

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Knapp

Report Number COA2024-003

Public Meeting

Meeting Date: January 25, 2024

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 Zoning By-law requires accessory structures to be located in a side or rear yard. The proposed location of the detached garage is in the front yard.

The variance is requested at **32 Rockside Lane** (File D20-2023-088).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-003 – Knapp, be received;

That minor variance application D20-2023-088 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 elevation drawings in Appendix D submitted as part of Report COA2024-003 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 COA2024-003. 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:	Mark and Laura Knapp
Applicant:	Mark Knapp
Legal Description:	Lot 13 on Plan 334
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Carden Zoning By-law 79-2)
Site Size:	3,261 square metres
Site Access:	Unmaintained public road
Site Servicing:	Private communal well and private individual 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 situated on the eastern shore of Canal Lake with access from Rockside Lane (unmaintained public road). The property is waterfront and relatively pie-shaped in configuration. The property currently contains a dwelling with attached deck, a pergola, two shipping containers, and a shed.

The proposal is to construct a detached garage in the front yard. The proposed garage will allow for additional storage opportunities and sheltered parking, as well as maximize the use of the land. There are currently multiple properties on Rockside Lane with detached garages situated in the front yard. As a result, the proposed location of the garage aligns with and supports the existing character and built form of the neighbourhood.

¹ See Schedule 1

² See Schedule 1

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 or vacation 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 of the detached garage.

As per Section 14.1.b. of the Zoning By-law, all accessory structures are required to be located in a side or rear yard. The proposed location of the detached garage is 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. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area.

As the subject property is relatively pie-shaped in configuration, there is limited space to situate a detached garage while also being considerate of the footprint of the existing dwelling and septic field in the rear yard. Due to the narrow space between the dwelling and side lot lines, as well as side yard setbacks, there is no space available in the side yard for a detached garage. Furthermore, the attempt to situate a detached garage in the rear yard would be complex as it would likely require the removal of existing structures, construction of a new driveway, and present ingress/egress issues over a septic field.

With respect to the existing character of the area, many of the residential properties along Rockside Lane have a detached garage and/or other accessory structures in the front yard. For example, the neighbouring property to the north, has a detached garage in the front yard directly adjacent to the property line of the subject property. As a result, the proposed location of the garage aligns with the residential built form of the area.

Additionally, in the majority of the City's other Zoning By-laws, the placement of a private garage in the front yard is permissible for properties that abut a navigable waterway or a shore lot line. For purposes of comparison, if this property were

situated in an area governed by a different Zoning By-law that did include a provision allowing private garages in the front yard for properties with shore lot lines, obtaining a minor variance would not be necessary to authorize the proposed garage's location in the front yard. Furthermore, the upcoming consolidated Rural Zoning By-law proposes to incorporate a provision permitting garages in the front yard on properties with shore lot lines to address this inconsistency.

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:

E&CA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building & Septic (Septic): “A sewage system use permit was located for this property. The report indicates that the sewage system was constructed in the waterside yard of the dwelling. The proposed garage placement will ensure that the minimum required clearance distances are maintained to the sewage system components. Additionally, the detached garage will not contain any plumbing fixtures or habitable space as part of the proposal. 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.

