

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Thorburn
Report Number COA2022-026

Public Meeting

Meeting Date: April 21, 2022
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(j) to reduce the minimum side yard from 3 metres to 2.6 metres in order to permit the construction of a two storey single detached dwelling.

The variance is requested at 50 River Bend Drive, geographic Township of Somerville (File D20-2022-020).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2022-026 Thorburn, be received;

That minor variance application D20-2022-020 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 COA2022-026, 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 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 COA2022-026. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The existing single detached dwelling has been demolished. The owner proposes to construct a new single detached dwelling in its place. This application was deemed complete March 22, 2022.

Proposal: To permit the construction of a new single detached dwelling that is approximately 7.93 metres x 10.36 metres (26' x 34').

Owner: Justin James Thorburn

Legal Description: Part of Lot 4, Plan 310, geographic Township of Somerville

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

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

Site Size: 785 square metres (8,449 square feet)

Site Servicing: Private individual well and river-based water supply proposed

Existing Uses: Vacant Shoreline Residential

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

Rationale:

1) Is the variance minor in nature? Yes

The subject property is situated in a shoreline residential area located to the east of the hamlet of Burnt River.

The subject property is one of two narrowest properties on River Bend Drive. The other narrow property is to the immediate west, addressed as 48 River Bend Drive.

The west wall of the dwelling will face the rear yard of number 48. However, the second storey is proposed entirely within a gable roof design that runs north to south. No dormer windows are proposed on the second floor. Only the first floor of the dwelling along with the roof will be visible from the rear yard of number 48. No adverse massing or privacy impacts are anticipated to number 48 given the modest built form that will be visible.

The subject property's front lot line length is about 7.6 metres and its shoreline length about 16 metres. As the width of the lot tapers towards the front, the ability to accommodate a rectangular built form compliant with the setbacks becomes more challenging.

The dwelling is to be set back further from the west side lot line than the dwelling at number 48 is to the same lot line. The dwelling will also improve upon the setback to the east side lot line established by the prior dwelling.

Vegetation along the road and the side lot lines near the road assists in providing a fair degree of vegetative buffering. The proposed dwelling is to be set well back from the road and will be well-screened.

The proposed setback is not anticipated to adversely impact the character or function of the neighbourhood.

The variance is minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The variance will allow for the siting of a rectangular two storey dwelling with a footprint of about 7.93 metres x 10.36 metres (26' x 34'). The footprint will allow for a more regular floorplan.

The 0.4 metre projection into the west side yard is not anticipated to adversely impact the residential function of the property nor the ability to travel between the front and rear yards.

Due to the above analysis, the variance is 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 appropriate flood proofing measures.

The LSR Zone permits a single detached dwelling, to be used on a seasonal or permanent basis. A single detached dwelling is proposed.

The function of an interior side yard is to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

Sufficient space remains for lot drainage, and building maintenance. With respect to access, sufficient space remains for pedestrians along with larger items to pass between the front and rear yards. Additionally, it is likely that the wider yard requirement is identified for the parking of vehicles beside the dwelling or for the passage of service vehicles to service or install sewage system and/or well infrastructure.

In this case, parking is proposed within the front yard, as is the sewage system. No well is proposed. As a result of the proposed function of the property, there is no longer a need to maintain a larger side yard for the parking and/or passage of vehicles and equipment.

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.

The variance maintains 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 will be serviced by 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:

Building and Septic Division – Plans Examiner (April 7, 2022): No concerns.
Retaining walls greater than 1 metre in height require a permit.

Community Services Department (April 7, 2022): No concerns.

Development Engineering Division (April 7, 2022): No concerns.

Public Comments:

No comments received as of April 12, 2022.

