

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2019-010

Thursday, October 17, 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	
2.1.1	COA2019-10.2.1.1 October 17, 2019 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-09.2.3.1 September 19, 2019 Committee of Adjustment Minutes	5 - 16
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2019-016 David Harding, Planner II, RPP, MCIP File Number: D20-2019-008 Location: 2149 and 2155 Little Britain Road Part of East Half of Lot 16, Concession 4 Geographic Township of Ops Owners: John and Linda Mark Applicant: David Mark	17 - 31
3.1.2	COA2019-059 Quadri Adebayo, Planner II File Number: D20-2019-042 Location: 14 Wakeford Road Part Lot 14, Concession D, Parts 1-2, 57R-8321 Geographic Township of Mariposa Owners: Paul and Fiona Sullivan Applicant: Paul and Fiona Sullivan	32 - 55

3.1.3	COA2019-060	56 - 68
	<p>Quadri Adebayo, Planner II File Number: D20-2019-043 Location: 39-41 Hamilton Street Part Park Lot E1, Plan 8P, Part 5 on RP 57R-10375 Former Town of Lindsay Owner: Habitat for Humanity Peterborough and District Applicant: Habitat for Humanity Peterborough and District - Sarah Burke</p>	
3.1.4	COA2019-061	69 - 84
	<p>David Harding, Planner II, RPP, MCIP File Number: D20-2019-044 Location: 126 Maple Avenue Part of Block A, Plan 187 Former Township of Bexley Owner: Elizabeth Cross Applicant: Gowling WLG (Canada) - Brian Parker</p>	
3.1.5	Memorandum - D20-2019-045	85 - 90
	<p>Quadri Adebayo, Planner II File Number: D20-2019-045 Location: 276 Moorings Drive Part Lot 32, Concession 10 Geographic Township of Fenelon Owner: Bartt Barber Applicant: Bartt Barber</p>	
3.1.6	COA2019-063	91 - 102
	<p>Quadri Adebayo, Planner II File Number: D20-2019-046 Location: 121 Southcrest Drive Lot 106, Plan M747 Geographic Township of Mariposa Owners: Nancy Marto and James Duncan Applicants: Nancy Marto and James Duncan</p>	

3.1.7	COA2019-064	103 - 116
	David Harding, Planner II, RPP, MCIP File Number: D20-2019-047 Location: 6 Bass Street Part Lot 23, Concession 9, Part Lot 58, Plan 190 Geographic Township of Fenelon Owners: Corrado and Anita Giordanella Applicants: Corrado and Anita Giordanella	
3.1.8	COA2019-065	117 - 141
	David Harding, Planner II, RPP, MCIP File Number: D20-2019-048 Location: 71 Perfectus Drive Part Lot 15, Plan 245, Part 1, 57R-7233 Former Village of Bobcaygeon Owner: Kimberly Walsh Applicant: W. E. Oughtred and Associates Inc.	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	
4.2	Consents	
5.	Other Business	
6.	Correspondence	
7.	Next Meeting	
	The next meeting will be Thursday, November 7, 2019 at 1:00pm. in Council Chambers, City Hall.	
8.	Adjournment	

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

COA2019-09
Thursday, September 19, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Lloyd Robertson
Councillor E. Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. **Call to Order**

Chair Robertson called the meeting to order at 1:08pm. Members D. Marsh, S. Richardson and S. Strathdee were in attendance.

M. LaHay - Acting Secretary Treasurer

C. Crockford-Toomey - Recording Secretary

Absent: Councillor E. Yeo and A. O'Bumsawin

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2019-09.2.1.1

September 19, 2019

Committee of Adjustment Agenda

Moved By D. Marsh

Seconded By S. Richardson

That the agenda for September 19, 2019 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2019-08.2.3.1

August 15, 2019

Committee of Adjustment Minutes

Moved By S. Strathdee

Seconded By S. Richardson

That the minutes of the previous meeting held August 15, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-054

Ian Walker, Planning Office - 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

Mr. Walker spoke to the Committee regarding previous Report COA2019-050 (563 County Road 121) to defer to allow the applicant time to amend application to add two or three variances. Since the writing of Report COA2019-054, the applicant has requested a further deferral to work through concerns raised by staff. A Site Plan application has been submitted to the City. As part of the review there may be additional changes to the proposed variances. Staff suggested a deferral and that the application return to the Committee at such a time that is supportable by staff.

There were no questions from the Committee or other persons.

Moved By D. Marsh

Seconded By S. Richardson

That Minor Variance Application D20-2019-034 be further deferred for six months to provide the owner sufficient time to supply the City with an amended proposal and to ensure the amended proposal can be adequately received for supportability by staff. Re-advertise if required.

Carried

3.1.2 COA2019-055

Quadri Adebayo, Planner II

File Number: D20-2019-038

Location: 788 Indian Point Road

Range North West Bay, Part Lot 3, Plan 378, Lot 29

Geographic Township of Bexley
 Owner: Bruce Brock
 Applicant: RWH Construction, Ryan Hayter

Mr. Adebayo summarized Report COA2019-055, to permit the construction of a detached garage including additions to a single-storey waterfront dwelling that will comprise of a walkout basement, a covered front porch an attached garage, a sunroom and an elevated deck at the rear with stairs. Mr. Adebayo stated there are two variances and suggested that the first variance be denied as it does not meet the tests set out in Section 45(1) of the Planning Act.

Agency comments received since the writing of the report from Community Services and Part 8 Sewage Systems have no concerns. Kawartha Region Conservation Authority require permits prior to the issuance of a building permit.

Mr. Adebayo also stated a new condition be added, Condition 2 as follows: "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". Former Condition 2 to become Condition 3 with subsequent conditions to follow in numerical order.

The Committee asked staff if the applicant had obtained permits for the house renovations originally. Staff replied yes, however not for the deck which is yet to be issued a building permit until the minor variance process is finalized.

The Committee questioned the depth of the deck that makes it too close to the lake. Staff responded 3 metres, but suggest a depth of up to 1.8 metres in order to meet the 15 metre setback.

The Committee also questioned the size of the garage doors, shown in the presentation, stating that they appear to look like regular size doors, not for large vehicles as requested. Staff replied these are conceptual drawings which makes the actual size difficult to discern, however they are larger doors. The Committee asked what type of vehicles are intended to be stored in the garage. Staff requested that the applicant answer this question.

The applicant, Mr. Adam Hayter was present and spoke. He confirmed the garage would be used to store boats with tall masts. The garage doors are 10 feet tall.

The Committee asked staff if the elevated deck is drawn out of perspective to extend the blue line shown on the presentation screen and not to the red line proposed by the applicant. Staff replied yes.

The Committee suggested a condition be added referencing Kawartha Region Conservation Authorities comments. Condition 4 was added, reading as follows: "That permits and approvals required by the Kawartha Region Conservation Authority be obtained prior to the issuance of a building permit". Previous Condition 4 now becomes Condition 5.

No further questions were posed by the Committee or other persons.

Moved By S. Strathdee

Seconded By D. Marsh

1. **That** minor variance application D20-2019-038 seeking relief from Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 13 metres, be DENIED, as this portion of the application does not meet the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-038 seeking relief from Section 3.1.3.2 to increase the maximum height requirement for an accessory building from 5 metres to 6 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction of the dwelling and detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C2 and the elevations in Appendix D submitted as part of report COA2019-055, 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;
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** the depth of the elevated deck proposed within the rear yard area shall be located at a minimum water setback of 15 metres from the water's edge;

4. **That** permits and approvals required by the Kawartha Region Conservation Authority be obtained prior to the issuance of a building permit; 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 COA2019-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2019-056

David Harding, Planner II

File Number: D20-2019-039

Location: 344 Lindsay Street South, Part Lot 16, Concession 6

Geographic Township of Ops

Owner: Moynes Leasing Ltd.

Applicant: Mark Wilson - MVW Construction and Engineering Inc.

Mr. Harding summarized Report COA2019-056, to request relief to permit an addition to a legal non-conforming body shop use.

Mr. Harding brought to the attention of the Committee an affidavit included in the amended agenda package. He noted that there was a typo in the report. Within proposed Condition 1, Appendices C and D were intended to be referenced, not Appendices D and E. Proposed Condition 2 is recommended to be removed as a Section 59 Notice for the application has since been received. Proposed Conditions 3 and 4 would be re-labelled 2 and 3. The content of the new proposed Condition 3 would be deleted and replaced with the following: "That prior to the issuance of a Building Permit the owner shall submit to the Secretary - Treasurer written approval from the Building Division - Part 8 Sewage Systems. As part of this approval the owner shall submit to the Building Division - Part 8 Sewage System a satisfactory drawing denoting the location of the sewage system and applicable setbacks and pay the applicable sewage system review fee" in light of recent comments received from Building Division - Part 8 Sewage Systems.

Mr. Harding noted that agency comments received since the writing of the report from Community Services, Kawartha Region Conservation Authority and the Building Division noted no concerns.

The Committee asked if a Kawartha Region Conservation Authority (KRCA) condition should be added. Staff replied that it was not necessary as a party acting on behalf of the applicant had advised that a KRCA permit was already applied for.

The applicant, Mark Wilson, MVW Construction and Engineering Inc. was present, but had no questions for the Committee.

No further questions were posed by the Committee or other persons.

Moved By S. Richardson

Seconded By D. Marsh

That permission/minor variance application D20-2019-039 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D of report COA2019-056, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems. As part of this approval the owner shall submit to the Building Division – Part 8 Sewage Systems a satisfactory drawing denoting the location of the sewage system and applicable setbacks, and pay the applicable sewage system review fee; and
3. **That** the building construction related to the permission/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 COA2019-056. Fulfillment of all conditions is required for the Permission/Minor Variance to be considered final and binding.

Carried

3.1.4 COA2019-057

David Harding, Planner II
 File Number: D20-2019-040
 Location: 726 Balsam Lake Drive
 Range North West Bay, Part Lot 16
 Geographic Township of Bexley
 Owner: Julia Farewell
 Applicant: Ryan Hayter - RWH Construction

Mr. Harding summarized Report COA2019-057, to request relief to reduce the minimum side yard setback for an accessory building in order to permit the construction of a new boathouse.

Mr. Harding noted that agency comments received since the writing of the report from the Kawartha Region Conservation Authority and Building Division - Part 8 Sewage Systems noted no concerns.

The owner, Ms. Farewell was present but did not speak.

There were no questions from the Committee or other persons.

Moved By D. Marsh

Seconded By S. Strathdee

That minor variance application D20-2019-040 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 substantially in accordance with the sketch in Appendix C-2 and elevations in Appendix D submitted as part of report COA2019-057, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit the Secretary-Treasurer receive written confirmation from the Chief Building Official that the surface runoff generated by the boathouse is managed to their satisfaction; 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 COA2019-057. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2019-058

Quadri Adebayo, Planner II
 File Number: D20-2019-041
 Location: 18 Church Street
 Part Lot 9 and 11, Plan 42
 Geographic Township of Mariposa
 Owner: Ruth Currie
 Applicant: Arturs Bergs

Mr. Adebayo stated by bringing the Committees' attention to a typo on page 3 of the Report, second paragraph, line 7 which reads 4.5 metres (40% deficiency), whereas it should read 4.3 metres (57.3% deficiency).

Mr. Adebayo summarized Report COA2019-058, to permit the replacement of a derelict single-storey dwelling with a new single-storey detached bungalow on a reconfigured footprint that will comprise of a basement area and a covered deck on the main level.

Agency comments received since the writing of the report from Community Services had no concerns. Public comments received from Michael and Carol Loughlin of 105 Robmar Crescent, Manilla, in support of the application.

The Committee asked if the sewage system was decommissioned. Staff replied that the application process is ongoing with Anne Elmhirst, Supervisor - Part 8 Sewage Systems to ensure the existing sewage system has capacity for the new build proposed.

The applicant, Mr. Bergs was present and spoke to the Committee. He noted that the block map was incorrect, that George Street is in actual fact Edward Street.

No further questions were posed by the Committee or other persons.

Moved By S. Richardson

Seconded By D. Marsh

That minor variance application D20-2019-041 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 C2 and generally in accordance with the elevation in Appendix D submitted as part of report COA2019-058, 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; and
2. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-058. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

Mr. Holy, Planning Manager announced that Robyn Carlson, City Solicitor will be attending the Council Meeting September 24, regarding the appeal filed against 45 Marsh Creek Road, Mariposa. The Chair requested an update.

The Chair requested that the planners add a condition in future to applications where permits are required from KRCA, MTO and Part 8 Sewage Systems.

6. Correspondence

7. Next Meeting

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

8. Adjournment

Moved By D. Marsh

Seconded By S. Strathdee

That the meeting be adjourned at 2:08pm.

Carried



Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – John and Linda Mark
Report Number COA2019-016

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 7 – Geographic Township of Ops

Subject: The purpose and effect is to request from Section 17.2 to reduce the minimum lot frontage from 45 metres to 19.4 metres, Section 10.2(a) Side Yard to reduce the minimum side yard from 10.5 metres to 3 metres, Section 10.2(b) Building Separations to reduce the required building setbacks for shipping/storage containers from 3 metres to 0 metres, and Section 10.2 to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota.

The variances are requested at 2149 and 2155 Little Britain Road, geographic Township of Ops (File D20-2019-008).

Author: David Harding, Planning II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-016 John and Linda Mark, be received;

That minor variance application D20-2019-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **That** if the related provisional consent decision for application D03-2019-006 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-016. Fulfillment the condition is required for the Minor Variances to be considered final and binding.

Background: On June 11, 2019, the Director of Development Services issued provisional consent to application D03-2019-006 to sever a parcel containing a legal non-conforming dwelling from the balance of the lands containing the business operating as Race Toyota. This minor variance application was deemed complete September 6, 2019.

Proposal: To adjust setbacks and development standards that would otherwise apply to the mutual lot line to be created.

Owner: John and Linda Mark

Applicant: David Mark

Legal Description: Part of East Half of Lot 16, Concession 4, geographic Township of Ops, now City of Kawartha Lakes

Official Plan: Severed – Industrial
Retained – Highway Commercial
within the City of Kawartha Lakes Official Plan

Zone: Severed – Agricultural Support (AS) Zone
Retained – Highway Commercial (CH) Zone
within the Township of Ops Zoning By-law 93-30

Site Size: Severed – 1.49 hectares
Retained – 1.18 hectares

Site Servicing: Private individual wells and sewage systems

Existing Uses: Severed – Residential
Retained – Commercial (Race Toyota)

Adjacent Uses: North – Agricultural
South, West – Agricultural, Commercial, Industrial
East – Rural, Commercial

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject property is located within a commercial/industrial corridor along the eastern extent of Little Britain Road before it ends at Highway 7. The corridor has very few residential uses. The residential use upon the subject property is the only one within this immediate area of the corridor. The proposed severed lot containing the residential use is flag-shaped with the dwelling located to the northwest, set back in and behind the abutting uses and screened and buffered by stands of trees. The proposed retained lot is triangular, and contains the Race Toyota business, which is grouped closer to the proposed mutual lot line.

The variances, if granted, will permit the separation of a commercial and residential use from one another, and allow the properties to continue to exist in their current states instead of applying current landscape development standards.

The location where the landscape strip is absent is the space between the shipping containers and front lot line. This space functions as an oversized parking area for Race Toyota, though there is a clear linear division between the lands intended to be used by Race Toyota, which are paved, and the gravel driveway area used by the residence. Enforcement of the current zone standards would require the removal of parking and driveway area and replacement with sod and/or other vegetation. Should this be required of either property in the future, it would be more appropriate to address the need for a buffer through the site plan review process. At this time, adding the landscaping requirement will not result in any significant buffering improvement given the dwelling that would benefit most from this buffering is located at the opposite end of the property.

The yard setback reduction for the storage containers is not anticipated to result in any adverse massing impacts and sufficient space remains to perform maintenance around them and the mutual lot line. Permitting the shipping containers to abut one another also clusters the storage functions on the retained lot together and lessens any visual impact that may be experienced.

Sufficient frontage remains for the proposed severed lot for driveway access.

The variances are minor in nature and desirable and appropriate for the use of the land.

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

The subject land contains two zone categories. The portion containing the residential use is zoned Agricultural Support (AS) Zone in the Township of Ops Zoning By-Law 93-30. The balance of the lot is zoned Highway Commercial (CH) Zone.

The parcel to be severed does not meet the frontage requirement of 45 metres as about 19.46 metres is proposed. The residential use on the proposed severed parcel is able to continue as a legal non-conforming use. The lot frontage provision appears to have been written on the premise that a lot within the AS Zone would be rectangular in nature. Based on this premise, the intent of the lot frontage provision is to create a lot of sufficient width for the establishment of a sizeable building and its operational requirements. The interior of the property is of sufficient size to accommodate an AS Zone use if one is desired in the future.

The reduced side yard setback to the metal storage containers is not anticipated to generate any adverse impacts given there are currently no buildings on the proposed severed parcel anywhere near the proposed mutual lot line and the ability to perform maintenance within the reduced side yard will not be impaired.

The intent of the building spatial separation provision is to provide adequate setbacks for Building Code purposes and for adequate maintenance to be performed around buildings. The Building Division has raised no issues with

respect to allowing the storage containers to abut one another. In this case, the containers perform storage functions and are located upon a parking lot surface. As such, due to their collective storage function and the flat surface topography they are situated upon, it makes sense to treat the storage containers as a single storage entity and cluster them together for functionality and to reduce visual impacts rather than evenly distribute the containers throughout the side and rear yards.

The intent of the landscape strip requirement is to provide for a vegetative buffer between a newly developed property and a residential use to provide privacy. In this case, the residential and commercial uses on the property have operated independently from one another and have done so for quite some time, with a clear dividing line between the residential (gravel driveway) and commercial (paved parking lot) uses. Additionally, the dwelling which would benefit most from this buffering is set well away from the mutual lot line at the western extent of the property. If the owner of the severed lot wishes to establish a vegetative buffer at a later date, this may be done so. The City would also have the opportunity to review buffering requirements should the Race Toyota site go through redevelopment.

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

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

Yes

The property is designated Industrial and Highway Commercial within the City of Kawartha Lakes Official Plan. The portion of the property containing the dwelling is designated Industrial and the portion containing Race Toyota is designated Highway Commercial. The Highway Commercial designation anticipates a wide assortment of uses which require large areas to display their products and nearby main roads to provide convenient access and easy exposure. No change is proposed to the portion of the property with the Highway Commercial designation. The Industrial designation provides for a range of businesses, including manufacturing and service uses. The existing dwelling unit on the Industrial designation is considered a legal non-conforming use. Section 34.1 permits the continuation of legal non-conforming uses.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

Each distinct use is serviced by a private individual well and sewage system.

Consultations:

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

Agency Comments:

Building Division (October 7, 2019): No concerns. Spatial separation will be addressed through an agreement.

Engineering and Corporate Assets Department (October 8, 2019): No concerns.

Public Comments:

No comments received as of October 9, 2019.

Attachments:



Appendices A-D to
Report COA2019-016.

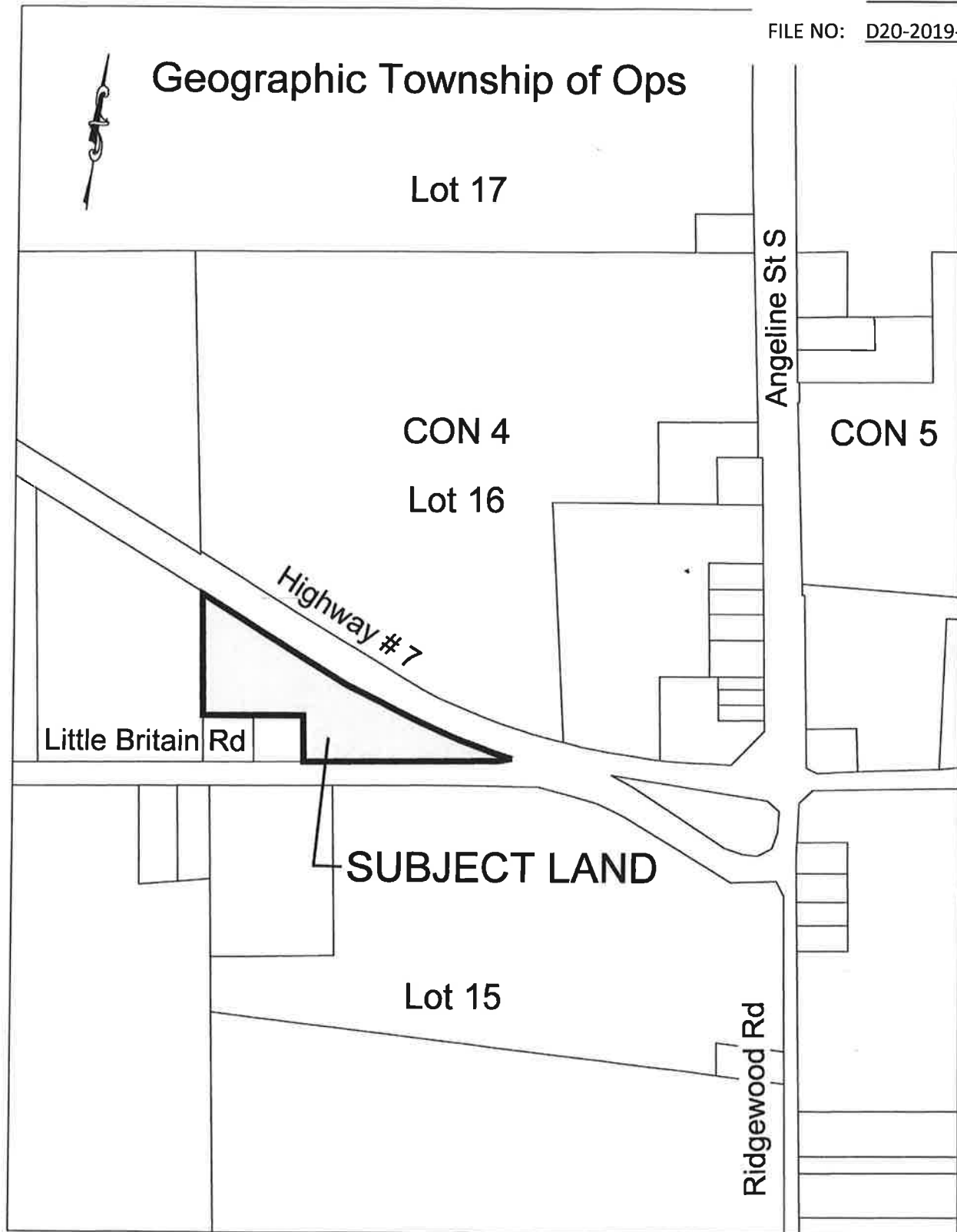
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-008

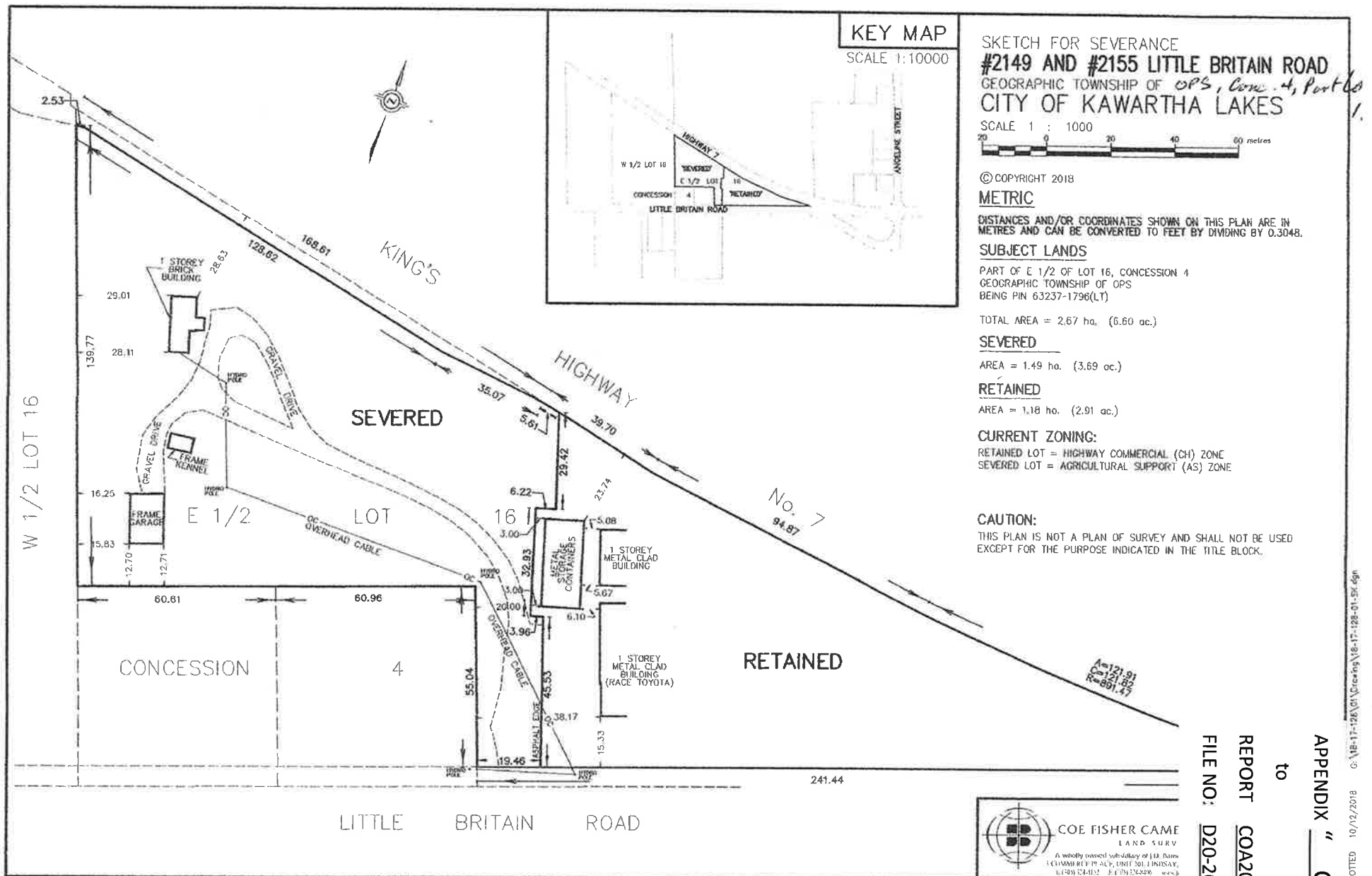
to

REPORT COA2019-016

FILE NO: D20-2019-008







APPENDIX "C"

to

REPORT COA2019-016

FILE NO: D20-2019-008

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:38 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-008

