

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Harradine and Dymont
Report Number COA2022-066

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 a second-storey residential addition.

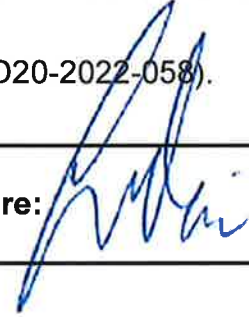
Relief sought:

1. Section 12.2.1.3 of the By-law requires a minimum water setback of 15 metres; the existing reduced setbacks of 11.54 metres (dwelling) and 8.26 metres (deck) are proposed to remain.

The variance is requested at 95 Lakeview Cottage Road (File D20-2022-058).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations

That Report COA2022-066 – Harradine and Dymont, be received;

That minor variance application D20-2022-058 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 COA2022-066, 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; and,

- 3) **That** building construction related to this approval shall proceed provided the Supervisor – Part 8 Sewage Systems is satisfied that a Class 4 Sewage System can be accommodated on the property, in compliance with the Ontario Building Code, to service the dwelling.

This approval pertains to the application as described in report COA2022-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate a second-storey addition above the ground floor dwelling footprint of +/- 76.21 sq m (820.3 sq ft)
Owners:	Maureen Harradine and Victoria Dymont
Applicant:	Colin Darling
Legal Description:	Lot 38, Plan 179
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:	823.5 sq m (8,864.1 sq ft)
Site Access:	Year-round municipal road
Site Servicing:	Private lake draw and 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.

It can be expected that over time, owners may improve their property resulting in its highest and best use. The undersized lot, existing built form, topography and natural features limit redevelopment opportunities to building up from the existing dwelling footprint (circa 1957), instead of out and further exacerbating existing non-compliance. An existing storage shed will be removed.

¹ See Schedule 1

² See Schedule 1

The lot is adjacent to natural heritage features (Balsam Lake/fish habitat, within the 120 m buffer of a significant woodland, and within the buffer of an unevaluated wetland), natural hazards (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 due to the existing development on the property and the building footprint not expanding, they will not require an Environmental Impact Study to evaluate the impact and associated mitigations on Balsam Lake. As the proposed development is entirely outside of the significant woodland feature, they will not require an Environmental Impact Study (EIS) as there will be no impacts to the feature as a result of the development. An EIS is not required as the development does not encroach on the wetland and should not impact its function. Disruption of the topography is expected to be minimal, and as such a geotechnical study for the proposed development will not be required.

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

Residential uses are permitted in the designation, provided they maintain a low building profile, blend with natural surroundings and remain compatible with the established residential character; performance and siting criteria is 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 existing floorplan, the most appropriate redevelopment alternative is to build within the existing footprint; the vertical expansion falls under the maximum permitted height and maintains the same distance from the high water mark; the rear yard, including the shoreline, has been previously developed and includes steps and a concrete seawall within 15 metres of the high water mark; and, the expansion maintains the existing setback 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 second storey is an extension of a permitted residential use in the RR3 zone. Maintaining the existing setback maintains the hazard risk of damage to property and life within the water setback. The proposed extension complies with the balance of the zone provisions.

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 review was conducted through SS2021-0039 for the proposed modifications to the dwelling. As a result of the review, it was determined that the existing sewage disposal system would not have capacity for the proposal. In order to proceed with the proposal, the owner will need to demonstrate that a Class 4 Sewage System can be accommodated on the property with allowable capacity for the new structure. As such, the Building and Septic Division would request that a condition be placed on the minor variance endorsement to satisfy the Supervisor – Part 8 Sewage Systems that a Class 4 Sewage System can be accommodated on the property, in compliance with the Ontario Building Code, to service the dwelling.”

