

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Northgrave

Report Number COA2024-005

Public Meeting

Meeting Date: January 25, 2024

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 demolition of the existing dwelling and the construction of a new dwelling

Relief sought:

1. Section 5.2 d) of the By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback from the northwest shoreline is 5.1 metres from the dwelling and 7.2 metres from the attached deck;
2. Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposed setback from the northwest shoreline is 5.1 metres from the dwelling and 7.2 metres from the attached deck; the proposed setback from the southwest shoreline 12 metres from the attached deck; and, the proposed setback from the south shoreline is 14.5 metres from the dwelling; and,
3. Section 5.2 j) of the By-law requires a minimum interior side yard setback of 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first. As 3 storeys are proposed, the required setback is 3.2 metres on the other side; the proposed setback from the northern interior side lot line is 2.5 metres.

The variance is requested at **51 Woodworth Drive** (File D20-2023-090).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-005 – Northgrave, be received;

That minor variance application D20-2023-090 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 and the drawings in Appendix D submitted as part of Report COA2024-005, 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 COA2024-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of the existing dwelling and the construction of a new dwelling
Owners:	Paul Northgrave
Applicant:	Same as owner
Legal Description:	Part Lot 14, Concession 9 (being Lot 42 on Plan 363)
Official Plan ¹ :	Waterfront and Specific Lake Policy Area 1 Four Mile Lake (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	2,876 sq. m. (30,957 sq. ft.)
Site Access:	Unassumed 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

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 northern shore of Four Mile Lake. The property is irregular in shape and is a waterfront lot. The property contains a single detached dwelling constructed in 1962 (according to Municipal Property Assessment Corporation).

It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The proposal is to demolish the existing dwelling and construct a new dwelling with an attached waterside deck and screened porch. The existing dwelling has a gross floor area of approximately 56 square metres. The proposed dwelling is to have a gross floor area of approximately 179 square metres. The new dwelling will provide additional living space to better accommodate the property owner as well as family and friends, and will provide needed storage opportunities, as there are no accessory structures on the property.

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 property is designated Waterfront within the City of Kawartha Lakes Official Plan (2012). Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

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 this instance, the existing dwelling and attached deck already encroach into the water setback. While the new attached deck is to be longer, it is not to encroach closer to the water than what exists today. Additionally, the majority of the new dwelling will be constructed on the same footprint as the existing dwelling, maintaining its current encroachment. The difference in the footprint of the dwelling will be the addition of the screened porch, which is to encroach 0.5 metres into the required water setback. As such, the proposal results in minimal additional encroachment compared to what exists today. Additionally, as the screened porch is not habitable space, the amount of habitable space within the water setback will not increase beyond what exists today and the potential hazard associated with habitable space in the water setback will not increase.

The area between the dwelling and the water primarily consists of rock with a steep slope towards the water, with the dwelling being located at a higher elevation in the event of flooding. Additionally, it is not anticipated that this proposal will alter the existing shoreline conditions.

The subject property is also within the Four Mile Lake Specific Lake Policy Area. Single detached dwellings and associated accessory uses and structures are permitted within this policy area.

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 and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear yard setback, the minimum water setback, and the minimum interior side yard setback.

As per Section 5.2 d) of the By-law, a minimum rear yard setback of 7.5 metres is required. As per Section 5.2 f) of the By-law, a minimum water setback of 15 metres is required. The shoreline of the subject property is also the rear lot line. The proposed setback from the northwest shoreline is 5.1 metres from the dwelling and 7.2 metres from the attached deck. Additionally, the proposed setback from the southwest shoreline 12 metres from the attached deck; and, the proposed setback from the south shoreline is 14.5 metres from the dwelling.

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 purpose of a minimum rear yard setback on a waterfront lot is to provide sufficient amenity space in the rear yard.

As minimal additional encroachment beyond what exists today is proposed, it is not anticipated that the proposal will impact storm water runoff or the existing shoreline vegetation. Additionally, the steep slope of the property could mitigate impacts of a flood event.

The steep slope of the rear yard and its rocky nature result in a terrain that is difficult to navigate, limiting the potential for outdoor recreation to occur on this portion of the property. The proposed deck will provide a level area where the rear yard can be safely utilized and enjoyed. Between the dwelling and the front lot line there is an extensive open area that can be used as amenity space for outdoor recreation purposes.

As per Section 5.2 j) of the By-law, a minimum interior side yard setback of 3 metres on one side and 1.2 metres on the other side plus 1 metre for each

additional or partial storey above the first is required. The proposed setback from the northern interior side lot line is 2.5 metres.

The dwelling has a basement as well as two upper storeys, for a total of three storeys. As such, the required side yard setback is 3 metres on one side plus 3.2 metres on the other side. The purpose of a minimum interior side yard setback is to manage massing and privacy issues and to ensure there is adequate space for access between front and rear yards and building maintenance.

To the south of the proposed dwelling, the lot line is a shoreline, due to the rounded nature of the shoreline of the property. As such, the proposed dwelling only abuts an interior lot line to the north. The dwelling on the neighbouring property to the north is setback approximately 56 metres from the shoreline. The proposed dwelling does not abut the neighbouring dwelling, preventing any massing conflicts between the dwellings. Additionally, the interior side lot line is heavily vegetated, maintaining privacy between properties. The proposed 2.5 metres setback will still allow for access between the front and rear yard on the north side of the dwelling as well as for the carrying out of any required building maintenance.

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:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Public Comments:

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

Attachments

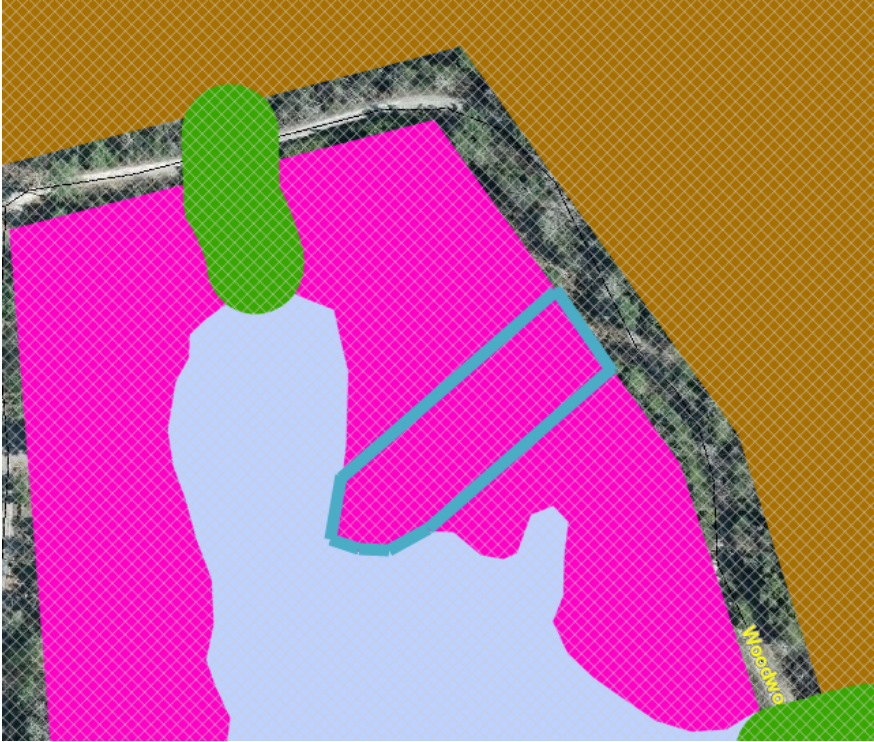
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Construction Drawings

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E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-090

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

20. Waterfront Designation

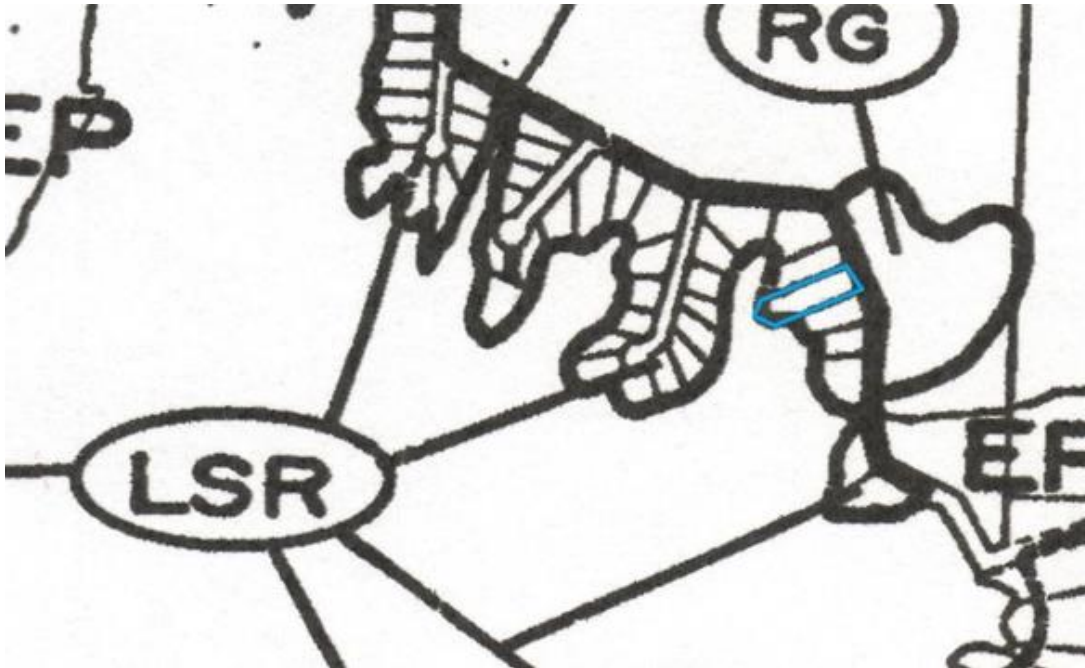
31.3. Four Mile Lake – Specific Lake Policy Area

31.4. Four Mile Lake Objectives

31.5. Scope of Four Mile Lake Policies

31.6. Specific Policies

Township of Somerville Zoning By-law 78-45



Section 5 Limited Service Residential

5.1 LSR Uses Permitted

5.2 LSR Zone Provisions

- d) Minimum rear yard 7.5 m
- 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.

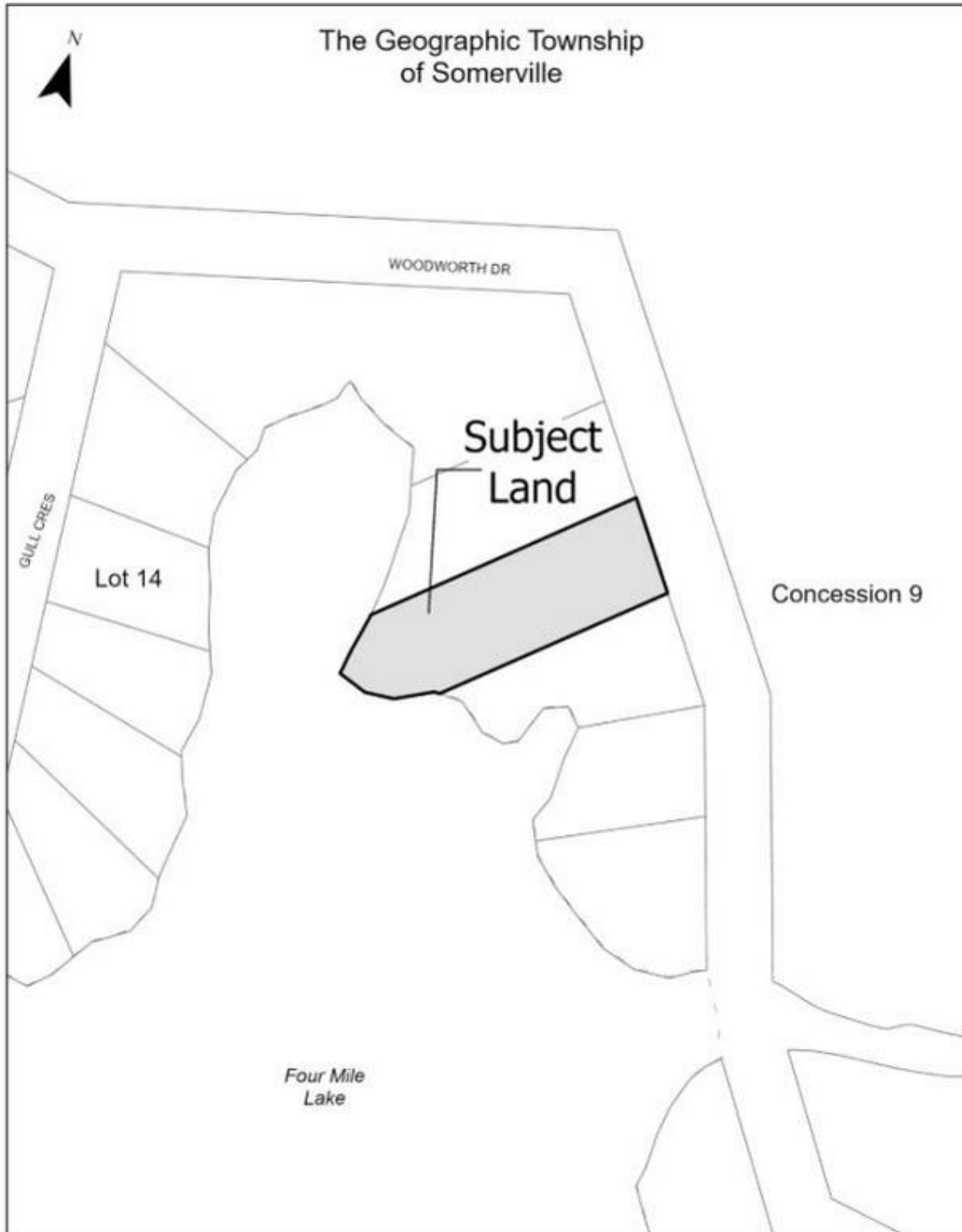
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LOCATION MAP

D20-2023-090



APPENDIX " B "

to

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AERIAL PHOTO



to

CONSTRUCTION DRAWINGS

