

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2019-08

Thursday, August 15, 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	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2019-049	5 - 20
	Quadri Adebayo, Planner II File Number: D20-2018-047 Location: 39 Juniper View Drive Part Lot 24, Plan 470, Lot 2 Geographic Township of Somerville Owner: Kevin Hodgins and Donna Lumani Applicant: Kevin Hodgins	
3.1.2	COA2019-050	21 - 40
	Ian Walker, Planning Officer - Large Developments File Number: D20-2019-034 Location: 563 County Road 121 Concession 9, Part Lot 22, Plan 49, Part Block E, F and G, Part Lot 19 and 20, Part Dick Street, Part 1, 57R-6559 Geographic Township of Fenelon Owner: Canadian Tire Corporation Limited - Veronik Manolova Applicant: IBI Consulting Group - Tracy Tucker	

3.1.3	COA2019-051	41 - 55
	Quadri Adebayo, Planner II File Number: D20-2019-035 Location: 798 Cedar Glen Road Part Lot 11, Concession 3, Plan 209, Lot 1 to 2 Geographic Township of Verulam Owner: Louis Gorassi Applicant: Andrew Chudy	
3.1.4	COIA2019-052	56 - 69
	David Harding, Planner II File Number: D20-2019-036 Location: 87 Bethany Hills Road Part Lot 12, Concession 11, Part 1, 9R-828 Geographic Township of Manvers Owners: Ian and Carey Titterton Applicant: Ian Titterton	
3.1.5	COA2019-053	70 - 82
	Samantha Willock, Student Planner File Number: D20-2019-037 Location: 43 Knox Crescent Lot 8, Plan 194, Part Lot 18 S Louisa Street, Plan 17, Part Water Street, Plan 100, Part 8, 57R-4644 Geographic Township of Fenelon Falls Owners: Nancy and John L'Estrange Applicant: Nancy L'Estrange	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	
4.2	Consents	
5.	Other Business	
6.	Correspondence	

7. Next Meeting

7.1 Committee of Adjustment Meeting

The next meeting will be Thursday, September 19 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Kevin Hodgins and Donna Lumani
Report Number COA2019-049

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Somerville

Subject: The purpose and effect is to permit the construction of a detached garage, and to recognize two other existing accessory buildings (a cabin and a tool shed) by requesting relief from the following provisions:

Construction of a Detached Garage

1. Section 5.2(d) to reduce the minimum front yard requirement from 7.5 metres to 4.5 metres.

Recognition of Existing Tool Shed

2. Section 18.1.2(a) to permit an accessory building other than a private garage in the front yard where it is only permitted in an interior side or rear yard.

Recognition Pertaining to an Existing Cabin

3. Section 18.1.6(a) to permit a private cabin on a residential property with less lot area and frontage than the minimum requirements of the LSR Zone

The variance is requested at 39 Juniper View Drive, geographic Township of Somerville (File D20-2018-047).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

Resolved That Report COA2019-049 Kevin Hodgins and Donna Lumani, be received;

That minor variance application D20-2018-047 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 COA2019-049, 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 for the detached garage, the applicant shall obtain all necessary permits required from the Kawartha Conservation (KRCA) prior to construction. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the permitting process has been initiated to its satisfaction;
- 4) **That** as part of the KRCA permitting process, the applicant shall provide the Secretary-Treasurer written confirmation from the KRCA advising that the Private Cabin (Bunkie) has been raised to a satisfactory gradient from the Balsam Lake flood elevation at a minimum water setback of 15 metres from the lake; and
- 5) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The proposal seeks to construct a two-bay detached garage in the front yard. Physical constraints were identified as limiting factors to the chosen location of the proposed building. The supplementary reliefs sought for the tool shed and private cabin were considered necessary to be part of the minor variance request upon site inspection in September 2018, in order to ensure the accessory building situation on the property aligns with the provisions of the Somerville zoning by-law. The amended application was deemed complete July 25, 2019.

Proposal: To construct an approximately 53.58 square metre (576.5 square foot) two-bay detached garage in conjunction with the

recognition of two supplementary accessory buildings (a tool shed and a private cabin)

Owners: Kevin Hodgins and Donna Lumani

Applicant: Kevin Hodgins

Legal Description: Part Lot 24, Plan 470, Lot 2, geographic Township of Somerville, now City of Kawartha Lakes

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

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

Site Size: 1,352 square metres (0.33 acres)

Site Servicing: Private individual well and septic systems

Existing Uses: Residential

Adjacent Uses: North: Juniper View Drive, Agricultural, Residential
East: Residential, Agricultural
South: Balsam Lake
West: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is situated in an established waterfront residential neighbourhood.

As of right, a private garage is permitted in the front yard in the Township of Somerville Zoning By-law when a residential property abuts a shoreline, provided it complies with the yard provisions of the applicable zone. In the case of the proposed detached garage, it cannot practicably meet the 7.5 metre front yard setback.

The lot has an irregular shape whereby the easterly part of the front yard contains a circular driveway shared with the easterly abutting property (37 Juniper View Drive) leaving a small portion of the westerly front yard area to build. As well, a septic bed is located in the front yard between the driveway area and the dwelling, including a hydro line that traverses the front yard between the dwelling and front lot line. Observation from site visit also suggests that an attempt to push the proposed detached garage location further from the front lot line may create spatial separation issues from existing servicing on the property and most importantly limit the functionality of the proposed building.

As comments received from Hydro One Networks and the Sewage Systems Supervisor expressed satisfaction regarding the location of the proposed detached garage, no negative impacts are anticipated. Likewise, no land use compatibility issues are anticipated with the westerly abutting property given that the detached garage will meet the minimum setback requirement of 1.2 metres from the common (side) lot line.

With regards to the tool shed, it is considered an existing situation and the location has not been determined by commenting agencies to pose any negative impacts in relation to spatial separation or setback from property lines.

In addition, the private cabin was initially located by the water's edge during staff visitation in September 2018. Although the applicant has advised that it has been relocated in a compliant manner at a minimum water setback of 15 metres and adequate side yard setback, the undersized nature of the lot warrants an additional relief to be sought from the minimum lot area requirement. Notwithstanding this deficiency, a private cabin is permitted within the respective zone.

Given the above analysis, the variances are minor in nature 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 Limited Service Residential Zone provision contemplates accessory uses as ancillary to a principle use. The accessory buildings under the scope of this variance application are being utilized as devoted uses to the detached dwelling on the subject property. They are also in keeping with maximum number of accessory buildings permitted in any class of residential zone (three in total).

The front yard reliefs requested for both the detached garage and the tool shed are not anticipated to impact the function of the said yard, sufficient space will remain between the structures and the front lot line for maintenance. The vegetation along the frontage of the property would also ensure that the massing of the detached garage is not discernible from the abutting street.

Respecting the private cabin, although the lot configuration presents a constraint, the compliant setback from the water's edge will ensure that storm water can adequately drain on the property before being discharged into Balsam Lake.

In all other respects, considering that the total lot coverage for all accessory buildings permitted would still be met at 5.16% or 69.7 square metres, where 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 Waterfront 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:

No other alternatives have been considered 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 – Part 8 Sewage Systems (September 13, 2018): No objections.

Hydro One Networks (November 27, 2018): Proposed location of garage is appropriate.

Building Division (August 1, 2019): No concerns.

Engineering and Corporate Assets Division (August 2, 2019): No objection.

Kawartha Conservation – KRCA (August 6, 2019): No concerns. Permits required prior to construction. The Bunkie (Private Cabin) should be raised 0.3 metres above the Balsam Lake regulatory flood elevation. See comments.

Public Comments:

No comments as of August 6, 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.

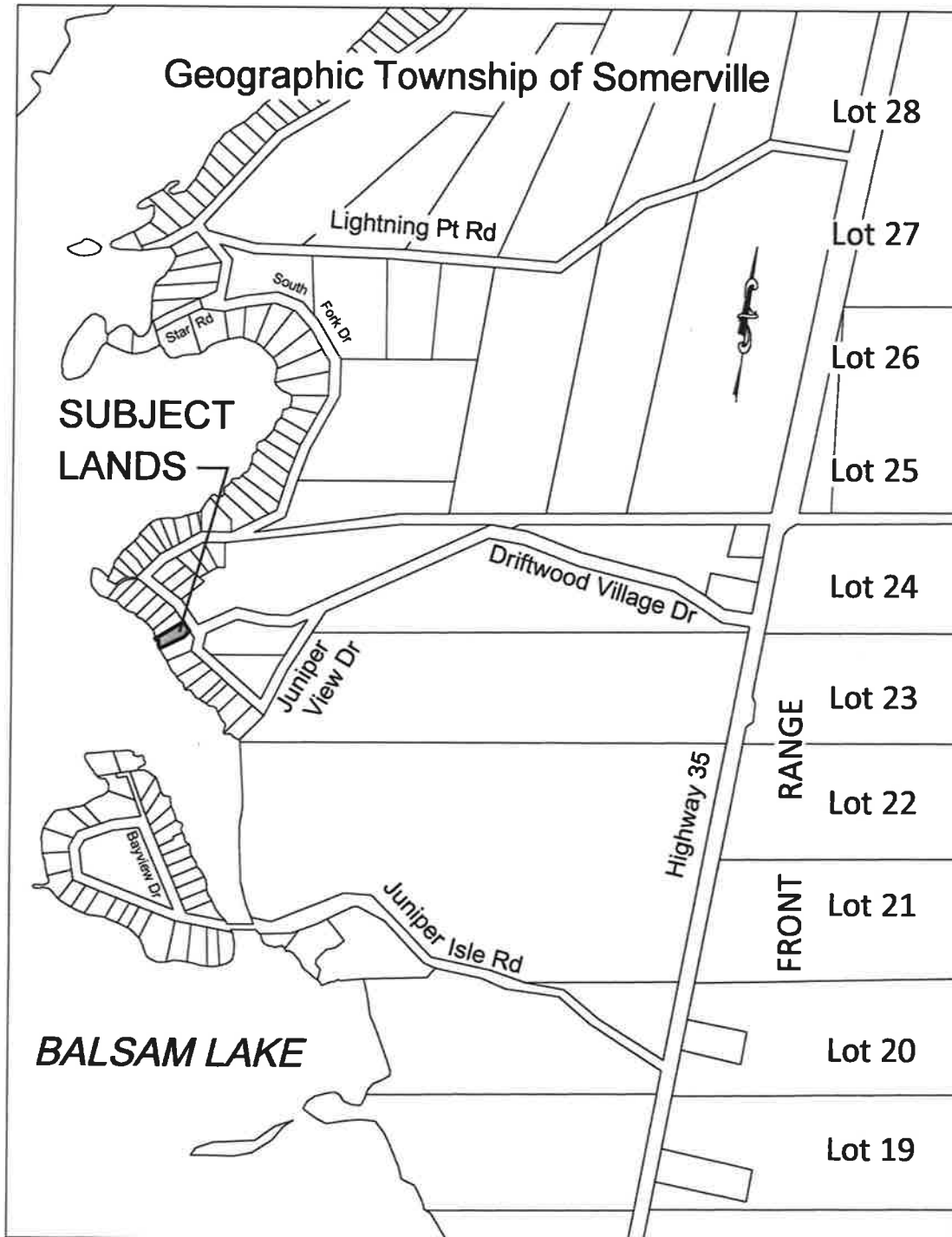


Appendices A-E to
Report COA2019-049

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

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-047

D20-2018-047



APPENDIX: B

to

REPORT COA2019-049

FILE NO: D20-2018-047



39 Juniper View Drive, geographic Township of Somerville



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

© City Of Kawartha Lakes



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

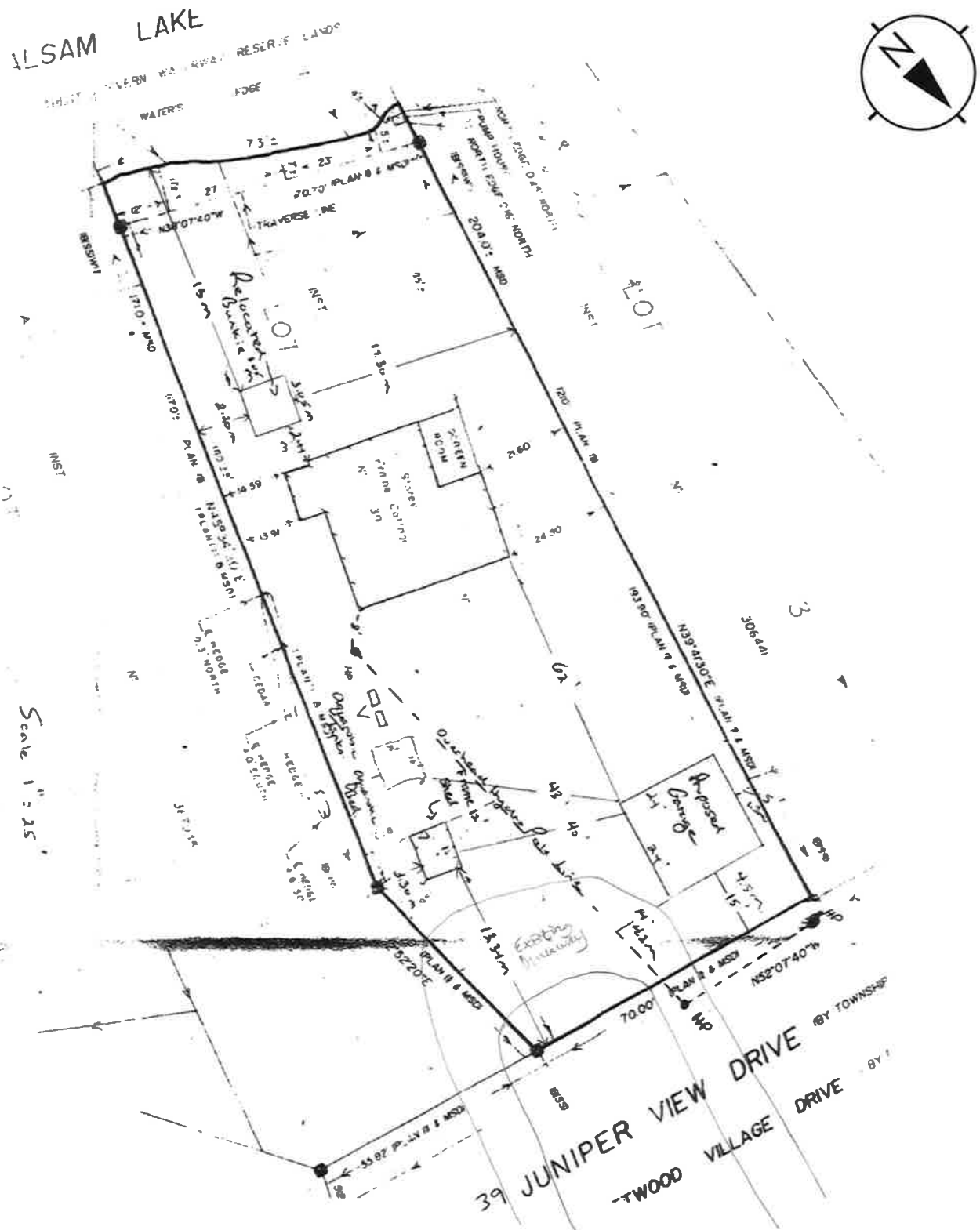
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PUPOSES

to

REPORT COA2019-049

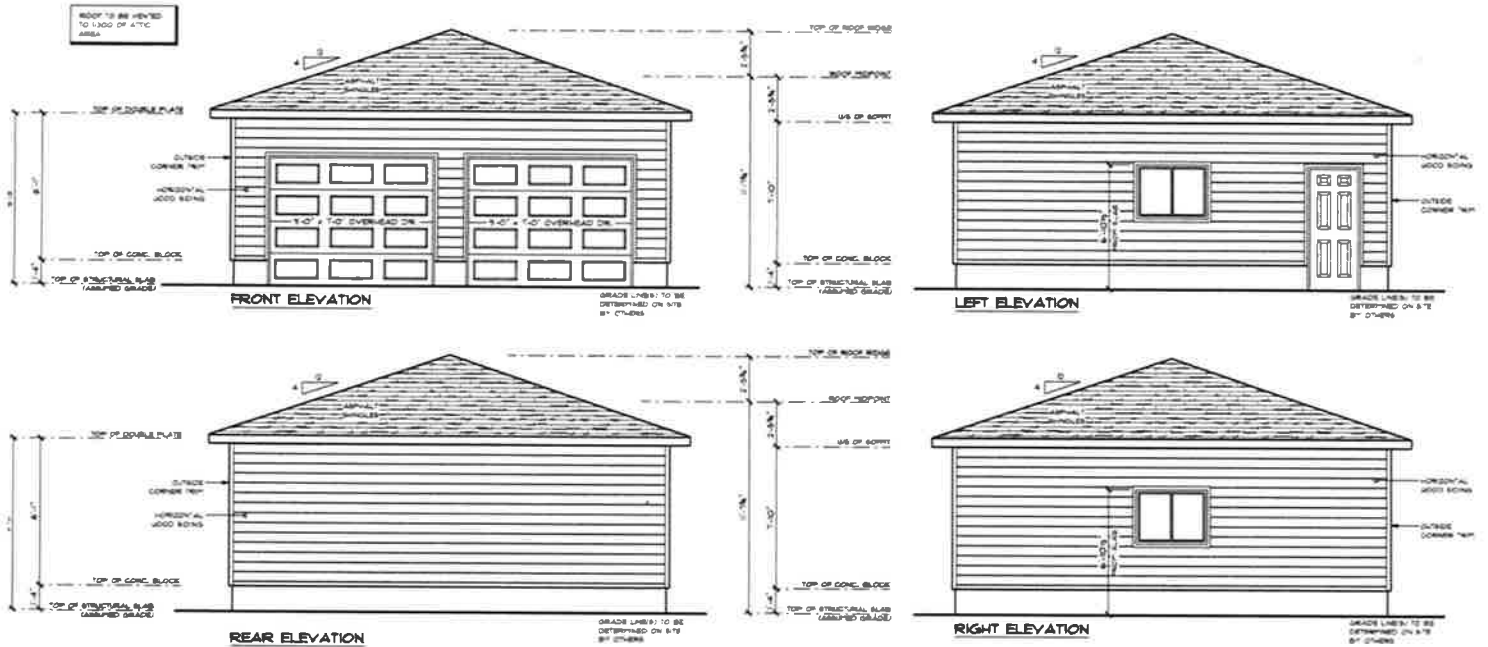
FILE NO: D20-2018-047

Site Plan Sketch



Elevation Drawing

DETACHED GARAGE 24' X 24'
576 SQ.FT.



Anne Elmhirst

APPENDIX E

From: Anne Elmhirst
Sent: Thursday, September 13, 2018 12:41 PM
To: Charlotte Crockford-Toomey
Subject: 39 Juniper View Dr D20-2018-047

REPORT COA 2019-049
FILE NO. D20-2018-047

Hello Charlotte,

RE: Minor Variance D20-2018-047
39 Juniper View Dr., Former Somerville Township, City of Kawartha Lakes
Conc. Front Range, Pt Lot 24, Plan 470, Lot 2
Roll NO. 165131005024402
Owner: Kevin Hodgins and Donna Lumani

I have received and reviewed the application for minor variance to request relief for the construction of a detached garage.

A site visit was completed to locate the current aquarobic system on the property. The tank area was observed by lids at the surface of the ground. The area bed was located through in-ground probing. Clearances distances were measured and it was determined that adequate allowances have been provided for the construction.

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

Best Regards,

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



Quadri Adebayo

APPENDIX **E**

From: Chad.FOSTER@HydroOne.com
Sent: Tuesday, November 27, 2018 12:11 PM
To: Quadri Adebayo
Cc: Carina.ROSIE@HydroOne.com
Subject: Approve location for Garage (39 Juniper View Dr, Somerville)

REPORT **CA2019-049**

FILE NO. **D20-2018-049**

Follow Up Flag: Follow up
Flag Status: Completed

Hi Quadri,

The new Garage looking to be built at 39 Juniper View Dr, Somerville TWP, Ont. is ok to be built in desired location. Line was just relocated for this customer to provide more than the 1m + max swing 0.66m. This customers only requirement is to be 1.66m away from centerline of secondary triplex horizontally.

Hydro One approves garage location for this property,

Thanks,

Chad Foster
Area Distribution Engineering Tech
Hydro One Networks - Zone 3A
Fenelon Falls SC
Office # 1-705-887-4627 Ext. 2262
Cell # (705) 875 - 5887
Email: chad.foster@hydroone.com

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Quadri Adebayo

APPENDIX E

From: Derryk Wolven
Sent: Thursday, August 01, 2019 8:29 AM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT COA2019-049
FILE NO. D20-2018-047

Please be advised building division has the following comments:

D20-2019-034 No concerns
D20-2019-035 No concerns
D20-2019-036 No concerns
D20-2019-037 No concerns
D20-2019-047 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



Quadri Adebayo

APPENDIX E

From: Christina Sisson
Sent: Friday, August 02, 2019 4:37 PM
To: Mark LaHay
Cc: Kirk Timms; Charlotte Crockford-Toomey
Subject: 20190802 D20-2018-047 Engineering Review

REPORT COA2019-049

FILE NO. D20-2018-047

Importance: High

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

Minor Variance – D20-2018-047
39 Juniper View Drive
Part Lot 24, Plan 470, Lot 2
Geographic Township of Somerville, 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 permit the construction of a detached garage, and to recognize two other existing accessory buildings by requesting relief from the following provisions:

1. Section 5.2(d) to reduce the minimum front yard requirement from 7.5 metres to 4.5 metres;
2. Section 18.1.2(a) to permit an accessory building other than a private garage in the front yard; and
3. Section 18.1.6(a) to permit a private cabin on a residential property with less lot area than the minimum requirements of the LSR Zone.

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



APPENDIX E
to
REPORT COA 2019-049
FILE NO. D20-2018-047

Via email ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Planning Department – City of Kawartha Lakes
180 Kent Street West
Lindsay ON K9V 2Y6

RE: Minor Variance Application - D20-2018-047
39 Juniper View Drive - Somerville, City of Kawartha Lakes

KRCA has completed a review of the above noted Minor Variance Application. The applicant is requesting:

- To amend the front yard set back from 7.5m to 4.5 m to permit a proposed detached garage;
- To permit a Bunkie with smaller lot area and frontage than allowed; and,
- To permit accessory building (tool shed) in front yard.

KRCA advises the applicant that the subject property is fully regulated by Kawartha Conservation, and is subject to Ontario Regulation 182/06. No development, including site alteration, grading, structures, etc., is permitted within Kawartha Conservation's regulated area prior to obtaining a Permit pursuant to Ontario Regulation 182/06.

Natural Heritage Features:

- Property abuts Balsam Lake.

Natural Hazards:

- Flooding from Balsam Lake.

Recommendations:

KRCA has no concern with the proposed minor variances, however we recommend that the bunkie be raised 0.3m above the Balsam Lake Regulatory Flood Elevation of 256.5 m/ASL (bunkie should be at a minimum 256.8 m/ASL).

I trust this meets your information requirements at this time, should you have any further questions do not hesitate to contact this office.

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

Our Watershed Partners:

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



August 6, 2019
D20-2018-047
Page 2

Sincerely,

Erin McGregor

Erin McGregor
Resources Planner Technician
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

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

Our Watershed Partners:

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Canadian Tire Corporation Ltd.
Report Number COA2019-050

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following zone provisions in order to permit an expansion to the existing retail store:

1. Section 17.2.1.3 (d) to reduce the minimum rear yard requirement from 12.0 metres to 7.0 metres.
2. Section 3.14.1.2 to increase the ratio (reduce the number) of minimum required parking spaces for commercial use from 1 space per 30 square metres of Gross Floor Area (180 spaces) to 1 space per 37 square metres of Gross Floor Area (149 spaces).
3. Section 3.14.1.5 to reduce the minimum parking stall length from 6.0 metres to 5.5 metres.
4. Section 3.14.1.6 to reduce the minimum handicapped parking stall length from 6.0 metres to 5.5 metres.

The variances are requested at 563 County Road 121, geographic Township of Fenelon (File D20-2019-034).

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

Recommendations:

Resolved That Report COA2019-050 Canadian Tire Corporation Limited be received;

That minor variance application D20-2019-034 be DEFERRED until such time as the owner/applicant provides sufficient documentation to the City and the Kawartha Region Conservation Authority so that the variance application may be fully analyzed, and if necessary, re-advertised.

Background:

This application is being made in conjunction with the approval of amending site plan application D19-2019-004, for construction of an approximately 2,477 square metre addition to the existing retail commercial building on the property municipally known as 563 County Road 121. The applicant proposes to reconfigure and expand the existing Canadian Tire store by:

- Constructing an additional 771 square metres of warehouse space;
- Expanding the retail store portion by 1,535 square metres;
- Relocating and reducing the garden centre compound by 851 square metres; and
- Constructing 2 additional service bays in the motor vehicle service station consisting of an additional 69 square metres.

This application was last amended July 24, 2019.

Proposal:	To construct an approximately 2,477 square metre addition to the existing retail store consisting of warehouse space, retail store floor space, a reduced garden centre, and two additional vehicle service bays including 149 parking spaces for all uses.
Owners:	Canadian Tire Corporation Limited – Veronik Manolova
Applicant:	IBI Consulting Group – Tracy Tucker
Legal Description:	Concession 9, Part Lot 22, Plan 49, Part Block E, F and G, Part Lot 19 and 20 and Part Dick Street, Part 1, 57R-6559 geographic Township of Fenelon, now City of Kawartha Lakes
Official Plan:	'Urban Settlement Area' within the City of Kawartha Lakes Official Plan
Zone:	'Highway Commercial Exception Eight (C2-8) Zone' within the Township of Fenelon Zoning By-law 12-95
Site Size:	1.75 hectares (4.32 acres – MPAC)
Site Servicing:	Municipal water and sanitary sewer and ditches
Existing Uses:	Commercial Retail Store with Auto Repair Shop and Propane (Canadian Tire and Automotive Centre)
Adjacent Uses:	North: Vacant (Draft Plan Approved Subdivision) East: Commercial Retail (Home Hardware) South: CKL Road 121; Gas Bar (Ultramar) and Motel; Motor Vehicle Supply Store (MAP); Motor Vehicle Sales (Memory Lane Motors); Self Storage West: Vacant (Including future road access to Draft Plan Approved Subdivision)

Rationale:

1) Are the variances minor in nature?

And

**2) Is the proposal desirable and appropriate for the use of the land?
Undetermined At This Time**

The reduction in the rear yard setback from 12.0 metres to 7.0 metres may be considered minor, given the overall impact of the proposal. To achieve the reduction, the existing loading bays will be moved from the rear yard to the front yard, and still allow for a minimum 6.0 metre landscape buffer in accordance with the zoning by-law. However, Kawartha Region Conservation Authority (Kawartha Conservation) has noted the presence of a watercourse within 30 metres of the proposal. Kawartha Conservation has requested a scoped Environmental Impact Study (Scoped EIS) be completed. The applicant should discuss this requirement with Kawartha Conservation, and updated comments circulated to the City.

The reduction in parking may be minor, given that a portion of the proposed addition will be warehouse space (approximately 771 square metres), which is not anticipated to generate the same parking requirement as the retail floor area. The Zoning By-law requires similar parking ratios for retail (1 space per 30 square metres of gross floor area), office (1 per 30) and warehouse (1 per 40) as standalone uses. IBI Group has provided a report (See Appendix 'F') with 3 similar scenarios where parking space numbers have been reduced. In each of these scenarios, the expansions have not resulted in a significant increase in traffic to and from the site. The rationale is that the warehouse and office are not standalone uses, but function as part of the existing and expanded business.

The proposed reduction in length of both the parking spaces and accessible parking spaces from 6.0 metres to 5.5 metres is a reduction of approximately 9%. The IBI Group report notes that the parking spaces will continue to be functional, as the 7.0 metre drive aisle width allows for adequate maneuvering in the parking lot. However, as of the time of writing this report, there is insufficient information to confirm that the reduced parking stall length will be either minor or desirable and appropriate for the use of the land.

During a site inspection on July 31, 2019, it was noted that a large number of vehicles visiting the retail store were trucks and larger vehicles. Based on some preliminary research on vehicle dimensions, it was determined that a typical standard cab truck with a long bed (box) is approximately 18.5 feet (5.64 metres) in length. A double cab truck with a regular bed is slightly more than 19 feet (5.87 metres) in length, while a larger crew cab truck with a standard bed can be up to 20 feet (6.1 metres) in length. Staff cannot determine if this would potentially impact on the ability of vehicles to maneuver properly if this reduces the aisle width. Staff are seeking clarity from the applicant, by examining all options, such as one-way aisles, or whether vehicle overhang into the aisle may potentially impact on maneuverability within the drive aisles. Staff require

additional data from the applicant, to confirm if the proposed variances will be minor in nature, and desirable for the development. Alternatively, larger length vehicles may end up taking 2 tandem parking spaces. This option would not be available for the accessible parking spaces due to signage.

The subject property is situated on the fringe of the rural area west of Fenelon Falls, with other similar highway commercial developments surrounding this property. Currently, there are a number of outbuildings and trailers on the site. The proposed variances will allow the expansion of the principle building, and result in the removal of the existing trailers and sea cans currently used for storage. The reconfigured loading bays and reduced rear yard setback will prevent large trucks from entering the rear yard, and allow the building to function as a noise barrier. Given there is a new residential plan of subdivision proposed on the vacant land to the north, this may be desirable for the proposed neighbourhood to the north. As noted above, additional information confirming how larger traffic will maneuver on site is required, to confirm the reduced parking stall lengths will not impact on how the parking area functions for all personal and business vehicles.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Undetermined At This Time

The Highway Commercial Exception Eight (C2-8) Zone permits specific commercial uses, including: a retail store for the sale of automotive parts and accessories, hardware, sporting goods and seasonal merchandise; an outdoor garden centre and sales area; a motor vehicle service station and fuel bar; and propane dispensing facility. The property is subject to the regular C2 zone provisions and setbacks. As this site has a number of constraints and large setbacks, the development envelope is reduced.

The proposed building design will result in a setback reduction to the north (rear) lot line. The Zoning By-law requires a minimum landscaped buffer of 6.0 metres on the north side of the building, as the abutting lands to the north are proposed to be residential. This 6.0 metre landscaped buffer can be accommodated within a 7.0 metre setback. In this instance, the typical functions of the rear yard may be accommodated on other portions of the site.

The purpose of the parking requirement is to ensure there is adequate on-site parking for all uses. Based on a total retail gross floor area of 2,500 square metres, at a ratio of 1 space per 30 square metres, a total of 84 spaces would be required for the retail portion of the store. The IBI Group report notes that the warehouse and office portions of the building are not anticipated to generate any need for parking beyond the retail floor space.

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

The property is designated 'Urban Settlement Area' within the City of Kawartha Lakes Official Plan. The designation permits a variety of uses, including commercial uses.

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

The property is serviced by municipal water and sanitary sewer, and ditches. No changes are proposed.

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 (August 1, 2019): No concerns.

Engineering and Corporate Assets (August 6, 2019): No objection.

Kawartha Conservation (August 6, 2019): Kawartha Conservation has concerns with reducing the minimum rear yard setback, due to the proximity of a watercourse. For development within 30 metres of the watercourse, Kawartha Conservation requires submission of an Environmental Impact Study to evaluate and determine the appropriate setback.

Public Comments:

None received as of the writing of this report.

Attachments:

A pdf document is embedded into this document. Please contact Ian Walker, Planning Officer – Large Developments at 705-324-9411 extension 1368 to request an alternative format.



Appendices A-F to
Report COA2019-050

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

Appendix F – Justification Report – IBI Consulting Group

Phone: 705-324-9411 extension 1368
E-Mail: iwalker@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-034

REPORT
FILE NO. D20-2019-034

Geographic Township of Fenelon

Lot 22

SUBJECT LAND

Road #121

Lot 21

Concession 9

'Fenelon Falls'

West St South

Wychwood Cres

Concession 10

563 CKL Road 121, Fenelon

APPENDIX " B "
to
REPORT COA2019-050
FILE NO. D20-2019-034



Legend

- Property ROLL#
- Road Centreline (2016 Needs)

Notes

2013 Orthophoto

0.11

Kilometers



WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, August 01, 2019 8:29 AM
To: Charlotte Crockford-Toomey
Subject: C of A

APPENDIX " E "
to 1/4

REPORT CoA2019-050

FILE NO. D20-2019-034

Please be advised building division has the following comments:

D20-2019-034	No concerns
D20-2019-035	No concerns
D20-2019-036	No concerns
D20-2019-037	No concerns
D20-2019-047	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



Charlotte Crockford-Toomey

From: Christina Sisson
Sent: Friday, August 02, 2019 4:44 PM
To: Mark LaHay
Cc: Kirk Timms; Charlotte Crockford-Toomey
Subject: 20190802 D20-2019-034 Engineering Review

Importance: High

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

Minor Variance – D20-2019-034
563 County Road 121
Concession 9, Part Lot 22, Plan 49
Part Block E, F, and G, Part Lot 19 and 20, Part Dick Street, Part 1
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 permit an expansion to the existing retail store by requesting relief from:

1. Section 17.2.1.3 (d) to reduce the minimum rear yard requirement from 12.0 metres to 7.0 metres;
2. Section 3.14.1.2 to increase the ratio (reduce the number) of minimum required parking spaces for commercial use from 1 space per 30 square metres to 1 space per 37 square metres;
3. Section 3.14.1.5 to reduce the minimum parking stall length from 6.0 metres to 5.5 metres;
4. And Section 3.14.1.6 to reduce the minimum handicapped parking stall length from 6.0 metres to 5.5 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



Via email ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Planning Department – City of Kawartha Lakes
180 Kent Street West
Lindsay ON K9V 2Y6

RECEIVED

AUG 06 2019

City of Kawartha Lakes
Development Services
Planning Division

RE: Minor Variance Application: D20-2019-034
160 Lindsay St - Fenelon Falls, City of Kawartha Lakes

KRCA has completed the review of the above noted Minor Variance application for the Fenelon Falls Canadian Tire expansion. The applicant is requesting:

- To reduce the minimum rear yard setback from 12m to 7m;
- Reduce the minimum number of parking spaces;
- Reduce the minimum parking stall size; and,
- Reduce the minimum handicapped parking stall size.

KRCA advises the applicant that a small portion of the northern corner of the property is within KRCA's regulated area, due to a presence of a watercourse. No development, including site alteration, grading, structures, etc., is permitted within Kawartha Conservation's regulated area prior to obtaining a Permit pursuant to Ontario Regulation 182/06.

Natural Heritage Features:

- Watercourse

Natural Hazards:

- Flooding from watercourse

KRCA has concern with reducing the rear yard setback from 12m to 7m. Our mapping shows a watercourse at the rear of the property. Typically, KRCA requires a 30m development setback from water features. If development is proposed within 30 of the watercourse and/or within KRCA's regulated area, we will require the submission of a Scoped Environmental Impact Study (EIS).

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

Our Watershed Partners:

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

The EIS should:

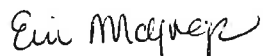
- Determine the presence and significance of the watercourse;
- Determine potential impacts to the watercourse;
- Determine the flooding potential/floodplain of the watercourse
- Delineate appropriate buffers around the watercourse.

KRCA requests to be circulated on future Planning Act applications and completed technical reports/studies.

I trust this meets your information requirements at this time, should you have any further questions do not hesitate to contact this office.

Sincerely,

Erin McGregor



Erin McGregor
Resources Planner Technician
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
ibigroup.com

APPENDIX " F " to 1/6
REPORT COA2019-050
FILE NO. D20-2019-034

June 10, 2019

Chair and Members of Committee of Adjustment
c/o Mr. Ian Walker
Planning Officer - Large Development
City of Kawartha Lakes
26 Francis Street
PO Box 9000
Lindsay, Ontario K9V 5R8

RECEIVED

JUN 13 2019

City of Kawartha Lakes
Development Services
Planning Division

Dear Chair and Members of Committee of Adjustment:

**APPLICATION FOR MINOR VARIANCE
160 LINDSAY STREET, FENELON FALLS**

On behalf of the owner, Canadian Tire Corporation Ltd., we are pleased to submit the enclosed application for Minor Variance, as part of the proposed expansion to the existing Canadian Tire located at 160 Lindsay Street, Fenelon Falls. The proposed expansion will see the store increase in size from approximately 2,230 m² to 5,402m². The increase is a mix of retail space, warehousing, automotive repair centre, and garden centre. The increase will allow the store to better serve the community going forward.

As part of the Site Plan Application, a Minor Variance to the Township of Fenelon Zoning By-law No. 12-95 is required, in order to permit the proposed expansion. The variances are as outlined below.

	SECTION	REQUIRED	PROPOSED
1	17.2.1.3 (d) Minimum Rear Yard	12m	7.0m
2	3.14.1.2 Minimum Number of Parking Spaces Commercial Use	1 space per 30m ² of gross floor area (180 spaces)	1 space per 37m ² of gross floor area (149 spaces)
3	3.14.1.5 Minimum Parking Stall Size	2.8m (width) 6.0m (length)	2.8m (width) 5.5m (length)
4	3.14.1.6 Minimum Handicapper Parking Stall Size	4.0m (width) 6.0m (length)	4.0m (width) 5.5m (length)

Planning Act Section 45 (1) Compliance

Section 45(1) of the Planning Act permits the Committee of Adjustment to grant Minor Variances from the Zoning By-law provided they are meet what is known as the four (4) tests. The four tests are:

1. Is the variance minor in nature?
2. Is the variance desirable and appropriate?
3. Does the variance maintain the general intent and purpose of the Official Plan? and,
4. Does the variance maintain the general intent and purpose of the Zoning By-law?

Chair and Members of Committee of Adjustment – June 10, 2019

The following will provided an analysis of the proposed variances against the four tests.

Variance 1: Minimum Rear Yard Setback

The current zoning by-law requirement is 12.0m to the rear lot line, while 7.0m is being proposed.

1. Is the Variance Minor in Nature?

The determination of minor is not a matter of the quantum of the variance but rather a consideration of the overall impact of the proposed variance. At this time the lands to the north have not been developed. However, it is our understanding that there is an approved Draft Plan of Subdivision for a residential development proposed to the north. Considering this future interface, the 7.0m rear yard setback will be augmented with the planting or landscaping in the form of coniferous trees adjacent to the proposed building. Further, there is an existing stream located north of the subject lands, this will act as an additional buffer between the subject lands and the future residential lands. In consideration of the foregoing, it is our opinion that there is no impact associated with the requested variance.

2. Is the Variance Desirable and Appropriate?

The proposed reduction to the minimum rear yard is desirable and appropriate, as it will allow for the relocation of the loading dock which is currently located on the western side of the building, to the front of the building, blocking it from view from the adjacent lands to the north. This relocation will also allow for the building to act as a buffer for the loading area, from the residential lands. Further there will not be any commercial business activity going on behind the building after the expansion which allows for more privacy for the proposed future residential, from what is existing today. As such, in our opinion, the proposed reduction to the rear yard setback is desirable and appropriate.

3. Does the Variance Maintain the general intent and purpose of the Official Plan?

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the rear yard setback will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

4. Does the Variance maintain the general intent and purpose of the Zoning By-law?

The purpose of the rear yard setback is to ensure that there is adequate separation between the development and the adjacent lands. The proposed reduction maintains separation between the proposed building addition and the lands to the north. The lands to the north are proposed to be developed with residential dwellings. It should be noted that there is also a regulated natural heritage feature which runs adjacent to the north lot line, which will provide additional buffer between the residential lands and the subject lands. Further, the rear of the property does not have any proposed use other than emergency access and landscaping, as such there are no privacy or overlook concerns from the commercial lands to the residential lands. Given the above, it is our opinion that the proposed reduction to the rear yard maintains the purposed and intent of the Zoning By-law.

Variance 2: Minimum Required Parking

The current zoning on the subject lands requires commercial developments to provide parking at a rate of 1 space per 30m² (181 spaces) of gross floor area. The proposed variance is to provide a rate of 1 space per 37m² (149 spaces) of gross floor area.

Chair and Members of Committee of Adjustment – June 10, 2019

The existing commercial building is approximately XXm² in size and currently operates with 97 parking spaces. Based on conversations with the store operator, there are no existing concerns with respects to the amount of parking which is currently provided.

1. Is the Variance Minor in Nature?

In our opinion, the proposed reduction in parking is minor in nature, as the requirement is based on the gross floor area for the development. The reality of a Canadian Tire store however is that the retail area – the prime driver of the need for vehicle parking, is but only one of several components to the store. The other components, comprising the garden centre, automobile service centre, and warehouse and mezzanine space all have lower parking requirements than prime retail space. The floor areas for these uses are as follows:

USE	FLOOR AREA	PARKING REQUIREMENT PER CURRENT ZONING BY-LAW
Retail & Garden Centre	3,174.7m ²	106
Automobile Service Centre	355.9m ²	12
Office, Warehouse & Mezzanine	1,868.5m ²	63

The majority of the parking demand is driven by the retail component, including the garden centre and, to a lesser degree, the automobile service centre. These building areas account for 118 required spaces at 1 space per 30m² of gross floor area. The office space, warehousing and mezzanine spaces account for an additional 63 parking spaces for a total of 181 parking spaces. However, the warehouse, office and mezzanine spaces do not produce a requirement for parking spaces at the same rate as the retail portion of the subject lands. Similarly, the garden center only produces a limited seasonal parking requirement.

2. Is the Variance Desirable and Appropriate?

In our opinion, the proposed reduction in parking to support the proposed expansion to the store is desirable and appropriate, as there will be adequate parking provided and the reduction is minimal, and will allow for an appropriate expansion of the existing store to better suit the needs of the local residents. Further, it is our experience that Canadian Tire parking lots are typically over parked, and expansions to stores do not result in a proportionate parking demand increase. This is demonstrated in detail under the Previous Expansion Parking Reductions, section of this variance justification, below.

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

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking requirement for a commercial development will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

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

The intent of the zoning by-law minimum parking requirements is to ensure that there is adequate parking made available for the use of the lands. In the case of Canadian Tire, it has been our experience that the site are generally over parked due to the parking requirements including the warehouse and mezzanine area which do not draw the same traffic as the retail portion of the development. Evidence of this can be seen under the

Previous Expansion Parking Reductions section, below. Further, Canadian Tire monitors the sales of stores, and has found that typically expansions do not result in a significant increase in customers, but rather an increase in the overall transaction amount, as a result of increased inventory.

Previous Expansion Parking Reductions

Below are some examples of stores in various locations where similar parking reductions have been approved, as a result of a store expansion or increase in commercial uses on the property.

Canadian Tire, Midland, Ontario

Canadian Tire in the Town of Midland is currently undergoing a Site Plan Amendment to permit a building addition. The proposed Existing Site has approximately 8,910 m² of floor area, which is comprised of Retail, Warehouse, Office, Auto Service Centre, Garden Centre, and a Gas Bar. The existing store requires 378 spaces, while 275 parking spaces are provided, which results in an existing deficit of 103 parking spaces.

A parking study was undertaken, which monitored the site in 20 minute intervals between 10am and 8pm on Thursday June 14, 2018 through Saturday, June 16, 2018. This study found that the peak parking demand occurred on Saturday, June 16, at 11:00am. The demand at this time was 145 parking spaces, resulting in a 53% utilization (1 space per 61.45m² of floor area) under current conditions. Based on the utilization of the current parking, a parking ratio of 1 space per 48m² was proposed for the proposed expansion.

The proposed expansion of the retail store was for an additional 4,282m² of combined retail, garden centre and warehousing. In this case a total for 597 parking spaces would be required after the renovation. The proposed site plan provides 280 parking spaces. The reduction in parking to a ratio of 1 space per 48m² gross floor area was approved by Minor Variance in February 2019.

Canadian Tire, Waterdown, Ontario

In 2015, Canadian Tire in the Settlement Area of Waterdown (Hamilton), Ontario underwent a Site Plan Amendment and Minor Variance application to permit an addition to the existing Canadian Tire and for the construction of two new commercial buildings on the subject lands. The existing Canadian Tire store had a gross floor area of 7,695m², which includes a 748m² garden centre and a 108m² gas bar. The existing development required 405 parking spaces based on the Zoning By-law and the site provided 423 parking spaces, a surplus of 18 spaces.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 10:00am and 9:00pm on Thursday, October 2, 2014 and between 9:00am and 6:00pm on Saturday, October 4, 2014. The study found that peak utilization occurred on Saturday, between 1:30pm and 2:00pm. The utilization at this time was 120 spaces, or 28% of the provided parking (1.29 spaces per 100m² GFA). Based on this demand it was anticipated that peak demand after build out would be approximately 162 or 47% of the provided parking, based on 347 spaces being provided. A parking ratio of 2 spaces per 100m² GFA was recommended, through the report.

The proposed site plan included a 1,394m² addition to the existing store, a 289m² garden centre, and two new commercial buildings with 2,043m² of gross floor area. The total floor area for the site is 11,421m². The proposed development required parking to be provided at a rate of 1 space per 19m², or 548 parking spaces. A minor Variance was approved to

permit a minimum parking ratio of 1 space per 33m² of gross floor area (a total of 347 parking spaces) was approved in April 2016.

Canadian Tire Ancaster, Ontario

In 2017, Canadian Tire in the Town of Ancaster (Hamilton) underwent a site plan amendment to permit the construction of a 490m² restaurant on the same property as the existing Canadian Tire. Although there was no expansion to the existing Canadian Tire, the new restaurant required a minor variance to the minimum number of parking space required for the development. The existing Canadian Tire has a floor area of 9,747m² including the garden centre and provided 378 parking spaces. Whereas, 390 spaces were required based on the existing zoning. Parking for the redeveloped property was to be provided based on use. The retail parking rate was 1 space per 25m² gross floor area, while the restaurant use required 1 space per 2 person capacity.

A parking study was undertaken, which monitored the parking utilization for the existing store on 30-minute intervals between 5:00pm and 7:30pm on Thursday, January 12, 2017 and Friday, January 13, 2017 and between 10:00am and 1:30pm on Saturday, January 14, 2017. Peak utilization occurred between 12:30pm and 1:00pm, on Saturday, January 14. The utilization at this time was 65 spaces, or 18% of the provided parking.

As noted the site plan amendment was for a 490m² restaurant, with 234 person capacity. The required parking for the site was 507, for both the restaurant use and the existing retail store. A minor variance was obtained to reduce the required parking to 385 parking spaces for the entire development, a 122 space deficiency.

Variance 3 & 4: Minimum Parking Stall Length

The current zoning by-law requires a minimum parking stall length of 6.0m, while a minimum length of 5.5m is being proposed.

1. Is the Variance Minor in Nature?

In our opinion the proposed reduction in the length of the parking stalls is minor in nature. The parking stalls will continue to be functional and the drive aisle will be 7.0m in width, allowing for adequate maneuvering space in the parking lot. Canadian tire strives for an 18.0m combined width for double loaded drive aisles across all sites, which is being achieved at this site. Further, wider parking spaces are available at the south end of the aisles. It is anticipated that should vehicle require additional length they would likely require additional width (eg. truck and trailers) and would utilize these spaces.

2. Is the Variance Desirable and Appropriate?

The proposed reduction to the parking stall length allows for the site to accommodate more parking stalls, allowing the proposed development to provide parking at a ratio closer to the zoning requirements. Further, the reduction does not impact the functionality of the parking lot, and therefore is desirable and appropriate.

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

The subject lands are designated as Urban Settlement Area in the City of Kawartha Lakes Official Plan. This designation permits a variety of uses, including commercial uses. The proposed variance to the minimum parking stall length will permit the expansion of an existing commercial operation and meets the intent and purpose of the Official Plan.

Chair and Members of Committee of Adjustment – June 10, 2019

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

The purpose of the minimum stall length is to ensure that adequate space is being provided for parking and maneuvering within a parking lot. The proposed reductions maintains this intent. The proposed 5.5m stall length is a prototype length found across Canadian Tire stores in Ontario. The proposed aisle width is 7.0m, which complies with the minimum width for drive aisle in Fenelon Township. The stall and aisle width results in a combined width of 18.0 metres, which is a standard generally followed in most development. Further there are larger stalls (increased width) which have been provided. The intention of these stalls is to allow for larger vehicles to park, and use two spaces length wise should it be necessary. As such, the proposed reduction to the parking stall length maintains the intent and purpose of the Zoning By-law.

Submission Materials

In support of the proposed minor variance application, please find enclosed the following:

- Two (2) copies of the completed application form;
- Two (2) copies of the proposed Site Plan;
- Two (2) copies of the proposed Building Elevations; and,
- One (1) cheque in the amount of \$1,320.00, made payable to the City of Kawartha Lakes, which represents the application and circulation fee.

We trust that the enclosed is in order. However, should you have any questions or require further information, please do not hesitate to contact the undersigned.

Regards,
IBI Group



Tracy Tucker, BAA, CPT
Project Coordinator

Cc: Ms. Veronik Manolova, Canadian Tire Real Estate Limited;
Ms. Emily Chow, Canadian Tire Real Estate Limited

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Gorassi
Report Number COA2019-051

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from Section 5.1.4(a) to reduce the minimum interior side yard requirement from 1.2 metres to 0.79 metre in order to permit the construction of an addition onto a boathouse.

The variances are requested at 798 Cedar Glen Road, geographic Township of Verulam (File D20-2019-035).

Author: Quadri Adebayo, Planner II **Signature:**

Recommendations:

Resolved That Report COA2019-051 Louis Gorassi be received;

That minor variance application D20-2019-035 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 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 COA2019-051, 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. Similar wording shall be placed on the required building permit; and
- 3) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	This application proposes to construct an addition onto an existing boathouse that was built circa 1945 (MPAC). The proposed development will maintain the limits of the easterly wall of the boathouse within the easterly interior side yard where relief is being sought. This application was deemed complete July 6, 2019.
Proposal:	To construct an approximately 34 square metre (366 square foot) addition to single-storey detached boathouse. The existing boathouse is approximately 41.63 square metres (448 square foot) in size.
Owners:	Louis Gorassi
Applicant:	Andrew Chudy
Legal Description:	Part Lot 11, Concession 3, Plan 209, Lot 1 to 2, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	Waterfront in the City of Kawartha Lakes Official Plan
Zone:	Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87
Site Size:	0.53 acres (2,120 square metres)
Site Servicing:	Private individual septic and lake water systems
Existing Uses:	Residential
Adjacent Uses:	North: Sturgeon Lake East & West: Residential South: Residential, Agricultural

Rationale:

1) Is the variance minor in nature? Yes
And

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

The proposed interior side yard reduction accounts for the measurement between the easterly side lot line and the existing building footprint established by the easterly wall of the boathouse. Notwithstanding that the established building wall is 0.86 metres from the easterly lot line; the slanted alignment of the easterly lot line from north to south further reduces the interior side yard

depth at 0.79 metres for the proposed addition onto the south end of the boathouse. Observation from site visit also suggests that the existing amenity space in the easterly side yard will not be significantly impacted as no construction is proposed to be installed within the said yard at all. The addition will be constructed onto the westerly and southerly walls of the existing boathouse respectively. Also, given that the easterly abutting parcel is a small piece of land in separate ownership that appears to function as a recreational back lot containing a dock and boat slip with an exclusive access, no land use compatibility issues are anticipated.

As well, no negative impact is anticipated from the proposed addition to the integrity of the abutting lake as necessary permits have been obtained from the respective regulatory authorities (Trent Severn Waterway - TSW and Kawartha Conservation - KRCA). See Appendix F for the permits. The existing vegetation along the easterly side lot line is also anticipated to buffer the scale of the proposed additions to the boathouse.

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

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

The 0.41 metre interior side yard reduction from the 1.2 metres required, proposed for addition, if granted, is not anticipated to be perceptible. The proposed addition will not detract from the existing shoreline character of the neighbourhood and has not been determined by commenting agencies to pose any negative impacts in relation to spatial separation or setback from property lines.

Considering the fact that the proposal has not fully exercised the zoning provision privileges for accessory buildings, utilizing a total lot coverage of approximately 5.8% from a possible 10% maximum in conjunction with the other accessory buildings on the property (two sheds and a detached garage), and maintaining a boathouse height of approximately 3.35 metre where 4 metres maximum is allowed, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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

The property is designated Waterfront in the City of Kawartha Lakes Official Plan. Accessory buildings such as boathouse are contemplated within this designation. Thus, the proposal maintains the general intent and purpose of the City's Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by private individual septic and lake water 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 (August 1, 2019): No concerns.

Building Division – Part 8 Sewage Systems (March 26, 2019 & August 1, 2019): No objection. See comments.

Engineering & Corporate Assets Division (August 2, 2019): No objections.

Public Comments:

None as of July 6, 2019.

