

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ferguson
Report Number COA2022-009

Public Meeting

Meeting Date: February 17, 2022
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 permit a two storey addition to the dwelling:

1. Section 4.3.3(c)(iii) to reduce the interior side yard setback from 4 metres to 1.1 metres on the north side and 2 metres on the south side,
2. Section 5.1.3 to reduce the spatial separation between an accessory building and dwelling from 2 metres to 1.6 metres; and
3. Section 5.16.1 to reduce the parking space requirement from 2 to 1.

The variances are requested at 71 Wychwood Crescent, former Village of Fenelon Falls (File D20-2022-001).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2022-009, Ferguson, be received;

That minor variance application D20-2022-001 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 and elevations in Appendix D submitted as part of Report COA2022-009, 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 COA2022-009
Fulfillment of all conditions is required for the Minor Variances to be
considered final and binding.**

Background:	The subject property contains a single storey dwelling. The owner proposes to remove a portion of the cottage and replace it with a two storey addition on a larger footprint. This application was deemed complete December 21, 2021.
Proposal:	To construct an addition to a dwelling. The addition measures approximately 8 metres x 4.8 metres.
Owner:	Benjamin Ferguson
Applicant:	Jason Marshall
Legal Description:	71 Wychwood Crescent, Part of Lot 2, Plan 181, former Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	"Low Density Residential" within the Village of Fenelon Falls Official Plan
Zone:	"Residential Type One (R1) Zone" within the Village of Fenelon Falls Zoning By-law 89-25
Site Size:	523 square metres (5,629 square feet)
Site Servicing:	Private individual septic system and river-based water supply
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential, Tourist Resort South: Shoreline Residential East: Fenelon River West: Vacant Residential Land

Rationale:

1) Are the variances minor in nature? Yes

The subject property is located within a shoreline residential neighbourhood on the south side of Fenelon Falls, on the west side of the Fenelon River.

The north end of the neighbourhood is the tourist establishment, Wychwood Resort. The west side of the road is primarily vacant residential land, with a retirement residence, Fenelon Court, further to the west.

The property slopes down to the shoreline from the road. The portion where the dwelling is situated is on a shallower portion of the slope.

The addition will replace a portion of the front of the single storey dwelling and replace it with a two storey addition on a larger footprint.

The addition will restore a deteriorating portion of the main floor, allow for the reconfiguration of the main floor, and add two bedrooms along with a bathroom to the second floor.

The dwelling is at a slight angle to the rectangular lot. The north wall of the addition will be in-line with the existing north wall of the dwelling. The south wall of the dwelling is stepped. The addition will not be any closer to the south lot line than the portion of the dwelling, which is to be demolished for the addition.

The second floor is not anticipated to create adverse massing impacts on the residence to the north, number 67, and south, number 75, as both of those dwellings are located further east than the addition along with the fact that there is a fair degree of vegetative buffering on those properties and the subject property. Due to the topography of the lot, it is anticipated that the floor of the dwelling's second level will be below the garage floor, resulting in the second storey being partially screened from the road by the single storey garage.

While the dwelling is coming closer to the garage, there will continue to be sufficient spatial separation to carry out maintenance on both building walls.

The parking situation is not being exacerbated as a result of the addition to the dwelling.

The variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated in a shoreline residential area where there is a steep slope down to the shoreline. The entire property is sloped.

The addition will allow for the rehabilitation, enhancement, and reconfiguration of an existing dwelling, constructed circa 1930 according to MPAC. The works will allow for the better utilization of the dwelling.

The primary access between the front and rear yards is on the north side of the dwelling. The south side contains a retaining wall. The addition will not exacerbate the existing access between the front and rear yards.

A single parking space is contained within the existing detached garage, constructed circa 1959 according to MPAC. The topography and servicing of the lot prevents the creation of a second parking space beside the garage. The land to the south of the garage contains the property's holding tank, and the lands to the north provide stairs from the road down to the main floor of the dwelling.

