

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Piper

Report Number COA2024-061

Public Meeting

Meeting Date: June 27th, 2024

Time: 1:00 pm

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

Ward 2 – Geographic Township of Somerville

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

Relief sought:

1. Section 18.1.3.a. of the Zoning By-law permits a maximum accessory structure lot coverage of 8% or 225 square metres, whichever is less. In this case, the 8% maximum applies. The proposed accessory structure lot coverage is 11.37% (202.4 square metres); and
2. Section 18.1.3.b. of the Zoning By-law permits a maximum height of 5 metres for accessory structures. The proposed height of the detached garage is 7 metres.

The variance is requested at **30 South Fork Drive** (File D20-2024-051).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-061 – Piper, be received;

That minor variance application D20-2024-051 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 COA2024-061, 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 COA2024-061. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a new garage. The garage is not proposed for human habitation.
Owners:	John and Janet Piper
Applicant:	Owners (see above)
Legal Description:	Front Range Part Lot 26, Broken Front Concession (being Lot 2 of Plan 424)
Official Plan ¹ :	Waterfront and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	1,780.62 square metres (0.44 acres)
Site Access:	Seasonally-maintained road
Site Servicing:	Private individual well and septic system
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 situated on the shoreline of Balsam Lake with access from South Fork Drive (seasonally maintained public road). The built form in the neighborhood is comprised of single detached dwellings and assorted accessory

¹ See Schedule 1

² See Schedule 1

structures with varying proximities from both the road and shoreline. The property currently contains a two-storey dwelling (1970), detached garage (1970), shed (2015), and a trailer.

The proposal seeks to remove the existing garage, and replace with a new two-storey detached garage. The existing trailer will also be removed upon completion of the proposed garage. The proposed garage will be used for personal parking and storage of multiple vehicles, a boat, riding lawn mower, and other items. As the current property owners reside year-round, additional storage and parking space is needed. The proposed garage with increased height will provide enhanced storage options and enclosed vehicle parking on the property without adversely impacting the function of the front or side yards.

The property is surrounded on all sides (excluding shoreline) by dense and tall vegetative buffers, which effectively screen the property from neighbours and a majority of the road. No adverse impacts to the vegetation is anticipated.

The proposed garage will be situated in generally the same location of the existing garage. The topography of the property fluctuates, but the proposed garage will be located on a flat land portion of the property in the front yard. The existing driveway will be used such that access over the existing septic bed is avoided.

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 and Environmental Protection under the City of Kawartha Lakes Official Plan. The property is primarily designated Environmental Protection, but the proposed garage and existing dwelling fall within both designations.

As per policy 34.1. of the Official Plan, nothing in the Official Plan or the implementing Zoning By-law shall prevent the use of any land, building or structure for a purpose prohibited by the is Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit residential uses and accessory structures, and the residential use has been established since at least 1970. The proposed garage is accessory to a lawfully established residential use.

Under policy 20.3.10. of the Waterfront designation, provisions such as building and structure height limits are implemented to ensure buildings and structures do not exceed the height of the tree canopy or break the skyline horizon. Building heights should be measured from the lakeside, maintain a low profile, and blend with the natural surroundings. The proposed garage will not exceed the height of the tree canopy. Additionally, the garage is located in the front yard, approximately

71 metres from the shoreline, limiting its proximity and removing any visibility from the water.

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 Somerville Zoning By-Law 78-45. The LSR Zone permits a single detached dwelling and accessory structures. The proposal complies with all provisions of the Zoning By-law with exception to the maximum height and lot coverage for accessory structures.

Section 18.1.3.a. of the Zoning By-law permits a maximum accessory structure lot coverage of 8% or 225 square metres, whichever is less. In this case, the 8% maximum applies. The intention of this provision is to ensure any accessory use or structure remains subordinate to the principal use or main building, as well as maintaining a balance between built form and open space. The proposed accessory structure lot coverage is 11.37% (202.4 square metres). Although the lot coverage is exceeded, it is important to mention that there will not be an increase in the number of structures. In fact, the existing garage and trailer will be removed as part of the application. Also, the proportion of all structures (21%) on the property is considerably lower than the zone's total permitted maximum lot coverage (30%) as per Section 4.2.g. Additionally, open space is provided through the complying side yard setbacks as well as the large front yard.

