

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Barrett
Report Number COA2022-058

Public Meeting

Meeting Date: August 18, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Village of Sturgeon Point

Subject: The purpose and effect is to permit construction of a carport.

Relief Sought:

- 1) Section 3.1.b. permits accessory structures in a side or rear yard only; the carport is proposed in the front yard.

The variance is requested at **36 Irene Avenue** (File D20-2022-051).

Author: Leah Barrie, RPP, Manager of Planning **Signature:** 

Recommendations

That Report COA2022-058 – Barrett, be received;

That minor variance application D20-2022-051 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-058, which shall be attached to and form part of the Committee's Decision; and,
- 2) That building construction related to the minor variance 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; and,
- 3) That the proponent submit written endorsement from Kawartha Conservation of mitigation measures for tree planting / tree compensation, should the removal of any trees or saplings be required for the development.

This approval pertains to the application as described in report COA2022-058. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To permit construction of a carport in the front yard
Owners:	Flavelle and Elizabeth Barrett
Applicant:	Stewart Brandon
Legal Description:	Part Lot 11, Concession 10 (being Part Lots 10 and 11, Plan 73)
Official Plan ¹ :	Development Plan Area Nine Policy Three 'DP-9(3)', Significant Woodlands (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Single Residential Type One 'R1' (Village of Sturgeon Point Zoning By-law 339)
Site Size:	3,860.42 sq m (0.95 acres)
Site Access:	Municipal, maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, woodlands

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The location for the proposed carport was chosen because of its proximity to the dwelling and driveway, and, to remain in line with the adjacent neighbour's dwelling to uphold the established building line. The owners wish to use an existing cleared area in an otherwise heavily wooded and landscaped lot. The design of the carport is proposed to complement the dwelling in shape and finishes.

The variance maintains the general intent and purpose of the Official Plan.

Accessory structures for residential uses are permitted in the Development Plan area, which is identified as a Historic Rural Residential designation. The policy

¹ See Schedule 1

² See Schedule 1

framework provides for modest new growth reflective of available service levels, while protecting natural features and resources, including the maintenance of tree cover. Development should be directed to locations where the natural landscape can assimilate the residential structures without the loss of the natural features of the site. Sites should contain wooded areas, special landforms and interesting topography. Building location and landscaping should complement existing topography and vegetation and ensure privacy between dwelling units. The design should ensure that unique qualities of the landscape are preserved for the visual enjoyment of the entire community.

Policies specific to DP-9(3) prohibit new residential development until a secondary plan has been prepared and incorporated into the Official Plan by amendment, but do not preclude further development of lots with existing development rights.

According to Kawartha Conservation the property is completely within the Kawartha's Naturally Connected Preferred Solution (Natural Heritage System), contain a significant woodland (Natural Heritage Feature), and, is within the boundary of the Sturgeon Lake Management Plan, the significant groundwater recharge area, and highly vulnerable aquifers (Water Resources).

Under the circumstances KRCA will only support the development if no trees or saplings of any diameter are removed. Should the development require the removal of any trees or saplings, KRCA request the proponent to submit a planting plan/tree compensation plan in lieu of a full EIS (Environmental Impact Study) to demonstrate no negative impacts to the significant woodland or its ecological functions.

Though staff anticipate little to no tree clearing needed to accommodate construction, a condition of approval has been included to reflect KRCA's request, and the applicant has been advised to discuss with KRCA staff the terms for tree compensation, should mitigation be needed.

The variance maintains the general intent and purpose of the Zoning By-law.

The carport is a permitted accessory structure, and complies with the applicable zone provisions, with the exception of yard location.

Should accessory structures be located in front yards, they should be no closer to a flanking street than the required front yard setback for the zone in which it is located, that being 9 m; the proposed setback is 58.6 m. The carport is not anticipated to be seen from the road, and is screened from adjacent residential uses by extensive tree cover.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

Not applicable.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

No concerns or objections received as of the writing of the staff report.

Kawartha Conservation: "Please confirm the term of reference of planting plan/tree compensation plan with our staff. A permit pursuant to Ontario Regulation 182/06 will not be required for the proposed development."

