

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Deondo Corporation
Report Number COA2024-110

Public Meeting

Meeting Date: November 28, 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 severance of the property to create three (3) new residential lots each to contain a future single detached dwelling.

Relief sought:

1. Section 5.2 b) of the Zoning By-law requires a minimum lot frontage of 15 metres; the proposed frontage of each new lot is 13.46 metres.

The variance is requested at **100 Reid Street** (File D20-2024-102 and D03-2024-059, 060, and 061).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2024-110 – **Deondo Corp**, be received;

That minor variance application **D20-2024-102** be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

That consent applications **D03-2024-059, -060, and -061** be GRANTED, as the applications represent good planning, and are in accordance with Section 53(1) of the Planning Act.

Conditions of Approval for Minor Variance

- 1) **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-110, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** development 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 approval pertains to the minor variance application as described in report COA2024-110. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent

See Appendix E

This approval pertains to the consent applications as described in report COA2024-110. Fulfillment of all conditions is required for the consents to be completed.

Application Summary

Proposal:	To facilitate the severance of the property to create three (3) new residential lots each to contain a future single detached dwelling
Owners:	Deondo Corp.
Applicant:	TD Consulting Inc.
Legal Description:	Part Block G on Plan 29
Official Plan ¹ :	Residential (Bobcaygeon Secondary Plan, 2024)
Zone ² :	Residential Type One (R1) Zone (Village of Bobcaygeon Zoning By-law 16-78)
Site Size:	Total: 2,784.42 sq. m. (29,971.25 sq. ft.); Severed Lot 1: 641.92 sq. m (6,909.57 sq. ft.); Severed Lot 2: 615.3 sq. m. (6,623.03 sq. ft.); Severed Lot 3: 615.35 sq. m. (6,623.57 sq. ft.) Retained Lot: 911.85 sq. m. (9,815.07 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers

¹ See Schedule 1

² See Schedule 1

Existing Uses: Residential

Adjacent Uses: Residential

Rationale

Provincial Planning Statement 2024

The Provincial Planning Statement (PPS), 2024 provides policy direction on matters of provincial interest related to land use planning and development. The PPS classifies the Village of Bobcaygeon as a settlement area. Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. This direction ensures the more efficient use of land, existing urban services and infrastructure. Additionally, Section 2.3.1.3 provides that Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options. The proposal is consistent with the applicable policies of the PPS.

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

The subject property is within an established residential neighbourhood located in the northwest portion of the Village of Bobcaygeon. The property is rectangular in shape and has frontage on the west side of Reid Street, a road that is maintained year round by the Municipality. The property currently contains a one storey single detached dwelling constructed in 1964 (according to Municipal Property Assessment Corporation).

The proposal is to sever the property to create three (3) new residential lots, each to contain a future single detached dwelling. Relief is required through the minor variance process to permit the severed lots to have less lot frontage than required under the Zoning By-law.

The Province of Ontario has launched the 'More Homes, More Choice: Ontario's Housing Supply Action Plan' (2019), the goal of which is to build 1.5 million homes by 2031 to address the housing supply crisis in Ontario and to encourage the development of housing that meets the needs and budgets of all Ontarians. As per the Municipal Housing Pledge, the Province has established a housing target in the City of Kawartha Lakes of 6500 new housing units by 2031, and the City has committed to work to achieve this target locally. Through the severance of the property and the construction of three new dwellings, this proposal can contribute to meeting the City's housing target through this intensification opportunity.

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 Bobcaygeon Secondary Plan is in effect and applies to the subject property. A Secondary Plan is a freestanding official plan that covers a geographic area that has its own land use designations and policies completely separate but complimentary to the City Official Plan. The subject property is designated Residential under the Village of Bobcaygeon Secondary Plan, 2024. Single detached dwellings as well as accessory buildings and structures are permitted within this designation.

As per Policy 31.3.2.1.1, priority areas for intensification development in Bobcaygeon include infill sites, sites located within the built up area, and sites that have access to existing municipal water and sanitary sewers. The subject property meets these criteria.

The property is within the Floodplain Hazard, being the 120 metre buffer from a watercourse. As per Policy 31.3.2.6.3, development of lands within Environmental Constraint Areas may be permitted provided that the development does not result in an increased risk of loss of life, property damage or the degradation of the environment. An Environmental Impact Study or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. Based on the location of the proposed development and the limited natural features on and adjacent to the site, staff feel it is reasonable to not require a study. Additionally, Kawartha Region Conservation Authority has confirmed that they have no concerns, and that the property is not regulated.

As per Policy 31.3.3.1.1., the predominant use of land in the Residential designation shall be a variety of dwelling types. Low density residential uses shall include single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings. The proposed single detached dwellings would be considered low density residential uses. The minimum density within low density residential areas is 15 dwelling units per net hectare of land, and the maximum is 30 dwelling units per net hectare. The resulting density is approximately 15 units per net hectare.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary 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 Bobcaygeon Zoning By-law 16-78. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot frontage.

Section 5.2 b) of the Zoning By-law requires a minimum lot frontage of 15 metres. The proposed frontage of each new lot is 13.46 metres. The intent of the minimum

lot frontage requirement is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, and stormwater infiltration. The minimum lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The minimum lot area within the R1 Zone is 460 square metres. Each of the proposed lots and the retained lot are to exceed this minimum. The applicant has demonstrated that each proposed lot can accommodate a single detached dwelling that is compliant with setbacks, parking requirements, and maximum lot coverage. Each lot has sufficient rear yard amenity space, and stormwater infiltration issues are not anticipated. The retained lot will also remain in compliance with the provisions of the Zoning By-law.

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

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

Agency Comments:

Building and Septic Division (Building): “No comments in regards to the minor variance or the consent.”

Public Comments:

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

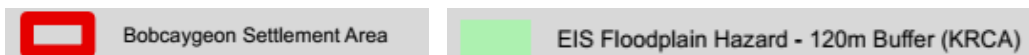
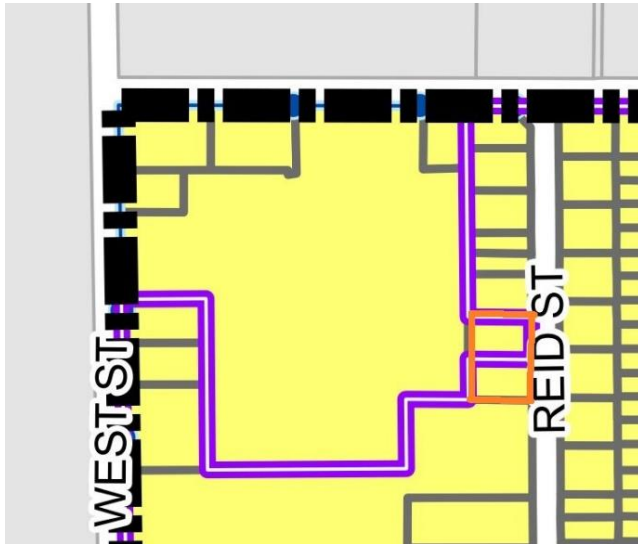
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch (Minor Variance)
- Appendix D – Applicant’s Sketches (Consents)
- Appendix E – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-102 and D03-2024-059, 060, 061

