

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ahsan Ullah & Fahmida Nutan
Report Number COA2020-041

Public Meeting

Meeting Date: October 15, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Eldon

Subject: The purpose and effect is to request relief from Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 7.3 metres to permit the construction of a new single detached dwelling and 5.9 metres respectively for a covered porch on the single detached dwelling

The variance is requested at 63 North Taylor Road, geographic Township of Eldon (File D20-2020-006).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2020-041 Ullah and Nutan be received;

That minor variance application D20-2020-006 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 COA2020-041, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** prior to proceeding with the building permit process the owners shall apply for a deeming by-law to ensure Lot 16 of Plan 224 consolidate with Part of Lot 54, North of Portage Road in order to comply with the reduced lot area of 895 square metres granted by the Committee in application D20-17-046, and the by-law be in effect

This approval pertains to the application as described in report COA2020-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	<p>At its July 16, 2020 meeting, the Committee of Adjustment deferred the application due to a request from the Building Division – Part 8 Sewage Systems, which needed time for further review. The review has now been conducted and their office has no further concerns with the proposal.</p> <p>Relief was previously sought from the minimum lot area requirement for an existing lot of record was sought to construct a replacement dwelling on the property via application D20-17-046. On November 9, 2017, the Committee granted the requested relief.</p> <p>Construction of the dwelling proceeded. Drawings were submitted to the Building Division identifying that the dwelling had been constructed in the wrong place: its front wall and covered porch were within the minimum front yard setback requirement.</p> <p>Upon further review of the application it was determined that the property is actually two parcels: (1) a whole of a lot (Lot 16) within a registered plan of subdivision (Plan 224) that has the potential to be separately conveyed and (2) some land along the shoreline (Part of Lot 54, North of Portage Road). The 895 square metre lot area sought and granted in D20-17-046 applies to the two parcels once consolidated. Condition 2 is recommended to consolidate the parcels and bring the property into conformity with the Committee's 2017 decision.</p> <p>The application was submitted on January 27, 2020.</p>
Proposal:	To recognize a two-storey single detached dwelling and covered porch.
Owners:	Ahsan Ullah and Fahmida Nutan
Applicant:	Jim Even – C.T. Strongman Survey
Legal Description:	Lot 16, Plan 224; Part of Lot 54, North of Portage Road, geographic Township of Eldon, 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 Eldon Zoning By-law 94-14
Site Size:	895 square metres (9,633.6 square feet)
Site Servicing:	Private individual well and septic system
Existing Uses:	Shoreline Residential

Adjacent Uses:	North:	Mitchell Lake
	East, West:	Rural Residential
	South:	Vacant Rural Land

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 situated on the north shore of an island within Mitchell Lake, along a road containing many shoreline residential dwellings.

Many of the dwellings in this neighbourhood were constructed prior to the 1970's and are smaller in size and height. Many are less than 185 square metres in area. The subject property and the property to the east, 65 North Taylor Road, are newer builds. It is anticipated that this neighbourhood will experience a change in building form over time trending towards larger, taller dwellings.

Most of the dwellings within the neighbourhood do not contain garages, but front yard parking areas. The subject property also has a front yard parking area across most of its front lot line. To accommodate this parking, there is no vegetative buffering along the front lot line. This parking layout and absence of front yard vegetation is also present at number 65. As the vegetation is absent, the building is already more visually prominent within the streetscape. The slightly increased proximity of 0.2 metres to the road causes no additional impacts to massing or neighbourhood character than a house that meets the 7.5 metre setback.

The covered porch is completely open. As such, it proposes no structural massing with respect to the road, serves to add visual interest and assists in breaking up the two storey wall.

Due to the above analysis, the variance is 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 within the Limited Service Residential (LSR) Zone. The LSR Zone permits seasonal and year-round residential use.

One of the intents of the front yard setback is to provide sufficient spatial separation between the road allowance and built form for the parking of vehicles. Two 2.8 x 6 metre parking spaces are required for a single detached dwelling. Two spaces may be accommodated to the northeast of the covered porch. Another function of the front yard setback is to provide sufficient space for snow storage. Snow storage capability was demonstrated via creating a small island near the centre of the front lot line and additional deposition area around the drilled well.

