

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Blanche Hepburn**  
Report Number COA2019-002

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**Public Meeting**

**Meeting Date:** January 17, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis St., Lindsay

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**Ward: 3 – Former Village of Fenelon Falls**

**Subject:** The purpose and effect is to request relief from the following provisions in order to facilitate the requirements of a provisional condition of consent:

Retained Lot

1. Section 4.3.2(b) to reduce the minimum frontage requirement on Queen Street from 18 metres to 14.94 metres.

Severed Lot

1. Section 4.3.2(b) to reduce the minimum frontage requirement on Princes Street from 18 metres to 17.47 metres; and
2. Section 4.3.2(c)(i) to increase the minimum front yard setback from 7.6 metres to 15 metres in order to ensure that the development envelope on the parcel maintains a 30 metre setback from the limits of a wetland feature.

The variance is requested at 94 Queen Street and Part Lot 12 South Princes, West Colborne, former Village of Fenelon Falls (File D20-2018-064).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2019-002 Blanche Hepburn, be received;

**THAT** minor variance application D20-2018-064 be **GRANTED**, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the variance shall apply to the proposed severed and retained portions of the subject property.
- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-043, lapses.

**This approval pertains to the application as described in report COA2019-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** For Committee's information, on June 15, 2018, the Director of Development Services, as delegated by Council, granted provisional condition of consent to file number D03-17-043 to create an approximately 1,017 square metre vacant residential lot fronting on Princes' Street West and retain an approximately 871.4 square metres residential lot containing a single detached dwelling at 94 Queen Street.

Due to the change in the lot configuration of the individual parcels (the severed and the retained), a condition was recommended for the deficiency to be recognized through a minor variance application to permit a reduced lot frontage. The relief for the increased front yard setback was advised by the Kawartha Region Conservation Authority upon review of the consent application that determined the entirety of the subject lands is within 120 metres from the limits of a regulated wetland feature further east of the subject lands.

This application was deemed complete October 17, 2018.

**Proposal:** To recognize the deficiency in the reconfigured lot frontages for the newly created residential lot and for the retained residential lot respectively. And to ensure that the development envelope for the severed lot is setback 30 metres from the limits of a wetland feature.

**Owner:** Blanche Hepburn

**Applicant:** Gerald Hickson (Coe, Fisher, Cameron OLS)

**Legal Description:** 94 Queen Street, Plan 100 East, Part Lot 12, North Queen, and Part Lot 12 South Princes, West Colborne, Former Village of Fenelon Falls, City of Kawartha Lakes

**Official Plan:** Low Density Residential in the Village of Fenelon Falls Official Plan

**Zone:** Residential Type One (R1) Zone in the Village of Fenelon Falls Zoning By-law 89-25

**Site Size:** Retained Lot - 0.21 acres (871.4 square metres)  
Severed Lot - 0.25 acres (1,017.4 square metres)

**Site Servicing:** Municipal water and sanitary sewer systems

**Existing Uses:** Retained Lot - Residential

Severed Lot – Residential (Vacant)

Adjacent Uses: North & East: Residential, Vacant Residential Lands & Wetland  
South & West: Residential

**Rationale:**

**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 residential neighbourhood majorly composed of single detached dwellings. This ensures that the residential character of the neighbourhood is maintained.

Although there is a great degree of variation in the lot frontages along Queen Street and Princes' Street West respectively, all of the lots have the same depth. The proposed severed and retained lots maintain this depth. As such, no adverse impacts are anticipated to the established character of the neighbourhood by the reduction in lot frontages.

Observation from the site visit together with a mapping system desktop exercise shows that the front yard depth established by the residential buildings between 63 to 105 Princes' Street West averages out to approximately 16 metres going westward between John Street and Jordan Street respectively. This is considered complementary to the recommended development envelope (i.e. house, garage, or accessory structures) for the severed lot at 30 metres from the wetland limit which works out to approximately a minimum 15 metres front lot line setback (excluding a driveway).

As the recommended increment to the minimum front yard requirement has been determined by the Conservation Authority to not have any negative impacts in relation to the limits of the regulated wetland feature further east of the severed lot, the variances are 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 lands are zoned Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. The zoning by-law intends for residential development within the neighbourhood to occur in the form of single detached dwellings. The subject lands each comply with the 670 square metres minimum lot area requirement for the R1 Zone at approximately 1,017.4 square metres (severed) and 871.4 square metres (retained) respectively.

The proposed lots each have sufficient area to accommodate the two required parking spaces and there is sufficient rear yard amenity space available to comply with the setback and lot coverage requirements within the R1 Zone.

As the proposed severed and retained lots comply with all other R1 Zone provisions save and except lot frontage, it is appropriate recognize the deficiency while keeping with the corresponding zoning by-law requirement for compliance when there is a change in lot size.

Therefore, the variances maintain 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 Low Density Residential designation in the Village of Fenelon Falls Official Plan contemplates residential uses in form of single detached dwellings.

The lots to be severed and retained both meet the minimum density requirements of 1 dwelling unit per 666.66 square metres land. The proposal meets the general intent and purpose of the Official Plan.

In consideration of the above the variances maintain 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 on 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 – Chief Building Official (January 7, 2019): No concerns.

Engineering & Corporate Assets (January 8, 2019): No objections.

Community Services Department (January 8, 2019): No comments or concerns.

**Public Comments:**

No comments as of January 8, 2019.

## Attachments:



Appendices A-D to  
Report COA2019-002

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency comments

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**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2018-064