

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Girard and Woods-Girard
Report Number COA2022-093

Public Meeting

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

Ward 2 – Geographic Village of Bobcaygeon

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

Relief sought:

1. Section 5.2 c) requires a front yard setback of 7.5 metres; the existing setback is +/- 6.62 metres.

The variance is requested at **34 Joseph Street** (File D20-2022-084).

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

Recommendations

That Report COA2022-093 – Girard and Woods-Girard, be received;

That minor variance application D20-2022-084 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 COA2022-093, 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 COA2022-093. 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:	Jason Girard and Emily Woods-Girard
Applicant:	Same as owner
Legal Description:	South Part of Lot 9 w/s Joseph Street, Plan 70
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012); Urban (Victoria County Official Plan, 1978)
Zone ² :	Urban Residential Type Two (R2) Zone (Village of Bobcaygeon Zoning By-law 16-78)
Site Size:	1,238.01 sq. m (13,325.83 sq. ft)
Site Access:	Year-round municipal road
Site Servicing:	Municipal water and sanitary sewer
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 and is a short distance away from the commercial businesses along Main Street. The residential built form along Joseph Street is comprised of 1 and 2 storey single detached dwellings with varying proximities to the street including some existing front yard reductions. The subject property is separated from the street by a sidewalk and an unpaved road shoulder. According to Municipal Property Assessment Corporation (MPAC) the dwelling on the subject property was constructed in 1900.

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 storage and additional living 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.

As the Bobcaygeon Secondary Plan policies of the City of Kawartha Lakes Official Plan are under appeal, the Victoria County Official Plan (VCOP) applies.

The lands are designated "Urban" within the Official Plan. The existing residential use and proposed construction of the basement are permitted in the Urban 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 Urban Residential Type Two (R2) Zone under the Village of Bobcaygeon Zoning By-law 16-78. As per Section 6.2 e), all uses permitted in the Urban Residential Type One (R1) Zone are permitted in the R2 Zone subject to the provisions of the R1 Zone. A single detached dwelling is permitted in 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. 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 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:

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

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

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-084

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



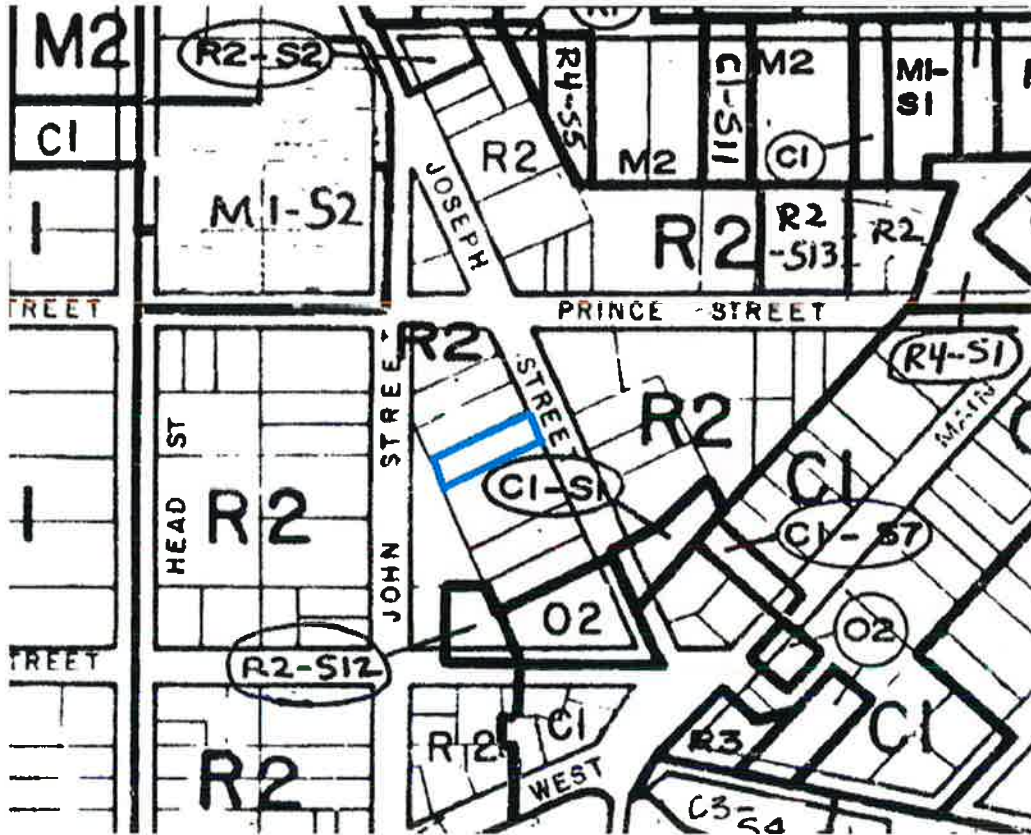
- 18. Urban Settlement Designation
- 18.11 Bobcaygeon

Victoria County Official Plan



- 6.2 Urban Designation

Village of Bobcaygeon Zoning By-law 16-78



6.1 R2 Uses Permitted

e. All uses permitted in the R1 Zone subject to the provisions therein.

