

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 1703579 Ontario Inc.
Report Number COA2021-070

Public Meeting

Meeting Date: October 21, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Somerville

Subject: The purpose and effect is to seek relief from the following provisions in order to permit the construction of a dwelling and related buildings and structures:

1. Section 18.5.1 to reduce the minimum lot frontage requirement from 15 metres to 6 metres; and
2. Section 18.8.1 to permit development in the Rural General (RG) Zone on a lot that does not abut an improved public street.

The variance is requested on Vacant Land on Sunset View Road, geographic Township of Somerville (File D20-2021-058).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2021-070 1703579 Ontario Inc., be received;

That minor variance application D20-2021-058 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 COA2021-070, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2021-070. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property is an existing lot of record in a bowtie shape. The western half of the bowtie (Parts 4 and 5 in Appendix C) is zoned Limited Service Residential (LSR) Zone and abuts/contains the private road known as Sunset View Road. The eastern half of the bowtie (Part 2 in Appendix C) is zoned Rural General (RG) Zone. The RG Zone portion of the site is much larger and more secluded than the LSR Zone portion.

The applicant is seeking to construct a single detached dwelling on the RG zoned portion of the property.

This application was deemed complete August 26, 2021.

Proposal: To construct a single detached dwelling, detached garage, and shed within the portion of the property zoned RG.

Owner: 1703579 Ontario Inc. (Darrell C. Marsh)

Legal Description: Part Lot 68, Front Range, geographic Township of Somerville, City of Kawartha Lakes

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

Zone: "Limited Service Residential (LSR) Zone" and "Rural General (RG) Zone" within the Township of Somerville Zoning By-law 78-45

Site Size: 2.02 hectares (4.99 acres)

Site Servicing: Proposed private individual well and septic system

Existing Uses: Vacant Land

Adjacent Uses: North, South: Shoreline Residential, Forest
East: Forest
West: Shoreline 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 shoreline residential neighbourhood on the east side of Shadow Lake. The subject property is one of the larger backlots bordering the private road known as Sunset View Road. All of the shoreline lots

are developed with dwellings. This property is the last undeveloped lot along this portion of Sunset View Road.

The subject property is arranged in a bowtie shape. The smaller eastern part of the bowtie is manicured lawn and the larger western part is forest.

Access to the property is gained from the private road known as Sunset View Road. The owner proposes to build within the larger, forested area of the lot. The recognition of the existing frontage with Sunset View Road will not change how access is obtained.

The variances, if granted, will facilitate the construction of a dwelling, detached garage, and shed within the eastern part of the lot. As the rest of the lots within the neighbourhood are improved with dwellings, the proposed built form is in keeping with the uses established on the other lots. The proposal will develop vacant land and also provide additional housing.

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 "Limited Service Residential (LSR) Zone" and "Rural General (RG) Zone" within the Township of Somerville Zoning By-law 78-45. The LSR Zone is within the western portion of the property and the RG Zone is on the eastern portion of the property.

The General Provisions section lays out how access to a lot is to be provided in order for development to occur. The General Provisions anticipates that most development is to occur on land that abuts and obtains direct access onto an improved public street (a municipal road which has been assumed). However, the General Provisions also lays out exceptions to this rule by allowing lots within the LSR Zone to be developed. Lots within the LSR Zone are recognized to have a differing level of service access by nature of their name.

All of the shoreline lots within this neighbourhood are zoned LSR by nature of gaining access via Sunset View Road. A portion of the subject property is also zoned LSR. However, establishing a building envelope on that portion that complies with the applicable setbacks along with locating the private services would be challenging given the size and irregular shape of the portion of the lot within the LSR Zone and the fact that the road travels through that area of the property as well.

It is appropriate to permit development on the RG portion of the property as a portion of the lot abutting Sunset View Road is already zoned to recognize the private road access to the property. The dwelling and its accessory buildings may be constructed in accordance with all applicable setback requirements.

The General Provisions also lays out a minimum frontage requirement for existing lots of record in order for development to occur. It appears that the by-law was written on the premise that lots are rectangular in shape. Therefore, the minimum frontage requirement of 15 metres is in place to ensure the lot is

adequately sized in order to accommodate private services and accommodate a suitable building envelope. Lots which do not meet this requirement are subject to further review through the variance process.

The subject property is of an irregular shape, with a substantial depth and width to its area on the western portion of the property. The western portion of the property is sufficiently sized to accommodate development on private services. The road access (i.e. frontage), at 6 metres, reflects the width of Sunset View Road. The road size has been sufficient for the access and development of the other lots along Sunset View Road.

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 property is designated Rural within the City of Kawartha Lakes 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 have been considered at this time.

Servicing Comments:

The property will be serviced by private individual well and private individual septic 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 (October 8, 2021): No concerns.

Public Comments:

No comments received as of October 12, 2021.

