

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Randy and Judi Smith
Report Number COA2018-049

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 2 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from:

1. Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.25 metres; and
2. Section 13.2.1.3(c) to reduce the minimum exterior yard setback from 7.5 metres to 4.52 metres.

The relief is required to permit the construction of an enlarged addition to an existing single detached dwelling.

The variance is requested at 19 Cedar Dale Drive, geographic Township of Bexley (File D20-2018-038).

Author: Daniel Hahn, Student Planner

Signature:

Recommendations:

RESOLVED THAT Report COA2018-049 Randy and Judi Smith, be received;

THAT minor variance application D20-2018-038 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 addition related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-049, which shall be attached to and form part of the Committee’s Decision.
- 2) **THAT** prior to the issuance of a Building Permit, the applicant submit an elevation survey to Kawartha Region Conservation Authority (KRCA);
- 3) **THAT** the applicant obtain the necessary permits required by the Kawartha Region Conservation Authority if the property, pursuant to Condition 2, is determined to be within the KRCA Regulated Area. This condition will be

considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA that the necessary permits have been obtained by the owner; and,

- 4) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) 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 COA2018-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property contains a one-and-a-half storey seasonal vacation dwelling, porch, and an existing accessory structure. The applicant is seeking to construct an addition to the existing dwelling along the south-eastern portion edge of the structure. The dwelling, the application notes, was constructed and occupied during the 1960s.

This application was deemed complete June 18, 2018.

Proposal: To permit the construction of an addition to an existing single detached dwelling within the front yard and exterior side yard.

Owner: Randy and Judi Smith

Legal Description: Range NWB, Part Lot 16, Plan 170, Part Lot 16, Part Lot 17, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront – City of Kawartha Lakes Official Plan

Zone: Limited Service Residential - Township of Bexley Zoning By-law 93-09

Site Size: 0.11 hectares (0.277 acres)

Site Servicing: Private individual septic and well systems

Existing Uses: Vacation dwelling

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

Rationale: The Township of Bexley's Comprehensive Zoning By-law defines "Lot Frontage" in a Limited Service Residential (LSR)

Zone as the horizontal lot line abutting a street or a private right of way.

“LOT FRONTAGE means the horizontal distance abutting an improved public street or, in the LSR Zone, a street or private right of way, between the side lot lines and measured along the front lot line.”

When considering whether the subject property’s lot frontage would be along Cedar Dale Drive or the private driveway, staff determined the driveway is consistent with the zoning by-law’s intention to front LSR properties along private right of ways where possible. The driveway is considered, under this definition, a right of way in large part due to it serving as a private vehicular access point for 19, 21, and 23 Cedar Dale Drive.

Accordingly, the subject property’s front lot line abuts the private right of way, while the exterior lot line is running along Cedar Dale Drive (see Appendix “C”).

1) Are the variances minor in nature? Yes
And

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

The subject property is situated in an established cottage neighbourhood. The majority of the dwellings along Cedar Dale Drive are single storey or one-and-a-half storey dwellings.

The applicant is seeking to construct an enlarged addition in the front yard. The proposal is consistent with the neighbourhood character and will serve as a positive contribution to the area. The building’s massing is not anticipated to drastically alter the character of the neighbourhood since the addition will remain one storey and the exterior design is in keeping with the existing dwelling.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential uses dwellings.

There is an existing stream that runs behind the properties on Cedar Dale Drive. As no floodplain mapping has been prepared for this stream, KRCA has established its regulatory area to be 15 metres on either side of the stream. While the subject lands are not located within KRCA’s regulated area, the CA has asked for an elevation survey, contained in Condition 2, to confirm that they are at least 1.0 metre above the top-of-bank associated with the stream. Their full comments are contained in Appendix E to this report.

Therefore, the variance is minor in nature and appropriate for the use of land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?
Yes

The subject property is zoned Limited Service Residential (LSR) within the Township of Bexley Zoning By-law 93-09.

The Limited Service Residential Zone permits both single detached dwellings and vacation dwellings. The proposed use complies with the Township of Bexley Zoning By-law.

The applicant is seeking relief to permit the encroachment of the addition within the front and exterior side yards. The front yard setback seeks to place sufficient separation from the dwelling and the road, while ensuring adequate space for parking. The minimum front yard setback in the Township of Bexley Zoning By-law is 7.5 metres. Staff are confident the proposed encroachment is sufficiently set back at 6.25 metres to facilitate on-site parking and a front yard in keeping with the neighbourhood. The private right of way will not be altered to accommodate the relief and the current parking area within the interior side yard will remain unchanged.

The Township of Bexley Zoning By-law requires a minimum exterior side yard setback of 7.5 metres. Applicant has requested additional relief to permit the proposed addition at 4.52 metres from the exterior side lot line. Similar to the front yard setback, the exterior side yard setback intends to locate dwellings sufficiently away from a street. The proposed variance of 2.98 metres places the addition at a sufficient distance from the road. The area is noted for its vacation dwellings located in close proximity to Cedar Dale Drive, which is a low traffic volume, narrow, well-landscaped private road and no adverse effects are anticipated. Staff are confident that the proposal fits well with the established character of the neighbourhood and meets the intent of the Zoning By-law.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan. The Waterfront designation permits low density seasonal or limited permanent residential development in areas around watercourses and lakes. Vacation single detached dwellings and single detached dwelling are anticipated within the Waterfront areas. The Official Plan encourages new development to conform to the established character of waterfront area. The Official Plan anticipates low density, low profile dwellings with ample tree cover and vegetation.

In consideration of the above, the variance maintains the general intent and purpose of the City of Kawartha Lakes Official Plan. The proposed addition is consistent with the uses permitted in the Waterfront designation. Moreover, the

proposed built form will fit the neighbourhood's character, while the massing and density is consistent with the policies of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by full municipal 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 (July 6, 2018): No concerns.

Building Division – Sewage System Program (July 23, 2018): No concerns.

Kawartha Region Conservation Authority (July 31, 2018): See Appendix E.

Public Comments:

No comments as of July 9, 2018.

Attachments:



2018.08.16
Appendices to Report

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Structure Drawings

Appendix "E" – Department and Agency Comments

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Department File: D20-2018-038