

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Susan Cook
Report Number COA2020-030

Public Meeting

Meeting Date: September 17, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to request relief from the following provisions in order to permit an addition to a single detached dwelling and permit an accessory building (shed):

Single Detached Dwelling Addition:

1. Sections 5.2(f) and 18.23(a) to reduce the minimum water setback from 15 metres to 10 metres,
2. Section 18.1.4(a)(i) to increase the maximum projection of a cantilevered floor area from 0.6 metre to 1 metre,

Shed:

3. Section 18.1.2(a) to permit an accessory building (shed) within the front yard; and
4. Section 5.2(c) to reduce the minimum front yard setback from 7.5 metres to 2.5 metres

The variances are requested at 152 Island Drive, geographic Township of Somerville (File D20-2020-026).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2020-030, Cook be received;

That minor variance application D20-2020-026 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 and drawings and plans in Appendices D and E submitted as part of Report COA2020-030, which shall be attached to and form part of the Committee's Decision;

- 2) **That** the west face of the southerly one-storey dwelling addition not extend west beyond the projection line of the east face of the existing dwelling as illustrated on Appendices D2 and E1;
- 3) **That** roof drainage from the additions be directed to discharge on the east side of the building;
- 4) **That** the foundation for at least the addition section south of the entry area be of a pier system that remains open on the sides;
- 5) **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a tree location plan, prepared by an Ontario Land Surveyor or other qualified person, that identifies all existing trees greater than 10 centimetres d.b.h. (diameter at breast height) and indicate which trees are to be removed as a result of the proposed development. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit;
- 6) **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a site restoration plan. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit;
- 7) **That** the Owner submit to the Secretary-Treasurer confirmation from Hydro One Networks Incorporated that the overhead hydro conductor clearances over the proposed building is/will be adequate prior to the issuance of a building permit; and
- 8) **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 COA2020-030. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The Committee of Adjustment previously considered this application at its March 15, 2018 meeting under file number D20-17-049. The approval lapsed, and the applicant has re-applied. All of the conditions incorporated at that time are being proposed now, save the condition requiring that a surveyor confirm the location of the shed, as this was provided.

The application was deemed complete July 24, 2020.

Proposal: To permit an addition to the single detached dwelling and permit the existing shed near the front lot line. The addition will have two components: a two-storey 25.8 square metre (277.7 square feet) addition abutting the east side of the existing two-storey dwelling, and a one storey 51.8 square metre (557.6

square feet) addition extending south from the two-storey addition. The existing dwelling has a gross floor area of 103.3 square metres. The one-storey addition is proposed on piers. The floor is proposed to be cantilevered a maximum of 1 metre beyond the piers, resulting in the building face being 9 metres from the highwater mark.

The 8.75 square metre shed was constructed in 2005 (approximately), thus is required to comply with the Zoning By-law. This section of Island Drive is an unassumed road that is privately maintained. The registered plan identifies a 20.1 metre road allowance being the frontage for this property on Island N.

This application was deemed complete July 24, 2020.

Owners: John and Susan Cook

Applicant: Tom deBoer – TD Consulting Inc.

Legal Description: Island N, Four Mile Lake, Lot 5, Plan 453, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan (2012)

Zone: “Limited Service Residential (LSR) Zone” – Township of Somerville Zoning By-law 78-45

Site Size: 1,424.8 square metres (0.35 acres)

Site Servicing: Private individual septic system and lake-based water supply

Existing Uses: Shoreline Residential

Adjacent Uses: North, West: Four Mile Lake
South, East: Shoreline Residential

Rationale: The foundation of the one-storey addition will be comprised of piers, thus the yard setbacks are measured from the piers

1) Are the variances minor in nature? Yes

This property was created in 1967 by Registered Plan and the existing dwelling constructed in 1969 prior to the Zoning By-law coming into effect. The subdivision appears to be primarily composed of seasonal dwellings. The property is located near the northernmost end of an island within Four Mile Lake. The lot is long and narrow and somewhat pie-shaped owing to the irregular shoreline on its northwestern side.

