

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-06

Thursday, June 21, 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	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2018-05 May 17th, 2018 Committee of Adjustment Meeting Minutes	5 - 18
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-031 David Harding, Planner II File Number: D20-2018-003 Location: 17 North Water Street Part Lot 15, GRR, Lot 5, Plan 46 Geographic Township of Bexley Owner: Josie Harlow Applicant: Josie Harlow	19 - 27
3.1.2	COA2018-032 Quadri Adebayo File Number: D20-2018-019 Location: 15 Manor Road Part Lot 9, Concession 8, Plan 164, Part Lots 9 and 10 Geographic Township of Fenelon Owner: Scott Meier Applicant: Scott Meier	28 - 46

3.1.3	COA2018-033	47 - 60
	<p>Quadri Adebayo, Planner II File Number: D20-2018-023 Location: 196 St. Albans Road Part Lot 20, Concession 8 Geographic Township of Verulam Owners: Dean Junkin and Liana Patterson Applicant: Dean Junkin</p>	
3.1.4	COA2018-034	61 - 72
	<p>Quadri Adebayo, Planner II File Number: D20-2018-024 Location: 88 Chadwin Drive Plan 57M782, Part Block 12, RP 57R-10444, Parts 6 and 7 Former Town of Lindsay Owners: Arthur and Jacqueline Storm Applicant: Robert Davidson</p>	
3.1.5	COA2018-035	73 - 83
	<p>David Harding, Planner II File Number: D20-2018-025 Location: 21 Loon Lane Part Lot 8, Concession 1 Geographic Township of Verulam Owners: Joanna and David Gibson Applicant: Kevin Duguay</p>	
3.1.6	COA2018-036	84 - 92
	<p>David Harding, Planner II File Number: D20-2018-026 Location: 23 Manor Road Lot 10 Plus Island, Plan 245 Former Village of Bobcaygeon Owner: Catherine Gravely Applicant: Catherine Gravely</p>	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	

4.2 Consents

5. **Correspondence**

6. **Other Business**

7. **Next Meeting**

The next meeting will be Thursday, July 19th at 1:00 p.m. in the Victoria Room, City Hall.

8. **Adjournment**

The Corporation of the City of Kawartha Lakes
Minutes
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.

1. **Call to Order**

Chair L. Robertson called the meeting to order at 1:02 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 COA2018-05

Moved By S. Strathdee

Seconded By S. Richardson

That the agenda for the meeting be approved as amended. Report COA2018-027 be moved to the end of the Minor Variance applications.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2018-04

April 19th, 2018

Committee of Adjustment Meeting Minutes.

Moved By S. Richardson

Seconded By Councillor Seymour-Fagan

That the minutes of the previous meeting held April 19th, 2018 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2018-025

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

Mr. Harding summarized report COA2018-025. The application seeks 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 (shed).

The Committee questioned whether the variances granted in application D20-10-019 on May 13th, 2010 were in effect since the dwelling and deck were cited in the wrong location. Staff replied that the owner had met the required conditions of the 2010 decision, so the variances granted then were in effect, however the house does not comply with the variances from the water and interior side yard setbacks. Also the two sheds that were identified within the 2010 application sketch to be removed, remained.

The Committee had questions over whether the building identified as a "boathouse" in the application was converted to a boathouse. The owner, Mr. Barbe, was present and replied that he applied for and received the change of use permit, but the building has not been fully converted yet. He went on to say that the building did not and does not contain any running water or a sewage disposal system. The lot used to have a privy.

Marie Ann Martin, neighbour was present and spoke also on behalf of other neighbours. Ms. Martin stated that the original building permit granted to build the dwelling shows the two sheds were to be removed and they were not. She also stated that the two sheds cannot be easily relocated because they are dug in, and that the building by the lake is a cottage, and has not been converted to a boathouse. She stated further that a sliding door and deck were recently added to that building, and half of the building sits over the Pigeon River rather than on the property. She stated that a dock was built on the water and a fence alongside it extending out into the water. Ms. Martin suggested that if the building near the water was to be used for storage there would be no need for additional sheds.

Mr. Barbe replied that he paid \$200 to change use from cottage to boathouse. The Committee asked what was in the building. Mr. Barbe replied there were life jackets, paddles a tin boat, and futon, but continued to say that most of the building was used for non-marine storage. The Committee asked how a canoe could be stored in the building without a proper bay door. Mr. Barbe replied that the person door on the east side is sufficient for the tin boat.

The Committee asked staff if conditions could be attached to the decision to ensure the timely conversion for the building by the shoreline into a boathouse. Staff responded that as the construction of the dwelling is so far along, any conditions tied to the building permit process would not likely be enforceable.

The Committee asked Mr. Barbe why the two sheds were not removed, and why they were needed. Mr. Barbe responded that he believed he had more time to remove them. He continued to say that he was willing to remove shed 1, would be willing to relocate shed 2 elsewhere on the lot and would like to construct shed 3 so that it will have a similar architectural character to the dwelling.

The Committee asked the owner if he had a permit for the dock. The owner replied no. No further questions from the Committee.

Moved By B. Archer

Seconded By S. Richardson

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.

Carried

3.1.2 COA2018-026

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

Mr. Adebayo summarized report COA2018-026 to request relief 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. Mr. Adebayo also added conditions 5 and 6. Previous condition 5 now being condition 7.

The Committee questioned rationale 2, page 4 and rationale 3, page 4 as to the conditions. Staff replied it's a typo and should read condition 4 not 5.

The owner, Mr. Barry Bahm was present and spoke. The play house (Bunkie) is used for storage. No water or septic connected just electricity. The boathouse has never flooded in 22 years. The Committee also questioned the relevance of KRCA's requirements for a flood plan topographic survey. Staff replied it will help address any safety concerns and guard against potential liability issues in the future. No further questions from the Committee.

Moved By S. Strathdee

Seconded By D. Marsh

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:

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 COA2018-026, 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** prior to the issuance of a building permit the owner shall submit a floodplain topographic survey prepared by a Registered Ontario Land Surveyor to the satisfaction of the Kawartha Region Conservation Authority (KRCA) which delineates the flood plain limit on the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the topographic survey has been completed to its satisfaction.
6. **That** prior to the issuance of a building permit, the owner shall obtain all necessary permits required by the KRCA related to mitigating the floodplain

hazard associated with Lake Scugog. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the applicant has demonstrated that the proposed development and variances will comply with their conditions.

7. **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.

Carried

3.1.3 COA2018-027

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

Mr. Harding summarized report COA2018-027. The application seeks to consider relief to add a mini-storage warehouse as a permitted use within the General Employment Special Two (GE-S2) zone.

The owner James Head was present. He said that he agreed with staff on variance test 2 and 4 but not 1 and 3. He stated that no one from the adjacent properties are opposed to the application. Mr. Head presented letters to support this.

The committee asked staff whether any negative impacts are anticipated. Staff replied that the proposal is in keeping with the general intent and purpose of the official plan but not the zoning by-law.

The Committee moved to approve the application as the official plan permits the use and to add a condition to register a Site Plan Agreement within 2 years.

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2018-020 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

1. **That** a Site Plan Agreement for the proposed mini-storage warehouse use on the subject property be registered within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2018-027. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2018-028

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

Mr. Adebayo summarized report COA2018-028 to request relief to reduce the minimum required parking spaces from 391 to 333 to permit temporary garden centre from April 1st to July 31st, annually.

The Committee asked why does the Site Plan Agreement have to be amended. Staff replied, to ensure that the seasonal garden centre is taken care of and so that the minor variance requested for the reduced parking is not repeated every year. The Committee questioned why the Westerly vacant land was included in the Site Plan. Staff replied the amendment is to cover the entire property so as not to cause problems in the future. The Committee noted that the Site Plan was refused in March 28th, 2017.

The applicant, Zelinka Priamo Limited - Rob MacFarlow was present to answer questions. The Committee had no further questions.

Moved By Councillor Seymour-Fagan

Seconded By D. Marsh

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.

This approval pertains to the application as described in report COA2018-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 COA2018-029

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

Mr. Adebayo summarized report COA2018-029 to permit the construction of a two dwelling detached house with garage and deck.

The Committee asked if there were sufficient parking spaces. Staff replied yes. The zoning by-law does not house provisions for extra parking. The parking provision will be addressed in the future consolidation of the city's zoning by-law.

The applicant, Shane Quibell was present and spoke. The driveway is 22 feet wide and fits two cars side by side.

The Committee asked to amend condition 3 from, and/or to either/or.

Moved By Councillor Seymour-Fagan

Seconded By B. Archer

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 either/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.

Carried

3.2 Consents

3.2.1 COA2018-030

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

Mr. Harding summarized report COA2018-030 to sever 1 hectare of residential land containing a dwelling deemed surplus to a farming operation as a result of a farm consolidation and consolidate 37 hectares of agricultural land with a non abutting agricultural operation.

The applicant, David McKay, was present and spoke about the property, and the value in preserving agricultural buildings to preserve the character of the landscape. He also spoke about the larger residential lots in the area that had been historically created. The owner, Dagmar Teubner, was present and spoke about her background, history of farming, and the importance of hedgerows. The Committee asked Ms. Teubner if she leaves hedgerows on all her properties and whether they stay within residential properties. The owner replied yes they are retained on the residential lot as every square metre is important for the farming operation. The Committee asked Ms. Teubner what was wrong with the Staff proposal, and why the rear lot line changed. She responded that straight lines do not work as hedgerows are not straight.

The Committee asked staff why the barn is being retained, and if it was retained, and later demolished, what type of building could be rebuilt instead.

Staff responded that it was proposed to be retained to maintain character, and as a site specific zoning by-law amendment was proposed to permit the increased accessory building lot coverage, a new building of the same footprint could be constructed, but its height would be restricted to the accessory building requirements. For that reason, it may not be possible to construct such a large building again.

Moved By D. Marsh

Seconded By Councillor Seymour-Fagan

The Committee in support of the application, moved to Demolish the Barn and to keep the Easterly Boundary and the Northerly Boundary indicated by the dashed lines as referenced in Appendix E.

Recorded	For	Against
L. Robertson		X
D. Marsh	X	
Councillor Seymour-Fagan		X
B. Archer		X
S. Richardson	X	
S. Strathdee		X
Results	2	4

Defeated

Moved By B. Archer

Seconded By S. Strathdee

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, approval subject to the standard provisional conditions for the consent as indicated in the Staff Report COA2018-030.

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

Recorded	For	Against
L. Robertson	X	
D. Marsh		X
Councillor Seymour-Fagan		X
B. Archer	X	
S. Richardson	X	
S. Strathdee	X	
Results	4	2

Carried

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Correspondence

6. Other Business

Local Planning Appeal Tribunal Presentation.

The Local Planning Appeal Tribunal Presentation by Anna Kalnina was well received by The Committee and Staff.

7. Next Meeting

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

8. Adjournment**Moved By** D. Marsh**Seconded By** B. Archer**That** the meeting adjourned at 4.19 p.m.**Carried**

Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Harlow

Report Number COA2018-031

Public Meeting

Meeting Date: June 21, 2018

Time: 1:00 pm

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

Ward: 02 – Geographic Township of Bexley

- Subject:** The purpose and effect is to request relief from the following provisions to permit the construction of a single detached dwelling:
1. Section 9.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 3.2 metres;
 2. Section 9.2.1.3 (e) to reduce the minimum water setback from 15 metres to 8.8 metres; and,
 3. Section 3.18.1.1(a) to reduce the minimum setback of buildings and structures from an Environmental Protection (EP) Zone boundary from 15 metres to 8.8 metres.

The property is located at 17 North Water Street, geographic Township of Bexley (File D20-2018-003).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-031 Josie Harlow, be received;

THAT minor variance application D20-2018-003 be DEFERRED for one month so that the variance application may re-advertised to reflect the revised site plan.

Background: The application proposes to demolish the existing single storey detached dwelling and construct a new one and one-half storey dwelling with attached garage. The existing dwelling does not comply with the water/EP Zone setback and front yard setback requirements. The new dwelling proposes a larger footprint, and would further decrease the setback to the shoreline. This application was received November 21, 2017, and was last amended January 3, 2018. A site grading plan was submitted January 9, 2018 in support of the application.

Staff requested revisions to the site grading plan, which had the effect of adjusting the front and water setbacks, and requested the application be amended to reflect these changes.

A revised site grading plan dated April 17, 2018, was submitted to the Planning Division on May 4, 2018 identifying the requested adjustments. The applicant's representative amended the requested reliefs, but values inconsistent with the revised grading plan were used, which were not detected by staff until after advertisement had taken place. A re-circulation is required to advertise the correct relief values, consistent with what is shown in the revised site grading plan.

Proposal:	To construct a single detached dwelling.	
Owner:	Josie Harlow	
Legal Description:	Registered Plan 46, Lot 5, geographic Township of Bexley, City of Kawartha Lakes	
Official Plan:	"Hamlet Settlement Area" in the City of Kawartha Lakes Official Plan	
Zone:	"Hamlet Residential (HR) Zone" in the Township of Bexley Zoning By-law 93-09	
Site Size:	790 square metres (8,503.5 square feet)	
Site Servicing:	Municipal sanitary sewer and lake-based water supply	
Existing Uses:	Residential	
Adjacent Uses:	North:	Residential, Vacant Residential
	South:	Balsam Lake
	West:	Residential
	East:	Park/Public Dock, Residential

Rationale:

- 1) Are the variances minor in nature? **Undetermined at this time**
- 2) Is the proposal desirable and appropriate for the use of the land? **Undetermined at this time**
- 3) Do the variances maintain the intent and purpose of the Zoning By-law? **Undetermined at this time**
- 4) Do the variances maintain the intent and purpose of the Official Plan? **Undetermined at this time**

Other Alternatives Considered:

No other alternatives were considered at this time.

Servicing Comments:

The property is serviced by the municipal sanitary sewer system and lake-based water supply.

Consultations:

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

Agency Comments:

Building Division (June 7, 2018): No concerns.

Public Comments:

No comments as of June 12, 2018.

Attachments:

Appendices A-E to
Report COA2018-031.

