

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Brock

Report Number COA2019-055

Public Meeting

Meeting Date: September 19, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Bexley

Subject: The purpose and effect is to permit the construction of a detached garage, including additions to a single-storey waterfront dwelling that will comprise of a walkout basement, a covered front porch, an attached garage, a sunroom, and an elevated deck at the rear with stairs. Relief is sought from the following provisions:

Addition of an Elevated Deck exceeding 1.2 metres above ground to a Dwelling

1. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 13 metres.

Detached Garage

2. Section 3.1.3.2 to increase the maximum height requirement for an accessory building from 5 metres to 6 metres.

The variance is requested at 788 Indian Point Road, geographic Township of Bexley (File D20-2019-038).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-055 Bruce Brock be received;

1. **That** minor variance application D20-2019-038 seeking relief from Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 13 metres, be DENIED, as this portion of the application does not meet the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-038 seeking relief from Section 3.1.3.2 to increase the maximum height requirement for an accessory building from 5 metres to 6 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction of the dwelling and detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C2 and the elevations in Appendix D submitted as part of report COA2019-055, 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;
- 2) **That** the depth of the elevated deck proposed within the rear yard area shall be located at a minimum water setback of 15 metres from the water's edge; and
- 3) **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 COA2019-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The proposal seeks to renovate an approximately 185 square metre single storey dwelling built circa 1951 (MPAC) with additions that will include an elevated deck at the rear of the building. Also proposed as part of this application is a new three (3) bay detached garage in the front yard area. This application was deemed complete July 19, 2019.

Proposal: To construct an approximately 310.5 square metre (2,227.3 square foot) single-storey detached dwelling and an approximately 325 square metre (3,497 square foot) detached garage with a loft space above the main level.

Owners: Bruce Brock

Applicant: Ryan Hayter, RWH Construction

Legal Description: Part Lot 3, North West Bay Range, Plan 378, Lot 29, geographic Township of Bexley, now 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 Bexley Zoning By-law 93-09

Site Size: 1.17 acres (4,704 square metres)

Site Servicing: Private individual well and sewage system.

Existing Uses: Residential

Adjacent Uses: North and South: Residential, Balsam Lake
East: Community Facility (Indian Point Provincial Park)
West: Balsam Lake

Rationale: Discussions with the applicant during pre-screening revealed more headroom is needed by the property owner to store large vehicles in the detached garage while the elaborate elevated deck design was desired out of preference. The limits of the rear wall and the adjoining rear patio area established by the existing dwelling footprint are approximately 17.6 metres away from the water's edge. While the proposed renovation/additions to the existing dwelling will improve the condition of the existing building, it is possible to achieve an overall structural improvement to the dwelling by constructing an elevated deck at the rear that will not cause the water setback permissions to be reduced below the minimum 15 metre requirement. The supplementary elevated decking area that will protrude into the water setback buffer is not considered to serve any recreational function as the building design clearly shows that there will be no direct access between that portion of the deck and the dwelling on that level. An elevated deck area that is wholly contained outside of the minimum water setback boundaries is considered appropriate to provide sufficient covering for the walk-out basement and the hot tub area respectively.

1) Are the variances minor in nature?

- (i) **Water Setback - No**
 - (ii) **Garage Height - Yes**
- And**

2) Is the proposal desirable and appropriate for the use of the land?

- (i) **Water Setback - No**
- (ii) **Garage Height - Yes**

The subject property is amongst a cluster of rural residential lots along the shoreline of Balsam Lake.

As of right, a private garage is permitted in the front yard in the Township of Bexley Zoning By-law when a residential property abuts a shoreline, provided it complies with the yard provisions of the applicable zone. The proposed detached garage meets both front and side yard setback requirements accordingly.

The typical garage designs in this neighbourhood are elaborate with loft areas above the main level. Sufficient vegetation also exists on the dwelling frontages along Indian Point Road to screen any massing impact. In terms of scale, the proposed garage will blend in with the rural character of the immediate surrounding uses. Therefore, no land use compatibility issues are anticipated.

