

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Gray

Report Number COA2024-037

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### Public Meeting

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward 2 – Geographic Township of Somerville

**Subject:** The purpose and effect is to facilitate an addition to the existing one-storey dwelling.

### Relief sought:

1. Section 5.2.f. of the Zoning By-law requires a 15 metre water setback. The proposed water setback from the addition is 5.2 metres

The variance is requested at **11 Corby Crescent** (File D20-2024-027).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-037 – Gray, be received;

**That** minor variance application D20-2024-027 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 COA2024-037 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 COA2024-037. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of addition to existing one-storey dwelling.
Owners:	Jillian and Ken Gray
Applicant:	TD Consulting Inc.
Legal Description:	Lot 12, Plan 36
Official Plan <sup>1</sup> :	Waterfront (Four Mile Lake – Specific Lake Policy Area) (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	2,488.60 square metres (0.61 acres)
Site Access:	Public unmaintained road
Site Servicing:	Private individual water and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

## Rationale

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

The subject property is situated on the northern shore of Four Mile Lake, with access from Corby Crescent. The neighbourhood is primarily residential, comprised mainly of one to two storey dwellings with varying proximities to the road and shoreline. According to the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings within the neighbourhood were constructed in the mid-1900s, many with various extents of renovation, additions, and/or assorted accessory structures constructed more recently.

The property itself is irregular in shape, resulting in a rear yard that is largely surrounded by a body of water. The property currently contains a one-storey dwelling (1965), uncovered deck, boathouse, frame storage building, and a shed.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The proposal seeks to construct a one-storey addition with an enclosed deck to the existing dwelling.

Given the age of the existing dwelling and the overall locality, it is expected and considered reasonable for property owners to redevelop their properties striving to achieve the highest and best use. As per MPAC, this is evident as many of the property owners have altered, renovated, and redeveloped their properties seeking the highest and most optimal land utilization. Overall, the proposal will provide additional living area while promoting efficient land use.

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). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, single detached dwellings and accessory uses are permitted within the 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. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. One of the criterion is that there is no alternative to the expansion or construction. Due to the irregular lot configuration, the proposed addition regardless of location would likely encroach into the water setback. In this instance, an encroachment to the water setback is existing on the west side of the property, and the proposal impacts the east side of the property which also abuts the lake.

Additionally, the property is located within the 'Four Mile Lake – Specific Lake Policy Area'. The Four Mile Lake Waterfront designation aims to preserve the unique character of Four Mile Lake. This designation allows for single detached dwellings and accessory structures.

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 within the Township of Somerville Zoning By-Law 78-45. The LSR Zone permits the use of single detached dwellings and vacation dwellings, as well as the use of accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the water setback.

Section 5.2.f. of the Zoning By-law requires a 15 metre water setback. The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built

form and water for the establishment and preservation of vegetation. The current water setback is 5.1 metres from the existing west-side deck which will remain unchanged. The addition is on the east-side of the property, which currently has an unenclosed uncovered deck attached to the dwelling. As part of the addition, the existing east-side deck will be enlarged and enclosed. As a result, the proposed water setback from the addition is 5.2 metres. Although the proposed water setback is greater than the existing water setback, relief is required as enclosed habitable space is being proposed within the deficient water setback. Due to the irregular lot configuration and the existing location of the dwelling, the addition is limited by its surrounding context and would likely be within the water setback regardless of its location relative to the existing dwelling. Overall, the existing dwelling is deficient in its water setback but the addition does not encroach further into the property's existing water setback of 5.1 metres.

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 municipal 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:**

**DS – Building and Septic (Building):** “No comments.”

**ECA – Development Engineering:** “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

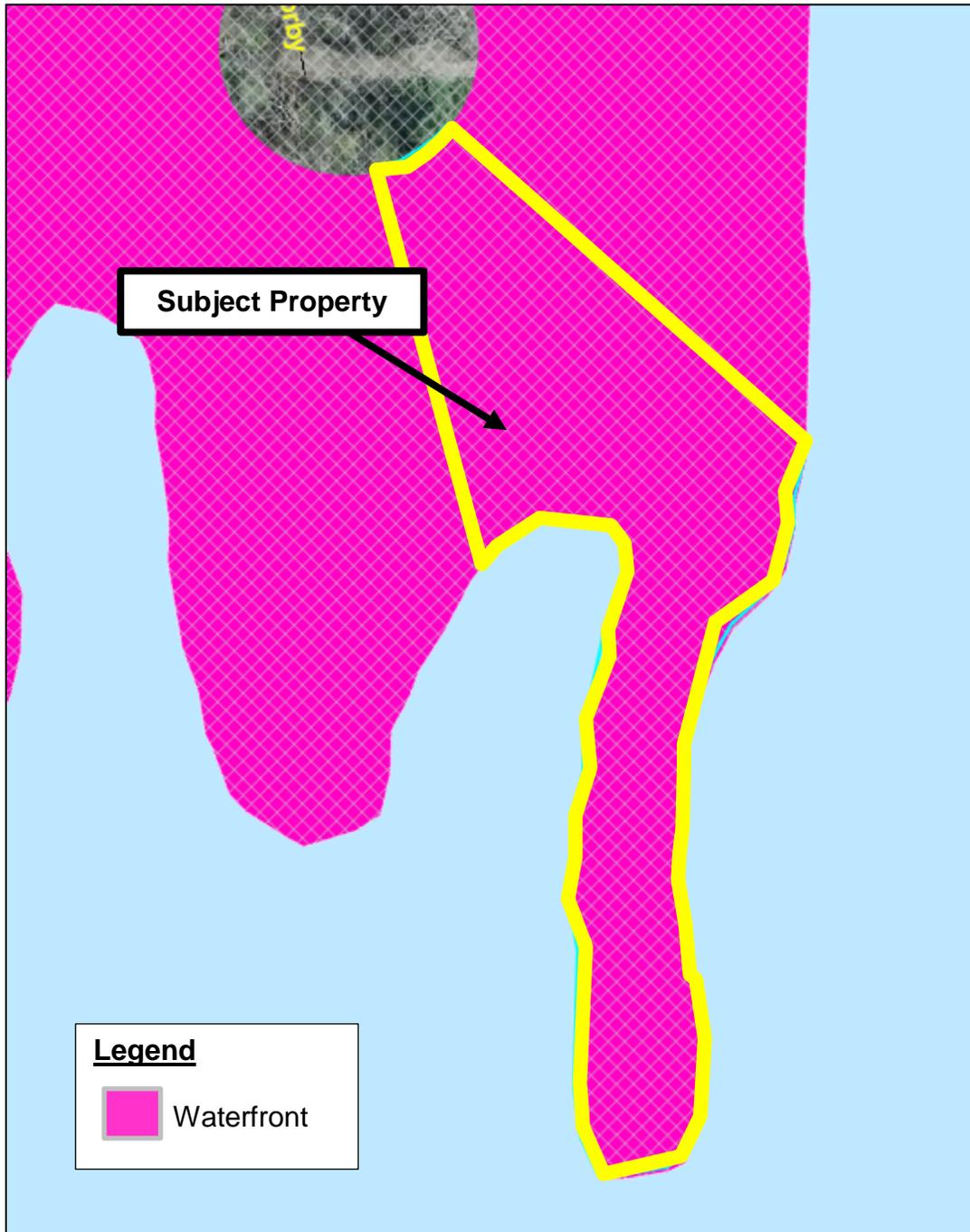
**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-027

# Schedule 1

## Relevant Planning Policies and Provisions

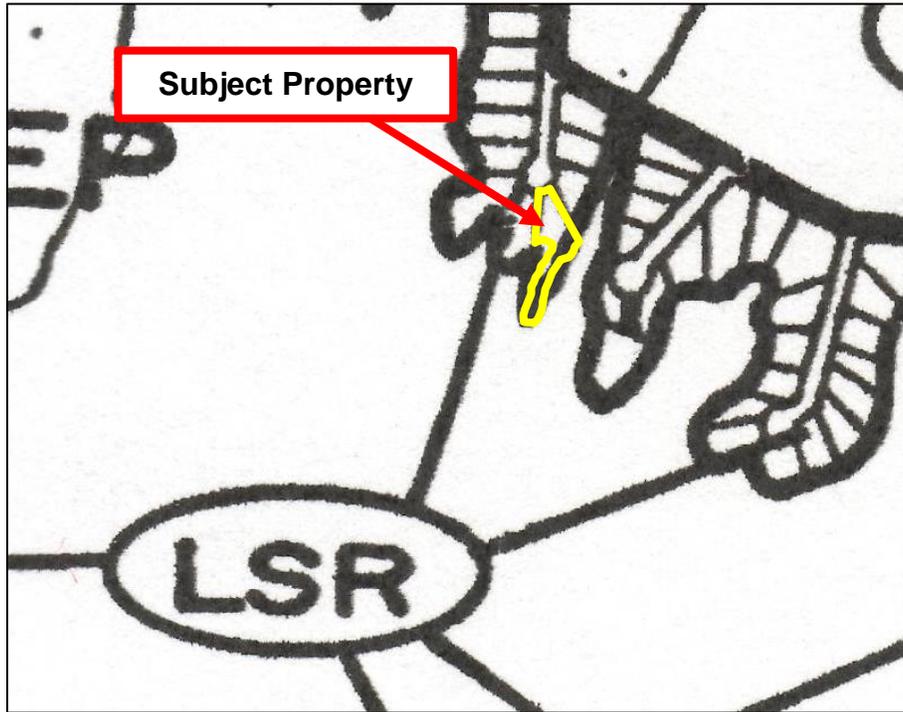
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### City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

