

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2018-09**

**Thursday, September 20, 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.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
	August 16, 2018	
	Committee of Adjustment Meeting Minutes	
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2018-055	5 - 12
	David Harding, Planner II	
	File Number: D20-2018-041	
	Location: 76 Chadwin Drive	
	Part Block 11, Plan 57M-782, Parts 6 to 8, 57R-10386	
	Former Town of Lindsay	
	Owners: Harry and Alwine Groeger	
	Applicants: Harry and Alwine Groeger	
3.1.2	COA2018-056	13 - 24
	Quadri Adebayo, Planner II	
	File Number: D20-2018-042	
	Location: 43 Knox Crescent	
	Lot 8 and Part Lot 18 and Part Water Street, Plan 100, Part 8, 57R-4644	
	South Louisa, West Colborne	
	Former Village of Fenelon Falls	
	Owners: John and Nancy L'Estrange	
	Applicant: Nancy L'Estrange	

3.1.3	COA2018-057	25 - 34
	David Harding, Planner II File Number: D20-2018-043 Location: 89 Loon Street Part Lot 2, Concession 2, Lot 20, Plan 260, Part 1, 57R-8835 Geographic Township of Ops Owner: Juliette Betts and Grace Wanyura Applicant: Juliette Betts	
3.1.4	COA2018-058	35 - 41
	David Harding, Planner II File Number: D20-2018-044 Location: 226 Victoria Avenue North Block T, Part Lot 6, Plan 1, Part 1, 57R-10360 Former Town of Lindsay Owners: Margaret and Alexander Istchenko Applicant: Alexander Istchenko	
3.1.5	COA2018-059	42 - 53
	Quadri Adebayo, Planner II File Number: D20-2018-045 Location: 44 Shadow Lake Road 2 Front Range, Part Lots 74 and 75, 57R-9866, Parts 1 to 4 Geographic Township of Somerville Owners: Douglas and Patricia Willmot Applicant: Black Point Construction Services (Holly Richards-Conley)	
3.1.6	COA2018-060	54 - 63
	Quadri Adebayo File Number: D20-2018-046 Location: 10 Lake Street Range NWB, Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove Geographic Township of Bexley Owners: William Ball and Heather Clarke-Ball Applicants: William Ball and Heather Clarke-Ball	

3.2	Consents	
3.2.1	COA2018-064	64 - 80
	Janet Wong, Planner II File Number: D03-2018-008 Location: 64 Mitchells Road Part Lot 24, Concession 2 Geographic Township of Verulam Owners: Richard and Mary Gascho Applicant: EcoVue Consulting Services Inc. (Nolan Drumm)	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.1.1	COA2018-051	81 - 90
	Quadri Adebayo, Planner II File Number: D20-2018-040 Location: 971 Fleetwood Road Part Lots 16 and 17, Concession 12 Geographic Township of Manvers Owners: Ryan and Angela Weiler Applicants: Ryan and Angela Weiler	
4.2	Consents	
5.	<b>Correspondence</b>	
6.	<b>Other Business</b>	
7.	<b>Next Meeting</b>	
	The next meeting will be Thursday, October 18, 2018 at 1:00 p.m. in the Victoria Room, City Hall.	
8.	<b>Adjournment</b>	

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Groeger**  
Report Number COA2018-055

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**Public Meeting**

**Meeting Date:** September 20, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

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**Ward: 10 – former Town of Lindsay**

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit an addition to a partially enclosed sunroom:

1. Section 9.3.12(f) to reduce the interior side yard setback from 2 metres to 0.3 metres;
2. Section 9.3.12(g) to reduce the minimum rear yard setback from 4.5 metres previously granted by variance to 3.4 metres; and
3. Section 9.3.12(i) to increase the maximum lot coverage from 59.03% previously granted by variance to 61%.

The variance is requested at 76 Chadwin Drive, former Town of Lindsay (File D20-2018-041).

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**Author: David Harding, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-055 Harry and Alwine Groeger, be received;

**THAT** minor variance application D20-2018-041 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the building construction to extend the partially enclosed sunroom related to this approval shall proceed substantially in accordance with the sketch in Appendix 'C' submitted as part of Report COA2018-055, which shall be attached to and form a 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 COA2018-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** On October 19, 2017, the Committee of Adjustment considered variance file D20-17-002 and granted variances to rear and side yard setbacks and the maximum lot coverage requirement to recognize the townhouse, shed and partially enclosed sunroom on the property.

The current roof structure identified on the submitted sketch in Appendix 'C' as "canopy" does not cover the entirety of the existing deck below. The owners advise that this has resulted in snow and ice sliding off the canopy and onto the deck. The owners wish to extend the canopy so that the deck is fully covered from the elements.

This application was deemed complete May 25, 2018.

**Proposal:** To permit an approximately 1.1 metre x 4.2 metre (3.6 foot x 13.8 metre) extension to an existing partially enclosed sunroom.

**Owners:** Harry and Alwine Groeger

**Applicant:** Harry Groeger

**Legal Description:** Part Block 11, Plan 57M-782, Parts 6 to 8, 57R-10386, former Town of Lindsay, City of Kawartha Lakes

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

**Zone:** "Residential Multiple One Special Eleven (RM1-S11) Zone" – Town of Lindsay Zoning By-law 2000-75

**Site Size:** 279 square metres (3,003.13 square feet)

**Site Servicing:** Municipal sanitary sewer, water, and stormwater

**Existing Uses:** Townhouse Residential

**Adjacent Uses:** North, South and East: Townhouse Residential  
West: Vacant Commercial Land

**Rationale:** Staff classifies the structure constructed upon most of the rear deck and immediately abutting the townhouse as a sunroom. Its north and south walls consist of fence material fitted with translucent plastic sheeting to prohibit the passage of air with additional timbers above fitted with clear plastic panels. A canopy provides the overhead covering. The west side is open. For the purposes of this report, staff considers the canopy extension to be an addition to the partially enclosed sunroom.

**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 within a developing residential neighbourhood consisting of freehold townhouse dwellings on the former Lindsay Fairgrounds property. The subject property is within the centre of a 6-dwelling townhouse block.

The deck on the subject property is low enough to be considered a landscape feature. All lots within the townhouse block contain similarly-sized decks, and as a result have similarly-sized areas of landscaped open space. Two of those lots have pergola structures upon their decks to provide some shelter. The sunroom extension is proposed to cover the remainder of the existing deck, to offer the same form of sheltered, amenity space present within the partially enclosed sunroom.

Therefore, the variances are minor in nature 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 “Residential Multiple One Special Eleven (RM1-S11) Zone”. The zone provisions only permit a townhouse dwelling and have unique zone requirements to permit this type of dwelling unit.

The proposed sunroom addition does not hinder the ability of the rear yard to provide amenity space and landscaped open space, as the deck which it is covering already exists.

Through the examination of the function of the rear yards upon this townhouse block, it is evident that a large portion of the rear yards are dedicated to low deck structures in order to provide elevated amenity spaces. The partially enclosed sunroom has a similar type of amenity space that is sheltered. The extension will cover the remainder of the existing amenity area upon the deck, and will not substantially change the mass of the existing partially enclosed sunroom.

While a minimal setback is proposed for the sunroom extension, it matches the setback granted by Committee in its previous decision.

In the previous staff report when the 0.3 metre setback to the north interior side lot line was proposed to permit the partially enclosed sunroom, it was noted that concerns were not raised over the ability to provide adequate drainage within that yard. Maintenance concerns were also addressed, as one of the sunroom’s northern wall panels functions as a door, to permit access to this area and the dwelling’s exhaust pipes.

As such, no adverse impacts are anticipated by permitting a 1.1 metre extension to the sunroom roof 0.3 metres from the northern interior side lot line.

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**

As the Lindsay Secondary Plan is under appeal, the property is designated “Residential” within the Town of Lindsay Official Plan, which permits medium density residential uses such as townhouse dwellings.

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 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:**

No comments as of September 10, 2018.

**Public Comments:**

No comments as of September 10, 2018.

**Attachments:**



Appendices A-D to  
Report COA2018-055.

Appendix “A” – Location Map  
Appendix “B” – Developer’s Plan  
Appendix “C” – Applicant’s Sketch  
Appendix “D” – Elevations

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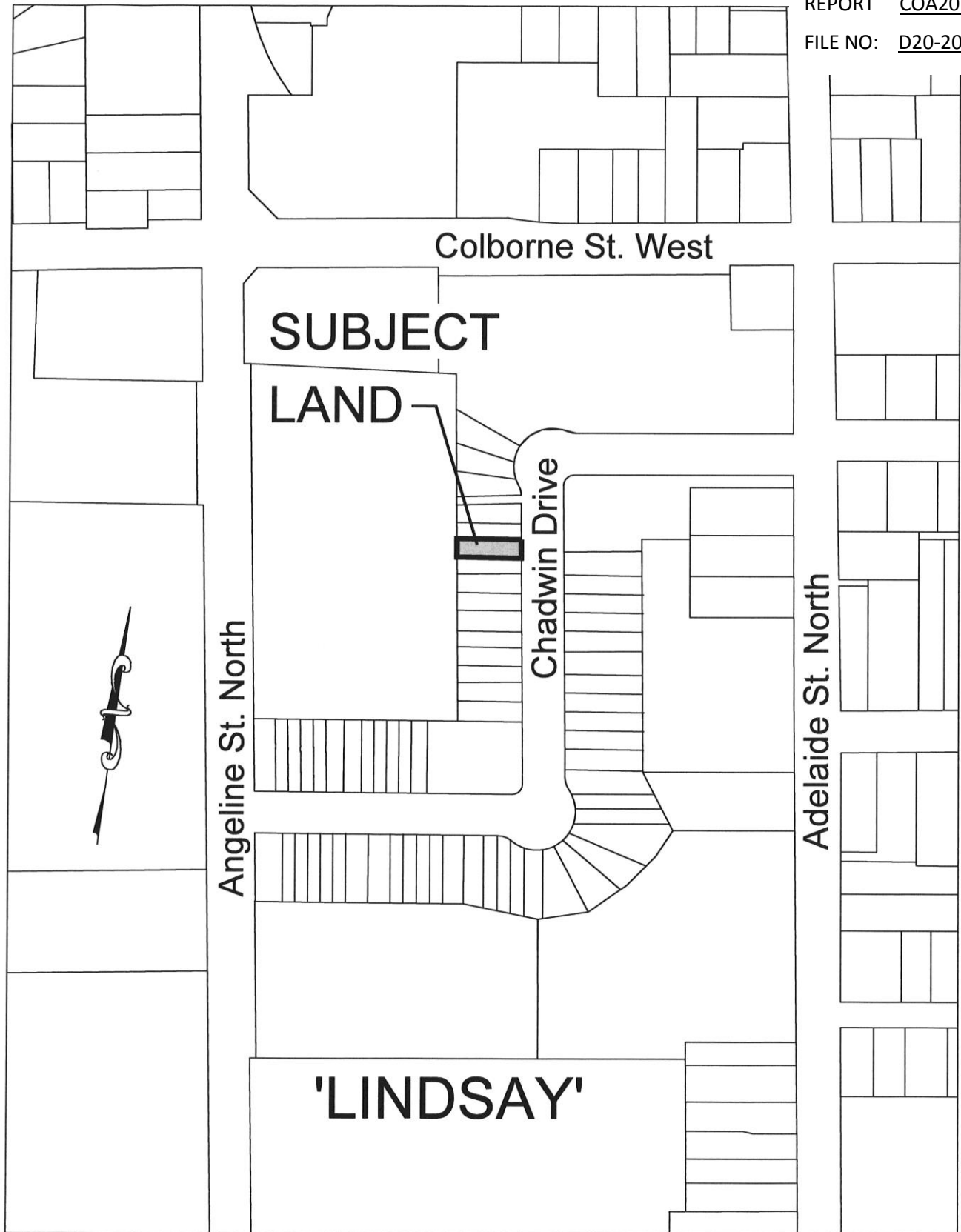
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall  
**Department File:** D20-2018-041



to

REPORT COA2018-055

FILE NO: D20-2018-041





FRONT

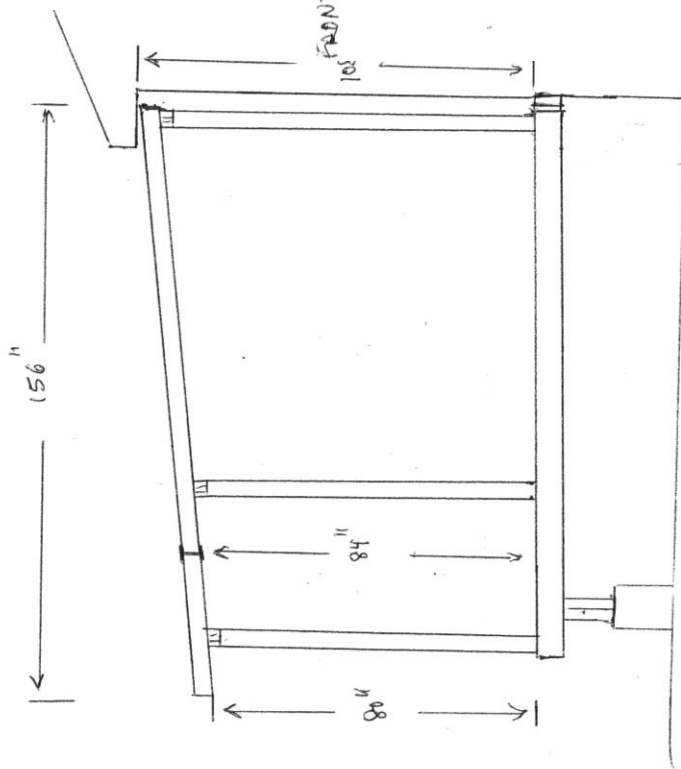
APPENDIX " D "

to

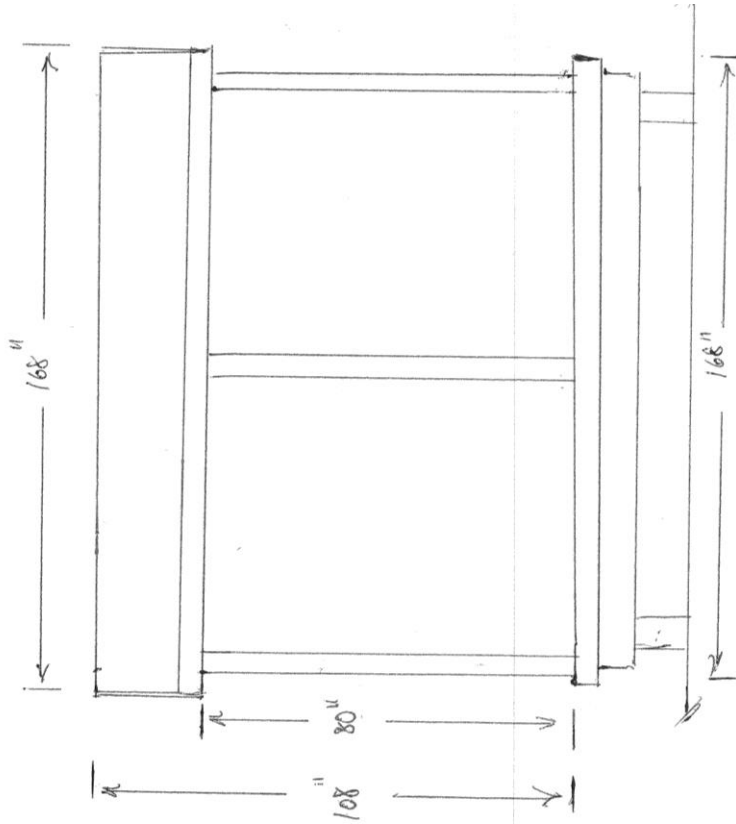
REPORT COA2018-055

FILE NO: D20-2018-041

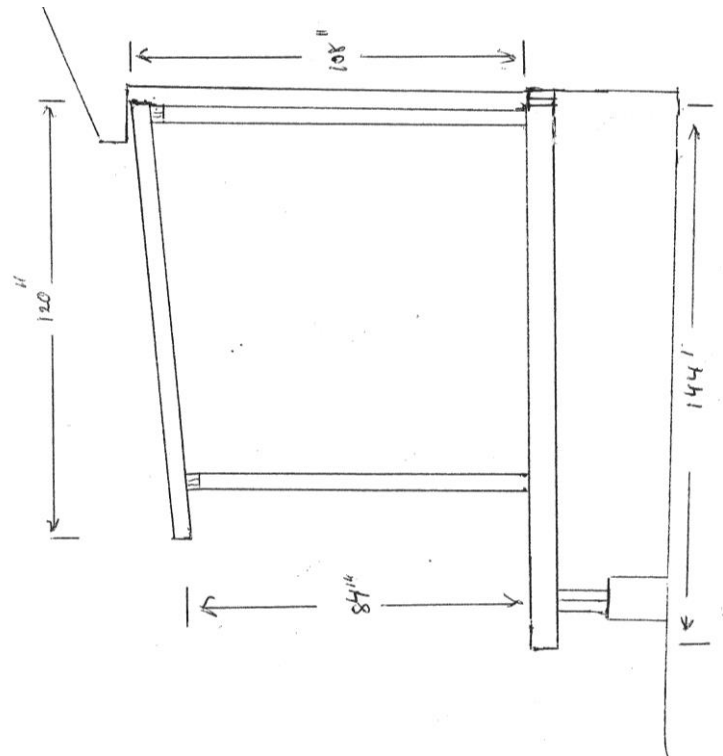
NEW



FRONT ELEVATION.



EXISTING.



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – John and Nancy L'Estrange**  
Report Number COA2018-056

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**Public Meeting**

**Meeting Date:** September 20<sup>th</sup>, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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**Ward: 6 – Former Village of Fenelon Falls**

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

1. Section 4.3.5.12(b)(iii) to reduce the minimum setback for a yard adjacent to a private right-of-way from 6 metres to 2.48 metres;
2. Section 4.3.5.12(b)(iv) to reduce the minimum setback from the centreline of a private right-of-way from 9 metres to 5.53 metres; and
3. Section 5.1.4 – to increase the maximum lot coverage requirement for accessory structures from 5% to 5.69%.

The variance is requested at 43 Knox Crescent, former Village of Fenelon Falls (File D20-2018-042).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-056 John and Nancy L'Estrange, be received;

**THAT** minor variance application D20-2018-042 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 generally in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-056, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, nor shall it be

connected to water or septic facilities. Similar wording shall be placed on the required building permit;

- 3) **THAT** as part of building permitting process, there be a requirement that the tool shed in the northerly interior side yard between the northern wall of the dwelling and the northerly interior side lot line, and the beer shed located in rear yard between the rear wall of the dwelling and the water's edge shall be removed from the property to the satisfaction of the Chief Building Official upon completion of the detached garage; and
- 4) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2018-056. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	The proposal seeks to construct a detached garage with storage loft above the main level. This application was deemed complete July 6, 2018.
Proposal:	To construct an approximately 109.29 square metre (1,176 square foot) detached two-car garage.
Owners:	John and Nancy L'Estrange
Applicant:	Nancy L'Estrange
Legal Description:	Lot 8 and Part Lot 18 and Part Water Street, Plan 100, Part 8, 57R-4644, South Louisa, West Colborne, former Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	Low Density Residential in the Village of Fenelon Falls Official Plan
Zone:	Residential Type One Exception 12 (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-25
Site Size:	1,479 square metres (15,914.04 square feet)
Site Servicing:	Private individual septic and Lake water system
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: County of Victoria Recreation Corridor, Residential South: Residential

West: Cameron Lake

**Rationale:**

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

**And**

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

The detached garage is proposed to be situated in an established shoreline residential neighbourhood. The only means of access to the neighbourhood is through a private right-of-way (Knox Crescent) which provides ingress and egress to an improved public street (Louisa Street).

The inability of locating the garage at a compliant setback from the right-of-way is limited by the existence of a septic and mantle that sits on an elevated topography behind the proposed location. Observation and preliminary measurements taken during site visit also suggests that the reduced setback of the garage from Knox Crescent will not be discernible as the scale of the proposed garage is presumed to visually blend in with the character of the immediate surrounding accessory uses. Therefore, no land use compatibility issues are anticipated. The proposed placement of the structure on the property also ensures that it will be at an appropriate separation distance from the septic bed location.