Attachments:

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

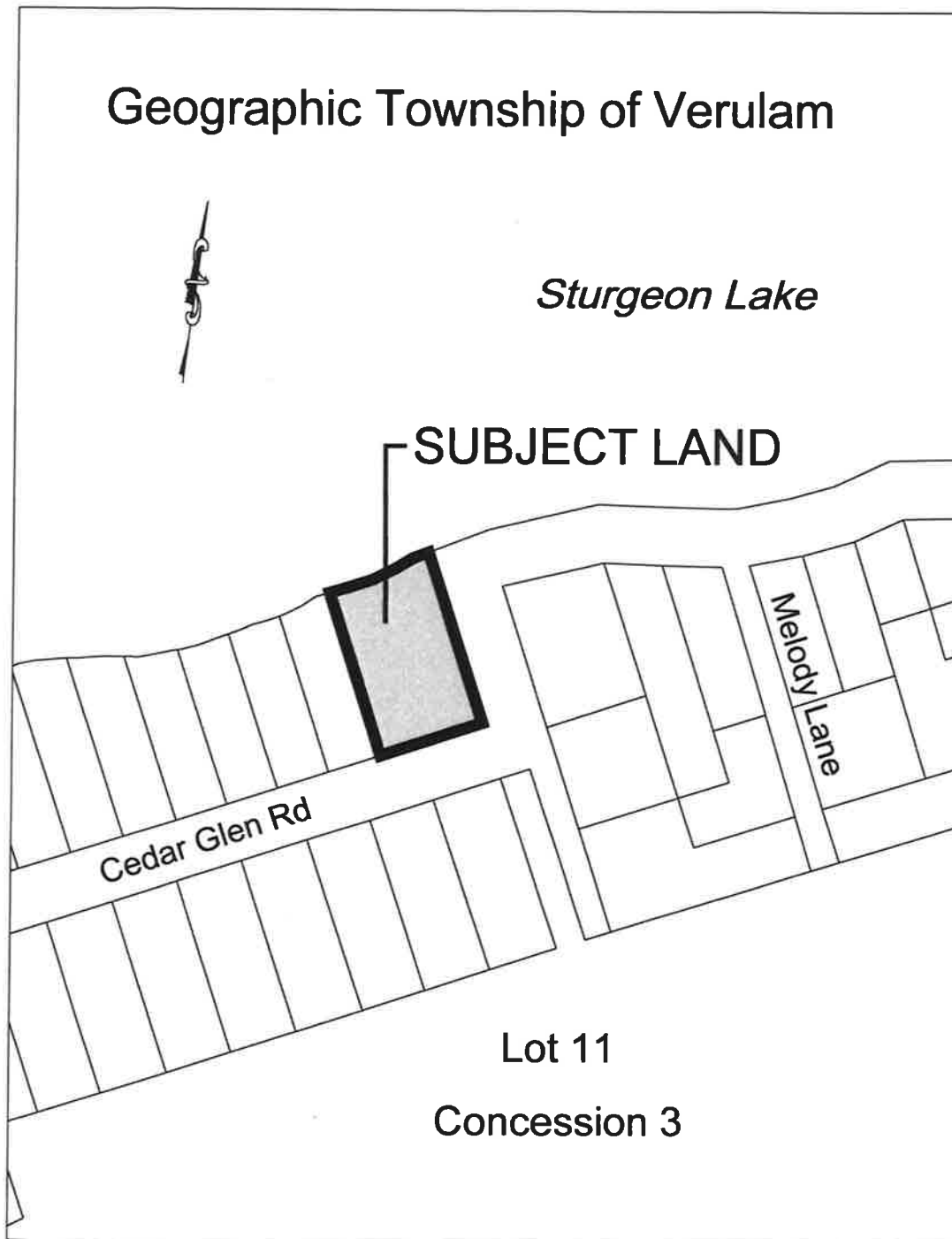


Appendices A-F to
Report COA2019-051

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

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-035

D20-2019-035



APPENDIX: B

to

REPORT COA2019-051

FILE NO: D20-2019-035



GEOMATICS
MAPPING

798 Cedar Glen Road, Verulam



0.06

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

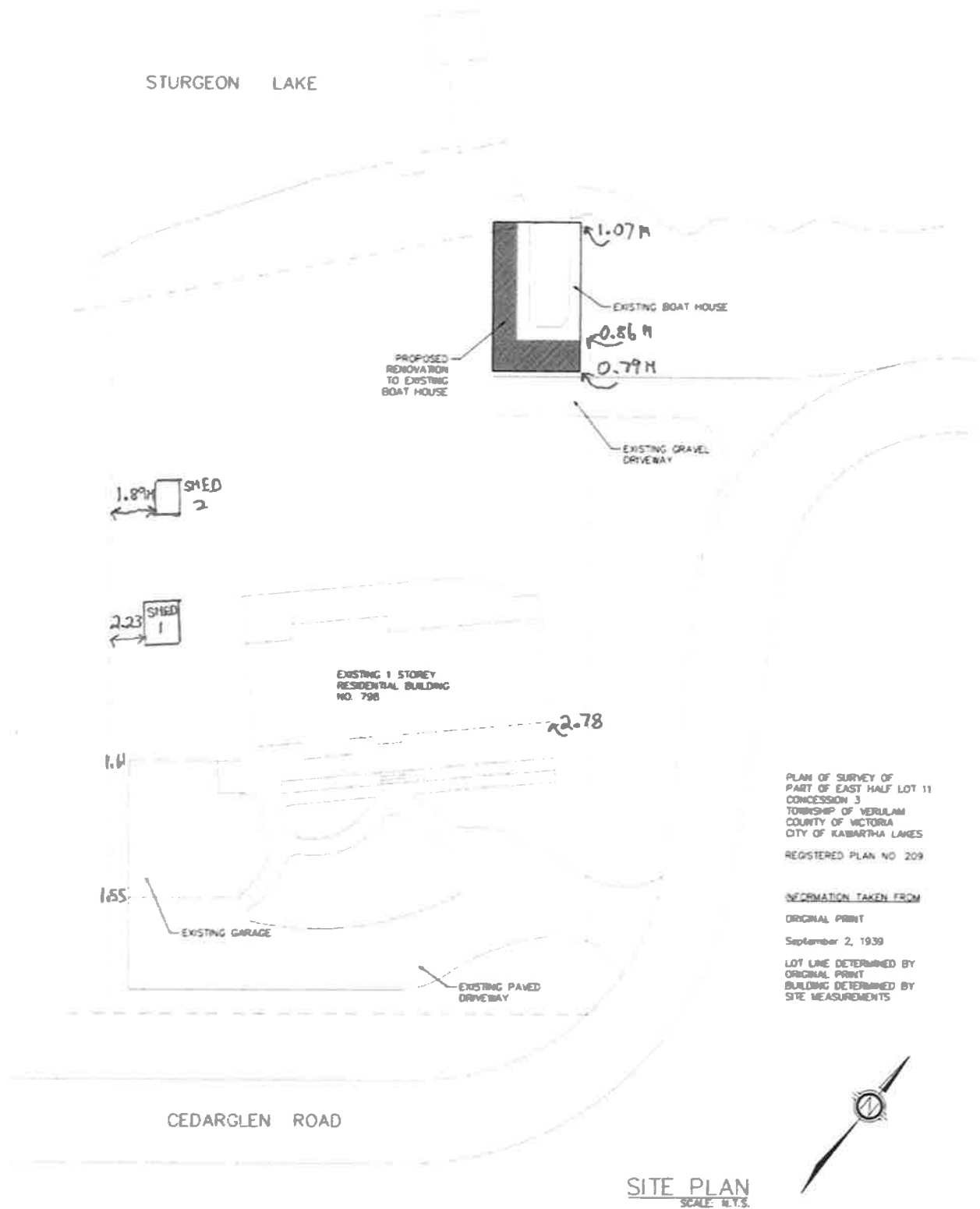
APPENDIX: C

to

REPORT COA2019-051

FILE NO: D20-2019-035

Site Plan Sketch



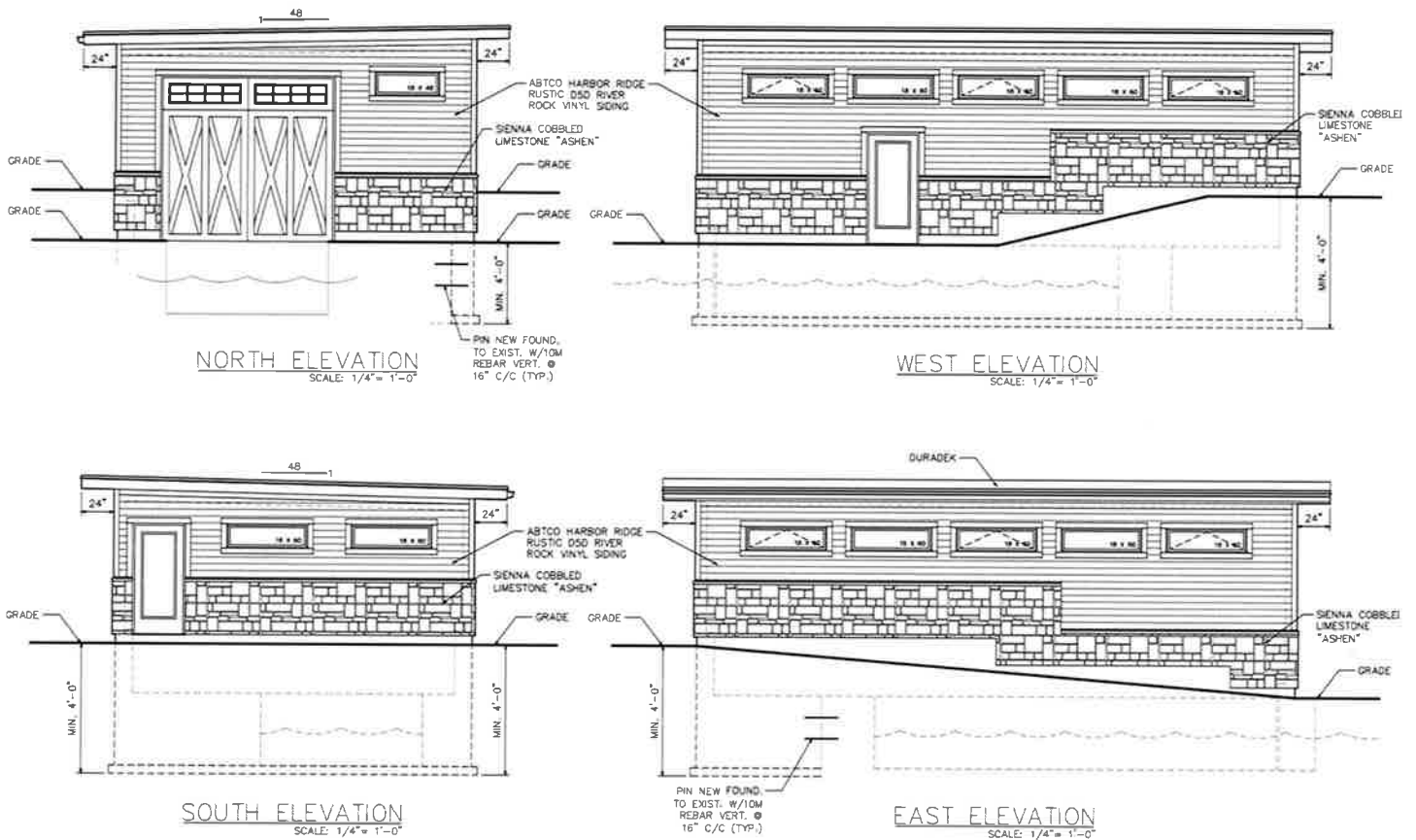
APPENDIX: D

to

REPORT COA2019-051

FILE NO: D20-2019-035

Elevation Drawing



Quadri Adebayo

APPENDIX " E "
to

From: Derryk Wolven
Sent: Thursday, August 01, 2019 8:29 AM
To: Charlotte Crockford-Toomey
Subject: C of A

REPORT COA2019-051
FILE NO. D20-2019-035

Please be advised building division has the following comments:

D20-2019-034 No concerns
D20-2019-035 No concerns
D20-2019-036 No concerns
D20-2019-037 No concerns
D20-2019-047 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



APPENDIX " E "
to

Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, August 01, 2019 4:06 PM
To: Charlotte Crockford-Toomey
Subject: D20-2019-035 - 798 Cedar Glen Rd

REPORT COA2019-051

FILE NO. D20-2019-035

Hello Charlotte,

I have reviewed the completed the submission for the proposed minor variance to allow for an addition to an existing boathouse at 798 Cedar Glen Road. Please refer to our comments provided in the submitted Sewage System Review Letter dated March 26, 2019.

Thanks,

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





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 2126
1-888-822-2225
Fax: 705-324-5514
website: www.kawarthalakes.ca

March 26, 2019

Andrew Chudy
17 Hawthorne Lane,
Fenelon Falls ON,
K0M 1N0

Dear Mr. Chudy,

**RE: Construction of Addition to Boathouse
798 Cedar Glen Road, Dunsford
CON 3 PT LOT 11 PLAN 209 LOT 1 TO 2
Former Verulam Township
City of Kawartha Lakes
File: SS2019-0029
Roll # 165102601035400
Owner(s): Louis Gorassi**

Please be advised we have received and reviewed your application for construction and completed a site visit. Specifically, we reviewed the **proposal to add an addition to your Boathouse** at the above-mentioned property.

A Sewage System Use Permit has been issued for this site (V-16-03). The following items are the total items proposed for the entire property, including this proposal. (Note: This includes guest cabins, bunkies, basements, etc.).

1. Number of Bedrooms – 3
2. Number of Fixture Units – 22
3. Total Living Space – <200 m²

Based on your application, it would appear that the plans for the addition of eight (8) feet on the boathouse, towards the existing sewage system, will not encroach within the boundaries of the existing sewage system serving the dwelling, nor will it cause an increase in the total daily sewage flow beyond the capacity of the system components. In that light, you are not required to install a new sewage system, or upgrade your existing one and, we have **no objection** to the proposal. Please note that at the time that the sewage system is required to be replaced, the area on the property will only accommodate an Alternative Sewage System.