Due to the above analysis, the variances are 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 property is zoned "Residential Type One (R1) Zone" within the Village of Fenelon Falls Zoning By-law 89-25. The R1 Zone permits single detached dwellings. Lots on full municipal services have lesser setbacks than lots on partial or fully private services.

One of the functions of an increased interior side yard on lots with private services is to provide additional space for well or septic system vehicles and infrastructure to pass between the front and rear yards. The property has a river-based water supply, and the holding tank is located within the front yard. Therefore, the interior side yard only need be sized to allow sufficient space to carry out maintenance to the sides of the building and provide passage between the front and rear yards. If the lot were on full municipal services, the addition would require a 1.8 metre rather than 4 metre interior side yard setback. The 1.8 metre measurement will be used as a starting point in which to evaluate the appropriateness of the reduction as the interior yard in this instance serves the same function as that found on a lot with full municipal services.

At 1.6 metres, the proposed reduction to the north interior side yard is only slightly less than 1.8 metres. The north yard is already reduced, and in its current state contains the pathway linking the front and rear yards. The proposed setback provides sufficient space to allow the north wall of the building to be maintained. The south wall, proposed at 2 metres, is greater than 1.8 metres, and would allow for sufficient space to carry out maintenance on the south building wall.

A function of the spatial separation requirement between the primary and accessory building within the General Provisions section is to ensure sufficient space for maintenance to both building walls facing one another. At 1.6 metres, there remains sufficient space to carry out maintenance within this space if required.

Another intent of the General Provisions when a property proposes a change in use, new building, and/or building expansion, is to trigger a review of the parking requirements. Through this review, it is determined whether the new works require additional parking spaces, and if so, evaluation is then undertaken through the variance review process to determine whether the additional parking may be accommodated. The property holds a single legal non-complying parking space. The expansion to the dwelling has triggered the need to review whether it is possible to accommodate two parking spaces on the lot, as is required for a single detached dwelling use. The garage abuts, and slightly encroaches into, the municipal road allowance. The owner has been advised to pursue a request for a license agreement through Realty Services. As a result of garage placement, a single parking space is present within the garage. Any parking in-front of the garage is within the road allowance. A parking pad to the south of the garage is not possible as the holding tank is in that location. A parking pad to the north of the garage is also not possible, as

that location contains the stairs that lead down to the dwelling. In this circumstance, the variance is recognizing a parking situation that has existed for decades which cannot be improved without altering how the property is serviced or how the property is accessed.

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 City of Kawartha Lakes Official Plan as it applies to the Fenelon Falls Urban Settlement Area through the Fenelon Falls Secondary Plan has been appealed to the Ontario Land Tribunal, the Fenelon Falls Official Plan (Official Plan) applies.

The property is designated “Low Density Residential” within the Official Plan. Single detached dwellings are one of the housing typologies permitted within the designation. An addition to a single detached dwelling is proposed.

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

Other Alternatives Considered:

No other alternatives were considered at this time.

Servicing Comments:

The property is serviced by private individual holding tank and river-based water supply.

Consultations:

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

Agency Comments:

Building and Septic Division – Part 8 Sewage System Supervisor (February 2, 2022): No concerns. A new holding tank is proposed. The proposal may be limited by the allowable capacity of the new holding tank.

Building and Septic Division – Chief Building Official (February 3, 2022): No concerns. A building permit is required.

Development Engineering Division (January 28, 2022): No concerns.

Road Operations (January 28, 2022): An encroachment agreement for the garage should be needed. Parking on the road allowance is not permitted.

Public Comments:

Paul McMillan of 67 Wychwood Crescent: Letter of Support

Ray Brown of 75 Wychwood Crescent: Letter of Support

Attachments:



Appendices A-E to
COA2022-009

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1206

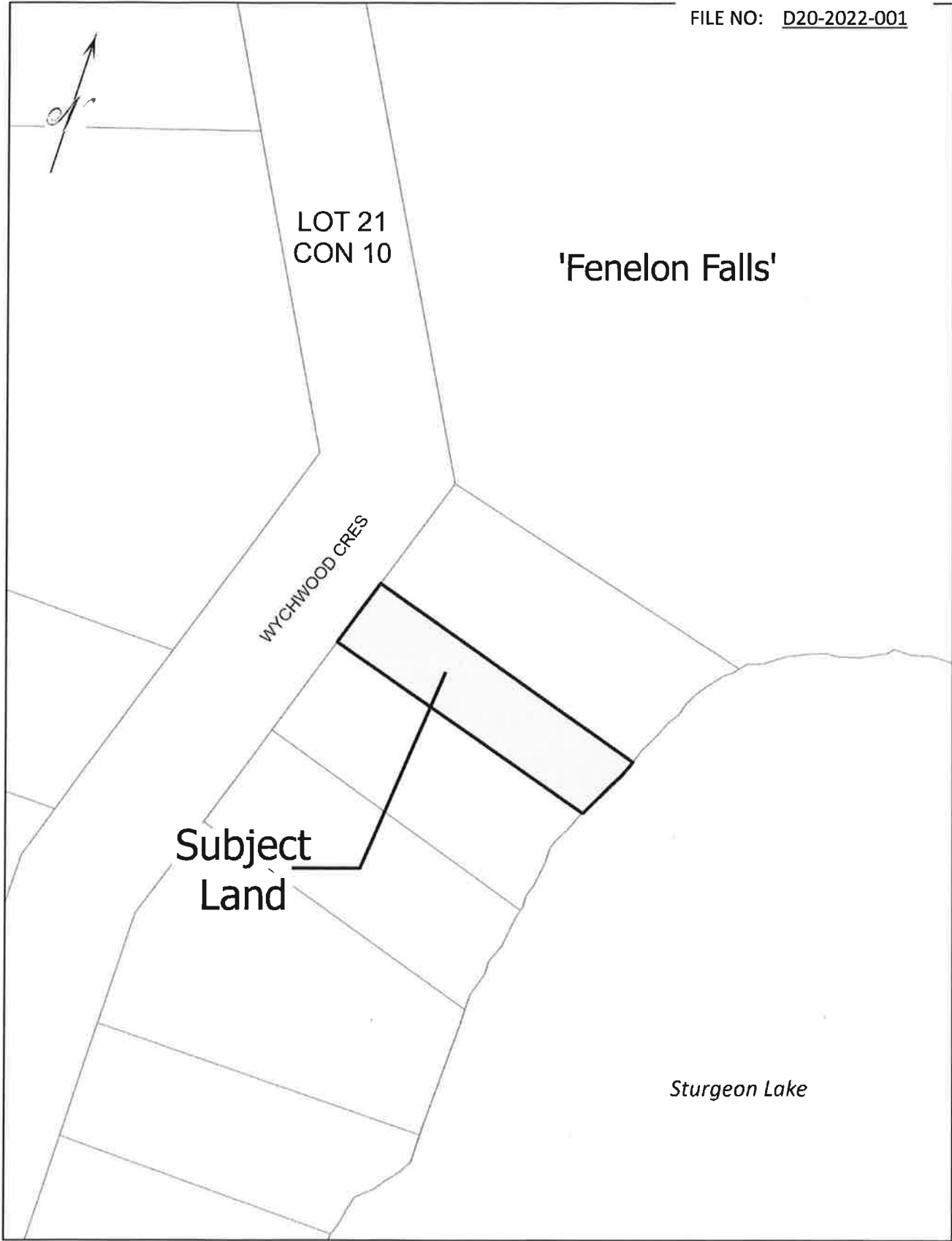
E-Mail: dharding@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D20-2022-001