APPENDIX " D "
to
REPORT CA 2019-016

FILE NO. D20-2019-008

Please be advised building has no concerns with this application. Spatial will be dealt with through an agreement.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:00 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 2149 and 2155 Little Britain Road - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:03 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 2149 and 2155 Little Britain Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on April 2, 2018, Engineering provided a review on D38-2018-024 noting that further to our review of the application and our attendance at the March 22, 2018 meeting with the owner, we confirm the following engineering requirements must be addressed for any proposed planning application for this property:

- Topographic and legal survey – confirm existing site layout, entrance, grading and drainage and potential impacts of a consent to the existing Race Toyota Site Plan requirements on the property.
- Entrances must comply with the City of Kawartha Lakes By-Law 2017-151 to Regulate Access to Municipal Right of Ways, an Entrance Permit from Public Works is required.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-008
2149 and 2155 Little Britain Road
Part of East Half of Lot 16, Concession 4
Geographic Township of Ops

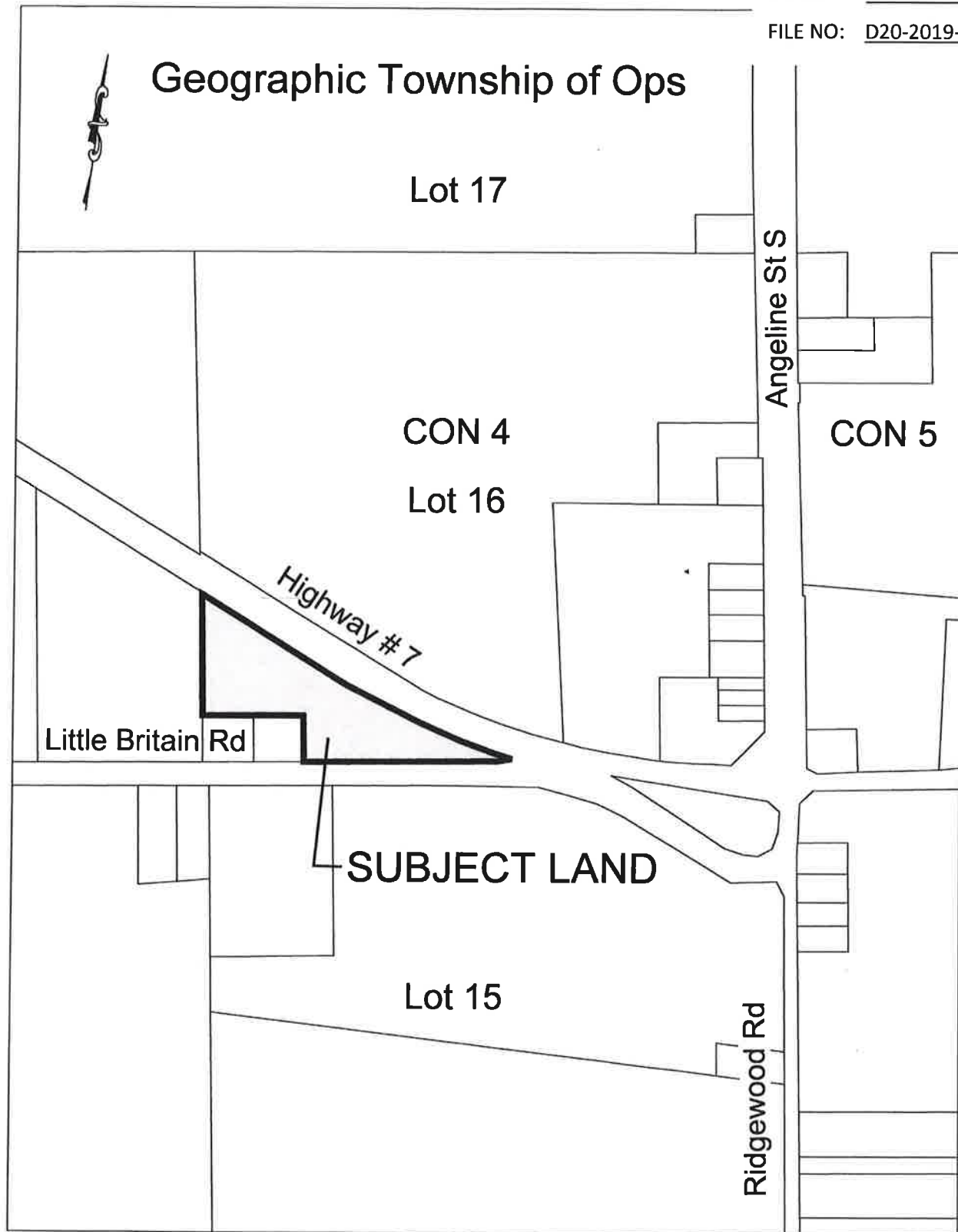
It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum lot frontage from 45 metres to 19.4 metres, reduce the minimum side yard from 10.5 metres to 3 metres, reduce the required building setbacks for shipping/storage containers from 3 metres to 0 metres, to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota.

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

to

REPORT COA2019-016

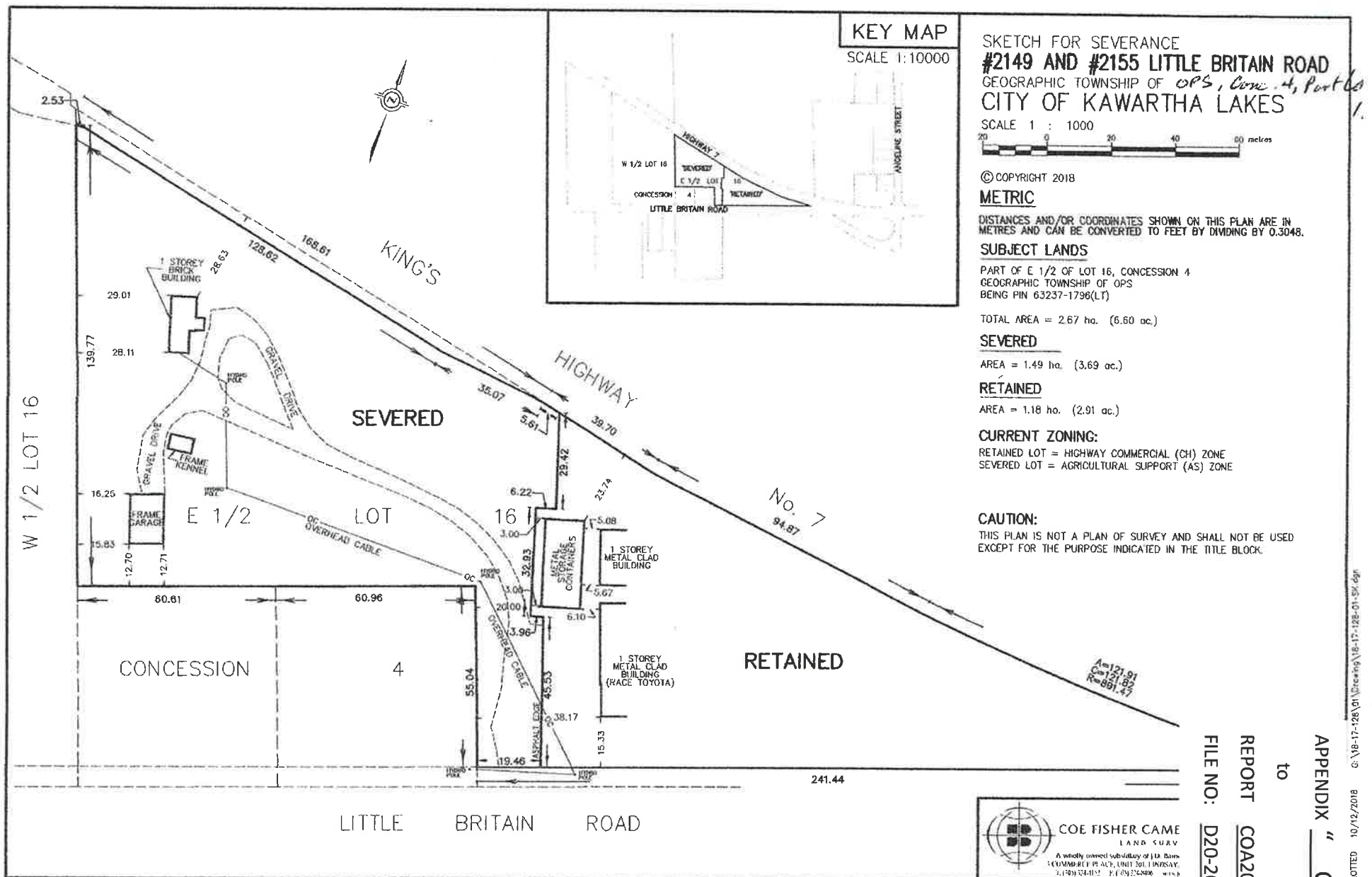
FILE NO: D20-2019-008





2149 & 2155 Little Britain Road, geographic Township of Ops





10/12/2018 10:12:17-17-128-17-128-01-SK.dwg

APPENDIX " C "

to

REPORT COA2019-016
FILE NO: D20-2019-008

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:38 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-008

APPENDIX " D "
to
REPORT CA 2019-016

FILE NO. D20-2019-008

Please be advised building has no concerns with this application. Spatial will be dealt with through an agreement.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:00 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 2149 and 2155 Little Britain Road - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:03 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 2149 and 2155 Little Britain Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on April 2, 2018, Engineering provided a review on D38-2018-024 noting that further to our review of the application and our attendance at the March 22, 2018 meeting with the owner, we confirm the following engineering requirements must be addressed for any proposed planning application for this property:

- Topographic and legal survey – confirm existing site layout, entrance, grading and drainage and potential impacts of a consent to the existing Race Toyota Site Plan requirements on the property.
- Entrances must comply with the City of Kawartha Lakes By-Law 2017-151 to Regulate Access to Municipal Right of Ways, an Entrance Permit from Public Works is required.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-008
2149 and 2155 Little Britain Road
Part of East Half of Lot 16, Concession 4
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum lot frontage from 45 metres to 19.4 metres, reduce the minimum side yard from 10.5 metres to 3 metres, reduce the required building setbacks for shipping/storage containers from 3 metres to 0 metres, to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota.

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Sullivan
Report Number COA2019-059

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

Detached Garage

1. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 2 metres.

Permit Shed in current location

2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 8 metres; and
3. Section 3.1.2.2 to reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

The variance is requested at 14 Wakeford Road, geographic Township of Mariposa (File D20-2019-042).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-059 Paul and Fiona Sullivan be received;

1. **That** minor variance application D20-2019-042, 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 C and generally in accordance with the elevation in Appendix D submitted as part of report COA2019-059, which shall be attached to and form part of the Committee's Decision;

- 2) **That** the owners make a payment of \$500.00 (minor application review fee) to Kawartha Conservation (KRCA) within a period of one (1) month after the date of the Notice of Decision. Confirmation of the payment shall also be provided to the Secretary Treasurer to clear this condition; 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 COA2019-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The property currently contains two accessory buildings being a detached garage built circa 1963 (MPAC) located in the front yard, and an accessory shed in the rear yard which according to the property owners was built circa 2001 when the third building on the property (the main dwelling) was built.

Through this application, the owners are proposing to construct a second detached garage in the front yard, and to permit the location of the accessory shed within the water setback buffer area. The initial application submission on August 30, 2019 did not include the accessory shed. Staff upon site inspection on September 24, 2019 determined that the accessory shed was to be included as part of the reliefs sought through the variance given its proximity to the shoreline. The revised application was deemed complete September 27, 2019.

Proposal: To construct an approximately 44.6 square metre (480.5 square foot) single-bay detached garage and to recognize the location of an approximately 7.4 square metre (80 square foot) accessory shed.

Owners: Paul and Fiona Sullivan

Applicant: Paul and Fiona Sullivan

Legal Description: Part Lot 14, Concession D, Parts 1-2, 57R-8321, geographic Township of Mariposa, now City of Kawartha Lakes

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

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

Site Size: 1,578.24 square metres (0.39 acre)

Site Servicing: Private individual well and sewage system

Existing Uses: Residential

Adjacent Uses: North: Residential, Lake Scugog
South: Residential
West: Lake Scugog
East: Wakeford Road, Residential and Agricultural

Rationale: When a Planning Act application is applied for, it opens up the subject property for zoning compliance, which in this instance is an accessory structure compliance issue. As of right, a private garage is permitted on shoreline residential lots within the Township of Mariposa By-law provided the minimum front yard requirement is complied with. Other accessory buildings are only permitted in either the side or rear yards subject to applicable setback provisions. The existing detached garage which is located at approximately 1 metre from the front line is considered legal non-complying at this time and not included as part of the variance because it predates the Township of Mariposa by-law which was enacted in 1994. Although the accessory shed was built in 2001 after the by-law came into force, given that it functions to store items related to enjoyment of the lake for boating and swimming, consideration is given for its current location in proximity to the water. As well the 1.52 metre proposed in the northerly interior side yard exceeds the Engineering Division's minimum requirement of 1.2 metre for storm water drainage between an accessory structure and a lot line.

- 1) **Are the variances minor in nature?**
 - (i) **Front Yard Setback - Yes**
 - (ii) **Water Setback and Interior Side Yard Setback - Yes**

And
- 2) **Is the proposal desirable and appropriate for the use of the land?**
 - (i) **Front Yard Setback - Yes**
 - (ii) **Water Setback and Interior Side Yard Setback - Yes**

The subject property is located in an established residential neighbourhood along Lake Scugog.

The area proposed for the garage on the subject property is already disturbed and no vegetation needs to be removed from the property in order to install the proposed garage. There is also a drop in the site topography moving westward from this area into the property. The placement of the proposed garage at 2 metres from the front lot line will ensure sufficient spatial separation from the dwelling and the septic bed areas respectively. However, the garage is proposed to be built on top of the area where the well is located. Provided the Part 8 Systems Supervisor advises of no concerns, planning staff do not anticipate any negative impacts as similar type of installation exists within the municipality.

In terms of scale, the proposed garage will blend in with the rural character of the surrounding residential lots where garages are situated in the front yards. Therefore, no land use compatibility issues are anticipated.

The buffer between the front lot line and the edge of the road allowance in conjunction with the vegetation along the property frontage is also anticipated to screen any massing impact along Wakeford Road.

Regarding the request to permit the accessory shed in its current location, observation from site visit suggests that a water setback of 30 metres and a side yard setback of 2 metres would hinder the functionality of the shed. The structure appears to function primarily for the storage of marine and swimming supplies. Therefore, the need for shoreline proximity is considered appropriate given the modest size of the structure.

Overall, the variances are considered minor in nature and desirable and appropriate for the use of the land.

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

Yes

(i) Front Yard Setback - Yes

(ii) Water Setback and Interior Side Yard Setback – Yes

Accessory buildings by their nature address and should complement both the dwelling on the property and the general neighbourhood streetscape. This neighbourhood contains detached garages within the front yards. The RR3 Zone provision contemplates accessory uses as ancillary to a principle use. The detached garage under the scope of this variance application is being proposed as a devoted use to the dwelling on the subject property.

In terms of functionality, the proposed location of the garage bay door is anticipated ensure safe vehicular ingress and egress via the driveway and the functionality of the accessory shed location in relation to the water is also defined for marine and swimming equipment storage.

Zoning standards are established amongst other reasons to ensure adequate spatial separation between structures and to ensure storm water run-off can be contained on the property before being discharged elsewhere. The roof design and the modest size of the accessory shed demonstrates that this can be achieved as agency comments provided by commenting agencies reflected no concerns.

In all other respects, the proposed lot coverage for all accessory buildings will comply with the maximum Zoning By-law provisions of 10% to a maximum of 100 square metres at approximately 5.97% and 94.6 square metres. The height of the proposed garage is also modest at approximately 3.35 metres where a maximum height of 5 metres is allowed.

Therefore, variances are considered to 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

(i) Front Yard Setback - Yes

(ii) Water Setback and Interior Side Yard Setback – Yes

The property is designated as Waterfront in the City of Kawartha Lakes Official Plan. Accessory buildings are permitted as ancillary to residential uses. The proposed location of the detached garage is not anticipated to negatively impact the residential character of the surrounding properties.

As well, the accessory shed location is considered to conform with the designation policies given its functionality in relation to the water, whereas boat houses or marine related structures are permitted to be located close to the shoreline edge.

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

Other Alternatives Considered:

None 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 (October 7, 2019): No concerns.

Engineering Division (October 8, 2019): No objections or concerns.

Kawartha Conservation - KRCA (October 9, 2019): KRCA advised that they do not have concerns with the proposal. See comments.

Public Comments:

No comments received as of October , 2019.

Attachments:



Appendices A-E to
Report COA2019-059

Appendix A – Location Map

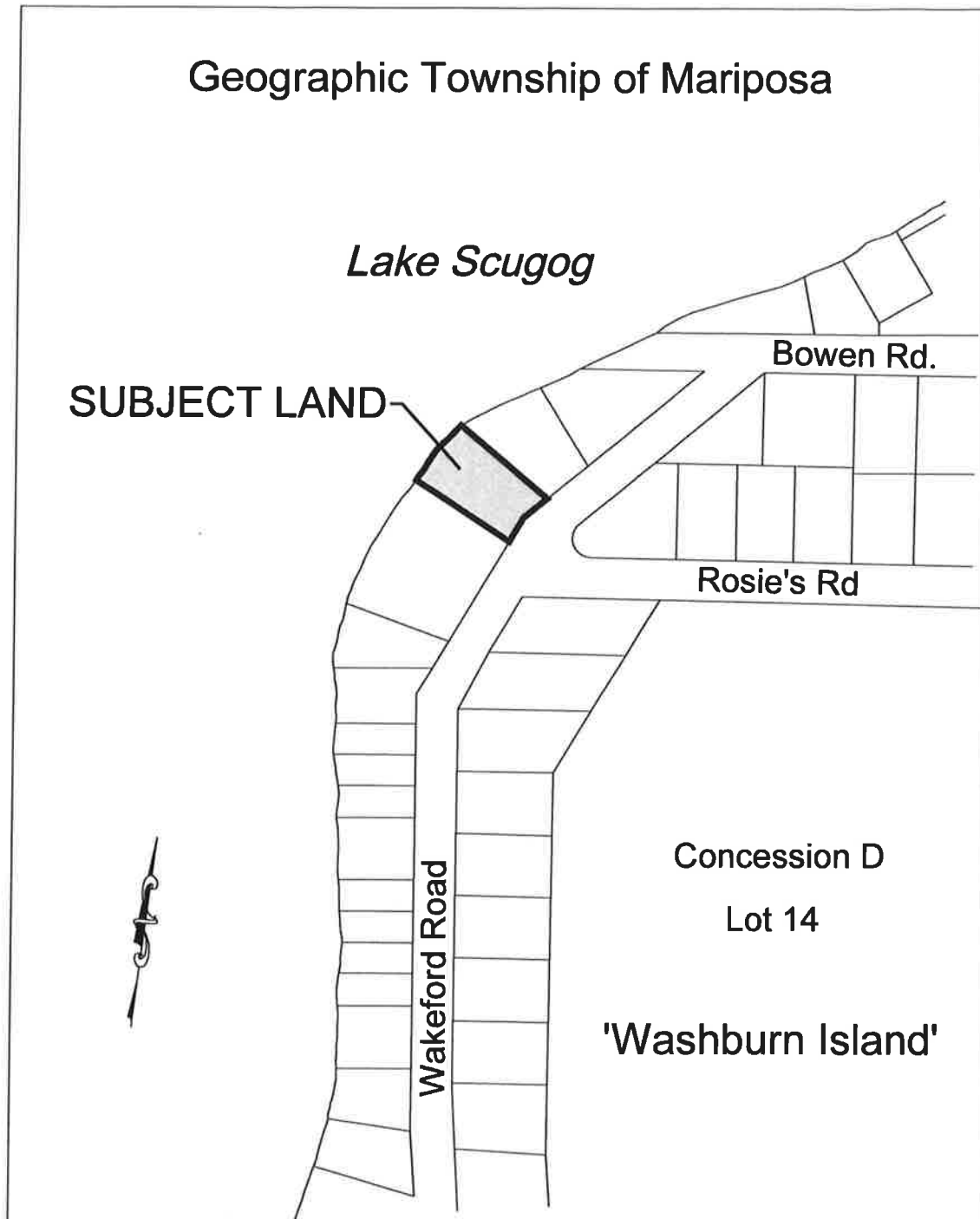
Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

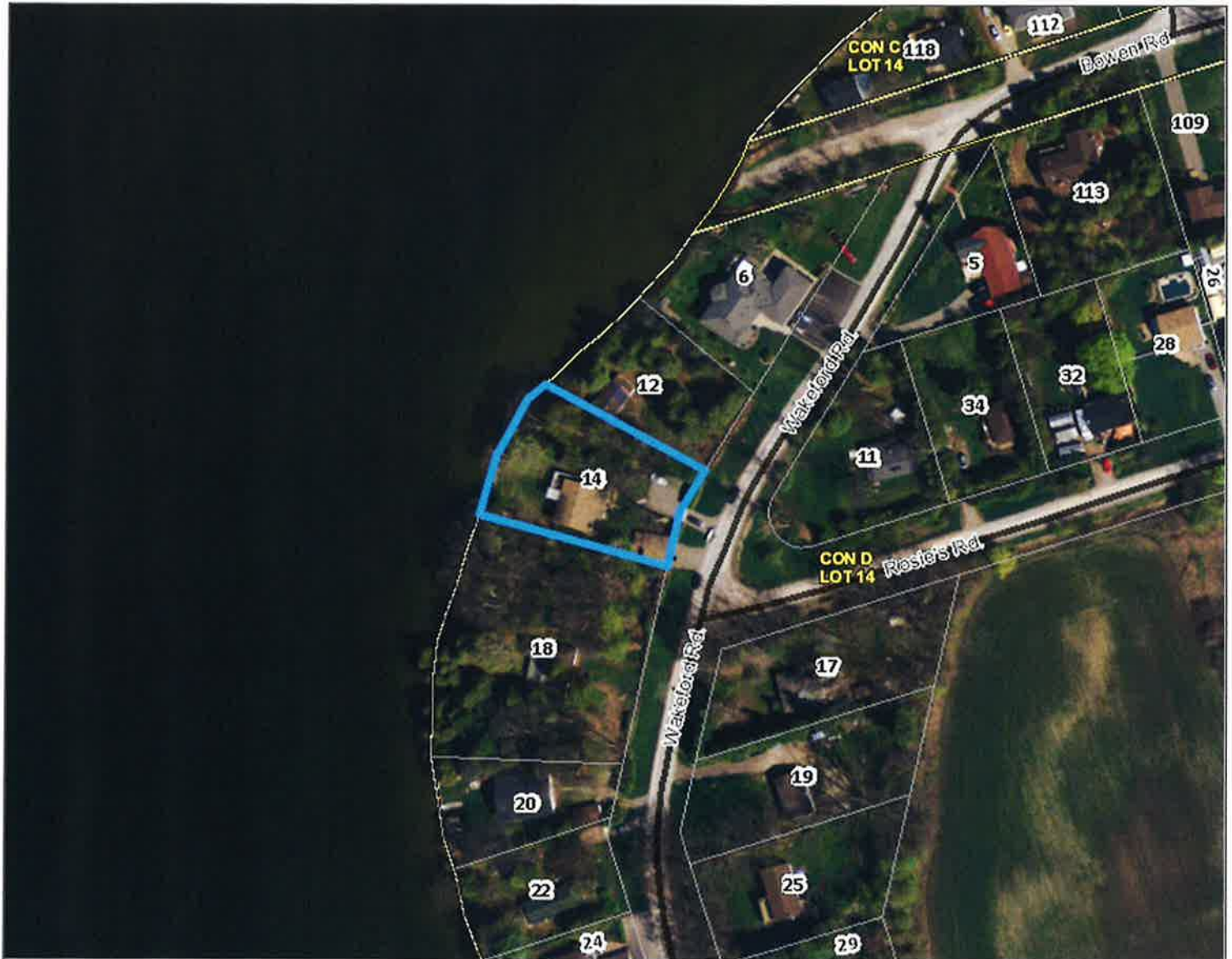
Appendix D – Conceptual Elevation
Appendix E – Department and Agency Comments

Phone: 705-324-9411 extension 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-042

