

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ryan & Angela Weiler
Report Number COA2018-051

Public Meeting

Meeting Date: September 20, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 16 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 3.2(c) to reduce the minimum front yard from 15 metres to 9.3 metres in order to permit the addition of a living space and attached garage to an existing single detached dwelling.

The variance is requested at 971 Fleetwood Road, geographic Township of Manvers (File D20-2018-040).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-051 Ryan and Angela Weiler, be received;

THAT minor variance application D20-2018-040 for 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 related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-051, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced setback will not be interpreted to permit the placement of any other structure or building between the front wall of the dwelling and the front lot line; and
- 3) **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 COA2018-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: On August 16, 2018, the Committee deferred this application so that it can be properly re-advertised to include the fulfillment of the 10-day post advisory sign notice period as prescribed under the *Planning Act*.

The application proposes to construct an addition to an existing one-storey single detached residential dwelling comprising an extra living space, and an attached garage. The proposed development will increase the size of the house on a reconfigured footprint. This application was recirculated September 6, 2018.

Proposal: To construct an approximately 108 square metre (1162.08 square foot) addition to a single detached dwelling.

Owner: Ryan and Angela Weiler

Legal Description: Part Lots 16 and 17, Concession 12, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Prime Agricultural in the City of Kawartha Lakes Official Plan

Zone: Rural General (A1) Zone within the Township of Manvers
Zoning By-law 87-06

Site Size: 0.78 acres (3,675 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

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

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 proposed configuration for the new addition will encroach further into the front yard at 9.3 metres than the non-complying front yard setback established by the existing house (built circa 1867) at 10.4 metres. The 1.1 metre difference

was granted by staff for tolerance in case the foundation pours out more than envisaged. Whereas the opportunity to bring the proposal footprint to compliance is further constrained by the pool located behind the proposed construction area. Also, observation from site visit suggests that the 1.1 metre variation between the established front yard wall of the house and the proposed front yard wall of the addition is not anticipated to be discernible as it will be screened by the vegetation on the property when viewed from the street.

In all other respect, although the property is situated at the corner of a two street intersections, there still appears to be sufficient room between the front lot line and the edge of Fleetwood Road to ensure safe vehicular ingress and egress from the property without any obstruction to the flow of traffic.

The location of the subject property in a predominantly rural area also ensures that no land use compatibility issues will arise since the surrounding uses are mostly farmlands. As such, the low profile nature of the massing proposed for the addition is anticipated to blend in with the residential character of the abutting property to the north.

Based on the above analysis, the variance 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?
Yes

Within the Rural General (A1) Zone, existing lots of record one hectare (2.5 acres) or less in size are subject to the Rural Residential Type One (RR1) Zone provisions. Thus, the subject property at 0.78 acres is to be treated under the RR1 Zone lens.

The 5.7 metre reduction from the 15 metres required for proposed addition, if granted, is not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. Condition 2 will also ensure compliance with front yard setback requirements.

Overall, the building will have a low profile, being below the maximum height of 11 metres permitted in the zoning by-law, and together with other accessory structures on the property, it would be maintaining combined lot coverage below the 25% maximum permitted in the corresponding zoning by-law at 10.9%.

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 property is designated Prime Agricultural in the City of Kawartha Lakes Official Plan, which permits residential uses. The designation contemplates residential uses created as a result of severance of a larger farmland which does not alter the agricultural potential of the larger farmland. Hence, the

proposed addition to the residential dwelling is not anticipated to negatively impact the rural character of its immediate surrounding uses.

In consideration of the above the variance maintains 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 is serviced by private well and septic systems.

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 (August 2, 2018): No concerns.

Engineering & Corporate Assets (August 14, 2018): No objections

Public Comments:

No comments as of September 11, 2018.

Attachments:



Appendices A-E to
Report COA2018-051

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367

E-Mail: qadebayo@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-040