

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2019-05**

**Thursday, May 16, 2019**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Councillor E. Yeo**

**David Marsh**

**Andre O'Bumsawin**

**Sandra Richardson**

**Lloyd Robertson**

**Steve Strathdee**

Accessible formats and communication supports are available upon request.

1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.1.1	COA2019-05.2.1.1 May 16, 2019 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-004.2.3.1 April 18, 2019 Committee of Adjustment Minutes	5 - 22
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2019-022 David Harding, Planner II File Number: D20-2019-014 Location: 2173 Elm Tree Road Part East 1/2 Lot 3, Concession 1, Part 1, 57R-6378 Geographic Township of Fenelon Owner: Matthew Coultice Applicant: RWH Construction - Ryan Hayter	23 - 36

3.1.2	COA2019-030	37 - 51
	<p>Quadri Adebayo, Planner II  File Number: D20-2019-021  Location: 18 Baker Boulevard  Part of Lots 22 and 23, Concession 1, Part Shore Road Allowance, Part 4, RP 57R-3775  Geographic Township of Laxton-Digby-Longford  Owner: Stephan and Deborah Holtze  Applicant: Stephan Holtze</p>	
3.2	Consents	
3.2.1	COA2019-032	52 - 73
	<p>Ian Walker, Planning Officer, Large Developments  File Number: D03-2019-016  Location: 16 Commerce Place  Lot 11, Plan 606  Former Town of Lindsay  Owner: 1675453 Ontario Limited  Applicant: Arthur Kloosterman</p>	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.1.1	COA2019-033	74 - 88
	<p>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 and Shirley MacDonald  Applicant: RWH Construction - Adam Hayter</p>	
4.2	Consents	
5.	<b>Correspondence</b>	
6.	<b>Other Business</b>	

**7. Next Meeting**

7.1 COA2019-006

The next meeting will be Thursday, June 20, 2019 at 1:00pm in Council Chambers, City Hall.

**8. Adjournment**

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

**COA2019-004**  
**Thursday, April 18, 2019**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor 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**

Chair Robertson called the meeting to order at 1:00pm. Members S. Richardson and S. Strathdee were in attendance.

Acting Secretary-Treasurer - M. LaHay

Recording Secretary - C. Crockford-Toomey

Absent - Councillor Yeo, Dave Marsh and Andre O'Bumsawin.

## **2. Administrative Business**

### **2.1 Adoption of Agenda**

#### **2.1.1 COA2019-04.2.1.1**

April 18, 2019

Committee of Adjustment Meeting Agenda

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** the agenda for April 18, 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 COA2019-03.2.3.1**

March 21, 2019

Committee of Adjustment Meeting Minutes

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** the minutes for the previous meeting held March 21, 2019 be adopted as circulated.

**Carried**

## **3. New Applications**

### 3.1 Minor Variances

#### 3.1.1 COA2019-017

Quadri Adebayo, Planner II  
 File Number: D20-2019-009  
 Location: 20 Griffin Drive  
 Part Lot 19, Concession 7, Plan 327, Lot 4  
 Geographic Township of Somerville  
 Owner: Frank Danek  
 Applicant: Phillip Danek

Mr. Adebayo summarized Report COA2019-017, to request relief in order to permit the construction of a boat house. Staff suggested to the Committee that the application be deferred until such time when the applicant brings forward a revised application supportable by staff as parts of the application does not meet the tests set out in Section 45 (1) of the Planning Act.

Comments received from agencies: Kawartha Region Conservation Authority (KRCA - April 4, 2019), were opposed to the proposed minor variance; Building-Part 8 Sewage System (March 1, 2019), no concerns; and Building Division - Plans Examiner (April 4, 2019), no concerns. Comments received from the public: Marg and Ken Inglis, 16 Griffin Drive (April 2, 2019), in support of the application. Agency comments received after the written report from Engineering and Corporate Assets (April 9, 2019), no objections. Additional Public comments received from Ross and Corrine Sander, 24 Griffin Drive, in opposition to the application. Ron Osborne – President, Four Mile Lake Association, in opposition to the application. Also, a letter from Mr. Danek's surveyor confirming the boat house does not cantilever over the water.

The Committee asked staff, why recommend deferral and not deny. Staff replied deferral is suggested to see if the applicant is willing to compromise and work with staff. If this cannot be achieved then it will be denied.

The Chair asked if the applicant was present and if he wished to speak.

The applicant, Phillip Danek was present and spoke to the Committee. Mr. Danek expressed his concerns and the unique situation and why he had chosen the location for the boat house as lack of options due to the two cliffs on the

property. He also stated there is no intention of habitation, strictly storage.

The Chair asked Mr. Danek if he was agreeable to a deferral to enable a compromise. Mr. Danek replied yes.

No further questions from the Committee or other persons.

The Committee took into consideration the information brought forward and recommended a deferral of up to two (2) months.

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** the Minor Variance application D20-2019-009 be DEFERRED for a period of up to two (2) months in order to provide the applicant sufficient time to supply the City with an amended proposal and to ensure the amended proposal can be adequately received for supportability by staff.

**Carried**

### 3.1.2 COA2019-023

David Harding, Planner II

File Number: D20-2019-015

Location: 36 Stinson's Bay Road

Part Lot 16, Concession 5, Part 1, 57R-1631

Geographic Township of Verulam

Owners: Stephen and Cynthia Wallis

Applicant: Garry Newhook

Mr. Harding summarized Report COA2019-023, which requests relief to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted.

The Committee suggested that a condition be added to prohibit habitable space since a second level was proposed. Staff replied that such a condition was not necessary as the by-law states no habitable space is permitted within accessory buildings.



The Committee also asked about how the owner would comply with the Migratory Bird Act and the Fish and Wildlife Conservation Act, which was a concern noted by the Kawartha Region Conservation Authority (KRCA).

The applicant, Mr. Garry Newhook was present to answer any questions. He responded that the Migratory Bird Act and the Fish and Wildlife Conservation Act was applicable law under the building permit process.

Mr. Newhook thanked staff for their presentation.

The Committee had no further questions. No other persons spoke to the application.

**Moved By S. Strathdee**

**Seconded By S. Richardson**

**That** minor variance application D20-2019-015 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the detached garage related to this approval proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-023, which shall be attached to and form part of the Committees' decision;
2. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line; and
3. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2019-024

David Harding, Planner II  
 File Number: D20-2019-016  
 Location: 3 Ripple Street  
 Part Lot 27, Concession 10  
 Geographic Township of Fenelon  
 Owners: Gregory and Sandra Scott  
 Applicant: TD Consulting Inc. - Tom deBoer

Mr. Harding summarized Report COA2019-024, to request relief from water setback, EP Zone setback, and side yard setback provisions to permit the construction of a two storey single detached vacation dwelling.

Staff cited comments that had been received from the Trent Severn Waterway (TSW) since the report had been written. The TSW noted no concerns.

The Committee asked for clarification in what the dotted line in Appendix C, represented. Staff responded that the dotted line represents the regional flood elevation on Cameron Lake.

The applicant, Tom deBoer - TD Consulting was present and thanked staff for the report and was available for questions.

The Committee had no further questions. No other persons spoke to the application.

**Moved By** S. Richardson  
**Seconded By** S. Strathdee

**That** minor variance application D20-2019-016 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the dwelling related to this approval proceed substantially in accordance with the sketch in Appendix D to Report COA2019-024, which shall be attached to and form part of the Committees' decision;
2. **That** prior to the issuance of a building permit, the owner shall apply for and complete an Application for a Sewage System Permit with the Building Division – Part 8 Sewage Systems;

3. **That** prior to the issuance of a building permit the owner acquires the necessary permissions from Kawartha Region Conservation Authority, pursuant to Ontario Regulation 182/06, as amended for the replacement dwelling, attached garage and associated septic system;
4. **That** as part of the permitting process pursuant to Ontario Regulation 182/06, the owner works with Kawartha Region Conservation Authority 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 30 metre fish habitat buffer and that Kawartha Region Conservation Authority provides confirmation that the planting plan has been implemented to their satisfaction within a period of twenty-four (24) months; and
5. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.4 COA2019-025

David Harding, Planner II  
 File Number: D20-2019-017  
 Location: 23 Helen Drive  
 Part Lot 7, Concession 3, Part 4, 57R-7741  
 Geographic Township of Emily  
 Owners: Frank and Tera Keenan

Mr. Harding summarized Report COA2019-025, to request relief to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted. Mr. Harding also brought to the Committee's attention an amendment to Condition 1. In the report Appendix D should read C and Appendix E should read D.

The Committee questioned why Condition 2 had been included to address the shed. Staff replied the accessory building adjacent to the garage does not comply with the zoning by-law, and they are working with the owners to bring the property into compliance.

The Committee asked if it was possible to relocate the shed. Staff responded that this topic had been discussed, and it had been determined that it would be very difficult to relocate the shed.

The applicant, Mr. Frank Keenan, was present. He thanked staff and the Committee.

The Committee had no further questions. No other persons spoke to the application.

The minor variance was approved as amended.

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** minor variance application D20-2019-017 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the detached garage related to this approval proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-025, which shall be attached to and form part of the Committees' decision;
2. **That** within 24 months after the date of the Notice of Decision the owner shall submit to the Secretary-Treasurer written confirmation from the Building Division that the building identified on Appendix C to Report COA2019-025 as Shed has been removed;
3. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
4. **That** prior to the issuance of a building permit the owner acquires the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the detached garage; and

5. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-025. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.5 COA2019-026

Quadri Adebayo, Planner II  
 File Number: D20-2019-018  
 Location: 52 McGill Drive  
 Part Lot 1, Concession 14, Plan 46, Lot 40  
 Geographic Township of Manvers  
 Owners: Scott Davidson and Avril Walker  
 Applicant: Bartlett Family Construction

Mr. Adebayo summarized Report COA2019-026, to request relief to reduce the minimum side yard requirement in order to permit the construction of an attached garage to a dwelling.

Comments received from agencies were: the Building Division - Plans Examiner (April 4, 2019), no concerns; Engineering and Corporate Assets (April 8, 2019), no objections; Community Services Department (April 9, 2019), no comments or concerns; and Kawartha Region Conservation Authority (KRCA- April 4, 2019), no objections provided the proposal is constructed as per the plans submitted under requisite permit P2018-355.

The Committee questioned Condition 2 as to what stage will the framed shed be relocated. Staff replied the shed will be relocated as part of the building permit process at the final inspection stage.

The Committee also asked as to why there were no concerns from KRCA. The Committee continued to ask staff if the applicant had a permit. Staff replied yes the applicant has a permit from KRCA, Permit P2018-355.

The applicant, Mr. Alan Bartlett, Bartlett Family Construction was present and thanked staff for their assistance during the process.

No further questions from the Committee or other persons.

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** minor variance application D20-2019-018 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the attached garage to the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-026, 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 for the proposed attached garage, the frame shed located in the rear yard directly behind the location of the proposed development be relocated on the property in a compliant manner at a minimum setback of 1.3 metres from the southerly lot line to the satisfaction of the Chief Building Official; 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 COA2019-026. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

**3.1.6 COA2019-028**

Quadri Adebayo, Planner II

File Number: D20-2019-019

Location: 19 Snake Point Road

Lot 13, Plan 257  
 Former Village of Bobcaygeon  
 Owners: Stanley and Kathryn Dunstan

Mr. Adebayo summarized Report COA2019-028, to request relief in order to permit the construction of a replacement detached garage.

Comments received from agencies were: the Building Division - Plans Examiner (April 4, 2019), no concerns; Kawartha Region Conservation Authority (KRCA- April 5, 2019), no objections provided the proposed works are constructed as per the plans provided through the application; Engineering and Corporate Assets (April 8, 2019) not supportive, see comments; and Community Services Department (April 9, 2019) no comments or concerns.

The Committee asked staff as to the recommendation to deny the request seeking relief to reduce minimum side yard request for an accessory building from 1.2 metres to 0.6 metres. Staff replied that Engineering and Corporate Assets do not support a 0.6 metres side yard setback proposed as it is not considered sufficient should any drainage issues arise from the proposed garage replacement.

The Committee suggested adding a condition stating 1.2 metres be the minimum setback from the easterly side lot line.

The applicant Mr. Stan Dunstan, was present and he explained he had met with his neighbour and that there was an 8 foot space between the two cottages and that there is a 1 foot deep ditch filled with gravel. He said he has never experienced drainage issues. He asked if the 1.2 metre setback was mandatory. Staff replied yes.

Staff confirmed to add Condition 2 and the original Condition 2 now becoming Condition 3.

No further questions from the Committee or other persons.

The Committee motioned to grant the minor variance as amended to add Condition 2.