## Township of Somerville Zoning By-Law 78-45



### SECTION 5

#### LIMITED SERVICE RESIDENTIAL (LSR) ZONE

##### 5.1 LSR USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Limited Service Residential (LSR) Zone, except for one of the following uses:

- a. Vacation dwelling
- b. Single detached dwelling

##### 5.2 LSR ZONE REQUIREMENTS

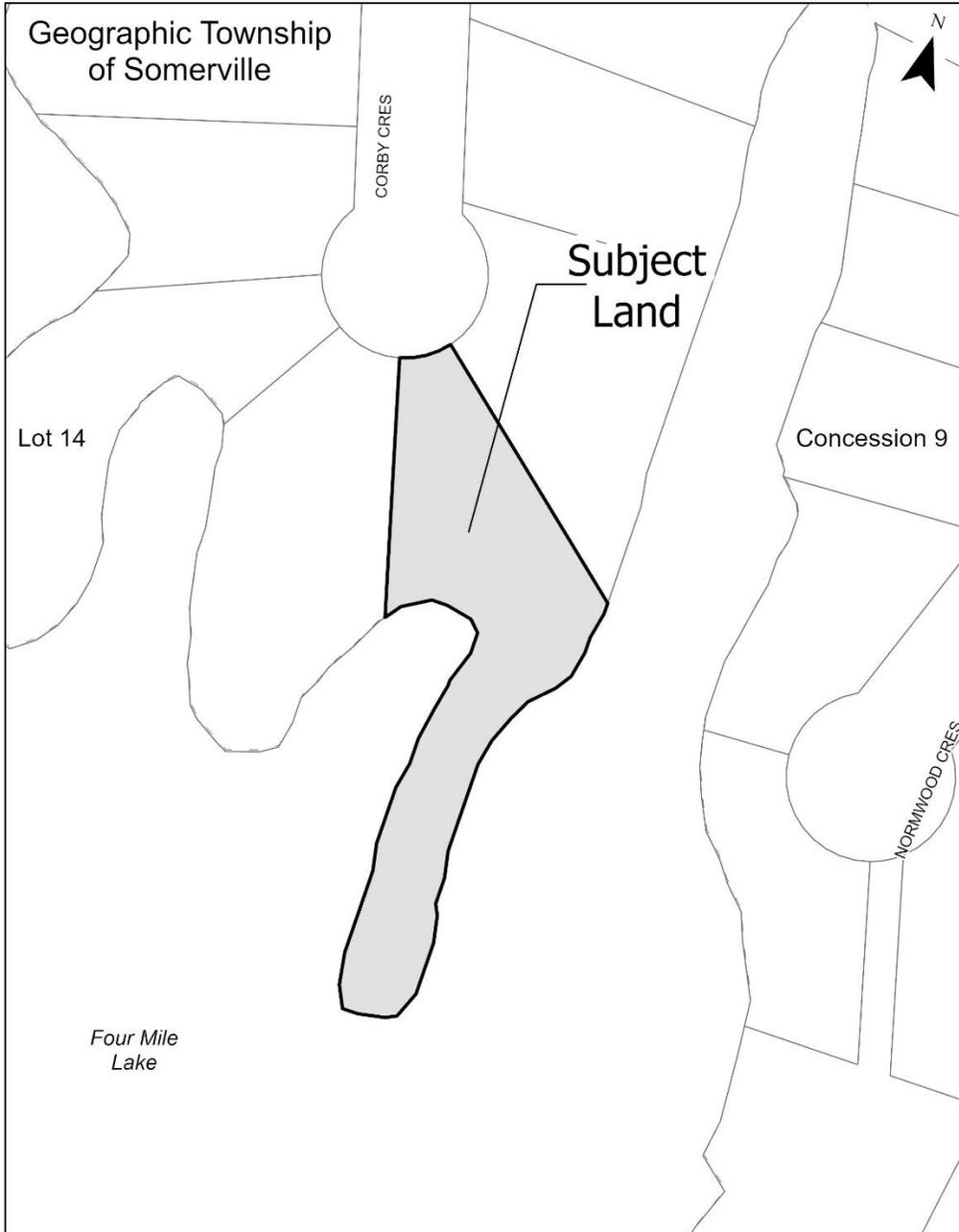
In a Limited Service Residential (LSR) Zone, no person shall hereafter erect or use any building except in conformity with the following requirements:

	Communal or Municipal Water Supply Provided	Individual Water Supply & Sewage Disposal
f. Minimum water setback	15 m (50 ft)	15 m (50 ft)

to

**LOCATION MAP**

**D20-2024-027**



APPENDIX “  B  ”

to

REPORT  COA2024-037

FILE NO:  D20-2024-027

**Aerial Imagery (2018)**



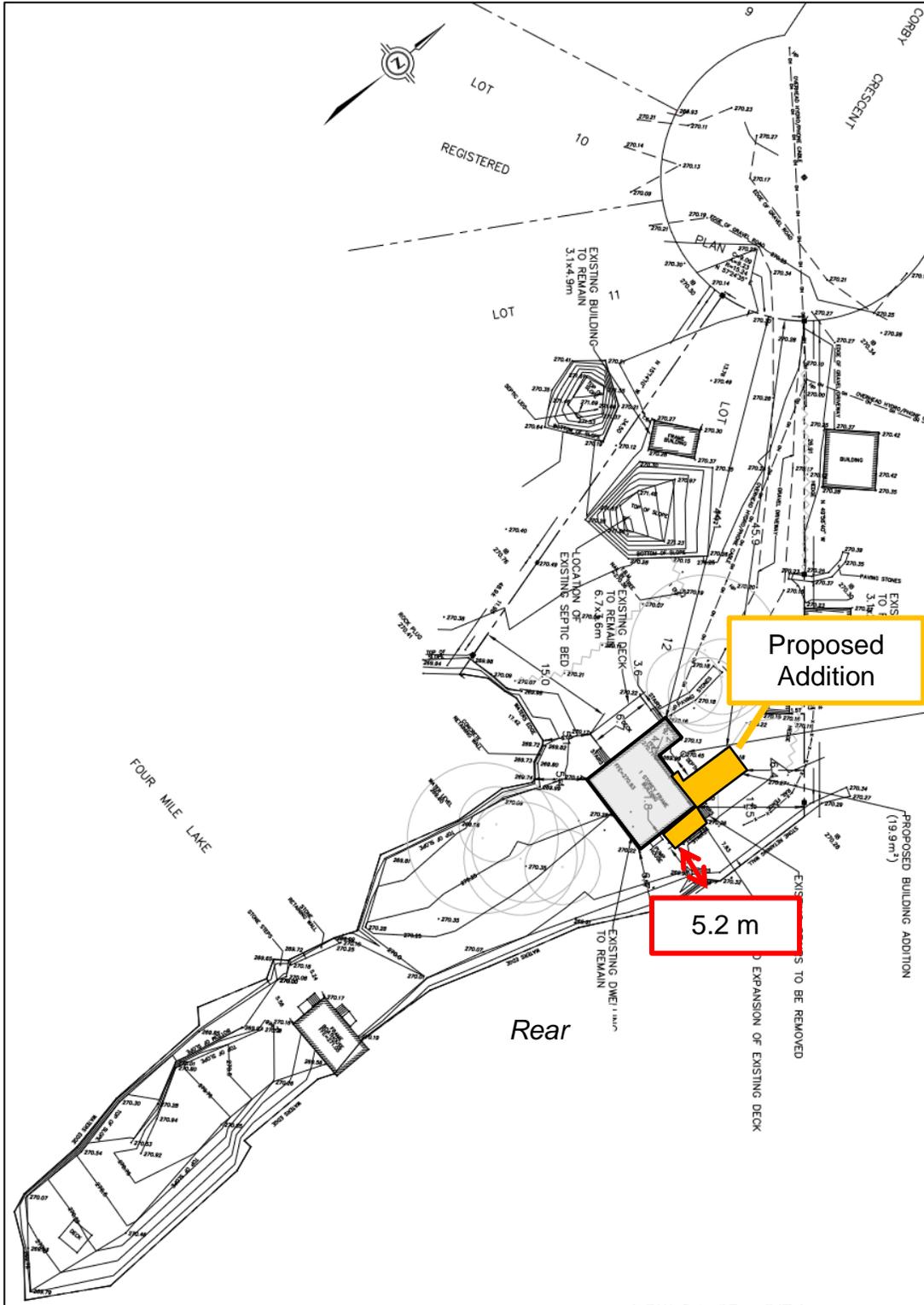
APPENDIX " C "

