

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Palmer
Report Number COA2024-030

Public Meeting

Meeting Date: March 28, 2024

Time: 1:00 pm

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

Ward 8 – Geographic Township of Manvers

Subject: The purpose and effect is to facilitate the construction of a new two-storey dwelling with attached garage. A previous Minor Variance application (D20-2023-015) was approved that provided relief from the same provisions that now require further relief as a result of a revised survey report.

Relief sought:

1. Section 4.2.c of the Zoning By-law as approved under Decision D20-2023-015 requires a 2.45 metre minimum front yard setback. Relief is required for the new proposed front yard setback of 2.29 metres.
2. Section 4.2.h. of the Zoning By-law as approved under Decision D20-2023-015 permits a maximum lot coverage of 29.5%; the proposed maximum lot coverage is 30%.

The variance is requested at **3 Jackson Street** (File D20-2024-020).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-030 – Palmer, be received;

That minor variance application D20-2024-020 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 elevation drawings in

Appendix D submitted as part of Report COA2024-030, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** the two accessory structures identified in Appendix C and Appendix E, submitted as part of Report COA2024-030, be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the structures have been removed to the Secretary-Treasurer.
- 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 COA2024-030. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the construction of a new two-storey dwelling with attached garage.
Owners:	Kelly and Sarah Palmer
Applicant:	Kelly Palmer
Legal Description:	Part of Lots 20 and 21, Plan 5 (Being Part 1 on Reference Plan 9R2759)
Official Plan ¹ :	Hamlet Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Manvers Zoning By-Law 87-06)
Site Size:	938.7 square metres (10,104.08 square feet)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Residential (majority of local vicinity)
Community Facility (opposite side of thoroughfare)

Rationale

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

The subject property is situated in the Hamlet of Bethany in the geographic Township of Manvers. The neighbourhood is a mix of residential, commercial, and community facility land uses. Directly within the vicinity of the property is the Victoria Rail Trail (north and west), residential property to the west, and the Bethany United Church (opposite side of the thoroughfare to the south). The residential built-form within the neighbourhood is primarily comprised of one to two-storey dwellings constructed as early as the late 1800's with various levels of renovations and additions (Municipal Property Assessment Corporation).

A previous Minor Variance application (D20-2023-015) was approved to facilitate the construction of a residential addition to an existing dwelling. The proposal was altered to instead construct a new single detached dwelling and attached garage intended to be in place of the previous proposal. However, it was found from a survey report during the construction process that further relief is required from the same provisions provided relief in the previous application. As a result, the property currently contains a two-storey dwelling and detached garage in the process of construction, with two sheds and a trailer in the rear yard. As detailed in the Applicant's Sketch, two accessory structures will be removed from the rear yard when construction is completed. Prior to the proposal, the property contained a two storey dwelling, constructed in 1900 (MPAC), as well as three accessory structures.

Considering the age of the previous dwelling and overall locality, it is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization. The proposal maximizes land utilization, offering an updated residential space and a new attached garage for parking of vehicles and storage as previously there was no enclosed private space for vehicle parking.

Given the above, 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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan. One of the goals of this designation is to accommodate small-scale residential development within existing settlement areas. Additionally, the use of a single detached dwelling is permitted within this designation. Performance and siting criteria are implemented through the Zoning By-law.

Therefore, the variances are 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 Two (RR2) Zone under the Township of Manvers Zoning By-law 87-06. The RR2 Zone permits the use of single detached dwellings and accessory structures. The proposal complies with all provisions of the Zoning By-law, with exception of the front yard setback and total lot coverage.

Section 4.2.c of the Zoning By-law as approved under Decision D20-2023-015 requires a 2.45 metre minimum front yard setback. Relief is required for the new proposed front yard setback of 2.29 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. There is adequate separation between the dwelling and the travelled portion of the road as a sidewalk also separates the subject property from the street. Moreover, the proposed dwelling aligns with the established building line of the neighbouring property as well. The RR2 Zone requires a 15 metre front yard setback, nonetheless, the proposed revised front yard setback continues to maintain the intent of this provision and its discrepancy is minimal from the previous provided relief.

Section 4.2.h. of the Zoning By-law as approved under Decision D20-2023-015 permits a maximum lot coverage of 29.5%. Relief is required as the proposed maximum lot coverage is 30% (275.88 square metres). The intention of regulating lot coverage is to maintain a balance between built form and open space, ensuring there is area for greenspace, landscaping, and other open space amenities. Furthermore, limiting lot coverage prevents overcrowding, contributing to a more aesthetically pleasing environment. The discrepancy between the permitted maximum lot coverage (29.5%) and proposed revised lot coverage (30%) is minimal, with a difference of only 0.5%. Additionally, open space is provided through the complying side yard setbacks as well as the large rear yard. The removal of two of the accessory structures from the rear yard will reduce the total number of structures, creating more area for open space. As such, adverse impacts to the existing drainage pattern are not anticipated. The proposed revised maximum lot coverage continues to maintain the intent of this provision and its discrepancy is minimal.

Therefore, the variances are 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:

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

DS – Building and Septic (Septic): “An sewage system permit to install has been issued for the property under file SS2023-0080. The sewage system is located in the rear yard of the dwelling. The current placement of the dwelling will not cause an issue for the proposed sewage systems. Additionally, the provisions of the permit have accounted for the dwelling size. As such, the Building and Septic Division has no issue with the minor variance as it relates to private on-site sewage disposal.”

ECA – Development Engineering: “From a Development engineering perspective, we have no objection/no comment.”

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 – Elevation Drawings

Appendix E - Photo Of Existing Accessory Structures To Be Removed

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Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-020

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 19. Hamlet Settlement Designation

19.1. GOALS:

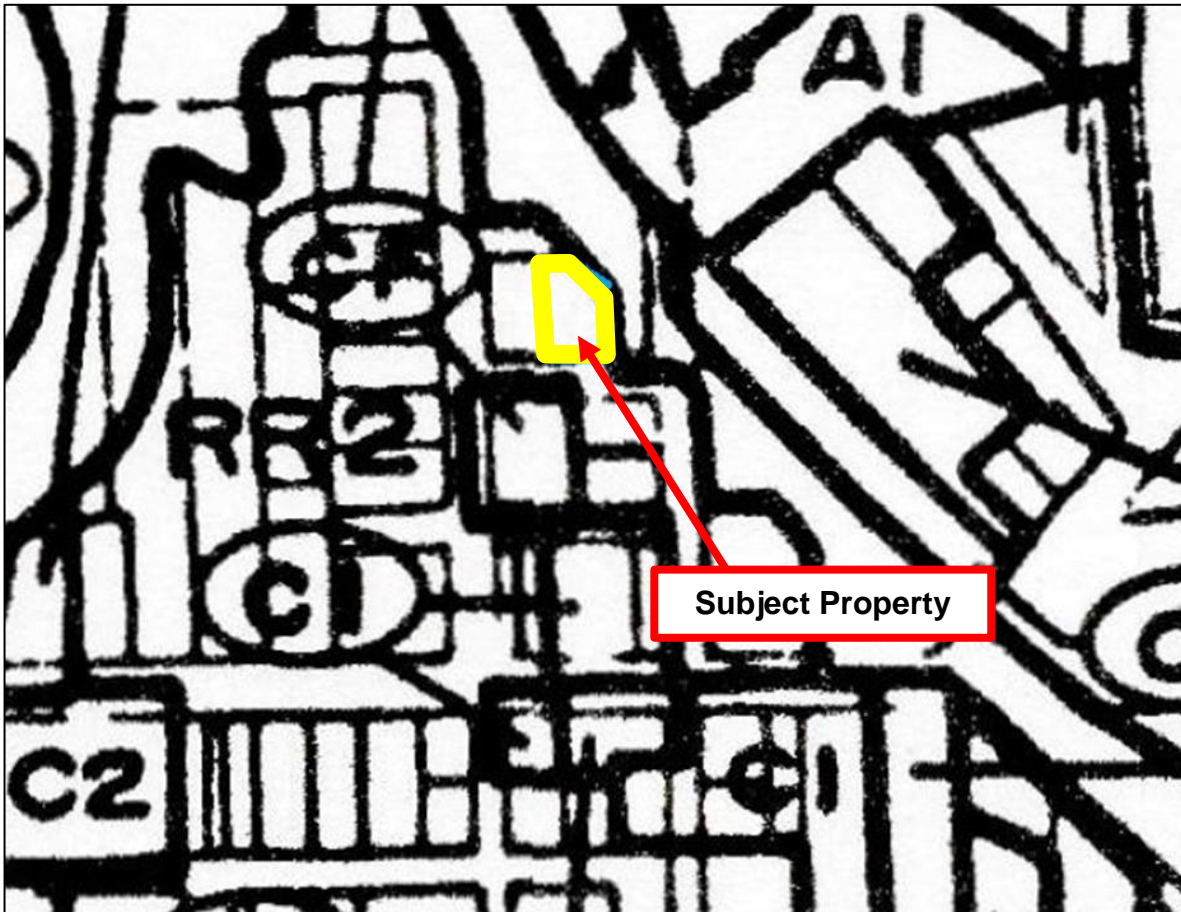
- To recognize existing hamlets and support their function of providing for limited residential, social and commercial needs of the rural area.
- To accommodate small-scale residential and non-residential development within existing settlement areas.

