

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2085633 Ontario Ltd. c/o Nelson
Homes

Report Number COA2020-036

Public Meeting

Meeting Date: October 15, 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 Section 8.2.1.3(c) to reduce the minimum exterior side yard setback from 4.5 metres to 3.7 metres in order to permit a single detached dwelling.

The variance is requested at 11 Distillery Street, former Village of Omemee (File D20-2020-031).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-036 2085633 Ontario Ltd., c/o Nelson Homes, be received;

That minor variance application D20-2020-031 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 COA2020-036, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2020-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was deemed complete September 17, 2020.

Proposal: To permit a reduced exterior side yard setback to a single detached dwelling.

Owner: 2085633 Ontario Ltd.

Applicant: Tom deBoer, TD Consulting Inc.

Legal Description: Part of Lots 14 - 18, West of Hughes Street, Plan 109, former Village of Omemee, City of Kawartha Lakes

Official Plan: Urban 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: 3,193.9 square metres (0.79 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Vacant Land under Construction

Adjacent Uses: North, East: Residential
South: Agricultural
West: Vacant Land, Wetland

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 subject property is within a rural residential area on the southeastern side of the Omemee settlement area.

Distillery Street is a small dead-end road that has experienced small-scale residential development over the past few years. The subject property is the last lot on the north side of the road to be developed. The street appears rural in nature due to the larger lot sizes in comparison to the older, smaller lots found in other parts of Omemee, and the generous distances between the dwellings and lot lines.

As the exterior side yard is calculated from the east lot line, and the east lot line abuts an unopened road allowance, that yard will appear to function as an interior side yard. No adverse impacts are anticipated to the overall rural character of the neighbourhood should a road within the unopened road allowance be constructed at a later date.

The exterior side yard is of sufficient length to permit the maintenance of the east wall of the building.

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

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

The Residential Type One (R1) Zone permits a single detached dwelling, a park and a school.

The intent of the exterior side yard setback is to provide adequate spatial separation between a road allowance and an abutting residential use to avoid items such as: land use conflicts between the transportation and residential uses, spatial buffering between the residential use and road maintenance works, impacts to sightlines, and impacts to snow storage.

The property abuts a portion of the Hughes Street road allowance that is unopened. The portion of the proposed dwelling to utilise the reduced exterior side yard setback contains an attached garage. Therefore, adverse impacts to the residential use, should the road be constructed, would be negligible as the garage is not habitable space. Further, sufficient space remains within the reduced exterior side yard to provide spatial separation between the residential and road use, should the road be constructed. Unless the road is constructed, there will be no perceptible reduction in the exterior side yard. In fact, the yard will appear to function as a large interior side yard.

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 Omemee Secondary Plan is under appeal. As such, the County of Victoria Official Plan (Official Plan) remains in effect. The property is designated Urban within the 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 other alternatives were considered at this time.

Servicing Comments:

The property will be serviced by private individual well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments were received from:

Agency Comments:

Building Division (October 2, 2020): No concerns.

Development Engineering Division (October 5, 2020): No concerns.

Building Division – Part 8 Sewage Systems (October 6, 2020): No concerns.

Public Comments:

No comments received as of October 6, 2020.

Attachments:



Appendices A-D to
Report COA2020-031

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

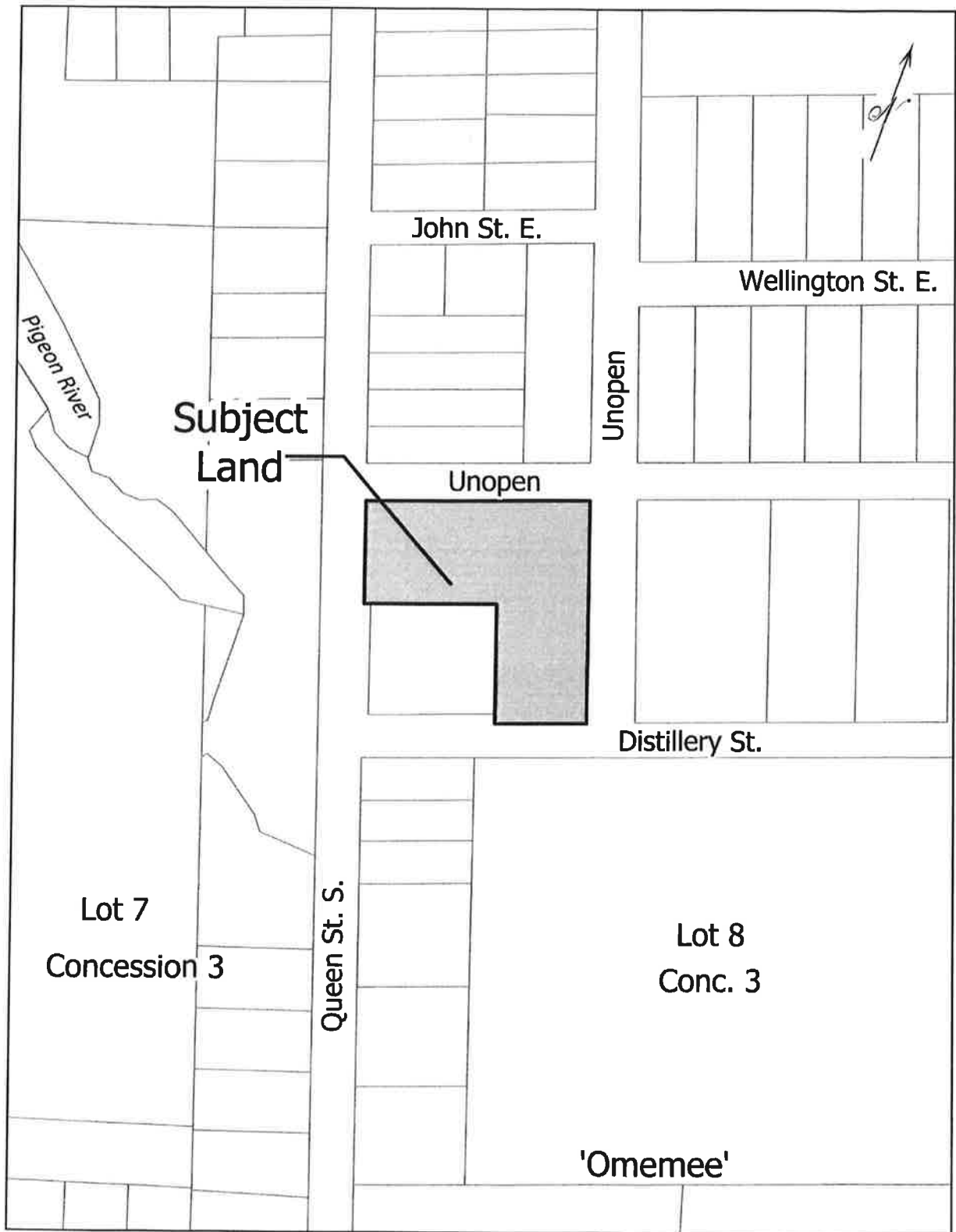
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-031

to

REPORT COA2020-036

FILE NO: D20-2020-031

D20-2020-031





GEOMATICS
MAPPING

11 Distillery Street, former Village of Omemee



0.11

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.

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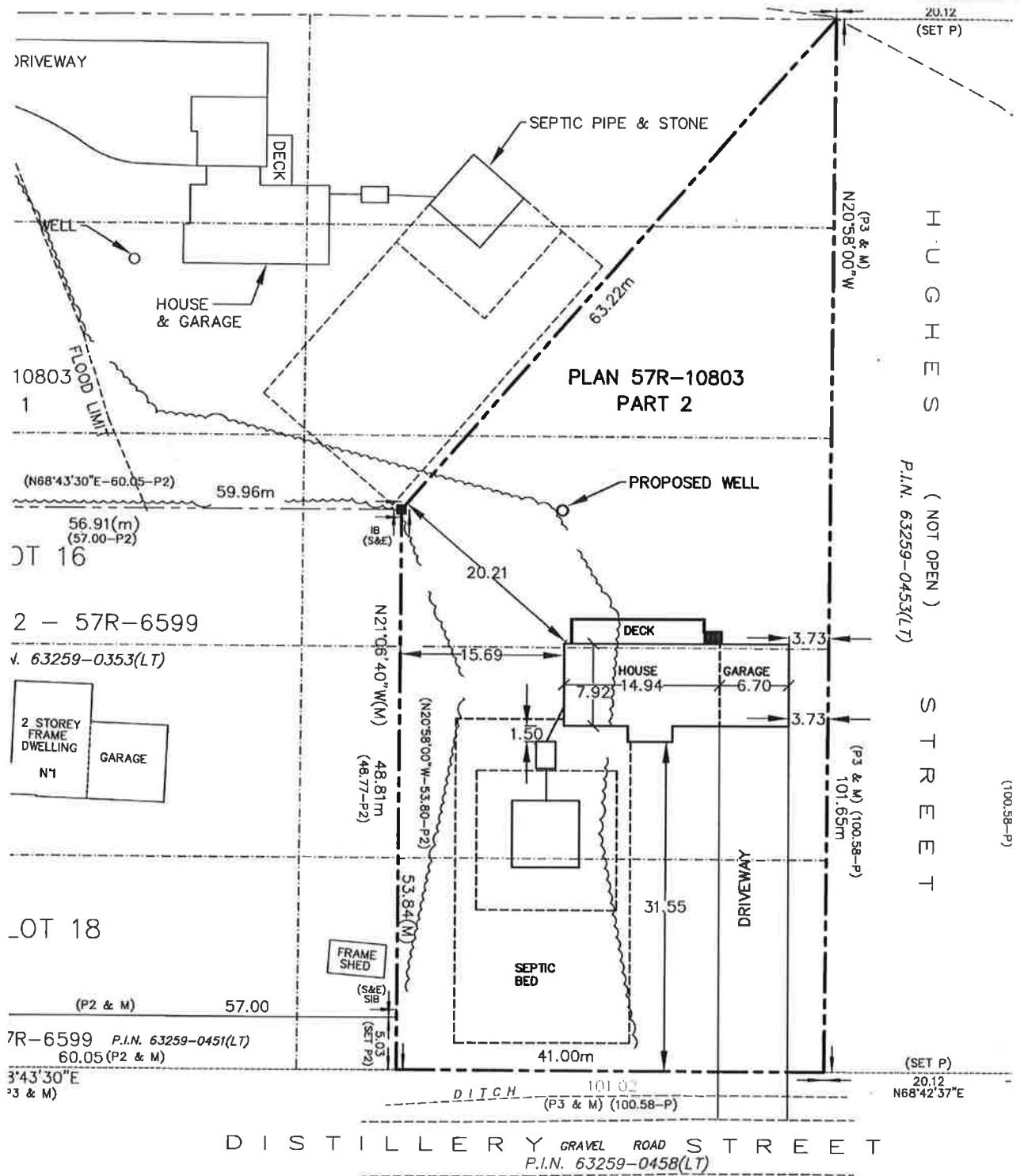
APPENDIX " B "
to
REPORT COA2020-036
FILE NO: D20-2020-031

APPENDIX " C "

to

REPORT COA2020-036

FILE NO: D20-2020-031



David Harding

From: Derryk Wolven
Sent: Friday, October 2, 2020 2:12 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-031 11 distillery

APPENDIX " D "
to
REPORT COA2020-036

Building has no concerns.

FILE NO. D20-2020-031

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: Monday, October 5, 2020 10:16 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201005 D20-2020-031 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes
Sent: Monday, October 5, 2020 9:48 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20201005 D20-2020-031 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2020-031
11 Distillery Street
Part Lots 14-18 West of Hughes Street, Plan 109
Former Village of Omemee

It is the understanding by Engineering that the purpose and effect is to request relief from Section 8.2.1.3 (c) to reduce the minimum exterior side yard setback from 4.5 metres to 3.7 metres in order to permit a single detached dwelling.

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



David Harding

From: Anne Elmhirst
Sent: Tuesday, October 6, 2020 11:17 AM
To: David Harding
Subject: D20-2020-031 - 11 Distillery

Hi David,

I have no issues with this request.

Thanks,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.