

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Allen

Report Number COA2024-001

Public Meeting

Meeting Date: January 25, 2024

Time: 1:00 pm

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

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the demolition of all existing structures, and the construction of a new single-storey dwelling with attached garage and deck.

Relief sought:

1. Section 13.2.1.3.e. of the Zoning By-law which requires a minimum 15 metres water setback. The existing setbacks are deficient. The proposed water setback is 7.52 metres from the deck and 8.80 metres from the dwelling.
2. Section 3.6.1. of the Zoning By-law which requires frontage onto an improved public street and which is maintained to provide year-round access to allow for the erection of any building or structure. Sturgeon Glen Road is a combination of public and private ownership, maintained year-round. The portion of the road the subject property fronts on is privately owned and maintained year-round by the City.

The variance is requested at **24 Sturgeon Glen Road** (File D20-2023-086).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-001 – Allen, be received;

That minor variance application D20-2023-086 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

COA2024-001 which shall be attached to and form part of the Committee's Decision; and,

- 2) **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.
- 3) **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 COA2024-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the demolition of all existing structures, and the construction of a new single-storey dwelling with attached garage and deck.
Owners:	Mike & Stephanie Allen
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 3 on Plan 211, Part Lot 20, Concession 10 (being Parts 2 and 3 on Reference Plan 57R-2319)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,962.65 square metres (0.48 acres)
Site Access:	Sturgeon Glen Road is a combination of private and public ownership. The portion of the road the property fronts on is privately owned. The road is maintained by the City.

¹ See Schedule 1

² See Schedule 1

Site Servicing: Private individual septic system with potable water provided from lake.

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 a residential neighbourhood on the northern shore of Sturgeon Lake. The neighbourhood largely consists of waterfront lots with single detached dwellings and vacation dwellings of varying styles and built form. Most dwellings were constructed in the late 1900's (according to the Municipal Property Assessment Corporation).

The property is irregular in shape and has frontage onto Sturgeon Glen Road. Sturgeon Glen Road is a combination of private and public ownership. The portion of the road the property fronts on is privately owned, however, maintained by the City. The property contains a single detached dwelling with covered deck and a detached garage, constructed in 1977 and 1984, respectively. The property also contains two sheds, date of construction unknown.

The proposal seeks to facilitate the demolition of all existing structures, and the construction of a new dwelling with attached garage and deck.

Given the age of the extant dwelling, deck, and the overall locality, it is deemed suitable for proprietors to undertake the redevelopment of their properties with the aim of realizing the highest and most optimal utilization. The proposed single-storey dwelling takes cognizance of the existing neighbourhood context, blending in with the existing low-rise, primarily single-storey character of the neighbourhood. The proposed deck is largely uncovered and provides a greater space between the water and built form. The design of the proposed deck allows for the greater visual connectivity within the landscape as it avoids the obstruction of sightlines and the sense of enclosure or overcrowding. Maintaining open views can enhance the perception of space and contribute to a more visually appealing environment by better integrating with surrounding greenery. Overall, the proposed dwelling with attached garage and deck, promotes efficient land use and blends in with the density of the surrounding properties.

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 (2012). Low density residential uses, along with accessory structures are

permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

The Official Plan establishes water setback policies to provide sufficient spatial separation to protect development from hazards and protect and enhance the ecological function of the waterbody. Through the creation of a water setback, a buffer is created between the built form and waterbody for the establishment of vegetation to protect and enhance the ecological function of the waterbody as well as fish habitat. As the proposed deck is largely uncovered, it supports the Official Plan's intention in creating sufficient spatial separation. Open-air decks facilitate the penetration of natural light and ventilation, promoting a healthier and more sustainable living environment.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. The proposed deck provides a greater water setback in comparison to the current water setback from the existing deck. Moreover, as a result of the deck being uncovered, its use for habitable space is prevented, thereby upholding the overarching intention of safeguarding property and life from water-related hazards. Overall, it is evident the proposal attempts to direct the built form away from the shoreline and is an improvement over the existing water setback. The irregular lot configuration, and the constraints of the septic system footprint present challenges to redevelopment.

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 (RR3) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3 Zone permits single detached and vacation dwellings, as well as, the use of accessory structures.

The proposal complies with all provisions of the Zoning By-law with the exception of the water setback and redevelopment with frontage onto a private road.

Section 13.2.1.3.e. of the Zoning By-law requires a minimum 15 metres water setback. The proposed water setback is 7.52 metres from the deck and 8.80 metres from the dwelling (specifically, rear screened porch). The water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment of vegetation and the prevention of erosion. The proposed water setback to the attached deck is greater than the existing water setback from built-form (5.66 metres from existing covered deck; 7.52 metres from existing dwelling). The larger water setback allows for greater opportunities for integrating with surrounding greenery. Additionally, the property is constrained by the irregular lot configuration as well as the septic footprint which is best to be located as distant as possible from the shoreline. Overall, while being restricted by the irregular nature of the lot configuration, the proposed development provides a greater water setback than the current water setback.

Section 3.6.1. of the Zoning By-law requires frontage onto an improved public street which is maintained to provide year-round access to allow for the erection of any building or structure. The Zoning By-law permits redevelopment provided the property has frontage onto an improved public street which is maintained to provide year-round access. Sturgeon Glen Road is a combination of public and private ownership, maintained year-round by the City. The intent of this provision is to maintain a structured urban fabric, fostering accessibility, and enabling efficient municipal service provision. The requirement for frontage onto a public road serves to facilitate safe ingress and egress, promote effective emergency response, and prioritize connectivity and accessibility. Notwithstanding ownership, the road is assumed by the City and maintained year-round allowing for safe ingress and egress. Furthermore, a majority of the properties along the shoreline with frontage onto Sturgeon Glen Road have already been developed, with all the lots directly in the vicinity of the subject property being developed. The redevelopment of the subject property does not negatively impact accessibility, connectivity, and/or municipal service provisions. The intricacy with ownership has been flagged with Public Works to explore options for the City to obtain ownership.

Therefore, the variances 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 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:

E&CA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Septic): “A sewage system installation report has been located for this property for an existing alternative system. The site plan indicates a proposed sewage system or replacement system for the property. The property has received some preliminary evaluation for the existing sewage disposal system. Changes would be necessary to complete the proposed build with the existing system. A full evaluation has not been conducted for a new sewage system to service the build.

As such, the Building and Septic Division would request a condition be provided to satisfy the Supervisor – Part 8 Sewage System for any endorsement of the minor variance as it relates to servicing through a private on-site sewage disposal system.

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

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-086

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20 – Waterfront Designation

Township of Fenelon Zoning By-law 12-95



SECTION 3 – GENERAL PROVISIONS

3.6 FRONTAGE ON PUBLIC STREET

3.6.1 Except as provided for in this section, no persons shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts and obtains direct access onto an improved public street and which is maintained to provide year-round access.

SECTION 13 – RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

13.2 ZONE PROVISIONS

13.2.1.3 Yard Requirements (min.)

(e) water setback 15 m

APPENDIX " A "

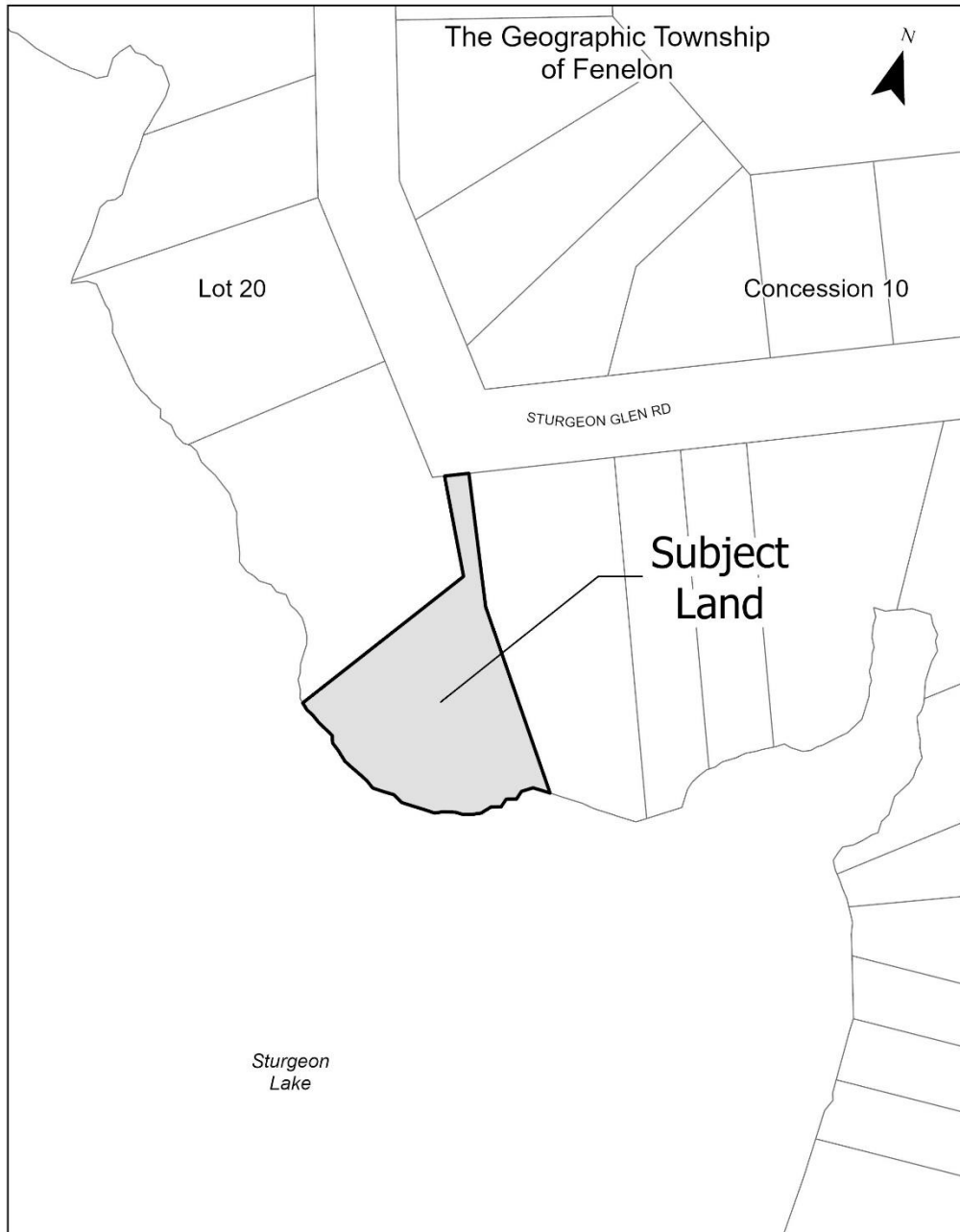
to

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LOCATION MAP

D20-2023-086



APPENDIX " B "

to

REPORT COA2024-001

FILE NO: D20-2023-086

AERIAL IMAGERY





to

REPORT COA2024-001

FILE NO: D20-2023-086

APPLICANT'S SKETCH

 Proposed Dwelling with Attached Garage

 Proposed Deck (covered + uncovered)