**Moved By** S. Strathdee  
**Seconded By** S. Richardson

1. **That** minor variance application D20-2019-019 seeking relief from Section 5.2(c) to reduce the minimum front yard requirement from 7.5 metres to 1.1 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-019 seeking relief from Section 3.1(b) to reduce the minimum side yard requirement for an accessory building from 1.2 metres to 0.6 metres, be DENIED, as this portion of the application does not meet the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-028, 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; and
2. **That** notwithstanding the sketch in Appendix C the construction of the detached garage shall be located at a minimum setback of 1.2 metres from the easterly side lot line.
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 COA2019-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

**3.1.7 COA2019-029**

David Harding, Planner II  
 File Number: D20-2019-020  
 Location: 78 Logie Street  
 Park 2, E Logie Street, Plan 8P  
 Former Town of Lindsay  
 Owners: Calvin and Sarah Joss



Mr. Harding summarized Report COA2019-029, which requested relief to permit the construction of a detached garage within a front yard and to reduce the front yard setback. A further relief is requested to permit the parking or storage of two commercial motor vehicles in excess of one ton capacity on a residential lot being a boom truck and a one ton truck, whereas such vehicles are not permitted as-of-right on residential lots.

The Committee asked staff if the applicant was aware that he cannot park commercial vehicles on the lot without the variance. Staff replied that they had made the applicant aware through the pre-screening process.

The applicant, Mr. Calvin Joss was present and thanked staff.

Mr. Tom deBoer, representing the owner of two vacant residential lots across the street, one of which is addressed as 75 Logie Street spoke in support of the application.

Councillor Patrick O'Reilly was also present and spoke in support of the application.

Ms. Sharon Quirion of 11 Moynes Court was present and spoke to the Committee in objection to the application. She stated her deck looked straight at Mr. Joss's property and asked if there was a plan to plant trees and vegetation to screen the garage from view. She also asked what the total height of the building would be. Staff replied that there is existing vegetation, additional trees will be planted, and provided her with the proposed total height of the building.

No further questions from the Committee or other persons.

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** minor variance application D20-2019-020 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the detached garage related to this approval proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-029, which shall be attached to and form part of the Committees' decision;

2. **That** prior to the issuance of a building permit the owner shall submit a lot grading and drainage plan to the satisfaction of the Engineering and Corporate Assets Department. The owner shall provide to the Secretary-Treasurer written confirmation from the Engineering and Corporate Assets Department that the lot grading and drainage plan is satisfactory; 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 COA2019-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.2 Consents

## 4. Deferred Applications

### 4.1 Minor Variances

#### 4.1.1 COA2019-027

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: Leaver Holdings Inc.  
 Applicant: TD Consulting Inc. - Tom deBoer

Mr. Adebayo summarized Report COA2019-027 and previous deferral. Mr. Adebayo continued by saying he received a telephone call April 4, 2019 from Debra Karpenko, 11 King Street East with concerns of noise from the location of 17 King Street East. Mr. Adebayo finished by saying the previous Report COA2019-013 comments remains the same.

The Committee requested typical hours of operation. Staff replied, in the winter

months, Wednesday's and Thursday's, 11am - 8pm, Fridays and Saturday's, 11am - 9pm. Closed Sundays, Monday's and Tuesday's. In the summer months, Tuesday's, Wednesday's and Thursday's, 11am - 8 pm. Friday's and Saturday's, 11am - 9pm. Closed Monday's.

The Committee questioned the lack of parking and that the request for reducing parking from 10 to 1 space is not minor and this would be taking parking spaces from competitors. Staff responded stating the parking situation is general and not particular to the subject property. And that the City is undertaking a Parking Study for the area which is anticipated to alleviate some of the insufficient parking concerns in the area to an extent.

The applicant, Mr. Tom deBoer was present and spoke to the Committee. He relayed that the owner requested all staff to park off site and that most customers would be from pedestrian traffic. He also commented that William Street has parking.

The Committee asked the applicant for clarification regarding the neighbouring property owner allowing customers to park on their property. Mr. deBoer replied he has met with the neighbouring property owner and corresponded with them through email. They are in agreement with the easement.

The owner, Mr. Matthew Leaver was present and thanked Staff and the Committee. He reiterated the hours of business and that it is strictly a family restaurant and not a bar, and that there are no extended hours after closure of business at 9pm on Friday and Saturdays, therefore noise should not be a concern.

Julia Kirby, Matthew Leaver's sister was present and spoke to the Committee by saying they support the community and has no intention of competing. Ms. Kirby continued to say their parents have owned the restaurant for 15 years and that Matthew has worked there for 25 years.

No further questions from the Committee or other persons.

The Chair asked for a mover and seconder. Due to a member having difficulty with the parking deficiency being requested where there is no completed parking study to justify their decision, and working with a quorum of 3 members, a motion could not be carried. Chair Robertson requested that Mr. Strathdee assume the Chair. Mr. Strathdee accepted at 3:31pm. Chair Strathdee proceeded to ask for a

mover and seconder. The minor variance was granted. Chair Strathdee then requested Mr. Robertson reassume the Chair. Mr. Robertson accepted at 3:32pm.

**Moved By** S. Richardson

**Seconded By** L. Robertson

**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 D submitted as part of Report COA2019-027, 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; and
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 COA2019-027. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

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

Mr. Holy, Planning Manager addressed the Committee to notify them of the upcoming training session, May 16, 2019, Weldon Room, 10am-12pm, with lunch to follow. The Chair suggested that the members be emailed in advance nearer the date.

**7. Next Meeting**

The next meeting will be Thursday, May 16, 2019 at 1:00 p.m. in Council Chambers, City Hall.

**8. Adjournment**

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** the meeting be adjourned at 3:37pm.

**Carried**

Mark LaHay, Acting Secretary-Treasurer



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Matthew and Amy Coultice**  
Report Number COA2019-022

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**Public Meeting**

**Meeting Date:** May 16, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from Section 3.1.2.1 to permit a detached garage within a front yard instead of an interior side or rear yard.

The variance is requested at 2173 Elm Tree Road, geographic Township of Fenelon (File D20-2019-014).

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**Author:** David Harding, Planner II

**Signature:**

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**Recommendation:**

**Resolved That** Report COA2019-022 Matthew and Amy Coultice, be received;

**That** minor variance application D20-2019-014 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-022, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the east wall of the detached garage shall contain two artificial/faux windows in accordance with Appendix E to Report COA2019-022;
- 3) **That** prior to the issuance of a building permit the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the building identified as Bus Shelter on Appendix C to Report COA2019-022 has been removed;
- 4) **That** to satisfy Condition 2 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 Appendices D and E to Report COA2019-022, and said satisfactory elevations shall be submitted as part an amended building permit application; and

- 5) **That** the building construction related to the minor variance shall be completed within a period of four (4) 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 COA2019-022. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** This application is the result of a Building Division enforcement matter. On January 11, 2019 the Building Division received a request for an inspection for a detached garage build. Upon further investigation it was discovered that it had been previously communicated to the applicant that a building permit had not been issued because the building did not comply with zoning. On February 7, 2019 the applicant was requested by the Building Division to comply by submitting a variance application. The application was submitted February 20, 2019, but contained deficiencies that prevented the application from being processed.

This application was last amended May 7, 2019.

**Proposal:** To recognize the construction of a 9.144 x 9.144 metre (30 x 30 foot) detached garage.

**Applicant:** Ryan Hayter – RWH Construction

**Owners:** Matthew and Amy Coultice

**Legal Description:** Part E ½ Lot 3, Concession 1, Part 1, 57R-6378, geographic Township of Fenelon, City of Kawartha Lakes

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

**Zone:** Agricultural (A1) Zone within the Township of Fenelon Zoning By-law 12-95

**Site Size:** 5,971 square metres (1.48 acres)

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

**Existing Uses:** Rural Residential

**Adjacent Uses:** North, East: Agricultural, Rural Residential  
South, West: Agricultural



**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) 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 located within a small cluster of rural residential dwellings a short distance south of the hamlet of Cambray. The lot abuts agricultural fields. The fields to the north have no trees or vegetation of any substantial height, while the field to the south appears to be scrubland with vegetation of minimal height.

The dwelling is situated approximately halfway into the lot and closer to the north lot line. This positioning has resulted in a sizeable front yard, most of which is lawn. Development is precluded from the southern portion of the lot due to the location of the septic system. Constructing the garage within the rear yard would also remove recreational amenity space. While the garage would fit in the north interior side yard, this would substantially restrict access to the rear yard.

The south wall of the garage is proposed to be approximately in-line with the north wall of the dwelling, very close to the existing driveway and 1.5 bay attached garage. Aerial photography also indicates that most of the area where the garage is proposed functioned as a surface parking area. The proposed location therefore clusters the storage functions on the property, and encloses the outdoor storage area, increasing property functionality.

The garage bay door is proposed to be oriented towards the existing driveway, eliminating the need to create additional driveway surface, which in turn preserves available landscaped open space.

As the entire garage will be closer to the road than any part of the dwelling, but be off to the side of the dwelling rather than directly in-front of it when viewed from the front lot line, the dwelling will continue to retain some prominence in relation to the overall rural streetscape. While there is a great degree of spatial separation (30.48 metres) between the garage and front lot line, the garage does feature prominently within the landscape due to: topography (being at the crest in the road), placement (lack of any other accessory buildings within the front yards of nearby lots), size, and lack of substantial vegetation that would assist in screening it from view. This prominence is mitigated through the use of the following design elements: multiple gables, eaves that separate the gables from the lower wall face and the staff proposed placement of two faux windows on the east wall, being the wall which faces the road (See Appendix E). The combination of these building design elements also assists in mitigating adverse massing impacts in the rural residential cluster where there are no other accessory buildings within front yards. These elements also add residential character to a storage building, better tying it into the rural residential cluster where the dwellings feature more prominently.

From the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land provided that the placement of two faux windows or windows on the east wall as proposed by staff are implemented.

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

**Yes**

The subject property is zoned Agricultural (A1) Zone within the Township of Fenelon Zoning By-law 12-95. Due to its size, the lot is subject to the Rural Residential Type One (RR1) Zone provisions.

The intent of the zoning by-law is to restrict the placement of accessory buildings within a front yard, locating them within the side or rear yards. Side and rear yards are usually less visually prominent locations in comparison to a front yard. As it is usually the most visible yard from the street, front yards have the greatest ability to shape the character of the street through their appearance and use. One of the intents of the location provision is to ensure accessory buildings and uses do not dominate the streetscape.

While a garage in-line with or behind the dwelling would enhance the prominence of the dwelling and in turn reduce the prominence of the garage, the garage would still remain a fairly prominent feature upon the landscape due to the combination of the property being at a small rise in the land and the lack of hedgerows or residential plantings that would otherwise screen it from view.

Detached garages behind the front wall of dwellings are common within this small rural residential cluster. Therefore the building type is not out of character for the neighbourhood. The proposed garage design ensures that it appears more residential in nature rather than utilitarian, and will complement the design of the neighbourhood's dwellings and therefore the established rural residential streetscape.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law provided that the placement of two faux windows or windows on the east wall as proposed by staff are implemented..

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

**Yes**

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

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

**Other Alternatives Considered:**

Upon attending the property staff discussed the possibility of adding a window feature or features to the east garage wall with the owners. The owners have noted their agreement to adding the feature(s) should staff request it. In consultation with the owners, staff has developed Condition 2.

**Servicing Comments:**

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

**Consultations:****Agency Comments:**

Engineering and Corporate Assets Department (May 6, 2019): No concerns.

Building Division (May 6, 2019): No concerns.

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

**Public Comments:**

No comments have been received as of May 7, 2019.

