

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Brazier

Report Number COA2024-002

Public Meeting

Meeting Date: January 25, 2024

Time: 1:00 pm

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

Ward 8 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the construction of a second storey over the existing attached garage and to recognize an existing tent storage structure

Relief sought:

Second storey addition

1. Section 12.2.1.3 b) ii) of the By-law requires a minimum side yard setback of 5.5 metres; the existing setback of 5.34 metres from the northwest corner is to be maintained;

Tent storage structure

2. Section 3.1.2.1 of the By-law permits accessory structures to be located in the interior side or rear yard; the tent storage structure is located in the front yard; and,
3. Section 3.1.2.2 of the By-law provides 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 'Rural Residential Type Three (RR3)' Zone and the minimum front yard setback is 7.5 metres; the existing setback is 6 metres.

The variance is requested at **171 Kenedon Drive** (File D20-2023-087).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-002 – Brazier, be received;

That minor variance application D20-2023-087 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 COA2024-002, 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 COA2024-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a second storey over the existing attached garage and to recognize an existing tent storage structure
Owners:	Kimberly and Andrew Brazier
Applicant:	Kimberly Brazier
Legal Description:	Part Lot 17, Concession 7 (being Lot 10 on Plan 384 and Part Lakeshore Drive includes Parts 5 and 8 on Reference Plan 57R-4799)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	2,914 sq. m. (31,366.03 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

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 Pigeon Lake. The property is rectangular in shape and is a waterfront lot. The property contains a single detached dwelling constructed in 1988 (according to Municipal Property Assessment Corporation), a shed, and a tent storage structure.

The purpose of the application is to facilitate the construction of a second storey over the existing attached garage and to recognize an existing tent storage structure. The proposed addition to the dwelling will create additional living space including two bedrooms and a bathroom. The tent storage structure requires a building permit, which cannot be issued without zoning compliance. The minor variance is required to recognize the tent structure's location in the front yard, as well as its reduced front yard setback. The tent structure is used to store a camper trailer, patio furniture, a lawn tractor, and will be used to store the contents of the existing attached garage during construction of the proposed second storey addition.

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 property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses and buildings and structures accessory to residential uses are permitted within this 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 Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-law 1996-30. A single detached dwelling and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum side yard setback, the minimum front yard setback, and accessory structure yard location.

As per Section 12.2.1.3 b) ii) of the By-law, a minimum interior side yard setback of 5.5 metres is required for a two storey dwelling. The existing setback of 5.34 metres from the northwest corner is to be maintained. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide

sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The dwelling on the neighbouring property to the north is located further west than the dwelling on the subject property. As such, the proposed second storey addition does not directly abut the neighbouring dwelling, mitigating potential massing and privacy issues between the two dwellings. The proposed 5.34 metre setback will provide adequate space for lot drainage and building maintenance, and access between the front and rear yard on the north side of the dwelling will remain unimpeded.

As per Section 3.1.2.1 of the By-law, accessory structures are permitted to be located in the interior side or rear yard. The existing tent storage structure is 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.

Under Section 3.1.2.3 of the By-law, a private garage is permitted in the front yard on a property that fronts on a navigable waterway. Several properties in the area currently have private garages in the front yard. Therefore, though Section 3.1.2.3 does not apply to permit a tent storage structure in the front yard, the By-law does contemplate accessory structures in the front yard in certain cases, and the presence of an accessory structure in the front yard is not out of character with the surrounding properties.

The tent storage structure is located opposite a stand of mature vegetation along the front lot line of the subject property. The vegetation provides visual screening and reduces the visibility of the tent structure from the road. As such, when viewing the property from the road the dwelling remains the visually predominant structure. Additionally, the dwelling is setback approximately 60 metres from the front lot line, creating an extensive front yard with adequate amenity space.

As per Section 3.1.2.2 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 minimum front yard setback in the RR3 Zone is 7.5 metres. The existing setback of the tent storage structure is 6 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.

Between the front lot line of the subject property and the travelled portion of the road allowance there is an approximately 7-metre-wide grassy boulevard, adding visual and physical separation between the proposed garage and the travelled portion of the road. With this separation, in addition to the existing 6 metre setback,

it is not anticipated that the proposed garage will impact the function of the roadway with respect to traffic, maintenance, or sight lines.

