

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Stomp

Report Number COA2024-060

Public Meeting

Meeting Date: June 27th, 2024

Time: 1:00 pm

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

Ward 5 – Geographic Township of Ops

Subject: The purpose and effect is to facilitate the construction of a new detached garage. The existing shed/garage will be removed.

Relief sought:

1. Section 10.2 requires a minimum exterior side yard of 15 metres. The proposed exterior side yard setback is 3.05 metres; and,
2. Section 10.2 requires a minimum rear yard of 15 metres. The proposed rear yard setback is 9.14 metres.

The variance is requested at **24 Pigeon Lake Road** (File D20-2024-050).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-060 – Stomp, be received;

That minor variance application D20-2024-050 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 COA2024-060, 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 COA2024-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a new detached garage.
Owners:	Jacobus Stomp and Hazel K. Stomp
Applicant:	Edwards Property Services
Legal Description:	Part Lot 21, Concession 7, Part Lot 21 (being Lot 23 of Plan 44)
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan ¹ :	Highway Commercial (Lindsay Secondary Plan)
Zone ² :	Highway Commercial (CH) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	1,240.8 square metres (0.31 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic
Existing Uses:	Residential
Adjacent Uses:	Residential, Commercial

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located at the edge of the former Town of Lindsay, in an area predominantly low-density residential and commercial in use. The surrounding context varies in land use, as west of the property are primarily commercial properties many of which also contain residential uses as well. Whereas, east of the subject property is predominately residential built-form characterised by single-detached dwellings and assorted accessory structures.

¹ See Schedule 1

² See Schedule 1

The subject property currently contains a one-storey dwelling and shed/garage, both constructed in the year 1973. The existing shed contains a dirt floor and is approximately 22 square metres in size. The proposal is to remove the existing shed and replace it with a new detached garage.

Given the age of the existing garage, it can be expected for the property owner to seek an upgraded use and structure in order to achieve a more aesthetically pleasing property and most optimal use. The proposed garage will provide opportunities for permanent indoor parking and storage.

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 Urban Settlement Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation aims to provide general broad policies that are applicable to all urban settlements within the City. The Lindsay Secondary Plan provides more specific policies directed towards the former Town of Lindsay. Under the Secondary Plan, the property is designated Highway Commercial.

The City of Kawartha Lakes Official Plan states that nothing in the Plan shall prevent any use that was lawfully existing on the date the plan was passed. The residential use of the property has been established prior to the adoption of the Official Plan and/or Secondary Plan. The Official Plan states that in considering applications for enlargements or extensions, the compatibility with surrounding land uses must be examined. The established residential use of the property, and the proposed accessory garage align with the character of the neighbourhood, and do not disturb any of the existing uses. 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 Highway Commercial (CH) Zone under the Township of Ops Zoning By-law 93-30. The CH Zone permits various commercial uses and applicable accessory structures. Although a single detached dwelling is not a permitted use, the existing dwelling already establishes the primary use. The proposed garage is not extending or enlarging the existing use, nor is it seeking a change of use. The residential use has been established, and the proposed garage is accessory to the pre-established primary use. As a result, relief is required for the rear yard and exterior side yard setbacks.

Firstly, Section 10.2 requires a minimum exterior side yard of 15 metres. The intention of the exterior side yard setback requirement is to regulate the distance between a building and the property line abutting a street, maintaining the existing streetscape, preventing overshadowing issues and creating a buffer of space between the street and built form to avoid land use conflicts. The proposed exterior side yard setback is 3.05 metres. The property abuts an unopened road allowance, which is not used to access any adjacent properties. On site, the adjacent road allowance appears to be an extension of greenspace and does not appear as a road allowance. As a result, there is no existing traffic or road maintenance which could result in land use conflicts with the proposed garage. For comparative purposes, if this were considered an interior side yard in a Rural Residential (RR) Zone or Residential (R) Zone, relief would not be required.

Secondly, Section 10.2 requires a minimum rear yard of 15 metres. The intention of a rear yard setback is to ensure adequate amenity space and open space is provided. The proposed rear yard setback is 9.14 metres. Generally, in residential zones the required rear yard setback for accessory structures is 2 metres. The proposed rear yard aligns with the required rear yard of residential zones. Typically, commercial zones require greater rear yard setbacks in order to balance operational needs (e.g., loading and service areas) and to serve as a buffer/landscaping between adjacent land uses helping to maintain an aesthetic appeal. The property is currently used for residential purposes, and the proposed setback continues to provide a rear yard typically seen on residential properties. Moreover, the proposed lot coverage (11.11%) is in compliance ensuring sufficient open space is provided and overcrowding is avoided.

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:

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

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

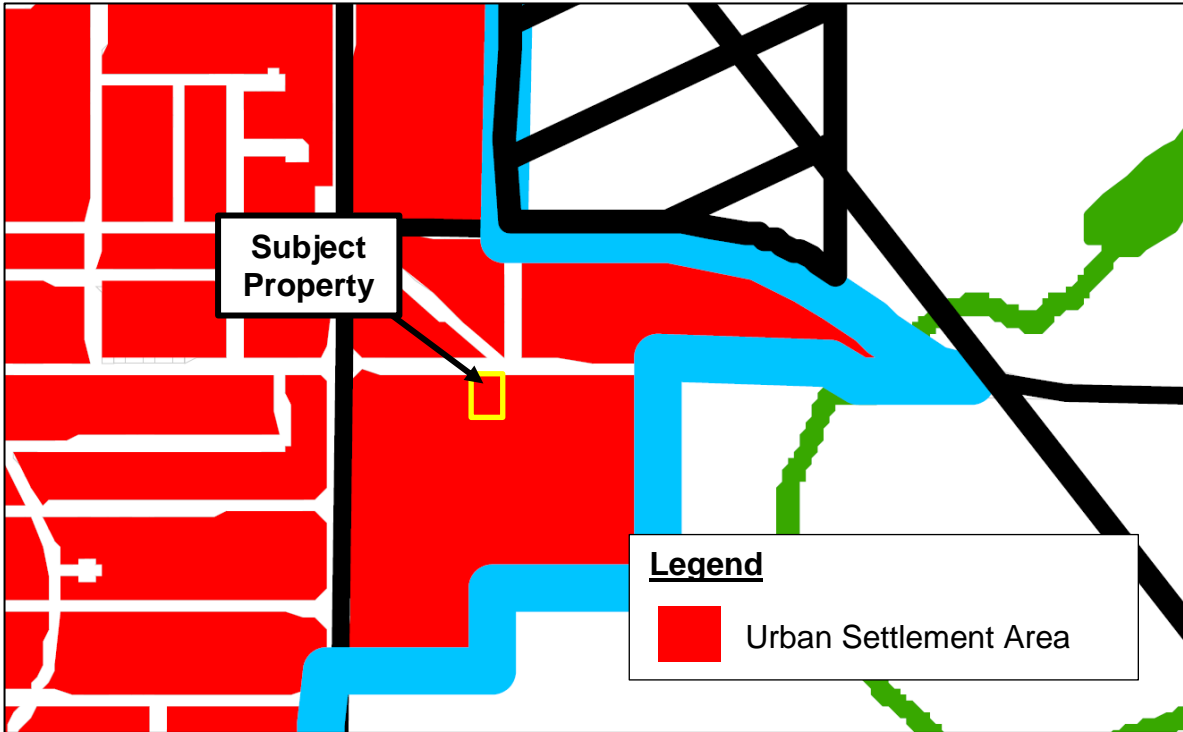
Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-050

