

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Georgiou, Lozicki & Crothers
Report Number COA2018-021

Public Meeting

Meeting Date: April 19, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 15 – Geographic Township of Emily

Subject: An application for a minor variance to request relief from Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 18 metres to permit the construction of a vacation dwelling on the property identified as 19 Lila Court, Lot 9, Plan 243, geographic Township of Emily, (File D20-2018-014).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-021 Laura Georgiou, Frank Lozicki & Robert Crothers, be received;

THAT minor variance application D20-2018-014 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 vacation dwelling related to this approval shall proceed substantially in accordance with the site grading plan in Appendix “C” and elevation in Appendix “D” submitted as part of Report COA2018-021, which shall be attached to and form part of the Committee’s decision;
- 2) **THAT** notwithstanding the definition of Water Setback, an unenclosed deck is not permitted to extend an additional 4 metres into the 18 metre minimum water setback established by this variance;
- 3) **THAT** the owners provide documentation satisfactory to the Chief Building Official or his/her designate demonstrating that the deck and stairs on the south side of the dwelling maintain a minimum setback of 4.88 metres from the hydro line depicted in Appendix “C” to Report COA2018-021;
- 4) **THAT** the owners consult with the Kawartha Region Conservation Authority (KRCA) to create and implement a planting plan and/or other mitigation techniques within the rear yard to improve the general health of the

shoreline. The owners shall carry out or cause to be carried out the planting plan and/or mitigation techniques developed by said consultation. Prior to the issuance of an Occupancy Permit the owners shall provide to the Secretary-Treasurer and Chief Building Official or his/her designate written confirmation from the KRCA that the vegetation required in the planting plan has been planted to its satisfaction and/or the other mitigation techniques have been satisfactorily carried out within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused;

- 5) **THAT** prior to the issuance of a Building Permit for the vacation dwelling, the owners shall obtain a permit from the KRCA pursuant to Ontario Regulation 182/06. The owners shall submit to the Secretary-Treasurer and the Chief Building Official or his/her designate a copy of the permit;
- 6) **THAT** prior to the issuance of the Occupancy Permit, the Chief Building Official or his/her designate shall confirm, in writing to the Secretary-Treasurer, that the temporary storage structure within the rear yard identified as “Tent Shed To Be Removed” on the site grading plan in Appendix “C” submitted as part of Report COA2018-021, has been removed from the property. The removal must occur within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused; and
- 7) **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 COA2018-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	Within the last year, the subject property’s single storey vacation dwelling, constructed circa 1945, was demolished. The application was deemed complete March 12, 2018.
Proposal:	To construct a new vacation dwelling in a similar location with a larger footprint.
Owner:	Laura Georgiou, Frank Lozicki & Robert Crothers
Applicant:	Laura Georgiou
Legal Description:	Lot 8, Plan 243, geographic Township of Emily, City of Kawartha Lakes
Official Plan:	“Waterfront” – City of Kawartha Lakes Official Plan

Zone: "Limited Service Residential Exception Four (LSR-4) Zone" – Township of Emily Zoning By-law 1996-30

Site Size: 1,233 square metres (0.3 acres) (Coe Fisher Cameron OLS)

Site Servicing: Private individual sewage disposal system and well

Existing Uses: Vacant Land

Adjacent Uses: North: Pigeon River
East: Shoreline Residential/Commercial (houseboat rental)
South: Agricultural
West: Shoreline Residential

Rationale: The lot is bisected by a hydro line, which, when considered in conjunction with a suitable tile bed location due to site topography, constrains potential building locations.

1) Is the variance minor in nature? Yes

And

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

The property is situated on a private road in a seasonal residential neighbourhood on the southern side of the Pigeon River. The property was historically used as a cottage. The former single storey cottage was situated upon a rise in the centre of the lot and the new dwelling is proposed in the same general location.

Massing impacts to Pigeon River are not anticipated as the proposed water setback for the new single storey vacation dwelling is similar to that established by the former vacation dwelling. The old vacation dwelling was also very close to the western lot line. The new dwelling will comply with the side yard requirement.

The application proposes a built form and scale consistent with that found on the surrounding properties, and proposes a water setback in-line with that established by the dwellings on the abutting shoreline residential lots.

Sufficient area remains on the southern portion of the lot to accommodate the required parking and septic system.

Therefore, the variances are 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 subject property is zoned "Limited Service Residential Exception Four (LSR-4) Zone" within the Township of Emily Zoning By-law 1996-30. Vacation dwelling use is permitted within the LSR-4 Zone.

The intent of the water setback provision is to provide sufficient rear yard amenity space to provide for recreational purposes and to establish a landscaped buffer between the built form and river to mitigate adverse environmental impacts to the Pigeon River by providing for stormwater management via infiltration.

A hydro line bisects the property and Hydro One requires a 4.88 metre setback from this line for all buildings and structures. The water setback is being maintained to the extent possible given the existence of the hydro line and the setback which applies to it and the pronounced rise in the centre of the lot that poses a topographic challenge to siting a septic system in an alternative location.

Therefore, the variances maintain 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 (Official Plan). Residential uses are anticipated within this designation. The Official Plan permits development within 30 metres of the shoreline upon existing lots of record provided the expansion is directed away from the shoreline to the extent possible. Due to the placement of the hydro line and lot topography mentioned above, the vacation dwelling is situated the furthest extent possible from the shoreline while maintaining the minimum distance Hydro One requires from its infrastructure.

The proposal maintains the general intent and purpose of the City’s Official Plan.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

The property is serviced by a private individual septic system and well. The septic system is to be replaced.

Consultations:

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

Agency Comments:

Development Engineering Division (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

Kawartha Region Conservation Authority (April 5, 2018): No objection, conditions requested; see Appendix “D” for further details. A permit was issued for the demolition of the former vacation dwelling. A permit is required to permit the construction of a new dwelling.

Building Division – Part 8 Sewage Systems (March 29, 2018): No concerns. Permit SS2017-0424 has been issued to install a new sewage system.

Public Comments:

No comments as of April 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-021.

Appendix “A” – Location Map
Appendix “B” – Aerial Photo
Appendix “C” – Site Grading Plan
Appendix “D” – Department and Agency Comments

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