Schedule 1 Relevant Planning Policies and Provisions

Bobcaygeon Secondary Plan



31.3.2.1. Housing

31.3.2.6. Environment and Natural Heritage

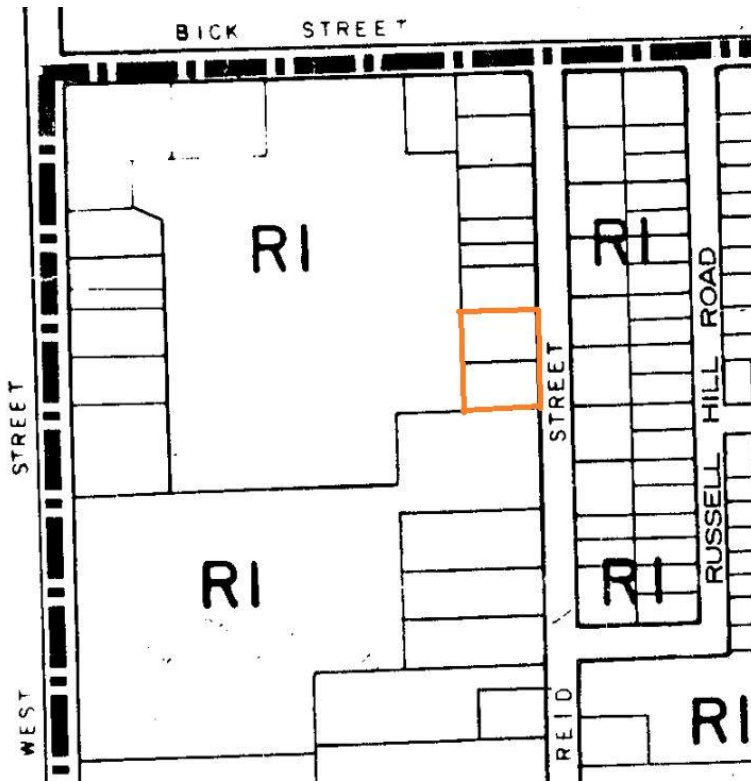
31.3.2.6.1. Schedule “G-2” illustrates Environmental Constraint Areas and Environmentally Sensitive Features that influence the ultimate form and structure of the settlement area of Bobcaygeon. The lands identified on Schedule “G-2” display known physical hazards and/or Environmentally Sensitive Features. If development occurs without regard to these constraints, loss of life, property damage or degradation of the environment may occur. Delineation of these constraints has been derived, in a conceptual manner, from mapping provided by Kawartha Conservation. While these constraints must be given due consideration in the development and redevelopment of land within the areas identified on Schedule “G-2”, development proposals may be considered where appropriate studies have demonstrated that development or redevelopment could take place without negatively affecting the risk of loss of life, property damage or the degradation of the environment. The delineation of these constraints may be refined through the preparation of an Environmental Impact Study (EIS), as required by Sections 3.5.37 to 3.5.40 of this Plan, a flood plain analysis, or other appropriate study.