Attachments:



Appendices A-E to
COA2022-026

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

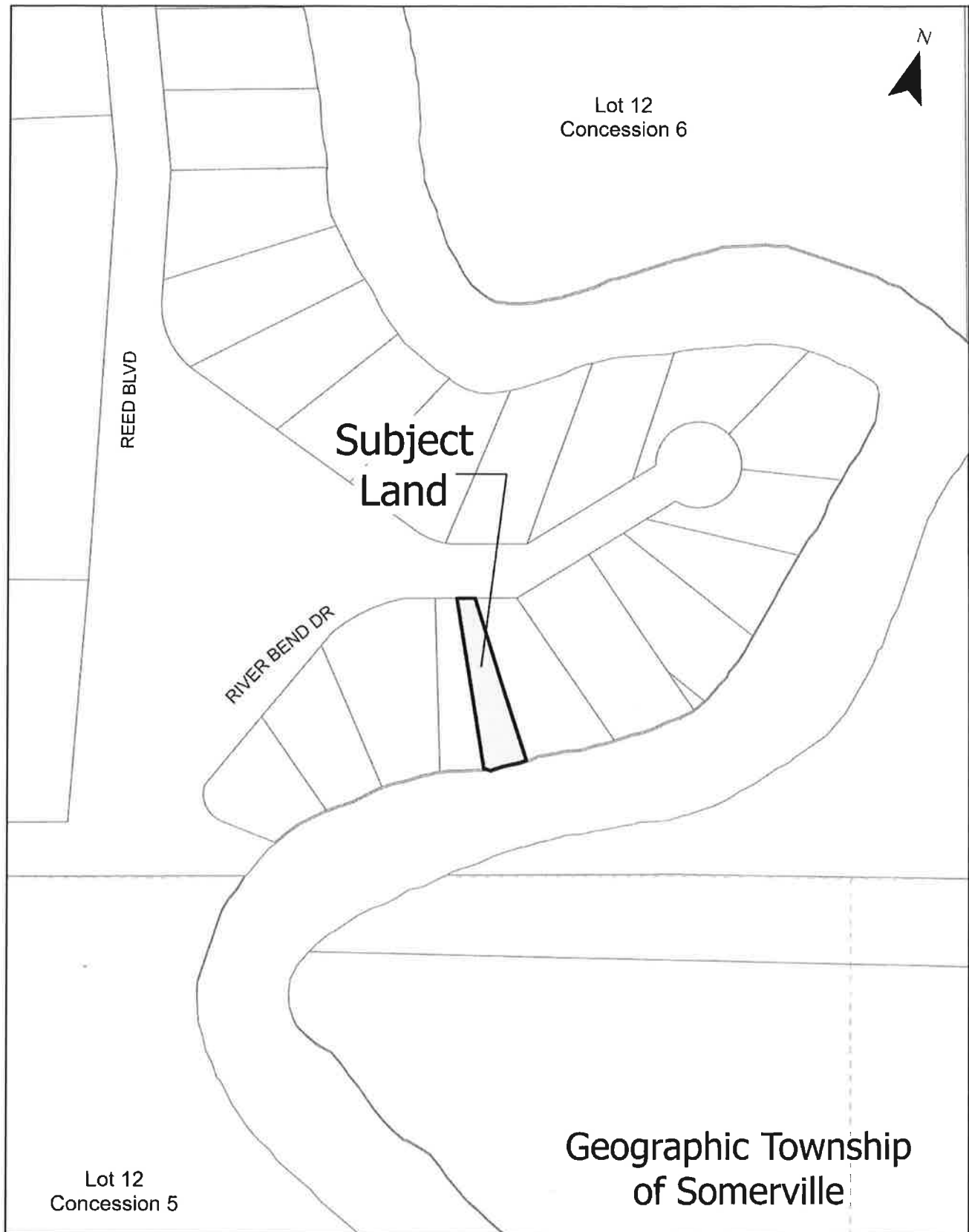
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Department File:	D20-2022-020

to

REPORT COA2022-026

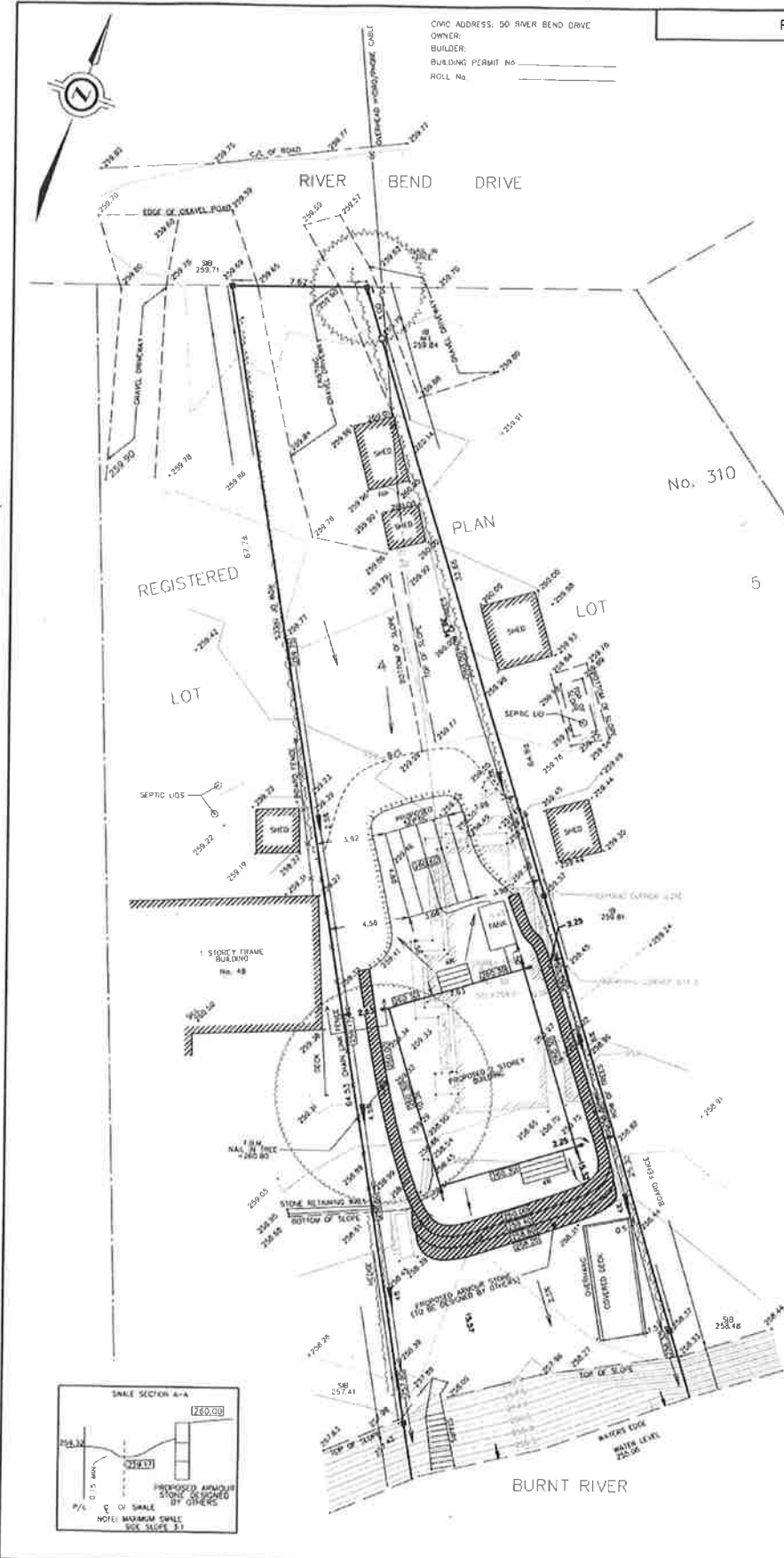
FILE NO: D20-2022-020

D20-2022-020



50 River Bend Drive, geographic Twp. of Somerville





FOR CONSTRUCTION

to

SITE OF
E 1/4 REGIS
GEOGRAPHIC CITY
REPORT COA2022-026
FILE NO: D20-2022-020

SCALE 1
CDE FISHER CAMERON, A DIVISION OF J.D. BARNES LIMITED
© COPYRIGHT 2022

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
 - STANDARD IRON NAIL
 - IRON BAR
 - PROPOSED ELEVATION
 - GROUND ELEVATION
 - SLOPE
 - SHALE
 - FFE - FIRST FLOOR ELEVATION
 - FBW - TOP OF BASEMENT WALL
 - FB.S - TOP OF BASEMENT SLAB
 - T.G.S. - TOP OF GARAGE SLAB
 - T.G.W. - TOP OF GARAGE WALL
 - U.F. - UNDERSIDE OF FOOTING
 - HP - HIGH POINT
 - DS - DOWNSPOUT

