

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cotton
Report Number COA2022-082

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Verulam

Subject: The purpose and effect is to facilitate the construction of a new house and attached garage. **Relief sought:**

1. Section 8.2 n. requires a minimum water setback of 15 metres; the proposed setback is +/- 14.44 metres (dwelling) and +/- 9.06 metres (deck).

The variance is requested at **756 County Road 24** (File D20-2022-074).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-082 – Cotton, be received;

That minor variance application D20-2022-074 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 COA2022-082, 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 COA2022-082. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To permit the siting of a new house and attached garage within the water setback
Owners:	Paul Cotton
Applicant:	Square Root Design (David Rolfe)
Legal Description:	Part Lot 12, Concession 5 (being Lot 2 on Plan 226; Part 6 on RP 57R-2227)
Official Plan:	Waterfront (City of Kawartha Lakes Official Plan, 2012) ¹
Zone:	Residential Type One 'R1' (Township of Verulam Zoning By-law 6-87) ¹
Site Size:	1,527.21 sq m (0.38 ac)
Site Servicing:	Lake draw (private individual well) and septic system
Site Access:	Year-round municipal road
Existing Uses:	Residential
Adjacent Uses:	Residential, woodlands

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 endeavour to redevelop their property to achieve its highest and best use. The existing 111.61 sq m seasonal cottage (circa 1970) and 8.31 sq m storage shed are proposed to be replaced with a +/- 411.68 sq single detached dwelling and attached garage, and, a +/- 14.86 sq m storage shed. The improvements are intended to accommodate year-round occupancy with increased habitable space and structural improvements for increased functionality. The redevelopment design intends to use the existing building envelope to the extent possible, keeping the septic system in the front yard.

It is evident that a number of surrounding lots along County Road 24 have been redeveloped in a similar fashion in recent years, and the proposal contributes to the character of the neighbourhood.

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

¹ See Schedule 1

The residential use is permitted in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law. The dwelling is a low density housing type, and has been set back from the existing footprint towards the centre of the lot to improve development conditions on the shoreline to ensure surface water quality is maintained or improved, with an intention to blend with the natural surroundings by limiting tree removal.

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

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

The residential use is permitted in the R1 zone and complies with all applicable zone provisions, with the exception of the minimum water setback.

Recognizing the existing non-complying water setback, the proposal improves the non-compliance by shifting the dwelling and decking further from the shoreline than at present. The size of the septic system prevents any further adjustment of the dwelling footprint towards the road. Notwithstanding the reduced water setback, the proposal exceeds the minimum rear yard setback.

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:

None applicable.

Consultation Summary

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

Agency Comments:

DS-Building and Septic Division (Septic): "The proposal to reconstruct the dwelling includes a proposal to upgrade the sewage system. A sewage system plan has been submitted for review for a class 4 alternative system in the roadside yard of the dwelling. Based on the information provided for the sewage system and the dwelling, the proposal will meet the minimum requirements of the Ontario Building Code. As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to private on-site sewage disposal."

ECA-Development Engineering Division: "There is no concern or comment from an engineering perspective."

Public Comments:

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

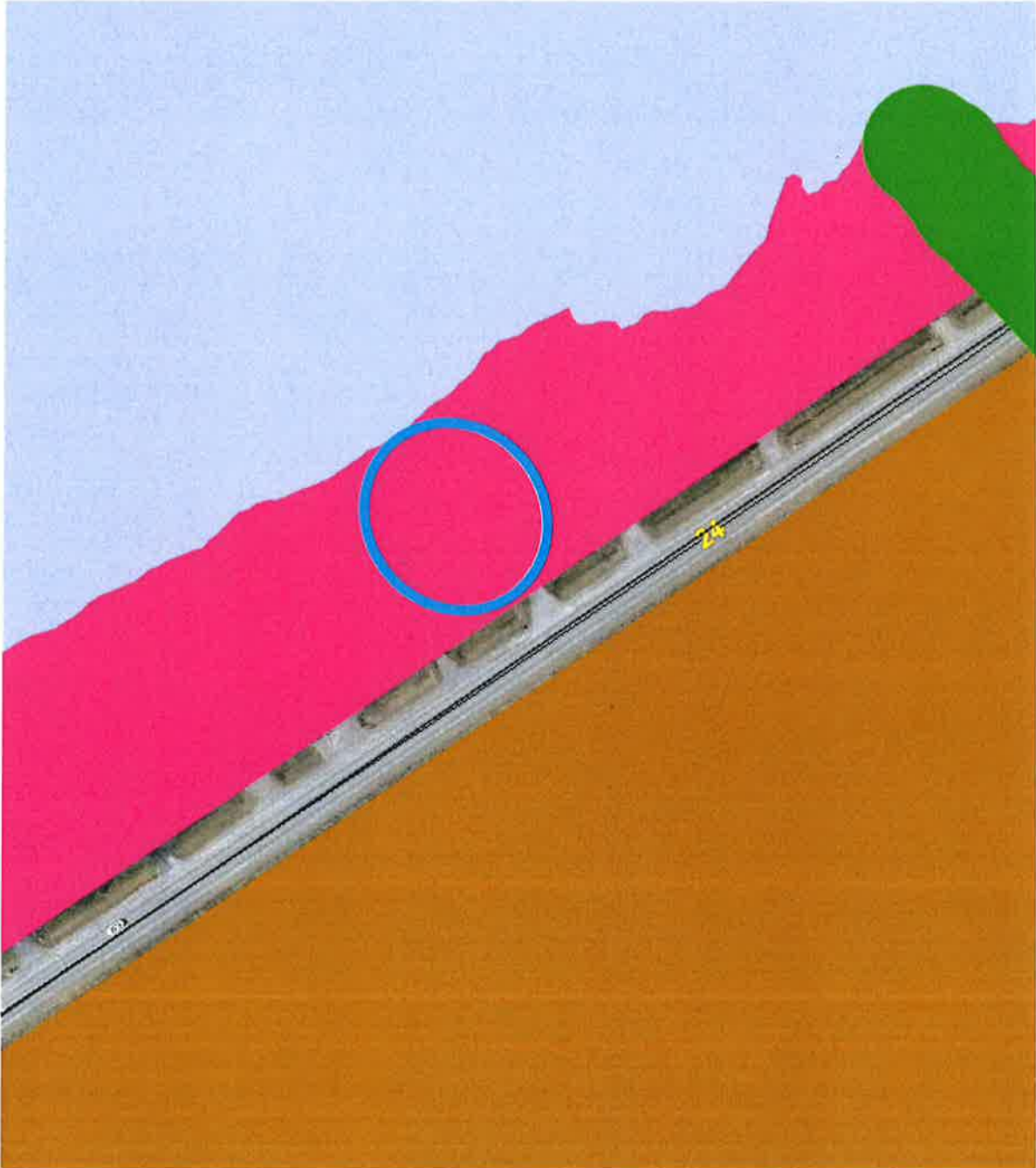
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Supplementary Information

