

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cowan
Report Number COA2020-031

Public Meeting

Meeting Date: October 15, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 21.24 metres in order to permit the construction of an addition to a one-storey single detached dwelling.

The variance is requested at 144 Ball Point Road, geographic Township of Mariposa (File D20-2020-027).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-031 Cowan, be received;

That minor variance application D20-2020-027 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 sketches in Appendices C-E submitted as part of Report COA2020-031, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-031 as 'small frame shed to be removed' has been removed, 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 COA2020-031. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>The application was submitted August 14, 2020. A pre-screening meeting occurred with the Planning Division on July 28, 2020 prior to the submission of the application. The application was originally scheduled for the September 2020 Committee meeting.</p> <p>On September 2, 2020 Building Division – Part 8 Sewage Systems staff provided Planning Division with a letter indicating that current septic system cannot accommodate the proposal. Staff recommended a deferral of no greater than three (4) months until such time as the septic capacity issues could be resolved. Committee granted the deferral as requested at the September meeting.</p> <p>The applicant subsequently modified the septic system component of the proposal and has resubmitted based on a newly sized septic tank. No changes to the size or configuration of the addition are proposed.</p> <p>The proposal involves the construction of a 44.35 square metre (477.38 square feet) addition to an existing one-storey detached dwelling including a 58.21 square metre (626.57 square feet) replacement deck and new front porch.</p> <p>This application was deemed complete on August 21, 2020.</p>
Proposal:	<p>To construct an infill addition to an existing one-storey detached dwelling no closer to the shoreline than the established building line. The existing deck will be replaced and a new front deck/porch will be constructed.</p>
Owner:	<p>Gary Cowan</p>
Applicant:	<p>Scottie Eisemann, Cottage Life Construction</p>
Legal Description:	<p>144 Ball Point Road, Part Lot 18, Concession C, Lot 40, Plan 425, geographic Township of Mariposa, City of Kawartha Lakes</p>
Official Plan:	<p>Waterfront within the City of Kawartha Lakes Official Plan (2012)</p>
Zone:	<p>Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07</p>
Site Size:	<p>1,561.85 square metres (16,811.61 square feet)</p>

Site Servicing: Private individual water supply and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South, East: Shoreline Residential
West: Lake Scugog

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated on Ball Point, a peninsula on the northern shores of Lake Scugog. Ball Point Road bisects the point with shoreline residential lots on the east and west sides of the road. The neighbourhood consists of smaller sized lots with a mixture of vacation dwellings and smaller single detached dwellings (primarily bungalows).

The site currently contains an existing bungalow and a boathouse containing a habitable floor that were constructed in 1963 (according to MPAC) with a garden shed constructed in 1975 closer to the northwest corner of the property. The construction of the three buildings predate the first Township of Mariposa Zoning By-law (1978).

The topography of the site is relatively flat before sloping towards Lake Scugog approximately 16 metres from the shoreline. A well established vegetative buffer comprised of coniferous and deciduous trees as well as mature shrubs provide ample screening along the northern property line. The buffer offsets any potential privacy concerns with respect to the proposed windows, which are pre-existing on the northern face of the addition. The southern property line contains some mature trees along with shrubs closer to the shoreline. Since there is no proposed expansion to the north or south outside of the established footprint of the deck, there are no anticipated issues with massing or privacy from the proposed addition.

The presence of the septic system to the south and west of the existing dwelling prevent expansion outwards in these directions. Through replacing the existing deck with no encroachment further into the water yard setback, the development is in-line with the established building line of the neighbouring dwellings. The replacement deck offers the provision of amenity space through a transition to the rear yard. The four proposed patio screen doors on the waterside of the addition will provide for a seamless transition onto the deck.

The overall design of the addition compliments the overall character of the neighbourhood by maintaining a low profile that is similar to the built-form of the majority of the homes in the neighbourhood. Aesthetically, the modern design will blend in with the variety found in the area.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

Yes

The Rural Residential Type Three (RR3) Zone permits a variety of uses, including single detached and vacation dwellings.

