

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – F & G Rocchetta
Report Number COA2018-005

Public Meeting

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

Ward 2 – Bexley

Subject: An application to request relief to reduce the minimum front yard setback from 7.5 metres to 3 metres in order to construct a detached garage on property located at 57 Lakeview Cottage Road, geographic Township of Bexley (File D20-2018-005).

Author: Janet Wong, Planner II

Signature:



Recommendation:

RESOLVED THAT Report COA2018-005 F & G Rocchetta, be received;

THAT minor variance application D20-2018-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the garage related to this approval shall proceed generally in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-005, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the submission of a Building Permit application, the owners apply for and pay the prescribed fee to have Lots 16 and 17, Plan 179, geographic Township of Bexley be the subject of a Deeming By-law in accordance with Subsection 50(4) of the Planning Act and the By-law be in effect; or, it be demonstrated that the lots have been deemed not to be part of a Registered Plan to the satisfaction of the Secretary-Treasurer; and,
- 3) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) 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 first Building Inspection.

This approval pertains to the application as described in report COA2018-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The owner is proposing to relocate the entire garage that is partially located on 55 and 57 Lakeview Cottage Road. The owner of 55 Lakeview Cottage Road received approval July 20, 2017 from the Committee of Adjustment to remove his half of the garage in order to construct a new garage. This application was deemed complete December 1, 2017.		
Proposal:	To construct an approximately 53.3 square metre (573.7 square foot) garage, relief is sought from Section 12.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 3 metres (24.6 feet to 9.8 feet).		
Owners:	Fernando & Regina Rocchetta		
Applicant:	Anthony Camposeo		
Legal Description:	Lots 16 & 17, Registered Plan 179, geographic Township of Bexley, City of Kawartha Lakes		
Official Plan:	"Waterfront" – City of Kawartha Lakes Official Plan		
Zone:	"Rural Residential Type Three (RR3) Zone" – Township of Bexley Zoning By-law 93-09		
Site Size:	1,367 square metres (0.3 acres) – MPAC		
Site Servicing:	Private individual septic system and lake-based water supply		
Existing Uses:	Shoreline Residential		
Adjacent Uses:	North & South:	Shoreline Residential	
	East:	Balsam Lake	
	West:	Rural	

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 proposed garage will be located further from the front lot line than the existing structure and exceed side yard and water setback requirements. The proposed garage will be screened by a dense cedar hedge from the road in a neighbourhood characterized by detached garages or sheds close to the front property line.

This lot is comprised of two lots in a Registered Plan. The proposed garage will be located on both Lots 16 and 17, Registered Plan 179. The variance being

sought is based on the property being one lot and not two. It is noted that the dwelling is also located on both lots. These lots can be legally conveyed as two separate lots so in order to permit construction of the garage, the lots are required to be deemed not to be part of a Registered Plan. A condition has been included to address this.

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 existing garage is less than 1 metre from the front lot line. The proposed garage location will be closer to complying with the minimum front yard setback of 7.5 metres than the existing structure. The location of the garage is not anticipated to create a hazard.

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

The property is designated "Waterfront" in the City of Kawartha Lakes Official Plan. Residential dwellings and accessory buildings are anticipated within this designation. The proposed location of the garage will also comply with the policy for a minimum water setback of 30 metres. The proposal maintains the general intent and purpose of the City's Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will continue to be serviced by lake-based water supply and private individual septic system.

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 – Building Inspection (December 5, 2017): No concerns

Building Division - Sewage System (December 20, 2017): No objection

Development Engineering Division (January 3, 2018): No objection

Kawartha Region Conservation Authority (January 4, 2018): No objection. See comments

Planning Division: The average water level for Balsam Lake is highest in the summer at 256.2 m. The flood elevation identified by KRCA is 0.3 metres above this average elevation. Based on site inspection the shoreline significantly higher than 0.3 metres, thus no additional conditions are recommended. A permit from the KRCA will be required and any requirement for a survey would be obtained through that process as their intention is not to make the Planning process onerous.

Public Comments:

No comments as of January 9, 2018.

