

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Norman Howard
Report Number COA2019-020

Public Meeting

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

Ward: 3 – Former Village of Sturgeon Point

Subject: The purpose and effect is to request relief from the following provisions:

Construction of a One-half Storey Single Detached Dwelling

1. Section 5.2 c. to reduce the minimum front yard from 9 metres to 4.20 metres;

Addition to a Detached Garage

2. Section 3.1 b. to reduce the rear yard setback from 1.2 metres to 0.2 metres,
3. Section 3.1 c(i). to increase the accessory building lot coverage requirement from 8% to 8.4%; and

Total Lot Coverage Provision for the Single Detached Dwelling and Detached Garage

4. Section 5.2 f. to increase the maximum lot coverage requirement from 20% to 30% in order to permit the construction of a house and an addition to a detached garage.

The variances are requested at 14 Fifth Street, former Village of Sturgeon Point (File D20-2019-012).

Author: Quadri Adebayo, Planning II **Signature:**

Recommendations:

Resolved That Report COA2019-020 Norman Howard, be received;

That minor variance application D20-2019-012 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 and the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D1 and Appendix D2 submitted as

part of Report COA2019-020, 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 front yard setback will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
- 3) **THAT** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, and shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 4) **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 COA2019-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application proposes to replace an existing dwelling built circa 1910 (MPAC) with a new one, and to construct an addition to an existing detached garage (also built circa 1910 - MPAC) located in the rear yard.

The proposed development will increase the size of the buildings with a reconfigured footprint. This application was deemed complete on February 6, 2019.

Proposal: To construct an approximately 128 square metre (1,377 square foot) one-half single detached dwelling, and an approximately 50 square metre (538 square foot) detached garage.

Owner: Norman Howard

Legal Description: Part Lot 100, Plan 73, former Village of Sturgeon Point, City of Kawartha Lakes

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

Zone: Single Residential Type One (R1) Zone within the Village of Sturgeon Point Zoning By-law 339

Site Size: 0.15 acres (607 square metres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North, West, South and East: 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

One-half Storey Single Detached Dwelling

The subject property is situated in an established residential neighbourhood. Along this portion of Fifth Street, most of the dwellings are single storey, though the dwellings on the opposite side of Fifth Street are between 1.5 - 2 storeys. The majority of the dwellings are also situated close to the street.

The proposed construction will assist in the rehabilitation of an aged building and improve the amenity space in the northerly side yard and front yard respectively than what is currently established by the footprint of the existing dwelling.

Respecting the increased lot coverage, the massing is not anticipated to adversely impact the character of the neighbourhood as the proposed new building will continue to appear as a one-half storey, similar to the structural design that currently exists. Regardless of the closeness of the dwellings along Fifth Street to the road, the scale of the proposed built form is anticipated to present a modest change to the streetscape. As well, a reduced lot frontage is not anticipated to adversely impact the function of the travelled portion of the road.

Addition to a Detached Garage

The reduced rear yard relief accounts for the rear wall footprint established by the existing garage that is being renovated. The wall boundaries of the proposed addition will maintain compliant rear and interior side yard setbacks of 1.2 metres. The said yards are anticipated to sufficiently function as naturalization amenity space that can retain and infiltrate surface water run-off.

The residential lots in the neighbourhood typically have their accessory buildings located in the rear yard. The location of the detached garage as proposed is considered to be in conformity with the accessory use character of the immediate neighbourhood. The row of trees in the southerly interior side yard is also presumed to help minimize any visual impact that may result from the scale of the addition to the neighbouring property to the south.

As the proposed development has not been identified to pose spatial separation issues or any negative impacts to servicing, the variances are minor as well as desirable and appropriate for the use of the land.

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

One-half Storey Single Detached Dwelling

The existing building has a front yard setback of 4.1 metres while the new building is proposed to have a front yard setback of 4.2 metres. The 4.8 metre front yard relief from the minimum 9 metres required, proposed for the dwelling is not anticipated to impact its function as the scale of the reduction, if granted, is not anticipated to be perceptible.

The function of a front yard setback is to provide adequate spatial separation between the road allowance and dwelling for: road operations such as snow storage, maintaining sight lines for vehicles, separation between the road uses and residential uses, vehicular parking in the front yard, and landscaped open space for storm water infiltration. Sufficient space will remain within the side yards (which are compliant with the R1 Zone specifications) to facilitate access to the rear yard.

The majority of dwellings along Fifth Street were built in the early 1900s, and are located close to their respective front lot lines. The dwelling's increased coverage from approximately 17.3% to 21.7% in the same location is not anticipated to change the long-established sight lines as a height increment from 6.4 metres to 7.9 metres is still very well under the 11 metre maximum prescribed in the Zoning By-law.

Addition to a Detached Garage

The configuration of the proposed structure is directed away from any potential impact to existing servicing utility and has not been identified to pose any spatial separation issues. An increased lot coverage of 0.4% is also not anticipated to be discernible given that the proposed height will be less than the 5 metre maximum prescribed in the Zoning By-law at 3.6 metres.

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 Waterfront within the City of Kawartha Lakes Official Plan. Residential uses, along with accessory uses are anticipated within this designation.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the Waterfront designation. The proposed buildings will presumably maintain a low profile and blend with the natural surroundings.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

As of September 25, 2018, the applicant has initiated a septic system installation permit under the requirements of Part 8 of the Ontario Building Code based the proposed application. Therefore, the Part 8 Sewage Systems Supervisor has

determined that their comment will not be required in the Planning Report for the minor variance.

Servicing Comments:

The property will be serviced by a private individual 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 – Plans Examiner (March 7, 2019): No concerns.

Kawartha Conservation Authority (March 7, 2019): No objection to the proposed variances provided construction proceeds as per the plans permitted under their permit. See comments.

Public Comments:

No comments as of March 12, 2019.

Attachments:



Appendices A-E to
Report COA2019-020

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Elevation Drawings
- Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-012