**Attachments:**

Appendices A-F to  
COA2019-022.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Staff Proposed Changes

Appendix F – Department and Agency Comments

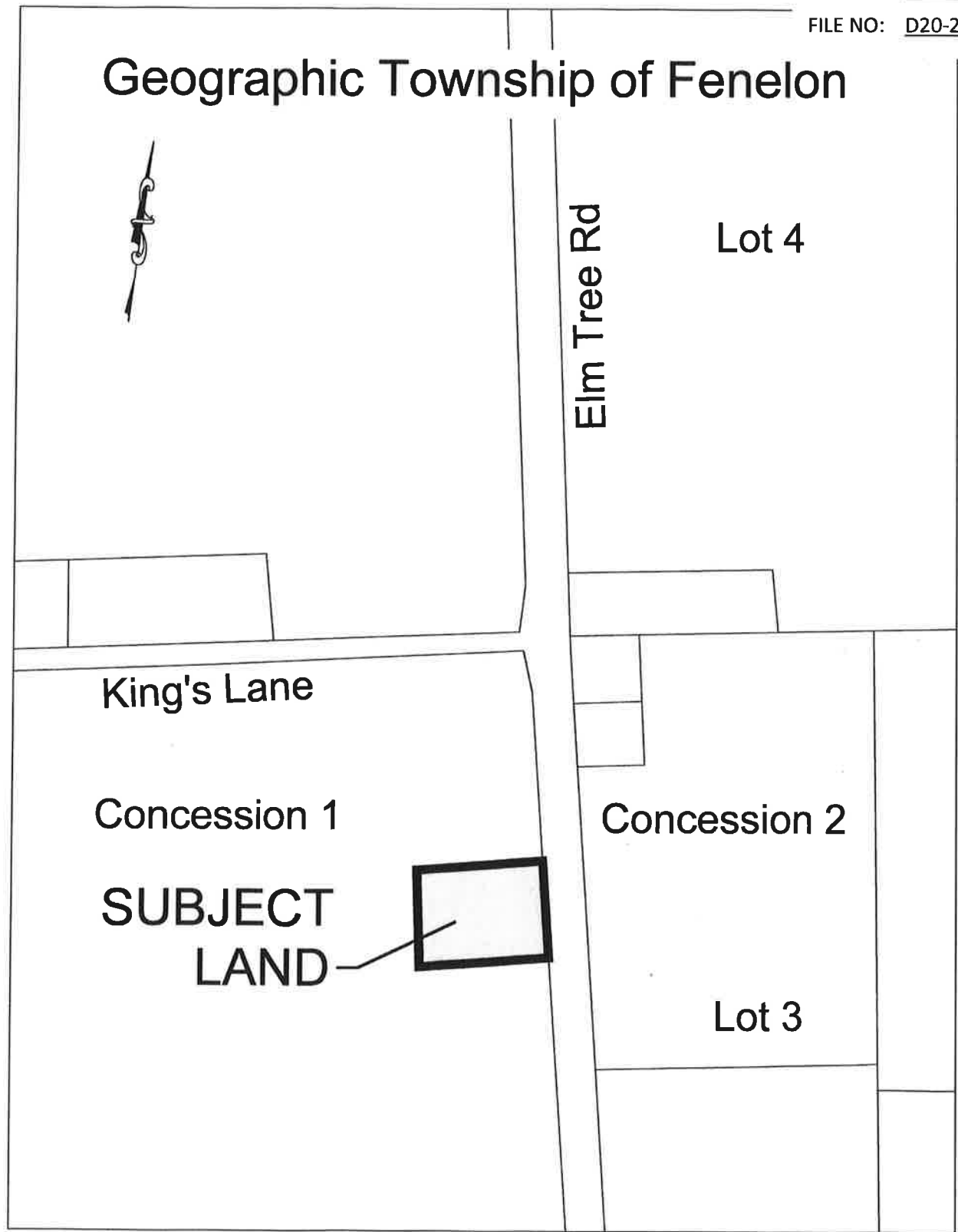
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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-014

to

REPORT COA2019-022

FILE NO: D20-2019-014





GEOMATICS  
MAPPING

## 2173 Elm Tree Road, geographic Twp. of Fenelon



0.17

Kilometers

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



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

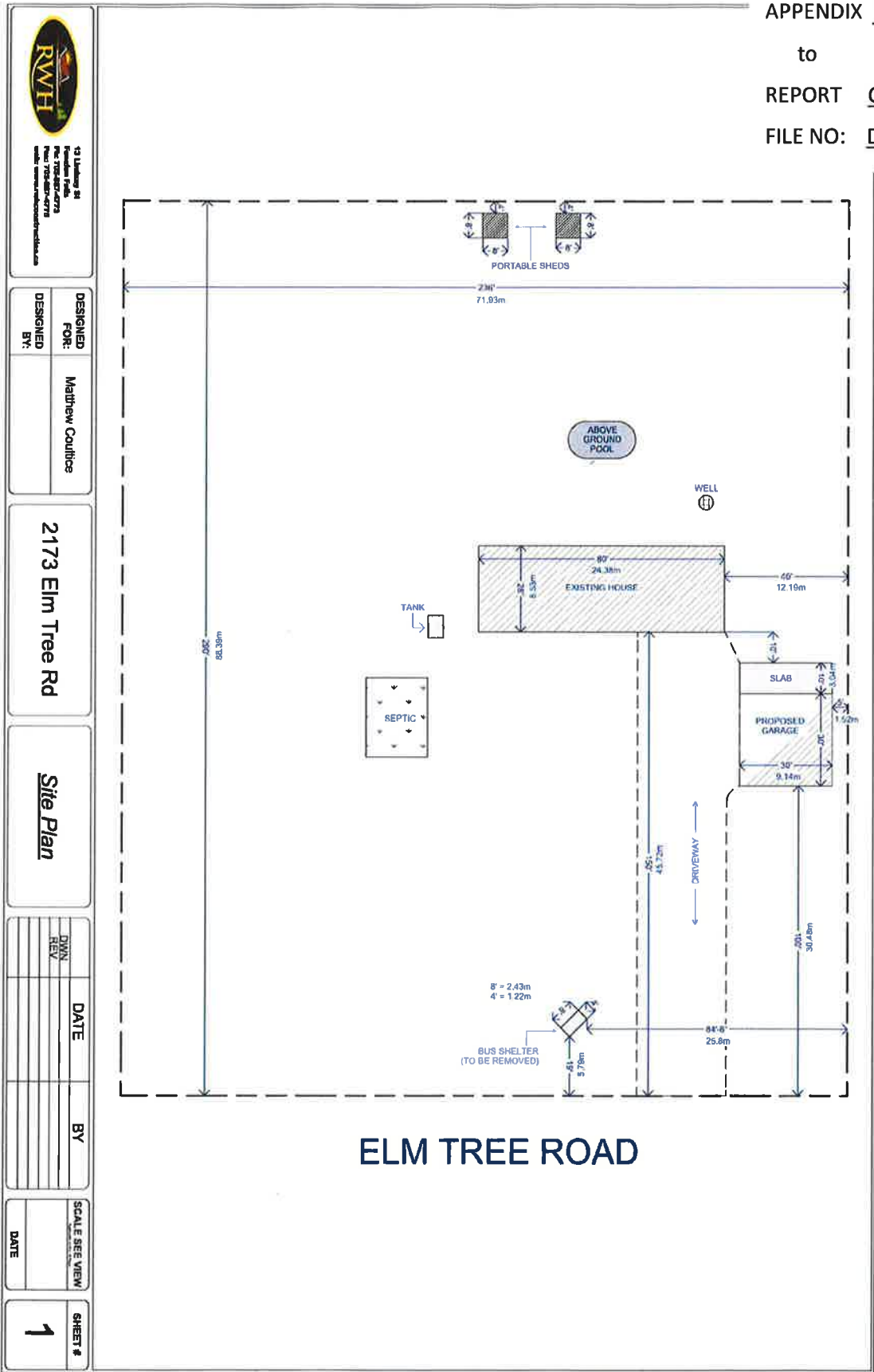
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "  
to  
REPORT COA2019-022  
FILE NO: D20-2019-014

APPENDIX " C "

to  
REPORT COA2019-022

FILE NO: D20-2019-014



2173 Elm Tree Rd  
P.O. Box 1000  
Elm Tree, MO 63021  
Tel: 770-887-4773  
Web: www.rwth.com

DESIGNED FOR: Matthew Coutice  
BY: [Signature]

2173 Elm Tree Rd

Site Plan

DATE

BY

SCALE SEE VIEW

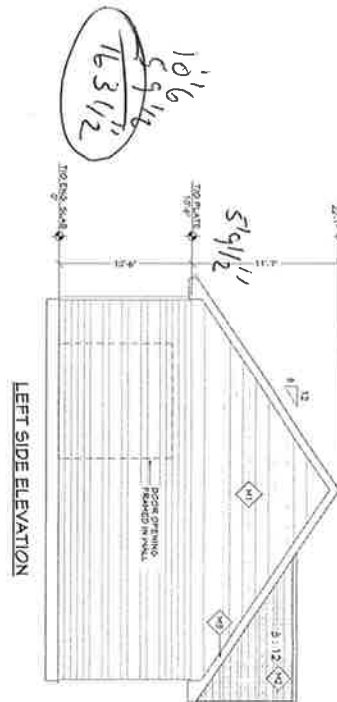
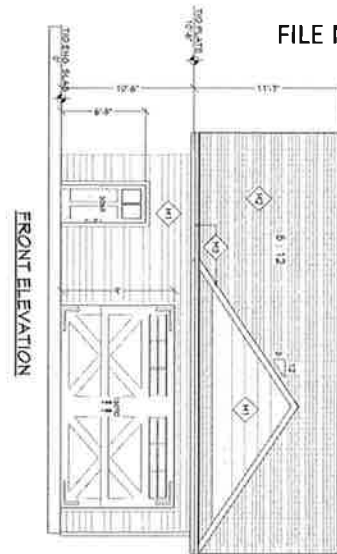
SHEET # 1

# APPENDIX " D "

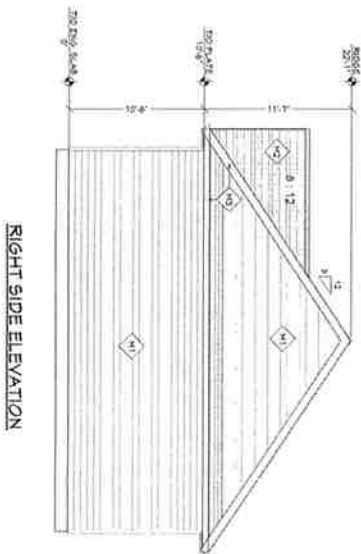
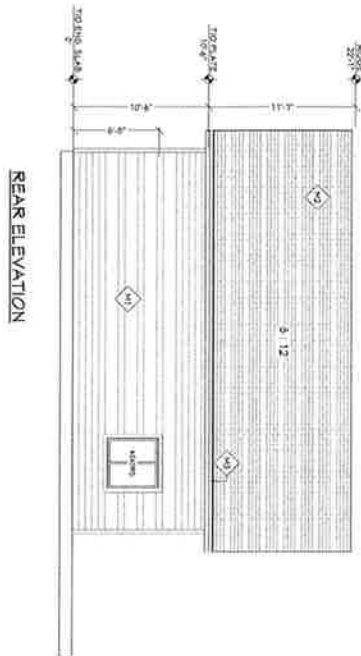
to

REPORT COA2019-022

FILE NO: D20-2019-014



- 1) VINYL SIDING (COLOR TBD BY OWNER)
- 2) ASPHALT SHINGLES (COLOR TBD BY OWNER)
- 3) ALUMINUM FASCIA (EVES) TROUGH



**GENERAL NOTES:**

1. Plans shall be considered "Not for Construction" unless they are stamped and signed by the architect.
2. Construction shall conform to the Building Code.
3. All materials and workmanship shall be in accordance with the Building Code.
4. Measurements are to be given to the centerline of the structure.

**OWNER:**  
11111 1st Ave NE  
Lynchburg, VA 24501

**PROJECT:**  
Garage

**DESIGNER:**  
RWH

**DATE:**  
2/14/2019

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

**BY:**  
RWH

**CHECKED BY:**  
RWH



APPENDIX “ E ”

to

REPORT COA2019-022

FILE NO: D20-2019-014







## David Harding

---

**From:** Derryk Wolven  
**Sent:** Monday, May 06, 2019 9:33 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Committee of Adjustment

APPENDIX " F "  
to  
REPORT COA 2019-022  
FILE NO. D20-2019-014

Please be advised building division has the following comments:

D20-2019-014 No concerns  
D20-2019-021 No concerns

### Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## David Harding

---

**From:** Christina Sisson  
**Sent:** Monday, May 06, 2019 10:33 AM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Kim Rhodes; Lisa Peimann; Charlotte Crockford-Toomey  
**Subject:** 20190506 D20-2019-014 Engineering Review  
  
**Importance:** High

Good morning,

*Further to our engineering review of the Notice of Hearing for D20-2019-014, 2173 Elm Tree Road, Fenelon received through email, we confirm that we have no objection to nor engineering comments for the proposed request to permit a detached garage within a front yard.*

Thank you,

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## **David Harding**

---

**From:** Anne Elmhirst  
**Sent:** Wednesday, May 08, 2019 9:31 AM  
**To:** David Harding  
**Subject:** D20-2019-014 - 2173 Elm Tree Road

Hello David,

RE: Minor Variance Application D20-2019-014  
2173 Elm Tree Road, Former Fenelon Township, City of Kawartha Lakes  
Conc. 1, Pt East ½ Lot 3, Plan 57R-6378, Part 1  
Roll No. 165121001000610  
Owner: Matthew and Amy Coultice

I have received and reviewed the application for minor variance to consider relief to permit a detached garage in the front yard of the above-noted property. A site visit was completed to determine compliance for the sewage system components.

The sewage system was located on the property and a Use Permit has been issued for the existing system (F-12-90). As the detached garage already exists on the property, I was able to determine that the appropriate setback clearance distances have been established to the current sewage system components. As well, the property was reviewed and there is adequate space to replace the sewage system should the current fail.

