

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Dragan Mumovic
Report Number COA2021-059

Public Meeting

Meeting Date: September 16, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Bexley

Subject: The purpose and effect is relief from Section 7.2.1.3 (a) to reduce the minimum front yard setback from 30 metres to 15 metres in order to permit the construction of a new single detached dwelling.

The variance is requested at 126 Maritime Road, geographic Township of Bexley (File D20-2021-050).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-059 Mumovic, be received;

That minor variance application D20-2021-050 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 sketches in Appendices C-D submitted as part of Report COA2021-059, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building and Septic Division – Part 8 Sewage Systems that the sheds impacting the future septic system have been sufficiently relocated to comply with both the Septic System Permit and the development standards of the Zoning By-law;
- 3) **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 COA2021-059. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application is the result of a Building and Septic Division Enforcement matter. A picnic shelter used to cover a motorized mobile home (RV) was installed on the property. The applicant is converting the shelter into a single detached dwelling with a new septic system.

This application was deemed complete on August 10, 2021.

Proposal: To convert an existing shelter into a new 118.82 square metre (1,279 square feet) single detached dwelling.

Owner: Dragan Mumovic

Legal Description: 126 Maritime Road, Lot 11, Registrar's Compiled Plan 561, Part Lot 8, Concession 6, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Rural with Significant Woodlands and Significant Wildlife Habitat in the City of Kawartha Lakes Official Plan (2012)

Zone: Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 4 hectares (9.88 acres)

Site Servicing: Private individual well and private septic system

Existing Uses: Recreational

Adjacent Uses: North, South, West: Rural Residential
East: Woodlands

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 rural area southeast of Bexley. Linear strip-lots are prevalent in the neighbourhood with several remaining vacant. The lots are well-vegetated with woodlots dominating the landscape. The subject lands consist of a cleared area of manicured lawn occupying the far western end of the lot abutting Maritime Road with the vast majority of the lot being comprised of dense woodlands to the east. There are single detached dwellings on the abutting lot to the south (120 Maritime Road) as well as across the road from the subject lands (125 Maritime Road).

With woodlot dominating the subject lands, the lot essentially functions as an oversized rural residential lot. While a 30 metre front yard setback is required within the Rural General (RG) Zone category, the proposed reduction of 15 metres is imperceptible given the presence of woodlands.

Maritime Road is an unpaved, local road that terminates at a cul-de-sac to the north; the 7.5 metre setback of any of the rural residential zones would suffice in this neighbourhood. There are no anticipated impacts to traffic or sightlines as a result of the location of the dwelling. Given the locations of the dwellings to the south (addressed as 108, 114 and 120 Maritime Road) in relation to the front lot line of the respective properties, the proposed dwelling follows a similar trend.

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 Rural General (RG) Zone permits a variety of rural uses, including one single detached dwelling. The permanent situation of motorized mobile homes is not permitted under the RG Zone category. Through converting the shelter into a single detached dwelling, the use will be brought into conformity with the Zoning By-law.

The intent of the front yard setback is to provide separation between the road and residential uses; however, Maritime Road receives low traffic for a Local Road and the proposed 15 metre setback maintains a substantial front yard-to-road interface with no anticipated land use compatibility or massing issues resulting from the conversion of the shelter into a single detached dwelling. The existing vegetative screening between the western limit of the proposed single detached dwelling and Maritime Road is substantial. From Maritime Road, the presence of the existing shelter is imperceptible. In accordance with Appendix C (attached), the height of the single detached dwelling will remain the same as the shelter at 5.6 metres (18.5 feet).

The RG Zone category does not restrict the number of accessory buildings or structures a property may contain provided compliance with the Zoning By-law is maintained. The six (6) existing sheds do not impact lot coverage with one of the sheds (shed #6) serving as an apiary. As a result of the proposed location of the septic system, several sheds (shed # 1-3) may require relocation in order to comply with the requirements of the Ontario Building Code (OBC). A condition is recommended in order to ensure the sheds are relocated to comply with the spatial separation requirements of the OBC as well as the provisions of the Zoning By-law.

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 regard to the Significant Woodlands and Significant Wildlife Habitat present on the property, by using the existing cleared area, no additional impacts to the Significant Woodlands or Significant Wildlife Habitat are presented.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered: No alternatives have been considered at this time.

Servicing Comments: The property is serviced by private individual well. A permit to construct a new septic system is pending approval.

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

Agency Comments:

Engineering and Corporate Assets Division (September 2, 2021): No objections

Building and Septic Division – Chief Building Official (September 7, 2021): No concerns, structure built without benefit of building permit but owner is working with staff to correct issues. Building Permit required for proposed dwelling, Development Charges will apply.

