

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2018-04**

**Thursday, April 19, 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**

**Steve Strathdee**

Accessible formats and communication supports are available upon request.

1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2018-03	5 - 15
	March 15th, 2018	
	Committee of Adjustment Meeting Minutes	
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2018-018	16 - 26
	David Harding, Planner II	
	File Number: D20-17-042	
	Location: 59 Cambridge Street North	
	Town Plan North, Part of Lot 11, South of Bond Street	
	Former Town of Lindsay	
	Owners: Jordan and Christa Bress	
	Applicant: Jordan Bress	

3.1.2	COA2018-019	27 - 42
	David Harding, Planner II File Number: D20-17-047 Location: 18 Cockburn Street, West Part of Lots 32 and 33, Plan 30 Geographic Township of Laxton Owner: Deirdre Fowler Applicant: Jim Slack	
3.1.3	COA2018-020	43 - 55
	Quadri Adebayo, Planner II File Number: D20-2018-013 Location: 15 Loop Line Part Lot 20, Concession 4 Geographic Township of Emily Owners: Kevin and Tamara Thirnbeck Applicant: Landmark Associates Ltd. c/o Darryl Tighe	
3.1.4	COA2018-021	56 - 70
	David Harding, Planner II File Number: D20-2018-014 Location: 19 Lila Court Lot 8, Plan 243 Geographic Township of Emily Owners: L. Georgiou, F. Lozicki and R. Crothers Applicant: Carla Crothers	
3.1.5	COA2018-023	71 - 86
	Quadri Adebayo, Planner II File Number: D20-2018-016 Location: 110 Crescent Drive Part Lot 15, Concession 7, Plan 348, Lot 12 Geographic Township of Verulam Owners: Domenico and Melissa Salciccia Applicant: Garry Newhook	

3.1.6	COA2018-024	87 - 98
	Quadri Adebayo, Planner II File Number: D20-2018-017 Location: 270 Louisa Street Part Lot 28, Concession 10 Geographic Township of Fenelon Owners: Michael Hoskin and Deborah Bruyns Applicant: Michael Hoskin	
3.2	Consents	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.2	Consents	
4.2.1	COA2018-022	99 - 111
	David Harding, Planner II File Number: D03-17-033 Location: 791 and 795 Cottingham Road Lot 21, Concession 3 Geographic Township of Emily Owners: Shirley and Hugh Fife Applicant: Hugh Fife	
5.	<b>Correspondence</b>	
6.	<b>Other Business</b>	
7.	<b>Next Meeting</b>	
8.	<b>Adjournment</b>	

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**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**

Chair L. Robertson called the meeting to order at 1:00 p.m. Councillor K. Seymour-Fagan and Members D. Marsh, A. Smelko and S. Strathdee were in attendance. B. Archer and S. Richardson were absent.

Recording Secretary, C. Crockford-Toomey

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2018-03 2.1.1

**Moved By** D. Marsh

**Seconded By** S. Strathdee

**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 COA2018-03

February 15, 2018

Committee of Adjustment Meeting Minutes

**Moved By** S. Strathdee

**Seconded By** D. Marsh

**That** the minutes of the previous meeting held February 15, 2018 be adopted as circulated.

**Carried**

## 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

Ms. Wong summarized report COA2018-013 - J and S Cook to request relief to reduce the minimum required water setback and to increase the maximum projection of a cantilevered floor area to permit construction of a two storey and a one storey addition on the existing dwelling. Also relief is requested to permit an accessory building in the front yard and to reduce the required front yard to allow an accessory building (shed) to be constructed.

The Committee requested clarification on the water setback measurement to the piers when the cantilevered floor will be closer to the water. Ms. Wong replied water setbacks are always to the foundation. Recognizing the actual physical build, conditions will limit the footprint to the existing east face projection line.

The Applicant Valerie Farrell was present and stated that the existing cottage doesn't meet the water setback and continued to say that this was the only suitable location to build on site due to a rock outcrop, hydro poles and septic system. The shed and parking area are existing. The owner would like to keep as many trees as possible.

The Owner John Cook was present. He expressed his respect for the land and trees as well as consideration for neighbours.

The Committee thanked Ms. Wong and Applicant for an excellent presentation. They had no further questions.

**Moved By** D. Marsh

**Seconded By** Councillor Seymour-Fagan

**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:**

- **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;

- **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";
- **That** roof drainage from the additions be directed to discharge on the east side of the building;
- **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;
- **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.
- **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.
- **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.
- **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
- **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 COA2017-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**



### 3.1.2 COA2018-014

David Harding, Planner II

File Number: D20-2018-011

Location: 25-27 Helen Street

Part Lot 5 East of Helen Street, Plan 70, Part 1 57R-10544,

Former Village of Bobcaygeon

Owner: Tom Grimes Construction Ltd.

Mr. Harding summarized report COA2018-014 - Tom Grimes Construction. The purpose and effect is to request relief from Section 6.2 (a) to reduce the minimum lot area in order to facilitate the creation of a residential lot. 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 semi-detached dwelling and retain an approximately 512 square metre residential lot with a semi detached dwelling.

The owner was not present

The Committee had no questions.

**Moved By** S. Strathdee

**Seconded By** Councillor Seymour-Fagan

**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:**

- **That** the variance shall apply to the proposed severed and retained portions of the subject property.
- **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.**

**Carried**

### 3.1.3 COA2018-015

Quadri Adebayo, Planner II  
 File Number: D20-2018-012  
 Location: 25 Westview Drive  
 Part Lot 17, Concession 8  
 Geographic Township of Emily  
 Owner: Joan MacGillivray  
 Applicant: Ryan McKnight

Mr. Adebayo summarized report COA2018-015 - Ryan McKnight. The purpose and effect is to permit the construction of a single detached dwelling with garage and deck on the property by requesting relief to reduce the water setback and reduce the required interior side yard on both sides, in order to permit the construction of a two storey single detached dwelling and deck on the property.

The Committee questioned why Staff are requesting a tree planting plan as a condition of approval when there is no by-law in place. Mr. Adebayo replied, the KRCA requested a planting plan of native, non invasive species which demonstrates no negative impact to the fish habitat buffer, therefore KRCA will be notified accordingly when the applicant is due for building permits.

The Applicant, Ryan McKnight was present, he stated that this has been a family cottage for 30 years and that they would like to build something new. Hydro wires have been a problem. We want to keep far from the lake as possible.

The Committee requested Condition 2 be amended, also Condition 3 replaced and Condition 8 replaced to add Condition to reflect tree planting plan. The original Condition 8 now becoming 9. The Committee had no further questions.

**Moved By** D. Marsh

**Seconded By** S. Strathdee

**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:**

- **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;

- **That** prior to the issuance of a Building Permit the owner shall submit 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;
- **That** prior to the issuance of a Building Permit the owner shall obtain a permit and develop a planting plan of native, non-invasive species to the satisfaction of the Kawartha Region Conservation Authority (KRCA) which demonstrates no negative impact to the fish habitat buffer. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that all requirements have been completed to its satisfaction.
- **That** the proposed septic system maintain a minimum water setback of 30 metres;
- **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;
- **That** prior to the issuance of an Occupancy Permit for the proposed dwelling, the accessory structure (shed) be removed from the property;
- **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
- **That** prior to the issuance of an Occupancy Permit for the proposed dwelling, the owner shall obtain a permit from Kawartha Region Conservation Authority (KRCA) which demonstrates that they have implemented the planting plan on the property. This condition will be considered fulfilled once the owner submits to the Secretary Treasurer written confirmation from the KRCA advising that all requirements have been completed and/or met to its satisfaction.
- **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.**

**Carried**

#### 3.1.4 COA2018-016

Quadri Adebayo  
 File Number: D20-2018-009  
 Location: 154 Ball Point Road  
 Part Lot 18, Concession C, Plan 425 Lot 37  
 Geographic Township of Marisposa  
 Owner: Serge and Catheryn Dugas  
 Applicant: Serge and Catheryn Dugas

Mr. Adebayo summarized report COA2018-016 - S and C Dugas. The purpose and effect is to permit the construction of a single detached dwelling with a garage and deck on the property. Requesting relief to reduce the minimum water setback and to reduce minimum gross floor area of a dwelling unit. Mr. Adebayo continued saying there were public comments opposed to the minor variance from 149 Ball Point Road and 150 Ball Point Road. The Staff response clarified the minor variance met the four tests prescribed under the planning act.

The Applicant/Owner, Mr. Dugas was present and said he bought the property in 2016. The existing minor variance conditions on the property is close to expiration and requested it be reviewed. The Committee asked Mr. Dugas if twelve months would be sufficient to complete. Mr. Dugas replied yes, if the application is accepted it would start after the half load restrictions were removed.

The Committee requested clarification on last sentence in Condition 5. Mr. Adebayo responded amendment to read - The Condition will be considered fulfilled upon completion of the first Building Inspection.

Committee had no further questions.

**Moved By D. Marsh**

**Seconded By A. Smelko**

**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:**

- **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;
- **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;
- **That** the proposed holding tank maintain a minimum water setback of 30 metres;
- **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
- **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 COA2018-016. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

## 3.2 Consents

### 3.2.1 COA2018-017

David Harding, Planner II  
 File Number: D03-17-033  
 Location: 791 and 795 Cottingham Road  
 Lot 21, Concession 3  
 Geographic Township of Emily  
 Owners: Shirley and Hugh Fife  
 Applicant: Hugh Fife

Mr. Harding summarized report COA2018-017 - Hugh and Shirley Fife. This application proposes 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. Mr. Harding request the application be denied.

The Committee asked if the owners currently have a farming operation. Staff replied that the owners do not have a farm operation 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. It must be treated as a rural lot creation within a prime agricultural area. Staff further advised that the owners did not own another agricultural lot.

The Applicant/Owner Mr. Fife was present and said my family had farmed the land for decades. The family acquired the property back in the 1920's. In 1960 a second dwelling, 795 Cottingham Road was built for his parents. 791 Cottingham Road was where his grandparents lived. It was rented out in 1978 after his Grandfather passed away. His Mother lives in 795 Cottingham Road and he stated that it is her intention to live out the rest of her life there. She does not wish to remain a landlord, and would like 791 to be owned by those that are able to continue to upkeep the property. Mr. Fife said that the land has been rented to farmers for the last 25 years. The Committee asked Mr. Fife if adjoining properties are farmed. Mr. Fife replied the property to the East is.

The Committee asked Staff for clarification what defines a Bona-Fide farmer and farming operation. Staff replied a minimum farm income must be claimed and a farm Business Registration Number (FBR) obtained. This F.B.R. must be current, and the bona-fide farmer must hold sole title to another agricultural lot that the farmland will consolidate with.

The Committee stated that it believed this proposal is a unique circumstance and if we were to support this application, who would appeal. Staff replied that the Ministry of Municipal Affairs may as the proposal does not comply with the P.P.S. The Committee asked Staff if there are any hardship provisions for situations like this. Staff replied no.

After discussions the Committee agreed to defer the application to the next Committee of Adjustment Meeting on April 19th, 2018 in order to provide staff sufficient time to draft proposed conditions for provisional consent.

**Moved By D. Marsh**

**Seconded By S. Strathdee**

**That** the application be deferred to the next Committee of Adjustment Meeting April 19th, 2018, so that staff has sufficient time to draft proposed conditions for provisional consent.

**Carried**

**4. Deferred Applications**

4.1 Minor Variances

4.2 Consents

**5. Other Business**

The Chair Lloyd Robertson announced that Allan Smelko has resigned from the Committee for personal reasons and that this was his last meeting.

**6. Correspondence**

**7. Next Meeting**

The next meeting will be Thursday, April 19th 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 2.40 p.m.

**Carried**

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Sherry L. Rea, Secretary-Treasurer

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Bress**

Report Number COA2018-018

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### **Public Meeting**

**Meeting Date:** April 19, 2018

**Time:** 1:00 pm

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

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**Ward: 10 – Former Town of Lindsay**

**Subject:** An application authorize a variance from Section 5.2 (b)(i) to reduce the minimum exterior side yard setback from 4 metres to 1.5 metres to permit the construction of a detached garage on property located at 59 Cambridge Street North, former Town of Lindsay (File D20-17-042).

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**Author:** David Harding, Planner II

**Signature:**

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### **Recommendations:**

**RESOLVED THAT** Report COA2018-018 Jordan and Christa Bress, be received;

**THAT** minor variance application D20-17-042 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 detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-018, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** prior to the framing inspection, the owner shall submit to the Building Division a certificate or plan prepared by an Ontario Land Surveyor that confirms that the dimensions of the setbacks proposed to the rear and flankage lot lines and to the pool conform to the requirements of the Zoning By-law and the variance granted by this Decision; and
- 3) **THAT** the building construction related to this minor variance 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 COA2018-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** This application was last amended March 29, 2017.

**Proposal:** To construct an approximately 40.13 square metre (432 square foot) single detached garage. Its proposed dimensions are 5.48 metres (18 feet x 7.31 metres (24 feet). A frame shed containing pool equipment is located within the proposed garage footprint. The frame shed is proposed to be removed, and the pool equipment relocated to a space within the proposed garage. Ladder-only access is proposed to access the storage space on the second level.

**Owners:** Jordan and Christa Bress

**Applicant:** Jordan Bress

**Legal Description:** North Part Lot 11 South of Bond Street, Town Plan, former Town of Lindsay, City of Kawartha Lakes

**Official Plan:** “Residential” – Town of Lindsay Official Plan

**Zone:** “Residential Two (R2) Zone” – Town of Lindsay Zoning By-law 2000-75

**Site Size:** 731.32 square metres (7,871.86 square feet)

**Site Servicing:** Municipal sanitary sewer and water supply

**Existing Uses:** Residential

**Adjacent Uses:** North: Community Facility (Cambridge Street United Church), Residential  
South, East, and West: Residential

**Rationale:**

**1) Is the variance minor in nature? Yes**  
**And**

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

The subject property is a corner lot within a mature residential neighbourhood. As a corner lot, the dwelling (circa 1914) is a prominent feature. The high exposure of the eastern and northern lot lines on the subject property causes the lot to have two front yards: (1) the yard between the dwelling and Cambridge Street North, and (2) the yard north of the dwelling’s northern wall and Bond Street (northern front yard). The “northern front yard” space contributes greatly to the Cambridge Street North and Bond Street streetscapes because it is a long, narrow yard visible from both roads. Accessory buildings,

such as garages, that are closer to the road than the primary building (dwelling) are especially prominent because they deviate from the established line of built construction. When buildings are proposed upon lots within spaces that function as front yards, particular care must be taken to minimize attention to such buildings by controlling their location, height, and general appearance.

The garage proposes a setback similar to that established by the existing frame shed, and alternative locations for the garage are extremely limited due to the presence of an in-ground pool which the owners wish to maintain.

The owners have proposed a garage design which, architecturally, is complementary to the house and streetscape by presenting a built form with carriage house aspects. The size and scale of garage proposed ensures it visually remains accessory to the dwelling. This accessory scale is in keeping with the size of garages established on other corner lots within the neighbourhood. Dormer windows on all faces of the second level storage space are proposed, along with two windows on the first level wall facing Bond Street to add visual interest to both streetscapes and lessen the massing impacts a solid wall would otherwise present to Bond Street. These design elements are anticipated to compliment the established character of the neighbourhood.

Orienting the bay door away from Bond Street also permits the space north of the garage to continue to be used as landscaped amenity space, and provides for the continued use of an existing parking pad to the east. Vehicles that park upon this eastern space in-front of the garage door have sufficient space to park outside of the municipal road allowance.

Therefore, the variance is minor in nature and 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 property is zoned “Residential Two (R2) Zone” in the Town of Lindsay Zoning By-law 2000-75. Single detached dwellings and accessory uses are permitted within this zone category.

The intent of the zoning by-law is to ensure residential accessory buildings maintain an appearance that is clearly accessory to the main residential use on the lot, and preserve the character of residential streetscapes by ensuring storage uses are relegated to locations in-line with or behind dwellings. The setback to the exterior side lot line also ensures sight lines are maintained for vehicles entering/exiting the subject lot or abutting residential lots.

The proposed setback ensures that approximately 6 metres is maintained between the sidewalk edge and garage wall to provide vehicles with a clear view of the street without blocking pedestrian movement. The proposal also ensures that the garage is as complementary to the existing mature Bond Street and Cambridge Street North streetscapes as possible by utilising elements of design to reduce any adverse massing impacts that may otherwise result from the construction of a detached garage with a storage loft in the

proposed location. Such elements include the use of a hip roof, dormer windows and wall windows. It is anticipated that the proposed detached garage will compliment the character of the streetscape, and therefore the established character of the neighbourhood.

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**

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan (Official Plan) continues to remain in effect. The property is designated “Residential” within the Official Plan. The designation anticipates a variety of residential uses including low density residential uses.

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

**Other Alternatives Considered:**

Originally, a two storey attached garage was proposed. As a result of continued dialogue with staff and the creation of a survey, the location, height, and footprint of the garage was substantially modified to provide a design more compatible with the site that is anticipated to be compatible with and contribute significantly to the established neighbourhood character.

**Servicing Comments:**

The property is serviced by municipal sanitary, water and stormwater services..

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

**Public Comments:**

No comments as of April 10, 2018.

## Attachments:



Appendices A-E to  
Report COA2018-018.

