

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Lange
Report Number COA2022-065

Public Meeting

Meeting Date: September 22, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Bexley

Subject: The purpose and effect is to facilitate replacement of a residential dwelling.

Relief sought:

1. Section 12.2.1.3 of the By-law requires a minimum water setback of 15 metres; the existing reduced setbacks of 13 metres (dwelling) and 10.13 metres (deck) are proposed to remain.

The variance is requested at 28 Treewood Lane (File D20-2022-056).

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

Recommendations

That Report COA2022-065 – Lange, be received;

That minor variance application D20-2022-056 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 COA2022-065, 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 COA2022-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate replacement of +/- 79.7 sq m (857.9 sq ft) bungalow with a two-storey single detached dwelling of the same ground floor area
Owners:	Stephanie Lange
Applicant:	Same as Owner
Legal Description:	Part Lot 1, West Bay Range (being Lot 4 and part Block D, Plan 175)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three 'RR3' (Township of Bexley Zoning By-law 93-09)
Site Size:	739 sq m (7,954.5 sq ft)
Site Access:	Year-round municipal road
Site Servicing:	Private lake draw and holding tank
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 owners may redevelop their properties to achieve their highest and best use. The proposal seeks to maintain the existing non-complying setbacks as part of the redevelopment. The proposed redevelopment includes the replacement of the existing bungalow (circa 1968) with a new dwelling, maintaining the existing footprint and achieving increased floor space by adding a second storey. An existing 'bunkie' (1968) and shed (1995) will be removed.

The lot is adjacent to natural heritage features (Balsam Lake shoreline/fish habitat, and within the 120 m buffer of a significant woodland), natural hazards (possible

¹ See Schedule 1

² See Schedule 1

flooding and/or erosion, and a portion of the subject property is within known karst topography), and water resources (within the boundary of the Balsam and Cameron Lake Management Plan, and within a highly vulnerable aquifer). According to Kawartha Conservation the proposed development poses a low risk to fish habitat on adjacent lands. 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 drainage ditch and nearby watercourse or waterbody.

As the proposed development is entirely outside of the significant woodland feature, an Environmental Impact Study is not required as there will be no impacts to the feature as a result of the development.

The southeast portion of the subject property has the potential for karst topography to be present. Due to the new dwelling using the existing dwelling footprint and the location of the new garage being on the western portion of the lot, the proposed development is not impacted by the area of karst topography. No geotechnical study will be required for this development.

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

The Waterfront designation permits residential uses and accessory uses thereto; performance and siting criteria are implemented through the Zoning By-law.

The proposed dwelling is within the same existing low density housing type. At two-storeys, the proposed dwelling falls under the maximum height permitted in the Zoning By-law, and is anticipated to blend with natural surroundings, and to remain below the height of the tree canopy and skyline horizon. Permitting requirements through the redevelopment of the lot provides an opportunity to improve the shoreline condition and ensure surface water quality is maintained or improved.

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

The RR3 zone permits residential uses and accessory uses thereto. The proposal maintains the non-complying reduced water setback with no further encroachment. A set of stairs providing access to the existing deck encroach further into the water setback; the proposal to remove and not replace the stairs improves the integrity of the water setback. Notwithstanding the reduced water setback from 15 m, the rear yard setback of 7.5 m is upheld and provides ample amenity space.

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 permit to install has been issued for the proposed replacement dwelling. As the property is limited for clearance distances, the permit will allow for the installation of a Class 5 Holding Tank to service the dwelling in the roadside yard. The location of the dwelling will not impact the ability of the property to be serviced with a method for sewage disposal. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

Kawartha Conservation: “A permit pursuant to Ontario Regulation 182/06, including an erosion and sediment control plan has been acquired prior to any onsite works being completed. No further permits are required at this time. We encourage the landowner to take any opportunity to naturalize the shoreline and buffer strip along the shoreline to ensure minimal impacts to fish habitat and ecological function of Balsam Lake.”