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

Best Regards,

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



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Holtze**  
Report Number COA2019-030

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**Public Meeting**

**Meeting Date:** May 16, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward: 1 – Geographic Township of Digby**

**Subject:** The purpose and effect is to request relief from the following zone provisions in order to permit the construction of additions to a single-storey detached dwelling thus:

1. Section 4.2(k) to reduce the minimum side yard requirement from 3 metres to 2.1 metres on one side of the lot (south side) in order to permit the construction of supplementary living space; and
2. Section 4.2(k) to reduce the minimum side yard requirement from 1.3 metres to 1.2 metres on the opposite side of the lot (north side) in order to permit the construction of an attached garage.

The variances are requested at 18 Baker Boulevard, geographic Township of Digby (File D20-2019-021).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendations:**

**Resolved That** Report COA2019-030 Holtze, be received;

**That** minor variance application D20-2019-021 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 additions to the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-030, 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 for the proposed dwelling, the shed located in the northerly side yard between the front wall of the dwelling

and the front lot line be removed from the property to the satisfaction of the Chief Building Official; 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 COA2019-030. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	<p>The proposal seeks to construct additions to a 1-storey detached dwelling built circa 1970 (MPAC) that comprises of an attached garage and supplementary living space.</p> <p>This application was deemed complete April 4, 2019.</p>
<b>Proposal:</b>	<p>To construct approximately 126.85 square metre (1,364.90 square feet) of additions onto an existing 101.99 square metre (1,097.41 square feet) single-storey detached dwelling. The additions comprises the following:</p> <ul style="list-style-type: none"><li>- <u>North side or Left side</u>: 49.15 square metre (528.85 square feet) for a 2-door attached garage;</li><li>- <u>West side or Front</u>: 14.15 square metre (152 square feet) for covered porch with stairs;</li><li>- <u>South side or Rightside</u>: 13.88 square metre (143.96 square feet) for supplementary bedroom space and main floor washroom; and</li><li>- <u>East side or Rear</u>: 28.99 square metre (311.93 square feet) for a master bedroom, family room, kitchen and laundry facilities. Including 21.18 square metre (227.89 square feet) for a covered porch with ancillary deck.</li></ul>
<b>Owners:</b>	Stephan and Deborah Holtze
<b>Applicant:</b>	Stephan Holtze
<b>Legal Description:</b>	Part of Lots 22 and 23, Concession 1, Part Shore Road Allowance, Part 4, RP 57R-3775, geographic Township of Digby, now City of Kawartha Lakes
<b>Official Plan:</b>	Waterfront within the City of Kawartha Lakes Official Plan
<b>Zone:</b>	Rural residential Type Two (RR2) Zone within the United Townships of Laxton-Digby-Longford Zoning By-law 32-82
<b>Site Size:</b>	Approximately 0.75 acres (2,995 square metres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North & South: Residential; East: Head Lake; and West: Agricultural

**Rationale:**

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

**And**

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

The proposed dwelling will translate into an improvement of a 49-year old building with a larger footprint which is not anticipated to detract from the rural residential character of the immediate neighbourhood.

A 0.1 metre reduction to the minimum requirement on the northerly side yard is considered minor as the proposed setback of 1.2 metres in the said yard is anticipated to adequately function for lot drainage purposes. As well, the 0.9 metres reduction to the minimum requirement on the southerly side yard is not anticipated to be perceptible as sufficient room would still be available to navigate between the front and rear yards respectively. The limits of the footprint for the proposed additions to the southerly side yard are not anticipated to negatively impact the septic bed area.

In terms of massing, the proposed built form is not anticipated to present any negative visual impact at human scale nor is it anticipated to present any land use compatibility issues with the abutting properties to the north and south respectively, and from the road. There appears to be sufficient vegetation around the property to adequately mask the appearance of the eventual built form. The existing garage in the front yard is also anticipated to help buffer the appearance of the proposed development.

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

The decrease in the yard requirements is not anticipated to impact its function as the scale of the reduction, if granted, is not anticipated to be perceptible.

Sufficient space will remain within the side yards to facilitate access between the rear and front yards.

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

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a maximum lot coverage of approximately 9.15% from a possible 30% maximum, and maintaining a 26 metre water setback where 15 metres is the minimum allowed, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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

**Yes**

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

The proposed side yard reductions would still function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody, thereby facilitating the protection of the integrity of Head Lake.

As well, the compliant lot coverage requirement that would result from the proposed development meets the intent and purpose of the Official Plan as low density residential development is contemplated within the Waterfront designation.

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

**Other Alternatives Considered:**

None at this time.

**Servicing Comments:**

The property will be serviced by a private individual well and septic systems.

**Consultations:**

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

**Agency Comments:**

Building Division - Sewage System (April 29, 2018): No concerns. A septic system review process has already been initiated.

Building Division – Plans Examiner (May 6, 2019): No concerns.

Engineering & Corporate Assets (May 6, 2019): No objections or concerns to the proposed variance.

Kawartha Conservation – KRCA (May 6, 2019): No concerns provided the applicant adheres to tree removal requirements under the *Migratory Bird Act* as well as the *Fish and Wildlife Conservation Act*, and provided the applicant adopts proper sediment control measures during construction.

Planning staff note through observation during site inspection that some trees appear to have been removed from the property already. However, it is recommended that the applicant work closely with KRCA in order ensure that any Natural Heritage System requirements are respected.



**Public Comments:**

None as of May 7, 2019.

**Attachments:**

A pdf document is embedded into this document. Please contact Quadri Adebayo, Planner II at 705-324-9411 extension 1367 to request an alternative format.



Appendices A-E to  
Report COA2019-030

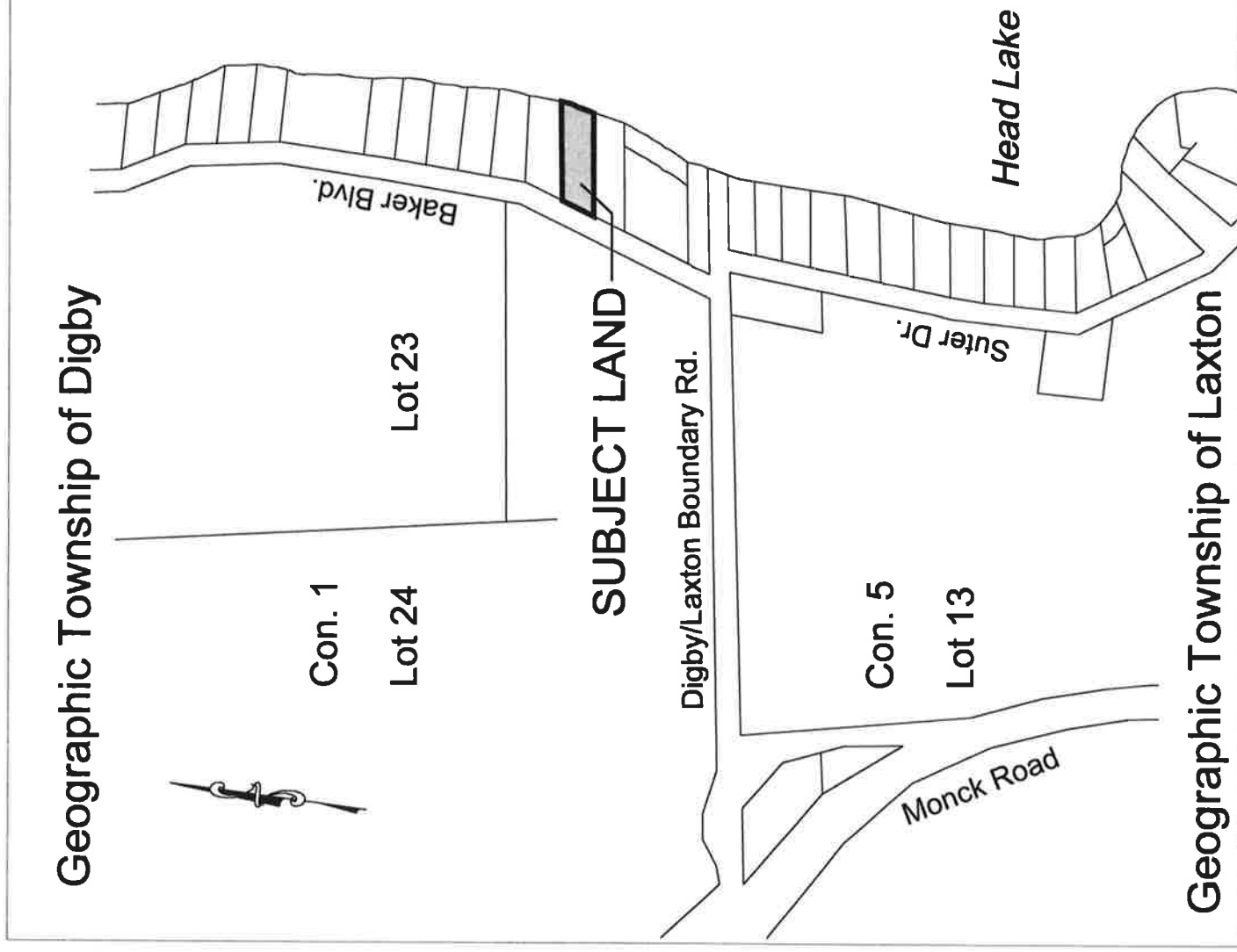
Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Elevation Drawings  
Appendix E – Department and Agency Comments

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-021

to

## D20-2019-021



APPENDIX: B

to

REPORT COA2019-030

FILE NO: D20-2019-021



**18 Baker Boulevard, geographic Township of  
Laxton-Diabv-Lonaford**



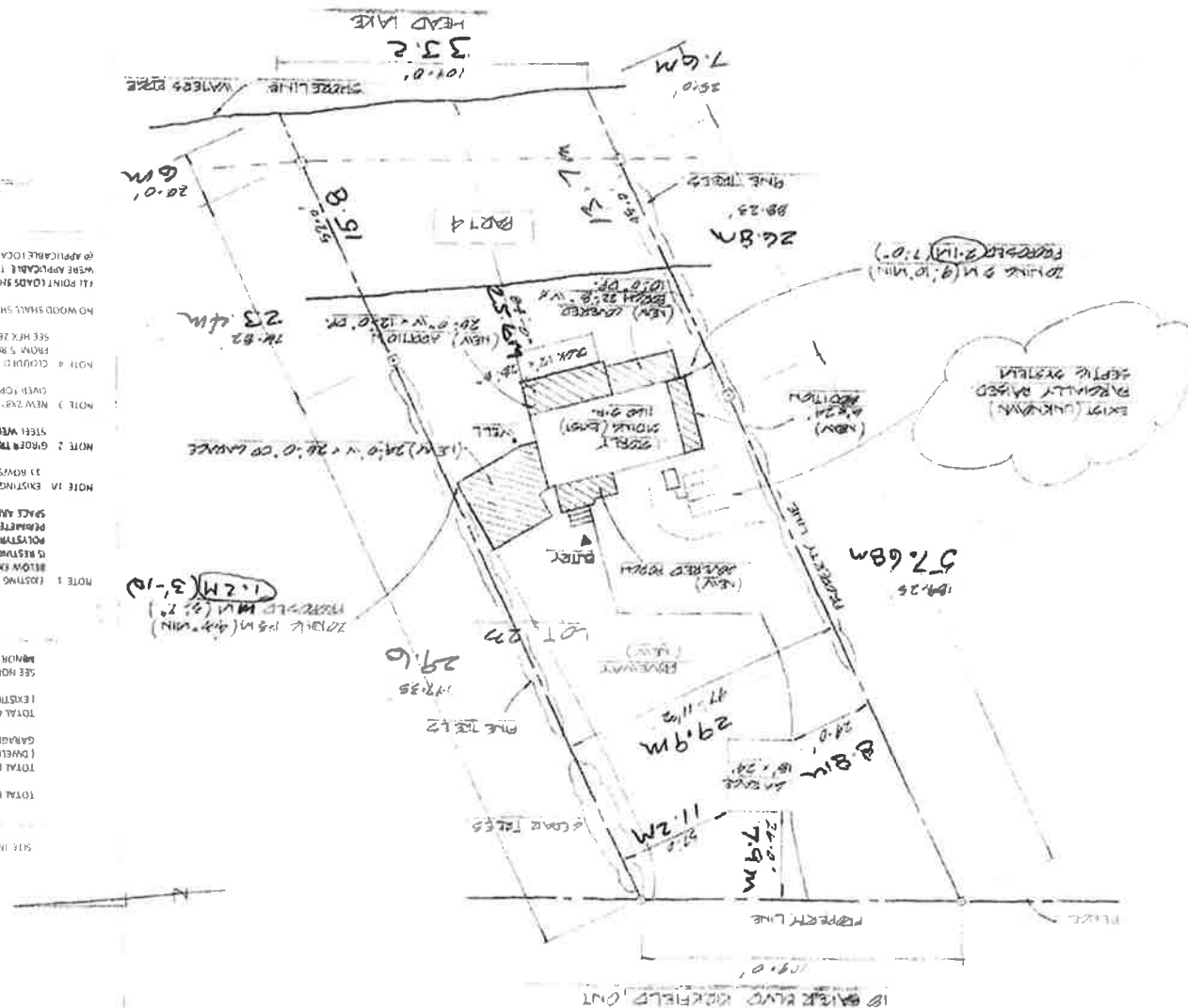
0.23 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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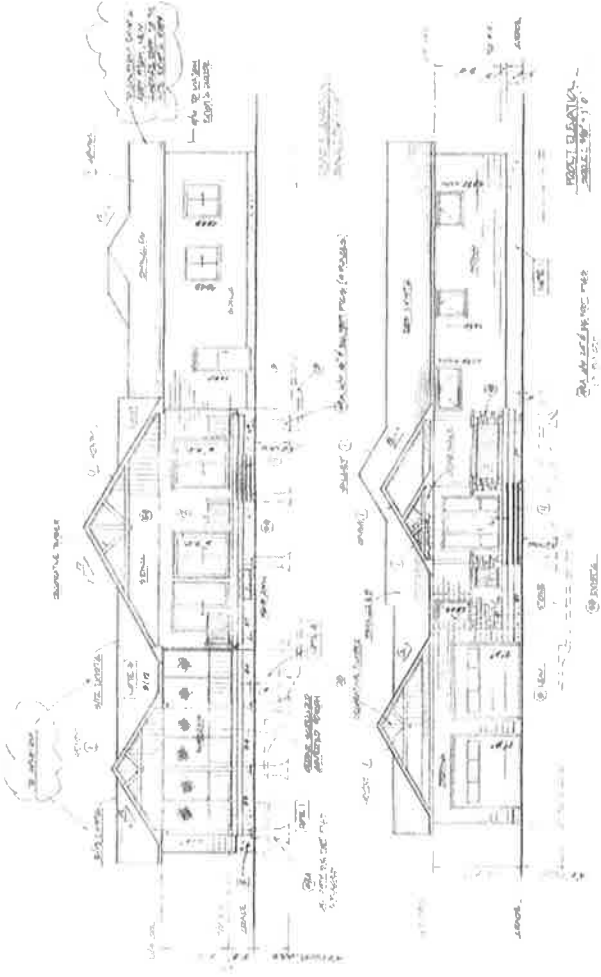
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REPORT COA2019-030  
FILE NO: D20-2019-021

