

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-010

Thursday, October 18, 2018

1:00 P.M.

Victoria Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Kathleen Seymour-Fagan

Betty Archer

David Marsh

Sandra Richardson

Lloyd Robertson

Steve Strathdee

Accessible formats and communication supports are available upon request.

1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
	September 20, 2018	
	Committee of Adjustment Meeting Minutes	
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2018-062	5 - 20
	David Harding, Planner II	
	File Number: D20-2018-048	
	Location: 18 Hills Road	
	Lot 4, Plan 206	
	Geographic Township of Verulam	
	Owners: John and Dana Kaminski	
3.1.2	COA2018-065	21 - 30
	Quadri Adebayo, Planner II	
	File Number: D20-2018-049	
	Location: 105 Brook Road	
	Lot 25, Part Lot 18, Concession 3, Plan 281	
	Geographic Township of Somerville	
	Owners: Christine and Eric Van Allen	
	Applicant: Christine Van Allen	

3.1.3	COA2018-066	31 - 41
	Quadri Adebayo, Planner II File Number: D20-2018-050 Location: 10039 Simcoe Street Part Lot 1, Concession 1, RP 57R-605, Part 1 Geographic Township of Mariposa Owners: Joy and Brian McKay	
3.1.4	COA2018-067	42 - 52
	David Harding, Planner II File Number: D20-2018-051 Location: 39 Pleasant View Crescent Lot 140, Plan 499 Geographic Township of Mariposa Owners: Bryan and Diana Houston	
3.1.5	COA2018-068	53 - 64
	David Harding, Planner II File Number: D20-2018-052 Location: 13 Benson Street Part Lot 10, Concession 2 Geographic Township of Manvers Owners: Chris and Angela Alderson	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	
4.1.1	COA2018-069	65 - 81
	Quadri Adebayo, Planner II File Number: D20-2018-046 Location: 10 Lake Street Range NWB, Part Lot 9, Plan 134, Lots 5 to 6, Poplar Grove Geographic Township of Bexley Owners: William Ball and Heather Clarke-Ball	
4.2	Consents	
5.	Correspondence	

6. Other Business

7. Next Meeting

The next meeting will be Thursday November 8, 2018 at 1:00pm in the Victoria Room, City Hall.

8. Adjournment

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Dana Kaminski
Report Number COA2018-062

Public Meeting

Meeting Date: October 18, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 13 – geographic Township of Verulam

Subject: The purpose and effect is to request relief from Section 8.2(f) to reduce the minimum interior side yard width from 3 metres to 2.2 metres to permit a covered deck addition to a single detached dwelling.

The variance is requested at 18 Hills Road, former Township of Verulam (File D20-2018-048).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-062 John and Dana Kaminski, be received;

THAT minor variance application D20-2018-048 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 covered deck related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices “C” and “D” submitted as part of Report COA2018-062, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** the owners conduct to the satisfaction of the Kawartha Region Conservation Authority an elevation (topographic) survey conducted by an Ontario Land Surveyor (OLS) of the subject lands illustrating the location of the floodplain elevation of Pigeon Lake (246.9 mASI) in relation to the location of the proposed covered deck;
- 3) **THAT** the owners apply for, pay the required fee and obtain a permit from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06 for the proposed covered deck; and
- 4) **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 COA2018-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application is the result of an enforcement matter with the Building Division. The applicant is working with the division to bring the addition of the rear addition to the dwelling into compliance with the zoning by-law through the demolition of part of the building. A variance is being sought for the covered deck construction which occurred to the south of the new addition.

This application was last amended October 1, 2018.

Proposal: To permit a covered deck addition to an existing single detached dwelling.

Owners: John and Dana Kaminski

Applicant: John Kaminski

Legal Description: Lot 4, Plan 206, geographic Township of Verulam, City of Kawartha Lakes

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

Zone: Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

Site Size: 502.5 square metres (5,411 square feet)

Site Servicing: Private individual well and holding tank.

Existing Uses: Shoreline Residential

Adjacent Uses: North: Shoreline Residential
East: Pigeon Lake
South: Shoreline Residential
West: Rural

Rationale: Unauthorized construction is considered proposed development under the Planning Act. As such the report will use future tense when referring to the covered deck and/or addition.

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 neighbourhood is characterized by lots which are long and narrow. Nearly all dwellings within this portion of the neighbourhood are single storey. A single storey covered deck is proposed.

The dwelling on the subject property is constructed at a slight angle to the road, causing the dwelling to run closer to the north lot line the further east the dwelling runs. In turn, this means that the spatial separation between the dwelling and south lot line increases the further east the dwelling runs. As such, a fair degree of spatial separation (2.2 metres) is maintained between the proposed covered deck and south lot line.

The covered deck will provide sheltered amenity space and function as a secondary access to the dwelling from both the front and rear yards. The stairs to the deck are to be placed away from the space that remains between the deck and the south lot line, allowing for travel between the front and rear yards without walking up onto the deck.

The covered deck is proposed to the rear of the dwelling, and therefore the appearance of the property does not change significantly when viewed from the road.

Due to the above analysis, 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 Type One (R1) Zone within the Township of Verulam Zoning By-law. The R1 Zone provisions have a separate requirement for each of the two interior side yards: 3 metres on one side and 1.8 metres on the other. The side the covered deck is proposed upon is the wider of the two interior side yards.

The intent of the Zoning By-law is likely to ensure one of the interior side yards is large enough to provide for a parking area beside the dwelling and/or for vehicular/watercraft passage between the front and rear yards. The parking for the subject property is located within the front yard, and as the proposed covered deck is to be located to the rear of the dwelling, a large portion of the interior side yard remains open for the parking of additional vehicles if necessary. The reduction of the interior side yard width does not adversely impact the function of the property.

There are also no concerns with respect to lot grading and drainage with the proposed reduced setback.

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

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

Yes

The property is within the Waterfront designation of the City of Kawartha Lakes Official Plan (Official Plan). Within this designation, residential uses are anticipated.

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 individual well and holding tank.

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 7, 2018): Permits from their office must be obtained for the unauthorized construction. Conditions requested.

Building Division (October 4, 2018): No concerns.

Trent Severn Waterway (October 5, 2018): No concern with this proposal.

Unauthorized works appear to have taken place in and around the shoreline. Please contact their office.

Engineering and Corporate Assets Department (October 9, 2018): No concerns.

Public Comments:

No comments as of October 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-062.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

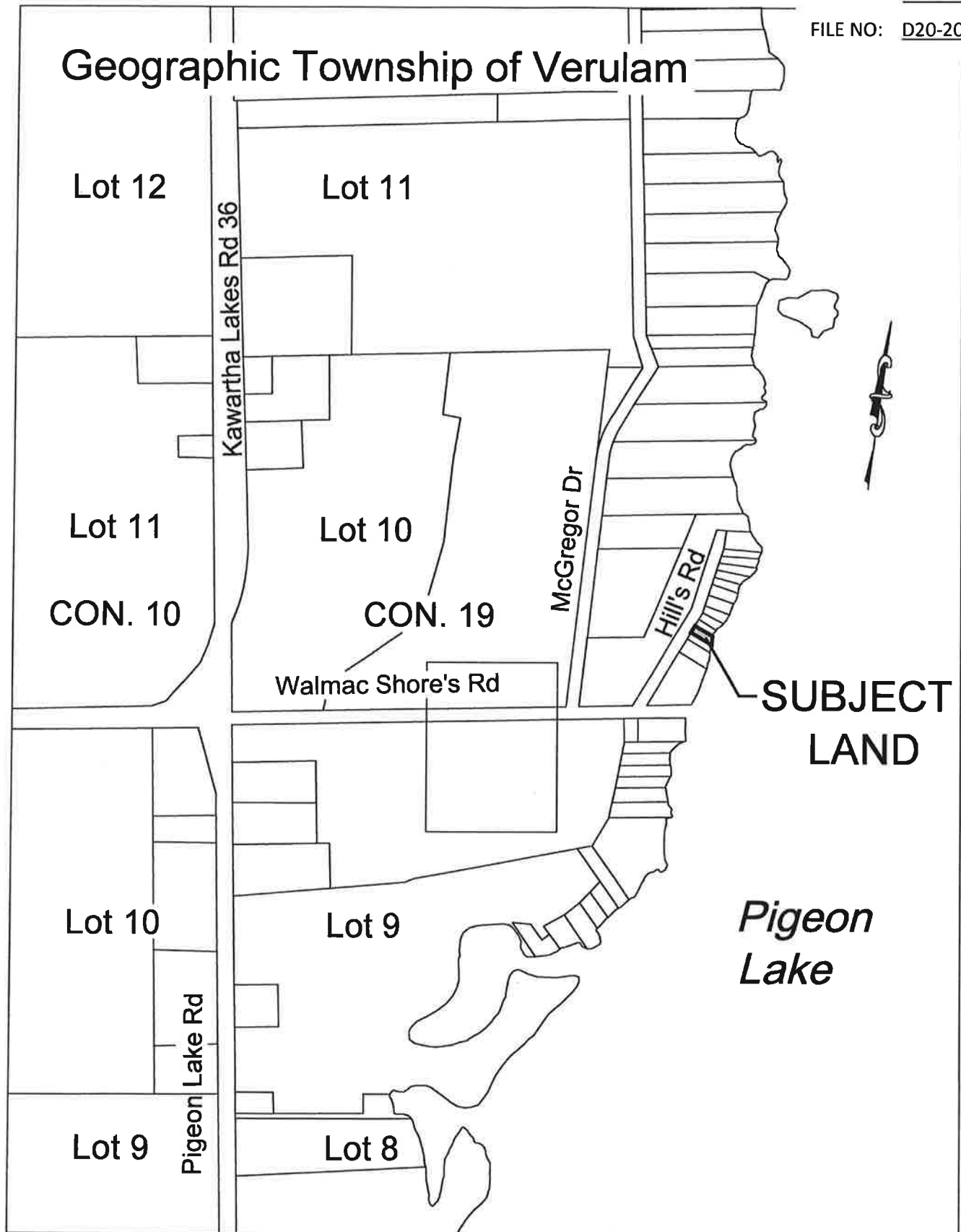
Appendix "D" – Elevations

Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-048

D20-2018-048

to
REPORT COA2018-062
FILE NO: D20-2018-048





0.03 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

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

APPENDIX " C "

to

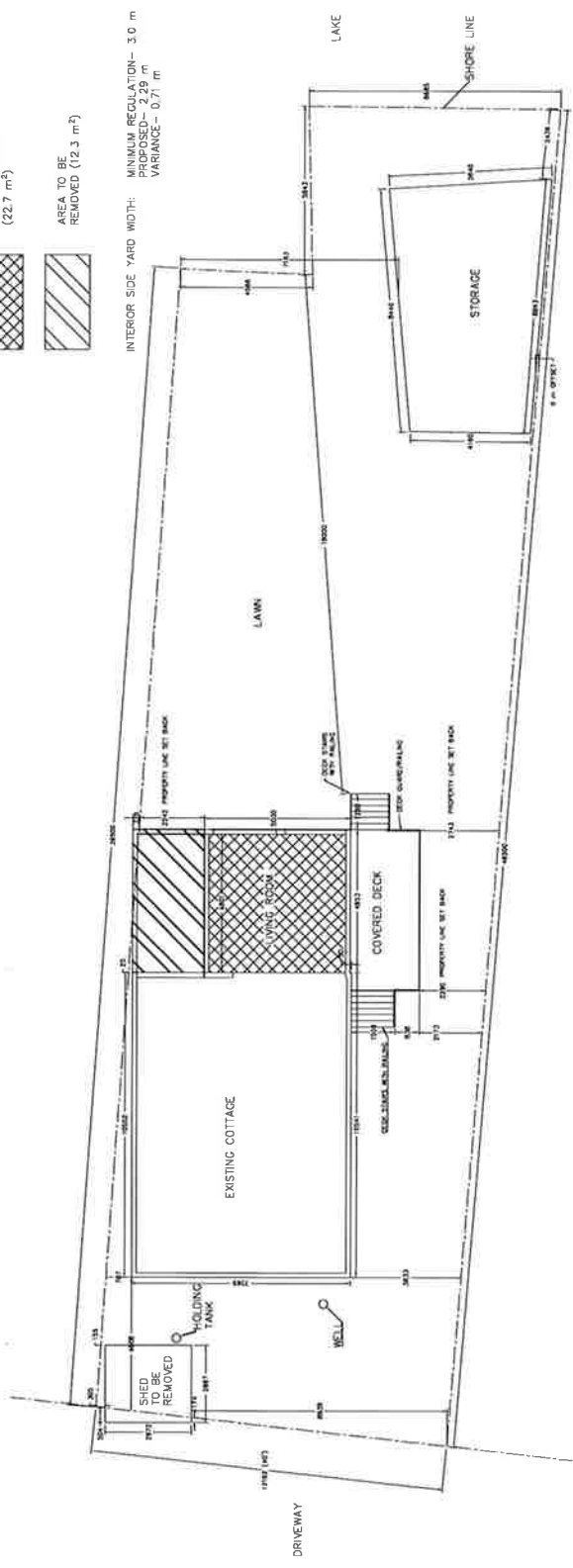
REPORT COA2018-062

FILE NO. D20-2018-048

LEGEND:

- PROPERTY LINE
- AREA TO REMAIN (22.7 m²)
- AREA TO BE REMOVED (12.3 m²)

