

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Begg

Report Number COA2018-079

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 the following provisions in order to permit the construction of a single detached dwelling:

1. Section 5.2(e) to reduce the minimum flankage yard requirement from 7.5 metres to 2.5 metres; and
2. Section 5.2(f) to reduce the minimum water setback requirement from 15 metres to 11 metres.

The variance is requested at 18 Golden Road, geographic Township of Somerville (File D20-2018-062).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-079 Nichole Begg, be received;

THAT minor variance application D20-2018-062 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 COA2018-079, 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 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;

- 3) **THAT** prior to the issuance of a building permit for the proposed dwelling, the applicant shall initiate the permitting process for the septic system installation and obtain necessary approvals accordingly. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Part 8 Sewage System Supervisor advising that proposed location of the septic system installation meets the spatial separation requirements from the limits of the proposed dwelling location; and
- 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 COA2018-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	This application proposes to construct a single detached residential dwelling. The proposed development will be replacing a demolished house with a larger and reconfigured footprint. The rear wall limits of the proposed dwelling will be further away from the water's edge than the water setback established by the demolished house. This application was deemed complete October 16, 2018.
Proposal:	To construct an approximately 193.7 square metre (2084.2 square foot) single-storey detached dwelling.
Owners:	Nichole Begg
Applicant:	Michael Begg
Legal Description:	Part Lot 19, Concession 6, Plan 368, Lot 1, geographic Township of Somerville, City of Kawartha Lakes
Official Plan:	Waterfront 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:	0.43 acres (1,721.74 square metres)
Site Servicing:	Private individual septic and well water systems
Existing Uses:	Residential (vacant)
Adjacent Uses:	North: Unopened Road Allowance, Residential East: Four Mile Lake

South: Residential
West: Residential, 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

The 11 metre water setback relief sought ensures that the subject property is further away from the shoreline, which is an improvement from the 8.55 metre water setback established by the demolished house that is being replaced. As well, the proposed water setback measurement through this application essentially accounts for the measurement between the water's edge and the covered porch that project further than the rear wall of the proposed dwelling. The rear wall of the proposed development is actually setback from the water at approximately 13 metres. This will enable the rear yard to function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody, thereby facilitating the protection of the integrity of Four Mile Lake.

Although, it may appear that the rear of the building boundary for the proposed development projects further than the rear building boundary established by the dwelling on the abutting property to the south, the variation is not anticipated to be discernible as there exists some vegetation along the southerly lot line to mask the massing of the proposed structure. As such no adverse land use compatibility issues are anticipated.

Similarly, sufficient vegetation exists along the water's edge to screen the visual impact of the development which will be sitting on a higher topographic elevation from the lake.

Regarding the relief for the reduced flankage yard adjacent to the unopened road allowance to the north of the subject property, the irregular shape of the northerly lot line that narrows down from east to west presents a constraint that limits the ability to attain compliance. As a point of note, the previous house maintained a flankage yard of approximately 3.58 metres where 7.5 metres minimum is required. Given that the proposed development will be improving the water setback situation of the property, a 2.5 metre flankage yard is considered minor as sufficient amenity space will remain in the said yard to facilitate access between the rear yard and the front yard.

Based on the above analysis, the variances are 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 4 metre water setback relief from the 15 metres required, and the 5 metre relief from the 7.5 metres minimum flankage yard required, proposed for the dwelling are not anticipated to impact their function as the scale of the

reductions, if granted, are not anticipated to be perceptible. Sufficient vegetative and landscaping space will remain within the said yards.

The property has an irregular shape that narrows from east to west which limits the opportunity to meet the water setback requirement as the location of the proposed septic bed in the front yard must also meet appropriate setback requirements from the building and lot lines respectively.

Therefore, the ability of the proposal to meet the zoning provisions as exactly set out in the corresponding zoning by-law is hypothetically unattainable.

The Township of Somerville Zoning By-law also provides that a review is done when development is proposed upon undersized 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 fully exercised the zoning provision privileges, utilizing a maximum lot coverage of approximately 13.76% from a possible 30% maximum, and a compliant southerly interior side yard of 1.2 metres, the applicant has reasonably demonstrated that it is possible to develop the lot,

Therefore, the variances maintain 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 2 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 private individual septic system. Depending on site conditions, the existing well system may be alternated to a lake water system.

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 (November 15, 2018): No concerns.

Building Division – Part 8 Sewage Systems Supervisor (November 16, 2018): No concerns. See comments.

Public Comments:

No comments as of November 19, 2018.

Attachments:

Appendices A-E to
Report COA2018-079

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-062