The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-05
Thursday, May 17, 2018
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Lloyd Robertson
David Marsh
Councillor Kathleen Seymour-Fagan
Betty Archer
Sandra Richardson
Steve Strathdee

Accessible formats and communication supports are available upon request.

		Pages
1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2018-04	5 - 20
	April 19th, 2018 Committee of Adjustment Meeting Minutes.	
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-025	21 - 37
	David Harding, Planner II File Number: D20-2018-015 Location: 66 Shelter Bay Street Lot 15, Concession 7, Lot 2, Plan 369 Geographic Township of Emily Owners: Richard and Margaret Barbe Applicant: Richard Barbe	
3.1.2	COA2018-026	38 - 49
	Quadri Adebayo, Planner II File Number: D20-2018-018 Location: 123 Oakdene Crescent Part Lot 17, Concession C, Plan 354, Lot 6 Geographic Township of Mariposa Owner: Barry Bahm Applicant: Anthony Ronco	

3.1.3	COA2018-027	50 - 58
	David Harding, Planner II File Number: D20-2018-020 Location: St. David Street Part East 1/2 Lot 24, Concession 6, Parts 1 and 2, 57R-5517 Former Town of Lindsay Owner: James Head Applicant: James Head	
3.1.4	COA2018-028	59 - 80
	Quadri Adebayo, Planner II File Number:D20-2018-021 Location: 400 Kent Street West Part Lot 21, Concession 4 Former Town of Lindsay Owner: CP Reit Ontario Properties Limited Applicant: Heather Garrett - Zelinka Priamo Limited	
3.1.5	COA2018-029	81 - 92
	Quadri Adebayo, Planner II File Number: D20-2018-022 Location: 21 Prince street East Part Lot 8, West Helen Street, Part 2, Plan 70 Former Village of Bobcaygeon Owner: Elmdale Developments Limited Applicant: Elmdale Developments Limited	
3.2	Consents	
3.2.1	COA2018-030	93 - 114
	David Harding, Planner II File Number: D03-17-027 Location: 1109 Meadowview Road Part of Lot 21, Concession 2 Geographic Township of Emily Owner: 2324784 Ontario Limited c/o Dr. Dagmar Teubner Applicant: David McKay - MHBC Planning Urban Design and Landscape Architecture	

4. Deferred Applications

- 4.1 Minor Variances
- 4.2 Consents
- 5. Correspondence
- 6. Other Business

Local Planning Appeal Tribunal Presentation.

7. Next Meeting

The next meeting will be Thursday, June 21st at 1:00 p.m. in Council Chambers, City Hall.

8. Adjournment

The Corporation of the City of Kawartha Lakes Minutes

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. Call to Order

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

Recording Secretary - Charlotte Crockford-Toomey

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2018-04 2.1.1

Moved By B. Archer Seconded By Councillor Seymour-Fagan

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

March 15th, 2018
Committee of Adjustment Meeting Minutes.

Moved By Councillor Seymour-Fagan **Seconded By** S. Strathdee

That the minutes of the previous meeting held March 15th, 2018 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2018-018

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

Mr. Harding summarized report COA2018-018. The owners propose to construct a detached garage with a storage loft on the subject property. The storage loft would only be accessible by ladder. He cited comments from Community Services Department that had been received since the writing of the report noting no concerns. Mr. Harding clarified that there was a typographical error in the report. The year of the last amended application date should read 2018, not 2017.

The Committee questioned whether a survey was conducted that identified whether the fencing around the subject property encroached onto the municipal road allowances, and if so, why a condition had not been recommended for the owner to enter into a license agreement with the Realty Services Division. Staff advised that a survey had been conducted identifying that the fence is encroaching, but that the encroachment did not pertain to the proposal before the Committee. Staff had advised the owners that they are required to enter into a license agreement with Realty Services Division now that the encroachment is identified, and Realty Services was circulated on the application.

The Committee also asked questions pertaining to how proposed condition 2 in the staff report would be applied. Staff clarified how the condition would be applied.

Members of the Committee stated that they believed a condition requiring a license agreement was necessary to address the encroachment.

The applicant, Jordan Bress, was present, but did not speak.

Moved By S. Richardson **Seconded By** B. Archer

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;
- That prior to the issuance of a building permit, the owner shall submit to the Secretary Treasurer written confirmation from the Realty Services Division that a licence agreement has been entered into with respect to the encroaching fence within the Bond Street and Cambridge Street North Municipal Road Allowances;
- 3. **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
- 4. 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.

Carried

3.1.2 COA2018-019

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

Mr. Harding summarized report COA2018-019. The owner proposes to construct a single dwelling on the subject property. He cited comments from Community Services Department that had been received since the writing of the report noting no concerns.

The applicant, Jim Slack, was present. He stated that the new build would be on the same foot print as the former dwelling, and that a raised basement was necessary due to the high water table. He continued to say the roof is designed to direct water to Cockburn Street. The Committee asked the applicant if he was aware that a permit was required from the Ministry of Transportation. Mr. Slack replied that he was.

Mr. Slack asked whether the Committee was able to grant additional relief to the requested exterior side yard setback in the event the foundation was constructed in the wrong location. Mr. Harding responded that the Committee is unable to grant relief greater than what was advertised.

Moved By D. Marsh Seconded By S. Strathdee

That minor variance application D20-17-47 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 Variance to be considered final and binding.

Carried

3.1.3 COA2018-020

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

Mr. Adebayo summarized report COA2018-020 to request relief to permit the reconstruction of a detached garage on the property of 15 Loop Line.

The Committee noted that the metal clad building was in excess of the 225 metres lot area required for accessory structures in a residential zone. Staff were unaware and also stated that a lot line adjustment was requested 3 years ago (error through the Building Division).

The applicant, Amanda Dougherty, from Landmark Associates was present and said that she was in agreement with the report. The Committee asked what was in the metal clad shed. The applicant replied the owner has a lot of toys for outdoor activities.

The Owner, Mr. Thirnbeck, was present and spoke. The metal shed was built in 1966 and an associated building permit was issued in 1998 for the same building. Also, that the excess lot area requirements took affect in 2012. And that he purchased the adjacent properties beside and behind the subject property in 1991 where two and three acre lots were severed off respectively to create two separate residential parcels. The Committee asked why haven't they rectified and corrected zoning by-law as this will be a problem when selling. Staff responded that the discrepancies will be resolved in the near future when the city's zoning by-laws are consolidated. The Committee also stated that by-laws in the past were different from township to township. Staff confirmed Condition 3 states as a requirement that the green shed and steel storage unit be removed from the property to the satisfaction of the Chief Building Official.

Moved By S. Richardson Seconded By B. Archer

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;

- 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.

Carried

3.1.4 COA2018-021

David Harding, Planner II File Number: D20-2018-014

Location: 19 Lila Court

Lot 8, Plan 243

Geographic Township of Emily

Owners: Laura Georgiou, Frank Lozicki and Robert Crothers

Applicant: Laura Georgiou

Mr. Harding summarized report COA2018-021. The owners request relief to reduce water setback to permit the construction of a vacation dwelling on the subject property.

The Committee asked for clarification on proposed conditions 2 and 4. Staff provided clarification to the Committee.

The Applicant Laura Georgiou, was present.

The Committee asked Ms. Georgiou if 18 months was sufficient time to complete landscaping. Ms. Georgiou stated that it was.

Moved By S. Strathdee Seconded By D. Marsh **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:

- 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 Variances to be considered final and binding.

Carried

3.1.5 COA2018-023

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

Mr. Adebayo summarized report COA2018-023 to request relief to permit an accessory building in front yard, where it is only permitted in the side or rear yard.

The Committee asked the question as to whether we should consider the undersized lot today in reference to page 3 of the Report in Rationale. Is it worth noting it is an undersized lot? Staff replied the report accurately indicates the data on file and that the size of the lot does not affect the conditions referred in the report. The Committee asked if the applicant would be restricted to size of buildable area on the lot and septic system should they decide to build a new house in the future. Staff replied bigger dwelling, bigger septic system. The Committee asked if there was a 5 metre height requirement in the by-law. Staff replied yes.

The applicant, Garry Newhook, was present and spoke. The lot according to his survey is 1.7 hectare, therefore he considered it not to be undersized. Staff confirmed it was undersized. The Committee suggested the application should be deferred due to inconsistent lot area information.

The Committee questioned setback, height, location and structure in the front yard.

Moved By D. Marsh Seconded By B. Archer That an amendment be made to support the 5 metre height.

Defeated

A further amendment was made to support a 5.7 metre height as there would not be much height difference compared to other homes in the area.

Moved By Councillor Seymour-Fagan **Seconded By** S. Richardson

That the original motion be amended to read 5.7 metres in height.

Defeated

Both D. Marsh and L. Robertson spoke against the amendment as the by-law only allows 5 metres in height and there have been problems in the past with human habitation.

The original motion was put forward and failed.

Moved By D. Marsh Seconded By S. Strathdee

That the Committee proposed to grant relief #1 and #3 pertaining to accessory building location and front yard depth and deny relief #2 pertaining to accessory building height.

That relief from Section 5.1.3(b) and Section 5.2(d) of 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.

That relief from Section 5.1.5 of minor variance application D20-2018-016 be DENIED as the application does not meet 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 Variances to be considered final and binding.

Carried

3.1.6 COA2018-024

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

Mr. Adebayo summarized report COA2018-024 to request relief to permit the construction of a storage shed.

The applicant/owner, Mr. Hoskin, was present to answer questions. The Committee had no questions.

Moved By D. Marsh Seconded By S. Richardson

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;
- 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;
- 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 Variances to be considered final and binding.

Carried

- 3.2 Consents
- 4. Deferred Applications
- 4.1 Minor Variances
- 4.2 Consents
- 4.2.1 COA2018-022

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 COA2018-022. He stated that the Committee of Adjustment declared support of application in principle at the previous March 15th Committee of Adjustment Meeting and that it was deferred to the current meeting to allow staff sufficient time to provide a proposed list of provisional consent conditions so that the Committee may proceed with granting provisional consent.

The Committee asked for clarification on Condition 3. Staff confirmed Condition 3 is put in place to prohibit more than one dwelling in the future as the zoning by-law currently permits two. The zoning by-law amendment would be a typical condition as part of any proposal to sever a dwelling surplus to a farming operation as a result of a farm consolidation to conform to provisional and municipal policy. The Committee also asked about the typical circumstances that would be in place for a dwelling to be considered surplus to a farm operation. Staff provided clarification. The Committee questioned what would happen if Ministry of Municipal Affairs were to appeal the decision. Staff clarified that the solicitor would be appointed to meet with staff and then it would go to Council for a decision on whether the City would defend the Committee's decision.

The applicant, Mr. Fife, was present to answer questions.

A recorded vote was requested by Chair Robertson.

Moved By D. Marsh Seconded By Councillor Seymour-Fagan

That on April 19th, 2018 the Committee of Adjustment determined that the 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.

The Committee has considered all written and oral submissions made to the Committee before making its decision to grant the provisional consent.

The decision and the following set of conditions represent good planning:

CONDITIONS OF PROVISIONAL CONSENT:

- 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.
- 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.

Recorded	For	Against
Councillor Seymour-Fagan	X	
B. Archer		X
D. Marsh	X	
S. Richardson	X	
L. Robertson	X	
S. Strathdee	X	
Results	5	1

Carried

5. Correspondence

6. Other Business

6.1 Appeal COA2018-016

Mr. Holy announced that the Decision on Minor Variance Application D20-2018-009 for 154 Ball Point Road had been appealed by Russell Mollins to the Local Planning Appeal Tribunal (LPAT).

6.2 Ontario Association of Committee of Adjustment Conference

The Committee made reference to the upcoming Ontario Association of Committee of Adjustment and Consents Conference in June, 2018 and suggested that someone should attend so they could garner information and present it to the Committee at a later date.

Moved By D. Marsh Seconded By S. Richardson

Mr. Holy said he will look into a Planner attending.

Carried

7. Next Meeting

The next meeting will be Thursday, May 17th at 1:00 p.m. in Council Chambers, City Hall.

8. Adjournment

Moved By S. Richardson **Seconded By** D. Marsh

That the meeting adjourned at 3.58 p.m.

Carried

Mark LaHay, Acting Secretary-Treasurer

M. La Hay

The Corporation of the City of Kawartha Lakes Committee of Adjustment Report – Barbe

Report Number COA2018-025

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

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

Ward: 15 - Geographic Township of Emily

Subject: An application for minor variance to consider relief from the following provisions in order to permit the following:

Shed 1

- 1. Section 3.1.2.2 to reduce the side yard setback from 1 metre to 0.3 metres, and reduce the spatial separation between the deck and shed from 2 metres to 1.6 metres,
- 2. Section 3.18.1.1 (a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 14.6 metres; and
- 3. Section 13.2.1.3 (e) to reduce the water setback from 30 metres to 14.6 metres.

Shed 2

- 4. Section 3.18.1.1 (a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 8 metres; and
- 5. Section 13.2.1.3 (e) to reduce the water setback from 30 metres to 8 metres.

Shed 3

- Section 3.18.1.1 (a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 14.5 metres; and
- 7. Section 13.2.1.3 (e) to reduce the water setback from 30 metres to 14.5 metres.

Above-Noted Accessory Buildings

- 8. Section 3.1.3.1 to increase the maximum permitted lot coverage for all residential accessory buildings from 8% to 11%; and
- 9. Section 3.1.3.3 to increase the maximum number of residential accessory buildings from 3 to 5.

Vacation Dwelling and Deck

10. Section 13.2.1.3 (b)(ii) to reduce the interior side yard setback from 5.5 metres to 3.7 metres to permit the vacation dwelling and deck; and

11. Section 13.2.1.3 (e) to reduce the water setback from 30 metres to 24.2 metres to permit the vacation dwelling and to 20.5 metres to permit the deck.

The variances are requested on the property identified as 66 Shelter Bay Street, geographic Township of Emily, (File D20-2018-015).

Author: David Harding, Planner II Signature:

Recommendations:

RESOLVED THAT Report COA2018-025 Richard & Margaret Barbe, be received;

THAT the variances requesting relief from Sections 3.1.2.2, 3.1.3.1, 3.1.3.3, 3.18.1.1(a), 13.2.1.3(e), to reduce the water and Environmental Protection Zone setbacks from 30 and 15 metres respectively down to a total minimum of 8 metres to permit three residential accessory buildings (Sheds 1-3), reduce the interior side yard setback of a residential accessory building (Shed 1) from 1 metre to 0.3 metres, reduce the spatial separation between a residential accessory building (Shed 1) and deck attached to a dwelling to 1.6 metres, increase the accessory building lot coverage to 11%, and increase the number of permitted accessory buildings to 5 within minor variance application D20-2018-015 be DENIED, as the variances do not meet the four tests set out in Section 45(1) of the Planning Act; and

THAT the variances requesting relief from Sections 13.2.1.3(b)(ii) to reduce the interior side yard setback from 5.5 metres to 3.7 metres for the vacation dwelling and deck, 13.2.1.3(e) to reduce the water setback from 30 metres to 24.2 metres (vacation dwelling) and 20.5 metres (attached deck), and 3.1.3.1 to increase the maximum accessory building lot coverage from 8% to 10.2% within minor variance application D20-2018-015 be GRANTED, as the variances meet the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the vacation dwelling and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix "C-1" and "C-2" submitted as part of Report COA2018-025, which shall be attached to and form part of the Committee's Decision; and,
- 2) THAT the building construction related to these Minor Variances shall be completed within a period of six (6) 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 Occupancy Permit for the vacation dwelling.

This approval pertains to the application as described in report COA2018-025 approved by the Committee. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

The owners proposed to construct a vacation dwelling with attached deck and detached garage within the front yard. Variances were sought from the water setback, interior side yard, and accessory building lot coverage provisions in 2010 to permit the proposed buildings and structures. The Committee of Adjustment approved Minor Variance Application D20-10-019 on May 13, 2010, see Appendix "D-1". The sketch submitted by the applicant at that time identified that the sheds on the property were to be removed, see Appendix "D-2". The variances permitted an interior side yard setback of 4 metres, a water setback of 25 metres to the dwelling, and 21 metres to the deck, and an accessory building lot coverage of 8.3%.

An As-Constructed Foundation Control Certificate was submitted to the Building Division on October 3, 2017. The certificate identifies that the dwelling and deck were not constructed in compliance with the reduced water or interior side yard setback. The interior side yard setback is deficient by 0.22 metres, and the water setback deficient by 1.61 metres for the dwelling and approximately 0.5 metres for the deck. The applicant filed a variance application to address the deficient setbacks.

A site visit by Planning Staff identified that the two sheds that were declared to be removed had remained on the lot, and were relocated to new positions close to the eastern lot line. The applicant has identified that they would like to continue to keep the accessory buildings, and construct a third one (shed 3). Planning Staff further identified that insufficient relief had been requested to permit the two residential accessory buildings (boathouse and detached garage). Staff has added some tolerance to this number to permit the applicant to construct a third shed, or relocate one of the two existing ones to a location that complies.

This application was last amended April 13, 2018.

Proposal: To recognize the locations of the constructed vacation dwelling

with attached deck, two sheds, and accessory building lot coverage. Relief is sought to also permit the construction of a

fifth residential accessory building.

Owner: Richard & Margaret Barbe

Applicant: Richard Barbe

Legal Description: Lot 2, Plan 369, geographic Township of Emily, City of

Kawartha Lakes

Official Plan: "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: 1501.5 square metres (6,162 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Pigeon River

East: Shoreline Residential South: Residential Backlot West: Shoreline Residential

Rationale:

1) Are the variances minor in nature? And

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

- A. Variances for the dwelling, attached deck, and revised accessory building lot coverage. <u>Yes</u>
- **B.** All other requested variances for residential accessory buildings. **No**

The vacation dwelling with attached deck is constructed. The moderate reduction in water setback is not anticipated to impact the amount of rear yard amenity space available to the dwelling as the majority of improved recreational space within the rear yard is contained upon the deck and the patio beneath it.

The additional storage buildings (both existing and proposed) would/do occupy the rear yard amenity space area. The rear yard is entirely within the water setback. Buildings, other than a boathouse, are not anticipated within the water setback in order to keep as much space as possible available for infiltration. Such accessory building uses that cannot meet the water setback are intended to be relegated to an interior side yard on waterfront lots, as such yards often serve a utilitarian function. Permitting an accessory building with a side yard setback of 0.3 metres also does not provide sufficient space for maintenance or drainage.

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

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

- **A.** Variances for the dwelling, attached deck, and revised accessory building lot coverage. <u>Yes</u>
- **B.** All other requested variances for residential accessory buildings. **No**

The subject property is zoned "Limited Service Residential Exception Four (LSR-4) Zone" – Township of Emily Zoning By-law 1996-30. A vacation dwelling, and accessory uses are permitted.

The dwelling and deck, notwithstanding the incorrect siting of the foundation, provide as much spatial separation as possible from the shoreline given the location of the septic system and detached garage within the front yard. No adverse impacts are anticipated by permitting a further slightly reduced interior side yard setback. This further reduction is not anticipated to be perceptible.

The zoning by-law has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat. Permitting additional buildings between the dwelling with deck and the shoreline runs contrary to the intent of the zoning by-law to provide this increased spatial separation from Pigeon River.

The zoning by-law has also established a maximum lot coverage provision and restricted the total number of residential accessory buildings in order to ensure that storage does not become the primary use on a residential lot. Standards were also provided as to where such accessory buildings are to be located. Given that the garage and boathouse already provide approximately 145 square metres (9.66% lot coverage) of storage space, staff do not believe it is in keeping with the intent of the zoning by-law by permitting two additional sheds (for a total of three sheds), all of which are to be located within the water setback.

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

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

- A. Variances for the dwelling, attached deck, and revised accessory building lot coverage. <u>Yes</u>
- **B.** All other requested variances for residential accessory buildings. **No**

The subject property is designated Waterfront in the City of Kawartha Lakes Official Plan (Official Plan). Residential uses are anticipated within this designation. The intent of the Official Plan, particularly policy 3.11 is that development should be located 30 metres from the shoreline where possible. When it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

The original 2010 submission ensured a net improvement to the water setback by converting the original cottage into a boathouse, constructing a larger vacation dwelling further away from the shoreline, and removing all other buildings between the new dwelling and shoreline. Maintaining the sheds within the water and Environmental Protection Zone setbacks does not meet the intent of the Official Plan. Should the owners desire, they may relocate/construct a shed within the western interior side yard. The detached garage is also available for further storage.

The constructed dwelling and deck were constructed as far away from the shoreline as possible, notwithstanding the incorrect siting of the foundation.

Given the location of the septic system within the front yard and garage, limited opportunity remained to site the dwelling in a more favourable location.

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

Other Alternatives Considered:

Staff identified that one of the two sheds may be relocated into the western interior side yard. The applicant advised that this was not preferable, as grade alterations would be necessary.

Servicing Comments:

The property is serviced by private individual well and septic system.

Consultations:

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

Agency Comments:

Building Division – Part 8 Sewage Systems (March 29, 2018): No concerns.

Engineering and Corporate Assets Department (May 8, 2018): Objection to the variance sought from Section 3.1.2.2 to permit an accessory building with an interior side yard setback of 0.3 metres as that setback is insufficient to install any drainage feature between the building and lot line.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendix "A" – Location Map

Appendix "B" – Aerial Photograph

Appendix "C" - Applicant's Sketch

Appendix "D" – Decision Letter and Sketch for Application D20-10-019.

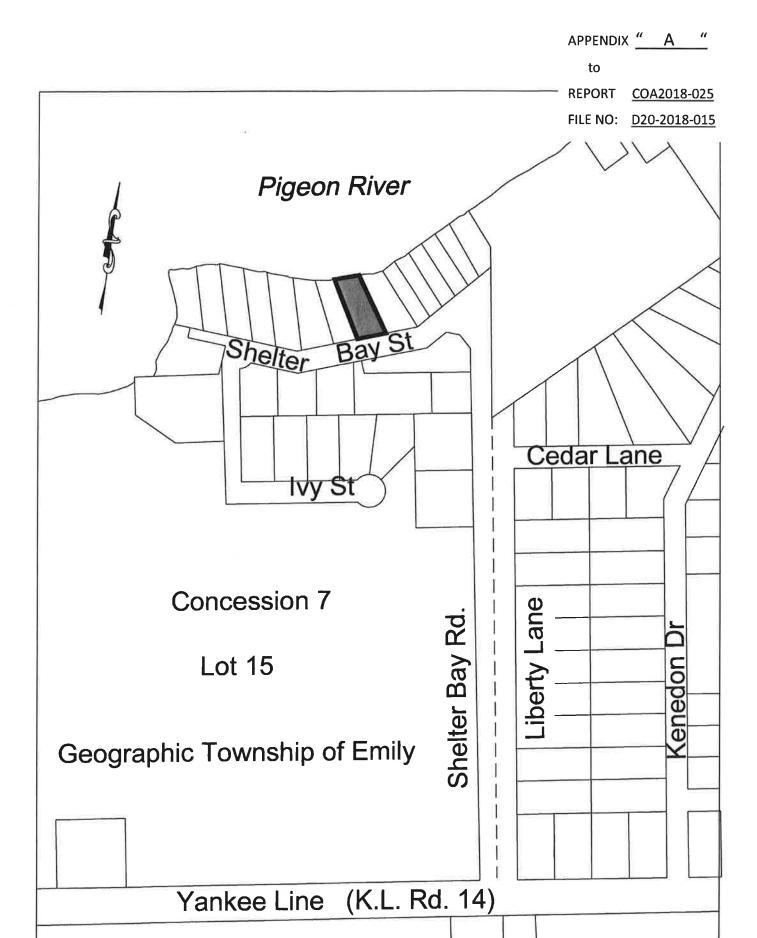
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-015

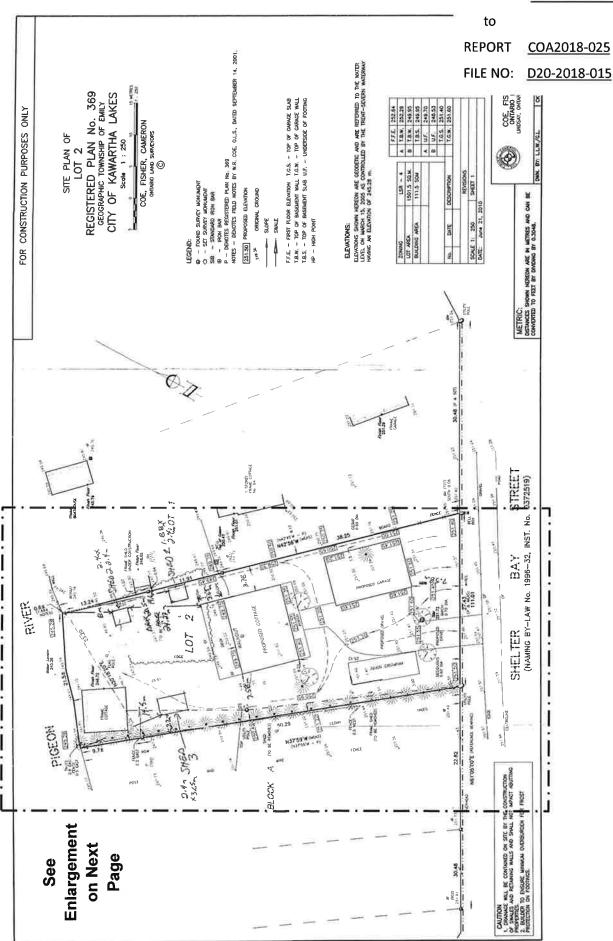


to

REPORT COA2018-025

FILE NO: <u>D20-2018-015</u>





to

RIVER REPORT COA2018-025 FILE NO: D20-2018-015 PIGEON 245.28 FRAME BOATHOU FRAME COTTAGE FENCE 0.3 EAST 17 (737) 0.94 247.71 (737) ₊247.73 2.47 SHE X3.65m LOT 2 249.79 250.14 3.78 PROPOSED COTTAGE SHED (TO BE REMOVE) BLOCK .4 250.52 250.80 N3759'W (MEAS) 251.20 251.26 CEDAR 0.60 DIA 151.40 FRANCE SHED (TO BE REMOVED) 251,36 794 251.72 27.43 (P & MEAS) 111.01 251.46 N61°05'00"E (REFERENCE BEARING) 251.61 +_{251.58} OF CONSTRUCTION IMPACT ABUTTING CENTRELINE SHELTER BAY ₹ FROST (NAMING BY-LAW No. 1996-32, INST. No. 0.

City of Kawartha Lakes Committee of Adjustment

Notice of Decision

APPENDIX <u>D</u>

Application File No:

D20-10-019

REPORT CONZOIS-025

Application by:

1139 Alexandra Ave.

FILE NO. DZ0-Z018-015

Address of Applicant:

Mississauga ON L5E 2A4

Richard & Margaret BARBE

Location of Property:

66 Shelter Bay St.

Lot 15, Conc. 7, Plan 369 Lot 2 Geographic Township of Emily

now in the City of Kawartha Lakes

Purpose of the Application:

Subject:

D20-10-019 - 66 Shelter Bay St. Lot 15, Conc. 7, Plan 369 Lot 2, geographic Township of Emily, now in the City of Kawartha Lakes - for a minor variance to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Emily Comprehensive Zoning By-Law No. 1996-30, as amended. The purpose and effect is to request relief from Section 3.1.3.1 to increase the lot coverage for accessory buildings from 8% to 8.3%, and Section 13.2.1.3 b) i) to reduce the interior side yard setback from 3 m. to 1 m. to permit the construction of an accessory building and Section 13.2.1.3 b) ii) to reduce the interior side yard setback from 5.5 m. to 4 m. and Section 13.2.1.3 e) to reduce the water setback for the dwelling from 30 m. to 25 m. and Section 3.1.4.1 c) to reduce the water setback for a deck from 30 m. to 21 m. to permit the construction of a dwelling on the property.

DECISION

Date of Decision:

May 13, 2010

Moved By:

G. Kydd

Seconded By:

A. Smelko

THAT, Application D20-10-019, being an application for a minor variance to increase the lot coverage for accessory buildings from 8% to 8.3%, and to reduce the interior side yard setback from 3 m. to 1 m. to permit the construction of an accessory building and to reduce the interior side yard setback from 5.5 m. to 4 m. and to reduce the water setback for the dwelling from 30 m. to 25 m. and to reduce the water setback for a deck from 30 m. to 21 m. to permit the construction of a dwelling on the property on the property known as 66 Shelter Bay St. be GRANTED, as the application meets the tests as set out in Subsection 45(1) of the Planning Act;

CONDITIONAL THAT the owner obtain a permit from Kawartha Conservation Authority for the alterations being made to the existing cottage to be turned into a boathouse:

Notice of Decision on Application D20-10-019 City of Kawartha Lakes Committee of Adjustment

CONDITIONAL THAT the applicant meets the requirements of the Ontario Building code regarding the 45 minute fire resistance rating for the wall adjacent to the proposed 1 m. setback for the cottage to be transformed into a boathouse, as per required by the Building Department;

CONDITIONAL THAT the owner apply for and pay the prescribed fee for a change of use permit for the cottage/boathouse conversion, as per required by the Building Department;

AND CONDITIONAL THAT the building construction related to this Minor Variance shall be completed within a period of eighteen (18) months after the date of the notice of the decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

The approval pertains to the application as applied for. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Members Concurring In the Decision

Allan Smelko

Allan Smelko

Betty Archer

George Kydd

Glen Bilton

Glen Bilton

James Ayres

Andy Luff

Andy Luff

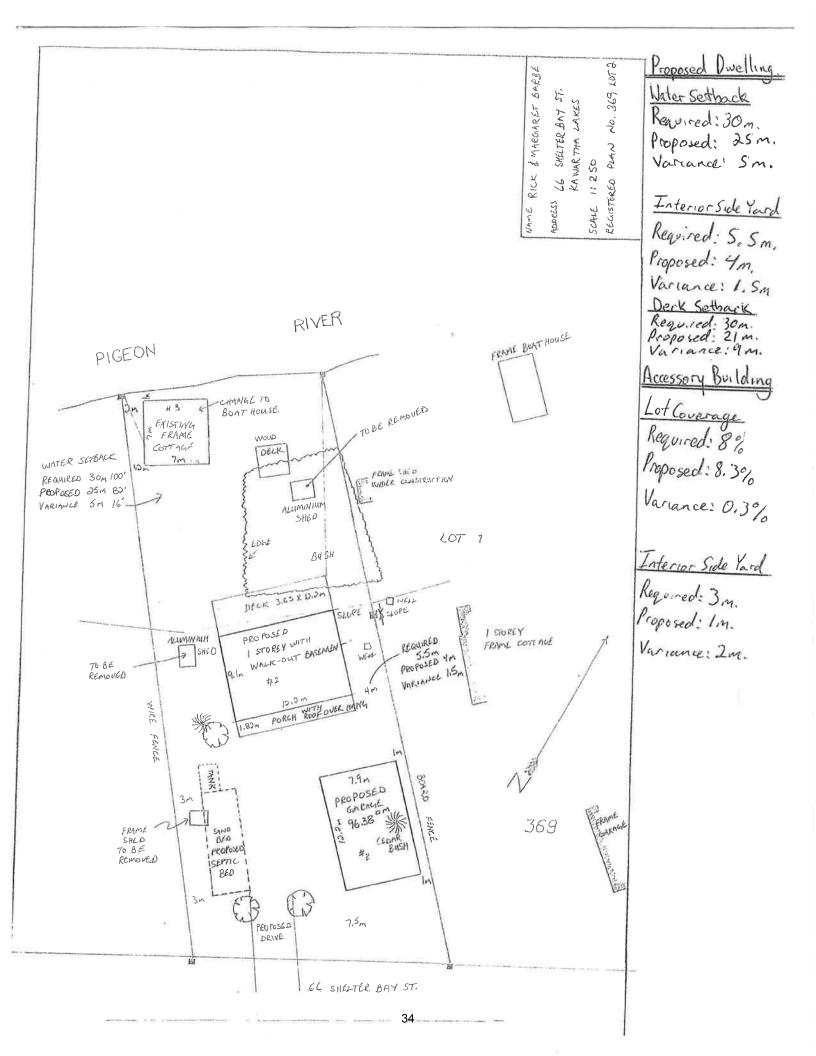
APPEAL – If you wish to appeal the decision you must set out written reasons in support of the appeal using Appellant "A1" Form (available from the OMB website at www.omb.gov.on.ca or from the Secretary-Treasurer at the address provided below), together with payment of \$125.00 in the form of a certified cheque or money order, made payable to the Minister of Finance, must be filed with the "Secretary-Treasurer, City of Kawartha Lakes Committee of Adjustment, 180 Kent St. W., Lindsay, Ontario K9V 2Y6." The office may also be contacted at Tel: (705)2324-9411 Ext. 1239 Fax (705) 324-4027

Notice of Decision on Application D20-10-019 City of Kawartha Lakes Committee of Adjustment

or by e-mail: cdarling@city.kawarthalakes.on.ca. All appeals with the appropriate fee must be received at the address shown above on or before, **June 1**, **2010**.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

subject to an application un		nd which is subject of this Application is also Act for: Status: Status:			
CERTIFICATION					
I Doug Carroll certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.					
Dated this 13 th day of Ma	<u>v. 2010.</u>	Secretary-Treasurer			





Engineering & Corporate Assets Department P.O. Box 9000, 12 Peel Street Lindsay ON K9V 5R8

Tel: (705) 324-9411 Ext. 1119

to

Fax: (705) 324-2982 e-mail: ktimms@kawarthalakes.ca website:www.kawarthalakes.ca

APPENDIX ___E

MEMORANDUM

REPORT COAZUIS-025

TO:

Mark LaHay, Acting Secretary-Treasurer

FILE NO DZO-ZOIS-OLS

CC:

Christina Sisson, Supervisor Development Engineering

Kim Rhodes, Administrative Assistant Erica Hallett. Administrative Assistant

FROM:

Kirk Timms, Engineering Technician

DATE:

May 8th, 2018

RE:

Application for Minor Variance/Permission

D20-2018-015

66 Shelter Bay Road, Lot 15, Concession 7, Lot 2, Plan 369, 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 May 3rd, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to request relief from the following provisions to permit 3 sheds and a vacation dwelling and deck on the property.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Township of Emily Zoning By-law 1996-30, as amended;

- Section 3.1.2.2 to reduce the spatial separation between the deck and shed 1 from 2 metres to 1.6 metres.
- Section 3.18.1.1 (a) to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 14.6 m for shed 1, from 15 metres to 8 metres for shed 2, and from 15 metres to 14.5 metres for shed 3.
- Section 13.2.1.1 (e) to reduce the water setback from 30 metres to 14.6 metres for shed 1, from 30 metres to 8 metres for shed 2, 30 metres to

- 14.5 metres for shed 3, from 30 metres to 24.2 metres for the vacation dwelling and from 30 metres to 20.5 metres for the deck.
- Section 3.1.3.1 to increase the maximum permitted lot coverage for all residential accessory buildings from 8% to 11%.
- Section 3.1.3.3 to increase the maximum number of residential accessory buildings from 3 to 5.
- Section 13.2.1.3 (b) (ii) to reduce interior side yard setback from 5.5 metres to 3.7 metres to permit the vacation dwelling and deck.

However from an engineering perspective, we do object to Section 3.1.2.2 to reduce the side yard setback from 1 metre to 0.3 metres to permit shed 1. A 0.3 metres setback is insufficient to install any drainage features (i.e side yard swale) to prevent negative impact to the neighbouring 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.

David Harding

From: Anne Elmhirst

Sent:Thursday, March 29, 2018 3:39 PMTo:Charlotte Crockford-ToomeySubject:D20-2018-015 - 66 Shelter Bay Rd

Hello Charlotte,

RE: Minor Variance Application D20-2018-015

66 Shelter Bay Rd., Former Emily Township, City of Kawartha Lakes

Conc. 7, Lot 15,

Roll No. 165100100727200 Owner: Richard Barbe

I have received and reviewed the application for minor variance to allow for "as constructed" setbacks for the new dwelling.

A sewage system installation report was completed for this property (file EM-08-10). This report indicates the installation of a fully-raised filter bed in the south west corner of the property installed in 2011 and approved by the HKPR District Health Unit as compliant with the Ontario Building Code.

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



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Bahm

Report Number COA2018-026

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 8 - Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following in order to permit the addition of an attached garage, an auxiliary storey of living space, and a main level deck, to an existing one-storey single detached dwelling:

- 1. Section 3.1.4.1(c) to increase the maximum yard projection for a deck from 1.5 metres to 5.2 metres; and
- 2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 26.5 metres.

The property is located at 123 Oakdene Crescent, geographic Township of Mariposa (File D20-2018-018).

Author: Quadri Adebayo, Planner II Signature:

Recommendations:

RESOLVED THAT Report COA2018-026 Barry Bahm, be received;

THAT minor variance application D20-2018-018 for 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 COA2018-026, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a building permit for the proposed dwelling, the shed and bunkie located on the property be relocated on the property in a compliant manner at a minimum water setback of 30 metres. The bunkie

- shall also be located at a minimum distance of 7 metres from the vicinity of the new sewage system area;
- 3) **THAT** prior to the issuance of an occupancy permit for the proposed dwelling, the shed located on the property be removed from the property;
- 4) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge; and
- 5) THAT the building construction related to the minor 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 COA2018-026 Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application proposes to construct additions to an existing

one-storey single detached residential dwelling comprising an extra storey of living space, an attached garage, and a main level deck. The proposed development will increase the size of the house from one-storey to two-storeys with a reconfigured footprint. This application was deemed complete March 21,

2018.

Proposal: To construct an approximately 236.2 square metre

(2,542.43.square foot) two-storey detached dwelling consisting

of a garage and deck.

Owner: Barry Bahm

Applicant: Anthony Ronco

Legal Description: Part Lot 17, Concession C, Plan 354, Lot 6, geographic

Township of Mariposa, City of Kawartha Lakes

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

Zone: "Rural Residential Type Three (RR3) Zone" – Township of

Mariposa Zoning By-law 94-07

Site Size: 0.33 acres (1,349.7 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Residential

East: Residential
South: Residential
West: Lake Scugog

Rationale:

1) Are the variances minor in nature? Yes

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

The proposed water setback measurement through this application accounts for the measurement between the water's edge and the existing building line established by the rear wall of the house. The rear of the building boundary also appears to be further back than the general water setback established by the adjacent dwellings to the north and south of the subject property respectively.

The rear yard also functions as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. Therefore, no negative impacts are anticipated.

Likewise, the increased projection of the proposed deck is neither anticipated to limit the functioning of the rear yard nor the northerly interior side yard, as the footprint will be rounding out the projection established by the existing deck on the property. The proposed relocation of the adjacent bunkie to a complying location will also ensure facilitation of the yard functioning accordingly.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential uses dwellings. This is capacitated by the topography of the subject property that slopes down from the road towards the lake. An observation from site visit also suggests that the increased building height will not be discernible at human scale.

More so, the overall footprint of the proposal will ensure sufficient driveway surface is available outside of the road allowance for parking. The existing wells located in the front yard will also make certain that the configuration of the proposed structure is directed away from any potential impact to existing servicing utility.

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

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

The 3.5 metre water setback reduction from the 30 metres required, and the 3.7 metres increased yard projection to the 1.5 metres required, proposed for the dwelling and deck, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. The proposed bunkie relocation in conjunction with conditions 3, and 5, will also ensure compliance with water setback requirements.

Further, the property has a lot frontage of approximately 28.96 metres and a lot area of approximately 1,349.7 square metres, where the minimum required for a "Rural Residential Type Three (RR3) Zone" is 35 metres for lot frontage (with shore lot line), and 2,000 square metres for lot area.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 22% from a possible 30% maximum, a 7.3 metre building height from a possible 11 metre maximum, and a compliant interior side yard and front yard than the minimum required, the applicant has reasonably demonstrated that it is possible to develop the undersized lot.

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

3) 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, which permits residential uses.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the 'Waterfront' designation. The proposed building will presumably maintain a low profile and blend with the natural surroundings.

Condition 5 also ensures Section 20.3.7 of the Official Plan is met by providing an opportunity to retain the naturalization space between the rear of the building and the water's edge as reasonably possible.

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

Other Alternatives Considered: None.

Servicing Comments:

The property is serviced by private well and septic systems.

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 – Sewage System Program (May 7, 2018): No concerns. See comments.

Engineering & Corporate Assets (May 8, 2018): No objections.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendix "A" – Location map

Appendix "B" - Air photo

Appendix "C" - Applicant's sketch

Appendix "D" - Elevations

Appendix "E" - Department and Agency comments

Phone: 705-324-9411 ext. 1367

E-Mail: qadebayo@kawarthalakes.ca

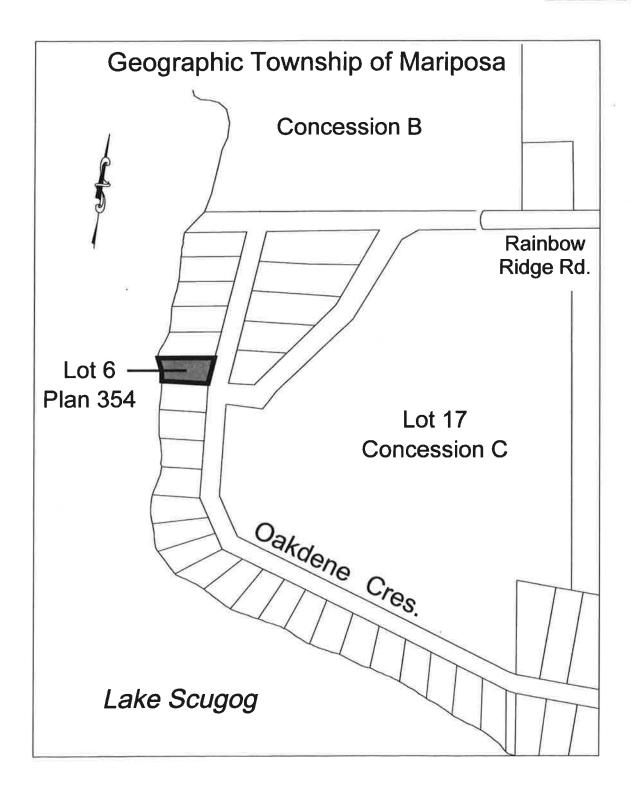
Department Head: Chris Marshall
Department File: D20-2018-018

APPENDIX <u>" A "</u>

to

REPORT <u>COA2018-026</u>

FILE NO: <u>D20-2018-018</u>



to

REPORT COA2018-026

FILE NO: <u>D20-2018-018</u>



123 Oakdene Crescent, Geographic Township Mariposa



0

WGS_1984_Web_Mercator_Auxiliary_Sphere City Of Kawartha Lakes

Kilometers

NORTH

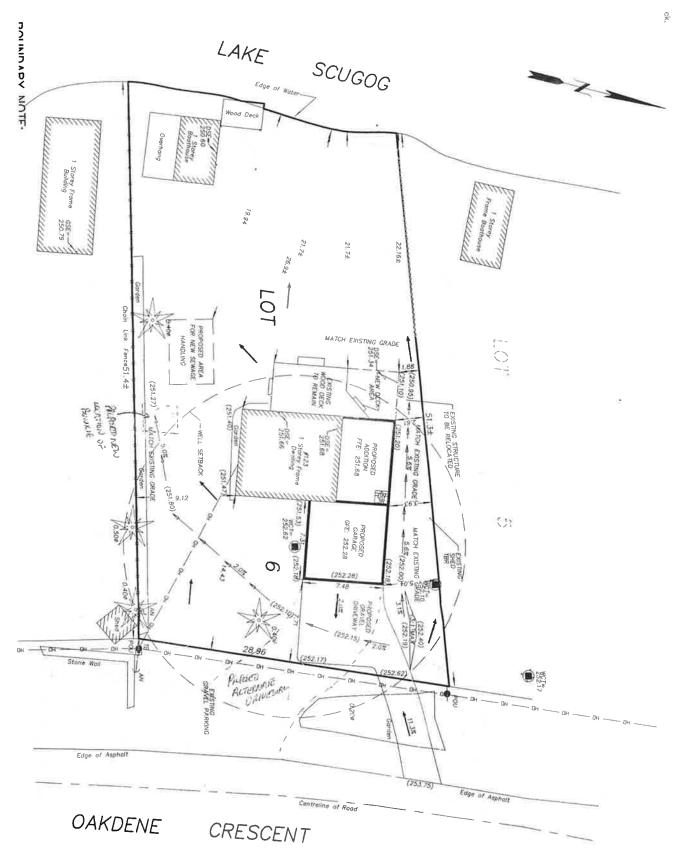
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES.

APPENDIX " C "

to

REPORT COA2018-026

FILE NO: <u>D20-2018-018</u>



APPENDIX <u>" D "</u>

to

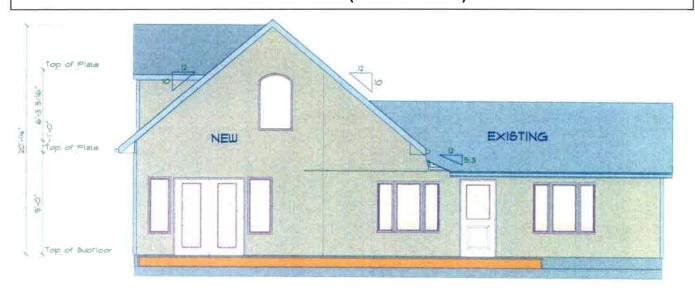
REPORT <u>COA2018-026</u>

FILE NO: <u>D20-2018-018</u>

Front Elevation (East Direction)



Rear Elevation (West Direction)

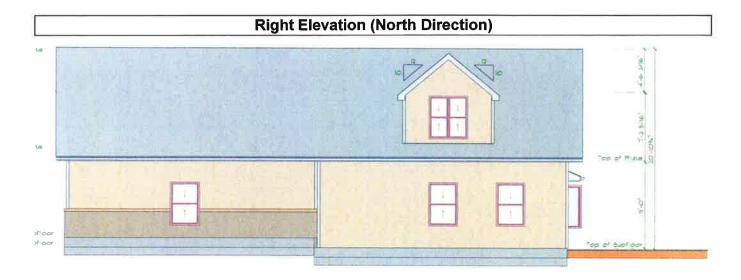


APPENDIX <u>" D "</u>

to

REPORT <u>COA2018-026</u>

FILE NO: <u>D20-2018-018</u>



Quadri Adebayo

to

REPORT COA208-026

FILE NO. 120-2018-018

Anne Elmhirst

Sent:

Sunday, May 06, 2018 10:41 PM

Charlotte Crockford-Toomey

Subject:

From:

To:

D20-2018-018 - 123 Oakdene Cres

Hello Charlotte,

RE: Minor Variance D20-2018-018

123 Oakdene Cres., Former Mariposa Township, City of Kawartha Lakes

Conc. C, Lot 17, Plan 354, Lot 6

Owner: Barry Bahm

I have received and reviewed the proposal to construct an addition with living space and garage at the above-mentioned property. A site visit was conducted to review the property for sewage disposal requirements.

The current site plan submitted indicates a location for a proposed new sewage system. The property was assessed under the current standards of the Ontario Building Code to determine the ability to service this location. Based on the existing structures and drilled well located on the property, the site indicated for the sewage system would be a possibility. However, based on the current standards for the installation of an on-site sewage system, the only option would an alternative system.

This plan also indicates relocating the Bunkie within the vicinity of the new sewage system area. It should be noted that the minimum clearance distance for the Bunkie to the sewage system is 7 metres.

The Building Division – Sewage System Program has no objection to the issuance of 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





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 website: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: May 8th, 2018

RE: Application for Minor Variance/Permission

D20-2018-018

123 Oakdene Crescent, Part 17, Concession C, Plan 354, Lot 6, geographic Township of Mariposa, Ward 8, 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 May 3rd, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the addition of an attached garage, living space and deck to an existing single detached dwelling.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Township of Mariposa Zoning By-law 94-07, as amended Section 3.1.4.1 (c) to increase the maximum yard projection for a deck from 1.5 metres to 5.2 metres and Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 26.5 metres.

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 – Head

Report Number COA2018-027

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

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

Ward: 10 – Former Town of Lindsay

Subject: An application for minor variance to consider relief from Section 20.3.2 to add "mini-storage warehouse" as a permitted use within the General Employment Special Two (GE-S2) Zone on the property identified as Part East Half of Lot 24, Concession 6, Parts 1 and 2, 57R-5517, former Town of Lindsay, (File D20-2018-020).

Author: David Harding, Planner II Signature:

Recommendation:

RESOLVED THAT Report COA2018-027 James Head, be received;

THAT minor variance application D20-2018-020 be DENIED, as the application is not desirable or appropriate for the use of the land, minor in nature, or in keeping with the general intent and purpose of the zoning by-law as set out in Section 45(1) of the Planning Act.

Background: The application was deemed complete March 22, 2018.

Proposal: To construct a mini-storage warehouse operation on the

property.

Owner: James Head

Legal Description: Part East Half of Lot 24, Concession 6, Parts 1 and 2, 57R-

5517, former Town of Lindsay, City of Kawartha Lakes

Official Plan: "General Employment" – Town of Lindsay Official Plan

Zone: "General Employment Special Two (GE-S2) Zone" – Town of

Lindsay Zoning By-law 2000-75

Site Size: 4,046.9 square metres (1 acre)

Site Servicing: Municipal sanitary sewer and water supply

Existing Uses: Vacant Land

Adjacent Uses: North: Vacant Land, Central East Correctional Centre

East: National Wash, Castle Building Centre

South: Vacant Land

West: Residential Subdivision (under development)

Rationale: The variance process requires staff to analyze the process against

the four tests for minor variance. A zoning by-law amendment is the appropriate application for this proposal in order to fully analyze its merits beyond the analytical parameters required for a variance

application.

1) Is the variance minor in nature? No

The subject land, see test 3, is intended to be reserved for medium-heavy industrial uses and select commercial uses that are considered compatible with medium-heavy industrial uses as they have an industrial component to their operation.

As is examined in test 3, a mini-storage warehouse is considered a "commercial-like industrial use" or light industrial use, and is thus considered a prestige land use more compatible with commercial operations rather than with the medium-heavy industrial operations permitted within the "General Employment Special Two (GE-S2) Zone". For this reason, "commercial-like industrial uses" have been purposefully excluded from the list of permitted uses within the "General Employment Special Two (GE-S2) Zone". Therefore, adding a mini-storage warehouse use to a zone category where no other "commercial-like industrial uses" are permitted prevents the property from being used by one of the permitted uses in an area where like medium-heavy industrial uses are intended to be grouped together.

Based on the above analysis, the variance is not minor in nature.

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

The subject property is located between a developing residential neighbourhood to the west and area zoned for medium-heavy industrial use to the east and south. The creation of a mini-storage warehouse on-site would permit the creation of a light industrial land use that would function as a buffer between the sensitive residential land uses and medium-heavy industrial land uses.

Due to the above, the variance is considered desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? No

The subject property is zoned "General Employment Special Two (GE-S2) Zone" within the Town of Lindsay Zoning By-law 2000-75. "Mini-storage warehouse" is a defined term within the Lindsay Zoning By-law and is only permitted in the "Prestige Employment (PE) Zone". The PE Zone primarily abuts: (1) high traffic General Commercial (GC) and Shopping Centre Commercial (SCC) Zones, (2) General Employment (GE) Zone, and (3) low density residential zoned lands. The PE Zone acts as a buffer between these separate zone categories, permitting transitional uses between the larger commercial/industrial buildings and residential areas. The PE Zone creates a transitional area with uses that are more compatible with the above-noted zone categories than if the above-noted zones were to abut each other directly.

The PE Zone permits a number of "commercial-like industrial uses" (i.e. light industrial uses with a commercial component) and commercial uses compatible with these light industrial uses (i.e. industrial-like commercial uses). These uses are also intended for a smaller parcel fabric present in the prestige employment area rather than the larger grained parcel fabric found in the general employment area. Therefore, the intent of the PE Zone is to group these two types of uses together so that they may act as buffering uses between other zone categories that should not directly abut one another.

The GE Zone, including the GE-S2 Zone permits medium-heavy industrial uses, focusing on more of a manufacturing component, which by their nature generate noise, long hours of activity/shift work and emissions that are not compatible with most commercial uses or residential uses. Warehousing is only permitted as an ancillary use to a medium-heavy operation that manufactures and/or processes product or as a separate function for larger industrial warehousing. The Zoning By-law doesn't contemplate many light industrial (commercial-like industrial uses) within the context of the medium-heavy industrial uses, as none of the industrial uses permitted within the PE Zone category, with the exception of light manufacturing, are permitted within the GE Zone category.

Therefore, the variance does not maintain the general intent and purpose of the Zoning By-Law as "commercial-like industrial uses" have been purposefully excluded.

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

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan remains in effect. The property is designated "General Employment" in the Town of Lindsay Official Plan. The "General Employment" designation permits a wide range business and industrial activities that by their nature should be clustered together and separated from sensitive land uses. The open storage of goods and materials, as well as the warehousing of materials, amongst other uses, is anticipated.

As a storage use is proposed, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A zoning by-law amendment application was recommended to the applicant when he initially approached our Department for consultation. Rezoning a lot to a "Prestige Employment (PE) Zone" category is the most appropriate course of action, given the location of the property and its ability to function as a buffer between a medium-heavy industrial area and residential neighbourhood.

Servicing Comments:

Municipal water and sanitary sewers are available.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (May 8, 2018): No objection.

Building Division (May 10, 2018): No objection.

Public Comments:

No comments as of May 9, 2018.

Attachments:



Appendix "A" - Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-020

to REPORT <u>COA2018-027</u> FILE NO: <u>D20-2018-020</u> Scugog River **SUBJECT** Simpson Rd. LAND Simpson Road Street David Barron Blvd. Saint Street Fleetwood Road 'LINDSAY' Saint Peter

to

REPORT COA2018-027

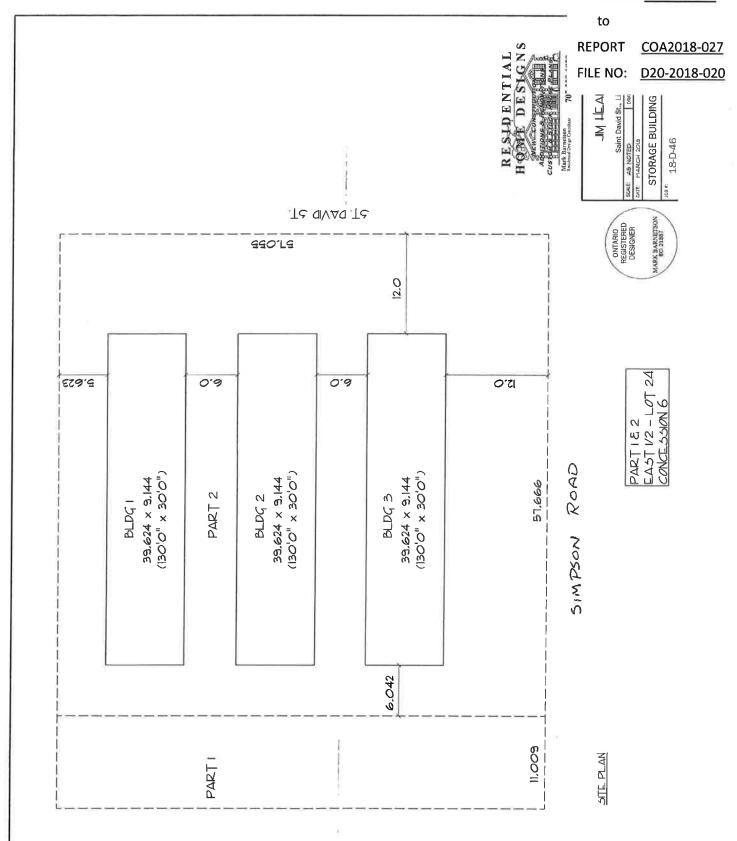
В

FILE NO: <u>D20-2018-020</u>











Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1119

) 324-9411 Ext. 1119 Fax: (705) 324-2982

to

e-mail: ktimms@kawarthalakes.ca website:www.kawarthalakes.ca

APPENDIX "_____

MEMORANDUM

REPORT COAZOIS-027

TO:

Mark LaHay, Acting Secretary-Treasurer

FILE NO. DZD-Z018-020

CC:

Christina Sisson, Supervisor Development Engineering

Kim Rhodes, Administrative Assistant Erica Hallett, Administrative Assistant

FROM:

Kirk Timms, Engineering Technician

DATE:

May 8th, 2018

RE:

Application for Minor Variance/Permission

D20-2018-020

St. David Street, Part East ½ Lot 24, Concession 6, Parts 1 and

2, 57R-5517, former Town of Lindsay, 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 May 3rd, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to add "mini-storage warehouse" as a permitted use within the General Employment Special Two (GE-S2) Zone.

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 to allow "mini-storage warehouse" as a permitted use within General Employment Special Two (GE-S2) Zone.

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.

Charlotte Crockford-Toomey

From:

Derryk Wolven

Sent:

Thursday, May 10, 2018 11:16 AM

To:

Charlotte Crockford-Toomey

Subject:

FW: MV

Please be advised the building division has the following comments:

D20-2018-018 No concerns
D20-2018-021 No concerns
D20-2018-022 No concerns
20-2018-015 No concerns
D20-2018-020 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes Committee of Adjustment Report – Zelinka Priamo Limited

Report Number COA2018-028

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

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

Ward: 11 - Former Town of Lindsay

Subject: The purpose and effect is to request relief from: Section

5.12(k)(ii) to reduce the minimum required parking spaces from 391 spaces to 333 spaces in order to permit a temporary garden

centre use from April 1st to July 31st, annually.

The property is located at 400 Kent Street West, Town of Lindsay

(File D20-2018-021).

Author: Quadri Adebayo, Planner II Signature:

Recommendations:

RESOLVED THAT Report COA2018-028 Zelinka Priamo Limited, be received;

THAT minor variance application D20-2018-021 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) THAT the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the operation of the seasonal garden centre. The parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-028, 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; and
- 2) THAT a Site Plan Amendment 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 registration of an amending Site Plan Agreement.

3) THAT the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the merger with the vacant lands 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 registration of an amending Site Plan Agreement.

Background:

The applicant obtained a Zoning By-law Amendment (By-law 2015-067), that facilitated the establishment of the two restaurants (Swiss Chalet and Harveys) at the southeast corner of the property as illustrated in Appendix 'C'. In order to fast track the restaurant approval process, the seasonal garden centre, which had been in operation for a number of years, was removed from the site plan as it was deemed none compliant with the Zoning By-law. With the addition of the restaurant uses, the 333 remaining parking spaces will not comply with the required minimum of 391 parking spaces. As such, a variance was granted on April 21, 2016 (application) D20-16-012) to permit the seasonal reduced number of parking. The relief was also supplemented with a condition mandating the applicant to obtain a Site Plan Amendment that incorporates the seasonal garden centre along with the restaurant use. The applicant correspondingly submitted an amending Site Plan on March 28, 2017, and was refused by staff as it did not include the merging of the westerly vacant lands on the subject property. Hence, the revised relief sought through this application to recognize the seasonal reduced parking together with the restaurant use. This minor variance application was deemed complete on April 6, 2018.

Proposal: To decrease the minimum required parking spaces from 391

spaces to 333 spaces in conjunction with the annual temporary

garden centre use, from April 1st to July 31st, inclusive.

Owner: CP REIT Ontario Properties Limited

Applicant: Zelinka Priamo Limited – Heather Garrett

Legal Description: Concession 4, Part Lot 21, former Town of Lindsay, City of

Kawartha Lakes

Official Plan: "General Commercial" – Town of Lindsay Official Plan

Zone: "General Commercial Special Six (GC-S6) Zone", Town of

Lindsay Zoning By-law 2000-75

Site Size: 6.37 hectares (15.06 acres)

Site Servicing: Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Retail Commercial (Loblaws Food Store and Gas Bar); and

Restaurant (Harveys/Swiss Chalet)

Adjacent Uses: North: Vacant Institutional; Wilson Fields Park

South: Kent Street West; Commercial (Lindsay Square Mall) East: St. Joseph Road; Commercial (Whitney Town Centre) West: Institutional (Provincial Court House, OPP Station)

Rationale:

1) Are the variances minor in nature? Yes

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

Currently, 391 parking spaces are required, and there is a surplus of 10 spaces for a total of 401 spaces. The proposed reduction from the 391 minimum required parking spaces to 333, although temporary, had been customarily operated seasonally and decommissioned during the months of April through July annually. The proposed variance accounts for a 14.8% decrease in the available parking spaces. Based on the 2015 parking survey submitted by the applicant, at the peak demand time, 200 parking spaces were occupied, with 136 remaining vacant. The uses established on-site at that time included: the supermarket with mezzanine, the temporary garden centre, and the fuel bar. A forecast for a full development that accounts for the restaurants in conjunction with the above mentioned established uses projected that 245 parkings will be occupied at the peak demand time, with 85 stalls remaining vacant. The analysis and conclusions of the LEA parking study suggests the practicability of the proposal with a lower parking supply than the by-law requires for a full development. Therefore, no negative impacts are anticipated.

It is unlikely that the temporary decrease in parking spaces will cause any incompatibility issues between the subject lot and abutting institutional and commercial uses.

The temporary garden centre use is accessory to and operates in conjunction with the permitted food store. The lots to the east and south are developed with various commercial uses. Based on the parking survey, the reduction in parking should not affect the flow of traffic along the adjacent public roads or access to/from adjacent properties.

Based on this, the requested variance is 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

The subject lot is zoned "General Commercial Special Six (GC-S6) Zone". With the exception of the reduced number of parking spaces, the proposed temporary annual garden centre will comply with all other provisions of the Zoning By-law. Based on the 2015 parking survey, a variance for a temporary

14.8% reduction in the required parking spaces is not considered significant and may well be indiscernible.

As a result, the proposed 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

This lot is designated "General Commercial" within the Lindsay Official Plan. Special policy Section 4.3.5.3 b) applies to this lot. The subject land has been developed in accordance with the requirements of the General Commercial designation. Required off-street parking and loading spaces have been provided. Through the completion of the LEA Consulting Ltd. parking study, the applicant has demonstrated the existing development accommodates adequate off-street parking and loading spaces.

