

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – MacMillan
Report Number COA2023-090

Public Meeting

Meeting Date: November 23, 2023
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the replacement of portions of the dwelling that were damaged by flooding, and the addition of a second storey over portions of the dwelling that are currently one storey.

Relief sought:

1. Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposal is to maintain the existing setback of 13.5 metres; and,
2. Section 5.2 j) of the By-law requires a minimum side yard setback of 3 metres on one side and 2.2 metres on the other side for a two storey dwelling; the existing setbacks of 4.3 metres from the north property line and 1.75 metres from the south property line are to be maintained.

The variance is requested at **12 Montgomery Point** (File D20-2023-082).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2023-090 – MacMillan, be received;

That minor variance application D20-2023-082 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

COA2023-090, which shall be attached to and form part of the Committee's Decision;

- 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** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.

This approval pertains to the application as described in report COA2023-090. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Replacement of portions of the dwelling that were damaged by flooding, and the addition of a second storey over portions of the dwelling that are currently one storey
Owners:	Linda and Isaac MacMillan
Applicant:	Chandler Homes c/o Jeff and Nancy Chandler
Legal Description:	Part Lot 72 Front Range (being Part of Lots 12 and 13 on Plan 247 and Parts 1 to 4 on Reference Plan 57R8885)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,371.2 sq. m. (14,759.474 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Residential and agricultural

Rationale

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

The subject property is within an established residential neighbourhood located on the eastern shore of Shadow Lake. The property is irregular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1959 (according to Municipal Property Assessment Corporation) and a detached garage. The existing decks are to be removed and not replaced.

It can be expected that over time, owners may improve their property resulting in its highest and best use. The proposal is to replace the portion of the dwelling that is closest to the water. The pier footings under this portion of the dwelling have been damaged by flooding in the past. The replacement of this portion of the dwelling will maintain the same footprint as what exists today, and will be constructed on a foundation instead of piers to prevent damage to the structure.

Additionally, the proposal involves adding a second storey onto portions of the existing dwelling that are currently one storey. As a result, the entire dwelling will be two storeys, providing additional living space to better accommodate the property owners as well as family and friends. The neighbourhood consists of a mixture of one and two storey dwellings, and as such the proposal is in keeping with the existing built form in the area.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. This vegetation provides the following benefits to the waterbody: attenuation of stormwater runoff, trapping of sediments and nutrients carried by stormwater runoff, enhancement to water quality, and habitat enhancement in the riparian area.

The existing dwelling is setback 13.5 metres from the water, and the proposed development will maintain this setback with no further encroachment proposed. As such, it is not anticipated that the proposal will impact the existing shoreline

conditions. Additionally, the new portion of the dwelling will be constructed on a foundation instead of piers, mitigating the impact of any future flooding and erosion.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Limited Service Residential (LSR) Zone under the Township of Somerville Zoning By-law 78-45. A single detached dwelling as well as accessory structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum water setback and the minimum side yard setback.

As per Section 5.2 f) of the By-law, a minimum water setback of 15 metres is required. The proposal is to maintain the existing setback of 13.5 metres. The intent of the minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposal will maintain the footprint of the existing dwelling, including the existing water setback, and no further encroachment is proposed. It is not anticipated that the proposal's reduced water setback will negatively impact infiltration or alter the existing shoreline conditions. Additionally, as the new portion of the dwelling will be constructed on a foundation instead of piers, the new portion of the dwelling will be better protected against flooding and erosion.

As per Section 5.2 j) of the By-law, a minimum side yard setback of 3 metres on one side and 2.2 metres on the other side is required for a two storey dwelling. The existing setbacks of 4.3 metres from the north property line and 1.75 metres from the south property line are to be maintained. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The corner of the dwelling which requires relief for the side yard setback currently complies with the Zoning By-law, as the required side yard setback for a one storey dwelling is 1.2 metres. As the proposal is to construct a second storey addition, the required setback increases to 2.2 metres, and relief is therefore required. The existing footprint will remain as it is today. The dwelling does not directly abut the dwelling on the neighbouring property, and therefore no impacts to privacy are anticipated as a result of the second storey addition. The existing setback provides adequate space for drainage, and allows for unimpeded access between the front and rear yard and room for carrying out any required building maintenance on this

side of the dwelling. The south lot line of the property appears to abut a right of way that is used to access adjacent properties to the south from Shadow Lake Road 4. It is not anticipated that maintaining the existing reduced setback will result in the use of this right of way being negatively impacted.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the 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:

Building and Septic Division (Septic): “The sewage system use permit indicates an approval for a Class 5 Holding Tank for this property. The holding tank is located adjacent to the existing single detached dwelling in the south side yard. Based on the proposal for the construction, the minimum required clearance distances to the sewage holding tank will be maintained. However, the dwelling will be increasing in size and a further sewage system review would need to be conducted to confirm capacity of the existing holding tank.

As such, the Building and Septic Division would request a condition to satisfy the Supervisor – Part 8 Sewage Systems be added to the minor variance if endorsed.”

Building and Septic Division (Building): “No comments.”

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns or comments on this Minor Variance application.”

Public Comments:

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

Attachments

Appendix A – Location Map

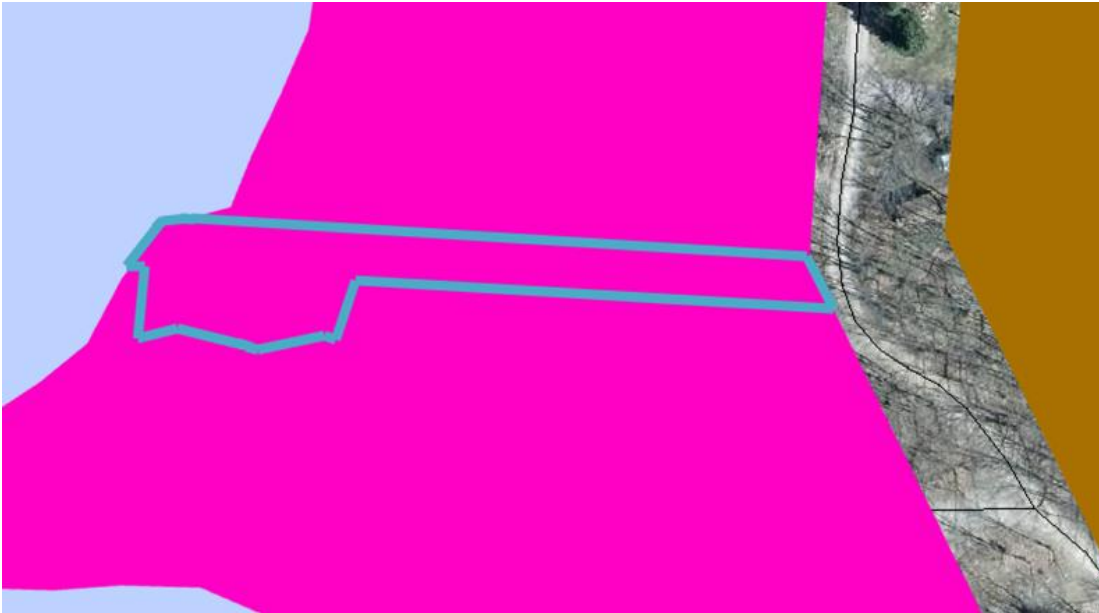
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

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E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-082

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

20. Waterfront Designation

Township of Somerville Zoning By-law 78-45



Section 5 Limited Service Residential (LSR) Zone

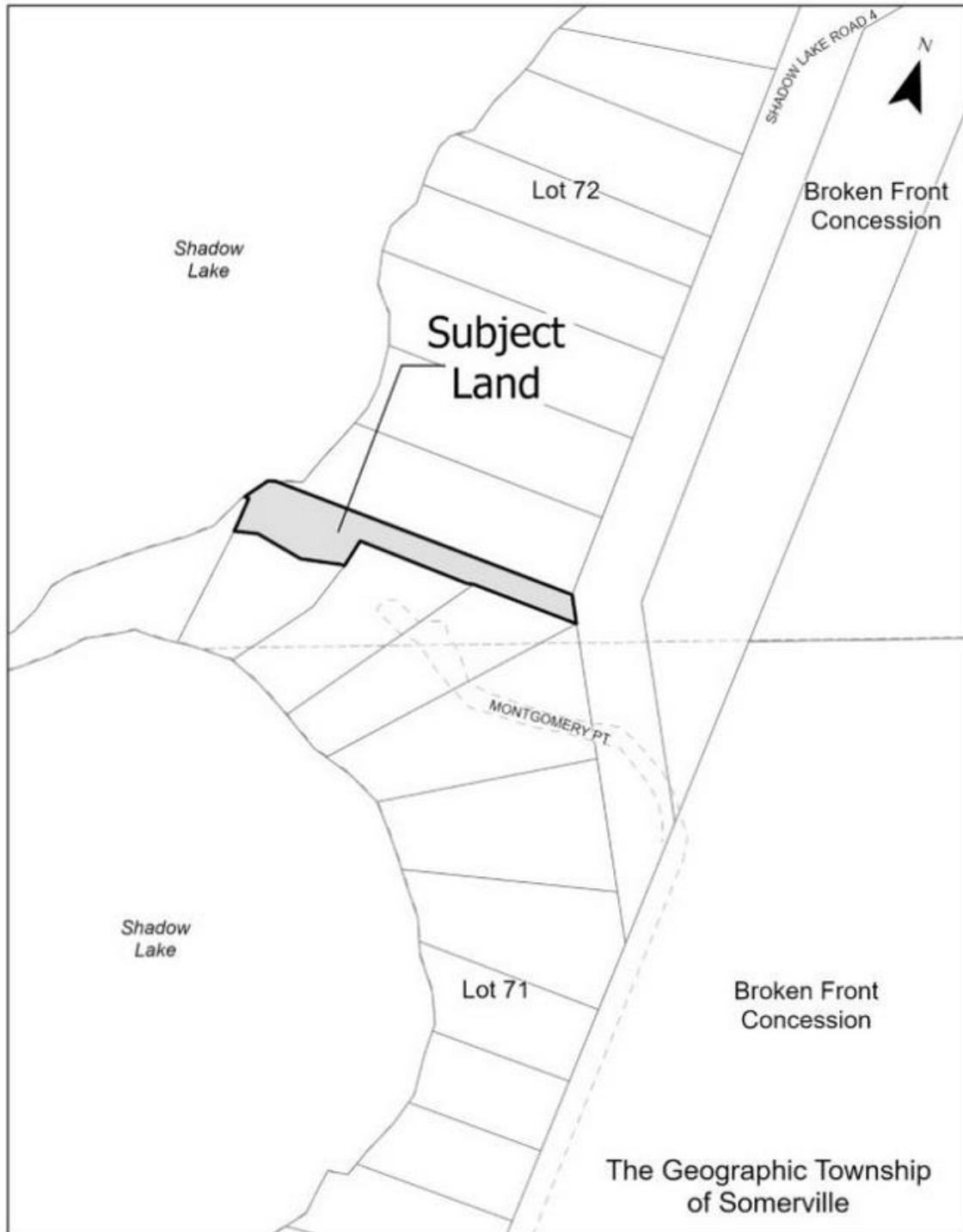
5.1 LSR Uses Permitted

5.2 LSR Zone Requirements

- f) Minimum water setback 15 m
- j) Minimum side yard: shall be 3 metres (9 ft) on one side, 1.2 metres (4 ft) on the other side plus 1 metre (3.3 ft) for each additional or partial storey above the first.

LOCATION MAP

D20-2023-082



APPENDIX " B "

to

REPORT COA2023-090

FILE NO: D20-2023-082

AERIAL PHOTO



to

APPLICANT'S SKETCH

REPORT COA2023-090

FILE NO: D20-2023-082