D20-2019-042



14 Wakeford Road, geographic Township of Mariposa



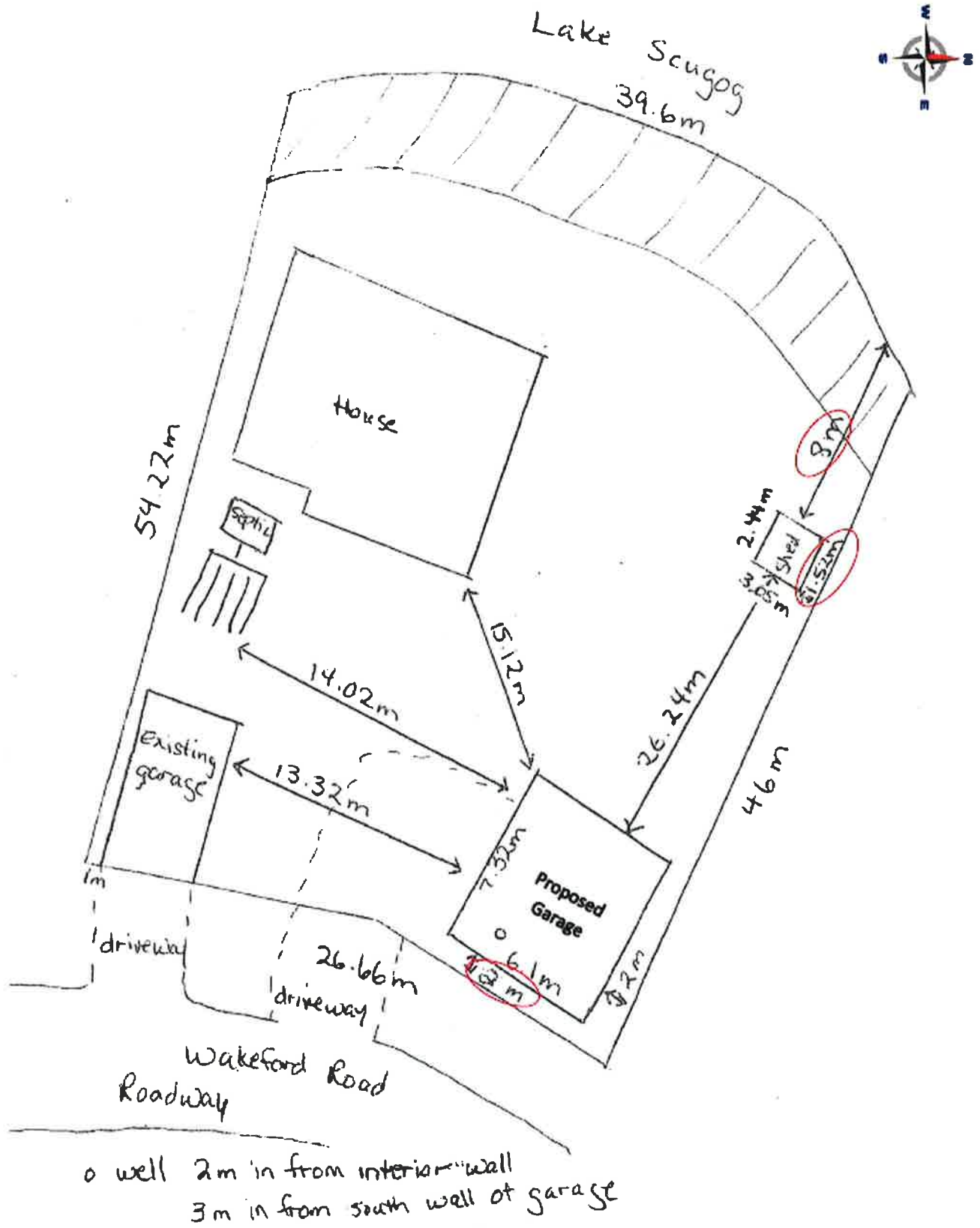
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Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

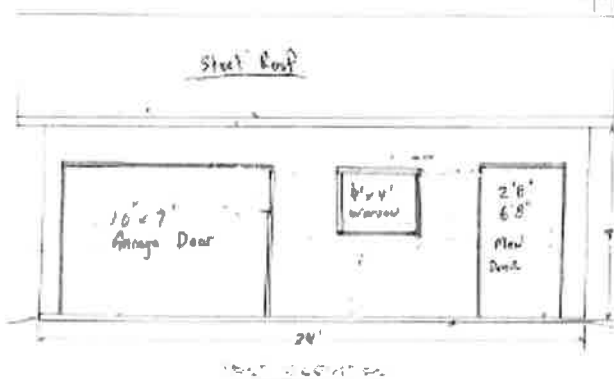


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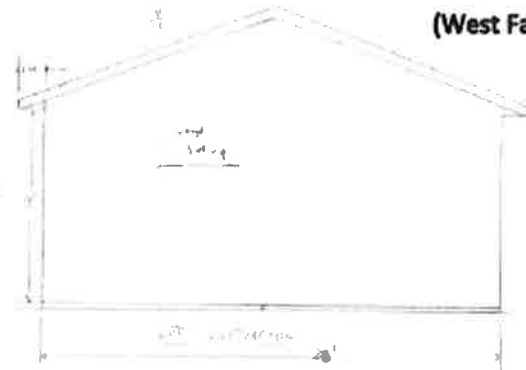
Site Plan Sketch

Front and Left Perspective Drawings – (Detached Garage)

(South Facing Side)



(West Facing Side)



PROPOSED GARAGE 20"
14 Wakeford Rd Washburn Island
Paul Sullivan
PLAN & FRONT ELEVATIONS

Rear and Right Perspective Drawings – (Detached Garage)

(North Facing Side)



(East/Road Facing Side)



PROPOSED GARAGE 20"
14 Wakeford Rd Washburn Island
Paul Sullivan
REAR & FRONT ELEVATIONS

APPENDIX: E

to

REPORT COA2019-059

FILE NO: D20-2019-042

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-042

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



APPENDIX: E

to

REPORT COA2019-059

FILE NO: D20-2019-042

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:04 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 14 Wakeford Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-042
14 Wakeford Road
Part Lot 14, Concession D, Parts 1-2, 57R-8321
Geographic Township of Maniposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

Detached Garage

1. to reduce the minimum front yard setback from 7.5 metres to 2 metres.

Permit Shed in current location

2. to reduce the minimum water setback from 30 metres to 8 metres; and
3. to reduce the minimum interior side yard setback from 2 metres to 1.52 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

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 COA2019-059

FILE NO: D20-2019-042

October 9, 2019

D20-2019-042

Page 1



Via Email: mlahay@kawarthalakes.ca

Mark LaHay, MCIP, RPP

Planner II

Development Services – Planning Division, City of Kawartha Lakes

180 Kent Street West,

Lindsay, ON, K9V 2Y6

Regarding: Application for a Minor Variance
 D20-2019-042
 14 Wakeford Road, Part Lot 14, Concession D
 Geographic Township of Mariposa
 City of Kawartha Lakes
 Revised Comments

Dear Mr. LaHay,

This letter acknowledges the receipt of the above noted application for Minor Variance. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Mariposa Zoning By-law 94-07, as amended. The purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

- Detached garage
 - o To reduce the minimum front yard setback from 7.5 metres to 2 metres.
- Permit shed in current location
 - o To reduce the minimum water setback from 30m to 8 metres; and
 - o To reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

Site Characteristics:

The subject property is adjacent to the following natural heritage features:



October 9, 2019

D20-2019-042

Page 2

- Lake Scugog
- Fish Habitat

The following natural hazards are associated with the above noted natural heritage features:

- Flooding

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Any development within Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

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

Portions of the subject property contain lands regulated by Kawartha Conservation. Kawartha Conservation regulates 15 metres from the shoreline of Lake Scugog.

Detached Garage:

- Kawartha Conservation does not have concern with reducing the front yard setback.
- The applicant is advised that the garage will not be subject to permissions from Ontario Regulation 182/06 as it is proposed outside of Kawartha Conservation's regulated area.

Permit shed in current location:



October 9, 2019

D20-2019-042

Page 3

- Kawartha Conservation does not have concern with the current position of the shed and recognizes that it has been there for approximately 20 years.

Recommendation:

Kawartha Conservation has no objection to the approval of the Minor Variance Application D20-2019-042. It is the opinion of Kawartha Conservation that the application is consistent with Section 3.1 of the PPS. The proposed works (detached garage) are not subject to Ontario Regulation 182/06, or to the policies of Kawartha Conservation at this time, and as such, a permission from Kawartha Conservation is not required.

Please inform this office of any decision made by the City of Kawartha Lakes with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin McGregor'.

Erin McGregor

Resources Planner Technician – ex 232

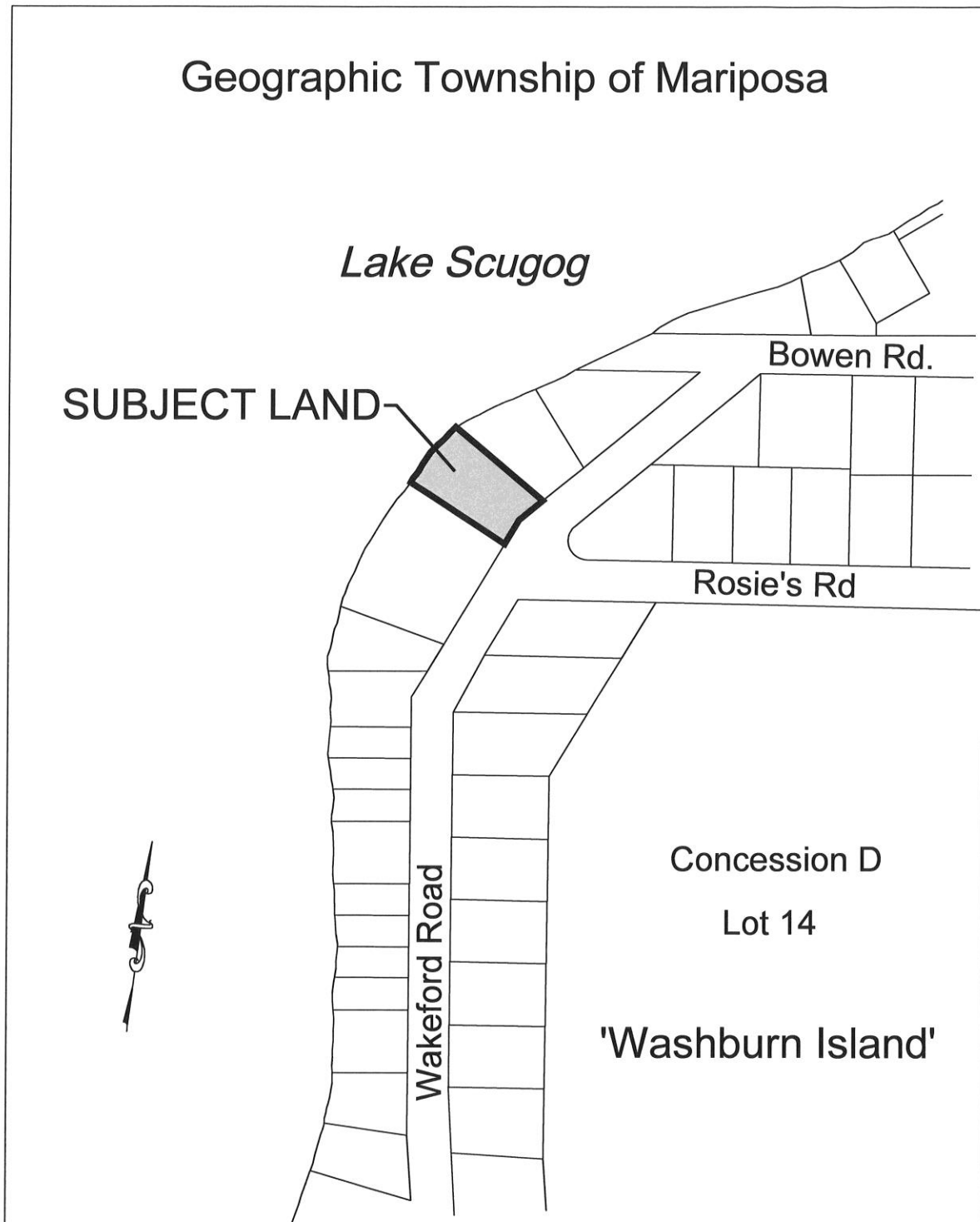
Kawartha Conservation

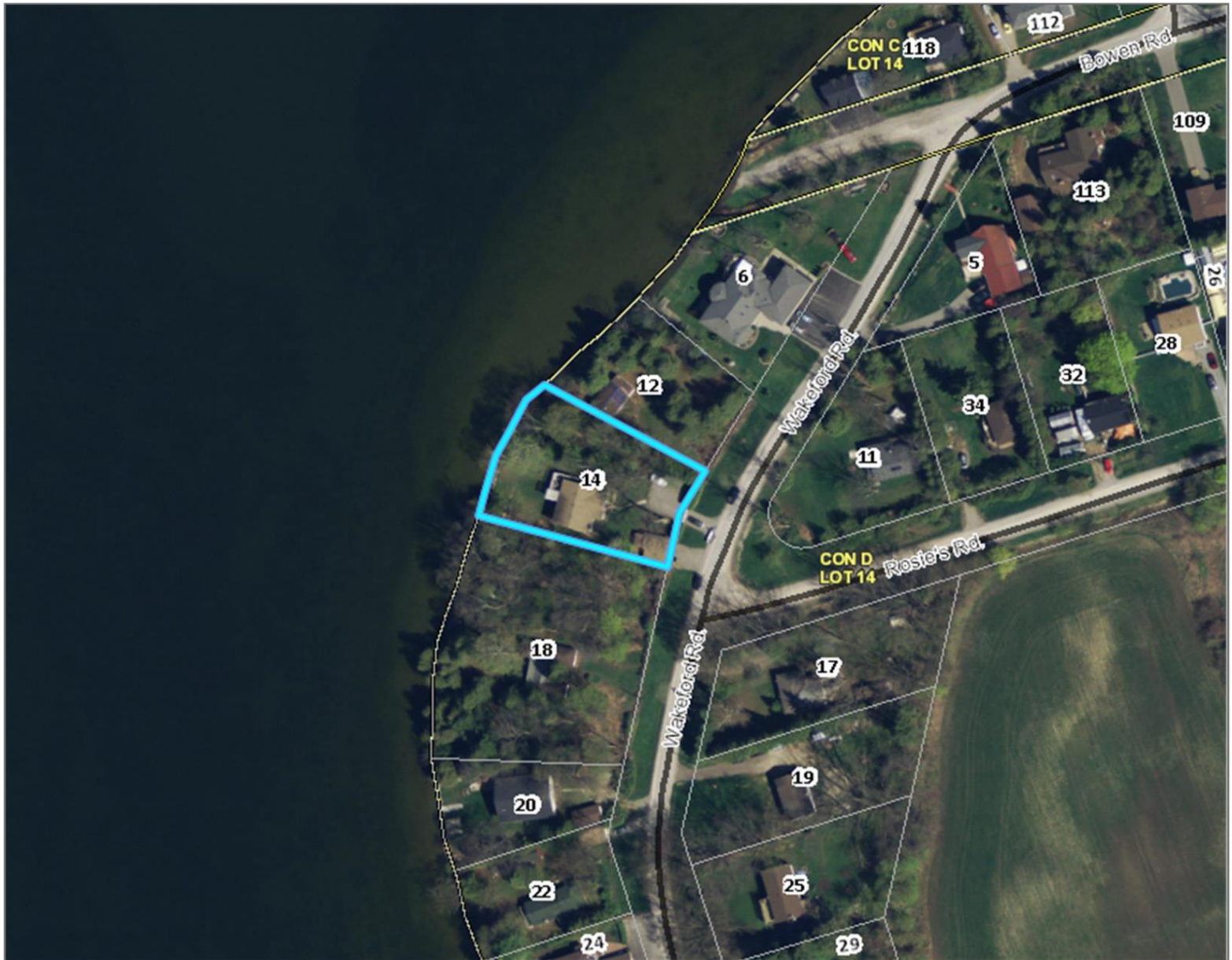
CC:

Quadri Adebayo, Planner II, City of Kawartha Lakes

Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation

D20-2019-042



14 Wakeford Road, geographic Township of Mariposa

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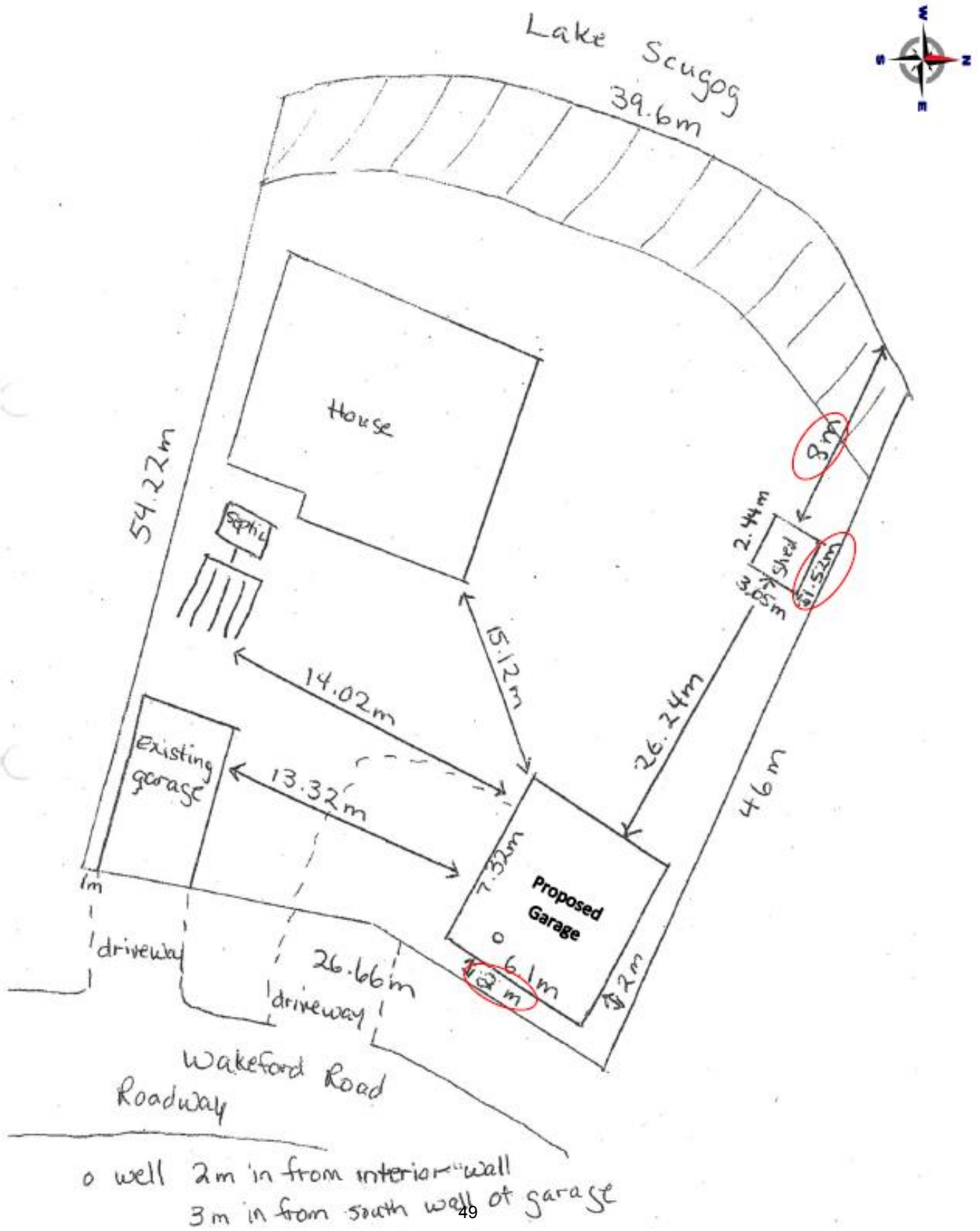
Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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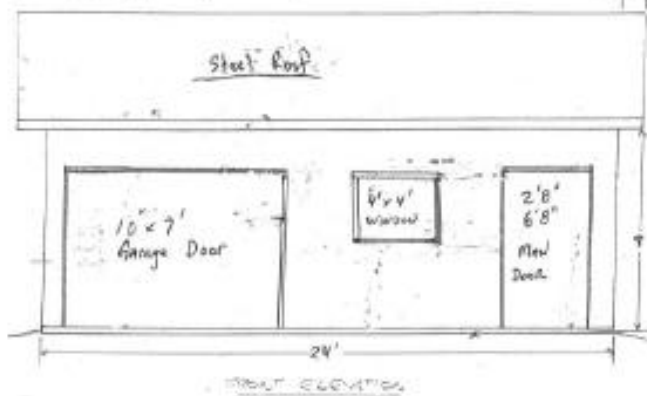
Site Plan Sketch

to

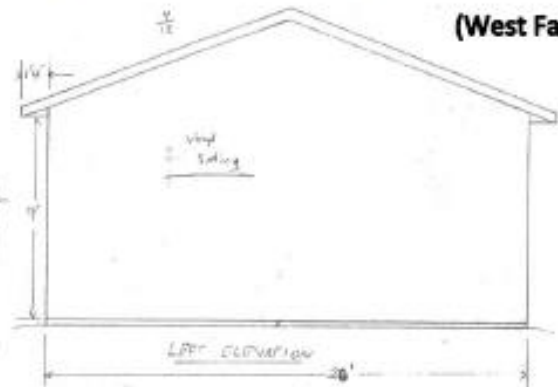
REPORT COA2019-059FILE NO: D20-2019-042

Front and Left Perspective Drawings – (Detached Garage)

(South Facing Side)



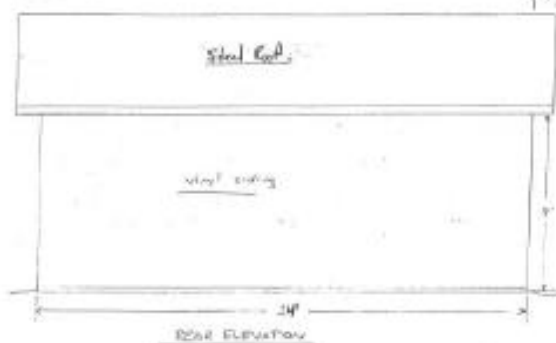
(West Facing Side)



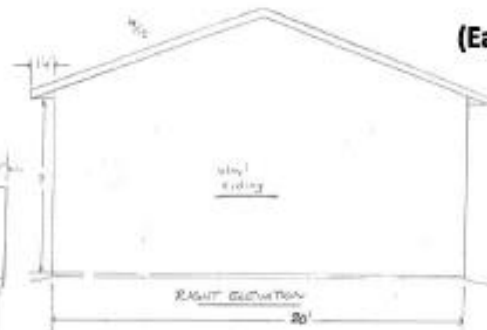
PROPOSED GARAGE at
 14 Wakeford Rd. Wakeburu Island
 Paul Sullivan
 FRONT AND LEFT ELEVATIONS

Rear and Right Perspective Drawings – (Detached Garage)

(North Facing Side)



(East/Road Facing Side)



PROPOSED GARAGE at
 14 Wakeford Rd. Wakeburu Island
 Paul Sullivan
 REAR & RIGHT ELEVATIONS

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-042

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



APPENDIX: **E**
to
REPORT **COA2019-059**
FILE NO: **D20-2019-042**

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:04 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 14 Wakeford Road - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-042

14 Wakeford Road

Part Lot 14, Concession D, Parts 1-2, 57R-8321

Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

Detached Garage

1. to reduce the minimum front yard setback from 7.5 metres to 2 metres.

Permit Shed in current location

2. to reduce the minimum water setback from 30 metres to 8 metres; and
3. to reduce the minimum interior side yard setback from 2 metres to 1.52 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

Christina Sisson, P.Eng.

Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



October 9, 2019

D20-2019-042

Page 1



Via Email: mlahay@kawarthalakes.ca

Mark LaHay, MCIP, RPP

Planner II

Development Services – Planning Division, City of Kawartha Lakes

180 Kent Street West,

Lindsay, ON, K9V 2Y6

Regarding: Application for a Minor Variance
 D20-2019-042
 14 Wakeford Road, Part Lot 14, Concession D
 Geographic Township of Mariposa
 City of Kawartha Lakes
 Revised Comments

Dear Mr. LaHay,

This letter acknowledges the receipt of the above noted application for Minor Variance. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Mariposa Zoning By-law 94-07, as amended. The purpose and effect is to request relief from the following in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer:

- Detached garage
 - o To reduce the minimum front yard setback from 7.5 metres to 2 metres.
- Permit shed in current location
 - o To reduce the minimum water setback from 30m to 8 metres; and
 - o To reduce the minimum interior side yard setback from 2 metres to 1.52 metres.

Site Characteristics:

The subject property is adjacent to the following natural heritage features:



October 9, 2019

D20-2019-042

Page 2

- Lake Scugog
- Fish Habitat

The following natural hazards are associated with the above noted natural heritage features:

- Flooding

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

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

Portions of the subject property contain lands regulated by Kawartha Conservation. Kawartha Conservation regulates 15 metres from the shoreline of Lake Scugog.

Detached Garage:

- Kawartha Conservation does not have concern with reducing the front yard setback.
- The applicant is advised that the garage will not be subject to permissions from Ontario Regulation 182/06 as it is proposed outside of Kawartha Conservation's regulated area.

Permit shed in current location:



October 9, 2019

D20-2019-042

Page 3

- Kawartha Conservation does not have concern with the current position of the shed and recognizes that it has been there for approximately 20 years.

Recommendation:

Kawartha Conservation has no objection to the approval of the Minor Variance Application D20-2019-042. It is the opinion of Kawartha Conservation that the application is consistent with Section 3.1 of the PPS. The proposed works (detached garage) are not subject to Ontario Regulation 182/06, or to the policies of Kawartha Conservation at this time, and as such, a permission from Kawartha Conservation is not required.

Please inform this office of any decision made by the City of Kawartha Lakes with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,

Erin McGregor

Resources Planner Technician – ex 232

Kawartha Conservation

CC:

Quadri Adebayo, Planner II, City of Kawartha Lakes

Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation

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

Report Number COA2019-060

Public Meeting

Meeting Date: October 17, 2019

Time: 1:00 pm

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

Ward 7 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from the following in order to fulfill a condition of provisional consent that will enable a property containing a newly constructed single storey semi-detached dwelling to be established as two separate residential lots sharing a common wall in accordance with the Residential Three Special Thirteen (R3-S13) Zone permissions:

Retained Lot (41 Hamilton Street)

1. Section 8.3.16(a) to reduce the minimum lot area requirement from 300 square metres to 253.9 square metres.

Severed Lot (39 Hamilton Street)

2. Section 8.3.16(a) to reduce the minimum lot area requirement from 300 square metres to 196.8 square metres; and
3. Section 8.3.16(e) to reduce the minimum lot interior side yard setback requirement from 1.25 metre to 1.24 metre.

The variance is requested at 39-41, former Town of Lindsay (File D20-2019-043).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-060 Habitat for Humanity Peterborough and District be received;

That minor variance application D20-2019-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variances shall apply to the proposed severed and retained portions of the subject property;

- 2) **That** notwithstanding the minimum lot frontage and exterior side yard setback provisions of the R3-S13 Zone, for clarity, for the retained lot, the minimum lot frontage requirement that is applicable along Hamilton Street shall be that of an interior lot, while the interior side yard setback requirement shall be applicable along Devan Court; and
- 3) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2019-010, lapses.

