

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Aaron Thompson

Report Number COA2021-079

Public Meeting

Meeting Date: November 25, 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 request relief from the following provisions in order to permit the construction of a single detached dwelling and attached deck:

1. Section 12.2.1.3 (b)(ii) to reduce the minimum side yard setback from 5.5 metres to 1.26 metres; and
2. Section 12.2.1.3 (e) to reduce the minimum water setback from 30 metres to 24.03 metres.

The variance is requested at 31 Westview Road, geographic Township of Emily (File D20-2021-066).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2021-079 Thompson, be received;

That minor variance application D20-2021-066 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 generally in accordance with Appendix D submitted as part of Report COA2021-079, 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 COA2021-079. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant submitted a pre-screening application in early September 2021 for a proposed 2.5 storey single detached dwelling with walkout basement and deck. A minor variance application was subsequently submitted in October 2021. Upon submission of the variance application, the need to increase the relief from the interior side yard requirements based on the number of storeys proposed was identified.

The application was amended and deemed complete on November 9, 2021.

Proposal: To demolish an existing vacation dwelling and construct a new 165 square metre (1,776.05 square feet) 2.5 storey dwelling with walkout basement and attached wooden deck.

Owner: Aaron Thompson

Applicant: Holly Richards-Conley (Blackpoint Services)

Legal Description: 31 Westview Drive, Part Lot 17, Concession 8, geographic Township of Emily, City of Kawartha Lakes

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

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

Site Size: 1,267.6 square metres (13,644.3 square feet)

Site Servicing: Private individual well and private septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Rural Residential, Agricultural
West: Pigeon 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 on the east side of Pigeon Lake in the Westview neighbourhood. The lots in the immediate vicinity consist of linear waterfront lots with single detached dwellings and vacation dwellings of varying styles and

built form. The neighbourhood is currently undergoing a progression towards increased built form and dwelling size.

The lot contains a single storey vacation dwelling and attached wooden deck. A boathouse and garden shed (both constructed in 1963 according to MPAC), which predate the Zoning By-law can also be found on the lot. Access is provided from Westview Drive with deeded access over a Right-of-Way running parallel to the road. The abutting lots on either side contain two-storey dwellings with the dwelling to the south having been granted similar reliefs to those sought through this application in 2005.

The lot is uniformly flat and is well treed in the front and side yards. Cedar trees also delineate both side yards providing additional screening to lessen any privacy impacts presented through the development. The applicant is taking considerable efforts to preserve as many of the mature deciduous trees on the property for privacy purposes. Manicured lawn covers the majority of the lot down to the armorstoned shoreline.

The proposal will not project further into the existing southern interior side yard setback; however, a greater setback (5.5 metres) applies for dwellings two storeys or greater. Notwithstanding the increased height of the dwelling, there are no windows on the northern wall of the adjacent two-storey dwelling at 29 Westview Drive to the south; thus, no impact to privacy. No access points are proposed along the southern wall of the dwelling and sufficient space also remains within the interior side yards to allow passage between the front and rear yards.

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 Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30. Single detached dwellings are a permitted use.

The intent of the interior side yard setback is to ensure there is sufficient space for maintenance to be carried out, ensure sufficient space for lot grading and drainage, and ensure sufficient accessibility for the passage of items between the front and rear yards. The existing location southern wall of the vacation dwelling at 1.25 metres is non-compliant with the Zoning By-law. Engineering has confirmed that there will be no drainage impacts to adjacent properties through the proposal. The 6.72 metre northern side yard setback provides ample room for manoeuvrability within the property. As mentioned in Rationale 1 & 2, no massing impacts will be presented to the neighbouring lot to the south.

The intent of the 30 metre water setback is to provide sufficient spatial separation between the shoreline and built form to protect the ecological integrity of the lake. The 24.03 metre separation provides space for the

establishment of vegetation to provide functions such as stormwater infiltration and attenuation.

The proposed western limit of the deck represents a slight improvement on the water setback in comparison to the existing footprint. The newer, more efficient septic system provides an upgrade from the existing system and an overall net benefit to the natural environment.

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 (2012). Low density residential uses, along with accessory uses are anticipated within this designation.

