

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Loretta Wong
Report Number COA2021-021

Public Meeting

Meeting Date: March 18, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 8 – Geographic Township of Emily

Subject: The purpose and effect is to seek relief from Section 12.2.1.3 (c) to reduce the minimum exterior side yard setback from 7.5 metres to 3.47 metres to recognize the construction of a wooden deck.

The variance is requested at 35 Westview Drive, former geographic Township of Emily (File D20-2021-014).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-021 Loretta Wong be received;

That minor variance application D20-2021-014 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 & D submitted as part of Report COA2021-021, 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 COA2021-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application is the result of a Building Division Enforcement matter. An attached wooden deck was constructed to an existing one-storey dwelling on the subject lands.

This application was deemed complete on February 26, 2021.

Proposal: To construct a 26.76 square metre (288 square feet) unenclosed wooden deck on the subject lands.

Owner: Loretta Wong

Applicant: Bill Tai

Legal Description: 35 Westview Drive, Part of Lots 1 to 3, Plan 413, Part Lot 17, Concession 8, Geographic Township of Emily, City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 2,751.88 square metres (0.68 acres)

Site Servicing: Private individual well and sewage system.

Existing Uses: Residential

Adjacent Uses: North: Residential
East: Residential, Agricultural
South: Residential
West: Pigeon Lake

Rationale: While the seasonal dwelling exists, a building permit was not issued nor does the proposal comply with zoning. For these reasons, the Planning Act requires that the deck be presented and discussed as a proposed structure.

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 located within a shoreline residential neighbourhood (Westview) comprised of waterfront and backlots near the southeast shores of Pigeon Lake. The dwelling was constructed in 1963 (according to MPAC) and appears smaller than the majority of the residences on the backlots of Westview Drive.

The subject lands are irregularly shaped tapering from north-to-south. The eastern lot line bordering Westview Drive is considered the exterior lot line spanning the length of the lot. The exterior side yard essentially functions as a

front yard in terms of shaping the interface between the dwelling and Westview Drive. The lands between the porched entrance of the dwelling and the southern lot line are considered the 'front yard'. The shoreline of Pigeon Lake occupies the northwestern portion of the site.

The proposal will provide increased amenity space for the existing dwelling by extending the main floor of the dwelling. As the deck is open and a mature cedar hedge exists between the neighbouring lot to the southwest, no massing issues and impacts to sightlines are anticipated. Mature trees in between the dwelling and Westview Drive assist in detracting from the presence of the deck. Overall, the functionality of the exterior side yard will not be diminished.

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 Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30.

An exterior side yard setback typically provides for the protection of land to maintain sight lines, road widenings for the installation/expansion of services and by shaping the streetscape by regulating the placement of buildings. The deck will not encroach any further toward Westview Drive than the existing limit of the northeast corner of the dwelling with no additional expansion laterally or towards the road. The southeast corner of the dwelling remains the closest point of development and there are no anticipated sightline issues with the straight segment of Westview Drive.

From an accessibility perspective, the 2.27 metres from dwelling's closest point to road and 4.8 metres on the western side of the dwelling will not inhibit accessibility for the purposes of maintenance for the property nor create or aggravate lot drainage patterns. As the location of the deck is well over 30 metres from the shoreline, there are no issues with respect to the water setback.

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 deck 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 a private 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:

Engineering and Corporate Assets Department (March 4, 2021): No concerns.

Building Division (March 4, 2021): No concerns.

Public Comments:

No comments received as of March 9, 2021.

Attachments:



Appendices A-E to
COA2021-021.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch – Site Plan

Appendix D – Elevation Drawings

Appendix E – 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: D20-2021-014

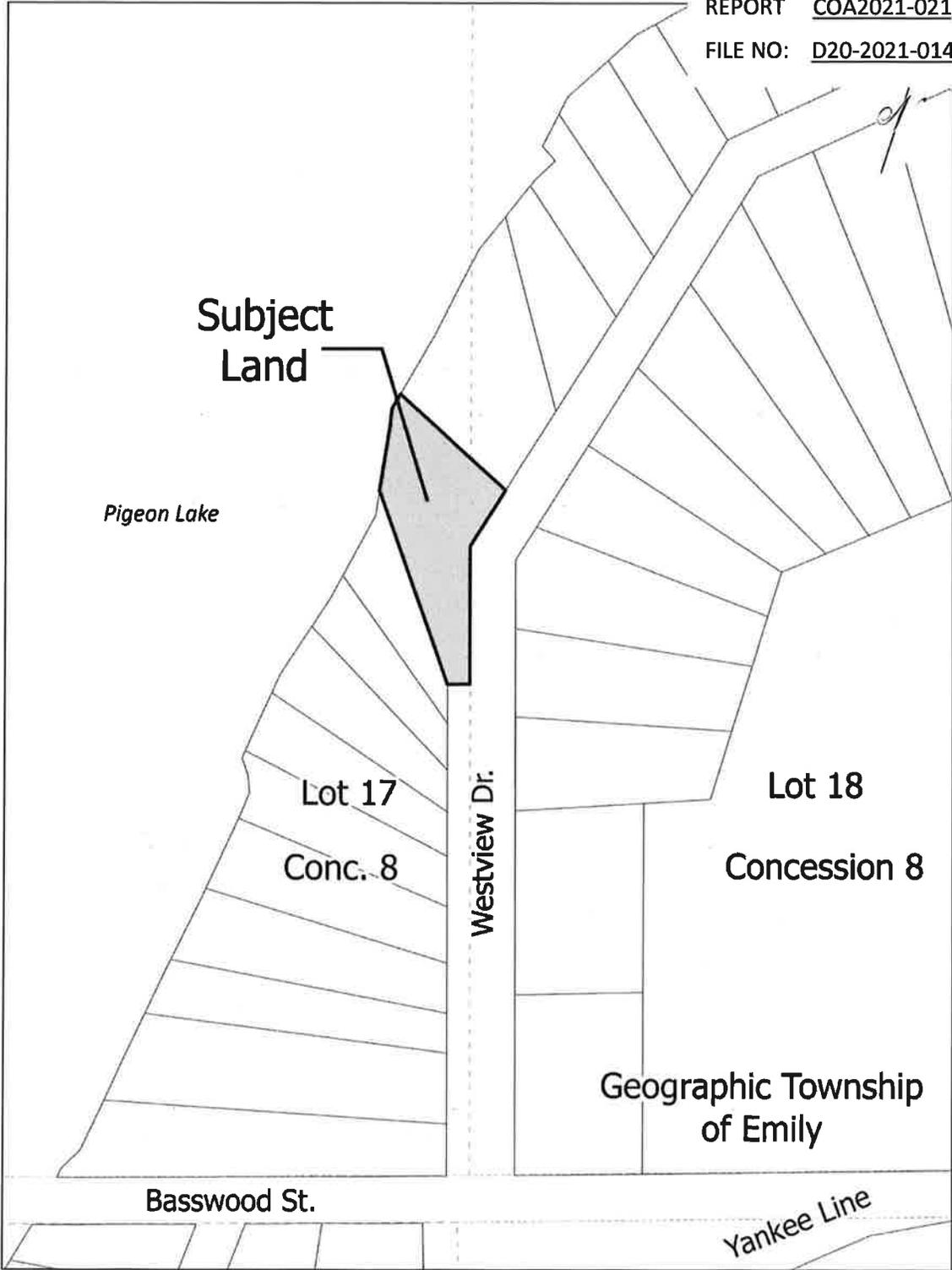
D20-2021-014

APPENDIX " A "

to

REPORT COA2021-021

FILE NO: D20-2021-014



35 Westview Drive, Former Geographic Township of Emily



- Legend**
- Property Roll Number
 - Lots and Concessions

Location of Subject Property



LOT 18
CON 8

LOT 17
CON 8

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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Notes
Notes