Public Comments:

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

Attachments

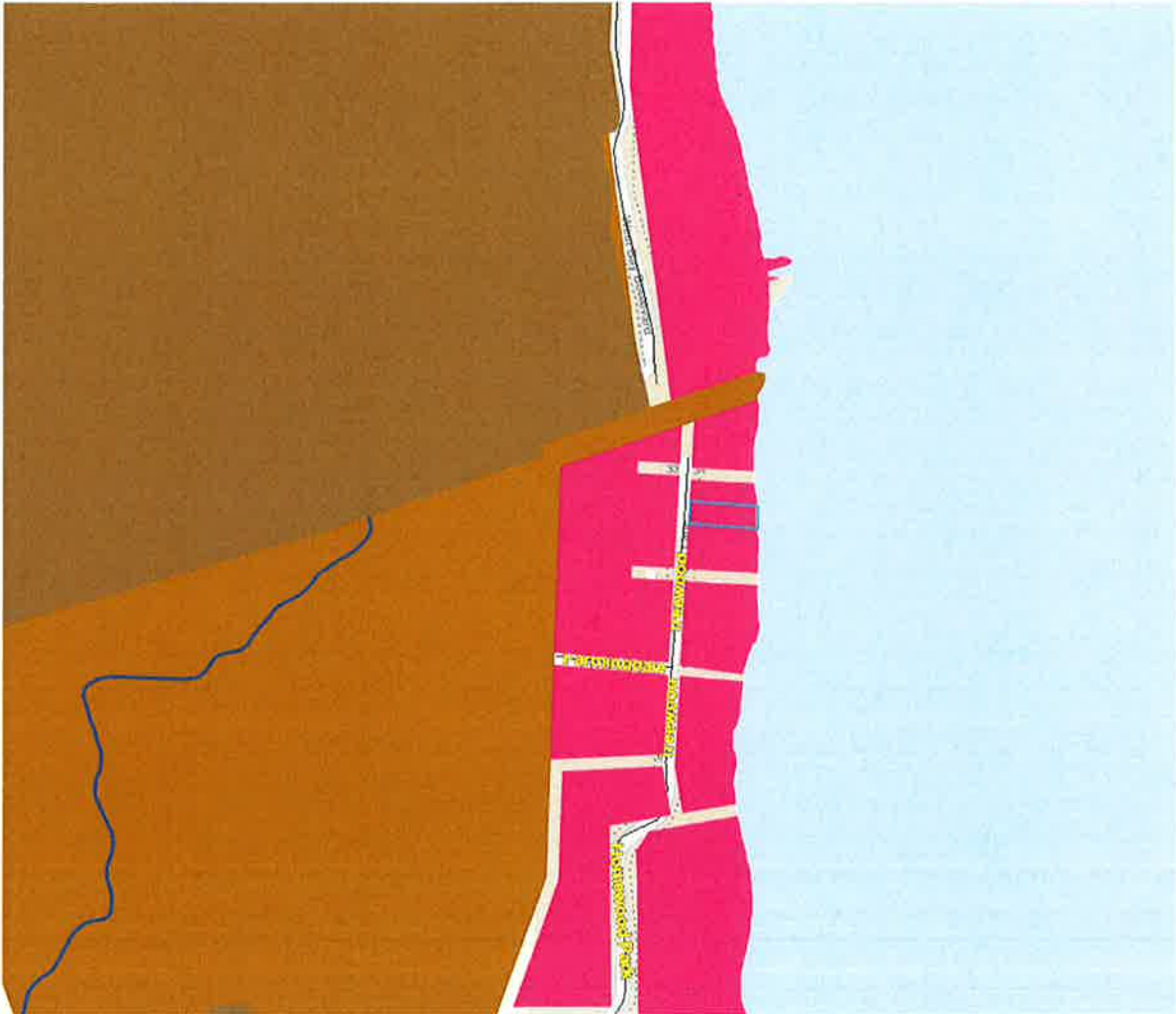
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-056