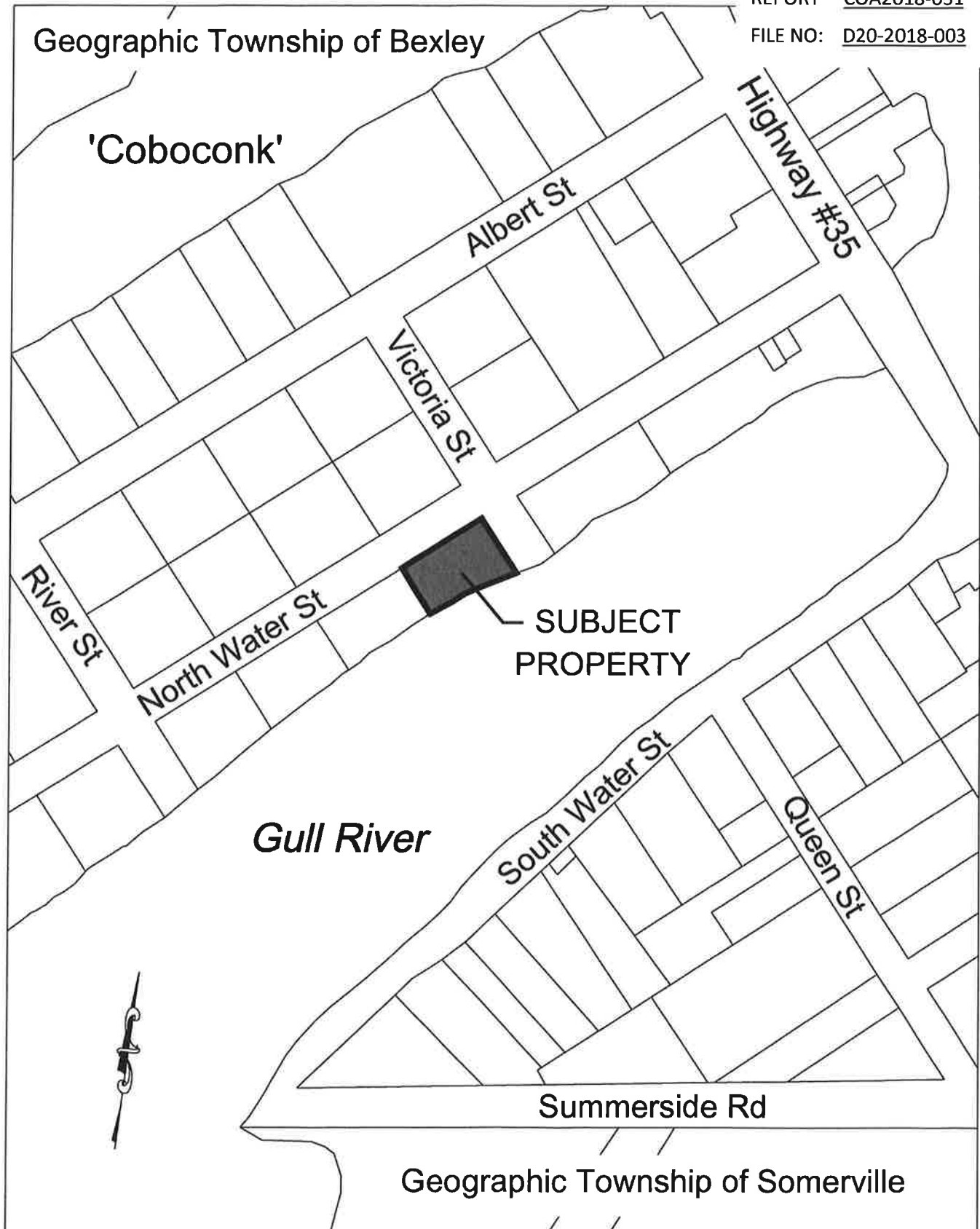
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevation
Appendix "E" – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-003

to

REPORT COA2018-031

FILE NO: D20-2018-003





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



0.05 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

CIVIC ADDRESS: 17 WATER STREET
OWNER: JOSEPHINE DIANA HARLOW
BUILDER:
BUILDING PERMIT No. _____
ROLL No. _____

FOR CONSTRUCTION PURPOSES ONLY

SITE GRADING PLAN OF

LOT 5

EAST OF WATER STREET
REGISTERED PLAN No. 46
GEOGRAPHIC TOWNSHIP OF BEXLEY
CITY OF KAWARTHA LAKES

SCALE 1 : 200

COE, FISHER, CAMERON

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ALL DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRIC UNITS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND:

- 1. SURVEY MONUMENT
- 2. STANDARD IRON BAR
- 3. IRON BAR
- 4. CUT CROSS
- 5. PROPOSED ELEVATION
- 6. ORIGINAL GROUND
- 7. SLOPE
- 8. SWALE
- 9. F.F.E. - FIRST FLOOR ELEVATION
- 10. T.B.S. - TOP OF BASEMENT WALL
- 11. T.B.S. - TOP OF BASEMENT SLAB
- 12. T.C.S. - TOP OF GARAGE SLAB
- 13. T.C.S. - TOP OF CONCRETE WALL
- 14. U.F. - UNDERSIDE OF FOOTING
- 15. HP - HIGH POINT
- 16. HPED - HYDRO PEDESTAL

GENERAL NOTES:

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES. PROPERLY TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEEDING AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT EROSION OF SLOPE AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO PREVENT EROSION OF SLOPE AND SEDIMENT FROM THE SUBJECT LOT TO ENTER ANY WATERCOURSES OR ENVIRONMENTALLY SENSITIVE AREAS. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DRAINAGE MEASURES SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION OF THE BUILDING.
5. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SPRINKLING LOCATES PRIOR TO ANY WORKS.
6. THE OWNER/BUILDER SHALL BE RESPONSIBLE FOR OBTAINING A MINIMUM OF 150MM OF TOPSOIL OR APPROVED EQUIVALENT.
7. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
8. A COPY OF THE REVIEWED BY ENGINEERING LOT GRADING AND DRAINAGE PLAN SHALL BE SUBMITTED TO THE CITY OF KAWARTHA LAKES FOR REVIEW AND APPROVAL.
9. BUILDER TO ENSURE MINIMUM OVERLAP FOR PROTECTIVE PROTECTION ON FOOTINGS.
10. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER. SWALES SHALL BE DESIGNED TO BE NEAR WALKOUT AROUND SIDES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND 1.5m.

ZONING		HR	F.F.E.	
LOT AREA		779.79 SQ. m.	B	T.B.W. 259.19
BUILDING AREA		155.7 SQ. m.	T.B.S.	256.85
			T.C.S.	258.45
			A	U.F. 258.60
			B	U.F. 255.48
No.	DATE	DESCRIPTION		
			REVISIONS	



to

REPORT COA2018-031

FILE NO: D20-2018-003

The *Clarkson*

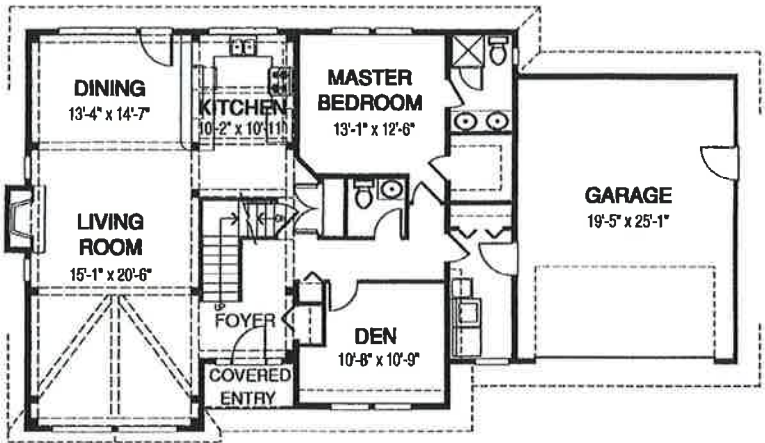
TIMBER FRAME & LOG



Square Footage

MAIN FLOOR	1472
UPPER FLOOR	971
UNFINISHED/ BONUS AREA	—
TOTAL LIVING AREA	2443
GARAGE	511
COVERED ENTRY/PORCH	32
BALCONY/ DECK	—
TOTAL AREA	2986

MAIN FLOOR



UPPER FLOOR



Dimensions

WIDTH	DEPTH
64	36

to

REPORT CDR 2018-031**David Harding**

From: Derryk Wolven
Sent: Thursday, June 07, 2018 9:43 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-023

Please be advised building division has the following comments:

D20-2018-003 No Concerns
D20-2018-019 No Concerns
D20-2018-023 Built without permit
D20-2018-024 No Concerns
D20-2018-025 No Concerns
D20-2018-026 No Concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott Meier
Report Number COA2018-032

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions to permit:

Two-Storey Residential Dwelling

1. Section 3.18.1.1 to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 9.45 metres;
2. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 9.45 metres; and
3. Section 13.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 2 metres.

Shed

4. Section 3.1.2.1 to permit an accessory structure in a front yard, where it is only permitted in the side or rear yards;
5. Section 3.1.2.2 to reduce the side yard setback from 1.2 metres to 0.41 metres; and
6. Section 13.2.1.3(a) to reduce the front yard depth from 7.5 metres to 0.91 metres.

Parking

7. Section 3.14.1.2 to reduce the parking requirement from two spaces to one space.

The property is located at 15 Manor Road, geographic Township of Fenelon (File D20-2018-019).

Author: Quadri Adebayo, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-032 Scott Meier, be received;

THAT minor variance application D20-2018-019 be DEFERRED until such a time when the applicant brings forward a revised application supportable by staff, as parts of the application does not meet the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-032. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	The proposal seeks to reconstruct and enlarge an existing 59.74 square metre (642 square foot) 1-storey house with a 2-storey house of approximately 119.48 square metres (1,285.60 square foot) that comprises a front porch, a Juliette balcony (rear), and a stone terrace landscape (rear). This application was deemed complete May 24, 2018.
Proposal:	To construct an approximately 119.48 square metre (1,285.60 square foot) 2-storey residential dwelling.
Owner:	Scott Meier
Applicant:	Scott Meier
Legal Description:	Part Lot 9, Concession 8, Plan 164, Parts Lot 9 and 10, geographic Township of Fenelon, City of Kawartha Lakes
Official Plan:	"Waterfront" in the City of Kawartha Lakes Official Plan
Zone:	"Rural Residential Type Three (RR3) Zone" in the Township of Fenelon Zoning By-law 12-95
Site Size:	283 square metre (3,045.08 square foot)
Site Servicing:	Lake water system and holding tank
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: Sturgeon Lake South: Residential West: Residential

Rationale:

1) Is the variance minor in nature?

- (i) **Two-Storey Detached House - No**
- (ii) **Shed – Yes**
- (iii) **Parking - No**

And

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

- (i) **Two-Storey Detached House – No**
- (ii) **Shed – Yes**
- (iii) **Parking – No**

(i) Two-Storey Detached House:

It is evident that the proposed structure will be replacing an already established building footprint. Hence, the reduced water/environmental protection zone setback, and the reduced interior side yard setback are not anticipated to impact their function as the yards still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

However, the proposed house will translate into a larger structure than what already exists on the property. As such, in terms of scale, the proposed two-storey dwelling is anticipated to be visually more imposing when compared to the residential dwellings directly adjacent to the north and south of the subject property respectively.

Likewise, the massing of the proposal is anticipated to present negative land use compatibility issues considering the undersized nature of the lot and substantiated by the fact that the Kawartha Region Conservation Authority (KRCA) have identified the entirety of the property to be in the flood plain and expressed possible amendment to the increased dwelling size subject to the proposal being able to meet their policy conditions.

Based on this, provided the proposed number of storeys for the dwelling is reduced to less than two-storeys, the variance for the detached house will be considered minor as well as desirable and appropriate for the use of the land.

(ii) Shed:

The front yard relief requested for the shed is an existing situation. It is not anticipated to impact the functioning of the yard as sufficient space remains between the shed and the front lot line for maintenance and drainage purposes. Although the reduced side yard setback is also an existing situation, it is recognized that the property is undersized. An observation from the site visit also suggests that there may not be sufficient space to relocate the shed to a more complying location. Moreover, the applicant has advised that they will be

following staff recommendation by removing the second existing shed located in the northerly interior side yard from the property as trade-off to gain staff support for the relief sought for the shed located in the front yard.

Based on this, the variance for the shed will be considered minor as well as desirable and appropriate for the use of the land.

(iii) Parking:

Again, it is recognized that the property is undersized. An observation from site visit also suggests that with an 8.53 metre driveway depth as proposed, it will be indiscernible as there is sufficient space to conveniently fit one vehicle at a depth of 6 metres on the existing gravel driveway leaving 2.53 metre safety clearance from the abutting road. Meanwhile, an updated site plan sketch revealed that a future holding tank is proposed to be located adjacent to the existing driveway which will supposedly limit the potential of expanding the driveway. As such, it is strongly recommended that the proposed reduced parking is appropriate for a modest-sized structure as opposed to the larger two-storey building being proposed.

Thus, provided the proposed number of storeys for the dwelling is reduced to lesser than two-storeys, the variance for the reduced parking is minor as well as desirable and appropriate for the use of the land.

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

(i) Two-Storey Detached House - Yes

(ii) Shed – Yes

(iii) Parking - No

The 5.55 metre setback relief from 15 metres required from the water/environmental protection zone, and the 0.3 metre relief from the 2.3 metres required for the interior side yard are not anticipated to impact their function as the scale of reductions is an already existing situation. If granted, they are not anticipated to be perceptible.

Since the proposal has not exhausted the zone provision privileges by utilizing a lot coverage of 22% from a possible 30% maximum, the applicant has reasonably demonstrated that it is possible to develop the lot.

Unquestionably, the shed is an existing structure, Section 3.1.3.1 in conjunction with Section 3.4.2 of the Township of Fenelon Zoning By-law exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use. Substantiated by the fact that the coverage requirements are being met, the total lot coverage for accessory uses is 2%, where 8% maximum is permitted.

Circumstantially, the minimum parking requirement for a single parking space is 2.8 metre (width) by 6 metre (depth), this calculates to 33.6 square metre in area for two parking spaces. The applicant proposes a single parking space of approximately 3.66 metre (width) by 8.53 metre (depth), which calculates to an

area of 31.21 square metres. Considering the undersized physical characteristic of the lot and a future holding tank proposed to be located adjacent to the driveway, a 7.12% reduction in the required parking space is not considered significant and may well be indiscernible provided it is meant to service a modest-sized single detach dwelling.

Overall, the variances maintain the general intent and purpose of the Zoning By-Law for the house and shed, but otherwise for the parking variance except it is meant to service a modest-sized dwelling lesser than two-storeys.

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

- (i) Two-Storey Detached House - No**
- (ii) Shed – Yes**
- (iii) Parking - Yes**

(i) Two-Storey Detached House:

The property is designated “Waterfront” within the City of Kawartha Lakes Official Plan (OP). The designation anticipates residential uses within the “Waterfront” designation.

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

Staff opines that when an undersized lot is further constrained by physical site conditions of only being able to maintain an established building footprint for a proposed redevelopment, permitting a setback of 9.45 metres from the water/environmental protection zone, and an interior side yard setback of 2 metres is acceptable, as it still enables functional amenity and naturalization space.

Policy 20.5 states that density and massing of buildings and structures shall maintain a low profile and blend with natural surroundings. And that development will minimize visual impact and not dominate the landscape.

In addition, Policy 20.3.6 contemplates that development shall be compatible with the surrounding character and not result in adverse environmental impacts.

Therefore, provided the proposed number of storeys for the dwelling is reduced to less than two-storeys, the variance for the detached house maintains the general intent and purpose of the Official Plan.

(ii) Shed:

The “Waterfront” designation permits accessory uses as secondary to a single detached dwelling. This is supported by Section 34.1 which acknowledges uses

in instances of unnecessary hardship. This is recognizable through the location of the existing shed in the front yard.

As such, the variance for the shed maintains the general intent and purpose of the Official Plan.

