

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-07

Thursday, July 19, 2018

1:00 P.M.

Victoria Room

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	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2018-06 June 21st, 2018. Committee of Adjustment Meeting Minutes.	5 - 14
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-039 Lydia Wong, Student Planner File Number:D20-2018-027 Location: 8 Marsh Court Lot 35, Plan 57M748 Former Town of Lindsay Owners: Jack and Sandra MacMillian Applicant: Garry Newhook	15 - 28
3.1.2	COA2018-040 Daniel Hahn, Student Planner File Number:D20-2018-028 Location: 35 Rainbow Ridge Road East Part Lot 17, Concession B Geographic Township of Mariposa Owners: Larry and Marian Read Applicant: Larry Read	29 - 42

3.1.3	COA2018-041	43 - 51
	<p>Quadri Adebayo, Planner II File Number: D20-2018-029 Location: 65 Fox Road Concession 6, Part Lot 4 Geographic Township of Emily Owners: Adam Lean and Marsha Norris Applicants: Adam Lean and Marsha Norris</p>	
3.1.4	COA2018-042	52 - 62
	<p>Quadri Adebayo File Number:D20-2018-031 Location: 92 Lambs Lane Concession 7, Part Lot 30 and 31, RP 57R-7800, Parts 1 to 3 Geographic Township of Fenelon Owners: Joanne and Andrzej Knaz Applicant: Joanne Knaz</p>	
3.1.5	COA2018-043	63 - 74
	<p>David Harding, Planner II File Number: D20-2018-032 Location: 18 Ellis Crescent Lot 9, Plan 57M-770 Former Town of Lindsay Owner: William and Karen Bates Applicant: Lifestyle Sunrooms Inc. - Ivars Kulitis</p>	
3.1.6	COA2018-044	75 - 82
	<p>David Harding, Planner II File Number: D20-2018-033 Location : 64-66 Helen Street Part of Lot 10 West of Helen Street, Plan 70, Part 1, 57R-10004 Former Village of Bobcaygeon Owner: Tom Grimes Construction Limited Applicant: Tom Grimes Construction Limited</p>	
3.2	Consents	

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2018-037 83 - 103

D. 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

4.1.2 COA2018-038 104 - 118

Quadri Adebayo, Planner II
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

4.1.3 Memo Re-D20-2018-023 119 - 119

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

4.2 Consents

5. Correspondence

6. Other Business

7. Next Meeting

8. Adjournment

The Corporation of the City of Kawartha Lakes
Minutes
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**

Chair L. Robertson called the meeting to order at 1:09 p.m. Members B. Archer, S. Richardson, and S. Strathdee and K. Seymour-Fagan were in attendance.

Absent: D. Marsh

Recording Secretary - Charlotte Crockford-Toomey

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2018-06

Moved By B. Archer

Seconded By S. Richardson

That the agenda for the meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2018-05

May 17th, 2018

Committee of Adjustment Meeting Minutes.

The Minutes from the May 17th, 2018 Meeting, COA2018-05 2.3.1 were amended for item 3.1.4 on page 8. A word was changed from course to cause.

Moved By S. Strathdee

Seconded By Councillor Seymour-Fagan

That the minutes for the previous meeting held May 17, 2018 be adopted as amended.

Carried

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

Mr. Harding summarized report COA2018-031, requesting that the application be deferred one month to the July 19, 2018 Committee of Adjustment meeting, so that the variance application may be re-advertised to reflect the revised site plan.

The owner, Josie Harlow, was not present.

Moved By S. Richardson
Seconded By Councillor Seymour-Fagan

That the Committee defer minor variance application D20-2018-003 for one month to the July 19, 2018 meeting so that the variance application may be re-advertised to reflect the revised site plan.

Carried

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

Mr. Adebayo summarized report COA2018-032, and requested that the application be deferred until such time as the applicant can submit a revised application supportable by staff as the application does not meet all the tests.

The applicant, Mr. Meier was present and spoke. He said that a neighbour had a minor variance similar to his and it was accepted. He went on to say he wants to build on the exact footprint. He didn't want dormers as his neighbours have had problems with ice. Current driveway can accommodate two cars so not an issue.

He stated he is currently replacing Septic system and planting shrubs along shoreline. The Committee looked for confirmation from staff as to the two parking spaces. Staff replied upon observation, there is not enough space for two cars as he must allow for the septic tank. The Committee questioned the applicant, saying that he is restricted for parking and how is it possible to have more parking space. The applicant replied he would move the septic/holding tank toward the shore as there is no weeping tile on the property. The Committee suggested a deferral until the applicant can submit new drawing for the driveway that compliments the size of dwelling.

Mr. Mike Allen was present in support of the application. He stated it is 1200 square feet in total, and couldn't see a problem. He is purely maximizing space, also dormer system is not functional. The applicant also added that he would move holding tank towards the lake to allow for more parking space.

The Committee asked staff if the two storey dwelling would have a height restriction. Staff replied no, that the by-law permits a maximum height of 11 metres but that the proposal doesn't meet the official plan policy which requires low profile dwellings instead. (The Committee wanted to know the difference between the structure proposed compared to another minor variance in the past). Staff responded by saying, the minor variance in the past was a one storey to a one and half storey dwelling. Relief was for the storey and a half. The current minor variance is for a one storey to a two storey. The issue is the increased size of the building and KRCA comments.

Moved By S. Richardson

Seconded By B. Archer

That the Committee defer minor variance application D20-2018-019 to the July 19, 2018 Committee of Adjustment meeting to allow the applicant to bring forward a revised application supportable by staff as parts of the application do not meet the tests set out in Section 45(1) of the Planning Act.

Carried

3.1.3 COA2018-033

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

Mr. Adebayo summarized report COA2018-033, to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard and to reduce the front yard depth. Mr. Adebayo continued to say that the application originated from an enforcement notice issued to the applicant for compliance on February 26th, 2018, after staff in the Building Division discovered that the accessory structure was built without obtaining a permit. The Committee asked staff if the structure has to be torn down. Staff replied, the applicant would need to contact the Building Division per the appropriate procedure to attain compliance.

Moved By S. Richardson

Seconded By Councillor Seymour-Fagan

That the Committee defer minor variance application D20-2018-023 until the July 19th, 2018 Committee of Adjustment Meeting to enable further discussions with staff per the minor variance reliefs, as the application does not meet all the tests set out in Section 45(1) of the Planning Act.

Carried

3.1.4 COA2018-034

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

Mr. Adebayo summarized report COA2018-034, to request the relief to reduce the minimum rear yard setback in order to permit the construction of a sunroom as an addition to the house.

The owners, Mr. and Mrs. Storm were present but did not speak.

The Committee had no questions.

Moved By B. Archer

Seconded By Councillor Seymour-Fagan

That minor variance application D20-2018-024 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 rear 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.

Carried

3.1.5 COA2018-035

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

Mr. Harding summarized report COA2018-035, to reduce the interior side yard setback to recognize an addition to a single detached dwelling.

The Committee asked staff regarding how the non-compliance was detected. Staff responded, the survey was done as part of the building permit process which determined that a portion of the addition encroached into the minimum interior side yard setback.

The applicant, Kevin Duguay was present and spoke.

The Committee had no further questions.

Moved By S. Richardson
Seconded By S. Strathdee

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

Condition:

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.

Carried

3.1.6 COA2018-036

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

Mr. Harding summarized report COA2018-036, to request relief to reduce the water setback to recognize the location of a shed. He requested a condition be added to the prepared recommendation. He cited additional correspondence from the owner and neighbour at 8 Manor Road. The concerns appeared to be resolved.

The Committee asked if the shed was legal and non complying. Staff replied.

The applicant, Catherine Gravely was present and spoke. Mrs. Gravely stated that she called the building inspector, Mr. Phelps prior to the delivery of the shed; he confirmed the shed was too small to require a permit. He did not express any concerns with the location at that time. There is no plumbing and it is used to store outdoor furniture. Mrs. Gravely further stated that it was /is occasionally used as play structure for visiting children. She produced a list of signatures of neighbours in support of the application. Mrs. Mariette Tremblay of 17 Manor Road, spoke in support of the application.

The Committee had no further questions.

Moved By Councillor Seymour-Fagan

Seconded By B. Archer

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.

Condition:

1. **That** the approval granted by the Committee for the shed shall be applied substantially in accordance with the sketch in Appendix “C” to Report COA2018-036, which shall be attached to and form part of the Committee’s Decision.

This approval pertains to the application as described in report COA2018-036. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Correspondence

6. Other Business

6.1 Appeal

Richard Holy, Planning Manager notified the Committee the Decision for Consent Application D03-17-027 for 1109 Meadowview has been appealed to the Local Planning Appeal Tribunal (LPAT).

6.2 Recorded Votes

Richard Holy discussed the procedural by-law for recorded votes with the Committee. This matter will need to be further clarified with the Clerk's Department.

The Chair made a motion.

Moved By B. Archer

Seconded By S. Strathdee

That the Committee of Adjustment would respectfully request permission for a recorded vote at the discretion of the Chair.

Carried

6.3 OACA Conference

The Committee requested information from the recent OACA Conference be provided by staff.

7. **Next Meeting**

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

8. **Adjournment**

Moved By S. Richardson

Seconded By S. Strathdee

That the meeting adjourned at 3.11 p.m.

Carried

Mark LaHay, Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – MacMillian
Report Number COA2018-039

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 11 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 7.2 (f) to reduce the minimum rear yard setback from 7.5 metres to 5.8 metres in order to permit the construction of a sunroom as an addition to a house.

The property is located at 8 Marsh Court, former Town of Lindsay (File D20-2018-027).

Author: Lydia (Cho Laam) Wong, Student Planner **Signature:**

Recommendations:

RESOLVED THAT Report COA2018-039 Jack and Sandra MacMillian, be received;

THAT minor variance application D20-2018-027 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 in accordance with the sketch in Appendix “D” and elevations in Appendix “F” submitted as part of Report COA2018-039, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2018-039
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background: The property contains a single detached dwelling with a garage, garden shed, and a patio deck located in the urban area of Lindsay. The application proposes to install a 15.6 square metre (168 square foot) three-season sunroom on the patio deck located at the rear of the property. This application was deemed complete May 23, 2018.

A revised site plan and elevations were added on July 9, 2018 during the process of application. A garden shed was not recorded in the original site plan, and the location of the side door has been changed.

Proposal: To construct an approximately 15.6 square metre (168 square feet) three-season sunroom.

Owner: Jack and Sandra MacMillian

Applicant: Garry Newhook

Legal Description: Plan 57M748, Lot 35, former Town of Lindsay, City of Kawartha Lakes

Official Plan: Residential – Town of Lindsay Official Plan

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

Site Size: 590 square metres (6350 square feet)

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

Existing Uses: Residential

Adjacent Uses: North: Residential

East: Residential

South: Marsh Court/ Residential

West: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

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

The proposed sunroom translates into an addition to the main dwelling as it will be attached to the rear wall of the house. The application proposes a built form and scale consistent with that found on the surrounding properties. In terms of scale, it will blend in with the general rear yard character of the neighbouring residential dwellings to the north of the subject site. In addition, the proposed design of the sunroom matches with the existing sunrooms in abutting properties. Due to the pie shaped nature of surrounding properties, the subject lot and abutting lots have wide rear yard amenity spaces. Thus, construction of the sunroom will have little impacts on neighbours' light from their rear yards. Therefore, no land use compatibility issues are anticipated.

Likewise, elevation drawings and observations from the site visit also suggest that a proposed setback of 5.8 metres will not create any negative impacts as there will still be sufficient room in the rear yard to enable its functioning as a naturalization space that can retain and infiltrate surface water. The proposed sunroom is one-storey, which has a low-profile nature with no substantial massing impacts. The moderate reduction in rear yard setback is not anticipated to impact the amount of rear yard amenity space available to the dwelling as the proposed sunroom is contained upon the existing patio deck.

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 subject property is zoned Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75. The rear yard setback serves as a buffer between residential buildings to avoid land use conflicts. The proposed reduction will not impact adversely the use of the property, and the intent of the By-law is still achieved through existing gardening and landscaping. The side door for access to the sunroom is located on the west side of the structure, facing the greater rear and side lot lines. This aids in minimizing the potential of land use conflicts.

The scale of the reduction, which is 1.7 metre relief from the 7.5 metres rear yard setback required, is not anticipated to impact the function of the rear yard. Sufficient space remains within the rear yard to facilitate access to the side yard. The sunroom is proposed to have one storey, a height of 2.5 metres. It is considered low profile as it is less than the maximum permitted height of 10.5 metres permitted in a Residential Two (R2) Zone. Additionally, the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 27.8% from a possible 35% maximum. Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

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

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

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

Other Alternatives Considered:

No alternatives have been considered.

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 (July 6, 2018): No concerns.

Engineering and Corporate Assets Department (July 10, 2018): No objection.

Public Comments:

No comments as of July 9, 2018.

Attachments:



2018.07.19
Appendices A-D to Re

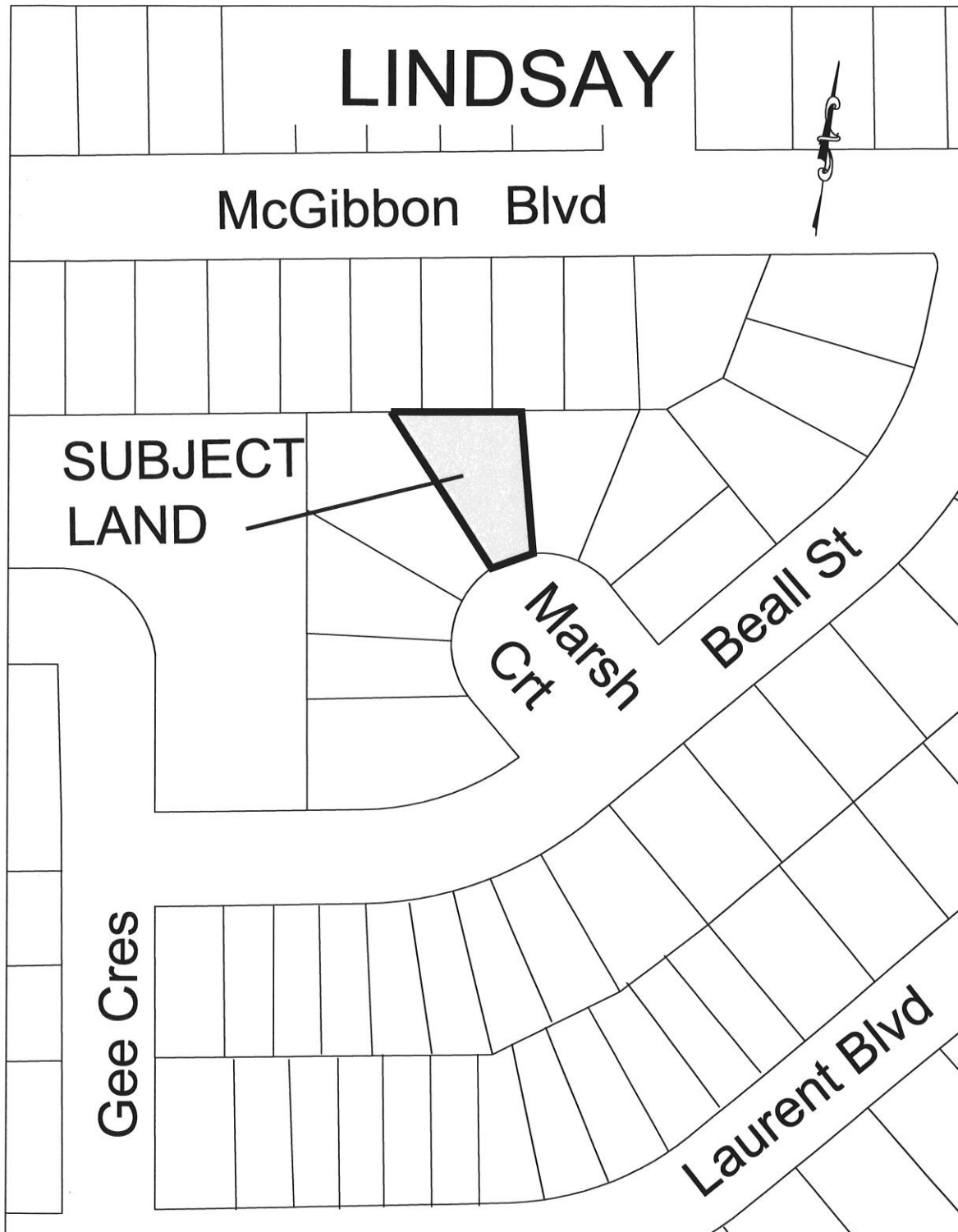
- Appendix "A" – Location map
- Appendix "B" – Air photo
- Appendix "C" – Applicant's original sketch
- Appendix "D" – Applicant's revised sketch
- Appendix "E" – Original elevations
- Appendix "F" – Revised elevations
- Appendix "G" – Department and Agency comments

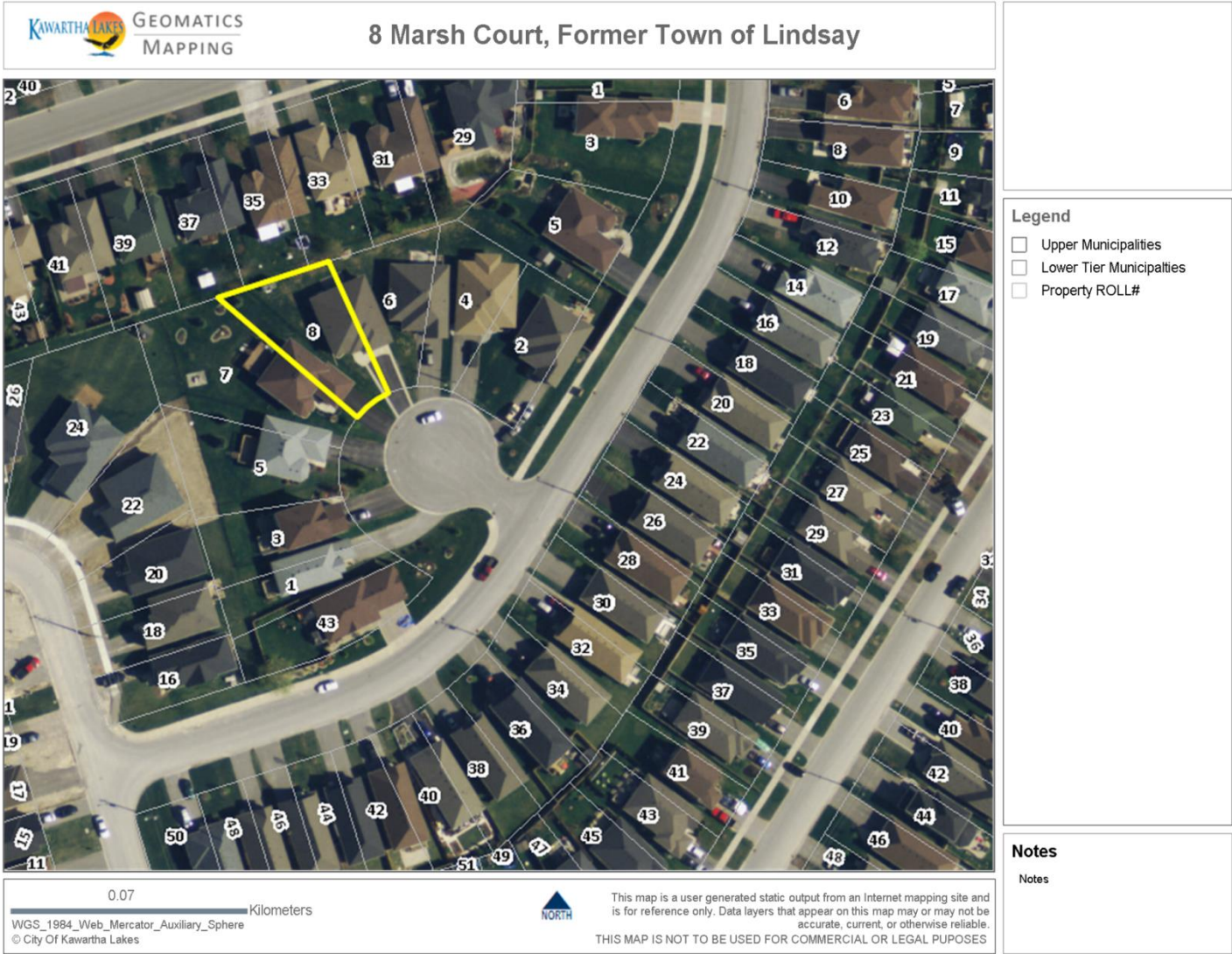
Phone: 705-324-9411 ext. 1883
E-Mail: lwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-027

to

REPORT COA2018-039

FILE NO: D20-2018-027

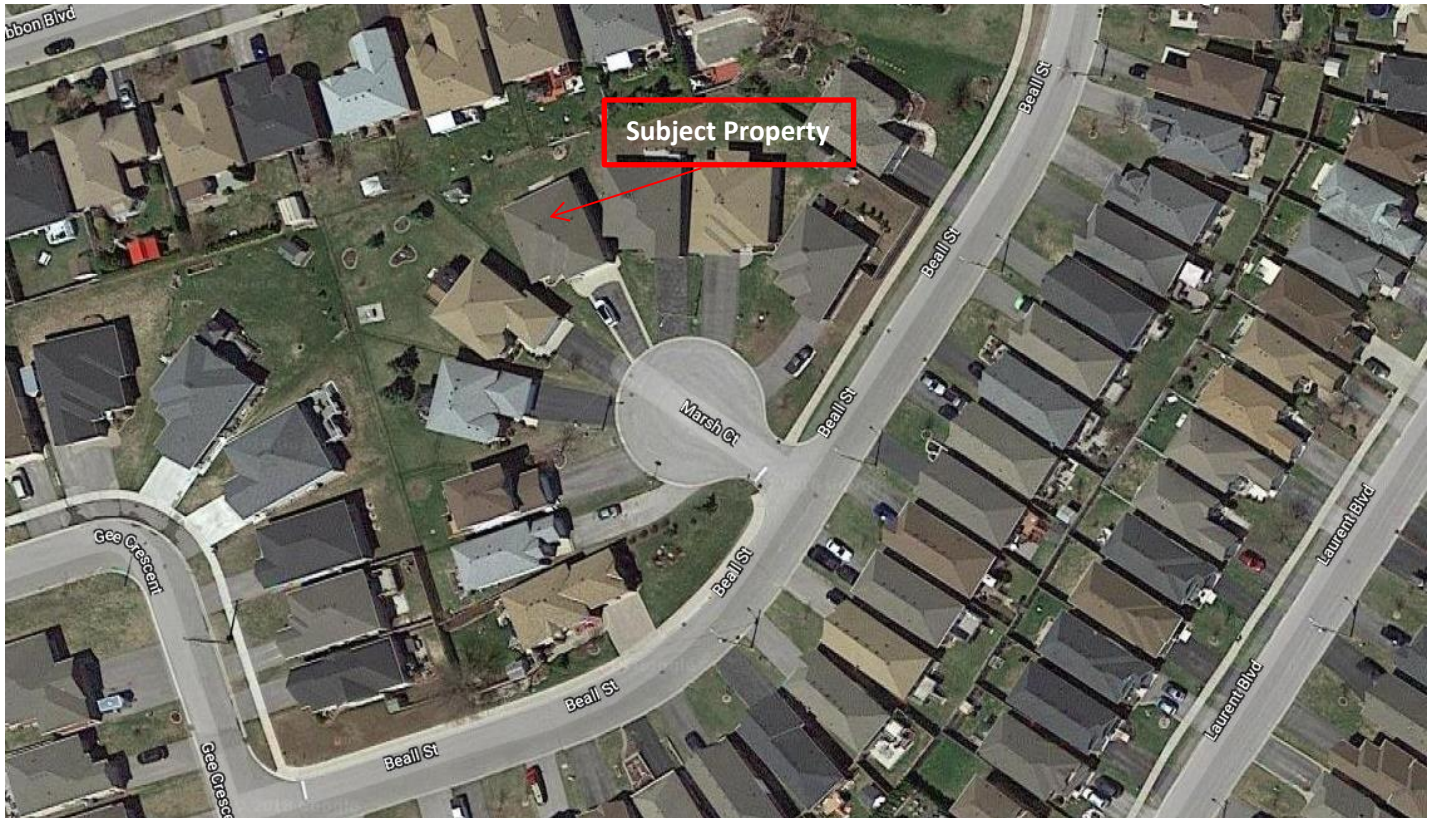




to

REPORT COA2018-039

FILE NO: D20-2018-027



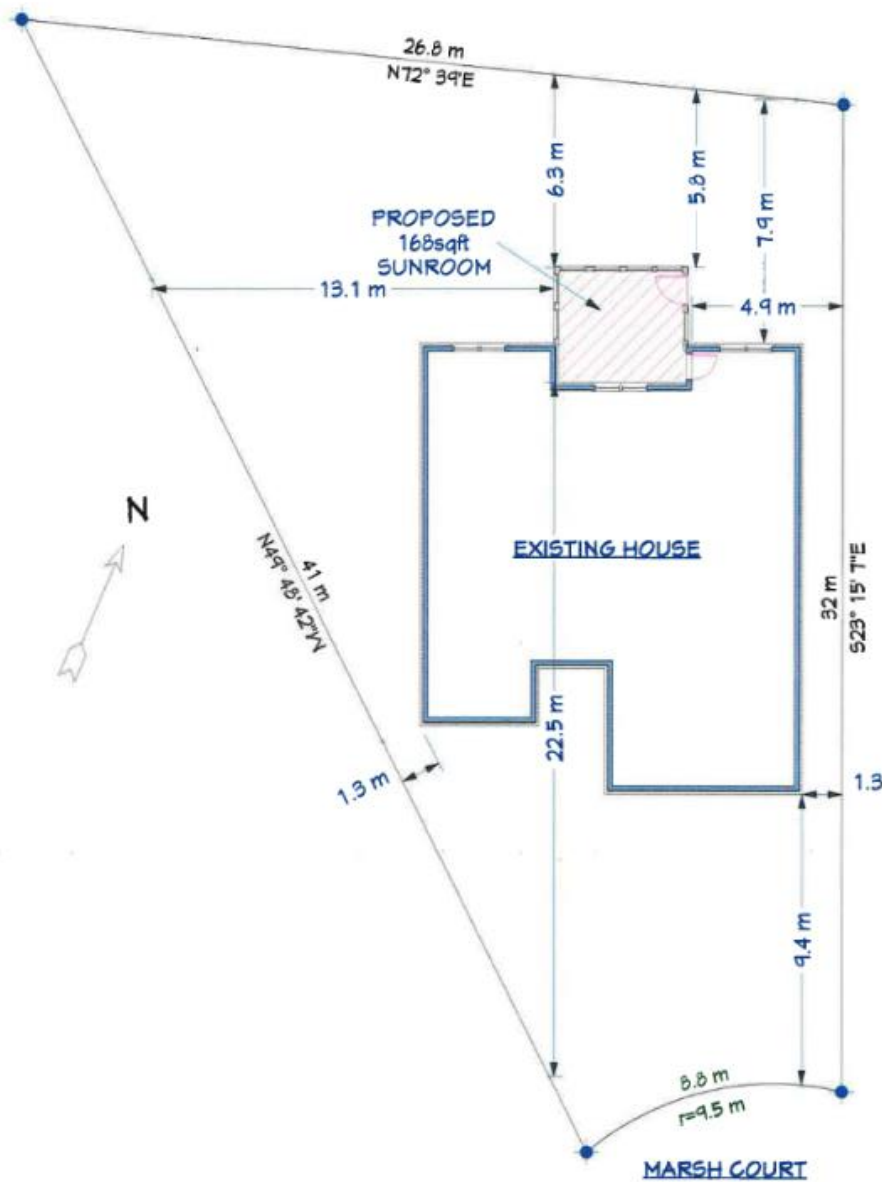
APPENDIX " C "

to

REPORT COA2018-039

FILE NO: D20-2018-027

Original Site Plan



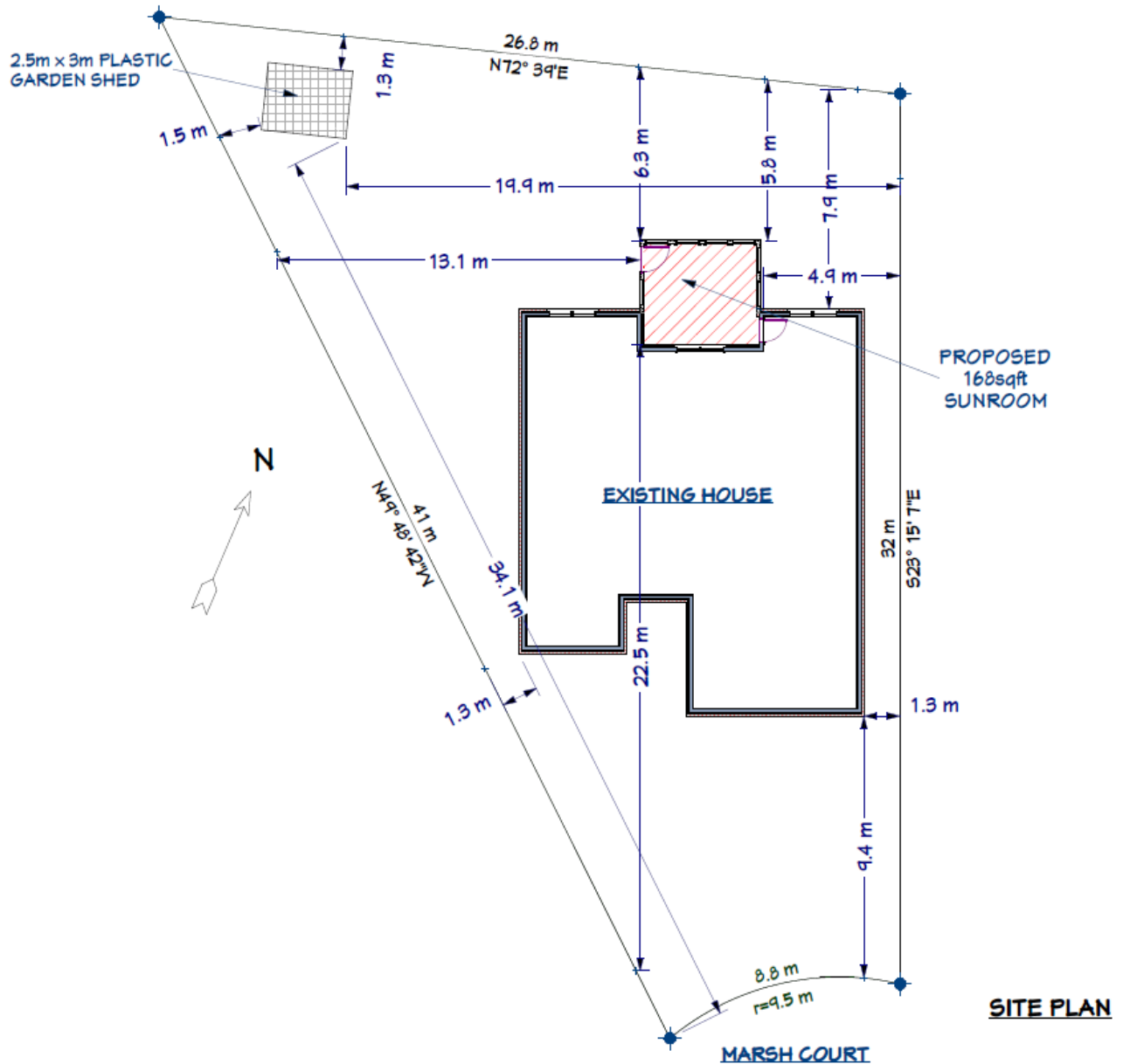
SITE PLAN

to

REPORT COA2018-039

FILE NO: D20-2018-027

Revised Site Plan



SITE PLAN

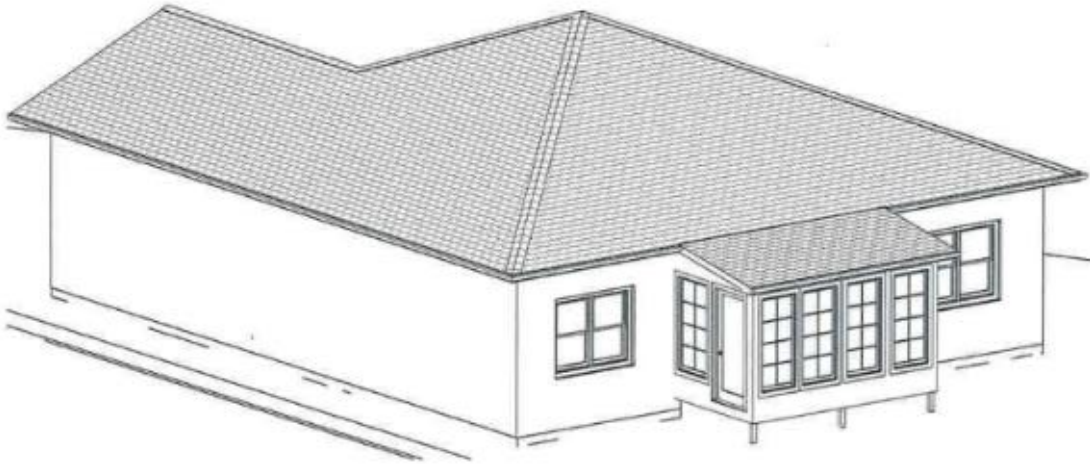
APPENDIX " E "

to

REPORT COA2018-039

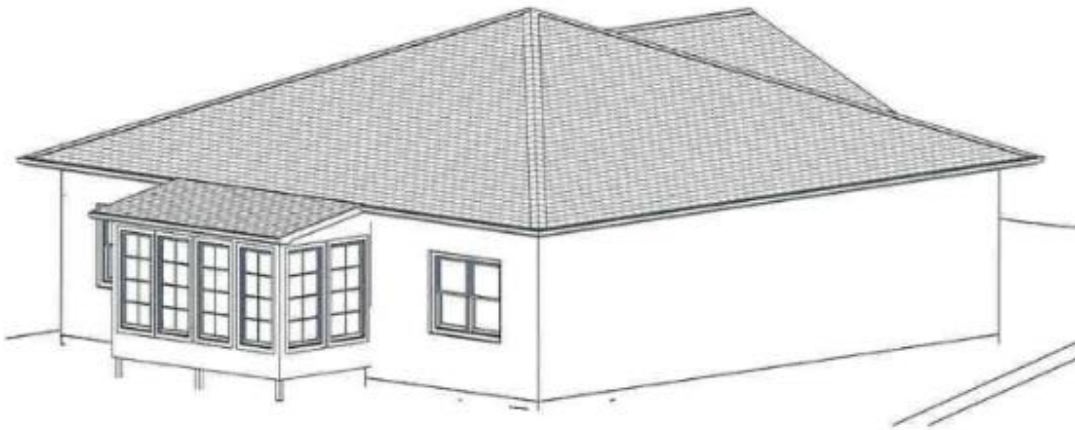
FILE NO: D20-2018-027

Original Rear Elevation (South Direction)



PERSPECTIVE LEFT

Original Rear Elevation (East Direction)



PERSPECTIVE RIGHT

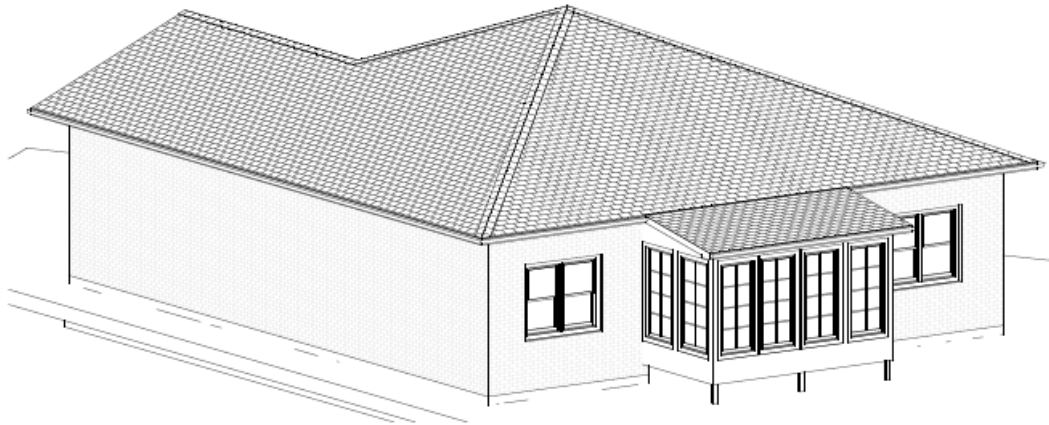
APPENDIX " F "

to

REPORT COA2018-039

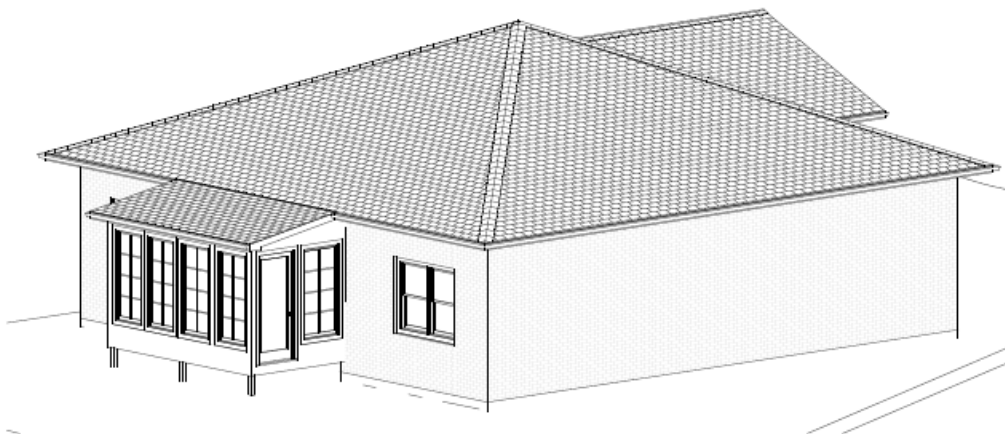
FILE NO: D20-2018-027

Revised Rear Elevation (South Direction)



PERSPECTIVE LEFT

Revised Rear Elevation (East Direction)



PERSPECTIVE RIGHT

Lydia Wong

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

APPENDIX " G "
to
REPORT COA2018-039
FILE NO: D20-2018-027

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

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





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

APPENDIX " G "
to
REPORT COA2018-039
FILE NO: D20-2018-027

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Christina Sisson, Supervisor Development Engineering
Jamie McKelvie, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Kirk Timms, Engineering Technician

DATE: July 10, 2018

RE: Application for Minor Variance/Permission - D20-2018-027
8 Marsh Court, Part Lot 35, Plan 57M748, former Town of Lindsay,
Ward 11, now in the City of Kawartha Lakes

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on July 6, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to request relief from the following provisions to reduce minimum rear yard setback from 7.5 meters to 5.8 meters.

Further to our review of the above noted application, Engineering confirms we have no objection to the proposed minor variance to consider relief under section 45(1) of the Planning Act, R.S.O, as amended, from the Town of Lindsay Zoning By-law 2000-75 to allow relief from Section 7.2(f) to reduce the minimum rear yard setback from 7.5 meters to 5.8 meters in order to permit construction of a sunroom as an addition to a house.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Read, Lawrence and Marian
Report Number COA2018-040

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Mariposa

Subject: An application to request relief to reduce the minimum front yard setback from 30 metres to 20 metres in order to construct a single detached dwelling on property located at 35 Rainbow Ridge Road, geographic Township of Mariposa (File D20-2018-028).

Author: Daniel Hahn, Student Planner

Signature:

Recommendations:

RESOLVED THAT Report COA2018-040 Lawrence and Marian Read, be received;

THAT minor variance application D20-2018-028 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 single detached dwelling related to this approval shall proceed in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-040, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property is a lot of record containing a single detached dwelling and a detached barn. This application was deemed complete May 22, 2018.

Proposal: To construct an approximately 445.93 square metre (4,800 square foot) single detached dwelling with an attached garage.

Owner: Lawrence and Marian Read

Applicant: Lawrence Read

Legal Description: East Part Lot 17, Concession B, geographic Township of Mariposa

Official Plan: “Prime Agricultural” – City of Kawartha Lakes Official Plan

Zone: “Agricultural (A1) Zone” and “Environmental Protection (EP) Zone” – Township of Mariposa Zoning By-law 6-87

Site Size: 6.35 hectares (15.69 acres) - MPAC

Site Servicing: Private individual septic and well systems

Existing Uses: Agricultural

Adjacent Uses: North: Agricultural
East: Agricultural and Residential
South: Residential
West: Scugog Lake

Rationale:

1) Are the variances minor in nature? Yes
And

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

The proposed relief seeks to recognize a single detached dwelling currently under construction. The variance was determined to be necessary during the course of a building inspection.

It was noted during the site visit that the property has two entry points: a gated entry located at the terminus of Rainbow Ridge and a second at the terminus of Oakdene Crescent. The properties along Rainbow Ridge Road are predominantly agricultural properties, whereas the properties along Oakdene Crescent are primarily waterfront or seasonal cottages. As such, the nature and appropriateness of the development must consider these two differing uses.

The 20 metre front yard is not anticipated to impact the function of the use on the property. The single detached dwelling sits on a large property and there remains ample space for drainage, maintenance, and the agricultural uses occurring on the property. The applicants have noted that their intent to continue to use the property for agricultural purposes, which is consistent with the surrounding uses along Rainbow Ridge Road.

Additionally, Staff have no concern regarding the impact of the building's massing near the Oakdene entrance way. The property's front yard is lined with mature trees and vegetation effectively masking the single detached dwelling from the public road. In fact, the property's heavy foresting is in keeping with the character of the area. The the front yard relief is not anticipated to disturb neighbouring cottage properties along Oakdene.

As such, the request for relief from the 30 metre front yard setback is both minor and an appropriate use of the land.

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

The Mariposa Zoning By-law requires a 30 metre front yard setback for any building or structure in an "Agricultural (A1) Zone." The intent of this provision is to ensure a single detached dwelling and/or buildings accessory to an agricultural use are set back far enough from a public road to accommodate larger farming operations, implement sheds, and to locate potentially incompatible scents and sounds at times present on agricultural properties away from the road and adjacent properties.

The entranceway at Oakdene Crescent is of particular interest insofar as the 20 metre setback could be seen as placing an agricultural use too close to residential uses. It is worth noting that the single detached dwelling on the Subject Property is setback nearly three times more than the neighbouring residential lots zoned Rural Residential Type Three (RR3), for which the Mariposa Zoning By-law requires a front yard setback of 7.5 metres. This, in addition to the heavy vegetation along the front lot line, is not expected to create any adverse impacts on the RR3 zone.

The Subject Property also contains an implement shed for the storing of agricultural tools and machinery. It is located in the rear yard of the property at a distance greater than 30 metres from the front yard. Therefore, staff are satisfied that the agricultural functions are setback well away from the residential uses on Oakdene Crescent and will bear no adverse affects on the nearby residential uses.

Moreover, it is not out of character for a residential property to be located in close proximity to agricultural uses. In the Township of Mariposa, it is common to see a property zoned RR3 abutting or across from an agricultural property. A survey of the area shows the residential units, primarily cottages back on to

Lake Scugog, were developed within close range to agricultural uses (see Appendix B).

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

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

Yes

The property is designated “Prime Agricultural” in the City of Kawartha Lakes Official Plan.

Section 15.3.1 of the Official Plan permits a single detached dwelling in the “Prime Agricultural” designation if it is accessory to an agricultural, agricultural-related, or agri-business use.

Section 15.3.2. outline’s the City of Kawartha Lakes’ desire to preserve prime agricultural lands for these uses. As such, the non-agricultural use (in this case the dwelling) should not adversely impact the continued use of the land for agricultural purposes.

