

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-03

Thursday, March 15, 2018

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Kathleen Seymour-Fagan

Betty Archer

David Marsh

Sandra Richardson

Lloyd Robertson

Allan Smelko

Steve Strathdee

Accessible formats and communication supports are available upon request.

1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2018-03 February 15, 2018 Committee of Adjustment Meeting Minutes	5 - 12
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-013 Janet Wong, Planner II File Number: D20-17-049 Location:152 Island Drive, Island N Four Mile Lake Lot 5 Plan 453 Geographic Township of Somerville Owner: John and Susan Cook Applicant: Valerie Farrell	13 - 48
3.1.2	COA2018-014 David Harding, Planner II File Number: D20-2018-011 Location: 25-27 Helen Street Plan 70 Pt Lot 5 East of Helen Street, 57R10544, Part 1 Former Village of Bobcaygeon Owner: Tom Grimes Construction Ltd. Applicant: Tom Grimes Construction Ltd.	49 - 56

3.1.3	COA2018-015	57 - 73
	<p>Quadri Adebayo, Planner II File Number: D20-2018-012 Location: 25 Westview Drive Pt Lot 17, Concession 8 Geographic Township of Emily Owner: Joan MacGillivray Applicant: Ryan McKnight</p>	
3.1.4	COA2018-016	74 - 87
	<p>Quadri Adebayo File Number: D20-2018-009 Location: 154 Ball Point Road Pt Lot 18, Concession C, Plan 425 Lot 37 Geographic Township of Marisposa Owner: Serge and Catheryn Dugas Applicant: Serge and Catheryn Dugas</p>	
3.2	Consents	
3.2.1	COA2018-017	88 - 101
	<p>David Harding, Planner II File Number: D03-17-033 Location: 791 and 795 Cottingham Road Lot 21, Concession 3 Geographic Township of Emily Owner: Shirley and Hugh Fife Applicant: Hugh Fife</p>	
4.	Deferred Applications	
4.1	Minor Variances	
4.2	Consents	
5.	Other Business	
6.	Correspondence	
7.	Next Meeting	
	<p>The next meeting will be Thursday, April 19th at 1:00 p.m. in Council Chambers, City Hall.</p>	

8. Adjournment

The Corporation of the City of Kawartha Lakes
Minutes
Committee of Adjustment Meeting

COA2018-02
Thursday, February 15, 2018
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Chair Lloyd Robertson

Vice Chair David Marsh

Councillor Kathleen Seymour-Fagan

Betty Archer

Sandra Richardson

Allan Smelko

Steve Strathdee

Recording Secretary
C. Crockford-Toomey

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER

Chair L. Robertson called the meeting to order at 1:03 p.m. Members D. Marsh, B. Archer, S. Richardson and S. Strathdee were in attendance. Councillor Kathleen Seymour-Fagan and Allen Smelko were absent.

2. ADMINISTRATIVE BUSINESS

2.1 Adoption of Agenda

2.1.1 COA2018-02 2.1.1

Moved By D. Marsh

Seconded By B. Archer

That the agenda for the meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2018-02.2.3.1

January 18th, 2018

Committee of Adjustment Meeting Minutes

Moved By S. Richardson

Seconded By S. Strathdee

That the minute of the previous meeting held January 18, 2018 be adopted as circulated.

Carried

3. NEW APPLICATIONS

3.1 Minor Variances

3.1.1 COA2018-009

Ian Walker, Planning Officer - Large Developments

File Number: D20-2018-006

171-183 Kent Street West, Plan 38 Lots 2-7, Part Lot 8, Plan 57R5785 Part of Part 1, 57R7668 Parts 2 and 3 Part of Part 1

Former Town of Lindsay

Owner: APG Kent Street Properties Corp.

Applicant: Monsey Consulting Group Inc.

Mr. Walker summarized report COA2018-009

The Applicant proposes to construct a new (replacement) commercial building on the subject property by requesting relief to reduce the required parking spaces from 167 to 67, to reduce the accessible parking spaces from six to two spaces, to reduce the number of loading spaces from two to one and to reduce the minimum front yard setback from 4.0 metres to 0.0 metres.

The Committee requested clarification as to whether the existing building was going to be demolished. Mr. Walker confirmed it would be a new construction.

Owner Neil Arbour was present, he commented on surrounding businesses in Downtown Lindsay who have large commercial area and fewer parking spaces. The Committee responded, new construction shouldn't be compared with old.

The Director of Development Services, Chris Marshall suggested an alternative. The Owner could withdraw the Minor Variance for 100 parking spaces and take it to Council and pay Cash in Lieu, which would replace the request for the parking variance. The Owner Neil Arbour replied he would consider this.

Opposition - S. Podoisky, Lindsay B.I.A, J. Found, Linborough Property Corp., J. Garbutt, 31 Kent Street Buy & Sell Shop and E. Hllton, expressed their frustrations with lack of parking and abuse of existing parking in Downtown Lindsay.

The Owner Neil Arbour confirmed he would like to withdraw one minor variance for parking spaces, being relief from Section 5.12 k)ii to reduce the required number of parking spaces from 167 spaces to 67 spaces. The Director of Development Services confirmed the Owner is within his rights to withdraw the minor variance. Should he not follow through with Council for an agreement regarding Cash in Lieu of parking it would need to come back to the Committee of Adjustment as a new variance.

The Committee requested that all comments be brought forward to Council for consideration.

The Chairman confirmed we are dealing only with the other three requests: Section 5.12 c) to reduce accessible parking spaces from six to two. Section 5.13

a) to reduce loading spaces from two to one. Section 14.2 b to reduce minimum front yard setback.

Moved By B. Archer

Seconded By S. Strathdee

That Report COA2018-009 APG Kent Street Properties Corp., be received;

That the variance to request relief from Section 5.12 c) to reduce the required number of accessible parking spaces from 6 spaces to 2 spaces to permit the construction of a new commercial building be DENIED, as the variance does not meet the tests set out in Section 45(1) of the Planning Act.

That the variances to request relief from Section 5.13 a), to reduce the required number of loading spaces from 2 loading spaces to 1 loading space and from Section 14.2 b. to reduce the minimum front yard setback from 4.0 meters to 0.0 meters be GRANTED, as the variances meet the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the construction of the commercial building related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-009, which shall be attached to and form part of the Committee’s Decision; and
- **That** the Site Plan Agreement for the subject property be executed and secured within 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 registration of the Site Plan Agreement on title.

This approval pertains to the application as described in report COA2018-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2018-010

Quadri Adebayo, Planner II

File Number: D20-2018-009

Location: 154 Ball Point Road

Concession C, Part Lot 18, Plan 425, Lot 37

Geographic Township of Mariposa

Owners: Serge and Catheryn Dugas
 Applicants: Serge and Catheryn Dugas

Mr. Adebayo summarized report COA2018-010. The Owners proposed to construct a single detached residential dwelling with a walkout basement, deck and garage. .

Moved By D. Marsh

Seconded By S. Strathdee

That the application be deferred until the next scheduled Committee of Adjustment meeting on March 15, so that additional relief sought from Section 14.2.1.7 along with the relief sought from Section 14.2.1.4 may be re-advertised

Carried

3.2 Consents

3.2.1 COA2018-012

David Harding, Planner II

File Number:D03-17-008

Location:31 Main Street, Lot A S/S Front Street, Part Lot B S/S Front Street, Plan 70

Former Village of Bobcaygeon

Owner: Elizabeth Rasmussen

Applicant: Kevin Duguay

Mr. Harding summarized report COA2018-012. The application is to sever 297 square metres of residential land with an existing residential building containing two dwelling units and retain 2,311 square metres of commercial land (Bobcaygeon Inn). Mr. Harding outlined the newly-submitted comments from the KRCA. He also identified that the condition number referenced in proposed condition 2(a) should be 8, not 9.

The Committee questioned where the fence identified in proposed condition 4 would be located. Staff clarified the location. The Committee asked whether the fence between the severed and retained lots would restrict access to the parking lot on the proposed retained lands. The Applicant, Kevin Duguay, stated that he was in agreement with the proposed condition, and that as the parking lot has a

second separate access, should the entrance/exit adjacent to the fence be reduced to a single lane, access to the parking lot will not be impeded.

The Committee questioned why the staff recommendation excluded a cash-in-lieu of parkland payment. Staff responded to Committee's question.

The Committee had no further questions.

Moved By S. Richardson

Seconded By D. Marsh

That Report COA2018-012 Elizabeth Rasmussen, be received;

That consent application D03-17-008, being an application to sever approximately 297 square metres of residential land and retain approximately 2,311 square metres of commercial land, be GRANTED, approval subject to the standard provisional conditions for the consent as indicated in the Staff Report COA2018-012

Carried

4. DEFERRED APPLICATIONS

4.1 Minor Variances

4.1.1 COA2018-011

David Harding, Planner II
 File Number: D20-17-044
 Location: 39 McGill Drive
 Part Lot 1, Concession 14, Plan 33, Lot 22
 Geographic Township of Manvers
 Owner: B.G. Scugog Inc.
 Applicant: Gary Morrison

Mr. Harding summarized report COA2018-011. The owner proposes to construct a single detached dwelling and detached garage on subject property by requesting relief to reduce the minimum lot area and increase the maximum lot coverage as well as seeking relief from front yard and side yard setbacks. Relief is also sought to permit eaves and gutters on both buildings to project 0.6 metres into the front yard, side yard and water setbacks. The Committee asked whether a condition was required to decommission the existing well. Staff responded that

a condition was not necessary, as the well must be decommissioned in order for the holding tank to be placed.

The Applicant, Gary Morrison, was present. He confirmed he had a permit from Kawartha Region Conservation Authority (KRCA) and a demolition permit from the Building Division.

The Committee had no questions.

Moved By S. Strathdee

Seconded By B. Archer

That Report COA2018-011 B G Scugog Inc. be received;

That minor variance application D20-17-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the construction of the dwelling and garage related to this approval shall proceed substantially in accordance with the surveyor's sketch in Appendix "D", and generally in accordance with the elevations in Appendix "E" submitted as part of Report COA2018-011, which shall be attached to and form part of the Committee's Decision;
- **That** notwithstanding the definition of front yard, the granting of the variances to reduce the front yard setback for the garage shall not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
- **That** the building construction related to the minor variances shall be completed within a period of twelve (12) 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 COA2018-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

5. OTHER BUSINESS

There was further discussion by the Committee regarding remuneration. It was acknowledged that this has been discussed with the C.A.O. The Mayor and

C.A.O. are reviewing Boards Appointments, Committee support, resources, etc. The Manager of Planning and Staff will review surrounding Municipalities.

6. CORRESPONDENCE

7. NEXT MEETING

The next meeting will be Thursday, March 15th, 2018 at 1:00 p.m. in Council Chambers, City Hall.

8. ADJOURNMENT

Moved By D. Marsh

Seconded By S. Strathdee

That this meeting adjourned at 3:05 p.m.

Carried

Mark LaHay, Secretary-Treasurer

The Corporation of the City of Kawartha Lakes Committee of Adjustment Report – J & S Cook

Report Number COA2018-013

Public Meeting

Meeting Date: March 15, 2018

Time: 1:00 pm

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

Ward: 3 – Geographic Township of Somerville

Subject: An application to request relief:

A. to reduce the minimum required water setback from 15 metres to 10 metres; and, to increase the maximum projection of a cantilevered floor area from 0.6 metres to 1.0 metres in order to permit construction of a two-storey addition and a one-storey addition to the existing dwelling; and

B. to permit an accessory building in the front yard; and, to reduce the required front yard from 25.9 metres to 2.5 metres in order for an accessory building (shed) to be constructed on property located at 152 Island Drive, geographic Township of Somerville (File D20-17-049).

Author: Janet Wong, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-013 Susan and John Cook be received;

THAT minor variance application D20-17-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the additions and shed related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and supplementary drawings in Appendices “D4”, “D7”, “D8”, “D9” and “D10” submitted as part of Report COA2018-013, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** the west face of the southerly one-storey dwelling addition not extend west beyond the projection line of the east face of the existing dwelling with no facade projection through the living area as illustrated on Appendix “D4”;

- 3) **THAT** roof drainage from the additions be directed to discharge on the east side of the building;
- 4) **THAT** the foundation for at least the addition section south of the entry area be of a pier system that remains open on the sides;
- 5) **THAT** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a tree location plan, prepared by an Ontario Land Surveyor or other qualified person, that identifies all existing trees greater than 10 centimetres d.b.h. (diameter at breast height) and indicate which trees are to be removed as a result of the proposed development. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- 6) **THAT** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a site restoration plan. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- 7) **THAT** the Owner submit to the Secretary-Treasurer confirmation from Hydro One Networks Incorporated that the overhead hydro conductor clearances over the proposed building is/will be adequate prior to the issuance of a building permit.
- 8) **THAT** prior to the issuance of a building permit for the dwelling, that it be demonstrated through a survey prepared by a qualified Ontario Land Surveyor to the satisfaction of the Chief Building Official that the existing shed is a minimum of 2.5 metres from the south property line and outside the right-of-way providing access to 154 Island Drive, or alternatively that the shed be demolished or relocated to the satisfaction of the Chief Building Official; and
- 9) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) 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 COA2018-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The owner is seeking to construct a two-storey addition on the east side of the existing two-storey dwelling and a one-storey addition extending south. The existing dwelling has a gross floor area of 103.3 square metres. The foundation of the one-storey addition will be comprised of piers, thus the yard setbacks are measured from the piers. The floor is proposed to be cantilevered a maximum of 1 metre beyond the piers, which will be located based on the ground conditions. The 8.75 square metre shed was constructed in 2005 (approximately),

thus is required to comply with the Zoning By-law. This section of Island Drive is considered a private road. The registered plan identifies a 20.1 metre road allowance being the frontage for this property on Island N. This application was deemed complete November 3, 2017.

Proposal:	<p>To construct a 25.8 square metre (277.7 square feet) two-storey addition and a 51.8 square (557.6 square feet) metre one-storey addition for a gross floor area of 89.4 square metres, relief from:</p> <ol style="list-style-type: none"> 1. Section 5.2f. to reduce the minimum required water setback from 15 metres to 10 metres (49.2 feet to 32.8 feet); and 2. Section 18.1.4a.i. to increase the maximum projection of a cantilevered floor from 0.6 metres to 1.0 metres (2 feet to 3.3 feet) are required. <p>To construct an 8.8 square metre (94 square foot) accessory building (shed), relief from:</p> <ol style="list-style-type: none"> 3. Section 18.1.2a. to permit an accessory building in the front yard; and 4. Section 18.1.2b. to reduce the required front yard from 25.9 metres to 2.5 metres (82 feet to 8.2 feet) are required.
Owner:	Susan & John Cook
Applicant:	Valerie Farrell
Legal Description:	Island N Four Mile Lake, Lot 5, Plan 453, geographic Township of Somerville, City of Kawartha Lakes
Official Plan:	"Waterfront" – City of Kawartha Lakes Official Plan
Zone:	"Limited Service Residential (LSR) Zone" – Township of Somerville Zoning By-law 78-45
Site Size:	1,424.8 square metres (0.35 acres)
Site Servicing:	Private individual septic system and lake-based water supply
Existing Uses:	Shoreline Residential
Adjacent Uses:	<p>North & West: Four Mile Lake</p> <p>South & East: Shoreline Residential</p>

Rationale:

1) Are the variances minor in nature? Yes

This property was created in 1967 by Registered Plan and the existing dwelling constructed in 1969 prior to the Zoning By-law coming into effect. Most of the existing dwelling is within the 15 metre minimum water setback on a high point of the property. The land slopes steeply down to water level about 3 metres on the south and west side of the dwelling. There are limited opportunities to locate an addition on the property 15 metres from the highwater mark due to topography, existing hydro lines, and the irregular shoreline.

The applicant is proposing that the addition be attached to the west face of the dwelling, which is 12 metres from the highwater mark on the south side. Due to the above-noted lot constraints, the south-west corner of the addition foundation is proposed to be 10 metres from the high water mark, with the cantilevered west face of the addition is generally in-line with east face of the existing dwelling.

Island Drive ends at the subject property, with one property having access beyond the subject property. The existing dwelling is set considerably back from the front lot line as will be the addition. The required yard is measured from the location of the addition to the front lot line. The shed location is not anticipated to adversely affect use of the road allowance. It is noted that there is a right-of-way providing access to 154 Island Drive. Based on the site inspection the location of the roadbed within the road allowance is not clear. Thus it is not clear that the shed is located as illustrated relative to the front property line and right-of-way. A condition has been recommended to ensure that the shed will be located as requested and not be located on the right-of-way.

Based on this, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The location of the addition has been sited to have the least impact on the neighbours. The addition footprint has been reduced in area with greater reduction to the south one-story addition. Total lot coverage will be 9.9%, which is under the permitted maximum 35%. None-the-less, the building as a whole will reduce the natural functions, such as rain water infiltration and habitat, currently provided by the site as a result of increased lot coverage in the water setback area. The Applicant will be removing trees for the new building; however the intention is to retain trees on the remainder of the lot.

The addition follows the east face of the existing dwelling, however the Applicant is proposing this building face be extended further west through the living area to articulate the building facade. While this sets the building back from the water to a location with less impact on natural functions than originally proposed, this partial building facade extension removes additional buffer capacity from an already limited water setback area. It is recommended that the entire west facade of the southerly addition not extend beyond the projection

line of the east side of the existing dwelling and if articulation is desired that the building face be set back from this projection line. To mitigate the changes to infiltration and lake water quality that would otherwise be provided by an unaltered buffer, roof runoff should be directed to the east side of the building to discharge and disperse as overland flow or an infiltration basin.

The southern addition will be supported by a pier foundation. This will allow for some migration of animal species through this area and thus should remain open as proposed.

The shed is existing and small in size and provides storage space in an accessible location. With the recommended condition to confirm that it is on the subject property and outside the right-of-way, the shed is suitably located.

Based on the above analysis, the variances are desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

Projections less than 0.6m beyond the foundation, including building features such as eaves, chimneys, bay windows and cantilevered floors, are permitted and would generally not significantly alter ground conditions, affect neighbours, nor increase living space. One function of the 15 metre minimum water setback is to provide a natural buffer to moderate the impacts of development on lake water quality and associated natural functions and features. The existing building currently does not meet the 15 metre water setback and ranges from 6 m from the high water mark to 12 metres at the rear south-east corner. About two-thirds (2/3) of the addition is further than 12 metres from the highwater mark. Due to site limitations, the addition has been set back to provide the greatest possible buffer and the design will allow for the movement of wildlife through the pier system.

The purpose of accessory structures to be located in the rear or side yard is to give prominence to the residential building. The Zoning By-law does allow for garages to be located in the front yard. The proposed 2.5 metres from the front lot line for the small shed is not anticipated to adversely affect road allowance function or prominence of the dwelling.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates low density residential uses and accessory uses.

Four Mile Lake is located within a Special Policy Area as lake water quality is excellent and it is recognized that the development along the shoreline has a significant influence on maintaining this status. An objective of the Special

Policy Area is to ensure expanded development does not alter the natural, social and physical elements that are characteristic to the lake. The owners have sited and sized the addition to retain a treed shoreline and trees to the extent possible on this narrow lot. The one-storey addition will have a low profile and open form. This also implements Waterfront policies to retain vegetated shorelines and dwelling character that does not dominate the viewscape. The intention to retain trees between the addition and the shoreline is integral to providing the benefits sought through the Official Plan.

The Official Plan indicates a minimum water setback of 15 m. (49.2 ft.) may be considered for an existing lot of record where there is insufficient area to meet the setback. The intent of the Official Plan is not to extinguish development potential where this setback cannot be met. As topography limits opportunities to site buildings and structures, more than half of the 65 m. shoreline will remain undeveloped and the proposed setback for the dwelling is generally greater than the existing development, it is staff opinion that the variances maintain the general intent and purpose of the water setback policies with retention of the remaining natural shore vegetation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

The owner initially proposed an addition with a gross floor area of 101.7 square metres in a similar configuration as the current proposal. The one-storey addition was proposed to be 6 metres from the high water mark also with a cantilevered main floor over a pier foundation extending further into the setback area. That proposal would not have met the tests for a minor variance and Staff indicated alternatives that placed a southerly addition no closer to the water than the south-west corner of the existing dwelling would be considered more in keeping with the Official Plan. After discussion with staff, the applicant has reduced the footprint of the addition by 14.7 percent and reconfigured the addition as proposed. The addition is shorter than initially proposed, affecting less of the water frontage.

Servicing Comments:

The property is serviced by a private septic system and lake-based water supply.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from the following agencies:

Agency Comments:

Building Division – Building Inspection (February 21, 2017, March 6, 2018): There is an overhead hydro conductor crossing the deck addition. Confirmation is required from Hydro One Networks indicating that clearance from the addition, including the deck, will be adequate. Planning staff recommend a condition be included to address this.

Kawartha Region Conservation Authority (KRCA - February 27, 2018, March 5, 2018): Recommended conditional support with the aim of protecting the ecological function of the upland area that contributes to fish habitat as well as to ensure the Applicant's intention to maintain the buffer zone trees and trees is achieved. See comments.

Planning Division: The purpose of the Tree Preservation/Protection Plan identified by the KRCA is to identify existing trees, their sizes and document the trees that will be retained after this development. Typically this Plan would include tree planting to compensate for the removal of trees. Given the site conditions, restoration of the site has been recommended which encourages the restoration of disturbed areas with a woodland seed mix and planting of seedlings where there is sufficient overburden. Through discussions with the KRCA, conditions 4 and 5 have been recommended.

Public Comments:

No comments as of March 5, 2018.

