

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Yi Xu

Report Number COA2019-041

Public Meeting

Meeting Date: July 18, 2019

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 7 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following zone provisions in order to permit the construction of two-storey detached dwelling thus:

1. Section 3.11.1 to reduce the minimum lot area requirement for a buildable undersized lot from 930 square metres to 503 square metres;
2. Section 14.2.1.3(a) to reduce the minimum front yard requirement from 7.5 metres to 2.1 metres;
3. Section 14.2.1.3(b) to reduce the minimum interior side yard requirement from 2.3 metres to 1.3 metres;
4. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres; and
5. Section 3.1.4.1(c) to increase the maximum yard projection for an unenclosed deck from 1.5 metres to 3.1 metres.

The variances are requested at 53 Marsh Creek Road, geographic Township of Mariposa (File D20-2019-028).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-041 Yi Xu, be received;

That minor variance application D20-2019-028 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 related to this approval shall proceed generally in accordance with the sketch in Appendix C1 and elevations in Appendix D submitted as part of Report COA2019-041, 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** part of the Building Permit process, the owner shall obtain all necessary permits required to complete the sewage works. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer a Sewage System Permit issued for the proposed dwelling; and
- 3) **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 COA2019-041. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The proposal seeks to replace an existing 69.5 square metre (747.82 square foot) 1-storey house built circa 1956 (MPAC) with a 2-storey house of approximately 258 square metres (2,776.1 square foot) that comprises an open deck at the rear of the property. The replacement house is to be developed on a reconfigured footprint closer to the road and further from the water than the footprint of the existing house.

This application was deemed complete May 30, 2019.

Owner: Yi Xu

Applicant: Y + S International Design

Legal Description: Part Lot 23, Concession C, geographic Township of Mariposa, now City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone in the Township of Mariposa Zoning By-law 94-07

Site Size: 503 square metre (5,412.3 square feet)

Site Servicing: Private individual well water system and sewage holding tank

Existing Uses: Residential

Adjacent Uses: North: Marsh Creek Road, Agricultural
South: Lake Scugog (Environmental Protection Zone)
East: Residential, Lake Scugog
West: Residential, Agricultural

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 proposed dwelling will translate into an improvement of a 63-year old building with a larger footprint which is not anticipated to detract from the established shoreline residential neighbourhood.

Regarding the relief being sought for the reduced lot area, it is evident that the property is an existing lot of record. As such, the undersized nature of the lot is not anticipated to be discernible as the applicant has been able to demonstrate that the property can be adequately developed, by ensuring that the replacement building would maintain a footprint configuration comparable to other two-storey dwellings along Marsh Creek Road.

Consequently, the reduced water setback and the reduced interior side yard setback are not anticipated to impact their function as the yards will still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. As well, with Lake Scugog being an environmental protection zone (EP Zone), the 15 metre water setback relief meets the minimum setback allowed from an EP Zone. Therefore, no negative impacts are anticipated.

Likewise, the increased projection of the proposed deck is neither anticipated to limit the functioning of the rear yard nor the westerly interior side yard, as the footprint will be rounding out the rear wall limits and westerly wall limits of the proposed dwelling.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential dwellings. This is capacitated by the elaborate depth that exists between the edge of the road allowance and the front lot line (approximately 4 -5 metres). An observation from site visit also suggests that the proposed reduction in front yard depth together with the increased building height will not be discernible at human scale given that the gradient of the road that sits on a higher elevation than the property.

Overall, notwithstanding the anticipated reduction in the front yard depth, the footprint of the proposal will ensure that sufficient driveway surface is available on the easterly side yard outside of the road allowance for parking.

Based on the above analysis, the variances are considered 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

The general provisions within Section 3.11 of the Zoning By-law ensure that development on existing undersized lots may occur provided that the lot meets

a minimum area and frontage requirement. The lots along Marsh Creek Road were created and built upon prior to the former Township of Mariposa's endorsement of its first zoning By-law in 1978. Most of these lots have insufficient area to comply with Section 3.11. Proposals on lots which cannot meet those provisions are to be evaluated through a Planning Act application on their own merits. The proposal will be improving the property with a newer dwelling and will ensure the on-site two (2) parking space requirement is met in conformity with the By-law.

The 15 metre relief from the 30 metres allowed from the water, the 1.6 metre additional deck projection over the 1.5 metre allowed into the rear yard, and the 1.3 metre relief from the 2.3 metres allowed for the interior side yard are not anticipated to impact their function as the scale of reductions, if granted, are not anticipated to be perceptible. Same can be said of the front yard relief. A 5.4 metre reduction in the front yard setback is not anticipated to be noticeable due to the existing buffering between the edge of the road and front lot line of the property.

Although the proposal will be maximizing the overall lot coverage provision of 30%, the applicant has reasonably demonstrated that it is possible to develop the undersized lot by not fully utilizing other aspects of their zoning provision privileges – such as a 8 metre building height from a possible 11 metre maximum, and a compliant easterly interior side yard of 3.4 metres where a 3 metre minimum is allowed.

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 (OP). The designation anticipates residential uses within the Waterfront designation.

Policy 3.11 provides for the redevelopment of existing lots of record where there is insufficient lot area to accommodate a 30-metre water setback provided that there is no alternative to the expansion or reconstruction and in no case shall the said development, be less than 15 metres to the high water mark.

Given that there would be an improvement in the existing 9 metre water setback situation, permitting a setback of 15 metres from the water/EP zone, an increased deck projection of 1.6 metres, an interior westerly side yard setback of 1.3 metres, and a front yard setback of 2.1 metres is considered acceptable as they still enable functional amenity and naturalization space.

In addition, Policy 20.3.6 contemplates that development shall be compatible with the surrounding character and not result in adverse environmental impacts. This has been demonstrated with a building design that is not anticipated to detract from the established shoreline residential neighbourhood and having an increased water setback.

Considering the above, the variances for the dwelling is anticipated to maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

None at this time.

Servicing Comments:

The property is serviced by private individual well water system and sewage 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:

Building Division – Plans Examiner (July 4, 2019): No concerns.

Building Division – Sewage System Program (July 4, 2019): No objection to the proposed minor variance. See comments.

Public Comments:

None received as of July 5, 2019.

Attachments:

A pdf document is embedded into this document. Please contact Quadri Adebayo, Planner II at 705-324-9411 extension 1367 to request an alternative format.



Appendices A-E to
Report COA2019-041

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C1 – Applicant's Sketch – Proposed
Appendix C2 – Applicant's Sketch – Existing
Appendix D – Elevation Drawings
Appendix E – Department and Agency Comments

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Department File:	D20-2019-028