The Corporation of the City of Kawartha Lakes Committee of Adjustment Report – Karen Burgess

Report Number COA2021-037

Public Meeting

Meeting Date: May 20, 2021 Time: 1:00 pm

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

Ward: 1- Geographic Township of Bexley

Subject: The purpose and effect is to request relief from Section 13.2.1.3 e) to reduce the minimum water setback from 15 metres to 8.52 metres in order to permit the construction of a one-storey replacement dwelling and attached wooden deck.

The variance is requested at 93 Shadow Lake Road 53, geographic Township of Bexley (File D20-2021-027).

Author: Kent Stainton, Planner II Signature: Let Signature

Recommendations:

Resolved That Report COA2021-037 Burgess, be received;

That minor variance application D20-2021-027 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 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 COA2021-037, 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 owner shall submit to the Secretary-Treasurer photographic evidence confirming that the existing garden shed to the northeast of the existing cottage has been removed, and;
- 3) 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 COA2021-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant submitted a pre-screening application for review

of a replacement dwelling and associated wrap-around deck involving a reduced water setback in December of 2020.

Through the pre-screening process, the location of the septic system was changed and an alternative configuration for the wrap-around deck and northern roofline was agreed upon.

The application was deemed complete on April 9, 2021.

Proposal: To construct a 177.48 square metre (1,910.48 square feet)

replacement dwelling with a 59.73 square metre (643 square

feet) wrap-around wooden deck.

Owner: Karen Burgess

Legal Description: 93 Shadow Lake Road 53, Part Lot 26, Gull River Range,

Geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential (LSR) Zone within the Township of

Bexley Zoning By-law 93-09.

Site Size: 1,553.74 square metres (16,724.32 square feet).

Site Servicing: Private lake draw and private septic system

Existing Uses: Shoreline residential

Adjacent Uses: North: Silver Lake, Shoreline residential

East: Gull River

South: Shoreline Residential, Rural

West: Shoreline Residential, Shadow Lake Road 53

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 located on the southwestern shore of Silver Lake adjacent to the outlet to the Gull River. The property is accessed via a private easement for a right-of-way known as Shadow Lake Road 53. The neighbourhood is composed of seasonal as well as year-round residential uses. The subject property is the second-last lot on Shadow Lake Road 53. Single

storey and two-storey dwelling designs are found within the 8-10 waterfront lots along the private road.

The subject property is shaped like a parallelogram, lacking substantial width. An elevated single storey dwelling constructed in 1957 (according to MPAC) with a wrap-around wooden deck is located in the northeastern section of the property before the land slopes towards the shoreline. An accessory storage building is located to the west of the current dwelling and is proposed to remain following construction of the new-build. The replacement sewage system is proposed between the dwelling and Shadow Lake Road 53. Well-developed vegetative buffers comprised of cedar hedges and individual cedar trees demarcate the eastern and western property boundaries between the neighbouring properties. The screening also maintains privacy between the lots on either side of subject lands.

The footprint of the proposed replacement dwelling ensures the proposed wraparound deck does not project further into the water setback, but allows for a sufficient size to transition between the main floor and the water yard. This minimal projection ensures as much area is preserved as possible for infiltration as well as amenity purposes.

The proposal ensures the maximum separation between the sewage system and shoreline possible. Further, the proposed one-storey design ensures a low profile in keeping with the established built form of nearby dwellings. This built form is more appropriate and in-character with the neighbourhood than a 2-3 storey dwelling.

The variance allows for the continued use of the lot with a footprint that recognizes, to the extent possible, the septic system and shoreline setbacks.

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 subject property is zoned Limited Service Residential (LSR) Zone in the Township of Bexley Zoning By-law 93-09. Single detached and vacation dwellings are permitted within the zone category.

The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment of vegetation. The setback reduction preserves as much of a buffer as possible given the configuration of the lot. Conformity with policies pertaining to buffer maintenance is discussed within the Official Plan test. Overall, the requirement for a new, advanced wastewater treatment system combined with its location results in a net benefit for Silver Lake and its ecosystem.

The presence of the existing accessory building prevents the dwelling from being situated further south in the lot without requiring relief from the interior

side yard requirements or presenting potential drainage impacts to the adjacent residential properties.

Upon conducting the site visit associated with the variance application, Planning staff identified a small garden shed located to the northeast of the single detached dwelling on the property that is non-compliant with the general provisions of the Zoning By-law. The owner has agreed to remove the garden shed during construction of the new dwelling. A condition is recommended in order to ensure the garden shed is entirely removed from the property.

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. Residential uses are anticipated within this designation.

The Official Plan establishes water setback policies to provide sufficient spatial separation to protect development from hazards and protect and enhance the ecological function of the waterbody. Through the creation of a water setback, a buffer is created between the built form and waterbody for the establishment of vegetation to protect and enhance the ecological function of the waterbody as well as fish habitat. The vegetation provides the following benefits to the waterbody: attenuation of water runoff, trapping of sediments and nutrients carried by storm water runoff and habitat enhancement in the riparian area.

Policy 3.11 permits development within 30 metres of the shoreline on existing lots of record where it is demonstrated that all of the following criteria are met:

A. The 30 metre water setback cannot be met.

The property is 29.82 metres wide at the shoreline. In order to accommodate a driveway with adequate parking, the existing accessory building and the new septic system without presenting potential drainage implications to adjacent properties, staff is of the opinion that this condition is met.

B. Development is to be directed away from the shoreline as much as possible.

The proposal acknowledges the extent of the existing encroachment towards the shoreline considering the constraints placed by the accessory shed, septic system footprint and driveway/parking on the subject lands.

C. A vegetation protection zone be established to the maximum extent possible.

The proposal attempts to direct the built form away from the shoreline and is an improvement over the original submission. Enhancement of the vegetation protection zone is a possibility instead of strictly a manicured lawn towards the shoreline. Kawartha Conservation encourages the owner to maintain a naturally vegetated shoreline through their comments found in Appendix E.

D. The septic system be elevated 0.9 metres above the water table.

The lot drainage and grading plan shows this criterion is met.

E. The impact of the expansion or reconstruction is minimized to the maximum extent possible.

The proposal acknowledges the existing limit of development within the water setback and does not encroach or expand further towards the shoreline. A lateral expansion is required in order to accommodate the septic system and lessen the vertical built form within the water setback.

F. In no case shall development be less than 15 metres to the high water mark.

The lot has insufficient width to comply with the water setbacks for both the dwelling and septic system. The intent of the policy is not to extinguish the residential use, but to improve upon shoreline setbacks when development or redevelopment occurs. Limited opportunity remains to further enhance the shoreline setback without increasing the overall height of the building or bringing the sewage system closer to the shoreline. A taller building presents a more prominent built form, contrary to the designation's other policies that encourage low profile development. Through placing the new sewage system between the shoreline and the dwelling would also direct leachate to run towards the lake, which is counter to the buffering policy to lessen environmental impacts.

In consideration of the above, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered: Through the pre-screening application, the applicant proposed a configuration in which the deck would encroach into the water setback further than the footprint of the existing deck. The configuration was modified so that the no encroachment was proposed.

A subsequent review of the elevation drawings revealed that the roofline projected past the limit of the deck footprint in a cantilevered manner. The roofline has been revised (see Appendix D) so that there is no projection past the footprint of the deck.

Servicing Comments: The property is serviced by a water line (lake draw) and private 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 (May 7, 2021): No objections.

Building and Septic Division (May 7, 2021): No concerns. A lot grading and drainage plan will be required as part of the Building permit process.

Building and Septic Division – Part 8 Sewage Systems (May 7, 2021): A sewage system permit to install has been issued for this property. The sewage system is being located at the rear property line on the roadside of the lot. The proposed water setback will support servicing of the property with a private sewage disposal system.