As such, the proposed variance maintains the general intent and purpose of the Lindsay Official Plan

Other Alternatives Considered:

The applicant has submitted a parking survey, completed by LEA Consulting Ltd., dated January 5, 2016. The consultant completed parking surveys on two peak weekends during the temporary garden centre use in 2015: Mother's Day, and Victoria Day. Upon factoring a fully developed site that accounts for the two new restaurants, the peak demand during the survey occurred on May 10, 2015 occupying 245 spaces, with 85 spaces remaining. The applicant proposes a temporary reduction to the required parking spaces, based on the demand ratio calculated in the parking survey. Relief from the parking requirements of the Zoning By-law is required to permit the continued operation of the temporary annual garden centre on the lot.

Servicing Comments:

The property is serviced by full municipal services within the Lindsay municipal service area.

Consultations:

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

Agency Comments:

Engineering & Corporate Assets (May 8, 2018): No objection to the proposed variance.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendix "A" - Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Parking Study

Appendix "E" - Department and Agency Comments

Phone: 705-324-9411 ext. 1367

E-Mail: qadebayo@kawarthalakes.ca

Department Head: Chris Marshall

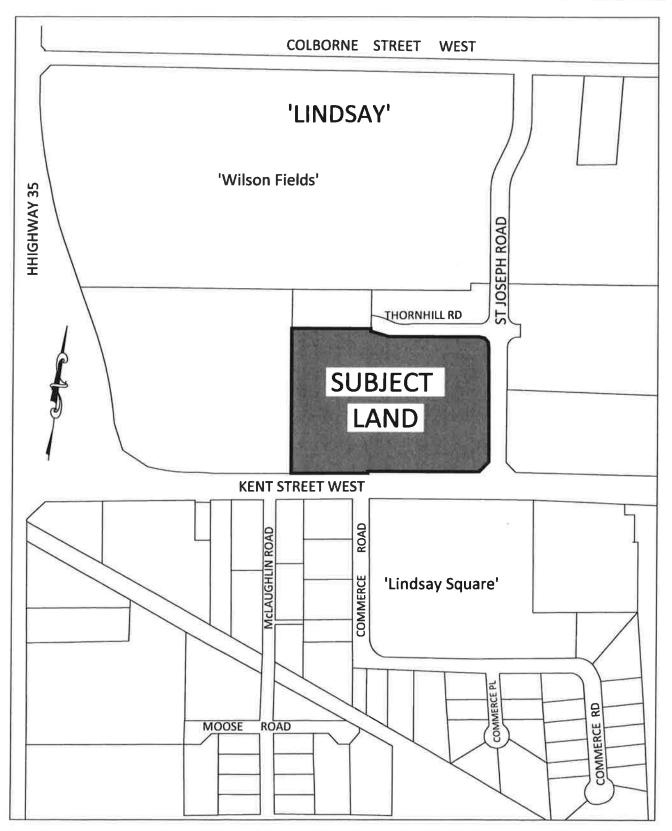
Department File: D20-2018-021

APPENDIX <u>"A"</u>

to

REPORT <u>COA2018-028</u>

FILE NO: <u>D20-2018-021</u>



APPENDIX " B "

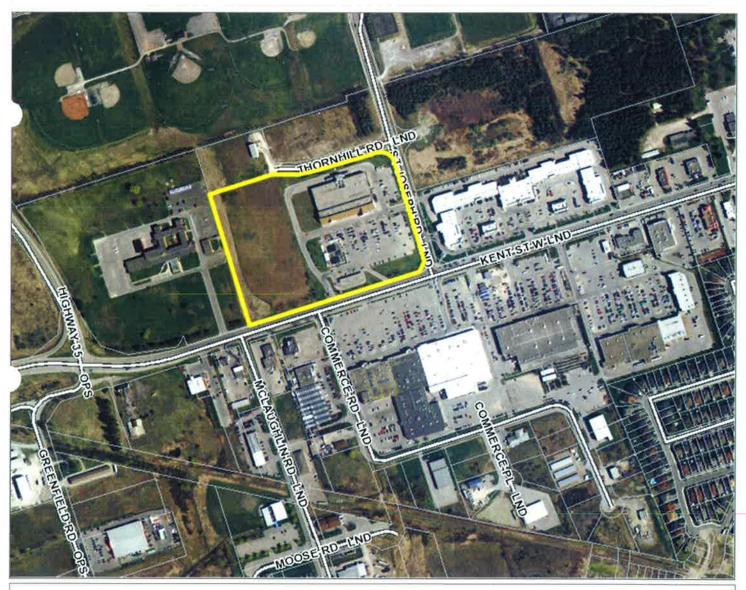
to

REPORT COA2018-028

FILE NO: <u>D20-2018-021</u>



400 Kent Street West, Former Town of Lindsay



Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere City Of Kawartha Lakes

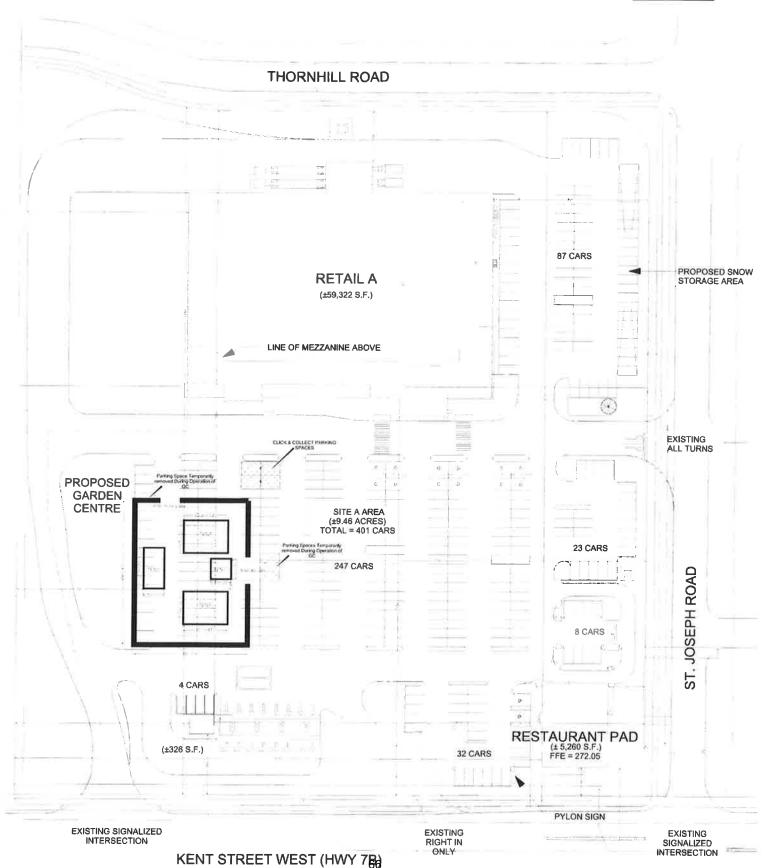
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate current or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

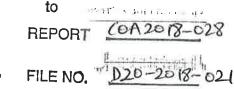
APPENDIX <u>" C "</u>

to

REPORT COA2018-028

FILE NO: <u>D20-2018-021</u>





APPENDIX "



LEA Consulting Ltd.

Consulting Engineers & Planners Suite 900, 625 Cochrane Drive Markham, ON, L3R 9R9 CANADA

Tel: (905) 470-0015 Fax: (905) 470-0030 www.LEA.ca

Our Ref.: 9750.200

January 5, 2016

Heather Garrett Zelinka Priamo Ltd. 318 Wellington Road London, Ontario N6C 4P4

Dear: Ms. Garrett;

Re: Parking Minor Variance Application for Seasonal Sales area with Future Development Plan at 400 Kent Street West, Town of Lindsay, Ontario

As requested, LEA Consulting Ltd. has assessed the proposed parking conditions at the Loblaws located at 400 Kent Street West in the Town of Lindsay in the Municipality of Kawartha Lakes, Ontario. The existing site includes a 7,164 m² (77,122 ft²) Loblaws food store (with mezzanine area) and a 4 station gas bar with a 30 m² (356 ft²) kiosk. A restaurant pad on the southeast portion of this site is proposed. The restaurant has a size of 592 m² (6,370 ft²) with a drive-thru facility permitting 9 stacked vehicles.

This study serves to support a minor parking variance application to allow for a lower parking supply than the by-law requirements with a Loblaws associated seasonal sales area. Figure 1 shows the subject site.



Source: Bing Maps (August 2015)
Figure 1: Site Location

LEAdership in engineering & planning solutions

January 5, 2016 Heather Garrett Our Ref: 9750.200 Page 2

Existing Site Conditions and Survey Methodology

The site features a standalone food store and a gas bar with an approximate total building size of 7,194 m² (77,448 ft²) with an overall supply of 412 parking stalls. This translates into a supply ratio of 5.73/100 m² (5.32/1000 ft²). The following factors were taken into account for determining the actual existing supply:

- Seven (7) stalls utilized for grocery cart storage;
- Sixty-Four (64) stalls utilized for the seasonal sales area;
- Two (2) stalls utilized by a garbage container;
- 1 stall utilized by a two charity donation boxes; and,
- 1 stall utilized by leftovers of a broken wooden pallet.

Parking utilization surveys were conducted from Friday to Sunday May 8-10 and 15-17, 2015 during the Mother's and Victoria Day weekends. A LEA staff member walked the entire parking lot, and using the same route with each survey, recorded all vehicles parked on-site. Survey data was collected at 30 minute intervals starting at 10:00 a.m., and the last survey was conducted starting at 6:00 p.m.

The available parking supply during the time of our survey was 336 stalls for a supply ratio of 4.67/100 m² (4.34/1000 ft²). Figure 2 shows the existing site plan.

Survey Results

The survey results are summarized in **Exhibit 1**. Daily peak hour demand is summarized in **Table 1** below. Peak demand occurred on Sunday at 12:00 p.m. with 200 stalls occupied for a utilization rate of 59.5% and a demand ratio of 2.78/100 m² (2.58/1000 ft²). At peak demand, there is an excess supply of 136 (336-200) stalls. **Figure 3** illustrates the peak parking stall utilization for Sunday.

Survey Date	Peak Hour	Utilized Stalls	Number of Available Stalls	Utilization	Demand Ratio		
				Rate	Per 100 m ²	Per 1000 ft ²	
Friday May 8, 2015	1:00 p.m.	180		53.6%	2.50	2.32	
Saturday May 9, 2015	12:30 p.m.	194		57.7%	2.70	2.50	
Sunday May 10, 2015	Sunday May 10, 2015 12:00 p.m.		226	59.5%	2.78	2.58	
Friday May 15, 2015	1:00 p.m.	193	336	57.4%	2.68	2.49	
Saturday May 16,. 2015	12:30 p.m.	190		56.5%	2.64	2.45	
Sunday May 17, 2015	11:30 a.m.	178		53.0%	2.47	2.30	

Table 1: Peak Parking Demand (Thursday - Sunday May 14-17, 2015)

Proposed Site Intensification

The ultimate development plan includes the existing food store, gas bar and a 592 m² (6,370 ft²) restaurant pad with drive-thru on the southeast portion of the subject site. **Figure 4** shows the future site plan. Site access is to retain the existing access driveways to the subject site. **Table 2** summarizes the site statistics under the future development plan.



Use	Size (sq. m.)	Size (sq. ft.)		
Loblaws	7,164	77,122		
Gas bar	30	326		
Restaurant	489	5,260		
TOTAL	7,683	82,708		

Table 2: Proposed Site Characteristics

Parking Demand Assessment upon Full Development

This proposed development pad is located in the south-easterly parking area next to the St. Joseph Road at Kent Street West signalized intersection. To compare the entire development parking requirements versus the future projected demand, we reviewed the *Town of Lindsay zoning By-law 2000-75 (Section 5.12 Parking and Loading Requirements)*. We applied the minimum requirements each use based on Table 5.12 k) ii, non-residential parking requirements. In calculating the parking stall supply for the food store, we applied the total building size which includes the mezzanine area. **Table 3** summarizes the requirements for the entire site versus the proposed supply. A total of 469 stalls are required whereas the proposed supply is 401 for a shortfall of 68 stalls.

Unit	Size (m ²)	Supply Rate (sq. m.)	No. of Stalls Required 422		
Loblaws	7,164	1/17			
Gas bar	30	1/24	2		
C (Restaurant)	489	1/11	45		
Total	7,638	-	469		
Proposed Future	401				
Net Difference (-68				

Table 3: Comparison of Parking Stall Requirements versus Proposed Supply

If we assume the maximum demand generated by the restaurant occurs as per the by-law requirements, the demand is for 45 stalls. Assuming the parking demand under existing conditions remains the same under future conditions, the projected total demand upon full development is 245 stalls (200 Existing + 45 Restaurant). The total anticipated supply upon full development is calculated by the overall supply minus any on-site features. During our survey, we noted two (2) garbage dumpsters and a broken wooden pallet removing 3 stalls. Under future conditions, we assumed that these obstructions will not be retained. Inclusively, 6 as oppose to 7 stalls will be utilized by shopping cart storage corrals as shown in the future site plan. Therefore, the anticipated available parking supply is the sum of the proposed supply minus the stalls utilized by shopping cart storage corrals and 2 donations boxes. The resulting value is 394 stalls (401-6-1).

No change in location and size of the seasonal sales is being considered with the future development plan. The seasonal sales area will continue to utilize 64 stalls when operational, leaving an available supply of <u>330</u> stalls. Assuming the future peak demand remains at 245 stalls, the estimated residual parking supply is 85 stalls (330-245).

The seasonal sales area does not produce any additional demand for parking but customers stay on-site for a longer duration. Subsequently, the demand for parking stalls will not change whether the seasonal sales area is open for business.



After reviewing the above circumstances, it is anticipated that the ultimate development plan to add a retail building and a restaurant with a drive-thru does not create a parking stall shortfall. The food store and the proposed additional developments can be adequately accommodated with a parking supply less than the by-law requirement.

Conclusions

This letter report was prepared to assess parking demand at the Loblaws food store located at 400 Kent Street West in the Town of Lindsay, City of Kawartha Lakes of Ontario. The site contains a standalone food store and a 4 station gas bar that has a total combined size of with a size of 7,194 m² (77,448 ft²) with an overall supply of 412 parking stalls. The corresponding supply ratio is of 5.73/100 m² (5.32/1000 ft²). A 592 m² (6,370 ft²) restaurant pad with a drive-thru facility is proposed as part of a future development plan.

LEA Consulting conducted parking demand surveys during the weekends of May 8-10 and 15-17, 2015 or the Mother's and Victoria Day weekends; respectively. The available parking supply was 336 stalls after accounting for the seasonal sales area, shopping cart corrals and other on-site obstructions for a supply ratio of 4.67/100 m² (4.34/1000 ft²). Peak demand occurred on Sunday May 10th, 2015 at 200 stalls for a demand ratio of 2.78/100 m² (2.58/1000 ft²) for a residual supply of 136 stalls.

The parking requirement for the proposed additional development is 45 stalls. Assuming the maximum demand for the proposed retail occurs as with the peak demand under the existing site plan, the total future total projected demand is for 245 stalls. The proposed future parking supply with full development is 401 stalls but 330 stalls are projected to be available after accounting for other on-site items including the seasonal sales area. The forecasted residual parking supply at maximum demand is projected to be 85 stalls.

The proposed parking supply for the future development plan can be sufficiently met with a lower parking supply than the by-law requires.

If you have questions regarding this information, I can be reached at 905-470-0015 extension 240.

Yours very truly,

LEA Consulting Ltd.

Anatole V. Kung, B.A.

Senior Transportation Analyst

:avk

-

Encl: Exhibits 1-2, Figures 2-4

Kenneth Chan

cc: Mario Fatica

Loblaw Properties Limited LEA Consulting Ltd.



EXHIBITS



LOBLAWS PARKING DEMAND SURVEY

(Illegally Parked Vehicles Included)
400 Kent Street West, St. (Joseph's Road at Kent Street West) Lindsay, Ontario

Size SQ. Metres: Max. Supply Ratio: Max. Parking Supply: Max. Demand Ratio: Max. Parking Demand: Survey Date(s):

Sq. Metres	Sq. Feet				
7.164	77,122				
4.69	4.36				
336					
2.51	2.33				
20	0				

Friday - Sunday May 8-10, 2015

Time Beginning	# of Occupied Stalls			% Utilization			# of Occupied Stalls per 100 Sq. metres		
	Fri.	Sat.	Sun.	Fri.	Sat.	Sun.	Fri.	Sat.	Sun.
10:00	70	143	102	20.8%	42.6%	30.4%	0.98	2.00	1.42
10:30	79	167	123	23.5%	49.7%	36.6%	1.10	2.33	1.72
11:00	148	192	153	44.0%	57.1%	45.5%	2.07	2.68	2.14
11:30	173	147	152	51.5%	43.8%	45.2%	2.41	2.05	2.12
12:00	151	147	200	44.9%	43.8%	59.5%	2.11	2.05	2.79
12:30	166	194	188	49.4%	57.7%	56.0%	2.32	2.71	2.62
13:00	180	172	191	53.6%	51.2%	56.8%	2.51	2.40	2.67
13:30	149	143	152	44.3%	42.6%	45.2%	2.08	2.00	2.12
14:00	179	179	153	53.3%	53.3%	45.5%	2.50	2.50	2.14
14:30	167	168	150	49.7%	50.0%	44.6%	2.33	2.35	2.09
15:00	154	135	154	45.8%	40.2%	45.8%	2.15	1.88	2.15
15:30	145	170	146	43.2%	50.6%	43.5%	2.02	2.37	2.04
16:00	160	172	129	47.6%	51.2%	38.4%	2.23	2.40	1.80
16:30	161	140	120	47.9%	41.7%	35.7%	2.25	1.95	1.68
17:00	144	133	113	42.9%	39.6%	33.6%	2.01	1.86	1.58
17:30	141	103	88	42.0%	30.7%	26.2%	1.97	1,44	1.23
18:00	133	99	91	39.6%	29.5%	27.1%	1.86	1.38	1.27

Note:

Peak Demand Intervals are shown in bold font

Demand data includes parking occupancy adjacent to on-site Loblaws gas bar.

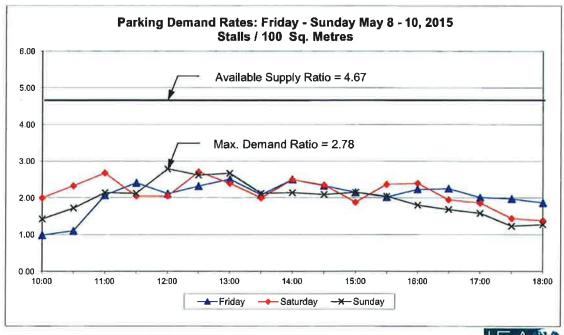


Exhibit 1



\Plot_Lindsay_StJoseph_Kent_May2015a2.xls

LOBLAWS PARKING DEMAND SURVEY

(Illegally Parked Vehicles Included)
400 Kent Street West, St. (Joseph's Road at Kent Street West) Lindsay, Ontario

Size SQ. Metres: Max. Supply Ratio: Max. Parking Supply: Max. Demand Ratio: Sq. Metres Sq. Feet 7,194 77,448 4.67 4.34 2.68 2.49 193

Max. Parking Demand: Survey Date(s):

Friday - Sunday May 15-17, 2015

Time Beginning	# of Occupied Stalls			% Utilization			# of Occupied Stalls per 100 Sq. metres		
	Fri.	Sat.	Sun.	Fri.	Sat.	Sun.	Fri.	Sat.	Sun.
10:00	165	151	101	49.1%	44.9%	30.1%	2.29	2.10	1.40
10:30	178	133	122	53.0%	39.6%	36.3%	2.47	1.85	1.70
11:00	182	176	149	54.2%	52.4%	44.3%	2.53	2.45	2.07
11:30	176	157	178	52.4%	46.7%	53.0%	2.45	2.18	2.47
12:00	183	188	166	54.5%	56.0%	49.4%	2.54	2.61	2.31
12:30	185	190	173	55.1%	56.5%	51.5%	2.57	2.64	2.40
13:00	193	186	162	57.4%	55.4%	48.2%	2.68	2.59	2.25
13:30	190	190	129	56.5%	56.5%	38.4%	2.64	2.64	1.79
14:00	177	177	134	52.7%	52.7%	39.9%	2.46	2.46	1.86
14:30	178	177	133	53.0%	52.7%	39.6%	2.47	2.46	1.85
15:00	171	158	129	50.9%	47.0%	38.4%	2.38	2.20	1.79
15:30	175	160	124	52.1%	47.6%	36.9%	2.43	2.22	1.72
16:00	173	158	109	51.5%	47.0%	32.4%	2.40	2.20	1.52
16:30	177	150	122	52.7%	44.6%	36.3%	2.46	2.09	1.70
17:00	147	143	98	43.8%	42.6%	29.2%	2.04	1.99	1.36
17:30	157	121	85	46.7%	36.0%	25.3%	2.18	1.68	1.18
18:00	118	81	74	35.1%	24.1%	22.0%	1.64	1.13	1.03

Note:

Peak Demand Intervals are shown in bold font

Demand data includes parking occupancy adjacent to on-site Loblaws gas bar.

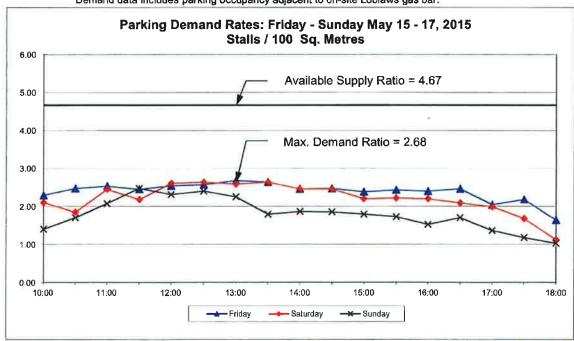


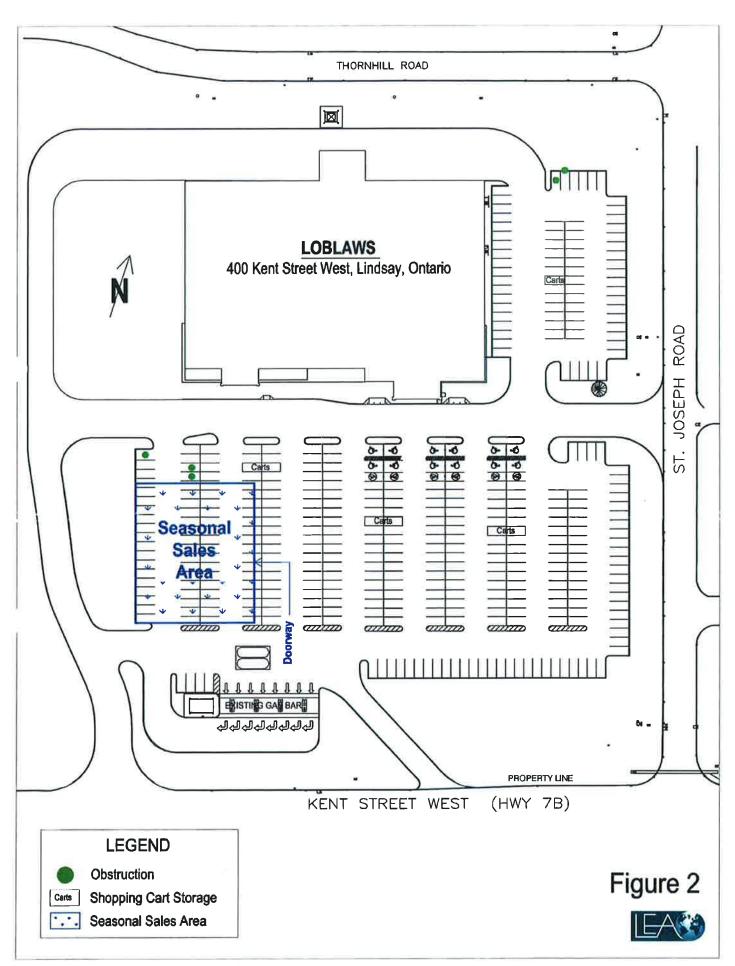
Exhibit 2

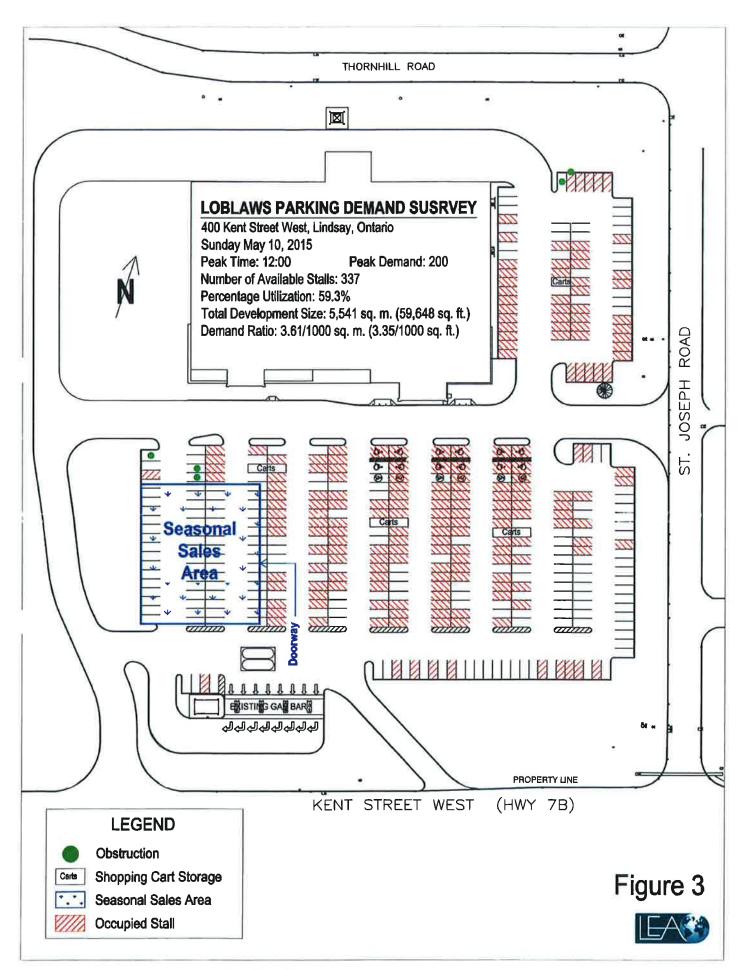


Plot_Lindsay_StJoseph_Kent_May2015b.xls

FIGURES







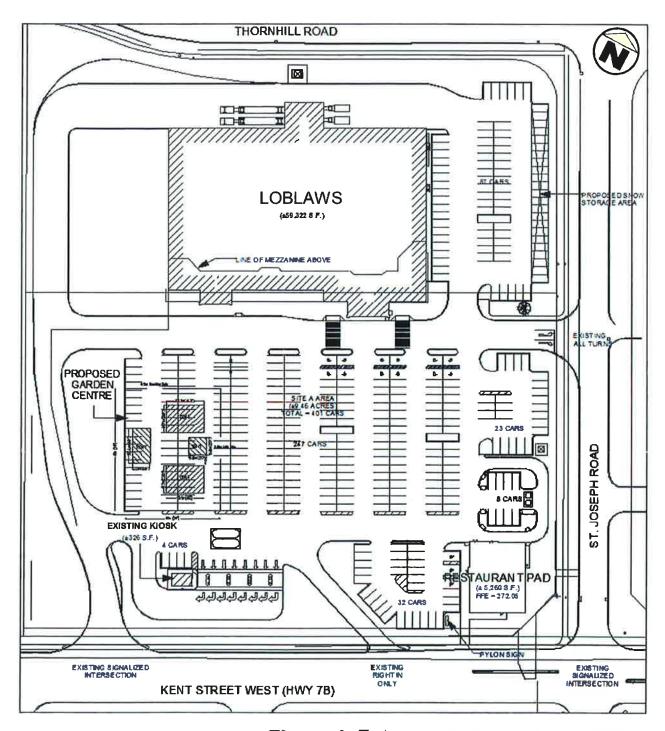


Figure 4: Future Ultimate Development Plan





Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street 020-2018-02

Lindsay ON K9V 5R8 Tel: (705) 324-9411 Ext. 1119 Fax: (705) 324-2982

e-mail: ktimms@kawarthalakes.ca website: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: May 8th, 2018

RE: Application for Minor Variance/Permission

D20-2018-021

400 Kent Street West, Part Lot 21, Concession 4, former Town

of Lindsay, Ward 11, 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 May 3rd, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to reduce the minimum required parking spaces to permit a temporary garden centre.

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 to reduce the minimum required parking spaces from 391 spaces to 333 spaces in order to permit a temporary garden centre use from April 1st to July 31st, annually.

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.

Charlotte Crockford-Toomey

From:

Derryk Wolven

Sent:

Wednesday, May 09, 2018 2:34 PM

To:

Charlotte Crockford-Toomey

Subject:

MV

Please be advised the building division ahs the following comments:

D20-2018-018

No concerns

D20-2018-021 ✓

No concerns

D20-2018-022

No concerns

D20-2018-015

No concerns

D20-2018-020

Rezoning??

, ⊮ind regards,

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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

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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 - Elmdale Developments Limited

Report Number COA2018-029

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

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

Ward: 7 - Former Village of Bobcaygeon

Subject: Th

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

- Section 6.2(a) to reduce the minimum lot area for a full municipal serviced property from 700 square metres to 526.1 square metres; and
- 2. Section 6.2(i) to increase the maximum lot coverage from 30% to 37.8%.

The property is located at 21 Prince Street East, former Village of Bobcaygeon (File D20-2018-022).

Author: Quadri Adebayo, Planner II Signature:

Recommendations:

RESOLVED THAT Report COA2018-029 Elmdale Developments Limited, be received;

THAT minor variance application D20-2018-022 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-029, 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 obtain all necessary permits required by Engineering. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer

- written confirmation from Engineering advising that the Municipal Service Connection Application process has been initiated and/or completed to its satisfaction; and
- 3) 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 COA2018-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property was created in 2010 through a consent

process. The application proposes an infill development within

an already developed residential neighbourhood by

constructing a two-dwelling raised bungalow with an attached

garage and deck. The current design comprises a single

dwelling unit on the main floor, and a basement space that can be repurposed into a second dwelling unit in the future. This

application was deemed complete April 19, 2018.

Proposal: To construct an approximately 126.3 square metres (1,359.48)

square feet) two-dwelling raised bungalow consisting of an

attached garage, basement and deck.

Owner: Elmdale Developments Limited – Shane Quibell

Applicant: Elmdale Developments Limited – Shane Quibell

Legal Description: Part Lot 8, West Helen Street, Part 2, Plan 70, former Village

of Bobcatgeon, City of Kawartha Lakes

Official Plan: "Urban" – County of Victoria Official Plan

Zone: "Urban Residential Type Two (R2) Zone" – Village of

Bobcaygeon Zoning By-law 16-78

Site Size: 528.15 square metres (5,685 square feet)

Site Servicing: Municipal water and sewer

Existing Uses: Vacant

Adjacent Uses: North: Residential

South: Residential East: Residential West: Residential

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 proposed reduction in the minimum lot area requirements accounts for the intrinsic physical size of the property. A modest sized structure is being proposed in form of a raised bungalow and it appears to be able to fulfill the density requirements per the zoning provisions by maintaining the functionality of a two (2) dwelling structure. Also, the proposed house will be improving a vacant lot with an infill development which will be connected to full municipal water and sewer services. Therefore, no negative impacts are anticipated.

