

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2019-07**

**Thursday, July 18, 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	COA2019-07.2.1.1 July 18, 2019 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-06.2.3.1 June 20, 2019 Committee of Adjustment Minutes	6 - 21
3.	<b>New Applications</b>	
3.1	Consents	
3.1.1	COA2019-047 David Harding, Planner II File Number: D03-2018-012 Location: 41 Shadow Lake Road 16 Part Lot 54, Front Range Geographic Township of Somerville Owner: Geoffrey Park Applicant: Pamela Park	22 - 53

3.1.2	COA2019-047	54 - 85
	David Harding, Planner II File Number: D03-2018-013 Location: 41 Shadow Lake Road 16 Part Lot 54, Front Range Geographic Township of Somerville Owner: Geoffrey Park Applicant: Pamela Park	
3.1.3	COA2019-047	86 - 117
	David Harding, Planner II File Number: D03-2018-014 Location: 41 Shadow Lake Road 16 Part Lot 54, Front Range Geographic Township of Somerville Owner: Geoffrey Park Applicant: Pamela Park	
3.1.4	COA2019-048	118 - 133
	David Harding, Planner II File Number: D03-2019-019 Location: 168 East Street North Part Block W, Plan 29 Former Village of Bobcaygeon Owner: Habitat for Humanity Peterborough and District Applicant: Habitat for Humanity Peterborough and District, Susan Zambonin	
3.2	Minor Variances	
3.2.1	COA2019-031	134 - 143
	David Harding, Planner II File Number: D20-2019-022 Location: 168 East Street North Part Block W, Plan 29 Former Village of Bobcaygeon Owner: Habitat for Humanity Peterborough and District Applicant: Habitat for Humanity Peterborough and District, Susan Zambonin	

3.2.2	COA2019-041	144 - 156
	<p>Quadri Adebayo, Planner II  File Number: D20-2019-028  Location: 53 Marsh Creek Road  Part Lot 23, Concession  Geographic Township of Mariposa  Owner: Yi Xu  Applicant: Y +S International Design</p>	
3.2.3	COA2019-042	157 - 168
	<p>Hayley Inglis, Student Planner  File Number: D20-2019-029  Location: 318 Moorings Drive  Lot 10, Concession 10, Part Lot 32, Plan 457  Geographic Township of Fenelon  Owners: Bryan and Wendy Staal</p>	
3.2.4	COA2019-043	169 - 184
	<p>David Harding, Planner II  File Number: D20-2019-030  Location: 45 Marsh Creek Road  Concessions B and C, Part Lot 23 and Part Road Allowance, Part 1,  57R-8393  Geographic Township of Mariposa  Owner: Ahmad Jawad Hadi</p>	
3.2.5	COA2019-044	185 - 195
	<p>Quadri Adebayo, Planner II  File Number: D20-2019-031  Location: 44 Riverview Drive  Part Lot 13, Concession 5, Plan RCP 3, Part Lots 18 and 19, Part 2, 57R-  3871  Geographic Township of Emily  Owners: Scott and Hollie Lawder  Applicant: Scott Lawder</p>	



Quadri Adebayo, Planner II  
File Number: D20-2019-032  
Location: William Street/Snake Point Road  
Part Lot 16, 6th Range, Plan 70, Parts 1 and 2 of 57R-8434 and Part 1 of 57R-10649  
Former Village of Bobcaygeon  
Owners: David Duncan and Susan Edwards  
Applicant: David Duncan

**4. Deferred Applications**

**4.1 Minor Variances**

**4.1.1 Memo-Re-D20-2019-004 206 - 209**

David Harding, Planner II  
File Number: D20-2019-004  
221 Francis Street East  
Part Lot 21, Concession 11, Part 2, 57R-2234  
Geographic Township of Fenelon  
Owners: Nancy and Shirley MacDonald  
Applicant: RWH Construction - Adam Hayter

**4.2 Consents**

**5. Correspondence**

**6. Other Business**

**7. Next Meeting**

The next meeting will be Thursday, August 15, 2019 at 1:00pm in Council Chambers, City Hall.

**8. Adjournment**

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

**COA2019-06**  
**Thursday, June 20, 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. **Call to Order**

Chair Robertson called the meeting to order at 1:01pm. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin, S. Richardson and S. Strathdee were in attendance.

Acting Secretary-Treasurer - M. LaHay  
Recording Secretary - C. Crockford-Toomey

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2019-06.2.1.1

June 20, 2019  
Committee of Adjustment Agenda

**Moved By** D. Marsh

**Seconded By** A. O'Bumsawin

**That** the agenda for June 20, 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 COA2019-05.2.3.1

May 16, 2019  
Committee of Adjustment Minutes

**Moved By** S. Strathdee

**Seconded By** Councillor E. Yeo

**That** the minutes of the previous meeting held May 16, 2019 be adopted as circulated.

**Carried**

## 3. **New Applications**

### 3.1 Minor Variances

### 3.1.1 COA2019-034

Quadri Adebayo, Planner II  
 File Number: D20-2019-023  
 Location: 467 Sandhills Road  
 Part Left-North Half Lot 8, Concession 8, Part 1, 57R-5396  
 Geographic Township of Eldon  
 Owners: Patricia and William White  
 Applicant: Patricia White

Mr. Adebayo summarized Report COA2019-034, to request relief to permit the construction of a detached garage/shop building. Mr. Adebayo also noted that a new condition, Condition 3 was added after the writing of the report. Previous Condition 3 now being Condition 4 and other subsequent conditions follow numerically. Also agency comments were received after the writing of the report from Engineering and Corporate Assets and Part 8 Sewage Systems stating they had no objections.

The Committee asked if by adding Condition 3, will that make Condition 2 redundant. Staff replied no, Condition 2 remains. The Committee continued, if water is connected there would need to be a septic system in place. Staff responded no, referring to Condition 3, hot water for heating, which is a closed loop system and cold water for fire suppression. No sink or gray water drain component is involved.

The Committee questioned Condition 4, the sugar shack. Are the owners aware they have to relocate or remove it? Staff replied yes, the owners are aware they have to relocate in a compliant manner or remove it. Only one building in the front yard is supportable by staff. It is not a fixed structure, which allows the option to relocate.

Mr. Carroll of DC Planning Services Inc., acting on behalf of the applicant, Patricia White was present and spoke. He said he had no objection to the report. Mr. Carroll confirmed there is no intent for human habitation, no kitchen, simply hot and cold water into garage/shop. These are the requirements of the insurance company. And that the applicant may need water for washing too. Mr. Carroll also confirmed the sugar shack is used in the tapping process in the front yard to make syrup. It is moved year to year depending on location of trees to be tapped.

The Committee asked if there is a negative effect to two buildings in the front yard. Mr. Carroll replied no and wanted the Committee to consider including it as the sugar shack is portable and if the owners are agreeable to storing it in the appropriate location when the boiling season is over, this should satisfy the requirement. The Committee suggested adding a condition regarding the sugar shack to this effect.

The Committee commented that they are not there to discuss water issues and septic systems, solely to deal with minor variances in this case a garage/shop. Mr. Holy, Planning Manager said these issues are brought up because they are part of the minor variance; which is why Condition 2 has been put in place.

The Committee or other persons had no further questions.

**Moved By** Councillor E. Yeo

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-023 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/shop building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-034, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the owner acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
3. **That** notwithstanding Condition 2 hot water for heating and cold water for fire suppression may be connected to the proposed detached garage/shop building;
4. **That** as part of the building permitting process for the proposed detached garage/shop, the sugar shack located in the front yard between the front (eastern) wall of the dwelling and the front lot line be relocated in a compliant

manner or removed from the property to the satisfaction of the Chief Building Official upon the complete construction of the detached garage/shop building;

5. **That** notwithstanding Condition 4 the sugar shack be permitted in the front yard during the boiling season and be relocated to a compliant location on the property for the remainder of the year;
6. **That** as part of building permitting process, there be a requirement that the steel storage container and the sawmill cover structure located in the front yard between the front (eastern) wall of the dwelling and the front lot line, including the ice hut located in northerly side yard between the north wall of the dwelling and the northerly side lot line shall be removed from the property to the satisfaction of the Chief Building Official upon the complete construction of the detached garage; and
7. That the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of 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 COA2019-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.2 COA2019-035

David Harding, Planner II  
 File Number: D20-2019-024  
 Location: 202 Moorings Drive  
 Part West Half of Lot 24, Concession 1, Part 1, 57R-5054  
 Geographic Township of Somerville  
 Owners: Wayne and Brian Alldridge  
 Applicant: Doug Van Halteren

Mr. Harding summarized Report COA2019-035, to request relief to permit an addition to a single detached dwelling.

The Committee questioned why a condition had not been included to ensure the removal of the frame shed that was over the southern lot line. Staff replied that a

discussion had been had with the applicant regarding its location and the applicant had advised that due to its deteriorating condition, it would be removed. The applicant, Mr. Van Halteren, was present and confirmed that this was the case.

The Committee questioned Rationale 3, "F" symbol in the report, and why the Kawartha Region Conservation Authority's (KRCA) flood proofing recommendations were not included as a condition. Staff replied that the "F" symbol denoted a floodplain area, and that the zoning by-law already established the flood proofing requirements the KRCA recommended.

The Committee asked why the flankage yard reduction did not seek to recognize the southeast corner of the dwelling, which was closer to the south lot line than the proposed addition. Staff responded that the existing dwelling was legal non-complying, and there is no modifications proposed to this portion of the dwelling. Therefore, a variance is not needed to recognize a legal condition.

The Committee also asked if the development of the municipal road allowance to provide shoreline access would alter staff's opinion on the appropriateness of the flankage yard reduction. Staff clarified that it would not, as the road segment would only be the depth of the subject property and would not function as a neighbourhood road as there would be no through traffic since no properties would use the road segment to gain access to their lots.

Mr. Van Halteren spoke to the Committee.

The Committee or other persons had no further questions.

**Moved By** S. Richardson

**Seconded By** D. Marsh

**That** minor variance application D20-2019-024 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the addition to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C of Report COA2019-035, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be

refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-035. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2019-036

David Harding, Planner II  
 File Number: D20-2019-025  
 Location: 80 McLeish Drive  
 Part Lot 17, Plan 313, Part Shore Road Allowance, Part 1, 57R-10642  
 Geographic Township of Dalton  
 Owners: Shane and Barbara Sherar

Mr. Harding summarized Report COA2019-036, to request relief to reduce the minimum water setback and to reduce minimum flankage yard setback to permit the construction of a new single detached dwelling.

The applicant, Mr. Sherar was present and spoke. He stated that he agreed with the report and the conditions and had been working for many years to bring the application forward.

The Committee asked staff to clarify whether the by-law required a 30 metre setback or the Official Plan. Staff responded, stating that the Official Plan does specify a 30 metre water setback on new development where feasible, and water setbacks in the different zoning by-laws range from 15 metres to 30 metres. The zone category on the subject property specifies a 30 metre water setback.

The Committee or other persons had no further questions.

**Moved By D. Marsh**

**Seconded By Councillor E. Yeo**

**That** minor variance application D20-2019-025 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**



1. **That** the construction of the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-036, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a building permit, the owners shall submit written confirmation from the Building Division – Part 8 Sewage Systems that an on-site sewage system can be installed to accommodate the proposed construction; and
3. **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-036. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 3.1.4 COA2019-037

Quadri Adebayo, Planner II  
 File Number: D20-2019-026  
 Location: 64 Sturgeon Crescent  
 Part Lot 3, Concession 8, Plan 593, Lot 12  
 Geographic Township of Fenelon  
 Owners: Charlotte and William Hastie  
 Applicant: Garry Newhook

Mr. Adebayo summarized Report COA2019-037, to request the relief to reduce the minimum side yard requirement in order to permit the construction of an addition (attached garage) onto a two storey dwelling.

Mr. Adebayo also noted an amendment to the report. The Ward should read Ward 6 not Ward 1.

The applicant, Mr. Newhook was present and spoke. A three car garage is proposed as currently Bay 1 is partly used as a laundry room. Also the owner's

wife is disabled and needs the extra garage space.

The Committee or other persons had no further questions.

**Moved By** A. O'Bumsawin

**Seconded By** S. Strathdee

**That** minor variance application D20-2019-026 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the addition 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 COA2019-037, 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** 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 COA2019-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

**3.1.5 COA2019-038**

David Harding, Planner II  
 File Number: D20-2019-027  
 Location: 15 Courtney Lane  
 Part Lot 15, Concession 8  
 Geographic Township of Verulam  
 Owners: Sergey and Elena Bogdanets  
 Applicant: Sergey Bogdanets

Mr. Harding summarized Report COA2019-038, to request relief to reduce the minimum rear yard depth to permit the construction of an attached garage and screened porch.

The Committee asked staff if a condition should be added for KRCA for a permit. Staff replied that it is not necessary; it already states in the agency comments that a permit is required from KRCA. The applicant, Mr. Bogdanets was present and clarified that he had already obtained a permit from the KRCA.

The Committee also asked staff to clarify whether there was a need to include a condition to remove the freestanding carport type structure. Staff replied that the building would be removed to construct the garage and covered deck as the footprints overlapped.

The Committee asked if relief was required to recognize the shed to remain by the north lot line. Staff responded, stating that a conversation with the applicant had determined that the shed predated Verulam's first zoning by-law. As such, it had legal non-complying status. A variance is not necessary to permit a legal condition.

Mr. Bogdanets was present and spoke to the Committee.

The Committee or other persons had no further questions.

**Moved By** Councillor E. Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2019-027 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 substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-038, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.2 Consents

## **4. Deferred Applications**

### 4.1 Minor Variances

#### 4.1.1 COA2019-010

Quadri Adebayo, Planner II  
 File Number: D20-2019-003  
 Location: 23 Westview Drive  
 Part Lot 17, Concession 8  
 Geographic Township of Emily  
 Owner: Betty Ann Oliver

Mr. Adebayo summarized Report COA2019-010 to request relief in order to permit an accessory building (a hot tub room) in its current location.

The application originated from an enforcement notice through the Building Division. The Committee deferred the application for 3-4 months at the March 21, 2019 public meeting in order to allow applicant time to address issues from commenting agencies and to ensure the proposal would be supportable by staff.

The Committee questioned the KRCA comments from 2014. Staff responded although the location was not appropriate regarding the setbacks required for the zone, KRCA permits were issued based on the location of the structure being outside the flood plain. However the applicant has agreed to remove the shed located in the rear yard within the 30 metre water setback to the satisfaction of the Chief Building Official.

The Committee also questioned the size discrepancies between what is shown in the sketch in comparison with what is written in the report. Staff responded that the size of the structure entered in the report is reliable as it was supplied by the applicant in their application form.

The applicant was present but did not speak.

The Committee or other persons had no further questions.

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-010, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the applicant shall remove the shed located in the rear yard within the 30 metre water setback to the satisfaction of the Chief Building Official. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the shed has been removed to his/her satisfaction under the Ontario Building Code;
3. **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge
4. **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
5. **That** the Building Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2019-010. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 4.1.2 COA2019-040

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

Mr. Adebayo summarized Report COA2019-040, to request relief to increase the maximum height of a building or structure adjacent to or within 3 metres of a lake to permit a two-storey boathouse and the deferral made by the Committee at the April 18, 2019 public meeting to allow the applicant time to come up with a compromise that could be supportable by staff. Mr. Adebayo explained and showed the Committee what is supportable. However the applicant stated they would like to keep to the original design which was submitted in April. Staff cannot support the desired option of the applicant as it does not meet any of the tests for minor variance and recommend that the Committee deny the application. Mr. Adebayo also noted that he had received three new letters in support from neighbours after the report was written but that the objection from the neighbour at 24 Griffin Drive and the Four-Mile Lake Association still stands.

The applicant Mr. Danek was present and spoke to the Committee. He also had hand outs which he claims showed other boathouses on the lake. He gave the history of the property and his family's ownership. He also stated that the property is very unique and that the location he chose was due to lack of options because of the two cliffs on the property. Mr. Danek also stated there is no intention of habitation, that the second storey is strictly storage.

Mr. Danek stated that their chosen boathouse design fits with the characteristics of other boathouses and that the extra height is not a whole lot, and would not block the view of the neighbour at 24 Griffin Drive.

The Committee suggested pushing back the boathouse by 3 metres but the applicant said it would be too costly and have more impact to the environment due to digging and tree cutting. The Committee asked staff that if the applicant was agreeable to move back 3 metres would this application be supportable by staff. Staff replied if they complied the owner still couldn't have a two storey boat house but that the context and merits of such proposal will be reviewed at the time such is brought forward.

In support of the application, Mr. McCool was present and spoke. He stated that the boathouses along the lake are 2 storey and that a height by-law was put into effect in 1999, restricting 2 storey boat houses.

The Committee wanted it noted that the boathouse shall not be used for human habitation and that necessary approvals and/or permits be obtained from external agencies.

The Committee took into consideration all the information put forward and motioned to grant the original application with conditions.

**Moved By** D. Marsh

**Seconded By** Councillor E. Yeo

**That** minor variance application D20-2019-009 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 boathouse building related to this approval shall proceed generally in accordance with the sketch in Appendix B submitted as part of Report COA2019-040 and elevations in Appendix D submitted as part of Report COA2019-017, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the owner acknowledge through the granting of this approval that the boathouse shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
3. **That** necessary approvals and/or permits be obtained from any required external agencies in relation to the construction of the boat house; and

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

**This approval pertains to the application as described in reports COA2019-017 and COA2019-040. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, July 18, 2019 at 1:00pm. in Council Chambers, City Hall.

8. **Adjournment**

**Moved By** D. Marsh

**Seconded By** Councillor E. Yeo

**That** the meeting be adjourned at 3:28pm.

**Carried**



Mark LaHay, Acting Secretary-Treasurer





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

## **Committee of Adjustment Report – Park**

Report Number COA2019-047

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### **Public Meeting**

**Meeting Date:** July 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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Ward 6 – Geographic Township of Somerville

**Subject:** Applications to sever one residential lot on about 15,000 square metres of land, one shoreline access parcel on about 441 square metres of land to be added to a rural backlot, and to create an easement over land known as Shadow Lake Road 16 to provide the rural backlot with access to the shoreline access parcel, and retain approximately 45,000 square metres of vacant rural land (the rural backlot). The property is located at 41 Shadow Lake Road 16, geographic Township of Somerville (Files D03-2018-012, D03-2018-013, 2018-014).

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**Author:** David Harding, Planner II

**Signature:**

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### **Recommendations:**

**Resolved That** Report COA2019-047, Geoffrey Park, be received;

**That** consent application D03-2018-012, being an application to sever approximately 441 square metres of land, with the conditions of provisional consent substantially in the form attached as Appendix E1 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-013, being an application to sever approximately 15,000 square metres of residential land, with the conditions substantially in the form attached as Appendix E2 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-014, being an application to grant an easement over lands known Shadow Lake Road 16 to provide a rural backlot with shoreline access, with the conditions substantially in the form attached as Appendix E3 to Report COA2019-047, be **Granted**; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

## Background:

The owner has applied to separate the existing cottage on the subject property, located near the shoreline, from the balance of the rural lands (the rural backlot). In order to provide the rural backlot with access to the shoreline, applications D03-2018-012 and D03-2018-014 have been applied for to create the shoreline access parcel and provide the rural backlot with an easement for a right-of-way over Shadow Lake Road 16 to access the shoreline parcel. The easement will also permit the rural backlot to conduct maintenance along its lands bordering the easement.

Shadow Lake Road 16 is a private road that provides access to addresses 29, 31, 33 39, and 45 Shadow Lake Road 16. From Base Line Road, Shadow Lake Road 16 proceeds west and forks to provide access to the shoreline lots along Silver Lake. One side of the fork is a small laneway that provides access to 29 and 31 Shadow Lake Road 16. This shoreline access parcel abuts this laneway. The applications originally proposed to convey the smaller laneway with the shoreline access parcel. The other wider side of the fork provides access to the cottage on the subject property and civic numbers 33, 39 and 45.

In response to comments received from the landowners of 29 and 31 Shadow Lake Road 16, the owner amended applications so that ownership of the laneway would stay with the parcel proposed to contain the existing cottage (cottage parcel) since the cottage parcel is proposed to retain ownership of the rest of Shadow Lake Road 16.

Aside from the land immediately around the cottage on the subject property and the easement, the property is forested.

These applications were last amended March 4, 2019.

Owner:	Geoffrey Park
Applicant:	Pamela Park
Legal Description:	Part of Lot 54, Front Range, geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	Waterfront & Rural – severed lands with cottage Waterfront – severed shoreline access parcel Rural – retained rural backlot City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone and Rural General (RG) Zone – severed lands with cottage Limited Service Residential (LSR) Zone – severed shoreline access lands Rural General (RG) Zone – retained rural backlot Township of Somerville Zoning By-law 78-45

Site Size: Existing – 6.05 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-012 (shoreline access parcel)	0.044	6.006
D03-16-013 (cottage parcel)	1.5	4.506
D03-16-014 (easement)	1.2	n/a

Site Servicing: Cottage Parcel: Private individual well and septic system  
Shoreline Access Parcel and Rural Backlot: None

Existing Uses: Shoreline Residential, Forest

Adjacent Uses: North: Shoreline Residential, Forest  
East: Forest, Rural Residential  
South: Shoreline Residential, Forest  
West: Silver Lake

## Rationale:

### Policy Conformity

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

The PPS recognizes the importance of rural areas to the quality of life of its residents. Under the PPS, the subject property is considered to be rural land within a rural area of the City. Policies 1.1.4 and 1.1.5 support development on rural lands provided it pertains to the management or use of resources, resource-based recreational activities, limited residential development and/or other land uses and development compatible with the rural landscape that can be sustained by rural service levels.

The applications propose to utilise the recreational resource of Silver Lake.

The proposal is consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.9 of the Growth Plan provides for development on rural lands outside of rural settlement areas for resource-based recreational uses provided the use is compatible with the scale, character, and capacity of the resource and surrounding landscape.

The applications propose to separate an existing cottage from the balance of its rural lands within a shoreline residential area, and provide a rural backlot with shoreline access.

The proposal conforms to the policies of the Growth Plan.

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

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The lakes and rivers within the City are valuable environmental and recreational resources to its residents and visitors.

Low density residential development has historically been and continues to be the primary land use around many of the City's lakes and rivers. Most of these shoreline areas fall outside of the City's settlement areas. Development is permitted within the City's shoreline areas provided the lands are within the Waterfront designation. The portions of the subject property near the shoreline are designated Waterfront. All of Shadow Lake Road 16, with the exception of the laneway providing access to civic numbers 29 and 31, is within the Rural designation. The rural backlot is within the Rural designation. The Rural designation recognizes the value of non-prime agricultural lands, being soil classes 4-7, for various uses which require large tracts of land outside of urban settlement areas. Such uses are: golf courses, ski resorts, ecotourism, agricultural-related commercial/industrial uses, and agricultural uses that can be sustained on class 4-7 soils.

As the existing cottage is part of a continuous line of shoreline development, application D03-2018-013 is considered a shoreline infill lot. Consent policies contained within Section 20.4 and 33.3 specify that shoreline infill lots shall have a minimum road frontage of 30 metres and minimum lot area of 3,000 square metres. The proposed severed lands maintain the intent of the policies as sufficient land is being severed and the property will maintain ownership over the entirety of Shadow Lake Road 16, which is used to provide access to the other shoreline residential uses.

The shoreline access parcel proposed in Application D03-2018-012 is designated Waterfront and will be tied to the rural backlot. The rural backlot will be the retained (remnant) lands after Application D03-2018-013 is finalized. The shoreline access parcel's location is isolated from the existing cottage. The shoreline access parcel's width is already defined by the abutting lots on either side, being civic numbers 31 and 33, and its useable depth is defined by the laneway to the southeast. The shoreline access parcel, through Condition 4 in Appendix E1, is proposed to be rezoned to clarify only shoreline residential accessory uses are permitted and it will be tied to the rural backlot via a merger agreement specified in Condition 2 in Appendix E1. The intent of the Waterfront designation is to maintain lots of a minimum size and frontage to ensure appropriate density and massing along the shoreline, and in turn protect the long term ecological health of the City's waterbodies. As a result of above-noted conditions proposed, the intent of the Waterfront designation is maintained as the shape of the shoreline access parcel is already defined, it will not be a separately conveyable piece of land nor will any new dwelling be constructed on it. The shoreline access parcel to be created will provide water access for the rural backlot and may also be used to provide storage for items that are more suitably kept closer to the water.

Once Application D03-2018-013 is finalized, a lot line will separate Shadow Lake Road 16 from the retained lands (rural backlot). Application D03-2018-014 will permit the

owner of the rural backlot to travel along Shadow Lake Road 16 in order to access the shoreline as well as to inspect and perform maintenance along the mutual lot lines.

While the overall area of land within the Rural designation is being reduced, the contiguous lands on the north and east side of Shadow Lake Road 16 are being retained in a single parcel, in keeping with the intent of the Rural policies to retain large tracts of land for various rural uses.

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

The severed lands in Application D03-2018-012 are zoned Limited Service Residential (LSR) Zone in the Township of Somerville Zoning By-law 78-45. Condition 4 in Appendix E1 will require the lands be rezoned to recognize its size, permit only shoreline residential accessory uses, and specify the development requirements of those uses.

The severed lands in Application D03-2018-013 are zoned Limited Service Residential (LSR) Zone and Rural General (RG) Zone. The RG Zone applies to Shadow Lake Road 16. Condition 3 in Appendix E2 is proposed to have one zone category apply to the entire severed lot in order to unify and standardize the yard and frontage provisions that apply to an irregularly-shaped parcel abutting Base Line Road that also contains an easement known as Shadow Lake Road 16.

The lands to be retained in Application D03-2018-013 are zoned Rural General (RG) Zone. The minimum area and frontage requirements are 10 hectares and 230 metres respectively. The retained lands will have frontage on Base Line Road and Shadow Lake Road 16. The retained lot will not comply with either requirement. Condition 4 in Appendix E2 is proposed to recognize the reduced lot area and frontage and standardize the provisions which apply to a lot which abuts Base Line Road and is subject to an easement known as Shadow Lake Road 16.

### **Other Alternatives Considered:**

In response to Mr. Brand's comments (see Public Comments below), the applicant amended the proposal so that the severed lands in D03-2018-012 applied solely to the shoreline access piece rather than also apply to the laneway portion of Shadow Lake Road 16 which provides access to civic addresses 29 and 31. This amendment also required updates to applications D03-2018-013 and 014 to accommodate this adjustment.

### **Servicing Comments:**

The severed land proposed in D03-2018-013 is serviced by an individual well and septic system, the shoreline access parcel to be created by D03-2018-012 will not be serviced. Application D03-2018-014 is for an easement to establish a right-of-way. As such, application D03-2018-014 does not propose development which has or requires services.

### **Consultations:**

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

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

Building Division – September 27, 2018): No concerns

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

Development Engineering Division (October 1, 2018): No concerns.

Kawartha Region Conservation Authority (October 11, 2018): No concerns. See comments.

### **Public Comments:**

Tony Medeiros (October 11, 2018): Concern over the future subdivision of the rural backlot into multiple lots, concerns over the maintenance of Shadow lake Road 16, concern over the use of the shoreline access parcel. See comments.

Stephanie Briley and Carl Brand (October 11, 2018, April 2, 2019): Concerns with the removal of vegetation and site alteration to the shoreline access parcel to provide water access for the rural backlot, concern over another person having use of the laneway leading to their property. See comments.

### **Planning Analysis:**

Staff corresponded with Mr. Brand regarding his concerns. The shoreline access parcel is a privately owned unencumbered portion of land, which could be improved by the current property owner at any time to provide additional shoreline access for their exclusive use. In order to ensure that the shoreline access parcel is used to provide water access and some storage for water-related activities, staff is proposing Condition 4 in Appendix E1 to permit a zone category which would restrict the permitted uses to accessory buildings and structures. Staff is recommending Condition 2 in Appendix E1 to ensure that the shoreline access parcel is always conveyed with the rural backlot.

Staff also corresponded with Mr. Medeiros regarding his concerns. The rural backlot is designated Rural within the City of Kawartha Lakes Official Plan. As such, the further subdivision of the rural backlot is not permitted under the current Official Plan policies.

While the proposals do further reduce the area of a subject property, and thus reduce the area of land within the Rural designation, the area of land being removed from the Rural designation is already encumbered by or otherwise separated from the majority of the rural backlot due to the existence of Shadow Lake Road 16. It is good planning for all of Shadow Lake Road 16 to remain under the ownership of the cottage parcel rather than the owner of the rural backlot, which is not anticipated to use the easement as frequently since driveway access is anticipated to be gained from Base Line Road.

On the proposed cottage parcel, staff noted the presence of a wood shed to the east of the dwelling and detached garage. Through Condition 3 in Appendix E2, staff recommends the location of the accessory building be recognized as it appears to

maintain sufficient spatial separation from Shadow Lake Road 16 and is modest in scale.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2019 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lands will be developed appropriately include:

1. zoning by-law amendment for:
  - a. the shoreline access parcel to a Limited Service Residential Exception (LSR-\*) Zone to restrict development to shoreline residential accessory uses,
  - b. the cottage parcel to Limited Service Residential Exception (LSR-\*) Zone to standardize and streamline the zone provisions that apply on an irregularly-shaped parcel with frontage on a municipal road, that is also subject to easements, and to permit an accessory building within the front yard, and
  - c. the retained rural backlot to a Rural General Exception (RG\*-) Zone to recognize the further reduced lot area and frontage to be created;
2. a merger agreement be registered to ensure the rural backlot and shoreline access parcel are always conveyed together;
3. entrance permit for the rural backlot can be achieved from Base Line Road; and
4. cash in lieu of parkland for the cottage parcel to be severed.

## Attachments



Appendices A-G to  
Report COA2019-047.

Appendix A – Location Map  
Appendix B – Aerial Photograph  
Appendix C – Applicant's Original Sketches  
Appendix D – Applicant's Amended Sketches  
Appendix E – Proposed Conditions of Provisional Consent  
Appendix F – City and Agency Comments  
Appendix G – Public Comments & Planning Staff Responses

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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
<b>Department Files:</b>	D03-2018-012, D03-2018-013, D03-2018-014

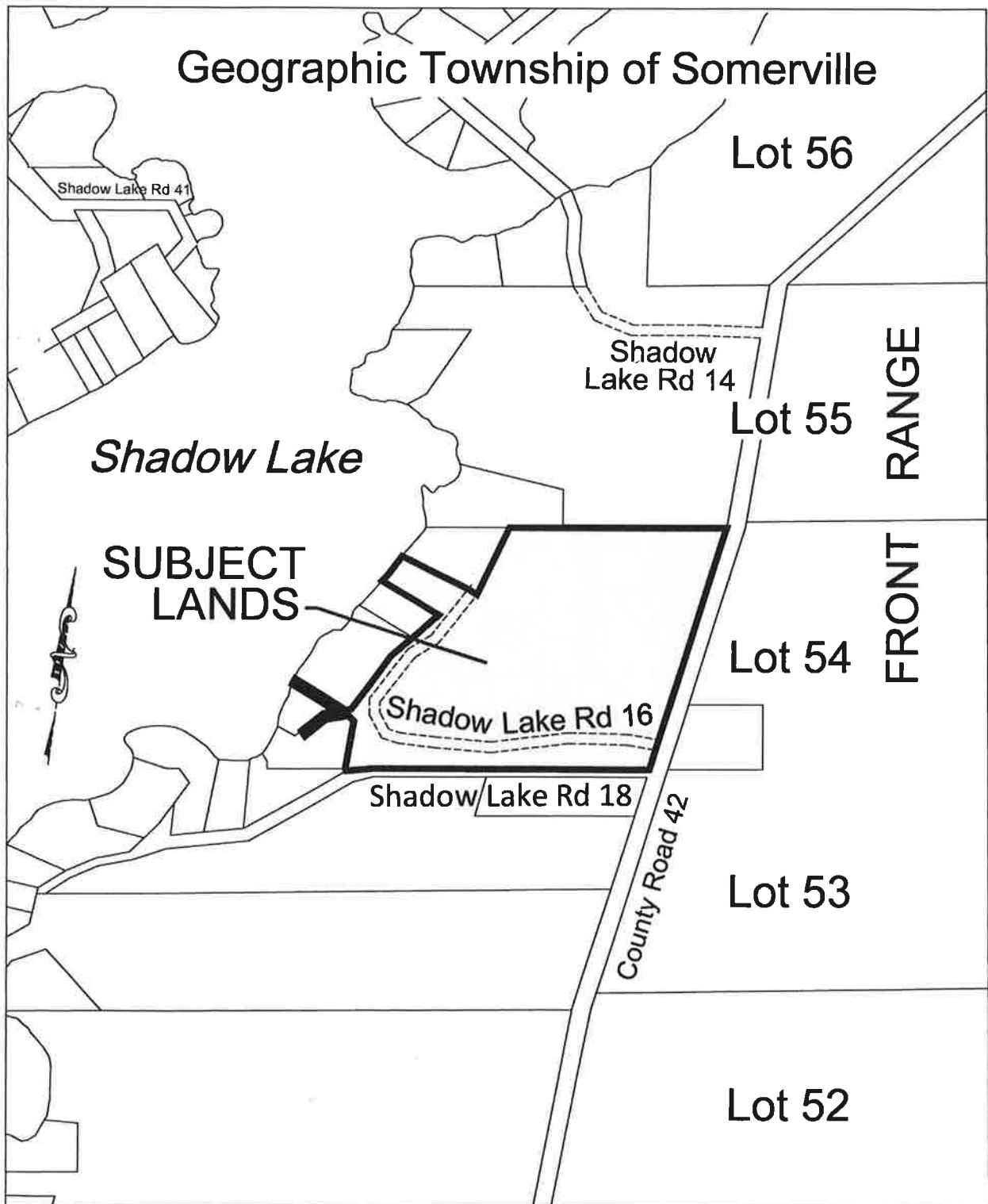


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

**D03-2018-012, D03-2018-013, D03-2018-014**

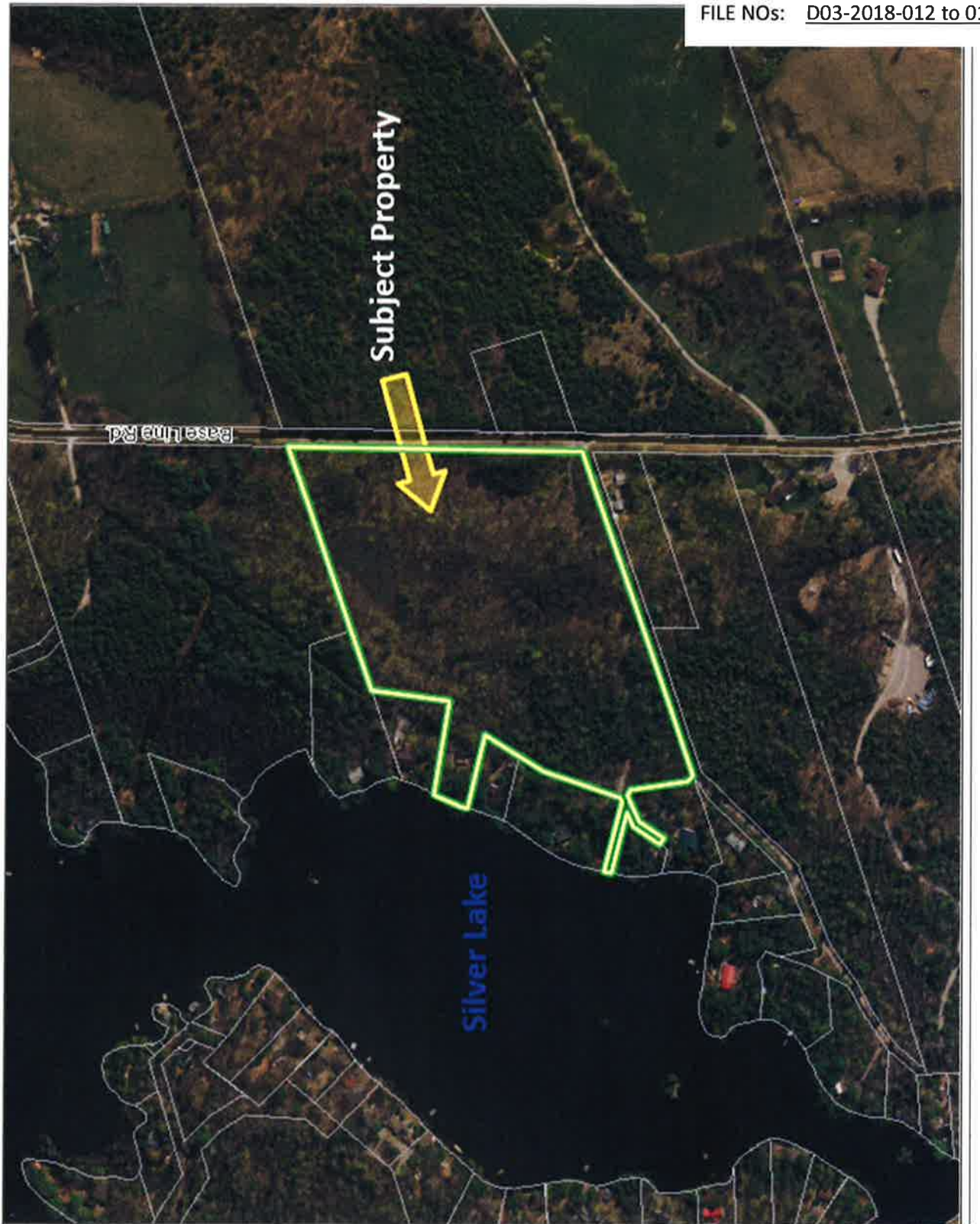


to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

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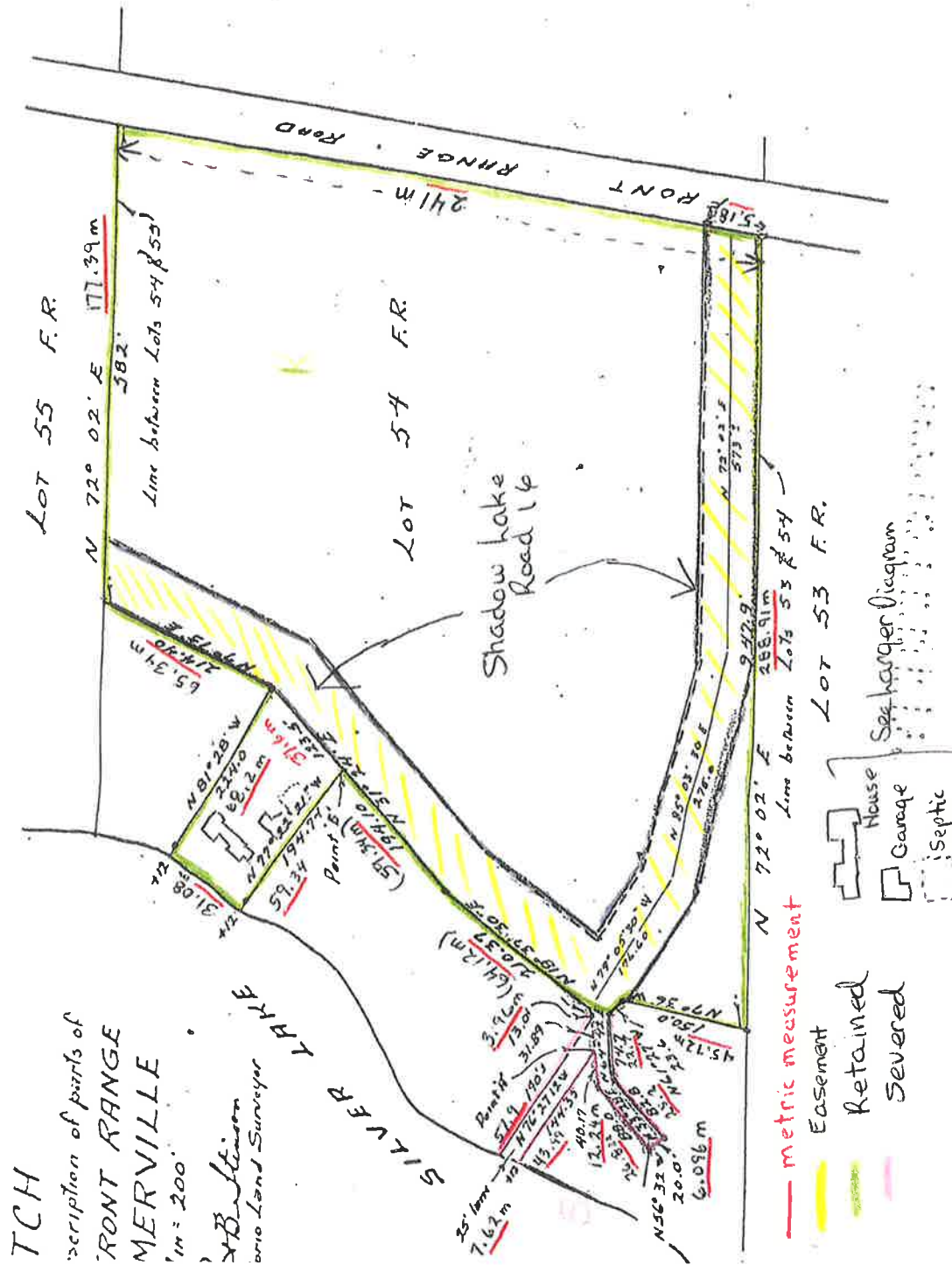


