

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Sherar

Report Number COA2019-036

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### Public Meeting

**Meeting Date:** June 20, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward: 1 – Geographic Township of Dalton

**Subject:** The purpose and effect is to request relief from Section 5.2(g) to reduce the minimum water setback from 30 metres to 24.5 metres and Section 5.2(f) to reduce the minimum flankage yard from 7.5 metres to 4 metres to permit the construction of a new single detached dwelling.

The variances are requested at 80 McLeish Drive, geographic Township of Dalton (File D20-2019-025).

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**Author:** David Harding, Planner II

**Signature:**

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### Recommendation:

**Resolved That** Report COA2019-036 Sherar, be received;

**That** minor variance application D20-2019-025 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 substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-036, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit, the owners shall submit written confirmation from the Building Division – Part 8 Sewage Systems that an on-site sewage system can be installed to accommodate the proposed construction; and
- 3) **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 COA2019-036. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

- Background:** The application was deemed complete May 7, 2019, and has gone through many revisions since the original pre-screening application filed in November 2016 to comply with staff and Kawartha Region Conservation Authority direction.
- Proposal:** To replace an approximately 98 square metre one storey cottage with an approximately 202.6 square metre one storey cottage.
- Owners:** Shane and Barbara Sherar
- Legal Description:** Part of Lot 17, Plan 313, Part Shore Road Allowance, Part 1, 57R-10642, geographic Township of Dalton, now City of Kawartha Lakes
- Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan
- Zone:** Rural Residential Type Three (RR3) Zone within the Township of Dalton Zoning By-law 10-77.
- Site Size:** 2,043.7 square metres
- Site Servicing:** Private individual sewage system and lake-based water supply.
- Existing Uses:** Shoreline Residential
- Adjacent Uses:** North: Forest/Rural  
South: Young Lake:  
East, West: Shoreline 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 lot is within a shoreline residential neighbourhood occupied by seasonal and permanent dwellings. The property is much deeper than it is wide, and contains a cottage and detached garage with storage loft.

Through discussions with the owners during the pre-screening process, it was determined that the water level of Young Lake can fluctuate greatly through the seasons, and has been known to overtop the retaining wall separating the beach from the rest of the property, coming up to and around a portion of the foundation of the existing cottage.

The new proposed dwelling is located completely behind the existing cottage, close to the existing detached garage, in order to pull it completely away from the site which experiences occasional flooding. This has the benefit of (1) complying with the intent of the zoning by-law (see Test 3), and (2) providing more rear yard amenity space for the attenuation and infiltration of floodwater and storm water runoff, providing for more space to establish shoreline vegetation to increase the ecological health of the lake, and grouping the built form on the lot together.

By clustering the detached garage and dwelling together, it is anticipated that the interactions between them will increase, therefore increasing the functionality and use of the garage. Locating the buildings close to one another also ensures the preservation of sizeable and useable yard space that may otherwise be lost if the buildings were somewhat further apart, which would create smaller, less-useable yard spaces.

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

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**  
**Yes**

The lot is zoned Rural Residential Type three (RR3) Zone within the Township of Dalton Zoning By-law 10-77. Within the RR3 Zone category, residential uses are permitted.

The function of the water setback is to provide sufficient spatial separation in order to avoid flood damage to buildings and/or loss of life, provide recreational amenity space, provide sufficient area for infiltration of runoff, and provide sufficient space to establish natural shoreline vegetation to assist with the ecological health of the lake.

The water setback is proposed to move from approximately 8.5 metres to 24.5 metres, a substantial increase which will greatly improve the depth of the rear yard, and therefore its ability to function as the by-law intends.

As the lot abuts two road allowances, it is considered a corner lot. A flankage yard setback provides for the protection of land to maintain sight lines, road widenings for the installation/expansion of services and by shaping the streetscape by regulating the placement of buildings.

In this case, the flankage yard functions as an interior side yard as the road allowance it abuts is vegetated, and provides access for residents to launch boats.

An interior side yard serves primarily as a space to place utilitarian uses, provide for lot and building maintenance, and facilitates access between the rear and front yards. The proposed flankage yard distance of 4 metres is of sufficient space to serve this role.

The variance maintains the general intent and purpose of the zoning by-law.

#### **4) Do the variances maintain the intent and purpose of the Official Plan?**

##### **Yes**

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses, are anticipated within this designation.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. Where possible, development is encouraged to maintain a 30 metre water setback. In this instance, the placement of the garage prevents the dwelling from being moved further north without demolishing the garage or placing the dwelling on the north side of the garage, which in turn would impact the space available for a sewage system.

The dwelling has been moved as far as possible from the shoreline without requiring the removal of the garage nor impacting the potential new tile bed location.

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

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

Staff have worked with the applicant to move the proposed dwelling away from the shoreline as much as possible in order to provide for a more sizeable water setback.

##### **Servicing Comments:**

The lot is serviced by a private individual sewage system, which will need replacement to accommodate the dwelling, and a lake-based water supply.

##### **Consultations:**

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

##### **Agency Comments:**

Engineering and Corporate Assets Department (June 10, 2019): No concerns.

Community Services Department (June 10, 2019): No concerns.

Kawartha Region Conservation Authority (June 7, 2019): No concerns.

Building Division – Part 8 Sewage Systems (June 5, 2019): The dwelling is proposed over top of the existing sewage system. The property must be reviewed to determine that a new on-site sewage system can be installed for the new construction. Staff had a further conversation with this office, and they are supportive of the application provided condition 2 is placed in Committee's decision.

Building Division (June 5, 2019): No concerns.

**Public Comments:**

No comments received as of June 10, 2019.

**Attachments:**



Appendices A-E to  
Report COA2019-036.

- 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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**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-025