- 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. EROSION AND FLOOD 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 LADEN SURFACE WATER DOES NOT ENTER ANY WATERCOURSE OR ENVIRONMENTALLY SENSITIVE AREA EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL ORDINANCES 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. SUMP PUMP DISCHARGE POINTS MUST BE LOCATED WITHIN PRIVATE PROPERTY.
 6. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVICES LOCATES PRIOR TO ANY WORKS.
 7. ALL DISTURBED AREAS ARE TO BE SUCCEDED OR SEEDS OVER A MINIMUM OF 100% 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 DRAINAGE 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 THE CONSTRUCTION THAT RESULT IN ADVERSE EFFECTS TO EXISTING ADJACENT PROPERTIES WILL RESULT IN AN AS-CONSTRUCTED SITE GRADING PLAN WILL BE REQUIRED.
 12. BUILDER TO ENSURE WATERSHED OVERSEER FOR FLOOD PROTECTION ON FOOTINGS.
 13. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
 14. FOUNDATION TO BE SLOTTED FROM REAR WALKOUT AROUND SIZES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND F.B.W.

ZONING	LSR (F)	FFE	261.40
LOT AREA	785.2 SQ. m	FBW	261.10
BUILDING AREA	82.13 SQ. m	FB.S	259.27
		T.G.S.	259.07
		U.F.	259.07
Rev.	DATE	DESCRIPTION	
		REVISIONS	
		SHEET 1	

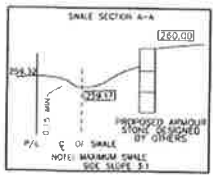
ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEODETIC DERIVED BY GPS OBSERVATIONS AND ARE REFERRED TO A TEMPORARY SITE BENCHMARK, BEING A NAIL IN A TREE, HAVING AN ELEVATION OF 260.80m (CVD-1928.1975).

FOR = 260.80m + 0.3m (TREETOP)
= MINIMUM OPENING OF 261.10m

DATED: GERALD G. HICKSON
ONTARIO LAND SURVEYOR

COE FISHER CAMERON
LAND SURVEYORS
A Division of J.D. Barnes Limited
2 CORNWALL STREET, UNIT 241, LONDON, ONTARIO, CANADA
T: (705) 324-4152 F: (705) 324-0599 www.barnes.com

DRAWN BY: RUM CHECKED BY: GGH REFERENCE NO: 28-47-330-01
PUBLISHED: 1/18/2022 DATED: 1/18/2022

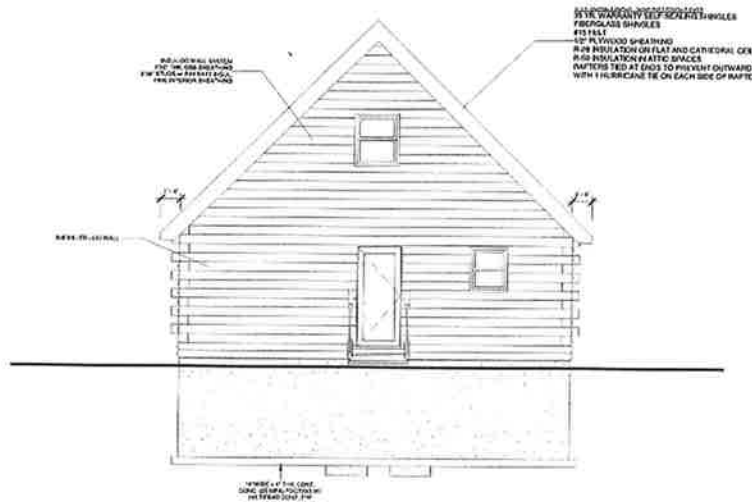


APPENDIX “ D ”

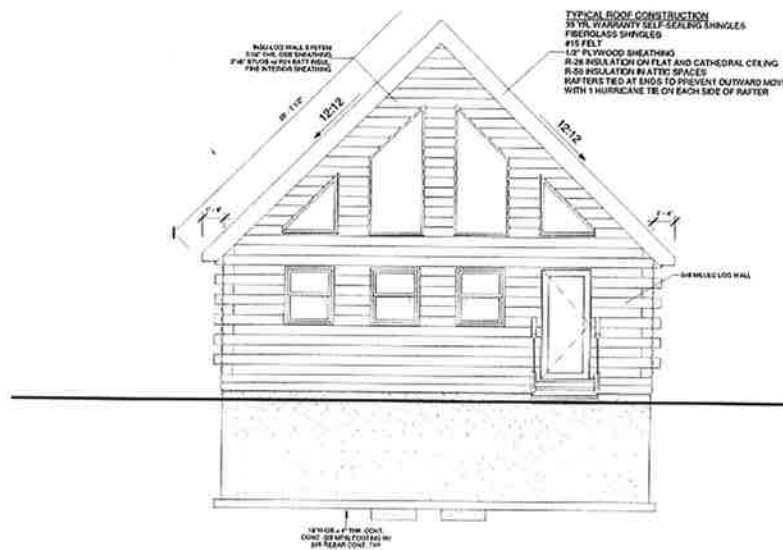
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REPORT COA2022-026

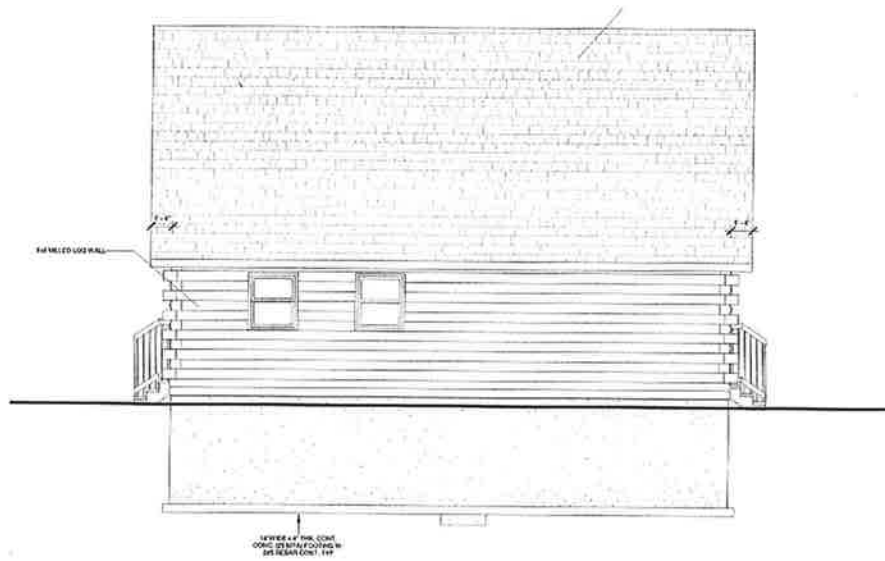
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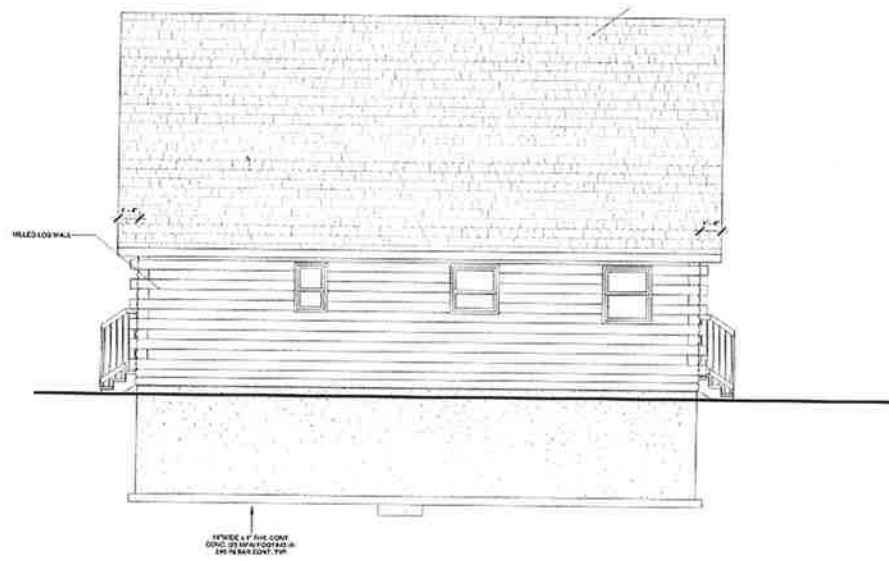
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