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 property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation. A single detached dwelling is proposed, which is a low density residential use.

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 sewage system.

Consultations:

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

Agency Comments:

Development Engineering Division (July 6, 2020): No concerns.

Community Services Department (July 7, 2020): No concerns.

Building Division – Part 8 Sewage Systems (August 8, 2020): No concerns with the requested variances.

Public Comments:

Jim Riches – 63 North Taylor Road (July 13, 2020): Opposed to the proposal until an evaluation of the sewage system is completed.

Paul Minne – 71 North Taylor Road (July 14, 2020): Concerns over the conversion of the attached garage into living space, size of the dwelling, and sewage system.

North Taylor Road Cottagers Association c/o James Riches – 65 North Taylor Road (July 13, 2020): Concerns over the sewage system capacity with respect to the proposed development.

Planning Division Comments:

The sewage concerns raised by the public were forwarded to the Building Division – Part 8 Sewage Systems for follow-up. Their office has no objections with respect to the proposed variance. See Appendix D.

The front yard can accommodate the two 2 x 6 metre parking spaces the by-law requires whether or not the attached garage is converted to additional living space.

Therefore, the appropriateness of the conversion is beyond the scope of the requested variance for front yard setback reduction. It would be dealt with by the Building Division and has been reviewed by the Building Division – Part 8 Sewage Systems.

Attachments:



Appendices A-E to
Report COA2020-04

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

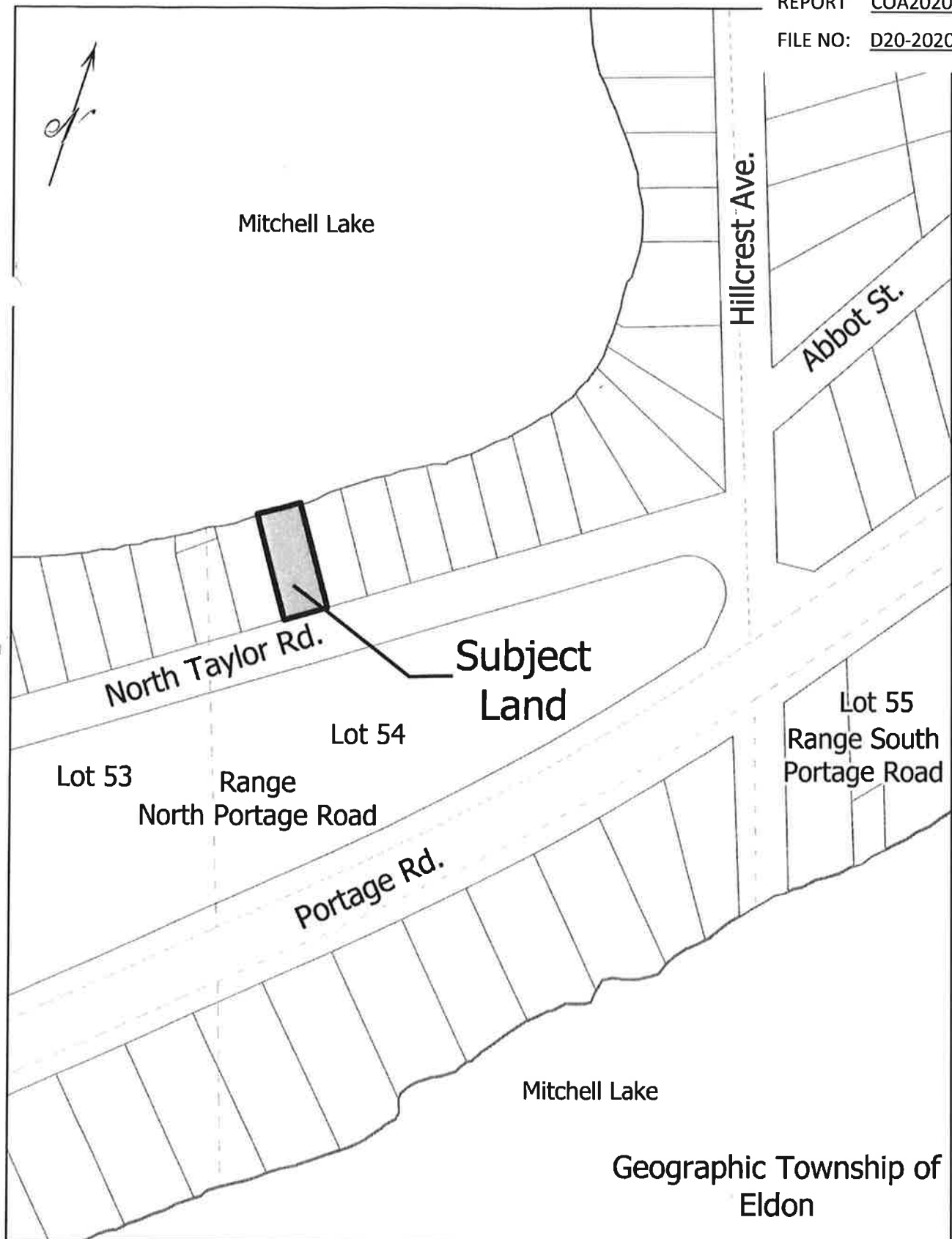
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-006

