

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 1447147 Ontario Inc.
Report Number COA2024-063

Public Meeting

Meeting Date: July 25th, 2024
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to facilitate the recognition of an existing single-detached dwelling with an additional residential unit (ARU). A previous Minor Variance application (D20-2020-042) was approved that provided relief from various provisions. Further relief is now required as a result of a revised survey report.

Reliefs sought:

1. Section 5.2.c. of the Zoning By-law requires a 7.5 metre front yard setback. The existing front yard setback is 4.6 metres from the deck and 5.9 metres from the dwelling; and,
2. Section 5.2.e. of the Zoning By-law requires a 7.5 metre rear yard setback. The existing rear yard setback is 4.4 metres from the deck and 5.7 metres from the dwelling.

The variance is requested at **66 King Street East** (File D20-2024-053).

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



Recommendations

That Report COA2024-063 – 1447147 Ontario Inc., be received;

That minor variance application D20-2024-053 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-063, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** approval shall be in effect a period of eight (8) 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 next pending Building Inspection after the Notice of Decision.

This approval pertains to the application as described in report COA2024-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an existing single-detached dwelling with an additional residential unit (ARU). A previous Minor Variance application (D20-2020-042) was approved that provided relief from various provisions. Further relief is now required as a result of a revised survey report.
Owners:	1447147 Ontario Inc.
Applicant:	TD Consulting Inc.
Legal Description:	Part Block B, Plan 11 (Part 2 of Reference Plan 57R10602)
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012) Urban (Victoria County Official Plan, 2011)
Zone ² :	Urban Residential One (R1) Zone (Village of Bobcaygeon Zoning By-Law 16-78)
Site Size:	455.7 square metres (4,905.1 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Municipal water and sanitary sewer system
Existing Uses:	Residential
Adjacent Uses:	Residential, Commercial

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 in the former Village of Bobcaygeon, northeast of the intersection of King Street East and Need Street. The neighbourhood is a mix of residential and commercial land uses. Northeast of the intersection is primarily low-density residential buildings, ranging from one- to two- storey single detached dwellings. Southeast of the intersection is a mix of low-density residential and low-intensity commercial uses. Based on the Municipal Property Assessment Corporation (MPAC), the commercial uses are single-detached dwellings converted into retail buildings with each lot containing a single business. West of the intersection is primarily commercial lots ranging from one- to two- storey commercial buildings.

A previous Minor Variance application (D20-2020-042) was approved to facilitate the construction of a one-storey single detached dwelling with an additional residential unit (ARU). The proposal detailed in total two (2) dwelling units and at-grade decks. It was later discovered through a revised survey report that further relief is required. As such, the property currently contains a raised one-storey single-detached dwelling unit with a rear additional residential unit (ARU), and above-grade decks at the entrance of each unit. Prior to construction, the property was a vacant residential lot. As a result, the application seeks to recognize the existing single-detached dwelling, ARU, and above-grade decks.

As the existing dwelling and ARU are a single-storey, they are in keeping with the prevalent built form of the surrounding low-density residential dwellings. Additionally, the structure and use are permitted but are deficient in regards to zoning compliance. In this case, the use supports and provides additional housing on an infill residential lot.

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 subject property is designated Urban Settlement Area under the City of Kawartha Lakes Official Plan (2012). As the Bobcaygeon Secondary Plan is under appeal, the Victoria County Official Plan (VCOP) applies. Under the VCOP, the property is designated Urban. The Urban designation permits a broad range of residential uses, but states that low-density residential uses should predominate. The subject application is to recognize a low-density use and therefore aligns with the Urban designation.

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 Urban Residential One (R1) Zone under the Village of Bobcaygeon Zoning By-Law 16-78. The R1 Zone permits a single detached dwelling and accessory structures/uses.

The previous Minor Variance application (D20-2020-042) was approved and provided the following reliefs:

- Reduce minimum front yard from 7.5 metres to 5.8 metres;
- Reduce the minimum rear yard from 7.5 metres to 5.8 metres; and,
- Increase the maximum lot coverage from 30% to 31.6%.

As per the revised survey report, the development was altered in that an above-grade deck was constructed and the entire dwelling structure was shifted towards the rear yard. As a result, relief is now further required from the front yard, and rear yard.

Section 5.2.c. of the Zoning By-law requires a 7.5 metre front yard setback. 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. The existing front yard setback is 4.6 metres from the deck and 5.9 metres from the dwelling. An important distinction here is that the existing front yard setback (5.9 metres) from the dwelling is compliant with the previous approved front yard setback (5.8 metres). It is only the front yard setback from the deck (4.6 metres) that requires relief as this was not incorporated in the previous application. It appears the deck was constructed for access to the raised dwelling. The residential built form along King Street East steeps closer to the road as one gets closer to Need Street. As per Appendix C of the report, the neighbouring property to the west is a closer setback to the street than the existing dwelling and deck. Each dwelling along King Street East further east gets further from the street. As such, the existing dwelling and deck are in keeping of this steeping built-form along the street.

