

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Barrett

Report Number COA2024-080

Public Meeting

Meeting Date: August 22, 2024

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 facilitate the construction of an attached garage onto the existing dwelling.

Relief sought:

1. Section 12.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 2.4 metres.

The variance is requested at **211 Francis Street East** (File D20-2024-071).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-080 – Barrett, be received;

That minor variance application D20-2024-071 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 COA2024-080, 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 COA2024-080. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of an attached garage onto the existing single detached dwelling
Owners:	Alexandra Barrett
Applicant:	Same as owner
Legal Description:	Part Lots 21 and 22, Concession 11 (being Part 1 on Reference Plan 57R1013)
Official Plan ¹ :	Residential with EIS Floodplain Hazard (Fenelon Falls Secondary Plan, 2015)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,962 sq. m. (21,118.79 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and 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 within an established residential neighbourhood located on the eastern shore of the Fenelon River. The property is irregular in shape and is not a waterfront lot. The property currently contains a two storey single detached dwelling constructed in 1972 (according to Municipal Property Assessment Corporation) and a shed.

The proposal is to construct an attached garage onto the existing dwelling. The garage will provide additional storage opportunities on the property as well as more space for covered parking. As the existing shed is currently in the location of the

¹ See Schedule 1

² See Schedule 1

proposed attached garage, it will be relocated further south on the property to facilitate the construction.

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 Residential under the Fenelon Falls Secondary Plan, 2015. A variety of dwelling types as well as accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-law.

The property is within the Floodplain Hazard. As per the Fenelon Falls Secondary Plan, an Environmental Impact Study (EIS) or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. As per the City of Kawartha Lakes Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS. Based on the location of the proposed development and the limited natural features on and adjacent to the site, staff are of the opinion that a study is not required as the proposal is in keeping with the general intent and purpose of the Secondary Plan.

Based on the Secondary Plan schedule, a portion of the property has been identified as containing significant woodlands. The Secondary Plan provides that development may be permitted adjacent to an environmentally sensitive feature when that development is compatible with the environmental conditions. The proposed attached garage is outside of the significant woodlands area, and the property is already developed. It is not anticipated that the addition will result in negative impacts to an environmental feature.

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 Two (RR2) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory buildings and structures are permitted within the RR2 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear yard setback.

Section 12.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed setback of the attached garage is 2.4 metres. The intent of the rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space.

The intent of locating the garage on the south side of the dwelling is to locate it adjacent to the existing driveway and existing attached garage. There is also

limited space on the north side of the dwelling for an addition that could comply with minimum interior side yard setbacks. The property is irregular in shape, and the rear lot line juts towards the interior of the lot at the south east side of the dwelling. As such, compliance with the minimum rear yard setback is challenging on this property.

The rear lot line of the subject property abuts a property that is approximately 5.6 hectares (14 acres) in size. The neighbouring property contains a single detached dwelling, which is approximately 175 metres from the location of the proposed attached garage and reduced rear yard setback. The lots are separated by a stand of mature vegetation. As such, it is not anticipated that the proposed rear yard setback will result in land use or privacy impacts between the subject property and the abutting property to the east. While the configuration of the rear lot line and the location of the existing dwelling limits the amount of amenity space available in the rear yard, the property has sufficient amenity space in the front and interior side yards.

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:

Building and Septic Division (Building): “No comments.”

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

Public Comments:

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

Attachments

Appendix A – Location Map

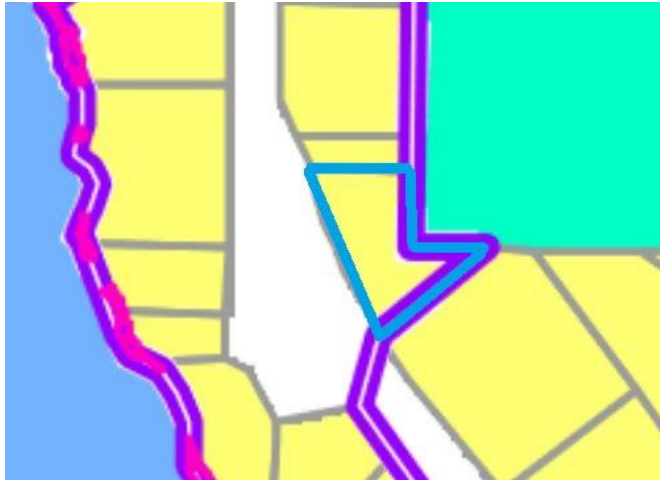
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch


Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-071


Schedule 1

Relevant Planning Policies and Provisions


City of Kawartha Lakes Official Plan




 GMS Built Boundary

 Residential



 Significant Woodlands (CKL Official Plan)

 EIS Floodplain Hazard -120m Buffer (KRCA)

31.4.3 Land Use Policies

31.4.3.1. Residential

31.4.2.6. Environment and Natural Heritage

31.4.2.6.6 Schedule "G-3" delineates as Environmental Constraint Areas those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, contain Provincially Significant Wetlands, and/or contain Environmentally Sensitive Features. Development of the lands in accordance with the designation on Schedule "F-3" may be permitted provided that the development does not result in an increased risk of loss of life, property damage, or the degradation of the environment. An EIS prepared in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area.