This approval pertains to the application as described in report COA2019-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application is predicated by a decision of provisional consent to file D03-2019-010 on September 4, 2019, granted by the Director of Development Services, as delegated by Council to create an approximately 196.8 square metres residential lot with a semi-detached dwelling unit and retain an approximately 253.9 square metres residential lot with a semi-detached dwelling unit.

This minor variance application was deemed complete September 3, 2019.

Proposal: To ensure the two semi-detached dwelling units of approximately 72 square metres (774.7 square foot) are each contained on their own residential lot.

Owners: Habitat for Humanity Peterborough and District

Applicant: Habitat for Humanity Peterborough and District

Legal Description: Part Park Lot E1, Plan 8P, Part 5 on RP 57R-10375, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Residential within the Town of Lindsay Official Plan

Zone: Residential Three Special Thirteen (R3-S13) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: Retained: 253.9 square metres (2,732 square feet)
Severed: 196.8 square metres (2,118 square feet)

Site Servicing: Municipal sanitary and water services

Existing Uses: Residential

Adjacent Uses: North and West: Residential
South: Residential, Mary Street West, Industrial
East: Hamilton Street, Industrial (Cutting Edge Counter Tops)

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated in an established urban area at the fringe of residential block that buffers the nearby industrial uses to the east and south respectively. The residential block was established through rezoning file D06-18-137 in 2014 in a joint initiative between Kawartha Lakes-Haliburton Housing Corporation (KLHCC) and Habitat for Humanity to provide a total of 34 affordable housing options in Lindsay that is composed of a mix of dwelling types such as single detached, semi-detached, row townhouses, and stacked townhouses. Habitat for Humanity championed five (5) of these units along Hamilton Street in the format of three (3) single detached dwellings and one (1) semi-detached dwelling – Addresses Number 33, 35, 37 and 39-41.

Although there is some degree of variation in the lot frontages along Hamilton Street, the lots developed by the applicant all have the same depth. The proposed severed and retained lots maintain this depth. No negative land use compatibility impacts are anticipated to the established character of the neighbourhood by the reduction in lot area.

Further, a 0.01 metre reduction in the interior side yard requirement for the severed lot is considered minor and not anticipated to be discernible. Sufficient room would still be available in the portion of the yard for maintenance and drainage. The scale and design of the development on the proposed lots is also considered to add aesthetic vibrancy to the residential character of the neighbourhood.

Therefore, the variances are considered minor in nature and desirable and appropriate for the use of the land.

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

The subject property are zoned Residential Three Special Thirteen (R3-S13) Zone in the Town of Lindsay Zoning By-law 2000-75. The zoning by-law intends for residential development within R3-S13 Zone in a single or semi-detached dwelling, a home occupation, a duplex dwelling, or an accessory use ancillary to the permitted uses.

Notwithstanding the deficiency in the minimum lot area for both lots and that of the minimum interior side yard setback for the severed lot, the proposed lots each have sufficient area to accommodate the two required parking spaces, and there is sufficient rear yard amenity space.

The proposed severed and retained lots exceed the minimum frontage requirement of 6.7 metres for an interior lot in the R3-S13 Zone with lot frontages of 6.79 metres (severed) and 8.76 metres (retained) respectively.

Staff's position on the lot frontage interpretation is that the Lindsay Zoning By-law defines an exterior side yard as the yard immediately adjacent to a street whereas the By-law defines street as public roads or roads to be assumed by the City. As Devan Court to the south of the retained lands is a private road and not assumed by the City, the exterior side yard provision would not apply on that side of the yard and would automatically revert back to the interior side yard requirement.

In all other respects, as the proposed severed and retained lots comply with all other zone provisions for setback, building height and lot coverage, it is appropriate to separate the ownership of both semi-detached dwelling units from one another.

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

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

Yes

The lands are designated Residential in the Town of Lindsay Official Plan (OP). The application complies with the low density residential designation. Low-profile semi-detached residential buildings are contemplated within this designation. Likewise the proposal meets Policy 2.4 (Healthy Community) objectives by presenting alternative housing options.

In addition, consent policy 6.6 provides that consents shall only be granted when the land fronts onto a maintained assumed public road, or have the effect of infilling existing areas and not extending development unduly. The proposal meets the general intent and purpose of the Official Plan.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property will be developed on full municipal services.

Consultations:

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

Agency Comments:

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

Public Comments:

No comments received as of October 8, 2019.

Attachments:

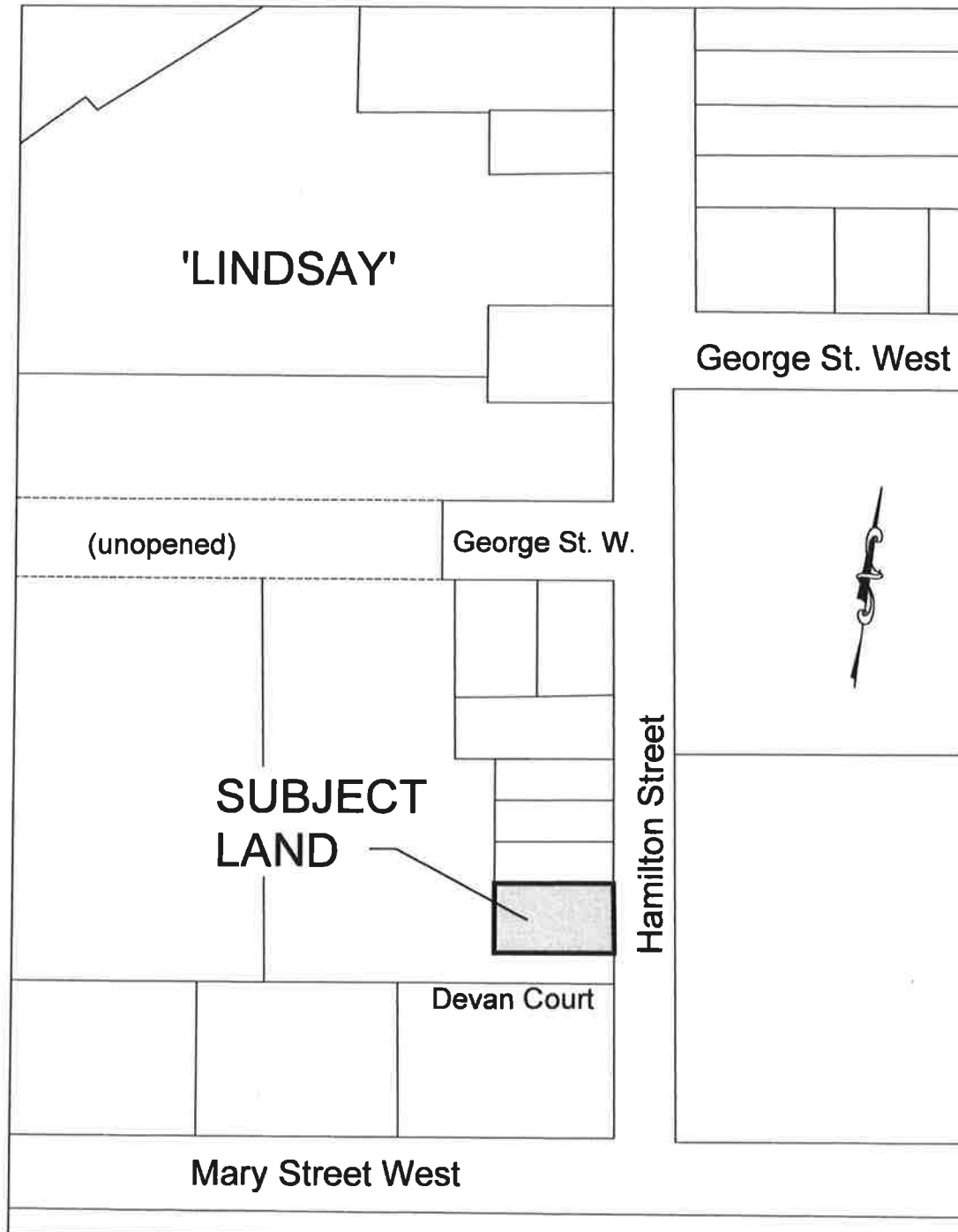


Appendices A-D to
Report COA2019-060

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

Phone: 705-324-9411 extension 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-043

D20-2019-043



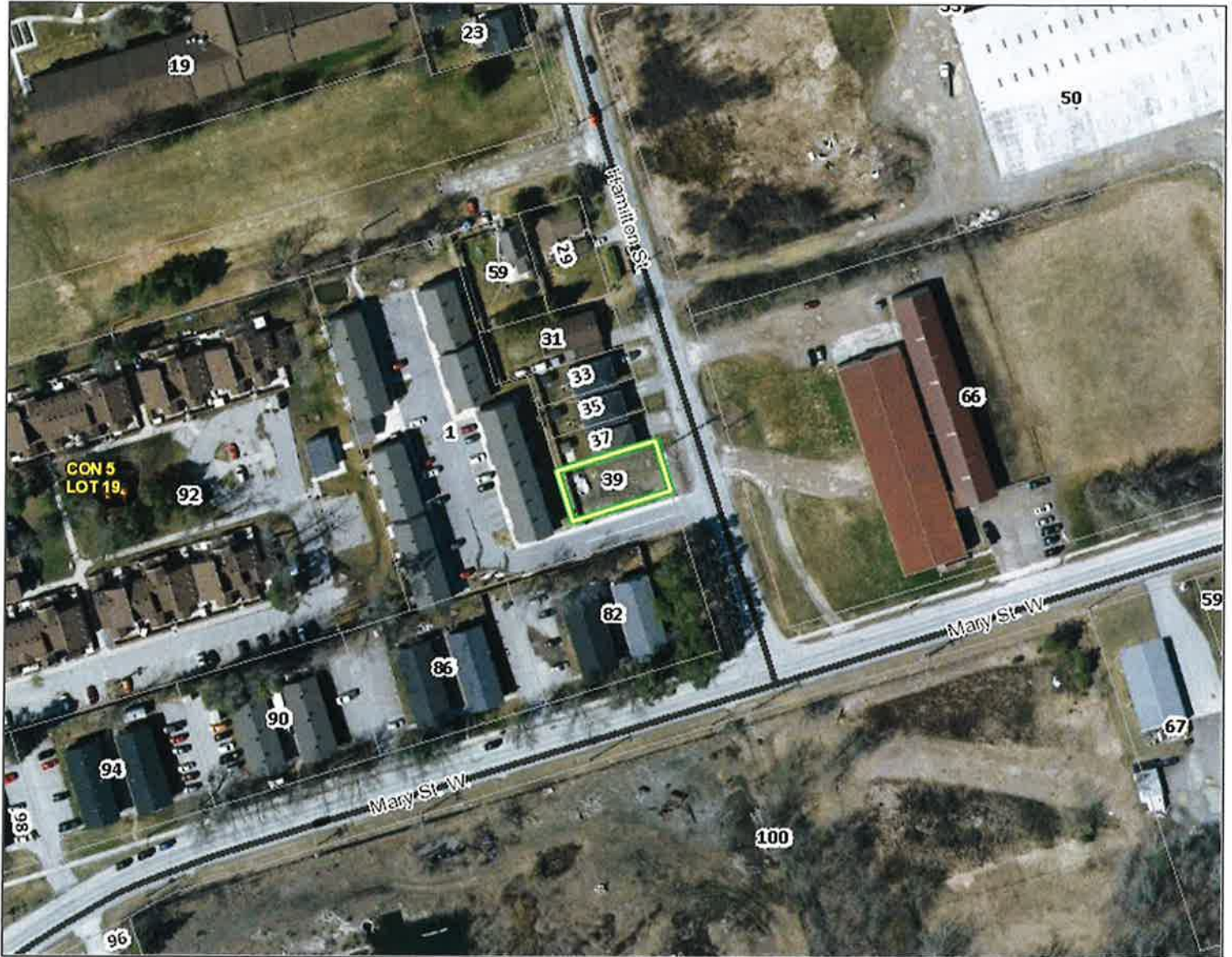
APPENDIX: B

to

REPORT COA2019-060

FILE NO: D20-2019-043

39-41 Hamilton Street, former Town of Lindsay



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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APPENDIX: D

to

REPORT COA2019-060

FILE NO: D20-2019-043

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-043

Please be advised building has no concerns with this application.

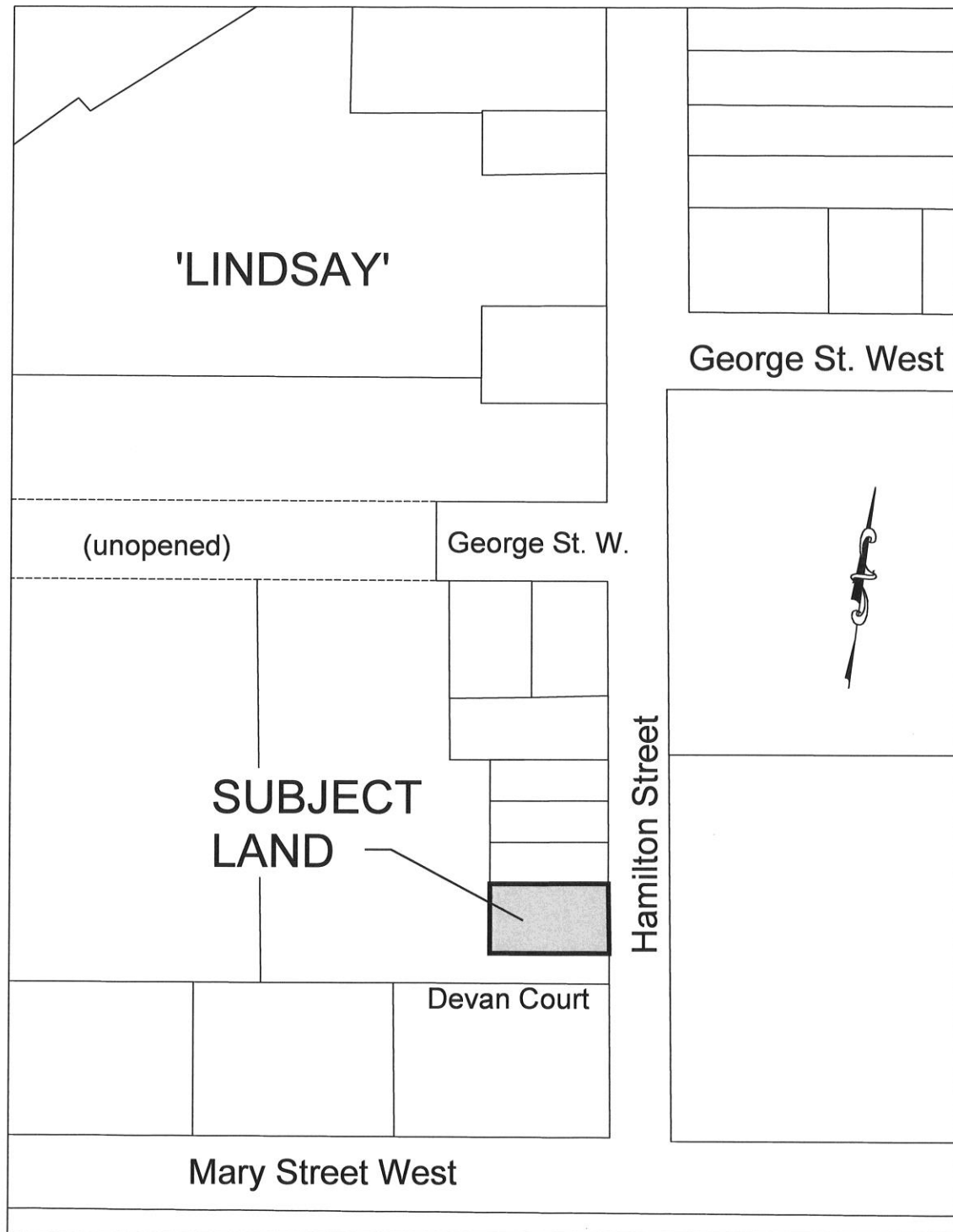
Derryk Wolven, CBCO

Plans Examiner

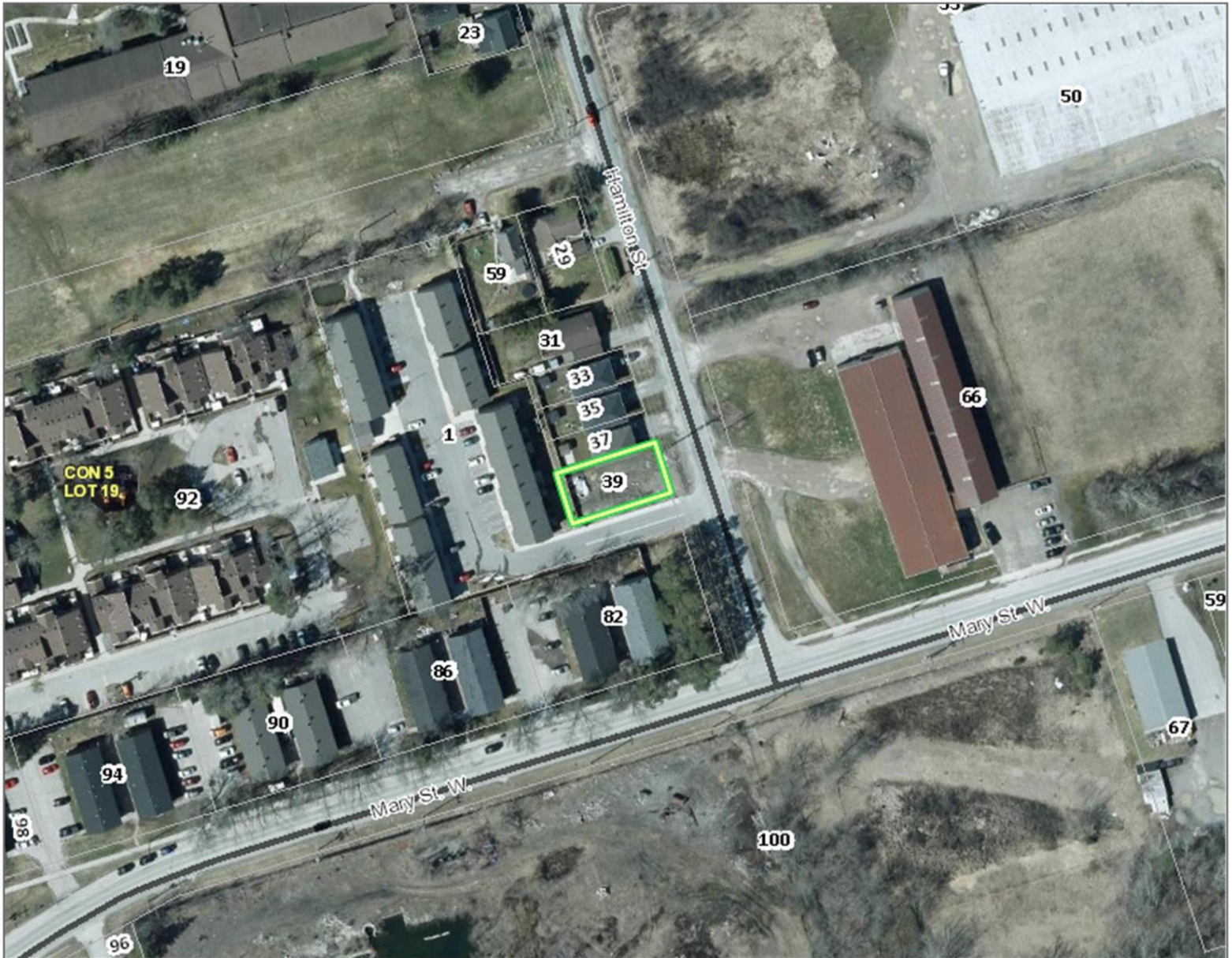
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



D20-2019-043



39-41 Hamilton Street, former Town of Lindsay



0.11

Kilometers

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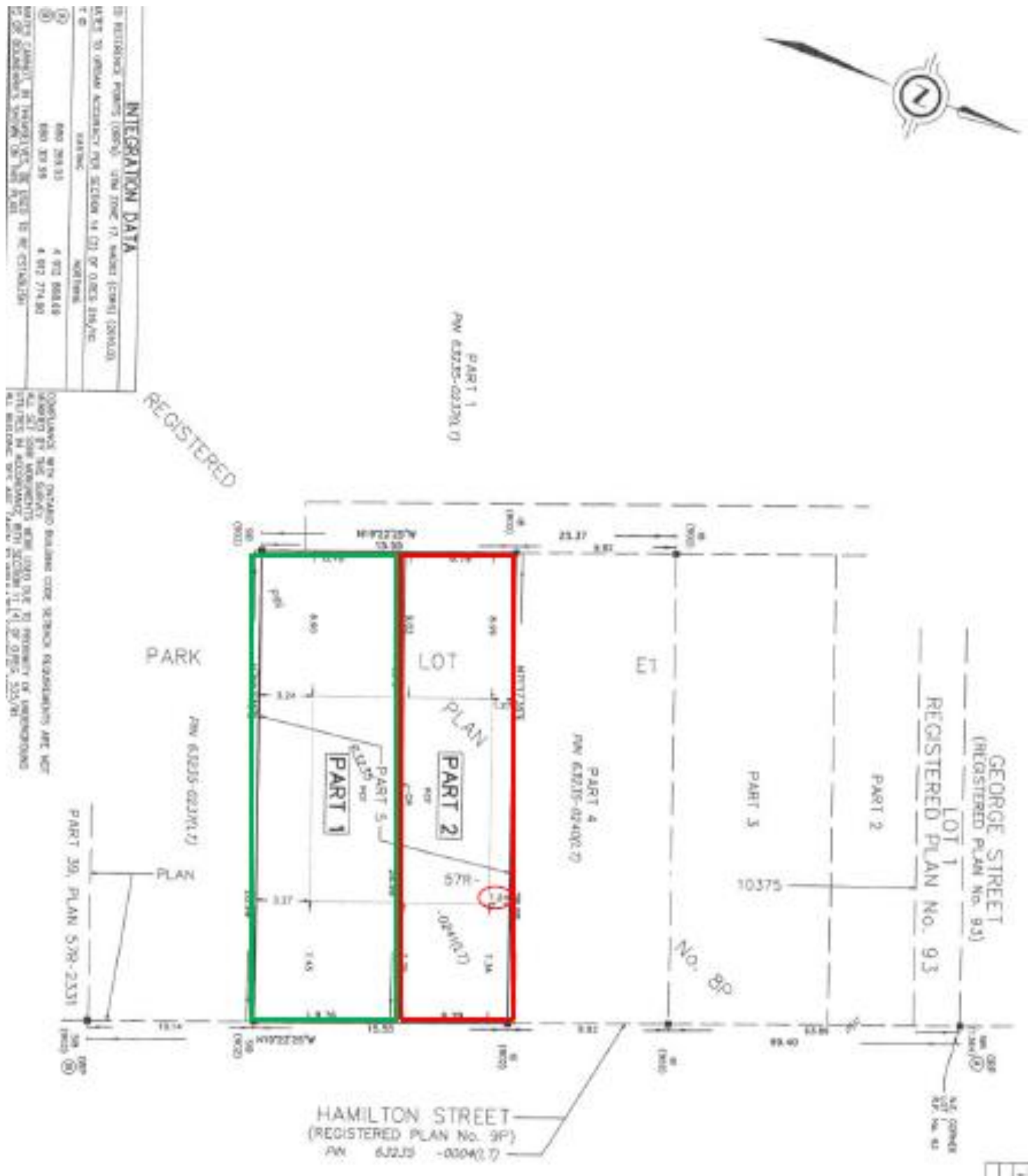
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to

REPORT COA2019-060FILE NO: D20-2019-043

Site Plan Sketch



to

REPORT COA2019-060

FILE NO: D20-2019-043

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-043

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cross
Report Number COA2019-061

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from:

1. Section 13.2.1.1(b) to reduce the minimum lot area from 2000 square metres to 1909 square metres for the proposed lot to be retained,
2. Section 13.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 5.3 metres in order to permit a deck; and
3. Sections 13.2.1.3(e) and 3.18.1.1(a) to reduce the minimum water and EP Zone setbacks from 15 metres to 12.7 metres in order to permit a deck.

The variance is requested at 126, 130-131 Maple Avenue, geographic Township of Bexley (File D20-2019-044).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2019-061 Elizabeth Cross be received;

That minor variance application D20-2019-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the deck construction and lot creation related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally submitted as part of report COA2019-061, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the reliefs sought shall apply solely to the proposed retained parcel identified in consent application D03-2019-027; and
- 3) **That** if the related provisional consent decision for application D03-2019-027 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-061. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On October 3, 2019, the applicant agreed to the staff proposed conditions of provisional consent to re-separate two shoreline residential lots which had merged on title. The Director of Development Services will be issuing the provisional consent decision shortly. Through the review of the consent application, it was determined that the distance between the shoreline/lot line and the southern corners of the new deck was underrepresented in the building permit application. A variance application was recommended in the staff report as a condition of provisional consent.

This minor variance application was deemed complete September 13, 2019.

Proposal: This proposal seeks the necessary zoning relief from the minimum lot area, front yard, and water setback provisions to facilitate the severance through consent application D03-2019-027.

Owners: Elizabeth Cross

Applicant: Brian Parker, Gowling WLG (Canada)

Legal Description: Part of Block A, Plan 187, geographic Township of Bexley, 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 Bexley Zoning By-law 93-09

Site Size: Proposed Severed – 2,410 square metres
Proposed Retained – 1,909 square metres

Site Servicing: Private individual well and sewage system.

Existing Uses: Shoreline Residential

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

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is located within a shoreline residential neighbourhood composed of seasonal and year-round dwellings. Each dwelling is independently serviced. The variances, if granted, will permit the re-separation of two dwellings and recognize an existing deck attached to the dwelling on the proposed retained lot.

The variances pertaining to the deck will recognize an established amenity space area.

The variances are minor in nature and desirable and appropriate for the use of the land.

