

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bartley
Report Number COA2022-074

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 8 – Geographic Township of Manvers

Subject: The purpose and effect is to facilitate the construction of a second-storey residential addition and a new detached garage. **Relief sought:**

1. Section 5.1 b) iii) requires a minimum side yard setback of 6 metres for an accessory building greater than 60 square metres; proposed is +/- 89 square metres with a side yard setback of +/- 2.7 metres.
2. Section 5.1 b) vi) requires a minimum side yard setback of 6 metres for an accessory building taller than 4.3 metres; proposed is +/- 6.1 metres tall with a side yard setback of +/- 2.7 metres.
3. Section 5.1 c) permits a maximum lot coverage and height for accessory buildings of 8% and 5 metres; proposed is +/- 12.5% with a height of +/- 6.1 metres.
4. Section 5.12 requires a minimum rear yard setback of 15 metres for through lots; proposed is +/- 1.8 metres.
5. Section 13.2 c) permits a maximum lot coverage of 25%; proposed is 27.1%.
6. Section 13.2 h) requires a minimum front yard setback of 15 metres; proposed second storey to align with existing front yard setback of +/- 1.22 metres.

The variance is requested at **248 John Street** (File D20-2022-066).

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

Recommendations

That Report COA2022-074 – Bartley, be received;

That minor variance application D20-2022-066 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 Appendices C and D submitted as part of Report COA2022-074, 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.

This approval pertains to the application as described in report COA2022-074. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To permit the siting of a second-storey residential addition and a new +/- 89 sq m detached garage
Owners:	David and Marilyn Bartley
Applicant:	Same as owners
Legal Description:	Lot 8 and Part Lot 9 on Plan 17
Official Plan:	'Rural Settlement' within Countryside Area (Oak Ridges Moraine Official Plan, 2004) ¹
Zone:	Rural Residential Type One 'RR1' (Oak Ridges Moraine Zoning By-Law 2005-133) ¹
Site Size:	722.6 sq m (7,778 sq ft)
Site Servicing:	Private individual well and septic system
Site Access:	Year-round municipal road
Existing Uses:	Residential
Adjacent Uses:	Residential, community facility, commercial

Rationale

¹ See Schedule 1

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

Over time it can be expected that owners may endeavour to redevelop their property to its highest and best use. The existing 104 sq m (153 sq m gross) dwelling (circa 1870s) and 24 sq m garage (circa 1950s) hold numerous non-complying zone provisions and will benefit from structural and operational improvements to functionality and additional storage space.

The proposed second storey results in a gross floor area of 208 sq m and the new garage at 89 sq m is to replace the existing garage. The larger, taller garage is intended to provide secure storage for household items during the house renovation, and the owner's woodworking tools and equipment presently contained in off-site storage.

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

The existing residential use is permitted in the 'Rural Settlement' of Pontypool within the Countryside Area designation; performance and siting criteria is implemented through the Zoning By-law.

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

The existing residential use is permitted in the RR1 zone. In addition to the existing non-compliances as a result of the residential buildings predating the By-law, the location and size of the lot present redevelopment challenges as well. The through lot requiring larger setbacks is bordered by John Street to the west and Bradley Street to the east, and is significantly undersized at 722.6 sq m lot area / 19 m frontage compared with the minimum lot area requirement of 2,000 sq m / 38 m frontage on private services.

The siting and capacity of the existing septic system is designed and approved to handle the proposed development. Notwithstanding the larger footprint and increased height of the garage, it will remain subordinate to the primary dwelling in size and nature. The proposed relief is in keeping with the surrounding neighbourhood character built form and varied lot fabric. The established building lines along both adjacent municipal rights-of-way reflect significantly reduced yard setbacks, and have achieved a land use compatibility with adjacent private and public uses.

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:

None applicable.

Consultation Summary

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

Agency Comments:

DS-Building and Septic Division (Septic): "A sewage system review was conducted for the proposed second storey addition under file SS2021-0566. During the evaluation it was determined that the total daily sewage flow would not increase beyond the capacity of the existing sewage system. As well, the proposed addition would not be extending beyond the existing dwelling footprint to enable the existing clearance distances to the sewage system to be maintained. The garage on the property is existing. Through our evaluation, we did not note an issue with the placement or size of the garage. As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to private on-site sewage disposal."

ECA-Development Engineering Division: "There is no concern or comment from an engineering perspective."

Public Comments:

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

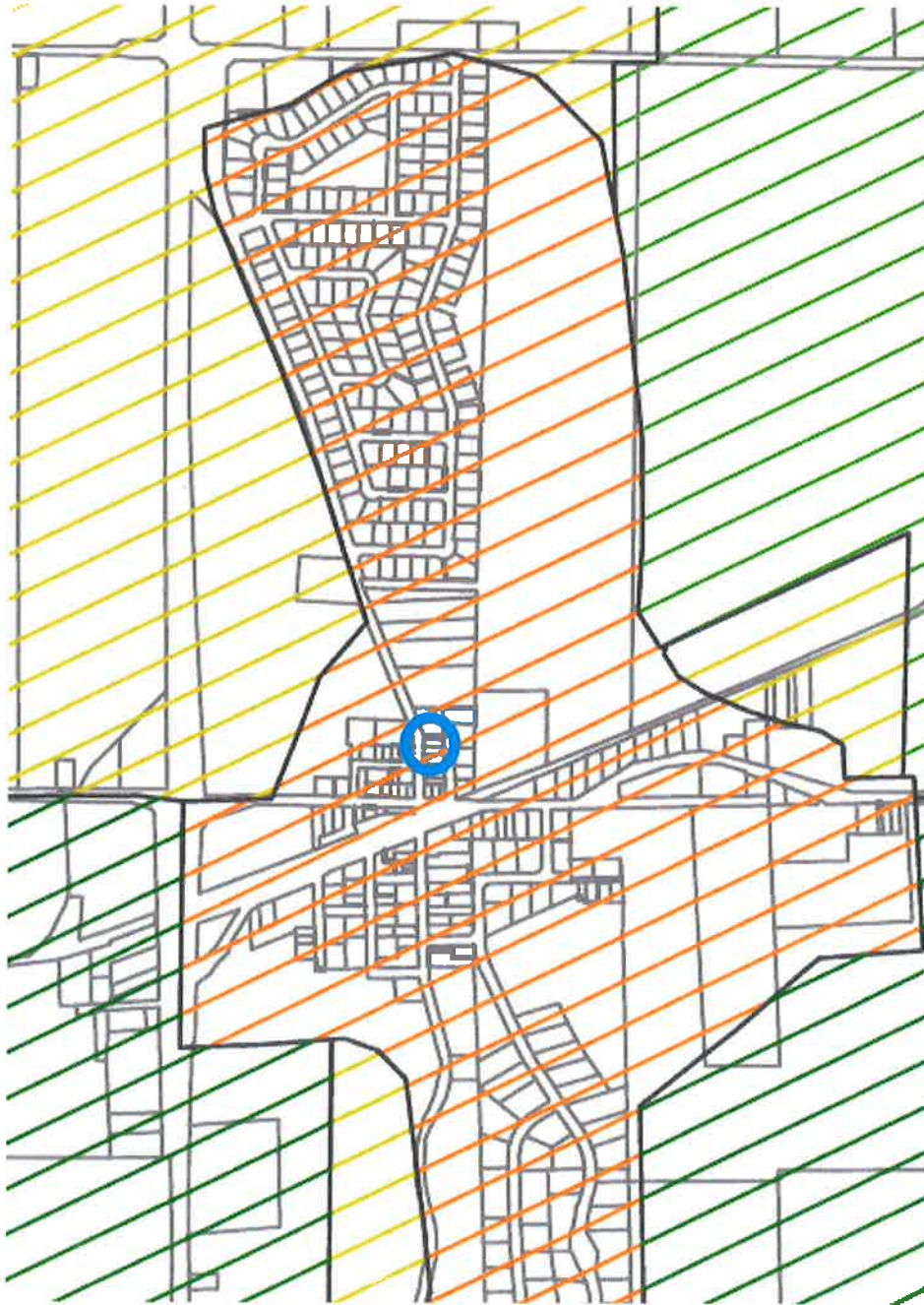
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Supplementary Drawing