David Harding

From: Mark LaHay
Sent: Thursday, April 7, 2022 3:47 PM
To: David Harding
Cc: Nancy Ord; Charlotte Crockford
Subject: FW: 20220407 D20-2022-020 - Engineering Review

APPENDIX " E
to
REPORT CDA 2022-026
FILE NO. D20-2022-020

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Thursday, April 7, 2022 9:38 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220407 D20-2022-020 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-020
50 River Bend Drive
Part Lot 4, Plan 310
Geographic Township of Somerville, Ward 2, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.2(i) to reduce the minimum side yard from 3 metres to 2.6 metres in order to permit the construction of a two storey 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.
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



David Harding

From: Mathew McKinnon
Sent: Thursday, April 7, 2022 10:13 AM
To: Nancy Ord
Cc: Susanne Murchison
Subject: RE: Committee of Adjustment Notice of Public Meeting for Minor Variance Application D20-2022-020, 50 River Bend Drive, Somerville

The following comments are provided from the Building & Septic Division, save and except those comments provided separately by the Supervisor of Part 8 Sewage Systems:

- Retaining walls 1 metre in height or greater require a permit, no other concerns

Mathew McKinnon

Plans Examiner
Development Services, City of Kawartha Lakes
Tel: (705) 324-9411 ext. 1273 www.kawarthalakes.ca



From: Nancy Ord <nord@kawarthalakes.ca>
Sent: Tuesday, April 5, 2022 2:13 PM
To: Jenna Stephens <jstephens@kawarthaconservation.com>; Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Kathleen Seymour-Fagan <KSeymourFagan@kawarthalakes.ca>; 'gyerex@kawarthaconservation.com' <gyerex@kawarthaconservation.com>; Susanne Murchison <smurchison@kawarthalakes.ca>; Mathew McKinnon <mmckinnon@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Cc: David Harding <dharding@kawarthalakes.ca>; Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: Committee of Adjustment Notice of Public Meeting for Minor Variance Application D20-2022-020, 50 River Bend Drive, Somerville

Please find attached the Notice of Public Meeting for Minor Variance Application D20-2022-020 with application and sketch, to be heard at the April 21, 2022 Committee of Adjustment Meeting. (Attached as well is the April 7, 2022 Ad for the April 21, 2022 meeting which lists other applications which will be heard).

Thank you and **please respond with comments by Monday, April 11, 2022** to allow Planners to include your comments in their reports.

Nancy H. Ord

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

Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date: April 6, 2022
To: Committee of Adjustment
From: LeAnn Donnelly, Executive Assistant, Community Services
Re: Minor Variance – Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2022-004	43 Chemongview Street, Emily
D20-2022-014	4 Alfred Street, Verulam
D20-2022-015	19 Royal Estate Drive, Manvers
D20-2022-020	50 River Bend Drive, Somerville
D20-2022-021	31 Logie Street, Lindsay
D20-2022-022	5 Homestead Road, Manvers

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services
705-324-9411 ext. 1300