D20-2020-006

to

REPORT COA2020-041

FILE NO: D20-2020-006



63 North Taylor Road, geographic Twp. of Eldon



0.06 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

APPENDIX " B "
to
REPORT COA2020-041
FILE NO: D20-2020-006



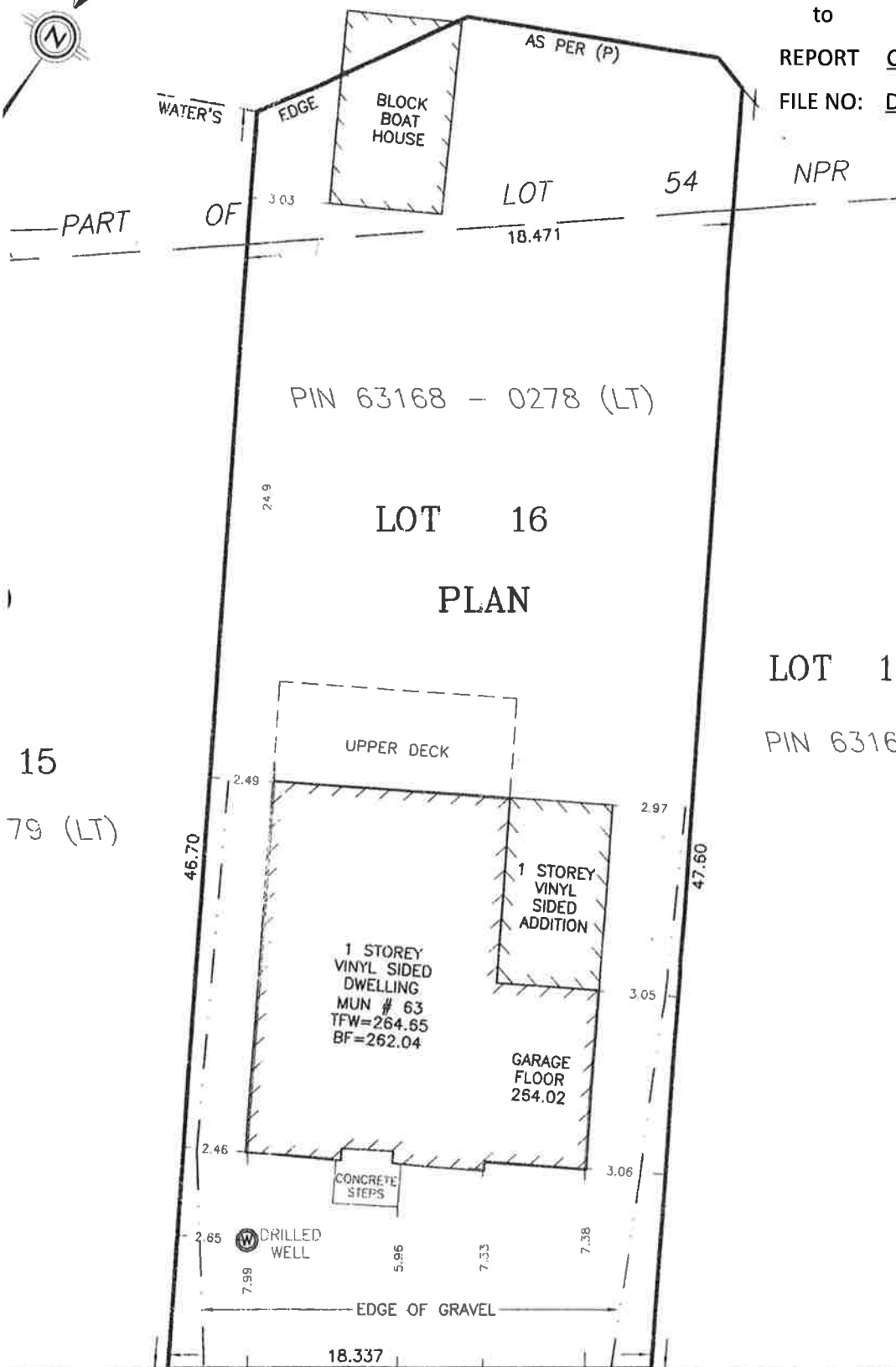
MITCHELL LAKE

APPENDIX " C "

to

REPORT COA2020-041

FILE NO: D20-2020-006



KNOWN AS NORTH TAYL

David Harding

From: Anne Elmhirst
Sent: Tuesday, August 4, 2020 12:00 AM
To: David Harding
Subject: D20-2020-006 - 63 North Taylor Road

APPENDIX " D "
to
REPORT COA2020-041
FILE NO. D20-2020-006

Hello David,

I have reviewed the proposal for Minor Variance to provide relief for the construction of a single detached dwelling on the property known as 63 North Taylor Road and completed a site visit.

The new dwelling has been located on the property contrary to the approval granted through the sewage system review conducted in 2017. As well, the dwelling has been constructed substantially larger than the sewage system review approval granted.

During the site visit completed on July 22, 2020, I observed the new dwelling location. The Class 5 Holding Tank is located on the lake side of the dwelling. A minimum 1.5 metre separation was observed from the structure.

As such, the Building Division – Sewage System Program has no concerns with the request to provide relief on the roadside setback to the dwelling/covered porch.

Should you have any further questions, please do not hesitate to contact me.

Best Regards,

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.

David Harding

From: Kim Rhodes
Sent: Monday, July 6, 2020 1:36 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20200706 D20-2020-006 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-006
63 North Taylor Road
Lot 16, Plan 224, Part of Lot 54, North of Portage Road
Geographic Township of Eldon, Ward 1

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

1. to reduce the minimum front yard setback from 7.5 metres to 7.3 metres to permit the construction of a new single detached dwelling and 5.9 metres respectively for a covered porch on the single detached dwelling; and
2. to reduce the minimum lot area from 930 square metres to 895 square metres to permit the construction of the new 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





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LeAnn Donnelly, Executive Assistant, Community Services

MEMORANDUM

DATE: July 7, 2020
TO: Committee of Adjustment
FROM: LeAnn Donnelly, Executive Assistant, Community Services
RE: Minor Variance - Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2020-004	6 Cowans Crescent, Emily
D20-2020-005	9 Moynes Court, Lindsay
D20-2020-006	63 North Taylor Road, Eldon
D20-2020-008	27 McGill Drive, Manvers
D20-2020-009	26 Evergreen Street, Emily Township
D20-2020-010	87 Marsh Creek Road, Mariposa
D20-2020-011	74 Colborne Street East, Lindsay
D20-2020-013	Vacant Lot, Church Street, Omemee
D20-2020-014	134-136 Lake Dalrymple Road Carden
D20-2020-015	23 Kenhill Beach Road, Verulam

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services

Charlotte Crockford-Toomey

From: North Taylor Road Cottagers Asso <ntaylorrdasso@yahoo.ca>
Sent: Monday, July 13, 2020 11:07 AM
To: Committee of Adjustment
Subject: D20-2020-006 , 63 North Taylor rd

APPENDIX " E"
to
REPORT COA2020-041

Opposed to this .

