

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Marty Sheehey
Report Number COA2020-027

Public Meeting

Meeting Date: September 17, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 –Geographic Township of Somerville

Subject: The purpose and effect is to request relief from the following zone provisions in order to construct a single detached dwelling on the property:

1. Section 3.3.6(a) to reduce the minimum lot area from 1,100 square metres to 815 square metres; and
2. Section 3.2(i) to decrease the minimum dwelling unit floor area from 60 square metres to 57.4 square metres.

The variances are requested at Lot 10, Plan 104, geographic Township of Somerville (File D20-2020-023).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2020-027, be received;

That minor variance application D20-2020-023 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 sketch in Appendix C submitted as part of Report COA2020-023, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2020-027. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant proposes to construct a slightly undersized dwelling on the undersized property.

The property underwent a site-specific zoning by-law amendment process in 1993 (file P06-34-085), which changed the zone category from open space (now known as environmental protection) to its present zone category. However, the incorrect area was represented.

This application was deemed complete July 10, 2020.

Proposal: To recognize the size of the lot and to permit a one storey dwelling with a 57.4 square metre footprint.

Owner: Marty Sheehey

Legal Description: Lot 10, Plan 104 geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Hamlet Settlement Area within the City of Kawartha Lakes Official Plan (2012)

Zone: Rural Residential Type Two (RR2-6) Zone within the Township of Somerville Zoning By-law 78-45

Site Size: 815.2 square metres (8,774.7 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Vacant Land

Adjacent Uses: North, South: Residential
East: Residential, Community Facility (Library/Firehall)
West: Victoria Rail Trail, Forest, Wetland

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 within the hamlet of Burnt River. The hamlet has a very linear built form, with the majority of the development occurring along Burnt River Road. The approximate geographic centre of this linear form is the Victoria Rail Trail. The subject property is triangular in shape, abutting the rail trail to the northwest. The dwelling is proposed on the southernmost portion of the property where there is the most depth to the triangle shape.

There are dwellings near the subject property that are modestly sized. Therefore, the proposal is in keeping with the built form established by some of the other dwellings within the area.

The applicant has submitted a design to provide well water and septic system service to the lot. The variances, if granted, will facilitate the development of the property and help urbanize this central section of the hamlet.

Due to the above analysis, 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 property is zoned Rural Residential Type Two Exception Six (RR2-6) Zone within the Township of Somerville Zoning By-law 78-45.

The zone category establishes a minimum lot size anticipated to adequately service proposed residential development. Provided the Building Division-Part 8 Sewage Systems has no concerns with the proposed servicing, the lot is sufficiently sized to service the built form proposed.

The intent of the minimum dwelling unit size provision is likely to ensure minimum consistency in the appearance of built residential form within neighbourhoods, and to ensure there is sufficient habitable space for a dwelling's occupants. In this case there are other modestly-sized dwellings within the vicinity, so there is no adverse impact with respect to the overall neighbourhood appearance.

Further, the dwelling is undersized by approximately 2.6 square metres. Staff have observed a house which has been placed on temporary supports on the property, and believe this to be the proposed dwelling the variance seeks to permit. Adding an additional 2.6 square metres to this dwelling or to the footprint proposed will not perceptibly increase the mass of the dwelling.

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 Hamlet Settlement Area within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses, are anticipated within this designation. Infill development is encouraged, and character is identified as an extremely important item when considering new development. The proposal will facilitate infill within hamlet, and is in keeping with the sizes established by some of the other dwellings in the area.

In consideration of the above the variances maintain 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 proposed to be 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 the following agencies:

Agency Comments:

Building Division (September 8, 2020): No concerns.

Public Comments:

No comments as of September 8, 2020.