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

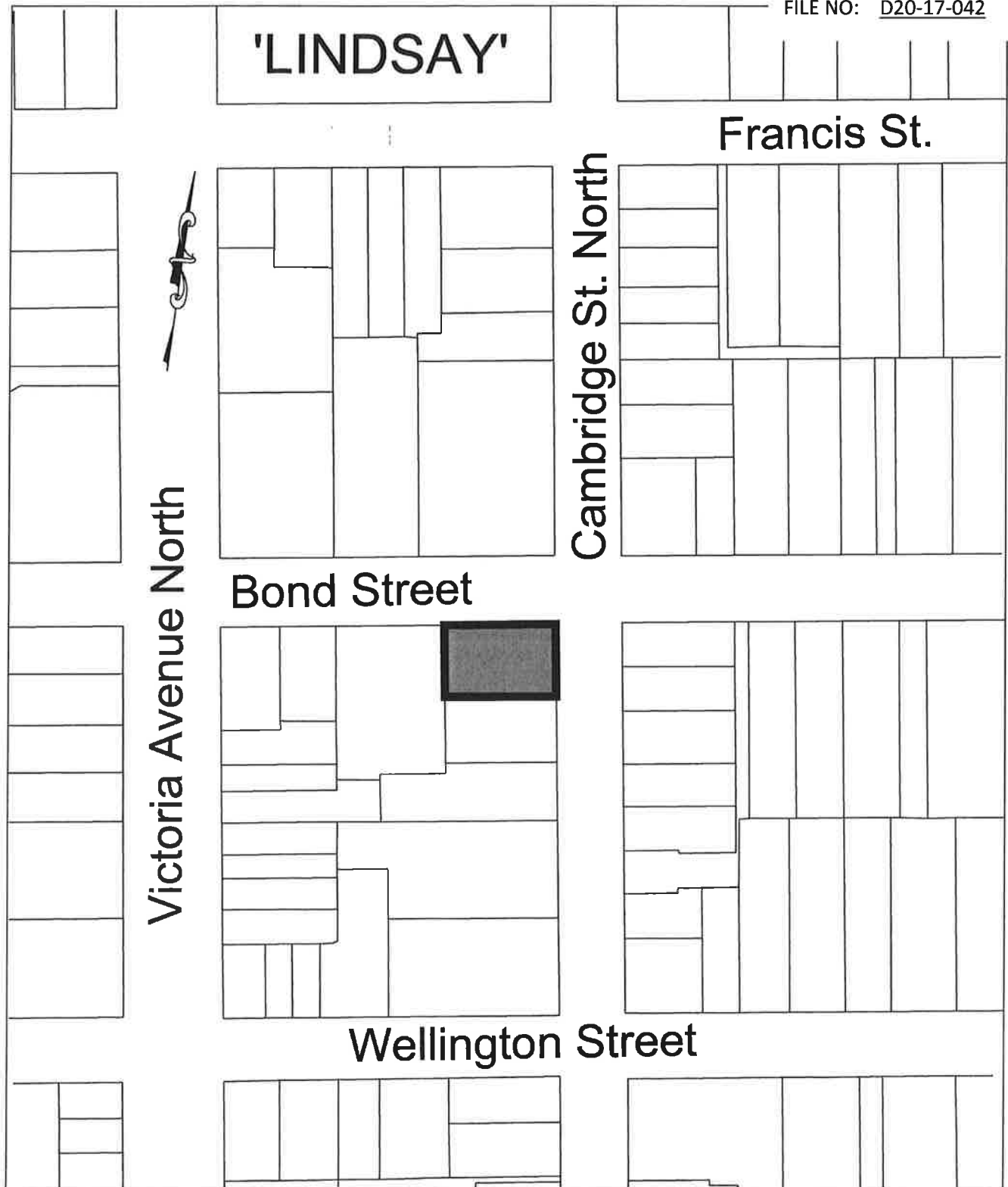
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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-17-042

to

REPORT COA2018-018

FILE NO: D20-17-042

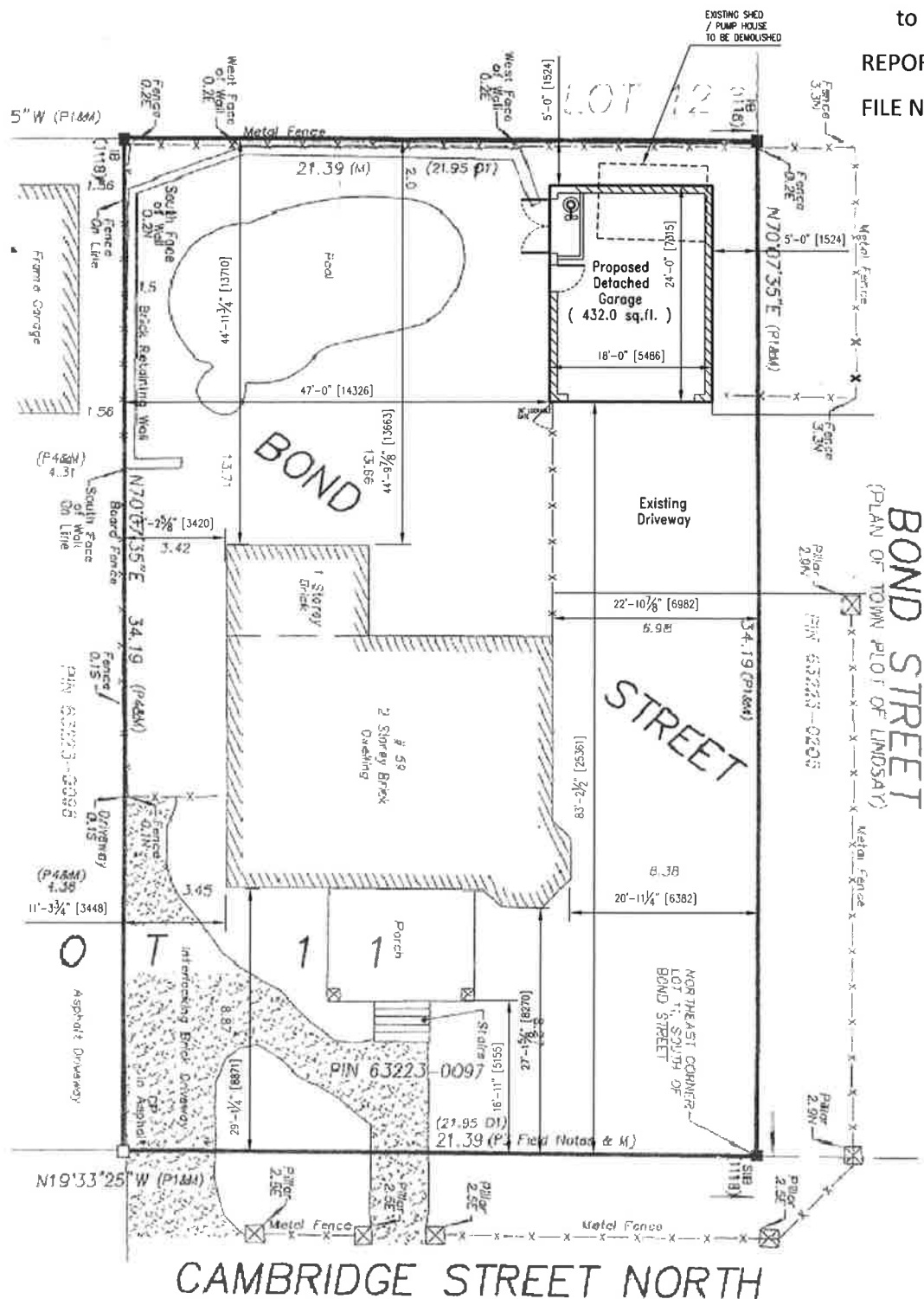




to

REPORT COA2018-018

FILE NO: D20-17-042



<u>~ Existing ~</u>	<u>sq.ft.</u>	<u>m sq.</u>
2 Storey House	1,049.4	97.49
Covered Parch	196.7	18.27
Addition	161.0	14.96
Shed & Pump House	<del>137.7</del>	<del>12.79</del>
	1,407.1	130.72
<u>~ Proposed ~</u>		
24'x18' Attached Garage	432.0	40.13
	1,839.1	170.85
Percentage of Lot Coverage		
Lot Size 70.18' x 112.17'	7,872.1	731.32
Lot Size 21.39 x 34.19		23.4 %



**Bress**  
Jordan

59 Cambridge Street, North  
Lindsay, ON

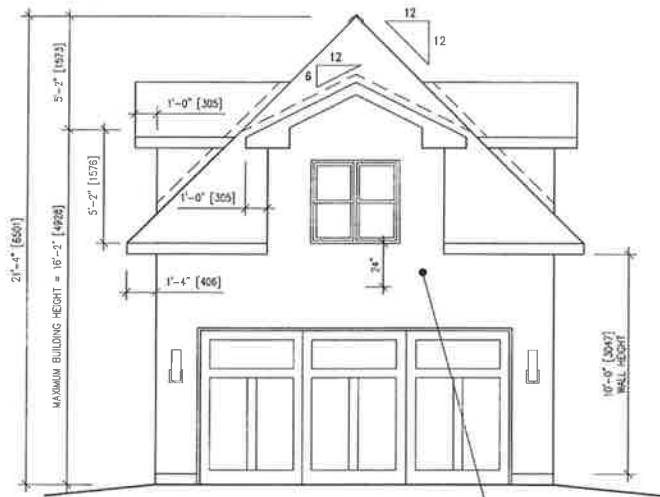
## SITE PLAN

Scale :  $3/32'' = 1'-0''$

to

REPORT COA2018-018

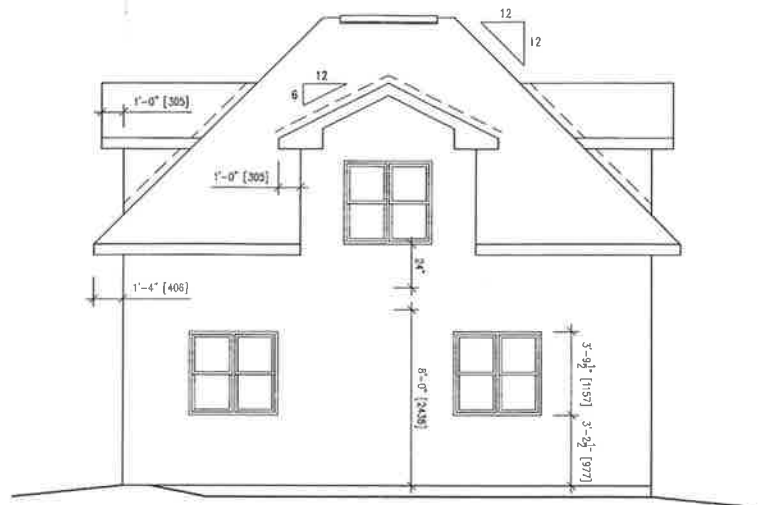
FILE NO: D20-17-042



**FRONT ELEVATION**

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

EXTERIOR SIDING FINISH AS PER  
OWNER TYPE / STYLE / FINISH  
INSTALLED AS PER MANUFACTURER'S  
SPECIFICATION



**RIGHT SIDE ELEVATION**

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

**Bress  
Jordan**

59 Cambridge Street, North



**REAR ELEVATION**

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



**LEFT SIDE ELEVATION**

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

**Bress  
Jordan**

59 Cambridge Street, North  
Lindsay, ON





Engineering & Corporate Assets Department  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1119  
Fax: (705) 324-2982  
e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## MEMORANDUM

APPENDIX " E  
to  
REPORT COA 2018 - 018  
FILE NO. D20-17-042

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
Kim Rhodes, Administrative Assistant  
Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
D20-17-042  
59 Cambridge Street North, Town Plan North Part of Lot 11  
South of Bond Street, former Town of Lindsay, Ward 10, now  
in the City of Kawartha Lakes.

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Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance received on April 6<sup>th</sup>, 2018. Engineering had previously stated no objection to the original application on October 3<sup>rd</sup>, 2017.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a detached garage with a reduced minimum exterior side yard setback.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Town of Lindsay Zoning By-law 2000-75, as amended Section 5.2 (b)(i) to reduce the minimum exterior side yard setback from 4 metres to 1.5 metres permit the construction of a detached garage.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

## David Harding

---

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

Please be advised the building division has the following comments:

D20-17-047 No concerns  
D20-17-042 No concerns  
D20-2018-016 No concerns  
D20-2018-017 No concerns  
D20-2018-014 No concerns  
D20-2018-013 No concerns

### **Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Fowler**  
Report Number COA2018-019

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**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 2 – Geographic Township of Laxton**

**Subject:** An application to authorize a variance from Section 18.4 to reduce the minimum lot area required to construct upon an existing lot of record from 930 square metres to 612 square metres and from Section 4.2(f) to reduce the minimum flankage yard from 6 metres to 3.6 metres. The effect of the combined reliefs is to permit the construction of a single detached dwelling.

The property is located at 18 Cockburn Street, geographic Township of Laxton (File D20-17-047).

---

**Author:** David Harding, Planner II

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-019 Deirdre Fowler, be received;

**THAT** minor variance application D20-17-047 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 single detached dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and generally in accordance with the elevation in Appendix “D” submitted as part of Report COA2018-019, which shall be attached to and form part of the Committee’s Decision; and
- 2) **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 COA2018-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The property once contained a single detached dwelling, which was demolished in 2015. The property has since remained vacant. The application was put on hold to allow the applicant sufficient time to obtain a survey to confirm lot area and the required relief to the flankage yard setback.

The application proposes to construct a new single detached dwelling, see Appendix “D”. This application was last amended April 2, 2018.

**Proposal:** To construct an approximately 169.6 square metre (1,825.6 square foot) single detached dwelling with attached garage. A side split design is proposed.

**Owner:** Deirdre Fowler

**Applicant:** Jim Slack

**Legal Description:** Part Lots 32 and 33, Registered Plan 33, geographic Township of Laxton, City of Kawartha Lakes

**Official Plan:** “Hamlet Settlement Area” – City of Kawartha Lakes Official Plan

**Zone:** “Rural Residential Type Two (RR2) Zone” – United Townships of Laxton, Digby and Longford Zoning By-law 32-83

**Site Size:** 612.3 square metres (6,590.7 square feet) (J.B. Fleguel Surveyors)

**Site Servicing:** Proposed Private individual septic system and municipal water supply

**Existing Uses:** Vacant Land

**Adjacent Uses:** North, South, East, and West: Residential

**Rationale:**

**1) Are the variances minor in nature? Yes**  
**And**

**2) Are the variances desirable and appropriate for the use of the land? Yes**

The subject property is a corner lot within the hamlet of Norland. The property had a single storey single detached dwelling that was demolished in 2015. The variances, if granted, will facilitate the construction of a new single detached dwelling. Without relief the construction of a new dwelling is not possible. The

variances will facilitate the highest and best use of this residentially-zoned lot within an established residential neighbourhood.

Sufficient space remains around the dwelling for recreational amenity space.

Therefore, the variances are minor in nature.

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

**Yes**

The subject property is zoned “Rural Residential Type Two (RR2) Zone” within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83.

The general provisions within Section 18.4 of the Zoning By-law ensure that development upon undersized lots of record may occur provided a minimum area (930 square metres) requirement is met.

Most of the lots within this neighbourhood were created and built upon prior to the former United Township’s implementation of its first Zoning By-law in 1983. Some of the existing residential lots fall below the minimum area requirement. Many of these undersized lots abut Monck Street, and the subject property will be accessed from Monck Street. Additionally, some dwellings in the neighbourhood are closer to the front and/or flankage lot lines than is now permitted.

Proposals on lots which cannot meet Section 18.4 are to be evaluated through a Planning Act application on their own merits to determine whether the property can be adequately serviced, and ensure the proposed built form will not generate adverse land use conflicts, adverse massing impacts, or adversely impact neighbourhood character.

Given that the proposed dwelling will maintain a spatial separation in excess of 9 metres from the asphalt edge of Cockburn Street, present a single storey wall with raised basement to that street, and will have a flankage yard setback greater than that of the dwelling on the opposite corner lot (22 Cockburn Street), no adverse massing impacts are anticipated by reducing the setback to the flankage lot line. Additionally, the Building Division is satisfied that a sewage system may be constructed to support the proposed dwelling. All other RR2 Zone provisions are proposed to be maintained. Therefore, no adverse impacts are anticipated by permitted a single detached dwelling to be constructed on the lot.

As such, 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 “Hamlet Settlement Area” within the City of Kawartha Lakes Official Plan. The designation permits an assortment of small scale uses that maintains the character and amenities of the hamlet. Single detached dwellings are anticipated within the “Hamlet Settlement Area” designation.

In consideration of the above, the variances maintain 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 serviced by a private individual septic system and municipal water service.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

Community Services Department (November 8, 2017): No concerns.

Ministry of Transportation (MTO) (October 25, 2017): No concern. A permit from the MTO is required.

**Public Comments:**

No comments as of April 10, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-019.

Appendix “A” – Location Map

Appendix “B” – Aerial Photo

Appendix “C” – Site Grading Plan

Appendix “D” – Elevation

Appendix “E” – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1206

**E-Mail:** dharding@kawarthalakes.ca

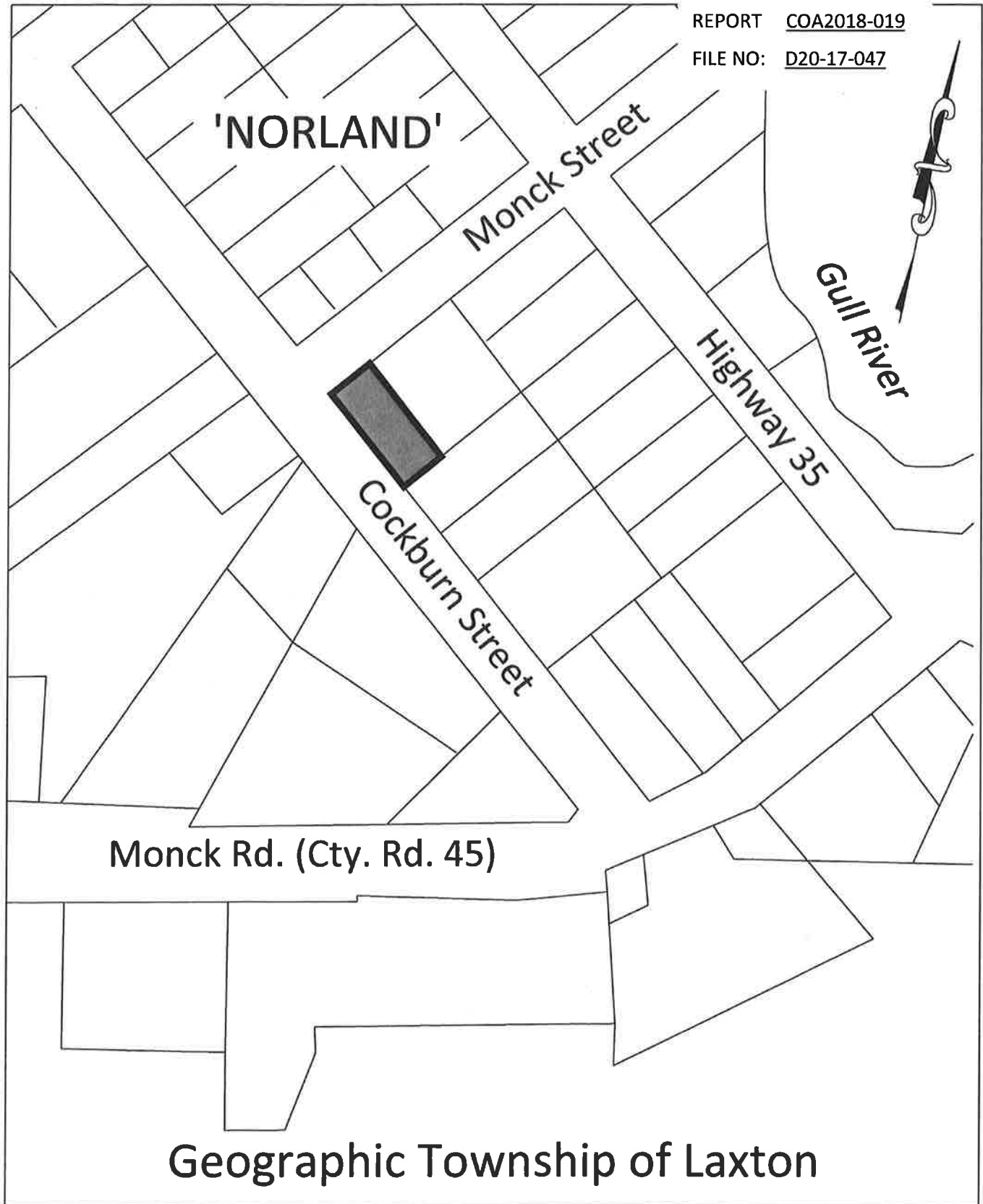
**Department Head:** Chris Marshall

**Department File:** D20-17-047

to

REPORT COA2018-019

FILE NO: D20-17-047







APPENDIX " B "

to

REPORT COA2018-019

FILE NO: D20-17-047

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



0.07 Kilometers

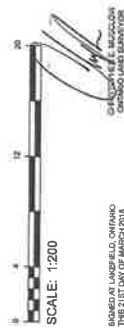
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© City Of Kawartha Lakes

