

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Chiovitti
Report Number COA2024-021

Public Meeting

Meeting Date: **March 28, 2024**
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to fulfil a condition of approval pertaining to consent application D03-2022-017 to facilitate a lot line adjustment resulting in land from 22 Camp Street being severed and added to 24 Camp Street.

Relief sought:

1. Section 15.2.1.2 c) of the By-law requires a minimum lot frontage of 35 metres; the resulting lot frontage for the retained lot is 31 metres.

The variance is requested at **22 and 24 Camp Street** (File D20-2024-011).

Author: Katherine Evans, Planner II **Signature:** *Katherine Evans*

Recommendations

That Report COA2024-021 – Chiovitti, be received;

That minor variance application D20-2024-011 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** lot configuration related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-021, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** lot configuration related to this approval shall be in force for a period not exceeding 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 companion consent application D03-2022-017, set to lapse by February 9, 2026.

This approval pertains to the application as described in report COA2024-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To fulfil a condition of approval pertaining to consent application D03-2022-017 to facilitate a lot line adjustment resulting in land from 22 Camp Street being severed and added to 24 Camp Street
Owners:	Christopher Chiovitti and Samuel Chiovitti
Applicant:	DC Planning Services Inc.
Legal Description:	Part Lot 30 Concession 5 (being Part of Part 1 on Reference Plan 57R428)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	937 sq. m. (10,085.8 sq. ft.) (Severed lot); 3,029 sq. m. (33,282 sq. ft.) (Retained lot)
Site Access:	Private road
Site Servicing:	Private individual well and on-site filtration
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

Rationale

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

The subject properties are within an established residential neighbourhood located on the southeastern shore of Balsam Lake. The properties are rectangular in shape and are waterfront lots.

¹ See Schedule 1

² See Schedule 1

The purpose of the application is to facilitate a lot line adjustment. Provisional consent was granted on February 9, 2024 to sever approximately 937 square metres of land from the property identified as 22 Camp Street to be added to the property identified as 24 Camp Street (the benefitting lot). As a result, the retained portion of 22 Camp Street is to have a lot area of approximately 3,029 square metres and a lot frontage of 31 metres. The benefitting lot is to have a lot area of approximately 4,983 square metres and a lot frontage of 54.9 metres. The purpose of the lot line adjustment is to increase the frontage of the benefitting lot so it more closely aligns with the frontages of adjacent lands.

The property identified as 22 Camp Street contains a boathouse constructed in 1990, a cabin constructed in 1900 (according to Municipal Property Assessment Corporation) and an above ground pool. Relief is not needed to address the status of the structures as no new lots are being created as a result of the consent application for a lot line adjustment.

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 Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation.

As per policy 33.3.7 of the Official Plan, consents which have the effect of changing boundary lines or which do not create additional or buildable lots should be evaluated on their own merits. No new lot is to be created as a result of the proposed severance. The shoreline frontage of both the severed and retained lot will continue to be consistent with the established character of the adjacent shoreline.

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 properties are zoned Limited Service Residential (LSR) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposed lot line adjustment complies with all provisions of the Zoning By-law with the exception of the minimum lot frontage.

Section 15.2.1.2 c) of the By-law requires a minimum lot frontage of 35 metres. The resulting lot frontage for the retained lot is 31 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, private services (when required), 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 in the LSR Zone is 2,000 square metres. The retained lot exceeds this minimum by 1,029 square metres. The retained lot will remain sufficiently sized to accommodate development, adequate amenity space, and stormwater infiltration. It is not anticipated that the proposed reduced frontage would impact the ability to install private services in the future if desired.

Additionally, it is not anticipated that the reduced frontage will impact the ability to establish a building envelope that complies with the provisions of the Zoning By-Law, if development is desired in the future.

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 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."

Building and Septic Division (Septic): "I have received and reviewed the proposal for minor variance to recognize a reduced lot frontage as a result of a consent application. The property was reviewed through the consent process for private on-site sewage disposal requirements. The reduced lot frontage will not change the comments provided as they relate to private on-site sewage disposal. As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage disposal."

