

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Bennett

Report Number COA2024-031

Public Meeting

Meeting Date: April 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 with a two level attached waterside deck, as well as the construction of a shed.

Relief sought:

1. Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposed setbacks are 11.8 metres from the dwelling, 8.5 metres from the deck, and 8.5 metres from the shed.

The variance is requested at **116 Wilkinson Drive** (File D20-2024-021).

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

Recommendations

That Report COA2024-031 – Bennett, be received;

That minor variance application D20-2024-021 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 COA2024-031, 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 COA2024-031. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Demolition of the existing dwelling and the construction of a new dwelling with a two level attached waterside deck, as well as the construction of a shed
Owners:	Ryan Bennett and Tara Bennett-Johnson
Applicant:	Keji Planners and Buildings c/o Joe McCool
Legal Description:	Part Lot 20 Concession 6 (being Lot 4 on Plan 335)
Official Plan ¹ :	Waterfront and Four Mile Lake Special Policy Area (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,651 sq. m. (17,771.22 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
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 southwestern shore of Four Mile Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a one storey single detached dwelling constructed in 1959 (according to Municipal Property Assessment Corporation), a deck, and a shed that is under construction.

¹ See Schedule 1

² See Schedule 1

The purpose of the application is to facilitate the demolition of the existing dwelling and the construction of a new dwelling with a two level attached waterside deck, as well as the construction of a shed. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The new dwelling will be constructed on the same footprint as the existing dwelling, and will be two storeys. The existing dwelling has a gross floor area of 80 square metres, and the proposed dwelling is to have a gross floor area of 160 square metres, providing additional living space to better accommodate the property owners as well as family and friends. The proposed deck will provide enhanced outdoor amenity space, and the deck being two levels will allow it to be accessed from both levels of the dwelling, and will provide a higher location from which to view the water.

The shed that is under construction is used for storage, and contains the water pump. It is to remain in its current location until a new in-water pump is installed, and then it will be relocated.

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.

The existing dwelling and deck encroach into the water setback, and that encroachment is to be maintained, as the proposed dwelling and attached deck are not to be closer to the water than what already exists. The potential hazard associated with habitable space in the water setback will not increase.

The area between the dwelling and the water is a steep slope with rocks and mature trees, 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. The policies of the Official Plan recognize that this shoreline residential community is 'at capacity' and the ecological diversity of this area may be threatened by new development. As the proposal is to renovate the existing dwelling, no additional new development is proposed. Also, the proposal maintains the existing setback from the water.

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 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 water setback.

Section 5.2 f) of the By-law requires a minimum water setback of 15 metres. The proposed setbacks are 11.8 metres from the dwelling, 8.5 metres from the deck, and 8.5 metres from the shed. 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.

The new dwelling and deck are to maintain the existing water setback, and the shed has the same water setback as the deck. As no additional encroachment beyond what exists today is proposed, it is not anticipated that the proposal will impact stormwater runoff or the existing shoreline vegetation. Additionally, the steep slope of the property could mitigate impacts of a flood event. The proposed decks will enhance the outdoor amenity space in the rear yard, while the large front yard provides adequate open amenity space.

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 (Building): “No 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: D20-2024-021