(iii) Parking:

Similarly, Section 34.15 appears to have been met as the proposal demonstrates that the reduced parking can be provided entirely on site. Based on this, the variance for the reduced parking maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff worked with the applicant through the prescreening stage which began in February 2018 until this application was deemed complete in May 2018. During this period, the applicant was receptive to varying recommended iterations of the proposed structural design except for the number of storeys proposed. Whereas staff consistently maintained that it can only support a modest-sized structure in form of one-half storey at the maximum.

As such, it is very clear that the applicant is requesting the increased dwelling size out of preference, as they have not demonstrated any hardship to justify why the proposed two-storeys cannot be built to a lesser visually impacting scale.

Also, responsible planning demands consistency as past variances approved in the neighbourhood have been based on the fulfillment of a low-profile dwelling size. A similar message has also been applied by the KRCA through their permitting process.

Therefore, the applicant should consider a smaller dwelling size that is supportable by both the City and KRCA.

Servicing Comments:

The property is serviced by water drawn from the lake and a holding tank (septic).

Consultations:

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

Agency Comments:

Building Division – Building Inspection/Plans Examiner (June 7, 2018): No concerns.

Building Division – Sewage Systems (April 9, 2018 & June 12, 2018): No concerns, as a holding tank is being proposed for septic. See comments.

Kawartha Conservation Authority (May 10, 2018 & June 6, 2018): No objections but expressed slight concerns regarding the increased dwelling size as the entirety of the proposed development is identified to be inside the floodplain associated with Sturgeon Lake. A permit from their office is required for the proposed works. See comments.

Public Comments:

No comments as of June 12, 2018.

Attachments:



Appendices A-E to
Report COA2018-032

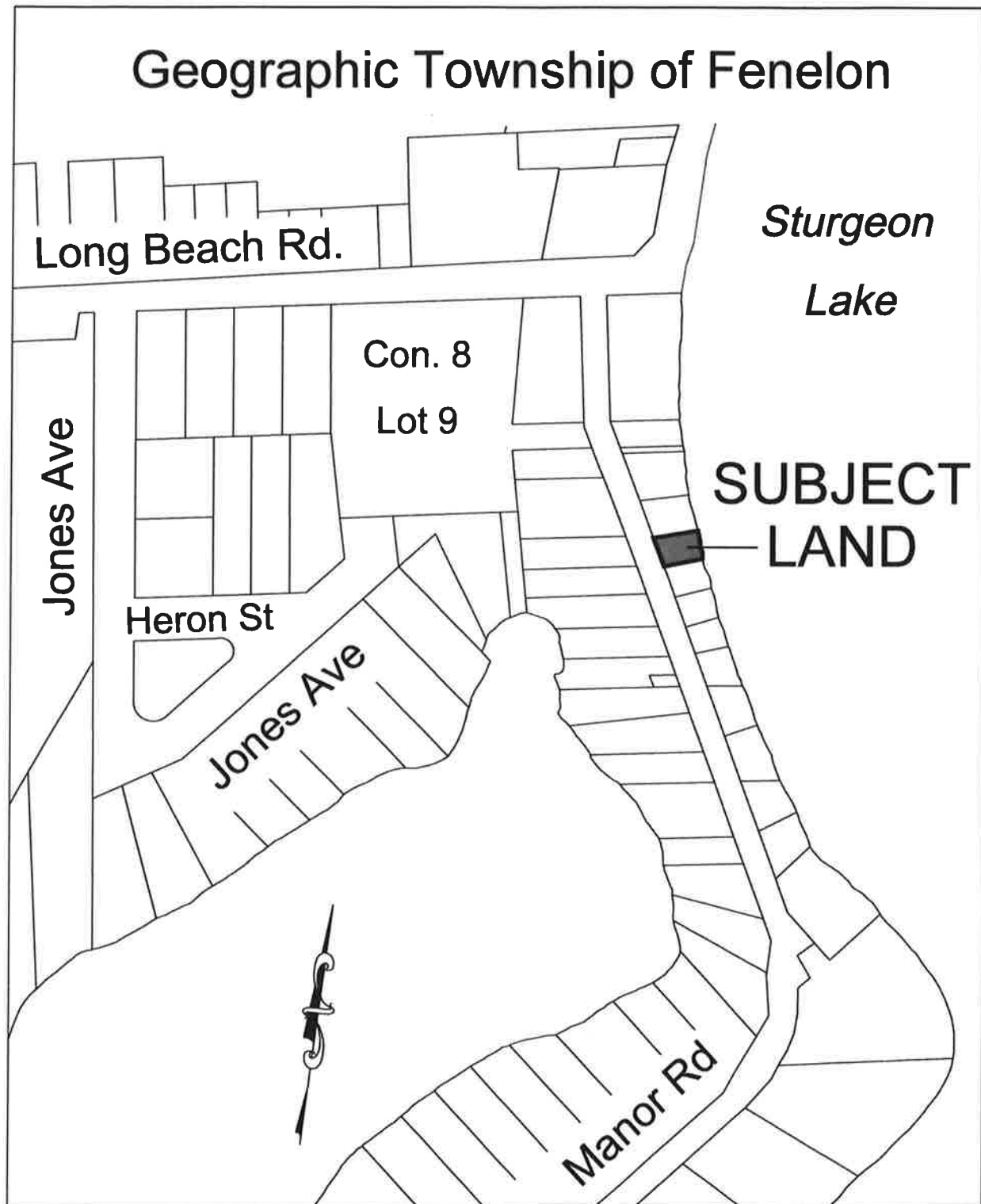
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevations
Appendix "E" – Department and Agency Comments

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-019

to

REPORT COA2018-032

FILE NO: D20-2018-019



to

REPORT COA2018-032

FILE NO: D20-2018-019

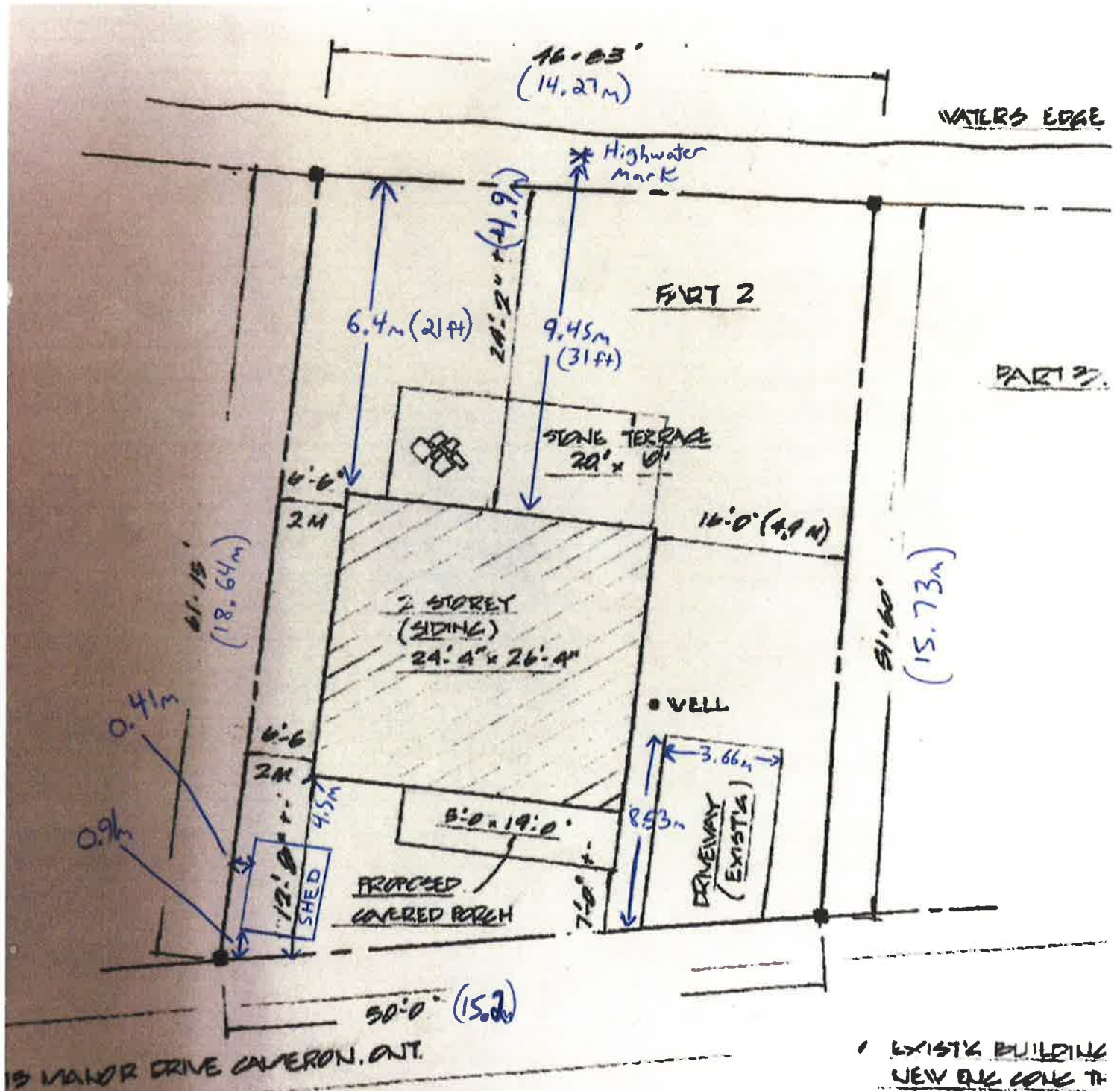
15 Manor Road, geographic Township of Fenelon



to

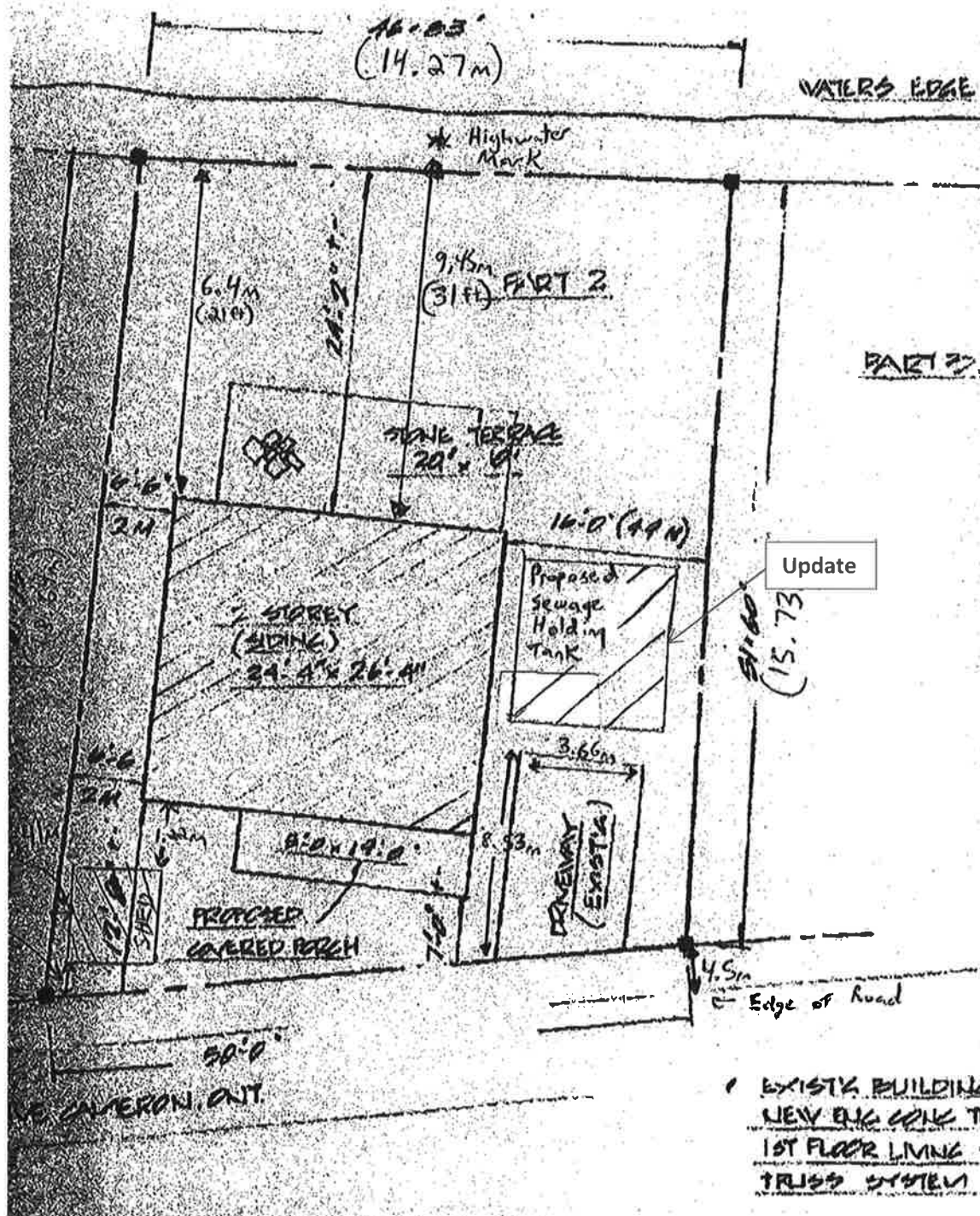
REPORT COA2018-032

FILE NO: D20-2018-019



EXISTING BUILDING
NEW ONE COME TO
1ST FLOOR LIVING &
TRUSS SYSTEM

Updated Site Plan Showing Holding Tank Location

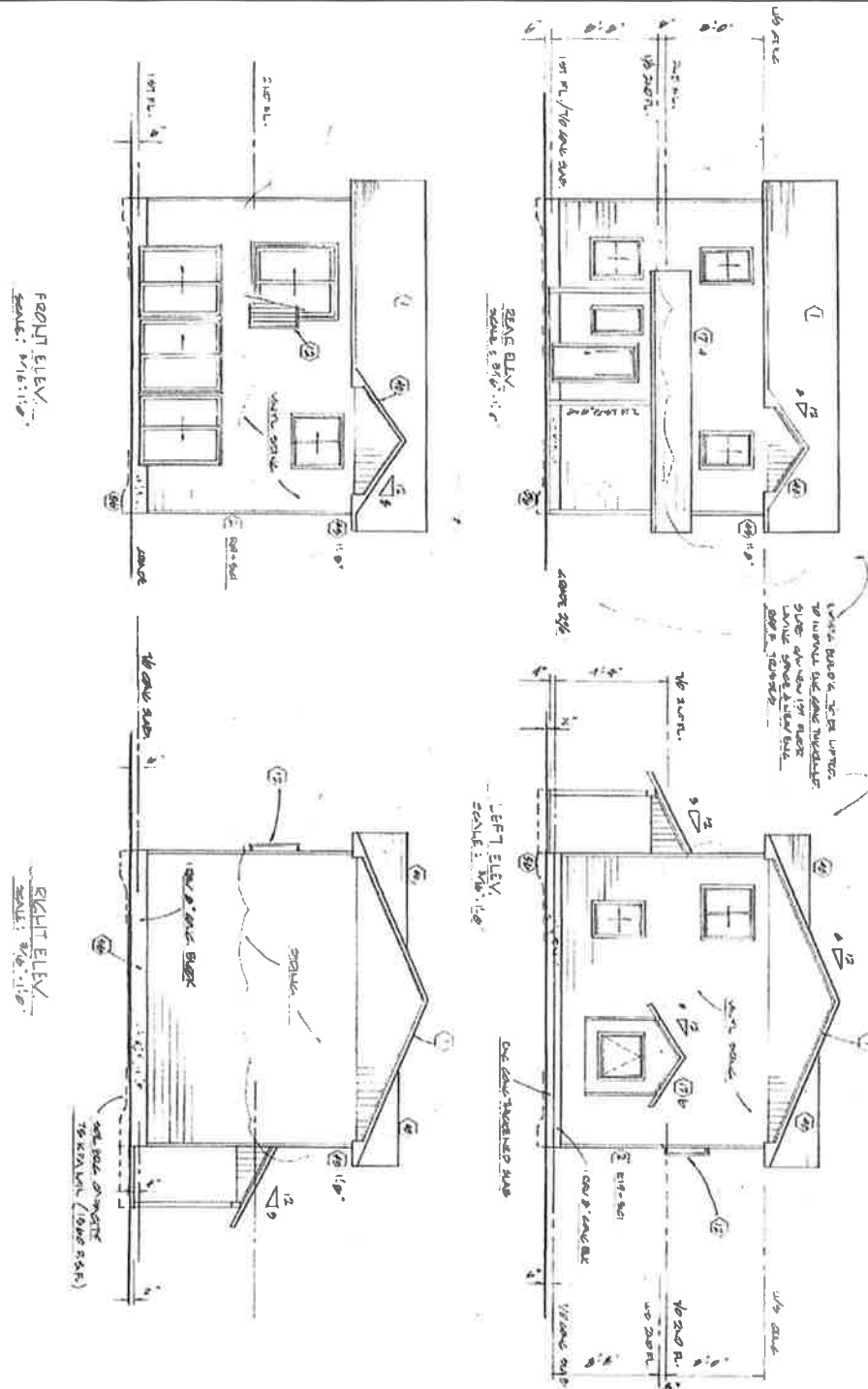


to

REPORT COA2018-032

FILE NO: D20-2018-019

Elevation Drawings



Quadri Adebayo

APPENDIX " E "
to

From: Anne Elmhirst
Sent: Monday, April 09, 2018 1:25 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-019 - 15 Manor Rd

