

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2019-02

Thursday, February 21, 2019

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Emmett Yeo

David Marsh

Andre O'Bumsawin

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	
2.3.1	COA2019-01.2.3.1 January 17, 2019 Committee of Adjustment Meeting Minutes	5 - 18
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2019-008 Quadri Adebayo, Planner II File Number: D20-2019-001 Location: 379 Ballyduff Road Part Lot 7, Concession 6, Part 1, RP 57R-8068 Geographic Township of Manvers Owners: Adam and Amanda Milson Applicant: Brandon Cambareri	19 - 32
3.1.2	COA2019-009 David Harding, Planner II File Number: D20-2019-002 Location: 132 Charlore Park Drive Lot 2, Plan 331 Geographic Township of Emily Owners: Mary Shephard and Timothy Deel	33 - 53

3.1.3	Memorandum D20-2019-003	54 - 54
	Quadri Adebayo, Planner II File Number: D20-2019-003 Location: 23 Westview Drive Part Lot 17, Concession 8 Geographic Township of Emily Owner: Betty Ann Oliver	
3.1.4	COA2019-011	55 - 69
	David Harding, Planner II File Number: D20-2019-004 Location: 221 Francis Street East, Part Lot 21, Concession 11, Part 2, 57R-2234 Geographic Township of Fenelon Owner: Nancy MacDonald Applicant: Adam Hayter	
3.1.5	COA2019-012	70 - 79
	David Harding, Planner II File Number: D20-2019-005 Location: 31 Peel Street Part Lot 8, South of Peel Street, Plan 1, Parts 1 and 2, 57R-5220 Former Town of Lindsay Owner: John Howard Society Applicant: Lois Powers - Executive Director, JHSCKL	
3.1.6	COA2019-013	80 - 95
	Quadri Adebayo, Planner II File Number: D20-2019-006 Location: 17 King Street East Part Lots 10 and 11, Range 6E, Plan 70 Former Village of Bobcaygeon Owner: George and Gail Leaver Holdings Inc. Applicant: TD Consulting Inc. - Tom deBoer	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, March 21, 2019 at 1:00pm in Council Chambers, City Hall.

8. **Adjournment**

The Corporation of the City of Kawartha Lakes Minutes

Committee of Adjustment Meeting

COA2019-01

Thursday, January 17, 2019

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Lloyd Robertson

David Marsh

Emmett Yeo

Andre O'Bumsawin

Sandra Richardson

Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

M. LaHay, Acting Secretary-Treasurer called the meeting to order at 1:00pm. Councillor E. Yeo and Members D. Marsh, S. Richardson, L. Robertson, and S. Strathdee were in attendance.

Recording Secretary - C. Crockford-Toomey

Absent: A. O'Bumsawin

1.1 Election of the Chair

M. LaHay, Acting Secretary Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of a Chair for 2019.

Moved By S. Richardson

Seconded By E. Yeo

That Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2019.

Carried

1.2 Election of the Vice Chair

L. Robertson assumed the role of Chair and requested nominations for a Vice Chair.

Moved By S. Strathdee

Seconded By S. Richardson

That David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2019.

Carried

2. Administrative Business

2.1 Adoption of Agenda

January 17, 2019

Committee of Adjustment Agenda.

Moved By D. Marsh

Seconded By S. Strathdee

That the agenda for the January 17, 2019 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2019-01.2.3.1

November 29, 2018

Committee of Adjustment Meeting Minutes.

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes for the previous meeting held November 29, 2018 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-001

Quadri Adebayo, Planner II

File Number: D20-2018-063

Location: 14 Bradley Street

Part Lot 11, Concession 3, RP 9R-1322

Geographic Township of Manvers

Owners: Ian Barrett and Rebecca Belbeck

Applicant: Ian Barrett

Mr. Adebayo summarized Report COA2019-001, to request relief in order to permit the construction of a detached garage on an undersized and landlocked lot of record and to recognize the location of an existing shed on the property.

Staff cited no concerns from the Building Division, Engineering and Corporate Assets and Community Services Department. Also no concerns were received

from the Building Division - Part 8 Sewage Systems Program which were part of the amended agenda package. No agency concerns were raised.

The Committee had no questions.

The applicant, Ian Barrett was present but did not speak.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-063 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 and elevations in Appendix D submitted as part of Report COA2019-001, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** the owners acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, nor shall it be connected to water or sanitary services. Similar wording shall be placed on the required building permit;
- 3) **That** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other accessory structures or buildings between the front wall of the dwelling and the front lot line; and
- 4) **That** the Building Permit process 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 COA2019-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2019-002

Quadri Adebayo, Planner II

File Number: D20-2018-064

Location: 94 Queen Street

Plan 100 East, Part Lot 12, North Queen and Part Lot 12 South Princes; West Colborne

Former Village of Fenelon Falls

Owner: Blanche Hepburn

Applicant: Gerald Hickson, OLS

Mr. Adebayo summarized Report COA2018-002. The application requests relief in order to facilitate the requirements of a provisional condition of consent, to recognize the deficiency in the reconfigured lot frontages for a newly created residential lot and a retained residential lot respectively and to ensure that the development envelope for the severed lot is set back 30 metres from the limits of a wetland feature identified by the conservation authority thus warranting an increase to the minimum front yard requirement as part of the reliefs. No agency concerns were raised.

The applicant/owner was not present.

The Committee did not have questions.

Moved By S. Richardson

Seconded By E. Yeo

That minor variance application D20-2018-064 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variance shall apply to the proposed severed and retained portions of the subject property.
- 2) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-043, lapses.

This approval pertains to the application as described in report COA2019-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2019-003

Quadri Adebayo, Planner II
 File Number: D20-2018-065
 Location: 110 Jasper Drive
 Part Lot 29, Concession 3, Plan 213, Lot 3
 Geographic Township of Fenelon
 Owner: Amy Stoddart
 Applicant: Tom deBoer

Mr. Adebayo summarized Report COA2019-003, to request relief in order to permit the construction of two accessory buildings being a detached garage and a work/storage building. Staff also added a new condition, condition 3, which requires that as part of the building permitting process, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) before the construction of both the detached garage and the workshop/storage building. As a result, previous condition 3 now becomes condition 4 and the subsequent conditions follow numerically. There were no concerns from commenting agencies during the report period. The KRCA comment received in the amended agenda package cited no concerns.

The Committee asked staff whether the two structures were the same size following the values written in the report. Staff replied that they are different, it was a typo. The sketch is accurate.

The applicant, Tom deBoer of TD Consulting Inc. was present and available for questions.

The Committee had no further questions. The Committee acknowledged the amendment to add a new condition 3. A motion was made to accept the recommendation as amended.

Moved By E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2018-065 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction of the accessory buildings 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 COA2019-003, 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 accessory buildings, the applicant shall through a site plan sketch delineate the limits of the sewage system leaching bed from the limits of the proposed accessory buildings. 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 location of the proposed detached garage and workshop/storage buildings meets the spatial separation requirements from the limits of the septic system respectively;
- 3) **That** as part of the building permitting process, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) before the construction of both the detached garage and the workshop/storage building;
- 4) **That** the owner acknowledge through the granting of this approval that the neither the detached garage nor the workshop/storage building shall be used for human habitation, and that both structures shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 5) **That** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other accessory buildings or structures between the front wall of the dwelling and the front lot line;
- 6) **That** as part of building permitting process, upon the complete construction of the detached garage and the workshop/storage building, there be a requirement that the shed located in the rear yard between the eastern wall of the dwelling and the water's edge shall be removed from the property or relocated in a compliant manner to the satisfaction of the Chief Building Official at a minimum water setback of 15 metres and at a minimum set back of 1.2 metres from the southerly interior side lot line; and
- 7) **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 COA2019-003. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.4 COA2019-004**

David Harding, Planner II

File Number: D20-2018-066

Location: Vacant Land on Mary Street

Part of Lot 19, Concession 4, Parts 5-7, 57R-6634

Former Town of Lindsay

Owner: 564650 Ontario Inc.

Applicant: Stephen Woodcock - Woodcock and Tomlinson

Mr. Harding summarized Report COA2019-004. The application requests relief to reduce the minimum lot frontage to facilitate the creation of a new lot. On September 27, 2018 the Director of Development Services, as delegated by Council, granted provisional consent for file D03-2018-005 which severed an approximately 5.2 hectare parcel and retained an approximately 2.13 hectare parcel. Condition 7 of the provisional consent application required a variance to the proposed severed parcel to recognize the reduced frontage for the lot being created. No agency concerns were raised. The application meets the four tests for minor variance.

The Committee asked for clarification regarding the survey document. Staff responded.

The applicant, Stephen Woodcock of Woodcock and Tomlinson was present but had no comments.

The Committee asked whether the Ministry of Transportation (MTO) owned the lands at the northwest corner of the proposed severed lot. Staff clarified that these lands had been surveyed by the MTO for a future cul-de-sac, but not yet expropriated. Staff further clarified that the MTO would not permit access from that cul-de-sac to the proposed severed lot.

Moved By S. Strathdee**Seconded By E. Yeo**

That minor variance application D20-2018-066 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variance shall come into effect once the 0.3 metre reserve separating the subject property from the Mary Street West road allowance is lifted,
- 2) **That** this minor variance shall be deemed refused if the related Application for Consent, D03-2018-005, lapses; and
- 3) **That** should the proposed severed land within Consent Application D03-2018-005 be proposed to be further subdivided, this variance shall not apply to the parcel or parcels to be created.

This approval pertains to the application as described in report COA2019-004. Fulfillment of the conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2019-005

David Harding, Planner II
 File Number: D20-2018-067
 Location: 155 Hazel Street
 Part Lot 9, Concession 2
 Geographic Township of Verulam
 Owners: Paul and Kimberley Travers
 Applicant: Paul Travers

Mr. Harding summarized Report COA2019-005, to request relief from provisions in order to permit a dwelling to be raised and construct an uncovered porch and stairs to access the raised main level. The application meets the four tests for minor variance.

Since the writing of the report, Staff identified that several comments had been received from the public and an agency. A letter of support from neighbour, Steve Lennox of 157 Hazel Street, was received January 9, 2019. He stated that the proposal would improve the neighbourhood. A letter in opposition from Ira Stuchberry on behalf of Liana and Horea Trifu of 71 Birchcliff Avenue, was received. They were opposed to raising the dwelling and felt it would obstruct their view of the lake and devalue their property. A letter of support from John Travers of 4 Hollyville Boulevard, a property within Greenhurst-Thurstonia beyond the required circulation area, was received just prior to the commencement of the meeting. He stated that the proposal would better the

community. Comments were received from the Kawartha Region Conservation Authority, and they had no concerns with the proposal. No concerns were raised by other agencies.

The Committee asked whether a height increase was being sought as relief from height had not been applied for. Staff clarified that the variances were being requested to increase height and permit the construction/placement of a new access to the main door.

The Committee asked if the variance was for a full or half basement. Staff responded that the building contained a crawl space which proposed to be upgraded to a full basement. The Committee questioned whether the letter of objection affected staff's evaluation of the application. Staff replied that it did not, as it is a well established principle that a landowner doesn't have the right to the protection of a view.

The Committee further asked for clarification regarding the protection of a view and staff's examination of sightlines within the report. Staff replied that the sightline examination pertained to the operation of Hazel Street and the road allowance, not the protection of a view.

The owners, Paul and Kimberley Travers were present but did not speak.

Moved By S. Richardson

Seconded By E. Yeo

That minor variance application D20-2018-067 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-005, which shall be attached to and form part of the Committee's Decision.
- 2) **That** prior to the issuance of a building permit, the location of the sewage system's distribution lines shall be confirmed. To fulfill this condition the owners shall:
 - a. Submit a report from a professional scoping company to the satisfaction of the Building Division – Part 8 Sewage Systems; or
 - b. Excavate the distribution lines for visual inspection by Building Division – Part 8 Sewage Systems staff.
- 3) **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 COA2019-005. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 COA2019-006

David Harding, Planner II
 File Number: D20-2018-068
 Location: 587 Scotch Line Road
 Part Lot 11, Concession 5
 Geographic Township of Verulam
 Owner: Susan Vigh

Mr. Harding summarized Report COA2019-006. The application requests relief to recognize two accessory buildings (Cabin and Shed). The cabin is not proposed to contain washroom or kitchen facilities. This will not alter the appearance of the property.

The Committee asked if there were any services proposed for the cabin. Staff replied that aside from hydro, no water or sanitary services are intended. The Committee asked whether a condition should be added to prohibit the installation of water and sanitary services. Staff responded that they did not deem it necessary as the condition would in essence require the owners to comply with the zoning by-law. The Committee asked the owner if she was agreeable to having the condition added. The owner, Susan Vigh, stated that she was agreeable to the condition.

The Committee questioned the sketch showing the new septic tank. Staff responded that the owner is working with the Building Division-Part 8 Sewage Systems to replace the existing septic system with a holding tank and one of the two wells is to be decommissioned to permit its placement.

The Committee motioned to add a condition, condition 2, that the cabin shall not contain kitchen and/or bathroom facilities.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-006, which shall be attached to and form part of the Committee's Decision,
- 2) **That** the cabin shall not contain kitchen and/or bathroom facilities; and
- 3) **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 COA2019-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2019-007

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

Mr. Harding summarized Report COA2019-007, to request relief to reduce the minimum water setback to permit an addition to a single detached dwelling. This application was deferred at the November 29, 2018 meeting by the Committee of Adjustment to allow the owner time to revise the design of the addition to minimize its prominence. The applicant provided revised drawings.

The Committee asked whether the elevations included in Appendix D are the revised elevations. Staff replied that that are.

The Committee asked why comments from the Building Division - Part 8 Sewage Systems were absent. Staff responded that no comments were received, but that if there had been significant obstacles there would have been a response.

The Committee asked whether a condition should be inserted that requires the owner obtain written approval from the Building Division – Part 8 Sewage Systems. Staff advised that this condition was not needed as that office would be involved in the review of any building permit application on this property.

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

The Committee motioned to add a condition, condition 2. That prior to the issuance of a building permit the owner shall submit to the secretary treasurer written approval from the Building Division - Part 8 Sewage System that the proposed addition does not adversely impact the existing septic system.

Moved By E. Yeo

Seconded By D. Marsh

That minor variance application D20-2018-060 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-007, which shall be attached to and form part of the Committee's Decision,
- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary Treasurer written approval from the Building Division - Part 8 Sewage Systems that the proposed addition does not adversely impact the existing septic system; and
- 3) **That** the building construction related to the minor variance shall be completed within a period of twenty four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**4.2 Consents****5. Correspondence****6. Other Business**

The Committee raised the question as to the number of members required to sit on the Committee of Adjustment. Richard Holy said he would look into it.

Clarification from the Clerks department is seven members maximum required to sit on the Committee of Adjustment. However six members are acceptable. A minimum of 3 members required for a quorum.

The Committee asked Richard Holy, if there were any proposed changes to governance from the Province. The Manager of Planning responded indicating that there are Regional governance reviews, changes to the Growth Plan, policies for intensification and greenfield densities, and ongoing Secondary Plan reviews. The Committee asked if they are going to open land in the Oak Ridges Moraine. Staff replied no.

7. Next Meeting

The next meeting will be Thursday, February 21, 2019 at 1:00pm in Council Chambers, City Hall.


8. Adjournment

Moved By S. Richardson

Seconded By D. Marsh

That the meeting be adjourned at 2:37pm.

Carried



Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Adam and Amanda Milson
Report Number COA2019-008

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 8.2(f) to reduce the minimum rear yard setback from 20 metres to 15 metres in order to permit an accessory structure (a steel framed storage building) in its current location.

The variance is requested at 379 Ballyduff Road, geographic Township of Manvers (File D20-2019-001).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-008 Adam and Amanda Milson, be received;

THAT minor variance application D20-2019-001 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-008, 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 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

- 3) **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 COA2019-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	For Committee's information, this application originated from an enforcement notice through the Building Division. The application seeks to permit a steel framed storage building in its current location within the rear yard. This application was deemed complete December 5, 2018.
Proposal:	To recognize an approximately 190 square metre (2,044.4.square foot) accessory building within the rear yard area.
Owner:	Adam and Amanda Milson
Legal Description:	379 Ballyduff Road, Part Lot 7, Concession 6, Part 1, RP 57R-8068, geographic Township of Manvers, City of Kawartha Lakes
Official Plan:	Natural Core Area within Amendment #104 to the County of Victoria Official Plan
Zone:	Oak Ridges Moraine Core Area (ORMCA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133
Site Size:	15.2 hectares (38 acres)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	North & West: Agricultural, Wetland East & South: Residential, Agricultural and Wetland

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is situated in a rural area where there is a small cluster of rural residential lots. The property is of considerable size and mostly

surrounded by agricultural and rural land to the west and north respectively. The subject accessory building is on the north side of this sizeable agricultural lot in close proximity to the north lot line. The nearby rural residential lots are located about 500 metres to the south and about 100 metres to the northeast of the subject building location respectively. As a result, no negative impacts to nearby servicing is anticipated.

Likewise the location of the subject building is majorly surrounded by vegetative buffers, which effectively screens it from neighbouring lots and partially from the abutting road. Century Farm Road appears to be a through vehicular road. The northwest road bend that connects to the site together with the roadside vegetation helps to conceal the massing of the accessory building when driving from that direction. As well the 5 metre reduction to the minimum rear yard setback requirement is not anticipated to be discernible when driving from the opposite (northeast) direction. The site topography also contributes to ensure that the subject structure is appropriately located in the least visible location within the rear yard.

Based on the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

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

The Oak Ridges Moraine Core Area (ORMCA) Zone typically permits a variety of agricultural uses, including single detached dwellings. The ORMCA Zone also recognizes accessory uses as ancillary to a principle use.

Regardless of the reduced rear yard setback of the accessory building, the total lot coverage permitted for all buildings within the ORMCA Zone would still be met, as the subject building would only account for 0.13% out of the 0.36% total lot coverage occupied by all buildings on the property, whereas a maximum of 10% total lot coverage is permitted in the ORMCA Zone.

In all other respects the height of the garage complies with the Zoning By-law provisions for accessory buildings.

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 designation follows the Natural Core Area policies within the Amendment #104 to the County of Victoria Official Plan which promotes the protection of key natural heritage features by only allowing low intensity developments in the area. Accessory buildings are permitted ancillary uses to principle uses within this designation.

The accessory building as proposed in conjunction with the comments provided by the Kawartha Conservation demonstrates that no negative impacts to the ecological integrity of the Plan area are anticipated.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by private individual septic and well 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 (February 7, 2019): No concerns.

Kawartha Conservation Authority (February 8, 2019): No concerns. See comments

Engineering and Corporate Assets Department (February 11, 2019): No objection.

Public Comments:

No comments as of February 11, 2019.

Attachments:



Appendices A-E to
Report COA2019-008

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

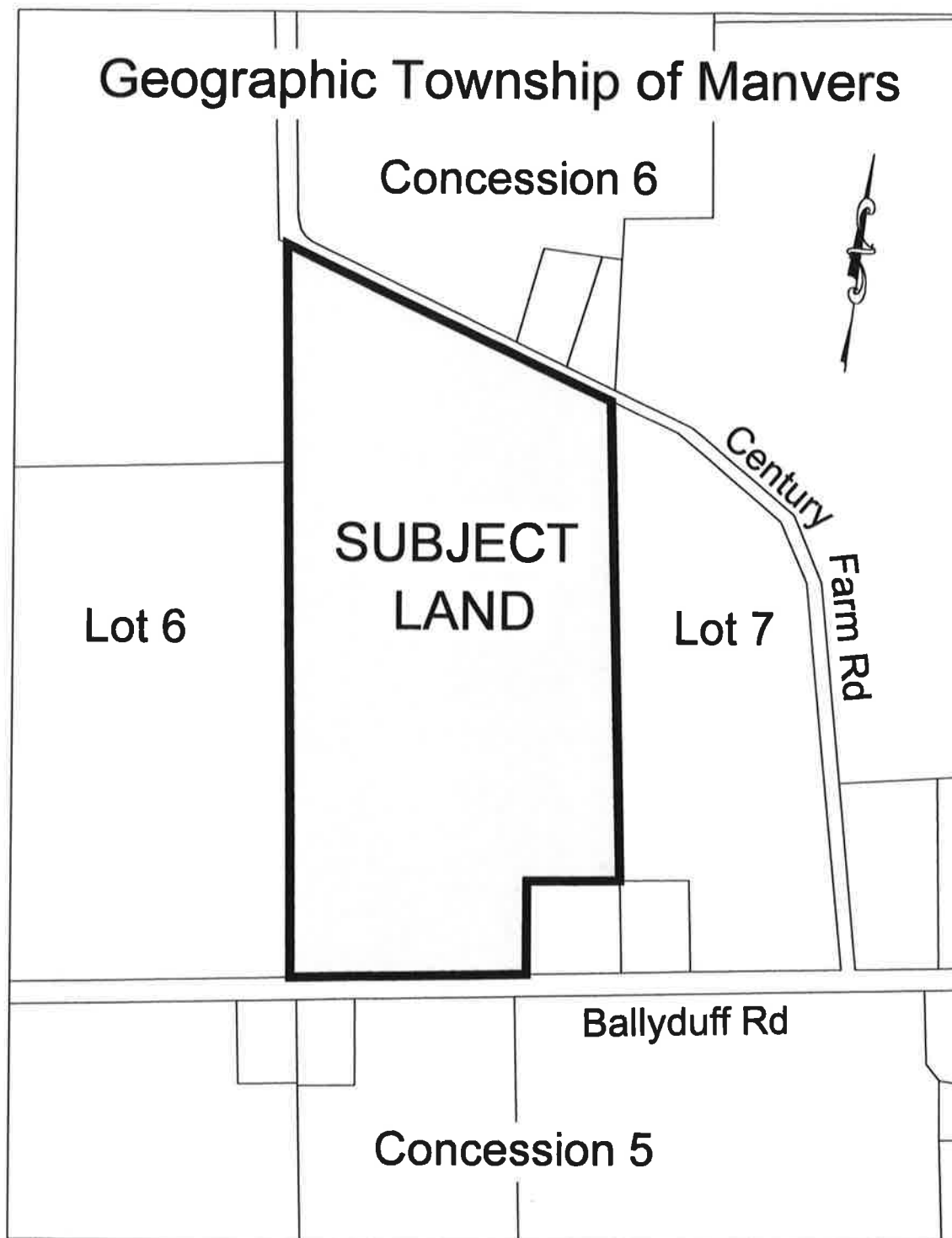
Phone: 705-324-9411 extension 1367

E-Mail: qadebayo@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D20-2019-001

D20-2019-001



APPENDIX: B

to

REPORT COA2019-008

FILE NO: D20-2019-001



379 Ballyduff Road, Geographic Township of Manvers



0.90

Kilometers

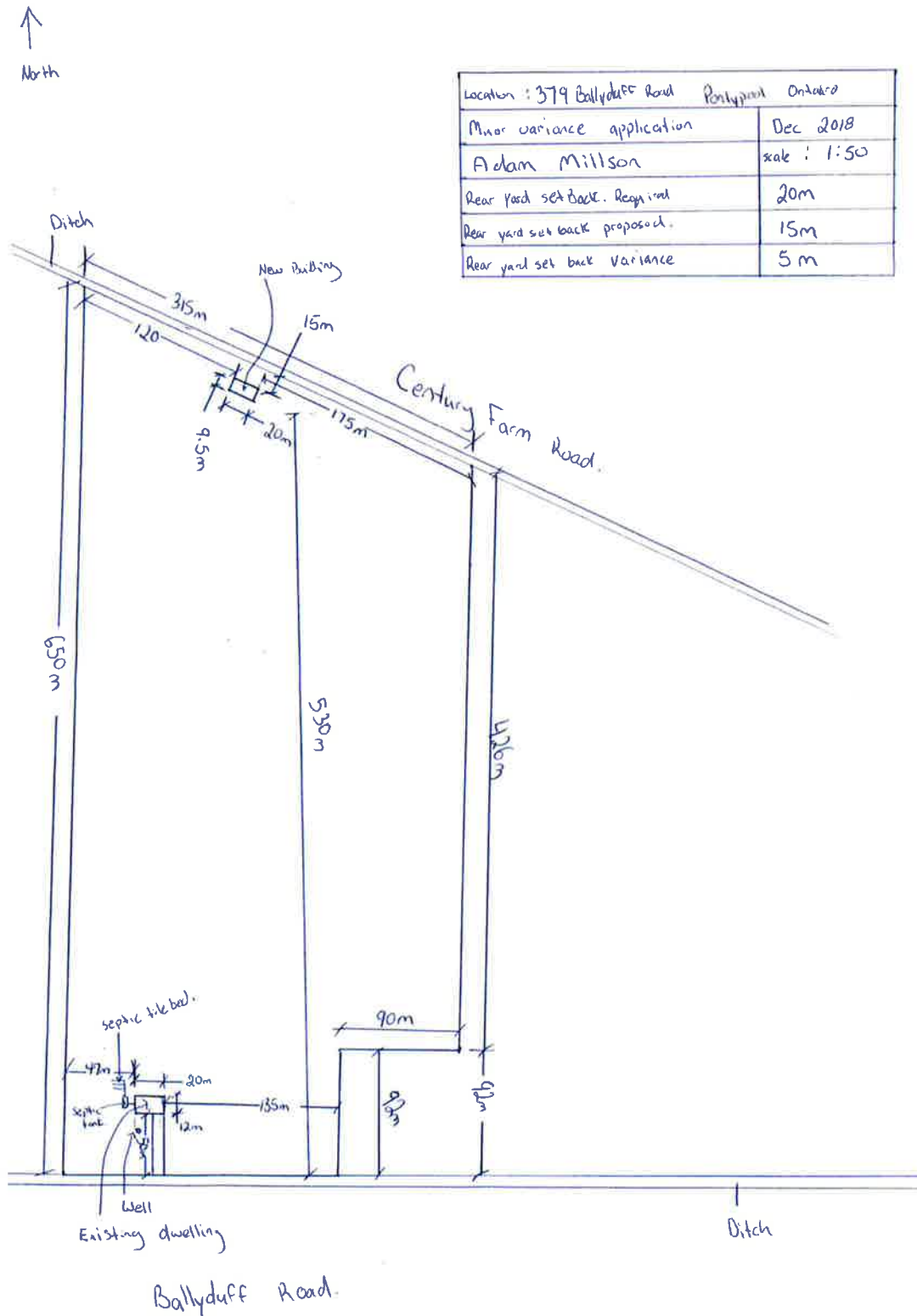
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

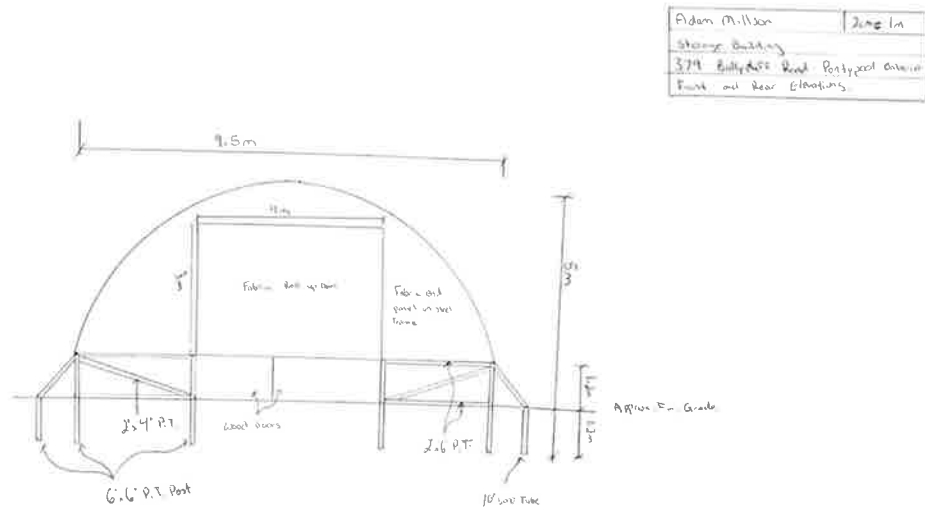
Site Plan Sketch



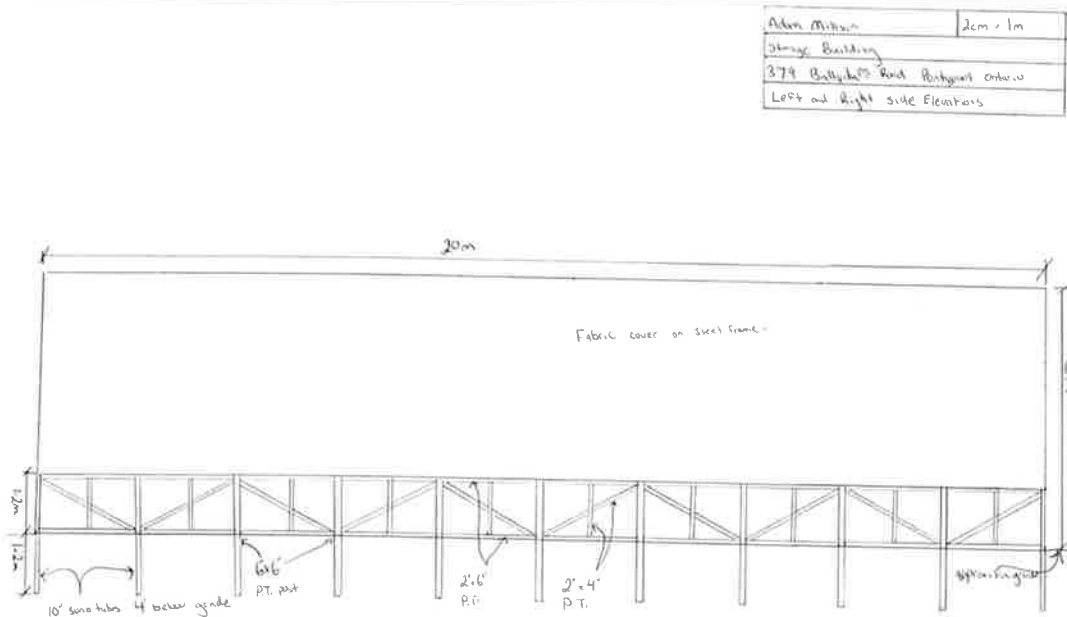
to

REPORT COA2019-008FILE NO: D20-2019-001

Front and Rear Elevation



Right and Left Side Elevation



Erica Hallett

APPENDIX " E "

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

REPORT CA2019-008

FILE NO. D20-2019-001

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





February 08, 2019
KRCA File No 16825
Page 1 of 4

APPENDIX " E "
to
REPORT COA2019-008
FILE NO. D20-2019-001

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

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Application for Minor Variance – D20-2019-001
Adam & Amanda Millson (Agent: B. Canbareri)
379 Ballyduff Road, Part of Lot 7, Concession 6
Geographic Township of Manvers
City of Kawartha Lakes

Dear Ms. Crockford-Toomey:

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

We understand the application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Oak Ridges Moraine Zoning By-law 2005-133, as amended. The purpose and effect is to request relief from Section 8.2(f) to reduce the minimum rear yard setback from 20 metres to 15 metres in order to permit an accessory structure (being a steel framed storage building) in its current location. Staff would like to note that based on aerial photography interpretation, it appears the accessory storage structure is already constructed.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is within the KRCA's Regulated Area, as it contains a cold-water watercourse appearing to be a headwater tributary of the Pigeon River. Kawartha Conservation regulates the watercourse and all lands within 15 metres from the limit of the physical top of bank associated with the watercourse. Any development within lands Regulated by Kawartha Conservation requires a Permit pursuant to Ontario Regulation 182/06 prior to site alteration.

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

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

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 Seaboy • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Caledon



- 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.

The location of the accessory storage structure according to the plans provided, is outside of lands regulated by Kawartha Conservation; therefore, a permit is not required under Ontario Regulation 182/06 to facilitate the construction of the proposed accessory storage structure.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

Oak Ridges Moraine Conservation Plan – Natural Core Designation, Significant Groundwater Recharge Area & High Aquifer Vulnerability

The subject lands are designated Natural Core Area within the Oak Ridges Moraine Conservation Plan (ORMCP) and zoned as Oak Ridges Moraine Core Area (ORMCA). Natural Core Areas typically contain high concentrations of Key Natural Heritage Features (KNHFs), Hydrologically Sensitive Features (HSFs) or landform conservation areas. The purpose of the designation is to maintain and where possible improve or restore the ecological integrity of the plan area. Permitted uses within the Natural Core Area are restricted to existing uses and very restricted new resource management, agricultural, low intensity recreational, home businesses, transportation and utility uses. It is believed that the use of the proposed storage facility will be associated with agricultural practices, although the nature of the use has not been specified through the application.

In accordance with the ORMCP, any development and site alteration with respect to land within a KNHF or the related Minimum Vegetation Protection Zone (MVPZ) is prohibited, except in certain circumstances. In addition, any development or site alteration with respect to land within the minimum area of influence that relates to a KNHF, but outside the KNHF itself and the related MVPZ shall be accompanied by a natural heritage evaluation. The location of the proposed storage structure appears to be situated greater than 120m from any KNHFs or HSFs (woodlands, intermittent stream); therefore, a natural heritage evaluation is not required to support the application.

The subject property also is within an area of High Aquifer Vulnerability, where an increase in susceptibility to contamination from both human and natural impact on water quality exists. In accordance with Section 6 – Special Provisions of the City of Kawartha Lakes Oak Ridges Moraine Zoning By-Law (2005-133), the following uses are prohibited within an Area of High Aquifer Vulnerability:

“a) Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule D attached hereto and forming part of this By-law:

- i) Generation and storage of hazardous waste or liquid industrial waste;***
- ii) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities;***
- iii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;***
- iv) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.***

b) Notwithstanding Section (a) above, storage by an individual for personal or family use of the following is permitted in areas of High Aquifer Vulnerability:

- i) petroleum fuels;***
- ii) petroleum solvents;***
- iii) pesticides, herbicides and fungicides;***
- iv) construction equipment;***
- v) inorganic fertilizers;***
- vi) road salt, and***
- vii) contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 or the revised regulation of Ontario.”***

Staff caution that should any of the above uses identified in 6.1 a) exist or be proposed within the storage structure, staff could not support approval of the recognition of the storage facility.

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.

Recommendation

Based on our review of the above information, Kawartha Conservation can advise that staff would foresee no issue with the approval of application D20-2009-01 based on our consideration for natural heritage, natural hazards and water quality and quantity protection policies.

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

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



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

APPENDIX " E "
to
REPORT COA2018-008

FILE NO. D20-2019-001

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-001 – 379 Ballyduff Road
Geographic Township of Manvers (ORM), 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 February 7th, 2019.

It is our understanding that the applicant is requesting relief to reduce the minimum rear yard setback from 20 metres to 15 metres in order to permit an accessory structure (being a steel framed storage building) in its current location.

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 – Shepherd and Deel
Report Number COA2019-009

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 –Geographic Township of Emily

Subject: The purpose and effect is to permit the construction of an addition to a single detached dwelling with a deck, recognize the construction of two cabins, and recognize the construction of a pool and deck by requesting relief from the following provisions:

Addition to Single Detached Dwelling inclusive of a Deck

1. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.2 metres, and
5. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition Pertaining to Both Existing Cabins

6. Section 3.1.6.1 to increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square metres.

Recognition of Existing Cabin 1

7. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 4.4 metres,
9. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. Section 12.2.1.3(d) to reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2

11. Section 12.2.1.3(b) to reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.9 metres.

The variance is requested at 132 Charlore Park Drive, geographic Township of Emily (File D20-2019-002).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-009 Shephard and Deel, be received;

THAT the following variances pertaining to one and/or both cabins in application D20-2019-002 be **DENIED** as the application does not meet the general intent and purpose of the official plan and zoning by-law as set out in Section 45(1) of the Planning Act:

Recognition Pertaining to Both Existing Cabins

6. Section 3.1.6.1 to increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square metres.

Recognition of Existing Cabin 1

7. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 4.4 metres,
9. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. Section 12.2.1.3(d) to reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2

11. Section 12.2.1.3(b) to reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.9 metres.

THAT the following variances pertaining to the addition to the single detached dwelling and its deck, the recognition of the existing deck and pool, and variance for Cabin 2 as amended by staff in application D20-2019-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act:

Addition to Single Detached Dwelling inclusive of a Deck

1. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.2 metres, and
5. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition of Existing Cabin 2

6. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 15 metres; and
7. Section 12.2.1.3(b) to reduce the minimum side yard setback from 3 metres to 1.2 metres.

Conditions:

- 1) **THAT** the building construction related to this approval of the addition with its deck, existing deck and pool shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-009, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the owners acquire the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the buildings and structures granted by this variance approval being the: addition to the single detached dwelling, deck addition, deck and pool and any accessory storage buildings.
- 3) **THAT** the applicant obtain any requisite Remediation Agreements from Kawartha Conservation Compliance staff in relation to Cabin 2 should the applicant wish to maintain and relocate the building,
- 4) **THAT** as part of the permissions process pursuant to Ontario Regulation 182/06, the owners work with Kawartha Conservation Compliance and Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer as compensation for the encroachment into the 30 metre fish habitat buffer.

- 5) **THAT** prior to the issuance of a building permit for the addition to the single detached dwelling, the owners shall submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that the building identified on the application as Cabin 1 has been removed from the property and that the building identified on the application as Cabin 2 has been relocated in conformity with the zoning by-law and any outstanding building permit issues with said building rectified; and
- 6) **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 COA2019-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owners applied for pre-screening in March 2018. Through pre-screening, it was identified that surveyor confirmation was identified that:

1. Surveyor confirmation was needed to identify all distances to existing and proposed buildings,
2. Building permits were issued for two sheds in 2005, not cabins, and the cabins were not sited in compliance with the applicable setbacks; and
3. Staff would likely be unable to support the continued existence of all buildings/structures.

This application was last amended February 4, 2019.

Proposal: To recognize two cabins, a deck and pool and permit the construction of an addition with a deck to a single detached dwelling.

Owners: Mary (Meri) Shephard and Timothy Deel

Legal Description: Lot 2, Plan 331, geographic Township of Emily, now City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 2,027.1 square metres (0.5 acre)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Second Tier Shoreline Residential, Cottage Resort
South: Pigeon River
East: Shoreline Residential, Cottage Resort
West: Shoreline Residential

Rationale: A variance for increasing the total number of accessory buildings on the lot from 3 to 4 was not sought as the boat house is not situated on the lot, but on filled land owned by Parks Canada.

Cabins, while defined as accessory buildings, are subject to the same setbacks as a dwelling as they are used for human habitation.

1) Are the variances minor in nature?

A. For the Cabins? No

The subject property is located within the Charlore Park neighbourhood, which is a peninsula dividing Pigeon Lake from Pigeon River.

The primary function of a rear yard that abuts a shoreline is to provide landscaped open amenity space for recreational purposes as well as to provide for the treatment of storm water runoff and an environmental buffer to the river.

The deck and pool occupy a central area within the rear yard, with Cabin 2 and the boathouse providing additional built form within the eastern portion of the yard. The presence of Cabin 1 further adds to the volume of built form within the rear yard, and brings human habitation and built form very close to the shoreline than what is permissible or appropriate for the waterfront character of the neighbourhood. Cabin 1 has also been identified by the Kawartha Region Conservation Authority (KRCA) as being partially within the flood hazard.

Due to the above analysis, components of the proposal cannot be considered minor.

B. For all other Buildings and Structures? Yes

The addition to the dwelling will be a similar distance from the shoreline than the existing deck that runs along the rear wall of the dwelling, and the deck off the proposed addition will be behind the pool and deck. As such, the total increase in built form to the dwelling when viewed from the shoreline will appear minor.

The existing rectangular deck surrounding the pool within the rear yard are lesser in height than the dwelling, and will continue to appear accessory in relation to the dwelling. While a corner of the deck is 0.8 metres closer to the shoreline than the 15 metres outlined within the Official Plan, the reduction is not anticipated to be perceptible given the degree of landscaped open space remaining between the deck and shoreline.

The stairs to the west side of the deck are heavily screened from the abutting neighbour by a cedar hedge that is approximately 3.4 metres tall. The hedge is

on the subject property and is approximately as tall as the deck railing. The increased proximity of the stairs to the abutting west lot is not anticipated to generate major land use conflicts as the deck space abutting the stairs is of insufficient size to serve as an amenity space. The deck on the east side of the dwelling is narrow and serves to facilitate access from a side door to the wider portion of the deck within the rear yard and/or provide access to the rear yard.

The proposed spatial separation between the dwelling and the east side lot line is not anticipated to cause any adverse massing impacts on the abutting neighbour to the east due to the vegetation present along the mutual lot line.

Within the portion of the rear yard where Cabin 2 is present, this cabin should be relocated so that it maintains at least 15 metres of spatial separation from the shoreline and 1.2 metres from the side lot line to provide adequate space for access and maintenance to the eastern wall in accordance with Engineering Divisions' comments. The 1.2 metres is consistent with the setbacks established for most accessory buildings within many of the City's other zoning by-laws, and is appropriate as there are no window openings along the east side of the cabin which may cause a conflict with the abutting neighbour. As development is clustered on the east side of the lot, the overall impact of built form on this side is lessened.

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

A. For the Cabins? No

The presence of two cabins within the rear yard provides additional accommodation to overnight visitors. However, it is not appropriate as this increased activity is supposed to be limited in scale, located close to the dwelling rather than the shoreline, and causes much built form to be present within the rear yard, a space which is intended to remain open to provide a vegetative buffer between human activity and the shoreline. The Kwartha Region Conservation Authority has also noted that Cabin 1 is partially within the regulatory flood plain and its buffer, and is not in a position to support the cabin as its location poses a risk to public health or safety or damage to property.

For these reasons, the presence of a second cabin cannot be considered desirable and appropriate.

B. For all other Buildings and Structures? Yes

The addition will allow the re-configuration of space within the dwelling and provide additional rooms to increase the functionality of the dwelling.

The addition is proposed within a portion of the lot which functions as a pathway between the front and rear yards. For this reason, it does not function as a significant amenity area. Sufficient space will remain between the addition and side lot line for pedestrian access between these two yards to continue.

The pool and its deck provide additional recreational space within the rear yard, with only the southwest corner of the deck coming within 15 metres of the shoreline.

The relocated Cabin 2 may remain within the rear yard to provide some additional accommodation to visitors provided that it is moved closer to the dwelling rather than the shoreline.

As the balance of the proposal maintains adequate separation from the shoreline to provide a sufficient buffer to the water, it is considered desirable and appropriate.

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

Yes

A. For the Cabins? No

The subject property is zoned Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30.

The zoning by-law through its Environmental Protection Zone setback, has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat. Permitting additional buildings between the dwelling with its pool and deck and the shoreline runs contrary to the intent of the zoning by-law to provide this increased spatial separation between development on the lot and Pigeon River.

The zoning by-law has also established the maximum footprint (30 square metres) and number of cabins (1) that a lot of sufficient size may have. It is clear through the placement and function of the rear yard that there is insufficient space to site two cabins on the lot. Cabin 2 meets the footprint requirement and could be relocated in such a way that it does not interfere with the function of the property or rear yard.

B. For all other Buildings and Structures? Yes

The addition to the dwelling, the decks and pool do provide sufficient buffer of landscaped open space between the water and the built form, provided certain measures are implemented, which shall be examined within the Official Plan test.

The reduced setback of the addition to the side lot line provides for sufficient space to maintain pedestrian access between the front and rear yards. The enhanced setback of relocated Cabin 2 provides sufficient space for maintenance and lot drainage.

Therefore, the balance of 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?

A. For the Cabins? No

The subject property is designated Waterfront in the City of Kawartha Lakes Official Plan (Official Plan). Residential uses are anticipated within this designation. The intent of the Official Plan, particularly policy 3.11 is that development should be located 30 metres from the shoreline where possible in accordance with Ministry of Natural Resources and Forestry recommendations.

When it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat. Cabin 1 represents a significant encroachment into the shoreline buffer area, and can therefore not be supported.

B. For all other Buildings and Structures? Yes

While it may be possible to remove a small portion of the deck to maintain 15 metres at all points from the shoreline, this would likely expose the above-ground pool within and would not be a reasonable expectation. As the vast majority of the deck and pool structure is outside of 15 metre minimum, the intent of the Official Plan setback policies are maintained.

The addition and Cabin 2 may be constructed outside of the 15 metre water setback, and in the case of the dwelling much room (24 metres) remains to the shoreline.

The KRCA has advised that in accordance with the Ministry of Natural Resources and Forestry's recommendations, a shoreline planting plan is required for the encroachment into the 30 metre fish habitat buffer since lawn alone cannot perform the necessary environmental functions within the reduced buffer area.

In consideration of the above, the rest of the variances maintain the general intent and purpose of the Official Plan provided a shoreline planting plan is implemented.

Other Alternatives Considered:

Removal or relocation of some buildings/structures was discussed in pre-screening due to the reduced water setbacks being proposed. The owners structured the application to ask to recognize as much of the existing development as possible.

Servicing Comments:

The property is serviced by a private individual septic system.

Consultations:

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

Agency Comments:

Kawartha Region Conservation Authority (February 11, 2019): A permit for all works seeking relief within the variance application require permits from their office. Conditions are requested to address their concerns. Cabin 1 is not permitted in its proposed location, and must be relocated outside of the flood hazard and associated buffer or removed. Cabin 2 is to be relocated at least 15 metres away from the shoreline. The remainder of the variances seeking relief to encroach into the 30 metre water setback are supported provided a planting plan is developed as part of their office's permitting process.

Engineering and Corporate Assets Department (February 11, 2019): The building identified on the sketch as Cabin 2 does not maintain the minimum setback required to provide for any drainage issue that may arise between private properties.

Building Division (January 7, 2019): No concerns. A 2005 building permit was issued for two sheds, not cabins, and the buildings were not sited in accordance with the zoning by-law.

