

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Groetelaars

Report Number COA2024-094

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### Public Meeting

**Meeting Date:** September 26, 2024

**Time:** 2:00 pm

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

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### Ward 7 – Geographic Township of Ops

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey single detached dwelling with a walkout basement.

### Relief sought:

1. Section 6.2 of the Zoning By-law requires a minimum rear yard setback of 9 metres; the proposed setbacks are 1.67 metres from the dwelling and 0.61 metres from the porch;
2. Section 6.2 of the Zoning By-law requires a minimum side yard setback of 3 metres; the proposed setback 1.27 metres; and,
3. Section 2.25.1 b) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 12.29 metres.

The variance is requested at **43 Loon Street** (File D20-2024-086).

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

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### Recommendations

**That** Report COA2024-094 – Groetelaars, be received;

**That** minor variance application D20-2024-086 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

COA2024-094, which shall be attached to and form part of the Committee's Decision;

- 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; and,
- 3) **That** the shipping container identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the shipping container has been removed.

This approval pertains to the application as described in report COA2024-094. 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 two storey single detached dwelling with a walkout basement
Owners:	John and Mary Groetelaars
Applicant:	Brad Conway
Legal Description:	Part of Lot 1, Concession 1 (being Lot 3 on Plan 195)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Shoreline Residential Exception One (RS-1) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	385.5 sq. m. (41,49.5 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential and environmental protection

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **Rationale**

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

The subject property is located in an established residential neighbourhood located on the eastern shore of Lake Scugog. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1944 (according to Municipal Property Assessment Corporation), a shed, and a shipping container.

The proposal is to demolish the existing dwelling, and construct a new two storey dwelling with a walkout basement. This property was the subject of a Minor Variance in March, 2023 (D20-2023-012). The proposal was to pick up the existing one and one half storey dwelling, move it further away from the northern interior lot line, and construct a new basement and foundation for the existing dwelling.

The dwelling was moved further from the interior lot line, but it was determined that the condition of the dwelling was not suitable for the work to continue as planned, and the proposal has since changed to the construction of an entirely new dwelling. Apart from the requested relief for the front porch, which was not a part of the original proposal, the requested reliefs are the same as what was requested and approved in 2023. However, as the proposal is significantly different from what was applied for, circulated to the public, and presented to the Committee of Adjustment, a new Minor Variance is required to permit the new proposal.

The proposed dwelling is to maintain the same footprint of the existing dwelling, with the exception of the proposed front porch. The surrounding area contains a mixture of both one and two storey dwellings, so the proposal is not out of character with the existing built form.

As per Section 2.3.1 of the Zoning By-law, a building or structure incidental to lawful construction is permitted for as long as it is necessary for the work in progress and until the work is completed or abandoned and while a valid building permit for such construction remains in force. The shipping container is to remain on the property temporarily, to be used during the construction process. Condition 3 has been included to ensure the shipping container is removed.

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 proposed dwelling is to maintain the same footprint as the existing dwelling, and as such the proposal is not creating a new hazard by introducing habitable space into the water setback where it does not already exist. It is not anticipated that the proposed dwelling on the existing footprint will impact the existing shoreline conditions.

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 Shoreline Residential Exception One (RS-1) Zone under the Township of Ops Zoning By-law 93-30. The exception zone contains a minimum lot area and minimum lot frontage that is different than those required under the RS Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear yard setback, minimum interior side yard setback, and minimum water setback.

As per the definition of front lot line, on a standard waterfront lot the shoreline is deemed the front lot line. As such, the opposite lot line which separates the property from the road is the rear lot line. As the subject property is a standard waterfront lot, the lot line which separates the property from the road (being the western lot line) is considered the rear lot line.

Section 6.2 of the Zoning By-law requires a minimum rear yard setback of 9 metres. The proposed setbacks are 1.67 metres from the dwelling and 0.61 metres from the porch. In this case, the intent of the minimum rear yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The existing dwelling has a rear yard setback of 1.67 metres, so the majority of the new dwelling will maintain this setback. The proposed porch is to encroach 1.06 metres further into the rear yard. The porch is to be approximately half the width of the dwelling.