31.3.3. Land Use Policies

31.3.3.1. Residential

31.3.3.1.3. Low Density Residential Uses

Village of Bobcaygeon Zoning By-law 16-78



Section 5 Urban Residential Type One (R1) Zone

5.1 R1 Uses Permitted

5.2 R1 Zone Provisions

b) Minimum lot frontage (Communal or Municipal Water and Sanitary Sewers) 15 m

to

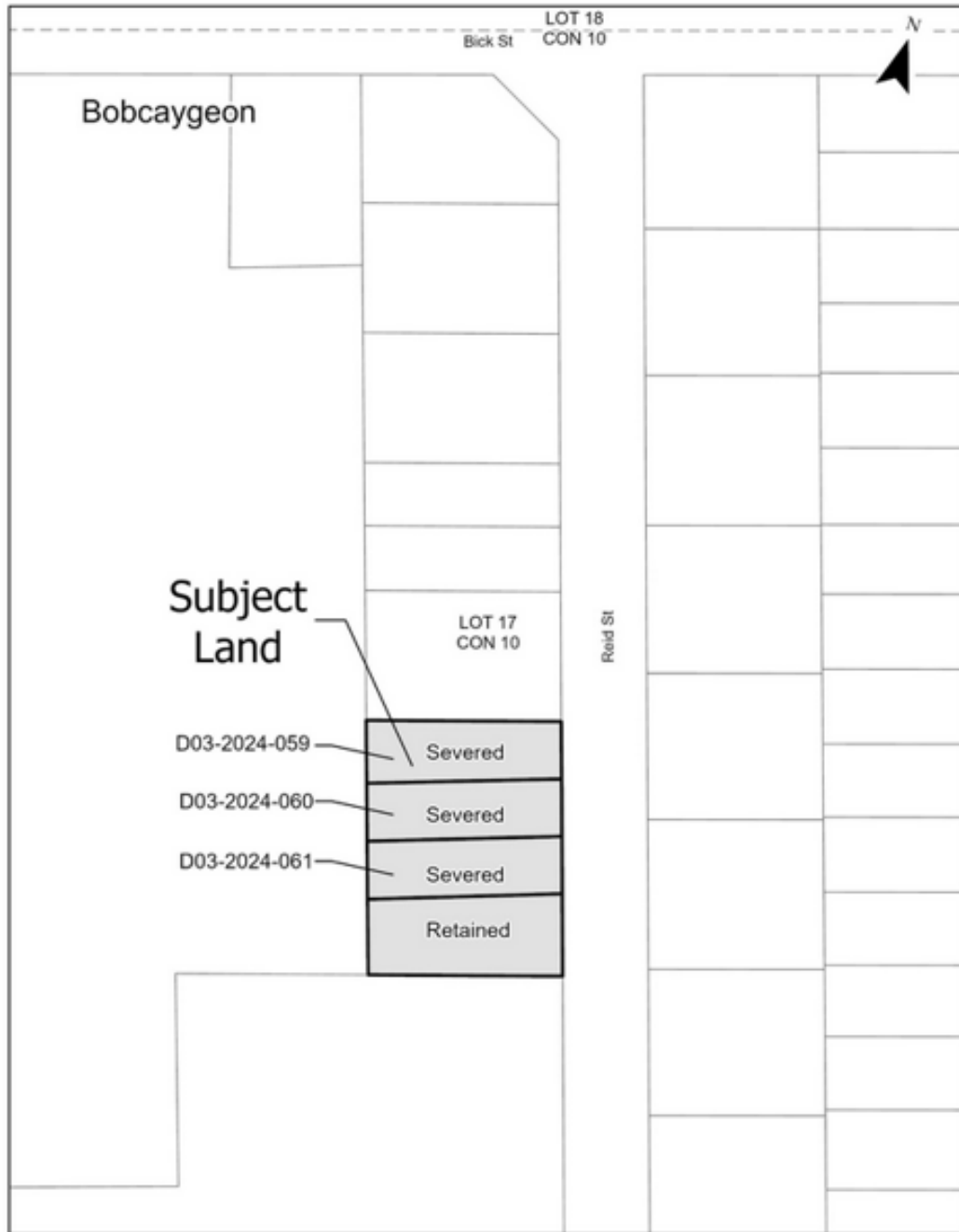
REPORT COA2024-110

FILE NO: D20-2024-102

D03-2024-059,
060, and 061

LOCATION MAP

D03-2024-059, 060, 061 and D20-2024-102



APPENDIX " B "

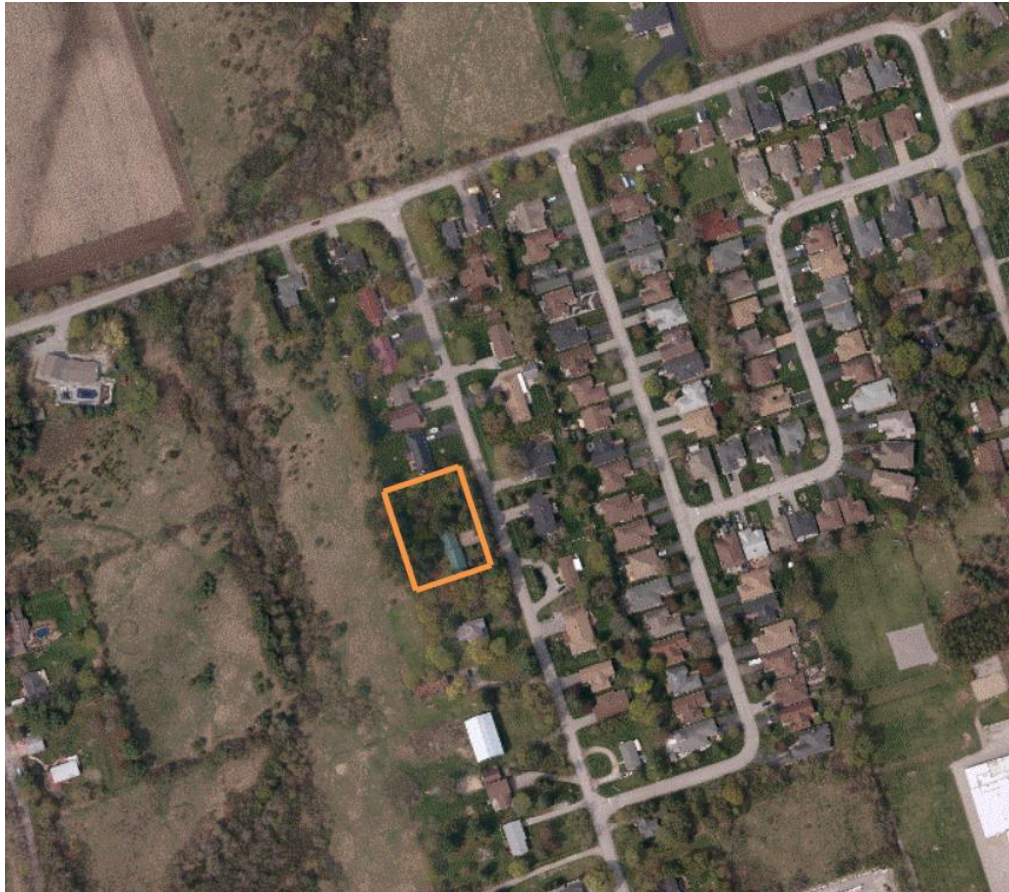
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REPORT COA2024-110