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-D to
COA2019-009.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

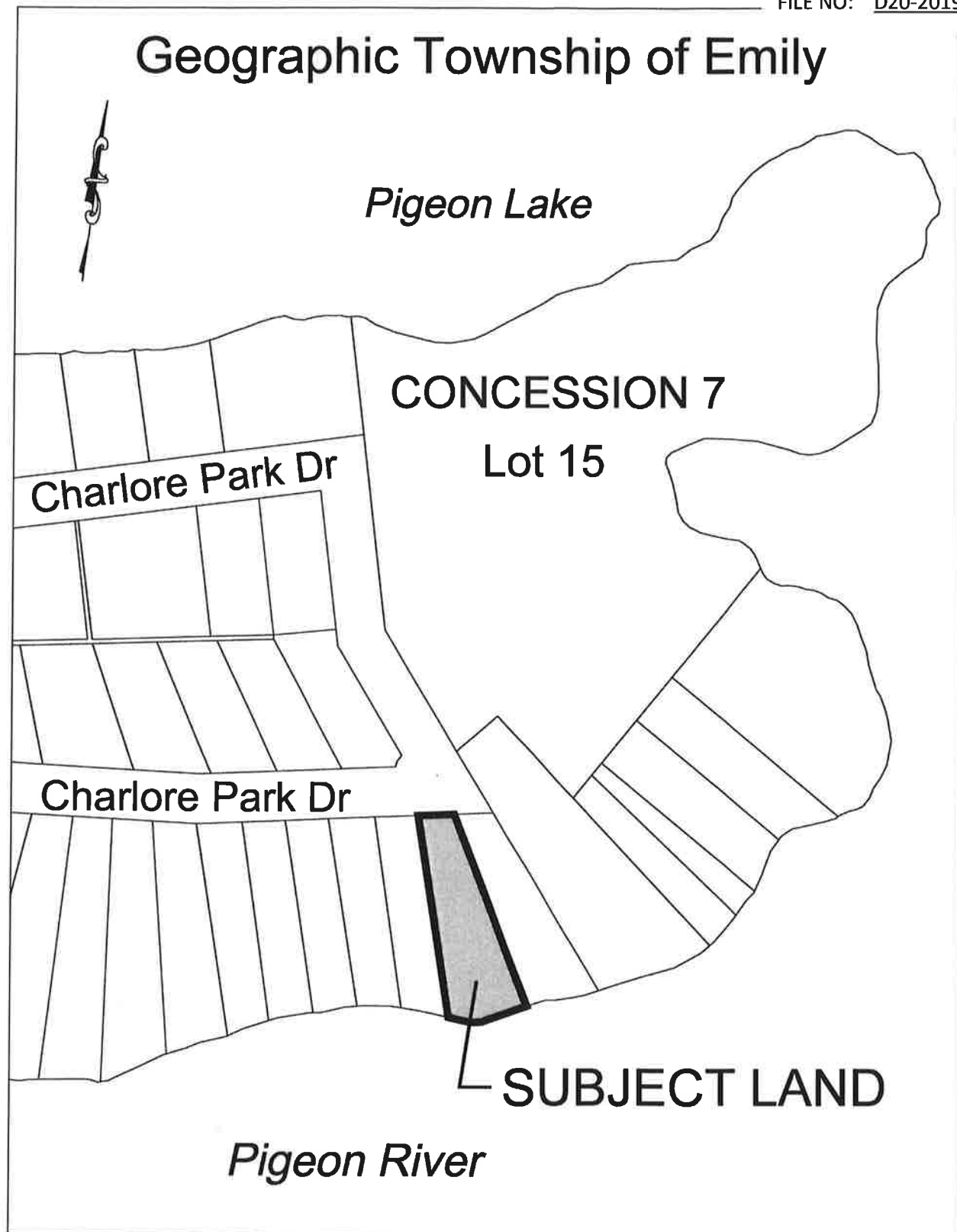
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-002

to

REPORT COA2019-009

FILE NO: D20-2019-002







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

APPENDIX " D "
to
REPORT COA 2019-009

FILE NO. D20-2019-002

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-002 – 132 Charlore Park Drive
Geographic Township of Emily, 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 February 7th, 2019.

It is our understanding that the applicant is requesting relief to permit the construction of an addition to a single detached dwelling with a deck, recognize the construction of two cabins, and recognize the construction of a pool and deck by requesting relief from the following provisions:

Addition to Single Detached Dwelling inclusive of a Deck

1. reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. reduce the minimum water setback from 30 metres to 14.2 metres, and
5. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition Pertaining to Both Existing Cabins

6. increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square

metres.

Recognition of Existing Cabin 1

7. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. reduce the minimum water setback from 30 metres to 4.4 metres,
9. reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2

11. reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. reduce the minimum water setback from 30 metres to 14.9 metres.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance. We do note that one side yard setback for the Existing Cabin 2 is proposed to be 0.5 metres. This is less than the minimum setback required to provide for any drainage issues that may arise between private properties. The application suggests that this cabin has been in existence since 2016. As we have no knowledge of any drainage issues arising to this date, we confirm that the existing drainage patterns will remain.

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

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

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

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2019-002
Mary Shephard & Tim Deel
132 Charlore Park Drive, Part of Lots 14, 15 Concession 7
Geographic Township of Emily
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following revised comments to reflect an increase in reliefs sought from the provisions of the Zoning By-law:

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 permit the construction of an addition to a single detached dwelling with a deck, recognize the construction of two cabins, and recognize the construction of a pool and deck by requesting relief from the following provisions:

Addition to Single Detached Dwelling inclusive of a Deck (BUILDING 1)

1. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.2 metres, and
5. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition Pertaining to Both Existing Cabins (BUILDINGS 5 & 6)

6. Section 3.1.6.1 to increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square metres.

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 Scadding • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

Recognition of Existing Cabin 1 (BUILDING 5)

7. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 4.4 metres,
9. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. Section 12.2.1.3(d) to reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2 (BUILDING 6)

11. Section 12.2.1.3(b) to reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.9 metres.

Staff would like to note that the aforementioned building numbers were not provided on any materials submitted as part of the application.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within the KRCA's Regulated Area, as it fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the valley system associated with Pigeon Lake and lands within 15 metres of the existing stable slope. Moreover, the Regulatory Flood Elevation for Pigeon Lake (246.9 masl) extends onto the property. A topographic survey prepared by *Coe, Fisher and Cameron Land Surveyors* dated September 2018 was provided with the application, illustrating that most of the development subject to the application is located outside of the flood elevation. Any development (or redevelopment) on the subject property requires a Permit pursuant to Ontario Regulation 182/06 prior to site alteration. In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, permissions are required from Kawartha Conservation prior to any of the following works taking place:

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

Development is defined as:

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

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. The addition to the existing single detached dwelling, proposed deck addition and the pool with deck will require a permit pursuant to Kawartha Conservation Policy 4.4.2(3) (Development within or Adjacent to an Apparent Valley). It is understood that upgrades to the existing septic system are also proposed. The details and specifications regarding the septic system upgrade are also required as part of the permit application. The applicant is advised to contact Stacy Porter, Planning and Regulation Technician, at (705) 328-2271 ext. 231 or sporter@kawarthaconservation.com for additional information regarding the permitting process.

Cabin 1 (Building 5) is partially located within the Regulatory Flood elevation associated with Pigeon Lake. Both Buildings 5 and 6 are acknowledged to be "bunkies" or additional habitable space within a Regulated Area. Kawartha Conservation does not support additional habitable space within the Regulated Area on properties, which contravene Municipal Standards and By-Laws. Kawartha Conservation requests Building 5 be demolished or relocated to a minimum of 6 metres from the limit of the flood elevation, provided the use reverts to an accessory storage structure. Additionally, Kawartha Conservation requests that the use of Building 6 reverts to an accessory storage structure. The relocation of Building 5 would be subject to Kawartha Conservation Policy 4.4.2(3). Given Buildings 5 & 6 were constructed without permissions, the applicant is advised to contact Jim Shrubsall, Compliance Officer & Permitting Technician, at (705) 328-2271 ext. 250 or jshrubsall@kawarthaconservation.com to determine any additional compliance requirements. Staff note that should the City recommend the outright demolition of Buildings 5 & 6 through review of the application, Kawartha Conservation would support the decision.

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

In accordance with Section 3.1.2 d) of the Provincial Policy Statement (2014),

"Development and site alteration (including lot creation) shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."

Notwithstanding the artificial manipulation of lake levels on Pigeon Lake, Building 5 appears to enter the Regulatory Flood elevation for Pigeon Lake. Staff are not in a position to support the legal recognition of existing cabin 1 (Building 5) by increasing the risk to public health or safety or damage to property.

Fish Habitat

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

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

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation's mapping, Buildings 3, 5 and 6 are located well within the 30 metre buffer resulting in significant encroachment into the fish habitat buffer.

Based on MNRF's direction, in cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable. Ultimately, redevelopment of the property closer to the shoreline, including the situation of Cabins 1 & 2 (Buildings 5 and 6) within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

In lieu of a technical study, staff requests the applicant conduct a shoreline plantings plan consisting of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

Recommendation

Based on our review of the above information, staff can **recommend conditional approval of Minor Variance File D20-2019-002**, provided the following conditions being addressed to our satisfaction:

1. The applicant acquires the necessary permissions, pursuant to Ontario Regulation 182/06, as amended for the addition to the single detached dwelling, deck addition, pool and any accessory storage structures;
2. The applicant obtain any requisite Remediation Agreements from Kawartha Conservation Compliance staff in relation to Cabins 1 & 2 (Buildings 5 & 6) should the applicant wish to maintain and relocate the non-habitable, accessory storage structures, and;
3. As part of the permissions process pursuant to Ontario Regulation 182/06, the applicant works with Kawartha Conservation Compliance and Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

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

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 Cawin/Monaghan



February 11, 2019
KRCA File No 16824
Page 5 of 5

Yours Truly,

Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation
Jim Shrubbsall, Kawartha Conservation
David Harding, City of Kawartha Lakes

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

Our Watershed Partners:

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



Erica Hallett

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

Subject: FW: CKL MV FILE D20-2019-02 (132 Charlore Park Drive)

From: Anne Elmhirst
Sent: Monday, February 04, 2019 4:20 PM
To: David Harding; 'Kent Stainton'
Cc: Stacy Porter
Subject: RE: CKL MV FILE D20-2019-02 (132 Charlore Park Drive)

There is a proposed septic upgrade submitted for this property.

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





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

MEMORANDUM

TO: Committee of Adjustment

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

DATE: February 21, 2019

SUBJECT: Minor Variance Application File No. D20-2019-003
23 Westview Drive, Geographic Township of Emily

Betty Ann Oliver, applicant for the above-noted file request relief from Section 3.1.2.2 of the Township of Emily Zoning By-law 1996-30, as amended, to reduce the minimum side yard setback for an accessory structure from 1 metre to 0.6 metre in order to permit a hot tub room in its current location.

On February 11, 2019, during the preparation of the staff report, it was discovered that a second relief for a water setback was missed when the application was advertised. Staff has promptly communicated the information to the applicant letting them know that the application was not properly advertised and that the application will be delayed for a month as a result.

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

THAT Minor Variance application D20-2019-003 be DEFERRED till the next Committee meeting in March, in order to enable the application to be properly advertised with the inclusion of the water setback relief.

Sincerely,

Quadri Adebayo, Planner II

cc: Betty Ann Oliver
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment
Chris Marshall, Director of Planning
Derryk Wolven – Plans Examiner, Building Division
John Pearson – Building Inspector, Omemee
Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division
Christina Sisson, Supervisor, Development Engineering

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – MacDonald
Report Number COA2019-011

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 –Geographic Township of Fenelon

Subject: The purpose and effect is from the following provisions in order to permit the constructed detached garage:

1. Section 3.1.2.1 to permit an accessory building within a front yard whereas only an interior side and/or rear yard location is permitted; and
2. Section 3.1.3.2 to increase the height of an accessory building from 5 metres to 5.2 metres.

The variance is requested at 221 Francis Street East, geographic Township of Fenelon (File D20-2019-004).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-011 MacDonald, be received;

THAT minor variance application D20-2019-004 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-011, which shall be attached to and form part of the Committee's Decision.
- 2) **THAT** the west wall of the detached garage shall contain at least one window.
- 3) **THAT** the lower portion of the west and south walls of the detached garage shall contain stone veneer/cladding covering between 35%-45% of the height of each wall face from finished grade to the eaves.

- 4) **THAT** to satisfy conditions 2 and 3 the owner shall prepare and submit to the Planning Division building elevations of the detached garage to the satisfaction of said Division. The elevations are to be prepared in general accordance with Appendix D to Report COA2019-006, and said satisfactory elevations shall be submitted as part of the building permit application; and
- 5) **THAT** the building construction related to the minor variances shall be completed within a period of five (5) 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 COA2019-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application is the result of a Building Division enforcement matter. In June of 2017, the applicant applied for a building permit, but it could not be issued as the garage location did not comply with the zoning by-law. On February 20, 2018, the Building Division became aware that the garage had been constructed without a permit. A pre-screening application was submitted March 2018. Planning Division's request for a meeting in May went unanswered, resulting in the Building Division laying a compliance order in November. The pre-screening meeting took place in December 2018.

This application was submitted December 14, 2018.

Proposal: To recognize the construction of a 6.1 x 7.3 metre (20 x 24 foot) detached garage.

Owner: Nancy and Shirley MacDonald

Applicant: Adam Hayter - RWH Construction

Legal Description: Part 2, 57R-2234, geographic Township of Fenelon, now City of Kawartha Lakes

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

Zone: Rural Residential Type Two (RR2) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 2,307 square metres (0.57 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

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

Rationale: While the garage exists, it did not receive a building permit nor does it comply with zoning. For these reasons, the Planning Act requires that this building be presented and discussed as a proposed building.

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 on a former County Road which is the sole access road for approximately 200 residential lots located to the south. The subject property is part of a cluster of residential properties on the east side of Francis Street East that are just outside of the Fenelon Falls Urban Settlement Area.

From the road, the subject property steadily rises up to the house, and rises more gently from the dwelling to the rear lot line. The existing dwelling is served by an attached garage at its northern end. The dwelling is built into the slope such that the west basement wall is partially to fully exposed. The attached garage is located on the basement level of the dwelling.

The detached garage is proposed to the north and east of the attached garage in a location where the existing driveway area could be utilised and where further excavation into the slope is not required. The location of the garage is appropriate in order to cluster the storage functions on the property together.

However, due to the topography and absence of vegetation, the absence of other large accessory buildings along this portion of the street, and the absence of any dwellings constructed closer to the road allowance, the garage figures prominently within the front yard when viewed from the west or south. The neighbouring lot to the north has mature deciduous and coniferous trees which assist in providing a vegetative screen when travelling south on Francis Street East.

Provided aesthetic modifications are made to the garage so that it better addresses and compliments the streetscape by adding a window and carrying the stone cladding treatment present along the lower portion of the east wall of the garage is carried around its south and west walls, the location and increased height is permissible as the garage will then compliment the residential character of the neighbourhood. The aesthetic modifications will also mitigate any adverse height or massing impacts currently presented by the two blank west and south walls.

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

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

The intent of the General Provisions section is to ensure the storage function of accessory buildings is relegated to the side or rear yard of a dwelling to ensure the dwelling retains its visual prominence as the primary use and building on the property.

As the gables of the garage are on the north and south walls, the tallest wall face is not proposed to directly face the road, which assists in minimizing the height and massing of the building.

Dwellings by their nature address and compliment the streetscape through the use of windows, doors, different cladding treatments and varying rooflines. When accessory buildings are proposed within side or rear yards, lack of cladding treatments, windows and/or doors do not impact the character of the neighbourhood as they are not in prominent locations and are often overshadowed by the dwelling. In this case, the garage is in a prominent location in the front yard and some additional steps are needed to address and compliment the streetscape to make the building appear less utilitarian in nature. This neighbourhood has few accessory buildings within front yards, and none at a scale as large as what is proposed for the subject property.

Provided changes to the building are made, the intent of the zoning by-law with respect to accessory buildings is maintained.

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

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

The property is designated Rural within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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. Planning staff did attempt to discuss the proposed building treatments with one of the owners, but it was expressed that no changes to the building were desired.

Servicing Comments:

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

Consultations:

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

Agency Comments:

Kawartha Region Conservation Authority (February 5, 2019): No concerns.

Building Division – Part 8 Sewage Systems (February 5, 2019): No concerns.

Building Division (February 7, 2019): The building was built without a permit.