INTERIOR SIDE YARD WIDTH: MINIMUM REGULATION- 3.0 m
 SETBACK- 2.9 m
 VARIANCE- 0.71 m



NOTE: ALL DIMENSIONS ARE IN MILLIMETERS
 UNLESS OTHERWISE NOTED

SITE PLAN - NEW CONDITIONS

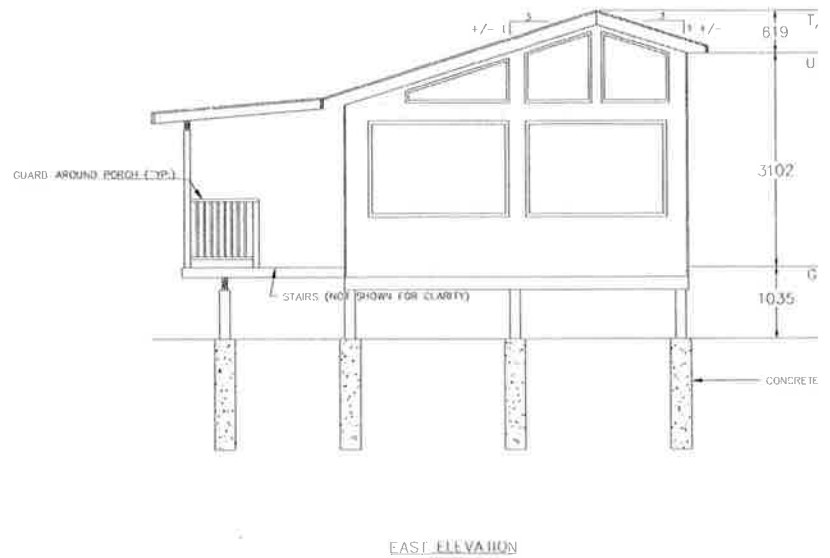
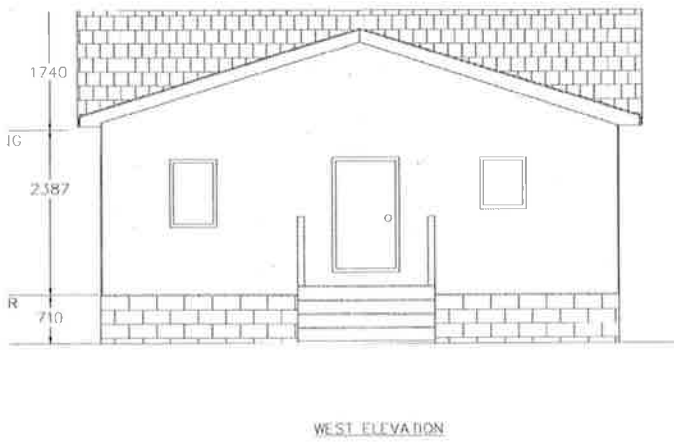
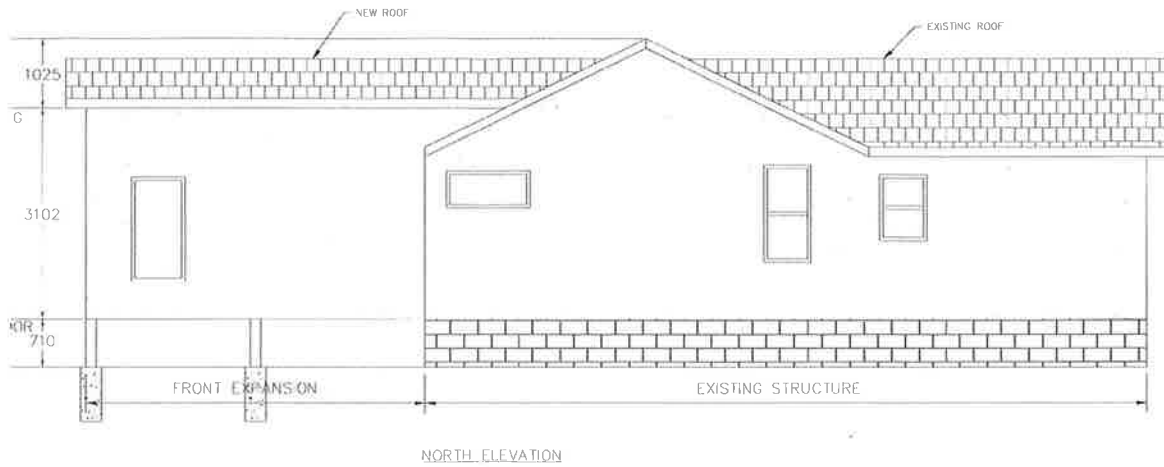
PROJECT NO.		002	
PROJECT		18 MILLS ROAD - ADDITION	
DRAWN BY		J.K.	
CHECKED BY		J.K.	
APPROVED BY		N.T.S.	
DATE		02.04.2018	
CITY OF KAWARTHA LAKES		NEW CONDITIONS	
SHEET NO.		002	
SHEET TOTAL		002	
SHEET DESCRIPTION		NEW CONDITIONS	

APPENDIX " D "

to

REPORT COA2018-062

FILE NO: D20-2018-048



to

REPORT COA2018-062**Charlotte Crockford-Toomey**

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

FILE NO. D20-2018-048

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Parks Canada
Parcs Canada



Ontario Waterways

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

Voies navigables de l'Ontario

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

8500/T90-CKL-200

October 5th, 2018

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

Dear Mr. Mark LaHay:

**RE: Application for Minor Variance
 18 Hills Road
 Plan 206, Lot 4,
 Geographic Township of Verulam, City of Kawartha Lakes
 FILE: D20-2018-048
 Pigeon Lake**

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

After a review of our records we do not have any approved permits on file for this property. However our aerial photographs show that there is a large oversized boathouse with attached dock and other shoreline structures or works fronting this property. Due to the fact that there are no permits on record for any of these structures this office deems them to be unauthorized. Furthermore, the in-water and shoreline structures span beyond the approved development zone of 25% or 50 feet, whichever is less.

Please note that Pigeon Lake forms part of the Trent-Severn Waterway and is therefore under the jurisdiction and administration of the Parks Canada Agency, Trent-Severn Waterway. We would like to remind the applicant should they wish to undertake any shoreline or in-water works at this location they will require an approved permit from this office prior to the commencement of any work. This would include but is not limited to repair, replacement, new works and expansions of any works. Works can be described as anything that is in, on, under or over the water of Pigeon Lake such as docks, beach creation, shoreline stabilization, aquatic vegetation removal, boathouses etc...



Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-048 – 18 Hills Road
Lot 4, Plan 206
Geographic Township of Verulam, City of Kawartha Lakes

The Development Engineering Division 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 October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from Section 8.2(f) to reduce the minimum interior side yard width from 3 metres to 2.2 metres to permit a covered deck addition to single detached dwelling.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

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

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

Via E-Mail: mlahay@kawarthalakes.ca

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

Regarding: Application for Minor Variance – D20-2018-048
John/ Dana Kaminski
18 Hills Road, Lot 10 Con 19
Geographic Township of Verulam
City of Kawartha Lakes

Dear Mr. LaHay:

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

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of Zoning By-Law 6-87 (Township of Verulam), as amended, as it relates to:

- a) Relief from Provisions of Section 8 - Residential (R1) Zone, (F) to reduce side yard setback from 3 meters to 2.29 meters in order to facilitate a 24 m² addition and a 13.6 m² porch/deck to an existing cottage.

Through consultation with City of Kawartha Lakes Planning staff, Kawartha Conservation understands the addition and porch/deck to have been constructed without pre-consultation or the requisite permissions from this agency as well as the City of Kawartha Lakes Building Department. Kawartha Conservation staff would also like to note that the site plan (Drawing 002) provided with the application indicates the addition as being 22m², whereas the application (Section 5.2, page 4) states that the addition is 24m² in area.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is within the KRCA's Regulated Area, as it fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the flooding and erosion hazard associated with this waterbody, plus an additional setback of 15 metres from the limit of the greatest hazard. Staff note that flooding hazard associated with Pigeon Lake is 246.9 metres above sea level (mASL) and that the addition and deck may encroach into the floodplain associated with this waterbody. As such, any development (or redevelopment) on site requires a Permit pursuant to Ontario Regulation

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 Clarendon • Township of Brock • Municipality of Front Lakes • Township of Guelph/Wellington

182/06 prior to site alteration. In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, permissions are required from Kawartha Conservation prior to any of the following works taking place:

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

Development is defined as:

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

Without the topographic information to confirm that the location of the proposed addition is outside the floodplain, staff cannot confirm that it would meet policy, however pursuant to Kawartha Conservation Policies 4.5.2(3) a. & b., minor ground floor additions to existing residential dwellings located within a flooding hazard may be permitted, subject to a series of conditions. Once the topographic survey is done, it can be confirmed if the existing dwelling and addition/deck are in (or out) of the floodplain, and which Kawartha Conservation policies apply. The applicant is advised to contact Jim Shrubsall, Compliance Officer & Permitting Technician, at (705) 328-2271 ext. 250 or jim.shrubsall@kawarthaconservation.com to determine any additional requirements from Kawartha Conservation for the constructed works.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. Without a detailed topographic survey, Kawartha Conservation staff are unable to confirm that the existing development is outside of the floodplain associated with Pigeon Lake. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. Staff have attached the relevant policies (pg. 107) applicable to this application as Appendix A to this letter. The applicant is to provide the floodplain (246.9 mASL) elevation plotted on a topographic survey conducted by an Ontario Land Surveyor, illustrating the constructed addition and porch in relation to the flood elevation.

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

Fish Habitat

Pigeon Lake is considered fish habitat. Policy 2.1.8 of *Provincial Policy Statement* states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation’s mapping, the existing cottage is located within the 30 metre setback and the construction of the addition has resulted in significant encroachment into the fish habitat buffer.

Based on MNRF’s direction, in cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable. Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

It appears as though the stairs are situated approximately 16 metres from the high water mark, as shown on Drawing 002. In lieu of a technical study, staff request the applicant conduct a shoreline plantings plan consisting of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

Recommendation

Based on our review of the above information, staff can advise it **would be premature at this time for Kawartha Conservation to support this minor variance application** without confirmation that the addition and porch are situated outside of a known flood hazard; and staff recommend to the City of Kawartha Lakes that the minor variance be supported with an approach to address encroachment into fish habitat. On this basis, Kawartha Conservation staff recommend the following conditions being addressed to our satisfaction:

1. The applicant conducts an elevation (topographic) survey conducted by an Ontario Lands Surveyor (OLS) of the subject lands, illustrating the location of the flood elevation of Pigeon Lake(246.9 mASI) in relation to the location of the constructed addition and porch/deck;

2. The applicant acquires the necessary permissions, pursuant to Ontario Regulation 182/06, as amended for the constructed addition and porch/deck;
3. As part of the permissions process pursuant to Ontario Regulation 182/06, the applicant works with Enforcement and Regulations staff to develop and implement a shoreline planting plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

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
Kent.stainton@kawarthaconservation.com

cc: Ron Warne, Kawartha Conservation
Jim Shrubbsall, Kawartha Conservation
David Harding, City of Kawartha Lakes
Charlotte Crockford-Toomey, City of Kawartha Lakes

Encl. Appendix A



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

MEMORANDUM

TO: Committee of Adjustment

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

DATE: October 18, 2018

SUBJECT: Minor Variance Application File No. D20-2018-049
105 Brook Road, Geographic Township of Somerville

Christine and Eric Van Allen, applicants for the above-noted file request relief from Section 18.26.4(e) of the Township of Somerville Zoning By-law 78-45, as amended, to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

On October 4, 2018, comments received from the Sewage Systems Supervisor expressed concerns regarding the undetermined location of the weeping lines and the clearance distance from the limits of the proposed addition to the dwelling. In light of a possible deferral, planning staff immediately notified the applicants about the matter on October 5, 2018, and suggested that the applicant contact the Sewage System Supervisor to see if the issue can be addressed prior to a planning report being drafted. As well, planning staff also pre-emptively contacted the Kawartha Region Conservation Authority (KRCA) to confirm the possible implications if the proposed configuration of the addition was to be altered due to proximity of the weeping lines.

On October 9th, 2018, staff met with the applicants at the development services building in consultation with the Sewage System Supervisor and it was determined that the current location of the weeping lines will not comply, and that a new septic system installation will be required to accommodate the new building addition. On the same day, a substantive deferral recommendation was received from the KRCA. KRCA comments expressed that the proposed addition was not minor, and that it will encroach further towards the Burnt River. KRCA further indicated that they may consider support for the application provided the proposal can be reconfigured subject to satisfaction of their conditions.

In consideration of the above, staff respectfully recommends the following resolution:

THAT Minor Variance application D20-2018-049 be DEFERRED for a period of three (3) to four (4) months in order to provide the applicants enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately reviewed for supportability by staff.

Sincerely,



Quadri Adebayo, Planner II



Agency Comments,
Deferral Memo.pdf

cc: Christine and Eric Van Allen

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

Chris Marshall, Director of Planning

Derryk Wolven – Plans Examiner, Building Division

Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division

Christina Sisson, Supervisor, Development Engineering

Kent Stainton, Resources Planner – Kawartha Region Conservation Authority

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, October 04, 2018 11:58 AM
To: Charlotte Crockford-Toomey
Subject: D20-2018-049 - 105 Brook Rd

Hello Charlotte,

RE: Minor Variance Application D20-2018-049
 105 Brook Rd, Former Somerville Twp.,
 Conc. 3, Lot 18, Plan 281, Sublot 25,
 Roll No. 165131002037000

I have received and reviewed the request for minor variance to allow for the construction of an addition onto the existing dwelling at the above-noted property. This addition will incorporate a larger kitchen with living room area and a total square metre increase of 74.42 outside of the existing dwelling footprint.