As such, the Building and Septic Division has no objection to the proposed minor variance as it relates to private on-site sewage disposal.

Kawartha Region Conservation Authority (May 11, 2021): Kawartha Conservation has no concerns with the variance. The replacement dwelling should be at least 0.3 metres above the Regulatory Flood Elevation for Shadow Lake (no elevation was provided). Due to the reduced setback, Kawartha Conservation encourages the applicant to maintain a naturally vegetated shoreline. No permits are required as the property is outside of Kawartha Conservation's jurisdiction.

Public Comments: Comments from Darlene and Dana Brant of 89 Shadow Lake Road 53 were received on April 8, 2021 in support of the application as part of the complete application package. The comments can be found in Appendix F of the report.

Attachments:



Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Site Plan)

Appendix D – Applicant's Drawings (Elevations)

Appendix E – Department and Agency Comments

Appendix F – Public Comments

Phone: 705-324-9411 extension 1367

E-Mail: kstainton@kawarthalakes.ca

Department Head: Richard Holy, Acting Director of Development Services

Department File: D20-2021-027

D20-2021-027

APPENDIX <u>" A "</u>

to REPORT <u>COA2021-037</u> Geographic T FILE NO: D20-2021-027 of Somerville Silver Lot 48 Lake **Broken Front Concession** Shadow Lake Rd. 28 Lot 26 Subject Land Shadow Lake Rd. 53 Lot 25 Gull River Range Geographic Township of Bexley



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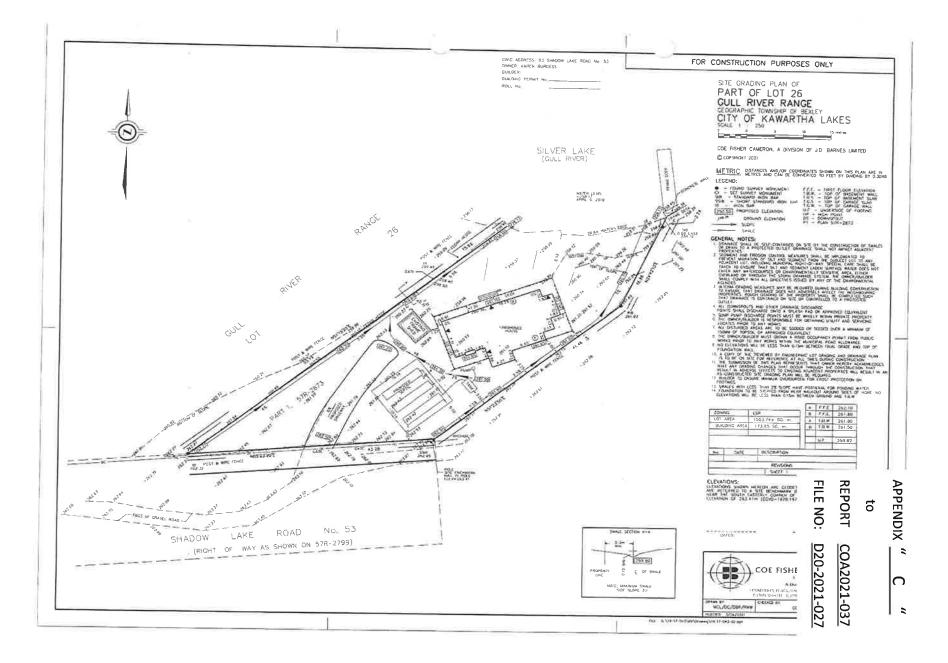
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© City Of Kawartha Lakes

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.