Engineering and Corporate Assets Department (February 11, 2019): No concerns.

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-F to
COA2019-011.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Staff Proposed Elevations

Appendix E – Applicant's Elevations

Appendix F – Department and Agency Comments

Phone: 705-324-9411 extension 1206

E-Mail: dharding@kawarthalakes.ca

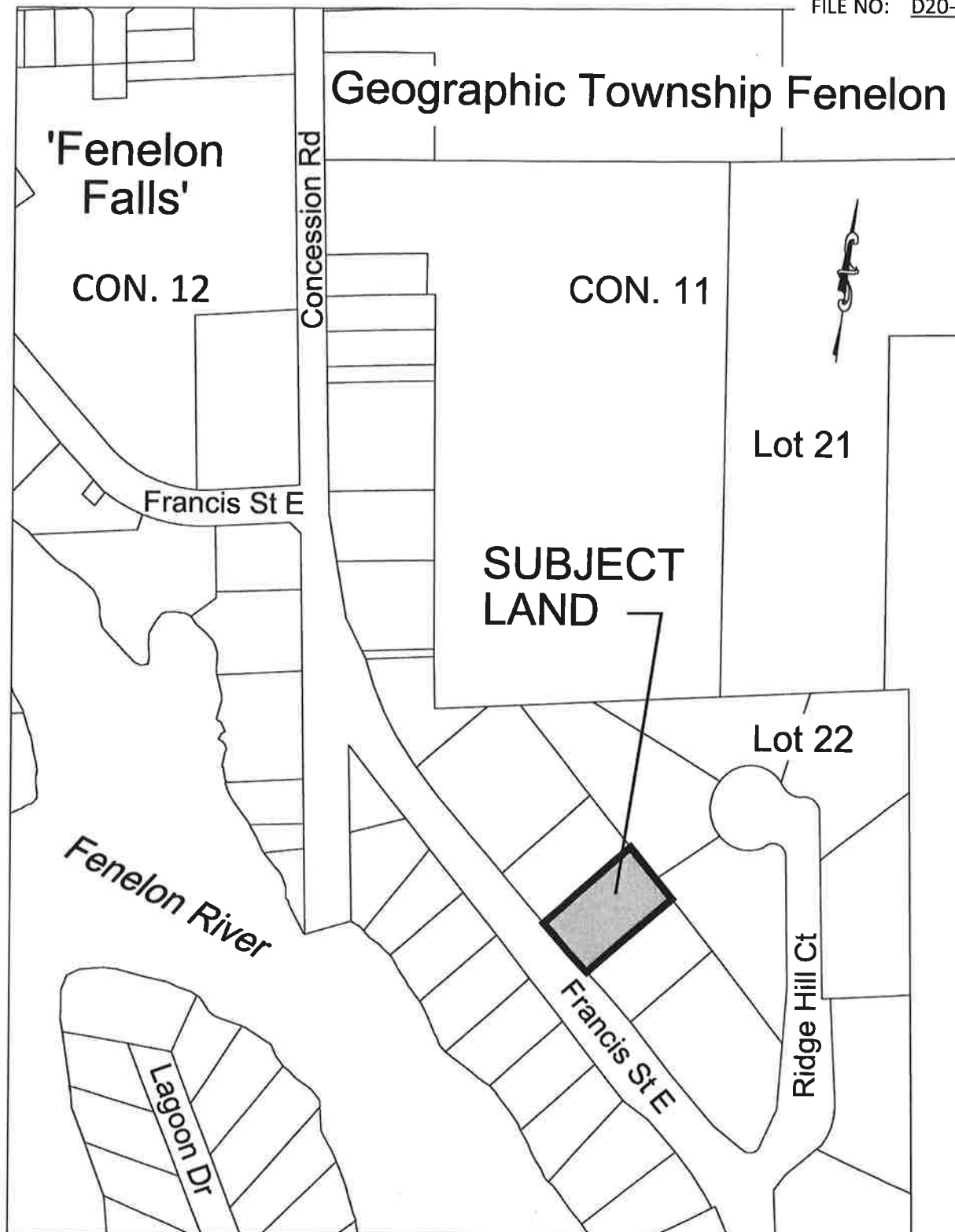
Department Head: Chris Marshall, Director of Development Services

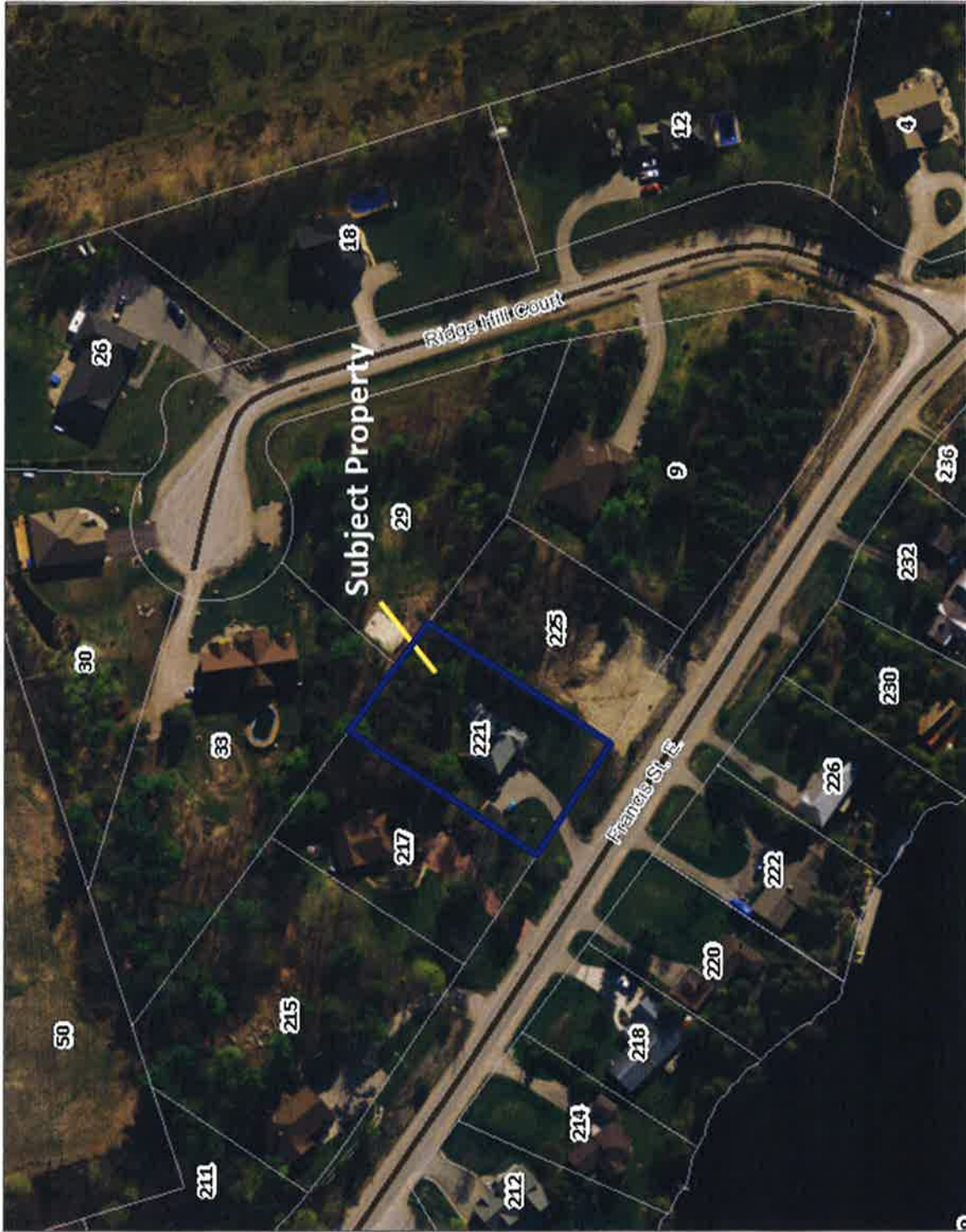
Department File: D20-2019-004

to

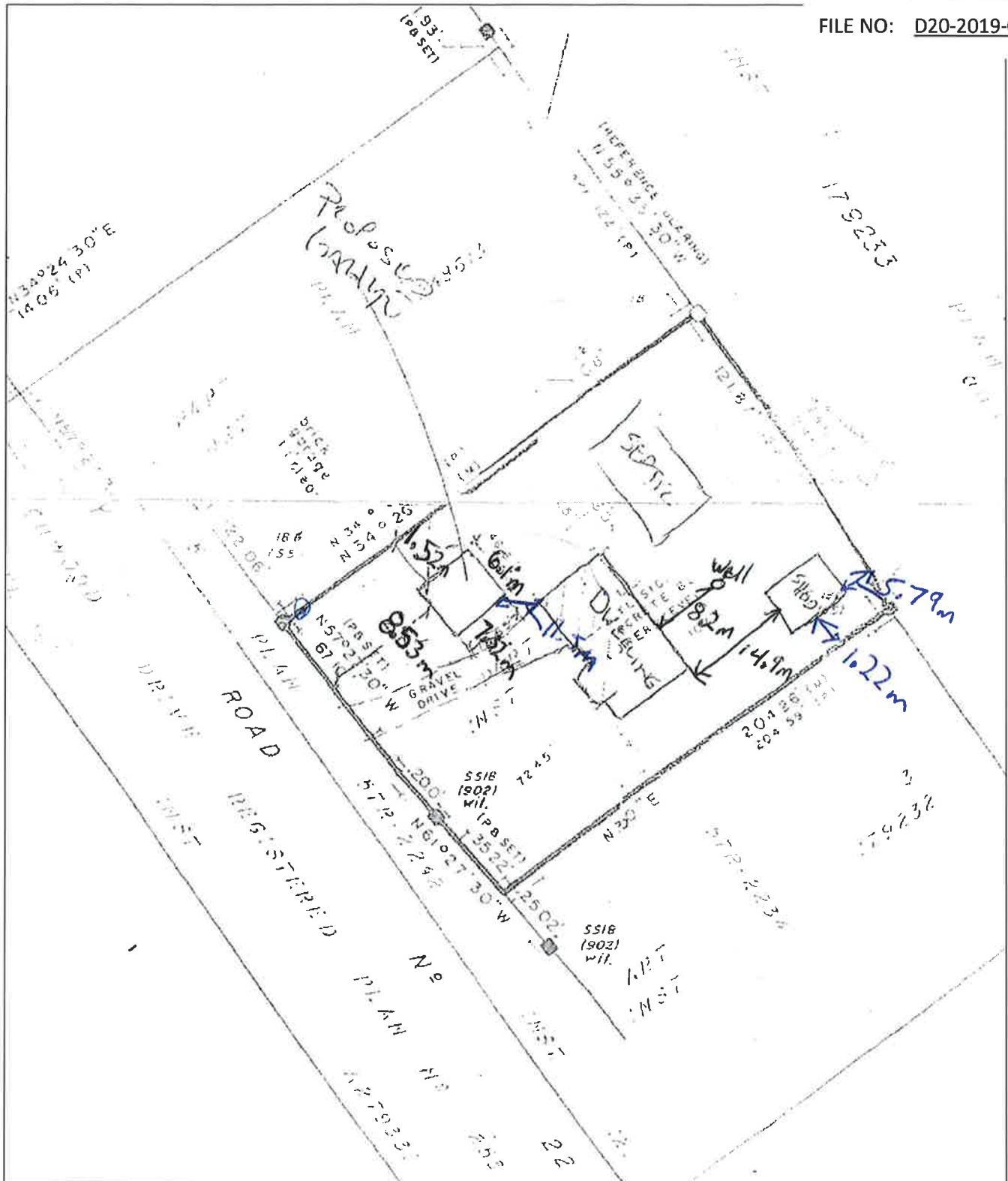
REPORT COA2019-011

FILE NO: D20-2019-004





to
REPORT COA2019-011
FILE NO: D20-2019-004



APPENDIX " D "

to

REPORT COA2019-011

FILE NO: D20-2019-004

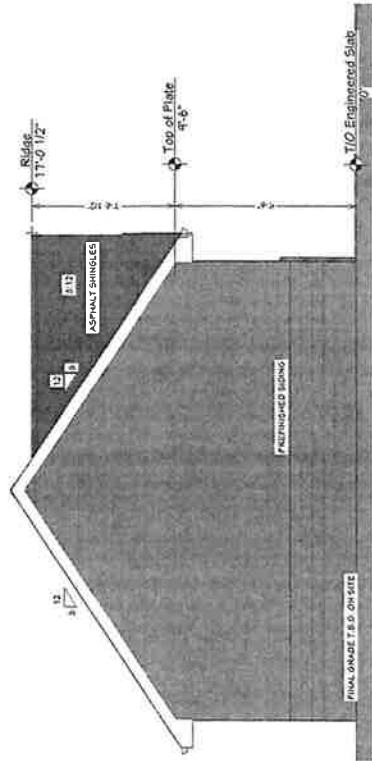


APPENDIX " E "

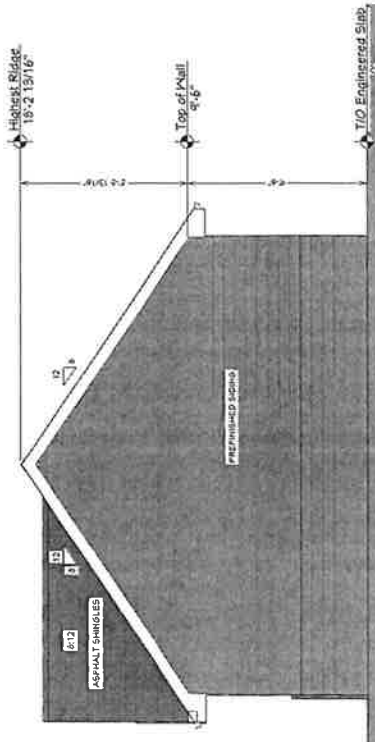
to

REPORT COA2019-011

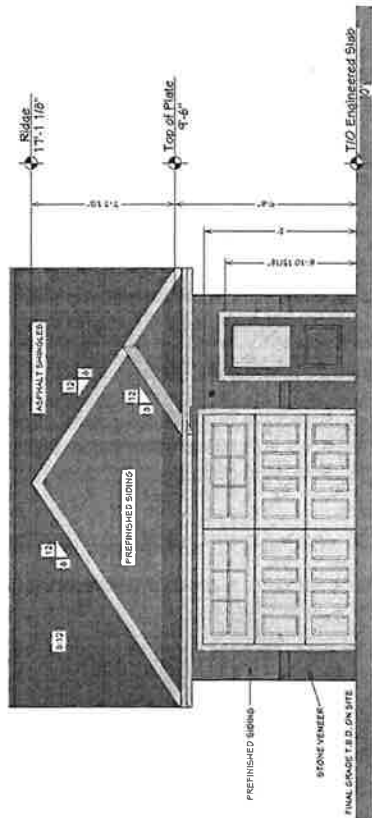
FILE NO: D20-2019-004



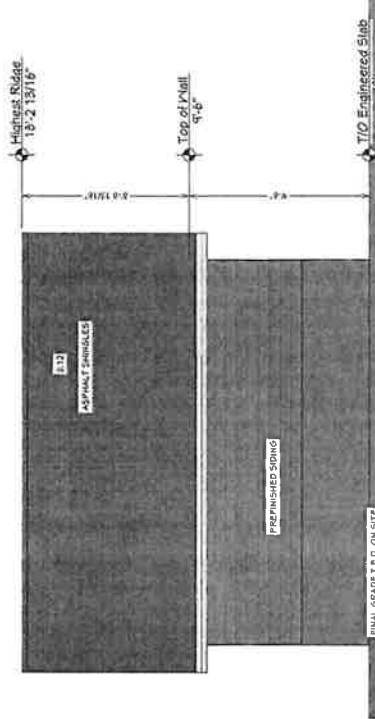
LEFT SIDE ELEVATION
SCALE: 3/8"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 3/8"=1'-0"



FRONT ELEVATION
SCALE: 3/8"=1'-0"



REAR ELEVATION
SCALE: 3/8"=1'-0"



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

APPENDIX " F "

to

REPORT COA2019-011

FILE NO. D20-2019-004

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-004 – 221 Francis Street East
Geographic Township of Fenelon, 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 February 7th, 2019.

