

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Nathaniel Stinson-James
Report Number COA2022-011

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 fulfill a condition of provisional Consent associated with the creation of a new lot as part of Consent File D03-2020-039:

1. Section 4.3.2 (b) to reduce the minimum lot frontage requirement from 18 metres to 15.18 metres,
2. Section 4.3.2 (c)(iii) to reduce the minimum interior side yard requirement from 5.2 metres to 3.5 metres.

The variance is requested at 26 Murray Street, former Village of Fenelon Falls (File D20-2022-005).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2022-011 Stinson-James, be received;

That minor variance application D20-2022-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variance shall apply solely to the proposed retained portion of the subject property;
- 2) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-039, lapses;
- 3) **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 COA2022-011, which shall be attached to and form part of the Committee's Decision;
- 4) **That** the building construction related to the minor variance shall be completed within a period of thirty-six (36) 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 COA2022-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On December 20, 2021, the Acting Director of Development Services, as delegated by Council, granted provisional consent for file D03-2020-039 to sever approximately 1,032.4 square metres of vacant land while retaining 1,035.4 square metres of vacant land. Both of the proposed severed and retained parcels are to be developed for residential purposes with each lot containing a single detached dwelling. Condition 2 of the provisional consent requires a variance to the proposed severed and retained parcels to permit the reduced lot frontage and reduced interior side yard proposed.

This application was deemed complete on January 14, 2022.

Proposal: To facilitate lot creation on the subject lands. Each lot (2) will be developed with a single detached dwelling and attached garage. Both lots will front onto Murray Street.

Owner: Nathaniel Stinson-James

Legal Description: 26 Murray Street, Lot 111, Plan 25, Former Village of Fenelon Falls, City of Kawartha Lakes

Official Plan: Severed & Retained – Low Density Residential within the Village of Fenelon Falls Official Plan

Zone: Severed & Retained – Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25

Site Size: Severed - 1,032.43 square metres (11,113 square feet)
Retained – 1,035.42 square metres (11,145 square feet)

Site Servicing: Severed & Retained - Municipal water and sanitary system

Existing Uses: Severed & Retained - Vacant

Adjacent Uses: North, South, East: Residential
West: Residential, Fenelon Falls
Secondary School

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 well-established residential neighbourhood composed of single- and two-storey single detached dwellings. The majority of the dwellings within the immediate vicinity of the subject property are over eighty (80) years old and part of an older Plan (Plan 25). The present-day lot fabric was created as part of the aforementioned Plan of Subdivision.

The property is currently vacant. There appears (from older aerial imagery) to have been a single detached dwelling and accessory building on the subject lands in the past. Both of the proposed lots would be connected to full municipal servicing. Connection to Municipal servicing affords smaller provisions for lot frontage as less area is needed to accommodate private services. The proposed lot configuration is in keeping with the general lotting pattern across the Plan including the abutting lots to the northwest as well as across the street.

The application proposes intensification and more efficient use of municipal services within an established residential neighbourhood, while remaining within the density targets that characterize a low density residential neighbourhood. The proposed 1.7 metre reduction from the interior side yard requirement of the Zoning By-law is negligible and minor, in nature. There is only one square window and a smaller window on the proposed southern wall of the dwelling. The existing board fence and the location of the neighbouring garage to the south negate any potential privacy concerns to the abutting lot. No massing impacts are anticipated based on the location of the neighbouring garage in relation to the one-storey single detached dwelling as well.

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 Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. The R1 zone permits a variety of residential uses, including single detached dwellings.

An intent of the minimum lot frontage standards in the By-law is to ensure carrying capacity and adequate spatial separation between a dwelling, well and septic system. Lot frontage also contributes to lot character by setting parameters over lot sizes, distribution, location and size of dwellings. The proposed severed and retained lots would be connected to Municipal servicing. As such, the resultant lot frontage allows for appropriate servicing and spatial separation. It is also important to note that the Village of Fenelon Falls Zoning By-law applies the same requirements to both serviced and unserviced lots.

The intent of the interior side yard setback is to ensure there is sufficient space for maintenance to be carried out, ensure sufficient space for lot grading and

drainage, and ensure sufficient accessibility for the passage of items between the front and rear yards. The abutting interior side yard dimensions proposed for both the severed and retained lots are compliant with the Zoning By-law at 1.8 metres. Engineering has confirmed that there will be no drainage impacts to adjacent properties through the proposal. No additional access points to the dwelling are proposed along the interior side yard requiring relief and sufficient space also remains within the side yards to allow passage between the front and rear yards.

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 Fenelon Falls Secondary Plan is under appeal, the Village of Fenelon Falls Official Plan is in effect. The property is designated "Low Density Residential" within the Official Plan. The designation anticipates that the land within that designation will primarily be used for residential purposes. The Official Plan supports the consent process with respect to lot creation and the densities proposed. The single detached dwelling on the subject property is permitted within the designation.

In consideration of the above the variance maintains 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 is serviced by Municipal water and sanitary systems.

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 (February 4, 2022): No objections to the proposal.

Building and Septic Division – Chief Building Official (February 3, 2022): No concerns; a Building Permit is required for the single detached dwelling.

Public Comments:

No comments have been received as of February 9, 2022.

Attachments:



Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Site Plan
Appendix D - Elevations
Appendix E – Department and Agency Comments

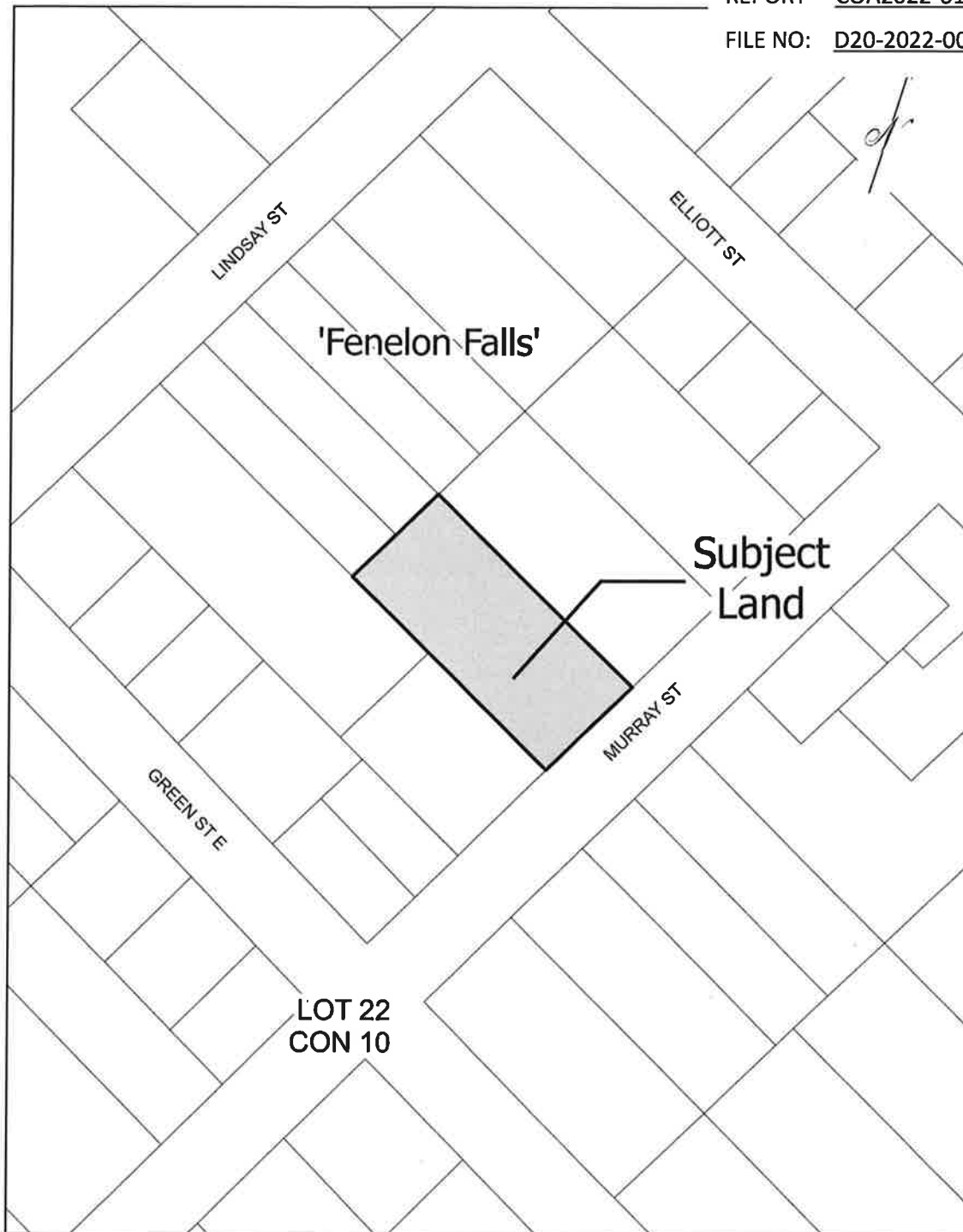
Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-005

APPENDIX " A "

D20-2022-005 & -006 to

REPORT COA2022-011

FILE NO: D20-2022-005



26 Murray Street, Former Village of Fenelon Falls



0.11

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

Legend

☐ Property Roll Number

Notes

Notes

APPENDIX " B "

to

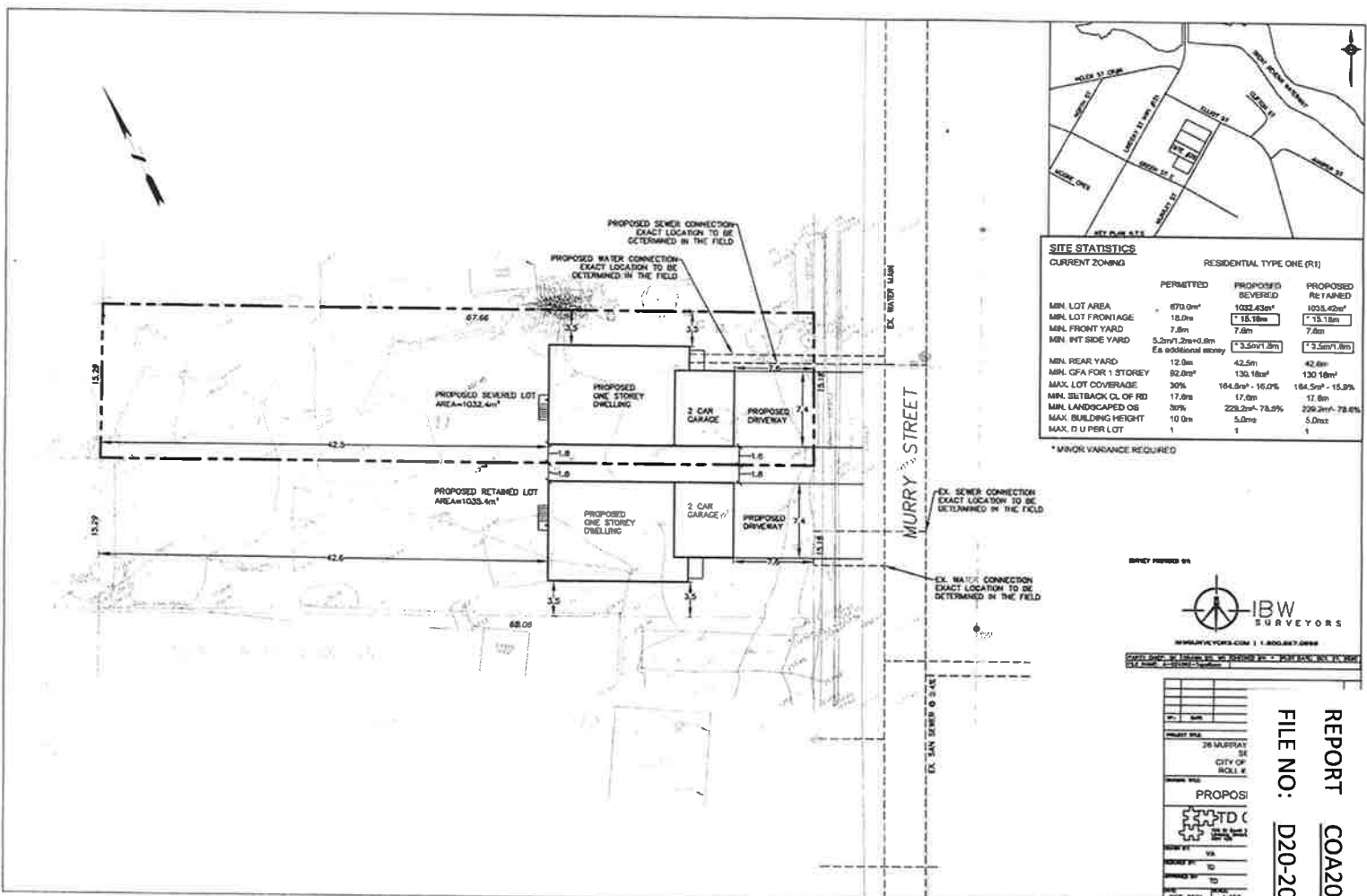
REPORT COA2022-011

FILE NO: D20-2022-005

APPENDIX " C "

to

REPORT COA2022-011
FILE NO: D20-2022-005



East Elevation



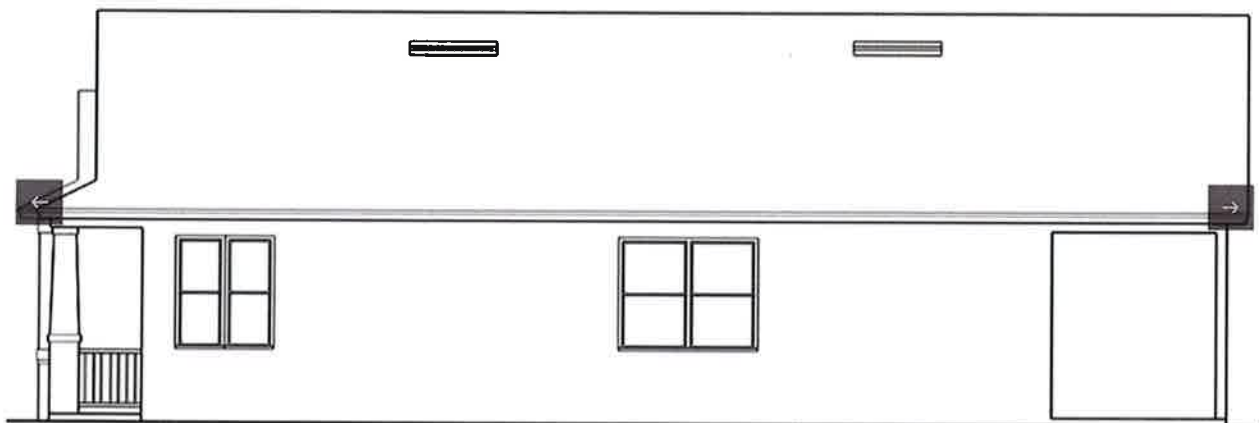
APPENDIX " D "

to

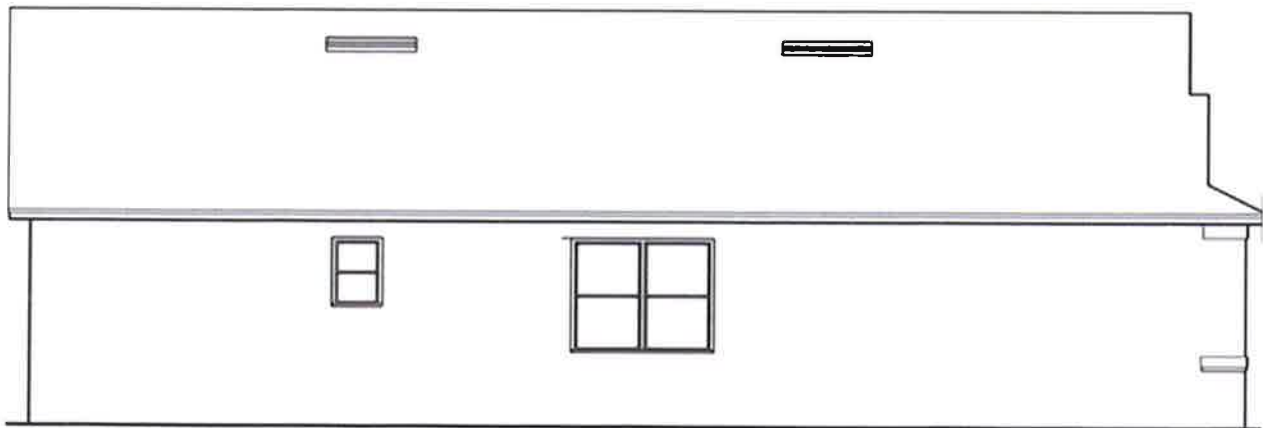
REPORT COA2022-011

FILE NO: D20-2022-005

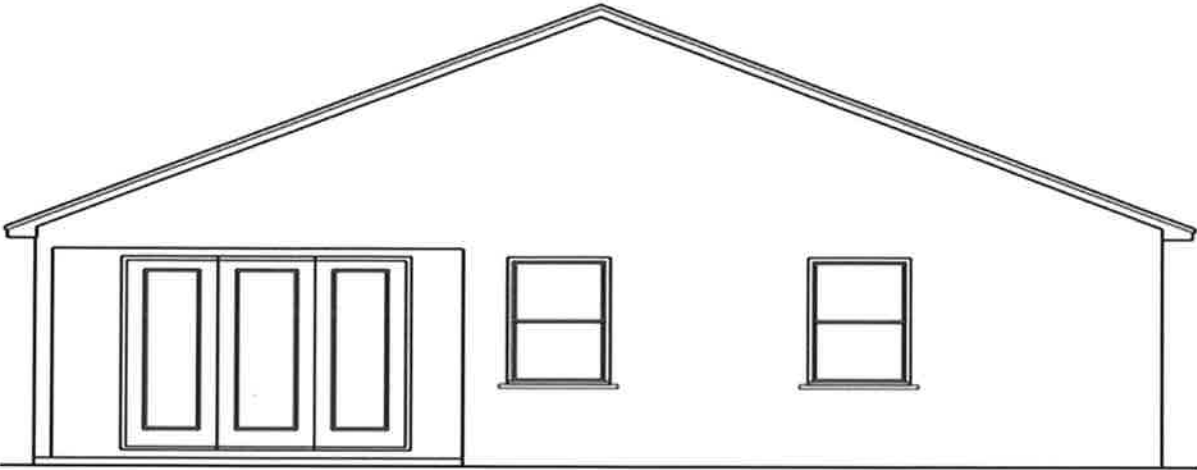
North Elevation



South Elevation



West Elevation



Kent Stainton

From: Kim Rhodes
Sent: Friday, February 4, 2022 11:26 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20220204 D20-2022-005 - Engineering review

APPENDIX "E"

to

REPORT COA2022-011

Please see the message below from Christina Sisson:

FILE NO. D20-2022-005

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

Minor Variance – D20-2022-005

26 Murray Street (retained)

Lot 111, Plan 25

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 Section 4.3.2 (b) to reduce the minimum lot frontage from 18 metres to 15.18 metres in order to fulfil a condition of provisional consent (File No. D03-2020-039) for the creation of a new lot. Relief is also being requested from Section 4.3.2 (c)(iii) to reduce the minimum interior side yard setback from 5.2 metres to 3.5 metres on one side 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.

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.

Kent Stainton

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.