A search of records was performed to locate documentation for the existing sewage system. No information was located about the on-site sewage disposal system. A review of the site was conducted to determine a location for the system. However, this assessment did not provide an accurate determination of the weeping lines. A locate of the system has been requested of the owner to ensure adequate clearances distances for the new addition to the existing weeping lines.

As such, the Building Division – Sewage System Program requests the stipulation of a condition to satisfy the requirements of on-site disposal prior to the finalization of approval for the minor variance.

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

Best Regards,

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





Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-049 – 105 Brook Road
Lot 25, Part Lot 18, Concession 3, Plan 281
Geographic Township of Somerville, City of Kawartha Lakes

The Development Engineering Division 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 October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance. We do recommend that the applicant be advised by the appropriate reviewer of any and all requirements for such buildings within the Burnt River Floodplain (as per any applicable by-laws, etc.).

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

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

Via E-Mail: mlahay@kawarthalakes.ca

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

**Regarding: Application for Minor Variance – D20-2018-049
Christine Van Allen
105 Brook Road, Part of Lot 18, Concession 3 (Burnt River)
Geographic Township of Somerville
City of Kawartha Lakes**

Dear Mr. LaHay:

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

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of Zoning By-Law 78-43 (Township of Somerville), as amended, as it relates to:

- a) Relief from Section 18.26.4(e) to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

Staff note that the proposed addition is closer to the waterfront (Burnt River) than the existing footprint of development.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is located outside of Kawartha Conservation's defined watershed boundary.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant

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

woodlands, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Flooding Hazards (Hazardous Lands)

To ensure conformity with Section 3.1 of the Provincial Policy Statement (PPS, 2014), Kawartha Conservation aims to prevent new development from locating in areas where there is a potential for loss of life and/or property damage from natural hazards. Moreover, KRCA Plan Review Policies (Section 2.4.2.4) for Natural Hazards identifies that applications shall not create new or exacerbate existing hazardous conditions. The entire property is located within the floodplain of the Burnt River, as defined in the Burnt River Floodplain Mapping Study (1990).

Further, development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard, in accordance with Section 3.1.2.c) of the PPS.

The proposed addition consists of 74.42 square metres to be added to an existing 64.75 square metre single detached dwelling, which is over four times the maximum floor area enlargement or extension permitted under the zoning by-law. The addition is over double the size of the existing cottage and represents a significant overall increase in habitable area and encroachment towards the Burnt River, a flood-prone area. Kawartha Conservation highly recommends decreasing the overall size and configuration of the dwelling to constitute a 'minor' addition in accordance with the provisions of the Burnt River EPA Designation.

Any proposed addition on the subject lands should include drawings and plans (including a topographic survey signed and stamped by an Ontario Lands Surveyor) should be revised to show that the foundation is flood-proofed, no basement is being constructed and be designed with all openings/finished floor elevations of the addition be at/or above 259.04 masl (258.74masl plus a 0.3m freeboard elevation).

Fish Habitat

Pursuant to Policy 3.4.6(8), for expansion, replacement, or relocation of an existing building or structure on adjacent lands (within 120 metres of fish habitat), Kawartha Conservation recommends the maintenance, establishment, and/or enhancement of a buffer strip running continuously along both sides of all water features supporting fish habitat, measured in accordance with Policies 3.4.6(10), 3.4.6(11), 3.4.6(12), 3.4.6(13) OR where this is not feasible, that maximum buffers, given the site constraints, should be applied wherever possible.

Furthermore, Policy 2.1.8 of *Provincial Policy Statement* states,

"Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions".

The Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation's mapping, the existing cottage is located within the 30 metre setback and the proposed addition encroaches towards the shoreline (approximately 18m).

Based on MNRF's direction, in cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable. Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

During all phases of construction, appropriate erosion and sediment controls (i.e. silt fencing as per OPSD 219.100) should be implemented between disturbed areas and the Burnt River to prevent sediment-laden runoff from entering into Shadow Lake. The silt fencing must be maintained and remain in-place until all disturbed soils have become revegetated.

In lieu of a technical study, staff request the applicant conduct a shoreline plantings plan (see example provided in Appendix A) following a site visit from Technical Staff to consist of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer, unless the proponent revises the plans of the addition demonstrating no encroachment towards the shoreline.

Recommendation

Based on our review of the natural hazards on the subject property, KRCA does not support the support the proposed Minor Variance Application D20-2018-049. KRCA requests deferral of the application until such time as the addition can be reconfigured to represent a minor addition to the dwelling with no further encroachment towards the Burnt River. Should the proposal be reconfigured, KRCA could support the application, provided the following conditions are addressed to our satisfaction:

1. The applicant provides a topographic (elevation) survey signed and stamped by an Ontario Lands Surveyor (OLS) showing the proposed addition in relation to the subject lands;
2. The applicant provides updated plans/drawings (including cross-sections) of the proposed addition illustrating that all openings and Finished Floor Elevations at/or above 259.04 metres above sea level to reflect the 0.3m freeboard above the floodplain elevation of 258.92 mASL;
3. The applicant works with Kawartha Conservation staff to develop and implement a shoreline planting plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

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
Kent.stainton@kawarthaconservation.com

cc: David Harding, Planner II, via email
Charlotte Crockford-Toomey, Administrative Assistant, via email
Quadri Adebayo, Planner II, via email

Encl. Appendix A – Example Plantings Plan Guidelines Letter

Quadri Adebayo

From: Christine Van Allen <vanallen.cl@gmail.com>
Sent: Tuesday, October 09, 2018 1:01 PM
To: Quadri Adebayo
Subject: Variance Application for 105 Brook Road

Follow Up Flag: Follow up
Flag Status: Completed

Hi Quadri,

Per our discussion this morning we wish to defer our variance meeting till January 2019 to allow time for any necessary changes required to gain approval.

Please confirm receipt of this email.

Regards,

Christine Van Allen

Sent from my iPhone

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Brian and Joy McKay
Report Number COA2018-066

Public Meeting

Meeting Date: October 18, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 8 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from Section 3.1.3.1(c) to increase the maximum lot coverage permitted for a building accessory to a dwelling unit in the Agricultural (A1) Zone from 150 square metres to 196.94 square metres in order to permit the construction of a detached garage.

The variance is requested at 10039 Simcoe Street, geographic Township of Mariposa (File D20-2018-050).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-066 Brian and Joy McKay, be received;

THAT minor variance application D20-2018-050 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 COA2018-066, 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 owners 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** upon completion of the construction of the detached garage, as part of building permitting process, there be a requirement that the storage

container, and the garden shed shall be removed from the property to the satisfaction of the Chief Building Official; and

- 4) **THAT** the building construction related to the minor variance shall be completed within a period of 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 COA2018-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The application proposes to construct a detached garage in the form of a steel building. The applicants indicated that the proposed development will serve as an additional storage to house a travelling trailer, a utility trailer, and other items in order to keep them out of the outside elements. This application was deemed complete August 14, 2018.
Proposal:	To construct an approximately 144.92 square metre (1,559.33 square foot) detached garage.
Owners:	Brian and Joy McKay
Applicant:	Brian and Joy McKay
Legal Description:	Part Lot 1, Concession 1, RP 57R-605, Part 1, geographic Township of Mariposa, City of Kawartha Lakes
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07
Site Size:	1.5 acres (6,000 square metres)
Site Servicing:	Private individual septic and well system
Existing Uses:	Residential
Adjacent Uses:	North: Agricultural East: Agricultural South: Residential, Agricultural West: Agricultural (Regional Municipality of Durham)

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 garage is proposed to be purposed for additional storage that will facilitate a less cluttered property whereby utility equipment and other items randomly placed on the property can be housed together in one location. Likewise, the proposed removal of the garden shed and steel container located at the rear of the property will also enable an improvement to the appearance of the property from a property standard perspective.

Further, the location, footprint configuration, and size of the new detached garage are not anticipated to impede functional access to the rear of the property. The proposed removal of the roof overhang attached to the existing detached garage will also ensure there is adequate spatial separation between the proposed garage and the existing garage.

In terms of scale, the massing of the proposed garage will be adequately screened by vegetation when viewed from Simcoe Street. As well, 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.

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 Agricultural (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.

Regardless of whether the subject property at 1.5 acres is to be treated under the RR1 Zone lens, the proposed garage will ensure the By-law provisions for a maximum of two (2) accessory buildings in any class of residential zone is still maintained. Condition 3 will also ensure compliance with this requirement.

The 46.94 square metres increase to the 150 square metres required for maximum accessory building lot coverage, if granted, is not anticipated to be perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard.

Overall, the building will have a low profile, being below the maximum height of 5 metres permitted in the zoning by-law, and together with existing detached garage on the property, it would be maintaining combined lot coverage below the 10% maximum permitted in the corresponding zoning by-law at 3.5%.

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 accessory buildings as ancillary to residential uses. The proposed garage is not anticipated to negatively impact the rural character of its immediate surrounding uses.

Thus, the proposal maintains the general intent and purpose of the City's 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 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 (October 4, 2018): No concerns.

Building Division – Sewage Systems (October 4, 2018): No objections

Engineering & Corporate Assets – (October 9, 2018): No Objections

Public Comments:

No comments as of October 9, 2018.

Attachments:

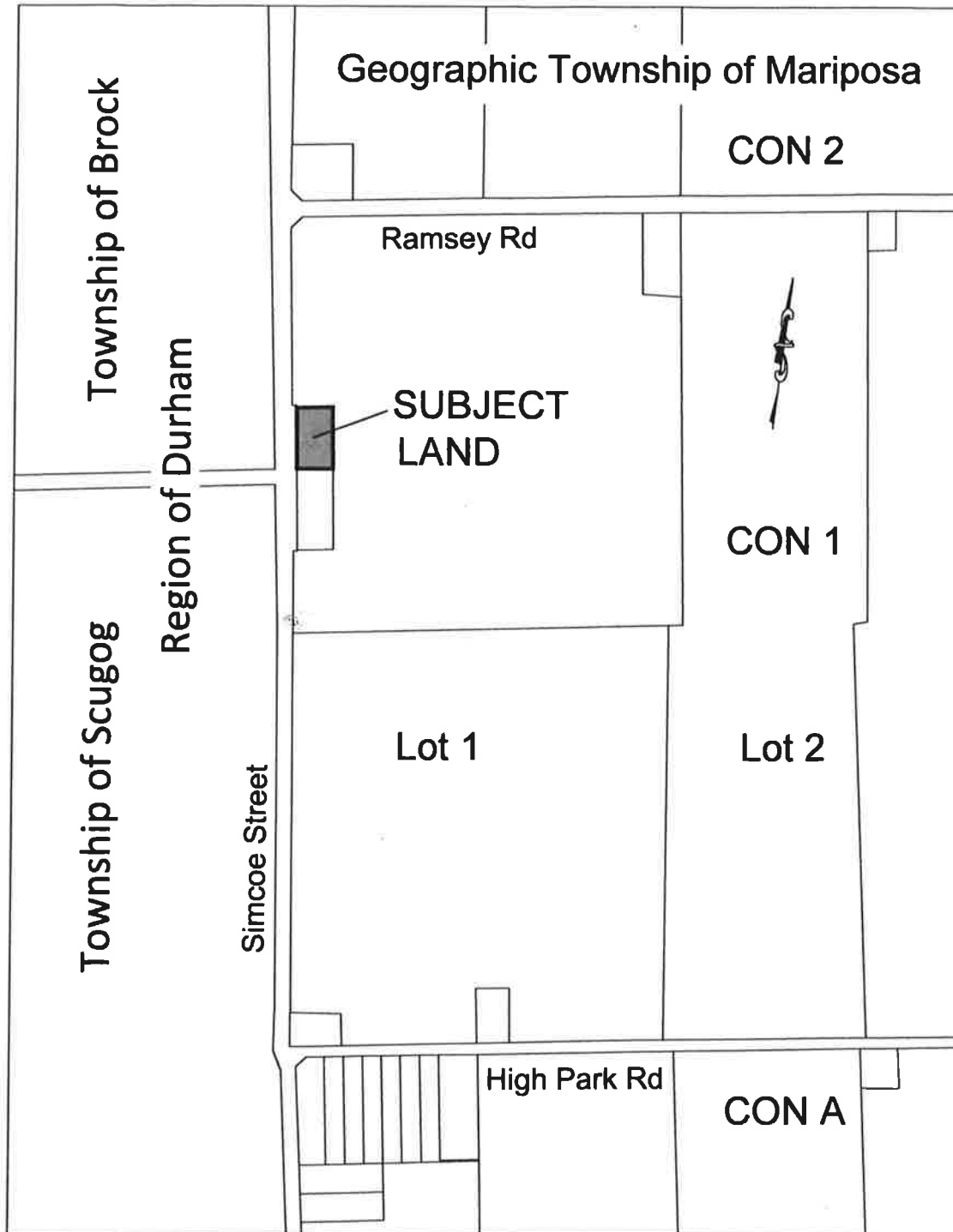


Appendices A-E to
Report COA2018-066

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

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-050

D20-2018-050



APPENDIX: B

to

REPORT COA2018-066

FILE NO: D20-2018-050



GEOMATICS
MAPPING

10039 Simcoe Street, Geographic Township of Mariposa

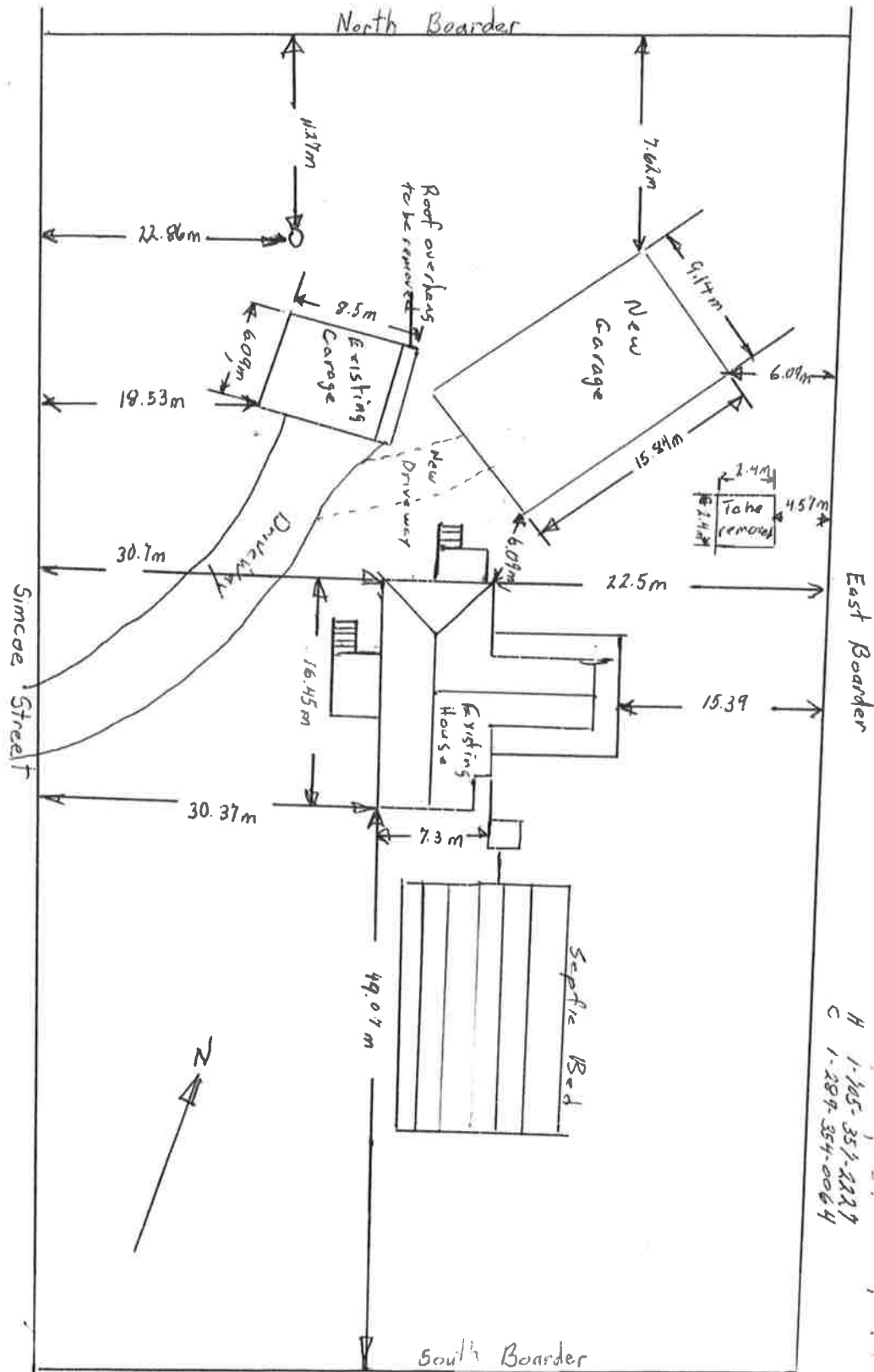


APPENDIX: C

to

REPORT COA2018-066

FILE NO: D20-2018-050



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C 1-284-354-0064

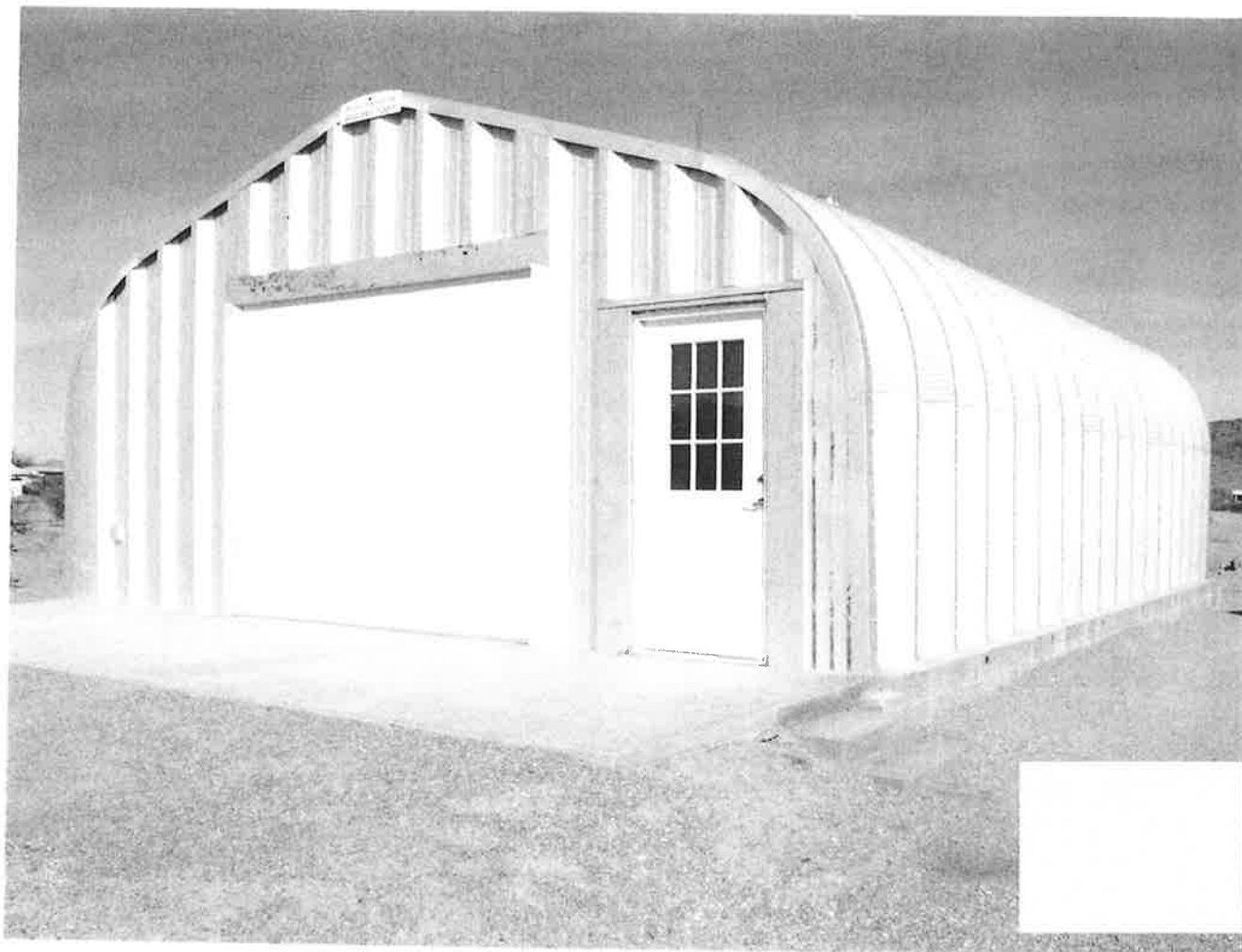
APPENDIX: D

to

REPORT COA2018-066

FILE NO: D20-2018-050

Front Elevation (Southwest Direction)



Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Charlotte Crockford-Toomey

FILE NO. D20-2018-050

From: Anne Elmhirst
Sent: Thursday, October 04, 2018 12:08 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-050 - 10039 Simcoe St

Hello Charlotte,

RE: Minor Variance Application D20-2018-050
10039 Simcoe St., Former Mariposa Township
Conc. 1, Lot 1, Plan 57R605, Part 1
Roll No. 165111001079301

I have received and reviewed the above-noted application for Minor Variance to request permission to allow the construction of a detached garage. A sewage system use permit has been located for the property File M-46-75. The use permit indicates the sewage system is located on the south side of the existing house.

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

Best Regards,

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





FILE NO. D20-2018-050

Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-050 – 10039 Simcoe Street
Part Lot 1, Concession 1, RP 57R-605, Part 1
Geographic Township of Mariposa, City of Kawartha Lakes

The Development Engineering Division 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 October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from Section 3.1.3.1(c) to increase the maximum lot coverage permitted for a building accessory to a dwelling unit in the Agricultural (A1) Zone from 150 square metres to 196.94 square metres in order to permit the construction of a detached garage.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

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

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bryan and Diana Houston
Report Number COA2018-067

Public Meeting

Meeting Date: October 18, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 8 – geographic Township of Mariposa

Subject: The purpose and effect is to request relief from Section 3.1.2.1 in order to permit the construction of an accessory building (detached garage) within the front yard.

The variance is requested at 39 Pleasant View Crescent, geographic Township of Mariposa (File D20-2018-051).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-067 Bryan and Diana Houston, be received;

THAT minor variance application D20-2018-051 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices “C” and “D” submitted as part of Report COA2018-067, which shall be attached to and form part of the Committee’s Decision; and
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	Relief is being sought as the proposed detached garage cannot meet the required septic system setback and retain the interior side yard at the same time. This application was last amended September 28, 2018.
Proposal:	To permit the construction of a 7.3 metre (23.9 foot) x 10.3 metre (33.7 foot) detached garage, a portion of which is within the front yard.
Owners:	Bryan and Diana Houston
Legal Description:	Lot 140, Plan 499, geographic Township of Mariposa, City of Kawartha Lakes
Official Plan:	Waterfront within the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07
Site Size:	2,832 square metres (0.7 acres)
Site Servicing:	Municipal water, private individual septic system
Existing Uses:	Residential
Adjacent Uses:	North: Residential East: Residential South: Residential West: Shoreline Residential

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is situated within the Washburn Island community. The neighbourhood within this portion of the community consists of moderately sized homes surrounded by a great degree of landscaped open space. This causes the lots to appear much larger. The lots are also screened from one another by vegetative buffers. These qualities, when combined, create an estate residential character to the neighbourhood.

The dwelling on the subject property is a raised bungalow and has a hip and gable roof design. The gable faces the Pleasant View Crescent. The garage proposes a gable design that also faces the street, which will architecturally tie the garage to the dwelling. The garage is also proposed directly beside the existing attached single bay garage, ensuring vehicular activity remains clustered in an existing location. This clustering also allows for the utilisation of the existing driveway instead of creating a separate and distinct driveway in

another location, which would alter the estate residential feel by reducing the area of available landscaped open space.

The garage will project approximately 3.3 metres in-front of the dwelling. Pleasant View Crescent curves and runs at a southwest angle in-front of the subject property, causing the dwelling to be at an angle to the road. Therefore, stepping the garage out in-front of the dwelling's front wall is not anticipated to cause adverse massing impacts within the front yard as the majority of the garage's built form remains behind the dwelling's front wall and what does project appears to be following the angle of the road. No adverse impacts to the neighbourhood's character are anticipated.

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 Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07, which is the residential zone category found within shoreline and waterfront backlot areas.

The General Provisions of the Zoning By-law intend for accessory buildings and thus storage uses, to be relegated to the interior side and rear yards. In this case, the majority of the garage will remain within the interior side yard. The portion that does project in-front of the dwelling maintains a front yard setback greater than that of the dwelling due to the angle of the road. As such, the proposed garage location will not cause the garage to appear as the primary and/or most prominent building on the lot when viewed from the road, nor is the clustering of the vehicular and storage use beside the existing attached garage anticipated to adversely impact the use of the lot or the abutting and adjacent lots.

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

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

The subject property is within the Waterfront designation of the City of Kawartha Lakes Official Plan (Official Plan). Residential uses, including accessory uses, are anticipated within this designation.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by municipal water 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:

Building Division (October 4, 2018): No concerns.

Kawartha Region Conservation Authority (October 5, 2018): No concerns.

Engineering and Corporate Assets Department (October 9, 2018): No concerns.

Public Comments:

No comments as of October 10, 2018.

