

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Chisholm

Report Number COA2022-071

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### Public Meeting

**Meeting Date:** September 22, 2022

**Time:** 1:00 pm

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

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### Ward 2 – Geographic Township of Somerville

**Subject:** The purpose and effect is to facilitate construction of an extension to an existing unenclosed deck.

#### Relief sought:

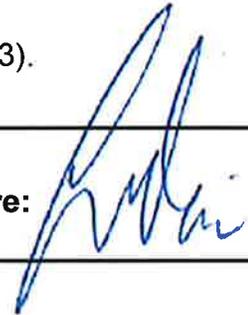
1. Section 5.2.f. of the By-law requires a minimum water setback of 15 metres; the existing reduced setback is 11.6 metres (deck), proposed to remain for the deck addition, and with a further encroachment for the stairs at 10.7 metres.

The variance is requested at 49 Cedar Road (File D20-2022-063).

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**Author:** Leah Barrie, RPP, Manager of Planning

**Signature:**



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### Recommendations

**That** Report COA2022-071 – Chisholm, be received;

**That** minor variance application D20-2022-063 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 and D submitted as part of Report COA2022-071, 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 COA2022-071. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To facilitate construction of a +/- 17.5 sq m (188.4 sq ft) extension to an existing unenclosed deck
Owners:	Colin and Cindy Chisholm
Applicant:	Same as Owners
Legal Description:	Part Lot 19, Concession 6 (being Lot 7, Plan 431)
Official Plan <sup>1</sup> :	Waterfront, Specific Lake Policy Area 1 'SP-1' (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential 'LSR' (Township of Somerville Zoning By-law 78-45)
Site Size:	2,347 sq m (0.58 ac)
Site Access:	Private road
Site Servicing:	Private lake draw and 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.**

Over time, it can be expected that property owners may endeavour to redevelop their property to achieve a higher and better use. The proposed deck extension increases the usability of the upper level exterior space, without removing the amenity space at grade. The existing dwelling and deck hold a non-complying water setback.

The lot is within the vicinity of natural heritage features (Four Mile Lake/fish habitat), natural hazards (within known karst topography), and water resources (within the boundary of the Four Mile Lake Management Plan, and within a highly vulnerable aquifer). According to Kawartha Conservation neither an Environmental Impact Study nor a geotechnical study are required given the disturbed nature of

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

the lot and the anticipated minimal disruption to topography as a result of the proposed development.

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

The proposed deck is an extension of a permitted residential use in the Waterfront designation and Specific Lake Policy Area; performance and siting criteria are implemented through the Zoning By-law.

The Plan permits expansion to existing dwellings, that are permitted uses, within the water setback provided certain criteria are met: given the floorplan of the adjacent interior living space and existing deck, there is no alternative to site the deck elsewhere; the expansion is away from the high water mark; the rear yard, including the shoreline, has been previously developed and includes steps and an armour stone retaining wall within 15 metres of the high water mark; and, the expansion is elevated and unenclosed to minimize the extent of its impact to the shoreline.

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

The proposed deck is an extension of a permitted residential use and existing deck in the LSR zone. The elevated, unenclosed design of the deck minimizes the hazard risk of damage to property and life within the water setback. The proposed deck extension complies with the balance of the zone provisions.

**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.

**Other Alternatives Considered:**

No alternatives considered.

**Consultation Summary**

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

**Agency Comments:**

**DS-Building and Septic Division (Building):** "No comments."

**DS-Building and Septic Division (Septic):** "A sewage system review was conducted on the property under file SS2022-0183 to consider the proposal. The sewage system was observed in the roadside yard of the property. The deck expansion is being proposed in the water yard of the property. The deck addition will not encroach within the required clearance distances of the existing sewage system. As such, the Building and Septic Division has no issue with the minor variance application as it relates to private on-site sewage disposal."

**Kawartha Conservation:** “A permit pursuant to Ontario Regulation 182/06 will not be required for the proposed Minor Variance as the property is located outside of Kawartha Conservation regulated area. We recommend the landowner take any opportunity to naturalize the shoreline and buffer strip around the shoreline and existing structures to ensure minimal impacts to fish habitat and ecological function of Four Mile 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
- Appendix D – Construction Drawings
- Appendix E – Applicant’s Photos

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**E-Mail:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Division File:** D20-2022-063

