

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Song

Report Number COA2022-046

Public Meeting

Meeting Date: July 21, 2022

Time: 1:00 pm

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

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the replacement of a single detached dwelling. **Relief sought:**

- 1) By-law Section 12.2.1.3 requires a minimum side yard setback of 5.5 metres; the proposed setback is +/- 3.1 metres.
- 2) By-law Section 12.2.1.5 permits a maximum height of 11 metres; the proposed height is +/- 12 metres.

The variance is requested at **128 Charlore Park Drive** (File D20-2022-039).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-046 – Song, be received;

That minor variance application D20-2022-039 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-046, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2022-046. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a 2-storey single detached dwelling with walk-out basement
Owner:	My Bao Song and Coung Bao Song
Applicant:	My Bao Song
Legal Description:	Lot 4 on Plan 331
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three 'RR3' (Township of Emily Zoning By-law 1996-30)
Site Size:	1,418.025 sq m (0.35 acres)
Site Servicing:	Lake draw and private individual septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The existing 86.6 sq m single-storey dwelling was constructed in 1956 and is not habitable, according to the owners. The non-complying lot frontage presents design challenges for the proposed 139 sq m 2-storey dwelling, where complying with the side yard setback would result in a house width of just 7.25 m. The proposed footprint strikes a balance between the existing setbacks and the topography of the lot.

The variance maintains the general intent and purpose of the Official Plan.

The proposed single detached dwelling is permitted as-of-right in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law. Notwithstanding the proposed height, the dwelling is a low density housing type, has been setback towards the centre of the lot to improve development conditions on the shoreline to ensure surface water quality is maintained or

¹ See Schedule 1

² See Schedule 1

improved, and intends to blend with the natural surroundings by limiting tree removal.

Kawartha Conservation notes the lot is within the boundary of the Pigeon Lake Management Plan (water resource), may be prone to flooding and/or erosion hazards with steep slopes (natural hazard), and is adjacent to fish habitat in Pigeon Lake (natural heritage feature). According to Kawartha Conservation, the proposed development poses a low risk to fish habitat; any potential negative impacts can be mitigated with the use of proper erosion and sediment control measures to ensure that no sediment resulting from construction enters the drainage ditch and nearby watercourse or waterbody. A slope stability analysis (per Section 4.3.1 of MNRF Technical Guide – River & Stream Systems: Erosion Hazard Limit) will be required before a permit may be issued.

The variance maintains the general intent and purpose of the Zoning By-law.

The proposed single detached dwelling is permitted as-of-right in the RR3 zone and complies with all applicable zone provisions, save for side yard setback and height. The non-complying frontage of 18.25 m falls under the required minimum of 35 m for servicing and shore lot considerations.

The proposal improves the non-complying setback of 2.2 m, and at 3.1 m provides for sufficient passage between front and rear yards and adequate drainage, with room to maintain the dwelling exterior. The proposed 1 m height increase is negligible given the surrounding 2-storey dwellings and changes in grade throughout the neighbourhood.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Notwithstanding reduced setbacks, the result is not an overbuilt lot with a modest coverage increase of 3.86% that remains well under the maximum. The lot may absorb the increased height well, given the sloping grade from the road towards the lake, and, from the nearest neighbour to the west whose lot is naturally at a higher grade.

Other Alternatives Considered:

No alternatives applicable.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

CKL Development Engineering: No objection

Kawartha Conservation: "The applicant will be required to obtain a Permit from Kawartha Conservation for the construction of the single detached dwelling which will require the submission of an erosion and sediment control plan and a slope stability analysis. We encourage the landowner to take any opportunity to naturalize the shoreline and buffer strip between the shoreline and structure to ensure minimal impacts to fish habitat and ecological function of Pigeon Lake."

Public Comments:

No comments received as of the writing of the staff report.

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch



COA2022-046
Appendices_Song.p

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Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-039

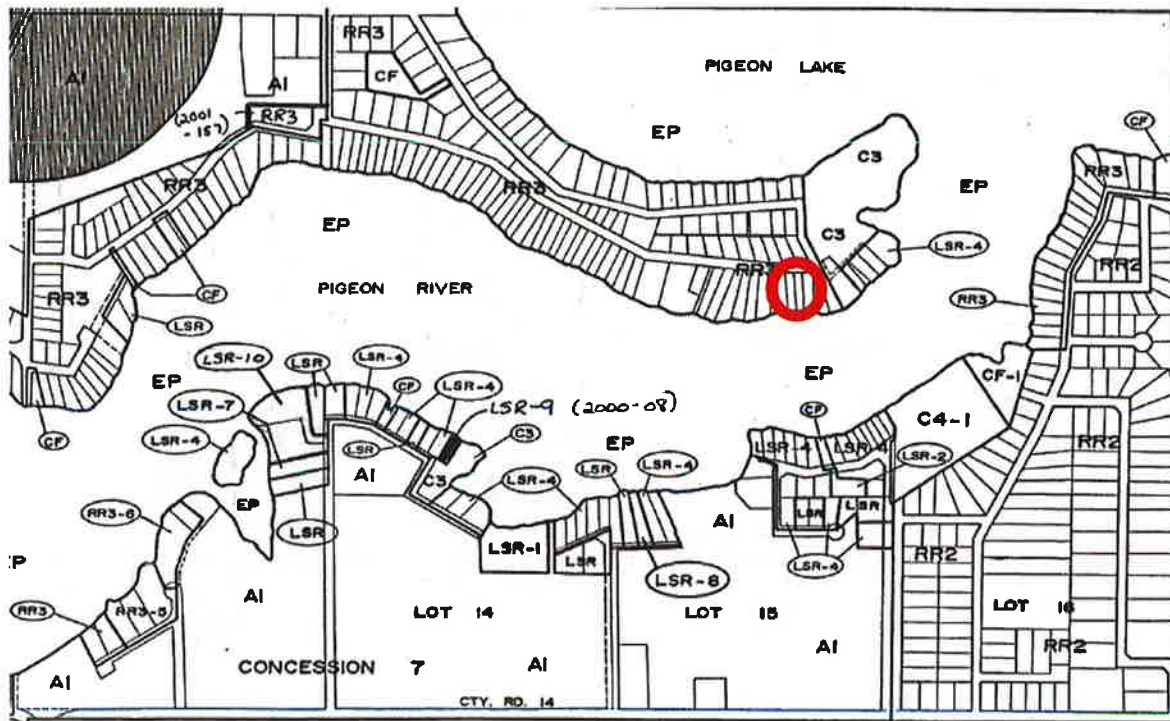
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



