

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Eskandari and Ebrahimi
Report Number COA2019-070

Public Meeting

Meeting Date: November 28, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request under Section 45(1) of the Planning Act, R.S.O., as amended, from the Village of Bobcaygeon Zoning By-law 16-78, as amended. The purpose and effect is to request relief from the following provisions in order to reconstruct and expand an existing single detached dwelling:

1. Section 3.4 to reduce the required minimum lot frontage to redevelop on a lot without municipal sewer/water services from 15 metres to 12.5 metres,
2. Section 5.2(j) to reduce the minimum water setback from 20 metres to 7.5 metres for the nearest wall and to 6.8 metres for the nearest eave; and
3. Section 5.2(n) to reduce the minimum side yard from 2.2 metres to 1.9 metres for the nearest wall and to 1.3 metres for the nearest eave.

The variance is requested at 53 Lakewood Crescent, former Village of Bobcaygeon (File D20-2019-052).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-070 Farah Eskandari and Daryoush Ebrahimi be received;

That minor variance application D20-2019-052 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 submitted as part of report COA2019-070, 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 to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems;
- 3) **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer written approval from KRCA;
- 4) **That** prior to the issuance of a building permit the owners shall submit to the satisfaction of the Secretary-Treasurer evidence that building identified as ‘Shed’ on the sketch prepared by Garfield Design dated November 11, 2019, has been relocated to comply with the requirements of the Zoning By-law or has been removed; and
- 5) **That** the building construction related to the minor variance 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 COA2019-070. 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 Division enforcement file.

Substantial alterations to the previous single detached dwelling have occurred without building permits. These alterations are so extensive that the proposal cannot be considered as addition work to an existing building, but a completely new building.

The new construction is proposed largely on the footprint of the former dwelling. The following enlargements are proposed to the previous dwelling’s footprint and shape:

1. Northern footprint expansion to create a two storey front foyer.
2. Southern footprint expansion to create a larger dining room. There is no second storey proposed above the dining room.
3. Squaring off the two chamfered corners of the eastern wall on the second storey.
4. Creation of a second storey over the attached garage with cantilevered decks on the north and south sides.

The application was last amended November 13, 2019.

Proposal: Single detached dwelling

Owners: Farah Eskandari and Daryoush Ebrahimi

Applicant: Garry Newhook, Garfield Design

Legal Description: RCP Lot 45, Plan 564, former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban – Victoria County Official Plan

Zone: Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 2,536 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential - under development

Adjacent Uses: North: Shoreline Residential
South: Pigeon Lake
East: Pigeon Lake
West: Shoreline Residential

Rationale: Additional relief was requested from each setback as the Village of Bobcaygeon Zoning By-law applies setbacks to the eaves and gutters rather than the foundation.

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 southeastern side of Bobcaygeon. The neighbourhood contains a mixture of seasonal and year-round dwellings. The property is located on a bend of Lakewood Crescent. The lots are highly screened from the road and from one another by trees.

As the property is on a curve, it is pie-shaped, resulting in its narrow frontage. However, there is sufficient space upon the property to contain a suitable building envelope for a dwelling. Due to the somewhat tear-drop shape to the property, the majority of the available building envelope is close to the shoreline.

The neighbourhood contains a variety of homes that are set closer to the water. The former dwelling was constructed circa 1959 according to MPAC. The new proposed building proposes no substantial change to the scale or form established by the previous dwelling. The single storey section of the home containing the dining room is coming slightly closer to the shoreline, but will be in-line with the second storey wall. A second, single storey section containing a rooftop deck projects further outwards from the second storey wall. As the dining room enlargement is in-line with the second storey wall and is not the closest projection into the water setback, there are no additional adverse massing impacts. As the new dining room space is proposed to have a flat-top

roof whereas the previous design was a gable roof design, it is anticipated that the total and perceived height of the dwelling will be less.

The reduced side yard setback is to accommodate a small cantilevered deck. As the deck is proposed to face towards the shoreline, the abutting dwelling at number 49 is situated further away from the shoreline and there is vegetation between the subject property and number 49, no adverse land use conflicts or massing impacts are anticipated with this reduction.

The proposed foyer expansion faces away from the shoreline and as such does not impact the appearance of this portion of the shoreline.

The variance is 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 Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78. The R1 Zone permits single detached dwellings.

The minimum water setback provides sufficient space to establish vegetation to improve waterbody health and to provide sufficient space for the infiltration of stormwater runoff. In this case, the dwelling has been established in its current location for some time. As such, existing shoreline conditions have been established for some time and are not anticipated to drastically change unless the entire dwelling to be relocated to the northwest, which may be difficult as space needs to remain for the placement of a sewage system.

Minimum side yards are anticipated to provide sufficient space to conduct maintenance. Relief is required as a corner of the building is proposed too close to the lot line. The corner will contain a cantilevered deck. As the requested relief would only permit the corner of a cantilevered deck, sufficient space remains in order to conduct maintenance all of the building's walls.

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

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

Yes

As the Bobcaygeon Secondary Plan is under appeal, the County of Victoria Official Plan is in effect.

The subject lands are designated Urban in the Official Plan, which anticipates a wide assortment of land uses within this designation, including residential uses.

The proposal maintains the intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been examined at this time.

Servicing Comments:

The property is serviced by a private individual well and septic system. The Building Division – Part 8 Sewage Systems has noted that the existing sewage system requires replacement to accommodate the new construction.

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 (November 15, 2019): No concerns.

Engineering and Corporate Assets Department (November 18, 2019): No concerns

Kawartha Region Conservation Authority (November 19, 2019): The owners are aware that a permit is required for the proposed works. New additions must be flood-proofed 0.3 metres above the regulatory flood elevation.

Building Division – Part 8 Sewage Systems (November 20, 2019): Objection. The proposal increases the total daily sewage flow beyond the capacity of the current sewage system. An application for any changes to the existing sewage system is required.

Public Comments:

No comments received as of November 20, 2019.

Attachments:



Appendices A-D to
Report COA2019-070.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

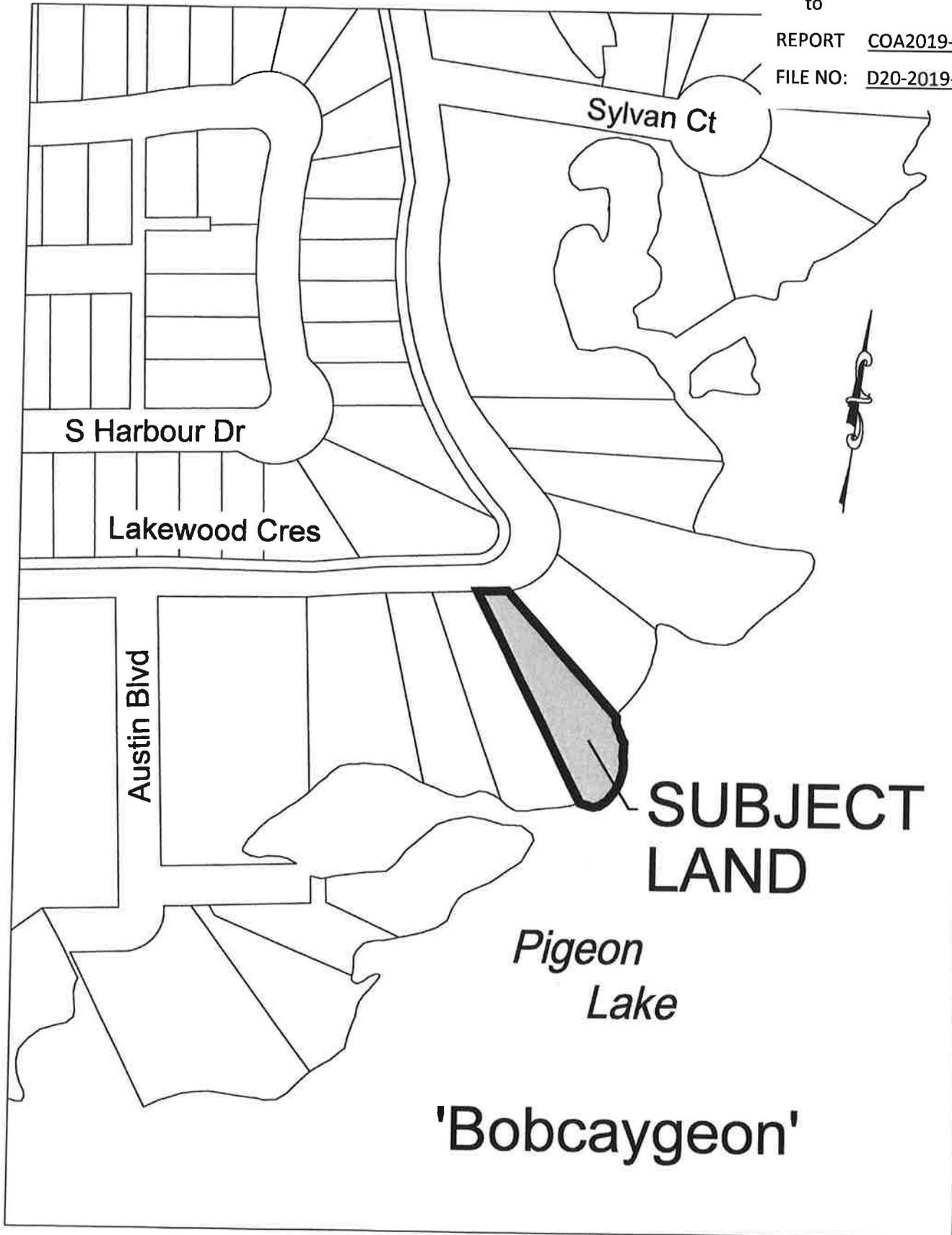
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-052