Most of the existing dwelling is within the 15 metre minimum water setback on a high point of rock on the property. The land slopes steeply down to water level

about 3 metres from the south and west sides of the dwelling. There are limited opportunities to locate an addition on the property 15 metres from the highwater mark due to topography, existing hydro lines, and the irregular shoreline.

The applicant is proposing that the addition be attached to the east face of the dwelling, which is 12 metres from the highwater mark on the southeast corner. Due to the above-noted lot constraints, the south-west corner of the addition foundation is proposed to be 10 metres from the high water mark, with the cantilevered west face of the addition being in-line with east face of the existing dwelling.

Island Drive ends at the subject property, with one property having access beyond the subject property. The existing dwelling is set considerably back from the front lot line as will be the addition. The required yard is measured from the location of the addition to the front lot line. The shed location is not anticipated to adversely affect use of the road allowance, nor the easement for right-of-way providing access to 154 Island Drive.

Based on the above analysis, the variances are minor in nature.

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

The location of the addition has been sited to have the least impact on the neighbours. Total lot coverage will be 9.9%, which is under the permitted maximum 35%. However, the building as a whole will reduce the natural functions, such as rain water infiltration and habitat, currently provided by the site as a result of increased lot coverage in the water setback area. The applicant will be removing trees for the new building; however the intention is to retain trees on the remainder of the lot.

The addition follows the east face of the existing dwelling and will not venture beyond this projection line. To mitigate the changes to infiltration and lake water quality that would otherwise be provided by an unaltered buffer, roof runoff should be directed to the east side of the building to discharge and disperse as overland flow or an infiltration basin.

The southern addition will be supported by a pier foundation. This will allow for some migration of animal species through this area and thus should remain open as proposed.

The shed is existing and small in size and provides storage space in an accessible location.

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" within the Township of Somerville Zoning By-law 78-45.

One function of the 15 metre minimum water setback is to provide a natural buffer to moderate the impacts of development on lake water quality and associated natural functions and features. The existing building currently does not meet the 15 metre water setback and ranges from 5.1 metres from the high water mark to 12 metres at the rear southeast corner. About two-thirds (2/3) of the addition is further than 12 metres from the highwater mark. Due to site limitations, the addition has been set back to provide the greatest possible buffer and the design will allow for the movement of wildlife through the pier system.

Projections less than 0.6m beyond the foundation, including building features such as eaves, chimneys, bay windows and cantilevered floors, are permitted and would generally not significantly alter ground conditions, affect neighbours, nor increase living space. Therefore, given the environmental constraints causing the unique design of the one-storey addition, it is appropriate to permit the increase in projection.

The purpose of accessory structures to be located in the rear or side yard is to give prominence to the residential building. The Zoning By-law does allow for garages to be located in the front yard. The proposed shed 2.5 metres from the front lot line is not anticipated to adversely affect road allowance function or prominence of the dwelling given its modest footprint.

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 low density residential uses and accessory uses.

Four Mile Lake is located within a Special Policy Area as lake water quality is excellent and it is recognized that the development along the shoreline has a significant influence on maintaining this status. An objective of the Special Policy Area is to ensure expanded development does not alter the natural, social and physical elements that are characteristic to the lake. The owners have sited and sized the addition to retain a treed shoreline and trees to the extent possible on this narrow lot. The one-storey addition will have a low profile and open form. This also implements Waterfront policies to retain vegetated shorelines and ensure built form does not dominate. The intention to retain trees between the addition and the shoreline is integral to providing the benefits sought through the Official Plan.

The Official Plan indicates a minimum water setback of 15 metres (49.2 ft.) may be considered for an existing lot of record where there is insufficient area to meet the setback. The intent of the Official Plan is not to extinguish development potential where this setback cannot be met. As topography limits opportunities to site buildings and structures, more than half of the ~82.9 metre long shoreline will remain undeveloped and the proposed setback for the dwelling addition is generally greater than the existing development, it is staff's opinion that the variances maintain the general intent and purpose of the water setback policies with retention of the remaining natural shore vegetation.

Other Alternatives Considered:

Other design alternatives were considered before the final staff-supported design was arrived at in the approval of application D20-17-049. The original proposal was closer to the shoreline and had a greater footprint.

Servicing Comments:

The property is serviced by a private septic system and lake-based water supply.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from the following agencies:

Agency Comments:

Building Division – Part 8 Sewage Systems (September 3, 2020): The site plan indicates the sewage system at a proposed distance of 5.3 metres. This ensures the components of the sewage system will be adequately separated from the dwelling.

Kawartha Region Conservation Authority (September 4, 2020): No concerns.

Planning Division: In accordance with KRCA's previous comments on D20-17-049, the purpose of the Tree Preservation/Protection Plan identified by the KRCA at that time is to identify existing trees, their sizes and document the trees that will be retained after this development. Typically, this Plan would include tree planting to compensate for the removal of trees. Given the site conditions, restoration of the site has been recommended which encourages the restoration of disturbed areas with a woodland seed mix and planting of seedlings where there is sufficient overburden. Through discussions with the KRCA at that time, conditions 5 and 6 were recommended and previously approved.

Building Division (September 8, 2020): No concerns.

Public Comments:

No comments received as of September 8, 2020.

Attachments:



Appendices A-F to
Report COA2020-030

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Building Elevations
Appendix E – Building Plans
Appendix F – 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:	D20-2020-026

D20-2020-026

APPENDIX " A "

to

REPORT COA2020-030

FILE NO: D20-2020-026

Geographic Township of Somerville





GEOMATICS
MAPPING

152 Island Drive, Geographic Township of Somerville



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 only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

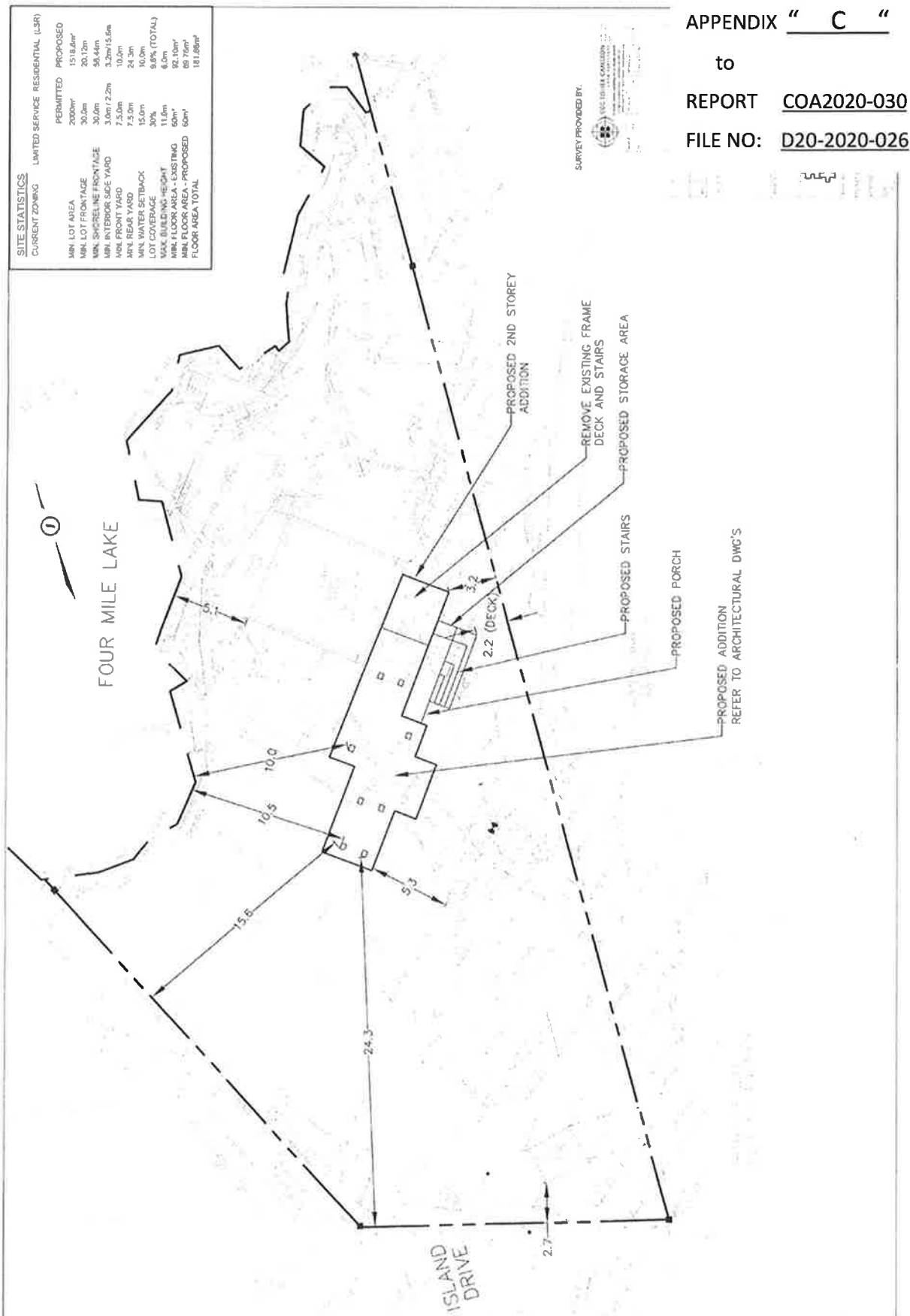
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APPENDIX " B "

to

REPORT COA2020-030

FILE NO: D20-2020-026

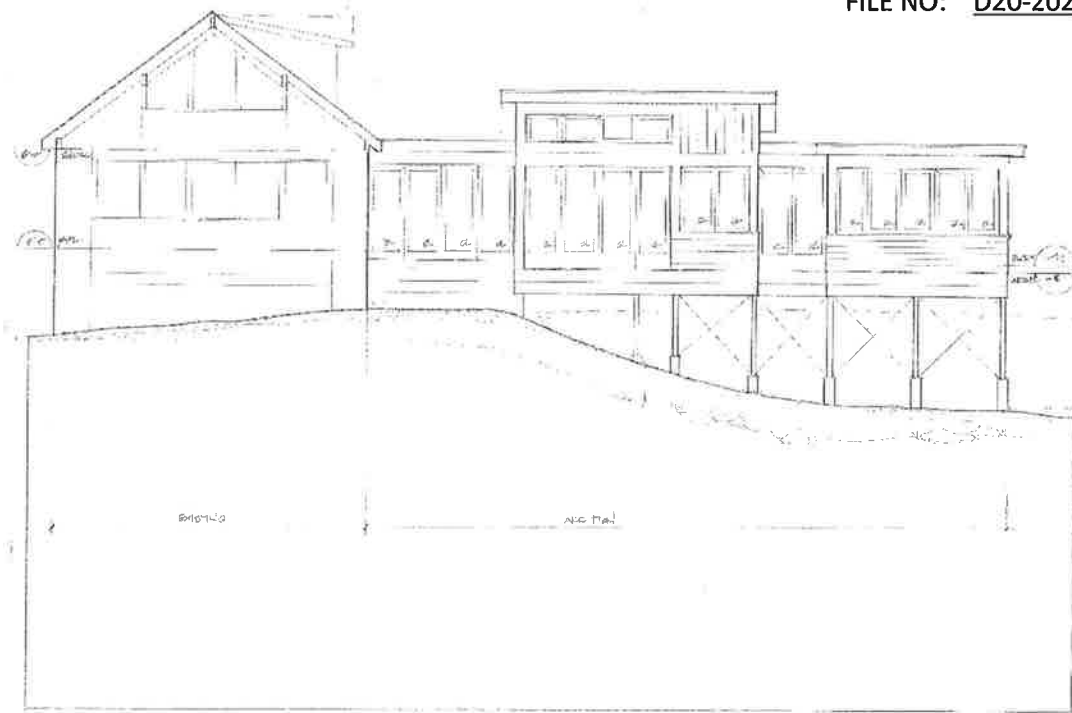


West Face

to

REPORT COA2020-030

FILE NO: D20-2020-026



East Face



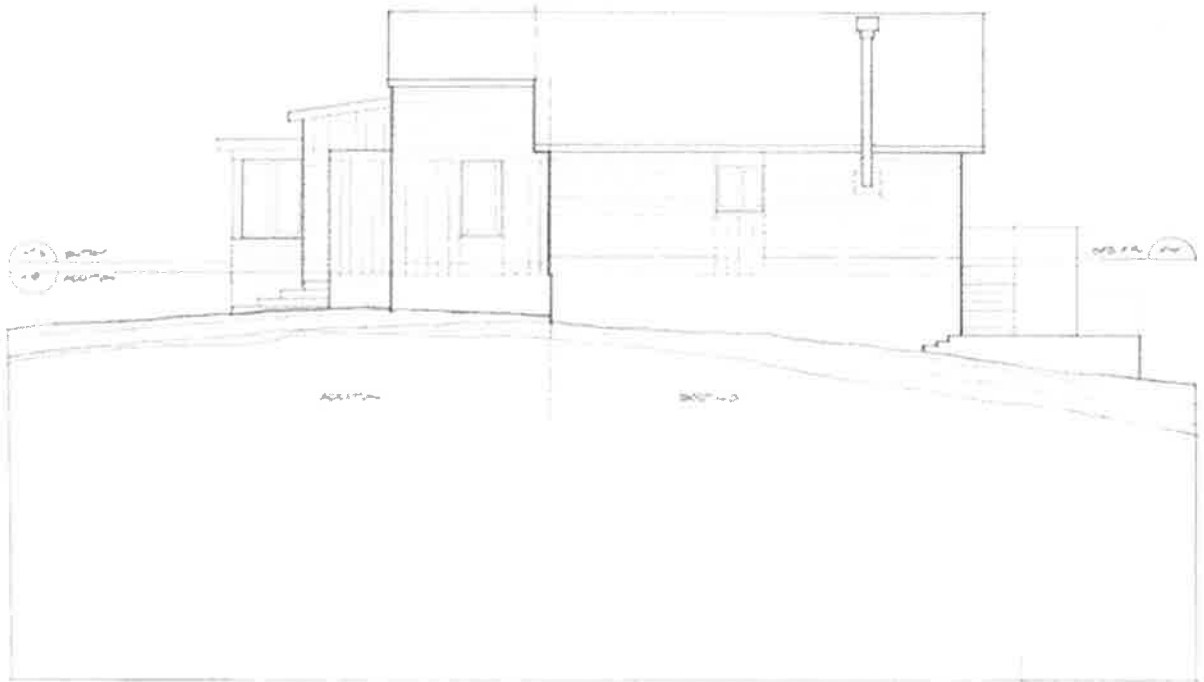
APPENDIX " D2 "