Similarly, the placement of the proposed garage within the front yard will be located at a suitable distance from the dwelling and away from existing servicing. It is not anticipated that there will be limitations to the available yard amenity and vegetative landscaping space as the proposed location provides

for sufficient setback from the road allowance and ensures sufficient driveway surface outside of the road allowance is available for parking.

Regarding the request for the water setback relief, observation from site visit suggests that a compliant setback of 15 metres is achievable without hindering the functionality of the elevated deck. The primary function of a rear yard abutting 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 lake. The water setback buffer in the rear yard is proposed to reduce from approximately 17.6 metres (117.3%) to 13 metre (86.7%).

Although the proposed reduction to the water setback requirement is not considered minor and desirable and appropriate in this instance, the variance to increase the height of the detached garage would be considered minor in nature and desirable and appropriate for the use of the land.

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

- (i) **Water Setback - No**
- (ii) **Garage Height - Yes**

Accessory buildings by their nature address and should compliment both the dwelling on the property and the general neighbourhood streetscape. This neighbourhood contain accessory buildings within the front yards. The LSR Zone provision contemplates accessory uses as ancillary to a principle use. The accessory building under the scope of this variance application is being proposed as a devoted use to the detached dwelling on the subject property.

Section 3.1.4.1(c) provides that a deck which is at any point more than 1.2 metres above finished grade shall comply with the yard requirements applicable to a main dwelling. Staff observations during the site inspection found no evident physical constraint limiting the possibility of siting the proposed elevated deck for the dwelling in accordance with the water setback requirements.

Zoning standards are established amongst other reasons to ensure adequate spatial separation between structures and properties for safe access to and from a property during emergency situations, and most especially to ensure storm water run-off can be contained on the property before being discharged elsewhere. A compliant water setback of 15 metres will ensure that sufficient spatial separation from Balsam Lake's ecosystem is maintained.

In all other respects, the proposed lot coverage for both buildings will comply with the maximum Zoning By-law provisions of 30% at approximately 10%.

Although the proposed water setback reduction is not supported, the variance to increase the height of the detached garage would maintain the general intent and purpose of the Zoning By-Law.

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

- (i) **Water Setback - No**
- (ii) **Garage Height - Yes**

The property is designate as Waterfront in the City of Kawartha Lakes Official Plan. Accessory buildings are permitted as ancillary to residential uses. The proposed location of the accessory building is not anticipated to negatively impact the residential character of the surrounding properties.

Respecting the elevated deck addition to the dwelling, one of the objectives contemplated in this designation is to protect surface water quality through setback requirements in order enable the setback buffer area to function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

In consideration of the above, the variance for water setback reduction does not maintain the general intent and purpose of the Official Plan while the variance for the increased garage height maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A cursory observation from the site inspection suggests that an elevated deck extension of up to 1.8 metres from the furthest rear wall limits of the dwelling inside the rear yard should be appropriate to achieve the desired functionality of this structure whilst still maintaining compliance with the water setback provisions of the zoning by-law. This is a supportable alternative in staff opinion as the applicant had been advised from the very onset that an elevated deck extension that would contravene the water setback requirement is not supportable by staff.

Servicing Comments:

The property is serviced by a 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:

Engineering and Corporate Assets Department (September 6, 2019): No concerns.
Building Division (September 9, 2019): No concerns.

Public Comments:

No comments received as of September 9, 2019.

Attachments:

A pdf document is embedded into this document. Please contact Quadri Adebayo, planner at 705-324-9411 extension 1367 to request an alternative format.