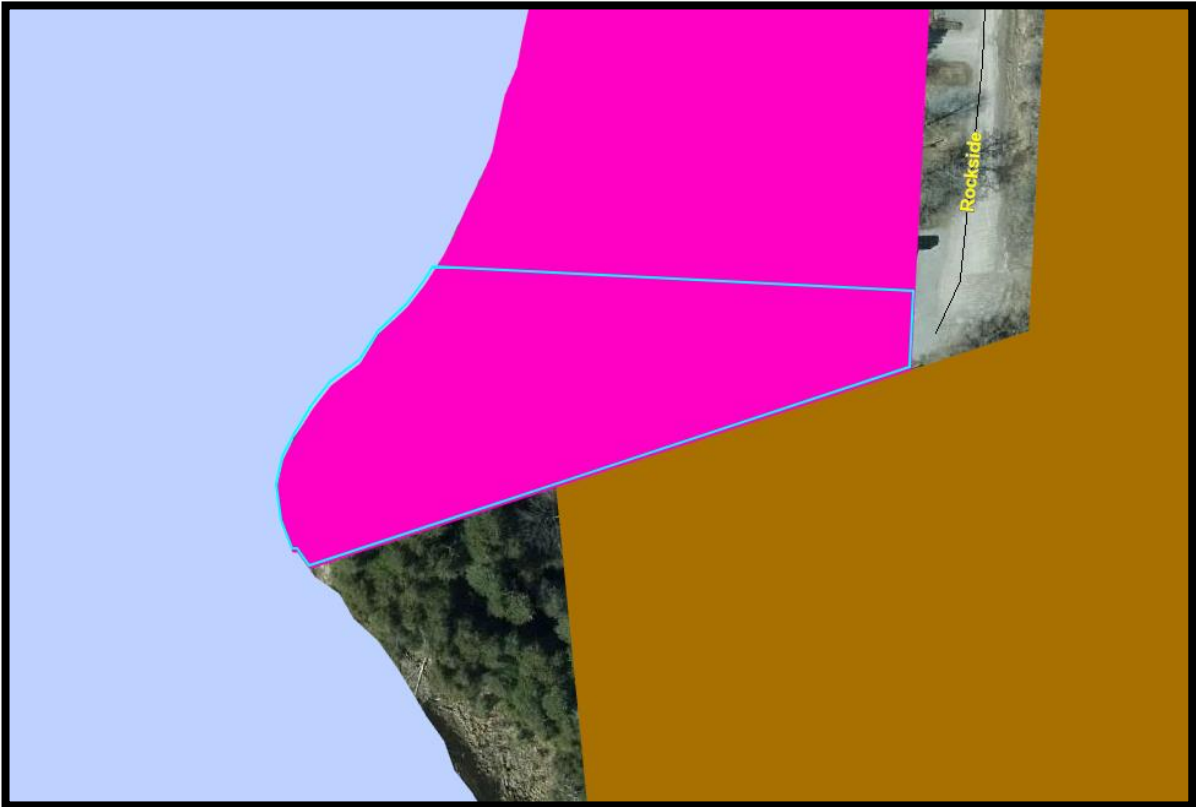
Attachments

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

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-088

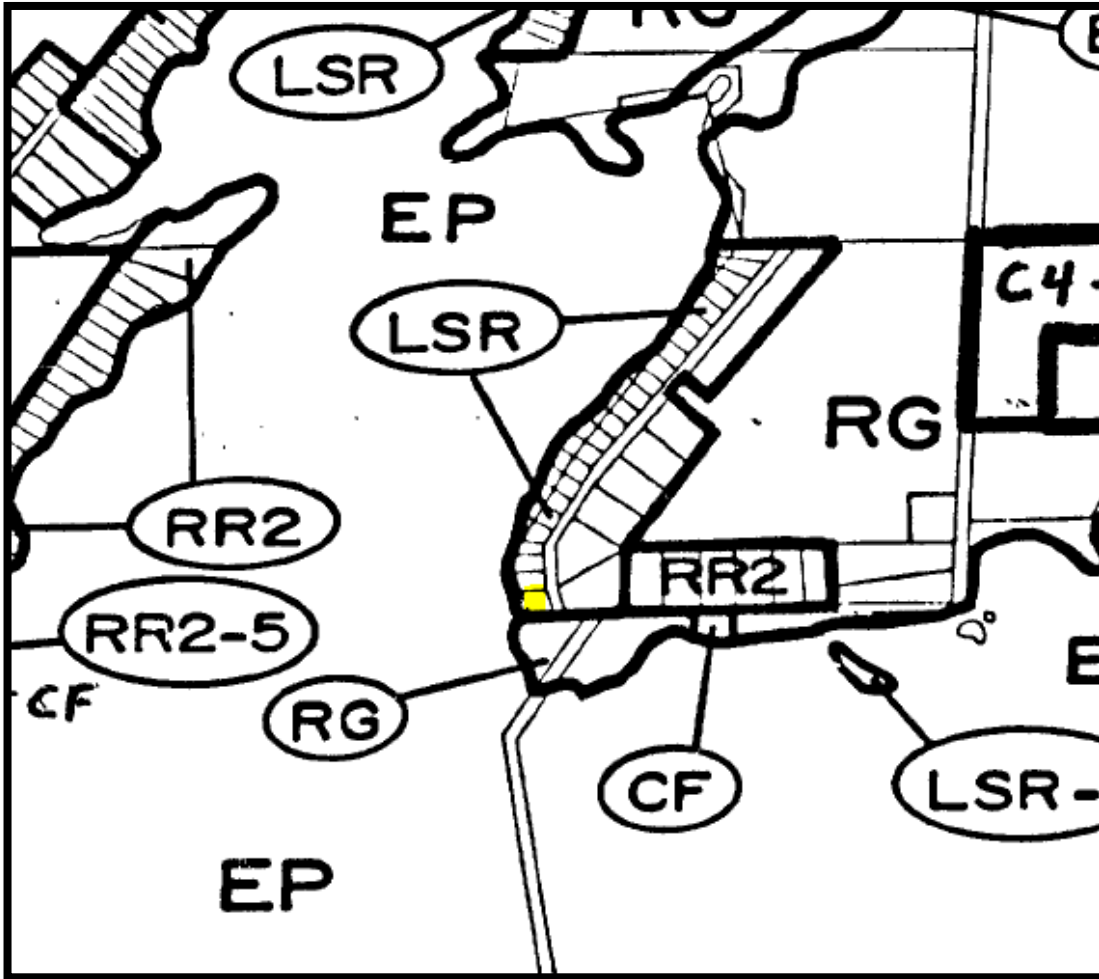
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 14 – Waterfront Designation

Township of Carden Zoning By-law 79-2



SECTION 14 – GENERAL PROVISIONS

14.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

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.

