

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Hormoz Sherkat
Report Number COA2019-018

Public Meeting

Meeting Date: March 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Laxton

Subject: The purpose and effect is to recognize the location of a detached garage by requesting relief from Section 4.2(k) to reduce the minimum side yard setback from 1.3 metres to 1.2 metres.

The variances are requested at 159 Shadow Lake Road 3, geographic Township of Laxton (File D20-2019-010).

Author: David Harding, Planning II

Signature:

Recommendation:

Resolved That Report COA2019-018 Hormoz Sherkat, be received;

That minor variance application D20-2019-010 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **That** the owner shall carry out the final inspection and closure of the building permit file within six (6) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-018. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Background: The foundation control certificate for the garage confirmed that it had not been sited in accordance with the approved grading plan.

Proposal: To recognize the location of a 6.71 metre x 6.71 metre (22 feet x 22 feet) detached garage.

Owner: Hormoz Sherkat

Legal Description: Lot 10, Concession 11, Part of Lot 6, Plan 525, geographic Township of Laxton, City of Kawartha Lakes

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

Zone: Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

Site Size: 2,208 square metres (0.221 hectares)

Site Servicing: Private individual sewage system and river-based water supply

Existing Uses: Shoreline Residential

Adjacent Uses: North, East: Shoreline Residential
South, West: Gull River

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 subject property is situated within a shoreline residential neighbourhood situated upon a peninsula that sits between the Gull River and Shadow Lake. The subject property is bordered on two sides by the Gull River.

The land to the immediate east of the subject property is heavily vegetated with trees. The east side yard reduction for the garage is not anticipated to be perceptible.

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 Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83. The General Provisions permit a garage to be located within a front yard on a shoreline property provided it complies with the provisions of the RR2 Zone. In this case the RR2 Zone requires a 1.3 metre side yard setback from one side lot line, and 3 metres from the other. The intent of the zoning by-law is still maintained as the modest reduction in setback ensures there remains sufficient space along the eastern wall of the garage to perform maintenance.

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 Waterfront 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 sewage system and river-based water supply.

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 (March 7, 2019): No concerns.

Kawartha Region Conservation Authority (March 7, 2019): No concerns.

Public Comments:

No comments as of March 11, 2019.

Attachments:



Appendices A-D to
COA2019-018.pdf

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: D20-2019-010