2020-037 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes
Sent: Tuesday, November 17, 2020 8:05 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20201117 D20-2020-037 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2020-037
18 Westlake Court
Lot 20, Plan 57M-775
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to construct a detached garage:

1. to permit the construction of an accessory building (detached garage) which is not part of the main building in the front yard of the subject lands;
2. to increase the maximum allowable lot coverage of all accessory buildings and structures, exclusive of a private garage attached to the main building and outdoor swimming pools from 129 metres (50% of the main building gross floor area) to 208 square metres.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Friday, November 13, 2020 3:32 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-037

Follow Up Flag: Follow up
Flag Status: Flagged

Building has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division