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-074

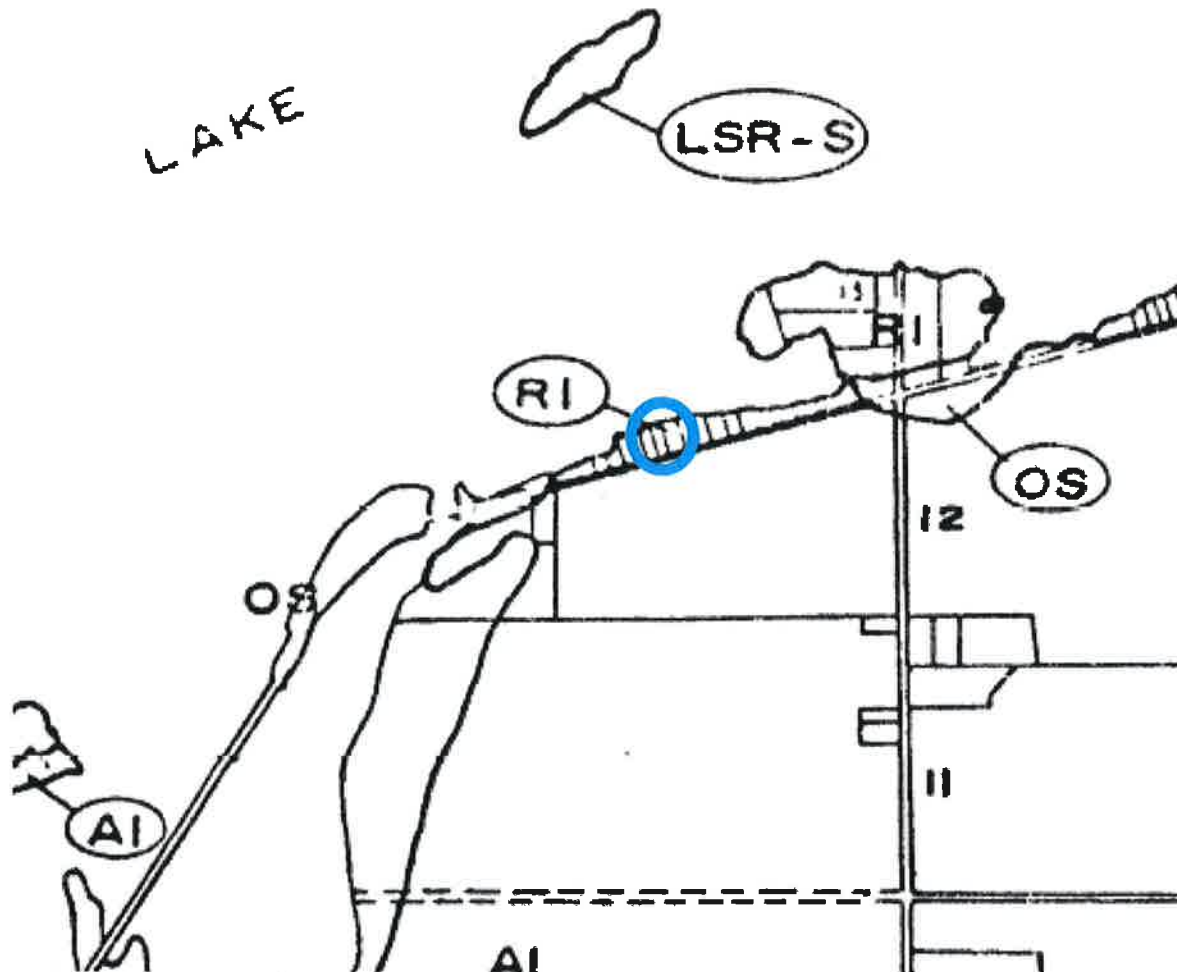
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Verulam Zoning By-law 6-87

OS



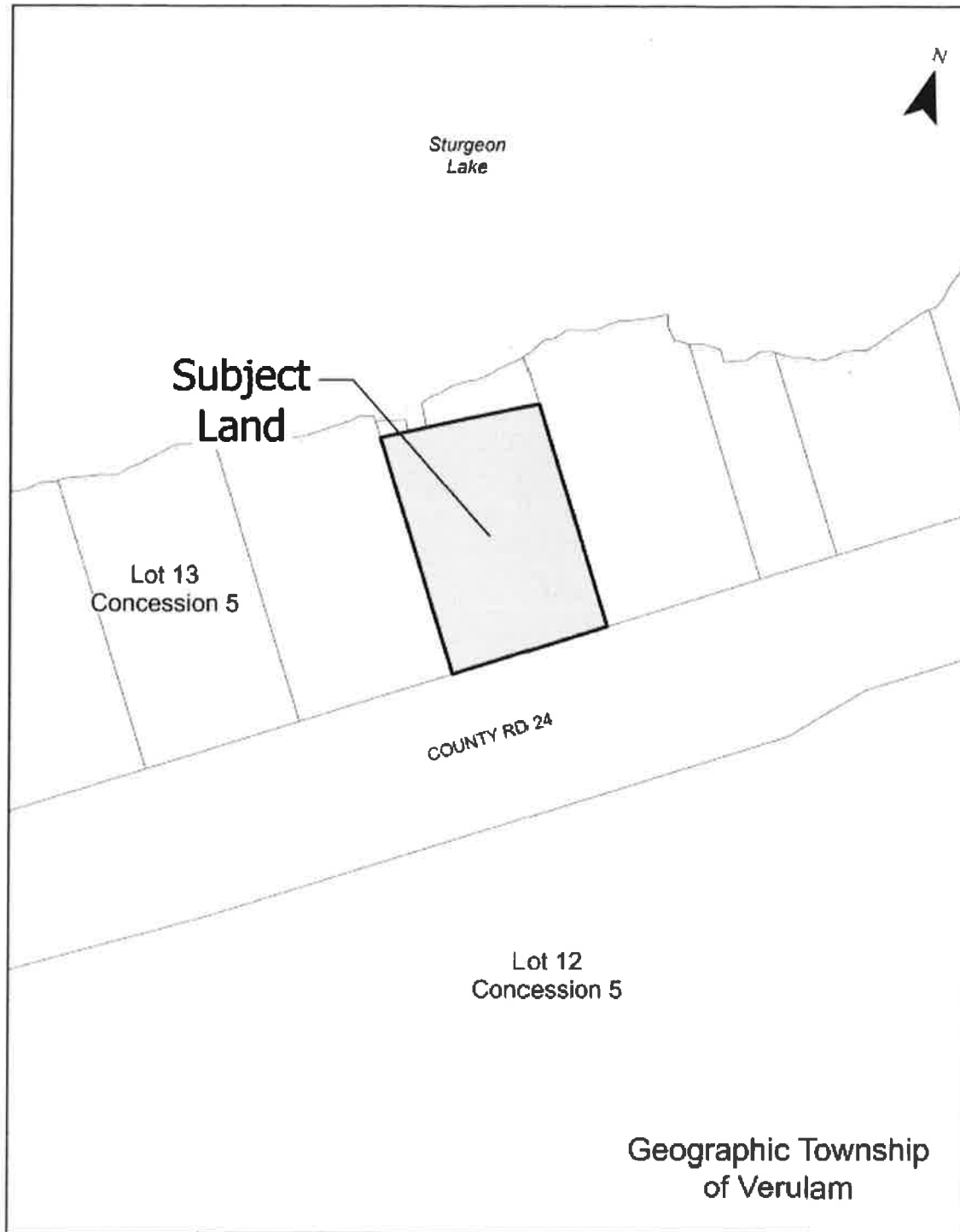
Section 8 Residential Type One (R1) Zone

8.2 R1 Zone Provisions

n. Minimum water setback 15 meters

LOCATION MAP

D20-2022-074



to

REPORT COA2022-082

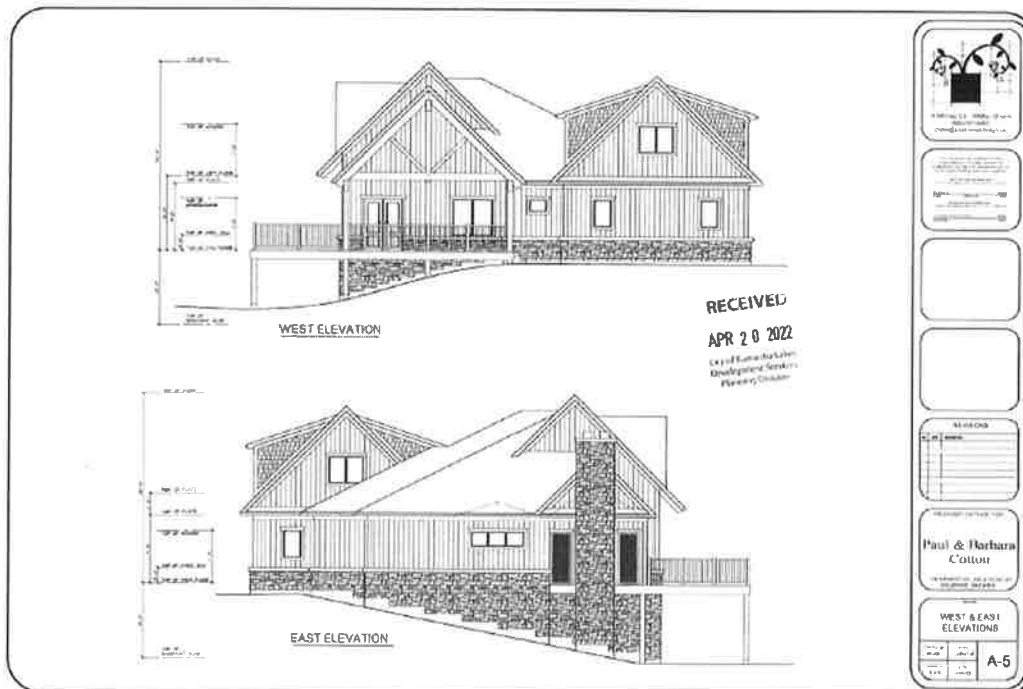
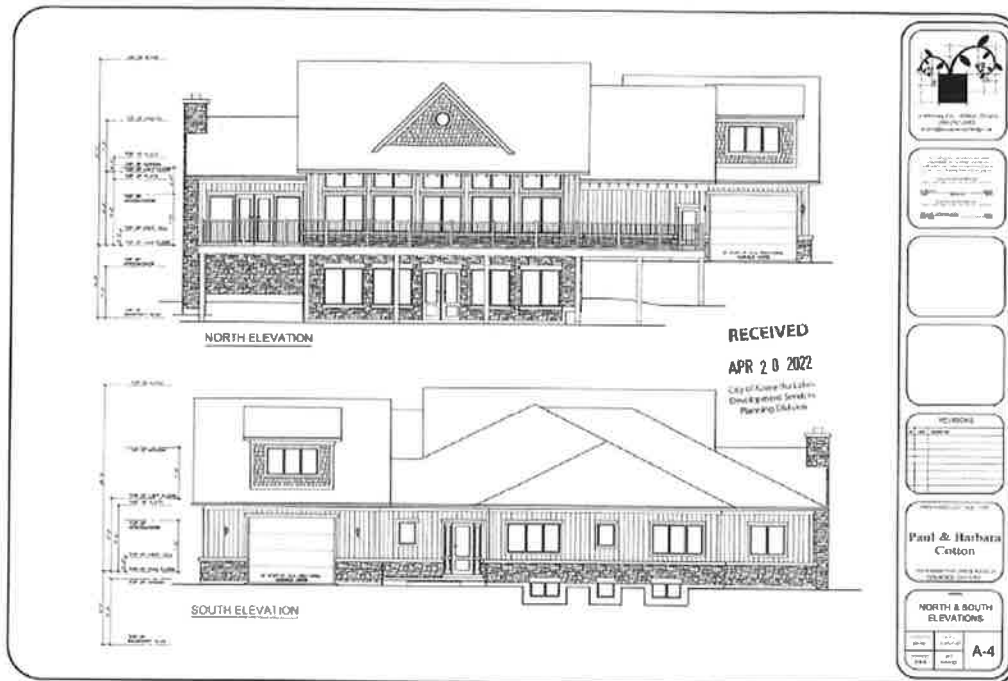
FILE NO: D20-2022-074

AERIAL PHOTO



[illegible]

to

REPORT COA2022-082FILE NO: D20-2022-074**ELEVATIONS**

The figure is a detailed site plan for a property in Kawartha Lakes. It shows a grid of lots, with Lot 12 at the top and Lot 1 at the bottom. A 'REGISTERED PLAN' is indicated on the left side. A 'CONCESSION' is shown on the right side. The plan includes a north arrow pointing towards the top right and a scale bar at the bottom left. The title block at the bottom right identifies the project as 'COWI CONSULTANTS' and includes the name 'COWI CONSULTANTS' and the address '1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T6'. The plan also includes a 'NOT FOR CONSTRUCTION PURPOSES ONLY' warning and a 'COPYRIGHT 2002' notice.