Attachments:



Appendices A-D to
Report COA2020-02

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

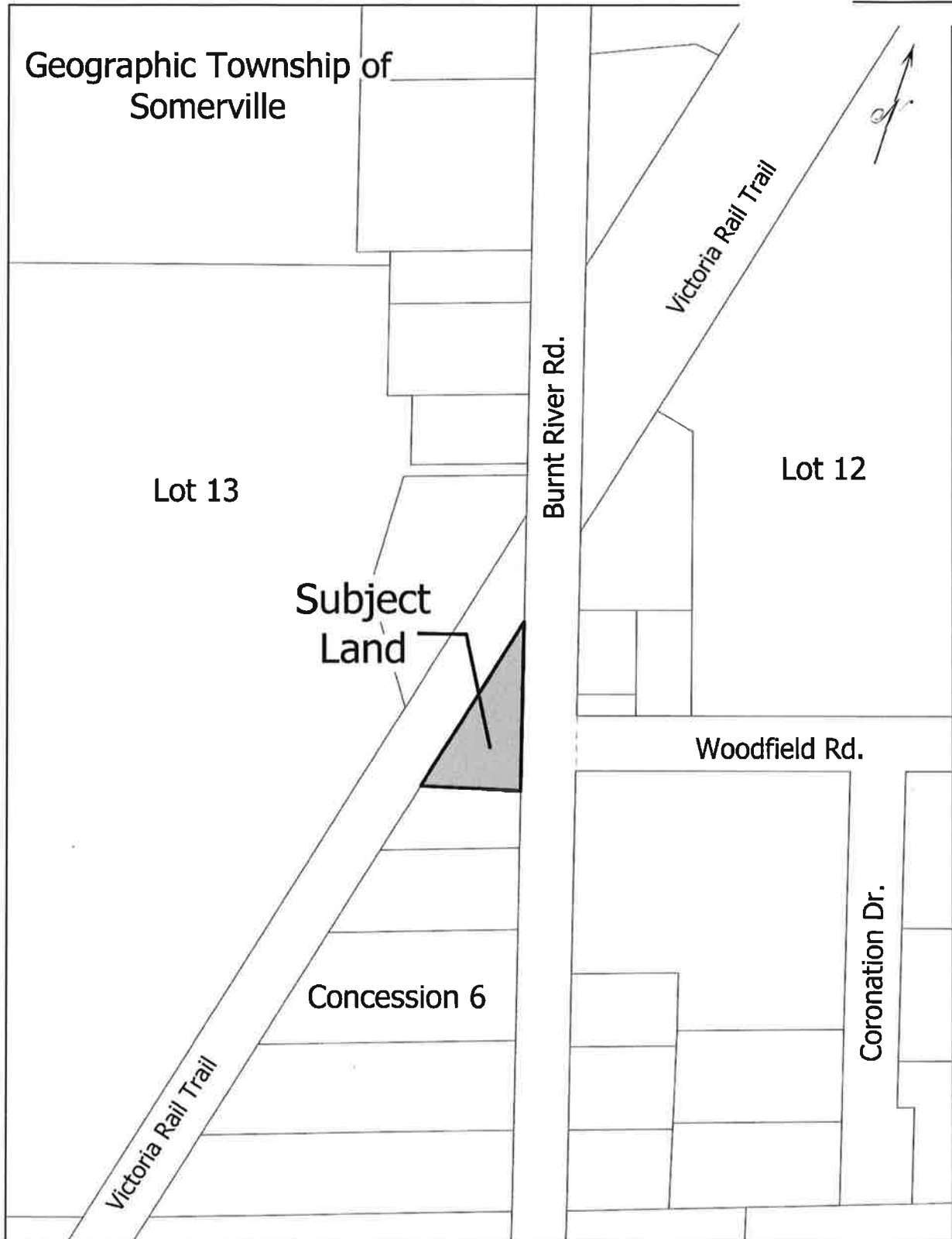
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-023

to

REPORT COA2020-027

FILE NO: D20-2020-023

D20-2020-023



Burnt River Road, Part of Lot 13, Concession 6, Geographic Township of Somerville



0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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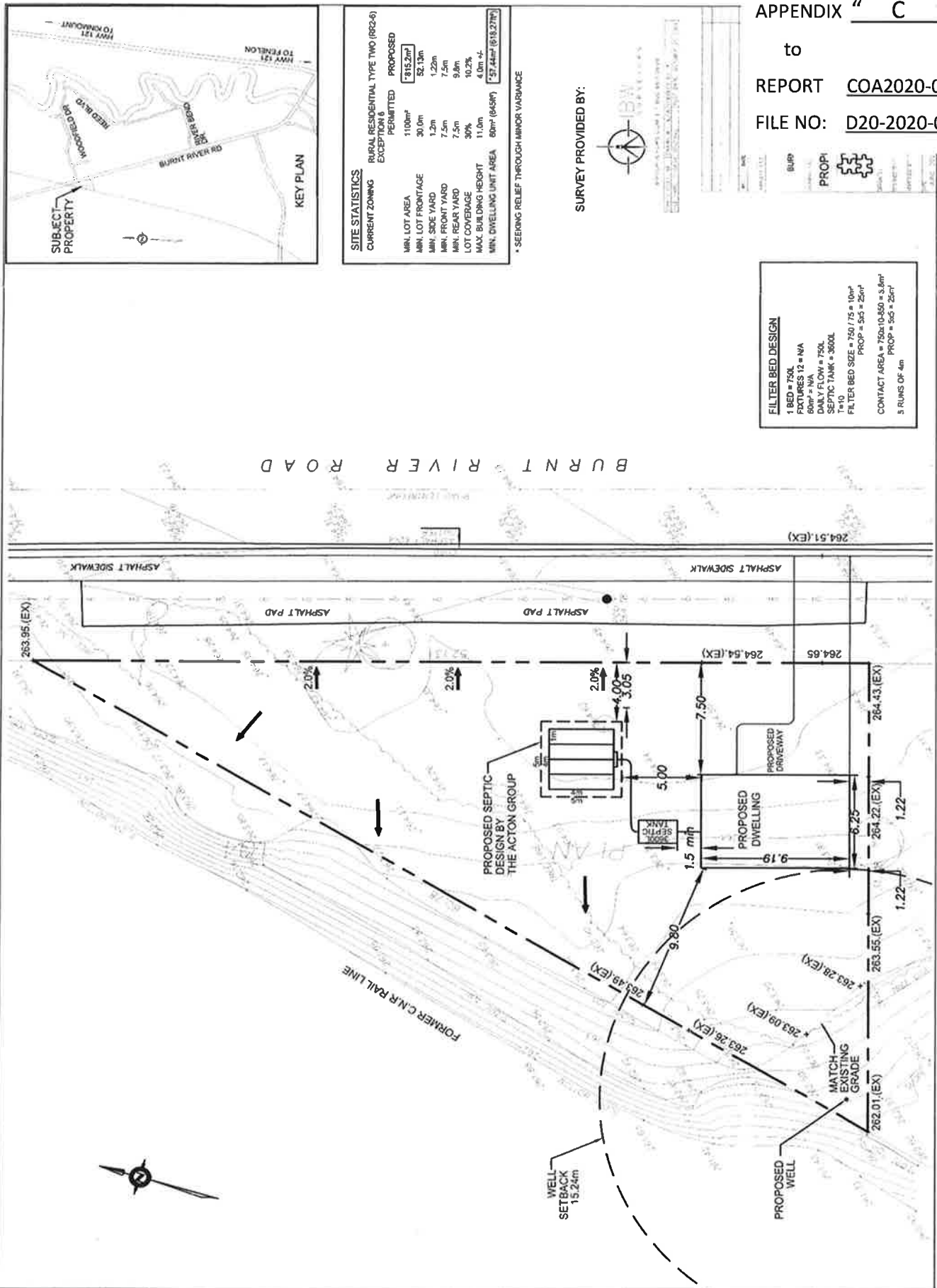
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APPENDIX " C "

to

REPORT COA2020-027

FILE NO: D20-2020-023



David Harding

From: Charlotte Crockford-Toomey
Sent: Tuesday, September 8, 2020 2:03 PM
To: David Harding
Subject: FW: D20-2020-023

APPENDIX " D "
to
REPORT COA 2020 - 027
FILE NO. D20-2020-023

fyi

Charlotte Crockford-Toomey

Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19

From: Derryk Wolven <dwolven@kawarthalakes.ca>
Sent: Tuesday, September 8, 2020 1:59 PM
To: Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>
Subject: D20-2020-023

Building Division has no concerns with the above noted application.

Derryk Wolven, CBCO

Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
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