

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Quinn**

Report Number COA2020-032

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### **Public Meeting**

**Meeting Date:** September 17, 2020

**Time:** 1:00 pm

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

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### **Ward: 1 - Geographic Township of Bexley**

**Subject:** The purpose and effect is relief from Section 7.2.1.3 (a) to reduce the minimum front yard setback from 30 metres to 10.63 metres in order to permit the construction of a new single detached dwelling.

The variance is requested at 106 French Settlement Road, geographic Township of Bexley (File D20-2020-030).

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**Author:** Kent Stainton, Planner II

**Signature:**



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### **Recommendations:**

**Resolved That** Report COA2020-032 Quinn, be received;

**That** minor variance application D20-2020-030 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketches in Appendices C-E submitted as part of Report COA2020-032, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; 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 COA2020-032. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The proposal involves the replacement of previously demolished 1.5 storey farmhouse with a new single detached dwelling with a walkout basement, two-car garage, carport, enclosed porch and unenclosed deck.

This application was deemed complete on August 21, 2020.

**Proposal:** To construct a new 289.67 square metre (3118 square feet) single detached dwelling with walkout basement, attached two-car garage, carport, a 32.70 square metre (351.98 square feet) unenclosed deck and an enclosed porch.

**Owner:** Gary Quinn

**Legal Description:** 106 French Settlement Road, Part of Lot 8, Concession 8, geographic Township of Bexley, City of Kawartha Lakes

**Official Plan:** Rural with Significant Woodlands and Provincially Significant Wetlands within the City of Kawartha Lakes Official Plan (2012)

**Zone:** Rural General (RG) and Environmental Protection (EP) Zones within the Township of Bexley Zoning By-law 93-09

**Site Size:** 36.72 hectares (90.73 acres)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Vacant Lot

<b>Adjacent Uses:</b>	North:	Rural Residential, woodlots
	South, East:	Woodlot, open field
	West:	Rural residential, horse paddock

**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 situated in a rural area east of Bexley. A small number of residences are present with woodlots dominating the landscape. Smaller pasturelands are present in the area with evidence of historical agricultural use on several of the neighbouring lots including a small horse paddock on the lot to the west. The open field to the east of the proposed dwelling, which adjoins to the neighbouring lot to the north may have been used for horse riding in the past. The vast majority of the near 37 hectare property is comprised of dense,

deciduous woodlands to the east and south. There is a single detached dwelling on the lot to the north.

The subject lands are relatively flat in the northwest corner where the dwelling is proposed before sloping considerably to the southeast. The location once contained a 1.5 storey farmhouse, which was recently demolished as a result of age and poor condition. The sloping woodlands terminate at wetlands identified as Provincially Significant by the Ontario Ministry of Natural Resources and Forestry approximately 41 metres from the limit of the proposed development. In an effort to minimize tree removal as well as the costly placement of fill, the proposed location on the northwest corner of property is the most logical destination for the dwelling. One of the large Manitoba Maples present on the western lot line will be removed in order to facilitate the new driveway for the dwelling. The environmental and topographical constraints relegate the placement of the dwelling to the footprint identified within the application.

With woodlot dominating the subject lands, the lot essentially functions as an oversized rural residential lot. While a 30 metre front yard setback is required within the Rural General zone category, the proposed reduction of 19.37 metres is relatively imperceptible given both the previous setback of the old farmhouse at 7.92 metres and the dwelling to the north with a similar front yard setback. French Settlement Road is an unpaved, local road with limited usage; the 7.5 metre setback of any of the rural residential zones would suffice in this neighbourhood. There are no anticipated impacts to traffic or sightlines as a result of the location of the dwelling.

Front yard amenity space is maintained with the proposed location of the dwelling. A wrap-around porch provides an opportunity to utilize the front yard space; however, the covered porch and unenclosed decks to the rear of the dwelling are anticipated to draw most of the entertainment. Accordingly, the open deck is located on the south side of the dwelling in order to maintain privacy and minimize disturbances.