D20-2022-001

to
REPORT COA2022-009
FILE NO: D20-2022-001



71 Wychwood Crescent, former Village of Fenelon Falls

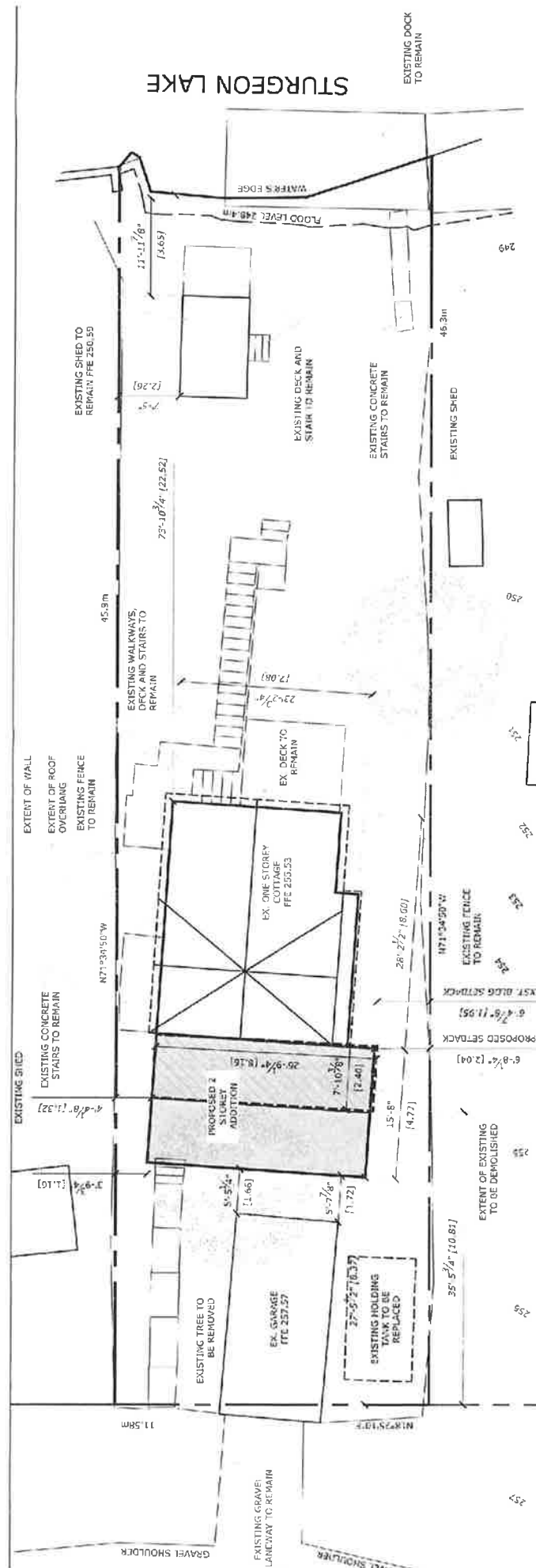


0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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 " C "

to

REPORT COA2022-009

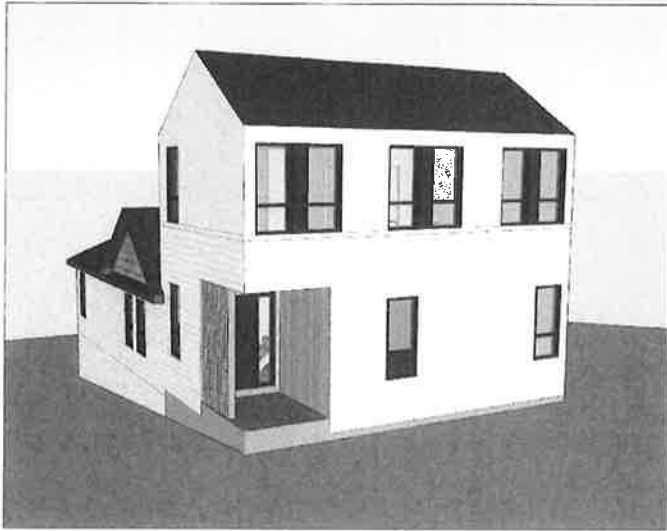
FILE NO: D20-2022-001


APPENDIX " D "