Attachments:

Appendices A-E to
COA2018-067.pdf

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Elevations

Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

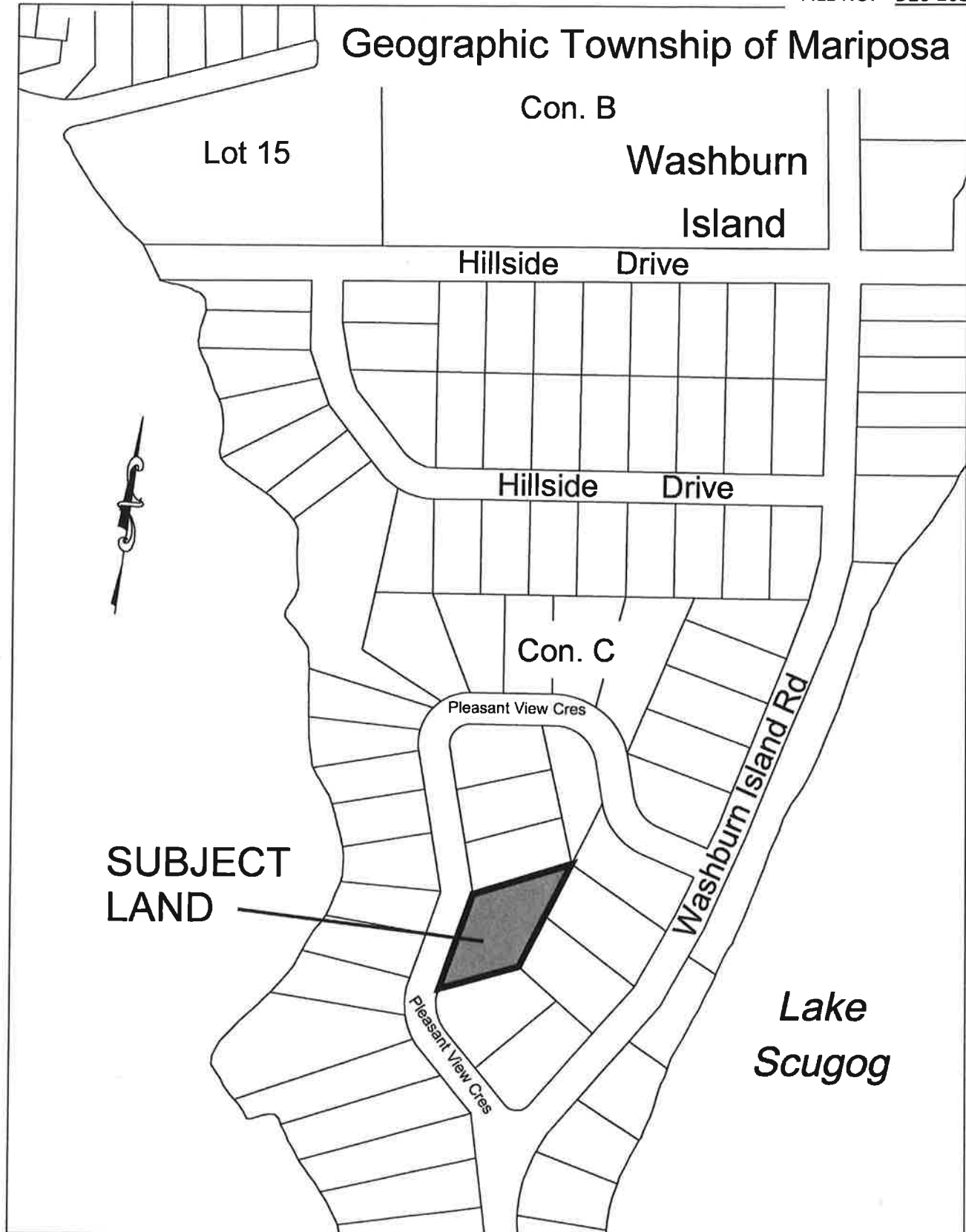
Department File: D20-2018-051

to

D20-2018-051

REPORT COA2018-067

FILE NO: D20-2018-051





0.17 Kilometers
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© City Of Kawartha Lakes

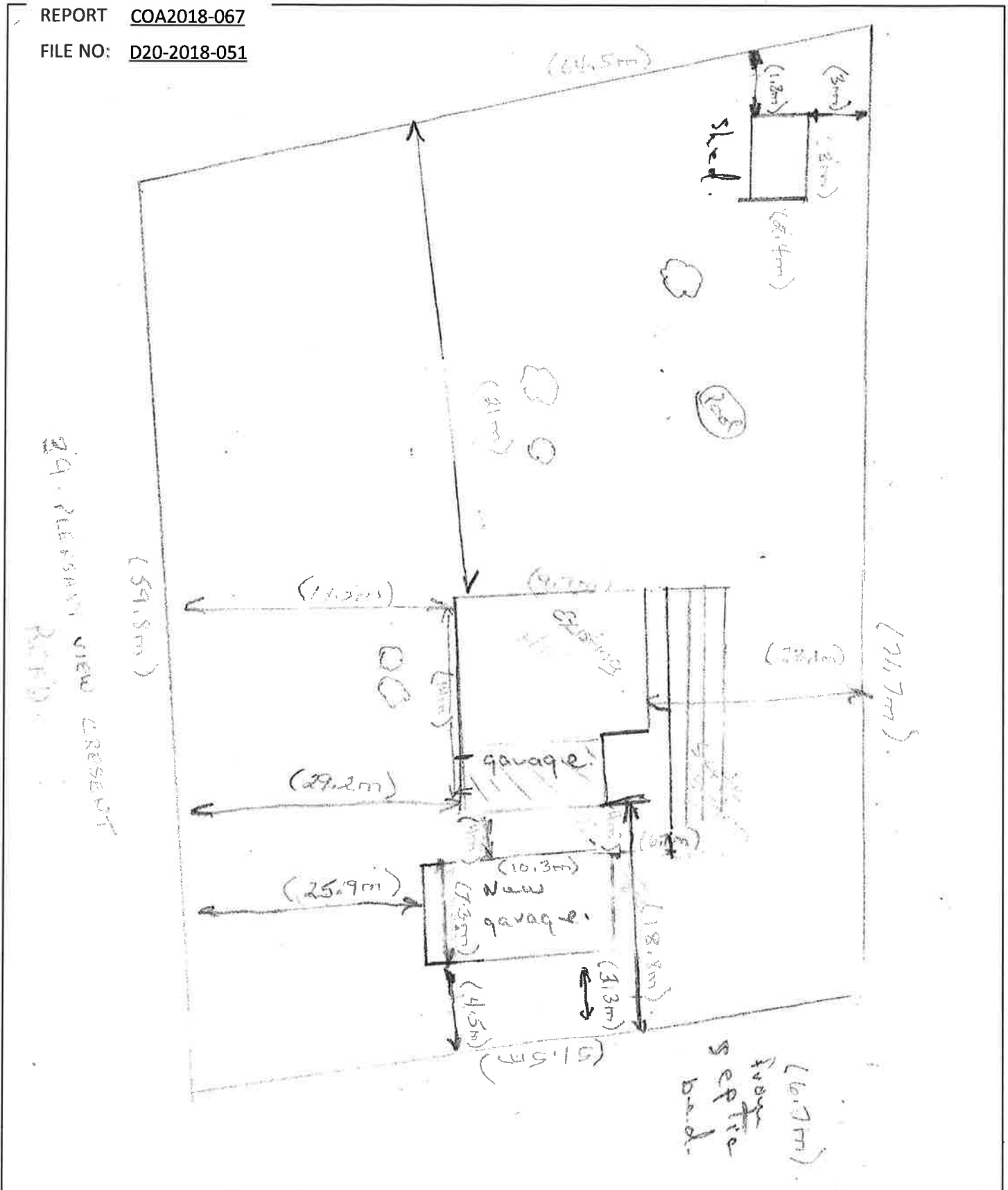
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "

to

REPORT COA2018-067

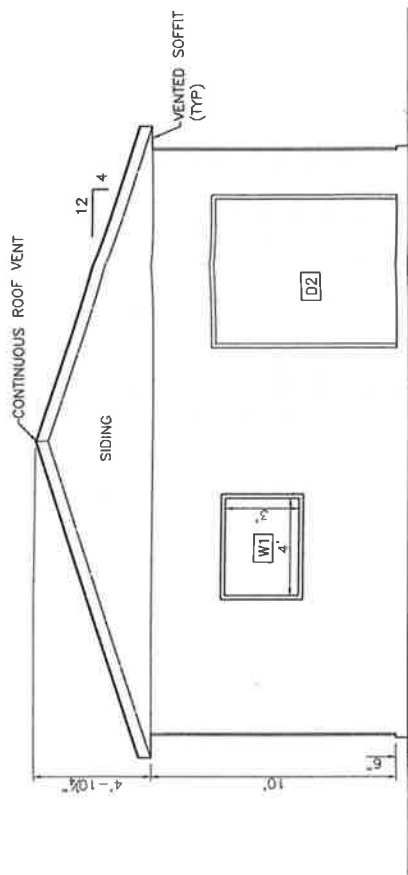
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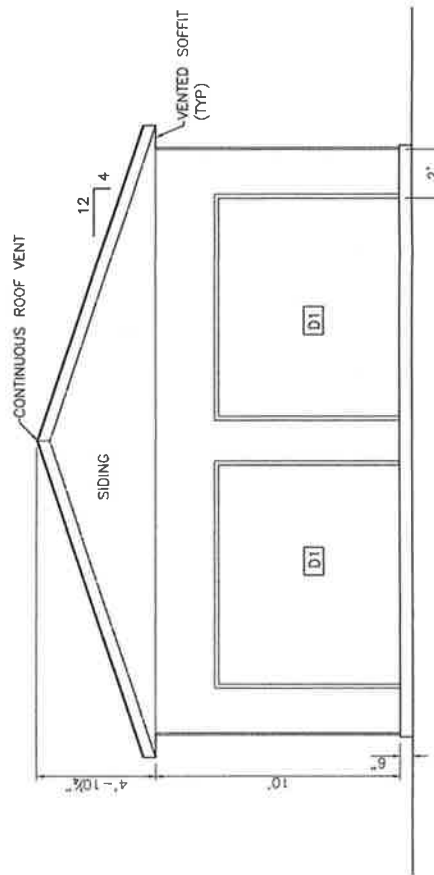
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REPORT COA2018-067

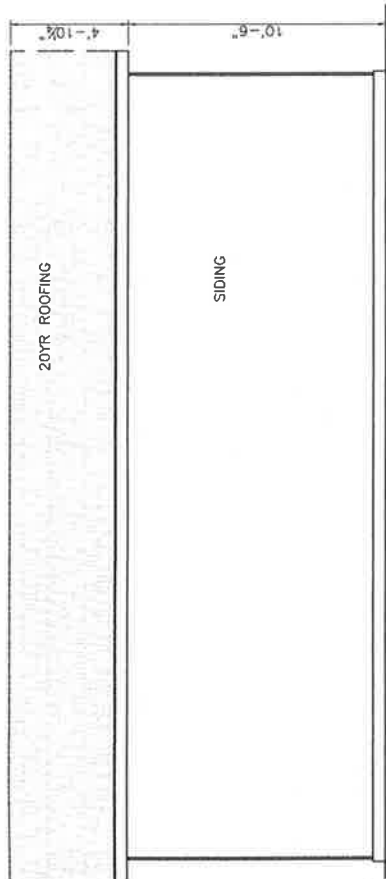
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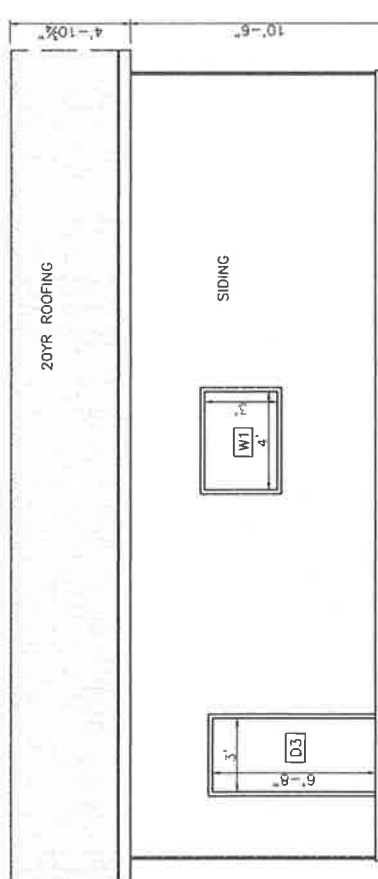
REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

DESIGN: to OBC Part 9, FOUNDATION SLAB to OBC Part 4
WOOD FRAME BUILDING, NORMAL OCCUPANCY $I_w=1.0$
LOADS: LIVE SLAB—4.8kPa, 11kN POINT LOAD
ROOF SNOW $S_s=2.4kPa$, $S_r=0.4$, $S=1.72kPa$
NATIVE SOIL MIN BEARING CAPACITY: 100kPa (2000psf)
WATER TABLE: >48" B.G.

DRAWING NOTE:

1. THIS DRAWING SHOWS THE FOUNDATION AND FRAMING FOR A RESIDENTIAL GARAGE.
2. SITE GRADING PLANS, LIGHTING, SERVICE, CLADDING, TRUSS & ARCHITECTURAL DETAILS BY OTHERS.
3. OWNER TO SELECT CLADDING, ROOFING, DOOR TYPES, FINISHES AND ALL OTHER ARCHITECTURAL DETAILS TO BE CONFIRMED.

COMPONENT					Notes
Part	Item	Quan	Description	Mat'l	
D1	DOOR	2	9'x8' ROLL UP		
D2	DOOR	1	6'x8' ROLL UP		
D3	DOOR	1	36"x6'-8"		
W1	WINDOW	2	36"x48" SLIDER		



Engineering & Corporate Assets Department

P.O. Box 9000, 12 Peel Street

Lindsay ON K9V 5R8

Tel: (705) 324-9411 Ext. 1152

Fax: (705) 324-2982

e-mail: csisson@kawarthalakes.ca

website: www.kawarthalakes.ca

APPENDIX " E "

to

REPORT COA-2018-067

FILE NO. D20-2018-051

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-051 – 39 Pleasant View Crescent
Lot 140, Plan 499
Geographic Township of Mariposa, City of Kawartha Lakes

The Development Engineering Division 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 October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief in order to permit the construction of an accessory building (detached garage) within the front yard.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

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

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



October 05, 2018
KRCA File No 16582

VIA EMAIL: mlahay@kawarthalakes.ca
Mr. Mark LaHay
Secretary- Treasurer, Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Application for Minor Variance D20-2018-051
Bryan & Diana Houston
39 Pleasant View Crescent, Part of Lots 15 & 16, Concession C
Geographic Township of Mariposa
City of Kawartha Lakes

Dear Mr. LaHay:

Kawartha Conservation has completed a review of the above noted application for the following variance from the requirements of Zoning By-Law 94-07 (Township of Mariposa), as amended, as it relates to

- a) Relief from Provisions of Section 3.1.2.1 (c) – to construct an accessory structure in the front yard of the subject lands.

