

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ferguson and Vandam
Report Number COA2024-088

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Former Village of Omemee

Subject: The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot and retain a lot containing an existing single-detached dwelling. A single-detached dwelling with an attached garage is proposed on the lot to be severed.

Relief sought:

1. Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells; the area of the proposed severed lot is 503 square metres.
2. Section 8.2.1.4 of the Zoning By-law permits a maximum 30% lot coverage; the proposed lot coverage of the proposed severed lot is 35%.

The variance is requested at **17 Victoria Street East** (File D20-2024-080).

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



Recommendations

That Report COA2024-088 – Ferguson and Vandam, be received;

That minor variance application D20-2024-080 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

That consent application D03-2024-022 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Conditions of Approval for Minor Variance

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix D submitted as part of Report

COA2024-088, 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 COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent

Refer to Appendix E for Conditions of Provisional Consent.

These approvals pertain to the application as described in report COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding and for the consents to be fulfilled.

Application Summary

Proposal: Severance of the property to create one (1) new residential lot and retain a lot containing an existing single-detached dwelling. A single-detached dwelling with an attached garage is proposed on the lot to be severed.

Relief is required for the proposed lot area of the severed lot.

Owners: Shelley Ferguson and Sylvia Vandam

Applicant: TD Consulting Inc

Legal Description: Lot 9, Plan 109; Part of Lot 1, Part of Lot 2, Part of Lot 3, Part of Lot 4, and Part of Lot 9, all on the West Side of Colborne Street; also Part of Lot 9 on the South Side of Elm Street, Plan 109, as in R390409; Subject to R376035

Official Plan¹: Urban Settlement Area
(City of Kawartha Lakes Official Plan, 2012)

Urban
(Victoria County Official Plan, 1978)

Zone²: Residential Type One (R1) Zone
(Village of Omemee Zoning By-Law 1993-15)

¹ See Schedule 1

² See Schedule 1

Site Size:	Total: 2,615 square metres (28,148 sq.ft.) Severed Lot: 595 square metres (6,405 sq.ft.) Retained Lot: 2,020 square metres (21,743 sq.ft.)
Site Access:	Victoria Street East (year-round maintained street) Colborne Street (year-round maintained street)
Site Servicing:	Individual private well and municipal sewer
Existing Uses:	Residential
Adjacent Uses:	Residential, Hydro Corridor (Rail Trail)

Rationale

Growth Plan for the Greater Golden Horseshoe (2019) and the Provincial Policy Statement (2020)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019 is a regional growth management policy for the Greater Golden Horseshoe area of southern Ontario, Canada. The Growth Plan classifies the Village of Omemee as a settlement area. Section 2.2.1 states that growth and development will be directed to settlement areas.

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS also classifies the Village of Omemee as a settlement area. Section 1.1.3.1 states that settlement areas shall be the focus of growth and development.

The application conforms to the applicable policies of the 2019 Growth Plan for the Greater Golden Horseshoe (GP) and consistent with the applicable policies of the 2020 Provincial Policy Statement (PPS). These policy documents direct growth to and encourage intensification within urban settlement areas except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This direction ensures the most efficient use of land, existing urban services and infrastructure.

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

The subject property is located in the northern portion of the former Village of Omemee, with access from both Victoria Street East and Colborne Street. The area is comprised of low-density residential uses in the form of single detached dwellings and various accessory structures.

The property currently contains a single detached dwelling constructed in 1962 (Municipal Property Assessment Corporation) with an attached garage, and two storage structures. The proposal seeks to create one (1) new residential building

lot with frontage onto Colborne Street North for low-density residential uses. The proposed severed lot is 503 square metres with 18.4 metres of frontage onto Colborne Street North. The proposed severed lot is to contain a future single detached dwelling. The proposed retained lot is 2,020 square metres with 28.3 metres of frontage onto Victoria Street East. The proposed retained lot will maintain the use of the existing single detached dwelling and storage structures. Through the minor variance relief is sought to address the proposed lot size and lot coverage of the lot to be severed.

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 Urban Settlement Area designation in the City's Official Plan as it relates to the Omemee 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 uses, including residential uses, but states that low-density residential uses should predominate.