Public Comments:

No comments received as of the writing of the staff report.

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

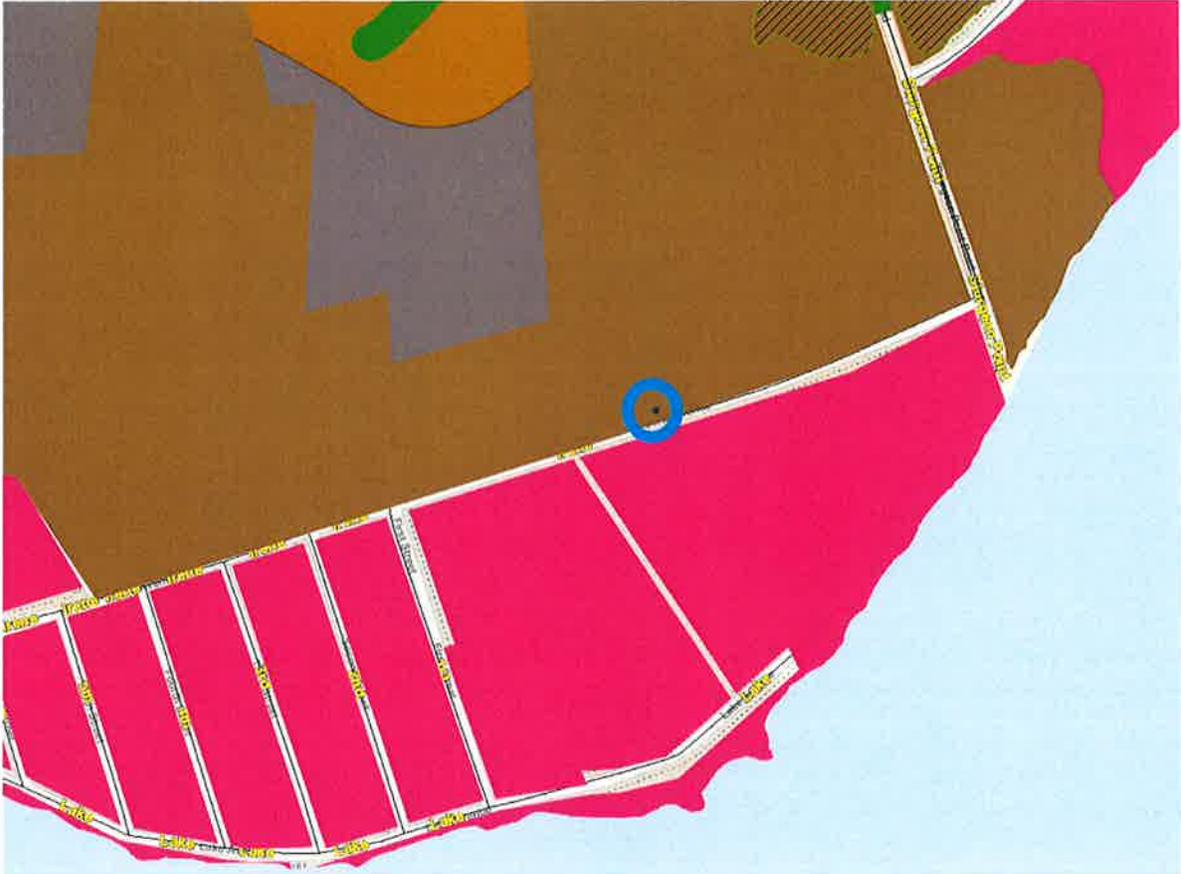
Appendix D – Elevation, Base Plan

Appendix E – Applicant's Supplementary Photos

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-051

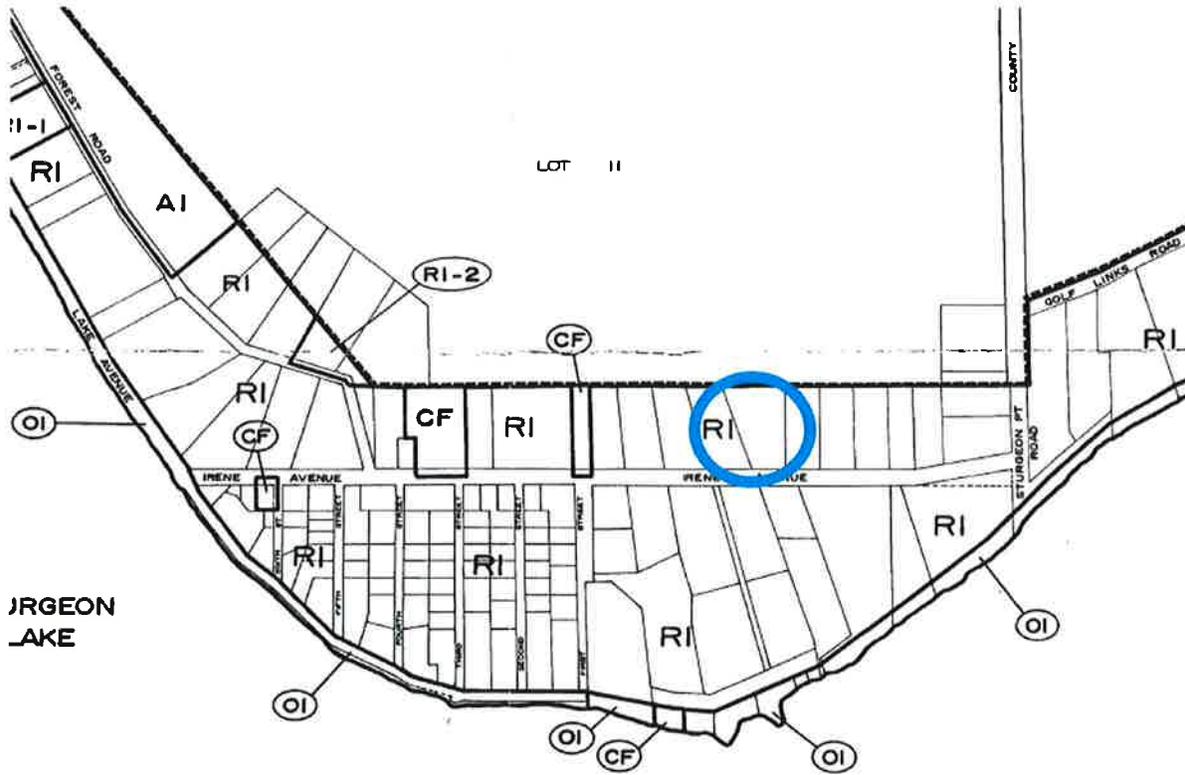
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



- 3.5 Natural Heritage System
- 31.17 Development Plan Area Nine (DP-9) Historic Rural Residential Designation