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

003-2018-012

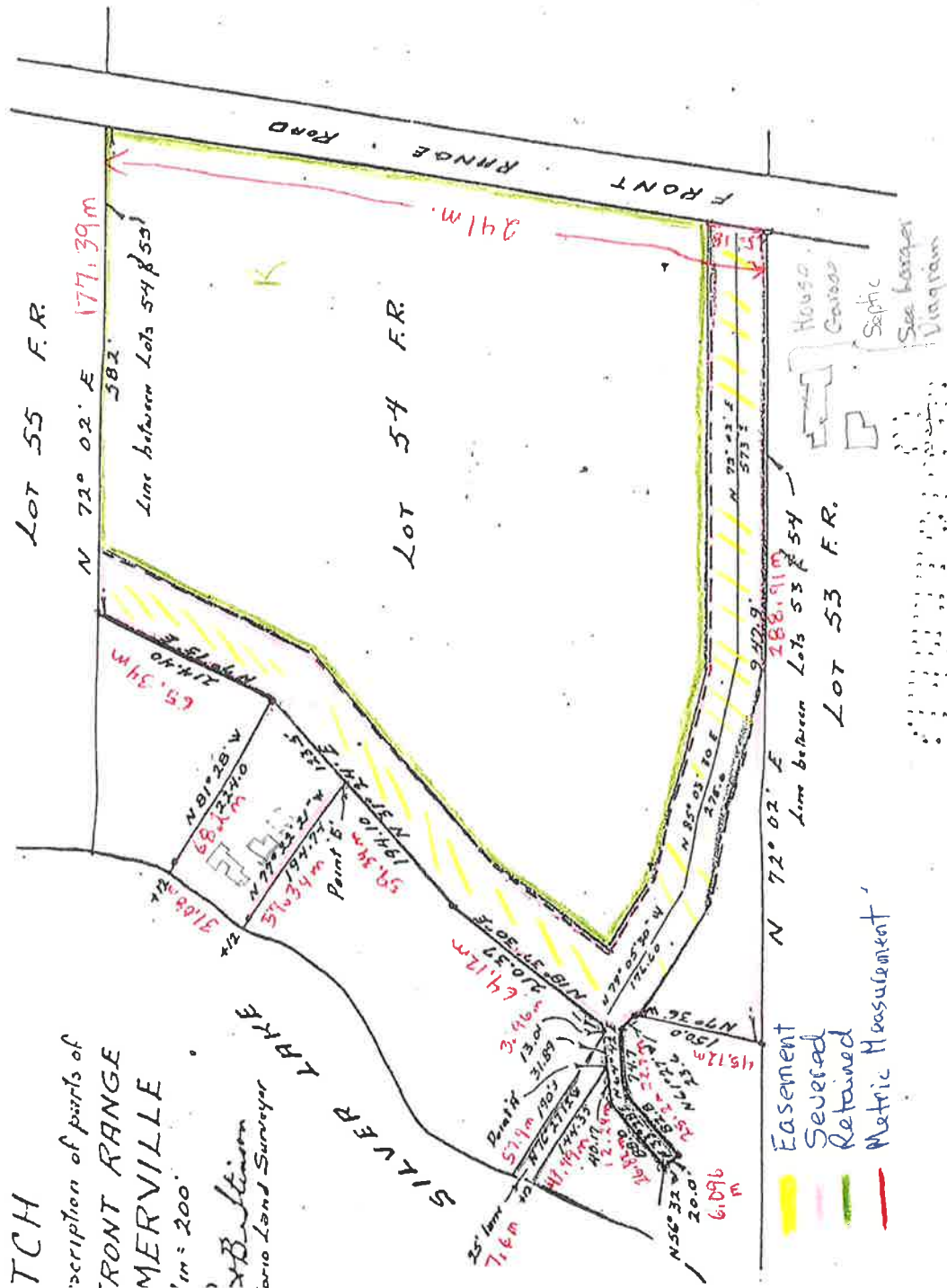


to

REPORT COA2019-047

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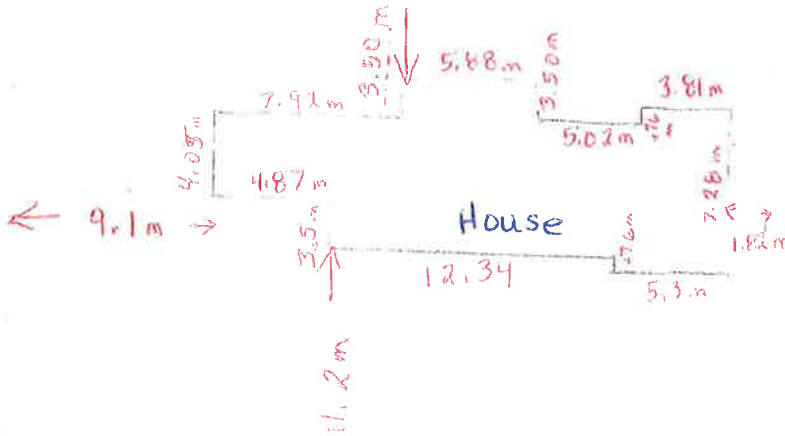
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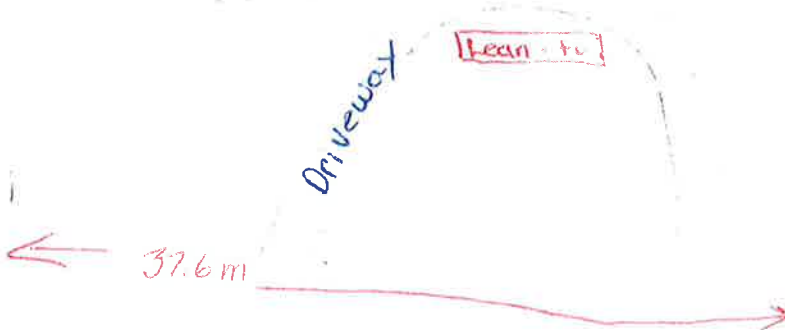
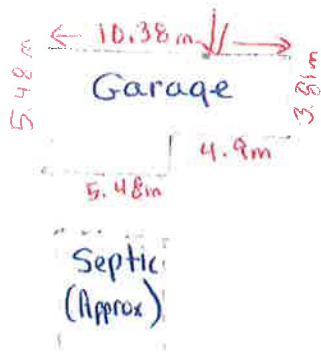




003-2018-013



Footprint  
of Home

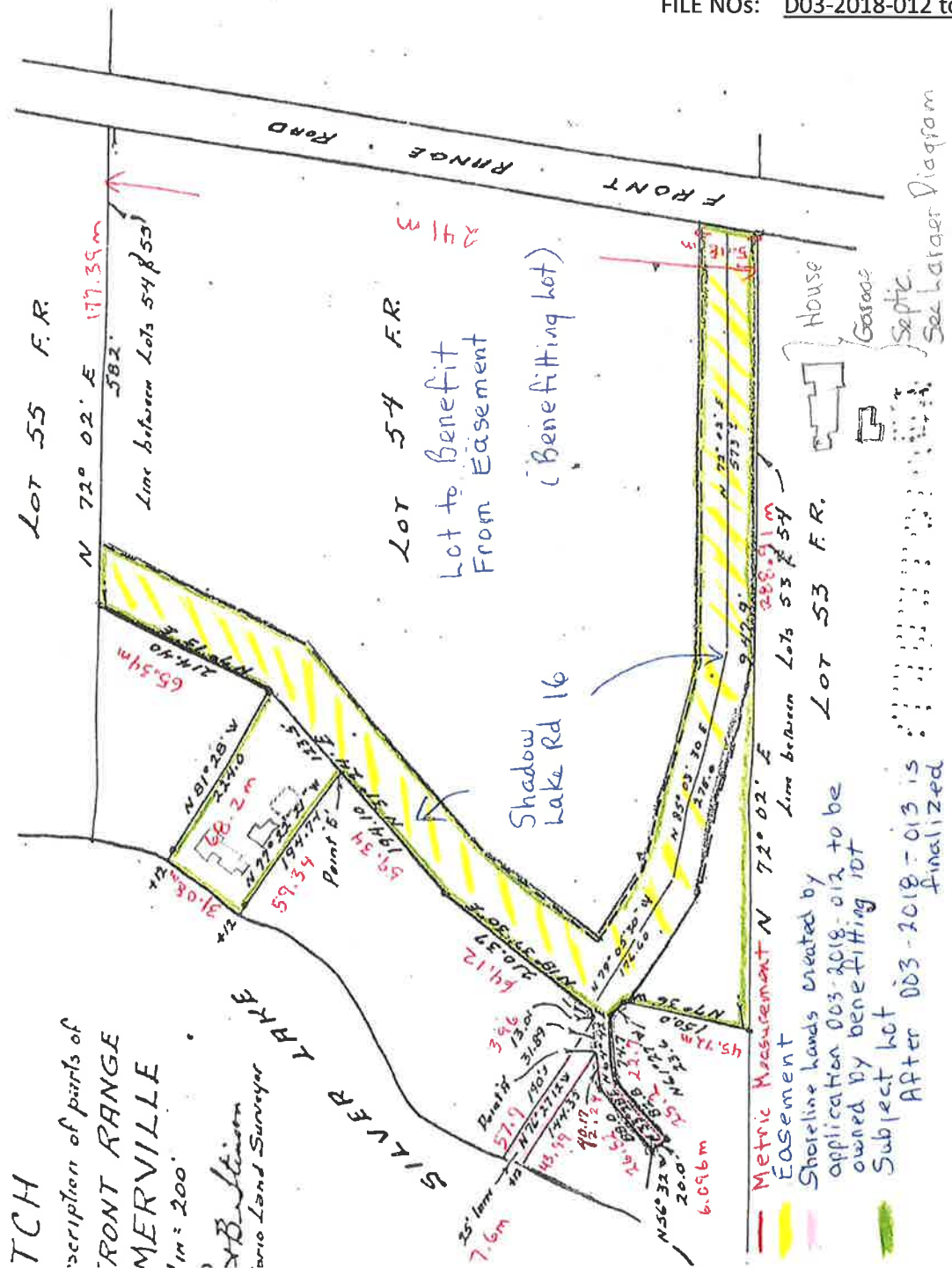


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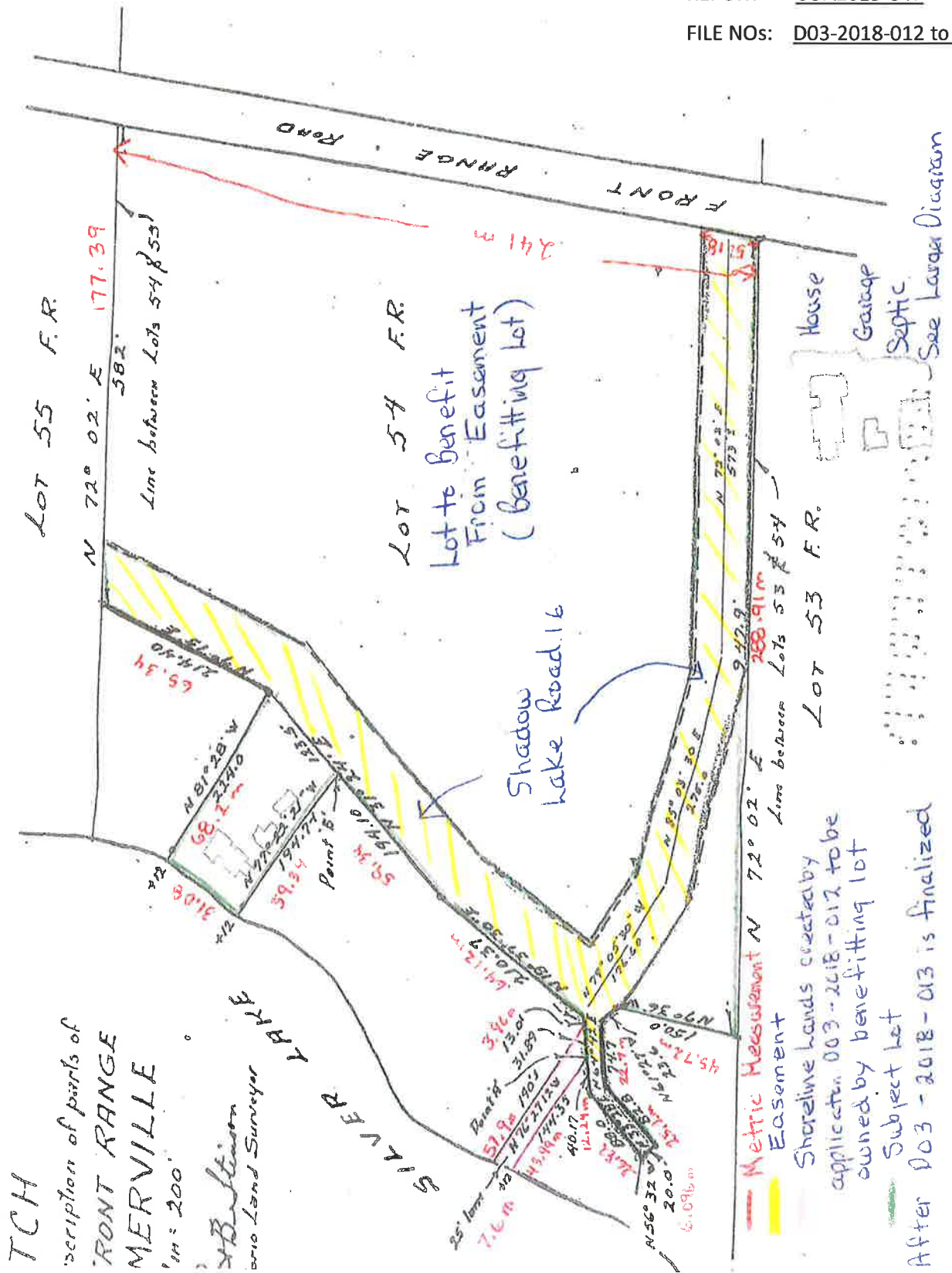
REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

003-2018-014



Revised Nov 20, 2018 003-2018-012

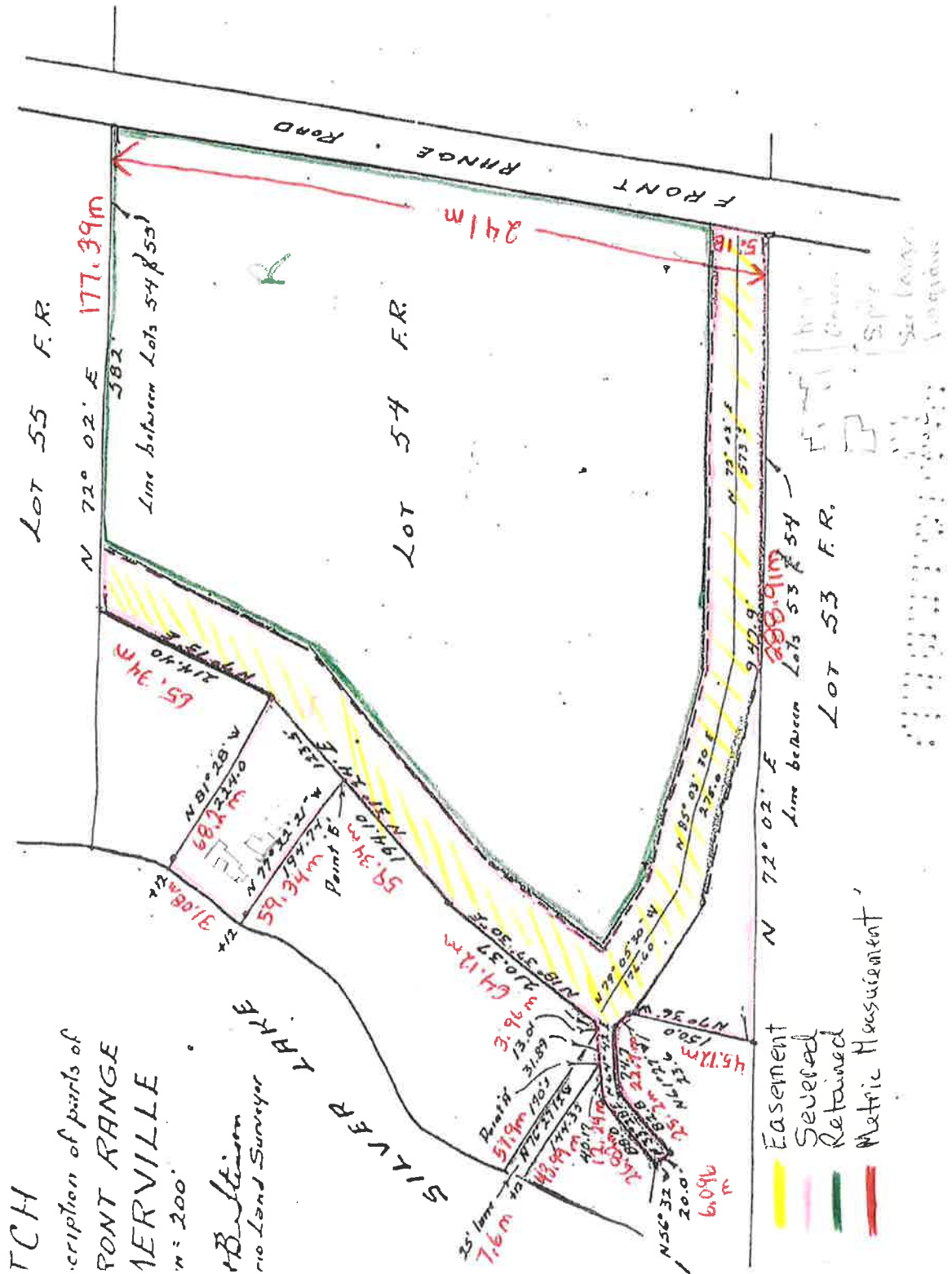


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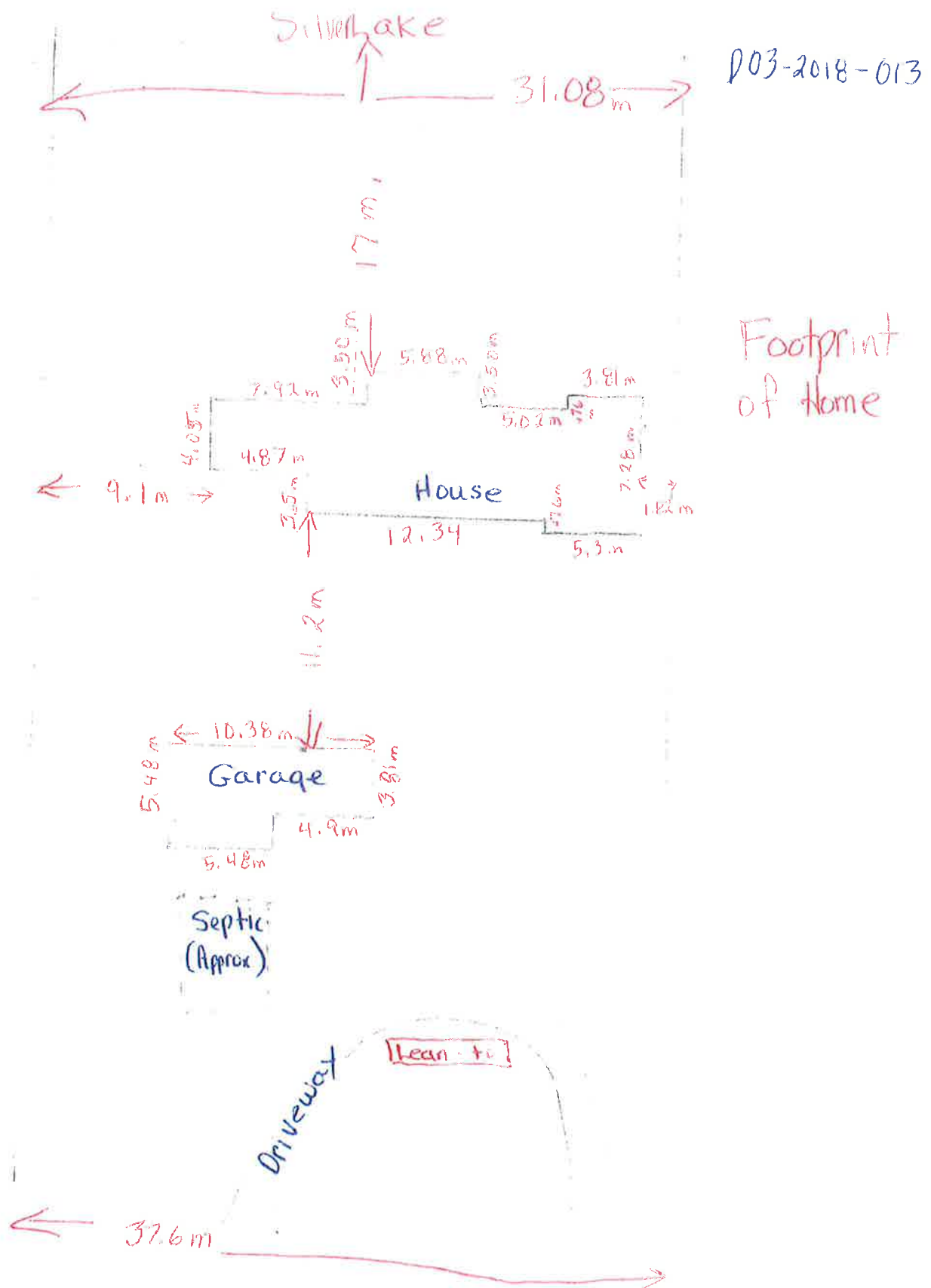
REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

Revised November 20/18 D03-2018-013





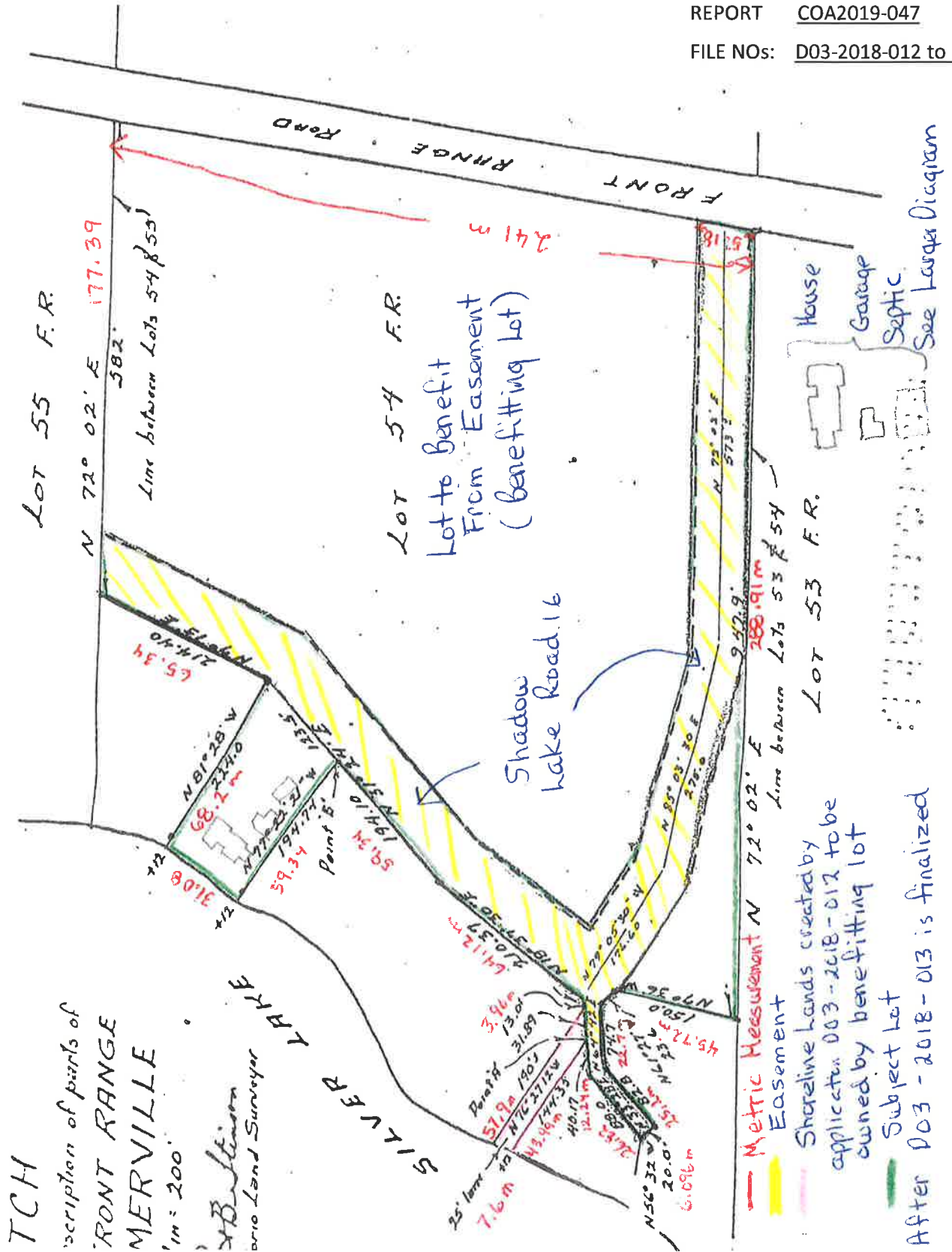


Revised Nov 20, 2018 003-2018-014

to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014



to

## Proposed Conditions – Application D03-2018-012

REPORT COA2019-047FILE NOS: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. The owner of the proposed severed parcel and benefitting lot, being the retained lands of Application D03-2018-013, enter into a merger agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the parcel to be severed and the benefitting lot will henceforth be dealt with as one lot. The agreement shall be registered against both the severed and benefitting parcels. The owner shall apply for and pay the prescribed fee for the agreement.
3. The registering solicitor shall undertake to register the agreement specified in Condition 3 on title to both parcels in priority to any other document or security commensurate with the registration of Transfer and shall also undertake to provide a copy of the registered agreement as conclusive evidence of the fulfillment of the undertaking.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to permit residential accessory uses and apply any applicable development standards, and the By-law be in effect.
5. The owner submits to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The owner submits 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.
7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

## Proposed Conditions – Application D03-2018-013

REPORT COA2019-047FILE NOs: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. That this application be deemed refused if the related application for consent, being file number D03-2018-012, lapses.
3. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to a residential zone category to unify and standardize any applicable development standards, and the By-law be in effect.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned to a Rural General Exception (RG-\*) Zone category to permit its reduced lot area and lot frontage, and unify and standardize any applicable development standards, and the By-law be in effect. As part of the zoning by-law amendment application, the owner shall submit surveyor confirmation of the resultant frontage on Baseline Road to remain with the proposed retained lot as well as the area of the proposed retained lot.
5. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to a proposed entrance.
6. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
7. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
8. 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.
9. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
10. 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.

11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner'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.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. 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.

to

## Proposed Conditions – Application D03-2018-014

REPORT COA2019-047FILE NOs: D03-2018-012 to 01

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. This application be deemed refused if the related consent application, being file number D03-2018-013, lapses.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the easement(s) for review and endorsement and the subsequent registered reference plan of survey.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. 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 by certified cheque, money order, or from a lawyers trust account.
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 owner shall pay all costs associated with the registration of the required documents.
8. The owner'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.
9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
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.

to

REPORT COA 2019-047**Charlotte Crockford-Toomey**

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FILE NO. D03-2018-012+014

**From:** Derryk Wolven  
**Sent:** Thursday, September 27, 2018 8:00 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

Please be advised building division has the following comments:

D03-2018-011	No concerns
D03-2018-012	No concerns
D03-2018-013	No concerns
D03-2018-014	No concerns
D03-2018-015	No concerns
D03-2018-016	No concerns

**Jerryk 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, Engineering Technician  
Kim Rhodes, Administrative Assistant  
Charlotte Crockford-Toomey, Administrative Assistant

**FROM:** Christina Sisson, Supervisor, Development Engineering

**DATE:** October 1<sup>st</sup>, 2018

**SUBJECT:** Application for Consent  
D03-2018-012 41 Shadow Lake Road 16  
Part Lot 54, Front Range  
Geographic Township of Somerville, City of Kawartha Lakes

---

The Development Engineering Division has reviewed the City of Kawartha Lakes Notice of Application for Consent received on October 1<sup>st</sup>, 2018.

It is our understanding that the applicant is applying to sever approximately 720 square metres of land and add it to the ownership of the proposed retained lot, should application D03-2018-013 be granted. No building lot is being created.

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

## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Thursday, October 04, 2018 11:13 AM  
**To:** David Harding  
**Subject:** D03-2018-012 - 41 Shadow Lake Rd 16

Hello David,

RE: Consent Application D03-2018-012  
41 Shadow Lake Road 16, Former Somerville Township,  
Lot 54, Conc. Front Range,  
Roll No. 165131005048600

I have received and reviewed the request for consent to sever approximately 720 square metres of land and add it to an abutting lot.

I have completed a site visit to confirm the location of the on-site sewage system serving the dwelling at the above-noted property. In addition, I have reviewed the ability to replace the existing sewage system with an on-site system to today's standards.

Based on my observations and calculations, the proposal will not interfere with the existing or a future on-site sewage disposal system. As such, the Building Division – Sewage System Program has no objection with the consent application.

Best Regards,

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



**Via E-Mail: mlahay@kawarthalakes.ca**

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

**Regarding: Application for Consent (Easement) – D03-2018-012  
Geoffrey and Pamela Park  
41 Shadow Lake Road 16, Part of Lot 54, Concession Front Range  
Geographic Township of Somerville  
City of Kawartha Lakes**

Dear Mr. LaHay:

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

**Application Purpose**

It is our understanding that the purpose of this application (concurrent with City of Kawartha Lakes Files D03-2018-013 and D03-2018-014) is to sever approximately 720m<sup>2</sup> to be added to the ownership of the proposed retained lot should application D03-2018-013 be granted. The proposed retained lot is a vacant rural lot with frontage onto Baseline Road. The application will provide the proposed retained lot with ownership of a portion of the shoreline. No new building lot is being created.

**Applicable Kawartha Conservation Regulations and Policies**

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

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

**Application-Specific Comments**

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

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

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

***Our Watershed Partners:***

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

to

REPORT COA2019-047**David Harding**

**From:** Tony <tony@tfmtrans.com>  
**Sent:** Thursday, October 11, 2018 5:06 PM  
**To:** David Harding  
**Subject:** 33 Shadow Lake Rd. 16

FILE NO. D03-2018-012 to 014

Hello Mr. Harding

Re: D03-2018-012/D03-2018-013/ D03-2018-014

My name is Tony Medeiros and I'm the owner of 33 Shadow lake Rd. 16.

Firstly, I think your timeline for responding to the application is much too short.

The consent application form is dated Sept. 27th and I received it on Oct. 3rd, leaving me with only 8 days to respond. If I were away during this period I wouldn't have any time at all to contest/voice my opinions regarding the proposal. I and other residents have a number of concerns about the proposal - some of which include:

The severed land south of my property is currently used to access Lots 29 and 31. Would they still have access?

Also, with the road be deeded to future residents of Lot 54 once developed, could it lead to development of the shoreline with docks, buildings and a launch ramp that could attract other boaters creating parking issues with vehicles and trailers?

Another concern we have is maintenance responsibilities for these roads.

If you can please address these concerns, I would greatly appreciate it.

Thank you,  
Tony Medeiros

## David Harding

---

**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 1:08 PM  
**To:** 'tony@tfmtrans.com'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Medeiros,

Our applications are circulated in accordance with the statutory timelines set out within the Planning Act. That being said it is rare that the decision is made immediately after this advertised date, and the Planning Division continues to accept comments up until the time a decision is made. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision.

Any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application.

Currently, the lands subject to application D03-2018-012 are zoned the same as your lot, subject to all the same setback requirements for buildings and structures. At this time we have not determined whether a zone change is necessary.

I will include the maintenance, responsibility, and access issues in a single response. Shadow Lake Road 16 is a private road (easement) where access is restricted to the landowner of the land over which the easement applies and the properties that benefit from said easement. Maintenance responsibilities, should any be specified, would be within your deeds. Please note that our official plan policies currently prohibit the larger, forested lot from being subdivided. An official plan amendment application would be required to subdivide the land, which would cause there to be a separate public process.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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**CARL A. BRAND, B.A., LL.B.**  
BARRISTER & SOLICITOR  
961 KINGSTON ROAD  
TORONTO, ONTARIO  
M4E 1S8

TEL: (416) 699-5100 FAX: (416) 690-7089 or 690-8738 || E-MAIL: brandlaw@live.ca

### **FACSIMILE MEMO**

**DATE:** October 11, 2018  
**TO:** Kawartha Lakes Planning Division  
**FAX NO.:** 1-705-324-4027  
**ATTENTION:** Mark LaHay, Committee of Adjustment  
David Harding, Planning  
**RE:** Parks Cosnet Applications D03-2018-014, D03-2018-013;  
D03-2018-012  
**NUMBER OF PAGES:** (including cover)  
**FROM:** Carl A. Brand  
**MEMO:**

Dear Mr. LaHay and Mr. Harding:

My wife (Stephanie Briley) is the owner of #31 Shadow Lake Road, and we are advising that we are objecting to the above concurrent consent applications, and request the opportunity to make submissions in this matter.

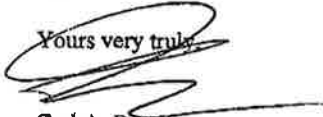
We are particularly concerned about the request to sever in D03-2018-12 as this involves both our and our neighbours rights of way over parts 2 and 4 on Plan 57R4603. Essentially, the rights of way comprise exclusive use driveways for ourselves and our adjoining neighbours.

