

The Corporation of the City of Kawartha Lakes  
**Committee of Adjustment Report – PITICCO & MCNEILL**

Report Number COA2017-056

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**Public Meeting**

**Meeting Date:** November 30, 2017  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 13 – Bobcaygeon**

**Subject:** An application to authorize a minor variance to reduce the minimum lot frontage from 15 metres to 13 metres on property located at Part 16, 6<sup>th</sup> Range, Plan 70, former Village of Bobcaygeon, identified as William Street (vacant lot), (File D20-17-011).

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**Author: Janet Wong, Planner II**

**Signature:**

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Recommendations:

**RESOLVED THAT** Report COA2017-056 Richard Piticco & Scott McNeill be received;

**THAT** minor variance application D20-17-046 to recognize a minimum lot frontage of 13 metres be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Condition:**

- 1) **THAT** not-with-standing the definition for “Lot Frontage”, for clarity, the lot frontage shall be measured along a line connecting a point 6.1 metres from the north-east corner of the lot along the north property line and from a point 6.1 metres along the east property line measured southerly from the intersection of the east lot line with the south limit of the open William Street Road allowance.
- 2) **THAT** the conditions to consent application D03-17-018 to add approximately 81.7 square metres of vacant land be fulfilled within the one year as established by the Notice of Decision dated November 8, 2017, failing which this application shall be deemed to be refused.

**This approval pertains to the application as described in report COA2017-056.**

Background:	<p>At the Committee of Adjustment meeting May 18, 2017, the following resolution was carried:</p> <p><b>“THAT</b> Minor Variance application D20-17-011 be DEFERRED until such time as a decision on a consent application has been made.”</p> <p>The Committee will recall that there is a narrow drainage easement across the north side of the property as well as flood plain across a portion of the property leaving a limited development envelope. In order to provide a suitable development envelope, the owners applied for and received conditional consent approval from the Director of Development Services on November 8, 2017 for a lot addition to the south side of the property. A condition of approval is to provide a 3 metre wide drainage easement in favour of the City to replace the existing 1 metre wide easement on the north side of the property used to convey the City’s stormwater drainage from William Street. The lot addition does not change the front lot line and resulting lot frontage.</p> <p>The building envelope was established by minor variance A2/2000 to require a minimum water setback to 8.5 metres (28 feet) and a front yard setback of 6.1 metres (20 feet) when the lot was created. The front lot line of the property is only 5.5 metres (18 feet) on William Street as the balance of the road allowance was closed by By-law 598. At the time of consent, the reduced lot frontage was not recognized.</p> <p>This application seeks to recognize the reduced lot frontage of 13 metres as established by minor variance A2/2000 that reduced the front yard setback to 6.1 metres. This application has been amended such that variances for lot coverage and reduced side yard are no longer required. As the reduced lot frontage was included in the original application, further advertising is not required.</p>
Proposal:	<p>To recognize a minimum lot frontage due to a lot configuration with a 5.5 metre front lot line and minimum 6.1 metre front yard, relief is required from Section 5.2b. to reduce the minimum lot frontage from 15 metres to 13 metres.</p>
Owners:	<p>Richard Piticco &amp; Scott McNeill</p>
Applicant:	<p>Scott McNeill</p>
Legal Description:	<p>Part Lot 16, 6<sup>th</sup> Range, Plan 70, Village of Bobcaygeon, City of Kawartha Lakes</p>
Official Plan:	<p>“Urban” - County of Victoria Official Plan</p>
Zone:	<p>“Urban Residential One (R1) Zone” – Village of Bobcaygeon By-law No. 16-78</p>
Site Size:	<p>4,451 sq. m. [1.1 ac.] – Coe Fisher Cameron Land Surveyors</p>

Site Servicing: Municipal water and sanitary sewer systems  
Existing Uses: Vacant land with a garage  
Adjacent Uses: North, East and South: residential  
West: Little Bob Channel

**Rationale:**

**1) Is the variance minor in nature? Yes**

**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The lot has existed since 2002 with the approved front yard setback of 6.1 metres. The conditionally approved lot addition will provide sufficient development envelope on the lot with a 3 metre wide drainage easement. A dwelling in the range of about 160 square metres (one storey) to 290 square metres (two storeys) could be built. As demonstrated by the original application, a suitable building design is difficult to achieve on the existing lot and the existing easement width is inadequate to allow for future drainage easement maintenance by the City. The recommended conditions are intended to link this variance request to the building envelope that will be available when the lot addition is finalized as well as to clarify how the lot frontage is to be measured.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes**

The lot is zoned as “Urban Residential Type One (R1) Zone”. From the definition of “Lot Frontage”, due to the front lot line being at the same angle and continuous with the side lot line, it has been determined that the lot frontage is measured along a line based on the 6.1 metre front yard setback from the ends of the front lot line. This results in a lot frontage of 13 metres (see Appendix “C”). The requested variance recognizes the existing situation established by the reduced front yard depth granted April 17, 2000. Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

**4) Does the variance maintain the intent and purpose of the Official Plan? Yes**

As the ‘Urban Settlement Area Designation’ for the former Village of Bobcaygeon in the City of Kawartha Lakes Official Plan (2012) is under appeal, the ‘Urban’ designation of the Victoria County Official Plan applies. A broad range of residential uses are permitted in this designation, including low density residential use. The proposal meets the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No alternatives were discussed

**Servicing Comments:**

The property is serviced by municipal water and sewer services.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

**Agency Comments:**

This revised application was circulated to Building Division – Building Inspection, Development Engineering Division, and Kawartha Region Conservation Authority. No comments were received on this revised application. The concerns raised with the initial minor variance application regarding the width of the drainage easement were addressed through the consent application. The flood plain elevation was surveyed and is within the water setback area. Thus development will be outside of the floodplain and thus this application is consistent with the Provincial Policy Statement requirement to locate development outside of flood risk areas.

**Public Comments:**

The two property owners who had requested to be kept informed were advised of the revised application and Public Hearing. No comments were received as of November 20, 2017.

**Attachments:**

Appendix A-C  
(COA2017-56 ).pdf

Appendix “A” – Location Map  
Appendix “B” – Orthoimage  
Appendix “C” – Applicant’s Sketch

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<b>Phone:</b>	705-324-9411 ext. 1330
<b>E-Mail:</b>	jwong@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-17-046