

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bryan and Wendy Staal
Report Number COA2019-042

Public Meeting

Meeting Date: July 18, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following zone provisions in order to permit a two-storey addition to a dwelling:

1. Section 3.18.1.1 to reduce the building setback from the Environmental Protection (EP) Zone boundary from 15 metres to 10.8 metres;
2. Section 13.2.1.3(b)(ii) to reduce the interior side yard requirement for a building greater than one storey in height from 2.3 metres to 1.3 metres; and
3. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 10.8 metres.

The variances are requested at 318 Moorings Drive, geographic Township of Fenelon (File D20-2019-029).

Author: Hayley Inglis, Student Planner **Signature:**

Recommendations:

Resolved That Report COA2019-042 Bryan and Wendy Staal, be received;

That minor variance application D20-2019-029 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 proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-042, which shall be attached to and form part of the Committee's Decision;
- 2) **That** as part of the building permitting process, upon the complete construction of the addition, the frame shed located in the front yard between the western wall of the dwelling and the western property line shall

be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been moved;

- 3) **That** as part of the building permitting process, upon the complete construction of the addition, the two temporary storage structures located in the front and rear yards between the western wall of the dwelling and the western property line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been moved; 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 COA2019-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	A two storey addition to the existing dwelling is proposed. Relief is sought from the interior side yard, water, and Environmental Protection setbacks. The subject property contains a single storey residential dwelling with an attached garage, a storage shed, dock and man-made inlet. The existing footprint of the attached garage is offset from the dwelling footprint. A component of the proposed addition is to expand the garage footprint toward the rear yard so that it is in-line with the rear wall of the existing one storey house thereby "squaring-off" the built footprint.
Proposal:	To construct an approximately 100 square metre (1,076 square feet) addition to an approximately 122 square metre (1,313 square feet) one storey dwelling that comprises an attached garage and a second storey of supplementary living space.
Owner:	Bryan and Wendy Staal
Legal Description:	Part Lot 32, Concession 10, Lot 10, Plan 457, geographic Township of Fenelon, 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 Fenelon Zoning By-law 12-95
Site Size:	1,188.0 square metres (0.3 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Burnt River
South: Cameron Lake
East: Shoreline Residential
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 subject property is located within an established waterfront residential neighbourhood situated on a peninsula separating Burnt River from Cranberry Bay on Cameron Lake. Most of the residential dwellings are single storey, although, in the immediate vicinity of the subject property, there are several two storey dwellings. There is also a two-storey dwelling adjacent to the east side of the subject dwelling (316 Moorings Drive).

The property is roughly trapezoidal, widening at the shoreline and narrowing at the street line. The shoreline is north of the dwelling. Mature trees are found in the front yard and the west and east sides of the property are bounded by a cedar hedge, which serves as the vegetative buffer between the subject property and its neighbours (320 and 316 Moorings Drive).

The proposed variances will facilitate the creation of a second storey addition over the existing garage footprint and the squaring off of the dwelling's footprint. The water and environmental protection setbacks are a reduction of approximately 4.2 metres (28%), and the side yard setback is a reduction of 1 metre (43%).

The primary function of a rear yard that abuts a shoreline is to provide landscaped open amenity space for recreational purposes as well as to provide for the treatment of storm water runoff and an environmental buffer to the river. The existing dwelling footprint falls within the setback requirement for the water and Environmental Protection boundary due to the presence of a man-made inlet at the shoreline. The development of the addition and expansion of the garage footprint will not further reduce the shoreline setback beyond the 10.89 metres established by the rear wall of the existing dwelling.

The primary function of a side yard is to enable: access between the front and rear yards, storm water infiltration, and necessary maintenance. The proposed expanded addition cannot practicably meet the 2.3 metre minimum side yard requirement due to the existing dwelling footprint having been built at an angle to the side yard. Any attempt to square-up the footprint by expanding toward the rear yard (as is proposed) must therefore encroach further on the side yard setback. The reduced interior side yard setback is not anticipated to adversely

affect storm water run off, or to prevent maintenance. Additionally, access between the front and rear yards will be facilitated via the sizeable side yard on the west side of the dwelling.

In terms of massing, the proposed built form is not anticipated to present any negative visual impacts and it will be in keeping with the neighbourhood character. Since the alteration to the side yard is minimal, the proposed change is not anticipated to present land use compatibility issues with the abutting property to the east (316 Moorings Drive). Furthermore, the dwelling does not appear significantly closer to the shoreline than the dwellings on nearby lots, and the proposed expansion of the building footprint and second storey addition are not anticipated to alter the character of the shoreline.

As the proposed development has not been identified to pose spatial separation issues, negative impacts to servicing, or affect the aesthetics of the shoreline, the variances are minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned Rural Residential Type Three (RR3) Zone in the Township of Fenelon Zoning By-law 12-95.

The Zoning By-law, through its Environmental Protection Zone setback, has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat. The proposed water setback is not anticipated to negatively impact this functionality since the addition will not further extend beyond the established dwelling setback and spatial separation between the development and Burnt River will be maintained.

The reduced interior side yard setback provides for sufficient maintenance and pedestrian access between the front and rear yards and Engineering and Corporate Assets Department has raised no concerns with respect to drainage. The reduced yard is also not anticipated to adversely impact the use or privacy of the abutting dwelling on 316 Moorings Drive. 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.

Therefore, the variances maintain 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. The designation anticipates residential uses.

The proposed side yard reductions would still 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 Burnt River.

As well, the modest structural design that would result from the proposed development meets the intent and purpose of the Official Plan as low density residential development is contemplated within the Waterfront designation.

In consideration of the above, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

None at this time.

Servicing Comments:

The property will be serviced by private individual well and septic systems.

Consultations:

Agency Comments:

Engineering and Corporate Assets Department (July 5, 2019): No concerns.

Building Division (July 4, 2019): No concerns.

Public Comments:

None as of July 8, 2019

Attachments:

A pdf document is embedded into this document. Please contact Hayley Inglis, Student Planner at 705-324-9411 extension 1884 to request an alternative format.



Appendices A-E to
COA2019-042.pdf

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: D20-2019-029