Schedule B-2 of the Official Plan recognizes a Significant Woodland on the Subject Property. Section 3.5.18. permits development and site alteration in or within 120 metres so long as it can be demonstrated that there will be no negative impacts on the natural heritage features. The applicant has retained a significant portion of the woodland and has expressed a strong desire to keep it in good health; so much so that it was noted in the application that locating the single detached dwelling 10 metres deeper in the front yard would require significant tree cutting, therefore leading to negative impacts on the woodlands. As such, development has been directed away from the noted natural heritage features.

Additionally, Schedule B-2 of the Official Plan recognizes both a Locally Significant Wetland and a small portion designated as Unevaluated Wetland. Staff are satisfied that the location of single detached dwelling will not negatively impact the features or functions of the wetland. Furthermore, Kawartha Region Conservation Authority has issued a permit to the applicant and voiced no concern for any adverse impacts on the wetland (see Appendix E).

Therefore, the variances proposed by the applicant are in keeping with the policies of the Official Plan.

Other Alternatives Considered:

The applicant was notified of the need to submit an application for a minor variance during the building inspection period. Since the single detached dwelling is currently under construction, no other alternatives have been considered.

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:

Kawartha Region Conservation Authority (KRCA - July 5, 2018): No objection. See Appendix E.

Engineering and Corporate Assets Department (July 10, 2018). No objection. See Appendix E.

Building Division (July 6, 2018): No concerns. See Appendix E

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-040

Appendix "A" – Location map

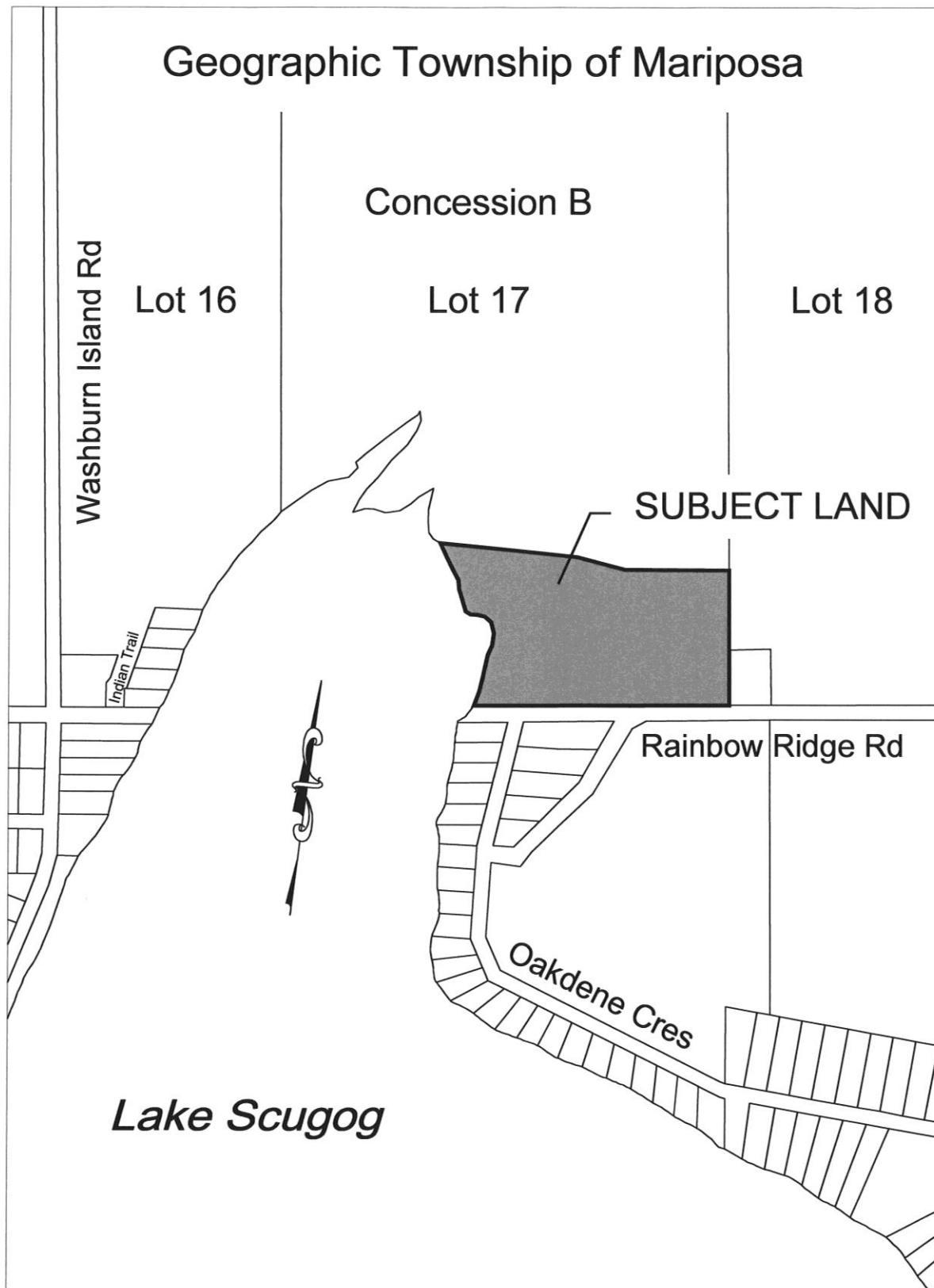
Appendix "B" – Air photo

Appendix "C" – Applicant's sketch

Appendix "D" - Elevations

Appendix "E" – Department and Agency comments

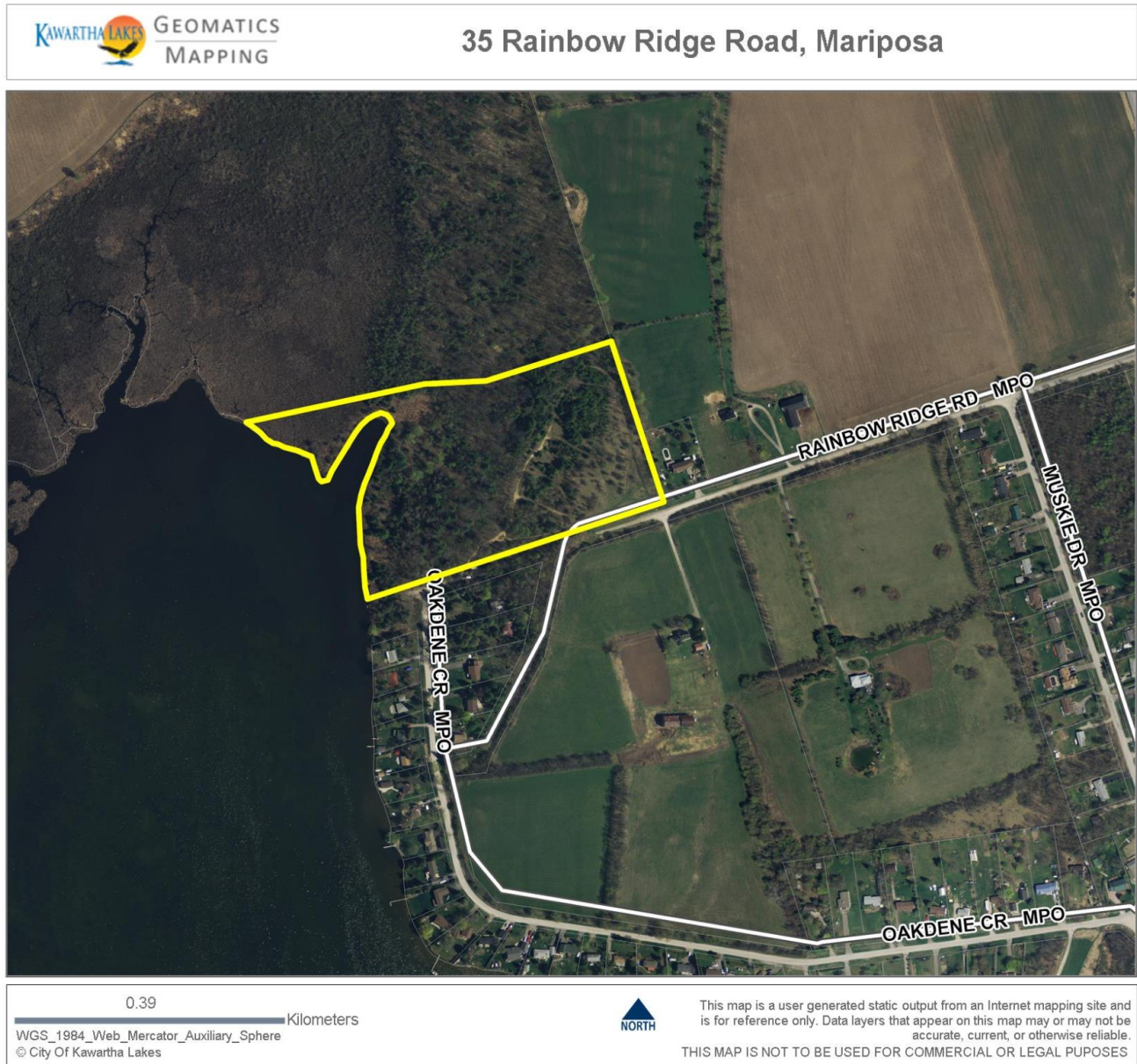
Phone:	705-324-9411 ext. 1884
E-Mail:	dhahn@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-028

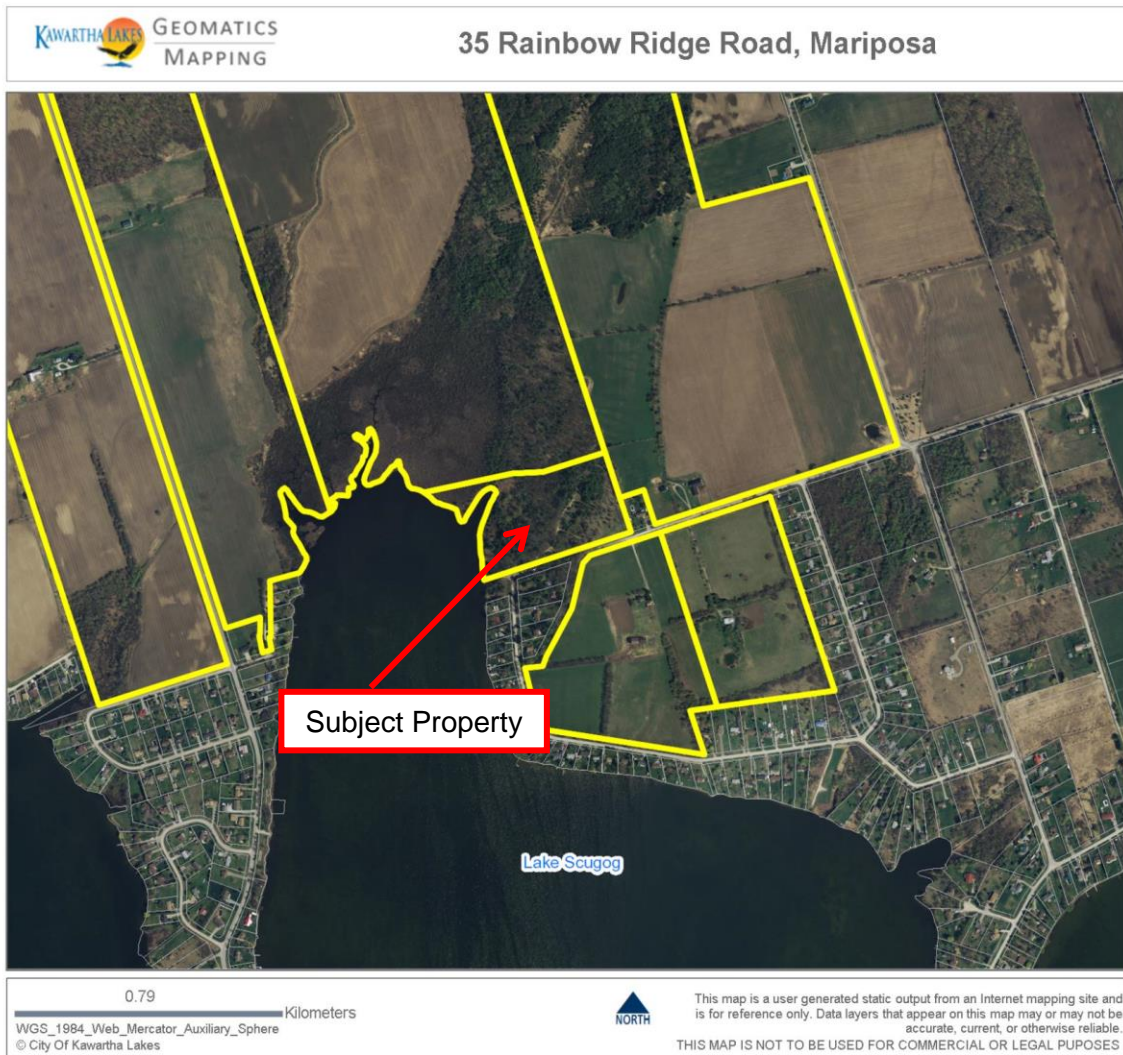


to

REPORT COA2018-040

FILE NO: D20-2018-028





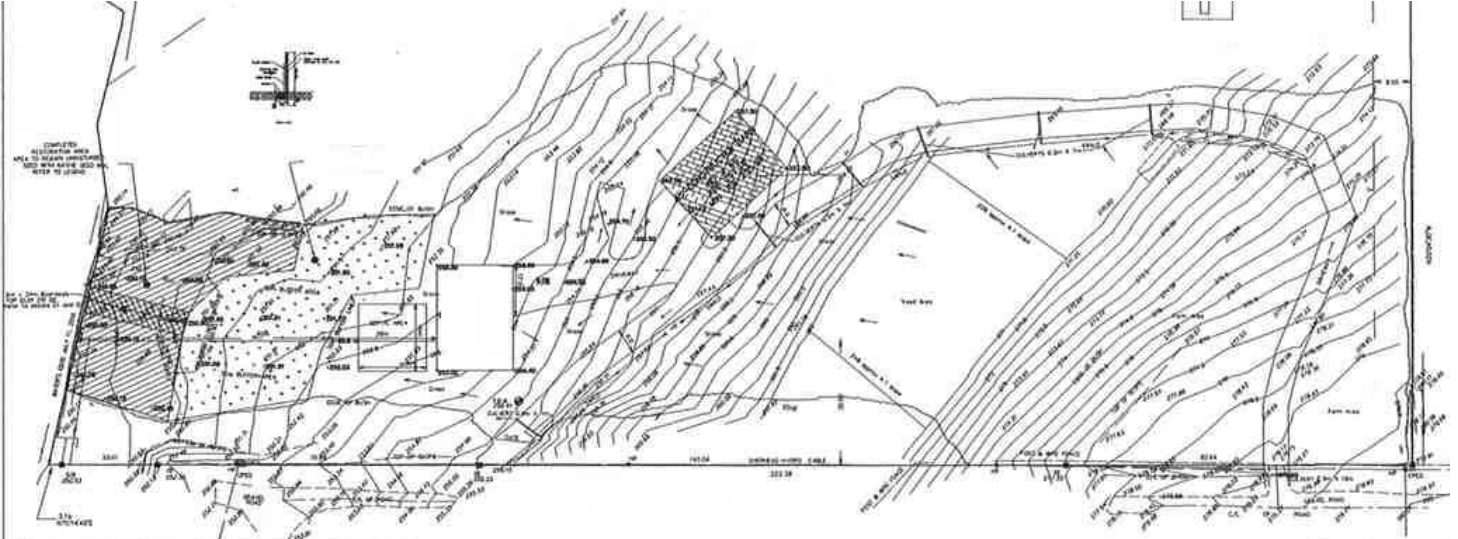
Agricultural properties are highlighted in yellow.

to

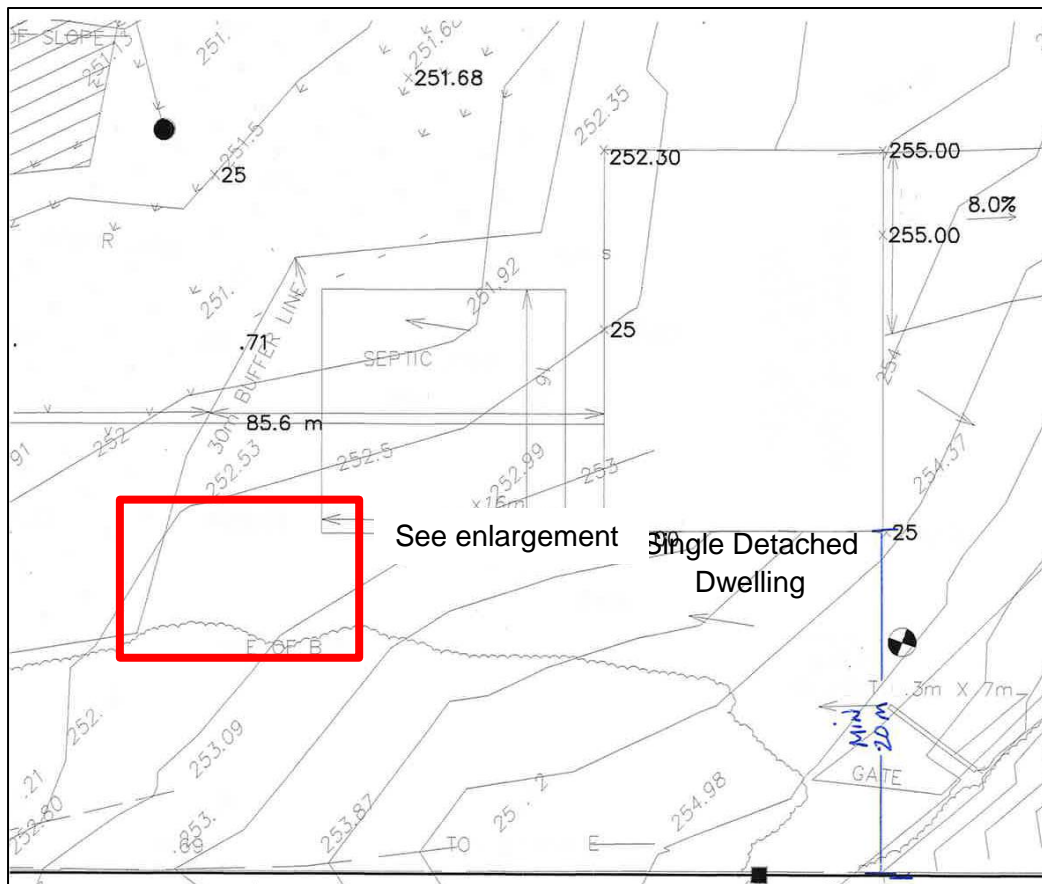
REPORT COA2018-040

FILE NO: D20-2018-028

Site Plan



Site Plan Enlargement

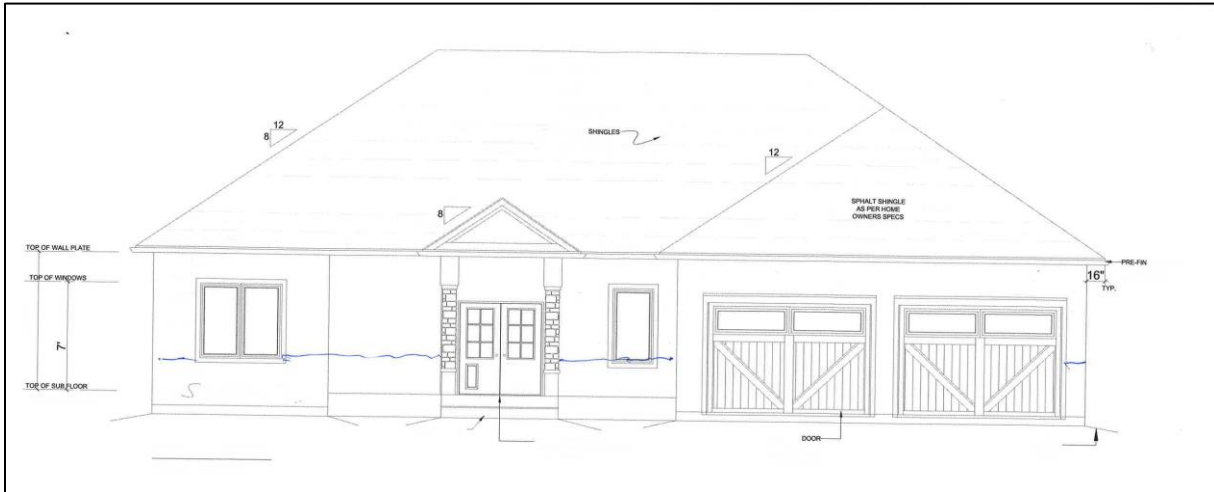


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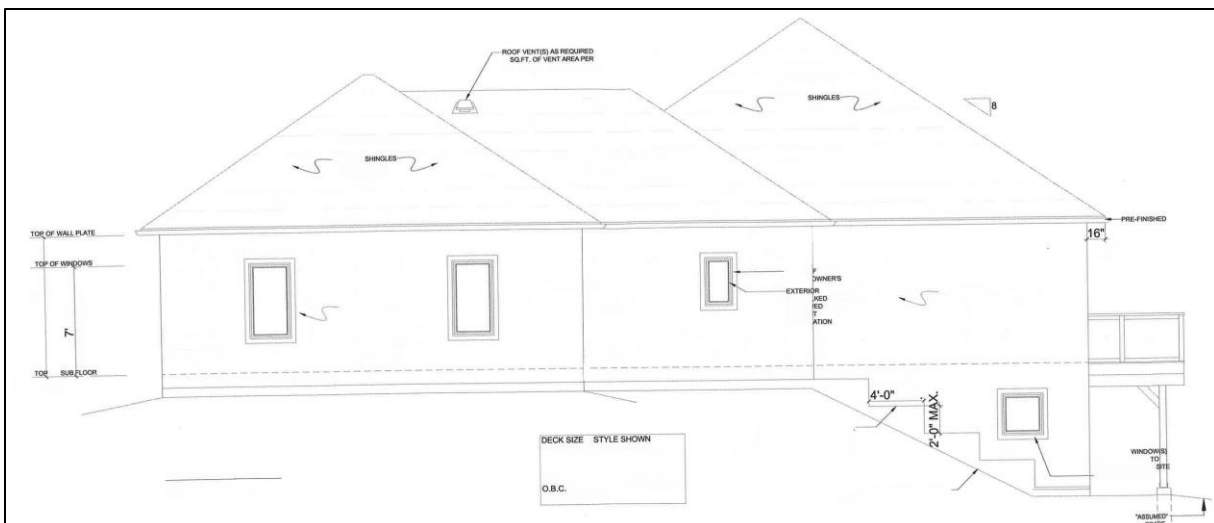
REPORT COA2018-040

FILE NO: D20-2018-028

Front Elevation (East Side)



Right Elevation (North Side)



to

REPORT COA2018-040

FILE NO: D20-2018-028

Rear Elevation (West Side)



to

REPORT COA2018-040FILE NO: D20-2018-028

July 05, 2018
KRCA File No 16423

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
Larry & Marian Read
35 Rainbow Ridge Road
Geographic Township of Mariposa
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.