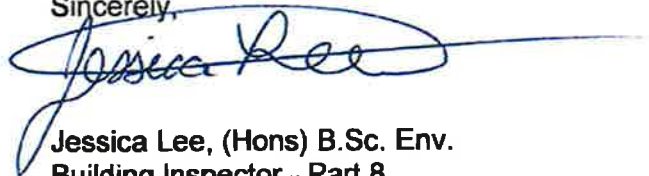
You should have your septic tank pumped by a licensed sewage hauler and the internal components checked if not done recently. Section 8.9.4.3. Division B of the Ontario

Building Code requires the tank to be cleaned when the sludge and scum layers occupy 1/3 of the operating capacity of the tank.

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

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

Sincerely,

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

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

Cc. Building Inspector

Quadri Adebayo

APPENDIX " E "
to

From: Christina Sisson
Sent: Friday, August 02, 2019 4:42 PM
To: Mark LaHay
Cc: Kirk Timms; Charlotte Crockford-Toomey
Subject: 20190802 D20-2019-035 Engineering Review

REPORT COA2019-051
FILE NO. D20-2019-035

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

Minor Variance – D20-2019-035
798 Cedar Glen Road
Part Lot 11, Concession 3
Plan 209, Lot 1 to 2
Geographic Township of Verulam, 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 permit the construction of an addition onto a boathouse by requesting relief from Section 5.1.4(a) to reduce the minimum interior side yard requirement from 1.2 metres to 0.79 metre.

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





Trent-Severn Waterway
National Historic Site
parkscanada.gc.ca

Lieu Historique National
de la Voie-Navigable
Trent-Severn Waterway
parkscanada.gc.ca

PERMIT NO. 100-100
Approved January 31, 2019

APPENDIX F

REPORT DA2019-051

FILE NO. D20-2019-035

Louis Gorassi
280 Richwood Road
Scarborough, ON M1C 2X2

OWNER: Louis Gorassi

LOCATION OF WORK: Fronting Lot 11, Concession 3, City of Kawartha Lakes
(Geographic Township of Verulam) and locally known
as 798 Cedar Glen Road

PERMISSION IS GRANTED TO:

- 1) Repair boathouse

Subject to the project specific special conditions listed in Appendix A attached.

Fronting the above stated property on Sturgeon Lake this permit is valid until January 31, 2020. **Be advised that no In-Water or Shoreline Works are permitted between March 15 and June 30 (inclusive) of any year.** Only projects for which permission has been granted may be undertaken.

Approved by Debbie Farmer

TRENT-SEVERN WATERWAY
NATIONAL HISTORIC SITE OF CANADA
2155 Ashburnham Drive
P.O. Box 567
Peterborough, ON K9J 6Z6
Phone: 705-750-4935 Fax: 705-742-9644
Email: Debbie.Farmer@Canada.ca

Page 1 of 6



Parks
Canada

Parcs
Canada

Canada



**KAWARTHA
CONSERVATION**

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1

Tel: 705.328.2271 Fax: 705.328.2286

www.kawarthaconservation.com

PERMIT No.

2019-015

APPENDIX F
to

REPORT

COA 2019-051

FILE NO.

D20-2019-035

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

Valid: January 25, 2019 to January 25, 2020

This permit expires on the date noted above, at which time it becomes null and void. This permit cannot be extended. If this permit has expired and the works have not been completed, a new permit application and new permit fee must be submitted to obtain a new permit.

Permission has been granted to:

Owner(s): Louis & Lynette Gorassi
Company:
Address: 798 Cedar Glen Road
Scarborough, ON M2C 2X2
Phone: (C) 416.321.2124

Applicant: Dwaine & Lindsey Fisher
Company: Fisher Excavating & Grading
Address: 21 River Road
Lindsay, ON K9V 4R4
Phone: (H) 705.878.3714
(C) 705.878.6474

Location: 798 Cedar Glen Road; Lot 11, Concession 3; Geographic Township of Verulam,
City of Kawartha Lakes

For the: Expansion of the existing ~41.6 square metre wet-slip on-shore boathouse by demolition of two sides to create a boathouse with a total size of ~75.6 square metres (22' x 37') (no change to wet-slip size) and the associated excavation/grading/fill placement (20 cubic meters) for foundation works

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

This permit shall be subject to the following Special and General Conditions:

OFFICE USE ONLY

- ☐ Owner: Louis & Lynette Gorassi
- ☐ Applicant: Dwaine & Lindsey Fisher
- ☐ Building Dept:
- ☐ KRCA File: 16796

Ron Warne

Director, Planning, Development & Engineering

Applicant Signature

Date:

Date

02/04/19

Permit No. 2019-015

Page 1/5

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Titterton
Report Number COA2019-052

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 8 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Sections 20.1(b)(iii) and 20.1(b)(vi) to reduce the minimum side yard setback for an accessory building that exceeds 60 square metres and exceeds a height of 4.3 metres, from 6 metres to 2.4 metres in order to permit the construction of a detached garage.

The variance is requested at 87 Bethany Hills Road, geographic Township of Manvers (File D20-2019-036).

Author: David Harding, Planner II **Signature:**

Recommendations:

Resolved That Report COA2019-052 Ian and Carey Titterton be received;

That minor variance application D20-2019-036 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix D and generally in accordance with the elevation in Appendix E submitted as part of report COA2019-052, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit:
 - a. The owners shall obtain demolition permits for the garage and garden shed to the northeast of the dwelling identified as Existing Garage and B5 Garden Shed on the sketch in Appendix C to report COA2019-052; and
 - b. The Chief Building Official or his/her designate shall verify that the garden shed to the northwest behind the existing shop, identified as B4 Tin Shed on the sketch in Appendix C to report COA2019-052 has been satisfactorily demolished; and

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

This approval pertains to the application as described in report COA2019-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The owners propose to construct an 8.5 x 11.6 metre detached garage.
Owners:	Ian and Carey Titterton
Applicant:	Ian Titterton
Legal Description:	Part Lot 12, Concession 11, Part 1, 9R-828, geographic Township of Manvers, now City of Kawartha Lakes
Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06
Site Size:	4,069.08 square metres
Site Servicing:	Private individual well and sewage system.
Existing Uses:	Rural Residential
Adjacent Uses:	North, East, West: Agricultural South: Forest

Rationale:

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

And

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

The subject property is a rural residential lot within an agricultural area.

The garage is proposed at the northeastern corner of the property currently occupied by a smaller garage and garden shed. This location is within the rear yard, east of the dwelling's side wall. The garage is proposed to be accessed via an extension to the existing driveway serving the dwelling. This placement towards the rear of the lot ensures that the dwelling continues to appear as the prominent building and use when viewed from the road. This accessory appearance is enhanced by the single storey with gable roof design above

proposed for the garage in comparison to the two storey dwelling with its gable roof design.

The garage is proposed to the east of the existing sewage system, and the Building Division has advised that its placement is the minimum setback required to a raised tile bed, and as such it will not affect the operation of the sewage system.

The garage will consolidate the storage provided by the three smaller accessory buildings into one larger building. The new garage will increase the functionality of the lot through the consolidation and expansion of storage spaces. Condition 2 is recommended to ensure continued compliance with the maximum accessory building lot coverage requirements.

Therefore, the variance is minor in nature and desirable and appropriate for the use of the land.

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

The property is zoned Rural General (A1) Zone within the Township of Manvers Zoning By-law. Due to the size of the lot, the property is subject to the Rural Residential Type One (RR1) Zone provisions instead of the A1 Zone provisions. Accessory buildings are subject to the General Provisions.

The General Provisions from which relief is sought provide an increased side yard setback for buildings exceeding 60 square metres and 4.3 metres in height. The intent of those two zone provisions is to reduce massing and land use conflicts that may arise between abutting lots when such large accessory buildings are placed. However, the subject property does not abut any rural residential lot and there are no nearby agricultural or residential buildings, only fields. In the case of the agricultural lot to the east, there is a hedgerow separating the two lots. Therefore, the reductions are appropriate since the conflicts the zoning by-law is controlling for are not present.

As the proposed garage meets or exceeds all other applicable zone provisions the proposal maintains the general intent and purpose of the zoning by-law.

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

The property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan. Existing rural residential lots and their accessory uses are recognized within the designation. The variance maintains the general intent and purpose of the Official Plan

Other Alternatives Considered:

The construction of the garage on east side of the lot is not possible without a variance due to the location of the sewage system. Construction on the west side of the lot may impact the ability to construct a replacement sewage system.

Servicing Comments:

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

Consultations:

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

Agency Comments:

Building Division (August 1, 2019): No concerns

Building Division – Part 8 Sewage Systems (August 1, 2019). No objections. The owners are encouraged to update the sewage system to current standards as it is undersized.

Engineering and Corporate Assets Department (August 2, 2019): No concerns.

Public Comments:

No comments received as of August 6, 2019.

Attachments:



Appendices A-F to
Report COA2019-052.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch of Existing Site Conditions

Appendix D – Applicant's Sketch of Proposed Site Conditions

Appendix E – Conceptual Elevation

Appendix F – Department and Agency Comments

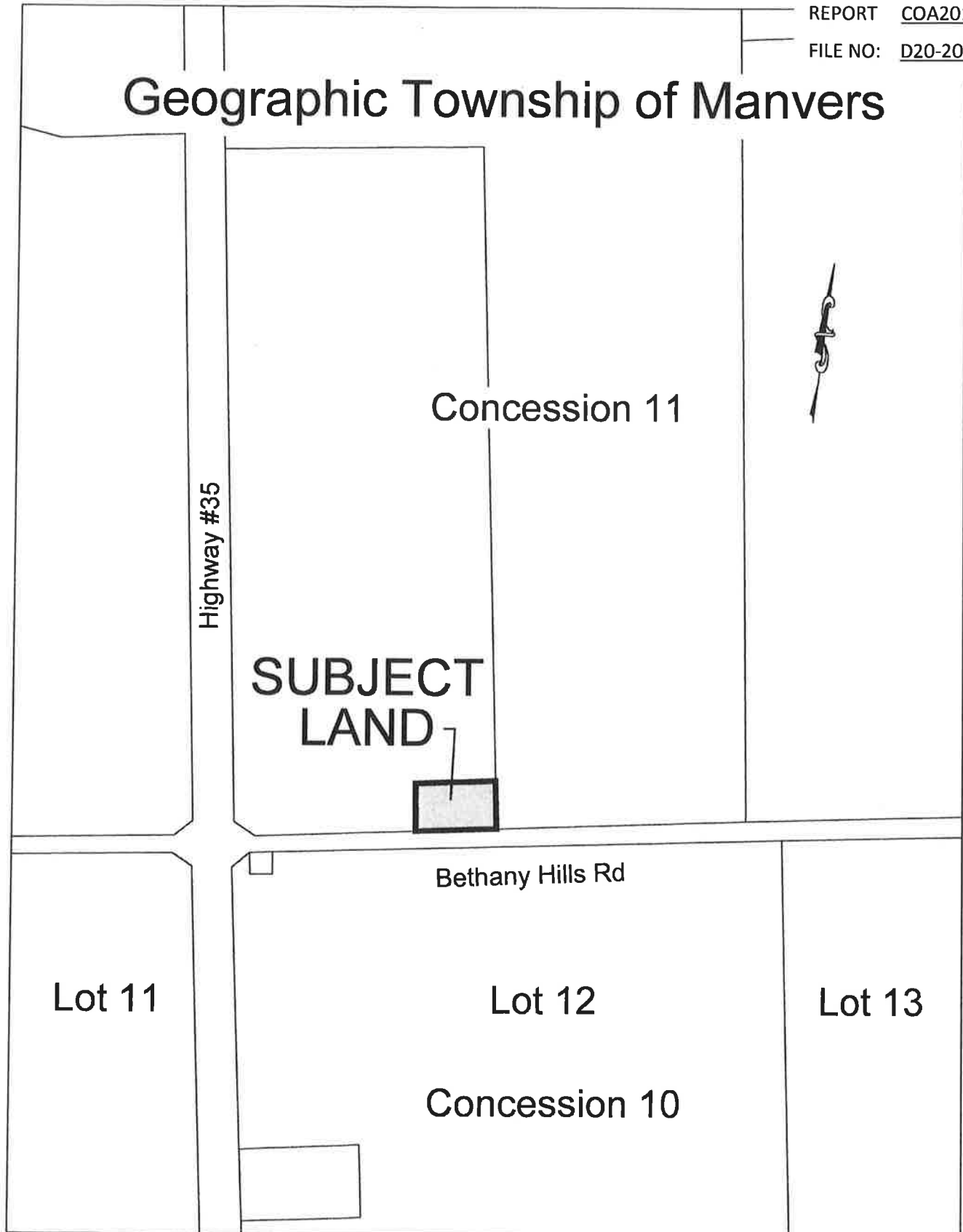
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-036

to

REPORT COA2019-052

FILE NO: D20-2019-036

Geographic Township of Manvers





GEOMATICS
MAPPING

87 Bethany Hills Road, geographic Twp. of Manvers



0.17

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



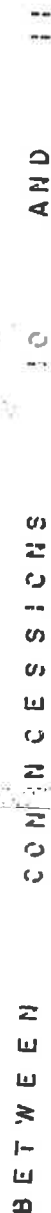
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to

REPORT COA2019-052

FILE NO: D20-2019-036

FILE NO: D20-2019-036



87 Better with R

Existing Property Side yard setbacks

Revised: 6/11

Revised: 2.4.83

Variable: 3.57m

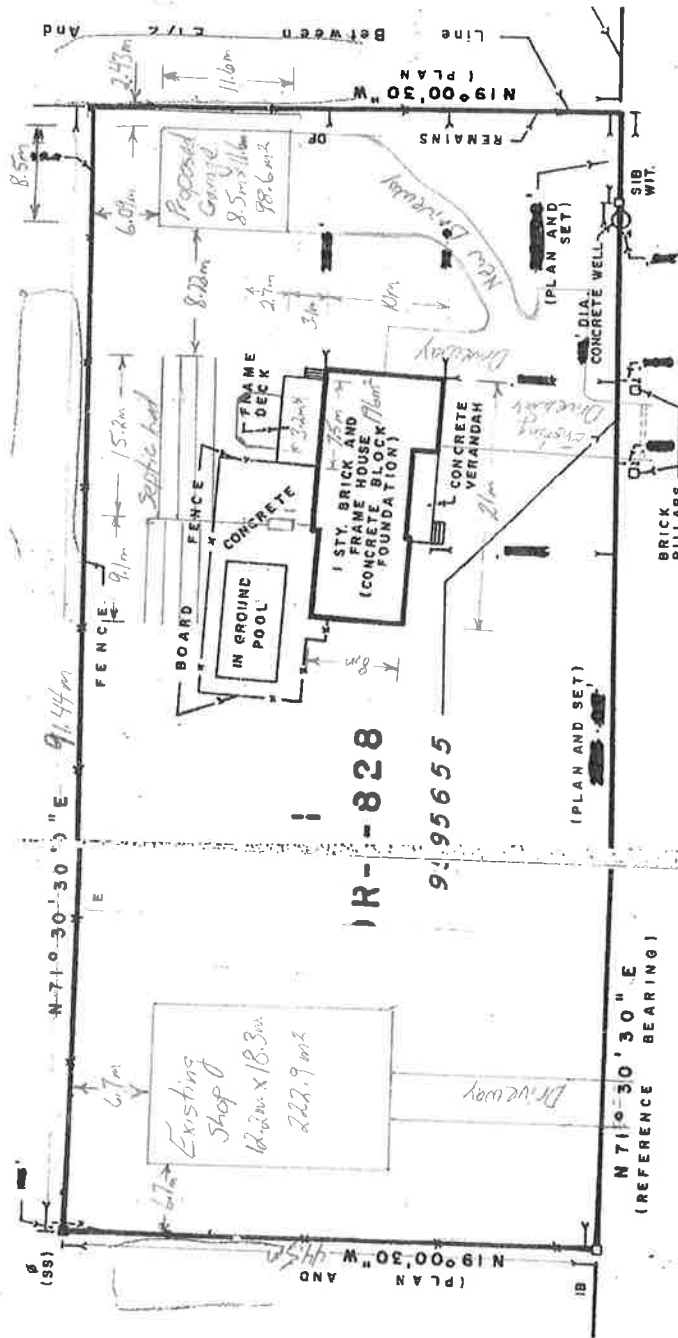
2.

NC E S I C N

to

REPORT COA2019-052

FILE NO: D20-2019-036



BETWEEN CONCESSIONS 10 AND 11

87 Belconnen Hills Rd

Proposed Property Sideyard setbacks

LOT

CONCESSION

12

13

Required: 6m
Proposed: 2.43m
Variance: 3.57m

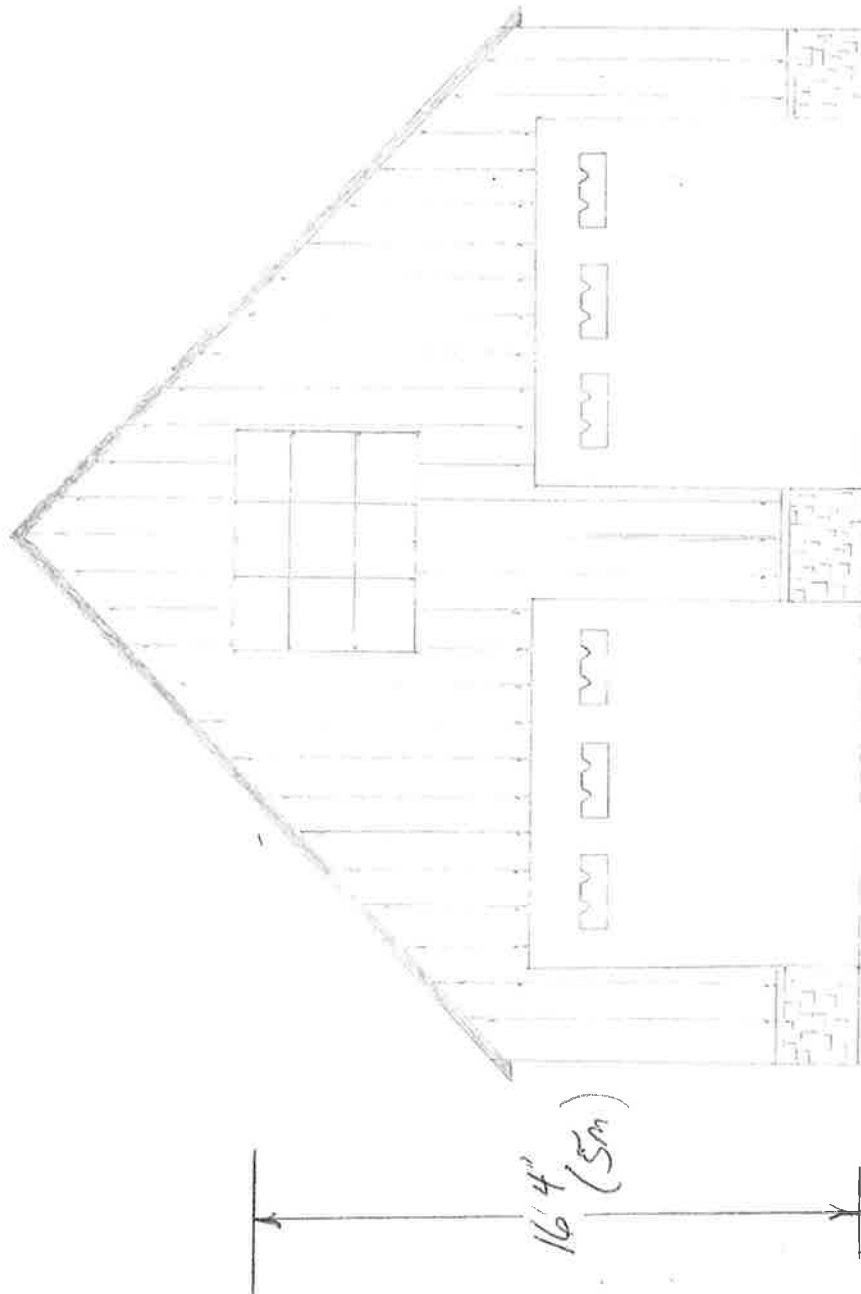
APPENDIX " E "

to

REPORT COA2019-052

FILE NO: D20-2019-036

Front/Street View - Facing South



David Harding

From: Derryk Wolven
Sent: Thursday, August 01, 2019 8:29 AM
To: Charlotte Crockford-Toomey
Subject: C of A

APPENDIX " F "
to
REPORT COA 2019-052
FILE NO. D20-2019-036

Please be advised building division has the following comments:

D20-2019-034 No concerns
D20-2019-035 No concerns
D20-2019-036 No concerns
D20-2019-037 No concerns
D20-2019-047 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



Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, August 01, 2019 4:11 PM
To: Charlotte Crockford-Toomey
Subject: D20-2019-036 - 87 Bethany Hills Road

Hello Charlotte,

I have received and reviewed the minor variance application D20-2010-036 for a proposed accessory building construction (detached garage). Please refer to our submitted Sewage System Review Letter completed on April 25, 2019 for comment.

Thanks,

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





Development Services/ Building Division
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: 705-324-9411 Ext. 2126
1-888-822-2225
Fax: 705-324-5514
website: www.kawarthalakes.ca

April 25, 2019

Ian Titterton
87 Bethany Hills Road,
Bethany, ON,
L0A1A0

Dear Mr. Titterton,

**RE: Construction of a Detached Garage
87 Bethany Hills Road, Bethany
CON 11 PT LOT 12 RP 9R828;PART 1
Former Manvers Township
City of Kawartha Lakes
File: SS2019-0054
Roll # 165100804006301
Owner(s): Ian Titterton**

Please be advised we have received and reviewed your application for construction and completed a site visit. Specifically, we reviewed the **proposal to construct a Detached Garage**, at the above-mentioned property.

A Sewage System Use Permit has been issued for this site (MA-20-77). The following items are the total items proposed for the entire property, including this proposal. (Note: This includes guest cabins, bunkies, basements, etc.).

1. Number of Bedrooms – 4
2. Number of Fixture Units – <20
3. Total Living Space – <200 m²

Based on your application, it would appear that the location of the Garage will not encroach within the boundaries of the existing sewage system serving the dwelling (based on the April 18, 2019 submission), nor will it cause an increase in the total daily sewage flow beyond the capacity of the system components. In that light, you are not required to install a new sewage system, or upgrade your existing one and, we have **no objection** to the proposal.

It should be noted that your sewage system was installed in 1977 for a three bedroom home and less than 20 Fixture Units. Since the current dwelling is four bedrooms, the current system may be compromised due to overuse as it is undersized. It is **strongly recommended that you consider updating the sewage system to today's**

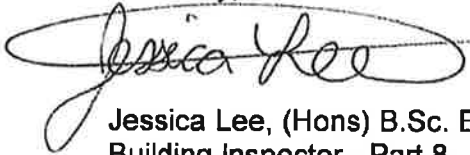
standards. When the sewage system requires to be replaced, the minimum setbacks established as per the Ontario Building Code shall be maintained and it will be sized according to the current standards in effect.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Lee', is written over a horizontal line.

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

Cc. Building Inspector

David Harding

From: Christina Sisson
Sent: Friday, August 02, 2019 4:41 PM
To: Mark LaHay
Cc: Kirk Timms; Charlotte Crockford-Toomey
Subject: 20190802 D20-2019-036 Engineering Review

Importance: High

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

Minor Variance – D20-2019-036
87 Bethany Hills Road
Part Lot 12, Concession 11
Part 1, 9R-828
Geographic Township of Manvers, Ward 8

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 permit the construction of a detached garage by requesting relief from Sections 20.1(b)(iii,vi) to reduce the minimum side yard setback for an accessory building that exceeds 60 square metres and exceeds a height of 4.3 metres, from 6 metres to 2.4 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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – L'Estrange
Report Number COA2019-053

Public Meeting

Meeting Date: August 15, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to request relief from Section 4.3.5.12(b)(iii) to reduce the minimum side yard requirement from 4 metres to 3 metres on one side of the lot (north side) in order to permit the replacement of a single storey dwelling with a two-storey dwelling.

The variance is requested at 43 Knox Crescent, former Village of Fenelon Falls (File D20-2019-037).

Author: Samantha Willock, Student Planner **Signature:**

Recommendations:

Resolved That Report COA2019-053 Nancy and John L'Estrange be received;

That minor variance application D20-2019-037 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 COA2019-053, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the current storage shed located in proximity to the water setback be completely removed from the property or relocated elsewhere on the property in a compliant manner;
- 3) **That** prior to the issuance of a Building Permit for the dwelling, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) which demonstrates that the proposed dwelling is appropriate for the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the proposed dwelling meets KRCA policies regarding the flooding hazard associated with Cameron

Lake, and that the permitting process has been initiated to its satisfaction;
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 COA2019-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application is proposing to replace an existing single-storey detached dwelling built circa 1940 with a two-storey detached dwelling. The replacement dwelling is proposed to maintain most of the existing building footprint (8 metre by 9 metre) with a slight expansion at 9.76 metre by 9.76 metre). The application was deemed complete July 9, 2019.

Proposal: To construct an approximately 190.50 square metre (2,049.78 square foot) two-storey detached dwelling that comprises a front porch with stairs and covered deck with stairs at the rear of the building. The proposed dwelling is to replace an existing 72 square metre (774.72 square foot) house on a reconfigured footprint.

Owners: Nancy and John L'Estrange

Applicant: Nancy L'Estrange

Legal Description: Lot 8, Plan 194 and Part Lot 18, Plan 17, Part Water Street, Plan 100, Part 8, 57R-4644, South Louisa, former Village of Fenelon Falls, now City of Kawartha Lakes

Official Plan: Low Density Residential in the Village of Fenelon Falls Official Plan.

Zone: Residential Type One Exception 12 (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-25

Site Size: 1,479 square metres (0.36 acres)

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
West: Cameron Lake

East: Right-of-Way (Knox Crescent), Garage, County of
Victoria Rail Trail

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 lot is within a shoreline residential neighbourhood that is occupied by seasonal and permanent dwellings. Most of the properties in this area contain a single detached dwelling west side of the right-of-way with their accessory detached garage located on the east side of the right-of-way.

The new cottage is being built on the same footprint of the existing cottage would not extend the existing deficiency in the part of the yard where relief is being sought. The small reconfiguration proposed to the existing building footprint will not be discernible and the character of the neighbourhood will not be altered. The second storey fits with the character of the abutting dwellings. The new cottage will not change the view of the lake that is currently there as there are no backlot dwellings on the east side of Knox crescent.

The dwellings on both sides of the property (north and south respectively) are two-storey dwellings of approximately the same size and lot layout as the proposed development.

Maintaining the side yard setback at 3 metre is not anticipated to have any impact on the abutting properties as the proposed additional storey will not create shadows in the neighbouring yards.

The proposal is an appropriate use of the land as the property is much deeper than it is wide. In order to conform to water setbacks and provide spacing for the well, the dwelling footprint was extended towards the sides of the lot to provide a functional dwelling size that can adequately fit within the irregular and undersized lot configuration

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

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

Yes

The lot is zoned Residential Type One Exception Twelve (R1-12) Zone within the Village of Fenelon Falls Zoning By-law 89-12. Within the R1-12 Zone category, a single detached dwelling is permitted.

The interior side yard mainly serves as access between the front and rear yards. The proposed 3 metres is sufficient space for this function and for maintenance purposes.

The interior side yard setback also serves as a privacy barrier between the abutting properties. Due to the large hedges on the sides of this property, no land use compatibility or privacy issues are anticipated. The abutting properties also have dwellings built close to the side yard setbacks due to the layout of the property.

In all other respects, the proposal upholds other zone provisions for height, water setback, and setback from the right-of-way

Therefore, the variance maintains the general intent and purpose of the zoning by-law.

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

Yes

The property is designated Low Density Residential within the Village of Fenelon Falls Official Plan. Predominantly single detached housing forms are anticipated within this designation. The immediate neighbourhood is comprised of single-detached dwellings. The variance meets the policy direction of the Official plan, thus maintaining the general intent and purpose of the Official plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

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

Consultations:

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

Agency Comments:

Building Division Comments (August 1, 2019): No concerns

Engineering and Corporate Assets Department (August 2, 2019): No objections.

- Kawartha Conservation - KRCA(August 2, 2019): KRCA advised that most of the property is located within the flooding hazard of Cameron Lake. And that under KRCA policies the approval for a residential replacement within a flooding hazard that would result in an increase in dwelling size may be permitted subject to the applicant being able to demonstrate the following:
- The dwelling will not be subject to flows that could cause structural damage;
- An improvement in the existing dwelling will occur with respect to flood proofing of the structure;
- The dwelling (including any crawlspace) will be flood proofed to an elevation of 0.3 metre above the regulatory flood elevation in accordance with our flood proofing standards (cottage must be at a minimum elevation of 256m/ASL). KRCA requests to be circulated a lot grading and drainage plan which will show how the dwelling will be flood proofed 0.3m above the regulatory flood elevation;
- No basement is proposed; and

- Access (ingress/egress) conditions are “dry” where this standard can be practically achieved, or flood proofed to an elevation which is practical and feasible, but no less than safe.

Public Comments:

No comments received as of August 7, 2019.

A pdf document is embedded into this document. Please contact Samantha Willock, at 705-324-9411 extension 1883 to request an alternative format.

Attachments:

Appendices A-E to
COA2019-053.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

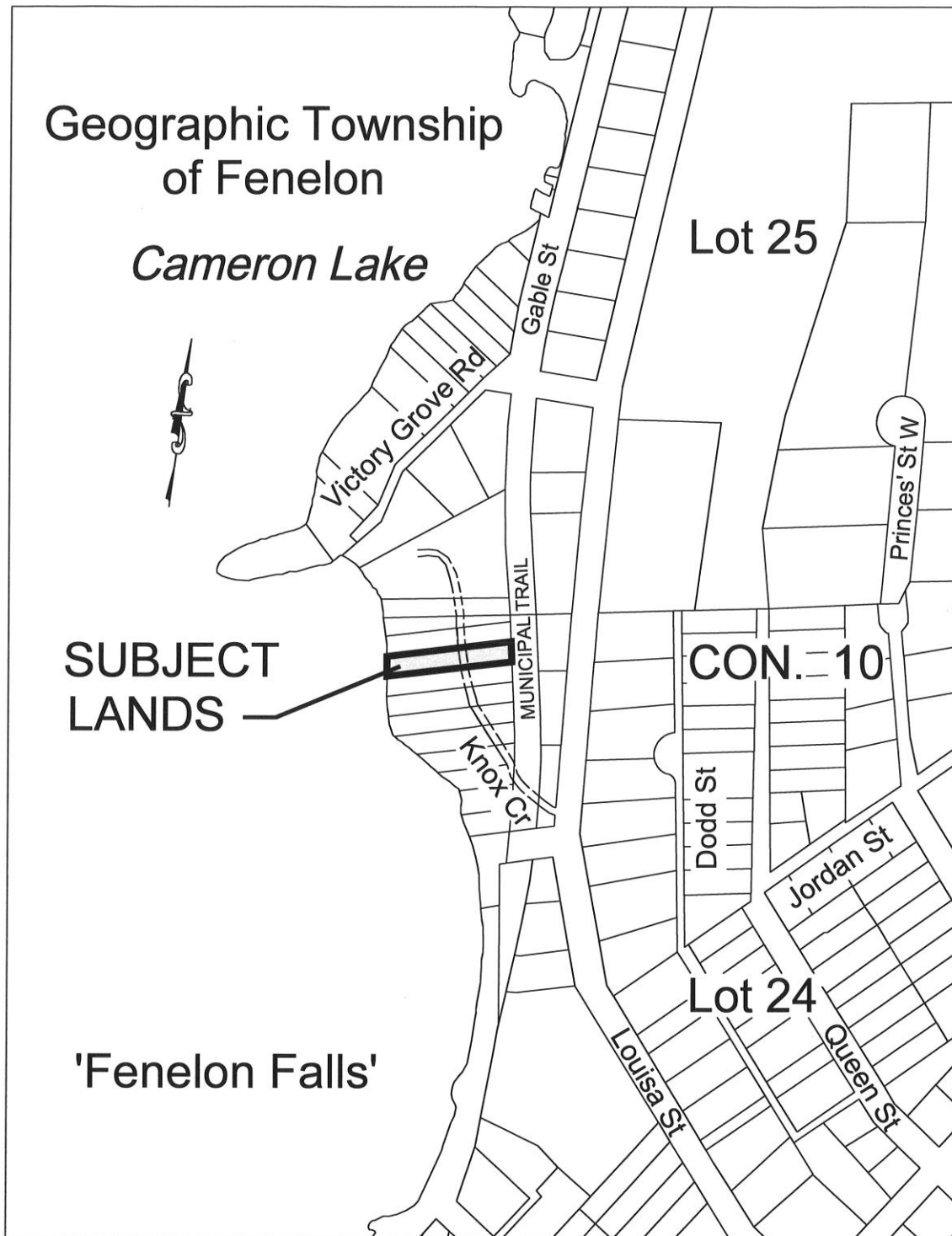
Phone:	705-324-9411 extension 1883
E-Mail:	swillock@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-037

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43 Knox Crescent, former Village of Fenelon Falls



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

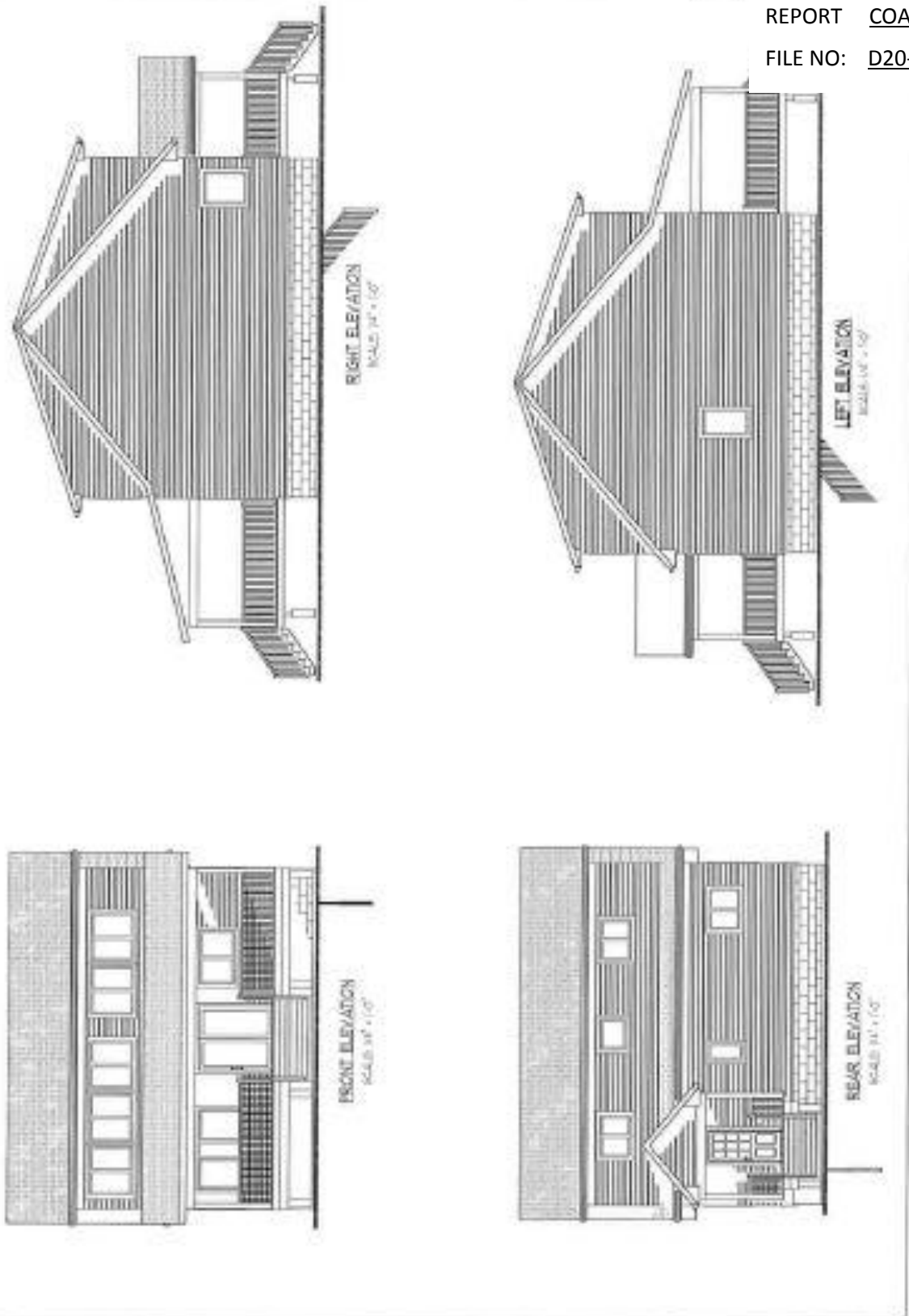
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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

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to

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FILE NO: D20-2019-037

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: C of A

Please be advised building division has the following comments:

D20-2019-034 No concerns
D20-2019-035 No concerns
D20-2019-036 No concerns
D20-2019-037 No concerns
D20-2019-047 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



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Via email qadebayo@kawarthalakes.ca
Quadri Adebayo
Planner II
Development Services – Planning Division
180 Kent Street West
Lindsay ON K9V 2Y6

RE: Minor Variance Application – D20-2019-037
43 Knox Crescent – Fenelon Falls, City of Kawartha Lakes

KRCA has completed a review of the above noted Minor Variance Application. The applicant is requesting to reduce the side yard set back from 4m to 3.1m, for a cottage replacement.

KRCA advises the applicant that most of the subject property is located within lands regulated by Kawartha Conservation and is subject to Ontario Regulation 182/06. The cottage (existing and proposed) is within this regulated area (the cottage is mapped within the flooding hazard of Cameron Lake). No development, including site alteration, grading, structures, etc., is permitted within Kawartha Conservation's regulated area prior to obtaining a Permit pursuant to Ontario Regulation 182/06. This permit may be subject to conditions.

The existing cottage dimensions are 8m by 9m. The proposed cottage is to be 9.76m by 9.76m (ground floor area increases from 72 sq. m to 95.25 sq. m and gross floor area increases from 72 sq. m to 190.50 sq. m). **KRCA has policies for residential replacement within a flooding hazard that would result in an increase in the dwellings size. The applicant partly conforms with these policies. The applicant has shown that:**

- There is no feasible alternative outside of the flooding hazard;
- The dwelling does not exceed 50% of the ground floor area of the existing structure or 46.5 metres², whichever is less;
- The number of dwelling units is the same or less.

The applicant will need to prove to KRCA how they plan to meet the following:

- The dwelling will not be subject to flows that could cause structural damage;
- An improvement in the existing dwelling will occur with respect to floodproofing of the structure;

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- The dwelling (including any crawlspace) will be floodproofed to an elevation of 0.3 metre above the regulatory flood elevation in accordance with our floodproofing standards (cottage must be at a minimum elevation of 256m/ASL);
- No basement is proposed; and,
- Access (ingress/egress) conditions are "dry" where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than safe.

The Minor Variance application partly conforms to KRCA policies for residential replacement within a flooding hazard that would result in an increase in the dwellings size.

KRCA requests to be circulated a lot grading and drainage plan which will show how the dwelling will be floodproofed 0.3m above the regulatory flood elevation.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations.

I trust this meets your information requirements at this time. Should you have further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,
Erin McGregor



Resources Planner Technician
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

to

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

Minor Variance – D20-2019-037
43 Knox Crescent
Lot 8, Plan 194, Part Lot 18 S Louisa Street, Plan 17
Part Water Street, Plan 100, Part 8, 57R-4644
Former Village of Fenelon Falls, 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 permit reconstruction of a vacation dwelling by requesting relief from Section 4.3.5.12 (b)(iii) to reduce the minimum interior side yard requirement from 4 metres to 3 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