FILE NO. D20-2020-006

This owner had a fire 3yrs ago and the 60yr old 700 sqft cottage was destroyed. That structure was 2 bedroom 1 bath, and had an inadequate septic because in 2013 the new owner was draining it into the lake. (Health inspector called). The new cottage is 4000sqft and 8 bedrooms 3 baths. It is still on the old septic. With the owner's tendency to rent the cottage out, that 60 yr old metal septic tank could potentially make swimming downstream very hazardous. Also the owner has been witnessed digging around the septic, probably installing makeshift weepers underground.

Will this new Bunkie impeded the equipment needed to install a new septic, as setbacks are already limited by the giant house ?

Any new building permits should be refused until answers can be given as to why a new modern septic was not required.

-North Taylor Rd Cottage Assosiation.

Sent from Yahoo Mail for iPhone

Charlotte Crockford-Toomey

From: Paul and Virginia Minne <theminn@cogeco.ca>
Sent: Tuesday, July 14, 2020 1:34 PM
To: Committee of Adjustment
Subject: Minor Variance D20-2020-0006 -- 63 North Taylor Road, Lot 16, Plan 224, Part of Lot 54, North Portage Road, Township of Eldon, Ward 1, now in the City of Kawartha Lakes

The City of Kawartha Lakes
Planning Department
Committee of Adjustment

With regards to the Minor Variance noted above, we wish to have our concerns available to the committee making the decision and are hereby submitting this email. The concerns are as follows:

The single detached dwelling has already been built and the exterior appears complete. It is a very large house, probably the largest one on North Taylor Road;

When the house was being built there appeared to be allocation for a garage on the right side of the building. This garage has been converted into a room complete with outside access;

The owners have already asked for a variance before the building had begun (I believe for the height of the house);

And most importantly

In the past, the owners of this property made the previous dwelling available for short-term rental and rented to large groups of people. When the septic system overflowed they connected a pipe to the septic system which then **directed the overflow of untreated waste directly into Mitchell Lake**. This was made known to the City of Kawartha Lakes by one of the other residents of North Taylor Road. With additional bedrooms and bathrooms in this new building there is a concern to neighbours that this may happen again as, to our knowledge, no new holding tank has been installed on this property.

Paul Minne
71 North Taylor Road,
City of Kawartha Lakes

David Harding

From: Jim R <riches20@hotmail.com>
Sent: Monday, July 13, 2020 2:42 PM
To: Committee of Adjustment
Subject: D20-2020-006 – 63 North Taylor Road
Attachments: Big o.JPG; From road.JPG; From Lake.JPG; 63 Nt Excavation.JPG; 63 survey.jpg