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 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:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Septic): “A sewage system review was conducted for the proposal to evaluate the modifications to the dwelling and their concerns for the sewage system. The review demonstrated that the proposed addition will not adversely affect the capacity allowances of the sewage system. Additionally, the proposed structure and the tent structure will not encroach on the existing sewage system. As such, the Building and Septic Division has no concerns with the minor variance proposal 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 1883
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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-087

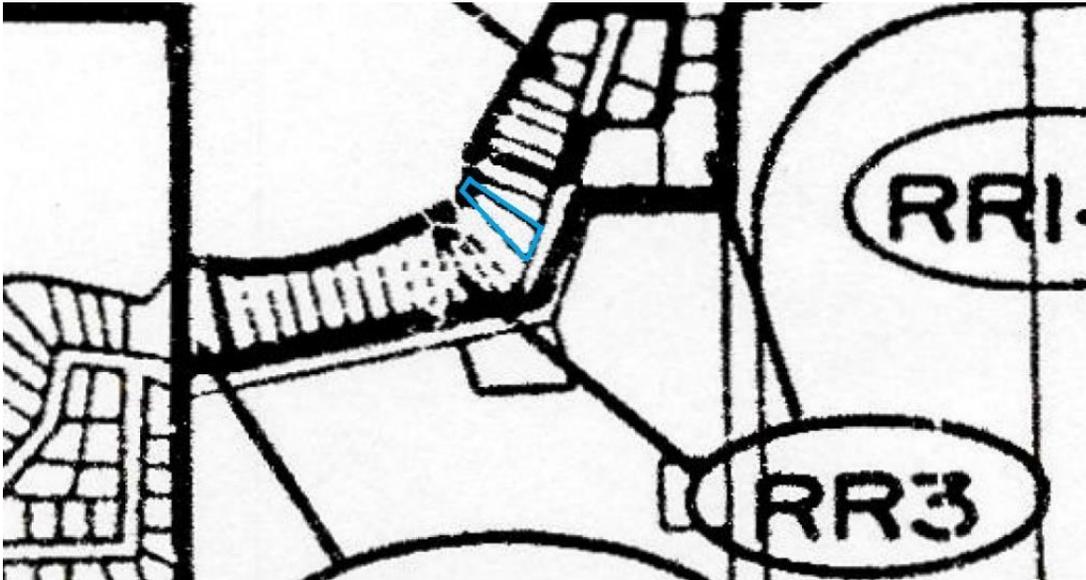
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Emily Zoning By-law 1996-30



Part 3 General Provisions

1.1 Accessory Buildings, Structures and Uses

3.1.2 Location

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

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.

Part 12 Rural Residential Type Three (RR3) Zone

12.1 Uses Permitted

12.2 Zone Provisions

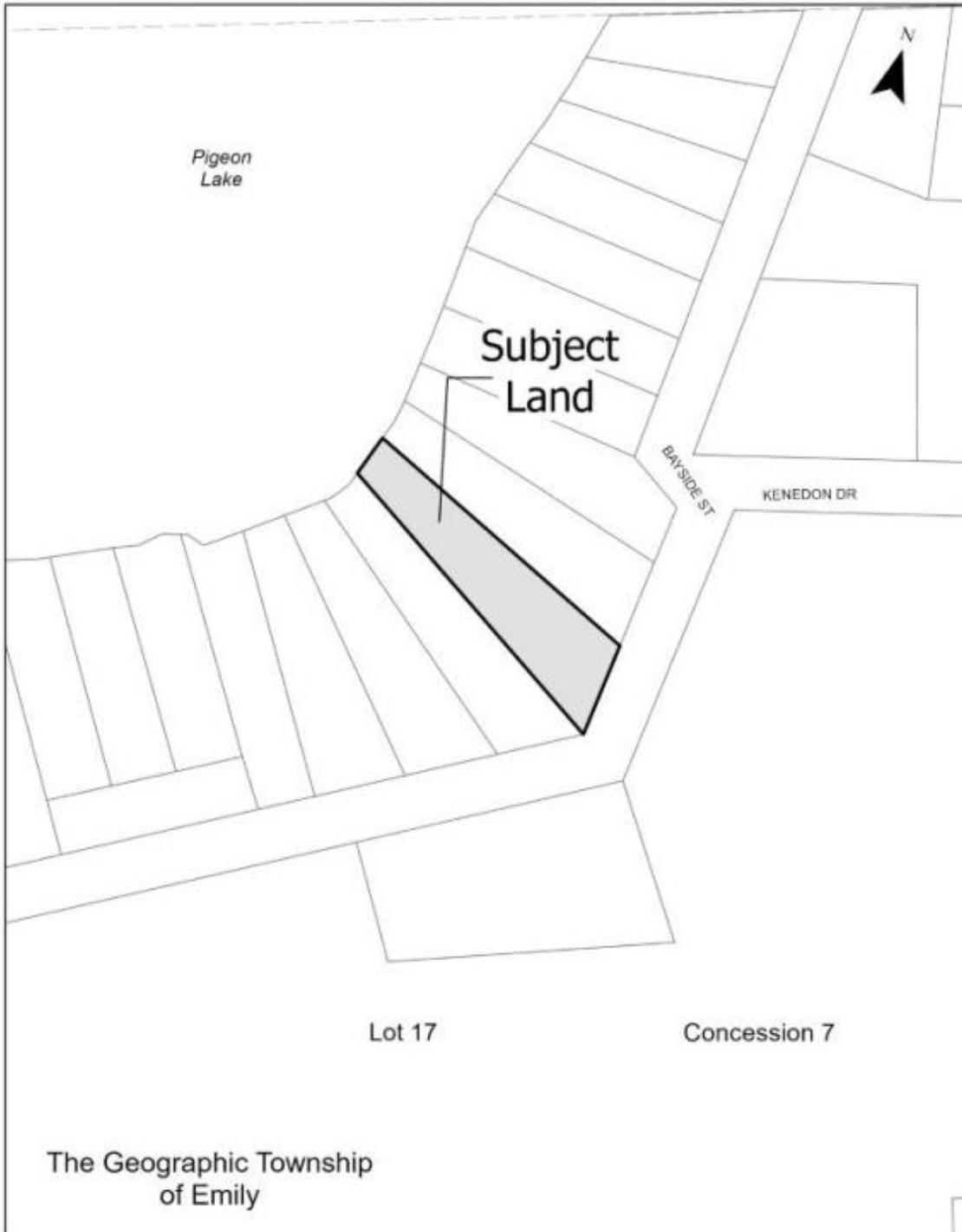
12.2.1.3 Yard Requirements (min.)