FILE NO: D20-2024-102

D03-2024-059,
060, and 061

AERIAL PHOTO



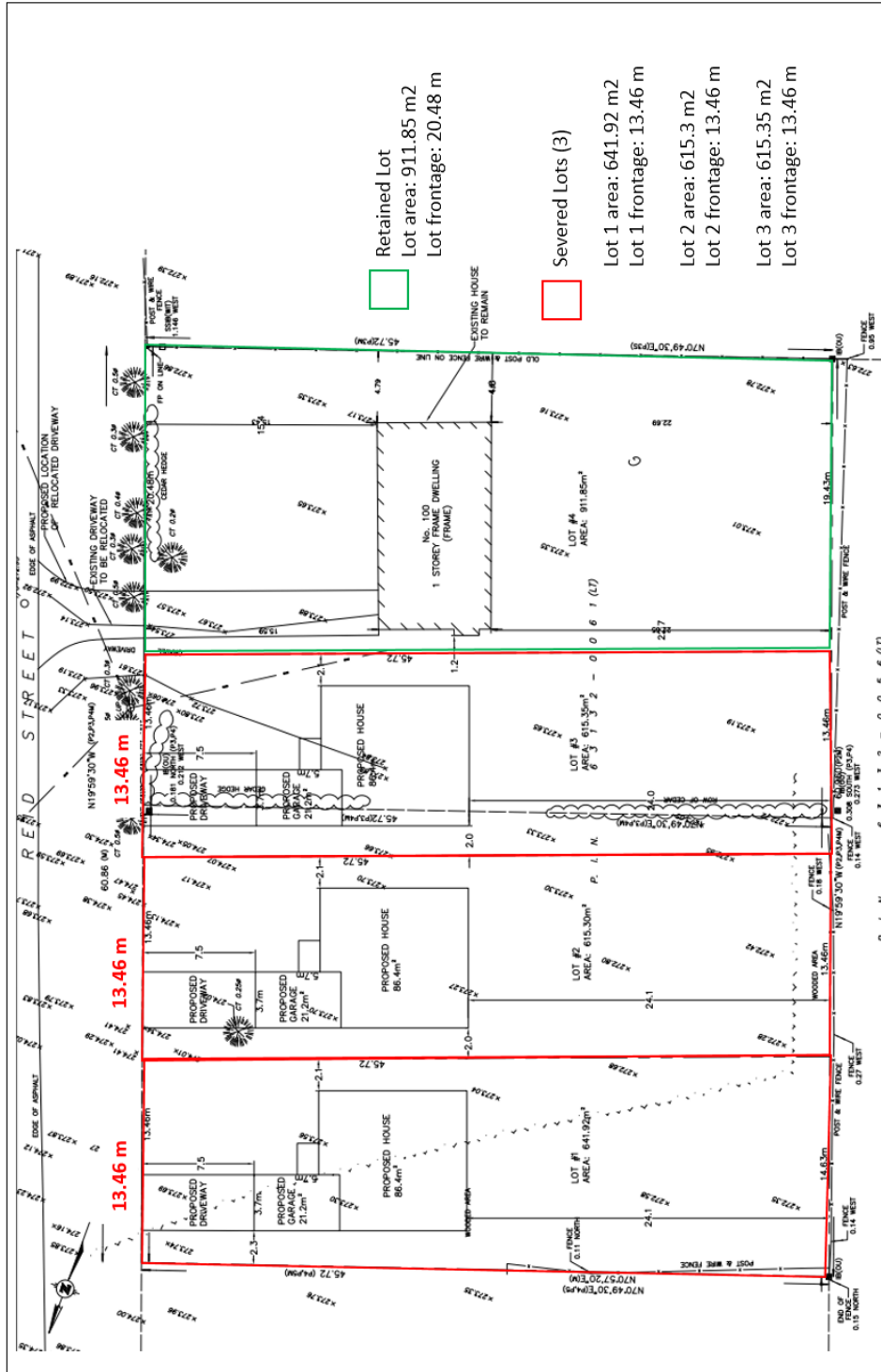
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REPORT COA2024-110

FILE NO: D20-2024-102

D03-2024-059,
060, and 061

APPLICANT'S SKETCH (MINOR VARIANCE)



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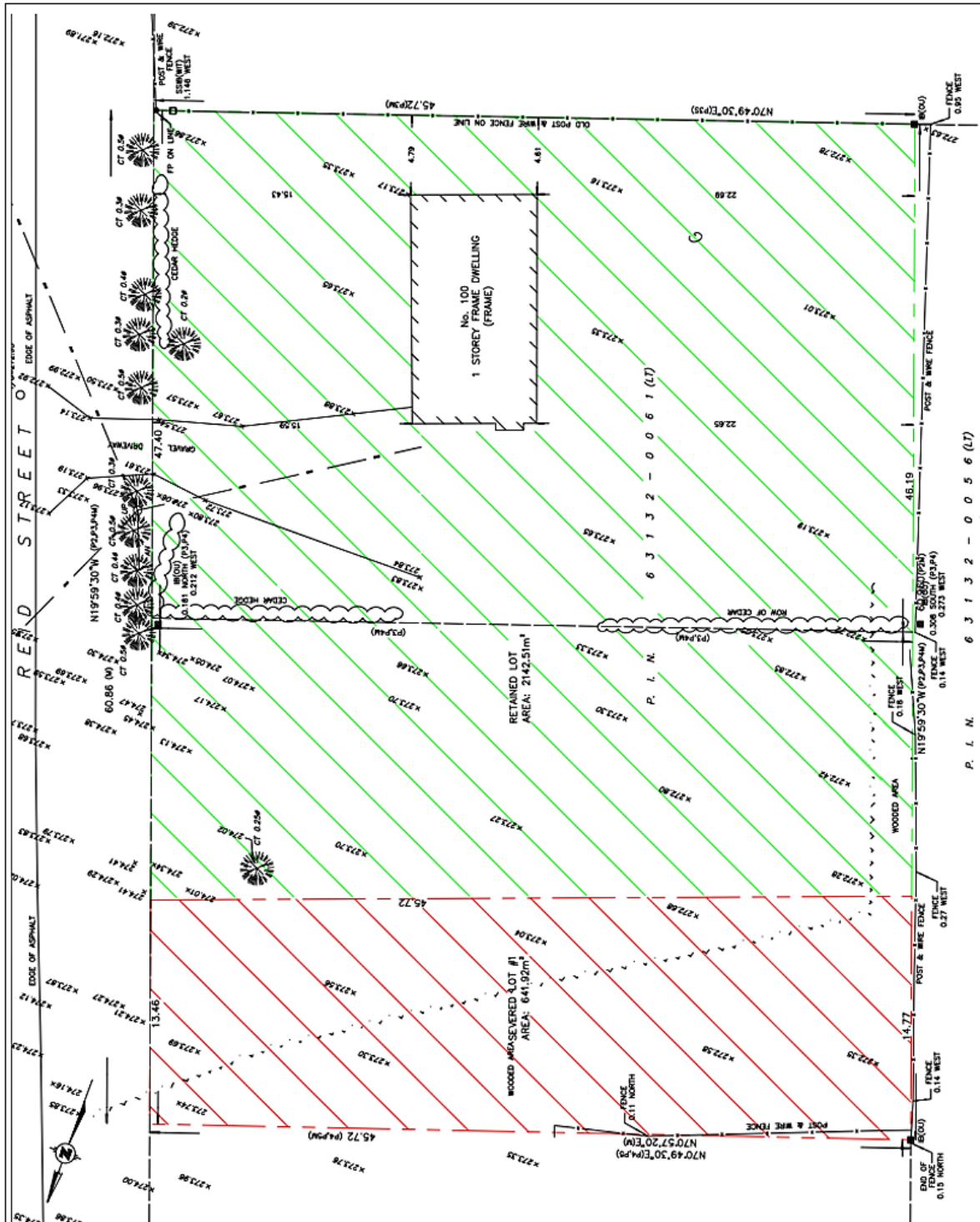
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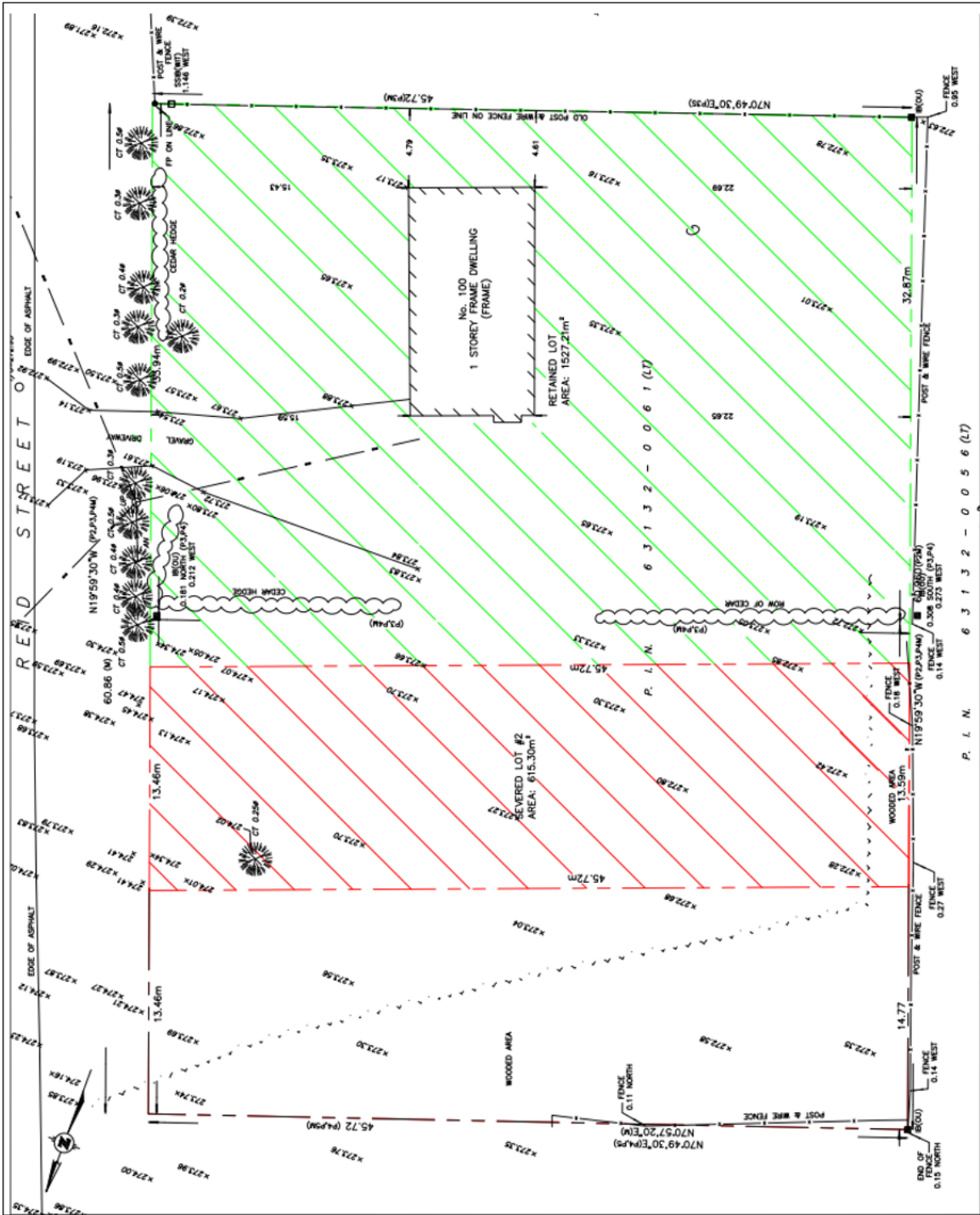
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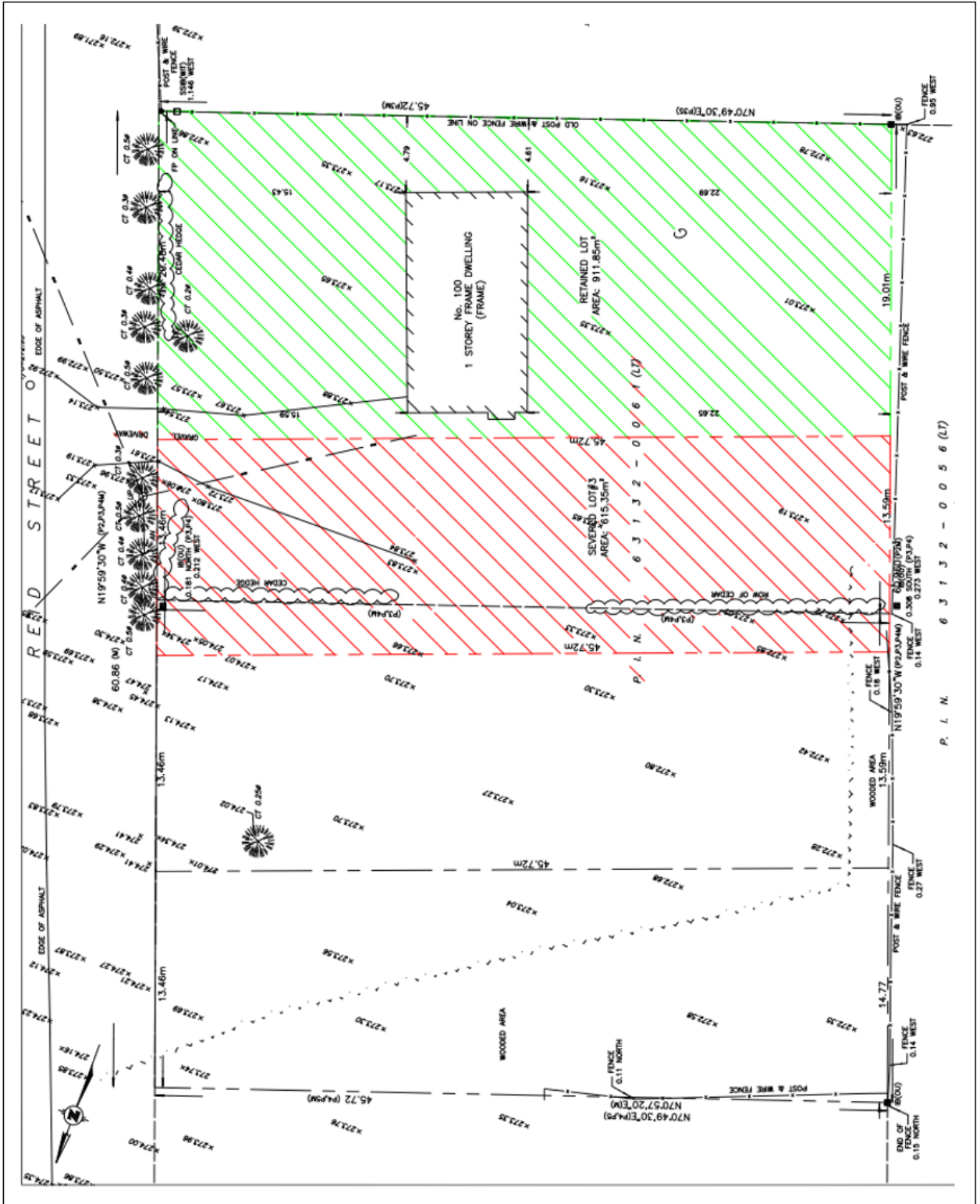
060, and 061

APPLICANT'S SKETCHES (CONSENT)





P. L. N. 6 3 1 3 2 - 0 0 5 6 (L7)



P. I. N. 6 3 1 3 2 - 0 0 5 6 (L7)

to

REPORT COA2024-110FILE NO: D20-2024-102D03-2024-059,
060, and 061**PROPOSED CONDITIONS OF PROVISIONAL CONSENT
FOR EACH SEVERED LOT**

1. Approval of consent application D03-2024-059 is contingent on approval of companion applications -060 and -061.
2. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel 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.
3. That the Minor Variance (D20-2024-102) be in force and effect.
4. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lots to be severed.
5. Payment of 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 submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer written confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. The owner shall submit payment to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer the stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer's trust account.

8. The owner's solicitor shall provide to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
9. The owner's solicitor shall provide a written undertaking to the Planning Administration (cofa@kawarthalakes.ca) and including 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.
10. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. All of these conditions shall be fulfilled within a period of two (2) 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.