Policy 8.3.1.1 and 8.3.1.2 of the VCOP states that consents may be considered only when the land fronts on an assumed public road and should not be considered where access may create a traffic hazard. The proposed retained lot will continue to be accessed via Victoria Street East using the existing entrance; and, the proposed severed will be accessed via Colborne Street. Both of the aforementioned streets are year-round maintained municipal roads. The proposed severed lot is more than 25 metres away from the intersection of Colborne Street and Victoria Street East, and no adverse impacts to traffic are anticipated.

Furthermore, Policy 8.3.15 of the VCOP states that the proposed lot size should be appropriate for the uses proposed and the services available. The proposed severed lot size provides an adequate building envelope for a single detached dwelling and is appropriately sized given the existing municipal sewer system. The proposed retained lot is appropriately sized to continue the existing low-density use and servicing of the property.

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 Residential Type One (R1) Zone under the Village of Omemee Zoning By-law 1993-15. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposed retained lot remains compliant with all of the provisions of the R1 Zone. The proposed single detached dwelling in the proposed severed lot complies with the R1 Zone's primary building requirements. Relief is required for the proposed lot area of the severed lot and the proposed lot coverage.

Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells. The intent of the minimum lot area requirement is to ensure lots are appropriately sized to accommodate development while ensuring there is adequate space for amenity uses, private services (e.g. septic system if required), and stormwater infiltration. Additionally, minimum lot sizes help aid in creating a structured and coherent neighborhood fabric.

The area of the proposed severed lot is 503 square metres. The proposed severed lot provides an adequate building envelope to accommodate for yard requirements and maximum coverage, while also meeting the minimum gross floor area for a dwelling unit. Sufficient amenity spaces is provided in the compliant proposed yards. Moreover, as municipal sewers are present and available, additional space is not required for a private septic system. Lastly, based on lot size data collected from the Municipal Property Assessment Corporation (MPAC), the proposed lot area of the severed lot remains consistent with the size of the surrounding lots in the immediate area.

Secondly, Section 8.2.1.4 of the Zoning By-law permits a maximum lot coverage of 30 percent (30%). The proposed lot coverage of the lot to be severed was originally 29%. However, due to the required road widening and consequently reduction in lot size, the proposed lot coverage is now proposed at 35%. 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 proposed development provides compliant yard setbacks and areas. Moreover, no detached accessory structures are proposed, ensuring overcrowding is avoided. The proposed building footprint of the proposed severed lot aligns with the sizes of the building in the surrounding area and along Colborne Street North.

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

Following the comments received from the Engineering & Corporate Assets - Development Engineering Division, it was determined that a road widening is necessary for the lot to be severed, based on the current width of Colborne Street North. Consequently, the proposed severed lot has been further reduced to 503

square meters. Additionally, due to the reduction in lot size, relief is required for the proposed lot coverage of the severed lot. The circulation did not include the request for relief from lot coverage, as the need for such relief arises solely from the stipulations and comments received subsequent to the circulation.

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

Minor Variance Comments

Agency Comments:

DS – Building and Septic Division: “No comments.”

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

Public Comments:

No comments received pertaining to the minor variance application as of the writing of the staff report.

Consent Comments

Agency Comments:

DS – Building and Septic Division: “No comments.”

ECA – Development Engineering: “From an engineering perspective, we confirm we have no objection to this consent application. We note that there is a potential for road widening (5.0 metres) to be supported with a survey provided by the applicant.”

PW – Roads Operations East: “Public Works Roads requests that an entrance review approval letter be obtained for all existing and proposed entrances on both the severed and retained parcels. This is to confirm existing entrances comply with By-Law 2017-151 or that an entrance compliant with the same would be possible if one does not currently exist.”

Hydro One Networks Inc.: “We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.”

Public Comments:

Comments were received from E. Jane Byers and John Trennum, property owners of 24 Colborne Street North, Omemee raising concerns regarding the drainage of Colborne Street North. The full comment has been provided to the Committee members.