Attachments:



Appendix A-F.pdf

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Supplementary Building Plans
Appendix "E" – Supplementary Documentation
Appendix "F" – Department and Agency Comments

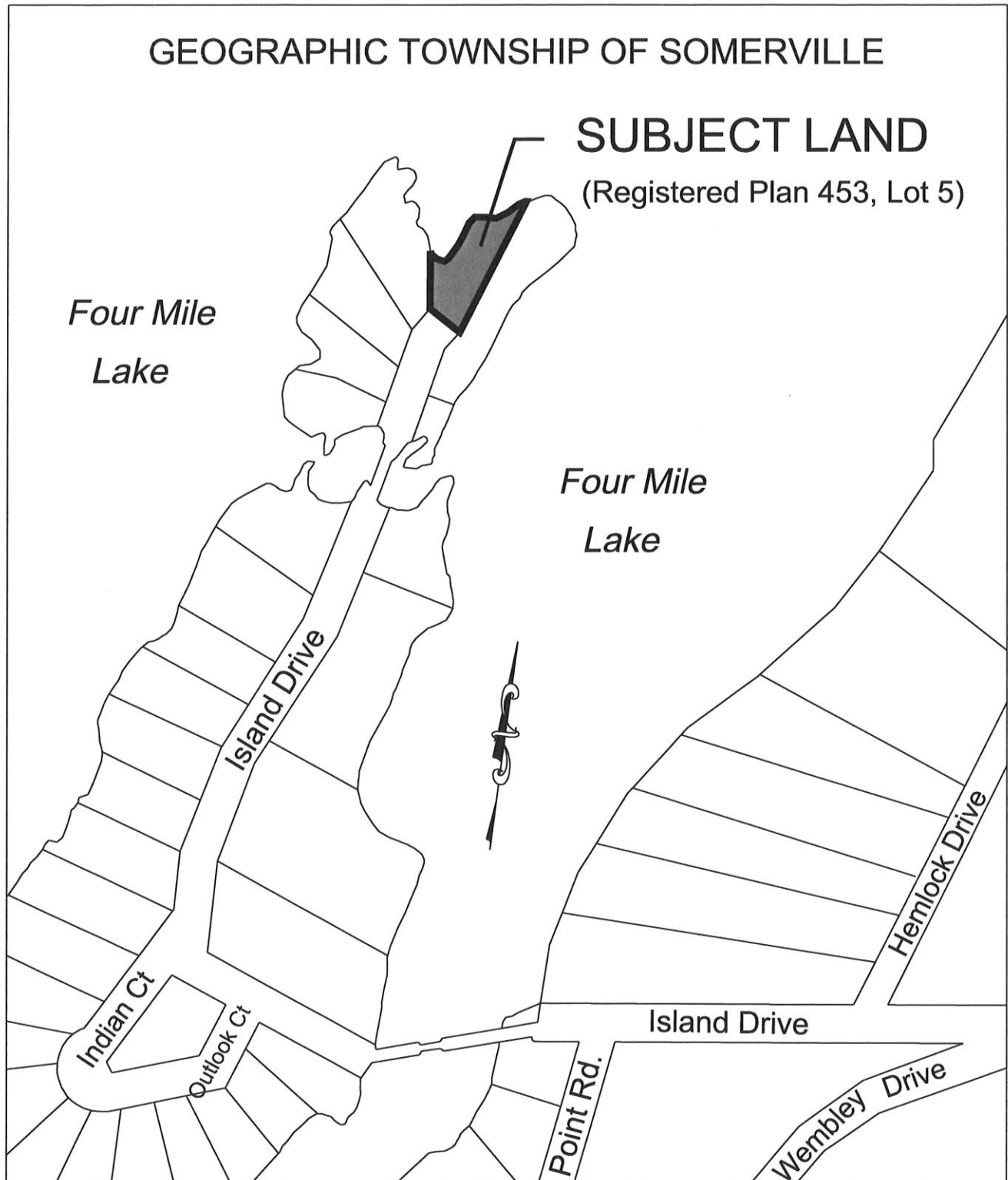
Phone:	705-324-9411 ext. 1330
E-Mail:	jwong@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-17-049

to

REPORT COA2018-013

FILE NO: D20-17-049

D20-17-049

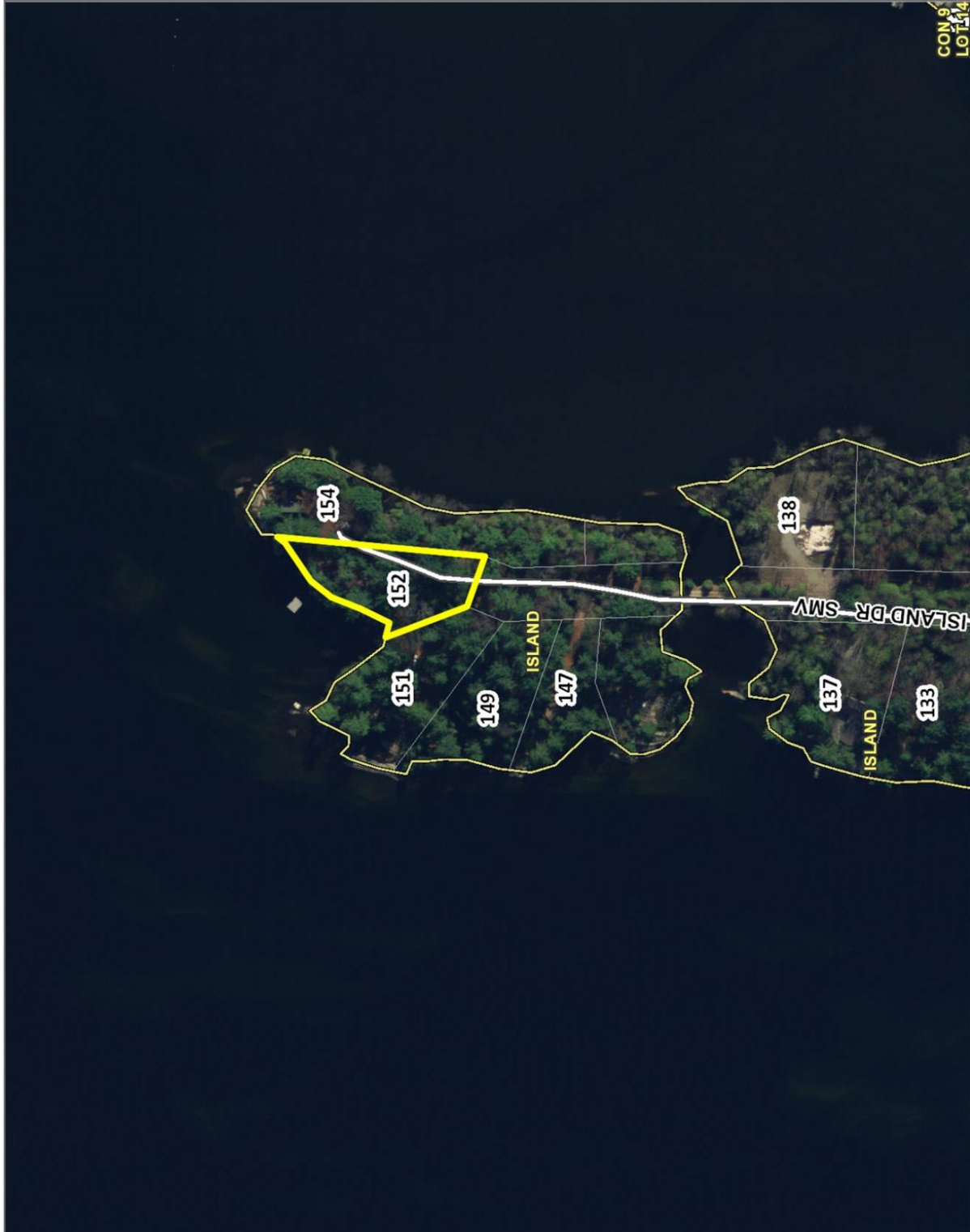


- Legend**
-  Road Centreline
 -  Upper Municipalities
 -  Lower Tier Municipalities
 -  Property ROLL#
 -  Lots and Concessions

to
REPORT COA2018-013
FILE NO: D20-17-049

Notes

Notes



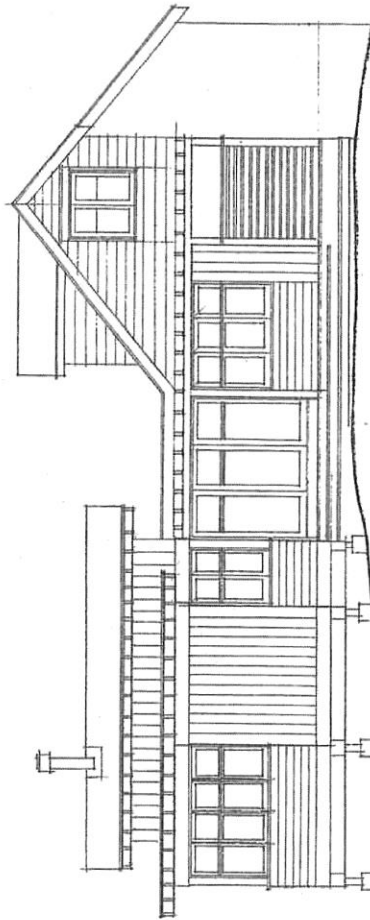
0.16 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

to

REPORT COA2018-013

FILE NO: D20-17-049



COOK COTTAGE ADDITION

BURNT RIVER DRIVE FOUR MILE LAKE KAWARTHA LAKES ONTARIO

CONTENTS

issue	issued with this set
0.1	survey
0.2	site plan and information
1.1	foundation plan
1.2	first floor plan
1.3	second floor plan and addition roof frame
1.4	section
1.5	sections
1.6	sections
1.7	construction notes
1.8	elevation
1.9	elevation
1.10	elevation
1.11	elevation
1.12	details
1.13	details
1.14	schedules

to

REPORT COA2018-013

FILE NO: D20-17-049

NOTES

SURVEYOR'S REAL PROPERTY REPORT PART A

PLAN
of

LOT 5

REGISTERED PLAN No. 453
TOWNSHIP OF SOMERVILLE
COUNTY OF VICTORIA

Scale: 1 inch = 40 Feet

0 20 40 60 80 100 Feet

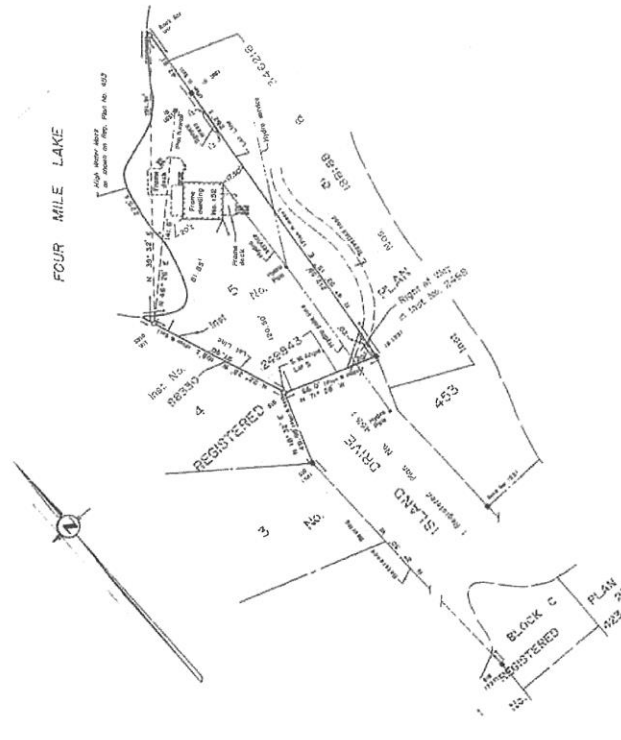
DETAILS SHOWN ON THIS PLAN ARE IN FEET AND CAN BE
CONVERTED TO METERS BY MULTIPLYING BY 0.3048.

THIS REPORT WAS PREPARED FOR DARYL B. SHORT AND
JOHN R. SHORT AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER PARTIES.

1 - Plan Survey
2 - Plan Survey
3 - Plan Survey
4 - Plan Survey
5 - Plan Survey
6 - Plan Survey

Plan - Real Property Plan No. 453

Surveyor's Name: Valerie Farrell
Surveyor's Address: 278 Cultus Ave. Suite 305
Surveyor's City: Victoria
Surveyor's Phone: (250) 354-4677
Surveyor's Email: vfarrell@valeriefarrell.com



SURVEYOR'S CERTIFICATE

I hereby declare:

1. The survey and plan are correct and in accordance with the Survey Act and the Regulations and all the requirements of the Act.
2. The survey was completed on the 10th day of March, 1999.

Valerie Farrell

Surveyor

278 Cultus Ave. Suite 305

Victoria, B.C. V8N 3L1

(250) 354-4677

vfarrell@valeriefarrell.com

PLAN B

THIS PLAN MUST BE READ IN CONNECTION WITH SURVEY REPORT
DATED MARCH 19, 1999.

REGISTERED PLAN No. 453

PLAN 453

1210055

E. G. GURNETT LIMITED

Ontario Land Surveyors

P.O. Box 24

Victoria, B.C. V8N 3L1

(250) 354-4677

Plan 502-243839

DATE: 10/10/17
BY: [Signature]
REVISION:



VALERIE
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Victoria, Ontario
V8N 3L1
vfarrell@valeriefarrell.com

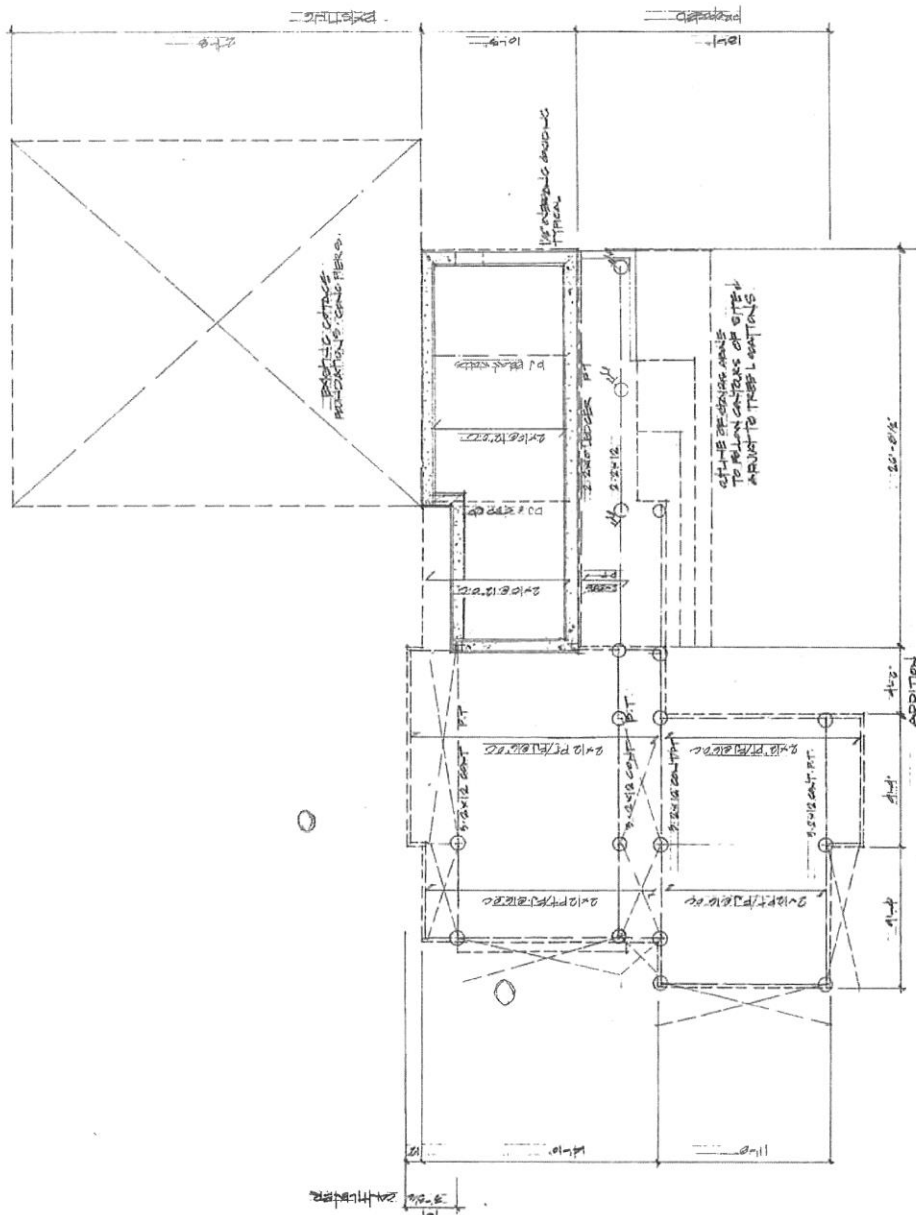
PROJECT
COOK COTTAGE
152 ISLAND DRIVE
BURNETT RIVER, ON

DRAWING
SURVEY

DATE
April 2017

PAGE
0.1

NOTES



DATE	11/12/2018
REVISION	1/24/17



**VALERIE
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Design Studio Inc
276 Carlaw Ave. Studio 30
Toronto, Ontario
M4M 3L1
vfarrell@gmail.com

project
COOK COTTAGE
152 ISLAND DRIVE
BURNT RIVER, ON

drawing
Foundation Plan

scale

date	page
April 2017	1.1

to

FILE NO: D20-17-049

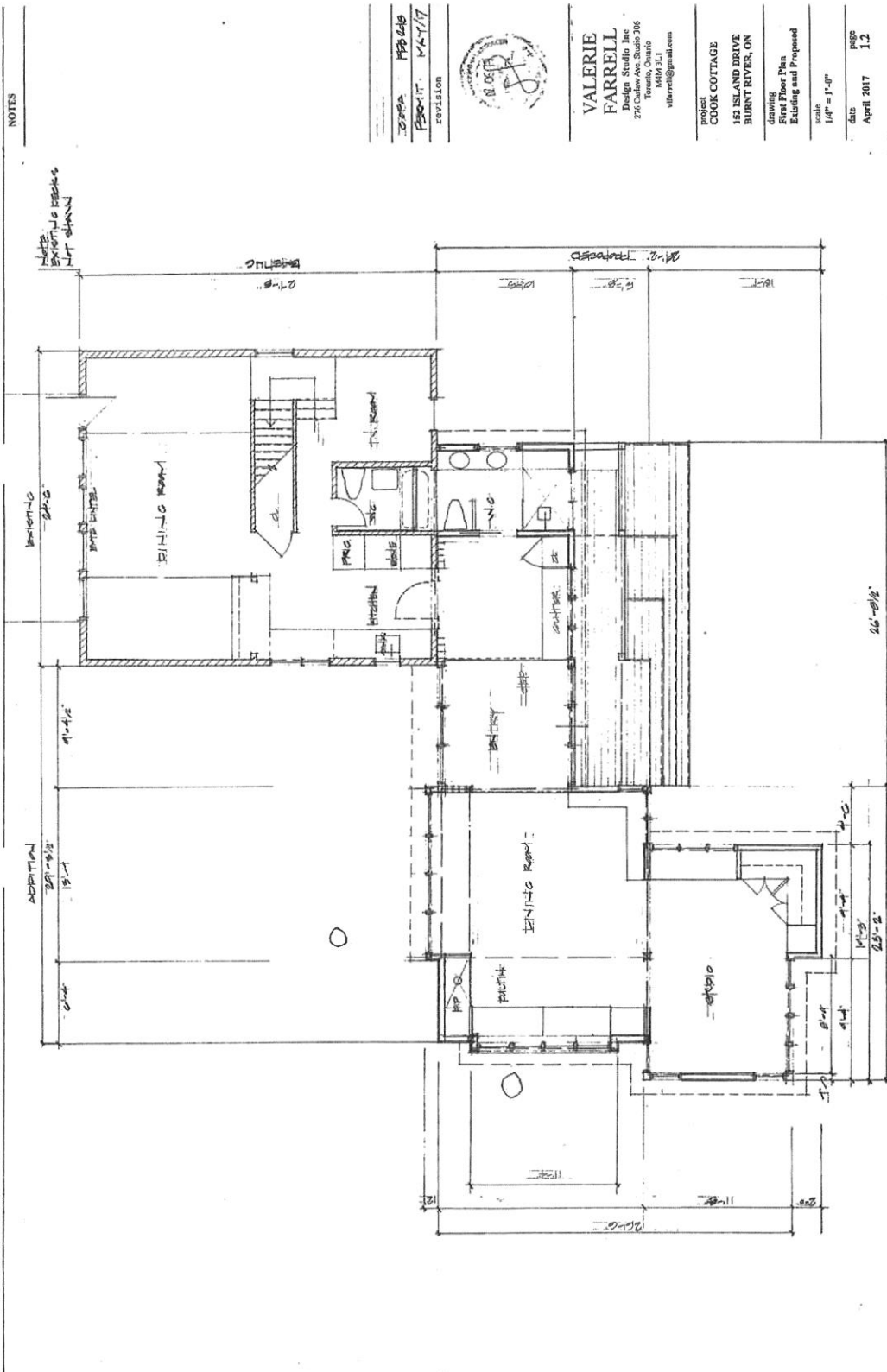
Main Floor Plan

APPENDIX " D4 "

to

REPORT COA2018-013

FILE NO: D20-17-049



Second Floor Plan

APPENDIX " D5 "

