

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Platten
Report Number COA2024-016

Public Meeting

Meeting Date: February 22, 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 raising the existing one-storey cottage and deck to allow for a basement walkout.

Relief sought:

1. Section 15.2.1.3.a. of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed front yard setback, from Walnut Street, is 4.5 metres.
2. Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The proposed interior side yard setback is 2.37 metres (north side) and 2.59 metres (south side).

The variance is requested at **42 Walnut Street** (File D20-2024-006).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-016 – Platten, be received;

That minor variance application D20-2024-006 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

COA2024-016 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 COA2024-016. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Raising of existing one-storey cottage and deck, to allow for basement walkout.
Owners:	Frances Platten
Applicant:	Scott Platten
Legal Description:	Part Lot 31, Concession 11 (being Parts 6 to 9 of Reference Plan 57R8852)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,433 square metres (0.35 acres)
Site Access:	Unmaintained private road
Site Servicing:	Potable water collected from lake with individual septic system.
Existing Uses:	Residential
Adjacent Uses:	Residential

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 situated on the eastern shore of Fells Bay. According to the Municipal Property Assessment Corporation (MPAC), the area primarily consists of one to two storey seasonal dwellings constructed during various periods of time ranging from the late 1800's to late 1990's and early 2000's. The property currently contains a one-storey cottage (1960) with a lakeside deck and shed.

The proposal seeks to raise the existing cottage and deck to allow for a basement walkout.

Considering the age of the existing cottage, and overall neighbourhood, it can be expected for property owners to redevelop their properties to achieve the highest and best use. The proposed basement walkout will increase the usable space of the cottage, providing additional living area without expanding the footprint of the building.

Given the above analysis, the variances are considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan. Residential uses and accessory structures are anticipated within the Waterfront designation.

The proposed redevelopment supports the objectives and policies of the Waterfront designation as it does not extend the existing building footprint, thereby, avoiding any interference and encroachment closer to the shoreline. Furthermore, to allow for the basement walkout, alteration will be made at grade and the height may increase a negligible 0.45 metres and still remain under the maximum permitted height (11 metres). As a result, the avoidance of increasing building height aids in maintaining a low profile blending in with the neighbouring properties and area.

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 Limited Service Residential (LSR) Zone under the Township of Fenelon Zoning By-Law 12-95. The LSR Zone permits a single detached dwelling as well as accessory structures. The proposal complies with all provisions of the Zoning By-law except the minimum interior side yard setback, and the front yard setback.

Section 15.2.1.3.a. of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The intention of the front yard setback is to ensure development does not interfere with the street. Additionally, the front yard setback aims to provide an area to accommodate the placement of garbage bins, mailboxes and other necessary amenities without obstructing the street. At the property, the front yard

setback is measured from the closest edge of Walnut Street, a private unmaintained road. The purpose of measuring the front yard setback from Walnut Street is to ensure development does not interfere with the usage of the street, as neighbouring properties use the street to access their properties. The proposed front yard setback remains unchanged at 4.5 metres, as there is no expansion of the existing building footprint. As a result, the proposed front yard setback does not further encroach and continues to uphold the intention of the Zoning By-law by avoiding obstruction of the street.

Secondly, Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). As per the definition of storey in the Zoning By-law, a walkout basement is considered an additional storey. As a result, the proposed raised cottage to allow for a walkout basement would be required to comply with provisions applicable to a two-storey dwelling. The intent of the interior side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and a space for maintenance and access to the rear yard. The proposed interior side yard setback remains unchanged and is 2.37 metres from the north side and 2.59 metres from the south side. The southern side yard setback is minimally deficient by 0.41 metres, continuing to allow for adequate space for access, maintenance, and privacy. Moreover, as the cottage is not substantially changing in height (potentially up to 0.45 metres increase) and the existing building footprint is maintained, the proposed side yard setback maintains and upholds the general intent of the Zoning By-law.