Schedule 1

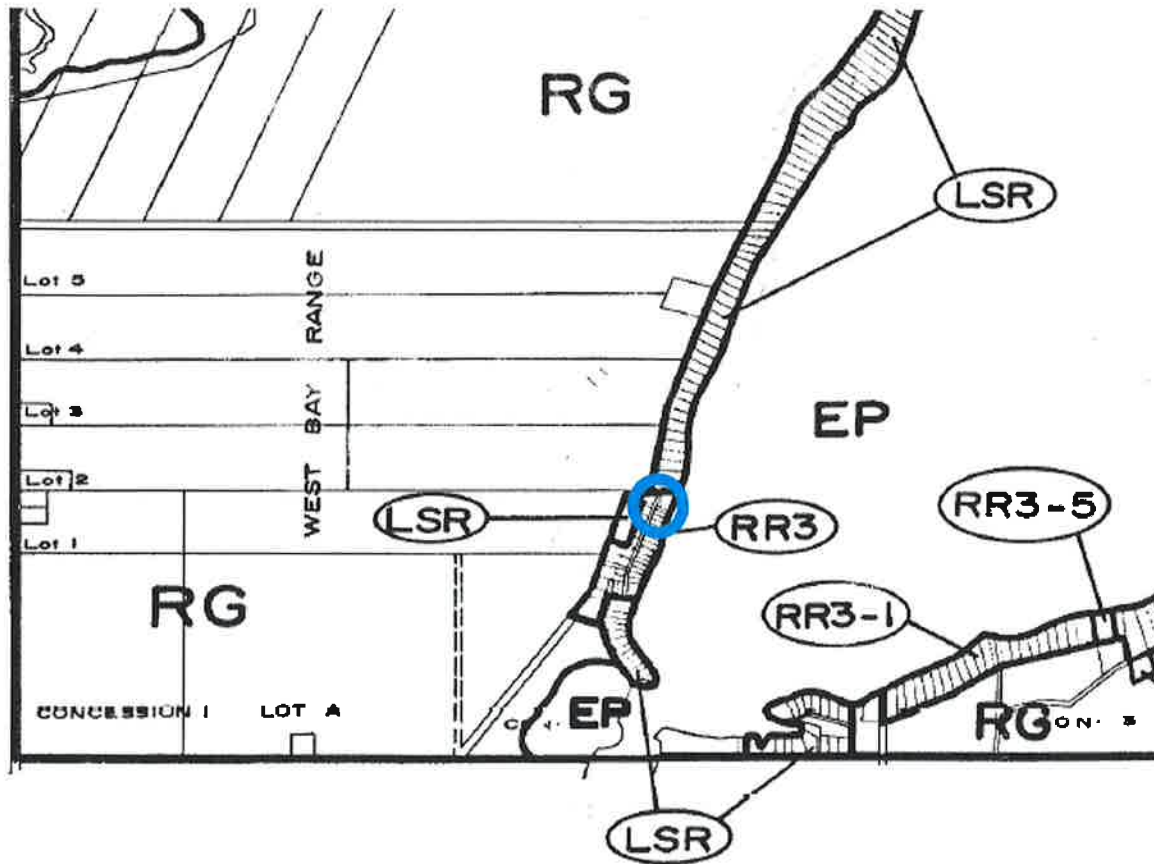
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Bexley Zoning By-law 93-09



