

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Ryan

Report Number COA2024-097

Public Meeting

Meeting Date: November 28, 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 recognize an existing detached garage for the purpose of obtaining a Building Permit

Relief sought:

1. Section 3.1.2.2 of the Zoning By-law requires a minimum interior side yard setback for accessory structures of 1.2 metres; the existing setback is 0.68 metres from the southwest corner and 0.8 metres from the southeast corner;
2. Section 3.1.2.2 of the Zoning By-law requires a minimum setback for an accessory structure from a residential building on the same lot of 1.2 metres; the existing setback is 1.1 metres; and,
3. Section 15.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the existing setback is 2.6 metres from the southwest corner and 2.9 metres from the northwest corner.

The variance is requested at **47 Sugar Bush Trail** (File D20-2024-089).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2024-097 – Ryan, be received;

That minor variance application D20-2024-089 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-097, which shall be attached to and form part of the Committee's Decision;
- 2) **That** this approval shall be in effect for 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; and,
- 3) **That** the direction of the downspouts located on the south side of the garage be reconfigured so they are not directed towards the interior side lot line within a period of three (3) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the provision of satisfactory photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the downspouts have been reconfigured.

This approval pertains to the application as described in report COA2024-097. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The recognition of an existing detached garage for the purpose of obtaining a Building Permit
Owners:	David Ryan
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 26, Concession 10
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,307.3 sq. m. (14,071.7 sq. ft.)
Site Access:	Private road
Site Servicing:	Individual private septic system and lake draw water
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Residential

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 a peninsula on the eastern shore of Cameron Lake. The property is irregular in shape and is a waterfront lot. The property contains a single detached dwelling constructed in 2018 (according to Municipal Property Assessment Corporation), a boathouse, and a detached garage. The proposal is to recognize the existing detached garage for the purpose of obtaining a Building Permit. The garage provides storage space for the owners' belongings as well as covered vehicle 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 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 Fenelon Zoning By-law 12-95. A single detached dwelling as well as 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 interior side yard setback, the minimum setback for an accessory structure from a residential building on the same lot, and the minimum front yard setback.

Section 3.1.2.2 of the Zoning By-law requires a minimum interior side yard setback for accessory structures of 1.2 metres. The existing setback is 0.68 metres from the southwest corner and 0.8 metres from the southeast corner. The purpose of an interior side yard 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 detached garage complies with the maximum height for accessory structures of 5 metres, as it is 3.5 metres in height. As such, massing issues are not anticipated. Additionally, the garage is at the front of the proposed property. The dwelling on the neighbouring lot to the south, being the lot the garage abuts, is approximately 20 metres from the front lot line. As such, the garage does not impose upon the residential dwelling and privacy issues are not anticipated.

The downspouts on the garage were originally directed towards the southern interior lot line. As a condition of the Minor Variance, staff recommend that the configuration of these downspouts be changed so they are directed to the west and east so water is not being directed towards the neighbouring property. As the roof is angled towards the east and west, access to the roof via a ladder is unlikely to occur between the interior side lot line and the garage. Any required maintenance to the south side of the garage could be completed using a step ladder without needing to encroach onto the neighbour's property.

Section 3.1.2.2 of the Zoning By-law requires a minimum setback for an accessory structure from a residential building on the same lot of 1.2 metres. The existing setback is 1.1 metres. The intent of this provision is to ensure there is adequate space for access between a dwelling and an accessory structure, for safety purposes including fire separation, and to ensure maintenance to both structures can occur unimpeded. The existing 1.1 metre distance between the garage and the dwelling is enough space for access and the performance of any required maintenance.

Section 15.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The existing setback is 2.6 metres from the southwest corner and 2.9 metres from the northwest corner. 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.

Sugar Bush Trail is a private road which services the peninsula, and the subject property is located towards the middle of the peninsula. As such, the vehicles passing the subject property would primarily be those accessing properties along the other half of the peninsula, limiting the amount of traffic passing by the subject property. The existing setback and the configuration of the road results in the garage not impacting sightlines or the flow of traffic. The setback is also considered to be sufficient for any road maintenance that may be carried out by the private owner. The garage door is on the north side of the garage and the road is to the west of the garage, so vehicles will not be exiting the garage and immediately entering the travelled portion of the road. There are several other properties in the immediate vicinity with garages in the front yard that appear to have reduced front yard setbacks, so the garage on the subject property is in keeping with the existing built form.

