

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Banderk**  
Report Number COA2019-007

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**Public Meeting**

**Meeting Date:** January 17, 2019  
**Time:** 1:00 pm  
**Location:** Council Chamber, City Hall, 26 Francis Street, Lindsay

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**Ward: 1– Geographic Township of Laxton**

**Subject:** The purpose and effect is to request relief from Section 4.2(g) to reduce the minimum water setback from 15 metres to 10 metres to permit an addition to a single detached dwelling.

The variance is requested at 118 Shadow Lake Road 3, geographic Township of Laxton (File D20-2018-060).

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**Author: David Harding, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2019-007 Banderk, be received;

**THAT** minor variance application D20-2018-060 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-007, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2019-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	At its November 29, 2018 meeting, the Committee of Adjustment deferred the application for a period of up to four months in order to permit the owner time to revise the design of the addition to minimize its prominence. The applicant has provided revised drawings.
<b>Proposal:</b>	To construct an addition measuring approximately 6.3 metres (20.7 feet) x 5.9 metres (19.4 feet) on the southern corner of the dwelling.
<b>Owner:</b>	Kenneth Banderk
<b>Legal Description:</b>	Lot 22, Plan 455, geographic Township of Laxton, City of Kawartha Lakes
<b>Official Plan:</b>	Waterfront within the City of Kawartha Lakes Official Plan
<b>Zone:</b>	Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83
<b>Site Size:</b>	3,600 square metres (0.89 acres)
<b>Site Servicing:</b>	Private individual well and septic system
<b>Existing Uses:</b>	Shoreline Residential
<b>Adjacent Uses:</b>	North: Shoreline Residential South: Shoreline Residential East: Shadow Lake West: Shoreline Residential

**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 property is located within a shoreline residential neighbourhood consisting of year-round and seasonal dwellings.

From the front lot line, the topography slopes downward, rising steadily approaching the dwelling, and rising a bit more within the rear yard before quickly sloping down to the shoreline. The owner advises that the rise within the rear yard reflects the presence of shallow bedrock.

The dwelling is situated at an angle to the shoreline and the shoreline also has a small inlet at the southern end of the property, bringing the shoreline closer to the dwelling. The south corner of the existing dwelling is approximately 12.3 metres from the shoreline. The sewage system is located within the north interior side yard. The south interior side yard provides access to the dock and swimming area.

There are two decks within the rear yard: one near grade level in-front of the bump-out in the rear wall, and a higher deck off the south corner. The higher deck provides rear yard access from the kitchen. The addition is proposed on the footprint of the higher deck. The near-grade deck is to be retained, and will serve as the rear yard access for the addition.

The addition will provide additional space for the dwelling in the form of an enlarged living/family room. An addition to the rear of the dwelling in a location that complies with the water setback is challenging due to the raised bedrock, septic system location which hinders construction access and need to maintain an open south interior side yard for water access.

The addition is proposed in a location which makes the greatest use of the existing floorplan and utilises land which is already subject to site disturbance. The orientation of the addition's rear yard access in addition to the readily sloping topography to the south and west ensures that no deck expansion around the new addition is possible.

From the above analysis, the variance is desirable and appropriate for the use of the land and minor in nature.

**3) Does the variance maintain the intent and purpose of the Zoning By-law?**

**Yes**

The property is zoned Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83. One of the purposes of the water setback is to ensure adequate spatial separation between built form and the shoreline to permit stormwater infiltration. The intent of the water setback is being maintained as the addition is at an angle to the shoreline as while the corner will be slightly (2.3 metres) closer to the shoreline than the existing dwelling, the balance of the addition shall be not closer to the shoreline. The area of existing landscaped open space between the addition and shoreline to provide for infiltration is not changing.

Massing impacts are also minimized as the addition proposes a flat roof, ensuring that the building height is not as visible or imposing from the lake.

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 located within the Waterfront designation of the City of Kawartha Lakes Official Plan. Within this designation, residential uses are anticipated.

The Official Plan outlines a minimum water setback of 15 metres may be considered for an existing lot of record that has development less than 30 metres from the shoreline and where there is insufficient area to meet the setback. The intent of the Official Plan is not to extinguish development potential where this setback cannot be met.

Topography, proximity of bedrock, septic system location, and shoreline access route limit opportunities for expansion to the existing dwelling. Due to the orientation of the dwelling and an inlet to the south, it is the southern corner of the dwelling which protrudes into the water setback rather than the entire rear wall. The remainder of the existing dwelling meets or exceeds the required water setback.

The Official Plan also contains policies that encourage built form to be modest in scale so as to not detract from the natural shoreline landscape. The proposed addition minimizes height and massing by proposing a flat roof and glass wall design.

Due to the topography of the lot, the southwestern wall of the dwelling contains a walk-out basement. The new design also proposes to retain the existing topography, which rises to the rear and side of the proposed addition. By retaining this topography, the ground is much closer to the first floor of the addition, preventing a walk-out basement in this location and minimizing the overall height of the addition when viewed from the shoreline.

It is staff's opinion that the variance meets the general intent and purpose of the Official Plan.

#### **Other Alternatives Considered:**

Through discussions with the applicant, revised conceptual drawing have been prepared which addresses staff concerns with respect to potential shoreline massing.

#### **Servicing Comments:**

The property is serviced by private individual well and 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:**

Kawartha Region Conservation Authority (November 19, 2018): No concerns.

Engineering and Corporate Assets Department (November 20, 2018): No concerns.

Community Services Department (January 4, 2019): No concerns.

#### **Public Comments:**

No comments as of January 8, 2019.

## Attachments:



Appendices A-E to  
Report COA2019-007.

Appendix “A” – Location Map  
Appendix “B” – Aerial Photo  
Appendix “C” – Applicant’s Sketch  
Appendix “D” – Conceptual Elevations  
Appendix “E” – Department and Agency Comments

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<b>Department File:</b>	D20-2018-060