

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – B G Scugog Inc.**

Report Number COA2018-011

Public Meeting

Meeting Date: February 15, 2018

Time: 1:00 pm

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

Ward: 12 – Geographic Township of Manvers

Subject: The purpose and effect is to permit the construction of a single detached dwelling and detached garage on the subject property by requesting relief from Section 20.4 to reduce the minimum lot area required to develop upon an existing lot of record from 750 square metres to 526.52 square metres, and from Section 5.2 (h) to increase the maximum lot coverage from 25% to 28%.

Relief is also sought from the following provisions to permit the single detached dwelling:

1. Section 5.2 (c) to reduce the front yard setback from 15 metres to 14.25 metres;
2. Section 5.2 (f) to reduce the side yard setback from 3 metres to 2.8 metres for both side lot lines; and
3. Further relief from Sections 5.2 (c) and (f) to permit eaves and gutters to project 0.6 metres into the front yard, side yard and water setbacks.

Relief is also sought from the following provisions to permit the detached garage:

4. Section 20.1 (b)(ii) to reduce the front yard setback from 15 metres to 5.8 metres, and the side yard setback from 3 metres to 1.39 metres; and
5. Further relief from Section 20.1 (b)(ii) to permit eaves and gutters to project 0.6 metres into the required front and side yard setbacks.

The property is located at 39 McGill Drive, geographic Township of Manvers (File D20-17-044).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-011 B G Scugog Inc., be received;

THAT minor variance application D20-17-044 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 and garage related to this approval shall proceed substantially in accordance with the surveyor's sketch in Appendix "D", and generally in accordance with the elevations in Appendix "E" submitted as part of Report COA2018-011, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** notwithstanding the definition of front yard, the granting of the variances to reduce the front yard setback for the garage shall not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
- 3) **THAT** the building construction related to the minor variances 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 COA2018-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application proposes to demolish the existing, vacant, single storey detached dwelling and shed and construct a new three level dwelling with detached garage. The Committee of Adjustment previously granted the variances to construct the dwelling and garage on September 15, 2016, (application D20-16-032), and provided one year to complete the first building inspection. The owner did not satisfy the condition within the required 1 year time frame, and the variance lapsed.

In response to comments received from Building Division – Part 8 Sewage Systems, the Committee deferred the application at its October 19th meeting to allow the applicant sufficient time to have a conceptual lot plan prepared by an Ontario Land Surveyor that was satisfactory to the Building Division – Part 8 Sewage Systems. The plan was required to shown the proposed holding tank with the appropriate clearance distances. The applicant submitted the survey January 2, 2018.

Proposal: To construct an approximately 324 square metre (3487.5 square foot) single detached dwelling and 39 square metre (418.5 square foot) detached garage.

Owner: B G Scugog Inc.

Applicant: Gary Morrison, B G Scugog Inc.

Legal Description: Registered Plan 33, Lot 22, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: "Waterfront" – City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Three (RR3) Zone" – Township of Manvers Zoning By-law 87-06

Site Size: 526.52 square metres (5,664.5 square feet)

Site Servicing: Private individual holding tank and well

Existing Uses: Shoreline Residential (vacant dwelling)

Adjacent Uses: North & South: Shoreline Residential
East: Residential
West: Lake Scugog

Rationale:

1) Are the variances minor in nature? Yes

The subject property is situated in a shoreline residential neighbourhood on the eastern shore of Lake Scugog. The rear yard functions as the primary amenity space for the shoreline properties. The proposed plan provides adequate open space between the dwelling and shoreline for recreational, amenity and shoreline naturalization purposes.

As the lot is currently improved with a dwelling, and the Building Division has not raised objections with respect to the proposed servicing on the undersized lot, it is appropriate to redevelop the site.

The variances sought for the dwelling will improve the side yard setback on the north side, and do not substantially encroach into the established side yard setback on the south side. The current dwelling maintains a front yard setback of 15 metres, and the proposed dwelling presents a slightly reduced setback at 14.2 metres. The proposed front yard setback is consistent with the setbacks established by most of the dwellings on the western side of McGill Drive.

As a two bay detached garage is proposed within the front yard rather than an attached garage, it presents a scale of built form more appropriate for the street. The setbacks proposed are in keeping with the lesser setbacks of the older storage buildings and garages on the abutting and adjacent shoreline properties. While the front yard setback for the garage is slightly less than what the by-law requires for a parking space, it is anticipated that sufficient space will remain to accommodate the parking of most vehicles at a perpendicular angle to the road allowance between the garage and road allowance.

The additional variances to permit the projection of eaves and gutters into the various yards are not anticipated to adversely impact the character of the neighbourhood, as the space below them can be landscaped.

Therefore, the variances are minor in nature.

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

The interior side and front yard and water setback reliefs requested for the dwelling are not anticipated to impact the function of said yards as sufficient space remains between the buildings and lot line for maintenance and drainage purposes. Sufficient space remains within the side yards to facilitate access to the rear yard from the front yard. The additional lot coverage will facilitate the construction of a detached garage. The detached garage provides for covered vehicular storage, and its setback from the road allowance ensures sufficient driveway surface outside of the road allowance is available for parking.

Based on the above analysis, the variances are minor as well as desirable and appropriate for the use of the land.

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

The interior side and front yard and water setback reliefs requested for the dwelling are not anticipated to impact their function as the scale of the reductions, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. The additional lot coverage will facilitate the construction of a detached garage. The detached garage provides for covered vehicular storage, and its setback from the road allowance ensures sufficient driveway surface outside of the road allowance is available for parking.

Section 20.4 exists to ensure that a review is conducted when redevelopment is proposed upon undersized lots of record to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced. The applicant has demonstrated that it is possible to redevelop the lot.

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

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

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates low density residential uses.

Policy 3.11 provides for the redevelopment of existing lots where there is insufficient area to accommodate a 30 metre water setback provided that there is no alternative to the expansion or reconstruction, and the setback is not reduced below 15 metres. Staff is of the opinion that permitting the eaves and gutters to maintain a water setback of 14.4 metres is acceptable as the wall of the building will maintain a 15 metre setback and the area under the eave may be landscaped. All other variances meet the intent and purpose of the Official Plan as residential development is contemplated within the "Waterfront" designation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be serviced by a private individual well and holding tank. The existing well in the rear yard is to be decommissioned to provide an area to locate the holding tank.

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 (September 26, 2017): No concerns with respect to the requested variances. A discrepancy between submitted drawings/plans respecting the separation between the dwelling and garage footings is noted. See Appendix “E” for comments.

Engineering and Corporate Assets Department (October 3, 2017): No concerns.

Community Services Department (October 11, 2017): No concerns.

Kawartha Region Conservation Authority (October 11, 2017): No concerns. A permit from their office is required.

Building Division – Part 8 Sewage Systems (February 6, 2018): No concerns.

Public Comments:

No comments as of February 5, 2018.

Attachments:



Appendices A-F to
Report COA2018-011.

- Appendix “A” – Location Map
 - Appendix “B” – Aerial Photo
 - Appendix “C” – Applicant’s Sketch
 - Appendix “D” – Surveyor’s Sketch
 - Appendix “E” – Elevations
 - Appendix “F” – Department and Agency Comments
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Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-17-044