

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Druery and Harrison
Report Number COA2024-104

Public Meeting

Meeting Date: **November 28, 2024**
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Geographic Village of Fenelon Falls

Subject: The purpose and effect is to facilitate the construction of a roof covered patio onto an existing detached garage.

Relief sought:

1. Relief is requested from Section 5.1.4 of the Zoning By-law, which permits a maximum 5% accessory structure lot coverage; the proposed accessory structure lot coverage is 10.1%.

The variance is requested at **145 Queen Street** (File D20-2024-096).

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

Recommendations

That Report COA2024-104 – **Druery and Harrison**, be received;

That minor variance application D20-2024-096 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 COA2024-104, 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 COA2024-104. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a roof-covered patio onto an existing detached garage.
Owners:	Bonnie Drewery & Andrew Harrison
Applicant:	Owners
Legal Description:	Lots 7 to 8 South of Queen, Plan 100
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan ¹ :	Residential (Fenelon Falls Secondary Plan, 2015)
Zone ² :	Residential Type One (R1) Zone (Village of Fenelon Falls Zoning By-Law 89-25)
Site Size:	1,868.70 square metres (20,114.52 square feet)
Site Access:	Year-round maintained street
Site Servicing:	Municipal water and sewer servicing
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 in the geographic Village of Fenelon Falls, in a predominantly residential neighbourhood. The neighbourhood is comprised of low-density residential land uses, consisting of single-detached dwellings and assorted accessory structures. The subject property is a through lot with access from both Queen Street and Dodd Street. The property is located at the end of the cul-de-sac of Dodd Street.

¹ See Schedule 1

² See Schedule 1

The property currently contains a single-detached dwelling and detached garage. The proposal seeks to facilitate the construction of a roof covered patio onto the detached garage.

A previous minor variance (D20-2022-013) was approved in February 2022 to allow for the construction of the existing detached garage, by seeking relief from the maximum permitted accessory structure lot coverage. The proposed accessory structure lot coverage was 7.45%.

The proposed covered patio area will be at-grade and the applicant has indicated that it will allow for a sheltered recreational/amenity space. The use aligns with the existing residential use of the lot and character of the neighbourhood.

Therefore, 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 Fenelon Falls Secondary Plan provides more specific policies directed towards the former Village of Fenelon Falls. Under the Secondary Plan, the property is designated Residential.

The Residential designation under the Secondary Plan allows for low-density residential uses and related accessory structures. Performance and siting criteria are 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 Residential Type One (R1) Zone under the Village of Fenelon Falls Zoning By-Law 89-25. The R1 Zone permits a single-detached dwelling and related accessory structures. The proposal requires relief from the maximum permitted accessory structure lot coverage.

Section 5.1.4 of the Zoning By-law permits a maximum 5% accessory structure lot coverage; the proposed accessory structure lot coverage is 10.1%. 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 existing accessory structure lot coverage is 7.45%, with the only accessory structure being the existing detached garage. The proposed covered patio is not introducing a new separate structure, and will be attached to the detached garage. As the space is not enclosed, the visual impact is minimal and maintains an open space view while creating a sheltered area for increased usability of the existing amenity space in the rear yard. The proposed patio cover compliments the principal low-density residential use of the lot. The proposed patio roof will be 3.66 metres above ground supported by pillars, while the patio itself will be at-grade. Furthermore, from Queen Street the view of the proposed patio roof will be limited by the existing single-detached dwelling located closer to the street.

Regarding views from Dodd Street, given that the property is situated at the end of the cul-de-sac, pedestrian and vehicular traffic is anticipated to be minimal. This positioning thereby mitigates potential concerns regarding impacts on views from the street.

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:

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

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

Public Comments:

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

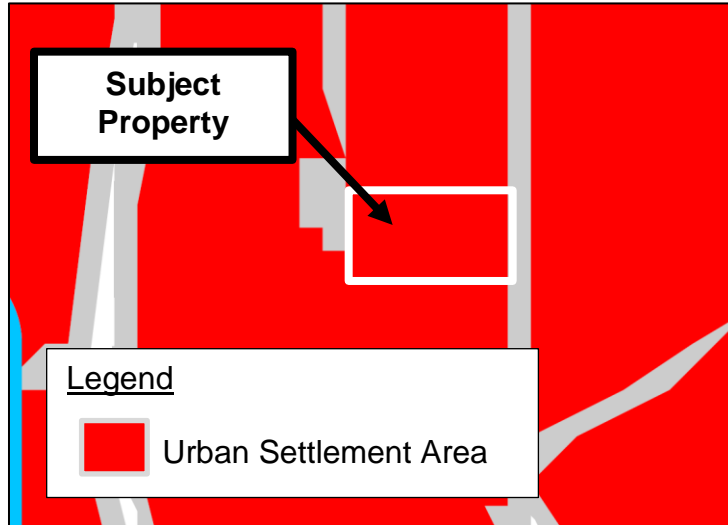
Attachments

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

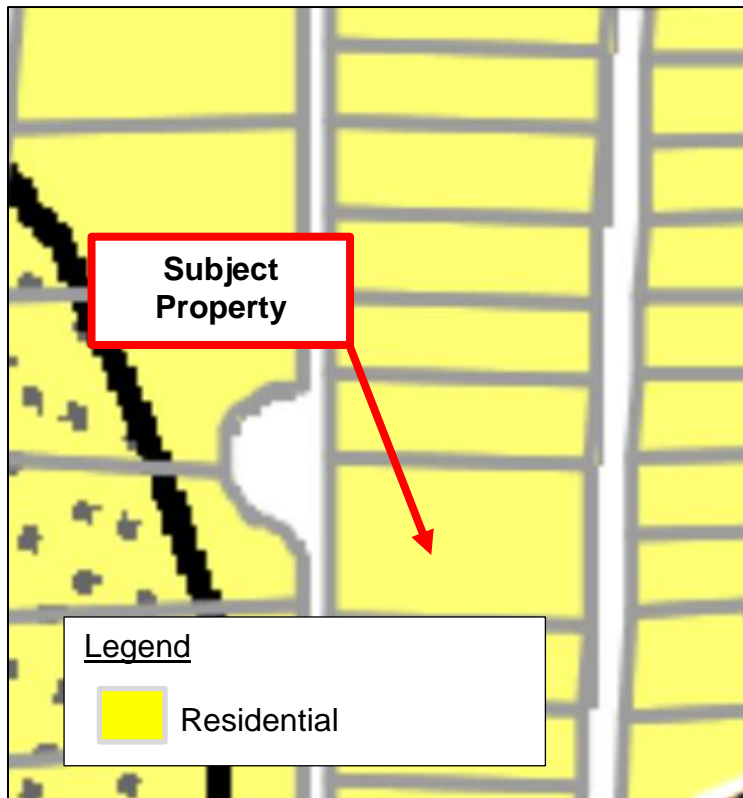
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-096