Part 12 Rural Residential Type Three (RR3) Zone

12.2.1.3 Yard Requirements (min.)

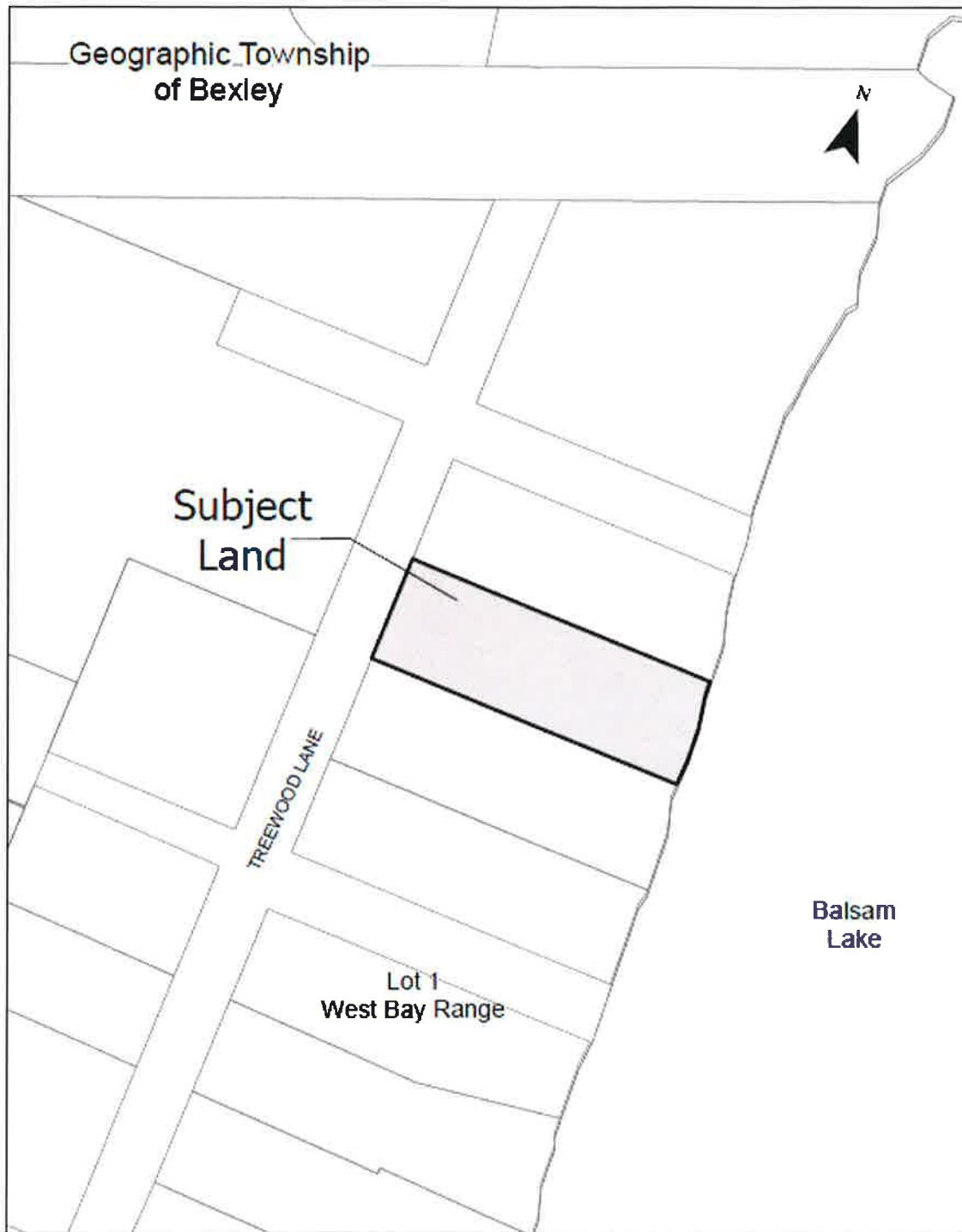
(e) water setback 15 m

to

REPORT COA2022-065

FILE NO: D20-2022-056

LOCATION MAP



to

REPORT COA2022-065

FILE NO: D20-2022-056

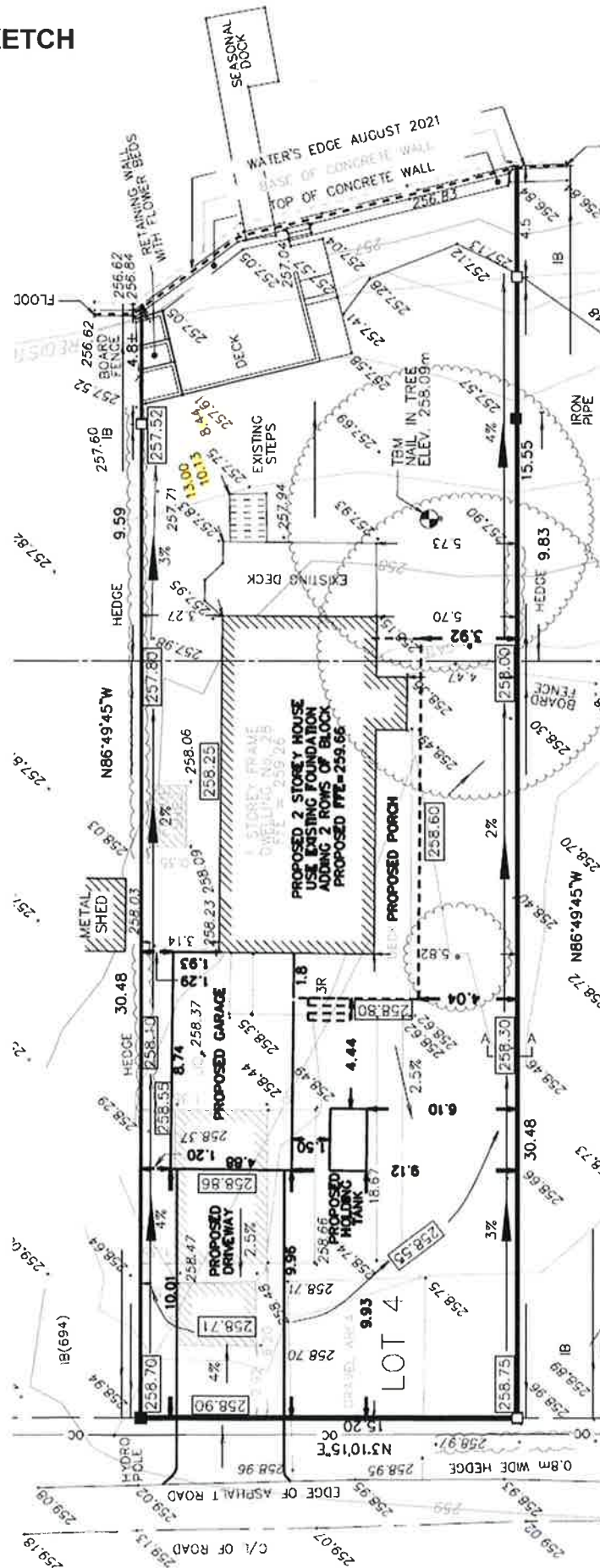
AERIAL PHOTO



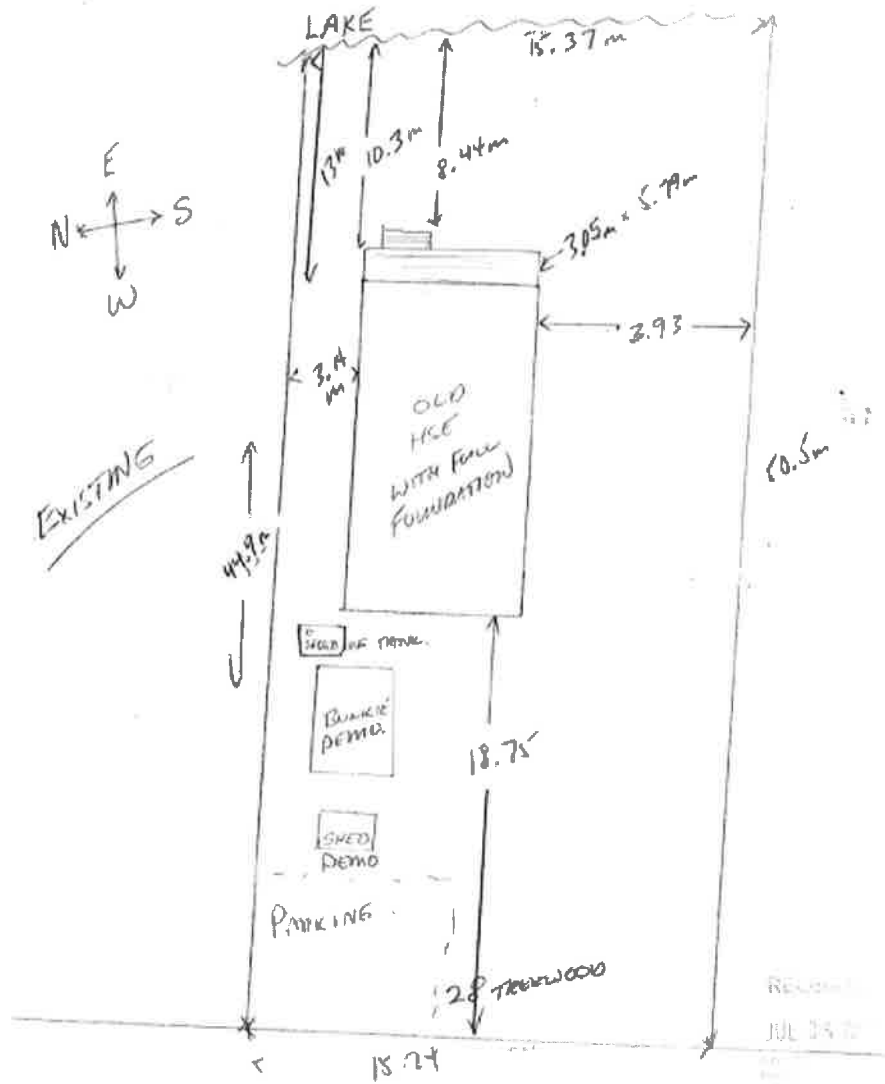
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REPORT COA2022-065FILE NO: D20-2022-056