to

REPORT COA2018-013

FILE NO: D20-17-049

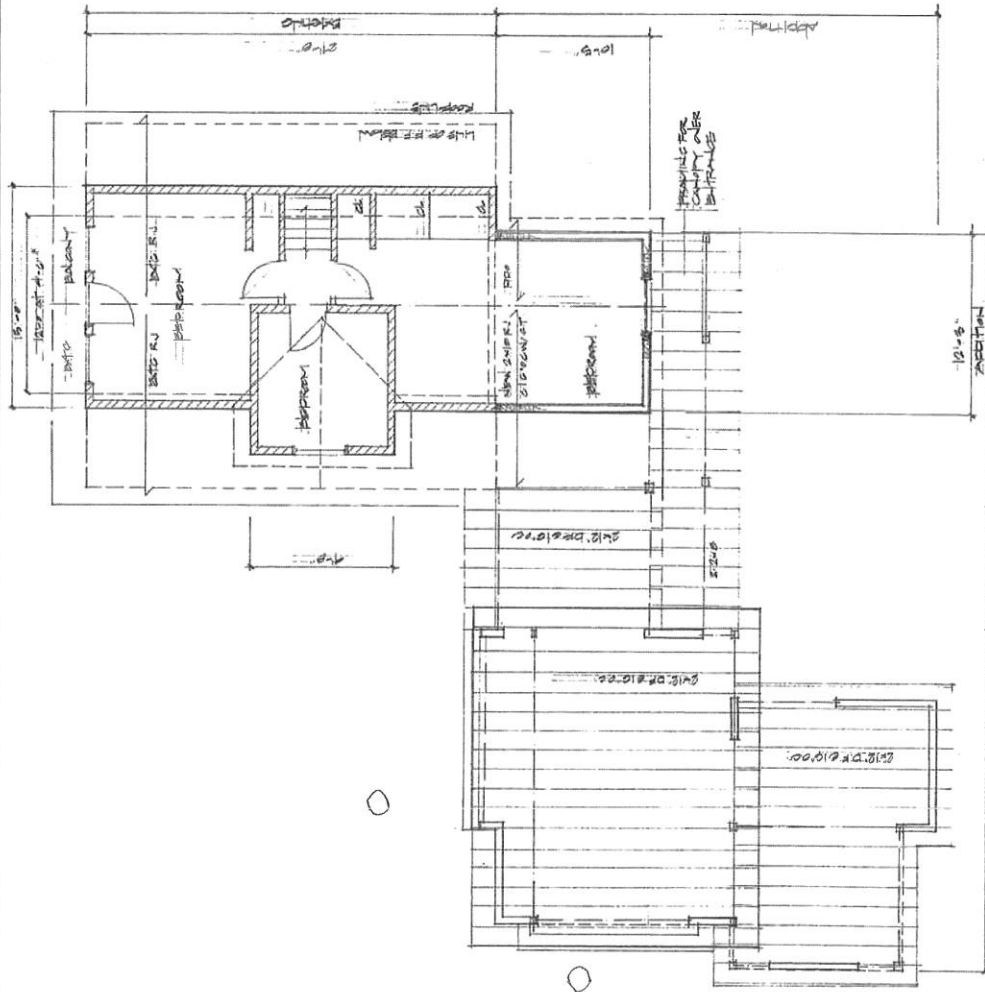
NOTES

COMP: FB/DO
 PERMIT: MAY 17
 revision

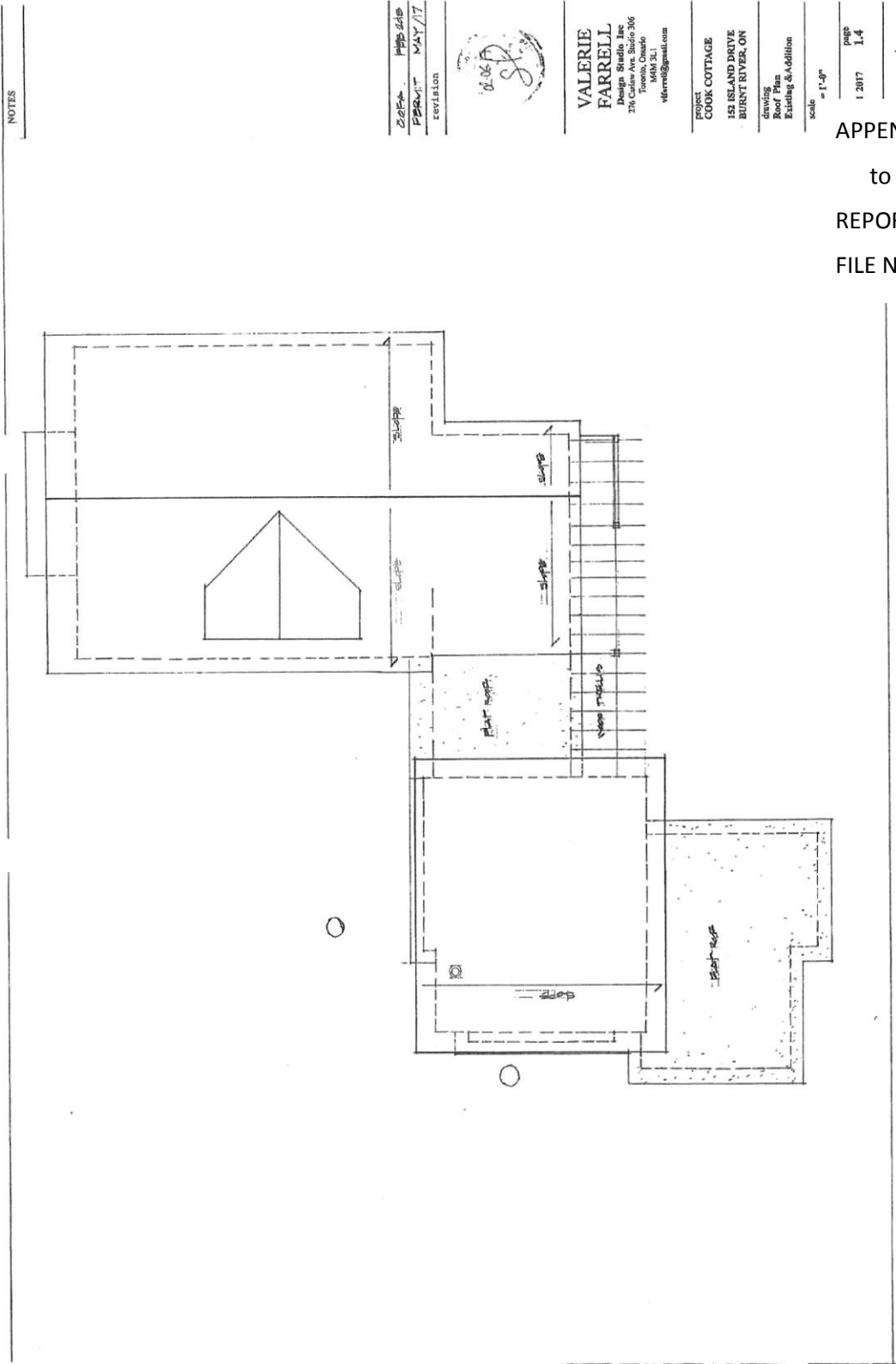


VALERIE FARRELL
 Designer, Studio Inc.
 276 Colborne Ave. Suite 305
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 M4M 3L1
 vfarrell@studios.ca

project
COOK COTTAGE
 152 ISLAND DRIVE
 BURNTH RIVER, ON
 Drawing
 Second Floor Plan with
 Addition Roof Frame
 scale
 1/4" = 1'-0"

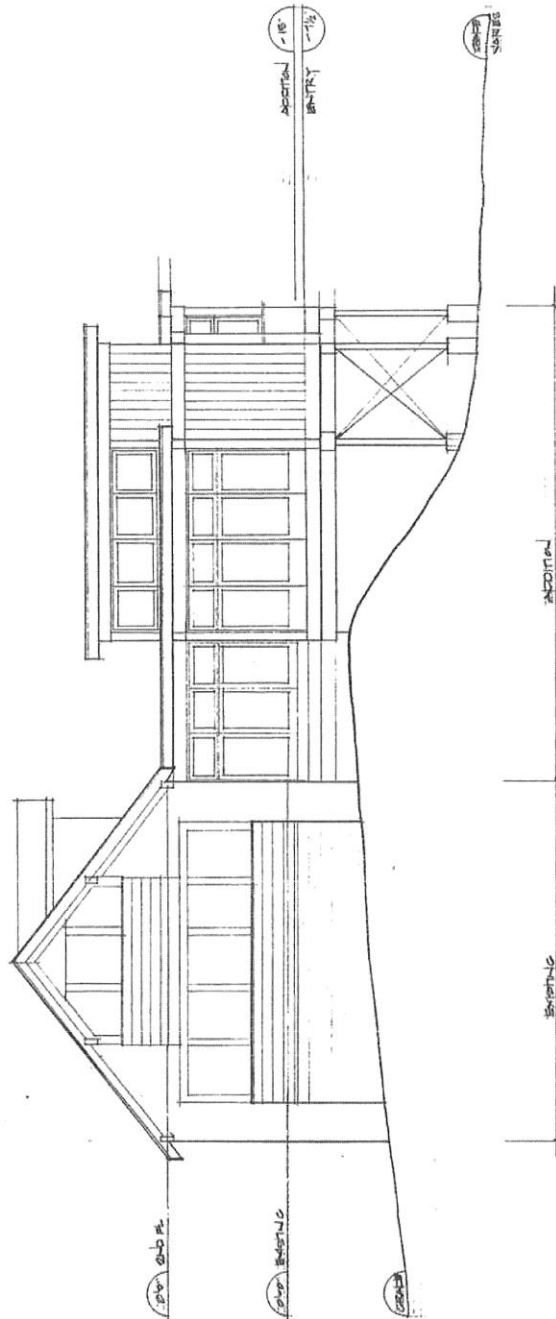


Roof Plan



NOTES

FILE NO: D20-17-049



COMP. DATE	FEB 13
PERMIT	MAY 17
REVISION	



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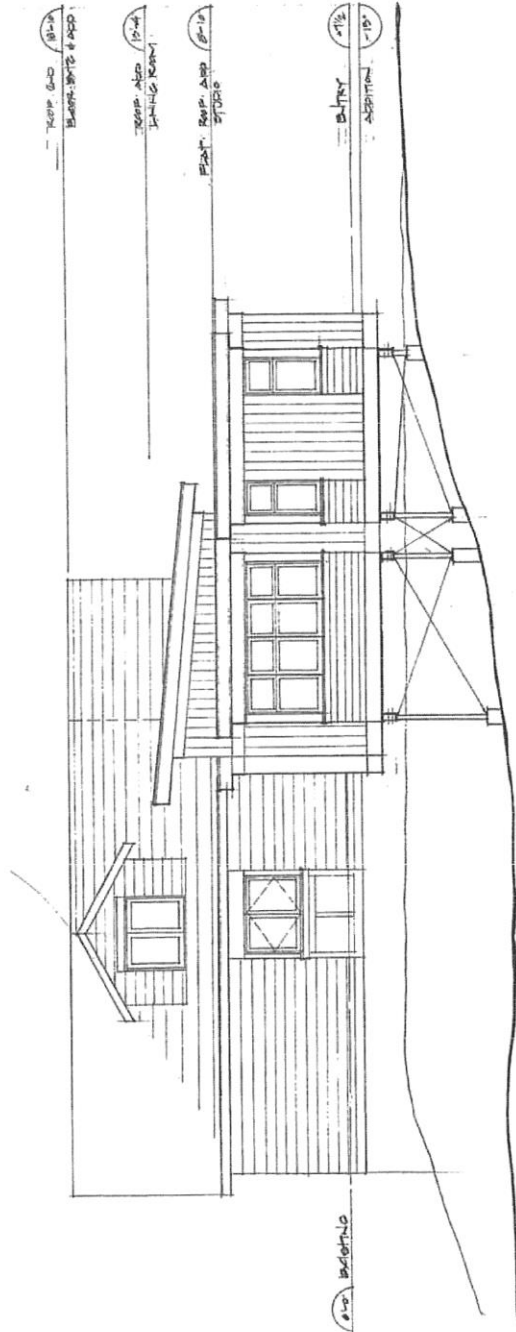
project
COOK COTTAGE
152 ISLAND DRIVE
BURNT RIVER, ON

drawing
ELEVATION
S. E. C. 1scale
1/47 = 1.00

date	page
April 2017	1.8

NOTES

FILE NO: D20-17-049



DATE	FEB 2018
PERIOD	MAY 17
REVISION	



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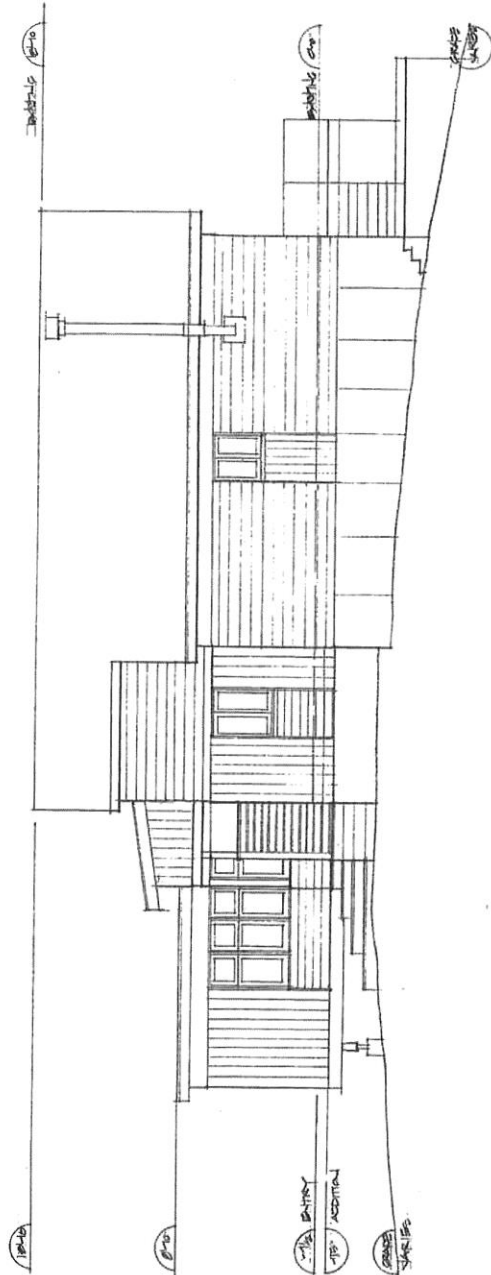
project
COOK COTTAGE

152 ISLAND DRIVE
BURNT RIVER, ON

drawing
ELEVATION
SOUTH

North Elevation

NOTES



COA2018-013
PERMIT MAY 17
revision



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project
COOK COTTAGE

152 ISLAND DRIVE
BURNTHY RIVER ON

drawing
ELEVATION

1/8" = 1'-0"

scale
date

page

APPENDIX " D10 "
to
REPORT COA2018-013
FILE NO: D20-17-049

receive APPENDIX " E1 "
Feb 11 to

**152 ISLAND DRIVE
Four Mile Lake
Somerville Township
City of Kawartha Lakes, Ontario**

REPORT COA2018-013
FILE NO: D20-17-049

Accompanying Notes and Photos for Variance Application

Prepared by Valerie Farrell AOCA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

INTRODUCTION and REQUESTED VARIANCES

Variations Requested

1. Water Setback; to reduce the minimum required water setback from 15 M to 10 M
2. Projection into Setback; Increase maximum projection of a cantilevered floor area from .6 M to 1.0 M
3. Existing Shed in Front Yard; to permit and maintain an existing shed of 8' x 10' in the existing front yard with a setback of 2.5 M from the front property line where 7.5 is required

For this application it is important to respectfully acknowledge that waterfront setbacks are difficult requests to consider.

It is understood that the concerns are manyfold and that the following must be taken into consideration,

1. The environmental impact and importance of maintaining buffer zone is met;
2. Possibility of being precedent setting;
3. Maintaining the visual and aesthetic characteristics of the area; and,
4. considering the viability of any other available options

The general intent of the by-law must be deemed to remain in effect when granting such a variance.

Prepared by Valerie Farrell AOCA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

to

REPORT COA2018-013FILE NO: D20-17-049**INTENT & OBJECTIVES**

It is the expressed intent of this brief to outline and illustrate the following with respect to the waterline setback request

- No other solution is reasonable or possible as the existing lot is insufficient in size and shape to permit any compliant addition to the existing cottage
- It is a very unique island site therefore cannot be viewed as precedent setting
- Location of existing services, septic, road and neighbour privacy concerns determine location
- The Environmental concerns are met by the type of structure and foundation system proposed.
- The existing vegetation and trees on the site are maintained allowing for natural run off.
- Flooding concerns are eliminated by the type of structure proposed.
- The character and existing harmony and balance held by the existing cottages are maintained
- That in the evaluation the Four Tests are met

Prepared by Valerie Farrell AOCMA Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

Site description and restrictions

The site is located on Island Drive. A roadway which connects, by two bridges, the two islands located close to the shoreline of Four Mile Lake. See Map It is simultaneously a very beautiful, unique, private and challenging location to build on. Typically the existing cottages are built close to the shore line upon the rockier outcrops that jut into the lake. These outcrops create outer rock shoals and private coves. It is within one of this private coves that this site is located.

It is important to note, that it is unfortunate that some newer cottages although appearing to comply with zoning regulations have removed most of the trees and vegetation on the site. **That is not intent of this proposal.**

This particular site is the second from the end of the the two islands. It is reached by a shared dirt road created only by the passage of vehicles through the well treed centre of the island.

The site is a very narrow rectangular pie shape, with the longest edge along the shoreline. It is tucked into a shallow cove within the island.

The existing cottage is perched close to the water's edge upon the rock face, as are a number of the existing cottage of the island. This is in-part due to the narrowness of the islands and the inner sections being more challenging and to heavily treed to build upon.

The narrowness of the site and the shape of the cove makes it physically impossible to build a new addition to the cottage that is not within the water setback, conflicts with the location of existing septic and power lines or encroaches upon and disrespects the privacy of the neighbours.

See Site Photos Attached in Appendixes

Prepared by Valerie Farrell AOCMA Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

to

REPORT COA2018-013FILE NO: D20-17-049**Proposed Solution**

The solution proposes an addition to the rear and south west side of the exiting cottage. Linking it by a enclosed entrance way to the existing cottage. The side portion of the addition would be a **one storey addition located in a small gully, tucked in amongst the trees and built on concrete and steel piers. The floor level is raised significantly above grade here to a level two steps down from the existing cottage. Thereby eliminating any concern for flooding.**

The proposal answers to the following concerns:

Environmental Buffer Zone is maintained

The major trees in the area have been located and the addition designed to be constructed around them.

The structural pier system of the foundation;
retains the naturalness of the site
prevents erosion
maintains surface runoff
retains the natural fauna
maintains the natural buffer

Retaining the trees and their root system prevents erosion of the site and allows for below subsurface water retention.

The structural pier system also allows for modifications and adjustments to be made on site to respond to conditions.

Flood plan issues are eliminated and non existent due to the raised first floor

Prepared by Valerie Farrell AOCA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC . TORONTO, ONTARIO

Visual Buffer Zone is maintained;

Trees and natural vegetation are maintained
The natural shoreline and rock faces and outcrops are maintained
The addition is concealed by the trees
The side addition is one storey

Character of the existing cottages and shoreline is maintained:

The visual character of the design is that of a grouping of simple box shapes that is consistent with the character and language of older first generation cottages that where tucked in amongst the trees and shorelines.
The exterior material will be wood cladding in a darker tone to blend with the existing cottage.
The proposed addition is built on steel piers, a construction similar to a boat house. Which is an acceptable built form within this set back.....as per the by

See Cottage Plans Attached

Prepared by Valerie Farrell AOCA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC . TORONTO, ONTARIO

Alternative Solutions?

A number of alternative solutions were considered and determined to be inappropriate for the following reasons.

1. Impact on the privacy of the neighbours was too great. The site lines and
2. Conflict with the Hydro Lines
3. Conflict with the existing septic tank location and assumed location of tile bed
4. Too close to the roadway, impacts on the neighbour, privacy and enjoyment of the island
5. Require the removal of too many trees and levelling of higher rock formations
t
6. Could not be linked to the existing cottage space and if so would require greater lot coverage.
7. Lack of sunlight and views
8. Inability to access shoreline with out trespassing on the neighbouring property

Prepared by Valerie Farrell ACOA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC . TORONTO, ONTARIO

APPENDIX “ E4 “

to

REPORT COA2018-013

FILE NO: D20-17-049

Neighbours Support

The proposal has been discussed with the two adjacent and affected neighbours and they are in support of the application.

Views of the neighbouring cottages are attached see site photos in appendixes

Prepared by Valerie Farrell ACOA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC . TORONTO, ONTARIO

THE FOUR TESTS

APPENDIX “ E5 “

to

REPORT COA2018-013

FILE NO: D20-17-049

1. Does the proposal maintain the intent of the Official Plan

As per Section 6.7.4

- (1.) This proposal maintains the visual and environmental concerns of the required buffer zone. In that trees and vegetation on the site are maintained.
- (2.) the proposed steel pier construction and raised first floor in the buffer zone allows the natural vegetation to remain thereby continuing to maximize the control of pollutants to the water and maintain the natural habitat

Note: The pier construction is similar to that of a boat house which is an allowable built form within this buffer zone.

As per Section 6.7.5.

- (1.) The density and massing of the structures are low in profile and blend with the natural surroundings
- (3,4,5) The natural shoreline vegetation, tree cover and existing rock faces are maintained
- (5) The addition is hidden among the trees and cannot dominate the landscape.

Please refer to site photos in Appendixes

The proposal maintains the intent of the by-law for these reasons both visually and environmentally

Prepared by Valerie Farrell AOCIA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

2. Does the proposal maintain the general Intent and Purpose of the Zoning By-law

The proposal adheres to the purpose of the applicable Zones by maintaining a vacation dwelling which is in keeping with the characteristics of the neighbouring and existing dwellings. Our intention to create a compatible form of vacation dwelling to what is already existing requires a minor variance since the form of existing building characteristic to this site and neighbouring sites does not conform to the setback provisions of the by law.

3. Is the proposal desirable for the appropriate development or use of the land

This proposal seeks to vary the zoning by law in a manner that is characteristic of the area

4. Is the proposal minor

Given that this is a very narrow and unusual site, the extent of the impact of the proposed addition on the neighbouring properties as a whole are minor and nonexistent. The mass and height of the proposed addition are situated so as to not impact on the adjoining properties or pose a condition that promotes unpleasant views, loss of light, disruption of services or overlooks.

The proposed addition maintains the buffer zone trees, vegetation and drainage. As a result would be extremely difficult to see from the lake as well as the neighbours' cottages.

The proposed development is compatible with the established built form and character of the island site and has been carefully designed to quietly blend into the surroundings, respecting the environment and neighbours.

Prepared by Valerie Farrell AOCIA M.Arch.

VALERIE FARRELL DESIGN STUDIO INC. TORONTO, ONTARIO

APPENDIX " E6 "

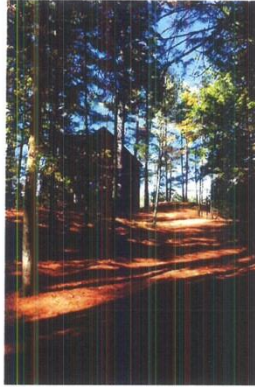
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REPORT COA2018-013

FILE NO: D20-17-049

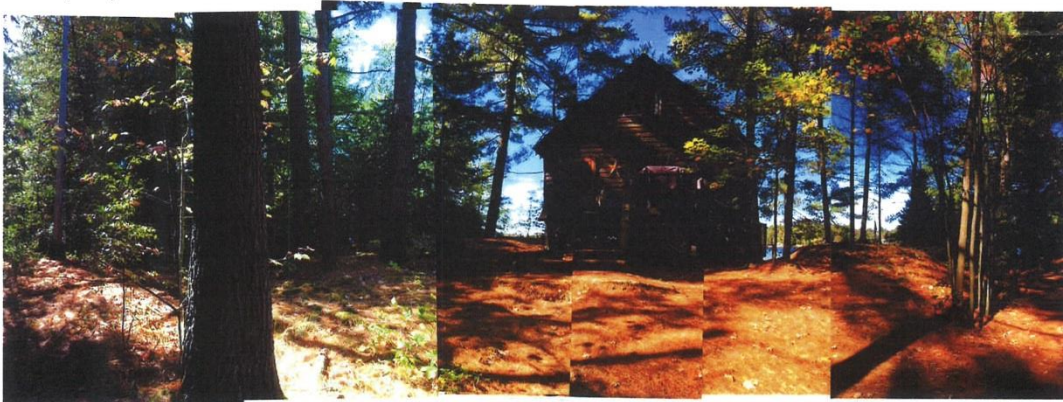


*the travelled road in.
cottage hidden in the background.*



*first view of cottage.
septic tile bed mound visible
on the left.*

hydro pole



*septic tile
bed mound.*

*proposed addition site.
Across the rear of cottage
extending to the left*

Cook's Cottage

*Neighbours
cottage visible
down the road*

*View of Existing Cottage (from the rear)
and proposed Addition Location.
Taken from Road.*

APPENDIX " E7 "

to

REPORT COA2018-013

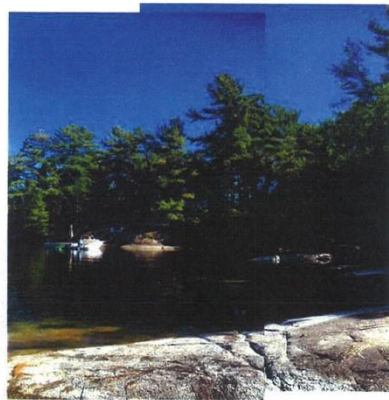
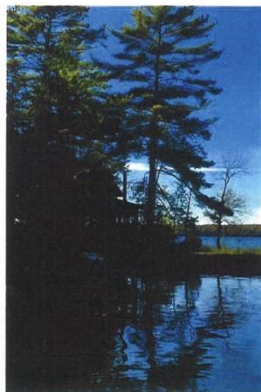
FILE NO: D20-17-049



proposed addition location.

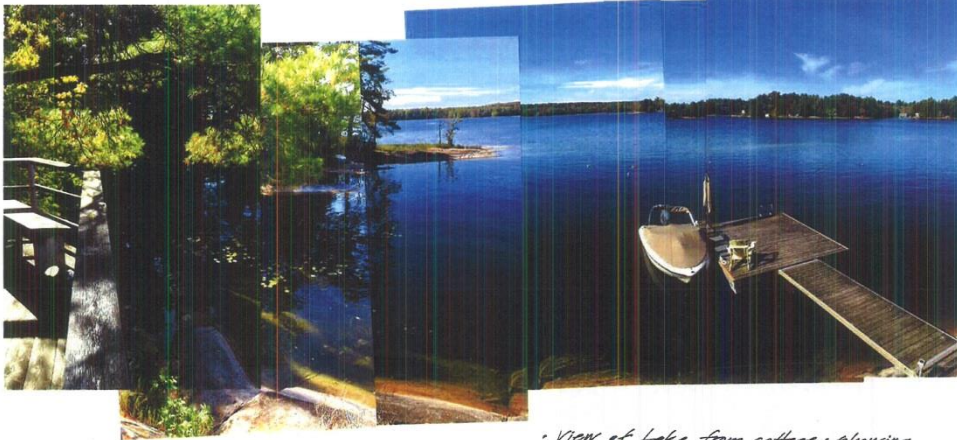


View of neighbour's cottage



*View of Cook's cottage taken from
neighbouring cottage
showing proposed location & cove.*

Lower deck railing



*• View of Lake from cottage: showing
outer shore, cove and neighbours cottage*



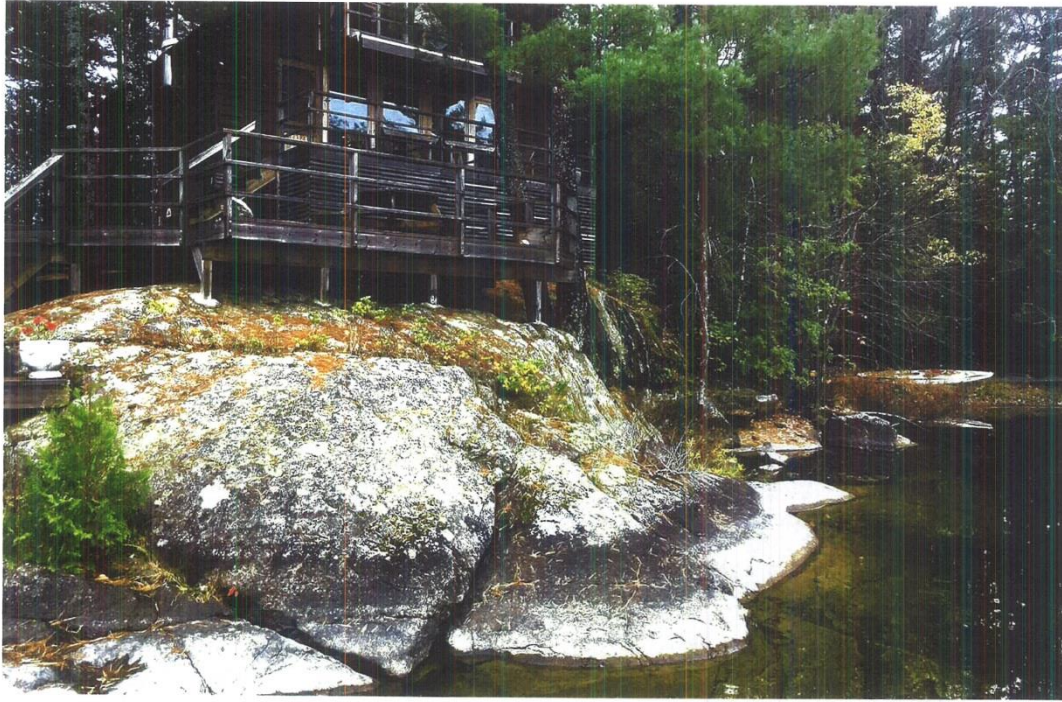
• View of cove from outer edge showing rocks, shoals, cove's cottage & neighbours..

APPENDIX " E8 "

to

REPORT COA2018-013

FILE NO: D20-17-049



APPENDIX " E9 "

to

REPORT COA2018-013

FILE NO: D20-17-049



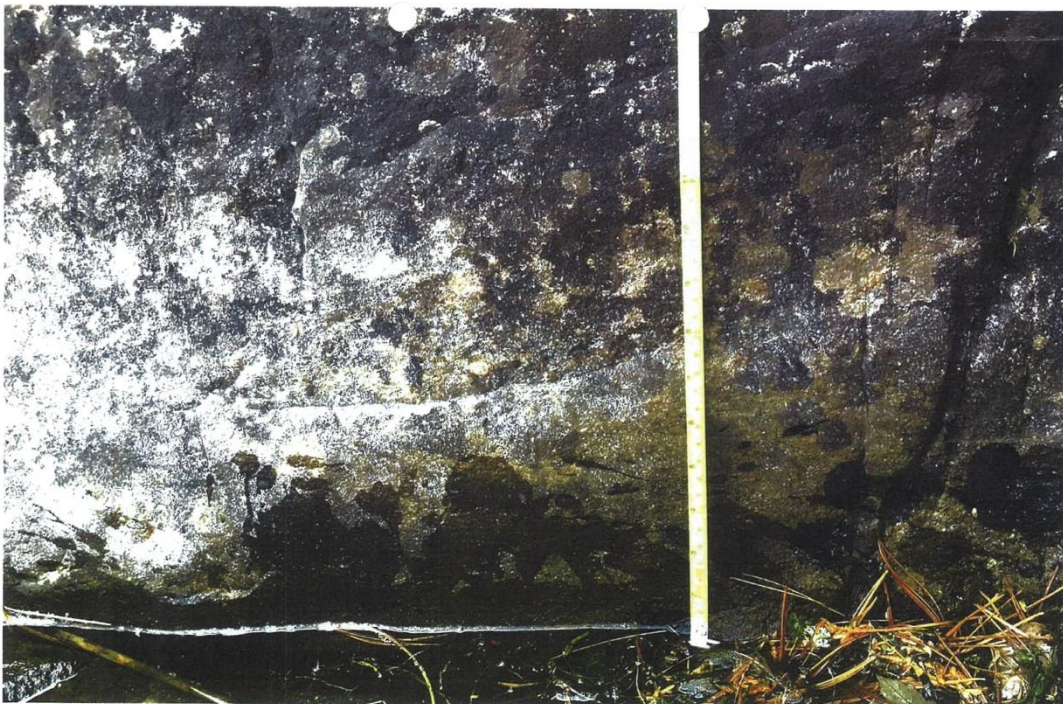


APPENDIX " E10 "

to

REPORT COA2018-013

FILE NO: D20-17-049





APPENDIX " E11 "

to

REPORT COA2018-013

FILE NO: D20-17-049



APPENDIX “ F ”

to

REPORT COA2018-013

FILE NO: D20-17-049

Subject	D20-17-049
From	Derryk Wolven
To	Charlotte Crockford-Toomey
Sent	Wednesday, February 21, 2018 3:14 PM

Please be advised building division has no concerns with the above noted application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Subject	D20-17-049
From	Derryk Wolven
To	Janet Wong
Sent	Tuesday, March 06, 2018 3:37 PM

Provide confirmation from hydro that there is no concern with the conductors over the deck.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





February 27, 2018
KRCA File No. 16168

APPENDIX “ F ”

to

REPORT COA2018-013

FILE NO: D20-17-049

Charlotte Crockford-Toomey
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Minor Variance Application D20-17-049
152 Island Drive
Island, Geographic Township of Somerville
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

Kawartha Conservation staff have now completed our review of the above noted application to reduce the water setback from a minimum of 15m to 10m; to increase the maximum projection for a cantilevered floor from 0.6m to 1m; to permit an existing shed in the front yard where only permitted in the side or rear yard; as well as to permit a shed 2.5m from the front lot line where 7.5m is required.

The subject property fronts onto the shoreline of Four Mile Lake. There is a flooding hazard associated with this waterbody, which in the absence of detailed data, is approximately 1m above the highwater mark. Therefore, all new finished floor elevations associated with development should be a minimum elevation of 1m above the highwater mark. Staff note the property is located outside of Kawartha Conservation's watershed, therefore it is not regulated pursuant to Ontario Regulation 182/06 and no Permit from this office is required.

The following comments are provided as recommendations under our Memorandum of Understanding (MOU) with the City of Kawartha Lakes.

City of Kawartha Lakes MOU

Wildlife Habitat

The site is not designated significant woodland under the City of Kawartha Lakes Official Plan, and therefore an Environmental Impact Study is not required. However, a Tree Preservation/Protection Plan is recommended to demonstrate that the proposal “maintains the buffer zone trees [and] vegetation” as stated in the *Accompanying Notes and Photos for Variance Application, 152 Island Drive, Four Mile Lake, Somerville Township, City of Kawartha Lakes, Ontario*, prepared by Valerie Farrell Design Studio Inc., received February 26, 2018. Should any trees be removed for the purposes of constructing the proposed addition, Kawartha Conservation has a tree removal compensation approach that can be provided to the City.

Staff note that the *Accompanying Notes* asserts the “proposed steel pier construction and raised first floor addition in the buffer zone allows the natural vegetation to remain thereby continuing to maximize the control of pollutants to the water and maintain natural habitat”. Staff do not find this statement to be entirely accurate, as the construction of development on piers, blocks out both the sun and precipitation to the landscape over which it is constructed and significantly impacts the mortality rates of existing vegetation. Staff note however that shrubs and non-native species are not considered as lost trees in the compensation plan.

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



Fish Habitat

Four Mile Lake is considered fish habitat. Policy 2.1.8 of Provincial Policy Statement states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

In addition, the Ministry of Natural Resources and Forestry recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the drawings submitted, the existing cottage and proposed development does not and cannot meet the 30 metre setback. Kawartha Conservation policies would recommend a fish habitat buffer planting plan, but given the nature of the shoreline and property (i.e. bedrock, shallow soils) a planting plan is unlikely to be the preferred method to protect fish habitat. The trees along the shoreline and tableland are providing quality fish habitat, and therefore should be protected. This reinforces Kawartha Conservation’s recommendation for a Tree Preservation Plan to protect the existing vegetation, and identify areas of compensation, if necessary.

Summary

Based on our review of the above information, we can advise **staff would foresee no issue with the approval of this application based on our consideration for natural heritage, natural hazards and water quality and quantity protection policies, subject to the following condition:**

1. The proponent complete and submit a tree preservation/protection plan to the City of Kawartha Lakes and Kawartha Conservation to our satisfaction, prior to issuance of a Building Permit so as to confirm site vegetation and *fish habitat* are being protected through the development process.

I trust this meets your information requirements at this time. Should you require any additional information, please do not hesitate to contact this office.

Yours truly,



Katie Jane Harris, Resources Planner

Cc: Janet Wong, City of Kawartha Lakes, via email

Janet Wong

From: Katie Jane Harris <kjharris@kawarthaconservation.com>
Sent: Monday, March 05, 2018 2:34 PM
To: Janet Wong
Subject: RE: Cook Minor Variance Application D20-17-049

Hi Janet,

As per our discussion earlier last week, wherein it was acknowledged that a standard planting plan to address fish habitat impacts would not be appropriate for this site, given the topography, Rob has thought about the fish habitat planting plan for the Cook Minor Variance and has come up with the following recommendation.

- Once they have completed the clearing and construction phase they should over seed and, if possible plant some trees.
- First they should seed with a forest understory or forest edge mix consisting of a variety of native understory or edge plants.

Some examples of a seed mixes are included below.

- No lawn creation or mowing be permitted on this property to allow for natural succession to occur and the local seed bank to root once site disturbance is completed
- If there are locations on site with enough overburden (soil) to plant, staff recommend bare-root, White Pine seedlings.

Seed Mixes

Semi-Shade Forest Edge Seed Mix Details (St. Williams Nursery)

The Semi-Shade Forest Edge Seed Mix consists of wildflowers and grasses designed for semi shade conditions. Species will thrive in full-part sun, in average-well drained soils, and is ideal for smaller scale sites like under shade trees or in semi-shaded areas around structures. This mix is designed to add diversity to existing landscapes and once established, these species are drought tolerant.

Apply at 10-15 kg/ha

Common Name	Species	%
Bottle Brush Grass	Elymus hystrix	30
Silky Rye	Elymus villosus	30
Indian Grass	Sorghastrum nutans	10
Big Bluestem	Andropogon gerardii	10
Wild Columbine	Aquilegia canadensis	8
Giant Yellow Hyssop	Agastache nepetoides	3
Switch Grass	Panicum virgatum	3
White Vervain	Verbena urticulata	2
Brown Eyed Susan	Pycnanthemum virginianum	2
Dwarf Blazing Star	Liatris cylindracea	2

Or from the Ontario Seed Company (OSC) Limited

Woodland Seed Mix

<https://www.oscseeds.com/ecommerce/-lawns---grass---sedges-/problem--solver--mixtures-/Woodland-Seed-Mix.htm>

This mix takes on shaded sites, diverse soil types, uses native Canadian perennials and actually grows well on its own.

Contains: Foxglove Beardtongue (*Penstemon digitalis*), Bebb's Sedge (*Carex bebbii*), Nodding/Fringed Sedge (*Carex crinata*), Fowl Bluegrass (*Poa palustris*), Showy Tick Trefoil (*Desmodium canadensis*), Fowl Mannagrass (*Glyceria striata*) Spotted Joe Pye Weed (*Eupatorium maculatum*), Canada Anemone (*Anemone canadensis*), White Avens (*Geum canadense*).

One package of 500 grams covers 200 sq. m. (2150 sq. ft.).

The above approach to mitigating impacts to fish habitat are recommendations made by KRCA to the City of Kawartha Lakes, as part of the Minor Variance application D20-17-049.

I trust the above is of assistance.

Best Regards,
Katie Jane

Katie Jane Harris B.E.S.
Resources Planner
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

KawarthaConservation.com



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From: Robert Stavinga
Sent: Monday, March 05, 2018 11:44 AM
To: Katie Jane Harris
Subject: RE: Seed spreading instead of tree planting

Hope this helps.

Rob Stavinga

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Tom Grimes
Construction Ltd**

Report Number COA2018-014

Public Meeting

Meeting Date: March 15, 2018

Time: 1:00 pm

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

Ward: 12 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 6.2 (a) to reduce the minimum lot area from 700 square metres to 500 square metres in order to facilitate the creation of a residential lot.

The property is located at 25-27 Helen Street, former Village of Bobcaygeon (File D20-2018-011).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-014 Tom Grimes Construction Ltd, be received;

THAT minor variance application D20-2018-011 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall apply to the proposed severed and retained portions of the subject property.
- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-030, lapses.

This approval pertains to the application as described in report COA2018-014. Fulfillment of all conditions are required for the Minor Variance to be considered final and binding.

Background: On February 5, 2018, the Director of Development Services, as delegated by Council, granted provisional consent to file D03-17-030 to create an approximately 512 square metre residential lot with a semi-detached dwelling unit and retain an

approximately 512 square metre residential lot with a semi-detached dwelling.

This application was deemed complete February 2, 2018.

Proposal:	To ensure the two semi-detached dwelling units are each contained on their own approximately 8.81 metre (28.9 foot) x 68 metre (223 foot) residential lot.
Owner:	Tom Grimes Construction Ltd – Tom Grimes
Legal Description:	Registered Plan 70, Part Lot 5 East of Helen Street, 57R-10544, Part 1, former Village of Bobcaygeon, City of Kawartha Lakes
Official Plan:	‘Urban’ within the County of Victoria Official Plan
Zone:	“Urban Residential Type Two (R2) Zone” – Village of Bobcaygeon Zoning By-law 16-78
Site Size:	Severed: 512 square metres (5,511.1 square feet) Retained: 512 square metres (5,511.1 square feet)
Site Servicing:	Municipal sanitary and water
Existing Uses:	Residential
Adjacent Uses:	North, East, West: Residential South: Residential, Commercial

Rationale:

1) Is the variance minor in nature and desirable and appropriate for the use of the land? Yes

The subject property is situated in an established residential neighbourhood composed of buildings that contain from 1 to three dwelling units. The majority of the residential buildings, when viewed from the street, appear as single detached dwellings.

There is a great degree of variation in the lot frontages along Helen Street, but all of the lots have the same depth. The proposed severed and retained lots maintain this depth. No adverse impacts are anticipated to the established character of the neighbourhood by the reduction in lot area.

Therefore, the variance is minor in nature.

2) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned “Urban Residential Type Two (R2) Zone” within the Village of Bobcaygeon Zoning By-law 16-78. The zoning by-law intends for residential development within the neighbourhood to occur in forms ranging

from single detached to fourplex dwellings. When up to two dwelling units are proposed per lot, the minimum required lot area is 700 square metres, and the minimum lot frontage is 7.5 metres. This requirement permitted the construction of the two semi-detached dwelling units on the subject property, but does not permit them to be separated from one another for separate ownership.

The proposed severed and retained lots exceed the minimum frontage requirement of 7.5 metres by each proposing 8.81 metres, and the dwelling unit on each proposed lot complies with the setback and lot coverage requirements. The proposed lots each have sufficient area to accommodate the two required parking spaces, and there is sufficient rear yard amenity space.

As the proposed severed and retained lots comply with all other R2 Zone provisions save and except lot area, it is appropriate to separate the ownership of both semi-detached dwelling units from one another.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

3) Does the variance maintain the intent and purpose of the Official Plan?

Yes

As the 'Urban Settlement Area Designation' in the City's 2012 Official Plan is under appeal, the "Urban" designation of the Victoria County Official Plan (Official Plan) applies. A broad range of residential uses are permitted in this designation, including semi-detached uses provided the density does not exceed 25 dwelling units per hectare. The lots to be severed and retained each propose a density of 19.5 units per hectare. The proposal meets the general intent and purpose of the Official Plan.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be developed on full municipal services.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division (February 28, 2018): No concerns.

Public Comments:

No comments as of March 6, 2018.

Attachments:



Appendices A-D to
Report COA2018-014.

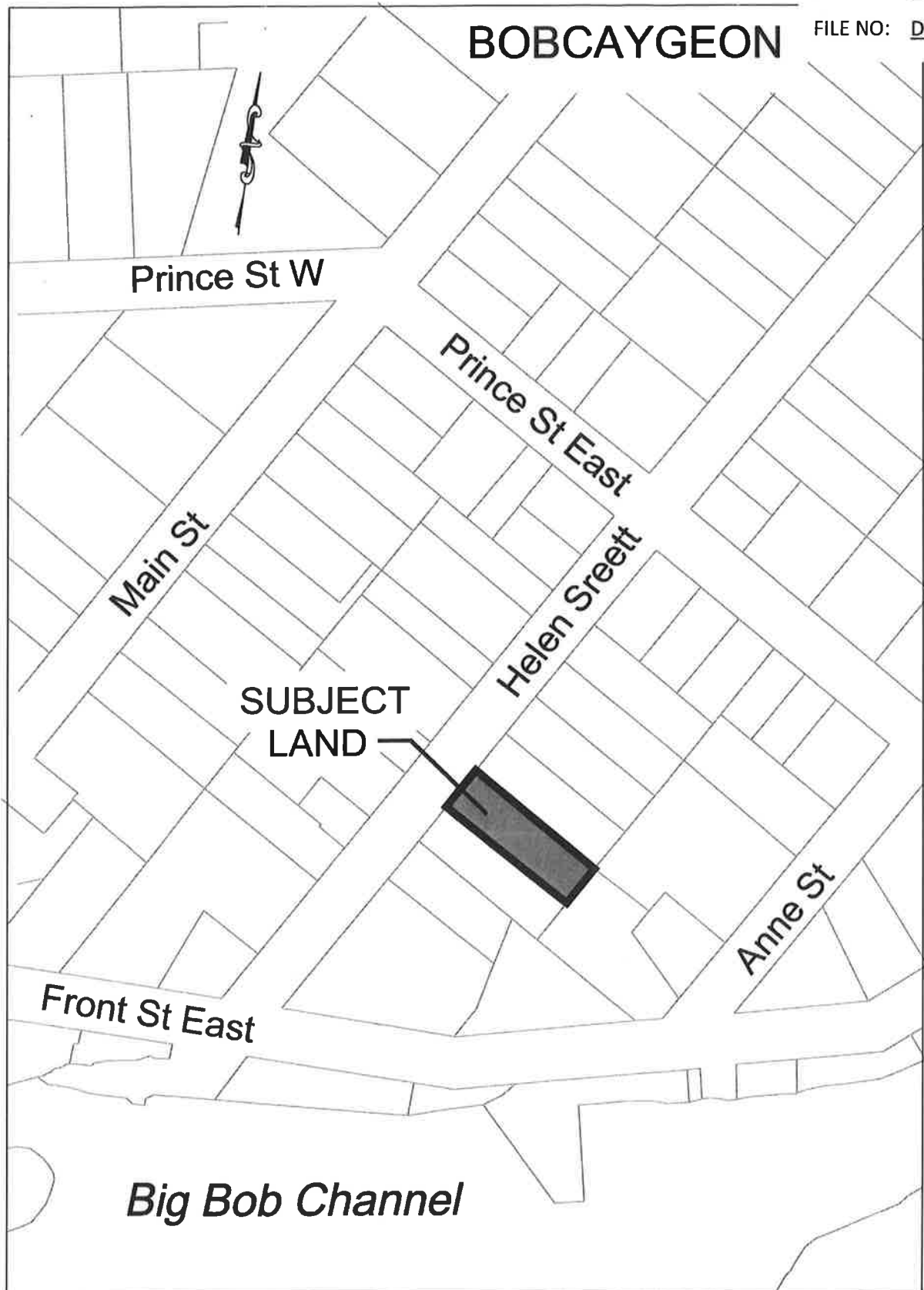
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Department and Agency Comments