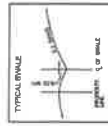


**METRIC:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048




**SITE GRADING PLAN OF  
PART OF LOTS 32 & 33  
REGISTERED PLAN No. 30  
TOWNSHIP OF LAXTON  
CITY OF KAWARTHA LAKES**



<h1>SITE STATISTICS</h1>	BUILDING PERMIT No.
	BUILDER
	JIM BLACK & DEBORAH FOWLER
	TOTAL PARCEL AREA = 612.9 sq. m
	PROPOSED DWELLING AREA = 84.5 sq. m
BUILDING COVERAGE = 13.8%	
TYP. OF FOUNDATION = 320 MM	
UNDERBITE OF FOOTING = 36.57	



## LEGEND

-  DENOTES SURVEY MONUMENT  
 DENOTES EXISTING SPOT ELEVATION  
 DENOTES PROPOSED ELEVATION  
 DENOTES PROPOSED FLOW  
 DENOTES PROPOSED DIMENSION

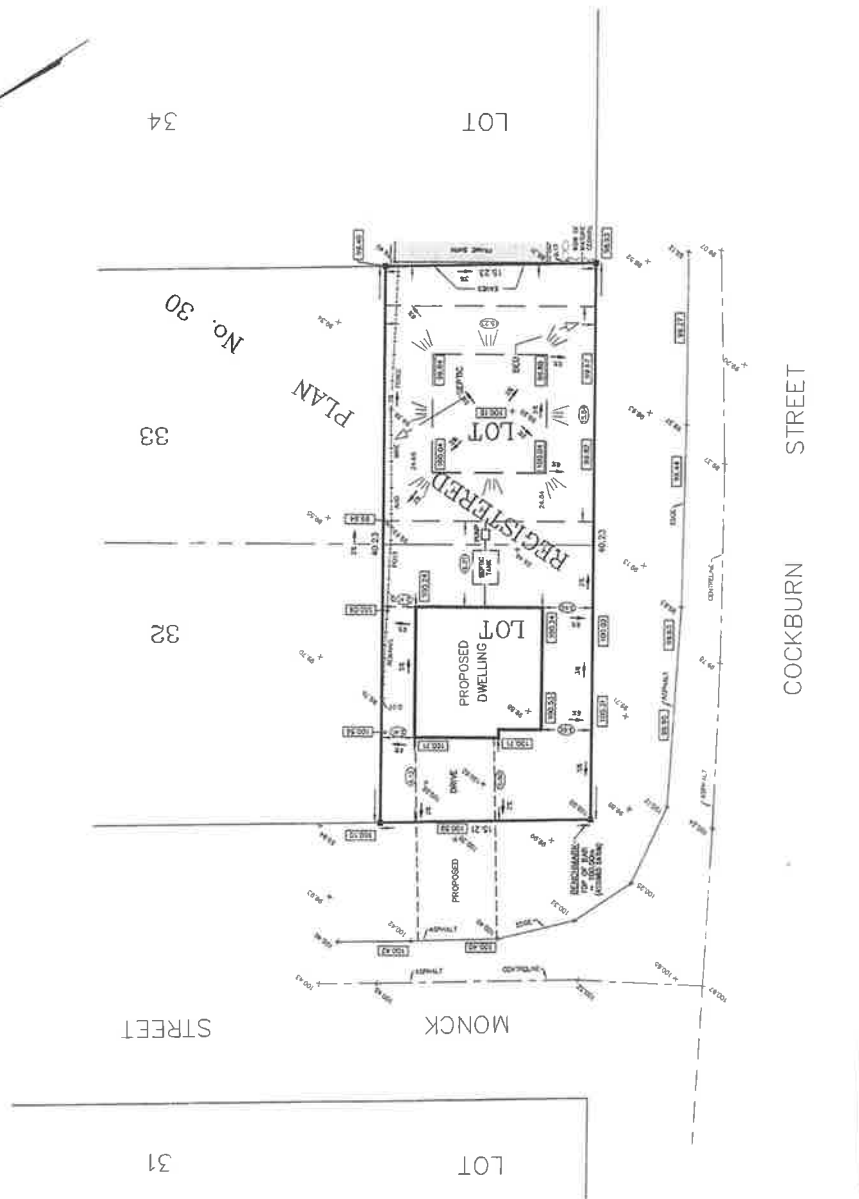
## BENCHMARK

ELEVATIONS SHOWN HEREON ARE REFERRED TO AN ELEVATION AT THE NORTHWEST CORNER OF THE PROPERTY HAVING AN ELEVATION OF 100.00m (AS ASSUMED DATUM)

**GENERAL NOTES:**

- # REPORT FILE NO.

**J.B.F.**  
**SURVEYORS**



[illegible]

to

REPORT COA2018-019

FILE NO: D20-17-047

*Conceptual Design*



**David Harding**

APPENDIX " E "

to

REPORT COA2018-019

FILE NO. D20-17-047

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

Please be advised the building division has the following comments:

D20-17-047 No concerns  
D20-17-042 No concerns  
D20-2018-016 No concerns  
D20-2018-017 No concerns  
D20-2018-014 No concerns  
D20-2018-013 No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## David Harding

---

**From:** Lisa Peimann  
**Sent:** Wednesday, November 08, 2017 10:16 AM  
**To:** Erica Hallett  
**Subject:** Minor Variance D20-17-046

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-17-026 454 Eldon Road, Little Britain (revised sketch)  
D20-17-034 Adjacent to 52 Mason Lane, Somerville  
D20-17-035 1059 County Road, Eldon  
D20-17-036 2 Erin Drive, Manvers  
D20-17-037 59 Murray Street, Fenelon Falls  
D20-17-038 89 Fell's Point Road, Fenelon  
D20-17-039 King Street/Caroline Street, Lindsay  
D20-17-040 2021 Pigeon Lake Road, Emily  
D20-17-042 59 Cambridge Street North, Lindsay  
D20-17-045 76 Cambridge Street South, Lindsay  
D20-17-046 63 North Taylor Road, Eldon  
D20-17-047 18 Cockburn Street, Laxton

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

## David Harding

---

**From:** Sherry Rea  
**Sent:** Wednesday, October 25, 2017 10:29 AM  
**To:** Erica Hallett  
**Cc:** Mark LaHay  
**Subject:** FW: Minor Variance D20-17-047 - 18 Cockburn Street, Norland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Same as last email. Copy to the file and let the Planner know. Sher's

---

**From:** Tolles, Cheryl (MTO) [<mailto:Cheryl.Tolles@ontario.ca>]  
**Sent:** Monday, October 23, 2017 8:55 AM  
**To:** Sherry Rea  
**Cc:** Christina Sisson; Lawrence, Donald (MTO); Susanne Murchison  
**Subject:** Minor Variance D20-17-047 - 18 Cockburn Street, Norland

October 23, 2017

Sherry, I am in receipt of the advanced circulation for the proposed minor variance at 18 Cockburn Street in Norland. As this property is NOT fronting on Highway 35 and the reduced setbacks will not affect MTO, the ministry is prepared to endorse whatever the City's decision is on the minor variance application.

The property does fall within MTO permit control and a MTO building & land use permit would be required prior to any construction occurring on site. Should the City endorse this minor variance and allow the new building to occur, the MTO permit can be applied for online at our new permit portal located at: [www.hcms.mto.gov.on.ca](http://www.hcms.mto.gov.on.ca) If you have any specific questions about the online permit system, Don Lawrence would be the fellow to discuss this with as any permit request for the City of Kawartha Lakes would be directed to Don through the system....no differently than before when proponents would submit applicants directly to Don.

Cheryl

Snapshot of the home page of the new online **MTO Highway Corridor Management System** (below)



## MINISTRY OF TRANSPORTATION



### Highway Corridor Management

## Welcome to Highway Corridor Management - Online Services

Anyone planning to construct on or adjacent to a provincial highway may require a permit from the Ministry of Transportation (MTO). MTO issues permits under the Public Transportation and Highway Improvement Act and administration of the permits is the responsibility of the Highway Corridor Management Office. The Highway Corridor Management Office reviews applications from developers, municipalities, utility companies, and the general public for adherence to policies and impacts on the highway system, resolving conflicts, issuing permits, and enforcement of violation of policies.

### Permit Fees

[Learn more about permit fees.](#)









Engineering & Corporate Assets Department  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1119  
Fax: (705) 324-2982  
e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## MEMORANDUM

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
Kim Rhodes, Administrative Assistant  
Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
D20-17-047  
18 Cockburn Street, West Part of Lots 32 and 33, Plan 30,  
geographic Township of Laxton, Ward 2, now in the City of  
Kawartha Lakes.

---

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the revised Application For Minor Variance/Permission received on April 6<sup>th</sup>, 2018. Engineering had previously stated no objection to the original application on October 20<sup>th</sup>, 2017.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a single attached dwelling with a reduced minimum lot area and minimum flankage yard.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Townships of Laxton, Digby and Longford Zoning By-law 32-83, as amended Section 18.4 to reduce the minimum lot area required to construct upon an existing lot of record from 930 square metres to 612 square metres and from Section 4.2(f) to reduce the minimum flankage yard from 6 metres to 3.6 metres to permit the construction of a single detached dwelling.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Kevin & Tamara Thirnbeck**  
Report Number COA2018-020

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**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 15 – Geographic Township of Emily**

**Subject:** The purpose and effect is to request relief from Section 3.1.3.1 to increase the total lot area permitted for accessory buildings or structures from 225 square metres to 428.5 square metres, in order to permit the reconstruction of a detached garage on the property.

The property is located at 15 Loop Line, geographic Township of Emily (File D20-2018-013).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendation:**

**RESOLVED THAT** Report COA2018-020 Kevin & Tamara Thirnbeck, be received;

**THAT** minor variance application D20-2018-013 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 detached garage 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 COA2018-020, 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** the owner acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;

- 3) **THAT** as part of issuance of the building permit, there be a requirement that the green tent, and the steel storage container shall be removed from the property to the satisfaction of the Chief Building Official; and
- 4) **THAT** the building construction related to the minor variance 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 COA2018-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The area of the subject property was established by consent application D03-15-009 in 2015, whereby 15 Loop Line benefitted 0.37 hectares of lands from a neighbouring “Agricultural (A1) Zone” parcel, also belonging to the owners of 15 Loop Line. As a condition for the consent approval, and in accordance with Section 7.2.1.7 of the geographic Township of Emily Zoning by-law, for lots within the “A1 Zone” that are equal to or less than one 1 hectare, the zoning provisions applicable to a “Rural Residential Type One (RR1) Zone” applies to 15 Loop Line.

The proposal seeks to reconstruct and enlarge an existing 41.90 square metre (451 square foot) detached garage. This application was deemed complete February 26, 2018.

**Proposal:** To construct an approximately 128.94 square metre (1,388 square foot) detached three-car garage.

**Owner:** Kevin & Tamara Thirnbeck

**Applicant:** Landmark Associates Limited

**Legal Description:** Part Lot 20, Concession 4, geographic Township of Emily, City of Kawartha Lakes

**Official Plan:** “Rural” – City of Kawartha Lakes Official Plan

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

**Site Size:** 0.75 hectares (1.84 acres)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Residential

**Adjacent Uses:** North: Residential; East: Agricultural; South: Residential; West: Agricultural

**Rationale:**

**1) Is the variance minor in nature? Yes**

**And**

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

The proposed garage will be replacing an already established detached garage built in 1974. Although, the new detached garage will be larger and extending further into the southerly interior side yard, it is not anticipated to impede functional access to the rear of the property.

In terms of scale, the proposed garage will blend in with the rural character of the immediate surrounding uses. Therefore, no land use compatibility issues are anticipated.

Similarly, the proposed garage will be located at a suitable distance from the dwelling and the metal clad storage building located at the rear of the property. The existing well located behind the rear wall of the existing garage also ensures that the replacement garage will be restricted to maintaining same rear wall line and enabling the width of the proposed structure to be directed away from the septic bed location, thereby minimizing any potential impact to existing servicing utility.

However, removal of both the green shed, and the steel storage container currently on the property, is required, to comply with the maximum of three (3) accessory buildings and a condition of approval is included to address this.

Based on this, the variance is minor as well as desirable and appropriate for the use of the land.

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

Within the "Agricultural (A1) Zone", existing lots of record one (1) hectare or less in size are subject to the "Rural Residential Type One (RR1) Zone" provisions.

The proposed garage will be approximately 3.1 metres from the southerly interior side lot line and will comply with the minimum 3 metres required. The proposed garage is seven (7) times the required minimum front yard setback. It is noted the garage also exceeds the A1 Zone minimum front yard setback of 30 metres.

The proposed total floor area of all accessory building would increase from 340.6 square metres to 428.5 square metres, where only a maximum of 225 square metres is permitted. The proposed total lot coverage for all accessory buildings permitted would still be met, as the proposal would only be comparatively increasing the existing coverage from 4.5% to 5.7%, where a maximum of 8% total lot coverage is permitted.

In all other respects the height of the garage complies with the Zoning By-law provisions for accessory buildings.

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

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

**Yes**

The property is designated “Rural” under Section 16, in the City of Kawartha Lakes Official Plan. Low density residential dwellings and accessory buildings are anticipated within this designation. Thus, the proposal maintains the general intent and purpose of the City’s Official Plan.

**Other Alternatives Considered:**

The applicant has communicated in an email dated April 9, 2018 that mobile toilet on the property is a temporary rental; and as such will be removed. The steel storage container is also a rental used to house contents of the existing detached garage subject to minor variance, while additional items that could not fit into the temporary storage due to size limitations are currently stored in the green tent.

The applicant, having conferred with their client has also assured staff in the same email that the storage container and green tent will be removed from the property upon completing construction of the proposed garage, and the contents of the temporary storage structures will have been relocated to the new garage.

**Servicing Comments:**

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or toileting facilities.

**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 – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Building Division – Sewage Systems (April 9, 2018): No objections

Engineering & Corporate Assets – (April 10, 2018): No Objections

**Public Comments:**

No comments as of April 10, 2018.

## Attachments:

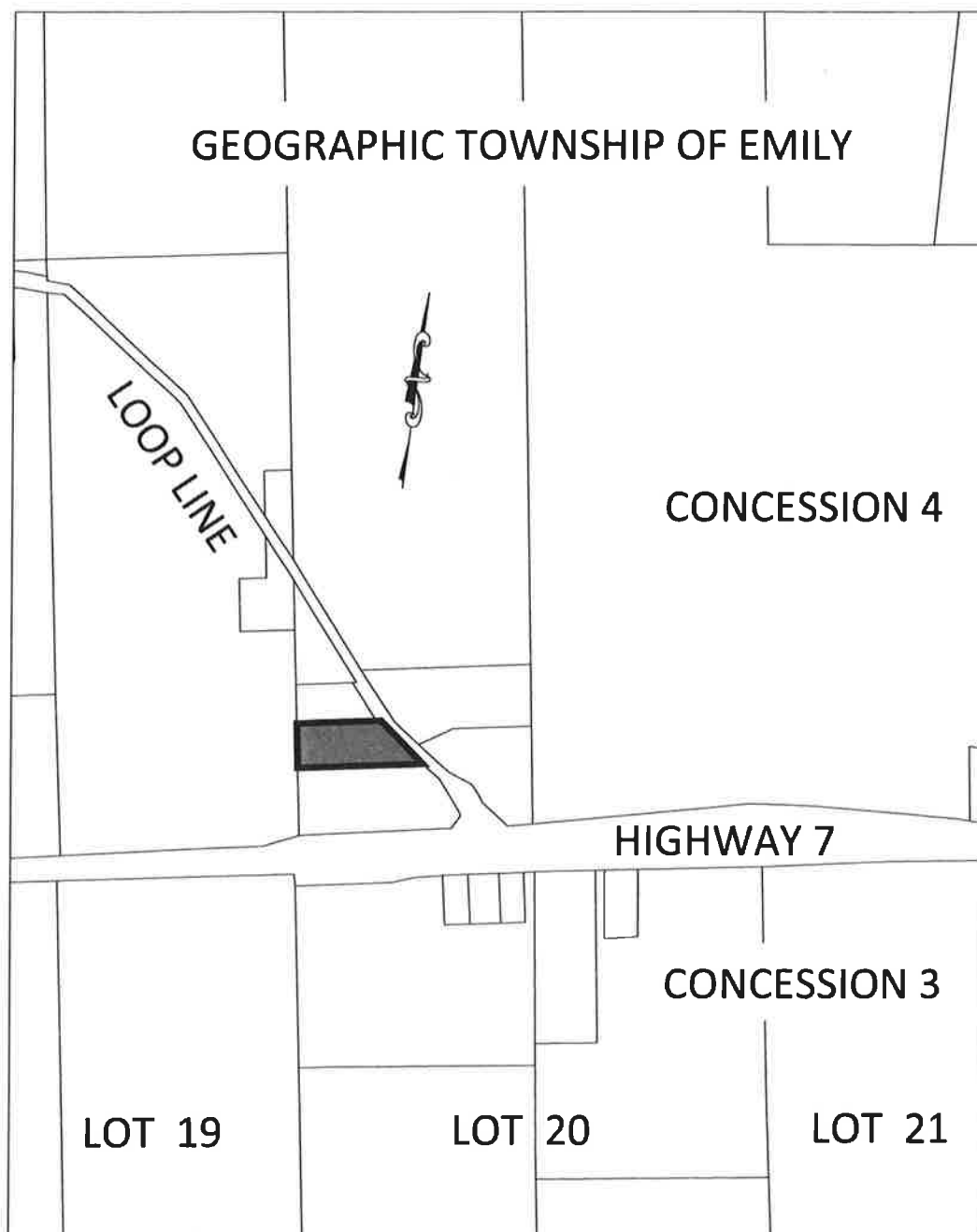


Appendices A-E to  
Report COA2018-020

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

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<b>Phone:</b>	705-324-9411 ext. 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-013