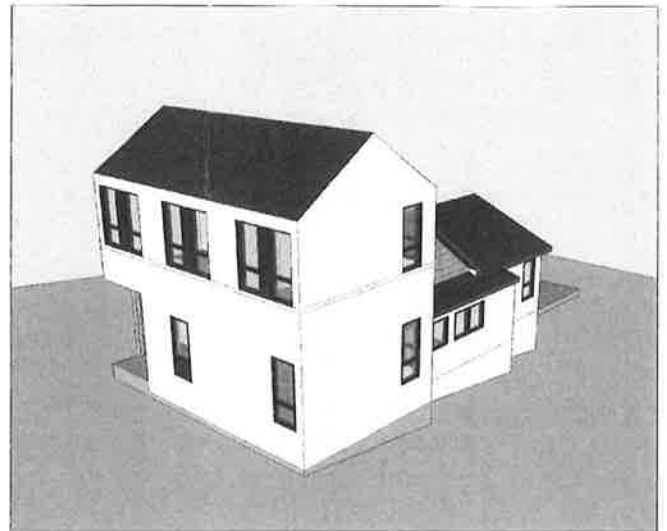
to

REPORT COA2022-009

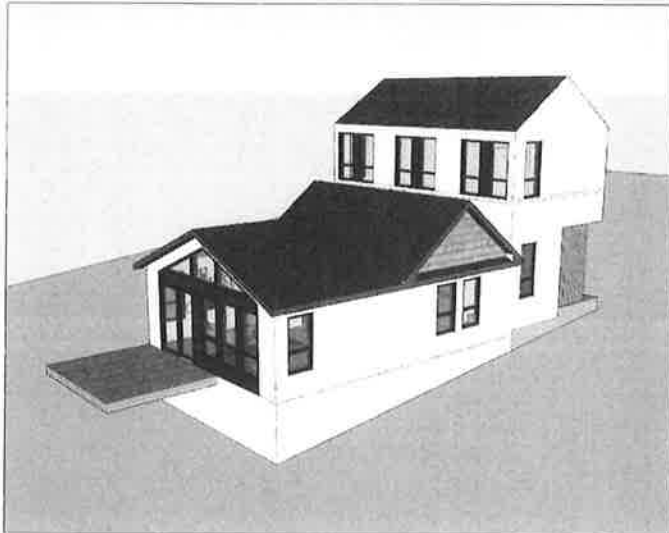
FILE NO: D20-2022-001



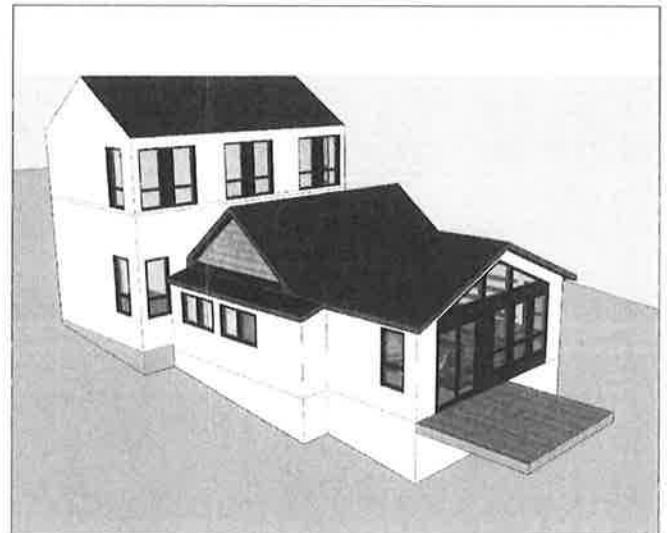
 NORTH & WEST FACADES



 SOUTH & WEST FACADES



 NORTH & EAST FACADES



 SOUTH & EAST FACADES

David Harding

From: Charlotte Crockford
Sent: Friday, February 4, 2022 1:42 PM
To: David Harding
Subject: FW: 20220204 D20-2022-001 - Engineering review
Importance: High

APPENDIX E
to
REPORT COA 2022-001
FILE NO. D20-2022-001

Fyi

Charlotte K. 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, February 4, 2022 11:23 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>; Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220204 D20-2022-001 - Engineering review
Importance: High

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-001
71 Wychwood Crescent
Part of Lot 2, Plan 181
Former Village of Fenelon Falls, Ward 3, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit a two storey addition to the dwelling:

1. Section 4.3.3(c)(iii) to reduce the interior side yard setback from 4 metres to 1.1 metres on the north side and 2 metres on the south side,
2. Section 5.1.3 to reduce the spatial separation between an accessory building and dwelling from 2 metres to 1.6 metres; and
3. Section 5.16.1 to reduce the parking space requirement from 2 to 1.