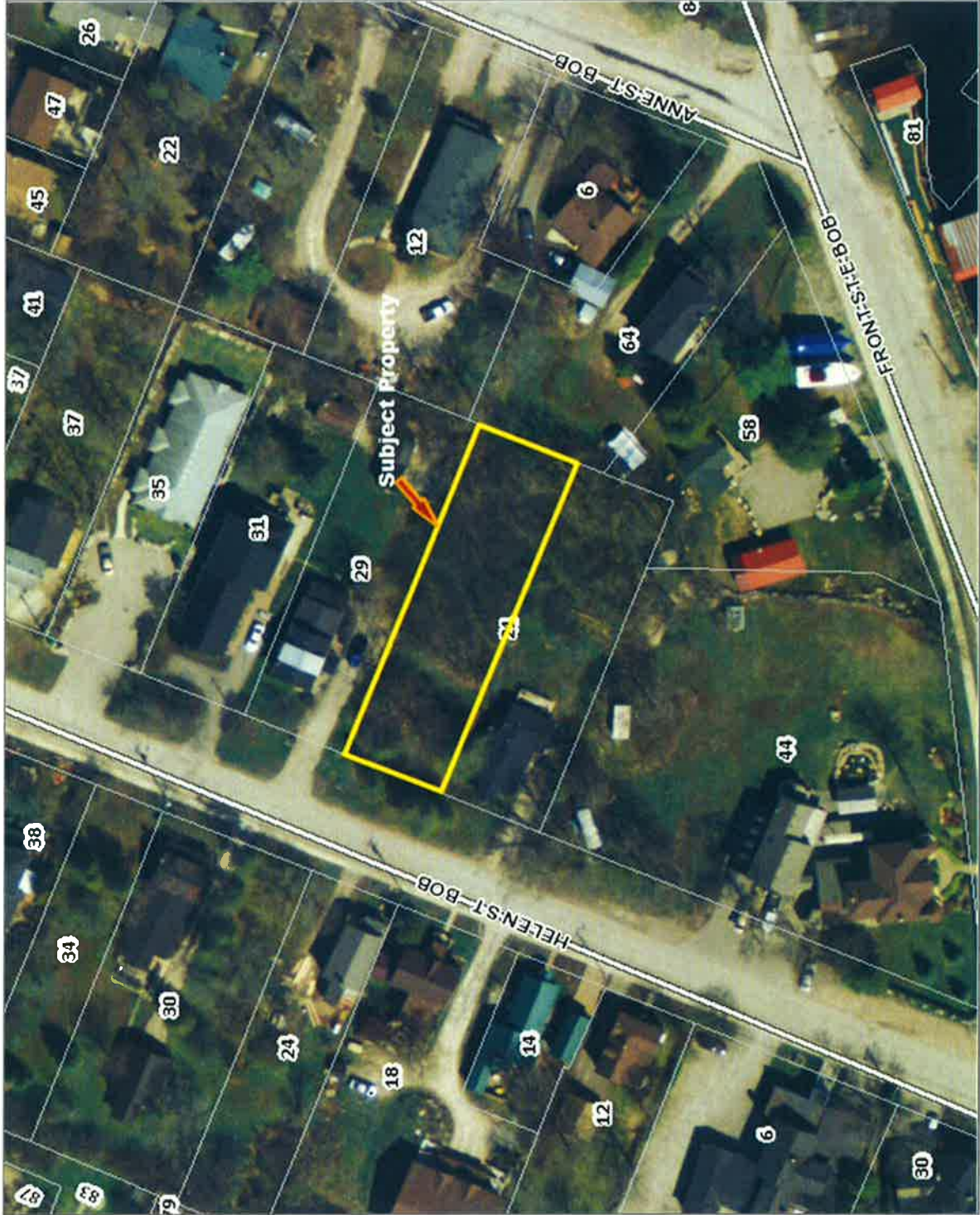
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-011

to

REPORT COA2018-014

FILE NO: D20-2018-011

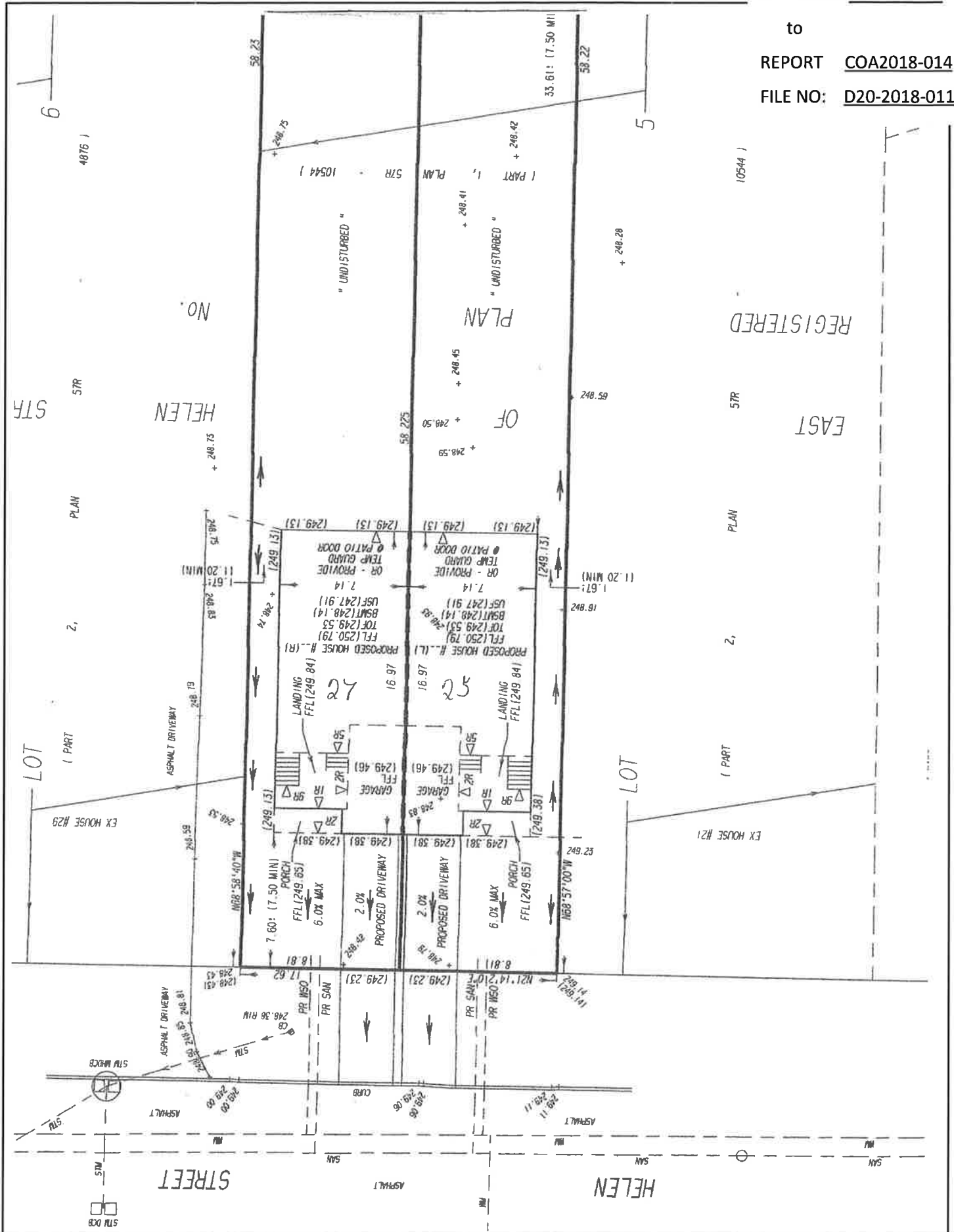




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0.07 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kiwartha Lakes

to
REPORT COA2018-014
FILE NO: D20-2018-011



David Harding

From: Derryk Wolven
Sent: Wednesday, February 28, 2018 3:27 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

APPENDIX " D "
to
REPORT COA 2018-014

FILE NO. D20-2018-011

Please be advised building division has the following comments:

D20-2018-012 Provide confirmation from Hydro1 that 3m sway allowance is acceptable as their literature indicates 4.8m setback.

D20-2018-009 No concerns

D20-2018-011 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ryan McKnight
Report Number COA2018-015

Public Meeting

Meeting Date: March 15th, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 15 – Geographic Township of Emily

Subject: The purpose and effect is to permit the construction of a single detached dwelling with garage and deck on the subject property by requesting relief from:

1. Section 12.2.1.3e to reduce the water setback from 30 metres to 15 metres; and
2. Section 12.2.1.3b.ii to reduce the required interior side yard from 5.5 metres to 4.5 metres on both sides, in order to permit the construction of a two storey single detached dwelling and deck on the property.

The property is located at 25 Westview Drive, geographic Township of Emily (File D20-2018-012).

Author: Quadri Adebayo, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-015 Ryan McKnight, be received;

THAT minor variance application D20-2018-012 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-015, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a Building Permit the owner shall submit a to the Secretary-Treasurer a confirmation from Hydro One Networks Incorporated that no part of the proposed development is upon or overhangs onto the registered/unregistered easement for the overhead hydro line to the

east of the proposed building or otherwise would interfere with said hydro line. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the Hydro line swing allowance and setback are appropriate for the proposed development;

- 3) **THAT** prior to the issuance of a Building Permit the owner shall submit a floodplain topographic survey prepared by a Registered Ontario Land Surveyor, and shall submit a scoped Environmental Impact Study (EIS) prepared by a professional to the satisfaction of the Kawartha Region Conservation Authority (KRCA) which demonstrates no negative impact to fish habitat. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the EIS has been completed to its satisfaction.
- 4) **THAT** the proposed septic system maintain a minimum water setback of 30 metres;
- 5) **THAT** notwithstanding the yard requirements within 3.1.4.1(c), a deck or unenclosed porch of not more than 1.2 metres in height shall comply with the 15 metre water setback established by this variance;
- 6) **THAT** prior to the issuance of an Occupancy permit for the proposed dwelling, the accessory structure (shed) be removed from the property;
- 7) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge; and
- 8) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) 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/or upon the issuance of an Occupancy Permit.

This approval pertains to the application as described in report COA2018-015. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application proposes to demolish an old existing one-storey single detached dwelling and deck, and replace the structure with the construction of a two-storey single detached residential dwelling with deck and garage.

The applicant is seeking to reconfigure the existing building footprint for the proposed two-storey dwelling due to a Hydro line that traverses close to the proposed building area as shown in Appendix "C". The 15 metre water setback proposed accounts for the measurement between the closest point of the water's edge underneath the in-water boathouse to the

covered deck. The application was deemed complete February 15, 2018.

Proposal: To construct an approximately 255 square metre (2,743.80 square foot) two-storey single detached dwelling with deck and garage.

Owner: Joan MacGillivray

Applicant: Ryan McKnight

Legal Description: Concession 8, Part Lot 17, geographic Township of Emily, City of Kawartha Lakes

Official Plan: "Waterfront" – City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Three (RR3) Zone" – Township of Emily Zoning By-law 1996-30

Site Size: 2,218 square metres (23,865.68 square feet)

Site Servicing: Private individual septic system and well

Existing Uses: Residential

Adjacent Uses: North & South: Residential
East: Residential
West: Pigeon Lake

Rationale:

1) Are the variances minor in nature? Yes

The 15 metre water setback measurement proposed through this application actually accounts for the measurement between the closest point of the water's edge underneath the in-water boathouse to the covered deck. The proposed covered deck location also appears to have a lesser proximity to Pigeon Lake than the water setback established by the structures on adjacent properties to the north and south of the subject property respectively.

Comparatively, the rear wall of the proposed dwelling wall is actually 26.8 metres from the Pigeon Lake shoreline, and 3.2 metres lesser than the 30 metres required. The rear yard also functions as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. This is in conjunction with conditions 3, 5, 6, and 7, will also serve to facilitate the protection of the integrity of Pigeon Lake.

Regarding the reduced interior side yard setback on both sides, they are not anticipated to impact their function as the 1 metre scale of the reductions, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard.

In terms of appearance, the subject property is currently occupied by a near obsolete structure within a shoreline residential neighbourhood. This proposal will be improving the lot with a new structure that will be complimentary with the prevailing residential use in the neighbourhood. As a result, no adverse land use compatibility issues are anticipated.

Therefore, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

In terms of scale, the massing of the proposed structure is not anticipated to pose a negative visual impact, as observations from site visit by staff suggests there is adequate vegetation on the property to screen the proposed dwelling from Westview Drive and Pigeon Lake respectively. Substantiated by the sufficient amenity space between the yards and proposed building footprint. Further, the existence of other two-storey residential dwellings in the neighbourhood (two properties to the north, and three properties to the south of the subject property) will ensure the proposed structure blends in with the existing residential character of the neighbourhood.

The proposed placement of the structure on the property also ensures that the septic bed will be located in an appropriate location. The proposed location of the septic system maintains a water setback greater than the 30 metres required.

Accordingly, the interior side yard and water setback reliefs requested for the dwelling are not anticipated to impact the function of the said yards, as sufficient space remains between the proposed structure and the lot lines for maintenance and drainage purposes. Sufficient space also remains within the proposed interior side yards to facilitate access to the rear yard from the front yard as well.

Consequently, the proposed rear yard and front yard setback will also ensure the dwelling conforms with the residential properties immediately to north and south of the subject property.

It is not anticipated that there will be limitations to the available yard amenity and vegetative landscaping space as the proposed front yard provides for sufficient setback from the road allowance and ensures sufficient driveway surface outside of the road allowance is available for parking.

Based on the above analysis, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The 15 metre water setback relief from the 30 metres required, and the 1 metre relief from the 5.5 metres required, as proposed for the dwelling are not anticipated to impact their function as the scale of the reductions, if granted, are not anticipated to be perceptible. The proposed shed removal in conjunction with conditions 6, and 7 will also ensure that the water setback and interior side yard requirements are regarded.

Per the building placement, the grading plan shows that the rear wall of the proposed structure will actually be 26.8 metres from the water's edge.

The property is a pie-shaped lot, and the kink of the interior side lot line at the rear of the property narrows the width of the property on the south side of the property. As a result, the ability of the proposal to meet the zoning provisions as exactly set out in the corresponding zoning by-law is hypothetically not attainable. Consequently, the configuration of the proposed structure however, ensures that the 4.5 metres proposed for the interior side yard on the south lot line is being improved from the approximately 3 metres that currently exists.

Section 12.2 the Township of Emily Zoning By-law ensures that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not exhausted the zone provision privileges by utilizing a lot coverage of 12.3% from a possible 30% maximum, a 9.1 metre building height from a possible 11 metre maximum, and a lesser gross floor area than the 93 square metres minimum required, the applicant has reasonably demonstrated that it is possible to develop the lot.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?
Yes

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates residential uses within the "Waterfront" designation.

Policy 3.11 provides for the redevelopment of existing lots of record where there is insufficient area to accommodate a 30 metre water setback provided that there is no alternative to the expansion or reconstruction, and in no case shall the said development, including sewage infrastructure, be less than 15 metres to the high water mark. The proposed development in conjunction with conditions 1, 2, 3, 4, 5, 6, and 7, ensures the development is reasonably located outside of the water setback.

Staff is of the opinion that when an irregular sized lot is further constrained by physical site conditions such as the hydro line easement that cuts through the front yard of the property, and requires a right-of-way swing allowance, permitting a water setback of 15 metres is acceptable, as it enables more amenity space and minimizes risk from a safety standpoint. However, with

conditions 6, 7, and 8 which ensures Policy 20.2 and 20.3 objectives are met, discouraging any form of development in the rear yard amenity space will presumably provide an opportunity to naturalize the area between the rear of the building and the water's edge with manicured vegetation where possible.

The reduced interior side yard is also not anticipated to present a negative impact as sufficient space still remains within the side yards to facilitate access between the front and rear yards.

In consideration of the above, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

The water setback indicated in the drawing as the distance between the covered deck and the water's edge of the in-water boathouse is actually 15.2 metres. The 15 metres being considered through this application represents an 0.2 metre reduction to the 15.2 metres distance for tolerance in the event that the foundation of the home is poured in a different direction than as pinned by the surveyor and to account for the variation in the summer water level of Pigeon Lake.

Servicing Comments:

The property will be serviced by a private individual well and septic system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division – Plans Examiner (February 28, 2018): No objection. Provided a confirmation from Hydro One per the 3 metre sway allowance is submitted by the applicant. Hydro One's literature indicates a 4.8 metre setback for sway allowance.

Kawartha Conservation Authority (March 1, 2018): Expressed some concerns. A permit from their office is required for the proposed works. The proposed development is identified to be encroaching into the floodplain associated with Pigeon Lake, and encroaching into the 15 metre fish habitat buffer. A condition for a scoped EIS is recommended to ensure there are no adverse impacts to fish habitat.

Public Comments:

No comments as of March 6, 2018.

Attachments:



Appendices A-E to
Report COA2018-015

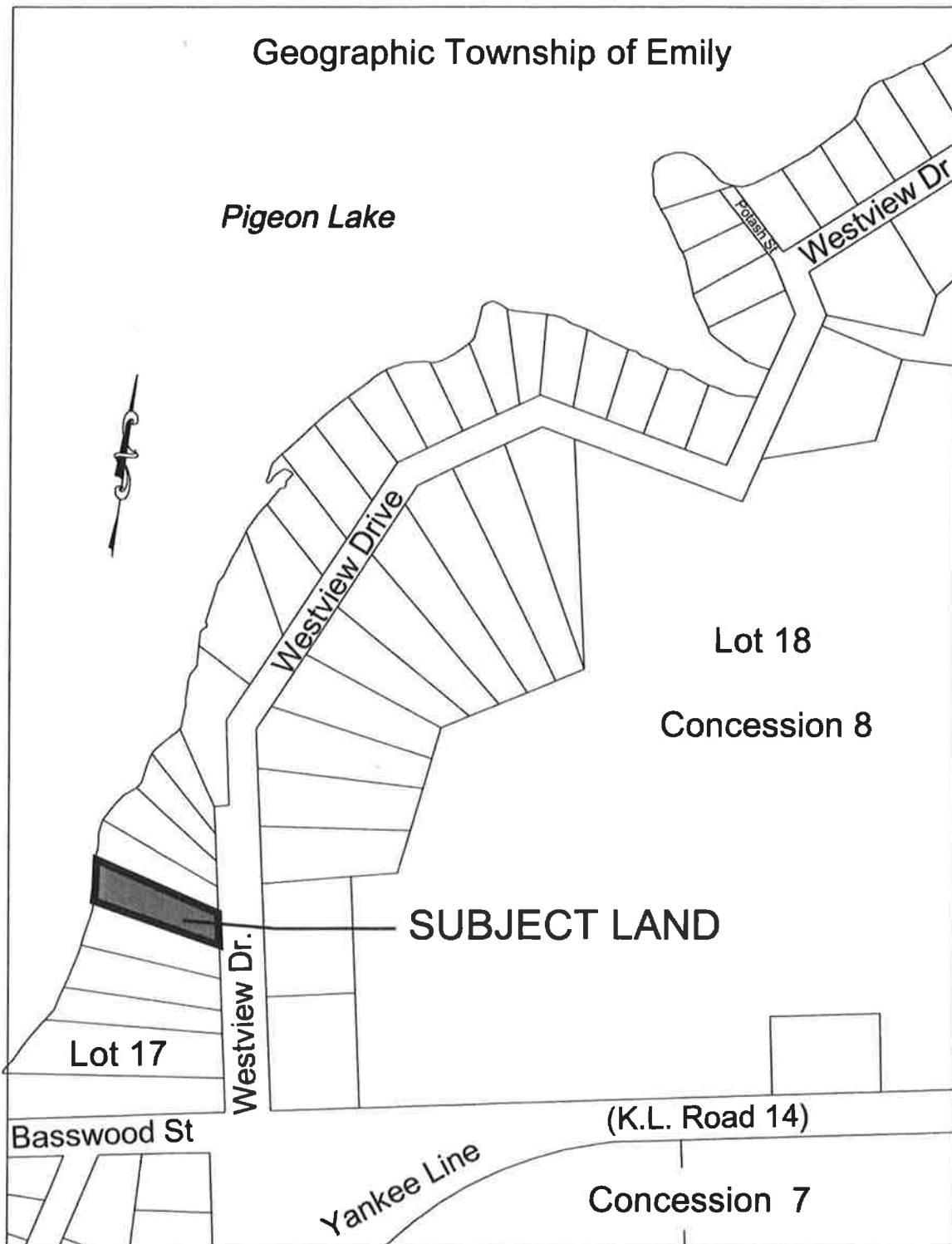
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevations
Appendix "E" – Department and Agency Comments

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-012

to

REPORT COA2018-015

FILE NO: D20-2018-012



APPENDIX " B "

to

REPORT COA2018-015

FILE NO: D20-2018-012



25 Westview Dr., Geographic Twp. of Emily



0.15 Kilometers
WG8_1984_Web_Mercator_Auxiliary_Sphere
City Of Kawartha Lakes



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FILE NO: D20-2018-012

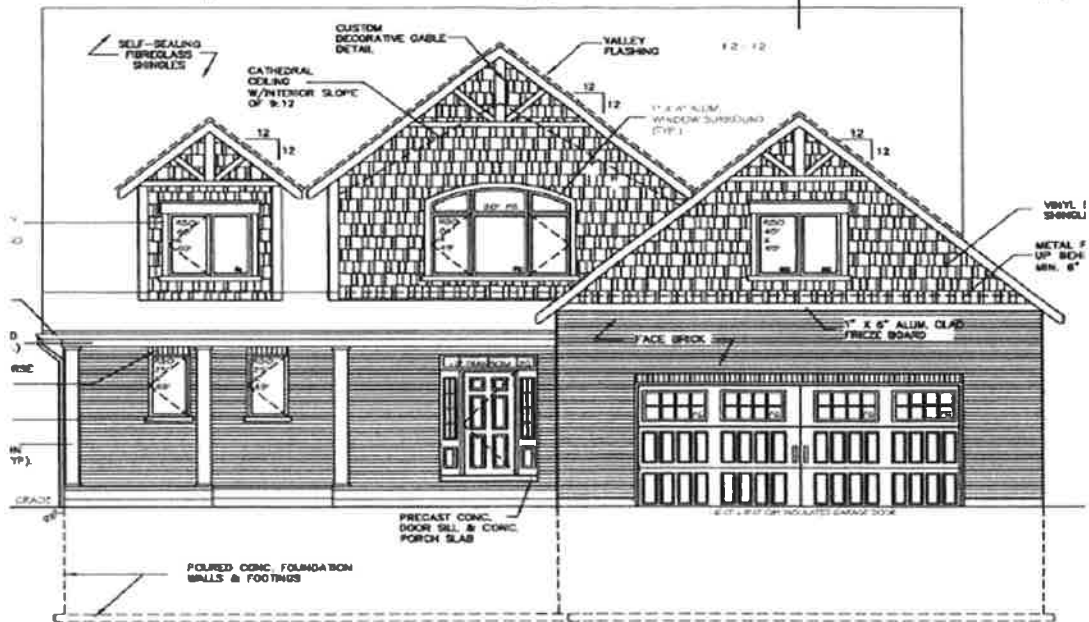


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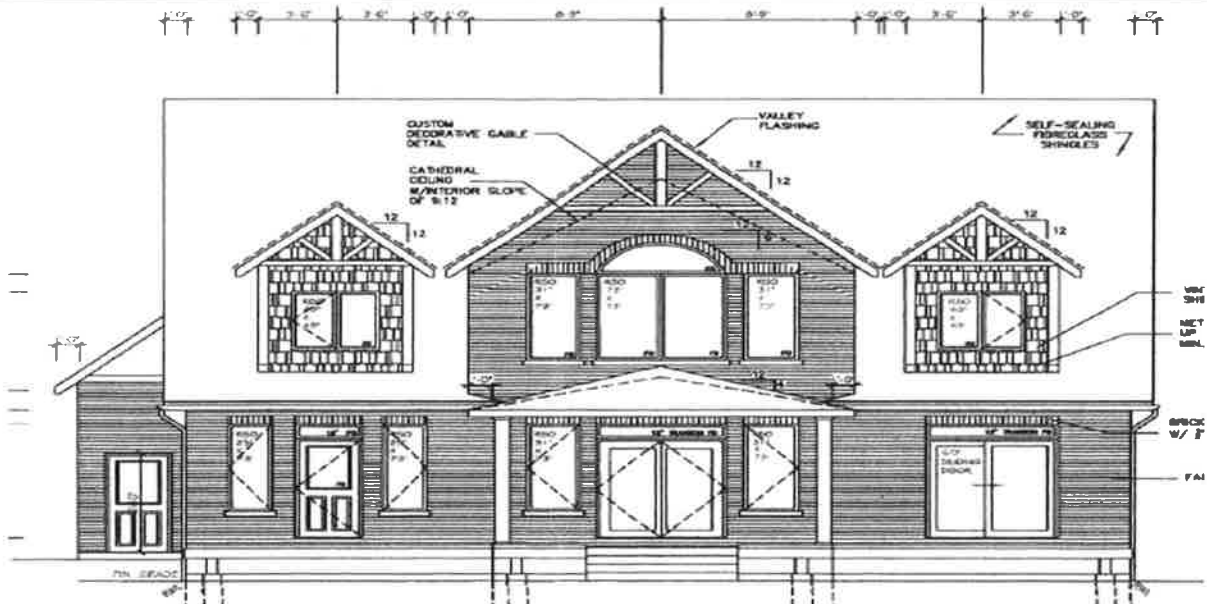
REPORT COA2018-015

FILE NO: D20-2018-012

Front Elevation (East Direction)



Rear Elevation (West Direction)

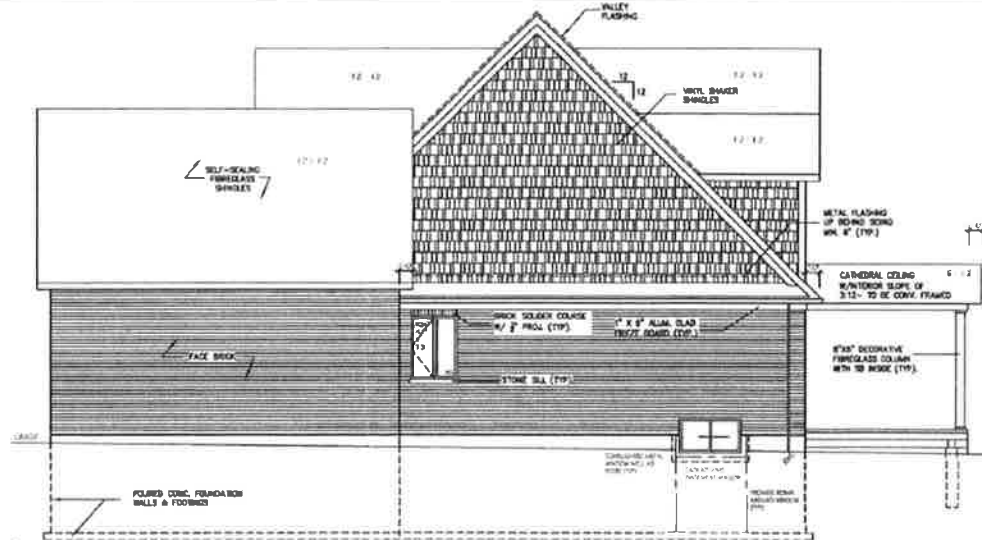


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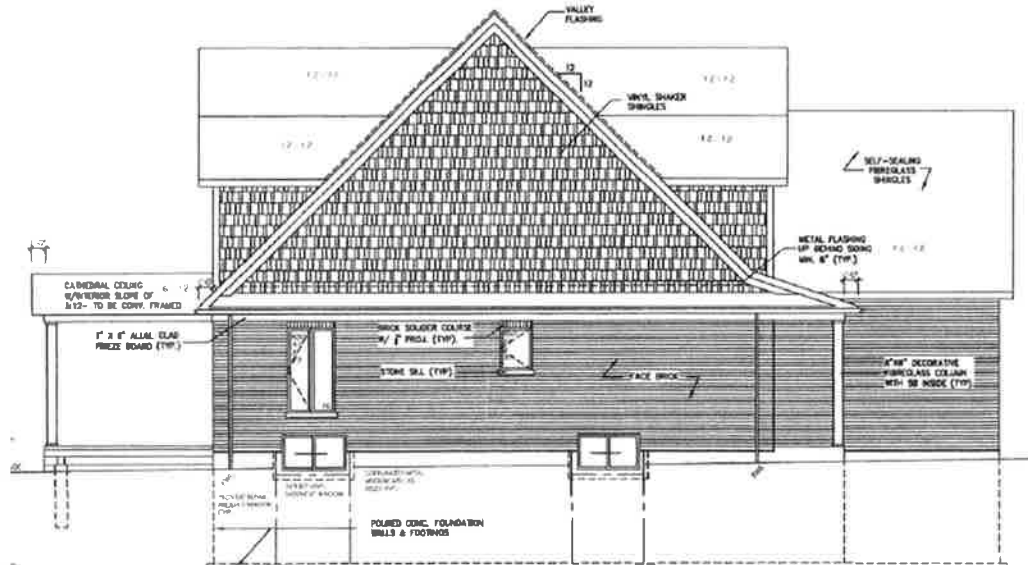
REPORT COA2018-015

FILE NO: D20-2018-012

Left Elevation (South Direction)



Right Elevation (North Direction)



to

REPORT COA2018-015**Quadri Adebayo**

From: Derryk Wolven
Sent: Wednesday, February 28, 2018 3:27 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-012

Please be advised building division ahs the following comments:

D20-2018-012 Provide confirmation from Hydro1 that 3m sway allowance is acceptable as their literature indicates 4.8m setback.

D20-2018-009 No concerns

D20-2018-011 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





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BY EMAIL

Charlotte Crockford-Toomey
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Minor Variance Application D20-2018-012
25 Westview Drive
Lot 17, Concession 8 (Emily)
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

Kawartha Conservation staff have now completed our review of the above noted application to construct a single detached dwelling on an existing lot, by reducing the water setback from 30m to 15m and interior side yard setback from 5.5m to 4.5m on both sides.

Ontario Regulation 182/06

The subject property fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the flooding and erosion hazard associated with this waterbody, plus an additional setback of 15 metres from the limit of the greatest hazard. Staff note that flooding hazard associated with Pigeon Lake is 246.9 metres above sea level and that the existing cottage on the property is partially within the floodplain associated with this waterbody. As such, any development (or redevelopment) on site requires a Permit pursuant to Ontario Regulation 182/06 prior to site alteration.

The proposal is to demolish the existing cottage and build a new cottage on the property that has more than double the gross floor area, and is further into the floodplain than the existing development is at its closest point.

Pursuant to Policy 4.5.2(8) it states;

“Replacement of residential dwellings within a flooding hazard that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policies 4.5.2(3), 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the flooding hazard, where feasible.”

Staff do not have a record of a preconsultation with the proponents, and as such, do not have justification as to why an encroachment further into the floodplain should be considered. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. Staff have attached the relevant policies applicable to this application as Appendix A to this letter. While there are numerous criteria to be met, some key items that the proponent would have to address include:

- i) The floodplain is to be plotted on the topographic survey by an Ontario Land Surveyor
- ii) Justification must be provided that shows there no feasible alternative site outside the flooding hazard to build the cottage;

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

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- iii) A qualified professional is to be retained to complete a balanced cut and fill analysis to reduce the risk of flooding and property damage onsite or adjacent, and to ensure that there will be no adverse hydraulic or fluvial impacts on *lakes, rivers, creeks, streams or watercourses*,

City of Kawartha Lakes MOU

The following comments are provided as recommendations under our Memorandum of Understanding (MOU) with the City of Kawartha Lakes.

Fish Habitat

Pigeon Lake is considered fish habitat. Policy 2.1.8 of Provincial Policy Statement states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation's mapping, the existing cottage meets the 30 metre setback, whereas the requested minor variance proposes an encroachment of 15 metres into the fish habitat buffer.

Based on MNRF's direction, in cases where a site specific technical report (eg. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable.

Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

Summary

Based on our review of the above information, staff can advise **it would be premature at this time for Kawartha Conservation to support this minor variance application** without justification as to why the development should be considered further into a known hazardous area; and staff recommend to the City of Kawartha Lakes that the minor variance be supported with an approach to address encroachment into fish habitat.

I trust this meets your information requirements at this time. Should you require any additional information, please do not hesitate to contact this office.

Yours truly,



Katie Jane Harris, Resources Planner
Encl. Appendix A

APPENDIX A

4.5.1.3 DEFINING THE REGULATED AREA ASSOCIATED WITH UNSTABLE SOIL OR BEDROCK

Unstable soil includes but is not limited to areas identified as containing organic soils. These soils are customarily found in association with *wetlands*. Organic and peat soils, formed by the decomposition of vegetative and organic materials into humus can release humic acids to the ground water system and create highly combustible methane gas. Peat and other organic soils also lack soil structure making them susceptible to erosion and unable to support structure because they compress easily.

Unstable bedrock includes but is not limited to areas identified as containing *karst* formations. *Karst* formations may be present in limestone or dolomite bedrock, but are predominantly found in portions of eastern Ontario and Wellington County (Guelph-Elora). They are extremely variable in nature and are best identified through local, site-specific studies.

The *regulated area* associated with unstable soil or bedrock includes the maximum extent of the unstable soil or bedrock.

Any development on unstable soil or unstable bedrock requires permission from KRCA.

4.5.2 SPECIFIC POLICIES TO PROHIBIT OR REGULATE DEVELOPMENT – FLOODING HAZARDS

The policies in this section are to be applied in conjunction with the General Policies in Section 4.3.

New Residential Development

- 4.5.2(1) New multiple residential development will not be permitted within a flooding hazard, regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).**
- 4.5.2(2) On an existing lot of record where the current* zoning is appropriate to the nature of the proposed development, single residential development may be permitted within a flooding hazard provided it can be demonstrated that:**
- there is no feasible alternative site outside of the *flooding hazard*;
 - the site is not subject to *frequent flooding* OR a *subwatershed* study or other *comprehensive plan* has confirmed that flooding has been artificially created as a result of undersized infrastructure such as culverts and bridges (i.e., a *backwater area*);
 - the dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards outlined in Appendix L – Floodproofing Guidelines;
 - no basement is proposed;
 - any new *accessory building* or *structure* can satisfy all of the conditions of Policy 4.5.2(24);
 - any new and/or replacement sewage treatment system will be located outside of the *flooding hazard* OR where this is not feasible, can satisfy all of the conditions of Policy 4.5.2(37); *access (ingress/egress)* conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe*;

- 4.5.2(5) An additional storey (or extension thereof) on existing residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that the number of *dwelling units* is the same or less and access (*ingress/egress*) conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe*.
- 4.5.2(6) Crawlspace associated with existing residential *development* located within a *flooding hazard* may be permitted provided it can be demonstrated that it will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards outlined in Appendix L – Floodproofing Guidelines.

Residential Replacement

- 4.5.2(7) *Replacement* of residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that:
- the dwelling to be replaced is relocated outside the *flooding hazard*, where feasible;
 - there is no increase in the number of *dwelling units*;
 - the new dwelling is the same size or smaller than the previous dwelling;
 - the use of the new dwelling is the same as the previous dwelling;
 - the dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards identified in Appendix L – Floodproofing Guidelines;
 - access (*ingress/egress*) conditions are “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe*;
 - no basement is proposed; and,
 - there is no risk of structural failure due to potential hydrostatic/dynamic pressures.
- 4.5.2(8) *Replacement* of residential dwellings within a *flooding hazard* that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policies 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the *flooding hazard*, where feasible.

Residential Relocation

- 4.5.2(9) Relocation of existing residential dwellings located within a *flooding hazard* may be permitted provided it can be demonstrated that the dwelling is relocated outside of the *flooding hazard*, or where this is not feasible, the dwelling is relocated to an area within the existing lot where the risk of flooding and property damage is reduced to the greatest extent possible, and that the dwelling is floodproofed to an elevation of 0.3 metre above the *regulatory flood* in accordance with floodproofing standards identified in Appendix L – Floodproofing Guidelines.

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – S & C Dugas

Report Number COA2018-016

Public Meeting

Meeting Date: March 15th, 2018

Time: 1:00 pm

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

Ward: 8 – Geographic Township of Mariposa

Subject: The purpose and effect is to permit the construction of a single detached dwelling with garage and deck on the subject property by requesting relief from:

1. Section 14.2.1.4 to reduce the minimum water setback required from 30 metres to 21.5 metres; and
2. Section 14.2.1.7 to reduce the minimum gross floor area of a dwelling unit from 93 square metres to approximately 78.70 square metres.

The property is located at 154 Ball Point Road, geographic Township of Mariposa (File D20-2018-009).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-016 Serge & Catheryn Dugas, be received;

THAT minor variance application D20-2018-009 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-016, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a building permit for the proposed dwelling, the shed located on the property be relocated and stored on the property in a compliant manner at a minimum water setback of 30 metres;

- 3) **THAT** the proposed holding tank maintain a minimum water setback of 30 metres;
- 4) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge; and
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) 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/or upon the issuance of an Occupancy Permit.

This approval pertains to the application as described in report COA2018-016. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application proposes to construct a single detached residential dwelling with a walkout basement, deck and garage. The Committee of Adjustment previously granted a 15 metre water setback as variance to construct the residential dwelling on May 19, 2016, (application D20-16-021), and provided two years to complete the first building inspection. The applicant recently communicated that they will not be able satisfy the condition before the required two year time frame lapses by May 18, 2018.

In response to staff findings that the house plan submitted by the applicant did not meet the corresponding zoning by-law requirement for minimum gross floor area, the Committee deferred the application at its February 15th meeting to allow for a revised variance request for relief from the minimum gross floor area, and a new reduced water setback of 21.5 metres respectively. The water setback measurement proposed accounts for the distance between the elevated side stairs, which projects further than the rear wall of the dwelling, and the water's edge.

The applicant has advised that they intend to proceed with construction immediately after half-load restrictions on Ball Point Road are lifted in Spring of 2018 should the Committee reinstate the approval. This revised reliefs to the application was established February 1, 2018.

Proposal: To construct an approximately 149.35 square metre (1607.59 square foot) single detached dwelling consisting of a walkout basement, a deck and garage.

Owner: Serge Dugas and Catheryn Dugas.

Applicant: Serge Dugas

Legal Description: Concession C, Part Lot 18, Plan 425, Lot 37, geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: "Waterfront" – City of Kawartha Lakes Official Plan

Zone: "Rural Residential Type Three (RR3) Zone" – Township of Mariposa Zoning By-law 94-07

Site Size: 1128.54 square metres (12,147.5 square feet)

Site Servicing: Private individual holding tank and well

Existing Uses: Vacant

Adjacent Uses: North & South: Residential
East: Residential
West: Lake Scugog

Rationale:

1) Are the variances minor in nature? Yes

The 21.5 metre water setback relief sought ensures that the subject property is further away from the shoreline, which is an improvement from the initial 15 metre water setback that was granted through the previous Minor Variance application D20-16-021 as relief from the water's edge to the upper deck of the dwelling. The proposed water setback measurement through this application essentially accounts for the measurement between the water's edge and the elevated side stairs that projects further than the upper deck and the building wall collectively. The rear of the building boundary as staked-out, also appears to be consistent with the general water setback established by the dwellings on the east side of Ball Point road, and equally appears to match the established water setback of the adjacent dwellings on either side of the subject property to the north and south respectively.

The rear yard also functions as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody, thereby facilitating the protection of the integrity of Lake Scugog. This is in conjunction with conditions 4, mirrors Kawartha Region Conservation Authority recommendations which the applicant has partly fulfilled through the completion of an Environmental Impact Statement, and the installation of silt-fencing around the construction area.

Regarding the reduced minimum gross floor area, the subject property is currently a vacant lot in a shoreline residential neighbourhood, and the proposal will be improving the lot with a dwelling. The proposal as is, also appears to be a modest sized structure, and complimentary with the prevailing residential

dwelling sizes in the neighbourhood. As a result, no adverse land use compatibility issues are anticipated.

Therefore, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

In terms of scale, the massing of the proposed structure will ensure the dwelling blends in with the existing residential character of the neighbourhood. The proposed rear yard setback will also ensure the dwelling aligns with the immediate residential building north of the subject property, as well as the seasonal cottage south of the subject property respectively.

Further, the proposed height is also not anticipated to pose a negative visual impact, as observations from site visit by staff suggest that the proposed building boundaries as staked-out, demonstrates views to the lake will be maintained. The proposed placement of the structure on the property also ensures that the septic bed will be located in an appropriate location. The proposed location of the holding tank and septic maintains a water setback greater than the 30 metres required. The configuration is likewise determined to be suitable, per Building Division - Sewage System comments, as they have raised no objections to the proposal.

The front yard and water setback relief requested for the dwelling are not anticipated to impact the function of the said yards, as sufficient space remains between the proposed structure and the lot lines for maintenance and drainage purposes. Accordingly, sufficient space also remains within the proposed interior side yards to facilitate access to the rear yard from the front yard.

More so, it is not anticipated that there will be limitations to the available yard amenity and vegetative landscaping space as the proposed front yard provides for sufficient setback from the road allowance, and ensures sufficient driveway surface outside of the road allowance is available for parking.

Based on the above analysis, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The 8.5 metre water setback relief from the 30 metres required, and the 14.3 square metres relief from the 93 square metres minimum gross floor area required, proposed for the dwelling are not anticipated to impact their function as the scale of the reductions, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. The proposed shed relocation in conjunction with condition 2 will also ensure compliance with water setback requirements.

The property has a legal non-conforming frontage of 33.3 metres on Ball Point Road, 5.3 metres of that value is expected to account for interior side yard requirements, while the remainder 28 metres is expected to fit a residential dwelling and servicing. Also, the property has a lot depth of approximately 44

metres, and 37.5 metres of the lot depth value is expected to account for both rear yard and front yard setbacks respectively, leaving about 6.5 metre length for a building, and servicing; whereas, the septic bed and well must also meet appropriate setback requirements from the building and lot lines respectively.

Therefore, the ability of the proposal to meet the zoning provisions as exactly set out in the corresponding zoning by-law is hypothetically not attainable.

Regarding the building placement, the grading plan shows that the rear wall of the proposed structure will actually be 25.83 metres from the water's edge, while the upper deck will be setback at 24 metres from the water's edge.

Section 14.2 of the Township of Mariposa Zoning By-law ensures that a review is done when development is proposed upon undersized lots of record to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 13% from a possible 30% maximum, a 6 metre building height from a possible 11 metre maximum, and a lesser gross floor area than the 93 square metres minimum required, the applicant has reasonably demonstrated that it is possible to develop the lot,

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates residential uses.

The reduced gross floor area variance meets the intent and purpose of the Official Plan as low density residential development is contemplated within the "Waterfront" designation.

Policy 3.11 provides for the redevelopment of existing lots of record where there is insufficient area to accommodate a 30 metre water setback provided that there is no alternative to the expansion or reconstruction, and in no case shall the said development, including sewage infrastructure, be less than 15 metres to the high water mark. The proposed development in conjunction with conditions 3, and 4, ensures the development is reasonably located outside of the water setback.

Staff is of the opinion that when an already undersized lot is further constrained by physical site conditions such as the embankment at the rear of the property that slopes downwards towards the abutting waterbody, permitting a water setback of 21.5 metres is acceptable, as it enables more amenity space and minimizes risk from a safety standpoint that may result from the closeness of an access point to a steep gradient. However, the gradient of the topography in conjunction with conditions 2, and 4 apparently does not encourage any form of

development in the rear yard amenity space. This will presumably provide an opportunity to naturalize the area between the rear of the building and the water's edge with manicured vegetation where possible.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

On January 25, 2018, staff was able to confirm from the applicant, through the new grading plan that was submitted that the accurate water setback measurement is between the water's edge and the stairs instead, rather than upper deck as initially proposed. A review of the elevation drawings suggested the steps appear to be of sufficient height, and projected further than the upper deck.

The applicant indicated that the revised setback taking into account the stairs will be approximately 22.5 metres, and following staff direction, the applicant opted for a 1 metre reduction to the 22.5 metres distance, for tolerance in the event that the foundation of the home is poured in a different direction than as pinned by the surveyor and to account for the variation in the summer water level of Lake Scugog. Hence, the revised 21.5 metre water setback relief, and the resulting reduced minimum gross floor area of 78.70 square metres as requested through this application.

The applicant also confirmed in the same email correspondence with staff on January 25, 2018, per the grading plan, that the rear wall of the proposed structure will be 25.83 metres from the water's edge, while the upper deck will be setback at 24 metres from the water's edge.

Servicing Comments:

The property will be serviced by a private individual well and holding tank.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division – Plans Examiner (February 28, 2018): No concerns.

Building Division - Sewage System (December 20, 2017 & February 5, 2018): No concerns.

Community Services – (February 9, 2018): No concerns.

Engineering & Corporate Assets (February 7, 2018): No objection to the proposed variance.

Kawartha Conservation Authority (February 5, 2018): No objection to the proposed variance.

Public Comments:

No additional comments as of March 6, 2018.

Public Comments:

1) Opposed, 149 Ball Point Road (February 9, 2018):

They stated that they do not believe the water setback should be changed, and that for the 20-year period they have been residents on Lake Scugog, all the houses built in the neighbourhood have adhered to the by-law specifications.

Staff response:

i.) Per rationale 3, the 21.5 metre relief is the water setback relief from the side stairs, and not the dwelling wall. Whereas, a 15 metre water setback could have been established if the dwelling were built following Committee decision in 2016. Therefore, a change from the 15 metre that was initially granted as setback from the upper deck, compared to the 24 metres water setback from the upper deck through this proposal is considered an improvement. This translates into a difference and lesser impact of 9 metres from the water's edge.

ii.) Also, measurements from satellite imagery and observations from site visit suggest that the configuration of most dwellings in the neighbourhood do not generally comply with the 30 metre setback requirement. The lot depth in the general neighbourhood randomly averages out to approximately 45 metres, and per rationale 3 analysis above, the ability of a potential development to meet the provisions as exactly set out in the corresponding zoning by-law does not seem to be achievable in most other cases along the road. Additionally, the shape of the peninsula narrows towards the south where the proposal is located, which presents another challenge for the proposal to fully comply with the water setback requirement.

2) Opposed, 150 Ball Point Road (February 13, 2018):

The owner of the property, as represented by a lawyer, and following consultations with the Ward Councillor where the proposal is located, expressed that two out of the four tests as prescribed in the *Planning Act* for minor variance applications were not met (i.e. that the variance is not minor in nature, and that the variance is not appropriate for the use and development of the land).

Staff response:

i.) *That the application is not minor:* Per rationale 1, 2 and 3 above, the proposed structure as staked out appears to align with Mr. Mollins' property, and given that the proposed structure will have a reduced minimum gross floor area than required, the massing of the proposed dwelling is neither anticipated to negatively impact views to the lake, nor is it anticipated to obstruct sightlines to and from Mr. Mollins' property.

Regarding a potential lack of privacy in Mr. Mollins' back yard due to the site grading plan not depicting the rear of Mr. Mollins' house, the proposed dwelling location will be compliant with the interior side yard setback from the side lot line adjacent to Mr. Mollins' property by the 3 metres specified in the corresponding zoning by-law, and pictures from site visit, including the building stakes, also suggests that the configuration of the proposed

structure will maintain approximately the same rear alignment with Mr. Mollins' property. Therefore, no negative impacts are anticipated.

- ii.) *That the variance is not appropriate for the use and development of the land:* Per rationale 1 and 2 above, development applications are treated on a case-by-case basis, which precludes precedence setting as proposals are evaluated based on site-specific merits only.

Regarding the protection of the environmental integrity of Lake Scugog, the applicant has completed a pre-requisite scoped Environmental Impact Statement under the directive of the Kawartha Region Conservation Authority (KRCA), being a condition of approval for the proposed minor variance. KRCA have also expressed satisfaction that the proposed dwelling location from the water's edge will pose no negative impact to fish habitation in Lake Scugog provided that the applicant implements recommended mitigation measures. The applicant has subsequently begun fulfillment of these recommendations through the installation of silt fencing around the construction area. This is substantiated by a "no objection" comment to this application by the KRCA, and a subsequent final permit issuance by the KRCA upon completion of the dwelling construction.

Attachments:



Appendices A-E to
Report COA2018-016

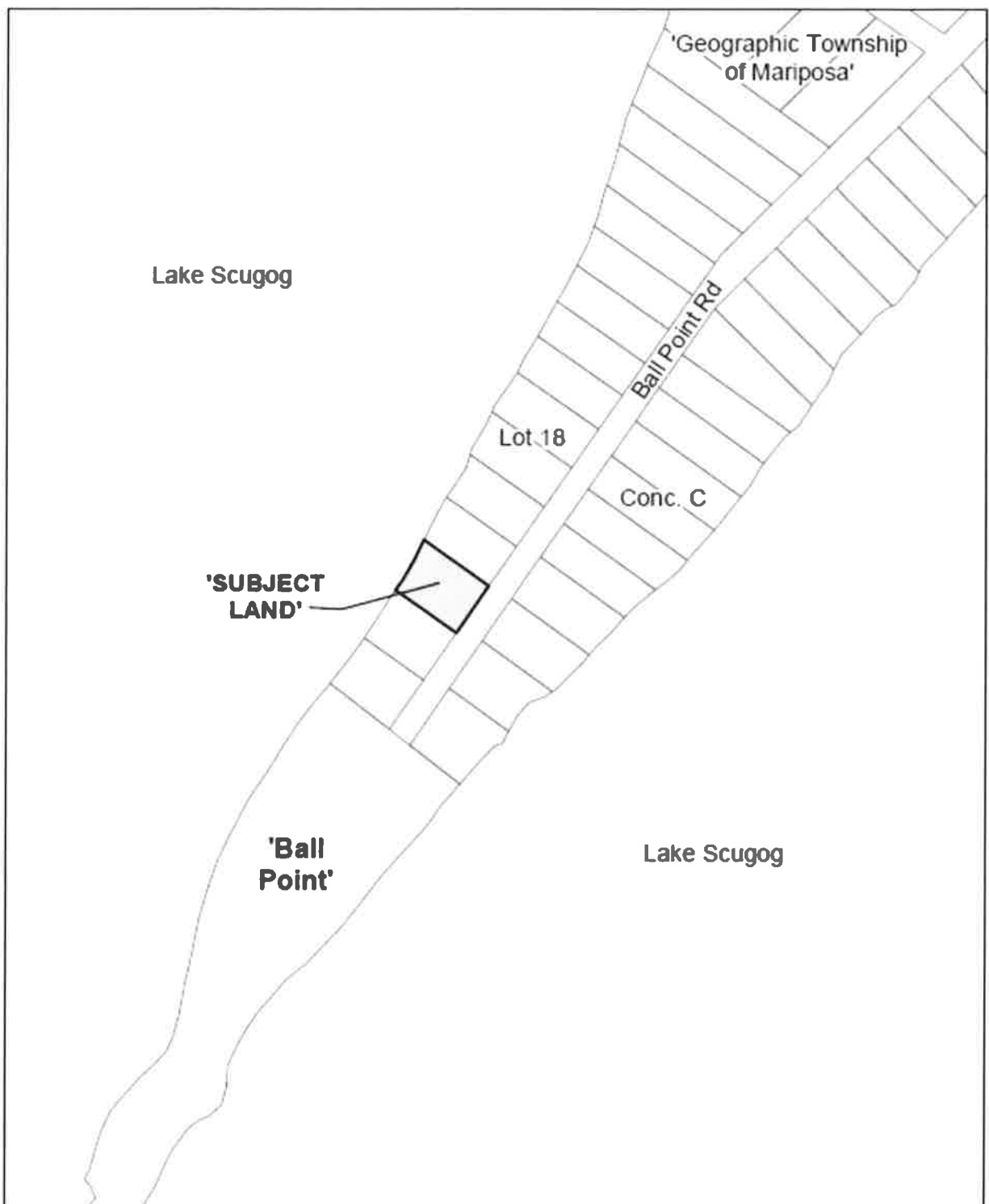
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevations
Appendix "E" – Department and Agency Comments

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-009

to

REPORT COA2018-016

FILE NO: D20-2018-009



to

REPORT COA2018-016

FILE NO: D20-2018-009

154 Ball Point Rd., Geographic Twp. of Mariposa



0.12

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
City Of Kawartha Lakes



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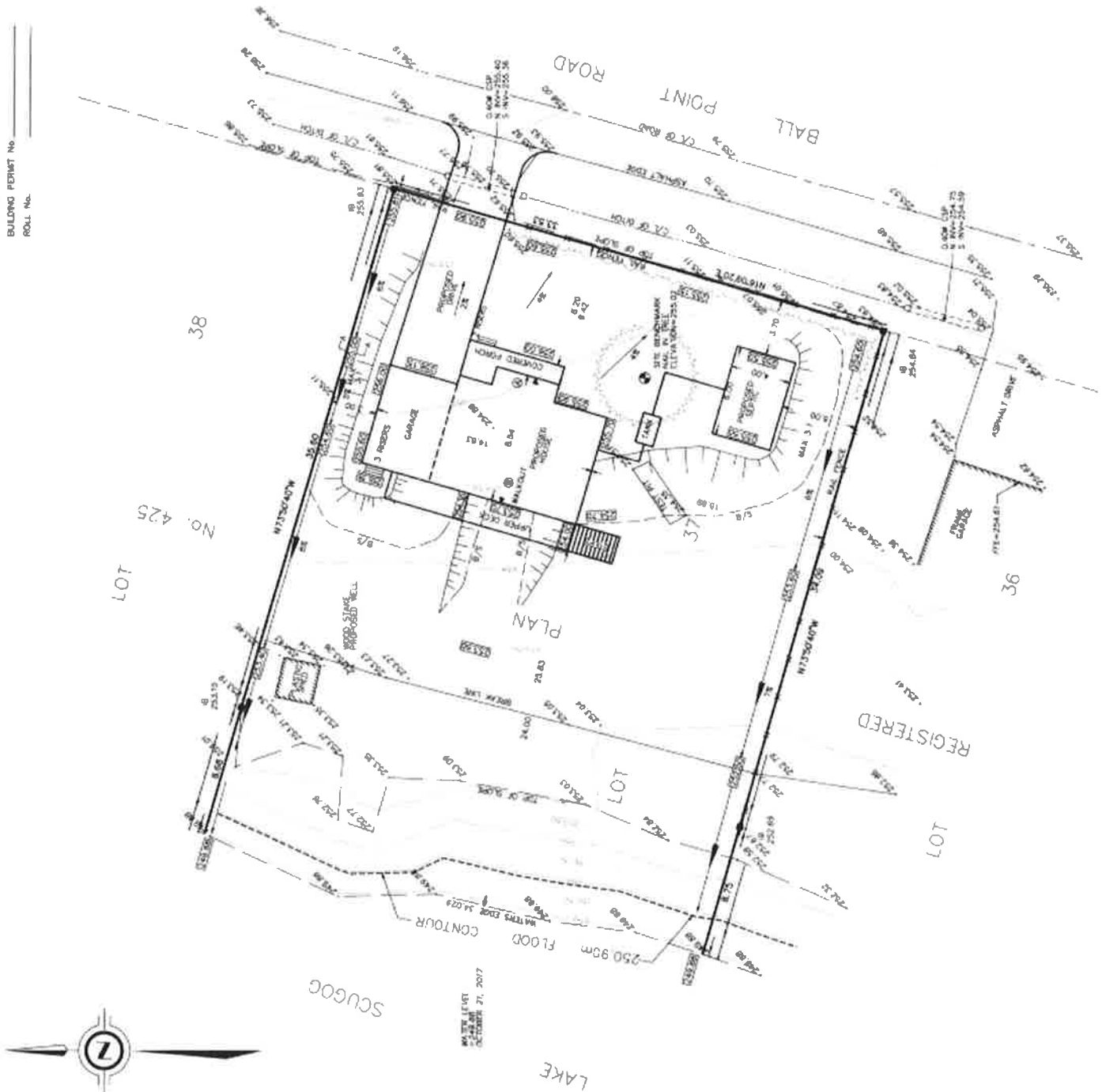
APPENDIX " C "

to

REPORT COA2018-016

FILE NO: D20-2018-009

OWNER: SERGE AND CATHERYN DUGAS
 BUILDER: _____
 BUILDING PERMIT No: _____
 ROLL No: _____

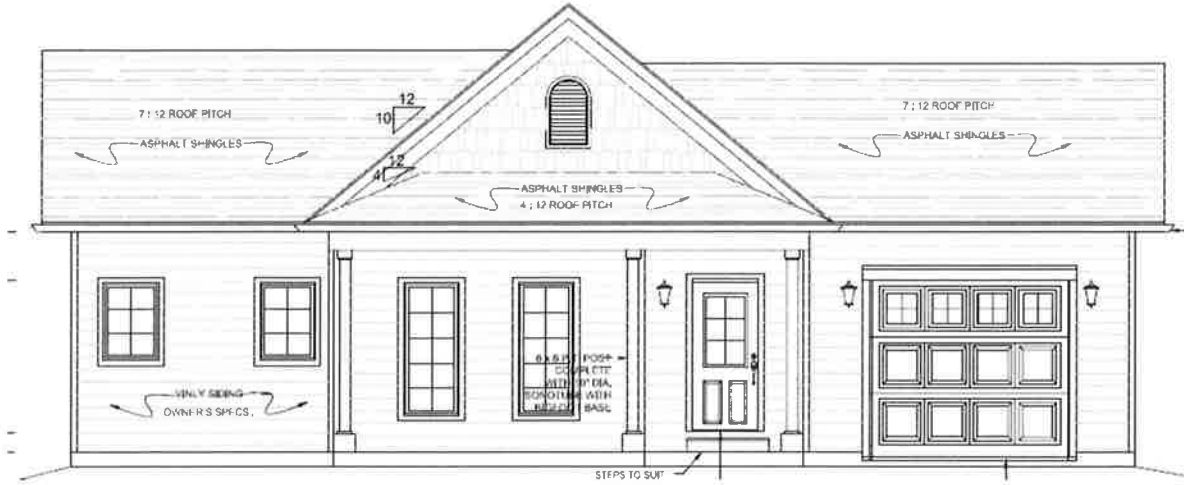


to

REPORT COA2018-016

FILE NO: D20-2018-009

Front Elevation (East Direction)



Rear Elevation (West Direction)

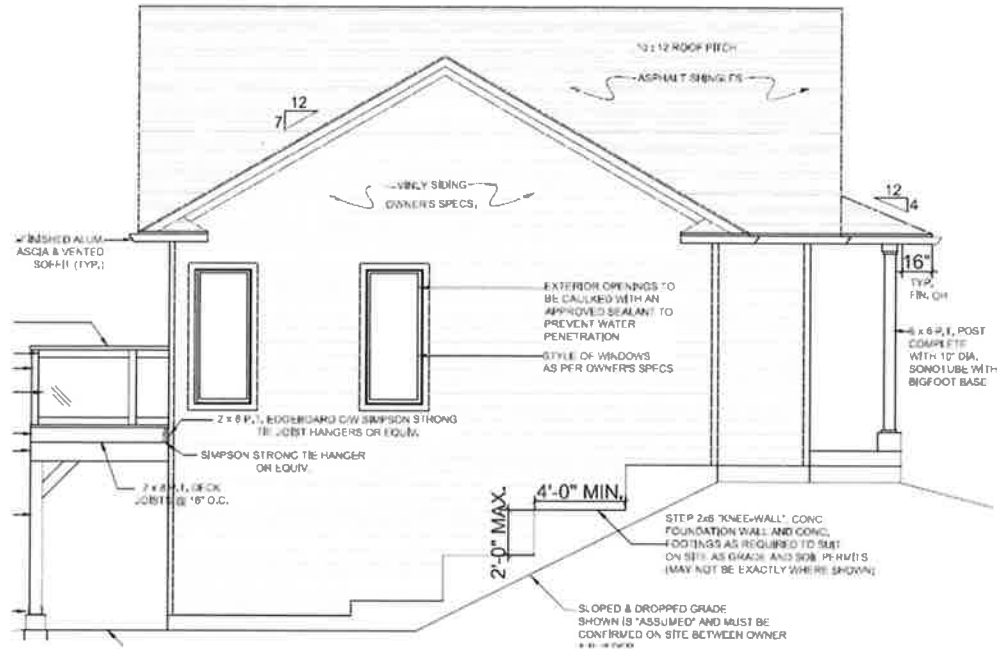


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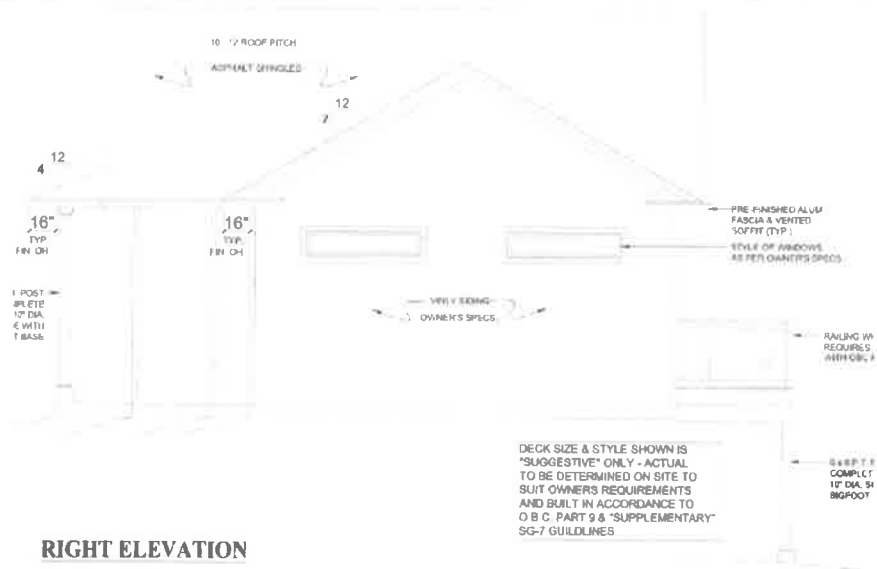
REPORT COA2018-016

FILE NO: D20-2018-009

Left Elevation (South Direction)



Right Elevation (North Direction)



Quadri Adebayo

From: Derryk Wolven
Sent: Wednesday, February 28, 2018 3:27 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-009

Please be advised building division has the following comments:

D20-2018-012 Provide confirmation from Hydro1 that 3m sway allowance is acceptable as their literature indicates 4.8m setback.

D20-2018-009 No concerns

D20-2018-011 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Fife

Report Number COA2018-017

Public Meeting

Meeting Date: March 15, 2018

Time: 1:00 pm

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

Ward 7 – Geographic Township of Emily

Subject: An application to sever an approximately 0.72 hectare residential lot (791 Cottingham Road) containing a single detached dwelling along with an accessory building and retain an approximately 39.75 hectare agricultural lot (795 Cottingham Road) containing a single detached dwelling. The property is located at 791 & 795 Cottingham Road, geographic Township of Emily (File D03-17-033).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-017 Hugh & Shirley Fife, be received;

THAT consent application D03-17-033, being an application to sever an approximately 0.72 hectare residential lot (791 Cottingham Road) containing a single detached dwelling along with an accessory building and retain an approximately 39.75 hectare agricultural lot (795 Cottingham Road) containing a single detached dwelling, be DENIED.

Background: The application proposes to sever an existing single detached dwelling (original farmhouse) constructed circa 1887 (MPAC) along with an accessory building constructed circa 1950 (MPAC). The second dwelling unit was constructed circa 1960.

The owners are not bona-fide farmers, and have advised staff that they rent the agricultural land to a farmer.

The owners have further advised that they have previously rented out the original farmhouse, and are no longer interested in being landlords.

Owners: Hugh & Shirley Fife

Applicant: Hugh Fife

Legal Description: Lot 21, Concession 3, geographic Township of Emily, City of Kawartha Lakes

Official Plan: "Prime Agricultural" – City of Kawartha Lakes Official Plan

Zone: "Agricultural (A1) Zone" – Township of Emily Zoning By-law 1996-30

Site Size: Severed – 0.72 hectares
Retained – 39.75 hectares

Site Servicing: Private individual wells and septic systems

Existing Uses: Agricultural

Adjacent Uses: North: Agricultural
South: Agricultural/Rural Residential
East: Agricultural/Rural Residential
West: Agricultural/Rural Residential

Rationale:

As the land owners are not bona-fide farmers, a farm operation does not own the property and therefore the proposal cannot be viewed as an application to sever a dwelling surplus to a farm operation as a result of a farm consolidation. As the application cannot be viewed as a farm consolidation, it must be treated as rural lot creation within a prime agricultural area.

Provincial and municipal policy establishes a very specific circumstance for when a residential lot may be created within a prime agricultural area. The sole circumstance where this is permitted is when a dwelling is deemed surplus to a farm operation as a result of a farm consolidation. The City has established the following criteria to ensure provincial and municipal policy is met:

1. The person or persons that hold title to the property must be bona-fide farmers. A landowner demonstrates that they are a bona-fide farmer by submitting a photocopy of their current Ontario Federation of Agriculture (OFA) card, which contains their name and their Farm Business Registration Number (FBR). A copy of an OFA card was not provided.
2. The bona-fide farmer must hold sole title to at least one other farm lot to demonstrate that there is a farming operation that spans more than one property. A Parcel Register from the Land Registry Office (LRO) is used to demonstrate that the farm operation holds sole title to at least one additional agricultural lot. The Parcel Register of an additional agricultural lot was not provided.

Policy Conformity

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

Relevant Policies: 2.2.1 Managing Growth, 4.2.6 Agricultural System

Relevant Sections: 2.2.1.2(d), 4.2.6.2, 4.2.6.8

The Growth Plan provides that development, including lot creation, is to be directed to settlement areas. Prime agricultural areas are to be protected for the long term for agricultural uses.

This application does not conform to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS)

Relevant Policies: 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, 2.3 Agriculture

Relevant Sections: 1.1.1, 1.1.4, 2.3.4

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.3 prohibits the creation of new residential lots within prime agricultural areas if the dwelling on that proposed lot is not deemed surplus to a farming operation as a result of a farm consolidation.

The application is not consistent with the PPS.

City of Kawartha Lakes Official Plan (Official Plan)

Land Use Designation: Prime Agricultural

Relevant Policies: 15.3.4, 15.3.5, 33.3

The subject land is designated "Prime Agricultural" in the Official Plan. Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

In keeping with the PPS, the Official Plan does not permit the creation of residential lots within prime agricultural areas if the dwelling on that proposed lot is not deemed surplus to a farming operation as a result of a farm consolidation.

This application does not conform to the applicable policies of the Official Plan.

Zoning By-law Conformity

The subject property is zoned "Agricultural (A1) Zone" in the Township of Emily Zoning By-law 1996-30.

The lot to be retained exceeds the minimum lot frontage (120 metres) and area (25 hectares) requirements of the A1 Zone by proposing about 710 metres and 39.75 hectares respectively.

The A1 Zone category provides that residential lots created within the said zone are subject to the requirements of the “Rural Residential Type One (RR1) Zone” category. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements by proposing about 65 metres and 0.72 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone. The implement shed on the proposed severed residential lot, should it be converted to a residential accessory building, would comply with the coverage and setback requirements for a residential accessory building.

Other Alternatives Considered:

Staff advised the applicant prior to submission that they would be unable to support the application as the proposal does not meet the criteria needed to be eligible to consider the dwelling surplus to a farm operation as a result of a farm consolidation.

The applicant submits that while there is no farming operation by the land owners, there is a residence surplus to their needs.

Servicing Comments:

Each single detached dwelling is serviced by a private individual well and sewage system.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from the following agencies.

Agency Comments:

Community Services Department (October 11, 2017): A condition to collect a 5% cash-in-lieu of parkland payment is requested.

Engineering and Corporate Assets Department (October 11, 2017): No concerns.

Building Division (November 14, 2017): The implement shed must comply with the Ontario Building Code requirements for a residential accessory building. A change of use permit is required.

Building Division – Part 8 Sewage Systems (November 2, 2017): No concerns.

Public Comments:

No comments as of March 6, 2018.

Planning Division Comments:

Section 7.2.1.11 of the zoning by-law permits the construction of a second dwelling unit on a farm provided the farm has a minimum lot area of 25 hectares and the second dwelling unit has a gross floor area of at least 40 square metres and is no greater 100 square metres. While both dwelling units on the subject property predate the zoning by-law, the dwelling unit on the proposed retained lot complies with the area requirement.

As reviewed in the rationale section, there is no farm operation present. Section 7.2.1.11 is intended for farming operations that require an additional permanent dwelling for farm help. As this provision is established for the benefit of farming operations, in accordance with provincial policy, the two dwelling units should remain together on the agricultural lot until such time as the land is owned by a farming operation that owns more than parcel of land, and that farming operation determines that the dwelling unit is not required for its staff.

