

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Napa Valley Contracting Inc.
Report Number COA2020-033

Public Meeting

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

Ward: 6 – former Village of Omemee

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a new single detached dwelling with a deck and attached garage:

1. to reduce the minimum lot area from 830 square metres to 325.49 square metres,
2. to reduce the minimum lot frontage from 17 metres to 11.15 metres,
3. to reduce the minimum front yard setback from 7.5 metres to 7.4 metres;
4. to reduce the minimum interior side yard setback from 1.2 metres to 0.89 metres; and
5. to increase the maximum lot coverage from 30% to 33%.

The Variance is requested for a vacant lot, Part of Lot 7, north of Church Street, East of George Street in the Former Village of Omemee (File D20-2020-013).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2020-033 Napa Valley Contracting Inc., be received;

That minor variance application D20-2020-013 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 Appendices C - E submitted as part of Report COA2020-033, 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 a lot grading and drainage plan to the satisfaction of the Engineering and Corporate Assets Department. The owner shall provide to the Secretary-Treasurer written confirmation from the Engineering and Corporate Assets Department that the lot grading and drainage plan is satisfactory; 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 COA2020-033. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application was submitted February 14, 2020. No consultation through the pre-screening process occurred with the Planning Division prior to the submission of the application. The application was originally scheduled for the July 2020 Committee meeting.

Staff became aware of a survey of the neighbouring lot at 19 Church Street, which presented information contradictory to the survey provided in support of the application. Since the discrepancies directly influenced all reliefs sought through the application, staff recommended a deferral of no greater than three (3) months until such time as the survey issues could be resolved and any necessary revisions to the proposal be made. Committee granted the deferral as requested at the July meeting.

The applicant subsequently modified the proposal and has resubmitted based on the newly surveyed boundaries. An additional relief from the interior side yard is now being proposed. No changes to the size or configuration of the dwelling unit, garage and deck were proposed.

The proposal involves the construction of a 107.6 square metre (1158.2 square feet) single detached dwelling and attached garage with an 11.89 square metre (128 square feet) deck on a vacant lot of record.

This application was deemed complete on February 20, 2020.

Proposal: To permit the construction of a new single detached dwelling with an attached garage and deck on a vacant lot of record.

Owner: Napa Valley Contracting Inc. (Joe Ferrara)

Applicant: Tom deBoer (TD Consulting Inc.)

Legal Description: Vacant lot, Part of Lot 7, north of Church Street, East of George Street, Plan 109, former Village of Omemee now in the City of Kawartha Lakes

Official Plan: Urban Settlement Area within the County of Victoria Official Plan

Zone: Residential Type One (R1) Zone within the Village of Omemee Zoning By-law 1993-15

Site Size: 325.49 square metres (3503.55 square feet)

Site Servicing: Private individual well and municipal sanitary system

Existing Uses: Vacant residential lot

Adjacent Uses: North, East, West: Residential
South: Mixed Use (General Commercial, 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 an infill lot that is part of a Registered Plan of Subdivision (Plan 109) located in the Village of Omemee in an established residential neighbourhood that contains a mix of historic and modern residential buildings. The property is north of a block of General Commercial Zoned properties including the Omemee Foodland to the southeast.

Given the variety of age of residences as well as built form in the neighbourhood, the new raised bungalow is not anticipated to detract away from the general neighbourhood character. The abutting lot to the east contains a two-storey single detached dwelling constructed in the 1920s with a two-storey single detached dwelling. There is an established wooden fence along the eastern property line. To the north, a spacious backyard (12 George Street North) consists of manicured lawn. The lot to the west contains a two-storey single detached dwelling constructed in the 1880s with a detached metal-clad garage constructed in the 1970s immediately adjacent to the western lot line of the subject property as well as two other detached accessory structures. The detached structures as well as established vegetation provide a veritable privacy buffer between the proposed location of the dwelling and the existing two-storey dwelling to the west. There are no anticipated land use incompatibilities associated with the proposal.

The property is a rectangular lot with deficient lot area and frontage. Since the proposed dwelling is able to connect to the municipal sanitary system, the required minimum lot size and frontage is rendered extraneous, as a septic system is not required. As a result, the capacity of the lot can sustain the proposed development, notwithstanding the over 69% reduction in minimum lot size and only represents a 3.0% deviation from the maximum lot coverage of 30% including the wood deck to the rear of the dwelling. Sufficient room will be available for a well, driveway and for other amenity uses. A 7.5 metre rear yard setback from the proposed dwelling offers considerable area for amenity space.