Secondly, Section 18.1.3.b. of the Zoning By-law permits a maximum height of 5 metres for accessory structures. The intent of this provision is to regulate the vertical dimension of accessory structures while preserving the visual character of an area and preventing structures from overshadowing neighbouring properties. The proposed garage contains two components, a single-storey side and a two-storey side. The tall side (two-storey side) of the garage is 7 metres in height, whereas the single-storey side is 5.79 metres in height. The proposed location of the detached garage is situated in a less visible area on the property, guarded by tall vegetation from both the subject property and the neighbouring property. The existing vegetation buffer will ensure neighbouring properties aren't adversely impacted by the proposed garage. Moreover, as the property is well-guarded from the street, the change in height does not present a major change in character as viewed from the street. The portion of the proposed garage that contains the second-storey (as seen in the Elevation Drawings, see Appendix D), will be behind the existing tall vegetation that fronts onto the road. As a result, primarily only the single-storey portion of the garage is seen from the public view.

Lastly, for comparative purposes, the existing dwelling is approximately 7 metres in height, equivalent to the tallest end of the proposed garage. However, the existing

dwelling is located on a small hill or slope, whereas the proposed garage is to be situated on a generally flat area. As a result, the existing dwelling will appear greater in size vertically when on-site.

Overall, the proposed garage will provide a large space for personal storage and parking which will allow for the removal of the existing trailer and garage. The number of structures will be reduced, and the increase in height will allow for the property owners to install windows to allow for natural lighting and allow for better accessibility. Due to the property's natural features, the proposed garage will remain subordinate to the existing dwelling, will not disturb the character of the neighbourhood, and is not expected to present any adverse impacts to neighbouring properties.

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): “Outstanding building permits BPH2011-1165 (foundation) BPH2021-0788 (Deck/porch) neither are relevant to this minor variance. No other comments.”

DS – Building and Septic (Septic):

“A sewage system use permit has been located for this property. In addition, a site visit was completed to confirm the location of the existing sewage system in relation to the proposed new garage. It was observed through the site evaluation that the placement of the garage would encroach within the minimum clearance distances to the distribution pipes in the leaching bed. This will require the structure to be located closer to the roadside property

line then proposed. A further evaluation of the property was conducted to ensure a replacement conventional on-site sewage system could be accommodated when the existing system failed. To accommodate a replacement sewage system the garage would need to be located at ~10 metres to the roadside property line.

To accommodate the requirements for private on-site sewage disposal, a revised site plan was submitted noting the placement of the garage at 10.4 metres from the roadside property. This proposal will ensure the minimum clearance distances to the existing sewage system are maintained. Additionally, it will provide for a replacement sewage system location.

As such, the Building and Septic Division has no further concerns for 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.