- 20. Waterfront Designation
- 20.1. Goal
- 20.2. Objectives
- 20.3. Policies
- 20.5. Density and Massing

Township of Emily Zoning By-law 1996-30



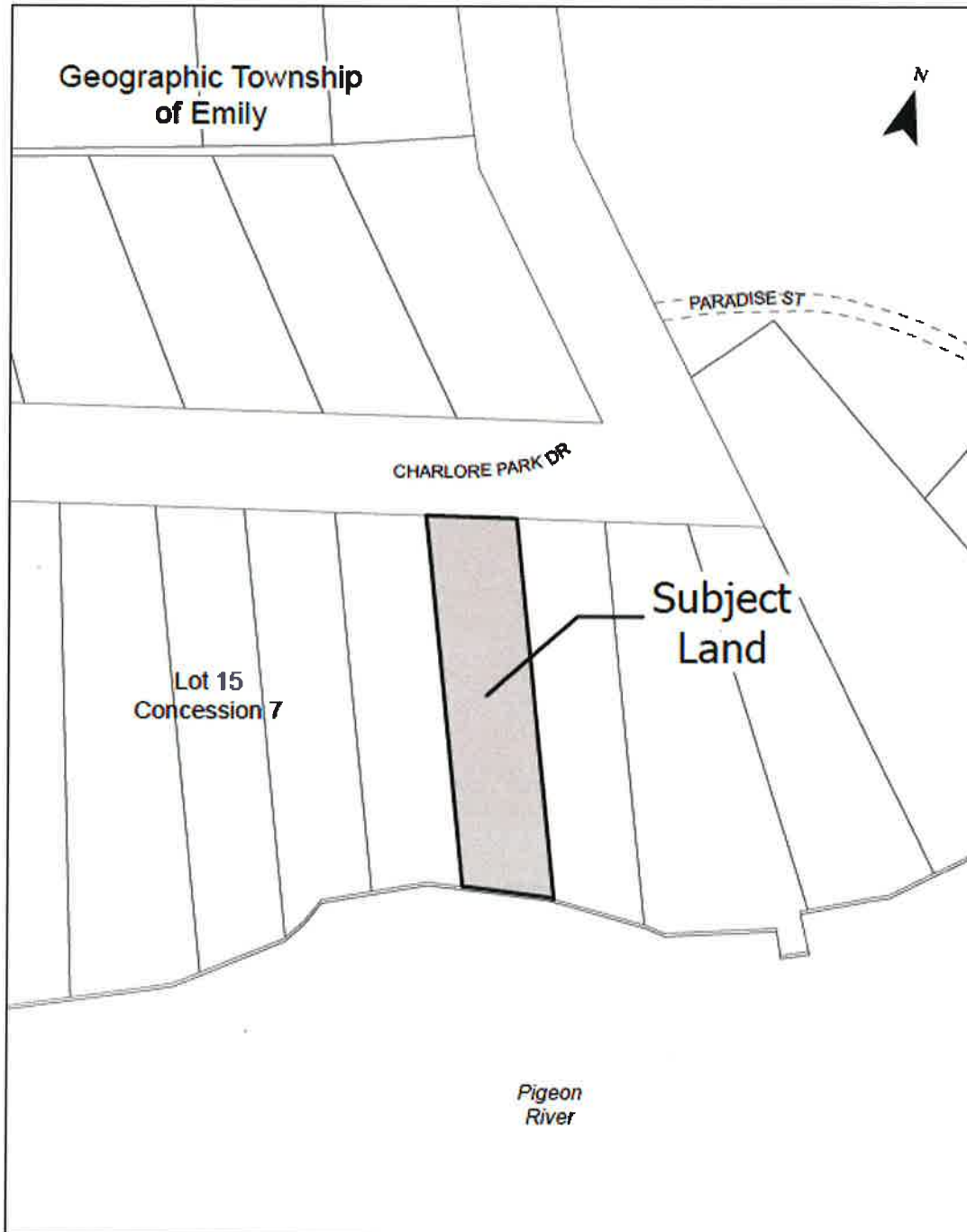
Part 12 Rural Residential Type Three (RR3) Zone

to

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LOCATION MAP



APPENDIX " B "

to

REPORT COA2022-046

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