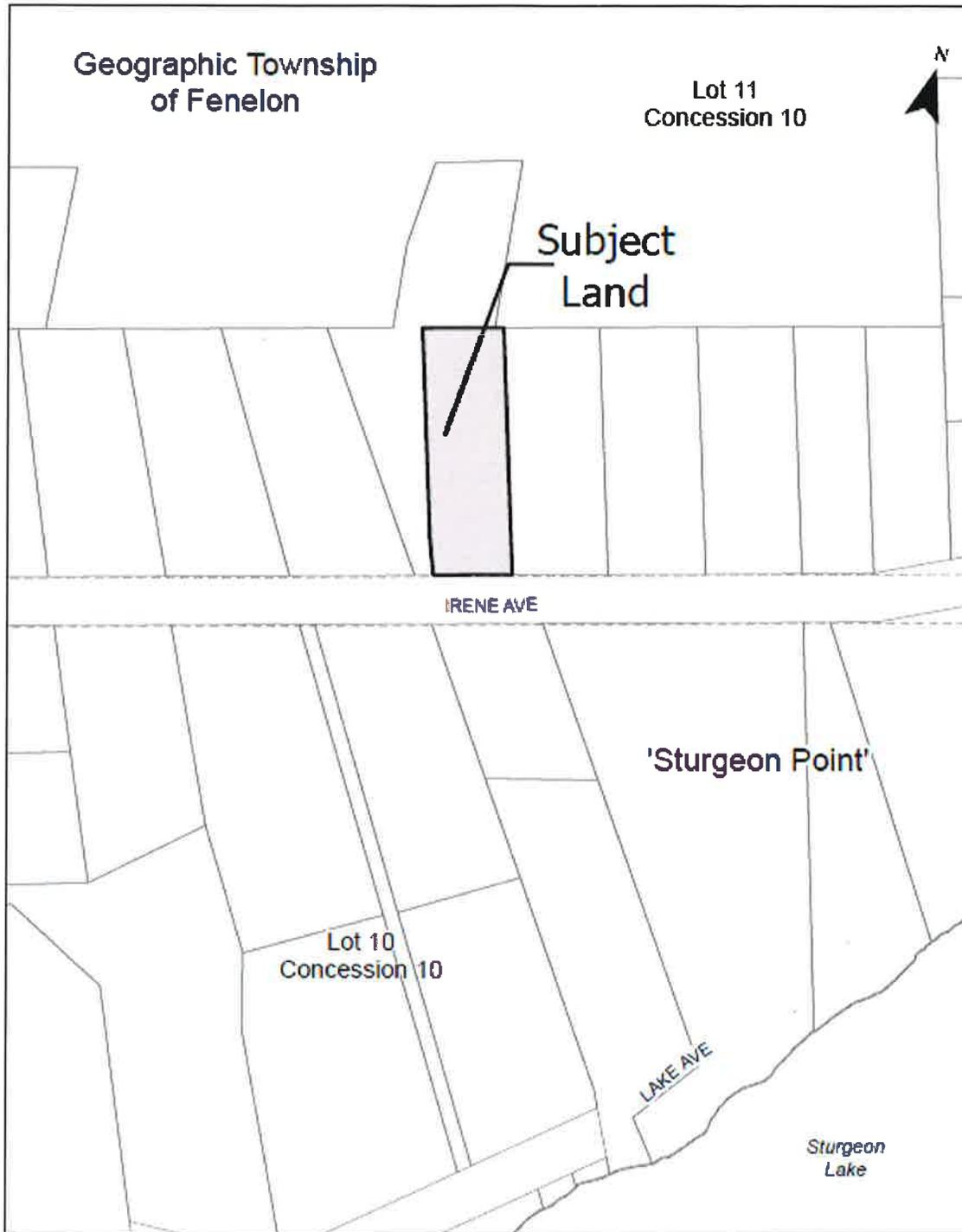
Village of Sturgeon Point Zoning By-law 339



Section Five Single Residential Type One (R1) Zone 3.1 Accessory Buildings, Structures and Uses

