

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Allan and Deborah Wilcox
Report Number COA2021-029

Public Meeting

Meeting Date: May 20, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to request relief from the following provisions in order to fulfill a condition of provisional Consent associated with a lot line adjustment as part of Consent File D03-2020-022:

1. Section 4.3.2 (a) to reduce the minimum lot area from 670 square metres to 537 square metres

The variance is requested at 35 Elliot Street, former Village of Fenelon Falls (File D20-2021-017).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-029 Wilcox, be received;

That minor variance application D20-2021-017 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-022, lapses.

This approval pertains to the application as described in report COA2021-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On February 24, 2021, the Director of Development Services, as delegated by Council, granted provisional consent for file D03-2020-022 to sever approximately 172.9 square metres from 39 Elliot Street and add the lands to 35 Elliot Street, resulting in an approximately 537 square metre parcel. Condition 3 of the provisional consent approval requires a variance to the proposed retained parcel to recognize the reduced lot area and frontage for the resultant lot.

Upon reviewing the submitted application, staff determined that the resultant configuration of the subject lands would also be deficient in lot area, notwithstanding receipt of the severed lands, in accordance with the provisions of the Residential Type One (R1) Zone of the Village of Fenelon Falls Zoning By-law 89-25. A revised staff recommendation was issued on March 4, 2021.

As is common practice with variances required as conditions of provisional Consent, all associated properties that are subject to variances are typically heard at the same hearing for convenience. As opposed to hearing variance application D20-2021-009 at the March 18, 2021 meeting and the variance application for 35 Elliot Street at a subsequent hearing, Planning staff requested the Committee consider deferring the application for a period of not more than two months with the applications returning concurrently at the latest to the May 2021 meeting. The request for deferral was granted.

This application was deemed complete on March 19, 2021.

- Proposal:** To facilitate a lot addition to the subject property. The justification for the lot line adjustment is to address the encroachment of a driveway and gravel pad and give the subject lot supplementary interior side yard space.
- Owners:** Allan and Deborah Wilcox
- Legal Description:** 35 Elliot Street, Part Lot 105, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes
- Official Plan:** Severed & Retained - Low Density Residential within the Village of Fenelon Falls Official Plan
- Zone:** Severed & Retained - Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25
- Site Size:** Severed – 172.9 square metres (1,861 square feet) resulting in an approximately 537 square metre (5,780 square feet) parcel
Retained – 398.6 square metres (4,290.5 square feet)
- Site Servicing:** Severed & Retained - Municipal water and sanitary system
- Existing Uses:** Severed and Benefitting - Residential
Retained - Residential
- Adjacent Uses:** North: Commercial, Residential
East, South, West: 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 situated in a well-established residential neighbourhood composed of single and two-storey single detached dwellings. The majority of the dwellings within the immediate vicinity of the subject property are over eighty (80) years old and part of an older Plan of Subdivision (Plan 25). The present-day lot fabric was created as part of the aforementioned Plan of Subdivision.

The property is fully developed with a single detached dwelling and driveway. Both lots are also connected to full municipal servicing. For these reasons, the proposed reduction in lot area is not anticipated to adversely impact the character of the neighbourhood. Noteworthy is the fact that many of the neighbouring lots are comprised of similar lot area. The reduction in lot area from 670 square metres to 537 square metres will be imperceptible.

The proposed variance will address an encroachment issue relating to the location of an existing driveway and gravel pad on the subject lands, increasing the supplementary interior side yard space in the process.

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 subject property is zoned Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. The R1 zone permits a variety of residential uses, including single detached dwellings.

An intent of the minimum lot area provision in the By-law is to ensure carrying capacity and adequate spatial separation between a dwelling, well and septic system. Lot area also ensures the maintenance of adequate landscaped open space for amenity space and storm water infiltration. The subject lands were created as part of a Registered Plan of Subdivision that predates the Village of Fenelon Falls Zoning By-law. Moreover, as both parcels are connected to Municipal servicing, the resultant lot area allows for appropriate servicing and spatial separation. It is also important to note that the Village of Fenelon Falls Zoning does not quantify absolute minimum lot area less than required through a separate provision for both serviced and unserved lots.