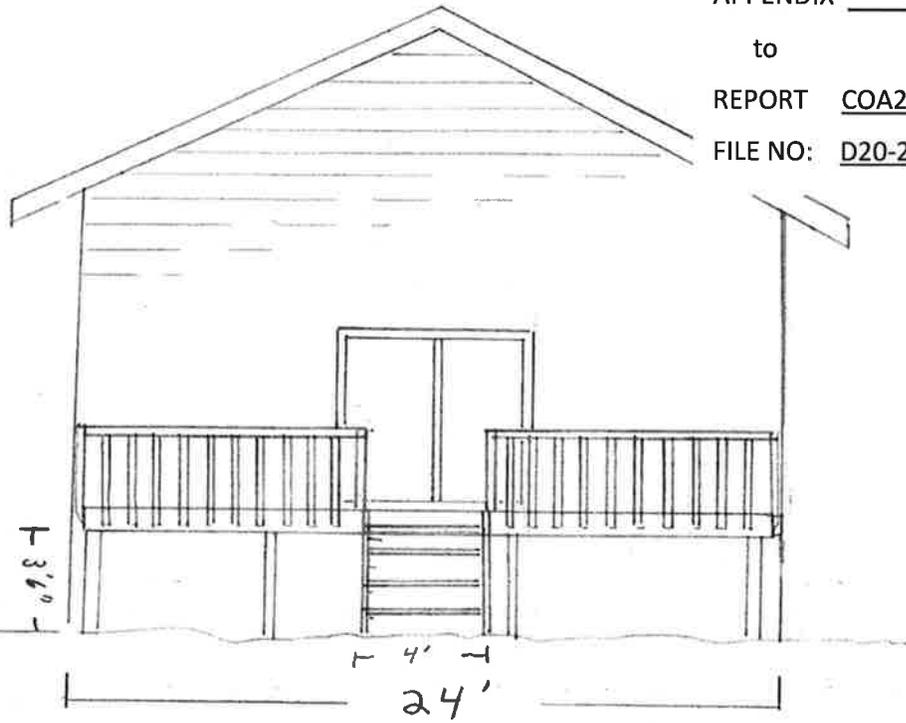
APPENDIX " B "
to
REPORT COA2021-021
FILE NO: D20-2021-014

APPENDIX " D "

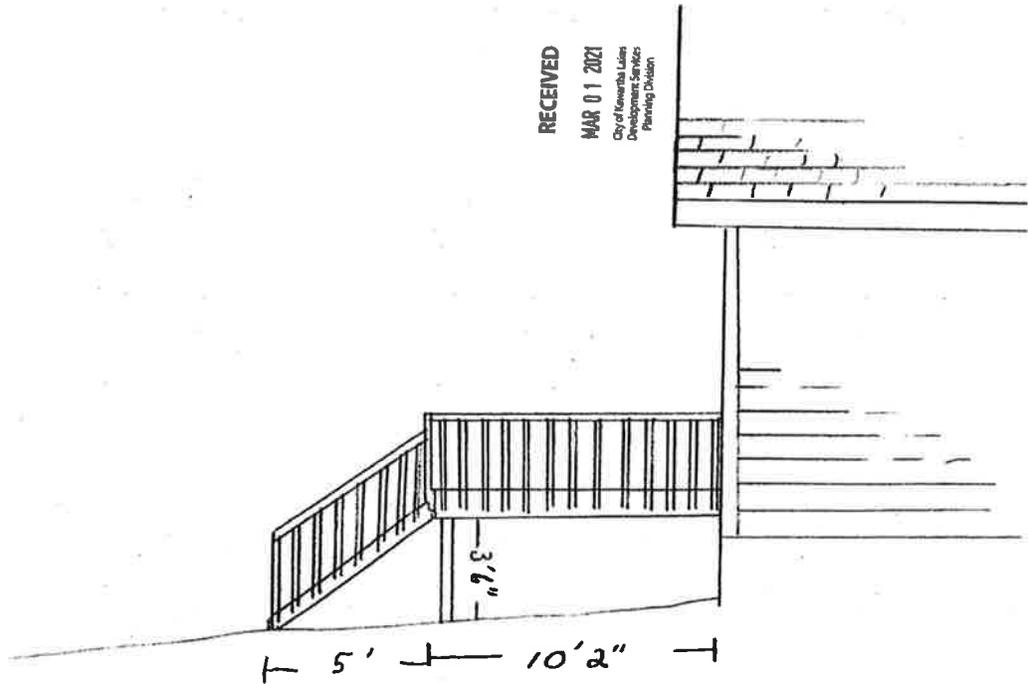
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REPORT COA2021-021

FILE NO: D20-2021-014



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Kent Stainton

From: Mark LaHay
Sent: Thursday, March 4, 2021 1:59 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210304 D20-2021-014 - Engineering review

FYI - file

APPENDIX E
to

REPORT COA 2021-021

FILE NO D20-2021-014

From: Kim Rhodes
Sent: Thursday, March 4, 2021 1:38 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210304 D20-2021-014 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-014
35 Westview Drive
Part Lots 1 to 3, Plan 413, Part Lot 17, Concession 8
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from Section 12.2.1.3(c) to reduce the minimum exterior side yard requirement of 7.5 metres to 3.47 metres in order to recognize the construction of a wooden deck attached to a residential 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



Kent Stainton

From: Derryk Wolven
Sent: Thursday, March 4, 2021 3:02 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-014, 35 Westview Drive Emily

Please be advised building division has no concerns with the above noted application. Building permit is required.

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