to

LOCATION MAP



to

REPORT COA2022-058

FILE NO: D20-2022-051

AERIAL PHOTO



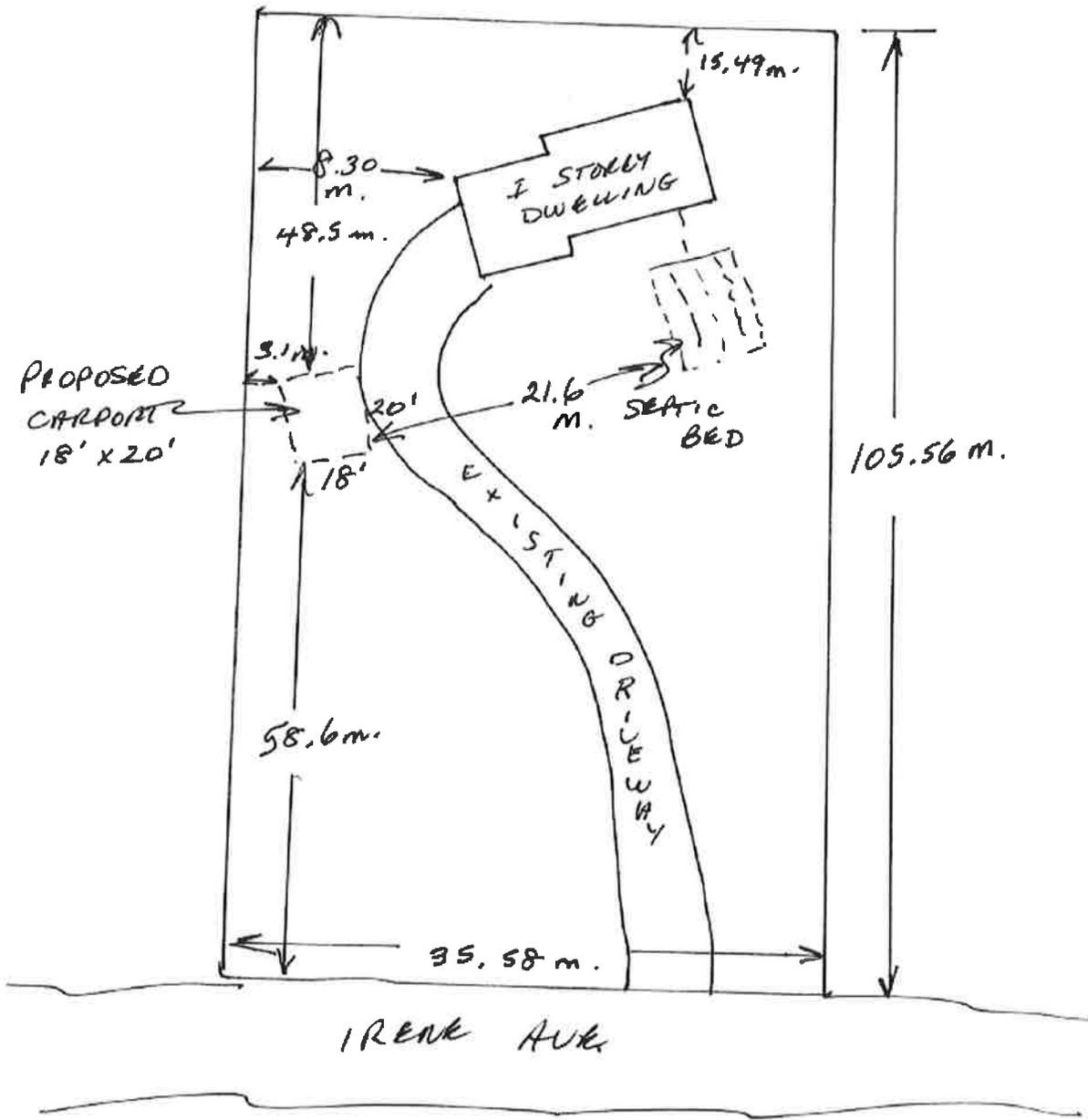
*2018 Aerial Imagery prior to construction of new dwelling Fall 2020

