

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – LaCroix

Report Number COA2024-111

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### Public Meeting

**Meeting Date:** November 28, 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 the construction of an addition onto the existing single detached dwelling.

### Relief sought:

1. Section 18.26.4 e) of the Zoning By-law permits a maximum extension of 18 square metres for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) Symbol; the proposed addition is 37.2 square metres.

The variance is requested at **43 Brook Road** (File D20-2024-103).

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**Author:** Katherine Evans, Acting Development Supervisor

**Signature:** 

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### Recommendations

**That** Report COA2024-111 – **LaCroix**, be received;

**That** minor variance application D20-2024-103 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 COA2024-111, 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** building construction proceed in compliance with Section 18.26.4 of the Zoning By-law and that and no building openings, being windows or doors, are installed below the Level of Flooding identified in the table in Appendix D plus 0.3 metres (1 ft). This condition will be considered fulfilled upon Building and Septic Division staff providing confirmation to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the proposal is in compliance with Section 18.26.4 of the Zoning By-law.

This approval pertains to the application as described in report COA2024-111. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The construction of an addition onto the existing single detached dwelling
Owners:	Cynthia LaCroix
Applicant:	Adam LaCroix
Legal Description:	Part Lot 18 Concession 3
Official Plan <sup>1</sup> :	Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential Floodplain (LSR-F) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,400 sq. m. (15,069.5 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

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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 within an established residential neighbourhood on the east side of the Burnt River. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1975 (according to Municipal Property Assessment Corporation), a detached garage, and two sheds.

The purpose of the application is to facilitate the construction of an addition onto the existing dwelling. It can be expected that over time, owners may improve their property resulting in its highest and best use. Due to accessibility challenges, the basement of the existing dwelling is no longer usable living space for the property owners. The proposed addition is to provide more living space on the main level where it can be accessed by the owners.

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 Environmental Protection under the City of Kawartha Lakes Official Plan (2012).

As per policy 34.1., nothing in the Official Plan or the implementing Zoning By-law prevents the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit residential uses and accessory structures, and this residential zoning has been in place since at least 1978.

As per policy 17.6, existing buildings and structures located in the floodplain can be expanded, enlarged, or altered subject to specified criteria. The proposed addition is not introducing new (rather additional) habitable space, as there is already a dwelling present. The addition is not anticipated to alter the displacement of flood water in a manner that would result in unacceptable off-site impact.

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 Floodplain (LSR-F) Zone under the Township of Somerville Zoning By-law 78-45. The floodplain provision identifies properties that may be susceptible to flooding during a Regulatory Flood. Regulatory Flood is based on lands that would be flooded as a result of a storm event equivalent to the Timmins Storm of 1961. The By-law provides information

on the expected level of flooding, as well as provisions for floodproofing habitable buildings and structures. 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 maximum size of an addition for habitable space for properties subject to the Floodplain provisions.

As per Section 18.8.2 of the By-law, development is permitted on a lot zoned Limited Service Residential Zone which does not have frontage on a public street.

As per Section 18.26.4 e) of the Zoning By-law, a maximum extension of 18 square metres is permitted for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) Symbol. The proposed sunroom is habitable space and is 37.2 square metres. The intent of this provision is to protect habitable space from the impact of a flood event and to limit the amount of habitable space that may be subject to flooding.

The proposed addition is located on the downstream side of the existing dwelling, which is required under 18.26.4 e) of the Zoning By-law. Additionally, the proposed addition is 20.3 metres from the water, exceeding the minimum water setback of 15 metres. The Zoning By-law also requires openings (doors and windows) to be located at a certain elevation above expected levels of flooding, mitigating potential impacts resulting from a flood event. Additionally, the shoreline of the property is a steep slope with the dwelling being at a higher elevation. As the property already contains habitable space, the proposed addition is not adding new habitable space where it does not already exist and as such the addition is not creating a new hazard.

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 concerns or comments 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 – Expected Level of Flooding for Subject Property

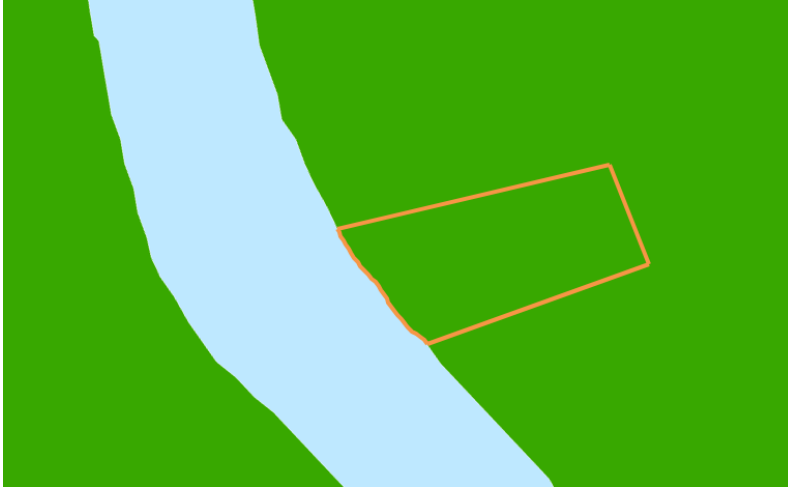
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-103

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



#### 17. Environmental Protection Designation

##### 17.6. Existing Buildings or Structures

17.6.1. An existing non-conforming building or structure located in a floodplain may be enlarged, expanded or altered subject to:

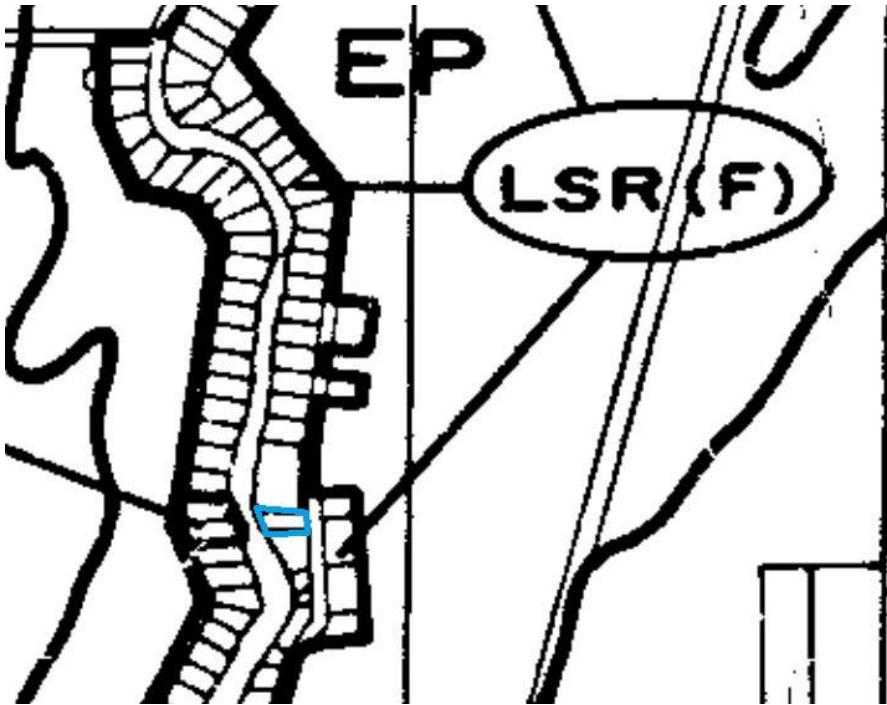
- a) the determination that there will not be an unacceptable off-site impact due to the displacement of the flood water,
- b) the enlargement to the building is appropriately flood proofed;
- c) New or existing hazards are not created or aggravated;
- d) The Conservation Authority has been satisfied;
- e) The development is not a threat to public health and safety or property;
- f) Vehicles and people must have a way of safely entering and exiting the area during floods; and
- g) Satisfactory water supply and subsurface sewage disposal servicing.

#### 34. Development Control

##### 34.1. Existing Uses

Nothing in this Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law.