Considering the proposed increased lot coverage of 7.8% over the 30% maximum allowed, the house accounts for 30%, while the attached garage accounts for 2.8%, whereas the future shed will account for 1.7%. The remainder 3.3% lot coverage overage accounts for the deck, which is predicated by the by-law definitions to count towards maximum lot coverage because it is an above ground structure. Notwithstanding, the configuration of the building design, the massing appears to be complimentary with the prevailing residential character of the neighbourhood. As a result, in terms of scale, no adverse land use compatibility issues are anticipated.

Likewise, the proposed footprint of the house appears to be further away from the road than the building line setback established by the dwelling on the north side of the subject site. The reliefs requested for the dwelling are not anticipated to impact the function of the yards, as sufficient space remains between the proposed structure and the lot lines for maintenance and drainage purposes. Accordingly, sufficient space also remains within the proposed interior side yards to facilitate access to the rear yard from the front yard.

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

Based on the above analysis, the variances are 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

The 171.9 square metre relief from the 700 square metres minimum lot area required, and the 7.8% relief over the 30% maximum lot coverage required, proposed for the dwelling are not anticipated to impact their function as the scale, if granted, are not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard from the front yard.

Section 6.2 of the Village of Bobcaygeon Zoning By-law ensures that a review is done when development is proposed upon undersized lots to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a 7.7 metre building height from a possible 11 metre maximum, increased side yards of 1.55 metres and 1.56 metres respectively on both sides where 1.2 metres minimum is required on either side, supplemented by a compliant front yard setback and shed location, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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

As the Urban Settlement Area designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan (Official Plan) applies. The "Urban" designation predominantly anticipates low density residential uses, which can be accessed from major streets, and supported by adequate servicing.

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

Other Alternatives Considered:

None.

Servicing Comments:

The property will be developed on full municipal services.

Consultations:

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

Agency Comments:

Engineering & Corporate Assets (May 8, 2018): No objection to the proposed variances. See comments.

Public Comments:

No comments as of May 8, 2018.

Attachments:



Appendix "A" - Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Elevations

Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 ext. 1367

E-Mail: qadebayo@kawarthalakes.ca

Department Head: Chris Marshall

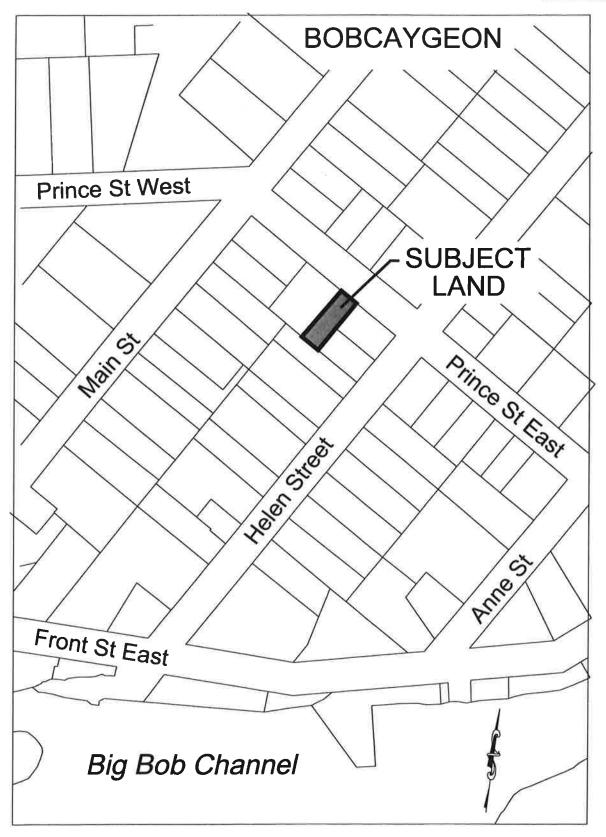
Department File: D20-2018-022

APPENDIX <u>" A "</u>

to

REPORT COA2018-029

FILE NO: <u>D20-2018-022</u>



to

REPORT COA2018-029

FILE NO: <u>D20-2018-022</u>



21 Prince Street, Former Village of Bobcaygeon



Kilometers WGS_1984_Web_Mercator_Auxiliary_Sphere
City Of Kawartha Lakes

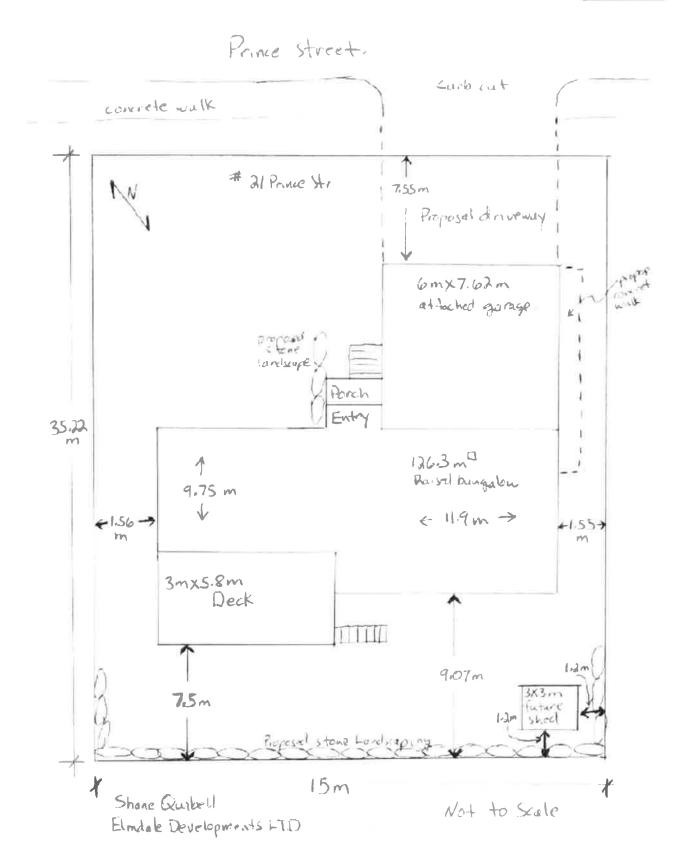
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES.

APPENDIX <u>" C "</u>

to

REPORT <u>COA2018-029</u>

FILE NO: <u>D20-2018-022</u>



APPENDIX <u>" D "</u>

to

REPORT <u>COA2018-029</u>

FILE NO: <u>D20-2018-022</u>

Front Elevation (North Direction)



Rear Elevation (South Direction)

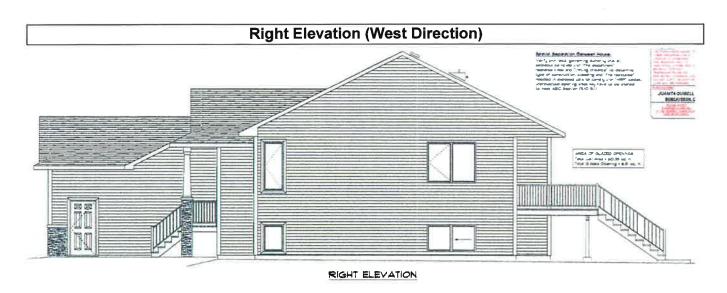


APPENDIX <u>D</u>

to

REPORT <u>COA2018-029</u>

FILE NO: <u>D20-2018-022</u>







Engineering & Corporate Assets Department P.O. Box 9000, 12 Peer Street Lindsay ON K9V 5R8 Tel: (705) 324-9411 Ext. 1119

nt 720-2018-

Fax: (705) 324-2982
e-mail: ktimms@kawarthalakes.ca
website: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:

May 8th, 2018

RE:

Application for Minor Variance/Permission

D20-2018-022

21 Prince Street East, Part Lot 8, West Helen Street, Part 2, Plan 70, former Village Bobcaygeon, 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 May 3rd, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a two-dwelling detached house with garage and deck on the property.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Village of Bobcaygeon Zoning By-law 16-78, as amended to reduce the minimum lot area for a full municipal serviced property from 700 square metres to 526.1 square metres and to increase the maximum lot coverage from 30% to 37.8%.

Engineering would like to remind the applicant that there are still requirements to be addressed through the Municipal Service Connection Application process for this 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 – 2324784 Ontario Limited

Report Number COA2018-030

Public Meeting

Meeting Date: May 17, 2018 Time: 1:00 pm

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

Ward 15 – Geographic Township of Emily

Subject: An application to sever approximately 1 hectare (2.47 acres) of

residential land containing a dwelling deemed surplus to a farming operation as a result of a farm consolidation and consolidate approximately 37 hectares (91.43 acres) of

agricultural land with a non-abutting agricultural operation. The property is located at 1109 Meadowview Road, geographic

Township of Emily (File D03-17-027).

Author: David Harding, Planner II Signature:

Recommendations:

RESOLVED THAT Report COA2018-030 2324784 Ontario Limited, be received;

THAT consent application D03-17-027, being an application to sever approximately 1 hectare of residential land containing a dwelling and consolidate approximately 37 hectares of agricultural land with a non-abutting agricultural operation, be DENIED.

THAT consent application D03-17-027, being an application to sever approximately 0.72 hectares of residential land containing a dwelling and consolidate approximately 37.28 hectares of agricultural land with a non-abutting agricultural operation, be GRANTED.

Conditions of provisional consent:

- This approval applies to the amended transaction applied for subject to the following revisions:
 - a. The north lot line shall be a straight line and shall be located no more than 8.5 metres from the north wall of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated

April 12, 2018. The north lot line shall run approximately parallel to the north wall of the barn. Condition 1(a) shall apply unless:

- i. The owner decides to fulfill condition 3(b) to demolish the barn. If the barn is demolished, the north lot line shall be a straight line and shall be located no more than 30 metres from the north wall of the building identified as "Existing House" on the sketch for severance prepared by MHBC dated April 12, 2018. The north lot line shall run approximately parallel to the north wall of the house.
- b. The east lot line shall be a straight line and shall be located no more than 12.5 metres from the east wall of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated April 12, 2018. The east lot line shall run approximately parallel to the east wall of the barn; and
- c. The west lot line shall be a straight line and shall be located no more than 3 metres from the west wall of the building identified as "Existing Shed" on the sketch for severance prepared by MHBC dated April 12, 2018. The west lot line shall run approximately parallel to the west wall of the shed. Condition 1(c) shall apply unless:
 - The owner decides to fulfill condition 3(b) to demolish the garage.
 If the garage is demolished, the west lot line shall be in the location depicted on the sketch for severance prepared by MHBC dated April 12, 2018.
- 2. The owner shall apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting the lot to be severed and the lot to be retained, such that:
 - a. For the lot to be severed, that it be rezoned to a Rural Residential Type One Exception (R1-*) Zone to restrict the use of the lot to residential and residential accessory uses and, if applicable, permit the increased residential accessory building lot coverage; and the Bylaw be in effect. The Zoning By-law Amendment application shall be accompanied by a surveyor's real property report that identifies the dimensions, lot coverage, and setbacks of the building(s) on the proposed severed lot; and
 - For the lot to be retained, that it be rezoned to an Agricultural Exception (A1-*) Zone to prohibit residential use; and the By-law be in effect.
- 3. The owner shall carry out or cause to be carried out one of the following two actions with respect to the two buildings identified as "Existing Barn" and "Existing Shed" on the sketch for severance prepared by MHBC dated April 12, 2018:
 - a. Apply for and obtain a change of use permit;

- Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate, that the building(s) has/have been satisfactorily demolished and any remnant foundation(s) completely removed.
- 4. Should the owner apply for a change of use permit for the barn as specified in Condition 3(a), the Chief Building Official or his/her designate shall submit to the Secretary-Treasurer written confirmation that the stalls and any water troughs within the building have been satisfactorily removed.
- 5. The owner submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate, that the building to the northwest of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated April 12, 2018, has been demolished and any remnant foundation completely removed.
- 6. The owner submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that two of the three sheds to the west/southwest of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated April 12, 2018, are either:
 - a. Demolished and any remnant foundations completely removed; or
 - b. Have been satisfactorily relocated onto the retained agricultural lot in compliance with the Zoning By-law.
- 7. That the owner carry out or cause to be carried out one of the following options for one of the three sheds to the west/southwest of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated April 12, 2018:
 - Apply for a change of use permit and relocate it onto the proposed severed lot in compliance with the applicable provisions of the Zoning By-law; or
 - Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that it has been demolished and any remnant foundation completely removed.
- 8. Submit to the Secretary-Treasurer a copy of the Abandoned Well Certificate from a licensed well contractor, or other appropriately qualified person, which confirms that the existing dug well to the southeast of the building identified as "Existing Barn" on the sketch for severance prepared by MHBC dated April 12, 2018 has been abandoned in accordance with Ontario Regulation 903.
- 9. That the owner shall submit to the Secretary-Treasurer a copy of the Section 59 Notice from the Risk Management Official for the proposed consent.
- 10. Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that the east and north lot lines of the lot to be severed have been fenced with nine (9) strand, page wire fence material.

- 11. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit would be available for the lot to be retained.
- 12. The owner's solicitor shall certify that the land owner registered on title of the lands subject of this application, being 2324784 Ontario Limited, is identical to the land owner registered on the title of an additional non-abutting farm parcel with which the retained agricultural parcel is being consolidated, being PIN 284170031(LT) 363 Lindsay Road, and that such farm parcels are operated as one farm operation
- 13. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
- 14. Payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
- 15. Payment of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee in effect is \$440. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
- 16. 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.
- 17. The owner's 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.
- 18. The owner's 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.
- 19. The owner shall pay all costs associated with the preparation and registration of the required documents.
- 20. 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.

Background:

The application proposes to sever a dwelling deemed surplus to a farming operation as a result of a consolidation of farm land.

The applicant amended the application on April 16, 2018, see "Appendix "D", by proposing to relocate the rear lot line further north and introducing a jog in the eastern lot line. The originally proposed lot boundaries are shown in Appendices C-1 and C-2

Staff is supportive of the application in principle, but contends that the dwelling can be accommodated on a lot less than 1 hectare of land. One hectare is the maximum area permitted for a surplus dwelling within the City of Kawartha Lakes Official Plan. A lesser lot area is encouraged by the Provincial Policy Statement, and in this circumstance, is believed more appropriate in order to preserve as much land as possible for agricultural use. The applicant disputes this approach.

Staff is also supportive of maintaining and repurposing some of the agricultural buildings on the lot for residential use. The applicant has not made it clear whether they wish all existing buildings on the lot to be retained. If this is the case, staff is not supportive of this request.

This application is proceeding to the Committee of Adjustment for a decision as these two issues could not be resolved for an uncontested approval.

Owner: 2324784 Ontario Limited c/o Dr. Dagmar Teubner

Applicant: David McKay, MHBC Planning Urban Design & Landscape

Architecture

Legal Description: Part of Lot 21, Concession 2, geographic Township of Emily,

City of Kawartha Lakes

Official Plan: "Prime Agricultural" and "Environmental Protection" – City of

Kawartha Lakes Official Plan

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

1996-30.

Site Size: Severed: 1 hectare

Retained: 37 hectares

Site Servicing: Severed: Two Private Individual Wells and a Sewage System

Retained: None

Existing Uses: Agricultural

Adjacent Uses: North: Agricultural

South: Rural Residential/Agricultural

East: Agricultural

West: Agricultural/Forest

Rationale:

Policy Conformity

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

The GP directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

As a dwelling surplus to a farming operation is proposed, the proposal complies with the Growth Plan as the use was originally established for an agricultural operation.