APPENDIX " B "

to

REPORT COA2018-020

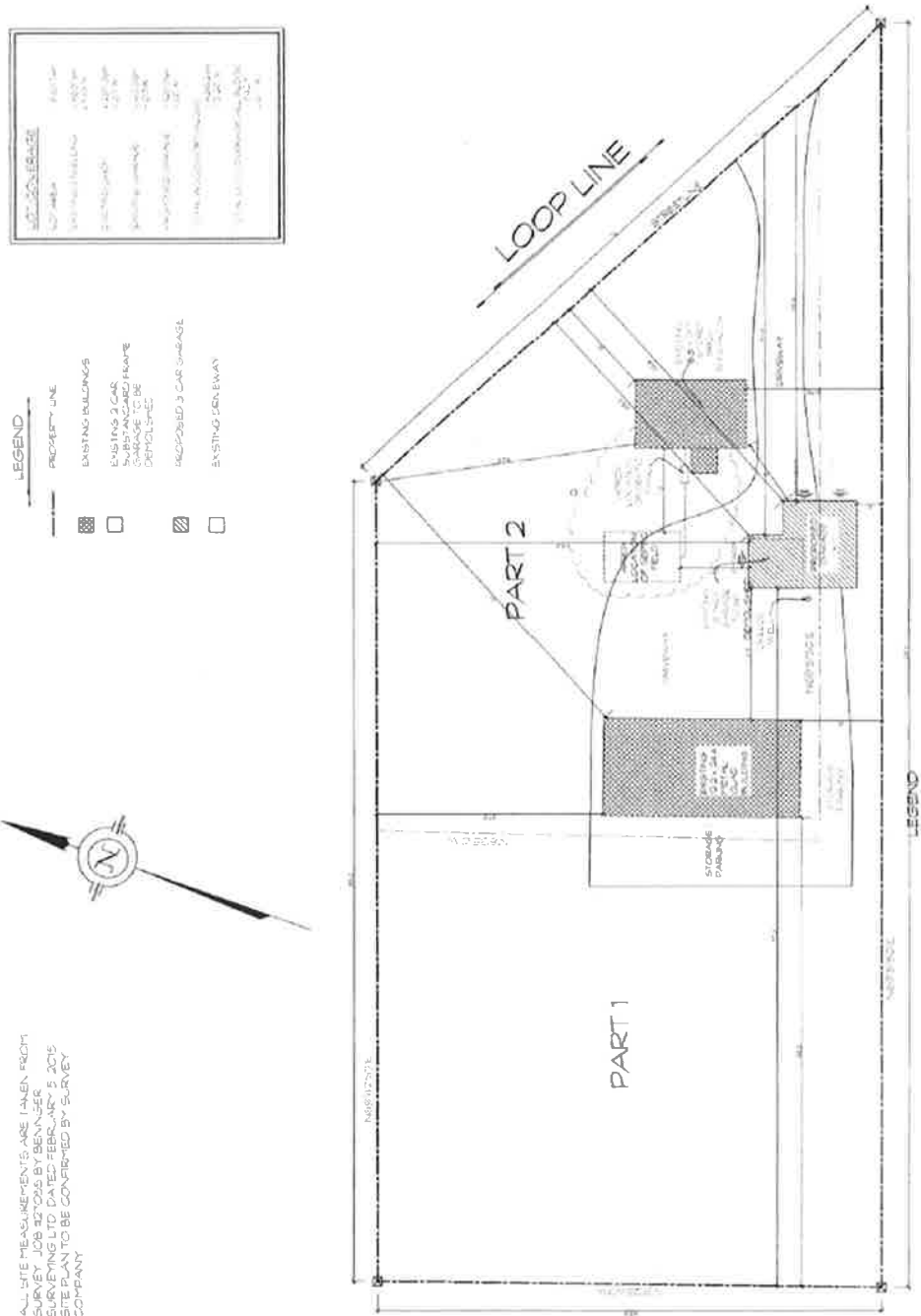
FILE NO: D20-2018-013



## 15 Loop Linet, Geographic Township of Emily



to  
REPORT COA2018-020  
FILE NO: D20-2018-013



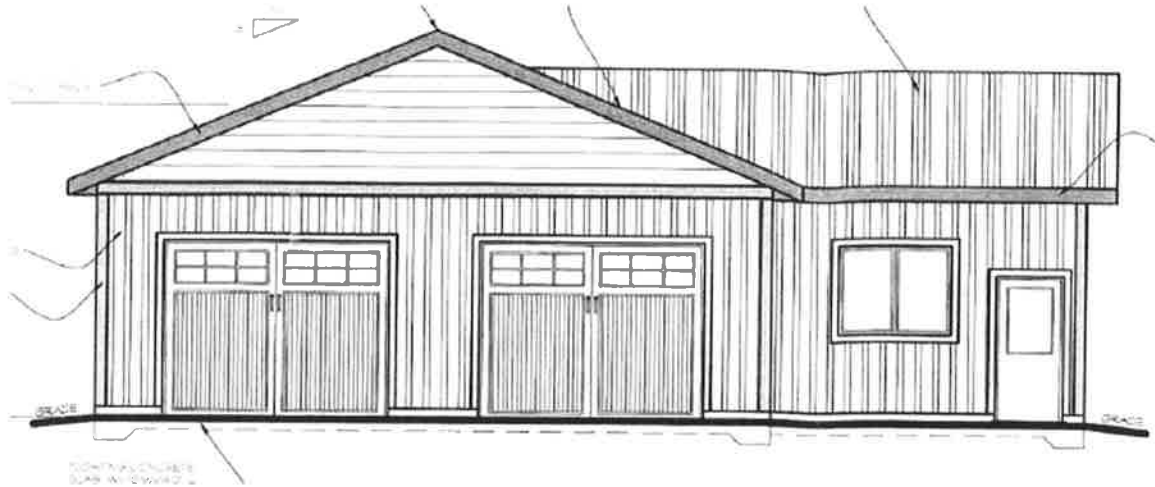
APPENDIX " D "

to

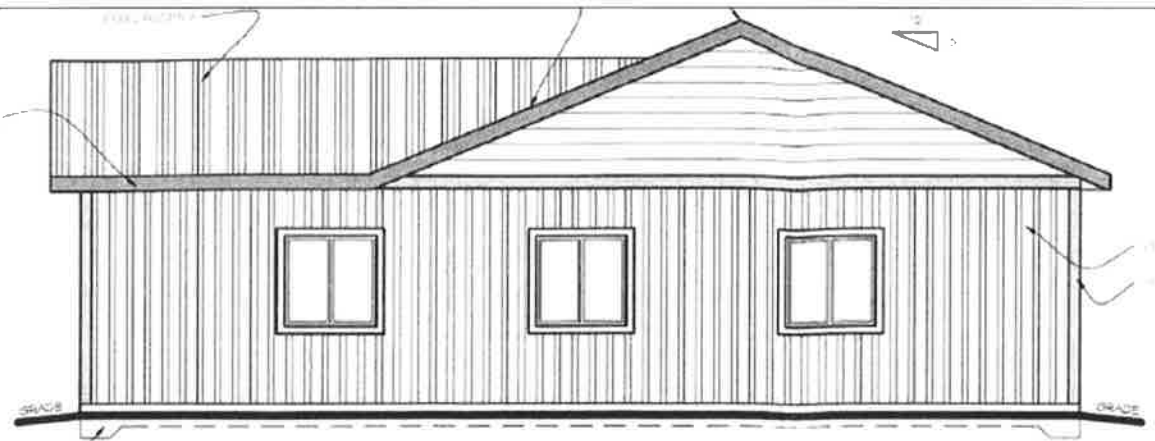
REPORT COA2018-020

FILE NO: D20-2018-013

**Front Elevation (East Direction)**



**Rear Elevation (West Direction)**



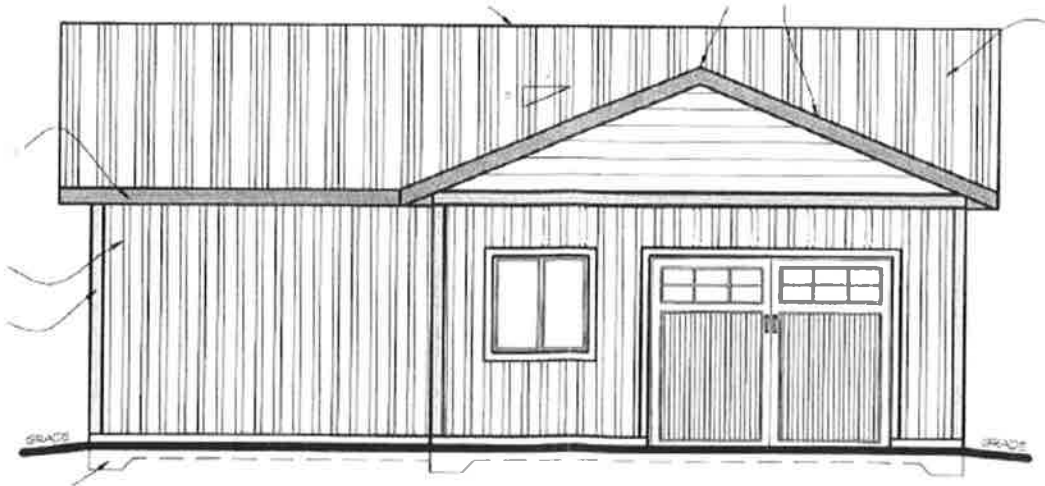
APPENDIX “ D ”

to

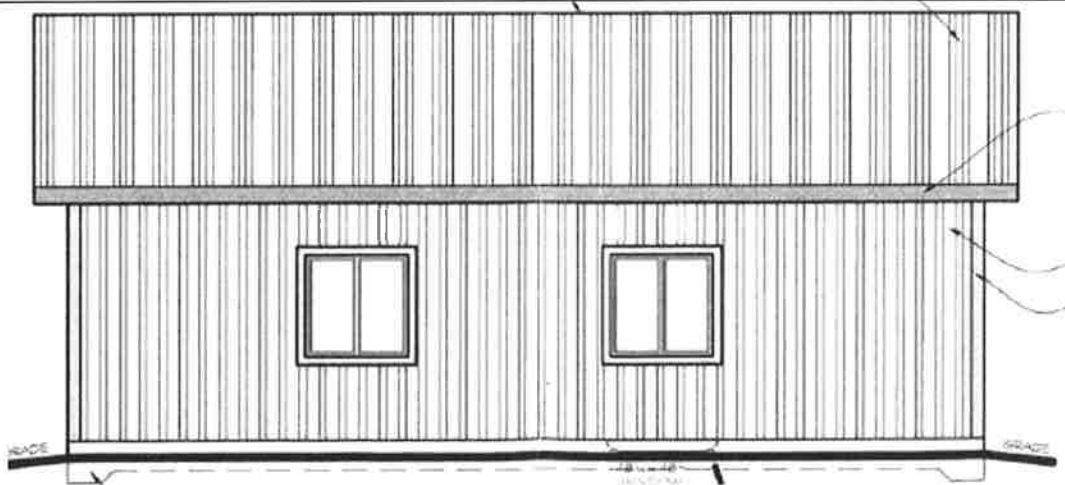
REPORT COA2018-020

FILE NO: D20-2018-013

**Right Elevation (North Direction)**



**Left Elevation (South Direction)**



**Quadri Adebayo**

APPENDIX " E "

to

REPORT COA2018-020

FILE NO. D20-2018-013

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

Please be advised the building division has the following comments:

D20-17-047 No concerns  
D20-17-042 No concerns  
D20-2018-016 No concerns  
D20-2018-017 No concerns  
D20-2018-014 No concerns  
D20-2018-013 No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## Quadri Adebayo

**From:** Charlotte Crockford-Toomey  
**Sent:** Monday, April 09, 2018 1:03 PM  
**To:** Quadri Adebayo  
**Subject:** FW: D20-2018-013 - 15 Loop Line

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

fyi

---

**From:** Anne Elmhirst  
**Sent:** Monday, April 09, 2018 12:10 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-013 - 15 Loop Line

Hello Charlotte,

**RE:** Minor Variance D20-2018-013  
15 Loop Line, Former Emily Township, City of Kawartha Lakes  
Conc. 4, Pt Lot 20, Plan 57R7442, Part 1  
Roll No. 165100100154010000

I have received and reviewed the request to obtain relief for the total ground cover for all accessory buildings on the above-noted property. This request is being proposed to incorporate an addition onto an existing garage. A site visit was conducted to assess the existing location of the sewage system in regards to the new construction.

A sewage system use permit could not be located for this property. The septic tank was located beside the residential dwelling through probing as per the site plan. Probing was performed in the area of the septic field as well.

In addition, the property was assessed for a potential replacement on-site sewage system should the current one fail. Adequate space is available on the property for a replacement Class 4 Sewage System.

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

Should you have any questions or concerns, please do not hesitate to contact me.

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)





Engineering & Corporate Assets Department  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1119  
Fax: (705) 324-2982  
e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

APPENDIX " E "  
to

COA-2018-020

D20-2018-013

## MEMORANDUM

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
Kim Rhodes, Administrative Assistant  
Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
D20-2018-013  
15 Loop Line, Part Lot 20, Concession 4, geographic Township  
of Emily, Ward 15, Now in the City of Kawartha Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application For Minor Variance/Permission received on April 6<sup>th</sup>, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the reconstruction of a detached garage with an increased total lot area permitted for accessory buildings or structures.

From an engineering perspective, we have no objection to the proposed minor variance for Township of Emily Zoning By-law 1996-30, as amended Section 3.1.3.1 to increase the total lot area permitted for accessory buildings or structures from 225 square metres to 428.5 square metres, in order to permit the reconstruction of a detached garage on the property.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Georgiou, Lozicki & Crothers**  
Report Number COA2018-021

---

**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis St., Lindsay

---

**Ward: 15 – Geographic Township of Emily**

**Subject:** An application for a minor variance to request relief from Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 18 metres to permit the construction of a vacation dwelling on the property identified as 19 Lila Court, Lot 9, Plan 243, geographic Township of Emily, (File D20-2018-014).

---

**Author:** David Harding, Planner II

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-021 Laura Georgiou, Frank Lozicki & Robert Crothers, be received;

**THAT** minor variance application D20-2018-014 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 vacation dwelling related to this approval shall proceed substantially in accordance with the site grading plan in Appendix “C” and elevation in Appendix “D” submitted as part of Report COA2018-021, which shall be attached to and form part of the Committee’s decision;
- 2) **THAT** notwithstanding the definition of Water Setback, an unenclosed deck is not permitted to extend an additional 4 metres into the 18 metre minimum water setback established by this variance;
- 3) **THAT** the owners provide documentation satisfactory to the Chief Building Official or his/her designate demonstrating that the deck and stairs on the south side of the dwelling maintain a minimum setback of 4.88 metres from the hydro line depicted in Appendix “C” to Report COA2018-021;
- 4) **THAT** the owners consult with the Kawartha Region Conservation Authority (KRCA) to create and implement a planting plan and/or other mitigation techniques within the rear yard to improve the general health of the



shoreline. The owners shall carry out or cause to be carried out the planting plan and/or mitigation techniques developed by said consultation. Prior to the issuance of an Occupancy Permit the owners shall provide to the Secretary-Treasurer and Chief Building Official or his/her designate written confirmation from the KRCA that the vegetation required in the planting plan has been planted to its satisfaction and/or the other mitigation techniques have been satisfactorily carried out within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused;

- 5) **THAT** prior to the issuance of a Building Permit for the vacation dwelling, the owners shall obtain a permit from the KRCA pursuant to Ontario Regulation 182/06. The owners shall submit to the Secretary-Treasurer and the Chief Building Official or his/her designate a copy of the permit;
- 6) **THAT** prior to the issuance of the Occupancy Permit, the Chief Building Official or his/her designate shall confirm, in writing to the Secretary-Treasurer, that the temporary storage structure within the rear yard identified as “Tent Shed To Be Removed” on the site grading plan in Appendix “C” submitted as part of Report COA2018-021, has been removed from the property. The removal must occur within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused; and
- 7) **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 COA2018-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	Within the last year, the subject property’s single storey vacation dwelling, constructed circa 1945, was demolished.  The application was deemed complete March 12, 2018.
<b>Proposal:</b>	To construct a new vacation dwelling in a similar location with a larger footprint.
<b>Owner:</b>	Laura Georgiou, Frank Lozicki & Robert Crothers
<b>Applicant:</b>	Laura Georgiou
<b>Legal Description:</b>	Lot 8, Plan 243, geographic Township of Emily, City of Kawartha Lakes
<b>Official Plan:</b>	“Waterfront” – City of Kawartha Lakes Official Plan

Zone: "Limited Service Residential Exception Four (LSR-4) Zone" – Township of Emily Zoning By-law 1996-30

Site Size: 1,233 square metres (0.3 acres) (Coe Fisher Cameron OLS)

Site Servicing: Private individual sewage disposal system and well

Existing Uses: Vacant Land

Adjacent Uses: North: Pigeon River  
East: Shoreline Residential/Commercial (houseboat rental)  
South: Agricultural  
West: Shoreline Residential

**Rationale:** The lot is bisected by a hydro line, which, when considered in conjunction with a suitable tile bed location due to site topography, constrains potential building locations.

**1) Is the variance minor in nature? Yes**

**And**

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

The property is situated on a private road in a seasonal residential neighbourhood on the southern side of the Pigeon River. The property was historically used as a cottage. The former single storey cottage was situated upon a rise in the centre of the lot and the new dwelling is proposed in the same general location.

Massing impacts to Pigeon River are not anticipated as the proposed water setback for the new single storey vacation dwelling is similar to that established by the former vacation dwelling. The old vacation dwelling was also very close to the western lot line. The new dwelling will comply with the side yard requirement.

The application proposes a built form and scale consistent with that found on the surrounding properties, and proposes a water setback in-line with that established by the dwellings on the abutting shoreline residential lots.

Sufficient area remains on the southern portion of the lot to accommodate the required parking and septic system.

Therefore, the variances are minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned "Limited Service Residential Exception Four (LSR-4) Zone" within the Township of Emily Zoning By-law 1996-30. Vacation dwelling use is permitted within the LSR-4 Zone.

The intent of the water setback provision is to provide sufficient rear yard amenity space to provide for recreational purposes and to establish a landscaped buffer between the built form and river to mitigate adverse environmental impacts to the Pigeon River by providing for stormwater management via infiltration.