Attachments:

Appendix A-D.pdf

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

Phone: 705-324-9411 ext. 1330

E-Mail: jwong@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-005

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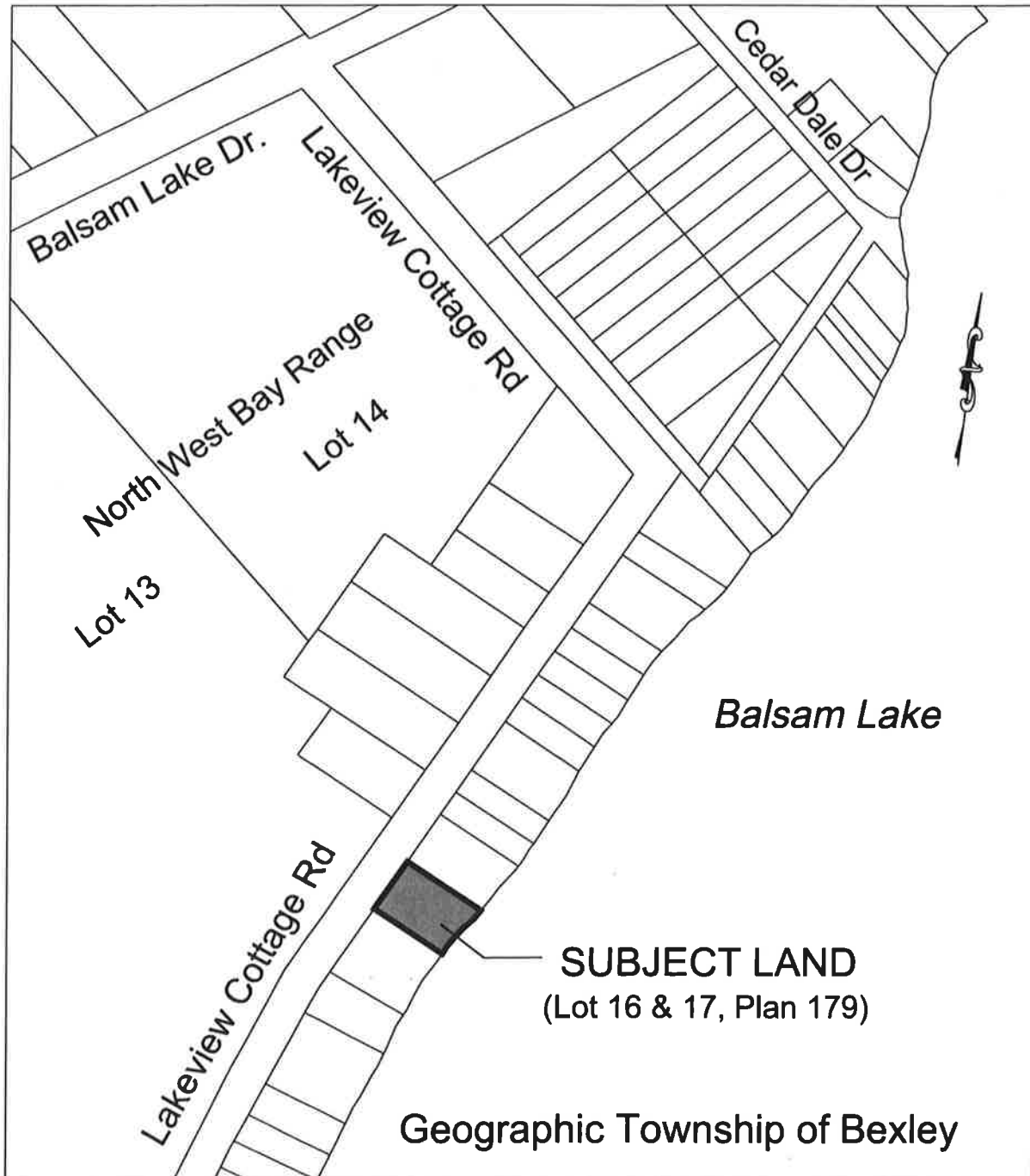
APPENDIX " A "

to

REPORT COA2018-005

FILE NO: D20-2018-005

D20-18-005



57 Lakeview Cottage Rd, geographic Twp Bexley



- Legend**
- Road Centreline
 - Upper Municipality
 - Lower Tier Municipality
 - Property ROLL#
 - Lots and Concessions

APPENDIX " B "

to

REPORT COA2018-005

FILE NO: D20-2018-005

Notes

Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.17 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

APPENDIX " C "

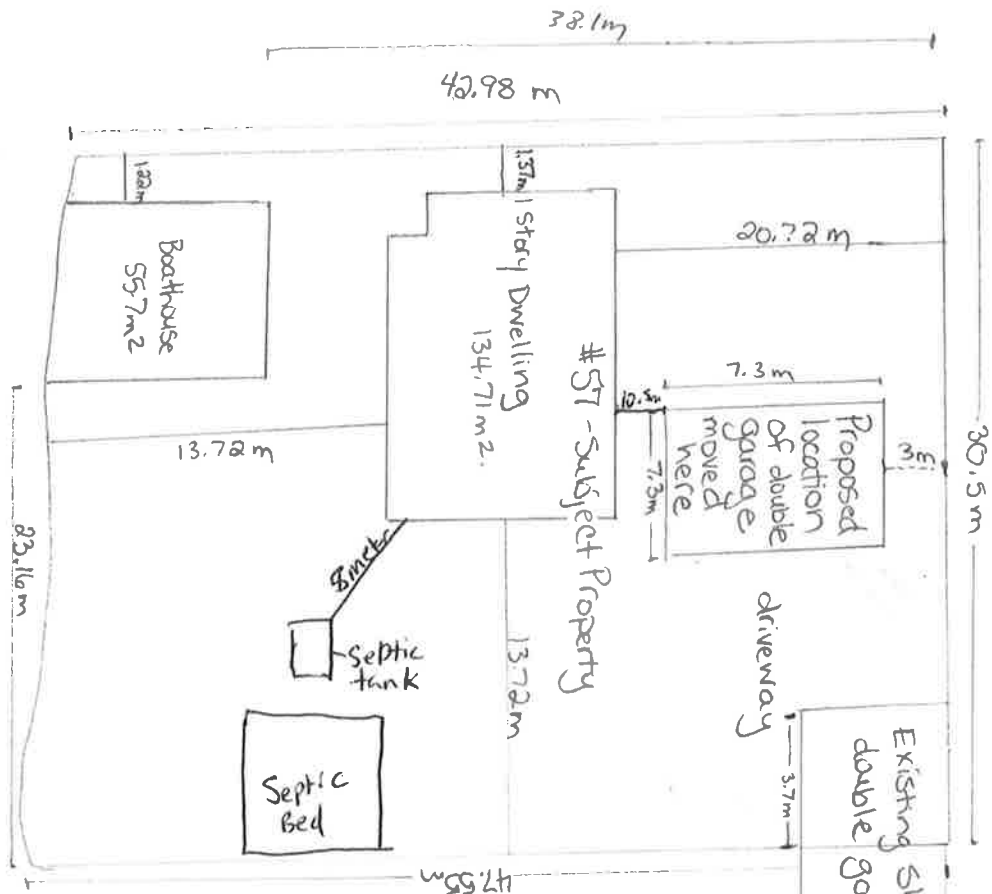
to

REPORT COA2018-005

FILE NO: D20-2018-005



Balsam Lake



Lakeview Cottage Road

#55

move existing garage to proposed location.



Water is Lake Feed. No Well

APPENDIX “ D ”

to

REPORT COA2018-005

FILE NO: D20-2018-005

Subject	D20-2018-004, D20-2018-005
From	Derryk Wolven
To	Erica Hallett
Sent	Tuesday, December 05, 2017 2:04 PM

Please be advised the building division has no concerns with the above noted applications.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Subject	D20-2018-005 - 57 Lakeview Cottage Rd
From	Anne Elmhirst
To	Erica Hallett
Sent	Wednesday, December 20, 2017 11:03 PM

APPENDIX " D "

to

REPORT COA2018-005

FILE NO: D20-2018-005

Hello Erica,

RE: Minor Variance Application D20-2018-005
57 Lakeview Cottage Road, Former Bexley Township, City of Kawartha Lakes,
Plan 179, Lot 16 & 17,
Roll No. 165134002056600

I have received and reviewed the above-noted application to reduce the front yard setback for the purpose of constructing a detached garage.

The sewage system was located and identified by the applicant. This area was verified through a site visit. The proposed location of the garage will not encroach within the required setback clearances to the sewage system.

As such, the Building Division - Sewage System Program has no objection the request for minor variance.

Should you have any questions, please do not hesitate to contact the undersigned.

Best Regards,
Anne Elmhirst
Supervisor - Part 8 Sewage Systems
City of Kawartha Lakes

Sent from my BlackBerry 10 smartphone on the Bell network.

APPENDIX " D "

to

REPORT COA2018-005

FILE NO: D20-2018-005

Subject	D20-18-005 - 57 Lakeview Cottage Road
From	Kirk Timms
To	Erica Hallett
Cc	Kim Rhodes; Christina Sisson; Susanne Murchison; Anne Elmhirst; Lisa Peimann
Sent	Wednesday, January 03, 2018 12:02 PM

Erica,

Further to our review of the above noted application, Development Engineering confirms we have no objection to the proposed minor variance for Zoning By-Law;

- Section 12.2.1.3 a) to reduce the minimum front yard setback from 7.5 m to 3.0 m to permit the relocation of an existing garage off of property line.

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 4, 2018
KRCA File No. 16058

APPENDIX “ D ”

to

REPORT COA2018-005

FILE NO: D20-2018-005

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 D20-2018-005
57 Lakeview Cottage Road
Geographic Twp. of Bexley
City of Kawartha Lakes**

Dear Ms. Hallett:

Kawartha Region Conservation Authority (KRCA) Staff have now completed our review of Minor Variance application D20-2018-005 for the purposes of relief from Zoning By-law 93-09 to permit a front yard setback of 3m, whereas in Section 12.2.1.3 requires 7.5 metres.

Ontario Regulation 182/06

The subject property is adjacent to the shoreline of Balsam Lake and contains a portion of the flooding and erosion hazard associated with that waterbody. Kawartha Conservation regulates Balsam Lake and the hazards associated with it, as well as a setback of 15 metres from the limit of the greatest hazard. The flood elevation for Balsam Lake is 256.5 metres above sea level. In addition, to the southwest of the subject property, there is a provincially identified, but unevaluated wetland, greater than 2 ha in size. Kawartha Conservation regulates wetlands as well as 120m from the limit of the feature. As a result, the subject property also contains a portion of the 120m setback from the wetland.

Staff are of the understanding that the existing double garage straddles the property line with 55 Lakeview Cottage Road, in an unregulated area, and it is the applicant's intention to relocate the structure entirely on their own property. Based on Kawartha Conservation's regulation mapping, the new location for the garage appears to be partially in the 120 metres from the limit of the wetland, however a detailed topographic survey with the floodplain elevation of 256.5 indicated (and associated 15 metre setback) is required to confirm that the proposed location for the garage is outside the floodplain associated with Balsam Lake.

Staff note that the proposed location within 120 metres of the wetland is supported by Policy, but requires a Permit from this office prior to site alteration. If it is determined that the garage is within the floodplain, it may still be supported by Kawartha Conservation, however Policy 4.5.2(24) would be applicable. Please see our Policy Document on our website at <http://kawarthaconservation.com/permits-planning/permits>.

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.

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



Fish Habitat

Balsam Lake 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.

Staff are satisfied that the proposed location of the double garage will not have a negative impact on the fish habitat however proper erosion and sediment controls should be used before, during, and after the relocation of the structure to ensure there is no sediment laden runoff into the lake.

Summary

Based on our review of the natural hazards and natural heritage features adjacent to the property, KRCA does not object to this minor variance, however will require the proponent to complete a detailed topographic survey with the floodplain limit and 15 metre setback plotted to confirm the proposed development's location relative to the floodplain.

A permit pursuant to Ontario Regulation 182/06 is required from this office prior to any site alteration. Please contact Stacy Porter (sporter@kawarthaconservation.com) in the Regulations Department to start the process.

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