Attachments

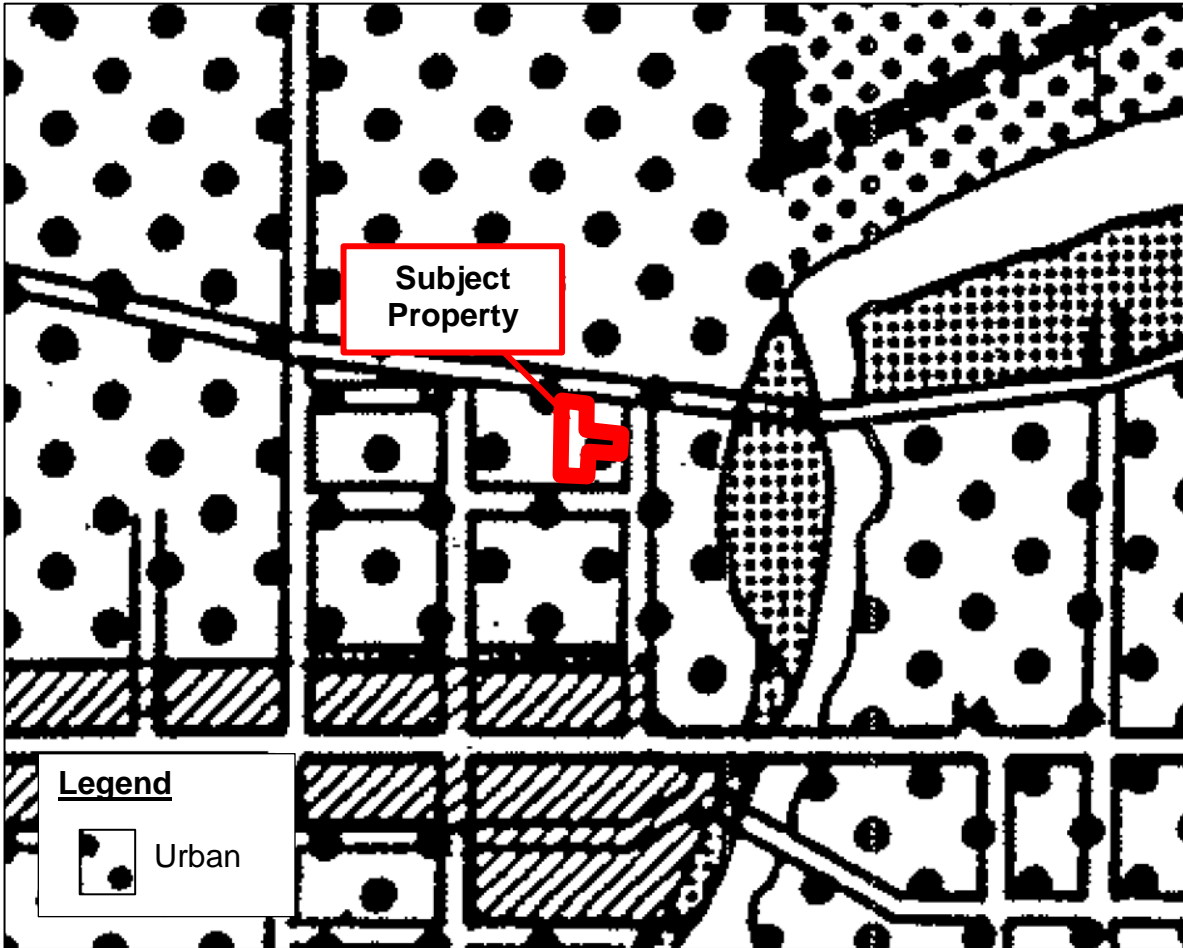
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Severance Sketch
Appendix D – Applicant’s Minor Variance Sketch
Appendix C – Proposed Conditions of Provisional Consent

