

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment

COA2017-12

Thursday, November 30, 2017

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:

Councillor Kathleen Seymour-Fagan

Betty Archer

David Marsh

Sandra Richardson

Lloyd Robertson

Allan Smelko

Steve Strathdee

Accessible formats and communication supports are available upon request.

1.	<u>CALL TO ORDER</u>	
2.	<u>ADMINISTRATIVE BUSINESS</u>	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	Item 2.3.1	4 - 9
	November 9, 2017	
	Committee of Adjustment Meeting Minutes	
	THAT , the minutes of previous meeting held November 9th, 2017 be approved as circulated.	
3.	<u>DEFERRED APPLICATIONS</u>	
3.1	Minor Variances	
3.1.1	COA2017-056	10 - 16
	Janet Wong, Planner II	
	File Number: D20-17-011	
	Location: William Street (vacant lot), Part Lot 16, 6th Range, Plan 70, Former Village of Bobcaygeon	
	Owner: Richard Piticco & Scott McNeill	
	Applicant: Scott McNeill	
3.2	Consents	
4.	<u>NEW APPLICATIONS</u>	
4.1	Minor Variances	
4.2	Consents	

5. OTHER BUSINESS

5.1 Item 5.1

Committee of Adjustment meeting dates for 2018

6. CORRESPONDENCE

7. NEXT MEETING

The next meeting will be Thursday, January 18, 2018 at 1:00 p.m. in Council Chambers, City Hall.

8. ADJOURNMENT

The Corporation of the City of Kawartha Lakes
Committee of Adjustment

Minutes

Thursday, November 9, 2017

Meeting Commencing at 1:00 p.m.

Council Chamber

City Hall

26 Francis Street, Lindsay, Ontario, K9V 5R8

Members

Chair L. Robertson (absent)

Chair D. Marsh

B. Archer

S. Richardson

K. Seymour-Fagan (absent)

A. Smelko

S. Strathdee

Recording Secretary E. Hallett

Accessible formats and communication supports are available, upon request.

1. Call to Order

The meeting commenced at 1:00 PM.

2. Adoption of Agenda

Moved by: S. Richardson
Seconded by: B. Archer

RESOLVED THAT the agenda for the meeting be approved.

CARRIED

3. Disclosure of Pecuniary Interest

None declared

4. Adoption of Minutes of Previous Meeting

Moved by: S. Strathdee
Seconded by: S. Richardson

RESOLVED THAT the minutes of the previous meeting held October 19, 2017 be approved as circulated.

CARRIED

5. Review of New File Material

6. Deferred Applications – Minor Variances and Consents

7. New Business – Minor Variances

File Number: D20-17-039
Location: Caroline and King Street
Concession 6, Part Lot 21
Plan 57R-8539 Part 3, 57R-7664 Part 1
Former Town of Lindsay
Owner: 1982395 Ontario Inc.
Applicant: EcoVue Consulting Services – Sean Yilmaz

Mr. Harding summarized Report COA2017-044, and cited comments received after the report was written from the Community Services Department, which had no concerns with the proposed variances. The owner, 1982395 Ontario Inc., proposes to construct a private parking lot with 14 parking spaces. Relief is sought to permit an entrance to the

property and relief is sought from the landscape buffer requirements to permit the parking lot on the unusually-shaped lot. The property is oddly shaped as it used to be a part of the rail corridor. The site was previously used for parking for the group home in the immediate area.

The applicant, Sean Yilmaz of EcoVue Consulting Services Inc. was present for the meeting. He stated that the property would primarily be used for residents and guests of the Pyjama Factory condominium site across the road.

The Committee questioned if the parking area would be private and gated, and if the property would be owned by the condominium corporation. Mr. Yilmaz responded that it would be private parking, but not gated. Staff clarified that they were advised that the entity which owns the parking lot will be separate and distinct from the condominium corporation.

The Committee asked if accessible parking spaces were required. Staff clarified that since there was no use on the property triggering the need to provide parking for a specific purpose, the owner is not required to construct accessible parking spaces.

The Committee also asked whether proposed condition 3 was sufficient to serve as a lapsing provision for their decision given there was no building permit mentioned. Staff clarified that a building permit is not required to construct a parking lot, and that tying the approval to a Site Plan Agreement is sufficient to secure for the orderly development of the site as approved by the Committee.

