

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2019-011**

**Thursday, November 7, 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**

Accessible formats and communication supports are available upon request.

1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.1.1	COA2019-11.2.1.1 November 7, 2019 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-10.2.3.1 October 17, 2019 Committee of Adjustment Minutes	4 - 17
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2019-067 Quadri Adebayo, Planner II File Number: D20-2019-050 Location: 436 Lifford Road Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276 Geographic Township of Manvers Owner: Gregory Gauthier Applicant: Gregory Gauthier	18 - 28

3.1.2	COA2019-068	29 - 42
	David Harding, Planner II, RPP, MCIP File Number: D20-2019-051 Location: 15 Manchester Trail Part Lot 14, Concession 9, Part Lot 10, Plan 283 Geographic Township of Verulam Owners: Laura and Dawson Young Applicant: TD Consulting Inc. - Tom deBoer	
3.2	Consents	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.1.1	COA2019-069	43 - 62
	David Harding, Planner II, RPP, MCIP File Number: D20-2019-004 Location: 221 Francis Street East Part Lot 21, Concession 11, Part 2, 57R-2234 Geographic Township of Fenelon Owners: Nancy and Shirley MacDonald Applicant: RWH Construction - Adam Hayter	
4.2	Consents	
5.	<b>Other Business</b>	
6.	<b>Correspondence</b>	
7.	<b>Next Meeting</b>	
	The next meeting will be Thursday, November 28, 2019 at 1:00pm in Council Chambers, City Hall.	
8.	<b>Adjournment</b>	

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

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

Acting Secretary-Treasurer, M. LaHay

Absent: David Marsh

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2019-10.2.1.1

October 17, 2019

Committee of Adjustment Agenda

**Moved By** S. Strathdee

**Seconded By** Councillor E. Yeo

**That** the agenda for October 17, 2019 meeting be approved.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2019-09.2.3.1

September 19, 2019

Committee of Adjustment Minutes

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** the minutes of the previous meeting held September 19, 2019 be adopted as circulated.

**Carried**

### **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

Mr. Harding summarized Report COA2019-016, to reduce the minimum lot frontage, reduce minimum side yard, building separations to reduce the required building setback for shipping/storage containers and 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. Mr. Harding advised of the comments received from the Building Division - Part 8 Sewage Systems after the report was written, noting no concerns.

Mr. Harding advised that the proposed reductions will not impact future agricultural support uses and the removal of the setback requirement for the shipping containers for Race Toyota is appropriate for the clustering of the storage use.

Mr. Harding responded to questions the Committee asked regarding engineering requirements for a topographic and legal survey and an entrance permit and also the difference between agricultural support and highway commercial uses.

The owners John and Linda Mark were present and Ms. Mark authorized Doug Carroll of DC Planning Services to speak on their behalf. Mr. Carroll advised he had no objection with the Staff recommendation and condition.

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

**Moved By** S. Richardson  
**Seconded By** A. O'Bumsawin

**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.**

**Carried**

### 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

Mr. Adebayo summarized Report COA2019-059, to request relief 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.

Mr. Adebayo advised the massing of the garage and location is acceptable as it is screened by vegetation and there are no impacts on the septic bed. The location is based on topographical constraints of the site. In addition, garages are typically in the front yards of other properties in the neighbourhood.

Mr. Adebayo responded to questions the Committee had with respect to the accessory shed and the location of the house. He said the shed was discovered during the site inspection and relief was required to recognize the location of the shed while the house is legal non-complying, and as part of the review process it was necessary to request a review fee for Kawartha Conservation (KRCA) planning act comments for the shed that was discovered after the fact.

Given there were no comments received from the Building Division – Part 8 Sewage Systems, Mr. Adebayo suggested that a new condition be added, Condition 3 as follows: "That confirmation be provided to the Secretary-Treasurer

that the boundaries of the septic bed conform with the requirements of the Part 8 Sewage System Program ". Former Condition 3 to now become Condition 4.

Committee also asked about the location of the well in the garage. The owner, Paul Sullivan responded that the well is exposed in the far corner and raised about 12 inches above grade and will meet Ministry requirements.

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

**Moved By** Councillor E. Yeo

**Seconded By** A. O'Bumsawin

**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 variance 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;
3. **That** confirmation be provided to the Secretary-Treasurer that the boundaries of the septic bed conform with the requirements of the Part 8 Sewage System Program; and
4. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**



### 3.1.3 COA2019-060

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

Mr. Adebayo summarized Report COA2019-060, to request relief in order to fulfill 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.

The Committee asked whether the semi isn't already severed. Staff replied it was not and that the zoning permits a semi-detached dwelling.

Susan Zambonin, Chief Operating Officer from Habitat for Humanity advised she concurred with the recommendation and wants to proceed to facilitate the severance application so that the units can be sold to separate homeowners.

Tara Sorenson, one of the prospective home owners, also spoke in favour of the application.

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

**Moved By** S. Strathdee

**Seconded By** A. O'Bumsawin

**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.**

**Carried**

#### 3.1.4 COA2019-061

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

Mr. Harding summarized Report COA2019-061, to request relief to reduce the minimum lot area for the proposed lot to be retained, reduce the minimum front yard in order to permit a deck and to reduce the minimum water and EP Zone setbacks in order to permit a deck. Mr. Harding advised of the comments received from the Building Division - Part 8 Sewage Systems after the report was written, noting no concerns.

Mr. Harding advised the variance is required to facilitate separating two former existing properties: 126 Maple Avenue from 130-131 Maple Avenue. The Committee asked where the front yard was located and Parks Canada's position on the filled land. Staff explained the zoning provisions and stated that Parks Canada had no comment with respect to the consent or variance applications.

The Committee asked how the lots became merged. Staff explained they were advised that it was an estate planning issue.

The Committee asked about requiring a Kawartha Region Conservation Authority permit as a condition. Staff stated that it was not necessary because necessary

permissions would have been covered under the building permit application in 2014.

A representative of the applicant, Julia Sjarda, was present and did not wish to speak.

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

**Moved By** S. Richardson

**Seconded By** Councillor E. Yeo

**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 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.**

**Carried**

**3.1.5 Memorandum - D20-2019-045**

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

Mr. Adebayo provided his reasoning for the deferral of Minor Variance Application D20-2019-045 to permit existing installations on a waterfront property, including a detached boat port, and additions to a single storey dwelling comprised of an attached garage with living space above and a sunroom at the rear. The recommended deferral time frame is strict due to a building infraction.

Ms. Murchison, Chief Building Official stated that some portions of development were done through a permit (attached garage and with living space) but further portions were not done by permits (the sunroom). The actual build for the portions with permit did not match what was submitted for approval, so a stop work order was issued.

There were no questions from the Committee or other persons.

**Moved By S. Strathdee**

**Seconded By S. Richardson**

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

**Carried**

### 3.1.6 COA2019-063

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

Mr. Adebayo summarized Report COA2019-063, to request relief from the accessory use provisions in order to permit the construction of an in-ground pool at the rear of the dwelling on a residential property.

The Committee asked about the need for a building inspection. Ms. Murchison advised that the City's pool by-law will be enforced for fences and decks.

The applicant, Nancy Marto was present and did not wish to speak.

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

**Moved By** A. O'Bumsawin

**Seconded By** S. Strathdee

**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.**

**Carried**

### 3.1.7 COA2019-064

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: Anita Giordanella

Mr. Harding summarized Report COA2019-064, to request relief to reduce the minimum front yard in order to permit the construction of a single detached dwelling. Mr. Harding advised that the proposed reduction is not noticeable and does not impact parking in front of the garage.

The Committee asked whether established building line provision would apply. Staff stated that this matter would have been reviewed by the Building Division through the building permit process, and it would have been determined through that process that it could not be used. Staff speculated that there may not have been enough homes on the same side of the street to apply the provision.

The Committee asked about the wording of the notice referring to the dwelling as proposed. Staff stated that all applications are treated as proposed.

The applicant, Anita Giordanella, was present and did not wish to speak.

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

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**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.**

**Carried**

### 3.1.8 COA2019-065

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. – Bill Oughtred

Mr. Harding summarized Report COA2019-065, to permit relief to reduce the minimum rear yard setback and to reduce the minimum water setback. The reliefs sought will permit renovations to the existing dwelling, which include the expansion of the footprint, construction of a second storey over part of the footprint and creation of cathedral ceilings. Mr. Harding advised that the property has an abundance of tree cover and that the tall trees will provide effective screening to the water to mitigate the massing impact of the height increases.

The Committee asked about a Section 59 Notice from Kawartha Region Conservation Authority. Staff clarified why the Section 59 Notice was required. The Committee also asked who the Risk Management Official is. Staff advised it is Jenna Stephens at KRCA.

The applicant, Bill Oughtred advised he concurred with the Staff recommendation.

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

**Moved By** Councillor E. Yeo

**Seconded By** S. Strathdee

**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.**

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

Mr. Holy, Manager of Planning advised that David Harding has received his professional accreditation and now holds the professional designation of Registered Professional Planner. Mr. Holy congratulated him on his accomplishment.

Mr. Holy also advised that Council direction was to support Staff's position on the 45 Marsh Creek Road appeal to the Local Planning Appeal Tribunal.

## 6. **Correspondence**

## 7. **Next Meeting**

The next meeting will be Thursday, November 7, 2019 at 1:00pm. in Council Chambers, City Hall.



**8. Adjournment**

**Moved By** A. O'Bumsawin

**Seconded By** Councillor E. Yeo

**That** the meeting be adjourned at 2:26pm.

**Carried**

A handwritten signature in dark ink, appearing to read "M. LaHay", is written over a horizontal line.

Mark LaHay, Acting Secretary-Treasurer

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gauthier**  
Report Number COA2019-067

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**Public Meeting**

**Meeting Date:** November 7, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 8 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to request relief to recognize an above-ground swimming pool built in the front yard where it is only permitted in either a side or rear yard.

The variance is requested at 436 Lifford Road, geographic Township of Manvers (File D20-2019-050).

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

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**Recommendations:**

**Resolved That** Report COA2019-067 Gregory Gauthier be received;

**That** minor variance application D20-2019-050 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the swimming pool related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2019-067, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the pool permit situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 3) **That** the Pool Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered

fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2019-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background:	<p>This application was predicated by a building enforcement matter whereby the owner was issued a pool permit in 2017 under the premise that the current location of the pool as proposed then was objected to by the building division, and a compliant location on the property was recommended. The owner has built the pool in the original location citing physical and safety constraints as their rationale. A minor variance process was recommended in May 2019 during the City's review of open and outstanding pool permit files.</p> <p>The application was deemed complete September 27, 2019.</p>
Proposal:	<p>To recognize an approximately 42 square metre (451.96 square feet) above-ground swimming pool with a wrap-around deck within the front yard.</p>
Owner:	<p>Gregory Gauthier</p>
Applicant:	<p>Gregory Gauthier</p>
Legal Description:	<p>Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276, geographic Township of Manvers, now City of Kawartha Lakes</p>
Official Plan:	<p>Rural within the City of Kawartha Lakes Official Plan</p>
Zone:	<p>Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06</p>
Site Size:	<p>1.3 acres (5,200 square metres)</p>
Site Servicing:	<p>Private individual well and sewage system</p>
Existing Uses:	<p>Residential</p>
Adjacent Uses:	<p>North: Lifford Road, Agricultural South: Agricultural West: Agricultural, Community Facility East: Agricultural, Residential</p>

**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 in a countryside area within a rural setting and surrounded mostly by agricultural uses. Pockets of rural residential lots also exist in the area. The property has an undulating topography and sits on a higher elevation than the abutting road. This uneven site topography presents an inherent physical constraint for the subject property. Observations from site inspection also suggest that the same topography constraint must have predicated the slanted manner with which the dwelling sits on the property.

The by-law defines a front yard as the full width of the depth established between the nearest main wall of the dwelling and the front lot line (See Appendix E for a visual illustration). Given this definition, it is clearly evident that there is no practical room available within the side or rear yard to locate a pool as the established front yard area which already takes up approximately 58.2% of the entire lot and contains both the septic tank and well respectively.

Swimming pools typically function as a recreational accessory installation on most residential properties. In terms of the scale, although pool structure may appear prominent when viewed from the road, the wrap-around deck attached to it helps to conceal any massing impact. As well, the rural character of the surrounding parcels is also anticipated to mitigate any land use compatibility issues. A desktop exercise demonstrates that the distance between the boundaries of the subject lot and any nearby residential dwelling is at least 150 metres.

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

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

The property is zoned Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06. Subject to Section 10.3 provision for lots less than one (1) hectare within the A1 Zone, the Rural Residential Type One (RR1) Zone standards apply to the subject property. The RR1 Zone permits pools as ancillary to a residential use.

Also, the pool location does not appear to impact the functionality of the front yard or closest side yard. Sufficient amenity space exists within the said yard for maintenance.

As identified in rationale 1 and 2 above, the topography and positioning of the dwelling footprint on 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 1.4% of the front yard area established by the main wall of the dwelling, and outside of the well and septic tank limits.

As such, the variance maintains the general intent and purpose of the Zoning By-law.

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

**Yes**

The property is designated Rural within the City of Kawartha Lakes Official Plan. The designation contemplates residential dwellings with accessory uses that would not negatively impact surrounding land uses. The proposed swimming pool is an accessory use that follows the rural designation policies as it will presumably maintain a low profile and not generate any land use compatibility issues with abutting land uses.

Therefore, the variance maintains 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:**

Building Division (October 23, 2019): No concerns.

Engineering and Corporate Assets Department (October 28, 2019): No objections.

**Public Comments:**

No comments received as of October 28, 2019.

**Attachments:**



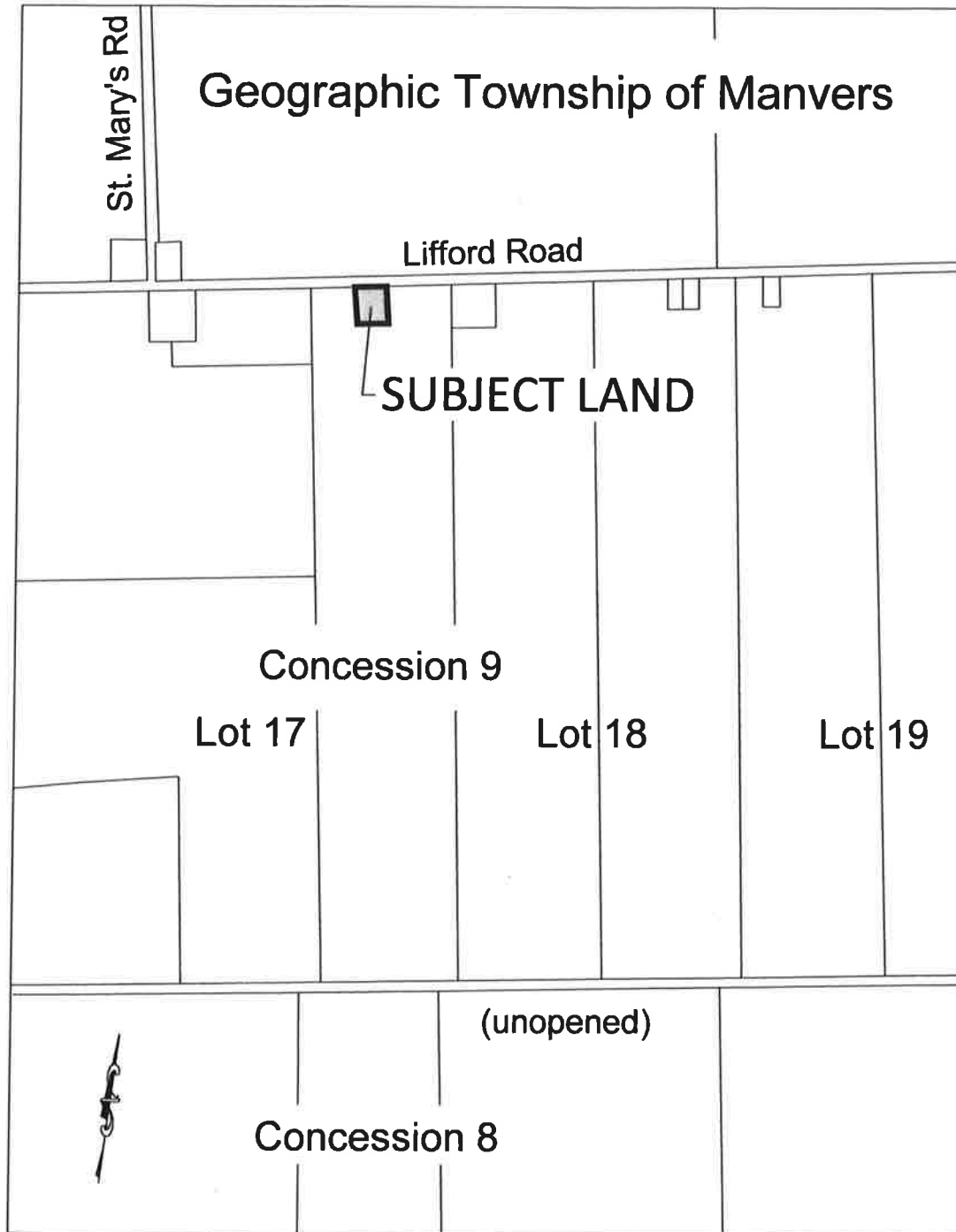
Appendices A-E to  
Report COA2019-067

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Illustration of Approximate Front Yard Area  
Appendix E – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** qadebayo@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-050

## D20-2019-050



APPENDIX: B

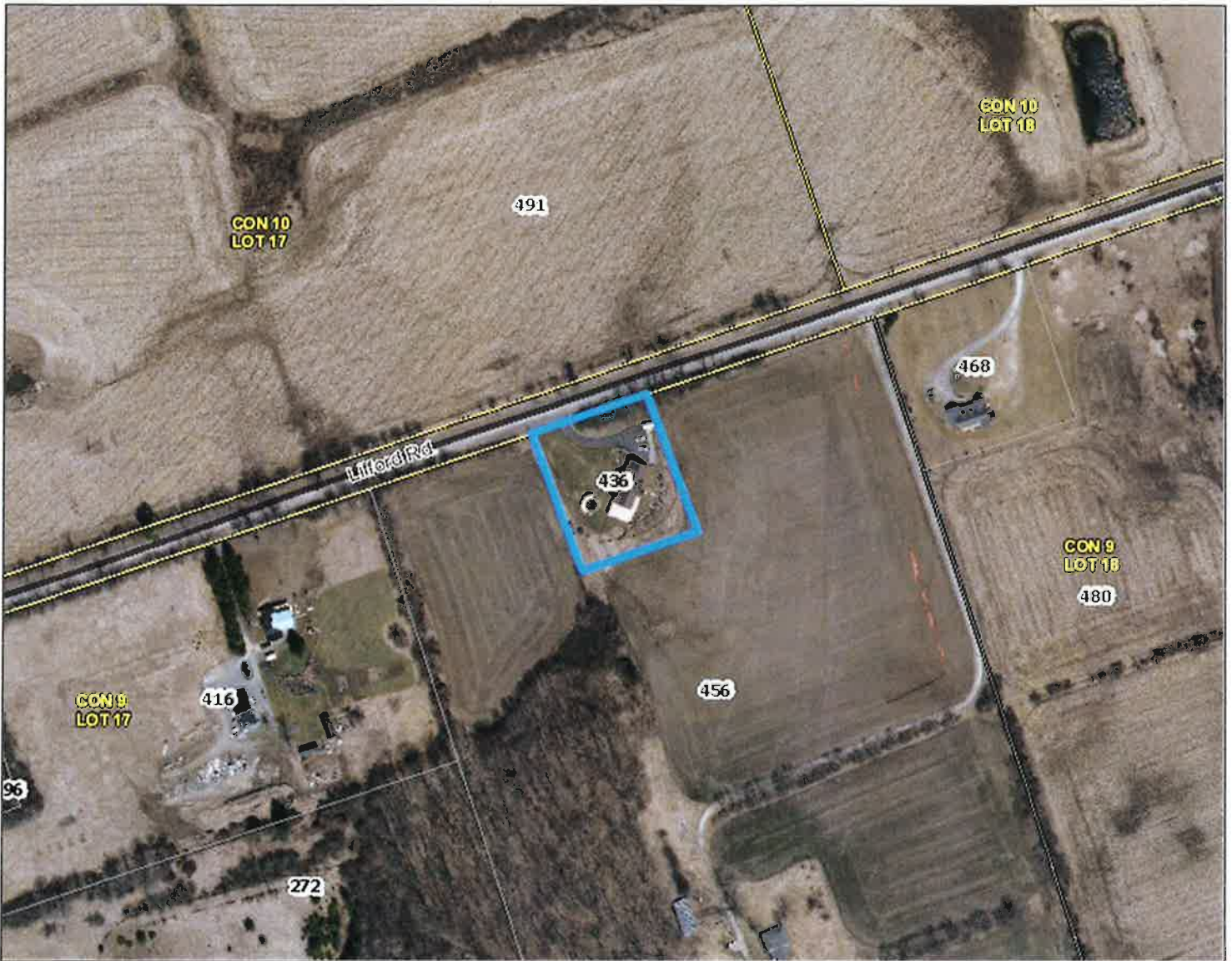
to

REPORT COA2019-067

FILE NO: D20-2019-050



## 436 Lifford Road, geographic Township of Manvers



0.23

Kilometers

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

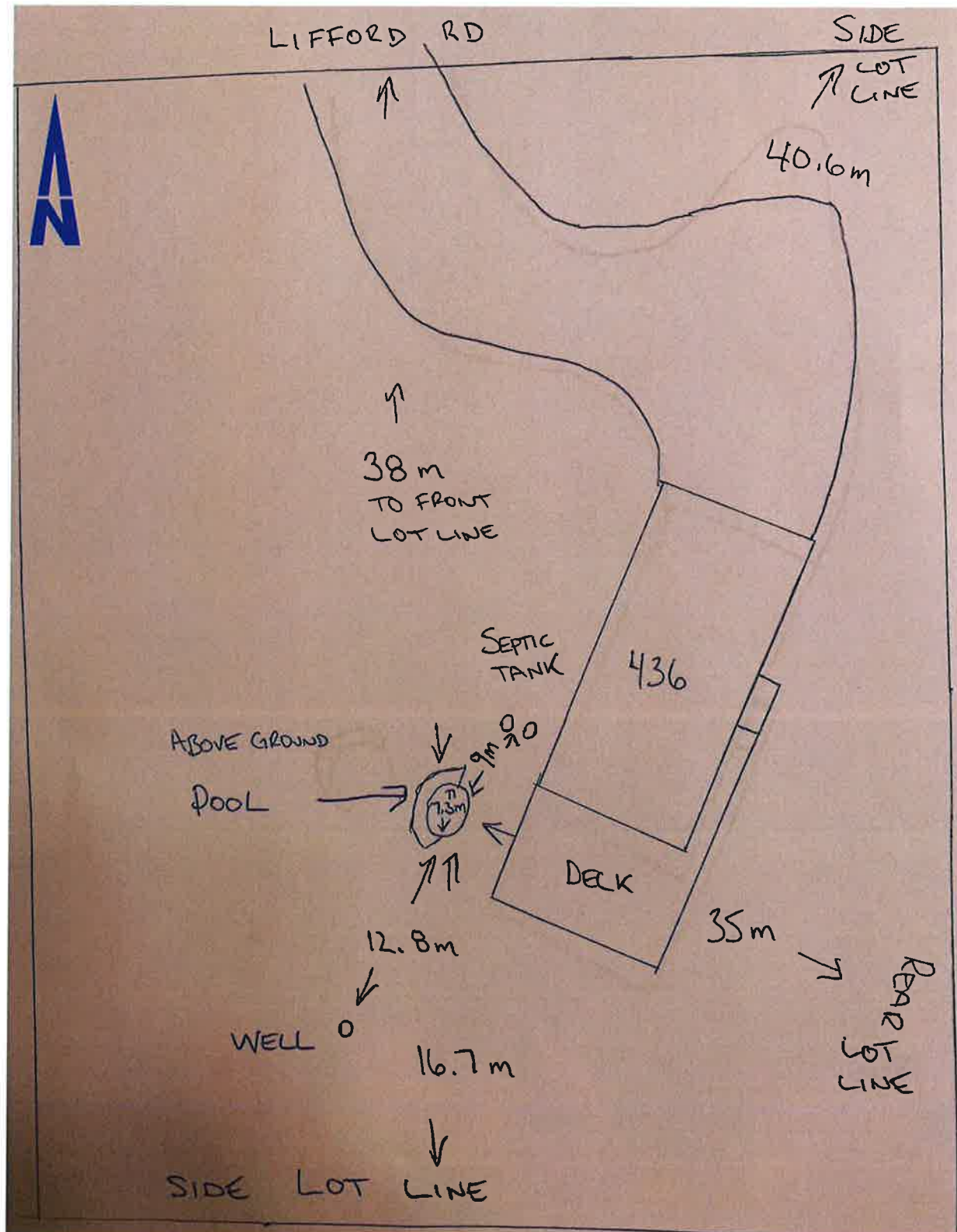


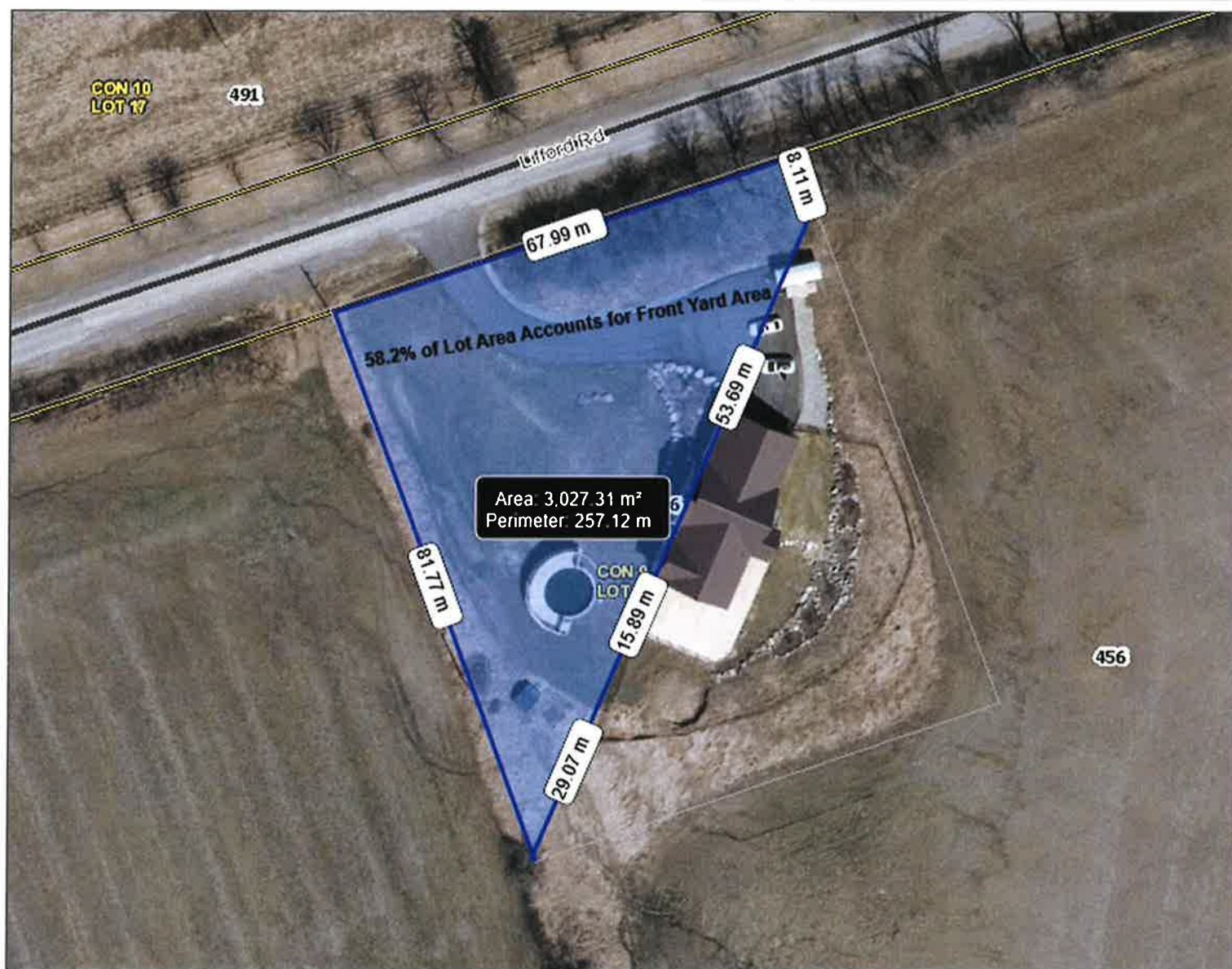
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**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**



## Site Plan Sketch



**436 Lifford Road, geographic Township of Manvers**

0.06

Kilometers

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

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**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

APPENDIX: E

to

REPORT COA2019-067

FILE NO: D20-2019-050

From: Derryk Wolven  
To: Charlotte Crockford-Toomey  
Cc:  
Subject: D20-2019-050

Sent: Wed 10/23/2019 12:01 PM

Please be advised building division 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](http://www.kawarthalakes.ca)



APPENDIX: E

to

REPORT COA2019-067

FILE NO: D20-2019-050

Minor Variance – D20-2019-050  
436 Lifford Road  
Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276  
Geographic Township of Manvers

It is the understanding by Engineering that the purpose and effect is to request relief to recognize an above-ground swimming pool built in the front yard where it is only permitted in either a side or rear yard.

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



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Young**  
Report Number COA2019-068

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**Public Meeting**

**Meeting Date:** November 7, 2019

**Time:** 1:00 pm

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

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**Ward 2 – Geographic Township of Verulam**

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit the raising of a dwelling to add a crawlspace and to add a deck to the north side of the dwelling:

1. Section 8.2 (g) to reduce the minimum rear yard depth from 7.5 metres to 4.3 metres for the dwelling;
2. Section 8.2 (g) to reduce the minimum rear yard depth from 7.5 metres to 4.9 metres for the deck;
3. Section 8.2 (n) to reduce the minimum water setback from 15 metres to 14.4 metres for the dwelling; and
4. Section 8.2 (n) to reduce the minimum water setback from 15 metres to 11.7 metres for the deck.

The variance is requested at 15 Manchester Trail, geographic Township of Verulam (File D20-2019-051).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:**



---

**Recommendations:**

**Resolved That** Report COA2019-068 Laura and Dawson Young be received;

**That** minor variance application D20-2019-051 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 and deck 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 variances shall be completed within a period of six (6) 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 COA2019-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

Background:	<p>The application is the result of a building enforcement matter. Previously, the single storey dwelling was slightly elevated off the ground, and the space under it was enclosed with lattice. A small deck off the southeast corner, in-line with the northernmost wall provided access to the north yard from the kitchen/living area. The lake is located to the north of the dwelling. There were no doors along the northernmost wall.</p> <p>The dwelling was raised to add a formal winterized crawlspace and the deck was expanded to run across the length of the northernmost wall of the dwelling. The deck is approximately 2.5 metres (8.2 feet) wide along this northernmost wall.</p> <p>A sliding door was added on the left of the northernmost wall. The sliding door provides access from the master bedroom.</p> <p>The application was deemed complete September 20, 2019 and last amended October 21, 2019.</p>
Proposal:	Single detached dwelling with deck
Owners:	Laura and Dawson Young
Applicant:	Tom deBoer – TD Consulting Inc.
Legal Description:	Part Lot 14, Concession 9, Part Lot 10, Plan 283, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	Waterfront within the City of Kawartha Lakes Official Plan
Zone:	Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87
Site Size:	1,538.5 square metres
Site Servicing:	Private individual well and sewage system
Existing Uses:	Shoreline Residential



Adjacent Uses: North: Sturgeon Lake (Little Bob Channel)  
South, East, West: Shoreline Residential & Waterfront Backlot

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

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

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

The subject property is located within a shoreline residential neighbourhood on the south side of Little Bob Channel. The parcels within this neighbourhood are not overly large, with the nearby ones being around 1,200 square metres. However, the homes within this neighbourhood are relatively modest in size, which allows for good spatial separation between homes and for the retention of vegetation between properties to increase privacy.

The raising of the dwelling will permit the creation of a crawlspace, and therefore provide a proper insulated utility space for the home. The raising of the dwelling is not anticipated to generate any adverse massing or land use impacts as it is screened from the abutting neighbour to the west (13 Manchester Trail) by vegetation and is not coming closer to any of the lot lines. Additionally, the side of the dwelling which faces this neighbour functions as an interior side yard, reducing the human activity and therefore land use conflict that could occur within this yard.

The north yard of the dwelling contains two decks: one which is just above grade which runs the length of the northernmost wall of the dwelling, and a second deck over it which serves the main floor and runs further east, forming a L-shape. As there is only approximately 1.2 to 1.6 metres (4 to 5 feet) of clearance between the near-grade deck floor and floor beams of the overhead deck, it is anticipated that the near-grade deck will be used as a storage area or recreational space for children.

The upper level deck represents a relatively minor encroachment into the north yard as a projection of approximately 2.5 metres is proposed. The deck is located on elevated land separated from the rest of the grassed north yard by an armourstone wall, but does not extend past the at-grade deck or the armourstone wall. Therefore, the deck does not remove landscaped open space from use as the useable grassed amenity area located to the north of the armourstone wall. The expanded deck also allows for the master bedroom to access the north yard directly and expands upon the useable deck amenity area that was formerly confined to the northeast corner.

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 property is zoned Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87.

The dwelling is oriented towards the Sturgeon Lake shoreline to the north. As such, the parcel's recreational amenity space is located within the north yard. The area south of the dwelling, defined as an interior side yard, functions as its front yard since the front door and parking area is located within this space. The area west of the dwelling functions as its interior side yard, but is defined as the rear yard. The intent of the rear yard setback is to provide sufficient depth for a rear yard amenity space and sufficient spatial separation to buffer residential uses in abutting rear yards.

The dwelling on the subject property and the dwelling on the abutting lot, 13 Manchester Trail, are both oriented so that their north yards function as their rear yards. As such, the yard abutting the mutual lot line functions as an interior side yard for both properties. Interior side yards function primarily as utilitarian spaces to provide maintenance access around buildings, a space to locate utility infrastructure and to facilitate access between front and rear yards.

The proposed 4.33 metre rear yard setback is appropriate and does not introduce adverse massing impacts or land use conflicts since there is little human activity conducted within the interior side yard.

The raising of the dwelling on its existing footprint provides negligible impacts to massing with respect to the water setback.

The zoning by-law, through its water setback establishes a minimum spatial separation standards from the shoreline. The setback also ensures the built form does not dominate the shoreline. The deck projection into the water setback is less prominent due to a combination of the raised grade via the armourstone retaining structure, and the relatively modest depth of the deck, which keeps it close to the northernmost wall.

While the purpose of the water setback is also to provide sufficient space to allow for the establishment of an environmental buffer and the infiltration of stormwater runoff, the installation of the armourstone wall has already created a distinct break and hard-surfacing of this portion of the north yard landscape. The ability of the north yard to perform these functions south of the armourstone wall already impaired due to the presence of both the wall and at-grade deck. Development is not proposed north of the armourstone wall. The purpose and function of the water setback remains in the space north of the armourstone wall.

The variances meet 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 subject property is designated Waterfront in the City of Kawartha Lakes Official Plan (Official Plan). Residential uses are anticipated within this designation. As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat in accordance with Ministry of Natural Resources and Forestry recommendations. These setbacks also have the



added function directing built form away from the shorelines so that natural, rather than built form dominates which in turn reduces massing impacts by increasing spatial separation, in keeping with the policies laid out in section 20.3.

When it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

Policy 20.3.10 and 20.5.1 outlines the importance of shoreline development maintaining low profiles in order to blend in with the natural surroundings.

The existing dwelling is to be raised in its current location in order to permit the creation of a crawlspace. The existing dwelling is approximately 14.46 metres from the shoreline and is being raised on the existing footprint by approximately 1 metre. As the dwelling is nearly 15 metres from the shoreline and is being raised by about 1 metre, there are no impacts to the established environmental buffer between the shoreline and dwelling and negligible massing impacts given the minimal increase to building height.

The deck, proposed to run across the entire length of the northern building face, is less than the outlined 15 metres. However, the deck is of minimal depth and facilitates access from the master bedroom to the north yard since direct access to the north yard is not possible due to the elevated nature of the dwelling. The enlarged deck adds further floor space to make the deck area more useable as an outdoor sitting area to enjoy views of the lake.

#### **Other Alternatives Considered:**

A more modest deck which runs in-line with the northernmost wall of the dwelling is also appropriate as this (1) represents the prior deck configuration and (2) ensures a linear appearance to the built form and established water setback while ensuring no further encroachment into the water setback area. This approach would require the installation of a Juliette balcony across the sliding door off of the master bedroom. This approach was less desirable given the enhanced functionality an enlarged deck amenity area could provide.

#### **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 23, 2019): No concerns. This is an enforcement file: build without permit.

Building Division – Part 8 Sewage Systems (October 24, 2019): The owners will be applying to install a new on-site sewage disposal system. No application has yet been filed. Condition requested.

Kawartha Region Conservation Authority (October 24, 2019): No concerns. A permit for the works has been issued.

Engineering and Corporate Assets Department (October 28, 2019): No concerns.

**Public Comments:**

No comments received as of October 29, 2019.

**Attachments:**



Appendices A-D to  
Report COA2019-068.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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

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

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

**Department File:** D20-2019-051

# Geographic Township of Verulam

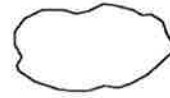
APPENDIX " A "

to

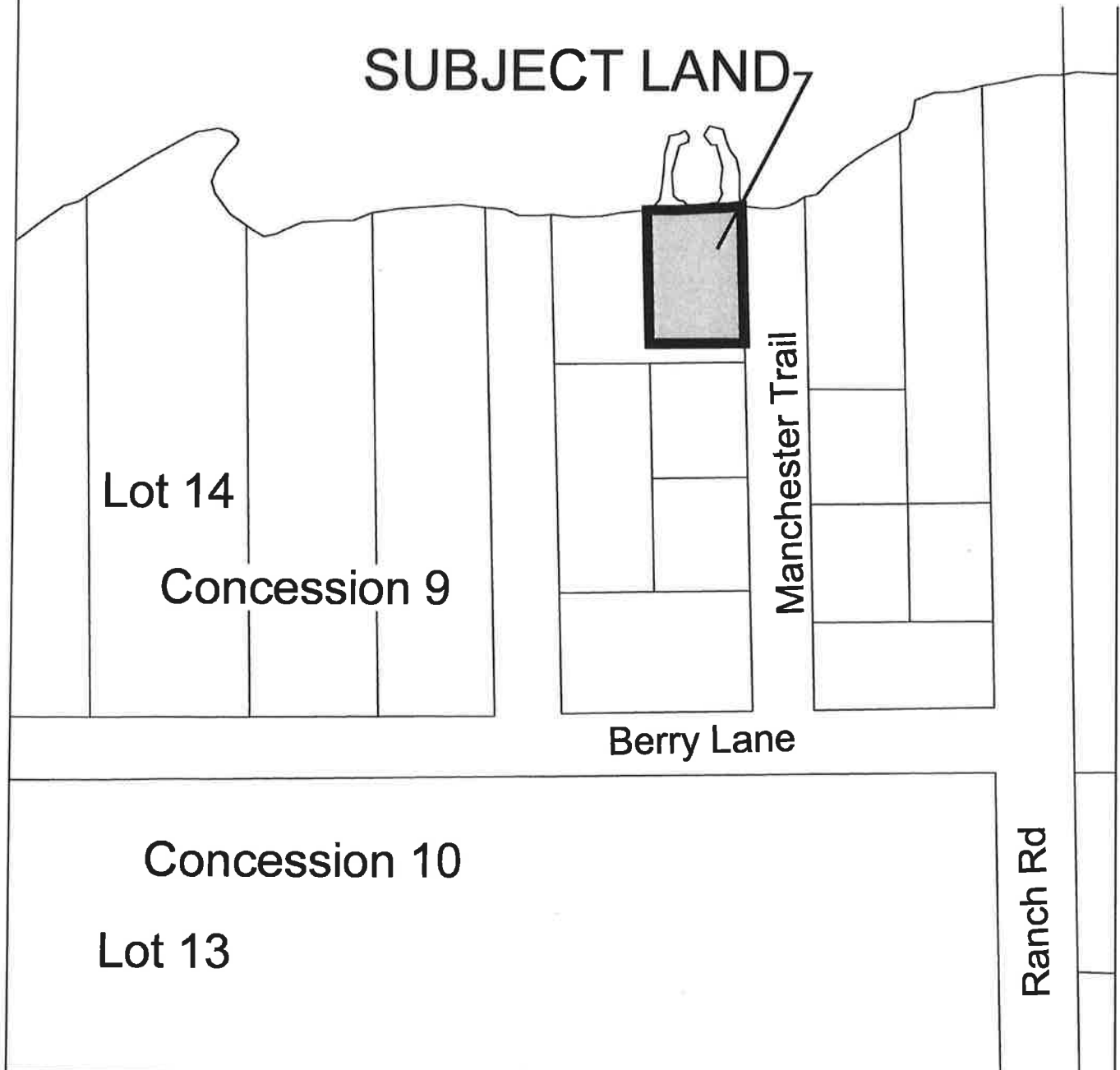
REPORT COA2019-068

FILE NO: D20-2019-051

*Sturgeon Lake*



**SUBJECT LAND**



# 15 Manchester Trail, geographic Twp. of Verulam



0.11

Kilometers

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



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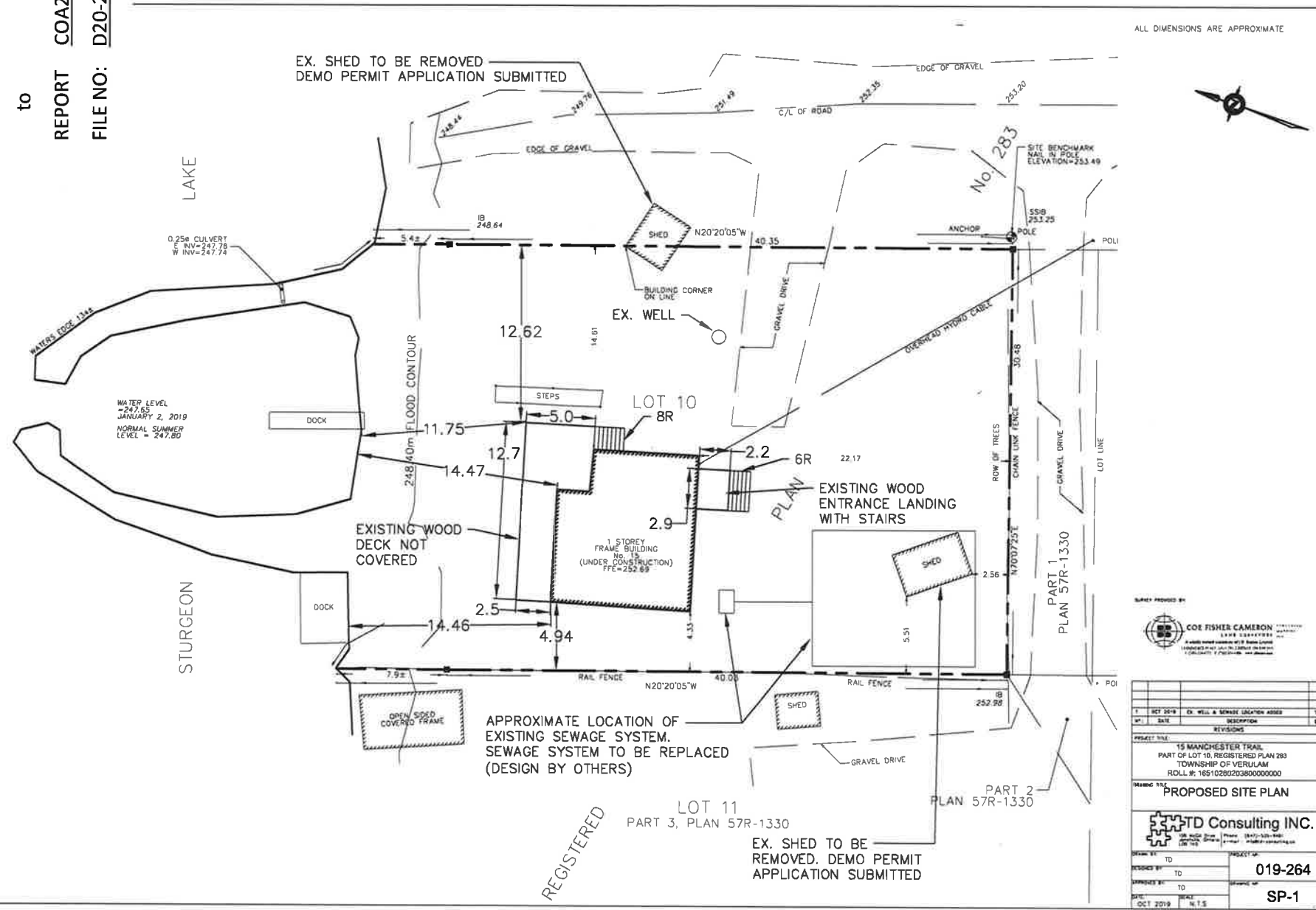
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APPENDIX " B "  
to  
REPORT COA2019-068  
FILE NO: D20-2019-051

to

REPORT COA2019-068

**FILE NO: D20-2019-051**



## David Harding

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**From:** Derryk Wolven  
**Sent:** Wednesday, October 23, 2019 12:03 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-051

APPENDIX " D "  
to  
REPORT COA2019-068

FILE NO. D20-2019-051

Please be advised that building division has no concern with this application. Note that this is an enforcement file: build without permit.

### **Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Via Email: [Ccrockford-toomey@kawarthalakes.ca](mailto:Ccrockford-toomey@kawarthalakes.ca)

Charlotte Crockford-Toomey

Administrative Assistant

Planning Department – City of Kawartha Lakes

180 Kent St West

Lindsay, ON, K9V 2Y6

**Regarding:           Minor Variance Application  
D20-2019-051  
15 Manchester Trail  
Lot 14, Concession 9  
Township of Verulam  
City of Kawartha Lakes**

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

**Application Purpose:**

It is our understanding that the purpose of the application is to permit reduced rear yard and water setbacks for the existing cottage and proposed deck.

**Proposed setbacks:**

- Reduced rear yard setback for existing cottage to 4.33 metres.
- Reduced rear yard setback for proposed deck to 14.47 metres.
- Reduced water setback for existing cottage to 11.75 metres.
- Reduced water setback for proposed deck to 4.94 metres.

**Applicable Kawartha Conservation Regulation and Policies  
Ontario Regulation 182/06 (as amended):**

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

***Our Watershed Partners:***

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

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:

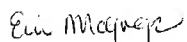
- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the 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.

A permit was issued in 2018 to raise the existing dwelling and to permit the construction of two decks (permit # 2018-401).

**Recommendation:**

Kawartha Conservation has no objection to the approval of Minor Variance Application D20-2019-051.

Sincerely,



Erin McGregor

Resources Planner Technician – ex 232

Kawartha Conservation

**KAWARTHA CONSERVATION**

277 Kenrei Road, Lindsay, ON K9V 4R1

705.328.2271 Fax 705.328.2286

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

**Our Watershed Partners:**

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



**David Harding**

---

**From:** Anne Elmhirst  
**Sent:** Thursday, October 24, 2019 8:27 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D29-2019-051 15 Manchester Trail

Hello Charlotte,

I have received and reviewed the proposal for minor variance to request relief to permit the raising of a dwelling and a deck.

The owner has indicated their intent to install a new on-site sewage disposal system to service the dwelling. They have initiated the process for obtaining a sewage system permit with the sewage system program. However, a complete application has not been submitted.

As such, I would ask that a condition be applied to the minor variance to satisfy the Supervisor-Part 8 Sewage System for on-site servicing.

Thanks,  
Anne Elmhirst  
Supervisor-Part 8 Sewage Systems

Sent from my Bell Samsung device over Canada's largest network.

## David Harding

---

**From:** Mark LaHay  
**Sent:** Monday, October 28, 2019 4:16 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20191028 D20-2019-051 - Engineering review

FYI - file

---

**From:** Kim Rhodes  
**Sent:** Monday, October 28, 2019 4:06 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20191028 D20-2019-051 - Engineering review

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

---

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

Minor Variance – D20-2019-051  
15 Manchester Trail  
Part Lot 14, Concession 9, Part Lot 10, Plan 283  
Geographic Township of Verulam

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the raising of a dwelling to add a crawlspace and to add a deck to the north side of the dwelling:

1. to reduce the minimum rear yard depth from 7.5 metres to 4.3 metres for the dwelling,
2. to reduce the minimum rear yard depth from 7.5 metres to 4.9 metres for the deck,
3. to reduce the minimum water setback from 15 metres to 14.4 metres for the dwelling; and
4. to reduce the minimum water setback from 15 metres to 11.7 metres for the 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](http://www.kawarthalakes.ca)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – MacDonald**  
Report Number COA2019-069

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**Public Meeting**

**Meeting Date:** November 7, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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

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

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

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

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:** 

---

**Recommendations:**

**Resolved That** Report COA2019-069 MacDonald, be received;

**That** minor variance application D20-2019-004 be DENIED, as the application is not minor in nature, not desirable and appropriate for the use of the land, and does not meet the general intent and purpose of the zoning by-law tests set out in Section 45(1) of the Planning Act.

**Background:** On February 21, 2019, the Committee deferred the application to allow the owners sufficient time to communicate with the Building Division to discuss a timeline of events and to discuss a visual concept plan of the proposed aesthetic alterations to the building with the Planning Division. The report recommended the installation of at least one window in the garage's west wall and continuing the stone cladding around the bottom third-half of the garage's south and western faces to address massing impacts and better tie the garage into the streetscape.

A conversation with the applicant on March 27, 2019 identified that faux windows would be a more appropriate approach instead of real windows on the west wall due to the storage shelves present up against that wall inside the garage.

On May 16, 2019 the Committee further deferred the application for two months to allow the owners sufficient time to install 2-4 faux windows and stone cladding as per Appendix D to Report COA2019-033 and to contact Planning Division to confirm the installation.

On July 5, 2019, Staff received a conceptual landscape plan demonstrating what vegetative plantings are possible to screen the garage. This plan was not properly prepared in accordance with the requirements needed for a development agreement.

On July 18, 2019 the Committee further deferred the application based upon a staff memorandum. The memorandum addressed the applicant's request to consider an alternative approach to requiring the additional stone cladding on the south and west walls. The memorandum presented two points to an alternative approach: (1) pare the remaining exposed garage foundation to match the colour of the siding and (2) create a development agreement for a landscape planting plan. The requirement for the installation of two faux windows remained. The memorandum outlined that a \$337 fee would apply for this applicant-requested deferral. Committee agreed with the alternative approach and deferred the application for an additional four months.

On October 4, 2019 staff requested a status update from the applicant and provided comment on the conceptual landscape plan and faux window design submitted on July 5, 2019 in preparation of a formal development agreement submission to the Planning Division.

On October 11, 2019, the applicant responded that the trees had been planted in accordance with the conceptual landscape plan that was submitted on July 5, 2019 and that the faux windows had not yet been created by the factory. Staff responded on that same day reminding the applicant that a proper planting plan along with the implementing development agreement, along with appropriate securities and fees in accordance with the July 18 memorandum had not been submitted for review and is still required. Staff received no further response from the applicant.

On October 16, 2019, staff attended the site and confirmed that trees were planted and appear to be the general size outlined in the July 18, 2019 memorandum, the faux windows

were not installed, and the parging of the foundation was not done.

At this time, the \$337 deferral fee to bring the application back a fourth time for Committee's consideration, as identified in the July 18 memorandum has also not been paid. The fees and securities related to the development agreement for the landscaping plan have also never been received.

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

**Owner:** Nancy and Shirley MacDonald

**Applicant:** Adam Hayter - RWH Construction

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

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

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

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

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

**Existing Uses:** Residential

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

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

**1) Are the variances minor in nature? No**  
**And**

**2) Is the proposal desirable and appropriate for the use of the land? No**

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

From the road, the subject property steadily rises up to the house, and rises more gently from the dwelling to the rear lot line. The existing dwelling is served by an attached garage at its northern end. The dwelling is built into the slope

such that the west basement wall is partially to fully exposed. The attached garage is located on the basement level of the dwelling.

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

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

While vegetation has been planted around the garage to assist in screening it from the road, this vegetation was planted without an approved planting plan forming a development agreement that would be registered on title and without securities. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting. The exposed foundation has not been parged, which would better minimize the height of the garage and better tie the south and west walls into the streetscape. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting. The two faux windows have not been installed, which would assist in minimizing the height and massing of the garage in its elevation location close to a main road. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting.

Due to the above analysis, the variances would have been minor in nature and desirable and appropriate for the use of the land had the points outlined in the July 18, 2019 memorandum been followed.

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**  
**No**

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

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

Dwellings by their nature address and compliment the streetscape through the use of windows, doors, different cladding treatments and varying rooflines. When accessory buildings are proposed within side or rear yards, lack of cladding treatments, windows and/or doors do not impact the character of the neighbourhood as they are not in prominent locations and are often overshadowed by the dwelling. In this case, the garage is in a very prominent

location in the front yard and some additional steps are needed to address and compliment the streetscape to make to building appear less utilitarian in nature. This neighbourhood has few accessory buildings within front yards, and none at a scale as large as what is proposed for the subject property.

While vegetation has been planted around the garage to assist in screening it from the road, this vegetation was planted without an approved planting plan forming a development agreement that would be registered on title and without securities. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting. The exposed foundation has not been parged, which again would better minimize the height of the garage and better tie the south and west walls into the streetscape. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting. The two faux windows have not been installed, which would assist in minimizing the height and massing of the garage in its elevation location close to a main road. This was a condition outlined in the memorandum Committee endorsed at its July 18, 2019 meeting.

Therefore, the variances would have maintained the general intent and purpose of the Zoning By-Law had the points outlined in the July 18, 2019 memorandum been followed.

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

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

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

**Other Alternatives Considered:**

On July 18, 2019, staff developed a memorandum for Committee's consideration based upon the applicant's request to examine alternative solutions to cladding the bottom third of the south and west garage walls in stone to match the east garage wall.

**Servicing Comments:**

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

**Consultations:**

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

**Agency Comments:**

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

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

Building Division (February 7, 2019): The building was built without a permit.  
Engineering and Corporate Assets Department (February 11, 2019): No concerns.

**Public Comments:**

Judith Currie of 214 Francis Street East spoke at the previous public meeting held on February 21, 2019. She raised some concerns with the application. No comments have been received from this individual since this meeting.

**Attachments:**



Appendices A-G to  
COA2019-069.pdf

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Staff's Site Photographs  
Appendix E – Applicant's Elevations  
Appendix F – Department and Agency Comments  
Appendix G – Staff Memorandum dated July 18, 2019

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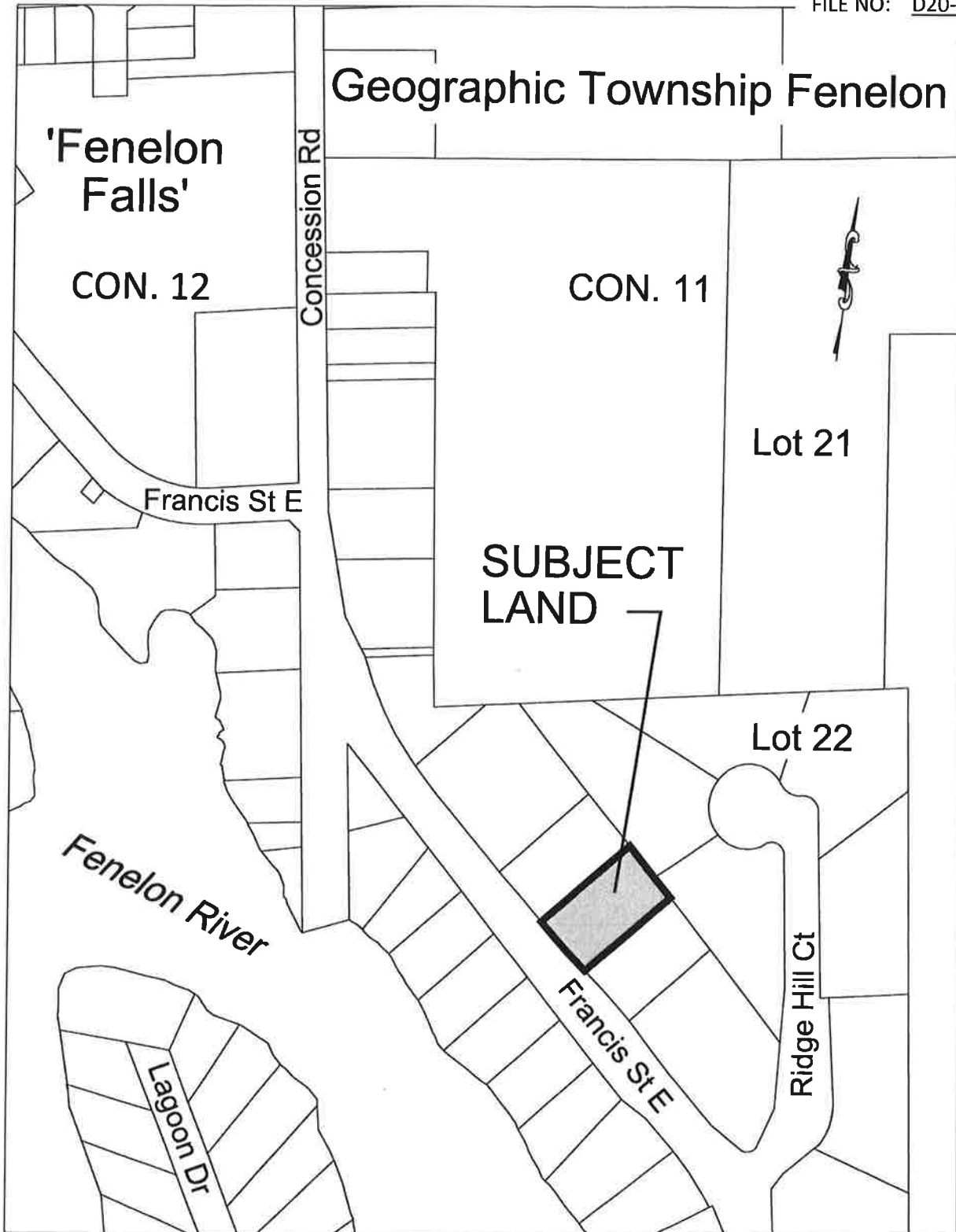
<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-004



to

REPORT COA2019-069

FILE NO: D20-2019-004





GEOMATICS  
MAPPING

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



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



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

APPENDIX " B "  
to

REPORT COA2019-069  
FILE NO: D20-2019-004

FILE NO: D20-2019-004





APPENDIX " D "

to

REPORT COA2019-069

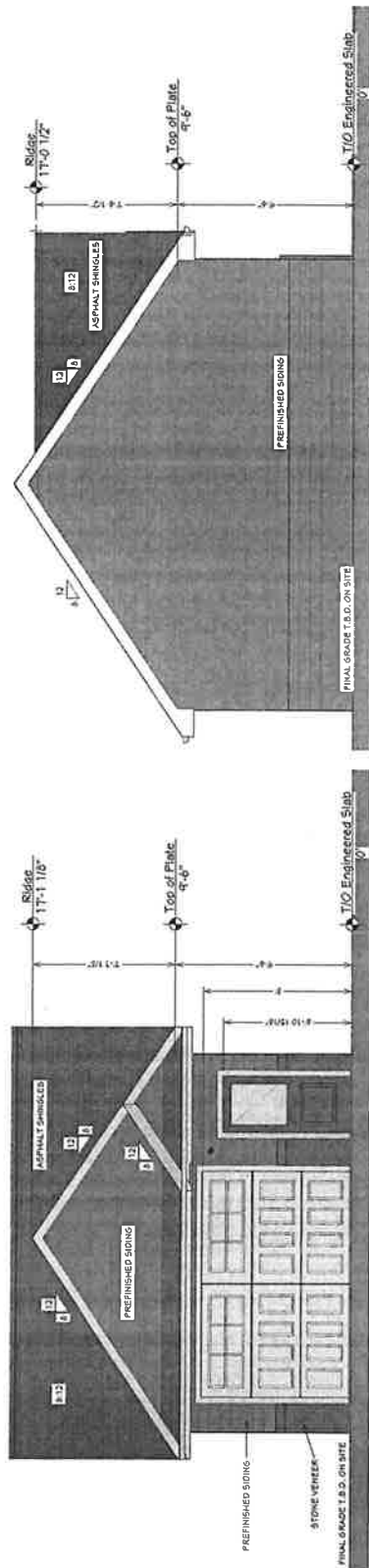
FILE NO: D20-2019-004



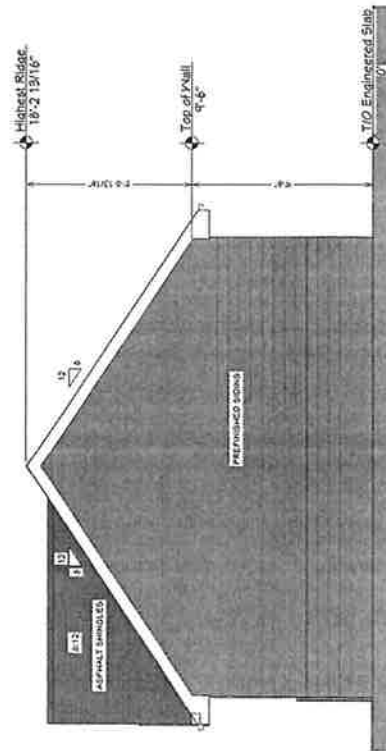
to

REPORT COA2019-069

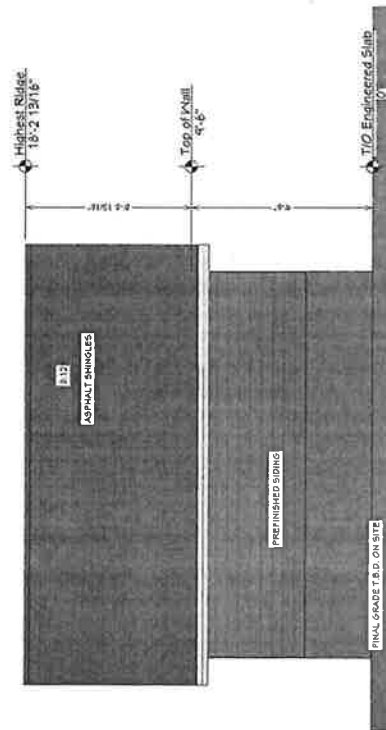
FILE NO: D20-2019-004



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



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



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

## David Harding

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**From:** Anne Elmhirst  
**Sent:** Wednesday, March 27, 2019 3:48 PM  
**To:** David Harding  
**Subject:** D20-2019-004 - 221 Francis St.

APPENDIX \* F  
to  
REPORT COA2019-069  
FILE NO. D20-2019-004

Hello David,

I have received payment for the Minor Variance request D20-2019-004. Therefore, the provision for the Building Division – Sewage System Program has been completed.

Thanks,

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





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

## **MEMORANDUM**

**TO:** Mark LaHay, Acting Secretary-Treasurer

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

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

**DATE:** February 11<sup>th</sup>, 2019

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

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The Development Engineering Division has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as, the Application for Minor Variance/Permission received on February 7<sup>th</sup>, 2019.

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

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

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

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

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

## Erica Hallett

---

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

Please see building division comments:

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

### Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)





**Via E-Mail: [ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)**

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

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

Dear Ms. Crockford-Toomey:

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

**Application Purpose**

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

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

**Applicable Kawartha Conservation Regulations and Policies**

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

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

**Application-Specific Comments**

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

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

**Our Watershed Partners:**

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

and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

#### **Water Quality**

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

#### **Recommendation**

**Based on our review of the natural hazards and natural heritage features adjacent to the property, Kawartha Conservation staff has no objections to the approval of Minor Variance Application D20-2019-004, provided the proposed works are constructed as per the plans submitted to Kawartha Conservation as part of the review.**

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

Yours Truly,



**Kent Stainton**  
Resources Planner  
Extension 232  
[kstainton@kawarthaconservation.com](mailto:kstainton@kawarthaconservation.com)

cc: David Harding, City of Kawartha Lakes  
Quadri Adebayo, City of Kawartha Lakes

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

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Development Services – Planning Division  
180 Kent St. West, 2<sup>nd</sup> Floor  
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Tel: (705) 324-9411 Ext. 1206  
Fax: (705) 324-4027  
E-mail: [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
Website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

APPENDIX "G"

## MEMORANDUM

TO: Committee of Adjustment

FROM: David Harding, Planner II - Development Services – Planning Division

DATE: July 18, 2019

SUBJECT: Minor Variance Application File No. D20-2019-004  
221 Francis Street East, Geographic Township of Fenelon

REPORT COA2019-069

FILE NO. D20-2019-004

On May 16, 2019, the Committee of Adjustment deferred the variance application to permit a constructed garage within the front yard with an increased height in order to give the owners, Shirley and Nancy MacDonald, and the applicant, RWH Construction, sufficient time to install the faux windows and to clad the lower portion of the building in stone veneer. The modifications would assist in incorporating the garage into the streetscape. The Committee directed the modifications to be done within 2 months, and for the matter to come back to it for a decision on July 18, 2019.

Nancy MacDonald, one of the owners for the above-noted file, reviewed Committee's direction and requested staff considers other more economical option to assist in incorporating the garage into the streetscape.

Staff reviewed the request and is willing to generate an alternative remediation option for the owners to accommodate their request. In consideration of the above, staff respectfully presents for Committee's review and consideration the following alternative remediation measures:

1. Removal of the requirement to clad the bottom third of the southern and western garage face in stone veneer;
2. Reducing the number of faux windows from 4 to 2, but having a vertical divider in each window. The faux windows will need to be longer to address the lengthened wall face since the stone veneer will not be present along the bottom third;
3. Requiring the parging of the remaining exposed garage foundation in a colour which matches the blue/grey vinyl siding; and
4. The creation of a development agreement for a landscape planting plan.

The landscape planting plan, developed by a licensed landscape professional, would require the planting of a series of trees to assist in screening the garage from the road. Staff would require 10-12' nursery stock in a mix of coniferous and deciduous trees to

be planted, which can be sourced from a local nursery. While the licensed landscape professional will, through site evaluation, be able to determine what trees would be able to survive in those topographic and soil conditions, and the number of trees that will be required to adequately screen the garage as they mature, staff believes at least 8 trees will be required. Staff has prepared a preliminary concept of how modifications 1-4 will appear, showed on the third page, along with the original proposed modifications presented at the May 16 meeting on the fourth page.

The landscape planting plan would form the majority of a development agreement to be registered on title. Security would be taken to ensure the survival/maintenance of the trees over a specified observation period. At the conclusion of this period, an inspection would be done. Provided the trees are in good health at the end of the observation period, the securities will be released.

At this time, staff seeks direction on whether the Committee deems the alternative remediation option acceptable and to establish a new timeline to bring back the application for its decision.

If the Committee wishes to adhere to the original direction discussed with its deferral at its May 16 meeting, staff recommends bringing the application back to the September 19 meeting.

If the Committee wishes to explore the alternative remediation option, staff recommends the application be brought back no later than the November 7 meeting.

The owners and applicant are hereby advised that an applicant/owner-requested deferral fee of \$337 will apply to bring forward another report after July for Committee's consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Harding", is written over a horizontal line.

David Harding, Planner II

cc: Nancy and Shirley MacDonald - Owners  
Adam & Ryan Hayter, RWH Construction  
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment  
Susanne Murchison – Chief Building Official