Building and Septic Division – Supervisor, Part 8 – Sewage Systems (September 3, 2021): The applicant has submitted an Application for a Sewage System Permit to install a system to service the property. This system has been designed to accommodate the new single detached dwelling proposed for the property. The system is proposed to be located on the north side of the dwelling/structure. The current site plan indicates several small sheds in this area. The sewage system installation will require a minimum clearance distance to any structure. As such, the sheds in the vicinity of the proposed sewage system may be required to be relocated to accommodate a compliance.

With the current understanding of the proposal, the Building and Septic Division has no concerns with the proposed minor variance as it relates to on-site sewage disposal with the understanding of the potential shed relocation.

Public Comments: No comments have been received as of September 8, 2021.

Attachments:



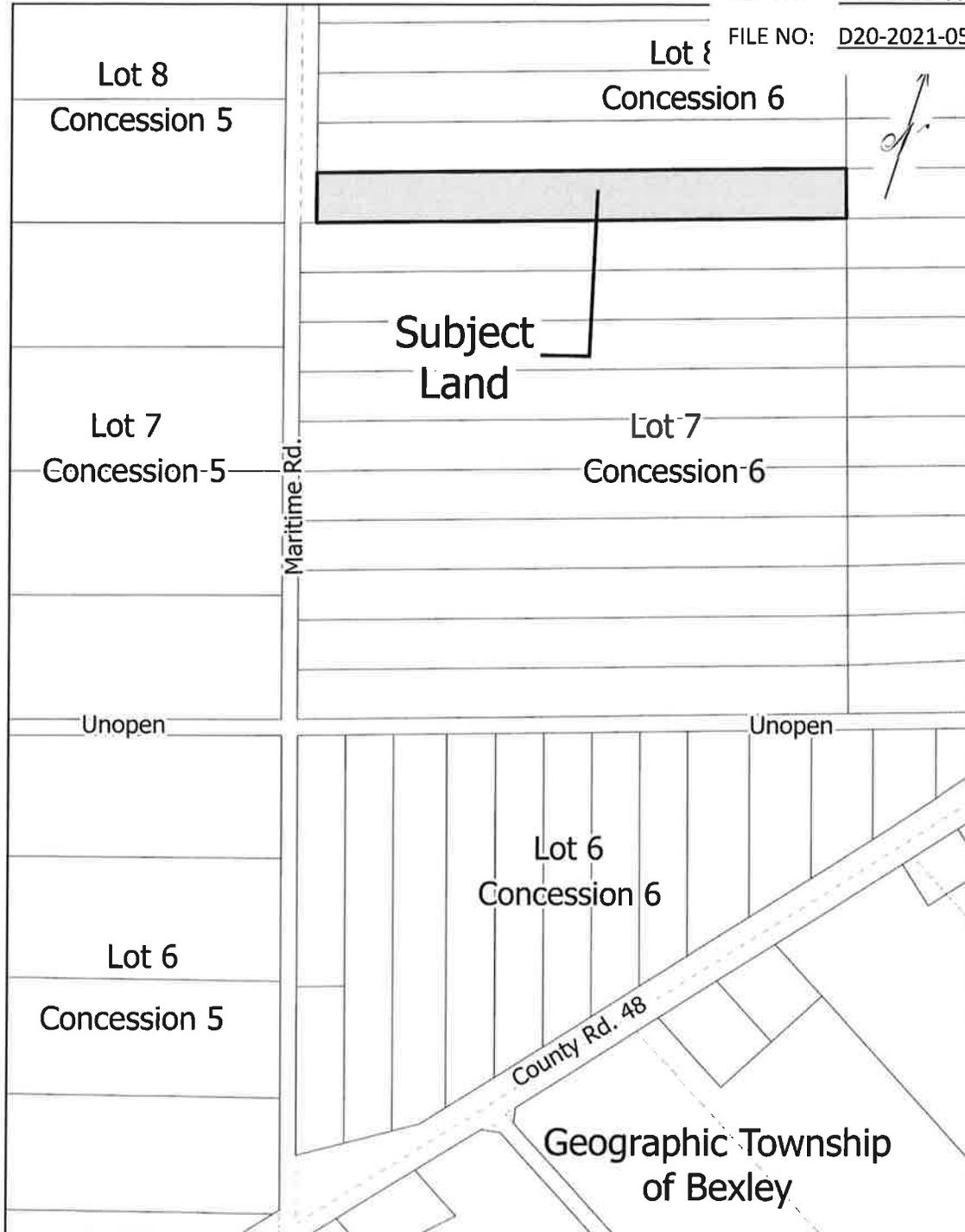
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch (Site Plan)
- Appendix D – Elevation Drawings
- Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-050

D20-2021-050

APPENDIX " A "

to
REPORT COA2021-059
FILE NO: D20-2021-050



126 Maritime Road, Geographic Township of Bexley



- Legend**
- Property Roll Number
 - Lots and Concessions

Notes
Notes

APPENDIX " B "

to

REPORT COA2021-059

FILE NO: D20-2021-050

0.45 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.