19.3. POLICIES:

19.3.1. The following uses will be permitted within the hamlet designation:

- Single detached dwelling
- *Refer to City of Kawartha Lakes Official Plan (2012) for full list of permitted uses.*

Township of Manvers Zoning By-law 87-06



Previous reliefs sought:

1. Section 4.2 c) of the By-law requires a minimum front yard setback of 15 metres; the existing non-complying setback from the dwelling is 2.45 metres, and the proposed setback from the addition is 7.62 metres;
2. Section 4.2 h) permits a maximum lot coverage of 25%; the proposed lot coverage is 29.5%.

Section 4 Rural Residential Type Two (RR2) Zone

4.2 RR2 Zone Requirements (individual water supply and sewage disposal)

4.2 c) Minimum front yard	15 m
4.2 h) Maximum lot coverage	25%

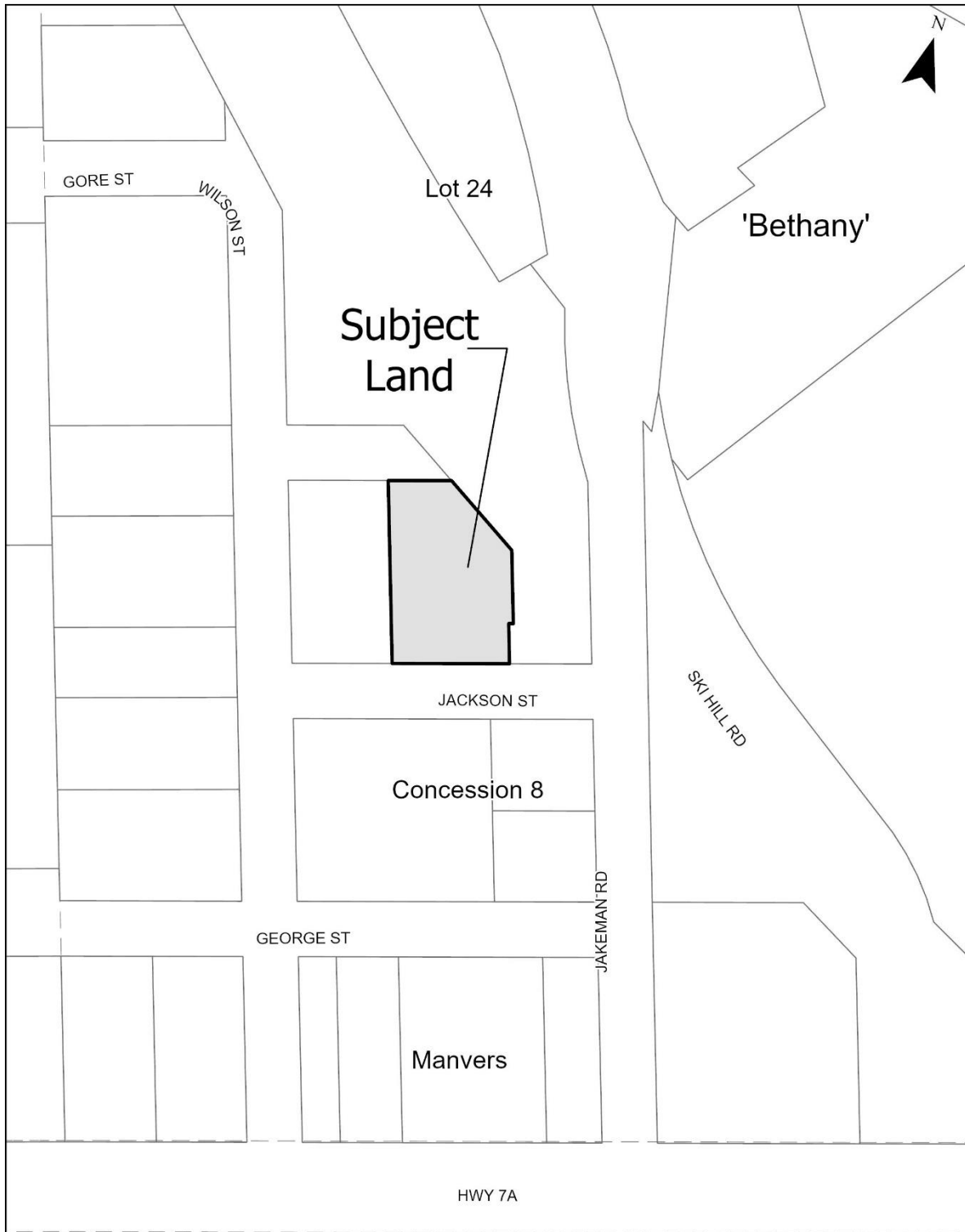
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LOCATION MAP