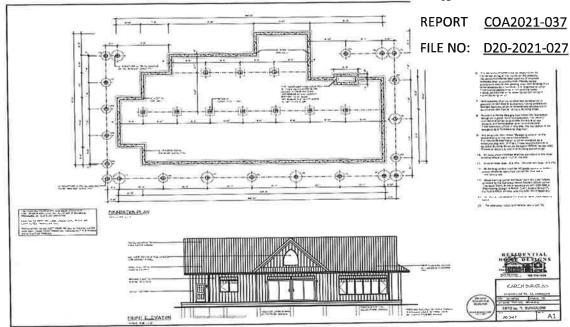
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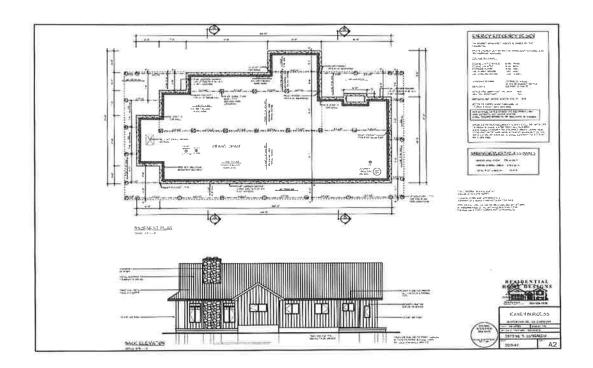
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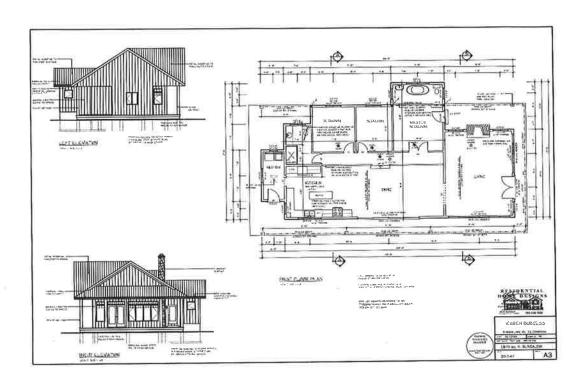
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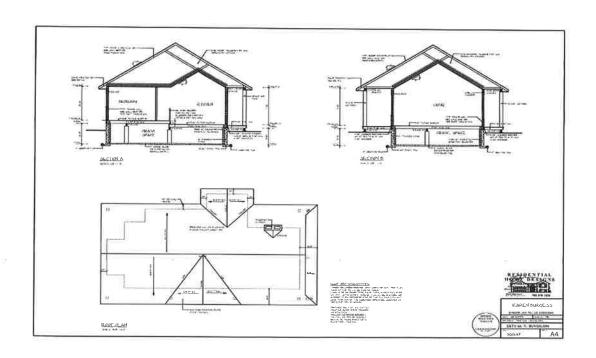


to









APPENDIX "______

FILE NO. D20-2021-127



KRCA File NO: PPLK-10465

Via Email: Ccrockford@kawarthalakes.ca Charlotte Crockford Administrative Assistant Development Services – Planning Division 180 Kent Street West Lindsay, ON, K9V 2Y6

Regarding:

Minor Variance Application

D20-2021-027

95 Shadow Lake Road 53, Bexley

Karen Burgess

Dear Ms. Crockford,

Kawartha Conservation has completed review of the above noted Minor Variance application submitted by Karen Burgess. 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 D20-2021-027 is to seek relief from the Township of Bexley Zoning By-law 93-09 to reduce the minimum water setback from 15 metres to 8.52 metres in order to permit the construction of a one-storey replacement dwelling and attached wooden deck.

Site Characteristics:

Existing mapping indicates that the subject property is within the vicinity of the following: *Natural Heritage Features:*

- Shoreline of Shadow Lake

Natural Hazards:

- There may be flooding and/or erosion hazards.

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1 705.328,2271 Fax 705.328.2286







Water Resources:

Subject property is within the boundary of the Shadow Lake Management Plan.

Applicable Kawartha Conservation Regulation and Policies Ontario Regulation 182/06 (as amended):

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- Any change to a building or structure that would have the effect of altering the use or potential use
 of the building or structure, increasing the size of the building or structure or increasing the number
 of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Subject property is outside of Kawartha Conservation's jurisdiction. No permits will be required pursuant to Ontario Regulation 182/06.

Recommendation:

Kawartha Conservation has no concern with the approval of D2-2021-027. The replacement dwelling should be at least 0.3 metres above the regulatory flood elevation of Shadow Lake. Due to the reduced setback, Kawartha Conservation encourages the applicant to maintain a naturally vegetated shoreline.

I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely, Erin McGregor

Ein Magnep

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1 705.328.2271 Fax 705.328.2286 KawarthaConservation.com





Resources Planner Technician Kawartha Conservation

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

277 Kenrei Road, Lindsay, ON K9V 4R1 705.328.2271 Fax 705.328.2286 KawarthaConservation.com



Kent Stainton

From:

Anne Elmhirst

Sent:

Friday, May 7, 2021 7:45 PM

To:

Charlotte Crockford

Subject:

RE: Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Hello Charlotte,

I have received and reviewed the minor variance application D20-2021-027 for 93 Shadow Lake Road 53 to request relief from the water setback.

A sewage system permit to install has been issued for this property. The sewage system is being located at the rear property line on the roadside of the lot. The proposed water setback will support servicing of the property with a private sewage disposal system.

As such, the Building and Septic Division has no objection to the proposed minor variance as it relates to private on-site sewage disposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems
Development Services - Building and Septic 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.

From: Charlotte Crockford

Sent: Thursday, May 6, 2021 1:42 PM

To: 'Erin McGregor'; Christina Sisson; Kim Rhodes; Emmett Yeo; Susanne Murchison; Derryk Wolven; Anne Elmhirst

Subject: Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Many thanks

Charlotte Crockford

Administrative Assistant

Kent Stainton

From:

Derryk Wolven

Sent:

Friday, May 7, 2021 1:02 PM

To:

Charlotte Crockford

Subject:

RE: Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Please be advised building division has no concerns with the above noted application. Lot grading and drainage plan will be required for the project.

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



From: Charlotte Crockford

Sent: Thursday, May 6, 2021 1:42 PM

To: 'Erin McGregor'; Christina Sisson; Kim Rhodes; Emmett Yeo; Susanne Murchison; Derryk Wolven; Anne Elmhirst

Subject: Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-027, 93 Shadow Lake, Bexley.

Many thanks

Charlotte Crockford

Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



Please note: The Development Services 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:

Kim Rhodes

Sent:

Friday, May 7, 2021 12:24 PM

To:

Mark LaHay

Cc:

Charlotte Crockford; Christina Sisson; Kirk Timms; Benjamin Courville

Subject:

20210507 D20-2021-027 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-027 93 Shadow Lake Road 53 Part Lot 26, Gull River Range Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief from Section 13.2.1.3 e) to reduce the minimum water setback from 15 metres to 8.52 metres in order to permit the construction of a one-storey replacement dwelling and attached wooden deck.

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) <u>www.kawarthalakes.ca</u>



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

Karen Burgess

From:

Darlene Brant <darlene.brant@hotmail.com>

Sent:

March 13, 2021 8:56 PM

To:

kstainton@kawarthalakes.ca

Cc:

Karen Burgess

Subject:

#91 Shadow Lake 53 Road, Coboconk, ON

KELEIVEL

APR - 8 2021

City of Kawartha Lakes Development Services Planning Division

Dear Mr. Stainton, we are next door neighbours of Karen Burgess, who has asked us to contact you to confirm she has made us aware of the build she is planning for the above noted property, including sharing her architectural drawings with us, and has kept us informed at each stage of her progress. We have no reservations about her plans as they now stand.

If you have any questions or require any additional information, please do not hesitate to contact us directly.

Best Regards,

Darlene and Dana Brant #89 Shadow Lake 53 Road, Coboconk, ON

Home: 905-294-4151

Darlene cell: 416-458-4716 Dana cell: 647-290-5212

Sent from my iPhone

APPENDIX .

to

REPORT COA 2021-037

THE MO. 120-2021-027