REPORT COA-2018-032

FILE NO. D20-2018-019

Hello Charlotte,

RE: Minor Variance D20-2018-019
15 manor Rd., Former Fenelon Township, City of Kawartha Lakes
Conc. 8, Pt Lot 9, Plan 164, Part 9-10
Roll No. 165121003034200

I have received and reviewed the request to obtain relief for the proposed rebuild on the above-noted property. A site visit was conducted to assess the proposed location of the sewage system in regards to the new construction.

A sewage system permit to install was issued for this property(SS2017-0381). The Holding Tank is proposed to be beside the residential dwelling. This property can only be serviced by a Holding Tank.

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

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

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



Quadri Adebayo

REPORT COT-2018-032

FILE NO. D20-2018-019

From: Anne Elmhirst
Sent: Monday, June 11, 2018 11:19 PM
To: Quadri Adebayo
Subject: 15 Manor Road

Follow Up Flag: Follow up
Flag Status: Completed

Hello Quadri,

I have received the updated diagram for the proposed reconstruction of the dwelling at 15 Manor Road. This diagram does indicate the location of the holding tank as approved by the Building Division – Sewage System Program Sewage System Permit to Install for this property.

As such, I have no further concerns with the proposed minor variance request.

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



Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, June 07, 2018 9:43 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-019

Please be advised building division has the following comments:

D20-2018-003 No Concerns
D20-2018-019 No Concerns
D20-2018-023 Built without permit
D20-2018-024 No Concerns
D20-2018-025 No Concerns
D20-2018-026 No Concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





APPENDIX " E "

to
May 10, 2018
KRCA File No. 16242
REPORT COA2018-032
FILE NO. D20-2018-019

Charlotte Crockford-Toomey
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Minor Variance Application D20-2018-019
15 Manor Road
Lot 8, Concession 9
Geographic Twp. of Fenelon
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

Kawartha Conservation is in receipt of a minor variance D20-2018-019 for relief from the following sections of Zoning By-Law 12-95:

1. Section 3.14.1.2 Parking; to reduce the parking requirement by 1.97m
2. Section 3.18.1 Environmental Protection Zone; to permit the existing and proposed structure within the EP zone
3. 13.2.1.3 e) Water Setback; to permit the existing setback of 9.45m, with a further reduction to 5.55m *
4. 13.2.1.3 b ii) Side Yard Requirements; request to reduce to 2m from the required 2.3m
5. 3.1.2.2 Erection of an accessory structure; seeking to permit the existing shed 0.41m from the side lot line – a relief of 0.79m
6. 3.1.2.1 Erection of accessory buildings only permitted in interior side or rear yard; to permit an existing shed in the front yard

Upon review, staff offer the following comments.

Ontario Regulation 182/06

The subject property abuts Sturgeon Lake, and contains a portion of the flooding hazard associated with that waterbody. Kawartha Conservation regulates the shoreline and floodplain associated with Sturgeon Lake, as well as a 15 metre setback from the limit of the greatest hazard, therefore, the property is regulated pursuant to Ontario Regulation 182/06.

The flood elevation associated with Sturgeon Lake is 248.4 metres above sea level (masl), and based on the topographic information included in the circulation package it appears that the entire property falls below the flood elevation, therefore any development on site requires a Permit from Kawartha Conservation prior to site alteration, and prior to building permit issuance from the City of Kawartha Lakes.

With regards to minor variances 1, 4, 5, and 6 (as listed above), Kawartha Conservation has no concerns at this time with existing structures or a reduction in parking area, however the proposed development associated with minor variances 2 and 3 are both within a regulated area and subject to Ontario Regulation 182/06 and Kawartha Conservation's development policies.

Staff note that the proposed 2nd floor deck necessitating the reduction in the water setback is no longer required, and it is presumed based on the drawings provided, that the proposed 2-storey residential structure is not proposed to encroach any closer to the shoreline than the existing 1-storey structure at its closest point (i.e. 9.45m).

*Staff note that on the site plan submitted in support of Minor variance D20-2018-019, it says to OMIT the 2nd floor balcony requiring the minor variance to reduce the water setback from 9.45 to 5.55, and to replace it with a Juliette balcony, which would only protrude inches from the existing structure.

Pursuant to Policy 4.5.2(8), replacement of a residential dwelling located within a flooding hazard that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policy 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the flooding hazard where feasible.

The proponent will be required to work with Kawartha Conservation's regulations staff to confirm that the proposed development can meet policy, and therefore be permissible pursuant to Ontario Regulation 182/06, however minor variances 2 and 3, which are to permit an *existing* water setback (because the proposed second floor deck is omitted) and *existing* development in the EP zone are supported by policy.

City of Kawartha Lakes Memorandum of Understanding

Sturgeon Lake is deemed fish habitat. The Ministry of Natural Resources and Forestry recommends a minimum 30 metre naturally vegetated buffer between development, and fish habitat. The proposed dwelling is within the recommended 30 metre buffer, however staff note that it is not proposed any closer than the existing dwelling at its closest point (9.45m water setback). Therefore, while staff support every effort to enhance fish habitat by having the proponent retain as many trees/shrubs as possible, and vegetate the shoreline where feasible, staff do not require a fish habitat environmental impact study for this application.

Summary

Based on topographic information included in the minor variance circulation for D20-2018-019, the subject property appears to be entirely within the floodplain associated with Sturgeon Lake. As such, any development on site requires a Permit from this office, prior to site alteration. The minor variances sought through this application are largely to recognize existing structures and setbacks, and as such, provided the new development does not encroach any closer to the shoreline than the existing structure does at its closest point (habitable space for habitable space), then staff do not object to the requests.

However, the proposed two-storey structure must meet Kawartha Conservation's policies as outlined under the heading 'Ontario Regulation 182/06' (above), therefore, while staff may not object to the minor variances, the proposed dwelling may need to be amended, depending on site conditions and applicable policies. Staff strongly recommend a preconsultation with Kawartha Conservation's Regulations Department prior to making an application for a building permit from this office. Please contact Lee Austin Youmans at 705-328-2271 ext.211 to get on the preconsultation schedule.

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

Yours truly,



Katie Jane Harris, Resources Planner

Cc: Stacy Porter, Regulations Department, Kawartha Conservation, via email



APPENDIX " E "

to

June 06, 2018

KRCA File No 16242

Page 1 of 2

REPORT CEA2018-032

FILE NO. D20-2018-019

VIA EMAIL

Ms. Crockford-Toomey
Administrative Assistant
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for MV – Minor Variance
Scott Meier
15 Manor Road, Lot 9 Con 8
Geographic Township of Fenelon
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

Kawartha Region Conservation Authority (KRCA) has completed a review of the above noted application for minor variance and it is the opinion of the KRCA that:

Based on topographic information included in the circulation of the above mentioned application, the subject property appears to be entirely within the floodplain associated with Sturgeon Lake.

Pursuant to Policy 4.5.2(8), replacement of a residential dwelling located within a flooding hazard that would result in an increase in dwelling size may be permitted provided it can be demonstrated that the conditions for Minor Residential Additions (Policy 4.5.2(3), 4.5.2(4), 4.5.2(5) and 4.5.2(6)) can be satisfied AND that the dwelling to be replaced is relocated outside the flooding hazard where feasible.

The minor variances sought through this application are largely to recognize existing structures and setbacks, and as such, provided the new development does not encroach any closer to the shoreline than the existing structure does at its closest point, then KRCA does not object to the requests.

Kawartha Conservation would like to take this opportunity to note that the proposed development is located within areas regulated under Ontario Regulation 182/06, and a permit will be required from this office prior to beginning development. The proposed two-storey structure must meet Kawartha Conservation's policies as outlined under the above mentioned act. Please contact our permitting technician to discuss the requirements in regards to development in a flood plain and to confirm that the proposed development can meet policy, and therefore be permitted by our office.

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

Our Watershed Partners:

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

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Kindest Regards,



Alexander White
Planning & Policy Assistant

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

Our Watershed Partners:

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Junkin & Patterson
Report Number COA2018-033

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 7 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a garage:

1. Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard; and
2. Section 9.2(c)(ii) to reduce the front yard depth from 10 metres to 3.93 metres.

The property is located at 196 St. Albans Road, geographic Township of Verulam (File D20-2018-023).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-033 Dean Junkin, be received;

THAT minor variance application D20-2018-023 for be DENIED, as parts of the application does not meet the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-033
Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application originated from an enforcement notice issued to the applicant for compliance on February 26, 2018, after staff at the Building Division discovered that the accessory structure was built without obtaining necessary permits. The property is a lot of record of which two out of the six structures on the property were built in 1987 (MPAC) – a dwelling with an attached garage, and a detached garage (located in the front yard). The property also contains three sheds, and a second detached garage (built 2015), and located in the front yard.

The second detached garage (sixth structure) is proposed to be recognized through this minor variance application. This application was deemed complete April 27, 2018.

Proposal: To recognize an approximately 102.17 square metre (1,099.34 square foot) detached garage.

Owner: Dean Junkin and Liana Patterson

Applicant: Dean Junkin

Legal Description: Part Lot 20, Concession 8, geographic Township of Verulam, City of Kawartha Lakes

Official Plan: "Rural" in the City of Kawartha Lakes Official Plan

Zone: "General Rural (A1) Zone" in the Township of Verulam Zoning By-law 6-87

Site Size: 2 acres (8,000 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Residential; East: Residential; South: Vacant and Open Space Lands; West: Agricultural

Rationale:

- 1) **Are the variances minor in nature? No**
And
- 2) **Is the proposal desirable and appropriate for the use of the land? No**

In terms of scale, the proposed detached garage appears to be visually incompatible especially in comparison with the height of the dwelling and the older detached garage on the property respectively.

The elaborate appearance of the accessory building fits the category of an agricultural use structure (pole barn) as it's nowhere near the category of what could be referred to as ancillary to a residential use.

Regarding the downward sloping topography of the property from the front yard to the rear yard, observations from site visit suggests that there may have been some considerable site alteration carried out in order to establish the foundation/footprint of the proposed structure.

The front yard relief requested for the proposed detached garage is anticipated to impact the function of the yard, as only a small portion of treed space remains between the proposed structure and the front lot line for maintenance and drainage purposes.

It is pertinent to emphasize that the purpose of a minor variance is to obtain relief where a proposal has reasonably demonstrated regard for their inability to comply with policy regulations. In this case, the proposal has not demonstrated a need for relief.

Considering the above the variances are not 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?
No

Within the “General Rural Zone (A1) Zone”, existing lots of record one (1) hectare or less in size are subject to the residential use provisions.

An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the “A1 Zone”. Overall, the building being proposed although below the maximum permitted height of 5 metres (16.4 feet) is considered not to be low profile, but rather, reflective of a design where an accessory use structure (having a height of 4.81 metres) is proposed to be bigger than a primary use building (with a height of 4.5 metres), a deviation from what would normally be anticipated in a “A1 Zone” treated as a residential.

Section 19.2 in conjunction with Section 5.1.3(b) of the Township of Verulam Zoning By-law 6-87 exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use.

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

Consequently, it is very clear that the applicant is requesting the front yard variance relief out of preference, as they have not demonstrated any hardship to justify why the proposed garage cannot be built in the side or rear yard as prescribed in the By-law.

Based on the above analysis, the variances do not maintain the general intent and purpose of the Zoning By-Law.

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

The property is designated “Rural”, in the City of Kawartha Lakes Official Plan. Low density residential dwellings and accessory buildings are contemplated within this designation.

Therefore, the proposal maintains the general intent and purpose of the City's Official Plan.

Other Alternatives Considered:

It is appreciated that the gradient of the property presents a challenge for installing a structure. However, it is not enough justification to proceed to build and alter the property landscape without obtaining necessary approvals. The applicant's action translates into contravention of the Verulam Zoning By-law. As a result, staff is unable to support the requested relief.

Also, responsible planning demands consistency and support for complying proposals as precedence setting in fulfillment of City-wide policies. This proposal has proven otherwise.

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 – Building Inspection/Plans Examiner (June 7, 2018): Structure built without permits. See comments.

Kawartha Region Conservation Authority (KRCA - May 15, 2018): No objections.

Building Division – Sewage System Program (April 30, 2018 & June 11, 2018): No concerns. See comments.

Public Comments:

No comments as of June 11, 2018.