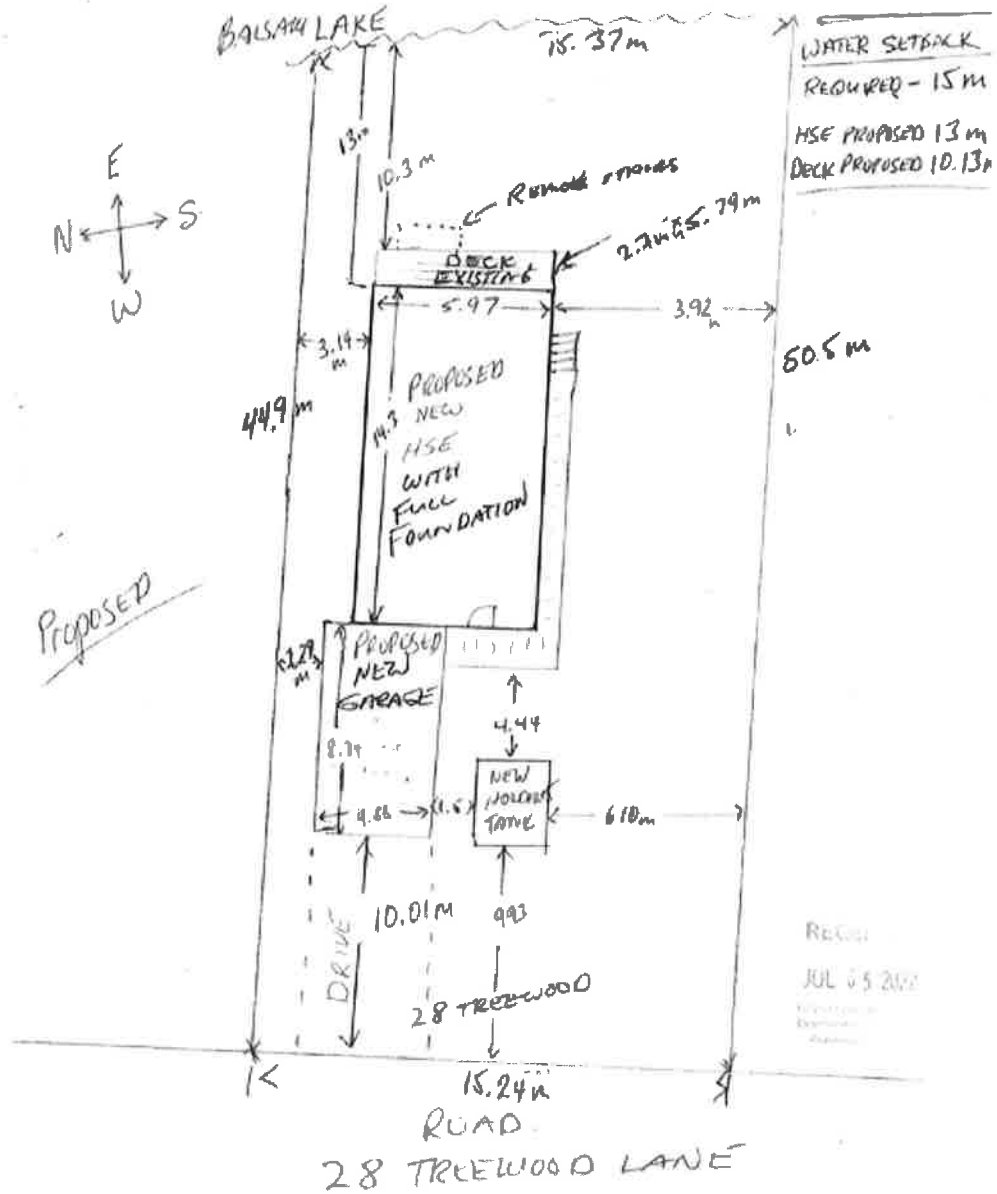
APPLICANT'S SKETCH



Existing site plan



Proposed site plan



NO.	DATE	REVISION	BY	PROJECT	
				DESCRIPTION	DATE
				1. ELEVATION OF THE FRONT	10/10/10
				2. 1st FLOOR	10/10/10
				3. 2nd FLOOR	10/10/10
				4. 3rd FLOOR	10/10/10
				5. 4th FLOOR	10/10/10
				6. 5th FLOOR	10/10/10
				7. 6th FLOOR	10/10/10
				8. 7th FLOOR	10/10/10
				9. 8th FLOOR	10/10/10
				10. 9th FLOOR	10/10/10
				11. 10th FLOOR	10/10/10
				12. 11th FLOOR	10/10/10
				13. 12th FLOOR	10/10/10
				14. 13th FLOOR	10/10/10
				15. 14th FLOOR	10/10/10
				16. 15th FLOOR	10/10/10
				17. 16th FLOOR	10/10/10
				18. 17th FLOOR	10/10/10
				19. 18th FLOOR	10/10/10
				20. 19th FLOOR	10/10/10
				21. 20th FLOOR	10/10/10
				22. 21st FLOOR	10/10/10
				23. 22nd FLOOR	10/10/10
				24. 23rd FLOOR	10/10/10
				25. 24th FLOOR	10/10/10
				26. 25th FLOOR	10/10/10
				27. 26th FLOOR	10/10/10
				28. 27th FLOOR	10/10/10
				29. 28th FLOOR	10/10/10
				30. 29th FLOOR	10/10/10
