

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Harlow
Report Number COA2018-003

Public Meeting

Meeting Date: January 18, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 02 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from the following provisions to permit the construction of a single detached dwelling:

1. Section 9.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 3.2 metres;
2. Section 9.2.1.3 (e) to reduce the minimum water setback from 15 metres to 8.8 metres; and,
3. Section 3.18.1.1(a) to reduce the minimum setback of buildings and structures from an Environmental Protection Zone boundary from 15 metres to 8.8 metres.

The property is located at 17 North Water Street in Coboconk, geographic Township of Bexley (File D20-2018-003).

Author: David Harding, Planner II

Signature:



Recommendation:

RESOLVED THAT Report COA2018-003 Josie Harlow, be received;

THAT minor variance application D20-2018-003 be DEFERRED until such time as the owner/applicant provides sufficient documentation to the City and/or the Kawartha Region Conservation Authority so that the variance application may be fully analyzed, and if necessary, re-advertised.

Background: The application proposes to demolish the existing single storey detached dwelling and construct a new one and one-half storey dwelling with attached garage. The existing dwelling does not comply with the water/EP Zone setback and front yard setback requirements. The new dwelling proposes a larger footprint, and would further decrease the setback to the shoreline. This application was received November 21, 2017,

and last amended January 3, 2018. A site grading plan was submitted January 9, 2018 in support of the application.

Proposal:	To construct a single detached dwelling.		
Owner:	Josie Harlow		
Legal Description:	Registered Plan 46, Lot 5, geographic Township of Bexley, City of Kawartha Lakes		
Official Plan:	"Hamlet Settlement Area" – City of Kawartha Lakes Official Plan		
Zone:	"Hamlet Residential (HR) Zone" – Township of Bexley Zoning By-law 93-09		
Site Size:	790 square metres (8,503.5 square feet)		
Site Servicing:	Municipal sanitary sewer and lake-based water supply		
Existing Uses:	Residential		
Adjacent Uses:	North:	Residential, Vacant Residential	
	South:	Balsam Lake	
	West:	Residential	
	East:	Park/Public Dock, Residential	

Rationale:

- 1) Are the variances minor in nature? **Undetermined at this time**
- 2) Is the proposal desirable and appropriate for the use of the land? **Undetermined at this time**
- 3) Do the variances maintain the intent and purpose of the Zoning By-law? **Undetermined at this time**
- 4) Do the variances maintain the intent and purpose of the Official Plan? **Undetermined at this time**

Other Alternatives Considered:

The owner first approached planning staff on October 26, 2017. Due to the nature of the development proposed on the small lot, the type and extent of zoning relief required, and the level of analysis needed, planning staff recommended the application proceed through the pre-screening process. Planning staff also encouraged the submission of a survey to confirm property boundaries and setbacks. The owner opted to bypass the pre-screening process through which Staff could have determined an appropriate course of action for the applicant prior to submission of an application. The applicant has subsequently arranged for a surveyor to attend the property and create an existing grading plan, which provides information on actual lot area and configuration that may change some of the required variances being sought by the applicant. Staff will now be requesting the

applicant to plot the proposed dwelling onto the existing grading plan in order that Staff can determine whether the requested variances need to be amended.

Servicing Comments:

The property is serviced by the municipal sanitary sewer system and lake-based water supply.

Planning Staff Comments:

On January 9, a site grading plan prepared by Coe Fisher Cameron OLS was submitted to the City and Conservation Authority for review in support of the variance application. City staff requires additional time to review this new document to determine what changes to the application, including re-circulation, may be required. The KRCA has requested additional amendments to the site grading plan as part of their review. Staff requires additional time to consult with the KRCA to determine whether the proposal could comply with their permitting requirements, and whether the proposed development complies with the intent of the City's natural heritage feature policies. If it does not, additional time is needed to consult with the applicant on alternative design proposals.

Consultations:

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

Agency Comments:

Building Division (January 7, 2018): No concerns.

Engineering and Corporate Assets Department (January 3, 2018): No concerns.

Kawartha Region Conservation Authority (January 3, 2018): The property is regulated by the KRCA. The KRCA is not in a position to support the application (see Appendix "E").

Ministry of Transportation (MTO) (December 13, 2017): The property is within the MTO permit control area. A MTO building and land use permit is required should the development proceed.

Public Comments:

No comments as of January 9, 2018.

Attachments:



Appendices A-E to
Report COA2018-003.

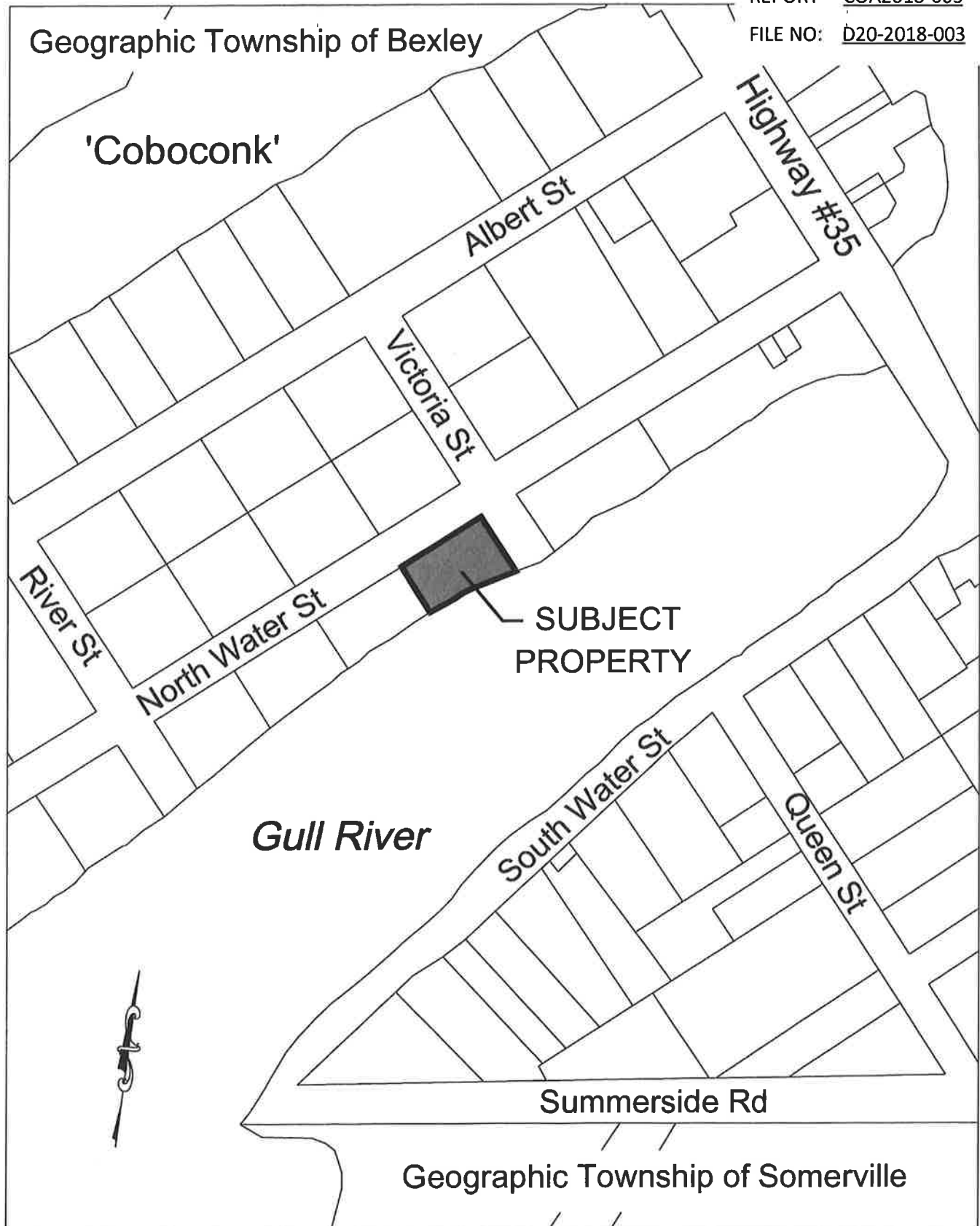
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevation
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 ext. 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-003

to

REPORT COA2018-003

FILE NO: D20-2018-003





APPENDIX " C "

to

REPORT COA2018-003

FILE NO: D20-2018-003

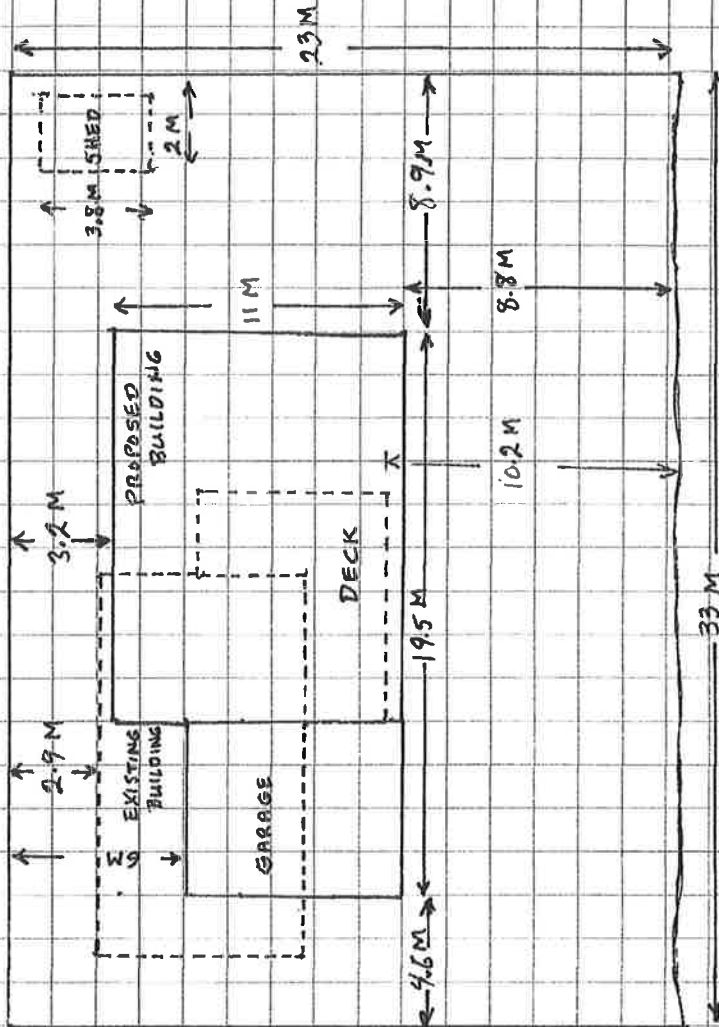
COBOCONK

NORTH WATER STREET

19 NORTH WATER ST

17 NORTH WATER ST

3.2 M
PORCH
ON
19 WATER ST



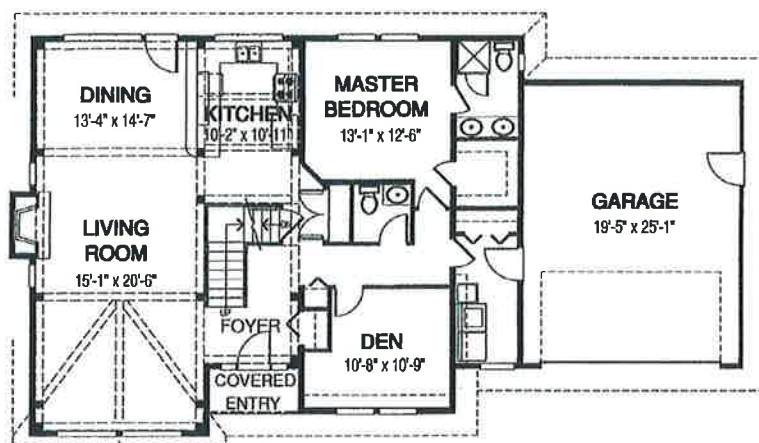
GULL RIVER

to

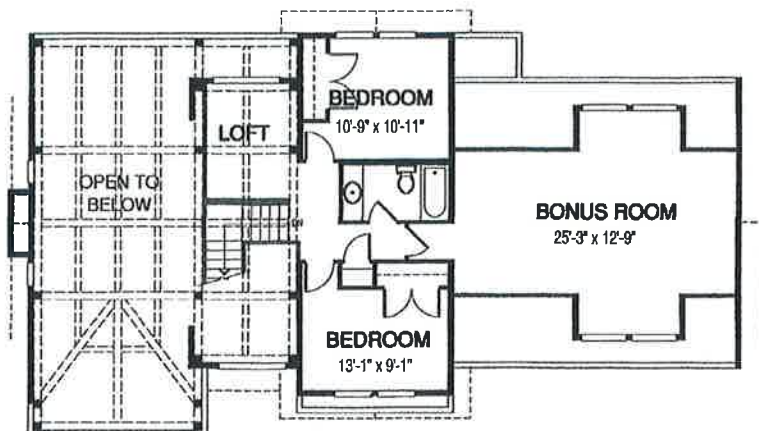
REPORT COA2018-003FILE NO: D20-2018-003The *Clarkson***Square Footage**

MAIN FLOOR	1472
UPPER FLOOR	971
UNFINISHED/ BONUS AREA	—
TOTAL LIVING AREA	2443
GARAGE	511
COVERED ENTRY/PORCH	32
BALCONY/ DECK	—
TOTAL AREA	2986

MAIN FLOOR



UPPER FLOOR

**Dimensions**

WIDTH	DEPTH
64	36

to

REPORT COA2018-003**David Harding**

From: Susanne Murchison
Sent: Sunday, January 07, 2018 6:47 PM
To: Mark LaHay
Cc: Erica Hallett; Derryk Wolven; Anne Elmhirst
Subject: MV comments

FILE NO. D20-2018-003

Follow Up Flag: Follow up
Flag Status: Flagged

The Building Division has the following comments regarding the noted files, save and except those related to sewage systems which will be provided under separate submission:

D20-18-001 - no concerns

D20-18-002 - no concerns

D20-18-003 - no concerns

D20-18-004 - no concerns

D20-18-005 - no concerns

D20-18-007 - no concerns

D20-18-008 - no concerns

D20-18-010 - no concerns

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON
K9V 2Y6
(705)-324-9411 ext. 1200
fax (705)-324-5514
1-888-822-2225

David Harding

From: Kirk Timms
Sent: Wednesday, January 03, 2018 12:00 PM
To: Kim Rhodes; Erica Hallett
Subject: FW: D03-18-003 - 17 North Water Street, Coboconk

Follow Up Flag: Follow up
Flag Status: Flagged

Sorry my mistake the subject line is incorrect, it should read D20-18-003.

Kirk

From: Kirk Timms
Sent: Wednesday, January 03, 2018 11:45 AM
To: Erica Hallett
Cc: Kim Rhodes; Christina Sisson; Susanne Murchison; Lisa Peimann
Subject: D03-18-003 - 17 North Water Street, Coboconk

Good Morning Erica,

Further to our review of the above noted application to permit construction of a new 4 season dwelling, Development Engineering confirms we have no objection to the proposed minor variance for Zoning By-Law;

- Section 9.2.1.3 a) to reduce the minimum front yard setback from 7.5 m to 4.6 m
- Section 9.2.1.3 e) to reduce the minimum water setback from 15.0 m to 9.1 m

We respectfully request that if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Thanks,

Kirk Timms, C.E.T.

Engineering Technician
Engineering & Corporate Assets Department
City of Kawartha Lakes
P.O. Box 9000
12 Peel Street
Lindsay, ON
K9V 5R8
(705) 324-9411 Ext. 1119



January 3, 2018
KRCA File No. 16056

Via Email

Erica Hallett, Administrative Assistant
Committee of Adjustment, City of Kawartha Lakes
Lindsay Service Centre
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Minor Variance D20-2018-003
17 North Water Street (Coboconk)
Geographic Twp. of Bexley
City of Kawartha Lakes**

Dear Ms. Hallett:

Kawartha Region Conservation Authority (KRCA) staff have now completed our review of the above noted application to consider relief from Zoning By-law 93-09 in order to reduce the front lot line and water setbacks to 4.6m and 9.1m respectively, whereas Section 9.2.1.3 requires a front yard setback of 7.5m and a water setback of 15m.

Ontario Regulation 182/06

The subject property is adjacent to the Gull River and contains a portion of the flooding/erosion hazard associated with that watercourse. Kawartha Conservation regulates watercourses/waterbodies, the associated hazard lands as well as a setback of 15 metres from the limit of the greatest hazard. The flooding hazard associated with the Gull River is 1 metre above the bankfull level. As such, the subject property is regulated by Kawartha Conservation, pursuant to Ontario Regulation 182/06.

In the absence of a detailed topographic survey, it cannot be confirmed if the entire property is flood susceptible or if only a part of the property is within the flooding hazard. The applicant must complete a topographic survey and have the bankfull level of the Gull River plus 1 metre above bankfull limit identified to illustrate the extent of the floodplain on the property. Once the survey is complete, the flooding hazard is shown, and the associated 15 metre regulated setback, staff will be able to determine whether or not a replacement that is larger than the existing structure, would be permitted.

Should the entire property be within the floodplain, associated with the Gull River, Policy 4.5.2(7) and 4.5.2(8) of Kawartha Conservation's Policy Document will apply to any new development. Please see policies attached in Appendix 1 for all requirements. Ultimately, a replacement of a dwelling within a flooding hazard that results in an increase in dwelling size may be permitted provided it can demonstrate that the conditions for Minor Residential Additions (Policies 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied, and the dwelling is replaced outside the flooding hazard, where feasible.

Should the existing development not be within the flooding/erosion hazard associated with Gull River, then pursuant to Policy, new development should be no closer than six (6) metres from the maximum extent of the flooding hazard in order to accommodate the Provincial Access Erosion Allowance (Table C-1).

Staff note that a Permit pursuant to Ontario Regulation 182/06 is required from this office for any development on site, prior to obtaining a building permit from the City of Kawartha Lakes, therefore, the topographic survey must be completed as part of the minor variance prior to its approval, so staff can confirm a permit could be issued.

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286

KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



Partnership Memorandum of Understanding (MOU)

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Fish Habitat

The Gull River is considered fish habitat. Pursuant to Policy 3.4.6(8), for expansion, replacement, or relocation of an existing building or structure on adjacent lands (within 120 metres of fish habitat), Kawartha Conservation recommends the maintenance, establishment, and/or enhancement of a buffer strip running continuously along both sides of all water features supporting fish habitat, measured in accordance with Policies 3.4.6(10), 3.4.6(11), 3.4.6(12), 3.4.6(13) OR where this is not feasible, that maximum buffers, given the site constraints, should be applied wherever possible.

The subject property appears to already have a hardened shoreline and a setback from fish habitat that is less than the recommended distance without the support of an Environmental Impact Study. As such, Kawartha Conservation's policies are not supportive of a further reduction of the water setback and would recommend a minimization of encroachment wherever possible, with no new development any closer than existing, at the minimum for the proposed new development.

Summary

Based on our review of the natural hazards and natural heritage features adjacent to the property, KRCA is not in a position to support the minor variance at this time for the following reasons:

1. A detailed topographic survey is required to determine the extent of the flooding hazard on the subject property in order for staff to determine the level of risk associated with the proposed development, which development policies are applicable, and if a Permit can be issued.
2. While KRCA's minor additions policy in combination with residential replacement policy in floodplains may support the development, the size of the lot and the proposed gross floor area of the proposed residence are not consistent with the recommended setbacks for fish habitat.

Staff request the applicant complete the detailed topographic survey, plot the limit of the floodplain and proposed development, and submit it to the attention of Erica Hallett at the City of Kawartha Lakes for circulation to Kawartha Conservation, for our review and comment.

I trust this meets your information requirements at this time. Should you require any additional information, please do not hesitate to contact this office.

Yours truly,



Katie Jane Harris, Resources Planner

David Harding

From: Katie Jane Harris <kjharris@kawarthaconservation.com>
Sent: Tuesday, January 09, 2018 4:01 PM
To: Shelley Greenwood; David Harding
Cc: Josie Harlow; Geoffrey Lees
Subject: RE: Minor Variance Application D20-2018-003 Harlow - 17 North Water Street, Coboconk

Good Afternoon Shelley,

Thank you for sending through the topographic survey. I see it shows a flood contour of 256.5 – can you confirm that 256.5 is one metre above the bankfull limit mark please?

I am assuming the 1 storey frame dwelling shown on the survey is the existing development. For staff to know where the proposed development is in relation to the flood plain, it needs to be shown on the survey. Could you please overlay the proposed development so KRCA can confirm that the new development is outside the floodplain and meets the 6 metre access erosion allowance? It was also requested in KRCA's letter, dated January 3, 2018 that the 15 metre regulated setback be shown, however, if you send the full size survey to our office with the proposed development overlaid, I can use a scale to measure the setbacks.

Thanks very much,
Katie Jane

Katie Jane Harris B.E.S.
Resources Planner
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Fax: 705.328.2286

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

Please be advised emails sent to KRCA the week of January 1-5 may not have been received due to server error. Please resend, or contact the intended recipient to confirm receipt.