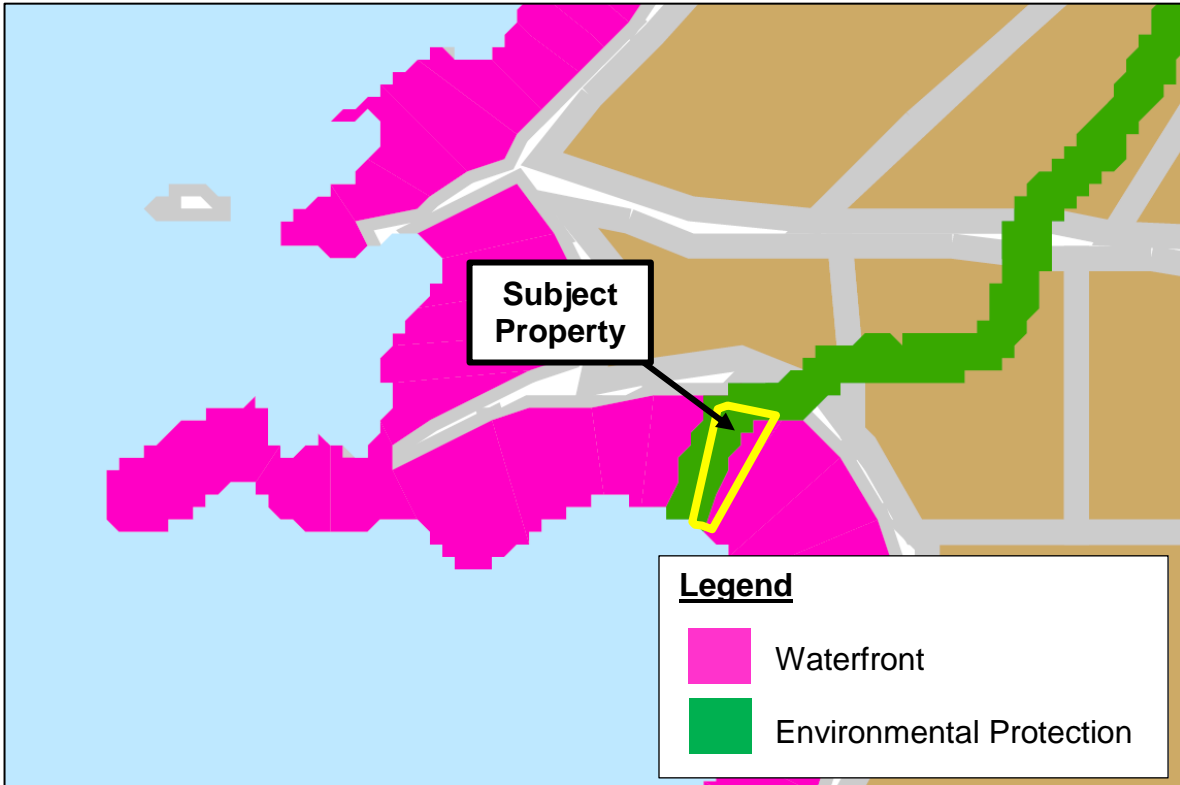
Attachments

- 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: D20-2024-051

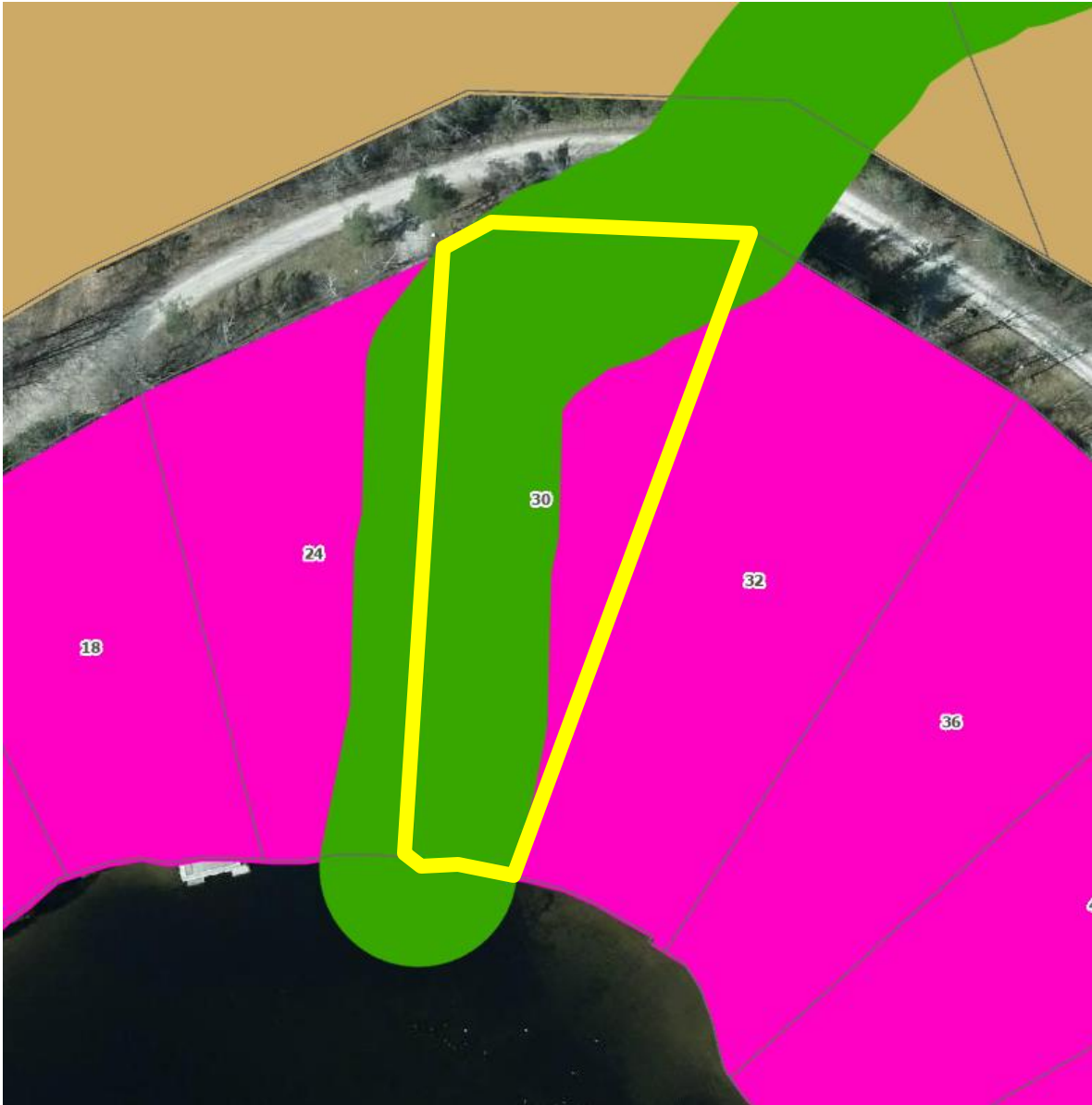
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

