

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott Meier
Report Number COA2018-032**

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions to permit:

Two-Storey Residential Dwelling

1. Section 3.18.1.1 to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 9.45 metres;
2. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 9.45 metres; and
3. Section 13.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 2 metres.

Shed

4. Section 3.1.2.1 to permit an accessory structure in a front yard, where it is only permitted in the side or rear yards;
5. Section 3.1.2.2 to reduce the side yard setback from 1.2 metres to 0.41 metres; and
6. Section 13.2.1.3(a) to reduce the front yard depth from 7.5 metres to 0.91 metres.

Parking

7. Section 3.14.1.2 to reduce the parking requirement from two spaces to one space.

The property is located at 15 Manor Road, geographic Township of Fenelon (File D20-2018-019).

Author: Quadri Adebayo, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-032 Scott Meier, be received;

THAT minor variance application D20-2018-019 be DEFERRED until such a time when the applicant brings forward a revised application supportable by staff, as parts of the application does not meet the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-032. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The proposal seeks to reconstruct and enlarge an existing 59.74 square metre (642 square foot) 1-storey house with a 2-storey house of approximately 119.48 square metres (1,285.60 square foot) that comprises a front porch, a Juliette balcony (rear), and a stone terrace landscape (rear). This application was deemed complete May 24, 2018.

Proposal: To construct an approximately 119.48 square metre (1,285.60 square foot) 2-storey residential dwelling.

Owner: Scott Meier

Applicant: Scott Meier

Legal Description: Part Lot 9, Concession 8, Plan 164, Parts Lot 9 and 10, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: “Waterfront” in the City of Kawartha Lakes Official Plan

Zone: “Rural Residential Type Three (RR3) Zone” in the Township of Fenelon Zoning By-law 12-95

Site Size: 283 square metre (3,045.08 square foot)

Site Servicing: Lake water system and holding tank

Existing Uses: Residential

Adjacent Uses: North: Residential
East: Sturgeon Lake
South: Residential
West: Residential

Rationale:

1) Is the variance minor in nature?

- (i) **Two-Storey Detached House - No**
- (ii) **Shed - Yes**
- (iii) **Parking - No**

And

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

- (i) **Two-Storey Detached House - No**
- (ii) **Shed - Yes**
- (iii) **Parking - No**

(i) Two-Storey Detached House:

It is evident that the proposed structure will be replacing an already established building footprint. Hence, the reduced water/environmental protection zone setback, and the reduced interior side yard setback are not anticipated to impact their function as the yards still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

However, the proposed house will translate into a larger structure than what already exists on the property. As such, in terms of scale, the proposed two-storey dwelling is anticipated to be visually more imposing when compared to the residential dwellings directly adjacent to the north and south of the subject property respectively.

Likewise, the massing of the proposal is anticipated to present negative land use compatibility issues considering the undersized nature of the lot and substantiated by the fact that the Kawartha Region Conservation Authority (KRCA) have identified the entirety of the property to be in the flood plain and expressed possible amendment to the increased dwelling size subject to the proposal being able to meet their policy conditions.

Based on this, provided the proposed number of storeys for the dwelling is reduced to less than two-storeys, the variance for the detached house will be considered minor as well as desirable and appropriate for the use of the land.

(ii) Shed:

The front yard relief requested for the shed is an existing situation. It is not anticipated to impact the functioning of the yard as sufficient space remains between the shed and the front lot line for maintenance and drainage purposes. Although the reduced side yard setback is also an existing situation, it is recognized that the property is undersized. An observation from the site visit also suggests that there may not be sufficient space to relocate the shed to a more complying location. Moreover, the applicant has advised that they will be

following staff recommendation by removing the second existing shed located in the northerly interior side yard from the property as trade-off to gain staff support for the relief sought for the shed located in the front yard.

Based on this, the variance for the shed will be considered minor as well as desirable and appropriate for the use of the land.

(iii) Parking:

Again, it is recognized that the property is undersized. An observation from site visit also suggests that with an 8.53 metre driveway depth as proposed, it will be indiscernible as there is sufficient space to conveniently fit one vehicle at a depth of 6 metres on the existing gravel driveway leaving 2.53 metre safety clearance from the abutting road. Meanwhile, an updated site plan sketch revealed that a future holding tank is proposed to be located adjacent to the existing driveway which will supposedly limit the potential of expanding the driveway. As such, it is strongly recommended that the proposed reduced parking is appropriate for a modest-sized structure as opposed to the larger two-storey building being proposed.

Thus, provided the proposed number of storeys for the dwelling is reduced to lesser than two-storeys, the variance for the reduced parking 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?

- (i) Two-Storey Detached House - Yes**
- (ii) Shed – Yes**
- (iii) Parking - No**

The 5.55 metre setback relief from 15 metres required from the water/environmental protection zone, and the 0.3 metre relief from the 2.3 metres required for the interior side yard are not anticipated to impact their function as the scale of reductions is an already existing situation. If granted, they are not anticipated to be perceptible.

Since the proposal has not exhausted the zone provision privileges by utilizing a lot coverage of 22% from a possible 30% maximum, the applicant has reasonably demonstrated that it is possible to develop the lot.

Unquestionably, the shed is an existing structure, Section 3.1.3.1 in conjunction with Section 3.4.2 of the Township of Fenelon Zoning By-law exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use. Substantiated by the fact that the coverage requirements are being met, the total lot coverage for accessory uses is 2%, where 8% maximum is permitted.

Circumstantially, the minimum parking requirement for a single parking space is 2.8 metre (width) by 6 metre (depth), this calculates to 33.6 square metre in area for two parking spaces. The applicant proposes a single parking space of approximately 3.66 metre (width) by 8.53 metre (depth), which calculates to an

area of 31.21 square metres. Considering the undersized physical characteristic of the lot and a future holding tank proposed to be located adjacent to the driveway, a 7.12% reduction in the required parking space is not considered significant and may well be indiscernible provided it is meant to service a modest-sized single detach dwelling.

Overall, the variances maintain the general intent and purpose of the Zoning By-Law for the house and shed, but otherwise for the parking variance except it is meant to service a modest-sized dwelling lesser than two-storeys.

- 4) **Does the variance maintain the intent and purpose of the Official Plan?**
- (i) Two-Storey Detached House - No**
 - (ii) Shed – Yes**
 - (iii) Parking - Yes**

(i) Two-Storey Detached House:

The property is designated “Waterfront” within the City of Kawartha Lakes Official Plan (OP). The designation anticipates residential uses within the “Waterfront” designation.

Policy 3.11 provides for the redevelopment of existing lots of record where there is insufficient area to accommodate a 30 metre water setback provided that there is no alternative to the expansion or reconstruction, and in no case shall the said development, including sewage infrastructure, be less than 15 metres to the high water mark.

Staff opines that when an undersized lot is further constrained by physical site conditions of only being able to maintain an established building footprint for a proposed redevelopment, permitting a setback of 9.45 metres from the water/environmental protection zone, and an interior side yard setback of 2 metres is acceptable, as it still enables functional amenity and naturalization space.

Policy 20.5 states that density and massing of buildings and structures shall maintain a low profile and blend with natural surroundings. And that development will minimize visual impact and not dominate the landscape.

In addition, Policy 20.3.6 contemplates that development shall be compatible with the surrounding character and not result in adverse environmental impacts.

Therefore, provided the proposed number of storeys for the dwelling is reduced to less than two-storeys, the variance for the detached house maintains the general intent and purpose of the Official Plan.

(ii) Shed:

The “Waterfront” designation permits accessory uses as secondary to a single detached dwelling. This is supported by Section 34.1 which acknowledges uses

in instances of unnecessary hardship. This is recognizable through the location of the existing shed in the front yard.

As such, the variance for the shed maintains the general intent and purpose of the Official Plan.

(iii) Parking:

Similarly, Section 34.15 appears to have been met as the proposal demonstrates that the reduced parking can be provided entirely on site. Based on this, the variance for the reduced parking maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff worked with the applicant through the prescreening stage which began in February 2018 until this application was deemed complete in May 2018. During this period, the applicant was receptive to varying recommended iterations of the proposed structural design except for the number of storeys proposed. Whereas staff consistently maintained that it can only support a modest-sized structure in form of one-half storey at the maximum.

As such, it is very clear that the applicant is requesting the increased dwelling size out of preference, as they have not demonstrated any hardship to justify why the proposed two-storeys cannot be built to a lesser visually impacting scale.

Also, responsible planning demands consistency as past variances approved in the neighbourhood have been based on the fulfillment of a low-profile dwelling size. A similar message has also been applied by the KRCA through their permitting process.

Therefore, the applicant should consider a smaller dwelling size that is supportable by both the City and KRCA.

Servicing Comments:

The property is serviced by water drawn from the lake and a holding tank (septic).

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 – Building Inspection/Plans Examiner (June 7, 2018): No concerns.

Building Division – Sewage Systems (April 9, 2018 & June 12, 2018): No concerns, as a holding tank is being proposed for septic. See comments.

Kawartha Conservation Authority (May 10, 2018 & June 6, 2018): No objections but expressed slight concerns regarding the increased dwelling size as the entirety of the proposed development is identified to be inside the floodplain associated with Sturgeon Lake. A permit from their office is required for the proposed works. See comments.

Public Comments:

No comments as of June 12, 2018.

Attachments:



Appendices A-E to
Report COA2018-032

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

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