5.2 R1 Zone Provisions

c. Minimum front yard 7.5 m (25 ft.)

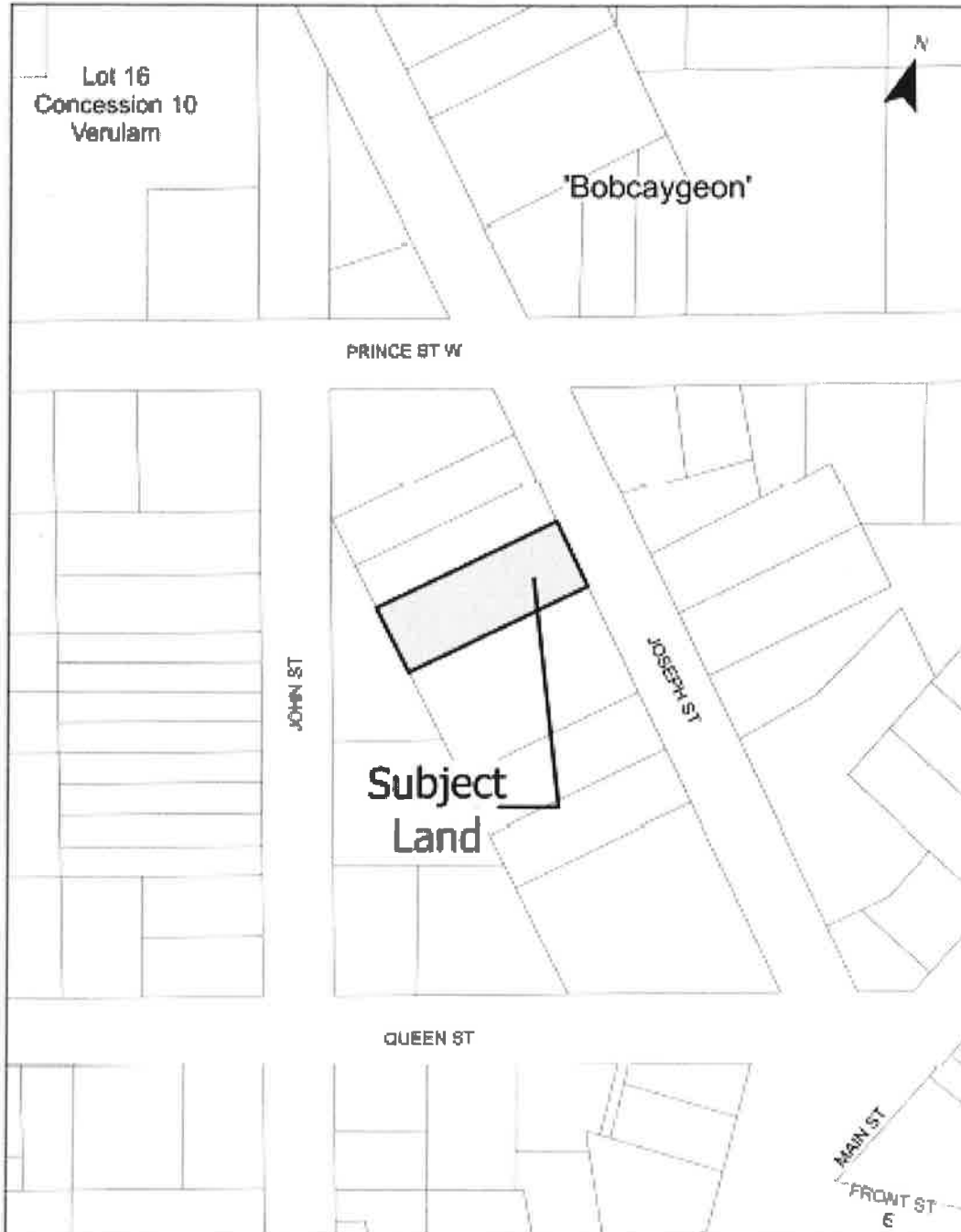
to

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LOCATION MAP

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to

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AERIAL PHOTO



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APPLICANT'S SKETCH