The proposed dwelling and attached deck will be at least 24 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

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

Other Alternatives Considered:

No alternatives were considered through this application.

Servicing Comments:

The property is serviced by a private individual well 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 Division (November 12, 2021): No objection.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (November 12, 2021): An application for a sewage system permit has been submitted as part of the proposed build under file SS2021-0395.

The design of the sewage system was revised during the review process to reflect the actual structure with all decking. This was completed to ensure appropriate placement, space and clearance distances for the sewage system with the proposed dwelling. As the new proposal is all encompassing, the Building and Septic Division has no further concerns with the minor variance moving forward.

Public Comments:

No comments received as of November 17, 2021

Attachments:



Appendices A-E for
COA2021-079.pdf

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch (Lot Grading and Drainage Plan)
- Appendix D – Elevation Drawings
- Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-066

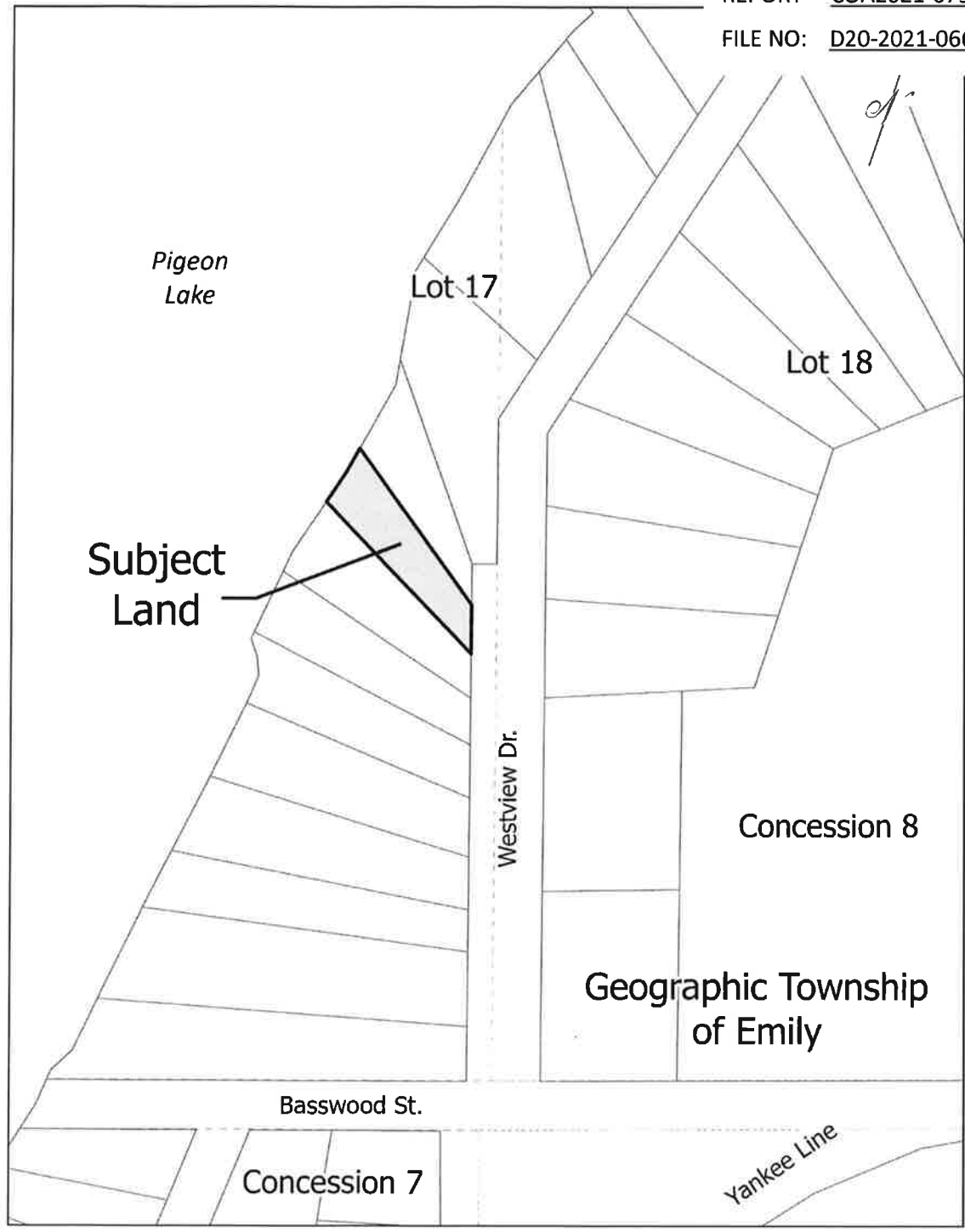
D20-2021-066

APPENDIX " A "

to

REPORT COA2021-079

FILE NO: D20-2021-066



31 Westview Drive, Geographic Township of Emily



Legend

Notes

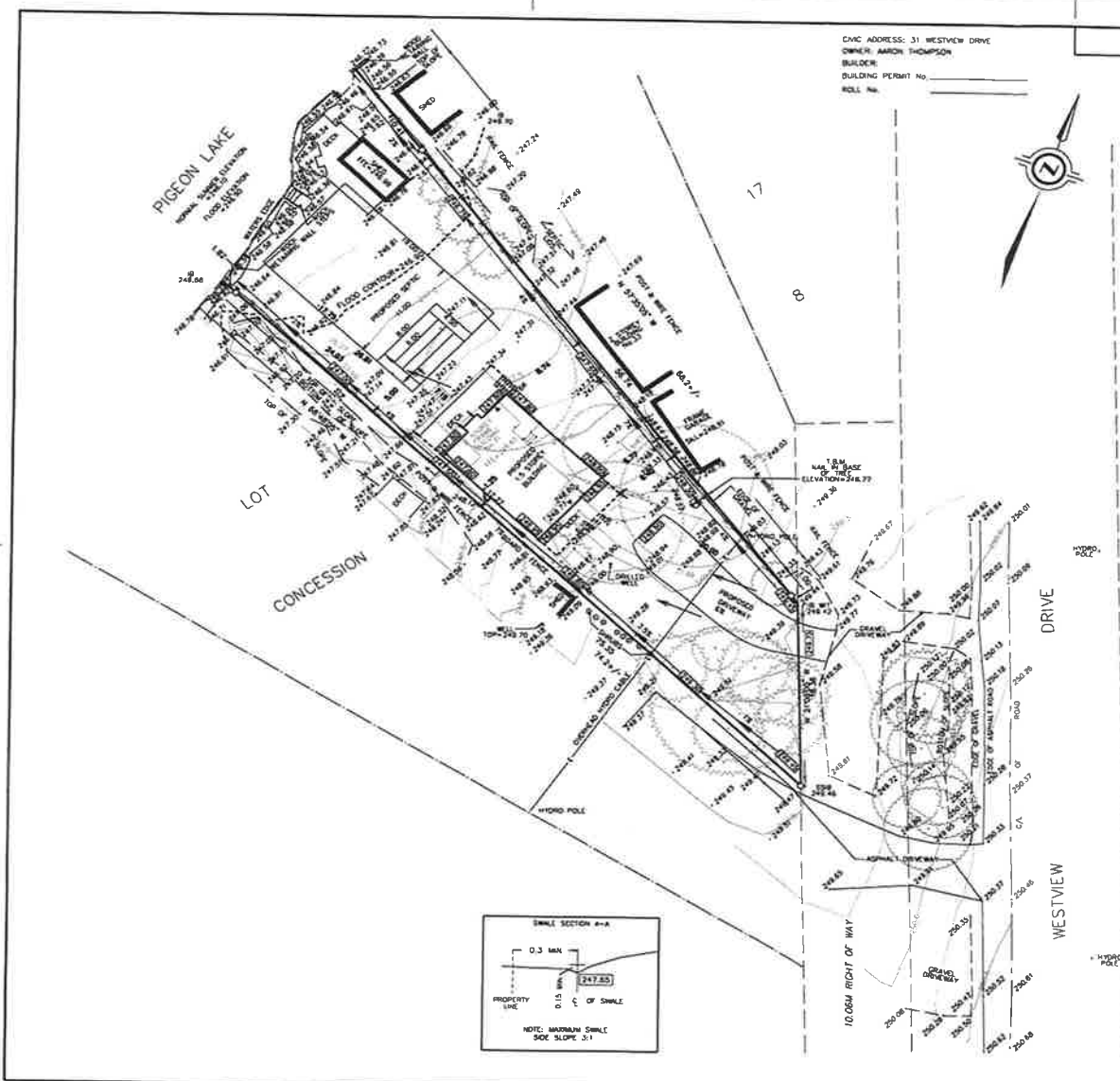
APPENDIX " B "
to
REPORT COA2021-079
FILE NO: D20-2021-066