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-066

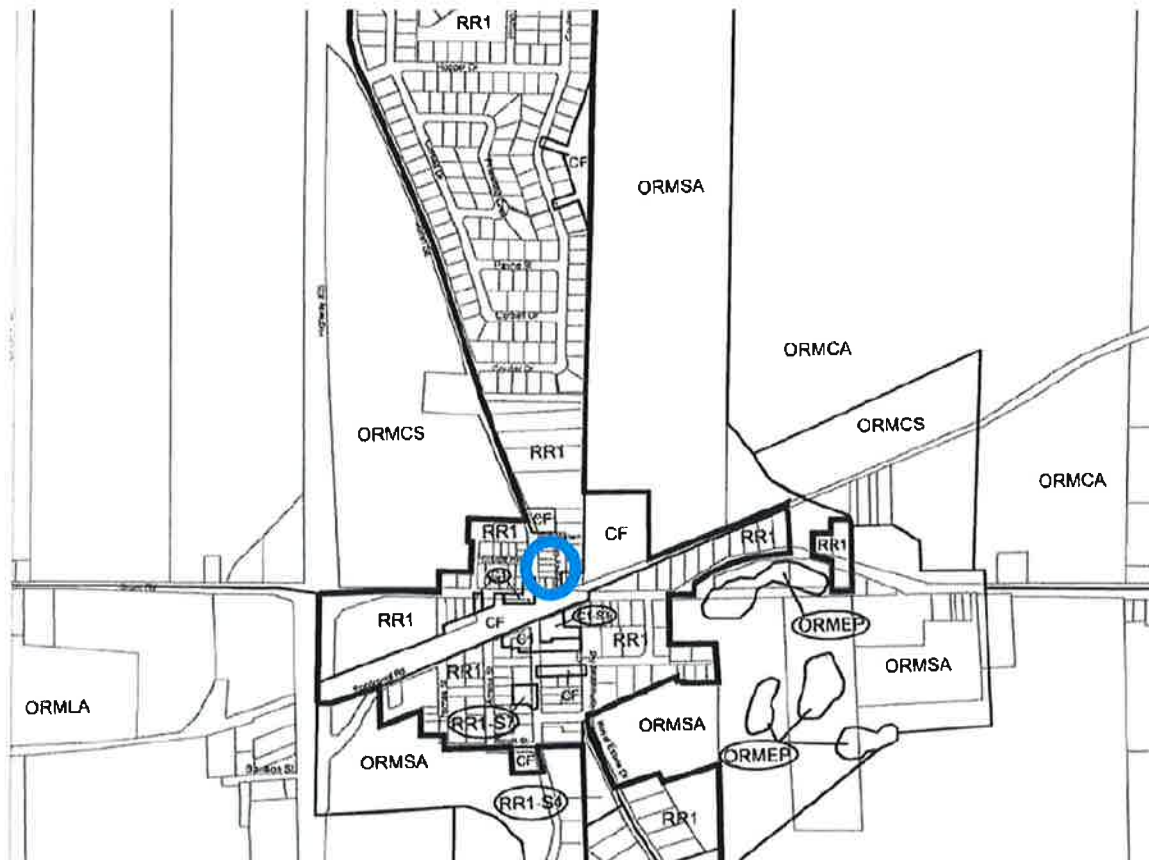
Schedule 1 Relevant Planning Policies and Provisions