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

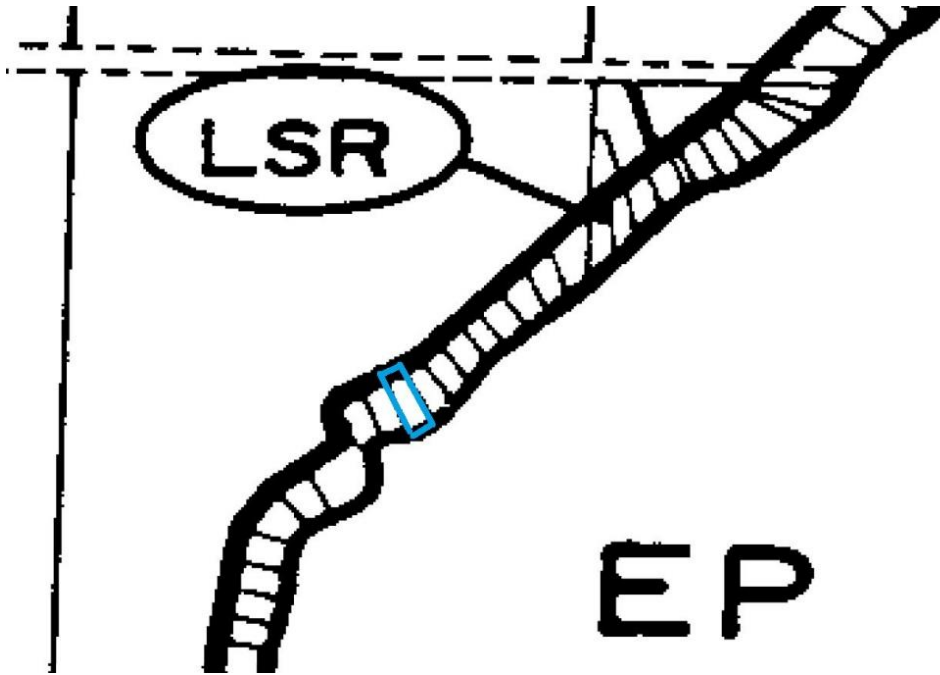
31.3. Four Mile Lake – Specific Lake Policy Area

31.4. Four Mile Lake Objectives

31.5. Scope of Four Mile Lake Policies

31.6. Specific Policies

Township of Somerville Zoning By-law Number 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