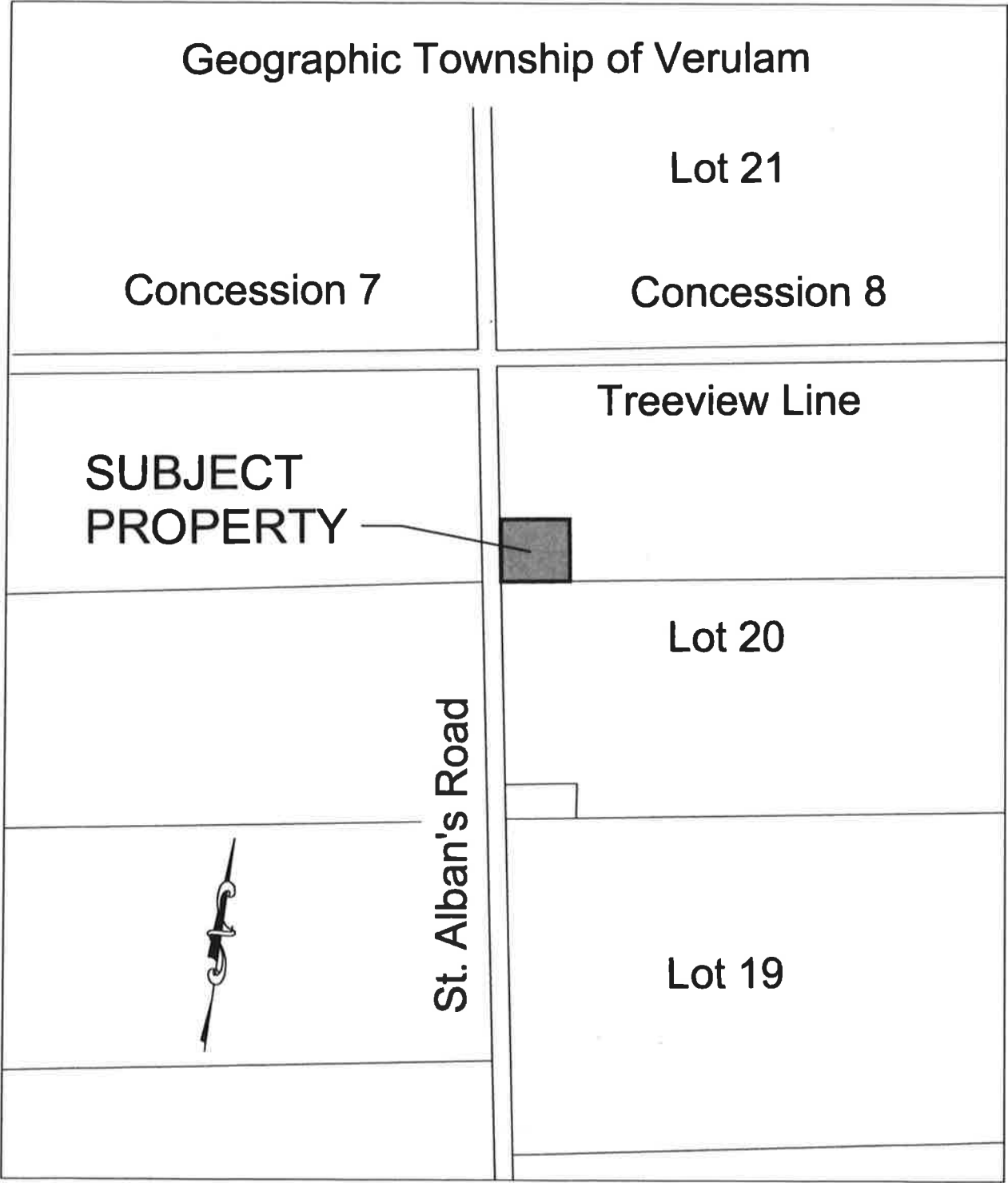
Attachments:



Appendices A-E to
Report COA2018-033

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:	D20-2018-023



to

REPORT COA2018-033

FILE NO: D20-2018-023



GEOMATICS
MAPPING

196 St. Albans Road, geographic Township of Verulam



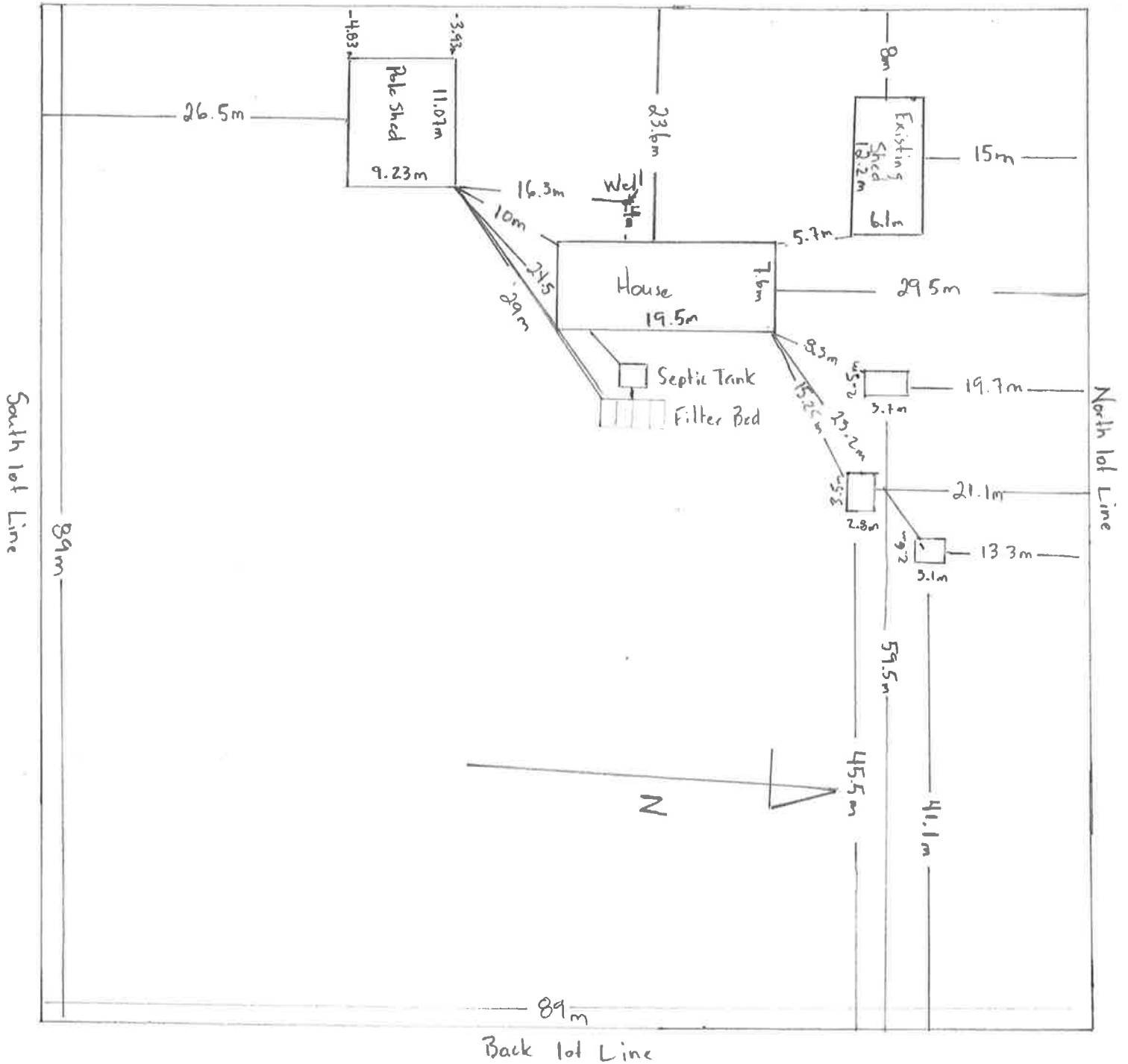
APPENDIX " C "

to

REPORT COA2018-033

FILE NO: D20-2018-023

196 St. Albans Rd.

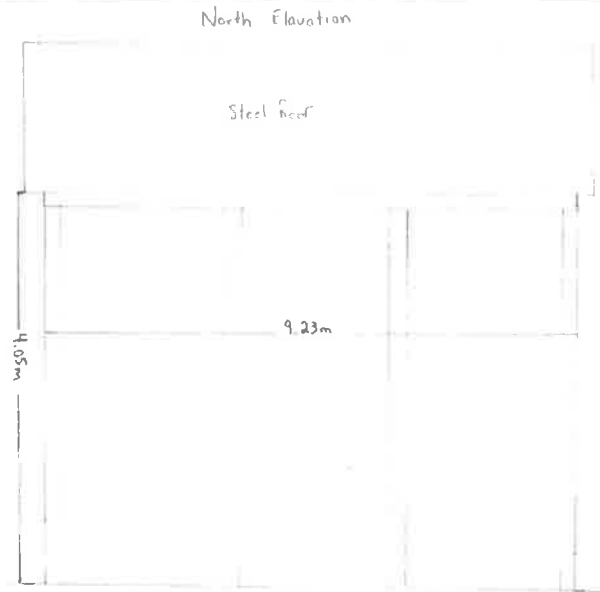


to

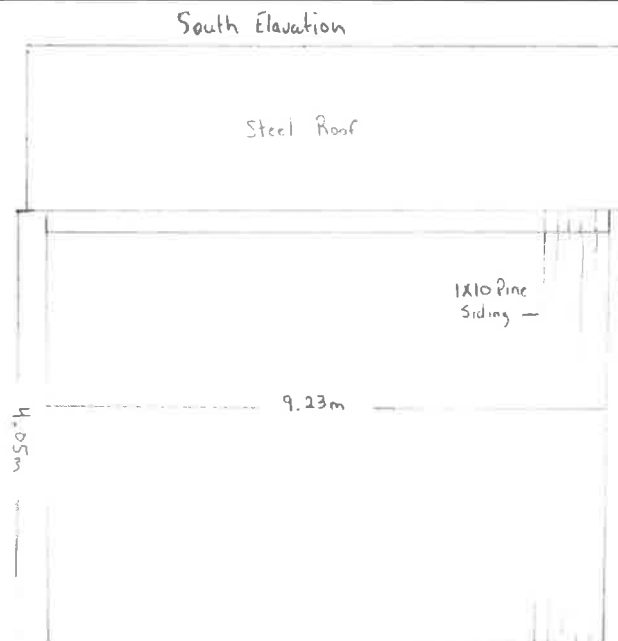
REPORT COA2018-033

FILE NO: D20-2018-023

Front Elevation (North Direction)

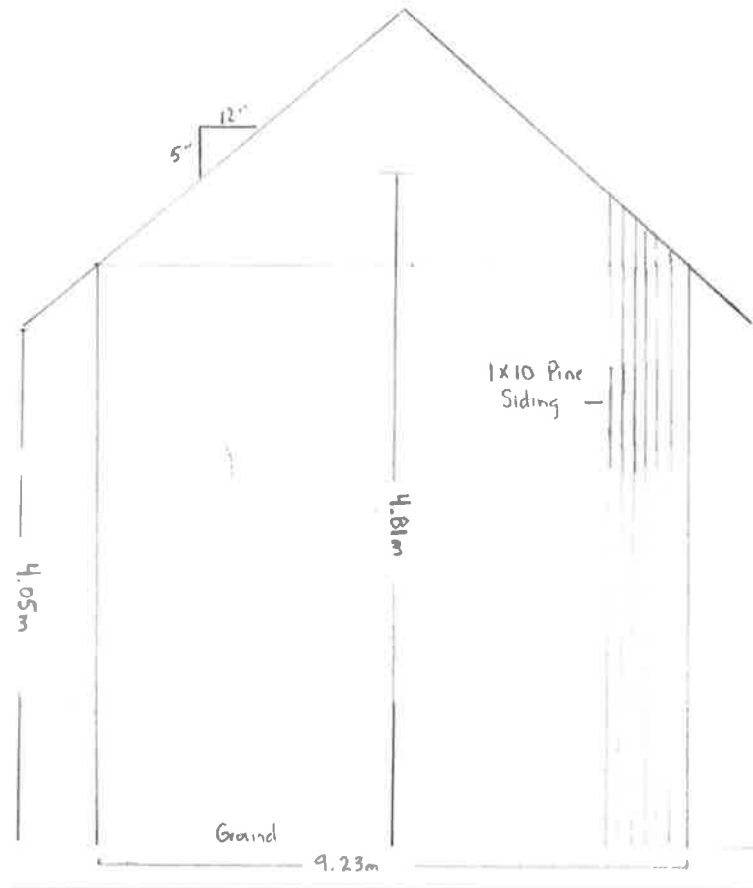


Rear Elevation (South Direction)



Right Elevation (West Direction)

East
West Elevation



Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, June 07, 2018 9:43 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-023

Please be advised building division has the following comments:

D20-2018-003 No Concerns
D20-2018-019 No Concerns
D20-2018-023 Built without permit
D20-2018-024 No Concerns
D20-2018-025 No Concerns
D20-2018-026 No Concerns

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



Quadri Adebayo

From: Alexander White <awhite@kawarthaconservation.com>
Sent: Tuesday, May 15, 2018 9:58 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variance - File #D20-2018-023

FILE NO. D20-2018-023

Hello Ms. Crockford-Toomey,

My name is Alexander White, part of the planning and policy department at Kawartha Conservation. We have just reviewed the minor variance application #D20-2018-023, submitted by Dean Junkin and Liana Patterson, and we have no concerns or comments at this time.

Thank you,

Alexander White
Planning & Policy Assistant
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. [232]
Fax: 705.328.2286

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

Quadri Adebayo

REPORT COA2018-033

From: Anne Elmhirst
Sent: Monday, April 30, 2018 12:25 PM
To: Charlotte Crockford-Toomey
Subject: Mino Variance - 196 St. Albans Road Verulam

FILE NO. D20-2018-023

Hello Charlotte,

I wanted to let you know that the Sewage System Program will be waiving the minor variance fee for a septic review for the property known at 196 St. Albans Road as the applicant as already submitted for a sewage system replacement.

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

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



Quadri Adebayo

From: Anne Elmhirst
Sent: Sunday, June 10, 2018 11:14 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-023 - 196 St. Alban's Rd

FILE NO. D20-2018-023

Hello Charlotte,

I have received and reviewed the proposal for a Minor Variance at 196 St. Alban's Road, City of Kawartha Lakes. The applicant has requested relief for an accessory structure in the front yard.

The property is serviced by an on-site sewage system that is currently in the process of being upgraded. The sewage system will be located in the rear yard of the property. As such, the accessory structure will not encroach or hinder the sewage system in any way,

Thus, the Building Division – Sewage System Program has no concerns with this application.

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 – Storm
Report Number COA2018-034

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 10 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 9.3.12(g) to reduce the minimum rear yard setback from 7.5 metres to 3.84 metres in order to permit the construction of a sunroom as an addition to a house.

