

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Young
Report Number COA2019-068

Public Meeting

Meeting Date: November 7, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from the following provisions in order to permit the raising of a dwelling to add a crawlspace and to add a deck to the north side of the dwelling:

1. Section 8.2 (g) to reduce the minimum rear yard depth from 7.5 metres to 4.3 metres for the dwelling;
2. Section 8.2 (g) to reduce the minimum rear yard depth from 7.5 metres to 4.9 metres for the deck;
3. Section 8.2 (n) to reduce the minimum water setback from 15 metres to 14.4 metres for the dwelling; and
4. Section 8.2 (n) to reduce the minimum water setback from 15 metres to 11.7 metres for the deck.

The variance is requested at 15 Manchester Trail, geographic Township of Verulam (File D20-2019-051).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-068 Laura and Dawson Young be received;

That minor variance application D20-2019-051 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 and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-064, which shall be attached to and form part of the Committee's Decision;

- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; and
- 3) **That** the building construction related to the minor variances shall be completed within a period of six (6) 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 COA2019-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application is the result of a building enforcement matter. Previously, the single storey dwelling was slightly elevated off the ground, and the space under it was enclosed with lattice. A small deck off the southeast corner, in-line with the northernmost wall provided access to the north yard from the kitchen/living area. The lake is located to the north of the dwelling. There were no doors along the northernmost wall.

The dwelling was raised to add a formal winterized crawlspace and the deck was expanded to run across the length of the northernmost wall of the dwelling. The deck is approximately 2.5 metres (8.2 feet) wide along this northernmost wall.

A sliding door was added on the left of the northernmost wall. The sliding door provides access from the master bedroom.

The application was deemed complete September 20, 2019 and last amended October 21, 2019.

Proposal: Single detached dwelling with deck

Owners: Laura and Dawson Young

Applicant: Tom deBoer – TD Consulting Inc.

Legal Description: Part Lot 14, Concession 9, Part Lot 10, Plan 283, geographic Township of Verulam, now City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

Site Size: 1,538.5 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Sturgeon Lake (Little Bob Channel)
South, East, West: Shoreline Residential & Waterfront Backlot

Rationale: While the dwelling and deck exist, they did not receive a building permit nor does it comply with zoning. For these reasons, the Planning Act requires that this building be presented and discussed as a proposed building.

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 a shoreline residential neighbourhood on the south side of Little Bob Channel. The parcels within this neighbourhood are not overly large, with the nearby ones being around 1,200 square metres. However, the homes within this neighbourhood are relatively modest in size, which allows for good spatial separation between homes and for the retention of vegetation between properties to increase privacy.

The raising of the dwelling will permit the creation of a crawlspace, and therefore provide a proper insulated utility space for the home. The raising of the dwelling is not anticipated to generate any adverse massing or land use impacts as it is screened from the abutting neighbour to the west (13 Manchester Trail) by vegetation and is not coming closer to any of the lot lines. Additionally, the side of the dwelling which faces this neighbour functions as an interior side yard, reducing the human activity and therefore land use conflict that could occur within this yard.

The north yard of the dwelling contains two decks: one which is just above grade which runs the length of the northernmost wall of the dwelling, and a second deck over it which serves the main floor and runs further east, forming a L-shape. As there is only approximately 1.2 to 1.6 metres (4 to 5 feet) of clearance between the near-grade deck floor and floor beams of the overhead deck, it is anticipated that the near-grade deck will be used as a storage area or recreational space for children.

The upper level deck represents a relatively minor encroachment into the north yard as a projection of approximately 2.5 metres is proposed. The deck is located on elevated land separated from the rest of the grassed north yard by an armourstone wall, but does not extend past the at-grade deck or the armourstone wall. Therefore, the deck does not remove landscaped open space from use as the useable grassed amenity area located to the north of the armourstone wall. The expanded deck also allows for the master bedroom to access the north yard directly and expands upon the useable deck amenity area that was formerly confined to the northeast corner.

The variances are 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? Yes

The property is zoned Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87.

The dwelling is oriented towards the Sturgeon Lake shoreline to the north. As such, the parcel's recreational amenity space is located within the north yard. The area south of the dwelling, defined as an interior side yard, functions as its front yard since the front door and parking area is located within this space. The area west of the dwelling functions as its interior side yard, but is defined as the rear yard. The intent of the rear yard setback is to provide sufficient depth for a rear yard amenity space and sufficient spatial separation to buffer residential uses in abutting rear yards.

The dwelling on the subject property and the dwelling on the abutting lot, 13 Manchester Trail, are both oriented so that their north yards function as their rear yards. As such, the yard abutting the mutual lot line functions as an interior side yard for both properties. Interior side yards function primarily as utilitarian spaces to provide maintenance access around buildings, a space to locate utility infrastructure and to facilitate access between front and rear yards.

The proposed 4.33 metre rear yard setback is appropriate and does not introduce adverse massing impacts or land use conflicts since there is little human activity conducted within the interior side yard.

The raising of the dwelling on its existing footprint provides negligible impacts to massing with respect to the water setback.

The zoning by-law, through its water setback establishes a minimum spatial separation standards from the shoreline. The setback also ensures the built form does not dominate the shoreline. The deck projection into the water setback is less prominent due to a combination of the raised grade via the armourstone retaining structure, and the relatively modest depth of the deck, which keeps it close to the northernmost wall.

While the purpose of the water setback is also to provide sufficient space to allow for the establishment of an environmental buffer and the infiltration of stormwater runoff, the installation of the armourstone wall has already created a distinct break and hard-surfacing of this portion of the north yard landscape. The ability of the north yard to perform these functions south of the armourstone wall already impaired due to the presence of both the wall and at-grade deck. Development is not proposed north of the armourstone wall. The purpose and function of the water setback remains in the space north of the armourstone wall.

The variances meet 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 subject property is designated Waterfront in the City of Kawartha Lakes Official Plan (Official Plan). Residential 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 in accordance with Ministry of Natural Resources and Forestry recommendations. These setbacks also have the

added function directing built form away from the shorelines so that natural, rather than built form dominates which in turn reduces massing impacts by increasing spatial separation, in keeping with the policies laid out in section 20.3.

When it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

Policy 20.3.10 and 20.5.1 outlines the importance of shoreline development maintaining low profiles in order to blend in with the natural surroundings.

The existing dwelling is to be raised in its current location in order to permit the creation of a crawlspace. The existing dwelling is approximately 14.46 metres from the shoreline and is being raised on the existing footprint by approximately 1 metre. As the dwelling is nearly 15 metres from the shoreline and is being raised by about 1 metre, there are no impacts to the established environmental buffer between the shoreline and dwelling and negligible massing impacts given the minimal increase to building height.

The deck, proposed to run across the entire length of the northern building face, is less than the outlined 15 metres. However, the deck is of minimal depth and facilitates access from the master bedroom to the north yard since direct access to the north yard is not possible due to the elevated nature of the dwelling. The enlarged deck adds further floor space to make the deck area more useable as an outdoor sitting area to enjoy views of the lake.

Other Alternatives Considered:

A more modest deck which runs in-line with the northernmost wall of the dwelling is also appropriate as this (1) represents the prior deck configuration and (2) ensures a linear appearance to the built form and established water setback while ensuring no further encroachment into the water setback area. This approach would require the installation of a Juliette balcony across the sliding door off of the master bedroom. This approach was less desirable given the enhanced functionality an enlarged deck amenity area could provide.

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:

Building Division (October 23, 2019): No concerns. This is an enforcement file: build without permit.

Building Division – Part 8 Sewage Systems (October 24, 2019): The owners will be applying to install a new on-site sewage disposal system. No application has yet been filed. Condition requested.

Kawartha Region Conservation Authority (October 24, 2019): No concerns. A permit for the works has been issued.

Engineering and Corporate Assets Department (October 28, 2019): No concerns.

Public Comments:

No comments received as of October 29, 2019.

Attachments:



Appendices A-D to
Report COA2019-068.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-051

Geographic Township of Verulam

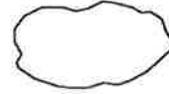
APPENDIX " A "

to

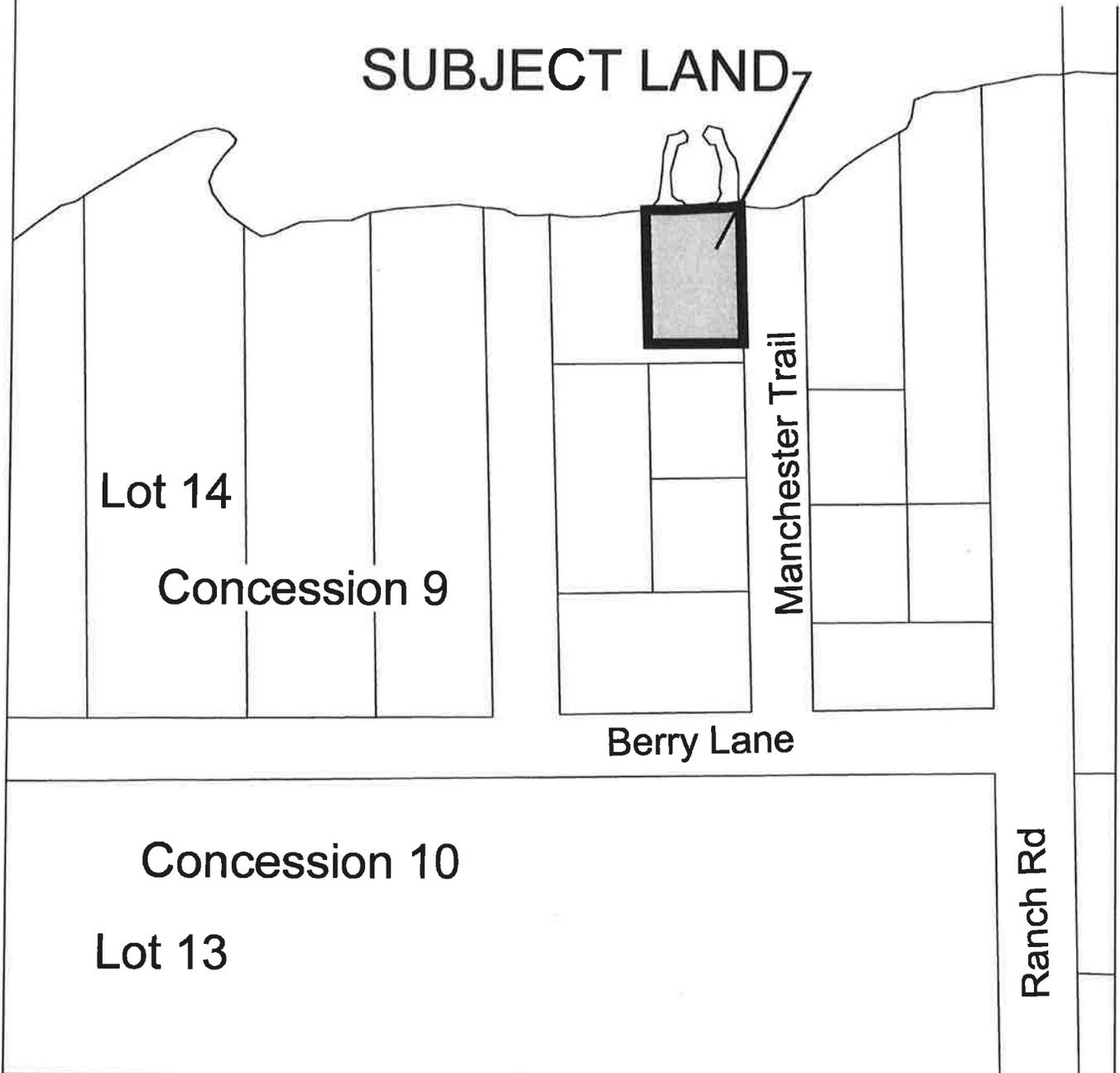
REPORT COA2019-068

FILE NO: D20-2019-051

Sturgeon Lake



SUBJECT LAND



15 Manchester Trail, geographic Twp. of Verulam



0.11 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference data, layers and text that appear on this map may or may not be current, or otherwise

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2019-068
FILE NO: D20-2019-051

David Harding

From: Derryk Wolven
Sent: Wednesday, October 23, 2019 12:03 PM
To: Charlotte Crockford-Toomey
Subject: D20-2019-051

APPENDIX " D "
to
REPORT COA2019-068

FILE NO. D20-2019-051

Please be advised that building division has no concern with this application. Note that this is an enforcement file: build without permit.

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





**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

Via Email: Ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey

Administrative Assistant

Planning Department – City of Kawartha Lakes

180 Kent St West

Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application
 D20-2019-051
 15 Manchester Trail
 Lot 14, Concession 9
 Township of Verulam
 City of Kawartha Lakes**

This letter acknowledges the receipt of the above noted Minor Variance Application. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of the application is to permit reduced rear yard and water setbacks for the existing cottage and proposed deck.

Proposed setbacks:

- Reduced rear yard setback for existing cottage to 4.33 metres.
- Reduced rear yard setback for proposed deck to 14.47 metres.
- Reduced water setback for existing cottage to 11.75 metres.
- Reduced water setback for proposed deck to 4.94 metres.

**Applicable Kawartha Conservation Regulation and Policies
Ontario Regulation 182/06 (as amended):**

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1

705.328.2271 Fax 705.328.2286

KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan





**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

A permit was issued in 2018 to raise the existing dwelling and to permit the construction of two decks (permit # 2018-401).

Recommendation:

Kawartha Conservation has no objection to the approval of Minor Variance Application D20-2019-051.

Sincerely,

Erin McGregor

Resources Planner Technician – ex 232

Kawartha Conservation

KAWARTHA CONSERVATION

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David Harding

From: Anne Elmhirst
Sent: Thursday, October 24, 2019 8:27 AM
To: Charlotte Crockford-Toomey
Subject: D29-2019-051 15 Manchester Trail

Hello Charlotte,

I have received and reviewed the proposal for minor variance to request relief to permit the raising of a dwelling and a deck.

The owner has indicated their intent to install a new on-site sewage disposal system to service the dwelling. They have initiated the process for obtaining a sewage system permit with the sewage system program. However, a complete application has not been submitted.

As such, I would ask that a condition be applied to the minor variance to satisfy the Supervisor-Part 8 Sewage System for on-site servicing.

Thanks,
Anne Elmhirst
Supervisor-Part 8 Sewage Systems

Sent from my Bell Samsung device over Canada's largest network.

David Harding

From: Mark LaHay
Sent: Monday, October 28, 2019 4:16 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191028 D20-2019-051 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Monday, October 28, 2019 4:06 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191028 D20-2019-051 - Engineering review

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-051
15 Manchester Trail
Part Lot 14, Concession 9, Part Lot 10, Plan 283
Geographic Township of Verulam

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the raising of a dwelling to add a crawlspace and to add a deck to the north side of the dwelling:

1. to reduce the minimum rear yard depth from 7.5 metres to 4.3 metres for the dwelling,
2. to reduce the minimum rear yard depth from 7.5 metres to 4.9 metres for the deck,
3. to reduce the minimum water setback from 15 metres to 14.4 metres for the dwelling; and
4. to reduce the minimum water setback from 15 metres to 11.7 metres for the deck.

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