Based on considerations for natural heritage, natural hazards and water quality and quantity protection policies it is the opinion of the KRCA that the proposed development is located within an area that should not cause interference or significant impact to the ecological or hydrological functions of the Natural Heritage features, or increased risk to persons or property due to Natural Hazards, on the property or surrounding areas. Therefore, KRCA has no objections to the approval of this application at this time.

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 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

cc: Ron Warne, Director of Planning, KRCA
rwarne@kawarthaconservation.com

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 Sougog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Caven Monaghan



to

REPORT COA2018-040FILE NO: D20-2018-028

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

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Christina Sisson, Supervisor Development Engineering
Jamie McKelvie, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Kirk Timms, Engineering Technician

DATE: July 10, 2018

RE: Application for Minor Variance/Permission - D20-2018-028
35 Rainbow Ridge, East Part Lot 17, Concession B, geographic
Township of Mariposa, Ward 8, now in the City of Kawartha
Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on July 6, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to request relief from the following provisions to permit front yard setback from 30 meters to 20 meters.

Further to our review of the above noted application, Engineering confirms we have no objection to the proposed minor variance to consider relief under section 45(1) of the Planning Act, R.S.O. as amended, from the Township of Mariposa Zoning By-law 94-07 to reduce the minimum front yard setback from 30 meters to 20 meters to permit the construction of a single detached dwelling.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

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

to

REPORT COA2018-040

FILE NO: D20-2018-028

Daniel Hahn

From: Lydia Wong
Sent: Monday, July 09, 2018 2:40 PM
To: Daniel Hahn
Subject: FW: Minor Variance applications

From: Deryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Deryk 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 – A. Lean and M. Norris
Report Number COA2018-041

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 14 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 3.1.3.2 to increase the maximum height for an accessory building from 5 metres to 5.1 metres in order permit the construction of a detached garage.

The property is located at 65 Fox Road, geographic Township of Emily (File D20-2018-029).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-041 Adam Lean and Marsha Norris, be received;

THAT minor variance application D20-2018-029 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the accessory garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix “D” submitted as part of Report COA2018-041, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the applicant acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 3) **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 COA2018-041
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background: The parking garage which is already installed on the property is proposed to be recognized through this minor variance application. Information obtained from the applicant suggests that there was a discrepancy in the benchmark for the height measurement between pre-build and final-build. The height measurement was taken from above the 8-inch concrete base slab, instead of from ground-up. This application was deemed complete March 20, 2018.

Proposal: To recognize an approximately 82.18 square metre (959.57 square foot) detached garage.

Owner: Adam Lean and Marsha Norris

Applicant: Adam Lean and Marsha Norris

Legal Description: Concession 6, Part Lot 4, geographic Township of Emily , City of Kawartha Lakes

Official Plan: Prime Agricultural - City of Kawartha Lakes Official Plan

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

Site Size: 0.95 acres (3,844.51 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Agricultural
East: Agricultural
South: Agricultural
West: Agricultural

Rationale:

1) Is the variance minor in nature? Yes

And

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

Although the parking garage appears to be taller than the residential dwelling on the property, it is located further back from the front lot line than the house. As a result, the massing impact is reasonably undiscernible as the setback location of the garage ensures that the scale is not pronounced thereby reinforcing the subordinateness of the accessory structure to the house.

The fact that the subject property is located in a rural area, and surrounded by Agricultural use lands on all sides ensures that no land use compatibility issues will arise as the extensive distance between the proposed garage and the residential dwellings or accessory structures on these farmlands limits any perceptible visual impact at human scale. Observations from the site visit also revealed that the general rural character of the area have similar configuration of accessory garage sizes.

The location and footprint of the proposed garage ensures sufficient separation distance from the house, and that adequate amenity space remains to enable the functioning of the front yard, the easterly side yard, and the rear yard respectively.

Based on this, the height 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

Within the Agricultural (A1) Zone, existing lots of record one (1) hectare or less in size are subject to the Rural Residential Type One (RR1) Zone provisions. An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the RR1 Zone.

Overall, the proposed increased height of 0.1 metres over the maximum permitted height of 5 metres (16.4 feet) is considered to be minimal. In all other respects, the garage complies with the Zoning By-law provisions for accessory buildings as it would be maintaining a combined area below the maximum 225 square metres at 116 square metres, and a lot coverage below the 8% maximum permitted at 3% for the total accessory buildings on the property.

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

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

The property is designated Prime Agricultural in the City of Kawartha Lakes Official Plan. An accessory structure is contemplated as secondary use on the property.

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

Other Alternatives Considered:

None.

Servicing Comments:

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

Consultations:

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

Agency Comments:

Building Division – Building Inspection/Plans Examiner (July 6, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-041

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: D20-2018-029

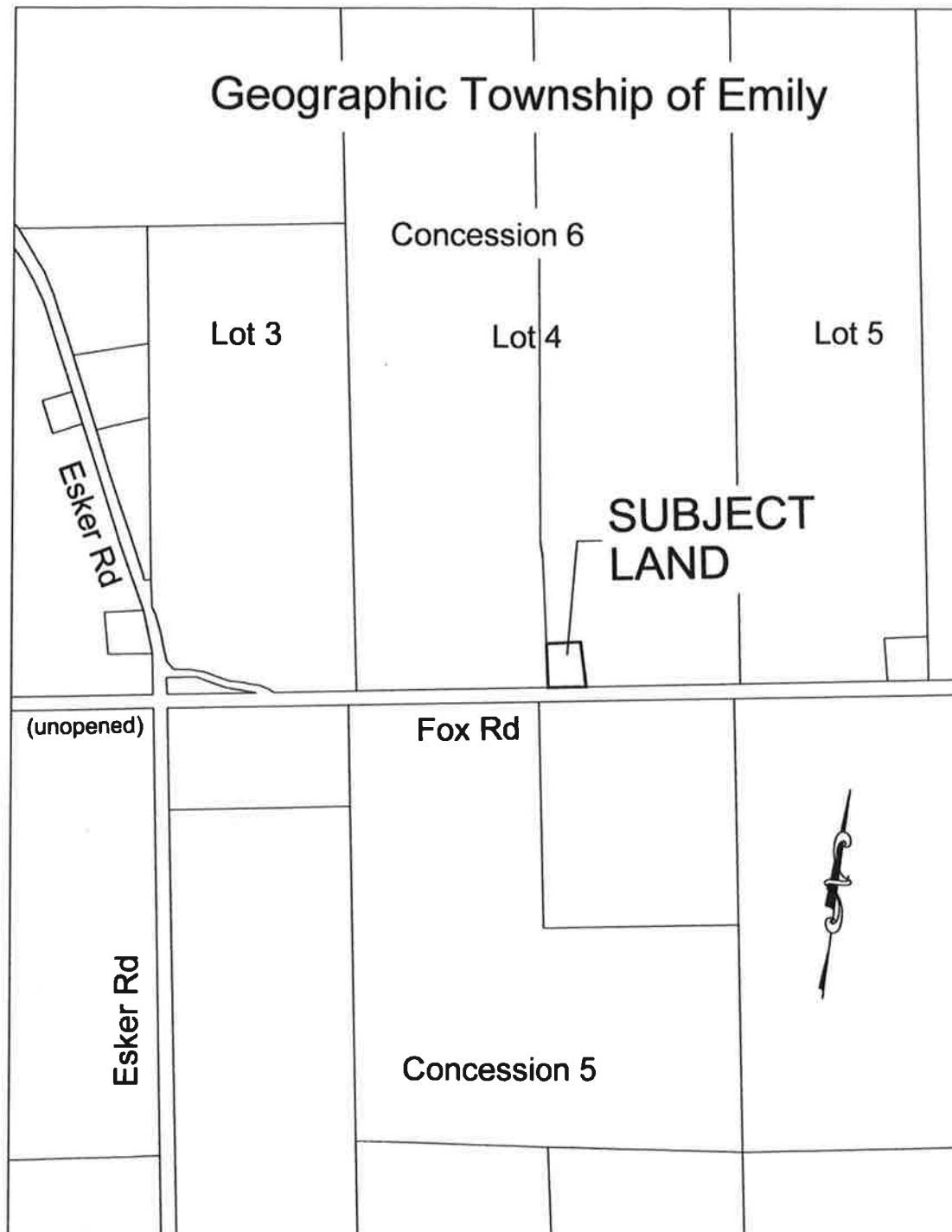
APPENDIX: A

to

REPORT COA2018-041

FILE NO: D20-2018-029

D20-2018-029



APPENDIX: B

to

REPORT COA2018-041

FILE NO: D20-2018-029

65 Fox Road, Geographic Township of Emily

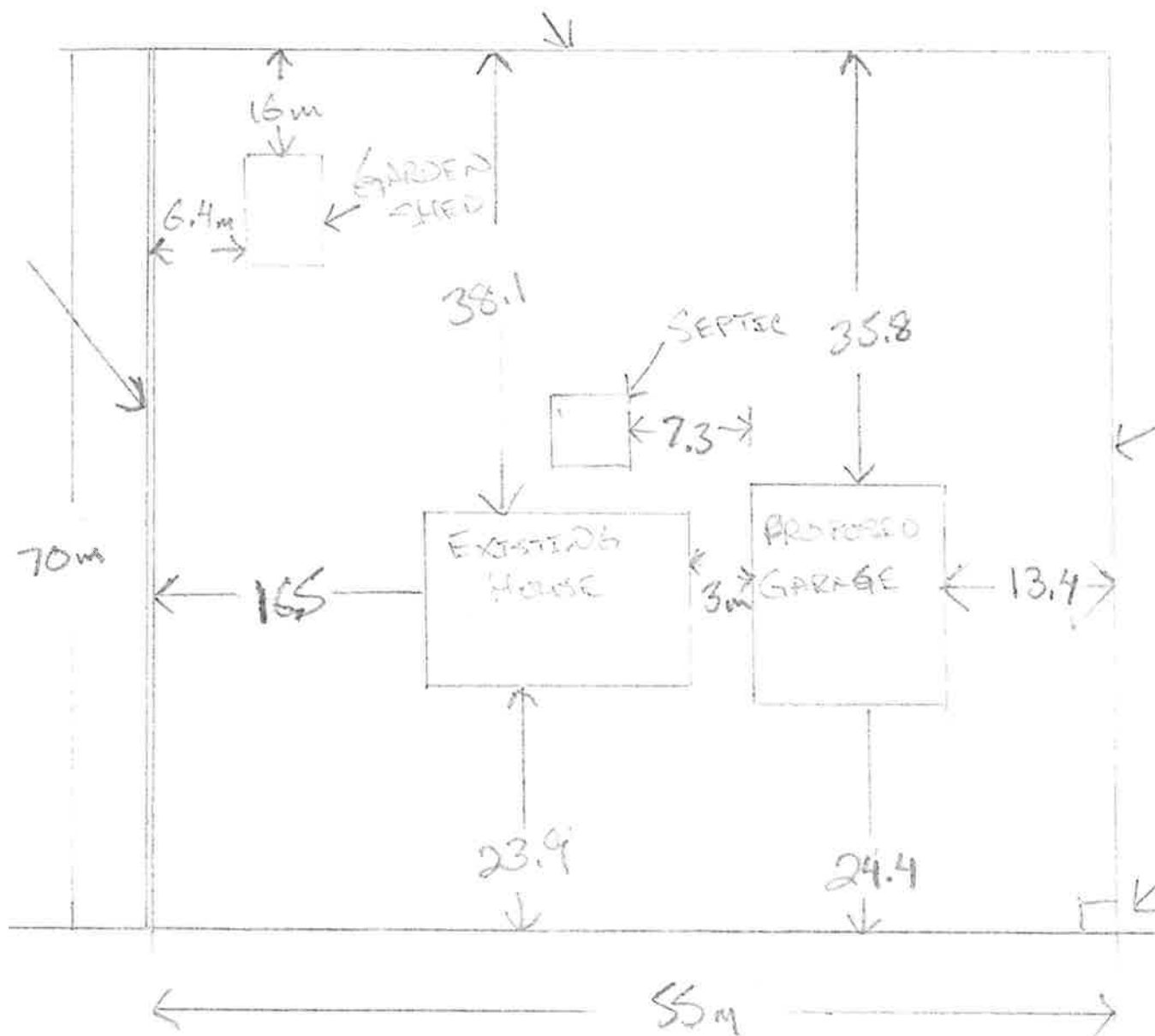


APPENDIX: C

to

REPORT COA2018-041

FILE NO: D20-2018-029



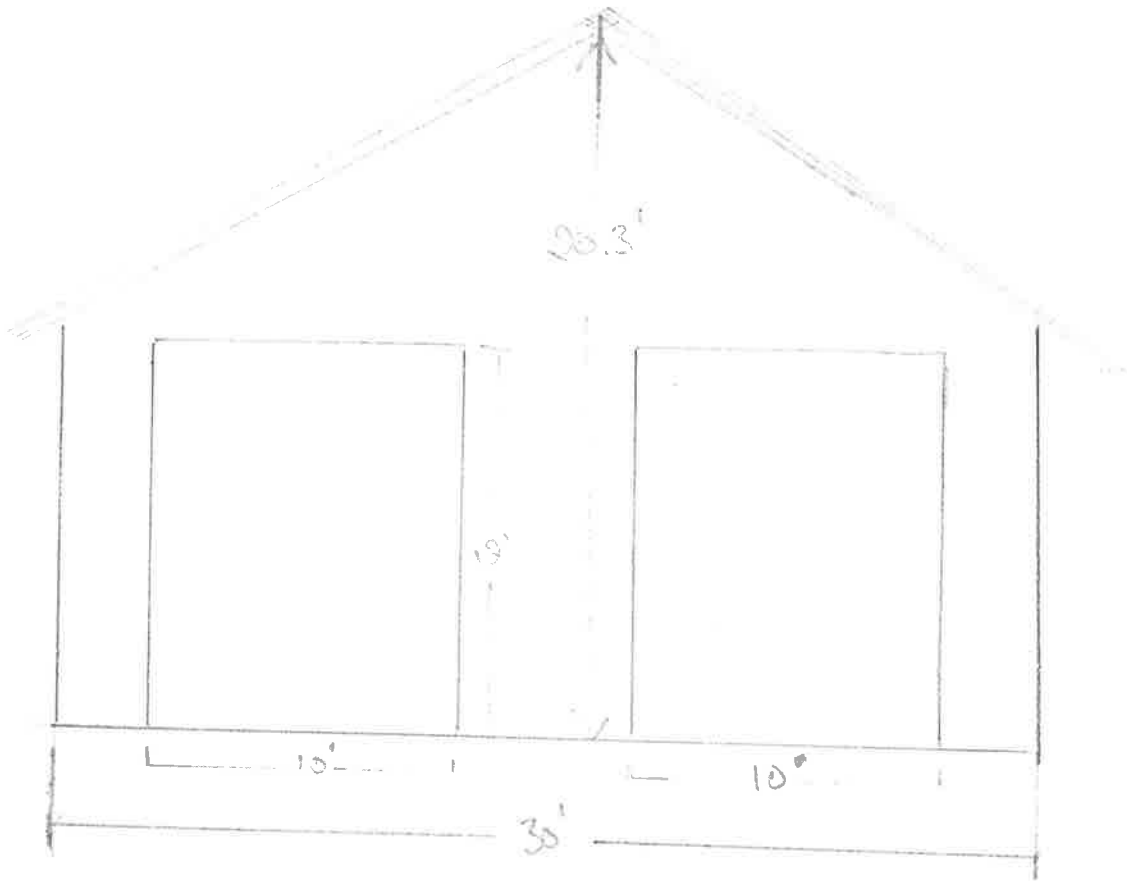
APPENDIX : D

to

REPORT COA2018-041

FILE NO: D20-2018-029

Elevation Drawings



Quadri Adebayo

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Knaz, Joanna and Andrzej
Report Number COA2018-042

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 6 – Geographic Township of Fenelon

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

Addition to Residential Dwelling/Attached Garage

1. Section 15.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 1.2 metres; and
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 10 metres.

Accessory Buildings

3. Section 3.1.3.3 to permit four (4) accessory buildings, where a maximum of three (3) is permitted in a residential zone.

The property is located at 92 Lambs Lane, geographic Township of Fenelon (File D20-2018-031).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-042 Joanna and Andrzej Knaz, be received;

THAT minor variance application D20-2018-031 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 detached residential 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 COA2018-042, 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** 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;
- 3) **THAT** prior to the issuance of a building permit for the proposed dwelling, the wooden shed located in northerly interior side yard be relocated on the property in the southerly interior side yard in a compliant manner at a minimum setback of 1.2 metres from the southerly side lot line. The wooden shed shall also be located between the storage shed and the front yard abutting the private right-of-way (Lambs Lane) at a minimum spatial separation distance of 1.2 metres from the existing storage shed in the southerly interior side yard; and
- 4) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The property is a lot of record containing a two-storey detached house, a detached garage, a boathouse, an accessory frame cottage/bunkie (built circa 1950 - MPAC), a storage shed, and a wood shed respectively. The application proposes a two-storey living space addition that will facilitate the joining of the detached house and the detached garage into one building unit, resulting in a larger and reconfigured building footprint. This application was deemed complete June 20, 2018.
Proposal:	To construct an approximately 278.36 square metre (2,995.15 square foot) two-storey residential dwelling with an attached garage.
Owner:	Joanne and Andrzej Knaz
Applicant:	Joanne Knaz
Legal Description:	Part Lot 30 & 31, RP 57R-7800, Parts 1 to 3, geographic Township of Fenelon, City of Kawartha Lakes
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone – Township of Fenelon Zoning By-law 12-95

Site Size: 1.72 acres (6,913.92 square metres)

Site Servicing: Private individual septic and lake water systems

Existing Uses: Residential

Adjacent Uses: North: Residential
East: Agricultural
South: Residential
West: Balsam Lake

Rationale:

1) Are the variances minor in nature? Yes
And

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

(i) Addition to Residential Dwelling/Attached Garage:

The interior side yard relief requested for the proposed addition is not anticipated to impact the function of the yard, as sufficient space will remain between the proposed structure and the northerly interior side lot line for maintenance and drainage purposes. Notwithstanding the fact that the addition will be blocking off the existing 6.7 metres amenity space access to the water on the northerly side yard, the southerly side yard space compensates for this with an 8.6 metres amenity space. The relocation of the existing woodshed away from the proposed location for the addition would also enhance the functioning of the northerly interior side yard accordingly.

Regarding the relief for the reduced water setback, it is considered an improvement because the rear of the building boundary for the proposed addition appears to be further back at 10 metres than the 9.14 metres water setback established by the existing detached dwelling on the property. There is also sufficient vegetation between the proposed location of the addition and the shoreline that functions as naturalization space to retain and infiltrate surface water run-off before discharging it into the abutting water body. As such, no negative land use impacts are anticipated.

In terms of scale, the proposed massing of the increased dwelling size is not anticipated to present a negative visual impact as it will be screened off by vegetation from the abutting neighbouring property to the north, and the shoreline respectively.

(ii) Accessory Buildings:

Although the conversion of the existing detached garage counts towards the reduction in the number of accessory buildings on the property from five (5) to four (4), the removal of the wooden shed which is in the current location of the proposed building addition area is a perfect candidate for removal to achieve a compliance by a further reduction in the number of accessory buildings to the maximum three (3) permitted in the By-law.

However, discussions with the applicant substantiated with observation from site visit revealed that a removal of the wooden shed from the property may cause the owner undue hardship as the structural feature of the existing house appears to be an uninsulated type that requires heating in cold weathers. As such it will be appropriate to relocate the wooden shed to the southern interior side yard for easy access to firewood when needed. The suggested location also ensures that the wooden shed is indiscernible at human scale as it will be adequately screened by vegetation, and that any potential negative accessory use impacts are mitigated. This is also enabled by the existing accessory cottage/bunkie location behind a heavily treed vegetation.

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

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

(i) Addition to Residential Dwelling/Attached Garage:

The 5 metre water setback reductions from the 15 metres required, and the 1.1 metre interior side yard reduction, proposed for the building addition, if granted, is not anticipated to be perceptible. Sufficient space remains within the said yards to facilitate access to the rear yard. The proposed woodshed relocation in conjunction with conditions 2, and 3, will also ensure compliance with water setback requirements.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 2.16% from a possible 30% maximum, a 7.92 metre building height from a possible 11 metre maximum, and a compliant southerly interior side yard and front yard than the minimum required, the applicant has reasonably demonstrated that it is possible to develop the lot through theses requested variances.

(ii) Accessory Buildings:

An accessory structure is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the Limited Service Residential (LSR) Zone. Overall, none of the four (4) accessory buildings is being proposed to be above the maximum permitted height of 5 metres (16.4 feet).

Section 15.2 in conjunction with Section 3.1 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. The total lot coverage for accessory uses is 2.42%, where 8% maximum is permitted; while the total lot area for accessory uses is below the maximum permitted 225 square metres at 167.73 square metres.

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.

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

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

Yes

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

The proposal follows the Official Plan policy regarding density and massing in the Waterfront designation as it will presumably blend with the natural surroundings whilst providing an opportunity to retain the naturalization space between the rear of the building and the water's edge as reasonably possible.

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

Other Alternatives Considered:

None.