The intent of the water setback within the zoning by-law is to maintain sufficient space between development and shoreline in order to permit the establishment of vegetation to assist in the infiltration of stormwater runoff and enhance water quality.

Due to the location of the existing septic system, the addition cannot be placed laterally to the south. The proposed addition is infilling the northwest and southwest corners of the existing dwelling and coming no closer to the shoreline than the established building line of the dwelling. The closest point the addition comes to the shoreline is at 21.24 metres. The minimum 15 metre setback required from the Environmental Protection (EP) Zone of Lake Scugog is being maintained. The existing deck footprint will also remain with no additional encroachment into the water setback. The new porch/entryway and front yard deck is being constructed on the opposite side of the dwelling away from the water yard altogether.

The small frame shed located within the front yard along the northern property line will be removed upon completion of construction. The frame shed was acknowledged during the pre-screening process and the applicant has agreed to remove the structure. A condition is recommended in order to confirm removal of the structure.

Therefore, the variance maintains 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 property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory 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. All development, including the location of the proposed addition is located greater than 15 metres from the shoreline.

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

Other Alternatives Considered: No alternatives have been considered at this time.

Servicing Comments: The property is serviced by private water and a 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 – Part 8 Sewage Systems (October 5, 2020): As a result of the additions, an environmental engineering firm was retained to review the system. A report was submitted by GHD, dated September 17, 2020 and revised September 30, 2020. The report documented an evaluation of the existing sewage system for the proposed additions. It is noted that the existing septic tank is undersized for the proposal. However, GHD has concluded that the existing leaching bed meets the requirements of the OBC and will function suitably for the proposal.

As such, the Building Division – Sewage System Program will require the septic tank to be upgraded to accommodate the proposal. The owner will be required to submit an Application for a Sewage System Permit to upgrade the septic tank.

Building Division (October 2, 2020): No Concerns

Engineering and Corporate Assets Division (September 15, 2020): No objection.

Public Comments: No comments have been received as of October 7, 2020.

Attachments:



Appendices A-F for
COA2020-031.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Site Plan
Appendix D – Elevation Drawings (North Elevation)
Appendix E – Elevation Drawings (South Elevation)
Appendix F – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	kstainton@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-027

