

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Grech
Report Number COA2024-036

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 construction of an addition to the dwelling, a new screened porch, and new attached deck.

Relief sought:

1. Section 4.3.7 a) ii) of the By-law requires a minimum rear yard setback of 30 metres; the proposed setbacks are 27 metres from the dwelling and screened porch, and 24.7 metres from the attached deck.

The variance is requested at **65 Hemlock Drive** (File D20-2024-026).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-036 – Grech, be received;

That minor variance application D20-2024-026 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 COA2024-036, 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 COA2024-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an addition to the dwelling, a new screened porch, and new attached deck
Owners:	Frank Grech and Margaret Alder-Grech
Applicant:	Frank Grech
Legal Description:	Part Lot 13, Concession 9 (Being Lot 9 on Plan 563)
Official Plan ¹ :	Waterfront, Environmental Protection, and Four Mile Lake Special Policy Area (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three Exception Seven (RR3-7) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	0.64 ha. (1.58 ac.)
Site Access:	Year round municipal 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 northeastern shore of Four Mile Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1987 (according to Municipal Property Assessment Corporation) and a detached garage.

¹ See Schedule 1

² See Schedule 1

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 construct an addition to the dwelling, a new screened porch, and new attached deck. A new addition is to be constructed on the northwest side of the dwelling. This addition will allow for an interior staircase to be constructed. Currently, the dwelling is accessed via an exterior staircase, which is difficult to maintain in the winter months.

Additionally, the western wall of the dwelling will be extended approximately 4 feet towards the water. This will provide additional living space, and the extension will allow the new footing to be located an adequate distance away from the existing footing. The new deck is to be slightly smaller than the existing, and will include a new screened porch. This will enhance the enjoyment of the outdoor space on the property by providing a space for the property owners to enjoy the deck while being sheltered from the elements and insects.

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 and Environmental Protection within the City of Kawartha Lakes Official Plan (2012). The existing dwelling and the proposed additions are located outside of the Environmental Protection designation. Low density residential uses are permitted within the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

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 Rural Residential Type Three Exception Seven (RR3-7) 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 rear yard setback.

As per Section 4.3.7 a) ii) of the By-law, a minimum rear yard setback of 30 metres is required. The proposed setbacks are 27 metres from the dwelling and screened porch, and 24.7 metres from the attached deck. The purpose of the larger rear yard setback required in this exception zone appears to be to establish an enhanced

water setback. It also implements Official Plan policies requiring a 30 metre setback from the water. 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.

Though the dwelling is to be expanded, the attached deck is to decrease in size, resulting in the overall existing setback from the shoreline being maintained. As such, no impacts to the existing shoreline conditions are anticipated, and no increased risk from natural hazards beyond what exists today is anticipated. Additionally, the rear yard is adequately sized to accommodate infiltration and provide outdoor 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 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:

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

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-026

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



17. Environmental Protection Designation

20. Waterfront Designation

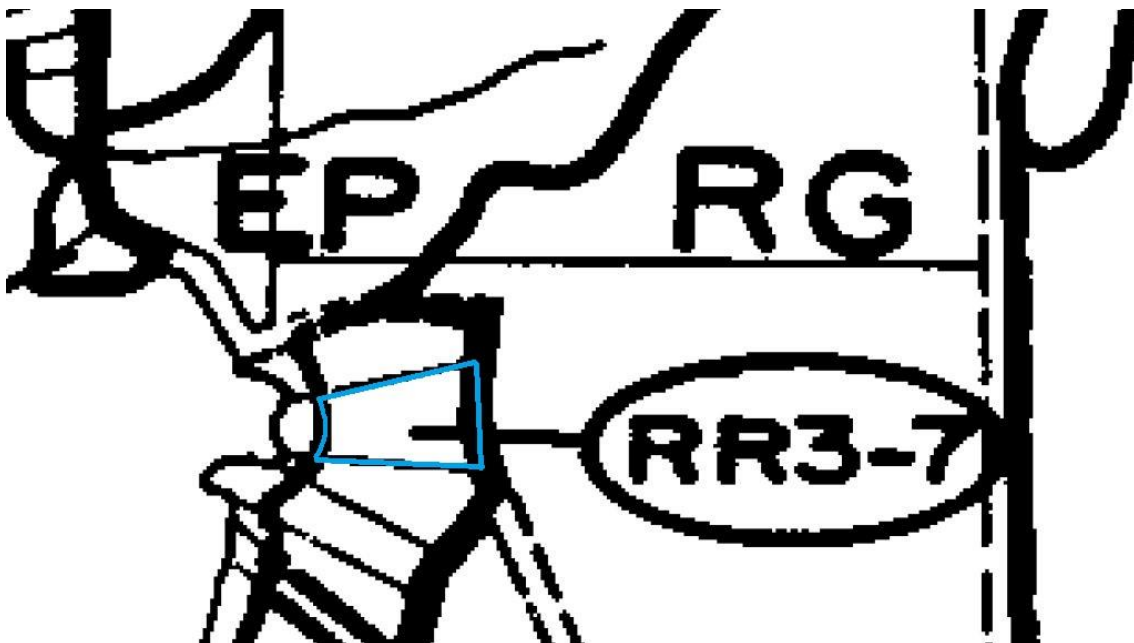
31.3. Four Mile Lake – Specific Lake Policy Area