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 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 comments or objections for this Minor Variance application.”

Building and Septic Division (Building): “Spatial separation must be addressed at time of construction – wall will require a rating. No other comments.”

Public Comments:

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

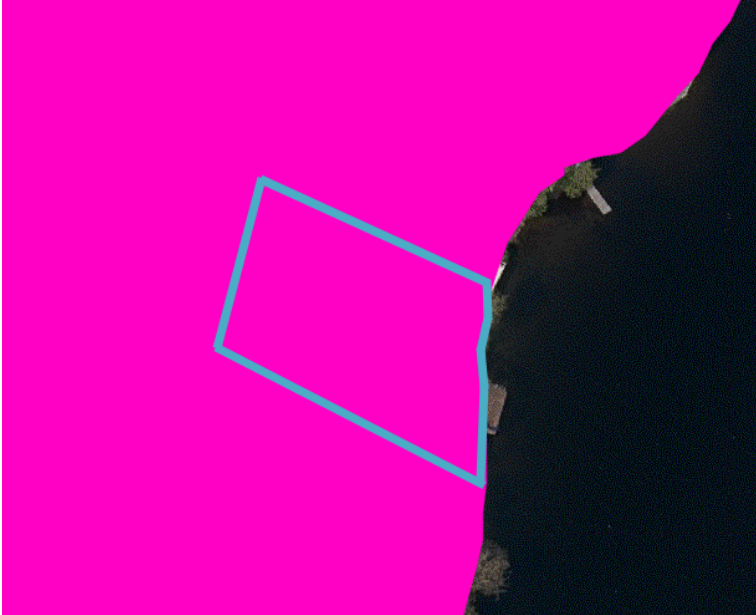
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-089

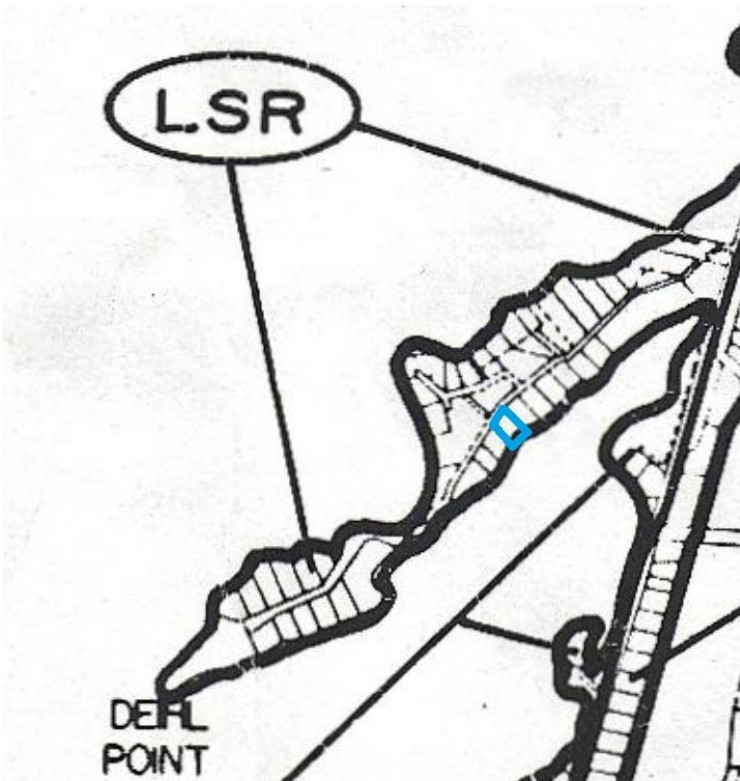
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1 Accessory Buildings, Structures, and Uses

3.1.2 Location

3.1.2.2 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 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 located on the same lot.

Part 15 Limited Service Residential (LSR) Zone

15.1 Permitted Uses

15.2 Zone Provisions

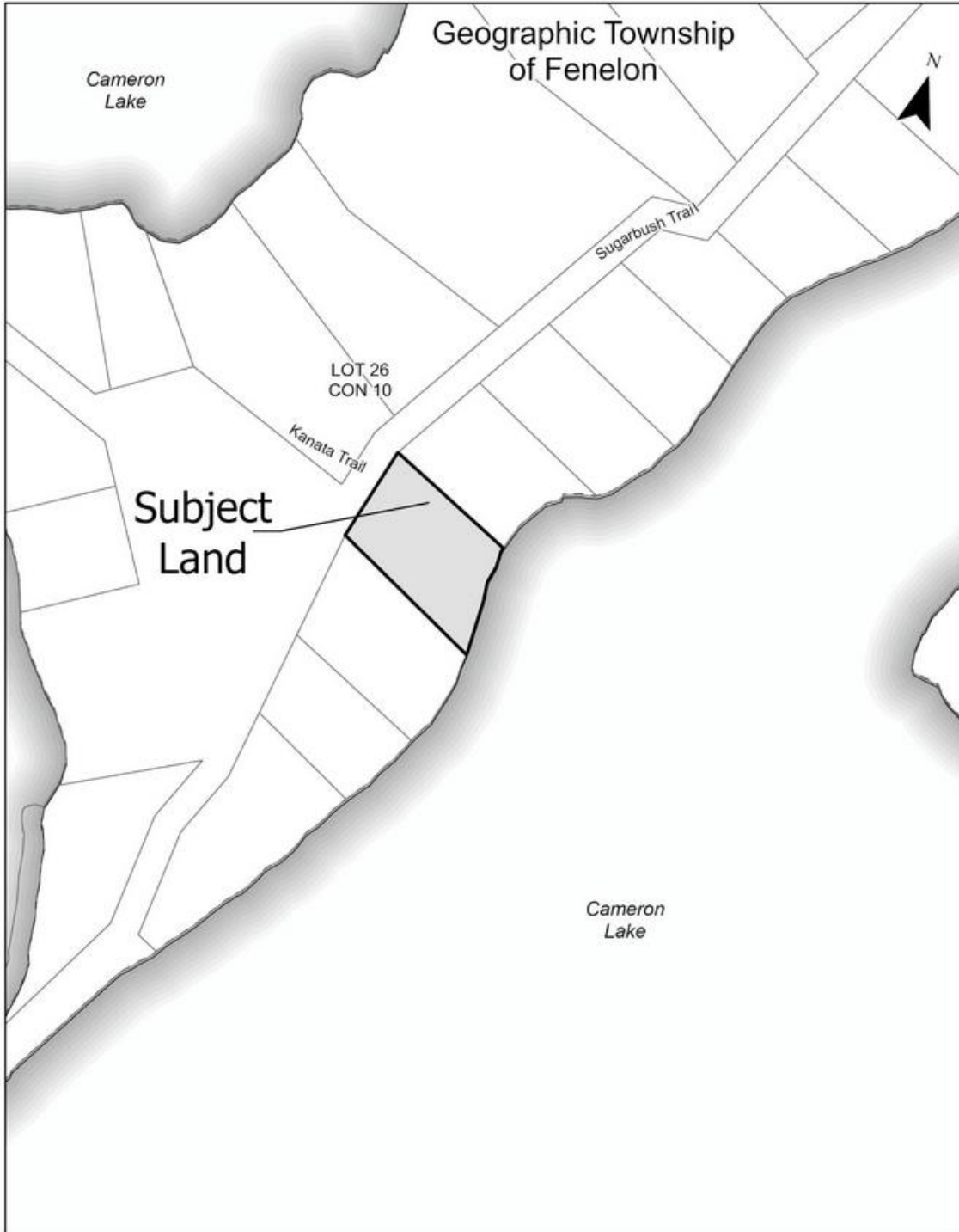
15.2.1.3 Yard requirements (min.)

a) front 7.5 m

to

LOCATION MAP

D20-2024-089



APPENDIX " B "

to

REPORT COA2024-097

FILE NO: D20-2024-089

AERIAL PHOTO



