

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-08

Thursday, August 16, 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	COA2018-07 July 19, 2018. Committee of Adjustment Meeting Minutes.	6 - 23
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-052 David Harding, Planner II File Number: D20-2018-030 Location: 21 Colonel William Lane Part Lot 23, Concession 4, Part of Part 2, 9R-1200 Geographic Township of Manvers Owners: Gerry Fuller and Bobbi Cornish Applicant: Ben McKelvie - B and M Contracting	24 - 34
3.1.2	COA2018-045 Lydia Wong, Student Planner File Number: D20-2018-034 Location: 1 Loraine Drive Lot 1, Plan M714 Geographic Township of Manvers Owners: Tyler Cook and Julie Menard Applicants: Tyler Cook and Julie Menard	35 - 44

3.1.3	COA2018-046	45 - 54
	David Harding, Planner II File Number: D20-2018-035 Location: 57 West Bay Boulevard Bexley Range West Bay, Part Lots 4 and 5 Geographic Township of Bexley Owners: Bruce, Burns and Steinberg Applicant: Diane Bruce	
3.1.4	COA2018-047	55 - 63
	Lydia Wong, Student Planner File Number: D20-2018-036 Location: 258 Moorings Drive Part Lot 32, Concession 10 Geographic Township of Fenelon Owners: Gary and Rhonda Fairhurst Applicant: Gary Fairhurst	
3.1.5	COA2018-048	64 - 73
	Quadri Adebayo, Planner II File Number: D20-2018-037 Location: 85 St. Peter Street Lot 17 to 18, Plan 377 Former Town of Lindsay Owners: 2083359 Ontario Inc. c/o David Blackwood and Terry Yates Applicant: Terry Yates	
3.1.6	COA2018-049	74 - 88
	Daniel Hahn, Student Planner File Number: D20-2018-038 Location: 19 Cedar Dale Drive Range NWB, Part Lot 16, Plan 170, Part Lot 16, Part Lot 17 Geographic Township of Bexley Owners: Randy and Judi Smith Applicant: Randy Smith	

3.1.7	COA2018-050	89 - 101
	Daniel Hahn, Student Planner File Number: D20-2018-039 Location: 812 Monarch Road Part Lot 24, Concession 3 Geographic Township of Ops Owners: Andrew and Susan Tummonds Applicant: Andrew Tummonds	
3.1.8	Memo Re-D20-2018-040	102 - 102
	Quadri Adebayo, Planner II File Number: D20-2018-040 Location: 971 Fleetwood Road Concession 12, Part Lots 16 and 17 Geographic Township of Manvers Owners: Ryan and Angela Weiler Applicant: Ryan Weiler	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	
4.1.1	COA2018-053	103 - 118
	Quadri Adebayo, Planner II File Number: D20-2018-019 Location: 15 Manor Road Concession 8, Part Lot 9, Plan 164, Part Lots 9 and 10 Geographic Township of Fenelon Owner: Scott Meier Applicant: Scott Meier	
4.1.2	COA2018-054	119 - 134
	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. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, September 20 at 1:00 p.m. in the Victoria Room, City Hall.

8. **Adjournment**

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

COA2018-07
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**

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

Absent: Councillor K. Seymour-Fagan.

Recording Secretary - Charlotte Crockford-Toomey

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2018-07

July 19th, 2018

Committee of Adjustment Meeting Agenda.

Moved By D. Marsh

Seconded By S. Strathdee

That the agenda for the meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2018-06

June 21st, 2018.

Committee of Adjustment Meeting Minutes.

The minutes from the June 21st, 2018 meeting, COA2018-06 were amended for item 3.1.4 on page 6, condition 3. A number was changed from 5 to 1.5

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes for the previous meeting held June 21, 2018 be adopted as amended.

Carried

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

Ms. Wong summarized report COA2018-039, requesting relief to reduce the minimum rear yard setback in order to permit the construction of a sunroom as an addition to the house. Ms. Wong cited that there were no concerns from agencies and that the application be granted as the application meets the tests set out in section 45(1) of the Planning Act.

The applicant, Garry Newhook was present to answer questions. The Committee had no questions.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-027 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.

Carried

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

Mr. Hahn summarized report COA2018-040, requesting relief to reduce the minimum front yard setback in order to construct a single detached dwelling. The minor 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 Road and a second at the terminus of Oakdene Crescent. Staff confirmed the minor variance meets the four tests.

The Committee asked staff for clarification as to when the issue occurred. Staff confirmed at point of routine inspection.

Mr. Augusto Nalli was present on behalf of the applicant to answer any questions. The Committee asked Mr. Nalli who made the error. Mr. Nalli responded, it was through the building permit process.

The Committee asked staff as to when condition 2 will be completed. Staff replied, the dwelling has to be inspected. The condition has not been met. Mr. Holy, Planning Manager also confirmed that there is one more inspection for condition 2.

The Committee stated if the City is at fault for the minor variance required, then the applicant should be encouraged to receive a refund.

Moved By D. Marsh

Seconded By B. Archer

That minor variance application D20-2018-028 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 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 COA2018-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2018-041

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

Mr. Adebayo summarized report COA2018-041, requesting relief to increase the maximum height for an accessory building in order to permit the construction of a detached garage.

The Committee requested clarification from staff as to the “installed” garage and “proposed” garage being the same building. Staff replied yes. The Committee asked staff regarding the height discrepancy of the accessory building, and whether the error was confirmed through the building process. Staff answered yes.

The applicant, Mr. Lean was present but did not speak.

No further questions from the Committee.

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2018-029 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.

Carried

3.1.4 COA2018-042

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

Mr. Adebayo summarized report COA2018-042, requesting relief to reduce the interior side yard and reduce the minimum water setback to permit an addition to the residential dwelling/attached garage. Also to request relief to permit four (4) accessory buildings where maximum of three (3) is permitted in a residential zone.

The Committee asked the Planning Manager regarding encroachments on 15 metre water setbacks, when site visits are made are the setbacks maintained. The Planning Manager replied, there are many properties that are shallow or very close to the water. We do try to maintain the 15 or 30 metre setbacks wherever possible.

The Committee asked if there were six accessory buildings. Staff responded no, there are five but this is being reduced to four. The Committee also had concerns as to the sewage system, following initial comments by the sewage system supervisor that there is not sufficient capacity to service the addition. Staff replied that they had reached an agreement with the owner regarding the installation of a new septic system. Condition 2 was added.

The applicant, Joanne Knaz was present but did not speak.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-031 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** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits satisfying the requirements of the Building Division - Sewage System Program which demonstrates that the replacement sewage system will bring the property up to code requirements for on-site disposal. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Supervisor - Part 8 Sewage Systems advising that the replacement sewage system will be maintained at an appropriate setback distance from the proposed addition and garage as approved in relation to the minor variance.
3. **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;
4. **That** prior to the issuance of a building permit for the proposed dwelling, the wooden shed located in the 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
5. **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.

Carried

3.1.5 COA2018-043

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

Mr. Harding summarized report COA2018-043, requesting relief to reduce the minimum rear yard setback and increase the maximum lot coverage in order to permit the construction of a sunroom and deck with stairs. Mr. Harding also cited that there were no concerns received from circulated department or agencies.

The applicant, Ivars Kultis, Lifestyle Sunrooms was present but did not speak. The Committee had no questions.

Moved By S. Richardson
Seconded By S. Strathdee

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.

Carried

3.1.6 COA2018-044

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

Mr. Harding summarized report COA2018-044, requesting relief to reduce the minimum lot area 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. Staff clarified that the application was for 64-66 Helen Street, and did not include 68 Helen Street as 64-68 Helen Street was advertised. Staff cited comments from the Engineering and Corporate Assets Department that were received after the writing of the report noting no concerns.

The Committee asked staff what the building permit was issued for. Staff replied that a permit would have been issued for the construction of a semi-detached dwelling. The Committee also asked why a variance was being pursued to create the lots after the buildings were nearing completion. Staff clarified that the consent application was likely submitted before construction started. The Committee asked for clarification on the differences between semi-detached and duplex dwelling units. Staff clarified that a duplex is one dwelling unit on top of the other and a semi-detached is two dwelling units side by side sharing a common wall.

The Committee questioned whether the larger lot area requirement was an issue unique to Bobcaygeon, as it appears to be a relief sought through variance whenever two semi-detached dwellings are proposed to be severed from one another within that community. Richard Holy, Manager of Planning responded that Bobcaygeon has an older zoning by-law (1978) as opposed to Lindsay (2000), and that the lot area issue is unique to Bobcaygeon. Bobcaygeon requires larger lot areas than Lindsay.

The Committee had no further questions.

Moved By S. Strathdee

Seconded By B. Archer

That minor variance application D20-2018-033 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.

Carried

3.2 Consents

4. **Deferred Applications**

4.1 Minor Variances

4.1.1 COA2018-037

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

Mr. Harding summarized report COA2018-037. Relief is requested from the front yard, water setback and Environmental Protection (EP) Zone setback to permit the construction of a single detached dwelling. Staff cited comments from the Community Service Department and Engineering and Corporate Assets Department received after the report was written noting no concerns.

The Committee asked staff a series of questions around why additional encroachment into the water and environmental protection setback was supportable, and around the necessity, implementation and phrasing of the planting plan conditions. The Committee also asked for clarification as to whether the Kawartha Region Conservation Authority (KRCA) would require a permit for the proposed works and shoreline naturalization.

Staff clarified that the existing house was narrow, having a depth of about 8 metres, and that a depth of 11 metres was proposed, below the average depth of today's typical single detached dwelling. The lot is also extremely narrow, and is within an urbanized area where many buildings do not comply with the water setback provisions. Staff further clarified that no deck was proposed within the rear yard, that compensation in the form of a planting plan was being recommended and clarified the planting plan requirements, and identified that some form of site plan control would be needed to implement and protect shoreline naturalization efforts. No KRCA permit was required as the property is not within the agency's jurisdictional area; they are providing comment on the City's natural heritage policies.

John Harlow, the owner's son and representative, was present at the meeting and clarified that the current dwelling is used seasonally, that a new year-round

dwelling is proposed for his uncle, and that the additional space is needed for visiting relatives. Mr. Harlow was supportive of the shoreline naturalization requirements.

The Committee asked why option (iv) of the KRCA's comments was not included in proposed condition 2, and whether the City has used the site plan control process to ensure the implementation of a planting plan before.

Staff responded that the fourth option is not viable as it would be for improvements on land the property owner does not own and further clarified that while the City has not used the site plan control process for a planting plan before, other municipalities do. A registered agreement on title makes the planting plan enforceable should the vegetation be removed by others in the future.

The Committee voiced concern over permitting naturalized vegetation in an urbanized area and with reducing the water setback. They asked the applicant if the matter was time sensitive, as they felt a deferral was best to allow the City, KRCA, and owner time to scope this issue and find a different solution.

Mr. Harlow said the matter was time sensitive and it had been deferred once before. He expressed an interest to start building so that his uncle can move in to be nearer to his parents.

The Committee asked why a condition was not included to require the owner to obtain a permit from the Ministry of Transportation (MTO) as per their comments. Staff clarified that the condition was unnecessary as the Building Division was aware of this requirement.

The Committee made a motion to omit conditions 2 and 3. The Committee made a friendly amendment to add an MTO permit condition. The Chair called for a recorded vote.

Moved By D. Marsh

Seconded By B. Archer

The Committee in support of the application, moved to omit conditions 2 and 3 and add an MTO permit condition.

Recorded	For	Against
L. Robertson		X
D. Marsh	X	
B. Archer		X
S. Richardson		X
S. Strathdee	X	
Results	2	3

Defeated

The Committee discussed the merits of requiring shoreline re-naturalization as a measure to mitigate the reduced water setback, and whether the reduction was appropriate.

Moved By D. Marsh

Seconded By S. Strathdee

The Committee motioned to deny the application. The Chair called for a second recorded vote.

Recorded	For	Against
L. Robertson		X
D. Marsh	X	
B. Archer		X
S. Richardson		X
S. Strathdee		X
Results	1	4

Defeated

The Committee asked staff if other buildings maintain similar water setbacks. Staff replied that many properties in this area do, but that the setback improves further to the southwest as the shoreline moves further away from the road. The subject property is one of the narrowest properties on North Water Street.

Moved By S. Richardson

Seconded By B. Archer

The Committee in support of the original application recommended by staff, with two amendments: Condition 2 to read (i) and (iii) or (ii) and (iii) to add further clarification, and to also add a condition (condition 3) for an MTO permit.

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) and (iii), 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** prior to the issuance of a building permit, the owner shall submit to the Secretary Treasurer a copy of the building and land use permit from the Ministry of Transportation (MTO);
4. **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
5. **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.

Carried

4.1.2 COA2018-038

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

Mr. Adebayo summarized report COA2018-038, to request relief to permit a two storey residential dwelling and shed.

The Committee questioned the water setback required from the house. Staff replied 15 metres but the applicant has requested 9.45 metres based on the existing building footprint that is proposed to be maintained.

The owner, Scott Meier was present and spoke. He stated he was unaware of being too close to the road. The Committee noted in Appendix C, the distance from the porch to the road is 7 feet and questioned the front yard setback for the house. Staff confirmed this was not included in the application as it should be 7.5 metres front yard setback. Staff confirmed it was a Planning error.

Moved By S. Richardson
Seconded By S. Strathdee

That the Committee defer the application to the August 16, 2018 meeting to allow re-advertising to include the front yard deficiency.

Carried

4.1.3 Memo Re-D20-2018-023

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 the deferral memo dated July 19, 2018 for application D20-2018-023, 196 St Albans Road. The owners have agreed with planning staff that a supporting decision cannot be reached at this time by staff per minor variance reliefs until more information is received from the building division confirming that the owners have initiated the permitting process to its satisfaction.

Moved By D. Marsh

Seconded By S. Strathdee

That the Committee agreed to defer the application to the August 16, 2018 meeting to enable the applicant sufficient time to amend the application to include more information pertaining to the building permitting process.

Carried

4.2 Consents

5. **Correspondence**

6. **Other Business**

7. **Next Meeting**

The next meeting will be Thursday, August 16th, 2018 at 1:00 p.m. in the Victoria Room, City Hall.

8. Adjournment**Moved By** B. Archer**Seconded By** D. Marsh**That** the meeting adjourned at 3.43 p.m.**Carried**

Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Fuller & Cornish
Report Number COA2018-052

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 16 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a detached garage and recognize two existing accessory buildings (sheds):

For all Accessory Buildings:

1. Section 5.1(b) to permit accessory buildings within a front yard; and

For the Detached Garage

2. Sections 5.1(b)(i) and 8.2(c) to permit an accessory building with a setback of 1.3 metres to an flankage lot line where a setback of 30 metres is required.

The property is located at 21 Colonel William Lane, geographic Township of Manvers (File D20-2018-030).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-052 Gerry Fuller and Bobbi Cornish, be received;

THAT minor variance application D20-2018-030 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 substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-052, which shall be attached to and form part of the Committee’s Decision; and
- 2) **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 COA2018-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	This application was deemed complete July 25, 2018.
Proposal:	To construct an approximately 7.3 metre x 7.3 metre (23.9 feet x 23.9 feet) two bay detached garage. To recognize the locations of two accessory buildings (11.9 square metres and 11.07 square metres) within the front yard.
Owner:	Gerry Fuller & Bobbie Cornish
Applicant:	Ben McKelvie – B & M Contracting
Legal Description:	Part Lot 23, Concession 4, Part of Part 2, 9R-1200, geographic Township of Manvers, City of Kawartha Lakes
Official Plan:	Natural Core Area – City of Kawartha Lakes Oak Ridges Moraine Policy Area
Zone:	Oak Ridges Moraine Core Area (ORMCA) Zone and Oak Ridges Moraine Environmental Protection (ORMEP) Zone – Oak Ridges Moraine Zoning By-law 2005-133.
Site Size:	4.37 hectares (10.8 acres)
Site Servicing:	Private individual septic and well systems
Existing Uses:	Residential, Forest, Rural
Adjacent Uses:	North: Agricultural, Forest East: Forest, Residential South: Railway, Forest West: Forest, Residential

Rationale: The precise location of the flankage lot line is unknown. The degree of relief requested provides for adequate tolerance in the event the lot line is further east from the existing hedge than anticipated. The lot is considered a corner lot, and as such, the shorter of the two lot lines abutting the street is considered the front lot line. The front lot line is considered to be the lot line abutting Solanum Way.

1) Are the variances minor in nature? Yes

And

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

The detached garage is proposed in order to offer sheltered vehicular storage on the property. The garage is proposed within the existing gravel parking area to the northwest of the dwelling. As such, no adverse stormwater impacts to the function of the property are anticipated as the proposal is utilizing the hard surfacing of an existing parking area. For this reason, there will also be no loss to the amount of landscaped amenity space.

Spatially, the garage will appear approximately 13 metres from the travelled edge of the Colonel William Lane. Further, no adverse impacts to the streetscape are anticipated as the garage will be screened from the road by a row of cedar and spruce trees that run the length of the developed portion of the property.

No adverse impacts are anticipated by permitting the three accessory buildings (2 existing sheds and the proposed detached garage) within the front yard as the buildings are in excess of 175 metres away from Solanum Way, and the land between the proposed buildings and road is forested.

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 Oak Ridges Moraine Core Area (ORMCA) Zone and Oak Ridges Moraine Environmental Protection (ORMEP) Zone within the Oak Ridges Moraine Zoning By-law 2005-133. The development is proposed within the ORMCA Zone.

The intent of the zoning by-law is to relegate accessory uses to a side or rear yard to ensure the front and flankage yard is not dedicated to accessory uses, such as storage, that would be visible from the street and adversely impact the character and function of the neighbourhood. However, the flankage yard is screened from Colonel William Lane and is not visible from Solanum Way. A modest two bay garage is not anticipated to adversely impact the character of the street or function of the neighbourhood.

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

The City of Kawartha Lakes Official identifies the subject property as being subject to the City of Kawartha Lakes Oak Ridges Moraine Policy Area (ORMPA). The property is designated Natural Core Area within the ORMPA. The purpose of the Natural Core Area designation is to maintain and, where possible, improve and restore the ecological integrity of the land. As such, it

anticipates uses such as wildlife and forest management, agricultural uses, parks, and a limited scope of low density residential uses. As such, the proposal maintains the general intent and purpose of the Official Plan as the proposal contemplates development within the manicured area of the property where the impact has already been established.

Other Alternatives Considered:

No alternatives have been examined at this time.

Servicing Comments:

The property is serviced by private well and septic systems.

Consultations:

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

Agency Comments:

Building Division (August 2, 2018): No concerns.

Otonabee Region Conservation Authority (July 16, 2018): No objection. See comments.

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-E to
Report COA2018-052.

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

Phone:	705-324-9411 ext. 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-030

to

REPORT COA2018-052

FILE NO: D20-2018-030

Geographic Township of Manvers

Concession 5

Lot 22

Lot 23

Lot 24

Solanum Way

Col. William
Lane

Solanum Way

SUBJECT LAND

Concession 4

CPR



to

REPORT COA2018-052

FILE NO: D20-2018-030

21 Colonel William Lane, geographic Township of Manvers

GEOMATICS
MAPPING



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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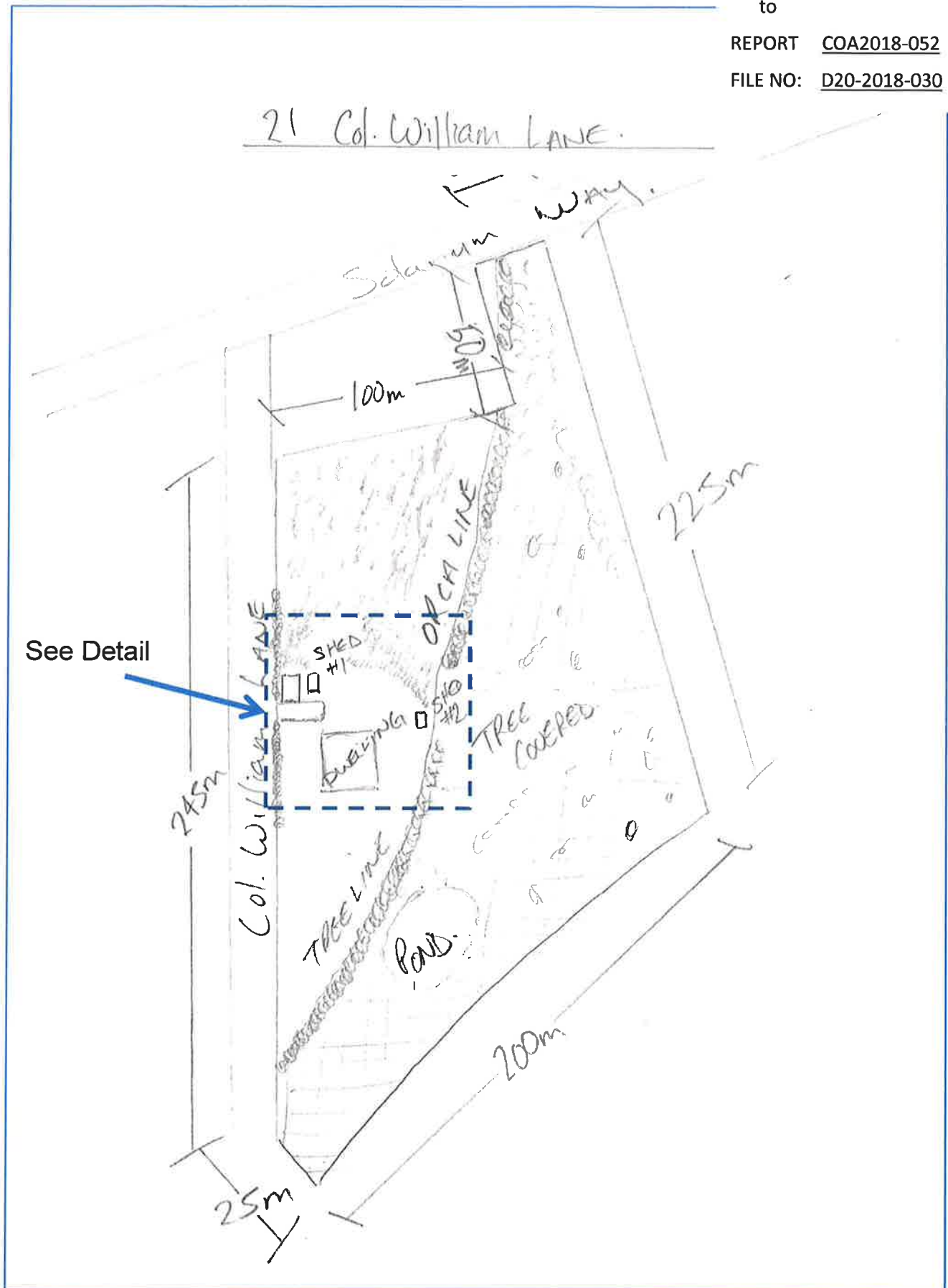