to

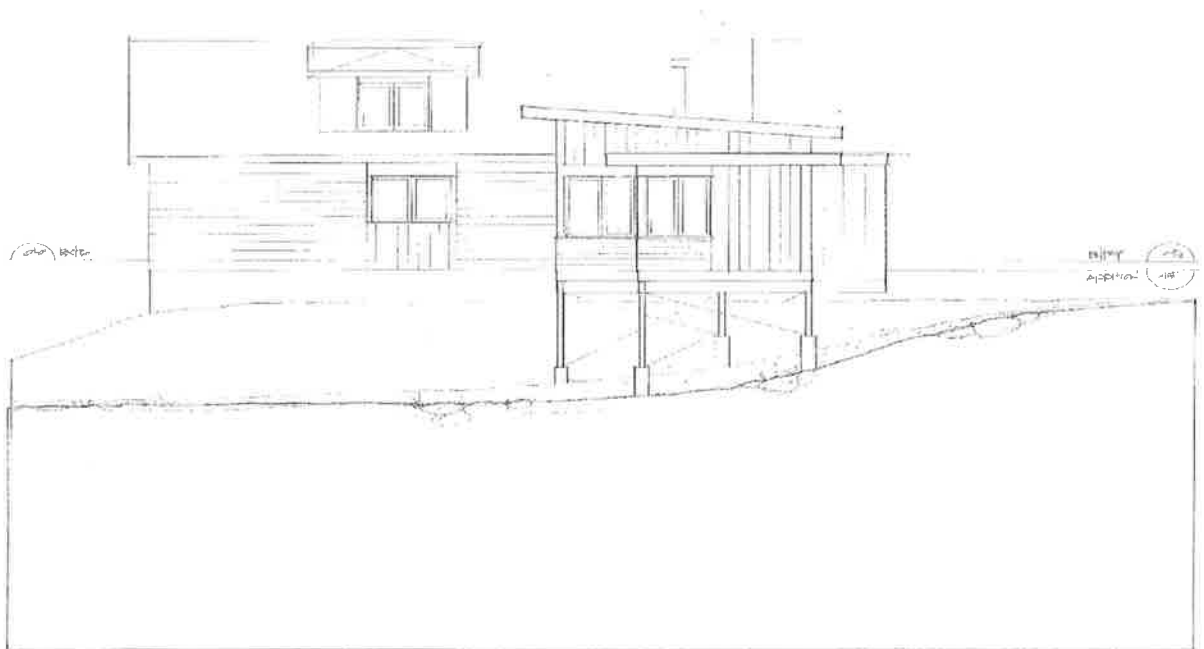
North Face

REPORT COA2020-030

