

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – David Muir

Report Number COA2018-007

Public Meeting

Meeting Date: January 18, 2018

Time: 1:00 pm

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

Ward 6 – Fenelon Falls

Subject: An application to authorize minor variances to:

1. reduce the minimum rear yard from 12 metres to 5 metres;
2. increase the maximum lot coverage for all buildings and structures from 30% to 30.5%; and
3. decrease the setback from the centreline of the street from 17.6 m. to 12.6 metres

to permit construction of a dwelling and attached garage on property located at 138 Queen Street, former Village of Fenelon Falls (File D20-2018-008).

Author: Janet Wong, Planner II

Signature: 

Recommendation:

RESOLVED THAT Report COA2018-007 David Muir, be received;

THAT minor variance application D20-2018-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” submitted as part of Report COA2018-007, which shall be attached to and form part of the Decision.
- 2) **THAT** the building construction related to these Minor Variances shall be completed within a period of six (6) 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 COA2018-007. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	This application was previously heard by the Committee of Adjustment May 18, 2017 and a decision rendered granting the application with conditions. Through the building permit process, it was determined that the closest point to the rear lot line is the north-east corner of the garage and not the south-east corner as applied for and granted. This application is being brought forward with a revised rear yard variance request. The variance requests for increased maximum lot coverage and decreased setback from the centreline of the street remain the same. It has also been determined that the variance to increase the projection of the rear covered deck is not required. The application proposes the same building in the same location as previously heard by the Committee. This application was deemed complete December 7, 2017.
Proposal:	<p>To permit construction of a 1.5 storey dwelling (155 square metre – 1,668 square feet) with front porch, rear covered deck and attached garage, relief is required from:</p> <ol style="list-style-type: none">1. Section 4.3.2.c.iv. to reduce the minimum rear yard from 12 metres to 5 metres (39.3 feet to 16.4 feet);2. Section 4.3.2.e. to increase the maximum lot coverage for all buildings and structures from 30% to 30.5%; and3. Section 4.3.2.f. to decrease the setback from the centreline of the street from 17.6 metres to 12.6 metres (57.7 feet to 41.3 feet).
Owner:	David Muir
Applicant:	David Muir
Legal Description:	Part Lots 9 & 10, ES Queen St., Registered Plan 37, Part 1, Plan 57R 5868, former Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	"Low Density Residential" – Village of Fenelon Falls Official Plan
Zone:	"Residential Type One (R1) Zone" – Village of Fenelon Falls Zoning By-law 89-25
Site Size:	598.9 square metres (6,446 square feet) – Reference Plan 57R-5868
Site Servicing:	Municipal water and sanitary services
Existing Uses:	Vacant (dwelling under construction)
Adjacent Uses:	North, South, East, West: residential

Rationale:

1) Are the variances minor in nature? YES

The minimum front yard setback will be met, thus only the reduction from the centreline of the street is required. Queen Street is a local road that dead ends at the north end of this block. Development Engineering has not identified any concerns with reducing this setback.

The reduced rear yard and increased lot coverage are not anticipated to adversely affect the use and privacy of the adjacent properties. There is a fence along the rear lot line abutting the property to the east. The proposed lot development does not alter the relationship of the rear yard to the northern or southern neighbouring properties. With the orientation of existing dwellings, the proposed lot layout will create private outdoor amenity space with the least impact on adjacent outdoor amenity space.

In consideration of the above, the variances are considered minor in nature.

2) Are the variances desirable and appropriate for the use of the land? YES

This neighbourhood is comprised of a mix of one to 1.75 storey dwellings and there is variability in road centreline setbacks. There is a mix of detached and attached garages on this street. The proposed development is not excessive in size and floor area. The south-east corner of the garage and dwelling itself has been located on the property as proposed by the original application. The siting of the dwelling from the front lot line and garage provides a suitable driveway depth for safe ingress and egress. As well, siting of the development provides suitable rear yard amenity space that is generally similar in depth and area to current standards of development.

Therefore, the proposed variances are desirable and appropriate for the use of the land.

3) Do the variances maintain the general intent and purpose of the Zoning By-law? YES

The property is within the "Residential Type One (R1) Zone". This lot, while created based on meeting Zoning By-law requirements at the time, has insufficient lot depth to provide a suitable development envelope. The proposed residential use is permitted. The proposed development is comparable in height and form to other dwellings in the area and not excessive in size. The minimum parking requirements will be provided on the lot.

Therefore, the variances maintain the intent and purpose of the Zoning By-Law.

4) Do the variances maintain the general intent and purpose of the Official Plan? YES

As the City of Kawartha Lakes Official Plan does not contain detailed policies for the former Village of Fenelon Falls, the Village of Fenelon Falls Official Plan policies prevail. The property is designated "Low Density Residential" in the

Village of Fenelon Falls Official Plan. This designation identifies single detached dwellings as the predominant housing form and requires adequate off-street parking to be provided. The immediate neighbourhood is comprised of single-detached dwellings. The proposal meets the policy direction of the Official Plan, thus the proposal maintains the general intent and purpose of the Village of Fenelon Falls Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be serviced by municipal water and sewage services.

Consultations:

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

Agency Comments:

Building Division (December 11, 2017): No concerns

Public Comments:

No comments as of January 9, 2018.

Attachments:



Appendix A-D.pdf

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Department and Agency Comments

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E-Mail:	jwong@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-008

APPENDIX " A "

to

REPORT COA2018-007

FILE NO: D20-2018-008

D20-17-006



0 Queen St, former Town Fenelon Falls



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

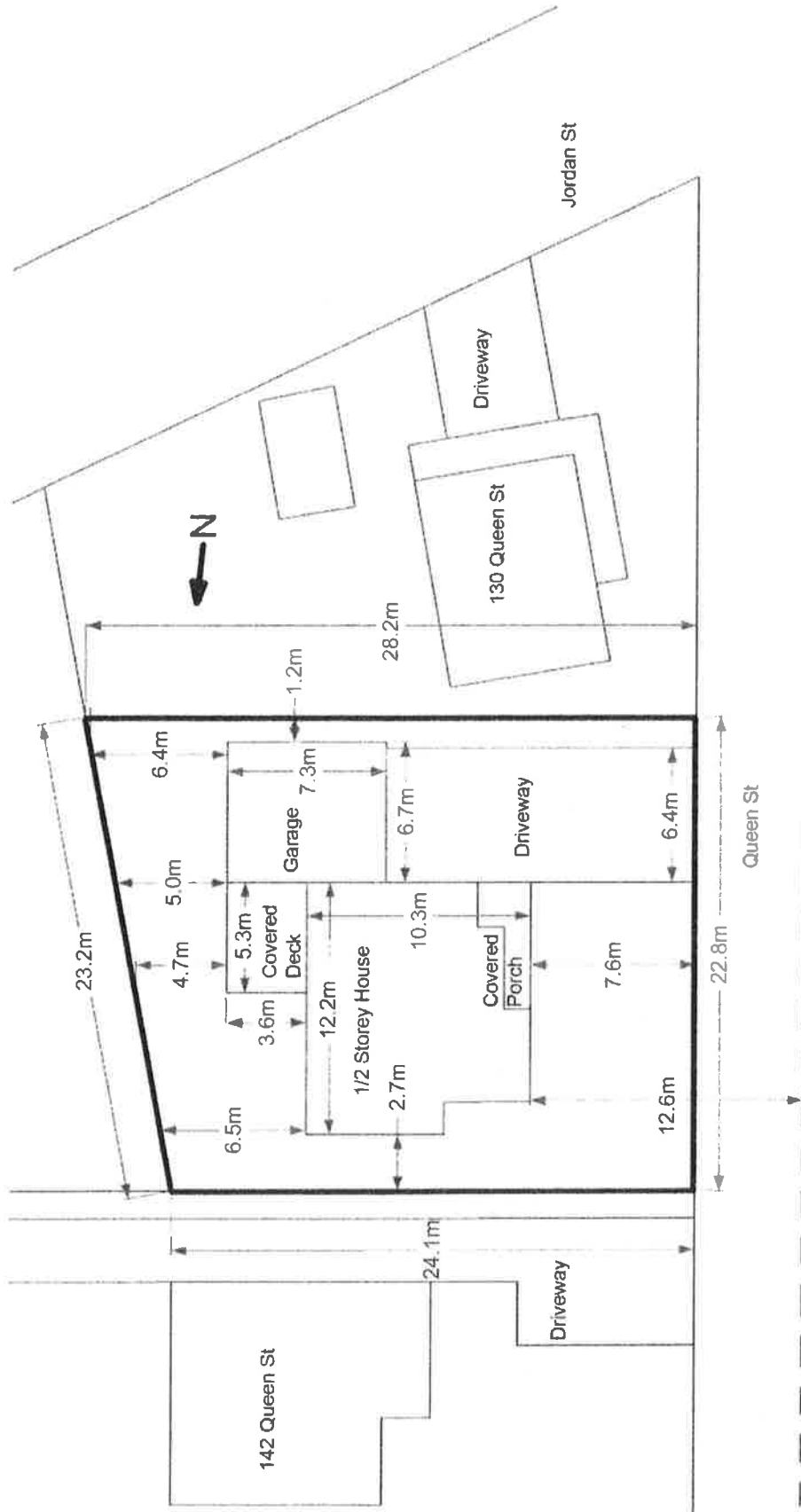
APPENDIX " B "

to
REPORT COA2018-007
FILE NO: D20-2018-008

Notes
Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



APPENDIX " C "

to

REPORT COA2018-007

FILE NO: D20-2018-008

Subject	D20-2018-008, D20-2018-010
From	Derryk Wolven
To	Erica Hallett
Sent	Monday, December 11, 2017 3:51 PM

APPENDIX “ D ”

to

REPORT COA2018-007

FILE NO: D20-2018-008

Please be advised the building division has no concerns with the above noted applications.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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