Provincial Policy Statement, 2014 (PPS)

The PPS, through policies 2.3.3 and 2.3.4 provides that agricultural uses and normal farm practices within prime agricultural areas shall be promoted and protected, and lot creation discouraged. Residential lot creation within a prime agricultural area may only be permitted for a residence surplus to a farming operation as part of a farm consolidation provided residential use is not permitted on the retained agricultural land. Condition 2 is recommended to rezone the agricultural land to preclude residential use.

Policy 2.3.4.1(c)(1) further states that where a residence surplus to a farming operation is proposed, the lot for that residence will be limited to the size needed to accommodate the necessary sewer and water services.

The proposal is consistent with the PPS provided Policy 2.3.4.1(c)(1) is followed.

City of Kawartha Lakes Official Plan

Land Use Designations: Prime Agricultural and Environmental Protection

The majority of the subject land is designated "Prime Agricultural" within the City of Kawartha Lakes Official Plan (Official Plan), with portions designated "Environmental Protection". The "Environmental Protection" portions appear to reflect the locations of watercourses. The application proposes no changes to the lands with the "Environmental Protection" designation.

The "Prime Agricultural" designation provides for the creation of a residential lot to remove a dwelling deemed surplus to a farm operation as a result of a consolidation with a non-abutting agricultural lot. In accordance with policy 15.3.5, the residential lot must not exceed 1 hectare, must be greater than 4,000 square metres and future residential development must be prohibited on the agricultural land to be consolidated. The Official Plan also requires the agricultural land to be consolidated is rezoned to prohibit residential use.

Zoning By-law Conformity

The subject property is zoned "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone" within the Township of Emily Zoning By-law 1996-30.

The lot to be retained exceeds the minimum lot frontage (120 metres) and area (25 hectares) requirements of the A1 Zone by proposing about 492.4 metres and 37 hectares respectively. A zoning by-law amendment is required for the proposed retained lands within the A1 Zone to remove the potential to construct further dwellings, maintaining consistency with provincial policy and conformity with municipal policy. No changes are proposed to the lands within the EP Zone.

The A1 Zone category provides that residential lots created within the said zone are subject to the requirements of the "Rural Residential Type One (RR1) Zone" category. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (2,800 square metre) requirements by proposing about 86.6 metres and 1 hectare (9,999,9 square metres) respectively. The lot configuration as proposed by staff will also comply with the RR1 Zone provisions. A total of three residential accessory buildings are permitted on a residential lot. Residential accessory buildings are restricted to a maximum lot coverage of 8% or have a footprint no greater than 225 square metres, whichever is less. As some of the agricultural buildings are proposed to be kept as residential accessory buildings on the proposed severed lot, the buildings cannot comply with the 225 square metre footprint requirement. A zoning by-law amendment is necessary to address the increased accessory building lot coverage.

Other Alternatives Considered:

Staff outlined the alternative design shown in Appendix "E" to the owner and applicant, but this proposal was not accepted.

Servicing Comments:

The lot to be severed has its two private individual wells and a sewage system.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (August 23, 2017): A condition is requested to ensure the suitability and availability of an entrance to the proposed retained agricultural lot.

Ministry of Transportation (August 25, 2017): No concerns.

Building Division – Part 8 Sewage Systems (October 31, 2017): No objection to the proposed application.

Otonabee Region Conservation Authority (October 13, 2017): No concerns.

Community Services Department (November 8, 2017): A condition to collect a 5% cash-in-lieu of parkland payment is requested.

Building Division (November 14, 2017): The owner must confirm that the accessory buildings comply with the Ontario Building Code requirements for accessory buildings. Change of use permits are required.

Public Comments:

Joyce Millen of 1140 Meadowview Road requested to be circulated on the application.

Planning Division Comments:

Staff is agreeable to retaining the existing barn (circa 1908 - MPAC), garage (1910 - MPAC), and one shed (1920/1930/1950 - MPAC) on the proposed retained lot. In order to maintain the intent of the Emily Zoning By-law and prevent storage from being the primary use on the proposed severed lot, staff asserts that the accessory building cap should remain at three. As this lot is located at the crest of a hill, some of the buildings are highly visible and contribute to the agricultural character of the surrounding area. The barn and garage are the two most prominent buildings on the lot, and therefore contribute the most to establishing the rural character of the surrounding landscape. Staff is supportive of retaining these two buildings to maintain the rural character of the area. Staff is also supportive of retaining one of the three smaller sheds on the proposed severed lot. A zoning by-law amendment would be required to increase the permitted accessory building lot coverage provision. The height of the barn would not be addressed through the amendment; it would be considered legal non-complying.

Staff disagrees with the locations of the lot lines as applied for and as amended for the following reasons:

- 1. The agricultural and residential uses are heavily intertwined on the subject property. With the exception of the maintained lawn around the dwelling, there is no distinct break between agricultural and residential use but rather a series of transitional areas. For this reason, the existing fencing is not an accurate guide for properly delineating a break between residential and agricultural use. New delineated boundaries are required now that the dwelling is proposed to be severed from the agricultural land.
- 2. Policy 2.3.4.1(c)(1) of the PPS states that the residential lot will be limited to the size needed to accommodate appropriate well and sewage services. The area proposed by the applicant substantially exceeds that which is needed to support the residence. Staff, as shown in Appendix "E", is agreeable to providing some additional land around the dwelling in order to preserve two agricultural buildings of significant character.
- 3. The western lot line as proposed would run close/through the wall of the building identified as the "existing garage". The western wall of this building functioned as a fence to the abutting field. A setback to this building is required to avoid encroachment issues and comply with the setback requirements of the Zoning By-law. Staff is proposing that, should the

- existing garage be retained, the lot line be set back 3 metres from this building to provide sufficient spatial separation for maintenance and provide access for the property owners to maintain the hedge that runs from the south wall of the garage to Meadowview Road.
- 4. The eastern lot line as proposed encompasses: (1) vacant land that is of no use to the dwelling as it is not maintained as lawn, and (2) former paddock land used by the animals that were housed in the barn. As much of this land as possible should be returned to the agricultural lot for potential future use. Reducing the area of former paddock land abutting the barn will also discourage the re-establishment of an agricultural use on the proposed severed lot. Staff proposes that the east lot line be established no more than 12.5 metres away from the east wall of the barn. This would ensure the pole providing hydro service to the barn remains on the proposed severed lot.
- 5. The northern lot line as proposed would provide the residential lot with ownership over agricultural land that was previously used for paddocks. As much of this land as possible should be returned to the agricultural lot for potential future use. Reducing the area of former paddock land abutting the barn will also discourage the re-establishment of agricultural use on the proposed severed lot. Staff proposes that the north lot line be established no more than 8.5 metres from the north wall of the barn. The location of this rear lot line is consistent with the location originally proposed by the applicant. There are some trees immediately behind the chicken coop building that staff proposes to be demolished. These trees would be in such close proximity to the new lot line that they could be retained by the agricultural lot to assist in providing a physical delineation between the two lots.

Staff are of the opinion that payment of cash-in-lieu of parkland in this situation is not necessary, as the residential use on the lot to be created has existed since at least 1880 (MPAC) and there is no new demand for park services.

Staff notes the existence of a dug well to the immediate southeast of one of the small shed buildings, see Appendix "E". This is the second well on the property, and does not appear to be used by the dwelling. Condition 8 is recommended to ensure the well is safely decommissioned before the land is returned to agricultural use. This condition is of particular importance, as the well is located within the Fraserville Wellhead Protection Area.

Staff are in agreement with the Building Division that change of use permits are required for any of the agricultural buildings that are proposed to remain on the severed lot as residential accessory buildings. This condition has been incorporated where retaining such buildings are contemplated.

In accordance with the comments provided by Engineering and Corporate Assets Department, a condition has been included to ensure that there is access from the proposed retained lot to Meadowview Road.

Attachments:



Appendix "A" – Location Map Appendix "B" – Aerial Photo

Appendix "C" – Original Consent Sketch Appendix "D" – Amended Consent Sketch

Appendix "E" – Staff Proposed Consent Sketch

Appendix "F" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D03-17-027

D03-17-027 to REPORT COA2018-030 FILE NO: <u>D03-17-027</u> Cottingham Road Trans Canaada Trail Concession 2 Lot 21 Lot 22 Lot 20 SUBJECT LAND Meadowview Road Concession 1 Geographic Township of Emily

APPENDIX " A "





Proposed
Severance Sketch

LEGEND

Lands to be Severed (Farm House) ±1.0 ha (2.5 acres)

Retained Lands ±37.0 ha (91.4 acres)

Additional Lands Owned by 2324784 Ontario Limited ±4.1 ha (10.0 acres)

DATE: August 3, 2017

SCALE 1: 6,000

1109 Meadowview Road, Kawartha Lakes, Ontario





Existing Building (House, Barn, Shed)

Wooded Area

Severed Lands

Existing Access on

Potential Access to

N \16208\A - 1109 Mapsonram Rood. Kammins Loren\2017\Feorupy\Mapping\Cab\16208A_Figure Mapsing_14 July 2017 deg



Proposed Severance Sketch (Enlargement of Retained Lands)

1109 Meadowview Road, Kawartha Lakes, Ontario

LEGEND

Lands to be Severed (Farm House) ±1.0 ha (2.5 acres)

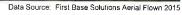
Retained Lands

Existing Building (House, Barn, Shed)

DATE: August 3, 2017

SCALE 1:1,000

. 1109 Weesserver Bood, Harrins (1844)2017/February/Wagping/CRD/182004_Figure Wageing_16



Existing Access on Severed Lands

Approximate Location of Well

Approximate Location of Septic Tank

Potential Access to Retained Lands





to



Proposed Severance Sketch (Enlargement of Retained Lands)

1109 Meadowview Road, Kawartha Lakes, Ontario

LEGEND

Lands to be Severed (Farm House) ±1.00 ha (2.47 acres)

Retained Lands

Existing Building (House, Barn, Sheds)

DATE: April 12, 2018

SCALE 1:1,000

107

X

Existing Access on Severed Lands

Approximate Location of Well

Approximate Location of Septic Tank Potential Access to

Retained Lands



This map is a user generated static output from an Internet mapping site is for reference only. Data layers that appear on this map may or may no accurate, current, or otherwise relia THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOS

NORTH

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere © City Of Kawartha Lakes

90.0

From:

Derryk Wolven

Sent:

Tuesday, November 14, 2017 9:39 AM

APPENDIX "____

To:

Erica Hallett

to

Subject:

Consents

REPORT COA ZOR-030

Follow Up Flag:

Follow up

Flag Status:

Flagged

FILE NO.

DO3-17-027

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.

03-17-028 No concerns

1303-17-029 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

~03-17-041 No concerns

03-17-042 No concerns ب

Kind Regards,

Derryk

D Walnen

Plans Examiner **Building Division** City of Kawartha Lakes

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

From:

Lisa Peimann

Sent:

Wednesday, November 08, 2017 10:50 AM

To:

Erica Hallett

Subject:

Various consent applications

Follow Up Flag:

Follow up

Flag Status:

Flagged

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our 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 for the following applications:

703-17-027 1109 Meadowview Road, Emily

D03-17-035 Rehill Drive (address not assigned), Verulam

D03-17-036 Rehill Drive (address not assigned), Verulam

D03-17-037 Rehill Drive (address not assigned), Verulam

D03-17-038 Rehill Drive (address not assigned), Verulam

D03-17-039 Rehill Drive (address not assigned), Verulam

D03-17-040 237 Anderson Line, Bobcaygeon

D03-17-041 French Settlement Road, Bexley

Thanks,

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

From:

Anne Elmhirst

Sent:

Tuesday, October 31, 2017 11:22 PM

To:

Erica Hallett

Subject:

D03-17-027 - 1109 Meadowview Road

Hello Erica,

RE: Consent Application D03-17-027

1109 Meadowview Road, Former Emily Township, City of Kawartha Lakes

Conc. 2, Lot 21,

Owner: 2324784 Ontario Limited

I have received and reviewed the above-noted application for consent to sever 1.0 ha of land for esidential purposes and retain 37.0 ha of agriculture land.

The property has been assessed and the location of the sewage system determined. The property was also assessed to ensure there is adequate space to replace the sewage system within the proposed property boundaries should the current system malfunction.

As a result of this evaluation, the Building Division – Sewage System Program has no objection to the proposed consent application.

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

Best Regards,

Anne Elmhírst C.P.H.I.(C), B.A.Sc., B.Sc.

Rupervisor – 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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ORCA Plan Review and Permitting Services Memo

To:

Erica Hallett

From:

Beverly Hurford, Watershed Planner

CC:

David Harding, David McKay

Date:

October 13, 2017

Subject:

D03-17-027

Roll #:

1651 001 001 05000

File:

2007-SV070

Otonabee Region Conservation Authority (ORCA) has received the notice concerning the application for consent for the above noted property. ORCA staff has reviewed the available information in accordance with our mandate and policies and now offer the following comments.

The application is to sever a 1 hectare parcel containing a surplus farm dwelling and accessory structures. There is a watercourse and an unevaluated wetland approximately 80 metres to the east of the proposed lot. The proposed lot is located approximately 20 metres above the elevation of the watercourse. The lot does not appear to be at risk of flooding. The creation of a new lot at this location should not have any impact on the wetlands located on the retained parcel. Therefore, ORCA has no objection to the proposed consent.

If you have any questions, please do not hesitate to call.

Leverly Hugord

The Otonabee Region Conservation Authority 250 Milroy Drive, Peterborough, ON K9H 7M9 Phone: 705-745-5791 Fax: 705-745-7488

Email: otonabeeca@otonabeeconservation.com

Conservation ONTARIO Natural (Company

From:

Mark LaHay

Sent:

Friday, August 25, 2017 1:57 PM

To:

Janet Wong; David Harding

Cc:

Richard Holy; Erica Hallett

Subject:

FW: D03-17-027 - Consent - 1109 Meadowview Road Application - MTO comments

FYI - file

From: Tolles, Cheryl (MTO) [mailto:Cheryl.Tolles@ontario.ca]

Sent: Friday, August 25, 2017 1:50 PM

To: Mark LaHay; Richard Holy

Subject: D03-17-027 - Consent - 1109 Meadowview Road Application - MTO comments

Thank you for providing the opportunity to provide comments. This location is far enough west on Meadowview Road that it is beyond the MTO permit control from Hwy 7 and no MTO approvals or permits are required. I do not need to be circulated further on this application.

Thanks

Cheryl

Cheryl Tolles
Ministry of Transportation
Corridor Management Planner
Highway Corridor Management Section
1355 John Counter Blvd.
Kingston, ON K7L 5A3

Cheryl.Tolles@ontario.ca >13-545-4744

Toll Free: 1-800-267-0295



From:

Kirk Timms

Sent:

Wednesday, August 23, 2017 2:55 PM

To:

Leanne Dunn

Cc:

Janet Wong; Christina Sisson; Kim Rhodes; Anne Elmhirst; Lisa Peimann;

'Cheryl.Tolles@ontario.ca'; Kelly Maloney

Subject:

D03-17-027 - 1109 Meadowview Road Consent

Good Afternoon Leanne,

Further to our review of the above noted application, Development Engineering offers no objection based on the advanced circulation for the proposed consent. For entrances, the new entrance By-Law – 2017-151 spells out that the entrance policy and entrance permit process covers two steps – the review by Public Works – Roads for suitability of an entrance and the review for the installation of ne entrance – actual permit. Therefore, in keeping with the intent from the Directors and By-Law 2017-151, the suitability and availability of the entrance is required to be confirmed prior to the clearance of the consent conditions. The permit is only good for one year and would then be applied for and installed. The intent was not to have multiple entrances and then the consent is not completed or established.

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

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