- a) front 7.5 m
- b) interior side
 - ii) two storeys or greater 5.5 m

to

LOCATION MAP

D20-2023-087



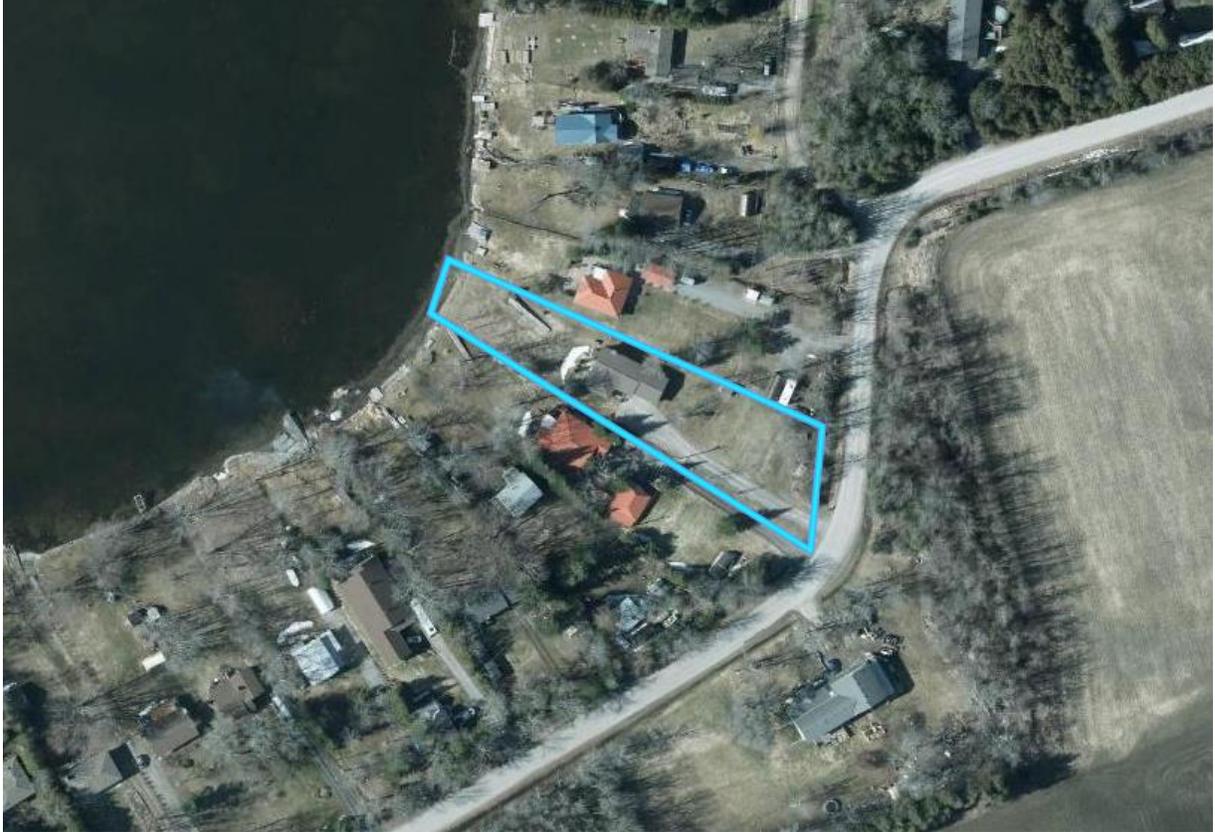
APPENDIX " B "

to

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AERIAL PHOTO



to

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APPLICANT'S SKETCH



Existing garage, location of proposed second storey addition