

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Cross

Report Number COA2019-061

Public Meeting

Meeting Date: October 17, 2019

Time: 1:00 pm

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

Ward 1 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from:

1. Section 13.2.1.1(b) to reduce the minimum lot area from 2000 square metres to 1909 square metres for the proposed lot to be retained,
2. Section 13.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 5.3 metres in order to permit a deck; and
3. Sections 13.2.1.3(e) and 3.18.1.1(a) to reduce the minimum water and EP Zone setbacks from 15 metres to 12.7 metres in order to permit a deck.

The variance is requested at 126, 130-131 Maple Avenue, geographic Township of Bexley (File D20-2019-044).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-061 Elizabeth Cross be received;

That minor variance application D20-2019-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the deck construction and lot creation related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally submitted as part of report COA2019-061, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the reliefs sought shall apply solely to the proposed retained parcel identified in consent application D03-2019-027; and
- 3) **That** if the related provisional consent decision for application D03-2019-027 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-061. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On October 3, 2019, the applicant agreed to the staff proposed conditions of provisional consent to re-separate two shoreline residential lots which had merged on title. The Director of Development Services will be issuing the provisional consent decision shortly. Through the review of the consent application, it was determined that the distance between the shoreline/lot line and the southern corners of the new deck was underrepresented in the building permit application. A variance application was recommended in the staff report as a condition of provisional consent.

This minor variance application was deemed complete September 13, 2019.

Proposal: This proposal seeks the necessary zoning relief from the minimum lot area, front yard, and water setback provisions to facilitate the severance through consent application D03-2019-027.

Owners: Elizabeth Cross

Applicant: Brian Parker, Gowling WLG (Canada)

Legal Description: Part of Block A, Plan 187, geographic Township of Bexley, now City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: Proposed Severed – 2,410 square metres
Proposed Retained – 1,909 square metres

Site Servicing: Private individual well and sewage system.

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Balsam Lake
East, West: Shoreline 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

The subject property is located within a shoreline residential neighbourhood composed of seasonal and year-round dwellings. Each dwelling is independently serviced. The variances, if granted, will permit the re-separation of two dwellings and recognize an existing deck attached to the dwelling on the proposed retained lot.

The variances pertaining to the deck will recognize an established amenity space area.

The variances are minor in nature and 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 subject property is zoned Limited Service Residential (LSR) Zone in the Township of Bexley Zoning By-law 93-09. The LSR Zone requires a minimum lot area of 2,000 square metres. The proposed severed lot complies with this requirement. The proposed retained lot falls slightly short, but is of sufficient size to contain a self-sufficient residential use as is evident through the residential use that was established prior to the merger.

The deck and dwelling are at an angle to the shoreline. Only some of the southernmost portions of the deck, which is primarily curved instead of angular, are within the water and EP Zone setbacks. The site geography and vegetation present along the shoreline and in-between abutting lots gives the deck the appearance of a structure set back further from the water than it is in actuality.

As there is filled land between the property and the shoreline which is currently used as yard amenity space by the subject property but owned by Parks Canada, the rear yard setback does not truly represent the proximity to today's shoreline.

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. Within the Official Plan, residential uses are anticipated and the property does contain two dwelling units, which are proposed to be separated from one another.

The Official Plan does not provide specific provisions to address situations where lots have consolidated through a change in title, but does allow through Policy 33.3 for the size of any parcel of land created by consent to be appropriate for the proposed uses and the services available. As this proposal

re-creates two previously existing lots, which are already developed on separate sewage systems and water supplies, this application does not offend the required criteria.

Additionally, the proposed development, with the assistance of vegetation, creates a low profile which does not generate adverse massing impacts along the shoreline.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

Each dwelling is serviced by a lake-based water supply 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 (October 7, 2019): No concerns.

Engineering and Corporate Assets Department (October 8, 2019): No concerns.

Public Comments:

No comments received as of October 9, 2019.

