

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

COA2020-001

Thursday, January 23, 2020

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Emmett Yeo

David Marsh

Andre O'Bumsawin

Sandra Richardson

Lloyd Robertson

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1.	Call to Order	
1.1	Election of the Chair	
1.2	Election of the Vice Chair	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.1.1	COA2020-01.2.1.1 January 23, 2020 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2019-12.2.3.1 November 28, 2019 Committee of Adjustment Minutes	4 - 15
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2020-001 David Harding, Planner II, RPP, MCIP File Number: D20-2019-055 Location:1022 Highway 7 North Part Lot 17, Concession 8 Geographic Township of Mariposa Owners: Earl Marks and Linda Ward Applicants: Earl Marks and Linda Ward	16 - 24

3.1.2 COA2020-002 25 - 34
David Harding, Planner II, RPP, MCIP
File Number: D20-2019-056
Location: 76 Kozy Kove Road
Part Lot 16, Concession 4, Lot 17, Plan 399
Geographic Township of Somerville
Owner: Donald Sellers
Applicant: Donald Sellers

3.1.3 COA2020-003 35 - 45
David Harding, Planner II, RPP, MCIP
File Number: D20-2019-057
Location: Birch Glen Drive
Lots 9 and 10, Concession 7, Part Lot 16, Plan 184
Geographic Township of Somerville
Owners: Bruce and Andrew Gibson
Applicant: Bruce and Andrew Gibson

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, February 20, 2020 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

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

COA2019-012
Thursday, November 28, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

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

Chair Robertson called the meeting to order at 1:00 p.m. Members A. O'Bumsawin and S. Richardson were in attendance.

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

Absent: Councillor Yeo and D. Marsh.

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-12.2.1.1

November 28, 2019
Committee of Adjustment Agenda

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

That the agenda for the November 28, 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 COA2019-11.2.3.1

November 7, 2019
Committee of Adjustment Minutes

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

That the minutes of the previous meeting held November 7, 2019 be adopted as circulated.

Carried

3. New Applications

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

Mr. Harding summarized Report COA2019-070, to request relief in order to reconstruct and expand an existing single detached dwelling. The application is a result of a Building Division enforcement file. Mr. Harding stated Condition 4, line 2, which read "evidence that building identified as" be amended to read "evidence that the building identified as". He also stated Condition 5, first line, which read "That the building construction related to the minor variance" be amended to read "That the building construction related to the minor variances".

Agency comments received from the Building Division and Engineering and Corporate Assets Department had no concerns. Kawartha Region Conservation Authority stated that the owners are aware permits are required for proposed work. New additions must be flood-proofed 0.3 metres above the regulatory flood elevation. Building Division - Part 8 Sewage Systems object and require the owner to submit an application for changes to the existing sewage system.

Mr. Harding noted that comments had been received from Community Services since the writing of the report and they had no concerns.

Ms. Murchison, Chief Building Official was present and gave a background summary of events. An order to comply was issued September 6th; and an inspection on September 30th. On October 15th the applicant was advised to apply for a minor variance.

The applicant Mr. Newhook was present and spoke to the Committee outlining how the situation occurred from his perspective. Mr. Newhook requested Condition 5, be amended to extend building construction from 6 to 12 months.

The Committee stated that once again owners are building without permits. The Committee asked if there would be any problem extending Condition 5 from 6 to

12 months. Ms. Murchison, Chief Building Official replied that it is not necessary as 6 months is for the first building inspection, not occupancy. Mr. Newhook stated that he is working with the sewage system supervisor on a new sewage system design.

No further questions from the Committee or other persons.

Moved By S. Richardson

Seconded By A. O'Bumsawin

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 the 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 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 COA2019-070. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2019-071

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

Mr. Harding summarized Report COA2019-071, to request relief to facilitate the separation of ownership of two cottages and recognize the location of an existing cabin.

Agency comments received from Engineering and Corporate Assets Department and Building Division and Part 8 Sewage Systems had no concerns. Comments received from Community Services after the writing of the report on November 25 had no concerns.

The Committee asked staff if the third parcel is to be shared to the owners either side. Staff replied, yes.

The Committee asked how old the buildings on the subject property are. Staff replied varying ages, the original cottages were built in the 50s/60s an addition was put on the cottage on Part 2 with variances before 2012 and the cabin was built in 1988.

The applicant, Earle Baker was present but did not wish to speak.

No further questions from the Committee or other persons.

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

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.

Carried

3.1.3 COA2019-072

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

Mr. Adebayo summarized Report COA2019-072, to request relief in order to permit the construction of an addition onto a two-storey dwelling.

Agency comments received from Building Division - Part 8 Sewage System and Engineering and Corporate Assets had no objections. Agency comments received from Community Services after the writing of the report had no concerns.

The Committee asked staff if the applicant obtained building permits for the ongoing construction and landscaping on the property. Staff responded yes, the variance is for the side of the property where construction has not been effected.

The applicant, Henry Wolters, 233 Snug Harbour Road was present and spoke to the Committee. He gave a brief overview of the age of the property and the issues with the basement, interior stairs and second floor. He also stated that he has a medical condition which is why work had taken place on the interior stairs.

The Chief Building Official Ms. Murchison substantiated staff's earlier comment stating that three permits were issued for the septic, deck and interior stairs but

no permits for other interior work as yet.

An amendment to Condition 2, line 2, was made "That notwithstanding the definition of rear yard, the granting of the variance for the reduced front yard setback" be amended to read" That notwithstanding the definition of rear yard, the granting of the variance for the dwelling".

No further questions from the Committee or other persons.

Moved By A. O'Bumsawin

Seconded By S. Richardson

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 dwelling 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.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2019-062

Quadri Adebayo, Planner II
File Number: D20-2019-045
Location: 276 Moorings Drive
Part Lot 32, Concession 10
Geographic Township of Fenelon
Owner: Bartt Barber
Applicant: Bartt Barber

Mr. Adebayo summarized Report COA2019-062, to request relief 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. The Committee deferred the application at its October 17, 2019 meeting for a maximum period of 2 months to allow sufficient time for the issues identified by commenting agencies to be addressed and to ensure the proposal can be supported by staff.

The building division enforcement process on the property is still active and subject to the outcome of a minor variance decision. 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 noted that the construction of the attached garage with living space above is incomplete due to a stop-work-order issued by the Building Division. Staff are evaluating the proposal as if the installations subject to this minor variance were non-existent and newly proposed today.

Agency comments received from Kawartha Region Conservation Authority had no concerns. See preliminary comments in Appendix D3 of Report COA2019-

062. Engineering and Corporate Assets had no objections. Building Division had no concerns.

Public comments received from Gail and Harold Kukasch, 268 Moorings Drive, advised that most of the construction on the subject property was done without permits and is causing their property to flood during spring.

Ms. Murchison, Chief Building Official was present and stated that an order to comply was issued not a stop-work-order. Ms. Murchison continued to give a brief overview of events that led to the issuance of an order to comply. Including that it took some heavy-handed effort to get the applicant to eventually comply.

The Committee questioned page 7 of the report, "Other Alternatives Considered". Ms. Murchison and The Manager of Planning, Mr. Holy agreed that a Juliette balcony is a loose term that could be misconstrued. It is better to say no decks or external floors in the wall-opening of the master bedroom except a guard to the outside wall. They suggested that a condition be added to prevent an upper level deck. Condition 4 was added and read "That an elevated deck or extension is not permitted in the rear yard". Previous Condition 4 now becoming Condition 5.

The Committee asked if it was confirmed that the boat slip installation is a cause of the flooding in spring. Staff replied that the objectors are aware of the area being a flood zone. Agency comments received together with staff analysis did not rationalize any of the installation as being a root cause of flooding in the area.

Applicant, Mr. Barber was present and spoke to the Committee. He also stated that the neighbour had filled the creek between the cottages which caused the flooding. And that they are looking to comply with building enforcement.

Committee asked if drainage control can be put in the interior side yard. Ms. Murchison responded that through the building code, a side yard is typically graded with maybe a requirement to install swales. A lot grading and drainage plan only applies to new builds and not additions.

No further questions from the Committee or other persons.

Moved By S. Richardson

Seconded By A. O'Bumsawin

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;
4. **That** an elevated deck or extension is not permitted in the rear yard; and
5. **That** the Building Permit process shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

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

Carried

4.1.2 COA2019-073

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. Harding summarized Report COA2019-073, to permit the constructed detached garage. The application was 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 the Committee contemplating the action outlined in staff report COA2019-069 prepared for that meeting, that the application be deferred one further time and brought back to the November 28 meeting for a decision. The Committee agreed to defer the application to give the applicant time to meet the requirements discussed. Mr. Harding was pleased to announce that he had received:

- 1) Confirmation that the faux windows are installed.
- 2) Confirmation that the foundation is parged.
- 3) The application fees for creation of a site plan agreement along with required securities.
- 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.

Ms. Murchison, Chief Building Official had no comments.

