

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2018-012

Thursday, November 29, 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	
	November 8, 2018	
	Committee of Adjustment Meeting Minutes	
3.	New Applications	
3.1	Minor Variance	
3.1.1	COA2018-065	5 - 16
	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	
3.1.2	COA2018-071	17 - 35
	Quadri Adebayo, Planner II	
	File Number: D20-2018-054	
	Location: 4284 Highway 7	
	Part Lot 12, Concession 3, RP 57R-7726, Parts 1 to 3	
	Geographic Township of Emily	
	Owners: Grant and Nancy Calberry	
	Applicant: Nancy Calberry	

3.1.3	COA2018-075	36 - 51
	David Harding, Planner II File Number: D20-2018-058 Location: 62 Woods Avenue Block A, Plan 358 Geographic Township of Emily Owners: Lance and Jennifer Harford Applicant: Jennifer Harford	
3.1.4	COA2018-076	52 - 60
	David Harding, Planner II File Number: D20-2018-059 Location: 340 St. Luke's Road Part of Lot 6, Concession 9 Geographic Township of Emily Owner: Roman Catholic Episcopal Corporation Applicant: Wilcox Architects Inc. - Glenn Wilcox	
3.1.5	COA2018-077	61 - 72
	David Harding, Planner II File Number: D20-2018-060 Location: 118 Shadow Lake Road 3 Lot 22, Plan 455 Geographic Township of Laxton Owner: Kenneth Banderk	
3.1.6	COA2018-079	73 - 83
	Quadri Adebayo, Planner II File Number: D20-2018-062 Location: 18 Golden Road Part Lot 19, Concession 6, Plan 368, Lot 1 Geographic Township of Somerville Owner: Nichole Begg Applicant: Michael Begg	

3.2 Consent

3.2.1 COA2018-080

84 - 100

David Harding, Planner II
File Number: D03-2018-010
Location: 1561 Kirkfield Road
Part Lots 39 to 42, Concession South of Portage Road
Geographic Township of Eldon
Owners: Kevin and Jennifer Leach
Applicant: Alan Webster

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Correspondence

6. Other Business

7. Next Meeting

The next meeting will be Thursday January 17, 2019 at 1:00pm in the Council Chambers, City Hall.

8. Adjournment

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Christine and Eric Van Allen
Report Number COA2018-065

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 3 – geographic Township of Somerville

Subject: The purpose and effect is to request 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 47 square metres in order to permit an addition to a single detached dwelling.

The variance is requested at 105 Brook Road, geographic Township of Somerville (File D20-2018-049).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-065 Christine and Eric Van Allen, be received;

THAT minor variance application D20-2018-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling addition related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-065, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a building permit for the proposed dwelling, the shed located on the property be removed or relocated on the property in a compliant manner at a minimum water setback of 15 metres to the satisfaction of the Chief Building Official;
- 3) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the

placement of any other accessory building or structure between the rear wall of the dwelling and the water's edge;

- 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 COA2018-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: On October 18, 2018, the Committee deferred this application for a period of up to about four (4) months in order to provide the applicants enough time to address the issues identified by the commenting agencies, and to ensure that the proposal can be adequately reviewed for supportability by staff.

The applicants have subsequently been able to revise the proposal to the satisfaction of the Kawartha Region Conservation Authority requirements and to the Sewage Systems Supervisor requirements respectively. The revised addition to the dwelling is now proposed at a reconfigured footprint area of approximately 47 square metres, directed further away from the Burnt River shoreline, and at an appropriate distance from the weeping lines of the septic bed. The previously proposed addition was approximately 74.42 square metres in size.

This application was deemed complete October 23, 2018.

Proposal: To construct a 47 square metre addition to an existing single-storey detached dwelling.

Owners: Christine and Eric Van Allen

Applicant: Christine and Eric Van Allen

Legal Description: Lot 25, Part Lot 18, Concession 3, Plan 281, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Environmental Protection

Zone: Limited Service Residential Floodplain (LSR-F) Zone within the Township of Somerville Zoning By-law 78-45

Site Size: 0.45 acres (1,810 square metres)

Site Servicing: Lake water and private individual septic systems

Existing Uses: Residential (under construction)

Adjacent Uses: North: Residential
East: Residential, Environmental Protection Lands
South: Burnt River, Residential
West: Burnt River, 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 rural residential neighbourhood. Majority of the buildings along this portion of Brook Road appear as single detached dwellings.

The existing house is approximately 87 square metres in area. An addition of approximately 47 square metres of supplementary living space is considered minor as the overall area of the resultant building will only account for 7.5% coverage on the entire lot. The limits of the rear wall of the addition will be further away from the 21 metre water setback established by the existing house.

At a human scale, the proposed addition to the dwelling is anticipated to be low profile as the existing single storey design of the house will still be maintained. The property is also bounded by sufficient vegetation that will mask any additional massing that may result from the proposed addition. When compared to the respect residential dwellings directly adjacent to the east and west of the subject property, no land use compatibility issues are anticipated.

Given that the proposed building footprint will not result in a reduction any of the yard requirements, there exists sufficient amenity space in the westerly interior side yard, the front and the rear yards respectively to function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. Therefore, no negative impacts are anticipated as result of the proposal.

However, condition 2 has been placed for the shed located in the rear yard to ensure compliance with the water setback requirement

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

The by-law permits a maximum addition of 18 square metres. The proposed addition to the dwelling will increase this requirement by 29 square metres to 47 square metres. The increment is not anticipated to impact its function as the scale of the reduction, if granted, is not anticipated to be perceptible.

Sufficient space will remain within the westerly interior side yard side (which is compliant with the LSR-F Zone specifications) to facilitate access between the rear and front yards.

Further, the overall footprint of the proposal will ensure adequate spatial separation from the septic location in the front yard limiting any potential impact to existing servicing utility.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing maximum lot coverage of approximately 10.2% from a possible 30% maximum, and maintaining a 21 metre water setback where a 15 metres minimum is permitted, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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

The Burnt River Floodline follows the Environmental Protection Designation Policies within the City of Kawartha Lakes Official Plan (OP). The designation contemplates enlargement, expansion or alteration of existing building and structures located in a floodplain. Policy 17.6 of the OP provides such expansion of structures in a floodplain be subject to the Conservation Authority being satisfied, and that water supply and subsurface sewage disposal servicing can be satisfied.

The applicant has been able to demonstrate consistency with these policies following comments received from the KRCA and the Sewage Systems Program Supervisor respectively.

As such, 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:

Lake water and private individual septic systems.

Consultations:

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

Agency Comments:

Building Division – Part 8 Sewage Systems (November 12, 2018): No objection. See comments.

Building Division – (November 15, 2018): No concerns.

Public Comments:

No comments as of November 19, 2018.

Attachments:

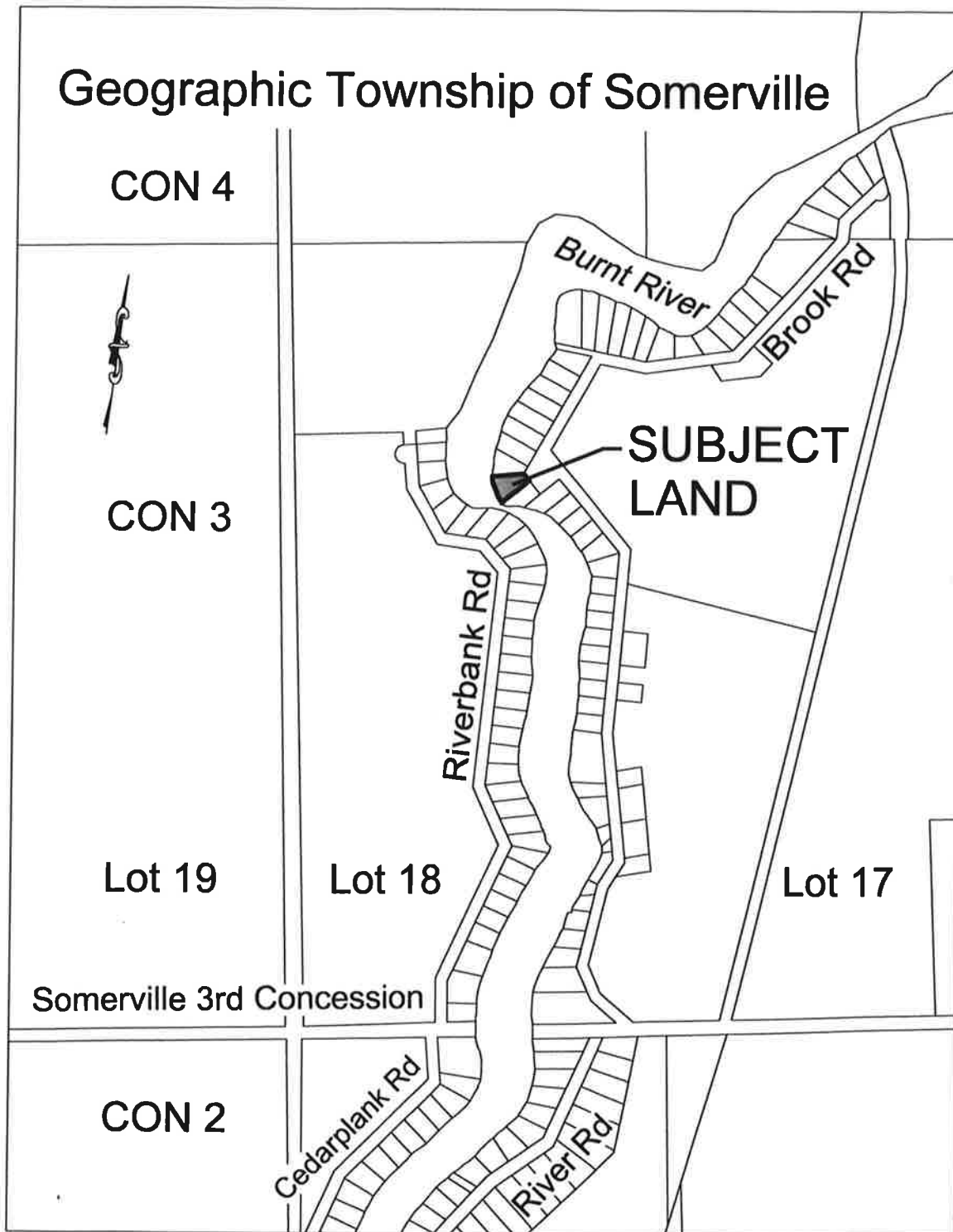


Appendices A-E to
Report COA2018-065

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: D20-2018-049

D20-2018-049



APPENDIX: B

to

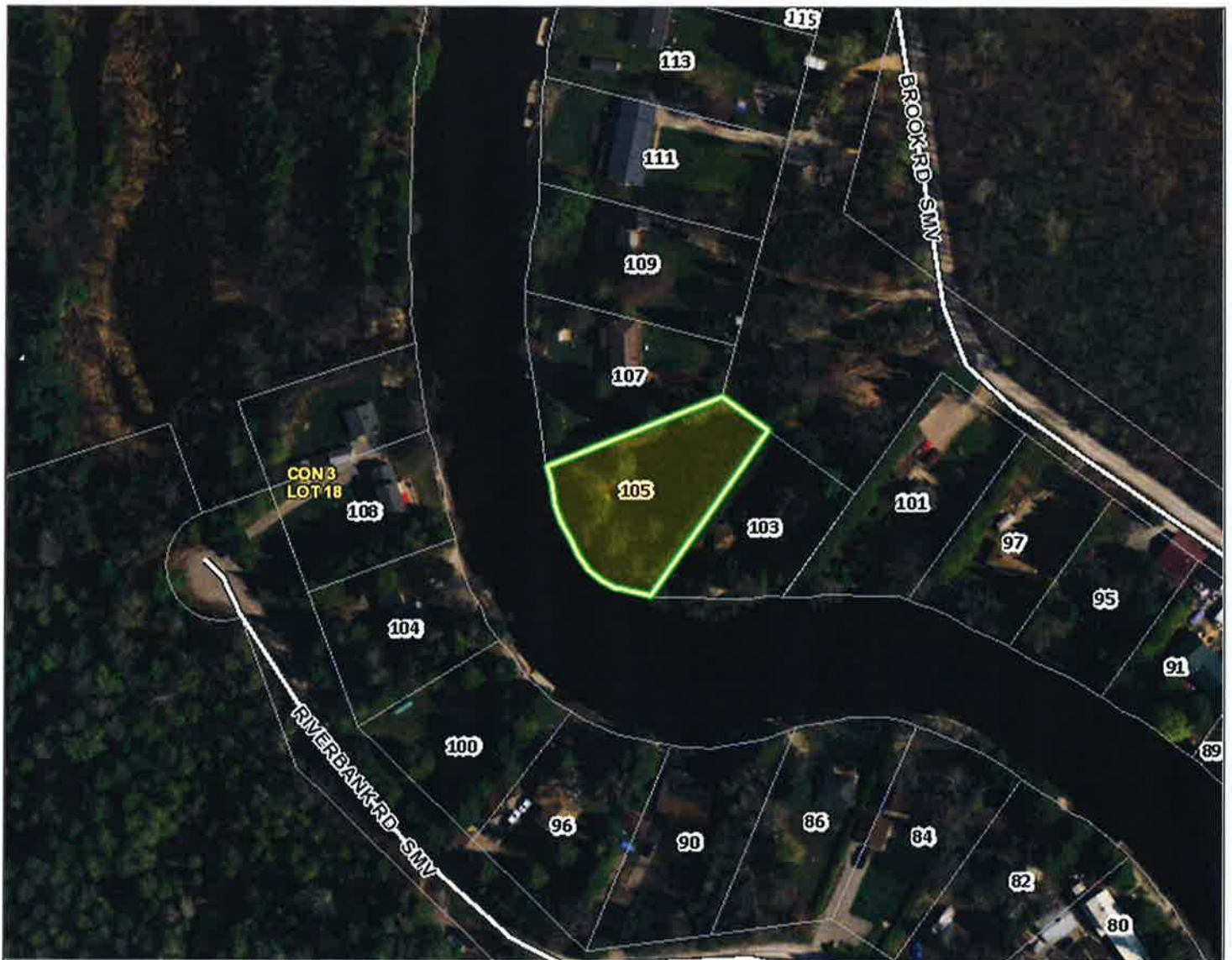
REPORT COA2018-065

FILE NO: D20-2018-049

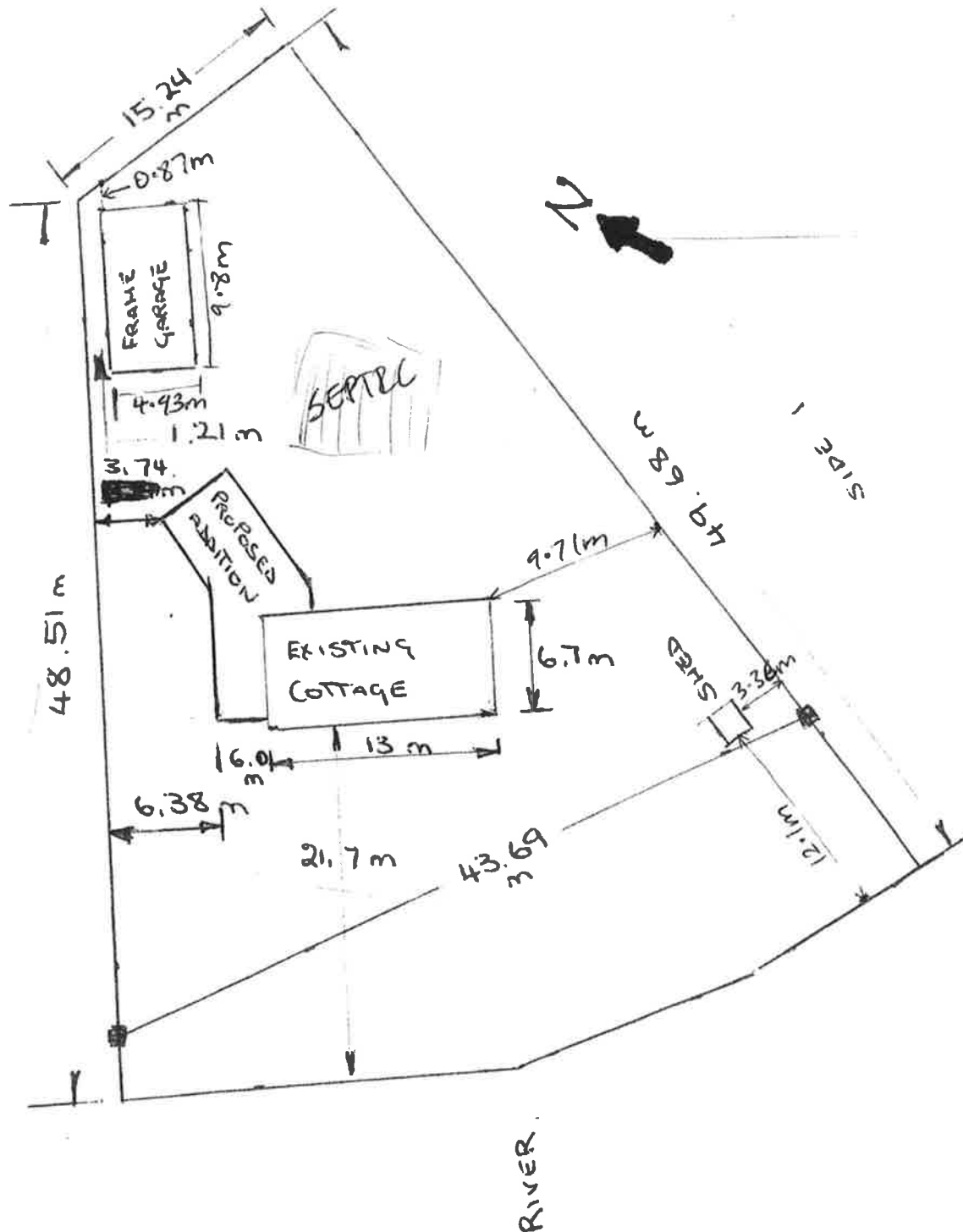


GEOMATICS
MAPPING

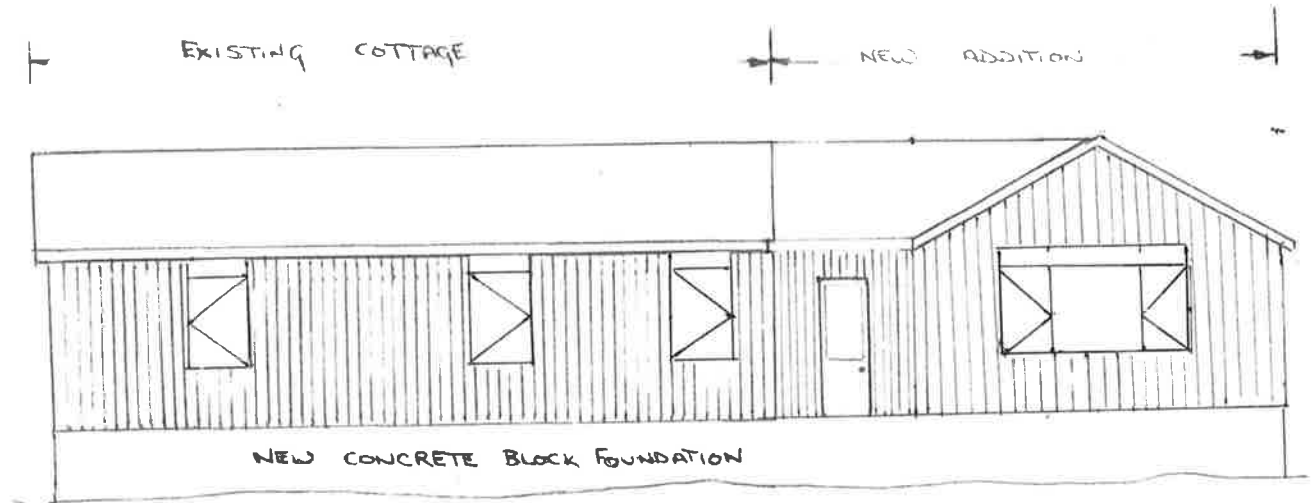
105 Brook Road, geographic Township of Somerville