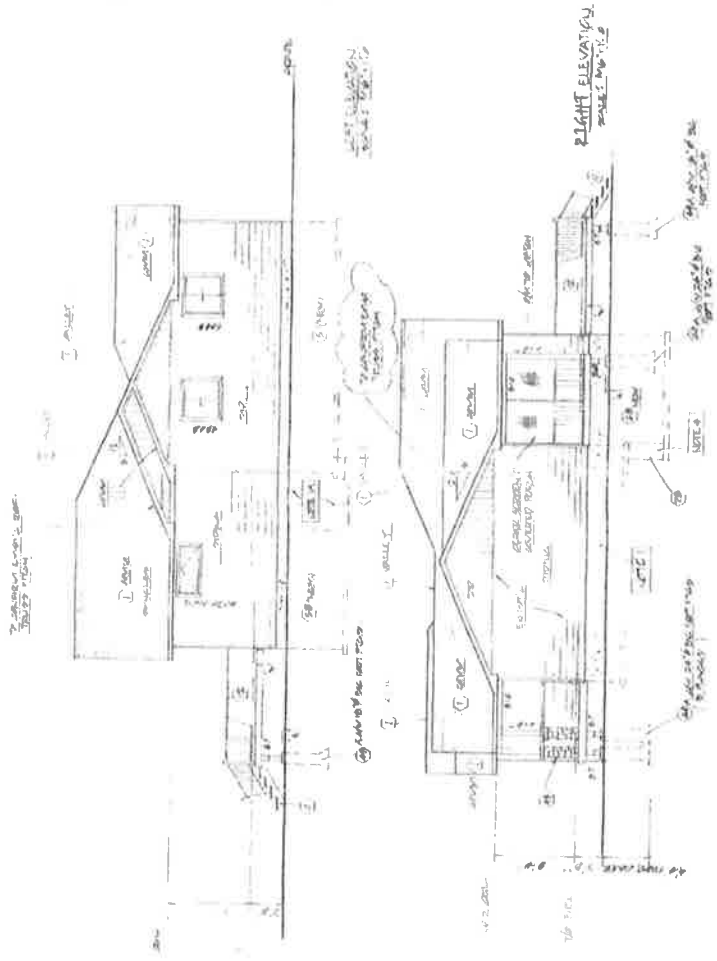
[illegible]

to

**Elevation Drawings – Rear and Front**



**Elevation Drawings – Left and Right**



**Quadri Adebayo**

**From:** Anne Elmhirst  
**Sent:** Monday, April 29, 2019 3:10 PM  
**To:** Quadri Adebayo  
**Subject:** 18 Baker Blvd - Fee

**REPORT** COA 2019-030  
**FILE NO.** 020-2019-021

Hello Quadri,

The owner of 18 Baker Blvd has initiated a sewage system review with the Building Division – Sewage System Program. As such, we will not require a planning fee for 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](http://www.kawarthalakes.ca)



**Quadri Adebayo**

APPENDIX E

**From:**

Derryk Wolven

**Sent:**

Monday, May 06, 2019 9:33 AM

**To:**

Charlotte Crockford-Toomey

**Subject:**

Committee of Adjustment

REPORT

C0A2019-030

FILE NO.

D20-2019-021

Please be advised building division has the following comments:

D20-2019-014 No concerns

**D20-2019-021 No concerns**

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Quadri Adebayo**

to

**From:** Christina Sisson  
**Sent:** Monday, May 06, 2019 10:39 AM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Kim Rhodes; Lisa Peimann; Charlotte Crockford-Toomey  
**Subject:** 20190506 D20-2019-021 Engineering Review

REPORT COA2019-030

FILE NO. D20-2019-021

**Importance:** High

Good morning,

*Further to our engineering review of the Notice of Hearing for D20-2019-021, 18 Baker Boulevard, Laxton-Digby-Longford, received through email, we confirm that we have no objection to nor engineering comments for the proposed request to permit the construction of additions to a single-storey detached dwelling (reduction of minimum side yard setbacks).*

Thank you,

**Christina Sisson, P.Eng.**  
 Supervisor, Development Engineering  
 Engineering & Corporate Assets, City of Kawartha Lakes  
 705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)







**KAWARTHA  
CONSERVATION**  
Discover • Protect • Restore

May 06, 2019  
KRCA File No PPLK-2534  
Page 1 of 3

**APPENDIX "E"**  
to

**REPORT** COA2019-030

**FILE NO.** D20-2019-021

**Via E-Mail: [ccrockford-toomey@kawarthalakes.ca](mailto: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 – D20-2019-021**

**Stephan & Deborah Holtze  
18 Baker Boulevard, Part Lot 23, Con 1  
Geographic Township of Bexley  
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

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

#### **Application Purpose**

It is our understanding that the purpose of this application is to request relief from the Township of Laxton-Digby-Longford By-law 32-82, as amended. The purpose and effect of the application is to request relief from the following zone provisions in order to facilitate the construction of several additions to the existing single detached dwelling as well as an attached 2-car garage. The relief sought through the application is as follows:

**Section 4.2 (k)** – To reduce the minimum side yard requirement from 3.0 metres to 2.1 metres on one side of the lot (southside) to permit the construction of a supplementary living space; and,

**Section 4.2 (k)** – To reduce the minimum side yard requirement from 1.3 metres to 1.2 metres on the opposite side of the lot (northside) to permit the construction of an attached garage.

#### **Applicable Kawartha Conservation Regulations and Policies**

**Ontario Regulation 182/06 (as amended):**

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

#### **Application-Specific Comments**

**KRCA Memorandum of Understanding (MOU):**

Under the current Memorandum of Understanding (MOU) between The City of Kawartha Lakes and Kawartha Conservation, our office provides comments relating to Ontario Regulation 182/06 as well as policy/technical advice related to Water, Natural Heritage and Hazards Sections of the *Provincial Policy Statement* (2014) for applications made under the *Planning Act*. In addition,

**KAWARTHA CONSERVATION**

277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286

**[KawarthaConservation.com](http://KawarthaConservation.com)**

**Our Watershed Partners:**

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





**KAWARTHA  
CONSERVATION**  
Discover • Protect • Restore

May 06, 2019  
KRCA File No PPLK-2534  
Page 2 of 3

technical guidance is provided in relation to legislation and policies related (but not limited) to: the City of Kawartha Lakes Official Plan and the *Growth Plan for the Greater Golden Horseshoe*.

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

##### **Natural Hazards**

In accordance with Section 3.1 of the PPS, *development* shall generally be directed outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards in order to protect property and human life. Typically, a geotechnical assessment conducted by a qualified geotechnical professional would identify the Long-Term Stable Top of Bank associated with Head Lake in order to identify the limit of the hazard with any development. Kawartha Conservation staff are of the opinion that the aforementioned geotechnical assessment is not required for the proposal and the development will not present risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

##### **Growth Plan for the Greater Golden Horseshoe (GPGGH) - Natural Heritage System Mapping**

The subject property is currently located within the Provincial Natural Heritage System (NHS) released by the Ministry of Natural Resources and Forestry (MNR) through the Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017. Key Natural Heritage Features (KNHFs) / Key Hydrologic Features (KHF) as part of the NHS have been identified on lands within 120 metres of subject areas including fish habitat. Section 4.2.3.1 & 4.2.4.3 of the GPGGH prohibits development and site alteration outside settlement areas within key natural heritage features and key hydrologic features and their related vegetation protection zone (VPZ). Section 4.2.4.1 of the GPGGH states that development and site alteration within 120 metres of a KNHF/ KHF will require a natural heritage evaluation (NHE) or hydrologic evaluation that identifies a VPZ. For fish habitat, the minimum VPZ is 30 m from the outside boundary of the feature (S. 4.2.4.1(c)).

Given the limit of the development will be approximately 26 metres away from the shoreline and in lieu of a formal NHE, staff recommends the applicant supplements the removal of any mature trees with seedlings and native, non-invasive species appropriate for the site-specific conditions. Adherence to the *Migratory Bird Act* as well as the *Fish and Wildlife Conservation Act* must be followed (i.e. tree inspection for nests/eggs must be undertaken prior to removal of trees and cannot occur during the nesting /breed season of migratory birds).

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

##### **Fish Habitat:**

As previously mentioned, the subject property located on “adjacent lands” (i.e., within 120 metres) to fish habitat including a (Head Lake). The Natural Heritage section (Section 2.1) of the Provincial Policy Statement (PPS) states that development and site alteration shall not be permitted within 120 metres of fish habitat unless the ecological function of these “adjacent lands” has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Due to the nature of the application, staff is of the opinion that any negative impacts to fish habitat are mitigated through revegetation of disturbed lands and the implementation of appropriate sediment and erosion controls on-site.

#### **KAWARTHA CONSERVATION**

277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286

[KawarthaConservation.com](http://KawarthaConservation.com)

##### **Our Watershed Partners:**

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





**KAWARTHA  
CONSERVATION**  
Discover • Protect • Restore

May 06, 2019  
KRCA File No PPLK-2534  
Page 3 of 3

**Recommendation**

**On this basis, Kawartha Conservation staff recommend conditional approval of this Minor Variance application D20-2019-021, subject to the following:**

1. The applicant is advised of the *Migratory Bird Act* and *Fish and Wildlife Conservation Act* regarding the inspection of trees for nests/eggs prior to any tree removal. Tree removal cannot occur during the nesting/breeding season.

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

Kindest regards,

Kent Stainton  
Resources Planner  
Extension 232  
kstainton@kawarthaconservation.com

Cc: Mark LaHay, City of Kawartha Lakes, via email  
Quadri Adebayo, City of Kawartha Lakes, via email

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

***Our Watershed Partners:***

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



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 1675453 Ontario Limited**  
Report Number COA2019-032

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**Public Meeting**

**Meeting Date:** May 16, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward 7 – Former Town of Lindsay**

**Subject:** An application to create an approximately 774.21 square metre easement for a right-of-way for storm water management purposes over Plan 606 Lot 11, in favour of Plan 606 Lot 10. The property is located at 16 Commerce Place, Town of Lindsay (File D03-2019-016).

---

**Author:** Ian Walker, Planning Officer –  
Large Developments

**Signature:**

---

**Recommendations:**

**Resolved that** Report COA2019-032 - 1675453 Ontario Ltd., be received;

**THAT** consent application D03-2019-016, being an application to create an easement for a right-of-way of approximately 774.21 square metres over Lot 11 Plan 606 to provide access for storm water management purposes in favour of Lot 10 Plan 606, be **Approved**.