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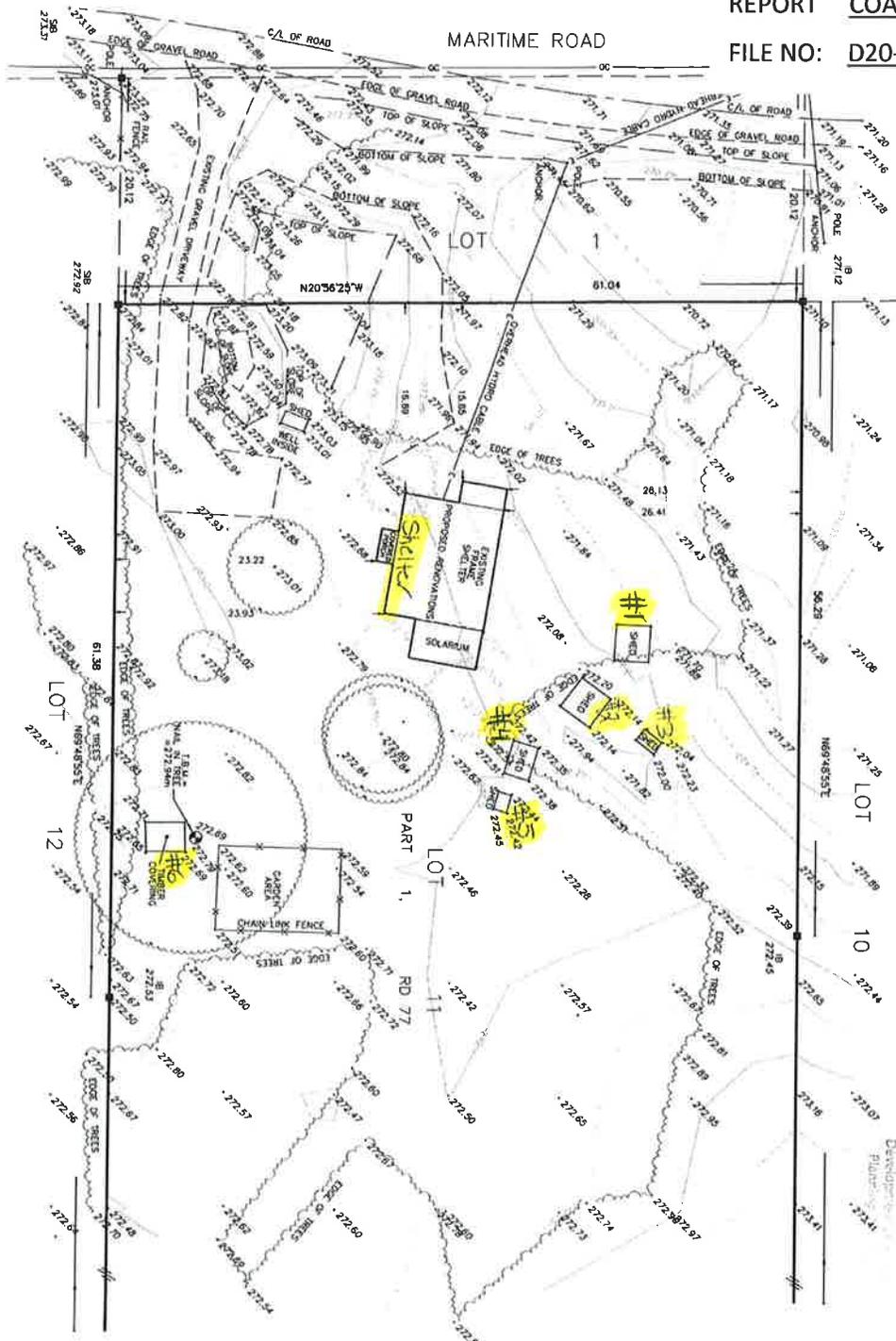
APPENDIX " C "