The placement of the proposed dwelling is also considered appropriate as the front of the garage is set further back than the established building line along Church Street. The owner will be required to obtain an Entrance Permit to the lot as part of the Building Permit process. Concerns with respect to lot drainage onto adjacent lots will be addressed through the requisite lot drainage and grading plan as part of the Building Permit process; however, the Engineering and Corporate Assets Division will review the plan prior to issuance of a Building Permit to ascertain that drainage will not negatively impact the neighbouring lots.

Given the above analysis, the variances are considered to be 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 Residential Type One (R1) Zone within the Village of Omemee Zoning By-law 1993-15.

An intent of the minimum lot area and frontage standards in the By-law is to ensure carrying capacity and adequate spatial separation between a dwelling, well and septic system. The subject lands were created as part of a Registered Plan of Subdivision that predated the Village of Omemee Zoning By-Law No. 1993-15. The Zoning By-law also provides a specific *Lot Area and Frontage Less than Required* Provision (Section 3.11.1), which identifies a minimum lot frontage of 12 metres and minimum lot area of 370 square metres, if serviced by municipal sanitary sewers. Given consideration to Section 3.11.1, the existing 11.15 metre frontage and 325.49 square metre lot area for the lot-of-record results in more reasonable requests for relief (0.85 metres and 44.51 square metres respectively) as part of the proposal.

The requested 0.1 metre relief from the minimum front yard setback is required to enable the construction of a one-vehicle garage to permit vehicular and overall storage while acknowledging the need for amenity space within the rear yard of the property. Considering the location of the proposed driveway and well, the attached garage is situated in the most appropriate area of the lot.

The proposed 33% lot coverage exceeds the maximum allowable lot coverage by 3.0%. The utility of the attached garage for property storage and the practicality of the walk-out deck as an extension of main floor space to

the rear of the dwelling are acknowledged as contributing to the overall 3% increase in lot coverage.

Any potential lot drainage issues resulting from the 0.31 metre reduction of the interior side yard setback on the west side of the lot will be addressed through a lot drainage and grading plan reviewed by the Engineering and Corporate Assets Division to ensure drainage is self-contained and the lot does not negatively impact drainage routes to adjacent lots.

As the proposed dwelling meets or exceeds all other applicable zone provisions (maximum height and minimum gross floor area per dwelling unit) the proposal is considered to 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

As the Urban Settlement Area Designation in the City's 2012 Official Plan is under appeal, the Urban designation of the County of Victoria Official Plan (VCOP) applies. As the subject property is within a neighbourhood that would be classified as Low Density Residential within VCOP, the proposed coverage of the dwelling is not anticipated to negatively impact the residential character of its immediate surrounding uses.

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 serviced by a private individual well and municipal sanitary system. As part of the Building Permit process, the applicant will be required to obtain a connection to the municipal sanitary 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 (September 8, 2020): Spatial Separation requirements of the Ontario Building Code will govern fire resistance ratings and cladding.

Development Engineering Division (August 31st, 2020): A lot drainage and grading plan will be required to be submitted and reviewed by the Engineering Division to ensure drainage is self-contained prior to being satisfied with the 0.89 metre interior side yard setback.

Planning staff offer a response to the public comments received July 7 & 12, 2020 shown below:

Survey: There were discrepancies between the two surveys, in particular, the location of the eastern lot line and the length of the front lot line as depicted in both surveys. The applicant and owner of 19 Church Street have resolved the surveying issue.

Flooding: Planning staff note the photographs provided were taken in the Spring months when the ground of both the subject lot and 19 Church Street remain frozen. A lot drainage and grading plan will be required as part of the Building Permit process, which would address any site-specific issues related to stormwater runoff.

Public Comments:

John Trennum & Jane Byers – 56 Mary Street East (July 12, 2020): Mr. Trennum and Ms. Byers provided identical letters expressing concerns with respect to storm water management and overland flooding.

Kate Rousseau - 19 Church Street (July 7, 2020): Ms. Rousseau has advised that the accuracy of the Real Property Survey provided in support of the application contradicts a Survey conducted by the owners of 19 Church Street in 2012. This matter has been resolved.