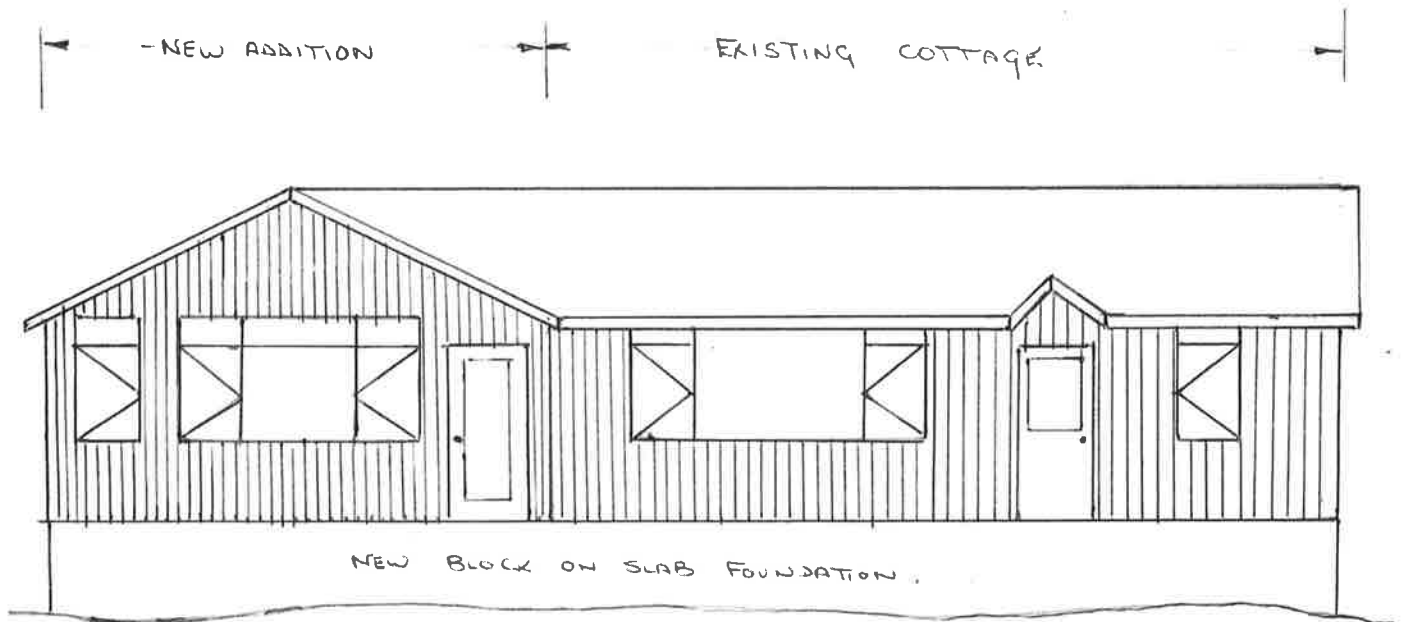
Site Plan Sketch



Front Elevation (East-facing)



Rear Elevation (West-facing)



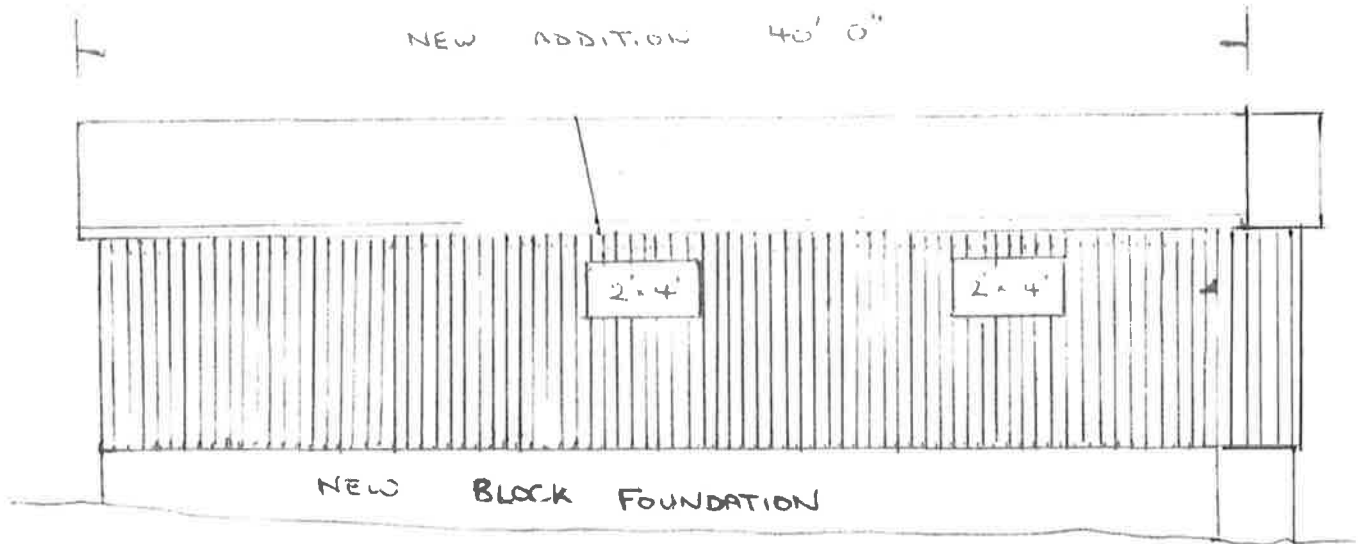
APPENDIX : D

to

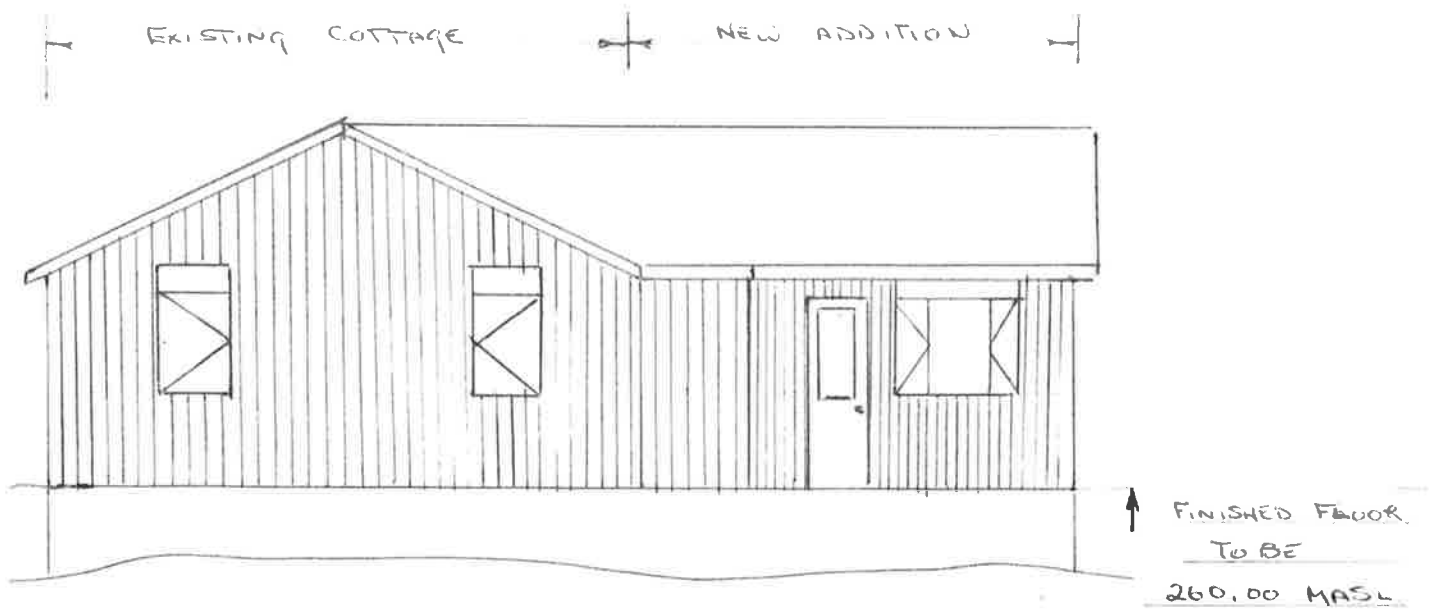
REPORT COA2018-065

FILE NO: D20-2018-049

Right Elevation (North-facing)



Left Elevation (South-facing)



Quadri AdebayoREPORT COA2018-065

From: Anne Elmhirst
Sent: Monday, November 12, 2018 10:52 AM
To: Quadri Adebayo
Subject: D20-2018-049 - 105 Brook Rd

FILE NO. D20-2018-049

Follow Up Flag: Follow up
Flag Status: Completed

Hello Quadri,

RE: Minor Variance Application D20-2018-049
105 Brook Rd., Former Somerville Township
Conc. 3, Part Lot 18, Plan 281, Lot 25
Roll No. 165131002037000
Owner: Christine Van Allen

On October 25, 2018 I received and reviewed a revised proposal for minor variance to construct an addition onto the existing dwelling at the above-noted property. The sewage system was located by Liquid Logics and a site visit was completed to assess the location of the proposal.

A review of the proposed plan indicates the addition will be maintained a minimum of 5 metres to the distribution lines and 1.5 metres to the septic tank. The setbacks were represented on-site through visual observation of the location of the sewage system components and the stakes for the addition.

The addition will incorporate 47 square metres of living space with an additional 2 piece bathroom. A review of the additional fixtures and square footage of living space does not represent an increase in the total daily sewage flow for this property.

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

Best Regards,

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



APPENDIX " E
to

Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, November 15, 2018 8:02 AM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT COA 2018-065
FILE NO. D20-2018-049

Please see comments below:

D20-2018-049 No concerns
D20-2018-054 No concerns
D20-2018-058 No concerns
D20-2018-059 No concerns
D20-2018-062 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 – Grant and Nancy Calberry
Report Number COA2018-071

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 15 – geographic Township of Emily

Subject: The purpose and effect is to recognize an accessory building, being a school portable, in conjunction with supplementary accessory structures on the property. Relief is sought from the following provisions:

1. Section 10.3.1.1(b) – to reduce the minimum water setback from the limits of a wetland feature from 45 metres to 25 metres;
2. Section 3.1.2.1 – to permit an accessory building in the front yard where it is only permitted in an interior side or rear yard;
3. Section 3.1.3.1 - to increase the maximum lot coverage requirement for all accessory buildings from 225 square metres to 386 square metres; and
4. Section 3.1.3.3 – to increase the maximum number of accessory buildings permitted from three (3) to six (6).

The variance is requested at 4284 Highway 7, geographic Township of Emily (File D20-2018-054).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-071 Grant and Nancy Calberry, be received;

THAT minor variance application D20-2018-054 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the accessory buildings related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2018-071, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by

the City and/or any other governing agency, body or authority, where applicable;

- 2) **THAT** the applicant shall remove the shed located adjacent to the main dwelling in the front yard to the satisfaction of the Chief Building Official. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the said shed has been removed to his/her satisfaction under the Ontario Building Code;
- 3) **THAT** notwithstanding the definition of front yard, the granting of the variance for the location of the school portable will not be interpreted to permit the placement of any other accessory building or structure between the front yard depth established by the nearest front wall of the dwelling and the front lot line;
- 4) **THAT** the owner acknowledge through the granting of this approval that the accessory structure (school portable) 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;
- 5) **THAT** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 6) **THAT** the Building Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

This approval pertains to the application as described in report COA2018-071. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application originated from a building enforcement issue in 2017 when the school portable building was flagged by the Building Division as being cited in a manner non-compliant with the Emily Zoning By-law. As such, a minor variance process was recommended. The water setback, lot coverage and number of accessory buildings formed part of the necessary relief upon review of the application by planning staff.

This application was deemed complete August 16, 2018.

Proposal: To recognize approximately 71.3 square metre (767.1 square foot) school portable building in its current location, in conjunction with five (5) other accessory buildings.

Owners: Grant and Nancy Calberry

Applicant: Nancy Calberry

Legal Description: Part Lot 12, Concession 3, RP 57R-7726, Parts 1 to 3, geographic Township of Emily, City of Kawartha Lakes

Official Plan: Sand and Gravel Resource within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type One Exception One (RR1-1) Zone in the Township of Emily Zoning By-law 1996-30

Site Size: 1.2 hectares (3 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: Highway 7, Agricultural and Community Facility
East: Residential, Agricultural
South & West: Agricultural

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 mostly surrounded by non-residential uses. There appears to be sufficient vegetation along the easterly lot line to sufficiently screen the subject property from the closest residential use on the abutting property to the east. As such, the visual impact that may result from the accessory situation on the said property is minimized.

The property fronts on a provincial highway (Highway 7). The embankment of the gradient that slopes downward from the road towards the location of the school portable ensures that the structure is not easily discernible. This is further capacitated by the fact that vehicular traffic moves at an 80 kilometer per hour speed limit which prevents the massing of the structure from being noticed. Permits were also issued to the applicant through the Ministry of Transportation Ontario to permit the structure in its current location.

The applicant has already started implementing measures to screen the other accessory structures located at the rear of the property through the installation of framing for a fence that is anticipated to limit further visual impacts that may result at human scale.

Regarding the separation distance between the structure and the wetland feature, the Kawartha Region Conservation Authority (KRCA) issued approval permits to the applicant which suggests that the current location of the school portable was considered appropriate by the KRCA.

According to the applicant, the school portable is being utilized as a photo studio for arts and craft which is considered a home occupation under the zone provisions. The applicant also indicated that the current location of the structure was preferred due to the proximity of the Hydro line. A letter from Hydro One also suggests that there were no issues with the placement of the structure.

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

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

Rural Residential Type One Exception One (RR1-1) Zone contemplates accessory uses as ancillary to a principle use. The Zoning designation also contemplates the operation of home occupation within accessory buildings.

Although the school portable which is located approximately 7.6 metres from the front lot line is compliant with the zoning by-law minimum requirement of 7.5 metres, as an accessory building, it cannot be placed in the front yard.

The zoning by-law defines a Front Yard as the minimum depth on a lot between the front lot line and the nearest main wall of the main dwelling. Whereas the dwelling is approximately 13.38 metres from the front lot line, the school portable is considered to be located in the front yard because it is closer to the front lot line than the main building on the property.

However, given that the irregular shape of the lot depicts a kink in the front lot line from east to west, staff is of the opinion that it presents a constraint for the location of the portable from being compliant as it would have been compliant at a matching front yard depth with the dwelling if the front lot line was a regular straight line. Site observations also suggest that the front wall limits of the dwelling and the front wall limits of the school portable appears to be somewhat aligned.

Equally, the location of the school portable also ensures that it does not encroach further within the setback distance of the well and septic systems respectively. As well, comments received from the Sewage Systems Supervisor indicated no objection to the location of school portable.

With regards to the proposed total floor area of all accessory building being increased to 386 square metres, where only a maximum of 225 square metres is permitted, the proposed total lot coverage for all accessory buildings permitted would still be met, as the proposal for the six (6) accessory structures will account for only 3.11%, where a maximum of 8% total lot coverage is permitted.

In all other respects the height of the school portable complies with the Zoning By-law provisions for accessory buildings at 4 metres where 5 metres maximum is permitted.

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

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

Yes

The property is designated Sand and Gravel Resource, in the City of Kawartha Lakes Official Plan. As the property is a lot of record with the residential use established on the property circa 1954 (MPAC), staff is of the opinion that the current use is in keeping with sand and gravel resource designation which recognizes rural clusters within the designation. The designation also contemplates alternative uses that are consistent with surrounding uses or alternative uses that conform to abutting designations. 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:

Private individual well and septic systems.

Consultations:

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

Agency Comments:

Building Division – (November 15, 2018): No concerns.

Kawartha Region Conservation Authority Permits - (September 13, 2017 & August 9, 2018).

Ministry of Transportation Ontario - (August 3, 2018): No concerns. See comments.

Hydro One Networks - (November 17, 2017): No Issues.

Public Comments:

No comments as of November 19, 2018.