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:

DS – Building and Septic (Building): “No comments.”

DS – Building and Septic (Septic): “A sewage system use permit was located for the property. The report indicates that the sewage system is constructed in the rear yard of the dwelling. The basement construction will be directly below the existing dwelling footprint. The placement of the new foundation/basement in this location will ensure appropriate clearance distances are maintained to the existing system. Additionally, the basement construction will include areas for storage and will not include any plumbing fixtures or bedrooms. The capacity requirements of the sewage system will not be effected. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

Public Comments:

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

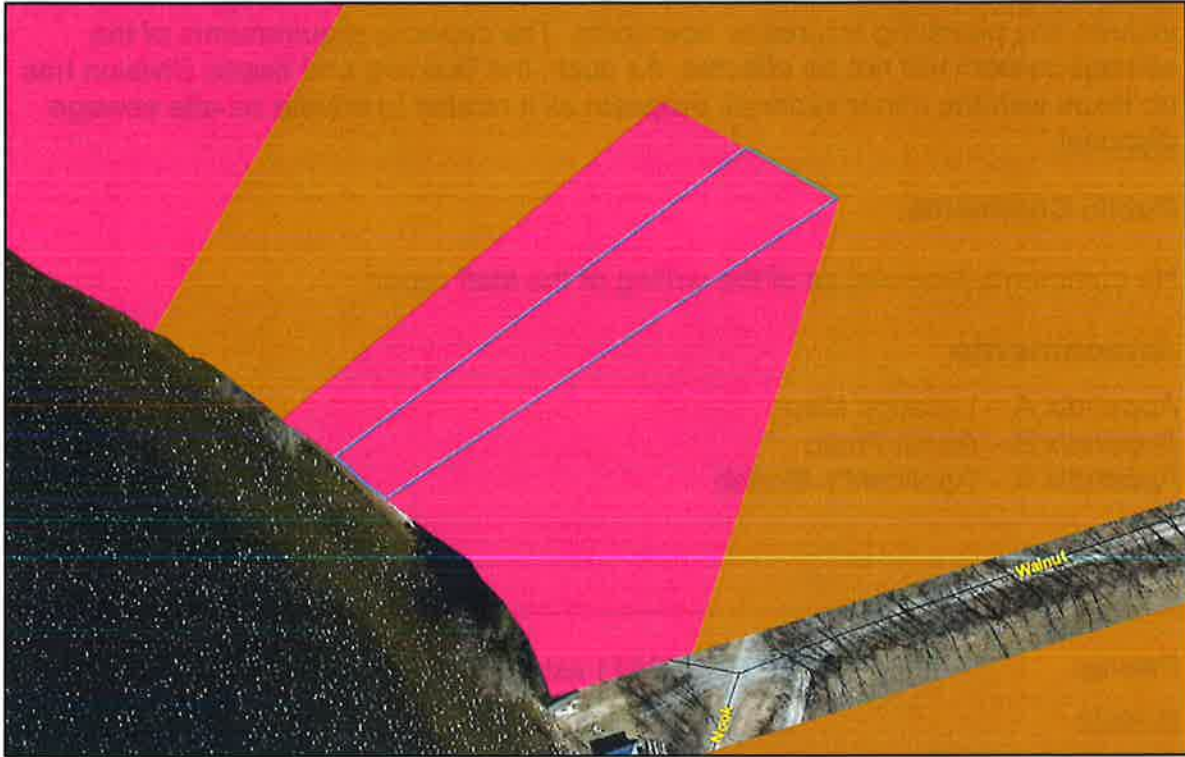
