

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Vigh
Report Number COA2019-006

Public Meeting

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

Ward: 6 –Geographic Township of Verulam

Subject: The purpose and effect is from the following provisions in order to permit a cabin and shed:

1. Section 5.16 to permit a cabin on a lot that does not meet the area, frontage, and shoreline requirements of the A1 Zone. Relief is also requested from this provision to permit a cabin as an accessory use to a year-round dwelling rather than a seasonal dwelling,
2. Section 5.1.3(b) to permit two accessory buildings within the front yard; and
3. Section 19.2(h) to increase the maximum permitted lot coverage from 10% to 12.2%.

The variance is requested at 587 Scotch Line Road, geographic Township of Verulam (File D20-2018-068).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-006 Vigh, be received;

THAT minor variance application D20-2018-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-006, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variances 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 COA2019-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: There was an old cabin on approximately the same footprint as the new cabin under construction. The owner advises that the original intent was to renovate the old cabin, but it soon became evident that the building could not be salvaged and was demolished. A new cabin was in the process of being constructed without building permits when it was discovered by the Building Division. Through further review, staff determined that the shed within the front yard also required relief.

This application was last amended December 14, 2018.

Proposal: To recognize two accessory buildings (cabin and shed). The cabin is not proposed to contain washroom or kitchen facilities.

Owner: Susan Vigh

Legal Description: 587 Scotch Line Road, Part Lot 11, Concession 5, geographic Township of Verulam, City of Kawartha Lakes

Official Plan: Rural within the City of Kawartha Lakes Official Plan

Zone: Rural General (A1) Zone within the Township of Verulam Zoning By-law 6-87

Site Size: 1,458.65 square metres (15,700 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, West: Agricultural
East: Rural 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 a rural area where there is a small cluster of rural residential lots. This specific parcel is surrounded by agricultural and rural land to the west, south and north. The dwelling on the agricultural lot to the north is in close proximity to the north lot line. The rural residential lots are located to the east and about 130 metres south.

The subject property is surrounded on all sides by vegetative buffers, which effectively screen the property from the road and neighbouring lots. No adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

There is a garage, constructed in 1966, present at the front of the property. The dwelling is located close to the rear lot line at the highest point on the property. A cabin and shed are proposed to be recognized between the front wall of the dwelling and front wall of the garage.

The northern interior side yard contains a deck and functions as the primary amenity and recreational space since the rear yard is so shallow. Due to the placement of the dwelling and use of the northern interior side yard as a primary amenity space, the only yard of sufficient size that remains to accommodate accessory buildings of modest size is the front yard.

The accessory cabin and shed provide additional amenity and storage space on the lot without adversely impacting the function of the front yard, as they are located near the two interior side lot lines, leaving the centre of the front yard open. As the garage is between the road and cabin, only the highest portion of the cabin's east gable wall is visible from the road. Due to the extensive vegetation near and along the front lot line, the shed is not visible from the road.

The increased lot coverage does not impair the area of available landscaped amenity space or the appearance of the property.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

The Rural General (A1) Zone permits a variety of rural uses, including single detached dwellings. The A1 Zone sets lower setback requirements for smaller lots used for residential purposes, but does not adjust the maximum lot coverage requirement. On smaller residential properties, restricting the maximum lot coverage to 10% can restrict the ability to construct sufficiently sized residential buildings or structures. Lots with the R1 and LSR Zone categories permit a maximum lot coverage of 33%. Since the subject property is a small lot within the A1 Zone used for residential purposes, permitting a total coverage of 12.2% is a modest increase that is still much less than the higher coverages permitted on lots with a residential zone category.

While the A1 lot coverage provision is exceeded, the General Provisions sets a maximum coverage of 10% for accessory buildings. The proposal complies with the maximum lot coverage within the General Provisions as a total accessory building coverage of 5.18% is proposed. While the dwelling covers a modest 7% of the property in comparison to the 5.18% for the accessory buildings, the dwelling retains its visual prominence as the primary use and building on the property. The increase in coverage also maintains the intent of the zoning by-law to maintain adequate landscaped open space for amenity, service (i.e.

sewage system and well) and storm water infiltration. Therefore, it is appropriate to increase the lot coverage to permit the additional accessory buildings.

The General Provisions appear to have been written on the premise that only a property containing a seasonal dwelling should have a cabin, and that such property should only contain a cabin if the lot complies with the zone requirements for shoreline/lot frontage, and lot area of the zone category. However, properties that contain year-round dwellings that do not abut water may also benefit from a cabin, as has been demonstrated historically on this lot. While the lot does not comply with the current size and area requirements for a residential use within the A1 Zone, the cabin can be placed in a location that does not interfere with the function of the property or front yard and does not impact the character of the neighbourhood.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated Rural within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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 serviced by a private individual septic system, which is to be replaced by a holding tank and two wells, one of which is to be decommissioned to permit the placement of the holding tank.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (January 8, 2019): No concerns.

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

Building Division (January 7, 2019): No concerns. A building permit for the cabin is required.

Public Comments:

No comments as of January 8, 2019.

Attachments:



Appendices A-D to
Report COA2019-006.

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:	D20-2018-068