**Conditions of provisional consent:**

1. This approval applies to the transaction applied for.
2. Submit to the Secretary-Treasurer one copy of the registered reference plan of the easement to be created.
3. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$225.00. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
5. Submit to the Secretary-Treasurer a copy of the Registry Office receipted documents with respect to Application D03-2019-016.

6. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
7. The applicant's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
8. The applicant's solicitor shall also undertake to provide a copy of the registered deed to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
9. The applicant shall pay all costs associated with the preparation and registration of the required documents.
10. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

## Background:

This application is being made in conjunction with the approval of site plan application D19-2018-007 for construction of a new 621 square metre office building on the property municipally known as 12 Commerce Place. The application proposes to create an easement over 16 Commerce Place, for the purposes of a private storm water management facility and to convey drainage from 12 Commerce Place. This application would provide an approximately 774.21 square metre right-of-way (approximately 14.8 metres by 74.0 metres) for 12 Commerce Place to drain across 16 Commerce Place to the existing municipal ditch along the former C.N.R. railway. A new lot is not being created.

On August 6, 1987, Plan 606 was registered at the Land Registry Office. The current standards for lot grading and drainage, and stormwater works were not contemplated at that time. To meet today's standards for stormwater conveyance, the new construction on 12 Commerce Place requires an outlet through 16 Commerce Place to ensure it does not negatively impact on the abutting properties to the east (Plan 608).

This application was received by the City on March 15, 2019, and deemed complete March 20, 2019.

Owner:	1675453 Ontario Limited
Applicant:	Art Kloosterman
Related Application:	D19-2018-007
Legal Description:	Lot 11, Plan 606
Official Plan:	'Prestige Employment' in the Town of Lindsay Official Plan
Zone:	'Prestige Employment Special Two (PE-S2) Zone' in the Town of Lindsay Zoning By-law 2000-75, as amended
Site Size:	Severed: 774.21 square metres (easement) Retained: 5,643.74 square metres (entire property)
Site Servicing:	Severed: Municipal water and sanitary sewer and ditches Retained: Municipal water and sanitary sewer and ditches
Existing Uses:	1 storey retail commercial building
Adjacent Uses:	North: Vacant land for future office building East: Vacant industrial land; Commerce Road South: Former C.N.R. railway lands; Residential subdivision West: Vacant industrial land

**Rationale:**

The property is located at the southeast end of Commerce Place, fronting on the cul-de-sac. See Appendix 'A'. The property contains a one-storey commercial building. See Appendix 'B'. The proposed new one-storey commercial (office) building on the property to the north requires an easement to convey drainage. See Appendix 'C'. As such, a consent to create an easement is required.

**Policy Conformity:**

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

These lands are identified as being within the 'Settlement Area' of Lindsay. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure.

Therefore, this application conforms to the policies of the Growth Plan.

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

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

Therefore, the proposal is consistent with the PPS.

**Town of Lindsay Official Plan (Lindsay Official Plan):**

The Lindsay Official Plan designates the lands as Prestige Employment. This designation permits a wide range of employment and office uses. The proposed development on 12 Commerce Place conforms with the permitted uses and the policies of the Lindsay Official Plan.

**Zoning By-law Conformity:**

Use and development of the subject property and benefitting lot is regulated by the 'Prestige Employment Special Two (PE-S2) Zone' in the Town of Lindsay Zoning By-law 2000-75. The proposed development on 12 Commerce Place complies with the required use and zone provisions of the PE-S2 zone.

**Other Alternatives Considered:**

No other alternatives have been considered.

### **Servicing Comments:**

The proposed right-of-way would not interfere with any current or future municipal services, including water and sewer.

### **Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. A notice was circulated to all persons within a 60 metre radius of the property, and to agencies and City Departments which may have an interest in the application, and a notice posted in Kawartha Lakes This Week. The following comments have been received as of May 7, 2019:

### **Agency Comments:**

April 4, 2019	The Building Division has no concerns with the application.
April 9, 2019	The Engineering & Corporate Assets Department has no concerns with the application.
April 9, 2019	The Community Services Department has no concerns with the application.
April 9, 2019	Enbridge Gas Inc. does not object to the proposed application.
April 17, 2019	The Kawartha Region Conservation Authority (Kawartha Conservation) advised that the proposed stormwater management infiltration gallery will contain the 100-year storm event, and the emergency overflow weir outlets to a ditch that is not regulated under Ontario Regulation 182/06. No permits will be required from Kawartha Conservation, and they have no objection to the proposed easement, as it will facilitate a reduction of impacts to stormwater quantity and quality.

### **Public Comments:**

William and Deborah McDonnell of Lot 9 Plan 608 objected to this application on the basis that they do not know if the works will impact on their property, and had the following questions:

1. How deep will the ditch be and how close to their property?
2. Will equipment encroach on their property?
3. Who is liable if water floods over the ditch?
4. Will there be a retaining wall?
5. Who is developing the land?

Staff have provided a response to these questions, however, in the most recent correspondence received, they note that a drainage ditch has been installed, hence they remain concerned with the proposed easement.



### **Planning Division Comments:**

The concerns raised by the public are related to the easement have been considered. The grading works have been designed by a Professional Engineer, and reviewed by both the City and Kawartha Conservation Engineering staff. Based on the agency comments provided in the report, the proposed works would appear to provide an improvement to the overall stormwater management scheme in this older subdivision.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.



COA2019-032  
Appendices A-E.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Applicant's Original Consent Sketch

Appendix 'D' – Department and Agency Comments

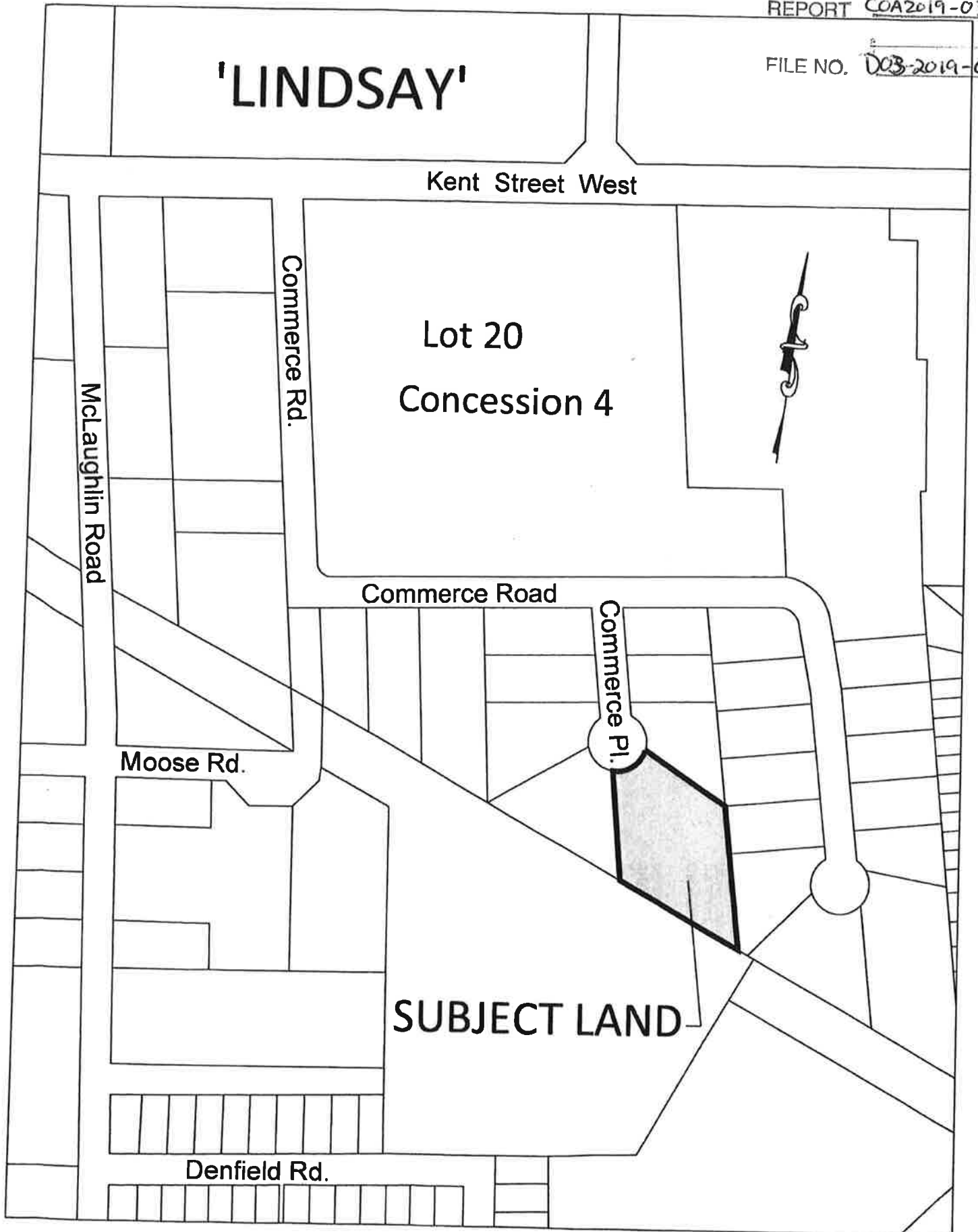
Appendix 'E' – Correspondence Related to Objection

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<b>Phone:</b>	705-324-9411 extension 1368
<b>E-Mail:</b>	iwalker@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D03-2019-016

D03-2019-016

APPENDIX "A"  
to  
REPORT COA2019-032  
FILE NO. D03-2019-016





GEOMATICS  
MAPPING

## 16 Commerce Place, Lot 11 Plan 606, Lindsay

APPENDIX B  
to  
REPORT COA2019-032  
FILE NO. DOS-2019-016



### Legend

- ☐ Property ROLL#
- ☒ Road Centreline (2016 Needs)
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

### Notes

2013 Orthophoto

0.11

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 PUPOSES

FILE NO. D03-2019-016  
SKETCH FOR CONSENT APPLICATION

**16 COMMERCE PLACE**  
TOWN OF LINDSAY  
CITY OF KAWARTHA LAKES

SCALE 1 : 500  
10 0 10 20 30 metres

© COPYRIGHT 2019

**METRIC**

DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SUBJECT LANDS**

LOT 11, REGISTERED PLAN No. 606  
TOWN OF LINDSAY  
BEING PIN 63237-0389(LT)

**PROPOSED EASEMENT**

AREA = 774.21 sq.m. (0.19 ac.)

**SUBJECT LANDS**

TOTAL AREA = 5643.74 sq.m. (1.40 ac.)

**BENEFITTING LANDS**


LOT 10, REGISTERED PLAN No. 606  
AREA = 2634.50 sq.m. (0.65 ac.)