Opposed to this amendment

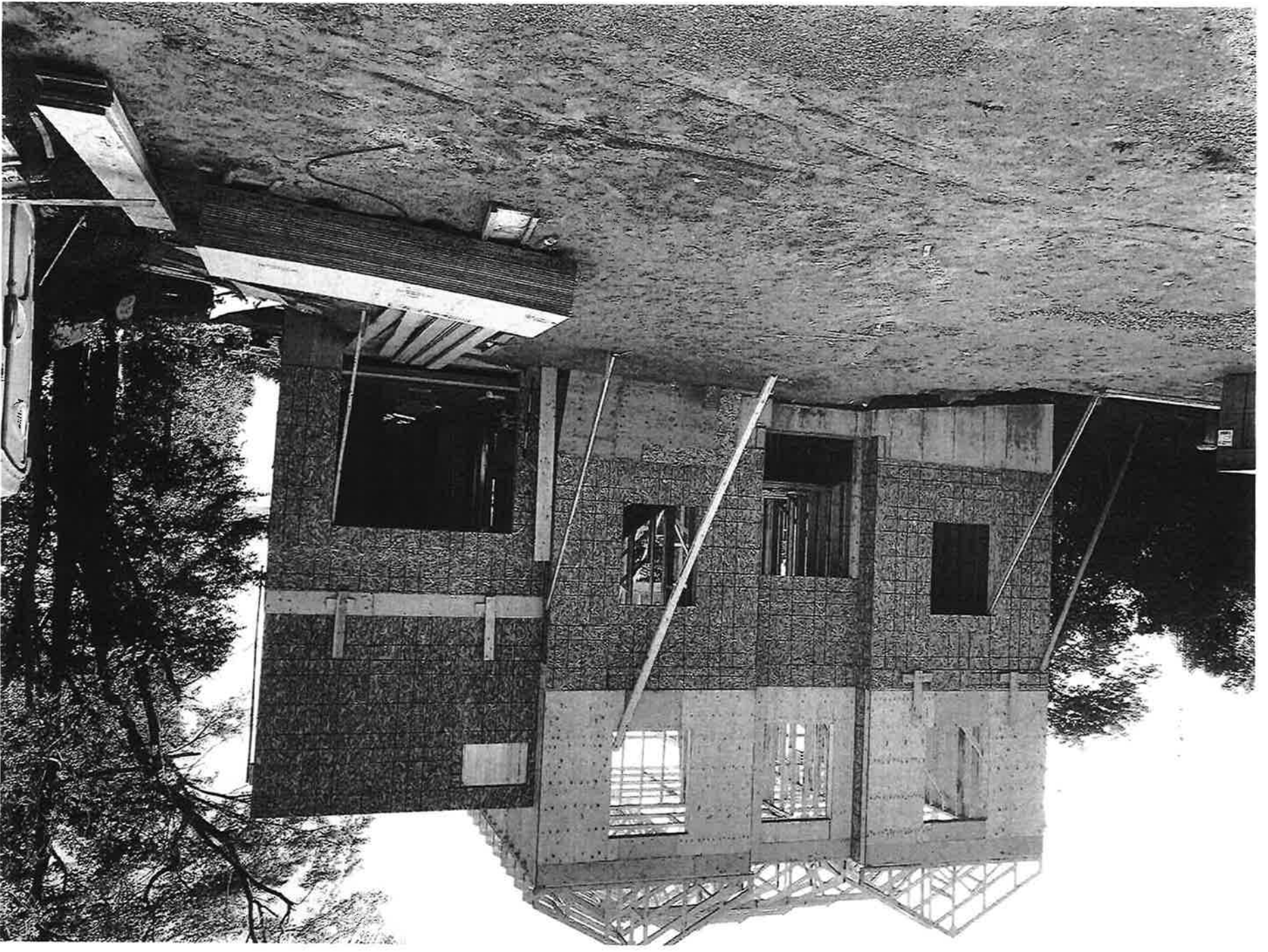
Nothing more should be built onto this lot until the 60 yr old septic is determined to be sound and acceptable for supporting the increase from 700 sq ft 2 bdrm dwelling to 4000 sq ft 8 bdrm dwelling. Numerous calls since the house rebuild started were placed to the building dept, and have resulted in no answers. People downstream are very concerned. The owner has been caught by neighbors several times siphoning septic water into the lake. Also in recent months Joe blundel has been hired to relocate the Big O foundation weepers in close proximity to the septic for some strange reason and the owner has covered the trench with a burn pile. Add to that the property has been rented out for entire summers since 2010, and the owner has seemed not to never have pumped the old septic tank. The owner prior to 2009 had stated her husband put an old metal Barrel into the ground back in the 70's to act as a septic.