It is our understanding that the applicant is requesting request relief from the following provisions in order to permit the constructed detached garage:

1. to permit an accessory building within a front yard whereas only an interior side and/or rear yard location is permitted; and
2. to increase the height of an accessory building from 5 metres to 5.2 metres.

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.

Erica Hallett

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



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

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2019-004
 Nancy MacDonald (Agent: Adam Hayter)
 221 Francis Street East
 Geographic Village of Fenelon Falls
 City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

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 provisions of the Village of Fenelon Falls Zoning By-law 3.1.2.1 & 3.1.3.2, as amended. The purpose and effect is to request relief from the following provisions in order to permit the construction of a single detached garage:

1. Section 3.1.2.1 to construct the detached garage in the front yard, and;
2. Section 3.1.3.2 to increase the maximum height requirement for an accessory structure from 5 metres to 5.2 metres.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within proximity to the Fenelon River and Sturgeon Lake; however, property is located outside of lands Regulated by Kawartha Conservation under Ontario Regulation 182/06. A permit is not required to facilitate the construction of the proposed detached garage.

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

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

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.

Water Quality

Given the proposed works are adjacent to slope yet fragmented from the shoreline of the Fenelon River by Francis Street East, it is recommended that should the garage be constructed in the future, appropriate sediment and erosion controls (i.e. silt fencing) be implemented around the construction site to prevent sediment-laden runoff from entering the Fenelon River and Sturgeon Lake.

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 D20-2019-004, provided the proposed works are constructed as per the plans submitted to Kawartha Conservation as part of the 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

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 Caledon • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

David Harding

From: Anne Elmhirst
Sent: Tuesday, February 05, 2019 10:55 AM
To: Erica Hallett
Subject: D20-2019-004 - 221 Francis St

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erica,

RE: Minor Variance Application D20-2019-004
221 Francis St., Former Fenelon Township,
Conc. 11, Part Lot 21, Plan 57R2234, Part 2,
Roll No. 165121006048202

I have received and reviewed the request for minor variance to allow a detached garage to be constructed in the front yard of the property and completed a site visit.

A sewage system file (F-67-91) was located for this property. The sewage system is located in the front yard adjacent to the driveway. The constructed detached garage has been maintained the required clearance distance to the distribution lines of the leaching bed.

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John Howard Society
Report Number COA2019-012

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Former Town of Lindsay

Subject: The purpose and effect is from Section 14.1 Residential (c) to permit a Crisis Care Residence use on the same floor as a commercial use. The effect is to permit the partial conversion of a main floor commercial use (office) to a Crisis Care Residence use.

The variance is requested at 31 Peel Street, former Town of Lindsay (File D20-2019-005).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-012 John Howard Society, be received;

THAT minor variance application D20-2019-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance proceeds generally in accordance with the plans submitted in Appendix “D” to Report COA2019-012 which show that the office and crisis care uses are able to interact with one another through their use of common spaces. This appendix shall be attached to Committees’ Decision.
- 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 COA2019-012. Fulfillment the conditions are required for the Minor Variance to be considered final and binding.

Background: The John Howard Society is proposing to convert the majority of its office space in the existing two storey building for use as a crisis care residence. Two accessible bedrooms and an accessible washroom are proposed on the main floor. A portion of the main floor will continue to be used as office space for the Society.

This application was received December 19, 2018.

Proposal: To permit part of the main floor containing a commercial use (office) to be converted to residential use as a crisis care residence.

Owner: John Howard Society

Legal Description: Part of Lot 8, Plan 1, South of Peel Street, Parts 1 and 2, 57R-5220, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Central Business District Commercial within the Town of Lindsay Official Plan

Zone: Central Commercial (CC) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: 551.83 square metres (5,939.8 square feet)

Site Servicing: Municipal water and sewer systems

Existing Uses: Office

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

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is situated within the Lindsay Central Business District (CBD). The uses around the subject property are primarily commercial in nature, but there are some residential uses as well. Most of the residential uses are in the form of apartments on the upper levels of some of the commercial buildings. However, there are two semi-detached dwellings to the immediate east.

This portion of Peel Street contains a series of one and two storey buildings, the majority of which are commercial in appearance and do contain commercial uses. From the outside, the building on the subject property appears as a single

detached dwelling. As the proposed renovations are to the building's interior, no physical change to the streetscape is anticipated.

A crisis care residence use is permitted above a commercial use. Six crisis care rooms are proposed on the second floor. Adding two additional crisis care rooms on the rear portion of the first floor is not anticipated to significantly change the function of the site.

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

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

Yes

The subject property is zoned Central Commercial (CC) Zone within the Town of Lindsay Zoning By-law 2000-75.

The intent of the zoning by-law is to ensure that where a building contains commercial space on the main floor, that commercial space is not fragmented to make way for residential uses. This ensures that adequate commercial floor area remains for prospective and expanding businesses, and that commercial-looking storefronts are not converted to residential use.

The crisis care residence use is one of the services offered by the John Howard Society. Neither use will be fully independent of the other as each use will utilise the same building entrances, hallways and communal kitchen area for meal preparation. As the commercial and residential components of the Society's operations will interact with one another, a formal division is not being created between the two uses. Furthermore, the floor area on the main floor solely dedicated to crisis care residence use is proposed at the rear of the building, ensuring the office use remains in the most prominent area in the front of the building.

When a change of use is proposed on property which has legal non-complying status with respect to the number of parking spaces it provides, relief from the zoning by-law is not required unless the new use requires more parking than what the by-law requires for the existing use(s). The conversion of office use to crisis care use results in a reduction in the number of required parking spaces. Therefore, the property does not require relief from the parking provisions and is being brought closer to compliance with the parking provisions.

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

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

Yes

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies. Within the Official Plan, the property is designated Central Business District Commercial. Within this designation, a range of commercial uses are anticipated. Residential uses are also permitted within free-standing residential buildings and on the upper floors of a commercial

building. In this case, the intent of the Official Plan is being maintained as commercial office use is being maintained on the first floor and the type of residential use being proposed is a service offered by the organization which operates the office.

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

Other Alternatives Considered:

A pre-consultation application was submitted, and it was identified through that process that a minor variance may be possible.

Servicing Comments:

The property is serviced by municipal water and sewer systems.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (February 11, 2019): No concerns.

Building Division (February 7, 2019): No concerns.

Public Comments:

No comments as of February 12, 2019.

Attachments:



Appendices A-E to
COA2019-012.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

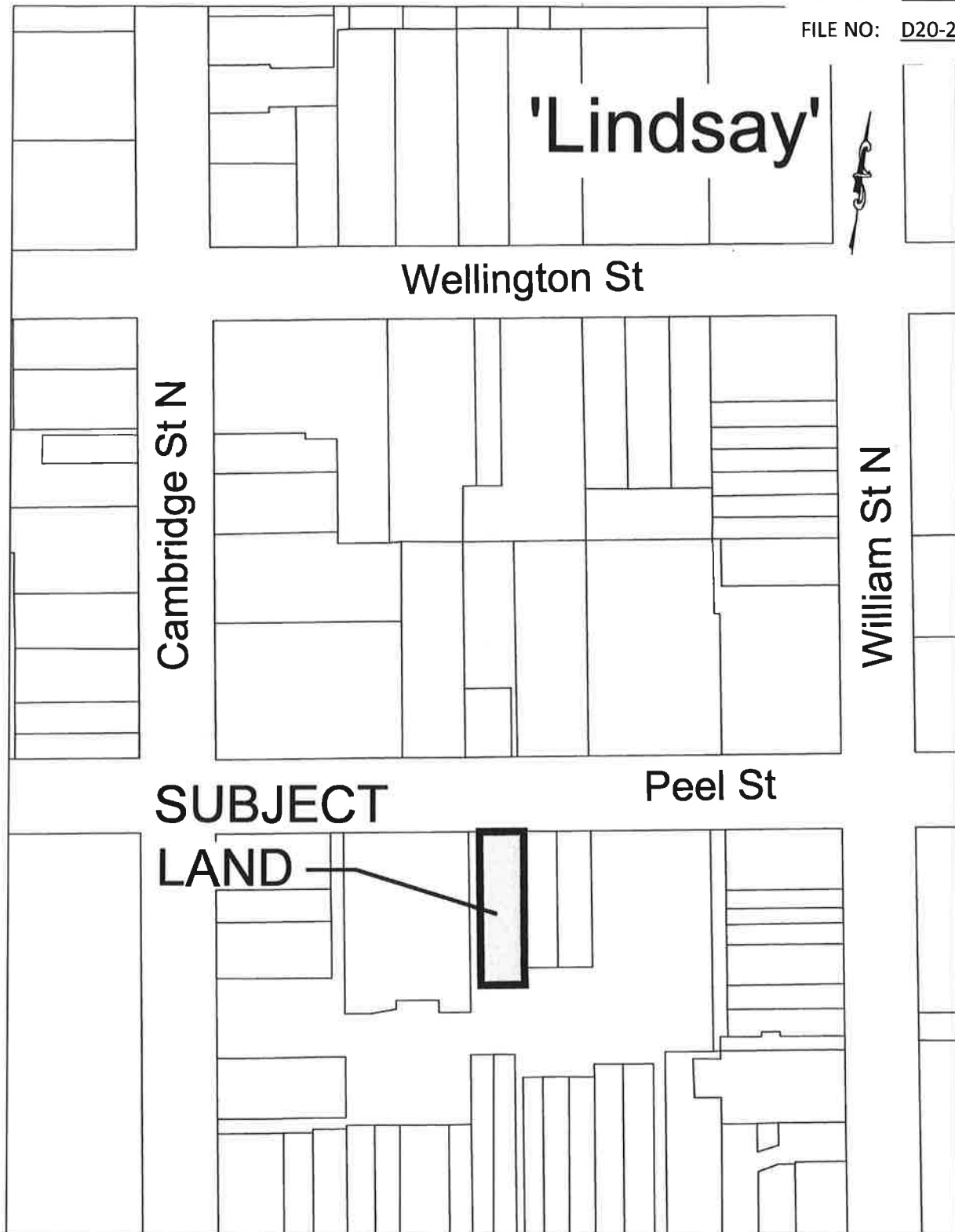
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-005

to

REPORT COA2019-012

FILE NO: D20-2019-005



to

REPORT COA2019-012

FILE NO: D20-2019-005

31 Peel Street, former Town of Lindsay

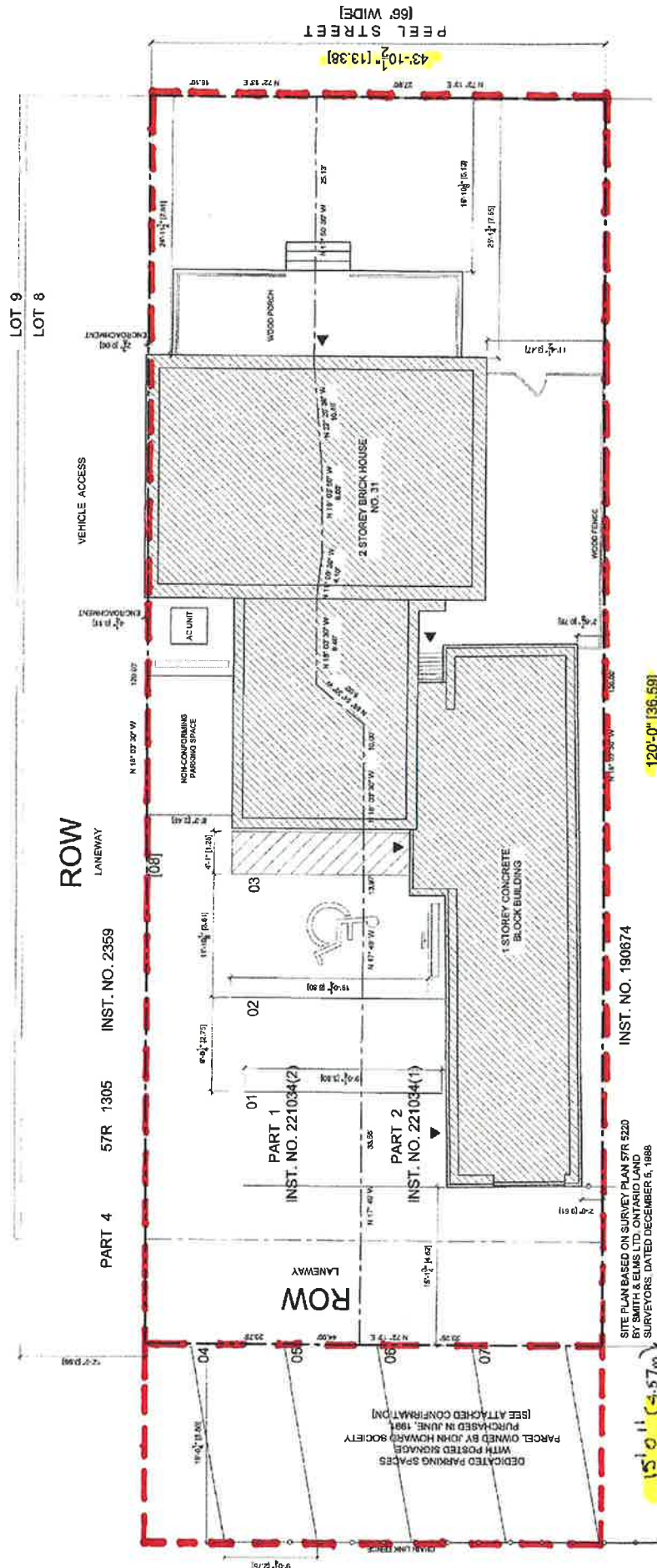


APPENDIX " C "

to

REPORT COA2019-012

FILE NO: D20-2019-005



APPENDIX " D "