Secondly, the application to append the 25 foot strip of land adjoining our property to allow lake access to the large piece of rural land in the concurrent severance application is objected to. The strip of land in question is a heavily forested parcel between ourselves and our neighbours who owns parts 1,2 and 3 on Plan 57R7915 (33 Shadow Lake Road) and has been exclusively used and maintained by us for many years. The topography is such that it is unusable as an access to the lake without deforestation, gradient infill and

major construction along the lakeshore as there is a granite ridge running along the shoreline with a steep gradient to the water.

We wish to be able to present our position in greater detail at any hearing of this application.

Yours very truly,

  
Carl A. Brand  
/cb

## David Harding

---

**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 11:49 AM  
**To:** 'brandlaw@live.ca'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Brand,

The City of Kawartha Lakes acknowledges your letter of objection, received October 11, 2018. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision. During this time, you may wish to submit your position in greater detail to myself as the planner assigned to processing this file for my review. Once in receipt of this information, it will be reviewed and parties contacted to determine if resolution is possible. If resolution is possible, then the City is able to make an internal decision on the application without proceeding to a Committee of Adjustment hearing.

After review of your initial letter of objection, I offer the following preliminary response: any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application. The land owner also has the right to use/travel the land over which the easement applies. If there are no particular rights or obligations for property/landscape maintenance specifically described within the easement, the land owner over which the easement applies has the authority to modify the land as they see fit provided the right(s) specified within the easement is/are maintained. This modification to the land is not dependent upon the consent applications, and therefore could occur at any time.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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## David Harding

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**From:** Carl Brand <brandlaw@live.ca>  
**Sent:** Tuesday, April 02, 2019 6:22 AM  
**To:** David Harding  
**Cc:** stephaniebrileybrand@gmail.com  
**Subject:** Re: D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Harding:

Back from Florida and have had chance to review the sketch sent with your email of March 15th. Frankly, I cannot see the changes you are proposing, marking up these old surveys. I believe you need a proper R-Plan to do a severance consent and registration. Is this not correct? I am also not convinced that the underlying fee remains severable, but that will require a full search of title. I recall we were notified of the litigation involving the applicant's problems with previous conveyances voided by s. 49 of the Planning Act. We remain concerned that the applicant intends to destroy the woodlot between 31 and 33, when he should be using Lot 41 for lakeshore access.

Regards,

Brand Law Office  
961 Kingston Road  
Toronto Ontario M4E 1S8  
T: (416) 770-5100  
F: (416) 690-7089

---

**From:** David Harding  
**Sent:** March 15, 2019 2:03 PM  
**To:** [brandlaw@live.ca](mailto:brandlaw@live.ca)  
**Subject:** D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Brand,

In response to the comments received from the circulation of the application, the owner has made slight alterations to the three applications. Please see the updated sketches attached.

The change was to the shape of the forked shoreline strip to be severed and added to the forested backlot in application D03-2018-012. The land leading down to the driveways of 29 and 31 would remain in the ownership of 41 Shadow Lake Road 16, as shown in application D03-2018-013. It would only be the small strip of land separating 33 and 31 Shadow Lake Road 16 that would be severed and joined to the forested backlot in application D03-2018-012. D03-2018-014 was amended slightly to extend the easement down a portion of the land which leads to the driveways serving 29 and 31 Shadow Lake 16. This extension was done due to the configuration changes proposed in D03-2018-012, so that legal access to the shoreline land could be obtained.

Please let me know by the end of this month if the nature of your concerns have changed in any way in response to these minor amendments.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes

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

## **Committee of Adjustment Report – Park**

Report Number COA2019-047

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### **Public Meeting**

**Meeting Date:** July 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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Ward 6 – Geographic Township of Somerville

**Subject:** Applications to sever one residential lot on about 15,000 square metres of land, one shoreline access parcel on about 441 square metres of land to be added to a rural backlot, and to create an easement over land known as Shadow Lake Road 16 to provide the rural backlot with access to the shoreline access parcel, and retain approximately 45,000 square metres of vacant rural land (the rural backlot). The property is located at 41 Shadow Lake Road 16, geographic Township of Somerville (Files D03-2018-012, D03-2018-013, 2018-014).

---

**Author:** David Harding, Planner II

**Signature:**

---

### **Recommendations:**

**Resolved That** Report COA2019-047, Geoffrey Park, be received;

**That** consent application D03-2018-012, being an application to sever approximately 441 square metres of land, with the conditions of provisional consent substantially in the form attached as Appendix E1 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-013, being an application to sever approximately 15,000 square metres of residential land, with the conditions substantially in the form attached as Appendix E2 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-014, being an application to grant an easement over lands known Shadow Lake Road 16 to provide a rural backlot with shoreline access, with the conditions substantially in the form attached as Appendix E3 to Report COA2019-047, be **Granted**; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

## Background:

The owner has applied to separate the existing cottage on the subject property, located near the shoreline, from the balance of the rural lands (the rural backlot). In order to provide the rural backlot with access to the shoreline, applications D03-2018-012 and D03-2018-014 have been applied for to create the shoreline access parcel and provide the rural backlot with an easement for a right-of-way over Shadow Lake Road 16 to access the shoreline parcel. The easement will also permit the rural backlot to conduct maintenance along its lands bordering the easement.

Shadow Lake Road 16 is a private road that provides access to addresses 29, 31, 33 39, and 45 Shadow Lake Road 16. From Base Line Road, Shadow Lake Road 16 proceeds west and forks to provide access to the shoreline lots along Silver Lake. One side of the fork is a small laneway that provides access to 29 and 31 Shadow Lake Road 16. This shoreline access parcel abuts this laneway. The applications originally proposed to convey the smaller laneway with the shoreline access parcel. The other wider side of the fork provides access to the cottage on the subject property and civic numbers 33, 39 and 45.

In response to comments received from the landowners of 29 and 31 Shadow Lake Road 16, the owner amended applications so that ownership of the laneway would stay with the parcel proposed to contain the existing cottage (cottage parcel) since the cottage parcel is proposed to retain ownership of the rest of Shadow Lake Road 16.

Aside from the land immediately around the cottage on the subject property and the easement, the property is forested.

These applications were last amended March 4, 2019.

Owner:	Geoffrey Park
Applicant:	Pamela Park
Legal Description:	Part of Lot 54, Front Range, geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	Waterfront & Rural – severed lands with cottage Waterfront – severed shoreline access parcel Rural – retained rural backlot City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone and Rural General (RG) Zone – severed lands with cottage Limited Service Residential (LSR) Zone – severed shoreline access lands Rural General (RG) Zone – retained rural backlot Township of Somerville Zoning By-law 78-45

Site Size: Existing – 6.05 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-012 (shoreline access parcel)	0.044	6.006
D03-16-013 (cottage parcel)	1.5	4.506
D03-16-014 (easement)	1.2	n/a

Site Servicing: Cottage Parcel: Private individual well and septic system  
Shoreline Access Parcel and Rural Backlot: None

Existing Uses: Shoreline Residential, Forest

Adjacent Uses: North: Shoreline Residential, Forest  
East: Forest, Rural Residential  
South: Shoreline Residential, Forest  
West: Silver Lake

## Rationale:

### Policy Conformity

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

The PPS recognizes the importance of rural areas to the quality of life of its residents. Under the PPS, the subject property is considered to be rural land within a rural area of the City. Policies 1.1.4 and 1.1.5 support development on rural lands provided it pertains to the management or use of resources, resource-based recreational activities, limited residential development and/or other land uses and development compatible with the rural landscape that can be sustained by rural service levels.

The applications propose to utilise the recreational resource of Silver Lake.

The proposal is consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.9 of the Growth Plan provides for development on rural lands outside of rural settlement areas for resource-based recreational uses provided the use is compatible with the scale, character, and capacity of the resource and surrounding landscape.

The applications propose to separate an existing cottage from the balance of its rural lands within a shoreline residential area, and provide a rural backlot with shoreline access.

The proposal conforms to the policies of the Growth Plan.

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

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The lakes and rivers within the City are valuable environmental and recreational resources to its residents and visitors.

Low density residential development has historically been and continues to be the primary land use around many of the City's lakes and rivers. Most of these shoreline areas fall outside of the City's settlement areas. Development is permitted within the City's shoreline areas provided the lands are within the Waterfront designation. The portions of the subject property near the shoreline are designated Waterfront. All of Shadow Lake Road 16, with the exception of the laneway providing access to civic numbers 29 and 31, is within the Rural designation. The rural backlot is within the Rural designation. The Rural designation recognizes the value of non-prime agricultural lands, being soil classes 4-7, for various uses which require large tracts of land outside of urban settlement areas. Such uses are: golf courses, ski resorts, ecotourism, agricultural-related commercial/industrial uses, and agricultural uses that can be sustained on class 4-7 soils.

As the existing cottage is part of a continuous line of shoreline development, application D03-2018-013 is considered a shoreline infill lot. Consent policies contained within Section 20.4 and 33.3 specify that shoreline infill lots shall have a minimum road frontage of 30 metres and minimum lot area of 3,000 square metres. The proposed severed lands maintain the intent of the policies as sufficient land is being severed and the property will maintain ownership over the entirety of Shadow Lake Road 16, which is used to provide access to the other shoreline residential uses.

The shoreline access parcel proposed in Application D03-2018-012 is designated Waterfront and will be tied to the rural backlot. The rural backlot will be the retained (remnant) lands after Application D03-2018-013 is finalized. The shoreline access parcel's location is isolated from the existing cottage. The shoreline access parcel's width is already defined by the abutting lots on either side, being civic numbers 31 and 33, and its useable depth is defined by the laneway to the southeast. The shoreline access parcel, through Condition 4 in Appendix E1, is proposed to be rezoned to clarify only shoreline residential accessory uses are permitted and it will be tied to the rural backlot via a merger agreement specified in Condition 2 in Appendix E1. The intent of the Waterfront designation is to maintain lots of a minimum size and frontage to ensure appropriate density and massing along the shoreline, and in turn protect the long term ecological health of the City's waterbodies. As a result of above-noted conditions proposed, the intent of the Waterfront designation is maintained as the shape of the shoreline access parcel is already defined, it will not be a separately conveyable piece of land nor will any new dwelling be constructed on it. The shoreline access parcel to be created will provide water access for the rural backlot and may also be used to provide storage for items that are more suitably kept closer to the water.

Once Application D03-2018-013 is finalized, a lot line will separate Shadow Lake Road 16 from the retained lands (rural backlot). Application D03-2018-014 will permit the

owner of the rural backlot to travel along Shadow Lake Road 16 in order to access the shoreline as well as to inspect and perform maintenance along the mutual lot lines.

While the overall area of land within the Rural designation is being reduced, the contiguous lands on the north and east side of Shadow Lake Road 16 are being retained in a single parcel, in keeping with the intent of the Rural policies to retain large tracts of land for various rural uses.

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

The severed lands in Application D03-2018-012 are zoned Limited Service Residential (LSR) Zone in the Township of Somerville Zoning By-law 78-45. Condition 4 in Appendix E1 will require the lands be rezoned to recognize its size, permit only shoreline residential accessory uses, and specify the development requirements of those uses.

The severed lands in Application D03-2018-013 are zoned Limited Service Residential (LSR) Zone and Rural General (RG) Zone. The RG Zone applies to Shadow Lake Road 16. Condition 3 in Appendix E2 is proposed to have one zone category apply to the entire severed lot in order to unify and standardize the yard and frontage provisions that apply to an irregularly-shaped parcel abutting Base Line Road that also contains an easement known as Shadow Lake Road 16.

The lands to be retained in Application D03-2018-013 are zoned Rural General (RG) Zone. The minimum area and frontage requirements are 10 hectares and 230 metres respectively. The retained lands will have frontage on Base Line Road and Shadow Lake Road 16. The retained lot will not comply with either requirement. Condition 4 in Appendix E2 is proposed to recognize the reduced lot area and frontage and standardize the provisions which apply to a lot which abuts Base Line Road and is subject to an easement known as Shadow Lake Road 16.

### **Other Alternatives Considered:**

In response to Mr. Brand's comments (see Public Comments below), the applicant amended the proposal so that the severed lands in D03-2018-012 applied solely to the shoreline access piece rather than also apply to the laneway portion of Shadow Lake Road 16 which provides access to civic addresses 29 and 31. This amendment also required updates to applications D03-2018-013 and 014 to accommodate this adjustment.

### **Servicing Comments:**

The severed land proposed in D03-2018-013 is serviced by an individual well and septic system, the shoreline access parcel to be created by D03-2018-012 will not be serviced. Application D03-2018-014 is for an easement to establish a right-of-way. As such, application D03-2018-014 does not propose development which has or requires services.

## **Consultations:**

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

## **Agency and City Comments:**

Building Division – September 27, 2018): No concerns

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

Development Engineering Division (October 1, 2018): No concerns.

Kawartha Region Conservation Authority (October 11, 2018): No concerns. See comments.

## **Public Comments:**

Tony Medeiros (October 11, 2018): Concern over the future subdivision of the rural backlot into multiple lots, concerns over the maintenance of Shadow lake Road 16, concern over the use of the shoreline access parcel. See comments.

Stephanie Briley and Carl Brand (October 11, 2018, April 2, 2019): Concerns with the removal of vegetation and site alteration to the shoreline access parcel to provide water access for the rural backlot, concern over another person having use of the laneway leading to their property. See comments.

## **Planning Analysis:**

Staff corresponded with Mr. Brand regarding his concerns. The shoreline access parcel is a privately owned unencumbered portion of land, which could be improved by the current property owner at any time to provide additional shoreline access for their exclusive use. In order to ensure that the shoreline access parcel is used to provide water access and some storage for water-related activities, staff is proposing Condition 4 in Appendix E1 to permit a zone category which would restrict the permitted uses to accessory buildings and structures. Staff is recommending Condition 2 in Appendix E1 to ensure that the shoreline access parcel is always conveyed with the rural backlot.

Staff also corresponded with Mr. Medeiros regarding his concerns. The rural backlot is designated Rural within the City of Kawartha Lakes Official Plan. As such, the further subdivision of the rural backlot is not permitted under the current Official Plan policies.

While the proposals do further reduce the area of a subject property, and thus reduce the area of land within the Rural designation, the area of land being removed from the Rural designation is already encumbered by or otherwise separated from the majority of the rural backlot due to the existence of Shadow Lake Road 16. It is good planning for all of Shadow Lake Road 16 to remain under the ownership of the cottage parcel rather than the owner of the rural backlot, which is not anticipated to use the easement as frequently since driveway access is anticipated to be gained from Base Line Road.

On the proposed cottage parcel, staff noted the presence of a wood shed to the east of the dwelling and detached garage. Through Condition 3 in Appendix E2, staff recommends the location of the accessory building be recognized as it appears to

maintain sufficient spatial separation from Shadow Lake Road 16 and is modest in scale.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2019 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lands will be developed appropriately include:

1. zoning by-law amendment for:
  - a. the shoreline access parcel to a Limited Service Residential Exception (LSR-\*) Zone to restrict development to shoreline residential accessory uses,
  - b. the cottage parcel to Limited Service Residential Exception (LSR-\*) Zone to standardize and streamline the zone provisions that apply on an irregularly-shaped parcel with frontage on a municipal road, that is also subject to easements, and to permit an accessory building within the front yard, and
  - c. the retained rural backlot to a Rural General Exception (RG\*-) Zone to recognize the further reduced lot area and frontage to be created;
2. a merger agreement be registered to ensure the rural backlot and shoreline access parcel are always conveyed together;
3. entrance permit for the rural backlot can be achieved from Base Line Road; and
4. cash in lieu of parkland for the cottage parcel to be severed.

## Attachments



Appendices A-G to  
Report COA2019-047.

Appendix A – Location Map  
Appendix B – Aerial Photograph  
Appendix C – Applicant's Original Sketches  
Appendix D – Applicant's Amended Sketches  
Appendix E – Proposed Conditions of Provisional Consent  
Appendix F – City and Agency Comments  
Appendix G – Public Comments & Planning Staff Responses

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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
<b>Department Files:</b>	D03-2018-012, D03-2018-013, D03-2018-014

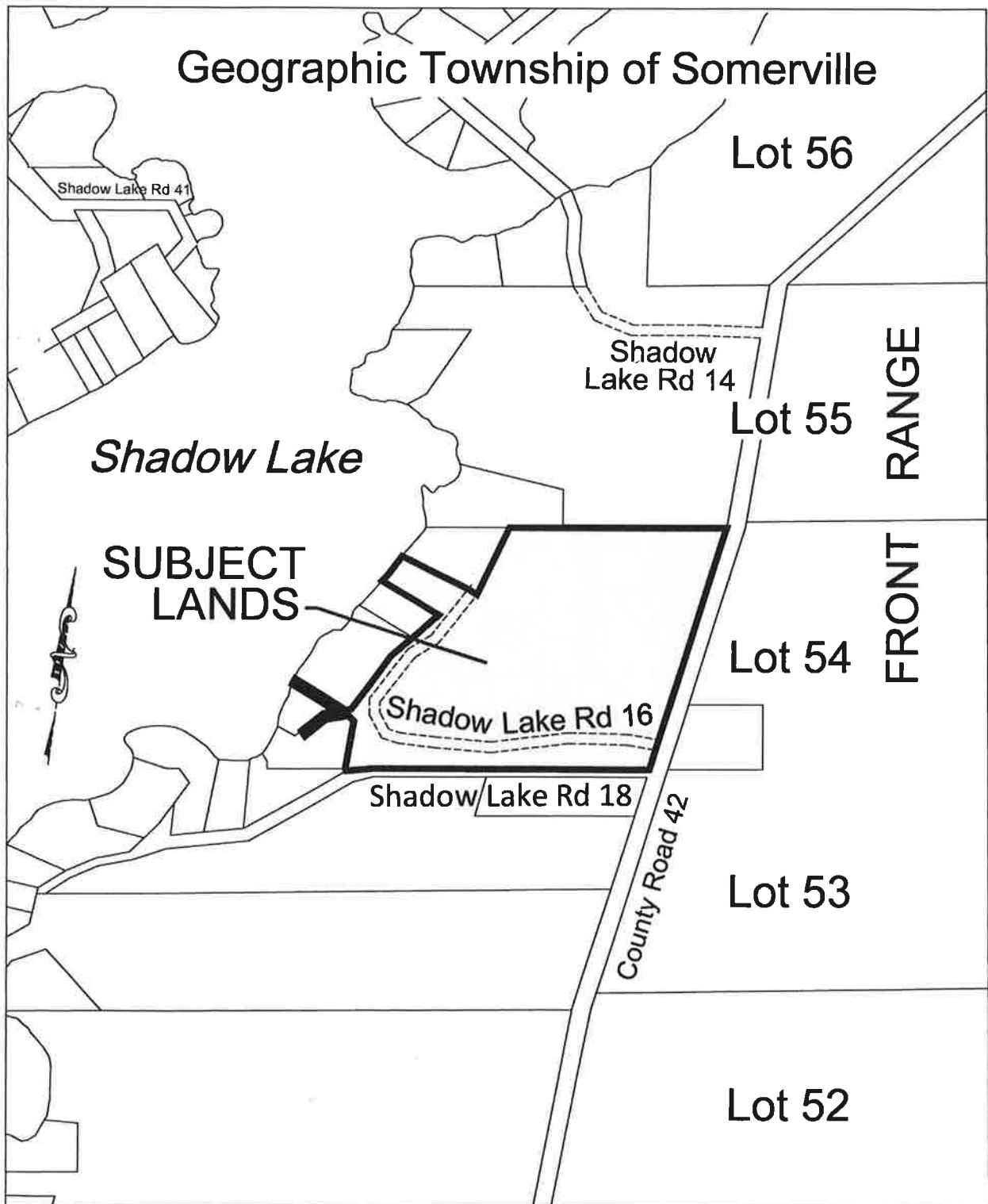


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

**D03-2018-012, D03-2018-013, D03-2018-014**

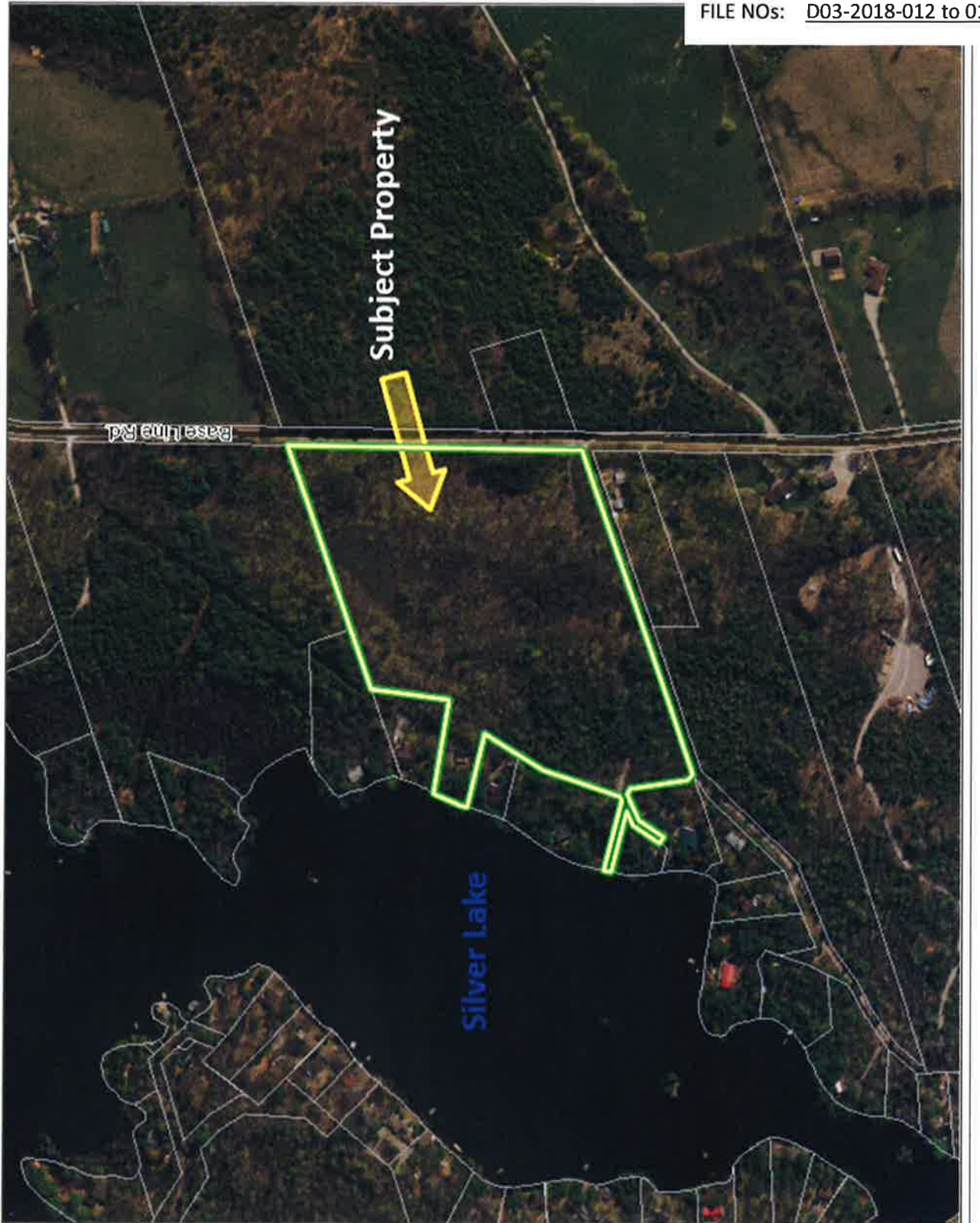


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REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

41 Shadow Lake Road 16

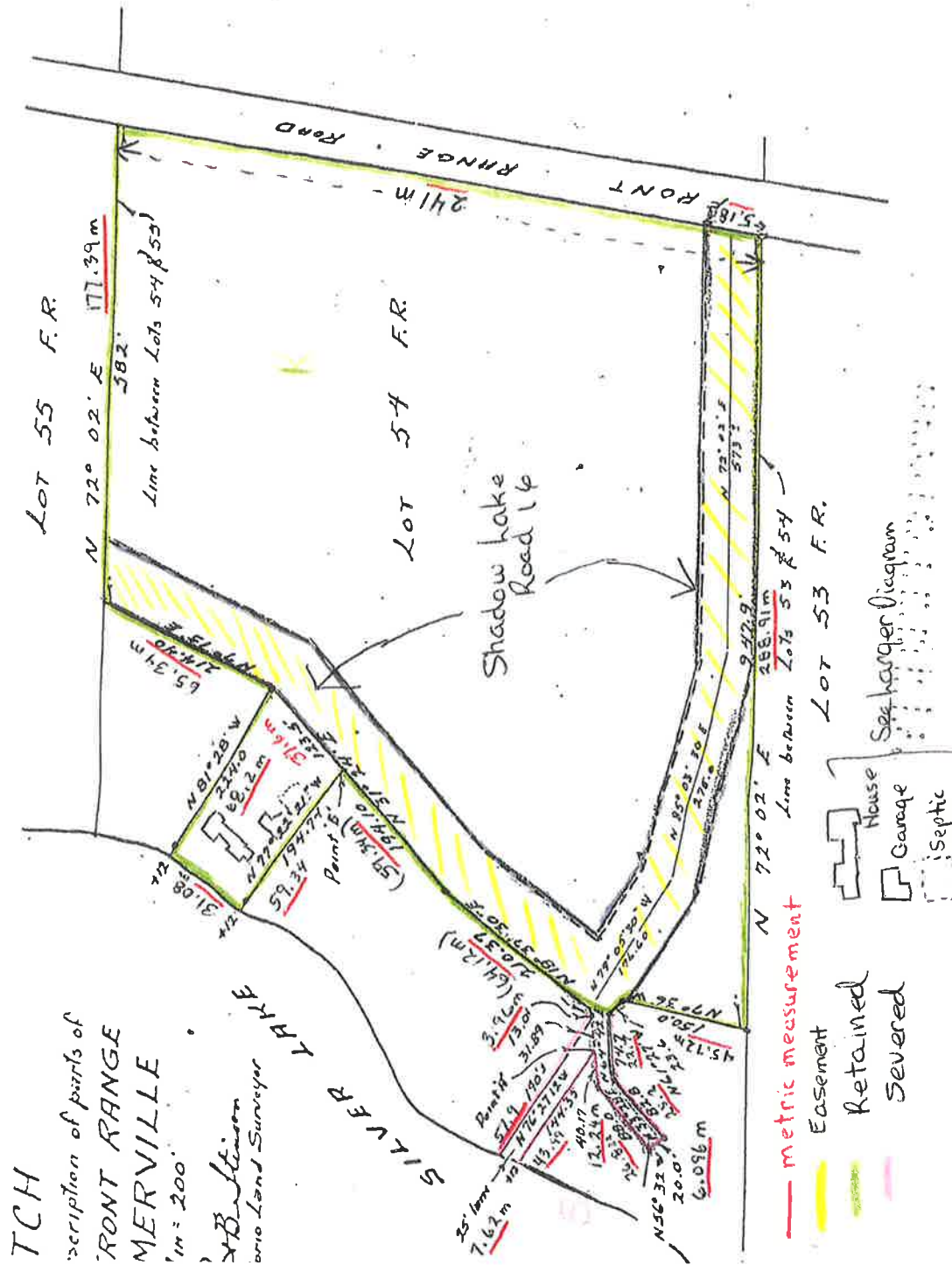


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REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

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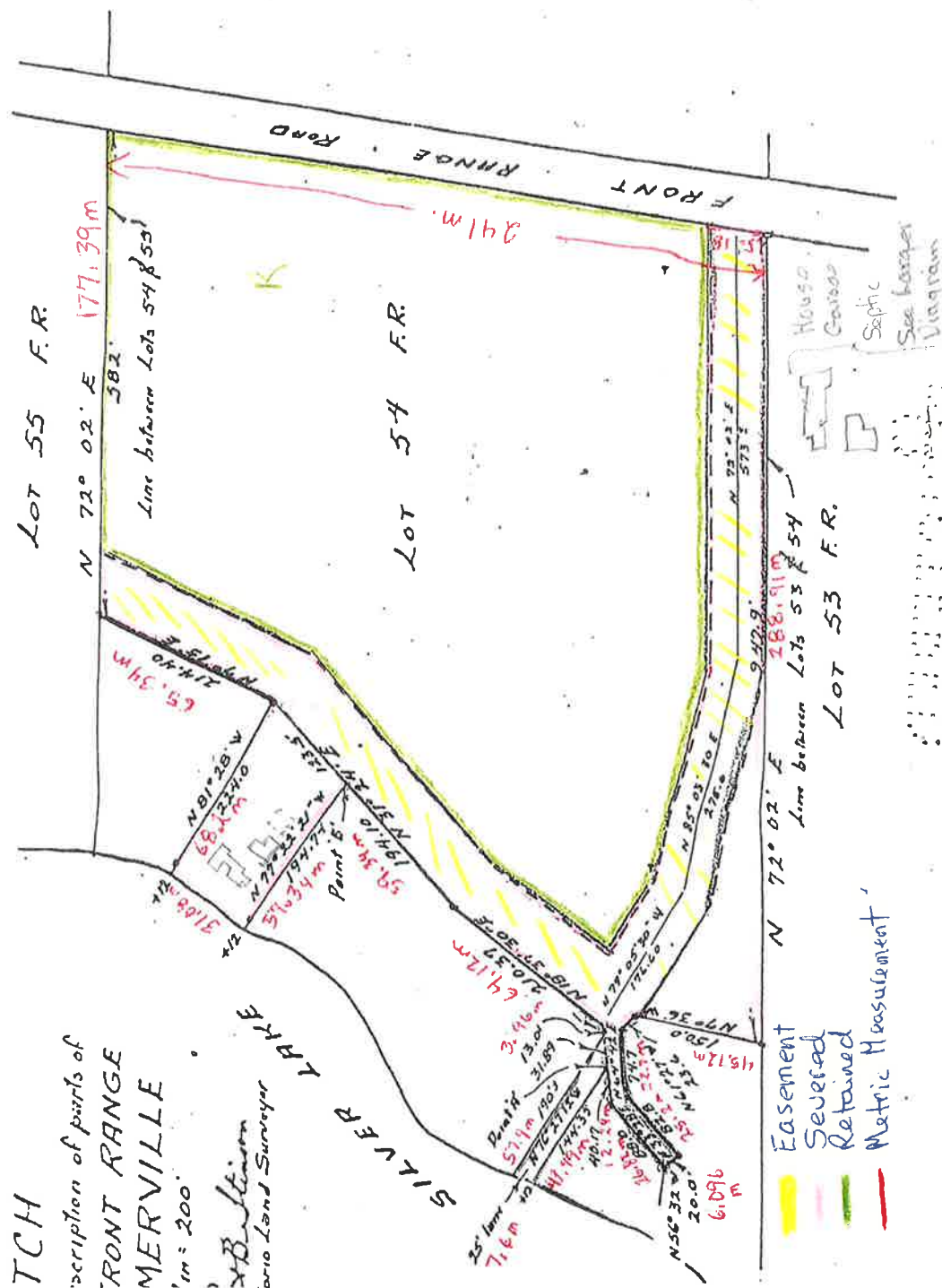


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REPORT COA2019-047

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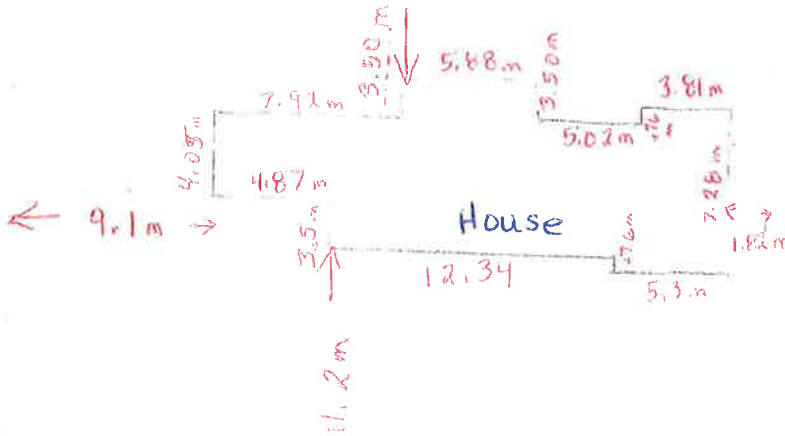
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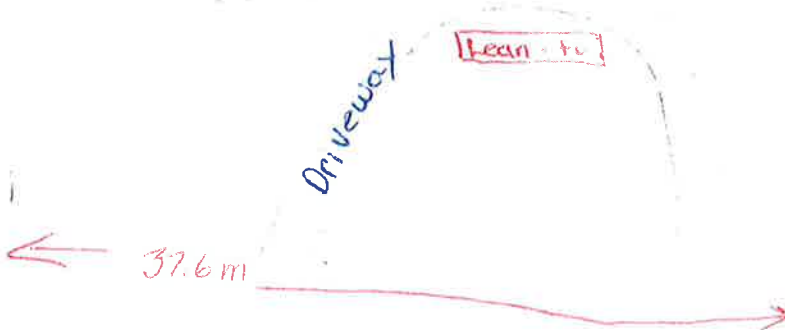
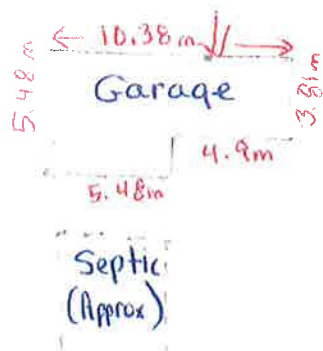




003-2018-013



Footprint of Home



Septic.  
See Larger Diagram

67

TCH

Description of parts of  
FRONT RANGE  
NEVERVILLE  
n = 200'

W.B. Bottom  
rio Land Surveyor

SILVER LAKE

Lot 55 F.R.

N 72° 02' E 177.39m

Line between Lots 54 & 55

Lot 54 F.R.

FRONT RANGE ROAD

241m

5.18m

Line between Lots 53 & 54

Lot 53 F.R.

N 72° 02' E 288.91m

Line between Lots 53 & 54

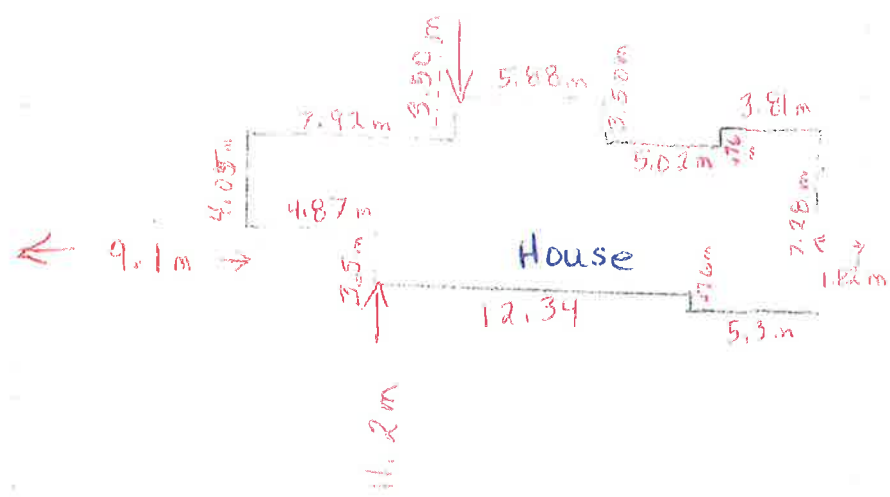
Legend:

- Easement
- Severed
- Retained
- Metric Measurement

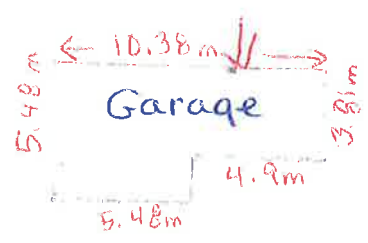




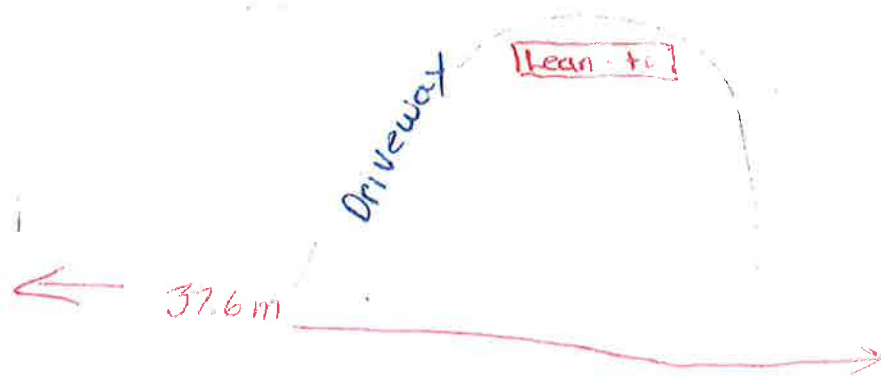
P03-2018-013



Footprint of Home



Septic (Approx)





to

## Proposed Conditions – Application D03-2018-012

REPORT COA2019-047FILE NOS: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. The owner of the proposed severed parcel and benefitting lot, being the retained lands of Application D03-2018-013, enter into a merger agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the parcel to be severed and the benefitting lot will henceforth be dealt with as one lot. The agreement shall be registered against both the severed and benefitting parcels. The owner shall apply for and pay the prescribed fee for the agreement.
3. The registering solicitor shall undertake to register the agreement specified in Condition 3 on title to both parcels in priority to any other document or security commensurate with the registration of Transfer and shall also undertake to provide a copy of the registered agreement as conclusive evidence of the fulfillment of the undertaking.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to permit residential accessory uses and apply any applicable development standards, and the By-law be in effect.
5. The owner submits to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The owner submits 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.
7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

## Proposed Conditions – Application D03-2018-013

REPORT COA2019-047FILE NOs: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. That this application be deemed refused if the related application for consent, being file number D03-2018-012, lapses.
3. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to a residential zone category to unify and standardize any applicable development standards, and the By-law be in effect.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned to a Rural General Exception (RG-\*) Zone category to permit its reduced lot area and lot frontage, and unify and standardize any applicable development standards, and the By-law be in effect. As part of the zoning by-law amendment application, the owner shall submit surveyor confirmation of the resultant frontage on Baseline Road to remain with the proposed retained lot as well as the area of the proposed retained lot.
5. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to a proposed entrance.
6. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
7. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
8. 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.
9. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
10. 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.