A hydro line bisects the property and Hydro One requires a 4.88 metre setback from this line for all buildings and structures. The water setback is being maintained to the extent possible given the existence of the hydro line and the setback which applies to it and the pronounced rise in the centre of the lot that poses a topographic challenge to siting a septic system in an alternative location.

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

4) **Does the variance maintain the intent and purpose of the Official Plan?**  
**Yes**

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan (Official Plan). Residential uses are anticipated within this designation. The Official Plan permits development within 30 metres of the shoreline upon existing lots of record provided the expansion is directed away from the shoreline to the extent possible. Due to the placement of the hydro line and lot topography mentioned above, the vacation dwelling is situated the furthest extent possible from the shoreline while maintaining the minimum distance Hydro One requires from its infrastructure.

The proposal maintains the general intent and purpose of the City’s Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered.

**Servicing Comments:**

The property is serviced by a private individual septic system and well. The septic system is to be replaced.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (April 10, 2018): No concerns.

Building Division – Building Inspection (April 5, 2018): No concerns.

Kawartha Region Conservation Authority (April 5, 2018): No objection, conditions requested; see Appendix “D” for further details. A permit was issued for the demolition of the former vacation dwelling. A permit is required to permit the construction of a new dwelling.

Building Division – Part 8 Sewage Systems (March 29, 2018): No concerns. Permit SS2017-0424 has been issued to install a new sewage system.

**Public Comments:**

No comments as of April 10, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-021.

Appendix “A” – Location Map  
Appendix “B” – Aerial Photo  
Appendix “C” – Site Grading Plan  
Appendix “D” – Department and Agency Comments

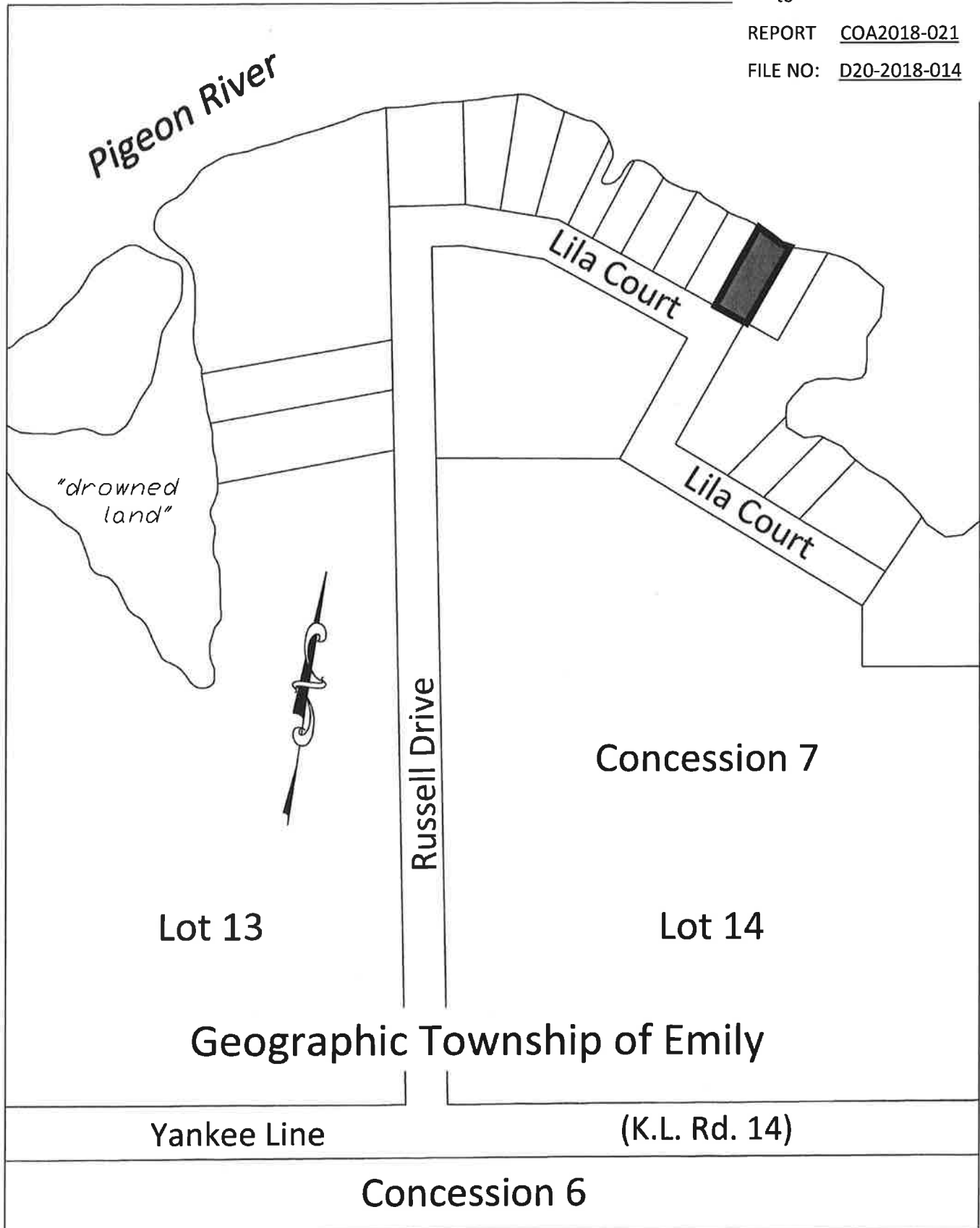
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<b>Phone:</b>	705-324-9411 ext. 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-014

to

REPORT COA2018-021

FILE NO: D20-2018-014





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 **COA2018-021**

FILE NO: **D20-2018-014**

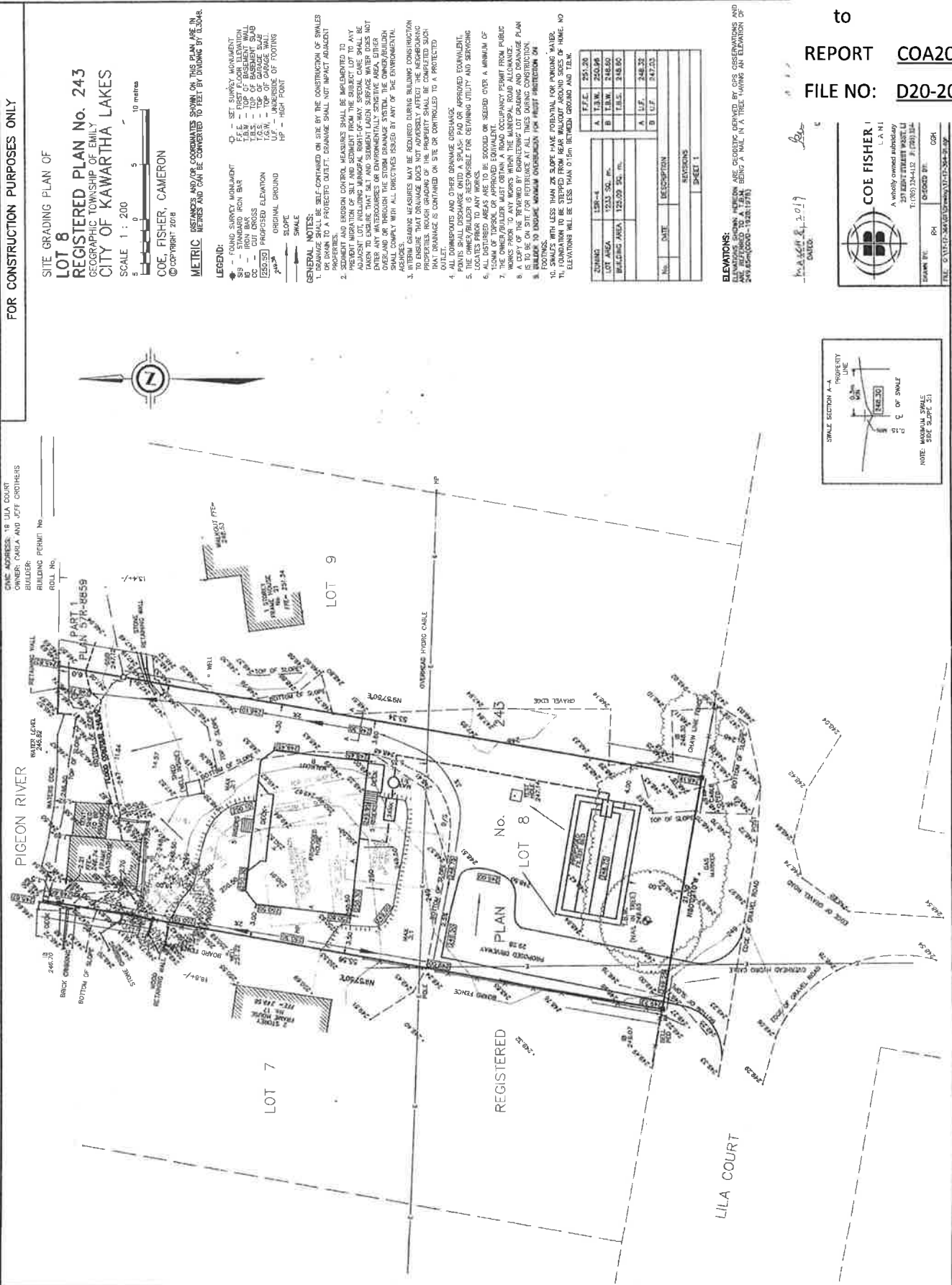
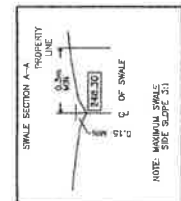
*Handwritten signature and date: 11/20/2019*

**COE FISHER**  
LAND

A wholly owned subsidiary  
of COE FISHER & SONS, INC.  
11001 134th St. E. #200  
Eden Prairie, MN 55324

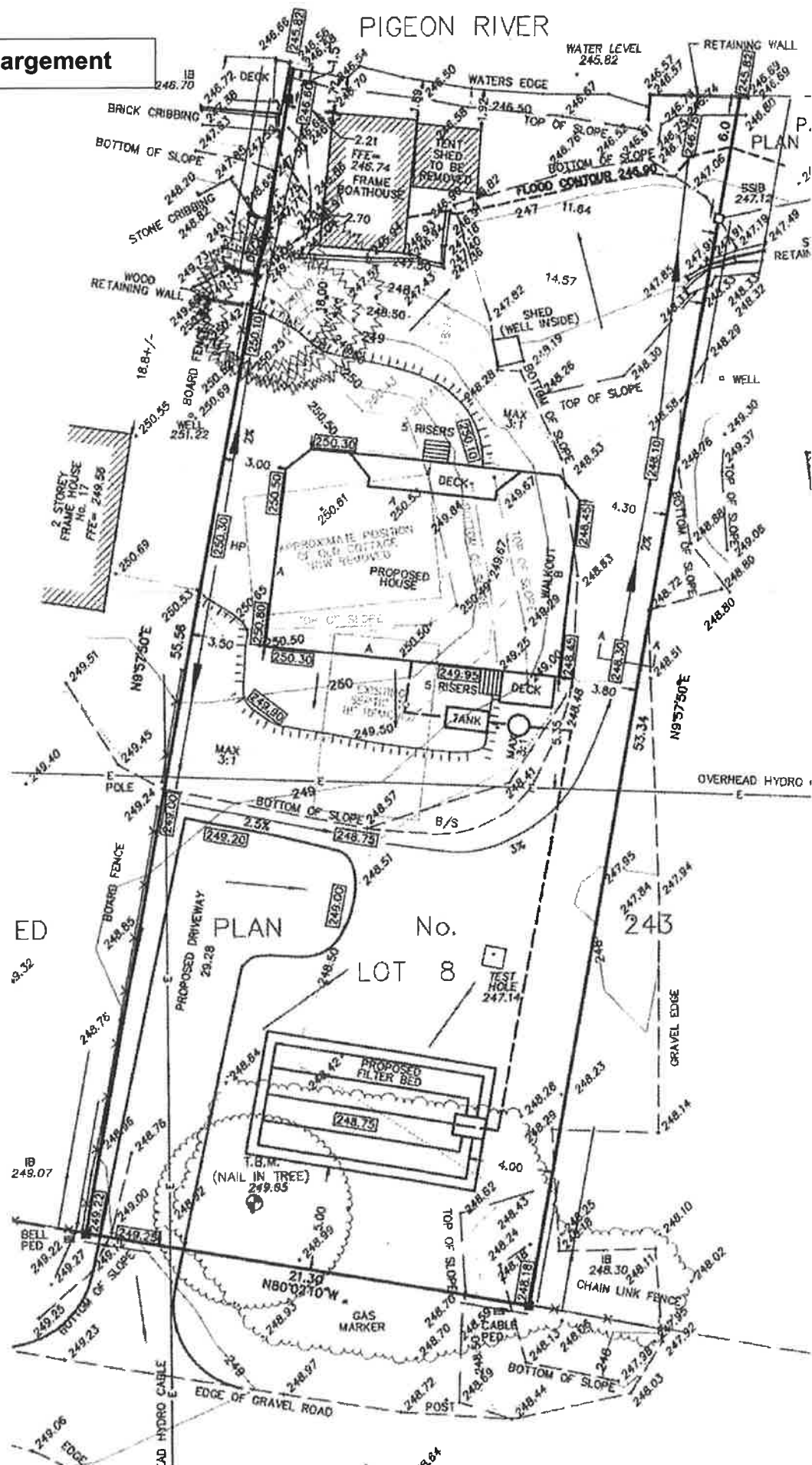
DRAWN BY:	PH	CHECKED BY:	GSA
DATE: 11/20/2019			

FILE: C:\18-014\18-014.dwg





## PIGEON RIVER





to

REPORT COA2018-021

FILE NO: D20-2018-014

NOTE:  
TOTAL ROOF VENTILATION REQUIRED IS  
645 SQ. IN. VENTILATION THROUGH SOFFIT  
IS 810 SQ. IN. AND THE REMAINDER IS  
THROUGH THE RIDGE VENT. NO LESS  
THAN 25% VENTILATION WILL BE AT  
BOTTOM OF ROOF AND NOT LESS THAN  
25% AT TOP OF ROOF.

CODE REQUIREMENTS

- 2012 ONTARIO BUILDING CODE
- 2015 ONTARIO ELECTRICAL SAFETY CODE
- CAN/CSA A227
- INSULATION REQUIREMENTS, AS PER ENERGY EFFICIENCY FORM

CLIMATE DATA: PETERSBURGH, ON

- DESIGN SNOW LOAD: 2.0 kPa
- RAIN LOAD: 0.4 kPa
- SPECIFIED SNOW LOAD: 1.4 kPa
- 1/50 WIND: 0.41 kPa
- DEERFT DAYS: 44/50

Rev.	Description

**MAPLE LEAF HOMES, INC.**

FREDERICTON, NB  
CANADA

Drawing Title:  
**NEW FRONTIER HOMES  
CROTHERS  
OMEMEE, ON**

Date: DEC. 7/2017

Scale:

N.T.S.

Drawn by:

K.A.

Check by:

J.B.

Drawing No.

NFH15

Sheet



Engineering & Corporate Assets Department  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1119  
Fax: (705) 324-2982  
e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

APPENDIX " E "

to

REPORT COA2018-021

FILE NO. D20-2018-014

## MEMORANDUM

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
Kim Rhodes, Administrative Assistant  
Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
D20-2018-014  
19 Lila Court, Lot 8, Plan 243, geographic Township of Emily,  
Ward 15, Now in the City of Kawartha Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application For Minor Variance/Permission received on April 6<sup>th</sup>, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a vacation dwelling with a reduced minimum water setback.

From an engineering perspective, we have no objection to the proposed minor variance for Township of Emily Zoning By-law 1996-30, as amended Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 18 metres to permit the construction of a vacation dwelling.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.



April 5, 2018  
KRCA File No. 16230

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

**Regarding:      Minor Variance Application D20-2018-014**  
**19 Lila Court**  
**Part Lot 14, Concession VII (Emily)**  
**City of Kawartha Lakes**  
**Georgiou, Crothers & Lozicki**

Dear Ms. Crockford-Toomey:

Kawartha Conservation staff have now completed our review of the above noted application to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Emily Zoning By-law 1996-30, as amended. The purpose and effect is to request relief from Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 18 metres to permit the construction of a vacation dwelling.

**Ontario Regulation 182/06**

The subject property abuts the shoreline of Pigeon River and contains a portion of the flooding and erosion hazard associated with that watercourse. Kawartha Conservation regulates the flooding hazard (246.9 masl) as well as a 15 metre setback from the limit of the greatest hazard. As such, a portion of the subject property is regulated pursuant to Ontario Regulation 182/06. Any development within a regulated area requires a Permit from this office prior to site alteration.

Staff note that the applicant obtained a permit (P2017-425) from Kawartha Conservation for the demolition of the existing vacation dwelling, however at this time, have not applied for a permit for the construction of the proposed house. The proposed house is within 15 metres of the floodplain associated with Pigeon River and does require a Permit.

**Memorandum of Understanding (MOU) with the City of Kawartha Lakes**

The following comments are provided as recommendations to the City of Kawartha Lakes, as per our MOU.

***Fish Habitat***

Pigeon River is identified as warm water fish habitat. The minimum natural vegetated cover (i.e. buffer width) adjacent to fish habitat recommended by the Ministry of Natural Resources and Forestry is 30 metres. In cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent lands 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 for warmwater systems may be acceptable.

Staff note that an environmental impact study or fish habitat evaluation has not been completed for this property, and the proposed development is requesting an 18 metre setback from the water as opposed to the 30 metre setback required in the zoning. This is inconsistent with provincial direction. Staff note however that a hydro cable

**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



traverses the property and Hydro One has identified a required 4.87 m (16 ft) setback for all buildings or structures. Therefore, the proposed dwelling is positioned between two competing setback requirements.

It is recommended that if the proposed dwelling cannot provide the MNRF's recommended 30 metre natural vegetated buffer, then a condition of approval of the minor variance be to consult with the Kawartha Conservation on creating and implementing a planting plan and other mitigation techniques within the rear yard to compensate for the encroachment into the water setback and to improve the general health of the shoreline.

Summary

Based on our review **we can advise that we 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, provided:**

1. The applicant obtains a permit from Kawartha Conservation for development within an area regulated pursuant to Ontario Regulation 182/06 prior to site alteration; and
2. The applicant consults with Kawartha Conservation on creating and implementing a planting plan (and/or other mitigation techniques) within the 30 metre fish habitat buffer to compensate for encroachment.

The above comments reflect our understanding, at the time of writing of the best available data, applicable policies and regulations.

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: Stacy Porter, Kawartha Conservation Regulations Department

## David Harding

---

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

Please be advised the building division has the following comments:

D20-17-047 No concerns  
D20-17-042 No concerns  
D20-2018-016 No concerns  
D20-2018-017 No concerns  
D20-2018-014 No concerns  
D20-2018-013 No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Thursday, March 29, 2018 4:03 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-014 - 19 Lila

Hello Charlotte,

RE: Minor Variance D20-2018-014  
19 Lila Crt, Former Emily Township, City of Kawartha Lakes  
Conc. 7, Lot 14, Plan 242, Part 8  
Roll No. 165100100724900  
Owner: L. Gerogiou, R. Crothers, F. Lozicki

I have received and reviewed the proposal to request relief from the water setback to allow for the reconstruction of the vacation dwelling at the above-mentioned property.

A sewage system permit to install (file SS2017-0424) has been issued for this property to replace the system as part of the proposed build. The system is proposed on the south east side of the property running from the roadside property line to the dwelling. The dwelling has been placed to allow for the entire sewage system envelope.

As such, the Building Division – Sewage System Program has no objection to the minor variance.

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Domenico & Melissa Salciccia**  
Report Number COA2018-023

---

**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis St., Lindsay

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**Ward: 7 – Geographic Township of Verulam**

**Subject:** The purpose and effect is to request relief from the following in order to permit the construction of a garage with an attic on the upper level:

1. Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard;
2. Section 5.1.5 to increase the maximum height of an accessory building or structure allowed in a residential zone from 5 metres to 5.7 metres; and
3. Section 5.2(d) to reduce the front yard depth allowed from 7.5 metres to 6 metres.

The property is located at 110 Crescent Drive, geographic Township of Verulam (File D20-2018-016).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-023 Domenico & Melissa Salciccia, be received;

**THAT** minor variance application D20-2018-016 for 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 accessory garage 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 COA2018-023, 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 to the Secretary-Treasurer a revised proposal sketch and elevations showing the proposed garage as maintaining a maximum height of 5 metres in accordance with the by-law definition as “the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof”; and showing the Hydro line being relocated to a safer unobstructing location. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the revised Hydro line location, and the revised building height respectively, are appropriate for the proposed development;
- 3) **THAT** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits required by the KRCA;
- 4) **THAT** the owner acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 5) **THAT** the building construction related to the minor variance 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 COA2018-023  
Fulfillment of all conditions is required for the Minor Variance to be  
considered final and binding.**

<b>Background:</b>	The property is a lot of record containing a cottage dwelling and a detached garage, both built in 1962. The existing detached garage, which is already located in the front yard, is proposed to be replaced through this minor variance application with a larger structure and a reconfigured footprint. This application was deemed complete March 20, 2018.
<b>Proposal:</b>	To construct an approximately 82.12 square metre (884 square foot) detached garage with storage loft.
<b>Owner:</b>	Domenico & Melissa Salciccia
<b>Applicant:</b>	Garry Newhook
<b>Legal Description:</b>	Part Lot 15, Concession 7, Plan 348, Lot 12, geographic Township of Verulam, City of Kawartha Lakes
<b>Official Plan:</b>	“Waterfront” – City of Kawartha Lakes Official Plan
<b>Zone:</b>	“Limited Service Residential (LSR) Zone” – Township of Verulam Zoning By-law 6-87



Site Size: 0.41 acres (1,700 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Residential  
East: Residential  
South: Residential  
West: Sturgeon Lake

**Rationale:**

**1) Are the variances minor in nature? Yes**  
**And**

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

Although the existing garage on the property was constructed as far back as 1962, it is worth noting that the property is an undersized lot of record, as it is 350 square metres smaller than the minimum lot area of 2,050 square metres permitted in a "LSR Zone". Likewise, the northerly interior side yard is already occupied by a septic bed, and it will not be a suitable location to install an accessory structure.

While the dormers are proposed to face the rear of the property (west side or water side), the footprint of the proposed structure will maintain a complying distance from the cottage dwelling, the shoreline, and the southerly interior side lot line respectively. The front yard relief requested for the proposed garage is not anticipated to impact the function of the yard, as sufficient space remains between the proposed structure and the front lot line for maintenance and drainage purposes.

In terms of scale, the proposed height of the replacement garage is anticipated to present a negative visual impact and appear functionally incompatible with the existing character of the surrounding uses, especially in comparison with the height of the existing cottage on the property, including the adjacent accessory buildings to the north, east and south of the subject property respectively.

The height of the existing detached garage is 4 metres, which approximately matches the height of the existing dwelling on the property. In terms of appearance, elevation drawings and observations from site visit suggests that a proposed building height of 5.7 metres resulting from the incorporation of an attic/loft space in the garage design will translate into the perception of a habitation space above the main level of the proposed garage, resulting in an

elaborate structure, which would appear taller than the cottage dwelling on the property.

There is a Hydro line that traverses the property east to west, sagging close to the roof of the existing detached garage. This presents a safety concern if the height of the structure proposed will be higher than the 4 metres already established on the property by the existing accessory building.

Provided the proposed garage is revised to maintain a maximum height of 5 metres, and provided the Hydro line is relocated to a safer unobstructing location, the variances are considered 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**

An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the “Limited Service Residential (LSR) Zone”. Overall, the building being proposed to be above the maximum permitted height of 5 metres (16.4 feet) is considered not to be low profile, but rather, an overdevelopment, as reflective of a design where an accessory use is proposed to be bigger than a primary use, a deviation from what would normally be anticipated in a “LSR Zone”.

Unquestionably, the existing garage is an old structure, Section 10.2 in conjunction with Section 5.13.2 of the Township of Verulam Zoning By-law exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use. The total lot coverage for accessory uses is 4%, where 8% maximum is permitted; and the upper level space also corresponds with the definition of an attic because it is less than 50% of the main floor area.

These same sections also contemplate relief where the by-law provisions are regarded as practicably possible, and where inability to comply results from undue hardships presented by the physical characteristics of a property.

Consequentially, it is very clear that the applicant is requesting the increased height part of this variance out of preference, as they have not demonstrated any hardship to justify why the proposed garage cannot be built to the maximum 5 metres permitted for an accessory structure.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law, provided the proposed garage is revised to maintain a maximum height of 5 metres in accordance with Section 5.1.5 of the corresponding zoning by-law, defined as “the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof”; and provided that the Hydro line traversing above the structures on the property is relocated to a safer unobstructing location.

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

**Yes**

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan. The “Waterfront” designation permits accessory uses as secondary to a single detached dwelling.

Section 20.5.1 of the Official Plan is very clear regarding density and massing in the “Waterfront” designation. It states that “all buildings and structures shall maintain a low profile and blend with the natural surroundings”.

Section 34.1 also acknowledges the extension or enlargement of existing uses in instances of unnecessary hardship. This is recognizable through the location of the existing garage in the front yard, and reasonably demonstrated through the reconfiguration of the footprint of the proposed structure further into the front yard depth by 1.5 metre, in order to ensure a future replacement cottage dwelling can comply with the 15 metre minimum water setback requirement.

In consideration of the above, the applicant has not demonstrated any hardship to justify that the proposed garage cannot be built to comply with the maximum 5 metres permitted for an accessory structure.

Therefore, the variances maintain the general intent and purpose of the Official Plan, provided the proposed garage is revised to maintain a maximum height of 5 metres as defined in the by-law, and provided the Hydro line is relocated to a safer unobstructing location.

**Other Alternatives Considered:**

Discussions with the applicant suggests the height of the proposal is to create additional storage room, and that the protruding attic windows are to enable adequate lighting and ventilation into the accessory structure. The applicant also suggested a future reconstruction of the existing house on the property.

Considering the fact that the property is an undersized lot of record, the applicant has not demonstrated where the footprint of the future dwelling (which is the primary use of the property) will be placed on the property, nor has it been demonstrated whether the size or location of both the existing well and septic system would be of sufficient capacity for such future development. Since it is unclear how this approach qualifies as practicable, the recommendations throughout this report have been proposed with revisions to the requested variances that Staff can support.

Moreso, it has been clarified that the comments of the KRCA apply to the height variance requested. As part of the building permit process, a permit from the KRCA will be required to be obtained prior to the issuance of a building permit.

### **Servicing Comments:**

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or septic facilities.

### **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 – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Kawartha Region Conservation Authority (KRCA - April 6, 2018): No objection. See comments.

Building Division – Sewage System Program (April 9, 2018): No concerns.

Engineering & Corporate Assets (April 10, 2018): No objections.

### **Public Comments:**

No comments as of April 10, 2018.

### **Attachments:**



Appendices A-E to  
Report COA2018-023

Appendix “A” – Location map

Appendix “B” – Air photo

Appendix “C” – Applicant’s sketch

Appendix “D” - Elevations

Appendix “E” – Department and Agency comments

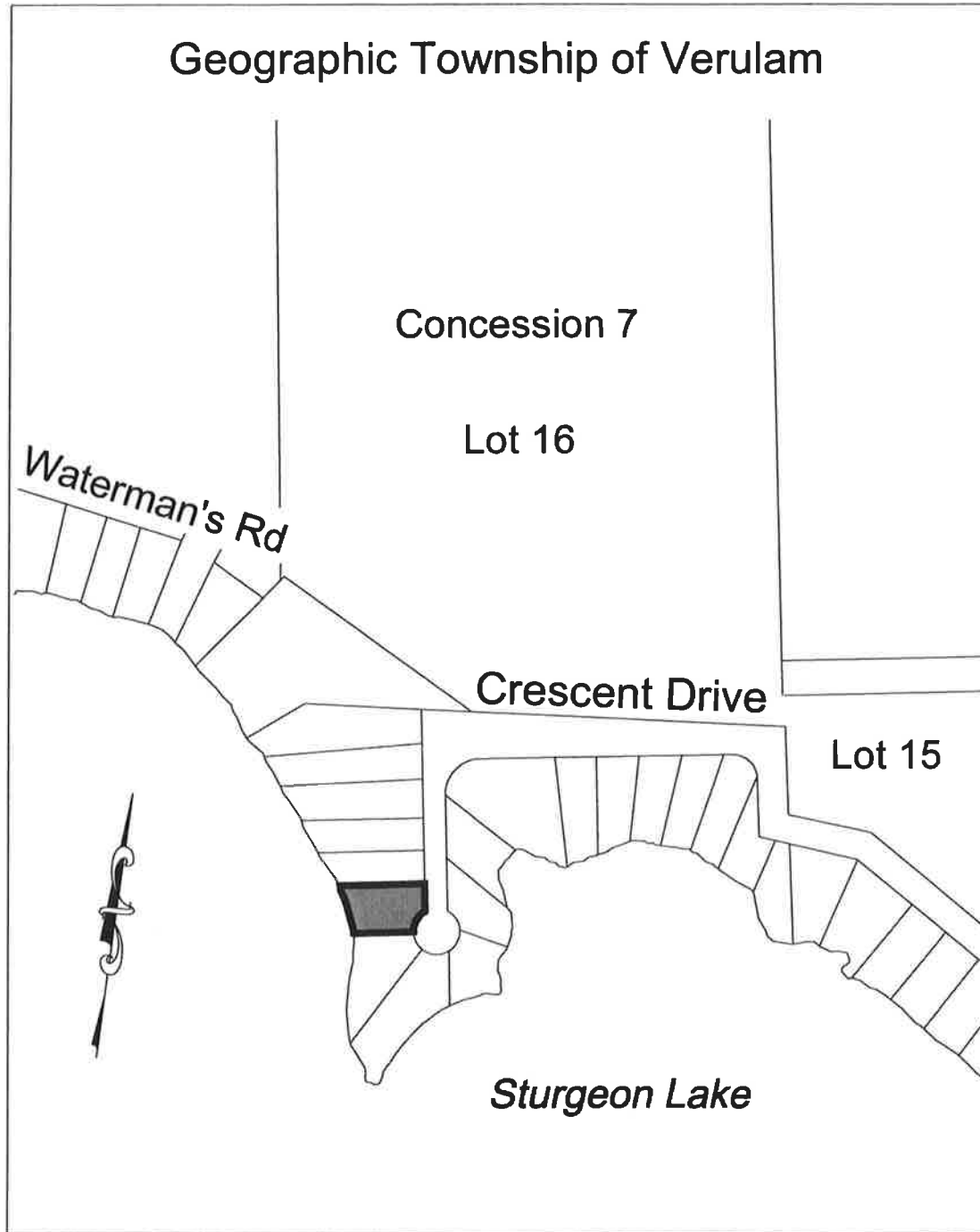
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<b>Phone:</b>	705-324-9411 ext. 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-016

to

REPORT COA2018-023

FILE NO: D20-2018-016



to

REPORT COA2018-023

FILE NO: D20-2018-016

## 110 Crescnet Drive, geographic Twp Verulam



to  
REPORT COA2018-023  
FILE NO: D20-2018-016



APPENDIX " D "

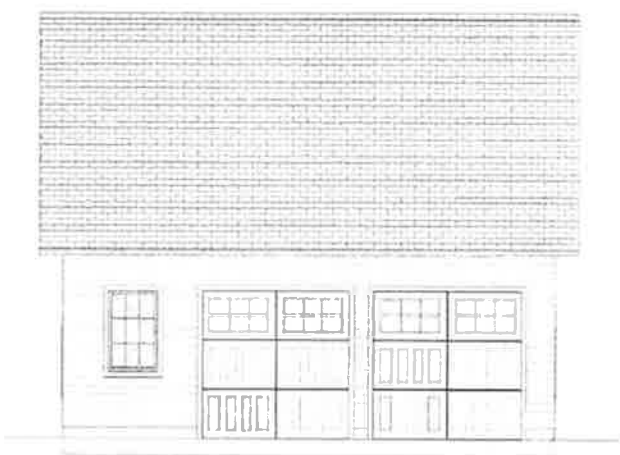
to

REPORT COA2018-023

FILE NO: D20-2018-016



ELEVATION SOUTH



ELEVATION EAST



ELEVATION NORTH



ELEVATION WEST

ELEVATIONS



to

REPORT COA2018-023**Quadri Adebayo**

---

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

FILE NO. D20-2018-016

Please be advised the building division has the following comments:

D20-17-047 No concerns

D20-17-042 No concerns

**D20-2018-016 No concerns**

D20-2018-017 No concerns

D20-2018-014 No concerns

D20-2018-013 No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)





**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

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

**Regarding: Minor Variance Application D20-2018-016  
110 Crescent Drive  
Part Lot 15, Concession VII (Verulam)  
City of Kawartha Lakes  
Salcicia & Newhook**

Dear Ms. Crockford-Toomey:

Kawartha Conservation staff have now completed our review of the above noted application to consider relief under Section 45(1) of the Planning Act, R. S. O., as amended from the Town of Verulam Zoning By-law 6-87, as amended. The purpose and effect is to request relief from the following in order to permit the construction of a garage with an attic on the upper level:

1. Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yards;
2. Section 5.1.5 to increase the maximum height of an accessory building or structure allowed in a residential zone from the 5 metres to 5.7 metres; and
3. Section 5.2(d) to reduce the front yard depth allowed from 7.5 metres to 6 metres.

**Ontario Regulation 182/06**

The subject property abuts the shoreline of Sturgeon Lake and contains a portion of the flooding hazard associated with that waterbody. Kawartha Conservation regulates the flooding hazard (248.4 metres above sea level) as well as a 15 metre setback from the limit of the greatest hazard. As such, the subject property is regulated pursuant to Ontario Regulation 182/06. Any development within a regulated area requires a Permit from this office prior to site alteration.

Staff note a topographic survey with the proposed garage was included in the circulation and it shows that the accessory building (garage) is located within the floodplain, with a finished floor elevation of 248.44 masl. Pursuant to Kawartha Conservation's policy 4.5.2(24);

*"Accessory buildings or structures associated with an existing residential, agricultural, commercial, industrial or institutional use such as detached garages, sheds, silos, gazebos and other similar structures (but not including boathouses) may be permitted within a flooding hazard provided it can be demonstrated that:*

- *There is no feasible alternative site outside of the flooding hazards;*
- *There is no habitable floor space associated with the building or structure and no opportunity for conversion into habitable floor space in the future;*
- *The site is not subject to frequent flooding;*

APPENDIX " E "

to

April 6, 2018

KRCA File No. 16243

REPORT COA2018-023

FILE NO. D20-2018-016

**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



- *The buildings or structure does not exceed 46.5 m2 for settlement areas or shoreline development;*
- *The risk of the property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g. release of biohazard substance, nutrients, pesticides or other chemicals during a flood event);*
- *The building or structure is securely anchored to either a concrete pad or footings;*
- *No basement is proposed; and*
- *Where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in Appendix L of Kawartha Conservation's policy document"*

As such, while Kawartha Conservation does not object to the minor variances sought through this *Planning Act* application, staff caution that the accessory structure proposed must meet the criteria as set out in Policy 4.5.2(24) if it is to be located within a flooding hazard. Currently, it appears the proposed garage exceeds the size cap for an accessory structures within a floodplain on shoreline properties, and it also cannot contain space that could be converted to habitable floor space.

#### Summary

Based on our review **we can advise that we would foresee no issue with the approval of the minor variances sought through this application, based on our consideration for natural heritage, natural hazards and water quality and quantity protection policies**, provided:

1. The applicant obtains a permit from Kawartha Conservation for development that meets Policy 4.5.2(24) within an area regulated pursuant to Ontario Regulation 182/06 prior to site alteration.

The above comments reflect our understanding, at the time of writing of the best available data, applicable policies and regulations.

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: Stacy Porter, Kawartha Conservation Regulations Department

**Quadri Adebayo**

APPENDIX " E "

to

**From:** Anne Elmhirst  
**Sent:** Monday, April 09, 2018 12:16 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-016

REPORT COA-2018-023

FILE NO. D20-2018-016

Hello Charlotte,

RE: Minor Variance D20-2018-016  
110 Crescent Dr., Former Verulam Township, City of Kawartha Lakes  
Conc. 7, Pt Lot 15, Plan 348, Lot 12  
Roll No. 165102605021500

I have received and reviewed the request to obtain relief for the purpose of constructing a garage in the front yard on the above-noted property. A site visit was conducted to assess the existing location of the sewage system in regards to the new construction.

A sewage system use permit was located for this property (V-22-05 & V-60-86). The septic tank was located beside the residential dwelling through probing as per the site plan. The septic filter bed was located by visual observation and measurements. The proposed garage will not impact on the required setback clearances to the existing sewage system.

In addition, the property was assessed for a potential replacement on-site sewage system should the current one fail. Adequate space is available on the property for a replacement Class 4 Sewage System.

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

Should you have any questions or concerns, please do not hesitate to contact me.

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



to

REPORT CEA-2018-023



Engineering & Corporate Assets Department  
 P.O. Box 9000, 12 Peel Street  
 Lindsay ON K9V 5R8  
 Tel: (705) 324-9411 Ext. 1119  
 Fax: (705) 324-2982  
 e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
 website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

D20-2018-016

## MEMORANDUM

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
 Kim Rhodes, Administrative Assistant  
 Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
 D20-2018-016  
 110 Crescent Drive, Part Lot 15, Concession 7, Plan 348, Lot  
 12, geographic Township of Verulam, Ward 7, Now in the City  
 of Kawartha Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application For Minor Variance/Permission received on April 6<sup>th</sup>, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a garage with an attic on the upper level in a front yard, with an increased maximum height and a reduced minimum front yard depth.

From an engineering perspective, we have no objection to the proposed minor variance for Township of Verulam Zoning By-law 6-87, as amended Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yards, Section 5.1.5 to increase the maximum height of an accessory building or structure allowed in a residential zone from the 5 metres to 5.7 metres; and Section 5.2(d) to reduce the front yard depth allowed from 7.5 metres to 6 metres in order to permit the construction if a garage with an attic on the upper level.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and

the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Hoskin & Bruyns**  
Report Number COA2018-024

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**Public Meeting**

**Meeting Date:** April 19, 2018  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis St., Lindsay

---

**Ward: 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from Section 3.6.1 to permit the construction of a storage shed on a property that has no direct access onto an improved public street.

The property is located at 270 Louisa Street, geographic Township of Fenelon (File D20-2018-017).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-024 Hoskin & Bruyns, be received;

**THAT** minor variance application D20-2018-017 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 storage shed 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 COA2018-024, 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** the applicant acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 3) **THAT** prior to a final Building Inspection for the proposed storage shed, the steel container shall be removed from the property to the satisfaction of the Chief Building Official; and

- 4) **THAT** the building construction related to the minor variance 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 final Building Inspection.

**This approval pertains to the application as described in report COA2018-024. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	<p>The subject property is a lot of record, supported by historical data which revealed the first structures (a dwelling unit, and a detached garage) installed on the property were built in 1880, following which a subsequent structure (a second dwelling unit with attached garage) was built in 1966.</p> <p>The applicant recently relocated to the property in November of 2017. The applicant also advised that the proposed storage structure is meant to serve as permanent space to store yard equipment, and lumber which are temporarily being housed in a steel container and portable shelter respectively. This application was deemed complete March 19, 2018.</p>
Proposal:	To construct an approximately 66.72 square metre (222.4 square foot) storage structure.
Owners:	Michael John Hoskin & Deborah Ann Maria Bruyns
Applicant:	Michael John Hoskin
Legal Description:	Part Lot 28, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes
Official Plan:	"Rural" – City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" – Township of Fenelon Zoning By-law 12-95
Site Size:	5.44 hectares (13.43 acres)
Site Servicing:	Private individual septic and well systems
Existing Uses:	Residential
Adjacent Uses:	North: Residential/Agricultural East: Agricultural South: Agricultural



West: Cameron Lake

**Rationale:**

**1) Are the variances minor in nature? Yes**

**And**

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

The historical nature of the property is due to the existing developments on the property predating the oldest Township of Fenelon by-law (dated September, 1977). This accounts for the indirect access to the abutting public road (Louisa Street) through a deeded Right-of-Way, thereby establishing its “legal non-conforming status”. In the interim, the property has sufficient size to accommodate an additional accessory structure like the one proposed through this application.

The proposed location of the development will also ensure that the structure will be appropriately positioned at a substantial distance from the property lines, the existing dwelling unit with an attached garage, the well, the septic system, and driveway respectively. This will ensure that the functionality of the accessory use is maintained.

In addition, the location of the proposed storage shed is considerably further away from the shoreline regulated area for Cameron Lake, and will not be connected to any water or septic facilities. As a result, no adverse impacts are anticipated.

Based on this, the variance is 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 proposed storage shed is permitted in the “Agricultural (A1) Zone”. Although the primary use on the property is residential, it can be appreciated that the property is a lot of record, and the storage shed proposed through this application can be considered to be an accessory use, subordinate to the single detached dwelling unit.

Overall, the building will have a low profile, being below the maximum height of 5 metres permitted in the zoning by-law, and together with other accessory structures on the property, it would be maintaining a combined lot coverage below the maximum 225 square metres or 8% permitted for the total accessory buildings. This ensures compliance with Section 3.1.3.2 of the corresponding zoning by-law as the shed is proposed to have a height of 4.57 metres, and Section 3.1.3.1 whereby the shed accounts for 0.02% (16.2 square metres) out of approximately 0.28% (158.72 square metres) proposed as the total lot coverage of all accessory structures on the subject property; comprising an existing old storage, a playhouse structure, and the new shed respectively.

Therefore, the variance maintains 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 “Rural” under Section 16, in the City of Kawartha Lakes Official Plan. The “Rural” designation permits a wide range of uses including limited low density residential dwellings. An accessory structure is contemplated as a secondary use on the property.

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

**Other Alternatives Considered:**

No other alternatives were considered.

**Servicing Comments:**

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or septic facilities.

**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 – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Building Division - Sewage System (March 29, 2018): No concerns.

Engineering & Corporate Assets (April 10, 2018): No objections.

**Public Comments:**

No comments as of April 10, 2018.

## Attachments:



Appendices A-E.pdf

Appendix "A" – Location map  
Appendix "B" – Air photo  
Appendix "C" – Applicant's sketch  
Appendix "D" – Elevations  
Appendix "E" – Department and Agency comments

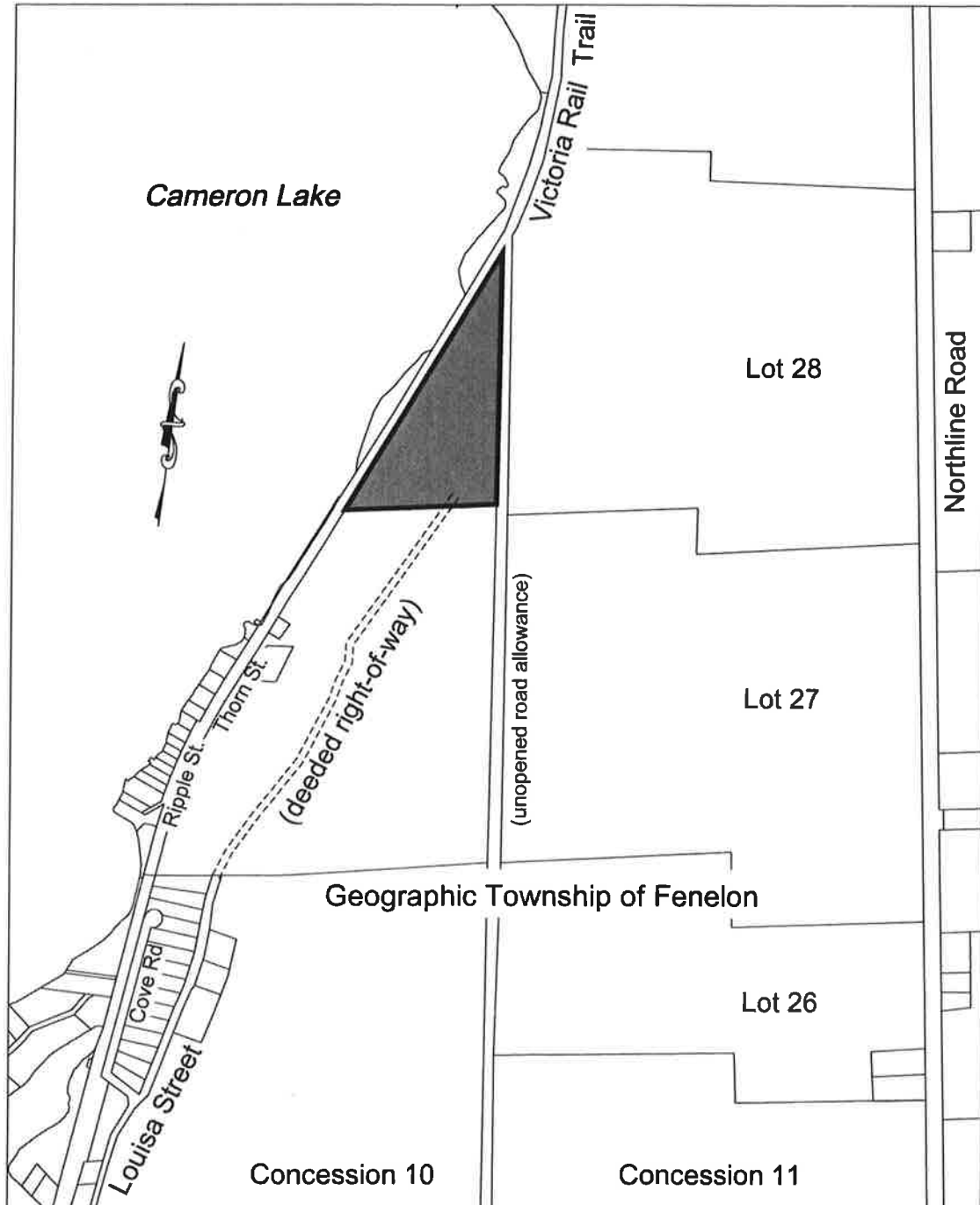
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**Phone:** 705-324-9411 ext. 1367  
**E-Mail:** qadebayo@kawarthalakes.ca  
**Department Head:** Chris Marshall  
**Department File:** D20-2018-017

to

REPORT COA2018-024

FILE NO: D20-2018-017



to

REPORT COA2018-024

FILE NO: D20-2018-017

## 270 Louisa Street, Geographic Township of Fenelon



0.70

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**

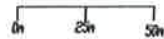
to

REPORT COA2018-024

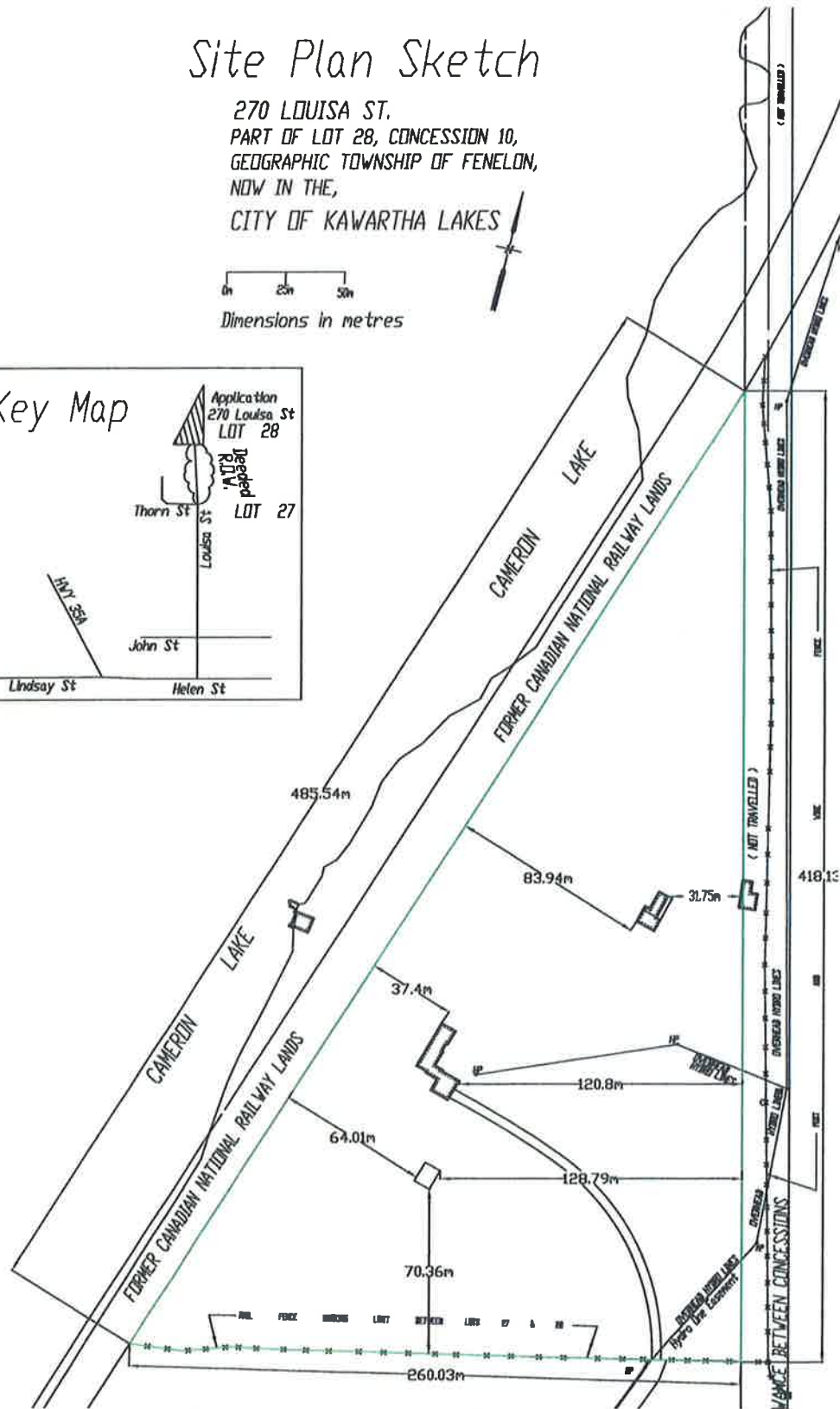
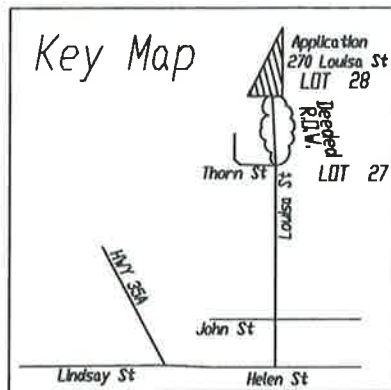
FILE NO: D20-2018-017

## Site Plan Sketch

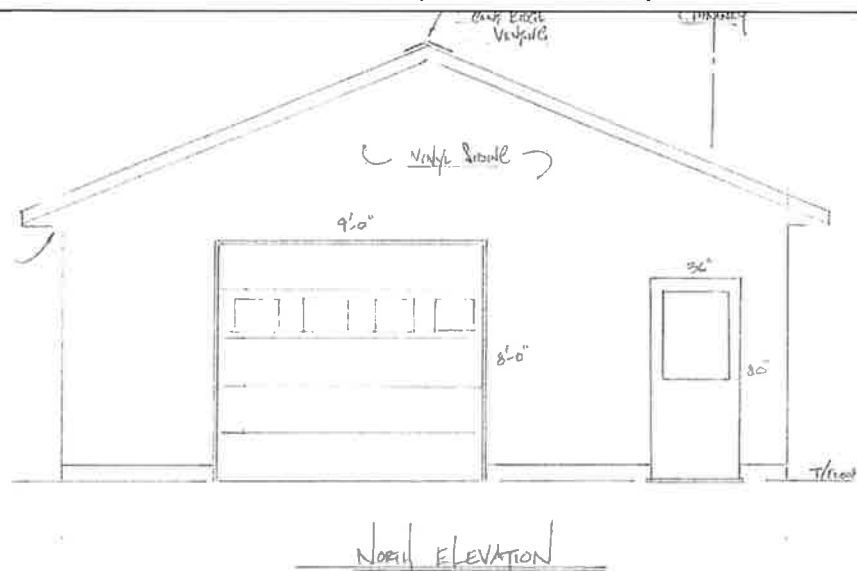
270 LOUISA ST.  
PART OF LOT 28, CONCESSION 10,  
GEOGRAPHIC TOWNSHIP OF FENELON,  
NOW IN THE,  
CITY OF KAWARTHA LAKES



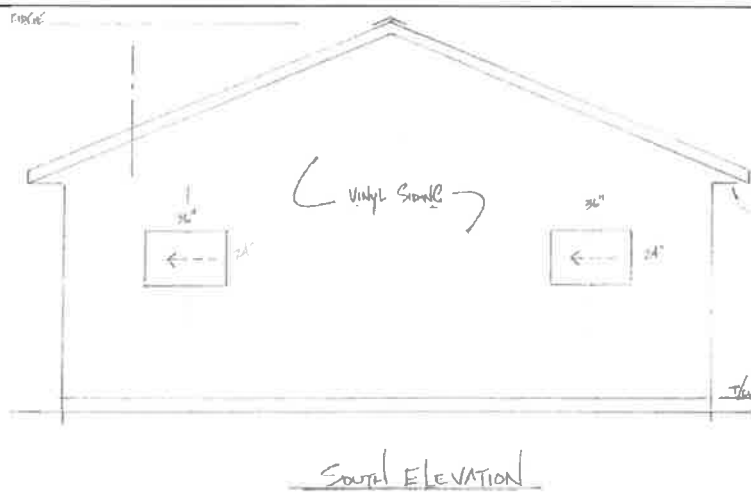
Dimensions in metres



Front Elevation (North Direction)



Rear Elevation (South Direction)



**Quadri Adebayo**

---

**From:** Derryk Wolven  
**Sent:** Thursday, April 05, 2018 8:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Minor variance App.

FILE NO. D20-2018-017

Please be advised the building division has the following comments:

D20-17-047 No concerns  
D20-17-042 No concerns  
D20-2018-016 No concerns  
D20-2018-017 No concerns  
D20-2018-014 No concerns  
D20-2018-013 No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Quadri Adebayo**

**From:** Charlotte Crockford-Toomey  
**Sent:** Thursday, March 29, 2018 3:45 PM  
**To:** Quadri Adebayo  
**Subject:** FW: D20-2018-017 - Hoskin

FILE NO. D20-2018-017

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

FYI

---

**From:** Anne Elmhirst  
**Sent:** Thursday, March 29, 2018 3:28 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-017 - Hoskin

Hello Charlotte,

RE: Minor Variance Application D20-2018-017  
270 Louisa Street, Former Fenelon Township, City of Kawartha Lakes  
Conc. 10, Lot. 28, Plan 57R3274, Part 2  
Owner: Michael and Deborah Hoskin

I have received and reviewed the proposal to request relief to allow the construction of a storage shed on the above-noted property.

A sewage system use permit (file F-79-86) indicates the location of the system on the north east side of the house. The storage shed is proposed to be constructed on the south side of the house. The storage shed will not incorporate any proposed fixtures or living space and thus will not create any daily sewage flow.

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

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



to



Engineering & Corporate Assets Department COA2018-024  
 P.O. Box 9000, 12 Peel Street  
 Lindsay ON K9V 5R8  
 Tel: (705) 324-9411 Ext. 1119 D20-2018-017  
 Fax: (705) 324-2982  
 e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
 website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## MEMORANDUM

**TO:** Mark LaHay, Acting Secretary-Treasurer

**CC:** Christina Sisson, Supervisor Development Engineering  
 Kim Rhodes, Administrative Assistant  
 Erica Hallett, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** April 10<sup>th</sup>, 2018

**RE:** Application For Minor Variance/Permission  
 D20-2018-017  
 270 Louisa Street, Part 28, Concession 10, geographic  
 Township of Fenelon, Ward 6, Now in the City of Kawartha  
 Lakes.

