

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Alexander
Report Number COA2021-066

Public Meeting

Meeting Date: September 16, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to permit the reconstruction and expansion of an existing dwelling, permit modification to the existing deck, and permit the construction of deck stairs by requesting relief from the following provisions:

Dwelling

1. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 12.1 metres,
2. Section 3.18.1.1 to reduce the minimum setback from the Environmental Protection (EP) Zone from 15 metres to 12.1 metres,
3. Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard from 2.3 metres to 1.9 metres,

Deck with Stairs

4. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 11.7 metres; and
5. Section 3.18.1.1 to reduce the minimum setback from the Environmental Protection (EP) Zone from 15 metres to 11.7 metres.

The variances are requested at 57 Sugar Bush Trail, geographic Township of Fenelon (File D20-2021-057).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2021-066 Alexander, be received;

That minor variance application D20-2021-057 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 elevations in Appendix D submitted as part of Report COA2021-066, 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 COA2021-066. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>The application seeks the following modifications to the property:</p> <ol style="list-style-type: none">1. Rebuild the main level of the single detached dwelling,2. Expand the main level of the single detached dwelling through the addition of an attached garage; and3. Shorten and reconfigure the deck along the east wall of the dwelling and add deck stairs. <p>Expansions to the dwelling are also proposed to the south that will add living space and a covered screened porch, but these features are proposed to comply with the required setbacks.</p> <p>This application was last amended August 30, 2021.</p>
Proposal:	<p>To reconstruct the main level of the single detached dwelling, add an attached garage, modify the existing deck, and add deck stairs.</p>
Owners:	<p>Robert Arthur Alexander and Nancy Alexander</p>
Applicant:	<p>Brian Armstrong – B. Armstrong Contracting</p>
Legal Description:	<p>Part Lot 26, Concession 10, Parts 12 and 13, 57R-175, geographic Township of Fenelon, City of Kawartha Lakes</p>
Official Plan:	<p>Waterfront within the City of Kawartha Lakes Official Plan</p>
Zone:	<p>Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95</p>
Site Size:	<p>1,684 square metres (18,126.4 square feet)</p>

Site Servicing: Lake-based water supply and private individual well septic system

Existing Uses: Shoreline Residential

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

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 upon a peninsula on the east side of Cameron Lake and is of a triangular shape that narrows at the south end. The peninsula is accessed via a private easement for a right-of-way known as Sugar Bush Trail. The neighbourhood is composed of seasonal and year-round residential uses. Sugar Bush Trail does not run down the centre of the peninsula, resulting in deeper lots on the west side and shallower lots on the east side. Single storey, 1.5 storey and two storey dwelling designs are found on the east side of Sugar Bush Trail. Some of these dwellings have walkout basements, which are defined as an additional storey.

The variances, if granted, will facilitate the replacement of the main floor of the dwelling. The walkout basement is being retained. As no additional storeys are being proposed, there is not anticipated to be any significant change in massing impacts or to the character of the shoreline. The variances will also allow for the creation of an attached garage on the north side, providing additional storage and a second stairway access to the basement.

The north interior side yard currently functions as a utility area that also facilitates access between the front (shoreline) and rear (roadside) yards.

The reconstruction proposes the removal of approximately half of the deck which currently runs along the entire east wall of the dwelling, which improves the setback separation between the built form and shoreline and increases the depth of yard available to establish open landscaped amenity space. The removal is proposed in the area where the deck is closest to the shoreline. The southern addition will remove the current yard access to the deck. Stairs are proposed over a portion of the area where the deck is to be removed in order to provide new yard access to the main level of the dwelling.

Parking on the property is currently in the form of surface parking to the southwest of the dwelling. Parking is to be relocated to the north and west side of the dwelling in the form of an attached garage and circular driveway in order to accommodate a new sewage system. The garage, while within the shoreline and EP Zone setback, is further away from the shoreline than the existing dwelling and is proposed as far away as is possible while still maintaining a viable connection to the dwelling.