0.06 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.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES



CIVIC ADDRESS: 31 WESTVIEW DRIVE
 OWNER: AARON THOMPSON
 BUILDER:
 BUILDING PERMIT No. _____
 ROLL No. _____

FOR CONSTRUCTION PURPOSES ONLY

**SITE GRADING PLAN OF
 PART OF LOT 17
 CONCESSION 8
 GEOGRAPHIC TOWNSHIP OF EMILY
 CITY OF KAWARtha LAKES**

SCALE 1 : 250

COE FISHER CAMERON, A DIVISION OF J.D. BARNES LIMITED
 © COPYRIGHT 2021

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

- LEGEND:**
- - FOUND SURVEY MONUMENT
 - - SET SURVEY MONUMENT
 - SB - STANDARD IRON BAR
 - 250.00 - PROPOSED ELEVATION
 - 248.77 - GROUND ELEVATION
 - SLOPE
 - F.F.E. - FIRST FLOOR ELEVATION
 - T.S.W. - TOP OF BASEMENT WALL
 - T.S.L. - TOP OF BASEMENT SLAB
 - T.S.S. - TOP OF GARAGE SLAB
 - T.G.W. - TOP OF GARAGE WALL
 - L.F. - ELEVATION OF FOOTING
 - H.P. - HIGH POINT
 - D.S. - DOWNPOUT

- GENERAL NOTES:**
1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SLOPES TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
 2. EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT EROSION OF SOIL AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SOIL AND SEDIMENT LAKE SURFACE WATER DOES NOT ENTER ANY WATERBODIES OR ENVIRONMENTALLY SENSITIVE AREA. EROSION CONTROL SHALL BE THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
 3. EROSION CONTROL MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTY. EROSION CONTROL MEASURES SHALL BE COMPLETED SOON THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
 4. ALL DOWNPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE INTO A SPLASH PAD OR APPROVED EQUIVALENT.
 5. SWAMP PUMP DISCHARGE POINTS MUST BE LOCATED WITHIN PRIVATE PROPERTY LOCATED AWAY FROM ANY WORKS.
 6. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVICE LOCATES PRIOR TO ANY WORKS.
 7. ALL DISTURBED AREAS ARE TO BE SEEDED OR SEEDED OVER A MINIMUM OF 100MM OF TOPSOIL OR APPROVED EQUIVALENT.
 8. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
 9. NO ELEVATIONS WILL BE LESS THAN 0.15M BETWEEN FINAL GRADE AND TOP OF FOUNDATION WALL.
 10. A COPY OF THE REVIEWED BY ENGINEERING LOT GRADING AND ORGANIZE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
 11. THE SUBMISSION OF THIS PLAN REPRESENTS THAT OWNER HEREBY ACKNOWLEDGES THAT ANY GRADING CHANGES THAT OCCUR THROUGHOUT CONSTRUCTION THAT RESULT IN ADVERSE EFFECTS TO EXISTING ADJACENT PROPERTIES WILL RESULT IN AN AS-CONSTRUCTED SITE GRADING PLAN BEING REQUIRED.
 12. BUILDER TO ENSURE MINIMUM OVERBURDEN FOR FROST PROTECTION ON FOOTING.
 13. SLOPES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
 14. FOUNDATION TO BE STERPED FROM REAR WALKOUT AROUND SIZES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15M BETWEEN GROUND AND F.F.R.