Servicing Comments:

The property is serviced by water drawn from the lake and a private 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/Plans Examiner (July 6, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:

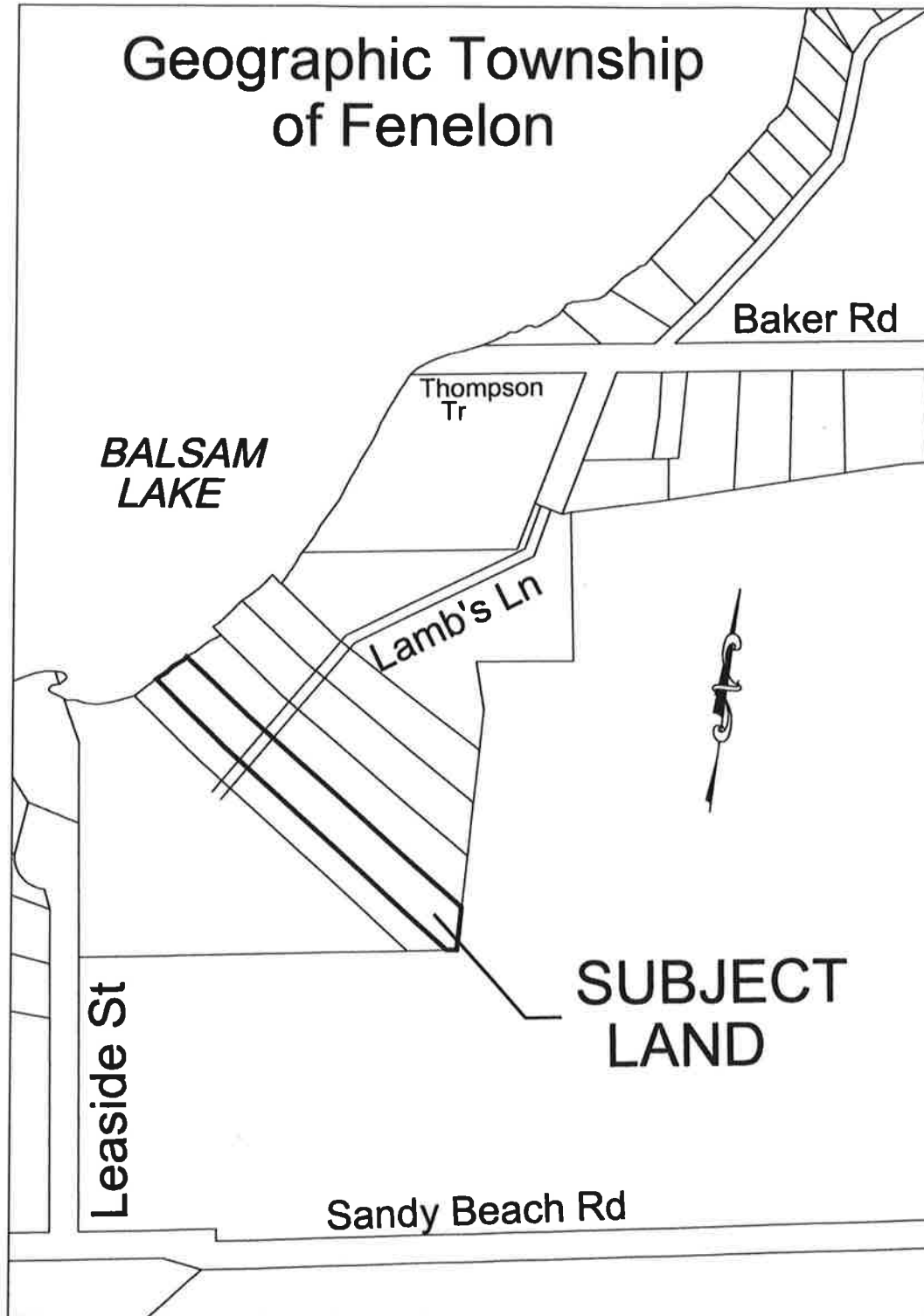


Appendices A-E to
Report COA2018-042

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:	D20-2018-031

D20-2018-031



APPENDIX: B

to

REPORT COA2018-042

FILE NO: D20-2018-031

92 Lambs Lane, Geographic Township of Fenelon



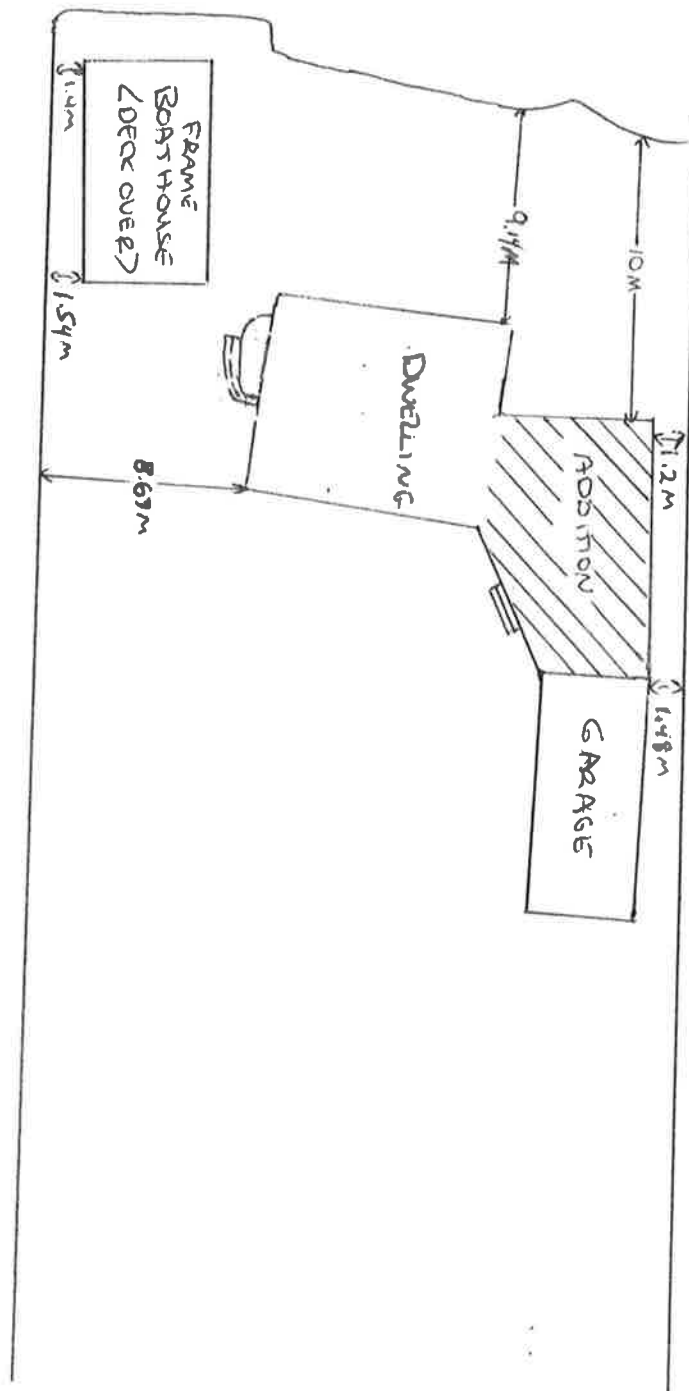
APPENDIX: C

to

REPORT COA2018-042

FILE NO: D20-2018-031

BALSAM
LAKE



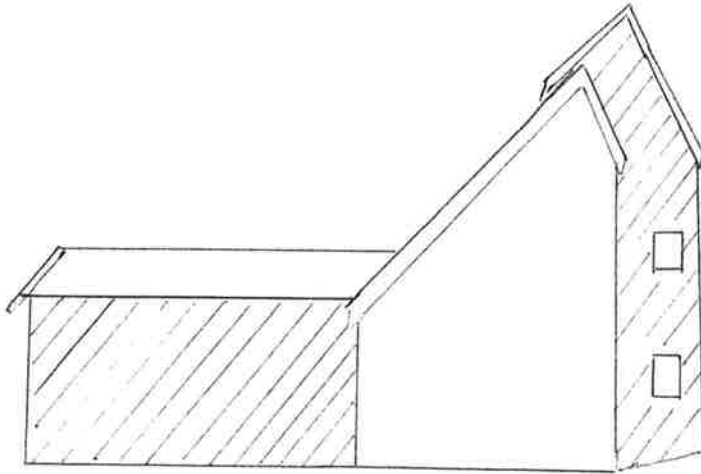
APPENDIX : D


to


REPORT COA2018-042

FILE NO: D20-2018-031

Elevation Drawings

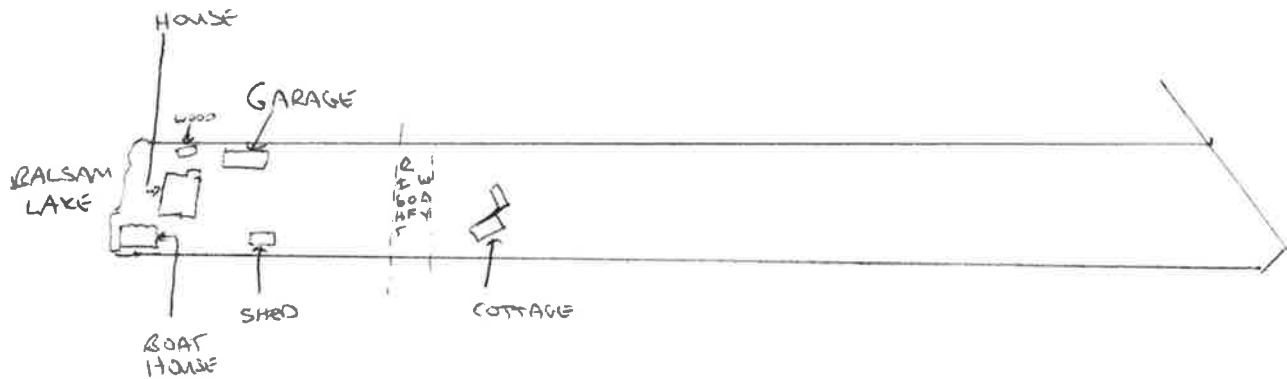


 PROPOSED

 EXISTING

Side View

Property Overview



EXISTING OVERVIEW

Quadri Adebayo

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bates
Report Number COA2018-043

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 10 – Former Town of Lindsay

Subject: The purpose and effect is to reduce the minimum rear yard setback from 7.5 metres to 6.5 metres and increase the maximum lot coverage from 40% to 41% in order to permit the construction of a sunroom and deck with stairs.

The property is located at 18 Ellis Crescent, former Town of Lindsay (File D20-2018-032).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-043 Bates, be received;

THAT minor variance application D20-2018-032 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 and deck with stairs 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 COA2018-043, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-043
Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

Proposal:	To construct an approximately 13.38 square metre (144 square foot) sunroom with stairs and deck (landing).
Owner:	William and Karen Bates
Applicant:	Christine Patterson – Lifestyle Sunrooms Inc.
Legal Description:	Lot 9, Plan 57M-782, former Town of Lindsay, City of Kawartha Lakes
Official Plan:	Residential – Town of Lindsay Official Plan
Zone:	Residential Three Special Two (R3-S2) Zone – Town of Lindsay Zoning By-law 2000-75
Site Size:	504.14 square metres (5,426.5 square feet)
Site Servicing:	Water, sanitary sewer and storm water sewer systems
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: Residential South: Residential West: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

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

The proposal will replace the footprint of an existing deck with a sunroom. A small landing along with stairs is proposed to the west to provide access to the rear yard from the house. There will be no reduction to the landscaped open space within the rear yard as the sunroom will be upon the deck's old footprint. While the sunroom is considered an extension of the dwelling, it is a seasonal space. As such, it will maintain a function similar to that of the existing uncovered deck. It is anticipated that as a sheltered amenity space, it may be used more often, increasing the use of this portion of the dwelling.

As the majority of the eastern sunroom wall is proposed to be made of solid metal/vinyl rather than glass panels, privacy between the sunroom's occupants and the dwelling to the east, 20 Ellis Crescent, will be maintained.

The 1% (5 square metre) increase in lot coverage is not anticipated to be perceptible.

Therefore, the variances are considered minor in nature and desirable and appropriate for the use of the land.

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

Yes

The property is zoned Residential Three Special Two (R3-S2) Zone within the Town of Lindsay Zoning By-law 2000-75. The intent of the rear yard setback is to maintain adequate vegetated rear yard amenity space for recreational and storm water infiltration purposes and to provide a buffer space between rear yards that are directly across from one another to avoid adverse land use conflicts such as massing and privacy. The dwelling on the lot to the north, 55 Parkside Drive, is located some distance to the northeast of the rear lot line of the subject property. No adverse land use conflicts are anticipated between the two lots due to the spatial separation between the two dwellings.

The sunroom is not proposed within the storm water easements along the rear and western interior side lot lines.

As the footprint of the sunroom is small in relation to the remainder of the rear yard, and the footprint is already occupied by a deck, there is no perceptible loss to the area of rear yard amenity space.

Therefore, the variances are in keeping with the general intent and purpose of the zoning by-law.

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

Yes

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan applies. The Official Plan permits a wide variety of residential uses.

The variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No alternatives have been examined at this time.

Servicing Comments:

The property is serviced by full municipal services.

Consultations:

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

Agency Comments:

Building Division – (July 6, 2018): No concerns.

Engineering and Corporate Assets Department (July 11, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-043.

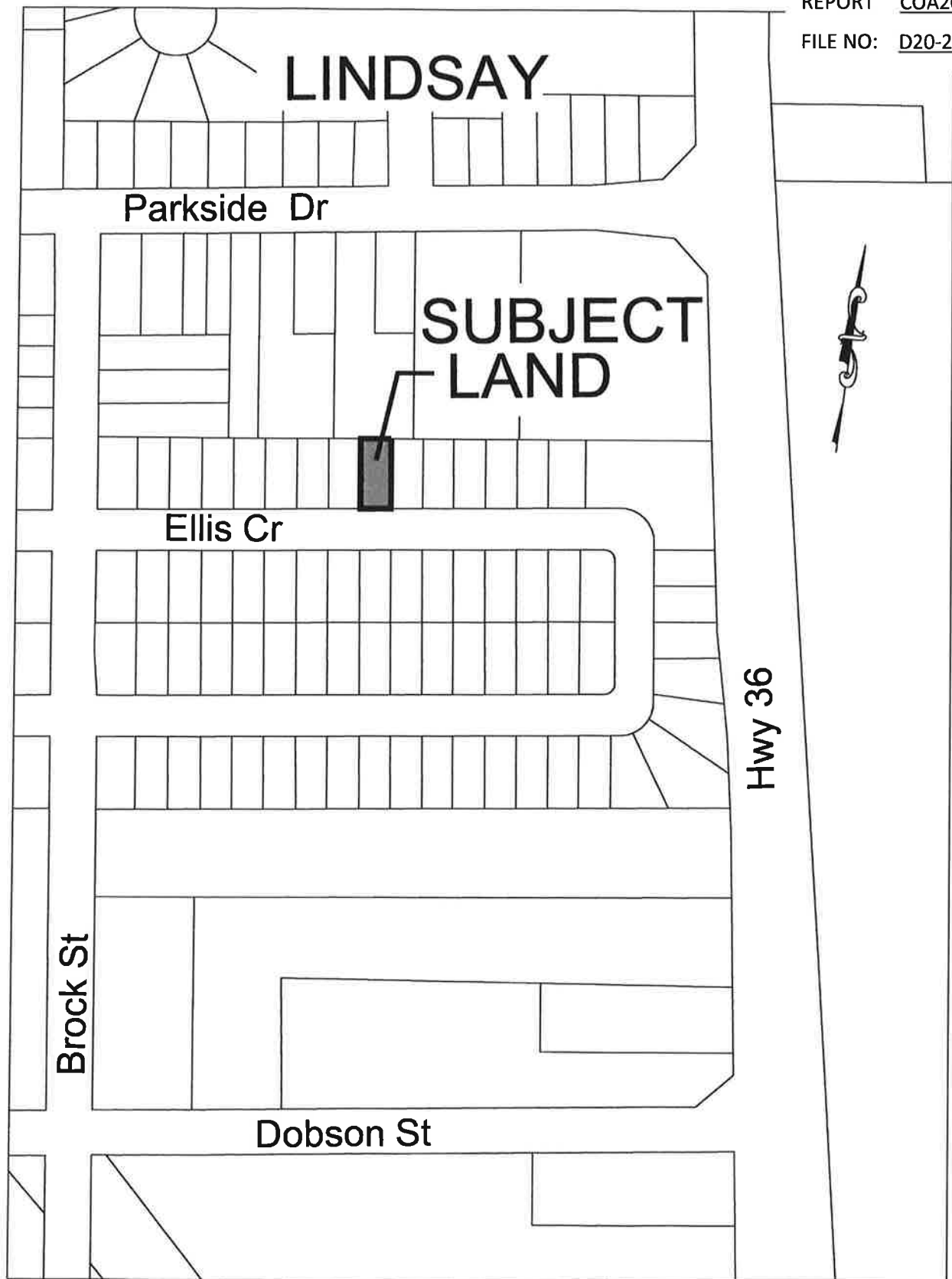
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevations
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-032

to

REPORT COA2018-043

FILE NO: D20-2018-032



18 Ellis Crescent, former Town of Lindsay

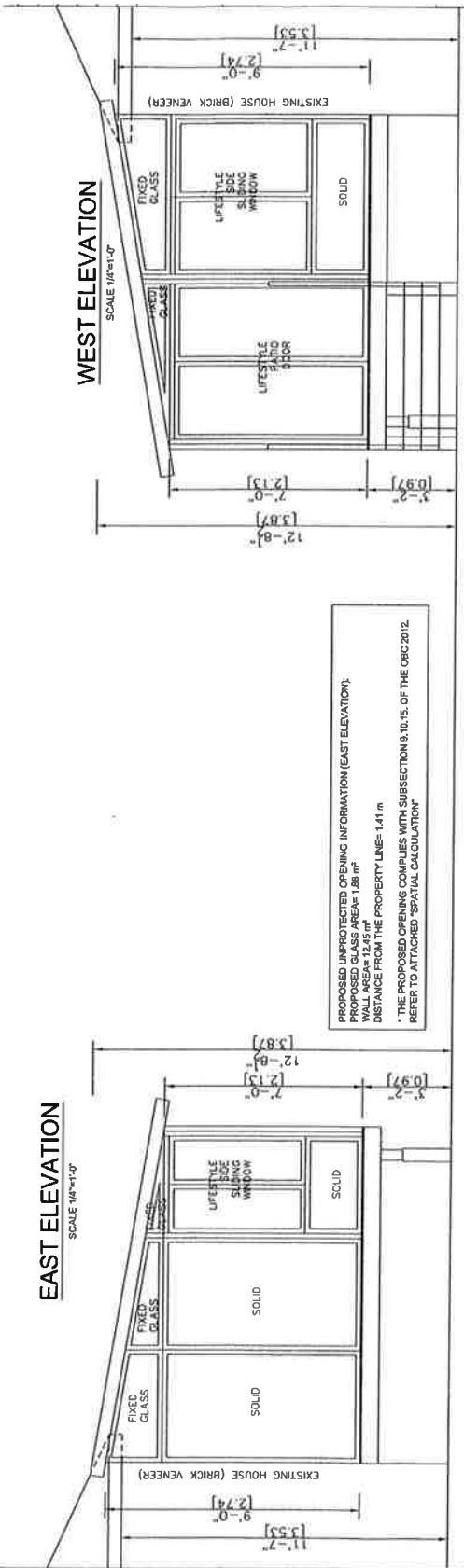
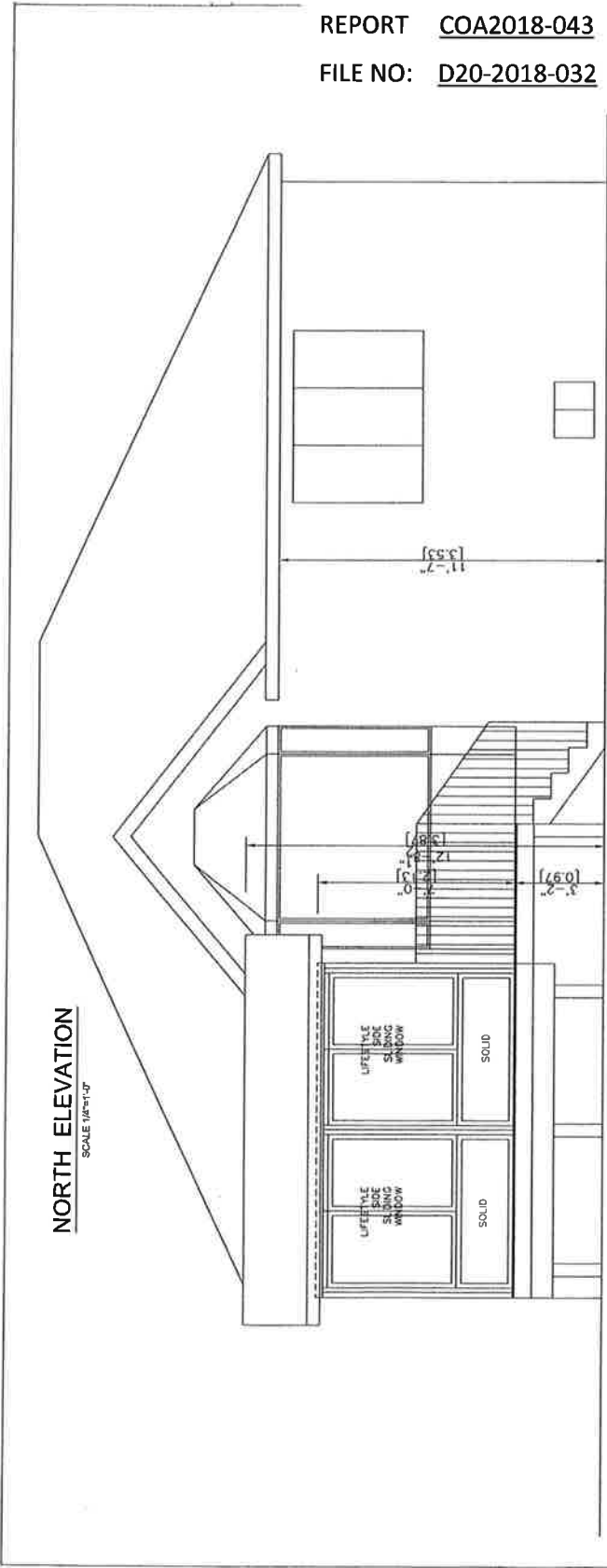