11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner'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.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. 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.

to

## Proposed Conditions – Application D03-2018-014

REPORT COA2019-047FILE NOs: D03-2018-012 to 01

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. This application be deemed refused if the related consent application, being file number D03-2018-013, lapses.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the easement(s) for review and endorsement and the subsequent registered reference plan of survey.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. 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 by certified cheque, money order, or from a lawyers trust account.
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 owner shall pay all costs associated with the registration of the required documents.
8. The owner'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.
9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
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.

to

REPORT COA 2019-047**Charlotte Crockford-Toomey**

---

FILE NO. D03-2018-012+014

**From:** Derryk Wolven  
**Sent:** Thursday, September 27, 2018 8:00 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

Please be advised building division has the following comments:

D03-2018-011	No concerns
D03-2018-012	No concerns
D03-2018-013	No concerns
D03-2018-014	No concerns
D03-2018-015	No concerns
D03-2018-016	No concerns

**Jerryk 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, Engineering Technician  
Kim Rhodes, Administrative Assistant  
Charlotte Crockford-Toomey, Administrative Assistant

**FROM:** Christina Sisson, Supervisor, Development Engineering

**DATE:** October 1<sup>st</sup>, 2018

**SUBJECT:** Application for Consent  
D03-2018-012 41 Shadow Lake Road 16  
Part Lot 54, Front Range  
Geographic Township of Somerville, City of Kawartha Lakes

---

The Development Engineering Division has reviewed the City of Kawartha Lakes Notice of Application for Consent received on October 1<sup>st</sup>, 2018.

It is our understanding that the applicant is applying to sever approximately 720 square metres of land and add it to the ownership of the proposed retained lot, should application D03-2018-013 be granted. No building lot is being created.

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

## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Thursday, October 04, 2018 11:13 AM  
**To:** David Harding  
**Subject:** D03-2018-012 - 41 Shadow Lake Rd 16

Hello David,

RE: Consent Application D03-2018-012  
41 Shadow Lake Road 16, Former Somerville Township,  
Lot 54, Conc. Front Range,  
Roll No. 165131005048600

I have received and reviewed the request for consent to sever approximately 720 square metres of land and add it to an abutting lot.

I have completed a site visit to confirm the location of the on-site sewage system serving the dwelling at the above-noted property. In addition, I have reviewed the ability to replace the existing sewage system with an on-site system to today's standards.

Based on my observations and calculations, the proposal will not interfere with the existing or a future on-site sewage disposal system. As such, the Building Division – Sewage System Program has no objection with the consent application.

Best Regards,

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





**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

October 11, 2018  
KRCA File No 16661  
X-REF: 16662, 16663  
Page 1 of 2

**Via E-Mail: mlahay@kawarthalakes.ca**

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

**Regarding: Application for Consent (Easement) – D03-2018-012  
Geoffrey and Pamela Park  
41 Shadow Lake Road 16, Part of Lot 54, Concession Front Range  
Geographic Township of Somerville  
City of Kawartha Lakes**

Dear Mr. LaHay:

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

**Application Purpose**

It is our understanding that the purpose of this application (concurrent with City of Kawartha Lakes Files D03-2018-013 and D03-2018-014) is to sever approximately 720m<sup>2</sup> to be added to the ownership of the proposed retained lot should application D03-2018-013 be granted. The proposed retained lot is a vacant rural lot with frontage onto Baseline Road. The application will provide the proposed retained lot with ownership of a portion of the shoreline. No new building lot is being created.

**Applicable Kawartha Conservation Regulations and Policies**

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

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

**Application-Specific Comments**

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

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

**KAWARTHA CONSERVATION**

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

***Our Watershed Partners:***

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

to

REPORT COA2019-047**David Harding**FILE NO. D03-2018-012 to 014

**From:** Tony <tony@tfmtrans.com>  
**Sent:** Thursday, October 11, 2018 5:06 PM  
**To:** David Harding  
**Subject:** 33 Shadow Lake Rd. 16

Hello Mr. Harding

Re: D03-2018-012/D03-2018-013/ D03-2018-014

My name is Tony Medeiros and I'm the owner of 33 Shadow lake Rd. 16.

Firstly, I think your timeline for responding to the application is much too short.

The consent application form is dated Sept. 27th and I received it on Oct. 3rd, leaving me with only 8 days to respond. If I were away during this period I wouldn't have any time at all to contest/voice my opinions regarding the proposal. I and other residents have a number of concerns about the proposal - some of which include:

The severed land south of my property is currently used to access Lots 29 and 31. Would they still have access?

Also, with the road be deeded to future residents of Lot 54 once developed, could it lead to development of the shoreline with docks, buildings and a launch ramp that could attract other boaters creating parking issues with vehicles and trailers?

Another concern we have is maintenance responsibilities for these roads.

If you can please address these concerns, I would greatly appreciate it.

Thank you,  
Tony Medeiros

## David Harding

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**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 1:08 PM  
**To:** 'tony@tfmtrans.com'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Medeiros,

Our applications are circulated in accordance with the statutory timelines set out within the Planning Act. That being said it is rare that the decision is made immediately after this advertised date, and the Planning Division continues to accept comments up until the time a decision is made. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision.

Any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application.

Currently, the lands subject to application D03-2018-012 are zoned the same as your lot, subject to all the same setback requirements for buildings and structures. At this time we have not determined whether a zone change is necessary.

I will include the maintenance, responsibility, and access issues in a single response. Shadow Lake Road 16 is a private road (easement) where access is restricted to the landowner of the land over which the easement applies and the properties that benefit from said easement. Maintenance responsibilities, should any be specified, would be within your deeds. Please note that our official plan policies currently prohibit the larger, forested lot from being subdivided. An official plan amendment application would be required to subdivide the land, which would cause there to be a separate public process.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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CARL A. BRAND, B.A., LL.B.  
BARRISTER & SOLICITOR  
961 KINGSTON ROAD  
TORONTO, ONTARIO  
M4E 1S8

TEL: (416) 699-5100 FAX: (416) 690-7089 or 690-8738 || E-MAIL: brandlaw@live.ca

### FACSIMILE MEMO

DATE: October 11, 2018  
TO: Kawartha Lakes Planning Division  
FAX NO.: 1-705-324-4027  
ATTENTION: Mark LaHay, Committee of Adjustment  
David Harding, Planning  
RE: Parks Cosnet Applications D03-2018-014, D03-2018-013;  
D03-2018-012  
NUMBER OF PAGES: (including cover)  
FROM: Carl A. Brand  
MEMO:

Dear Mr. LaHay and Mr. Harding:

My wife (Stephanie Briley) is the owner of #31 Shadow Lake Road, and we are advising that we are objecting to the above concurrent consent applications, and request the opportunity to make submissions in this matter.

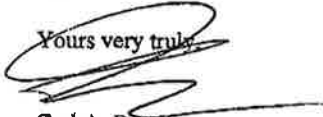
We are particularly concerned about the request to sever in D03-2018-12 as this involves both our and our neighbours rights of way over parts 2 and 4 on Plan 57R4603. Essentially, the rights of way comprise exclusive use driveways for ourselves and our adjoining neighbours.

Secondly, the application to append the 25 foot strip of land adjoining our property to allow lake access to the large piece of rural land in the concurrent severance application is objected to. The strip of land in question is a heavily forested parcel between ourselves and our neighbours who owns parts 1, 2 and 3 on Plan 57R7915 (33 Shadow Lake Road) and has been exclusively used and maintained by us for many years. The topography is such that it is unusable as an access to the lake without deforestation, gradient infill and

major construction along the lakeshore as there is a granite ridge running along the shoreline with a steep gradient to the water.

We wish to be able to present our position in greater detail at any hearing of this application.

Yours very truly,

  
Carl A. Brand  
/cb

## David Harding

---

**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 11:49 AM  
**To:** 'brandlaw@live.ca'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Brand,

The City of Kawartha Lakes acknowledges your letter of objection, received October 11, 2018. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision. During this time, you may wish to submit your position in greater detail to myself as the planner assigned to processing this file for my review. Once in receipt of this information, it will be reviewed and parties contacted to determine if resolution is possible. If resolution is possible, then the City is able to make an internal decision on the application without proceeding to a Committee of Adjustment hearing.

After review of your initial letter of objection, I offer the following preliminary response: any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application. The land owner also has the right to use/travel the land over which the easement applies. If there are no particular rights or obligations for property/landscape maintenance specifically described within the easement, the land owner over which the easement applies has the authority to modify the land as they see fit provided the right(s) specified within the easement is/are maintained. This modification to the land is not dependent upon the consent applications, and therefore could occur at any time.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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## David Harding

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**From:** Carl Brand <brandlaw@live.ca>  
**Sent:** Tuesday, April 02, 2019 6:22 AM  
**To:** David Harding  
**Cc:** stephaniebrileybrand@gmail.com  
**Subject:** Re: D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Harding:

Back from Florida and have had chance to review the sketch sent with your email of March 15th. Frankly, I cannot see the changes you are proposing, marking up these old surveys. I believe you need a proper R-Plan to do a severance consent and registration. Is this not correct? I am also not convinced that the underlying fee remains severable, but that will require a full search of title. I recall we were notified of the litigation involving the applicant's problems with previous conveyances voided by s. 49 of the Planning Act. We remain concerned that the applicant intends to destroy the woodlot between 31 and 33, when he should be using Lot 41 for lakeshore access.

Regards,

Brand Law Office  
961 Kingston Road  
Toronto Ontario M4E 1S8  
T: (416) 770-5100  
F: (416) 690-7089

---

**From:** David Harding  
**Sent:** March 15, 2019 2:03 PM  
**To:** [brandlaw@live.ca](mailto:brandlaw@live.ca)  
**Subject:** D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Brand,

In response to the comments received from the circulation of the application, the owner has made slight alterations to the three applications. Please see the updated sketches attached.

The change was to the shape of the forked shoreline strip to be severed and added to the forested backlot in application D03-2018-012. The land leading down to the driveways of 29 and 31 would remain in the ownership of 41 Shadow Lake Road 16, as shown in application D03-2018-013. It would only be the small strip of land separating 33 and 31 Shadow Lake Road 16 that would be severed and joined to the forested backlot in application D03-2018-012. D03-2018-014 was amended slightly to extend the easement down a portion of the land which leads to the driveways serving 29 and 31 Shadow Lake 16. This extension was done due to the configuration changes proposed in D03-2018-012, so that legal access to the shoreline land could be obtained.

Please let me know by the end of this month if the nature of your concerns have changed in any way in response to these minor amendments.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes

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

## **Committee of Adjustment Report – Park**

Report Number COA2019-047

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### **Public Meeting**

**Meeting Date:** July 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

Ward 6 – Geographic Township of Somerville

**Subject:** Applications to sever one residential lot on about 15,000 square metres of land, one shoreline access parcel on about 441 square metres of land to be added to a rural backlot, and to create an easement over land known as Shadow Lake Road 16 to provide the rural backlot with access to the shoreline access parcel, and retain approximately 45,000 square metres of vacant rural land (the rural backlot). The property is located at 41 Shadow Lake Road 16, geographic Township of Somerville (Files D03-2018-012, D03-2018-013, 2018-014).

---

**Author:** David Harding, Planner II

**Signature:**

---

### **Recommendations:**

**Resolved That** Report COA2019-047, Geoffrey Park, be received;

**That** consent application D03-2018-012, being an application to sever approximately 441 square metres of land, with the conditions of provisional consent substantially in the form attached as Appendix E1 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-013, being an application to sever approximately 15,000 square metres of residential land, with the conditions substantially in the form attached as Appendix E2 to Report COA2019-047, be **Granted**;

**That** consent application D03-2018-014, being an application to grant an easement over lands known Shadow Lake Road 16 to provide a rural backlot with shoreline access, with the conditions substantially in the form attached as Appendix E3 to Report COA2019-047, be **Granted**; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

## Background:

The owner has applied to separate the existing cottage on the subject property, located near the shoreline, from the balance of the rural lands (the rural backlot). In order to provide the rural backlot with access to the shoreline, applications D03-2018-012 and D03-2018-014 have been applied for to create the shoreline access parcel and provide the rural backlot with an easement for a right-of-way over Shadow Lake Road 16 to access the shoreline parcel. The easement will also permit the rural backlot to conduct maintenance along its lands bordering the easement.

Shadow Lake Road 16 is a private road that provides access to addresses 29, 31, 33 39, and 45 Shadow Lake Road 16. From Base Line Road, Shadow Lake Road 16 proceeds west and forks to provide access to the shoreline lots along Silver Lake. One side of the fork is a small laneway that provides access to 29 and 31 Shadow Lake Road 16. This shoreline access parcel abuts this laneway. The applications originally proposed to convey the smaller laneway with the shoreline access parcel. The other wider side of the fork provides access to the cottage on the subject property and civic numbers 33, 39 and 45.

In response to comments received from the landowners of 29 and 31 Shadow Lake Road 16, the owner amended applications so that ownership of the laneway would stay with the parcel proposed to contain the existing cottage (cottage parcel) since the cottage parcel is proposed to retain ownership of the rest of Shadow Lake Road 16.

Aside from the land immediately around the cottage on the subject property and the easement, the property is forested.

These applications were last amended March 4, 2019.

Owner:	Geoffrey Park
Applicant:	Pamela Park
Legal Description:	Part of Lot 54, Front Range, geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	Waterfront & Rural – severed lands with cottage Waterfront – severed shoreline access parcel Rural – retained rural backlot City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone and Rural General (RG) Zone – severed lands with cottage Limited Service Residential (LSR) Zone – severed shoreline access lands Rural General (RG) Zone – retained rural backlot Township of Somerville Zoning By-law 78-45

Site Size: Existing – 6.05 hectares

Application	Severed (hectares)	Retained (hectares)
D03-16-012 (shoreline access parcel)	0.044	6.006
D03-16-013 (cottage parcel)	1.5	4.506
D03-16-014 (easement)	1.2	n/a

Site Servicing: Cottage Parcel: Private individual well and septic system  
Shoreline Access Parcel and Rural Backlot: None

Existing Uses: Shoreline Residential, Forest

Adjacent Uses: North: Shoreline Residential, Forest  
East: Forest, Rural Residential  
South: Shoreline Residential, Forest  
West: Silver Lake

## Rationale:

### Policy Conformity

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

The PPS recognizes the importance of rural areas to the quality of life of its residents. Under the PPS, the subject property is considered to be rural land within a rural area of the City. Policies 1.1.4 and 1.1.5 support development on rural lands provided it pertains to the management or use of resources, resource-based recreational activities, limited residential development and/or other land uses and development compatible with the rural landscape that can be sustained by rural service levels.

The applications propose to utilise the recreational resource of Silver Lake.

The proposal is consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.9 of the Growth Plan provides for development on rural lands outside of rural settlement areas for resource-based recreational uses provided the use is compatible with the scale, character, and capacity of the resource and surrounding landscape.

The applications propose to separate an existing cottage from the balance of its rural lands within a shoreline residential area, and provide a rural backlot with shoreline access.

The proposal conforms to the policies of the Growth Plan.

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

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The lakes and rivers within the City are valuable environmental and recreational resources to its residents and visitors.

Low density residential development has historically been and continues to be the primary land use around many of the City's lakes and rivers. Most of these shoreline areas fall outside of the City's settlement areas. Development is permitted within the City's shoreline areas provided the lands are within the Waterfront designation. The portions of the subject property near the shoreline are designated Waterfront. All of Shadow Lake Road 16, with the exception of the laneway providing access to civic numbers 29 and 31, is within the Rural designation. The rural backlot is within the Rural designation. The Rural designation recognizes the value of non-prime agricultural lands, being soil classes 4-7, for various uses which require large tracts of land outside of urban settlement areas. Such uses are: golf courses, ski resorts, ecotourism, agricultural-related commercial/industrial uses, and agricultural uses that can be sustained on class 4-7 soils.

As the existing cottage is part of a continuous line of shoreline development, application D03-2018-013 is considered a shoreline infill lot. Consent policies contained within Section 20.4 and 33.3 specify that shoreline infill lots shall have a minimum road frontage of 30 metres and minimum lot area of 3,000 square metres. The proposed severed lands maintain the intent of the policies as sufficient land is being severed and the property will maintain ownership over the entirety of Shadow Lake Road 16, which is used to provide access to the other shoreline residential uses.

The shoreline access parcel proposed in Application D03-2018-012 is designated Waterfront and will be tied to the rural backlot. The rural backlot will be the retained (remnant) lands after Application D03-2018-013 is finalized. The shoreline access parcel's location is isolated from the existing cottage. The shoreline access parcel's width is already defined by the abutting lots on either side, being civic numbers 31 and 33, and its useable depth is defined by the laneway to the southeast. The shoreline access parcel, through Condition 4 in Appendix E1, is proposed to be rezoned to clarify only shoreline residential accessory uses are permitted and it will be tied to the rural backlot via a merger agreement specified in Condition 2 in Appendix E1. The intent of the Waterfront designation is to maintain lots of a minimum size and frontage to ensure appropriate density and massing along the shoreline, and in turn protect the long term ecological health of the City's waterbodies. As a result of above-noted conditions proposed, the intent of the Waterfront designation is maintained as the shape of the shoreline access parcel is already defined, it will not be a separately conveyable piece of land nor will any new dwelling be constructed on it. The shoreline access parcel to be created will provide water access for the rural backlot and may also be used to provide storage for items that are more suitably kept closer to the water.

Once Application D03-2018-013 is finalized, a lot line will separate Shadow Lake Road 16 from the retained lands (rural backlot). Application D03-2018-014 will permit the

owner of the rural backlot to travel along Shadow Lake Road 16 in order to access the shoreline as well as to inspect and perform maintenance along the mutual lot lines.

While the overall area of land within the Rural designation is being reduced, the contiguous lands on the north and east side of Shadow Lake Road 16 are being retained in a single parcel, in keeping with the intent of the Rural policies to retain large tracts of land for various rural uses.

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

The severed lands in Application D03-2018-012 are zoned Limited Service Residential (LSR) Zone in the Township of Somerville Zoning By-law 78-45. Condition 4 in Appendix E1 will require the lands be rezoned to recognize its size, permit only shoreline residential accessory uses, and specify the development requirements of those uses.

The severed lands in Application D03-2018-013 are zoned Limited Service Residential (LSR) Zone and Rural General (RG) Zone. The RG Zone applies to Shadow Lake Road 16. Condition 3 in Appendix E2 is proposed to have one zone category apply to the entire severed lot in order to unify and standardize the yard and frontage provisions that apply to an irregularly-shaped parcel abutting Base Line Road that also contains an easement known as Shadow Lake Road 16.

The lands to be retained in Application D03-2018-013 are zoned Rural General (RG) Zone. The minimum area and frontage requirements are 10 hectares and 230 metres respectively. The retained lands will have frontage on Base Line Road and Shadow Lake Road 16. The retained lot will not comply with either requirement. Condition 4 in Appendix E2 is proposed to recognize the reduced lot area and frontage and standardize the provisions which apply to a lot which abuts Base Line Road and is subject to an easement known as Shadow Lake Road 16.

### **Other Alternatives Considered:**

In response to Mr. Brand's comments (see Public Comments below), the applicant amended the proposal so that the severed lands in D03-2018-012 applied solely to the shoreline access piece rather than also apply to the laneway portion of Shadow Lake Road 16 which provides access to civic addresses 29 and 31. This amendment also required updates to applications D03-2018-013 and 014 to accommodate this adjustment.

### **Servicing Comments:**

The severed land proposed in D03-2018-013 is serviced by an individual well and septic system, the shoreline access parcel to be created by D03-2018-012 will not be serviced. Application D03-2018-014 is for an easement to establish a right-of-way. As such, application D03-2018-014 does not propose development which has or requires services.

## **Consultations:**

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

## **Agency and City Comments:**

Building Division – September 27, 2018): No concerns

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

Development Engineering Division (October 1, 2018): No concerns.

Kawartha Region Conservation Authority (October 11, 2018): No concerns. See comments.

## **Public Comments:**

Tony Medeiros (October 11, 2018): Concern over the future subdivision of the rural backlot into multiple lots, concerns over the maintenance of Shadow lake Road 16, concern over the use of the shoreline access parcel. See comments.

Stephanie Briley and Carl Brand (October 11, 2018, April 2, 2019): Concerns with the removal of vegetation and site alteration to the shoreline access parcel to provide water access for the rural backlot, concern over another person having use of the laneway leading to their property. See comments.

## **Planning Analysis:**

Staff corresponded with Mr. Brand regarding his concerns. The shoreline access parcel is a privately owned unencumbered portion of land, which could be improved by the current property owner at any time to provide additional shoreline access for their exclusive use. In order to ensure that the shoreline access parcel is used to provide water access and some storage for water-related activities, staff is proposing Condition 4 in Appendix E1 to permit a zone category which would restrict the permitted uses to accessory buildings and structures. Staff is recommending Condition 2 in Appendix E1 to ensure that the shoreline access parcel is always conveyed with the rural backlot.

Staff also corresponded with Mr. Medeiros regarding his concerns. The rural backlot is designated Rural within the City of Kawartha Lakes Official Plan. As such, the further subdivision of the rural backlot is not permitted under the current Official Plan policies.

While the proposals do further reduce the area of a subject property, and thus reduce the area of land within the Rural designation, the area of land being removed from the Rural designation is already encumbered by or otherwise separated from the majority of the rural backlot due to the existence of Shadow Lake Road 16. It is good planning for all of Shadow Lake Road 16 to remain under the ownership of the cottage parcel rather than the owner of the rural backlot, which is not anticipated to use the easement as frequently since driveway access is anticipated to be gained from Base Line Road.

On the proposed cottage parcel, staff noted the presence of a wood shed to the east of the dwelling and detached garage. Through Condition 3 in Appendix E2, staff recommends the location of the accessory building be recognized as it appears to

maintain sufficient spatial separation from Shadow Lake Road 16 and is modest in scale.

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform with the Growth Plan for the Greater Golden Horseshoe, 2019 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lands will be developed appropriately include:

1. zoning by-law amendment for:
  - a. the shoreline access parcel to a Limited Service Residential Exception (LSR-\*) Zone to restrict development to shoreline residential accessory uses,
  - b. the cottage parcel to Limited Service Residential Exception (LSR-\*) Zone to standardize and streamline the zone provisions that apply on an irregularly-shaped parcel with frontage on a municipal road, that is also subject to easements, and to permit an accessory building within the front yard, and
  - c. the retained rural backlot to a Rural General Exception (RG\*-) Zone to recognize the further reduced lot area and frontage to be created;
2. a merger agreement be registered to ensure the rural backlot and shoreline access parcel are always conveyed together;
3. entrance permit for the rural backlot can be achieved from Base Line Road; and
4. cash in lieu of parkland for the cottage parcel to be severed.

## Attachments



Appendices A-G to  
Report COA2019-047.

Appendix A – Location Map  
Appendix B – Aerial Photograph  
Appendix C – Applicant's Original Sketches  
Appendix D – Applicant's Amended Sketches  
Appendix E – Proposed Conditions of Provisional Consent  
Appendix F – City and Agency Comments  
Appendix G – Public Comments & Planning Staff Responses

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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
<b>Department Files:</b>	D03-2018-012, D03-2018-013, D03-2018-014

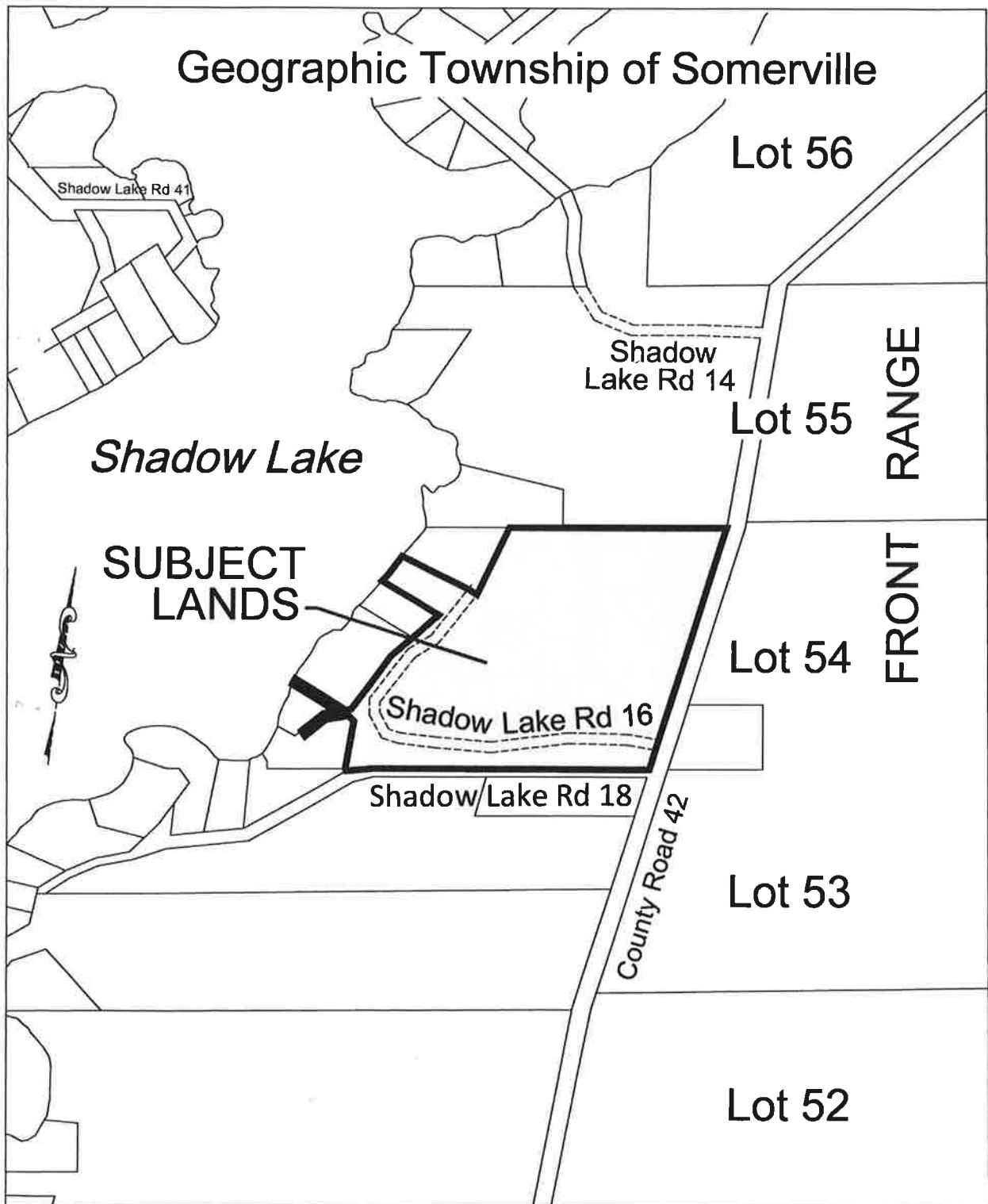


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

**D03-2018-012, D03-2018-013, D03-2018-014**

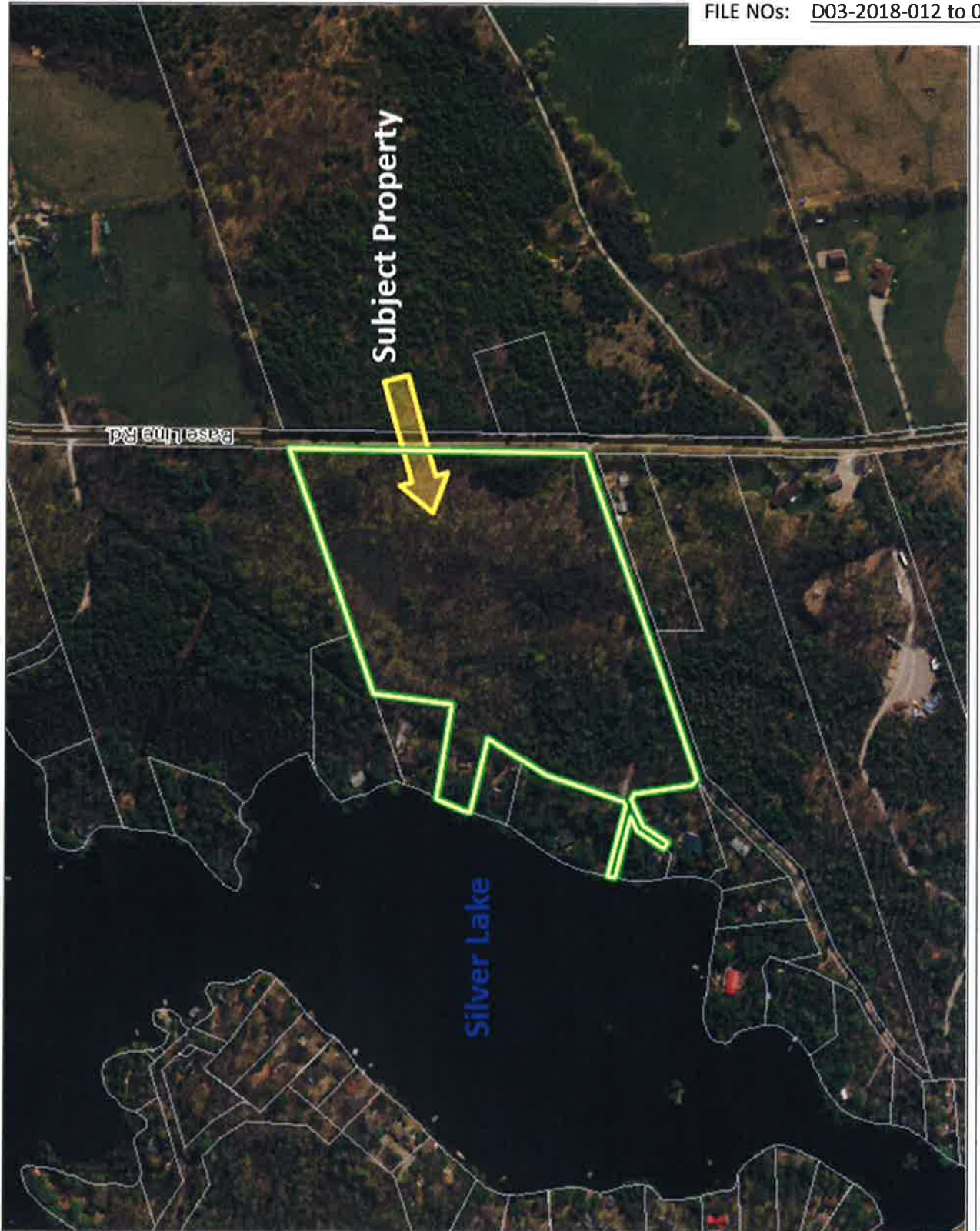


to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

41 Shadow Lake Road 16

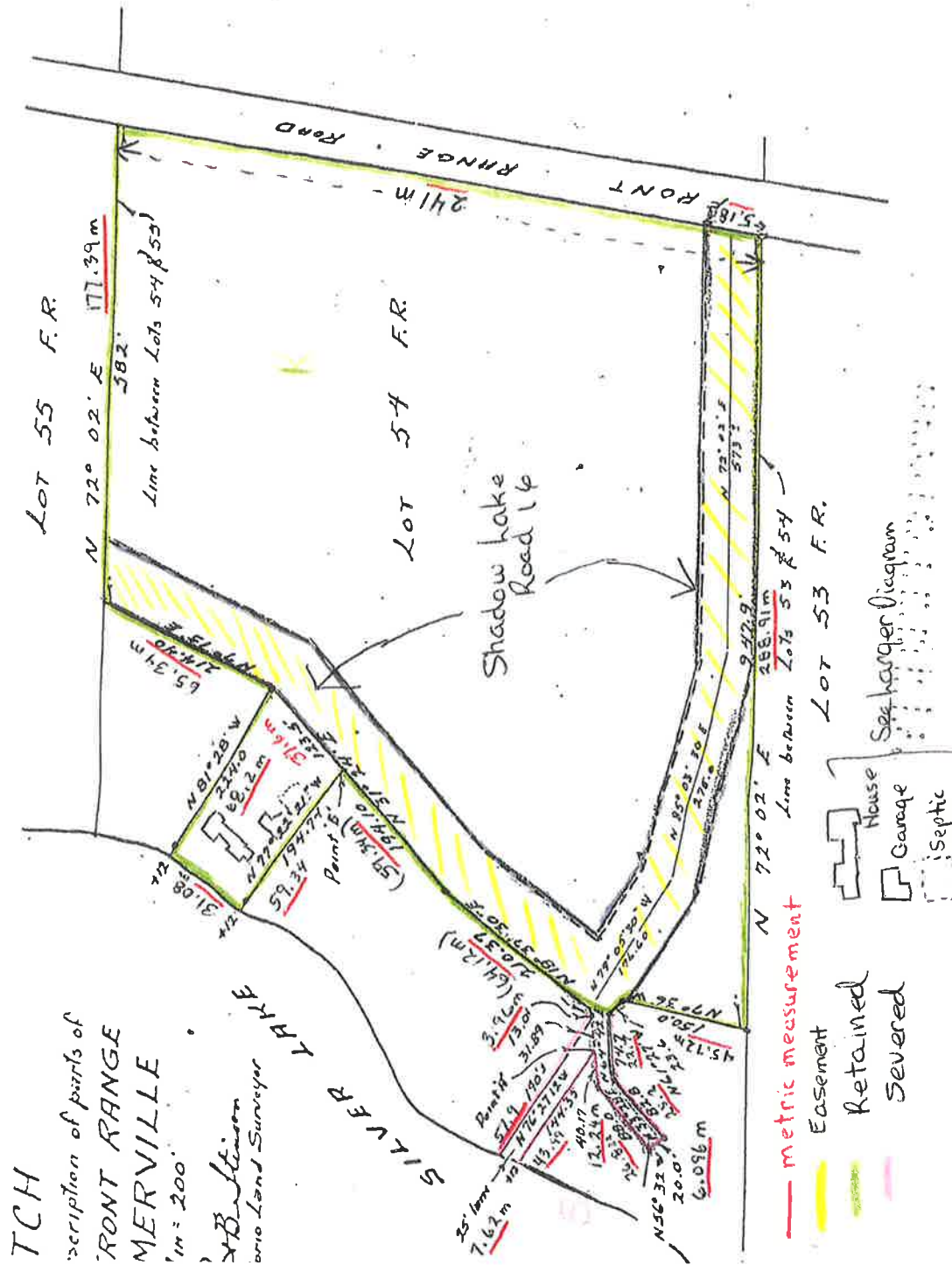


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

003-2018-012

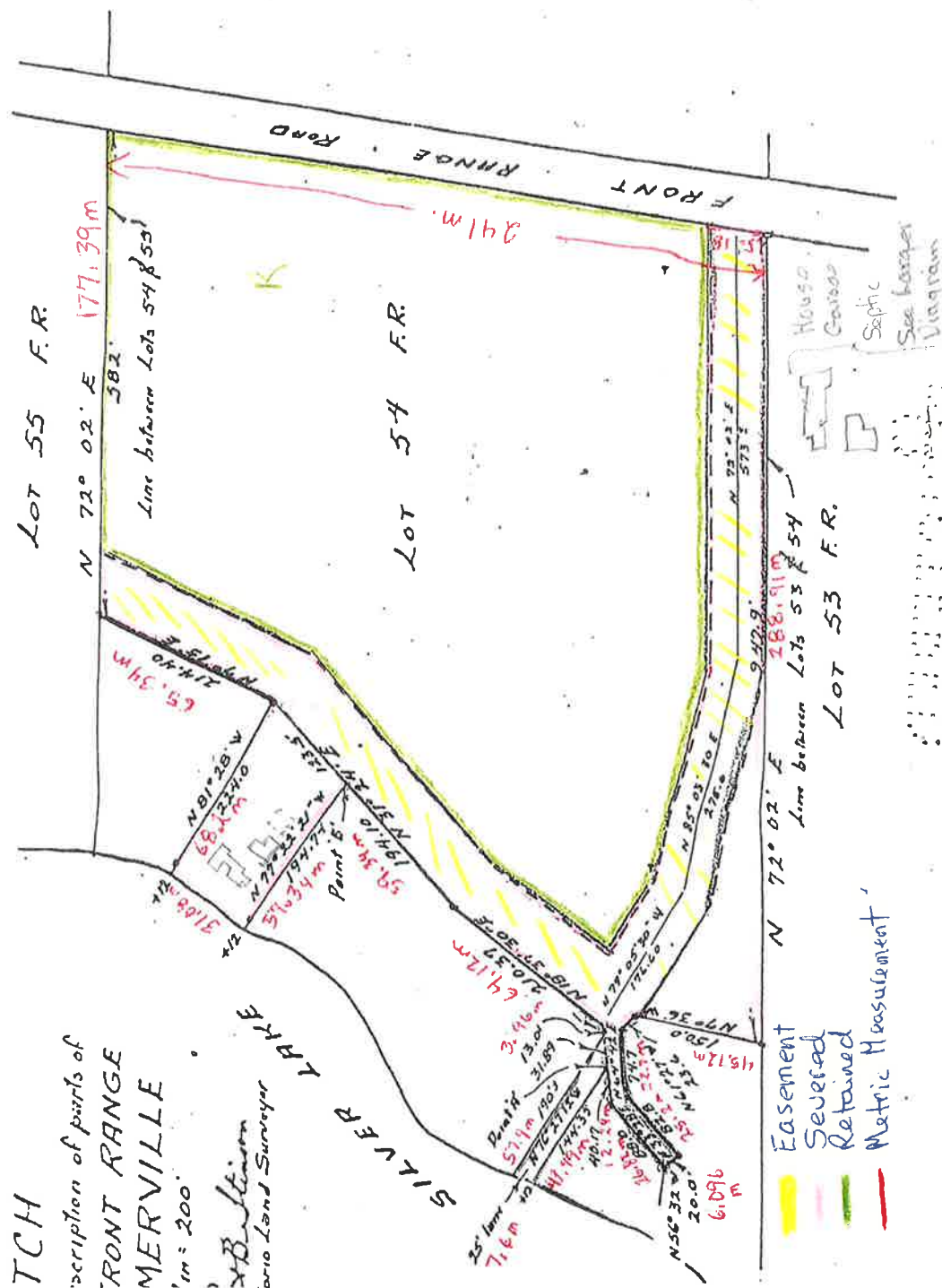


to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

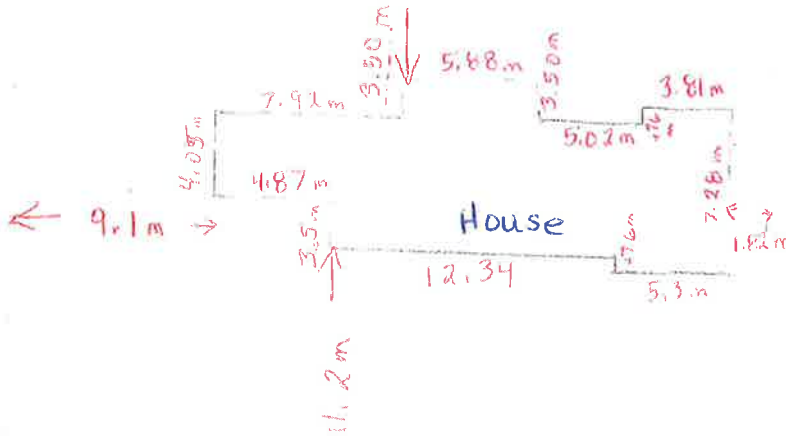
003-2018-013



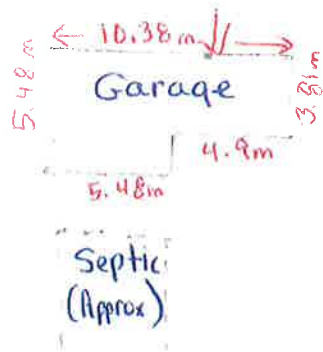




003-2018-013



Footprint  
of Home



Septic.  
See Larger  
Diagram

TCH

Description of parts of  
FRONT RANGE  
MERVILLE

"in = 200"

Bullington  
Ohio Land Surveyor

Lake Erie

Shadow Lake Road 16

Lot 55 F.R.