The overall design of the single detached dwelling resembles a country bungalow. The wood siding coupled with the gables containing cedar shakes help maintain the character of the overall neighbourhood. The two-car garage and carport provide additional amenity and storage space on the lot without adversely impacting the function of the front yard. Due to the extensive woodlands to the south and east of the dwelling, the entire development is not visible from French Settlement Road south of the woodlands.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

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

The subject property is zoned Rural General (RG) and Environmental Protection (EP) Zones within the Township of Bexley Zoning By-law 93-09.

The Rural General (RG) Zone permits a variety of rural uses, including single detached dwellings. The intent of the front yard setback is to provide separation between the road and residential uses; however, French Settlement Road receives low traffic for a Local Road and the proposed 10.63 metre setback maintains a substantial front yard-to-road interface with no anticipated land use compatibility or massing issues resulting from the construction of the dwelling. In fact, the 10.63 metre setback is greater than the 7.92 metre front yard setback of the previously existing dwelling and is located further from the front lot line than the adjacent single detached dwelling on the abutting parcel to the north (110 French Settlement Road).

As previously mentioned, the presence of the environmental constraints and associated Environmental Protection zone renders the lot essentially an oversize rural residential zone. Kawartha Conservation has attended the site, delineated the limit of the wetlands and issued a permit (Permit # 2020-043) for the proposed development including the associated septic system. The carport feature represents the closest level of encroachment to the limit of the wetland feature at a substantial 41.59 metres. The situation of the dwelling acknowledges the sloping topography towards the feature and the presence of the edge of the woodlot by minimizing encroachment. Potential impacts to the wetlands are negated by seeking the reduced front yard setback, as the otherwise necessary placement of fill and subsequent grading is avoided.

Therefore, the variances maintain the general intent and purpose of the Zoning By-law.

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

**Yes**

The property is designated Rural within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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

**Other Alternatives Considered:** No alternatives have been considered at this time.

**Servicing Comments:** The property is serviced by private water and private 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 (September 8, 2020): No Concerns

**Public Comments:** No comments have been received as of September 9, 2020.

**Attachments:**



Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Elevation Drawings (Front & Rear)  
Appendix E – Side Elevation Drawings  
Appendix F – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-030

**D20-2020-030**

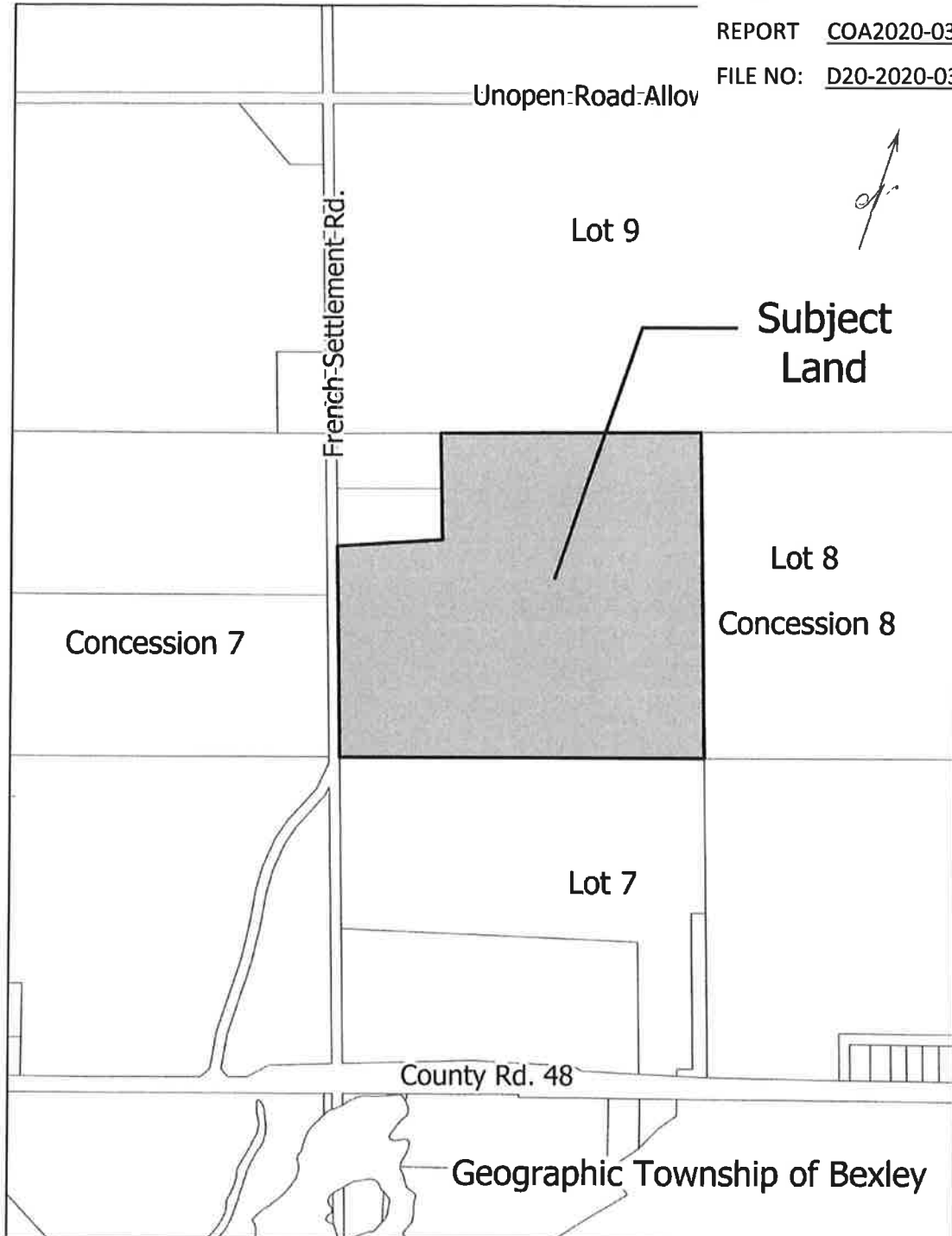
APPENDIX " A "

to

REPORT COA2020-032

FILE NO: D20-2020-030

Unopen:Road:Allov



County Rd. 48

Geographic Township of Bexley

# 106 French Settlement Road, Geographic Township of Bexlev



0.45

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

## Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☒ Road Centreline (2016 Needs
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

## Notes

Notes

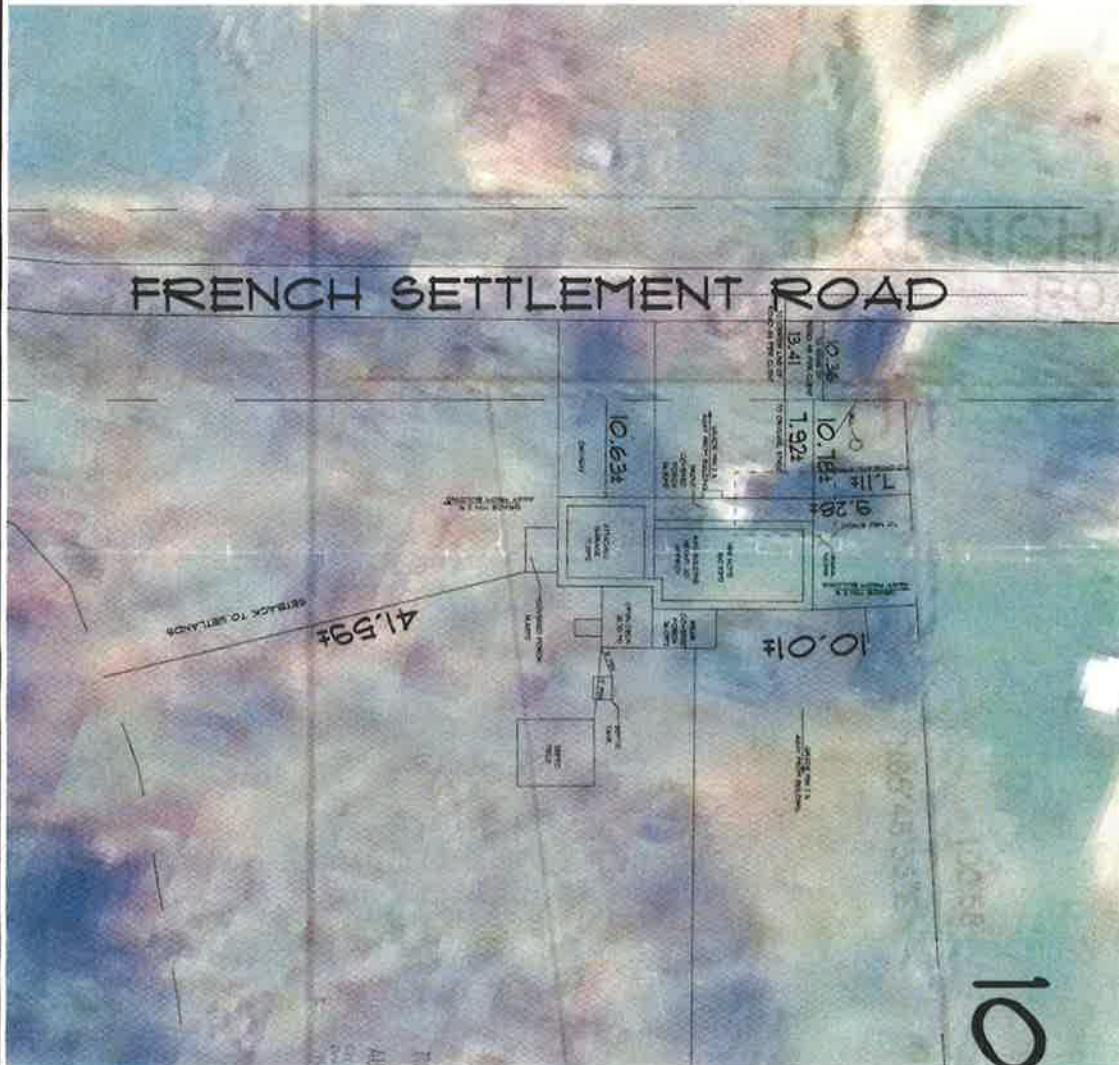
APPENDIX " B "

to

REPORT COA2020-032  
FILE NO: D20-2020-030



to  
REPORT COA2020-032  
FILE NO: D20-2020-030



# PROPOSED ENLARGED SITE PLAN

ZONE

**BITE LOCATION:**  
ADD, 106 French Settlement Road  
City of Klamath Falls  
Ephraim, OR

GENERAL NOTE:  
ALL CRIMINAL VIOLATIONS TO BE SUBJECTS OF  
CRIMINAL AND CIVIL RIGHTS TO BE  
CONSIDERED. ALL VIOLATIONS ARE TO  
BE REPORTED TO THE APPROPRIATE  
AGENCY.  
THE SUBJECTS ARE TO BE  
ALL CRIMINAL VIOLATIONS TO BE  
CONSIDERED. ALL VIOLATIONS ARE TO  
BE REPORTED TO THE APPROPRIATE  
AGENCY.

**HALLERSTON, ONTARIO  
PROTESTERS  
Mortgaged Landmark**

**HIGHLAND DESIGN**  
*Architecture • Design • Construction*



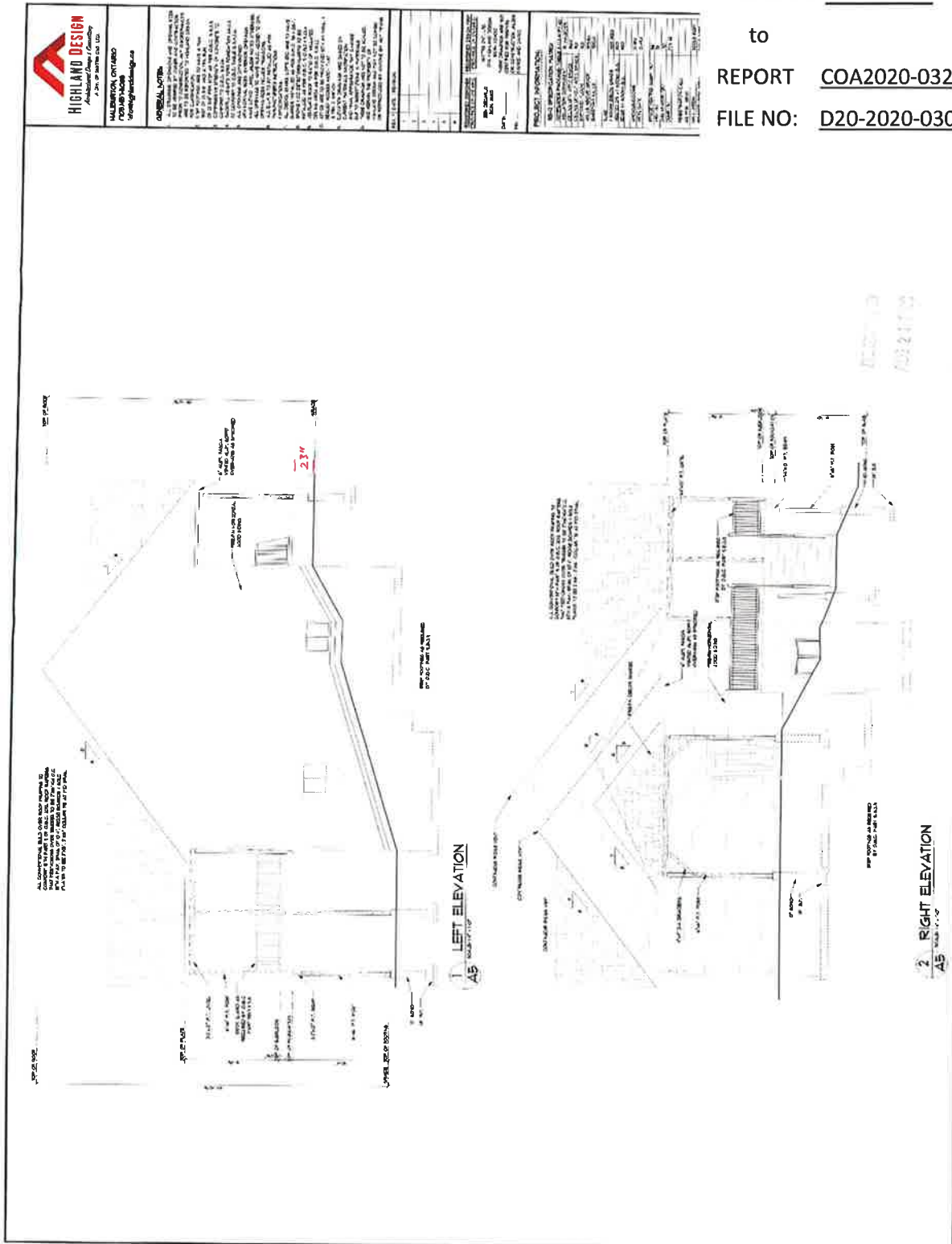
NEW HOME

52





to  
REPORT COA2020-032  
FILE NO: D20-2020-030



## Kent Stainton

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**From:** Derryk Wolven  
**Sent:** Tuesday, September 8, 2020 2:07 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-030

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

APPENDIX " F "  
to

REPORT COA2020-032

FILE NO. D20-2020-030

Building Division has no concerns with the above noted application.

### Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

