

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Sellers

Report Number COA2020-002

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### Public Meeting

**Meeting Date:** January 23, 2020 1:00 pm

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

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### Ward: 2 – Geographic Township of Somerville

**Subject:** The purpose and effect is to request relief from:

1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement;
2. Section 5.2(f) to reduce the minimum water setback from 15 metres to 5.5 metres to permit the construction of a raised deck and stairs; and
3. Section 5.2(d) to reduce the minimum rear yard from 7.5 metres to 5.5 metres to permit the construction of a raised deck and stairs

The variances are requested at 76 Kozy Kove, geographic Township of Somerville (File D20-2019-056).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:**



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### Recommendations:

**Resolved That** Report COA2020-002 Sellers, be received;

**That** minor variance application D20-2019-056 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-002, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2020-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The subject property contains a legal non-complying vacation dwelling, constructed circa 1962 according to MPAC.  
The owners propose to replace the current foundation with a new one to meet current flood proofing requirements. The flood proofing will result in the raising of the dwelling by about 1 metre. The new basement will remain a crawlspace.  
This application was submitted December 4, 2019.

**Proposal:** To raise an existing single storey vacation dwelling.

**Owner:** Donald Sellers

**Legal Description:** Lot 17, Plan 399, geographic Township of Somerville, City of Kawartha Lakes

**Official Plan:** Environmental Protection within the City of Kawartha Lakes Official Plan

**Zone:** Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45

**Site Size:** 1,301.40 square metres (14,008.1 square feet)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Rural Residential

**Adjacent Uses:** North: Burnt River  
East, West: Shoreline Residential  
West, South: Forest

**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 situated in a neighbourhood along the southern bank of the Burnt River.

The property slopes gently from the road down to the dwelling. Behind the dwelling is a small rear yard. The rear yard is elevated approximately 2-2.5 metres above the river's normal summer water level. The rear yard is separated from the river by a metal breakwall.

The owners are replacing the existing foundation with one that is more flood proof. As part of those works, the dwelling is proposed to be raised on its

current footprint. The dwelling currently accesses the rear yard through a deck, which is proposed to be raised on the existing footprint to continue to provide access from the dwelling to the rear yard.

The existing dwelling is in close proximity to the shoreline in relation to the other dwellings within the area. However, as the footprint of the dwelling is not changing, and an additional storey is not being added, the overall massing shoreline impacts resulting from an additional ~1 metre height increase are anticipated to be minimal.

The renovations will better secure the established residential use from flood damage.

Due to the above analysis, 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 Limited Service Residential (LSR) Zone with a floodplain (F) Symbol within the Township of Somerville Zoning By-law 78-45.

One of the functions of the rear yard and water setbacks are to provide sufficient amenity space. The property is currently operating with deck amenity space and a smaller depth of landscaped amenity space between the deck and river. Another function is to provide sufficient landscaped open space to assist with the infiltration and attenuation of storm water. The reduced proximity to the shoreline is an existing condition and the application is not anticipated to alter the existing conditions.

Further, should additional landscaped amenity space be desired for recreational purposes, the front yard is available.

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 Environmental Protection within the City of Kawartha Lakes Official Plan due to its proximity to the Burnt River.

The objective of the Environmental Protection designation is to direct development away from lands deemed hazardous due to flooding, erosion, poor drainage, or other physical conditions which could cause loss to property or loss of life.

While the EP designation does not permit new development, the OP does have policies which apply to existing uses. In such situations, developable lots are zoned appropriately. As the property is zoned Limited Service Residential and contains a flood plain (F) symbol, appropriate flood proofing measures are in place to ensure the lot can be adequately developed.

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

**Other Alternatives Considered:**

Relocation of the dwelling further inland was discussed. However, the location of the existing septic system, which is proposed to remain, impedes the ability to relocate the dwelling.

**Servicing Comments:**

The property is serviced by 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:**

Development Engineering Division (January 14, 2020): No concerns.

Kawartha Region Conservation Authority (January 14, 2020): No concerns.

**Public Comments:**

No comments as of January 14, 2020.

**Attachments:**



Appendices A-D to  
COA2020-002.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1206

**E-Mail:** dharding@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D20-2019-056

to

REPORT COA2020-002

FILE NO: D20-2019-056

# D20-2019-056

Geographic Township of Somerville

Lot 16

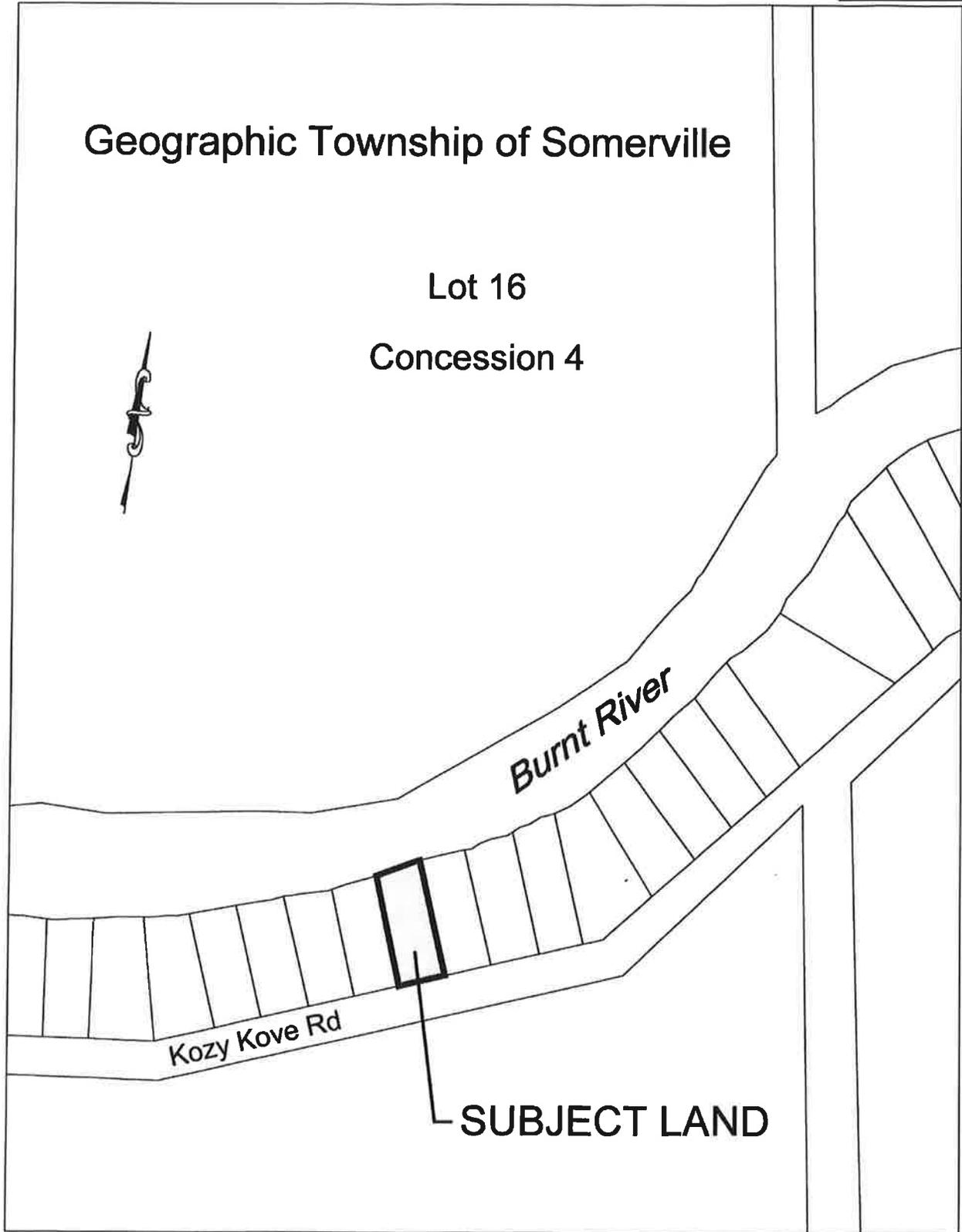
Concession 4



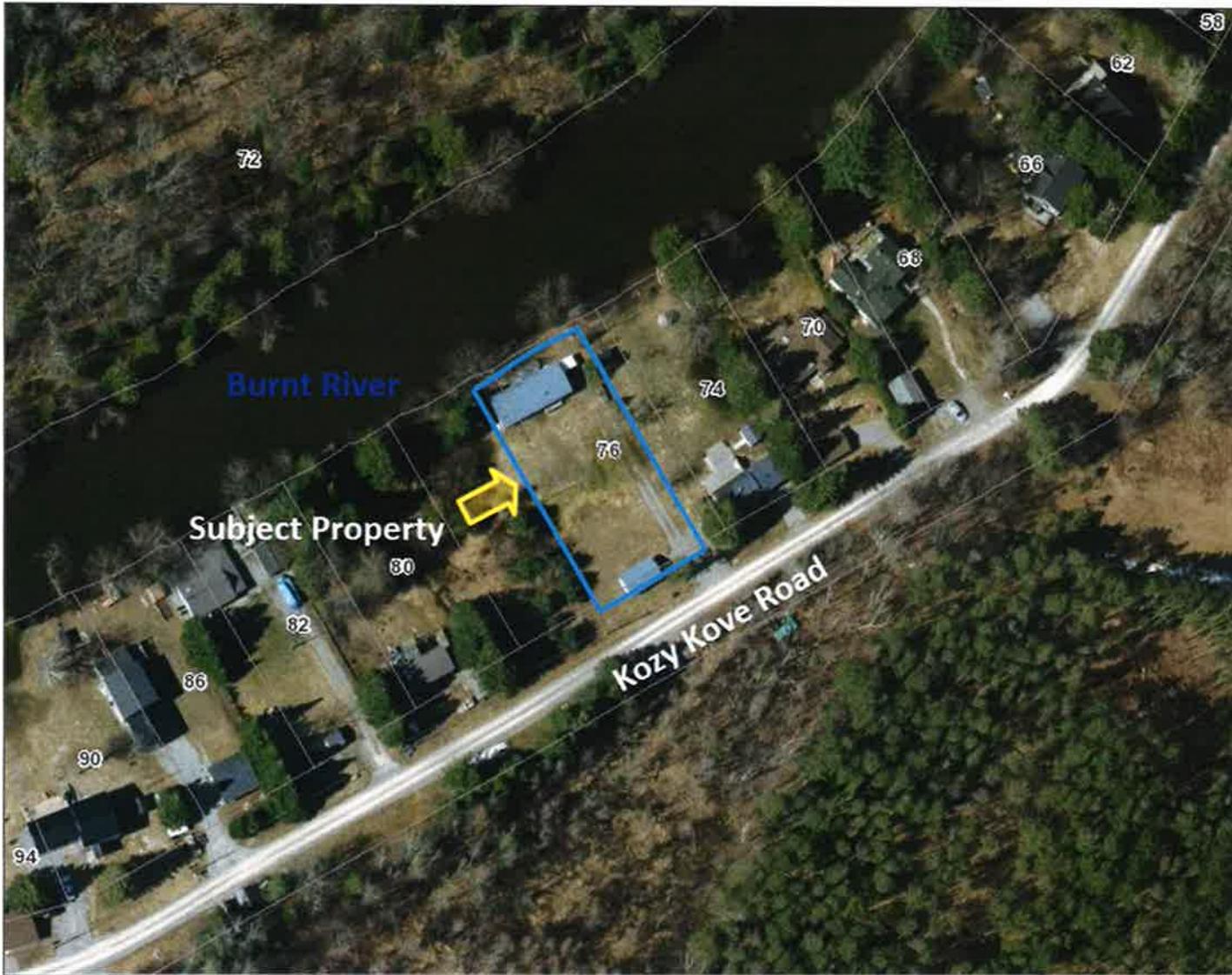
Burnt River

Kozy Kove Rd

SUBJECT LAND



# 76 Kozy Kove, geographic Twp. of Somerville



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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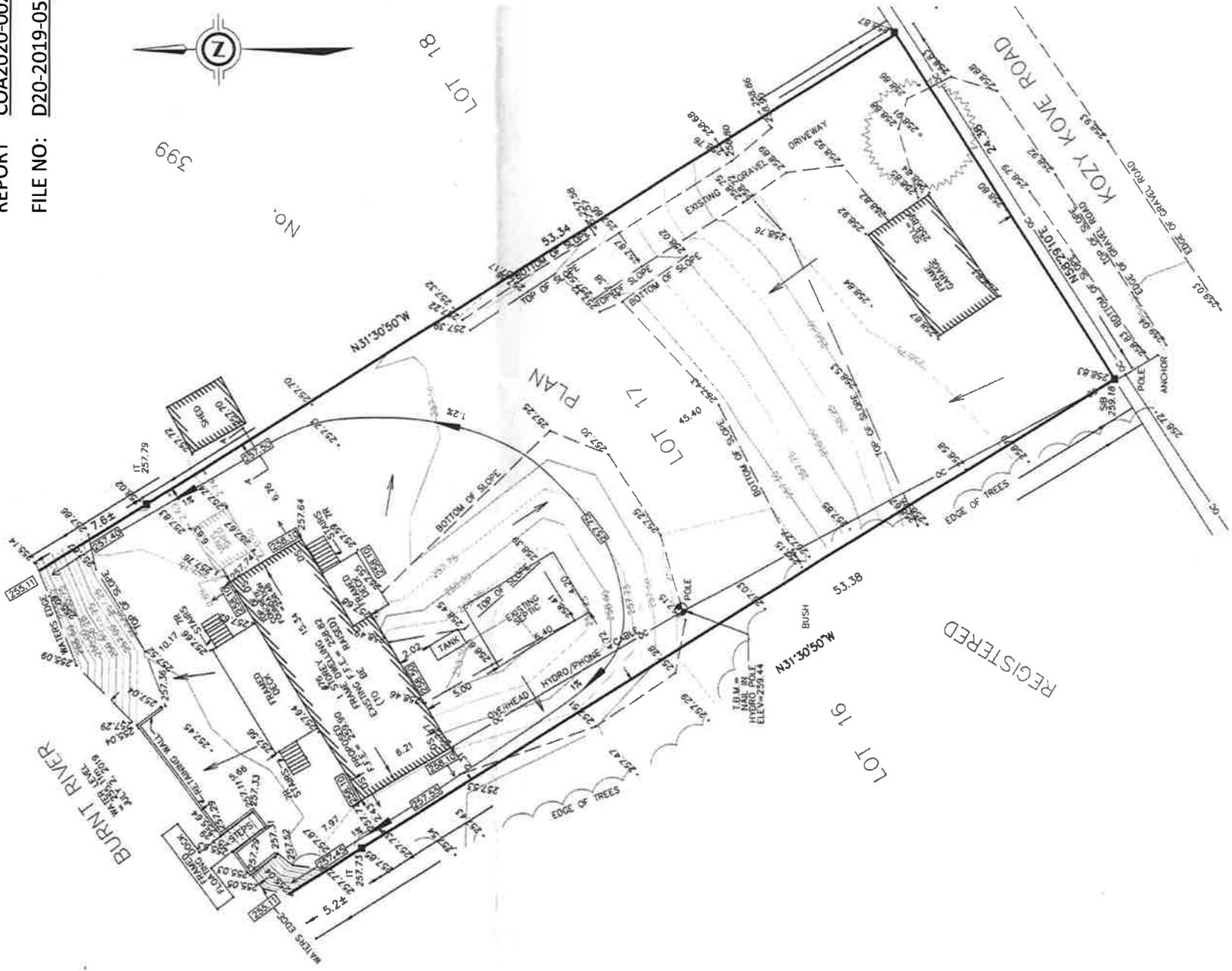
APPENDIX " B "  
to  
REPORT COA2020-002  
FILE NO: D20-2019-056

APPENDIX " C "

to

REPORT COA2020-002

FILE NO: D20-2019-056





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APPENDIX " D "  
to  
REPORT COA 2020 -002  
FILE NO. D20-2019-056

Via Email: [ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)  
Charlotte Crockford-Toomey  
Administrative Assistant  
Development Services – Planning Division  
180 Kent Street West  
Lindsay, ON, K9V 2Y6

**Regarding:           Minor Variance Application**  
**File No: D20-2019-056**  
**76 Kozy Kove Road**  
**Lot 16, Concession 4**  
**Geographic Township of Somerville**  
**City of Kawartha Lakes**

Kawartha Conservation staff have completed review of the above noted Application for Minor Variance. Our comments are as follows:

**Application purpose:**

It is our understanding that the purpose of the Minor Variance is to seek relief from By-law 78-45 for the following:

- Reduce the minimum water setback from 15 metres to 7.9 metres for the existing dwelling; and
- Reduce the minimum water setback from 15 metres to 5.5 metres in order to permit an elevation deck raised 1.2 metres from the ground.

**Site Characteristics:**

Existing mapping indicates that the subject property is adjacent to the Burnt River and associated fish habitat. Natural hazards associated with these natural heritage features include flooding and erosion.

**Ontario Regulation 182/06:**

The subject property is not within Kawartha Conservations watershed, no permits will be required under Ontario Regulation 182/06. In accordance with the Memorandum of Understanding (MOU) between the

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://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





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City of Kawartha Lakes and Kawartha Conservation regarding Natural Heritage and Natural Hazards, the property is within an area of an extended planning agreement.

**Recommendation:**

Kawartha Conservation has no concern with the approval of Minor Variance application D20-2019-056.

Please inform this office of any decision made with regard to this application. I trust this meets your information requirements at this time. 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

**KAWARTHA CONSERVATION**

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**Our Watershed Partners:**

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## David Harding

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**From:** Mark LaHay  
**Sent:** Tuesday, January 14, 2020 1:59 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200114 D20-2019-056 - Engineering review

FYI - file

**From:** Kim Rhodes <krhodes@kawarthalakes.ca>  
**Sent:** Tuesday, January 14, 2020 12:43 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>  
**Subject:** 20200114 D20-2019-056 - Engineering review

**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2019-056  
76 Kozy Kove Road  
Part Lot 16, Concession 4, Lot 17, Plan 399  
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief:

1. to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement;
2. to reduce the minimum water setback from 15 metres to 5.5 metres to permit the construction of a raised deck and stairs; and
3. to reduce the minimum rear yard from 7.5 metres to 5.5 metres to permit the construction of a raised deck and stairs.

*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](http://www.kawarthalakes.ca)