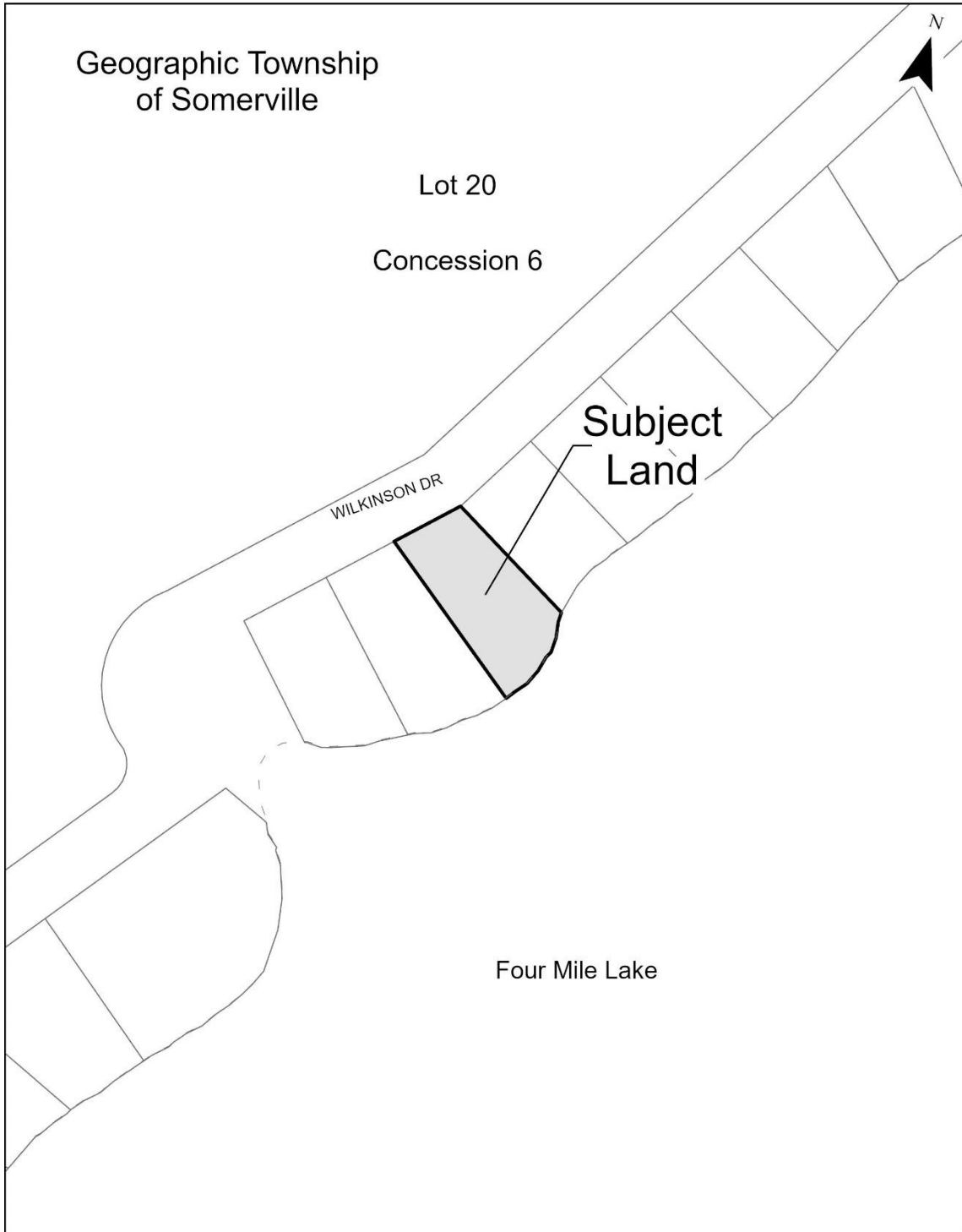
to

REPORT COA2024-031

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LOCATION MAP

D20-2024-021



APPENDIX " B "

to

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AERIAL PHOTO

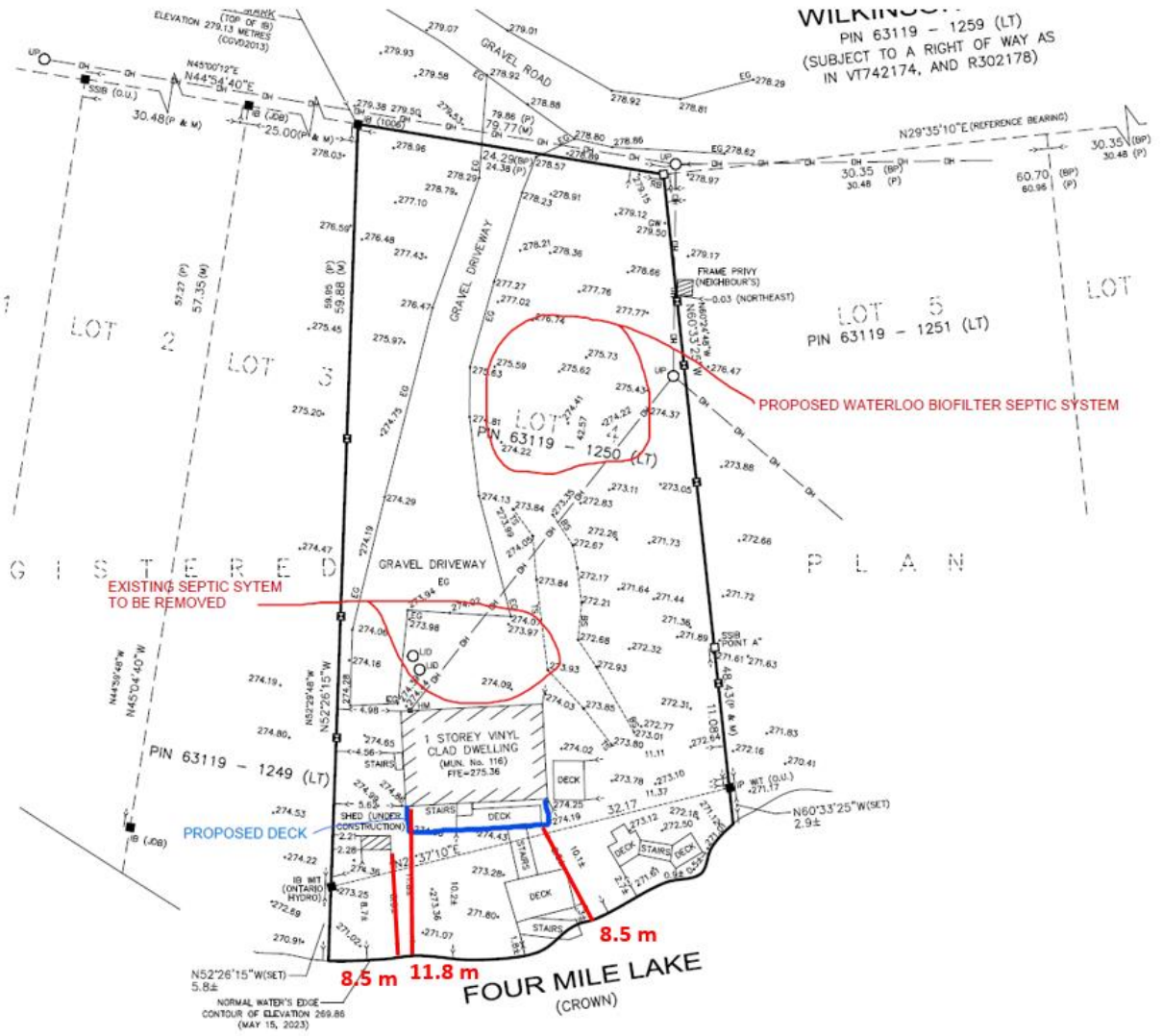


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APPLICANT'S SKETCH

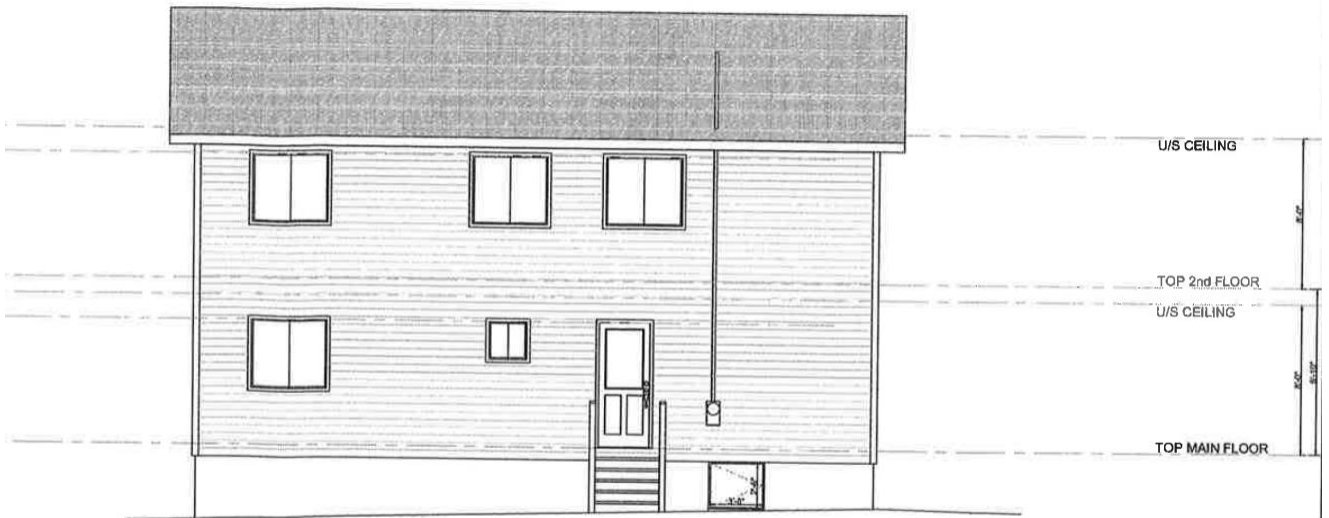


to

CONSTRUCTION DRAWINGS



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION