

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Somogyi / Barker
Report Number COA2022-060

Public Meeting

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

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the re-construction of a residential dwelling.

Relief sought:

1. Section 5.2.f. requires a minimum water setback of 15 metres with a permitted deck and steps encroachment per Section 18.1.4.a.iii. up to 1.5 metres (resulting setback of 13.5 metres); the proposed setback is 10.97 metres (north corner) and 6.93 metres (south corner).

The variance is requested at **110 Wilkinson Drive** (File D20-2022-053).

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

Recommendations

That Report COA2022-060 – Somogyi/Barker, be received;

That minor variance application D20-2022-053 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 and information in Appendix C and E submitted as part of Report COA2022-060, 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 COA2022-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the re-construction of a residential dwelling.
Background:	As a result of circulation, Kawartha Conservation identified the presence of karst topography (unstable bedrock Natural Hazard feature of provincial significance) that warranted further evaluation, to determine the merits of undertaking a geotechnical study addressing all hazard/risks associated with unstable bedrock (sinkholes, bedding plane, fractures, slumping, differential settlement). In order to facilitate on-going discussion amongst Planning staff, Kawartha Conservation and the owners, Committee deferred the application at their meeting of August 18, 2022 for a period of not more than four (4) months, returning at the latest to the December 1, 2022 meeting.
Owners:	Thomas and Pauline Somogyi and Jordan and Theodore Barker
Applicants:	Thomas and Pauline Somogyi
Legal Description:	Part Lot 20, Concession 6 (being Lot 2, Plan 335)
Official Plan ¹ :	Waterfront, Specific Lake Policy Area 'SP-1' (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential 'LSR' (Township of Somerville Zoning By-law 78-45)
Site Size:	1,637.19 sq m (0.4 ac)
Site Access:	Private road
Site Servicing:	Lake draw and private individual septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, woodlands

Rationale

¹ See Schedule 1

² See Schedule 2

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

Overtime it can be expected that owners may endeavour to redevelop their property to achieve its highest and best use. The owners propose to tear down the existing +/- 60 sq m bungalow with exposed crawlspace (circa 1960s, deficient with respect to current Ontario Building Code standards) and replace it with a +/- 150 sq m bungalow with basement to contain utilities servicing the home (furnace, water and sewage pumps). The existing accessory structures include a boathouse, 'bunkie' and garage (to be replaced).

The waterfront lot has a gentle slope from the road midway through the property where the slope increases towards the base of the embankment, then gently slopes to the shoreline. A mix of mature conifers, deciduous trees, shrubs and grasses cover the lot. The design choices are sensitive towards the existing topography, preserve vegetation and natural features by reusing the existing footprint to the extent possible.

Kawartha Conservation (KRCA) noted that the property is within the vicinity of / adjacent to Four Mile Lake/fish habitat and the buffer of a significant woodland (Natural Heritage Features); within karst topography (Natural Hazards); and, within the boundary of the Four Mile Lake Management Plan and a highly vulnerable aquifer (Water Resources).

Due to the existing development on the property, the location of the replacement dwelling being further from the shoreline (than the existing dwelling), and the proposed development being entirely outside of the woodland with no tree removal anticipated, an Environmental Impact Study was not required to evaluate the impact and associated mitigations on Four Mile Lake or on the adjacent significant woodland. However, due to the presence of karst, KRCA recommended the preparation of a technical site-specific geotechnical study to demonstrate that all hazard/risks associated with unstable bedrock could be adequately addressed.

The owners retained Grace and Associates Inc. (Geological and Environmental Consultants) to prepare a Karst Assessment Report (dated October 10, 2022). The Report includes a comprehensive desktop study (literature review, geological mapping, water well records, contractors reports), preliminary site inspection and assessment of prevailing site conditions, and provides recommendations for the site development based on an evaluation of the geological factors reviewed and observed.

KRCA is satisfied that the report is appropriate and addresses the geotechnical concerns. KRCA agrees with the conclusions of the report that the intended use of the site for residential redevelopment should not pose a risk from a geotechnical perspective nor to any groundwater recharge quantity or quality. KRCA recommends that all requirements and recommendations contained within the Report be implemented upon the construction phase of the development proposed in the application. This recommendation is captured in Condition 1.

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

The proposed dwelling is permitted as-of-right in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law.

The 'SP-1' land use overlay describes special policies for development in proximity to Four Mile Lake. Policies describe the watershed, geological landforms, and the 'at capacity' shoreline residential community for new recreational development and activities. The character and geology of the shoreline and surrounding watershed is unique and diverse, and provides for a wide range fish and wildlife species and landscapes. It is recognized that this diversity is fragile and may be threatened from any new development. The diversity of shoreline landforms includes limestone cliffs, exposed Canadian Shield, and wetlands. The diversity of the lake substrates include bedrock, limestone, gravel, sand and weedy areas. The Karst Assessment Report addresses the SP-1 policies.