The lot appears as a single storey on the road side, sloping quickly between the rear and front walls in order to provide a walk-out basement design on the front wall. As a walkout basement exists and continues to be proposed, the building is considered a two storey dwelling and as such a greater yard setback applies on its narrow side. However, as the grade along the north garage wall is proposed to be kept relatively uniform, no adverse massing impacts are anticipated to the abutting lot to the north addressed as 55 Sugar Bush Trail. Further, the north garage wall is not proposed to contain any windows, so there are no privacy or land use conflicts anticipated with number 55.

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 Fenelon Zoning By-law 12-95. The zone category permits seasonal and year round residential uses.

The intent of the enhanced interior side yard setback for buildings that are more than one storey is likely to maintain sufficient spatial separation between dwellings on abutting lots to avoid massing/loss of privacy and additional space to perform maintenance on the taller building face. However, retaining features are proposed to ensure the north garage wall remains as close to one storey when viewed along the north lot line as possible. As only a small portion of the basement wall will be seen along the north side, no adverse massing impacts are anticipated, nor is it anticipated that the ability to perform maintenance will be impeded.

Other functions of an interior side yard include facilitating access between the front and rear yards and providing for lot drainage. The reduced interior side yard will not impact these interior side yard functions.

The intent of the Environmental Protection (EP) Zone 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 for the dwelling proposes no further impact as the dwelling is not being expanded closer to the shoreline. The garage addition has been stepped back to preserve as much of a buffer to the shoreline as possible given the unique configuration of the lot. The distance between the existing built form and the shoreline is also being improved with the removal of a part of the existing deck.

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 along with their accessory uses are anticipated within this designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion 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 and its fish habitat. This vegetation provides the following benefits to the waterbody: attenuation of warm water runoff, trapping of sediments and nutrients carried by storm water runoff, enhancement to water quality, and habitat enhancement in the riparian area.

The policies permit existing lots of record where development must be accommodated less than 30 metres from the shoreline to maintain a shoreline setback of 15 metres. The lot at its deepest point is approximately 37 metres. The intent of the policy framework is not to extinguish the residential use of an unusually-shaped lot, but to improve upon shoreline setbacks when development or redevelopment occurs. The garage addition is proposed to be stepped back from the shoreline.

The Waterfront policies in Section 20 encourage development to maintain a low profile so that natural features dominate the shoreline landscape. The main floor of the dwelling is being replaced. No additional stories are being proposed. While the existing hip roof design of the dwelling is being replaced with a gable roof design in sections, this is anticipated to add to visual interest more than it is to massing impacts. The dwelling will continue to remain low profile in relation to the shoreline landscape. The deck setback is being improved through the partial removal of the existing deck which provides additional opportunity for the establishment of further vegetation between the dwelling's closest point and the shoreline.

In consideration of the above the variances maintain the general 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 a private individual sewage 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:

Agency Comments:

Development Engineering (September 2, 2021): No objections.

Building and Septic Division – Part 8 Sewage Systems (September 3, 2021): No concerns. An Application for Sewage System Permit to upgrade the sewage system servicing the property has been received. The new sewage system is designed and located to ensure appropriate clearance distances.

Building and Septic Division – Chief Building Official (September 8, 2021): No concerns. Building permit required. Development charges apply.

Public Comments:

No comments received as of September 7, 2021.

Attachments:



Appendices A-E to
COA2021-066.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Acting Director of Development Services
Department File:	D20-2021-057

D20-2021-057

to

REPORT COA2021-066

FILE NO: D20-2021-057

Geographic Township
of Fenelon

Lot 26
Concession 10

Kanata Trail

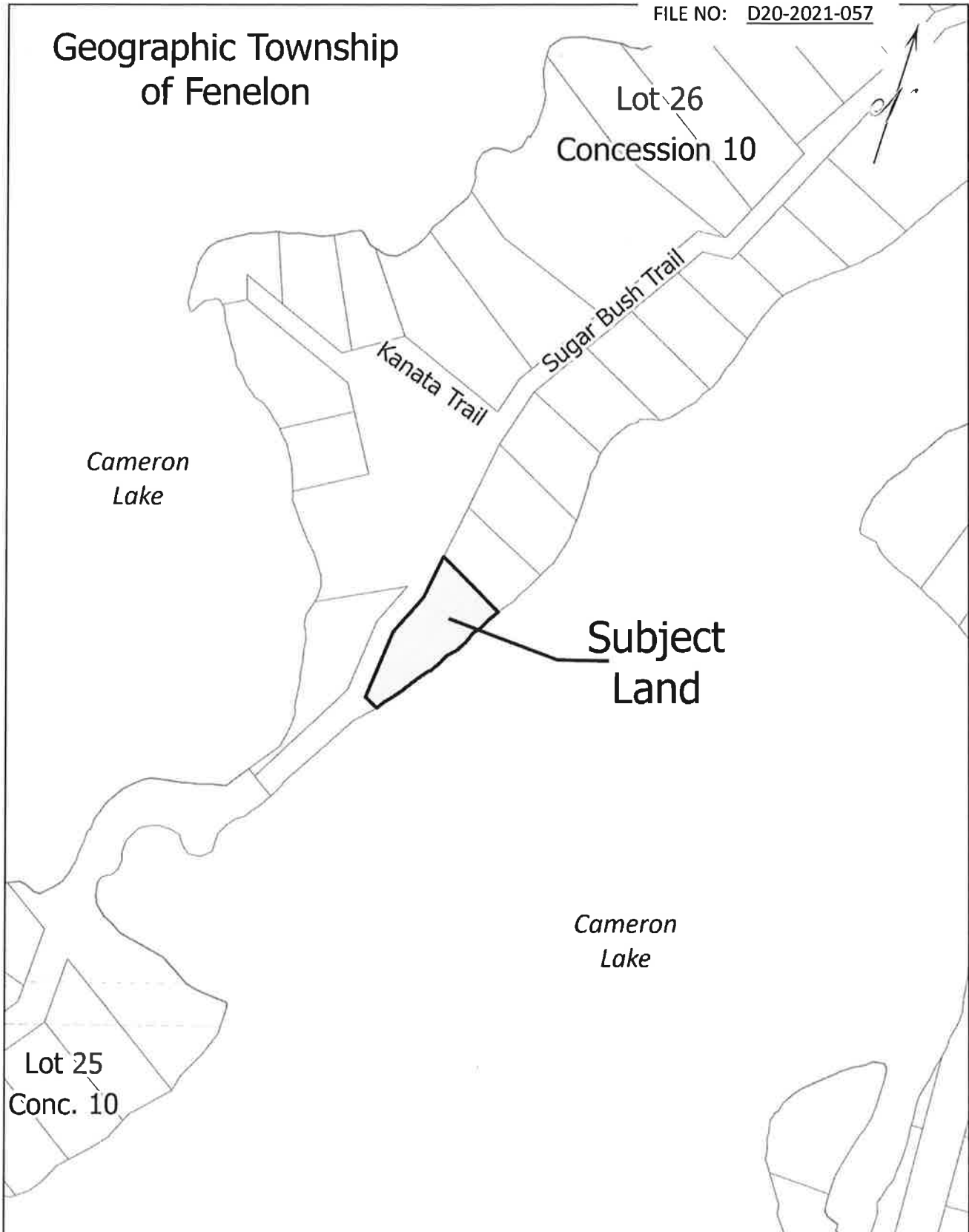
Sugar Bush Trail

Cameron
Lake

Subject
Land

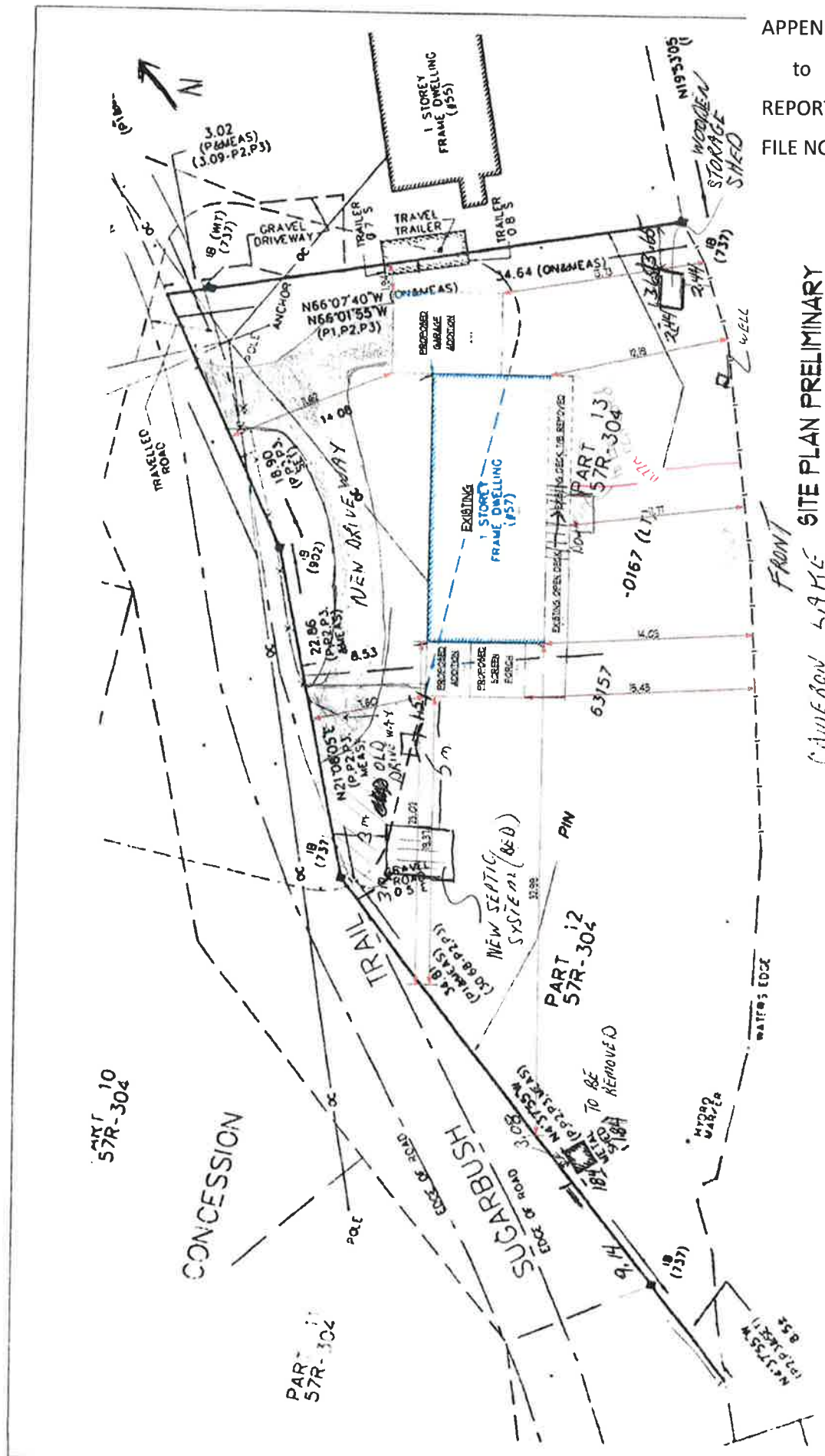
Cameron
Lake

Lot 25
Conc. 10



57 Sugar Bush Trail, geographic Twp. of Fenelon





APPENDIX " C "

to

REPORT COA2021-066

FILE NO: D20-2021-057

SITE PLAN PRELIMINARY

CIMMERON LAKE

 <p>PHILL JENKINSON HOME & COTTAGE DESIGN LIMITED Bancroft, Ontario phill@philljensondesign.com</p>	<p>Prepared For:</p> <p>Nancy & Bob Alexander</p>	<p>Project:</p> <p>COTTAGE RENO 571 Sugarbush Trail, Farnham Falls, ON</p>	<p>CLIENT APPROVAL</p> <p>Signature: _____</p> <p>Date: _____</p>
	<p>Scale: 1" = 20'</p>	<p>Proj. No. 2021-057</p>	<p>Map 571E</p>

APPENDIX " D "

to

REPORT COA2021-066

FILE NO: D20-2021-057



Lakeside Perspective

Existing Main Floor: 1,540 SF
Finished Basement: 1,238 SF
Entry Covered Porch: 40 SF
Screen Porch: 144 SF
Open Deck: 248 SF
Addition Main Floor: 104 SF
Garage: 432 SF



Driveside Right Perspective



Driveside Perspective



Lakeside Perspective

David Harding

From: Susanne Murchison
Sent: Tuesday, September 7, 2021 7:08 PM
To: Charlotte Crockford
Cc: David Harding; Kent Stainton
Subject: MV comments

APPENDIX " E
to
REPORT COA2021-066
FILE NO. D20-2021-057

The following reflect the Building and Septic Division comments, save and except those relating to on-site sewage systems which will be provided under separate email by Part 8 Supervisor:

D20-2021-047: no concerns at this stage, further comments will be provided through the site plan approval process, building permit required for proposed hotel building, development is subject to development charges bylaw

D20-2021-050: no concerns, structure built without benefit of building permit but owner is working with staff to correct issues, building permit required for proposed dwelling, development charges apply to this development

D20-2021-051: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-052: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-053: no concerns, applications have already been filed for building permits relating to this proposed detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection

D20-2021-054: no concerns, building permit required for the proposed detached garage, outstanding building permit relating to construction of the single detached dwelling BPH2007-0325 requires final inspection

D20-2021-055: no concerns at this stage, further comments will be provided through the site plan approval process, building permits required for proposed self-storage buildings, development is subject to development charges bylaw, the following are some of the major building code items that may affect the placement and size of the proposed self-storage buildings: design of on-site supply of water for fire fighting, spatial separation and related construction materials, fire route design – these items will be reviewed at site plan approval stage

D20-2021-056: no concerns, application has already been filed for building permit relating to the construction of this proposed foundation

D20-2021-057: no concerns, building permit required for proposed dwelling, development charges apply to this development

Susanne Murchison, CBCO
Chief Building Official

David Harding

From: Charlotte Crockford
Sent: Friday, September 3, 2021 12:39 PM
To: David Harding
Subject: FW: D20-2021-057 - 57 Sugar Bush Trail

fyi

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.

For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19

From: Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Sent: Friday, September 3, 2021 12:31 PM
To: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: D20-2021-057 - 57 Sugar Bush Trail

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2021-057 to request relief from required setbacks to permit the expansion of the existing dwelling, permit the modification to an existing deck and permit the construction of deck stairs.

The owner has submitted an Application for a Sewage System Permit to upgrade the system serving the property. This system has been designed to accommodate the expansion to the single detached dwelling on the property. As well, the sewage system has been designed and located to ensure appropriate clearance distances from any new construction while following the minimum requirements of the Ontario Building Code for installation.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to 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



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David Harding

From: Kim Rhodes
Sent: Thursday, September 2, 2021 1:23 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20210902 D20-2021-057 - Engineering review

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

Minor Variance – D20-2021-057
57 Sugar Bush Trail
Part Lot 26, Concession 10, Parts 12 and 13, 57R-175
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to permit the reconstruction and expansion of an existing dwelling, permit modification to the existing deck, and permit the construction of deck stairs by requesting relief from the following provisions:

Dwelling

1. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 12.1 metres,
2. Section 3.18.1.1 to reduce the minimum setback from the Environmental Protection (EP) Zone from 15 metres to 12.1 metres,
3. Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard from 2.3 metres to 1.9 metres,

Deck with Stairs

4. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 11.7 metres; and
5. Section 3.18.1.1 to reduce the minimum setback from the Environmental Protection (EP) Zone from 15 metres to 11.7 metres.

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