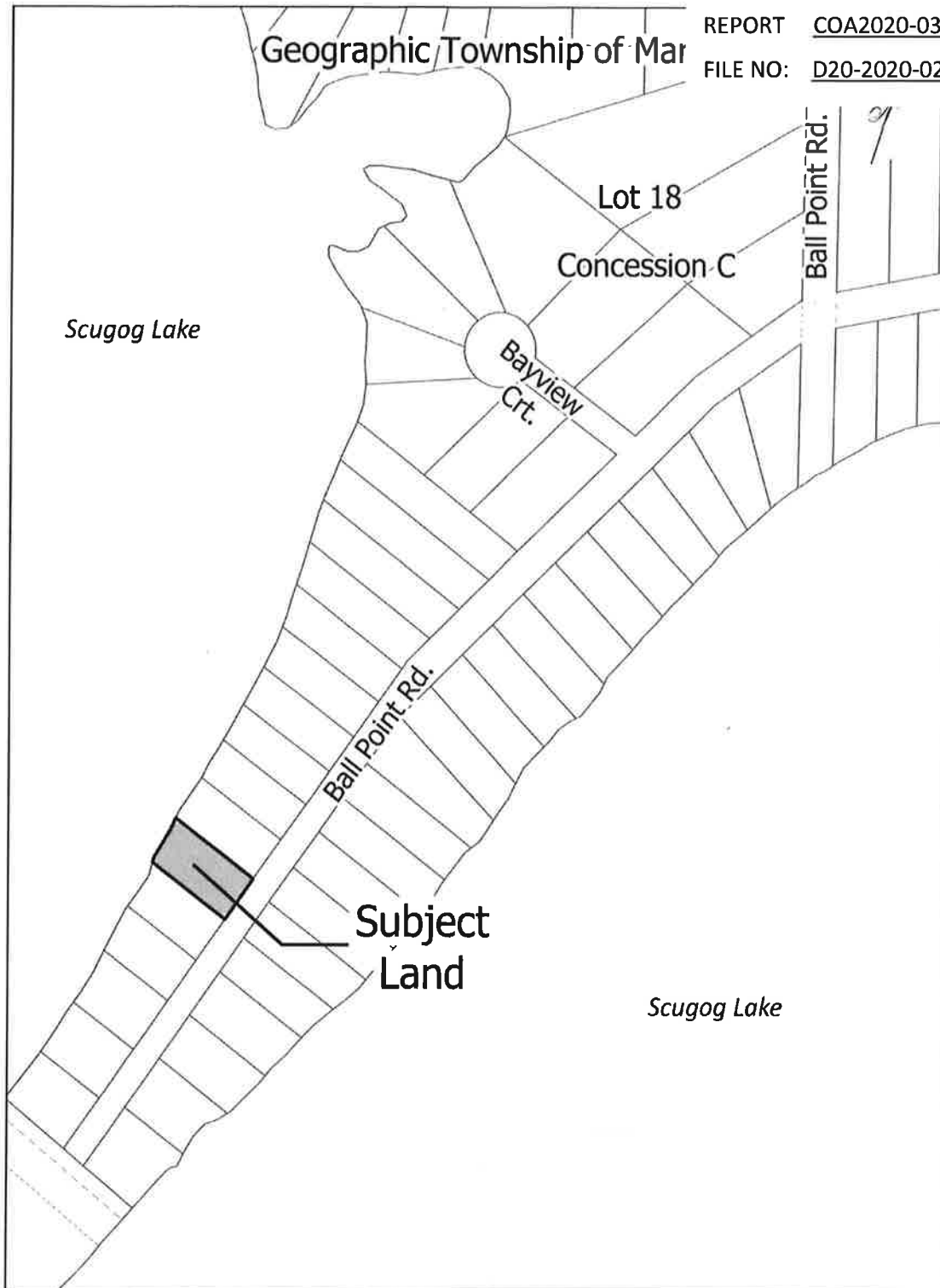
D20-2020-027

APPENDIX " A "

to

REPORT COA2020-031

FILE NO: D20-2020-027



144 Ball Point Road, Geographic Township of Mariposa



Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Lower Tier Municipalities

Notes

Notes

APPENDIX " B "