Currently, there are five (5) accessory buildings on the property that accounts for a total of 1.01% accessory building lot coverage on the property (a recreational room, a wood shed, a tool shed, a ski shed, and a beer shed). Given that the proposed garage at 4.86% lot coverage will enable additional space, staff would ordinarily recommend that the accessory use situation be brought to compliance. However, discussions with the applicant substantiated with observation from site visit revealed that removing the woodshed from the property may cause the owner undue hardship for easy access to firewood during cold weathers to heat the cottage. As such, staff will consider leaving the wood shed as is in its current location.

The applicant further indicated that they plan to replace the house with a larger structure in 2019, which will enable more space for storage. In the interim, staff is recommending allowing the applicant keep two other accessory buildings (the recreational room, and the ski shed) in conjunction with the wood shed and the proposed garage respectively. This is substantiated by the fact that the applicant has obtained clearance approval for the placement of the proposed garage, and that the applicant has advised that the beer shed within the water setback will be removed from the property accordingly. Therefore, a resulting 0.69% increase in the maximum lot coverage requirement for accessory buildings can be viewed as minor.

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

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

**Yes**

An accessory use is permitted within the Residential Type One Exception 12 (R1-12) Zone. The structure of the Village of Fenelon Falls Zoning By-law assumes the shoreline of Cameron Lake as being the front yard in this neighbourhood. Hence its emphasis regarding setbacks and yard requirements for properties adjacent to a private right-of-way. Whereas the physical constraints identified in Rationale 1 and 2 above clearly limits the possibility of the garage complying with this setback requirement.

Considering the proposed garage footprint will comply with other setback requirements at approximately 1.5 metres and 5.7 metres respectively from the interior side lot lines where 1.2 metres minimum is required, and at approximately 23.6 metres from the rear lot line where minimum of 6 metres is required, the applicant has reasonably demonstrated that it is possible to develop the lot.

The height of the garage complies with the Zoning By-law provisions for accessory buildings.

Following the above, 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 Low Density Residential in the Village of Fenelon Falls Official Plan. Low density residential dwellings and accessory buildings are anticipated within this designation. Thus, the proposal maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

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

**Consultations:**

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

**Agency Comments:**

Building Division – Sewage System Program (August 27, 2018): No concerns.

**Public Comments:**

No comments as of September 11, 2018.



## Attachments:



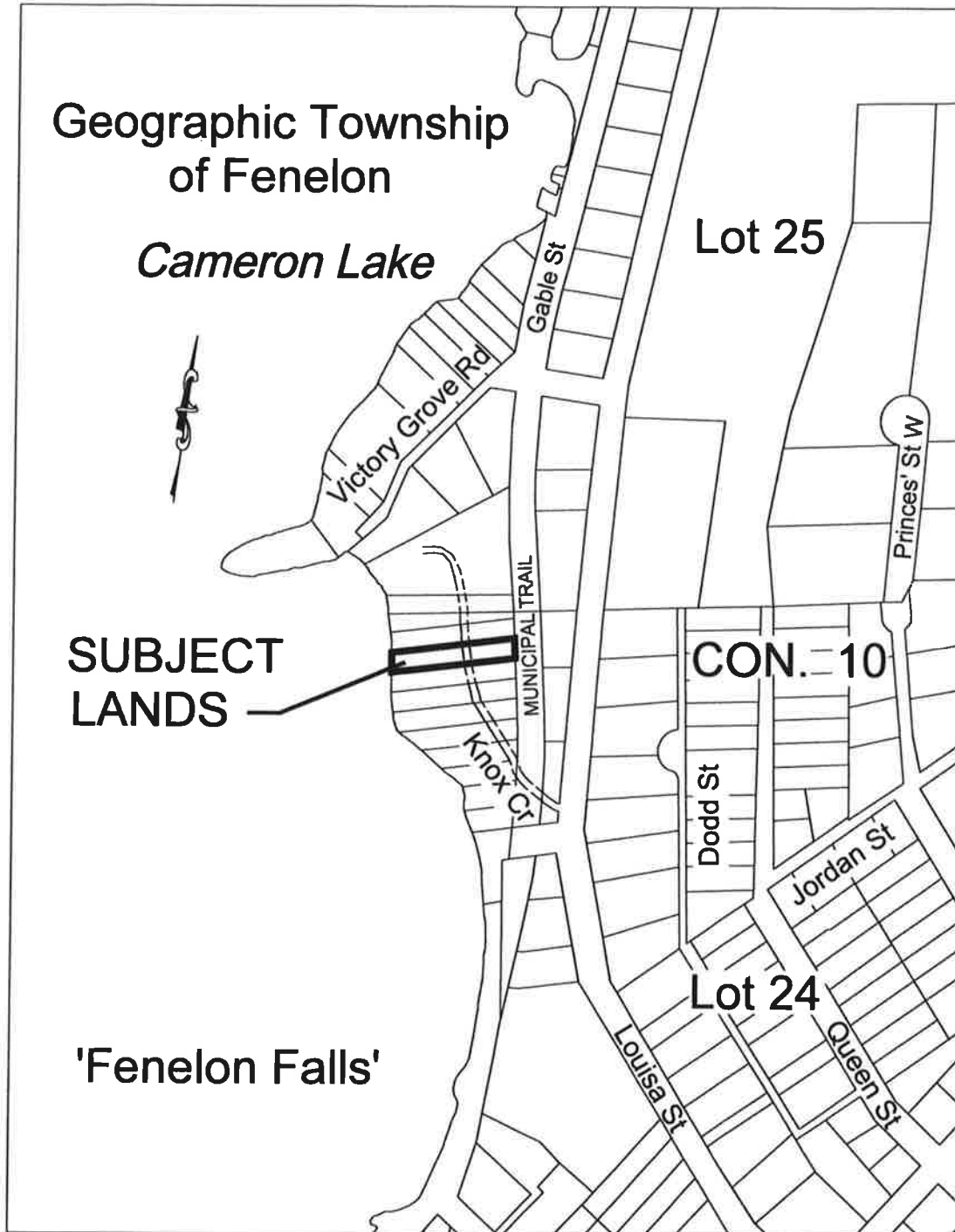
Appendices A-E to  
Report COA2018-056

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

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-042

## D20-2018-042



APPENDIX: B

to

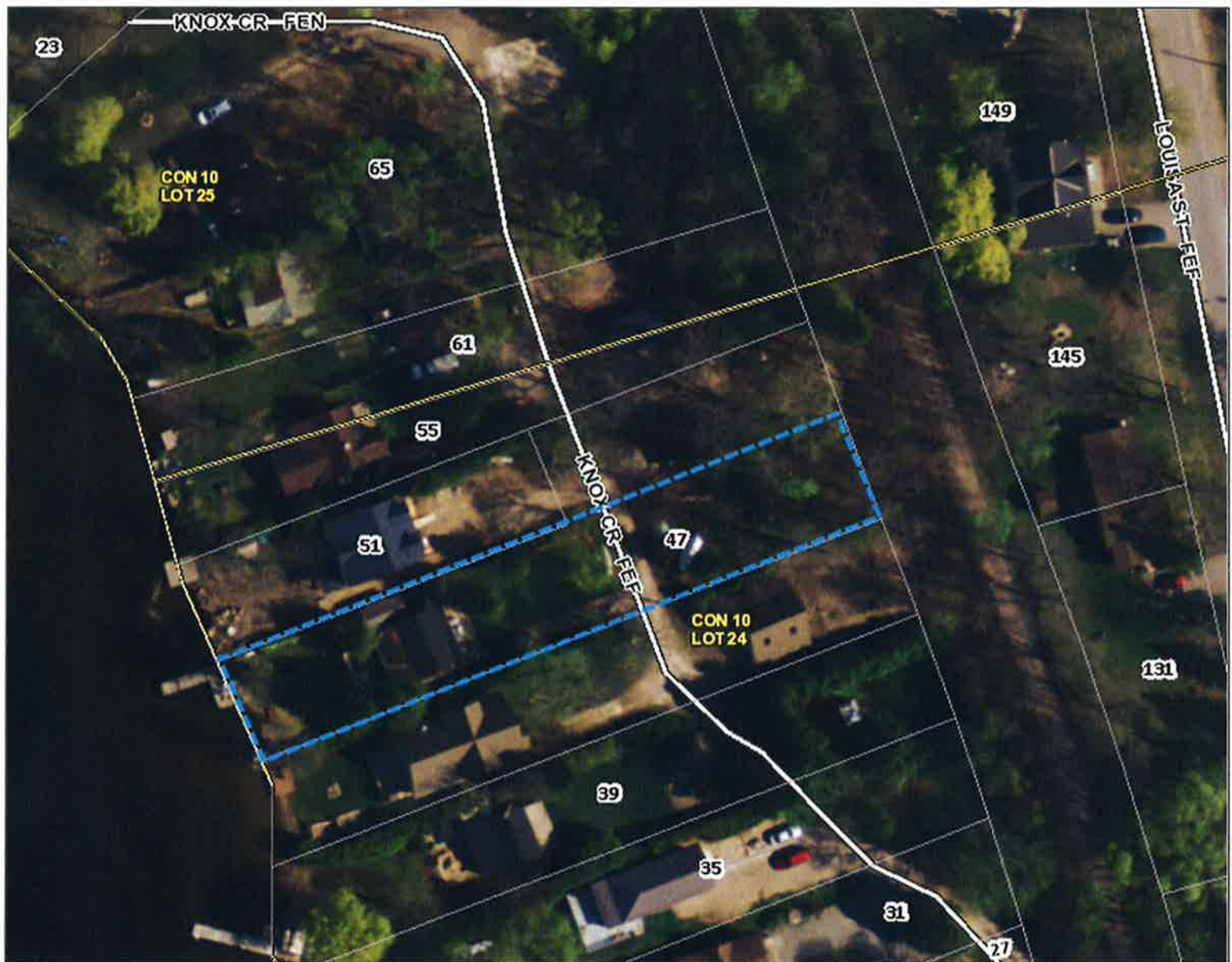
REPORT COA2018-056

FILE NO: D20-2018-042



GEOMATICS  
MAPPING

## 43 Knox Crescent, former Village of Fenelon Falls

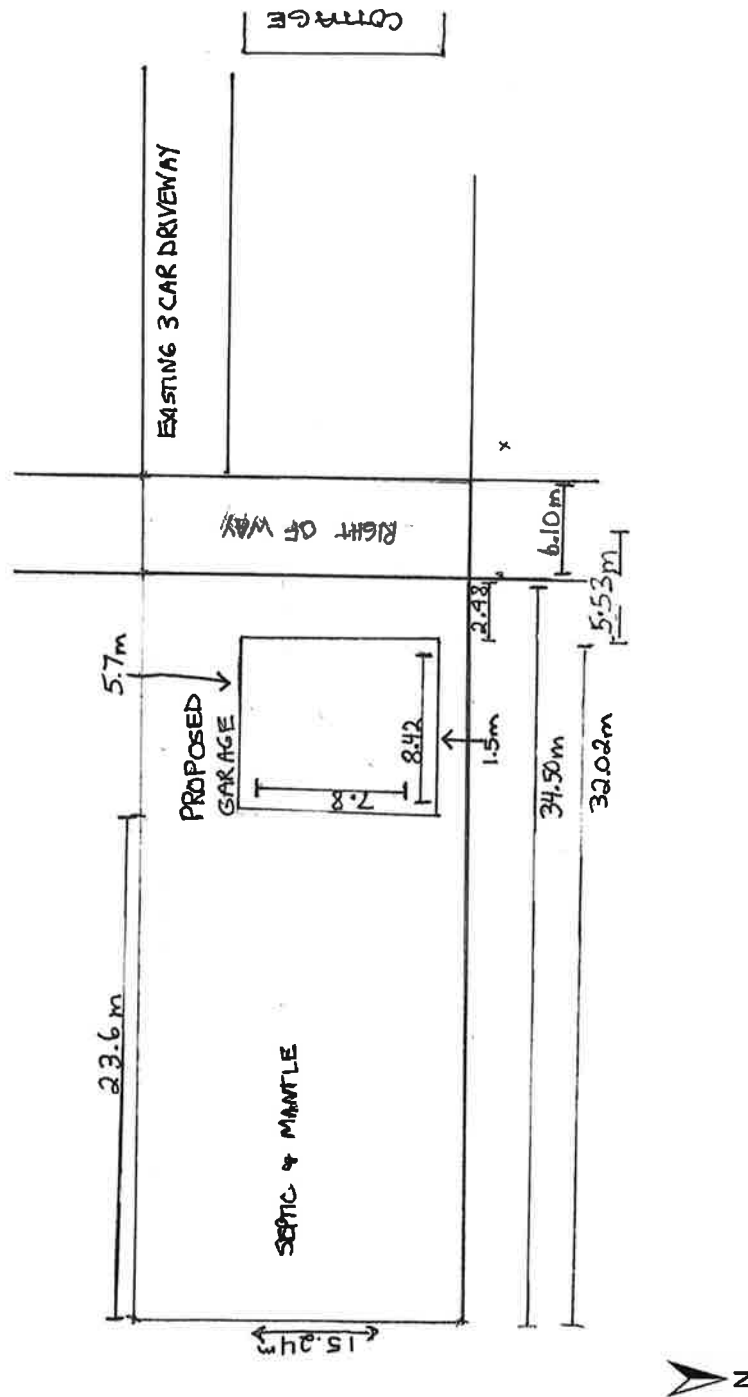


to

REPORT COA2018-056

FILE NO: D20-2018-042

### Proposal Sketch

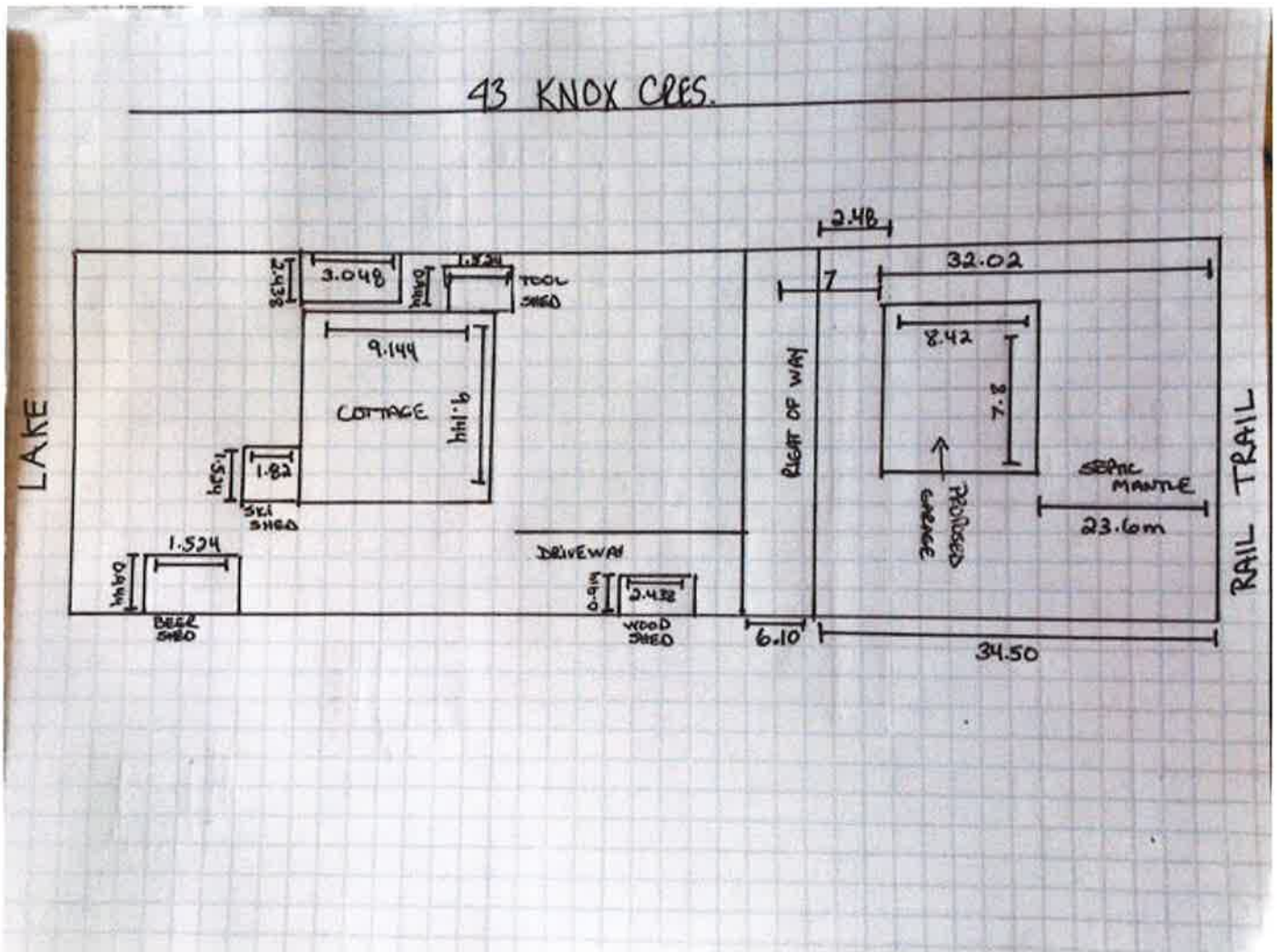


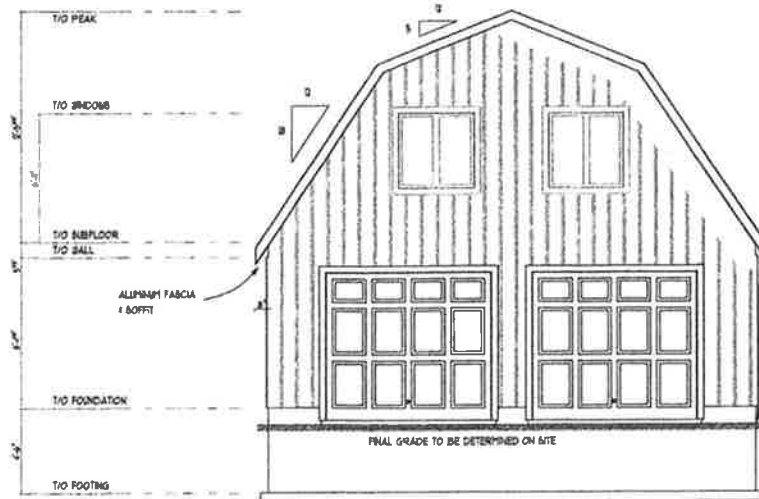
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REPORT COA2018-056

FILE NO: D20-2018-042

### Full Property Sketch



**Front Elevation (West)**

-ROOF TO BE VENTED AS PER SECT. 9.19 OF O.B.C.  
 -CAULK OVER AND AROUND ALL EXTERIOR OPENINGS  
 -CRIP CAPS & FLASHINGS TO BE INSTALLED OVER ALL EXTERIOR OPENINGS AS REQUIRED  
 -ALL EXTERIOR DOORS TO BE INSULATED & WEATHERSTRIPPED  
 -ALL GLASS IN DOORS TO BE TEMPERED GLASS UNLESS OTHERWISE NOTED

NOTE:  
 ALL DOWNSPOUTS NOT CONNECTED TO SEWER SHALL BE EXTENDED TO CARRY RAIN WATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION (AS PER 9.26.10.2 CBC 2012)

NOTE:  
 LOT TO BE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR BUILDING AND WILL NOT AFFECT ADJACENT PROPERTIES (AS PER 9.26.1.1 CBC 2012)

STEP FOUNDATION AS REQUIRED AS PER GRADE CONDITIONS. MAINTAIN MIN. 4'-0" BELOW GRADE & A MAX STEP OF 7'-0"

