

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – L'Estrange
Report Number COA2019-053

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to request relief from Section 4.3.5.12(b)(iii) to reduce the minimum side yard requirement from 4 metres to 3 metres on one side of the lot (north side) in order to permit the replacement of a single storey dwelling with a two-storey dwelling.

The variance is requested at 43 Knox Crescent, former Village of Fenelon Falls (File D20-2019-037).

Author: Samantha Willock, Student Planner **Signature:**

Recommendations:

Resolved That Report COA2019-053 Nancy and John L'Estrange be received;

That minor variance application D20-2019-037 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 substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-053, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the current storage shed located in proximity to the water setback be completely removed from the property or relocated elsewhere on the property in a compliant manner;
- 3) **That** prior to the issuance of a Building Permit for the dwelling, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) which demonstrates that the proposed dwelling is appropriate for the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the proposed dwelling meets KRCA policies regarding the flooding hazard associated with Cameron

Lake, and that the permitting process has been initiated to its satisfaction;
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 COA2019-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application is proposing to replace an existing single-storey detached dwelling built circa 1940 with a two-storey detached dwelling. The replacement dwelling is proposed to maintain most of the existing building footprint (8 metre by 9 metre) with a slight expansion at 9.76 metre by 9.76 metre). The application was deemed complete July 9, 2019.

Proposal: To construct an approximately 190.50 square metre (2,049.78 square foot) two-storey detached dwelling that comprises a front porch with stairs and covered deck with stairs at the rear of the building. The proposed dwelling is to replace an existing 72 square metre (774.72 square foot) house on a reconfigured footprint.

Owners: Nancy and John L'Estrange

Applicant: Nancy L'Estrange

Legal Description: Lot 8, Plan 194 and Part Lot 18, Plan 17, Part Water Street, Plan 100, Part 8, 57R-4644, South Louisa, former Village of Fenelon Falls, now City of Kawartha Lakes

Official Plan: Low Density Residential in the Village of Fenelon Falls Official Plan.

Zone: Residential Type One Exception 12 (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-25

Site Size: 1,479 square metres (0.36 acres)

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
West: Cameron Lake

East: Right-of-Way (Knox Crescent), Garage, County of
Victoria Rail Trail

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 lot is within a shoreline residential neighbourhood that is occupied by seasonal and permanent dwellings. Most of the properties in this area contain a single detached dwelling west side of the right-of-way with their accessory detached garage located on the east side of the right-of-way.

The new cottage is being built on the same footprint of the existing cottage would not extend the existing deficiency in the part of the yard where relief is being sought. The small reconfiguration proposed to the existing building footprint will not be discernible and the character of the neighbourhood will not be altered. The second storey fits with the character of the abutting dwellings. The new cottage will not change the view of the lake that is currently there as there are no backlot dwellings on the east side of Knox crescent.

The dwellings on both sides of the property (north and south respectively) are two-storey dwellings of approximately the same size and lot layout as the proposed development.

Maintaining the side yard setback at 3 metre is not anticipated to have any impact on the abutting properties as the proposed additional storey will not create shadows in the neighbouring yards.

The proposal is an appropriate use of the land as the property is much deeper than it is wide. In order to conform to water setbacks and provide spacing for the well, the dwelling footprint was extended towards the sides of the lot to provide a functional dwelling size that can adequately fit within the irregular and undersized lot configuration

Given the above analysis, the variance is considered desirable and appropriate for the use of land and minor in nature.

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

Yes

The lot is zoned Residential Type One Exception Twelve (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-12. Within the R1-12 Zone category, a single detached dwelling is permitted.

The interior side yard mainly serves as access between the front and rear yards. The proposed 3 metres is sufficient space for this function and for maintenance purposes.

The interior side yard setback also serves as a privacy barrier between the abutting properties. Due to the large hedges on the sides of this property, no land use compatibility or privacy issues are anticipated. The abutting properties also have dwellings built close to the side yard setbacks due to the layout of the property.

In all other respects, the proposal upholds other zone provisions for height, water setback, and setback from the right-of-way

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 Low Density Residential within the Village of Fenelon Falls Official Plan. Predominantly single detached housing forms are anticipated within this designation. The immediate neighbourhood is comprised of single-detached dwellings. The variance meets the policy direction of the Official plan, thus maintaining 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 well and septic system.

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 Comments (August 1, 2019): No concerns

Engineering and Corporate Assets Department (August 2, 2019): No objections.

- Kawartha Conservation - KRCA(August 2, 2019): KRCA advised that most of the property is located within the flooding hazard of Cameron Lake. And that under KRCA policies the approval for a residential replacement within a flooding hazard that would result in an increase in dwelling size may be permitted subject to the applicant being able to demonstrate the following:
- The dwelling will not be subject to flows that could cause structural damage;
- An improvement in the existing dwelling will occur with respect to flood proofing of the structure;
- The dwelling (including any crawlspace) will be flood proofed to an elevation of 0.3 metre above the regulatory flood elevation in accordance with our flood proofing standards (cottage must be at a minimum elevation of 256m/ASL). KRCA requests to be circulated a lot grading and drainage plan which will show how the dwelling will be flood proofed 0.3m above the regulatory flood elevation;
- No basement is proposed; and

- Access (ingress/egress) conditions are “dry” where this standard can be practically achieved, or flood proofed to an elevation which is practical and feasible, but no less than safe.

Public Comments:

No comments received as of August 7, 2019.

A pdf document is embedded into this document. Please contact Samantha Willock, at 705-324-9411 extension 1883 to request an alternative format.

Attachments:

Appendices A-E to
COA2019-053.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

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Department File:	D20-2019-037