Loon Street is privately owned and maintained. Loon Street is unique, as the travelled portion of the road is not centred within the larger road allowance. The untraveled shoulder to the east of Loon Street is approximately 4 metres wide. The untraveled shoulder to the west of Loon Street is approximately 12 metres wide. As the subject property is on the west side of Loon Street, there is a 12-metre-wide shoulder between the rear lot line of the subject property and the travelled portion of the road. This configuration allows for visual and physical separation between the travelled portion of the road and the proposed dwelling on the subject property and will allow for the sight lines and road maintenance activities to continue unimpeded by the proposed dwelling. The proposed setback from the rear lot line

is characteristic with the built form in this area, as almost all of the dwellings along this portion of Loon Street are setback a similar distance from the rear lot line.

Section 6.2 of the Zoning By-law requires a minimum side yard setback of 3 metres. The proposed setback is 1.27 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The original dwelling had a 0.37 metre setback from the northern interior lot line. As part of the work that has been done on the property, the dwelling was shifted 0.9 metres south, and now has a setback of 1.27 metres. This will allow for adequate separation for lot drainage and space for building maintenance on this side of the dwelling. The side yard to the south of the dwelling provides amenity space, space for vehicle parking and space for watercraft to be brought through the property to access the waterfront, and is the location of the existing well. The neighbouring property to the north contains a two storey dwelling, so the proposed dwelling will not result in any negative impacts to massing. As the side yard setback has been improved and the footprint of the dwelling is to be maintained, no impacts to privacy are anticipated.

Section 2.25.1 b) of the Zoning By-law requires a minimum water setback of 15 metres. The proposed setback is 12.29 metres. The intent of a 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 proposal is to maintain the existing water setback of 12.29 metres, so no further encroachment beyond what is existing is proposed. The proposed water setback does not vary significantly from the water setbacks established by dwellings on adjacent properties. Adequate separation between Lake Scugog and the dwelling is maintained, and no adverse massing impacts to the shoreline are anticipated as the existing and proposed setbacks are to remain the same.

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.”

**Building and Septic Division (Building):** “Spatial separation could be a potential issue (can be dealt with at the permit stage). No further comments.”

### 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
- Appendix E – Shipping Container to be Removed

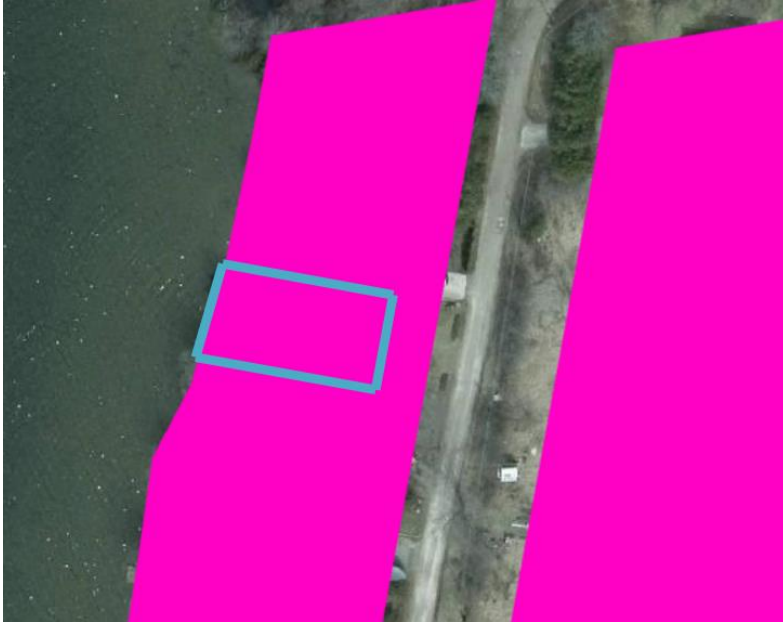
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<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-086

