

Minor Variance Report

Application No.: A-02-23
Applicant: David and Rebecca Bart
Agent: Scott Wootton, Kawartha Lakes Construction
Property Description: Part Lot 25, Con. 3 (Dummer)
1056 Stony Lake-Dodworth Island
Part 2, Plan 45R-16247
Plan 6, Part Lots 17 and 18
1522-020-005-71601

Purpose of Application:

The Owners wish to construct a 14.68 square metre addition (Proposed Addition #1), a 15.62 square metre deck (Proposed Deck) and an 8.73 square metre addition (Proposed Addition #2) to the rear of the existing 1 storey frame cottage.

The purpose of the minor variance is to increase the maximum lot coverage requirement for the primary structure from 5% to 6% and decrease the existing eastern interior side yard setback from 6.9 metres to 5.5 metres to permit the proposed additions and deck. A site plan has been prepared by Kawartha Lakes Construction, based on the sketch prepared by Elliott and Parr (Peterborough) Ltd., dated March 17, 2023 which illustrates the proposed additions.

Notice of the public meeting was given on March 7, 2023 by ordinary mail and/or e-mail to all prescribed persons and public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was circulated by ordinary mail to every owner of land within 60 metres of the subject property on March 7, 2023. A sign was posted on the subject property and the Notice was posted on the Township Website.

The giving of Notice complies with the applicable Regulation of the Planning Act.

Agency Comments:

In preparation for the pre-consultation meeting held January 19, 2023 regarding this application, comments were obtained from Curve Lake First Nation. A copy of their comments have been attached to this Report.

As of the writing of this Report, there have been no additional written or verbal comments received from the prescribed persons or public bodies.

Public Comments:

The owners of 1060 Stony Lake-Dodworth Island, which is located immediately east of the subject property, provided e-mail correspondence that they have no comment or concern about the

application. However, they did wish to note that the existing cottage on the subject property is described as 1-storey on the site plan when in fact, the section closest to their property is 2-storey.

Staff note that the application correctly identifies the cottage as a 2-storey with a height of 6.25 metres. The maximum height permitted by the By-law is 9 metres (S. 8.2.1 (i)).

Staff requested an updated site plan which was received on March 17, 2023 and is attached to this Report.

There were no additional written or verbal comments received from members of the public.

Staff Comments:

The application was circulated to Senior Staff on March 7, 2023. There were no concerns identified by Senior Staff.

Planning Review:

Section 45 of the Planning Act provides the tests that must be satisfied to support a minor variance application. The tests are as follows:

1. Does the minor variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Seasonal Residential and Environmental Constraint as illustrated on Schedule 'A4-3' to the Official Plan (OP). The existing dwelling and proposed construction are located within the Seasonal Residential designation. Seasonal cottages are permitted within the Seasonal Residential designation (S. 6.2.5.2).

In accordance with Section 6.2.5.3 (h) of the Official Plan, the proposed construction will not further reduce the minimum water setback.

The proposed variance meets the general intent and purpose of the Official Plan.

2. Does the minor variance maintain the general intent and purpose of the Zoning By-law?

The subject property was zoned Special District 216 (S.D. 216) through By-law No. 2017-23. A copy of By-law No. 2017-23 is attached to this Report. A single detached recreation dwelling is a permitted use in the (S.D. 216) Zone and must comply with Section 21.216.2 of By-law 10-1996, as amended. In particular, all provisions and regulations of the Island Residential Zone (IR) apply to any further development of the subject property, not shown on the Sketch prepared by Elliot and Parr (Peterborough) Ltd., Ontario Land Surveyor, Revised March 1, 2017. The proposed construction will exceed the maximum lot coverage requirement of 5% and Proposed Addition #2 will reduce the existing eastern interior side yard setback of 6.9 metres.

In all other respects, the proposal complies with the Zoning By-law.

The application meets the general intent and purpose of the Zoning By-law.

3. Is the proposed use desirable for the appropriate development or use of the land?

As illustrated on the attached site plan, the existing cottage is located 2.87 metres from the easterly interior lot line at its closest point. Proposed addition #2 will be located 5.5 metres from the easterly interior lot line and will encroach approximately 1.4 metres from the existing setback.

The additions and deck will be located to the rear of the existing cottage. The air photo attached to this Report illustrates the location of the proposed construction will not impact the view of the lake from adjacent properties.

The maximum total lot coverage for all buildings and structures is 10% (5% for accessory structures and 5% for the primary structure including attached decks). The lot coverage of the existing accessory buildings is 0.86% and the existing lot coverage of the primary structure is 4.9% for a total lot coverage of 5.76%.

The proposed additions will increase the lot coverage of the primary structure to 6% which represents a total lot coverage of 6.86% for all buildings and structures.

The proposed use is desirable and appropriate to the development of the subject land.

4. Is the variance minor?

The proposed variance is minor in nature.

Proposed addition #2 will be located 5.5 metres from the easterly interior lot line and will encroach approximately 1.4 metres from the existing setback. The proposed addition will not be located any closer to the interior side lot line than the already established 2.87 metre setback from the closest point of the existing cottage.

The proposed additions will increase the permitted maximum lot coverage of the primary structure from 5% to 6%, a difference of 1%.

Conformity to PPS and A Place to Grow:

This application appears to be consistent with the Provincial Policy Statement (PPS) and to conform to A Place to Grow, Growth Plan for the Greater Golden Horseshoe.

Application of Four Tests:

The Committee should state in the decision how the application meets/or does not meet the four tests:

- 1) The application is (or is not) minor in nature.
- 2) The application is (or is not) desirable and appropriate to the development of this land.
- 3) The application meets (or does not meet) the general intent of the Official Plan.
- 4) The application meets (or does not meet) the general intent of the Zoning By-law.

Summary:

The Committee will need to decide if the request is considered minor, that it is desirable and appropriate development of this parcel, and that the use intended meets the general intent of the Official Plan and Zoning By-law.

After hearing public comment and considering all written submissions, the Committee has the following options:

1. approve the minor variance with no conditions;
2. approve the minor variance with conditions;
3. defer the minor variance for further consideration at a later date; or
4. reject the minor variance.

Recommendation:

That the Committee review and consider all verbal and written comments received regarding Minor Variance Application File A-02-23;

That the Committee approve Minor Variance Application A-02-23 as requested, for the life of the structure, to facilitate the issuance of a building permit for the construction of a 14.68 square metre addition (Proposed Addition #1), a 15.62 square metre deck (Proposed Deck) and an 8.73 square metre addition (Proposed Addition #2) as shown on the site plan prepared by Kawartha Lakes Construction dated March 17, 2023 attached to the Decision as Schedule 'A' and to bring the proposed lot into compliance with the Zoning By-law.

This variance is deemed to be minor in nature and is appropriate for the development of this land. The application maintains the general intent and purpose of the Official Plan and Zoning By-law. Approval is conditional on the following:

- i. Obtaining any necessary permits from ORCA, Douro-Dummer Building Department and any other required ministry/agency;
- ii. That verification from an Ontario Land Surveyor be provided to the Township's Chief Building Official after the structures are framed to confirm that all applicable setback requirements have been met and to ensure compliance with any relief granted by this decision of the Committee; and
- iii. That if any archaeological artifacts are found during construction, that all development shall be halted immediately and the proper agency be contacted.

Report Approval Details

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| Document Title: | A-02-23 (Bart) Report.docx |
| Attachments: | <ul style="list-style-type: none">- A-02-23 Bart application_Redacted.pdf- A-02-23 Notice - Virtual Meeting.pdf- A-02-23 - REVISED SITE PLAN (MARCH 17 2023).pdf- A-02-23 Response from Curve Lake (email Jan 4 2023).pdf- A-02-23 (Bart) Air Photo.pdf- 2017-23 - ZBA R-04-17.pdf |
| Final Approval Date: | Mar 17, 2023 |

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs