

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2019-012**

**Thursday, November 28, 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	COA2019-12.2.1.1 November 28, 2019 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-11.2.3.1 November 7, 2019 Committee of Adjustment Minutes	5 - 12
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2019-070 David Harding, Planner II, RPP, MCIP File Number: D20-2019-052 Location: 53 Lakewood Crescent RCP Lot 45, Plan 564 Former Village of Bobcaygeon Owners: Farah Eskandari and Daryoush Ebrahimi Applicant: Garry Newhook	13 - 25

3.1.2	COA2019-071	26 - 37
	David Harding, Planner II, RPP, MCIP File Number: D20-2019-053 Location: 8-10 Kanata Trail Part Lot 26, Concession 10, Parts 4-6, 57R-304 Geographic Township of Fenelon Owners: Earle Baker, Simon Bowers & France Germain Applicant: Earle Baker	
3.1.3	COA2019-072	38 - 49
	Quadri Adebayo, Planner II File Number: D20-2019-054 Location: 233 Snug Harbour Part Lot 4, Concession 8, Lot 22, Plan 129 Geographic Township of Fenelon Owner: Alma Stacey Applicant: Alma Stacey	
3.2	Consents	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.1.1	COA2019-062	50 - 70
	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	

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. **Other Business**

Committee acknowledge receipt of proposed dates for the Committee of Adjustment meetings for 2020.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, January 23, 2020 at 1:00pm. in Council Chambers, City Hall.

8. **Adjournment**

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**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. **Call to Order**

Vice Chair Marsh called the meeting to order at 1:00pm. Councillor E. Yeo and Members A. O'Bumsawin, S. Richardson were in attendance.

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

Absent: L. Robertson

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2019-11.2.1.1

November 7, 2019  
Committee of Adjustment Agenda

**Moved By** S. Richardson

**Seconded By** Councillor E. Yeo

**That** the agenda for November 7, 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 COA2019-10.2.3.1

October 17, 2019  
Committee of Adjustment Minutes

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** the minutes of the previous meeting held October 17, 2019 be adopted as circulated.

**Carried**

### **3. New Applications**

#### **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

Mr. Adebayo summarized Report COA2019-067, 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. Mr. Adebayo advised there were no comments from the public. Comments received from the Building Division and Engineering and Corporate Assets had no concerns or objections. Comments received after the writing of the report from Community Services and Part 8 Sewage Systems had no concerns or objections.

The applicant, Mr. Gauthier was not present.

Ms. Murchison, Chief Building Official responded to questions from the Committee regarding the building enforcement issue, stating that it was actually a follow up to a pool permit and not an enforcement because the applicant is working with the City to rectify the matter.

The Committee questioned Condition 2. Ms. Murchison replied that the original drawings submitted with the application implied the pool would be beside the house but in fact it was built in front of the house. This was because the property owner misconstrued the shape of their property as being a perfect square whereas the shape of the lot is actually irregular and slanted.

An amendment to Condition 2, first line, was made: "That the applicant shall complete the Building Permit process" be amended to read "That the applicant shall complete the Pool Permit process".

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 D20-2019-050 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 Pool 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.**

**Carried**

**3.1.2 COA2019-068**

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



Mr. Adebayo summarized Report COA2019-051 on behalf of Mr. Harding, to request relief 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. The application was the result of a building enforcement matter. Comments were received from Engineering and Corporate Assets with no concerns. Building Division had no concerns but noted the proposal is an enforcement file as it was built without permit. The Building Division-Part 8 Sewage Systems advised that the owners will be applying to install a new on-site sewage disposal system. As no application has yet been filed, a condition was requested. Kawartha Region Conservation Authority had no concerns. A permit for the works has been issued.

Ms. Murchison, Chief Building Official responded to a Committee question stating it was built without a permit. A site visit by the building inspector in November 2018 identified that a minor variance was required but the property owner went ahead and built and the minor variance application was filed in August 2019.

The applicant, Mr. Tom deBoer was present and spoke to the Committee. He advised that he was retained after the fact and that his client has worked with staff regarding outstanding permits.

No further questions were posed from the Committee of other persons.

**Moved By** A. O'Bumsawin

**Seconded By** S. Richardson

**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 COA2019-068, 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.**

**Carried**

### 3.2 Consents

## 4. Deferred Applications

### 4.1 Minor Variances

#### 4.1.1 COA2019-069

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

Mr. Holy spoke on behalf of Mr. Harding and briefly summarized the timeline of events as referenced in his November 7, 2019 memorandum to Committee. When Staff wrote the report for today's meeting recommending denial of the application, we were aware that plantings had been planted but not that the faux windows had been added or that the foundation had been parged. The owner had not paid for or entered into the site plan agreement or paid past application deferral fees. Staff have since received photographs as proof of installation of windows and planting of six trees and two shrubs. Staff have also received as of November 7, 2019, cheques for the site plan agreement, securities and deferral fees.

Mr. Holy stated that the Committee has two alternatives:

1. Deny the application in which case the applicant has to remove the building or file an appeal with the Local Planning Appeal Tribunal (LPAT); or
2. Defer the application to the November 28 meeting.

The applicant, Mr. Adam Hayter was present and answered questions.

The Committee asked the applicant why this process has taken so long. The applicant replied that the trees were planted in September, presented a planting plan at the previous meeting, and then he was advised it was not satisfactory. The applicant was also told yesterday that the owner did not pay security fees. Discussion ensued.

The Committee stated to the applicant that the Committee has done everything to accommodate him.

Not further questions were posed from the Committee or other persons.

**Moved By** S. Richardson

**Seconded By** Councillor E. Yeo

**That** Minor Variance Application D20-2019-004 be deferred until the November 28th meeting to allow the owner sufficient time to address the issues identified in the memorandum (November 7, 2019).

**Carried**

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, November 28, 2019 at 1:00pm in Council Chambers, City Hall.

8. **Adjournment**

**Moved By** Councillor E. Yeo

**Seconded By** S. Richardson

**That** the meeting be adjourned at 1:26pm.

**Carried**



Mark LaHay, Acting Secretary/Treasurer



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Eskandari and Ebrahimi**  
Report Number COA2019-070

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**Public Meeting**

**Meeting Date:** November 28, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 2 – Former Village of Bobcaygeon**

**Subject:** The purpose and effect is to request 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 from the following provisions in order to reconstruct and expand an existing single detached dwelling:

1. Section 3.4 to reduce the required minimum lot frontage to redevelop on a lot without municipal sewer/water services from 15 metres to 12.5 metres,
2. Section 5.2(j) to reduce the minimum water setback from 20 metres to 7.5 metres for the nearest wall and to 6.8 metres for the nearest eave; and
3. Section 5.2(n) to reduce the minimum side yard from 2.2 metres to 1.9 metres for the nearest wall and to 1.3 metres for the nearest eave.

The variance is requested at 53 Lakewood Crescent, former Village of Bobcaygeon (File D20-2019-052).

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

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2019-070 Farah Eskandari and Daryoush Ebrahimi be received;

**That** minor variance application D20-2019-052 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 COA2019-070, 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 written approval from the Building Division – Part 8 Sewage Systems;
- 3) **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer written approval from KRCA;
- 4) **That** prior to the issuance of a building permit the owners shall submit to the satisfaction of the Secretary-Treasurer evidence that building identified as ‘Shed’ on the sketch prepared by Garfield Design dated November 11, 2019, has been relocated to comply with the requirements of the Zoning By-law or has been removed; and
- 5) **That** the building construction related to the minor variance 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 COA2019-070. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The application is the result of a Building Division enforcement file.

Substantial alterations to the previous single detached dwelling have occurred without building permits. These alterations are so extensive that the proposal cannot be considered as addition work to an existing building, but a completely new building.

The new construction is proposed largely on the footprint of the former dwelling. The following enlargements are proposed to the previous dwelling's footprint and shape:

1. Northern footprint expansion to create a two storey front foyer.
2. Southern footprint expansion to create a larger dining room. There is no second storey proposed above the dining room.
3. Squaring off the two chamfered corners of the eastern wall on the second storey.
4. Creation of a second storey over the attached garage with cantilevered decks on the north and south sides.

The application was last amended November 13, 2019.

**Proposal:** Single detached dwelling

**Owners:** Farah Eskandari and Daryoush Ebrahimi

**Applicant:** Garry Newhook, Garfield Design

**Legal Description:** RCP Lot 45, Plan 564, former Village of Bobcaygeon, now City of Kawartha Lakes

**Official Plan:** Urban – Victoria County Official Plan

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

**Site Size:** 2,536 square metres

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

**Existing Uses:** Shoreline Residential - under development

**Adjacent Uses:** North: Shoreline Residential  
South: Pigeon Lake  
East: Pigeon Lake  
West: Shoreline Residential

**Rationale:** Additional relief was requested from each setback as the Village of Bobcaygeon Zoning By-law applies setbacks to the eaves and gutters rather than the foundation.

**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 southeastern side of Bobcaygeon. The neighbourhood contains a mixture of seasonal and year-round dwellings. The property is located on a bend of Lakewood Crescent. The lots are highly screened from the road and from one another by trees.

As the property is on a curve, it is pie-shaped, resulting in its narrow frontage. However, there is sufficient space upon the property to contain a suitable building envelope for a dwelling. Due to the somewhat tear-drop shape to the property, the majority of the available building envelope is close to the shoreline.

The neighbourhood contains a variety of homes that are set closer to the water. The former dwelling was constructed circa 1959 according to MPAC. The new proposed building proposes no substantial change to the scale or form established by the previous dwelling. The single storey section of the home containing the dining room is coming slightly closer to the shoreline, but will be in-line with the second storey wall. A second, single storey section containing a rooftop deck projects further outwards from the second storey wall. As the dining room enlargement is in-line with the second storey wall and is not the closest projection into the water setback, there are no additional adverse massing impacts. As the new dining room space is proposed to have a flat-top

roof whereas the previous design was a gable roof design, it is anticipated that the total and perceived height of the dwelling will be less.

The reduced side yard setback is to accommodate a small cantilevered deck. As the deck is proposed to face towards the shoreline, the abutting dwelling at number 49 is situated further away from the shoreline and there is vegetation between the subject property and number 49, no adverse land use conflicts or massing impacts are anticipated with this reduction.

The proposed foyer expansion faces away from the shoreline and as such does not impact the appearance of this portion of the shoreline.

The variance is 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 Urban Residential Type One (R1) Zone within the Village of Bobcaygeon Zoning By-law 16-78. The R1 Zone permits single detached dwellings.

The minimum water setback provides sufficient space to establish vegetation to improve waterbody health and to provide sufficient space for the infiltration of stormwater runoff. In this case, the dwelling has been established in its current location for some time. As such, existing shoreline conditions have been established for some time and are not anticipated to drastically change unless the entire dwelling to be relocated to the northwest, which may be difficult as space needs to remain for the placement of a sewage system.

Minimum side yards are anticipated to provide sufficient space to conduct maintenance. Relief is required as a corner of the building is proposed too close to the lot line. The corner will contain a cantilevered deck. As the requested relief would only permit the corner of a cantilevered deck, sufficient space remains in order to conduct maintenance all of the building's walls.

The variance meets the 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:**

No other alternatives have been examined at this time.

**Servicing Comments:**



The property is serviced by a private individual well and septic system. The Building Division – Part 8 Sewage Systems has noted that the existing sewage system requires replacement to accommodate the new construction.

**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 (November 15, 2019): No concerns.

Engineering and Corporate Assets Department (November 18, 2019): No concerns

Kawartha Region Conservation Authority (November 19, 2019): The owners are aware that a permit is required for the proposed works. New additions must be flood-proofed 0.3 metres above the regulatory flood elevation.

Building Division – Part 8 Sewage Systems (November 20, 2019): Objection. The proposal increases the total daily sewage flow beyond the capacity of the current sewage system. An application for any changes to the existing sewage system is required.

**Public Comments:**

No comments received as of November 20, 2019.

**Attachments:**



Appendices A-D to  
Report COA2019-070.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

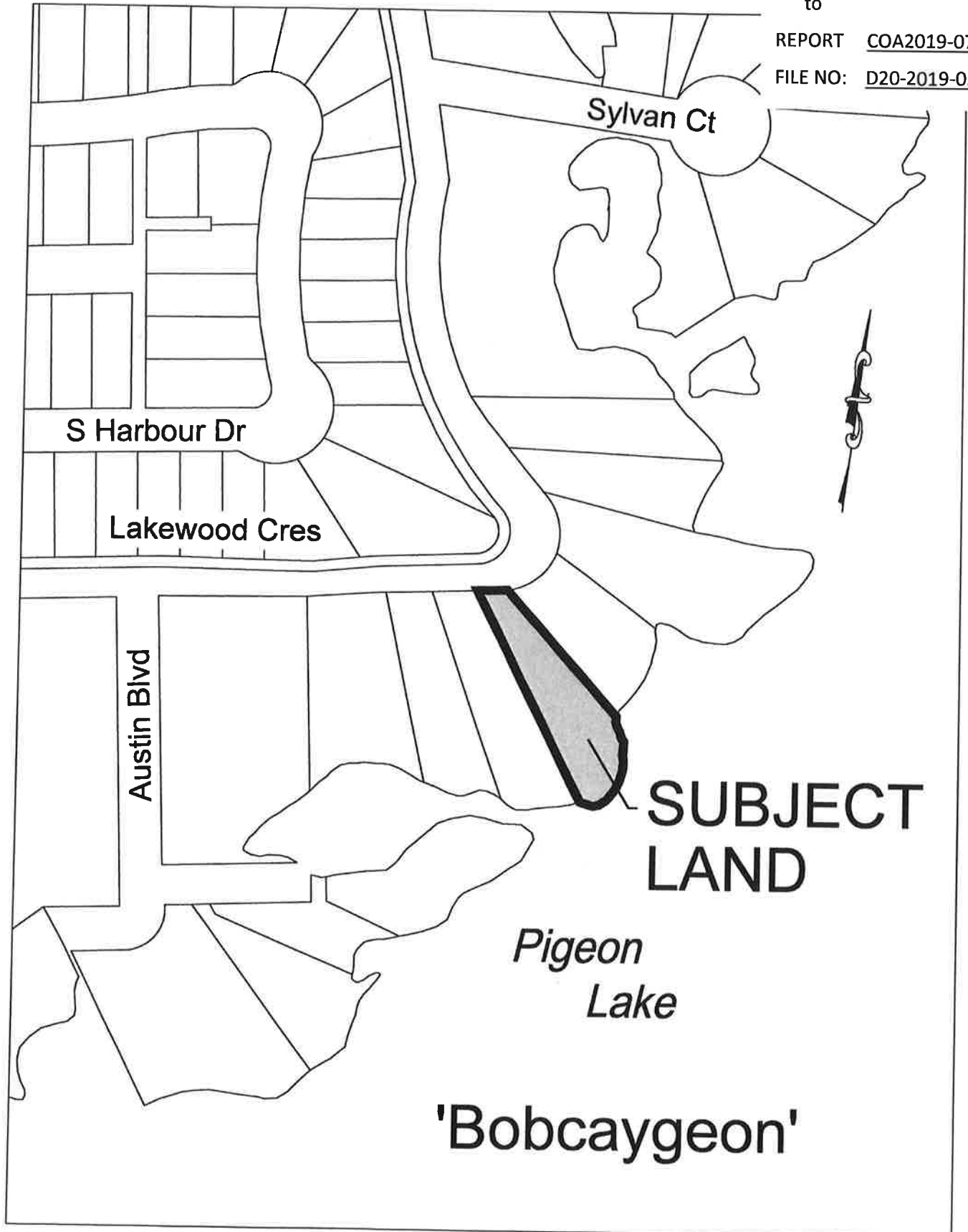
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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-052

to

REPORT COA2019-070

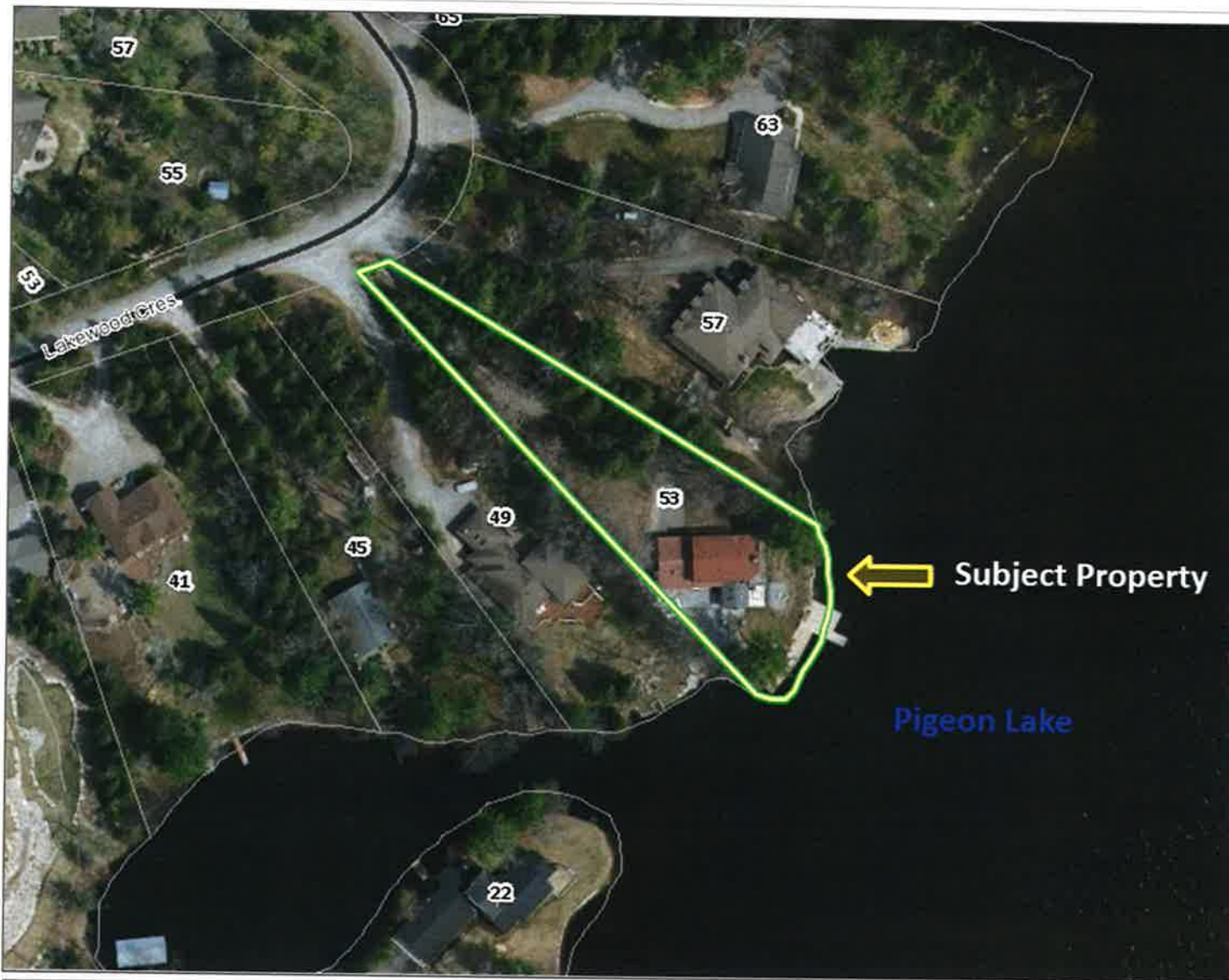
FILE NO: D20-2019-052





GEOMATICS  
MAPPING

## 53 Lakewood Crescent, former Village of Bobcaygeon



0.08

Kilometers

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



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "  
to  
REPORT COA2019-070  
FILE NO: D20-2019-052

to  
REPORT COA2019-070  
FILE NO: D20-2019-052



**David Harding**

APPENDIX " D "  
to

**From:** Derryk Wolven  
**Sent:** Friday, November 15, 2019 8:17 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-052

REPORT COA2019-070  
FILE NO. D20-2019-052

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

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



## David Harding

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**From:** Mark LaHay  
**Sent:** Monday, November 18, 2019 3:14 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20191118 D20-2019-052 - Engineering review

FYI - file

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**From:** Kim Rhodes  
**Sent:** Monday, November 18, 2019 3:13 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20191118 D20-2019-052 - Engineering review

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

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

Minor Variance – D20-2019-052  
53 Lakewood Crescent  
RCP Lot 45, Plan 564  
Former Village of Bobcaygeon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to reconstruct and expand an existing single detached dwelling:

1. to reduce the required minimum lot frontage to re-develop on a lot without municipal sewer/water services from 15 metres to 12.5 metres;
2. to reduce the minimum water setback from 20 metres to 7.5 metres for the nearest wall and to 6.8 metres for the nearest eave; and
3. to reduce the minimum side yard from 2.2 metres to 1.9 metres for the nearest wall and to 1.3 metres for the nearest eave.

*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)



Charlotte Crockford-Toomey  
Administrative Assistant  
Development Services – Planning Division, City of Kawartha Lakes  
180 Kent Street West,  
Lindsay, ON, K9V 2Y6

**Regarding:        Minor Variance Application  
                         D20-2019-052  
                         Kawartha Conservation File No: PPLK-10066  
                         53 Lakewood Cres. Bobcaygeon  
                         City of Kawartha Lakes**

This letter acknowledges the receipt of the above noted Minor Variance Application D20-2019-052. Staff have reviewed the application and provide the following comments:

**Application Purpose:**

It is Kawartha Conservation's understanding that the purpose of the minor variance is to seek relief from Bobcaygeon By-law 16-78 for reduced water setbacks. The applicant is proposing renovations to the interior and an 18 square foot addition. The proposed water setback is 7.52metres (from 20 metres).

**Documents Reviewed:**

- Application for Minor Variance/Permission
- Topographic Plan of survey, prepared by Coe, Fisher, Cameron Land Surveyors, dated 07/20/2018

**Site Characteristics:**

The subject property is adjacent to Pigeon Lake, and there is a flooding hazard associated with the sites proximity to the lake.

**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.

**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



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.

Most of the subject property contains lands regulated by Kawartha Conservation.

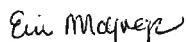
**Recommendation:**

Kawartha Conservation has no objection to Minor Variance Application D20-2019-052, provided that:

- The applicant is aware of the applicability of Ontario Regulation 182/06 on the property;
- Any new additions must be raised 0.3 metres above the regulatory flood elevation.

I trust this meets your information requirements at this time. 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:

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

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**From:** Anne Elmhirst  
**Sent:** Wednesday, November 20, 2019 9:45 AM  
**To:** David Harding  
**Cc:** 'Garry Newhook'; Cheryl Bryant; Stephan Vanderstelt  
**Subject:** D202-2019-052 - 53 lakewood Cres

Hello David,

I have reviewed the proposal for minor variance to allow relief for the new construction/addition of the dwelling at 53 Lakewood Cres., Bobcaygeon.

A sewage system review submission indicates an increase in the total daily sewage flow would be created from the new proposal. This increase in sewage flow is greater than the capacity of the existing components of the sewage system. As such, I cannot support the minor variance as proposed.