D20-2024-020



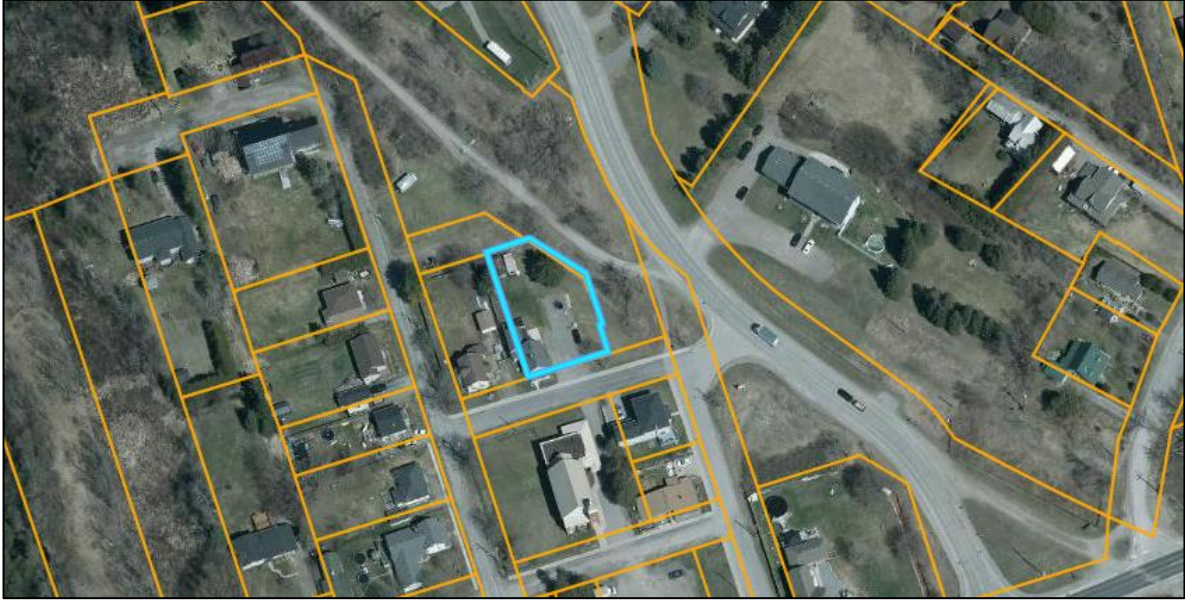
APPENDIX “ B ”

to

AERIAL IMAGERY (2018)