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

As the Fenelon Falls Secondary Plan is under appeal, the Village of Fenelon Falls Official Plan is in effect. The property is designated “Low Density Residential” within the Official Plan. The designation anticipates that the land within that designation will primarily be used for residential purposes and permits a variety of residential densities. The Official Plan supports the consent process with respect to lot additions. The single detached dwellings on both the donating and benefitting parcels are permitted uses within the designation.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

Both residential parcels are serviced by Municipal water and sanitary sewer systems.

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 (May 7, 2021): No objections

Building and Septic Division (May 6, 2021): No concerns.

Public Comments:

No comments have been received as of May 12, 2021.

Attachments:



Appendices A-D for
COA2021-017.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-017

D20-2021-017

APPENDIX " A "

to

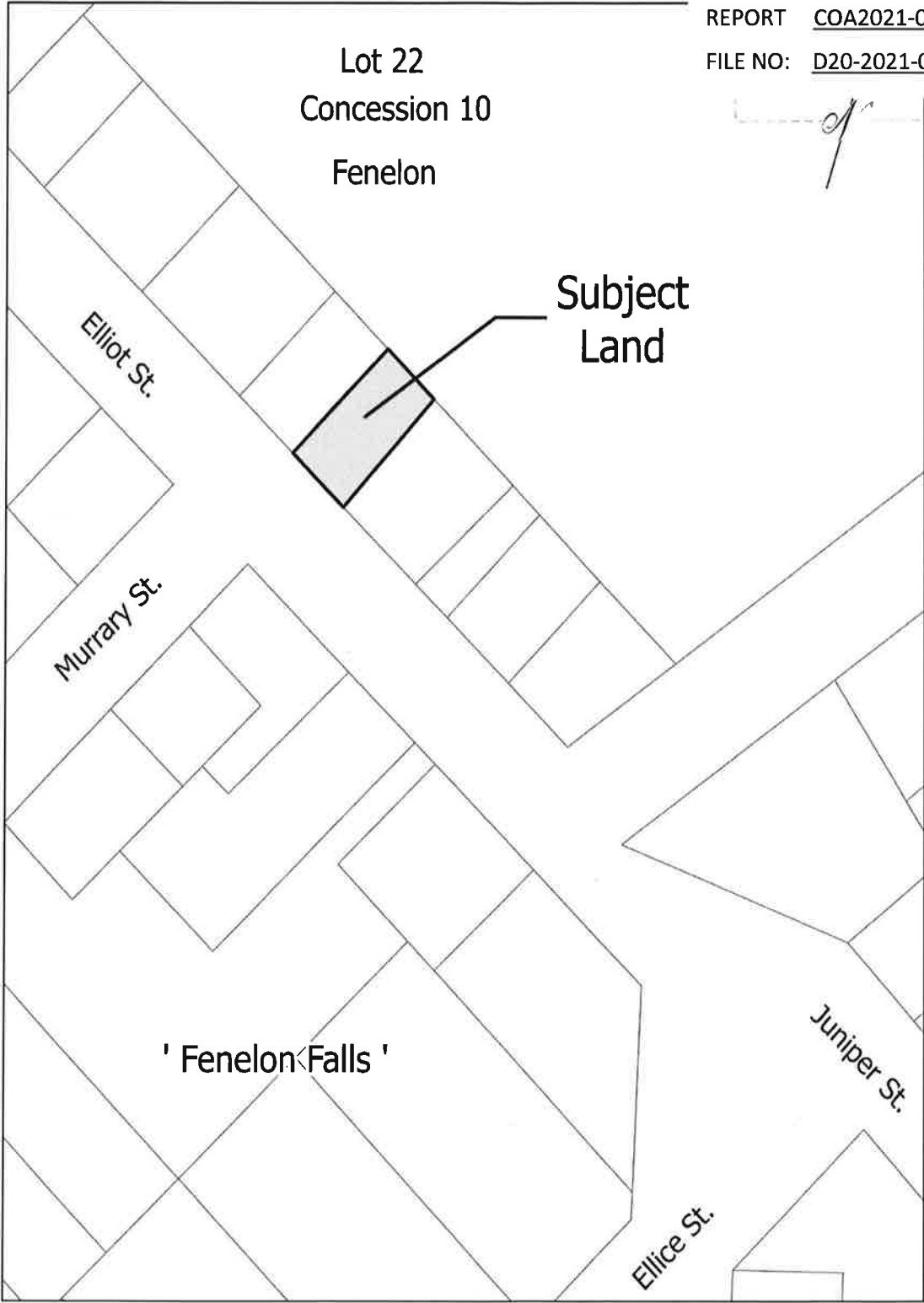
REPORT COA2021-029

FILE NO: D20-2021-017



Lot 22
Concession 10
Fenelon

Subject
Land



35 Elliot Street, former Village of Fenelon Falls



Legend
 Property Roll Number

Notes
Notes

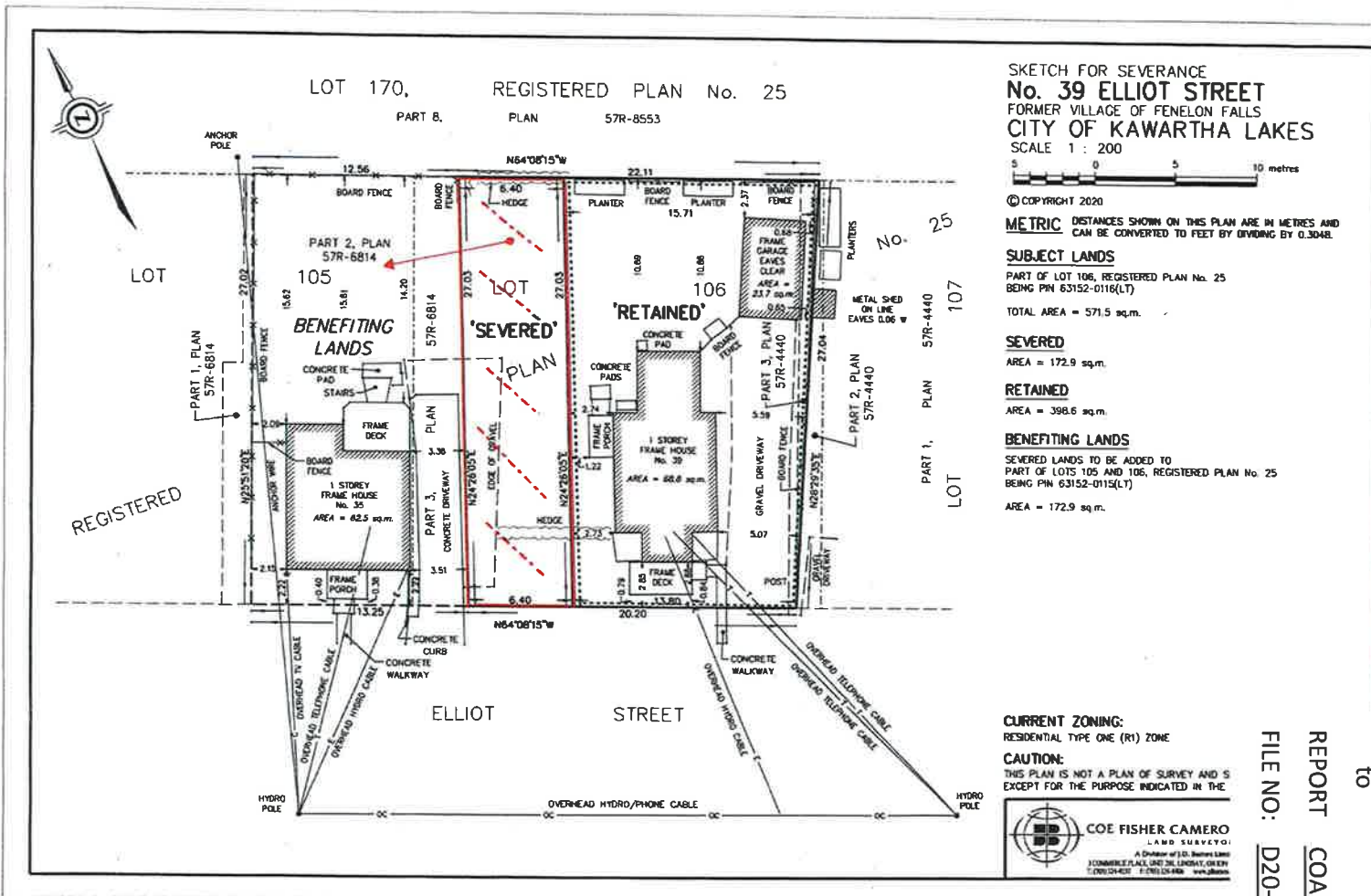
0.04 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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 COA2021-029
FILE NO: D20-2021-017