Moreover, concerns over overland flooding are expressed in that increased impervious surface from the resulting development may result in flooding to their property. See Appendix G.

Attachments:



Appendices A-G for
Report COA2020-03.

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Drawings
Appendix E – Elevation Drawings 2
Appendix F – Department and Agency Comments
Appendix G – Public Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthlakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-013

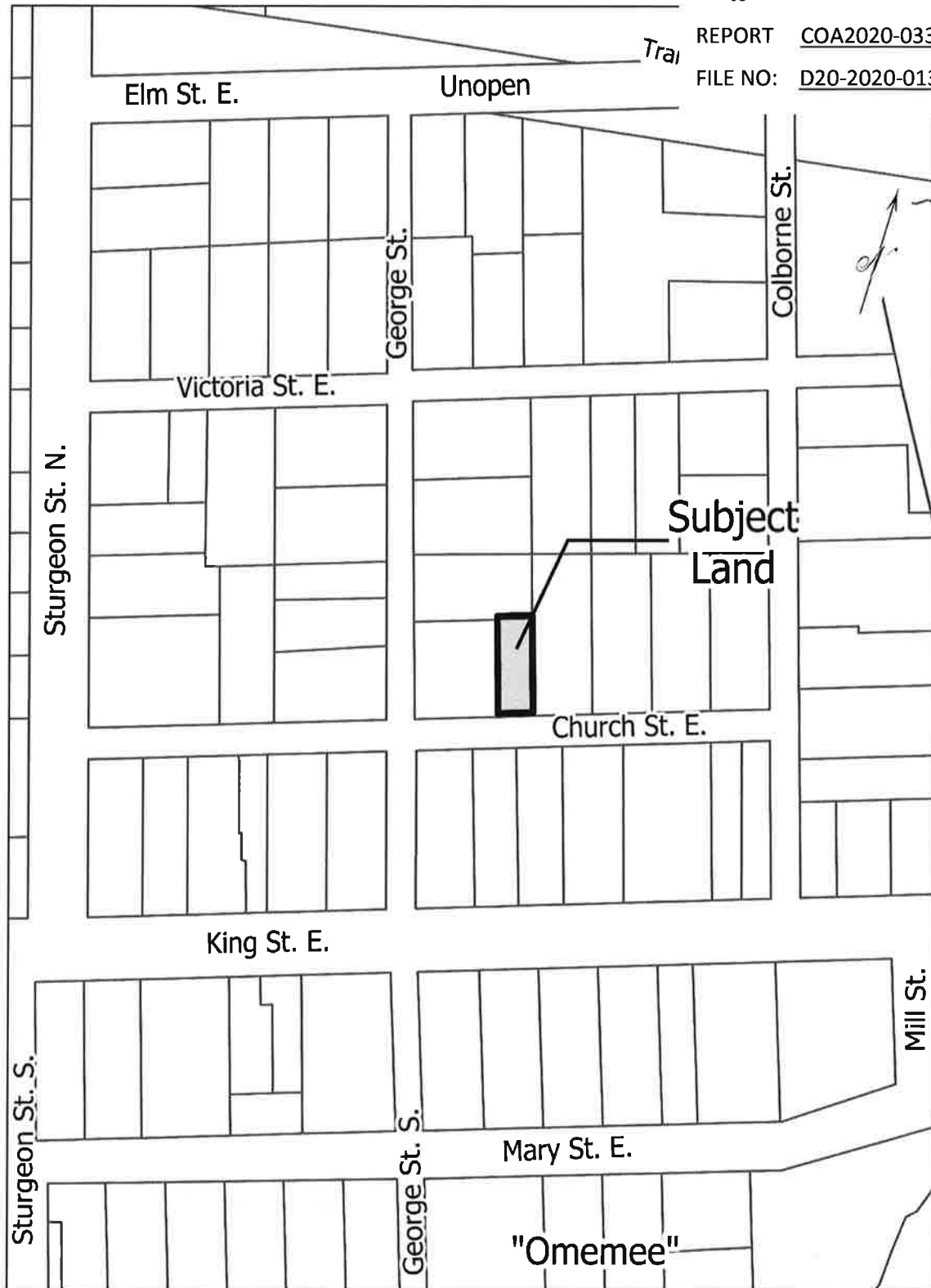
D20-2020-013

APPENDIX " A "