Attachments:

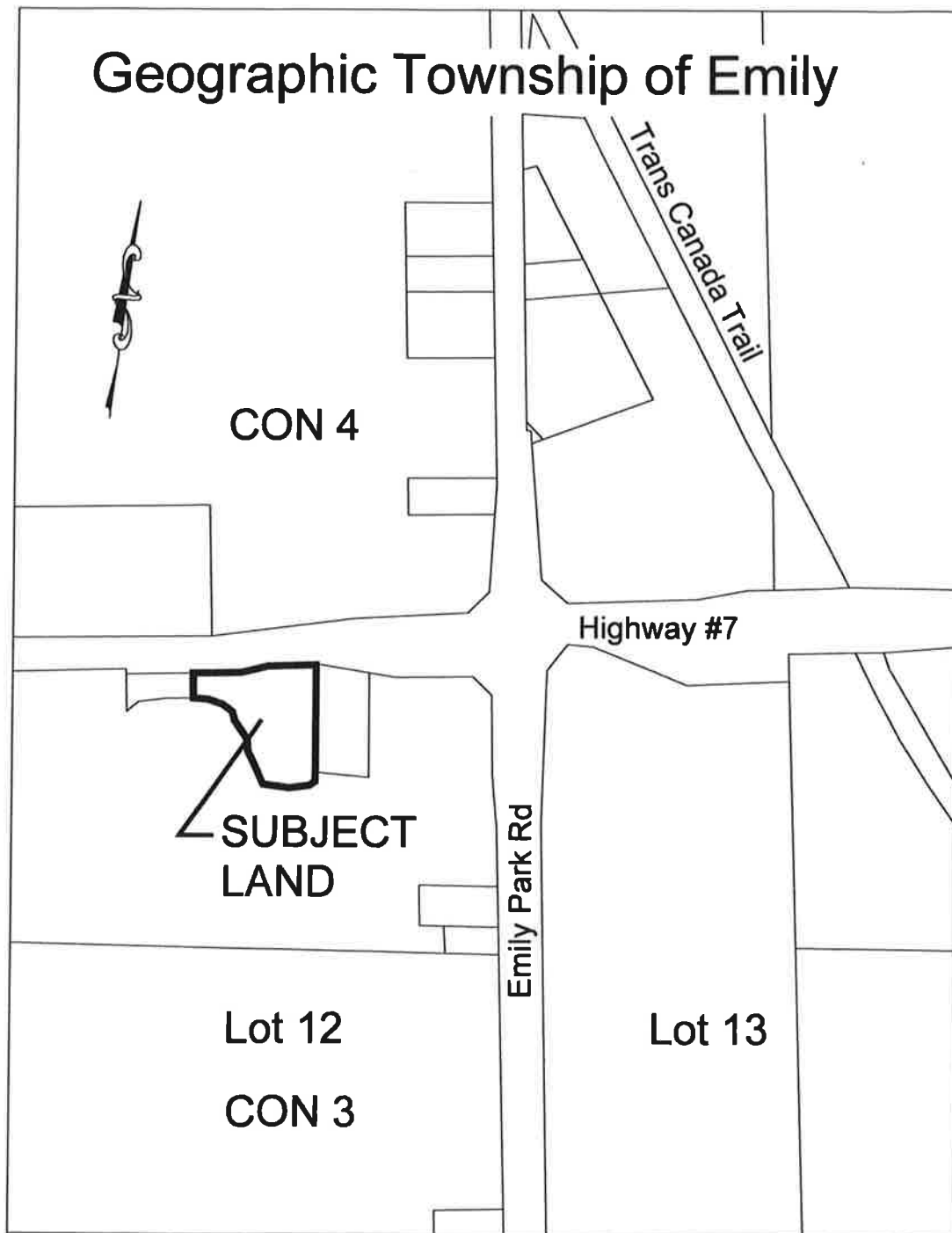


Appendices A-E to
Report COA2018-071

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Wetland Feature Mapping
Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-054

D20-2018-054



APPENDIX: B

to

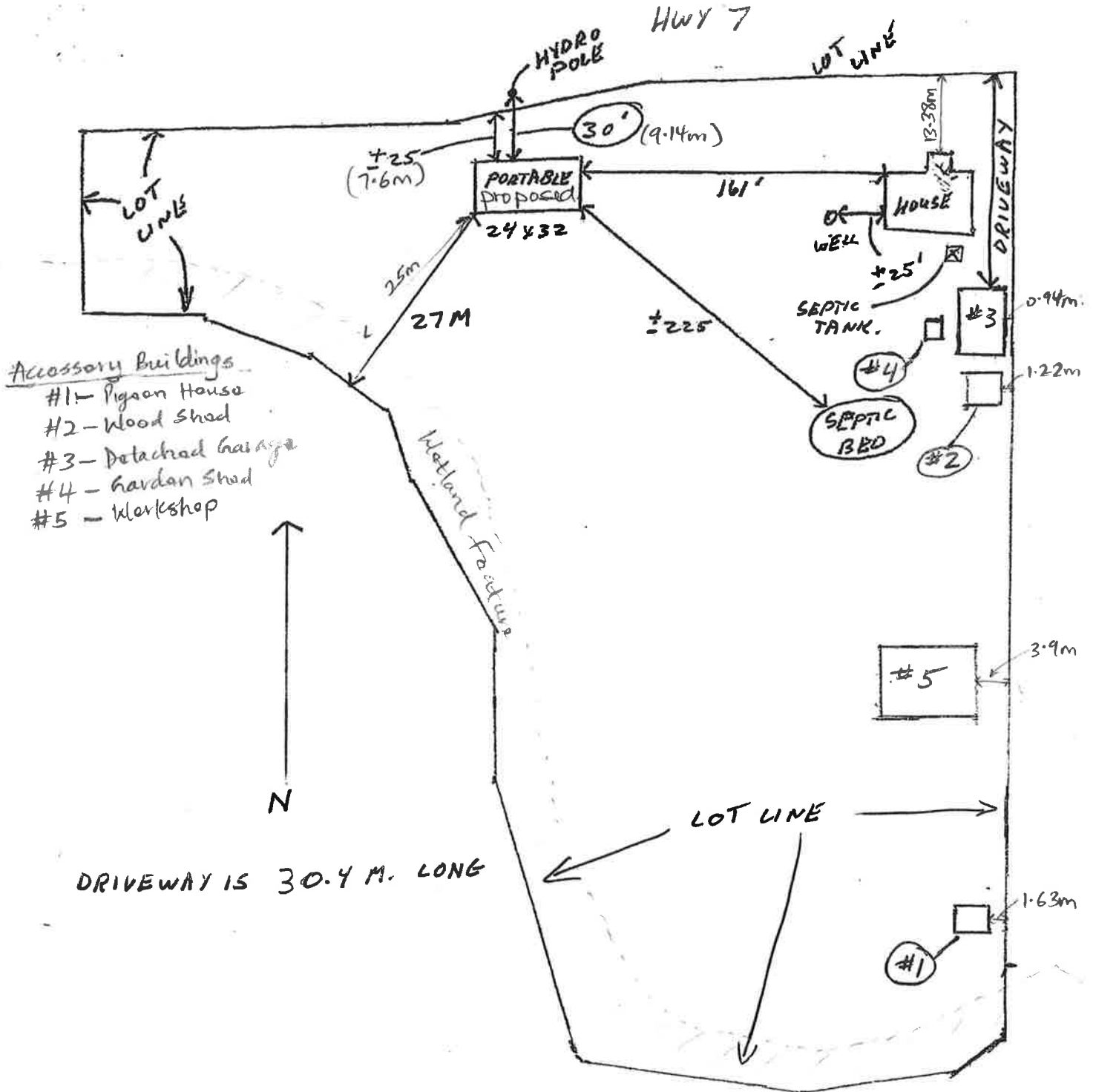
REPORT COA2018-071

FILE NO: D20-2018-054

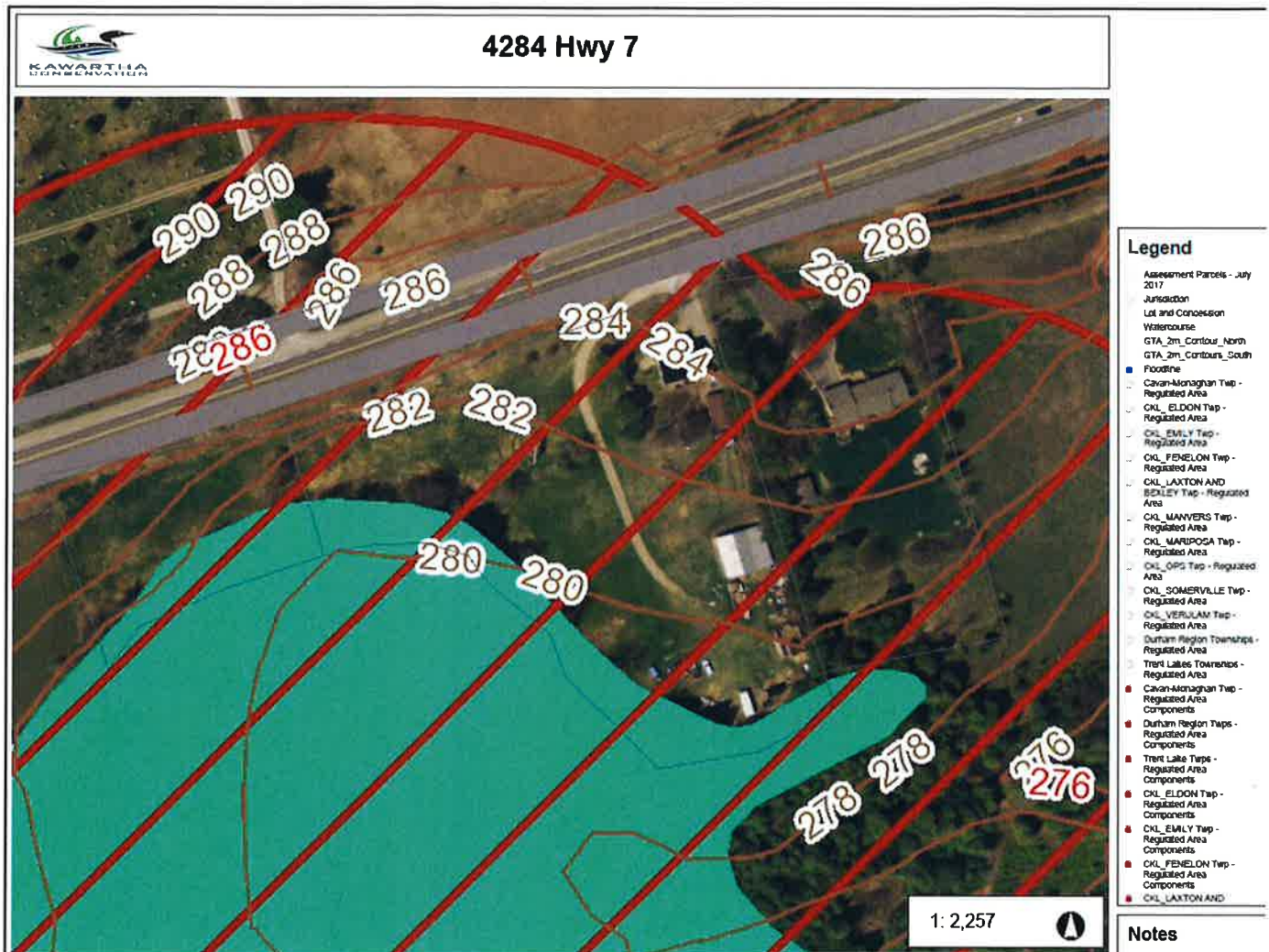
4284 Hwy 7, geographic Twp Emily



Site Plan Sketch



Wetland Feature Mapping



to

FILE NO: D20-2018-054

Quadri Adebayo

From: Derryk Wolven
Sent: Thursday, November 15, 2018 8:02 AM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT: COA2018-071

Please see comments below:

D20-2018-049 No concerns

D20-2018-054 No concerns

D20-2018-058 No concerns

D20-2018-059 No concerns

D20-2018-062 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





**KAWARTHA
CONSERVATION**

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
Tel: 705.328.2271 Fax: 705.328.2286
www.kawarthaconservation.com

APPENDIX "E"
to
FILE NO: D20-2018-054
REPORT: COA-2018-071

PERMIT No.
2018-264

**DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS
TO
SHORELINES AND WATERCOURSES – ONTARIO REGULATION 182/06**

NON-HABITABLE ACCESSORY STRUCTURE ≤46.5 SQUARE METRES

Valid: August 9, 2018 to August 9, 2020

This permit expires on the date noted above, at which time it becomes null and void.

Should you need to extend the period of validity to allow for you to complete the permitted works, an extension may be granted. You must contact Kawartha Conservation to request an extension a minimum of 60 days prior to the permit expiration date, in order to accommodate the extension request, as required per Ontario Reg. 182/06.

Permission has been granted to:

Owner(s): Grant Calberry
Company:
Address: 4284 Highway 7
Omemee ON K0L 2W0
Phone: C) 705.750.5775
Email: grantcalberry@gmail.com

Applicant: same
Company:
Address:
Phone: (C)
E-mail:

Location: 4284 Highway 7; Lot 12, Concession 3; Geographic Township of Emily, City of Kawartha Lakes

For the: Placement of a 66 square metre (24' x 30') school portable building on the property and fill placement/excavation/grading (12 m³) for gravel pad.

Note: This permit does not exempt the owner/applicant from obtaining and adhering to Municipal, Provincial, and/or Federal permits that may also be required.

This permit shall be subject to the following special conditions:

1. That, only clean (i.e., uncontaminated) fill material be imported to the site. Should Kawartha Conservation suspect that the imported fill material is contaminated, testing may be required;
2. That, any fill placement be limited to ONLY that necessary to install the new accessory structure and be limited to 20 cubic metres or less;
3. That, sediment and erosion control measures appropriate to site conditions and the nature of development be properly installed, inspected regularly, and maintained in good repair until all disturbed soil surfaces have become stabilized and/or revegetated. At a minimum, the following shall be implemented:
 - a. Install a row of silt fence between the new accessory structure and any lake, watercourse, or wetland prior to the commencement of any on-site works and keep it in place until all disturbed soil surfaces have become stabilized (i.e., there are no more bare soils). See attached fact sheet on silt fence installation/maintenance;
 - b. Limit vegetation removal to the area(s) strictly required to accommodate the new structure, and

- preserve existing vegetation wherever possible;
- c. Stabilize and/or revegetate all disturbed soil surfaces immediately upon completion of the permitted works; and,
 - d. Minimize disturbance and sediment release to the greatest extent possible during decommissioning of all sediment and erosion control measures;
4. That, all materials and equipment used for the purposes of site preparation and project completion be operated in a manner that prevents any deleterious substances (e.g., petroleum products, silt, etc.) from entering into any lake, watercourse, or wetland;
5. That, all unused excavated material be removed off-site and disposed of appropriately, OR stored on-site, outside of any wetland, and at least 15 metres away from any wetland or watercourse, and covered, surrounded by silt fence, or revegetated immediately to prevent erosion of materials;
6. That, all contractors and workers on-site be made aware of the conditions outlined in this permit;
7. That, a copy of this permit be kept on-site for the duration of the works and be made available to Kawartha Region Conservation Authority staff, when requested;
8. That, Kawartha Region Conservation Authority be notified within one business day prior to the project commencement and within one business day following the project completion; and
9. That, any proposed alteration from the approved plans be immediately discussed with Kawartha Region Conservation Authority and not implemented until approval is given.

OFFICE USE ONLY

- ☐ Owner: Grant Calberry
- ☐ Applicant: same
- ☐ Building Dept:
- ☐ KRCA File: 16531



Ron Warne
Director, Planning, Development and Engineering



**KAWARTHA
CONSERVATION**

Kawartha Conservation

277 Kenrei Park Road
Lindsay, Ontario, K9V 4R1
Tel: 705.328.2271 Fax: 705.328.2286
www.kawarthaconservation.com

APPENDIX " E " Received
to
FILE NO: D20-2018-054 Sept 28/17
REPORT: CoA2018-071

PERMIT No. 2016-269

NON-HABITABLE ACCESSORY STRUCTURE $\geq 10\text{m}^2$ DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES ONTARIO REGULATION 182/06

Valid: September 13, 2016 to September 13, 2017

This permit expires on the date noted above, at which time it becomes null and void.

Should you need to extend the period of validity to allow for you to complete the permitted works, an extension for a maximum of one additional year may be granted. You will need to contact Kawartha Conservation to request an extension a minimum of 60 days prior to the permit expiration date, in order for us to accommodate the extension request, as required per Ontario Regulation 182/06.

Permission has been granted to:

Owner(s): Grant Calberry
Company:
Address: 4284 Highway 7
Phone: Omeme ON K0L 2W0
(C) 705.750.5775

Applicant: same
Company:
Address: same
Phone: same

Location: 4284 Highway 7; Lot 12, Concession 3; Geographic Township of Emily, City of Kawartha Lakes

For the: **Placement of a 66 m² (24' x 30') school portable building on the property and fill placement/excavation/grading (12 m³) for gravel pad.**

NOTE: This permit does not exempt the owner/applicant from obtaining and adhering to other Municipal, Provincial, and/or Federal permits that may also be required.

This permit shall be subject to all the following special conditions:

1. That, only clean (i.e., uncontaminated) fill material be imported to the site. Should Kawartha Conservation suspect that the imported fill material is contaminated, testing may be required;
2. That, any fill placement be limited to ONLY that necessary to install the new accessory structure and be limited to 20 cubic metres or less;
3. That, there be no habitable space associated with the new accessory structure and no opportunities for conversion to habitable space in the future;
4. That, the new accessory structure be securely anchored to the ground, a concrete pad, or footings to prevent buoyancy during a flood event;
5. That, sediment and erosion control measures appropriate to site conditions and the nature of development be properly installed, inspected regularly, and maintained in good repair until all disturbed soil surfaces have become stabilized and/or revegetated. At a minimum, the following shall be implemented:

- a. Install a row of silt fence between the new accessory structure and any lake, watercourse, or wetland prior to the commencement of any on-site works and keep it in place until all disturbed soil surfaces have become stabilized (i.e., there are no more bare soils). See attached fact sheet on silt fence installation/maintenance;
 - b. Limit vegetation removal to the area(s) strictly required to accommodate the new structure, and preserve existing vegetation wherever possible;
 - c. Stabilize and/or revegetate all disturbed soil surfaces immediately upon completion of the permitted works (revegetation to take place in the Spring of 2016 as soon as planting condition permit); and,
 - d. Minimize disturbance and sediment release to the greatest extent possible during decommissioning of all sediment and erosion control measures;
6. That, all materials and equipment used for the purposes of site preparation and project completion be operated in a manner that prevents any deleterious substances (e.g., petroleum products, silt, etc.) from entering into any lake, watercourse, or wetland;
 7. That, all unused excavated material be stored on-site, outside of any wetland or floodplain, and at least 15 metres away from any wetland, watercourse, or the top of the bank along the shoreline of the lake and covered, surrounded by silt fence, or revegetated immediately to prevent erosion of materials;
 8. That, all unused excavated material be removed off-site and disposed of appropriately;
 9. That, all contractors and workers on-site be made aware of the conditions outlined in this permit;
 10. That, a copy of this permit be kept on-site for the duration of the works and be made available to Kawartha Region Conservation Authority staff, when requested;
 11. That, Kawartha Region Conservation Authority be notified within one business day prior to the project commencement and within one business day following the project completion; and
 12. That, any proposed alteration from the approved plans be immediately discussed with Kawartha Region Conservation Authority and not implemented until approval is given.

OFFICE USE ONLY

- ☐ Owner: Grant Calberry
- ☐ Applicant: same
- ☐ Kawartha Conservation File:15086



Ron Warne
A/Director of Planning, Development and Engineering

Quadri Adebayo

REPORT: COA2018-071

From: Lawrence, Donald (MTO) <Donald.Lawrence@ontario.ca>
Sent: Friday, August 03, 2018 11:21 AM
To: Quadri Adebayo
Subject: 4284 Hwy 7 Grant Calberry

Hi Quadri,

The property 4284 Hwy 7, owned by Grant Calberry was issued a permit in (2016 BL 2016-43S-25) Provided there are no changes of size or setback from MTO property line, no further MTO permits are required.

Thank you.

*Don Lawrence
Corridor Management Officer
Ministry of Transportation
300 Water St. 1st floor, south tower
Peterborough, ON K9J 3C7*

' Phone: (705) 755-1318

✉ E-mail: donald.lawrence@ontario.ca





March 28, 2018

Grant and Nancy Calberry
4284 Highway 7
Omeme, ON
K0L 2W0

Dear Mr. & Mrs. Calberry,

**RE: Former School Portable for use as a Craft Room/Painting Studio
4284 Highway 7, Omeme
CON 3 PT LOT 12 RP 57R7726;PARTS 1 TO 3
Former Emily Township
City of Kawartha Lakes
Roll No: 165100100809900
File: SS2018-0040
Owner(s): Grant and Nancy Calberry**

Please be advised we have received and reviewed your application for the proposed construction. Specifically, we reviewed the **proposal to use a former School Portable for use as a Craft Room/Painting Studio** at the above-mentioned property.

We were unable to provide a file number for your existing sewage disposal system, which may indicate that the sewage system was installed prior to 1974 or was installed/alterd without the required permit.

The following items are the total items proposed for the entire property, including this proposal. (Note: This includes guest cabins, bunkies, basements, etc.).

1. Number of Bedrooms – 2
2. Number of Fixture Units – <20
3. Total Living Space – <200 m²

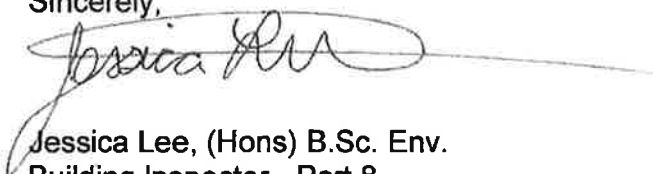
Based on your application, it would appear that your plans do not suggest an increase in the daily sewage flow as per the Ontario Building Code, , nor are you proposing an addition that will encroach on the required clearance distances to the existing sewage system. In that light, you are not required to install a new sewage system or upgrade your existing system and I have **no objection** to this proposal.