The property is located at 88 Chadwin Drive, former Township of Lindsay (File D20-2018-024).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-034 Arthur and Jacqueline Storm, be received;

THAT minor variance application D20-2018-024 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the sunroom 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 COA2018-034, 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 confirmation from the Building Division that the glazing in the west wall of the sunroom has been addressed to comply with the Ontario Building Code (OBC). This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the glazed west wall of the sunroom has been addressed to comply with OBC, and appropriate for the proposed development;

- 3) **THAT** prior to the issuance of a building permit for the proposed sunroom, the shed located on the property be either removed from the property, or relocated on the property in a compliant manner in the northerly interior side yard not closer than: 1.5 metres from the any wall of the main building, 1.25 metres from the boundary limits of the easement closest to the rear wall of the building, and 1.25 metres from the interior side lot line, and in accordance with Section 5.2(b)(i) of the Town of Lindsay Zoning By-law.
- 4) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the boundary limits of the easement closest to the rear wall of the building; and
- 5) **THAT** the building construction related to the minor variance shall be completed within a period of eight (8) 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 COA2018-034
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background:	The property contains a townhouse dwelling with a garage, front porch and patio deck located in the urban area of Lindsay. The application proposes to install a 17.86 square metre (192.18 square foot) glazed three-seasons sunroom on a section of the patio deck located at the rear of the property. This application was deemed complete May 2, 2018.
Proposal:	To construct an approximately 17.86 square metre (192.18 square foot) three-seasons sunroom.
Owner:	Arthur and Jacqueline Storm
Applicant:	Robert Davidson
Legal Description:	Plan 57M782, Part Block 12, RP 57R-10444, Parts 6 and 7, former Town of Lindsay, City of Kawartha Lakes
Official Plan:	"Residential" in the Town of Lindsay Official Plan
Zone:	"Residential Multiple One Exception Eleven (RM1-S11) Zone" in the Town of Lindsay Zoning By-law 2000-75
Site Size:	421.87 square metre (4,539.32 square foot)
Site Servicing:	Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Residential

Adjacent Uses: North: Vacant Residential Lands
East: Open Space Lands
South: Residential
West: Vacant Commercial Lands

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 sunroom translates into an addition to the main dwelling as it will be attached to the rear wall of the house. In terms of scale, it is not anticipated to be perceptible as it will blend in with the general rear yard character of the neighbouring residential dwellings to the south of the subject site.

Likewise, elevation drawings and observations from site visit also suggest that a proposed setback of 3.84 metres will not create any negative impacts as there will still be sufficient room in the rear yard to enable its functioning as naturalization space that can retain and infiltrate surface water.

In terms of appearance, staff has responded to the Building Division concerns with condition 2 to ensure any safety or land use compatibility issues can be adequately addressed.

However, staff discovered upon site visit that there is a shed located in the rear yard of the property which was not included in the site plan sketch submitted through this application. The footprint of the accessory structure also appears to be wholly within the drainage easement, which translates into an encroachment. Consequentially, staff has included a condition of approval (condition 3) requiring the shed to be either removed from the property or relocated to a complying location on the property. As such, it appears the only feasible location to relocate the shed to be the northerly interior side yard, and subject to meeting the Ontario Building Code.

Based on the above, the 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 3.66 metre relief from the 7.5 metres rear yard setback required, proposed for the sunroom addition is not anticipated to impact the function as the scale of the reduction, if granted, is not anticipated to be perceptible. Sufficient space remains within the rear yard to facilitate access to the side yard. The

recommendation for the shed in conjunction with condition 3 will also ensure compliance with the rear yard setback requirements.

Although the sunroom is proposed to have a height of 3 metres, it is considered low profile as it is less than the maximum permitted height of 10.5 metres permitted in a “Residential Multiple One Exception Eleven (RM1-S11) Zone”.

Also, the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 39% from a possible 50% maximum.

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

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

Yes

The lot is designated “Residential” within the Town of Lindsay Official Plan. The designation contemplates low density dwellings with varying amenity space designs.

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

Other Alternatives Considered:

The above stated feasible location for the shed in rationale 1 and 2 came from observations and measurements taken during site visit. The roof cover of the shed appears to be approximately 3.14 metres wide and 4.35 metres deep (an area of approximately 13.65 square metres or 146.92 square feet). However, staff maintains that the measurements were rough estimates only and not accurate unlike if it were taken by a professional surveyor.

Hence, provided the shed is able to meet the Ontario Building Code in a potential new location, the applicant may be required to apply for a minor variance application to recognize any deficiency (if any) in the revised location of the shed. In consideration of this, the applicant may wish to defer this application at the meeting in order to be able to review the variances comprehensively at a subsequent Committee meeting.

Conversely, if the shed will not be relocated, the applicant will be required to completely remove the shed from the property as a minor variance application to recognize the shed in its current location will not be supported by staff.

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:

Building Division – Building Inspection/Plans Examiner (June 8, 2018): The Plans Examiner expressed that the amount of glazing in the west wall of the sunroom at 3.84 metre setback, as proposed may not comply the Ontario Building Code requirements. See comments.

Public Comments:

No additional comments as of June 11, 2018.

Public Comments:

- 1) Support, 84 Chadwin drive (May 1, 2018): No objection to their neighbour putting a sunroom on their deck.
- 2) Support, 86 Chadwin drive (May 2, 2018): They stated that they have conferred with the property owner and as a result, they have no qualms with the proposal as they consider the type of construction proposed for the sunroom as acceptable.

Attachments:



Appendices A-E to
Report COA2018-034

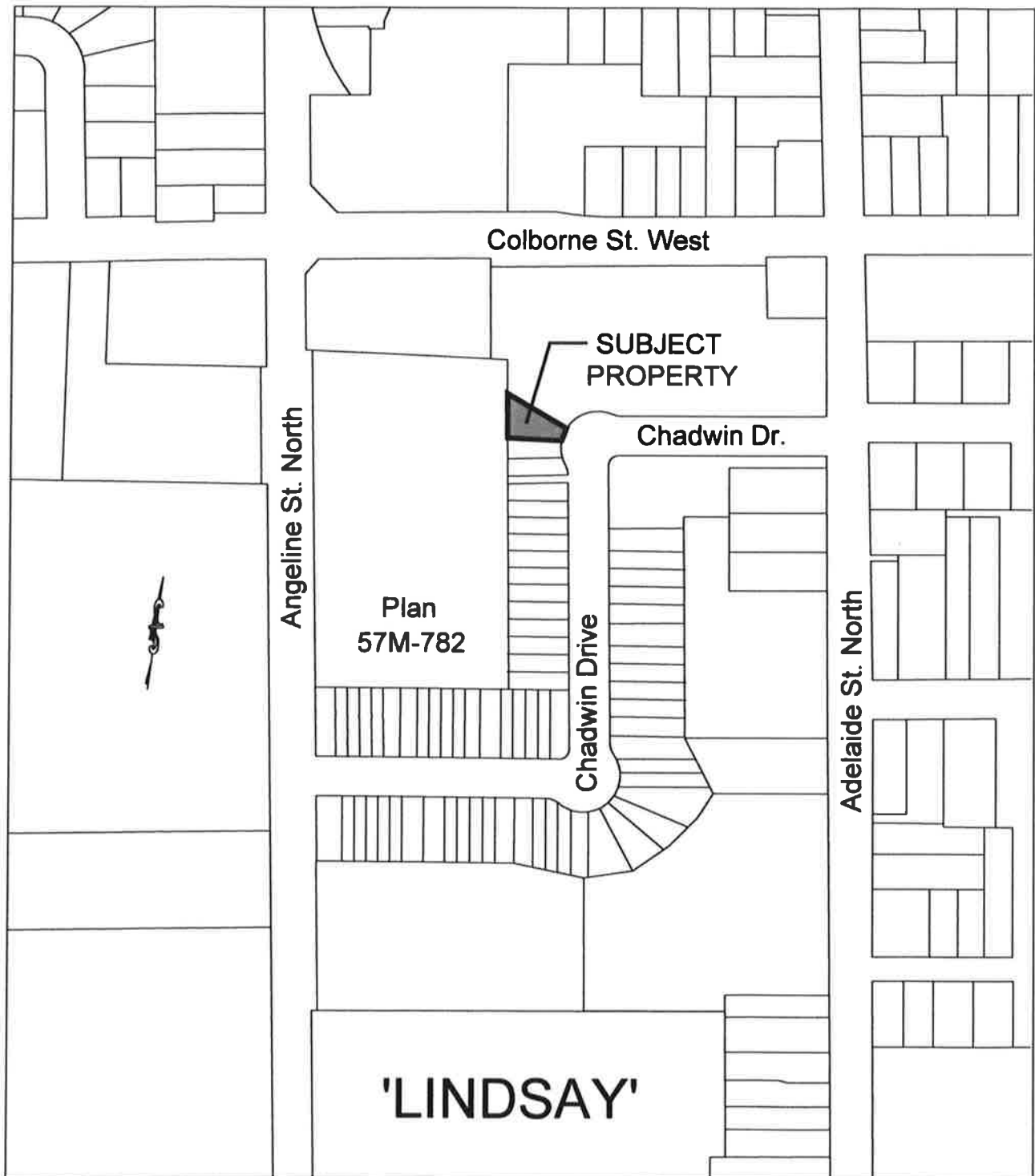
Appendix "A" – Location map
Appendix "B" – Air photo
Appendix "C" – Applicant's sketch
Appendix "D" - Elevations
Appendix "E" – Department and Agency comments

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-024

to

REPORT COA2018-034

FILE NO: D20-2018-024



to

REPORT COA2018-034

FILE NO: D20-2018-024

88 Chadwin Drive, former Town of Lindsay



APPENDIX " B "

to

REPORT COA2018-034

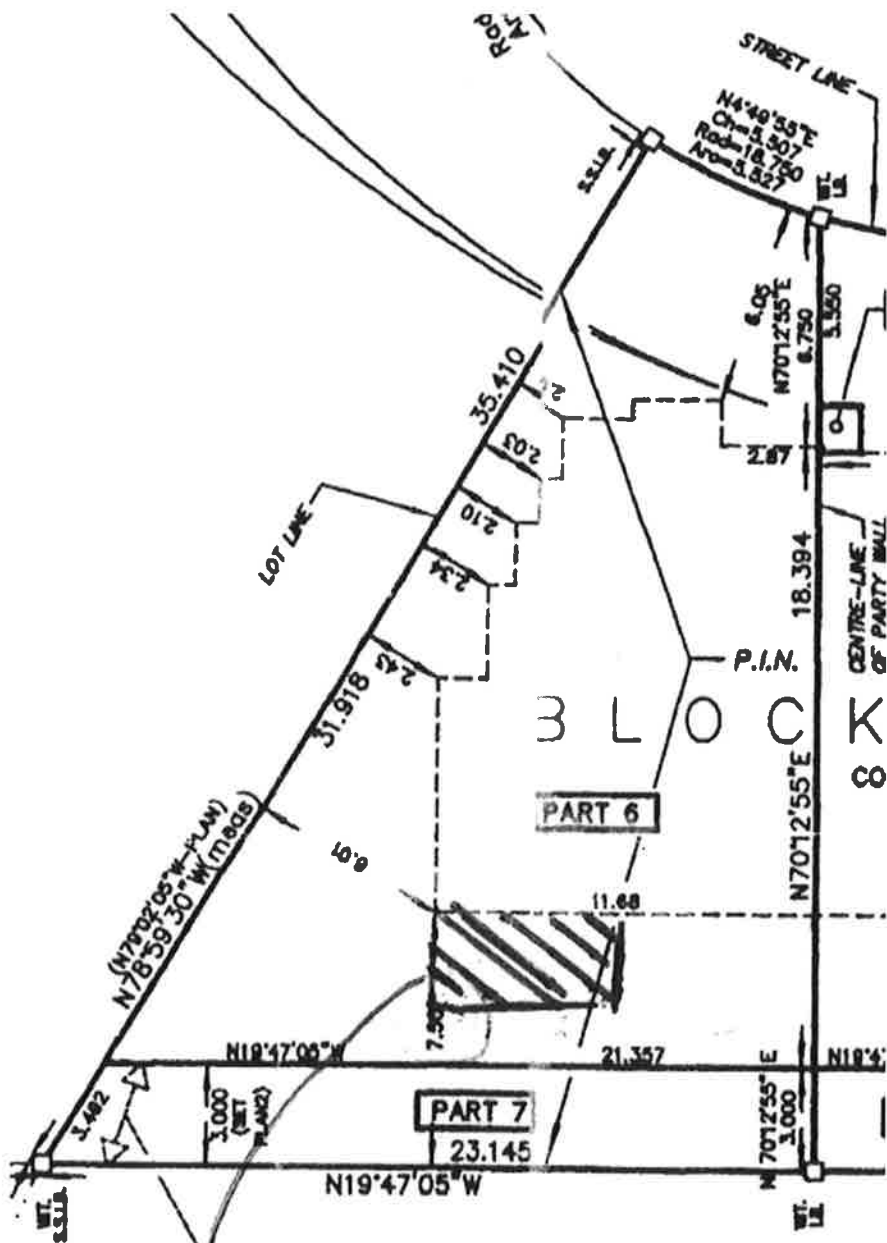
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to

REPORT COA2018-034

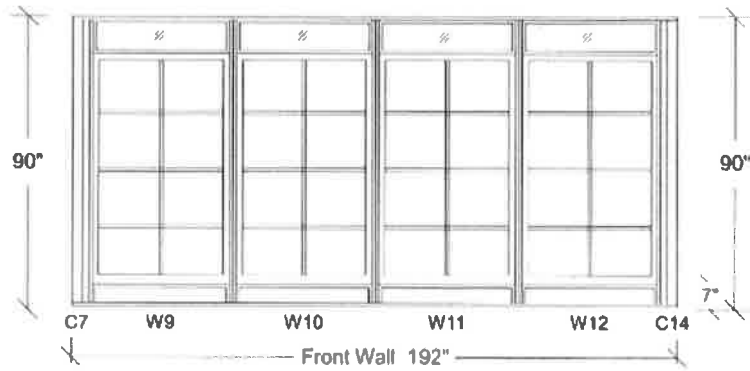
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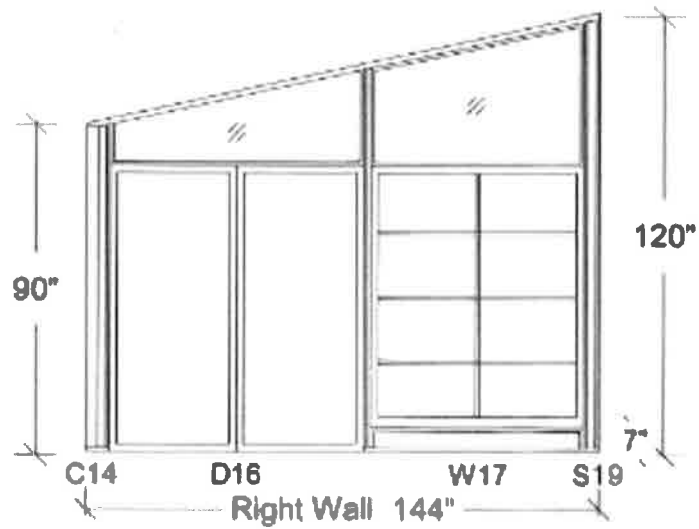
PART 21 PLAN
SUBJECT TO EASEMENT DESCRIBED IN INC

Proposed
Sun Room
(16'x12')

Front Elevation (West Side)



Rear Elevation (South Side)

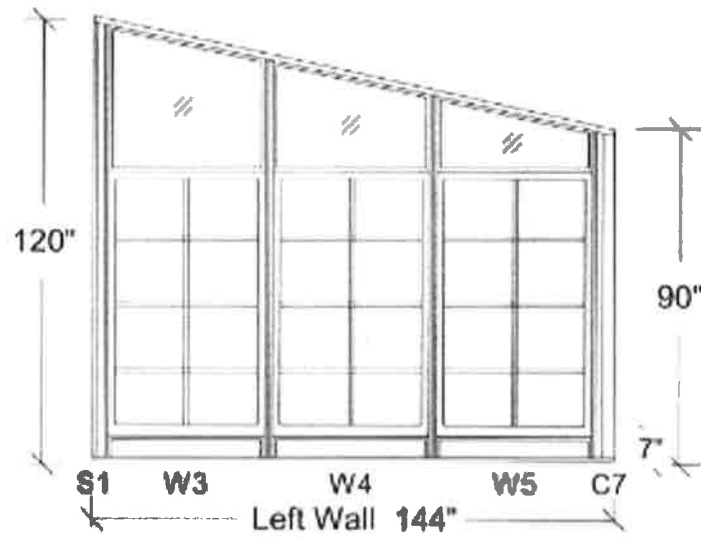


to

REPORT COA2018-034

FILE NO: D20-2018-024

Right Elevation (North Side)



Quadri Adebayo

APPENDIX " E
to

From: Derryk Wolven
Sent: Friday, June 08, 2018 8:09 AM
To: Charlotte Crockford-Toomey
Subject: D20-2018-024

REPORT COA2018-034

FILE NO. D20-2018-024

Good morning Charlotte,

Please amend comments for above noted:

D20-2018-024 Spatial separation requirements of OBC will affect amount of glazing in west wall @ 3.84m setback.

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 – Gibson
Report Number COA2018-035

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 13 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from Section 10.2(f) to reduce the interior side yard setback from 1.8 metres to 1.4 metres to recognize an addition to a single detached dwelling.

The variances are requested on property identified as 21 Loon Lane, geographic Township of Verulam (File D20-2018-025).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-035 Joanna and David Gibson, be received;

THAT minor variance application D20-2018-025 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the addition to the single detached dwelling 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 COA2018-035, which shall be attached to and form part of the Committee’s Decision.

This approval pertains to the application as described in report COA2018-035
Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Background: The single storey addition was constructed onto the single storey cottage. A survey determined that a portion of the addition encroached into the minimum interior side yard setback. A Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc. dated March 16, 2018 was submitted with the application. The document analyses the appropriateness of permitting the proposed variance for the reduced interior side yard setback.

This application was deemed complete May 4, 2018.

Proposal: To recognize an approximately 20.5 square metre (220.78 square foot) addition to a cottage.

Owner: Joanna and David Gibson

Applicant: Kevin Duguay, Kevin M. Duguay Community Planning and Consulting Inc.

Legal Description: Part Lot 8, Concession 1, geographic Township of Verulam, City of Kawartha Lakes

Official Plan: "Waterfront" in the City of Kawartha Lakes Official Plan

Zone: "Limited Service Residential (LSR) Zone" in the Township of Verulam Zoning By-law 6-87

Site Size: 2,411 square metres (0.6 acres)

Site Servicing: Private individual sewage system and well

Existing Uses: Shoreline Residential

Adjacent Uses: North: Sturgeon Lake
East, West: Shoreline Residential
South: Forest/Rural

Rationale: As the property is accessed by the easement (right-of-way) of Loon Lane, the front lot line is defined as the shoreline, and thus the area between the shoreline and northern wall of the dwelling the front yard.

1) Is the variance minor in nature? Yes

And

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

The majority of the addition is outside of the required 1.8 metre side yard setback. A setback slightly greater than 1.4 metres is proposed. Sufficient spatial separation remains within the reduced interior side yard for access and maintenance purposes. A larger interior side yard setback of approximately 6.77 metres remains on the southwestern side of the cottage to facilitate the passage of larger items between the front and rear of the dwelling.

The abutting lot, 23 Loon Lane, is a two storey dwelling with a walk-out basement. Due to its greater height, no adverse massing impacts are anticipated to that lot.

The variance is considered minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned “Limited Service Residential (LSR) Zone” within the Township of Verulam Zoning By-law 6-87.

The zoning by-law intends for one larger interior side yard in order to provide sufficient space for parking and/or the passage of larger items between the front and rear of the dwelling.

In this circumstance, parking is provided in the rear yard, south of Loon Lane. There is also a sizeable interior side yard (6.77 metres) running along the southwestern walls of the cottage that provides sufficient width for larger items to pass between the front and rear of the cottage.

The spatial separation identified within the smaller side yard setback is intended for lot grading and drainage, and maintenance purposes. The proposed setback of 1.4 metres is sufficient to continue to provide adequate maintenance, and the Engineering and Corporate Assets Department has raised no concerns with respect to the proposed reduced setback.

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

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

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan. The designation anticipates residential uses. The proposal also satisfies policy 3.11, as the addition is proposed greater than 30 metres from the shoreline.

Therefore, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives were examined.

Servicing Comments:

The property is serviced by a private 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 – Building Inspection (June 7, 2018): No concerns.

Kawartha Region Conservation Authority (May 31, 2018): No concerns.

Public Comments:

No comments as of June 12, 2018.

Attachments:



Appendices A-E to
Report COA2018-035.

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 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-025

to

REPORT COA2018-035

FILE NO: D20-2018-025

Sturgeon Lake

**SUBJECT
PROPERTY**

Loon Lane

Major St.

Bell's Lane

Lot 8

Lot 7

Concession 1

'Geographic Twp. of Verulam'

Heights Road





FOR CONSTRUCTION PURPOSES ONLY

CIVIC ADDRESS: 21 LOON LANE
OWNER: CHRISTINE BAILEY
BUILDING PERMIT No. _____
ROLL No. _____

AS CONSTRUCTED SITE PLAN OF
PART OF LOT 8
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF VERULAM
CITY OF KAWARTHA LAKES

SCALE 1 : 250

COE, FISHER, CAMERON
© COPYRIGHT 2018

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

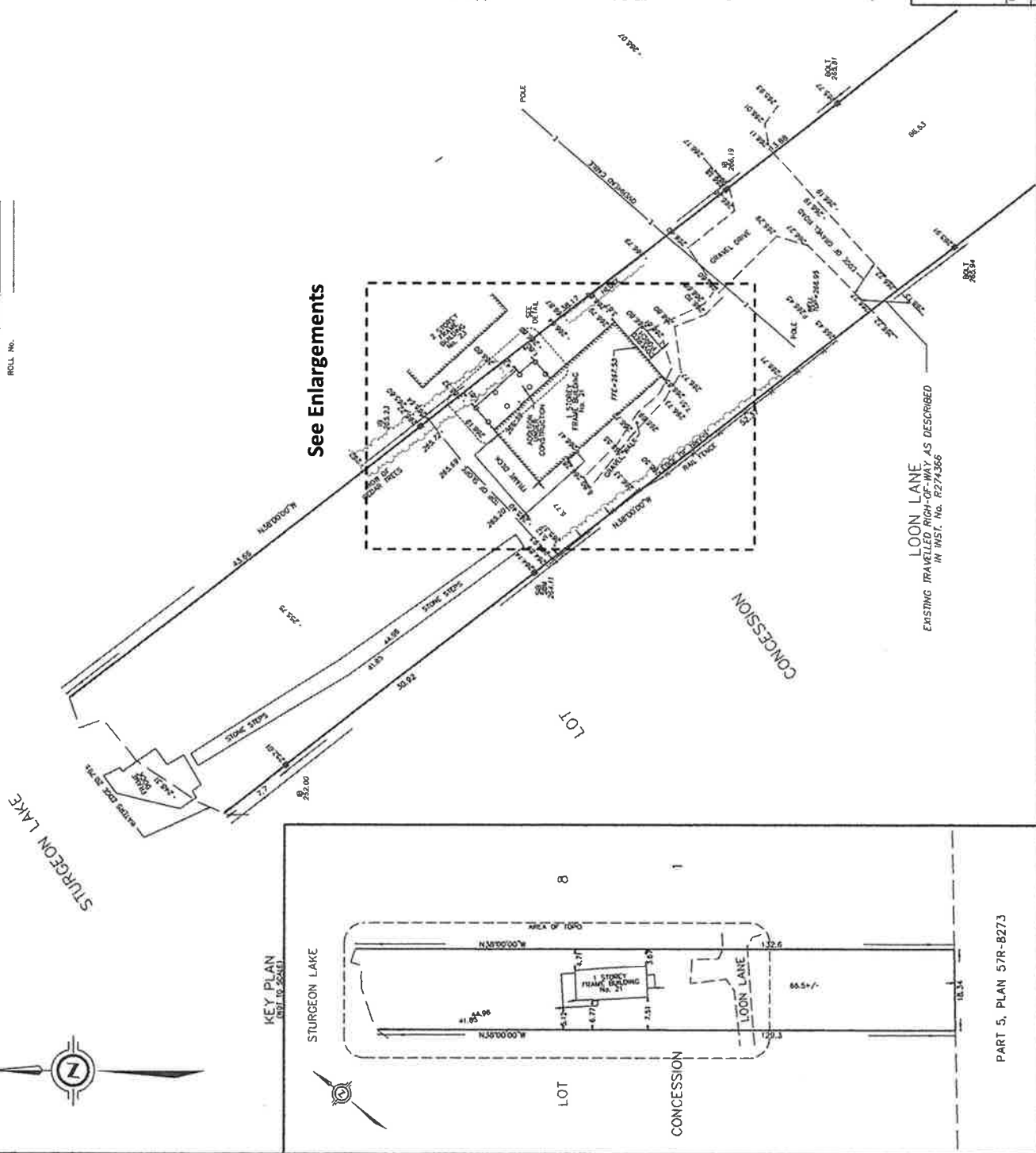
LEGEND:

- - FOUND SURVEY MONUMENT
- - SET SURVEY MONUMENT
- - BOUNDARY
- - SETTING IRON BAR
- - SETTING IRON PIPE
- - FIRST FLOOR ELEVATION

ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEODETIC DERIVED BY GPS OBSERVATION. ELEVATIONS ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. ELEVATION OF 264.11m (COORD-1928:1978).

ZONING: LAKESHORE RESIDENTIAL (LSR)
LOT AREA: 2411.51 SQ. M.
EXISTING BUILDING AREA: 117.88 SQ. M.

KAWARTHA CONSERVATION FLOOD CONTOUR: 248.40m



See Enlargements

LOON LANE
EXISTING TRAVELLED RIGHT-OF-WAY AS DESCRIBED
IN INST. No. R274366

KEY PLAN
(INST. No. R2541)

STURGEON LAKE

LOT

CONCESSION

CONCESSION

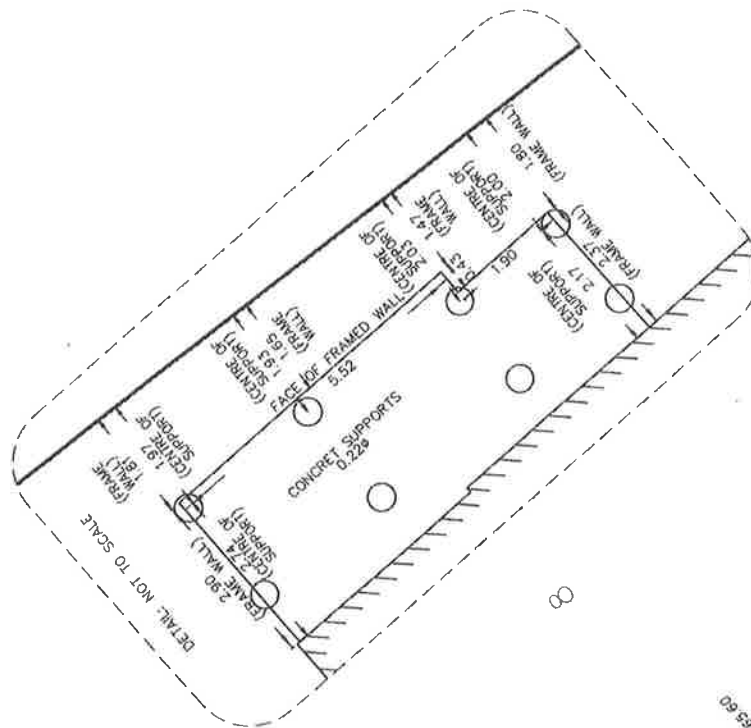
PART 5, PLAN 57R-8273

APPENDIX " C "

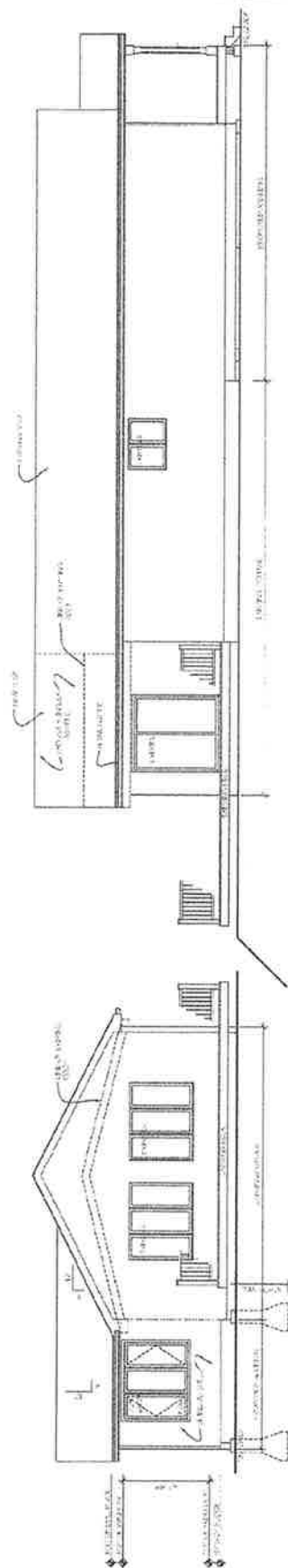
to
REPORT COA2018-035
FILE NO: D20-2018-025

		COE FISHER CAMERON	
		A wholly owned subsidiary of VERULAM CITY OF KAWARTHA LAKES	
DATE: _____	DRAWN BY: _____	CHECKED BY: _____	DATE: _____
PROJECT: 21 LOON LANE		CITY OF KAWARTHA LAKES	

Enlargements



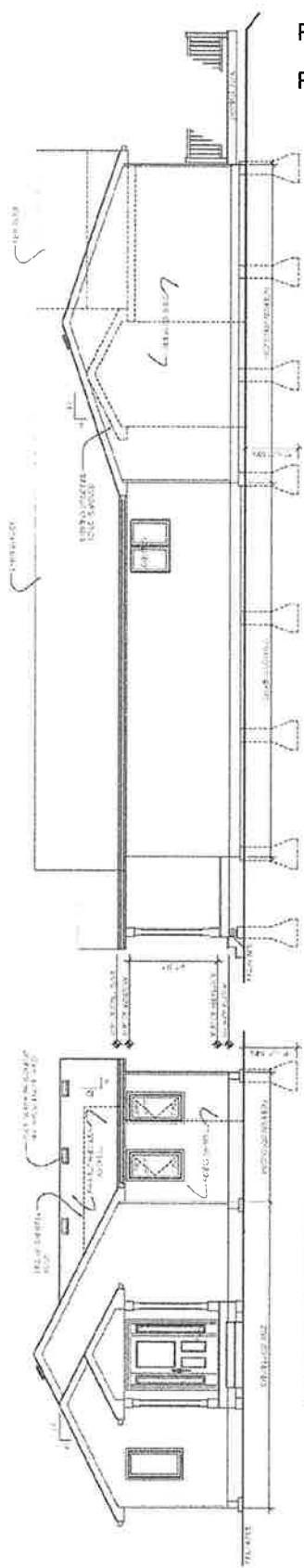
to
REPORT COA2018-035
FILE NO: D20-2018-025



RIGHT SIDE ELEVATION

FRONT ELEVATION

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



LEFT SIDE ELEVATION

REAR ELEVATION

to

REPORT COA2018-035**David Harding**

From: Derryk Wolven
Sent: Thursday, June 07, 2018 9:43 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-025

Please be advised building division has the following comments:

D20-2018-003 No Concerns
D20-2018-019 No Concerns
D20-2018-023 Built without permit
D20-2018-024 No Concerns
D20-2018-025 No Concerns
D20-2018-026 No Concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Ron Warne <rwarne@kawarthaconservation.com>
Sent: Thursday, May 31, 2018 10:08 AM
To: Charlotte Crockford-Toomey
Subject: FW: KRCA Comments on Minor Variance submitted for Joanne & David Gibson

Hello Ms. Crockford-Toomey,

Kawartha Conservation has reviewed the Minor Variance application at 21 Loon Lane submitted by Joanne & David Gibson(D20-2018-025) and our comments are as followed:

While the subject lands are within the Kawartha Conservation Authority Regulated area, the addition does not appear to be located within any natural hazards or areas of concern and therefore the KRCA can support the Minor Variance application. As the Minor Variance is to recognize an existing situation, no Permit is required from Kawartha Conservation.