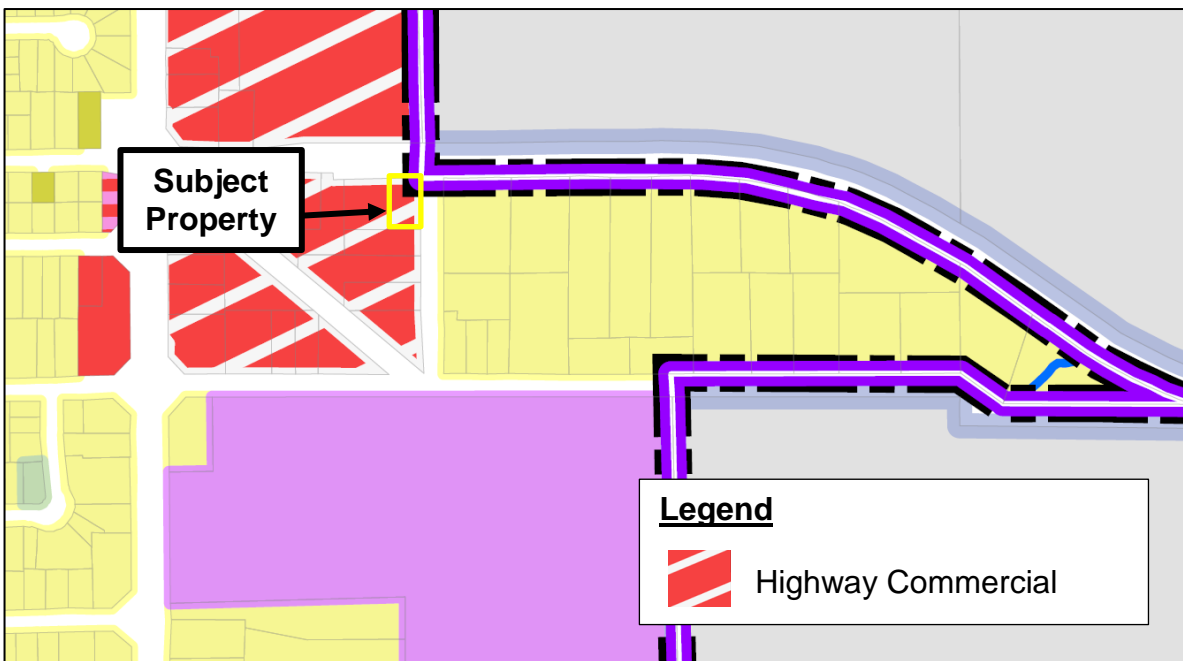
Schedule 1

Relevant Planning Policies and Provisions

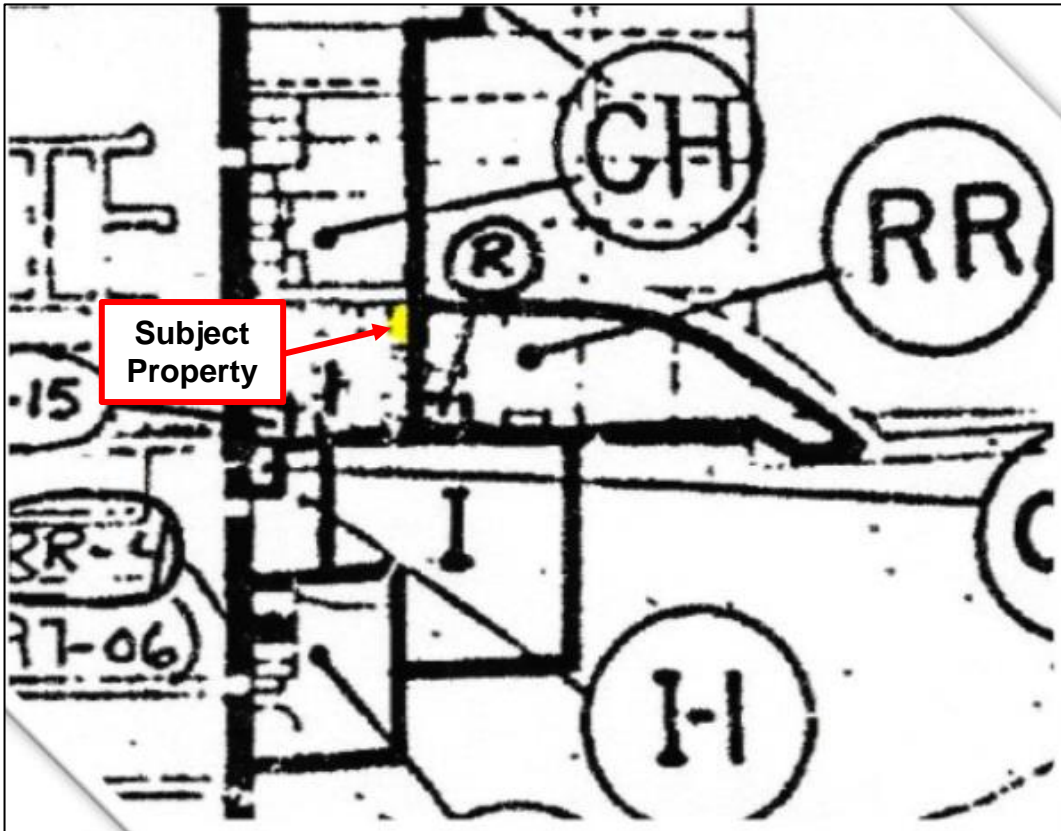
City of Kawartha Lakes Official Plan



Lindsay Secondary Plan



Township of Ops Zoning By-law 93-30



TOWNSHIP OF OPS
COMPREHENSIVE ZONING BY-LAW 93-30

OFFICE CONSOLIDATION
MARCH 2022

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SECTION 10: HIGHWAY COMMERCIAL (CH) ZONE