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-080

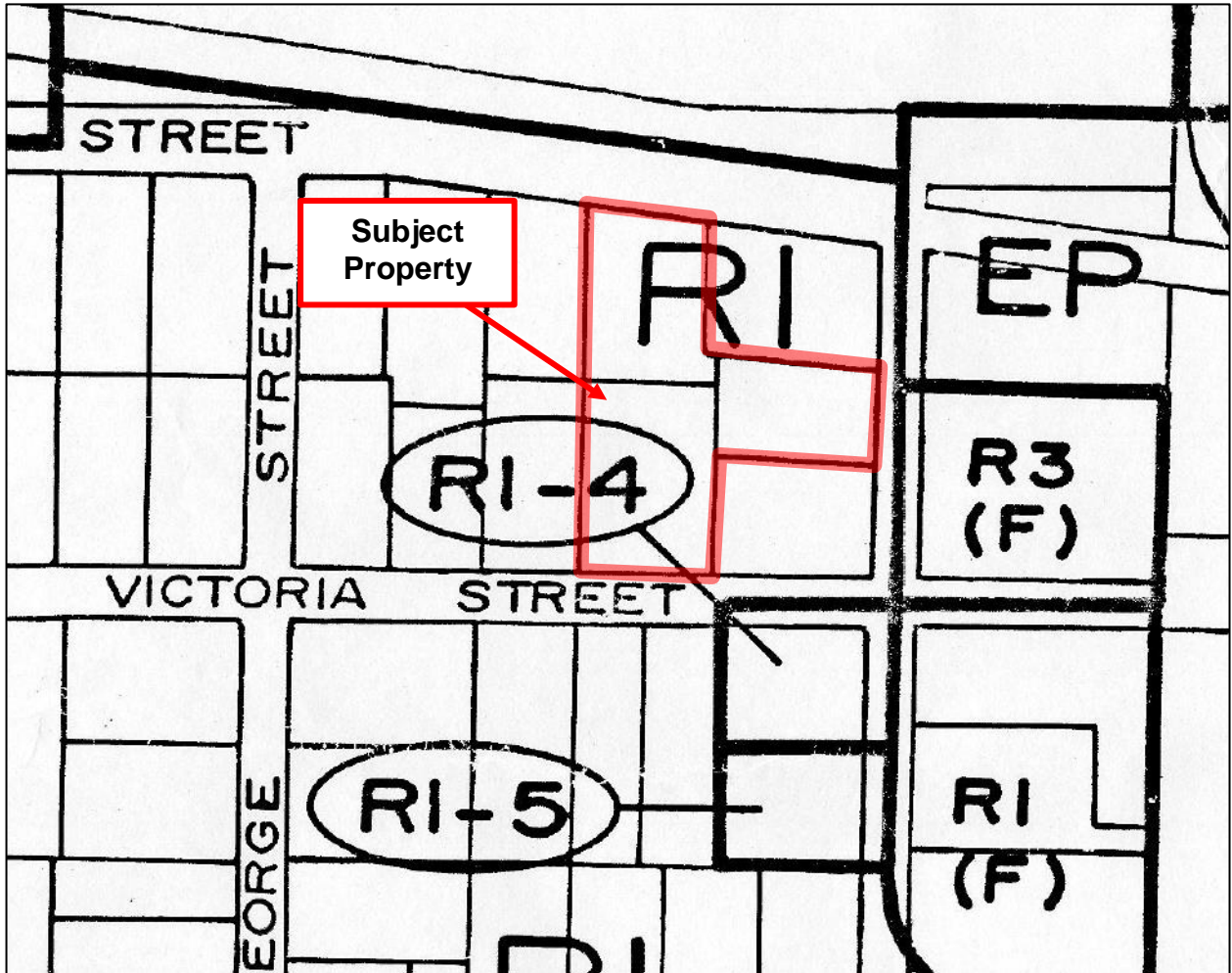
Schedule 1

Relevant Planning Policies and Provisions

Victoria County Official Plan



Village of Omeme Zoning By-law 1993-15



to

REPORT COA2024-088

FILE NO: D20-2024-080

LOCATION MAP



APPENDIX " B "

to

REPORT COA2024-088

FILE NO: D20-2024-080

AERIAL PHOTO (2023)



