

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Michael Allen

Report Number COA2021-020

Public Meeting

Meeting Date: March 18, 2021

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 Section 5.2(c) to reduce the minimum front yard from 7.5 metres to 7.3 metres to recognize the construction of a single detached dwelling.

The variance is requested at 146 Brook Road, geographic Township of Somerville (File D20-2021-013).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2021-020 Allen, be received;

That minor variance application D20-2021-013 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 elevation in Appendix D submitted as part of Report COA2021-020, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2021-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was last amended March 2, 2021. The application is submitted to correct a building siting error discovered through the building permit process.

Proposal: To recognize a dwelling constructed slightly closer to the road. In particular, the relief sought is for a covered porch on the front of the dwelling.

Owner: Michael Allen

Legal Description: 146 Brook Road, Part Lot 17, Concession 3, geographic Township of Somerville, now City of Kawartha Lakes

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

Zone: "Limited Service Residential – Flood Plain (LSR(F)) Zone" within the Township of Somerville Zoning By-law 78-45

Site Size: 3,352.18 square metres (0.828 acre)

Site Servicing: Private individual well and sewage system

Existing Uses: Residential

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

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 in a shoreline residential area located on the south side of the Burnt River. This lot is a waterfront backlot, and is also the only backlot in this area. The lot is surrounded by forest, with shoreline residential uses on the opposite side of the road.

The reduction is sought for a covered front porch. The 0.2 metre decrease between the road allowance and covered porch is not anticipated to be perceptible. As it is not perceptible, it will not adversely impact the function of the property nor the character of the neighbourhood.

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 property is zoned "Limited Service Residential (LSR) Zone" with a flood plain (F) Symbol within the Township of Somerville Zoning By-law 78-45. The

(F) Symbol denotes flood proofing requirements to be undertaken on lands in proximity to the Burnt River.

Part of the intent behind the front yard setback is to regulate the overall proximity of built form to the street to reduce land use conflicts between uses, provide space for vehicle parking, and protect for other road functions, such as snow storage. The front yard reduction is sought for a covered porch. Parking is provided to the west of the porch, not in-front of it.

The slight reduction in the front yard setback is not anticipated to be perceptible nor impact the function of the front yard.

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 “Environmental Protection” within the City of Kawartha Lakes Official Plan (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 “Environmental Protection” designation does not permit new development, the Official Plan 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, and the lot was developed in accordance with those measures.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by private individual well and sewage 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 (March 4, 2021): No concerns. BP 2016-1560 remains outstanding.

Development Engineering Division (March 4, 2021): No objections.

Public Comments: No comments received as of March 8, 2021.

Attachments:



Appendices A-E to
COA2021-020.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation

Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

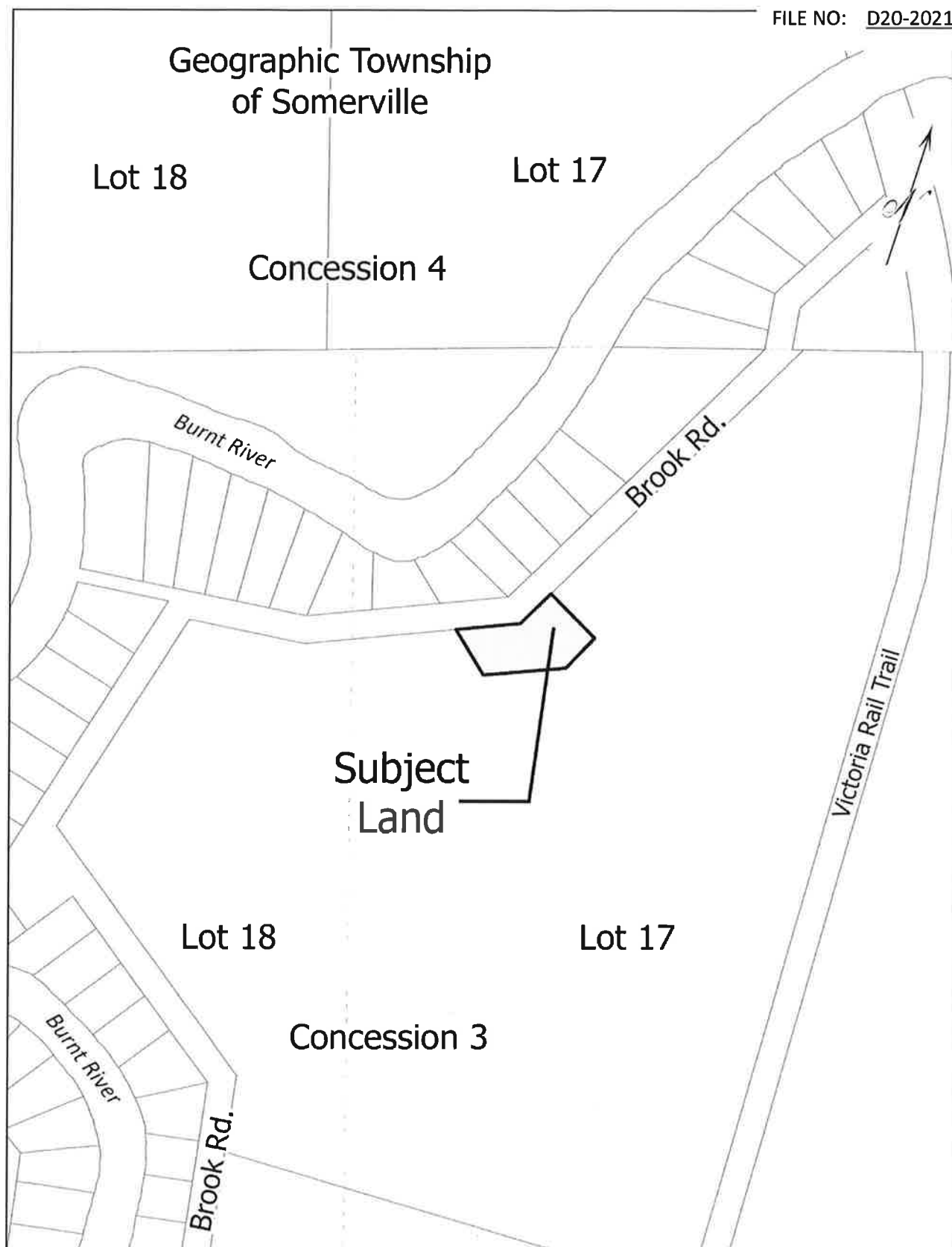
Department File: D20-2021-013

to

REPORT COA2021-020

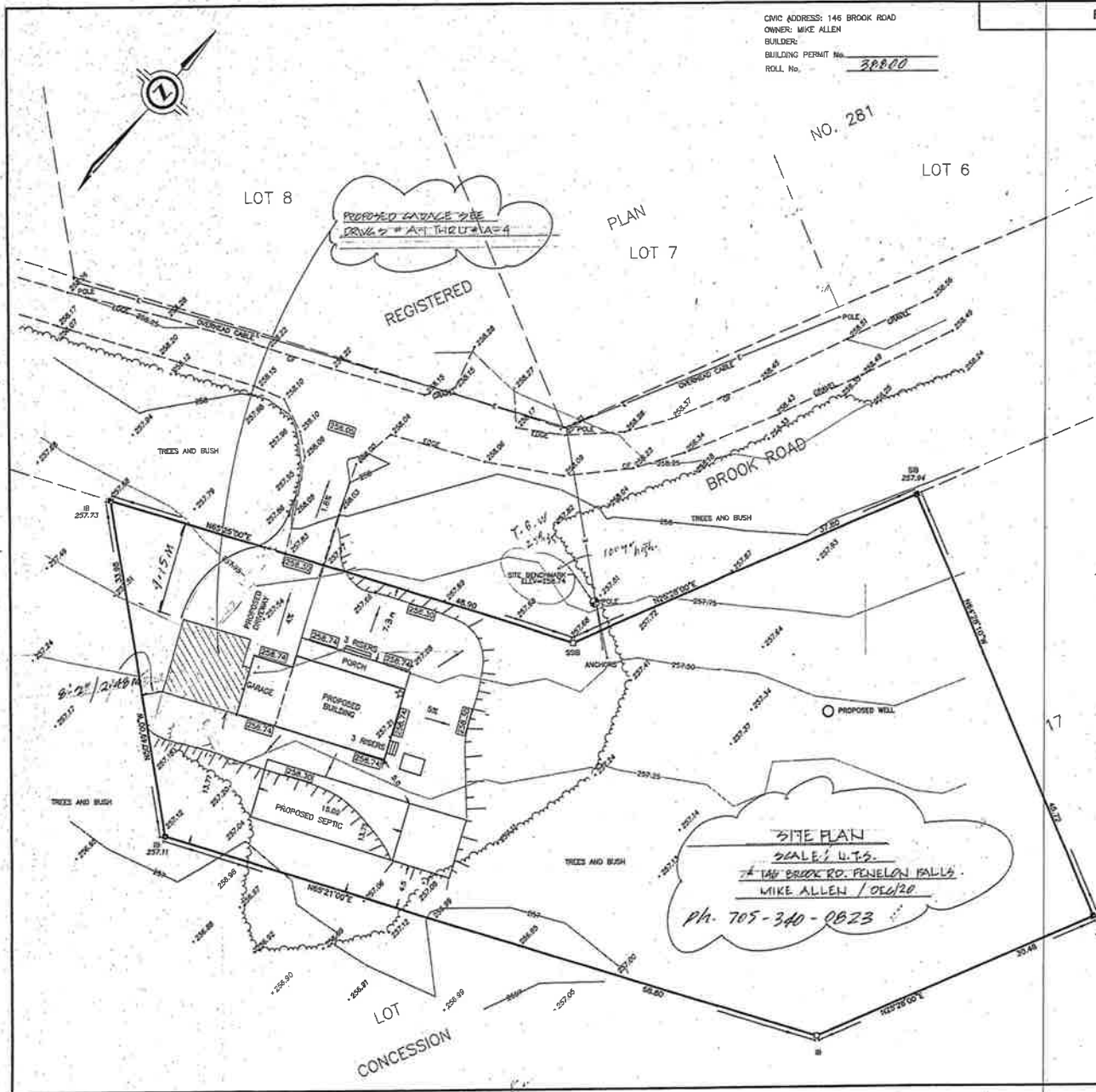
FILE NO: D20-2021-013

D20-2021-013



146 Brook Road, geographic Twp. of Somerville





CIVIC ADDRESS: 145 BROOK ROAD
OWNER: MIKE ALLEN
BUILDER:
BUILDING PERMIT No. 38800
ROLL No. 38800

FOR CONSTRUCTION PURPOSES ONLY

SITE GRADING PLAN OF
PART OF LOT 17
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF SOMERVILLE
CITY OF KAWARTHA LAKES
SCALE 1 : 250



COE, FISHER, CAMERON
© COPYRIGHT 2018

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND:

- - FOUND SURVEY MONUMENT
- - STANDARD IRON BAR
- - IRON BAR
- - CUT CROSS
- - PROPOSED ELEVATION
- - ORIGINAL GROUND
- - SLOPE
- - SWALE
- F.F.E. - FIRST FLOOR ELEVATION
- T.B.W. - TOP OF BASEMENT WALL
- T.S. - TOP OF BASEMENT SLAB
- T.G.S. - TOP OF GARAGE SLAB
- T.G.W. - TOP OF GARAGE WALL
- U.F. - UNDERFLOOR OF FOOTING
- HP - HIGH POINT
- ☆ - WOOD STAKE

GENERAL NOTES:

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR DRAIN TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LAIDEN SURFACE WATER DOES NOT ENTER ANY WATERCOURSES OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIM GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBOURING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DOWNSPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ONTO A SPLASH PAD OR APPROVED EQUIVALENT.
5. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVICES LOCATES PRIOR TO ANY WORKS.
6. ALL DISTURBED AREAS ARE TO BE SODDED OR SEEDED OVER A MINIMUM OF 150MM OF TOPSOIL OR APPROVED EQUIVALENT.
7. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
8. A COPY OF THE REVIEWED BY ENGINEERING LOT GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
9. BUILDER TO ENSURE MINIMUM OVERBURDEN FOR FROST PROTECTION ON FOOTINGS.
10. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.

ZONING	LSR (F)	F.F.E. 258.80
LOT AREA	3362.18 SQ. m.	T.B.W. 258.33
BUILDING AREA	135.64 SQ. m.	T.S. 258.33
		T.G.S. 258.78
		U.F. 257.77
No.	DATE	DESCRIPTION
		REVISIONS
		SHEET 1

ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEODETIC DERIVED BY GPS OBSERVATIONS AND ARE REFERRED TO A SITE BENCHMARK BEING A NAIL SET IN A WOOD POLE ALONG THE NORTHERLY LIMIT OF THE SUBJECT PROPERTY HAVING AN ELEVATION OF 258.74m (CGVD-1928/1978).

FUR=258.74m

NOVEMBER 7, 2018
DATED:

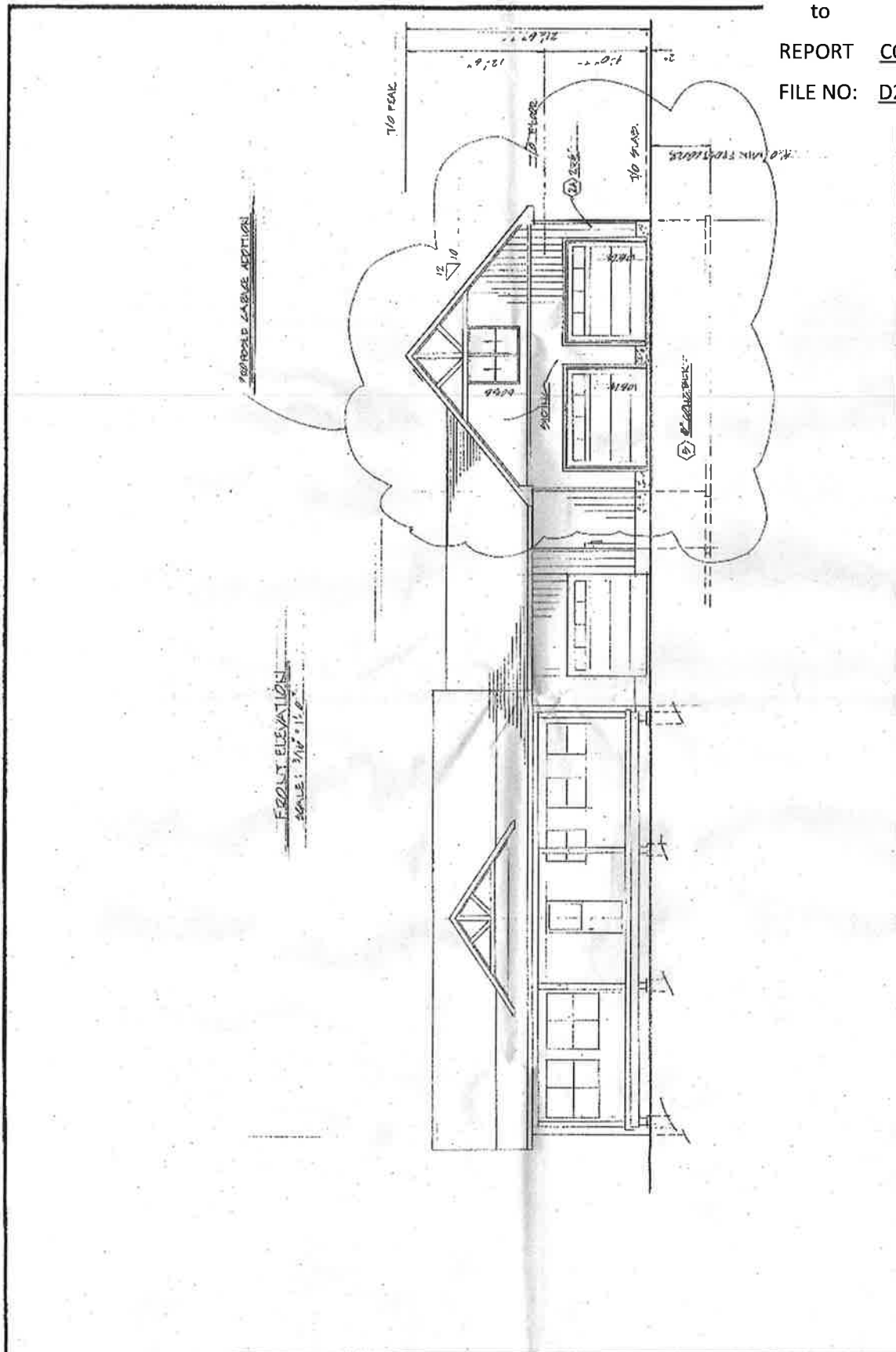
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COE FISHER C.
LAND
A wholly owned subsidiary of
337 KENT STREET WEST, LINDSAY
ON L0R 2G0 T: (705) 234-4132 F:
DRAWN BY: M.C.L. CHECKED BY: G.G.N.
FILE: S:\18-11-2018\020\Drawing\18-11-2018-020.dwg

APPENDIX " C "

FILE NO: D20-2021-013



David Harding

From: Mark LaHay
Sent: Thursday, March 4, 2021 1:59 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210304 D20-2021-013 - Engineering review

APPENDIX " E "
to
REPORT COA2021-020
FILE NO. D20-2021-013

FYI - file

From: Kim Rhodes
Sent: Thursday, March 4, 2021 1:36 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210304 D20-2021-013 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-013
146 Brook Road
Part Lot 17, Concession 3
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.2(c) to reduce the minimum front yard from 7.5 metres to 7.3 metres to recognize the construction of 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
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



David Harding

From: Derryk Wolven
Sent: Thursday, March 4, 2021 2:14 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-013

Please be advised building division has no concerns with the above noted application. We would bring to your attention that BP 2016-1560 is still outstanding.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca