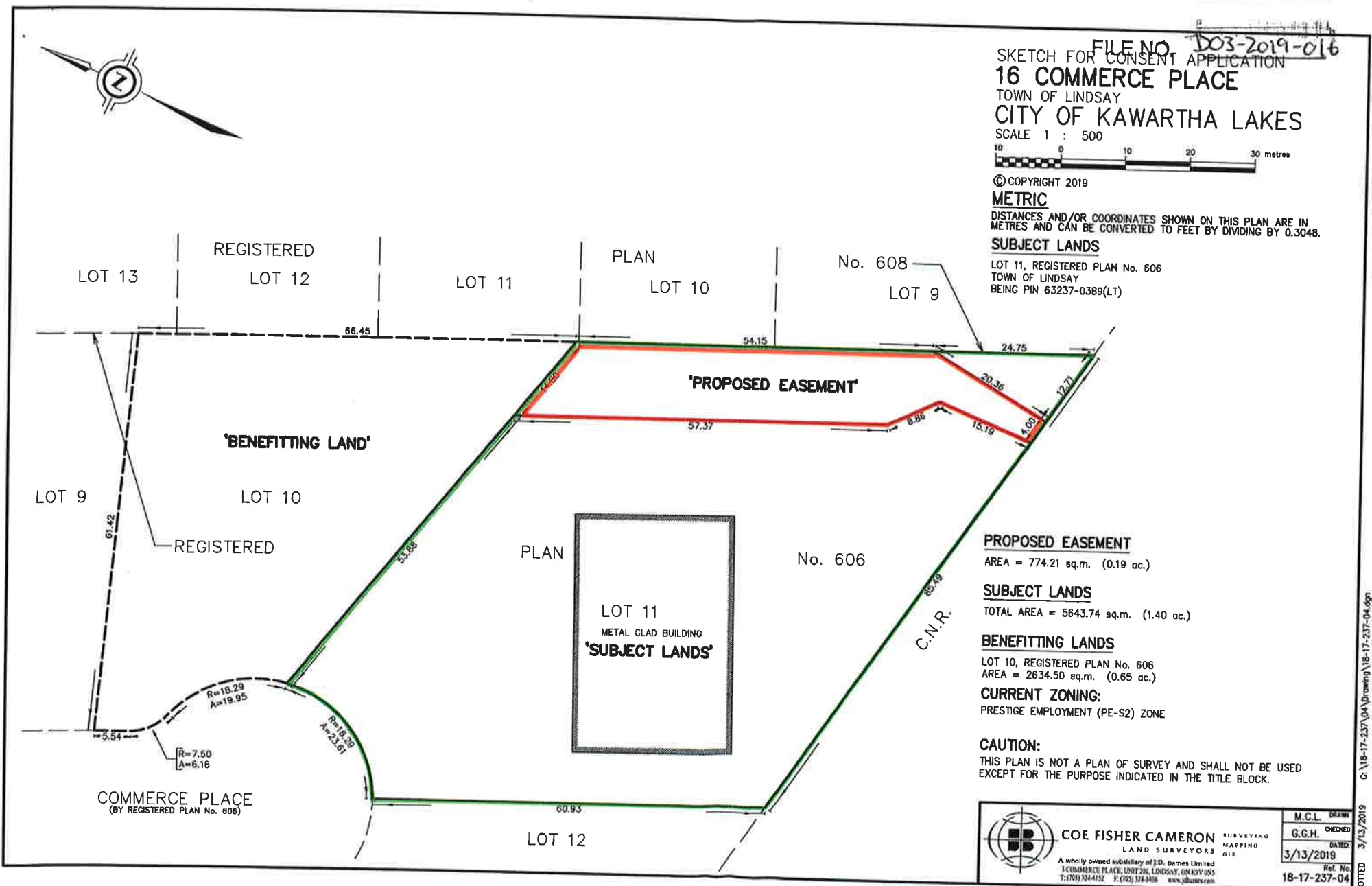
**CURRENT ZONING:**

PRESTIGE EMPLOYMENT (PE-S2) ZONE

**CAUTION:**

THIS PLAN IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

 <p><b>COE FISHER CAMERON</b> LAND SURVEYORS A wholly owned subsidiary of J.D. Barnes Limited 3 COMMERCE PLACE, UNIT 201, LINDSAY, ONTARIO T: (705) 324-4152 F: (705) 324-4106 www.jdcbarnes.com</p>	<p>M.C.L. DRAWN</p>
	<p>G.G.H. CHECKED</p>
	<p>3/13/2019</p>
	<p>Ref. No. 18-17-237-04</p>





## Ian Walker

---

**From:** Mark LaHay  
**Sent:** Thursday, April 04, 2019 2:29 PM  
**To:** Ian Walker  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: D03-2019-016

APPENDIX " D  
to 1/5  
REPORT COA2019-032  
FILE NO. D03-2019-016

FYI - file

---

**From:** Derryk Wolven  
**Sent:** Thursday, April 04, 2019 2:19 PM  
**To:** Mark LaHay  
**Subject:** D03-2019-016

Please be advised building division has no concerns with the above noted application.

**Derryk Wolven, CBCO**  
Plans Examiner  
Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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2/5

**Ian Walker**

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**From:** Kim Rhodes  
**Sent:** Tuesday, April 09, 2019 11:57 AM  
**To:** Ian Walker  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20190409 D03-2019-016 - Engineering review

**Categories:** LDC

**Please see the message below from Christina Sisson:**

---

Good morning Ian - further to our engineering review of the following:

Consent – D03-2019-016  
16 Commerce Place  
Lot 11, Plan 606  
Former Town of Lindsay

It is the understanding by Engineering that the purpose of the consent is to to sever approximately 774.21 square metres of land from the commercial lands at 16 Commerce Place. The severed land is to establish a storm water easement in favour of the northerly abutting commercial property at 12 Commerce Place. An easement is being created.

*From an engineering perspective, we have no objection to the proposed Consent.*

In providing technical review on behalf of the City, we respectfully request that the Development Engineering Division be circulated any additional information brought forward through the commenting period that changes the intent of the consent application. Please provide us with the Notice of Decision for our confirmation.

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

Thanks,

*CHRISTINA*

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)





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The Corporation of the  
**City of Kawartha Lakes**  
Community Services  
50 Wolfe Street  
Lindsay, Ontario K9V 2J2  
Tel: 705-324-9411 ext 1300  
Toll Free: 1-888-822-2225  
[ldonnelly@kawarthalakes.ca](mailto:ldonnelly@kawarthalakes.ca)  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

LeAnn Donnelly, Executive Assistant, Community Services

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## MEMORANDUM

**DATE:** April 9, 2019  
**TO:** **Committee of Adjustment**  
**FROM:** LeAnn Donnelly, Executive Assistant, Community Services  
**RE:** Various Applications

---

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

D03-2019-016      16 Commerce Place, Lindsay

*LeAnn Donnelly*

---

LeAnn Donnelly  
Executive Assistant, Community Services



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4/5

Enbridge Gas Inc.  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

April 9, 2019

Mark LaHay  
Planner II  
City of Kawartha Lakes  
Development Services Division  
180 Kent Street West  
Lindsay, ON K9V 2Y2

Dear Mark,

Re: Consent Application – Concurrent with Site Plan  
16 Commerce Place  
Lot 11, Plan 606  
City of Kawartha Lakes  
File No.: D03-2019-016      Related: D19-2018-007

Enbridge Gas Inc. does not object to the proposed application(s).

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact [SalesArea40@Enbridge.com](mailto:SalesArea40@Enbridge.com).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

Casey O'Neil  
Sr Analyst Municipal Planning  
Long Range Network Analysis

**ENBRIDGE GAS INC.**

TEL: 416-495-5180  
500 Consumers Rd. North York, Ontario, M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect.**



**Ian Walker**

---

**From:** Kent Stainton <kstainton@kawarthaconservation.com>  
**Sent:** Wednesday, April 17, 2019 2:02 PM  
**To:** Ian Walker; Mark LaHay  
**Cc:** Stacy Porter  
**Subject:** FW: CKL File No: D19-2018-007 (Site Plan Approval - 12 Commerce Place - FCC)  
- 2nd Submission  
**Attachments:** RE: 1823 12 Commerce Place  
**Categories:** LDC, Attachment

Hi Ian and Mark,

In lieu of providing formal comments in relation to City of Kawartha Lakes Consent File D03-2019-016 (16 Commerce Place, Kloosterman, FCC) to sever 774.21 square metres of land from the commercial lands at 16 Commerce Place (easement). The application is concurrent with site plan application D19-2018-007. The severed land is to establish a stormwater easement in favour of the northerly abutting commercial property at 12 Commerce Place.

Staff have reviewed the proposal and it appears the proposed stormwater management infiltration gallery will contain the 100-year Storm event. In addition, the emergency overflow weir outlets to a ditch that is not a regulated feature under Ontario Regulation 182/06; therefore, no permits will be required to facilitate the construction of the outlet of the overflow. I have copied Stacy Porter (Planning and Regulation Technician) on the email for her records.

Staff have no objections to the proposed easement, as the instrument facilitates a reduction of impacts to stormwater quantity/quality and no natural heritage features will adversely affected through the proposal.

Kawartha Conservation requests Notice of Decision on the subject application. I trust this is of assistance. If you have any additional questions, do not hesitate to contact me.

Best,  
Kent

**Kent Stainton**  
Resources Planner  
KAWARTHA CONSERVATION  
277 Kenrei Road  
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232  
Fax: 705.328.2286

[KawarthaConservation.com](http://KawarthaConservation.com)

**Ian Walker**

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**From:** Ian Walker  
**Sent:** Tuesday, May 07, 2019 1:23 PM  
**To:** 'Debbie McDonnell'  
**Subject:** RE: Consent Application file # D03-201-016  
**Attachments:** 20181212 R&S&E Control Plan.pdf

**Categories:** LDC, Attachment

Good afternoon William & Deborah:

Thank you for your concerns. I can advise that both the City's Engineering and Corporate Assets Department, and Kawartha Conservation have reviewed the proposed stormwater management works, to ensure they meet the current Ministry standards for stormwater. The creation of the easement (if approved) will only give the right of the owner of 12 Commerce Place (current or future) the ability to go onto 16 Commerce Place in the future for the purposes of fixing or repairing the stormwater management works. Currently, both properties are held in the same ownership, however, this may not always be the case, which is why the easement would be required. Therefore, the easement will especially be necessary in the future, should the properties change ownership.

In regards to the severance, every application is required to be circulated in accordance with the standards in the Planning Act. City staff do take into account all comments received, including public and review agency comments.

As far as current works on 16 Commerce Place, the owner has not received any approvals (from the City) for any grading and drainage works on that parcel, they have only received limited clearance for specific works on 12 Commerce Place, with sediment and erosion controls to be installed entirely on 12 Commerce Place, as the attached drawing shows, and per these comments:

"I have attached the Sediment and Erosion Control Plan with red-line notes, specific to these works. We will allow the following:

- Installation of sediment and erosion controls on 12 Commerce Place property only as per drawing details (see attached);
- Cut and remove vegetation (above grade removal) on 12 Commerce Place property only;
- Removal of topsoil for the entrance/laneway and building location only (not including parking, etc.) – to be trucked off site;
- Install the water and sewer line if approved (in accordance with other required approvals – i.e. Municipal Service Connection application); and
- Placement of gravel to establish the laneway/entrance.

Should you be considering any works beyond what is outlined here, or require further clarification, please contact us."

I will note, staff do **not** support an applicant completing site alteration works in the absence of any appropriate approvals. We have reviewed the consent application on the basis of its merit and its purpose, not the works that may or may not have been completed to date. A copy of

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the report going to the May 16<sup>th</sup> Committee of Adjustment will be provided to you, as you have expressed an interest in the application. I believe the agenda and reports will be available to the public by the end of this week.

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

Regards,

Ian Walker, B.Sc.  
Planning Officer – Large Developments  
Development Services – Planning Division, City of Kawartha Lakes  
705-324-9411 extension 1368  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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**From:** Debbie McDonnell [mailto: [REDACTED]]  
**Sent:** Wednesday, May 01, 2019 1:03 PM  
**To:** Ian Walker  
**Subject:** RE: Consent Application file # D03-201-016

Good Day Ian:

Sorry the late reply... we have been away.

So... after visiting our site, it appears that the drainage ditch has already been dug/installed?? Is this the way things are done?? Why even bother with the expense of putting together this letter and information? This was a complete waste of time for all parties. We were just about to hire the services of an expert to review this, that would have been an waste of money!!

It appears it doesn't matter whether we disagree or not.

Disjointed in the City!!

William & Deborah McDonnell

----- Original Message -----

From: Ian Walker <[iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)>  
Date: April 25, 2019 at 10:15 AM

Good morning William & Debbie:

The landowner (Art Kloosterman of 1675453 Ontario Limited) of the property in question has asked if he may have your contact information to touch base with you and discuss your concerns. Is it ok to release your phone and/or email contact to him?

Alternatively, if you wish to contact Art, he can be reached at 705-741-8540 or by

email at [artkloosterman@nexicom.net](mailto:artkloosterman@nexicom.net). He has authorized me to release his information to you.

Secondly, for staff to finish processing the file, we do need to know if you wish for your objection to the application to stand, or if any/all of your concerns have been or can be resolved. If there are no objections to the application, the Director of Development Services has been delegated the responsibility to handle the application. If there are any objections, then it is the Committee of Adjustment that must make decision on the application. If you do not object, you may still request to be notified of the decision, which means you would receive a copy of the decision, and there are appeal rights to the decision (i.e. the 20 day appeal period). Staff just need to know in which manner we are processing the application.

Regards,

Ian Walker, B.Sc.

Planning Officer – Large Developments

Development Services – Planning Division, City of Kawartha Lakes

705-324-9411 extension 1368

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



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**From:** Ian Walker  
**Sent:** Tuesday, April 23, 2019 10:01 AM  
**To:** [REDACTED]  
**Cc:** Mark LaHay  
**Subject:** RE: Consent Application file # D03-201-016

Good morning William & Debbie:

Please feel free to correspond with me regarding the file, I am the Planner

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4/8

handling the review and comments. By all means, you can cc Mark on the correspondence, as he is the Acting Secretary-Treasurer of the Committee. That way your bases are covered.

I will try to scan a blow-up of the area on the drawing to see if that suffices, if not, I can certainly provide a hard copy of the full size drawing if you wish to pick it up. If so, please let me know and I'll leave it with admin staff in the event I am unable to meet with you upon arriving.

You will receive a separate email from the City's file sharing program called ZendTo, so if you receive that email, it will be from myself.

Regards,

Ian Walker, B.Sc.

Planning Officer – Large Developments

Development Services – Planning Division, City of Kawartha Lakes

705-324-9411 extension 1368

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



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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, April 18, 2019 9:41 AM  
**To:** Ian Walker  
**Subject:** Re: Consent Application file # D03-201-016

Good morning Ian. Thank you for your quick response. Unfortunately, the attached sketch (grading plan) is not legible - printing is too small. Are you able to provide a larger scale copy? If so, please advise and I can attend to pick it up.

