

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Christine and Eric Van Allen
Report Number COA2018-065

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 3 – geographic Township of Somerville

Subject: The purpose and effect is to request relief from Section 18.26.4(e) to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 47 square metres in order to permit an addition to a single detached dwelling.

The variance is requested at 105 Brook Road, geographic Township of Somerville (File D20-2018-049).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-065 Christine and Eric Van Allen, be received;

THAT minor variance application D20-2018-049 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 addition 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 COA2018-065, 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 located on the property be removed or relocated on the property in a compliant manner at a minimum water setback of 15 metres to the satisfaction of the Chief Building Official;
- 3) **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;

- 4) **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 COA2018-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: On October 18, 2018, the Committee deferred this application for a period of up to about four (4) months in order to provide the applicants enough time to address the issues identified by the commenting agencies, and to ensure that the proposal can be adequately reviewed for supportability by staff.

The applicants have subsequently been able to revise the proposal to the satisfaction of the Kawartha Region Conservation Authority requirements and to the Sewage Systems Supervisor requirements respectively. The revised addition to the dwelling is now proposed at a reconfigured footprint area of approximately 47 square metres, directed further away from the Burnt River shoreline, and at an appropriate distance from the weeping lines of the septic bed. The previously proposed addition was approximately 74.42 square metres in size.

This application was deemed complete October 23, 2018.

Proposal: To construct a 47 square metre addition to an existing single-storey detached dwelling.

Owners: Christine and Eric Van Allen

Applicant: Christine and Eric Van Allen

Legal Description: Lot 25, Part Lot 18, Concession 3, Plan 281, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Environmental Protection

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

Site Size: 0.45 acres (1,810 square metres)

Site Servicing: Lake water and private individual septic systems

Existing Uses: Residential (under construction)

Adjacent Uses: North: Residential
East: Residential, Environmental Protection Lands
South: Burnt River, Residential
West: Burnt River, Residential

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 subject property is situated in an established rural residential neighbourhood. Majority of the buildings along this portion of Brook Road appear as single detached dwellings.

The existing house is approximately 87 square metres in area. An addition of approximately 47 square metres of supplementary living space is considered minor as the overall area of the resultant building will only account for 7.5% coverage on the entire lot. The limits of the rear wall of the addition will be further away from the 21 metre water setback established by the existing house.

At a human scale, the proposed addition to the dwelling is anticipated to be low profile as the existing single storey design of the house will still be maintained. The property is also bounded by sufficient vegetation that will mask any additional massing that may result from the proposed addition. When compared to the respect residential dwellings directly adjacent to the east and west of the subject property, no land use compatibility issues are anticipated.

Given that the proposed building footprint will not result in a reduction any of the yard requirements, there exists sufficient amenity space in the westerly interior side yard, the front and the rear yards respectively to function 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 as result of the proposal.

However, condition 2 has been placed for the shed located in the rear yard to ensure compliance with the water setback requirement

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 by-law permits a maximum addition of 18 square metres. The proposed addition to the dwelling will increase this requirement by 29 square metres to 47 square metres. The increment is not anticipated to impact its function as the scale of the reduction, if granted, is not anticipated to be perceptible.

Sufficient space will remain within the westerly interior side yard side (which is compliant with the LSR-F Zone specifications) to facilitate access between the rear and front yards.

Further, the overall footprint of the proposal will ensure adequate spatial separation from the septic location in the front yard limiting any potential impact to existing servicing utility.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing maximum lot coverage of approximately 10.2% from a possible 30% maximum, and maintaining a 21 metre water setback where a 15 metres minimum is permitted, 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 Burnt River Floodline follows the Environmental Protection Designation Policies within the City of Kawartha Lakes Official Plan (OP). The designation contemplates enlargement, expansion or alteration of existing building and structures located in a floodplain. Policy 17.6 of the OP provides such expansion of structures in a floodplain be subject to the Conservation Authority being satisfied, and that water supply and subsurface sewage disposal servicing can be satisfied.

The applicant has been able to demonstrate consistency with these policies following comments received from the KRCA and the Sewage Systems Program Supervisor respectively.

As such, 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:

Lake water and private individual 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 – Part 8 Sewage Systems (November 12, 2018): No objection. See comments.

Building Division – (November 15, 2018): No concerns.

Public Comments:

No comments as of November 19, 2018.

Attachments:



Appendices A-E to
Report COA2018-065

- 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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