

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – J & S Cook**

Report Number COA2018-013

Public Meeting

Meeting Date: March 15, 2018

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Somerville

Subject: An application to request relief:

A. to reduce the minimum required water setback from 15 metres to 10 metres; and, to increase the maximum projection of a cantilevered floor area from 0.6 metres to 1.0 metres in order to permit construction of a two-storey addition and a one-storey addition to the existing dwelling; and

B. to permit an accessory building in the front yard; and, to reduce the required front yard from 25.9 metres to 2.5 metres in order for an accessory building (shed) to be constructed on property located at 152 Island Drive, geographic Township of Somerville (File D20-17-049).

Author: Janet Wong, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-013 Susan and John Cook be received;

THAT minor variance application D20-17-049 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 additions and shed related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and supplementary drawings in Appendices “D4”, “D7”, “D8”, “D9” and “D10” submitted as part of Report COA2018-013, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** the west face of the southerly one-storey dwelling addition not extend west beyond the projection line of the east face of the existing dwelling with no facade projection through the living area as illustrated on Appendix “D4”;

- 3) **THAT** roof drainage from the additions be directed to discharge on the east side of the building;
- 4) **THAT** the foundation for at least the addition section south of the entry area be of a pier system that remains open on the sides;
- 5) **THAT** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a tree location plan, prepared by an Ontario Land Surveyor or other qualified person, that identifies all existing trees greater than 10 centimetres d.b.h. (diameter at breast height) and indicate which trees are to be removed as a result of the proposed development. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- 6) **THAT** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a site restoration plan. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- 7) **THAT** the Owner submit to the Secretary-Treasurer confirmation from Hydro One Networks Incorporated that the overhead hydro conductor clearances over the proposed building is/will be adequate prior to the issuance of a building permit.
- 8) **THAT** prior to the issuance of a building permit for the dwelling, that it be demonstrated through a survey prepared by a qualified Ontario Land Surveyor to the satisfaction of the Chief Building Official that the existing shed is a minimum of 2.5 metres from the south property line and outside the right-of-way providing access to 154 Island Drive, or alternatively that the shed be demolished or relocated to the satisfaction of the Chief Building Official; and
- 9) **THAT** the building construction related to the minor variances 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 COA2018-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The owner is seeking to construct a two-storey addition on the east side of the existing two-storey dwelling and a one-storey addition extending south. The existing dwelling has a gross floor area of 103.3 square metres. The foundation of the one-storey addition will be comprised of piers, thus the yard setbacks are measured from the piers. The floor is proposed to be cantilevered a maximum of 1 metre beyond the piers, which will be located based on the ground conditions. The 8.75 square metre shed was constructed in 2005 (approximately),

thus is required to comply with the Zoning By-law. This section of Island Drive is considered a private road. The registered plan identifies a 20.1 metre road allowance being the frontage for this property on Island N. This application was deemed complete November 3, 2017.

- Proposal: To construct a 25.8 square metre (277.7 square feet) two-storey addition and a 51.8 square (557.6 square feet) metre one-storey addition for a gross floor area of 89.4 square metres, relief from:
1. Section 5.2f. to reduce the minimum required water setback from 15 metres to 10 metres (49.2 feet to 32.8 feet); and
 2. Section 18.1.4a.i. to increase the maximum projection of a cantilevered floor from 0.6 metres to 1.0 metres (2 feet to 3.3 feet) are required.
- To construct an 8.8 square metre (94 square foot) accessory building (shed), relief from:
3. Section 18.1.2a. to permit an accessory building in the front yard; and
 4. Section 18.1.2b. to reduce the required front yard from 25.9 metres to 2.5 metres (82 feet to 8.2 feet) are required.
- Owner: Susan & John Cook
- Applicant: Valerie Farrell
- Legal Description: Island N Four Mile Lake, Lot 5, Plan 453, geographic Township of Somerville, City of Kawartha Lakes
- Official Plan: "Waterfront" – City of Kawartha Lakes Official Plan
- Zone: "Limited Service Residential (LSR) Zone" – Township of Somerville Zoning By-law 78-45
- Site Size: 1,424.8 square metres (0.35 acres)
- Site Servicing: Private individual septic system and lake-based water supply
- Existing Uses: Shoreline Residential
- Adjacent Uses: North & West: Four Mile Lake
South & East: Shoreline Residential

Rationale:

1) Are the variances minor in nature? Yes

This property was created in 1967 by Registered Plan and the existing dwelling constructed in 1969 prior to the Zoning By-law coming into effect. Most of the existing dwelling is within the 15 metre minimum water setback on a high point of the property. The land slopes steeply down to water level about 3 metres on the south and west side of the dwelling. There are limited opportunities to locate an addition on the property 15 metres from the highwater mark due to topography, existing hydro lines, and the irregular shoreline.

The applicant is proposing that the addition be attached to the west face of the dwelling, which is 12 metres from the highwater mark on the south side. Due to the above-noted lot constraints, the south-west corner of the addition foundation is proposed to be 10 metres from the high water mark, with the cantilevered west face of the addition is generally in-line with east face of the existing dwelling.

Island Drive ends at the subject property, with one property having access beyond the subject property. The existing dwelling is set considerably back from the front lot line as will be the addition. The required yard is measured from the location of the addition to the front lot line. The shed location is not anticipated to adversely affect use of the road allowance. It is noted that there is a right-of-way providing access to 154 Island Drive. Based on the site inspection the location of the roadbed within the road allowance is not clear. Thus it is not clear that the shed is located as illustrated relative to the front property line and right-of-way. A condition has been recommended to ensure that the shed will be located as requested and not be located on the right-of-way.

Based on this, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The location of the addition has been sited to have the least impact on the neighbours. The addition footprint has been reduced in area with greater reduction to the south one-story addition. Total lot coverage will be 9.9%, which is under the permitted maximum 35%. None-the-less, the building as a whole will reduce the natural functions, such as rain water infiltration and habitat, currently provided by the site as a result of increased lot coverage in the water setback area. The Applicant will be removing trees for the new building; however the intention is to retain trees on the remainder of the lot.

The addition follows the east face of the existing dwelling, however the Applicant is proposing this building face be extended further west through the living area to articulate the building facade. While this sets the building back from the water to a location with less impact on natural functions than originally proposed, this partial building facade extension removes additional buffer capacity from an already limited water setback area. It is recommended that the entire west facade of the southerly addition not extend beyond the projection

line of the east side of the existing dwelling and if articulation is desired that the building face be set back from this projection line. To mitigate the changes to infiltration and lake water quality that would otherwise be provided by an unaltered buffer, roof runoff should be directed to the east side of the building to discharge and disperse as overland flow or an infiltration basin.

The southern addition will be supported by a pier foundation. This will allow for some migration of animal species through this area and thus should remain open as proposed.

The shed is existing and small in size and provides storage space in an accessible location. With the recommended condition to confirm that it is on the subject property and outside the right-of-way, the shed is suitably located.

Based on the above analysis, the variances are desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

Projections less than 0.6m beyond the foundation, including building features such as eaves, chimneys, bay windows and cantilevered floors, are permitted and would generally not significantly alter ground conditions, affect neighbours, nor increase living space. One function of the 15 metre minimum water setback is to provide a natural buffer to moderate the impacts of development on lake water quality and associated natural functions and features. The existing building currently does not meet the 15 metre water setback and ranges from 6 m from the high water mark to 12 metres at the rear south-east corner. About two-thirds (2/3) of the addition is further than 12 metres from the highwater mark. Due to site limitations, the addition has been set back to provide the greatest possible buffer and the design will allow for the movement of wildlife through the pier system.

The purpose of accessory structures to be located in the rear or side yard is to give prominence to the residential building. The Zoning By-law does allow for garages to be located in the front yard. The proposed 2.5 metres from the front lot line for the small shed is not anticipated to adversely affect road allowance function or prominence of the dwelling.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates low density residential uses and accessory uses.

Four Mile Lake is located within a Special Policy Area as lake water quality is excellent and it is recognized that the development along the shoreline has a significant influence on maintaining this status. An objective of the Special

Policy Area is to ensure expanded development does not alter the natural, social and physical elements that are characteristic to the lake. The owners have sited and sized the addition to retain a treed shoreline and trees to the extent possible on this narrow lot. The one-storey addition will have a low profile and open form. This also implements Waterfront policies to retain vegetated shorelines and dwelling character that does not dominate the viewscape. The intention to retain trees between the addition and the shoreline is integral to providing the benefits sought through the Official Plan.

The Official Plan indicates a minimum water setback of 15 m. (49.2 ft.) may be considered for an existing lot of record where there is insufficient area to meet the setback. The intent of the Official Plan is not to extinguish development potential where this setback cannot be met. As topography limits opportunities to site buildings and structures, more than half of the 65 m. shoreline will remain undeveloped and the proposed setback for the dwelling is generally greater than the existing development, it is staff opinion that the variances maintain the general intent and purpose of the water setback policies with retention of the remaining natural shore vegetation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

The owner initially proposed an addition with a gross floor area of 101.7 square metres in a similar configuration as the current proposal. The one-storey addition was proposed to be 6 metres from the high water mark also with a cantilevered main floor over a pier foundation extending further into the setback area. That proposal would not have met the tests for a minor variance and Staff indicated alternatives that placed a southerly addition no closer to the water than the south-west corner of the existing dwelling would be considered more in keeping with the Official Plan. After discussion with staff, the applicant has reduced the footprint of the addition by 14.7 percent and reconfigured the addition as proposed. The addition is shorter than initially proposed, affecting less of the water frontage.

Servicing Comments:

The property is serviced by a private septic system and lake-based water supply.

Consultations:

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

Agency Comments:

Building Division – Building Inspection (February 21, 2017, March 6, 2018): There is an overhead hydro conductor crossing the deck addition. Confirmation is required from Hydro One Networks indicating that clearance from the addition, including the deck, will be adequate. Planning staff recommend a condition be included to address this.

Kawartha Region Conservation Authority (KRCA - February 27, 2018, March 5, 2018): Recommended conditional support with the aim of protecting the ecological function of the upland area that contributes to fish habitat as well as to ensure the Applicant's intention to maintain the buffer zone trees and trees is achieved. See comments.

Planning Division: The purpose of the Tree Preservation/Protection Plan identified by the KRCA is to identify existing trees, their sizes and document the trees that will be retained after this development. Typically this Plan would include tree planting to compensate for the removal of trees. Given the site conditions, restoration of the site has been recommended which encourages the restoration of disturbed areas with a woodland seed mix and planting of seedlings where there is sufficient overburden. Through discussions with the KRCA, conditions 4 and 5 have been recommended.

Public Comments:

No comments as of March 5, 2018.

Attachments:



Appendix A-F.pdf

- Appendix "A" – Location Map
- Appendix "B" – Aerial Photo
- Appendix "C" – Applicant's Sketch
- Appendix "D" – Supplementary Building Plans
- Appendix "E" – Supplementary Documentation
- Appendix "F" – Department and Agency Comments

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