Also, I note in the letter that our appeal was to be sent to the Secretary-Treasurer, Committee of Adjustment - it appears that that is Mark LaHay, acting secretary-treasurer from the letter we received. Can you either forward our original email to him, or provide me with his email?

Thank you for your assistance.

William & Debbie McDonnell

On Apr 17, 2019, at 5:28 PM, Ian Walker <[iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)> wrote:

Good afternoon Wm. and Deborah:

Please find attached the sketch for the proposal. I have also attached the proposed grading plan, which should provide an answer to your first question. All works are to take place on 12 Commerce Place and 16 Commerce Place, both owned by the same company: 1675453 Ontario Limited. There should be no works leaving their properties. There is no retaining walls proposed. Both properties are held in private ownership, therefore the landowner would be responsible for any flooding caused by their works.

Please advise if you have any further questions, and if you are still in objection to the application. If there are any objections to the application which cannot be resolved, it will be scheduled for the next available Committee of Adjustment meeting, which would be May 16<sup>th</sup>.

Thank you,

Ian Walker, B.Sc.

Planning Officer – Large Developments

Development Services – Planning Division, City of Kawartha Lakes

705-324-9411 extension 1368

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**From:** Debbie McDonnell [mailto: [REDACTED]]  
**Sent:** Wednesday, April 17, 2019 9:18 AM  
**To:** Ian Walker  
**Subject:** Consent Application file # D03-201-016

Dear Mr. Walker: (see attached copy of letter)

We only just received your letter on Friday, April 12th by regular mail. We dropped in to your office yesterday to ask a few questions, but you were not available. It appears that this severance for a storm water easement is directly behind our lot being Lot 9, Part 1.

With the recent change to the front of our lot by a developer, and being unaware that there would be a deep ditch all along the front instead of what we had previously (curbing), we are skeptical now of allowing this severance, and in lieu of this short time period of notice, we are NOT in favour of it.

We have questions which we would appreciate clearing up:

1. How deep is the ditch going to be and how close to the rear of our property?
2. Will equipment etc... be encroaching on our property?
3. If water floods over the ditch and on to our property, who is liable for this?
4. Is there going to be a retaining wall to keep our lot secure from any erosion etc..
5. Who is developing this land? Town or name of Builder?

Therefore, please advise in writing of the above and note that we oppose the application for severance for this purpose.

Yours truly,

Wm. McDonnell & Deborah McDonnell

[REDACTED]

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.

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Not at this time. Dec 12/18  
W.



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – MacDonald**  
Report Number COA2019-033

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**Public Meeting**

**Meeting Date:** May 16, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**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 variances are requested at 221 Francis Street East, geographic Township of Fenelon (File D20-2019-004).

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**Author: David Harding, Planner II**

**Signature:**

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**Recommendations:**

**Resolved That** Report COA2019-033 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 COA2019-033, which shall be attached to and form part of the Committee's Decision.
- 2) **That** the west wall of the detached garage shall contain four faux windows or windows.
- 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 COA2019-033, and said satisfactory elevations shall be submitted as part of the amended building permit application; and
- 5) **That** the building construction related to the minor variances shall be completed within a period of four (4) 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 COA2019-033. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On February 28, 2019, the Committee deferred this application to allow the applicant and City to discuss the proposal further. Please see other alternatives considered section for further details.

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 windows/faux windows 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 provided that the placement of stone cladding and additional faux windows or windows on the west wall as proposed by staff are implemented.

**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 located 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 very prominent location in the front yard and some additional steps are needed to address and compliment the streetscape to make to 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.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law provided that the placement of stone cladding and additional faux windows or windows on the west wall as proposed by staff are implemented.

**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:**

On March 27, 2019, staff discussed the report with the applicant. No consensus could be reached as no changes to the building were desired by the applicant. The applicant expressed concern over placing windows on the west wall as that wall is used for storage. In response to this concern, staff is proposing Condition 2 permit faux windows or real windows.

**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:**

Judith Currie of 214 Francis Street East spoke at the previous public meeting held on February 21, 2019. She raised some concerns with the application.

**Attachments:**



Appendices A-F to  
COA2019-033.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

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

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

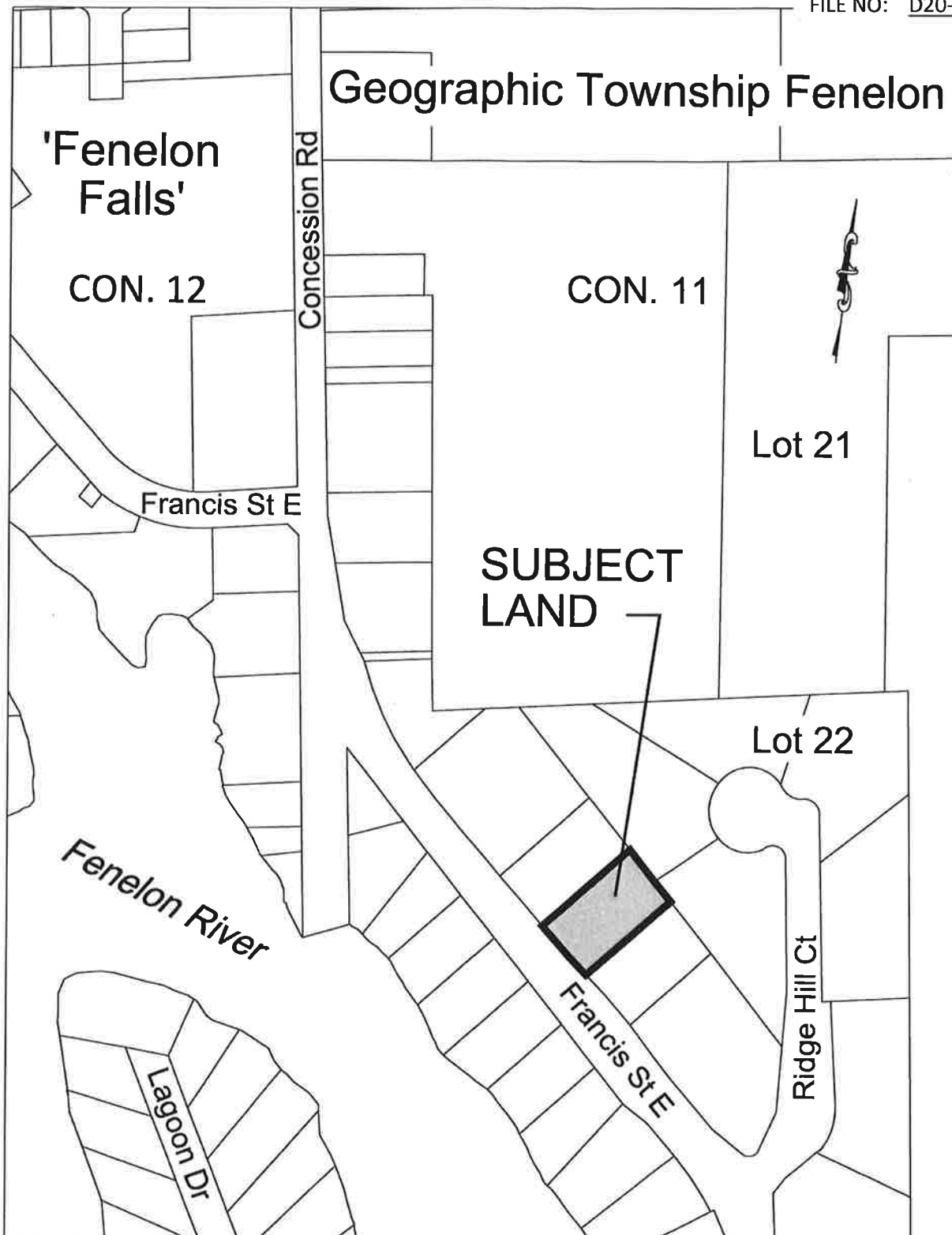
**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D20-2019-004

to

REPORT COA2019-033

FILE NO: D20-2019-004







## 221 Francis Street East, geographic Twp. of Fenelon



0.11 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.  
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REPORT COA2019-033  
FILE NO: D20-2019-004

APPENDIX " B "



APPENDIX " C "

to

REPORT COA2019-033

FILE NO: D20-2019-004



APPENDIX “ D ”

to

REPORT COA2019-033

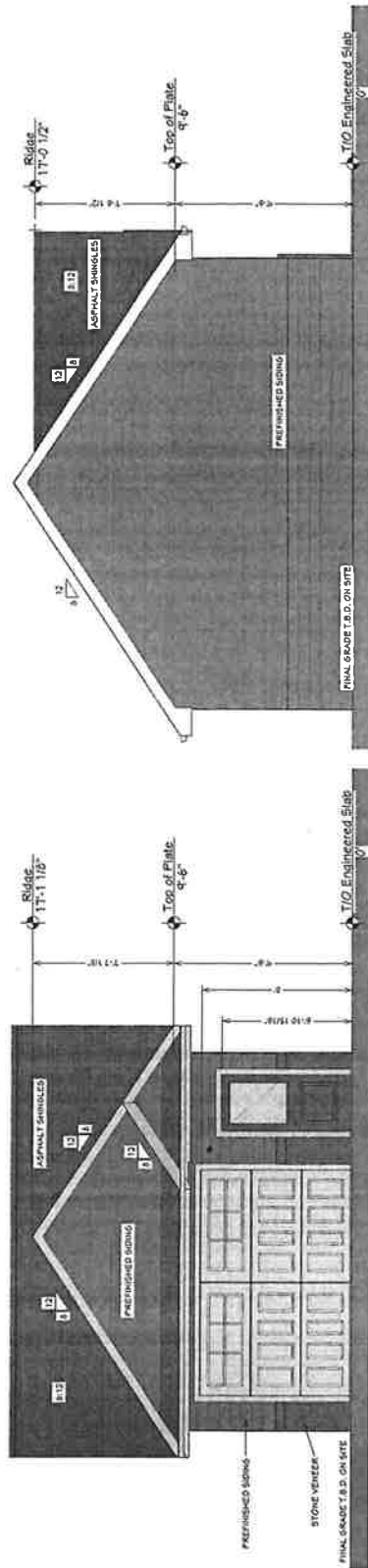
FILE NO: D20-2019-004



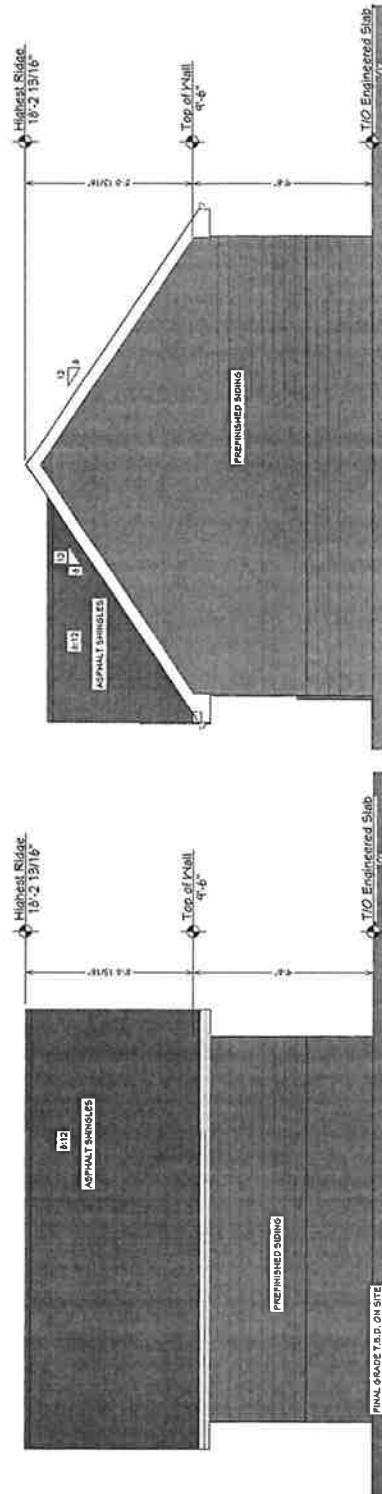
to

REPORT COA2019-033

FILE NO: D20-2019-004



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



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

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



February 05, 2019  
KRCA File No 16842  
Page 1 of 2

APPENDIX " F "  
to  
REPORT COA2019-033  
FILE NO. D20-2019-004

Via E-Mail: [ccrockford-toomey@kawarthalakes.ca](mailto: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](http://KawarthaConservation.com)

**Our Watershed Partners:**

City of Kawartha Lakes • Region of Durham • Township of Seabrook • 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

## Erica Hallett

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**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](http://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](mailto:csisson@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://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 11<sup>th</sup>, 2019

**SUBJECT:** Application for Minor Variance/Permission  
D20-2019-004 – 221 Francis Street East  
Geographic Township of Fenelon, City of Kawartha Lakes

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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 7<sup>th</sup>, 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.

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

