

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Gravely
Report Number COA2018-036

Public Meeting

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

Ward: 13 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 5.2(j) to reduce the water setback from 20 metres to 12.4 metres to recognize the location of a residential accessory building (shed).

The property is located at 23 Manor Road, former Village of Bobcaygeon (File D20-2018-026).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-036 Catherine Gravely, be received;

THAT minor variance application D20-2018-026 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-036. No conditions are required for the Minor Variance to be considered final and binding.

Background: This application is the result of a zoning investigation by the Municipal Law Enforcement Division, File ML2017-0529.

It was determined that the shed was placed in 1997. At that time the shed maintained a setback of approximately 15 metres to the shoreline, a deficiency of 5 metres.

In 2002, the shoreline to the west of the shed was excavated in order to create an in-water boathouse and swimming area. These excavations further reduced the minimum spatial separation between the shed and shoreline to 12.4 metres.

This application was deemed complete March 20, 2018.

Proposal: To recognize the water setback of an existing 2.5 metre x 3.8 metre (8.2 foot x 12.5 foot) shed.

Owner: Catherine Gravely

Applicant: Catherine Gravely

Legal Description: Lot 10 Plus Island, Plan 245, former Village of Bobcaygeon, City of Kawartha Lakes

Official Plan: "Urban" in the Victoria County Official Plan

Zone: "Urban Residential Type One (R1) Zone" in the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 0.34 hectares (3,400 square metres)

Site Servicing: Municipal Water and Wastewater Services

Existing Uses: Shoreline Residential

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

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 subject property is situated within an established residential neighbourhood, and is bordered on three sides by Sturgeon Lake. Many of the lots within this neighbourhood abut Sturgeon Lake or Big Bob Channel. The subject property is located at the end of Manor Road. The travelled portion of Manor Road is narrow, and no turnaround exists at the end of this road: it transitions into the driveway for the subject property. The front yard consists of a two bay detached garage to the north, a small forested section to the south, and the centre contains a circular driveway so that cars can correctly orient themselves when leaving the lot.

Due to the extensive and unusual shape of the shoreline, location of the circular driveway, and prohibition of accessory buildings within the front yard, there appears to be no location remaining where a shed could be sited in accordance with the zoning by-law provisions.

Given that the two other accessory buildings on the lot are a boathouse and modest detached garage, it is appropriate to permit a shed on the lot to provide for some additional storage space.

The footprint and location of the shed does not hinder the use of the rear yard for amenity purposes.

The variance is considered 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 subject property is zoned “Urban Residential Type One (R1) Zone” within the Village of Bobcaygeon Zoning By-law 16-78.

The intent of the zoning by-law is to direct built form away from the shoreline where possible for aesthetic reasons and to improve water quality and health by allowing for sufficient space to plant vegetation for the infiltration of runoff. While the shed is technically 12.4 metres from the water’s edge, that point is contained within an in-water boathouse; however, visually the shed generally appears to be approximately 15 metres to the nearest point on the shoreline. The shed is not a prominent feature along the shoreline, as there are trees between it and the shoreline that function as vegetative buffers. The space between the shed and shoreline is also sodded. Sufficient vegetated space remains between the shed and visible shoreline for infiltration and yard amenity space.

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’ in the City’s 2012 Official Plan is under appeal, the “Urban” designation of the Victoria County Official Plan (Official Plan) applies. A broad range of residential uses are permitted in this designation.

Therefore, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff examined the site circumstances to determine if the shed would have legal non-complying status. The information uncovered determined that the shed is not eligible for legal non-complying status.

Servicing Comments:

The property is serviced by municipal water and wastewater systems. The proposed accessory use is not, nor will it be connected to water or septic 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 – Building Inspection (June 7, 2018): No concerns.

Kawartha Region Conservation Authority (June 12, 2018): No objection.

Public Comments:

No comments as of June 12, 2018.

Attachments:

Appendices A-D to
Report COA2018-036.

Appendix “A” – Location Map

Appendix “B” – Air Photo

Appendix “C” – Applicant’s Sketch

Appendix “D” – Department and Agency Comments

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Department File: D20-2018-026