APPENDIX " A "

to

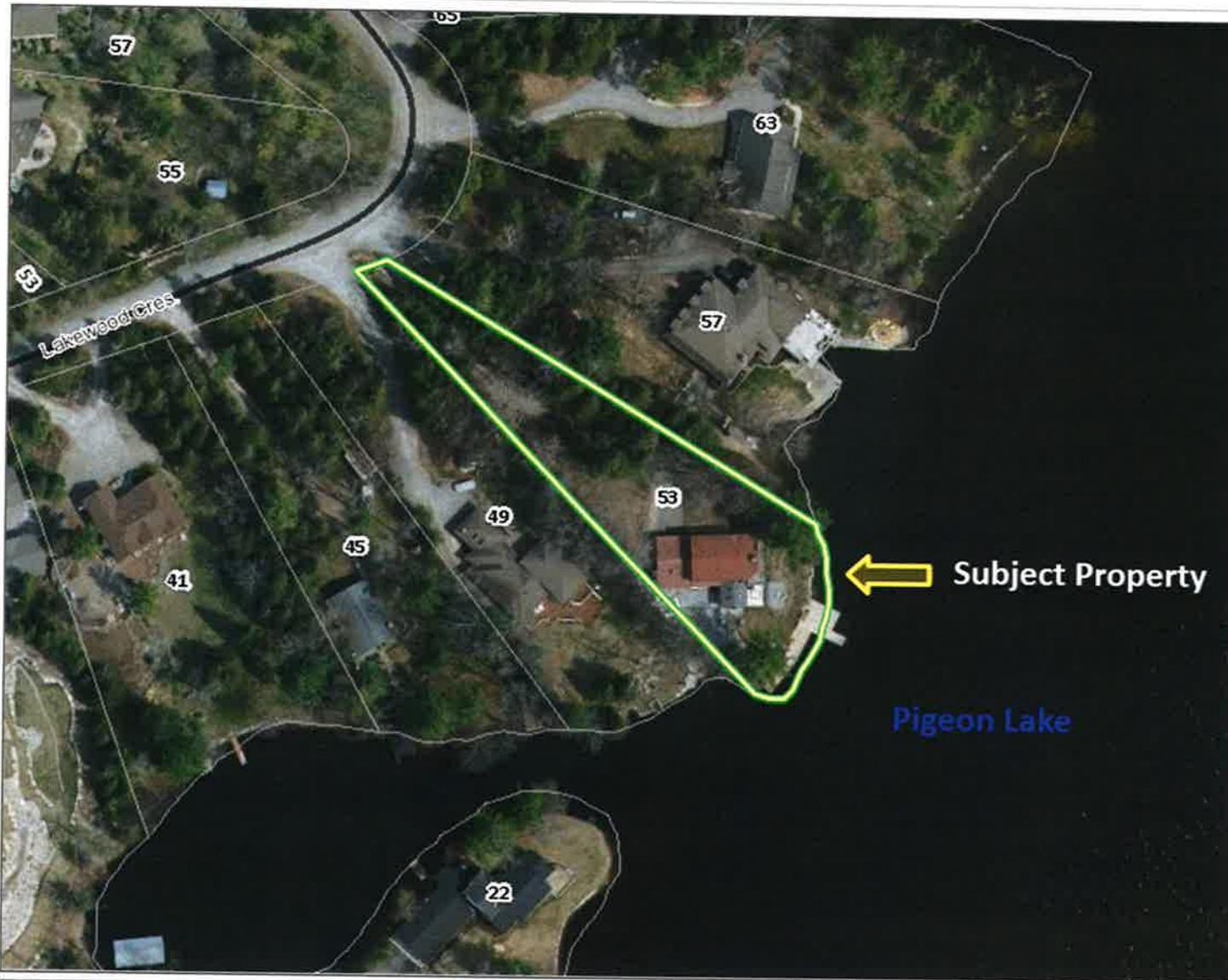
REPORT COA2019-070

FILE NO: D20-2019-052





53 Lakewood Crescent, former Village of Bobcaygeon



Subject Property

Pigeon Lake

0.08

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

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APPENDIX " B "
to
REPORT COA2019-070
FILE NO: D20-2019-052

David Harding

APPENDIX " D "

to

From: Derryk Wolven
Sent: Friday, November 15, 2019 8:17 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-052

REPORT COA2019-070

FILE NO. D20-2019-052

Please be advised Building division has no concerns with the above noted application.

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



David Harding

From: Mark LaHay
Sent: Monday, November 18, 2019 3:14 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191118 D20-2019-052 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Monday, November 18, 2019 3:13 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191118 D20-2019-052 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-052
53 Lakewood Crescent
RCP Lot 45, Plan 564
Former Village of Bobcaygeon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to reconstruct and expand an existing single detached dwelling:

1. to reduce the required minimum lot frontage to re-develop on a lot without municipal sewer/water services from 15 metres to 12.5 metres;
2. to reduce the minimum water setback from 20 metres to 7.5 metres for the nearest wall and to 6.8 metres for the nearest eave; and
3. to reduce the minimum side yard from 2.2 metres to 1.9 metres for the nearest wall and to 1.3 metres for the nearest eave.

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





Charlotte Crockford-Toomey
Administrative Assistant
Development Services – Planning Division, City of Kawartha Lakes
180 Kent Street West,
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application
D20-2019-052
Kawartha Conservation File No: PPLK-10066
53 Lakewood Cres. Bobcaygeon
City of Kawartha Lakes**

This letter acknowledges the receipt of the above noted Minor Variance Application D20-2019-052. Staff have reviewed the application and provide the following comments:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose of the minor variance is to seek relief from Bobcaygeon By-law 16-78 for reduced water setbacks. The applicant is proposing renovations to the interior and an 18 square foot addition. The proposed water setback is 7.52metres (from 20 metres).

Documents Reviewed:

- Application for Minor Variance/Permission
- Topographic Plan of survey, prepared by Coe, Fisher, Cameron Land Surveyors, dated 07/20/2018

Site Characteristics:

The subject property is adjacent to Pigeon Lake, and there is a flooding hazard associated with the sites proximity to the lake.

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

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.

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



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.

Most of the subject property contains lands regulated by Kawartha Conservation.

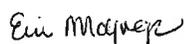
Recommendation:

Kawartha Conservation has no objection to Minor Variance Application D20-2019-052, provided that:

- The applicant is aware of the applicability of Ontario Regulation 182/06 on the property;
- Any new additions must be raised 0.3 metres above the regulatory flood elevation.

I trust this meets your information requirements at this time. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Erin McGregor

Resources Planner Technician – ex 232

Kawartha Conservation

CC:

Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation

David Harding

From: Anne Elmhirst
Sent: Wednesday, November 20, 2019 9:45 AM
To: David Harding
Cc: 'Garry Newhook'; Cheryl Bryant; Stephan Vanderstelt
Subject: D202-2019-052 - 53 lakewood Cres

Hello David,

I have reviewed the proposal for minor variance to allow relief for the new construction/addition of the dwelling at 53 Lakewood Cres., Bobcaygeon.

A sewage system review submission indicates an increase in the total daily sewage flow would be created from the new proposal. This increase in sewage flow is greater than the capacity of the existing components of the sewage system. As such, I cannot support the minor variance as proposed.

The owner may consider upgrading the sewage system to accommodate the proposal. An application for a sewage system permit will be required to be submitted for any changes to the sewage system.

Should you have any questions, please do not hesitate to contact me.

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca