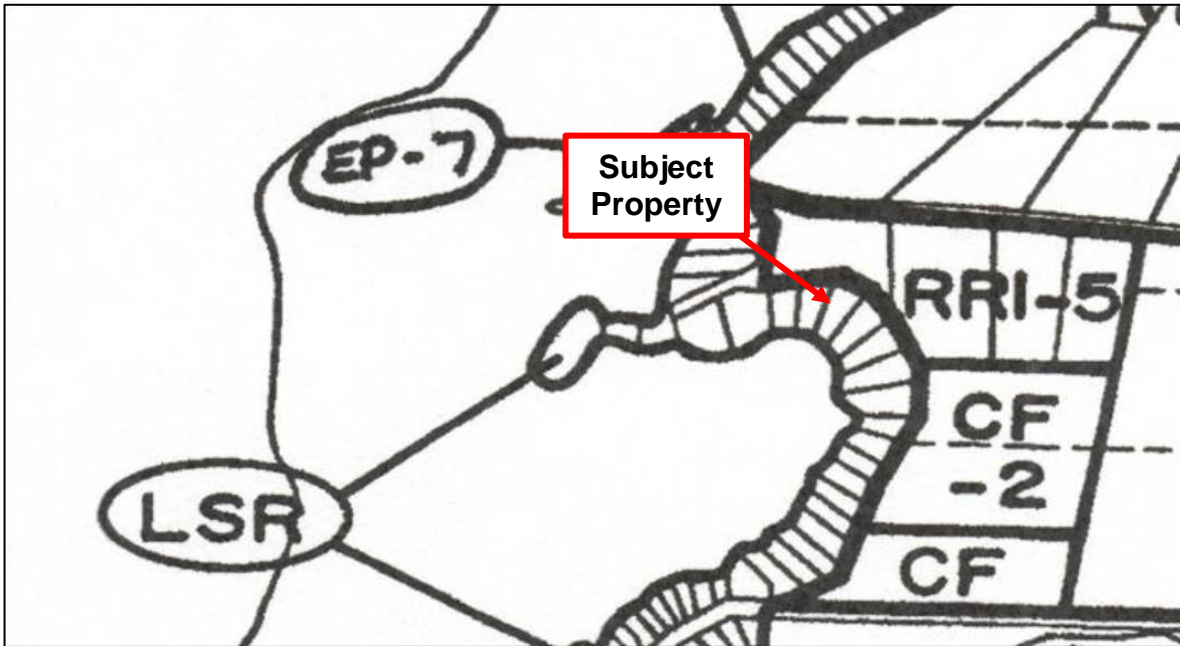


Section 17. Environmental Protection Designation

Section 20. Waterfront Designation



Township of Somerville Zoning By-law 78-45



SECTION 18

GENERAL PROVISIONS

18.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

18.1.3 LOT COVERAGE AND HEIGHT

- a. Except as otherwise provided for herein, the total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area or a maximum of 225 square metres (2,420 sq.ft) whichever is less.
- b. 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. **(By-Law 2002-139)**