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to

REPORT COA2018-052

FILE NO: D20-2018-030



to

REPORT COA2018-052

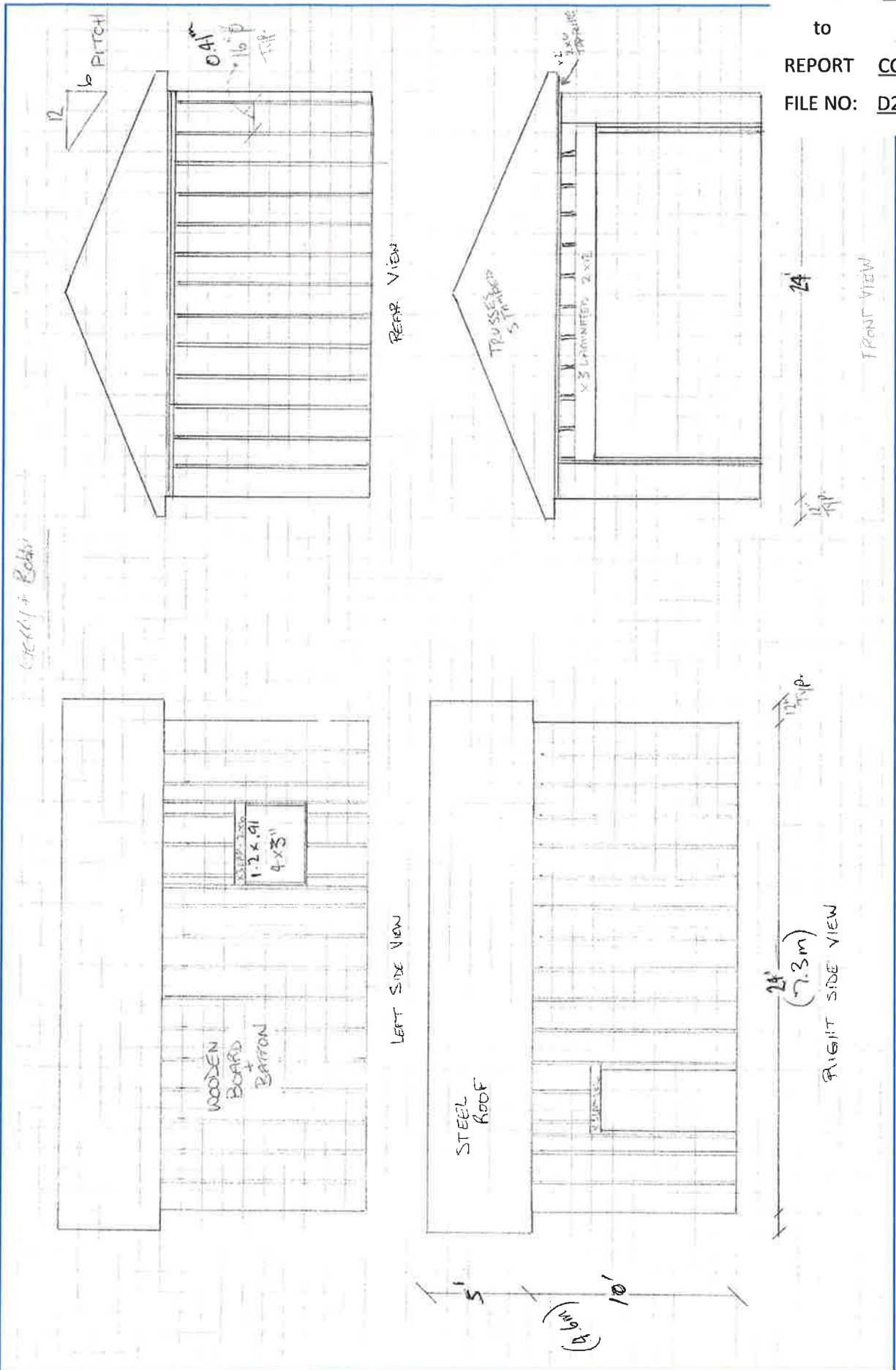
FILE NO: D20-2018-030



to

REPORT COA2018-052

FILE NO: D20-2018-030





APPENDIX " E "
to
REPORT COA2018-052
FILE NO. D20-2018-030

July 16, 2018

Mr. David Harding, Planner
City of Kawartha Lakes
180 King Street West
Lindsay, ON
K9V 2Y6

Dear Mr. Harding:

**RE: D20-2018-030, Gerry Fuller & Bobbi Cornish, 21 Col. William Lane, Pontypool,
Roll # 1651 008 030 02802, ORCA file PPLK-290**

Otonabee Region Conservation Authority has received the notice concerning the proposed minor variance for the above noted property. Conservation Authority staff has reviewed the available information in accordance with our mandate and policies and now offer the following comments.

The variance is requested in order to permit the construction of a detached garage within a front yard, with a reduced setback from the road. The property is on the Oak Ridges Moraine (ORM) and is also within the Provincial Natural Heritage System (NHS). The existing dwelling is located approximately 30 metres from the boundary of the woodland as shown on the NHS mapping. The proposed garage appears is to be located even further from the woodland boundary in an open previously cleared area. The construction of a garage at this location is unlikely to have any impact on the natural features or functions of the area; therefore, ORCA has no objection to the proposed minor variance.

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

Yours truly,

Beverly Hurford
Watershed Planner

The Otonabee Region Conservation Authority
250 Milroy Drive, Peterborough, ON K9H 7M9
Phone: 705-745-5791 Fax: 705-745-7488
Email: otonabeeca@otonabeeconservation.com

www.otonabeeconservation.com



David Harding

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division has the following comments to offer:

D20-2018-019 No concerns
D20-2018-030 No concerns
D20-2018-034 No concerns
D20-2018-035 No concerns
D20-2018-036 No concerns
D20-2018-037 No concerns
D20-2018-038 No concerns
D20-2018-039 No concerns
D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cook and Menard
Report Number COA2018-045

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 16 – Geographic Township of Manvers

Subject: The purpose and effect is to permit the construction of an attached garage by requesting relief from:

1. Section 13.2 (c) to reduce the minimum front yard setback from 15 metres to 12.8 metres; and
2. Section 13.2 (f) to reduce the minimum interior side yard setback from 3 metres to 1.2 metres.

The variance is requested at 1 Loraine Drive, geographic Township of Manvers (File D20-2018-034).

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

Recommendations:

RESOLVED THAT Report COA2018-045 Tyler Cook and Julie Menard, be received;

THAT minor variance application D20-2018-034 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 attached garage related to this approval shall proceed in accordance with the site plan in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-045, 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 final inspection for the proposed garage, the shed located in the rear yard be removed from the property; and,
- 3) **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 COA2018-045. 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, shed, and a deck. The existing attached garage is proposed to be replaced through this minor variance application with a larger structure and a reconfigured footprint. This application was deemed complete on June 7, 2018.
Proposal:	To construct an approximately 60.16 square metre (647 square foot) attached garage
Owner:	Tyler Cook and Julie Menard
Legal Description:	Lot 1, Plan M714, geographic Township of Manvers, City of Kawartha Lakes
Official Plan:	"Rural Settlement" – City of Kawartha Lakes Oak Ridges Moraine Policy Area
Zone:	"Rural Residential Type One (RR1) Zone" – City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	1,263.48 square metres (0.31 acres)
Site Servicing:	Private individual sewage system and municipal water supply
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: Residential South: Loraine Drive/ Residential West: Glengarry Road/ Rural

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 property is within a residential neighbourhood within the southern portion of the Bethany Settlement Area.

The proposed attached garage will be located in the side yard. The frontage and flankage setback from the roads, low building profile, and orientation of the garage should not adversely alter the character of the streetscape.

The front yard relief requested for the proposed garage is not anticipated to impact the function of the yard, as sufficient space remains between the proposed structure and the front lot line for maintenance and drainage purposes.

In terms of scale, the proposed height of the attached garage is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential uses dwellings. The proposed height of the garage matches the height of the existing dwelling on the property. The height of the garage projection will be 3.3 metres, which is smaller in scale than the existing dwelling. This aids in reducing visual impact of the existing dwelling character.

In terms of appearance, the application proposes a built form and scale consistent with the existing dwelling. It will blend in with the general character of the neighbouring residential dwellings to the East and South of the subject site.

Sufficient space remains within the side yards to facilitate access to the rear yard from the front yard. The attached garage provides for covered vehicular storage, and its setback from the road allowance ensures sufficient driveway surface outside of the road allowance is available for parking.

Moreover, the applicant will be removing the existing shed located in the rear yard from the property as trade-off for the relief sought for the expansion of the attached garage.

Due to the above, the variances are minor in nature.

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

The subject property is zoned “Rural Residential Type One (RR1) Zone” within the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133.

The intent of the zoning by-law is to relegate accessory uses to the interior side or rear yard, and maintain sufficient spatial separation between accessory uses and flankage lot lines. Due to the topography and presence of vegetation, the intent of the zoning by-law is maintained as the garage is adequately screened from Glengarry Road.

The 1.8 metres relief from the 3 metres interior side yard setback required is not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. The scale of the front yard setback reduction, which is 2.2 metre relief from the 15 metres, leaves adequate space between the proposed structure and the front lot line for maintenance and drainage purposes.

The attached garage is proposed to have a height of 6.24 metres. It is considered low profile as it is less than the maximum height of 11 metres permitted in a Rural Residential Type One (RR1) Zone. Additionally, the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 15.56% from a possible 25% maximum.

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

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

The property is designated “Rural Settlement” within the City of Kawartha Lakes Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan. This designation permits residential uses and associated accessory structures. The proposed development enhances the residential function of the property.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by Municipal water and private 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 (August 2, 2018): No concerns.

Public Comments:

No comments as of August 7, 2018.

Attachments:



2018.08.16
Appendices A-E to Re

Appendix “A” – Location map

Appendix “B” – Air photo

Appendix “C” – Site Plan

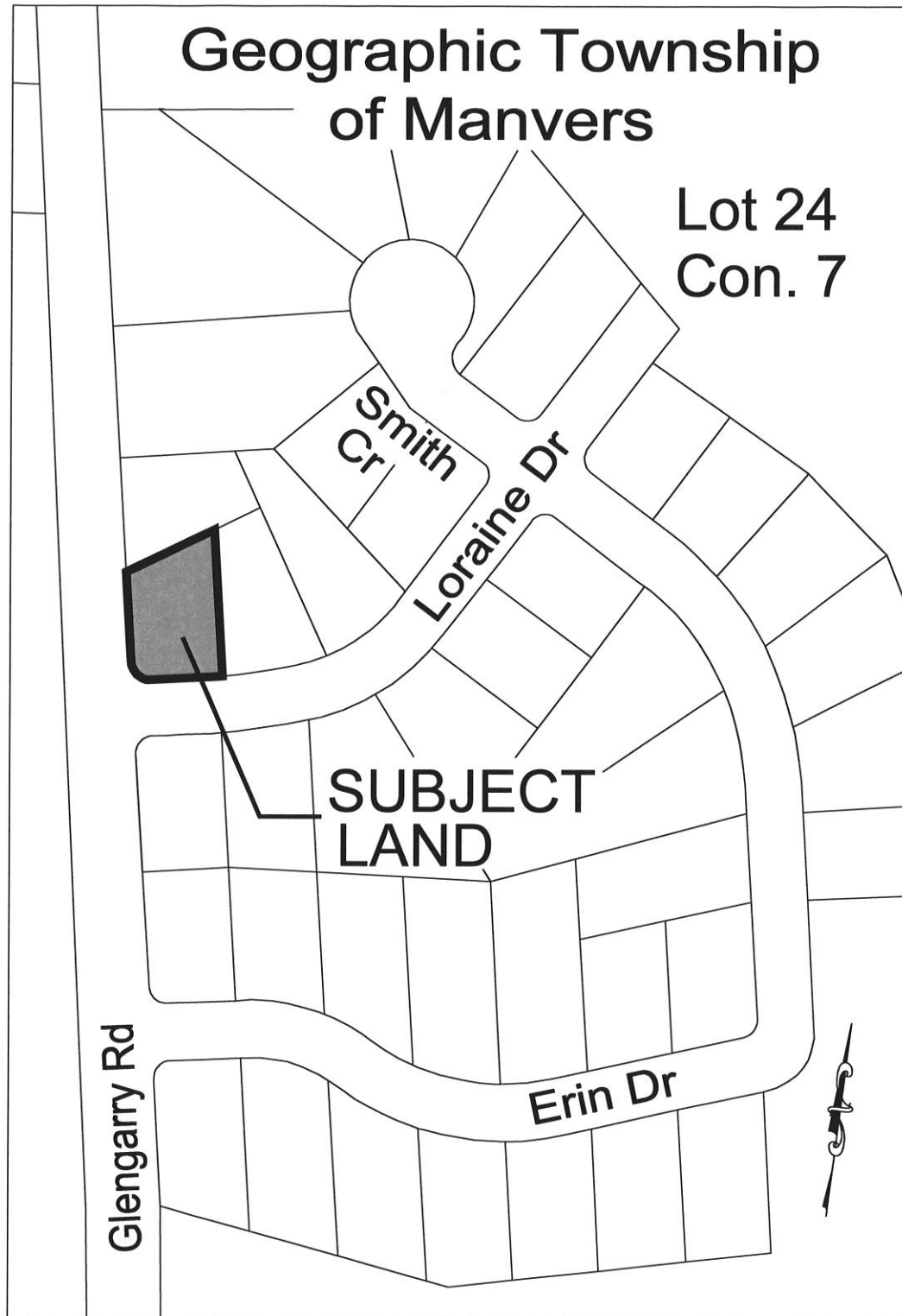
Appendix “D” – Elevations
Appendix “E” – Department and Agency comments

Phone: 705-324-9411 ext. 1883
E-Mail: lwong@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-034

to

REPORT COA2018-045

FILE NO: D20-2018-034

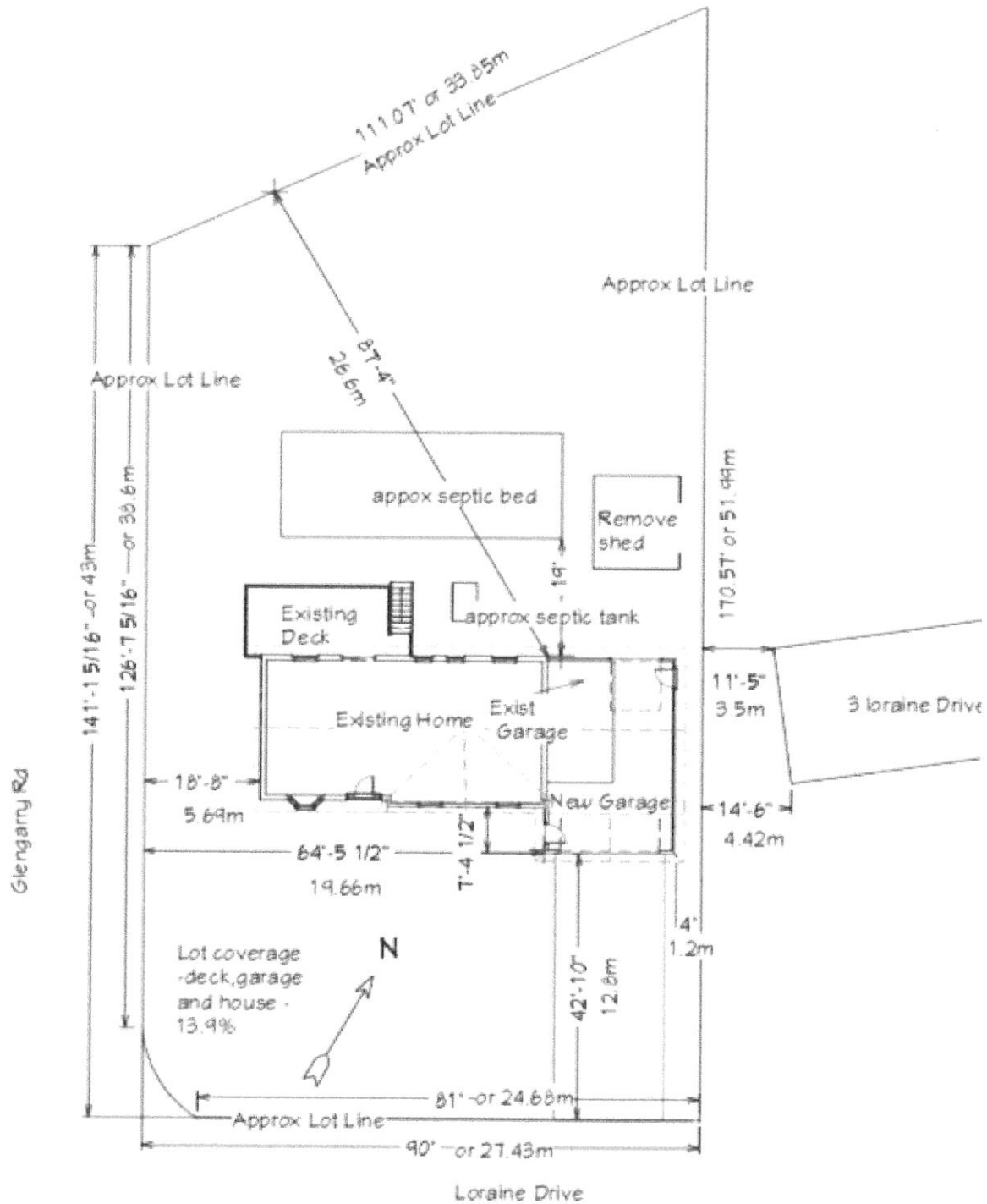


to

REPORT COA2018-045

FILE NO: D20-2018-034

Site Plan



APPENDIX " D "

to

REPORT COA2018-045

FILE NO: D20-2018-034

Frontage Elevation (South Direction)



Right Elevation (East Direction)



APPENDIX " E "

to

REPORT COA2018-045

FILE NO: D20-2018-034

Lydia Wong

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division ahs the following comments to offer:

D20-2018-019 No concerns
D20-2018-030 No concerns
D20-2018-034 No concerns
D20-2018-035 No concerns
D20-2018-036 No concerns
D20-2018-037 No concerns
D20-2018-038 No concerns
D20-2018-039 No concerns
D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bruce, Burns and Steinberg
Report Number COA2018-046

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Bexley

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

1. Part 2 – Definitions to amend the definition of Accessory Building to include one detached building ancillary to a developed residential lot that is within 30 metres of the subject property
2. Section 7.1.1 to add Accessory Building – Detached Garage to the list of permitted uses within the Rural General (RG) Zone; and
3. Section 3.1.3.2 to increase the maximum height of the detached garage from 5 metres to 6.1 metres

Relief is also sought from the following General Provisions for accessory buildings to ensure they do not apply to the proposed detached garage so that the applicable Rural General (RG) Zone provisions apply

4. Section 3.1.2.2 – accessory building setbacks; and
5. Section 3.1.3.1 – the accessory building lot coverage requirement;

Further relief is sought from the following RG Zone provisions to clarify and facilitate the proposed placement of the garage when no other main building is present on the same lot:

6. Section 7.2.1.7(b) shall not apply where reference is made to Sections 10.1 and 10.2;
7. Section 7.2.1.3(a) to increase the front yard setback from 35 metres to 42 metres;
8. Section 7.2.1.3(b) to increase the interior side yard setback from 9 metres to 35 metres from the south lot line and 48 metres from the north lot line; and
9. Section 7.2.1.3(d) to increase the rear yard setback from 25 metres to 64 metres.

The variances are requested at 57 West Bay Boulevard, geographic Township of Bexley (File D20-2018-035).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-046 Bruce, Burns and Steinberg, be received;

THAT minor variance application D20-2018-035 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 garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2018-046, 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 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 COA2018-046. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property is owned by the same individuals who own residential lots across the road at 54, 58, and 64 West Bay Boulevard. A tenants in common agreement entitles each of the three shoreline residential lots to the exclusive use of one third of the subject lot. The owner of 58 West Bay Boulevard has exclusive use of the centre third of the lot, and is proposing to construct the detached garage on its portion to provide the additional storage space.

This application was last amended July 24, 2018.

Proposal: To construct an approximately 9.2 metre x 11 metre (30 foot x 36 foot) detached garage on a lot where the garage is accessory to three nearby residential lots.

Owner: Diane Bruce, Romy Burns and Isla Steinburg

Legal Description: Part Lots 4 and 5 , Bexley Range West Bay, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Rural - City of Kawartha Lakes Official Plan

Zone: Rural General Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 1.22 hectares (3 acres)

Site Servicing: Un-serviced

Existing Uses: Vacant Land (Forest)

Adjacent Uses: North, South, and West: Vacant Land (Forest)
East: Shoreline Residential

Rationale: By adding an accessory use to the list of permitted uses, the garage becomes subject to the provisions governing a primary structure and accessory structure simultaneously. Many of the reliefs have been sought to clarify the zone provisions that apply to the proposed garage.

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 a back lot within an established shoreline residential neighbourhood. The lot is heavily forested, contains three separate driveways corresponding with each third of the lot that each shoreline residential lot has exclusive access to. Each driveway leads to a single clearing within the centre.

While the garage is located on a separate lot, it remains accessory to the three shoreline residential lots across the road. As such, the accessory relationship of the building to the dwellings across the road is maintained.

The garage will be set back approximately 45 metres from the front lot line. The forest in between the proposed garage and front lot line is composed primarily of deciduous trees. The increased height of the garage will not adversely impact the character of the neighbourhood as it will not be visible from the road in the spring, summer, and most of fall due to the forest vegetation screening the garage from view. In late fall and winter, the spatial separation from the road ensures the garage will not be a prominent feature along the streetscape.

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

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

The subject property is zoned Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09. The RG Zone permits a variety of rural uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses. The owner of 58 West Bay Boulevard has stated that there is insufficient room on their shoreline property to accommodate a garage of sufficient size. While the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another. As such, it is appropriate to permit an accessory use on the subject lot.

The by-law has set the height of the garage at 5 metres to ensure that the second floor is not made into habitable space, nor that the garage becomes

more prominent than the primary building. Due to the distance the garage will be away from the road, and the fact that this distance is forested, the garage, when visible, is not anticipated to be a prominent feature in the neighbourhood.

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

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

Yes

The subject property is within the Rural designation of the City of Kawartha Lakes Official Plan. The Rural designation permits a variety of rural land uses focused on agricultural production and resource management, but low density residential uses are also anticipated. The proposal is in keeping with the general intent and purpose of the Official Plan as a residential accessory use is proposed.

Other Alternatives Considered:

A pre-consultation application, file D38-17-069, was submitted to examine the potential to permit solely residential accessory uses. However, the owners do not wish to preclude the potential future construction of a dwelling. As such, they began a dialogue with staff to determine if there was a possibility to submit a variance application given the close proximity of the developed residential lots to the subject property. A merger agreement was discussed as part of the variance proposal, but determined not be an effective solution due to the structure of the tenants in common agreement and the possibility of a future dwelling on the lot.

Servicing Comments:

The property is un-serviced.

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 (August 2, 2018): No concerns.

Building Division (August 8, 2018): No comments as no sewage system has been requested for the lot and the building is proposed for storage only.

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-D to
Report COA2018-046.

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

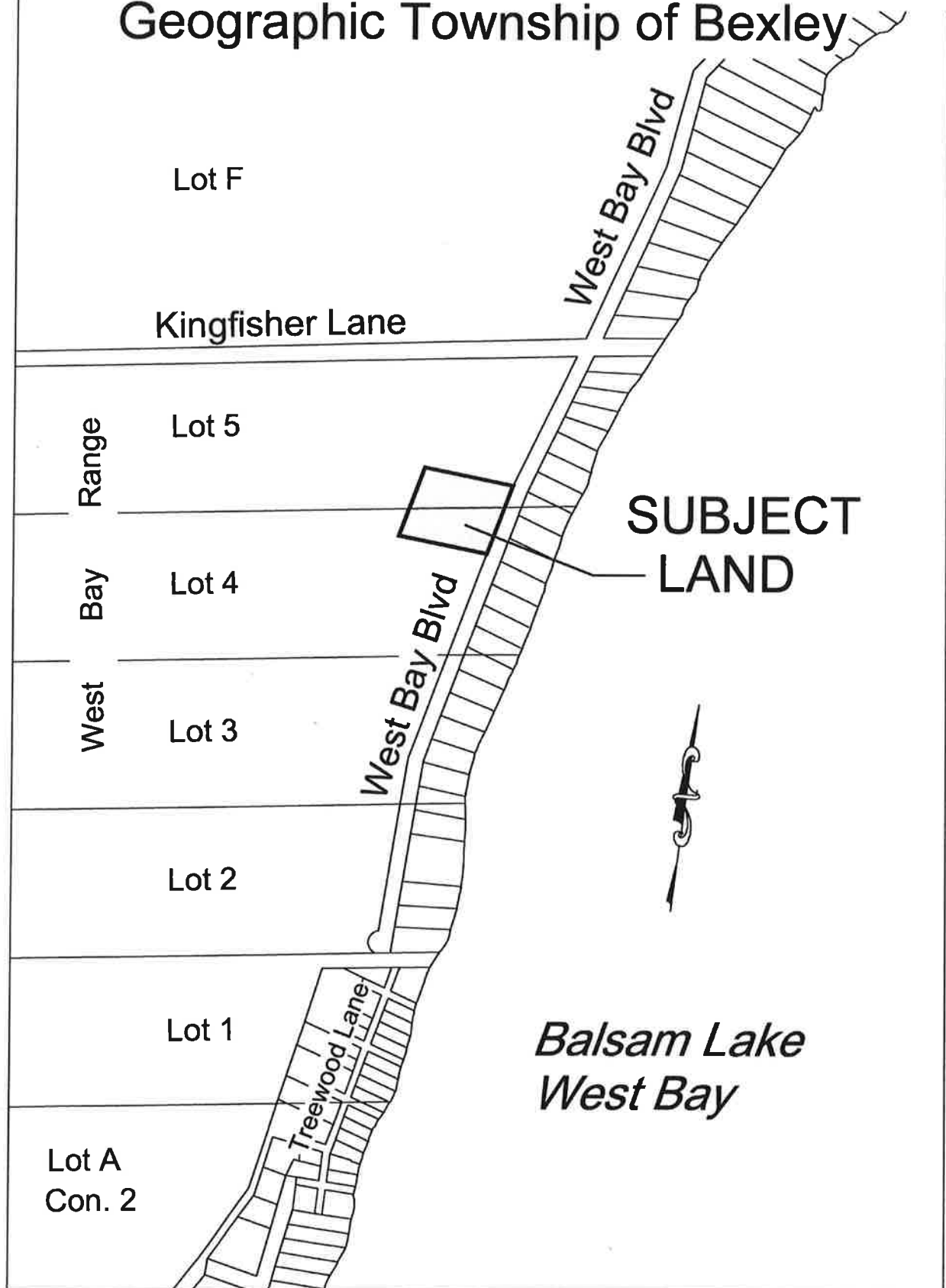
Department File: D20-2018-035

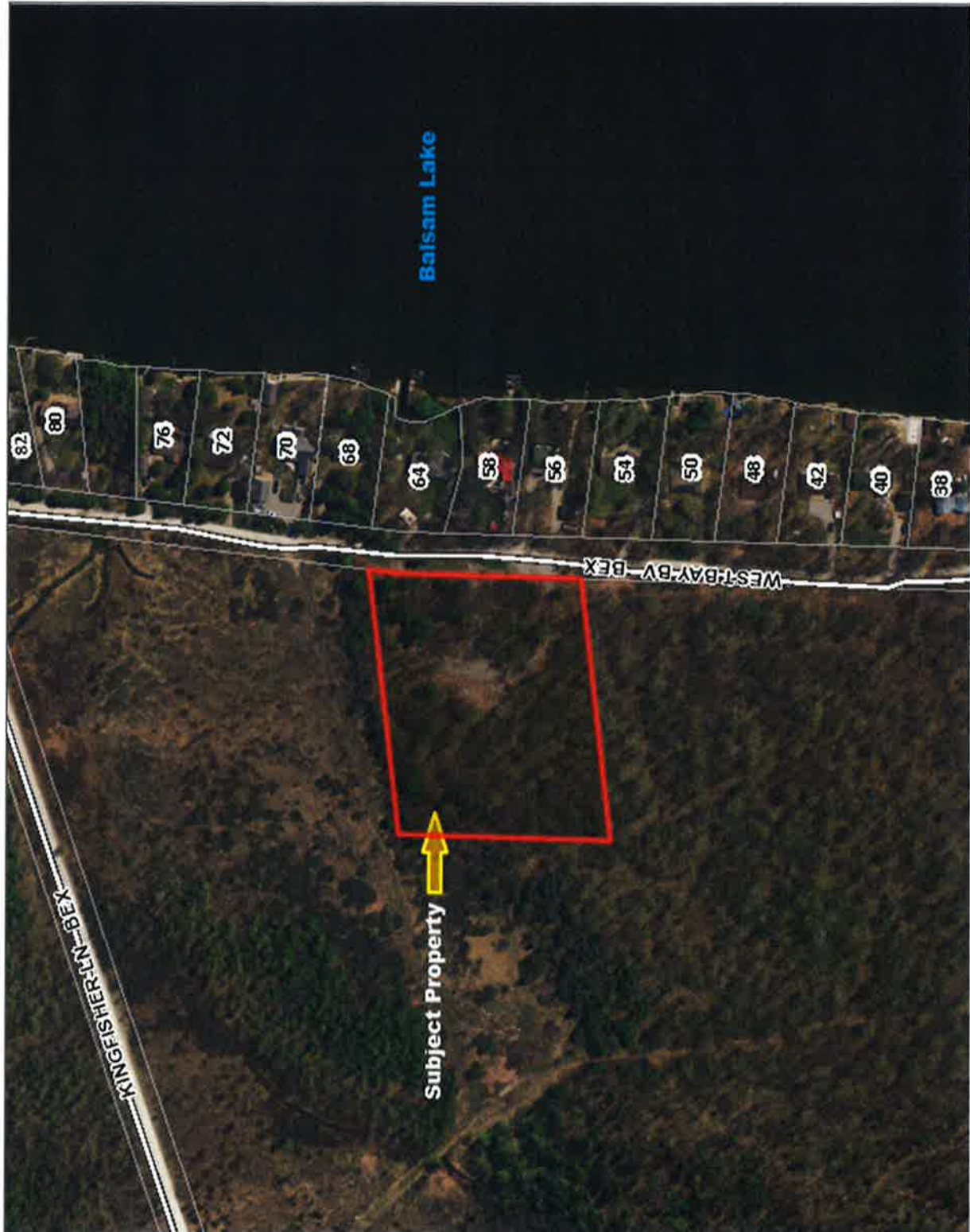
to

REPORT COA2018-046

FILE NO: D20-2018-035

Geographic Township of Bexley





0.20

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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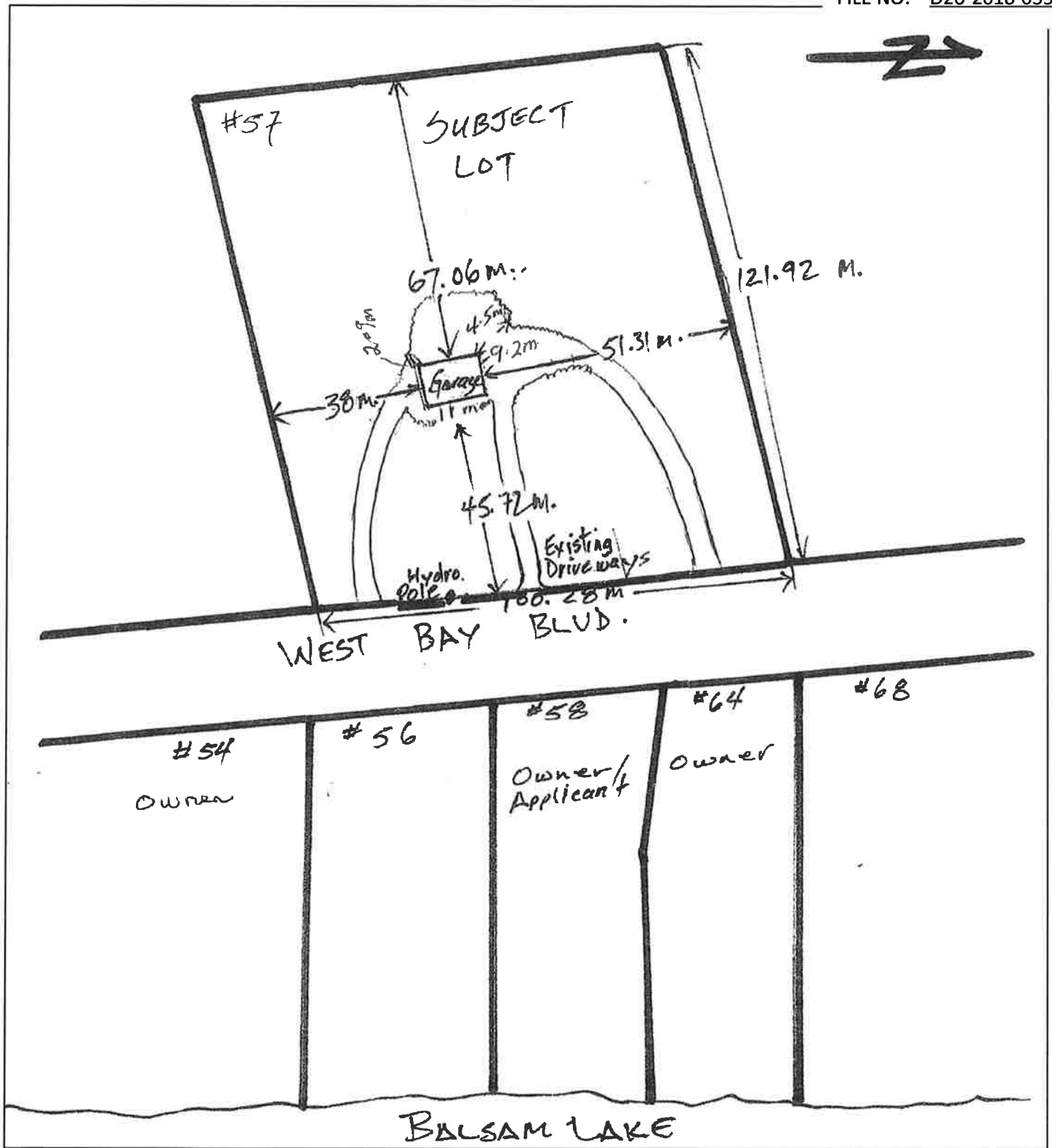


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to

REPORT COA2018-046

FILE NO: D20-2018-035



APPENDIX " D "
to COA 2018-046
REPORT _____
FILE NO. D20-2018-035

David Harding

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division has the following comments to offer:

D20-2018-019 No concerns
D20-2018-030 No concerns
D20-2018-034 No concerns
D20-2018-035 No concerns
D20-2018-036 No concerns
D20-2018-037 No concerns
D20-2018-038 No concerns
D20-2018-039 No concerns
D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Tuesday, August 07, 2018 10:35 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-035 - 56 West Bay Blvd

Hello Charlotte,

RE: Minor Variance Application D20-2018-035
57 West Bay Blvd, Former Bexley Township, City of Kawartha Lakes
West Bay Range, Part Lots 4 and 5
Owners: Diane Bruce, Romy Burns, and Isla Steinburg
Roll No. 165134002039400

I have received and reviewed the request for relief to construct a detached garage on a property within 30 metres of the developed residential lot.

The proposal for a detached garage will not incorporate living space, fixtures or bedrooms. The use for the structure will be for indoor storage of items accessory to the residential use. There is no request for a sewage system component as part of the proposal.

As such, the Building Division – Sewage System Program has no comment on the proposal.

Best Regards,

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report –Fairhurst
Report Number COA2018-047

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 5 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions in order to recognize the location of:

Detached Garage

1. Section 13.2.1.3 (b) to reduce the minimum interior side yard setback from 3 metres to 0.89 metres; and

Single Detached House

2. Section 13.2.1.3 (b)(i) to reduce the minimum interior side yard setback from 1.3 metres to 1.1 metres.

The variance is requested at 258 Moorings Drive, geographic Township of Fenelon (File D20-2018-036).

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

Recommendations:

RESOLVED THAT Report COA2018-047 Gary and Rhonda Fairhurst, be received;

THAT minor variance application D20-2018-036 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

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

Background: The property contains a single detached cottage with a patio deck, shed, and a detached garage. The application proposes to recognize the interior side yard setbacks of the cottage and garage respectively. No further development is being proposed through this application.

This application was deemed complete June 15, 2018.

Proposal: To recognize the 1.1 metres interior side yard setback of existing single detached cottage, and 0.89 metres interior side yard setback of the built detached garage.

Owner: Gary and Rhonda Fairhurst

Legal Description: Part Lot 32, Concession 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: 1,328 square metres (0.328 acre)

Site Servicing: Lake water system and private septic system

Existing Uses: Residential

Adjacent Uses: North: Burnt River
East: Residential
South: Moorings Drive/ Rural/ Cranberry Bay
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

Due to the irregular lot shapes and sizes, there is great variation in lot frontage and orientation of housing stock on this road. The variation in setbacks and orientations of the subject property provides Moorings Drive with a unique character. The subject property is complimentary with the existing residential character of the neighbourhood. In terms of scale, the massing of the single detached cottage and detached garage blend in with the prevailing residential dwelling sizes in the neighbourhood. As observed from site visit by staff, there are no adverse land use compatibility issues.

In terms of appearance, the built form and style of the cottage and garage are consistent with the general character of the neighbouring residential dwellings to the east and west of the subject site.

Observations from site visit also suggest that there are adequate yard amenity and vegetative landscaping spaces. The side yard relief requested for the garage and cottage recognize an existing situation. The structures do not impact the function of the side yards, as sufficient space remains within the proposed interior side yards to facilitate access to the rear yard from the front

yard. The yards still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

The detached garage is adjacent to the side wall of a detached garage of the abutting residential lot. Due to the irregular lot shape, the side yard setback widens towards the lot frontage, which aids in minimizing the potential of land use conflicts. The cottage is adjacent to the side wall of the neighbouring cottage on the east side. No land use conflicts are anticipated as sufficient yard space remains between the two structures.

Based on this, the variances for the single detached cottage and detached garage will be considered minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95.

The 0.2 metre relief from the 1.3 metre east interior side yard setback required, and the 2.11 metre relief from the 0.89 metre west interior side yard setback required are not perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard.

The existing single detached cottage has a height of 4.8 metres. It is considered low profile as it is less than the maximum height of 11 metres permitted in a Rural Residential Type Three (RR3) Zone. The existing detached garage has a height of 4.5 metres. It is also considered low profile as it is less than the maximum height of 5 metres permitted. Additionally, the proposal has not fully exercised the zoning provision privileges, utilizing lot coverage of 15% from a possible 30% maximum.

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

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

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

The existing structures follow the Official Plan policy regarding density and massing in the Waterfront designation. It blends 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:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by lake water and private individual septic systems.

Consultations:

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

Agency Comments:

Building Division – Building Inspection/Plans Examiner (August 2, 2018): No concerns.

Kawartha Region Conservation Authority (KRCA – July 31, 2018): No objection. See comments.

Public Comments:

No comments as of August 7, 2018.

Attachments:



2018.08.16
Appendices A-D to Re

Appendix “A” – Location map

Appendix “B” – Air photo

Appendix “C” – Site Plan

Appendix “D” – Department and Agency comments

Phone: 705-324-9411 ext. 1883

E-Mail: lwong@kawarthalakes.ca

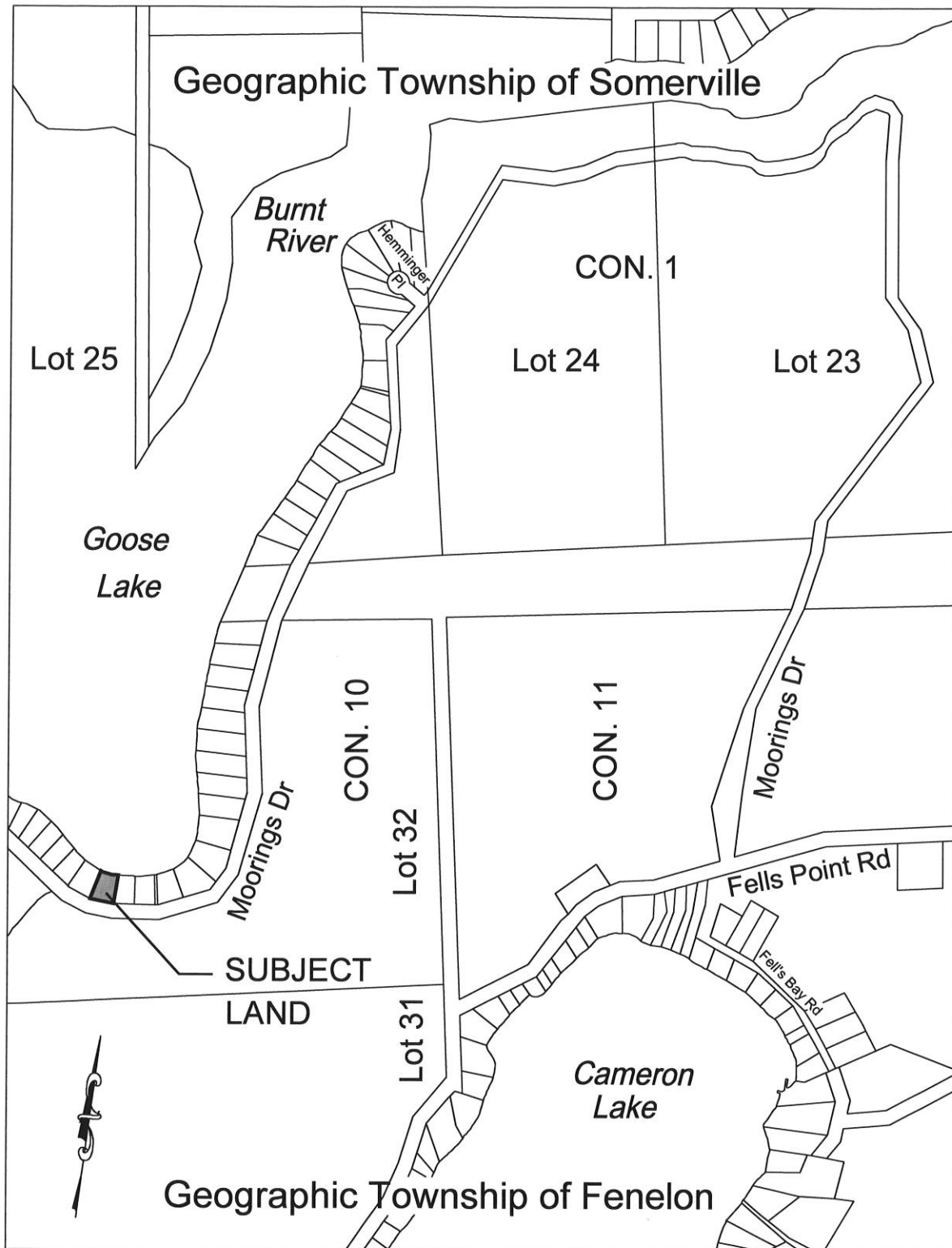
Department Head: Chris Marshall

Department File: D20-2018-036

to

REPORT COA2018-047

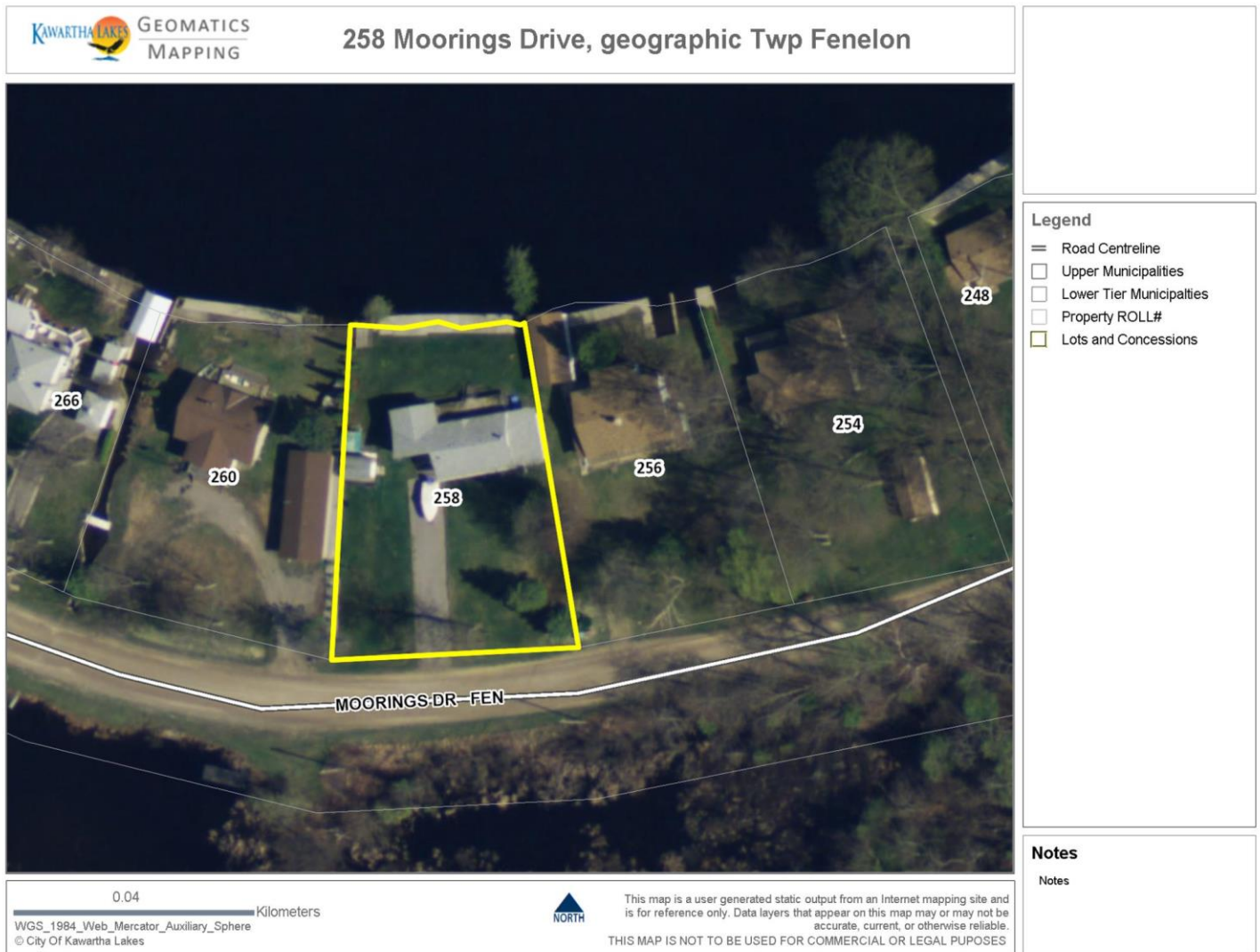
FILE NO: D20-2018-036



to

REPORT COA2018-047

FILE NO: D20-2018-036



FILE NO: D20-2018-036

61

APPENDIX " D "

to

REPORT COA2018-047

FILE NO: D20-2018-036

July 31, 2018
KRCA File No 16500



**KAWARTHA
CONSERVATION**
Discover • Protect • Restore

VIA EMAIL

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

Regarding: Application for Minor Variance – D20-2018-036
Gary & Rhonda Fairhurst
258 Moorings Drive, Lot 32 Con 10
Geographic Township of Fenelon
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

Kawartha Region Conservation Authority (KRCA) has completed a review of the above noted application for relief from the Township of Fenelon Falls By-Law 12-95 - 13.2.1.3 (b) (i): to reduce Side yard setback from 3.0m to 0.89m for an existing garage and to reduce side yard setback from 1.3m to 1.1m for an existing dwelling.

It is our understanding that the garage subject to the variance outlined above was permitted by Kawartha Conservation under Ontario Regulation 182/06 on July 28, 2017, as per permit number P2017-255. Kawartha Conservation would also like to recognize and indorse the removal of the shed, enabling emergency shoreline access. We request that the site of the removed shed be re-seeded with native, non-invasive grass mix, should no concrete pad exist.

Based on considerations for natural heritage, natural hazards and water quality and quantity protection policies it is the opinion of Kawartha Conservation that the outlined development is located within an area that should not cause interference or significant impact to the ecological or hydrological functions of the natural features in the area. **Therefore, KRCA has no objections to the approval of this application at this time.**

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

AW/KS
cc: Kent Stainton, Resources Planner, KRCA
kstainton@kawarthaconservation.com

KAWARTHA CONSERVATION
277 Kenrel Road, Lindsay, ON K9V 4R1
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KawarthaConservation.com

Our Watershed Partners:
City of Kawartha Lakes • Region of Durham • Township of Scogog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



APPENDIX " D "

to

REPORT COA2018-047

FILE NO: D20-2018-036

Lydia Wong

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division ahs the following comments to offer:

D20-2018-019 No concerns
D20-2018-030 No concerns
D20-2018-034 No concerns
D20-2018-035 No concerns
D20-2018-036 No concerns
D20-2018-037 No concerns
D20-2018-038 No concerns
D20-2018-039 No concerns
D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2083359 Ontario Inc.
Report Number COA2018-048

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 7 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 20.2 to add “mini-storage warehouse” as a permitted use within the General Employment (GE) Zone.

The variance is requested at 85 St. Peter Street, former Town of Lindsay (File D20-2018-037).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-048 2083359 Ontario Inc., be received;

THAT minor variance application D20-2018-037 be DENIED, as the application does not meet the general intent and purpose of the zoning by-law as set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was deemed complete June 18, 2018.

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

Owner: 2083359 Ontario Inc.

Legal Description: 85 St. Peter Street, Lot 17 to 18, Plan 377, former Town of Lindsay, City of Kawartha Lakes

Official Plan: General Employment - Town of Lindsay Official Plan

Zone: General Employment (GE) Zone - Town of Lindsay Zoning By-law 2000-75

Site Size: 1.23 hectares (3.07 acres)

Site Servicing: Municipal sanitary sewer and water supply

Existing Uses: Industrial

Adjacent Uses: North: Industrial
East: Industrial
South: Industrial
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 determination of whether or not an application is minor is not based on the degree of variation requested, but rather on whether the impact of granting the request is minor. This includes considering how the application could impact the existing or planned functionality of the subject lands or of adjacent lands. Impacts can include, but are not limited to: environmental, nuisance (noise, vibration, dust, etc.), visual, and functional attributes.

Although the subject property directly abuts residential use lands to the west, it is bounded by other compatible medium-heavy industrial uses to the north, south and east respectively. As the impact of having these uses side by side already exists, the creation of a mini-storage warehouse on-site would permit the establishment of a light industrial land use that would function as a buffer between the sensitive residential land uses and medium-heavy industrial land uses. The proposed fencing along the westerly lot boundaries is also anticipated to facilitate the buffering between the residential and industrial use.

The subject land is intended to be reserved for medium-industrial uses and select commercial uses that are considered compatible with medium-heavy industrial uses as they have an industrial component to their operation. Since the property is already being used for a tire warehouse operation, a mini-storage warehouse which could be considered a commercial-like industrial use or light industrial use, at the scale it is being proposed is not anticipated to present any negative impacts. As the proposed mini-storage structures are proposed to be sufficiently setback from the lot lines accordingly and having a total lot coverage of 15.23%, the proposed 1.8 metre planting area along the property boundaries, as well as the 1.8 metre high fencing proposed on the east and west of the property lot lines, are anticipated to minimise any potential visual impacts at human scale.

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

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

No

The subject property is zoned General Employment (GE) Zone within the Town of Lindsay Zoning By-law 2000-75. Warehousing is a permitted use in the GE Zone, but mini-storage is a defined use, and only permitted in the Prestige Employment (PE) Zone.

The PE Zone is generally contemplated to act as a transitional buffer area between the larger commercial/industrial buildings (e.g. Shopping Centre Commercial Zones, General Commercial Zones or GE Zones) and residential areas, rather than in situations where these zone categories abut each other directly.

Warehousing is only permitted as an ancillary use to a medium-heavy operation that manufactures and /or processes product, or as a separate function for a larger industrial warehousing. The Zoning By-law does not contemplate many light industrial (commercial-like industrial uses) uses within the context of the medium-heavy industrial uses, as none of the industrial uses permitted within the PE Zone category, with the exception of light manufacturing, are permitted within the GE Zone.

Likewise, the Zoning By-law also intends for commercial-like industrial uses and industrial-like commercial uses that are typically permitted in the PE Zone to be grouped together on smaller lot fabrics rather than the larger grained parcel fabric found in the GE Zone.

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

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

Yes

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan remains in effect. The property is designated General Employment in the Town of Lindsay Official Plan. The designation contemplates a wide range of businesses and industrial activities to be clustered together and separated from sensitive land uses. The open storage of goods and services, and the warehousing of materials amongst other uses are anticipated in the General Employment designation

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

Other Alternatives Considered:

Rezoning the lot to Prestige Employment Zone category is the appropriate course of action given that Warehousing is a permitted use in the GE Zone, whereas a mini-storage is a defined use, and only permitted in the Prestige Employment (PE) Zone. Also, a zoning by-law amendment will ensure the merits of the proposal can

be fully analyzed beyond the analytical parameters required for the four (4) tests under a minor variance.

Servicing Comments:

Full municipal services are available for the property.

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 (August 2, 2018): No concerns.

Kawartha Region Conservation Authority (August 2, 2018): No objections. See comments

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-D to
Report COA2018-037

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

Phone: 705-324-9411 extension 1367

E-Mail: qadebayo@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-037

D20-2018-037



APPENDIX: B

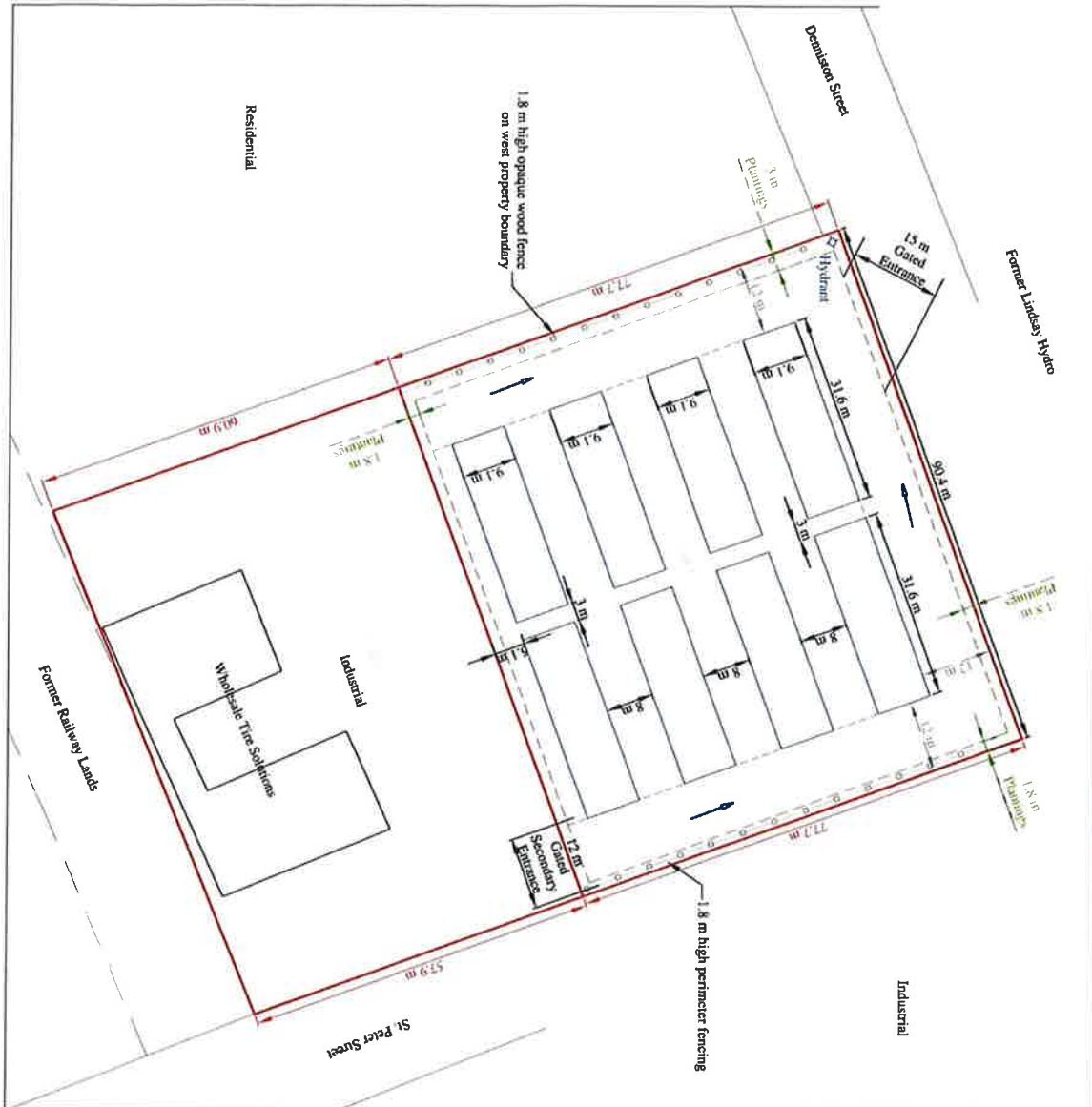
to

REPORT COA2018-048

FILE NO: D20-2018-037

85 St Peter Street, former Town of Lindsay





PROPOSED LOT DEVELOPMENT

85 St. Peter Street & Denison Street
Lindsay
City of Kawartha Lakes, Ontario

LEGEND

- Property Boundary
- Proposed Structure
- + Hydrant
- Lot Drainage

Notes:

- CKL Precanulation File No. D184-17-005 (2017.02.09)
- Property boundary - 57R-5759, Parts 1 and 2
- Setbacks illustrated on plan obtained from the Town of Lindsay's Comprehensive Zoning By-law #2880-75 (April, 2015) Section 20.2.1, General Employment (GE) Zone Requirements
- Landscaping, loading, and parking - Lindsay Zoning
- By-law #2000-75
- CKL utility locates - CKL Engineering Department
- Lot grading and drainage - infiltration, swales to roadside storm sewer
- Building plans and specifications - Canadian Storage Systems International, Barrie
- Gross Floor Area of each building: 3,115 ft² (289.4 m²)



Base Data obtained from: Ontario Ministry of Natural Resources & Forestry
Printer: Joe (Ontario, 2015)

TITLE

**CONCEPTUAL SITE PLAN
PROPOSED UNMANNED SELF STORAGE**

CLIENT

2083359 Ontario Inc.
o/a Wholesale Tire Solutions

GRACE & ASSOCIATES INC.
Geotechnical & Environmental Consultants

DRAWN

R17-722

FIGURE NO.

1

APPENDIX " D "
to COA2018-048
REPORT
FILE NO. D20-2018-037

Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

Please be advised building division has the following comments to offer:

D20-2018-019 No concerns
D20-2018-030 No concerns
D20-2018-034 No concerns
D20-2018-035 No concerns
D20-2018-036 No concerns
D20-2018-037 No concerns
D20-2018-038 No concerns
D20-2018-039 No concerns
D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Via E-Mail: ccrockford-toomey@kawarthalakes.ca

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

Regarding: **Application for Minor Variance – D20-2018-037**
 2083359 ONT Inc. / Terry Yates / David Blackwood
 85 St. Peter Street, Lot 22 Con 6, Ops
 Geographic Town of Lindsay
 City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Conservation staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of Zoning By-Law 2000-75 (Town of Lindsay), as amended, as it relates to:

- a) Relief from Provisions of Section 20- General Employment (GE) Zone, to allow unmanned Self-storage use in addition to the other industrial and commercial uses permitted.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within Kawartha Conservation's Regulated Area, as it is adjacent to Sinister Creek. This portion of Sinister Creek has been identified by the City of Kawartha Lakes as an area of concern, in regards to flooding. For this reason, Kawartha Conservation has participated in the development of a detailed flood plain study to delineate the boundaries and extent of flooding in case of a Regulatory storm event. In accordance with Ontario Regulation 182/06, as amended (*Development, Interference with Wetlands and Alterations to Shorelines and watercourses*), a permit is required from Kawartha Conservation prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,

KAWARTHA CONSERVATION
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KawarthaConservation.com

Our Watershed Partners:

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- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

As noted, the subject property is within Kawartha Conservation's Regulated Area of Sinister Creek. The Regulatory flood elevation for the subject lands has been determined at 259.52 metres above sea-level (m.a.s.l). The proposed works identified on the plans appear outside of lands regulated by Kawartha Conservation; therefore, a permit under Ontario Regulation 182/06 is not required.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

Under the current Memorandum of Understanding (MOU) between The City of Kawartha Lakes and Kawartha Conservation, our office provides comments relating to Ontario Regulation 182/06 as well as policy/technical advice related to Water, Natural Heritage and Hazards sections of the *Provincial Policy Statement* (2014). In addition, technical guidance is provided in relation to aspects of the *Oak Ridges Moraine Conservation Act* and the *Greenbelt Act*.

Provincial Policy Statement (PPS) - Fish Habitat:

The subject property located on "adjacent lands" (i.e., within 120 metres) to fish habitat (i.e., Sinister Creek). The Natural Heritage section (Section 2.1) of the Provincial Policy Statement (PPS) states that development and site alteration shall not be permitted within 120 metres of fish habitat unless the ecological function of these "adjacent lands" has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Due to the nature of the application and distance of the proposed development from Sinister Creek, staff are of the opinion that there would be no negative impacts to adjacent fish habitat.

Recommendation

On this basis, Kawartha Conservation staff have no objections to the approval of this Minor Variance application D20-2018-037, provided the proposed works are constructed as per the plans submitted to Kawartha Conservation for review. Kawartha Conservation requests to be circulated on future applications (i.e. Site Plan Approval) related to the subject lands.

Kawartha Conservation staff would like to note that the decision of the Committee of Adjustment does not bind Kawartha Conservation under *the Conservation Authorities Act* to approve the proposed works identified on the plans/drawings submitted with this application. As such, Kawartha Conservation staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the *Planning Act* and the *Conservation Authorities Act*.

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,



Kent Stainton
Resources Planner

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705.328.2271 Fax 705.328.2286
KawarthaConservation.com

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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Randy and Judi Smith
Report Number COA2018-049

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 2 – Geographic Township of Bexley

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

1. Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.25 metres; and
2. Section 13.2.1.3(c) to reduce the minimum exterior yard setback from 7.5 metres to 4.52 metres.

The relief is required to permit the construction of an enlarged addition to an existing single detached dwelling.

The variance is requested at 19 Cedar Dale Drive, geographic Township of Bexley (File D20-2018-038).

Author: Daniel Hahn, Student Planner

Signature:

Recommendations:

RESOLVED THAT Report COA2018-049 Randy and Judi Smith, be received;

THAT minor variance application D20-2018-038 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 addition 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 COA2018-049, which shall be attached to and form part of the Committee’s Decision.
- 2) **THAT** prior to the issuance of a Building Permit, the applicant submit an elevation survey to Kawartha Region Conservation Authority (KRCA);
- 3) **THAT** the applicant obtain the necessary permits required by the Kawartha Region Conservation Authority if the property, pursuant to Condition 2, is determined to be within the KRCA Regulated Area. This condition will be

considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA that the necessary permits have been obtained by the owner; 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 COA2018-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property contains a one-and-a-half storey seasonal vacation dwelling, porch, and an existing accessory structure. The applicant is seeking to construct an addition to the existing dwelling along the south-eastern portion edge of the structure. The dwelling, the application notes, was constructed and occupied during the 1960s.

This application was deemed complete June 18, 2018.

Proposal: To permit the construction of an addition to an existing single detached dwelling within the front yard and exterior side yard.

Owner: Randy and Judi Smith

Legal Description: Range NWB, Part Lot 16, Plan 170, Part Lot 16, Part Lot 17, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront – City of Kawartha Lakes Official Plan

Zone: Limited Service Residential - Township of Bexley Zoning By-law 93-09

Site Size: 0.11 hectares (0.277 acres)

Site Servicing: Private individual septic and well systems

Existing Uses: Vacation dwelling

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

Rationale: The Township of Bexley's Comprehensive Zoning By-law defines "Lot Frontage" in a Limited Service Residential (LSR)

Zone as the horizontal lot line abutting a street or a private right of way.

“LOT FRONTAGE means the horizontal distance abutting an improved public street or, in the LSR Zone, a street or private right of way, between the side lot lines and measured along the front lot line.”

When considering whether the subject property’s lot frontage would be along Cedar Dale Drive or the private driveway, staff determined the driveway is consistent with the zoning by-law’s intention to front LSR properties along private right of ways where possible. The driveway is considered, under this definition, a right of way in large part due to it serving as a private vehicular access point for 19, 21, and 23 Cedar Dale Drive.

Accordingly, the subject property’s front lot line abuts the private right of way, while the exterior lot line is running along Cedar Dale Drive (see Appendix “C”).

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 cottage neighbourhood. The majority of the dwellings along Cedar Dale Drive are single storey or one-and-a-half storey dwellings.

The applicant is seeking to construct an enlarged addition in the front yard. The proposal is consistent with the neighbourhood character and will serve as a positive contribution to the area. The building’s massing is not anticipated to drastically alter the character of the neighbourhood since the addition will remain one storey and the exterior design is in keeping with the existing dwelling.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential uses dwellings.

There is an existing stream that runs behind the properties on Cedar Dale Drive. As no floodplain mapping has been prepared for this stream, KRCA has established its regulatory area to be 15 metres on either side of the stream. While the subject lands are not located within KRCA’s regulated area, the CA has asked for an elevation survey, contained in Condition 2, to confirm that they are at least 1.0 metre above the top-of-bank associated with the stream. Their full comments are contained in Appendix E to this report.

Therefore, the variance is minor in nature and appropriate for the use of land.

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

The subject property is zoned Limited Service Residential (LSR) within the Township of Bexley Zoning By-law 93-09.

The Limited Service Residential Zone permits both single detached dwellings and vacation dwellings. The proposed use complies with the Township of Bexley Zoning By-law.

The applicant is seeking relief to permit the encroachment of the addition within the front and exterior side yards. The front yard setback seeks to place sufficient separation from the dwelling and the road, while ensuring adequate space for parking. The minimum front yard setback in the Township of Bexley Zoning By-law is 7.5 metres. Staff are confident the proposed encroachment is sufficiently set back at 6.25 metres to facilitate on-site parking and a front yard in keeping with the neighbourhood. The private right of way will not be altered to accommodate the relief and the current parking area within the interior side yard will remain unchanged.

The Township of Bexley Zoning By-law requires a minimum exterior side yard setback of 7.5 metres. Applicant has requested additional relief to permit the proposed addition at 4.52 metres from the exterior side lot line. Similar to the front yard setback, the exterior side yard setback intends to locate dwellings sufficiently away from a street. The proposed variance of 2.98 metres places the addition at a sufficient distance from the road. The area is noted for its vacation dwellings located in close proximity to Cedar Dale Drive, which is a low traffic volume, narrow, well-landscaped private road and no adverse effects are anticipated. Staff are confident that the proposal fits well with the established character of the neighbourhood and meets the intent of the Zoning By-law.

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

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan. The Waterfront designation permits low density seasonal or limited permanent residential development in areas around watercourses and lakes. Vacation single detached dwellings and single detached dwelling are anticipated within the Waterfront areas. The Official Plan encourages new development to conform to the established character of waterfront area. The Official Plan anticipates low density, low profile dwellings with ample tree cover and vegetation.

In consideration of the above, the variance maintains the general intent and purpose of the City of Kawartha Lakes Official Plan. The proposed addition is consistent with the uses permitted in the Waterfront designation. Moreover, the

proposed built form will fit the neighbourhood's character, while the massing and density is consistent with the policies 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.

Building Division – Sewage System Program (July 23, 2018): No concerns.

Kawartha Region Conservation Authority (July 31, 2018): See Appendix E.

Public Comments:

No comments as of July 9, 2018.

Attachments:



2018.08.16
Appendices to Report

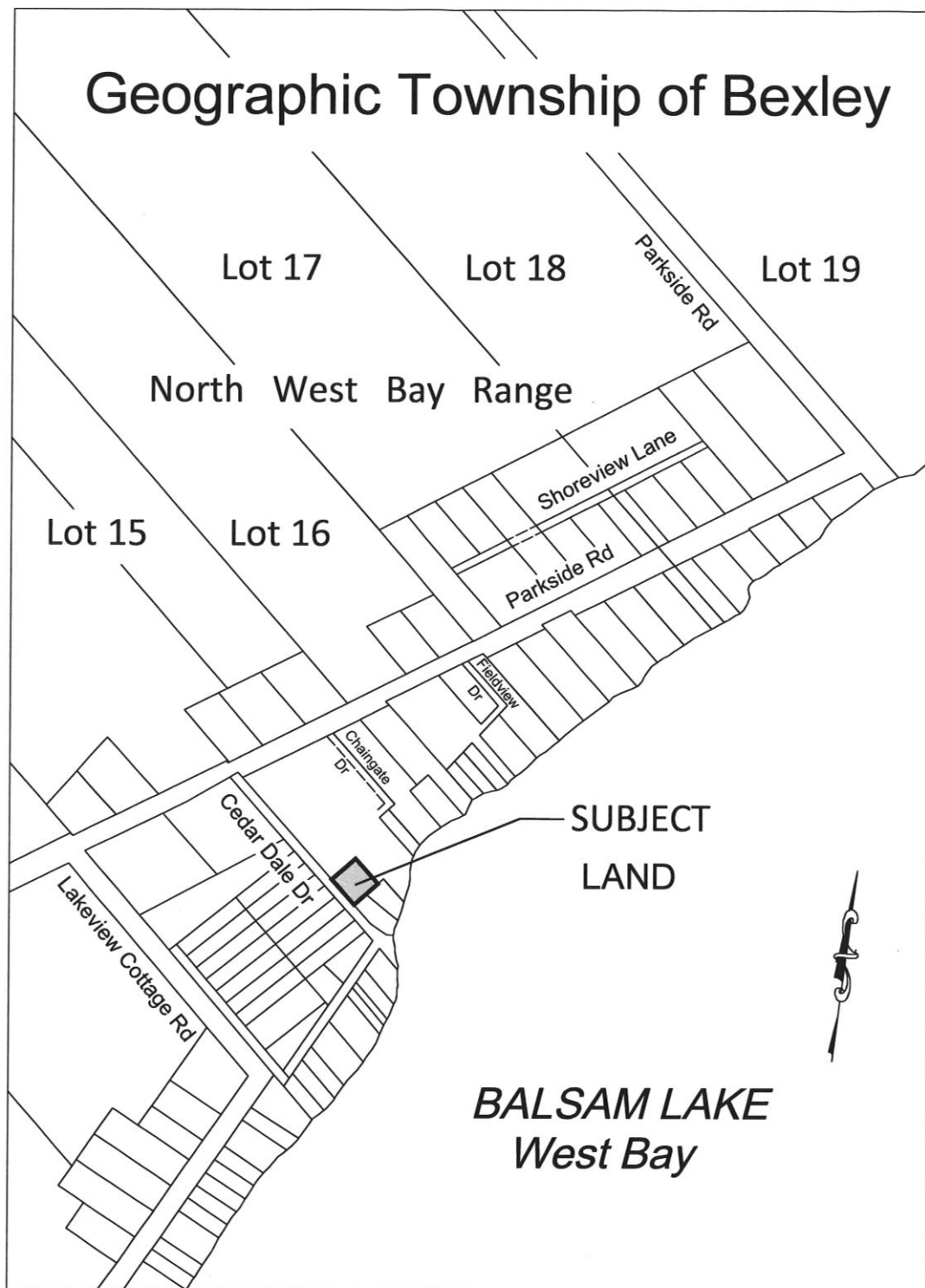
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Structure Drawings
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1884
E-Mail: dhahn@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-038

to

REPORT COA2018-049

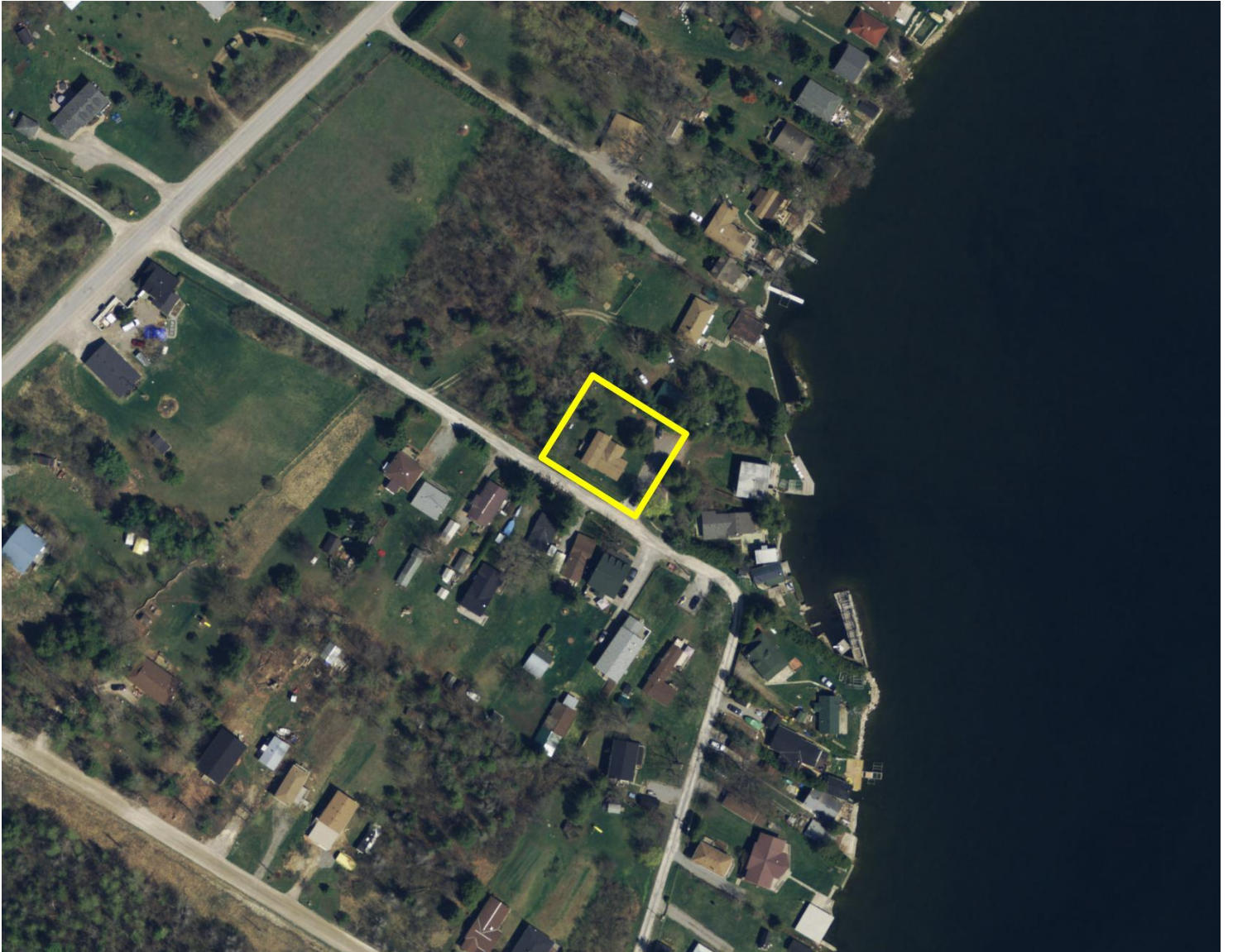
FILE NO: D20-2018-038



to

REPORT COA2018-049

FILE NO: D20-2018-038



APPENDIX " B "

to

REPORT COA2018-049

FILE NO: D20-2018-038





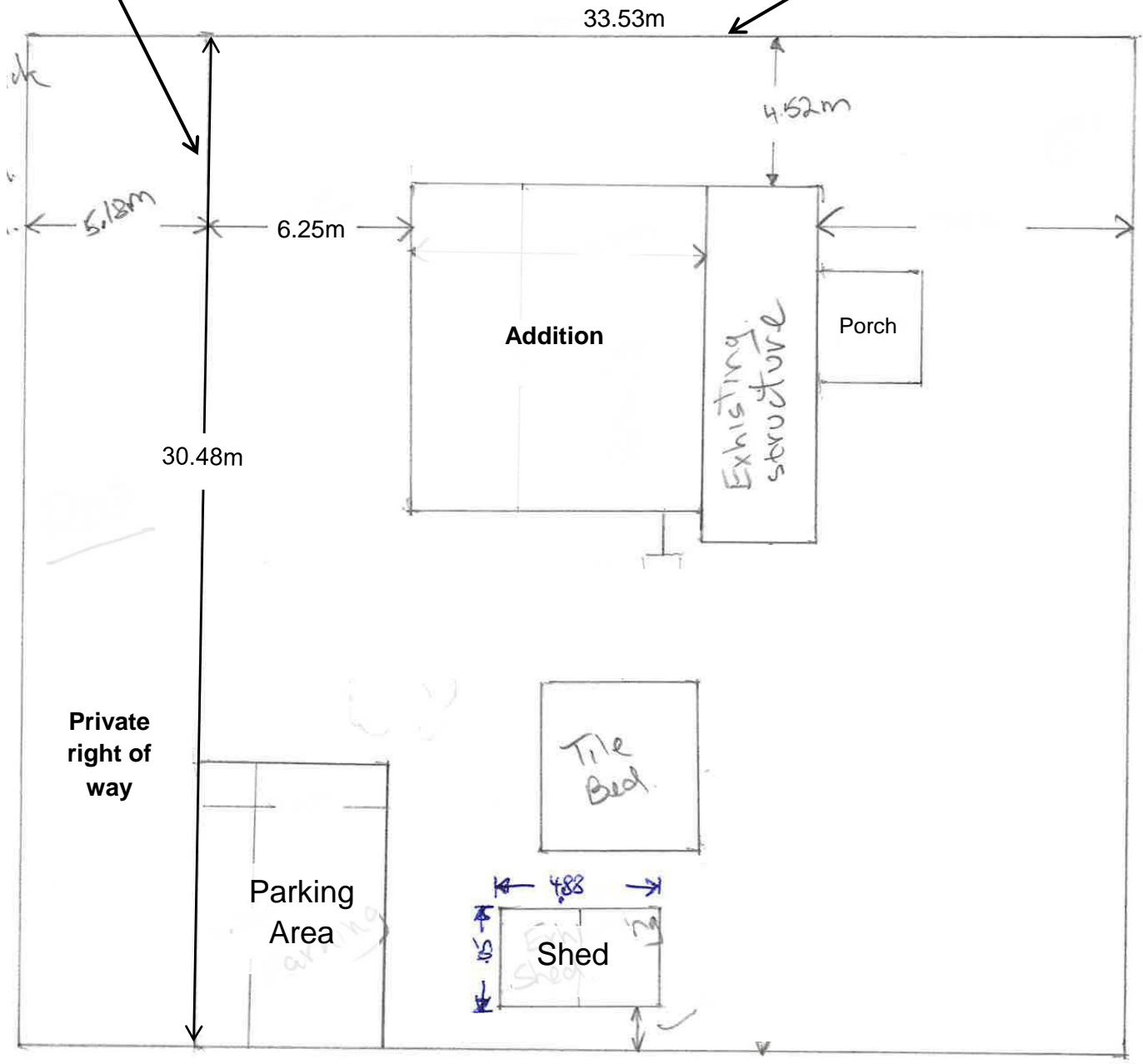
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REPORT COA2018-049

FILE NO: D20-2018-038

Front Yard

Exterior Yard



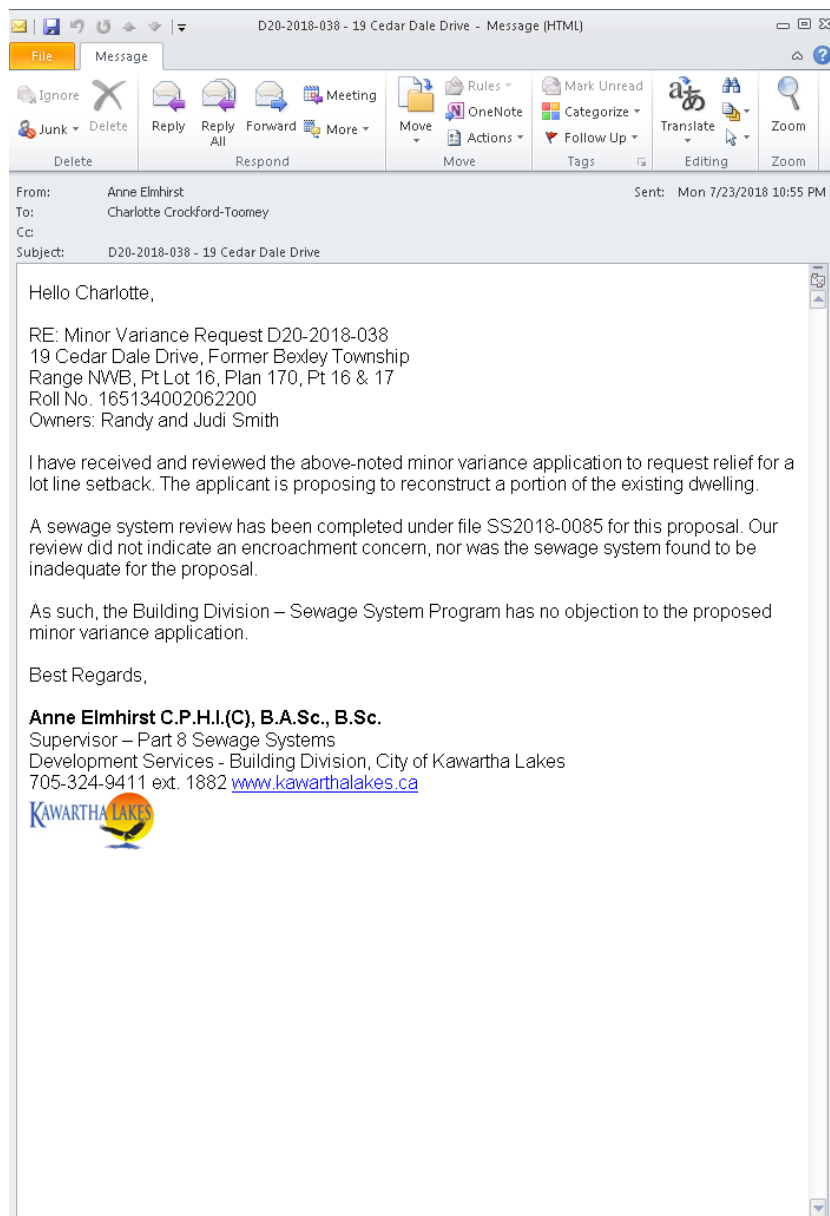
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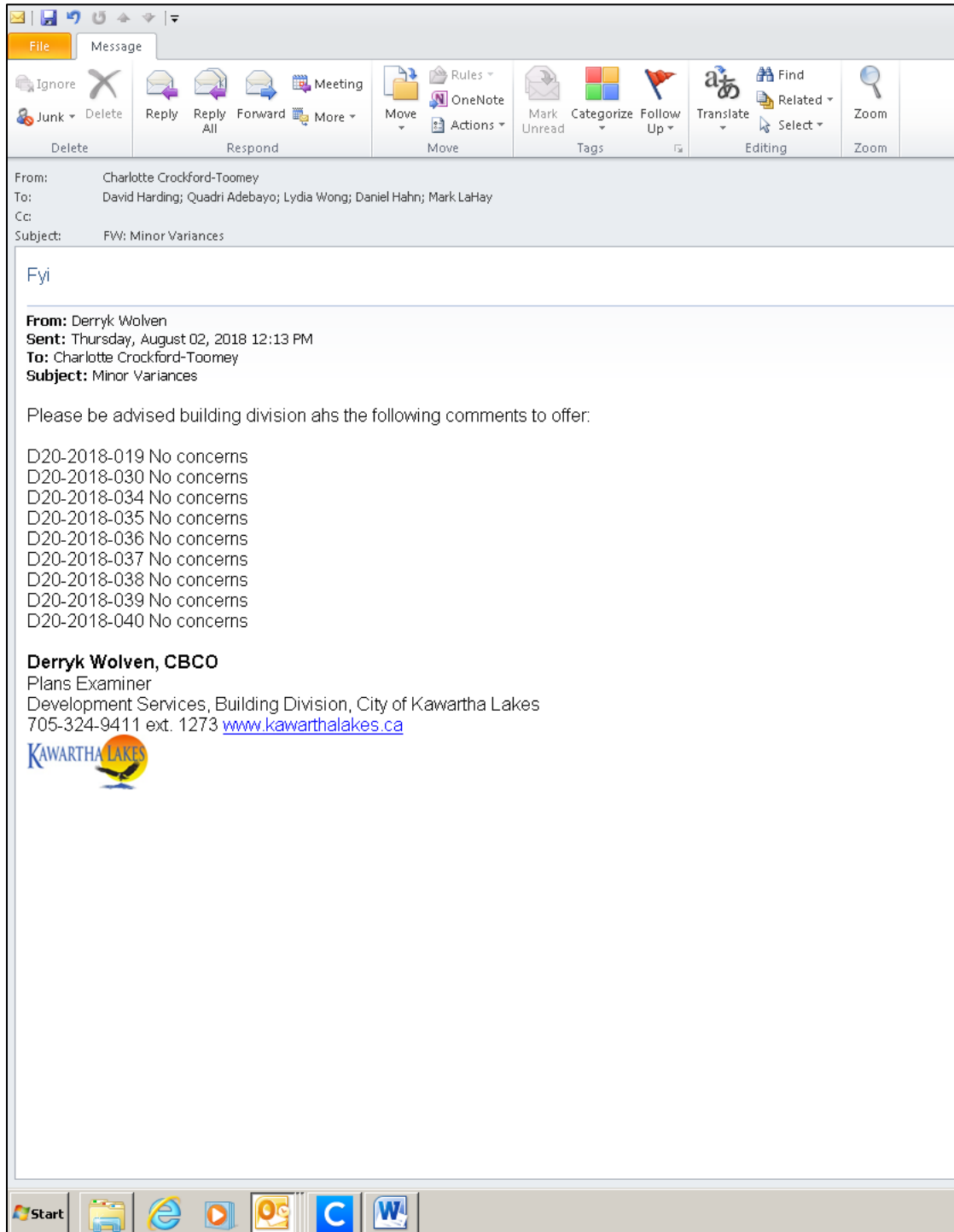
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FILE NO: D20-2018-038



to

REPORT COA2018-049FILE NO: D20-2018-038



to

REPORT COA2018-049FILE NO: D20-2018-038

July 31, 2018
KRCA File No 16549

VIA EMAIL

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

Regarding: Application for Minor Variance – D20-2018-038
Randy & Judi Smith
19 Cedar Dale Drive, Lot 15 Con NWB
Geographic Township of Buxley
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

Kawartha Region Conservation Authority (KRCA) has completed a review of the above noted application for relief from the Township of Buxley By-Law 93-09 - 13.2.1.3 (a): to reduce front yard setback from 7.5m to 4.5m for an addition to an existing dwelling which has a current set back of 4.52m.

Due to the close proximity of this property to a tributary of Balsam Lake, a permit will be required from this office prior to beginning development. Kawartha Conservation requests a geodetic survey, signed and stamped by an Ontario Land Surveyor, showing ground elevations as well as an overlay of the proposed works and associated elevations (e.g. Finished Floor Elevations). At the time of permit review, additional flood-proofing measures may be required.

Based on considerations for natural heritage, natural hazards and water quality and quantity protection policies, it is the opinion of Kawartha Conservation that; **provided a permit, under Ontario regulation 182/06, for works proposed be applied for and that the requested survey supports the application to the satisfaction of this office, Kawartha Conservation does not object to the approval of this application, at this time.**

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

AW/JS

cc: Kent Stainton, Resources Planner, KRCA
kstainton@kawarthaconservation.com

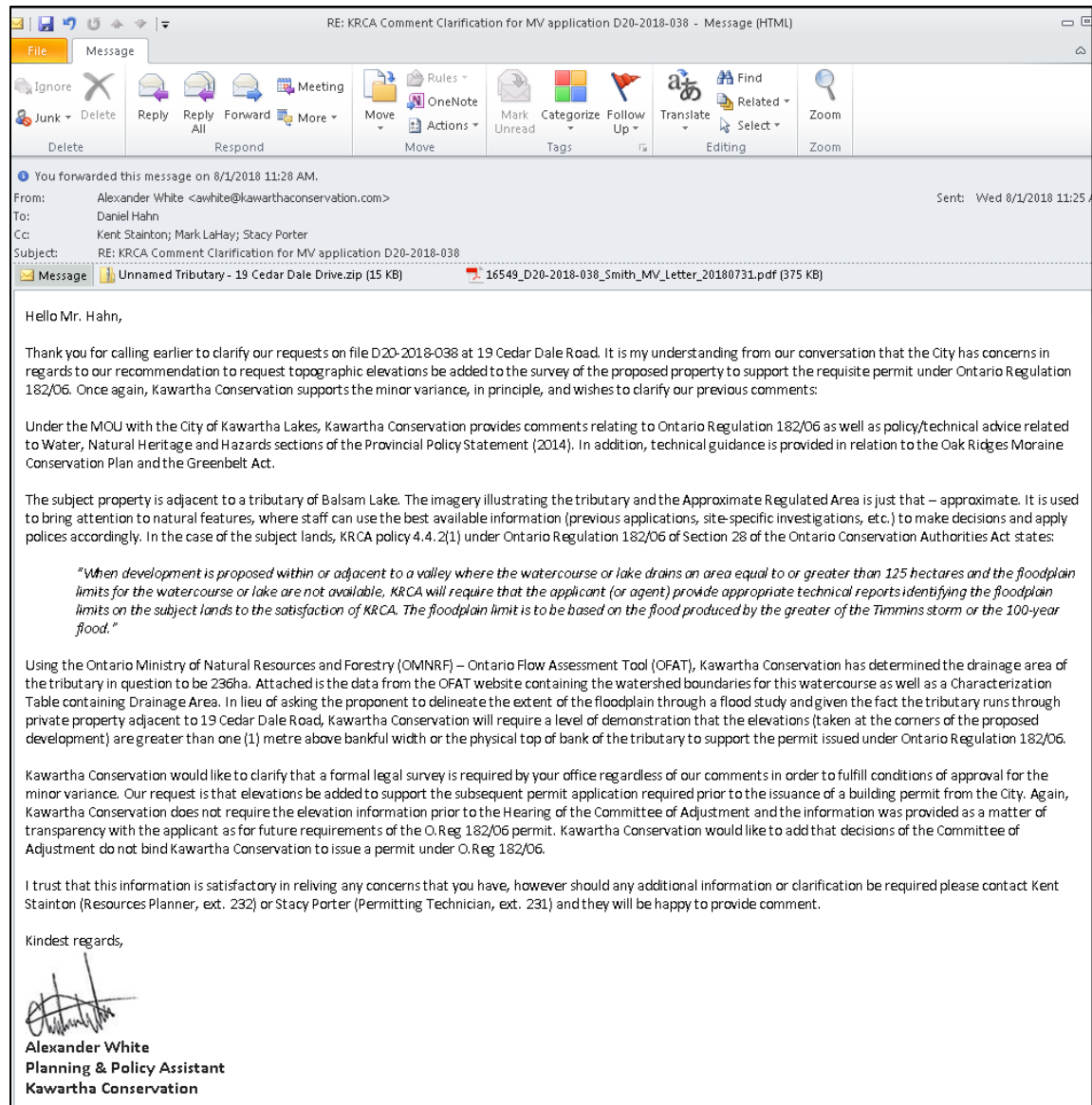
KAWARTHA CONSERVATION
277 Kennel Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Simcoe • Municipality of West Lakes • Township of Caledon Heights



to

REPORT COA2018-049FILE NO: D20-2018-038

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Andrew and Susan Tummonds
Report Number COA2018-050

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 9 – Geographic Township of Ops

Subject: The purpose and effect is to request relief from Section 2.1 to increase the permitted height of an accessory structure from 5.0 metres to 7.55 metres.

The variance is requested at 812 Monarch Road, geographic Township of Ops (File D20-2018-039).

Author: Daniel Hahn, Student Planner

Signature:

Recommendations:

RESOLVED THAT Report COA2018-050 Andrew and Susan Tummonds, be received;

THAT minor variance application D20-2018-039 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 garage related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-050, which shall be attached to and form part of the Committee’s Decision; and,
- 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 COA2018-050. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	<p>The proposed development seeks to replace an existing garage with a new structure constructed at a height greater than permitted under the Township of Ops Zoning By-law.</p> <p>The property is an undersized agricultural lot created by consent in 1989. Accordingly, pursuant to Section 16.2, the property is treated as a Rural Residential lot.</p> <p>The subject property currently contains a single detached dwelling, accessory structure, rear yard porch, a swimming pool, a framed pool shed, and a storage container along the southern lot line.</p> <p>This application was deemed complete June 18, 2018.</p>
Proposal:	To construct an accessory structure on an undersized agricultural property at a height 2.55 metres greater than permitted as of right.
Owner:	Andrew and Susan Tummonds
Legal Description:	Part Lot 24, Concession 3, Plan 57R5956 Part 1, geographic Township of Ops, City of Kawartha Lakes
Official Plan:	Prime Agricultural – City of Kawartha Lakes Official Plan
Zone:	Agricultural (A) Zone (treated as Rural Residential (RR) pursuant to Section 16.2 - Township of Ops Zoning By-law No. 93-30
Site Size:	0.40 hectares (0.99 acres)
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

The subject property is situated in an established agricultural area. Aside from two severed undersized agricultural lots to west, the properties immediately surrounding the subject property are active farms. The close proximity of the dwellings on the subject property exhibits the qualities of a rural cluster. As

such, considering the potential effects of the increased height on the cluster will determine the existence of potential land use conflicts.

The subject property's interior lot line (to the south) is heavily vegetated and masks the view of the property from 802 Monarch Road. At the property's northern lot line, one can note the importance of the property's grading. Walking towards the northern lot line from the southern lot line, the property's slight slope helps mitigate the added height, as the proposed accessory structure is sited on the lower half of the property. Therefore, due to the property's grading, the accessory dwelling appears to match the height of the existing single detached dwelling from the vantage point of 832 Monarch Road. The height difference between the existing dwelling and proposed structure is expected to be imperceptible.

Across Monarch Road, the proposed accessory structure will be out of view from 821 Monarch Road thanks to the front yard vegetation and the structure's setback behind the dwelling.

The proposed structure has been designed to suit the agricultural and rural character of the area. The wood panel walls, gabled roof, and the increased height will match the visual style and massing of a barn.

Considering the above, the variance is considered minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned Agricultural (A) under the Township of Ops Zoning By-law 93-30.

In 1989, the subject property was severed from 832 Monarch Road. Accordingly, the property is being considered under the Rural Residential (RR) Zone pursuant to Section 16.2, which requires agricultural lots created by consent be treated as a rural residential properties.

The applicant is seeking permission to construct the proposed accessory structure at an increased height of 7.55 metres. The By-law, under Section 2.1, permits a maximum height of 5.0 metres for an accessory structure in a residential zone. The property is graded in such a way that the existing single detached dwelling is sited on the higher ground, while the accessory structure is located at a lower grading. The lot grading is anticipated to hide the increased height to the naked eye.

Based on the above analysis, the variance maintains the general intent and purpose of the Zoning By-Law.

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

The subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan.

The Official Plan recognizes the existence of undersized agricultural lots created prior to the passing of the Official Plan. Accordingly, the designation permits a single detached dwelling and the proposed structure.

As an undersized agricultural lot, the Official Plan does not anticipate farming to occur. However, the Official Plan does recognize the need to protect prime agricultural lands from fragmentation, over-development, and incompatible uses, all while maintaining the agricultural character of the area.

The accessory structure is proposed to be located on the same building footprint as the existing structure. Moreover, as discussed above, this development matches the Official Plan's promotion of context-based design insofar as the proposed structure has been designed to match the agricultural and rural character of the area. The wood panel walls, gabled roof, and the increased height matches the style and massing of a barn. The applicant's plans match the cluster's agricultural setting and will serve to maintain the intended character of the Prime Agricultural designation.

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 (August 2, 2018): No concerns.

Building Division – Sewage System Program (July 23, 2018): No concerns.

Public Comments:

No comments as of August 9, 2018.

Attachments:



2018.08.16
Appendices to Report

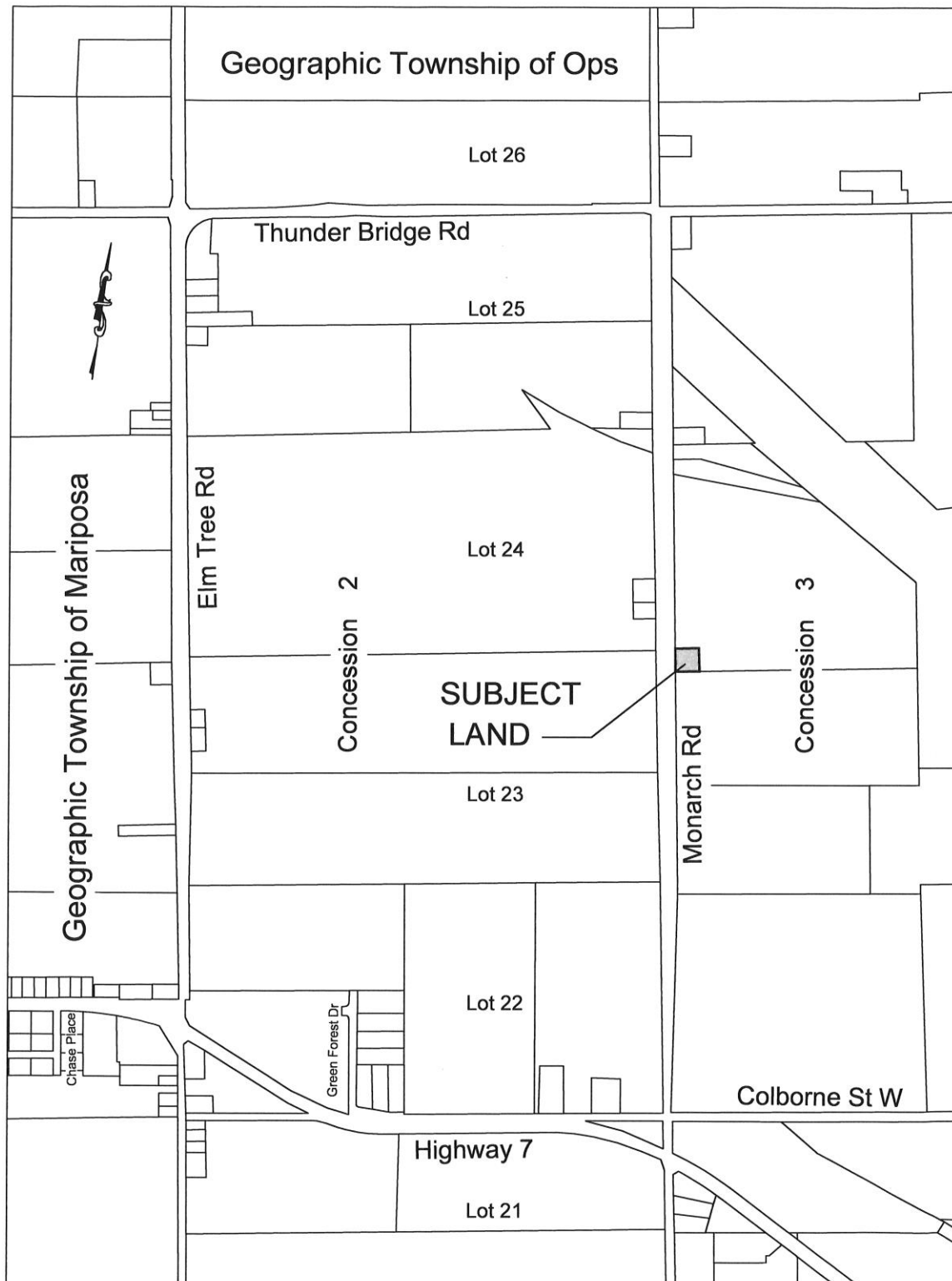
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Structure Drawings
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1884
E-Mail: dhahn@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-039

to

REPORT COA2018-050

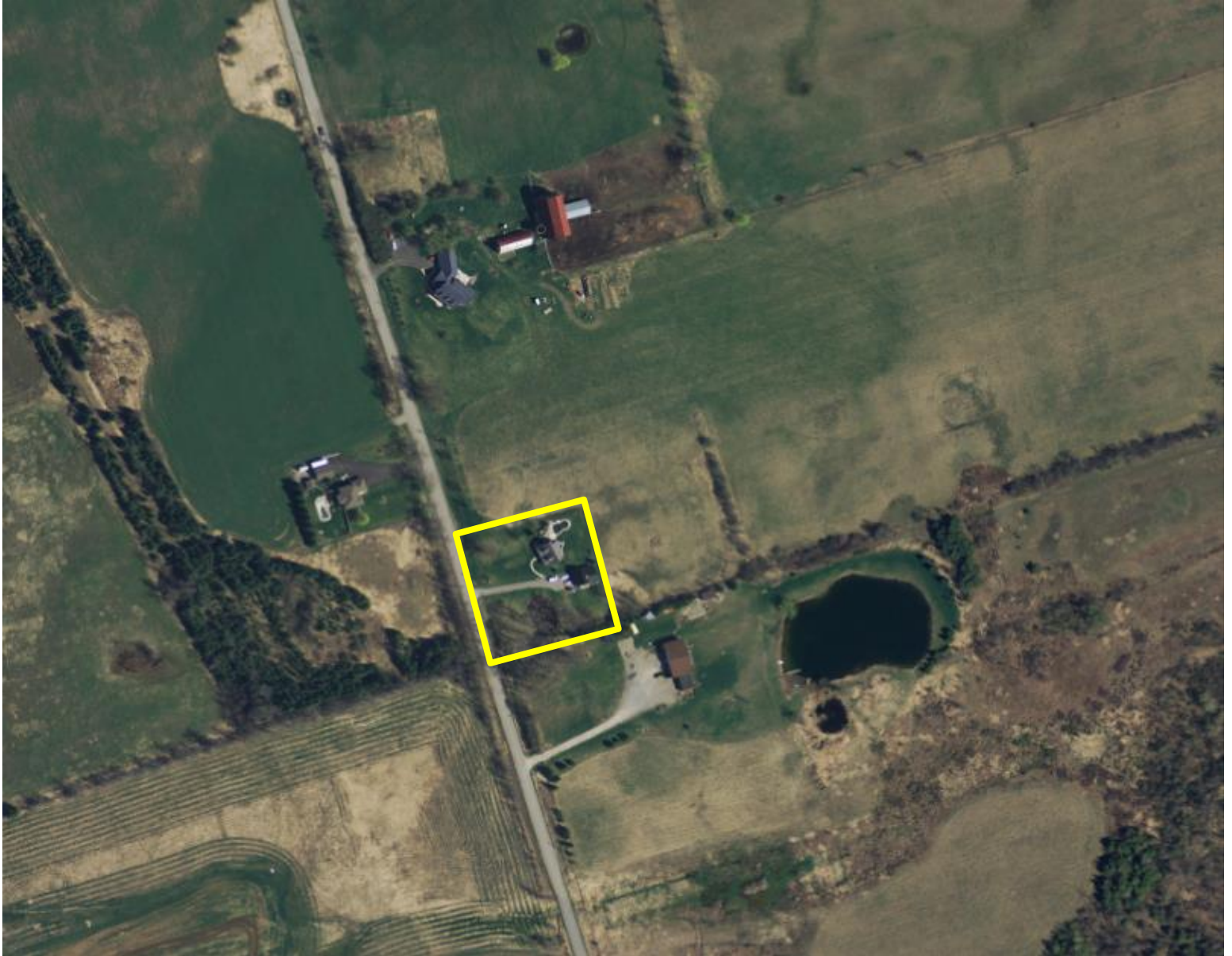
FILE NO: D20-2018-039



to

REPORT COA2018-050

FILE NO: D20-2018-039



APPENDIX “ B ”

to

REPORT COA2018-050

FILE NO: D20-2018-039

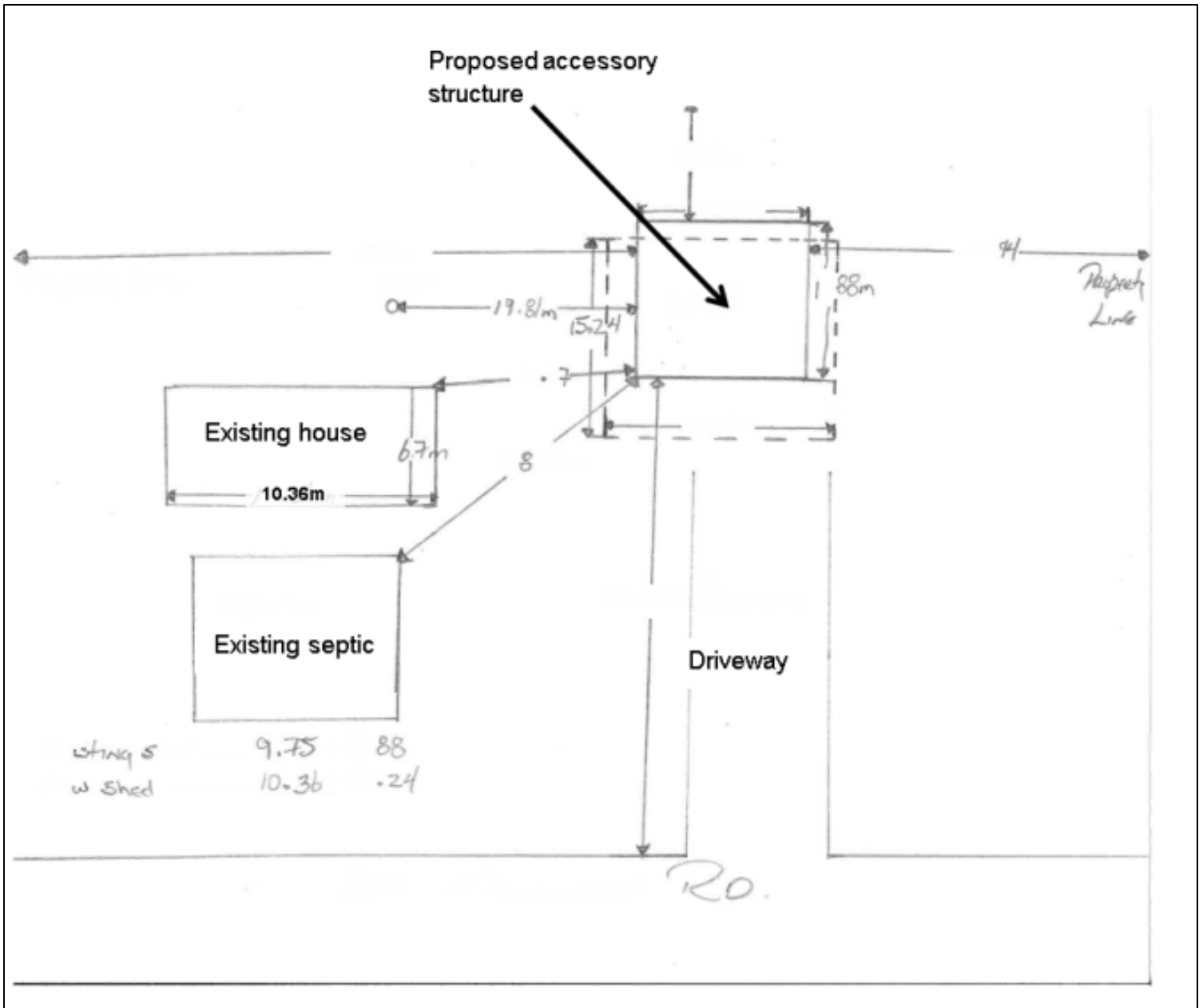


Existing accessory structure

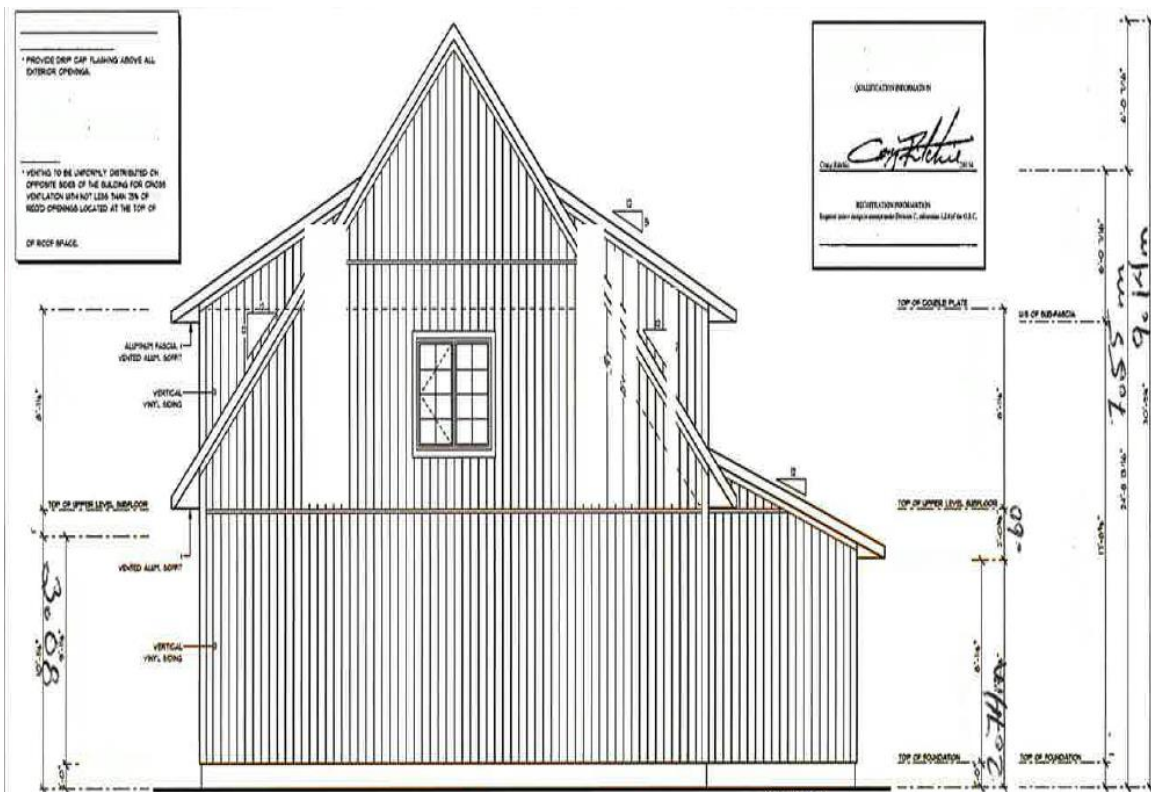
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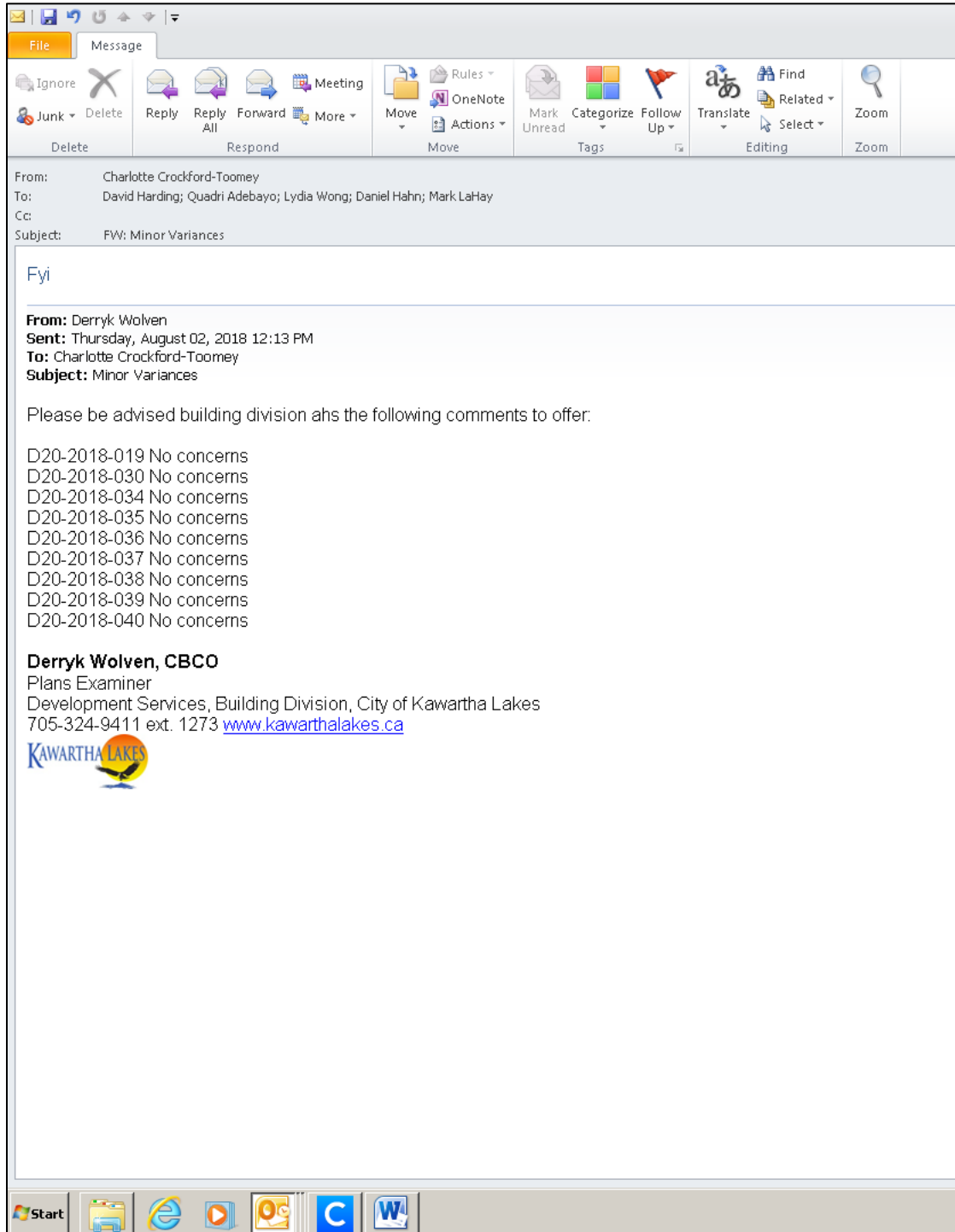
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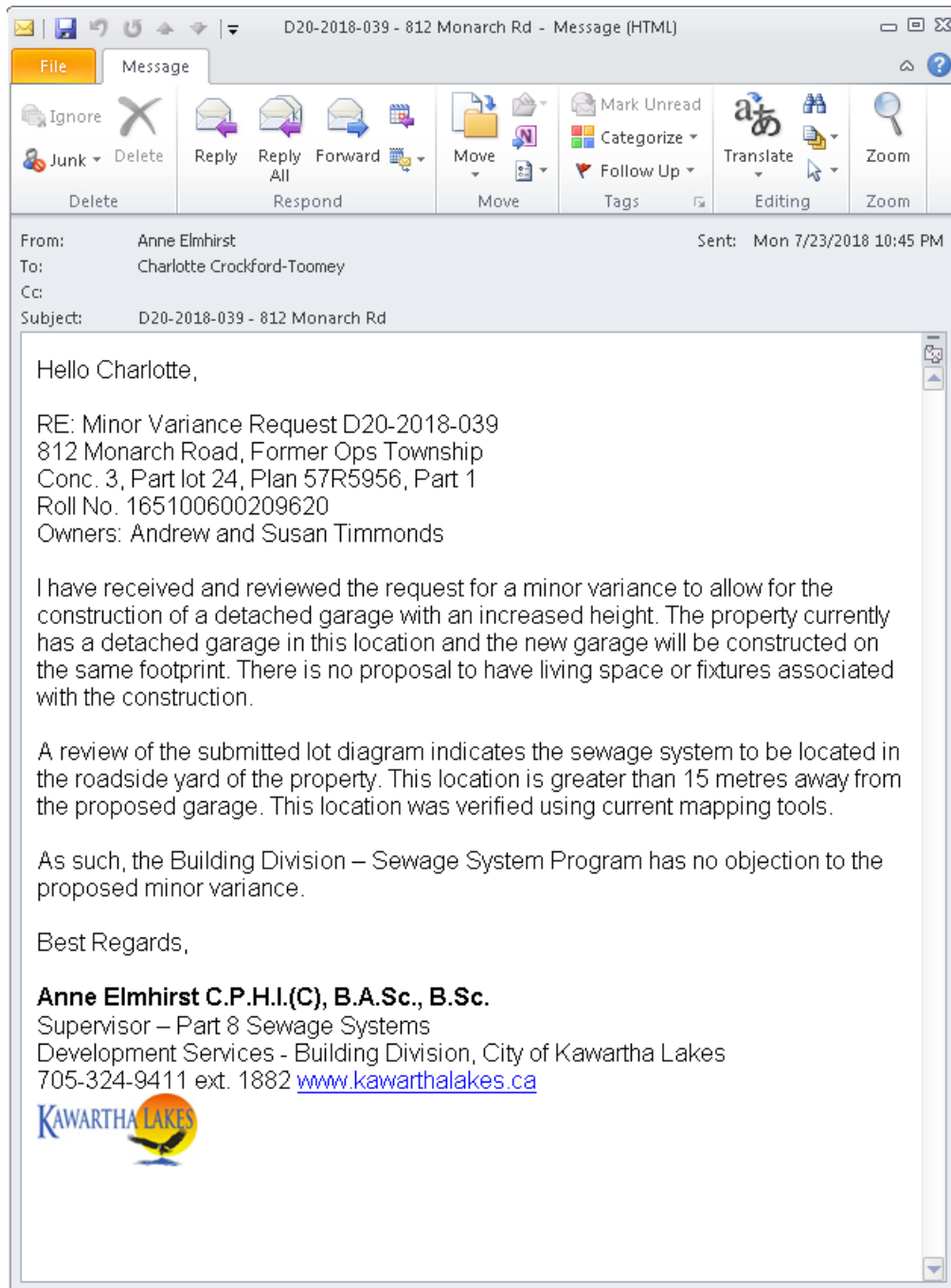
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REPORT COA2018-050
FILE NO: D20-2018-039



to

REPORT COA2018-050FILE NO: D20-2018-039

to

REPORT COA2018-050FILE NO: D20-2018-039



Development Services – Planning Division
180 Kent St. West, 2nd Floor
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1367
Fax: (705) 324-4027
e-mail: qadebayo@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Committee of Adjustment

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

DATE: August 16, 2018

SUBJECT: Minor Variance Application File No. D20-2018-040
971 Fleetwood Road, Geographic Township of Manvers

On July 31, 2018, Ryan and Angela Weiler, applicants for the above-noted file communicated to planning staff that they were unable to meet up with the advisory sign notice posting deadline day of August 6, 2017. Staff replied the applicants on August 1, 2018 to advise a deferral of the application as an alternative.

By end of day on August 3, 2018, after the applicants reaffirmed their inability to post the minor variance notice sign on their property, staff determined that the minor variance application will be deferred till the next Committee of Adjustment meeting in September as the applicants were unable to fulfill the 10-day legislative requirement for the post advisory sign notice as prescribed under the *Planning Act*. And that the re-advertisement cost will be borne by the applicants.

Thus, staff respectfully recommends the following resolution:

THAT Minor Variance application D20-2018-040 be DEFERRED to the September 20, 2018 meeting date so that the application can be properly re-advertised to include the fulfillment of the 10-day post advisory sign notice period as prescribed under the *Planning Act*.

Sincerely,

Quadri Adebayo, Planner II

cc: Ryan and Angela Weiler
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment
Richard Holy, Manager of Planning

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scott Meier
Report Number COA2018-053

Public Meeting

Meeting Date: August 16, 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 6.4 metres;
3. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 6.4 metres; and
4. Section 13.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 2 metres.
5. Section 13.2.1.3(a) to reduce the front yard setback from 7.5 metres to 2.1 metres.

Accessory Structure (Shed)

6. 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;
7. Section 3.1.2.2 to reduce the side yard setback for an accessory structure from 1.2 metres to 0.41 metres; and
8. Section 13.2.1.3(a) to reduce the front yard depth for an accessory structure 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 COA2018-053 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 COA2018-053, 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 pose no negative impact to the floodplain associated with Sturgeon Lake. Should the owner choose to submit an amended dwelling size and height for approval 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 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;
- 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; and,

- 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 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.

This approval pertains to the application as described in report COA2018-053. 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).

The Committee at its July 19, 2018 meeting deferred the application to allow for a re-advertisement of the reliefs that will include the front yard setback, which was omitted by staff. This revised application was recirculated August 2, 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 sewage 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.

Although the addition of a covered porch to the replacement structure will further reduce the existing non-complying front yard amenity space by approximately 2 metres, the 2.1 metres front yard space that will remain can still ensure functional naturalization surface is available to collect and drain rain water away from Manor Road. Staff also view this reduction as a trade-off for the removal of the existing rear yard deck which is closer to the shoreline than the rear wall of house, and thus consider the reduced front yard setback as minor in that regard.

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. Notwithstanding these comments, a two-storey dwelling height is permitted by the Zoning By-law provided all agency requirements are fulfilled by the applicant.

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. 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 8.6 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. Same can be said of the front yard relief. A 5.4 metre reduction in the front yard setback is not anticipated to be noticeable through the inclusion of a covered porch in the replacement dwelling.

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. Since the subject property is not subject to site plan approval, the planting plan would need to be enforced by KRCA in this instance.

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 6.4 metres from the water/environmental protection zone, an interior side yard setback of 2 metres, and a front yard setback of 2.1 metres is acceptable as they still enable 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 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, 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.

The applicant has been proactive by obtaining a letter from KRCA to support their revised application and has 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 (August 2, 2018): No concerns.

Kawartha Conservation Authority (June 25, 2018 & July 16, 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 August 7, 2018.

Attachments:



2018.08.16
Appendices A-E to Re

Appendix A – Location Map

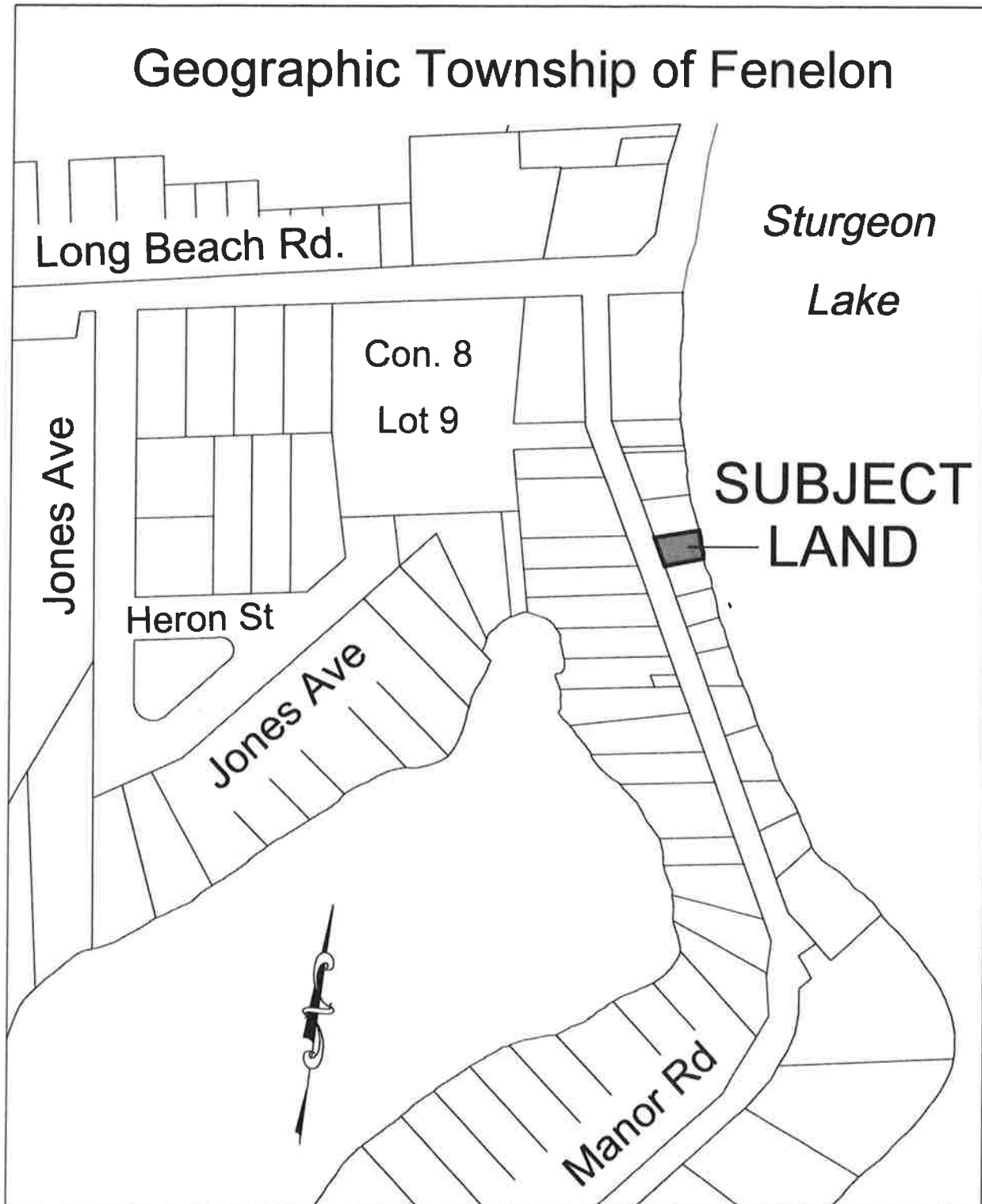
Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

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



APPENDIX: B

to

REPORT COA2018-053

FILE NO: D20-2018-019



15 Manor Road, geographic Township of Fenelon

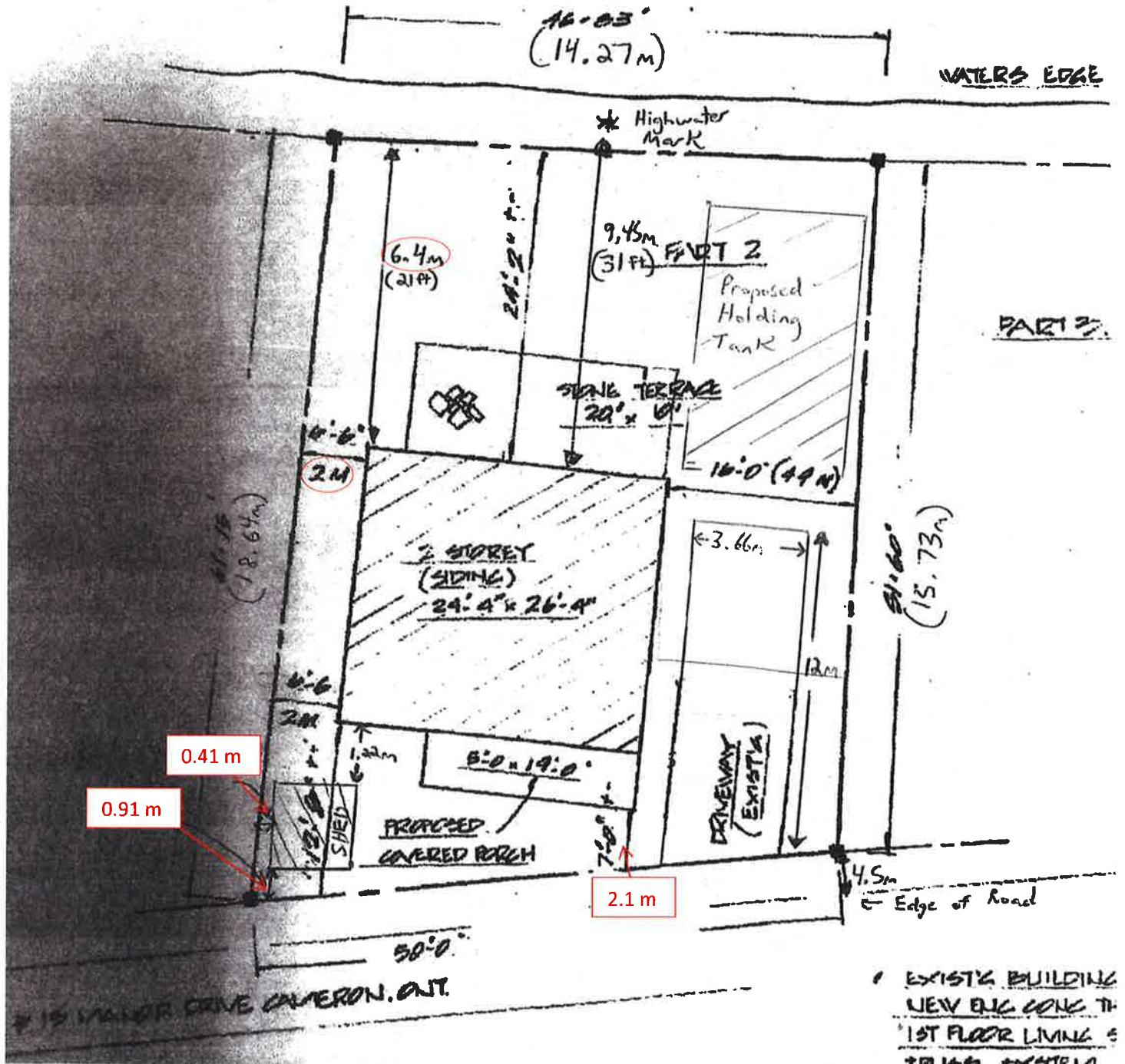


APPENDIX: C

to

REPORT COA2018-053

FILE NO: D20-2018-019



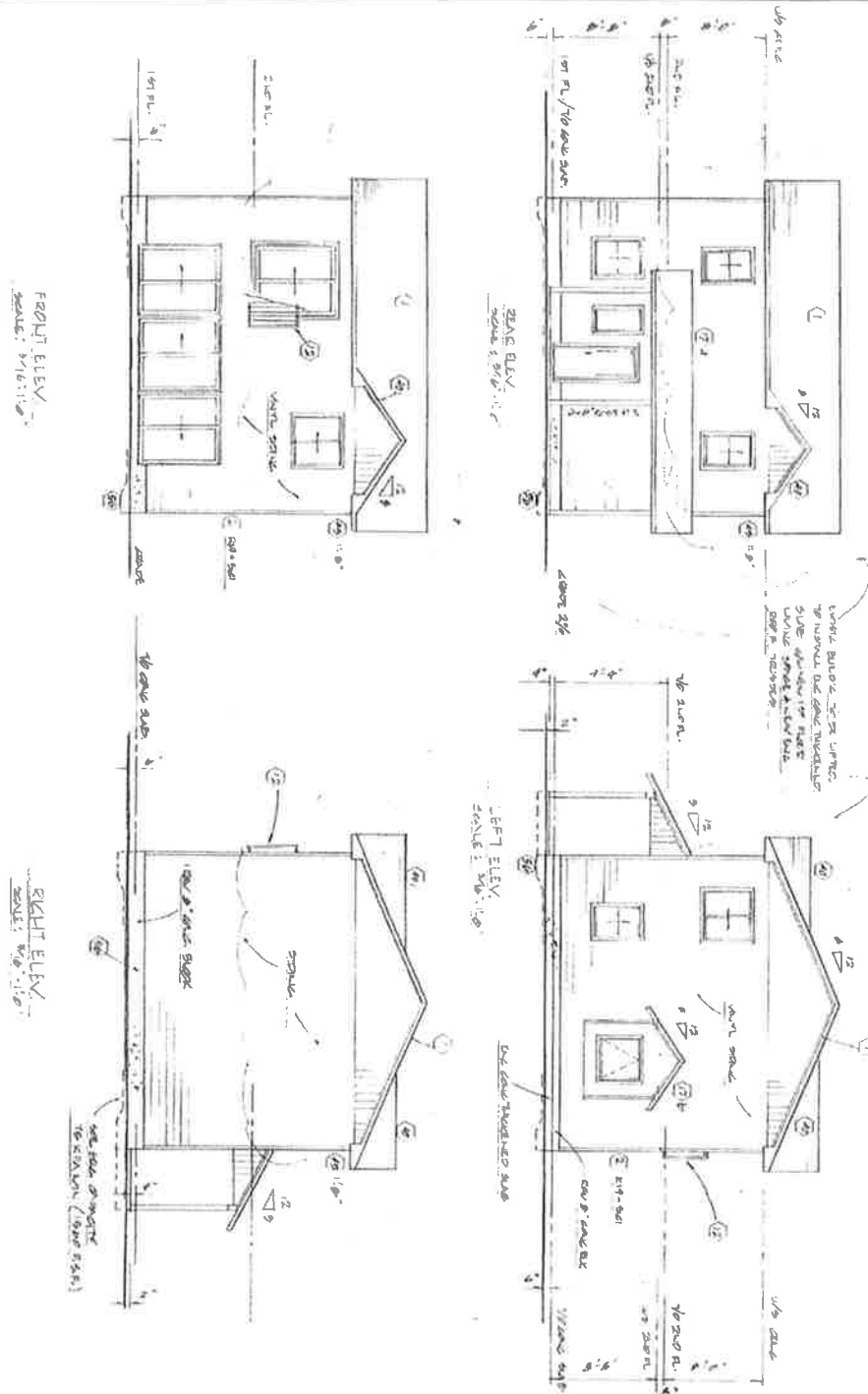
APPENDIX : D

to

REPORT COA2018-053

FILE NO: D20-2018-019

Elevation Drawings



APPENDIX " E "

to

REPORT COA2018-053

Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, August 02, 2018 12:13 PM
To: Charlotte Crockford-Toomey
Subject: Minor Variances

FILE NO. D20-2018-019

Please be advised building division has the following comments to offer:

D20-2018-019 No concerns

D20-2018-030 No concerns

D20-2018-034 No concerns

D20-2018-035 No concerns

D20-2018-036 No concerns

D20-2018-037 No concerns

D20-2018-038 No concerns

D20-2018-039 No concerns

D20-2018-040 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Quadri Adebayo

From: Ron Warne <rwarne@kawarthaconservation.com>
Sent: Monday, June 25, 2018 12:31 PM
To: Quadri Adebayo; Mark LaHay
Cc: tameier99@gmail.com; Stacy Porter
Subject: 15 Manor Rd. (COA-2018-032 & D20-2018-019)

FILE NO. D20-2018-019

Follow Up Flag: Follow up
Flag Status: Completed

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



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

VIA EMAIL

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

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

Dear Mr. LaHay:

Kawartha Region Conservation Authority (KRCA) has completed a review of the resubmitted minor variance application above. It is our understanding that the proposal is the same as the previous submission with the addition of a new holding tank for the septic system, as well as the extension of the driveway.

As previously stated by staff on May 10, 2018, Sturgeon Lake is deemed fish habitat. The Ministry of Natural Resources and Forestry (MNRF) recommends a minimum 30 metre naturally vegetated buffer between development, and fish habitat. The proposed dwelling is within the recommended 30 metre buffer and the existing dwelling at its closest point (9.45m water setback); therefore, staff recommend every effort to enhance fish habitat by having the proponent retain as many trees/shrubs as possible, and re-vegetate the shoreline with native/ non-invasive species. Staff note the proposed septic system holding tank is well within the 30 meter buffer.

As per KRCA policy 4.5.2(37), Fill placement, excavation, and/or grade modifications may be permitted within a flooding hazard where the works are: associated with existing access roads and driveways; required for the purpose of flood proofing existing structures; required for erosion control; and/or, to facilitate the installation of geothermal, and water and/or sewage treatment systems provided it can be demonstrated that:

- stage-storage discharge relationships of the floodplain will be maintained (e.g., by means of an incrementally balanced cut and fill operation designed in 0.3 metre vertical increments) to ensure that there will be no adverse hydraulic or fluvial impacts on lakes, rivers, creeks, streams, or watercourses. Engineered hydraulic analyses may be required, at the discretion of the Authority, to demonstrate that the later condition has been met and that there will be no detrimental effect on upstream water levels or local stream flow velocities; and,
- inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material to ensure the control of pollution and the conservation of land are not adversely affected;

Kawartha Conservation requests to be circulated on any applicable site plan approval application, of which a Site Grading and Drainage Plan will be required to insure the maintenance of original grades following installation of the holding tank.

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

APPENDIX " E
to
REPORT COA2018-053

July 16, 2018

KRCA File No 16242

Page 1 of 2

FILE NO. D20-2018-019





July 16, 2018
KRCA File No 16242
Page 2 of 2

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
AW/

cc: Kent Stainton, Resources Planner, KRCA
Stacy Porter, Permitting Technician, KRCA

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
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The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Junkin & Patterson
Report Number COA2018-054

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 7 – Geographic Township of Verulam

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

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

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

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-054 Dean Junkin, be received;

THAT minor variance application D20-2018-023 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-054, 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 front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit

the placement of any other accessory buildings between the front wall of the of the dwelling and the front lot line;

- 3) **THAT** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the detached garage has been ratified to his/her satisfaction under the Ontario Building Code; and

THAT the Building Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official. **This approval pertains to the application as described in report COA2018-054 Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background: For Committee's information, this application originated from an enforcement notice issued to the applicant for compliance on February 26, 2018, after staff at the Building Division discovered that the accessory structure was built without obtaining the necessary permits. The application was initially heard at the June 21, 2018 Committee meeting where Committee deferred the application to allow further dialogue with staff per the requested reliefs.

Subsequently, the application was deferred for a second time at the July 19, 2018 Committee meeting to enable the applicant sufficient time to amend the application with additional information related to the fulfillment of the building permitting process. Planning staff have conferred with Building Division staff regarding the requested reliefs and have determined that they are satisfied with the application subject to the conditions in this report.

The application was neither re-advertised nor recirculated to other agencies following the deferrals by Committee.

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

Owner: Dean Junkin and Liana Patterson

Applicant: Dean Junkin

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

Official Plan: Rural - City of Kawartha Lakes Official Plan

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

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

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

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

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

And

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

In terms of height, the accessory building appears to be more visually imposing than the dwelling and the older detached garage when viewed from within the property respectively. However, the massing is not easily discernible when viewed from the road. This is enabled by the gradient of the land which slopes downward from the road to the rear of the property. The scale of the accessory building also appears to be veiled by the existing trees in the front yard. Likewise, the configuration of the structure of having the front of the accessory building facing inwards (north) as opposed to having it face the road (west) contributes to minimization of the visual impact from the road.

The general character of the neighbourhood is primarily rural, and the yard spaces of the adjacent properties (north, east and south) are heavily treed. In addition, given that the westerly property across the road is an agricultural use land surrounded by tall thick hedge, no land use compatibility issues are anticipated.

It is pertinent to emphasize that the purpose of a minor variance is to obtain relief where a proposal has reasonably demonstrated regard for their inability to comply with policy regulations. Regarding the front yard relief, additional information (See Appendix F) provided by the applicant suggests that there is a very steep and heavily wooded ravine to the south of the property that severely limits the side yard as a suitable location for the building. It was also indicated that there is a septic bed located behind the house which is in the process of being replaced. The remaining rear yard space behind the septic bed is wooded while the available side yard space is needed to facilitate maintenance access to the septic bed. Observation from site visit by staff has also confirmed the existing physical constraints suggested by the applicant.

Based on the above, the variances are being 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

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

An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the A1 Zone. Overall, the building being proposed, although taller than the other structures on the property is below the maximum permitted height of 5 metres (16.4 feet) at 4.81 metres for an accessory building.

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

Since the proposal has not exhausted the zone provision privileges by utilizing total lot coverage of 4.41% from a possible 10% maximum, the variances can be considered to maintain the general intent and purpose of the Zoning By-Law.

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

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

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

Other Alternatives Considered:

The applicant has responded to staff recommendation by initiating a building permit process with the Building Division, and following rationale 2 above, has been able to provide more information (See Appendix F) to demonstrate the reasoning for the accessory building in its current front yard location rather than the side or rear yard, as prescribed in the By-law.

Servicing Comments:

The property is serviced by private well and septic systems.

Consultations:

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

Agency Comments:

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

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

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

Engineering & Corporate Assets Department (June 13, 2018): No objections.

Public Comments:

No comments as of June 11, 2018.

Attachments:



Appendices A-F to
Report COA2018-054

Appendix A – Location map

Appendix B – Air photo

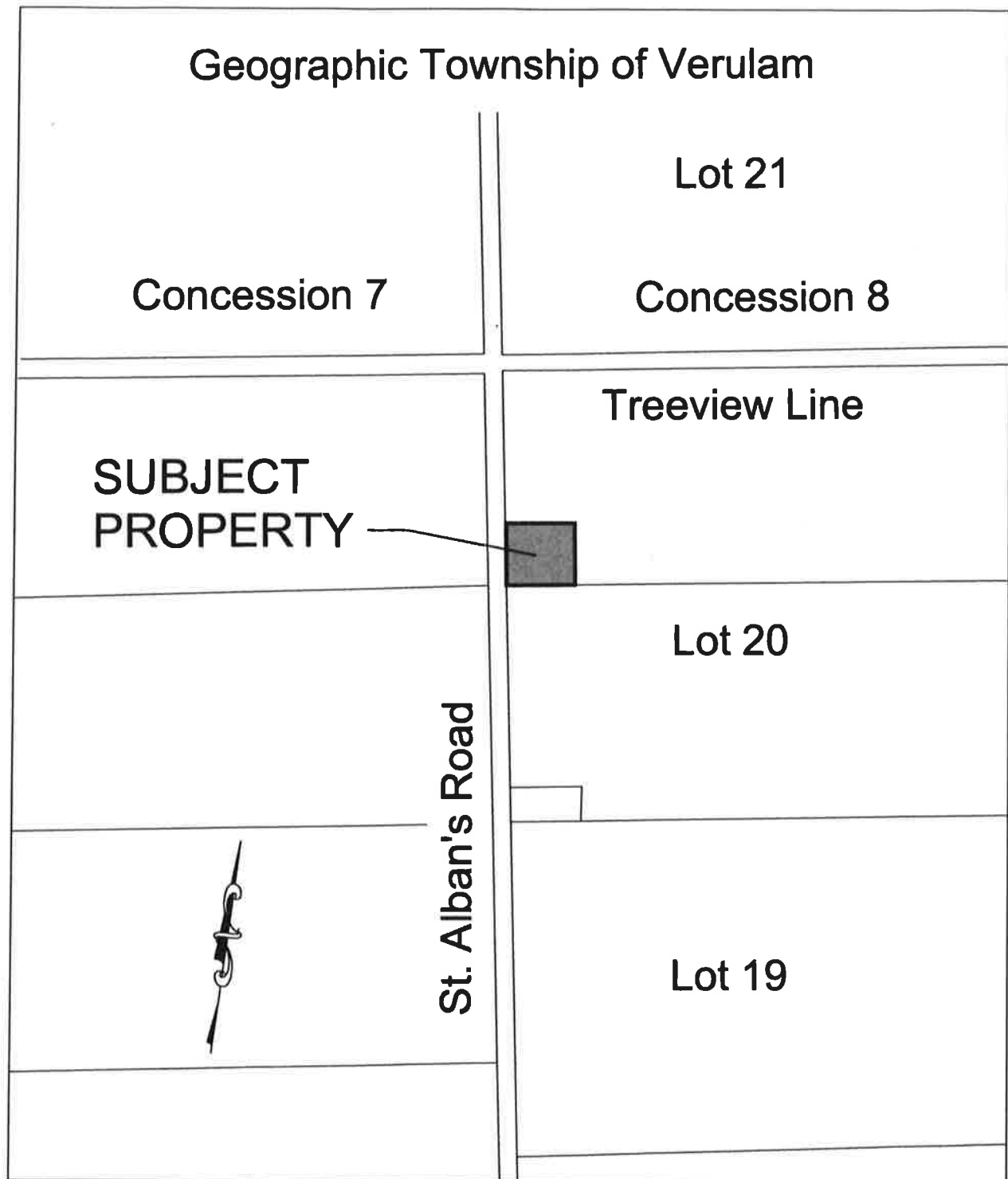
Appendix C – Applicant's sketch

Appendix D - Elevations

Appendix E – Department and Agency comments

Appendix F – Applicant's Letter to Staff

Phone:	705-324-9411 ext. 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-023





GEOMATICS
MAPPING

196 St. Albans Road, geographic Township of Verulam



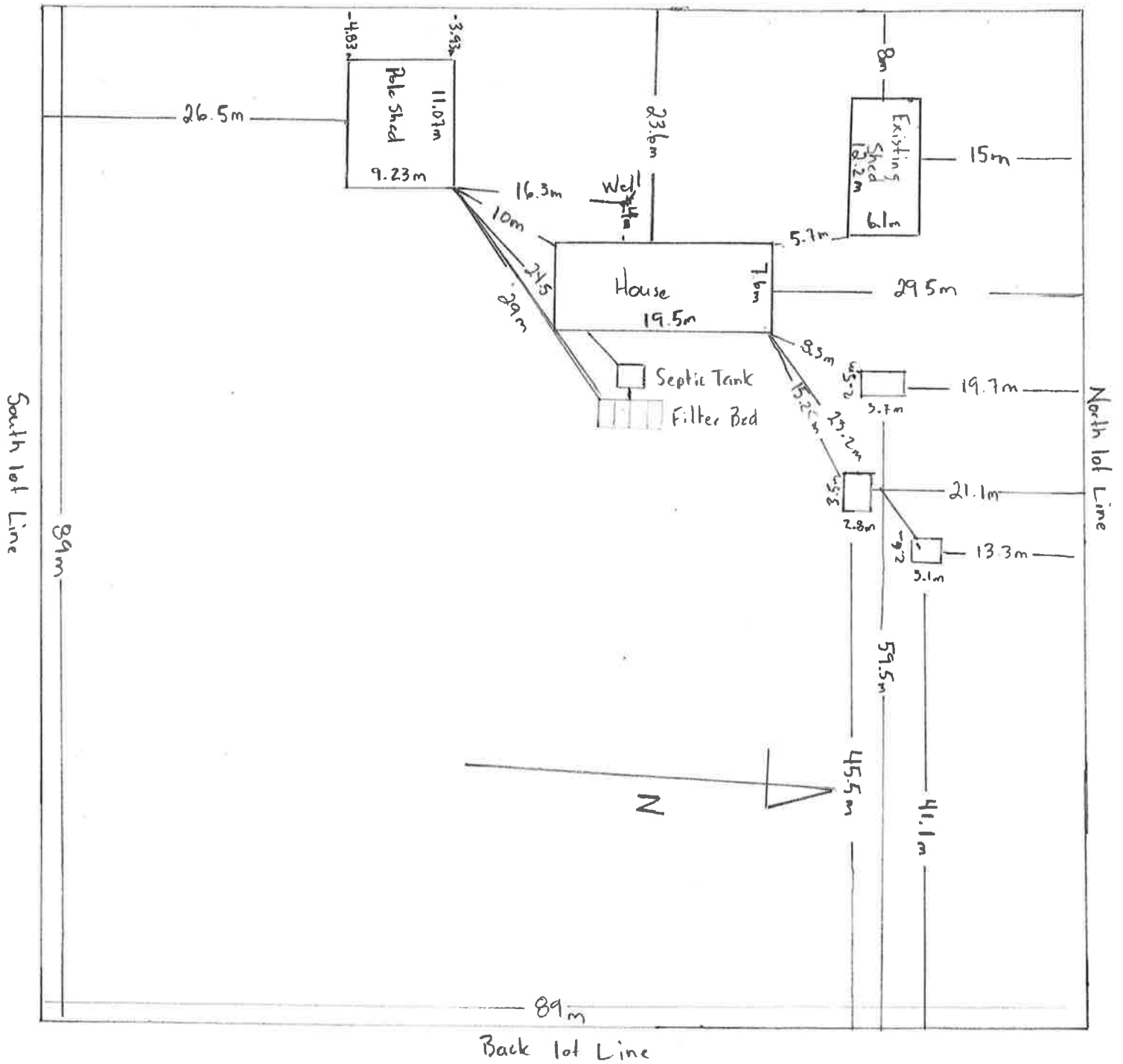
APPENDIX C

to

REPORT COA2018-054

FILE NO: D20-2018-023

196 St. Albans Rd



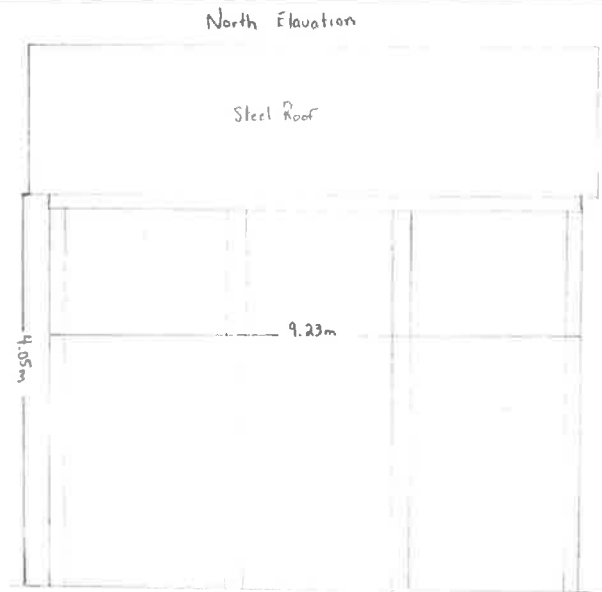
APPENDIX D

to

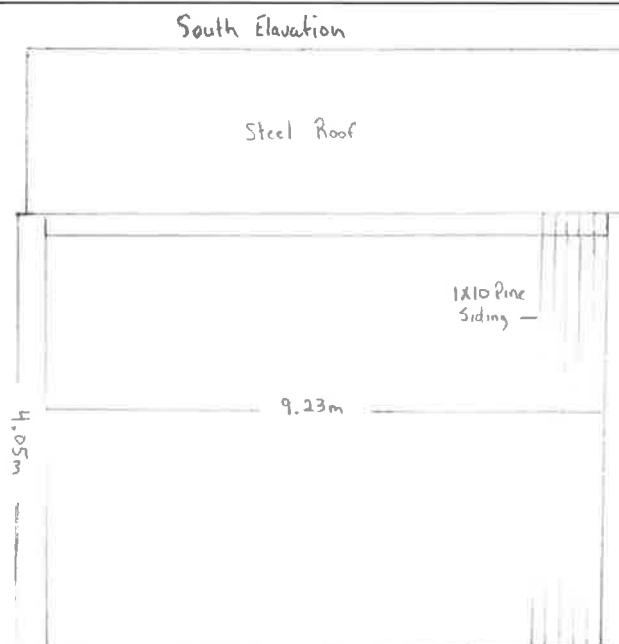
REPORT COA2018-054

FILE NO: D20-2018-023

Front Elevation (North Direction)



Rear Elevation (South Direction)



APPENDIX D

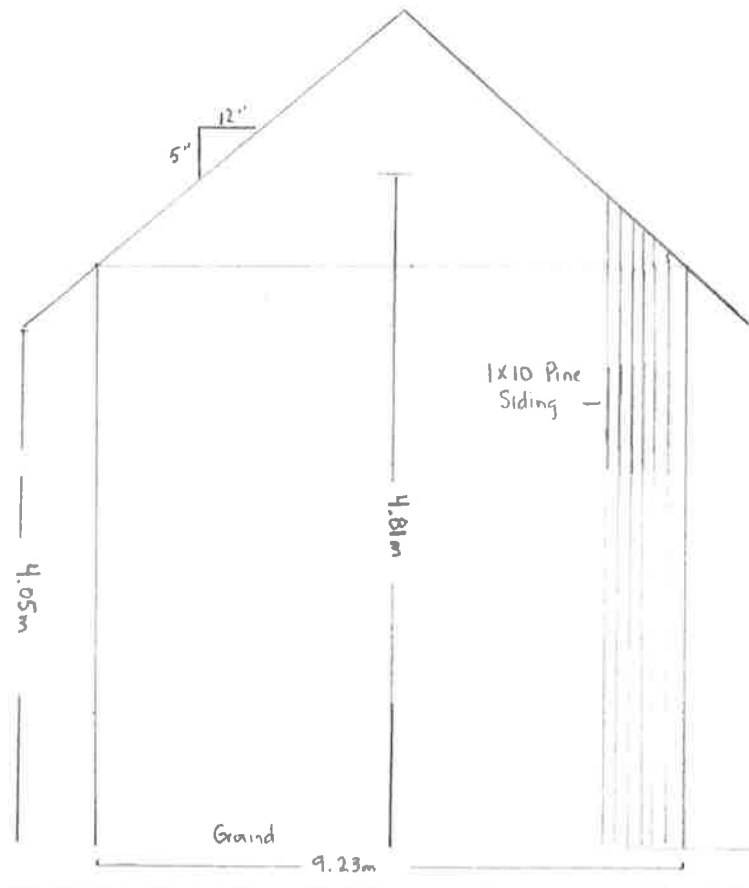
to

REPORT COA2018-054

FILE NO: D20-2018-023

Right Elevation (West Direction)

East
West Elevation



APPENDIX " E "
to

Quadri Adebayo

REPORT COA2018-054

FILE NO. D20-2018-023

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

Please be advised building division has the following comments:

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

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Quadri Adebayo

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

FILE NO. D20-2018-023

Hello Charlotte,

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

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

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

Best Regards,

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



APPENDIX " E "
to
REPORT COA2018-054
FILE NO. D20-2018-023

Quadri Adebayo

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

Hello Ms. Crockford-Toomey,

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

Thank you,

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

Tel: 705.328.2271 ext. [232]
Fax: 705.328.2286

KawarthaConservation.com





APPENDIX "E"
APPENDIX "E"
to
REPORT COA2018-054
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
D20-2018-023
196 St. Albans Road, Part Lot 20, Concession 8, geographic
Township of Verulam, Ward 7, now in the City of Kawartha
Lakes.

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

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

From an engineering perspective, we confirm we have no objection to the proposed minor variance for Township of Verulam Zoning By-law 6-87, as amended to permit an accessory structure in a front yard, where it is permitted in the side or rear yards and to reduce the minimum front yard depth from 10 metres to 3.93 metres.

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

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

D. Junkin
196 St. Alban's Road
Bobcaygeon, ON K0M 1A0

APPENDIX " F "
to
REPORT COA2018-054
FILE NO. D20-2018-023

Mr Quadri Abedeyo, Planner II
City of Kawartha Lakes
322 Kent St. W
Lindsay, Ontario
K9V 4S7

RE: REPORT COA2018-033

Dear Mr Abedeyo,

I have now had the opportunity to review the report presented to the Committee of Adjustment that I received on the morning of the meeting. I wanted to offer the following comments in response, prior to our meeting on July 9.

My property is a 2 ac. lot of record and is located in an agricultural area with no immediate neighbouring buildings. I was under the impression that it is zoned A-1, which is rural zone. I am surrounded to the north, south and east by a large woodlot. Across the street is a farm field. I have no near neighbor, who would be impacted by a building on my lot.

As you saw when you visited the property, there is a very steep and heavily wooded ravine to the south of my house that severely limits the side yard in this location and renders it unsuitable for building.

As your report notes, I have a large shed in the front yard, which was constructed in 1987, prior to my ownership, which I use for storage; and two tiny sheds that are below the size for a building permit, which are in my north side yard. My rear yard contains my septic bed, which needs to be replaced shortly and I have begun that process. I cannot take heavy equipment over the septic bed and the remainder of my rear yard is wooded. I need to keep some access to the rear yard from my side yard to replace the septic bed and for future maintenance of the septic bed. With these limits on my north and south side yards, and the rear yard, I have no space for an accessory building to house my equipment and vehicles, apart from the front yard. This is not a "preference" as your report states, but a practical reality due to the constraints of my property.

I operate a part-time home occupation that involves landscaping and snow maintenance and I need a building to store my equipment. My only option is the location where the garage has been erected, and it is well screened from the road by a tall, thick hedge, as you saw and your photos indicated. I have no neighbours on the road for hundreds of feet in any direction and my own property provides ample distance separation from the next lot line, which adjoins rural or agricultural land, not homes.

Your report states that because my lot of record is slightly below 1 hectare (2.4 ac) in size, that it should be considered as a residential use. However, it is not a residential lot in a subdivision, and in fact has no neighbouring houses that would be impacted by development on my property. I thus wonder how my garage could set a precedent, when there are no neighbours with similar properties – and in fact there is a structure already erected in my front yard. In a rural area, this is common.

I cannot understand your concern about the height of the garage when it is clearly below the height permitted by the zoning by-law. Your report seems to indicate that if I had a two storey house, you would not have this concern. I thought that the zoning bylaw regulated a building's height, as opposed to such subjective concerns. There are many instances of accessory buildings that are taller than the house, due to design or slope of land, in every part of the municipality, and it is especially common in the rural area.

I understand that there is no Official Plan concern with the garage. I am requesting a Minor Variance to address the unique characteristics of my property and my need for a garage to house my vehicles. It cannot go in the rear yard where the septic is located or in the south side yard, due to the steep ravine

[2]

and my north side yard is blocked by an existing structure and trees. In my opinion, the landscaped screening of my yard from the road and the constraints on my property do enable the intent of the zoning by-law to be maintained to enable me to live and accommodate my vehicles and equipment. I therefore think it is completely appropriate for the use of the land.

If I lived in Lindsay, I might better understand your concerns, but I live in a rural area with no immediate neighbours, and none likely in the future, given the restrictions on severances or rural subdivisions. I am trying to work within the unique constraints of my lot and I feel that you have not adequately considered the constraint of the deep ravine in the southern part of my lot or the fact that my rear lot contains the septic bed.

The garage is only approximately 100 sq.m., which is a small fraction of my 4,000 sq.m. property. This seems like a minor added structure compared to the lot size and it is typical of buildings in the surrounding rural and agricultural area. I also cannot see any impacts on any neighbouring property. None of the agencies have expressed any concern so I was astounded to read your report recommending a denial of my application.

I hope that this letter better explains my situation and I look forward to a productive meeting on July 9th.

Sincerely,

Dean Junkin