

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Nancy Gusche
Report Number COA2020-047

Public Meeting

Meeting Date: November 26, 2020
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 request relief from the following provisions in order to permit the construction of a new two-storey cottage, attached deck and a garden shed:

Two-storey cottage

1. Section 3.11.1 to reduce the minimum lot frontage requirement from 12 metres to 10.41 metres; and
2. Section 13.2.1.3 c) to reduce the exterior side yard setback for the construction of the replacement dwelling from 7.5 metres to 1.2 metres.

Deck

3. Section 3.1.4.1 c) to permit an increased deck projection from 1.5 metres to 2.4 metres into the water yard and to increase the allowable deck height from 1.2 metres to 1.45 metres; and
4. Section 3.18.1.1 a) to reduce the minimum setback from the Environmental Protection Zone boundary from 15 metres to 12.6 metres.

Garden Shed

5. Section 3.1.2.2 to reduce the minimum setback for an accessory building closer to a street than the required front yard setback for the zone from 7.5 metres to 6.16 metres.

The variance is requested at 12 Lake Street, geographic Township of Bexley (File D20-2020-039).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-047 Gusche, be received;

That minor variance application D20-2020-039 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketches in Appendices C-E submitted as part of Report COA2020-047, which shall be attached to and form part of the Committee's Decision;
- 2) **That** The Owner enter into a merger agreement within four (4) months, pursuant to Section 51(26) of the *Planning Act*, with the City of Kawartha Lakes to the effect that the resultant parcels addressed as 12 Lake Street, identified as PINs 63116-0714 (LT) & 63116-0715 (LT) will henceforth be dealt with as one lot. The agreement shall be registered against both parcels;
- 3) **That** within eighteen (18) months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-047 as 'Existing wood shed to be removed' has been removed, and;
- 4) **That** the building construction related to the minor variances 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 COA2020-047. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

Upon applying for a Building Permit to demolish the existing cottage, the Building and Zoning Clerk identified that the lands immediately to the north of the subject property are part of a road allowance.

The applicant sought clarification from the Planning Division in regard to the ownership of the abutting lands to the north of the existing parcel. Following correspondence with the Realty Services Division, it was determined the lands to the north are owned by the City of Kawartha Lakes in the form of a road allowance. As such, the property is considered a corner lot; therefore, the side yard is considered an 'Exterior Side Yard' for the purposes of implementing the Zoning By-law.

Lake Street is a Municipal unassumed road and the subject lands are comprised of a 'waterfront lot' and a 'backlot'. The property has two separate PINs, under one Assessment Roll Number (ARN) and based on the legal descriptions under both Parcel Registers, the lots are deemed to be separately conveyable and not tied together.

In order to lessen the number of reliefs sought through the application, the applicant has agreed to enter into a Merger Agreement to legally tie the two parcels together. A condition is recommended in order to ensure the registration of the agreement against both parcels.

This application was deemed completed on November 2, 2020.

Proposal: To demolish an existing cottage and construct a new 136.93 square metre (1474 square feet) two-storey cottage with an attached 14 square metre (150.7 square feet) wooden deck. A new 9.91 square metre (106.67 square feet) garden shed will be located on the backlot portion of the subject lands.

Owner: Nancy Gusche

Applicant: Michael Gusche

Legal Description: 12 Lake Street, Part Lot 9, North West Bay Range, Lot 7, Plan 134, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 890.29 square metres (9,583 square feet)

Site Servicing: Private individual water supply (lake draw) and holding tank

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Balsam Lake
West: Agricultural Land, woodland

Rationale:

1) Are the variances minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is situated along the western shoreline of Balsam Lake. The lots on the stretch of Lake Street are narrow with smaller cottages and shoreline residences occupying the. Access is achieved from a private Right-of-

way known as Poplar Grove Trail, which intersects with Lake Street. Many of the properties in the area possess exclusive backlots either containing accessory buildings or remaining as vacant grassland. The backlot of the subject property is currently vacant with a two-storey garage situated on the abutting backlot to the south. An additional parking space is available on the backlot in order for the property to comply with parking provisions of the zoning by-law.

The subject property is very narrow, containing a small cottage that was constructed circa 1920. A storage shed between the cottage and the shoreline was constructed in 1950 (according to MPAC) and contains an attached deck. A cobblestone shoreline is located approximately 6 metres from the shed. The shoreline is relatively flat and remains in a relatively naturalized state.

The proposed design of the cottage incorporates elements of modern and traditional design and will add to the overall character of the neighbourhood. The elevated deck with glass panelled railing transitions to amenity space within the rear yard towards the lake.

Dense vegetation along the northern and southern lot lines provide substantial privacy from the neighbouring lots on either side. The applicant is trying to preserve as much of the existing vegetation as possible through the proposed construction. No adverse massing impacts are anticipated due to the presence of the vegetative buffers on both side yards of the waterfront parcel.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

The Limited Service Residential Zone (LSR) Zone permits a variety of uses, including single detached and vacation dwellings.

An intent of the minimum lot frontage standard in the By-law is to ensure carrying capacity and adequate spatial separation between a dwelling, well and septic system. The subject lands were created as part of a Registered Plan of Subdivision that predated the Township of Bexley Zoning By-Law No. 93-09. Moreover, the Zoning By-law also provides a specific *Lot Area and Frontage Less than Required* Provision (Section 3.11.1), which identifies a minimum lot frontage of 12 metres and minimum lot area of 800 square metres. Given the narrow configuration of the lot, the existing 10.41 metre frontage for the lot-of-record can accommodate a new holding tank and two (2) parking spaces, as the second parking space is provided for on the backlot.

As the lot abuts a road allowance, it is considered a corner lot. An exterior side yard setback provides for the protection of land to maintain sight lines, road widenings for the installation/expansion of services and by shaping the streetscape by regulating the placement of buildings. In this case, the exterior side yard functions as an interior side yard, as the road allowance it abuts is densely vegetated and contains a drainage swale providing storm water

conveyance from Lake Street to Balsam Lake. An interior side yard serves primarily as a space to provide for lot and building maintenance, establish utility infrastructure and facilitate access between the rear and front yards. The proposed exterior side yard distance of 1.2 metres is of sufficient space to provide for lot and building maintenance with the opposite interior side yard setback providing space for accessibility to the rear yard. In fact, the existing one-storey cottage is partially situated within the unopened road allowance; therefore, the variance drastically improves the overall situation of the cottage.

The zoning by-law, through its Environmental Protection (EP) and water setbacks establishes a minimum spatial separation standards from the shoreline of Balsam Lake. The setback also ensures the built form does not dominate the shoreline. In order to accommodate the location of the holding tank and achieve sufficient parking, the proposed cottage and deck have been shifted as far west on the site as possible while complying with the minimum front yard setback. The proposed 12.6 metre setback and increased deck projection and height is appropriate and does not introduce adverse massing impacts or land use conflicts. The deck projection into the setback is less prominent due to the removal of the existing wooden shed and attached deck, representing a substantial improvement over the current 5.8 metre setback. The wooden shed and attached deck located within the Environmental Protection setback will be removed upon completion of construction. A condition is recommended in order to confirm removal of the structures.

While the purpose of the EP Zone setback is also to provide sufficient space to allow for the establishment of a buffer and the infiltration of stormwater runoff, the location of the deck represents a minor encroachment relative to the previous extent of development. The purpose and function of the EP setback remains in the space east of the proposed deck as is, in fact, enhanced through the removal of the wooden shed.

As a result of development on the waterfront portion of the property, locating a utility garden shed on the backlot is pragmatic. Through pursuing the Merger Agreement and tying the two parcels together, the garden shed may stand alone on the backlot. Given the narrow shape of the corner lot, the 1.34 metre reduced front yard setback for the accessory structure maintains an appropriate setback from Poplar Grove Trail.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The subject property is designated Waterfront in the City of Kawartha Lakes Official Plan. Residential uses are anticipated within this designation.

As per Policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat in accordance

with Ministry of Natural Resources and Forestry (MNRF) recommendations. These setbacks also have the added function of directing built form away from the shorelines so that natural, rather than built form, dominates and reduces massing impacts by increasing spatial separation. In keeping with the policies identified in Section 20.3, when it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

Policies 20.3.10 and 20.5.1 outline the importance of shoreline development maintaining low profiles in order to blend in with the natural surroundings. The proposed dwelling is located outside of the 15 metre EP setback with the wooden shed and the associated attached deck being removed from the property. As the proposed dwelling is greater than 15 metres from the shoreline and no further aggravation is proposed to the landscape between the deck and the shoreline, there are no impacts to the established environmental buffer between the shoreline and dwelling. The deck contributes to the amenity space by making the area more useable as an outdoor sitting area to enjoy views of the lake.

In consideration of the above, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual water supply (lake draw) and holding tank.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Development Engineering Division (November 17, 2020): No objections.

Building Division (November 13, 2020): No concerns.

Part 8 Sewage Systems (November 17, 2020): No concerns.

Attachments:



Appendices A-F for
COA2020-047.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch – Site Plan

Appendix D – Elevation Drawings (North & South Elevations)

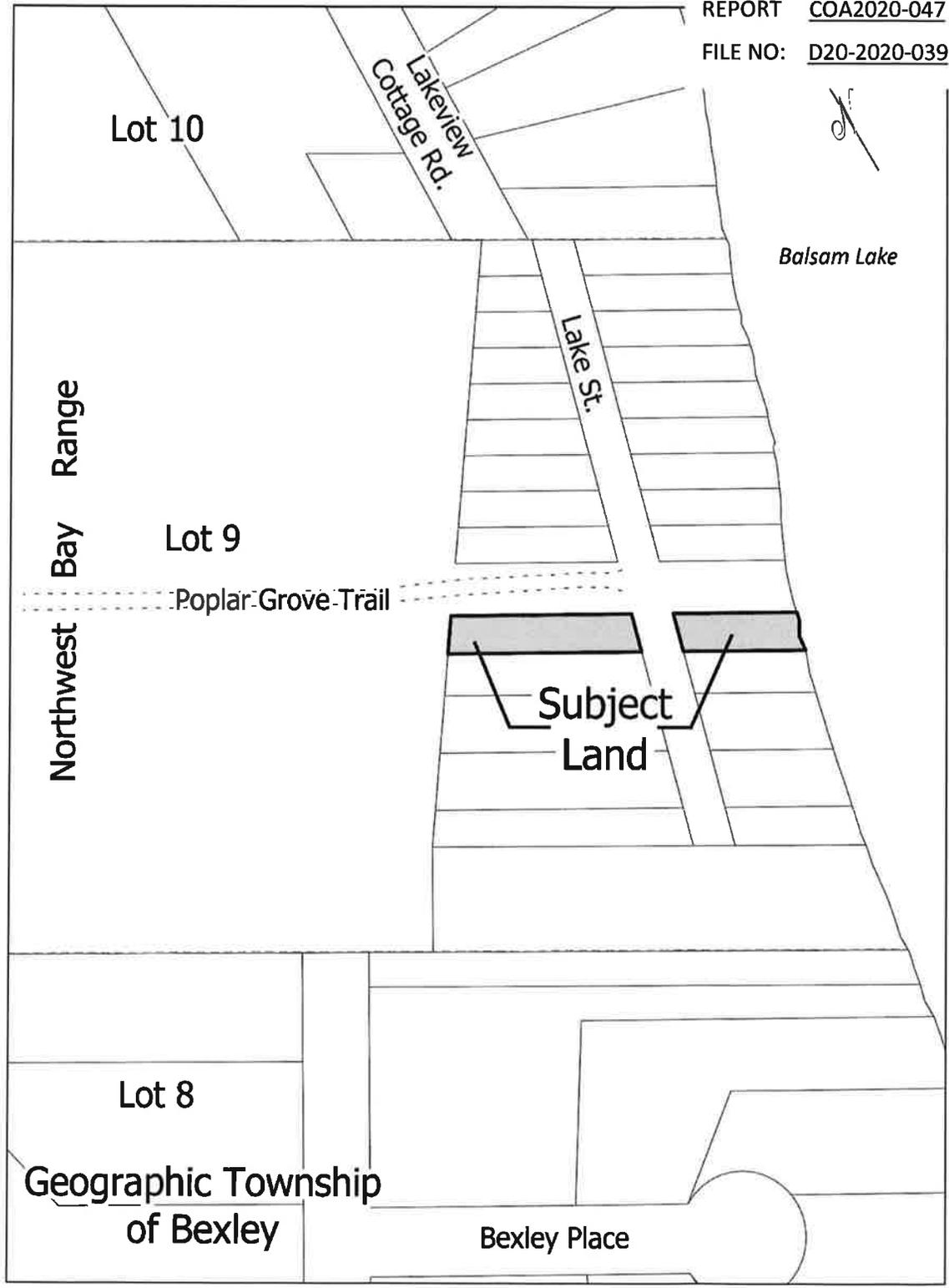
Appendix E – Elevation Drawings (East & West Elevations)
Appendix F – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-039

APPENDIX " A "

D20-2020-039

to
REPORT COA2020-047
FILE NO: D20-2020-039





Legend

- Property Roll Number
- Lots and Concessions
- Lower Tier Municipalities

Notes

Notes

REPORT COA2020-047
FILE NO: D20-2020-039

APPENDIX " B "
to

0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

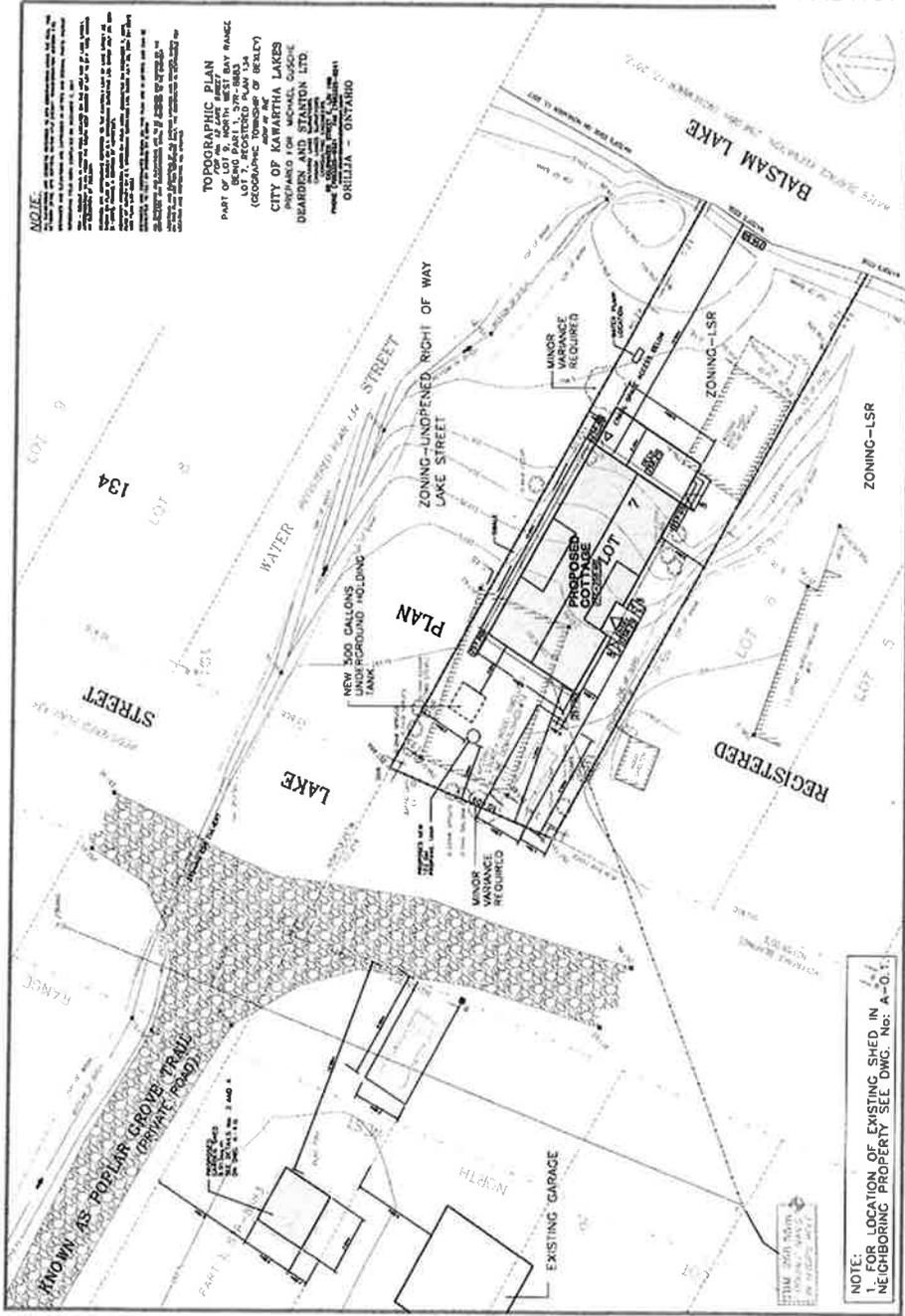


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " C "

to
REPORT COA2020-047
FILE NO: D20-2020-039



4 PLAN DETAIL
Scale 1:10

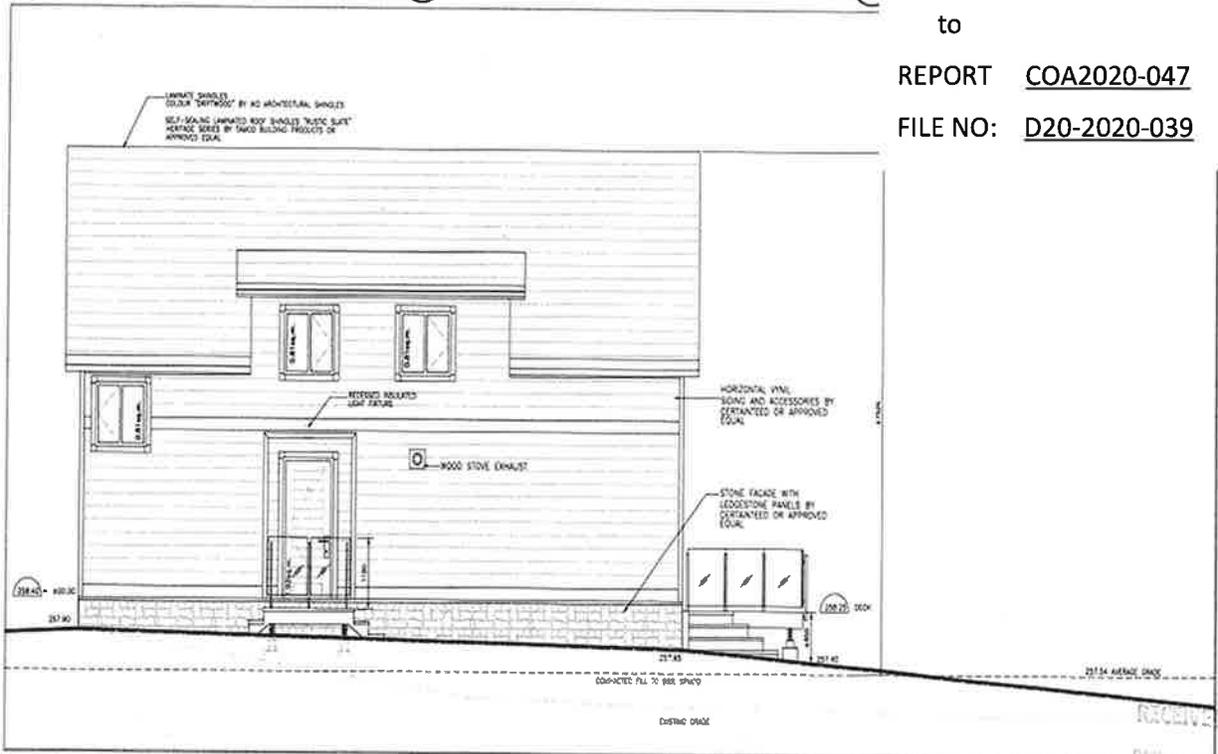
3 PLAN DETAIL
Scale 1:10

2 APPENDIX " D "
A-7

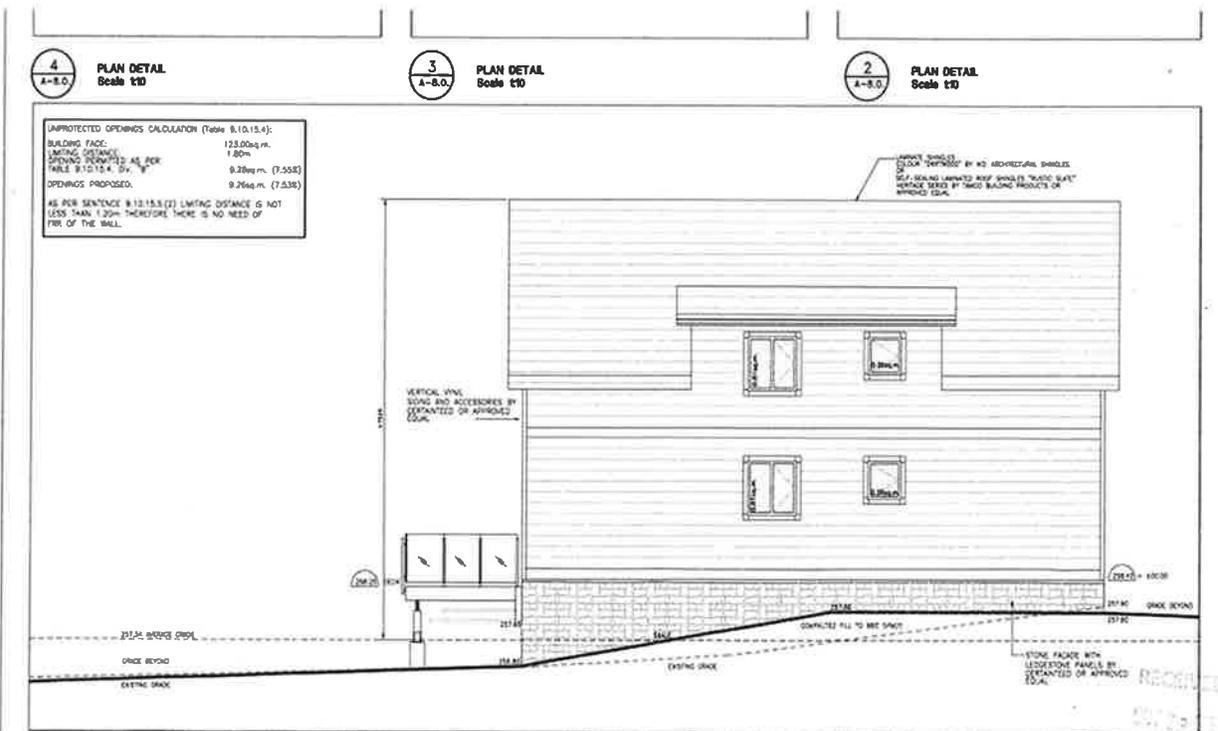
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REPORT COA2020-047

FILE NO: D20-2020-039



1 PROPOSED SOUTH ELEVATION
Scale 1:50



1 PROPOSED NORTH ELEVATION
Scale 1:50

4 PLAN DETAIL
Scale 1:10

3 PLAN DETAIL
Scale 1:10

2 PLAN DETAIL
Scale 1:10

UNPROTECTED OPENINGS CALCULATION (Table 8.10.15.4):

BUILDING FACE	123.00sq.m.
LIMITING DISTANCE	1.80m
OPENING REQUIRED AS PER TABLE 8.10.15.4 DIV. B	0.39sq.m. (7.538)
OPENINGS PROPOSED	9.26sq.m. (7.538)

AS PER SENTENCE 8.10.15.3 (2) LIMITING DISTANCE IS NOT LESS THAN 1.20m THEREFORE THERE IS NO NEED OF FRR OF THE WALL.

APPENDIX " E "

to

REPORT COA2020-047

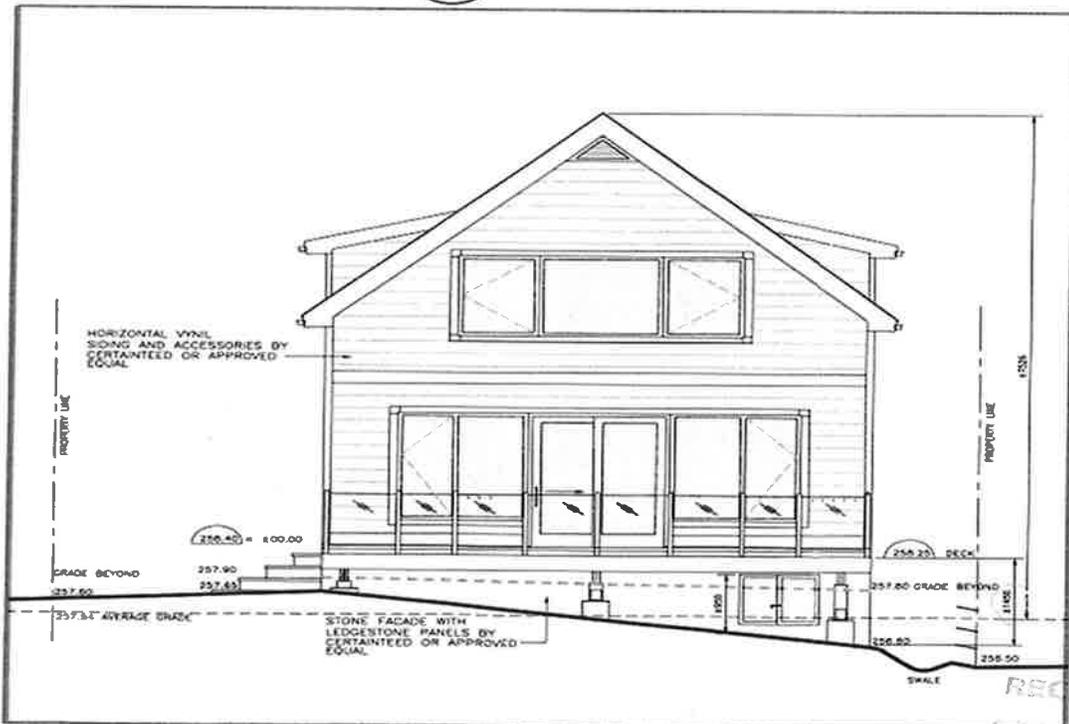
FILE NO: D20-2020-039



5
A-5.C.

PROPOSED WEST ELEVATION
Scale 1:50

A-9.0. 50810 E10



1
A-9.0.

PROPOSED EAST ELEVATION
Scale 1:50

Kent Stainton

From: Anne Elmhirst
Sent: Tuesday, November 17, 2020 11:18 PM
To: Kent Stainton
Subject: D20-2020-039 - 12 Lake St

APPENDIX " F "
to
REPORT COA 2020-047

Hello Kent,

FILE NO. D20-2020-039

I have reviewed the application for a minor variance D20-2020-039 to request relief to construct a new single detached dwelling at 12 Lake Street.

The proposal indicates a replacement Class 5 Holding Tank to service the new detached dwelling. The Holding Tank is being proposed to be located on the roadside of the dwelling. The allowable space that has been provided in this location will accommodate the installation of a new Holding Tank.

As such, the Building Division – Sewage System Program has no concerns with the minor variance request.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

Charlotte Crockford-Toomey

From: Mark LaHay
Sent: Tuesday, November 17, 2020 9:29 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201117 D20-2020-039 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Tuesday, November 17, 2020 8:05 AM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Benjamin Courville <bcourville@kawarthalakes.ca>
Subject: 20201117 D20-2020-039 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2020-039
12 Lake Street
Part Lot 9, North West Bay Range, Lot 7, Plan 134
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief to from the following provisions in order to construct a new replacement dwelling and a new garden shed:

1. to reduce the minimum lot frontage requirement from 12 metres to 10.41 metres;
2. to reduce the minimum setback for an accessory building closer to a street than the required front yard setback for the zone from 7.5 metres to 6.16 metres;
3. to permit an increased deck projection from 1.5 metres to 2.4 metres into the water yard and to increase the allowable deck height from 1.2 metres to 1.45 metres;
4. to reduce the minimum setback from the Environmental Protection Zone boundary from 15 metres to 12.6 metres, and
5. to reduce the exterior side yard setback for the construction of the replacement dwelling from 7.5 metres to 1.2 metres

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



Kent Stainton

From: Derryk Wolven
Sent: Friday, November 13, 2020 3:30 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-039

Follow Up Flag: Follow up
Flag Status: Flagged

Building has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division