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.

David Harding

From: Susanne Murchison
Sent: Thursday, February 3, 2022 5:13 PM
To: Charlotte Crockford
Cc: Mathew McKinnon
Subject: CofA comments

Follow Up Flag: Follow up
Flag Status: Flagged

The Building and Septic Division has the following comments, to be read in conjunction with comments provided by the Supervisor of Part 8 Sewage Systems:

- D20-2022-001 no concerns, a building permit is required for the proposed 2 storey addition
- D20-2022-003 no concerns, a building permit is required for the proposed addition to the commercial building (last known uses office/bakery/apartment)
- D20-2022-005 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-006 no concerns, a building permit is required for the proposed single detached dwelling
- D20-2022-008 no concerns, completion of building permit application BP2021-1403 is required for the proposed detached garage
- D20-2022-009 no concerns, completion of building permit application BP2021-1114 is required for the proposed detached garage

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes - Building and Septic Division
180 Kent Street West, Lindsay ON K9V 2Y6
(705)-324-9411 ext. 1200
www.kawarthalakes.ca



Please note: The Building and Septic Division offices at 180 Kent St W remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

David Harding

From: Anne Elmhirst
Sent: Wednesday, February 2, 2022 4:00 PM
To: Charlotte Crockford
Subject: D20-2022-001 - 71 Wychwood Cres.

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

RE: Minor Variance D20-2022-001
71 Wychwood Cres, Former Fenelon Township
Roll No. 165124000328800
Owner: Ben Ferguson

I have received and reviewed the application for minor variance to request relief under the current by-law to permit the demolition of a portion of the existing dwelling for the purpose of constructing a new 2 storey area in the current location.

A site visit was conducted to review the property for private servicing options to support the proposal. The property is currently serviced by a Class 5 Holding Tank located adjacent to the detached garage. Due to site restrictions, the property can only be serviced by a Class 5 Holding Tank.

The proposal indicates the holding tank will be upgraded to accommodate the new construction. A Sewage System Permit to Install will be required for any replacement system. Please note, due to the site restrictions, the proposal may be limited by the allowable capacity of the holding tank available that can be accommodated on the property.

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



Please note: The Building Division 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.

David Harding

From: Chris Porter
Sent: Friday, January 28, 2022 2:39 PM
To: David Harding
Cc: Sharri Dyer; Shelley Clark
Subject: RE: D20-2022-001 71 Wychwood Crescent, Fenelon Falls

Hi David,

If the garage is indeed past the property line and on the road allowance as it appears to be on the sketch, there should be an encroachment agreement for it if the Applicant wishes for it to remain in place.

In regards to the parking, if they're using the area in front of the garage (to the west of it) this would also be on the road allowance which is not permitted under the parking by-law. The Applicant will need to create sufficient parking for the proposed use(s) on their property in order to come into compliance with the by-law. Furthermore, looking at the street view, it doesn't appear they have a proper entrance, would we be able to add a condition that they bring the entrance into compliance with By-law 2017-151 as well? See below for a snip of the entrance.

Let me know if you have any questions with the above.



Regards,

Chris Porter, B.E.Sc
Manager, Road Operations East
Public Works, City of Kawartha Lakes
705-324-9411 ext 3587
www.kawarthalakes.ca



From: Louise Harrison <lharrison@kawarthalakes.ca>

Sent: Wednesday, January 26, 2022 2:19 PM

To: David Harding <dharding@kawarthalakes.ca>; Sharri Dyer <sdyer@kawarthalakes.ca>; Chris Porter <cporter@kawarthalakes.ca>; Shelley Clark <sclark@kawarthalakes.ca>