

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Bahm

Report Number COA2018-026

Public Meeting

Meeting Date: May 17, 2018

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 8 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following in order to permit the addition of an attached garage, an auxiliary storey of living space, and a main level deck, to an existing one-storey single detached dwelling:

1. Section 3.1.4.1(c) to increase the maximum yard projection for a deck from 1.5 metres to 5.2 metres; and
2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 26.5 metres.

The property is located at 123 Oakdene Crescent, geographic Township of Mariposa (File D20-2018-018).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-026 Barry Bahm, be received;

THAT minor variance application D20-2018-018 for 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 dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-026, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a building permit for the proposed dwelling, the shed and bunkie located on the property be relocated on the property in a compliant manner at a minimum water setback of 30 metres. The bunkie

shall also be located at a minimum distance of 7 metres from the vicinity of the new sewage system area;

- 3) **THAT** prior to the issuance of an occupancy permit for the proposed dwelling, the shed located on the property be removed from the property;
- 4) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge; and
- 5) **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 COA2018-026. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application proposes to construct additions to an existing one-storey single detached residential dwelling comprising an extra storey of living space, an attached garage, and a main level deck. The proposed development will increase the size of the house from one-storey to two-storeys with a reconfigured footprint. This application was deemed complete March 21, 2018.

Proposal: To construct an approximately 236.2 square metre (2,542.43 square foot) two-storey detached dwelling consisting of a garage and deck.

Owner: Barry Bahm

Applicant: Anthony Ronco

Legal Description: Part Lot 17, Concession C, Plan 354, Lot 6, geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: "Waterfront" – City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Three (RR3) Zone" – Township of Mariposa Zoning By-law 94-07

Site Size: 0.33 acres (1,349.7 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Residential
 East: Residential
 South: Residential
 West: Lake Scugog

Rationale:

1) Are the variances minor in nature? Yes

And

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

The proposed water setback measurement through this application accounts for the measurement between the water's edge and the existing building line established by the rear wall of the house. The rear of the building boundary also appears to be further back than the general water setback established by the adjacent dwellings to the north and south of the subject property respectively.

The rear yard also functions as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. Therefore, no negative impacts are anticipated.

Likewise, the increased projection of the proposed deck is neither anticipated to limit the functioning of the rear yard nor the northerly interior side yard, as the footprint will be rounding out the projection established by the existing deck on the property. The proposed relocation of the adjacent bunkie to a complying location will also ensure facilitation of the yard functioning accordingly.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential uses dwellings. This is capacitated by the topography of the subject property that slopes down from the road towards the lake. An observation from site visit also suggests that the increased building height will not be discernible at human scale.

More so, the overall footprint of the proposal will ensure sufficient driveway surface is available outside of the road allowance for parking. The existing wells located in the front yard will also make certain that the configuration of the proposed structure is directed away from any potential impact to existing servicing utility.

Based on the above analysis, the variance is minor as well as desirable and appropriate for the use of the land.

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

The 3.5 metre water setback reduction from the 30 metres required, and the 3.7 metres increased yard projection to the 1.5 metres required, proposed for the dwelling and deck, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. The proposed bunkie relocation in conjunction with conditions 3, and 5, will also ensure compliance with water setback requirements.

Further, the property has a lot frontage of approximately 28.96 metres and a lot area of approximately 1,349.7 square metres, where the minimum required for a “Rural Residential Type Three (RR3) Zone” is 35 metres for lot frontage (with shore lot line), and 2,000 square metres for lot area.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 22% from a possible 30% maximum, a 7.3 metre building height from a possible 11 metre maximum, and a compliant interior side yard and front yard than the minimum required, the applicant has reasonably demonstrated that it is possible to develop the undersized lot.

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

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

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan, which permits residential uses.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the “Waterfront” designation. The proposed building will presumably maintain a low profile and blend with the natural surroundings.

Condition 5 also ensures Section 20.3.7 of the Official Plan is met by providing an opportunity to retain the naturalization space between the rear of the building and the water’s edge as reasonably possible.

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

Other Alternatives Considered: None.

Servicing Comments:

The property is serviced by private well and septic systems.

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 – Sewage System Program (May 7, 2018): No concerns. See comments.

Engineering & Corporate Assets (May 8, 2018): No objections.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendices A-E to
Report COA2018-026

Appendix “A” – Location map
Appendix “B” – Air photo
Appendix “C” – Applicant’s sketch
Appendix “D” - Elevations
Appendix “E” – Department and Agency comments

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