Moved by: S. Richardson
Seconded by: S. Strathdee

RESOLVED THAT Report COA2017-044 1982395 Ontario Inc. be received;

THAT minor variance application D20-17-039 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance from Section 5.14 (c) shall only apply to parking spaces 3-5 identified in the Concept Sketch prepared by EcoVue Consulting Services Inc. dated October 23, 2017, and that an opaque wood fence not less than 1.8 metres in height shall be constructed upon the landscaped strip of land which abuts parking spaces 3-5;
- 2) **THAT** with the exception of the modification noted in Condition 1 to the proposed parking lot layout, the configuration of the parking lot spaces and parking lot access shall proceed substantially in accordance with the Concept Sketch prepared by EcoVue Consulting Services Inc. dated October 23, 2017; and
- 3) **THAT** the Site Plan Agreement for the subject property be executed and secured within 18 months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2017-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

CARRIED

File Number: D20-17-045
Location: 76 Cambridge Street S.
Plan 40, Lot 25
Former Town of Lindsay
Owner: Clarkwood Park Developments – Ken Sherwood

Mr. Harding summarized Report COA2017-051 and cited a comment received after the report was written from the Community Services Department, which had no concerns with the proposed variance. The owner, Clarkwood Park Developments, proposes to create a new residential infill lot and relief is sought to reduce the minimum lot frontage requirement. The subject property is located in an established residential neighbourhood with varying lot frontages.

The Committee had questions regarding the shed noted on the sketch and the size of home that could be built. Mr. Harding clarified that the shed had since been removed, and that the lot coverage provision would permit a footprint of approximately 157.9 square metres.

The Committee asked whether the dwelling on the retained lot required relief. Staff advised that the dwelling maintained a legal non-complying front yard setback, so no relief was necessary.

The owner, Ken Sherwood, president of Clarkwood Park Developments, was present for the meeting, but did not speak.

Moved by: B. Archer
Seconded by: A. Smelko

RESOLVED THAT Report COA2017-051 Clarkwood Park Developments, be received;

THAT minor variance application D20-17-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall apply solely to the proposed severed portion of the subject property.

- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-010, lapses.

This approval pertains to the application as described in report COA2017-051. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

CARRIED

File Number: D20-17-046
Location: 63 North Taylor Road
Lot 54 NPR, Lot 16 Plan 224
Geographic Township of Eldon
Owners: Ahsan Ullah & Fahmida Nutan
Applicant: Ahsan Ullah

Ms. Wong summarized Report COA2017-052. The owners, propose to construct a two storey dwelling with attached garage and deck on the property where the old cottage had been demolished. The owners sought relief to reduce the minimum lot area.

Comments from TSW, LSRCA and Community Services were received after the report was written, but there were no concerns.

The owner, Mr. Ullah was present for the meeting, but did not speak.

The Committee had no questions or comments for Mr. Ullah or Staff.

Moved by: A. Smelko
Seconded by: S. Richardson

RESOLVED THAT Report COA2017-052 Ullah & Nutan, be received;

THAT minor variance application D20-17-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix "C" submitted as part of Report COA2017-052, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) 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 COA2017-052. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

CARRIED

8. New Applications – Consents

9. Correspondence

Requiring Action: None

Information: None

10. Other Business

Committee Vice Chair, Mr. Marsh confirmed that the proposed dates for the Committee of Adjustment meetings for 2018 were included with the Agenda packages.

Mr. Holy, Manager of Planning requested that Committee members provide him with their mileage calculations.

11. Next Meeting

The next meeting of the Committee of Adjustment will be held on November 30, 2017 at 1:00 p.m., in the Council Chambers, City Hall.

12. Adjournment

Moved by: S. Strathdee
Seconded by: B. Archer

RESOLVED THAT this meeting adjourns at 1:45 p.m.

CARRIED

Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – PITICCO & MCNEILL

Report Number COA2017-056

Public Meeting

Meeting Date: November 30, 2017
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 13 – Bobcaygeon

Subject: An application to authorize a minor variance to reduce the minimum lot frontage from 15 metres to 13 metres on property located at Part 16, 6th Range, Plan 70, former Village of Bobcaygeon, identified as William Street (vacant lot), (File D20-17-011).

Author: Janet Wong, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2017-056 Richard Piticco & Scott McNeill be received;

THAT minor variance application D20-17-046 to recognize a minimum lot frontage of 13 metres be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **THAT** not-with-standing the definition for “Lot Frontage”, for clarity, the lot frontage shall be measured along a line connecting a point 6.1 metres from the north-east corner of the lot along the north property line and from a point 6.1 metres along the east property line measured southerly from the intersection of the east lot line with the south limit of the open William Street Road allowance.
- 2) **THAT** the conditions to consent application D03-17-018 to add approximately 81.7 square metres of vacant land be fulfilled within the one year as established by the Notice of Decision dated November 8, 2017, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2017-056.

Background:	<p>At the Committee of Adjustment meeting May 18, 2017, the following resolution was carried:</p> <p>“THAT Minor Variance application D20-17-011 be DEFERRED until such time as a decision on a consent application has been made.”</p> <p>The Committee will recall that there is a narrow drainage easement across the north side of the property as well as flood plain across a portion of the property leaving a limited development envelope. In order to provide a suitable development envelope, the owners applied for and received conditional consent approval from the Director of Development Services on November 8, 2017 for a lot addition to the south side of the property. A condition of approval is to provide a 3 metre wide drainage easement in favour of the City to replace the existing 1 metre wide easement on the north side of the property used to convey the City’s stormwater drainage from William Street. The lot addition does not change the front lot line and resulting lot frontage.</p> <p>The building envelope was established by minor variance A2/2000 to require a minimum water setback to 8.5 metres (28 feet) and a front yard setback of 6.1 metres (20 feet) when the lot was created. The front lot line of the property is only 5.5 metres (18 feet) on William Street as the balance of the road allowance was closed by By-law 598. At the time of consent, the reduced lot frontage was not recognized.</p> <p>This application seeks to recognize the reduced lot frontage of 13 metres as established by minor variance A2/2000 that reduced the front yard setback to 6.1 metres. This application has been amended such that variances for lot coverage and reduced side yard are no longer required. As the reduced lot frontage was included in the original application, further advertising is not required.</p>
Proposal:	<p>To recognize a minimum lot frontage due to a lot configuration with a 5.5 metre front lot line and minimum 6.1 metre front yard, relief is required from Section 5.2b. to reduce the minimum lot frontage from 15 metres to 13 metres.</p>
Owners:	<p>Richard Piticco & Scott McNeill</p>
Applicant:	<p>Scott McNeill</p>
Legal Description:	<p>Part Lot 16, 6th Range, Plan 70, Village of Bobcaygeon, City of Kawartha Lakes</p>
Official Plan:	<p>“Urban” - County of Victoria Official Plan</p>
Zone:	<p>“Urban Residential One (R1) Zone” – Village of Bobcaygeon By-law No. 16-78</p>
Site Size:	<p>4,451 sq. m. [1.1 ac.] – Coe Fisher Cameron Land Surveyors</p>

Site Servicing: Municipal water and sanitary sewer systems
Existing Uses: Vacant land with a garage
Adjacent Uses: North, East and South: residential
West: Little Bob Channel

Rationale:

1) Is the variance minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The lot has existed since 2002 with the approved front yard setback of 6.1 metres. The conditionally approved lot addition will provide sufficient development envelope on the lot with a 3 metre wide drainage easement. A dwelling in the range of about 160 square metres (one storey) to 290 square metres (two storeys) could be built. As demonstrated by the original application, a suitable building design is difficult to achieve on the existing lot and the existing easement width is inadequate to allow for future drainage easement maintenance by the City. The recommended conditions are intended to link this variance request to the building envelope that will be available when the lot addition is finalized as well as to clarify how the lot frontage is to be measured.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The lot is zoned as “Urban Residential Type One (R1) Zone”. From the definition of “Lot Frontage”, due to the front lot line being at the same angle and continuous with the side lot line, it has been determined that the lot frontage is measured along a line based on the 6.1 metre front yard setback from the ends of the front lot line. This results in a lot frontage of 13 metres (see Appendix “C”). The requested variance recognizes the existing situation established by the reduced front yard depth granted April 17, 2000. Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan? Yes

As the ‘Urban Settlement Area Designation’ for the former Village of Bobcaygeon in the City of Kawartha Lakes Official Plan (2012) is under appeal, the ‘Urban’ designation of the Victoria County Official Plan applies. A broad range of residential uses are permitted in this designation, including low density residential use. The proposal meets the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No alternatives were discussed

Servicing Comments:

The property is serviced by municipal water and sewer services.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

This revised application was circulated to Building Division – Building Inspection, Development Engineering Division, and Kawartha Region Conservation Authority. No comments were received on this revised application. The concerns raised with the initial minor variance application regarding the width of the drainage easement were addressed through the consent application. The flood plain elevation was surveyed and is within the water setback area. Thus development will be outside of the floodplain and thus this application is consistent with the Provincial Policy Statement requirement to locate development outside of flood risk areas.

Public Comments:

The two property owners who had requested to be kept informed were advised of the revised application and Public Hearing. No comments were received as of November 20, 2017.

Attachments:



Appendix A-C
(COA2017-56).pdf

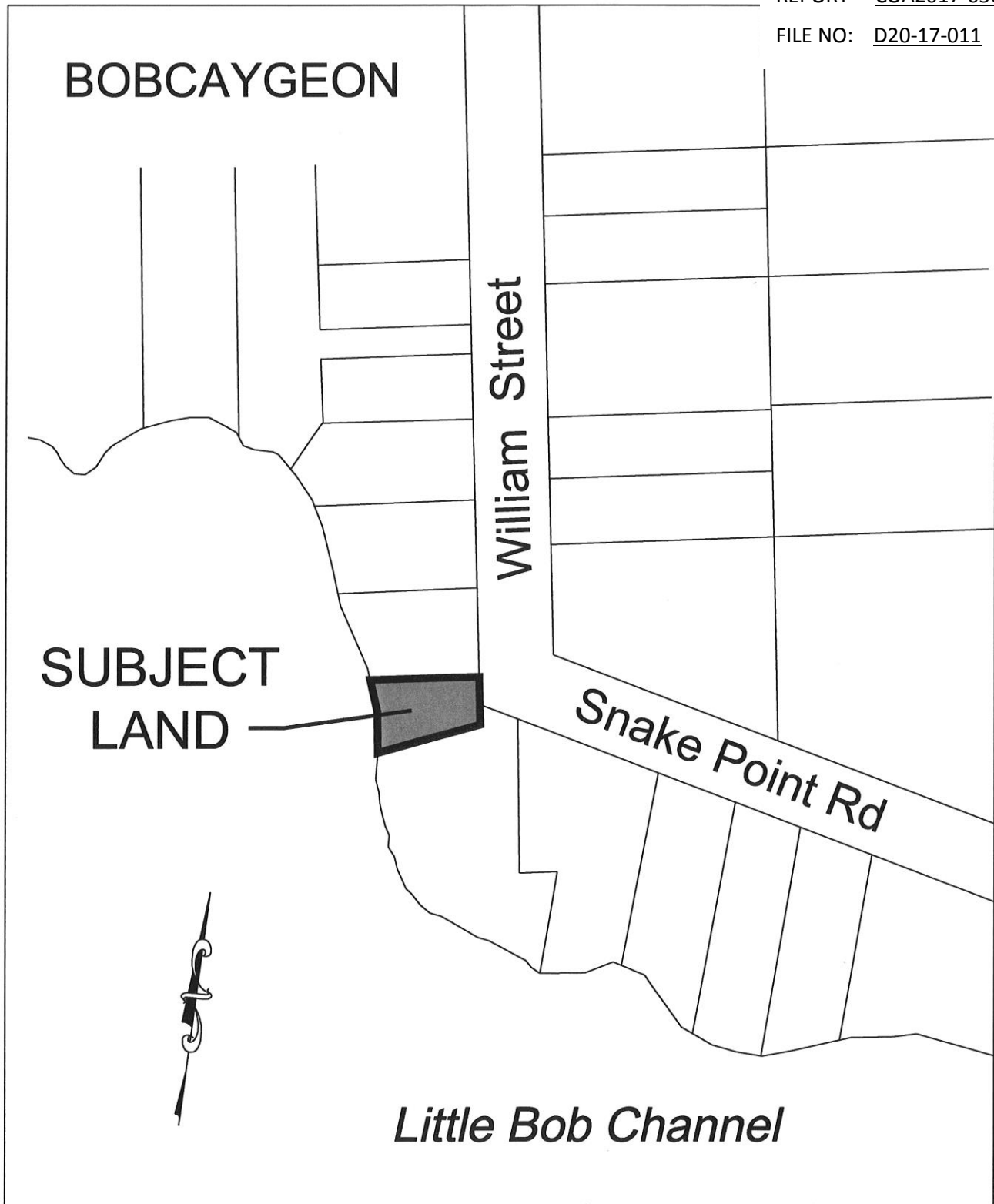
Appendix “A” – Location Map
Appendix “B” – Orthoimage
Appendix “C” – Applicant’s Sketch

Phone:	705-324-9411 ext. 1330
E-Mail:	jwong@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-17-046

to

REPORT COA2017-056

FILE NO: D20-17-011





- Legend**
- == Road Centreline
 - Upper Municipalities
 - Lower Tier Municipalities
 - Property ROLL#
 - Lots and Concessions

APPENDIX " B "

to
REPORT COA2017-056
FILE NO: D20-17-011

Notes
Notes

