

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Brown and Lydford
Report Number COA2021-017

Public Meeting

Meeting Date: March 18, 2021
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 request relief from Sections 18.23(a) and 5.2(f) to reduce the minimum water setback from 15 metres to 8.2 metres to permit an unenclosed deck and stairs and 8.5 metres to permit a shed.

The variances are requested at 121 Island Drive, geographic Township of Somerville (File D20-2021-010).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2021-017 Brown and Lydford, be received;

That minor variance application D20-2021-010 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 sketch in Appendix C submitted as part of Report COA2021-017, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances shall be completed within a period of six (6) 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 COA2021-017. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owners constructed a new deck without obtaining the appropriate permissions from the Building Division. Through the pre-screening process, it was determined that the recently constructed shed does not comply with the zoning by-law. An explanation authored by the owners of the reliefs sought is included in Appendix D.

This application was last amended March 2, 2021.

Proposal: To recognize an unenclosed deck and shed.

Owners: Christine Brown and John Lydford

Applicant: Christine Brown

Legal Description: 121 Island Drive, Island M Four Mile Lake Plan 423, Lot 8, geographic Township of Somerville, now City of Kawartha Lakes

Official Plan: "Waterfront" and "Four Mile Lake Specific Policy Area" within the City of Kawartha Lakes Official Plan

Zone: "Limited Service Residential (LSR) Zone" within the Township of Somerville Zoning By-law 78-45

Site Size: 2,152 square metres (0.53 acre)

Site Servicing: Private individual septic system and lake-based water supply

Existing Uses: Shoreline Residential

Adjacent Uses: North, South, East: Shoreline Residential
West: Four Mile Lake

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 on an island on the east side of Four Mile Lake. The island has a road connection to the eastern shore. The island is composed of residential lots, all with shoreline frontage. The subject property's west lot line abuts the shoreline.

The subject property and neighbourhood is well vegetated, providing additional privacy between lots. The property contains exposed bedrock. The 1.5 storey dwelling, constructed in 1950 according to MPAC, is built into the side of a slope. If no structural alterations were made to the building's exterior or envelope, the dwelling would have legal non-complying status as it existed before the zoning by-law was enacted. The deck is on the northwest side of the dwelling, and provides the same function as the previous deck: linking access

between a principal room (kitchen/eating area) and the rear yard. Due to the rise in topography on the north side of the lot, there is insufficient space under the deck to stand upright.

The shoreline is relatively linear, but angles east the further north it travels. There is an indentation in the shoreline north of the subject property which brings the water much closer to the dwelling than to the west or southwest. While a dimension for the dwelling from the indentation to the northwest is not provided, the provided documentation identifies that this distance is approximately 13.1 metres.

The deck is modest in height and is buffered by trees to the west and north. The deck maintains its greatest water setback where it is most visible. Due to the combination of buffering and modest height, massing impacts are mitigated.

It is appropriate to continue to provide rear yard access from the dwelling's second floor.

The shed is proposed behind the existing two storey boat house, and provides additional storage space. The shoreline in this area is very linear and does not contain any substantial indentations. Buildings other than a boat house are not anticipated within the water setback in order to keep as much space as possible available for infiltration and the establishment of natural vegetation. However, the shed is located directly behind the boathouse, is of modest size, and in accordance with Appendix D, primarily contains items which are used for water/shoreline recreation. The boathouse is also of modest size, being about 10 square metres. The shed's shoreline/water storage function will compliment the storage function of the boathouse.

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 property is zoned "Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45. Residential uses are permitted.

The zoning by-law has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

While the deck is within the water setback, it provides access to an existing building that has been in place for approximately 71 years. It is the intent of the zoning by-law is that over time compliance with the current zone provisions will be achieved as old buildings are replaced. Should the property be re-developed in the future, the new dwelling and deck are required to comply with the water setback and all other applicable zone requirements.

While the shed is within the water setback, it compliments the water recreational storage function of a smaller boathouse, and its proximity to the shoreline is advantageous for the nature of the water-oriented items being stored.