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

Kawartha Conservation would like to take this opportunity to note that the proposed development is not located within areas regulated under Ontario Regulation 182/06, and a permit will not 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,

Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

CC: Charlotte Crockford-Forney, Administrative Assistant, via email
David Harding, Planner II, via email
Quadri Adebayo, Planner II, via email

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 Simcoe • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Green Monaghan



Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Chris and Angela Alderson
Report Number COA2018-068

Public Meeting

Meeting Date: October 18, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 16– geographic Township of Manvers

Subject: The purpose and effect is to request relief from Sections 13.2(c) and (e) to reduce the minimum front yard from 15 metres to 8 metres and the minimum flankage yard from 15 metres to 12.4 metres to permit a covered porch inclusive of its eaves and gutters.

The variances are requested at 13 Benson Street, geographic Township of Manvers (File D20-2018-052).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-068 Chris and Angela Alderson, be received;

THAT minor variance application D20-2018-052 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 covered porch related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices “C” and “D” submitted as part of Report COA2018-068, which shall be attached to and form part of the Committee’s Decision; and
- 2) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: Construction on the covered porch was largely completed without building permits. After correspondence with the Building Division, the owners have applied for variances in order to obtain a building permit.

This application was last amended September 26, 2018.

Proposal: To permit the construction of a covered porch.

Owners: Chris and Angela Alderson

Legal Description: Part Lot 10, Concession 2, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Natural Linkage Area – Oak Ridges Moraine Policy Area

Zone: Oak Ridges Moraine Linkage Area (ORMLA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133

Site Size: 2,042.7 square metres (0.5 acres)

Site Servicing: Private individual well and septic system.

Existing Uses: Residential

Adjacent Uses: North: Rural Residential
East: Highway 35, Rural
South: Rural Residential
West: Rural Residential

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject property is situated in an established residential neighbourhood consisting primarily of older homes. The dwellings facing Pacific Street all appear to be century homes and have a fair degree of spatial separation from the travelled portion of the road. The subject property is located at the crest of a hill, is to the immediate left of the neighbourhood entrance off of Highway 35, and is also a corner lot due to the presence of Benson Street to the south. Benson Street provides access to five other rural residential lots located west, away from Highway 35. The combination of road locations and site topography causes the dwelling on the subject property to function as a local landmark.

15 Pacific Street and 14 Benson Street also contribute more significantly to the neighbourhood's character than the rest of the dwellings due to their proximity to the subject property and the crest of the hill. These three dwellings together create a separate and distinct feel within the neighbourhood's overall rural character. Of the three lots, the dwelling on the subject property is located the

furthest away from the travelled portion of Pacific Street. Therefore the covered porch will not create any adverse massing impacts in relation to Pacific Street. There is also a great degree of spatial separation between the dwelling on the subject property and the travelled portion of Benson Street. The spatial separation on Benson Street appears greater through a combination of the proximity of the century frame shed and frame garage to the travelled portion of the road and the dwelling's higher elevation.

Additionally, the proposed covered porch compliments the dwelling's design as the dwelling's recessed east wall was designed in a way that accommodates the construction of a porch. The proposed covered porch also adds increased visual interest to the neighbourhood as a flat two storey wall is no longer presented to either streetscape.

Furthermore, the covered porch offers a sheltered amenity and covered entry space, increasing the function of the dwelling and abutting yards.

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

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

The subject property is zoned Oak Ridges Moraine Linkage Area (ORMLA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133. Within the ORMLA Zone, dwelling units are required to comply with the Rural Residential Type One (RR1) Zone provisions.

The intent of the RR1 Zone provisions appear to be to maintain sizeable front and rear yards since a rural setting would typically require increased setbacks to maintain sightlines and provide an adequate spatial separation from rural roads where vehicles are travelling at a faster pace and/or disturbing gravel. In this situation, the neighbourhood consists of a small cluster of rural residential lots, there are no through streets, and the road segments are short. Therefore, the increased setbacks are not warranted because there is little traffic and the traffic that does travel through the neighbourhood is not anticipated to do so at a high speed.

Additionally, the dwelling maintains spatial separations from the travelled portions of Benson and Pacific Streets that are similar to or exceed the required flankage and front yard setbacks.

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

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

This property falls within the Oak Ridges Moraine Policy Area (ORMPA) of the City of Kawartha Lakes Official Plan (Official Plan). Within the ORMPA the property is designated Natural Linkage Area.

The purpose of the Natural Linkage Area is to maintain and where possible improve the ecological integrity of the moraine, including the spaces between areas with the Natural Core Area designation. In consideration of the above the variances do not conflict with the general intent and purpose of the ORMPA and thus the Official Plan as the proposal is for a covered porch addition to an existing dwelling.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

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

Consultations:

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

Agency Comments:

Building Division (October 4, 2018): No concerns.

Building Division – Part 8 Sewage Systems (October 4, 2018): No concerns.

Engineering and Corporate Assets Department (October 9, 2018): No concerns.

Public Comments:

No comments as of October 9, 2018.

Attachments:



Appendices A-E to
Report COA2018-068.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Applicant's Supporting Drawings

Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D20-2018-052

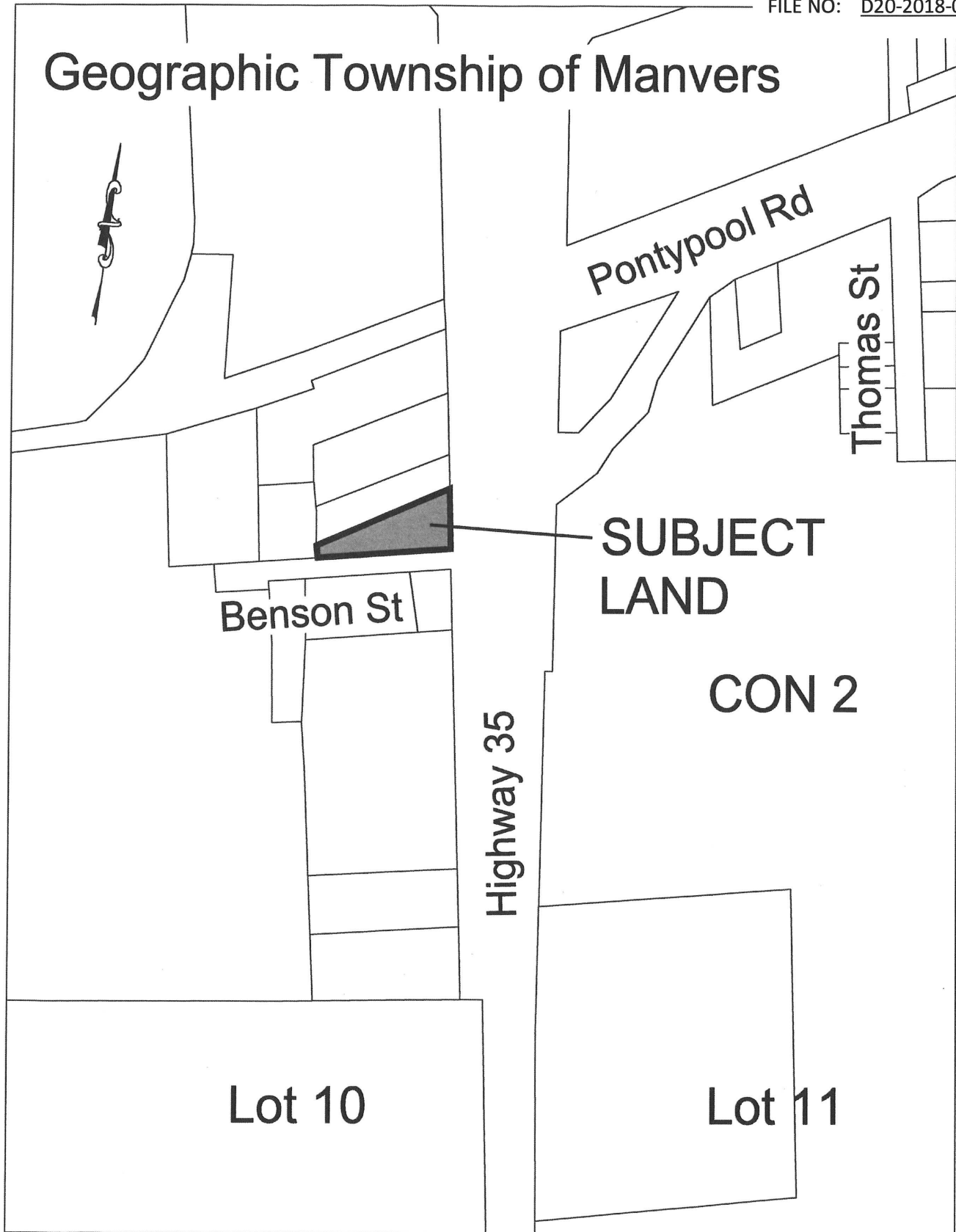
to

REPORT COA2018-068

FILE NO: D20-2018-052

D20-2018-052

Geographic Township of Manvers



to

REPORT COA2018-068

FILE NO: D20-2018-052



FILE NO: D20-2018-052

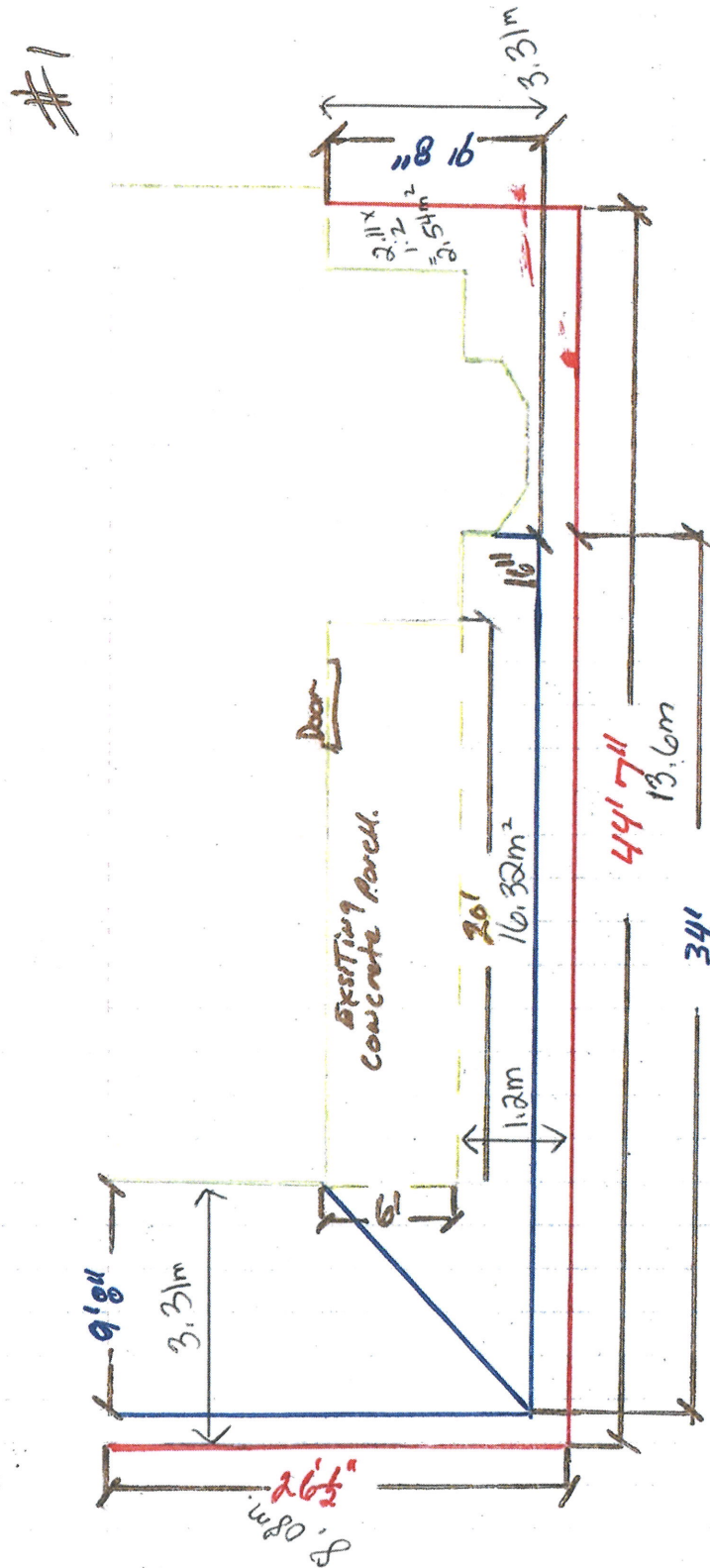


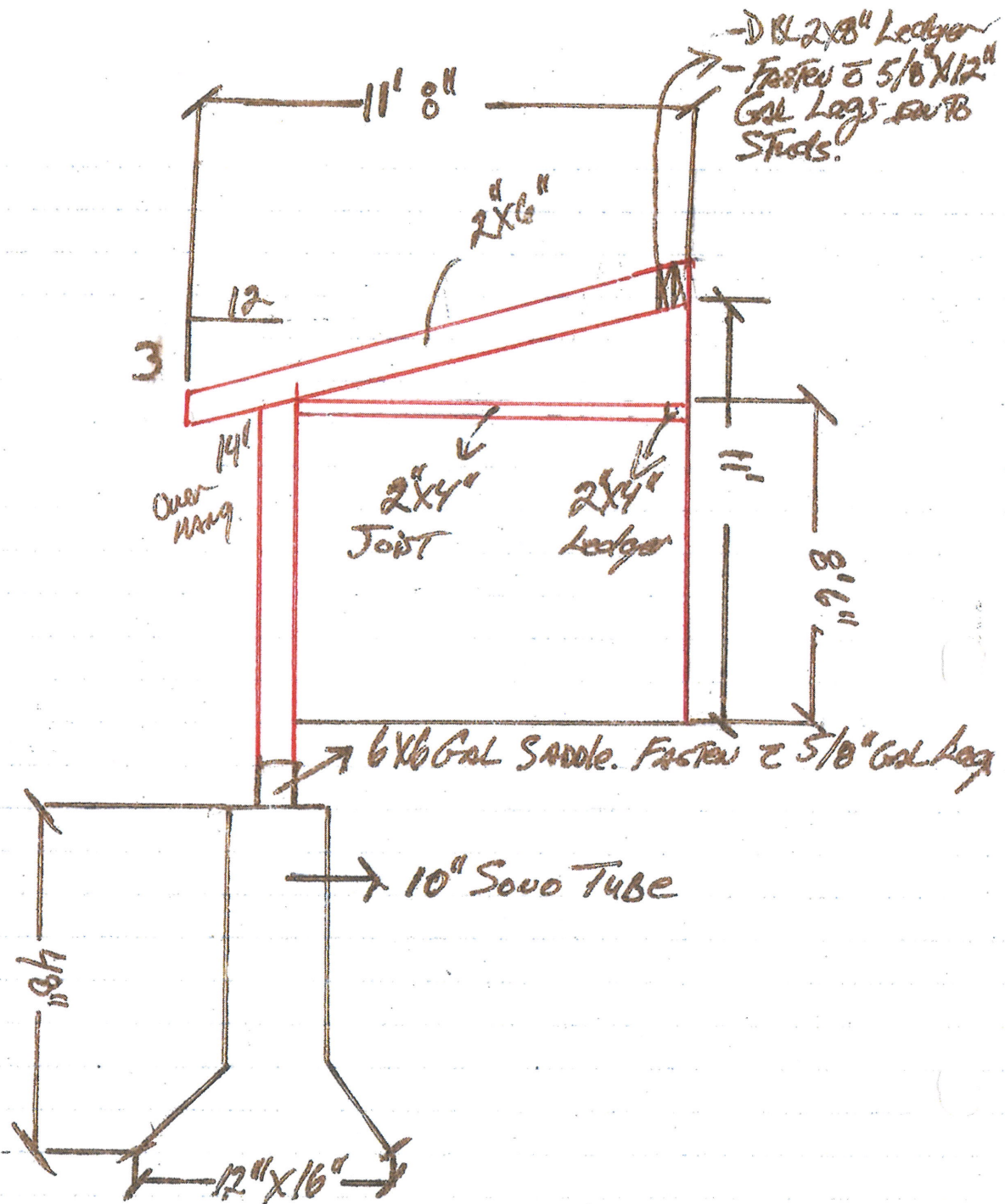
APPENDIX " D "

to

REPORT COA2018-068

FILE NO: D20-2018-052





to

REPORT CQA 2018-068**Engineering & Corporate Assets Department****P.O. Box 9000, 12 Peel Street****Lindsay ON K9V 5R8****Tel: (705) 324-9411 Ext. 1152****Fax: (705) 324-2982****e-mail: csisson@kawarthalakes.ca****website: www.kawarthalakes.ca**FILE NO. D20-2018-052

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-052 – 13 Benson Street
Part Lot 10, Concession 2
Geographic Township of Manvers, City of Kawartha Lakes

The Development Engineering Division 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 October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief to reduce the minimum front yard to 15 metres to 8 metres and the minimum flankage yard from 15 metres to 12.4 metres to permit a covered porch inclusive of its eaves and gutters.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

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

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

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, October 04, 2018 12:21 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-052 - 13 Benson St.

Hello Charlotte,

RE: Minor Variance Application D20-2018-052
13 Benson St., Former Manvers Township,
Conc. 2, Lot 10
Roll No. 165100801010400

I have received and reviewed the above-noted minor variance application to request for relief to permit the construction of a covered porch.

A sewage system review was conducted to determine the location of the on-site sewage disposal system. It was observed at the rear (west side) of the dwelling.

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

Best Regards,

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – William Ball and Heather Clarke-Ball
Report Number COA2018-069

Public Meeting

Meeting Date: October 18th, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 2 – Geographic Township of Bexley

Background:

The statutory Public Meeting was held by the Committee of Adjustment on September 20, 2018 report COA2018-060. The Committee questioned the status of Lake Street and whether the subject lands comprised a single lot of record or two (2) separate lots, and deferred the application to enable further discussions per the title status.

Update:

Staff have confirmed the following: Lake Street is a municipal unassumed road. The subject lands are identified by a single tax assessment roll number and are comprised of two (2) PIN numbers:

- 1) **63116 – 0712** being the parcel west of Lake Street (site of proposed detached garage to replace existing frame shed); and,
- 2) **63116 – 0713** being the parcel east of Lake Street abutting Balsam Lake (site of existing dwelling).

The legal descriptions for both PIN numbers are tied together and therefore cannot be conveyed separately. The Zoning By-law defines a “Lot” as a parcel or tract of land, the title of which is legally conveyable. As such the subject parcels on either side of Lake Street are treated as a single lot of record.

No further changes have been made to report COA2018-060 regarding staff analysis and evaluation; the Recommendation stands; and, the following section has been revised to clarify the conditions of approval:

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 add to the definition of Accessory Building to include one detached building on that portion of the lot separated from the main building by a street that is within 30 metres of the subject property;
- (ii) Part 2 – Definitions, to add to the definition of ‘Lot Line, Front’ to

include for the purposes of the proposed detached garage that the lot line abutting Lake Street be deemed to be the Lot Line, Front;

Relief is also sought from the following General Provisions for accessory buildings to clarify and facilitate the proposed height and placement, of the garage:

- (iii) Section 3.1.2.2 - that for the purposes of the proposed detached garage, the minimum front yard setback be no less than 8.0 metres;
- (iv) Section 3.1.2.2 - that for the purposes of the proposed detached garage, the minimum north interior side yard setback be no less than 5.6 metres, and the minimum south interior side yard setback be no less than 3.3 metres;
- (v) Section 3.1.2.2 - that for the purposes of the proposed detached garage, the minimum rear yard setback be no less than 43.12 metres; and
- (vi) Section 3.1.3.2 - to increase the maximum height of the detached garage from 5 metres to 6 metres.

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

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-069 William Ball and Heather Clarke-Ball, be received;

THAT minor variance application D20-2018-046 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 “D” and elevations in Appendix “E” submitted as part of Report COA2018-069, 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 COA2018-069. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Attachments:



Appendices A-F to
Report COA2018-069

Appendix A – Report COA2018-060
Appendix B – Location Map
Appendix C – Aerial Photo
Appendix D – Applicant's Sketch
Appendix E – Elevations
Appendix F – Agency Comments

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

The Corporation of the City of Kawartha Lakes D20-2018-046
Committee of Adjustment Report – William Ball and Heather Clarke-Ball
Report Number COA2018-060

Public Meeting

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

Ward: 2 – Geographic Township of Bexley

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

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 as 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 permits a variety, and 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. And for 10 Lake Street, there is insufficient room on their shoreline property to accommodate a garage at the size proposed. As the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another. 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 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.

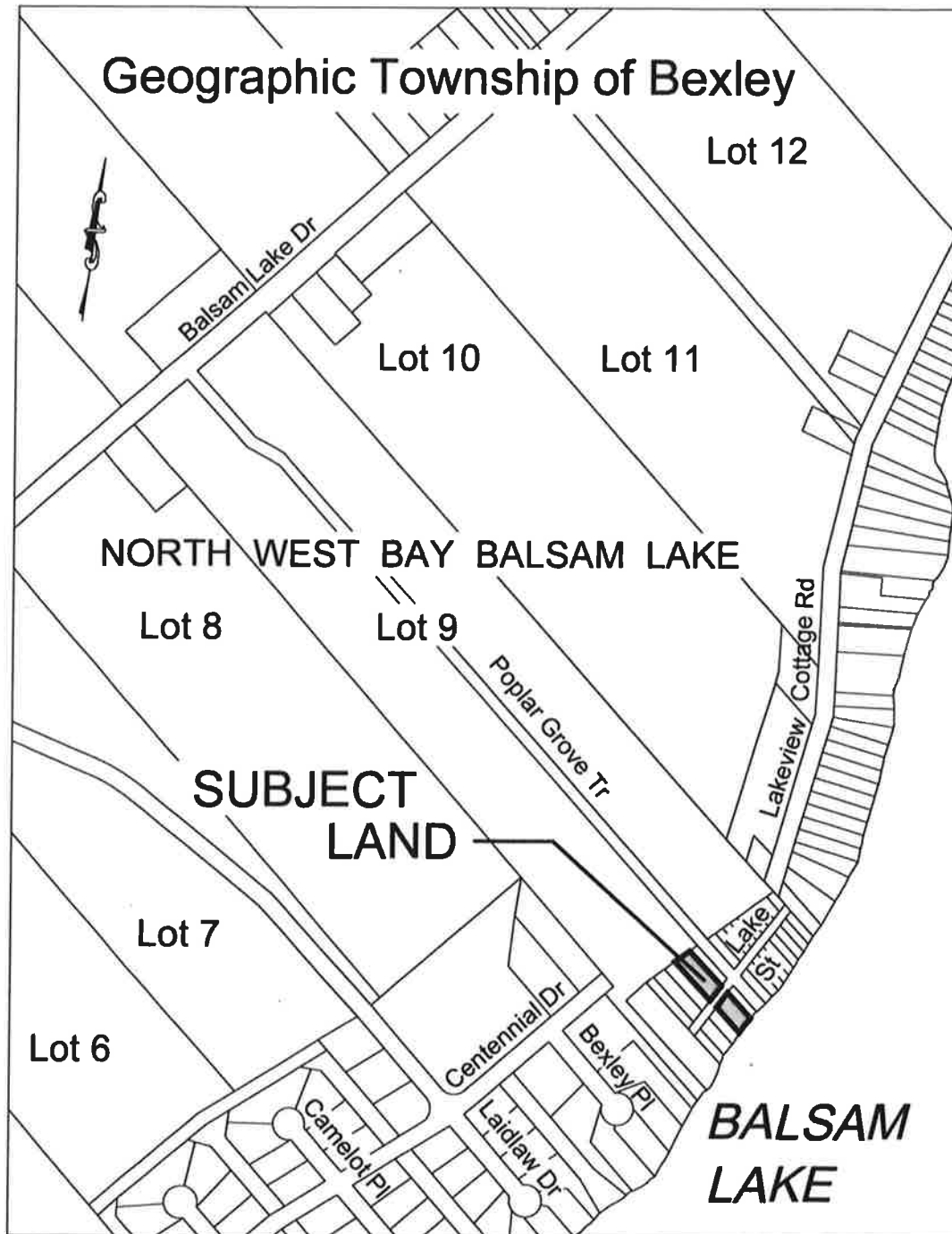
Consultations:

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.