to

REPORT COA2020-033

FILE NO: D20-2020-013



Vacant Lot, North of Church Street, East of George Street, Village of Omemee



Legend

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

Notes

Notes

APPENDIX " B "

to

REPORT COA2020-033

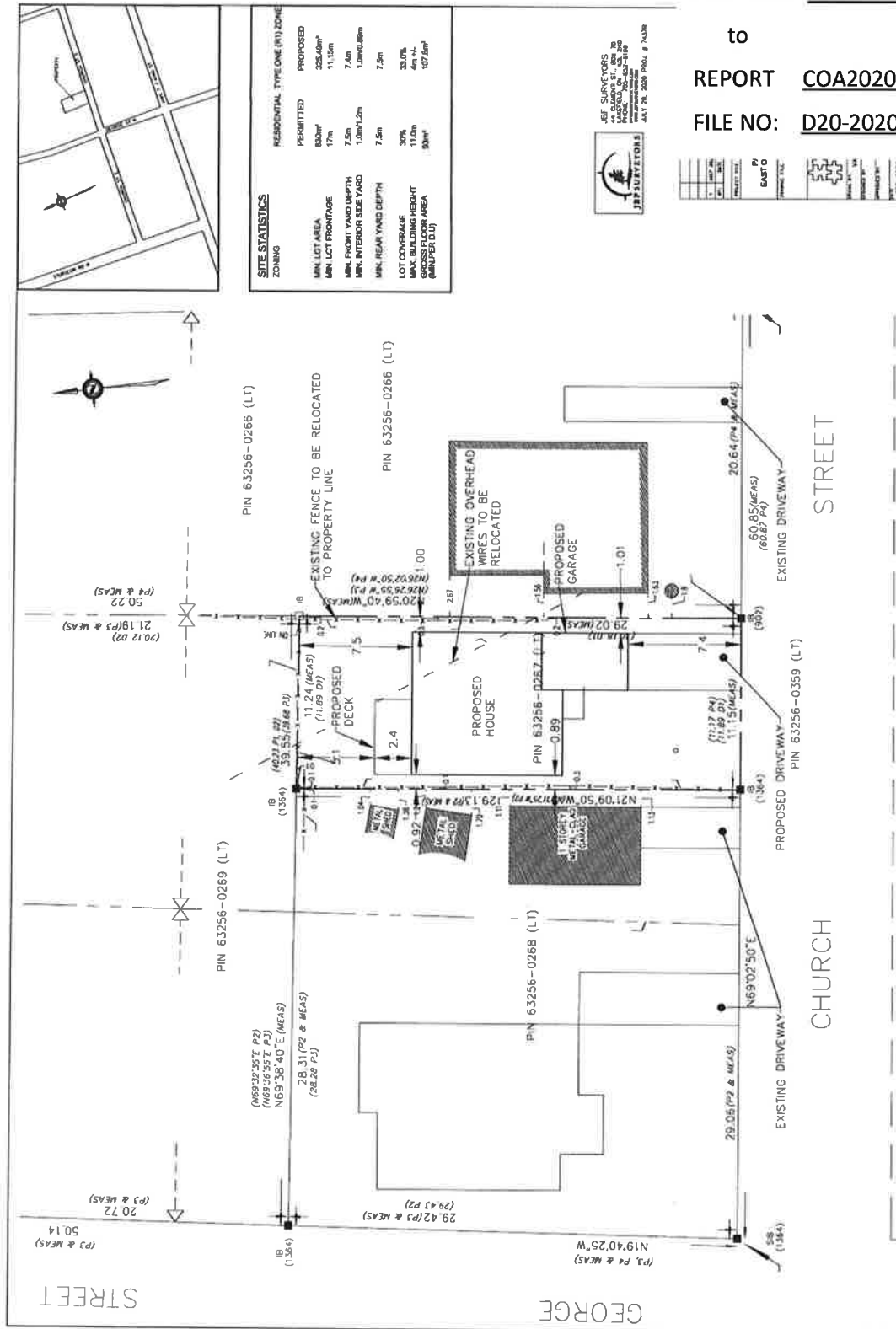
FILE NO: D20-2020-013



to

REPORT COA2020-033

FILE NO: D20-2020-013

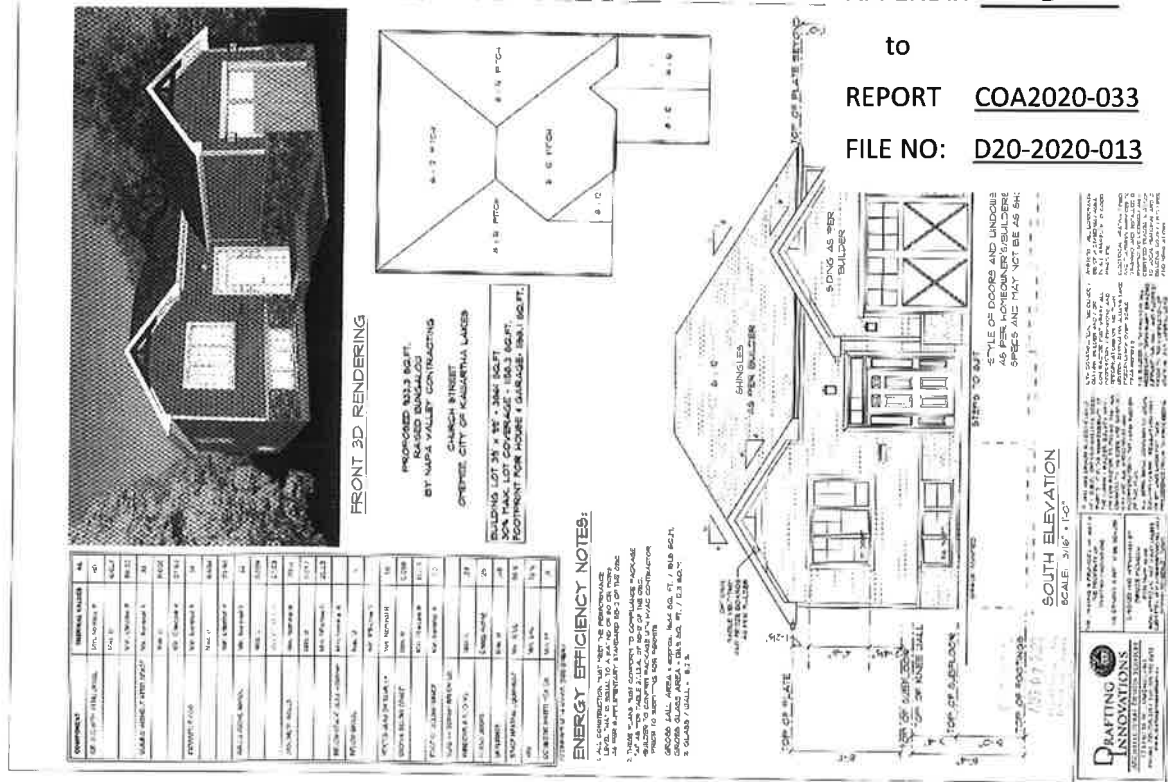


APPENDIX " D "

to

REPORT COA2020-033

FILE NO: D20-2020-013



Kent Stainton

From: Derryk Wolven
Sent: Tuesday, September 8, 2020 1:58 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-013

APPENDIX " F "
to

REPORT COA2020-033

Follow Up Flag: Follow up
Flag Status: Flagged

FILE NO. D20-2020-013

Please be advised Building division has the following comments:

Spatial Separation requirements of the Ontario Building Code will govern Fire Resistance Ratings and cladding.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Kent Stainton

From: Kirk Timms
Sent: Monday, August 31, 2020 10:21 AM
To: Kent Stainton
Cc: Christina Sisson
Subject: RE: Committee of Adjustment meeting July 16, 2020, D20-2020-013 Vacant Lot, Church Street, Public Comments

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Kent,

We would require a grading plan to be reviewed to ensure the drainage on the proposed lot is self contained prior to Engineering being satisfied with a 0.89m interior side yard.

Thanks,
Kirk

From: Kent Stainton
Sent: Monday, August 31, 2020 9:47 AM
To: Kirk Timms
Subject: FW: Committee of Adjustment meeting July 16, 2020, D20-2020-013 Vacant Lot, Church Street, Public Comments

Hi Kirk,

I was wondering if you could take a quick look at this before I advertise. This is a deferred application (D20-2020-013), but as a result of the new Survey, the interior side yard has been reduced to 0.89 metres. See the attached. It appears as though they will still maintain 1.2 metres from the structures on the adjacent lot, but I was looking for a quick review from your end.

Best and Thanks in Advance,
Kent

Kent Stainton
Planner II
Development Services, City of Kawartha Lakes
705-324-9411 ext. 1367 www.kawarthalakes.ca

City of Kawartha Lakes
Development Services Department, Planning Division
180 Kent Street West
Lindsay, ON K9V 2Y6
705-324-4027 (F)

APPENDIX " G "
to
REPORT COA2020-033
FILE NO. D20-2020-013

John Trennum
56 Mary St. E
Omeme, ON
K0L 2W0
705-799-1394

City of Kawartha Lakes
Planning Department
Committee of Adjustment
180 Kent St. West
Lindsay, ON
K9V 2Y6

July 12, 2020

To Whom It May Concern:

RE: Notice of Public Hearing for Minor Variance/Permission Application # **D20-2020-013**.
Vacant Lot Church St, Part Lot 7, North of Church St., East of George St, Plan 109, former Village of Omeme, Ward 6, now in the City of Kawartha Lakes.

First and Foremost:

I am not against responsible development that creates growth for the community and tax revenue for the city.

With this being said this minor variance application seems to have **Major** issues:

- 1) Lot area reduction >50% (830 sq. m to 333.25 sq. m)----**Major**
- 2) Frontage reduction is approximately 32% (17m to 11.52m)----**Major**
- 3) Front yard set- back---minor unless curbs are installed then **Major**
- 4) Lot coverage 30% to 32% seems minor however could have **Major** complications

Having grown up in Omeme and having knowledge of the neighbourhood history, I know that this property and adjoining properties are prone to flooding. I have concerns about storm water management due to road elevation of Church Street being higher than the vacant lot and properties surrounding it; thus creating storm water run- off ponding in the vacant lot and the adjoining properties. With the lack of storm drains, curbs and gutters this creates a **Major** problem, to fix this problem you create the Major impact of **point 3** mentioned above.

With all of the above said lastly my major concern, is that these minor/major variances will set a precedence for the creation of possible irresponsible development in the future.

I would personally would benefit by these changes due to the fact I feel I would be able to create additional lots from the existing lots owned. Many other people in Omeme are in the same position.

Please think about what you are creating by approving this application!
Remember: Responsible Development for All!!!!

Sincerely,

John Trennum

Jane Byers
56 Mary St. E
Omeme, ON
K0L 2W0
705-927-5418

City of Kawartha Lakes
Planning Department
Committee of Adjustment
180 Kent St. West
Lindsay, ON
K9V 2Y6

July 12, 2020

To Whom It May Concern:

RE: Notice of Public Hearing for Minor Variance/Permission Application # **D20-2020-013**.
Vacant Lot Church St, Part Lot 7, North of Church St., East of George St, Plan 109, former Village of Omeme, Ward 6, now in the City of Kawartha Lakes.

First and Foremost:

I am not against responsible development that creates growth for the community and tax revenue for the city.

With this being said this minor variance application seems to have **Major** issues:

- 1) Lot area reduction >50% (830 sq. m to 333.25 sq. m)-----**Major**
- 2) Frontage reduction is approximately 32% (17m to 11.52m)-----**Major**
- 3) Front yard set- back---minor unless curbs are installed then **Major**
- 4) Lot coverage 30% to 32% seems minor however could have **Major** complications

Having grown up in Omeme and having knowledge of the neighbourhood history, I know that this property and adjoining properties are prone to flooding. I have concerns about storm water management due to road elevation of Church Street being higher than the vacant lot and properties surrounding it; thus creating storm water run-off ponding in the vacant lot and the adjoining properties. With the lack of storm drains, curbs and gutters this creates a **Major** problem, to fix this problem you create the Major impact of **point 3** mentioned above.

With all of the above said lastly my major concern, is that these minor/major variances will set a precedence for the creation of possible irresponsible development in the future. This change would allow for additional smaller lots throughout the village and may not be in the best interest for Omeme, considering current infrastructure inadequacies.

I would personally would benefit by these changes due to the fact I would be able to create an additional lot from existing lots currently owned. Many other people in Omeme are in the same position. Smaller lots equal greed.

Please think about what you are creating if you approve this application!
Remember: Responsible Development for All!!!!