**FRONT ELEVATION**

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

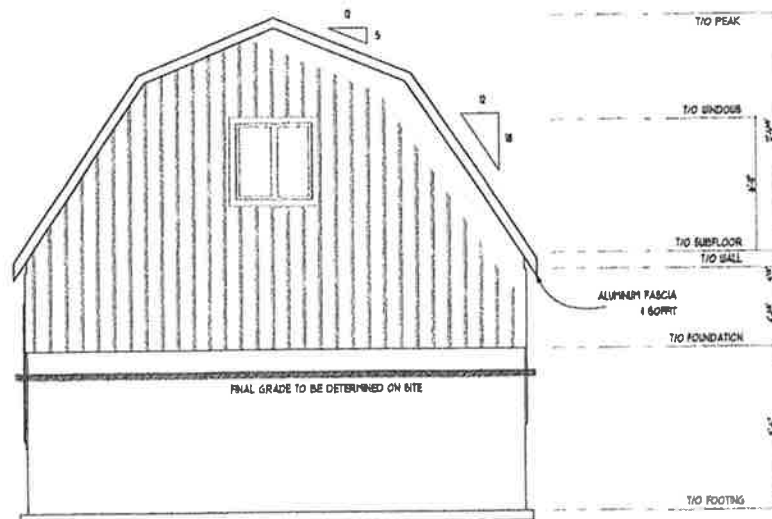
**Rear Elevation (East)**

NOTE:  
 -ROOF TO BE VENTED AS PER SECT. 9.19 OF O.B.C.  
 -CAULK OVER AND AROUND ALL EXTERIOR OPENINGS  
 -CRIP CAPS & FLASHINGS TO BE INSTALLED OVER ALL EXTERIOR OPENINGS AS REQUIRED  
 -ALL EXTERIOR DOORS TO BE INSULATED & WEATHERSTRIPPED  
 -ALL GLASS IN DOORS TO BE TEMPERED GLASS UNLESS OTHERWISE NOTED

NOTE:  
 ALL DOWNSPOUTS NOT CONNECTED TO SEWER SHALL BE EXTENDED TO CARRY RAIN WATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION (AS PER 9.26.10.2 CBC 2012)

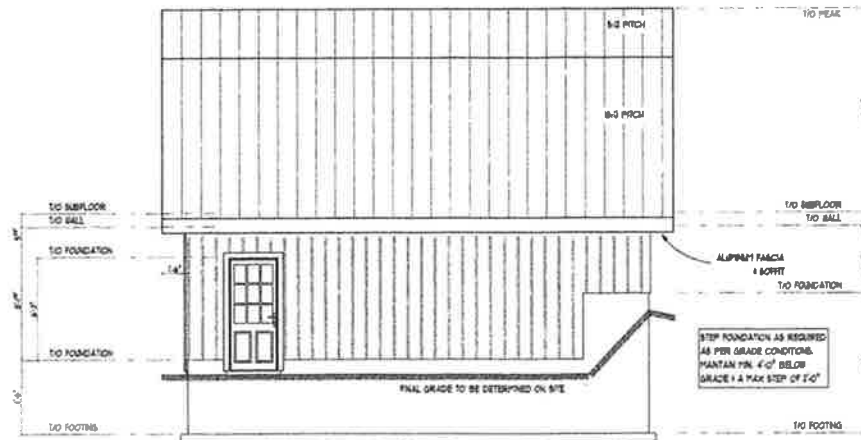
NOTE:  
 LOT TO BE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR BUILDING AND WILL NOT AFFECT ADJACENT PROPERTIES (AS PER 9.26.1.1 CBC 2012)

STEP FOUNDATION AS REQUIRED AS PER GRADE CONDITIONS. MAINTAIN MIN. 4'-0" BELOW GRADE & A MAX STEP OF 7'-0"

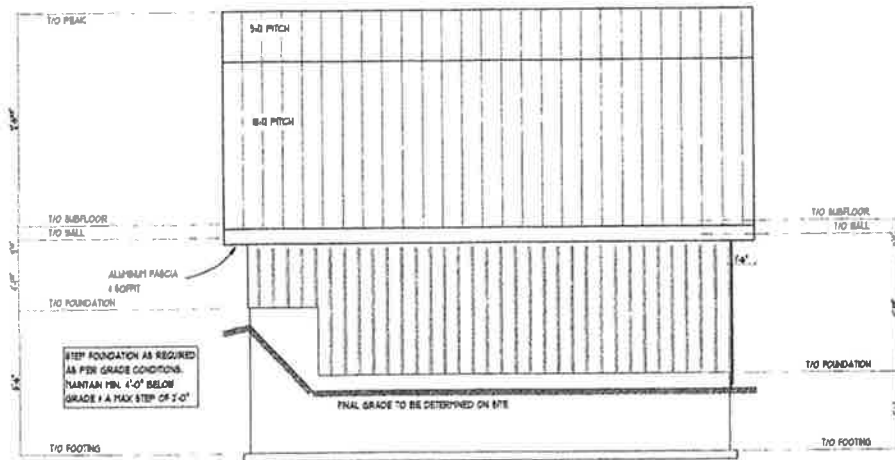
**REAR ELEVATION**

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

to

REPORT COA2018-056FILE NO: D20-2018-042**Right Elevation (North)****RIGHT ELEVATION**

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

**Left Elevation (South)****LEFT ELEVATION**

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



to

REPORT COA 2018-056**Charlotte Crockford-Toomey**

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FILE NO. D20-2018-042

**From:** Anne Elmhirst  
**Sent:** Monday, August 27, 2018 11:37 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-042 - 43 Knox Cres

Hello Charlotte,

RE: Minor Variance Application D20-2018-042  
42 Knox Cres., Former Fenelon Twp,  
City of Kawartha Lakes

I have received and reviewed the request for relief to construct a detached garage at the above-noted property. An evaluation of the requirements for clearance distances to the existing sewage system have been completed. The proposal does not interfere with the sewage system envelope. As such, the Building Division - Sewage System Program has no concerns with the proposal.

Best Regards,  
Anne Elmhirst

Sent from my BlackBerry 10 smartphone on the Bell network.



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Betts and Wanyura**  
Report Number COA2018-057

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**Public Meeting**

**Meeting Date:** September 20, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

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**Ward: 12 – geographic Township of Ops**

**Subject:** The purpose and effect is to request from Section 2.2.1 to permit the construction of a second floor on a single detached dwelling upon a lot that does not abut an improved street as defined.

The variance is requested at 89 Loon Street, geographic Township of Ops (File D20-2018-043).

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**Author: David Harding, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-057 Juliette Betts and Grace Wanyura, be received;

**THAT** minor variance application D20-2018-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Condition:**

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix 'C' of Report COA2018-057, which shall be attached to and form a 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 COA2018-057. Fulfillment of all conditions are required for the Minor Variance to be considered final and binding.**

**Background:** On July 20, 2017, the Committee of Adjustment granted a variance on the subject property to permit the construction of a second floor to the existing single detached dwelling. The variance was to permit construction on a lot which does not abut an improved street. The owners were unable to fulfill condition 3 of the Committee's decision to complete the first building inspection within 1 year, and the variance has now lapsed.

The application was re-submitted and deemed complete July 6, 2018.

**Proposal:** To request relief from Section 2.2.1 to allow construction of a second floor addition to the 75.8 square metre (815.9 square foot) dwelling on a property that abuts and obtains access via an unassumed road where it is required to abut and obtain access via an improved street or existing private right-of-way.

**Owners:** Juliette Betts and Grace Wanyura

**Applicant:** Juliette Betts

**Legal Description:** Part Lot 2, Concession 2, Lot 20, Plan 260, Part 1, 57R-8835, Township of Ops, City of Kawartha Lakes

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

**Zone:** Shoreline Residential (RS) Zone – Township of Ops Zoning By-law 93-30

**Site Size:** 980.5 square metres (0.2 acres) – Ivan B. Wallace Ontario Land Surveyors

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

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North, South: Shoreline Residential  
East: Rural Residential  
West: Lake Scugog

**Rationale:** Loon Street is divided into two sections at Honeyfield Lane. Honeyfield Lane is an assumed road (an improved street). The section south of Honeyfield Lane is a privately owned and maintained right-of-way. The section north of Honeyfield Lane is an unassumed road allowance under a limited service agreement with the City. All lots within Registered Plan 260, including the subject property abut and are accessed via the unassumed portion of Loon Street. Section 2.2 of the Zoning By-law permits the construction of residential buildings/structures

on lots that abut and obtain access via improved streets or existing private rights-of-way, but not unassumed roads.

**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 part of an established shoreline residential neighbourhood consisting of seasonal and permanent dwellings on the east side of Lake Scugog. A newer rural residential subdivision has and is continuing to undergo construction to the east. The approximately 75.8 square metre (815.9 square foot) dwelling has existed since 1990 (MPAC). The lot has been in existence since 1951 when Plan 260 was created.

The proposal will not alter the use or existing road service requirements of the dwelling as it will continue to be used as a single detached dwelling. The proposal will also not increase the footprint of the building, with the exception of a new porch. The second storey is not anticipated to adversely impact the character of the neighbourhood in terms of massing as the dwelling is proposed to be approximately 18.4 metres from the front lot line and the lot slopes downwards from the road to the shoreline.

Based on the above, the variance is 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 “Shoreline Residential (RS) Zone” within the Township of Ops Zoning By-law 93-30.

The Zoning By-law permits development upon lots which abut improved streets or private right-of-ways that were in existence prior to the passing of the Zoning By-law. The intent of the Zoning By-law appears to be to permit development on properties where publicly or privately maintained vehicular access could reasonably be achieved. Reasonable access via this unassumed portion of Loon Street is demonstrated via the development and use of the shoreline residential lots north of Honeyfield Lane and the existence of a limited service agreement.

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 City’s Official Plan permits residential uses and accessory buildings in the “Waterfront” designation. The subject property has an established shoreline residential use in the form of a single detached dwelling.

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 a private septic system and well.

**Consultations:**

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

**Agency Comments:**

Kawartha Region Conservation Authority (September 11, 2018): No concerns. A permit has been issued for the proposed works.

**Public Comments:**

No comments as of September 10, 2018.

**Attachments:**

Appendices A-D to  
Report COA2018-057.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

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

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

**Department Head:** Chris Marshall

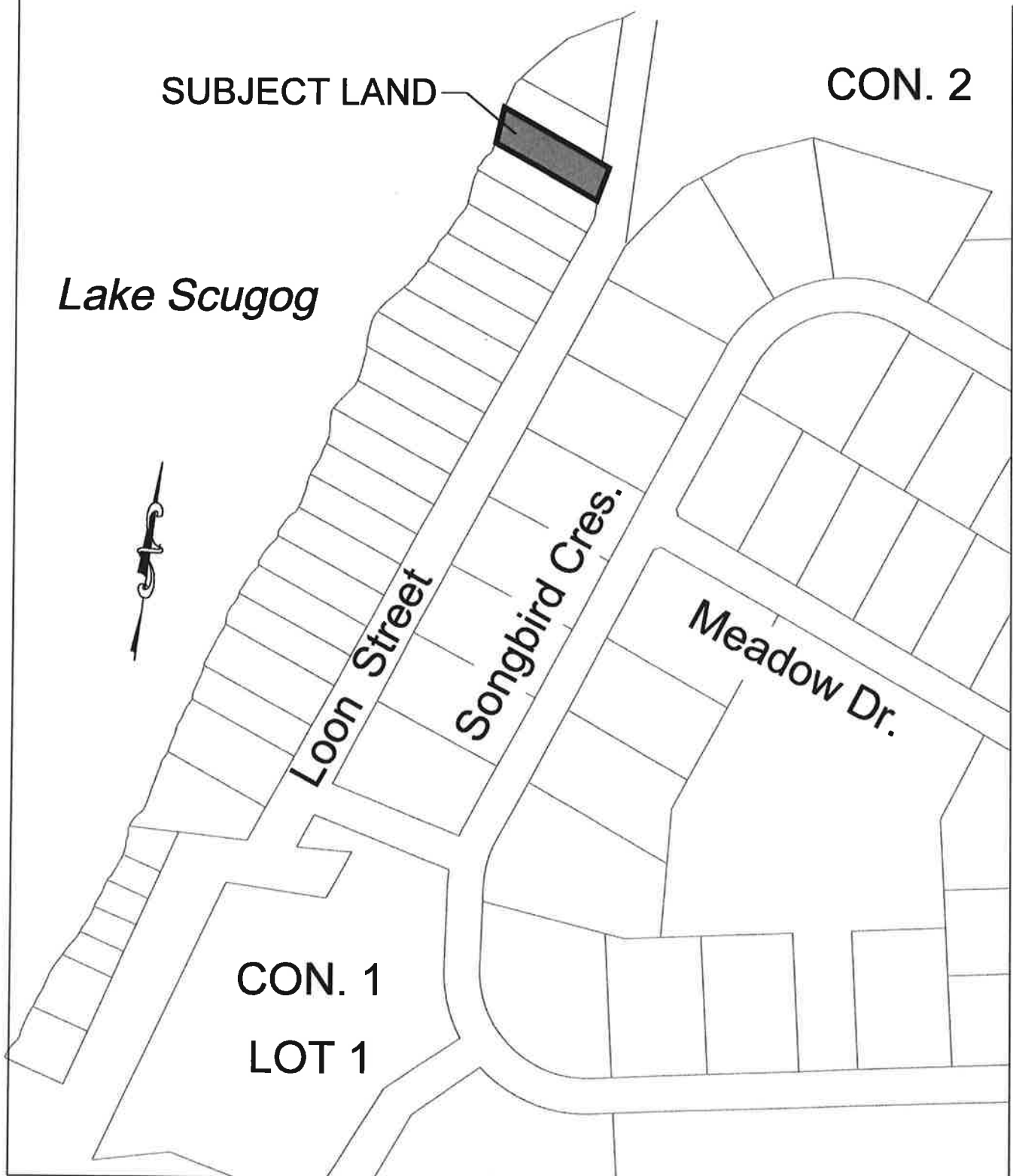
**Department File:** D20-2018-043

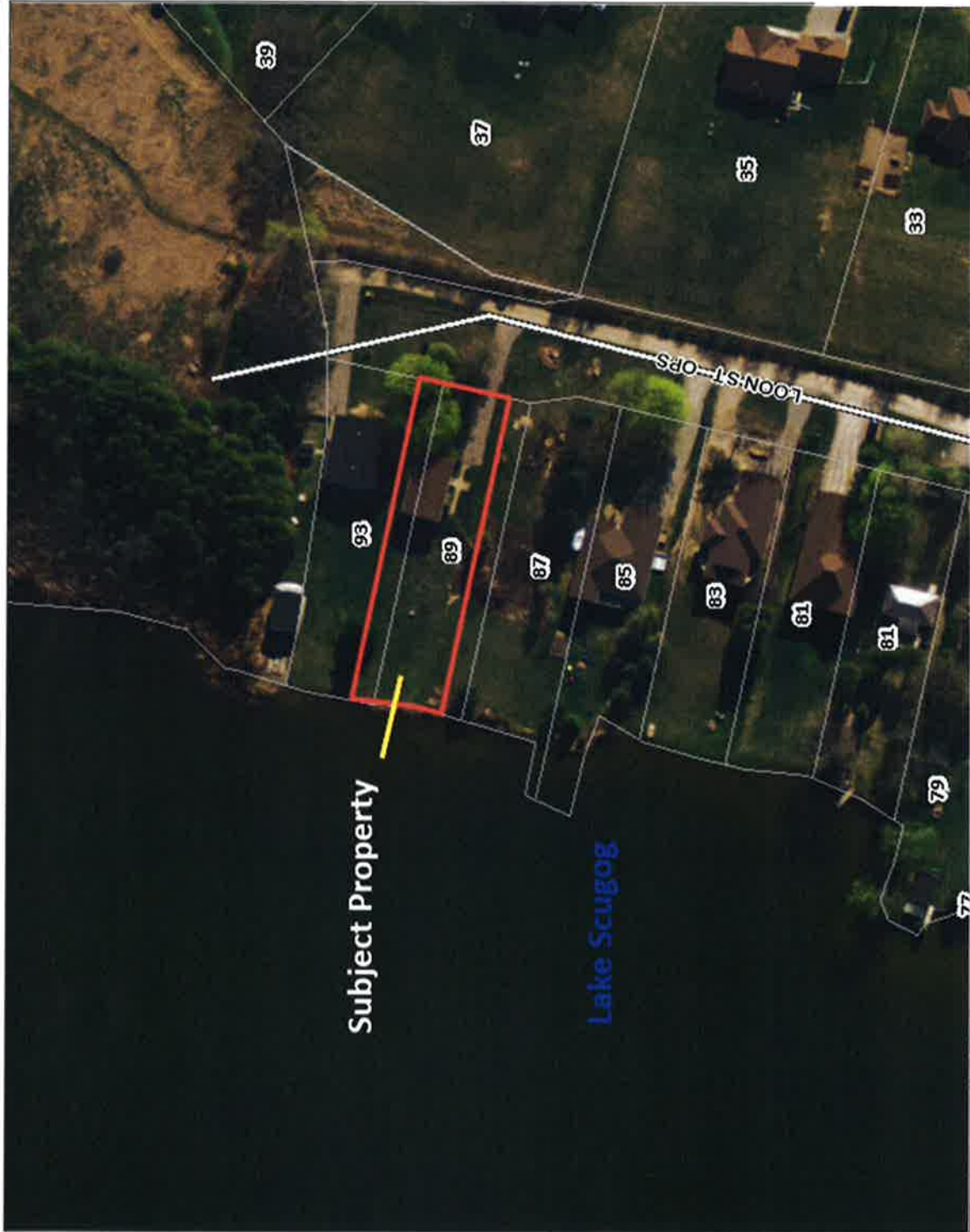
to

REPORT COA2018-057

FILE NO: D20-2018-043

# Geographic Township of Ops





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

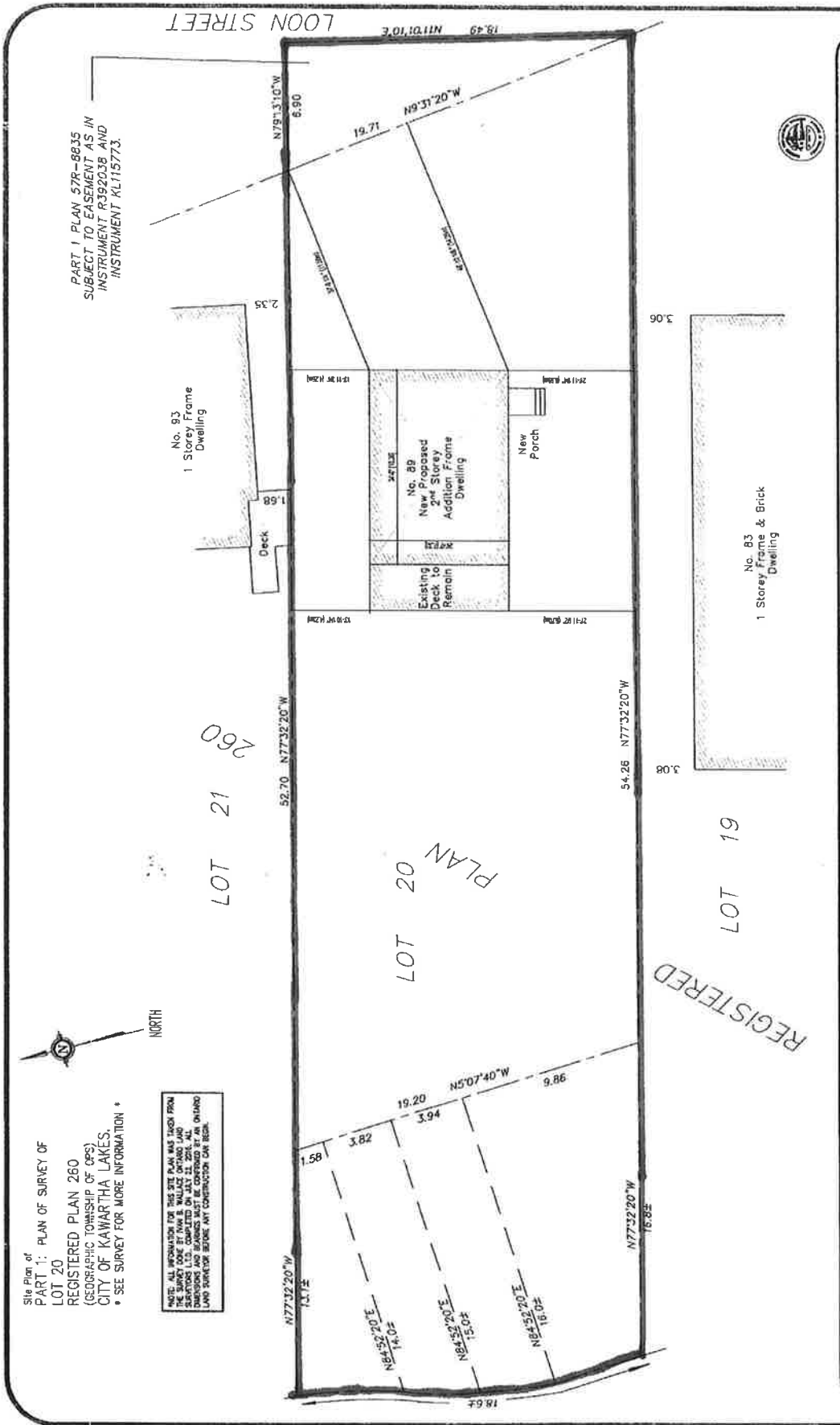


0.08 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes

to

REPORT COA2018-057

FILE NO: D20-2018-043



**PROJECT**  
Private Residence  
89 Loon Street  
Juncos, Ontario  
L3B 1B1

**DATE**  
Sept 09, 2018

**SCALE**  
3/8" = 1'

--

02	REVISION AS PER CITY	03/15
01	ISSUED FOR REVIEW	03/15
00	Revision/Issue	03/15

**General Notes**

Contractor(s) will check and verify all measurements before commencement of any work and all discrepancies shall be reported immediately to the Engineer.

Plans and specifications are the property of the Engineer and must be returned upon completion of the work or upon request.

Plans are not to be scaled.

Drawings shall not be used for construction purposes unless counter signed by the Engineer.



September 11, 2018  
KRCA File No 16541  
X-REF: 15292  
Page 1 of 3

APPENDIX " D "  
to  
REPORT COA2018-057  
FILE NO. D20-2018-043

**VIA EMAIL:** [mlahay@kawarthalakes.ca](mailto:mlahay@kawarthalakes.ca)

Mr. Mark LaHay  
Secretary Treasurer-Committee of Adjustment  
180 Kent Street West  
Lindsay, ON  
K9V 2Y6

**Regarding:**      **Application for Minor Variance – D20-2018-043**  
                         **89 Loon Street**  
                         **Part of Lot 2, Concession 1**  
                         **Geographic Township of Ops**  
                         **City of Kawartha Lakes**

Dear Mr.LaHay:

Staff have now completed our review of the above-noted application to seek relief from Zoning By-Law 2.2.1 Access Required in order to "construct a second story and new porch on a property that does not abut an improved street". Staff note that previous comments regarding a similar application were provided on June 20, 2017 in relation to City of Kawartha Lakes Committee of Adjustment File D20-2017-024. We offer the following comments.

#### **Ontario Regulation 182/06**

The subject property immediately abuts the shoreline of Lake Scugog and is within close proximity to a Provincially Significant Wetland. Kawartha Conservation regulates natural hazards, including watercourses, inland lakes, steep slopes, flooding and erosion hazards, wetlands and as well as a setback from those features. Kawartha Conservation regulates 15 metres from the greatest hazard associated with a watercourse or inland lake and 120 metres from a Provincially Significant Wetland, or wetland greater than 2 ha in size. As such, the entire property is regulated pursuant to Ontario Regulation 182/06.

- The subject property has frontage that borders Lake Scugog. Based on historic water levels maintained by Parks Canada – Trent Severn Waterway, the 100-year lake level for Lake Scugog is 250.9 metres above sea level (mASL). This elevation is considered to be the flood elevation for Lake Scugog. Based on our mapping, an up-to-date topographic survey is required to be completed by an Ontario Land Surveyor (at the applicant's expense) to determine if the existing building is within the floodplain. If the existing structure is in the floodplain:
  - Pursuant to Kawartha Conservation Policy 4.5.2(5) an additional storey (or extension thereof) on existing residential dwellings located within a flooding hazard may be permitted provided it can be demonstrated that the number of dwelling units is the same or less, and access (ingress/egress) conditions are "dry" where this standard can be practically achieved, or flood-proofed to an elevation which is practical and feasible, but no less than safe.

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

**Our Watershed Partners:**

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





- The subject property and area of proposed development are within 30 metres of a Provincially Significant Wetland, known as the East Cross Creek No. 15.
  - Pursuant to Kawartha Conservation Policy 4.6.2.2(6) and (7), the expansion of an existing building or structure and new accessory building or structure within an area of interference (within 120 metres) may be permitted provided that there will be no adverse impact on the hydrologic function of the wetland.

Staff note that a Permit pursuant to Ontario Regulation 182/06, as amended, has been issued for the proposed second floor addition.

#### **Memorandum of Understanding (MOU)**

- The subject site is within 120 metres (adjacent lands) of “significant woodland” (as identified by the City of Kawartha Lakes) and within 120 metres of “fish habitat” (i.e. Lake Scugog). Pursuant to section 2.1 of the Provincial Policy Statement (PPS), development and site alteration shall not be permitted within 120 metres of significant woodland and/or fish habitat unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
- In addition, Section 3.5.10 of the City of Kawartha Lakes’ (CKL) Official Plan (OP) states that an Environmental Impact Study (EIS) shall be required for development and site alteration applications within 120 metres of fish habitat, with some exceptions granted through section 3.5.40 – dependent on site conditions.

#### **Summary**

Based on a review of the subject property and proposal, as shown on *Drawing A10, Private Residence, dated September 9, 2016*, the addition is within 120 metres of natural heritage features and natural hazards that as per policy, generally requires the completion of an EIS to demonstrate no negative impacts. However, staff note that the addition is within the same footprint of the existing residence and the new porch is a non-habitable accessory structure, less than 10 metres<sup>2</sup> in size, and as such, Kawartha Conservation will not require an EIS for the proposal.

Furthermore, staff have reviewed the applicable policies under which this proposal could be reviewed and have issued a revised permit under Ontario Regulation 182/06, as amended.

As such, staff can advise that there are **no objections** to the approval of this minor variance application based on Kawartha Conservation’s consideration for natural heritage, natural hazards and water quality and quantity protection policies.



September 11, 2018  
KRCA File No 16541  
X-REF: 15292  
Page 3 of 3

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.

Yours truly,

Kent Stainton  
Resources Planner  
Extension 232  
[kstainton@kawarthaconservation.com](mailto:kstainton@kawarthaconservation.com)

cc: Charlotte Crockford-Toomey, City of Kawartha Lakes

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

***Our Watershed Partners:***

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



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Istchenko**  
Report Number COA2018-058

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**Public Meeting**

**Meeting Date:** September 20, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

---

**Ward: 10 – former Town of Lindsay**

**Subject:** The purpose and effect is to request relief from Section 6.1 to add Accessory Building – Frame Shed to the list of permitted uses within the Residential One (R1) Zone for a maximum of three years to permit a frame shed to remain on the lot to be created.

The variance is requested at 226 Victoria Avenue North, former Town of Lindsay (File D20-2018-044).

---

**Author: David Harding, Planner II**

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-058 Margaret and Alexander Istchenko, be received;

**THAT** minor variance application D20-2018-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the variance apply solely to the existing 24.8 square metre shed upon the proposed severed lot identified within Consent Application D03-16-001;
- 2) **THAT** the shed cannot be used for human habitation nor may it be altered or replaced while the variance is in effect; and
- 3) **THAT** the requested variance shall be deemed to be refused if the first Building Inspection for a single detached dwelling is not successfully completed within a period of thirty-six (36) months after the date of the Notice of Decision.

**This approval pertains to the application as described in report COA2018-058. Fulfillment of the conditions is required for the Minor Variance to be considered final and binding.**

**Background:** On November 15, 2017, the Director of Development Services, as delegated by Council, granted provisional consent to file

D03-16-001 to create an approximately 1,712 square metre residential infill lot and retain an approximately 3,387 square metre residential lot with single detached dwelling. As per the owners' wishes, condition 8 of the provisional consent approval requires a variance to permit an accessory building (shed) to be retained on the proposed severed lot.

This application was deemed complete July 12, 2018.

**Proposal:** To permit an approximately 24.8 square metre shed to remain on a lot as the primary building for a period not exceeding 3 years.

**Owners:** Margaret and Alexander Istchenko

**Legal Description:** Block T, Part Lot 6, Plan 1, 57R-10360, Part 1, former Town of Lindsay, City of Kawartha Lakes

**Official Plan:** Residential within the Town of Lindsay Official Plan

**Zone:** Residential One (R1) Zone within the Town of Lindsay Zoning By-law 2000-75

**Site Size:** Severed: 1,712 square metres (0.42 acres)  
Retained: 3,387 square metres (0.84 acres)

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

**Existing Uses:** Severed: Residential (Accessory Building)  
Retained: Residential

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

**Rationale:** The shed is currently accessory to the dwelling on the subject property. However, once the consent is finalized, the shed will be upon a separate lot. Relief is needed to permit the consent to be finalized. Due to the depth of the proposed lot and the location of the shed upon it, it is possible for a single detached dwelling to be constructed without requiring the demolition or removal of the shed, hence why relief is being sought to retain the building rather than have it demolished.

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

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

The variance is anticipated to be a temporary measure to permit the shed to remain until it can become accessory to a single detached dwelling once again.

The subject property is situated within an established residential neighbourhood of single detached dwellings. The subject property contains many mature trees that act as vegetative buffers, screening the site from the surrounding residential lots. The shed is located in the centre of the proposed lot, approximately 50 metres from the front and rear lot lines, and approximately 3 metres from the north side lot line, and 12 metres from the southern side lot line that is proposed. Due to the degree of spatial separation between the shed and the existing/proposed lot lines and the presence of mature trees, the continued existence of the shed on the property in the absence of a single detached dwelling is not anticipated to adversely impact the character of the neighbourhood or use of the property.

Therefore, the variance is 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 “Residential One (R1) Zone” within the Town of Lindsay Zoning By-law 2000-75. The R1 Zone permits a single detached dwelling.

The zoning by-law intends for low density residential development within the neighbourhood to occur, and for accessory buildings to be accessory to primary uses. The staff report for the consent application anticipates that the lot will be built upon soon after it is created as it is a municipally serviced lot within an established residential neighbourhood. The variance will allow the shed, which is in good repair, to be accessory to a future dwelling.

The shed covers approximately 1.5% of the proposed lot. If the proposed variance is granted, the residential storage function will not be a prominent use on the lot. The primary use of the lot will continue to be landscaped open space until such time that a single detached dwelling is built. As such, the variance is not anticipated to change the use of the property.

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

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

As the Lindsay Secondary Plan is under appeal, the property is designated “Residential” within the Town of Lindsay Official Plan, which permits a variety of residential uses, including low density residential uses.

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 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:**

No comments as of September 10, 2018.

**Public Comments:**

No comments as of September 10, 2018.

**Attachments:**

Appendices A-C to  
Report COA2018-058.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