Schedule 1 Relevant Planning Policies and Provisions

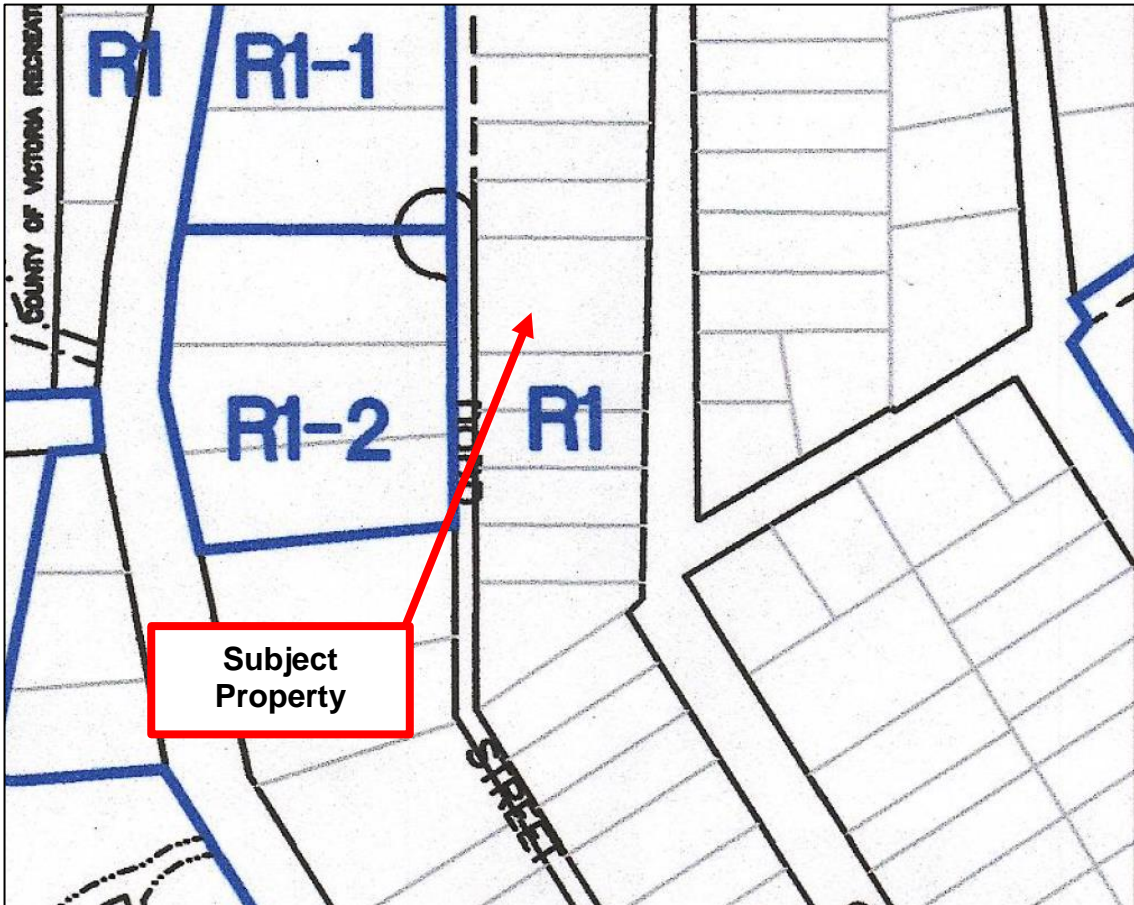
City of Kawartha Lakes Official Plan



Fenelon Falls Secondary Plan



Village of Fenelon Falls Zoning By-Law 89-25



LOCATION MAP

D20-2024-096



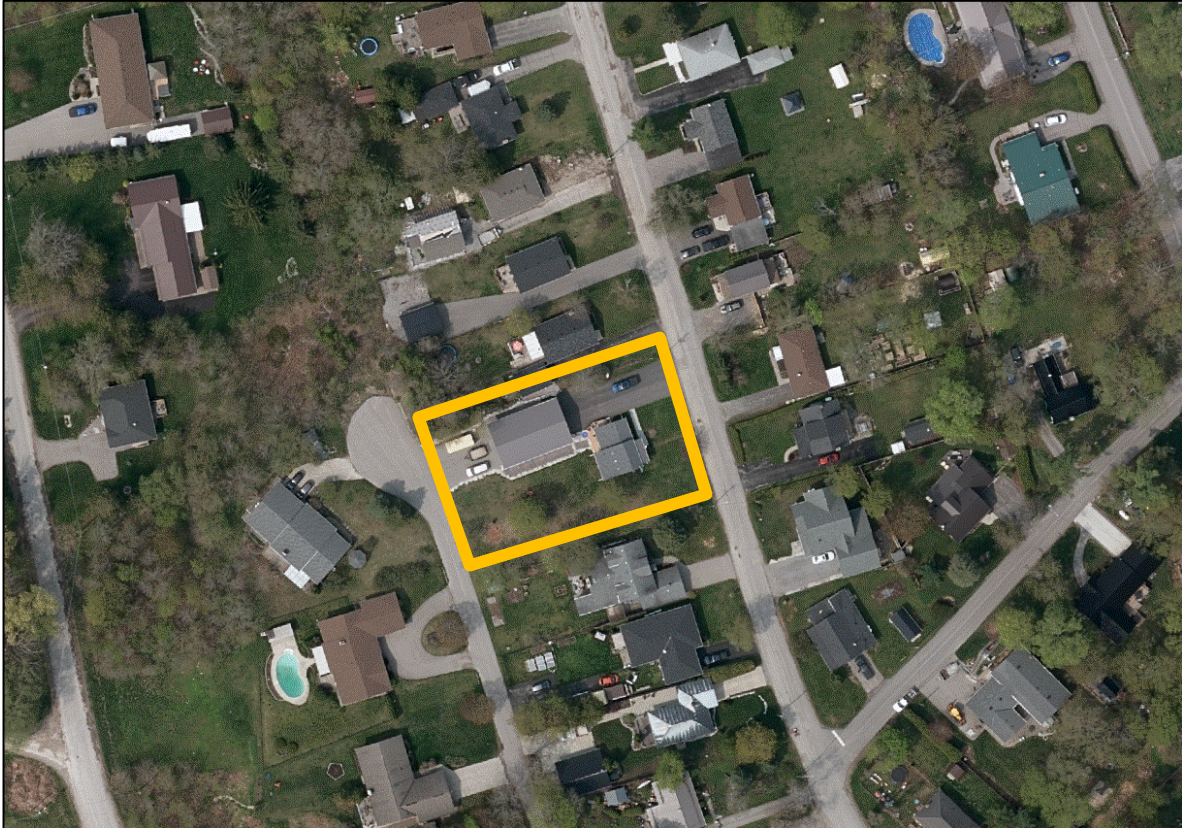
APPENDIX " B "

to

REPORT COA2024-104

FILE NO: D20-2024-096

AERIAL PHOTO (2023)



to

APPLICANT'S SKETCH