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Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application For Minor Variance/Permission received on April 6<sup>th</sup>, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a storage shed on a property that has no direct access onto an improved public street.

From an engineering perspective, we have no objection to the proposed minor variance for Town of Fenelon Zoning By-law 12-95, as amended Section 3.6.1 to permit the construction of a storage shed on a property that has no direct access onto an improved public street.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Fife**

Report Number COA2018-022

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### **Public Meeting**

**Meeting Date:** April 19, 2018

**Time:** 1:00 pm

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

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### **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).

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**Author:** David Harding, Planner II

**Signature:**

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### **Recommendations:**

**RESOLVED THAT** Report COA2018-022 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:** At its March 15, 2018 Committee of Adjustment meeting, the Committee declared support of the application in principle and deferred it in order to provide staff sufficient time to prepare a list of proposed provisional consent conditions so that the Committee may proceed with granting provisional consent.

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 staff's analysis of the merits of the application was conducted in Report COA2018-017 and has not changed, the analysis will not be revisited in this report. Further to Committee's direction, staff have prepared an analysis of the comments that have been received for the application for incorporation into the Committee's decision.

In the crafting of these conditions, planning staff have determined that despite Community Services Department's comments in Appendix "D", payment of cash-in-lieu or the dedication of parkland in this situation is not necessary, as the residential use on the lot to be created has existed since at least 1887 (MPAC) and there is no new demand for park services. A condition has been requested by the Building Division to ensure that the agricultural shed on the proposed severed lot complies with the Ontario Building Code requirements for a residential accessory building. This request has been incorporated as proposed condition 2. Condition 3 has been incorporated to ensure no additional dwellings are constructed on the agricultural lot to be retained. Condition 4 is incorporated to address any minimum distance separation issues which may be present due to a barn that is directly across the road from the subject property at 788 Cottingham Road.

Should the Committee's approval of the decision result in an appeal to the Local Planning Appeal Tribunal (replacement of the Ontario Municipal Board), then the Committee will need to determine whether they would want their decision defended by a third party planner. The City would need to retain a consultant on the Committee's behalf to defend the decision.

The following draft decision and conditions of provisional consent below are provided for Committee's review in order to assist it in its decision-making process given its declared direction at its March 15<sup>th</sup>, 2018 meeting.

**Committee's Directed Recommendation:**

**RESOLVED THAT** Report COA2018-022 Hugh & Shirley Fife, be received;

**THAT** Consent Application D03-17-033, which proposes 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 GRANTED.

1. This approval applies to the transaction as applied for.
2. The owners shall apply for and obtain a change of use permit for the building identified as "Shed" on the sketches submitted with the application.
3. The owners shall apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting the lot to be retained, such that it be rezoned to prohibit more than one dwelling unit, and the By-law be in effect.
4. Submit to the Secretary-Treasurer written confirmation from an experienced and qualified Agrologist that the application meets or exceeds the MDS 1/2 criteria.
5. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the residential lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. The owners' solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.

9. The owners' solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

**Attachments:**



Appendices A to D of  
COA2018-022.pdf

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

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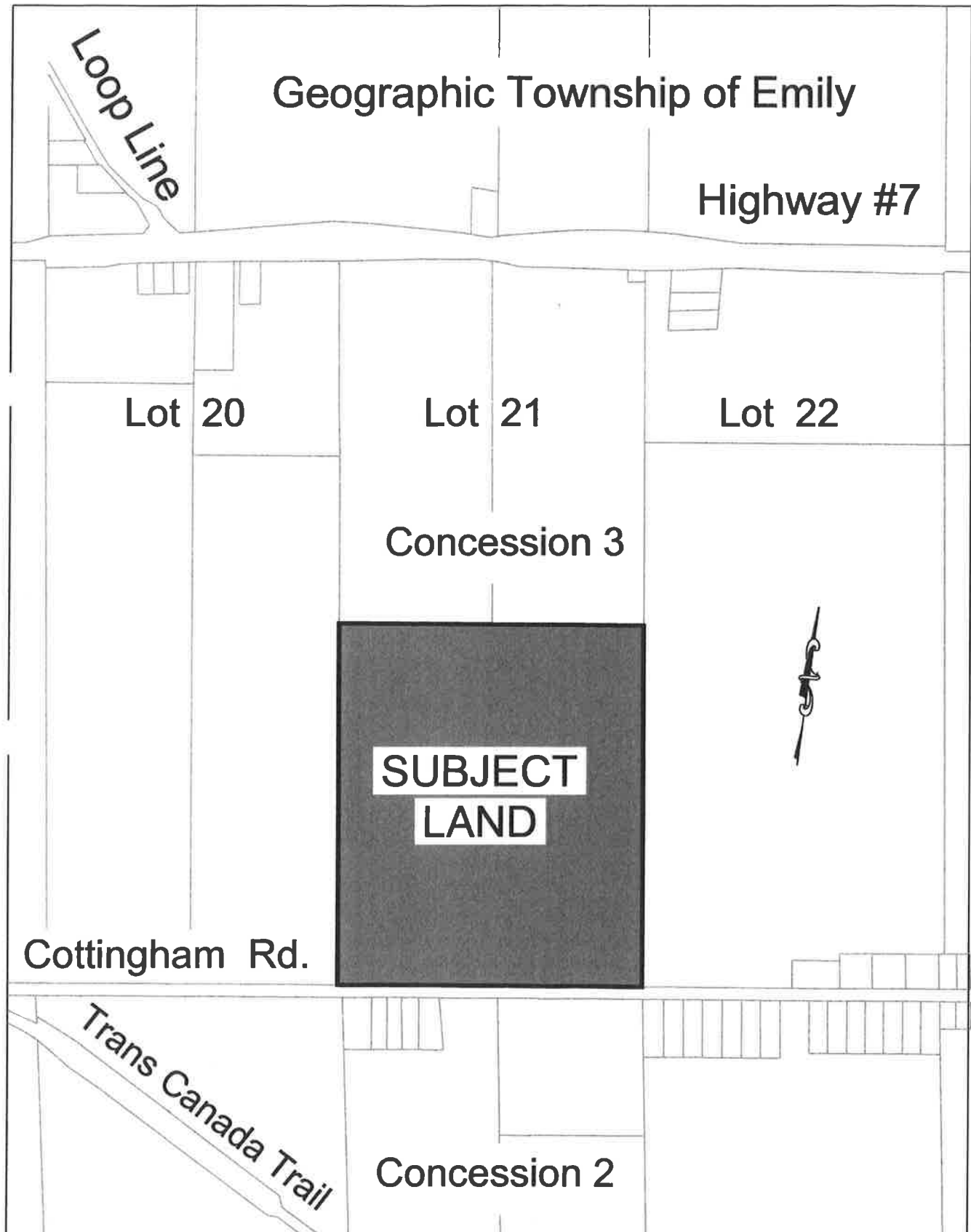
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall  
**Department File:** D03-17-033

to

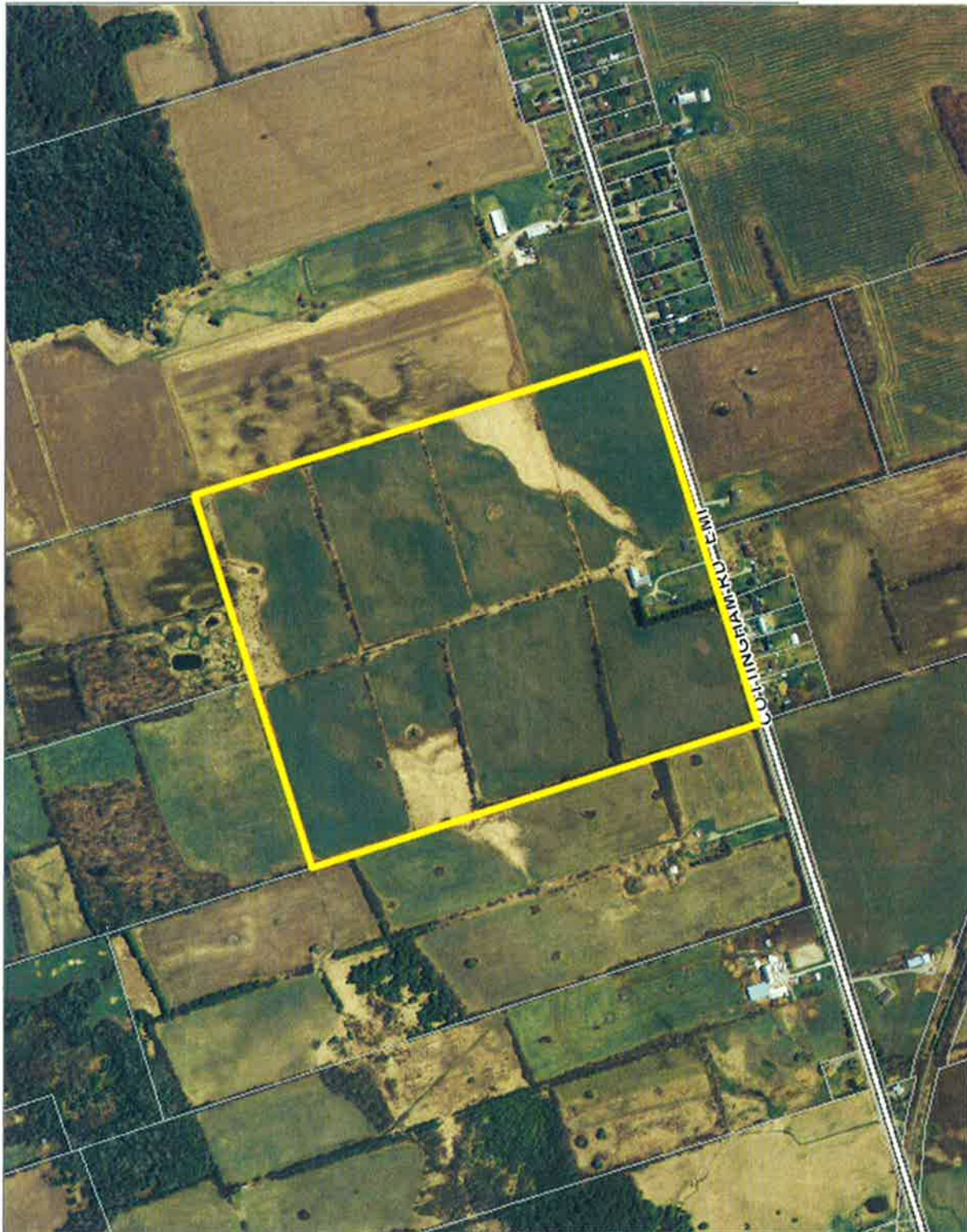
REPORT PLAN2018-022

FILE NO: D03-17-033

**D03-17-033**







0.62

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



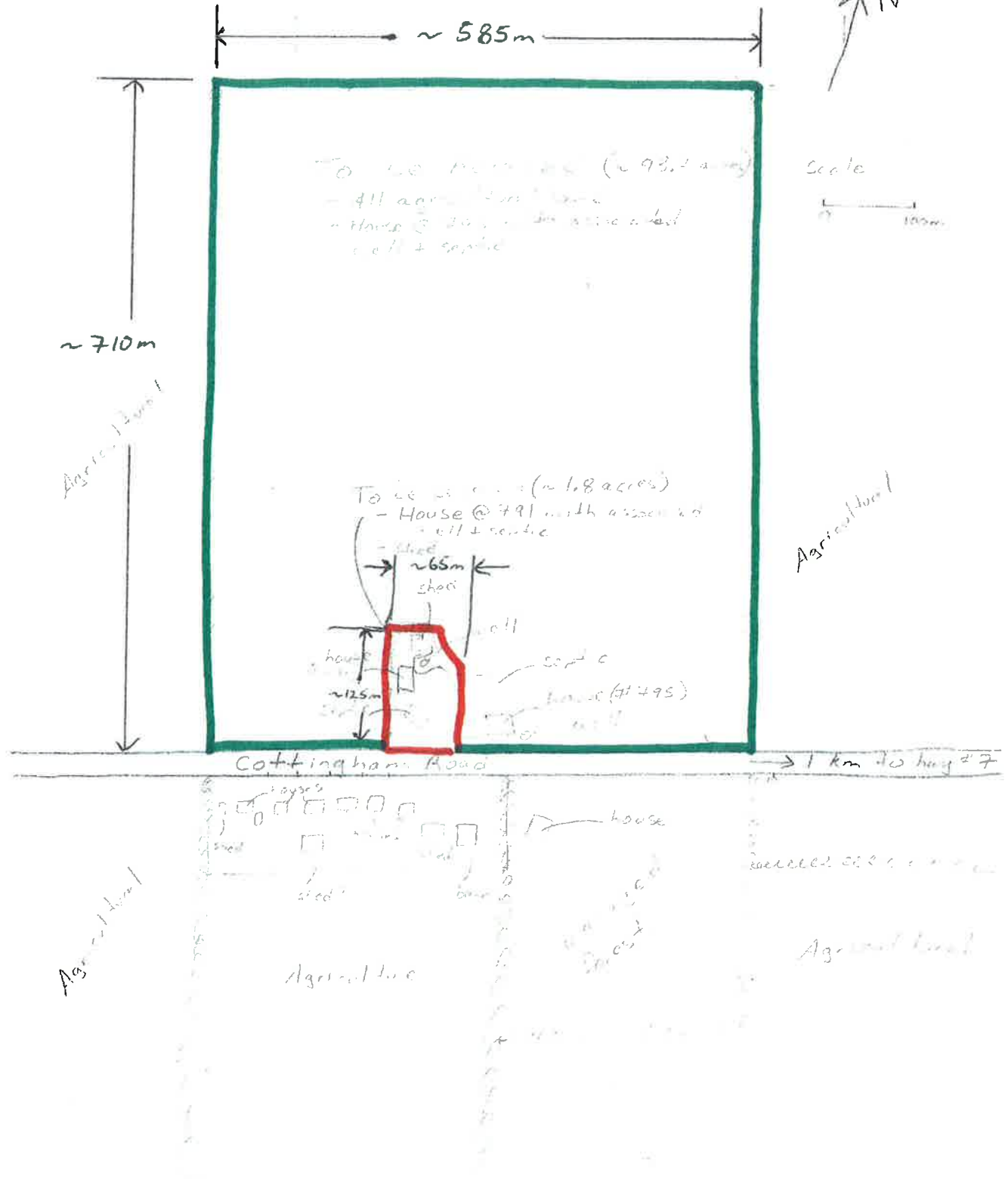
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



to

REPORT PLAN2018-022

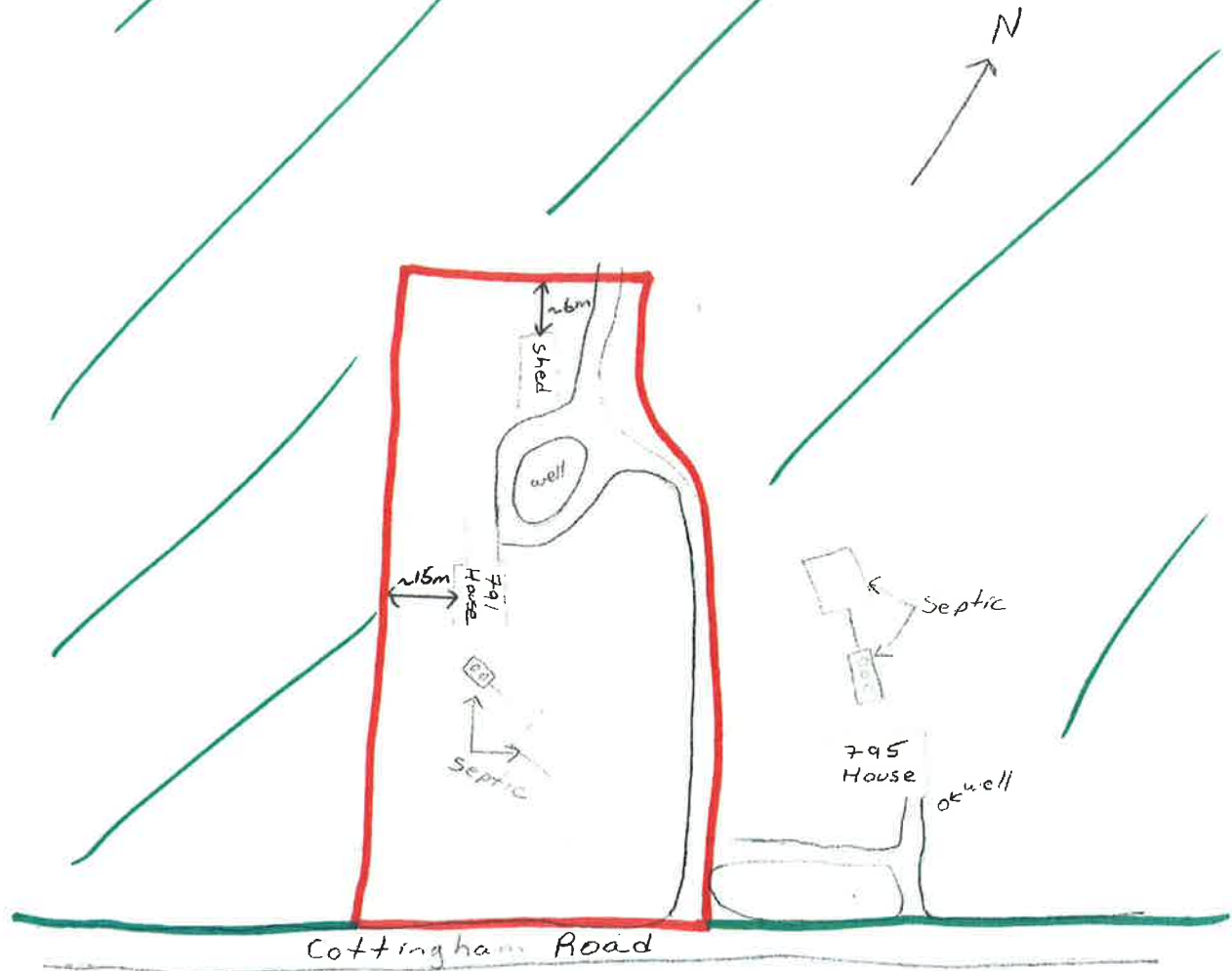
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to

REPORT PLAN2018-022

FILE NO: D03-17-033



Close-up of property to be severed

to

REPORT PLAN2018-022

FILE NO: D03-17-033



**David Harding**

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

APPENDIX " D "  
to  
REPORT COA2018-022

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FILE NO. D20-17-033

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

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**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

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**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](mailto:lpeimann@kawarthalakes.ca)



## David Harding

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**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