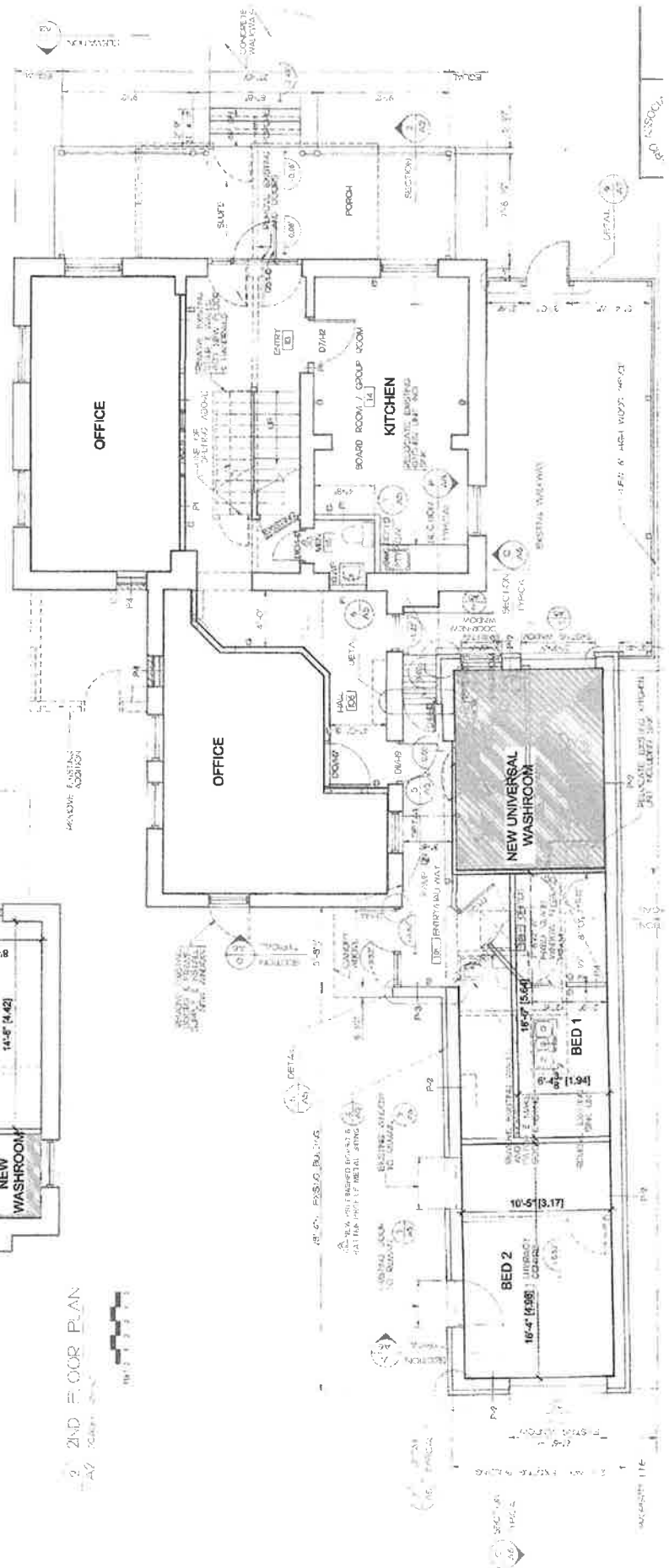
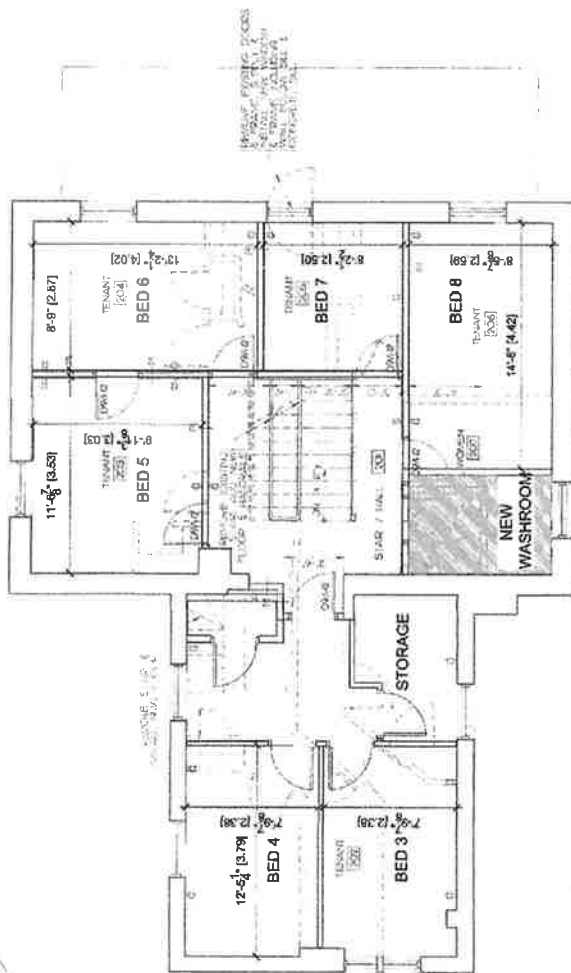
to

REPORT COA2019-012

FILE NO: D20-2019-005

9.9.2 (3) In boarding, lodging or rooming houses where sleeping accommodations are provided for more than 5 persons, a single table is permitted from each floor area.

3.4.2.1 A. 1 unit permitted based on 2nd floor not exceeding maximum floor area of 100 sqm and travel distance of 15m (2nd floor area is 50 sqm, max. Travel is 4m)



to

REPORT COA2019-012**Erica Hallett**

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

FILE NO. D20-2019-005

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

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. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-005 – 31 Peel Street
Former Town of Lindsay, 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 February 7th, 2019.

It is our understanding that the applicant is requesting to permit a Crisis Care Residence use on the same floor as a commercial use. The effect is to permit the partial conversion of a main floor commercial use (office) to a Crisis Care Residence use.

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 – Leaver Holdings Inc.
Report Number COA2019-013

Public Meeting

Meeting Date: February 21, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to request relief from Section 3.13(a) to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order facilitate additions to an existing restaurant business, consisting of two seasonal patios (front and rear of the building), and supplementary seating in a banquet room on the lower level of the building.

The variance is requested at 17 King Street, former Village of Bobcaygeon (File D20-2019-006).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-013 Leaver Holdings Inc., be received;

THAT minor variance application D20-2019-006 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the building construction and parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-013, 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** as part of the building permitting process, the owner shall obtain a change of use permit to convert the lower level space of the building from a dwelling use to a restaurant use. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the change of use permitting process has been completed and appropriate for the proposed development;

- 3) **THAT** the owner shall apply for an easement with the City of Kawartha Lakes to rectify the area containing the proposed 7 parking stalls abutting the easterly lot line that encroaches onto the neighbouring property at 77 William Street 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.
- 4) **THAT** the applicant shall apply for a Site Plan Exemption with the City of Kawartha Lakes respecting the operation of the restaurant and parking within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The restaurant business currently operates on the main floor of the building with approximately 133 square metres of floor area dedicated to patrons, having about 100 seats for which 27 parking spaces are required while 17 parking spaces are presently available on the property (i.e. 63% parking). The existing residential space on the lower level of the building is proposed to be converted into a banquet room. With the other supplementary patio additions to the business (front and rear of building), approximately 88 square metres of extra floor area is anticipated to be dedicated to patrons, with 72 more seats that will require 19 more parking spaces. Adding 19 to the existing 27 parking requirement will make an overall of 46 parking spaces that will be required in total. Through this application, one (1) additional parking space is being proposed which will bring the available parking spaces to 18 (i.e. 39.1 % of the new 46 parking requirement). The proposed additional parking space will primarily function as a loading space when unoccupied by a patron's vehicle. As such, relief is being sought for a deficiency of 28 parking spaces (i.e. 60.9% of the new 46 parking requirement) in order to facilitate the expansion to the restaurant business.

This application was deem complete January 19, 2019.

Proposal: To add approximately 88 square metres (946 square feet) of floor area to a restaurant business that comprises of two seasonal patios (front and rear of the building), and a banquet room on the lower level of the building.

Owner: Leaver Holdings Inc.

Legal Description: 17 King Street East, Part Lots 10 and 11, Range 6 E, Plan 70, Former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban Settlement Area within the Victoria County Official Plan

Zone: Central Commercial (C1) Zone within the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 1,073 square metres (11,545 square feet)

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

Existing Uses: Commercial & Residential

Adjacent Uses: North: Commercial, Residential
East & West: Commercial
South: Residential

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is situated in a heavily commercialized downtown core area where there are clusters of residential lots on the outer fringe. This specific parcel directly abuts The Beer Store along its easterly lot line and situated within walking distance of other commercial establishment such as CIBC Bank, Old Dog Brewing, Foodland, Shoppers Drug Mart, and more. As such the proposed addition to the business is in keeping with the character of the surrounding uses.

Given the nature of the adjacent uses within the area, on-site parking is generally not anticipated to be in abundance which is atypical of most downtown areas. As identified in the parking brief provided by the applicant and as observed by staff upon site visit, on-street parking is available on Bolton Street, including a public parking lot across from the Shoppers Drug Mart on Bolton Street. About four (4) on-street parking spaces are also available along King Street East as well (two of them being disabled parking spaces). However, these parking spaces are shared with all the other businesses in the area.

The analysis provided by the applicant regarding alternate off-site parking for employees that drive and patrons alike during peak periods suggests some practicability of the proposal with a lower parking supply than the by-law requires for a fully operational restaurant business. As well, the proposed patios which account for 32 seats, an equivalent of 10 parking spaces, are only anticipated to be fully functional for about four (4) to five (5) months in a year between May and September. During this period, the business patronage will majorly be transient and pedestrian and be seated outdoors rather than indoors. Therefore, for the other months of the year when the patio areas are

not utilized, parking deficiency will technically translate to 18 parking spaces (i.e. 50% of a 36 parking requirement) during those periods of the calendar year (say about 8-9 months). As such, no negative impacts are anticipated.

Currently, portions of the proposed parking spaces abutting the easterly lot line (7 parking stalls) encroach onto the neighbouring property at 77 William Street. Condition 3 has been placed to ensure an easement is obtained by the applicant to ensure the proposed number of parking through this application can be actualized.

In all other respects, planning staff recommends that a directional parking sign be installed by the property owner. Likewise, planning staff would also recommend that the layout of the parking stall be revisited by the property owner to ensure it is safely navigable by customers as observation from site visit suggests that it may be problematic for multiple vehicles to simultaneously enter into and exit out of the parking stalls on a busy day.

Based on the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

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

The Central Commercial (C1) Zone permits a variety of uses, including restaurants and dwelling units. With the exception of the reduced number of parking spaces, the proposed conversion of the dwelling unit on the lower level of the building into a restaurant space does not contradict the C1 Zone provisions. Condition 2 has also been placed to ensure a change of use permit is obtained through the Building Division.

According to the parking requirements in the corresponding By-law, a restaurant use requires one (1) parking space per 5 square metres of floor area devoted to patron use. As well, one (1) loading space equal to one parking space (not less than 2.5 metres in width and not less than 17 square metres in area) must be provided. The required loading space have been provided in accordance with this provision and counted as part of the total number of parking spaces required.

Based on the parking brief provided by the applicant, a variance for a 60.9% reduction in the required parking spaces is not considered significant and may well be indiscernible as alternate parking arrangements are anticipated to be implemented by the owner to address the parking deficiency during peak periods.

As there is no proposed alteration to the building footprint, and as a condition for an easement has been placed to ascertain that the proposed number of parking spaces can be actualized within the respective zone in order to prevent a shortfall of 7 parking stalls, the proposed variance maintains the general intent and purpose of the Zoning By-law.

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

As the Urban Designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan (VCOP) applies. The subject property is located in the area identified as the central business core area of the Village of Bobcaygeon. A compact land-use pattern that mostly serves pedestrian traffic and a mix of uses including restaurants are permitted.

Through the parking brief in Appendix E, the applicant has demonstrated the proposed use can accommodate sufficient off-street parking and a loading space.

As such, the proposed variance maintains the general intent and purpose of the Victoria County Official Plan

Other Alternatives Considered:

It is pertinent to note that the property is subject to Site Plan Control due to its location within the Urban designation and in accordance with Section 9.6 of the VCOP. However, given that the proposed patio areas, and the existing dwelling space on the lower level proposed to be converted into a commercial space are not going to increase the existing building footprint nor increase the level of surface imperviousness that already exists on the property, staff are able to support a site plan exemption at this time. A condition of approval has also been placed to that effect.

Servicing Comments:

The property is serviced by full municipal services within the Bobcaygeon municipal service area.

Consultations:

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

Agency Comments:

Building Division (February 7, 2019): A change of use permit is required for the proposal. See comments.

Engineering and Corporate Assets Department (February 11, 2019): No objections.

Public Comments:

No comments as of February 12, 2019.

Attachments:

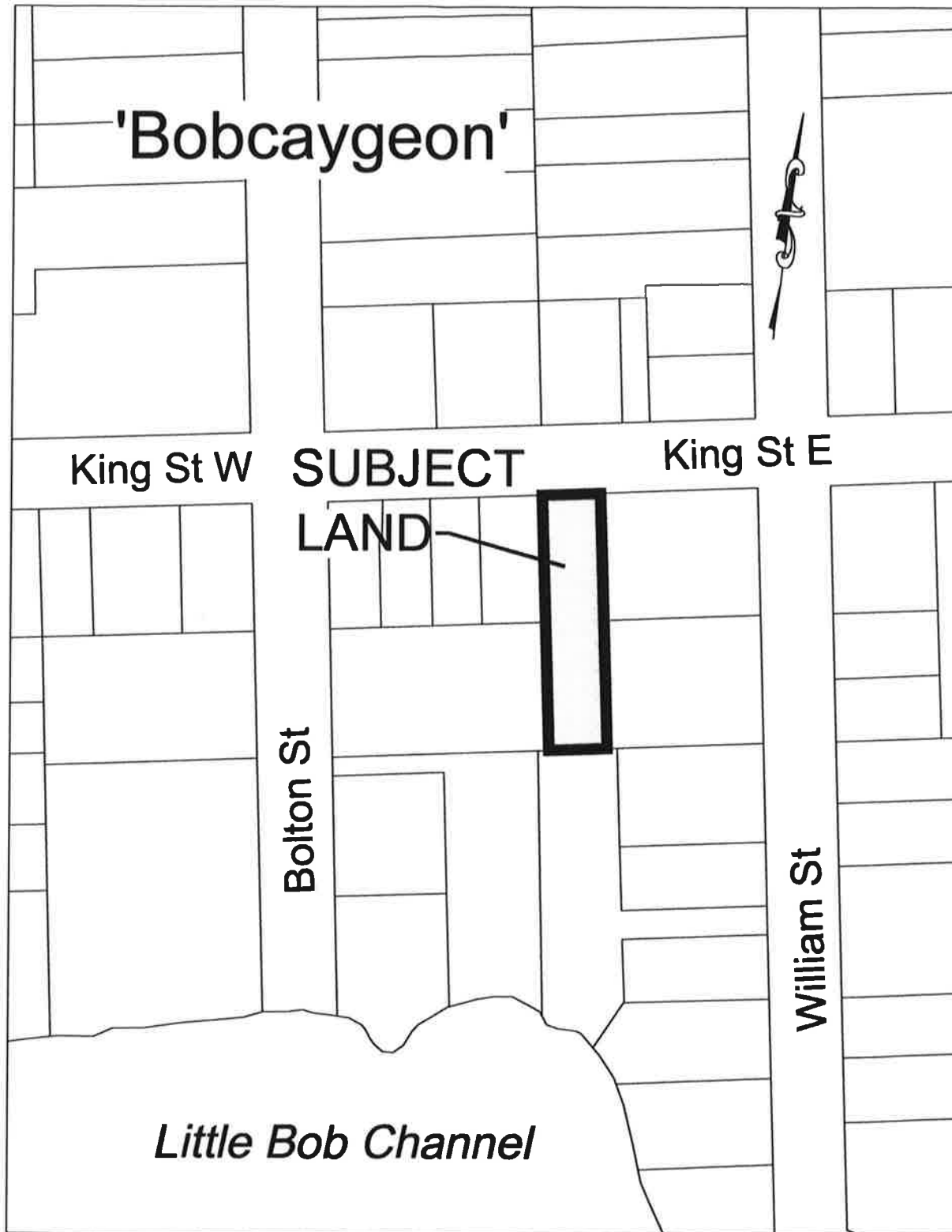


Appendices A-E to
Report COA2019-013

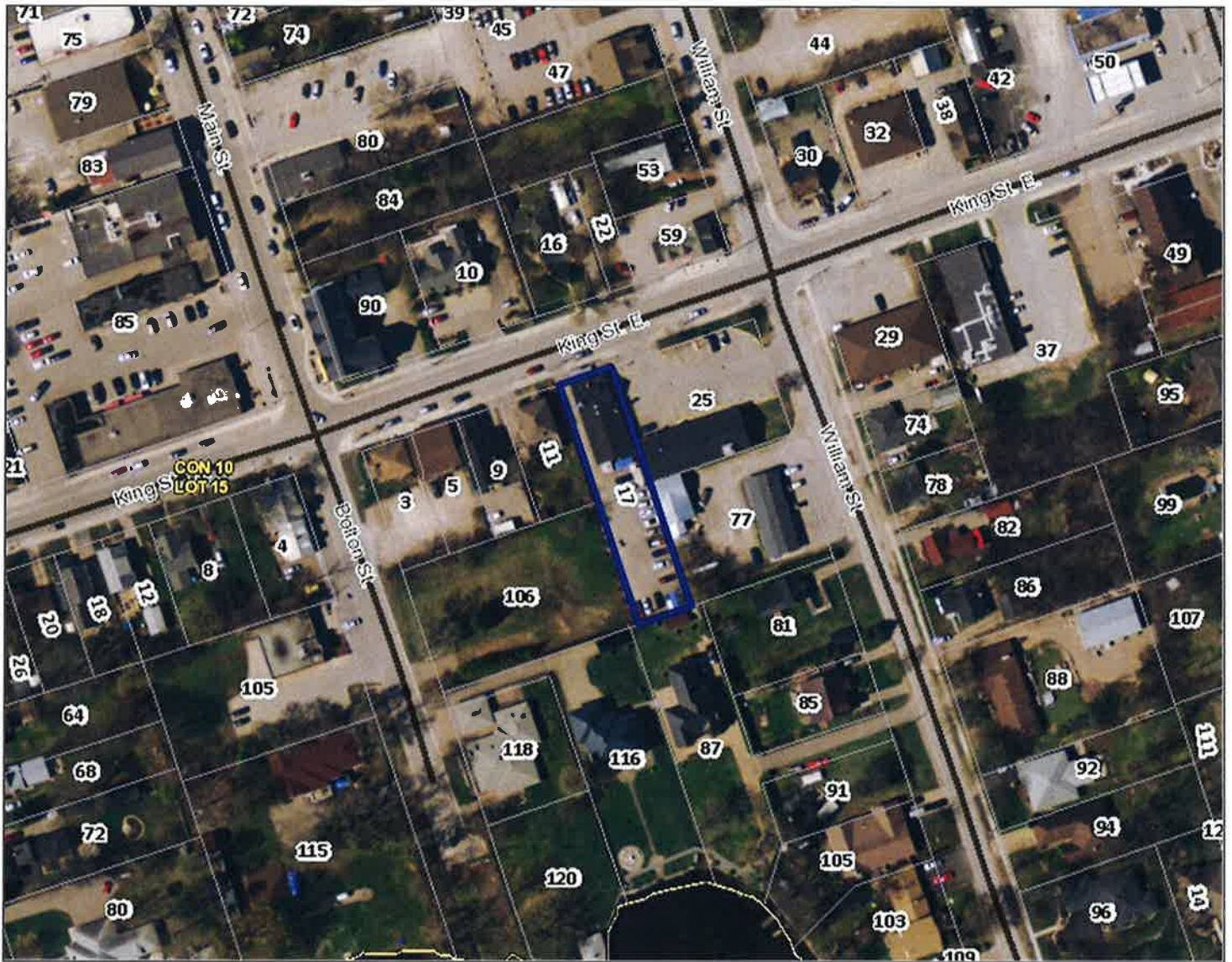
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Perspective Drawings and Pictures
Appendix E – Parking Brief
Appendix F – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-006

D20-2019-006



17 King Street East, Former Village of Bobcaygeon



0.11

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



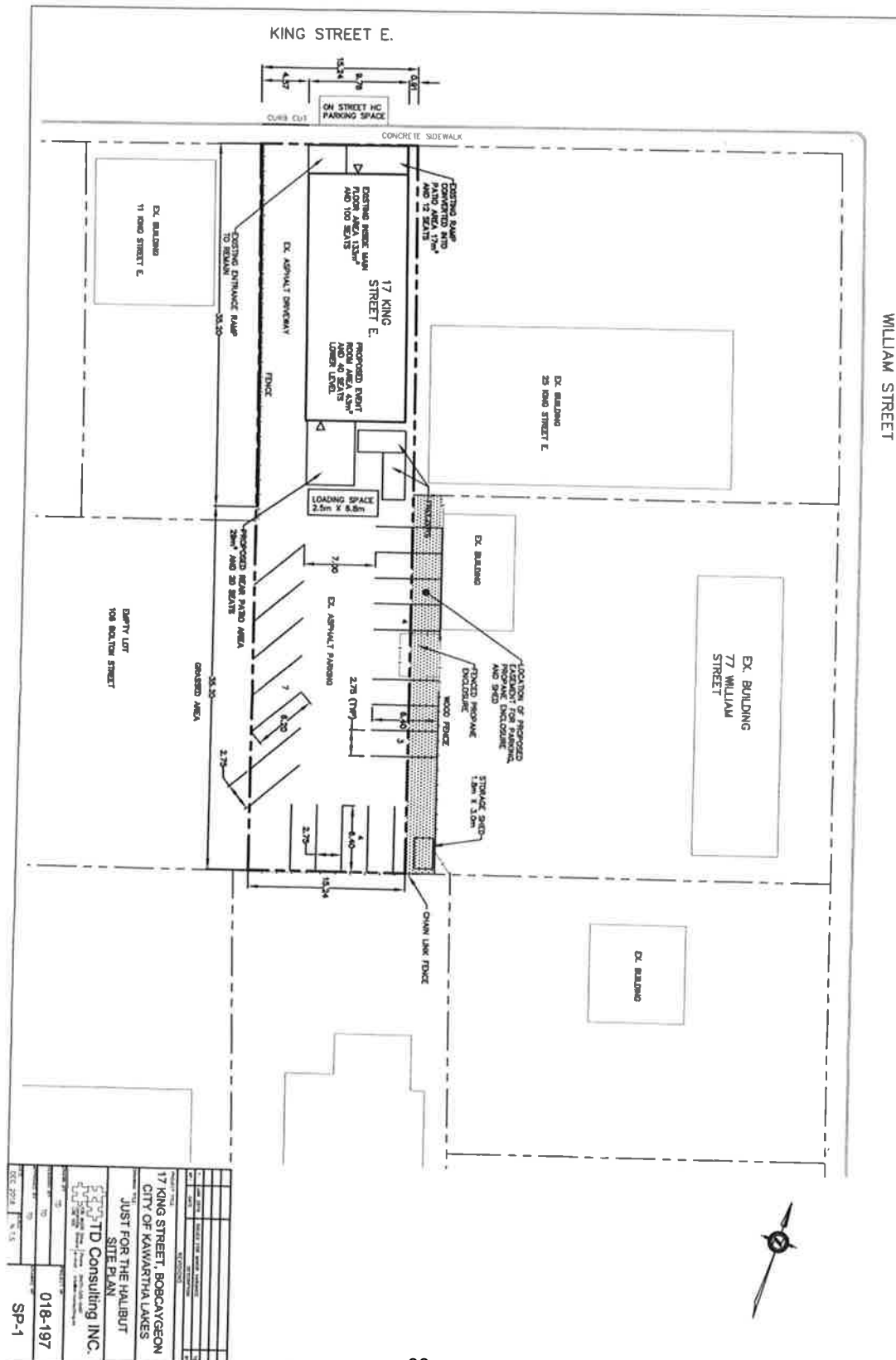
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

to

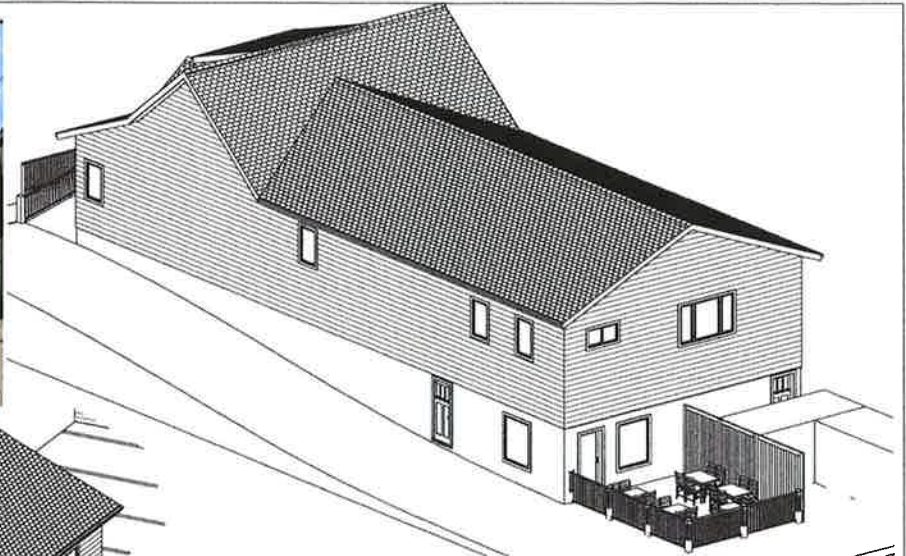
REPORT COA2019-013

FILE NO: D20-2019-006

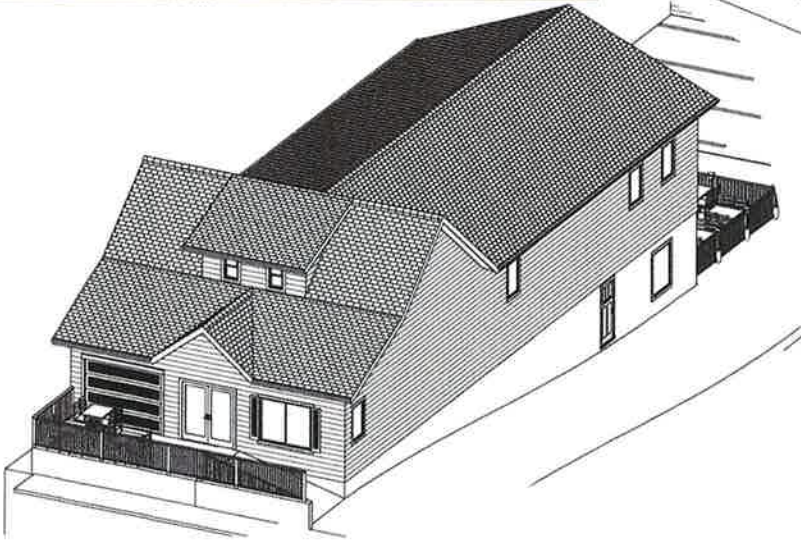
Site Plan Sketch



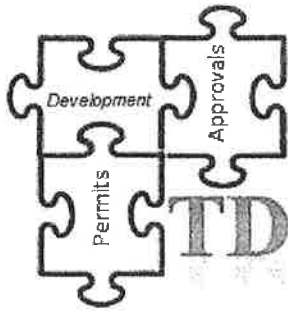
Perspective Drawings and Pictures



PERSPECTIVE REAR



PERSPECTIVE FRONT



APPENDIX " E "

to

REPORT COA 2019-013

FILE NO. D20-2019-006

TD Consulting INC.

106 McGill Drive
Janetville Ontario
L0B 1K0

01/08/2019

Project # 018-197

City of Kawartha Lakes
Development Services - Planning Division
180 Kent St. W., Lindsay ON K9V 2Y6

Re: 17 King Street East, Bobcaygeon

Parking Brief

In support of the requested minor variance we have prepared a parking brief describing the existing and proposed parking on the property and in the adjacent area.

Existing Property Details

The site contains a 487.6m² building an asphalt laneway and parking in the rear of the lot. The existing building utilizes 133m² for restaurant seating area and use.

Existing Parking Required Calculation

1 parking space / 5m of floor area devoted to patron use

133/5 = 26.6 or 27 spaces required

Currently the property has a total of 18 spaces plus 1 loading space as shown on the attached site plan.

The site currently has a parking deficiency of 9 spaces or 33%.

Portions of the existing parking stalls encroach on the adjacent property, 77 William Street. The owner will obtain an easement from the land owner to allow the parking spaces to remain as shown on the site plan.

Putting Development Pieces Together

Proposed Property Details

There is no intent to change the existing building foot print. The proposal is to include additional seating within the same building as well as create two patio areas, one on the existing ramp in the front of the building and the second on the asphalt at the rear of the building.

Proposed Parking Required Calculation

1 parking space / 5m of floor area devoted to patron use

Proposed internal conversion from residential unit to patron use, additional 40 seats

43/5 = 8.6 or 9 spaces required

Proposed front patio area (seasonal summer use only), additional 12 seats

17/5 = 3.4 or 4 spaces required

Proposed rear patio area (seasonal summer use only), additional 20 seats

29/5 = 5.8 or 6 spaces required

Total additional space required = 19spaces.

The total parking required for the property will be 37 spaces. Currently the property has a total of 18 spaces plus 1 loading space as shown on the attached site plan. No additional spaces can be provided on site.

The proposal will have an onsite parking deficiency of 28 spaces or 75%.

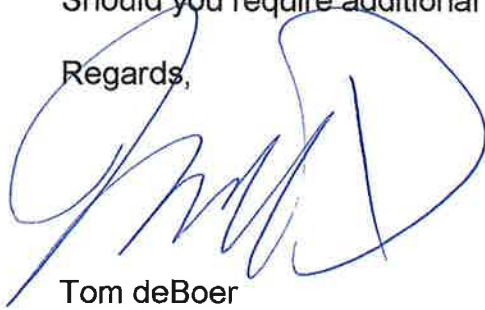
The parking deficiency is proposed to be resolved in a variety of ways;

- The use of the onsite parking, as shown on the site plan,
- on street parking (King Street and Bolton Street),
- near-by municipal parking lot (Bolton Street parking lot)

It should be noted that during the high use season, there will be an increase of transient boaters and pedestrian patrons utilizing the restaurant that will not require vehicle parking.

Should you require additional information please contact us.

Regards,



Tom deBoer

TD Consulting INC.

(647) 535-9461

From: Tom deBoer [<mailto:tomdeboer@rogers.com>]
Sent: Monday, January 14, 2019 10:35 AM
To: Quadri Adebayo
Subject: King Street Bobcaygeon - Just for the Halibut
Importance: High

Quadri, as a follow up to our discussion and to further expand on the parking information provided, I have the following additional information to add.

1) Employee parking - During the off season the restaurant has 10-12 employees and during the peak 18 employees.

There are 10 permanent employees. Please note there are 2 shifts throughout the day, where some will work the morning/afternoon shift and then the evening shift.

2) Parking Distribution

a) the owner's 2 vehicles park off site at a family member's house on William St.

b) several of the staff do not drive

c) several employees live nearby and walk

d) On Saturday and Sunday (peak times) they have permission and utilize the adjacent post office and church parking lot.

This parking is for employees, as there is no signage for the transient public noting this. If the event room comes available then the alternate offsite parking areas could be shared with the person who booked the event room

3- for those that need parking, incentives have been provided such as gift cards to those that park off site. For employees only

4- Gristoff and Gray across street, have also provided permission to utilize their parking lot during the off hours.

This parking is for employees, as there is no signage for the transient public noting this. If the event room comes available then the alternate offsite parking areas could be shared with the person who booked the event room as well.

I trust this will satisfy the additional information request. Should additional information or clarification be required let me know.

Tom deBoer
TD Consulting INC.
www.td-consulting.ca
647-535-9461

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail. If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized.

Erica Hallett

APPENDIX " F "

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

REPORT COA2019-013
FILE NO. D20-2019-006

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

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. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

APPENDIX " F "
REPORT COA2019-013

FILE NO. D20-2019-006

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-006 – 17 King Street East
Former Village of Bobcaygeon, 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 February 7th, 2019.

It is our understanding that the applicant is requesting relief to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order to facilitate additions to an existing restaurant business (the additions being two seasonal patios - front and rear of the building, and supplementary seating in a banquet room on the lower level of the building).

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.