Attachments:



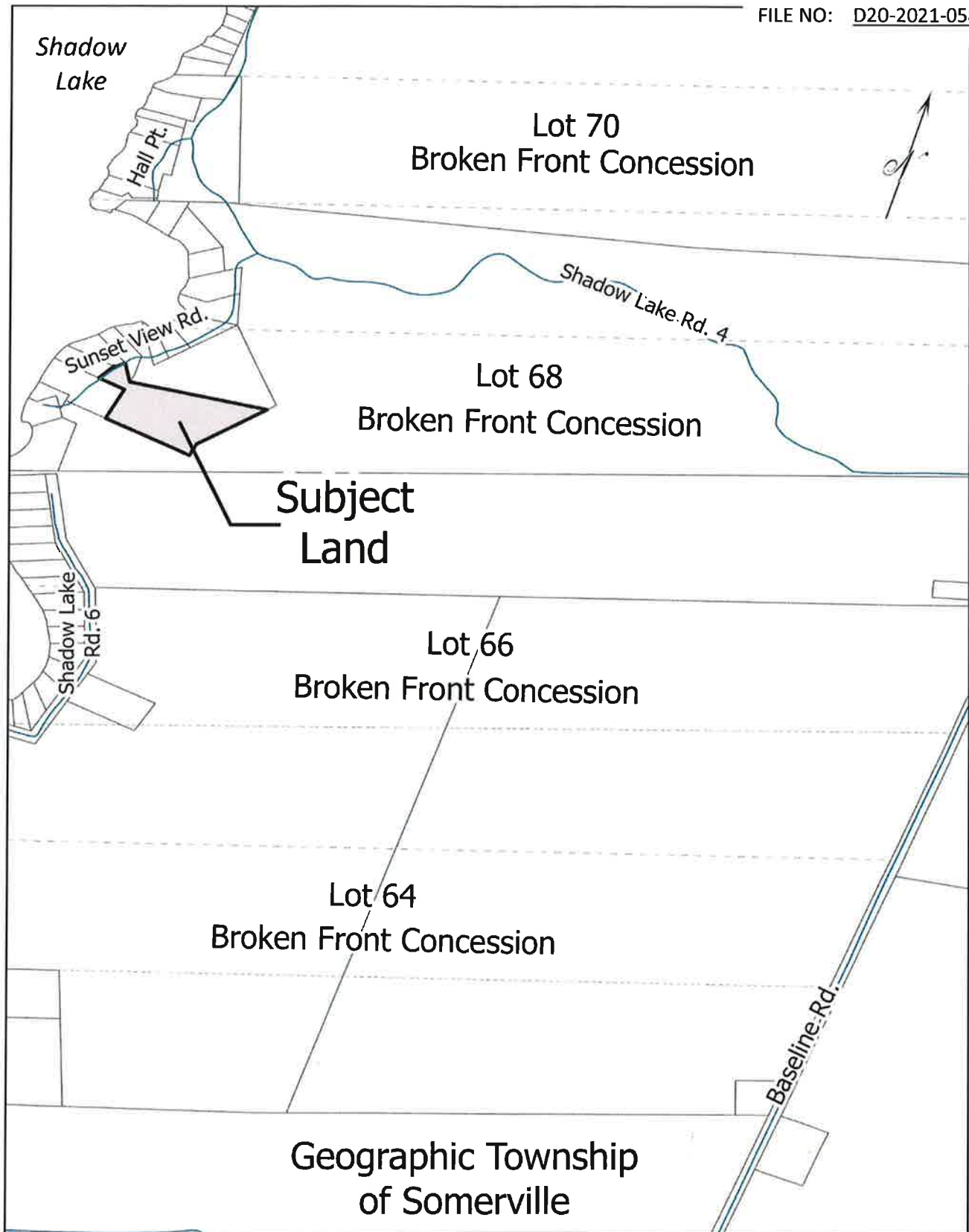
Appendices A-E to
COA2021-070.pdf

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

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E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-058

D20-2021-058

to
REPORT COA2021-070
FILE NO: D20-2021-058



Sunset View Road, geographic Township of Somerville



0.14

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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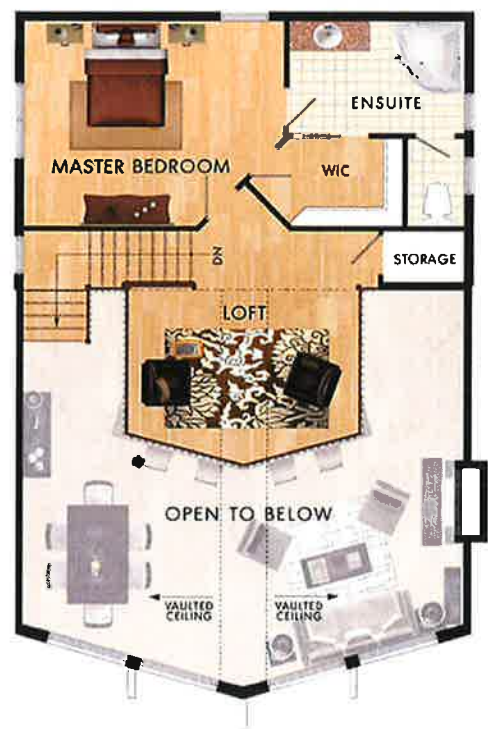
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APPENDIX " B "
to
REPORT COA2021-070
FILE NO: D20-2021-058

to

REPORT COA2021-070

FILE NO: D20-2021-058



David Harding

From: Kim Rhodes
Sent: Tuesday, October 12, 2021 8:38 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20211012 D20-2021-058 - Engineering review

Importance: High

APPENDIX " E "
to
REPORT COA2021-070
FILE NO. D20-2021-058

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-058
Vacant Lot, Sunset View Road and Shadow Lake Road #4
Part Lot 68, Front Range
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to seek relief from the following provisions in order to permit the construction of a dwelling and related buildings and structures:

1. Section 18.5.1 to reduce the minimum lot frontage requirement from 15 metres to 6 metres; and
2. Section 18.8.1 to permit development in the Rural General (RG) Zone on a lot that does not abut an improved public street.

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.
Manager, 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.