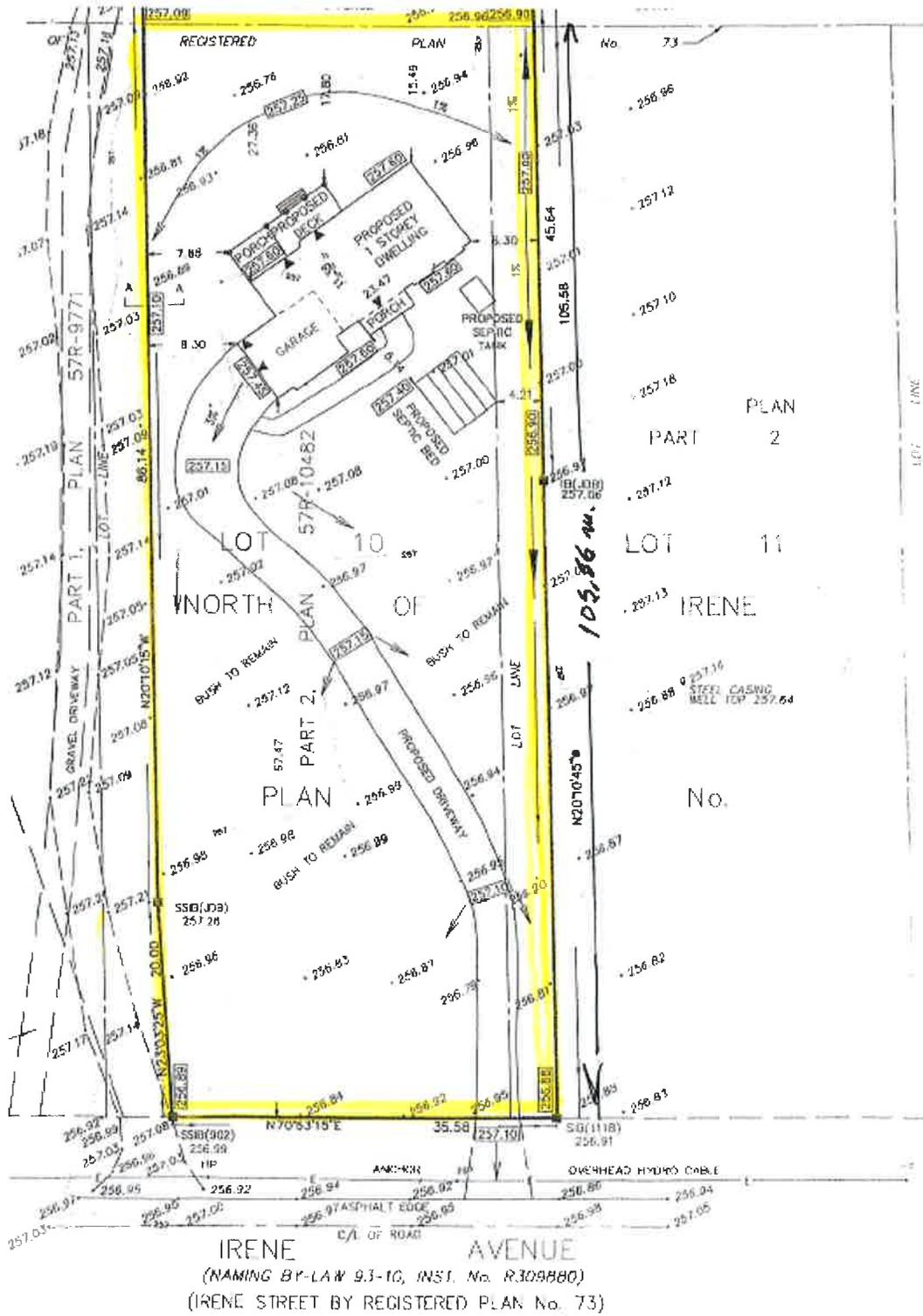
to

REPORT COA2022-058

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APPLICANT'S SKETCH



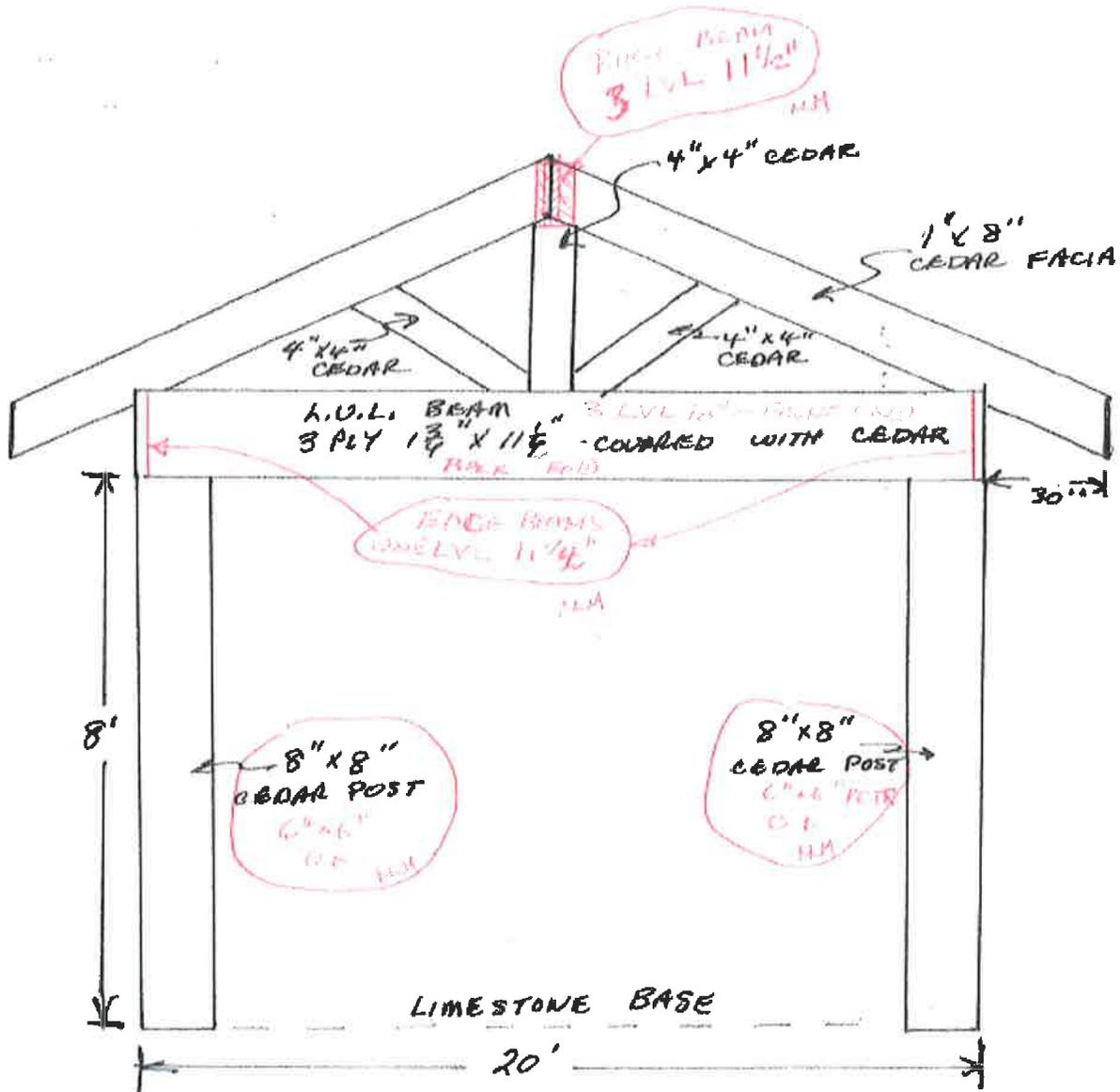


*Used for construction of new dwelling Fall 2020 (use commenced May 2021)

to

ELEVATION, BASE PLAN