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan

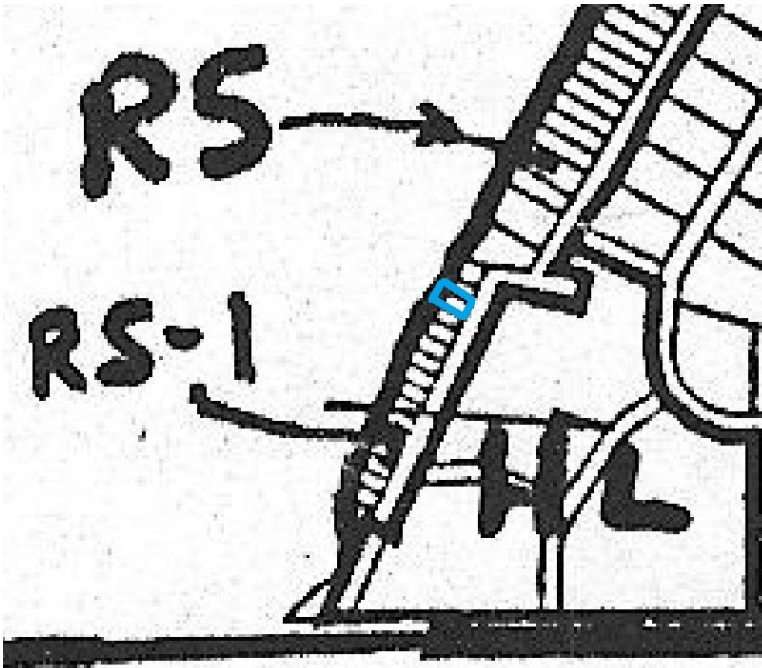


#### 3.11. Water Setback and Accessory Uses

3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

#### 20. Waterfront Designation

## Township of Ops Zoning By-law 93-30



### Section 2 General Provisions

#### 2.3 Construction Uses

##### 2.3.1 Temporary Uses

In any portion of the Zoned Area, a building or structure incidental to lawful construction on the lot where such building or structure is situated shall be permitted but only for as long as it is necessary for the work in progress and until the work is completed or abandoned and while a valid building permit for such construction remains in force.

#### 2.25 Water Setbacks

##### 2.25.1 Requirements By Zones

Unless otherwise specified in this By-law, no building or structure, other than a marine facility, shall be located closer to the high water mark of a waterbody than:

- (b) in any other zone 15 metres



## Section 6 Shoreline Residential (RS) Zone

### 6.1 Uses Permitted

### 6.2 Zone Provisions

Front Yard (minimum)	9 m	
Rear Yard (minimum)	(a) main building	9 m
	(b) accessory building	6 m
Side Yard (minimum)	(a) main building	3 m
	(b) accessory building	2 m

### 6.3 Exceptions

#### 6.3.1 Shoreline Residential Exception One (RS-1) Zone

Notwithstanding the provisions of the Shoreline Residential (RS) Zone, to the contrary, on lands within the shoreline Residential Exception (RS-1) Zone, the following shall apply: Minimum frontage 22 metres; Minimum Lot Area 836 square metres (8,999.sq.ft.). In all other respects, the provisions of Section 6, Shoreline Residential (RS) Zone, shall apply.