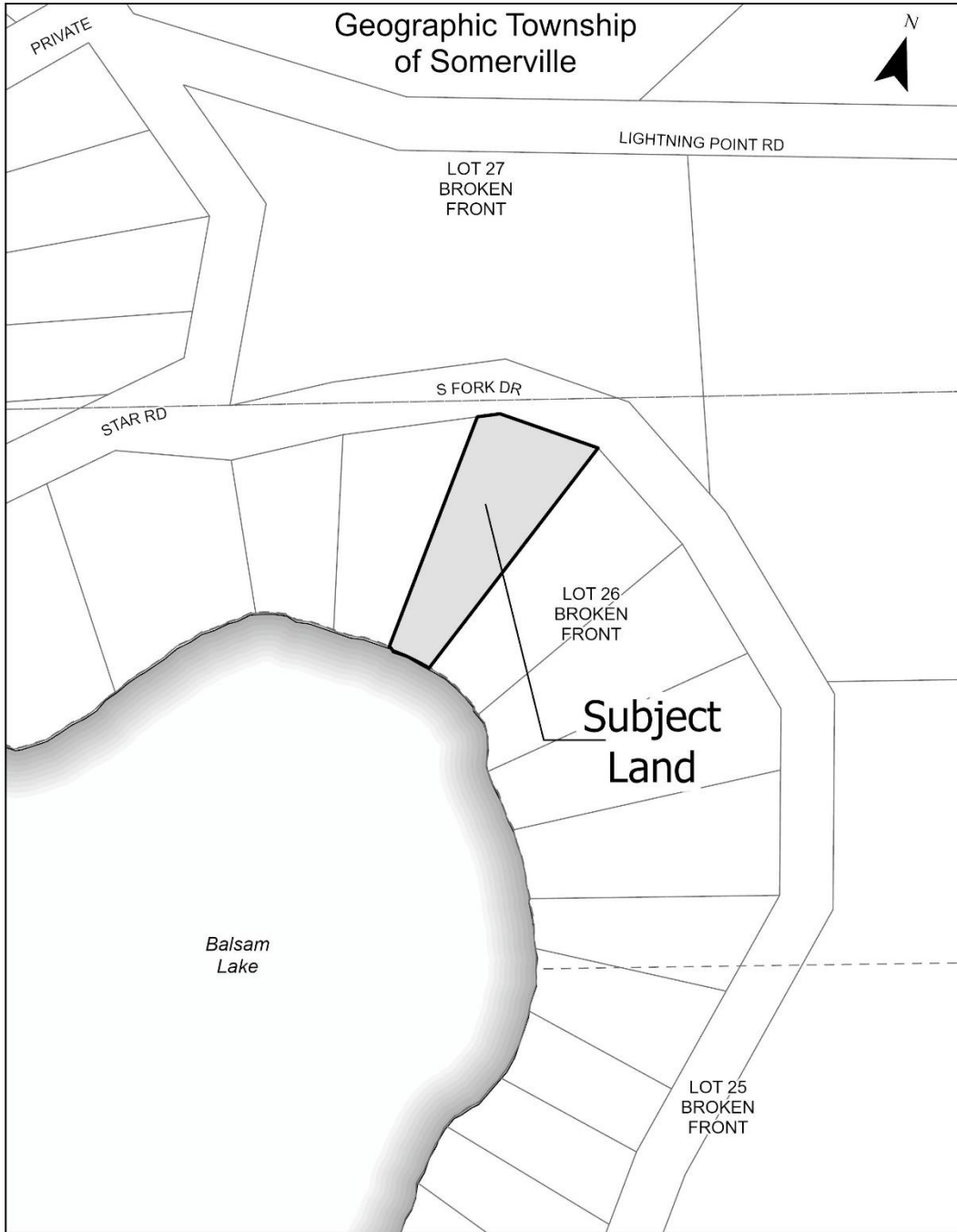
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LOCATION MAP

D20-2024-051



to

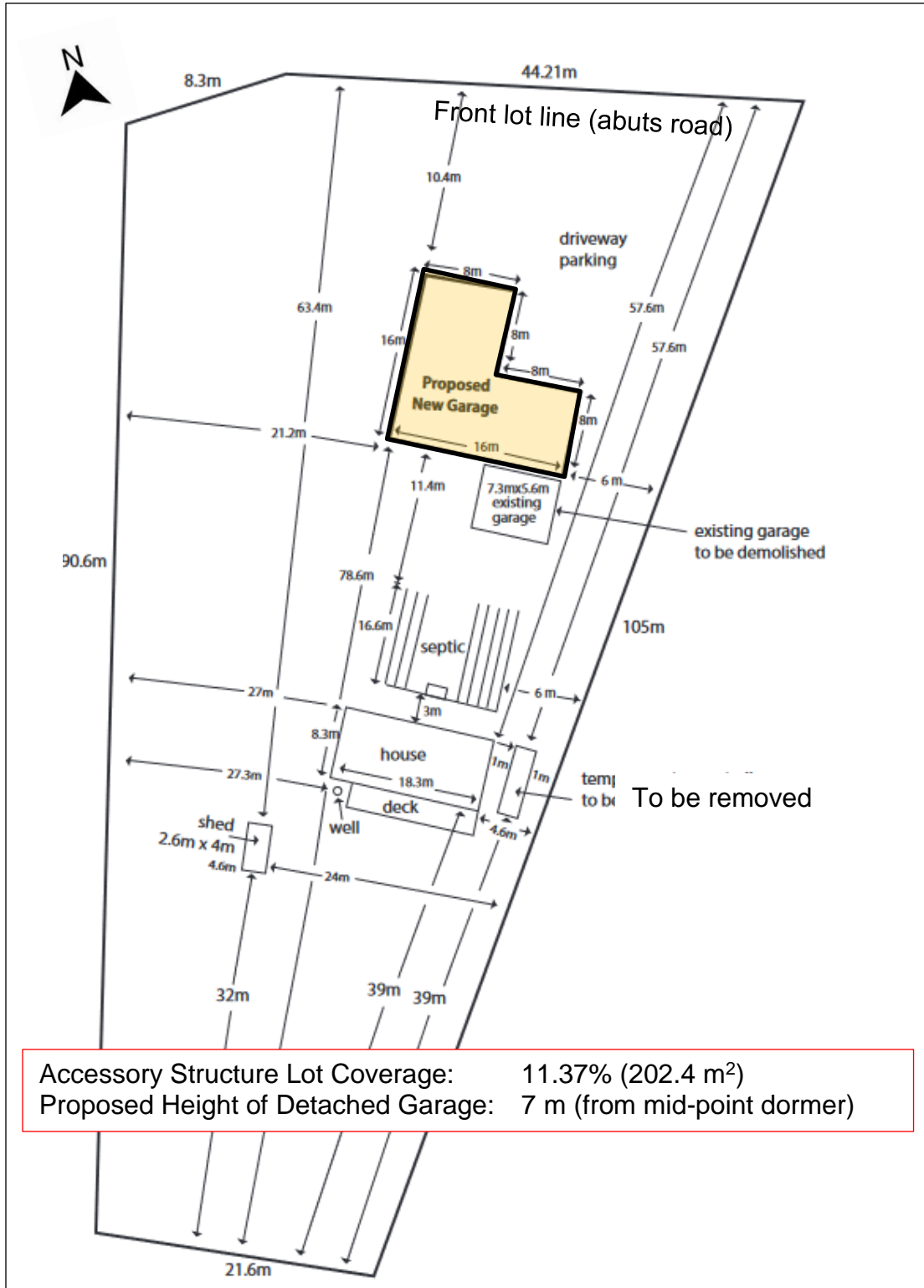
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AERIAL PHOTO (2018)



APPLICANT'S SKETCH



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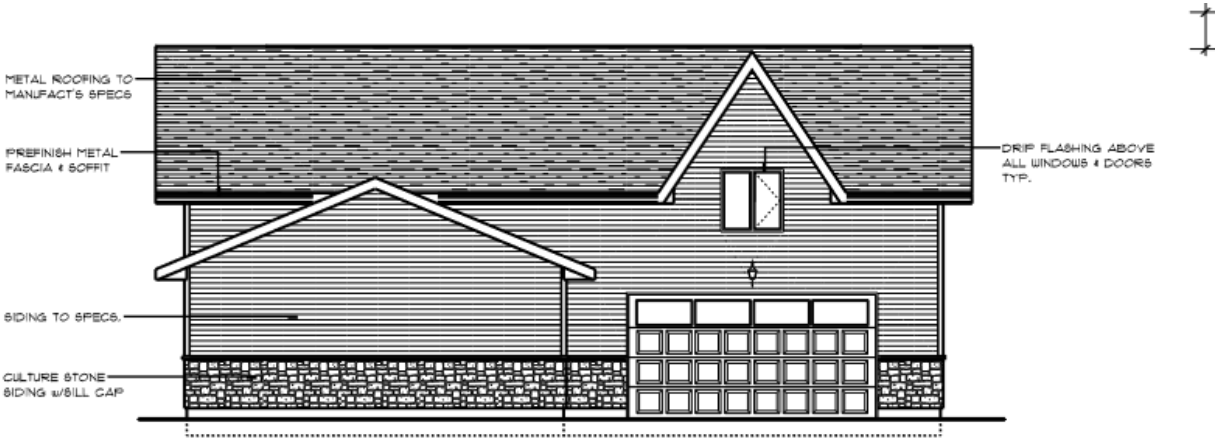
REPORT COA2024-061