31.4.2.6.10 Schedule "G-3" delineates as Environmentally Sensitive Features those areas that are recognized by this Plan as comprising the Natural Heritage System (i.e., wetlands, fish habitat including significant spawning areas, and significant woodlands in Fenelon Falls). A Provincial Fish Sanctuary extends from the falls downstream for a distance of approximately 1,000 metres. This sanctuary is intended to provide for a protected and high quality spawning habitat for yellow pickerel and is considered to be an Environmentally Sensitive Feature. The following policies shall apply to the developments on lands adjacent to Environmentally Sensitive Features:

a) In accordance with the provisions and policies of this Plan, development may be permitted on lands adjacent to Environmentally Sensitive Features to the extent that the type or magnitude of development is compatible with the environmental conditions or that suitable measures have been undertaken to mitigate any resulting negative impact. The uses permitted shall be in accordance with Schedule "F-3".

Township of Fenelon Zoning By-law 12-95



Section 12 Rural Residential Type Two (RR2) Zone

12.1 Uses Permitted

12.2 Zone Provisions

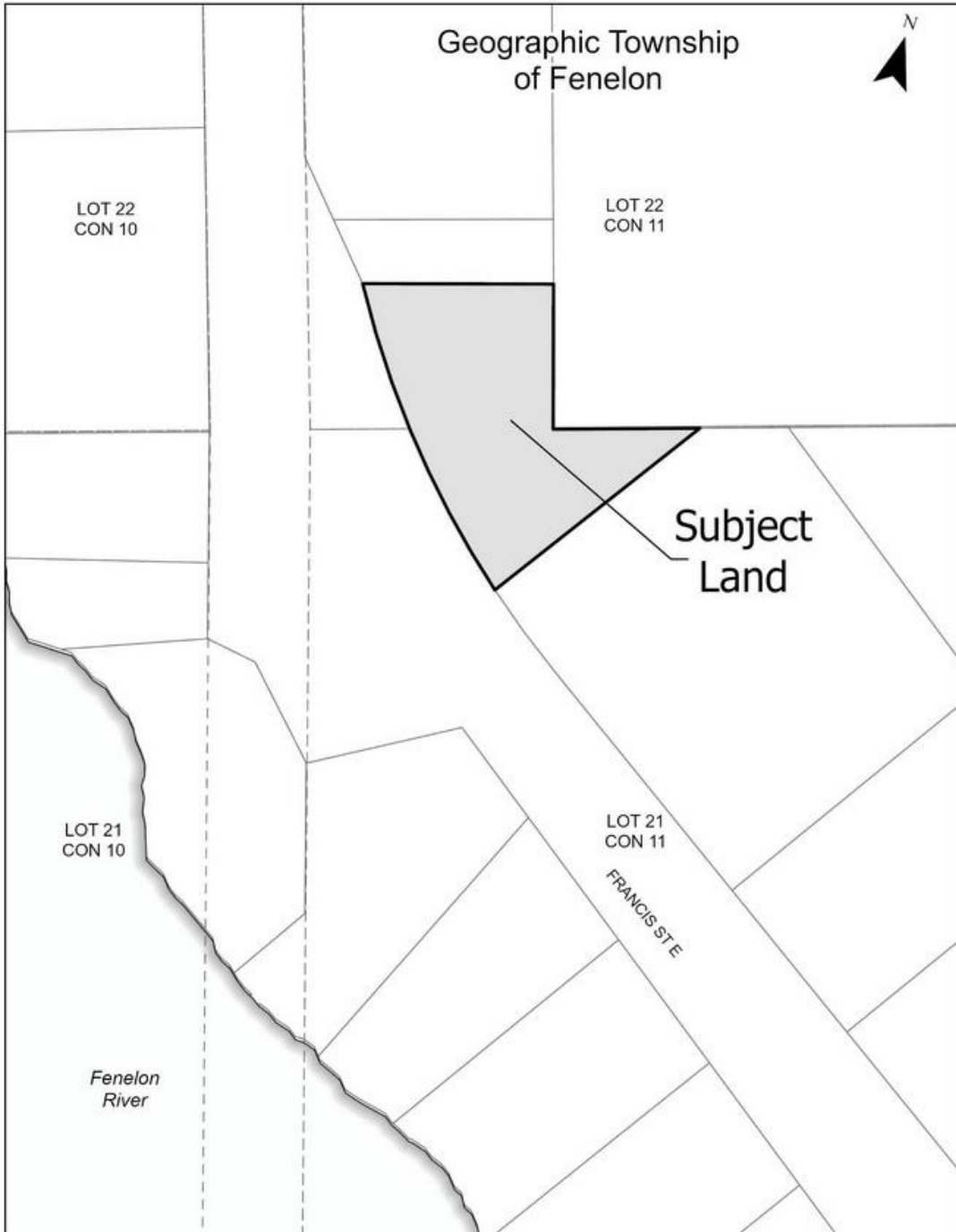
12.2.1.3 Yard Requirements (min.)

d) rear 7.5 m

to

LOCATION MAP

D20-2024-071



APPENDIX " B "

to

REPORT COA2024-080

FILE NO: D20-2024-071

AERIAL PHOTO



to

REPORT COA2024-080

FILE NO: D20-2024-071

APPLICANT'S SKETCH