Attachments

- 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: D20-2024-006

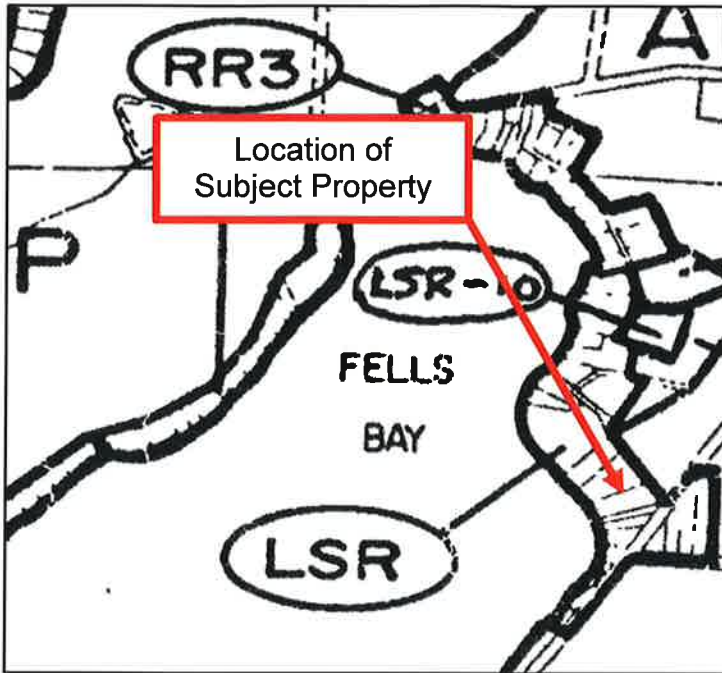
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 20 – Waterfront Designation

Township of Fenelon Zoning By-Law 12-95



SECTION 2 – DEFINITIONS

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A storey shall include a walk-out basement

SECTION 15 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

15.2 ZONE PROVISIONS

15.2.1.3 Yard Requirements (min.)

- (a) front 7.5 m
- (b) interior side 3 m on one side
 - (i) one storey 1.3 m on opposite side
 - (ii) all others 2.3 m on opposite side

SECTION 3 – GENERAL PROVISIONS

3.4.2 NON-COMPLYING USES

3.4.2.1 Nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

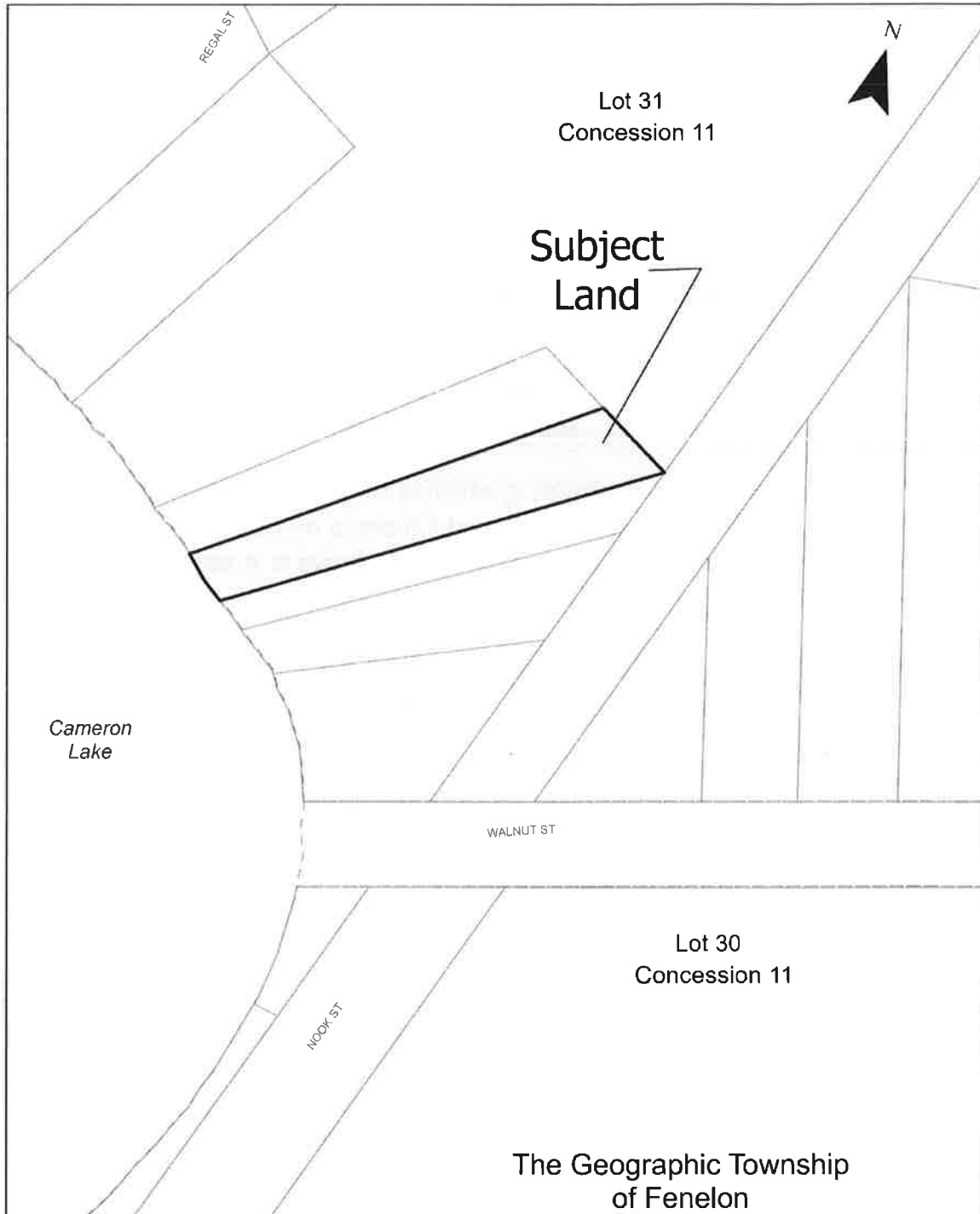
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LOCATION MAP

D20-2024-006



APPENDIX " B "

to

REPORT COA2024-016

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AERIAL IMAGERY (2018)



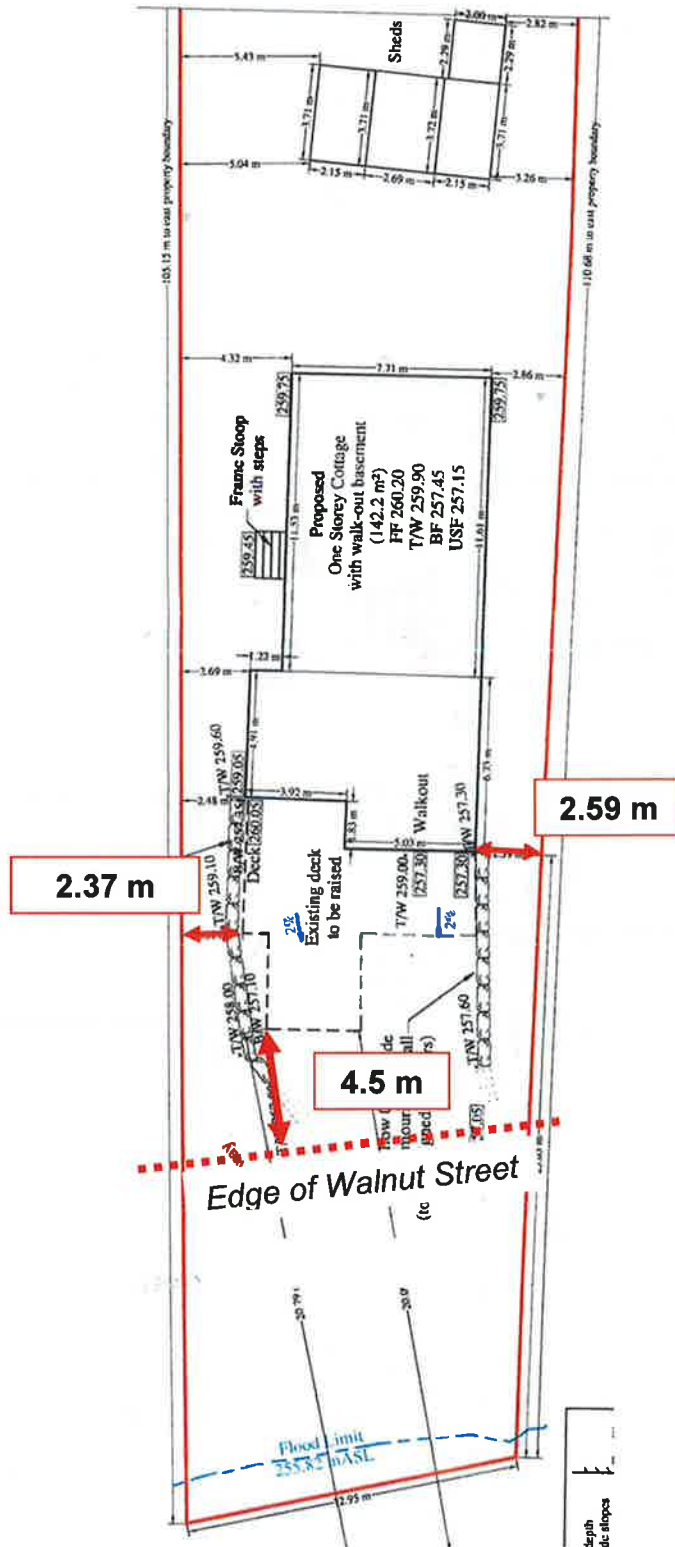
APPENDIX " C "

to

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APPLICANT'S SKETCH



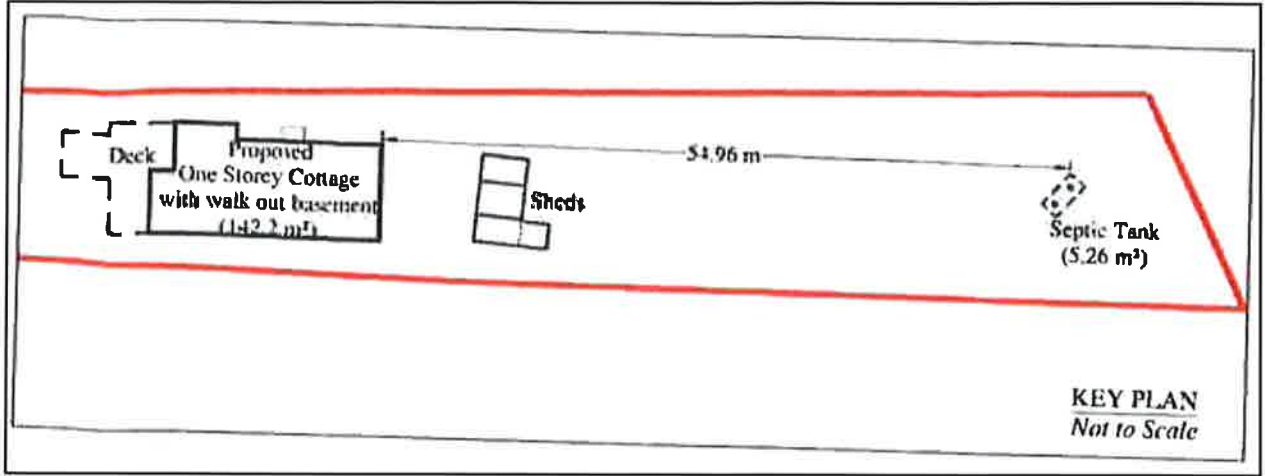
APPENDIX " D "

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PANNED OUT SITE PLAN



Panned Out Site Plan Displaying Rear Property Boundary