Attachments:



Appendices A-D to
Report COA2019-061.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-044

to

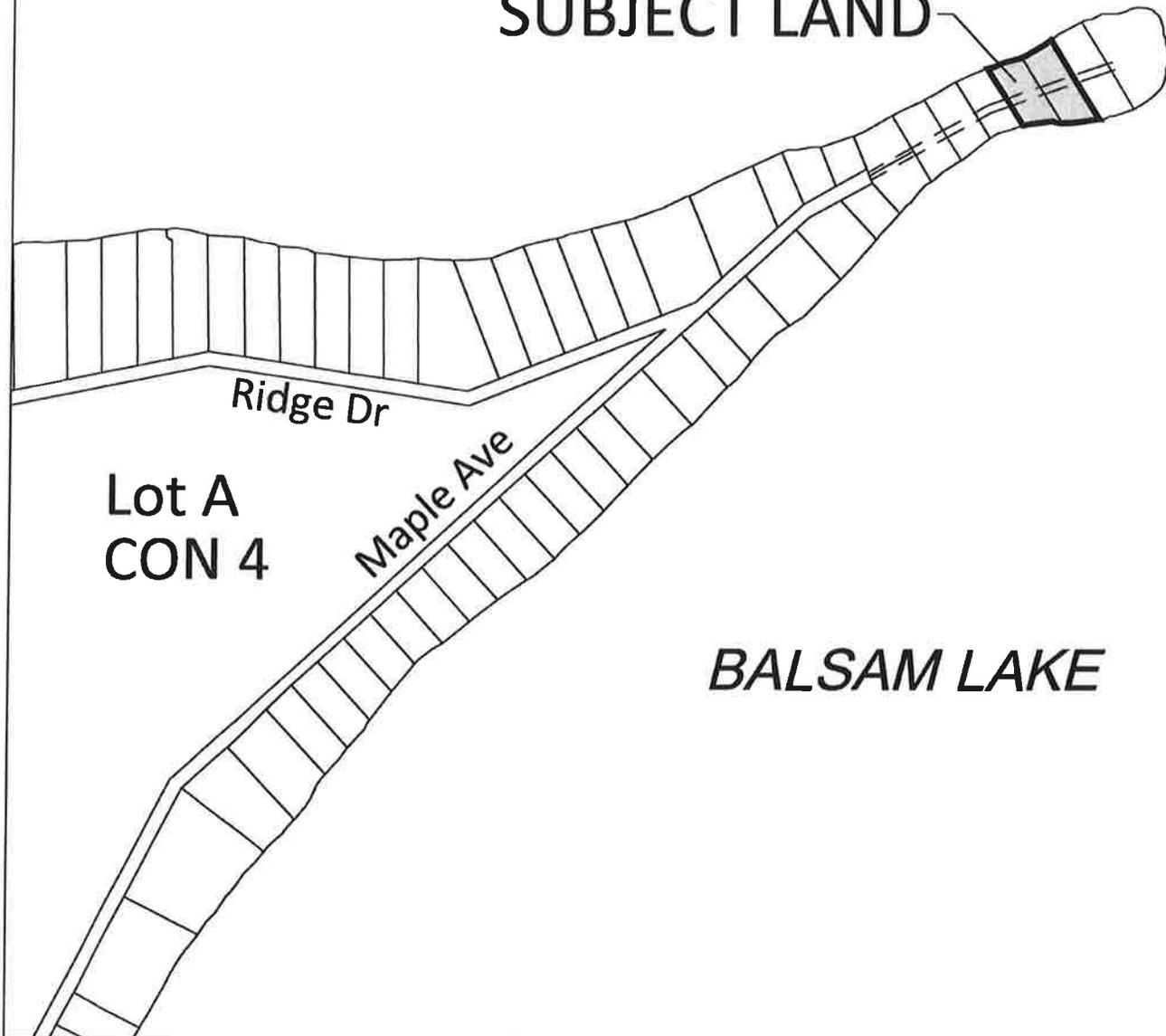
REPORT COA2019-061

FILE NO: D20-2019-044

Geographic Township of Bexley



SUBJECT LAND



**Lot A
CON 4**

BALSAM LAKE



Subject Property

Balsam Lake

0.17 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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This map is a user generated static map output and is for reference only. data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " B "
to
REPORT COA2019-061
FILE NO: D20-2019-044

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:40 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-044

APPENDIX " D .
to
REPORT COA 2019-061
FILE NO. D20-2019-044

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:01 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-044 - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:09 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 D20-2019-044 - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on June 27, 2019, Engineering provided a review on D03-2019-027 noting that we have no objection to the proposed Consent.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-044
126 Maple Avenue
Part Block A, Plan 18
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief:

1. to reduce the minimum lot area from 2000 square metres to 1909 square metres for the proposed lot to be retained, and
2. to reduce the minimum front yard from 7.5 metres to 5.3 metres and
3. to reduce the minimum water and EP Zone setbacks from 15 metres to 12.7 metres in order to permit a deck.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca

