

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Duncan and Edwards
Report Number COA2019-045

Public Meeting

Meeting Date: July 18, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 5.2(f) to increase the maximum lot coverage requirement from 30% to 32% in order to permit the construction of a one-half storey detached dwelling with an attached garage.

The variances are requested at William Street, former Village of Bobcaygeon (File D20-2019-032).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-045 David Duncan and Susan Edwards, be received;

That minor variance application D20-2019-032 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 C and elevations in Appendix D submitted as part of Report COA2019-045, 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** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits from Engineering. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from Engineering advising that the Municipal Service Connection Application process has been initiated and/or completed to its satisfaction; 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 COA2019-045. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>The subject property was created by consent in 1999 with a condition for the newly created lot to obtain relief through the minor variance process.</p> <p>On April 17, 2000 Committee granted a decision that established the building envelope for the subject property through minor variance file A2/2000 at a minimum water setback of 8.5 metres and a minimum front yard depth of 6.1 metres respectively.</p> <p>A subsequent consent approval (D03-17-018) was granted by the Director of Development Services on November 8, 2017 for a lot addition to the south side in order to enable a suitable buildable envelope whilst accounting for the a 3 metre wide drainage easement in favour of the City to replace the existing 1 metre wide easement on the north side of the property used to convey the City's storm water drainage from William Street. This was followed by Committee's decision on November 30, 2017 that recognized a minimum lot frontage of 13 metres for the subject property due to the lot configuration through minor variance file D20-17-011.</p> <p>As the inherent lot coverage provision of the Urban Residential Type One (R1) Zone still applies within the approved building envelope, the applicant is seeking relief to build a dwelling with an attached 2-car garage instead of a 1-car garage that was contemplated. The proposed structure is to be contained within the approved building envelope.</p> <p>This application was deemed complete June 19, 2019.</p>
Proposal:	To construct an approximately 225.6 square metre (2,427.5 square feet) one-half storey dwelling comprising of an attached garage.
Owners:	David Duncan and Susan Edwards
Applicant:	David Duncan
Legal Description:	Part Lot 16, 6 th Range, Plan 70, Parts 1 & 2 of 57R-8434 and Part 1 of 57R-10649, former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban within the County of Victoria Official Plan

Zone: Urban Residential Type One (R1) Zone in the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 564 square metres (6,068.6 square feet)

Site Servicing: To be connected to municipal water and sewer services

Existing Uses: Vacant

Adjacent Uses: North: Residential, William Street
South: Residential, Bobcaygeon River
East: Snake Point Road, Residential
West: Bobcaygeon 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 proposed increment in maximum lot coverage requirement accounts for the intrinsic physical size of the property and the available building envelope. A modest sized structure is being proposed in the form of a one-half storey design which appears to be able to fulfill the density requirements per the zoning provisions. Also, the proposed house will be improving a vacant lot with an infill development which will be connected to full municipal water and sewer services. Therefore, no negative impacts are anticipated.

The proposed massing also appears to be complimentary with the prevailing residential character of the neighbourhood. Therefore, in terms of scale, no adverse land use compatibility issues are anticipated.

The relief requested for the dwelling is not anticipated to impact the function of the side yards as the footprint of the structure will be wholly contained inside the approved building envelope. Thus, sufficient space will remain in the side yards for maintenance and drainage purposes that would also facilitate access to the rear yard from the front yard accordingly.

Based on the above analysis, the variance is considered minor as well as desirable and appropriate for the use of the land.

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

Section 6.2 of the Village of Bobcaygeon Zoning By-law ensures that a review is done when development is proposed upon undersized lots to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing approximately a 5.2 metre building height from a possible 11 metre maximum, side yards of 2.2 metres and 3.3 metres respectively on both sides where 2.2 metres minimum is required on either side, the applicant has reasonably demonstrated that it is possible to develop the lot.

As the requested variance recognizes the existing situation established by the building envelope granted April 17, 2000, the variance maintains the general intent and purpose of the Zoning By-Law.

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

Yes

As the Urban Settlement Area designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan applies. The Urban designation predominantly anticipates low density residential uses, which can be accessed from major streets, and supported by adequate servicing.

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

Other Alternatives Considered:

Servicing Comments:

The property will be developed 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 – Plans Examiner (July 4, 2019): No concerns.

Public Comments:

None as of July 4, 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 COA2019-045

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:	D20-2019-032