## Schedule 1 Relevant Planning Policies and Provisions

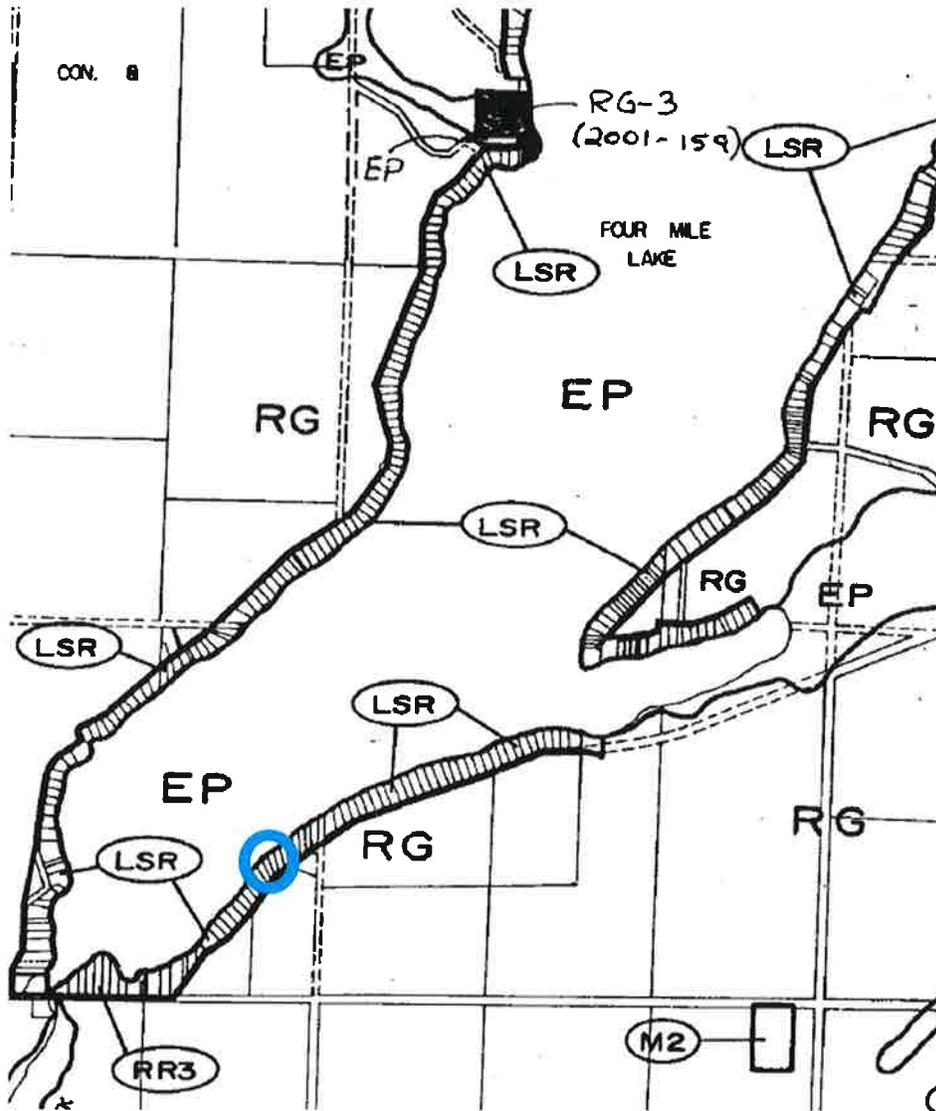
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### City of Kawartha Lakes Official Plan



- 20. Waterfront Designation
- 31.3 Four Mile Lake – Specific Lake Policy Area

### Township of Somerville Zoning By-law 78-45



#### Section 5 Limited Service Residential (LSR) Zone

##### 5.2 LSR Zone Requirements

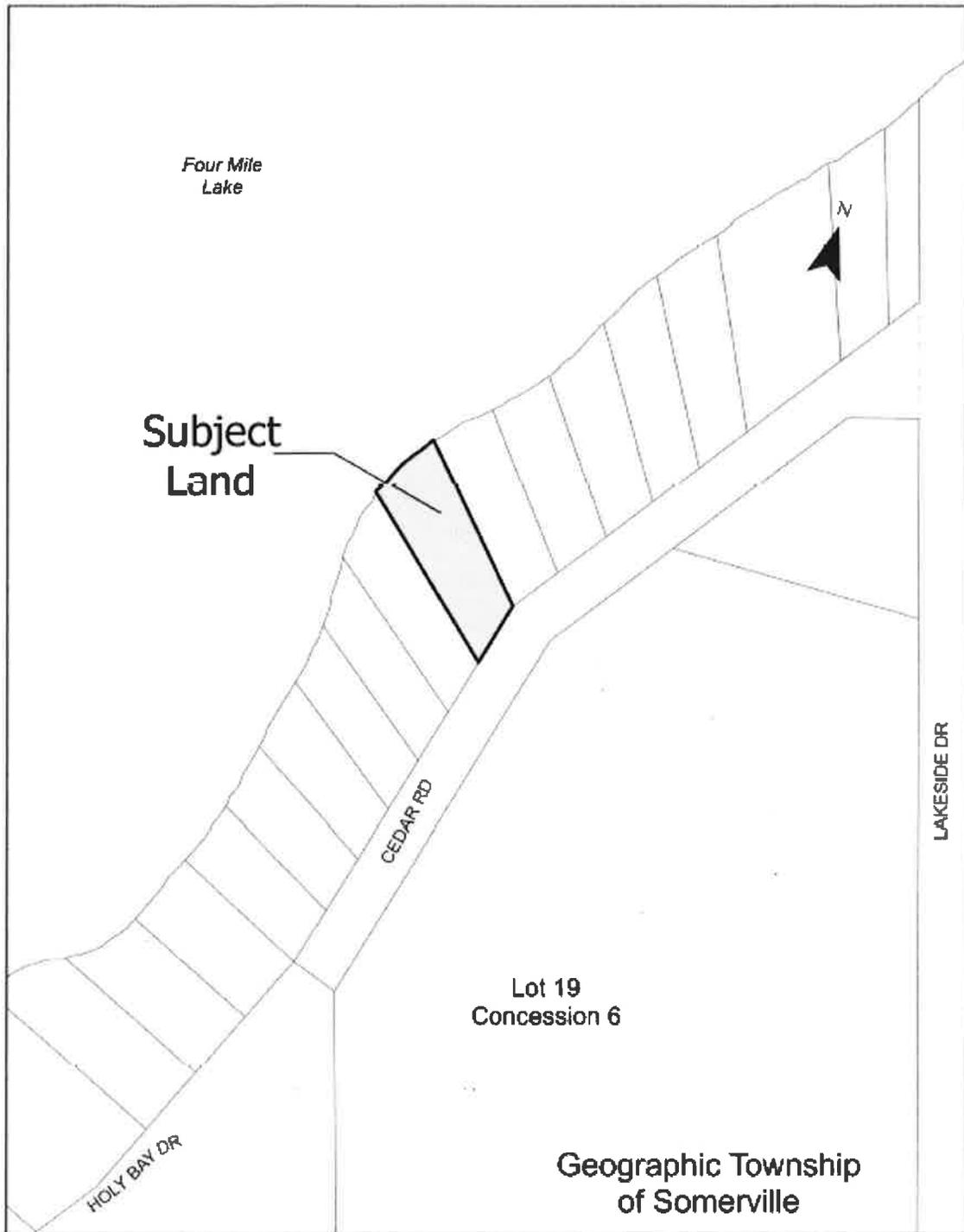
(f) Minimum water setback 15 m

to

REPORT COA2022-071

FILE NO: D20-2022-063

**LOCATION MAP**



to

REPORT COA2022-071

FILE NO: D20-2022-063

**AERIAL PHOTO**





to

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# CONSTRUCTION DRAWINGS

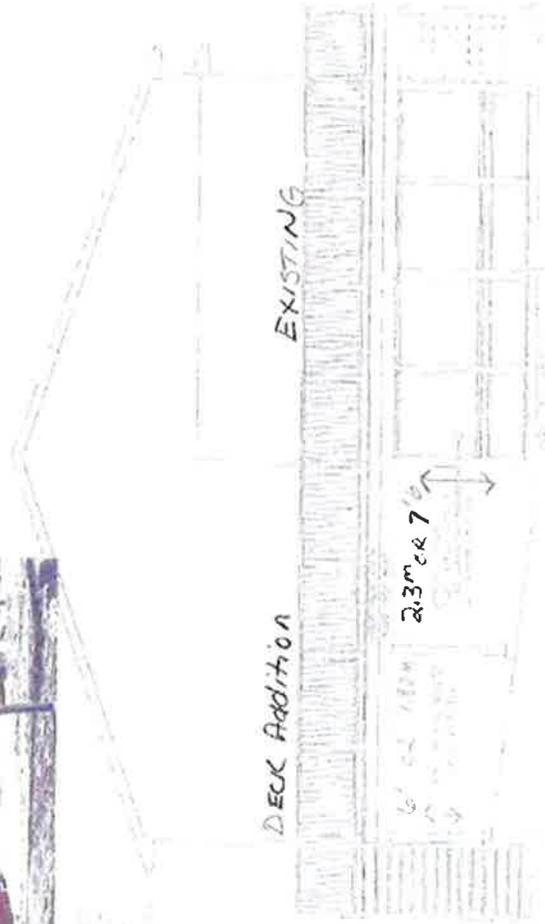
RECEIVED

MAY 30 2022

City of Richmond  
Development Services  
Planning Division



CHRIS HOLM  
49 Cedar Rd  
Cobococok, On



\* NOTE - Measurements are from outside of deck  
Measurements against building are 2'0" + 6" (Land is sloped)

\* DECK WILL BE 6' WIDE (EXISTING)  
From side property line  
Other dimensions are on site plan in meters.

Project Name: 49 Cedar Rd  
Address: Cobococok, On  
Client: CHRIS HOLM  
City: Richmond  
Date: MAY 30 2022  
City of Richmond  
Development Services  
Planning Division

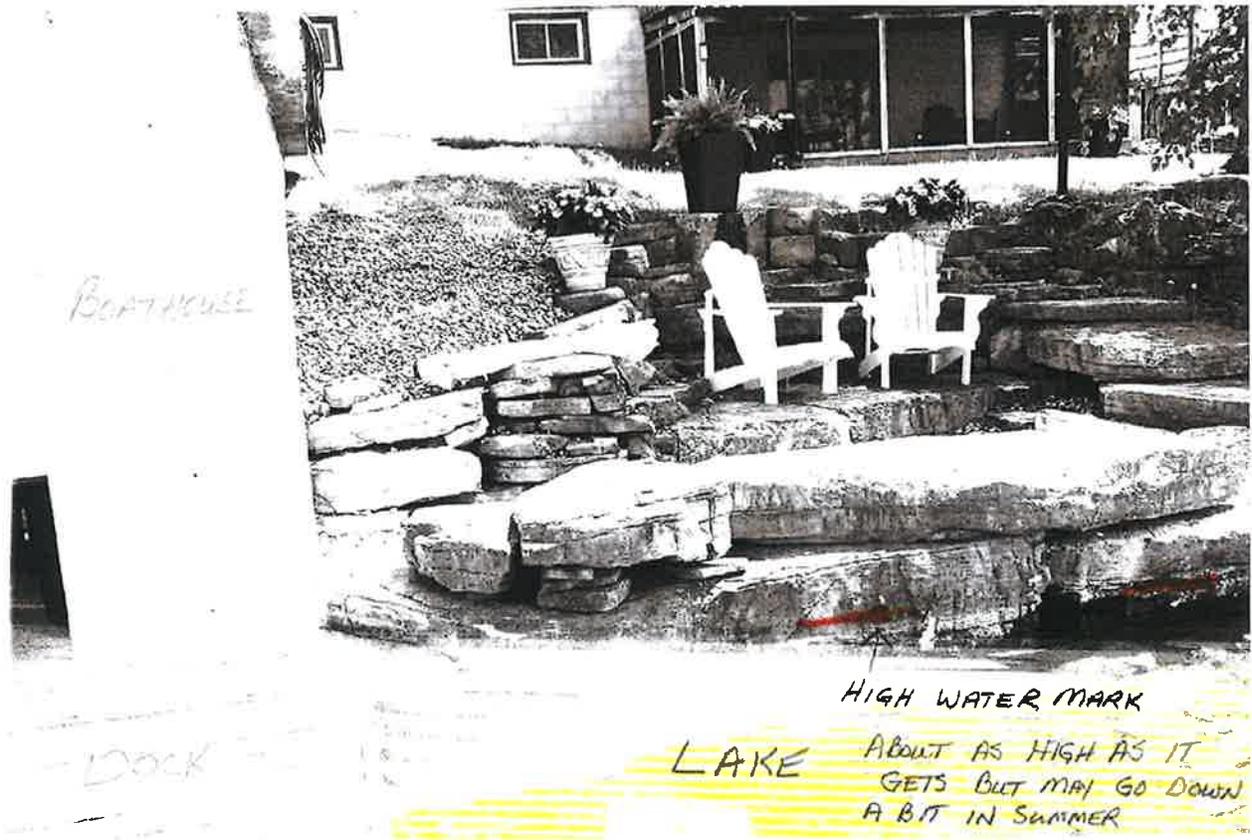


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**APPLICANT'S PHOTOS**





RECEIVED

MAY 30 2022

City of Kalamazoo  
Development  
Planning