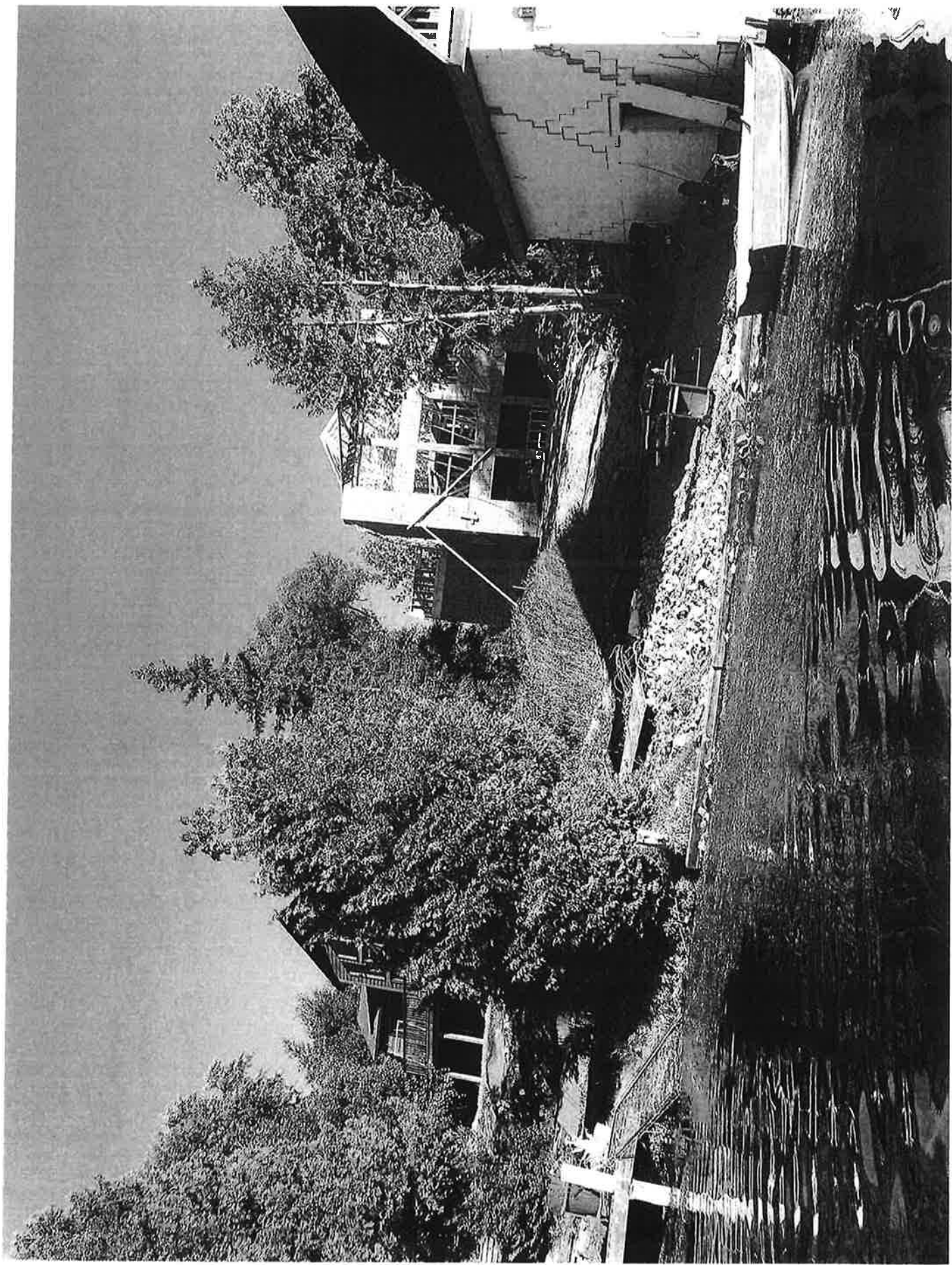
Ideally the next step by the city should be to dig up the old septic and see exactly what is there. It is unacceptable that the city allowed a giant waterfront home to be built without requiring the septic to be replaced.