The Plan permits reconstruction of existing buildings, 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 deck elsewhere; the expansion is away from / above the high water mark by +/- 3 m; the rear yard, including the shoreline, has been previously developed and includes steps and a stone retaining wall within 15 m of the high water mark; and, the deck is elevated and unenclosed to minimize the extent of its impact to the shoreline and the hazard risk of damage to property and life within the water setback.

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

The proposed dwelling with deck is permitted in the LSR zone and complies with all applicable zone provisions, with the exception of the minimum water setback.

At 6.39 m (south corner) and 10.97 m (north corner), the proposed deck encroaches less than the existing non-complying deck. The angled shoreline contributes to the extent of relief sought. Mapping indicates a built form with reduced setbacks along the shoreline in proximity to the lot. Notwithstanding the minimum water setback of 15 m, the siting of the deck exceeds the minimum rear yard setback of 7.5 m at the north corner, and improves the setback at the south corner.

The variance is minor in nature.

Grace and Associates Inc. conclude their Karst Assessment Report with the following recommendations:

6.0 RECOMMENDATIONS

While karst features were identified on the subject property based on the desktop study of available literature, the site inspection and geological mapping did not identify any karst hazards visible at surface that would restrict the proposed re-development of the site.

However, it is imperative that the potential sensitive nature of the karstic conditions be addressed in a pragmatic manner. As such, it is recommended the proposed re-development area(s) be cleared of all topsoil to expose the bedrock and/or regolith prior to construction of the footings and foundation. A visual inspection is to be conducted by the contractor, and if necessary a qualified professional, to verify there are no substantial fractures or cavities present within the proposed development area.

The contractor is to use only clean, inert fill and to provide proof of the origin and quality of the fill material. Depending on the size of joints/fractures of the limestone surface, care should be taken to ensure that fine grained fill materials will not settle into the fractures, resulting in localized instability. As such, properly sized fill materials, perhaps in conjunction with a suitable geotextile fabric, should be used to form a stable substrate for the base of the construction.

All construction works are to be conducted in accordance with the applicable Ontario Building Code criteria, municipal zoning by-laws and best management practices.

Given the careful siting of the proposed dwelling with deck and implementation of the recommended measures, there are no anticipated impacts on environmental features; neighbouring properties; or, the function of the right-of-way.

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 (Septic): "A sewage system review was conducted under file SS202s-0083 for this proposal. The minor variance proposal is consistent with the proposal provided during the sewage system review for location and sizing. As such, the Building and Septic Division has no issues with the proposed minor variance as it relates to private on-site sewage disposal."

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

ECA-Development Engineering: "From an engineering perspective, we offer no comments."

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 – Elevations

Appendix E – Karst Assessment Report: Section 6.0 Recommendations

Phone: 705-324-9411 extension 1240

E-Mail: lbarrie@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Division File: D20-2022-053

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



- 3.11 Water Setback and Accessory Uses
- 20 Waterfront Designation
- 31.3 Four Mile Lake – Specific Lake Policy Area

Township of Somerville Zoning By-law 78-45



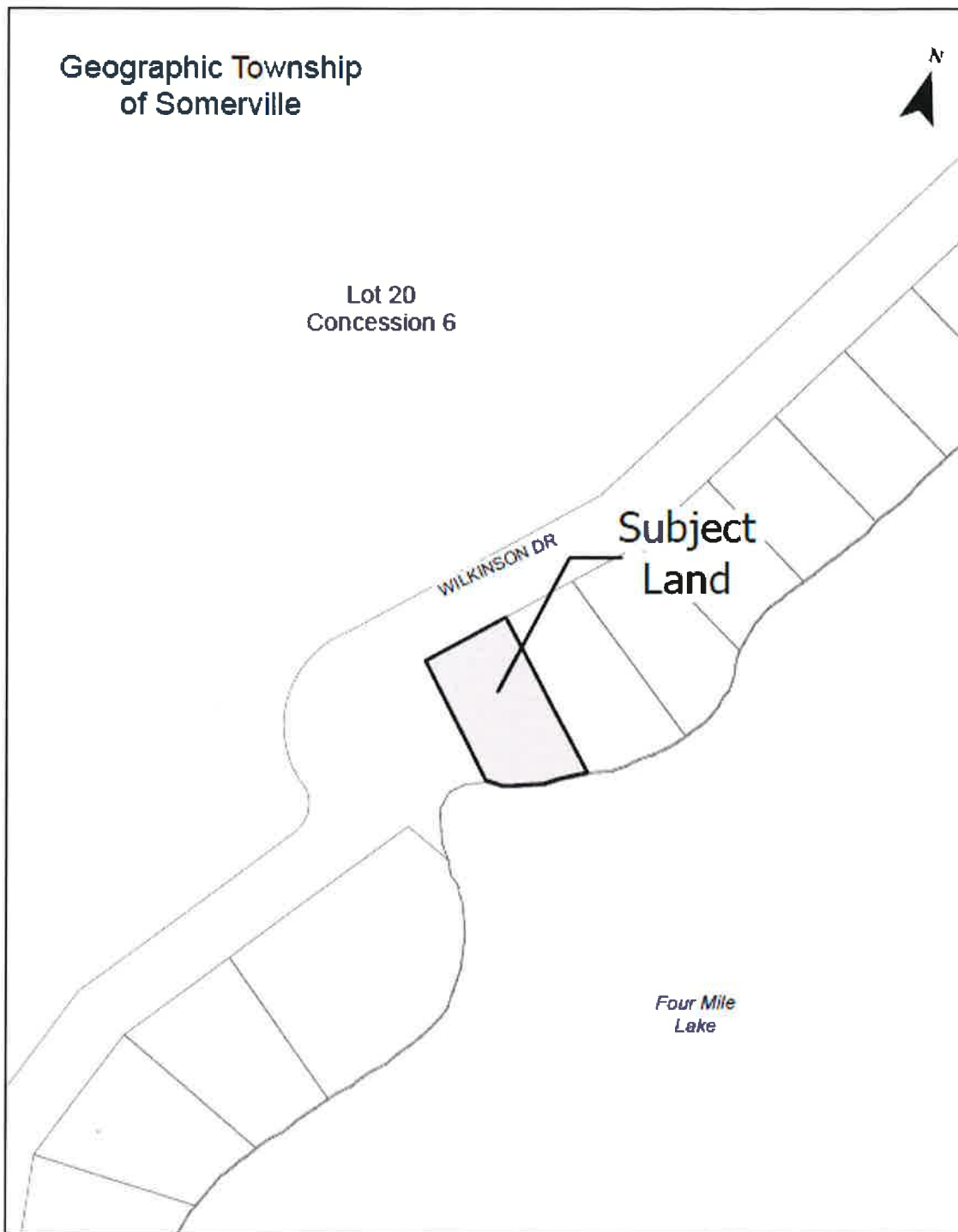
Section 5 Limited Service Residential (LSR) Zone

to

REPORT COA2022-060

FILE NO: D20-2022-053

LOCATION MAP



to

REPORT COA2022-060

FILE NO: D20-2022-053

AERIAL PHOTO



in 250

FOUR MILE LAKE

to

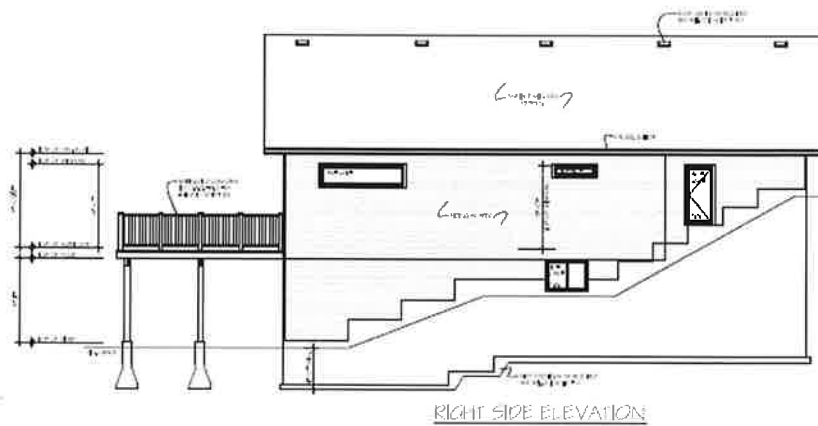
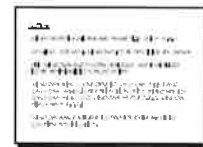
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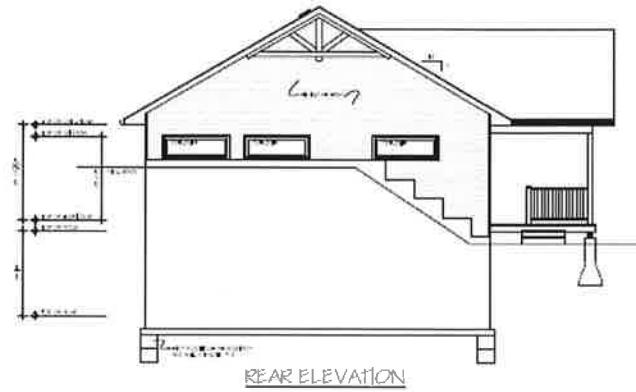
ELEVATIONS



Lakeside View



North Facing View



Roadside
View



South (interior lot)
Facing View

to

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SUPPLEMENTARY INFORMATION

Karst Assessment Report: Section 6.0 Recommendations

KARST ASSESSMENT REPORT

- Pauline and Thomas Gary Somogyi -

Lot 2, Registered Plan No. 335
Geographic Township of Somerville
110 Wilkinson Drive, Cobacook, Ontario

October 10, 2022

Reference No.: R22-1037

Prepared for

*Kawartha Region Conservation Authority
and
City of Kawartha Lakes - Planning*



GRACE & ASSOCIATES INC.

Geological & Environmental Consultants

16 Glenelg Street East
Lindsay, Ontario, K9V 1Y6
Phone: (705) 324-5408 Facsimile: (705) 324-2081