ENTRANCE SIDE - OFF DRIVEWAY



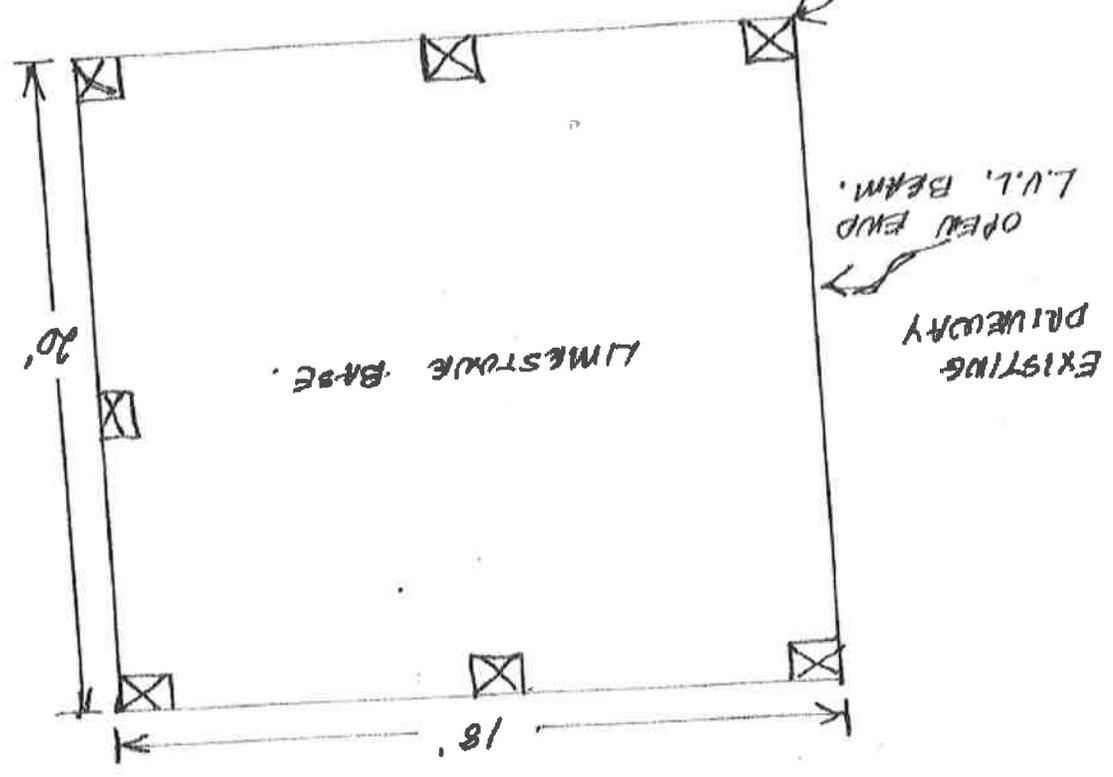
LVL 3000 E - 1 1/2" THICK SUPPLY BY [unclear] N.H.



As noted on plan
W. H. Williams

DETAILS
SEE CROSS SECTION

8" x 8"
CEDAR POSTS
6" x 6" O.K.
FP (MEANS)



to

REPORT COA2022-058

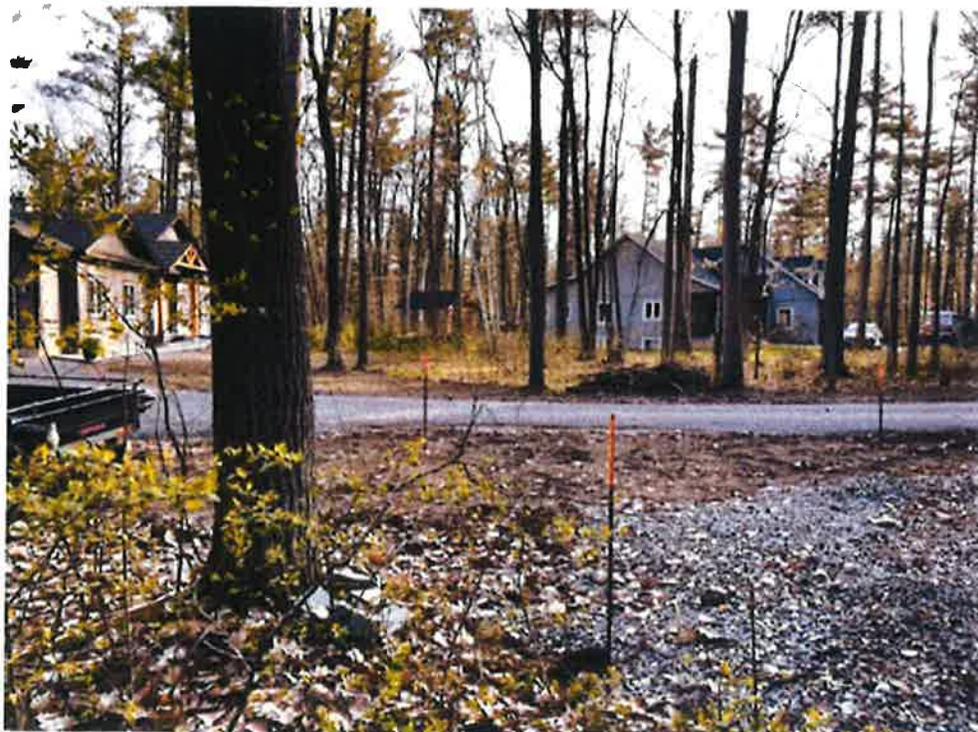
FILE NO: D20-2022-051

APPLICANT'S SUPPLEMENTARY PHOTOS



View looking west at our other neighbours house through fairly dense woods.

FACING WEST



FACING EAST