Engineering and Corporate Assets Division: "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

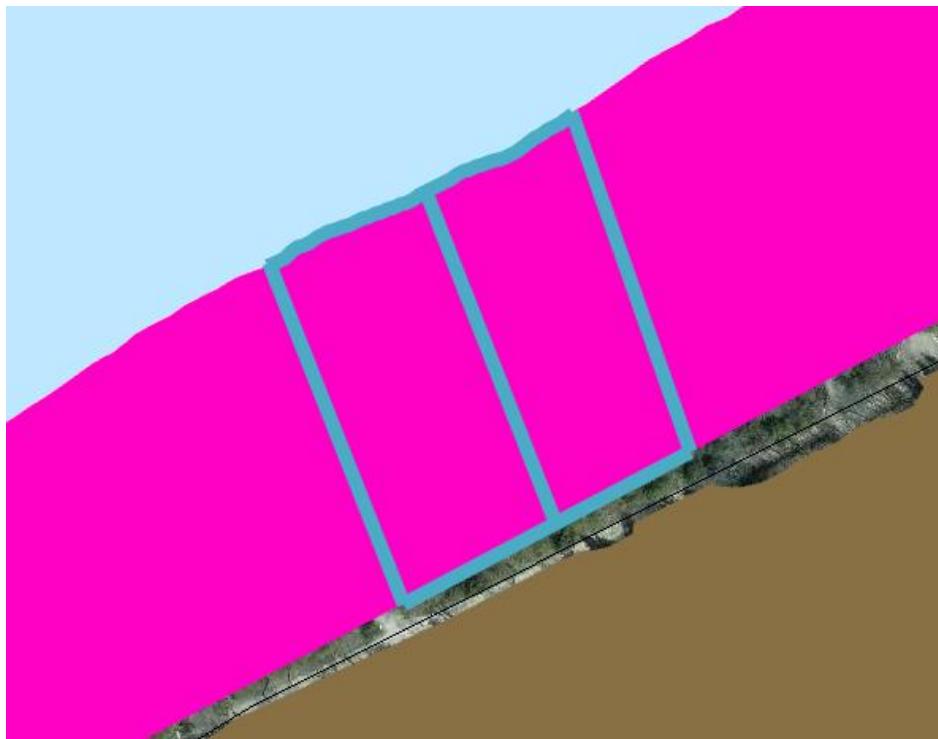
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-011

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



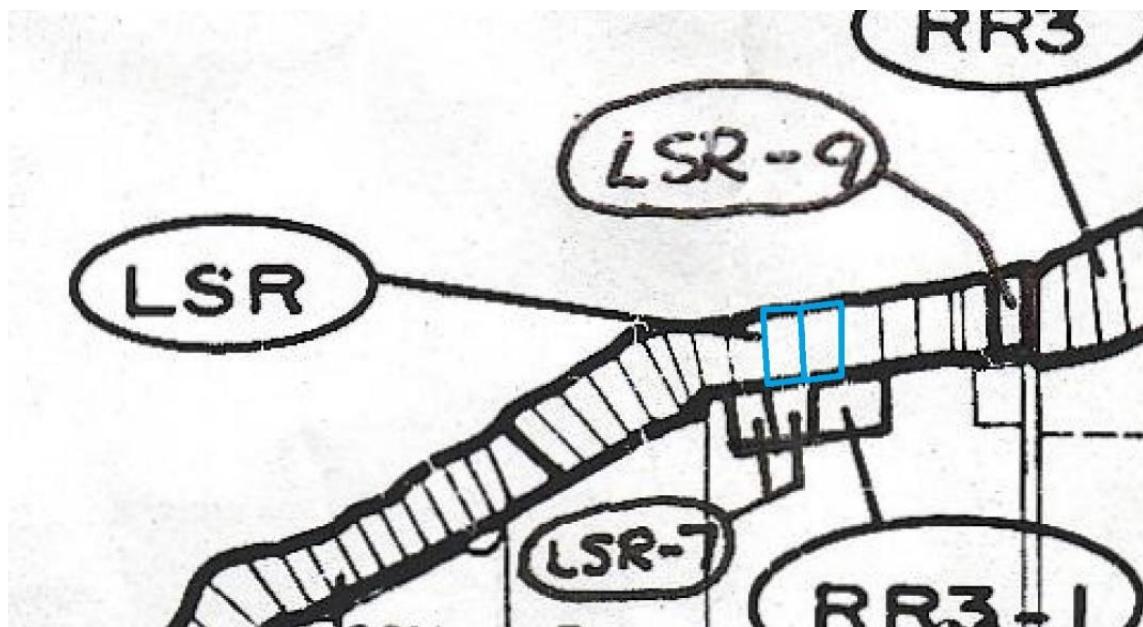
20. Waterfront Designation

20.4 Lot Creation

33.3. Consents

33.3.7 Consents which have the effect of changing boundary lines or which do not create additional or buildable lots should be evaluated on their own merits. Consents that propose an addition to a lot, created by a previous consent, may be subject to conditions deemed necessary to ensure the merging in title of the two parcels. This may include conveyances to alter the lot description, stipulating the consent and agreements registered against title of both the severed and benefiting parcels. Consents should not be considered within a draft plan of subdivision to create new lots that would be created if the plan was registered.

Township of Fenelon Zoning By-law 12-95



Part 15 Limited Service Residential (LSR) Zone

15.1 Permitted Uses

15.2 Zone Provisions

15.2.1.2 Lot frontage (min.)

c) with shore lot line regardless of services 35 m

APPENDIX "A"

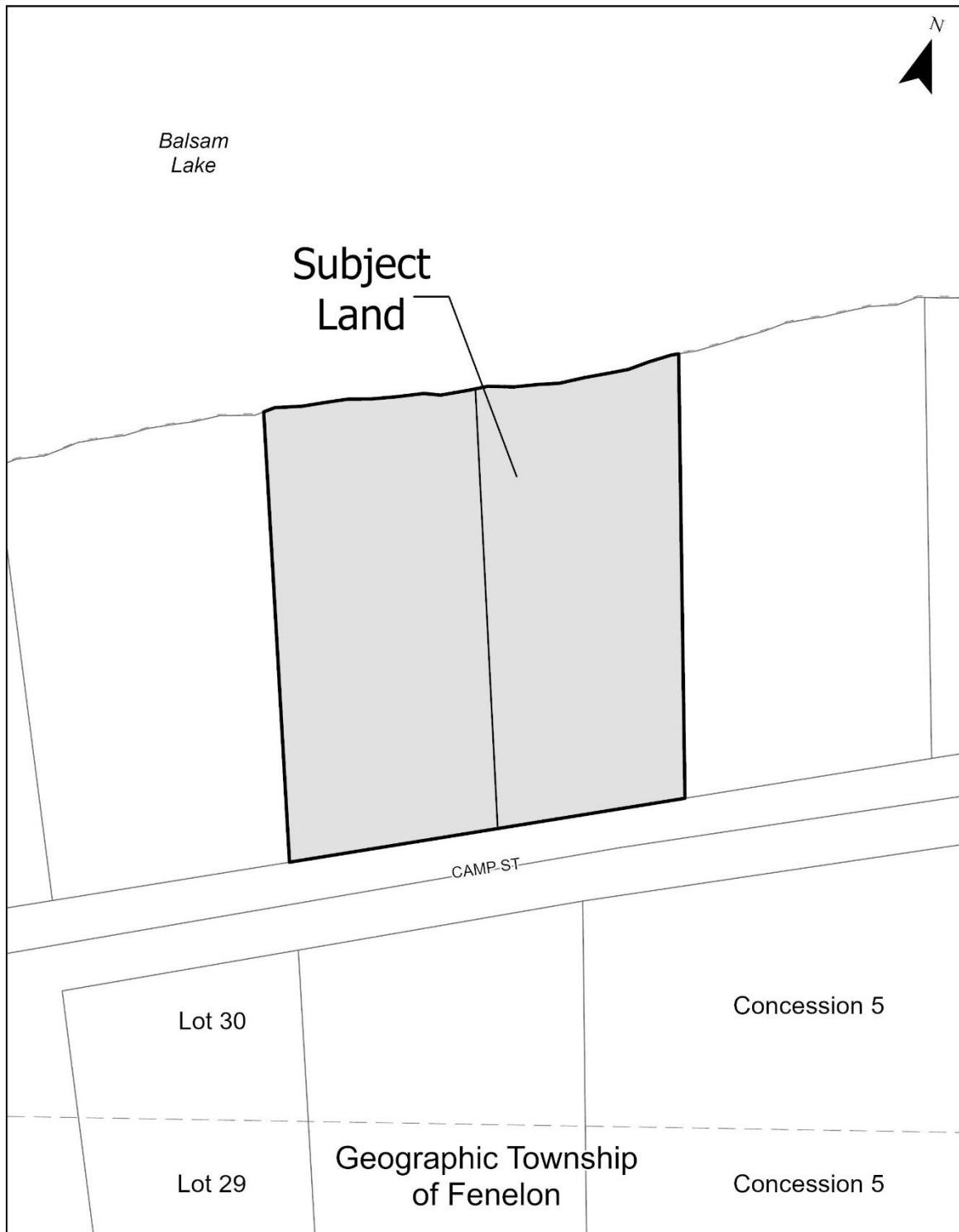
to

REPORT COA2024-021

FILE NO: D20-2024-011

LOCATION MAP

D20-2024-011



APPENDIX “B”

to

REPORT COA2024-021

FILE NO: D20-2024-011

AERIAL PHOTO



APPLICANT'S SKETCH

APPENDIX " C "

to

REPORT COA2024-021

FILE NO: D20-2024-011