You should have your septic tank pumped by a licensed sewage hauler and the internal components checked if not done recently. Section 8.9.4.3. Division B of the Ontario Building Code requires the tank to be cleaned when the sludge and scum layers occupy 1/3 of the operating capacity of the tank.

Please ensure the existing sewage system is protected from vehicles and equipment during construction. Any further additions on your property will require approval from this office (Part 8 Ontario Building Code).

Should you have any questions or concerns please contact the undersigned at (705) 324-9411 ext. 2126.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Lee', with a long horizontal line extending to the right.

Jessica Lee, (Hons) B.Sc. Env.
Building Inspector - Part 8
Development Services - Building Division

Cc. Building Inspector



Hydro One, 913 Crawford Drive, Peterborough ON, K9J 3X1

APPENDIX "E"

to

FILE NO: D20-2018-054

REPORT: COA2018-071

Received
Dec 6/17

November 13, 2017

Grant Calberry
4284 Highway 7
Emily, ON

Dear Grant Calberry:

Inquiry – Hydro One Easement – 4284 Highway 7 – Emily – Plan 57R7726

As discussed on our site meet dated November 13, 2017, at this present time, Hydro One does not have any issue with the placement of the proposed structure.

However, in future, if any rehabilitation is made to our existing 4.8kV line, the location of the building will be to be revisited.

Thanks,

Melanie Ducie
Supervising Area Distribution Technician
Hydro One – Peterborough (PE1)
Phone: 1-888-871-3514 x 3213
Cell: 705-313-2136
Fax: 705-743-9890
melanie.ducie@hydroone.com



R02 March 28, 2014

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Harford
Report Number COA2018-075

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 13– geographic Township of Emily

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

1. Section 3.1.3.3 to permit a fourth and fifth accessory building (shed and canvas shelter) on a temporary basis until the garage is constructed where only three are permitted; and
2. Section 3.1.2.1 to permit a detached garage to be constructed within the front yard.

The variance is requested at 62 Woods Avenue, geographic Township of Emily (File D20-2018-058).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-075 Harford, be received;

THAT minor variance application D20-2018-058 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 and recognition of the existing accessory buildings related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices C and D submitted as part of Report COA2018-075, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** the southwestern wall of the garage contain at least one window;
- 3) **THAT** prior to the issuance of a Building Permit, the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the accessory building (Lean To) titled Building 5 in Appendix

C to Report COA2018-075, has been demolished or removed from the property;

- 4) **THAT** six (6) months after the date of the framing inspection for the detached garage, the variance from Section 3.1.3.3 permitting a total of five accessory buildings on the property shall lapse. When the variance lapses, the buildings identified as Building 4 (Shed) and Building 6 (Canvas Shelter) in Appendix C to Report COA2018-075 are no longer permitted. The owners shall submit to the Secretary-Treasurer photographic evidence of the removal of Buildings 4 and 6 on or before the lapsing date to ensure conformity with the zoning by-law; and
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-075. Fulfillment of conditions 1-3 and 5 are required for the Minor Variances to be considered final and binding.

Background: The application was advertised stating that the number of accessory buildings would be increased from 3 to 4 and a fifth would be permitted temporarily while the garage was being constructed.

The applicant has since advised that once the garage is constructed the fourth (shed) and fifth building (canvas shelter) will be removed once their contents are moved into the proposed garage. Relief is now sought to temporarily increase the number of accessory buildings from three to five while the garage is being constructed. Staff is satisfied that no re-advertisement is needed for Committee to make a decision on the amended proposal.

The application was last amended November 15, 2018.

Proposal: To permit the construction of an approximately 10.75 metre (35.3 foot) x 8.71 metre (28.6 foot) detached garage within the front yard. To recognize the four existing accessory buildings, and to permit the issuance of a building permit for a proposed fifth accessory building (garage).

Owners: Lance and Jennifer Harford

Applicant: Jennifer Harford

Legal Description: Block A, Plan 358, geographic Township of Emily, City of Kawartha Lakes

Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three (RR3) and Environmental Protection (EP) Zone within the Township of Emily Zoning By-law 1996-30
Site Size:	1.72 hectares (4.26 acres) (MPAC)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	North: Rural, Wetland East: Residential South: Residential West: Wetland, Forest

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 a back lot within an established shoreline residential neighbourhood. The property is situated at the end of Woods Avenue. Woods Avenue slopes down towards the subject property and transitions into its driveway as there is no cul-de-sac.

Rear yards border the east side of Woods Avenue as the dwellings along this side achieve primary access off of Cowans Drive. The eastern terminus of Woods Avenue is entirely gravelled due to the presence of two rear yard driveways used to store trailers. Single detached dwellings face the west side of Woods Avenue.

The proposed garage would be situated directly at the end of the road to the left of the front wall of the dwelling on the subject property. This is a highly visible location. The garage is anticipated to contribute to the character of the neighbourhood by increasing the presence and variety of built form visible along the street.

The land between the front lot line and dwelling is a gravelled parking area. There is insufficient space on the east side of the front yard or the east interior side yard to accommodate the proposed garage. While there is space along the eastern side of the rear yard for a garage, there is currently no driveway that leads there and the grade is uneven.

The western half of the property is lower and consists of provincially significant wetland. There is likely insufficient space within the west interior side yard that remains between the wetland and dwelling for a garage. Should there be space for the garage in the west interior side yard, it would impede the function of the space. The space contains a deck that runs the length of the dwelling's west

wall and facilitates access to the entrance to the dwelling. The deck also functions as an outdoor amenity area.

The garage is proposed in an area of sufficient size that is currently utilised for parking in a location that is acceptable to the Kawartha Region Conservation Authority. The garage therefore will formalize and enclose the parking currently taking place on the property and provide storage for some items currently kept outside or within the shed and temporary canvas shelter.

The temporary increase to the number of permitted accessory buildings from 3 to 5 is not anticipated to adversely impact the function of the property as the property is of sufficient size to accommodate these buildings and most of the buildings are modest in area. The increase will be temporary as building 4 (shed) and building 6 (canvas shelter) contain items that will be stored within the garage. Once the garage is constructed, these buildings will be removed as they are no longer needed.

Therefore, 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 Rural Residential Type Three (RR3) Zone and Environmental Protection (EP) Zone within the Township of Emily Zoning By-law 1996-30.

No development is proposed within the EP Zone and the garage is located at least 15 metres away from the EP Zone boundary as required by section 3.18.1.1.

The zoning by-law intends for accessory storage uses to be relegated to interior side or rear yards, as such uses are not intended to be visually prominent. However, the parking use which the detached garage will enclose is already present within the front yard, and the building is anticipated to compliment the streetscape by adding to the built form present along it. The garage is proposed 7.8 metres from the front lot line, greater than the minimum 7.5 metres required for a dwelling in the RR3 Zone. The proposed setback is in keeping with the similar front yard setbacks established by the dwellings on the west side of Woods Avenue closest to the subject property. The setbacks established by these dwellings appear to be between 8 and 9 metres. In this circumstance, it is appropriate to permit a garage within the front yard.

The total number of accessory buildings is also contemplated to be increased temporarily. As such, there is no long term impact to permit a temporary increase to the number of permitted accessory buildings in order to facilitate the issuance of a building permit for a detached garage. No adverse short-term impacts associated with the temporary increase in the number of accessory buildings are anticipated as four of the five buildings are clustered together to the west of the dwelling. The clustering concentrates the majority of the storage use to one area of the property.

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

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

Yes

The property is designated Environmental Protection and Rural within the City of Kawartha Lakes Official Plan (CKLOP). No development is proposed within the Environmental Protection designation. Within the Rural designation, low density residential uses are permitted. The variances sought are accessory to a residential use.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is on 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 – Part 8 Sewage Systems (November 2, 2018): No concerns.

Building Division (November 15, 2018): No concerns.

Kawartha Region Conservation Authority (November 19, 2018): No concerns. Their office is in receipt of a permit application for the proposal.

Public Comments:

No comments as of November 19, 2018.

Attachments:



Appendices A-E to
COA2018-075.pdf

Appendix “A” – Location Map

Appendix “B” – Aerial Photo

Appendix “C” – Applicant’s Sketches

Appendix “D” – Elevations

Appendix “E” – Department and Agency Comments

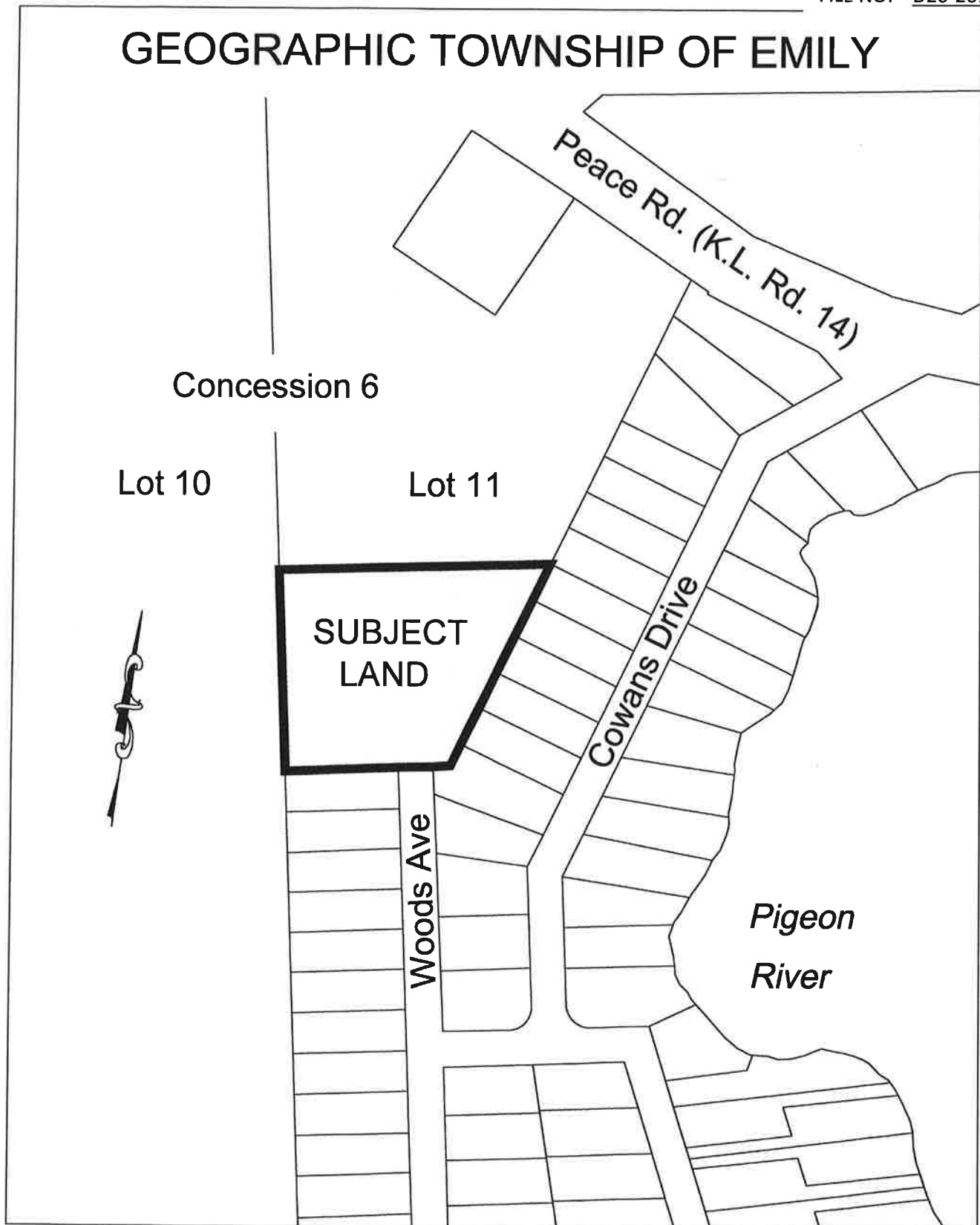
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-058

to

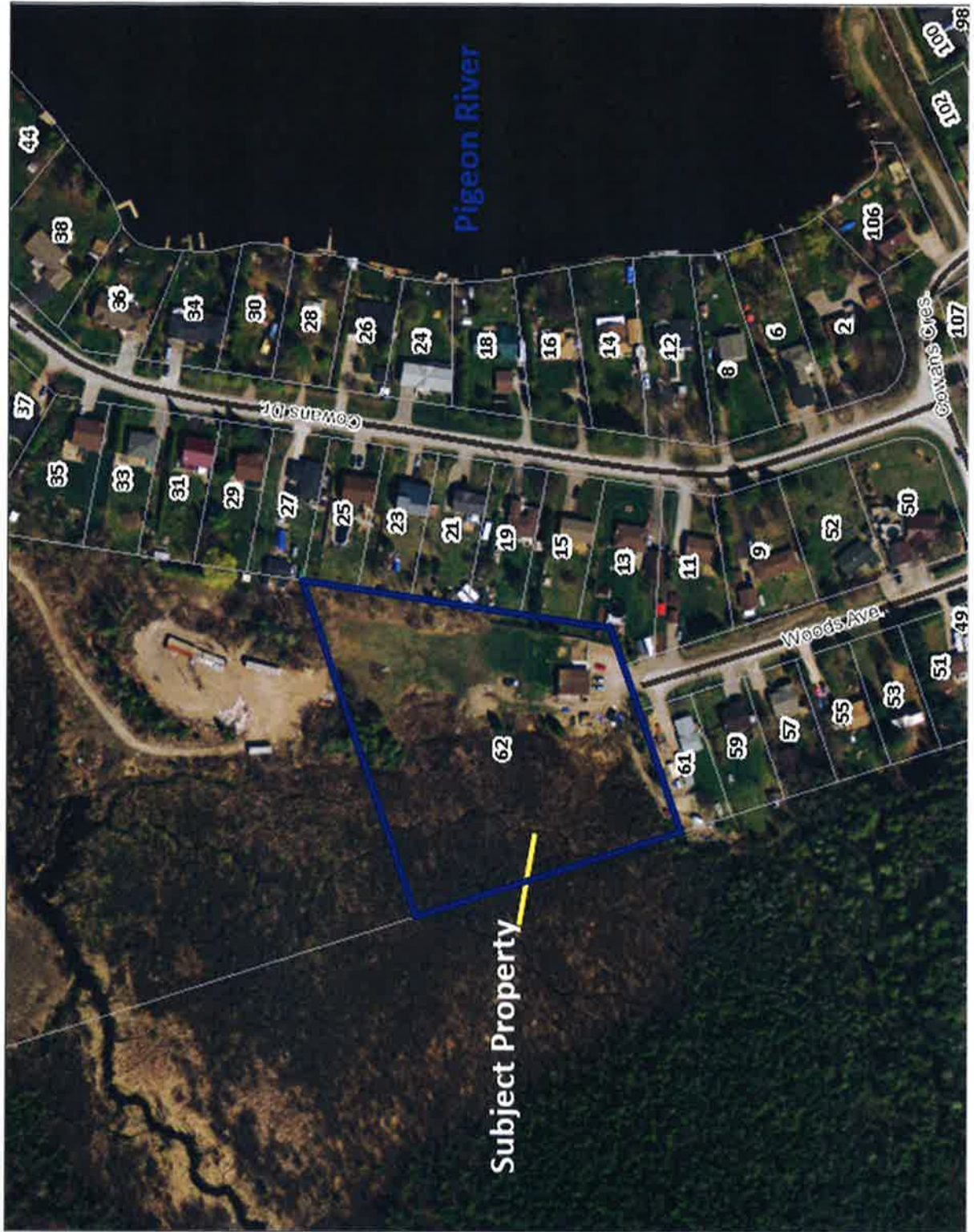
REPORT COA2018-075

FILE NO: D20-2018-058

GEOGRAPHIC TOWNSHIP OF EMILY



62 Woods Avenue, geographic Twp. of Emily

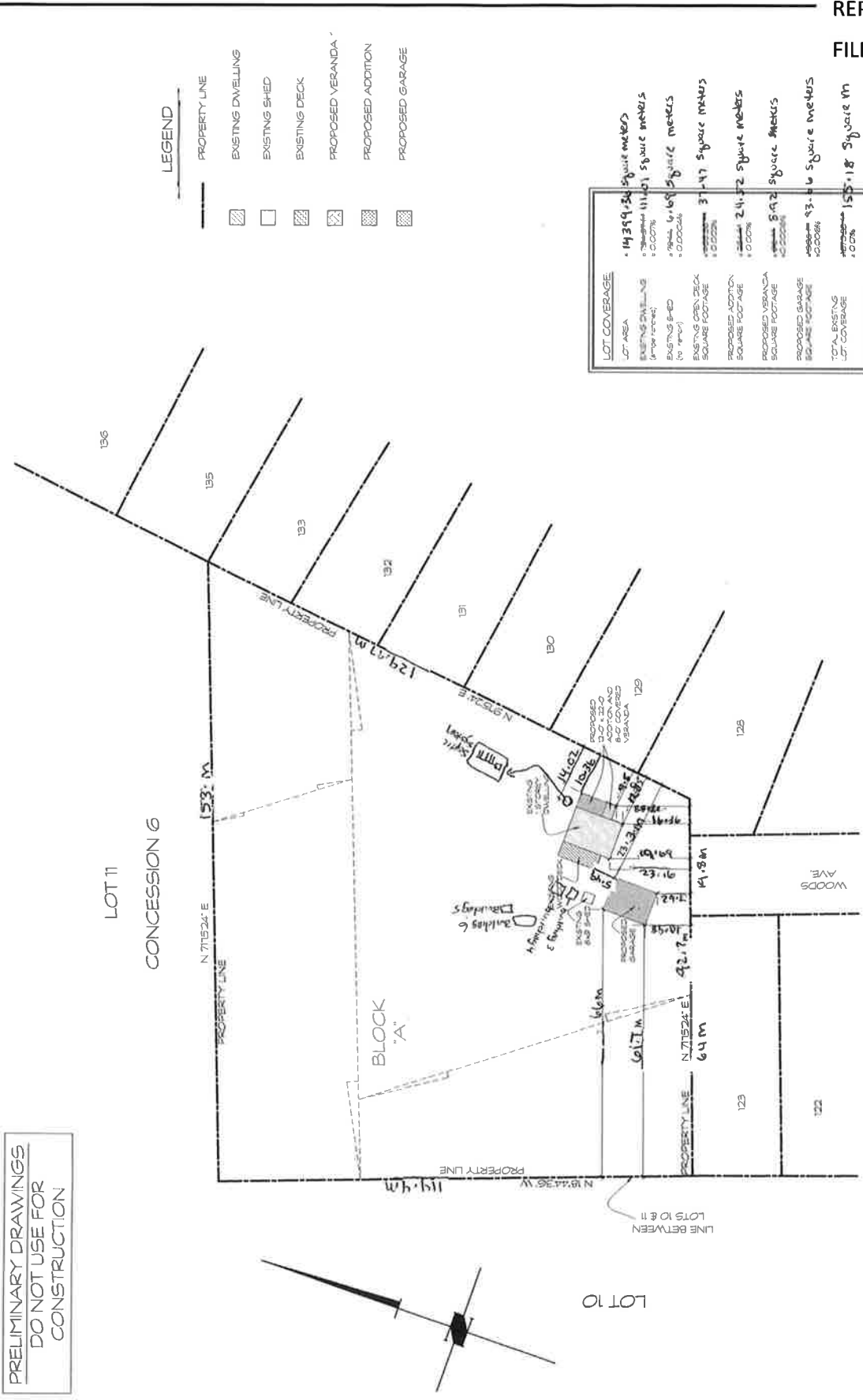


to

REPORT COA2018-075

FILE NO: D20-2018-058

PRELIMINARY DRAWINGS
DO NOT USE FOR
CONSTRUCTION

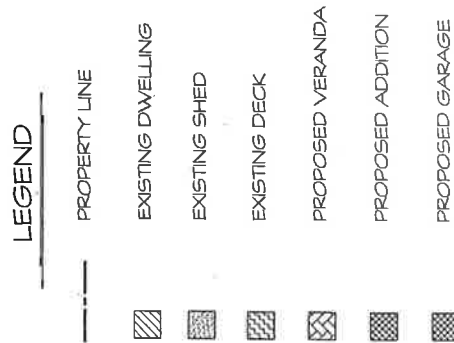


LEGEND

- PROPERTY LINE
- EXISTING DWELLING
- EXISTING SHED
- EXISTING DECK
- PROPOSED VERANDA
- PROPOSED ADDITION
- PROPOSED GARAGE

LOT COVERAGE	
LOT AREA	14,349.24 square meters
EXISTING DWELLING	11,141.11 square meters
EXISTING SHED	1,169.58 square meters
EXISTING DECK	37.47 square meters
PROPOSED VERANDA	24.32 square meters
PROPOSED ADDITION	83.6 square meters
PROPOSED GARAGE	155.18 square m
TOTAL EXISTING LOT COVERAGE	13,717.09 square m
TOTAL PROPOSED LOT COVERAGE	14,349.24 square meters

SITE PLAN



LOT COVERAGE:	
LOT AREA	= 143,69.39 m ²
EXISTING DWELLING (stripie hatched)	= 111 m ²
	= 0.0077%
EXISTING SHED (to remain)	= 6.60 m ²
	= 0.0004%
EXISTING OPEN DECK SQUARE FOOTAGE	= 37.47 m ²
	= 0.0022%
PROPOSED ADDITION SQUARE FOOTAGE	= 24.5 m ²
	= 0.001%
PROPOSED VERANDA SQUARE FOOTAGE	= 8.91 m ²
	= 0.0006%
PROPOSED GARAGE SQUARE FOOTAGE	= 93.64 m ²
	= 0.006%
TOTAL EXISTING LOT COVERAGE	= 155.18 m ²
	= 0.10%
TOTAL PROPOSED LOT COVERAGE	= 127.09 m ²
	= 0.008%

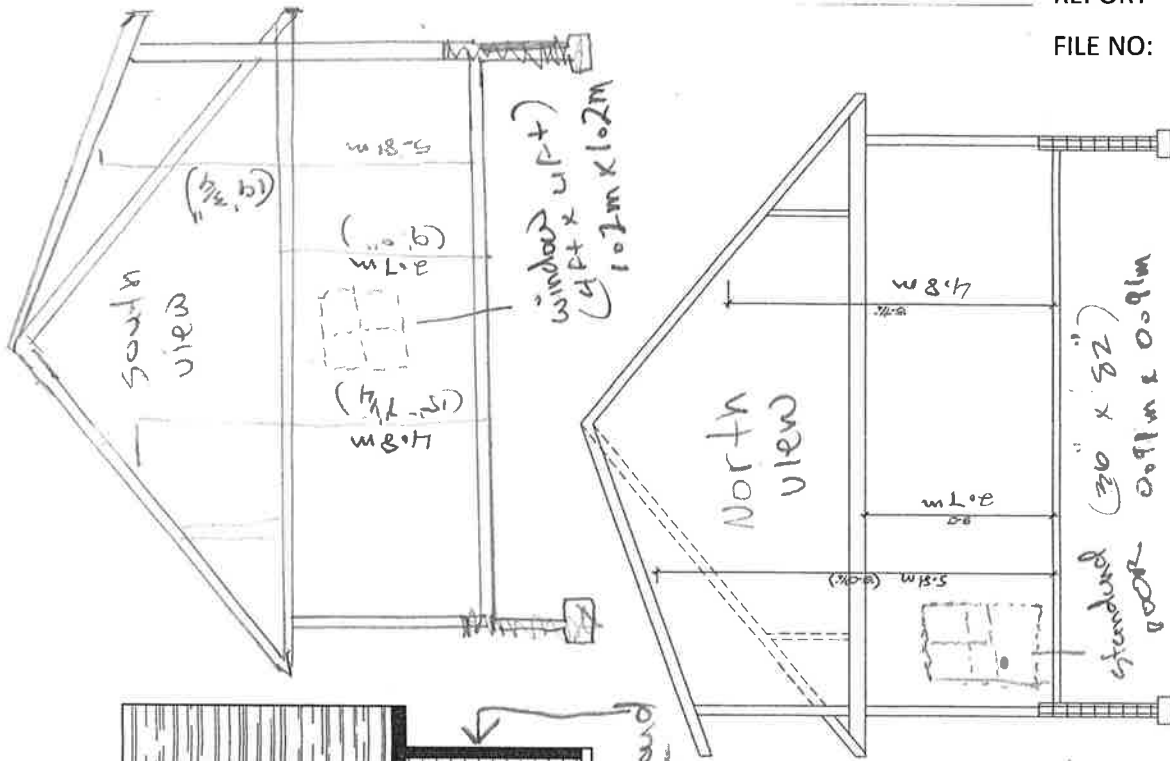
THESE

$$\sqrt{20-0} = 4.47$$


to

REPORT COA2018-075

FILE NO: D20-2018-058



MID HEIGHT SPAN

to

REPORT COA2018-075**David Harding**FILE NO. D20-2018-058

From: Anne Elmhirst
Sent: Friday, November 02, 2018 10:26 AM
To: Charlotte Crockford-Toomey
Subject: D20-2018-058 - 62 Woods Ave

Hello Charlotte,

Further to my review of the proposed minor variance application D20-2018-058, pleased be advised that the Building Division – Sewage System Program has no objection to the accessory structure (garage) to be constructed in the front yard.

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



David Harding

From: Derryk Wolven
Sent: Thursday, November 15, 2018 8:02 AM
To: Charlotte Crockford-Toomey
Subject: C of A

Please see comments below:

D20-2018-049 No concerns
D20-2018-054 No concerns
D20-2018-058 No concerns
D20-2018-059 No concerns
D20-2018-062 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Via E-Mail: 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 – D20-2018-058**
 Lance & Jennifer Harford
 62 Woods Avenue, Part of Lot 11, Concession 6
 Geographic Township of Emily
 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 the Township of Emily Zoning By-law 1996-30, as amended. The purpose and effect is to request relief from the following provisions to permit the construction of a detached garage and recognize the existing accessory buildings:

1. Section 3.1.3.3 to increase the maximum number of accessory buildings from 3 to 4, and permit a fifth accessory building (canvas shelter) on a temporary basis until the garage is constructed; and
2. Section 3.1.2.1 to permit a detached garage to be constructed within the front yard.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is within the KRCA's Regulated Area, as it is located within the area of interference associated with the Cowan's Bay Provincially Significant Wetland (PSW). Kawartha Conservation regulates the PSW feature and lands within 120 metres from the limit of the PSW. As such, any development (or redevelopment) on the subject lands require a Permit pursuant to Ontario Regulation 182/06 prior to development and 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:

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

- 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.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. The works identified on the plans provided for the detached garage are within Kawartha Conservation's regulated portion of the site. Staff confirm the applicant has applied for a permit pursuant to Ontario Regulation 182/06 for a detached garage and associated grading. Plans for the detached garage and grade changes are subject to Kawartha Conservation policies 4.6.2.2 (7) *Accessory Buildings or Structures*. The drawings and plans submitted under the permit application generally comply with the plans subject to the application. Please note that KRCA permits issued after January 1, 2018 are now valid for two (2) years from the date of issuance. Further information regarding the permitting process can be provided by Stacy Porter, Planning and Regulations Technician at extension 231 or via email at sporter@kawarthaconservation.com

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*.

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 identify that applications shall not create new or exacerbate existing hazardous conditions. Due to the proposed location of the garage in relation to the Long-Term Stable Top of Bank on the subject lands, Kawartha Conservation staff is of the opinion that the proposal will not present risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

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

Recommendation

Based on our review of the above information, staff can advise it would foresee no issue with the approval of Minor Variance application D20-2018-058 based on consideration for natural heritage, natural hazards and water quality and quantity protection policies, subject to the following:

1. The applicant obtains a permit under Ontario Regulation 182/06, as amended (*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*), prior to any works taking place

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

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation
David Harding, Kawartha Conservation
Quadri Adebayo, Kawartha Conservation
Charlotte Crockford-Toomey, City of Kawartha Lakes

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Roman Catholic Episcopal Corporation
Report Number COA2018-076

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 14– geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 6.2.1.3(a) to reduce the minimum front yard setback from 10 metres to 8.8 metres to permit an addition to a community facility building (St. Luke's Catholic Church Parish Hall)

The variance is requested at 340 St. Luke's Road, geographic Township of Emily (File D20-2018-059).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-076 Roman Catholic Episcopal Corporation, be received;

THAT minor variance application D20-2018-059 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices C and D submitted as part of Report COA2018-076, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was deemed complete September 25, 2018.

Proposal: To permit an addition to the parish hall to facilitate improved barrier-free access to the main level of the building and also provide it to the lower level. The addition will also contain a barrier-free washroom.

Owners: Roman Catholic Episcopal Corporation

Applicant: Glen Wilcox, Wilcox Architects Inc.

Legal Description: Part of Lot 6, Concession 9, geographic Township of Emily, City of Kawartha Lakes

Official Plan: Hamlet Settlement Area within the City of Kawartha Lakes Official Plan

Zone: Community Facility (CF) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1.04 hectares (2.57 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Church

Adjacent Uses: North: School, Hamlet Residential
East: Hamlet Residential, Agricultural
South: Agricultural
West: Hamlet Residential, Agricultural

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated within the hamlet of Downeyville. Barrier-free access to the main level of the building is provided by a wooden ramp enclosed in tarpaulin material. The ramp is located along the west side of the building. Main access to the building is provided by stairs located at the north (front) wall of the building. The stairs are in poor repair and a portion is enclosed in tarpaulin material. The addition is proposed within the area occupied by the stairs.

The building, by nature of its use, is designed to be and functions as a prominent feature of the community. As such the built form is oriented towards the street. The proposed addition will be lesser in height than the existing parish hall building and is anticipated to complement the existing built form of the church and parish hall while continuing to maintain landscaped open space between the proposed addition and parking lot within the road allowance.

It is desirable and appropriate to permit the addition as it will provide improved permanent barrier-free access to the building. As such, the variance is deemed desirable and appropriate for the property.

Due to the above analysis, the variance is also considered minor in nature.

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

The subject property is zoned Community Facility (CF) Zone within the Township of Emily Zoning By-law 1996-30. A variety of uses serving the needs and well-being of a community are permitted within this zone.

The property is located within the hamlet of Downeyville. The hamlet is more urbanized than the surrounding agricultural area. Buildings within the hamlet are generally oriented closer to the street. The degree of reduction sought, being 1.2 metres, is small, and will allow for a tree which forms part of a line of trees along the front of the property to be retained. Lawn within this area will also be retained. Massing impacts are anticipated to be minor due to the retention of the landscaped open space between the parking lot and building wall and the modest height and footprint of the addition. The minor reduction in the front yard setback is appropriate for this hamlet setting.

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 Hamlet Settlement Area designation of the City of Kawartha Lakes Official Plan. An objective of the designation is to maintain the amenities and services within the hamlets, which serve the hamlet residents and surrounding community.

As an addition is proposed to a community facility use that will enhance the function of said use, the proposal is in keeping with 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 on 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 (November 15, 2018): No concerns.

Public Comments:

No comments as of November 19, 2018.

Attachments:



Appendices A-E to
COA2018-076.pdf

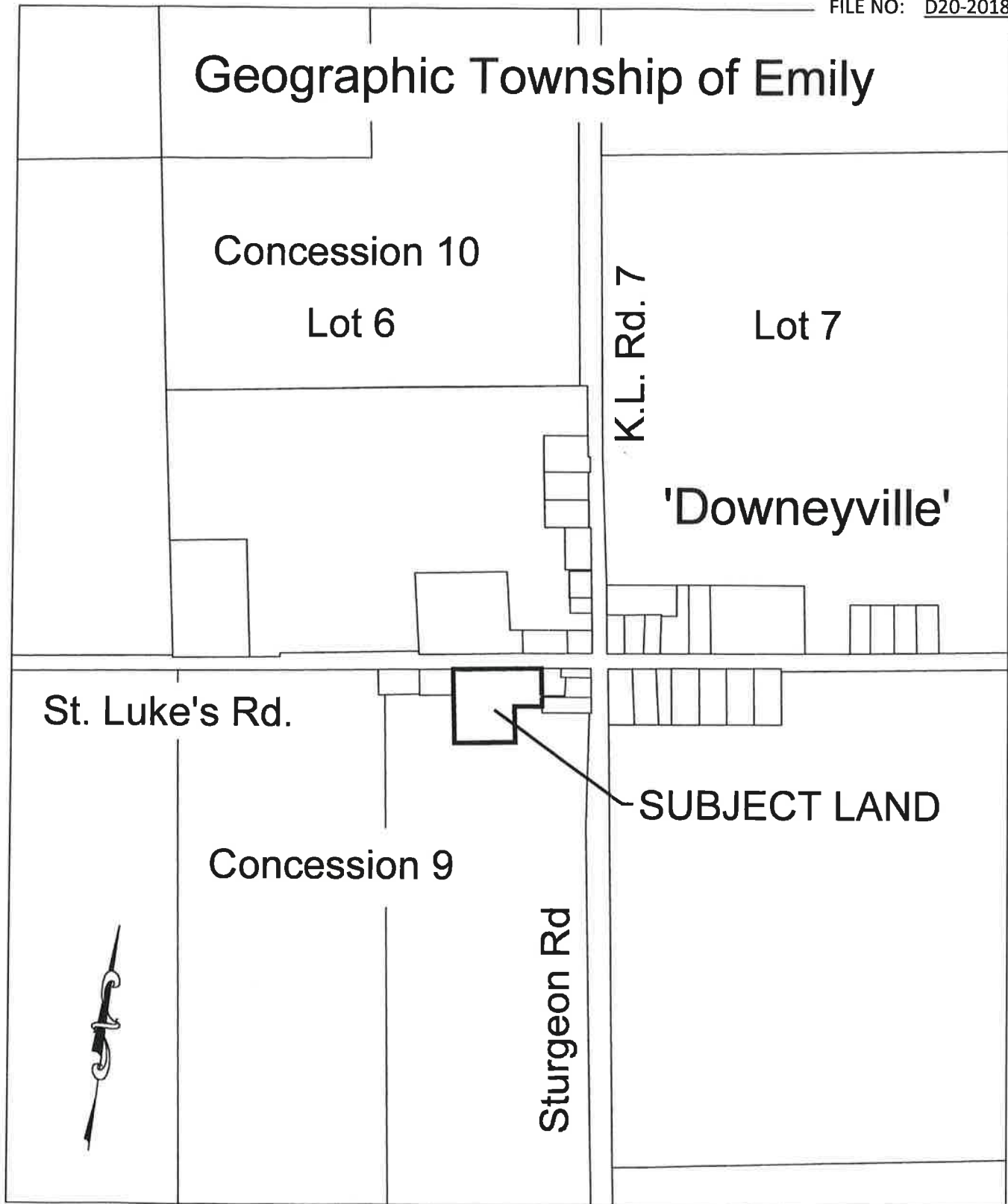
Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Elevations
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-059

to

REPORT COA2018-076

FILE NO: D20-2018-059





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



0.17 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

to

REPORT COA2018-076

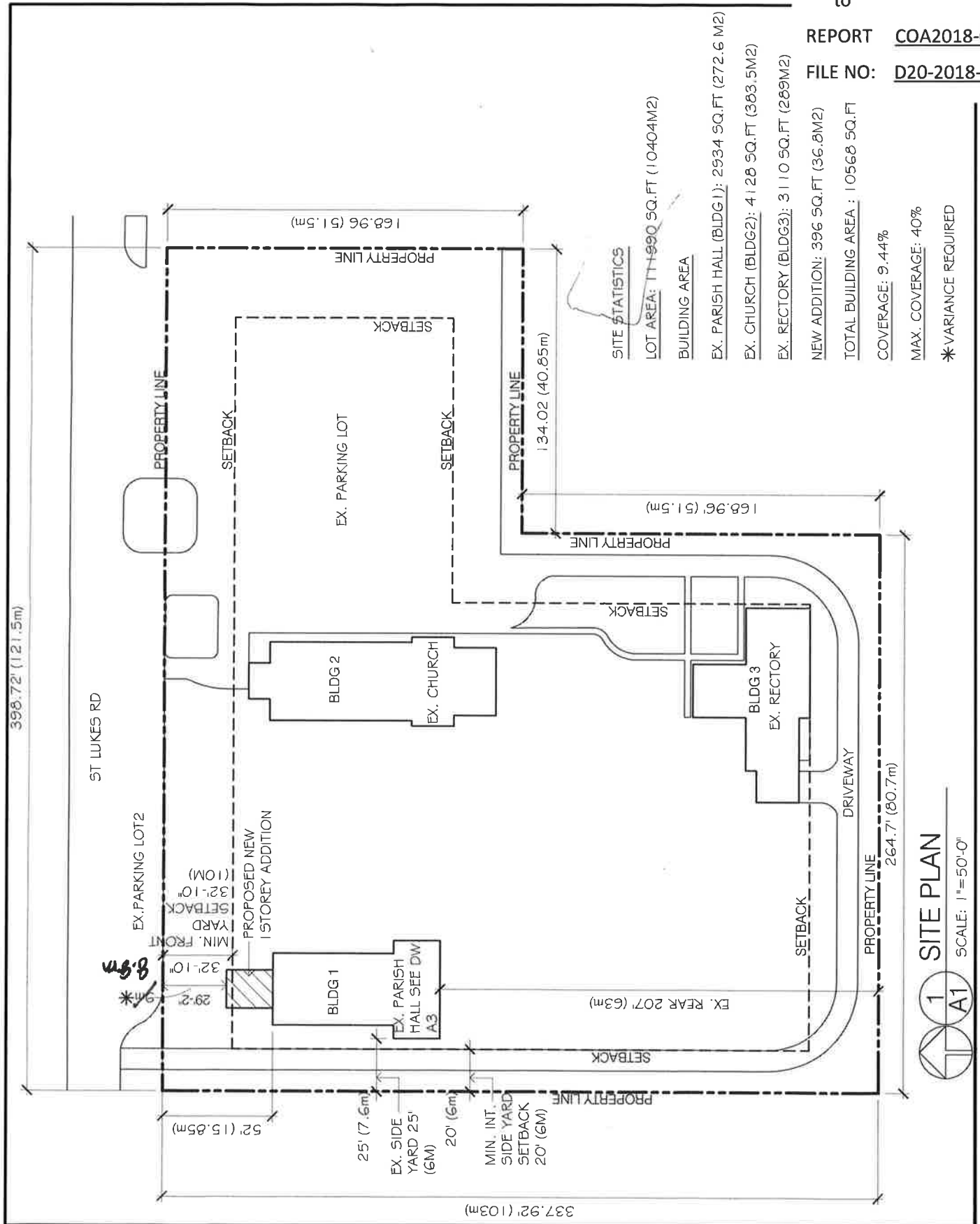
FILE NO: D20-2018-059

NEW ADDITION: 396 SQ.FT (36.8M2)
TOTAL BUILDING AREA : 10568 SQ.FT

COVERAGE: 9.44%

MAX. COVERAGE: 40%

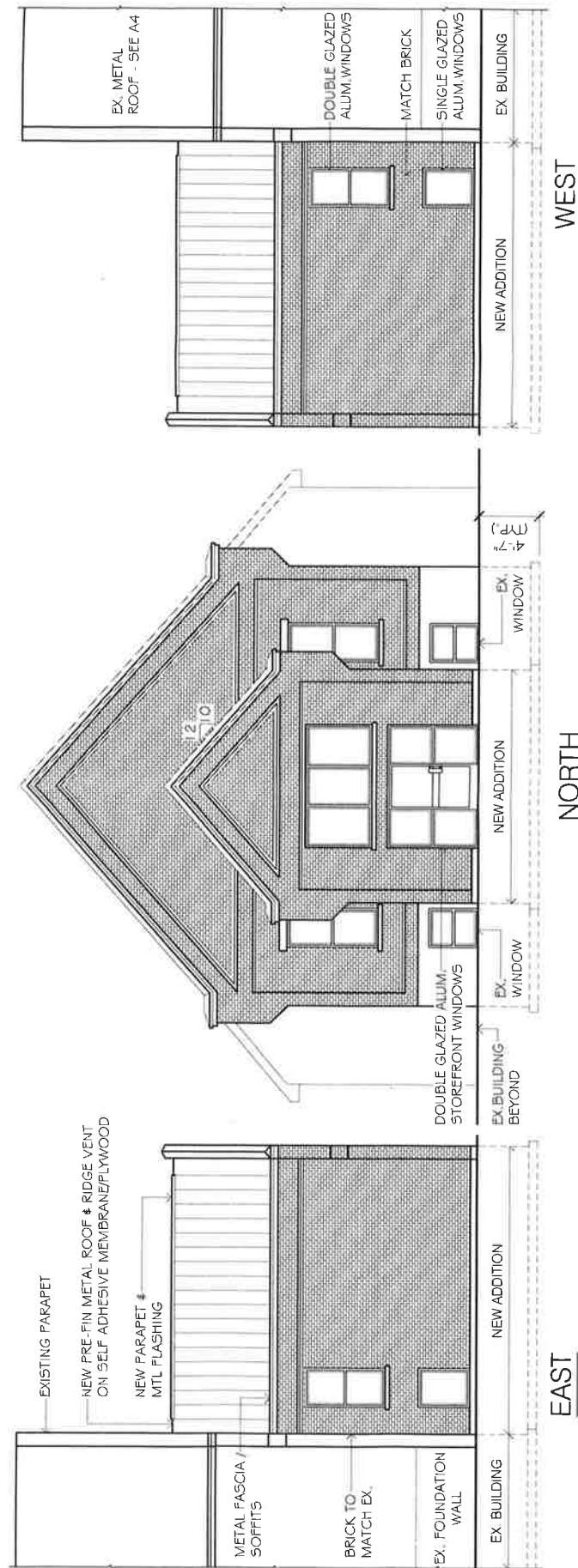
*VARIANCE REQUIRED



to

REPORT COA2018-076

FILE NO: D20-2018-059



to

REPORT COA 2018-076**David Harding**

From: Derryk Wolven
Sent: Thursday, November 15, 2018 8:02 AM
To: Charlotte Crockford-Toomey
Subject: C of A

FILE NO. D20-2018-059

Please see comments below:

D20-2018-049 No concerns
D20-2018-054 No concerns
D20-2018-058 No concerns
D20-2018-059 No concerns
D20-2018-062 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 – Banderk
Report Number COA2018-077

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 2– geographic Township of Laxton

Subject: The purpose and effect is to request relief from Section 4.2(g) to reduce the minimum water setback from 15 metres to 10 metres to permit an addition to a single detached dwelling.

The variance is requested at 118 Shadow Lake Road 3, geographic Township of Laxton (File D20-2018-060).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-077 Banderk, be received;

THAT minor variance application D20-2018-060 be DEFERRED for a period not to exceed four months to provide the owner sufficient time to supply the City with a revised proposal, and if needed, re-advertise the amended proposal.

Background:

Proposal: To construct an addition measuring approximately 6.3 metres (20.7 feet) x 5.9 metres (19.4 feet) on the southern corner of the dwelling.

Owner: Kenneth Banderk

Legal Description: Lot 22, Plan 455, geographic Township of Laxton, City of Kawartha Lakes

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

Zone: Rural Residential Type Two (RR2) Zone within the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

Site Size: 3,600 square metres (0.89 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Shoreline Residential
South: Shoreline Residential
East: Shadow Lake
West: Shoreline Residential

Rationale: Staff are concerned over the potential and massing impacts that are likely to result from the application as proposed. The owner has agreed to investigate amending their proposal to address these concerns.

1) Is the variance minor in nature?

And

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

Undetermined at this time

The owner is in the process of updating the proposal.

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

Undetermined at this time

The owner is in the process of updating the proposal.

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

Undetermined at this time

The owner is in the process of updating the proposal.

Other Alternatives Considered:

The owner's consultant submitted a preliminary design for an addition in March. The addition proposed a water setback of approximately 7 metres. Staff advised the consultant that a water setback of less than 15 metres was not supportable due to the Official Plan policies in place and the fact that an addition of an equal or greater footprint could still occur on the rear of the dwelling provided the addition was moved northwards.

The owner submitted a revised plan in August that proposed a water setback of 10 metres. While this distance is an improvement, staff advised that they have concerns with the proposal as applied for.

Servicing Comments:

The property is serviced by 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:

Kawartha Region Conservation Authority (November 19, 2018): No concerns.

Engineering and Corporate Assets Department (November 20, 2018): No concerns.

Public Comments:

No comments as of November 19, 2018.

Attachments:

Appendices A-E to
COA2018-077.pdf

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Conceptual Elevations

Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

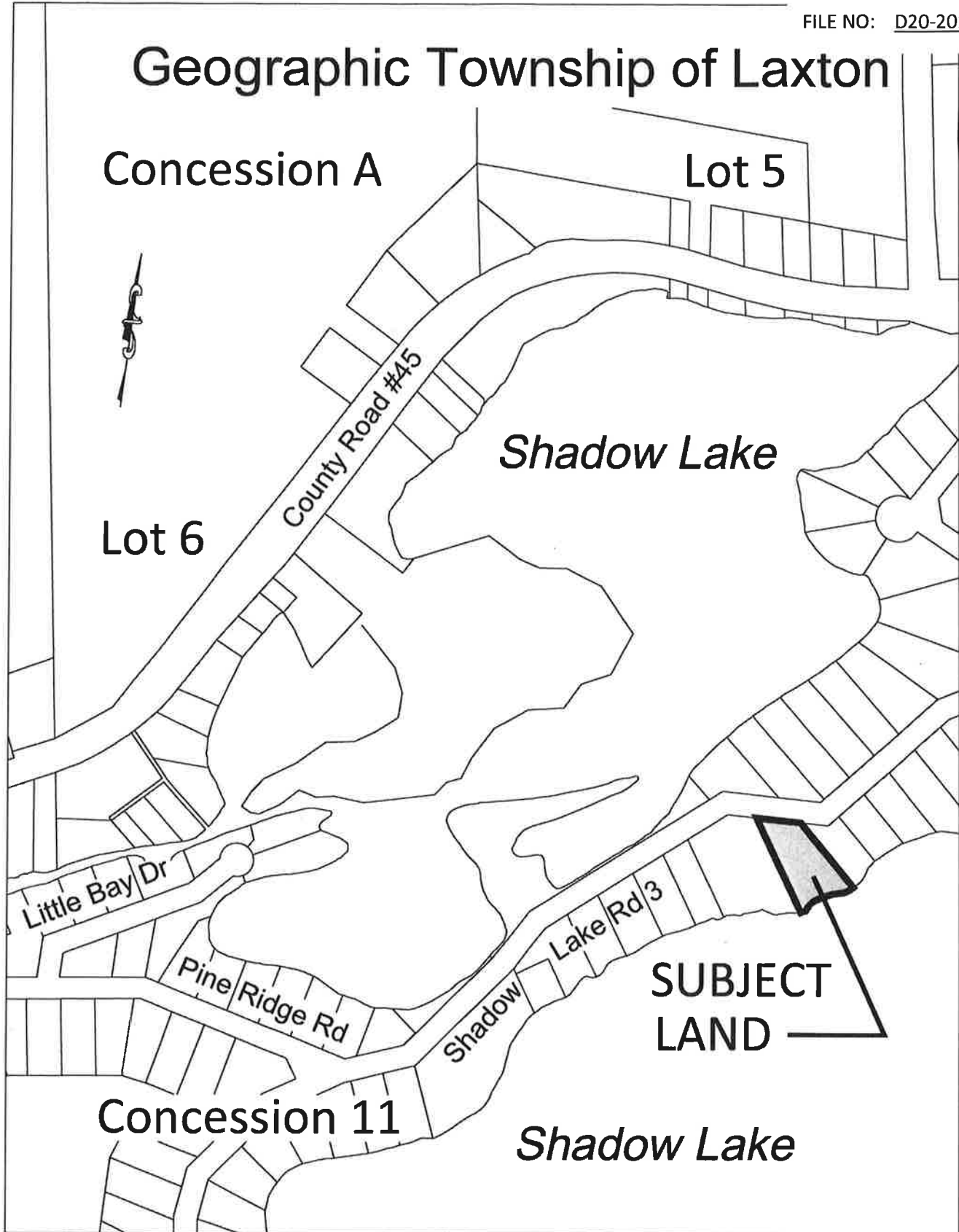
Department Head: Chris Marshall

Department File: D20-2018-060

to

REPORT COA2018-077

FILE NO: D20-2018-060



to

REPORT COA2018-077

FILE NO: D20-2018-060



118 Shadow Lake Road 3, geographic Twp. of Laxton



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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0.17 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

FILE NO: D20-2018-060



Sketch A

Shed

Open shed

Frame Dwelling

Deck

Wood

Proposed Addition

High Water Mark

13.7m

10.0m

53.3m

North Arrow

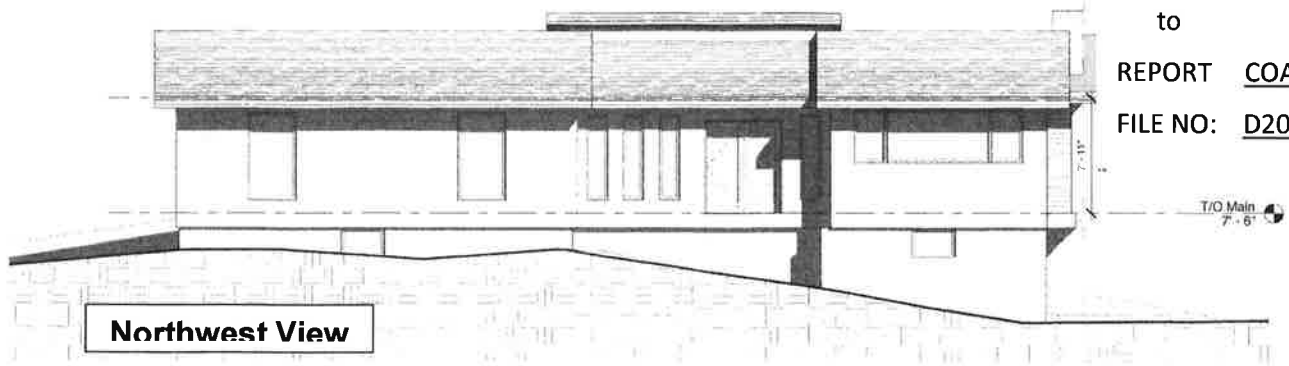
Conceptual Elevations

APPENDIX " D "

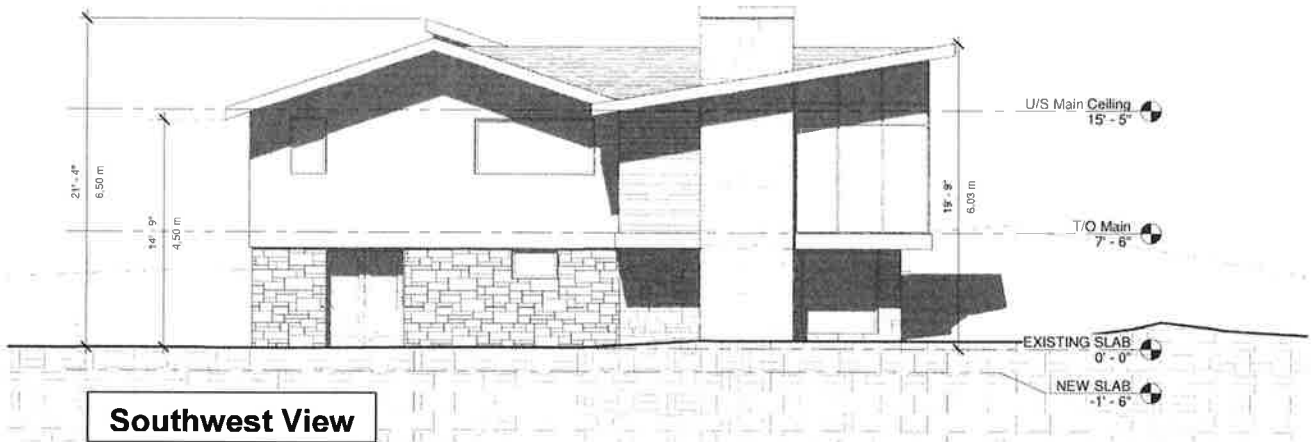
to

REPORT COA2018-077

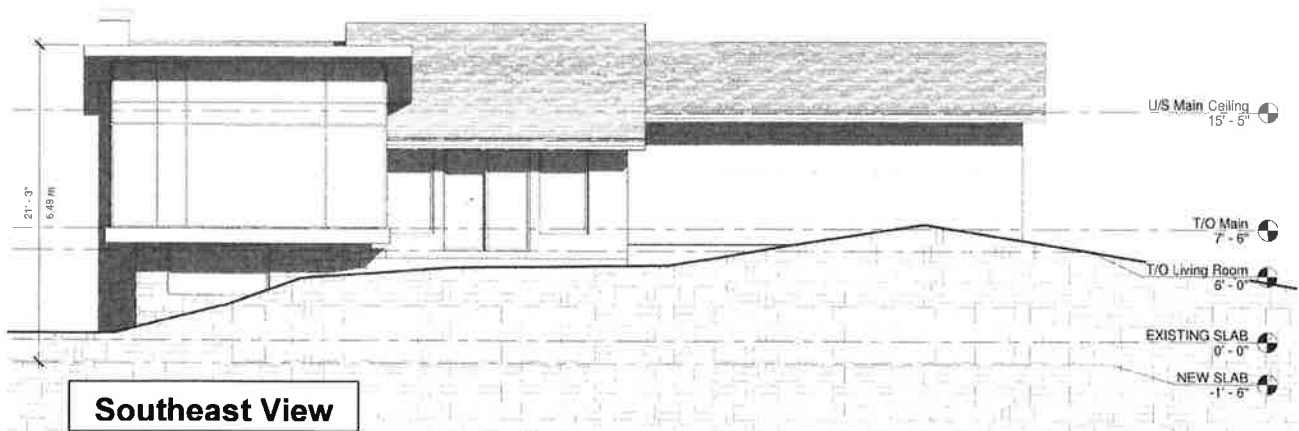
FILE NO: D20-2018-060



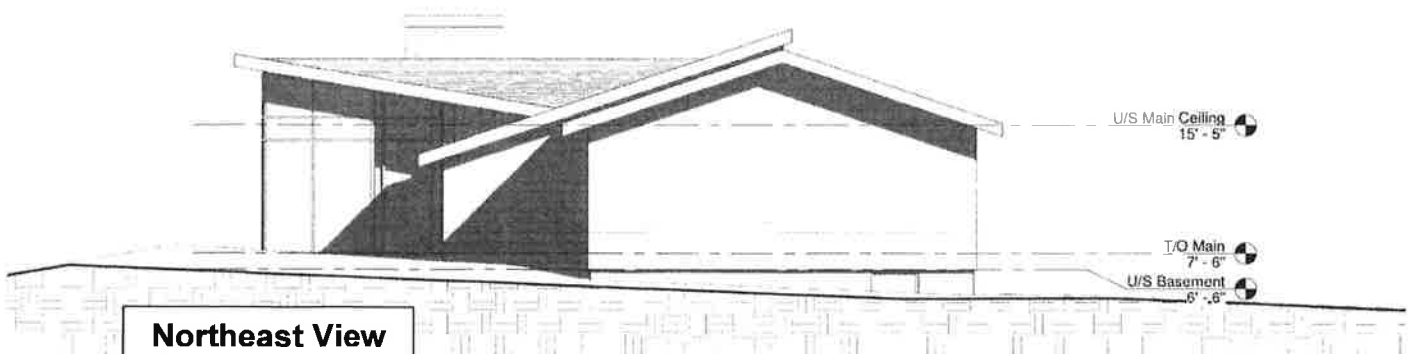
Northwest View



Southwest View



Southeast View



Northeast View

APPENDIX " E "
to

REPORT CA 2018-077

FILE NO. D20-2018-060

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 – D20-2018-060
Ken Banderk
118 Shadow Lake Road No. 3, Part of Lot 22, Concession 11 (Shadow Lake)
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 to consider relief from the United Townships of Laxton, Digby and Longford Zoning By-law 32-83, as amended. The purpose and effect is to request relief from Section 4.2 (g) to:

1) Reduce the minimum water setback from 15 metres to 10 metres to permit an addition to a single detached dwelling.

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 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.

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

Hazardous Lands (Flooding/Erosion Hazards)

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. Due to the anthropogenic influence in manipulating lake levels, Shadow Lake experiences considerable fluctuations during certain times of the year. As there is no recorded Regulatory flood level for Shadow Lake, Kawartha Conservation policies propose development be setback from the shoreline at least 15 metres and be located at least one (1) metre above the spring high watermark.

According to the survey provided, it appears the proposed addition is situated at least one metre above the spring high watermark and does not appear to represent an increased risk to life and property.

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 proposed dwelling is located within the 30 metre setback.

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.

While Shadow Lake is fish habitat, the proposed covered porch does not encroach towards the shoreline further than the existing development footprint.

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 Shadow Lake to prevent sediment-laden runoff from entering into the lake. The silt fencing must be maintained and remain in-place until all disturbed soils have become revegetated.

Recommendation

Based on our review of the natural hazards and natural heritage features adjacent to the property, Kawartha Conservation staff has no objections to the approval of Minor Variance Application D20-2018-060, provided the proposed works are constructed as per the plans submitted to Kawartha Conservation for review.

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

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: David Harding, City of Kawartha Lakes
Quadri Adebayo, City of Kawartha Lakes
Charlotte Crockford-Toomey, City of Kawartha Lakes



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: November 20th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-060 – 118 Shadow Lake Road 3
Lot 22, Plan 455
Geographic Township of Laxton, 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 November 15th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from Section 4.2(g) to reduce the minimum water setback from 15 metres to 10 metres 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 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 – Begg

Report Number COA2018-079

Public Meeting

Meeting Date: November 29 2018

Time: 1:00 pm

Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 3– geographic Township of Somerville

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

1. Section 5.2(e) to reduce the minimum flankage yard requirement from 7.5 metres to 2.5 metres; and
2. Section 5.2(f) to reduce the minimum water setback requirement from 15 metres to 11 metres.

The variance is requested at 18 Golden Road, geographic Township of Somerville (File D20-2018-062).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-079 Nichole Begg, be received;

THAT minor variance application D20-2018-062 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 COA2018-079, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory building or structure between the rear wall of the dwelling and the water's edge;

- 3) **THAT** prior to the issuance of a building permit for the proposed dwelling, the applicant shall initiate the permitting process for the septic system installation and obtain necessary approvals accordingly. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Part 8 Sewage System Supervisor advising that proposed location of the septic system installation meets the spatial separation requirements from the limits of the proposed dwelling location; 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 COA2018-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	This application proposes to construct a single detached residential dwelling. The proposed development will be replacing a demolished house with a larger and reconfigured footprint. The rear wall limits of the proposed dwelling will be further away from the water's edge than the water setback established by the demolished house. This application was deemed complete October 16, 2018.
Proposal:	To construct an approximately 193.7 square metre (2084.2 square foot) single-storey detached dwelling.
Owners:	Nichole Begg
Applicant:	Michael Begg
Legal Description:	Part Lot 19, Concession 6, Plan 368, Lot 1, geographic Township of Somerville, City of Kawartha Lakes
Official Plan:	Waterfront within the City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45
Site Size:	0.43 acres (1,721.74 square metres)
Site Servicing:	Private individual septic and well water systems
Existing Uses:	Residential (vacant)
Adjacent Uses:	North: Unopened Road Allowance, Residential East: Four Mile Lake

South: Residential
West: Residential, Agricultural

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 11 metre water setback relief sought ensures that the subject property is further away from the shoreline, which is an improvement from the 8.55 metre water setback established by the demolished house that is being replaced. As well, the proposed water setback measurement through this application essentially accounts for the measurement between the water's edge and the covered porch that project further than the rear wall of the proposed dwelling. The rear wall of the proposed development is actually setback from the water at approximately 13 metres. This will enable the rear yard to function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody, thereby facilitating the protection of the integrity of Four Mile Lake.

Although, it may appear that the rear of the building boundary for the proposed development projects further than the rear building boundary established by the dwelling on the abutting property to the south, the variation is not anticipated to be discernible as there exists some vegetation along the southerly lot line to mask the massing of the proposed structure. As such no adverse land use compatibility issues are anticipated.

Similarly, sufficient vegetation exists along the water's edge to screen the visual impact of the development which will be sitting on a higher topographic elevation from the lake.

Regarding the relief for the reduced flankage yard adjacent to the unopened road allowance to the north of the subject property, the irregular shape of the northerly lot line that narrows down from east to west presents a constraint that limits the ability to attain compliance. As a point of note, the previous house maintained a flankage yard of approximately 3.58 metres where 7.5 metres minimum is required. Given that the proposed development will be improving the water setback situation of the property, a 2.5 metre flankage yard is considered minor as sufficient amenity space will remain in the said yard to facilitate access between the rear yard and the front yard.

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

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

The 4 metre water setback relief from the 15 metres required, and the 5 metre relief from the 7.5 metres minimum flankage yard required, proposed for the dwelling are not anticipated to impact their function as the scale of the

reductions, if granted, are not anticipated to be perceptible. Sufficient vegetative and landscaping space will remain within the said yards.

The property has an irregular shape that narrows from east to west which limits the opportunity to meet the water setback requirement as the location of the proposed septic bed in the front yard must also meet appropriate setback requirements from the building and lot lines respectively.

Therefore, the ability of the proposal to meet the zoning provisions as exactly set out in the corresponding zoning by-law is hypothetically unattainable.

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

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a maximum lot coverage of approximately 13.76% from a possible 30% maximum, and a compliant southerly interior side yard of 1.2 metres, the applicant has reasonably demonstrated that it is possible to develop the lot,

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

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. The designation anticipates residential uses.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the Waterfront designation. The proposed building will presumably maintain a low profile and blend with the natural surroundings.

Condition 2 also ensures Section 20.3.7 of the Official Plan is met by providing an opportunity to retain the naturalization space between the rear of the building and the water's edge as reasonably possible.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be serviced by private individual septic system. Depending on site conditions, the existing well system may be alternated to a lake water system.

Consultations:

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

Agency Comments:

Building Division (November 15, 2018): No concerns.

Building Division – Part 8 Sewage Systems Supervisor (November 16, 2018): No concerns. See comments.

Public Comments:

No comments as of November 19, 2018.

Attachments:

Appendices A-E to
Report COA2018-079

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

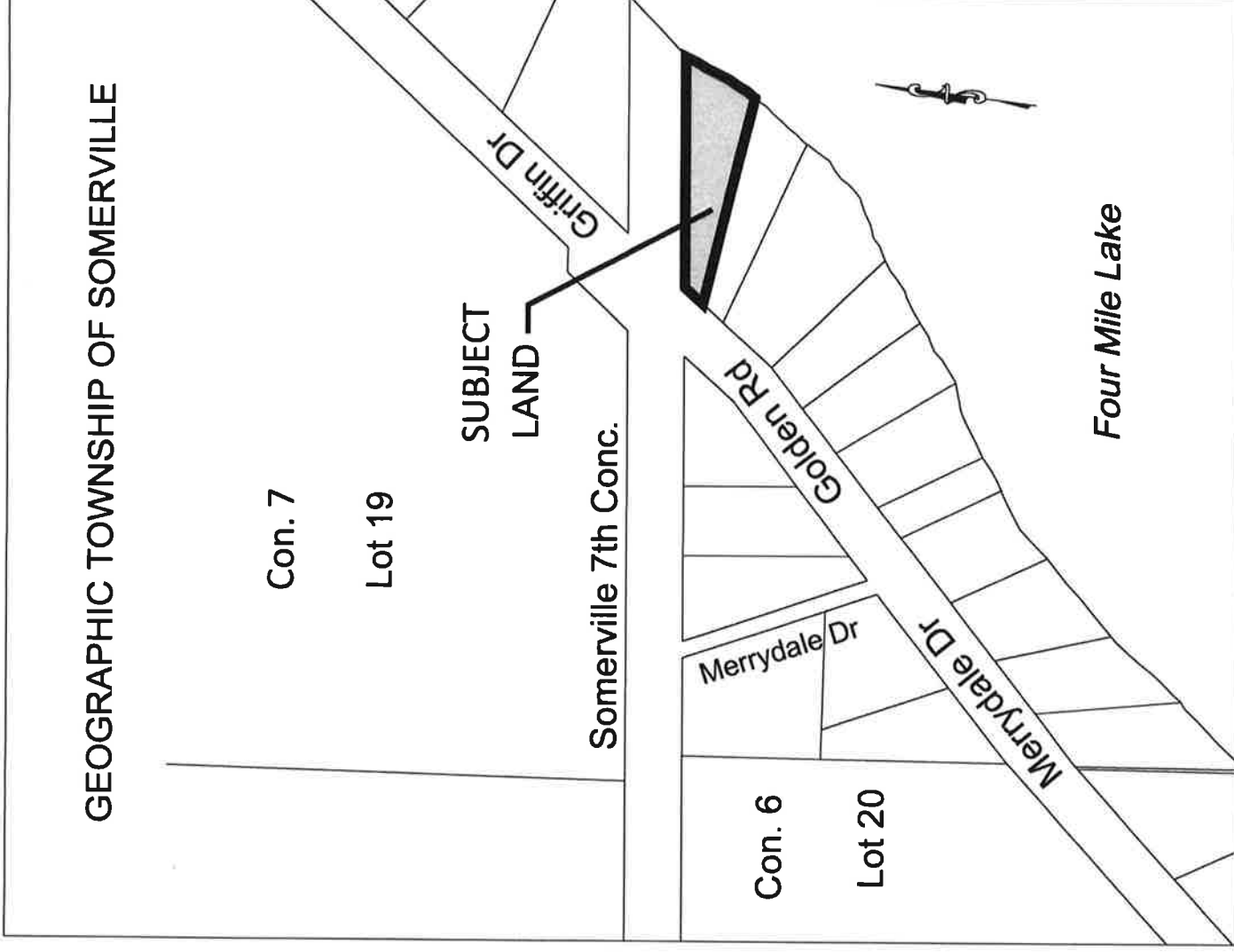
Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-062

to

D20-2018-062



APPENDIX: B

to

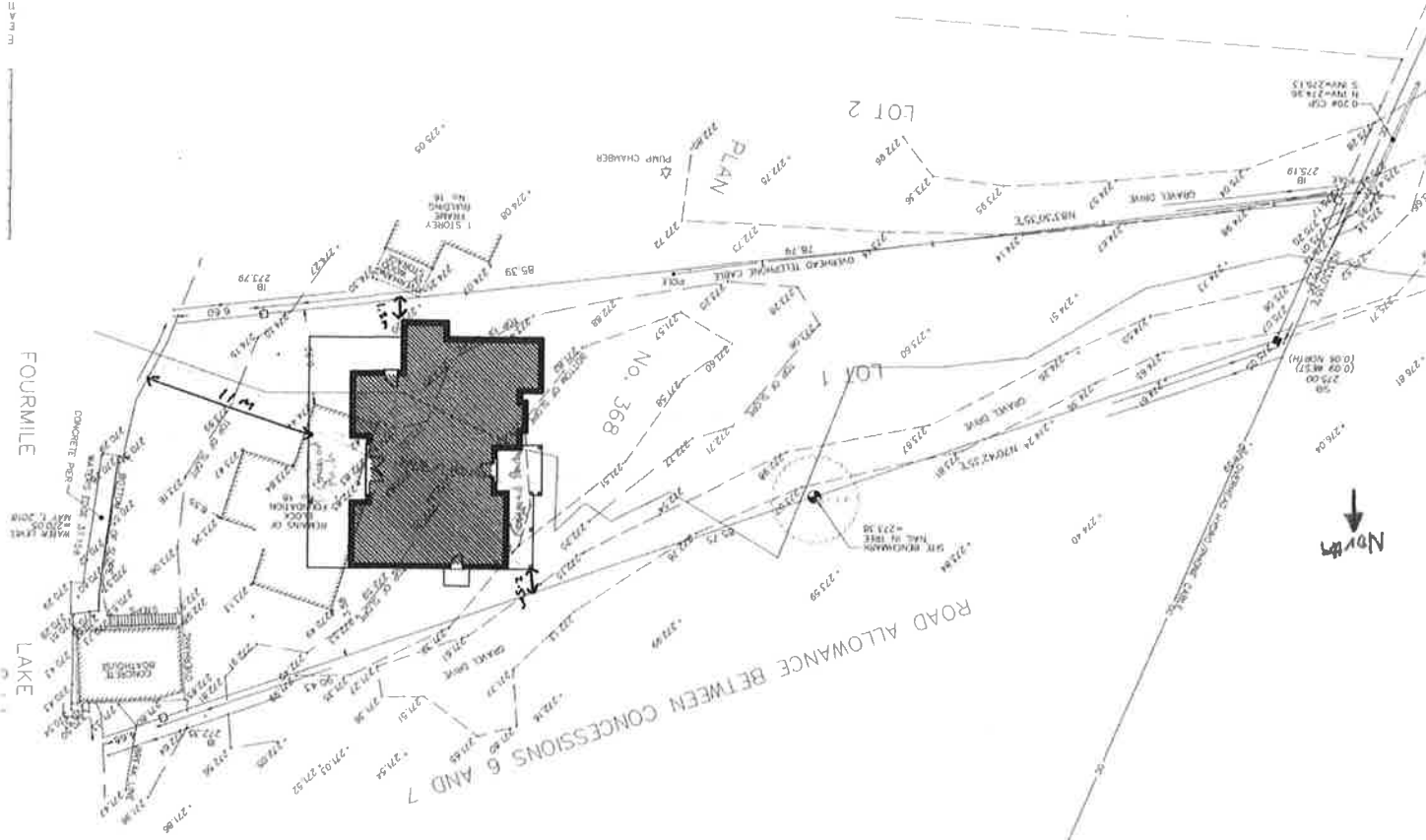
REPORT COA2018-079

FILE NO: D20-2018-062

18 Golden Road, Geographic Township of Somerville



Site Plan Sketch



APPENDIX : D

to

REPORT COA2018-079

FILE NO: D20-2018-062

Front Elevation (East-facing)



Beaver home . Cariboo

- No garage
- No walkout

APPENDIX "E"

to

REPORT C0A2018-079

Quadri Adebayo

From:

Derryk Wolven

Sent:

Thursday, November 15, 2018 8:02 AM

To:

Charlotte Crockford-Toomey

Subject:

C of A

FILE NO.

D20-2018-062

Please see comments below:

D20-2018-049 No concerns

D20-2018-054 No concerns

D20-2018-058 No concerns

D20-2018-059 No concerns

D20-2018-062 No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



APPENDIX " E " to
REPORT COA2018-079

Quadri Adebayo

From: Anne Elmhirst
Sent: Friday, November 16, 2018 10:32 AM
To: Charlotte Crockford-Toomey
Subject: D20-2018-062 - 18 Golden Rd

Hello Charlotte,

RE: D20-2018-062 Minor Variance
18 Golden Rd, Former Somerville Township,
Conc. 6, Lot 19, Plan 368, Lot 1,
Roll No. 1651310005009200
Owner: Nichole Begg

I have received and reviewed the application for Minor Variance to request relief to the waterfront and side yards setbacks to allow for the construction of the a new dwelling on the above-noted property. A site visit was completed to assess the property for sewage system requirements.

Based on visual observations of the property characteristics and location of the proposed structure an on-site sewage disposal system can be accommodated on the property. An Application for a Sewage System Permit will be required to confirm the location of the system prior to construction.

As such, the Building Division – Sewage System Program has no objection 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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Leach
Report Number COA2018-080

Public Meeting

Meeting Date: November 29, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward 16 – Geographic Township of Eldon

Subject: An application to sever approximately 3 hectares of agricultural land and consolidate it with an abutting vacant landlocked lot, described as Part South Part of Lot 39, Concession South of Portage Road, Part 1, 57R-9057 in order to give the lot frontage on Kirkfield Road. Approximately 97 hectares of agricultural land will be retained.

The property is located at 1561 Kirkfield Road, geographic Township of Eldon (File D03-2018-010).

Author: David Harding, Planner II

Signature:

Recommendation:

RESOLVED THAT Report COA2018-080 Leach, be received;

THAT consent application D03-2018-010 be GRANTED.

Conditions of provisional consent:

- 1) This approval applies to the transaction applied for, subject to the following revisions:
 - a. That the width of a portion of the land to be added, identified as Access Lane in Appendix D to Report COA2018-080 not exceed 6.1 metres, and
 - b. That the road frontage of the land to be added be 38 metres;
 - c. Which will result about 19,500 square metres (1.95 hectares) of agricultural land being added to a benefitting lot instead of the 3 hectares originally advertised.
- 2) The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting:

- a. The land to be added, such that it be rezoned from Agricultural (A1) Zone to Rural Residential Type One (RR1) Zone and the By-law be in effect; and
 - b. The benefitting lot, such that it be rezoned from Agricultural (A1) Zone to Environmental Protection (EP) Zone and the By-law be in effect.
- 3) Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the land to be severed, is possible.
- 4) Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
- 5) Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the land to be severed for review and endorsement and the subsequent registered reference plan of survey.
- 6) The applicant shall pay all costs associated with the preparation and registration of the required documents.
- 7) Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
- 8) Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$440.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
- 9) Subsection 50(3) of the Planning Act shall apply to ensure the consolidation of the severed parcel with the abutting lot. The applicant's solicitor shall certify that the land owners registered on title of the subject parcel will be identical to the land owners registered on title of the land with which the severed parcel is being consolidated.
- 10) The applicant's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
- 11) The applicant's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
- 12) All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

Background:	The application is before the Committee of Adjustment as the applicant disagrees with some of the provisional conditions proposed by staff.
Owner:	Kevin and Jennifer Leach
Applicant:	Alan Webster
Legal Description:	Part of Lots 39 to 42, Concession South of Portage Road, geographic Township of Eldon, City of Kawartha Lakes
Official Plan:	Rural, Environmental Protection, Development Plan Area Nine within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone within the Township of Eldon Zoning By-law 94-14
Site Size:	Severed as Applied for – 3.0 hectares (7.4 acres) Severed as Recommended – 1.95 hectares (4.8 acres) Retained as Applied for – 96 hectares (237 acres) Retained as Recommended – 98.05 hectares (242.3 acres)
Site Servicing:	Severed – Private individual sewage system and well Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Forest, Rural Residential East: Agricultural, Rural Residential South: Agricultural West: Agricultural, Forest

Rationale:

Policy Conformity

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

The Growth Plan directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

Policy 4.2.3 identifies that development is not permitted within key natural heritage features, which includes significant woodlands. As per this policy and Lake Simcoe Region Conservation Authority's comments, condition 2 is recommended.

As a lot line adjustment is proposed to provide access to an existing lot of record, and condition 2 is proposed, the proposal is consistent with the Growth Plan.

Provincial Policy Statement, 2014 (PPS)

Development within Rural Areas, particularly upon Rural Lands must be compatible with the rural landscape and sustained by rural service levels. As a lot line adjustment is proposed, and the lot line adjustment is proposed to sever land at the northern edge of an agricultural operation, the rural landscape is being maintained and no change in demand for service would occur. Therefore, the application is consistent with the PPS.

Lake Simcoe Protection Plan (LSPP)

The Lake Simcoe Protection Plan (LSPP) contains a series of policies to protect the long term health of the Lake Simcoe watershed.

Section 6.23-DP of the LSPP states that development or site alteration is not permitted within a key natural heritage feature, which includes significant woodlands, unless it was permitted under Section 6.45-DP. Section 6.45-DP states that development or site alteration is permitted within the LSPP area if development was permitted upon the existing lot of record.

As the benefitting lot has no access to an improved street, development on the lot is not permitted. Therefore, Section 6.45-DP does not permit development within the significant woodland feature should access to the landlocked parcel be granted.

Sufficient space remains on the lands to be added to the landlocked lot to contain a building envelope. While the lands to be added were not originally intended to contain the building envelope, these lands are designated for development (see Official Plan section below), and are therefore a more appropriate location for development.

The protection of significant woodlands is reinforced by policy 2.1.5 of the PPS.

Condition 2 is recommended to ensure conformity with the LSPP. The application subject to the conditions recommended by staff conforms to the LSPP.

City of Kawartha Lakes Official Plan

Land Use Designations: Rural, Environmental Protection and Development Plan
Area Nine

The majority of the subject land is designated “Rural” within the City of Kawartha Lakes Official Plan (Official Plan), with portions designated “Development Plan Area Nine” and “Environmental Protection”. The “Environmental Protection” portions appear to reflect the locations of watercourses. The application proposes no changes to the lands with the “Environmental Protection” designation.

The “Development Plan Area Nine (DP-9)” designation is present within the eastern portion of the land to be added to the landlocked parcel. The DP-9 designation recognizes the historic anticipation of the lands being used for development, primarily in the form of single detached homes on large lots.

The “Rural” designation is found upon the balance of the property. The linear access proposed to the landlocked lot is within this designation. The designation

permits lot line adjustment provided a new lot is not created. As a result of the proposed lot line adjustment, a minimum amount of land within the Rural designation is proposed to be removed from agricultural production to facilitate access to the landlocked lot. The proposed access route is at the north edge of the cultivated fields abutting a forest. A slight reduction in the width of the access route from 10 metres (32 feet) to 6.1 metres (20 feet) is proposed to minimize the amount of agricultural land that is removed from production. The reduction of the access route and subsequent reduction in the proposed frontage along Kirkfield Road to that required by the Rural Residential Type One (RR1) Zone category preserves approximately 0.6 hectares - 1.1 hectares (1.5 acres – 2.7 acres) of agricultural land.

The Official Plan also contains policies pertaining to applications for land within the Lake Simcoe Watershed as determined by the LSPP. The Official Plan recognizes that development and site alteration is not permitted within a natural heritage feature as per the LSPP if construction upon an existing lot of record was not permitted prior to the date the LSPP took effect. Minimum vegetation protection zones are specified where development is proposed in proximity to a natural heritage feature.

A building envelope close to Kirkfield Road, contained on the land to be added to the lot, exists. This area closer to the road, away from significant environmental features, is outside of the required buffer to the significant woodland feature and sited within an area which has been recognized within the City's Official Plan for potential future development. As such the building envelope closer to the road is a more appropriate location for future residential development.

The application subject to the conditions recommended by staff conforms to the Official Plan.

Zoning By-law Conformity

The subject property is zoned "Agricultural (A1) Zone" within the Township of Eldon Zoning By-law 94-14.

The lot to be retained exceeds the minimum lot frontage (230 metres) and area (25 hectares) requirements of the A1 Zone by proposing about 1110 metres and 96 hectares respectively. A zoning by-law amendment is also required to rezone the significant woodland feature on the benefitting lot from Agricultural (A1) Zone to Environmental Protection (EP) Zone to conform with the LSPP in accordance with the Lake Simcoe Region Conservation Authority's comments. A zoning by-law amendment is required to rezone the proposed severed lands from A1 Zone to Rural Residential Type One (RR1) Zone to remove the potential to establish agricultural uses on a lot which once consolidated remains undersized.

The section of consolidated lot to be zoned "Rural Residential Type One (RR1) Zone" category meets the minimum lot frontage (38 metres) and area (4000 square metre) [0.98 acre] requirements by proposing as amended by staff about 38 metres and 1.9 hectares (4.7 acres) respectively. The lot configuration as proposed by staff will also comply with the RR1 Zone provisions. A total of three residential accessory buildings are permitted on a residential lot. Residential accessory

buildings are restricted to a maximum lot coverage of 8% or have a footprint no greater than 225 square metres, whichever is less. As some of the agricultural buildings are proposed to be kept as residential accessory buildings on the proposed severed lot, the buildings cannot comply with the 225 square metre footprint requirement. A zoning by-law amendment is necessary to address the increased accessory building lot coverage.

Consultations:

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

Agency Comments:

Building Division (June 28, 2018): No concerns.

Engineering and Corporate Assets Department (July 5, 2018): No concerns. Condition 3 is recommended to ensure a suitable entrance on the proposed severed lands is possible.

Community Services Department (July 4, 2018): No concerns.

Building Division – Part 8 Sewage System (July 11, 2018): No concerns.

Lake Simcoe Region Conservation Authority (July 13, 2018): No concerns provided a condition is included to rezone the significant woodland contained upon the benefitting lot to Environmental Protection (EP) Zone.

Public Comments:

No comments as of November 20, 2018.

Attachments:



Appendices A-E to
COA2018-080.pdf

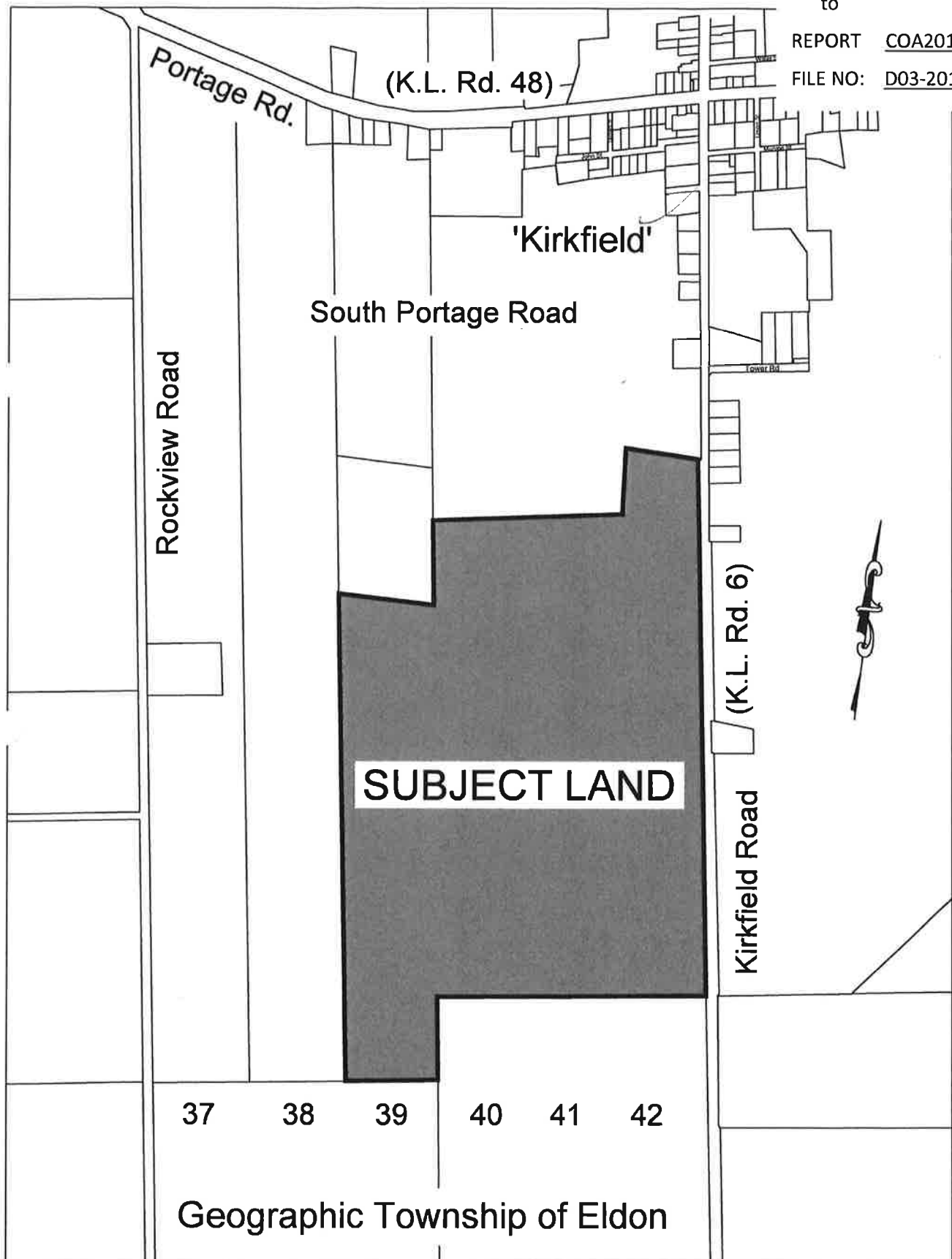
Appendix “A” – Location Map
Appendix “B” – Aerial Photo
Appendix “C” – Applicant’s Sketch
Appendix “D” – Access Lane
Appendix “E” – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D03-2018-010

to

REPORT COA2018-080

FILE NO: D03-2018-010



to

REPORT COA2018-080

FILE NO: D03-2018-010

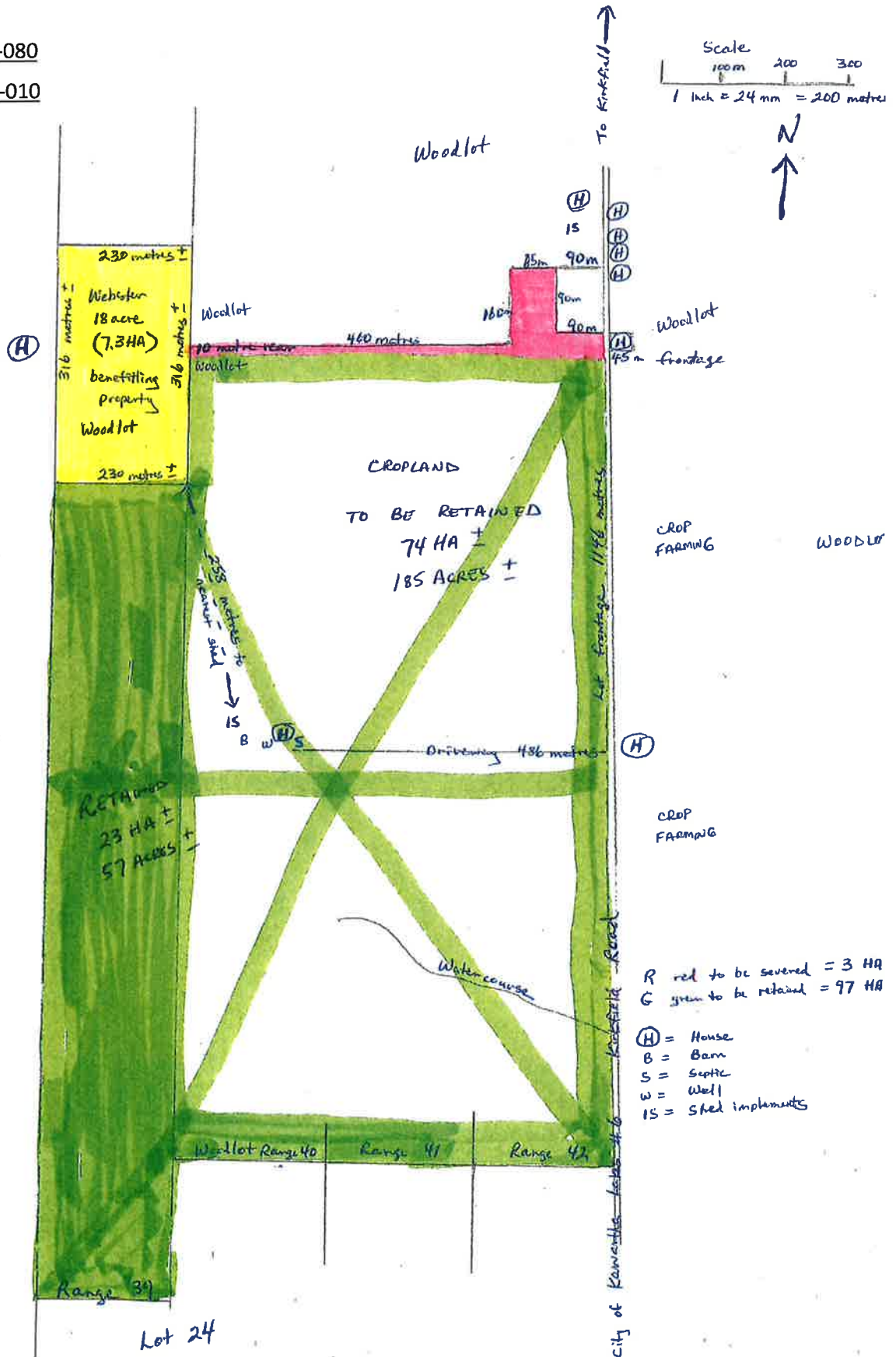


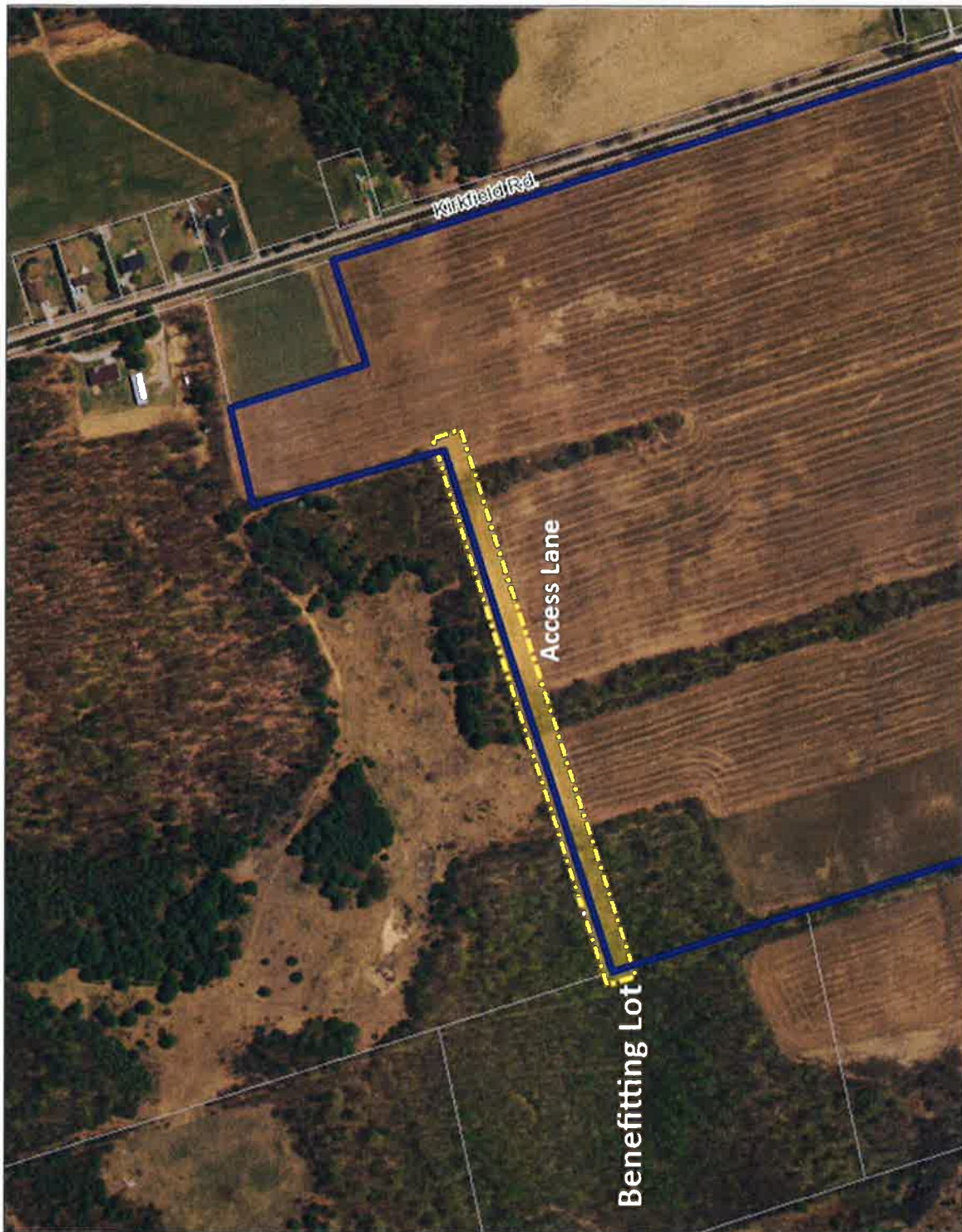
APPENDIX " C "

to

REPORT COA2018-080

FILE NO: D03-2018-010





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



0.34 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

Charlotte Crockford-Toomey

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

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

Building has the following comments to offer.

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

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





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

MEMORANDUM

TO: Quadri Adebayo, Planner II

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

FROM: Kirk Timms, Engineering Technician

DATE: July 5th, 2018

RE: Application for Consent
D03-2018-010
1561 Kirkfield Road, Part of Lots 39 to 42, Concession South of
Portage Road Geographic Township of Eldon, Ward 4, now in
the City of Kawartha Lakes.

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

It is the understanding by Engineering that the application is to sever approximately 3 hectares of agricultural land and consolidate it with an abutting vacant landlocked lot in order to give the lot frontage on Kirkfield Road; a new lot is not being created.

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

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

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



*The Corporation of The
City of Kawartha Lakes*

**Community Services Department
Administration Office
(705) 324-9411 ext. 1300**

MEMORANDUM

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

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department has no concerns regarding these following applications:

D03-18-006	18, 24 and 26 Shadow Lake Road, Somerville
D03-18-007	24 Shadow Lake Road 12, Somerville
D03-18-009	76 and 78 Matheson Road, Eldon
D03-18-010	1561 Kirkfield Road, Eldon

Lisa Peimann
Executive Assistant, Community Services

David Harding

From: Quadri Adebayo
Sent: Wednesday, July 11, 2018 10:23 AM
To: Charlotte Crockford-Toomey
Cc: David Harding
Subject: FW: D03-2018-010 - 1561 Kirkfield Rd

FYI – File.

From: Anne Elmhirst
Sent: Wednesday, July 11, 2018 12:07 AM
To: Quadri Adebayo
Subject: D03-2018-010 - 1561 Kirkfield Rd

Hello Quadri,

I have received and reviewed the consent application D03-2018-010 with a proposal to sever approximately 3 ha of agricultural land and add it to an abutting land-locked property. Approximately 97 ha of agricultural land with a dwelling and barn will be retained.

The current sewage system serving the dwelling is located greater than 30 metres from new proposed lot line configuration. The sewage system will remain wholly within the boundaries of the property with the dwelling it will serve.

As such, the Building Division - Sewage System Program has no objection to the proposed consent application.

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





Friday, July 13, 2018

By email only

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

Dear Mr. LaHay,

Subject: Application for Consent
File No. D03-2018-010
1561 Kirkfield Road
Geographic Township of Eldon, City of Kawartha Lakes

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed this application for consent for consistency with the Provincial Policy Statement and conformity with the applicable provincial plan including the Growth Plan for the Greater Golden Horseshoe and Lake Simcoe Protection Plan. We understand that the purpose and effect of this application is to add approximately 3 hectares of agricultural land to a land-locked parcel comprised of approximately 7 ha. No new lots will be created as a result of this application.

The land-locked or benefitting parcel contains a significant woodland based on our mapping and evaluation and is located within the Natural Heritage System of the Growth Plan. Significant woodlands are classified as key natural heritage features as defined by the Growth Plan and Lake Simcoe Protection Plan. Policy 4.2.3.1 and 6.23 of these Provincial Plans state that development and site alteration is not permitted within key natural heritage features. Further, development and site alteration is not permitted within their minimum vegetation protection zone of 30 metres based on Policies 4.2.4.1 and 6.24 of the Growth Plan and Lake Simcoe Protection Plan. On this basis, any development resulting from the approval of this application including the construction of a single family dwelling, sewage disposal system, well, and accessory buildings should be located on the front part of the severed parcel in proximity to Kirkfield Road. It appears, based on the map provided, that sufficient space would be available to accommodate this use in the front part of the severed lands.

.../2

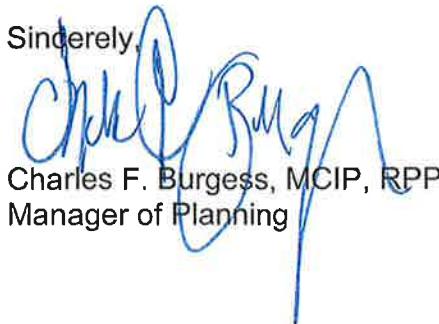
In this regard and based on provincial policy found in the Growth Plan and Lake Simcoe Protection Plan, we recommend that any approval of this application be subject to the following condition:

- The owner of the benefitting parcel shall apply and successfully amend the Comprehensive Zoning By-Law by rezoning the significant woodland to Environmental Protection (EP).

In doing so, any proposed development on the benefitting parcel will be directed away from the significant woodland and key natural heritage feature to the front part of the consolidated lot.

Please advise us of your decision on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles F. Burgess', is written over the typed name and title.

Charles F. Burgess, MCIP, RPP
Manager of Planning