to

REPORT COA2020-031

FILE NO: D20-2020-027

0.07

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



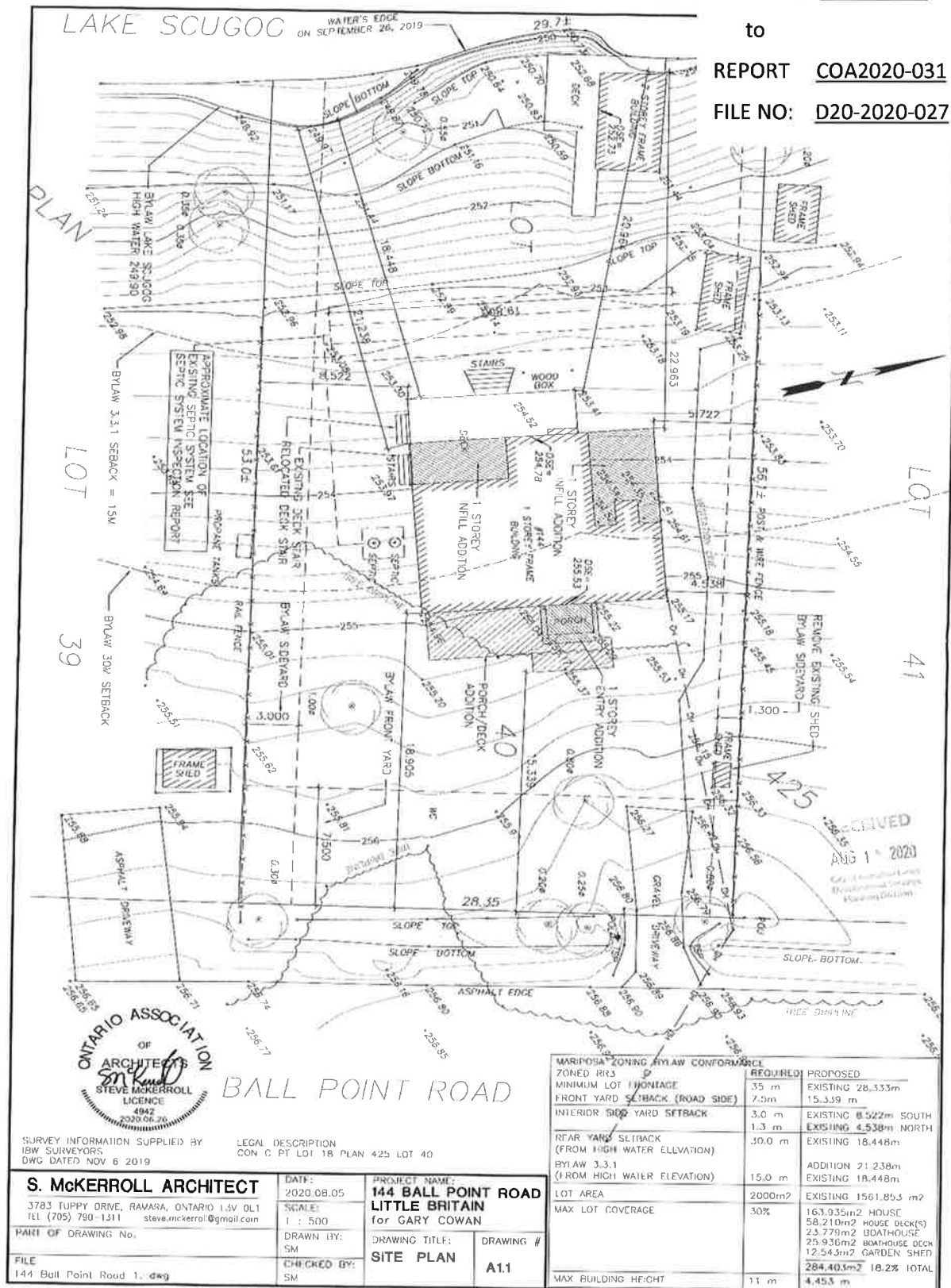
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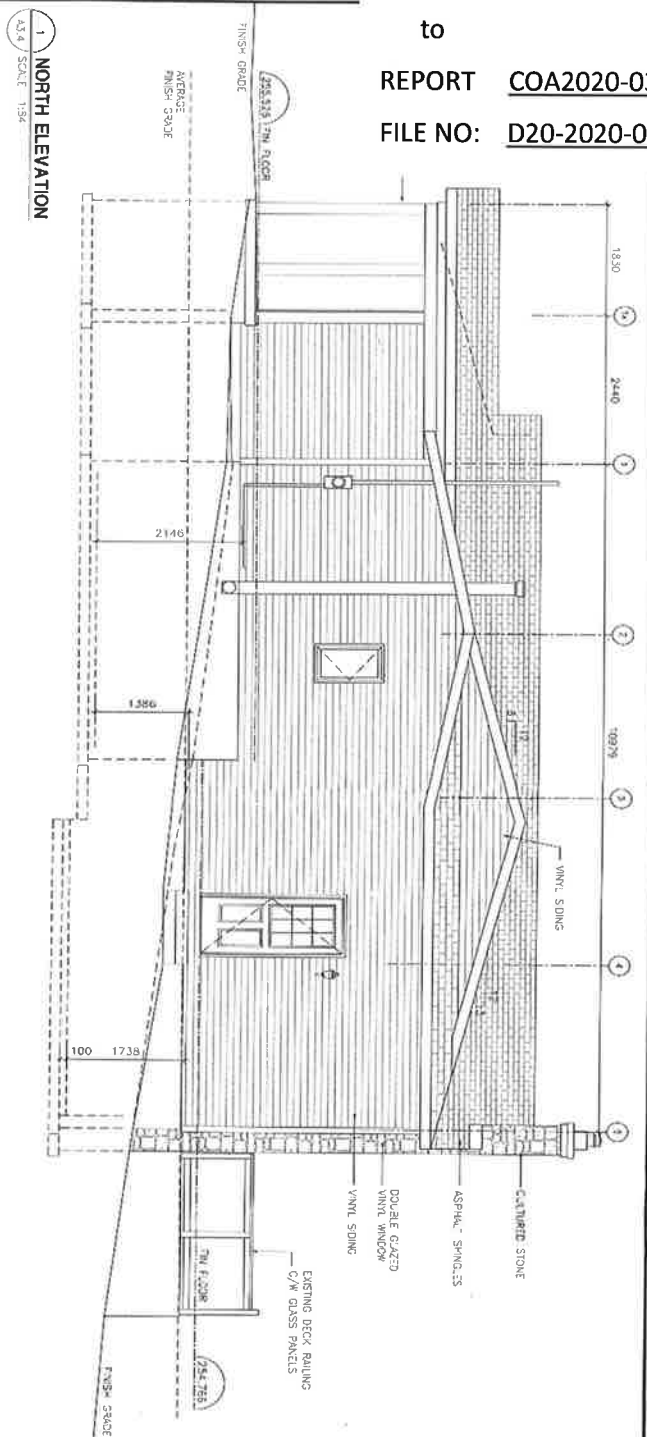
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REPORT COA2020-031