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



### Section 5 Limited Service Residential (LSR) Zone

#### 5.1 LSR Uses Permitted

#### 5.2 LSR Zone Requirements

### Section 18 General Provisions

#### 18.26 Flood Plain

18.26.4 Where the zone symbol shown on Schedules A and A1 is followed by the flood plain symbol (F) new buildings or structures with habitable rooms and enlargements or extensions to existing ones with habitable rooms shall only be permitted if the following special provisions are adhered to:

- e. The extension or enlargement of existing buildings or structures is permitted provided that such extensions or enlargements are not over 18 square metres (194 sq.ft) in floor area. In addition, such enlargements or extensions shall be located on the downstream side (based on the flow of the Burnt River) of the existing building or structure unless such location contravenes any other applicable zone requirement and no building openings, being windows or doors, shall be installed below the Level of Flooding identified for each lot as shown on Schedule 'B' plus 0.3 metres (1 ft). Such extensions or enlargements are based on the building or structure as it existed on June 27, 1994.

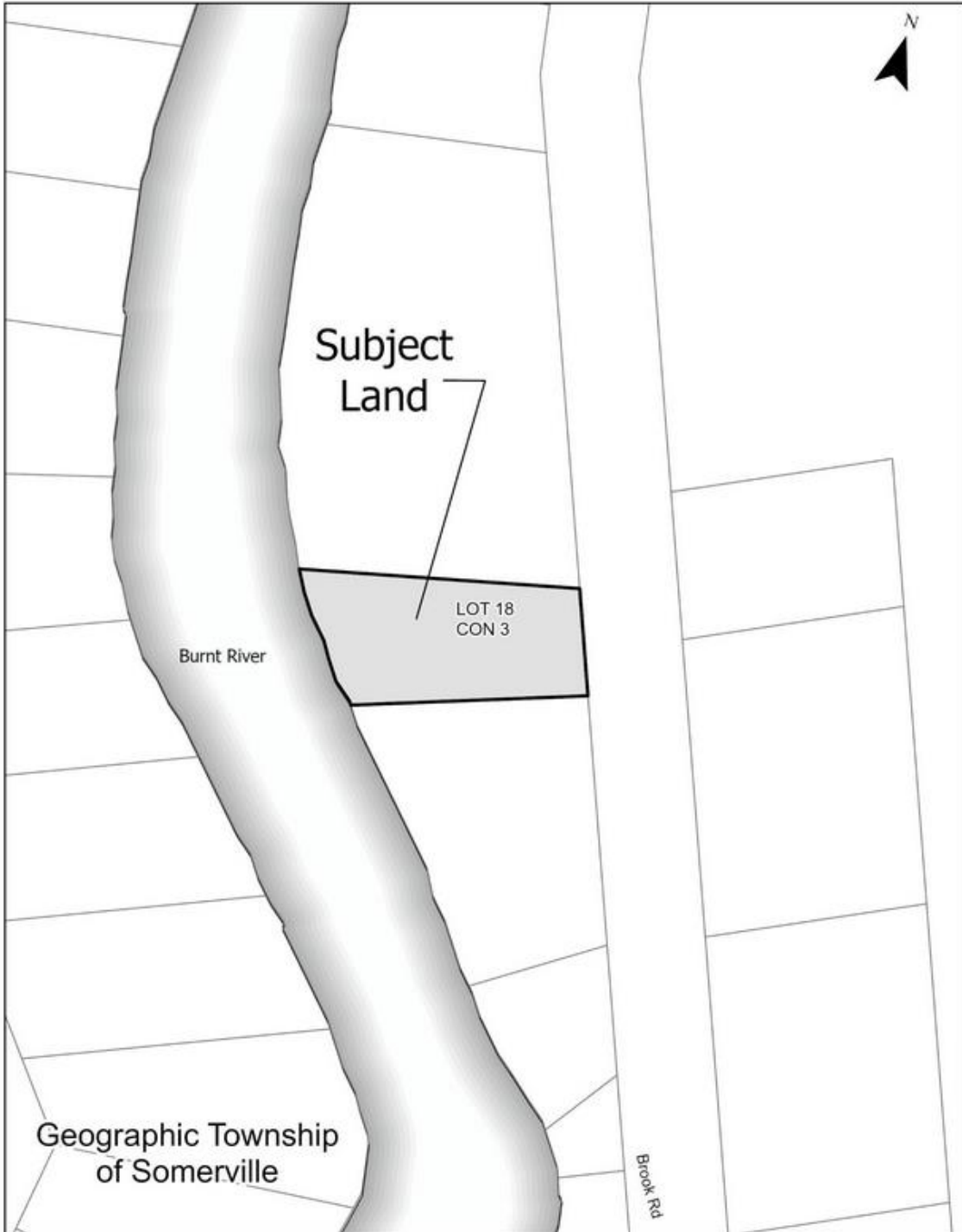
to

REPORT COA2024-111

FILE NO: D20-2024-103

**LOCATION MAP**

# D20-2024-103





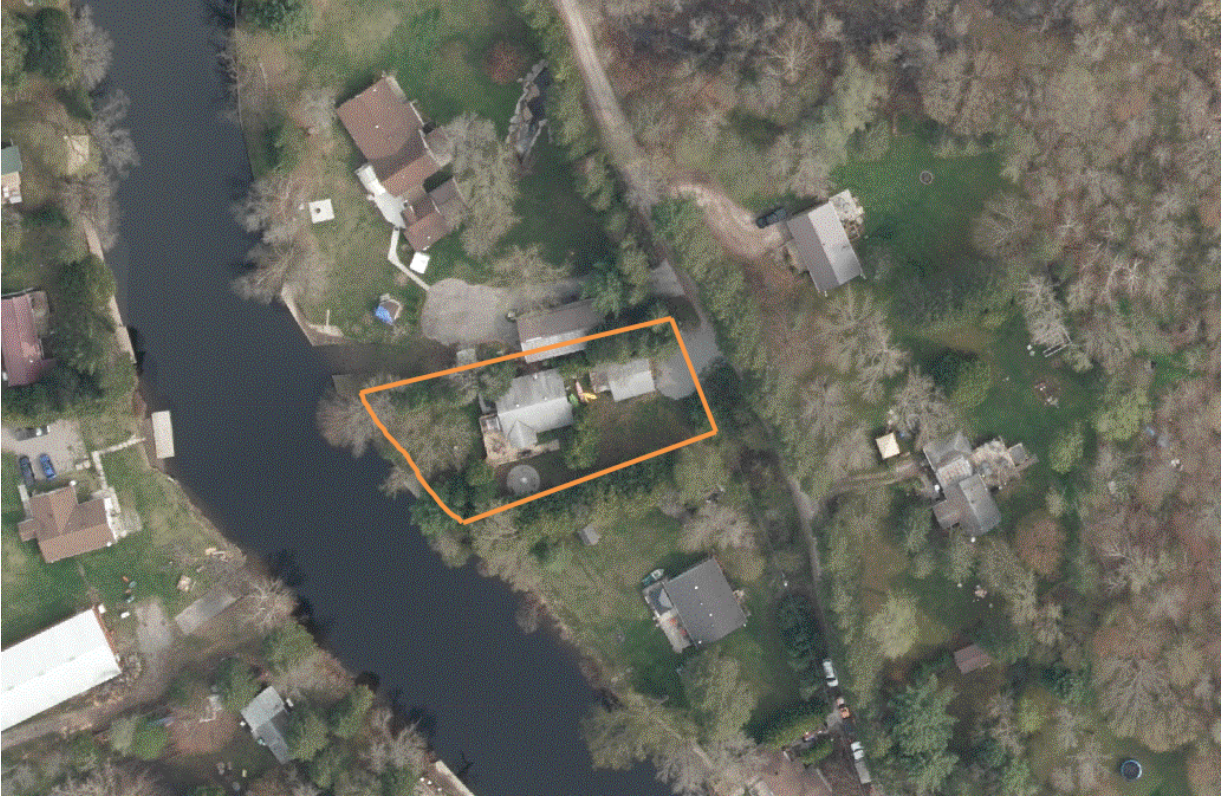
APPENDIX " B "