I trust the above comments are satisfactory, but please contact me via return of this e-mail if you require any further information.

I consider success to be helping people and the natural environment

Ron Warne, MCIP, RPP
Director, Planning, Development & Engineering
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. [213]
Fax: 705.328.2286

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover · Protect · Restore

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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Gravely
Report Number COA2018-036

Public Meeting

Meeting Date: June 21, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 13 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 5.2(j) to reduce the water setback from 20 metres to 12.4 metres to recognize the location of a residential accessory building (shed).

The property is located at 23 Manor Road, former Village of Bobcaygeon (File D20-2018-026).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-036 Catherine Gravely, be received;

THAT minor variance application D20-2018-026 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-036. No conditions are required for the Minor Variance to be considered final and binding.

Background: This application is the result of a zoning investigation by the Municipal Law Enforcement Division, File ML2017-0529.

It was determined that the shed was placed in 1997. At that time the shed maintained a setback of approximately 15 metres to the shoreline, a deficiency of 5 metres.

In 2002, the shoreline to the west of the shed was excavated in order to create an in-water boathouse and swimming area. These excavations further reduced the minimum spatial separation between the shed and shoreline to 12.4 metres.

This application was deemed complete March 20, 2018.

Proposal: To recognize the water setback of an existing 2.5 metre x 3.8 metre (8.2 foot x 12.5 foot) shed.

Owner: Catherine Gravely

Applicant: Catherine Gravely

Legal Description: Lot 10 Plus Island, Plan 245, former Village of Bobcaygeon, City of Kawartha Lakes

Official Plan: "Urban" in the Victoria County Official Plan

Zone: "Urban Residential Type One (R1) Zone" in the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 0.34 hectares (3,400 square metres)

Site Servicing: Municipal Water and Wastewater Services

Existing Uses: Shoreline Residential

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

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated within an established residential neighbourhood, and is bordered on three sides by Sturgeon Lake. Many of the lots within this neighbourhood abut Sturgeon Lake or Big Bob Channel. The subject property is located at the end of Manor Road. The travelled portion of Manor Road is narrow, and no turnaround exists at the end of this road: it transitions into the driveway for the subject property. The front yard consists of a two bay detached garage to the north, a small forested section to the south, and the centre contains a circular driveway so that cars can correctly orient themselves when leaving the lot.

Due to the extensive and unusual shape of the shoreline, location of the circular driveway, and prohibition of accessory buildings within the front yard, there appears to be no location remaining where a shed could be sited in accordance with the zoning by-law provisions.

Given that the two other accessory buildings on the lot are a boathouse and modest detached garage, it is appropriate to permit a shed on the lot to provide for some additional storage space.

The footprint and location of the shed does not hinder the use of the rear yard for amenity purposes.

The variance is considered minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned “Urban Residential Type One (R1) Zone” within the Village of Bobcaygeon Zoning By-law 16-78.

The intent of the zoning by-law is to direct built form away from the shoreline where possible for aesthetic reasons and to improve water quality and health by allowing for sufficient space to plant vegetation for the infiltration of runoff. While the shed is technically 12.4 metres from the water’s edge, that point is contained within an in-water boathouse; however, visually the shed generally appears to be approximately 15 metres to the nearest point on the shoreline. The shed is not a prominent feature along the shoreline, as there are trees between it and the shoreline that function as vegetative buffers. The space between the shed and shoreline is also sodded. Sufficient vegetated space remains between the shed and visible shoreline for infiltration and yard amenity space.

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

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

As the ‘Urban Settlement Area Designation’ in the City’s 2012 Official Plan is under appeal, the “Urban” designation of the Victoria County Official Plan (Official Plan) applies. A broad range of residential uses are permitted in this designation.

Therefore, the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff examined the site circumstances to determine if the shed would have legal non-complying status. The information uncovered determined that the shed is not eligible for legal non-complying status.

Servicing Comments:

The property is serviced by municipal water and wastewater systems. The proposed accessory use is not, nor will it be connected to water or septic services.

Consultations:

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

Agency Comments:

Building Division – Building Inspection (June 7, 2018): No concerns.

Kawartha Region Conservation Authority (June 12, 2018): No objection.

Public Comments:

No comments as of June 12, 2018.

Attachments:

Appendices A-D to
Report COA2018-036.

Appendix “A” – Location Map

Appendix “B” – Air Photo

Appendix “C” – Applicant’s Sketch

Appendix “D” – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

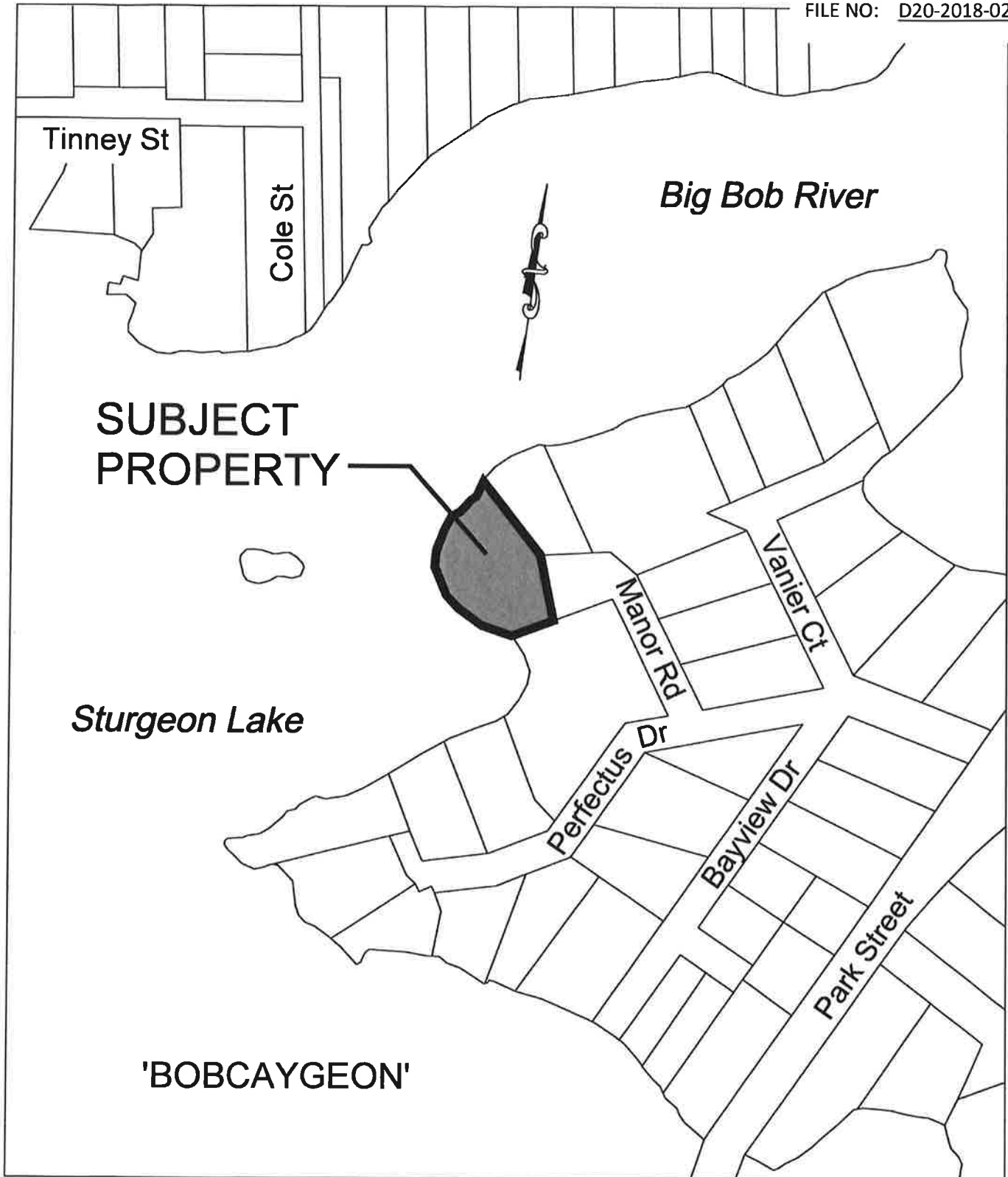
Department Head: Chris Marshall

Department File: D20-2018-026

to

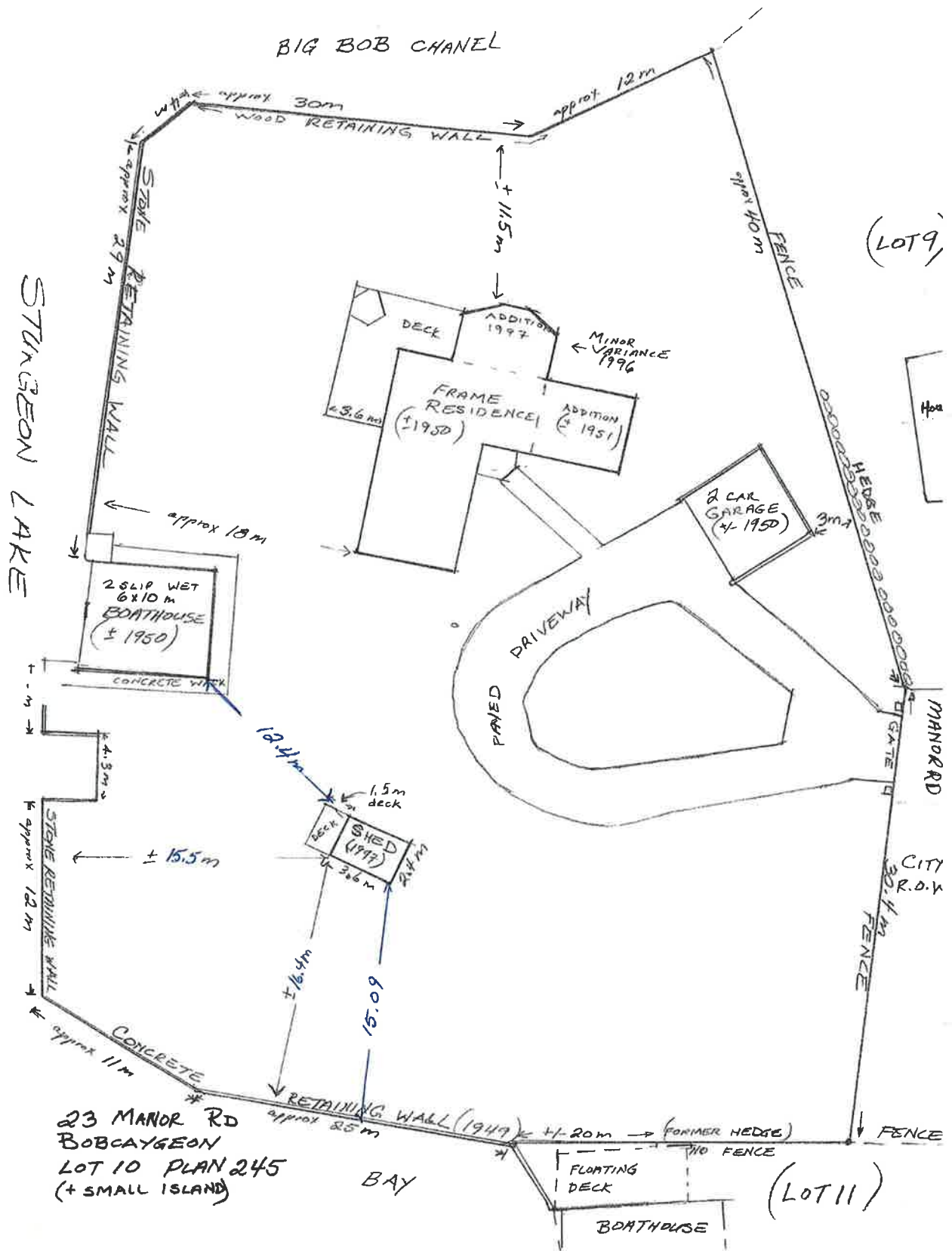
REPORT COA2018-036

FILE NO: D20-2018-026



23 Manor Road, former Village of Bobcaygeon





David Harding

From: Derryk Wolven
Sent: Thursday, June 07, 2018 9:43 AM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-026

Please be advised building division has the following comments:

D20-2018-003 No Concerns
D20-2018-019 No Concerns
D20-2018-023 Built without permit
D20-2018-024 No Concerns
D20-2018-025 No Concerns
D20-2018-026 No Concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Alexander White <awhite@kawarthaconservation.com>
Sent: Tuesday, June 12, 2018 10:35 AM
To: Charlotte Crockford-Toomey
Subject: KRCA Comments on MV- D20-2018-026 for 23 Minor Rd, Bobcaygeon

Hello Ms. Toomey,

KRCA has received and reviewed the minor variance application MV- D20-2018-026 for 23 Minor Rd, Bobcaygeon belonging to Catherine Gravely.

Our comments are as followed:

- a) The property is located within the flood plain of Pigeon River, and therefore is regulated under Ontario Regulations 182/06, by Kawartha Conservation.
- b) The proposed minor variance is for the relief of a previously build shed and therefore, no new structures will be built.
- c) Based on this Kawartha Conservation has no concerns about this site at this time and no permits would be required from our office.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

I apologies for the lateness of the comments however, I would like to note that Kawartha Conservation only received this application on June 11th, where comments where requested for/due on June 8th. This puts me in a difficult position in regards to getting comments to the CKL before they are needed as some application require time to review. I understand your office is very busy, and don't wish to apply any blame or seem unpleasant in any way, just providing an explanation for why our comments are past due.

Kindest regards,



Alexander White
Planning & Policy Assistant
Kawartha Conservation

277 Kenrei Road
Lindsay, ON K9V 4R1
Tel: 705.328.2271 ext. [232]
Fax: 705.328.2286

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