

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Douglas and Patricia Willmot
Report Number COA2018-059

Public Meeting

Meeting Date: September 20th, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 2 – Geographic Township of Somerville

Subject: The purpose and effect is to request relief from Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.7 metres in order to permit the construction of a two-storey single detached dwelling.

The variance is requested at 44 Shadow Lake Road 2, geographic Township of Somerville (File D20-2018-045).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-059 Douglas and Patricia Willmot, be received;

THAT minor variance application D20-2018-045 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 COA2018-059, 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** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback for the proposed dwelling will not be interpreted to permit the placement of any other accessory structure(s) between either the north wall of the proposed dwelling and the water’s edge, or between the west wall of the proposed dwelling and the water’s edge;
- 3) **THAT** the proposed shed will be located on the property in a compliant manner at a minimum water setback of 15 metres; and

- 4) **THAT** the building construction related to the minor variances shall be completed 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. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application proposes to demolish an old existing one-storey single detached dwelling and deck, and replace the structure with the construction of a two-storey single detached residential dwelling. The existing building footprint is also proposed to be reconfigured. This application was deemed complete July 17, 2018.

Proposal: To construct an approximately 281.73 square metre (3,031.41 square foot) single detached dwelling consisting of a covered porch.

Owners: Douglas and Patricia Willmot

Applicant: Holly Richards-Conley – Black Point Construction Services

Legal Description: Front Range, Part Lots 74 and 75, 57R-9866, Parts 1 to 4, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Waterfront and Rural within the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45

Site Size: 1.09 acres (4,391.1 square metres)

Site Servicing: Private individual septic and Lake water system

Existing Uses: Residential

Adjacent Uses: North & South: Residential
East: Agricultural
West: Shadow Lake

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 subject property is situated in an established shoreline residential neighbourhood. The proposed replacement house will be improving the lot with a new building which will be complimentary with the prevailing shoreline housing stock on Shadow Lake when viewed from the water.

In terms of scale, the massing of the proposed structure is not anticipated to pose a negative visual impact, as there is sufficient vegetation to screen the proposed dwelling from the Lake, the abutting road, and the adjacent properties north-south of the subject property respectively. As a result, no adverse land use compatibility issues are anticipated.

However, it would be beneficial to maintain the ecological well-being of the property through re-naturalization as practicably possible. The replacement of removed trees or shrubs will aid the functionality of water retention and infiltration of surface water run-off before it is discharged into the abutting water body.

Although, the existing building footprint will be reconfigured, the 7.7 metre water setback proposed will be matching the setback established by the existing house. As such, the proposed building placement is not anticipated to negatively impact the functioning of the other yards (side and front) as sufficient space will remain to facilitate access between the said yards.

The proposed placement of the structure on the property also ensures that the proposed septic bed and shed will be located at appropriate locations.

Based on this, the variance is considered 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 7.3 metre water setback relief from the 15 metres required, as proposed for the dwelling is not anticipated to impact the function as the scale of the reduction, if granted, is not anticipated to be perceptible.

The property is an irregular-shaped lot. Per the building placement, the grading plan shows that there is sufficient front yard and side yard amenity space. Also, the right-of-way that traverses the property, limits the ability of the proposal to meet the LSR Zone water setback provisions. This is because the increase in the building footprint as shown in Appendix C which was initially proposed by the applicant at 7.24 metres water setback during pre-screening has been pushed further away from the shoreline up to the edge of the right-of-way.

Section 5.2 the Township of Somerville Zoning By-law ensures that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not exhausted the zone provision privileges by proposing a total lot coverage of 6.85% from a possible 30%

maximum, a 7.32 metre building height from a possible 11 metre maximum, the applicant has reasonably demonstrated that it is possible to develop the lot.

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 has a split designation of Waterfront and Rural within the City of Kawartha Lakes Official Plan. The proposed dwelling is located in Waterfront designation portion of the property. Residential uses are anticipated in the Waterfront designation.

As the proposed location of the septic bed ensures that the sewage infrastructure is further away from the high water mark than 15 metres, staff opines that when an irregular sized lot is further constrained by physical site conditions such as the traversing right-of-way, permitting a water setback of 7.7 metres is acceptable since sufficient amenity space will remain in the interior side yards to facilitate access between the front and rear yards respectively. Conditions 2 and 3 also ensure that the Official Plan objectives are met by discouraging any form of development in the rear yard amenity space. This will presumably provide an opportunity to naturalize the area between the rear of the building and the water's edge with manicured vegetation where possible.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be serviced by water drawn from the lake and a 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:

None received as of September 10, 2018.

Public Comments:

Supporting letters were received from 50 Shadow Lake Road 2, and 40 Shadow Lake Road 2 on September 10, 2018. See Appendix E.

Attachments:



Appendices A-E to
Report COA2018-059

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevations

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