

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cheryl Dodge
Report Number COA2018-074

Public Meeting

Meeting Date: November 8, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 13 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from Section 8.2(n) to reduce the minimum water setback from 15 metres to 13.4 metres in order to permit the construction of an addition to a single detached dwelling that comprises a supplementary storey of living space and an attached garage.

The variance is requested at 674 County Road 24, geographic Township of Verulam (File D20-2018-057).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-074 Cheryl Dodge, be received;

THAT minor variance application D20-2018-057 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 COA2018-057, 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 frame shed located on the property be removed or relocated on the property in a compliant manner at a minimum water setback of 15 metres;
- 3) **THAT** upon completion of the construction of the proposed addition, as part of building permitting process, there be a requirement that the frame garage located in the front yard, and the frame shed identified in Condition 2 shall

be removed from the property to the satisfaction of the Chief Building Official;

- 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 building or structure between the rear wall of the dwelling and the water's edge;
- 5) **THAT** upon completion of the construction of the proposed addition, the applicant shall submit approval documentation from the Kawartha Region Conservation Authority (KRCA) for the shoreline restoration works, along with a revised survey sketch. The revised survey sketch shall show the improved water setback of the rear wall limits of both the existing building and the proposed addition as being increased than the water setback values shown in Appendix C following the shoreline restoration works. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising the shoreline restoration works and the revised sketch have been completed to its satisfaction; and
- 6) **THAT** the building construction related to the minor variance 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 COA2018-074. 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 and an attached garage. The proposed development will increase the size of the house with a reconfigured footprint. This application was deemed complete September 26, 2018.
Proposal:	To construct an approximately 343.2 square metre (3,692.83.square foot) two-storey single detached dwelling with an attached garage.
Owners:	Cheryl Dodge
Applicant:	Tom deBoer, TD Consulting Inc.
Legal Description:	Part Lot 12, Concession 6, 57R-3713, Part 3, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	Waterfront within the City of Kawartha Lakes Official Plan

Zone: Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

Site Size: 0.36 acres (1,469 square metres)

Site Servicing: Private individual septic and lake water systems

Existing Uses: Residential

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

Rationale:

1) Are the variances minor in nature? Yes

And

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

Although the rear wall of the existing building is 14.8 metres from the closest point of the water's edge, the rear wall of the proposed addition is actually set further back than the existing building line established by the rear wall of the house by approximately 0.5 metres. The 13.4 metre water setback relief sought through this application accounts for the measurement between the limits of the rear wall of the proposed addition and closest point of the water's edge which according to the applicant has eroded overtime.

As a compensatory measure to gain staff support for a non-compliant water setback, the applicant has indicated that they have initiated an approval process with the Trent-Severn Waterway (TSW) for restoration works on the shoreline. The restoration works is anticipated to adjust the water's edge with stones for erosion control which will in turn improve the water setback situation of both the existing and the proposed rear walls by a couple feet. Condition 5 has also been placed to ensure the deficient water setback situation will be improved.

Given that there exists sufficient amenity space in the rear yard to function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody, no negative impacts are anticipated as result of the proposal.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact as there is adequate vegetation to mask the massing of the addition from the westerly abutting property. An observation from site visit also suggests that the increased building height will not be discernible at human scale given that County Road 24 is on an elevated topography and being that the road is 60 Kilometer per hour speed limit, vehicles rarely make frequent stops. This is capacitated by the spatial separation between the subject property and the road, and that the limits of the

front yard encroachment of the proposed addition matches the house on the easterly abutting property.

Based on the above analysis, the variance is 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 1.6 metre water setback relief from the 15 metres required, proposed for the dwelling is not anticipated to impact its function as the scale of the reductions, if granted, are not anticipated to be perceptible.

Sufficient space remains within the side yards (which are compliant with the R1 Zone specifications) to facilitate access to the rear yard. The proposed shed removal in conjunction with Conditions 2 and 5 will also ensure compliance with water setback requirements.

Further, the overall footprint of the proposal will ensure sufficient driveway surface is available outside of the road allowance for parking. The proposed septic location in the front yard subsequent to the removal of the existing frame garage 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.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 18% from a possible 33% maximum, a 6.7 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 is designated Waterfront within the City of Kawartha Lakes Official Plan. The designation anticipates 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 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 a private individual septic and lake water systems.

Consultations:

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

Agency Comments:

Kawartha Conservation Authority (October 24, 2018): No objection to the proposed variance. See comments.

Building Division – Plans Examiner (October 25, 2018): No concerns.

Public Comments:

No comments as of October 29, 2018.

Attachments:

Appendices A-E to
Report COA2018-074

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

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Department File: D20-2018-057