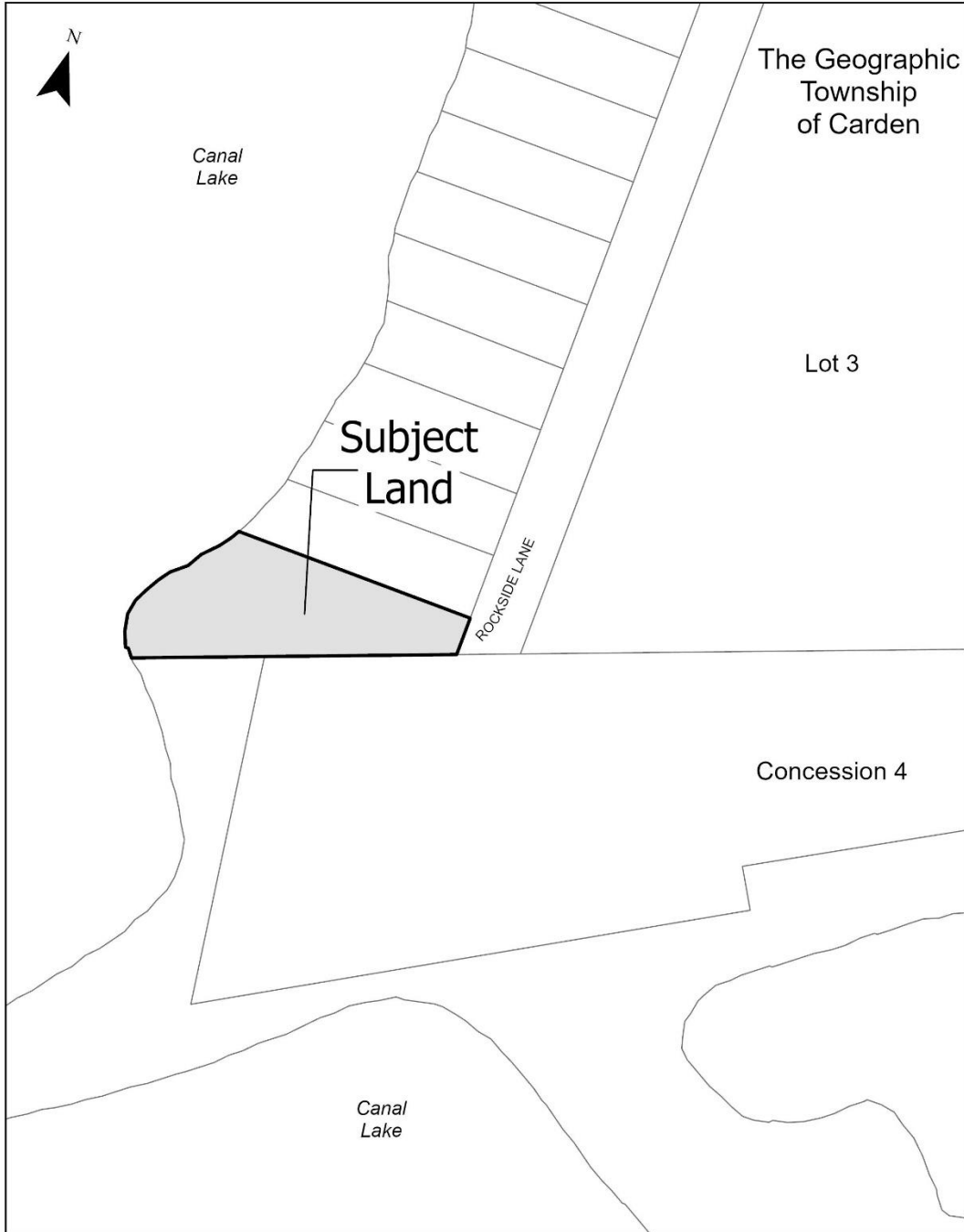
to

REPORT COA2024-003

FILE NO: D20-2023-088

LOCATION MAP

D20-2023-088



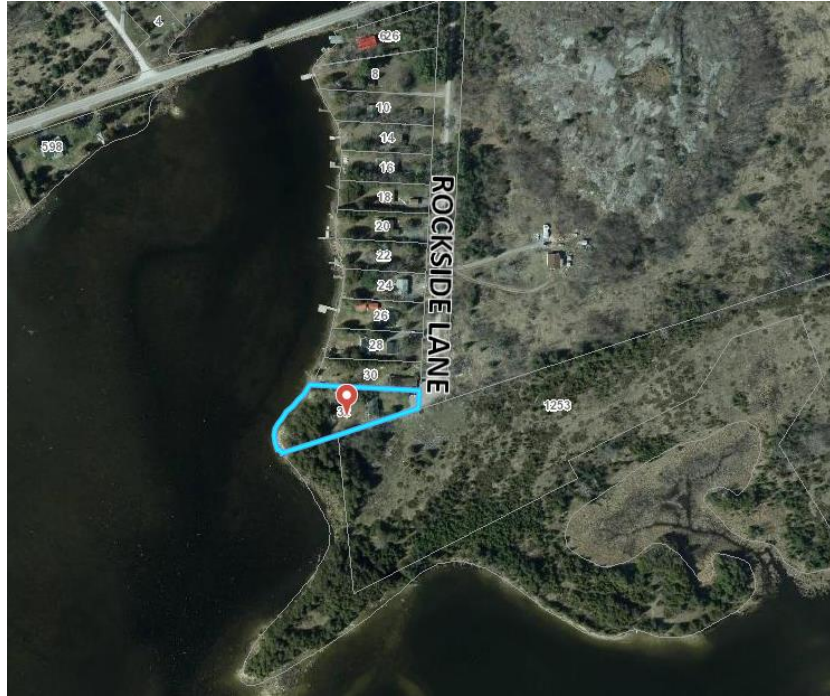
APPENDIX " B "

to

REPORT COA2024-003

FILE NO: D20-2023-088

AERIAL IMAGERY

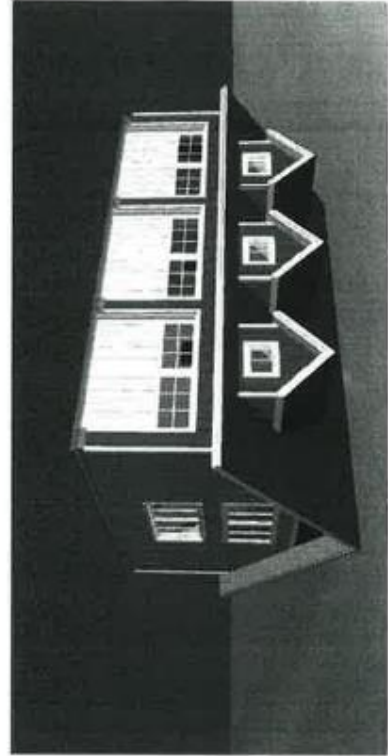
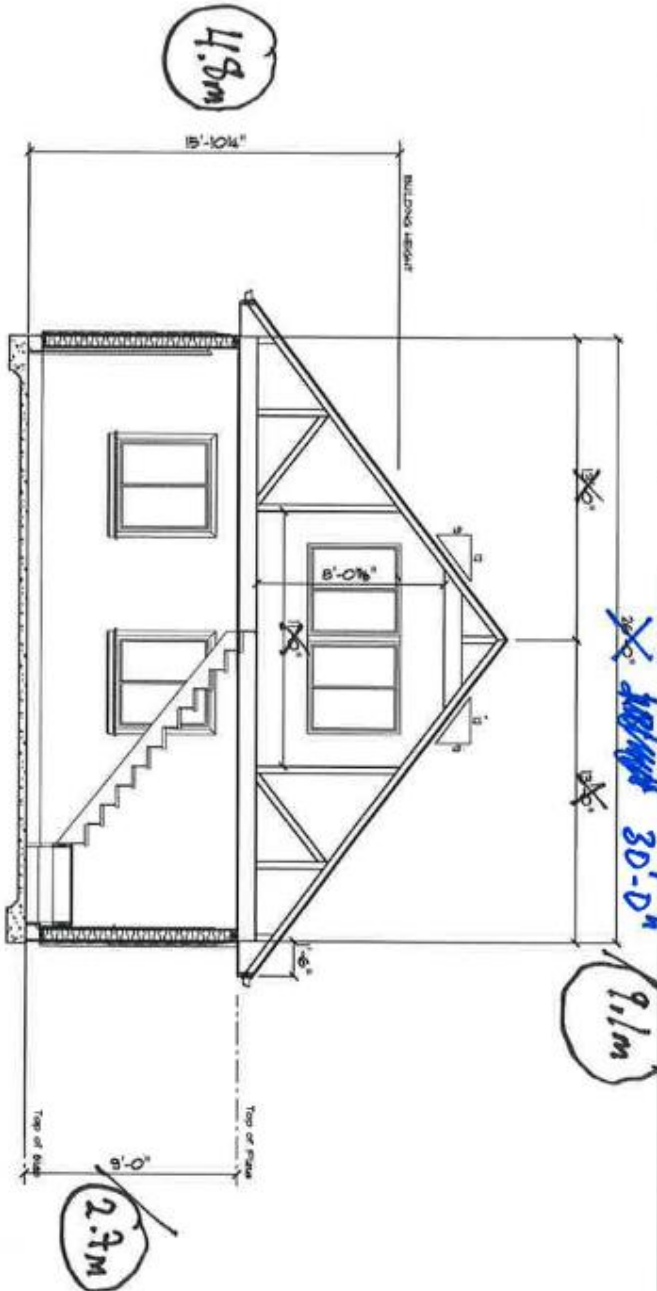


to

ELEVATION DRAWINGS

A
2/4

CROSS SECTION A
SCALE: 3/16" = 1'-0"



STORAGE LOFT PLAN

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