Secondly, Section 5.2.e. of the Zoning By-law requires a 7.5 metre rear yard setback. The intention of a rear yard setback is to ensure adequate amenity space and adequate buffering from abutting residential uses to avoid land use and privacy conflicts with abutting rear yards. The existing rear yard setback is 4.4 metres from the deck and 5.7 metres from the dwelling. In this case, the abutting yard of the northern abutting property, 68 Need Street, is an interior side yard of a depth of approximately 11 metres. As interior side yards are more utilitarian in nature, it is not anticipated there will be adverse land use conflicts between the abutting properties as their rear yards do not face one another. Additionally, there is an existing edge of trees and a fence between the two properties that aid in maintaining privacy.

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

The circulation of this application included the need for relief from Section 5.2.i. of the Zoning By-law. After further analysis, it was determined that the application complies with this provision and does not require relief. As a result, the relief is not included in this Staff Report.

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

Agency Comments:

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

Public Comments:

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

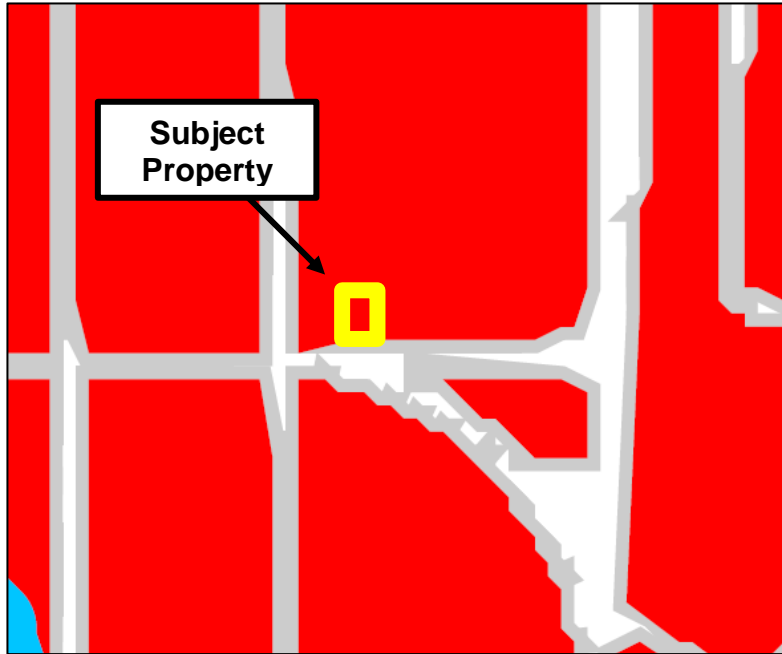
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

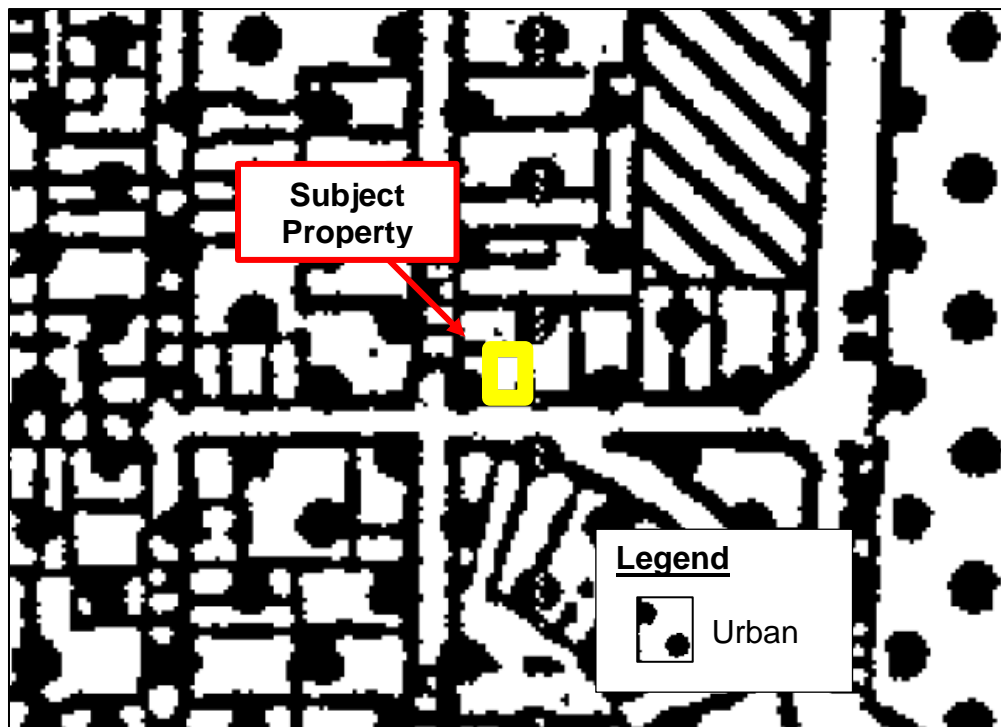
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-053

