

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Fullerton
Report Number COA2023-076

Public Meeting

Meeting Date: September 28, 2023
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Bexley

Subject: The purpose and effect is to facilitate the construction of an Additional Residential Unit (ARU).

Relief sought:

1. Section 3.1.2.1 of the By-law permits accessory structures in the interior side or rear yard; the ARU is proposed to be located in the front yard; and
2. Section 3.22.1 vi) of the By-law requires a minimum lot area of 4,000 square metres to permit an ARU on a lot with private services; the existing lot area is 2,751.86 square metres.

The variance is requested at **58 Cedar Avenue** (File D20-2023-068).

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

Recommendations

That Report COA2023-076 – Fullerton be received;

That minor variance application D20-2023-068 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 and the drawings in Appendix D submitted as part of Report COA2023-076, which shall be attached to and form part of the Committee's Decision;

- 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** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.

This approval pertains to the application as described in report COA2023-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of an Additional Residential Unit (ARU)
Owners:	Peter Fullerton
Applicant:	James Fullerton
Legal Description:	Part Lot A, Concession 3 (being Part Lot 9 on Plan 185)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three Exception One (RR3-1) (Township of Bexley Zoning By-law 93-09)
Site Size:	2,751.86 sq. m. (29620.77 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

Rationale

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

¹ See Schedule 1

² See Schedule 1

The subject property is within an established residential neighbourhood located on the southwestern shore of Balsam Lake. The property is a waterfront lot that is rectangular in shape, and contains a two storey single detached dwelling constructed in 1927 (according to Municipal Property Assessment Corporation) and a shed.

The proposal is to construct an Additional Residential Unit (ARU). Being a waterfront property, the primary residence is located near the water at the property's rear. This leaves limited opportunity to construct an accessory building in the rear or side yard. The preferred building location is in the front yard, between the primary dwelling and the road. The proposed ARU will provide additional living and sleeping space for family and friends, as well as additional storage opportunity.

Given the above analysis, the variance is considered desirable and appropriate for the use of 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.

An ARU is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Rural Residential Type Three Exception One (RR3-1) Zone under the Township of Bexley Zoning By-law 93-09. A single detached dwelling as well as accessory structures are permitted within this zone. The exception zone covers multiple waterfront properties in the area and contains specific provisions for the minimum front yard setback, the minimum side yard setback, and the height of a boathouse. The proposal complies with all provisions of the Zoning By-law with the exception of location and the minimum lot size for an ARU on a property with private services.

As per Section 3.1.2.1 of the By-law, accessory structures are permitted in the interior side or rear yard. Under Section 3.1.2.3 of the Zoning By-law, a private garage is permitted in the front yard on a property that fronts on a navigable waterway. Several properties in the area currently have private garages in the front yard. Therefore, though Section 3.1.2.3 does not apply to permit an ARU in the front yard, the By-law does contemplate accessory structures in the front yard in certain cases, and the presence of an accessory structure in the front yard would not be out of character with the surrounding properties.

The ARU is proposed to be located in the front yard. The intent of limiting the location of accessory structures to the interior side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

The subject property is approximately 87 metres in depth, and the existing dwelling is setback approximately 50 metres from the front lot line, creating an extensive front yard and a smaller rear yard. Additionally, the shoreline and the required water setback as well as the location of the septic system limit possible locations for the proposed ARU in the interior side or rear yard. The proposed ARU will be located in close proximity to the existing entrance, allowing for access to the ARU from the driveway. Therefore, the most logical location for the proposed ARU is between the dwelling and the road, being the front yard. Additionally, due to the size of the front yard, the proposed ARU will not impede the property owner's ability to use the rest of the lawn space for outdoor recreation purposes.

The proposed ARU is to be setback 24.23 metres from the front lot line. Additionally, mature vegetation separates the property from the travelled portion of the road. The visual screening provided by the proposed setback and existing vegetation would decrease the visibility of the proposed ARU.

As per Section 3.22.1 vi) of the By-law, a minimum lot area of 4,000 square metres is required to permit an ARU on a lot with private services. The existing lot area is 2,751.86 square metres. The minimum lot size listed for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. Notwithstanding the initial septic system upgrade application, upon review the Supervisor of Part 8 Sewage Systems has determined that a new system would be needed and requires a revised permit application. Condition 3 has been included to provide opportunity for the Supervisor to finalize their review. Staff remain confident that there is sufficient area to accommodate the new system.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

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:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns with this Minor Variance application.”

Building and Septic Division (Septic): “A Sewage System Installation Report was located for this property. The current sewage disposal system cannot accommodate the proposed ARU expansion. It is our understanding that a proposal to upgrade the sewage system will be submitted for our review.

As such, I would ask that a condition be placed on an endorsement for the minor variance to satisfy the Supervisor – Part 8 Sewage Systems for servicing through a private on-site sewage system.”

Building and Septic Division (Building): “Several outstanding building permits BPH2004-0771 (foundation) BPH2004-1022 (deck) BPH2016-0110 (single detached dwelling) BP2019-0030 (boathouse). No other comments.”

Public Comments:

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

Attachments

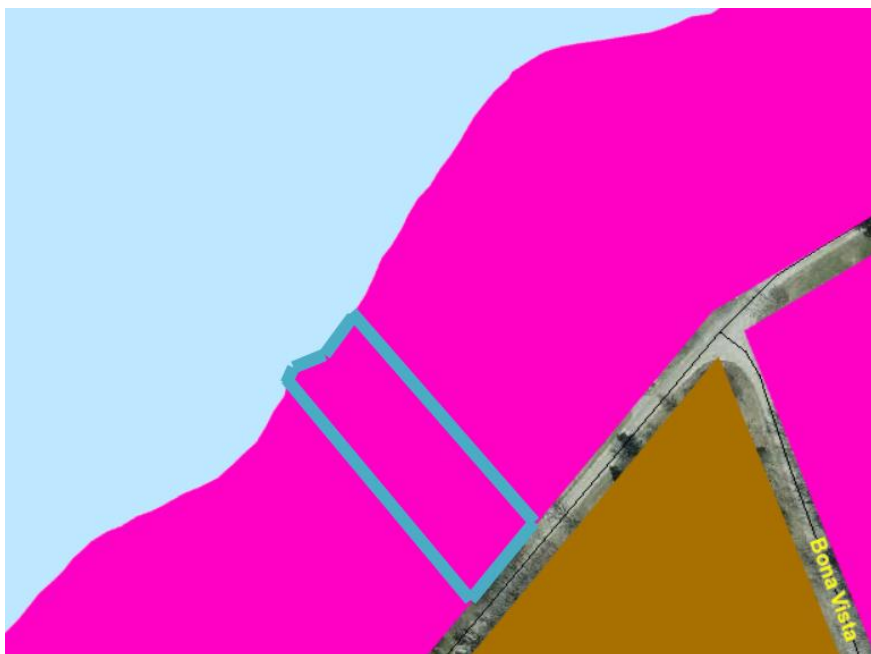
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

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E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-068

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

The Corporation of The City of Kawartha Lakes Amendment No. 39 to The City of Kawartha Lakes Official Plan

E. Details of the Amendment

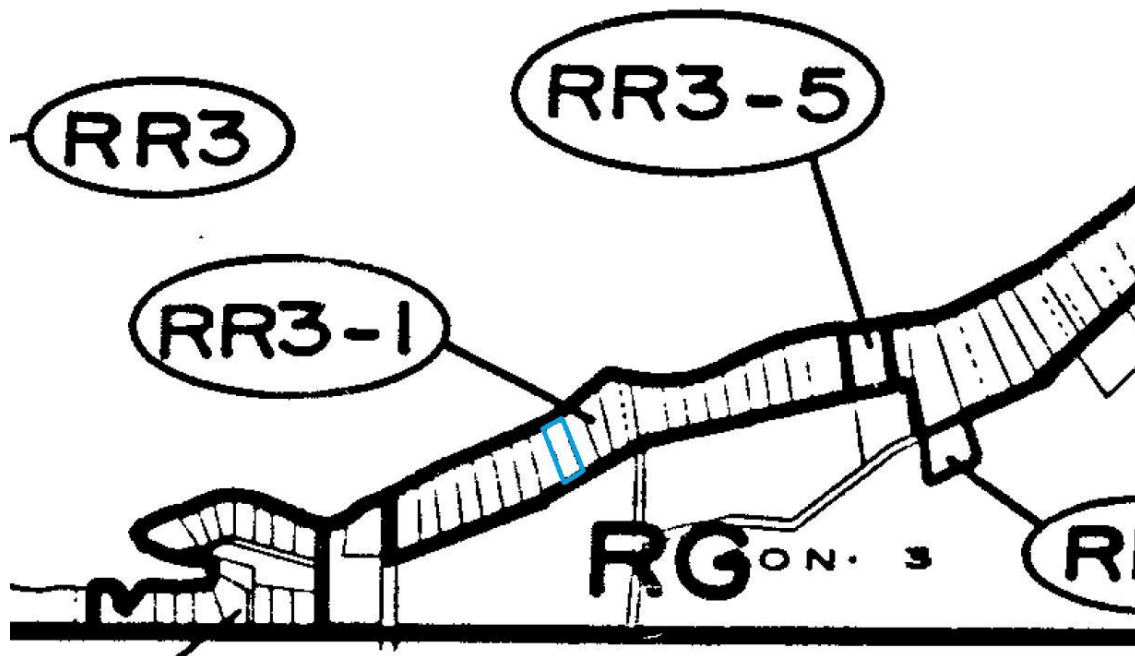
The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

1. **Section 5. Housing Goal is amended by adding subsection 5.7 Additional Residential Units as follows:**

5.7 Additional Residential Units

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 An additional residential unit is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions.

Township of Bexley Zoning By-law 93-09



Part 3 General Provisions

3.1.2 Location

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

3.22 Additional Residential Dwelling Units

3.22.1 vi) A minimum lot area of 0.4 ha (4000 sq. m.) on private services.

Part 12 Rural Residential Type Three (RR3) Zone

12.1 Uses Permitted

12.2 Zone Provisions

12.3.1.1 Notwithstanding subsection 12.2.1, articles 12.2.1.3 (a) and (b), land zoned "RR3-1" shall be subject to the following zone provisions:

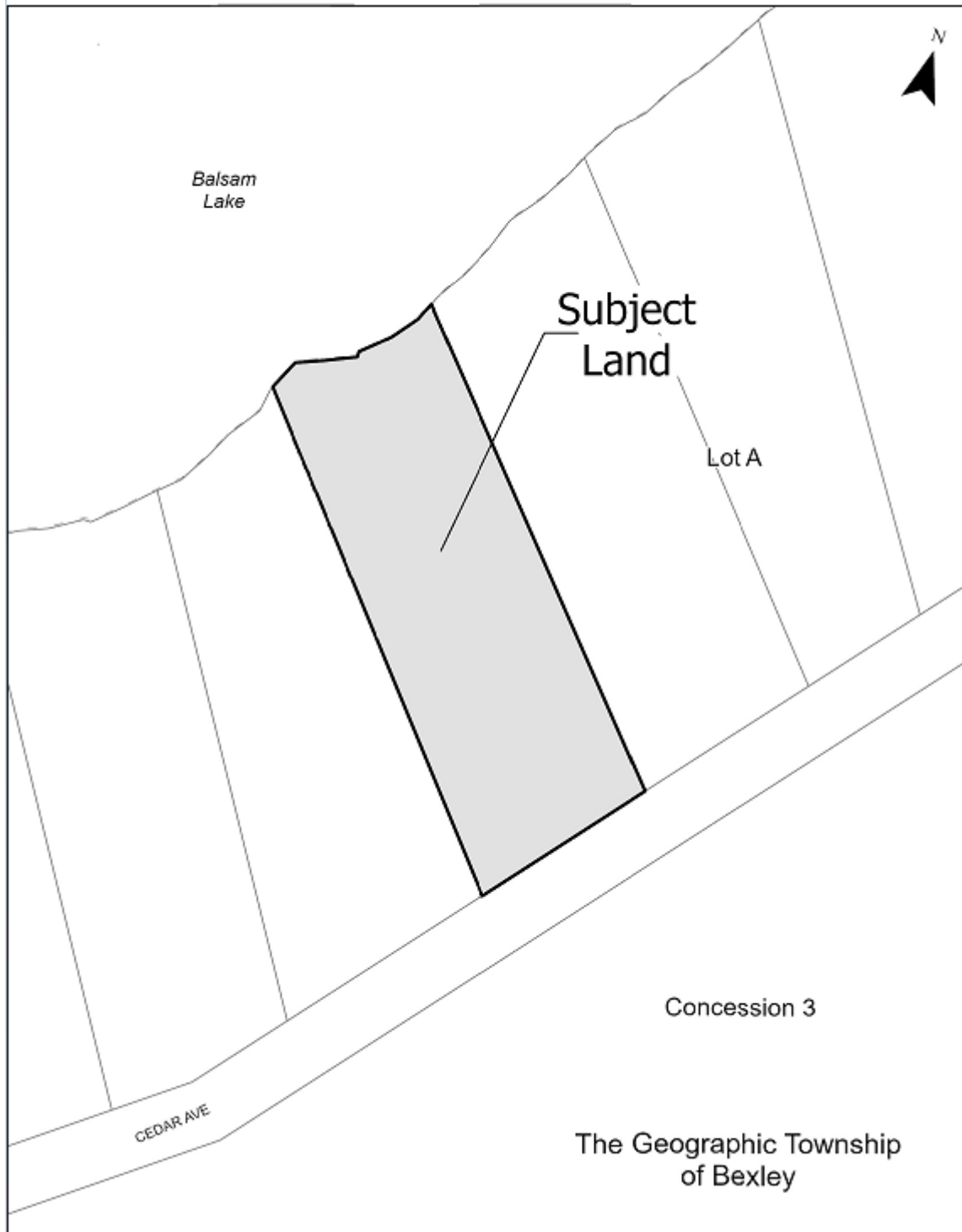
(a) Minimum Front Yard 15 m

(b) Minimum side yard shall be 3 metres on each side, plus 1 metre on each side for each additional or partial storey above the first.

12.3.1.2 Notwithstanding article 3.1.3.2, on land zoned "RR3-1" the maximum height of all boat houses shall mean the vertical distance on a building or structure measured between the maintained summer water level and the top of the roof and the maximum height shall be 4 metres.

LOCATION MAP

D20-2023-068



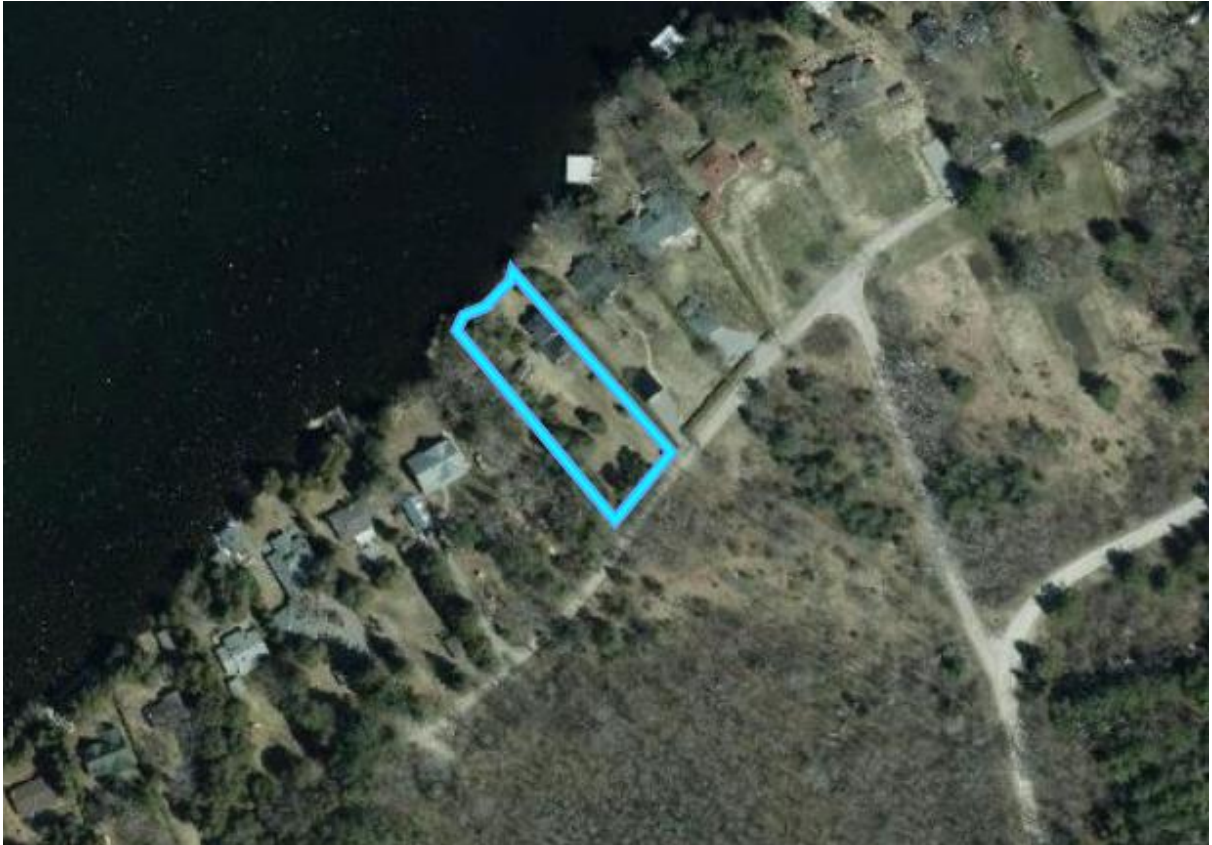
APPENDIX " B "

to

REPORT COA2023-076

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AERIAL PHOTO



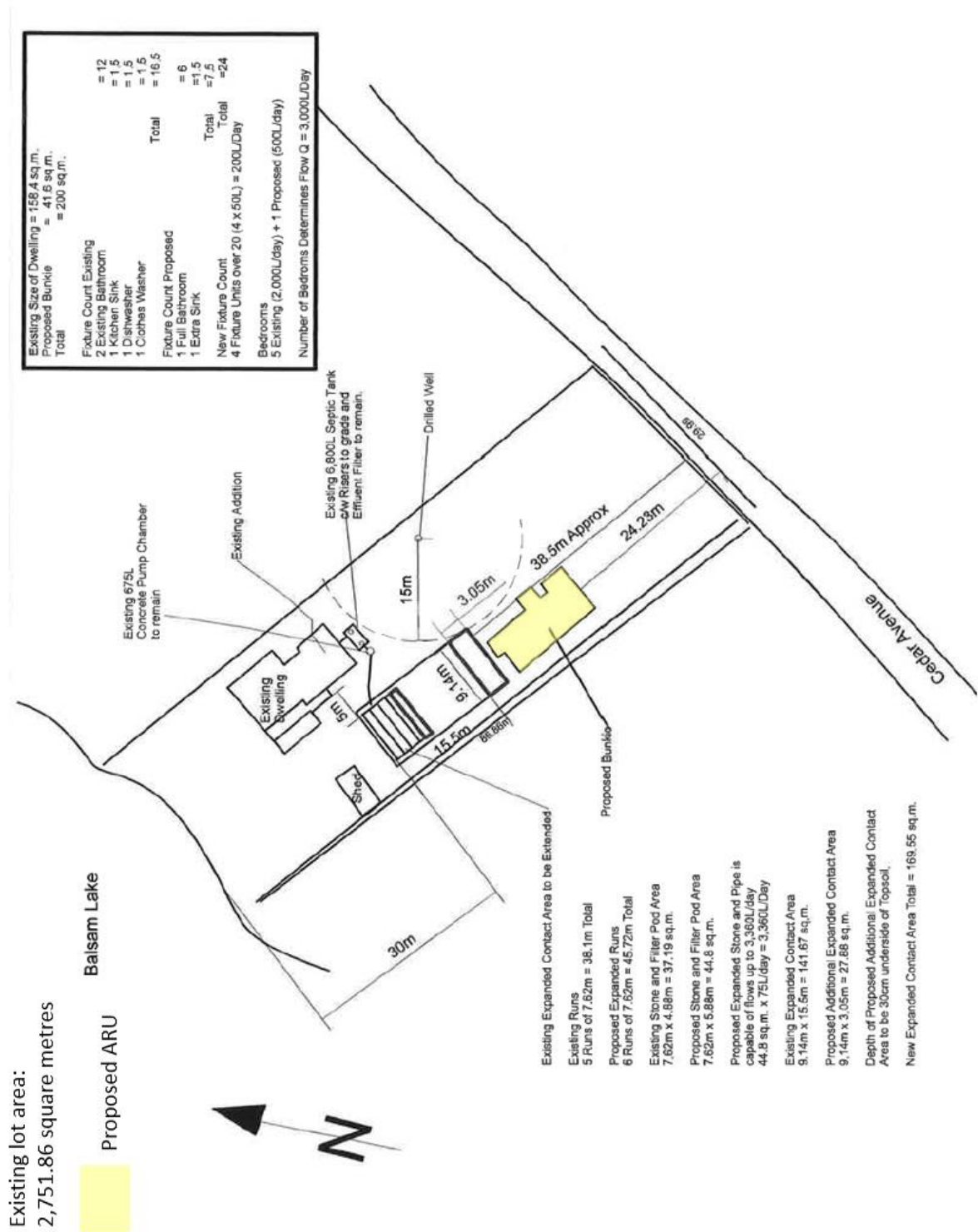
APPLICANT'S SKETCH

APPENDIX " C "

to

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to

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CONSTRUCTION DRAWINGS