to

REPORT COA2024-088

FILE NO: D20-2024-080

APPLICANT'S SEVERANCE SKETCH



SITE STATISTICS

CURRENT ZONING

RESIDENTIAL TYPE ONE (R1) ZONE

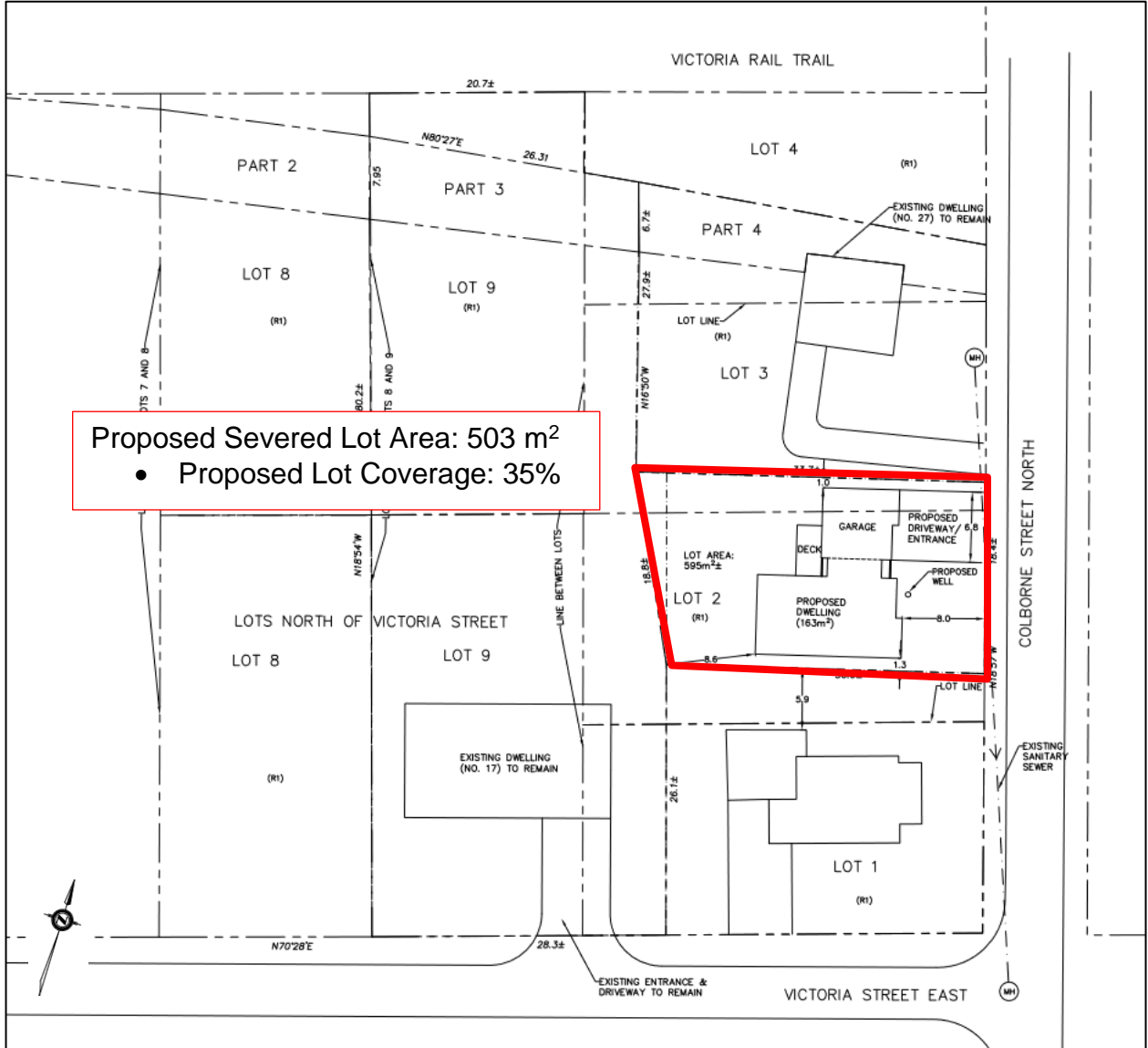
	PERMITTED	RETAINED	SEVERED
MIN. LOT AREA	830m ²	2020m ²	503m ²
MIN. LOT FRONTAGE	17m	28.3m	18.4m

to

APPLICANT'S MINOR VARIANCE SKETCH

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to

REPORT COA2024-088FILE NO: D20-2024-080**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey; or, alternatively, the applicant’s solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
3. A 5.0 metre road widening be conveyed to the City of Kawartha Lakes across the entire frontage of the parcel to be severed, free and clear of all encumbrances, to the satisfaction of the ECA – Development Engineering Division. The legal description shall include the words “RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway.
4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
5. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for the proposed entrance and submit it to the Secretary-Treasurer as written confirmation from the City’s Manager of Roads Operations (or his/her designate) that an entrance permit would be available for the lot to be severed in accordance to By-law 2017-151.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. The owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer’s certificate is stamped on the deed, failing which the consent shall lapse.

9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.