Therefore, the variances maintain the general intent 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 (Official Plan). Residential uses are anticipated within this designation. The property is also within the "Four Mile Lake Specific Policy Area" (FMLSPA).

The intent of the Official Plan, particularly policy 3.11, is that development should be located 30 metres from the shoreline where possible. 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.

While the deck is closer to the shoreline than what is permitted by right today, it facilitates rear yard access to an existing dwelling built before the passing of the Zoning By-law or Official Plan. New construction, which includes the shed, is to be directed away from the shoreline whenever possible in order to achieve a net improvement in water setbacks over time.

The FMLSPA identifies the environmental significance of Four Mile Lake. The lake is very shallow, has a very slow flushing rate of once in five years, and is directly influenced by its small drainage area. The lake is considered to be "at capacity". Its wildlife diversity is fragile and may be threatened by new development.

As the shed is modest in size (10 square metres), is positioned directly behind the boathouse, and is on an existing develop lot of record, impacts are minimized to the extent possible.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual sewage system and lake-based water supply.

Consultations:

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

Agency Comments:

Building Division (March 4, 2021): No concerns. A building permit is required. BP2011-0029 for the single detached dwelling is outstanding.

Development Engineering Division (March 4, 2021): No objection.

Public Comments:

No comments received as of March 9, 2021.

Attachments:



Appendices A-E to
COA2021-017.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Owners' Explanation
Appendix E – Department and Agency Comments

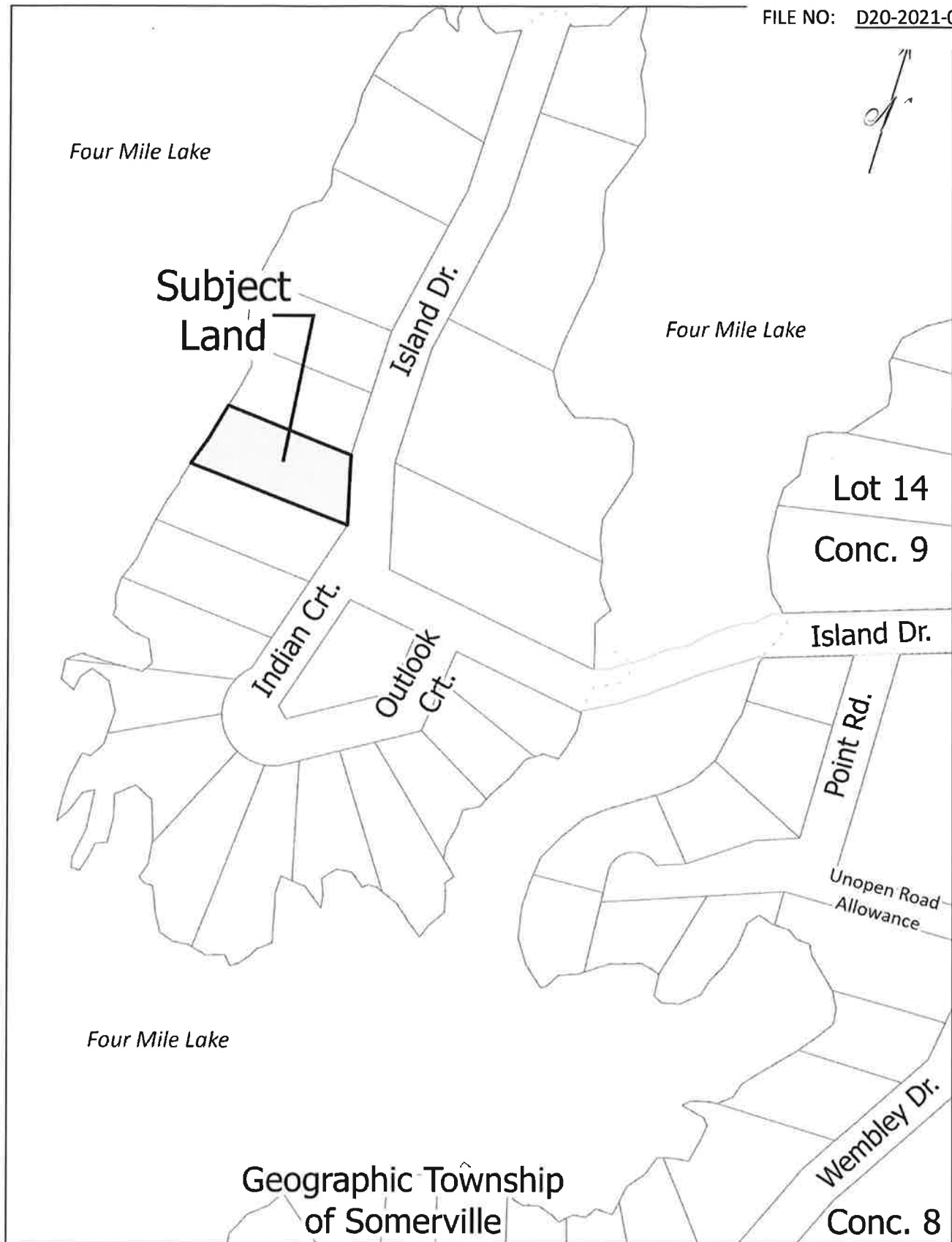
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2021-010

to

REPORT COA2021-017

FILE NO: D20-2021-010

D20-2021-010





Subject Property

February 11, 2021

To: David Harding RPP, MCIP

Re: Addendum to "Application for Minor Variance/Permission" #PSD20-2020-036

From: Christine Faye Brown & John Barry Lydford

3.0 Purpose of Application

3.1 Relief "DECK"

Seeking relief from the required waterfront setback. Section 5.2 of Somerville zoning by-law. To allow Deck that encroaches into the required water setback.

We purchased the property in July 2017. The Deck was deficient in structure and railing was not to Code. In October 2017, while using the existing deck, a guest at the cottage stood on the Deck when a portion of the Deck began to collapse. We were compelled to rebuild the Deck in April 2018.

The Deck serves as a transition, between the main floor of the cottage and the rear access to the lake and replaces the old structure.

This application requests the following: A Deck that encroaches into the required water setback to remain.

3.1 Relief "SHED 2"

Seeking relief from the required waterfront setback. Section 5.2 of Somerville zoning by-law. To allow Shed 2 that encroaches into the required water setback.

Shed 2 constructed to house life jackets, fishing rods, chaise, toys, and anything that could be used by the water's edge. Shed 2 situated near the dock, boathouse and swimming area is for easy access to stored goods for generations to enjoy.

By having these items stored further from the water, we fail to recognize and understand how this would lighten the environmental load to the Four Mile Lake water quality.

Our goal as owners is to maintain water quality and overall health of Four Mile Lake.

This application requests the following: Shed 2 that encroaches into the required water setback to remain.

9. Other Information

We appreciate Sections 5.2(f) and 18.23(a) regarding the environmental impact on Four Mile Lake. We have noticed other owners have built similar Storage Sheds near or at the water's edge, which are similar in size to our Shed 2.

We hope that you will find all the information listed to your satisfaction.

Thank you,

Christine and Barry

David Harding

From: Mark LaHay
Sent: Thursday, March 4, 2021 1:57 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210304 D20-2021-010 - Engineering review

APPENDIX " E
to
REPORT COA-2021-017
FILE NO. D20-2021-010

FYI - file

From: Kim Rhodes
Sent: Thursday, March 4, 2021 1:24 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210304 D20-2021-010 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-010
121 Island Drive
Lot 8, Island M Four Mile Lake Plan 423
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief from Sections 18.23(a) and 5.2(f) to reduce the minimum water setback from 15 metres to 8.2 metres to permit a deck and stairs and 8.5 metres to permit a shed.

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
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



David Harding

From: Derryk Wolven
Sent: Thursday, March 4, 2021 4:10 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-010, 121 Island Drive, Somerville

Sorry Charlotte ,should have notewd .:

Building division would note that BP2011-0029 for an SDD is outstanding.

David Harding

From: Derryk Wolven
Sent: Thursday, March 4, 2021 12:38 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2021-010, 121 Island Drive, Somerville

Please be advised building division has no concerns with the above noted application. Building permit required.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca