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

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

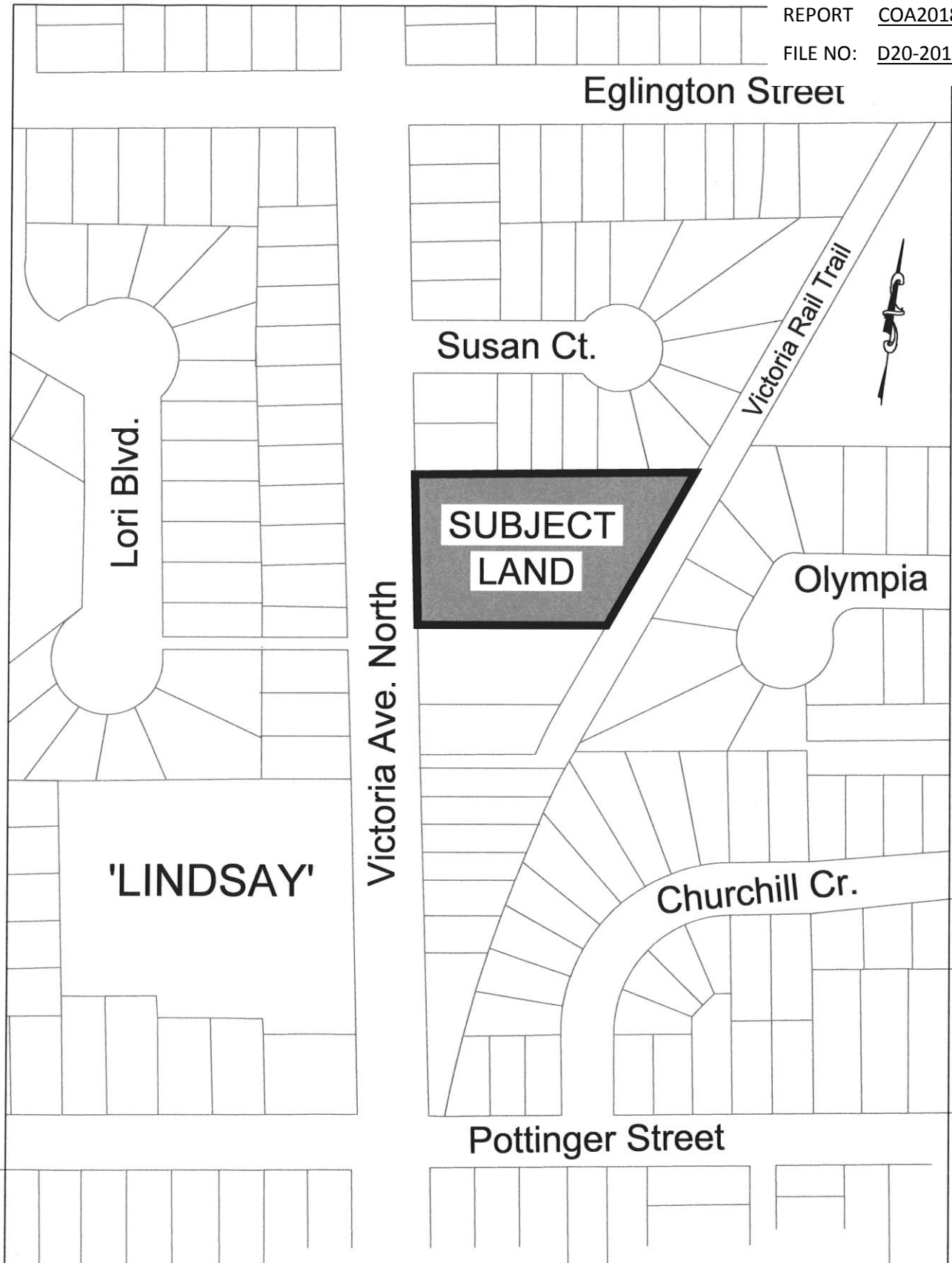
**Department Head:** Chris Marshall

**Department File:** D20-2018-044

to

REPORT COA2018-058

FILE NO: D20-2018-044

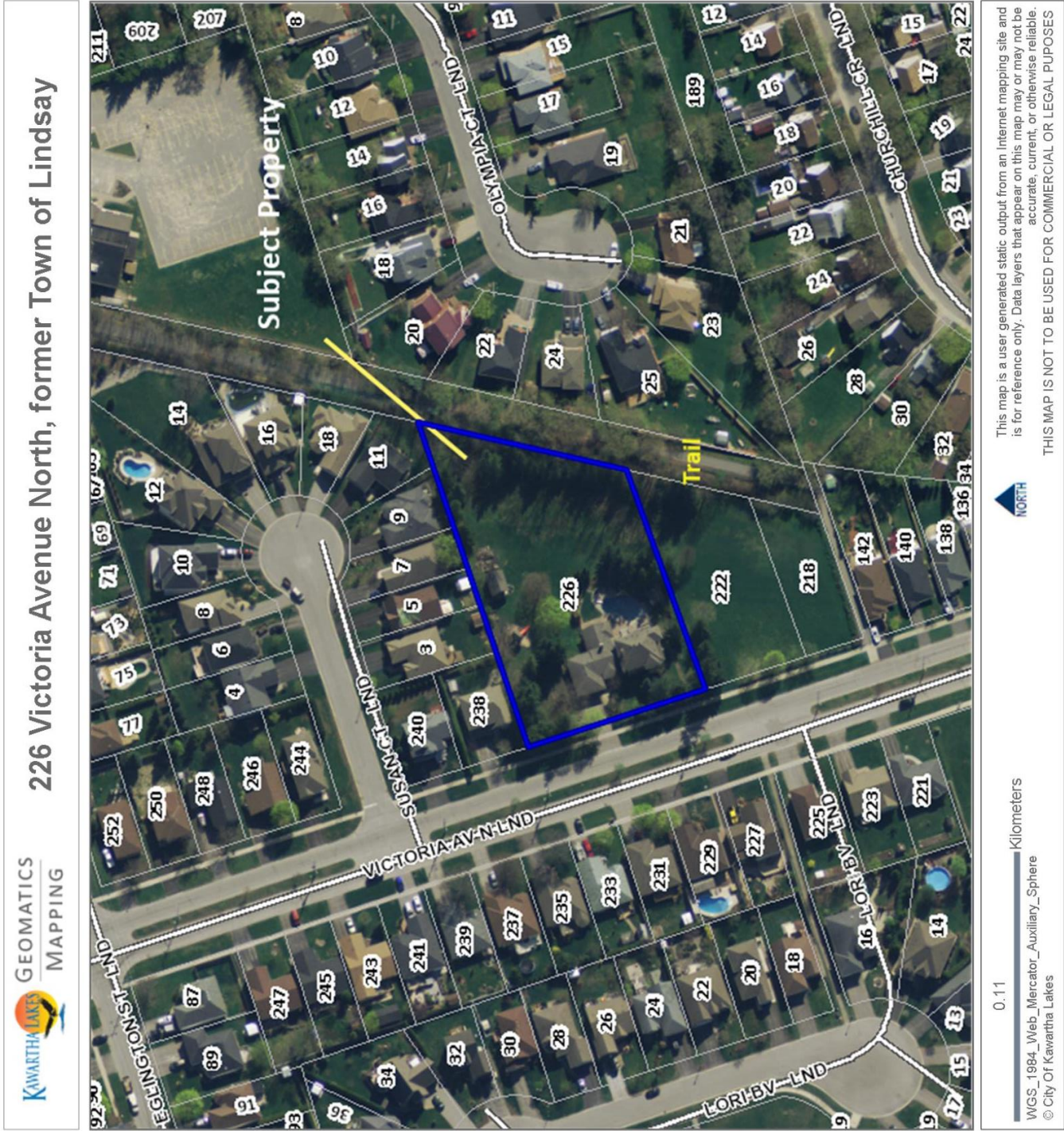




to

REPORT COA2018-058

FILE NO: D20-2018-044

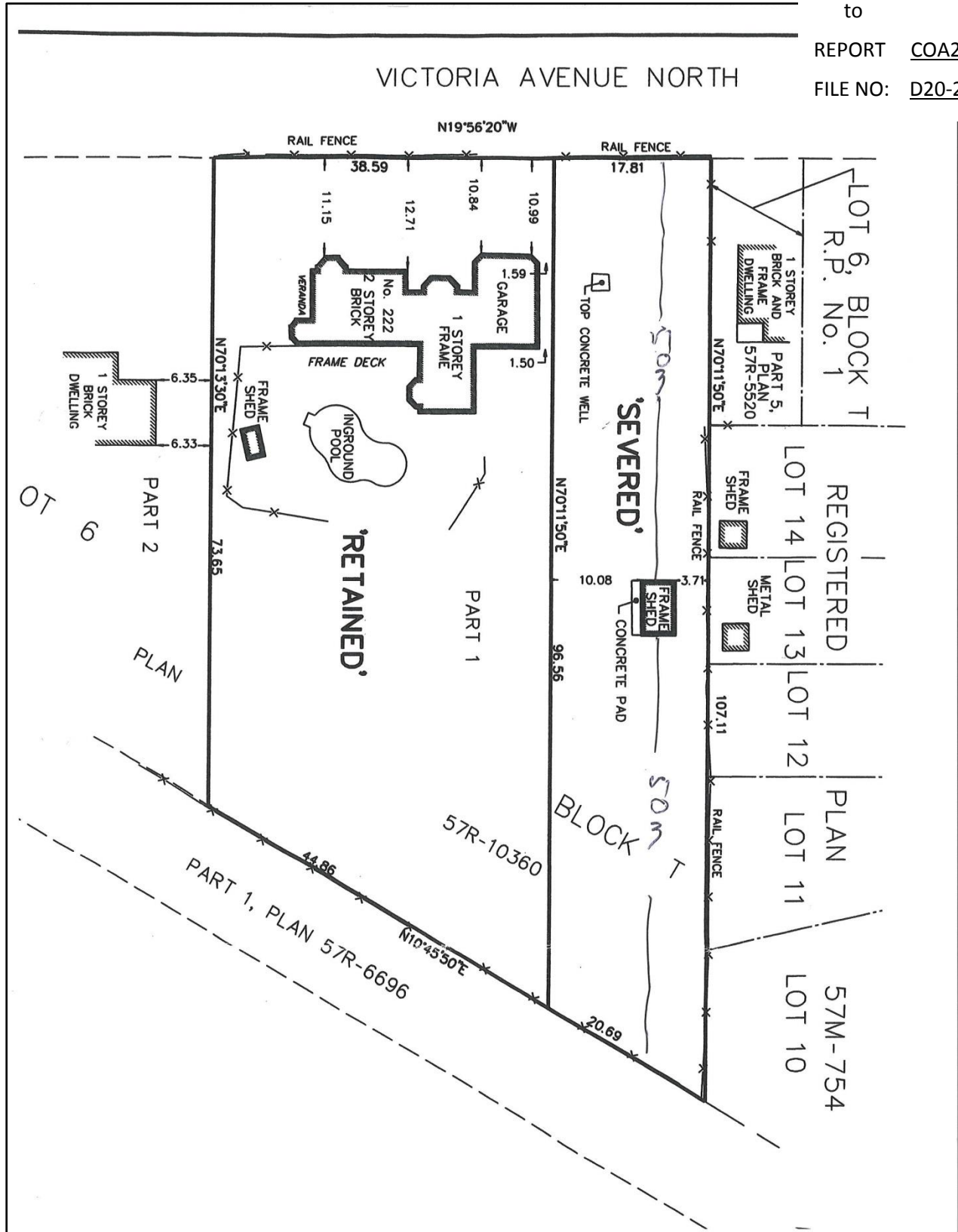




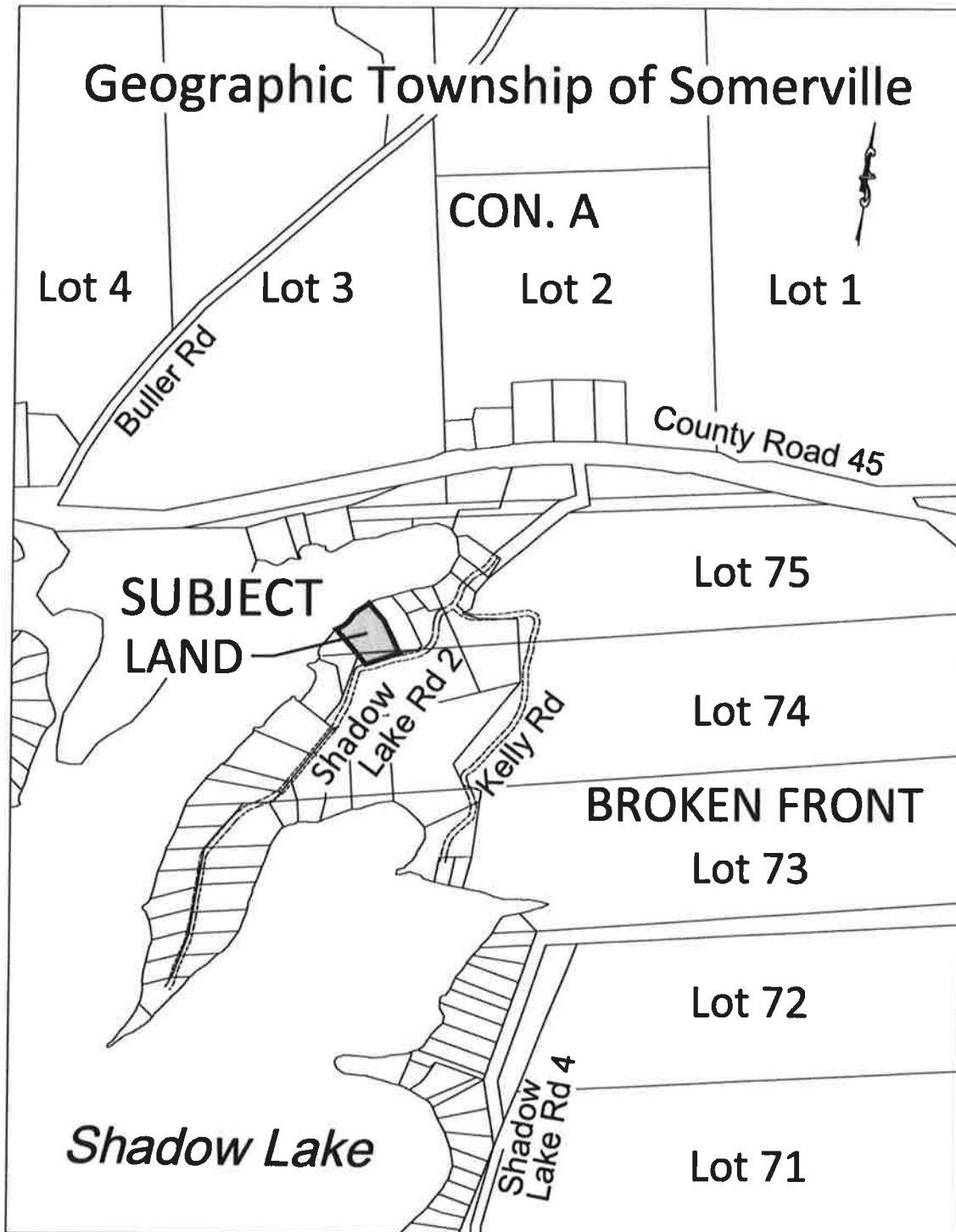
to

REPORT COA2018-058

FILE NO: D20-2018-044



## D20-2018-045



APPENDIX: B

to

REPORT COA2018-059

FILE NO: D20-2018-045

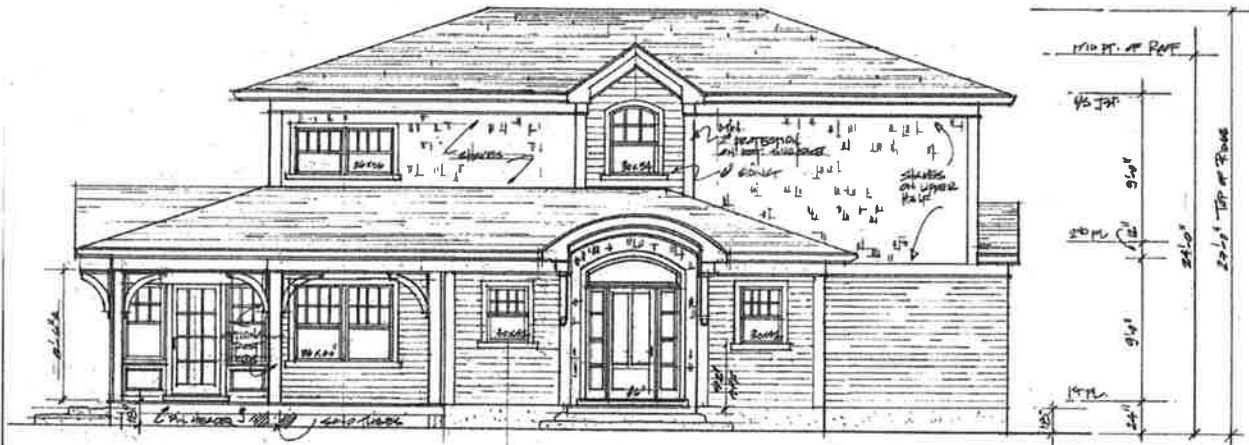


## 44 Shadow Lake Road 2, geographic Township of Somerville



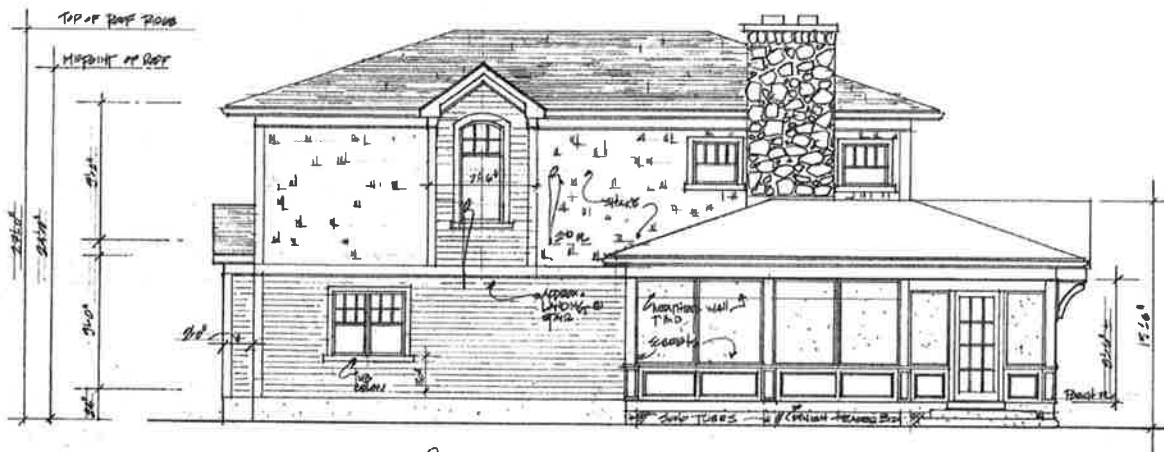


**Front Elevation (South)**



*A South side Entrance Elevation - Willmot Cottage*

**Rear Elevation (North)**



*P North Side Elevation - Willmot Cottage 2018*

APPENDIX : D

to

REPORT COA2018-059

FILE NO: D20-2018-045

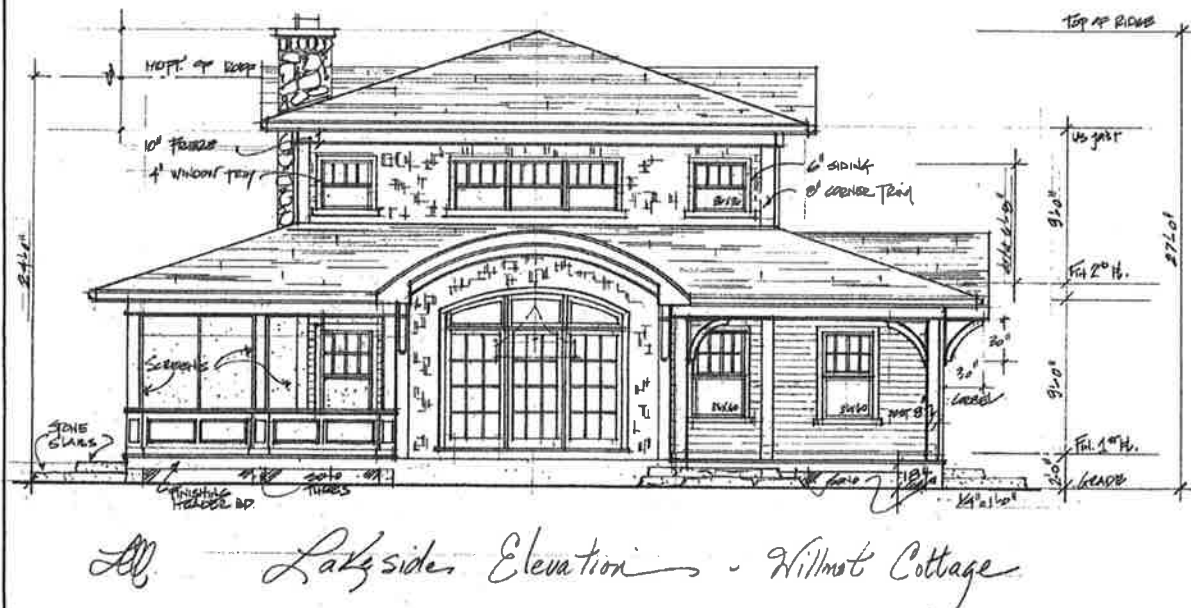
**Right Elevation (East)**



*Willmot Cottage - Roadside Elevation*

*D*

**Left Elevation (West)**



*Leftside Elevation - Willmot Cottage*



APPENDIX " E "  
to  
REPORT COA2018-059  
FILE NO. D20-2018-045

September 6, 2018

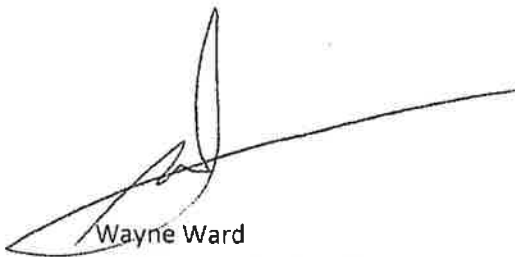
Douglas and Patricia Willmot  
44 Shadow Lake Road #2  
Coboconk, ON K0M 1K0

Dear Doug and Pat,

Thank you very much for sharing your building plans for your new home on Shadow Lake. It looks like it is going to be a beautiful home and it will fit very well on your lot.

Michelle and I wanted to let you know prior to the meeting on September 20<sup>th</sup> that we think the new home will be awesome and we fully support your building project!

Best regards,

A handwritten signature in black ink, appearing to be 'Wayne Ward', with a long horizontal stroke extending to the right.

Wayne Ward  
40 Shadow Lake Road #2  
Coboconk, ON K0M 1K0

APPENDIX " E "  
to  
REPORT COA2018-059  
FILE NO. D20-208-045

September 6, 2018

Douglas and Patricia Willmot  
44 Shadow Lake Road #2  
Coboconk, ON K0M 1K0

Dear Doug and Pat,

Thank you very much for sharing your building plans for your new home on Shadow Lake. It looks like it is going to be a beautiful home and it will fit very well on your lot.

Jeff and I wanted to let you know prior to the meeting on September 20<sup>th</sup> that we think the new home will be awesome and we fully support your building project!

Best regards,



Meredith L. Mercer  
50 Shadow Lake Road #2  
Coboconk, ON K0M 1K0



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Douglas and Patricia Willmot**  
Report Number COA2018-059

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**Public Meeting**

**Meeting Date:** September 20<sup>th</sup>, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

---

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

**Subject:** The purpose and effect is to request relief from Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.7 metres in order to permit the construction of a two-storey single detached dwelling.

The variance is requested at 44 Shadow Lake Road 2, geographic Township of Somerville (File D20-2018-045).

---

**Author: Quadri Adebayo, Planner II**

**Signature:**

---

**Recommendations:**

**RESOLVED THAT** Report COA2018-059 Douglas and Patricia Willmot, be received;

**THAT** minor variance application D20-2018-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-059, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback for the proposed dwelling will not be interpreted to permit the placement of any other accessory structure(s) between either the north wall of the proposed dwelling and the water’s edge, or between the west wall of the proposed dwelling and the water’s edge;
- 3) **THAT** the proposed shed will be located on the property in a compliant manner at a minimum water setback of 15 metres; and

- 4) **THAT** the building construction related to the minor variances 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 COA2018-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	The application proposes to demolish an old existing one-storey single detached dwelling and deck, and replace the structure with the construction of a two-storey single detached residential dwelling. The existing building footprint is also proposed to be reconfigured. This application was deemed complete July 17, 2018.
<b>Proposal:</b>	To construct an approximately 281.73 square metre (3,031.41 square foot) single detached dwelling consisting of a covered porch.
<b>Owners:</b>	Douglas and Patricia Willmot
<b>Applicant:</b>	Holly Richards-Conley – Black Point Construction Services
<b>Legal Description:</b>	Front Range, Part Lots 74 and 75, 57R-9866, Parts 1 to 4, geographic Township of Somerville, City of Kawartha Lakes
<b>Official Plan:</b>	Waterfront and Rural within the City of Kawartha Lakes Official Plan
<b>Zone:</b>	Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45
<b>Site Size:</b>	1.09 acres (4,391.1 square metres)
<b>Site Servicing:</b>	Private individual septic and Lake water system
<b>Existing Uses:</b>	Residential
<b>Adjacent Uses:</b>	North & South: Residential East: Agricultural West: Shadow Lake

**Rationale:**

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

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

The subject property is situated in an established shoreline residential neighbourhood. The proposed replacement house will be improving the lot with a new building which will be complimentary with the prevailing shoreline housing stock on Shadow Lake when viewed from the water.

In terms of scale, the massing of the proposed structure is not anticipated to pose a negative visual impact, as there is sufficient vegetation to screen the proposed dwelling from the Lake, the abutting road, and the adjacent properties north-south of the subject property respectively. As a result, no adverse land use compatibility issues are anticipated.

However, it would be beneficial to maintain the ecological well-being of the property through re-naturalization as practicably possible. The replacement of removed trees or shrubs will aid the functionality of water retention and infiltration of surface water run-off before it is discharged into the abutting water body.

Although, the existing building footprint will be reconfigured, the 7.7 metre water setback proposed will be matching the setback established by the existing house. As such, the proposed building placement is not anticipated to negatively impact the functioning of the other yards (side and front) as sufficient space will remain to facilitate access between the said yards.

The proposed placement of the structure on the property also ensures that the proposed septic bed and shed will be located at appropriate locations.

Based on this, 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 7.3 metre water setback relief from the 15 metres required, as proposed for the dwelling is not anticipated to impact the function as the scale of the reduction, if granted, is not anticipated to be perceptible.

The property is an irregular-shaped lot. Per the building placement, the grading plan shows that there is sufficient front yard and side yard amenity space. Also, the right-of-way that traverses the property, limits the ability of the proposal to meet the LSR Zone water setback provisions. This is because the increase in the building footprint as shown in Appendix C which was initially proposed by the applicant at 7.24 metres water setback during pre-screening has been pushed further away from the shoreline up to the edge of the right-of-way.

Section 5.2 the Township of Somerville Zoning By-law ensures that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not exhausted the zone provision privileges by proposing a total lot coverage of 6.85% from a possible 30%

maximum, a 7.32 metre building height from a possible 11 metre maximum, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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

The property has a split designation of Waterfront and Rural within the City of Kawartha Lakes Official Plan. The proposed dwelling is located in Waterfront designation portion of the property. Residential uses are anticipated in the Waterfront designation.

As the proposed location of the septic bed ensures that the sewage infrastructure is further away from the high water mark than 15 metres, staff opines that when an irregular sized lot is further constrained by physical site conditions such as the traversing right-of-way, permitting a water setback of 7.7 metres is acceptable since sufficient amenity space will remain in the interior side yards to facilitate access between the front and rear yards respectively. Conditions 2 and 3 also ensure that the Official Plan objectives are met by discouraging any form of development in the rear yard amenity space. This will presumably provide an opportunity to naturalize the area between the rear of the building and the water's edge with manicured vegetation where possible.

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 will be serviced by water drawn from the lake and a private individual septic system.

**Consultations:**

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

**Agency Comments:**

None received as of September 10, 2018.

**Public Comments:**

Supporting letters were received from 50 Shadow Lake Road 2, and 40 Shadow Lake Road 2 on September 10, 2018. See Appendix E.

## Attachments:



Appendices A-E to  
Report COA2018-059

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Elevations

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-045

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – William Ball and Heather Clarke-Ball**  
**Report Number COA2018-060**

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**Public Meeting**

**Meeting Date:** September 20<sup>th</sup>, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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

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

- (i) 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;
- (ii) Section 13.1.1 to add Accessory Building – Detached Garage to the list of permitted uses within the Limited Service Residential (LSR) Zone; and
- (iii) Section 3.1.3.2 to increase the maximum height of the detached garage from 5 metres to 6 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 Limited Service Residential (LSR) Zone provisions apply:

- (iv) Section 3.1.2.2 – accessory building setbacks; and
- (v) Section 3.1.3.1 – accessory building lot coverage requirement;

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

- (vi) Section 13.2.1.3(a) to increase the front yard setback from 7.5 metres to 8 metres;
- (vii) Section 13.2.1.3(b) to increase the interior side yard setback from 3 metres to 5.6 metres from the north lot line, and from 1.2 metres to 3.3 metres from the south lot line respectively; and
- (viii) Section 13.2.1.3(d) to increase the rear yard setback from 7.5 metres to 43.12 metres.

The variance is requested at 10 Lake Street, geographic Township of Bexley (File D20-2018-046).

**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-060 William Ball and Heather Clarke-Ball, be received;

**THAT** minor variance application D20-2018-046 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 generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-060, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the owner acknowledge through the granting of this approval that the detached garage 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 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 COA2018-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The subject lot (a backlot) is owned by the same individuals who own the shoreline residential lot across the road at 10 Lake Street. The backlot and the shoreline residential lot have same tax roll number but different PINs. As such, the owners are proposing to replace an existing accessory structure on the backlot portion of their property with a three (3) bay detached garage in order to provide additional storage space.

