

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Betts and Wanyura
Report Number COA2018-057

Public Meeting

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

Ward: 12 – geographic Township of Ops

Subject: The purpose and effect is to request from Section 2.2.1 to permit the construction of a second floor on a single detached dwelling upon a lot that does not abut an improved street as defined.

The variance is requested at 89 Loon Street, geographic Township of Ops (File D20-2018-043).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-057 Juliette Betts and Grace Wanyura, be received;

THAT minor variance application D20-2018-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix 'C' of Report COA2018-057, which shall be attached to and form a part of the Committee's decision; and
- 2) **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 COA2018-057. Fulfillment of all conditions are required for the Minor Variance to be considered final and binding.

Background: On July 20, 2017, the Committee of Adjustment granted a variance on the subject property to permit the construction of a second floor to the existing single detached dwelling. The variance was to permit construction on a lot which does not abut an improved street. The owners were unable to fulfill condition 3 of the Committee's decision to complete the first building inspection within 1 year, and the variance has now lapsed.

The application was re-submitted and deemed complete July 6, 2018.

Proposal: To request relief from Section 2.2.1 to allow construction of a second floor addition to the 75.8 square metre (815.9 square foot) dwelling on a property that abuts and obtains access via an unassumed road where it is required to abut and obtain access via an improved street or existing private right-of-way.

Owners: Juliette Betts and Grace Wanyura

Applicant: Juliette Betts

Legal Description: Part Lot 2, Concession 2, Lot 20, Plan 260, Part 1, 57R-8835, Township of Ops, City of Kawartha Lakes

Official Plan: Waterfront – City of Kawartha Lakes Official Plan

Zone: Shoreline Residential (RS) Zone – Township of Ops Zoning By-law 93-30

Site Size: 980.5 square metres (0.2 acres) – Ivan B. Wallace Ontario Land Surveyors

Site Servicing: Private individual septic system and well

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Rural Residential
West: Lake Scugog

Rationale: Loon Street is divided into two sections at Honeyfield Lane. Honeyfield Lane is an assumed road (an improved street). The section south of Honeyfield Lane is a privately owned and maintained right-of-way. The section north of Honeyfield Lane is an unassumed road allowance under a limited service agreement with the City. All lots within Registered Plan 260, including the subject property abut and are accessed via the unassumed portion of Loon Street. Section 2.2 of the Zoning By-law permits the construction of residential buildings/structures

on lots that abut and obtain access via improved streets or existing private rights-of-way, but not unassumed roads.

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 part of an established shoreline residential neighbourhood consisting of seasonal and permanent dwellings on the east side of Lake Scugog. A newer rural residential subdivision has and is continuing to undergo construction to the east. The approximately 75.8 square metre (815.9 square foot) dwelling has existed since 1990 (MPAC). The lot has been in existence since 1951 when Plan 260 was created.

The proposal will not alter the use or existing road service requirements of the dwelling as it will continue to be used as a single detached dwelling. The proposal will also not increase the footprint of the building, with the exception of a new porch. The second storey is not anticipated to adversely impact the character of the neighbourhood in terms of massing as the dwelling is proposed to be approximately 18.4 metres from the front lot line and the lot slopes downwards from the road to the shoreline.

Based on the above, the variance is minor in nature and 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 "Shoreline Residential (RS) Zone" within the Township of Ops Zoning By-law 93-30.

The Zoning By-law permits development upon lots which abut improved streets or private right-of-ways that were in existence prior to the passing of the Zoning By-law. The intent of the Zoning By-law appears to be to permit development on properties where publicly or privately maintained vehicular access could reasonably be achieved. Reasonable access via this unassumed portion of Loon Street is demonstrated via the development and use of the shoreline residential lots north of Honeyfield Lane and the existence of a limited service agreement.

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 City's Official Plan permits residential uses and accessory buildings in the "Waterfront" designation. The subject property has an established shoreline residential use in the form of a single detached dwelling.

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 a private septic system and well.

Consultations:

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

Agency Comments:

Kawartha Region Conservation Authority (September 11, 2018): No concerns. A permit has been issued for the proposed works.

Public Comments:

No comments as of September 10, 2018.

Attachments:

Appendices A-D to
Report COA2018-057.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

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Department File: D20-2018-043