ZONING	RR3	F.F.E.	249.07
LOT AREA	1287.8 SQ. M.	T.S.W.	249.32
BUILDING AREA	106.80 SQ. M.	T.S.L.	248.58
		T.S.S.	248.28
		L.F.	246.28
No.	DATE	DESCRIPTION	
		REVISION	
		DATE	

ELEVATIONS:
 ELEVATIONS SHOWN HEREON ARE
 ARE REFERRED TO A TEMPORARY
 BACK OF A TREE, NEAR THE
 248.77 (COG-1928-1928)

DATED: _____

COE F
 CONSULTING P
 T: (905) 244-1111
 DRAWN BY: RWM/DC
 CHECKED BY: DREDES B
 PLOTTED: 8/23/2021

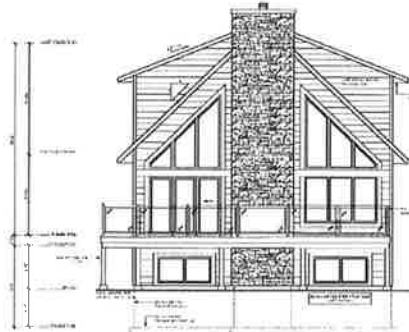
APPENDIX " C "
 to
 REPORT COA2021-079
 FILE NO.: D20-2021-066

APPENDIX " D "

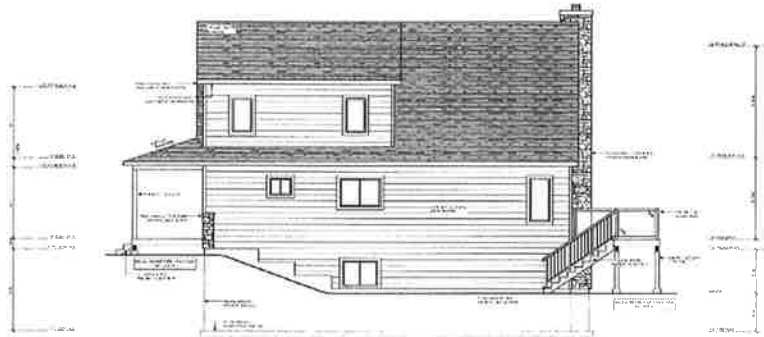
to

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FILE NO: D20-2021-066



FRONT ELEVATION



LEFT ELEVATION

REVISIONS



PROJECT NO:	RS0-424-1100-4
DATE:	11/19/2020
SCALE:	AS SHOWN
DESIGNER:	ALAN W. BROWN
CHECKER:	ALAN W. BROWN
DATE:	11/19/2020



REAR ELEVATION



RIGHT ELEVATION

REVISIONS

REVISIONS



PROJECT NO:	RS0-424-1100-4
DATE:	11/19/2020
SCALE:	AS SHOWN
DESIGNER:	ALAN W. BROWN
CHECKER:	ALAN W. BROWN
DATE:	11/19/2020

Kent Stainton

From: Kim Rhodes
Sent: Friday, November 12, 2021 9:55 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20211112 D20-2021-066 - Engineering review

Importance: High

APPENDIX " E "
to

REPORT COA2021-079

Please see the message below from Christina Sisson:

FILE NO D20-2021-066

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

Minor Variance – D20-2021-066
31 Westview Road
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 the following provisions in order to permit the construction of a single detached dwelling and attached deck:

1. Section 12.2.1.3 (b)(ii) to reduce the minimum side yard setback from 5.5 metres to 1.26 metres; and
2. Section 12.2.1.3 (e) to reduce the minimum water setback from 30 metres to 24.03 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.
Manager, 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



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.

Kent Stainton

From: Anne Elmhirst
Sent: Friday, November 12, 2021 8:32 AM
To: Charlotte Crockford
Subject: D20-2021-066 - 31 Westview Dr

Good Morning Charlotte,

RE: D20-2021-066 Minor Variance Application
31 Westview Drive, Former Emily Township,
Roll No. 165100100731700

I have received and reviewed the minor variance application to request relief from a side yard and water setback.

An application for a sewage system permit has been submitted as part of the proposed build under file SS2021-0395. The design of the sewage system was revised during our review process to reflect the actual structure with all decking. This was completed to ensure appropriate placement, space and clearance distances for the sewage system with the proposed dwelling. As the new proposal is all encompassing, the Building and Septic Division has no further concerns with the minor variance moving forward.

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 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.