SKETCH FOR SEVERANCE
No. 39 ELLIOT STREET
 FORMER VILLAGE OF FENELON FALLS
 CITY OF KAWARTHA LAKES
 SCALE 1 : 200

© COPYRIGHT 2020
METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SUBJECT LANDS
 PART OF LOT 106, REGISTERED PLAN No. 25
 BEING PIN 63152-0116(LT)
 TOTAL AREA = 571.5 sq.m.

SEVERED
 AREA = 172.9 sq.m.

RETAINED
 AREA = 398.6 sq.m.

BENEFITING LANDS
 SEVERED LANDS TO BE ADDED TO
 PART OF LOTS 105 AND 106, REGISTERED PLAN No. 25
 BEING PIN 63152-0115(LT)
 AREA = 172.9 sq.m.

CURRENT ZONING:
 RESIDENTIAL TYPE ONE (R1) ZONE

CAUTION:
 THIS PLAN IS NOT A PLAN OF SURVEY AND IS EXCEPT FOR THE PURPOSE INDICATED IN THE



REPORT COA2021-029
 FILE NO: D20-2021-017

App No. 20-00-000-11-001-001-001-001

APPENDIX " C "

Kent Stainton

From: Kim Rhodes
Sent: Friday, May 7, 2021 12:11 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Benjamin Courville
Subject: 20210507 D20-2021-017 - Engineering review

APPENDIX " D "
to
REPORT COA2021-029

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following: ^{FILE NO.} D20-2021-017

Minor Variance – D20-2021-017
35 Elliot Street
Part Lot 105 and 106, Plan 100
Former Village of Fenelon Falls

It is the understanding by Engineering that the purpose and effect is to request relief from the following sections in order to fulfil a condition of provisional consent (File No. D03-2020-022) for a lot line adjustment:

1. Section 4.3.2(a) to reduce the minimum lot area required of the Residential Type One (R1) Zone for lots serviced by Municipal water supply and sanitary sewers from 670 square metres to 537 square metres.

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
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

Kent Stainton

From: Derryk Wolven
Sent: Thursday, May 6, 2021 1:00 PM
To: Charlotte Crockford
Subject: Re: Notice of Public Hearing for Minor Variance D20-2021-017, 35 Elliot Street, Fenelon

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised building division has no concern with the above noted application.

From: Charlotte Crockford
Sent: May 6, 2021 12:47:20 PM
To: Christina Sisson; Kim Rhodes; Amber Hayter; Doug Elmslie; Susanne Murchison; Derryk Wolven
Subject: Notice of Public Hearing for Minor Variance D20-2021-017, 35 Elliot Street, Fenelon
Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-017, 35 Elliot Street, Fenelon.

Many thanks

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



Please note: The Development Services 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.

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