APPENDIX “ D ”

to

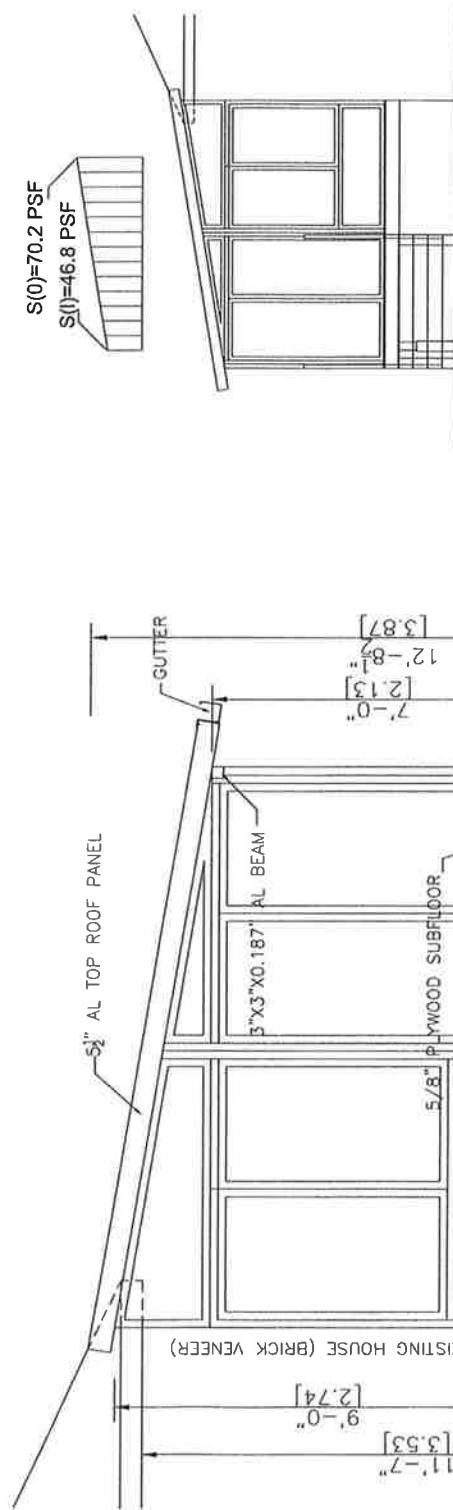
REPORT COA2018-043

FILE NO: D20-2018-032



A-A SECTION

SCALE= 1/4"=1'-0"



SNOW ACCUMULATION

REFER TO ATTACHED CALCULATION

NOTE:

- HELICAL PILES MADE OF STEEL IN ACCORDANCE WITH ASTM A500 GRADE C AND CAN/CSA-G40.21-97 HEAT GALVANIZED WITH A GALVANIZATION RATING OF AT LEAST 610 g/m² ACCORDING TO THE CSA-G164M-92 STANDARDS. ALL HELICAL PILES MUST BE INSTALLED TO A DEPTH OF AT LEAST 48" OR GREATER BELOW GRADE LEVEL AND IN ACCORDANCE WITH THE TORQUE SPECIFICATIONS (REFER TO THEIR STRUCTURAL CALCULATION)
- ALL CONCRETE PIER DESIGNS BASED ON SOIL BEARING CAPACITY OF 1500 P.s.f. (REFER TO STRUCTURAL CALCULATIONS)

to

David HardingREPORT COA2018-043

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

FILE NO. D20-2018-032

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





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

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Christina Sisson, Supervisor Development Engineering
Jamie Mckelvie, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Kirk Timms, Engineering Technician

DATE: July 10, 2018

RE: Application for Minor Variance/Permission - D20-2018-032
18 Ellis Crescent, Lot 9, Plan 57M-770, former Town of Lindsay
Ward 12, now in the City of Kawartha Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on July 6, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to request relief from the following provisions to permit rear yard setback from 7.5 meters to 6.5 meters; and increase the maximum lot coverage from 40% to 41%.

Further to our review of the above noted application, Engineering confirms we have no objection to the proposed minor variance to consider relief under Section 45(1) of the Planning Act, R.S.O, as amended, from the Town of Lindsay Zoning By-law 2000-75 to allow the rear yard set-back reduction from 7.5 meters to 6.5 meters and an increase in the maximum lot coverage from 40% to 41% in order to permit the construction of a sunroom and deck with stairs.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Tom Grimes Construction Ltd.
Report Number COA2018-044

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 7 – Former Village Bobcaygeon

Subject: The purpose and effect is to request relief from Section 6.2(a) to reduce the minimum lot area from 700 square metres to 495 square metres to facilitate the creation of a residential lot. The variance also affects the proposed retained residential lot. The proposed severed and retained lots each contain a semi-detached dwelling.

The variance is requested at 64-66 Helen Street, former Village of Bobcaygeon (File D20-2018-033).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-044 Tom Grimes Construction Ltd., be received;

THAT minor variance application D20-2018-033 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall apply to the proposed severed and retained portions of the subject property; and
- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-031, lapses.

This approval pertains to the application as described in report COA2018-044
Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: On February 6, 2018, the Director of Development Services, as delegated by Council, granted provisional consent to file D03-17-031 to create an approximately 498 square metre residential lot with a semi-detached dwelling unit and retain an approximately 498 square metre residential lot with a semi-detached dwelling. Condition 2 of the provisional consent

approval requires a variance to the proposed severed and retained lots to recognize the reduced lot areas proposed.

This application was deemed complete June 6, 2018.

Proposal:	To ensure the two semi-detached dwelling units are each contained on their own approximately 8.84 metre (28.9 foot) x 56.4 metre (185 foot) residential lot.
Owner:	Tom Grimes Construction Limited
Legal Description:	Part Lot 10 West of Helen Street, Registered Plan 70, Part 1, 57R-10004, former Village of Bobcaygeon, City of Kawartha Lakes
Official Plan:	Urban within the County of Victoria Official Plan
Zone:	Urban Residential Two Special Ten (R2-S10) Zone within the Village of Bobcaygeon Zoning By-law 16-78
Site Size:	Severed: 498.5 square metres (5,365.8 square feet) Retained: 498.5 square metres (5,365.8 square feet)
Site Servicing:	Municipal water, sanitary sewer and storm water sewer supply
Existing Uses:	Residential (under construction)
Adjacent Uses:	North: Residential East: Residential South: Residential West: Residential, Commercial

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 subject property is situated in an established residential neighbourhood. The buildings along this portion of Helen Street contain one to three dwelling units, and the majority of the buildings appear as single detached dwellings when viewed from the street.

There is some variation in lot frontages and great variation in age and size of housing stock, suggesting that development along this portion of the street has and continues to occur incrementally. This variation in lot frontage and building age provides Helen Street with a unique character.

The proposed severed and retained lots will contribute to this character by increasing the variation of lot frontages in the neighbourhood. Therefore, the variance is minor in nature.

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

The subject property is zoned Urban Residential Type Two Special Ten (R2-S10) Zone within the Village of Bobcaygeon Zoning By-law 16-78. The Special Ten Zone permits townhouses in addition to single detached, semi-detached, duplex, triplex, and fourplex uses.

The zoning by-law intends for residential development within the neighbourhood to occur in forms ranging from single detached to fourplex and townhomes. When up to two dwelling units are proposed per lot, the minimum required lot area is 700 square metres, and the minimum lot frontage is 7.5 metres. This requirement permits the construction of the two semi-detached dwelling units on the subject property as the property as a whole has an area of 997 square metres, but does not permit them to be owned separately.

The proposed severed and retained lots exceed the minimum frontage requirement of 7.5 metres by each proposing 8.84 metres, and the dwelling unit on each proposed lot complies with the setback and lot coverage requirements. The proposed lots each have sufficient area to accommodate the two required parking spaces, and there is sufficient rear yard amenity space.

As the proposed severed and retained lots comply with all other R2-S10 Zone provisions save and except lot area, it is appropriate to separate the ownership of both semi-detached dwelling units from one another.

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

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 (VCOP) applies. As the subject property is within a neighbourhood that would be classified as Low Density Residential within VCOP, a broad range of low density residential uses ranging from single detached to fourplex are permitted within the Urban designation. Semi-detached uses are also anticipated within a Low Density Residential neighbourhood. A maximum density of 25 dwelling units per hectare is permitted within a Low Density Residential area. The lots to be severed and retained each propose a density of 20 dwelling units per hectare. The proposal meets the general intent and purpose of the VCOP as the density proposed is below the maximum permitted. The proposal also facilitates a more compact development form in keeping with current standards.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by full municipal services.

Consultations:

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

Agency Comments:

Building Division (July 6, 2018): No concerns.

Public Comments:

No comments as of July 9, 2018.

Attachments:

Appendices A-D to
Report COA2018-044.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-033

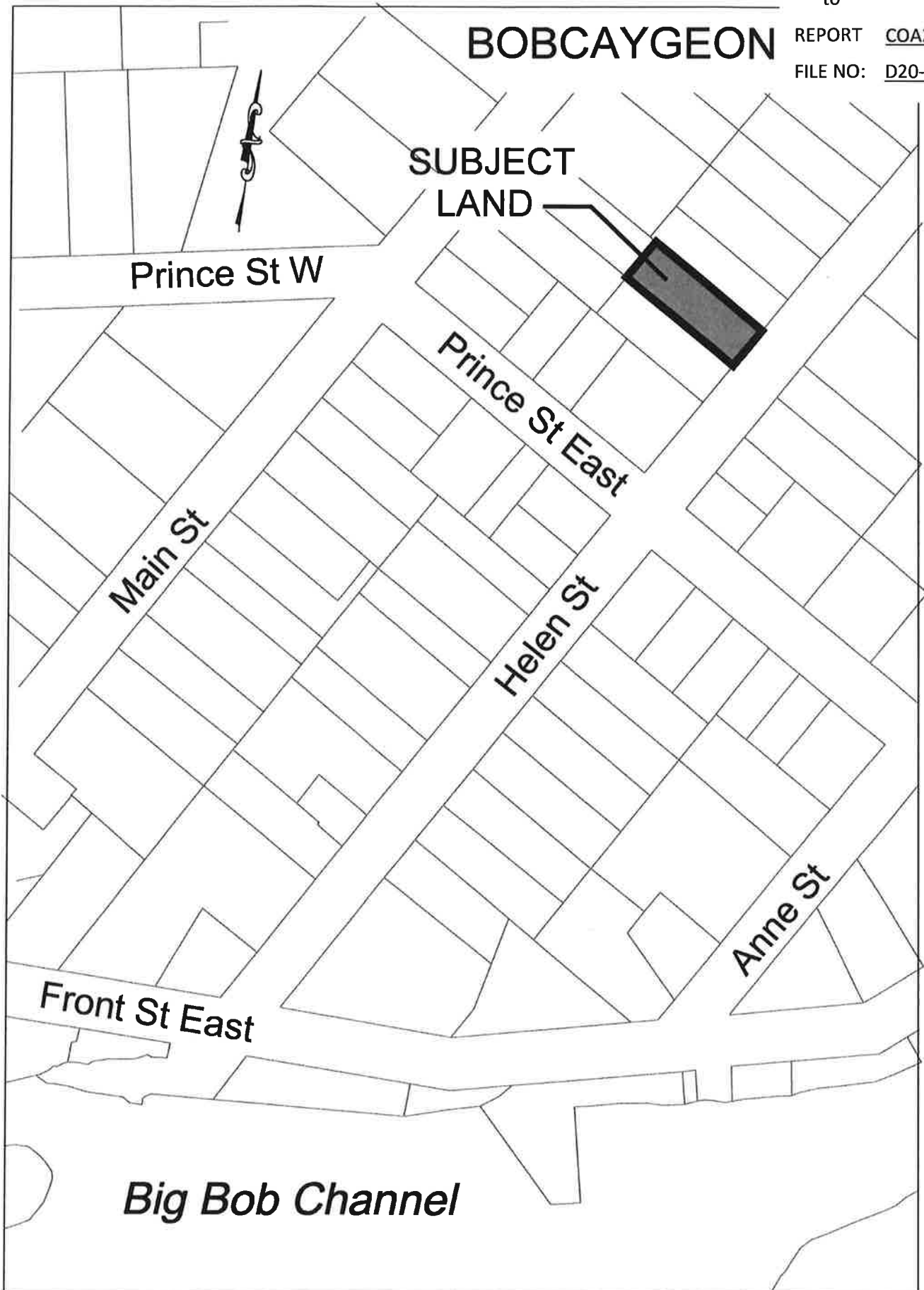
to

REPORT COA2018-044

FILE NO: D20-2018-033

BOBCAYGEON

SUBJECT
LAND





0.07

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



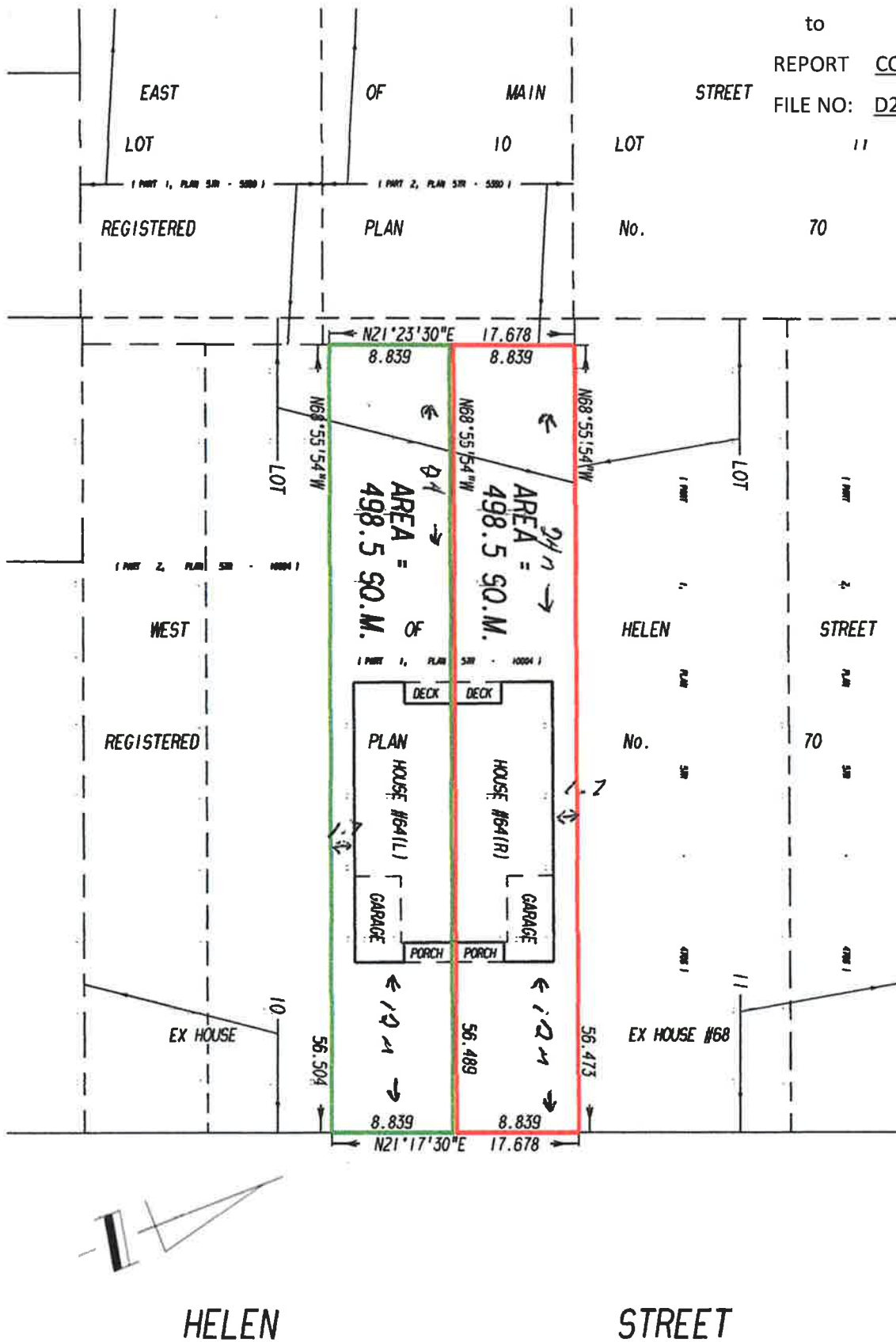
This map is a user generated static output from an internet mapping site :
is for reference only. Data layers that appear on this map may or may not
accurate, current, or otherwise reliable
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "

to

REPORT COA2018-044

FILE NO: D20-2018-033



David Harding

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

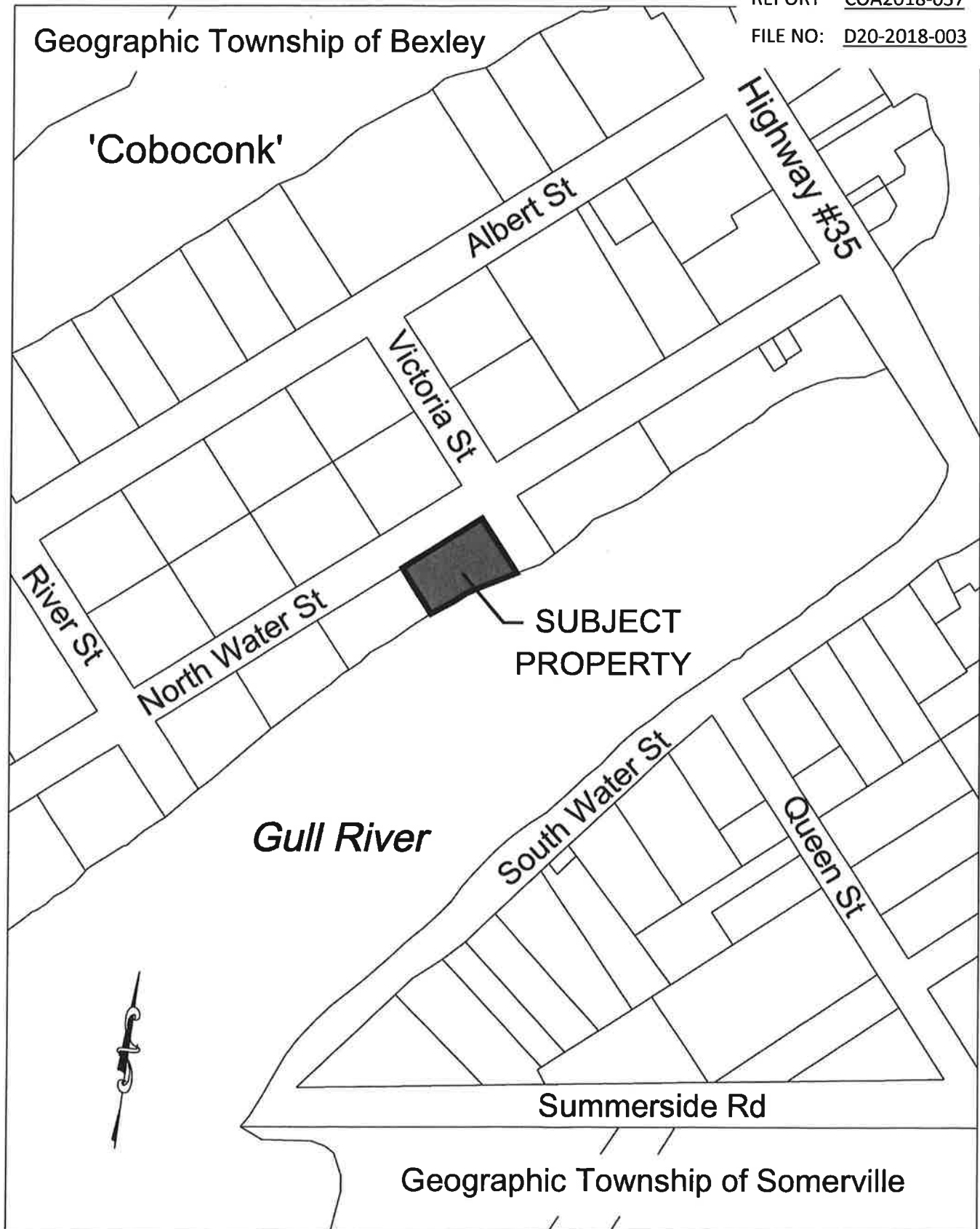
705-324-9411 ext. 1273 www.kawarthalakes.ca



to

REPORT COA2018-037

FILE NO: D20-2018-003





**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

© 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.

• **UNESCO**

 FOUND SURVEY MONUMENT
 STANDARD IRON BAR
 IRON BAR
 CUT CROSS
 PROPOSED ELEVATION
 ORIGINAL GROUND
 SLOPE
 SWALE

GENERAL NOTES:

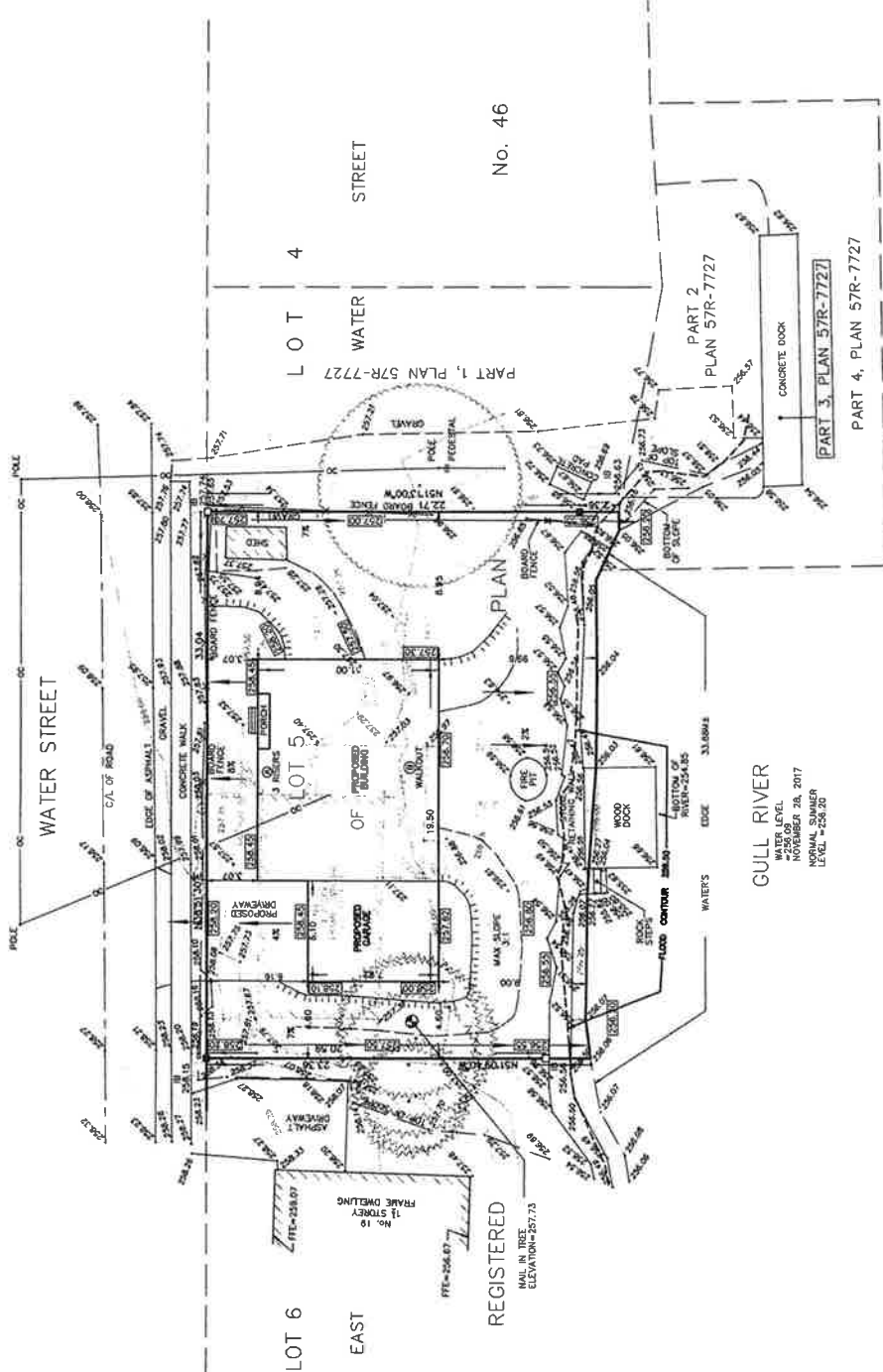
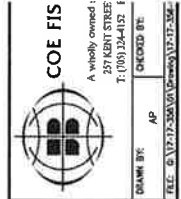
1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR DITCHES.
2. DRAINAGE SHALL BE PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
3. EROSION AND FLOOD CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LAIDEN SURFACE WATER DOES NOT OVERFLOW OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY THE ENVIRONMENTAL AGENCIES.
4. EROSION MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
5. SEWERAGE, WASTEWATER AND OTHER DRAINAGE DISCHARGE
6. POINTS SHALL DISCHARGE INTO A SLASH POND OR APPROVED EQUIVALENT. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SEWERING LOCATES PRIOR TO ANY WORKS
7. THE OWNER/BUILDER SHALL OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALIGNMENT. A COPY OF THE RECEIVED BY ENGINEERING LOT GRADING AND DRAINAGE PLAN SHALL BE SUBMITTED TO THE MUNICIPAL ENGINEER FOR REVIEW.
8. BUILDER TO ENSURE MINIMUM OVERBURDEN FOR FLOOD PROTECTION ON FOOTINGS.
9. SLOPES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
10. ELEVATIONS WILL BE LESS THAN 10' BETWEEN GRADING AND 1' BELOW 10' ELEVATIONS.

[illegible]

APPENDIX " C "
to
REPORT COA2018-037
FILE NO: D20-2018-003

ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEOLOGIC
ARE REFERRED TO A NAIL IN A TREE
22m SOUTHEAST OF THE SOUTHERN CG
HAVING AN ELEVATION OF 257.73m
(CG2072B-1978)

APR 17 1968
DATED



WATER LEVEL
258.09
NOVEMBER 28, 2017

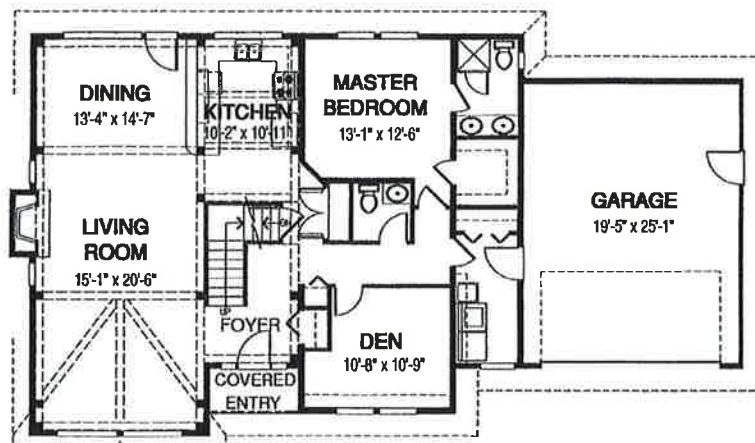
NORMAL SUMMER
LEVEL = 258.20



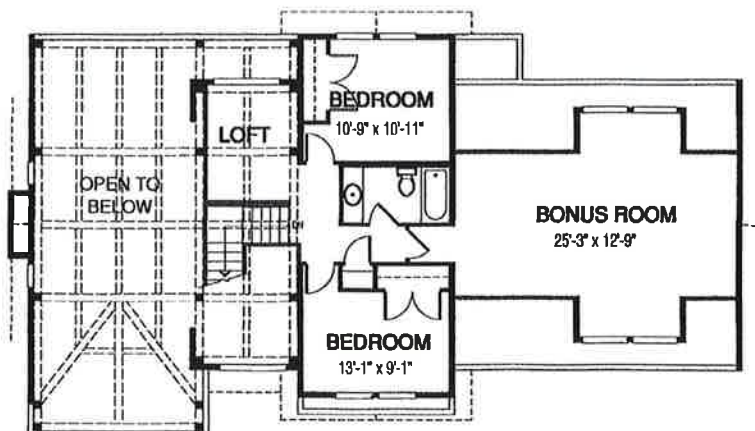
to

REPORT COA2018-037FILE NO: D20-2018-003The *Clarkson***TIMBER FRAME & LOG**

MAIN FLOOR



UPPER FLOOR

**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

Dimensions

WIDTH	DEPTH
64	36

David Harding

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

FILE NO. D20-2018-003

Please be advised that building division has the following comments:

D20-2018-019 No concerns
D20-2018-003 No concerns
D20-2018-027 No concerns
D20-2018-028 No concerns
D20-2018-028 No concerns
D20-2018-029 No concerns
D20-2018-031 No concerns
D20-2018-032 No concerns
D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

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



David Harding

From: Mark LaHay
Sent: Thursday, June 14, 2018 5:06 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: City of Kawartha Lakes Minor Variance comments (D20-2018-003)

FYI - file

From: Sharma, Prabin (MTO) [<mailto:Prabin.Sharma@ontario.ca>]
Sent: Thursday, June 14, 2018 5:01 PM
To: Mark LaHay
Subject: RE: City of Kawartha Lakes Minor Variance comments

Hi Mark,

Thanks for responding to my voice message. Ministry of Transportation (MTO) has no concerns with the proposed minor variance application D20-2018-003 to consider relief from the Township of Bexley Zoning By-law 93-09. Please advise the proponent that the subject property is located within MTO's permit control area. Under the *Public Transportation and Highway Improvement Act* (PTHIA), a building and land use permit from MTO is required before construction of the proposed dwelling is started. You can advise the proponent to contact our office directly for further information on the permit application process.

If you have any question regarding this matter, please feel to contact me directly.

Thank you,

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

Prabin.Sharma@ontario.ca
613-544-2220 ext. 4119
Toll Free: 1-800-267-0295



From: Mark LaHay [<mailto:mlahay@kawarthalakes.ca>]
Sent: June-13-18 5:35 PM

David Harding

From: Christina Sisson
Sent: Tuesday, July 10, 2018 4:10 PM
To: 'DoNotReply@city.kawarthalakes.on.ca'; David Harding
Cc: Charlotte Crockford-Toomey; Kirk Timms; Kim Rhodes; Jamie McKelvie
Subject: RE: Approval started on COA2018-037 - Minor Variance - 17 North Water Street (Bexley) - Harlow.

Importance: High

Good afternoon,
We note our comments from June 13th, 2018 were included in the report being drafted.
We confirm that our comments are current based on the latest circulation of the notice for 17 North Water Street (Bexley).
Thank you,

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



From: Council Report Writers Workgroup [<mailto:SharePoint@city.kawarthalakes.on.ca>]
Sent: Tuesday, July 10, 2018 11:40 AM
To: David Harding
Cc: Christina Sisson; Charlotte Crockford-Toomey
Subject: Approval started on COA2018-037 - Minor Variance - 17 North Water Street (Bexley) - Harlow.

Approval has started on COA2018-037 - Minor Variance - 17 North Water Street (Bexley) - Harlow.

Participants are Richard Holy
Due by 7/11/2018 12:00:00 AM

Each person will receive a task to approve COA2018-037 - Minor Variance - 17 North Water Street (Bexley) - Harlow. The tasks will be assigned one at a time for participants shown above.

[View the status of this workflow.](#)



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

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Kirk Timms, Engineering Technician

DATE: June 13th, 2018

RE: Application for Minor Variance/Permission
D20-2018-003
17 North Water Street, Part Lot 15, GRR, Lot 5, geographic
Township of Bexley, Ward 2, now in the City of Kawartha
Lakes.

Engineering has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on June 7th, 2018.

It is the understanding by Engineering that the applicant is applying for a minor variance to permit the construction of a single detached dwelling.

From an engineering perspective, we confirm we have no objection to the proposed minor variance for the Township of Bexley Zoning By-law 93-09, as amended to reduce the minimum front yard setback from 7.5 metres to 3.2 metres, reduce the minimum water setback from 15 metres to 8.8 metres and reduce the minimum setback of building and structures from an Environmental Protection Zone boundary from 15 metres to 8.8 metres to permit the construction of a single detached dwelling.

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

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

Via Email

David Harding
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Fish Habitat Enhancement Opportunities
17 North Water Street
Lot 15, Fronting on Kioshquabekonk River
Geographic Twp. of Bexley
City of Kawartha Lakes**

Dear Mr. Harding:

Kawartha Conservation staff conducted a site visit to the subject property on April 11, 2018 to identify opportunities for fish habitat enhancement in order to assist Mr. and Mrs. Harlow in fulfilling the associated condition of their minor variance (D20-2018-003).

As previously discussed, other examples of fish habitat planting plans approved in Kawartha Conservation's watershed included the use of non-invasive, native species on approximately 25% of the rear yard abutting the watercourse. The following are potential opportunities to mitigate impacts to fish habitat at 17 North Water Street which we present as recommendations to the City:

- i) Plant live, native, water tolerant trees/shrubs within the rip-rap riparian area along the bank to facilitate overhanging vegetation that provides shade and nursery habitat for fish; and/or
- ii) Establish a buffer zone of natural vegetation, that is not mowed, between the rip-rap and the dwelling wherever possible; plantings of native shrubs and grasses would help to provide stormwater runoff quality buffering; and/or
- iii) Plant mature trees within the upland riparian area to facilitate overhanging vegetation that over time will provide shade; and/or
- iv) Install in-water structures in the nearshore including large boulders, and/or large anchored rootwads to provide habitat complexity.

For option i) species selection for this application is limited to species which dormant cuttings can be made. All species listed below will grow in full sun and wet soils:

- Willow (*Salix spp.*)
- balsam poplar
- Eastern cottonwood
- common elderberry
- silky dogwood*
- red osier dogwood*

*dogwoods are typically considered to have fair to good stake rooting ability, compared to the other listed species which have slightly better (very good to excellent) rooting ability. However dogwood species are easily obtained, and would be a suitable option.

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

For option iii), staff recommend larger caliper trees to encourage survival and to provide shade more immediately (e.g. 50 mm) rather than saplings or whips. Some suggested species for this option are:

- Eastern hemlock
- red maple
- red oak
- bur oak
- white pine

Once the preferred fish habitat mitigation option is selected, Kawartha Conservation's Stewardship Department would be more than happy to help secure the species identified above for the planting plans. Your contact would be Holly Shipclark, at 705-328-2271 ext. 240 or via email at hshipclark@kawarthaconservation.com

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: Josie Harlow, Owner, via email
Erica Hallett, City of Kawartha Lakes, via email

David Harding

From: Mark LaHay
Sent: Friday, February 09, 2018 12:04 PM
To: David Harding; Janet Wong
Cc: Charlotte Crockford-Toomey
Subject: FW: D20-18-003, 004, 005

FYI - file

From: Lisa Peimann
Sent: Friday, February 09, 2018 11:14 AM
To: Mark LaHay
Subject: FW: D20-18-003

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

D20-18-003 17 North Water Street, Bexley
D20-18-004 642 The Glen Road, Mariposa
D20-18-005 57 Lakeview Cottage Road, Bexley

Thanks,

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



Parks Canada Parcs Canada



Ontario Waterways

Trent-Severn Waterway National Historic Site &
Rideau Canal National Historic Site
PO Box 56, 2155, Ashburnham Drive
Peterborough, ON K9J 6Z6
705-750-4900
Fax: 705-742-9644

Voies navigables de l'Ontario

Lieu historique national du Canada de la Voie-Navigable-Trent-Severn &
Lieu historique national du Canada du Canal-Rideau
C.P. 567, 2155, promenade Ashburnham
Peterborough, ON K9J 6Z6
705-750-4900
Télécopieur: 705-742-9644

8500/T90-CKL-200

January 18th, 2018

Mark LaHay
Acting Secretary Treasurer
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Dear Mr. Mark LaHay:

RE: **Various Application for Minor Variance**

D20-2018-003; 17 North Water Street, Cobocok

We have now had an opportunity to review the above-noted application for minor variance. Please note all proposed work within this minor variance application is outside the jurisdiction of the Parks Canada Agency. Therefore this office does not have any objections to this application.

Please note this property has been identified as an area in which Blandings Turtles might be present. This species have been designated as Threatened under the federal *Species at Risk Act*. Threatened status means this species is likely to become endangered if nothing is done to reverse the factors contributing to declining population trends. Legal restrictions (or prohibitions) apply on federal lands, which may limit activities that would harm this species or their habitat.

Our records indicate there are two approved permits for shoreline works including a dock and sloped rock for this property. We would like to remind the applicant should they wish to undertake any shoreline or in-water works at this location they will require an approved permit from this office prior to the commencement of any work. This would include but is not limited to repair, replacement, new works and expansions of any works. Works can be described as anything that is in, on, under or over the water of the Gull River such as docks, boat lifts, shoreline stabilization, marine railways etc...

The In-Water and Shoreline Works and Related Activities Policy and application can be found online at:

<http://pc.gc.ca/en/docs/r/poli/page01>

D20-2018-005; 57 Lakeview Cottage Road, Bexley

We have now had an opportunity to review the above-noted application for minor variance. Please note all proposed work within this minor variance application is outside the jurisdiction of the Parks Canada Agency. Therefore this office does not have any objections to this application.

Canada

Page 1 of 2



Parks
Canada

Parcs
Canada



Please note this property has been identified as an area in which Blandings Turtles might be present. This species have been designated as Threatened under the federal *Species at Risk Act*. Threatened status means this species is likely to become endangered if nothing is done to reverse the factors contributing to declining population trends. Legal restrictions (or prohibitions) apply on federal lands, which may limit activities that would harm this species or their habitat.

Our records indicate that there is an approved permit for shoreline works for this property which included construction of a new upland boathouse, alteration of existing wet slip, shoreline stabilization and shoreline stairs. We would like to remind the applicant should they wish to undertake any shoreline or in-water works at this location they will require an approved permit from this office prior to the commencement of any work. This would include but is not limited to repair, replacement, new works and expansions of any works. Works can be described as anything that is in, on, under or over the water of Balsam Lake such as docks, boat lifts, shoreline stabilization, marine railways etc...

The In-Water and Shoreline Works and Related Activities Policy and application can be found online at:

<http://pc.gc.ca/en/docs/r/poli/page01>

Best regards,

Alanna Boulton

Real Property Officer

Ontario Waterways, Trent-Severn Waterway

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Harlow

Report Number COA2018-037

Public Meeting

Meeting Date: July 19, 2018

Time: 1:00 pm

Location: Victoria Room, 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 3.0 metres;
 2. Section 9.2.1.3(e) to reduce the minimum water setback from 15 metres to 9 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 9 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 COA2018-037 Harlow, be received;

THAT minor variance application D20-2018-003 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 substantially in accordance with the sketch in Appendix C and generally in accordance with the elevation and plan in Appendix D submitted as part of Report COA2018-037, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the issuance of a Building Permit, the owner shall obtain an appropriate form of site plan approval to establish additional vegetation

between the dwelling and Gull River through approval of a planting plan. The planting plan shall be created in accordance with options (i) or (ii) and (iii) identified in Kawartha Region Conservation Authority's comments dated May 10, 2018 in Appendix E to Report COA2018-037, which shall be attached to and form a part of the Committee's Decision. The planting plan must be to the satisfaction of the Kawartha Region Conservation Authority and the City;

- 3) **THAT** the planting plan shall be completed, planted and inspected for release of securities within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon the successful completion of the Planning Inspection; and
- 4) **THAT** the building construction related to the minor variances shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

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.

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 - City of Kawartha Lakes Official Plan

Zone: Hamlet Residential (HR) Zone - Township of Bexley Zoning By-law 93-09

Site Size: 790 square metres - Coe Fisher Cameron OLS (8,503.5 square feet)

Site Servicing: Municipal sanitary sewer and lake-based water supply

Existing Uses: Residential

Adjacent Uses: Northeast: Park/Public Dock, Residential, Commercial
Southeast: Gull River
Northwest: Residential, Vacant Residential
Southwest: Residential

Rationale:

1) Are the variances minor in nature? YES

The subject property is located within the Coboconk hamlet settlement area. The majority of lots on the southeastern side of North Water Street are characterized by shallow front and rear yards. This is due to the fact that there is little space between the North Water Street road allowance and Gull River. The subject property has a depth of approximately 22.71 metres. Without variances, the dwelling would have a depth of approximately 7 metres (22.9 feet), possibly less as the shoreline has a slight inwards curve.

The variances will facilitate the replacement of a dwelling with a total depth of 11 metres (36 feet) that is 3 metres closer to the water and half a storey taller. Massing impacts are anticipated to be minimal due to the fact that the existing single storey building and its deck maintains similar setbacks to those proposed, and all nearby buildings on the southeastern side of North Water Street maintain similar setbacks to the road and shoreline.

Therefore, the variances are minor in nature.

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

The proposal will facilitate the replacement of the existing single storey dwelling with a one and a half storey dwelling. Footprint expansion is contemplated, but the dwelling footprint will maintain a shoreline setback very similar to that of the existing deck. The front yard setback would remain unchanged. Footprint expansion is also proposed to the northeast. The expansion in the northeastern direction will include side yard patio access for the main floor. Sufficient side and rear yard amenity space will remain with the enlarged dwelling footprint. The proposal will also provide for additional space habitable space, increasing the usability of the dwelling and lot.

Due to the above analysis, the variances are considered desirable and appropriate for the use of the land.

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

The subject property is zoned Hamlet Residential (HR) Zone within the Township of Bexley Zoning By-law 93-09.

The front yard setback is intended to provide sufficient space for vehicles to be parked on private property between the road allowance and building, and maintain sight lines. The proposal provides for the two required 6 metre x 2.8 metre parking spaces within the garage and an additional two between the garage door and North Water Street road allowance. Therefore the intent to maintain parking on private rather than public property is maintained. As the front of the dwelling is proposed to be in keeping with the building line established on the southeastern side of North Water Street, no adverse impacts to sight lines are anticipated.

The setback from the Environmental Protection (EP) Zone is intended to ensure sufficient vegetated space between a building and shoreline for the infiltration of storm water. In this instance, no deck is proposed off the rear wall of the dwelling, and a walkout basement is proposed. Instead, side/rear yard access from the main floor will be via the northeastern wall. The Kawartha Region Conservation Authority (KRCA) has recommended a planting plan be executed in order to improve shoreline habitat within the rear yard. Provided one of the planting plan options identified in Appendix E are followed, the intent of the EP Zone is maintained as the impacts to the Gull River would be mitigated. A condition has been incorporated to reflect the KRCA's comments. A planting plan would be enforced through an appropriate form of site plan approval and the owner will need to provide securities to ensure that the works are completed.

No changes are proposed to the legal non-complying shed, and the proposed dwelling will maintain the required building spatial separation from said shed.

Provided a condition is included to address habitat improvement along the shoreline, the variances meet 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 subject property is designated Hamlet Settlement Area in the City of Kawartha Lakes Official Plan. An assortment of uses including residential uses, are anticipated within this designation. As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. In this instance, the lot is too shallow to permit redevelopment that maintains a setback of 15 metres. It was not the intent of the Official Plan to preclude the redevelopment of shoreline property, particularly shoreline property within hamlet settlement areas provided appropriate mitigation measures are followed. The KRCA has proposed a

series of mitigation measures via a planting plan that would address adverse impacts. The owner's surveyor has also provided a plan which demonstrates that the basement floor will be above the flood hazard.

Low profile building design is also anticipated near the shoreline. A one and one half storey design has been proposed to minimize shoreline massing impacts.

The proposed variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A shallow dwelling was discussed, though the usability of such a narrow space and lack of available plans made such a proposal challenging. Revisions to the proposal were made in response to staff comments. The location of the garage was adjusted prior to the submission of the original application in order to permit two parking spaces between the garage door and road allowance entirely upon private property.