The owner may consider upgrading the sewage system to accommodate the proposal. An application for a sewage system permit will be required to be submitted for any changes to the sewage system.

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

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

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

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



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Baker, Bowers & Germain**  
**Report Number COA2019-071**

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**Public Meeting**

**Meeting Date:** November 28, 2019

**Time:** 1:00 pm

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

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**Ward 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request 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 provisions to facilitate the separation of ownership of two cottages and recognize the location of an existing cabin:

1. Section 15.2.1.1(b) to reduce the minimum lot area from 2,000 square metres to 1,212 square metres for the proposed severed parcel and 1,296 square metres for the proposed retained parcel,
2. Section 15.2.1.2(c) to reduce the minimum required shore lot line frontage for the proposed severed parcel from 35 metres to 25.8 metres,
3. Section 15.2.1.3(b)(i) to reduce the minimum required interior side yard from 1.3 metres to 0.7 metres for the existing cabin on the retained parcel; and
4. Sections 3.18.1.1 and 15.2.1.3(e) to reduce the minimum required setback from an Environmental Protection (EP) Zone and water setback from 15 metres to 4.5 metres for the existing cabin on the retained parcel.

The variances are requested at 8-10 Kanata Trail, geographic Township of Fenelon (File D20-2019-053).

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

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2019-071 Earle Baker, Simon Bowers and France Germain be received;

**That** minor variance application D20-2019-053 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 COA2019-071, which shall be attached to and form part of the Committee's Decision; and

- 2) **That** if the related application for consent, file number D03-17-044 lapses, this application shall be deemed to be refused.

**This approval pertains to the application as described in report COA2019-071. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On July 1, 2019, the Director of Development Services as delegated by Council granted provisional consent to file D03-17-044. The application proposes to separate two dwellings from one another on land that merged on title. The previous merger combined three parcels. The third parcel was vacant, and is proposed to be shared between the two proposed lots.

Provisional consent approval required the owners to apply for variances to establish the reduced lot area and frontage for the proposed severed, reduced lot frontage for the proposed retained, and reduced water and side yard setbacks for the cabin on the proposed retained.

The application was deemed complete September 27, 2019.

**Proposal:** To re-create two shoreline residential lots.

**Owners:** Earle Baker, Simon Bowers and France Germain

**Applicant:** Earle Baker

**Legal Description:** Part Lot 26, Concession 10, Parts 4-6, 57R-304, geographic Township of Fenelon, 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 Fenelon Zoning By-law 12-95

**Site Size:** Proposed Severed – 1,212 square metres  
Proposed Retained – 1,296 square metres

**Site Servicing:** Proposed Severed - Private individual sewage system and lake-based water supply  
Proposed Retained – Private individual sewage system and well

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North, West: Cameron Lake  
South, 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 upon a peninsula within Cameron Lake that is to the west of Fenelon Falls. The peninsula is comprised of seasonal and year-round dwellings and is accessed by private road. The neighbourhood is heavily forested, with small forested pockets partially screening and separating many of the dwellings from one another.

The two lots are proposed within a neighbourhood where there are a series of lots with smaller lot areas and/or shoreline frontages. This is in part due to the linear nature of the peninsula combined with the location of the private road upon it. The proposed parcel areas are not out of character with the smaller lots found within the neighbourhood.

Due to the irregular shape of the proposed retained lot, little space remains in close proximity to the dwelling where the cabin could be relocated to in compliance with the required setbacks. The existing dwelling is further west than the cabin and appears closer to the shoreline due to its location and larger footprint. The cabin is located within a yard area which appears to receive a fair degree of activity as it is close to the dwelling entrance, parking pad, and swimming area. The cabin also has an exterior shower stall for swimmers. As such, the cabin is in the best functional location to be utilised as the shoreline recreational structure it is.

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 Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95. The LSR Zone permits vacation dwellings or single detached dwellings.

The frontage and area requirements are intended to ensure that new lots of sufficient size are created to accommodate a dwelling and associated private infrastructure. It has been demonstrated that there is sufficient space to maintain each existing dwelling on its own parcel.

The function of the interior side yard is to provide sufficient space for maintenance and spatial separation from abutting residential uses. The south wall of the cabin is at an angle to the nearby interior side lot line. The westernmost side of the wall complies with the required 1.3 metre setback, but the easternmost side does not. As the encroachment is only a corner of the building, there remains sufficient space to perform maintenance around the building. The neighbouring lot is vegetated near the cabin. As such, the reduced side yard setback is not anticipated to generate any adverse land use conflicts.

The location of the cabin was legitimised through the issuance of Building Permit 83-88 back in 1988. Due to the modest scale of the cabin and its location within a highly utilised area of the yard, any adverse shoreline effects are anticipated to be negligible. There is also an outdoor shower stall on the exterior of the building for swimmers. This added function requires it to be in close proximity to the small beach area on the property, which it is.

The variances meet the 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. While the proposal does not meet the 3,000 square metre area requirement to create a new residential lot, the application proposes to separate two shoreline dwellings from one another on land that merged on title. As there were three lots and now only two are proposed, the two re-established lots will be larger since the former third parcel will be divided between the two.

The Official Plan does not provide specific provisions to address situations where parcels have inadvertently merged on title, but does allow through Policy 33.3 for the area of land to be appropriate for the uses and services available. As this proposal re-creates and enlarges two previously existing lots which are already developed on separate sewage systems, this application does not offend the required criteria.

Therefore, the variances meet the intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been examined at this time.

**Servicing Comments:**

The proposed retained is serviced by a private individual well and sewage system. The proposed severed is serviced by a lake-based water supply and private 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:**

Engineering and Corporate Assets Department (November 18, 2019): No concerns.

Building Division – Part 8 Sewage Systems (November 15, 2019): No concerns.

Building Division (November 15, 2019): No concerns.

**Public Comments:**

No comments received as of November 19, 2019.

**Attachments:**



Appendices A-D to  
COA2019-071.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-053

to

REPORT COA2019-071

FILE NO: D20-2019-053

# Geographic Township of Fenelon

*Cameron Lake*

**SUBJECT  
LAND**

Kanata Trail

CON 10

Lot 26

Sugarbush Trail

Oakland Ln

Louisa St

*Cameron Lake*

# 8-10 Kanata Trail, geographic Twp. of Fenelon



0.17

Kilometers

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



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APPENDIX " B "  
to  
REPORT COA2019-071  
FILE NO: D20-2019-053





**David Harding**

APPENDIX " D "

to

**From:** Derryk Wolven  
**Sent:** Friday, November 15, 2019 8:16 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-053

REPORT COA2019-071

FILE NO. D20-2019-053

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

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



## David Harding

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**From:** Anne Elmhirst  
**Sent:** Friday, November 15, 2019 9:25 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-053 0 8-10 Kanata Trail

Hello Charlotte,

Please be advised that I have received and reviewed the application for minor variance D20-2019-053 to request relief to facilitate the separation of the 2 existing cottages.

The Building Division – Sewage System Program has no objection to the proposed minor variance request.

Best Regards,

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



## David Harding

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**From:** Mark LaHay  
**Sent:** Monday, November 18, 2019 4:21 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20191118 D20-2019-053 - Engineering review

**Importance:** High

FYI - file

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**From:** Kim Rhodes  
**Sent:** Monday, November 18, 2019 4:17 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20191118 D20-2019-053 - Engineering review  
**Importance:** High

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

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Good afternoon Mark – on March 22, 2018, Development Engineering provided a review on D03-17-044 offering no objection or conditions of consent for clearance by Engineering based on the Notice of Application for Consent.

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

Minor Variance – D20-2019-053  
8-10 Kanata Trail  
Part Lot 26, Concession 10, Parts 4-6, 57R-304  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions to facilitate the separation of ownership of two cottages and recognize the location of an existing cabin:

1. to reduce the minimum lot area from 2,000 square metres to 1,212 square metres for the proposed severed parcel and 1,296 square metres from the proposed retained parcel;
2. to reduce the minimum required shore lot line frontage for the proposed severed parcel from 35 metres to 25.8 metres;
3. to reduce the minimum required interior side yard from 1.3 metres to 0.7 metres for the existing cabin on the retained parcel; and
4. to reduce the minimum required setback from an Environmental Protection (EP) Zone and water setback from 15 metres to 4.5 metres from the existing cabin on the retained parcel.

*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 – Stacey**

**Report Number COA2019-072**

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### **Public Meeting**

**Meeting Date:** November 28, 2019

**Time:** 1:00 pm

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

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### **Ward 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from Section 13.2.1.3(b)(ii) to reduce the minimum interior side yard requirement on the north side from 2.3 metres to 1 metre in order to permit the construction of an addition onto a two-storey dwelling.

The variance is requested at 233 Snug Harbour Road, geographic Township of Fenelon (File D20-2019-054).

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**Author:** Quadri Adebayo, Planner II

**Signature:**



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### **Recommendations:**

**Resolved That** Report COA2019-072 Alma Stacey be received;

**That** minor variance application D20-2019-054 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C2 submitted as part of Report COA2019-072, 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** notwithstanding the definition of rear yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any accessory building other than a boathouse between the rear wall of the dwelling and the water's edge;
- 3) **That** the frame shed currently located between the rear wall of the dwelling and the shoreline be relocated in a compliant manner at a minimum of 15 metres from the water's edge, a minimum of 1.2 metres from the side lot

line, and a minimum of 1.2 metres from the residential dwelling. The frame shed shall not be located in the front yard; 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 COA2019-072. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The owner seeks to make renovations to a two storey dwelling built circa 1942 (MPAC) that comprises of supplementary living space and an elevated deck at the rear of the dwelling. Part of the improvement includes additional kitchen space on the main level that will allow an extension on a portion of the north wall. The extension is proposed to flush with the existing non-complying wall setback in that part of the yard.

The application was deemed complete October 28, 2019.

**Proposal:** Single detached dwelling

**Owner/Applicant:** Alma Stacey

**Legal Description:** Part Lot 4, Concession 8, Plan 129, Lot 22, geographic Township of Fenelon, 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 Fenelon Zoning By-law 12-95

**Site Size:** 707.77 square metres

**Site Servicing:** Private individual well and holding tank

**Existing Uses:** Residential

**Adjacent Uses:** North and South: Residential  
West: Sturgeon Lake  
East: Snug Harbour Road, Agricultural

**Rationale:**

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

**And**

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

The subject property is located in an established shoreline residential neighbourhood amongst a series of lots that run north and south along Sturgeon Lake. A large farm field is located to the east of the subject property.

The proposed development will be improving of an aged building and will not exacerbate the existing deficiency in the northern part of the yard. In terms of scale, the massing of the addition is not anticipated to be perceptible given that the wall addition will be located towards the rear of the dwelling. Likewise, the addition is not anticipated to pose any negative impact to abutting neighbour to the north (address #235) even though the property is a smaller dwelling (a single storey). The necessary building permits have also been obtained from the City's Building Division and Kawartha Conservation by the applicant which were provided as part of the minor variance submission.

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

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

The 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 side yard requirement performs a series of functions such as providing for: adequate spatial separation from abutting lots, landscape area for storm water drainage, and navigable access between the front and rear yard for property maintenance; including governing the general character of the neighbourhood.

The proposed development is not anticipated to detract from the general character of the neighbourhood. The Sewage Systems Supervisor has confirmed that the proposal will not negatively impact the servicing utility on the property.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing lot coverage of approximately 18% from a possible 30% maximum, the applicant has reasonably demonstrated that it is possible to develop the lot.

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

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



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

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the Waterfront designation. The proposed building will presumably maintain a low profile and blend with the natural surroundings.

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

**Other Considerations:**

As a compensatory measure to gain staff support for a non-compliant water setback, the applicant has advised that they will relocate the frame shed sitting within the water setback buffer to a compliant location in accordance with the Township of Fenelon By-law. The frame shed is not used to house marine related items but rather functions as storage for beverage and cocktail drinks.

**Servicing Comments:**

The property is serviced by a private individual well and holding tank.

**Consultations:**

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

**Agency Comments:**

Building Division – Plans Examiner (November 15, 2019): They advised that the spatial separation requirements of the Ontario Building Code may impact the wall design of the proposed addition. Planning staff is satisfied that the wall rating will be handled under the building permit that was issued to the applicant.

Part 8 Sewage Systems Program – Building Division (November 15, 2019): No objections.

Engineering and Corporate Assets Department (November 18, 2019): No objections.

**Public Comments:**

No comments received as of November 19, 2019.

**Attachments:**



Appendices A-D to  
Report COA2019-072

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C1 – Applicant's Existing Site Plan Sketch

Appendix C2 – Applicant's Proposed Site Plan Sketch

Appendix D – Department and Agency Comments

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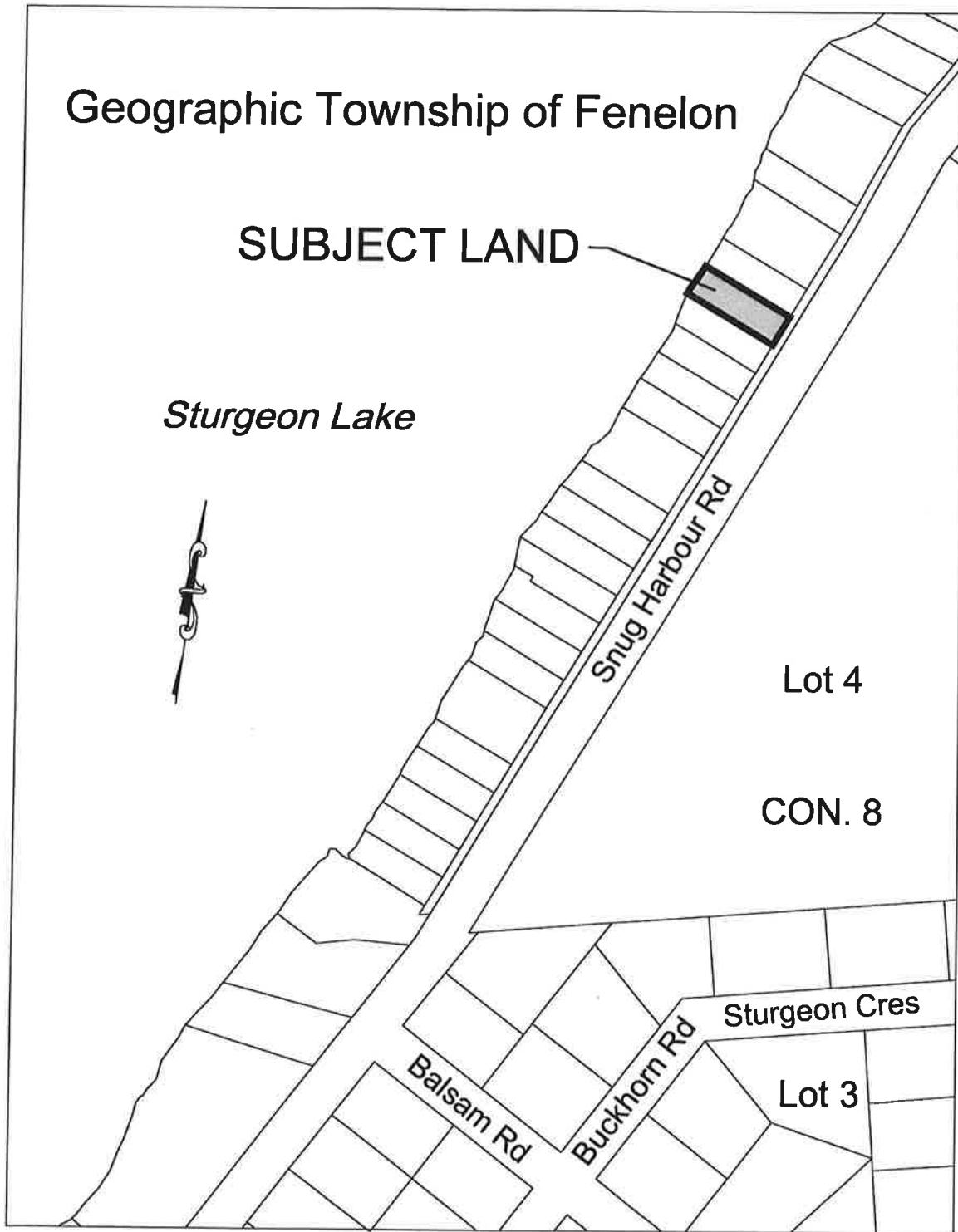
**Phone:** 705-324-9411 extension 1367

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

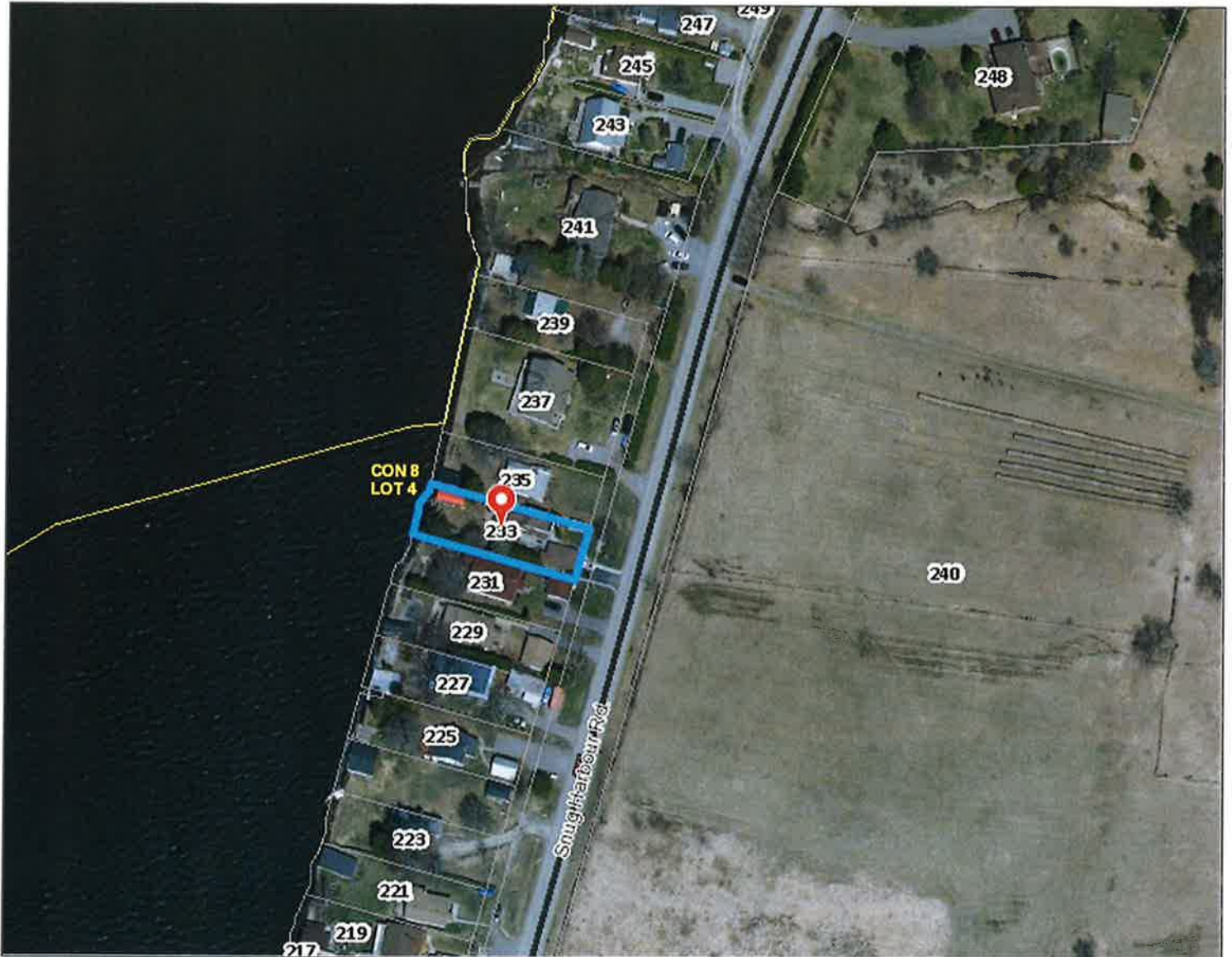
**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D20-2019-054

## D20-2019-054



## 233 Snug Harbour Road, geographic Township of Fenelon



0.11

Kilometers

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



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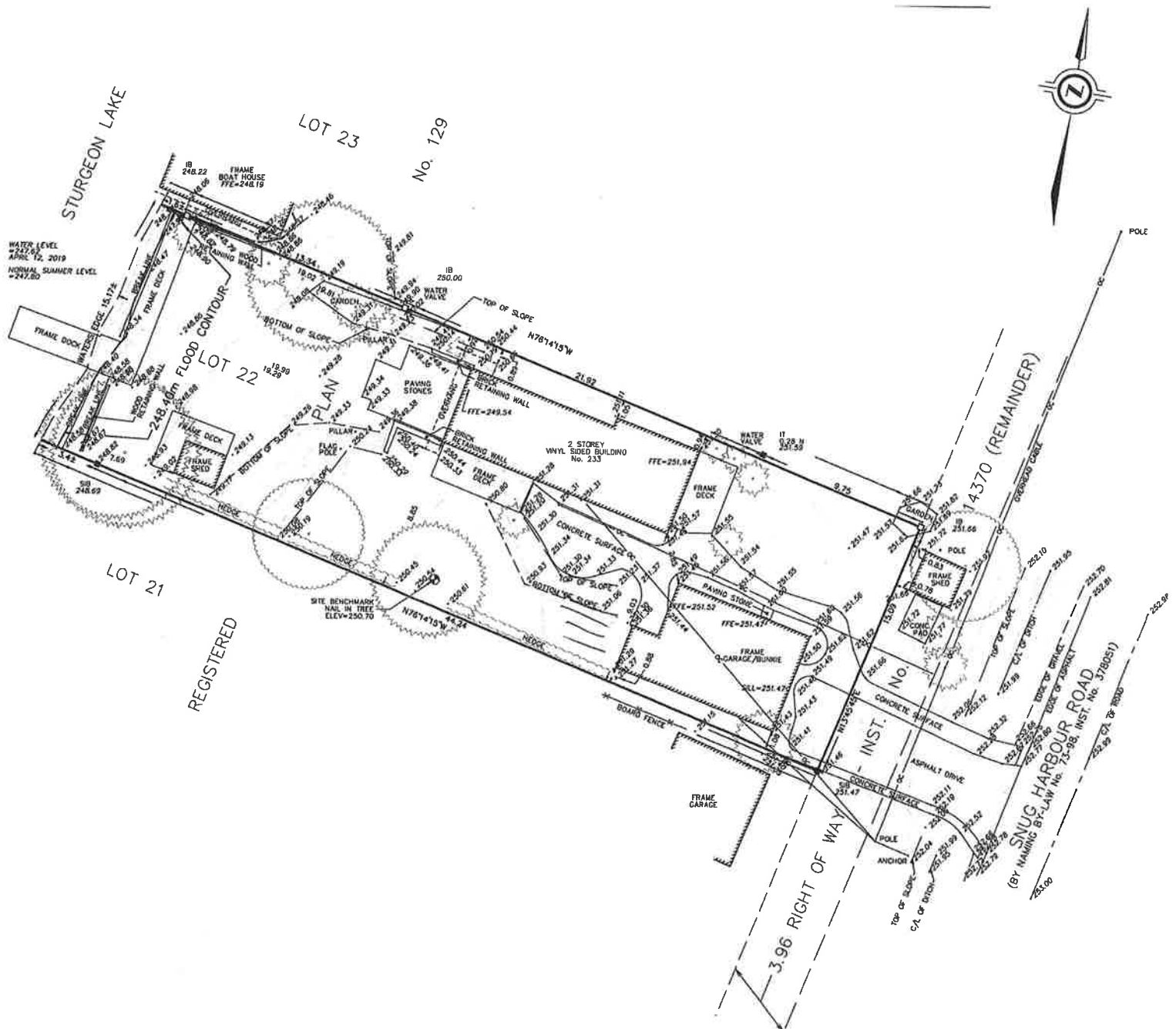
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to

REPORT COA2019-072

FILE NO: D20-2019-054

### Existing Site Plan Sketch





**Quadri Adebayo**

APPENDIX " D "  
to

**From:** Derryk Wolven  
**Sent:** Friday, November 15, 2019 8:14 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-054

REPORT COA2019-072  
FILE NO. D20-2019-054

Please be advised building division has the following comments:

Spatial separation requirements of the Ontario Building Code may impact the wall design of the proposed addition.

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



**Quadri Adebayo**

APPENDIX " D "

to

**From:** Anne Elmhirst  
**Sent:** Friday, November 15, 2019 9:29 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-054 - 233 Snug Harbour Rd

REPORT COA2019-072

FILE NO. D20-2019-054

Hello Charlotte,

I have received and reviewed the minor variance application to request relief for an addition to a 2 storey dwelling at 233 Snug Harbour Road.

The property recently completed an upgrade to the sewage system serving the property. The upgrade brought the property into compliance with the Ontario Building Code for sewage disposal systems.

The current proposal will not interfere with the location or capacity requirements for the recently installed system. As such, the Building Division – Sewage System Program has no objection to the minor variance request.

Best Regards,

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

Supervisor – Part 8 Sewage Systems

Development Services - Building Division, City of Kawartha Lakes

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





**Quadri Adebayo**

APPENDIX D  
to

**From:** Mark LaHay  
**Sent:** Monday, November 18, 2019 3:21 PM  
**To:** Quadri Adebayo  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20191119 D20-2019-054 - Engineering review

REPORT CoA2019-072  
FILE NO. D20-2019-054

FYI - file

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**From:** Kim Rhodes  
**Sent:** Monday, November 18, 2019 3:14 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20191119 D20-2019-054 - Engineering review

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

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

Minor Variance – D20-2019-054  
233 Snug Harbour  
Part Lot 4, Concession 8, Plan 129, Lot 22  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum interior side yard requirement on the north side from 2.3 metres to 1 metre in order to permit from the construction of an addition onto a two-storey 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](http://www.kawarthalakes.ca)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Barber**  
Report Number COA2019-062

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**Public Meeting**

**Meeting Date:** November 28, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property thus; 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**

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.

The variance is requested at 276 Moorings Drive, geographic Township of Fenelon (File D20-2019-045).

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**Author:** Quadri Adebayo, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2019-062 Bartt Barber be received;

**That** minor variance application D20-2019-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the dwelling and accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2019-062, 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** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory structure(s) or the construction of any addition(s) between the rear wall of the dwelling and the water's edge;
- 3) **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 building permit situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 4) **That** the Building Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2019-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** Committee deferred this application at its October 17, 2019 meeting for a maximum period of 2 months in order to allow sufficient time for the issues identified by the commenting agencies to be addressed and to ensure the proposal can be adequately evaluated for support by planning staff.

Kawartha Conservation (KRCA) have confirmed the following via preliminary conversations with planning staff and advised that they will provide formal comments before the application is presented at the public meeting;

- (i) that they will not be pursuing any violation orders against the applicant since their records show that a permit was issued from their office for the attached garage with living space above (see Appendix E). Since the boat port and

sunroom which were constructed almost 10 years ago, these matters cannot be enforced retroactively; and

- (ii) that Burnt River is a known natural flood hazard for which mitigating measures are limited when the river overflows on land during increased water levels.

The Building Division's enforcement process on the property is still active and subject to the outcome of a minor variance decision. They advised that the sunroom was built without permits whereas the physical build-out of the attached garage with living space above is largely inconsistent with the drawings provided for the building permit that was issued. A minor variance was recommended upon this discovery and the property owner/applicant was also required to get their property surveyed in company with the minor variance application submission.

Planning staff note that the construction of the attached garage with living space above is incomplete due to a stop-work-order issued by the Building Division. Notwithstanding the building enforcement matter in play, planning staff are evaluating the proposal as if the installations subject to this minor variance were non-existent and newly proposed today.

The application was deemed complete September 26, 2019.

Proposal:	To recognize the addition of an approximately 132.3 square metre attached garage with living space (master bedroom) above, and an approximately 16.4 square meter sunroom onto an approximately 69.1 square metre dwelling, and an approximately 27 square metre boat port.
Owner/Applicant:	Bartt Barber
Legal Description:	Part Lot 32, Concession 10, geographic Township of Fenelon, 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 Fenelon Zoning By-law 12-95
Site Size:	850.5 square metres
Site Servicing:	Lake water and private individual sewage system.
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Burnt River, Goose Lake South: Moorings Drive, Cameron Lake

## East and West: Shoreline Residential

**Rationale:** While the boat port and the additions to the dwelling are already built, they do not comply with zoning. Therefore, the Planning Act requires that these installations be presented and discussed as proposed buildings.

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

- (i) **Boat Port - Yes**
  - (ii) **Sunroom – Yes**
  - (iii) **Attached Garage - Yes**
- And**

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

- (i) **Boat Port - Yes**
- (ii) **Sunroom – Yes**
- (iii) **Attached Garage - Yes**

The subject property is amongst a chain of waterfront residential lots on a peninsula that runs west to east separating Burnt River from Cameron Lake. Two sides of the neighbourhood (north and south) are designated as Provincially Significant Wetland in the City of Kawartha Lakes Official Plan.

The property is roughly trapezoidal, widening at the shoreline and narrowing at the street line. The boat port design is a steel frame type with roof cover. The boat slip is made of wood and serves as a base to hold the boat port. Based on the condition of the boat slip, it appears to have been in place prior to the installation of the boat port on top of it. Although a boat port is permitted to be located within the water setback, it is expected to comply with the minimum interior side yard requirement of the by-law. Thus, from a planning perspective, if the applicant consulted with the City staff prior to installation of the boat port, it would have been recommended that it be placed at a minimum of 1.2 metres from the westerly interior side lot line. However, in answering whether the deficiency in that side of the yard is minor, it is pertinent to evaluate likely impact on neighbouring land uses. Burnt River as identified by KRCA is flood prone. The dock and boat slip which do not require building permits from the City are already in place and have established the manner of flooding on the property when there is a rise in water levels. As the installation of the boat port appear to be a nailed fixation on the existing boat slip without the need for digging or landscaping, its placement is not considered to exacerbate the established flooding impact on the property. The eaves of the roof wraps flat along the sides of the boat port with no protruding extension. Notwithstanding the deficiency in the westerly interior side yard, the design of the roof will normally direct stormwater inside the subject property. From a functional perspective, it provides temporary cover for marine craft from weather elements. A similar boat port and boat slip also exists on the abutting property to the east (274 Moorings Drive), and no concerns were raised by commenting agencies.

Respecting the sunroom, the limits of its construction within the rear yard does not protrude beyond the rear yard depth established by the rear deck. The

survey document provided by the owner indicates an improvement in the water setback situation for the sunroom in comparison with the deck. The west corner of the rear deck is 9.36 metres from the water's edge while the east corner, which touches the west side-wall of the sunroom, is 9.99 metres from the water's edge. Whereas the east side-wall of the sunroom is approximately 11.2 metres from the water's edge. If it were newly proposed, an improved water setback situation would have been recommended by planning staff. There is sufficient room on the easterly side yard to enable movement and maintenance. The space in that part of the yard in conjunction with the tree on the neighbouring property also helps to limit any negative massing impact that may result from the addition. The applicant has also demonstrated reason with planning staff's recommendation through the removal of the frame shed located within the water setback that was identified as creating spatial separation issues and interfering with the landscaped amenity space to the water.

Concerning the attached garage addition with living space above it, if it were a new proposal, planning staff would have supported the depth of the wall provided it does not protrude beyond the depth established by the existing dwelling from the water with KRCA approval being a prerequisite. The issuance of a KRCA permit in conjunction with the preliminary comments KRCA has demonstrated that no negative impact is anticipated, plus the property was also identified to be inherently flood-prone. On the other hand, the extent of the addition within the westerly interior side yard would have been supported if it were flush with the front wall of the dwelling at approximately 2.1 metres (0.2 metre less than the minimum requirement). However, the relief requested for a 1.86 metre setback (a 0.44 metre reduction from the minimum requirement) in that side of the yard is considered minor. Site observations suggest that sizeable room is available to navigate between the front and rear yards. The commenting divisions (Building and Engineering) have also not raised any concerns from a spatial separation or drainage perspective. Likewise, the massing of the design is similar to the abutting neighbour to the west (278 Moorings Drive). The scale of the development also appears to be in character with the general neighbourhood which consists of a mix of single and two-storey dwellings.

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

- 3) Do the variances maintain the intent and purpose of the Zoning By-law?**
- (i) Boat Port - Yes**
  - (ii) Sunroom – Yes**
  - (iii) Attached Garage – Yes**

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

The Zoning By-law, through its Environmental Protection Zone setback, has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water

quality and habitat. The proposed water setback for the additions are not anticipated to negatively impact this functionality since the additions will not extend beyond the established dwelling setback for the attached garage with living space above, and the established deck setback for the sunroom. Therefore, sufficient spatial separation between the development and Burnt River will be maintained.

The reduced interior side yard setback for the attached garage provides for sizeable maintenance and pedestrian access between the front and rear yards. The Engineering and Corporate Assets Department has raised no concerns with respect to drainage matters.

The reduced interior side yard is also not anticipated to adversely impact the use or privacy of the westerly abutting property (278 Moorings Drive) given that some vegetation exists along the side yard, and the neighbour also has a privacy fence installed on their side of the property.

Additionally, as explained in rationale 1 and 2 above, the eaves of the boat port roof wraps flat along the sides of the boat port with no protruding extension that directs stormwater inside the deficient interior side yard area. It meets the accessory building lot coverage requirement and functionally provides cover for marine craft from weather elements whereas no concerns were raised by commenting agencies.

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?**

- (i) Boat Port - Yes**
- (ii) Sunroom – Yes**
- (iii) Attached Garage – Yes**

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

The proposed side yard reductions would still function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

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 of 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. KRCA has not raised any issue whilst identifying the neighbourhood to be inherently flood prone. Similarly, the installation of the boat port, sunroom, and attached garage is not anticipated to significantly alter the existing flooding situation.

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

**Other Alternatives Considered:**

Observations from the site inspection suggests that there may be a desire by the applicant to construct an upper level deck by the glassed sliding door of the master bedroom space immediately above the attached garage facing the water. The applicant did not advise of any plans when this was shared with them. Planning staff would like to clarify that an upper level deck will not be supported due to the deficient water setback situation in the rear yard of the subject property. It is strongly recommended that the applicant explore the option of a Juliette balcony that will not project beyond the maximum requirement of 0.6 metres within the rear yard in accordance with the yard provisions of the Township of Fenelon Zoning By-law.

**Servicing Comments:**

The property is serviced by lake water and private individual 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.

Engineering and Corporate Assets Department (October 8, 2019) – No objections.

Kawartha Conservation (October 31, 2019) – No concerns. See preliminary comments in Appendix D3.

**Public Comments:**

Gail and Harold Kukasch - 268 Moorings Drive (October 8 and October 9, 2019):

They advised that the most of the construction on the subject property were done without permits, that the applicant intentionally falsified the drawing figures in order to avoid the appropriate process before construction. They indicated that the boat slip, which was installed by the applicant is too close to their property line, causes their property to flood every spring. The proximity of the newly constructed garage to the boat slip acts as a blockage sending water into their yard. Further, they do not consider the variances to be minor given that the development has impacted their property value, personal safety, and the integrity of their home. They finally suggested that the boat slip area be filled and returned to the original condition when the applicant purchased the property in 2010. See Appendix F1 to F2.

Planning staff response is as follows:

- (i) Permits: comments provided by the permitting agencies did not reflect any concerns following their review of the minor variance application. The building



enforcement matter has been activated, and the minor variance is a step towards satisfying any Building Division requirements. KRCA has also advised that they are unable to pursue enforcement retroactively for portions of the development that was done without permit.

- (ii) Boat Slip: KRCA regulates docks and boat slip construction and have raised no concerns. The zoning by-law does not regulate these installations and they are not part of the relief evaluated under the minor variance tests.
- (iii) Attached Garage: Planning staff typically rely on KRCA's input when there is a water setback deficiency, especially when in proximity to an Environmental Protection Zone. Apparently, KRCA did issue a permit for the attached garage and has advised of no concerns due to the neighbourhood being flood prone. This in conjunction with the planning rationale 1 and 2 above solidifies Staff's position regarding the attached garage. As well, the subject property is not in a site plan control area; therefore, the City's site alteration by-law does apply to the subject property.

Overall, the relief sought through the minor variance is not rationalized to be a root cause of the flooding concerns. Therefore, the City is unable to intervene in the matter as it is considered a civil matter between two property owners.

#### **Attachments:**



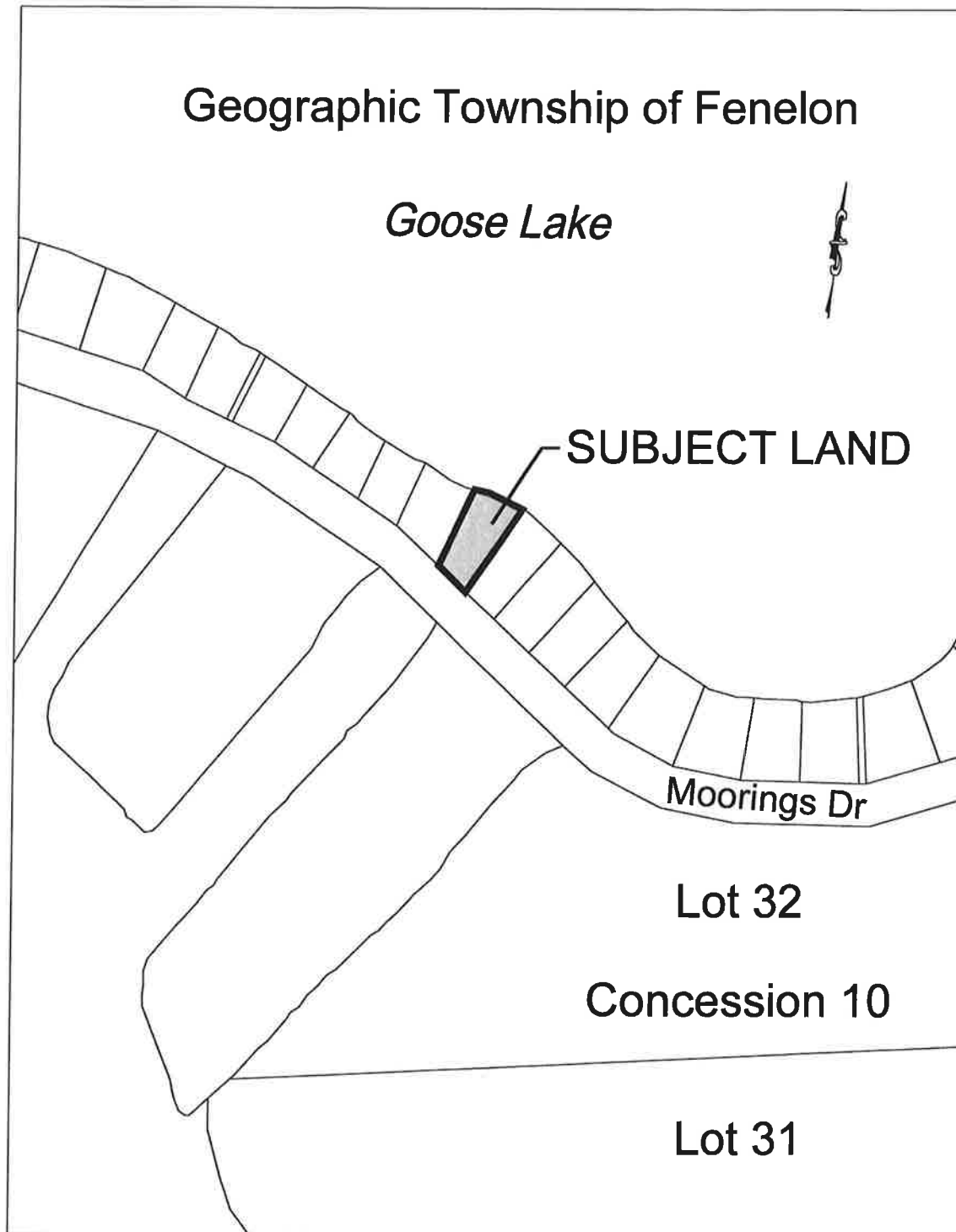
Appendices A-F to  
Report COA2019-062

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D1 to D3 – Department and Agency Comments  
Appendix E – KRCA Permit for the Attached Garage  
Appendix F1 to F2 – Public Comment

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-045

## D20-2019-045



## 276 Moorings Drive, geographic Township of Fenelon



0.11

Kilometers

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



This map is a user generated static map output and is for reference only. A data, layers and text that appear on this map may or may not be accurate current, or otherwise reliable

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### Site Plan Sketch

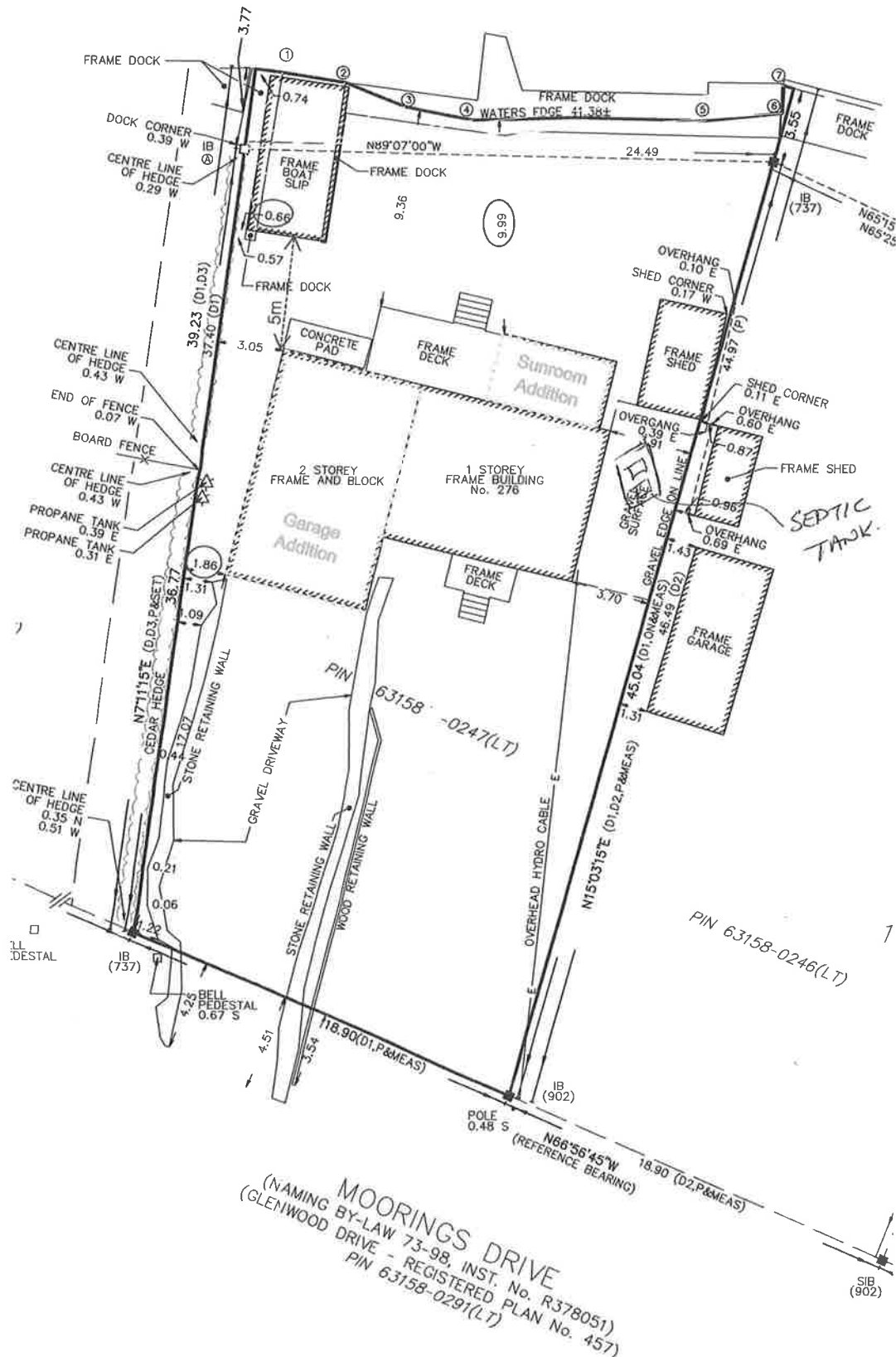
APPENDIX: C

to

BURNED RIVER

REPORT COA2019-062

FILE NO: D20-2019-045



**Quadri Adebayo**

APPENDIX D1

**From:** Derryk Wolven  
**Sent:** Monday, October 07, 2019 11:40 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-045

REPORT COA2019-062

FILE NO. D20-2019-045

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



**Quadri Adebayo**

APPENDIX " D2  
to

**From:** Mark LaHay  
**Sent:** Tuesday, October 08, 2019 4:02 PM  
**To:** Quadri Adebayo  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20191008 D20-2019-045 - Engineering review

REPORT COA2019-062  
FILE NO. D20-2019-045

FYI - file

---

**From:** Kim Rhodes  
**Sent:** Tuesday, October 08, 2019 2:11 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20191008 D20-2019-045 - Engineering review

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

---

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

Minor Variance – D20-2019-045  
276 Moorings Drive  
Part Lot 32, Concession 10  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property thus; 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**

1. 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. to reduce the minimum water setback from 15 metres to 9.99 metres;
3. to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 9.99 metres;

**Attached Garage with Living Space Above**

4. to reduce the minimum water setback from 15 metres to 5 metres;
5. to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and
6. to reduce the minimum interior side yard setback from 2.3 metres to 1.86 metre.

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

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

## Quadri Adebayo

APPENDIX <sup>n</sup> D3  
to

**From:** Erin McGregor <emcgregor@kawarthaconservation.com>  
**Sent:** Thursday, October 31, 2019 1:23 PM  
**To:** Quadri Adebayo  
**Subject:** 276 Moorings Dr - KRCA update

REPORT COA2019-062  
FILE NO. D20-2019-045

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Morning Quadri,

Got your voicemail regarding 276 Moorings Dr.  
In an effort to keep this application moving forward, I will revise our comments to reflect the following:

For the original comments I wasn't aware that all of the structures requiring a minor variance were already constructed. Because all the structures are existing, we can indicate that we have no objections to their minor variances.

We also won't pursue any violations against the applicant. The addition which included a garage and living space above received a permit from this office in July 24. Additionally, the boat slip and sunroom were both built around 2010-2011 I believe. Because it has been almost 10 years since their construction, Jim said he won't pursue any violations.

Regarding the flooding, I'm not sure that there is anything that Kawartha Conservation can do to mitigate the flooding impacts. The Burnt River is a known flooding hazard. The neighbours (Gail and Harold Kukasch) have expressed their concerns to us many times (as I'm sure you're well aware) and they claim that the boat slip is causing the flooding issues on their property. I spoke with some other staff members, and can confirm that it is highly unlikely that the boat slip is causing the flooding or greatly exacerbating it.

I will confirm all of this with Ron.  
Sincerely,

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

Tel: 705.328.2271 ex 232  
Fax: 705.328.2286

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



**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

to



KAWARTHA CONSERVATION  
277 Kenrei Road, Lindsay, ON K9V 4R1  
Tel: 705.328.2271 Fax: 705.328.2288  
www.kawarthaconservation.com

REPORT

COA2019-062

FILE NO.

PERMIT No.

D20-2019-045  
2018-238

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

Valid: July 24, 2018 to July 24, 2020

This permit expires on the date noted above, at which time it becomes null and void.

Should you need to extend the period of validity to allow for you to complete the permitted works, an extension for a maximum of one additional year may be granted. You will need to contact Kawartha Conservation to request an extension a minimum of 60 days prior to the permit expiration date, in order for us to accommodate the extension request, as required per Ontario Regulation 182/06.

Permission has been granted to:

Owner(s):	Bartt Barber	Applicant:	Jonathan Pitcher
Company:		Company:	Kawartha Lakes Draft & Design
Address:	7 Victoria Street East Cooksville, ON L0L 1L0 (H) 416-677-2124	Address:	6-70 Bond Street West Lindsay ON, K9V 3R4
Phone:	(B) 905-660-6831	Phone:	705-328-4518 Kawartha_design@yahoo.ca
Location:	276 Moorings Drive, Lot 32, Concession 10; Geographic Township of Fanelon, City of Kawartha Lakes		
For the:	Construction of a ~ 147.25 square meter garage addition with second-storey master suite above the garage and the associated excavation/grading/fill placement (~11.5 cubic meters) for foundation works		

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

**This permit shall be subject to the attached Special and General  
Conditions and Silt Fence Fact Sheets.**

## OFFICE USE ONLY

- ☐ Owner: Bartt Barber  
☐ Applicant: Jonathan Pitcher  
☐ Building Dept  
☐ KRCA File: 16400

Ron Warne  
Director, Planning, Development & Engineering

Applicant Signature

Date July 24, 2018

Date

Permit No. 2018-238

Page 1/5





## Charlotte Crockford-Toomey

APPENDIX " F1  
to

**From:** Quadri Adebayo  
**Sent:** Tuesday, October 08, 2019 2:25 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** FW: Barber Variance D20-2019-045  
**Attachments:** IMG\_3208.jpeg; IMG\_3209.JPG; IMG\_3210.JPG

REPORT COA2019-062  
FILE NO. D20-2019-045

FYI – File. Thanks

**From:** G K [<mailto:gailkukasch@gmail.com>]  
**Sent:** Tuesday, October 08, 2019 12:09 PM  
**To:** Quadri Adebayo  
**Subject:** Barber Variance D20-2019-045

To the committee of adjustments:

We are writing to express our concerns regarding the above on the property directly to our east. We expected this process to happen prior to the construction of the addition so that the plans would be made to conform. Mr Barber was fully aware that a variance was required prior to building but chose to use false figures making it appear his drawings conformed. Numerous calls to the building department both prior to and since the permit was issued seem to have been disregarded. Now, the newest addition, there have been others done without permits, is not only too close to our property by 18 inches in the front corner of the new garage, crowding us again, but is ridiculously close to the river at a distance of 5 meters from the poorly built boat slip which Mr Barber added. This area, which is only 0.66 meters from the property line, is subject to flooding from the boat slip every spring. The new garage acts as a blockade sending the waters into our yard, being the only point where water is an issue the last few years. Our property value is impacted as well as our personal safety and the integrity of our home. We do not consider these to be MINOR variances in any way. Mr Barber's disregard for the laws and neighbours should not be rewarded by approval of this blatant abuse. If he were applying for a permit thru the proper process I am quite certain it would be denied. Allowing him to proceed will encourage more of this type of back door approval and does not in any way protect us.

We will attach photos of the boat slip which have been provided previously so the file is complete.

We appreciate your time and consideration of these concerns.

Gail and Harold Kukasch  
278 Moorings Dr

As a side note, we are unable to attend the meeting on Oct 17, but can be reached by phone at 239 400-1900 or email if further clarification is required. We are out of the country as of October 15.







**Quadri Adebayo**

APPENDIX " F2 "

**From:** Charlotte Crockford-Toomey  
**Sent:** Wednesday, October 09, 2019 3:39 PM  
**To:** Quadri Adebayo  
**Subject:** FW: FW: Memorandum D20-2019-045, 276 Moorings Drive

REPORT COA2019-062  
FILE NO. D20-2019-045

Fyi

**Charlotte Crockford-Toomey**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** G K [<mailto:gailkukasch@gmail.com>]  
**Sent:** Wednesday, October 09, 2019 3:35 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Re: FW: Memorandum D20-2019-045, 276 Moorings Drive

Thank you very much. We appreciate any and all updates. We did speak with Jim Shrubsall this morning over our concerns about the boat slip...the proximity to our property, flooding from it every spring etc. We are extremely concerned about this aspect being overlooked. I would like to suggest it be filled in and returned to the way the property was when Mr Barber purchased in May 2010.

Gail and Harold Kukasch

On Wed, Oct 9, 2019 at 3:21 PM Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)> wrote:

Please find attached.

**Charlotte Crockford-Toomey**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**From:** Charlotte Crockford-Toomey  
**Sent:** Wednesday, October 09, 2019 3:20 PM  
**To:** 'gailkukasch@gmail.com'  
**Subject:** Memorandum D20-2019-045, 276 Moorings Drive  
**Importance:** High

Good afternoon Gail and Harold

Please find attached a copy of the memorandum, D20-2019-045.

Many thanks

**Charlotte Crockford-Toomey**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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

## **Committee of Adjustment Report – MacDonald**

Report Number COA2019-073

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### **Public Meeting**

**Meeting Date:** November 28, 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 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).

---

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

**Signature:**



---

### **Recommendations:**

**Resolved That** Report COA2019-073 MacDonald, be received;

**That** minor variance application D20-2019-004 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C, the landscape plan sketch in Appendix D and the landscape plan elevation in Appendix E submitted as part of report COA2019-073; and
- 2) **That** the building construction related to the minor variances shall be completed within a period of four (4) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-073. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** This application is the result of a Building Division enforcement matter. The application had been deferred by the Committee at its February 21, May 16, July 18, and November 7, 2019 meetings.

At its November 7, 2019 meeting, the Committee received a memorandum by Richard Holy, Manager of Planning, recommending that instead of Committee contemplating the action outlined in staff report COA2019-069 prepared for that meeting, the application be deferred one further time and brought back to the November 28 meeting for a decision. Staff brought forward the memo in light of recent numerous discussions with Adam Hayter of RWH Construction.

The Committee agreed to defer the application one further time to:

- (1) Ensure the necessary fees to prepare the site plan agreement and securities were paid and the agreement executed,
- (2) Confirm the colour of the parging work to the garage foundation; and
- (3) Confirm the two faux windows had been installed, all in accordance with its endorsement of the staff memorandum at its July 18, 2019 meeting.

Staff is very pleased to announce that we have received:

- (1) Confirmation that the faux windows are installed,
- (2) Confirmation that the foundation is parged,
- (3) The applicable fees for creation of a site plan agreement along with required securities (see Appendices D and E for attached agreement schedules),
- (4) Copies of the site plan agreement signed by the owners and the Mayor and Clerk, which has been forwarded for registration; and
- (5) Payment of the application deferral fees.

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

**Owner:** Nancy and Shirley MacDonald

**Applicant:** Adam Hayter - RWH Construction



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

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

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

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

Site Servicing: Private individual well and septic system

Existing Uses: Residential

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

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

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

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

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

From the road, the subject property steadily rises up to the house, and rises more gently from the dwelling to the rear lot line. The existing dwelling is served by an attached garage at its northern end. The dwelling is built into the slope such that the west basement wall is partially to fully exposed. The attached garage is located on the basement level of the dwelling.

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

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

Vegetation has been planted around the garage. A planting plan for vegetation around the garage has been approved by the Planning Division and is

contained in a site plan agreement. The vegetation consists of five columnar maples, three serbian spruce, and two serviceberry shrubs. This vegetation ties the garage into the surrounding landscape through softening the built form by providing deciduous and coniferous screening. Two faux windows have been added to the west garage face in order to provide further visual interest to the taller west wall, as the west wall remains visible through gaps in the columnar maples when they are in leaf, and will be even more visible in the winter when the maple trees drop their leaves.

The parging of the foundation does soften the appearance of the exposed foundation that can be seen on the south and west garage walls by removing the uneven edges left by the concrete foundation forms during construction. The serviceberry shrubs will further assist in screening the visible foundation over time.

Due to the above analysis, 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 intent of the General Provisions section is to relegate the storage function of accessory buildings 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. This prominence shapes the residential character of the neighbourhood.

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 usually do not impact the character of the neighbourhood as they are not usually in prominent locations and are often overshadowed by the dwelling as the main building. 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 the 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.

Eight trees and two shrubs have been planted around the garage in accordance with the approved planting plan as contained in the site plan agreement. This vegetation ties the garage into the surrounding landscape by softening the built form through deciduous and coniferous screening. Two faux windows have also been added to add character to the wall facing the street to better address the residential nature of the streetscape.

As such, the garage compliments the character of the streetscape while providing the storage functionality within the front yard that the owners desire.

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 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. An alternative solution consisting of landscaping, faux windows and foundation parging has been implemented.

**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-F to  
COA2019-073.pdf

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

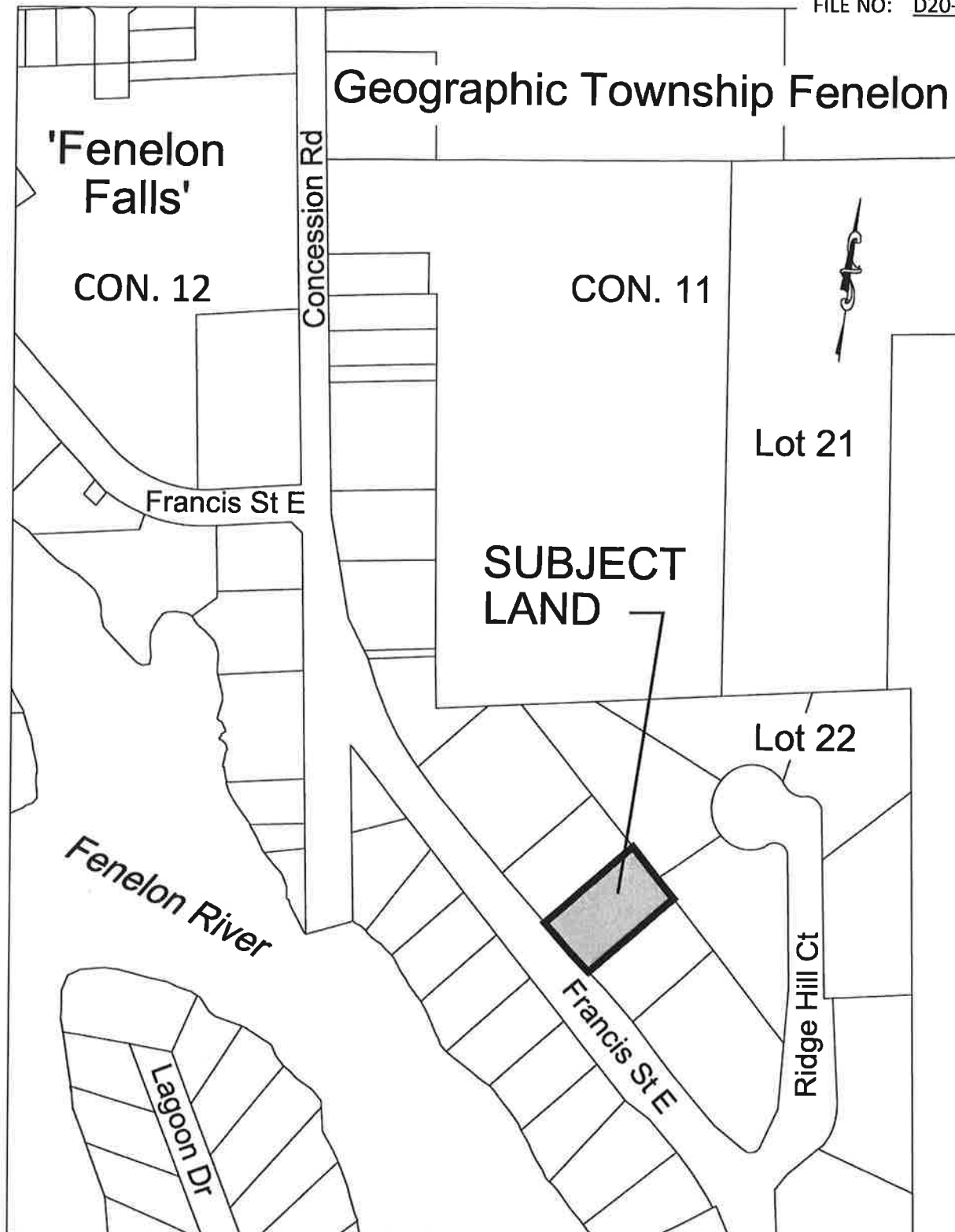
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**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-004

to

REPORT COA2019-073

FILE NO: D20-2019-004





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 " C "

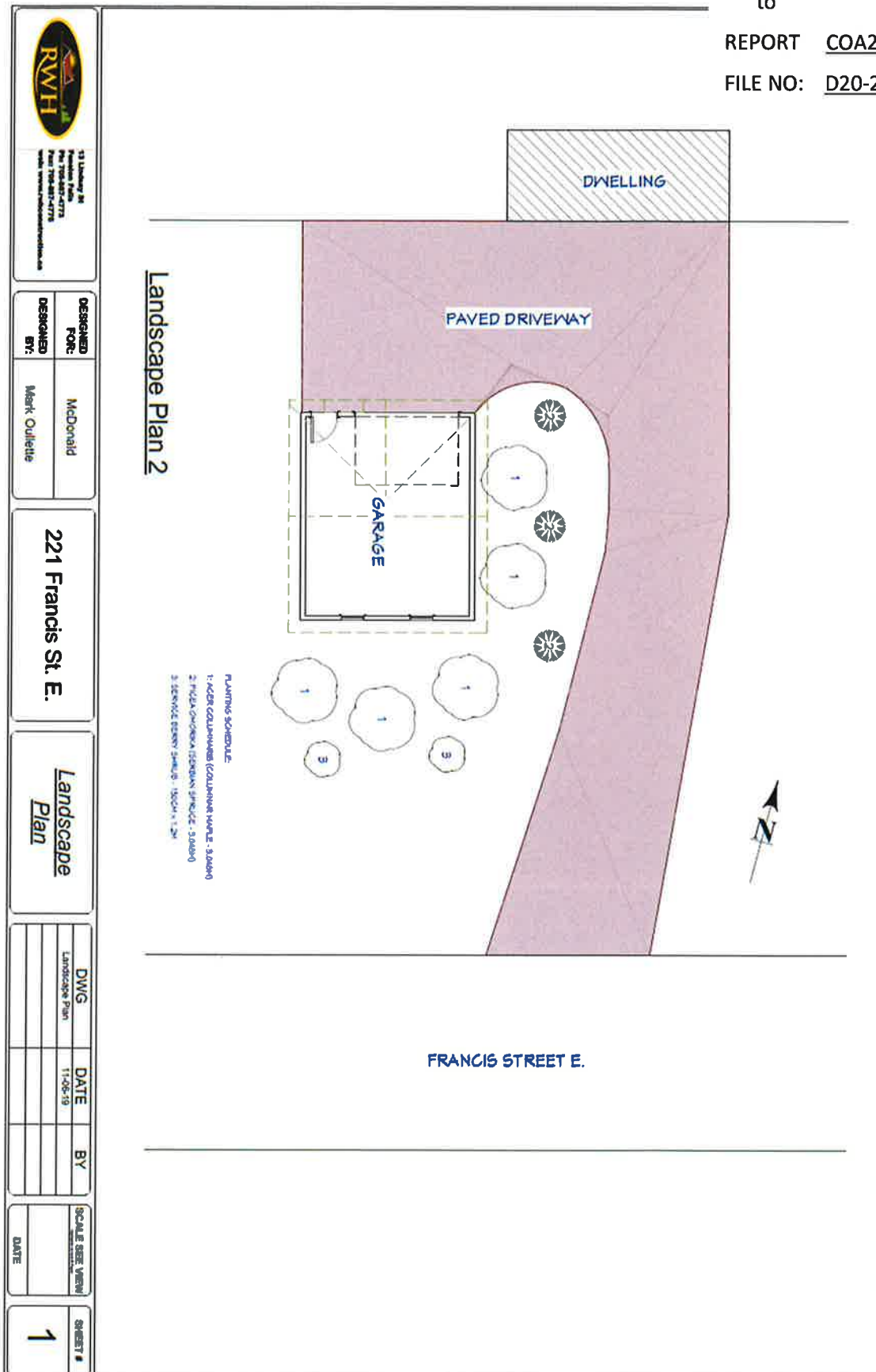
to

REPORT COA2019-073

FILE NO: D20-2019-004

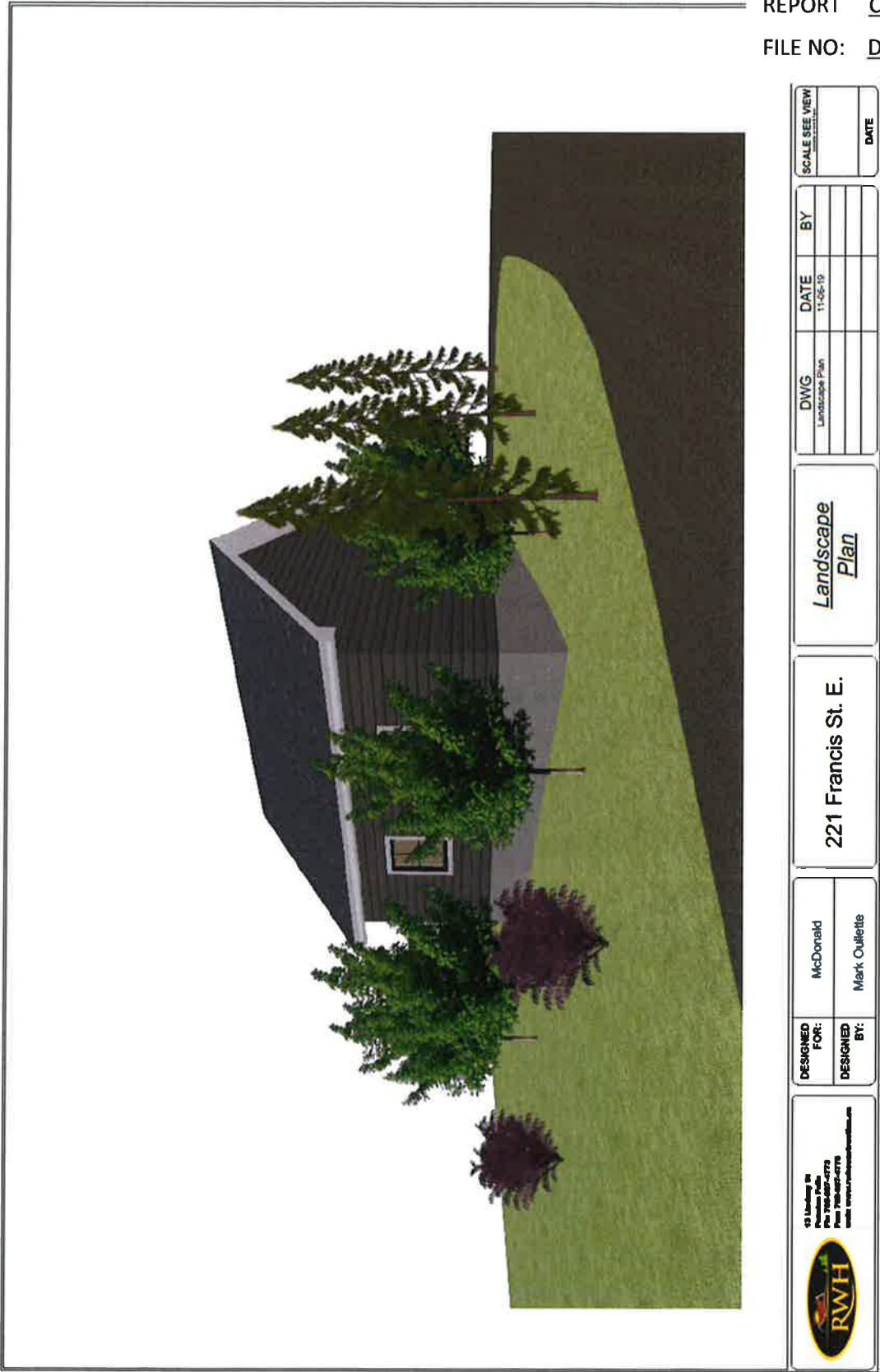








to  
REPORT COA2019-073  
FILE NO: D20-2019-004



**David Harding**

APPENDIX " F "

to

REPORT COA2019-073

FILE NO. D20-2019-004

**From:** Anne Elmhirst  
**Sent:** Tuesday, February 05, 2019 10:55 AM  
**To:** Erica Hallett  
**Subject:** D20-2019-004 - 221 Francis St

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

Hello Erica,

RE: Minor Variance Application D20-2019-004  
221 Francis St., Former Fenelon Township,  
Conc. 11, Part Lot 21, Plan 57R2234, Part 2,  
Roll No. 165121006048202

I have received and reviewed the request for minor variance to allow a detached garage to be constructed in the front yard of the property and completed a site visit.

A sewage system file (F-67-91) was located for this property. The sewage system is located in the front yard adjacent to the driveway. The constructed detached garage has been maintained the required clearance distance to the distribution lines of the leaching bed.

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

Best Regards,

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



**Via E-Mail: 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

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

#### **Water Quality**

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

#### **Recommendation**

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

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

Yours Truly,



Kent Stainton  
Resources Planner  
Extension 232  
kstainton@kawarthaconservation.com

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

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## Erica Hallett

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

Please see building division comments:

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

### Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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





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

## MEMORANDUM

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

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

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

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

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

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

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

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

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

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

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