N 72° 02' E 177.39'

Line between Lots 54 & 55

Lot 54 F.R.

Lot to Benefit From Easement (Benefitting Lot)

House

Garage

Septic

See Larger Diagram

Metric Measurement N 72° 02' E Line between Lots 53 & 54

Easement

Shoreline lands created by application 003-2018-012 to be owned by benefitting lot

Subject Lot

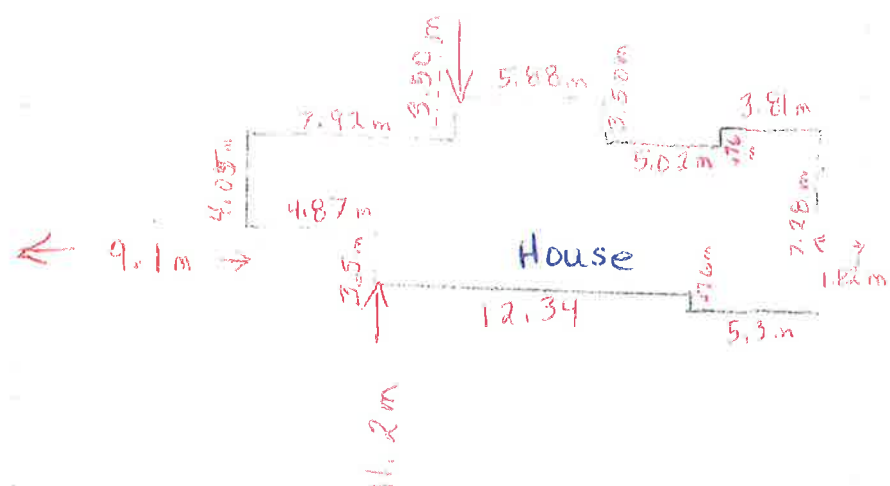
After 003-2018-013 is finalized

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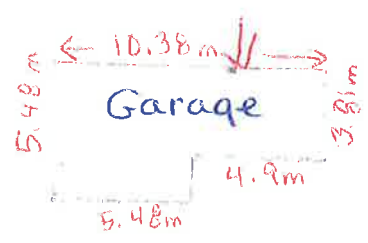




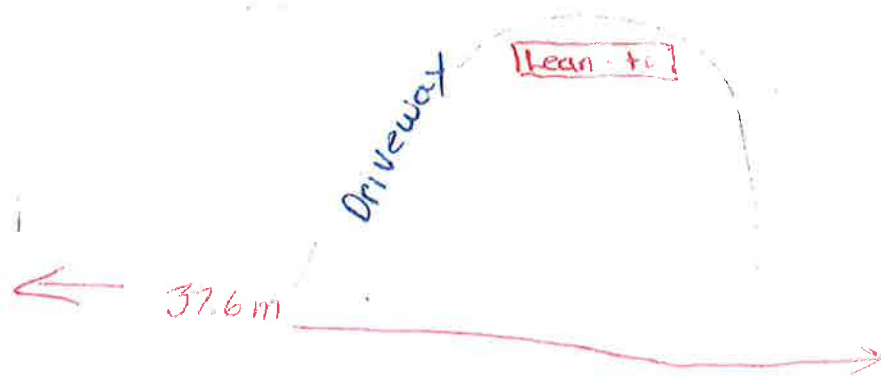
003-2018-013



Footprint of Home



Septic (Approx)



**TCH**

Description of parts of  
FRONT RANGE  
MERRVILLE  
1" = 200'

Bullington  
ario Land Surveyor

SILVER LAKE

FRONT RANGE ROAD

Lot 55 F.R.

N 72° 02' E 177.39'  
382'  
Line between Lots 54 & 55

241 m

Lot 54 F.R.  
Lot to benefit From Easement (benefitting lot)

Shadow Lake Road 16

House  
Garage  
Septic

See Larger Diagram

Lot 53 F.R.

Line between Lots 53 & 54

Metric Measurement N 72° 02' E  
Easement

Shoreline Lands created by application 003-2018-012 to be owned by benefitting lot

Subject Lot

After 003 - 2018 - 013 is finalized

to

## Proposed Conditions – Application D03-2018-012

REPORT COA2019-047FILE NOS: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. The owner of the proposed severed parcel and benefitting lot, being the retained lands of Application D03-2018-013, enter into a merger agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the parcel to be severed and the benefitting lot will henceforth be dealt with as one lot. The agreement shall be registered against both the severed and benefitting parcels. The owner shall apply for and pay the prescribed fee for the agreement.
3. The registering solicitor shall undertake to register the agreement specified in Condition 3 on title to both parcels in priority to any other document or security commensurate with the registration of Transfer and shall also undertake to provide a copy of the registered agreement as conclusive evidence of the fulfillment of the undertaking.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to permit residential accessory uses and apply any applicable development standards, and the By-law be in effect.
5. The owner submits to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The owner submits 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.
7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

## Proposed Conditions – Application D03-2018-013

REPORT COA2019-047FILE NOs: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. That this application be deemed refused if the related application for consent, being file number D03-2018-012, lapses.
3. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to a residential zone category to unify and standardize any applicable development standards, and the By-law be in effect.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned to a Rural General Exception (RG-\*) Zone category to permit its reduced lot area and lot frontage, and unify and standardize any applicable development standards, and the By-law be in effect. As part of the zoning by-law amendment application, the owner shall submit surveyor confirmation of the resultant frontage on Baseline Road to remain with the proposed retained lot as well as the area of the proposed retained lot.
5. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to a proposed entrance.
6. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
7. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
8. 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.
9. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
10. 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.

11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner'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.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. 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.

to

## Proposed Conditions – Application D03-2018-014

REPORT COA2019-047FILE NOs: D03-2018-012 to 01

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. This application be deemed refused if the related consent application, being file number D03-2018-013, lapses.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the easement(s) for review and endorsement and the subsequent registered reference plan of survey.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. 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 by certified cheque, money order, or from a lawyers trust account.
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 owner shall pay all costs associated with the registration of the required documents.
8. The owner'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.
9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
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.

to

REPORT COA 2019-047**Charlotte Crockford-Toomey**

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FILE NO. D03-2018-012+014

**From:** Derryk Wolven  
**Sent:** Thursday, September 27, 2018 8:00 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

Please be advised building division has the following comments:

D03-2018-011	No concerns
D03-2018-012	No concerns
D03-2018-013	No concerns
D03-2018-014	No concerns
D03-2018-015	No concerns
D03-2018-016	No concerns

**Jerryk 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, Engineering Technician  
Kim Rhodes, Administrative Assistant  
Charlotte Crockford-Toomey, Administrative Assistant

**FROM:** Christina Sisson, Supervisor, Development Engineering

**DATE:** October 1<sup>st</sup>, 2018

**SUBJECT:** Application for Consent  
D03-2018-012 41 Shadow Lake Road 16  
Part Lot 54, Front Range  
Geographic Township of Somerville, City of Kawartha Lakes

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The Development Engineering Division has reviewed the City of Kawartha Lakes Notice of Application for Consent received on October 1<sup>st</sup>, 2018.

It is our understanding that the applicant is applying to sever approximately 720 square metres of land and add it to the ownership of the proposed retained lot, should application D03-2018-013 be granted. No building lot is being created.

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

## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Thursday, October 04, 2018 11:13 AM  
**To:** David Harding  
**Subject:** D03-2018-012 - 41 Shadow Lake Rd 16

Hello David,

RE: Consent Application D03-2018-012  
41 Shadow Lake Road 16, Former Somerville Township,  
Lot 54, Conc. Front Range,  
Roll No. 165131005048600

I have received and reviewed the request for consent to sever approximately 720 square metres of land and add it to an abutting lot.

I have completed a site visit to confirm the location of the on-site sewage system serving the dwelling at the above-noted property. In addition, I have reviewed the ability to replace the existing sewage system with an on-site system to today's standards.

Based on my observations and calculations, the proposal will not interfere with the existing or a future on-site sewage disposal system. As such, the Building Division – Sewage System Program has no objection with the consent application.

Best Regards,

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





**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

October 11, 2018  
KRCA File No 16661  
X-REF: 16662, 16663  
Page 1 of 2

**Via E-Mail: mlahay@kawarthalakes.ca**

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

**Regarding: Application for Consent (Easement) – D03-2018-012  
Geoffrey and Pamela Park  
41 Shadow Lake Road 16, Part of Lot 54, Concession Front Range  
Geographic Township of Somerville  
City of Kawartha Lakes**

Dear Mr. LaHay:

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

**Application Purpose**

It is our understanding that the purpose of this application (concurrent with City of Kawartha Lakes Files D03-2018-013 and D03-2018-014) is to sever approximately 720m<sup>2</sup> to be added to the ownership of the proposed retained lot should application D03-2018-013 be granted. The proposed retained lot is a vacant rural lot with frontage onto Baseline Road. The application will provide the proposed retained lot with ownership of a portion of the shoreline. No new building lot is being created.

**Applicable Kawartha Conservation Regulations and Policies**

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

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

**Application-Specific Comments**

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

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

**KAWARTHA CONSERVATION**

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

***Our Watershed Partners:***

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

to

REPORT COA2019-047**David Harding**FILE NO. D03-2018-012 to 014

**From:** Tony <tony@tfmtrans.com>  
**Sent:** Thursday, October 11, 2018 5:06 PM  
**To:** David Harding  
**Subject:** 33 Shadow Lake Rd. 16

Hello Mr. Harding

Re: D03-2018-012/D03-2018-013/ D03-2018-014

My name is Tony Medeiros and I'm the owner of 33 Shadow lake Rd. 16.

Firstly, I think your timeline for responding to the application is much too short.

The consent application form is dated Sept. 27th and I received it on Oct. 3rd, leaving me with only 8 days to respond. If I were away during this period I wouldn't have any time at all to contest/voice my opinions regarding the proposal. I and other residents have a number of concerns about the proposal - some of which include:

The severed land south of my property is currently used to access Lots 29 and 31. Would they still have access?

Also, with the road be deeded to future residents of Lot 54 once developed, could it lead to development of the shoreline with docks, buildings and a launch ramp that could attract other boaters creating parking issues with vehicles and trailers?

Another concern we have is maintenance responsibilities for these roads.

If you can please address these concerns, I would greatly appreciate it.

Thank you,  
Tony Medeiros

## David Harding

---

**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 1:08 PM  
**To:** 'tony@tfmtrans.com'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Medeiros,

Our applications are circulated in accordance with the statutory timelines set out within the Planning Act. That being said it is rare that the decision is made immediately after this advertised date, and the Planning Division continues to accept comments up until the time a decision is made. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision.

Any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application.

Currently, the lands subject to application D03-2018-012 are zoned the same as your lot, subject to all the same setback requirements for buildings and structures. At this time we have not determined whether a zone change is necessary.

I will include the maintenance, responsibility, and access issues in a single response. Shadow Lake Road 16 is a private road (easement) where access is restricted to the landowner of the land over which the easement applies and the properties that benefit from said easement. Maintenance responsibilities, should any be specified, would be within your deeds. Please note that our official plan policies currently prohibit the larger, forested lot from being subdivided. An official plan amendment application would be required to subdivide the land, which would cause there to be a separate public process.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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**CARL A. BRAND, B.A., LL.B.**  
BARRISTER & SOLICITOR  
961 KINGSTON ROAD  
TORONTO, ONTARIO  
M4E 1S8

TEL: (416) 699-5100 FAX: (416) 690-7089 or 690-8738 || E-MAIL: brandlaw@live.ca

### **FACSIMILE MEMO**

**DATE:** October 11, 2018  
**TO:** Kawartha Lakes Planning Division  
**FAX NO.:** 1-705-324-4027  
**ATTENTION:** Mark LaHay, Committee of Adjustment  
David Harding, Planning  
**RE:** Parks Cosnet Applications D03-2018-014, D03-2018-013;  
D03-2018-012  
**NUMBER OF PAGES:** (including cover)  
**FROM:** Carl A. Brand  
**MEMO:**

Dear Mr. LaHay and Mr. Harding:

My wife (Stephanie Briley) is the owner of #31 Shadow Lake Road, and we are advising that we are objecting to the above concurrent consent applications, and request the opportunity to make submissions in this matter.

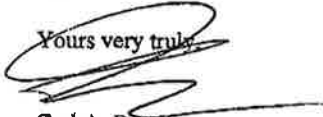
We are particularly concerned about the request to sever in D03-2018-12 as this involves both our and our neighbours rights of way over parts 2 and 4 on Plan 57R4603. Essentially, the rights of way comprise exclusive use driveways for ourselves and our adjoining neighbours.

Secondly, the application to append the 25 foot strip of land adjoining our property to allow lake access to the large piece of rural land in the concurrent severance application is objected to. The strip of land in question is a heavily forested parcel between ourselves and our neighbours who owns parts 1, 2 and 3 on Plan 57R7915 (33 Shadow Lake Road) and has been exclusively used and maintained by us for many years. The topography is such that it is unusable as an access to the lake without deforestation, gradient infill and

major construction along the lakeshore as there is a granite ridge running along the shoreline with a steep gradient to the water.

We wish to be able to present our position in greater detail at any hearing of this application.

Yours very truly,

  
Carl A. Brand  
/cb

## David Harding

---

**From:** David Harding  
**Sent:** Tuesday, October 16, 2018 11:49 AM  
**To:** 'brandlaw@live.ca'  
**Subject:** Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Brand,

The City of Kawartha Lakes acknowledges your letter of objection, received October 11, 2018. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision. During this time, you may wish to submit your position in greater detail to myself as the planner assigned to processing this file for my review. Once in receipt of this information, it will be reviewed and parties contacted to determine if resolution is possible. If resolution is possible, then the City is able to make an internal decision on the application without proceeding to a Committee of Adjustment hearing.

After review of your initial letter of objection, I offer the following preliminary response: any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application. The land owner also has the right to use/travel the land over which the easement applies. If there are no particular rights or obligations for property/landscape maintenance specifically described within the easement, the land owner over which the easement applies has the authority to modify the land as they see fit provided the right(s) specified within the easement is/are maintained. This modification to the land is not dependent upon the consent applications, and therefore could occur at any time.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225  
Fax 705-324-4027

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## David Harding

---

**From:** Carl Brand <brandlaw@live.ca>  
**Sent:** Tuesday, April 02, 2019 6:22 AM  
**To:** David Harding  
**Cc:** stephaniebrileybrand@gmail.com  
**Subject:** Re: D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Harding:

Back from Florida and have had chance to review the sketch sent with your email of March 15th. Frankly, I cannot see the changes you are proposing, marking up these old surveys. I believe you need a proper R-Plan to do a severance consent and registration. Is this not correct? I am also not convinced that the underlying fee remains severable, but that will require a full search of title. I recall we were notified of the litigation involving the applicant's problems with previous conveyances voided by s. 49 of the Planning Act. We remain concerned that the applicant intends to destroy the woodlot between 31 and 33, when he should be using Lot 41 for lakeshore access.

Regards,

Brand Law Office  
961 Kingston Road  
Toronto Ontario M4E 1S8  
T: (416) 770-5100  
F: (416) 690-7089

---

**From:** David Harding  
**Sent:** March 15, 2019 2:03 PM  
**To:** [brandlaw@live.ca](mailto:brandlaw@live.ca)  
**Subject:** D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Brand,

In response to the comments received from the circulation of the application, the owner has made slight alterations to the three applications. Please see the updated sketches attached.

The change was to the shape of the forked shoreline strip to be severed and added to the forested backlot in application D03-2018-012. The land leading down to the driveways of 29 and 31 would remain in the ownership of 41 Shadow Lake Road 16, as shown in application D03-2018-013. It would only be the small strip of land separating 33 and 31 Shadow Lake Road 16 that would be severed and joined to the forested backlot in application D03-2018-012. D03-2018-014 was amended slightly to extend the easement down a portion of the land which leads to the driveways serving 29 and 31 Shadow Lake 16. This extension was done due to the configuration changes proposed in D03-2018-012, so that legal access to the shoreline land could be obtained.

Please let me know by the end of this month if the nature of your concerns have changed in any way in response to these minor amendments.

Regards,

**David Harding, BES**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Habitat for Humanity Peterborough & District**

Report Number COA2019-048

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**Public Meeting**

**Meeting Date:** July 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 2 – Former Village of Bobcaygeon**

**Subject:** An Application to sever approximately 507.02 square metres of vacant residential land and retain approximately 505.35 square metres of vacant residential land. The property is located at 168 East Street North, former Village of Bobcaygeon (File D03-2019-019).

---

**Author:** David Harding, Planner II

**Signature:**

---

**Recommendation:**

**Resolved That** Report COA2019-048 Habitat for Humanity Peterborough and District, be received;

**That** consent application D03-2019-019, being an application to sever approximately 507.02 square metres of land, be **Granted**.

**Background:**

The owner has applied to subdivide a vacant lot in order to construct a single detached dwelling on each parcel. The owner has submitted variance application D20-2019-022 to be processed concurrently with the consent application. The variance application seeks to reduce the minimum permitted lot frontage.

**Owner:** Habitat for Humanity Peterborough and District

**Applicant:** Susan Zambonin, Habitat for Humanity Peterborough and District

**Legal Description:** Part Block W, Plan 29, former Village of Bobcaygeon, City of Kawartha Lakes

**Official Plan:** Urban within the County of Victoria Official Plan

Zone:	Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78.		
Site Size:	Severed:	507.02 square metres	
	Retained:	505.35 square metres	
Site Servicing:	Municipal water and wastewater systems		
Existing Uses:	Vacant Residential Land		
Adjacent Uses:	North: Residential		
	South: Residential		
	East: Residential/Commercial		
	West: Residential		

## **Rationale:**

### **Policy Conformity**

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

Policy 1.1.3 of the PPS recognizes the importance of settlement areas to the long term economic health of communities. Bobcaygeon is identified as a settlement area. Settlement areas are to be the focus of growth and development. Directing growth to settlement areas will promote their vitality and regeneration, and will thus provide for the efficient use of land, resources, infrastructure, green space and services.

Intensification is encouraged within settlement areas to accommodate growth.

Policy 1.4 directs municipalities to provide for a range and mix of housing types for a diverse range of income levels, and directs this housing toward locations where appropriate levels of infrastructure and services are available.

The proposal is consistent with the PPS as it proposes to create more affordable housing through intensification within the Bobcaygeon settlement area.

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.1 of the Growth Plan directs development to settlement areas where there is existing public services available.

The Growth Plan promotes the development of complete communities, which includes providing a broad range of housing options for a diverse range of income levels and life stages.

The proposal conforms to the policies of the Growth Plan.

## **County of Victoria Official Plan (Official Plan)**

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The settlement areas are where municipal water and/or wastewater infrastructure exists to support development, and are the centres for the City's commercial, industrial, recreational and cultural facilities. The main settlement areas are within the Urban designation.

The Official Plan advocates for the provision of a wide assortment of affordable housing types to accommodate the social and economic requirements of residents.

The subject lands are designated Urban in the Official Plan, which anticipates a wide assortment of land uses within this designation. Residential uses, as a critical component of complete communities, are also anticipated in a variety of densities. Residential development in the form of single detached dwellings is permitted within low density residential areas provided the density does not exceed 25 dwelling units per hectare. The severed and retained lots propose a density of approximately 19.73 and 19.81 dwelling units per hectare.

The proposal conforms with the applicable Official Plan policies.

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

The subject property is zoned Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78.

A single detached dwelling is the most intensive form of residential use permitted within the R1 Zone.

The R1 Zone requires lots to maintain a minimum lot area of 460 square metres (4,951.4 square feet) and frontage of 15 metres (49.3 feet). The severed and retained lots propose about 507.02 square metres (5,457.5 square feet) and 11.2 metres (36.7 feet) and 505.35 square metres (5,439.5 square feet) and 11.2 metres respectively. Condition 3 has been incorporated to ensure each parcel will be able to have a separate entrance onto East Street North. With the reduced frontage, the lots will continue to be of sufficient size to site a dwelling unit and contain the required two parking spaces in conformity with all other applicable by-law provisions. Condition 2 is recommended to require a variance application be filed to reduce the required minimum lot frontage to the distance proposed.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **Servicing Comments:**

Municipal water and wastewater services are present in the municipal road allowance.

### **Consultations:**

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

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

Building Division (April 25, 2019): No concerns.

Development Engineering Division (May 3, 2019): No concerns. Please apply via the municipal service connection process to review for the provision of services on the proposed residential lots.

Community Services Department (May 3, 2019): No concerns. Cash in-lieu of parkland payment requested.

### **Public Comments:**

Scott and Diane Moore – 163 East Street North (May 13, 2019): Concern over the creation of a second lot. See comments.

Terri Megraw – 40 Taylor Street (May 21, 2019): Concerns over creating two lots with reduced frontage. There is further concern over the creation of a second entrance on a busy street near a busy intersection. See comments in Appendix E.

### **Planning Analysis:**

Staff have reviewed the public comments and believe that the proposal meets municipal and provincial policy as laid out below. Condition 3, a standard condition, is recommended to ensure that the driveways can meet the City's entrance requirements.

While the proposals reduce the available lot frontage, two lots are of sufficient area to accommodate two single detached dwellings in conformity with all other R1 Zone provisions. The dwellings are proposed to be a width of approximately 8.5 metres (27.89 feet) and a depth of 13.08 metres (42.9 feet). This footprint is typical of new single detached dwelling home construction in settlement areas, which trends towards narrow front building faces and frontages and deeper buildings.

The proposed housing stock is in keeping with the appearance of many of the other dwellings (civic numbers 139, 147, 158, 159, 163, 164, 172 East Street North and 46 Taylor Street) in the neighbourhood, which have front walls with widths between 6.7 metres (22 feet) and 9.14 metres (30 feet).

Based on the foregoing, staff recommends that these applications be approved with conditions as:

1. the applications are consistent with the applicable policies of the Provincial Policy Statement 2014; and,
2. the applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019 and City of Kawartha Lakes Official Plan policies.

Conditions to address the above and to ensure the lands will be developed appropriately include:

1. a variance for the reduced lot frontages;
2. verification that an entrance permit for each lot can be achieved from East Street North; and
3. cash in lieu of parkland for the parcel to be severed.

## Attachments



Appendices A-F to  
Report COA2019-048.

Appendix A – Location Map  
Appendix B – Aerial Photograph  
Appendix C – Applicant's Sketch  
Appendix D – Proposed Conditions of Provisional Consent  
Appendix E – Public Comments  
Appendix F – City and Agency Comments

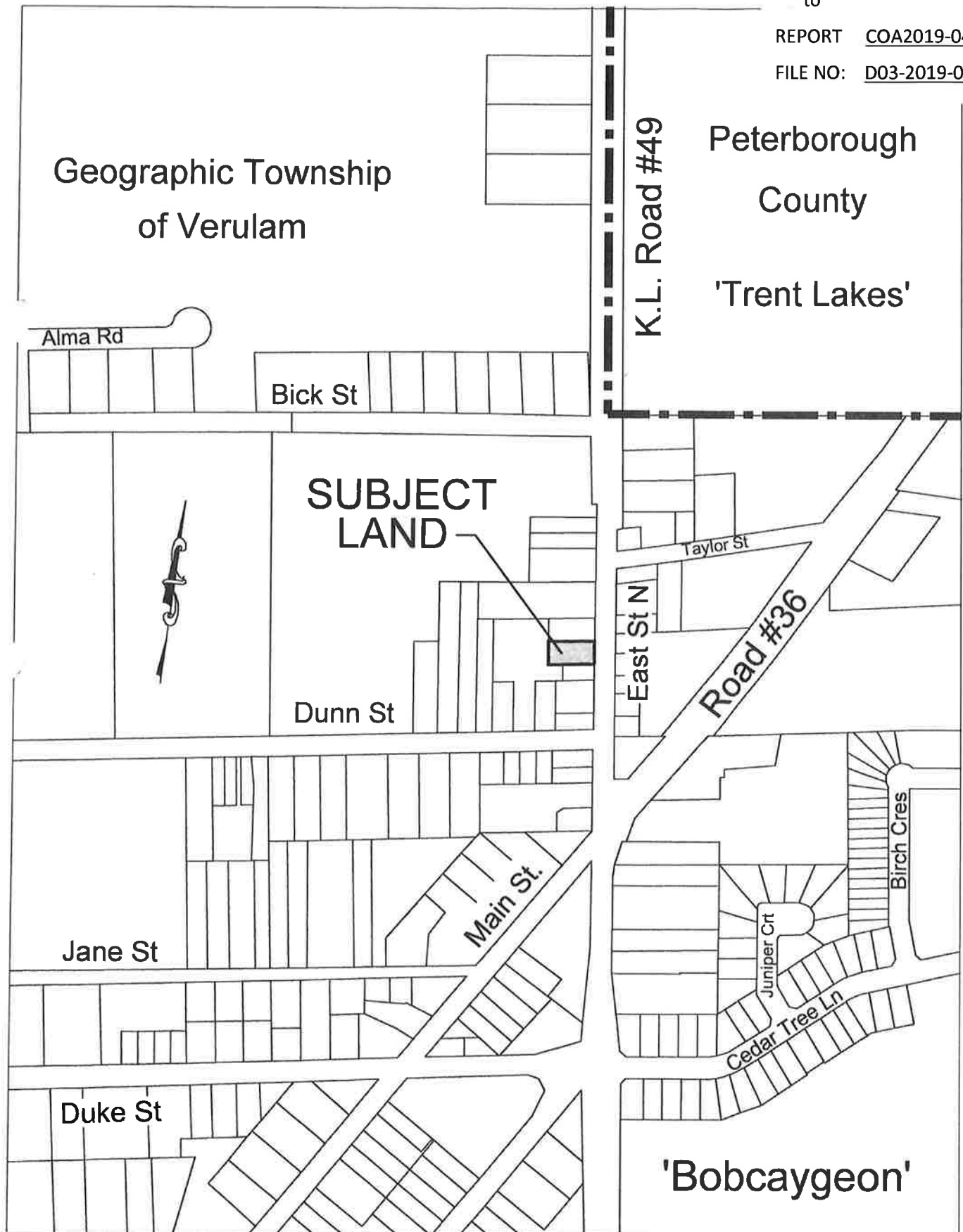
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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D03-2019-019

to

REPORT COA2019-048

FILE NO: D03-2019-019





to

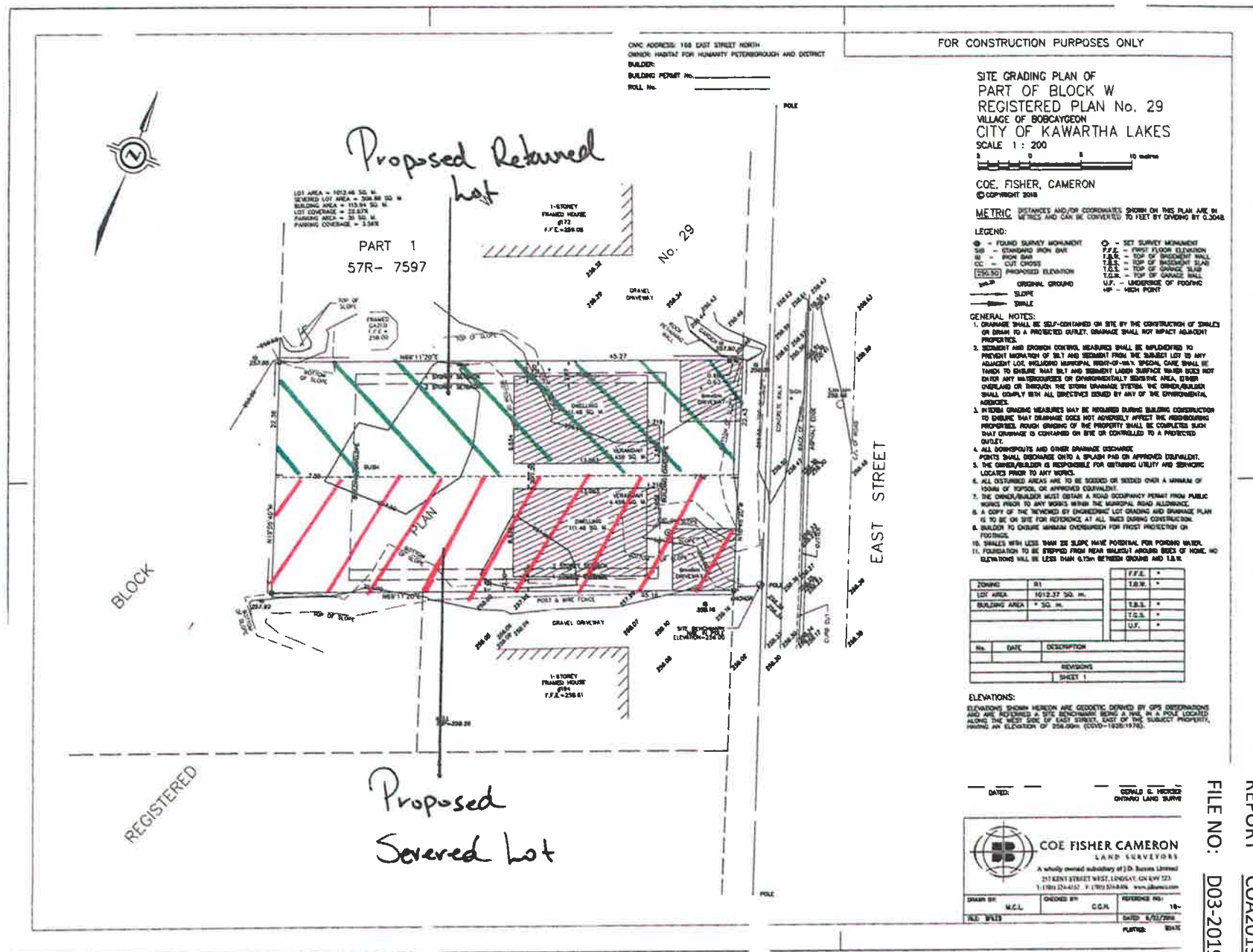
REPORT COA2019-048

FILE NO: D03-2019-019

**168 East Street North**







APPENDIX " C "

to

REPORT COA2019-048

FILE NO: D03-2019-019

to

Proposed Conditions – Application D03-2019-019

REPORT COA2019-048FILE NO: D03-2019-019

1. This approval applies to the transaction applied for.
2. The owner shall apply for, pay the prescribed fee, and obtain a variance for the lot to be severed and the lot to be retained such that the minimum lot frontage requirement be reduced from 15 metres to the 11.2 metres proposed in the application, and the variance be in effect.
3. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be severed and the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to the two proposed entrances.
4. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
5. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. 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.
7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

APPENDIX " E "

to

REPORT COA2019-048

FILE NO. D03-2019-019

City of Kawartha Lakes – Development Services  
Planning Division  
180 Kent Street, W.  
Lindsay, ON K9V2Y6

Dear Mr. Harding,

**Re: Consent Application – File No. D03-2019-019  
168 East Street North, Part Block W, Plan 29  
Former Village of Bobcaygeon, Ward 2**

**RECEIVED**

**MAY 21 2019**

City of Kawartha Lakes  
Development Services  
Planning Division

At this time, I would like to address the notification of the proposed consent to sever the above described property, that I have received.

Please accept my concerns as follows:

The division of this lot does not meet the official by-law and does not conform with the Urban Residential Type One (R1) Zone

This lot is only 73.5 feet wide and does not meet the frontage required to divide the said lot.

**According to the official plan each lot must have a frontage of no less than 50 feet while on municipal services and each of these lots would end up only having a frontage of 36.75 feet. After allowing for a 4 foot side yard, that would allow for a dwelling to be only 28.75 feet wide.**

**This would deplete each lot and decrease the privacy and enjoyment for others.**

Also, by dividing this lot there will have to be an additional entrance permit granted by the Department of Highways.

This location is adjacent to one of the busiest corners in the Village of Bobcaygeon.

It is surrounded by School Buses turning to the Public School

There is a 4 way stop within a very short distance of the subject lot

There is an automatic car wash exit across the street from the subject lot

There is a self serve gas station on the corner of East Street North and Hwy. 36 which also has parking on East Street North and additional parking areas plus a 3 bay self serve carwash all of which create an exorbitant amount of traffic.

There is an excessive amount of traffic coming North down Hwy, 49 during the summer months when cottagers and tourist are coming into or through Bobcaygeon. Also, the 60 km zone is ignored on a regular basis.

Large tractor trailer trucks are regularly travelling down Hwy. 49, from nearby quarries carrying large, heavy loads.

As you can see, this is a very busy location and an addition of another dwelling with other cars backing out into this high traffic area is a huge concern for public safety.

In closing, I do not approve of the Application for Consent to sever the above described property for the reasons noted above.

Respectfully submitted by,  
Mrs. Terri Megraw

Thurs. May 9, 2019  
Bobcaygeon, Ont.

Re: Consent Application - File No. D03-2019-019  
168 East Street North  
Part Block W. Plan 29  
Former Village of Bobcaygeon, Ward 2

This is to ~~in~~ inform the Committee of Adjustment that we the undersigned oppose the application to sever the above listed property into 2 37 foot lots. We are not at all opposed to Habitat for Humanity (Peterborough and District) building ~~one~~ (1) dwelling on this property.

SE Moore  
Diane Moore

Scott Elliott Moore  
Diane Lynn Moore  
163 East Street North,  
Bobcaygeon, Ont.

RECEIVED

MAY 13 2019

582-1000-1000  
1000-1000-1000  
1000-1000-1000

## **Charlotte Crockford-Toomey**

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**From:** Derryk Wolven  
**Sent:** Thursday, April 25, 2019 9:20 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

APPENDIX " F "  
to

REPORT COA2019-048

FILE NO. D03-2019-019

Please be advised building has the following comments:

D03-2019-015	No concerns
D03-2019-018	No concerns
D03-2019-019	No concerns

Kind regards,

**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)





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

---

## MEMORANDUM

**DATE:** May 3, 2019  
**TO:** David Harding, Planner II  
**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 would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-2019-019      168 East Street North, Bobcaygeon

*LeAnn Donnelly*

---

LeAnn Donnelly  
Executive Assistant, Community Services

## **Charlotte Crockford-Toomey**

---

**From:** Christina Sisson  
**Sent:** Monday, May 06, 2019 11:41 AM  
**To:** Mark LaHay  
**Cc:** David Harding; Kirk Timms; Kim Rhodes; Lisa Peimann; Charlotte Crockford-Toomey  
**Subject:** 20190506 D03-2019-019 Engineering Review  
**Attachments:** 20190503 D03-2019-019 168 East Street North, Bobcaygeon Engineering Review.docx  
  
**Importance:** High

Good morning,

Further to our review of the above noted consent, we confirm we have no objection from an engineering perspective as noted in the attached memorandum and italicized comment. We do note that the proposed new lot will require services which will necessitate the Municipal Service Connection process.

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)







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  
Roberta Perdue, Senior Engineering Technician  
Kim Rhodes, Administrative Assistant  
Charlotte Crockford-Toomey, Administrative Assistant

**FROM:** Christina Sisson, Supervisor, Development Engineering

**DATE:** May 3<sup>rd</sup>, 2019

**SUBJECT:** Application for Consent  
D03-2019-019 168 East Street North  
Part Block W, Plan 29  
Former Village of Bobcaygeon, Ward 2

---

The Development Engineering Division has reviewed the City of Kawartha Lakes Notice of Application for Consent received on April 25<sup>th</sup>, 2019.

It is our understanding that the applicant is applying to sever approximately 507.02 square metres of vacant residential land and retain approximately 505.35 square metres of vacant residential land.

*Further to our engineering review of the above noted application, we confirm we have no objection to the proposed consent and provide the following engineering comments:*

- *The proponent is advised that the City has a Municipal Service Connection process for services to be reviewed for the proposed residential lot*

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.

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Habitat for Humanity Peterborough & District**

Report Number COA2019-031

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**Public Meeting**

**Meeting Date:** July 18, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward: 2 – Former Village of Bobcaygeon**

**Subject:** The purpose and effect is to request relief from Section 5.2 (b) to reduce the minimum lot frontage from 15 metres to 11.2 metres to permit the creation of two lots (severed and retained).

The variance is requested at 168 East Street North, former Village of Bobcaygeon (File D20-2019-022).

---

**Author:** David Harding, Planner II

**Signature:**

---

**Recommendation:**

**Resolved That** Report COA2019-031 Habitat for Humanity Peterborough and District, be received;

**That** minor variance application D20-2019-022 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the minor variance shall apply to the proposed severed and retained portions of the subject property; and
- 2) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2019-019, lapses.

**This approval pertains to the application as described in report COA2019-031. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The owner has submitted consent application D03-2019-019 to be processed concurrently with the variance application. The consent application seeks to create two lots: the severed being about 507.02 square metres, and the retained being about 505.35 square metres.

**Owner:** Habitat for Humanity Peterborough and District

Applicant: Susan Zambonin, Habitat for Humanity Peterborough and District

Legal Description: Part Block W, Plan 29, former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban within the County of Victoria Official Plan

Zone: Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78.

Site Size: Severed: 507.02 square metres  
Retained: 505.35 square metres

Site Servicing: Municipal water and wastewater systems

Existing Uses: Vacant Residential Land

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

**Rationale:**

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

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

The neighbourhood is primarily residential in use, with some commercial businesses to the southeast. The residential buildings along this portion of the street appear to be single detached dwellings.

The single storey dwellings, see Appendix D for proposed general appearance, are proposed to be a width of approximately 8.5 metres (27.89 feet) and depth of 13.08 metres (42.9 feet). The proposed housing stock is in keeping with the width of many of the other dwellings (civic numbers 139, 147, 158, 159, 163, 164, 172 East Street North and 46 Taylor Street) in the neighbourhood, which have front wall widths between 6.7 metres (22 feet) and 9.14 metres (30 feet). The majority of dwellings along this portion of the street are also single or 1.5 storey buildings.

There is a great degree of variation in lot frontages along this portion of East Street North. Lot frontages range from approximately 15 metres to 35.9 metres. Permitting two lots with approximately 11.2 metres of frontage is in keeping with the varied lot frontages along this street.

Due to the two paragraphs above, the neighbourhood can be classified as having the characteristics of modestly sized dwellings on lots of varying frontages.

The lots are anticipated to have a rear yard depth of approximately 21 metres (68.8 feet). As such, it is anticipated that there will remain sufficient amenity space within the rear yard for the occupants of the dwellings.

The application proposes two modestly sized dwellings on lots with modest frontages, and is thus proposing lots and a built form that is in keeping with the established character of the neighbourhood.

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

The subject property is zoned Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78.

The intent of the zoning by-law is to, amongst other matters; regulate the general character of the neighbourhood by protecting building setbacks and general lot dimensions and to ensure sufficient spatial separation between buildings to avoid adverse land use conflicts. The zoning by-law intends for residential development within the neighbourhood to occur in the form of single detached dwellings, as this is the highest form of residential density permitted in the R1 Zone.

The reduced frontage does not prevent the construction of a single detached dwelling on each proposed parcel built in conformity with all applicable yard and coverage provisions. The sketch prepared by the applicant indicates that only surface parking is proposed, and that the dwellings will be single storey. Therefore, no garage bay doors are proposed to face the street. As such, only dwelling windows and the entry doors will face the street, which adds character to the street by increasing visual interest and compliments the established built form: very few dwellings within this neighbourhood were observed to contain attached or detached garages.

The majority of dwellings within the immediate area are single or 1.5 storey buildings. The proposal will present a scale and form consistent with what is established on the street.

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

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

As the Bobcaygeon Secondary Plan is under appeal, the County of Victoria Official Plan is in effect.

The subject lands are designated Urban in the Official Plan, which anticipates a wide assortment of land uses within this designation. Residential uses, as a critical component of complete communities, are also anticipated in a variety of densities. Residential development in the form of single detached dwellings is permitted within low density residential areas provided the density does not exceed 25 dwelling units per hectare. The severed and retained lots propose a density of approximately 19.73 and 19.81 dwelling units per hectare.

The proposal conforms with the applicable Official Plan policies.

**Other Alternatives Considered:**

Other built forms in the form of two semi-detached dwellings or three townhouse units were considered by the applicant. These would have resulted in a more substantial change to the proposed built form of the neighbourhood and would have required a zoning by-law amendment application.

**Servicing Comments:**

Municipal water and wastewater services are present in the municipal road allowance.

**Consultations:**

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

**Agency and City Comments:**

Development Engineering Division (July 5, 2019): No concerns.

Building Division (July 4, 2019): No concerns.

**Public Comments:**

None received as of July 9, 2019. Please see Report COA2019-048 for comments pertaining to the related consent application D03-2019-019.

**Attachments:**



Appendices A-E to  
Report COA2019-031.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings Depicting General Appearance of Dwellings

Appendix E – 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:** D20-2019-022

to

REPORT COA2019-031

FILE NO: D20-2019-022

Geographic Township  
of Verulam

Peterborough  
County

'Trent Lakes'

K.L. Road #49

Alma Rd

Bick St

SUBJECT  
LAND

Dunn St

Taylor St

East St N

Road #36

Jane St

Main St.

Birch Cres

Juniper Crt

Cedar Tree Ln

Duke St

'Bobcaygeon'





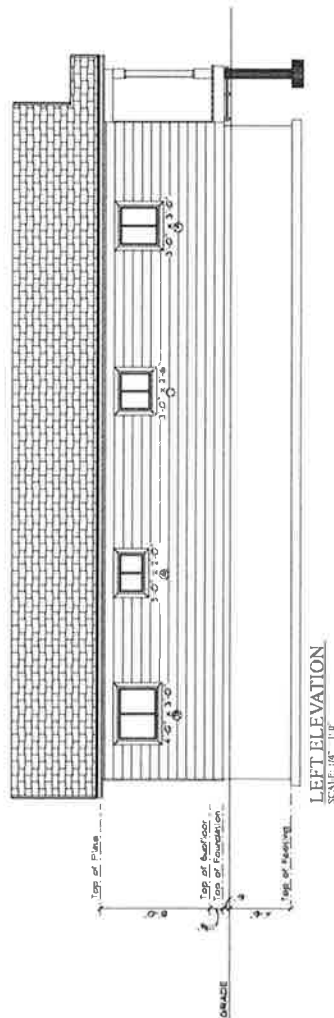
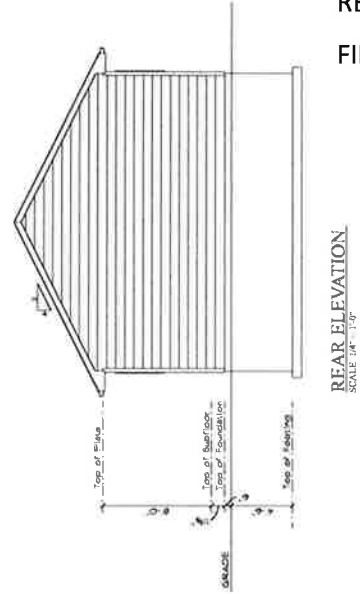
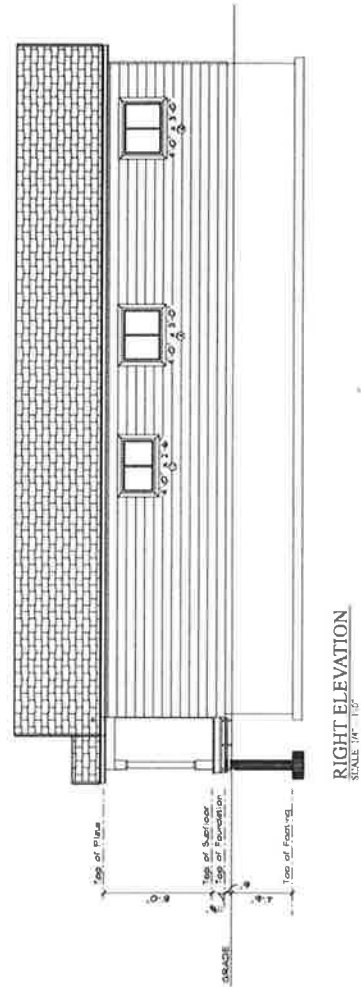




to

REPORT COA2019-031

FILE NO: D20-2019-022



## David Harding

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**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

APPENDIX " E "  
to  
REPORT COA2019-031

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FILE NO. D20-2019-022

Please be advised the building division has the following comments:

D20-2019-022 No concerns

D20-2019-028 No concerns

D20-2019-029 No concerns

D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback). Permits cannot be processed until encroachment issues are resolved.

D20-2019-031 No Concerns

D20-2019-031 No Concerns

D20-2019-032 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

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**From:** Christina Sisson  
**Sent:** Friday, July 05, 2019 4:17 PM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Charlotte Crockford-Toomey  
**Subject:** 20190705 D20-2019-022 Engineering Review

**Importance:** High

Good afternoon,  
Further to our engineering review of the following:

Minor Variance – D20-2019-022  
168 East Street North  
Part Block W, Plan 29  
Former Village of Bobcaygeon, Ward 2

It is the understanding by Engineering that the purpose and effect is to request relief under Section 45(1) of the Planning Act, R.S.O. to reduce the minimum lot frontage from 15 metres to 11.2 metres in order to create two residential parcels.

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

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

Thanks,

**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)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Yi Xu**  
Report Number COA2019-041

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**Public Meeting**

**Meeting Date:** July 18, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 7 – Geographic Township of Mariposa**

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

1. Section 3.11.1 to reduce the minimum lot area requirement for a buildable undersized lot from 930 square metres to 503 square metres;
2. Section 14.2.1.3(a) to reduce the minimum front yard requirement from 7.5 metres to 2.1 metres;
3. Section 14.2.1.3(b) to reduce the minimum interior side yard requirement from 2.3 metres to 1.3 metres;
4. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres; and
5. Section 3.1.4.1(c) to increase the maximum yard projection for an unenclosed deck from 1.5 metres to 3.1 metres.

The variances are requested at 53 Marsh Creek Road, geographic Township of Mariposa (File D20-2019-028).

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**Author:** Quadri Adebayo, Planner II

**Signature:**

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**Recommendations:**

**Resolved That** Report COA2019-041 Yi Xu, be received;

**That** minor variance application D20-2019-028 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C1 and elevations in Appendix D submitted as part of Report COA2019-041, 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** part of the Building Permit process, the owner shall obtain all necessary permits required to complete the sewage works. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer a Sewage System Permit issued for the proposed dwelling; and
- 3) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-041. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The proposal seeks to replace an existing 69.5 square metre (747.82 square foot) 1-storey house built circa 1956 (MPAC) with a 2-storey house of approximately 258 square metres (2,776.1 square foot) that comprises an open deck at the rear of the property. The replacement house is to be developed on a reconfigured footprint closer to the road and further from the water than the footprint of the existing house.

This application was deemed complete May 30, 2019.

**Owner:** Yi Xu

**Applicant:** Y + S International Design

**Legal Description:** Part Lot 23, Concession C, geographic Township of Mariposa, now City of Kawartha Lakes

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

**Zone:** Rural Residential Type Three (RR3) Zone in the Township of Mariposa Zoning By-law 94-07

**Site Size:** 503 square metre (5,412.3 square feet)

**Site Servicing:** Private individual well water system and sewage holding tank

**Existing Uses:** Residential

**Adjacent Uses:** North: Marsh Creek Road, Agricultural  
South: Lake Scugog (Environmental Protection Zone)  
East: Residential, Lake Scugog  
West: Residential, Agricultural

**Rationale:**

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

**And**

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

The proposed dwelling will translate into an improvement of a 63-year old building with a larger footprint which is not anticipated to detract from the established shoreline residential neighbourhood.

Regarding the relief being sought for the reduced lot area, it is evident that the property is an existing lot of record. As such, the undersized nature of the lot is not anticipated to be discernible as the applicant has been able to demonstrate that the property can be adequately developed, by ensuring that the replacement building would maintain a footprint configuration comparable to other two-storey dwellings along Marsh Creek Road.

Consequently, the reduced water setback and the reduced interior side yard setback are not anticipated to impact their function as the yards will still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody. As well, with Lake Scugog being an environmental protection zone (EP Zone), the 15 metre water setback relief meets the minimum setback allowed from an EP Zone. Therefore, no negative impacts are anticipated.

Likewise, the increased projection of the proposed deck is neither anticipated to limit the functioning of the rear yard nor the westerly interior side yard, as the footprint will be rounding out the rear wall limits and westerly wall limits of the proposed dwelling.

In terms of scale, the proposed height of the increased number of storeys is not anticipated to present a negative visual impact and will appear functionally compatible with the existing character of the surrounding residential dwellings. This is capacitated by the elaborate depth that exists between the edge of the road allowance and the front lot line (approximately 4 -5 metres). An observation from site visit also suggests that the proposed reduction in front yard depth together with the increased building height will not be discernible at human scale given that the gradient of the road that sits on a higher elevation than the property.

Overall, notwithstanding the anticipated reduction in the front yard depth, the footprint of the proposal will ensure that sufficient driveway surface is available on the easterly side yard outside of the road allowance for parking.

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

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

The general provisions within Section 3.11 of the Zoning By-law ensure that development on existing undersized lots may occur provided that the lot meets

a minimum area and frontage requirement. The lots along Marsh Creek Road were created and built upon prior to the former Township of Mariposa's endorsement of its first zoning By-law in 1978. Most of these lots have insufficient area to comply with Section 3.11. Proposals on lots which cannot meet those provisions are to be evaluated through a Planning Act application on their own merits. The proposal will be improving the property with a newer dwelling and will ensure the on-site two (2) parking space requirement is met in conformity with the By-law.

The 15 metre relief from the 30 metres allowed from the water, the 1.6 metre additional deck projection over the 1.5 metre allowed into the rear yard, and the 1.3 metre relief from the 2.3 metres allowed for the interior side yard are not anticipated to impact their function as the scale of reductions, if granted, are not anticipated to be perceptible. Same can be said of the front yard relief. A 5.4 metre reduction in the front yard setback is not anticipated to be noticeable due to the existing buffering between the edge of the road and front lot line of the property.

Although the proposal will be maximizing the overall lot coverage provision of 30%, the applicant has reasonably demonstrated that it is possible to develop the undersized lot by not fully utilizing other aspects of their zoning provision privileges – such as a 8 metre building height from a possible 11 metre maximum, and a compliant easterly interior side yard of 3.4 metres where a 3 metre minimum is allowed.

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 (OP). The designation anticipates residential uses within the Waterfront designation.

Policy 3.11 provides for the redevelopment of existing lots of record where there is insufficient lot area to accommodate a 30-metre water setback provided that there is no alternative to the expansion or reconstruction and in no case shall the said development, be less than 15 metres to the high water mark.

Given that there would be an improvement in the existing 9 metre water setback situation, permitting a setback of 15 metres from the water/EP zone, an increased deck projection of 1.6 metres, an interior westerly side yard setback of 1.3 metres, and a front yard setback of 2.1 metres is considered acceptable as they still enable functional amenity and naturalization space.

In addition, Policy 20.3.6 contemplates that development shall be compatible with the surrounding character and not result in adverse environmental impacts. This has been demonstrated with a building design that is not anticipated to detract from the established shoreline residential neighbourhood and having an increased water setback.

Considering the above, the variances for the dwelling is anticipated to maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

None at this time.

**Servicing Comments:**

The property is serviced by private individual well water system and sewage holding tank.

**Consultations:**

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

**Agency Comments:**

Building Division – Plans Examiner (July 4, 2019): No concerns.

Building Division – Sewage System Program (July 4, 2019): No objection to the proposed minor variance. See comments.

**Public Comments:**

None received as of July 5, 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 COA2019-041

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C1 – Applicant's Sketch – Proposed

Appendix C2 – Applicant's Sketch – Existing

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

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

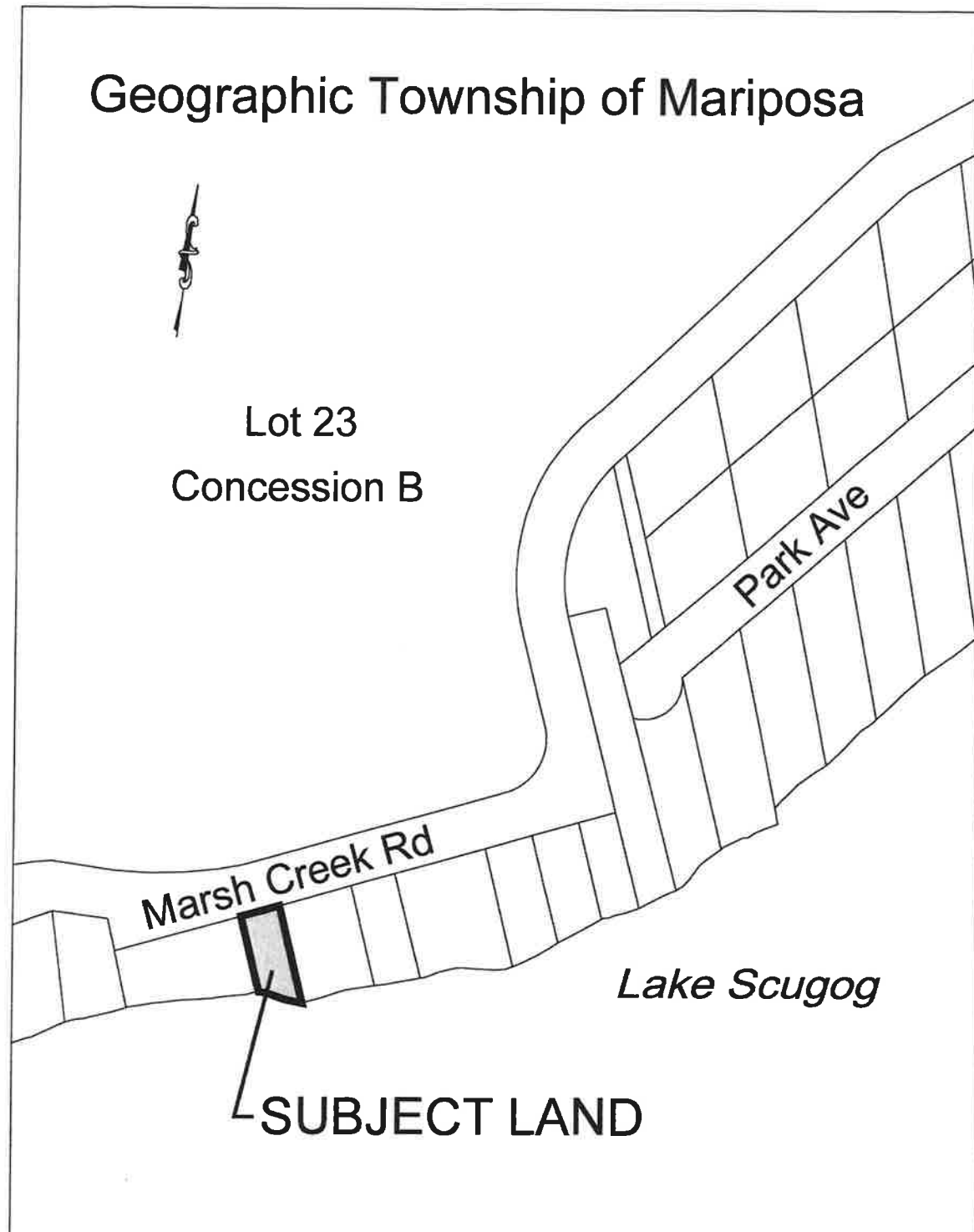
**E-Mail:** qadebayo@kawarthalakes.ca

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

**Department File:** D20-2019-028



## D20-2019-028





GEOMATICS  
MAPPING

## 53 Marsh Creek Road, Geographic Township of Mariposa



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 PURPOSES

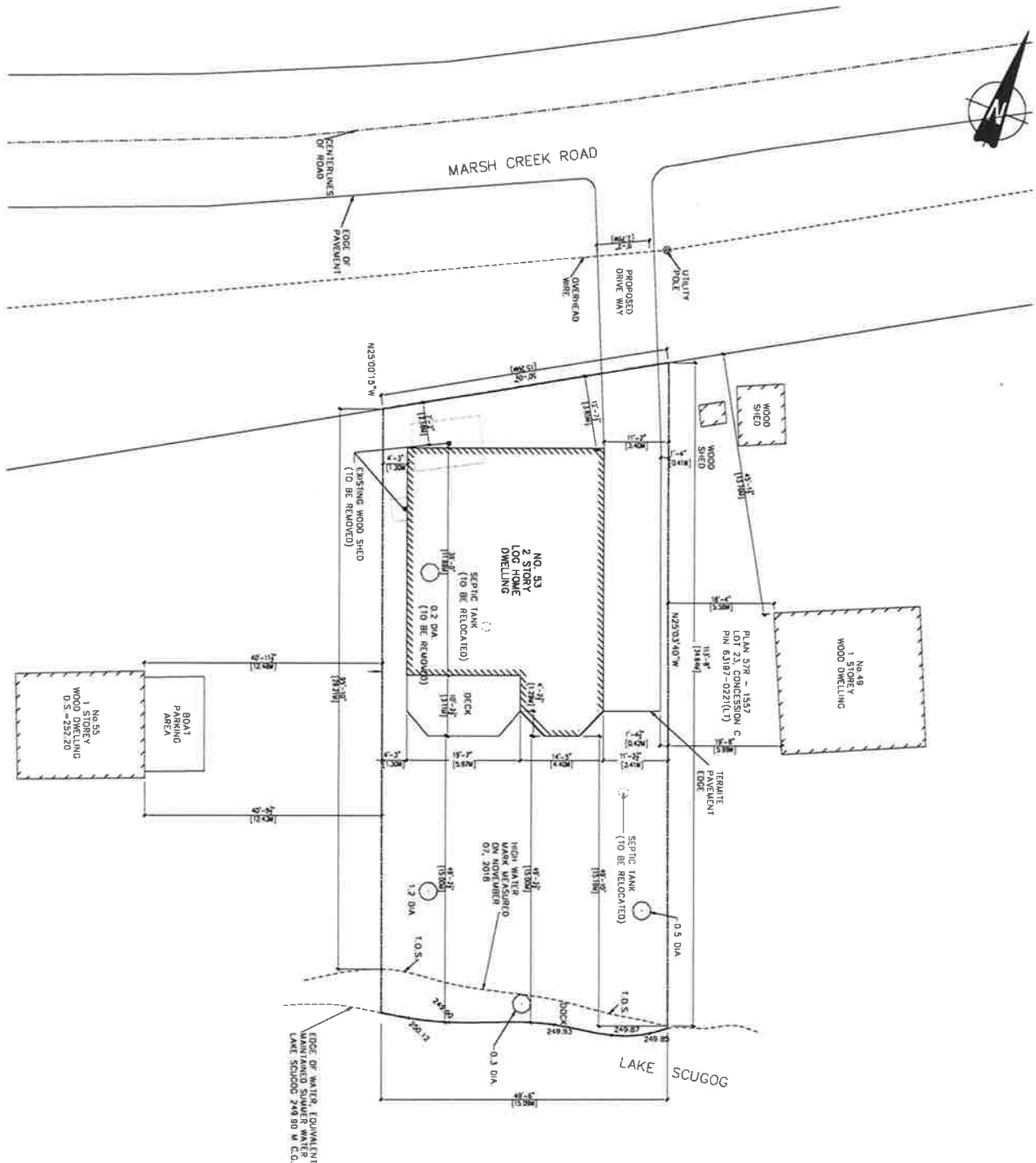
APPENDIX: C1

to

REPORT COA2019-041

FILE NO: D20-2019-028

**Site Plan Sketch - Proposed**



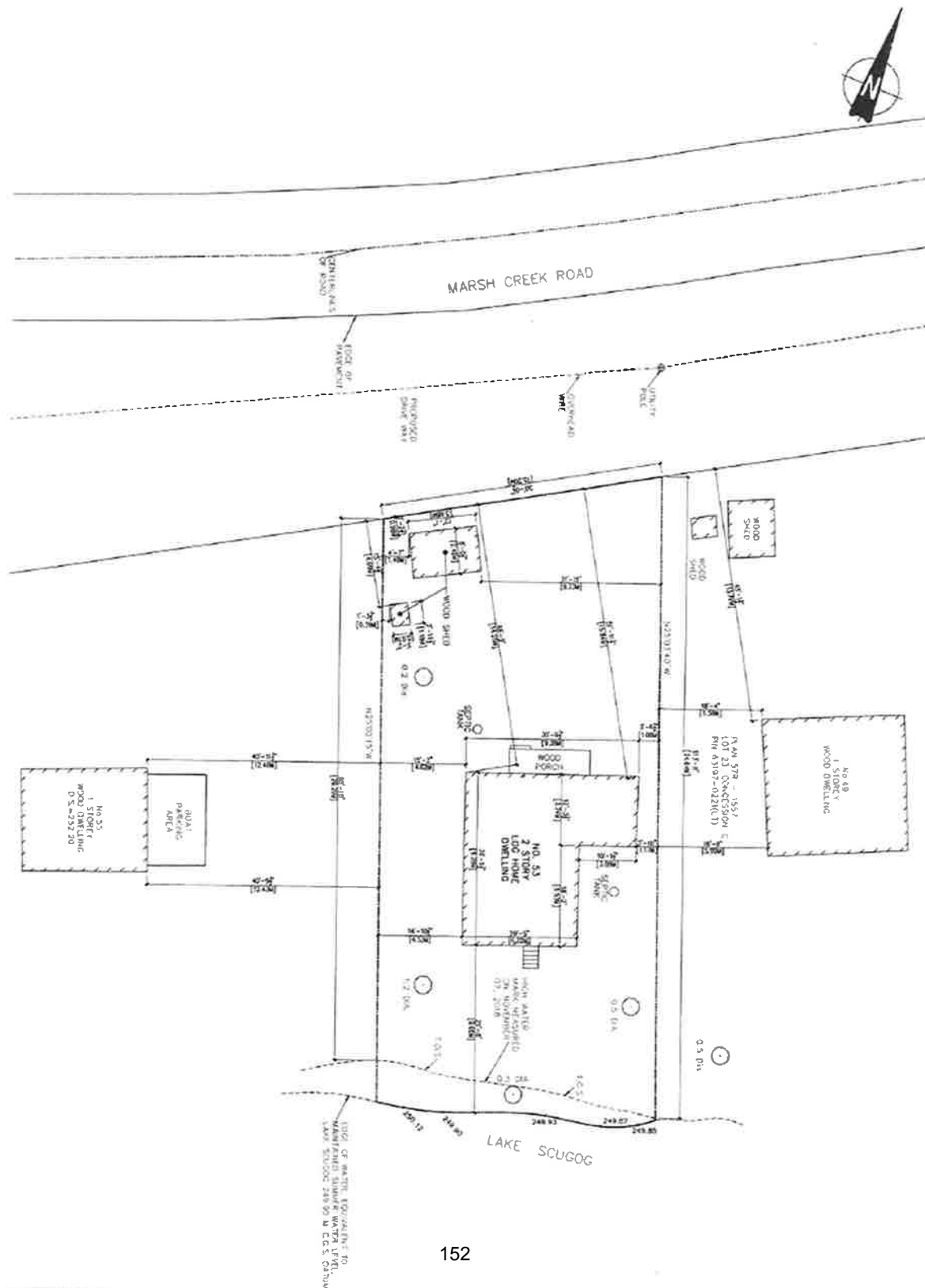
APPENDIX: C2

to

REPORT COA2019-041

FILE NO: D20-2019-028

**Site Plan Sketch - Existing**



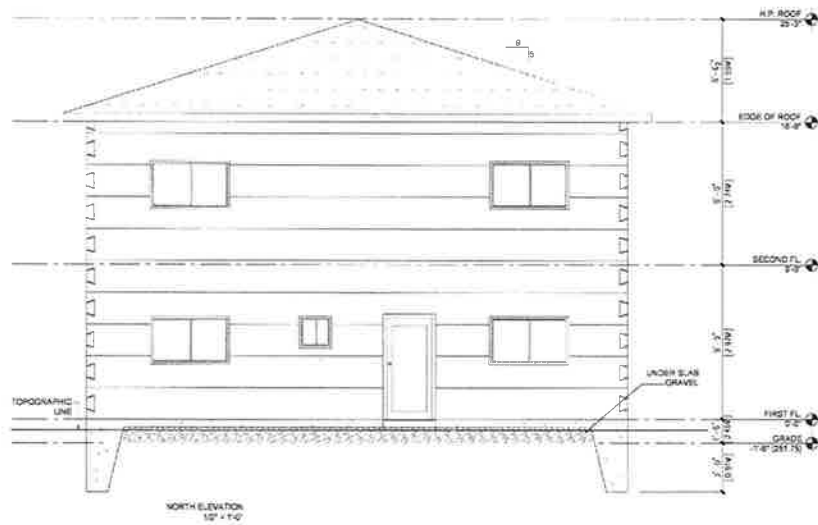
APPENDIX: D

to

REPORT COA2019-041

FILE NO: D20-2019-028

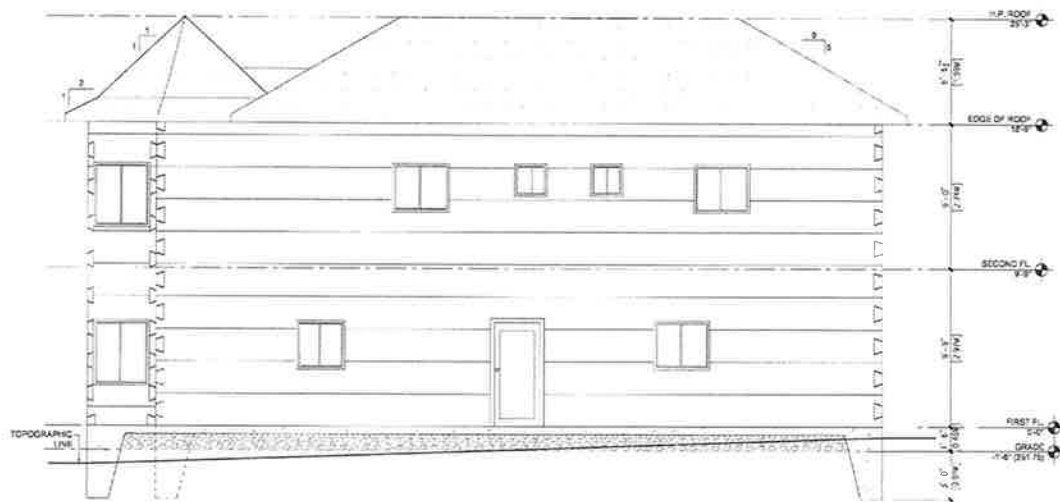
### Front (North) Elevation Drawing



### Rear (South) Elevation Drawing



**Left (East) Elevation Drawing**



**Right (West) Elevation Drawing**



**Quadri Adebayo**

APPENDIX E  
to

**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

REPORT COA2019-041  
FILE NO. D20-2019-028

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please be advised the building division has the following comments:

D20-2019-022 No concerns

D20-2019-028 No concerns

D20-2019-029 No concerns

D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback). Permits cannot be processed until encroachment issues are resolved.

D20-2019-031 No Concerns

D20-2019-031 No Concerns

D20-2019-032 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**

APPENDIX E  
to

**From:** Anne Elmhirst  
**Sent:** Thursday, July 04, 2019 2:38 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-028 - 53 marsh Creek Rd

REPORT COA2019-041

FILE NO. D20-2019-028

Hello Charlotte,

I have received and reviewed the application for minor variance to request relief to construct a new single detached dwelling at 53 Marsh Creek Road.

The property is currently serviced by a class 5 holding tank completed under permit SS2017-0201. The applicant is proposing to decommission this tank location and replace the tank in another location. The only option for a sewage disposal system for this property is a class 5 holding tank.

As such, the Building Division – Sewage System Program has no objection to the proposed minor variance. Permits will be required to complete the sewage works.

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 – Bryan and Wendy Staal**  
Report Number COA2019-042

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**Public Meeting**

**Meeting Date:** July 18, 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 the following zone provisions in order to permit a two-storey addition to a dwelling:

1. Section 3.18.1.1 to reduce the building setback from the Environmental Protection (EP) Zone boundary from 15 metres to 10.8 metres;
2. Section 13.2.1.3(b)(ii) to reduce the interior side yard requirement for a building greater than one storey in height from 2.3 metres to 1.3 metres; and
3. Section 13.2.1.3(e) to reduce the water setback from 15 metres to 10.8 metres.

The variances are requested at 318 Moorings Drive, geographic Township of Fenelon (File D20-2019-029).

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**Author:** Hayley Inglis, Student Planner      **Signature:**

---

**Recommendations:**

**Resolved That** Report COA2019-042 Bryan and Wendy Staal, be received;

**That** minor variance application D20-2019-029 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 C submitted as part of Report COA2019-042, which shall be attached to and form part of the Committee's Decision;
- 2) **That** as part of the building permitting process, upon the complete construction of the addition, the frame shed located in the front yard between the western wall of the dwelling and the western property line shall

be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been moved;

- 3) **That** as part of the building permitting process, upon the complete construction of the addition, the two temporary storage structures located in the front and rear yards between the western wall of the dwelling and the western property line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been moved; and
- 4) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	A two storey addition to the existing dwelling is proposed. Relief is sought from the interior side yard, water, and Environmental Protection setbacks. The subject property contains a single storey residential dwelling with an attached garage, a storage shed, dock and man-made inlet. The existing footprint of the attached garage is offset from the dwelling footprint. A component of the proposed addition is to expand the garage footprint toward the rear yard so that it is in-line with the rear wall of the existing one storey house thereby "squaring-off" the built footprint.
<b>Proposal:</b>	To construct an approximately 100 square metre (1,076 square feet) addition to an approximately 122 square metre (1,313 square feet) one storey dwelling that comprises an attached garage and a second storey of supplementary living space.
<b>Owner:</b>	Bryan and Wendy Staal
<b>Legal Description:</b>	Part Lot 32, Concession 10, Lot 10, Plan 457, geographic Township of Fenelon, now City of Kawartha Lakes
<b>Official Plan:</b>	Waterfront within the City of Kawartha Lakes Official Plan
<b>Zone:</b>	Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95
<b>Site Size:</b>	1,188.0 square metres (0.3 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Burnt River  
South: Cameron Lake  
East: Shoreline Residential  
West: Shoreline Residential

**Rationale:**

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

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

The subject property is located within an established waterfront residential neighbourhood situated on a peninsula separating Burnt River from Cranberry Bay on Cameron Lake. Most of the residential dwellings are single storey, although, in the immediate vicinity of the subject property, there are several two storey dwellings. There is also a two-storey dwelling adjacent to the east side of the subject dwelling (316 Moorings Drive).

The property is roughly trapezoidal, widening at the shoreline and narrowing at the street line. The shoreline is north of the dwelling. Mature trees are found in the front yard and the west and east sides of the property are bounded by a cedar hedge, which serves as the vegetative buffer between the subject property and its neighbours (320 and 316 Moorings Drive).

The proposed variances will facilitate the creation of a second storey addition over the existing garage footprint and the squaring off of the dwelling's footprint. The water and environmental protection setbacks are a reduction of approximately 4.2 metres (28%), and the side yard setback is a reduction of 1 metre (43%).

The primary function of a rear yard that abuts a shoreline is to provide landscaped open amenity space for recreational purposes as well as to provide for the treatment of storm water runoff and an environmental buffer to the river. The existing dwelling footprint falls within the setback requirement for the water and Environmental Protection boundary due to the presence of a man-made inlet at the shoreline. The development of the addition and expansion of the garage footprint will not further reduce the shoreline setback beyond the 10.89 metres established by the rear wall of the existing dwelling.

The primary function of a side yard is to enable: access between the front and rear yards, storm water infiltration, and necessary maintenance. The proposed expanded addition cannot practicably meet the 2.3 metre minimum side yard requirement due to the existing dwelling footprint having been built at an angle to the side yard. Any attempt to square-up the footprint by expanding toward the rear yard (as is proposed) must therefore encroach further on the side yard setback. The reduced interior side yard setback is not anticipated to adversely

affect storm water run off, or to prevent maintenance. Additionally, access between the front and rear yards will be facilitated via the sizeable side yard on the west side of the dwelling.

In terms of massing, the proposed built form is not anticipated to present any negative visual impacts and it will be in keeping with the neighbourhood character. Since the alteration to the side yard is minimal, the proposed change is not anticipated to present land use compatibility issues with the abutting property to the east (316 Moorings Drive). Furthermore, the dwelling does not appear significantly closer to the shoreline than the dwellings on nearby lots, and the proposed expansion of the building footprint and second storey addition are not anticipated to alter the character of the shoreline.

As the proposed development has not been identified to pose spatial separation issues, negative impacts to servicing, or affect the aesthetics of the shoreline, the variances are minor as well as desirable and appropriate for the use of the land.

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

The subject property is zoned Rural Residential Type Three (RR3) Zone in the Township of Fenelon Zoning By-law 12-95.

The Zoning By-law, through its Environmental Protection Zone setback, has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat. The proposed water setback is not anticipated to negatively impact this functionality since the addition will not further extend beyond the established dwelling setback and spatial separation between the development and Burnt River will be maintained.

The reduced interior side yard setback provides for sufficient maintenance and pedestrian access between the front and rear yards and Engineering and Corporate Assets Department has raised no concerns with respect to drainage. The reduced yard is also not anticipated to adversely impact the use or privacy of the abutting dwelling on 316 Moorings Drive. 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.

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 Burnt River.

As well, the modest structural design 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 private individual well and septic systems.

#### **Consultations:**

##### **Agency Comments:**

Engineering and Corporate Assets Department (July 5, 2019): No concerns.

Building Division (July 4, 2019): No concerns.

##### **Public Comments:**

None as of July 8, 2019

#### **Attachments:**

A pdf document is embedded into this document. Please contact Hayley Inglis, Student Planner at 705-324-9411 extension 1884 to request an alternative format.



Appendices A-E to  
COA2019-042.pdf

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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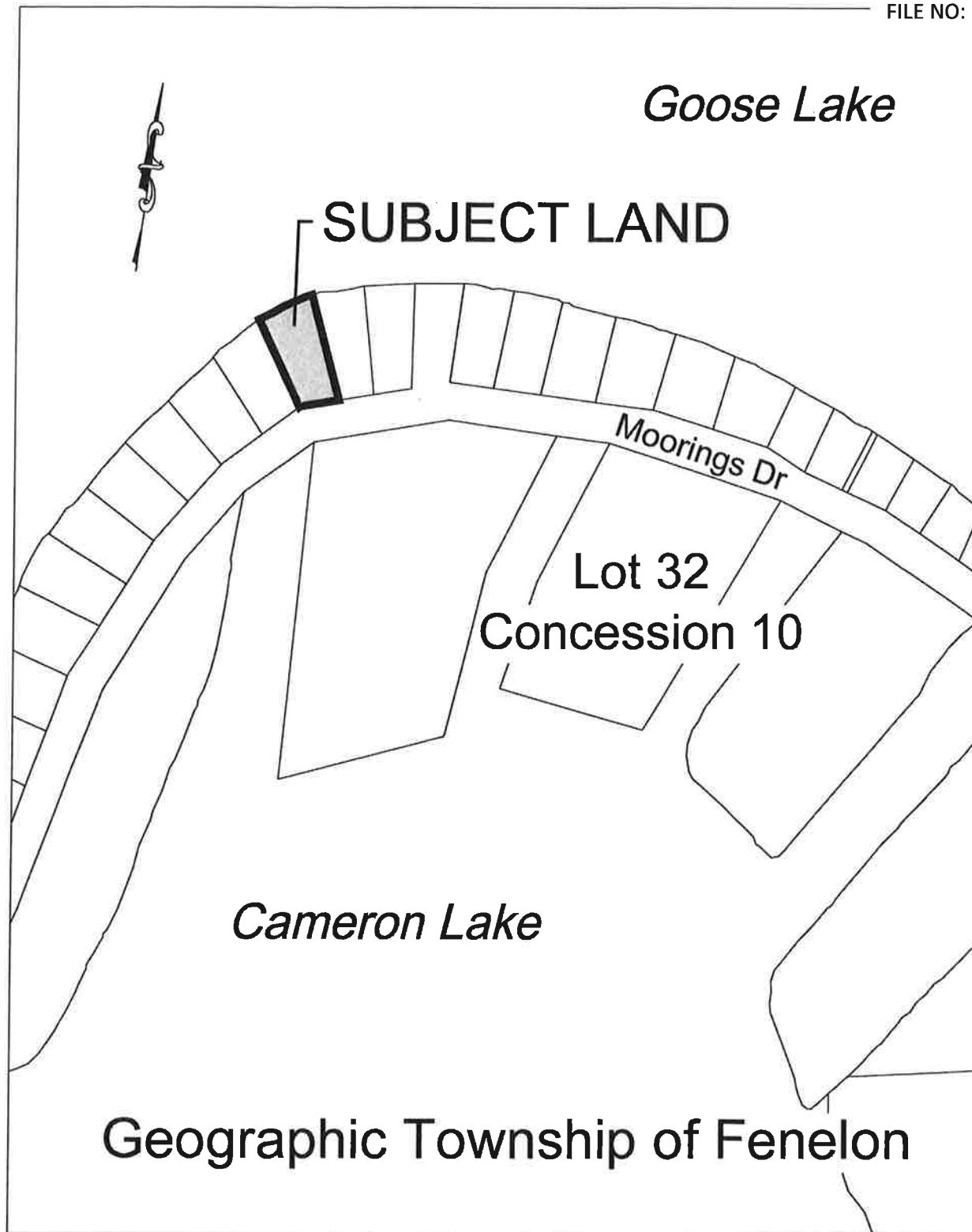
**Phone:** 705-324-9411 extension 1884

**E-Mail:** hinglis@kawarthlakes.ca

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

**Department File:** D20-2019-029

D20-2019-029



APPENDIX: B

to

REPORT COA2019-042

FILE NO: D20-2019-029

**318 Moorings Drive, Fenelon**





# BURNT RIVER

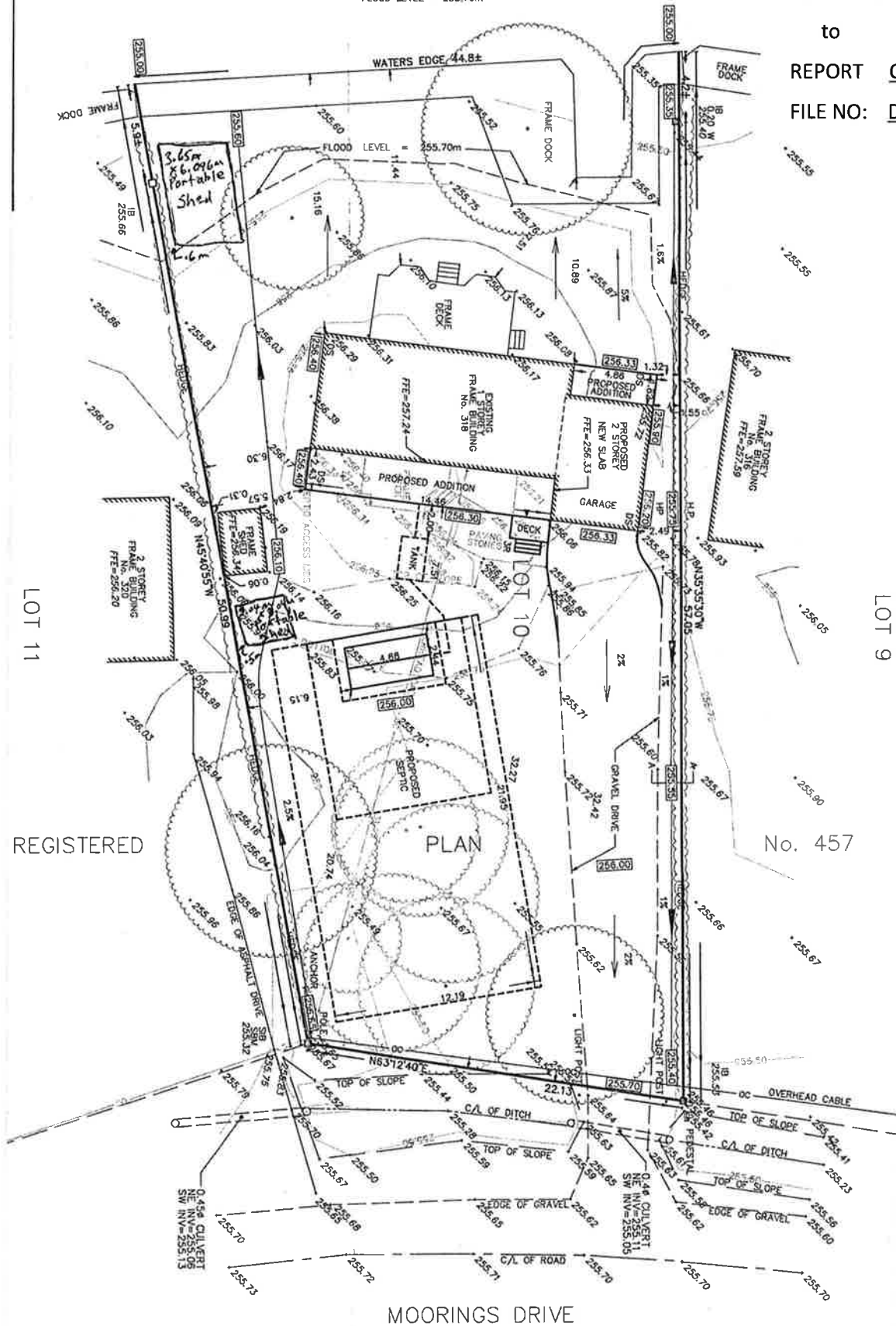
SUMMER LEVEL = 255.00m  
FLOOD LEVEL = 255.70m

APPENDIX: C

to

REPORT COA2019-042

FILE NO: D20-2019-029



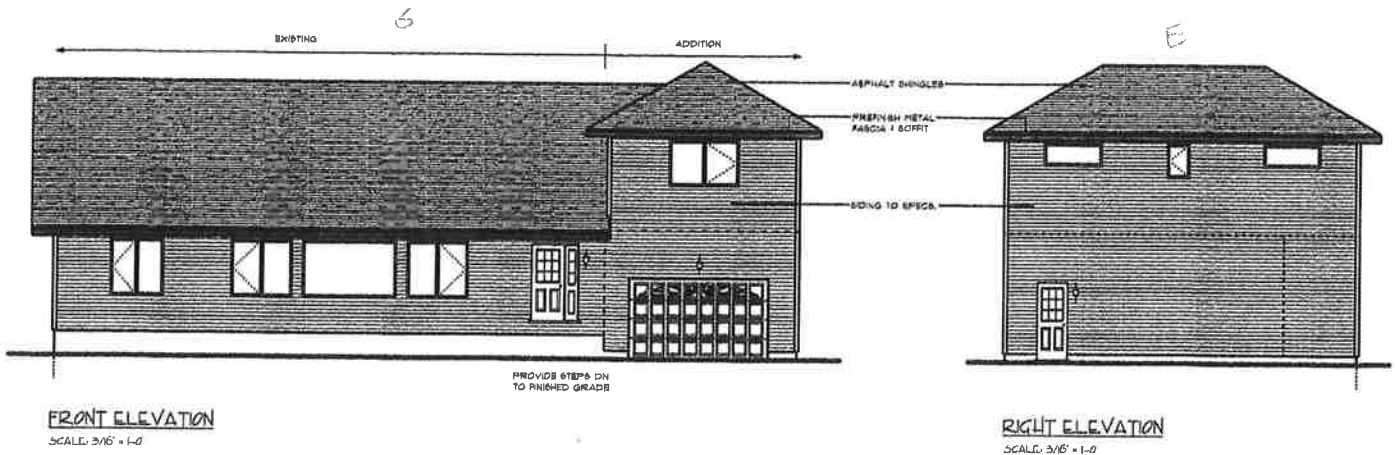
APPENDIX: D

to

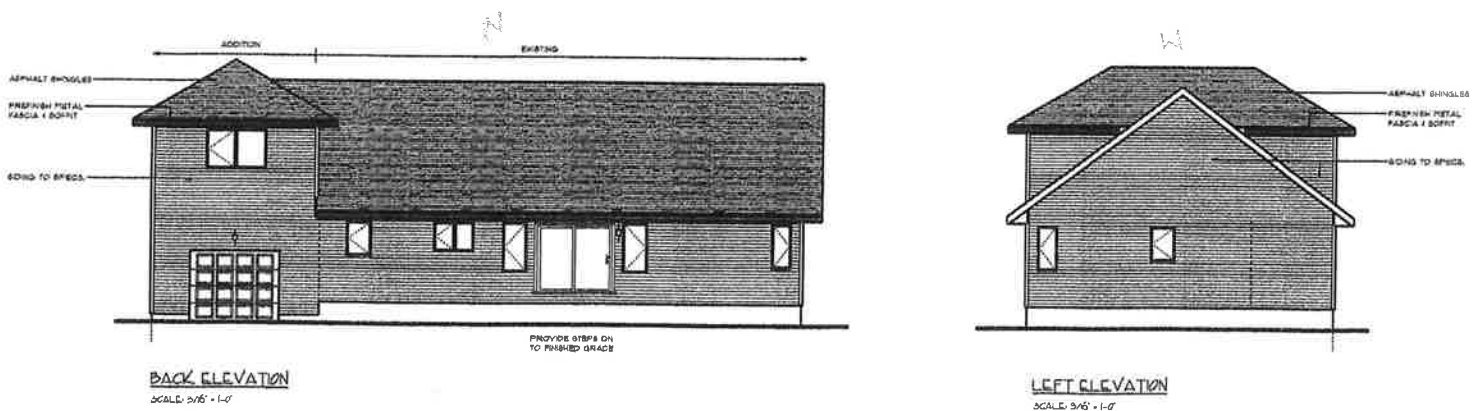
REPORT COA2019-042

FILE NO: D20-2019-029

### Front (South) and Right (East) Elevation Drawings



### Rear (North) and Left (West) Elevation Drawings



## Hayley Inglis

---

**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

APPENDIX E  
to :  
REPORT COA2019-042  
FILE NO. D20-2019-029

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please be advised the building division has the following comments:

D20-2019-022 No concerns

D20-2019-028 No concerns

D20-2019-029 No concerns

D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback). Permits cannot be processed until encroachment issues are resolved.

D20-2019-031 No Concerns

D20-2019-031 No Concerns

D20-2019-032 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)



## Hayley Inglis

---

**From:** Christina Sisson  
**Sent:** Friday, July 05, 2019 4:22 PM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Charlotte Crockford-Toomey  
**Subject:** 20190705 D20-2019-029 Engineering Review

APPENDIX " E "  
to  
REPORT COA 2019-042  
FILE NO. D20-2019-029

**Importance:** High

Good afternoon,  
Further to our engineering review of the following:

Minor Variance – D20-2019-029  
318 Moorings Drive  
Lot 10, Concession 10  
Part Lot 32, Plan 457  
Geographic Township of Fenelon, Ward 3

It is the understanding by Engineering that the purpose and effect is to request relief under Section 45(1) of the Planning Act, R.S.O. to:

1. Reduce the building setback from an Environmental Protection (EP) Zone boundary from 15 metres to 10.8 metres;
2. Reduce the interior side yard requirement for a building greater than one storey in height from 2.3 metres to 1.3 metres; and
3. Reduce the water setback from 15 metres to 10.8 metres.

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

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

Thanks,

**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)



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

## **Committee of Adjustment Report – Hadi**

Report Number COA2019-043

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### **Public Meeting**

**Meeting Date:** July 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### **Ward: 7 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from the following zone provisions in order to permit the detached garage to be converted to a single detached dwelling:

1. Section 14.2.1.3 (a) to reduce the front yard setback from 7.5 metres to 0 metres,
2. Section 14.2.1.7 to reduce the minimum gross floor area from 93 square metres to 86.9 square metres; and
3. Section 3.1.4.1 (c) to permit an unenclosed deck/porch with steps to project into an interior side yard such that the built features are 0.6 metres from the east lot line whereas the by-law requires such projections to be at least 1.5 metres from a lot line.

The variances are requested at 45 Marsh Creek Road, geographic Township of Mariposa (File D20-2019-030).

---

**Author:** David Harding, Planner II

**Signature:**

---

### **Recommendations:**

**Resolved That** Report COA2019-043 Ahmad Jawad Hadi, be received;

**That** relief requested from Section 3.1.4.1 (c) in minor variance application D20-2019-030 be DENIED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** all requested variances save an except relief requested from Section 3.1.4.1 (c) in minor variance application D20-2019-030 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the variances to permit the conversion of the detached garage into a single detached dwelling shall proceed substantially in accordance with the

sketch in Appendix C to Report COA2019-043, which shall be attached to and form a part of the Committee's Decision;

- 2) **That** notwithstanding Section 3.1.2.1 of the Zoning By-law, the relief granted by this minor variance decision shall not be interpreted to permit an accessory building to be constructed any closer to the front lot line than 7.5 metres;
- 3) **That** prior to the issuance of a building permit the owner shall submit written confirmation from the Realty Services Division that all encroachments onto municipal property, namely the driveway, front building wall and fencing, have been addressed to its satisfaction;
- 4) **That** the owner shall ensure to the satisfaction of the Building and Planning Divisions that the door, porch and stairs on/near the east wall of the building have been removed; 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 COA2019-043. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	<p>The proposal is subject to an active Building Division enforcement matter.</p> <p>The subject property contains an existing detached garage, which was constructed prior to the passing of the Township of Mariposa's first Zoning By-law in 1978.</p> <p>On or about April 2018, it was discovered that the detached garage was being converted into a dwelling without permits.</p> <p>A pre-screening application took place on July 25, 2018, outlining the additional steps and revisions that would need to be undertaken prior to submitting the variance application.</p> <p>The variance application was filed on June 13, 2019.</p>
<b>Proposal:</b>	<p>To recognize the conversion of a detached garage to a single detached dwelling.</p>
<b>Owner:</b>	<p>Ahmad Jawad Hadi</p>
<b>Legal Description:</b>	<p>Concession B and C, Part Lot 23 and Part Road Allowance, Part 1, 57R-8393, geographic Township of Mariposa, now City of Kawartha Lakes</p>
<b>Official Plan:</b>	<p>Waterfront within the City of Kawartha Lakes Official Plan</p>

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 1,270 square metres

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Agricultural  
South: Lake Scugog  
East: Shoreline Residential  
West: Shoreline Residential

**Rationale:**

- 1) Are the variances minor in nature? Yes**  
**And**
- 2) Is the proposal desirable and appropriate for the use of the land?**  
**A) For the Dwelling Side and Front Yard Setback Reduction Yes**  
**B) For the Side Yard Projections No**

The subject property is located within a shoreline residential neighbourhood comprised of single detached dwellings used on a seasonal and year round basis. The waterfront lots are located along a somewhat winding road. There are no waterfront backlots in this area. Instead, the lands on the other side of the road are cultivated.

The proposed dwelling is a two-bay detached garage with a porch and stairs on the east wall. Primary access to the proposed dwelling will be gained from the north wall. Secondary access points are proposed on the east wall, which contains a door, small porch and stairs, and the south wall, which contains a sliding door. As the sliding door is higher than the rear yard, it is anticipated that steps or a deck will be constructed at a later date to provide access to that yard.

The proposal makes use of an existing building, located to the extreme northeast of the subject property. As such, it preserves a great degree of rear and western side yard amenity space for recreational and landscaping purposes.

The proposed dwelling is approximately 6.04 square metres smaller than the minimum dwelling unit size of 93 square metres. This deficiency works out to about 65 square feet, or one 8 foot by 8 foot room. Given the modest height (3.35 metres), footprint (7.93 metres x 10.97 metres) and rectangular shape of the proposed dwelling, an addition to provide the additional 6.04 square metres will not perceptibly increase the size of the dwelling in relation to the other dwellings along the street.

The housing stock along this portion of the street varies in age, height, and size. Several dwellings to the west appear to be of a similar footprint to the

existing garage. Therefore, the modest stature of the dwelling does not appear out of place with the other older building stock along the road.

Due to the garage's modest stature, its increased proximity to the travelled portion of the road does not generate an adverse massing impact.

The requested projections into the interior side yard result in about 0.6 metres of space between the stairs and the side lot line. This reduced proximity makes it difficult for occupants to navigate the stairs, and also forced individuals to travel up against the side lot line whether they are accessing the proposed dwelling to walking through to the rear yard.

All variances except for the relief sought to permit the side yard projections are minor in nature and desirable and appropriate for the use of the land.

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

**A) For the Dwelling Side and Front Yard Setback Reduction Yes**

**B) For the Side Yard Projections No**

The property is zoned Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the zoning by-law is, amongst other matters, to ensure adequate separation between buildings and lot lines to avoid adverse land use conflicts between lots. The porch and stair projections are regulated to reduce the proximity of access points to abutting residential uses to maintain privacy and avoid land use conflicts caused by the increased activity doorway use brings. In this case, the porch and stair on the subject property are in line with the front wall of the abutting property, 43 Marsh Creek Road. There are bedroom windows along the front wall of 43 Marsh Creek Road. Staff has been advised that activity within the east side yard has greatly increased since the modifications to the garage began. This increased activity is generating adverse land use conflicts in the form of loss of privacy and general noise disturbance to the users of these bedrooms.

Condition 4 is recommended to ensure the removal of the door along with the connected porch and stairs.

The north garage wall, identified as being within the Marsh Creek road allowance, is an existing condition, though for a storage rather than habitation use. Provided the applicant is able to obtain a license agreement authorizing the encroachment of the dwelling wall, there is no issue with permitting the encroachment to continue.

The north dwelling wall is approximately 9.7 metres from the municipal road allowance. As such, the building maintains a sizeable setback to the travelled portion of Marsh Creek Road.

While formalised surface parking is present in-front of the proposed dwelling within the road allowance in the form of an interlock driveway, there remains space on the property, west of the dwelling, where parking can be accommodated in compliance with the zoning by-law. Provided the owner can address any concerns Realty Services may have with using the interlock



driveway within the road allowance as the primary parking area, staff see no concern with permitting its continued existence.

Therefore, the variances, save and except the one requested for the side yard setback projections 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.

Policy 3.11 of the Official Plan encourages a 30 metre water setback where possible in order to provide the greatest rear yard depth for vegetation and stormwater attenuation/infiltration. The proposed dwelling exceeds the 30 metre setback.

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

**Other Alternatives Considered:**

No other alternatives have been considered with the applicant at this time. Staff are of the opinion that should the variances not be granted, the only alternative would be to:

1. demolish the existing building and construct a single detached dwelling in compliance with the applicable zone provisions; or
2. restore the existing building to a garage that would support a single detached garage elsewhere on the parcel.

**Servicing Comments:**

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

**Consultations:**

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

**Agency Comments:**

Building Division – Part 8 Sewage Systems (July 3, 2019): Should a variance be granted to permit the conversion of the garage, a sewage system assessment will be conducted to ensure the installed sewage system can service the proposal.

Building Division (July 4, 2019): Confirm the dimensions of the steps and landing and their setbacks to the east lot line.

Engineering and Corporate Assets Department (July 5, 2019): No concerns.

Realty Services Division (July 9, 2019): Modifications may be needed to the driveway. An entrance permit is to be applied for. The owner is to clarify how much of the garage is encroaching into the road allowance.

### **Public Comments:**

Mark & Jo-Ann Wieleba (July 10, 2019): Letter of objection and concern. See comments.

### **Planning Comments:**

Staff has discussed the application with Mrs. Wieleba, and has proposed Condition 4 as a way to mitigate the loss of privacy concern.

The conversion of the garage into a dwelling will make a good interim residential use of the property.

Further horizontal and/or vertical extensions to the building must either be in compliance with the applicable zone provisions or be reviewed in the context of the variance process.

In the event that a new single detached dwelling is proposed on the property, the existing building would need to be converted from a dwelling back into a garage to support the new dwelling, or be demolished.

### **Attachments:**



Appendices A-E to  
Report COA2019-043.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Appendix E – Public Comments

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<b>Phone:</b>	705-324-9411 extension 1884
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-030

to

REPORT COA2019-043

FILE NO: D20-2019-030

# Geographic Township of Mariposa



Lot 23  
Concession B

Park Ave

Marsh Creek Rd

*Lake Scugog*

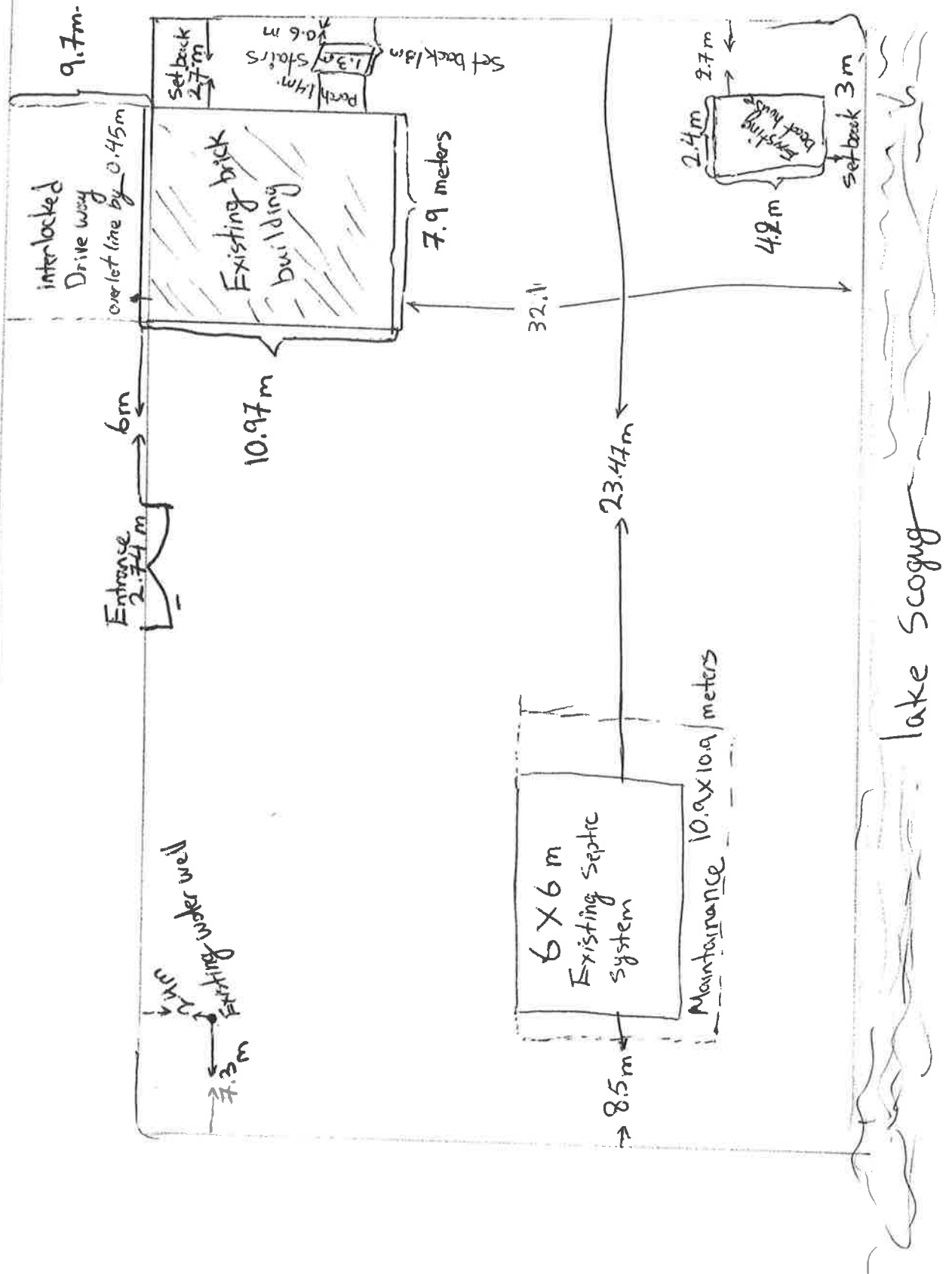
SUBJECT LAND

45 Marsh Creek Road



APPENDIX " B "  
to  
REPORT COA2019-043  
FILE NO: D20-2019-030

# Marsh Creek Road, Little Britain



## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Wednesday, July 03, 2019 2:22 PM  
**To:** David Harding  
**Subject:** FW: D20-2019-030 - 45 Marsh Creek Rd

APPENDIX " D "

to

REPORT COA2019-043

FILE NO. D20-2019-030

Please see revised.

**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)



---

**From:** Anne Elmhirst  
**Sent:** Wednesday, July 03, 2019 1:47 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-030 - 45 Marsh Creek Rd

Hello Charlotte,

I have received and reviewed the application for Minor Variance D20-2019-030 for 45 Marsh Creek Road. A sewage system permit to install was issued in 2016 for the installation of a conventional system under file SSH2016-0401.

The sewage system was constructed for a residential connection. At this time, a residential dwelling has not been established on the property. Should the garage be permitted to be converted into living space. A sewage system review will have to be conducted to ensure the system will have the required capacity to service the proposal. This can be completed prior to building permit requirements.

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

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## David Harding

---

**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please be advised the building division has the following comments:

D20-2019-022 No concerns

D20-2019-028 No concerns

D20-2019-029 No concerns

D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback).Permits cannot be processed until encroachment issues are resolved.

D20-2019-031 No Concerns

D20-2019-031 No Concerns

D20-2019-032 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:** Friday, July 05, 2019 4:23 PM  
**To:** Mark LaHay  
**Cc:** Kirk Timms; Charlotte Crockford-Toomey  
**Subject:** 20190705 D20-2019-030 Engineering Review

**Importance:** High

Good afternoon,  
Further to our engineering review of the following:

Minor Variance – D20-2019-030  
45 Marsh Creek Road  
Concessions B & C  
Part Lot 23 and Part Road Allowance  
Part 1, 57R-8393  
Geographic Township of Mariposa, Ward 7

It is the understanding by Engineering that the purpose and effect is to request relief under Section 45(1) of the Planning Act, R.S.O. to:

1. Reduce the front yard setback from 7.5 metres to 0 metres;
2. Reduce the minimum gross floor area from 93 square metres to 86.9 square metres; and
3. Permit an unenclosed deck/porch with steps to project an interior side yard such that the built features are 0.6 metres from the east lot line (rather than 1.5 metres from a lot line).

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

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

Thanks,

**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)







REALTY SERVICES  
Legal Services  
Box 9000, 12 Peel St., Lindsay, Ontario, K9V 5R8  
Phone: 705-324-9411 Ext. 2116 Fax: 705-324-2982  
Toll Free: 1-888-822-2225  
e-mail: [ekarklins@kawarthalakes.ca](mailto:ekarklins@kawarthalakes.ca)

July 9, 2019

VIA E-MAIL

Ahmad Jawad Hadi [jay\\_hadi@icloud.com](mailto:jay_hadi@icloud.com)

Dear Mr. Hadi

Re: Request to receive License Agreement for encroaching garage at 45 Marsh Creek Road in the Geographic Town of Little Britain, City of Kawartha Lakes

---

We acknowledge receipt of your letter and the applicable non-refundable fee of \$125.00.

We confirm your request for a License Agreement for a Garage Encroachment was circulated to the Land Management Committee the week of June 21<sup>st</sup> and in order to make an informed decision the Committee members require you to provide exact measurements of the amount the garage is encroaching on the road allowance. They also require you to remove the retaining wall along the driveway as it is not permitted and to submit an Entrance Permit Application for the driveway.

Upon receipt of proof of removal of retaining wall along driveway, an Entrance Permit Application and garage encroachment measurements, the information will be circulated to the Committee members for final review, following which we will advise you of the Committee's decision.

Sincerely,

The Corporation of the City of Kawartha Lakes

Elise Karklins  
Law Clerk – Realty Services

July 10, 2019

Dear Committee of Adjustment, Mr. Mark LaHay, Mr. David Harding and Jessica Lee:

I'm am writing this letter in regards to the Notice of Public Hearing for the property at 45 Marsh Creek Rd, Little Britain scheduled for July 18, 2019. We are the owners of 43 Marsh Creek Rd. and have been for approximately 15yrs. When we first looked at this property we called the zoning and bylaws department of Kawartha Lakes to inquire if the existing garage could be converted into a single dwelling home. We were told No, it did not meet the minimum requirements of floor space to be converted.

I would like to address a few issues I have with this being approved. I am unaware of the owners last name, and will refer to him by his first name Jay throughout this email. (No disrespect intended).

When the worker (not contractor, as we had numerous conversations with him, told us Jay had hired him off the street to do the work), began working on the garage to convert it we filed a complaint I was sitting on my side porch when the inspector came and being that the properties are so close I could over hear the conversation between both parties.

There was a "Stop work order" placed on that property. After the inspector left the worker called Jay and told him what had happened after a brief conversation the worker told me that Jay said continue working. At that time I was fairly confident that the city would take care of the problem. Jay continued working turning the garage into a dwelling. He has removed 3 garage doors, a cement ramp at the back garage door, added multiple windows and a front door and sliding doors on the back. I believe most of the exterior work was in place before the "stop work order", but done without permits. He continued to work on the interior after the fact.

The brown structure at the bottom of the lake that Jay refers to as a "exixting boat house" is a shed that has been there for the entire time we have owned our property. He has installed a picture window that looks out onto the lake and cedar walls, and electric. Jay himself has told us he is turning it into a sauna. All during the "stop order" was in place.

The septic system that was installed after Jay purchased the property is 2 times larger then required for that garage according to the company that put it in. Perhaps in prepration for a larger building sometime in the future. The well was installed 2-3 weeks ago. I see on the plans submitted they are referred to as existing, however they were not there when he purchased the property. I am aware that the previous owners did upkeep a permit throughout the years, both have been installed since the purchase of the property. I am contacting Jessica Lee today with my concerns about the well being 50 feet form his septic and the neighbors septic tank. (we were told back then that the well couldn't be put in because it would be to close to the neighbour septic tank on the right of 45 Marsh Creek).

I have had phone conversation with Mr. David Harding and he did point out to me that in todays construction the homes are very close together, I do agree with him on that, however this home is not a newly constructed home and we purchased it because of the space between homes, feeling comfortable through our research and the Cities answer of "No" that the garage could not be converted in the future.

How has all of this effected us? We hardly use our side entrance anymore as you can see by the attached pictures our property is elevated and we look down on his property, looking out my kitchen window I can see directly into the garage. We have purchased outdoor blinds to hang so that

we are respecting his privacy and hoping to gain back some of our privacy. It does help a little however our view has been serverly compromised. When Jay has family and friends over which is often and they are leaving at 2-3 oclock in the morning they are usually standing on the porch that is at the side of the garage almost in line with the bedroom windows at the back of our house. Very loud and disturbs our sleep. I did at one time suggest to Jay that perhaps he move the side entrance to the opposite side that way directing the flow of traffic to the oppsite side of the garage where there is more land between the garage and the neighour to the right of Jay.

Both Jay and ourselves went in on the fence , however it really does not benifit us as we are higher up and can seen all of the property.

Our biggest concern is the resale value of our property because if this is approved the garage and house are very close together. Not what people are looking for in cottage country.

Jay has worked on this property without regard to zoning or bylaws and looks like he may be successful and just have to pay a small fine. That sends a loud message to people in the area to go ahead first with what you want done, pay a small fine. **After all it is easier asking for forgiveness instead of asking for permission!!!**

Mr Harding please forward this to the above people as I do not have their emails

Thanking you in Advance for hearing our concerns,

Mark and Jo-Ann Wieleba

1-705-786-2643

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Scott and Hollie Lawder**  
Report Number COA2019-044

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**Public Meeting**

**Meeting Date:** July 18, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward: 8 – Geographic Township of Emily**

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

1. Section 3.1.2.1 to permit an accessory building within a front yard where it is only permitted in an interior side or rear yard; and
2. Section 3.1.3.2 to increase the maximum height for an accessory building from 5 metres to 5.3 metres.

The variances are requested at 44 Riverview Drive, geographic Township of Emily (File D20-2019-031).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendations:**

**Resolved That** Report COA2019-044 Scott and Hollie Lawder, be received;

**That** minor variance application D20-2019-031 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-044, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation. Similar wording shall be placed on the required building permit;

- 3) **That** prior to the issuance of a building permit, the storage shed located in the front yard between the front (northerly) wall of the dwelling and the front lot line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been removed; and
- 4) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	The proposal seeks to construct a steel clad three-bay detached garage in the front yard. Physical constraints were identified as limiting factors to the chosen location of the proposed building. The application was deemed complete June 14, 2019.
Proposal:	To construct an approximately 186 square metre (2001.4 square foot) three-car detached garage
Owner:	Scott and Hollie Lawder
Applicant:	Scott Lawder
Legal Description:	Part Lot 13, Concession 5, , Plan RCP 3, Part Lots 18 and 19, Part 2, RP57R-3871, geographic Township of Emily, 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 Emily Zoning By-law 1996-30
Site Size:	6,280 square metres (1.57 acres)
Site Servicing:	Private individual well and septic systems
Existing Uses:	Residential
Adjacent Uses:	North: Riverview Drive, Residential West: Residential East: Residential, Agricultural South: Agricultural

**Rationale:**

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

**And**

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

The subject property is part of a cluster of residential properties bounded by agricultural lands to north, east and south respectively.

The property is an irregular shaped lot. The inability of locating the proposed structure in a compliant yard appears to be limited by the existence of a well and significant woodland in the easterly side yard. As well, the area proposed for the accessory building appears to be less vegetated with a near-to-flat topography. The proximity of the proposed building location to the driveway is also anticipated to enable easy access to and from the proposed structure. No land use compatibility issues are anticipated with the abutting property to the east as the proposed structure would be masked by the surrounding trees.

With regards to the relief requested for the increased height, the applicant indicated that they run an arborist business offsite and that more headroom is required to store their work vehicle along with other household items and equipment. In all other respects, the massing of the proposed structure is not anticipated to be discernible given that it would be situated at a suitable distance from the road, and further that the vegetation within the front yard would provide sufficient buffering and screening of the structure from the road.

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

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

As mentioned in Rationale 1 and 2 above, the existing site constraints appear to limit the ability to locate the proposed structure in a compliant yard.

Although the height proposed for the structure is over the maximum allowed by 0.3 metres, the accessory use function of the structure is anticipated to prevail. Condition 2 has also been placed to ensure this.

In all other respects, considering that the total lot coverage for all accessory buildings permitted would still be met for the proposed detached garage and the existing wood shed proposed to be retained at 3.24% or 194.5 square metres, where a maximum total lot coverage of 8% or 225 square metres (whichever is greater) is allowed, 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 as Rural in the City of Kawartha Lakes Official Plan. Residential dwellings and accessory buildings are anticipated within this

designation. Thus, the proposal maintains the general intent and purpose of the City's Official Plan.

**Other Alternatives Considered:**

None at this time.

**Servicing Comments:**

The property is serviced by 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 – Plans Examiner (July 4, 2019): No concerns.

Building Division – Sewage System Program (July 4, 2019): No objection to the proposed minor variance.

**Public Comments:**

None as of July 4, 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-F to  
Report COA2019-044

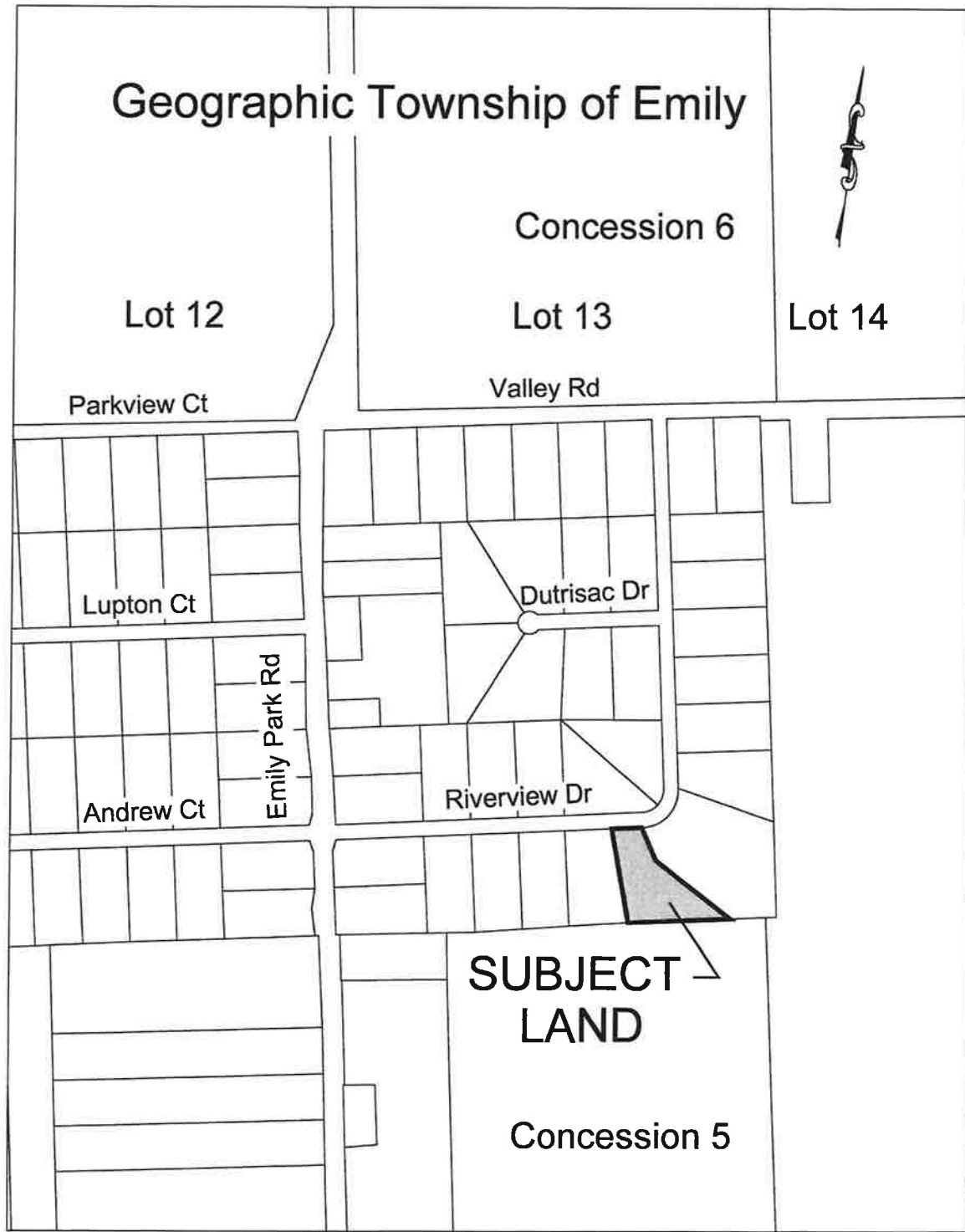
Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Elevation Drawings  
Appendix E – Sample Design  
Appendix F – Department and Agency Comments

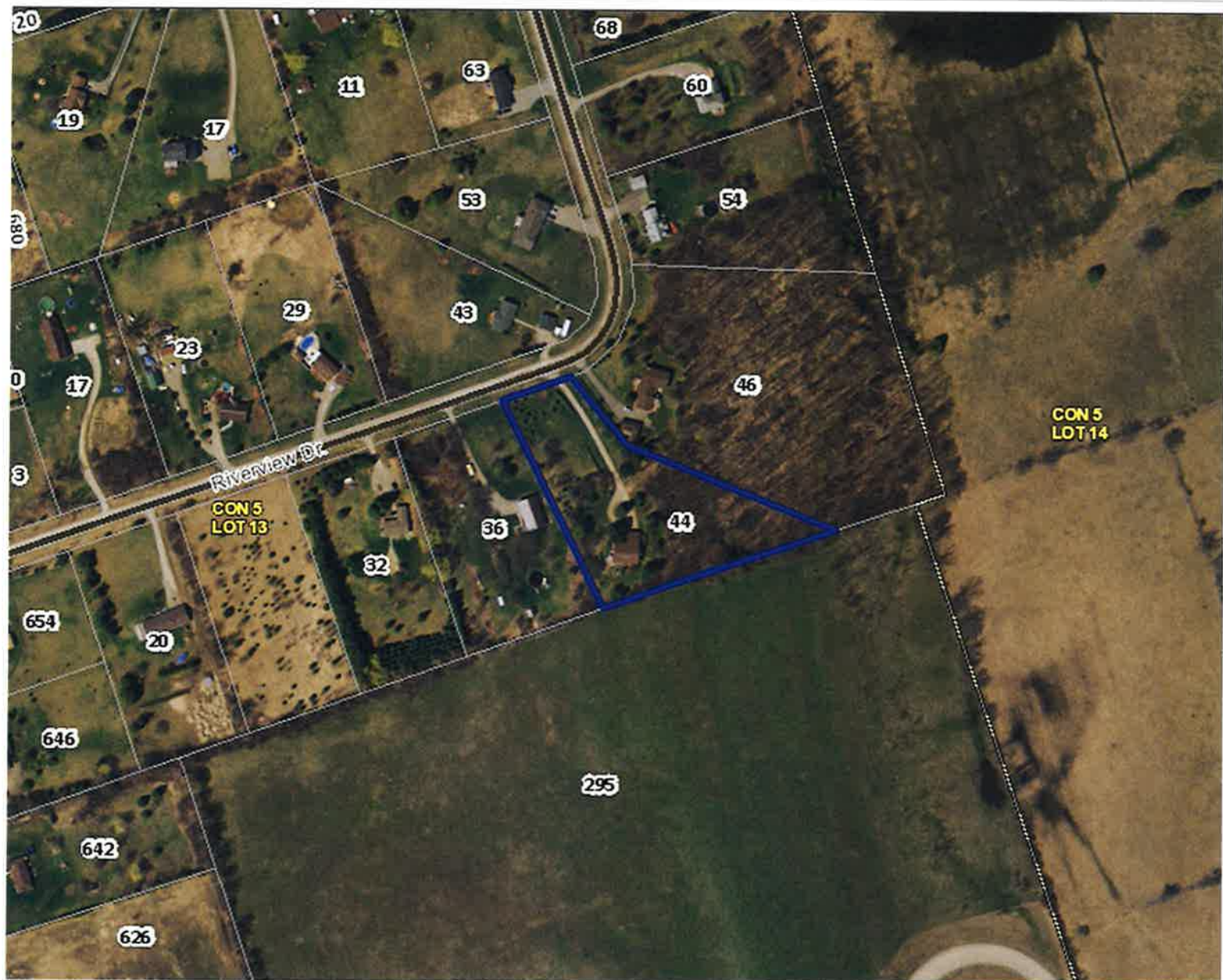
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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-031



## D20-2019-031





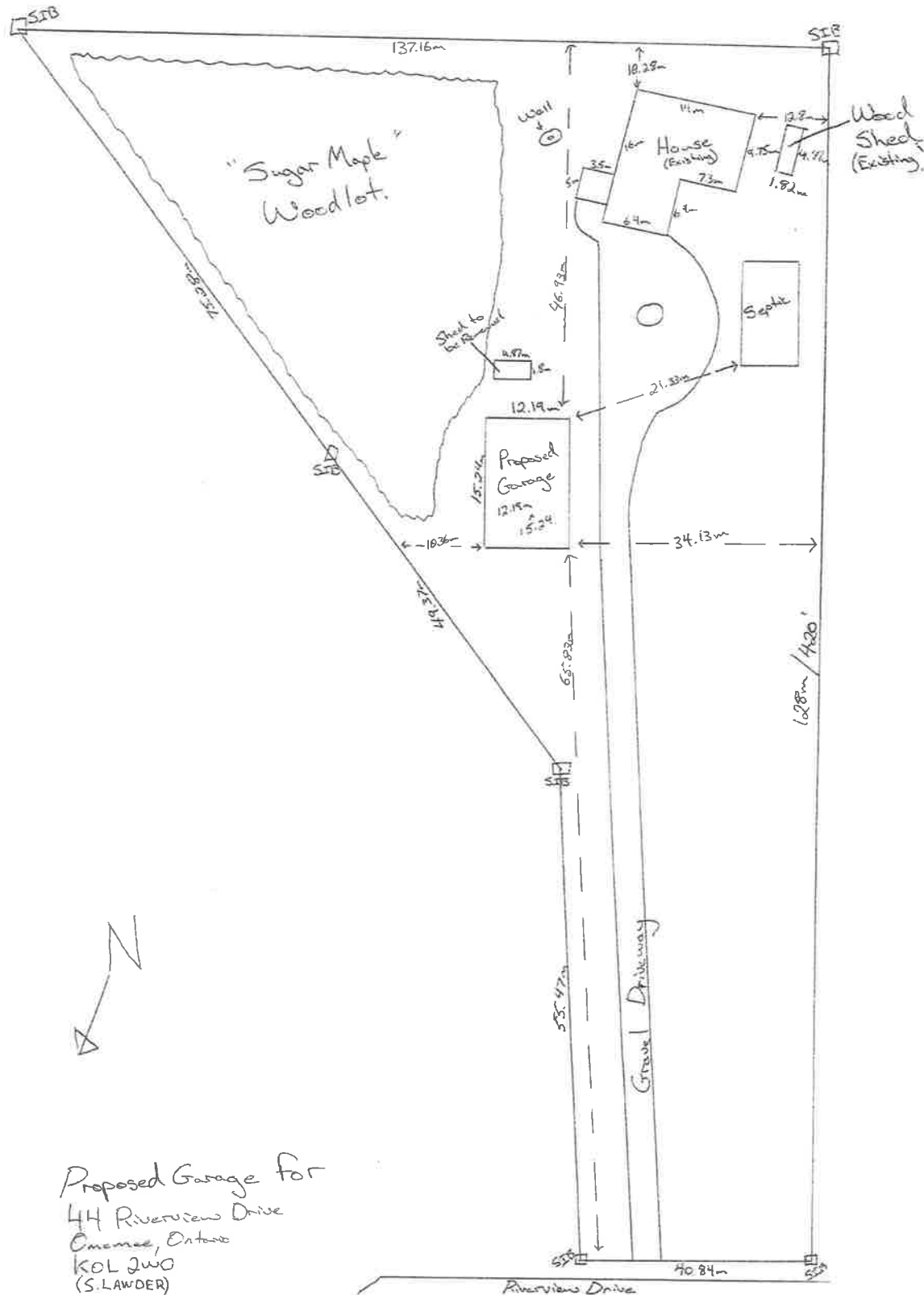
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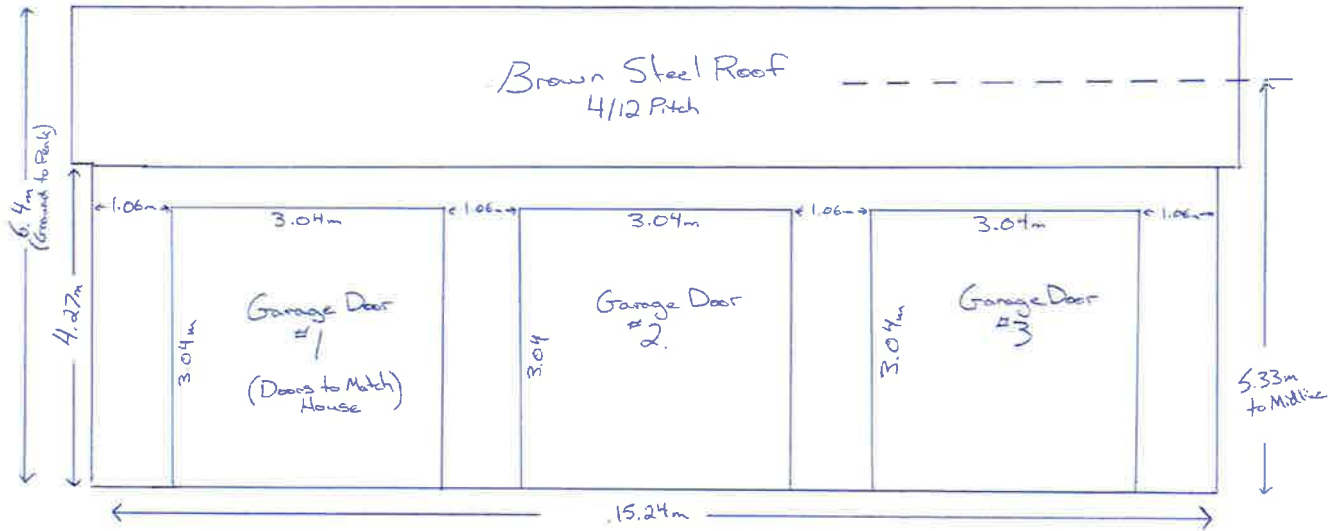
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City Of Kawartha Lakes



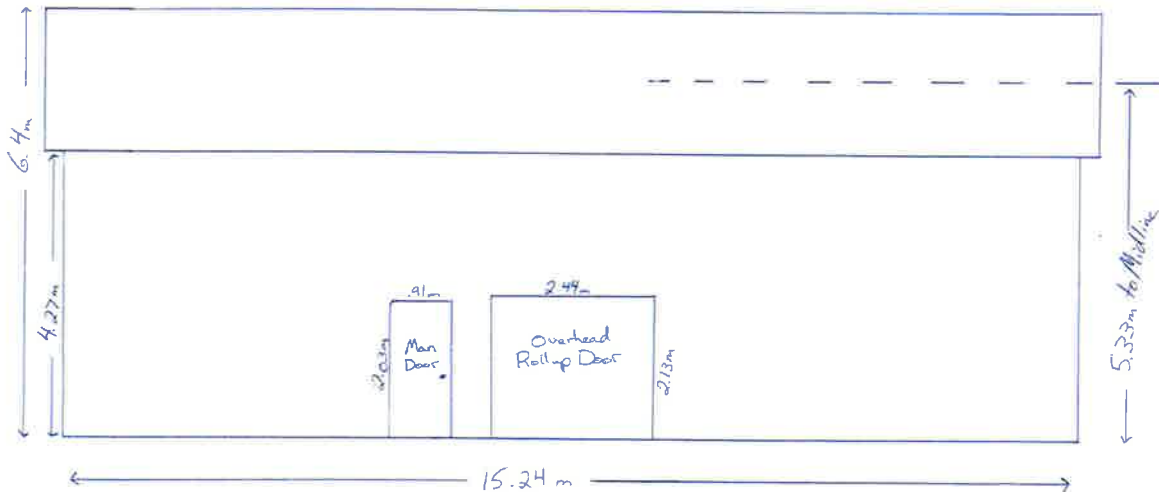
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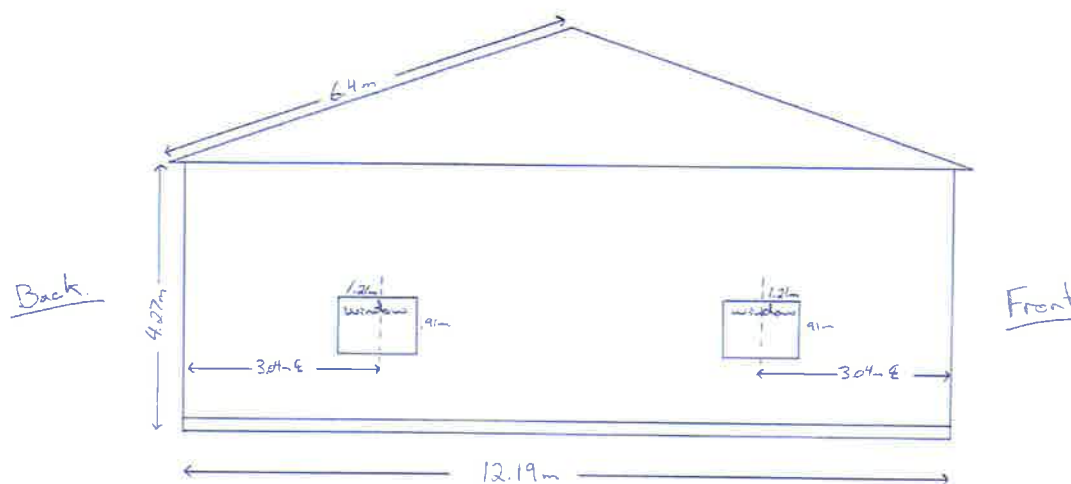
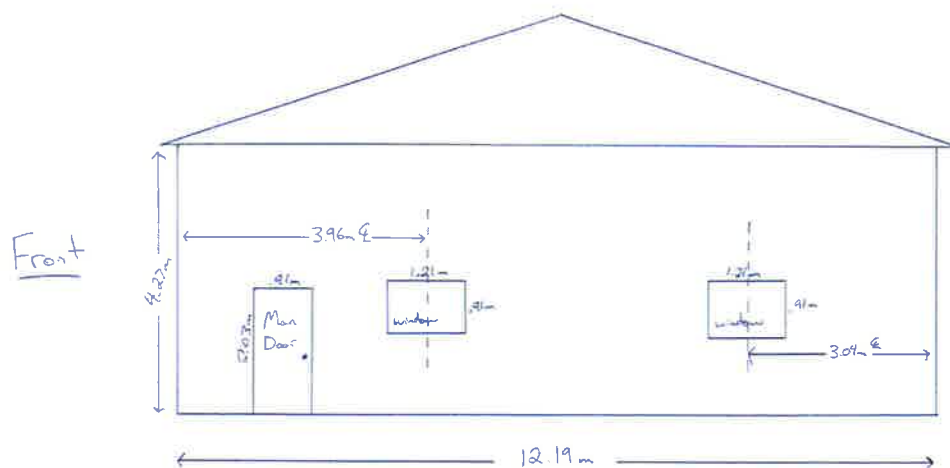
**Site Plan Sketch**

**Front (West) Elevation Drawing**



**Rear (East) Elevation Drawing**



**Left (North) Elevation Drawing****Right (South) Elevation Drawing**

**Sample Design**





**Quadri Adebayo**

APPENDIX " F "

**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

REPORT COA2019-044

FILE NO. D20-2019-031

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please be advised the building division has the following comments:

D20-2019-022 No concerns

D20-2019-028 No concerns

D20-2019-029 No concerns

D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback). Permits cannot be processed until encroachment issues are resolved.

**D20-2019-031 No Concerns**

D20-2019-031 No Concerns

D20-2019-032 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)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Duncan and Edwards**  
Report Number COA2019-045

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**Public Meeting**

**Meeting Date:** July 18, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 2 – Former Village of Bobcaygeon**

**Subject:** The purpose and effect is to request relief from Section 5.2(f) to increase the maximum lot coverage requirement from 30% to 32% in order to permit the construction of a one-half storey detached dwelling with an attached garage.

The variances are requested at William Street, former Village of Bobcaygeon (File D20-2019-032).

---

**Author:** Quadri Adebayo, Planner II

**Signature:**

---

**Recommendations:**

**Resolved That** Report COA2019-045 David Duncan and Susan Edwards, be received;

**That** minor variance application D20-2019-032 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-045, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits from Engineering. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from Engineering advising that the Municipal Service Connection Application process has been initiated and/or completed to its satisfaction; and
- 3) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the



Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-045. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

- Background:** The subject property was created by consent in 1999 with a condition for the newly created lot to obtain relief through the minor variance process.
- On April 17, 2000 Committee granted a decision that established the building envelope for the subject property through minor variance file A2/2000 at a minimum water setback of 8.5 metres and a minimum front yard depth of 6.1 metres respectively.
- A subsequent consent approval (D03-17-018) was granted by the Director of Development Services on November 8, 2017 for a lot addition to the south side in order to enable a suitable buildable envelope whilst accounting for the a 3 metre wide drainage easement in favour of the City to replace the existing 1 metre wide easement on the north side of the property used to convey the City's storm water drainage from William Street. This was followed by Committee's decision on November 30, 2017 that recognized a minimum lot frontage of 13 metres for the subject property due to the lot configuration through minor variance file D20-17-011.
- As the inherent lot coverage provision of the Urban Residential Type One (R1) Zone still applies within the approved building envelope, the applicant is seeking relief to build a dwelling with an attached 2-car garage instead of a 1-car garage that was contemplated. The proposed structure is to be contained within the approved building envelope.
- This application was deemed complete June 19, 2019.
- Proposal:** To construct an approximately 225.6 square metre (2,427.5 square feet) one-half storey dwelling comprising of an attached garage.
- Owners:** David Duncan and Susan Edwards
- Applicant:** David Duncan
- Legal Description:** Part Lot 16, 6<sup>th</sup> Range, Plan 70, Parts 1 & 2 of 57R-8434 and Part 1 of 57R-10649, former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban within the County of Victoria Official Plan

Zone: Urban Residential Type One (R1) Zone in the Village of Bobcaygeon Zoning By-law 16-78

Site Size: 564 square metres (6,068.6 square feet)

Site Servicing: To be connected to municipal water and sewer services

Existing Uses: Vacant

Adjacent Uses: North: Residential, William Street  
South: Residential, Bobcaygeon River  
East: Snake Point Road, Residential  
West: Bobcaygeon River

**Rationale:**

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

**And**

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

The proposed increment in maximum lot coverage requirement accounts for the intrinsic physical size of the property and the available building envelope. A modest sized structure is being proposed in the form of a one-half storey design which appears to be able to fulfill the density requirements per the zoning provisions. Also, the proposed house will be improving a vacant lot with an infill development which will be connected to full municipal water and sewer services. Therefore, no negative impacts are anticipated.

The proposed massing also appears to be complimentary with the prevailing residential character of the neighbourhood. Therefore, in terms of scale, no adverse land use compatibility issues are anticipated.

The relief requested for the dwelling is not anticipated to impact the function of the side yards as the footprint of the structure will be wholly contained inside the approved building envelope. Thus, sufficient space will remain in the side yards for maintenance and drainage purposes that would also facilitate access to the rear yard from the front yard accordingly.

Based on the above analysis, the variance is considered minor as well as desirable and appropriate for the use of the land.

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

Section 6.2 of the Village of Bobcaygeon Zoning By-law ensures that a review is done when development is proposed upon undersized lots to ensure the proposed construction is appropriate for the neighbourhood, and can be adequately serviced.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing approximately a 5.2 metre building height from a possible 11 metre maximum, side yards of 2.2 metres and 3.3 metres respectively on both sides where 2.2 metres minimum is required on either side, the applicant has reasonably demonstrated that it is possible to develop the lot.

As the requested variance recognizes the existing situation established by the building envelope granted April 17, 2000, the variance maintains the general intent and purpose of the Zoning By-Law.

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

**Yes**

As the Urban Settlement Area designation in the City's 2012 Official Plan is under appeal, the Urban designation of the Victoria County Official Plan applies. The Urban designation predominantly anticipates low density residential uses, which can be accessed from major streets, and supported by adequate servicing.

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

**Other Alternatives Considered:**

**Servicing Comments:**

The property will be developed on full municipal services.

**Consultations:**

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

**Agency Comments:**

Building Division – Plans Examiner (July 4, 2019): No concerns.

**Public Comments:**

None as of July 4, 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.



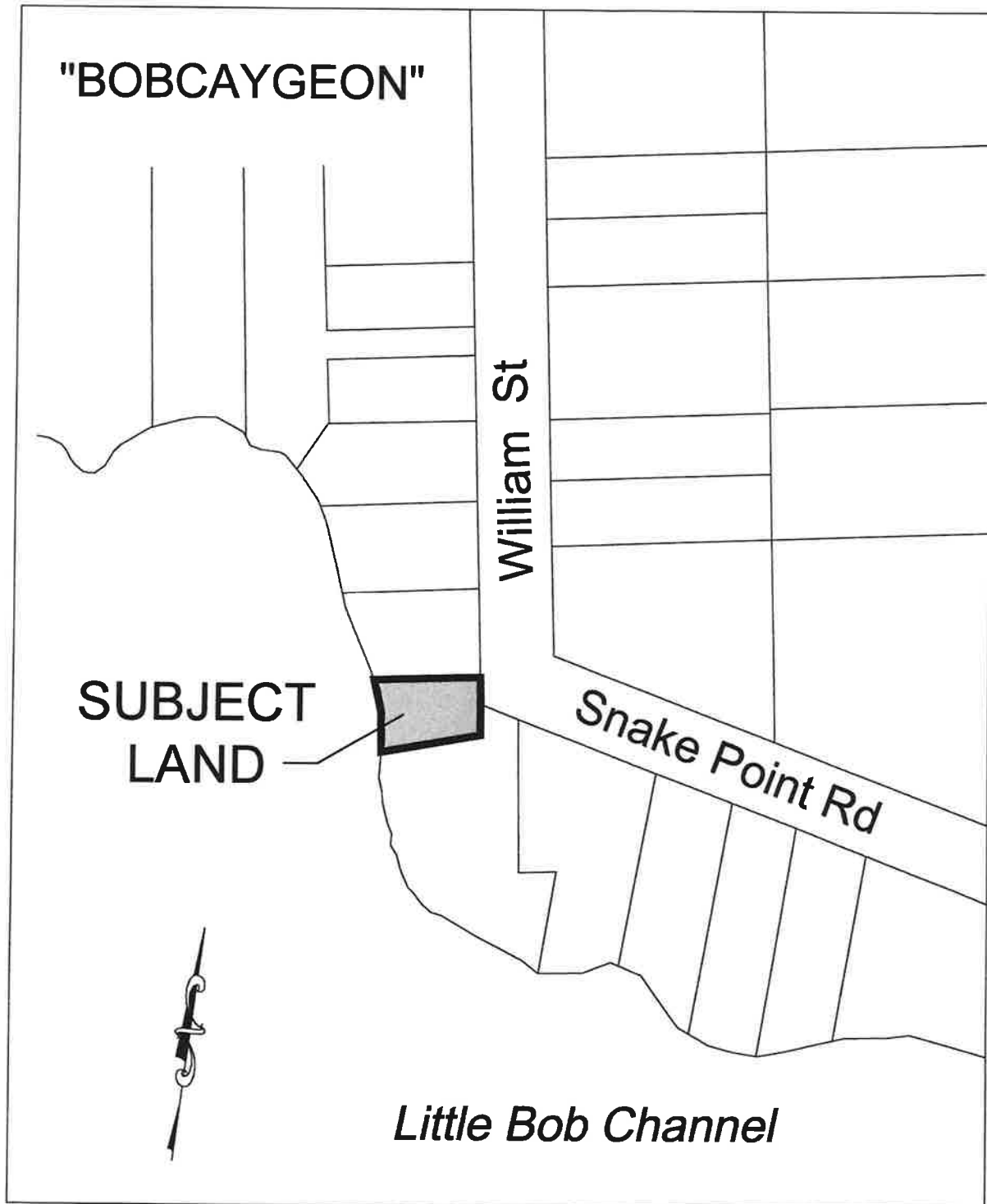
Appendices A-E to  
Report COA2019-045

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>	D20-2019-032

## D20-2019-032



## Plan 70, 6th Range, Part Lot 16, Former Village of Bobcaygeon



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Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© City Of Kawartha Lakes

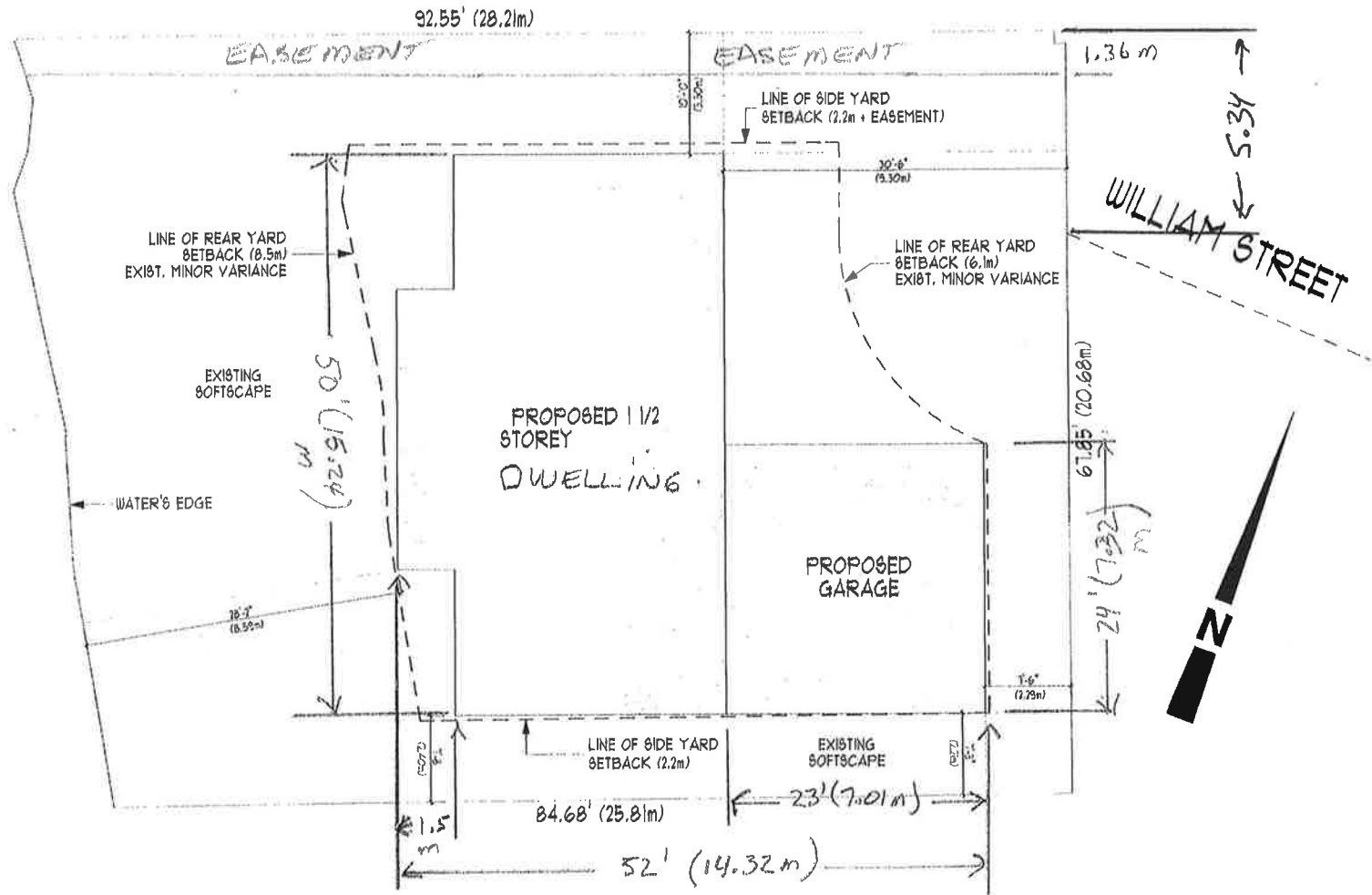


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to

## Site Plan Sketch



**Elevation Drawings**



**FRONT ELEVATION**

SCALE: 1/8" = 1'-0"



**REAR ELEVATION**

SCALE: 1/8" = 1'-0"



**LEFT ELEVATION**

SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**

SCALE: 1/8" = 1'-0"



**Quadri Adebayo**

APPENDIX " E "

**From:** Derryk Wolven  
**Sent:** Thursday, July 04, 2019 9:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** consents

REPORT COA2019-045

FILE NO. D20-2019-032

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please be advised the building division has the following comments:

D20-2019-022 No concerns  
D20-2019-028 No concerns  
D20-2019-029 No concerns  
D20-2019-030 Confirm dimensions of landing, step(s) and remainder (setback). Permits cannot be processed until encroachment issues are resolved.  
D20-2019-031 No Concerns  
D20-2019-031 No Concerns  
D20-2019-032 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)





Development Services – Planning Division  
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Lindsay ON K9V 2Y6  
Tel: (705) 324-9411 Ext. 1206  
Fax: (705) 324-4027  
E-mail: [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
Website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Harding, Planner II - Development Services – Planning Division

**DATE:** July 18, 2019

**SUBJECT:** Minor Variance Application File No. D20-2019-004  
221 Francis Street East, Geographic Township of Fenelon

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On May 16, 2019, the Committee of Adjustment deferred the variance application to permit a constructed garage within the front yard with an increased height in order to give the owners, Shirley and Nancy MacDonald, and the applicant, RWH Construction, sufficient time to install the faux windows and to clad the lower portion of the building in stone veneer. The modifications would assist in incorporating the garage into the streetscape. The Committee directed the modifications to be done within 2 months, and for the matter to come back to it for a decision on July 18, 2019.

Nancy MacDonald, one of the owners for the above-noted file, reviewed Committee's direction and requested staff considers other more economical option to assist in incorporating the garage into the streetscape.

Staff reviewed the request and is willing to generate an alternative remediation option for the owners to accommodate their request. In consideration of the above, staff respectfully presents for Committee's review and consideration the following alternative remediation measures:

1. Removal of the requirement to clad the bottom third of the southern and western garage face in stone veneer;
2. Reducing the number of faux windows from 4 to 2, but having a vertical divider in each window. The faux windows will need to be longer to address the lengthened wall face since the stone veneer will not be present along the bottom third;
3. Requiring the parging of the remaining exposed garage foundation in a colour which matches the blue/grey vinyl siding; and
4. The creation of a development agreement for a landscape planting plan.

The landscape planting plan, developed by a licensed landscape professional, would require the planting of a series of trees to assist in screening the garage from the road. Staff would require 10-12' nursery stock in a mix of coniferous and deciduous trees to

be planted, which can be sourced from a local nursery. While the licensed landscape professional will, through site evaluation, be able to determine what trees would be able to survive in those topographic and soil conditions, and the number of trees that will be required to adequately screen the garage as they mature, staff believes at least 8 trees will be required. Staff has prepared a preliminary concept of how modifications 1-4 will appear, showed on the third page, along with the original proposed modifications presented at the May 16 meeting on the fourth page.

The landscape planting plan would form the majority of a development agreement to be registered on title. Security would be taken to ensure the survival/maintenance of the trees over a specified observation period. At the conclusion of this period, an inspection would be done. Provided the trees are in good health at the end of the observation period, the securities will be released.

At this time, staff seeks direction on whether the Committee deems the alternative remediation option acceptable and to establish a new timeline to bring back the application for its decision.

If the Committee wishes to adhere to the original direction discussed with its deferral at its May 16 meeting, staff recommends bringing the application back to the September 19 meeting.

If the Committee wishes to explore the alternative remediation option, staff recommends the application be brought back no later than the November 7 meeting.

The owners and applicant are hereby advised that an applicant/owner-requested deferral fee of \$337 will apply to bring forward another report after July for Committee's consideration.

Sincerely,



David Harding, Planner II

cc: Nancy and Shirley MacDonald - Owners  
Adam & Ryan Hayter, RWH Construction  
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment  
Susanne Murchison – Chief Building Official





