

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Waxwing Properties Ltd
Report Number COA2021-075

Public Meeting

Meeting Date: October 21, 2021
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 3.11.1 to reduce the minimum lot area from 830 square metres to 810.5 square metres in order to construct a single detached dwelling.

The variance is requested at Lot 4, Elm Street East, former Village of Omemee (File D20-2021-063).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2021-075 Waxwing Properties Ltd, be received;

That minor variance application D20-2021-063 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 COA2021-075, 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 COA2021-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application seeks to develop a lot on private services.
A Planning Letter prepared by EcoVue Consulting Services Inc. dated August 13, 2021 and a Municipal Sanitary Sewer System Exemption Letter from the City were provided in support of the application.
The lot was created back in 1896 when the village plan was registered.
This application was last amended September 16, 2021.

Proposal: To permit the construction of a single detached dwelling on private services.

Owner: Jeremy Kraemer - Waxwing Properties Ltd

Applicant: Ashlyn Kennedy – EcoVue Consulting Services Inc.

Legal Description: Lot 4, s/s Elm Street, East of Sturgeon 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: 810.5 square metres (8,724.1 square feet)

Site Servicing: Proposed Private individual well and septic system

Existing Uses: Vacant Land

Adjacent Uses: North: Trans Canada Trail, Rural Residential, Agriculture
East, South, West: Residential

Rationale: The by-law requires a minimum lot area to develop of private services. Sanitary sewers are not present along Elm Street East.

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 located in a residential area in the northern portion of Omemee. The property is the second of two undeveloped lots within the residential block bordered by Elm Street East to the north, George Street North to the east, Victoria Street East to the south, and Sturgeon Road North to the west. All of the lots within the block are of very similar areas. The Trans Canada Trail is across the road to the north of the property.

The block, along with the greater surrounding neighbourhood, is comprised of single detached dwellings of varying heights and ages. The neighbourhood as a whole is an established residential neighbourhood consisting of dwellings which tend to be older, with the majority of the dwellings constructed between 1900 and 1940 according to MPAC data. The two other dwellings that fall outside of this range were constructed in 1962 and 1987 according to MPAC data.

The applicant has demonstrated that a dwelling which meets the minimum gross floor area requirements along with the other development requirements can be constructed on the lot.

Therefore, the proposed built form will be consistent with the established built form on the rest of the block.

The development will better utilise the land within an established residential neighbourhood by providing housing. Private servicing is a more affordable servicing option than extending municipal services, which the consultant estimates would cost over \$250,000.

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 property is zoned Residential Type One (R1) Zone within the Village of Omemee Zoning By-law 1993-15.

The R1 Zone permits a single detached dwelling, accessory uses, a public park, or a school. A single detached dwelling is proposed. The proposed development is a form infill, and the residential infill is compatible with the residential neighbourhood.

The by-law has a provision that grants as-of-right development approval to existing lots of record that meet a certain area requirement if a private individual sewage system is proposed. Lots which do not meet this threshold require additional review to ensure adequate servicing is provided.

The owner has demonstrated to the City's satisfaction via the provided exemption request letter that the lot may be developed on private well and sewage system services.

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

As the Omemee Secondary Plan as part of the City of Kawartha Lakes Official Plan is under appeal, the Victoria County Official Plan (VCOP) applies. The lands are designated 'Urban' within VCOP. The subject property is within a neighbourhood that would be classified as Low Density Residential within

VCOP. Low density residential uses include single detached dwellings, and a single detached dwelling is proposed.

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

Other Alternatives Considered:

The applicant, through their planning letter, examined the costs associated with providing municipal sanitary sewer service to the property, and concluded that this was cost prohibitive for the scale of development proposed.

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 Division (October 8, 2021): No concerns.

Building and Septic Division – Supervisor of Part 8 Sewage Systems (October 13, 2021): No concerns. Concept plan demonstrates that a Class 4 Sewage System Waterloo Biofilter system can be accommodated.

Public Comments:

No comments received as of October 12, 2021.

Attachments:



Appendices A-D to
COA2021-063.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 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Richard Holy, Acting Director of Development Services

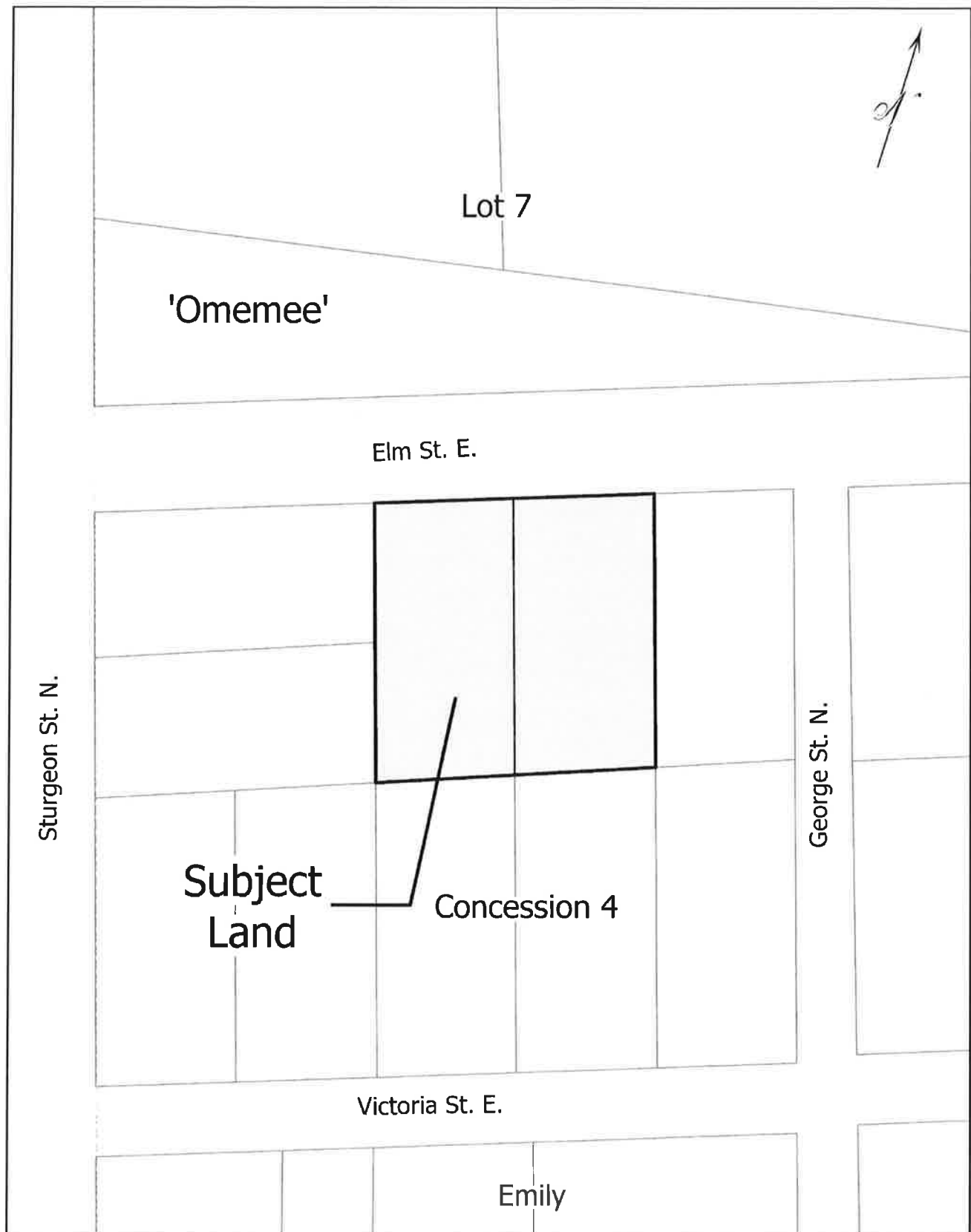
Department File: D20-2021-063

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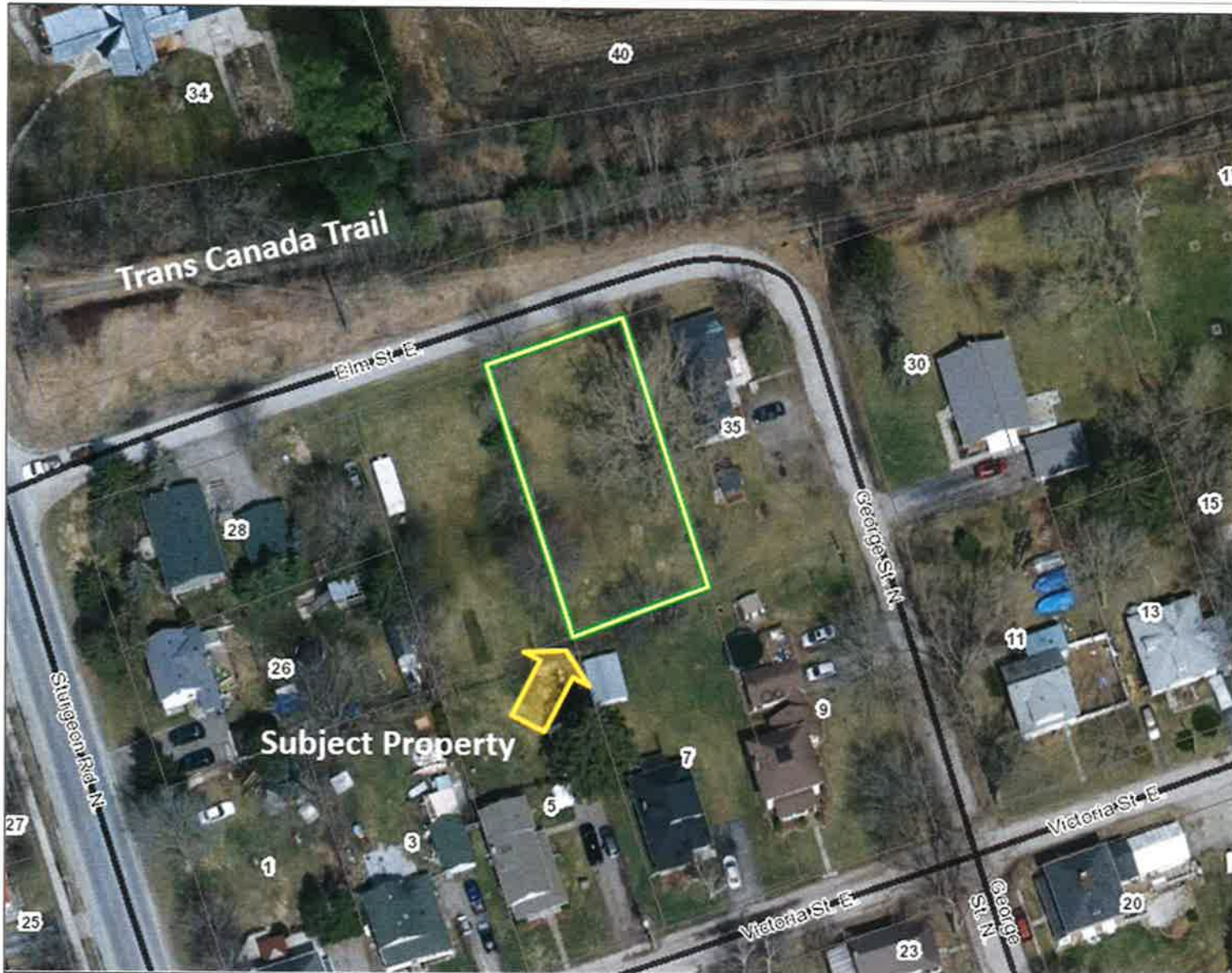
REPORT COA2021-075

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D20-2021-062 - 063



Lot 4, Plan 109, former Village of Omemee

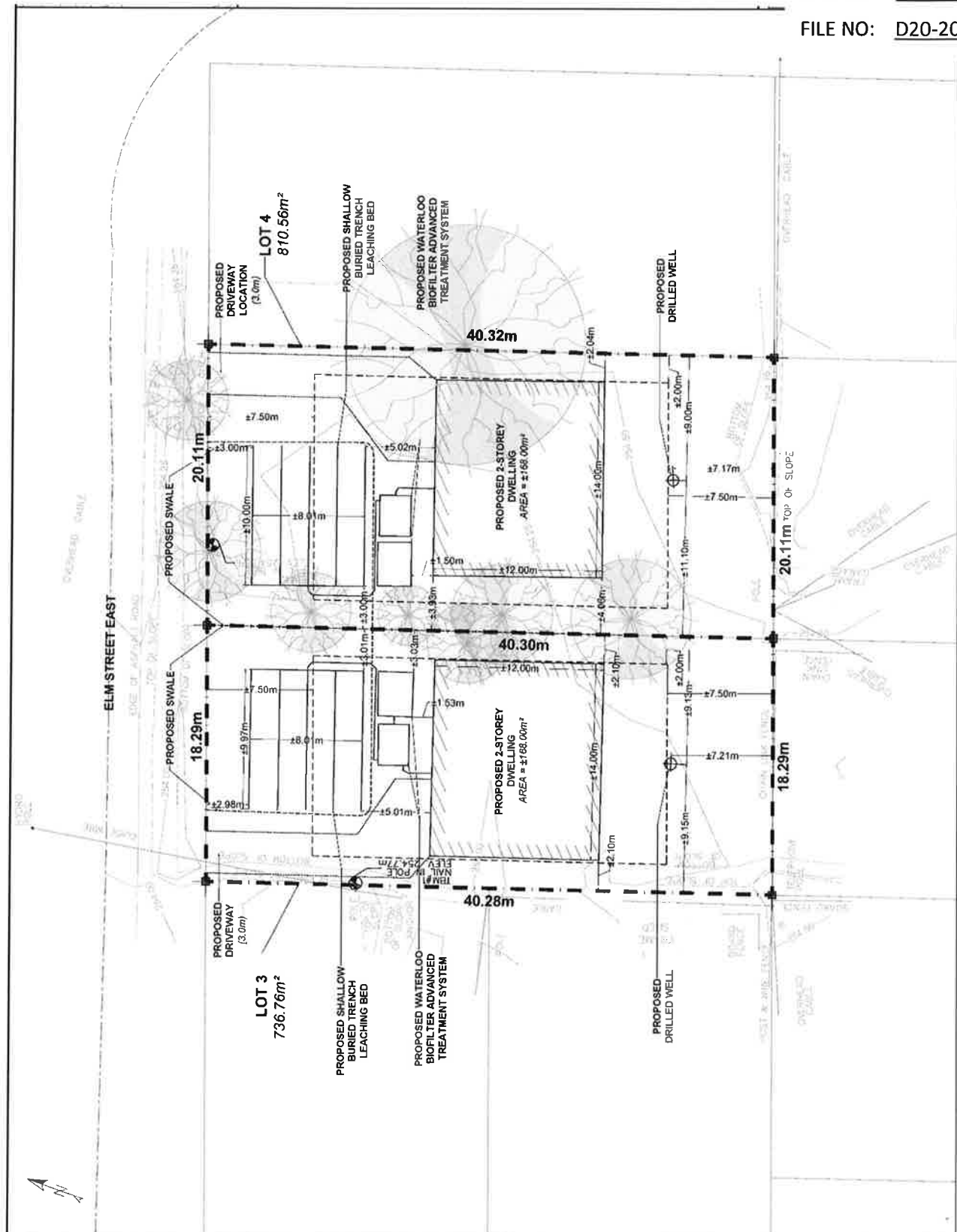


APPENDIX " C "

to

REPORT COA2021-075

FILE NO: D20-2021-063



David Harding

From: Charlotte Crockford
Sent: Friday, October 8, 2021 1:43 PM
To: David Harding
Subject: FW: 20211008 D20-2021-063 - Engineering review

APPENDIX " D "
to
REPORT COA2021-075
FILE NO. D20-2021-063

fyi

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

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, October 8, 2021 11:02 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>; Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20211008 D20-2021-063 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-063
Vacant Lot
Lot 4, Plan 109
Former Village of Omemee

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.11.1 to reduce the minimum lot area from 830 square metres to 810.5 square metres in order to construct 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.

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.

Charlotte Crockford

From: Anne Elmhirst
Sent: Wednesday, October 13, 2021 1:17 PM
To: Charlotte Crockford
Subject: RE: D20-2021-062 and 063 Public Notice, Lot 3 and Lot 4 Elm Street, Omemee

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

I have received and reviewed the proposed minor variances D20-2021-062 and 063 to request relief to reduce the minimum lot area in order to construct single detached dwellings on each property.

A submission of a sewage system concept for site servicing and development has been completed. This concept plan indicates that a Class 4 Sewage System Waterloo Biofilter system can be accommodated within the property boundaries for each individual lot compliant with the requirements of the Ontario Building Code. It has been demonstrated that the proposed site servicing will allow for the construction of a dwelling with a total daily sewage flow up to 2500 L/day.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to private on-site sewage disposal.

Best Regards,

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



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From: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Sent: Thursday, October 7, 2021 4:49 PM
To: Christina Sisson <csisson@kawarthalakes.ca>; Ron Ashmore <rashmore@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Cc: Kim Rhodes <krhodes@kawarthalakes.ca>
Subject: D20-2021-062 and 063 Public Notice, Lot 3 and Lot 4 Elm Street, Omemee

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-062 and 063.

Many thanks

Charlotte Crockford

Administrative Assistant

Planning Department, City of Kawartha Lakes

705-324-9411 ext. 1231 www.kawarthalakes.ca



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