ROAD ALLOWANCE BETWEEN CONCESSIONS 5 AND 6

to

REPORT COA2021-059

FILE NO: D20-2021-050



Site Survey

RECEIVED
JUL 12 2021
City of Burlington
Development
Planning

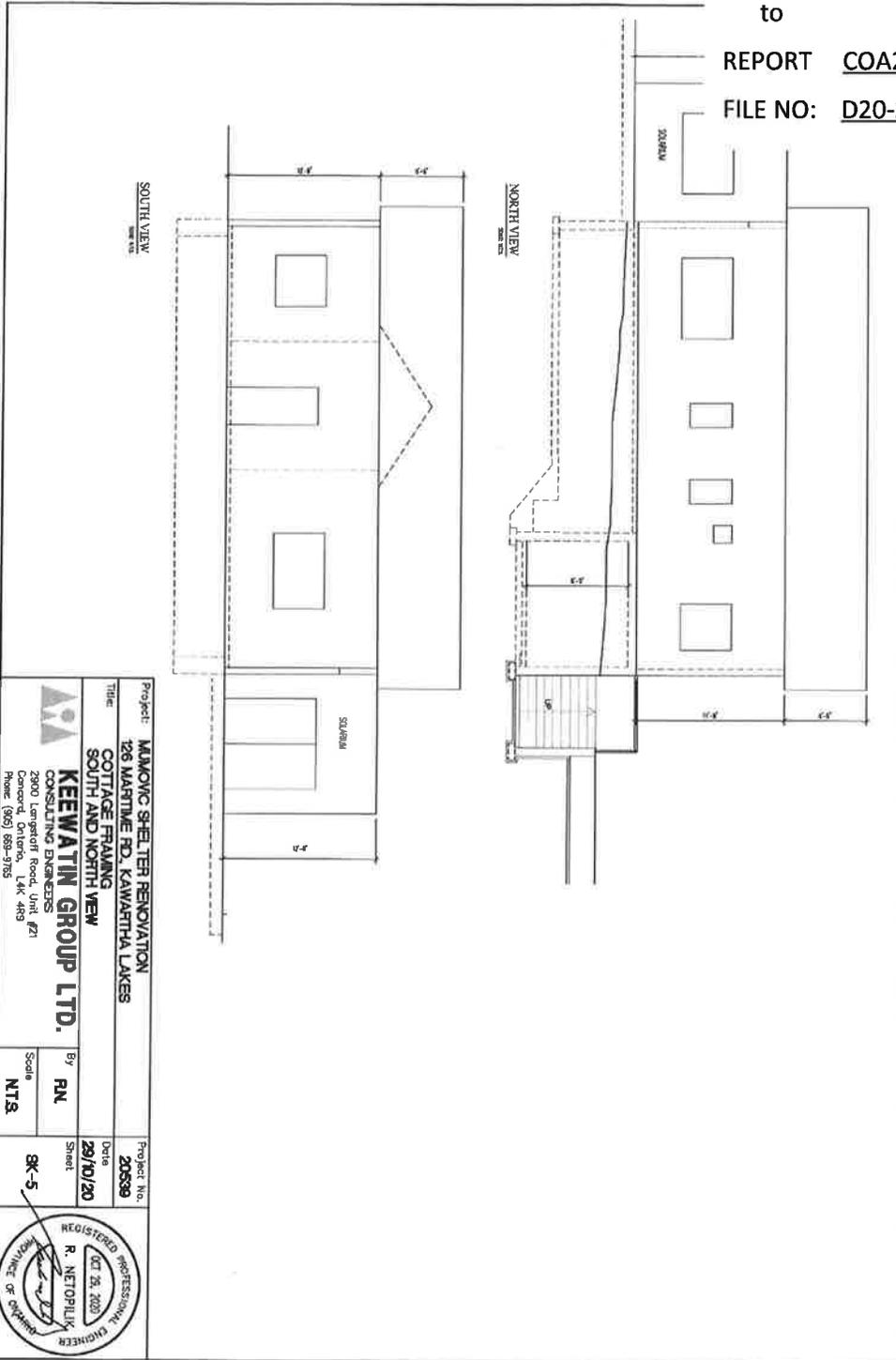
APPENDIX " D "

to

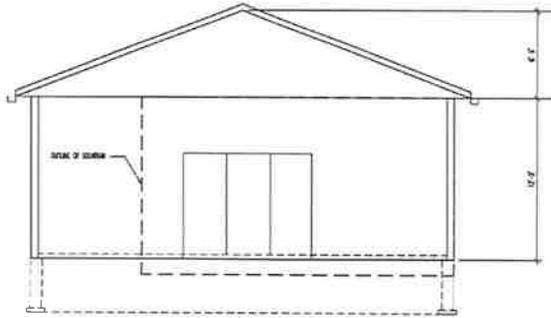
REPORT COA2021-059

FILE NO: D20-2021-050

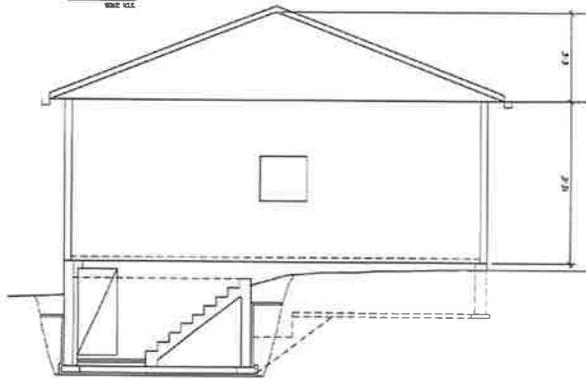
North / South Elevation



East / West Elevation



EAST VIEW
SCALE 1/2"



WEST VIEW
SCALE 1/2"

Project: MUMOVIC SHELTER RENOVATION 126 MARITIME RD., KAWARTHA LAKES		Project No. 20539	
Title: COTTAGE FRAMING EAST AND WEST VIEW		Date 29/10/20	
KEEWATIN GROUP LTD. CONSULTING ENGINEERS 2900 Longstaff Road, Unit #21 Concord, Ontario, L4K 4R9 Phone (905) 669-9765	By RN.	Sheet SK-6	
	Scale N.T.S.		

Charlotte Crockford

From: Susanne Murchison
Sent: Tuesday, September 7, 2021 7:08 PM
To: Charlotte Crockford
Cc: David Harding; Kent Stainton
Subject: MV comments

APPENDIX E

to

REPORT

COA2021-059

FILE NO.

D20-2021-050

The following reflect the Building and Septic Division comments, save and except those relating to on-site sewage systems which will be provided under separate email by Part 8 Supervisor:

D20-2021-047: no concerns at this stage, further comments will be provided through the site plan approval process, building permit required for proposed hotel building, development is subject to development charges bylaw

D20-2021-050: no concerns, structure built without benefit of building permit but owner is working with staff to correct issues, building permit required for proposed dwelling, development charges apply to this development

D20-2021-051: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-052: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-053: no concerns, applications have already been filed for building permits relating to this proposed detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection

D20-2021-054: no concerns, building permit required for the proposed detached garage, outstanding building permit relating to construction of the single detached dwelling BPH2007-0325 requires final inspection

D20-2021-055: no concerns at this stage, further comments will be provided through the site plan approval process, building permits required for proposed self-storage buildings, development is subject to development charges bylaw, the following are some of the major building code items that may affect the placement and size of the proposed self-storage buildings: design of on-site supply of water for fire fighting, spatial separation and related construction materials, fire route design – these items will be reviewed at site plan approval stage

D20-2021-056: no concerns, application has already been filed for building permit relating to the construction of this proposed foundation

D20-2021-057: no concerns, building permit required for proposed dwelling, development charges apply to this development

Susanne Murchison, CBCO
Chief Building Official

Kent Stainton

From: Charlotte Crockford
Sent: Friday, September 3, 2021 3:42 PM
To: Kent Stainton
Subject: FW: D20-2021-050 - Maritime Rd (126)

Fyi

I will of course save comments to SharePoint.

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: Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Sent: Friday, September 3, 2021 3:41 PM
To: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: D20-2021-050 - Maritime Rd (126)

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2021-050 to request relief for a reduced yard setback for the construction of a single detached dwelling.

The applicant has submitted an Application for a Sewage System Permit to install a system to service the property. This system has been designed to accommodate the new single detached dwelling proposed for the property. The system is proposed to be located on the north side of the dwelling/structure. The current site plan indicates several small sheds in this area. The sewage system installation will require a minimum clearance distance to any structure. As such, the sheds in the vicinity of the proposed sewage system may be required to be relocated to accommodate a compliance.

With the current understanding of the proposal, the Building and Septic Division has no concerns with the proposed minor variance as it relates to on-site sewage disposal with the understanding of the potential shed relocation.

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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Kent Stainton

From: Kim Rhodes
Sent: Thursday, September 2, 2021 2:40 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20210902 D20-2021-050 - Engineering review

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

Minor Variance – D20-2021-050
126 Maritime Road
Lot 11, Registered Compiled Plan 561, Part Lot 8, Concession 6
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief from Section 7.2.1.3(a) to reduce the minimum front yard setback from 30 metres to 15 metres in order to permit the construction of 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.
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.