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Victoria County Official Plan

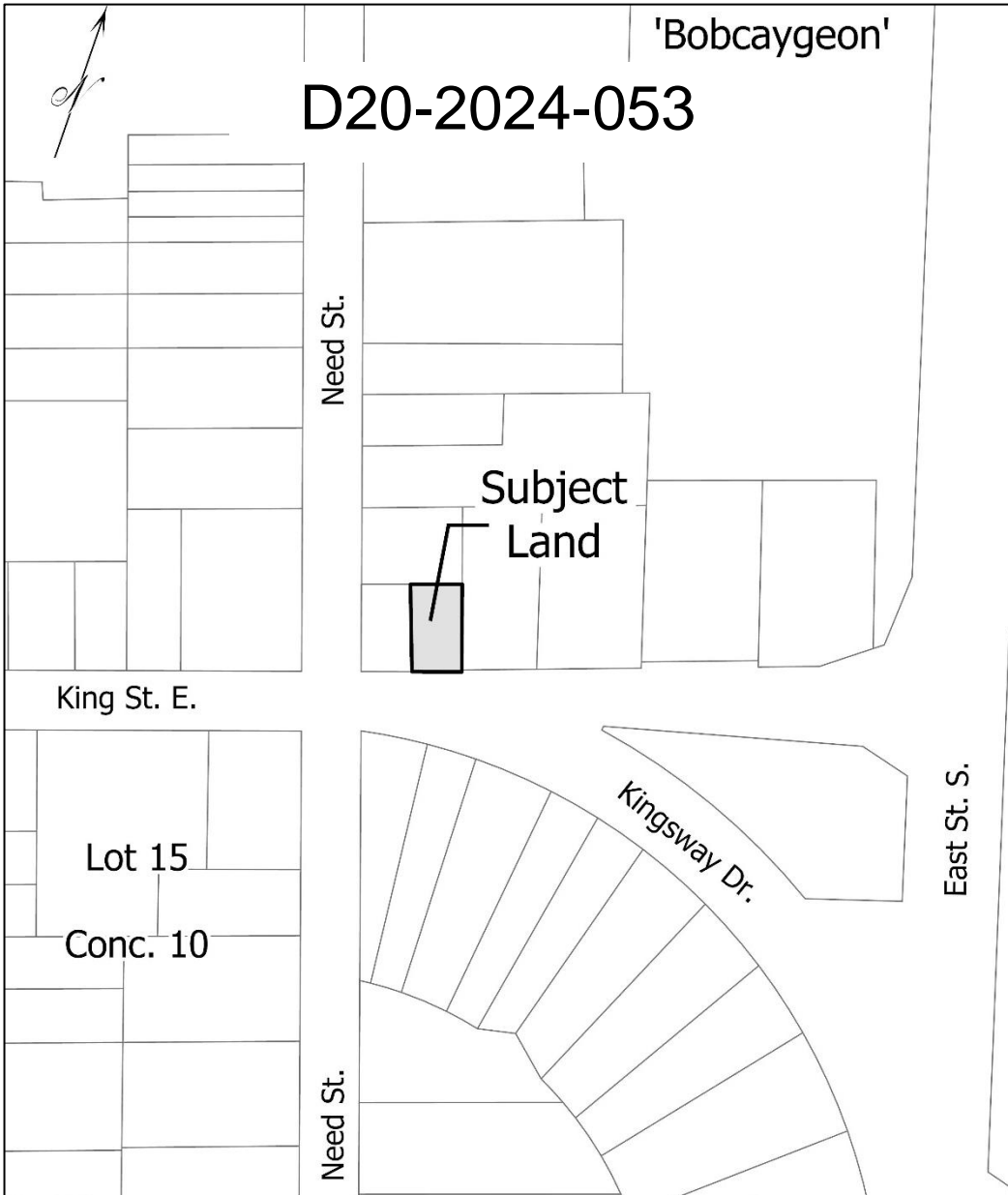


to

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LOCATION MAP



APPENDIX " B "

to

REPORT COA2024-063

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

