

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Wylie

Report Number COA2022-085

Public Meeting

Meeting Date: December 1, 2022

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Geographic Township of Verulam

Subject: The purpose and effect is to facilitate the raising of the existing dwelling for the construction of a basement.

Relief sought:

1. In addition to the minimum front yard setback of 7.5 metres required by Section 8.2 d) of the By-law, Section 5.18 of the By-law requires an additional 10 metre setback from the centre of the road allowance; the existing reduced setback is +/- 4.13 metres from the front lot line, and +/- 8.7 metres from the centreline of the road allowance.

The variance is requested at **6 Cedarhurst Avenue** (File D20-2022-076).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2022-085 – Wylie, be received;

That minor variance application D20-2022-076 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 COA2022-085, 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 COA2022-085. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the raising of the existing dwelling for the construction of a basement
Owners:	David Wylie
Applicant:	Same as owner
Legal Description:	Part Lot 13, Concession 2 (being Lot 17, Plan 153)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Type One (R1) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	684.6 sq. m (7,368.97 sq. ft)
Site Access:	Year-round municipal road
Site Servicing:	Private well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is situated in an established residential neighbourhood on the north side of Sturgeon Lake. The property does not have frontage on the water, but there is access to the water at the end of the road. The residential built form along Cedarhurst Avenue is primarily comprised of 1 storey single detached dwellings with varying proximities to the street including some existing front yard reductions. According to Municipal Property Assessment Corporation (MPAC) the dwelling on the subject property was constructed in 1950.

¹ See Schedule 1

² See Schedule 1

The raising of the existing dwelling will facilitate the creation of a full basement, increasing the function of the dwelling. The basement will be used for a workshop, storage space, and potentially an A/C unit and duct work in the future. The storage space provided by the new basement would allow for the removal of 1 to 2 of the existing accessory structures on the property, opening up additional yard amenity space.

The raising of the dwelling will not result in an expansion of the existing footprint, and therefore no yard amenity space will be impacted. Additionally, the built form will not be extended further into the front yard, as the existing front yard setback will be maintained.

Due to the above analysis, the variance is desirable and appropriate for the use of the land.

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses are permitted within this 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 subject property is zoned Residential Type One (R1) Zone under the Township of Verulam Zoning By-law 6-87. A single detached dwelling is a permitted use within the R1 Zone.

The intent of the R1 Zone provisions is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as sight lines. The proposed height increase, which is required to facilitate the creation of the basement, is in compliance with the maximum height within the R1 Zone and is not anticipated to alter sight lines given its proximity to the travelled portion of the road. Additionally, the existing dwelling complies with all provisions of the R1 Zone with the exception of the existing legal non-complying front yard setback, which is to be maintained.

The General Provisions section of the By-Law contains provisions establishing minimum setbacks from the centre of a road allowance. The required setback varies depending on the classification of road. The higher the classification (more major the road), the greater the setback. These setbacks are in addition to the yard requirements applied to lot lines. The street centreline setback appears to have been written on the premise that, should a road allowance be of a non-standard width for its classification, built form will be adequately set back from it in the event the municipality decided to take a road widening.

As Cedarhurst Avenue is not a Provincial Highway or County Road, for the purposes of the centreline setback provision it is classified as 'Other Street'. The required setback from the centreline of the road allowance is 10 metres plus the minimum front yard setback (being 7.5 metres). Given the lot and road fabric of the community, the built form has developed closer to the lot lines than contemplated

by the By-law. As a result, little to none of the built form observed in the immediate area and within the greater community complies with the street centreline setback. It is unlikely the municipality would pursue road widenings within the community given the further reduction such widenings would have to lot sizes, and due to the fact that there are buildings and structures within the street centreline setback area.

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. Planning is not aware of an existing issues impacting Municipal operations that would be exacerbated and future issues are not anticipated given the surrounding built form and existing encroachments.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Kawartha Conservation: "Kawartha Conservation has no concern with the approval of Minor Variance Application D20-2022-076 for the construction of basement under the existing dwelling. The applicant will not be required to obtain a Permit from Kawartha Conservation for the proposed project. Please note if there are any species at risk considerations on the property, the MECP is the applicable agency to follow up with."

DS-Building and Septic Division (Building): No comments

Public Comments:

Dennis Peplinski: "Unfortunately, I cannot register to speak on December 01/22. I did want to say that I do reside on Cedarhurst avenue with a cottage we bought a few years ago. I have complete faith and trust in Dave Wiley, and am sure he always does everything to a minimum of standard practice. He had mentioned to me about wanting to renovate his place and I look forward to him doing that."