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SUPPLEMENTARY MATERIALS



Street View (Facing South)

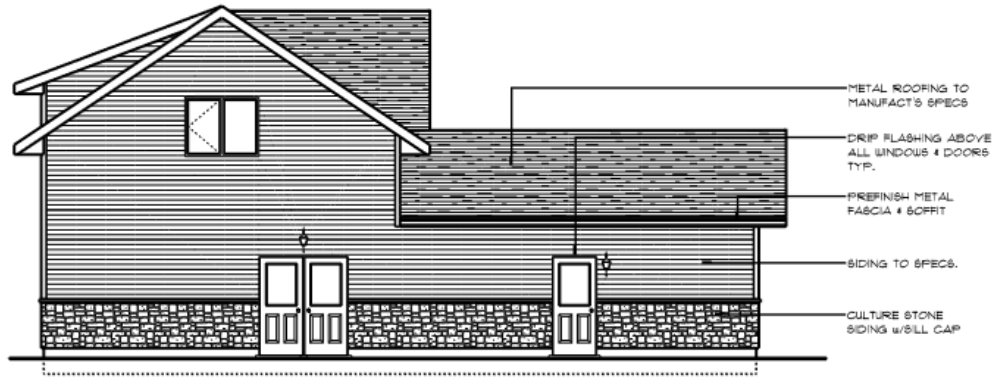


View: From Side Yard Looking West

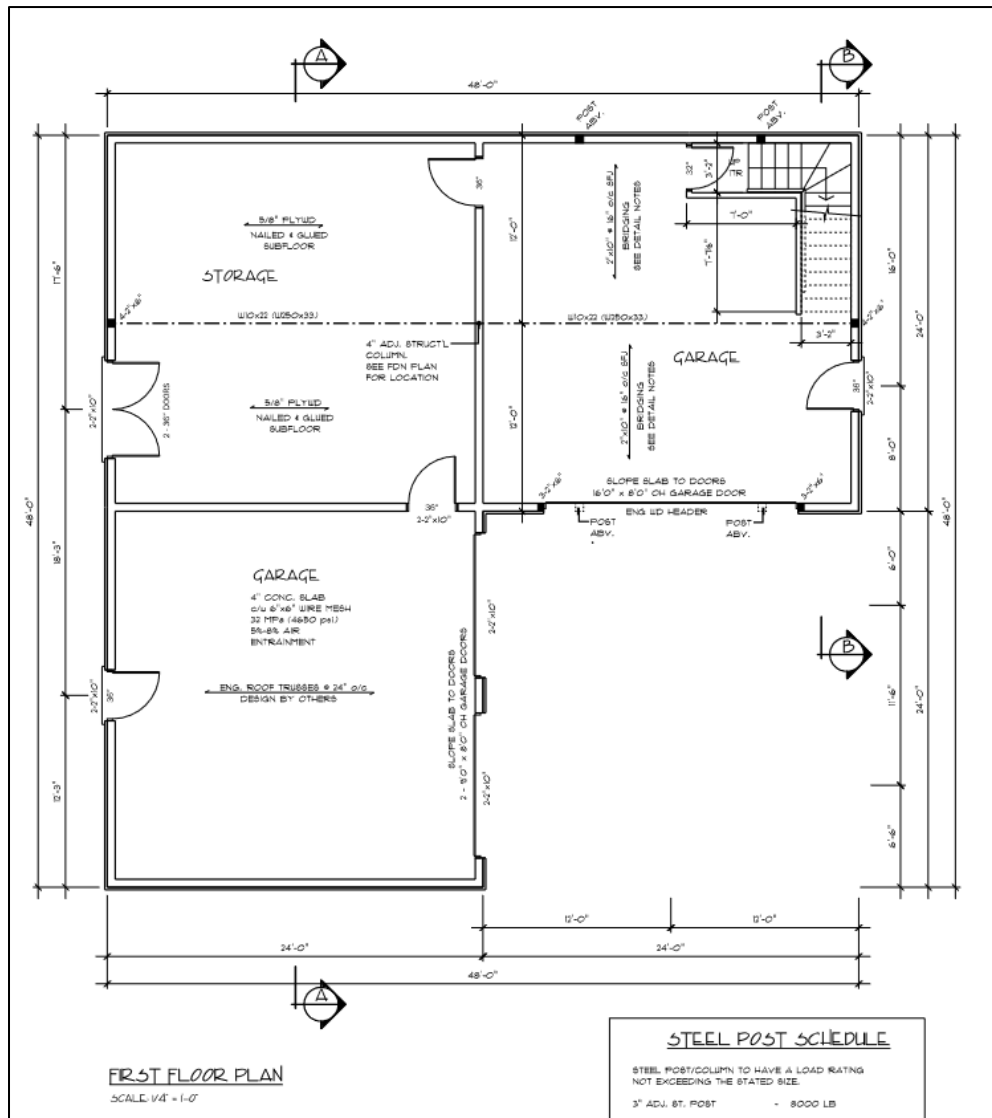