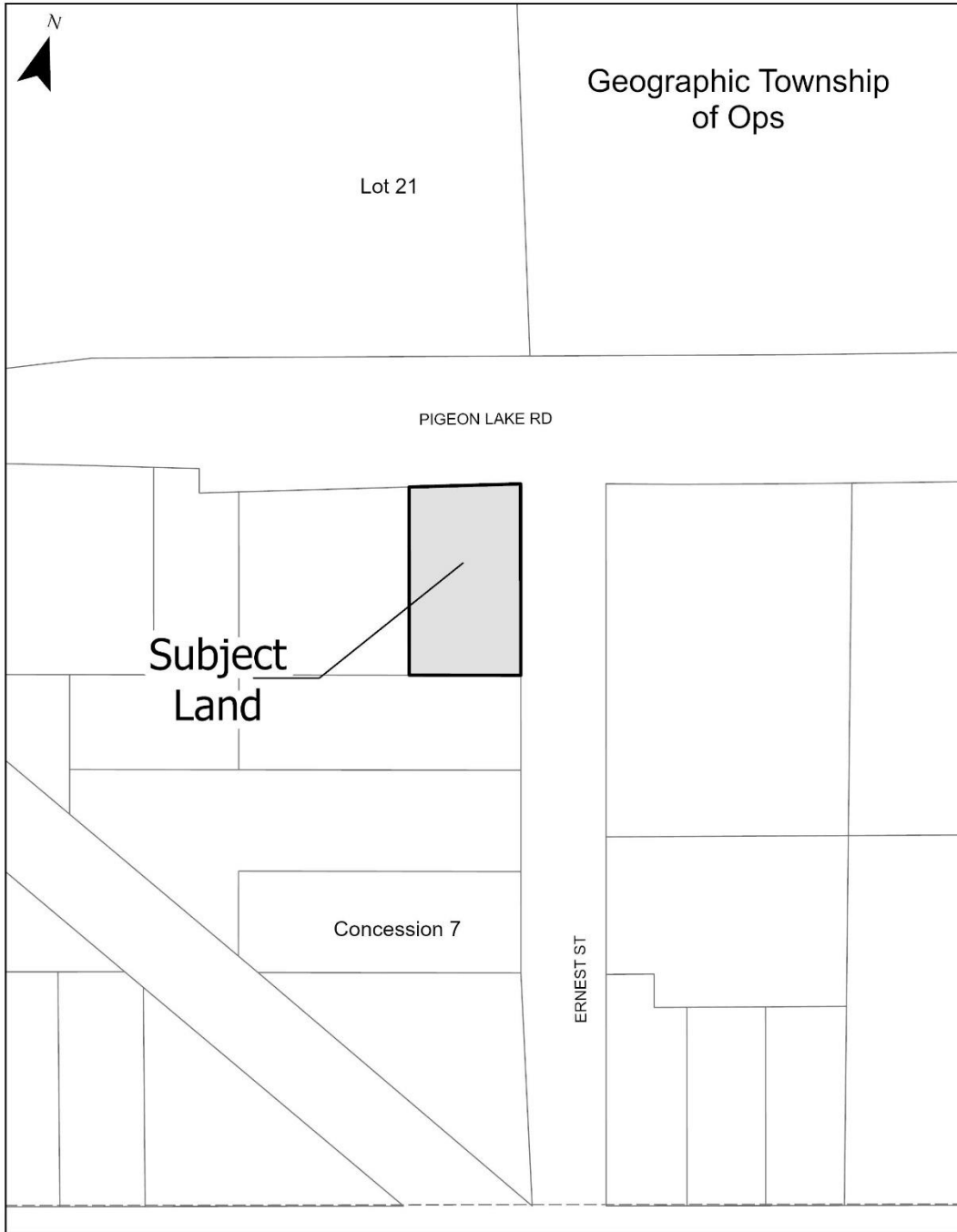
10.2 Zone Provisions

In any CH Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|-------------------------------|---|-----------|
| Exterior Side Yard (minimum): | • | 15 metres |
| Rear Yard (minimum): | • | 15 metres |

LOCATION MAP

D20-2024-050



to

REPORT COA2024-060

FILE NO: D20-2024-050

AERIAL PHOTO (2018)



to

REPORT COA2024-060

FILE NO: D20-2024-050

APPLICANT'S SKETCH