D20-2018-046



10 Lake Street, geographic Township of Bexley

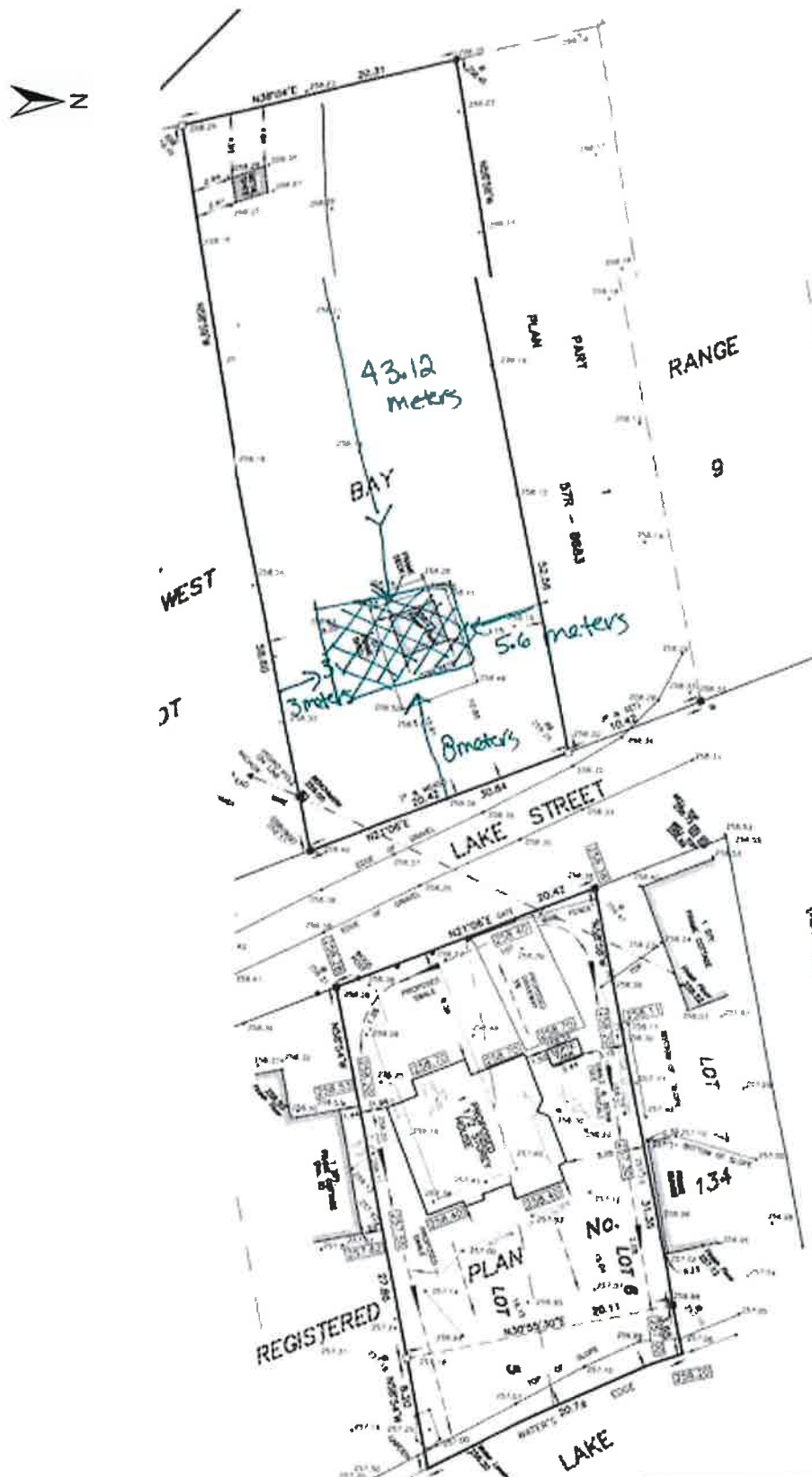


APPENDIX: D

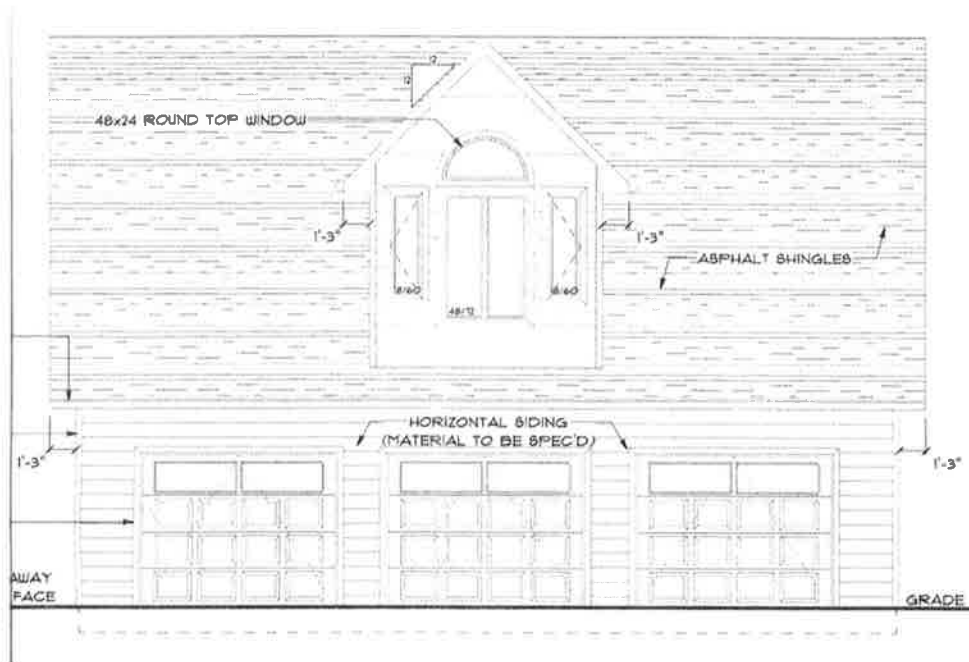
to

REPORT COA2018-069

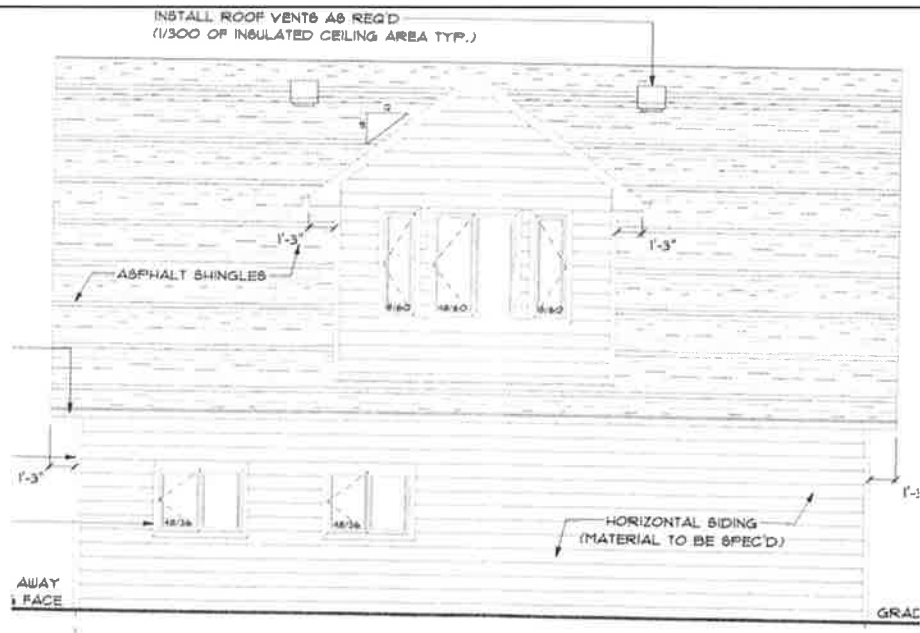
FILE NO: D20-2018-046



Front Elevation



Rear Elevation



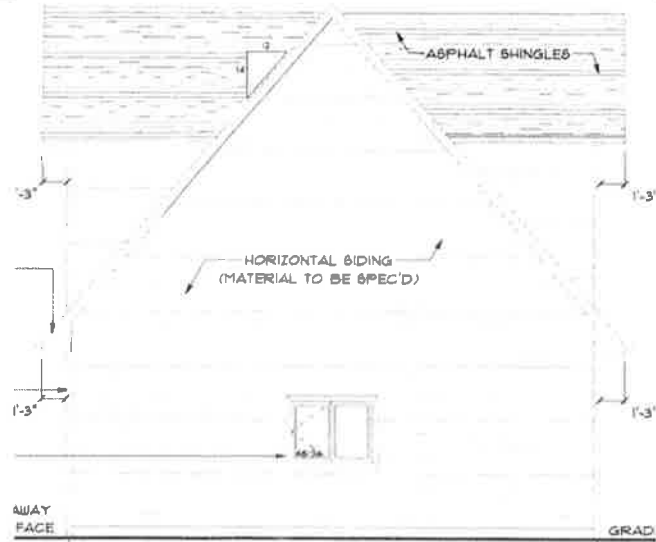
APPENDIX : E

to

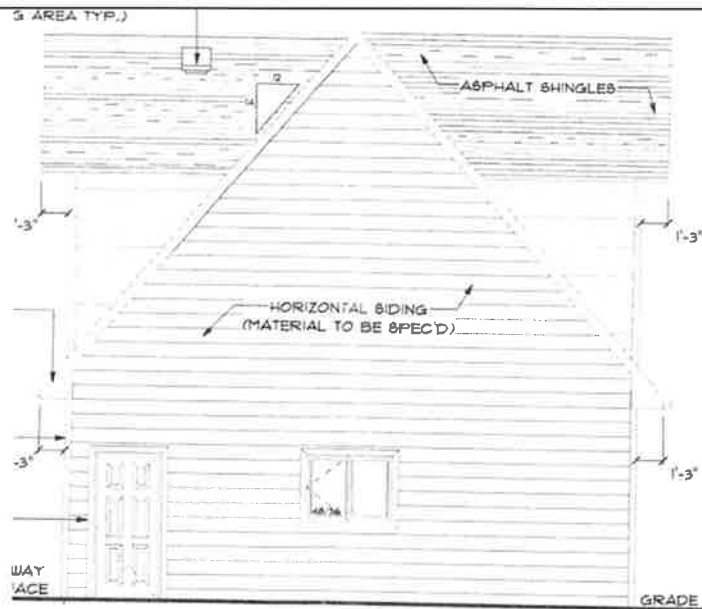
REPORT COA2018-069

FILE NO: D20-2018-046

Right Elevation



Left Elevation



Charlotte Crockford-Toomey

FILE NO.

D20-2018-046

From: Anne Elmhirst
Sent: Monday, September 10, 2018 10:04 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-046 - 10 Lake Street

Hello Charlotte,

RE: Minor Variance D20-2018-046
10 Lake Street, Former Bexley Township, City of Kawartha Lakes
Conc. Range NWB, Pt Lot 9, Plan 134, Lot 5 & 6
Roll No. 1651340020511300
Owner: William Ball and Heather Clarke-Ball

I have received and reviewed the minor variance application to request relief to construct an accessory building on a back lot to the primary residence.

A site visit was completed to assess the property for the proposal. The structure will not interfere with the existing sewage disposal system serving the primary residence. Nor will the proposed structure generate additional sewage flow capacities for the existing system.

As such, the Building Division – Sewage System Program has **no concerns** with the proposal.

Best Regards,

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





APPENDIX " F "

to

September 11, 2018
KRCA File No 16549
X-Ref: 11938, 11987
File No: D20-2018-046

VIA EMAIL: mlahay@kawarthalakes.ca

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

Regarding: Application for Minor Variance – D20-2018-046
William & Heather Ball
10 Lake Street, Lot 9 Con NWB
Geographic Township of Bexley
City of Kawartha Lakes

Dear Mr. LaHay:

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

Application Purpose

It is our understanding that the purpose of this application is to request the following variances from the requirements of Zoning By-Law 93-09 (Township of Bexley), as amended, as it relates to:

- a) Part 2 (Definitions) – amendment to the definition of an accessory building, and the definition of and accessory use, "to include a building that is ancillary to at least one abutting developed residential lot.
- b) Section 3.1.2.2 – Location of an accessory building "so that it does not apply to the construction of an accessory building when there is no other main building on the lot"
- c) Section 3.1.3.1 – "to adjust the lot coverage requirements for an accessory building when there is no other main building on the lot"
- d) Section 13.1.1 – Use permitted in a Limited Service Residential (LSR) Zone, "To Include an accessory use"
- e) Section 13.2.1.3 – (a) Front Yard, (b) Interior Side Yard, and (d) Rear Yard, "to adjust the front/side/rear yard requirements of the LSR Zone for an accessory building when there is no other main building"
- f) Section 3.1.32 – an increase in the maximum height permitted for an accessory building to exceed 5 meters.

Applicable KRCA Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is adjacent to the shoreline of Balsam Lake and contains a portion of the flooding and erosion hazard associated with that waterbody. Kawartha Conservation regulates Balsam Lake and the hazards associated with it, as well as a setback of 15 metres from the limit of the greatest hazard. The flood elevation for Balsam Lake is 256.5 metres above sea level. In addition, to the northwest of the subject property, there is a provincially identified, but unevaluated wetland, greater than 2 ha in size. Kawartha Conservation regulates wetlands as well as 120m from the limit of the feature. As a result, the subject property also contains a portion of the 120m setback from the wetland.

KAWARTHA CONSERVATION

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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 location of the proposed detached garage based on the location of an existing concrete pad as shown on the Topographic survey prepared by *Coe, Fisher, Cameron Ontario Lands Surveyors* is shown to be 258.50 masl. Based on the survey, the garage location would be above the flood elevation associated with Balsam Lake, which appears to be located below the physical top of bank on the shoreline of the property.

Moreover, the location of the garage appears to be outside of the 120 metre setback from the unevaluated wetlands adjacent to the property. As such, given the location of the proposed garage, a permit will not be required from this office.

Application-Specific Comments

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Fish Habitat

Balsam Lake is considered fish habitat. Pursuant to Policy 3.4.6(8), for expansion, replacement, or relocation of an existing building or structure on adjacent lands (within 120 metres of fish habitat), Kawartha Conservation recommends the maintenance, establishment, and/or enhancement of a buffer strip running continuously along both sides of all water features supporting fish habitat, measured in accordance with Policies 3.4.6(10), 3.4.6(11), 3.4.6(12), 3.4.6(13) OR where this is not feasible, that maximum buffers, given the site constraints, should be applied wherever possible.

Staff are satisfied that the proposed location of the garage will not have a negative impact on the fish habitat; however, proper erosion and sediment controls should be used before, during, and after the construction of the garage to ensure there is no sediment laden runoff into the lake.

Recommendation

On this basis, KRCA staff have **no objections** to the approval of this Minor Variance application D06-2018-046.

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
Kent.stainton@kawarthaconservation.com

cc: Charlotte Crockford-Toomey, City of Kawartha Lakes, via email

to

REPORT COA2018-069**Charlotte Crockford-Toomey**FILE NO. D20-2018-046

From: Derryk Wolven
Sent: Wednesday, September 12, 2018 12:26 PM
To: Charlotte Crockford-Toomey
Subject: FW: Consents

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

D20-2018-042	No concerns
D20-2018-044	No concerns
D20-2018-041	No concerns
D20-2018-043	No concerns
D20-2018-045	No concerns
D20-2018-040	No concerns
D20-2018-046	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



to

REPORT COA 2018-069

FILE NO. D20-2018-046
 Engineering & Corporate Assets Department
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MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
 Kim Rhodes, Administrative Assistant
 Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: September 13th, 2018

SUBJECT: Application for Minor Variance/Permission
 D20-2018-046 – 10 Lake Street, Range NWB
 Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove
 Geographic Township of Bexley, City of Kawartha Lakes

The Development Engineering Division 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 September 5th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from several provisions related to the construction of a detached garage, applicability with the Limited Service Residential Zone provisions, and the placement of the garage.

Further to our review of the above noted application, we confirm that we have **no objection** to the proposed minor variance and no engineering comments related to the proposed minor variance.

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

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