

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Gary and Mary Tew
Report Number COA2021-042

Public Meeting

Meeting Date: June 17, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to re-create two residential lots that have merged on title by seeking relief from the following provisions:

210 Sturgeon Glen Road

1. Section 13.2.1.1(b) to reduce the minimum lot area requirement from 2,000 square metres to 1,119 square metres;
2. Section 13.2.1.2(c) to reduce the minimum lot frontage requirement from 35 metres to 15.2 metres;
3. Section 13.2.1.3 to reduce the minimum interior side yard from 1.3 metres to 1.17 metres for the dwelling and to 0.83 metres for the deck;
4. Section 13.2.1.6 to reduce the minimum gross floor area of a dwelling from 93 square metres to 66 square metres;

212 Sturgeon Glen Road

5. Section 13.2.1.1(b) to reduce the minimum lot area requirement from 2,000 square metres to 1,356 square metres; and
6. Section 13.2.1.2(c) to reduce the minimum lot frontage requirement from 35 metres to 21.8 metres.

The variances are requested at 210 and 212 Sturgeon Glen Road, geographic Township of Fenelon (File D20-2021-033).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2021-042 Tew, be received;

That minor variance application D20-2021-033 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the application shall be deemed to refused if the related consent application D03-2020-032 lapses;
- 2) **That** the variances pertaining to 210 Sturgeon Glen Road shall only apply to said address once the lands are divided; and
- 3) **That** the variances pertaining to 212 Sturgeon Glen Road shall only apply to said address once the lands are divided.

This approval pertains to the application as described in report COA2021-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On April 12, 2021, the Acting Director of Development Services as delegated by Council granted provisional consent to file D03-2020-032. One of the conditions of provisional consent is to obtain variances for the re-creation of the two shoreline residential lots. On June 8, 2021, the conditions were amended to reflect the new sketch submitted with this variance application. The new sketch was necessary to ensure building, structure, and walkway encroachments would not occur with the re-creation of the mutual lot line.

The application will serve to re-establish independent ownership over the single detached dwellings addressed as 210 Sturgeon Glen Road and 212 Sturgeon Glen Road. The lots merged on title.

This application was last amended June 3, 2021.

Proposal: To re-create two residential lots.

Owners: Gary and Mary Tew

Applicant: Paul Rabinovitch - HGR Graham Partners LLP

Legal Description: Part Lot 18, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: "Waterfront" within the City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Three (RR3) Zone" within the Township of Fenelon Zoning By-law 12-95

Site Size: 210 Sturgeon Glen Road - 1,119 square metres (12,044 square feet)

212 Sturgeon Glen Road – 1,356 square metres (14,595 square feet)

Site Servicing: Private individual well and septic system for each dwelling

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
West: Sturgeon Lake
East: 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 located on the east side of Sturgeon Lake as it narrows on approach to Fenelon Falls. The property is within a shoreline residential neighbourhood. The neighbourhood is serviced by a single road, Sturgeon Glen Road. The dwellings are between Sturgeon Glen Road and the lake. There is forested wetland to the east of the road.

The application will serve to re-establish independent ownership over the single detached dwellings addressed as 210 and 212 Sturgeon Glen Road. While the lots merged on title, they continue to function independently of one another.

As each side of the subject property is developed with a dwelling, the perceived frontage is not changing as a result of this application. Further, the frontages proposed are in keeping with the other shoreline residential lots along Sturgeon Glen Road.

For the proposed interior side yard setback reduction from the dwelling and deck at 210 Sturgeon Glen Road to the mutual lot line, sufficient space remains for access and maintenance purposes. The proposed 0.13 metre reduction for the single storey dwelling is not anticipated to be perceptible due to the modest degree of variance sought and the modest height of the dwelling. While the 0.47 metre reduction sought for the deck is greater than the dwelling, the deck is of open construction and of minimal height. These two factors allow for the reduced yard to be maintained more easily. Also, the deck's modest height is not anticipated to generate any adverse massing impacts or land use conflicts.

The reduced floor area of the dwelling at 210 Sturgeon Glen Road, constructed circa 1966, is of a size of dwelling more common of the older housing stock within this neighbourhood. While much of the older housing stock within the immediately surrounding area has been replaced with larger more modern dwellings, modest dwellings with modest footprints remain part of the neighbourhood's built character.

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 "Rural Residential Type Three (RR3) Zone" in the former Township of Fenelon Zoning By-law 12-95. The RR3 Zone permits single detached dwellings.

The intent of the lot frontage provision is to ensure the residential lots are sufficiently sized to accommodate a building along with private servicing. The two proposed lots do have sufficient area to each contain and support a dwelling, as is evidenced by the two dwellings that exist.

The intent of the interior side yard provision is to ensure sufficient spatial separation between lots to manage massing, property maintenance issues, and lot grading and drainage issues. There is sufficient distance between the dwelling, deck, and lot line to carry out needed maintenance, and Development Engineering Division has not raised any issues with respect to lot grading and drainage.

The intent of the minimum dwelling unit floor area provision is to provide sufficient living space, ensure adequate proportion of primary to accessory buildings and uses, and regulate the overall built character of the neighbourhood. The dwelling at 210 Sturgeon Glen Road spans most of the width of the lot and is wider than the 2 storey dwelling at 212 Sturgeon Glen Road. Therefore, its width is not greatly out of place. The size and height of the dwelling at 210 Sturgeon Glen is also not out of character with the other modestly sized dwellings further up the road. The proposed built form is compatible with the built form of the neighbourhood.

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 subject lands are designated "Waterfront" within the City of Kawartha Lakes Official Plan (Official Plan). Low density residential uses, along with accessory uses are anticipated within this designation.

While the proposal does not meet the 3,000 square metre area requirement to create a new shoreline residential lot, the application proposes to separate two dwellings from one another on land that merged on title. The merger combined two lots. The applicant is seeking to re-establish the two lots. As such, the application seeks to recognize the two established residential uses on each portion of the currently consolidated lot. The Official Plan does not provide specific provisions to address situations where lots have consolidated through an inadvertent change in title, but does allow through Policy 33.3 for the size of any parcel of land created by consent to be appropriate for the proposed uses and the services available. As this proposal re-creates two previously existing lots which are already developed on separate sewage systems and wells, this application does not offend the required criteria.

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:

Each dwelling 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 (June 4, 2021): No concerns.

Building and Septic Division – Building Branch (June 4, 2021): No concerns as the purpose is to re-establish a property line.

Public Comments:

No comments received as of June 8, 2021.

Attachments:



Appendices A-D to
COA2021-042

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: Richard Holy, Acting Director of Development Services

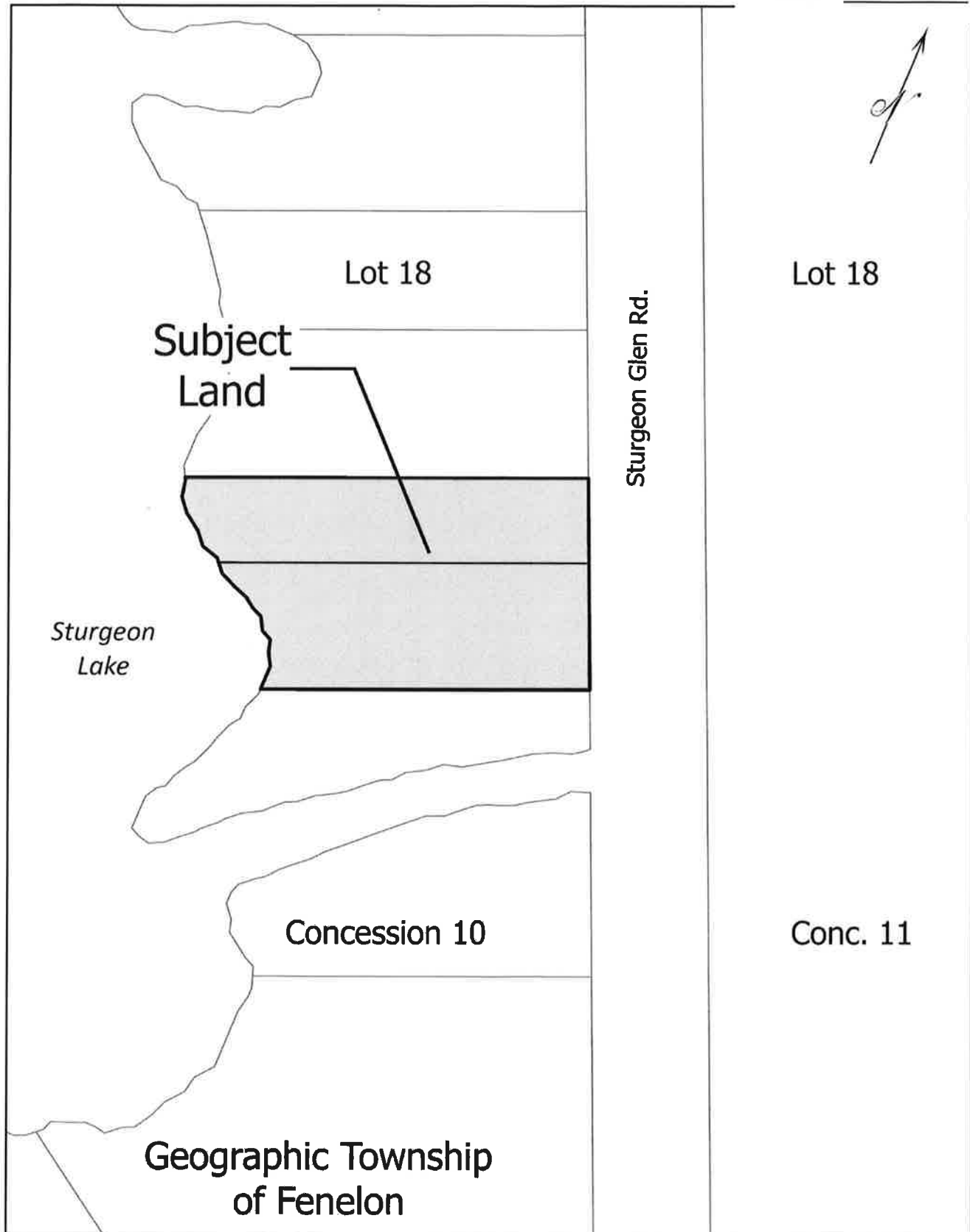
Department File: D20-2021-033

to

REPORT COA2021-042

FILE NO: D20-2021-033

D20-2021-033





GEOMATICS
MAPPING

210 and 212 Sturgeon Glen Road, geographic Twp. of Fenelon



Subject Property

0.07

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 COA2021-042

FILE NO: D20-2021-033

David Harding

From: Kim Rhodes
Sent: Friday, June 4, 2021 10:17 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20210604 D20-2021-033 - Engineering review

REPORT COA2021-042

FILE NO. D20-2021-033

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-033
210 and 212 Sturgeon Glen Road
Part Lot 18, Concession 10
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to re-create two residential lots that have merged on title by seeking relief from the following provisions:

210 Sturgeon Glen Road

1. Section 13.2.1.1(b) to reduce the minimum lot area requirement from 2,000 square metres to 1,119 square metres;
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212 Sturgeon Glen Road

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6. Section 13.2.1.2(c) to reduce the minimum lot frontage requirement from 35 metres to 21.8 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

David Harding

From: Derryk Wolven
Sent: Friday, June 4, 2021 11:01 AM
To: Charlotte Crockford
Subject: RE: D20-2021-033, Notice of Public Hearing for Minor Variance, 210 and 212 Sturgeon Glen Road

As the purpose of this MV is to re-establish a property line, building division has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca



From: Charlotte Crockford
Sent: Wednesday, June 2, 2021 4:51 PM
To: Christina Sisson ; Kim Rhodes ; 'alanna.boulton@canada.ca' ; Doug Elmslie ; Susanne Murchison ; Derryk Wolven
Subject: D20-2021-033, Notice of Public Hearing for Minor Variance, 210 and 212 Sturgeon Glen Road

Good afternoon

Please find attached D20-2021-033, Notice of Public Hearing for Minor Variance, 210 and 212 Sturgeon Glen Road.

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.