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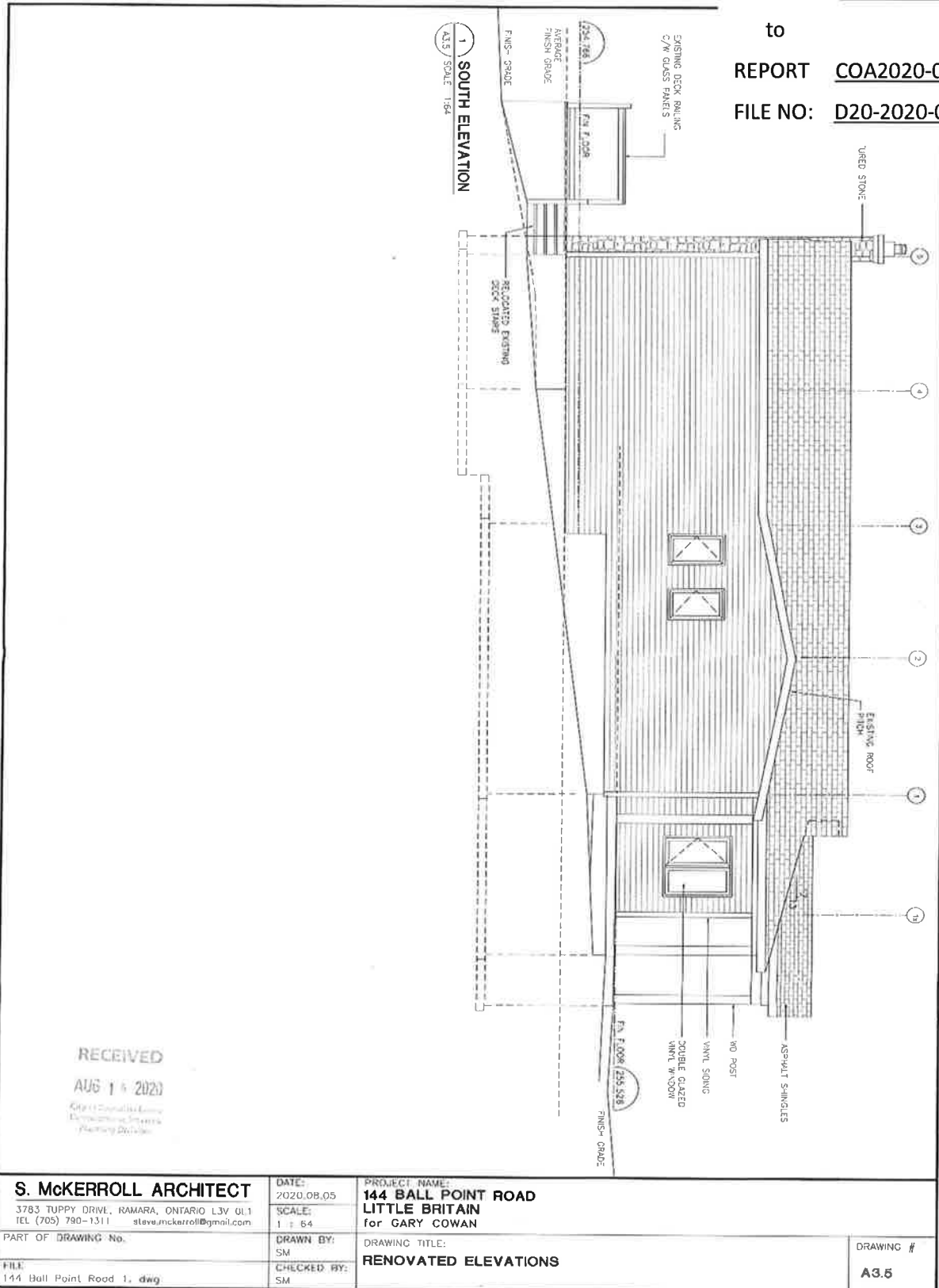
RECEIVED

AUG 1 2020

S. MCKERROLL ARCHITECT 3785 TUPPY DRIVE, RAMARA, ONTARIO L3V 0L1 TEL (705) 790-1311 steve.mckerrroll@gmail.com		DATE: 2020.08.05		PROJECT NAME: 144 BALL POINT ROAD LITTLE BRITAIN for GARY COWAN	
PART OF DRAWING No.		SCALE: 1 : 64		DRAWING TITLE: RENOVATED ELEVATIONS	
FILE 144 Ball Point Road 1.dwg		DRAWN BY: SM			
		CHECKED BY: SM		DRAWING # A3.4	

APPENDIX " E "

to
REPORT COA2020-031
FILE NO: D20-2020-027



Kent Stainton

From: Anne Elmhirst
Sent: Sunday, October 4, 2020 11:00 PM
To: Kent Stainton
Subject: 144 Ball Point Road - Minor Variance

APPENDIX " F "
to
REPORT COA2020-031

FILE NO. D20-2020-027

Hello Kent,

I have received and reviewed a proposal to add onto the existing dwelling at 144 Ball Point Road. The proposal is to add an additional 44.35 square metres to the total living space of the dwelling which includes a bedroom and 1 (3-piece) bathroom.

At present, a sewage system use permit was not located for the existing system serving the dwelling. As a result of the additions, an environmental engineering firm was retained to review the system. A report was submitted by GHD, dated September 17, 2020 and revised September 30, 2020. The report documented an evaluation of the existing sewage system for the proposed additions. It is noted that the existing septic tank is undersized for the proposal. However, GHD has concluded that the existing leaching bed meets the requirements of the OBC and will function suitably for the proposal.

As such, the Building Division – Sewage System Program will require the septic tank to be upgraded to accommodate the proposal. The owner will be required to submit an Application for a Sewage System Permit to upgrade the septic tank.

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

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.

Kent Stainton

From: Mark LaHay
Sent: Tuesday, September 15, 2020 9:30 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200915 D20-2020-027 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes
Sent: Tuesday, September 15, 2020 8:52 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200915 D20-2020-027 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-027
144 Ball Point Road
Part Lot 18, Concession C
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 21.24 metres in order to permit an addition to a single detached dwelling.

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



Kent Stainton

From: Derryk Wolven
Sent: Tuesday, September 8, 2020 2:01 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-027

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