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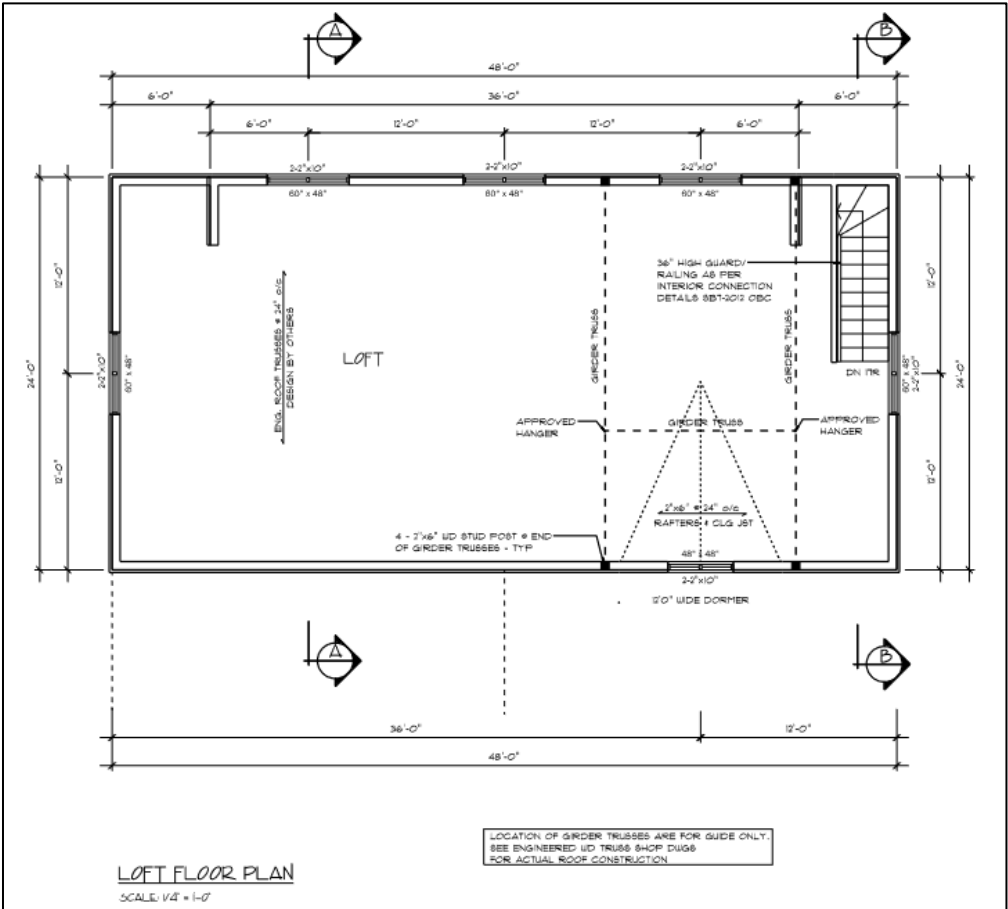


View: From Side Yard Looking East



View: From Front Yard Looking North





LOFT FLOOR PLAN
SCALE: 1/4" = 1'-0"