Attachments:



Appendices A to D of
COA2018-017.pdf

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Consent Sketches
Appendix "D" – Department and Agency Comments

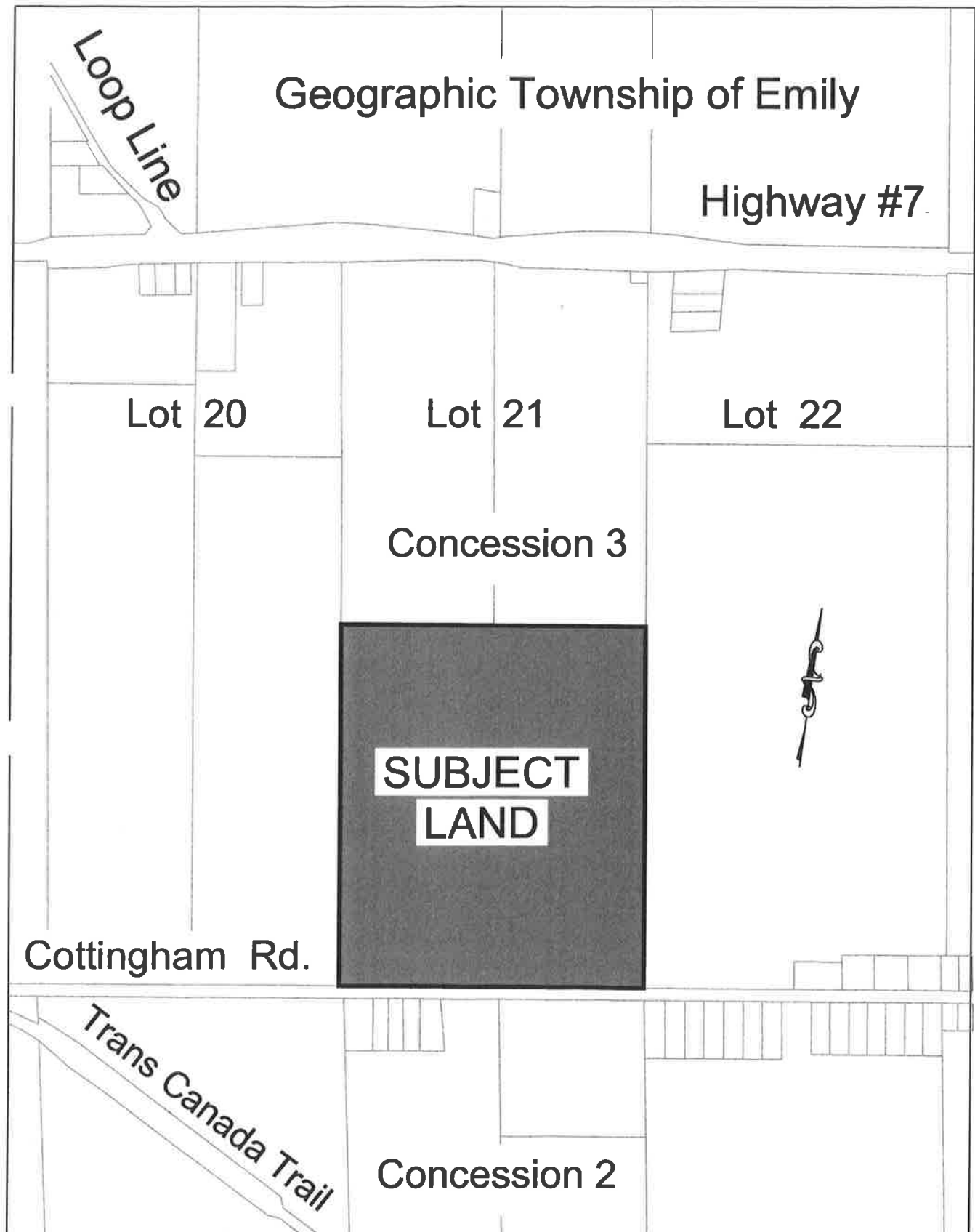
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D03-17-033

to

REPORT PLAN2018-017

FILE NO: D03-17-033

D03-17-033

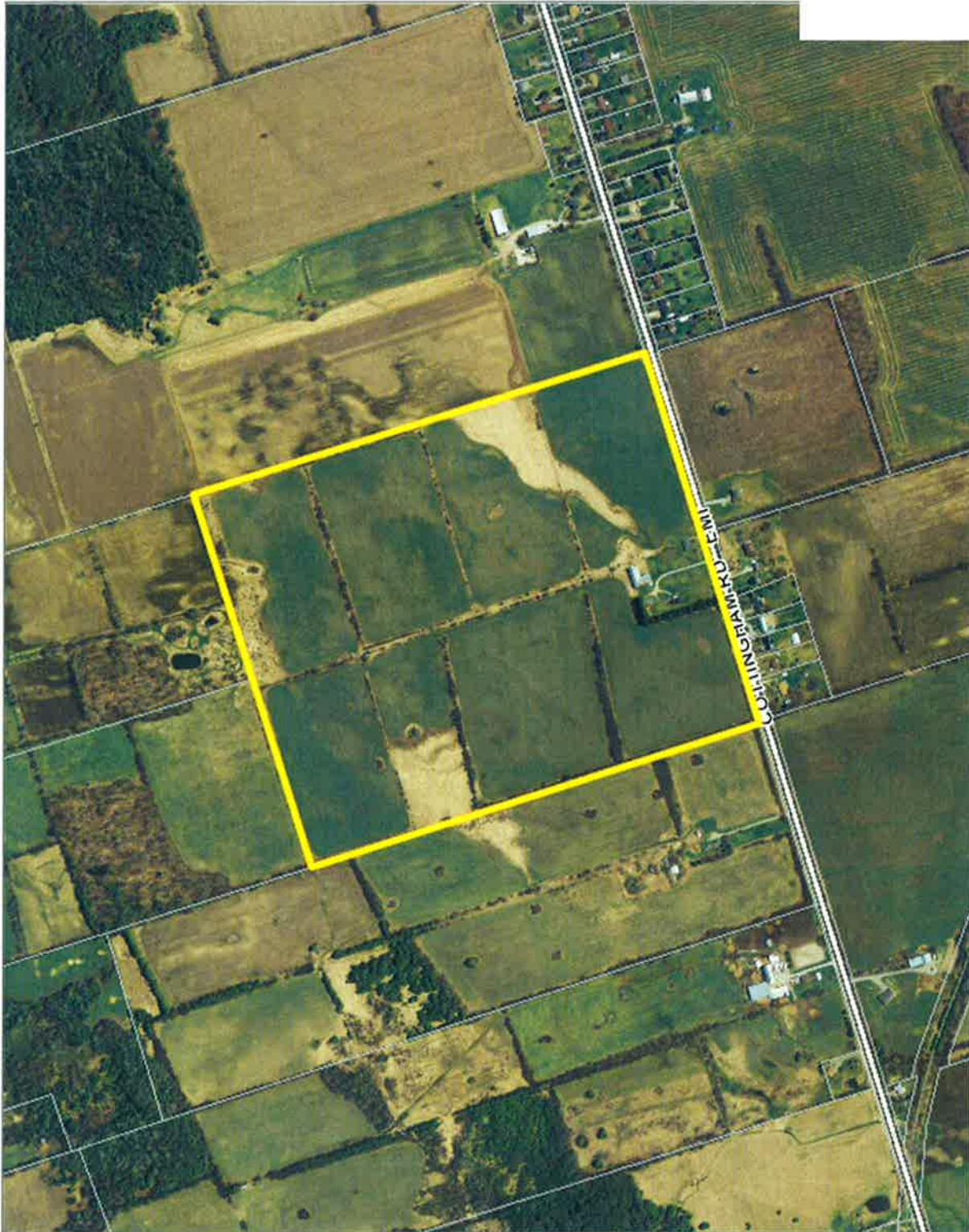


to

REPORT PLAN2018-017

FILE NO: D03-17-033

791 & 795 Cottingham Road, geographic Twp. of Emily

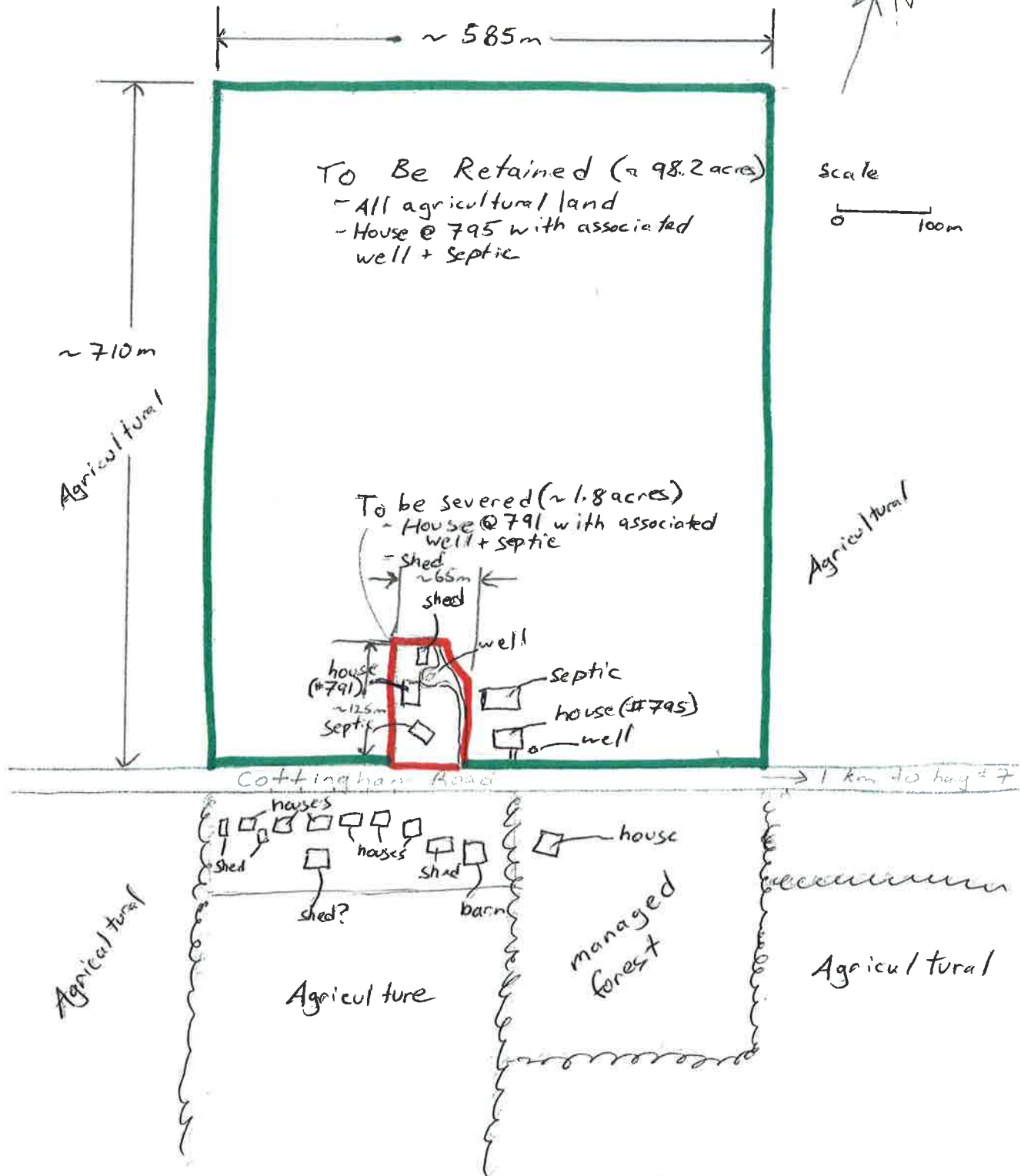


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0.62 Kilometers
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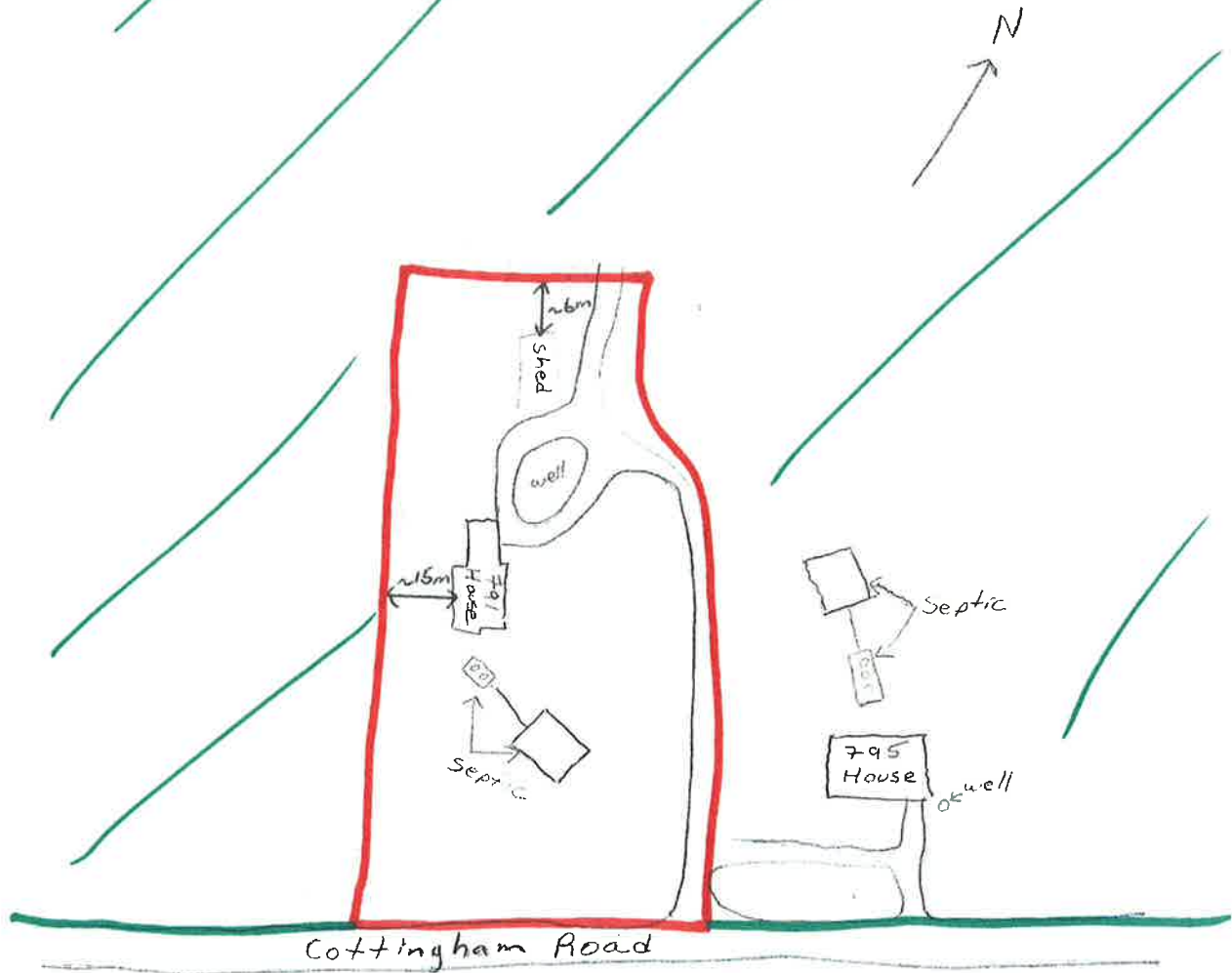
to

REPORT PLAN2018-017FILE NO: D03-17-033

to

REPORT PLAN2018-017

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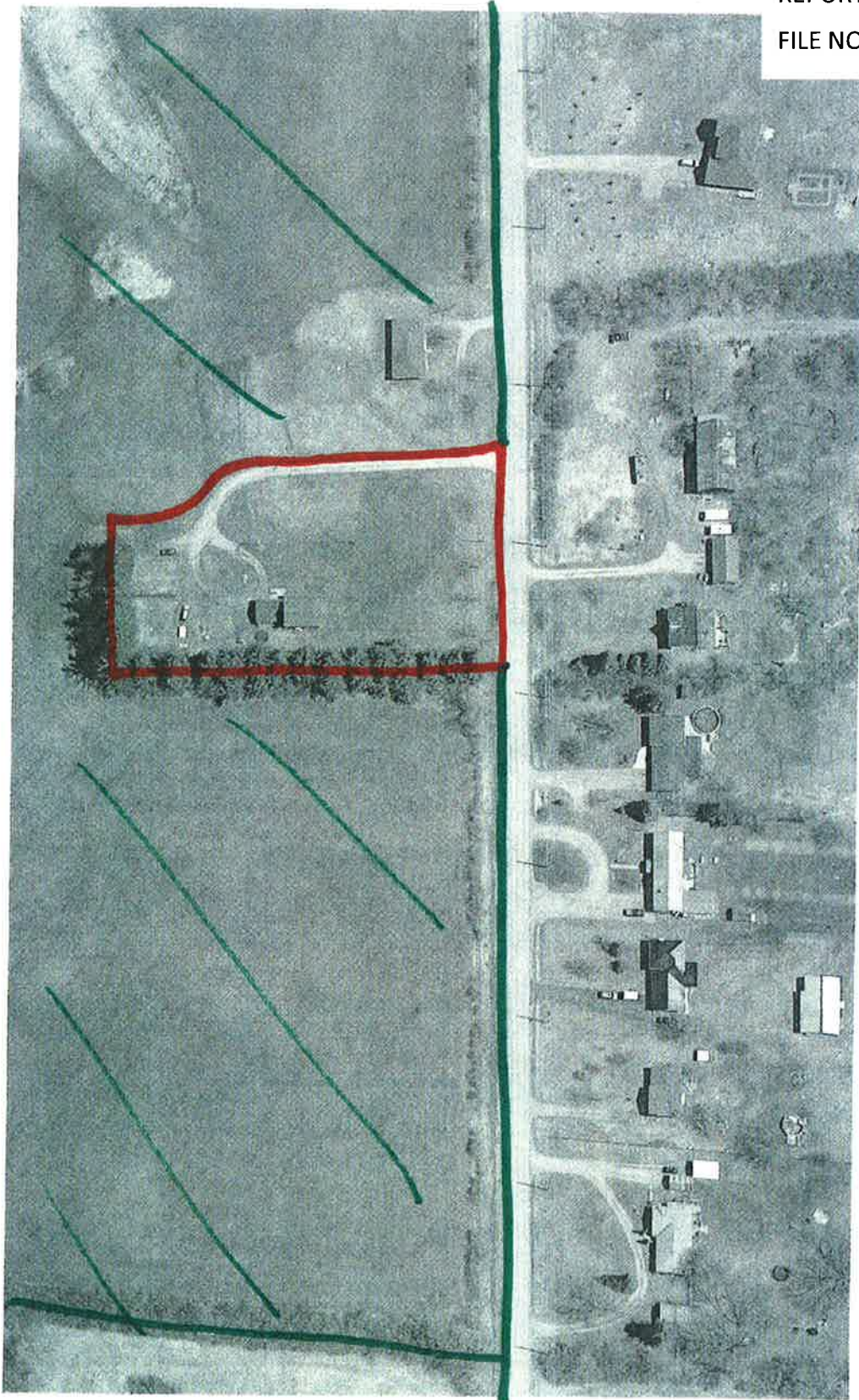


Close-up of property to be severed

to

REPORT PLAN2018-017

FILE NO: D03-17-033



David Harding

From: Derryk Wolven
Sent: Tuesday, November 14, 2017 9:39 AM
To: Erica Hallett
Subject: Consents

FILE NO. D03-17-033

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised building division has the following comments:

D03-17-026 No concerns
D03-17-027 Confirm accessory buildings comply with OBC requirements as residential accessory.
Change of use permit required.
D03-17-028 No concerns
D03-17-029 No concerns
D03-17-030 No concerns
D03-17-031 No concerns
D03-17-032 No concerns
D03-17-033 Confirm accessory buildings comply with OBC requirements as residential accessory.
Change of use permit required.
D03-17-034 No concerns
D03-17-035 No concerns
D03-17-036 No concerns
D03-17-037 No concerns
D03-17-038 No concerns
D03-17-039 No concerns
D03-17-040 No concerns
D03-17-041 No concerns
D03-17-042 No concerns

Kind Regards,

Derryk

D Wolven

Plans Examiner
Building Division
City of Kawartha Lakes

705-324-9411 ext.1273
dwolven@kawarthalakes.ca

David Harding

From: Anne Elmhirst
Sent: Thursday, November 02, 2017 11:45 AM
To: Erica Hallett
Subject: D03-17-033 - Cottingham Rd

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erica,

RE: Consent Application D03-17-033
Conc 3, Lot 21, Former Emily Township, City of Kawartha Lakes
795 & 791 Cottingham Road,
Roll NO. 165100100109600
Owner: Hugh & Shirley Fife

I have received and reviewed the above-noted application for consent to sever .72 ha of residential land and retain 39.75 ha of agriculture land with a dwelling.

Sewage system installation reports have been located for both properties. The proposed property boundaries as identified in the site plan indicate that the sewage systems serving the individual dwellings will be wholly within the new lot parcels.

As such, the Building Division – Sewage System Program has no objection to the proposed consent.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division
180 Kent St. W.,
Lindsay, ON
K9V 2Y6
(t) 705-324-9411 ext. 1882
(f) 705-324-5514

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David Harding

From: Kirk Timms
Sent: Wednesday, October 11, 2017 3:01 PM
To: Erica Hallett
Cc: Christina Sisson; Kim Rhodes; Anne Elmhirst; Lisa Peimann
Subject: D03-17-033 - 795 Cottingham Road, Omemee

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Erica,

Further to our review of the above noted application, Development Engineering offers no objection or specific conditions based on the advanced circulation for the proposed consent to sever 791 Cottingham Road and retain 795 Cottingham Road with existing 98.22 acres.

We respectfully request that if additional information is brought forward through the commenting period that changes the intent of the application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City.

Regards,

Kirk Timms, C.E.T.

Engineering Technician
Engineering & Corporate Assets Department
City of Kawartha Lakes
P.O. Box 9000
12 Peel Street
Lindsay, ON
K9V 5R8
(705) 324-9411 Ext. 1119



David Harding

From: Lisa Peimann
Sent: Wednesday, October 11, 2017 1:18 PM
To: Erica Hallett
Subject: D03-17-033 - 791 & 795 Cottingham Road, Emily

Follow Up Flag: Follow up
Flag Status: Flagged

This email confirms receipt of the Consent application for D03-17-033 791 & 795 Cottingham Road, Emily. The Community Services Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created.

Lisa Peimann, Lean Six Sigma Black Belt
Executive Assistant to the Director of Community Services
705-324-9411 ext. 1300
lpeimann@kawarthalakes.ca