This application was deemed complete August 2, 2018.

**Proposal:** To construct an approximately 181.7 square metre (1,955 square foot) detached garage with loft space above the main level on a lot where the garage is accessory to a nearby residential lot.

**Owners:** William Ball and Heather Clarke-Ball

Applicant: William Ball and Heather Clarke-Ball

Legal Description: Range North West Bay, Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove, geographic Township of Bexley, City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 0.29 acres (1,196.61 square metres)

Site Servicing: Not Serviced

Existing Uses: Vacant (containing an accessory building)

Adjacent Uses: North: Residential (Vacant)  
East: Shoreline Residential, Balsam Lake  
South: Residential (containing an accessory building)  
West: Agricultural - (Forest)

**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. The reliefs being sought are to clarify the zone provisions that apply to the proposed detached 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 already contains an accessory structure similar to the prevailing character of the other backlots in the neighbourhood whereby each shoreline residential lot has exclusive access to its adjacent backlot.

While the proposed replacement accessory structure (the garage) will be located on a separate lot, it will remain accessory to the residential lot across from it. As such, the accessory relationship of the building to the dwelling across the road is maintained. Condition 2 has also been placed to prevent any land use compatibility issues.

Given that the garage will be further set back from the lot lines than the minimum requirements of the LSR Zone, observation from site visit suggests that the increased height of the garage may appear visually imposing due to the insufficient vegetation on the subject lot. As such, staff would encourage that the owners save any existing trees or shrubs on the property and plant new ones in order to mask the massing and scale of the garage from being visible from the Road. Especially when viewing from Poplar Grove Trail.



Based on the above, 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 Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09. The LSR Zone contemplates residential accessory uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses whilst discouraging their construction within a water setback. There is insufficient room on the shoreline portion of 10 Lake Street to accommodate a garage at the size proposed. The accessory use is being proposed on a lot separate from where the primary residential use is located but a relationship between the two lots is maintained due to their proximity to one another. Therefore, 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. Condition 2 and paragraph 3 in rationales 1 and 2 above ensures that the proposed garage will not be repurposed nor result into a prominent feature in the neighbourhood.

In consideration of the above, 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 subject property is designated Waterfront in the City of Kawartha Lakes Official Plan. The designation contemplates backlot developments and accessory uses as being primarily ancillary to residential dwellings.

In that regard, 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 not serviced.

**Consultations:**

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

**Agency Comments:**

None received as September 10, 2018.

**Public Comments:**

No comments as of September 11, 2018.

**Attachments:**



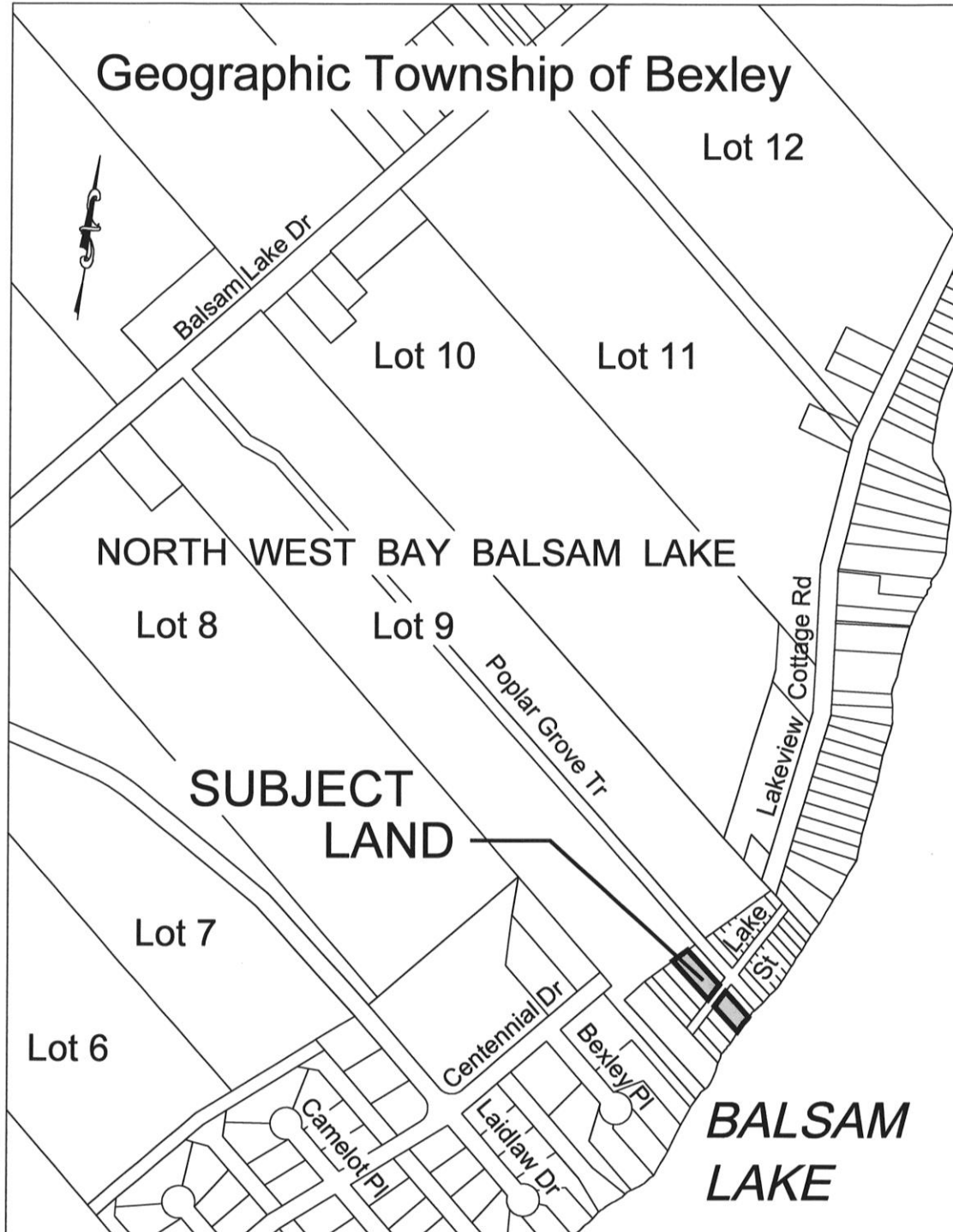
Appendices A-D to  
Report COA2018-060

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix E – Elevations

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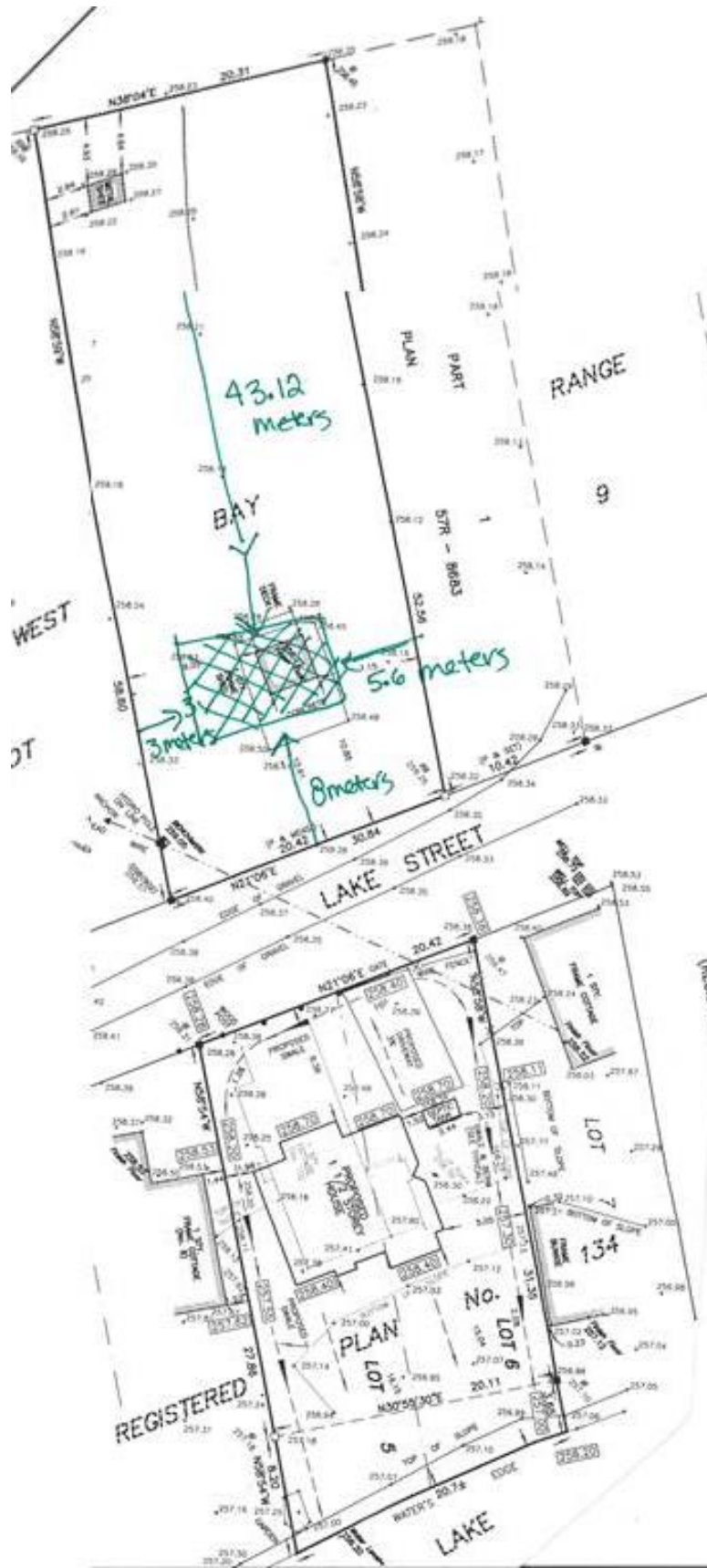
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-046

## D20-2018-046



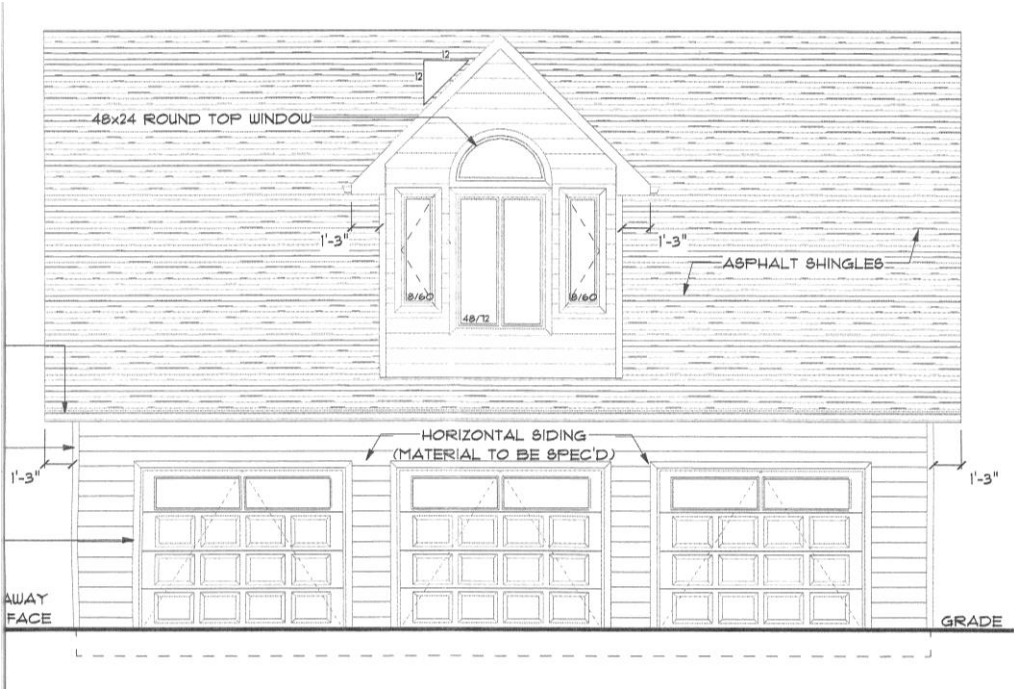
## 10 Lake Street, geographic Township of Bexley



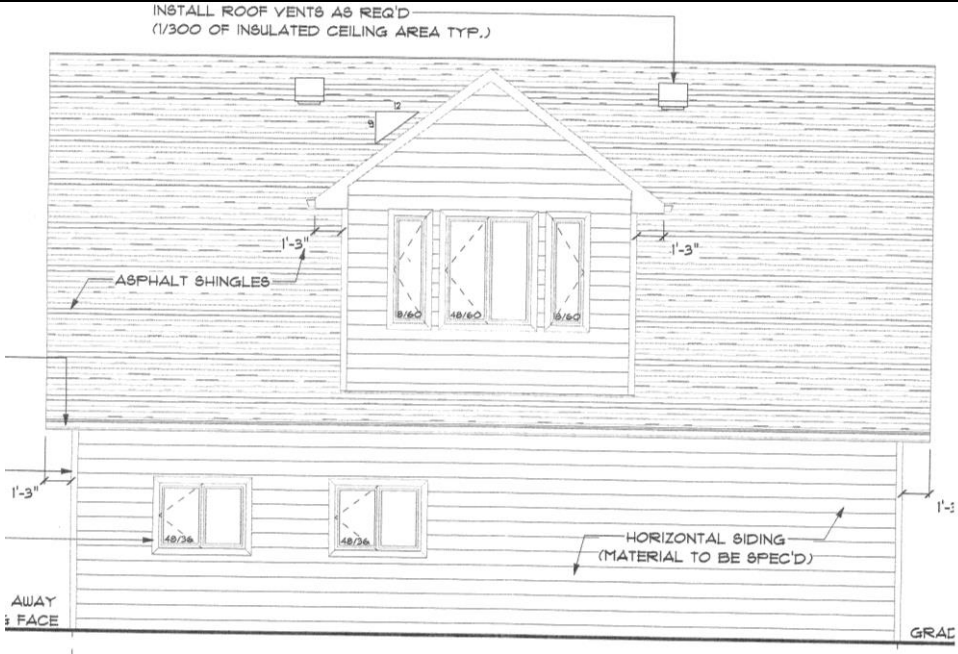




Front Elevation



Rear Elevation

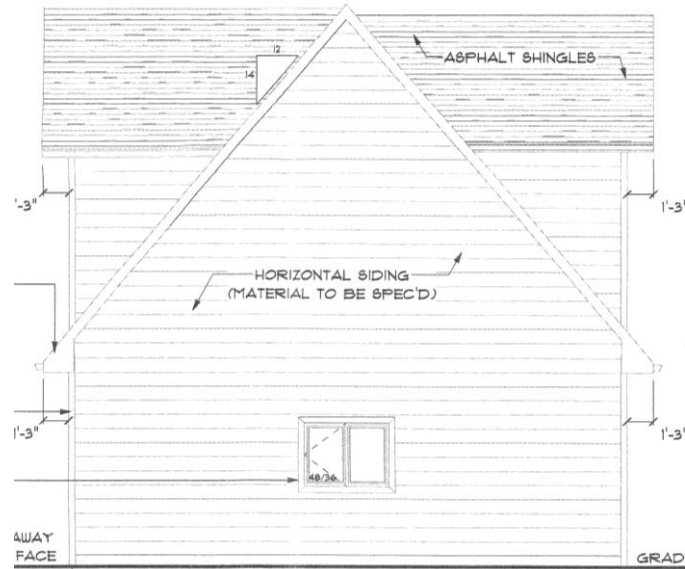


to

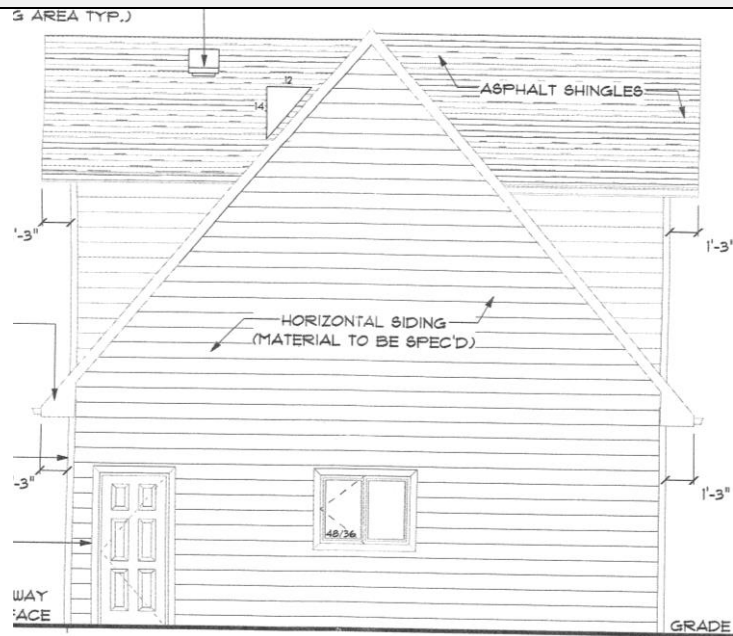
REPORT COA2018-060

FILE NO: D20-2018-046

### Right Elevation



### Left Elevation



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gascho**  
Report Number COA2018-064

**Public Meeting**

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**Meeting Date:** September 20, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

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Ward 7 – Geographic Township of Verulam

**Subject:** An application to sever a 0.8 hectare vacant farm retirement lot and retain approximately 30.4 hectares of agricultural land with a single detached dwelling and barn. The property is located at 64 Mitchell's Road, geographic Township of Verulam (File D03-2018-008).

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**Author:** Janet Wong, Planner II

**Signature:**

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**Recommendation:**

**RESOLVED THAT** Report COA2018-064, Richard and Mary Gascho, be received; and,

**THAT** consent application D03-2018-008, being an application to sever a 0.8 hectare vacant farm retirement lot and retain approximately 30.4 hectares of agricultural land with a single detached dwelling and barn at 64 Mitchell's Road, be **DENIED**.

---

**Background:**

The owners have applied to sever 0.8 hectare of vacant land on the north side of the property as a farm retirement lot. The 30.4 hectare (approximate) retained lands has a dwelling which was constructed in 1977 (MPAC) and a barn that currently is being used for storage. The intent is to sever the lot for a separate dwelling for Mr. and Mrs. Gascho and to allow their son and daughter-in-law to establish a beef cattle operation on the retained lands.

The owners provided information on their farm income history as they do not currently have an active Farm Business Registration Number which is standard demonstration of "bona fide farmer". The Gaschos purchased the property in 1982 and operated a beef farm until around 2003 – 2005 (21 – 23 years). Since then, there has not been a farming operation and Mr. Gascho also retired from employment off the farm in 2005.



Income tax filed with Revenue Canada from 2006 forward does not include farming income. Since 2006 (12 years) as directed by Revenue Canada, the Gaschos have filed income tax with rental income. In this instance, rental income is income received from land being rented to another farmer for his/her farm business use. In this situation, the land is used for hay production. Revenue Canada and the Province do not recognize rental of land to be farm business income.

On this basis, neither owner of the property has been a “bona fide farmer” for about 12 years.

This application was deemed complete May 25, 2018.

Owners:	Richard and Mary Gascho
Applicant:	EcoVue Consulting Services Inc. (Nolan Drumm)
Legal Description:	Lot 24, Concession 2, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	“Rural” both the retained and severed and “Environmental Protection on severed lands – City of Kawartha Lakes Official Plan
Zone:	“General Rural (A1) Zone” – Township of Verulam Zoning By-law 6-87
Site Size:	Severed – 0.8 hectares Retained – 30.4 hectares (approximate)
Site Servicing:	Private individual wells and septic systems
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural East: Agricultural South: Agricultural West: Agricultural and Rural Residential

## **Rationale:**

The applicant submitted the following reports and plans in support of the application, which were circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report (EcoVue Consulting Services, dated November 7, 2017). The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (2017), City of Kawartha Lakes Official Plan, and the Township of Verulam Zoning By-law 6-87.
2. Scoped Environmental Impact Study (EIS) for Proposed Severance at 64 Mitchell's Road, Fenelon Falls (Cambium, dated October 5, 2017). The report identifies and assesses the natural heritage features in the context of the proposed severance and 2014 Provincial Policy Statement Natural Heritage policies.

3. Minimum Distance Separation (MDS) Calculation (EcoVue Consulting Services, dated October 26, 2017). The calculations were prepared to identify the minimum distance the proposed lot would be required to be set back from barns and manure storage facilities.
4. Consent Sketch (EcoVue Consulting Services, dated January 3, 2018).

The Planning Justification Report advises that the severed lands would be consistent with both provincial and municipal planning policies and documents as supported by the EIS assessment and MDS calculations. The EIS concluded that the woodland in the north-east corner of the subject property adjacent to the severed lands is not considered to be a significant natural heritage features in the context of the Provincial Policy Statement. The swamp on the north-east side of the property is not considered to be adjacent to the severed lands being more than 120 metres from the proposed lot line. The MDS calculations indicate the proposed lot distance will be greater than the calculated minimum separation distances.

Staff has reviewed the Planning Justification Report and accompanying documents filed in support of the proposed severance.

## **Policy Conformity**

### **Provincial Policy Statement, 2014 (PPS)**

Under the PPS, the subject property is considered to be Rural Lands within the Rural Area of the City. Development may be directed to Rural Lands where the City “does not have a settlement area”, including rural settlement areas (Section 1.1.4.4). There over 30 settlement areas within the City with the Fenelon Falls urban boundary about 3.5 kilometres from the proposed lot.

The City has articulated the circumstances in its Official Plan where limited residential development may be directed that in the long term can be sustained by rural service levels as well as minimize constraints on future agricultural activities consistent with PPS policies for directing development on Rural Lands (see below).

### **Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)**

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. The Agricultural System for the Growth Plan does not identify the subject property as being within the prime agricultural area. It is a candidate area, however until such time as the City brings its Official Plan into conformity with the Growth Plan, the Agricultural System policies do not apply. The Natural Heritage System for the Growth Plan covers the entire property. Until such time as the City brings the Official Plan into conformity with the Growth Plan, the KRCA provides advice to the City on conformity with Growth Plan natural heritage system policies. The EIS did not speak to conformity with the Growth Plan natural heritage system having been prepared before the release of the Provincial Natural Heritage System Map February 9, 2018.

The Growth Plan directs development to rural and urban settlement areas except where policies permit otherwise (Section 2.2.1d). In Rural Areas, development outside of rural

settlement areas “may be permitted” when the land use “would not be appropriate in” the settlement area (Section 2.2.9.3c). Residential use is very appropriate within a settlement area, albeit it is not the preferred location and form for the applicant.

### **City of Kawartha Lakes Official Plan (Official Plan)**

In keeping with Provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas except where necessary for development related to the management or use of resources and the rural land use cannot be located in the settlement areas (Section 4.1j). A residential use can be located in the settlement area where full municipal services (both hard and soft services) will be available. Limited residential development is allowed in the rural area provided that very specific criteria are met.

The subject property is designated “Rural” in the Official Plan. Environmental Protection designation follows watercourses on the retained lands. Objectives of the Rural designation include to “ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas” (Section 16.2a). The achievement of this objective and supporting the farming operation is established through very specific criteria, which must all be met, regarding the creation of a residential lot for a retiring farmer as follows:

1. the person meets the definition for retiring farmer. The definition is: “a bona-fide full-time farmer and is of normal retiring age who has operated the farm for a substantial number of years”;
2. the lot is between 0.4 and 1 hectare;
3. the lot meets the MDS criteria; and
4. the farm parcel is not the result of a lot having been severed for a residential lot.

A definition of a farmer is “the owner or operator of an agricultural operation” (Farming and Food Protection Act). While Mr. Gascho was a farmer for a number of years, he retired from farming at least 12 years ago and there is no farm business operating from this property. A main principle behind allowing for a farm retirement lot has been to support the farming operation through the retiring farmer being proximate to the farm operation in order to mentor successors to the business. This key criterion, thus all of the criteria for a farm retirement lot, would not be met in this instance. While the City supports new agricultural businesses, the creation of a lot is not necessary to achieving this objective.

### **Zoning By-law Conformity**

The subject property is zoned “General Rural (A1) Zone” in the Township of Verulam Zoning By-law 6-87.

The lot to be retained exceeds the minimum lot frontage (180 metres) and area (25 hectares) requirements of the A1 Zone by proposing more than 500 metres and 30 hectares respectively.

The A1 Zone category requires that lots for residential use have a minimum lot area of 2050 square metres up to a maximum of 1 hectare with a frontage of 36 metres. The

proposed severed lands would exceed these criteria being 0.8 hectares and 75 metres respectively.

### **Other Alternatives Considered:**

Staff advised the applicant, prior to deeming the application complete, that the application would not be supported as the owners had not demonstrated that they are bona fide farmers. It was suggested that the City Official Plan does support the development of a 'garden suite', which is a separate dwelling on the lot temporarily constructed to allow for family to be reside on the same lot. Staff recommended that this be pursued to allow Mr. Gascho to live nearby and provide support to his son in the establishment of a farm operation.

### **Servicing Comments:**

The severed lands will be serviced by private well and septic system. The retained lands have a private well and septic system.

### **Consultations:**

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

### **Agency and City Comments:**

Building Division – Building Inspection (June 28, 2018): No concerns

Building Division – Sewage Inspection (August 29, 2016): There is adequate area to accommodate an on-site Class 4 sewage disposal system. A minimum are of 500 square metres is available.

Community Services Department (July 4, 2018): Cash-in-lieu of parkland required.

Development Engineering Division (July 5, 2018): No objection. Suitability and availability of an entrance required.

Economic Development – Agriculture (July 30, 2018): Not supportive as application does not meet the criteria of a retiring farmer. See comments.

Kawartha Region Conservation Authority (June 6, 2018): No concerns with recommended best practices identified in the Environmental Impact Study (EIS) were adhered to. The severed lands are located in an area regulated under Ontario Regulation 182/06. A permit will be required.

### **Public Comments:**

Richard Mitchell (July 11, 2018): opposes application. See comments.

### **Planning Analysis:**

There is strong policy direction at the Provincial and City level to direct new residential land uses to urban and rural settlement areas and the protection of rural lands for agricultural use. It is estimated that there are 600 farm properties with a dwelling

occupied by a farmer within the Rural designated lands. In the City as whole, it is also estimated that there are 500 vacant residential lots between 0.4 and 1 hectare (MPAC). There are a significant number of vacant residential lots and a significant number of potential farm retirement lots within the City.

Mitchell's Road is a rural gravel road with few lots. One rural residential lot was created by consent in 1990 prior to current policies being in place. 155 Mitchell's Road was created by consent in 2013. The owner had discussed the opportunity to sever a rural residential lot or splitting the property along the original lot lines with staff. An application to sever the property along the original lot lines was approved by the Committee of Adjustment which created a 32 hectare lot along the original lot lines.

The Official Plan has policies intended to direct future growth to settlement areas. The Official Plan also has policy support for development of garden suites on Rural designated lands. The Township of Verulam Zoning By-law 6-87 does allow for a second unit for full-time farm help. A second dwelling could be constructed for full time farm help, which could be for the son with Mr. Gascho holding the farm business licence. As well there is Provincial Policy direction to support second units, thus the City would be prepared to entertain a second unit without the creation of a new lot.

Based on the foregoing, staff has recommended that this application be denied as:

1. the application is not consistent with the applicable policies of the Provincial Policy Statement 2014;
2. the application does not conform with the Provincial Growth Plan for the Greater Golden Horseshoe, 2017; and,
3. the application does not conform with the City of Kawartha Lakes Official Plan policies.

## Attachments



Appendix A-E.pdf

Appendix A – Location Map

Appendix B – Orthoimage

Appendix C – Applicant's Sketch

Appendix D – City and Agency and Public Support Comments

Appendix E – Correspondence Related to Mitchell Comments

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**Phone:** 705-324-9411 extension 1330

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

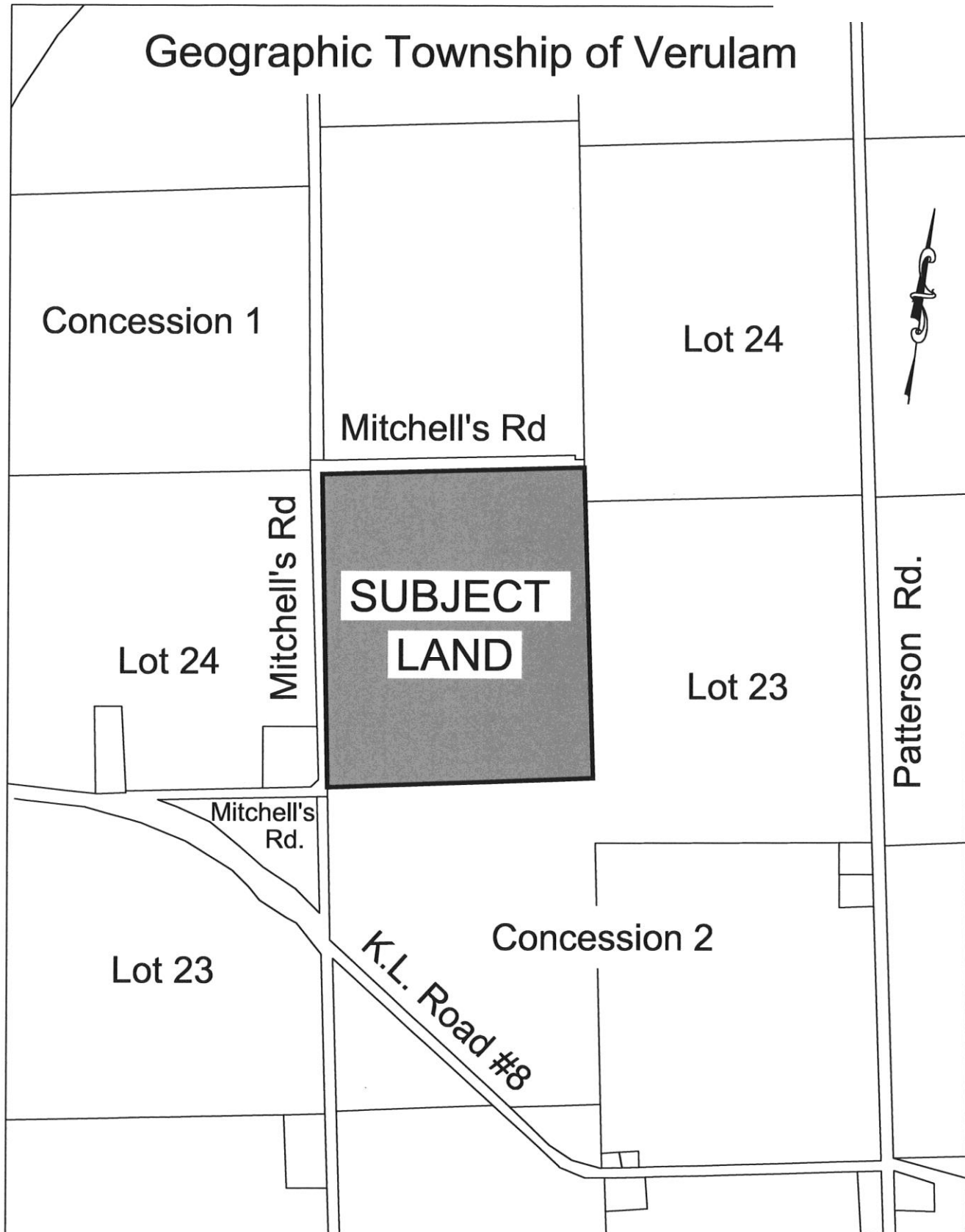
**Department Head:** Chris Marshall

**Department File:** D03-2018-008

to

REPORT COA2018-064

FILE NO: D20-2018-008





to

REPORT COA2018-064

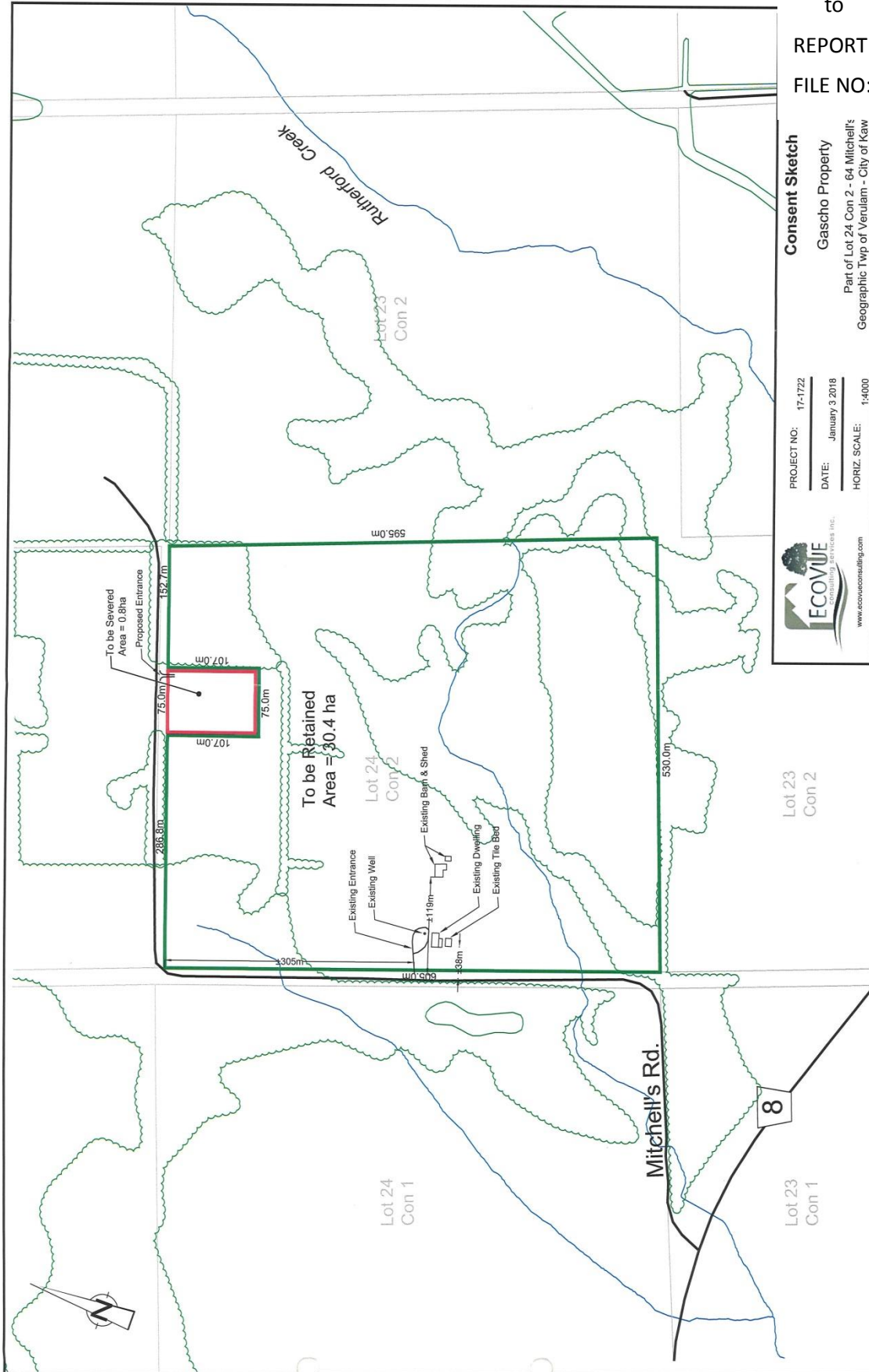
FILE NO: D20-2018-008



to

REPORT COA2018-064

FILE NO: D20-2018-008





to

**Charlotte Crockford-Toomey**

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REPORT COA2018-064FILE NO: D20-2018-008

**From:** Erica Hallett  
**Sent:** Thursday, June 28, 2018 1:47 PM  
**To:** Charlotte Crockford-Toomey  
**Cc:** David Harding; Quadri Adebayo  
**Subject:** FW: consents

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**From:** Derryk Wolven  
**Sent:** Thursday, June 28, 2018 12:32 PM  
**To:** Erica Hallett  
**Subject:** consents

Building has the following comments to offer.

D03-2018-008	No Concerns
D03-2018-005	No Concerns
D03-2018-007	No Concerns
D03-2018-006	No Concerns
D03-2018-010	No Concerns
D03-2018-009	No Concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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

<b>Subject</b>	<b>D03-2018-008- 64 Mitchell's Road</b>
<b>From</b>	Anne Elmhirst
<b>To</b>	Charlotte Crockford-Toomey
<b>Sent</b>	Monday, June 18, 2018 10:23 PM

APPENDIX “ D ”

to

REPORT COA2018-064

FILE NO: D20-2018-008

Hello Charlotte,

RE: Consent Application D03-2018-008  
64 Mitchell's Road, Former Verulam Township. City of Kawartha Lakes  
Part Lot 24, Conc. 2,

Owners: Richard and Mary Gascho

I have received and the reviewed the request for severance of 0.8 Ha of vacant agricultural land from the existing agricultural property at the above-noted location. A site visit was conducted to assess the proposal for on-site sewage disposal.

The vacant land was assessed to ensure that there is adequate area to accommodate an on-site Class 4 sewage disposal system as per the requirements of Part 8 of the Ontario Building Code and the current policy for land severances. Through my observations, it has been determined that a minimum area of 500 square metres is available for the development of a sewage system to service a residential proposal on this lot.

The lot creation will not impact the existing sewage system serving 64 Mitchell's Road as the proposed lot boundaries will be maintained an adequate distance from the required setback clearances.

As such, the Building Division – Sewage System Program has no objection to the proposed consent 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](http://www.kawarthalakes.ca)



to

REPORT COA2018-064

FILE NO: D20-2018-008



*The Corporation of The  
City of Kawartha Lakes*

**Community Services Department  
Administration Office  
(705) 324-9411 ext. 300**

## MEMORANDUM

**DATE:** July 4, 2018  
**TO:** **Committee of Adjustment**  
**FROM:** Lisa Peimann, Executive Assistant  
**RE:** Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-18-008

64 Mitchells Road, Verulam

A handwritten signature in cursive script, appearing to read "Lisa Peimann".

---

Lisa Peimann  
Executive Assistant



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

APPENDIX " D "

to

REPORT COA2018-064

FILE NO: D20-2018-008

## MEMORANDUM

**TO:** Janet Wong, Planner II

**CC:** Mark LaHay, Acting Secretary-Treasurer  
Christina Sisson, Supervisor Development Engineering  
Kim Rhodes, Administrative Assistant  
Charlotte Crockford-Toomey, Administrative Assistant

**FROM:** Kirk Timms, Engineering Technician

**DATE:** July 5<sup>th</sup>, 2018

**RE:** Application for Consent  
D03-2018-008  
64 Mitchells Road, Part Lot 24, Concession 2 Geographic  
Township of Verulam, Ward 7, now in the City of Kawartha  
Lakes.

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Engineering has reviewed the City of Kawartha Lakes Notice of Application for Consent received on June 28<sup>th</sup>, 2018.

It is the understanding by Engineering that the application is to sever approximately 0.8 hectares of vacant land for a farm retirement lot and retain approximately 30.4 hectares with an existing residence and farm buildings. A new lot is being created.

From an engineering perspective, we confirm we have no objection to the proposed application of consent. On behalf of Public Works for entrances, the new entrance By-Law – 2017-151 must be complied with for this consent application. Therefore, in keeping with the intent from the Directors and By-Law 2017-151, the suitability and availability of an entrance is required to be confirmed by Public Works prior to the application of consent final approval.

We respectfully request if additional information brought forward through the commenting period that changes the intent of the consent 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.

<b>Subject</b>	<b>Comments: D03-2018-008</b>
<b>From</b>	Kelly Maloney
<b>To</b>	Janet Wong
<b>Sent</b>	Monday, July 30, 2018 11:10 AM

APPENDIX “  D  ”

to

REPORT COA2018-064

FILE NO: D20-2018-008

Comments: D03-2018-008

Consent Severance Gascho:

As stated previously during consultation discussions regarding this application. I am not supportive of the application. I do not believe that it meets the criteria of a retiring farmer as found within our definitions since the farming operation ceased so long ago. A Garden Suite would be a more appropriate option, not permanently removing agricultural land and creating a separate lot, while retaining the ability to co-locate and assist his son with farming.

### **Kelly Maloney**

Agriculture Development Officer  
Economic Development, City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON Canada K9V 2Y6  
705-324-9411 extension 1208

For business development information, visit [www.KawarthaLakes.ca](http://www.KawarthaLakes.ca)

For tourism information, visit [www.ExploreKawarthaLakes.com](http://www.ExploreKawarthaLakes.com)

For local food information, visit [www.KawarthaChoice.com](http://www.KawarthaChoice.com)



June 06, 2018  
KRCA File No 16387

**VIA EMAIL**

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

APPENDIX " D "

to

REPORT COA2018-057

FILE NO: D20-2018-008

**Regarding:** Application for LD – Severance/ Application for Consent  
Rick/ Mary Gascho  
64 Mitchell's Road  
Geographic Township of Verulam  
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

Kawartha Region Conservation Authority (KRCA) has completed a review of the above noted application for severance and based on considerations for natural heritage, natural hazards, and water quality and quantity protection policies as well as review of the attached scoped EIS and Planning Justification Report, it is the opinion of the KRCA that;

The proposed severance is located within an area that should not cause interference or significant impact to the ecological or hydrological functions of the natural heritage features on the property or surrounding areas.

Provided that the best practices recommended in the EIS are adhered to, the KRCA can support the approval of this application, at this time.

**Kawartha Conservation would like to take this opportunity to note that the proposed development is located within areas regulated under Ontario Regulation 182/06, and a permit will be required from this office prior to beginning development.**

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

Kindest Regards,

Alexander White  
Planning & Policy Assistant

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

**Our Watershed Partners:**

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



THE CITY OF KAWARTHA LAKES:  
DEVELOPMENT SERVICES  
PLANNING DIVISION  
FAX 705-324-4027  
MARK LAHAY  
COMMITTEE OF ADJUSTMENT

JULY 11 2018

APPENDIX " E "

to

REPORT COA2018-064

FILE NO: D20-2018-008

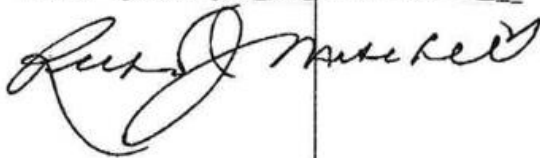
RE FILE NO D03-2018-008  
64 MITCHELLS ROAD PART LOT 24 CONC 2  
TOWNSHIP OF VERULAM WARD 7

I STRONGLY OPPOSE THIS APPLICATION FOR THE FOLLOWING REASONS:

1. IT DOES NOT COMPLY WITH THE CURRENT BYLAWS
2. I WAS NOT ALLOWED TO DO THIS TYPE OF SEVERENCE IN 2014 DUE TO BYLAW.  
I WAS NOT ALLOWED TO SEVER 1 ACRE OF 300 OR BUILD A SECOND HOME ON 300 ACRES  
OR BUILD A COACH HOUSE ON EXISTING HOME SITE AT 157 MITCHELLS ROAD  
THE ONLY WAY ACCORDING TO THIS COMMITTEE WAS TO SEVER 100 ACRES OF THE 300 ACRES  
AND PROVE THAT A HOME HAD EXISTED ON THIS ACREAGE WHICH IT HAD MANY YEARS PAST  
AS THERE HAD BEEN SEPARATE DEEDS TO THIS PROPERTY...EVEN THEN IT WAS OPPOSED  
BY THIS COMMITTEE.
3. I ALSO OPPOSE THIS APPLICATION BECAUSE I DO NOT BELIEVE IT IS FORTHRIGHT
4. THE ONTARIO GOVERNMENT WANTS INTENSIFICATION OF DEVELOPMENT RATHER THAN URBAN  
SPRAWL

I STRONGLY SUGGEST AN ADDITION BE ADDED TO ORIGINAL HOME SITE.

SINCERELY  
RICHARD J. MITCHELL  
155 MITCHELLS ROAD AND 157 MITCHELLS ROAD  
416-562-5712  
EMAIL rjmwindyhill@gmail.com





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Ryan & Angela Weiler**  
Report Number COA2018-051

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**Public Meeting**

**Meeting Date:** September 20, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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**Ward: 16 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to request relief from Section 3.2(c) to reduce the minimum front yard from 15 metres to 9.3 metres in order to permit the addition of a living space and attached garage to an existing single detached dwelling.

The variance is requested at 971 Fleetwood Road, geographic Township of Manvers (File D20-2018-040).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-051 Ryan and Angela Weiler, be received;

**THAT** minor variance application D20-2018-040 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-051, 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 setback will not be interpreted to permit the placement of any other structure or building between the front wall of the dwelling and the front lot line; 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 COA2018-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** On August 16, 2018, the Committee deferred this application so that it can be properly re-advertised to include the fulfillment of the 10-day post advisory sign notice period as prescribed under the *Planning Act*.

The application proposes to construct an addition to an existing one-storey single detached residential dwelling comprising an extra living space, and an attached garage. The proposed development will increase the size of the house on a reconfigured footprint. This application was recirculated September 6, 2018.

**Proposal:** To construct an approximately 108 square metre (1162.08 square foot) addition to a single detached dwelling.

**Owner:** Ryan and Angela Weiler

**Legal Description:** Part Lots 16 and 17, Concession 12, geographic Township of Manvers, City of Kawartha Lakes

**Official Plan:** Prime Agricultural in the City of Kawartha Lakes Official Plan

**Zone:** Rural General (A1) Zone within the Township of Manvers  
Zoning By-law 87-06

**Site Size:** 0.78 acres (3,675 square metres)

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

**Existing Uses:** Residential

**Adjacent Uses:** North: Residential, 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 proposed configuration for the new addition will encroach further into the front yard at 9.3 metres than the non-complying front yard setback established by the existing house (built circa 1867) at 10.4 metres. The 1.1 metre difference

was granted by staff for tolerance in case the foundation pours out more than envisaged. Whereas the opportunity to bring the proposal footprint to compliance is further constrained by the pool located behind the proposed construction area. Also, observation from site visit suggests that the 1.1 metre variation between the established front yard wall of the house and the proposed front yard wall of the addition is not anticipated to be discernible as it will be screened by the vegetation on the property when viewed from the street.

In all other respect, although the property is situated at the corner of a two street intersections, there still appears to be sufficient room between the front lot line and the edge of Fleetwood Road to ensure safe vehicular ingress and egress from the property without any obstruction to the flow of traffic.

The location of the subject property in a predominantly rural area also ensures that no land use compatibility issues will arise since the surrounding uses are mostly farmlands. As such, the low profile nature of the massing proposed for the addition is anticipated to blend in with the residential character of the abutting property to the north.

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?**  
**Yes**

Within the Rural General (A1) Zone, existing lots of record one hectare (2.5 acres) or less in size are subject to the Rural Residential Type One (RR1) Zone provisions. Thus, the subject property at 0.78 acres is to be treated under the RR1 Zone lens.

The 5.7 metre reduction from the 15 metres required for proposed addition, if granted, is not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard. Condition 2 will also ensure compliance with front yard setback requirements.

Overall, the building will have a low profile, being below the maximum height of 11 metres permitted in the zoning by-law, and together with other accessory structures on the property, it would be maintaining combined lot coverage below the 25% maximum permitted in the corresponding zoning by-law at 10.9%.

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

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

The property is designated Prime Agricultural in the City of Kawartha Lakes Official Plan, which permits residential uses. The designation contemplates residential uses created as a result of severance of a larger farmland which does not alter the agricultural potential of the larger farmland. Hence, the

proposed addition to the residential dwelling is not anticipated to negatively impact the rural character of its immediate surrounding uses.

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 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 (August 2, 2018): No concerns.

Engineering & Corporate Assets (August 14, 2018): No objections

**Public Comments:**

No comments as of September 11, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-051

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367

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

**Department Head:** Chris Marshall

**Department File:** D20-2018-040

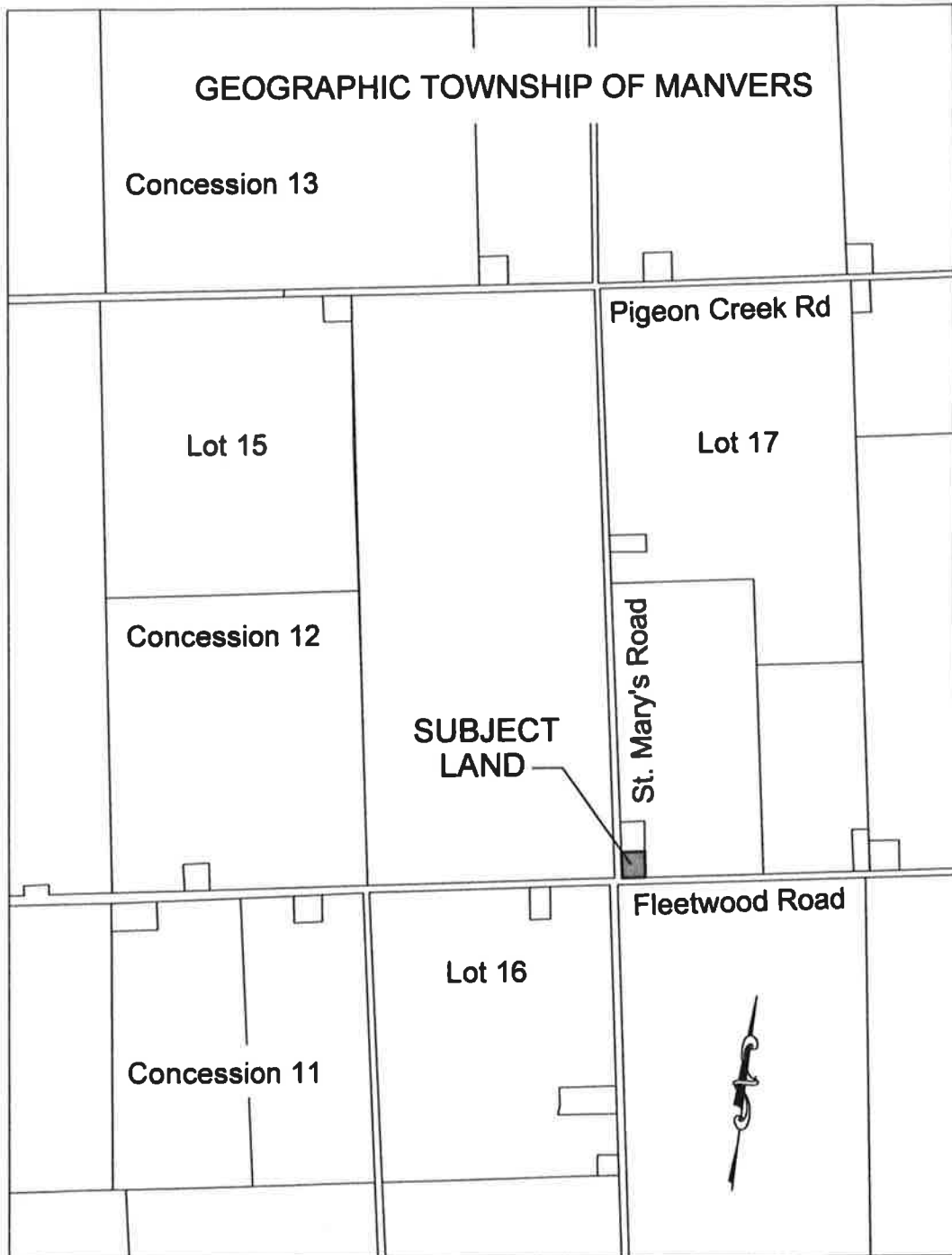
APPENDIX: A

to

REPORT COA2018-051

FILE NO: D20-2018-040

**D20-2018-040**

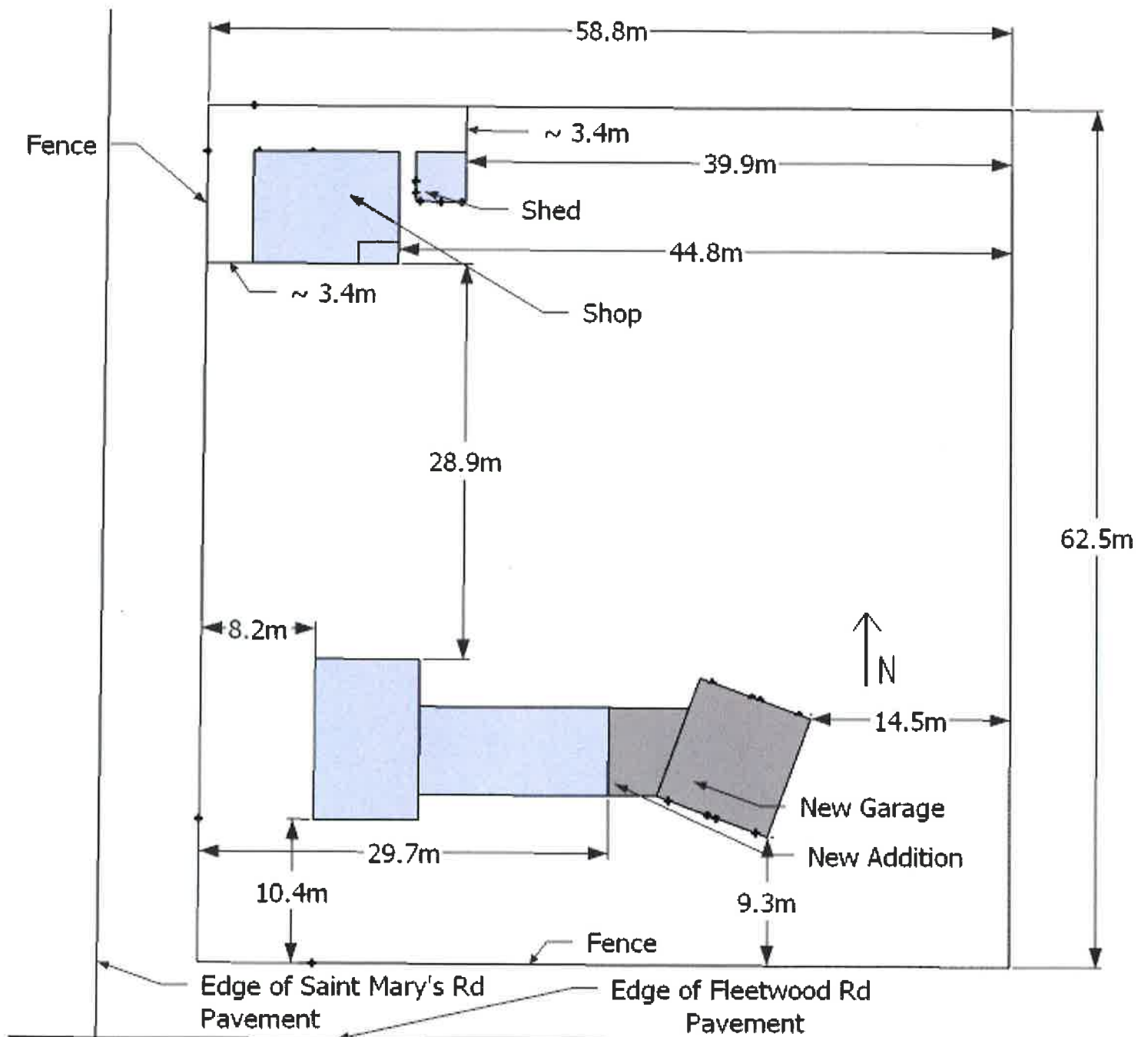




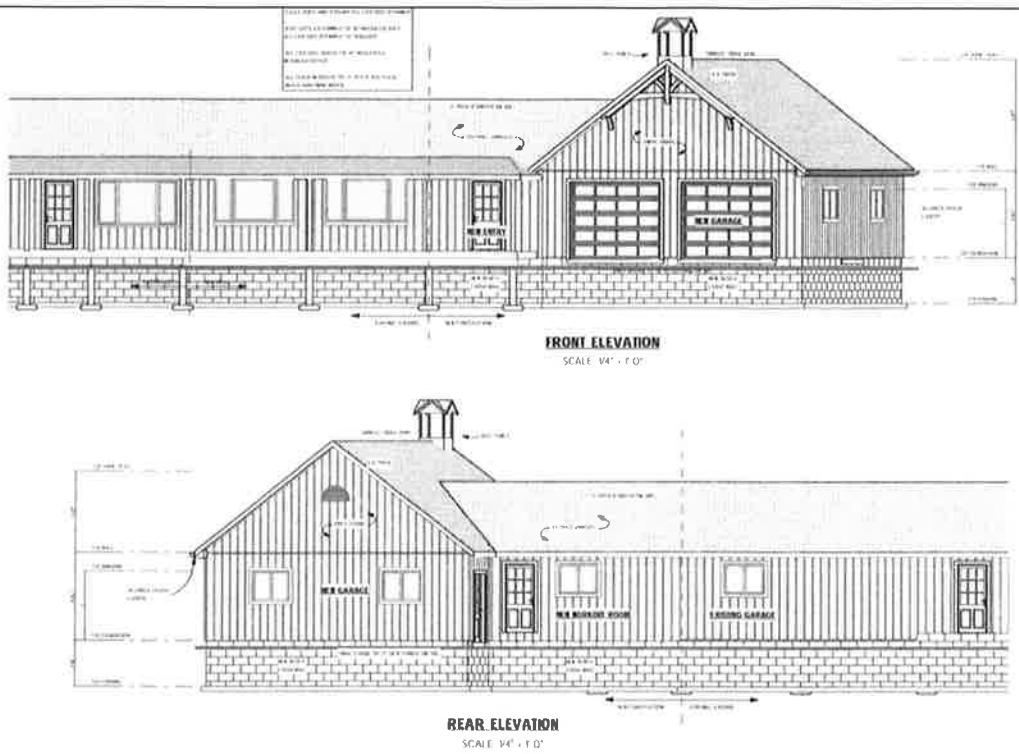
GEOMATICS  
MAPPING

## 971 Fleetwood Road, Geographic Township of Manvers

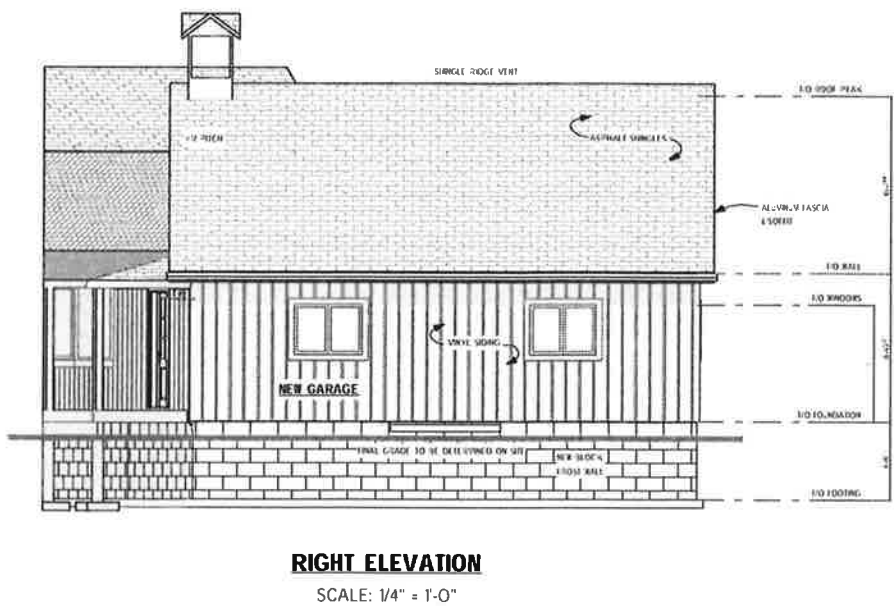




**Front and Rear Elevation**



**Right Elevation**





**Quadri Adebayo**

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

FILE NO. D20-2018-040

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](http://www.kawarthalakes.ca)





Engineering & Corporate Assets Department D20-2018-040  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1119  
Fax: (705) 324-2982  
e-mail: [ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## MEMORANDUM

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

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

**FROM:** Kirk Timms, Engineering Technician

**DATE:** August 14<sup>th</sup>, 2018

**RE:** Application for Minor Variance/Permission  
D20-2018-040  
971 Fleetwood Road, Concession 12, Part Lots 16 and 17,  
geographic Township of Manvers, Ward 16, now in the City of  
Kawartha Lakes.

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

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

From an engineering perspective, we confirm we have no objection to the proposed minor variance for the Township of Manvers Zoning By-law 87-06, as amended to reduce the minimum front yard setback from 15.0 metres to 9.3 metres in order to permit the construction of a living space and attached garage as an addition to a house.

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.