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:

Engineering and Corporate Assets Department (July 10, 2018): No concerns.

Building Division (July 6, 2018): No concerns.

Ministry of Transportation (MTO) (June 14, 2018): No concerns. A building and land use permit from the MTO is required prior to the issuance of a building permit.

Kawartha Region Conservation Authority (May 10, 2018): No concerns. Conditions recommended. See Appendix E.

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

Trent Severn Waterway (January 18, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

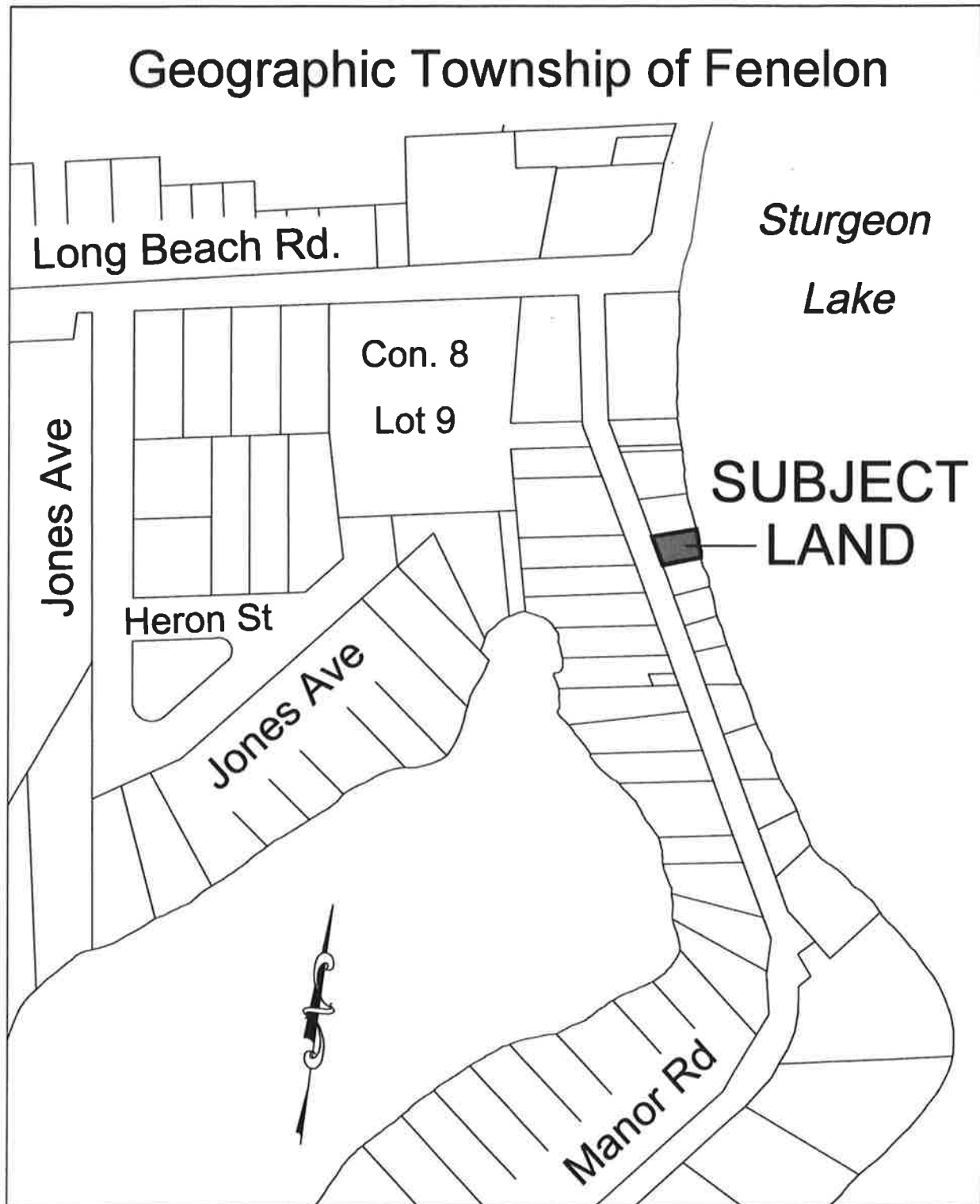
Attachments:



Appendices A-E to
Report COA2018-037.

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



APPENDIX: B

to

REPORT COA2018-038

FILE NO: D20-2018-019



GEOMATICS
MAPPING

15 Manor Road, geographic Township of Fenelon

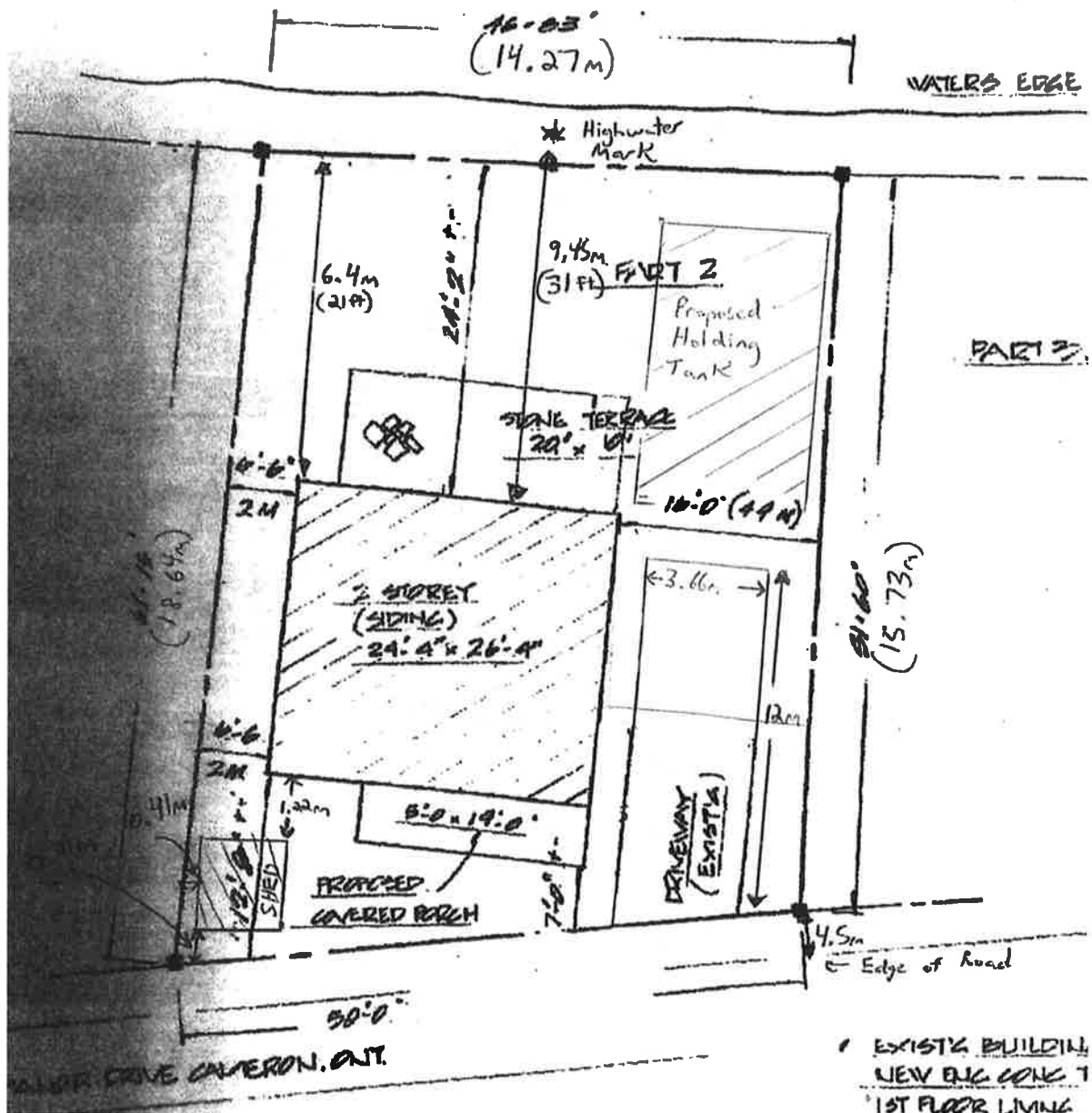


APPENDIX: C

to

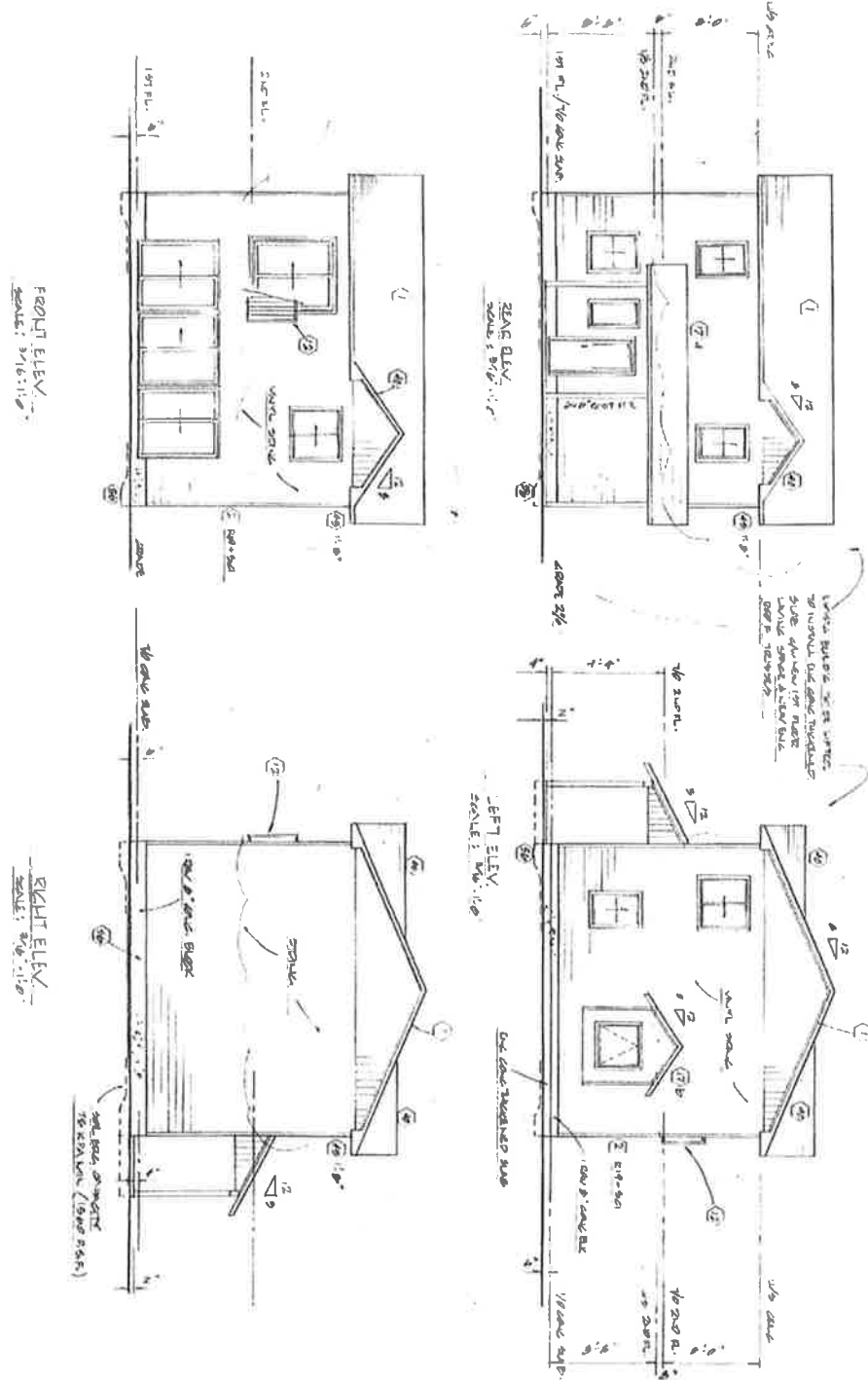
REPORT COA2018-038

FILE NO: D20-2018-019



to
REPORT COA2018-038
FILE NO: D20-2018-019

Elevation Drawings



to

REPORT COA2018-038FILE NO. D20-2018-019

From: Ron Warne rwarne@kawarthaconservation.com
Subject: 15 Manor Rd. (COA-2018-032 & D20-2018-019)

Date: Jun 25, 2018 at 12:32:16 PM

To: Quadri Adebayo qadebayo@kawarthalakes.ca, Mark LaHay
mlahay@kawarthalakes.ca

Cc: tameier99@gmail.com, Stacy Porter
sporter@kawarthaconservation.com

Hi Quadri & Mark,

Regarding the Minor Variance application noted above for Mr. & Mrs. Meier for 15 Manor Rd., please be advised that Kawartha Conservation has reviewed the proposed development and have no concerns regarding the Minor Variance application, subject to the following:

1. Residential replacement will require a Permit from Kawartha Conservation (this Permit will need to go before our Board of Directors because it does not meet each of our Board-approved policies, but can still be supported by Kawartha Conservation Staff) before a CKL Building Permit can be issued; and,
2. That the replacement dwelling shall be in-keeping with Kawartha Conservation's policy 4.5.2(7) regarding the replacement of residential dwellings located within a *flooding hazard*; in this regard, the proposed dwelling must be **(my policy interpretation in red)**:
 - a) the dwelling to be replaced is relocated outside the *flooding hazard*, where feasible **(it is not feasible anywhere else on the lands but the existing footprint)**;
 - b) there is no increase in the number of *dwelling units* **(meets policy)**;
 - c) the new dwelling is the same size or smaller than the previous dwelling **(proposed dwelling has same footprint but increased area – thus requiring Board Approval)**;
 - d) the use of the new dwelling is the same as the previous dwelling **(meets policy)**;
 - e) the dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the *regulatory flood* elevation in accordance with floodproofing standards **(may not be feasible based on the required elevation)**;
 - f) *access (ingress/egress)* conditions are "dry" where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than *safe* **(likely not feasible given that the existing dwelling and the public street are below flood elevation – thus requiring Board Approval)**;
 - g) no basement is proposed **(meets policy)**; and,
 - h) there is no risk of structural failure due to potential hydrostatic/dynamic pressures **(meets policy)**.

I trust the above meets your requirement at this time, but do not hesitate to contact me 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](tel:705.328.2271) ext. [213]

Fax: [705.328.2286](tel:705.328.2286)

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

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Quadri Adebayo

From: Derryk Wolven
Sent: Friday, July 06, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: FW: Minor Variance applications

Please be advised that building division has the following comments:

D20-2018-019 No concerns

D20-2018-003 No concerns

D20-2018-027 No concerns

D20-2018-028 No concerns

D20-2018-028 No concerns

D20-2018-029 No concerns

D20-2018-031 No concerns

D20-2018-032 No concerns

D20-2018-033 No concerns

Kind regards,

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott Meier
Report Number COA2018-038 (Revised)

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, 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 3.11.1 to reduce the minimum lot area from 745 square metres to 283 square metres;
2. Section 3.18.1.1 to reduce the minimum building setback from the Environmental Protection (EP) Zone from 15 metres to 9.45 metres;
3. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 9.45 metres; and
4. Section 13.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 2 metres.

Shed

5. 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;
6. Section 3.1.2.2 to reduce the side yard setback from 1.2 metres to 0.41 metres; and
7. Section 13.2.1.3(a) to reduce the front yard depth from 7.5 metres to 0.91 metres.

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 COA2018-038 Scott Meier, be received;

THAT minor variance application D20-2018-019 be GRANTED, as the application meet the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the single detached dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-038, 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 the Kawartha Region Conservation Authority (KRCA) which demonstrates that the proposed dwelling size and height is appropriate for the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the proposed dwelling size and height or an amended dwelling size and height pose no negative impact to the floodplain associated with Sturgeon Lake;
 - (i.) **THAT** should an amended dwelling size and height be approved by KRCA, prior to the issuance of a Building Permit, the owner shall submit to the Secretary-Treasurer a revised proposal sketch and elevations showing the amended dwelling size and height. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the amended dwelling size and is appropriate for the proposed development.
- 3) **THAT** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer a vegetative shoreline buffer plan to the satisfaction of the KRCA and the City;
- 4) **THAT** prior to the issuance of an occupancy permit for the proposed dwelling, the shed located in the northerly interior side yard be removed from the property;
- 5) **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;
- 6) **THAT** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the

Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection;

- 7) **THAT** prior to the issuance of an Occupancy Permit, the owner shall submit to the Secretary-Treasurer and Building Division confirmation from the Kawartha Region Conservation Authority and the City that the vegetative shoreline buffer identified in Condition 3 has been planted to their satisfaction. This condition related to these Minor Variances shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused; and
- 8) **THAT** the planting plan shall be completed, planted and inspected for release of securities within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon the successful completion of the Planning Inspection.

This approval pertains to the application as described in report COA2018-038. 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).

In response to staff recommendation that the applicant come forward with a revised proposal supportable by staff, the Committee deferred the application at its June 21, 2018 meeting to allow for a revised variance request that addresses the proposed number of storeys and the proposed number parking spaces in conjunction with the undersized configuration of the subject property.

The applicant has responded by obtaining a letter from the Kawartha Region Conservation Authority to support their revised application, and likewise demonstrated that they are able to meet the two (2) parking space requirement. This revised application was deemed complete June 26, 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 - City of Kawartha Lakes Official Plan
Zone: Rural Residential Type Three (RR3) Zone - 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) Are the variances minor in nature? Yes

And

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

(i) Two-Storey Detached House:

Regarding the relief being sought for the reduced lot area, it is evident that the property is an existing lot of record. As such, the undersized nature of the lot is not anticipated to be discernible as the applicant has been able to demonstrate that the property can be adequately developed, by ensuring that the replacement building maintains the established building footprint.

Consequently, 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.

The proposed house will translate into a larger structure than what already exists on the property. In terms of scale, the massing of the proposed dwelling is anticipated to be more visually imposing when compared to the residential dwellings directly adjacent to the north and south of the subject property respectively.

Likewise, the additional massing on the undersized lot may be problematic as the Kawartha Region Conservation Authority (KRCA) have identified that the entire property is in the flood plain. An amendment to the increased dwelling size may be necessary in order that the proposal is able to meet their policy conditions.

Based on this, provided the dwelling size as proposed meets KRCA's Board-approved policies, 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.

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

The general provisions within Section 3.11 of the Zoning By-law ensure that development on existing undersized lots may occur provided that the lot meets a minimum area and frontage requirement. Lots along the east side of Manor Road were created and built upon prior to the former Township of Fenelon's endorsement of its first zoning By-law in 1979. These lots have insufficient area to comply with Section 3.11. Proposals on lots which cannot meet those provisions are to be evaluated through a Planning Act application on their own merits. The proposal will be improving the property with a newer dwelling on an established building footprint and ensure that the on-site two (2) parking space requirement is met in conformity with the By-law.

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.

The setback from the Environmental Protection (EP) Zone is intended to ensure sufficient vegetated space between a building and shoreline for the infiltration of storm water. The Kawartha Region Conservation Authority (KRCA) has recommended a planting plan be implemented in order to improve shoreline habitat within the rear yard and maintain the intent of the EP Zone to mitigate the impacts of development on Sturgeon Lake. A condition has been incorporated to reflect KRCA's comments. A planting plan would be enforced through an appropriate form of site plan approval and the owner will need to provide securities to ensure that the works are completed.

Overall, the variances maintain the general intent and purpose of the Zoning By-Law for the house and shed.

4) Does the variance maintain the intent and purpose of the Official Plan?
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 lot 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 dwelling size as proposed, meets KRCA's Board-approved policies, the variance for the detached house will maintain 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.

Other Alternatives Considered:

The small lots upon the east side of Manor Road have led to the establishment of modest dwellings on shoreline residential lots, which have led to the development of a unique character.

Although the Zoning By-law permits a two-storey dwelling but given the undersized lot and building height of the surrounding neighbourhood, Staff would encourage that a more modest-sized structure in form of one and half storey would be considered by the owner for the proposed development following past variances approved in the same neighbourhood which were based on the fulfillment of a low-profile dwelling size.

However, the applicant has been proactive by obtaining a letter from KRCA to support their revised application, and likewise demonstrated that they are able to meet the on-site two (2) parking space requirement, which shall bring the lot closer to conformity with respect to the parking requirements within the zoning by-law. Therefore, staff would consider the proposal for approval provided the proposed dwelling size can meet KRCA's policies.

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 (July 6, 2018): No concerns.

Kawartha Conservation Authority (June 25, 2018): No objections subject to the proposed dwelling size and flood proofing measures meeting Board-approved policies. A permit from their office is also required prior to the issuance of a Building permit. See comments.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-038

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

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Department Head: Chris Marshall

Department File: D20-2018-019



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MEMORANDUM

TO: Committee of Adjustment

FROM: Quadri Adebayo, Planner II - Development Services – Planning Division

DATE: July 19, 2018

SUBJECT: Minor Variance Application File No. D20-2018-023
196 St. Albans Road, Geographic Township of Verulam

At the June 21, 2018 Committee of Adjustment meeting the following resolution was carried:

THAT Minor Variance application D20-2018-023 be DEFERRED to the July 19, 2018 meeting to enable further discussions with staff per the minor variance reliefs, as the application does not meet all the tests set out in Section 45(1) of the Planning Act.

The owners met with Planning staff July 9, 2018, to discuss alternatives for staff to consider the variance sought to permit an accessory building in the front yard. In light of consultations with the Building Division by staff prior to the meeting with the owners, it was determined that the owners are yet to fulfill the submission of an Engineer-stamped drawing requested by the Building Division in order to regularize the building permitting process for the structure.

As such, the owners have concurred with Planning staff that a supporting decision cannot be reached at this time by staff per the minor variance reliefs until more information is received from the Building Division confirming that the owners have initiated the permitting process to its satisfaction.

Thus, staff respectfully recommends the following resolution:

THAT Minor Variance application D20-2018-023 be DEFERRED to the August 16, 2018 meeting date to provide the applicant sufficient time to amend the application to include more information pertaining to the building permitting process.

Sincerely,

Quadri Adebayo, Planner II

cc: Dean Junkin

Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment

Richard Holy, Manager of Planning