

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Fowler
Report Number COA2018-019

Public Meeting

Meeting Date: April 19, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Laxton

Subject: An application to authorize a variance from Section 18.4 to reduce the minimum lot area required to construct upon an existing lot of record from 930 square metres to 612 square metres and from Section 4.2(f) to reduce the minimum flankage yard from 6 metres to 3.6 metres. The effect of the combined reliefs is to permit the construction of a single detached dwelling.

The property is located at 18 Cockburn Street, geographic Township of Laxton (File D20-17-047).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-019 Deirdre Fowler, be received;

THAT minor variance application D20-17-047 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 single detached dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and generally in accordance with the elevation in Appendix “D” submitted as part of Report COA2018-019, which shall be attached to and form part of the Committee’s Decision; and
- 2) **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 COA2018-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The property once contained a single detached dwelling, which was demolished in 2015. The property has since remained vacant. The application was put on hold to allow the applicant sufficient time to obtain a survey to confirm lot area and the required relief to the flankage yard setback.

The application proposes to construct a new single detached dwelling, see Appendix "D". This application was last amended April 2, 2018.

Proposal: To construct an approximately 169.6 square metre (1,825.6 square foot) single detached dwelling with attached garage. A side split design is proposed.

Owner: Deirdre Fowler

Applicant: Jim Slack

Legal Description: Part Lots 32 and 33, Registered Plan 33, geographic Township of Laxton, City of Kawartha Lakes

Official Plan: "Hamlet Settlement Area" – City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Two (RR2) Zone" – United Townships of Laxton, Digby and Longford Zoning By-law 32-83

Site Size: 612.3 square metres (6,590.7 square feet) (J.B. Fleguel Surveyors)

Site Servicing: Proposed Private individual septic system and municipal water supply

Existing Uses: Vacant Land

Adjacent Uses: North, South, East, and West: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is a corner lot within the hamlet of Norland. The property had a single storey single detached dwelling that was demolished in 2015. The variances, if granted, will facilitate the construction of a new single detached dwelling. Without relief the construction of a new dwelling is not possible. The

variances will facilitate the highest and best use of this residentially-zoned lot within an established residential neighbourhood.

Sufficient space remains around the dwelling for recreational amenity space.

Therefore, the variances are minor in nature.

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

Yes

The subject property is zoned “Rural Residential Type Two (RR2) Zone” within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83.

The general provisions within Section 18.4 of the Zoning By-law ensure that development upon undersized lots of record may occur provided a minimum area (930 square metres) requirement is met.

Most of the lots within this neighbourhood were created and built upon prior to the former United Township’s implementation of its first Zoning By-law in 1983. Some of the existing residential lots fall below the minimum area requirement. Many of these undersized lots abut Monck Street, and the subject property will be accessed from Monck Street. Additionally, some dwellings in the neighbourhood are closer to the front and/or flankage lot lines than is now permitted.

Proposals on lots which cannot meet Section 18.4 are to be evaluated through a Planning Act application on their own merits to determine whether the property can be adequately serviced, and ensure the proposed built form will not generate adverse land use conflicts, adverse massing impacts, or adversely impact neighbourhood character.

Given that the proposed dwelling will maintain a spatial separation in excess of 9 metres from the asphalt edge of Cockburn Street, present a single storey wall with raised basement to that street, and will have a flankage yard setback greater than that of the dwelling on the opposite corner lot (22 Cockburn Street), no adverse massing impacts are anticipated by reducing the setback to the flankage lot line. Additionally, the Building Division is satisfied that a sewage system may be constructed to support the proposed dwelling. All other RR2 Zone provisions are proposed to be maintained. Therefore, no adverse impacts are anticipated by permitted a single detached dwelling to be constructed on the lot.

As such, 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 “Hamlet Settlement Area” within the City of Kawartha Lakes Official Plan. The designation permits an assortment of small scale uses that maintains the character and amenities of the hamlet. Single detached dwellings are anticipated within the “Hamlet Settlement Area” 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 septic system and municipal water service.

Consultations:

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

Agency Comments:

Development Engineering Division (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

Community Services Department (November 8, 2017): No concerns.

Ministry of Transportation (MTO) (October 25, 2017): No concern. A permit from the MTO is required.

Public Comments:

No comments as of April 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-019.

Appendix “A” – Location Map

Appendix “B” – Aerial Photo

Appendix “C” – Site Grading Plan

Appendix “D” – Elevation

Appendix “E” – Department and Agency Comments

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Department File: D20-17-047