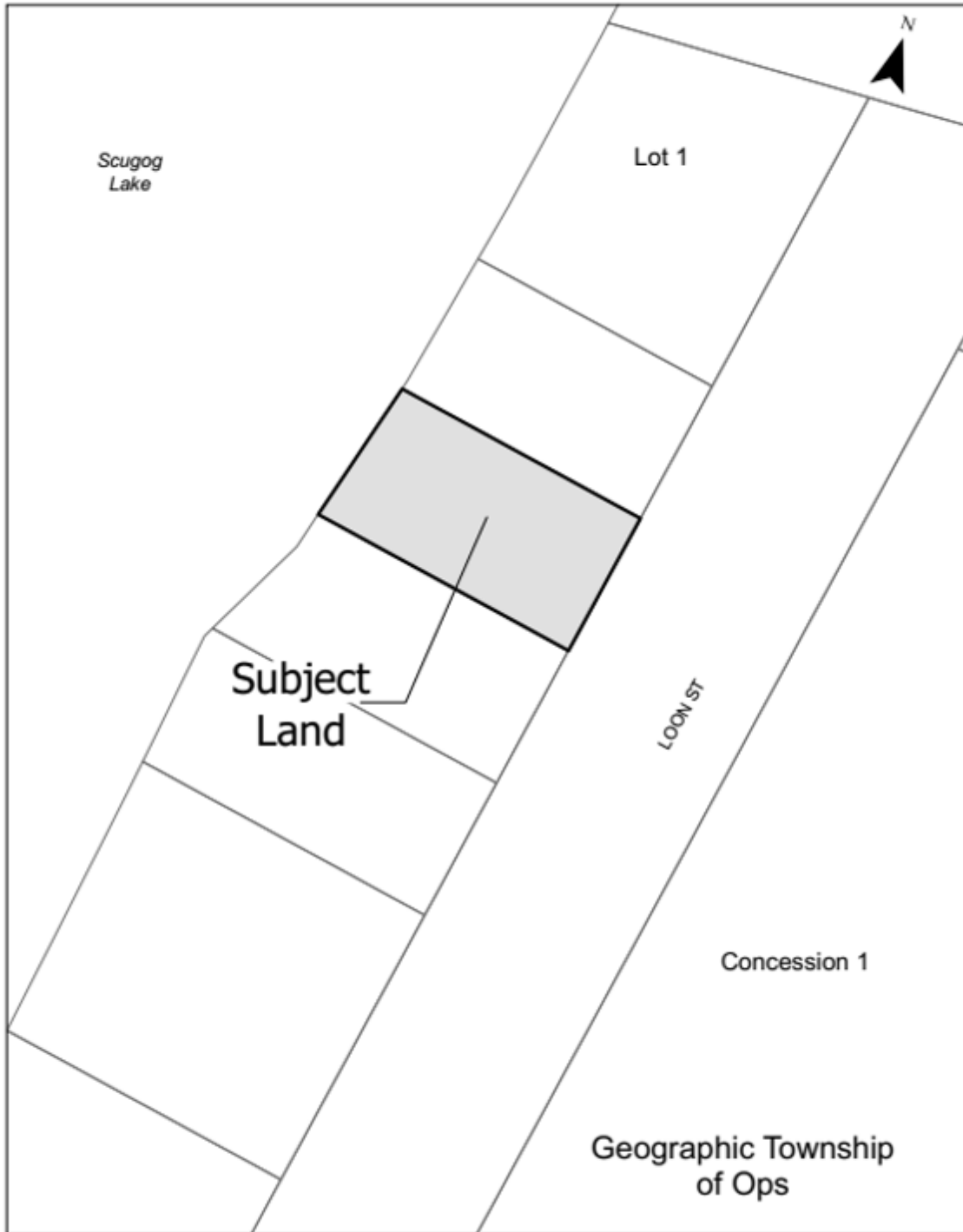
## Section 19 Definitions

### 19.116 Lot Line, Front

In the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except, where the lot lines abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a standard waterfront lot, the shoreline shall be deemed to be the front lot line. In the case of a through waterfront lot, the longest shoreline shall be deemed to be the front lot line.

**LOCATION MAP**

# D20-2024-086



APPENDIX " B "

to

REPORT COA2024-094

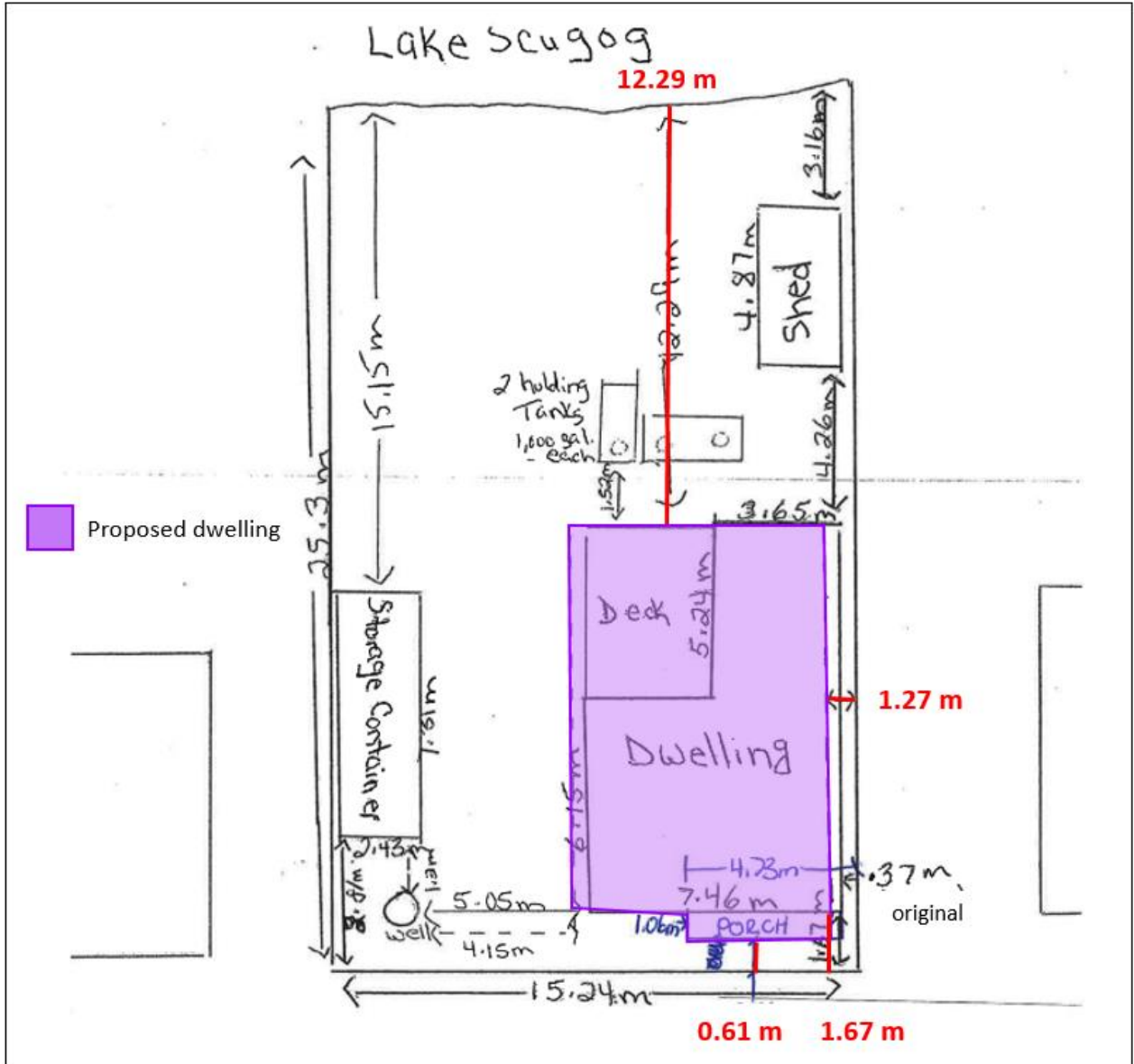
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**AERIAL PHOTO**



to

APPLICANT'S SKETCH



to

**CONSTRUCTION DRAWINGS**



Front Elevation



Side Elevation (South)



Rear Elevation



Side Elevation (North)

APPENDIX " E "

to

REPORT COA2024-094

FILE NO: D20-2024-086

**SHIPPING CONTAINER TO BE REMOVED**