Oak Ridges Moraine Conservation Plan



4.4 Countryside Area (Rural Settlement)

Oak Ridges Moraine Zoning By-Law 2005-133



Section 5 General Provisions

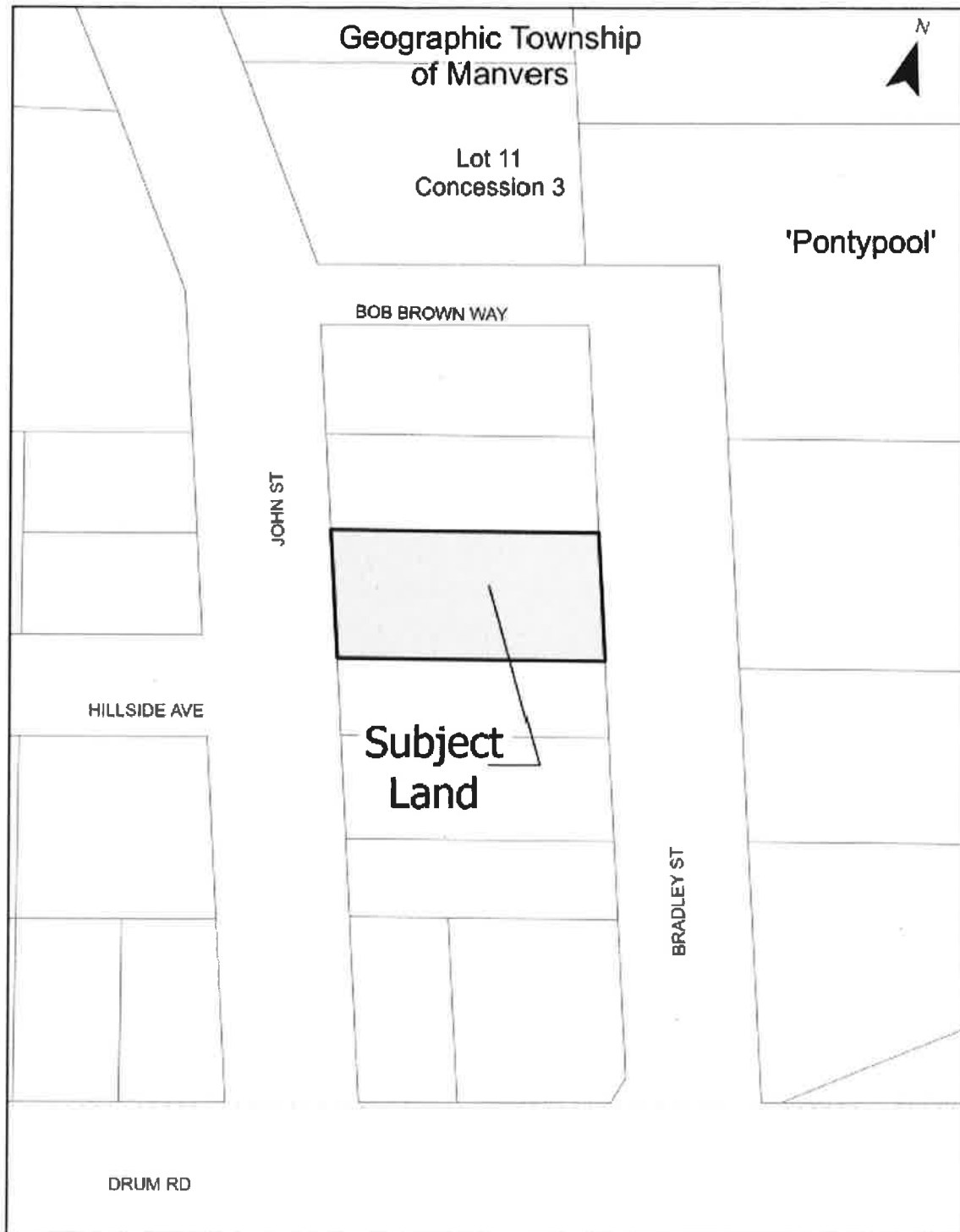
5.1 Accessory Buildings, Structures and Uses

5.21 Through lots

Section 13 Rural Residential Type One (RR1) Zone

LOCATION MAP

D20-2022-066



to

REPORT COA2022-074

FILE NO: D20-2022-066

AERIAL PHOTO



[illegible]

to

REPORT COA2022-074

FILE NO: D20-2022-066

ELEVATIONS



to

REPORT COA2022-074

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SUPPLEMENTARY DRAWING