				31. 30th FLOOR	10/10/10
				32. 31st FLOOR	10/10/10
				33. 32nd FLOOR	10/10/10
				34. 33rd FLOOR	10/10/10
				35. 34th FLOOR	10/10/10
				36. 35th FLOOR	10/10/10
				37. 36th FLOOR	10/10/10
				38. 37th FLOOR	10/10/10
				39. 38th FLOOR	10/10/10
				40. 39th FLOOR	10/10/10
				41. 40th FLOOR	10/10/10
				42. 41st FLOOR	10/10/10
				43. 42nd FLOOR	10/10/10
				44. 43rd FLOOR	10/10/10
				45. 44th FLOOR	10/10/10
				46. 45th FLOOR	10/10/10
				47. 46th FLOOR	10/10/10
				48. 47th FLOOR	10/10/10
				49. 48th FLOOR	10/10/10
				50. 49th FLOOR	10/10/10
				51. 50th FLOOR	10/10/10
				52. 51st FLOOR	10/10/10
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				61. 60th FLOOR	10/10/10
				62. 61st FLOOR	10/10/10
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				71. 70th FLOOR	10/10/10
				72. 71st FLOOR	10/10/10
				73. 72nd FLOOR	10/10/10
				74. 73rd FLOOR	10/10/10
				75. 74th FLOOR	10/10/10
				76. 75th FLOOR	10/10/10
				77. 76th FLOOR	10/10/10