Sincerely,
Jane Byers

Committee of Adjustment
Planning department
City of Kawartha Lakes

July 7th 2020

Good morning Kent.

I wanted to get my concerns to you as soon as possible as I feel they are extremely valuable towards the opposition of variance application D20-2020-013.

My first concern is that the vacant property has had a survey performed, stakes marked in the ground, that are within the boundaries of my survey that I had performed in 2012, by Coe, Fisher, Cameron Ontario Land Surveyors. I have reached out to my survey company and am waiting on there response, but I wanted that to be known. I have included a photograph of the two survey markers (Photograph 1), located at the south end of the properties. The marker on the left is my survey post, the marker on the right is the “vacant lot survey”. I also took a photograph of the survey marker located at the north east side of the vacant lot (Photograph 2). On my survey that post is to be 0.2 meters from the fence post. I am also attaching a scanned image of my survey (Photograph 3) for you to compare with the sketch that you provided me. It clearly shows a discrepancy between the two surveys; distance measurements between my home and the property line as well as between my well and the property line, are different from the sketch. It is my opinion that the land survey done recently on this vacant lot, has pushed my property line over to potentially accommodate the 1m required spacing needed.

My second concern is geared toward 3 of the variances in question on the application;

- Section 8.2.1.1 to reduce minimum lot area from 830 square metres to 333.25 square metres
- Section 8.2.1.2 to reduce the minimum lot frontage from 17 metres to 11.52 metres
- Section 8.2.1.4 to increase the maximum lot coverage from 30% to 32.3%

The reason for my concern is overland/storm water. This vacant property; along with my own, the property north of ours, and the property to the north of the vacant lot, all receive annual spring thaw flooding. Some years is worse than others, it depends on the winter/spring season. I have attached multiple photographs from both spring 2018 and spring 2019. In 2019, the flooding was so severe that you can clearly see in Photograph 5 the amount of water located on the Vacant property. This occurs yearly for a few reasons. First, our road, Church St. E does not have curbs, the road is higher than the properties to the North and both the vacant lot and my lot slope down toward the North. Any overland water runs directly down into my property and the Vacant lot. Second the properties surrounding ours to the east and north east, are all a higher grade. The water then pools in the back corner of our lots, as there is no drainage system in place. Essentially the over land water is landlocked. I have been

informed from neighbours whom have lived in the area for many, many years, that there were clay pipes installed in the ground as drainage tubes, travelling east from George St to Colborne Street, eventually draining down into the river. Over the years these have obviously fallen into disrepair, and the subsequent building/developing over the years has landlocked the water drainage in the area. The only saving grace is the amount of greenspace, open land, for the water to absorb into as the ground thaws. We have been lucky in the past, and we have not had the water come up as far as our house, however I feel that if you are to remove the greenspace in the vacant lot, by approving the above variances, and allowing a dwelling of that size to be built, we will have serious flooding issues in the future. Reducing a 334 sq metre lot that has 100% drainage capabilities right now, to only allowing roughly 67% of the lot to absorb water (that percentage will be lower if they plan to pave the driveway) will cause issues for the neighbouring residents. Also, the photograph of the flooded vacant lot shows potential towards, a dwelling located in that area, having a flooded basement itself, if the grade is kept the same.

My next concern regarding the flooding issue, is that in the Variance application, section 7.3 Stormwater Management, the applicant stated their plan to provide stormwater drainage was to install ditches and swales. I am interested to know how they plan on draining water in ditches and swales on this property given that they want to decrease the lot frontage allowed from 17 metres to 11.52 metres???. Where will these ditches be draining to??? Is there a diagram outlining this?? Given that the property in question, vacant lot, slopes downward from the road to the North, and has yearly flooding, the only way I can see to keep water from draining into other yards is to raise the property grade? Does by-law 2019-105 from City of Kawartha Lakes apply?

In conclusion, I want to add that my dwelling, my home, was built in 1924. As hard as I tried, I cannot find records of what the by-laws were back then with regards to building homes. But what I do know is that they would never have built a house 2 metres away from another house. The sheer volume of disturbance that will occur in close proximity to the foundation of my almost century old home may cause unrepairable damage. I hope it doesn't get that far.

Thank-you for accepting my concerns, I hope they are of some value to your upcoming decision.

Sincerely,

Kate Stephens

705-930-8485