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

The subject property is zoned Limited Service Residential (LSR) Zone in the Township of Bexley Zoning By-law 93-09. The LSR Zone requires a minimum lot area of 2,000 square metres. The proposed severed lot complies with this requirement. The proposed retained lot falls slightly short, but is of sufficient size to contain a self-sufficient residential use as is evident through the residential use that was established prior to the merger.

The deck and dwelling are at an angle to the shoreline. Only some of the southernmost portions of the deck, which is primarily curved instead of angular, are within the water and EP Zone setbacks. The site geography and vegetation present along the shoreline and in-between abutting lots gives the deck the appearance of a structure set back further from the water than it is in actuality.

As there is filled land between the property and the shoreline which is currently used as yard amenity space by the subject property but owned by Parks Canada, the rear yard setback does not truly represent the proximity to today's shoreline.

The variances maintain the general intent and purpose of the zoning by-law.

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Within the Official Plan, residential uses are anticipated and the property does contain two dwelling units, which are proposed to be separated from one another.

The Official Plan does not provide specific provisions to address situations where lots have consolidated through a change in title, but does allow through Policy 33.3 for the size of any parcel of land created by consent to be appropriate for the proposed uses and the services available. As this proposal

re-creates two previously existing lots, which are already developed on separate sewage systems and water supplies, this application does not offend the required criteria.

Additionally, the proposed development, with the assistance of vegetation, creates a low profile which does not generate adverse massing impacts along the shoreline.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

Each dwelling is serviced by a lake-based water supply 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 (October 7, 2019): No concerns.

Engineering and Corporate Assets Department (October 8, 2019): No concerns.

Public Comments:

No comments received as of October 9, 2019.

Attachments:



Appendices A-D to
Report COA2019-061.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

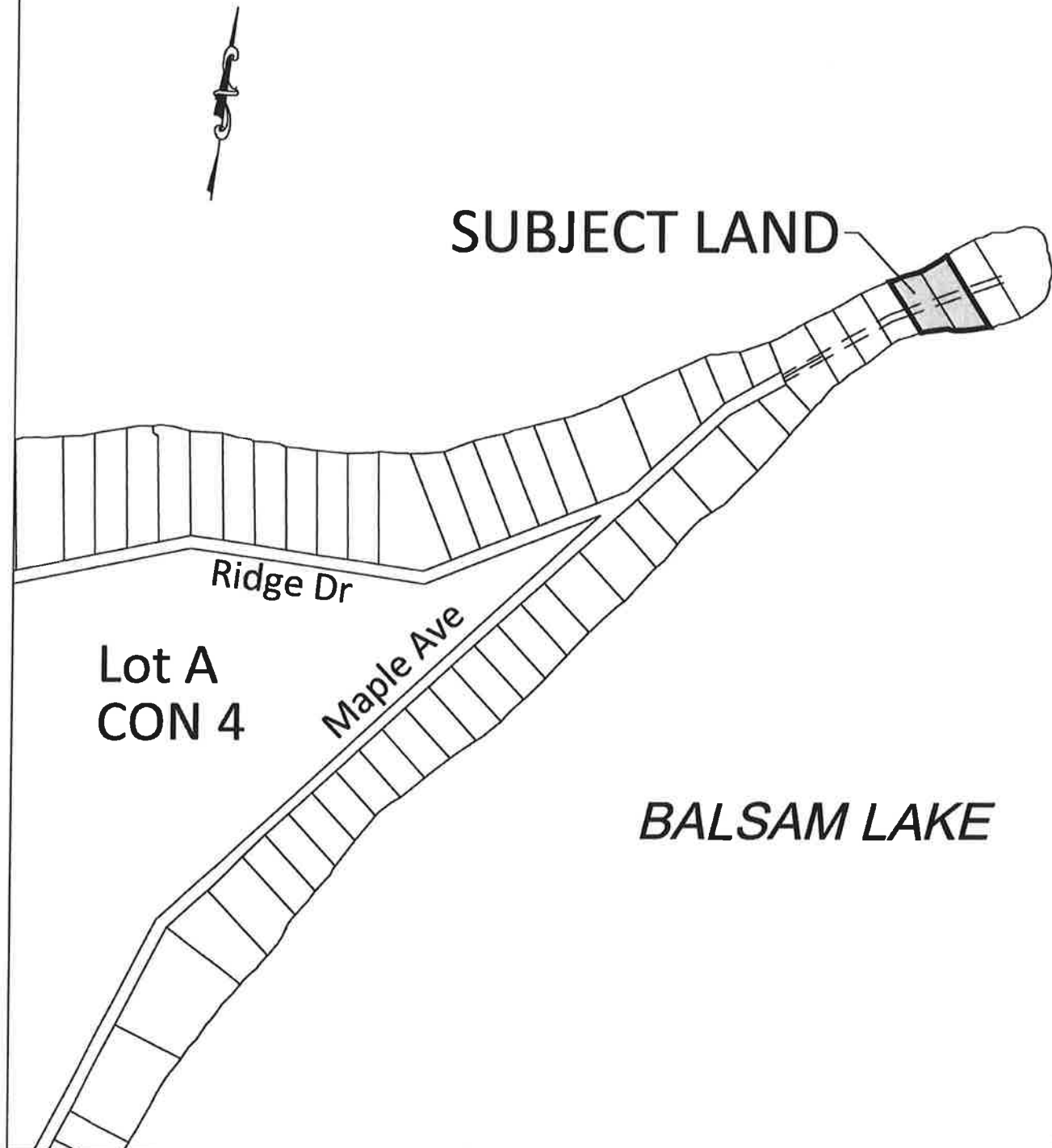
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-044

to

REPORT COA2019-061

FILE NO: D20-2019-044

Geographic Township of Bexley





0.17

Kilometers

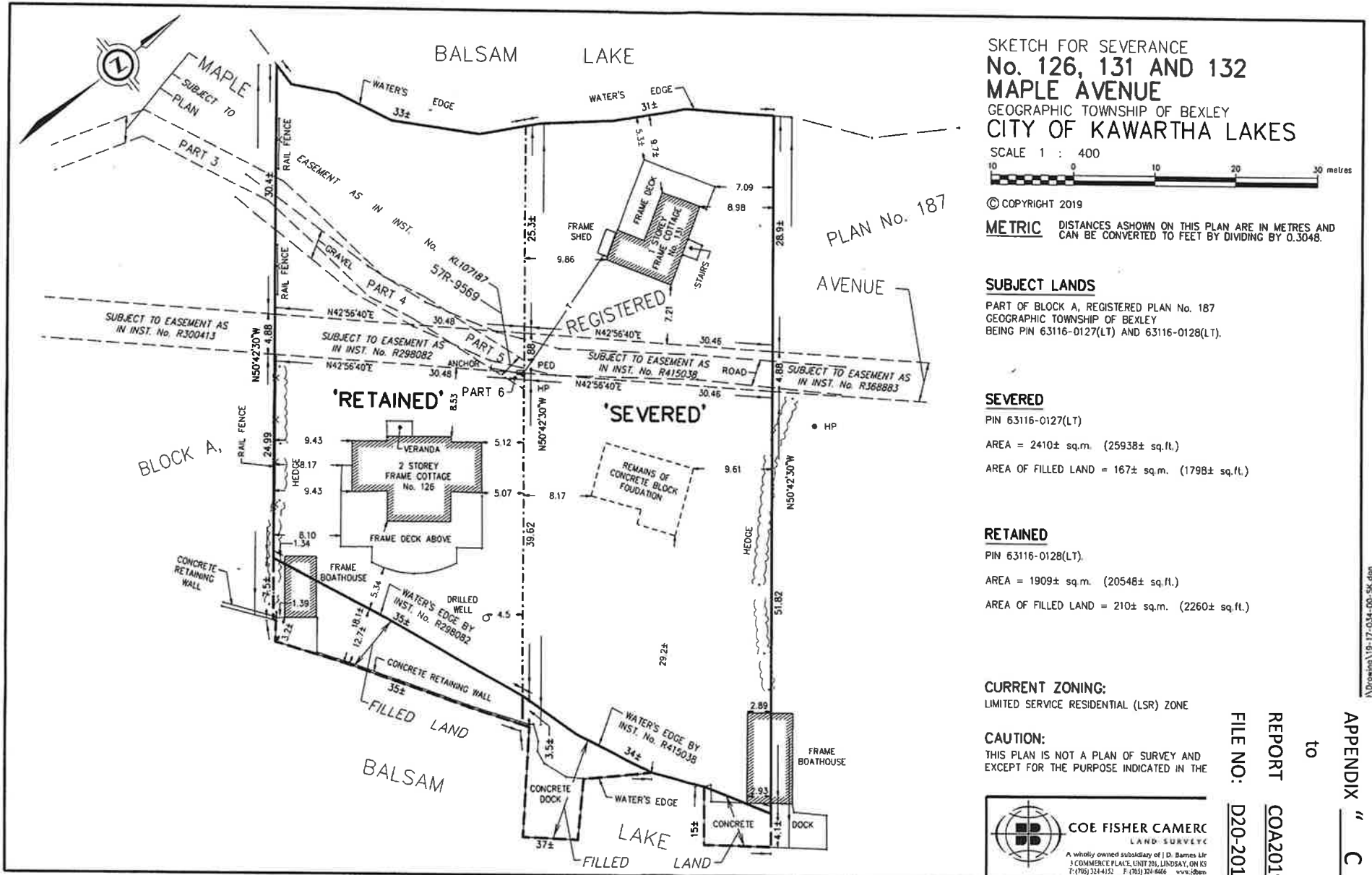
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APPENDIX " B "
to
REPORT COA2019-061
FILE NO: D20-2019-044



David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:40 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-044

APPENDIX " D .
to
REPORT COA 2019-061
FILE NO. D20-2019-044

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:01 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-044 - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:09 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 D20-2019-044 - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on June 27, 2019, Engineering provided a review on D03-2019-027 noting that we have no objection to the proposed Consent.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-044
126 Maple Avenue
Part Block A, Plan 18
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief:

1. to reduce the minimum lot area from 2000 square metres to 1909 square metres for the proposed lot to be retained, and
2. to reduce the minimum front yard from 7.5 metres to 5.3 metres and
3. to reduce the minimum water and EP Zone setbacks from 15 metres to 12.7 metres in order to permit a deck.

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

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca

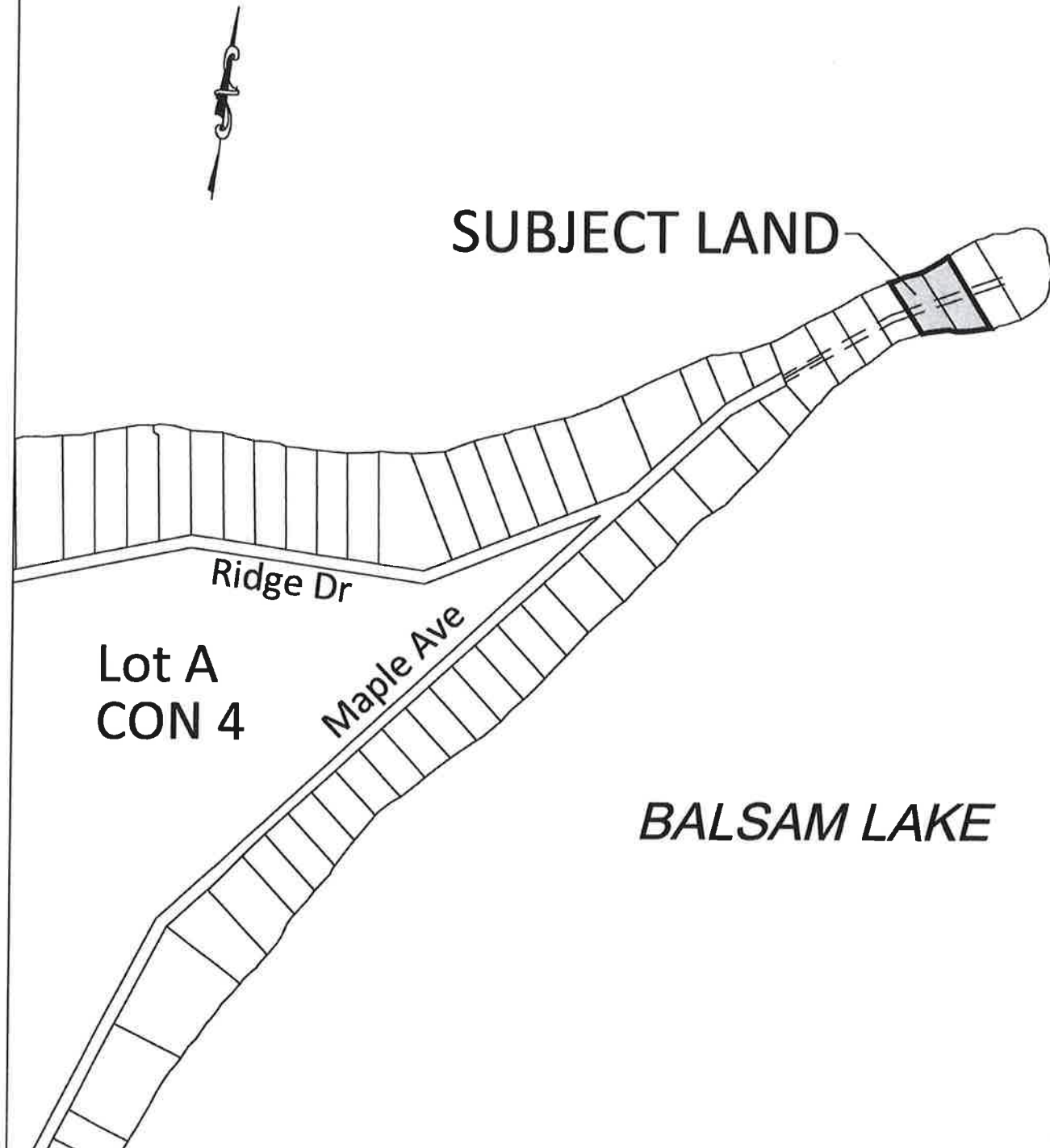


to

REPORT COA2019-061

FILE NO: D20-2019-044

Geographic Township of Bexley





0.17

Kilometers

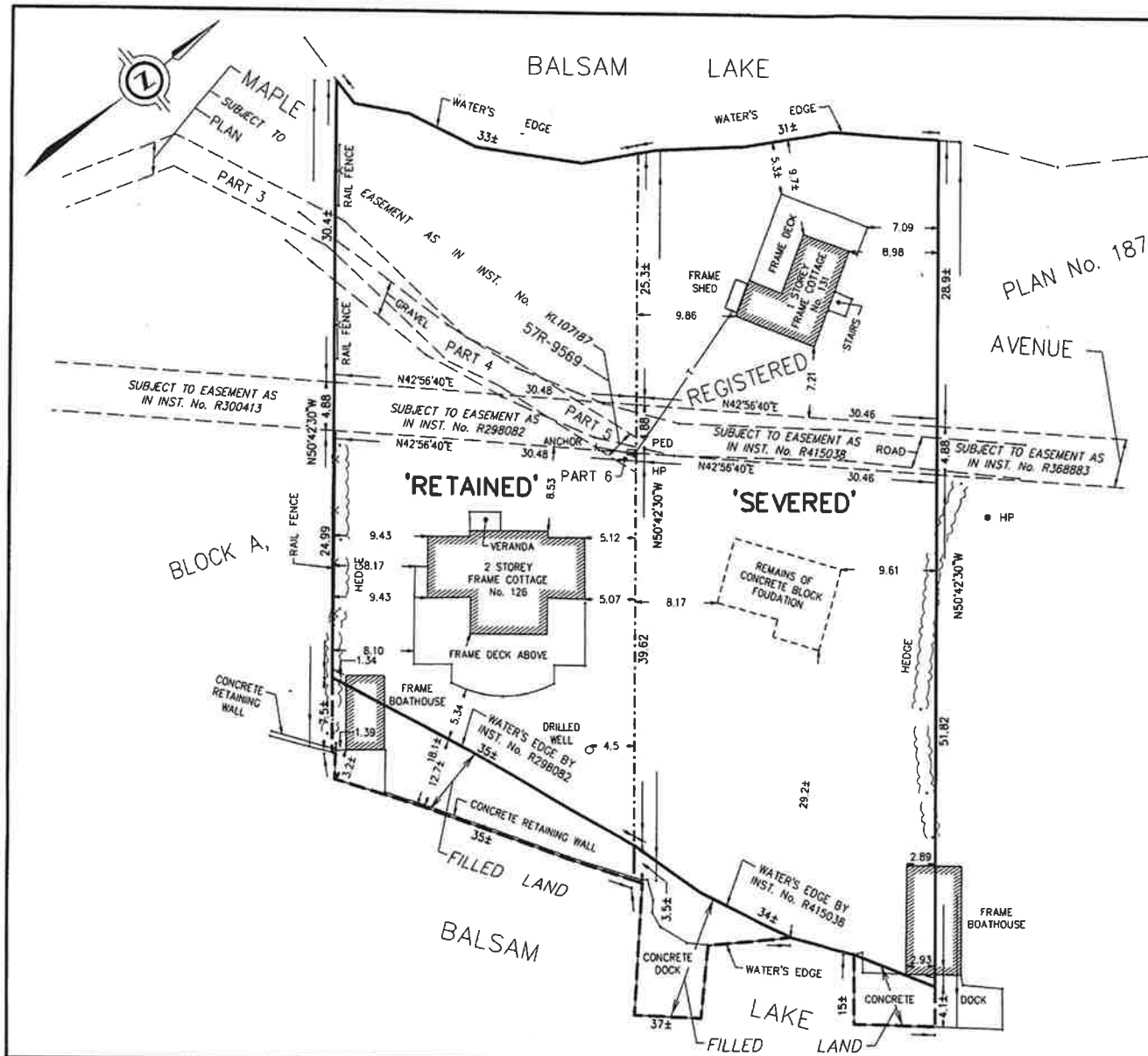
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APPENDIX " B "
to
REPORT COA2019-061
FILE NO: D20-2019-044



SKETCH FOR SEVERANCE
No. 126, 131 AND 132
MAPLE AVENUE
 GEOGRAPHIC TOWNSHIP OF BEXLEY
 CITY OF KAWARTHA LAKES

SCALE 1 : 400
 10 0 10 20 30 metres

© COPYRIGHT 2019

METRIC DISTANCES AS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SUBJECT LANDS

PART OF BLOCK A, REGISTERED PLAN No. 187
 GEOGRAPHIC TOWNSHIP OF BEXLEY
 BEING PIN 63116-0127(LT) AND 63116-0128(LT).

SEVERED

PIN 63116-0127(LT)

AREA = 2410± sq.m. (25938± sq.ft.)

AREA OF FILLED LAND = 167± sq.m. (1798± sq.ft.)

RETAINED

PIN 63116-0128(LT).

AREA = 1909± sq.m. (20548± sq.ft.)

AREA OF FILLED LAND = 210± sq.m. (2260± sq.ft.)

CURRENT ZONING:

LIMITED SERVICE RESIDENTIAL (LSR) ZONE

CAUTION:

THIS PLAN IS NOT A PLAN OF SURVEY AND EXCEPT FOR THE PURPOSE INDICATED IN THE



REPORT COA2019-061
 FILE NO: D20-2019-044

APPENDIX " C "

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:40 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-044

APPENDIX " D ,
to
REPORT COA 2019-061
FILE NO. D20-2019-044

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:01 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-044 - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:09 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 D20-2019-044 - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on June 27, 2019, Engineering provided a review on D03-2019-027 noting that we have no objection to the proposed Consent.

Engineering's review of the minor variance is as follows:

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126 Maple Avenue
Part Block A, Plan 18
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief:

1. to reduce the minimum lot area from 2000 square metres to 1909 square metres for the proposed lot to be retained, and
2. to reduce the minimum front yard from 7.5 metres to 5.3 metres and
3. to reduce the minimum water and EP Zone setbacks from 15 metres to 12.7 metres in order to permit a deck.

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

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca





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

MEMORANDUM

TO: Committee of Adjustment

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

DATE: October 17, 2019

SUBJECT: Minor Variance Application File No. D20-2019-045
276 Moorings Drive, Geographic Township of Fenelon

Bart Barber, owner/applicant for the above-noted file requests relief from Township of Fenelon Zoning By-law 12-95, as amended, from the following in order to permit existing installations on a waterfront property thus:

Boat Port

1. Section 3.1.2.2 to reduce the minimum interior side yard setback for an accessory structure from 1.2 metres to 0.66 metre.

Sunroom Addition to Rear of Dwelling

2. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 9.99 metres;
3. Section 3.18.1.1 to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 9.99 metres;

Attached Garage with Living Space Above

4. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 5 metres;
5. Section 3.18.1.1 to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and
6. Section 13.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.86 metre.

On October 8, 2019, comments received from the Kawartha Conservation (KRCA) advised no support for two portions of the application (the sunroom addition and the attached garage with living space above). KRCA reasons were expressed as follows:

- The installations were built without obtaining necessary approvals, and as such considered a violation that needs to be dealt through a compliance process;
- The property is located within a regulated flood hazard and the installations have not been demonstrated to meet KRCA policies of being 0.3 metres above the regulatory flood elevation; and
- It has not been demonstrated that the number of dwelling units within the house between pre and post construction are the same.

In consideration of the above, and in light of the fact that the minor variance application process was triggered through a building enforcement matter, planning staff are unable to support the application at this time given that the flooding potential of the proposal has not been demonstrated to be consistent with the Natural Hazard policies of the 2014 Provincial Policy Statement and as such not considered minor or appropriate for the use of the land. Therefore, staff respectfully recommends the following resolution:

That Minor Variance application D20-2019-045 be DEFERRED for a period of two (2) months in order to provide the owner enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately evaluated for supportability by staff.

Sincerely,



Quadri Adebayo, Planner II



KRCA Comments.pdf

cc: Bartt Barber - Owner

Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment

Chris Marshall, Director of Planning

Derryk Wolven, Plans Examiner, Building Division

Susan Murchison, Chief Building Official, Building Division

Cheryl Bryant, Building and Zoning Clerk, Building Division

Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division

Erin McGregor, Resources Planner Technician – Kawartha Conservation

Jim Shrubsall, Compliance Officer & Permitting Technician, Kawartha Conservation

Ron Warne, Director, Kawartha Conservation

Gail and Harold Kukasch – Public - email

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

**Regarding: Minor Variance
D20-2019-045
276 Moorings Dr, Part Lot 32, Concession 10
Geographic Township of Fenelon
City of Kawartha Lakes**

Dear: Ms. Crockford-Toomey:

This letter acknowledges the receipt of the above noted application for a Minor Variance. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Fenelon Zoning By-law 12-95, as amended. The purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property; a detached boat port, and additions to a single storey dwelling that comprises of an attached garage with supplementary living space above and a sunroom at the rear.

- **Boat Port:**
 - o To reduce the minimum interior side yard setback for an accessory structure from 1.2 metres to 0.66 metre.
- **Sunroom Addition to the Rear of the Dwelling:**
 - o To reduce the minimum water setback from 15 metres to 9.99 metres;
 - o To reduce the minimum water setback from an Environmental Protection Zone from 15 metres to 9.99 metres.
- **Attached Garage with Living Space Above:**
 - o To reduce the minimum water setback from 15 metres to 5 metres;
 - o To reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and,

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

Our Watershed Partners:

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

- To reduce the minimum interior site yard setback from 2.3 metres to 1.86 metre.

Site Characteristics:

The subject property is adjacent to the following natural heritage features:

- Provincially Significant Wetland
- ELC Wetlands
- Area of Natural and Scientific Interest – Life Science
- Burnt River

The following natural hazards are associated with the above noted natural heritage features:

- Erosion
- Flooding
- Unstable soils

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

The entirety of the subject property is within lands regulated by Kawartha Conservation. Kawartha Conservation regulates the flooding and erosion hazard associated with Burnt River. Kawartha Conservation also regulates the Provincially Significant Wetland adjacent to the property and all lands within 120m of it.

Any development on the subject property will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended. No development, site alteration, grading, structure, etc., is permitted within Kawartha Conservations regulated area prior to obtaining a permit pursuant to Ontario Regulation 182/06.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

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

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

Boat Port:

- Kawartha Conservation has no concern with the minor variance proposed to reduce the rear yard setback for accessory uses.

Sunroom Addition to the Rear of the Dwelling:

- Kawartha Conservation advises that this addition must be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines;

Attached Garage with Living Space Above:

- Kawartha Conservation advises that this addition must be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines;
- Additionally, all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines.
- As per Kawartha Conservation policy 4.5.2 (5), an additional storey (or extension thereof) on existing residential dwellings located within a flooding hazard may be permitted provided it can be demonstrated that the number of dwelling units is the same or less 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.

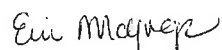
Recommendation:

Given the above comments, Kawartha Conservation does not support D20-2019-045, and it is the opinion of Kawartha Conservation that:

1. Consistency with Section 3.1 (Natural Hazards) of the PPS has not been demonstrated;
2. Consistency with Kawartha Conservation policies have not been met;
 - a. Specifically, it has not been demonstrated that the additions are 0.3 metres above the regulatory flood elevation and that the number of dwellings units has remained the same.
3. As the proposed construction has already taken place prior to obtaining the above noted Kawartha Conservation permit, the matter is now considered a violation and will be forwarded to our Compliance Officer (Jim Shrubsall copied on this letter) for further action. Please contact Jim directly at extension 250 for further information and clarification.

We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Erin McGregor
Resources Planner Technician – ex 232
Kawartha Conservation

CC:

Jim Shrubsall, Compliance Officer & Permitting Technician, Kawartha Conservation
Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation
Quadri Adebayo, Planner II, City of Kawartha Lakes
Susanne Murchison, Chief Building Official, City of Kawartha Lakes

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

Our Watershed Partners:

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Marto and Duncan
Report Number COA2019-063

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following accessory use provisions in order to permit the construction of an in-ground pool at the rear of the dwelling on a residential property:

1. Section 3.1.2.2 to reduce the minimum rear yard setback requirement from 2 metres to 1.2 metres; and
2. Section 3.1.2.2 to reduce the minimum setback from a residential building from 4 metres to 2.1 metres

The variance is requested at 121 Southcrest Drive, Township of Mariposa (File D20-2019-046).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-063 Nancy Marto and James Duncan be received;

That minor variance application D20-2019-046 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 swimming pool related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-063, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the 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 COA2019-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	The application proposes to construct a pool at the rear yard of the property. Given that a pool by definition is considered an accessory structure in the Township of Mariposa By-law, a minor variance was determined necessary to permit at the pool in the proposed location to be closer to both the rear lot line and dwelling than the minimum requirements of the by-law. This application was deemed complete September 17, 2019.
Proposal:	To construct an approximately 47 square metres (505.72 square foot) sized in-ground pool in the rear yard.
Owners:	Nancy Marto and James Duncan
Applicant:	Nancy Marto and James Duncan
Legal Description:	Lot 106, Plan M747, geographic Township of Mariposa, now City of Kawartha Lakes
Official Plan:	Development Plan Area Three (DP-3) in the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three Exception Five (RR3-5) Zone within the Township of Mariposa Zoning By-law 94-07
Site Size:	694.79 square metres
Site Servicing:	Communal Water and Sewer Service System
Existing Uses:	Residential
Adjacent Uses:	North: Commercial (King's Bay Golf Course) East: Residential, Commercial West: Commercial, Southcrest Drive South: South Crest Drive, Residential and Commercial

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 near the residential neighbourhood of Seagrave and surrounded by King's Bay Golf Course. The rear lot line of the property directly abuts a grassed open field area of the golf course. Given the limited room available in the rear yard of the property, a fence is installed along the rear and side lot line of the subject property to clearly define property

boundaries and as safety precaution for people and animal-pets. As such, no land use compatibility issues are anticipated.

Swimming pools typically function as a recreational accessory installation on most residential properties. The scale of the proposed pool appears to be modest in size and is anticipated to be low profile since it would be occupying approximately 6.7% of the whole property. With the dimensions proposed, the 2.1 metre spatial separation between the limits of the pool and the rear wall, and the 1.2 metre spatial separation between the pool and the rear lot line, are not anticipated to constrain flow of movement in and around the proposed pool.

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

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

Yes

The relief sought from the minimum allowed setbacks from the rear lot line and dwelling respectively are not anticipated to impact the functionality of the setback areas within the rear yard, as the scale of the reductions, if granted, are not anticipated to be perceptible.

Considering the neighbourhood is not on private individual servicing no negative impacts are anticipated from that perspective.

The configuration of the lot presents a physical constraint to locating the pool in a compliant manner. However, the owners have reasonably demonstrated that it is possible to develop the lot in a spatial manner such that the proposed pool would occupy approximately 36% of the rear yard area established by the furthest rear wall of the dwelling within the rear yard and the rear lot line.

As such, 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 Development Plan Area Three (DP-3) designation is a special policy area that contemplates single detached residential lots with ancillary accessory uses that would not negatively impact surrounding land uses.

The proposed swimming pool is an accessory use that follows the DP-3 designation policies as it will presumably maintain a low profile and not generate any land use compatibility issues with abutting land uses.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a communal 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 (October 7, 2019): No concerns.

Public Comments:

No comments received as of October 7, 2019.

Attachments:

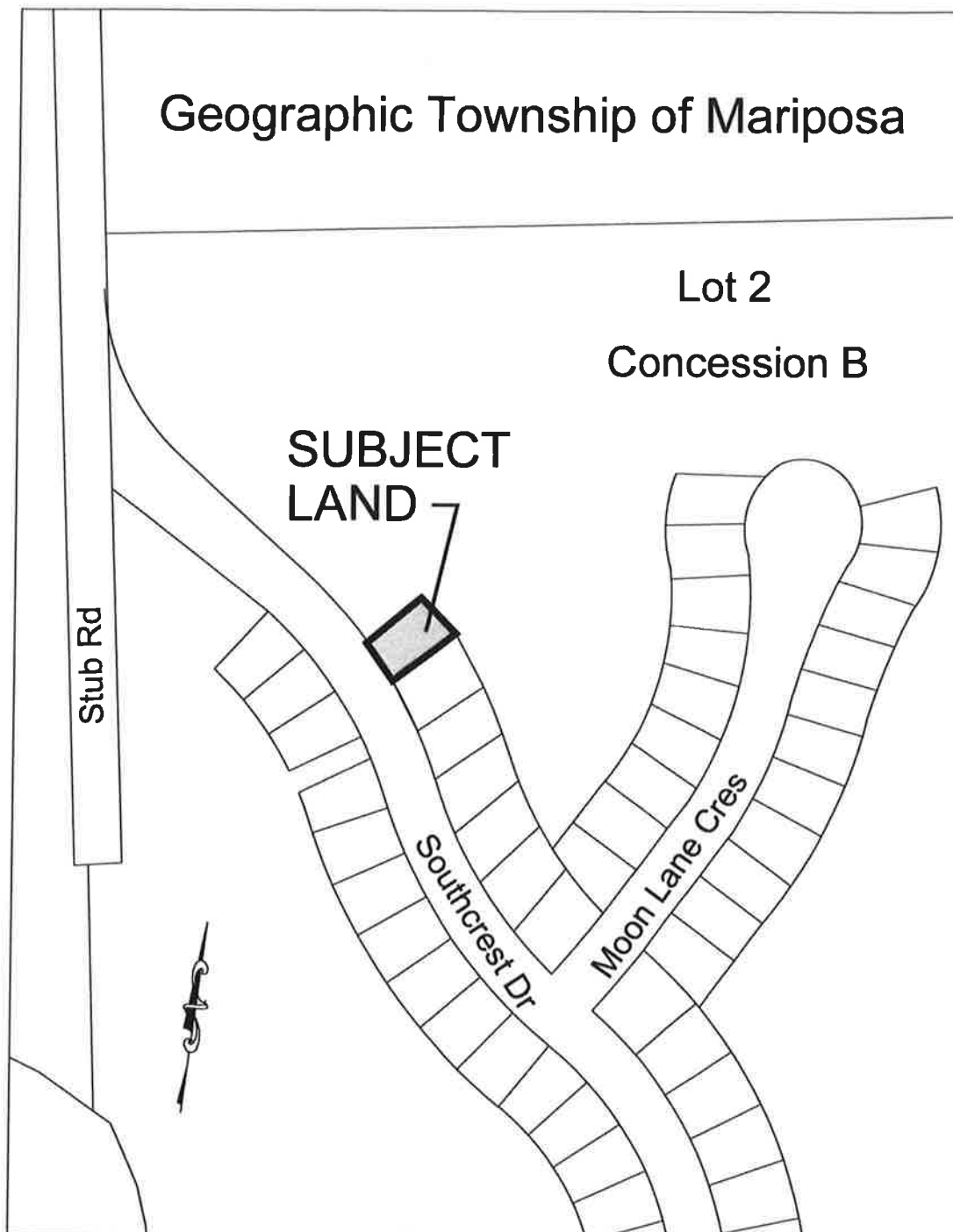


Appendices A-D to
Report COA2019-063

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-046

D20-2019-046



APPENDIX: B

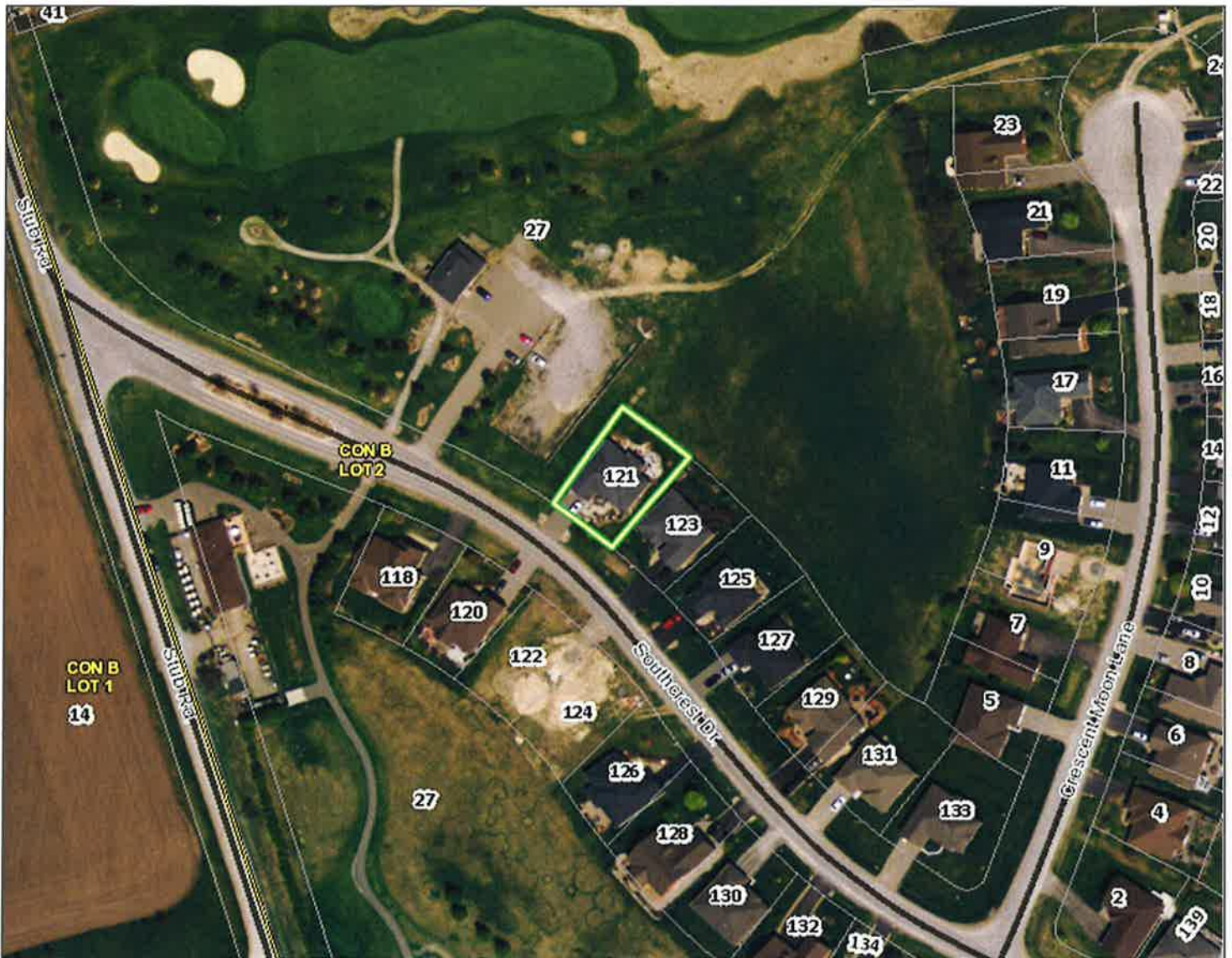
to

REPORT COA2019-063

FILE NO: D20-2019-046



121 Southcrest Drive, geographic Township of Mariposa



0.11

Kilometers

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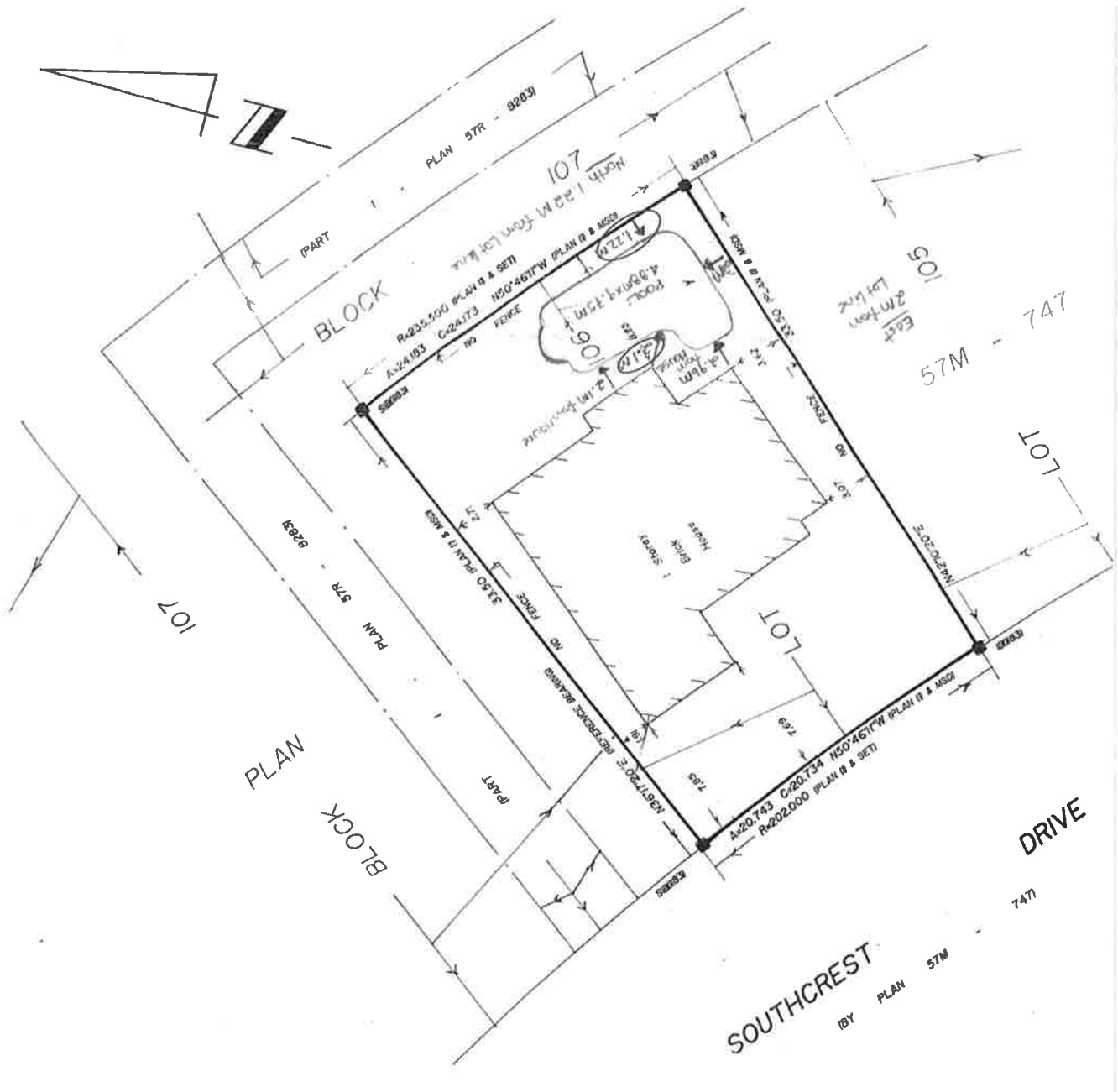
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to

REPORT COA2019-063

FILE NO: D20-2019-046

Site Plan Sketch - Existing



APPENDIX: D

to

REPORT COA2019-063

FILE NO: D20-2019-046

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-046

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

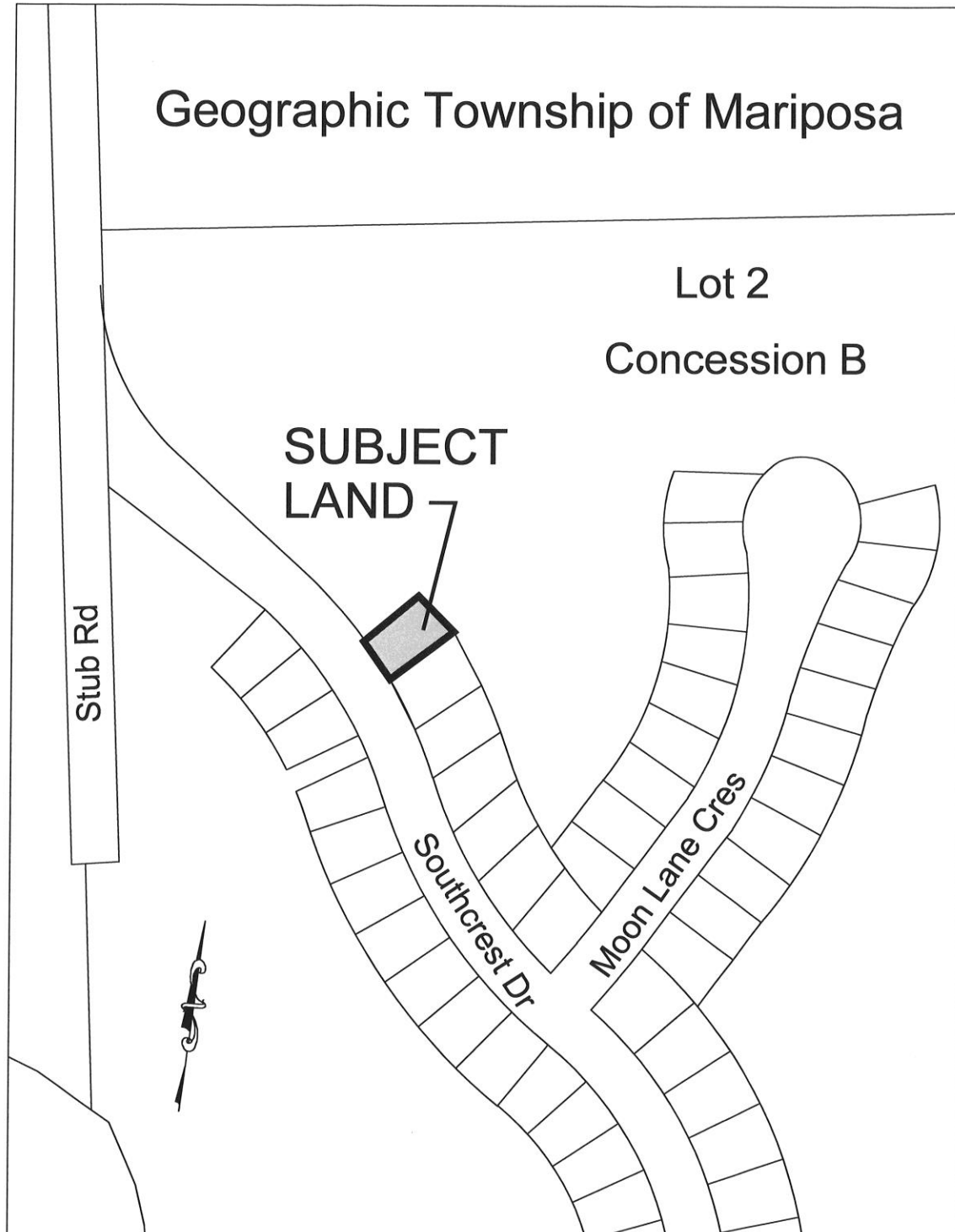
Plans Examiner

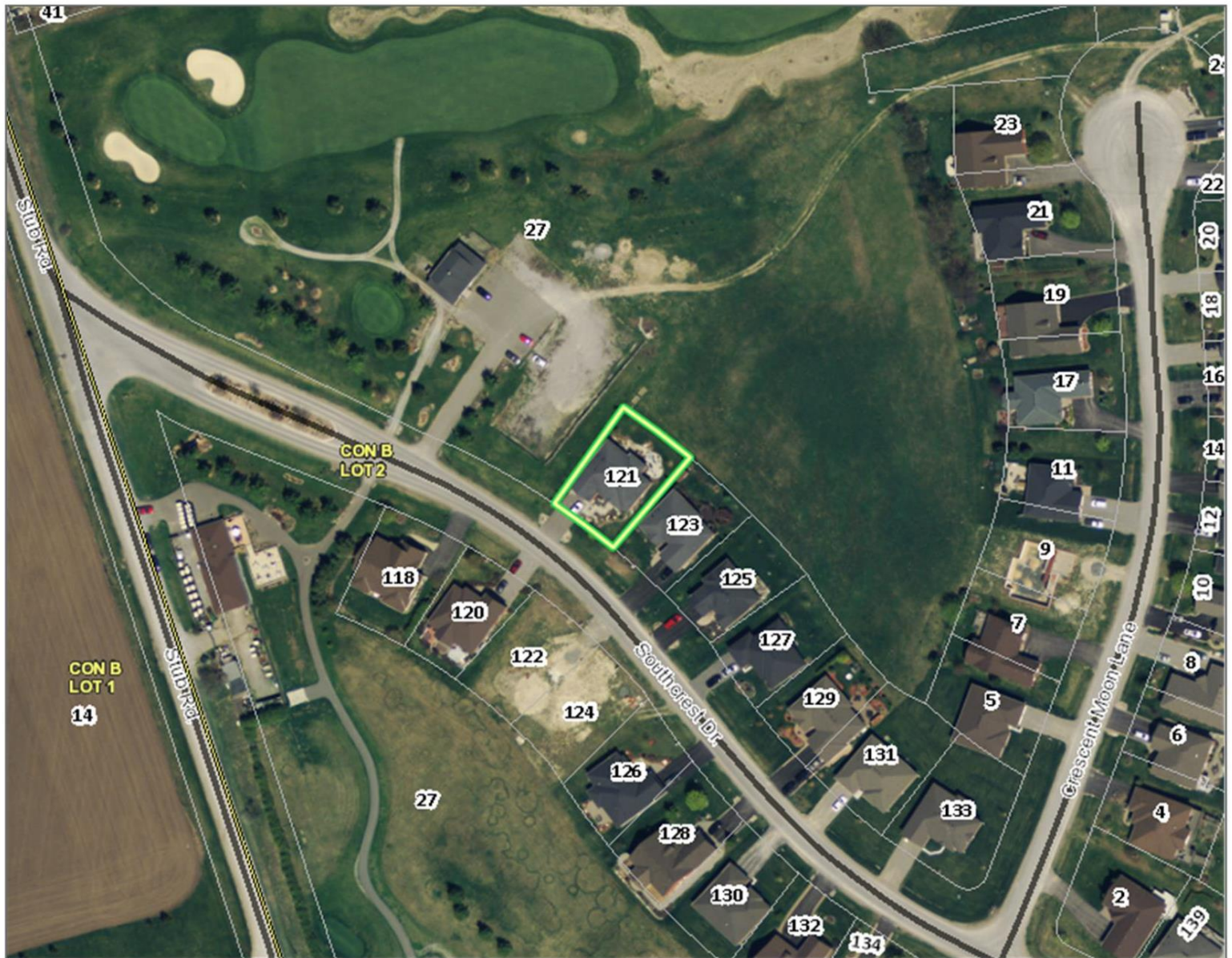
Development Services, Building Division, City of Kawartha Lakes

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



D20-2019-046



121 Southcrest Drive, geographic Township of Mariposa

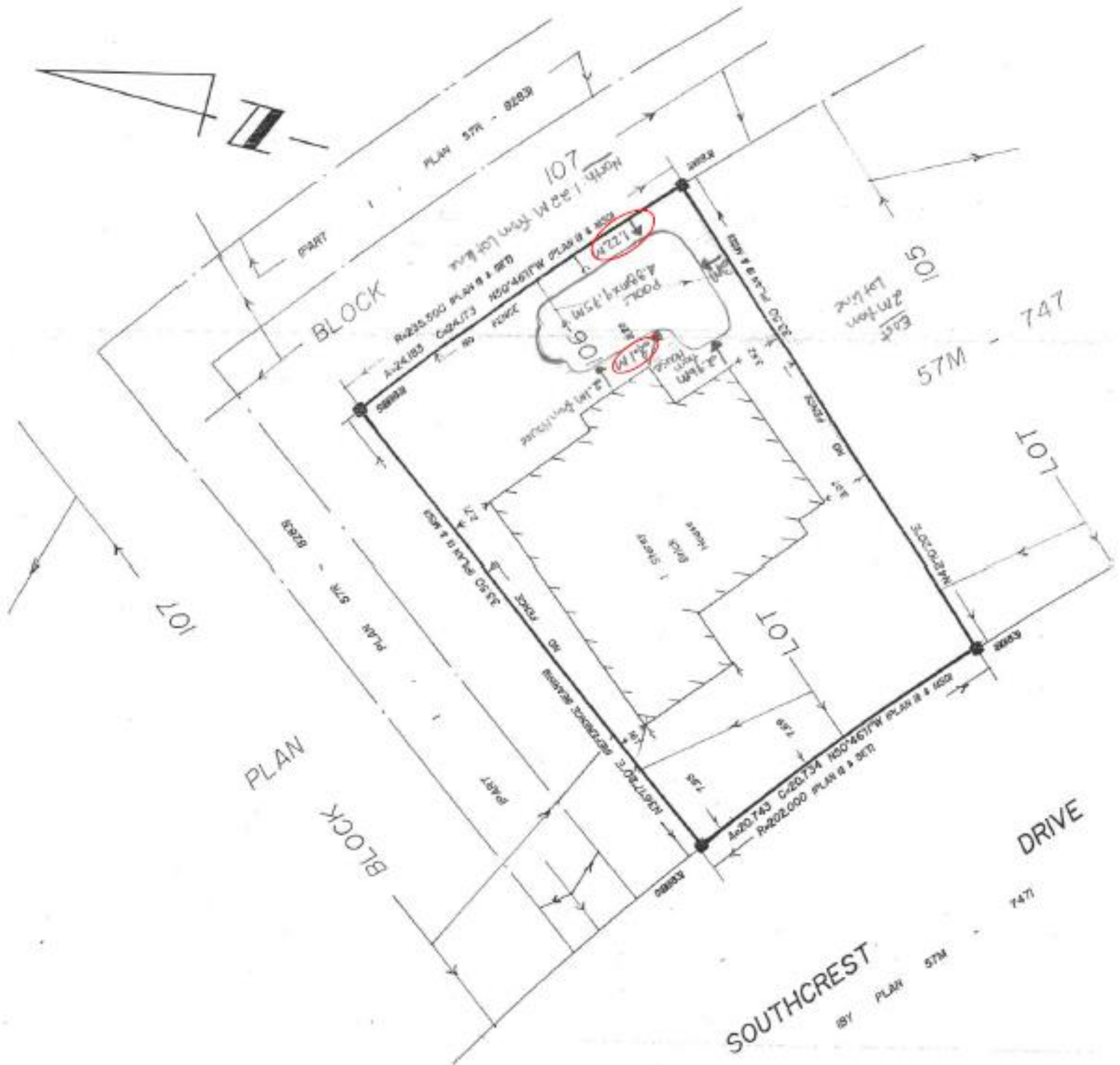
0.11

Kilometers

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Site Plan Sketch - Existing

to

REPORT COA2019-063

FILE NO: D20-2019-046

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-046

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Giordanella
Report Number COA2019-064

Public Meeting

Meeting Date: October 17, 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 Section 13.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 7.3 metres in order to permit the construction of a single detached dwelling.

The variance is requested at 6 Bass Street, geographic Township of Fenelon (File D20-2019-047).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-064 Corrado and Anita Giordanella be received;

That minor variance application D20-2019-047 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 dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-064, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; 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 COA2019-064. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The owners are proposing to recognize a single detached dwelling whose foundation was placed approximately 0.12 metres closer to the front lot line than permitted.
The application was deemed complete September 20, 2019.

Proposal: Single detached dwelling

Owners: Corrado and Anita Giordanella

Applicant: Anita Giordanella

Legal Description: Part of Lot 58, Plan 190, geographic Township of Fenelon, now City of Kawartha Lakes

Official Plan: Urban Settlement Area – Fenelon Falls Fringe within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 884 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Residential - under development

Adjacent Uses: North: Residential, Vacant Land
South, East: Residential
West: Commercial (Fenelon Marina, Fenelon Fast Repairs), Residential

Rationale:

1) Is the variance minor in nature? Yes
And

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

The subject property is located within an urban area on the west side of Fenelon Falls in an area that contains a mixture of residential and commercial uses.

The dwelling under construction is set back further from the road than the dwellings on 2, 4, and 8 Bass Street. Those dwellings are located on the same side of the road to the immediate north and south of the subject property. The reduction is not anticipated to be perceptible due to the minimal degree of the reduction requested and the fact that the dwelling is already set back further from the road than the dwellings on the neighbouring properties.

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 Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95. The RR3 Zone permits vacation dwellings or single detached dwellings.

The minimum front yard requirement performs a series of functions such as providing for: adequate snow storage, surface parking and regulating the proximity of built form in relation to the road to govern the general character of the neighbourhood.

The by-law requires a parking space to be at least 6 metres long. The proposed reduction ensures the driveway is long enough to accommodate a vehicle parked between the front lot line and garage door. Snow storage is not anticipated to be an issue due to the minimal reduction proposed. As the reduction is so minimal that it is not even perceptible, it will not impact the character of the neighbourhood.

The variance meets the 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 Urban Settlement Area – Fenelon Falls Fringe within the City of Kawartha Lakes Official Plan. The designation anticipates that the predominant use will be that of single detached dwellings, and a single detached dwelling is proposed.

Therefore, the variance meets the intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been examined 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:

No comments have been received at this time.

Public Comments:

No comments received as of October 8, 2019.

Attachments:



Appendices A-D to
Report COA2019-064.

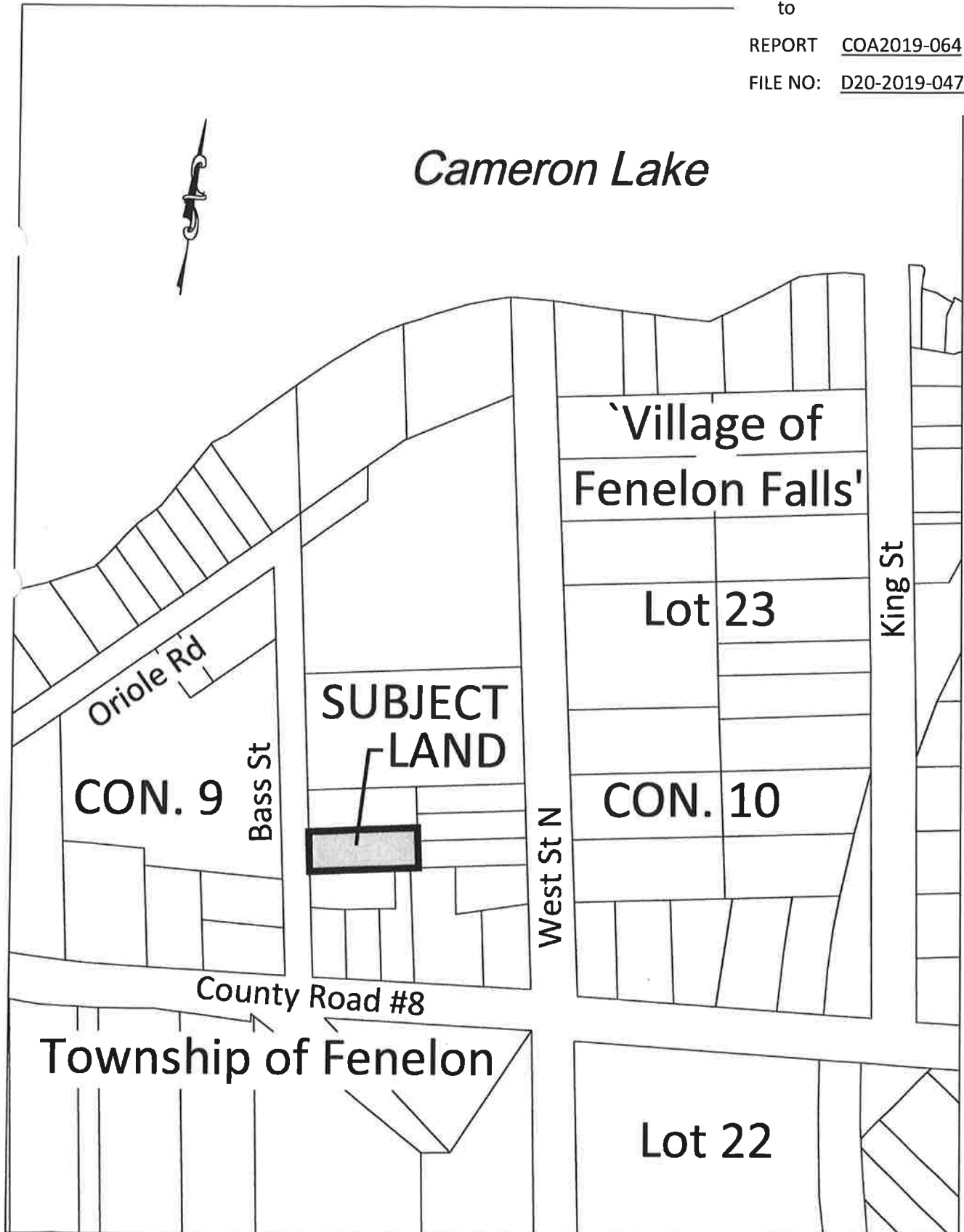
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-047

to

REPORT COA2019-064

FILE NO: D20-2019-047



6 Bass Street, geographic Twp. of Fenelon



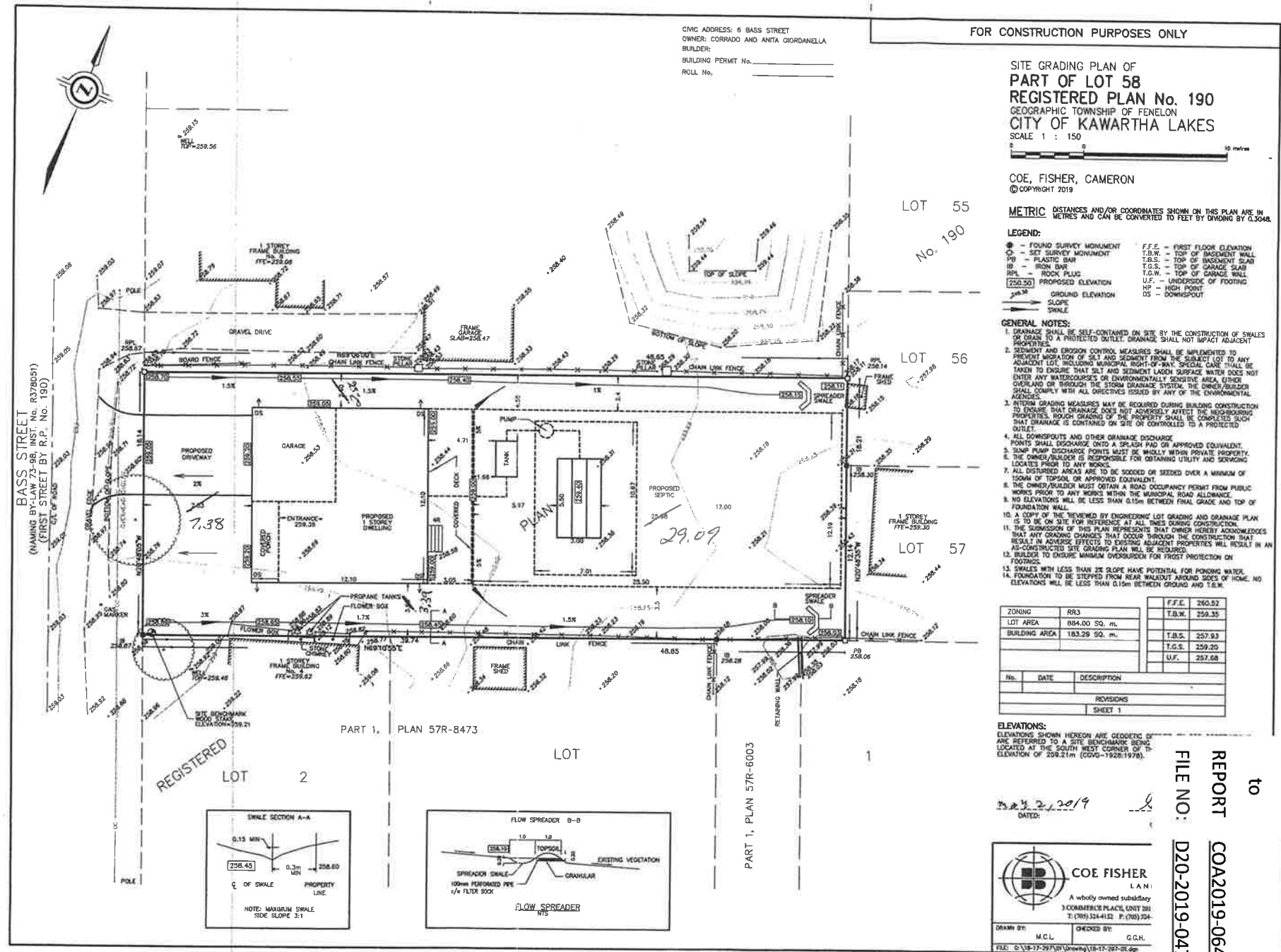
0.11 Kilometers
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APPENDIX " B "
to
REPORT COA2019-064
FILE NO: D20-2019-047



David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:50 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-047

APPENDIX " D
to
REPORT COA2019-064
FILE NO. D20-2019-047

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:02 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-047 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:13 PM
To: Mark LaHay
Cc: Christina Sisson; Kim Rhodes
Subject: 20191008 D20-2019-047 - Engineering review

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-047
6 Bass Street
Lot 23, Concession 8, Part Lot 58, Plan 190
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum front yard from 7.5 metres to 7.3 metres in order to permit the construction of a single detached dwelling.

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

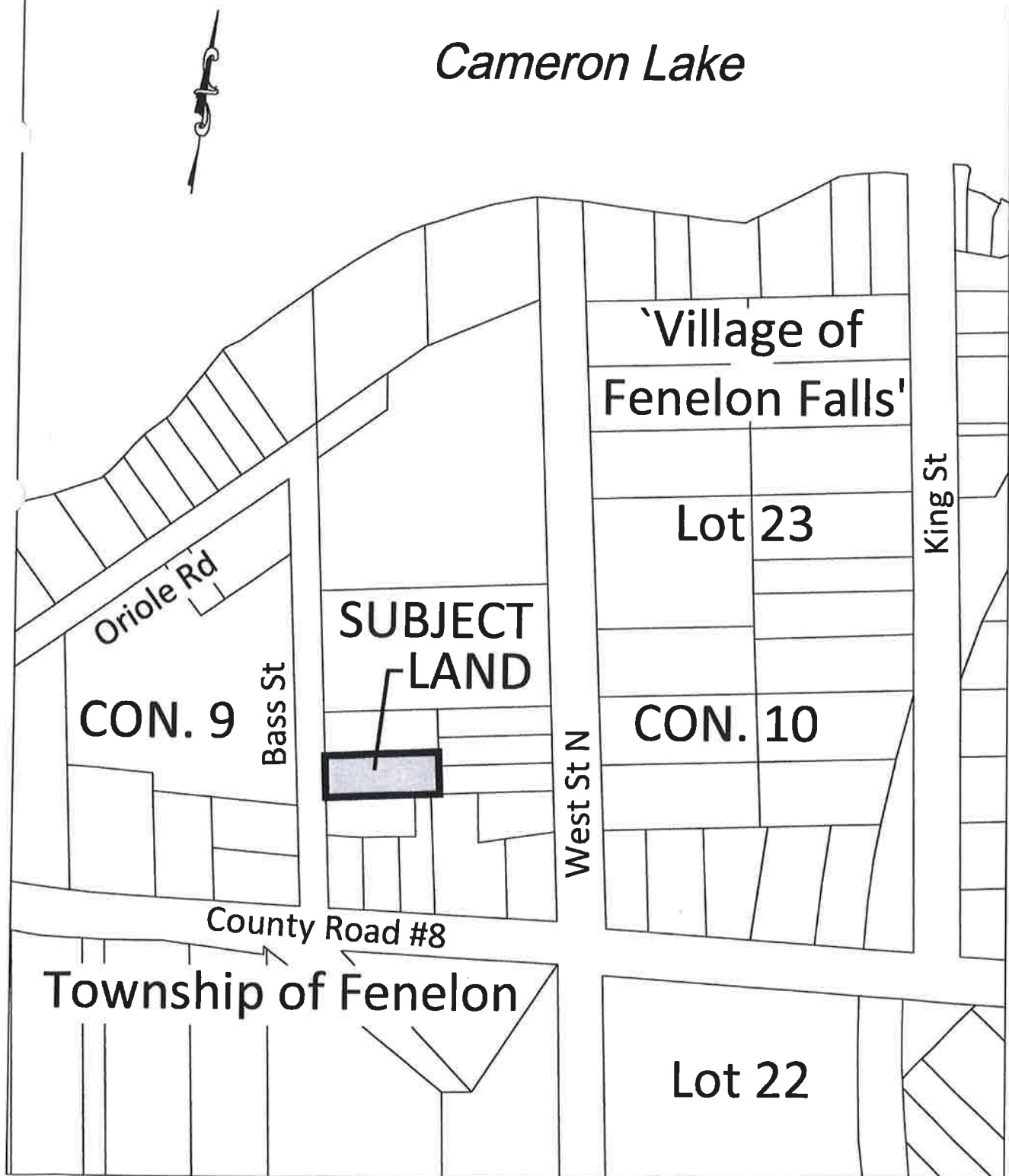
Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



to

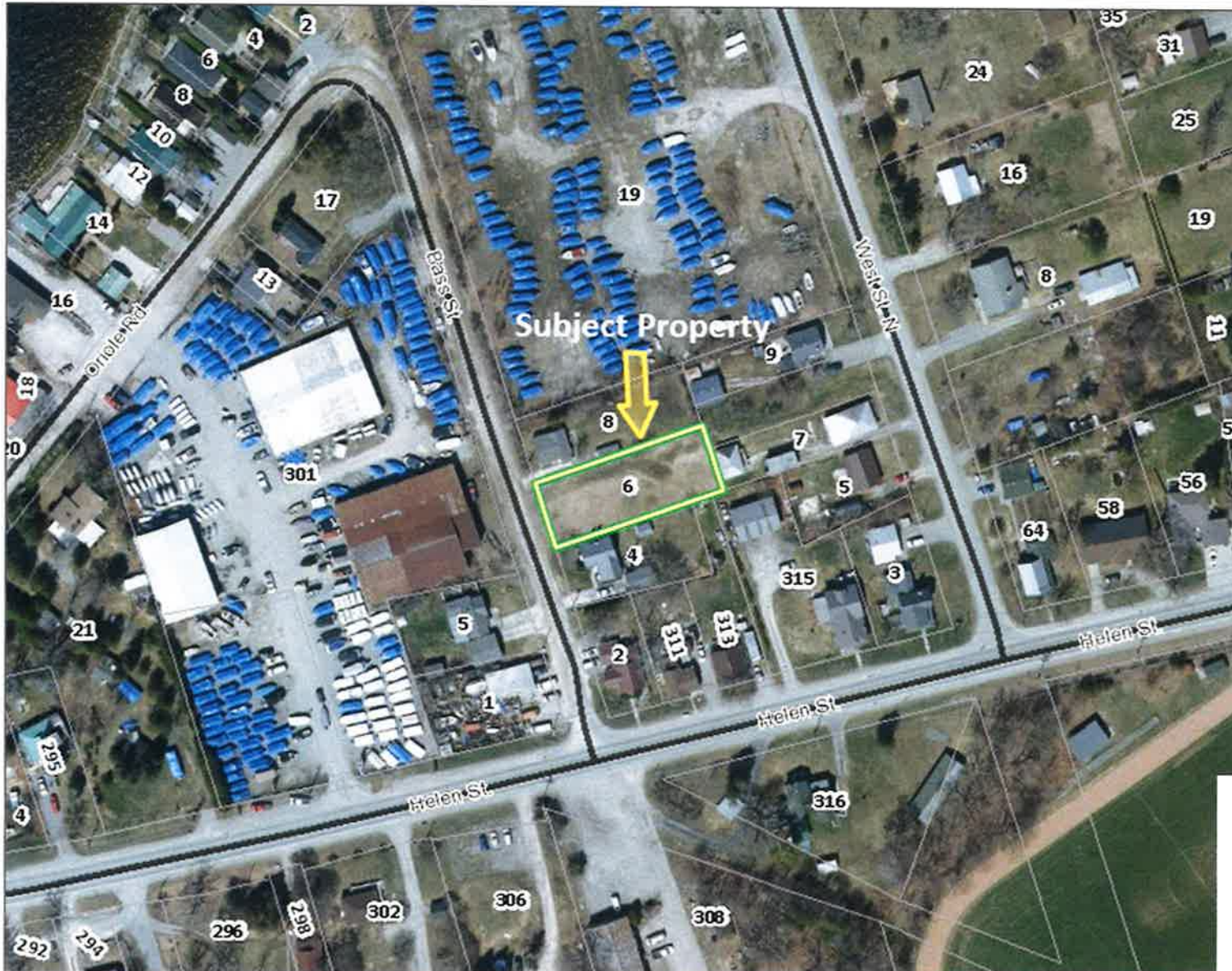
REPORT COA2019-064

FILE NO: D20-2019-047





6 Bass Street, geographic Twp. of Fenelon



0.11 Kilometers
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APPENDIX " B "
to
REPORT COA2019-064
FILE NO: D20-2019-047

FOR CONSTRUCTION PURPOSES ONLY

SITE GRADING PLAN OF
PART OF LOT 58
REGISTERED PLAN No. 190
GEOGRAPHIC TOWNSHIP OF FENELON
CITY OF KAWARTHA LAKES
SCALE 1 : 150



COE, FISHER, CAMERON
© COPYRIGHT 2019

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

LEGEND:

- - FOUND SURVEY MONUMENT
- - SET SURVEY MONUMENT
- PS - PLASTIC BAR
- IR - IRON BAR
- RPL - ROCK PLUG
- PE - PROPOSED ELEVATION
- GE - GROUND ELEVATION
- S - SLOPE
- SW - SWALE
- F.F.E. - FIRST FLOOR ELEVATION
- T.B.W. - TOP OF BASEMENT WALL
- T.B.S. - TOP OF BASEMENT SLAB
- T.G.S. - TOP OF GARAGE SLAB
- T.G.W. - TOP OF GARAGE WALL
- U.F. - UNDERSIDE OF FOOTING
- HP - HIGH POINT
- DS - DOWNSPOUT

GENERAL NOTES:

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR GRASS TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LADEN SURFACE WATER DOES NOT ENTER ANY WATERCOURSES OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIOR GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBOURING PROPERTIES. SOUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DOWNSPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ONTO A SPLASH PAD OR APPROVED EQUIVALENT.
5. SUMP PUMP DISCHARGE POINTS MUST BE WHOLLY WITHIN PRIVATE PROPERTY.
6. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVING LOCATES PRIOR TO ANY WORKS.
7. ALL DISTURBED AREAS ARE TO BE SOODED OR SEEDED OVER A MINIMUM OF 150mm OF TOPSOIL OR APPROVED EQUIVALENT.
8. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
9. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN FINAL GRADE AND TOP OF FOUNDATION WALL.
10. A COPY OF THE REVIEWED BY ENGINEERING LOT GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
11. THE SUBMISSION OF THIS PLAN REPRESENTS THAT OWNER HEREBY ACKNOWLEDGES THAT ANY GRADING CHANGES THAT OCCUR THROUGHOUT THE CONSTRUCTION THAT RESULT IN ADVERSE EFFECTS TO EXISTING ADJACENT PROPERTIES WILL RESULT IN AN AS-CONSTRUCTED SITE GRADING PLAN WILL BE REQUIRED.
12. BUILDERS TO DISCLOSE MINIMUM OVERBURDEN FOR FROST PROTECTION ON FOOTINGS.
13. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
14. FOUNDATION TO BE STEPPED FROM REAR WALKOUT AROUND SECS OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND T.B.S.

ZONING	R33	F.F.E.	260.52
LOT AREA	894.00 SQ. m.	T.B.W.	259.35
BUILDING AREA	183.29 SQ. m.	T.B.S.	257.93
		T.G.S.	259.20
		U.F.	257.68
No.	DATE	DESCRIPTION	
REVISIONS			
		SHEET 1	

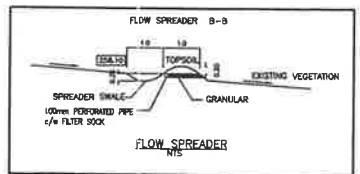
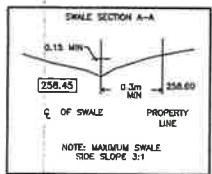
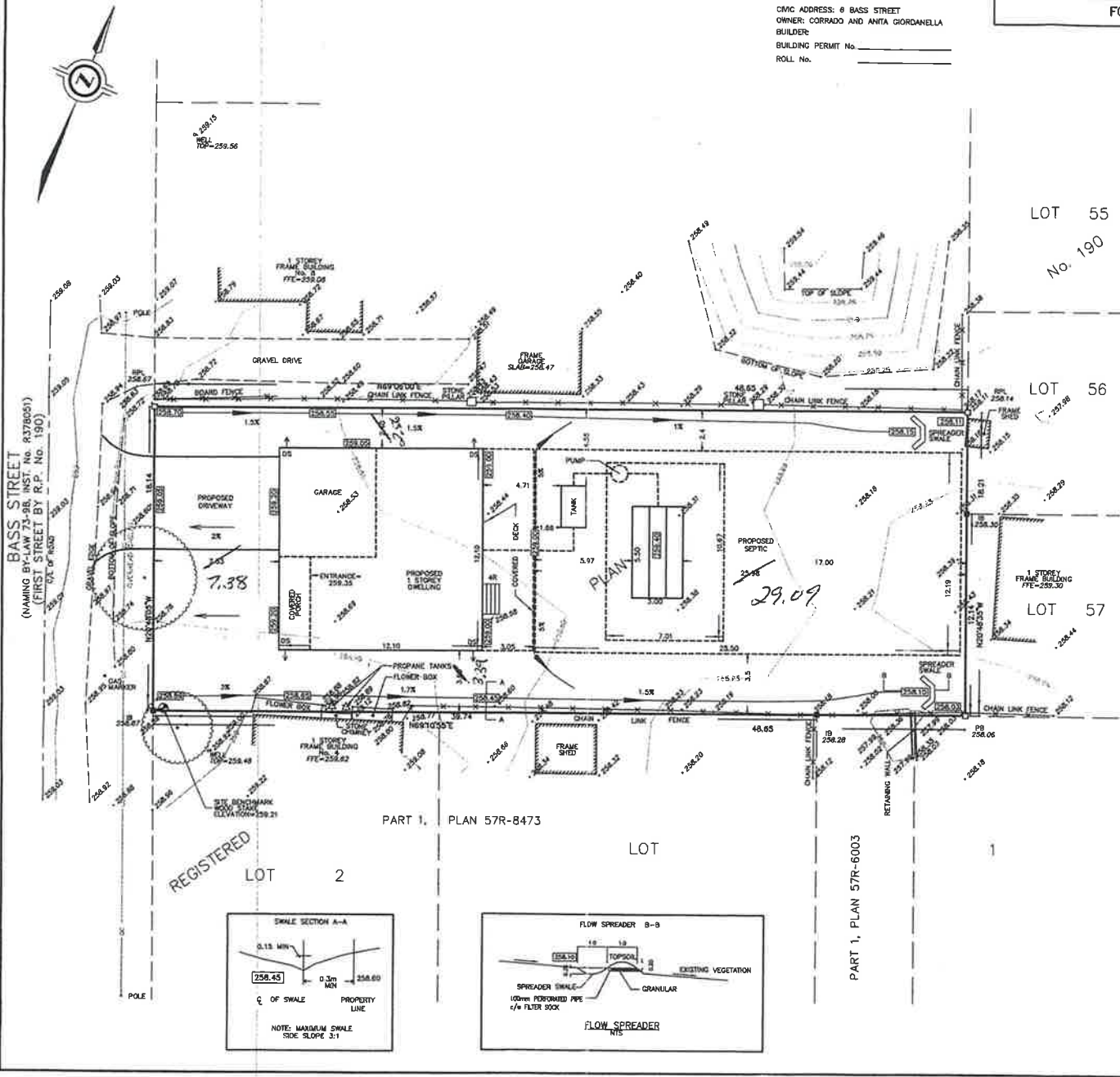
ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEODETIC OR ARE REFERRED TO A SITE BENCHMARK BEING LOCATED AT THE SOUTH WEST CORNER OF T1- ELEVATION OF 258.21 m. (CGDQ-1926/1976).

DATED: 2.2.2019

COE FISHER L.A.N.
A wholly owned subsidiary
3 CONNORVILLE PLAZA, UNIT 201
T: (705) 324-4152 P: (705) 324-4153
DRAWN BY: M.C.L. CHECKED BY: G.G.H.
FILE: C:\118-17-267\01\Drawings\118-17-267-01.dwg

APPENDIX "C"
to
REPORT COA2019-064
FILE NO: D20-2019-047

CIVIC ADDRESS: 6 BASS STREET
OWNER: CORRADO AND ANITA GIORNANELLA
BUILDER:
BUILDING PERMIT No. _____
ROLL No. _____



David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:50 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-047

APPENDIX " D
to
REPORT COA2019-064
FILE NO. D20-2019-047

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:02 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-047 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:13 PM
To: Mark LaHay
Cc: Christina Sisson; Kim Rhodes
Subject: 20191008 D20-2019-047 - Engineering review

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2019-047
6 Bass Street
Lot 23, Concession 8, Part Lot 58, Plan 190
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum front yard from 7.5 metres to 7.3 metres in order to permit the construction of a single detached dwelling.

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

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 – Walsh
Report Number COA2019-065

Public Meeting

Meeting Date: October 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to permit relief from Section 5.2(e) to reduce the minimum rear yard setback from 7.5 metres to 3.5 metres and from Section 5.2(j) to reduce the minimum water setback in from 20 metres to 4.6 metres. The reliefs sought will permit renovations to be done to the existing dwelling, which include the construction of a partial second storey and cathedral ceilings.

The variance is requested at 71 Perfectus Drive, former Village of Bobcaygeon (File D20-2019-048).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2019-065 Kimberly Walsh be received;

That minor variance application D20-2019-048 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction work on the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix E submitted as part of report COA2019-065, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer the written approval of the Kawartha Region Conservation Authority that all new additions are floodproofed 0.3 metres above the regulatory flood elevation;
- 3) **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer the written approval of the Risk Management Official in the form of a Section 59 Notice for this variance application; and
- 4) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the

Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-065. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The owner wishes to modify the existing single storey dwelling by making three distinct modifications. The first modification involves adding cathedral ceilings to the two hexagonal rooms which directly face the northwestern shoreline and also adding canopies high up on the exterior walls of these hexagonal rooms. The canopies are proposed to be about 0.6 metres wide. The second modification involves expanding the footprint to the southeast, squaring off the dwelling along its southeastern face. The third modification involves adding a second storey over a portion of the enlarged footprint. The second storey is proposed over the southeastern portion of the dwelling closest to the property entrance.

The application was deemed complete September 23, 2019.

Proposal: To expand an existing 155.77 square metre (1,677 square foot) single storey dwelling into a two storey dwelling with a total floor area of 309.61 square metres (3,332.7 square metres). Of this total 82.27 square metres (885.6 square feet) is proposed on the new second floor.

Owners: Kimberly Walsh

Applicant: W.E. Oughtred and Associates Inc.

Legal Description: Part of Lot 15, Plan 245, former Village of Bobcaygeon, now City of Kawartha Lakes

Official Plan: Urban within the County of Victoria Official Plan

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

Site Size: 1,821.75 square metres

Site Servicing: Municipal water and sewer

Existing Uses: Shoreline Residential

Adjacent Uses: North, West: Big Bob Channel
South: Little Bob Channel/Shoreline Residential
East: Shoreline Residential

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject property is located within a shoreline residential neighbourhood on the southwestern side of Bobcaygeon. The neighbourhood contains a mixture of seasonal and year-round dwellings. The property is located at the terminus of Perfectus Drive. The narrow road transitions into the driveway. The parcel, which abuts water on three sides, is short and wide, finishing at a point in the southwest. The lot is also heavily vegetated with coniferous and deciduous trees, resulting in a high degree of canopy cover and vegetative shoreline buffering.

The proposed construction will allow for the creation of additional living space and the reconfiguration of existing space, allowing for the better utilisation of the dwelling.

The expansions are proposed within areas that are either not used as existing outdoor amenity spaces or are within outdoor amenity spaces which will be slightly relocated to abut the new expansions. Further, these footprint expansions are proposed away from the shoreline, mitigating any adverse massing or lot grading and drainage impacts that may have resulted. The majority of the trees on the property are proposed to be retained, which will maintain the established vegetative character of the shoreline in addition to providing a vegetative buffer that screens the addition from Big and Little Bob Channels.

The proposal is desirable and appropriate for the use of the land and is minor in nature.

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

The property is zoned Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78. The footprint expansions are proposed away from the shoreline behind the existing built form. As such, the proposal will not further encroach into the water or rear yard setbacks, with the exception of the proposed canopies.

The added projection of the approximately 0.6 metre canopies into the rear yard and water setback is not anticipated to generate any adverse impacts as the canopies are elevated high off the ground and as such do not prevent the elements from reaching the surfaces beneath them.

The property contains a number of trees in various stages of maturity surrounding all sides of the dwelling. All trees, with the exception of three required to be removed for the expansion to the dwelling's footprint, are proposed to be retained. A significant number of the retained trees are in excess of two storeys in height. As such, the construction of a second storey to the southeast and creation of the two cathedral ceiling portions upon the two

shoreline hexagons is not anticipated to generate additional adverse massing impacts since the added height will be largely screened from view by a combination of coniferous and deciduous vegetation on a year-round basis. The proposed flat roof design also assists in maintaining an overall lower profile than would otherwise be found if a gable or hip roof design was proposed, furthering the ability of the vegetation to screen the dwelling.

The reductions do not adversely impact the area of available rear yard amenity space, nor is there another abutting residential use where the reductions are contemplated that could experience adverse impacts.

The variances meet the general intent and purpose of the Zoning By-law.

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

Yes

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

The subject lands are designated Urban in the Official Plan, which anticipates a wide assortment of land uses within this designation, including residential uses.

The proposal maintains the intent and purpose of the Official Plan.

Other Alternatives Considered:

An addition to the southwest and expansions to the existing decks had been proposed. Through the pre-screening process these two features were removed as this would have furthered encroachments into the water setback.

Servicing Comments:

The property is serviced by municipal water and sewer.

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 (October 7, 2019): No concerns

Kawartha Region Conservation Authority (October 8, 2019): No objections provided their requested conditions are incorporated into the staff report. See Appendix F for further details.

Public Comments:

No comments received as of October 9, 2019.

Attachments:



Appendices A-F to
Report COA2019-065.

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Sketch
Appendix D – Existing Elevations
Appendix E – Proposed Elevations
Appendix F – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-048

to

REPORT COA2019-065

FILE NO: D20-2019-048

"Bobcaygeon"

Lot 15

Concession 9

SUBJECT
LAND

Manor Rd

Perfectus Dr

Bayview Dr

Maple Ct



Sturgeon Lake

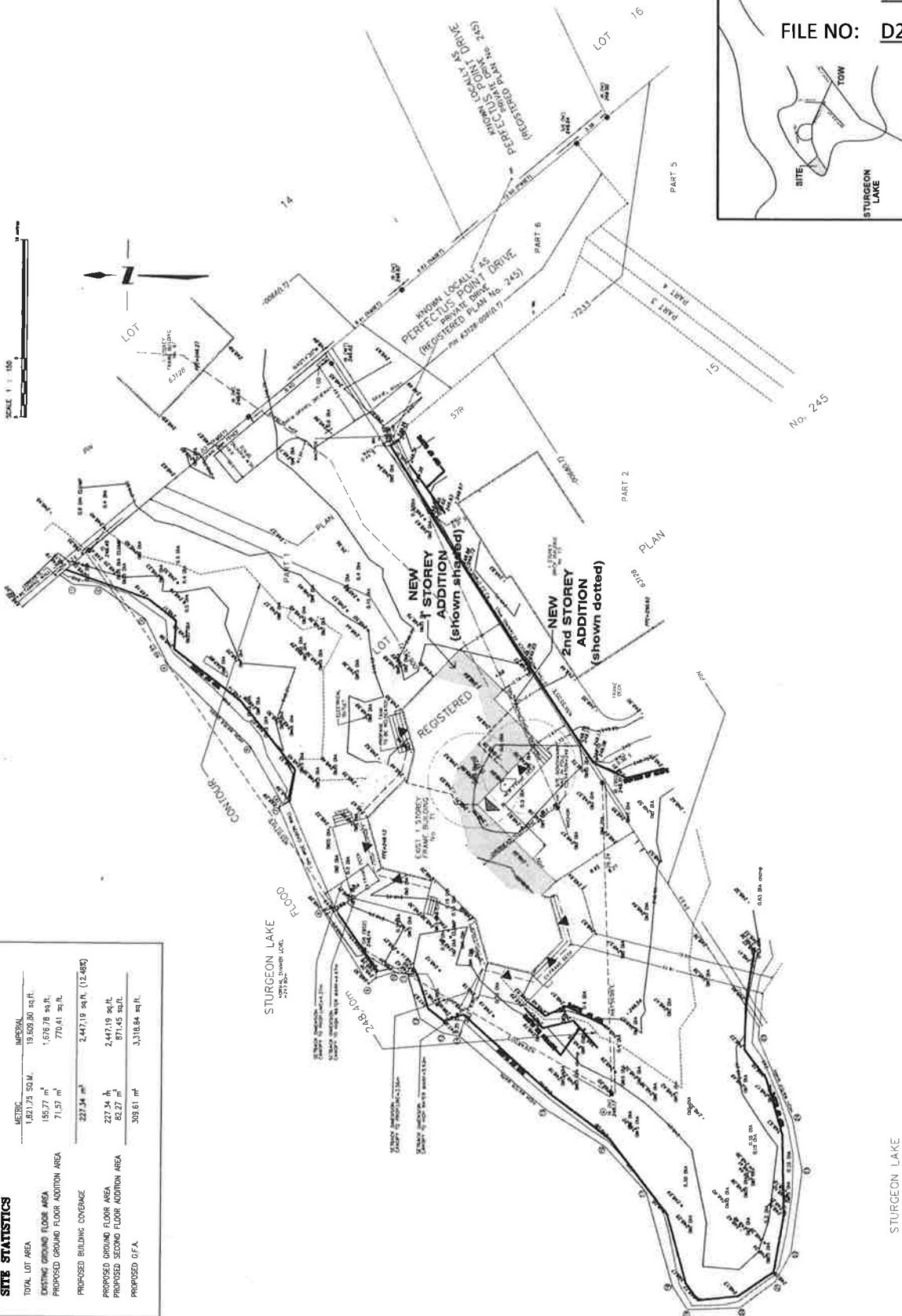
71 Perfectus Drive, former Village of Bobcaygeon



to
REPORT COA2019-065
FILE NO: D20-2019-048

SITE STATISTICS

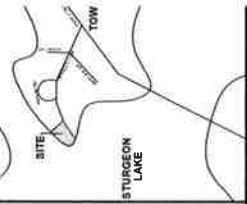
	METRIC	IMPERIAL
TOTAL LOT AREA	1,821.73 SQ. FT.	19,809.90 SQ. FT.
EXISTING GROUND FLOOR AREA	155.77 m ²	1,676.78 sq. ft.
PROPOSED GROUND FLOOR ADDITION AREA	71.57 m ²	770.41 sq. ft.
PROPOSED BUILDING COVERAGE	227.34 m ²	2,447.19 sq. ft. (12.48%)
PROPOSED GROUND FLOOR AREA	227.34 m ²	2,447.19 sq. ft.
PROPOSED SECOND FLOOR ADDITION AREA	82.27 m ²	887.45 sq. ft.
PROPOSED G.F.A.	309.61 m ²	3,334.64 sq. ft.



STURGEON LAKE

ARCHITECTURAL SITE PLAN

KEY PLAN

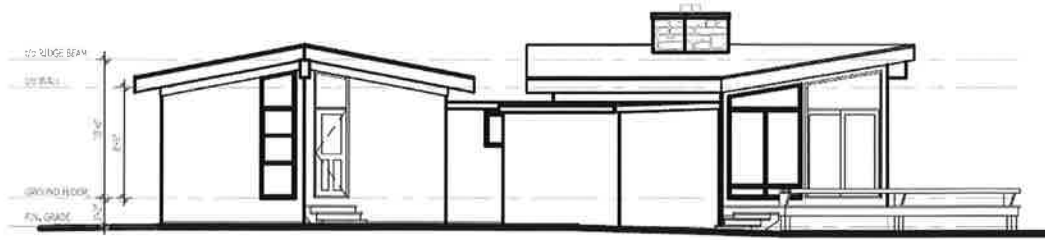


APPENDIX " D "

to

REPORT COA2019-065

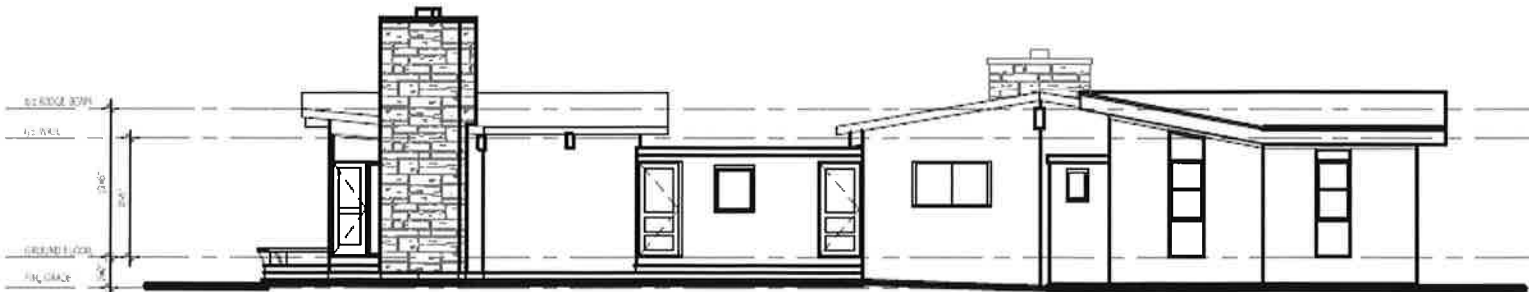
FILE NO: D20-2019-048



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

APPENDIX " E "

to

REPORT COA2019-065

FILE NO: D20-2019-048



TH. ELEV - II
SCALE: 1/4"=1'-0"



S. ELEV - II
SCALE: 1/4"=1'-0"



R. ELEV - II
SCALE: 1/4"=1'-0"



TH. ELEV - II
SCALE: 1/4"=1'-0"

David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:37 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-048

APPENDIX " F "
to
REPORT COA2019-065

Please be advised building has no concerns with this application.

FILE NO. D20-2019-048

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 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

**Regarding: Application for Minor Variance
D20-2019-048
71 Perfectus Drive, Lot 15, Concession 9
Township of Verulam
Former Village of Bobcaygeon
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey

This letter acknowledges the receipt of the above noted application for Minor Variance D20-2019-048. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Village of Bobcaygeon Zoning By-law 16-78, as amended. The purpose and effect is to request relief to reduce the minimum rear yard setback from 7.5 metres to 3.5 metres and to reduce the minimum water setback from 20 metres to 4.6 metres. The reliefs sought will permit renovations to be done to the existing dwelling, which include the construction of a partial second storey and cathedral ceilings.

Site Characteristics:

Existing mapping indicates that the subject property is within the vicinity of the following natural heritage features:

- Sturgeon Lake
- Fish habitat

Natural hazards associated with these features include:

- Flooding

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

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

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

The property is entirely regulated under Ontario Reg 182/06 as it is adjacent to Sturgeon Lake. Kawartha Conservation regulates from the greater of the flooding/erosion hazard associated with Sturgeon Lake. It appears as though the property within the Regulatory Flood Elevation for Sturgeon Lake (248.4 m/ASL). As such, the proposed development will require a permit from Kawartha Conservation.

Recommendation:

Kawartha Conservation has no objection to the approval of this Minor Variance Application D20-2019-048, provided that:

1. The finished floor elevation of all new additions be floodproofed 0.3 metre above the regulatory flood elevation in accordance with Kawartha Conservation floodproofing standards (minimum 248.7 m/ASL)
2. The subject area is entirely located within the Intake Protection Zone (IPZ-1) of the Bobcaygeon Municipal Drinking Water System. As such the property is in an area of the Trent Conservation Coalition (TCC) Source Protection Region. Please contact Jenna Stephens (Risk Management Official/Risk Management Inspector-copied on this email, ex 224) for additional information.

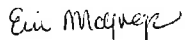
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Please inform this office of any decision made by the City of Kawartha Lakes with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Erin McGregor
Resources Planner Technician – ex 232
Kawartha Conservation

CC:

Jenna Stephens, Risk Management Official/Source Protection Technician, Kawartha Conservation
Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation
Mark LaHay, Planner II, City of Kawartha Lakes

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to

REPORT COA2019-065

FILE NO: D20-2019-048

"Bobcaygeon"

Lot 15

Concession 9

SUBJECT
LAND

Manor Rd

Perfectus Dr

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Sturgeon Lake

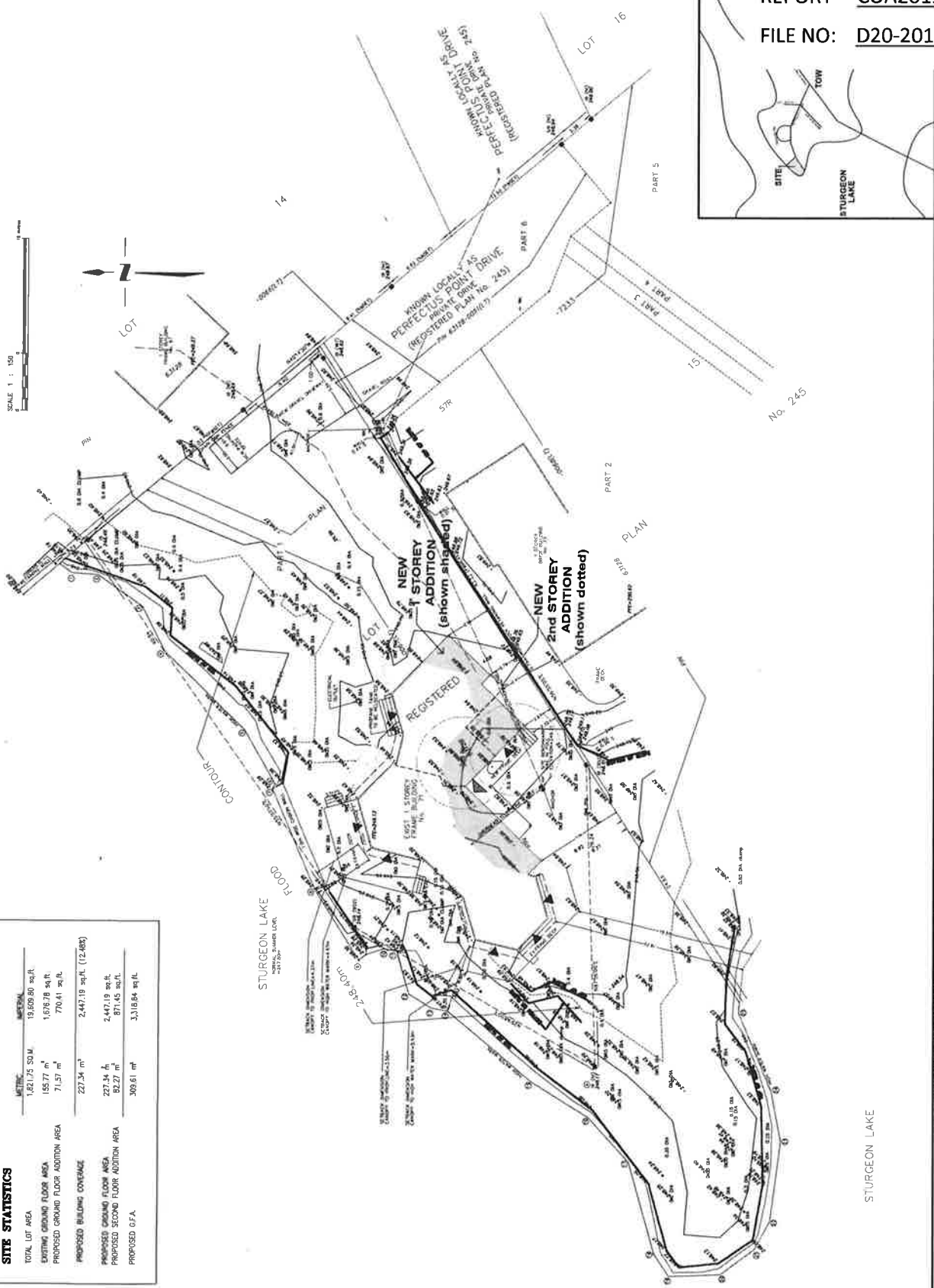
71 Perfectus Drive, former Village of Bobcaygeon



to
REPORT COA2019-065
FILE NO: D20-2019-048

SITE STATISTICS

	METRIC	MEASURE
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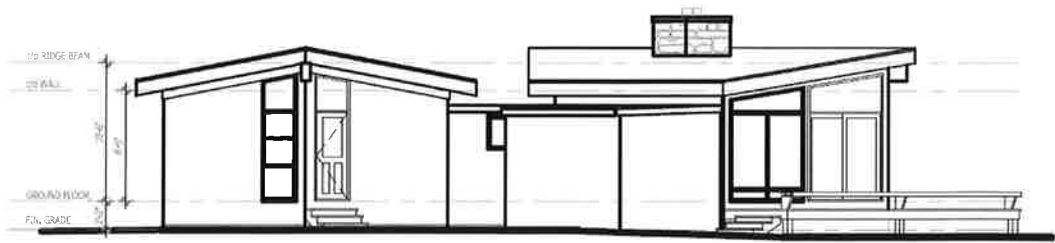


ARCHITECTURAL SITE PLAN
SCALE 1:150

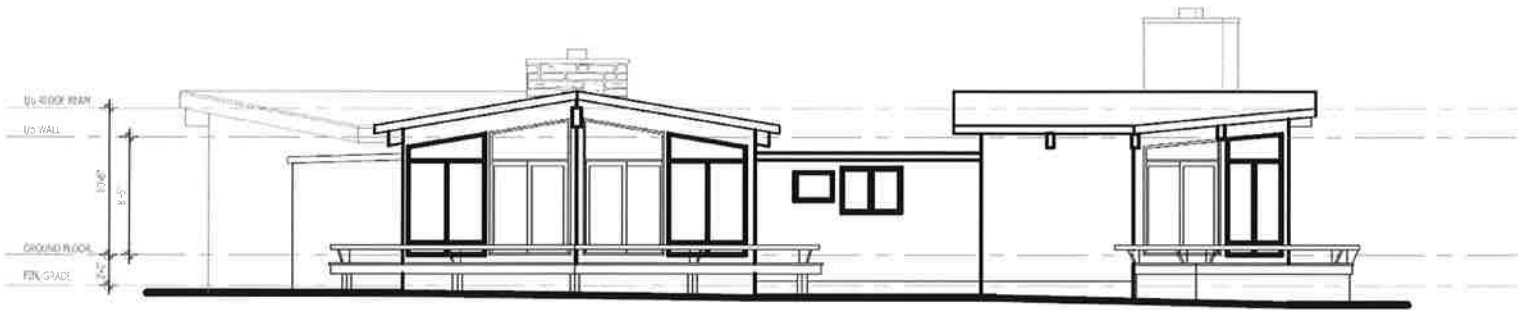
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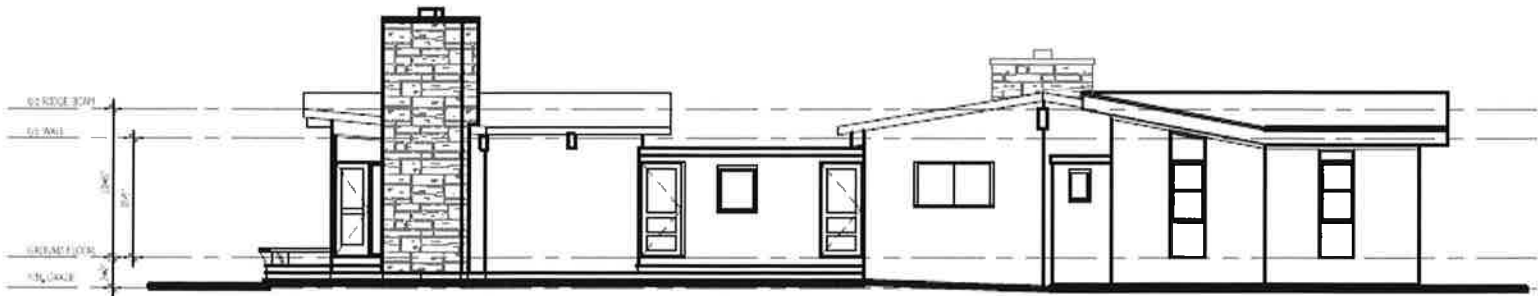
FILE NO: D20-2019-048



NORTH ELEVATION



WEST ELEVATION



E - T ELEV - II

APPENDIX " E "

to

REPORT COA2019-065

FILE NO: D20-2019-048



TH ELEV - II
SCALE 1/8" = 1'-0"



E SIDE - II
SCALE 1/8" = 1'-0"



E REAR - II
SCALE 1/8" = 1'-0"



TH ELEV - II
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David Harding

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:37 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-048

APPENDIX " F "
to
REPORT COA2019-065

FILE NO. D20-2019-048

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Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
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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

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Recommendation:

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1. The finished floor elevation of all new additions be floodproofed 0.3 metre above the regulatory flood elevation in accordance with Kawartha Conservation floodproofing standards (minimum 248.7 m/ASL)
2. The subject area is entirely located within the Intake Protection Zone (IPZ-1) of the Bobcaygeon Municipal Drinking Water System. As such the property is in an area of the Trent Conservation Coalition (TCC) Source Protection Region. Please contact Jenna Stephens (Risk Management Official/Risk Management Inspector-copied on this email, ex 224) for additional information.

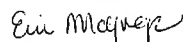
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Sincerely,



Erin McGregor
Resources Planner Technician – ex 232
Kawartha Conservation

CC:

Jenna Stephens, Risk Management Official/Source Protection Technician, Kawartha Conservation
Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation
Mark LaHay, Planner II, City of Kawartha Lakes

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