Kawartha Conservation: “A permit will be required pursuant to Ontario Regulation 182/06, including an erosion and sediment control plan to address the erosion hazard, prior to any onsite works being completed. 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 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 – Elevations
Appendix E – Applicant's Photos

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-058

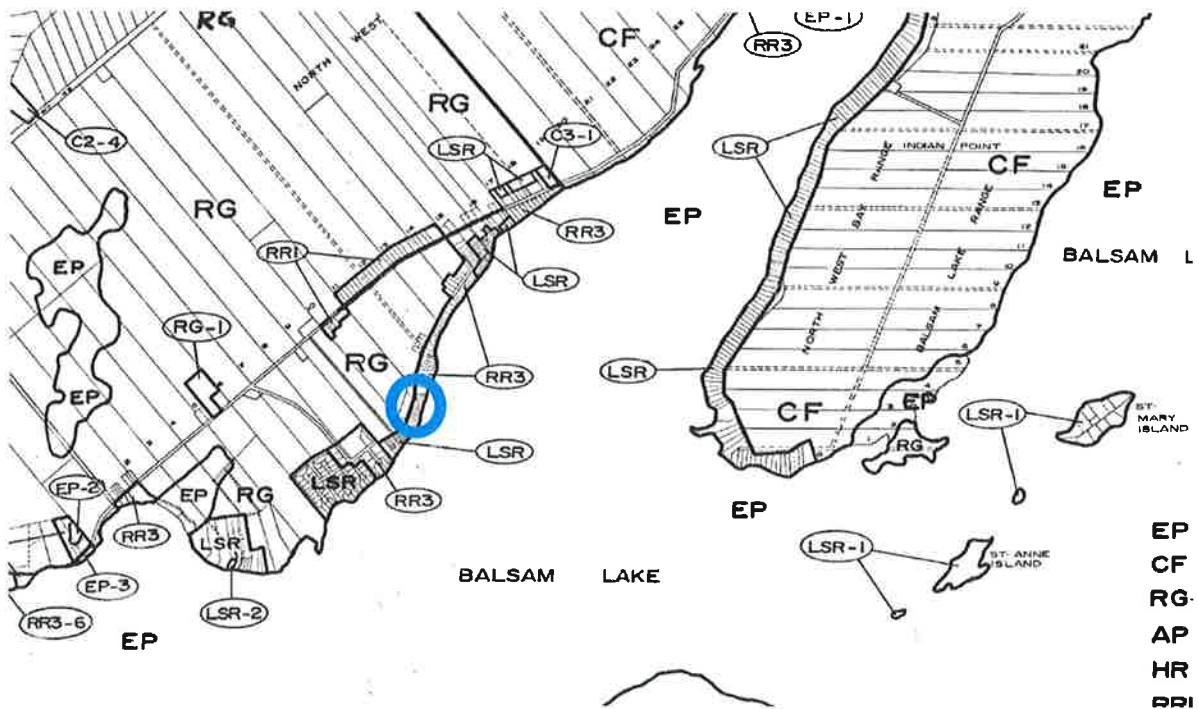
Schedule 1 Relevant Planning Policies and Provisions

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.)

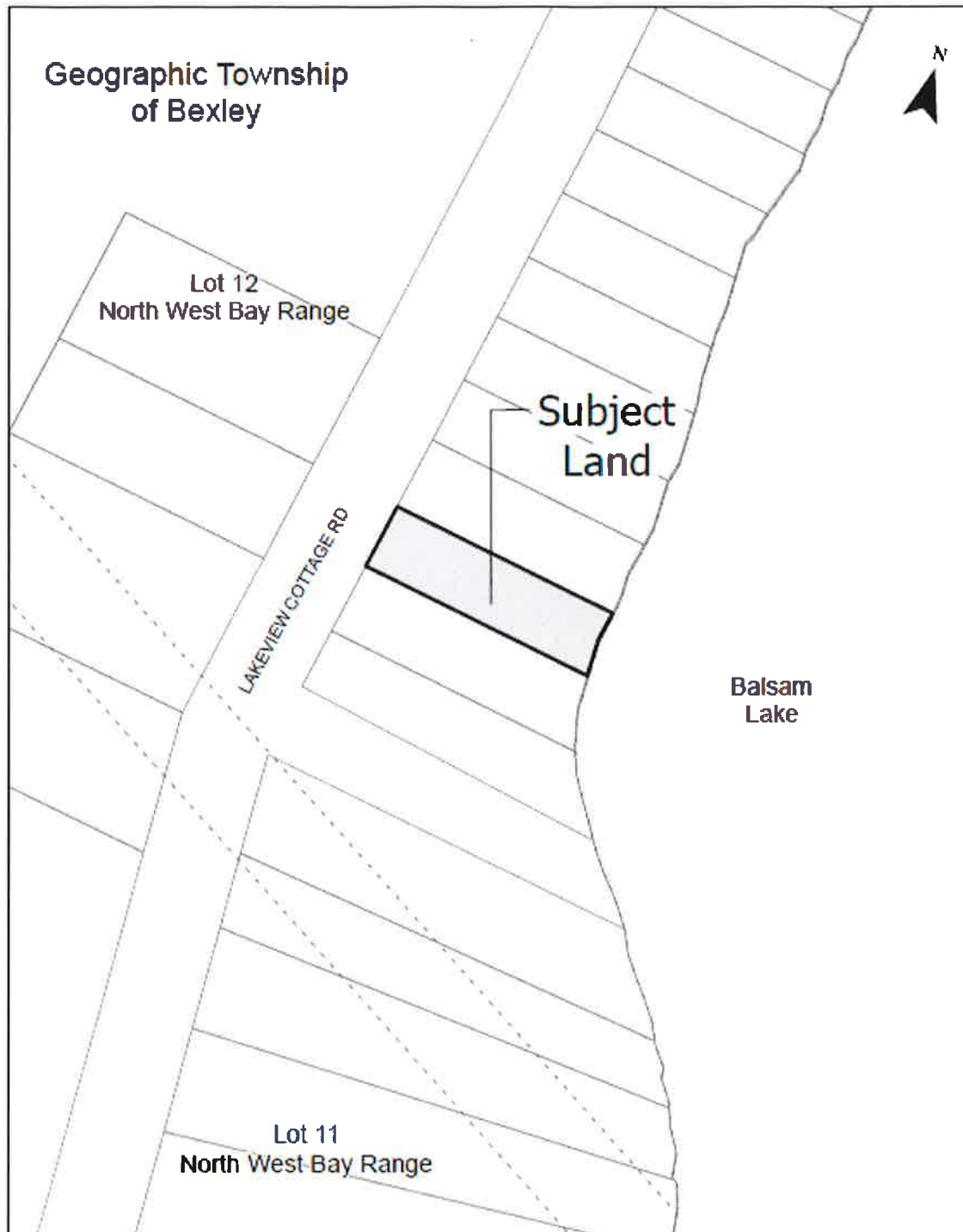
(e) water setback 15 m

to

REPORT COA2022-066

FILE NO: D20-2022-058

LOCATION MAP



to

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AERIAL PHOTO



The site plan shows a property bounded by Lakeview College Road to the north and east, and Bellem Lake to the south. The plan includes the following features and dimensions:

- Property Dimensions:**
 - North boundary: 40.23 (132.07')
 - East boundary: 40.23 (132.07')
 - South boundary: 11.58 (35.07')
 - West boundary: 10.85 (32.07')
- Internal Dimensions and Layout:**
 - Overall width: 13.34 (39.07')
 - Overall depth: 11.23'
 - Internal width segments: 1.37', 6.20', 0.61', 4.24'
 - Internal depth segments: 8.20', 3.03', 1.12', 0.88'
 - Diagonal dimensions: 13.85 (39.07'), 11.58 (35.07')
- Structures and Features:**
 - EXISTING POLY CONCRETE TO EXISTENCE:** Located at the north end.
 - STORAGE SHED (20'x11')** and **TO BE REMOVED:** Located in the upper central area.
 - EXISTING DWELLING 1 STORY SIDING w/DRIVEWAY No. 95:** A central rectangular structure.
 - UPPER STORY ADDITION TO SELL EX-FOOTPRINT:** Located below the existing dwelling.
 - EXISTING 20'x11' POLY CONCRETE:** Located to the east of the main structures.
 - EXISTING 10'x12' POLY CONCRETE:** Located further east.
 - EDGE OF WATER (CONCRETE RETAINING):** Located along the southern boundary.
- Other Labels:**
 - LOT 30** and **LOT 38** are labeled on the west side.
 - LOT 30** and **LOT 38** are labeled on the east side.
 - LOT 30** and **LOT 38** are labeled on the south side.

to

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ELEVATIONS



to

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FILE NO: D20-2022-058

APPLICANT'S PHOTOS



**Existing 1 Storey Cottage
from South/East**



**Existing 1 Storey Cottage
from North/East**