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 4 Rural Residential Type Three (RR3) Zone

4.1 RR3 Uses Permitted

4.2 RR3 Zone Requirements

4.3.7 Rural Residential Type Three Exception Seven (RR3-7) Zone

a. Notwithstanding articles 4.2 a., d., i. and j., land zoned "RR3-7" shall be subject to the following zone requirements:

- i. Minimum lot area 4,000 sq.m (1 ac)
- ii. Minimum rear yard 30 m (100 ft)
- iii. Minimum side yard 3 m (10 ft)
- iv. Minimum dwelling unit floor area 55 sq.m (595 sq.ft)

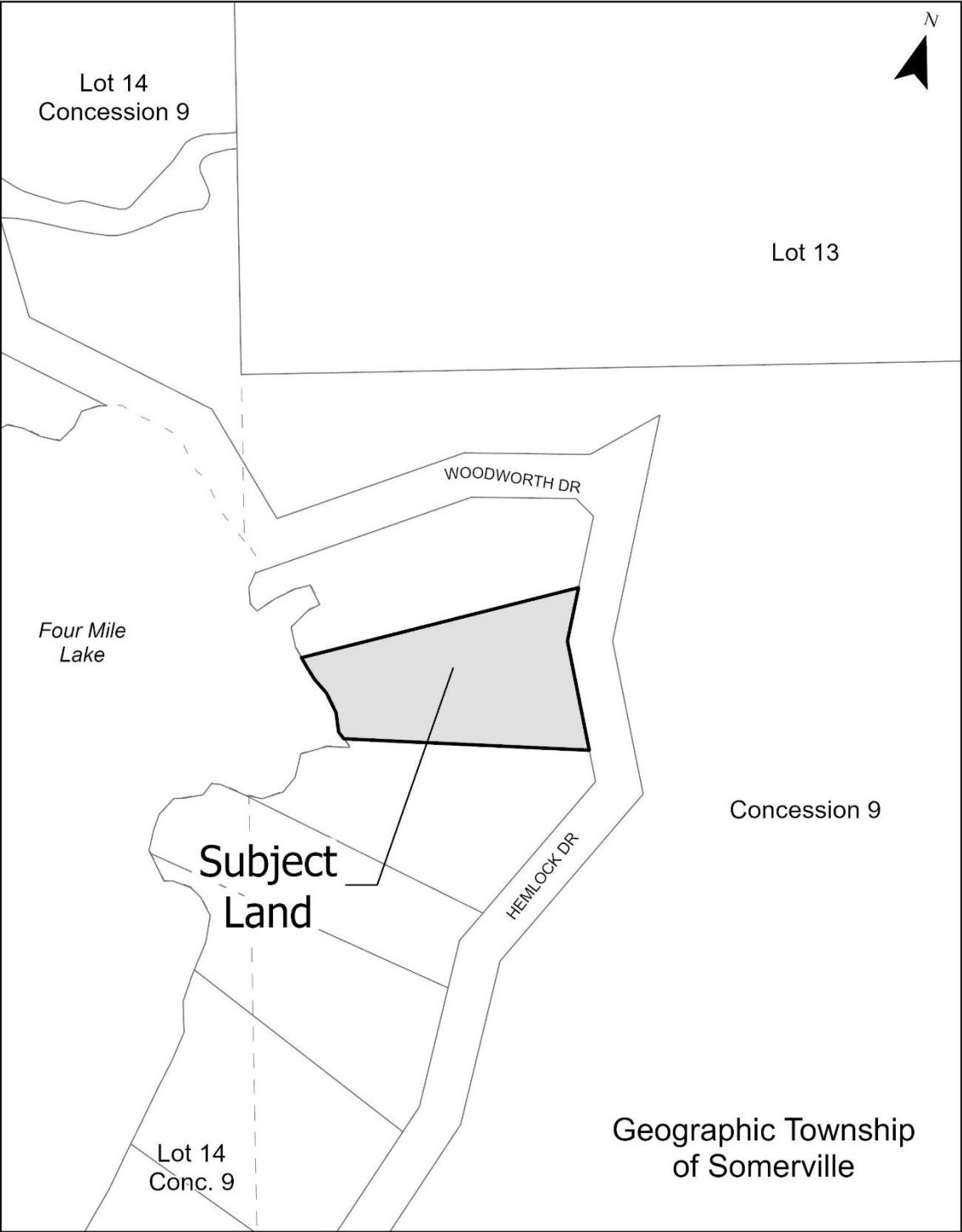
to

REPORT COA2024-036

FILE NO: D20-2024-026

LOCATION MAP

D20-2024-026



APPENDIX " B "

to

REPORT COA2024-036

FILE NO: D20-2024-026

AERIAL PHOTO



to

REPORT COA2024-036

FILE NO: D20-2024-026

APPLICANT'S SKETCH

