

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Harlow

Report Number COA2018-037

Public Meeting

Meeting Date: July 19, 2018

Time: 1:00 pm

Location: Victoria Room, 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 3.0 metres;
2. Section 9.2.1.3(e) to reduce the minimum water setback from 15 metres to 9 metres; and,
3. Section 3.18.1.1(a) to reduce the minimum setback of buildings and structures from an Environmental Protection (EP) Zone boundary from 15 metres to 9 metres.

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

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-037 Harlow, be received;

THAT minor variance application D20-2018-003 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 substantially in accordance with the sketch in Appendix C and generally in accordance with the elevation and plan in Appendix D submitted as part of Report COA2018-037, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the issuance of a Building Permit, the owner shall obtain an appropriate form of site plan approval to establish additional vegetation

between the dwelling and Gull River through approval of a planting plan. The planting plan shall be created in accordance with options (i) or (ii) and (iii) identified in Kawartha Region Conservation Authority's comments dated May 10, 2018 in Appendix E to Report COA2018-037, which shall be attached to and form a part of the Committee's Decision. The planting plan must be to the satisfaction of the Kawartha Region Conservation Authority and the City;

- 3) **THAT** the planting plan shall be completed, planted and inspected for release of securities within a period of twenty four (24) 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 the successful completion of the Planning Inspection; and
- 4) **THAT** the building construction related to the minor variances shall be completed within a period of twenty four (24) 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 COA2018-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

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

Staff requested revisions to the site grading plan, which had the effect of adjusting the front and water setbacks, and requested the application be amended to reflect these changes.

A revised site grading plan dated April 17, 2018, was submitted to the Planning Division on May 4, 2018 identifying the requested adjustments.

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 - Coe Fisher Cameron OLS (8,503.5 square feet)

Site Servicing: Municipal sanitary sewer and lake-based water supply

Existing Uses: Residential

Adjacent Uses: Northeast: Park/Public Dock, Residential, Commercial
Southeast: Gull River
Northwest: Residential, Vacant Residential
Southwest: Residential

Rationale:

1) Are the variances minor in nature? YES

The subject property is located within the Coboconk hamlet settlement area. The majority of lots on the southeastern side of North Water Street are characterized by shallow front and rear yards. This is due to the fact that there is little space between the North Water Street road allowance and Gull River. The subject property has a depth of approximately 22.71 metres. Without variances, the dwelling would have a depth of approximately 7 metres (22.9 feet), possibly less as the shoreline has a slight inwards curve.

The variances will facilitate the replacement of a dwelling with a total depth of 11 metres (36 feet) that is 3 metres closer to the water and half a storey taller. Massing impacts are anticipated to be minimal due to the fact that the existing single storey building and its deck maintains similar setbacks to those proposed, and all nearby buildings on the southeastern side of North Water Street maintain similar setbacks to the road and shoreline.

Therefore, the variances are minor in nature.

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

The proposal will facilitate the replacement of the existing single storey dwelling with a one and a half storey dwelling. Footprint expansion is contemplated, but the dwelling footprint will maintain a shoreline setback very similar to that of the existing deck. The front yard setback would remain unchanged. Footprint expansion is also proposed to the northeast. The expansion in the northeastern direction will include side yard patio access for the main floor. Sufficient side and rear yard amenity space will remain with the enlarged dwelling footprint. The proposal will also provide for additional space habitable space, increasing the usability of the dwelling and lot.

Due to the above analysis, the variances are considered desirable and appropriate for the use of the land.

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

The subject property is zoned Hamlet Residential (HR) Zone within the Township of Bexley Zoning By-law 93-09.

The front yard setback is intended to provide sufficient space for vehicles to be parked on private property between the road allowance and building, and maintain sight lines. The proposal provides for the two required 6 metre x 2.8 metre parking spaces within the garage and an additional two between the garage door and North Water Street road allowance. Therefore the intent to maintain parking on private rather than public property is maintained. As the front of the dwelling is proposed to be in keeping with the building line established on the southeastern side of North Water Street, no adverse impacts to sight lines are anticipated.

The setback from the Environmental Protection (EP) Zone is intended to ensure sufficient vegetated space between a building and shoreline for the infiltration of storm water. In this instance, no deck is proposed off the rear wall of the dwelling, and a walkout basement is proposed. Instead, side/rear yard access from the main floor will be via the northeastern wall. The Kawartha Region Conservation Authority (KRCA) has recommended a planting plan be executed in order to improve shoreline habitat within the rear yard. Provided one of the planting plan options identified in Appendix E are followed, the intent of the EP Zone is maintained as the impacts to the Gull River would be mitigated. A condition has been incorporated to reflect the KRCA's comments. A planting plan would be enforced through an appropriate form of site plan approval and the owner will need to provide securities to ensure that the works are completed.

No changes are proposed to the legal non-complying shed, and the proposed dwelling will maintain the required building spatial separation from said shed.

Provided a condition is included to address habitat improvement along the shoreline, the variances meet 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 subject property is designated Hamlet Settlement Area in the City of Kawartha Lakes Official Plan. An assortment of uses including residential uses, are anticipated within this designation. As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. In this instance, the lot is too shallow to permit redevelopment that maintains a setback of 15 metres. It was not the intent of the Official Plan to preclude the redevelopment of shoreline property, particularly shoreline property within hamlet settlement areas provided appropriate mitigation measures are followed. The KRCA has proposed a

series of mitigation measures via a planting plan that would address adverse impacts. The owner's surveyor has also provided a plan which demonstrates that the basement floor will be above the flood hazard.

Low profile building design is also anticipated near the shoreline. A one and one half storey design has been proposed to minimize shoreline massing impacts.

The proposed variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A shallow dwelling was discussed, though the usability of such a narrow space and lack of available plans made such a proposal challenging. Revisions to the proposal were made in response to staff comments. The location of the garage was adjusted prior to the submission of the original application in order to permit two parking spaces between the garage door and road allowance entirely upon private property.

Servicing Comments:

The property is serviced by the municipal sanitary sewer 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:

Agency Comments:

Engineering and Corporate Assets Department (July 10, 2018): No concerns.

Building Division (July 6, 2018): No concerns.

Ministry of Transportation (MTO) (June 14, 2018): No concerns. A building and land use permit from the MTO is required prior to the issuance of a building permit.

Kawartha Region Conservation Authority (May 10, 2018): No concerns. Conditions recommended. See Appendix E.

Community Services Department (February 9, 2018): No concerns.

Trent Severn Waterway (January 18, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-037.

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

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