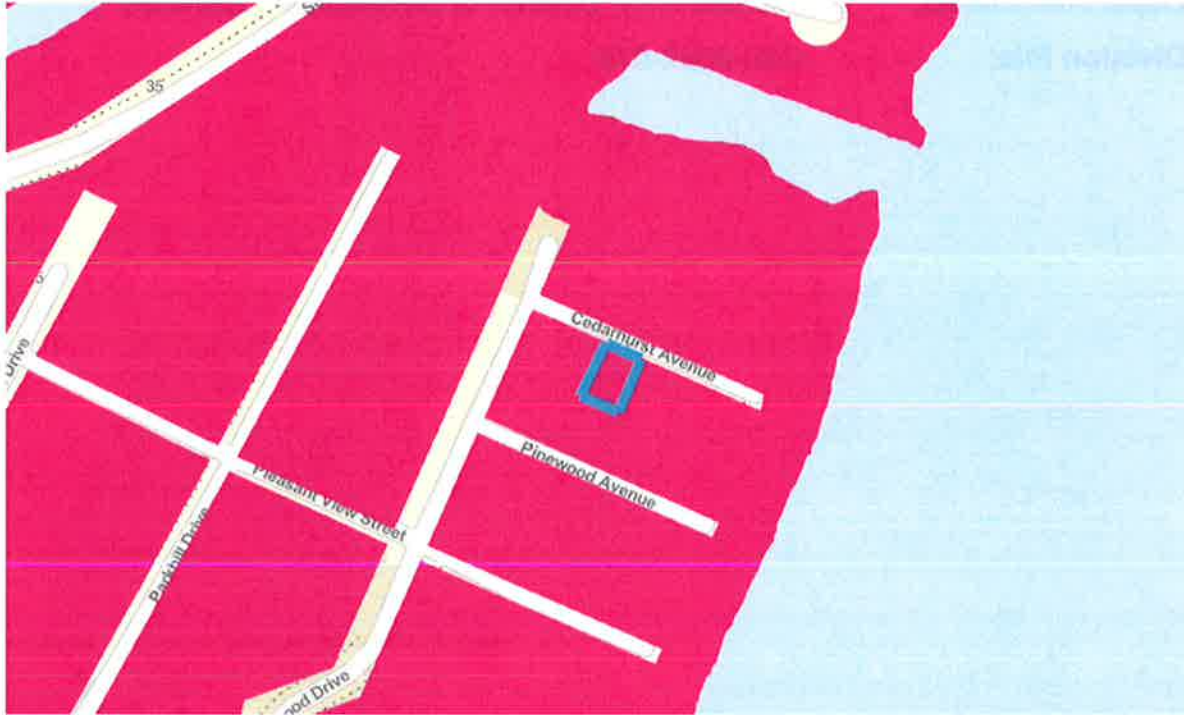
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch

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Department Head: Richard Holy, Director of Development Services
Division File: D20-2022-076

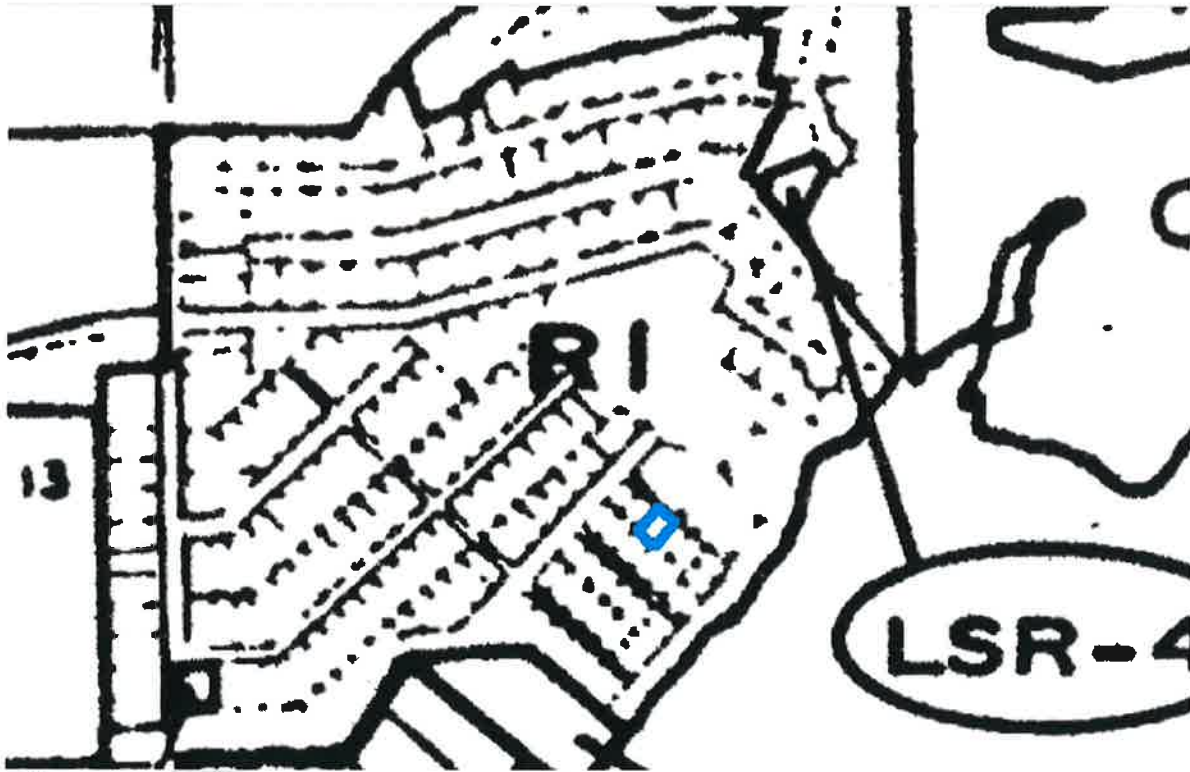
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Verulam Zoning By-law 6-87



Section 8 Rural Residential Type One (R1) Zone

- d. Minimum Front Yard Depth 7.5 m
(see also Section 5.18)

Section 5.18 Setbacks

5.18.3 Other Street - 10 metres, plus the minimum exterior side or front yard depth required for such use in the zone where it is located.

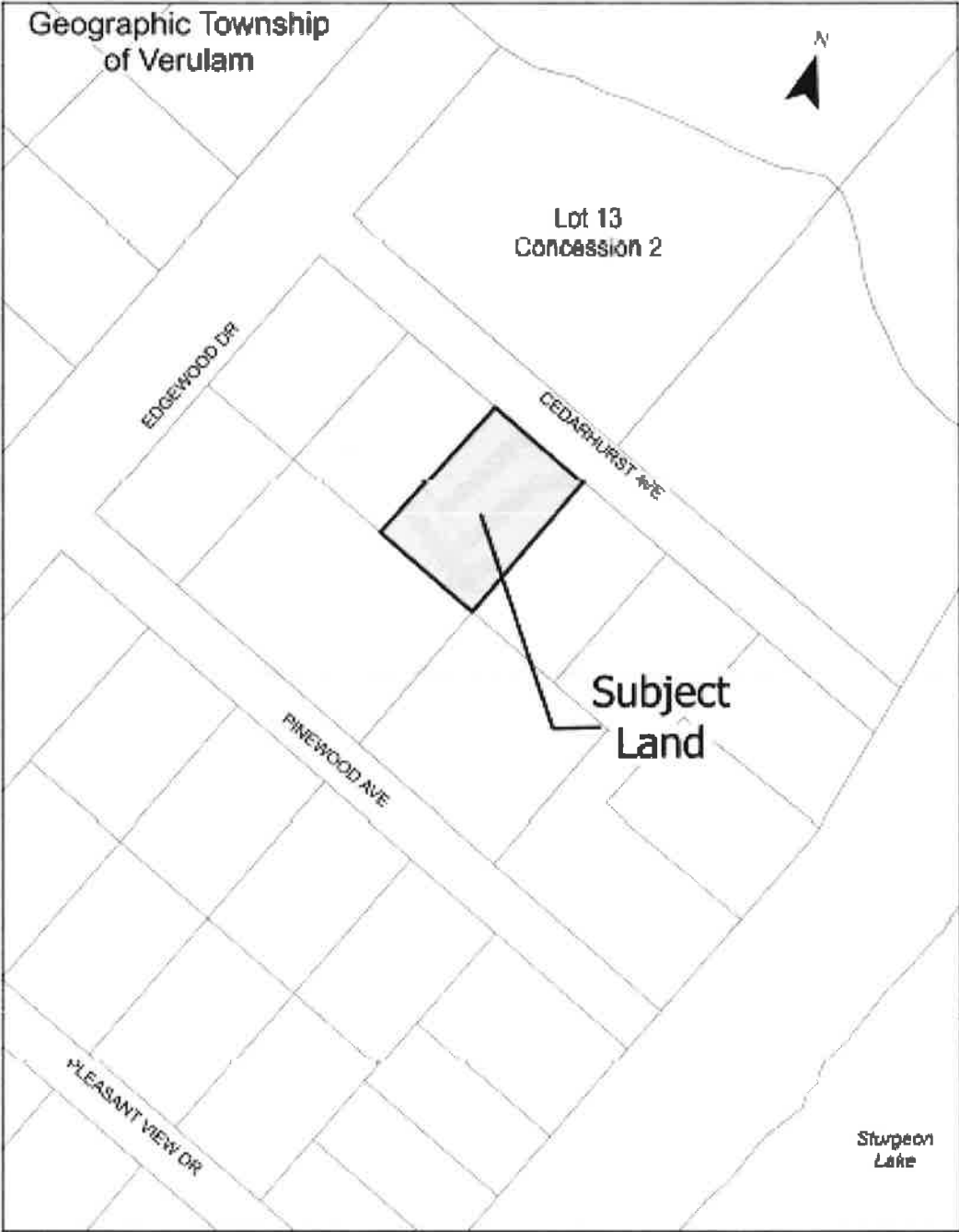
to

REPORT COA2022-085

FILE NO: D20-2022-076

LOCATION MAP

D20-2022-076



to

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