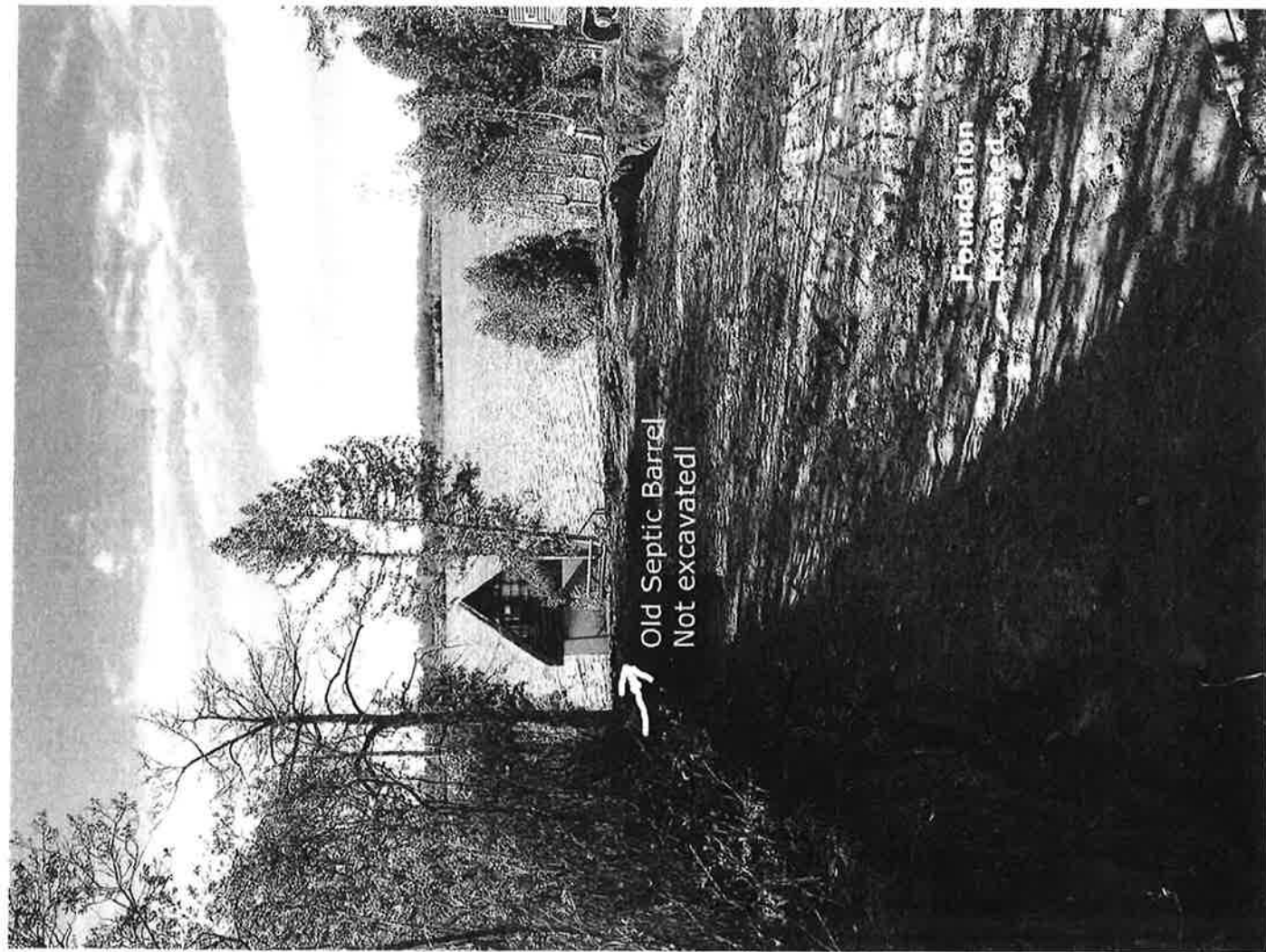
I have included some pictures to clarify my statement.

Jim Riches
65 North Taylor rd









Old Septic Barrel
Not excavated!

Foundation
Excavated