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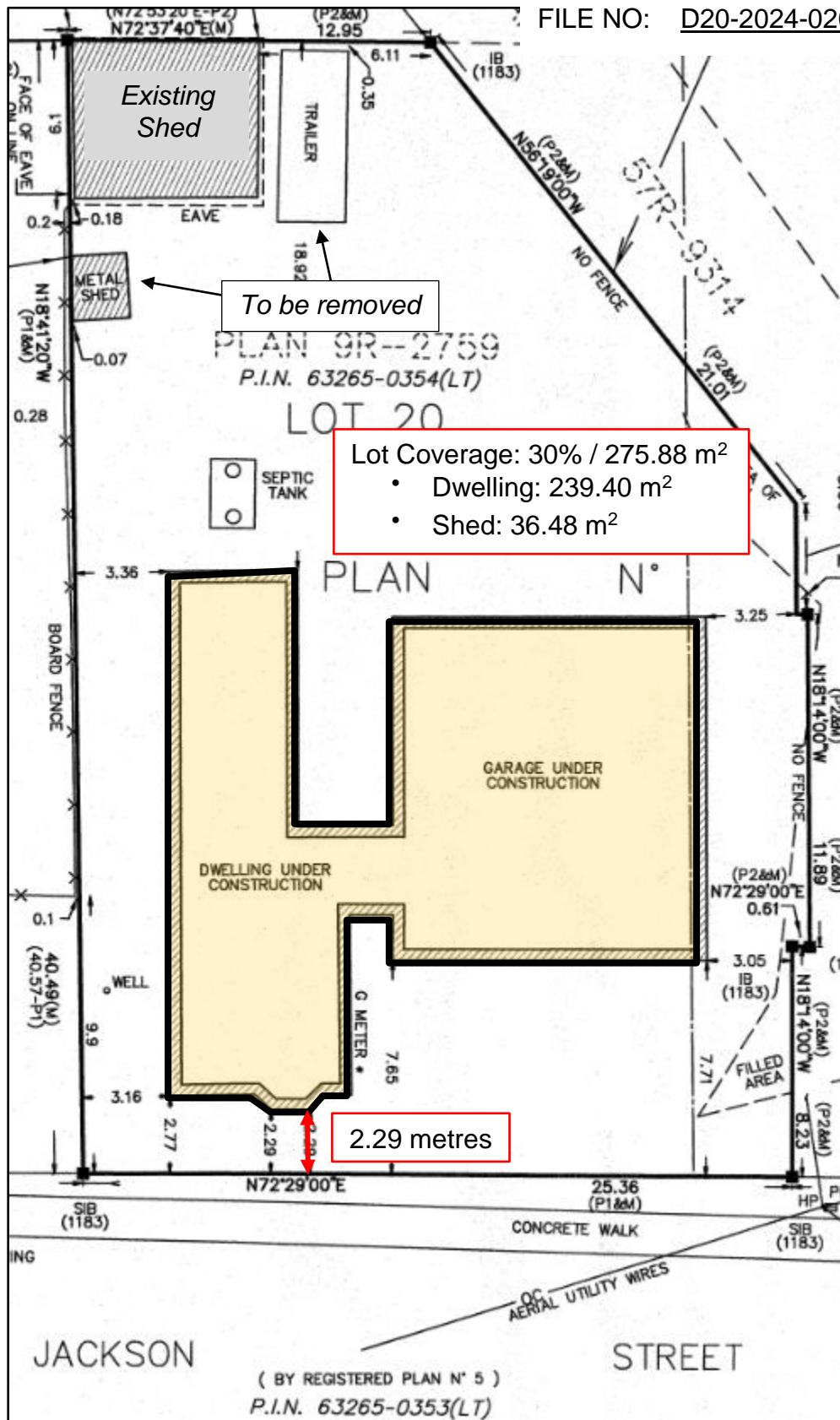


to

APPLICANT'S SKETCH

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to

ELEVATION DRAWINGS

REPORT COA2024-030

FILE NO: D20-2024-020



to

**PHOTO OF EXISTING ACCESSORY
STRUCTURES TO BE REMOVED**

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Legend



Accessory structures to be removed
(as per Condition 2)