FILE NO: D20-2020-026



South Face



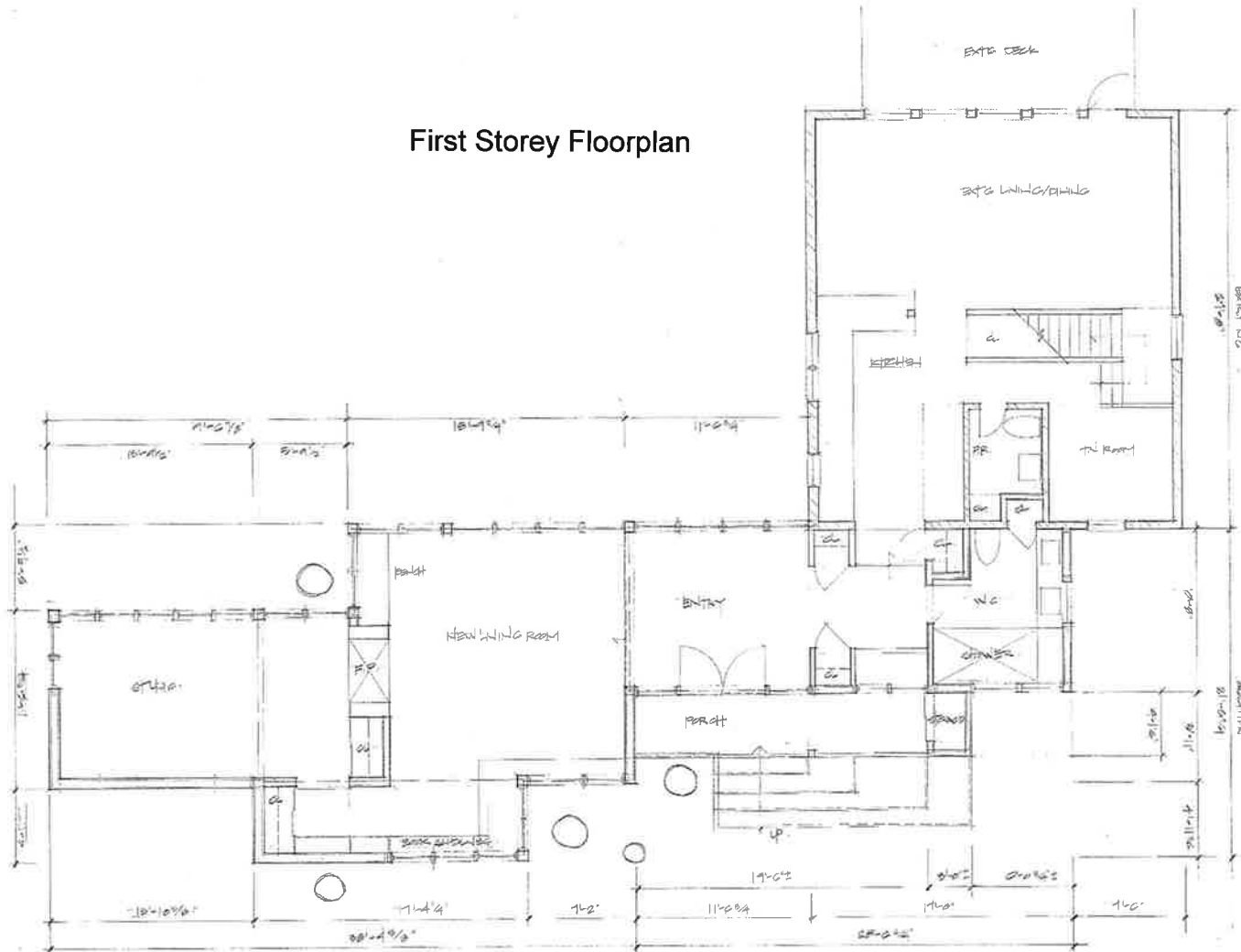
APPENDIX " E1 "

to

REPORT COA2020-030

FILE NO: D20-2020-026

First Storey Floorplan



revised C of A 28.6.2020
client review 14.6.2020
issue date

valerie
farrell
design studio
inc

vfarrell@gmail.com
416 598 8499

COOK COTTAGE

152 ISLAND DRIVE
BURNT RIVER, ON

FIRST FLOOR PLAN

scale: 1/4"=1'-0"

date: 28.6.2020

to

REPORT COA2020-030

FILE NO: D20-2020-026

revised C of A	28.6.2020
client review	14.6.2020
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farrell
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416 898 8499

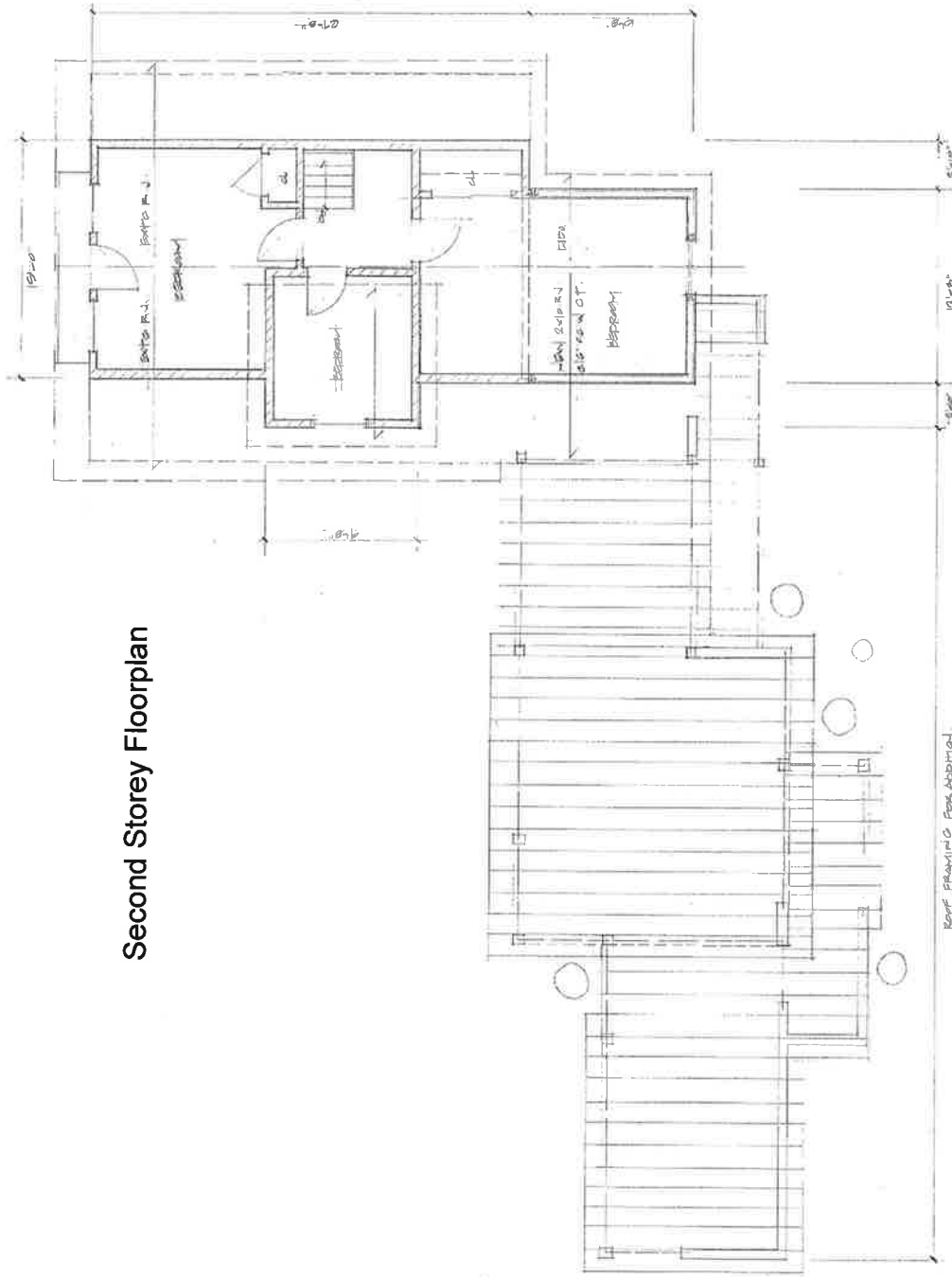
COOK COTTAGE

:152 ISLAND DRIVE
BURNT RIVER, ON

SECOND FLOOR / ROOF
FRAMING OF ADDITION

scale: 1/4" = 1'-0"

date: 28.6.2020



Roof Framing & Pole Addition

David Harding

From: Anne Elmhirst
Sent: Thursday, September 3, 2020 10:34 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-026 - 152 Island Drive

APPENDIX " F "
to
REPORT COA 2020-050
FILE NO. D20-2020-026

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

I have received and reviewed the application for Minor Variance D20-2020-026 for 152 Island Drive.

The proposal is to add a residential addition to the existing dwelling on the property. The property is serviced by an on-site sewage system located on the south side of the dwelling. The site plan submitted by TD Consulting Inc., dated July 2020, indicates the location of the sewage system at a proposed clearance distance of 5.3 metres. This ensures that the components of the sewage system will be adequately separated from the dwelling.

As such, the Building Division – Sewage System Program has no concerns with the request for minor variance.

Best Regards,

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



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

KRCA File NO: PPLK-9

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

**Regarding: Minor Variance Application
D20-2020-0262
152 Island Dr, Somerville
John and Susan Cook/TD Consulting Inc.**

Kawartha Conservation has completed review of the above noted Minor Variance Application, submitted by TD Consulting Inc. on behalf of John and Susan Cook. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2020-0262 is to:

- Reduce the water setback from 15 metres to 10 metres,
- Permit an accessory building in the front yard,
- To reduce the required front yard setback from 7.5 metres to 2.5 metres, and
- Increase the maximum projection of a cantilevered floor area from 0.6 metres to 1 metre.

Site Characteristics:

Existing mapping indicates that the subject property is within the vicinity of the following:

Natural Heritage Features:

- Four Mile Lake/Fish Habitat

Natural Hazards:

Potential for flooding due to proximity to Four Mile Lake.

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

Water Resources:

The subject property is within the boundary of the Four Mile Lake Management Plan.

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Subject property is not within Kawartha Conservation's watershed. No permits will be required pursuant to Ontario Regulation 182/06.


Recommendation:

Kawartha Conservation has no objection to the approval of Minor Variance Application D20-2020-0262 based on our consideration for Natural Heritage, Watershed Management, and Natural Hazards, and it is our opinion that the proposal complies with Section 3.1 of the Provincial Policy Statement (2020).

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
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering, Kawartha Conservation

Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, September 03, 2020 10:34 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-026 - 152 Island Drive

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

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As such, the Building Division – Sewage System Program has no concerns with the request for minor variance.

Best Regards,

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



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Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Tuesday, September 8, 2020 2:01 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-026

Follow Up Flag: Follow up
Flag Status: Flagged

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