to

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**AERIAL PHOTO**

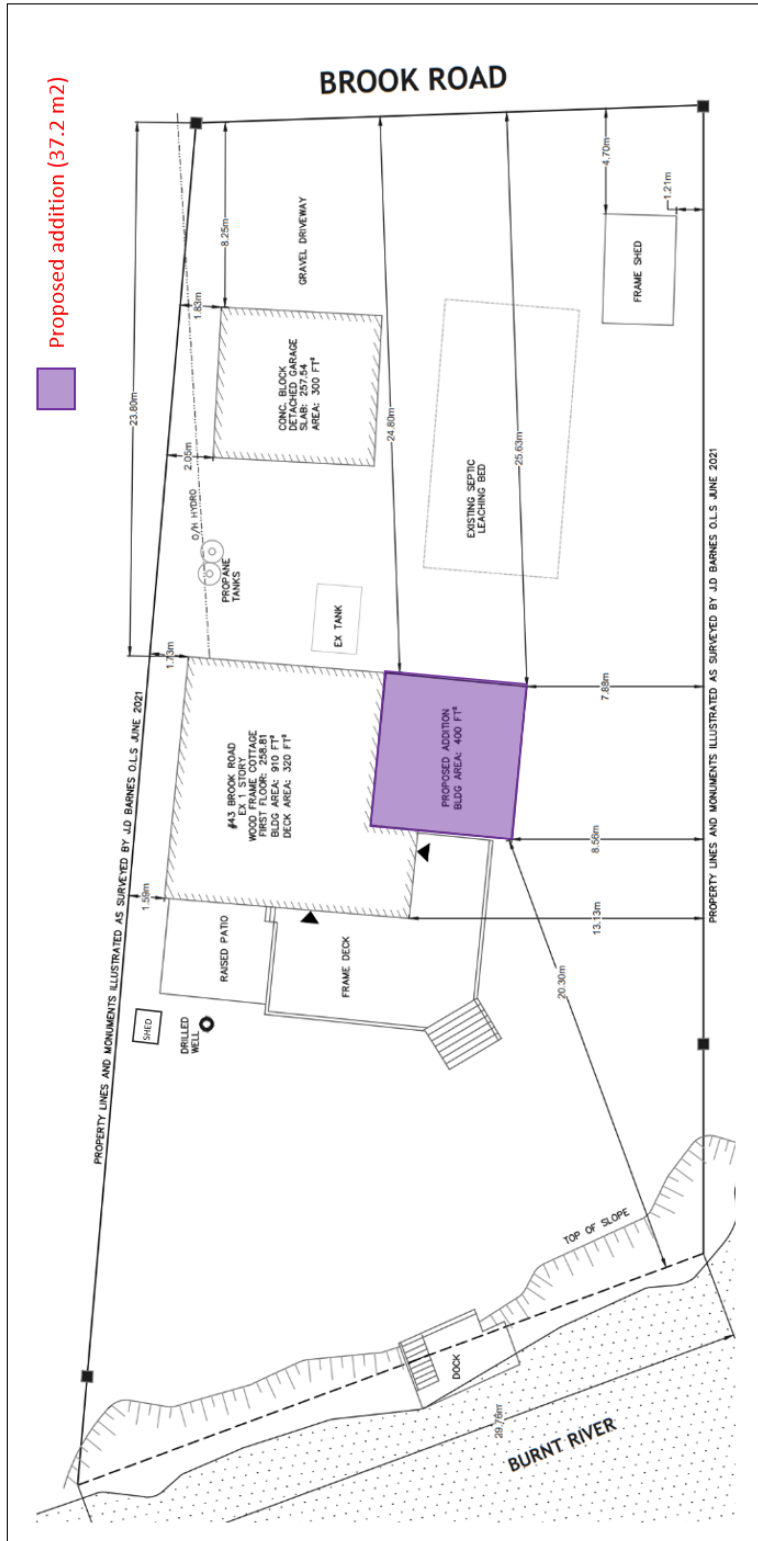


to

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**APPLICANT'S SKETCH**



to

**EXPECTED LEVEL OF FLOODING FOR SUBJECT PROPERTY**REPORT COA2024-111FILE NO: D20-2024-103

**Expected Level of Flooding (FDR Elev) during a Regulatory Flood expressed in metres above sea level based on the Canadian Geodetic Datum for 165131002035200 under the Township of Somerville Zoning By-Law 78-45**

Poll	Roll No	Con	Lot	Plan	Lot1	FDR Elev	Spot Elev	Est Fld
2	35200	3	18			258.62	257.5	1.12