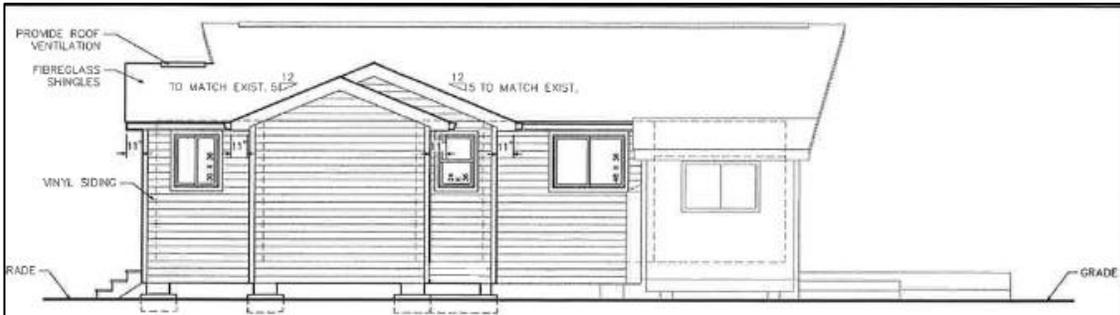
to

REPORT COA2024-037

FILE NO: D20-2024-027

APPLICANT'S SKETCH





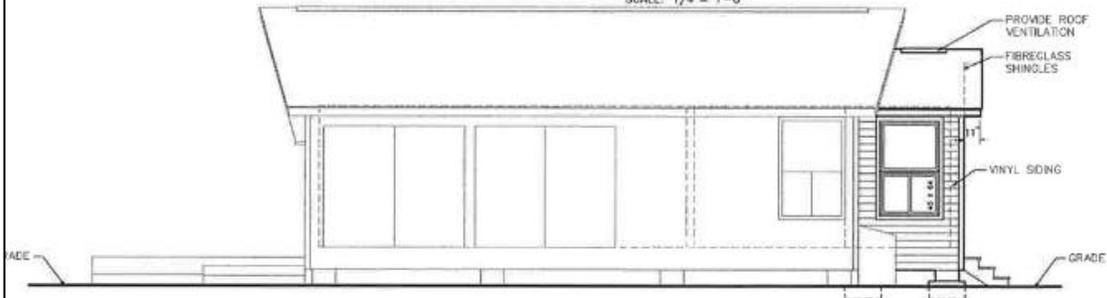
PROPOSED NORTH ELEVATION

SCALE: 1/8" = 1'-0"



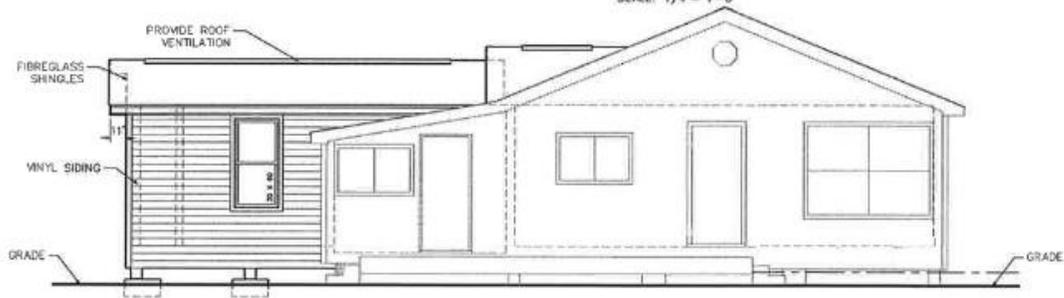
PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0"