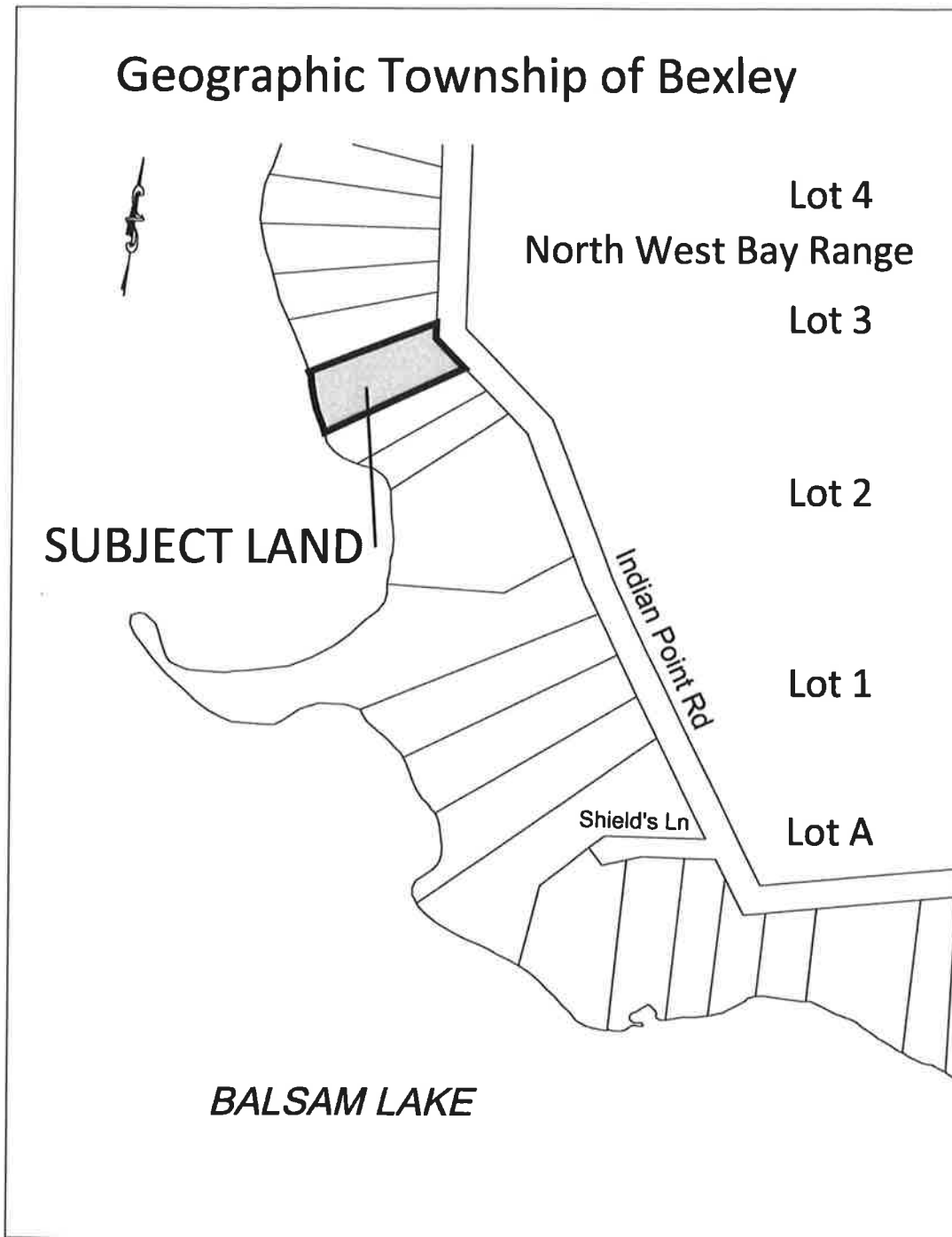


Appendices A-E to
Report COA2019-055

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C1 – Applicant's Sketch of Existing Site Conditions
- Appendix C2 – Applicant's Sketch of Proposed Site Conditions
- Appendix D1 & D2 – Conceptual Elevation
- Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-038

D20-2019-038



APPENDIX: B

to

REPORT COA2019-055

FILE NO: D20-2019-038

788 Indian Point Road, geographic Township of Bexley



0.23

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

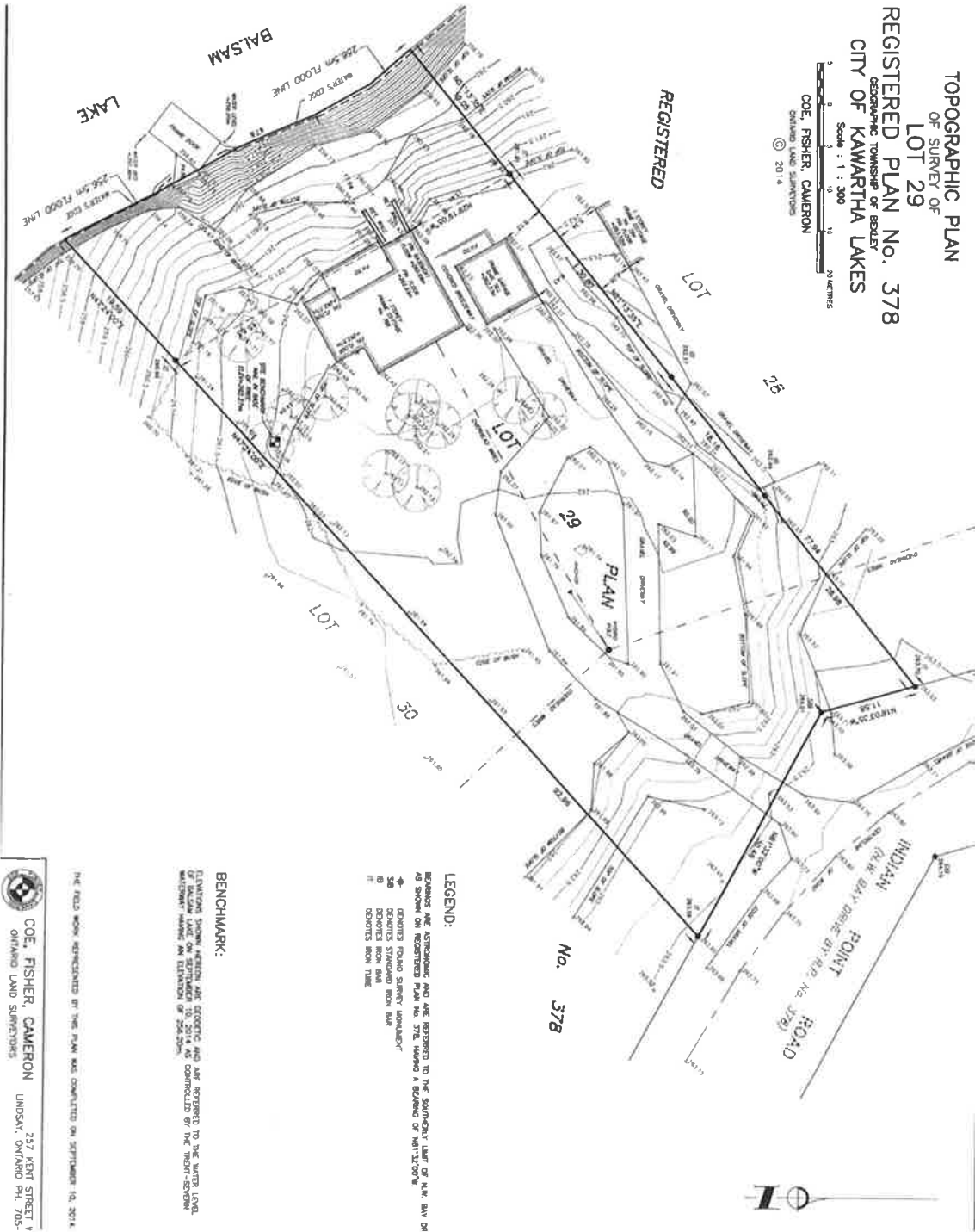
APPENDIX: C1

to

REPORT COA2019-055

FILE NO: D20-2019-038

Site Plan Sketch - Existing



TOPOGRAPHIC PLAN
OF SURVEY OF
LOT 29
REGISTERED PLAN No. 378
GEOGRAPHIC TOWNSHIP OF BOILEY
CITY OF KAWARTHA LAKES

Scale : 1 : 200
COE, FISHER, CAMERON
ONTARIO LAND SURVEYORS
© 2014

LEGEND:
BENCHMARKS ARE IDENTIFIED AND ARE REFERRED TO THE SURVEYING LAWS BY THE
AS SHOWN ON REGISTERED PLAN No. 378 UNDER A SECTION OF MAP 220/07/07.
▲ BENCHMARK
◆ BENCHMARK
○ BENCHMARK
□ BENCHMARK
□ BENCHMARK

BENCHMARK:
ELEVATIONS SHOWN HEREIN ARE GEODETIC AND ARE REFERRED TO THE WATER LEVEL
OF BALSAM LAKE ON SEPTEMBER 10, 2014 AS COMPILLED BY THE "HIGH-WATER"
WATERLEVEL STATION, IN ELEVATION @ 208.20M.

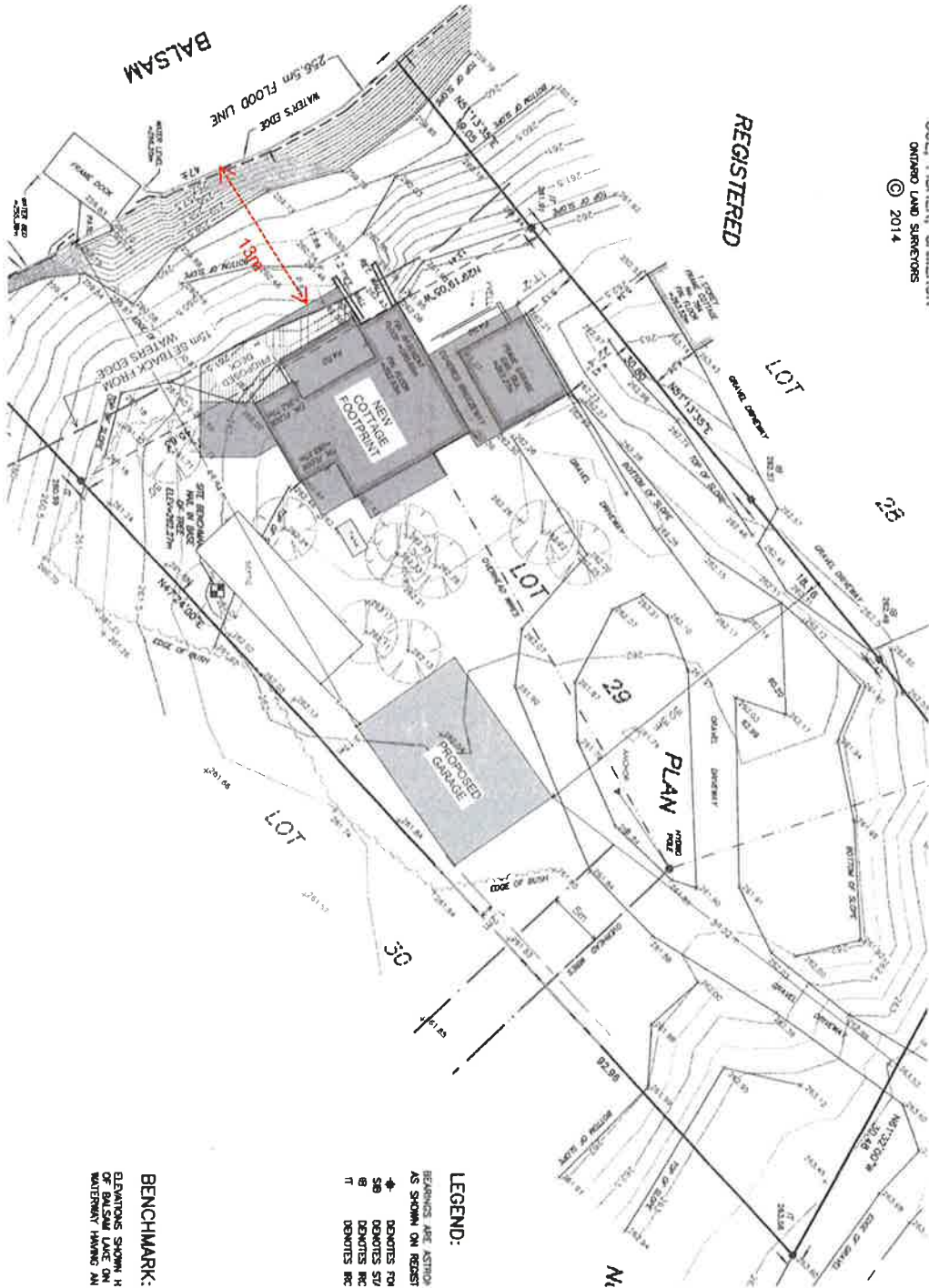
THE FIELD WORK SPECIFIED BY THE PLAN WAS COMPLETED ON SEPTEMBER 10, 2014.

COE, FISHER, CAMERON 247 KENT STREET
ONTARIO LAND SURVEYORS LINDSAY, ONTARIO P1L 7G5

Site Plan Sketch - Proposed



ONTARIO LAND SURVEYORS
© 2014



LEGEND:
BEARINGS ARE LISTED
AS SHOWN ON REQUEST
◆ DENOTES TOP
● DENOTES SW
○ DENOTES NE
□ DENOTES NW

BENCHMARK:
ELEVATIONS SHOWN IN
OF BALSAM LAKE ON
WATERWAY HAVING AN

APPENDIX: D1

to

REPORT COA2019-055

FILE NO: D20-2019-038

Perspective Drawing (Detached Garage)



APPENDIX: D2

to

REPORT COA2019-055

FILE NO: D20-2019-038

Perspective Drawing – (Dwelling)

Left-side View



Front View



Right-side View



Rear View



Charlotte Crockford-Toomey

to

From: Christina Sisson
Sent: Friday, September 06, 2019 3:38 PM
To: Mark LaHay
Cc: Kirk Timms; Kim Rhodes; Charlotte Crockford-Toomey
Subject: 20190906 D20-2019-038 Engineering Review

REPORT COA2019-055FILE NO. D20-2019-038

Importance: High

Good Afternoon Mark - further to our engineering review of the following:

Minor Variance – D20-2019-038
88 Indian Point Road, Range North West Bay
Part Lot 3, Plan 378, Lot 29
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief from Section 45(1) of the Planning Act to request relief to permit the construction of detached garage, including additions. Specifically, relief is sought to:

- Reduce the minimum water setback from 15 metres to 13 metres
- Increase the maximum height requirement for an accessory building from 5 metres to 6 metres

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



Quadri Adebayo

APPENDIX " E "
to

From: Charlotte Crockford-Toomey
Sent: Monday, September 09, 2019 3:45 PM
To: David Harding; Quadri Adebayo
Subject: FW: Cof A

REPORT COA2019-055
FILE NO. D20-2019-038

fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



From: Derryk Wolven
Sent: Monday, September 09, 2019 3:44 PM
To: Charlotte Crockford-Toomey
Subject: Cof A

Please be advised building division has the following comments.

D20-2019-038 No concerns
D20-2019-039 No concerns
D20-2019-040 Surface runoff to be managed to the satisfaction of the Chief Building Official
D20-2019-041 No Concerns

Kind regards,

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca

