

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Wood
Report Number COA2021-004

Public Meeting

Meeting Date: February 18, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 –Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 12.2.1.3 (b)(i) to reduce the minimum interior side yard setback from 3 metres to 1.2 metres to permit the construction of a 74.5 square metre garage attached to an existing single detached dwelling.

The variance is requested at 120 Charlore Park Drive, geographic Township of Emily (File D20-2020-046).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2021-004 Wood, be received;

That minor variance application D20-2020-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction of the attached garage related to this approval shall proceed substantially in accordance with the sketches in Appendices C - D submitted as part of Report COA2021-004, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the shipping container currently located within the front yard of the property has been removed, and;
- 3) **That** the building construction related to the minor variances 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 COA2021-004. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owners previously applied for a pre-screening application associated with a detached garage located within the front yard of the subject property that was 1.2 metres from the front lot line. When conducting site visits associated with other minor variances in the area, Planning staff observed a primary hydro line bisecting the lot over top of the location of the proposed detached garage. Upon seeking official confirmation from Hydro One representatives, the determination was made that the garage could not be located as it was much closer than the required 5 metre spatial separation setback from the primary hydro line.

The applicant made a second pre-screening submission based the garage being attached to the dwelling and acknowledging the spatial separation from the hydro line. The proposal involves a reduced interior side yard setback.

This application was last amended and submitted December 16, 2020.

Proposal: To permit an approximately 74.5 square metre (802 square feet) garage attached to the existing 134.7 square metre (1,500 square foot) single detached dwelling

Owners: Daniel and Kelly Wood

Applicant: Dylan Wood

Legal Description: 120 Charlore Park Drive, Lot 14, Plan 6, geographic Township of Emily, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan (2012)

Zone: Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1,983 square metres (21, 344 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North, East, West: Charlore Park Drive, Shoreline Residential
South: Pigeon River

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated in a shoreline residential neighbourhood on the north side of the Pigeon River before it transitions into Pigeon Lake. The neighbourhood consists of linear waterfront lots and backlots primarily comprised of one-storey single detached dwellings. While conducting the site visit associated with the application, a new two-storey dwelling was being constructed at the abutting to the east identified by the civic address 122 Charlore Park Drive. The waterfront lots in the plan of subdivision are narrower with a substantial yet gradual change of grade from the shoreline to Charlore Park Drive. The dwelling itself is situated nearly 50 metres from the shoreline. A cabin that functions as a storage shed constructed in 1967 (according to MPAC) is located 3 metres from the shoreline. The majority of the rear yard consists of a sloping manicured lawn with vegetative buffers delineating the interior side lot lines.

The addition is proposed on the northeast corner of the existing bungalow and is slightly offset towards the front yard in comparison to the footprint of the existing dwelling. While the addition is not in-line with the front wall of the dwelling, it is proposed to be approximately 16 metres from the front lot line. Access to the garage is provided to the garage via an existing paved driveway. A mature cedar hedge over 3 metres tall demarcates the front lot line and will prevent the garage from being seen from Charlore Park Drive. There are no massing impacts presented through the proposal.

A dense vegetative buffer consisting of cedar hedge, sumac and a variety of mature shrubs is located along the entire eastern lot line and adjacent to the proposed development. Any potential encroachment or privacy concerns to the neighbouring property are negated through the presence of the screening. The proposed 1.2 metre setback maintains access to the rear lot.

As the garage is attached to the existing bungalow, the exterior design and treatments will match the appearance of the dwelling.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The property is zoned Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30.

The purpose of an interior side yard is also to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance. The addition will be 1.2 metres away from the eastern interior lot line. Access to

the rear yard is maintained and an ample 3.7 metres is provided for on the opposite side of the dwelling.

Upon conducting the site visit associated with the variance application, Planning staff identified a shipping container located within the front yard of the property. The owners have agreed to remove the shipping container following completion of the garage. A condition is recommended in order to ensure the shipping container is entirely removed from the property.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

The proposed garage will be at least 50 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

In consideration of the above, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

As mentioned, the initial proposal was in the form of a detached garage within the front yard of the property. Through both a site visit and correspondence with Hydro One staff, the proposal was modified to the current configuration in order to address spatial separation requirements from a primary hydro line.

Servicing Comments:

The property is serviced by a private individual well and sewage system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Engineering and Corporate Assets Division (January 21, 2021): No concerns.

Building Division (January 25, 2021): No concerns with the application.

Part 8 Sewage Systems (January 22, 2021): A sewage system has been constructed on the property under File F-18-08. The driveway to access the garage will be maintained wholly in front of the dwelling to avoid the sewage system envelop. No concerns.

Community Services Division (January 21, 2021): No comments or concerns.

Public Comments:

No comments received as of February 8, 2021.

Attachments:



Appendices A-E for
COA2021-004.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Applicant's Elevations
Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	kstainton@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-046

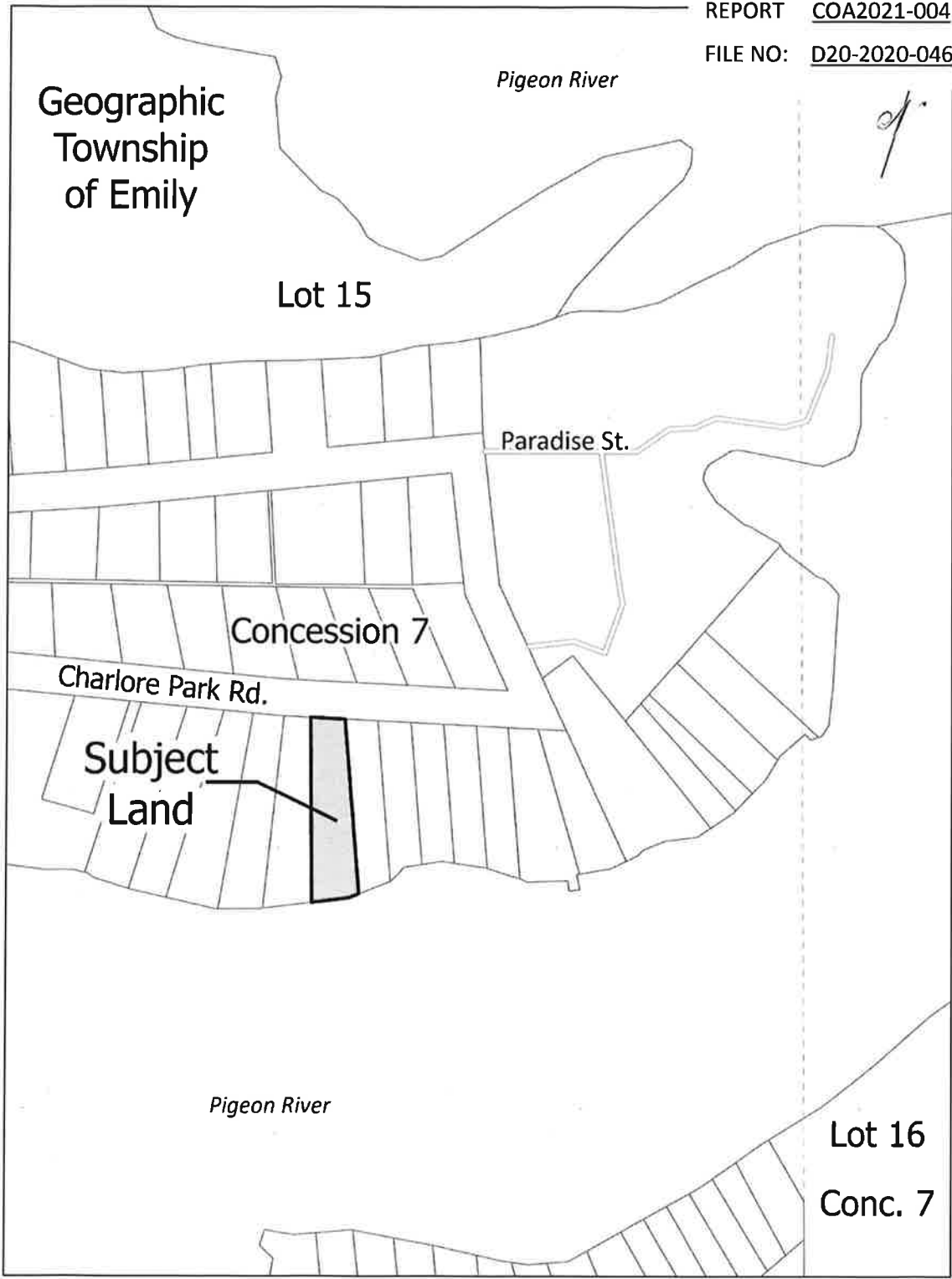
D20-2020-046

APPENDIX " A "

to

REPORT COA2021-004

FILE NO: D20-2020-046





GEOMATICS
MAPPING

120 Charlore Park Drive, Geographic Township of Emily



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

Notes

Notes

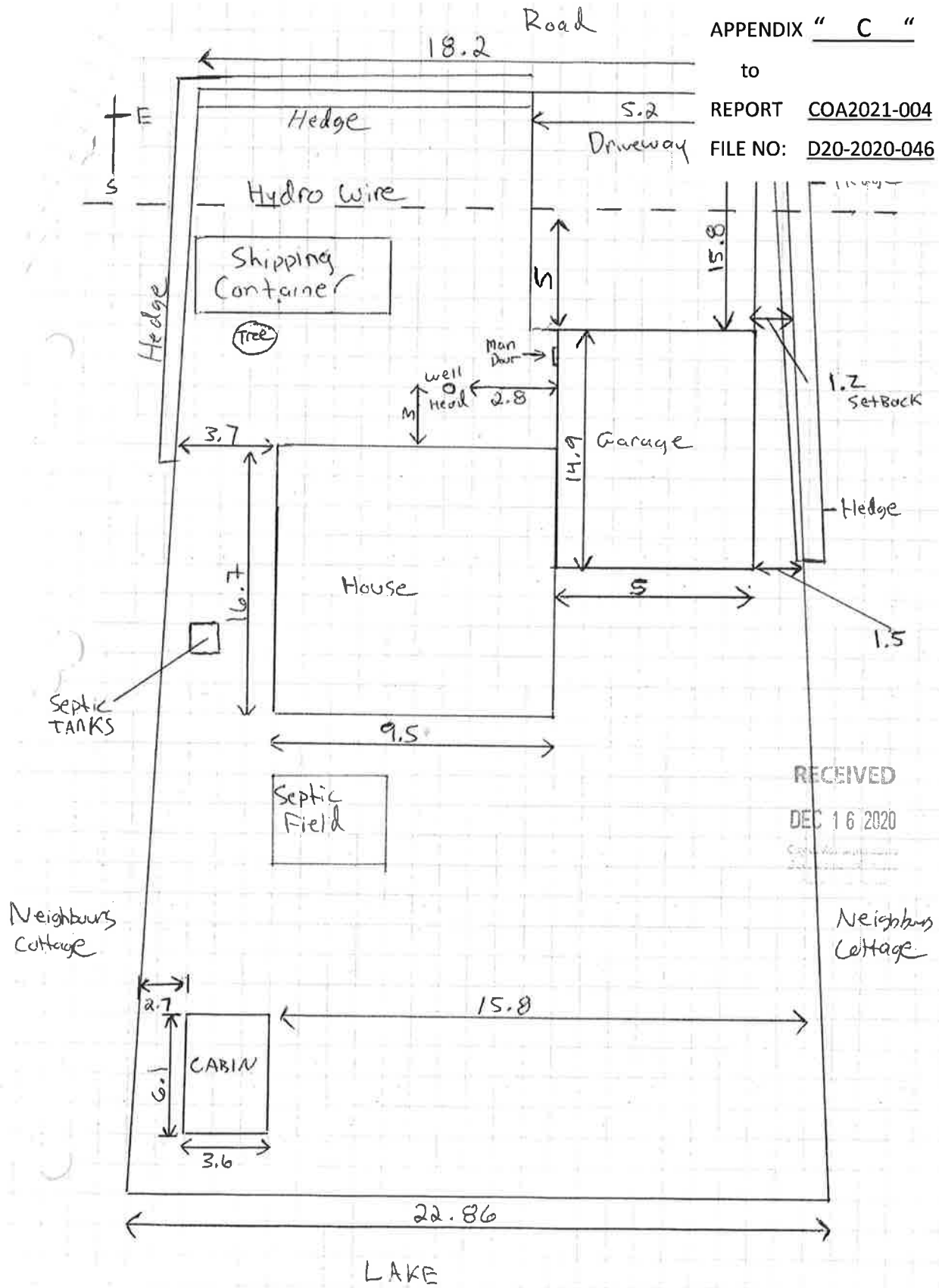
APPENDIX " B "
to
REPORT COA2021-004
FILE NO: D20-2020-046

APPENDIX " C "

to

REPORT COA2021-004

FILE NO: D20-2020-046



RECEIVED

DEC 16 2020

City of Vancouver
Department of Planning
2020-12-16

83

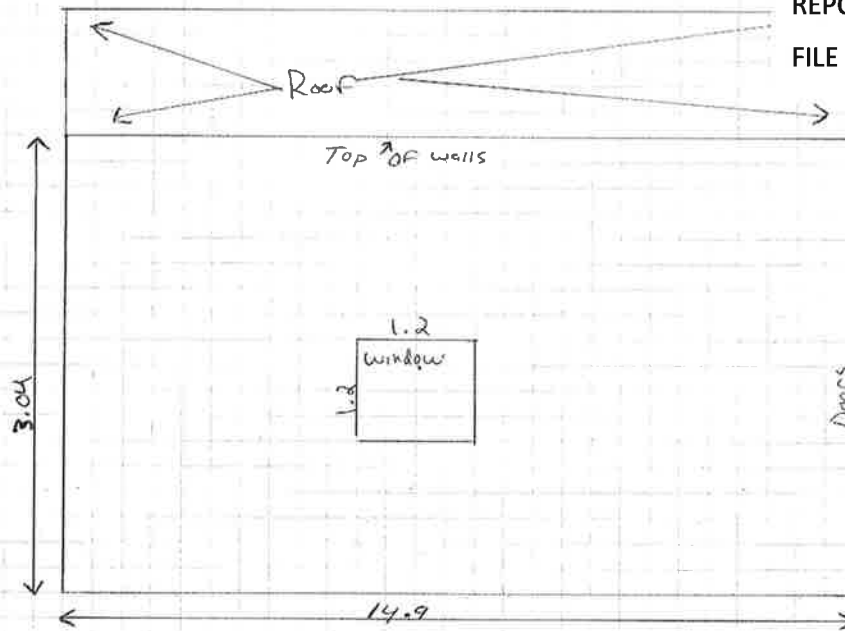
View From East Looking
At Garage

APPENDIX " D "

to

REPORT COA2021-004

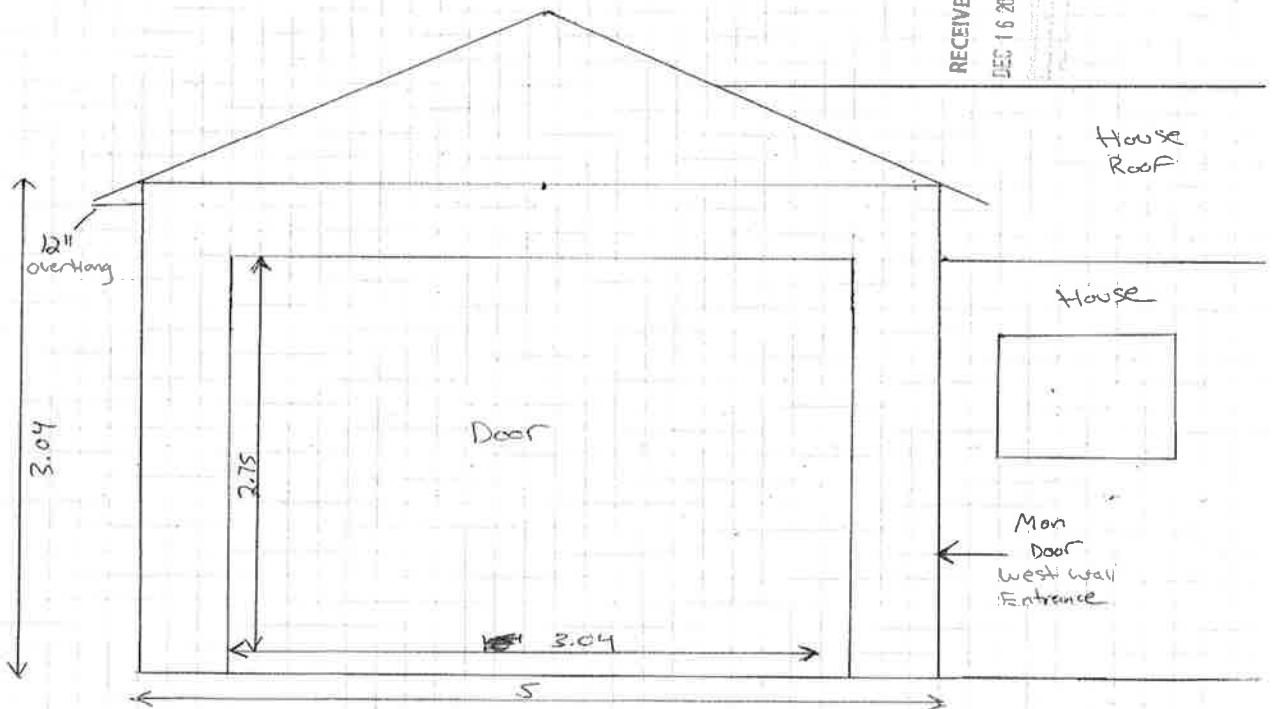
FILE NO: D20-2020-046



Road View

#2

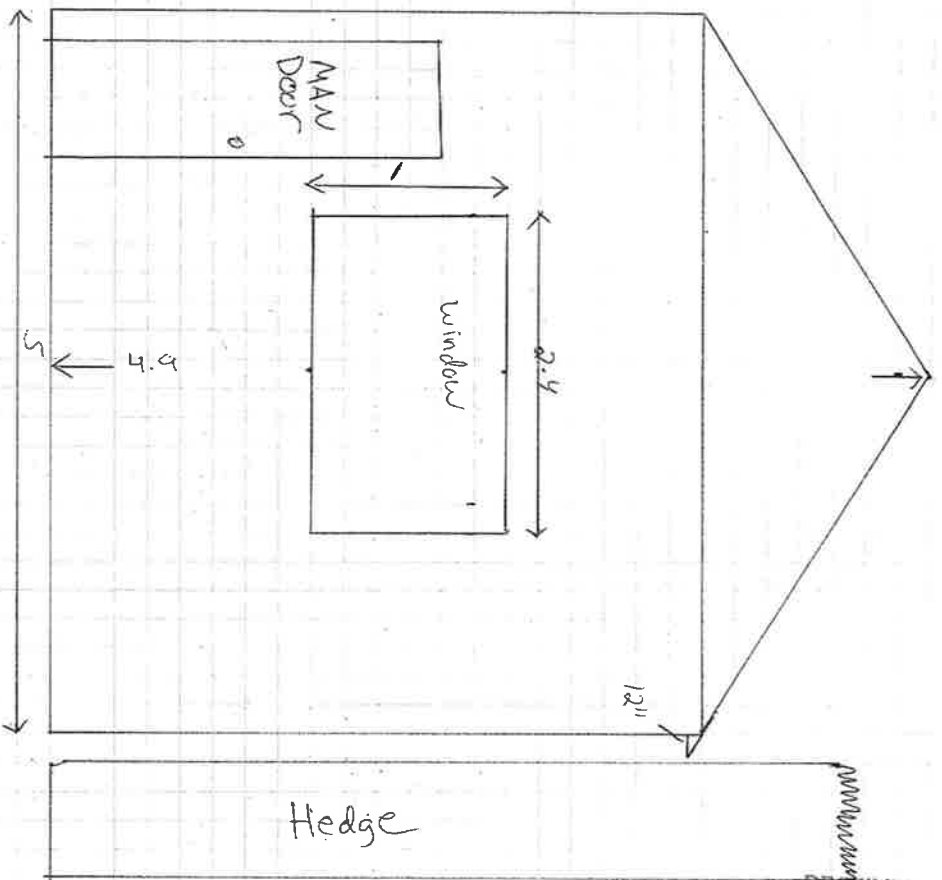
RECEIVED
DEC 16 2020



Rear view

Range of
placements

(#4)



RECEIVED

DEC 15 2020

Kent Stainton

From: Derryk Wolven
Sent: Monday, January 25, 2021 8:06 AM
To: Charlotte Crockford
Subject: D20-2020-046 120 Charlore Park

Building has no concern with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca



APPENDIX " E "
to

REPORT COA2021-004

FILE NO. D20-2020-046

Kent Stainton

From: Anne Elmhirst
Sent: Friday, January 22, 2021 1:15 PM
To: Charlotte Crockford
Subject: RE: Advanced Circulation for Minor Variance D20-2020-046

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

I have reviewed the request for Minor Variance for D20-2020-046 for 120 Charlore Park Road to permit the construction of an attached garage with a 1.2 metre side yard setback.

A review of documentation and a site visit were completed to determine compliance for the on-site sewage disposal requirements. A Sewage System Installation Report was located for the property, File EM-07-07, which indicates the placement of the system in the west and south yards of the property. Through site observation it has been demonstrated that the proposed garage location will not encroach within the required clearance distances to the existing sewage system.

As such, the Building Division – Sewage system Program has no issue with the minor variance request.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

From: Charlotte Crockford
Sent: Wednesday, January 20, 2021 4:22 PM
To: Christina Sisson ; Kim Rhodes ; Cathie Ritchie ; LeAnn Donnelly ; 'alanna.boulton@canada.ca' ; Ron Ashmore ; Susanne Murchison ; Derrryk Wolven ; Anne Elmhirst ; Ron Warne ; 'Erin McGregor'
Subject: Advanced Circulation for Minor Variance D20-2020-046
Importance: High

Good afternoon

Kent Stainton

From: Mark LaHay
Sent: Thursday, January 21, 2021 12:45 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210121 D20-2020-046 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Thursday, January 21, 2021 11:27 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210121 D20-2020-046 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2020-046
120 Charlore Park Road
Part Lot 15, Concession 7, Part Block A, Plan 331
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from Section 12.2.1.3 (b)(i) to reduce the minimum interior side yard setback from 3 metres to 1.2 metres to permit the construction of a 74.5 square metre garage attached to the existing single detached dwelling.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca





Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date: January 21, 2021
To: Committee of Adjustment
From: LeAnn Donnelly, Executive Assistant, Community Services
Re: Minor Variance – Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2020-037	18 Westlake Court, Fenelon
D20-2020-045	128 Romany ranch Road, Fenelon
D20-2020-046	120 Charlore Park Road, Emily
D20-2020-047	4 Bruce Street, Mariposa
D20-2020-048	121 Grassy Road, Emily

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services
705-324-9411 ext. 1300