The applicant, Ryan Hayter was present and spoke to the Committee.

No further questions from the Committee or other persons.

Moved By S. Richardson

Seconded By A. O'Bumsawin

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.

Carried

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

Moved By A. O'Bumsawin

Seconded By S. Richardson

That the meeting be adjourned at 2:20pm.



Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Marks and Ward
Report Number COA2020-001

Public Meeting

Meeting Date: January 23, 2020 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from Section 3.1.3.1(c) to increase the maximum permitted footprint of all residential accessory buildings from 150 square metres to 295 square metres to permit the construction of a 223 square metre storage building.

The variance is requested at 1022 Highway 7, geographic Township of Mariposa (File D20-2019-055).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2020-001 Marks and Ward, be received;

That minor variance application D20-2019-055 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-001, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The subject property contains a legal non-conforming barn within the rear yard, constructed circa 1959 according to

MPAC. The barn is now used for storage, and measures approximately 5.7 metres x 8.5 metres (19 feet x 28 feet).

The owners propose to replace the barn with a 12.2 metre x 18.2 metre (40 feet x 60 feet) residential accessory storage building to contain classic cars, a tractor and implements and equipment.

The application was submitted November 28, 2019.

- Proposal: To construct a 12.2 metre x 18.2 metre residential accessory storage building.
- Applicant: Earl Marks
- Owners: Earl Marks and Linda Ward
- Legal Description: 1022 Highway 7, North Part of Lot 17, Concession 8, geographic Township of Mariposa, City of Kawartha Lakes
- Official Plan: Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan
- Zone: Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07
- Site Size: 6,536 square metres (1.62 acres)
- Site Servicing: Private individual well and septic system
- Existing Uses: Rural Residential
- Adjacent Uses: North: Agricultural, Highway Commercial, Rural Residential
East: Rural Residential, Mariposa Brook
West, South: 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 situated in a rural area where there is a small cluster of rural residential lots. One of these lots, 1027 Highway 7, appears to contain some sort of motor vehicle or farm implement service building. The exact use of this building could not be discerned as there was no visible business sign.

Rural residential lots addressed as 1025 and 1035 Highway 7, also located across the highway from the subject property, contain larger garages/storage buildings as well.

The garages/accessory storage buildings at all three properties are similar to or exceed the size of their respective dwellings. The garages/accessory storage

buildings are consistent with the size and appearance of larger storage buildings found within the rural landscape. As the rural residential cluster is within an agricultural area, the scale of these garages/accessory storage buildings are in keeping with the character of the broader rural landscape.

While the storage building proposed on the subject property will be larger than the dwelling, the dwelling is located near the highway and the storage building is proposed at the rear of the property. This provides about 46 metres or 151 feet of spatial separation. This separation lessens any potential massing impacts that may cause the dwelling to no longer appear as the primary use on the lot.

The subject property is also screened from the west by a coniferous hedgerow, which would better tie the building into the landscape.

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

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

Yes

The property is zoned Agricultural (A1) Zone within the Township of Mariposa Zoning By-law 94-07. Relief is sought from a provision contained within the General Provisions section.

One General Provision regulates the maximum footprint of residential accessory buildings in order to ensure accessory uses on the property do not dwarf the scale of the dwelling as the dwelling is the primary use. Regulating scale assists in regulating character. In this case, larger residential accessory buildings within the rural residential cluster, which is located within an agricultural area, are in keeping with the rural character established within the cluster and the broader agricultural landscape.

Further, the: (1) location of the dwelling close to the highway, (2) placement of the proposed building directly behind rather than to the side of the dwelling, and (3) degree of spatial separation between the dwelling and the proposed storage building ensures that the dwelling retains its visual prominence on the lot. The retention of the west hedgerow also assists in better tying the proposed building into the landscape.

Additionally, because the lot is relatively large, a larger accessory building may be accommodated on the property without it appearing too large for the scale of the property. The total proposed lot coverage of the existing detached garage by the house and the proposed storage building is about 4.52%.

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 Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan.

The Prime Agricultural designation identifies lands which are primarily class 1-3 soils and contains policies to protect the long term agricultural viability of the landscape. The designation also recognizes the existence of existing rural residential lots of record. As such, low density residential uses and their associated accessory uses are anticipated within this designation.

No development is proposed within the portion of the property designated Environmental Protection.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by individual well and septic system.

Consultations:

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

Agency Comments:

Development Engineering Division (January 14, 2020): No concerns.

Public Comments:

No comments as of January 14, 2020.

Attachments:



Appendices A-E to
COA2020-001.pdf

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

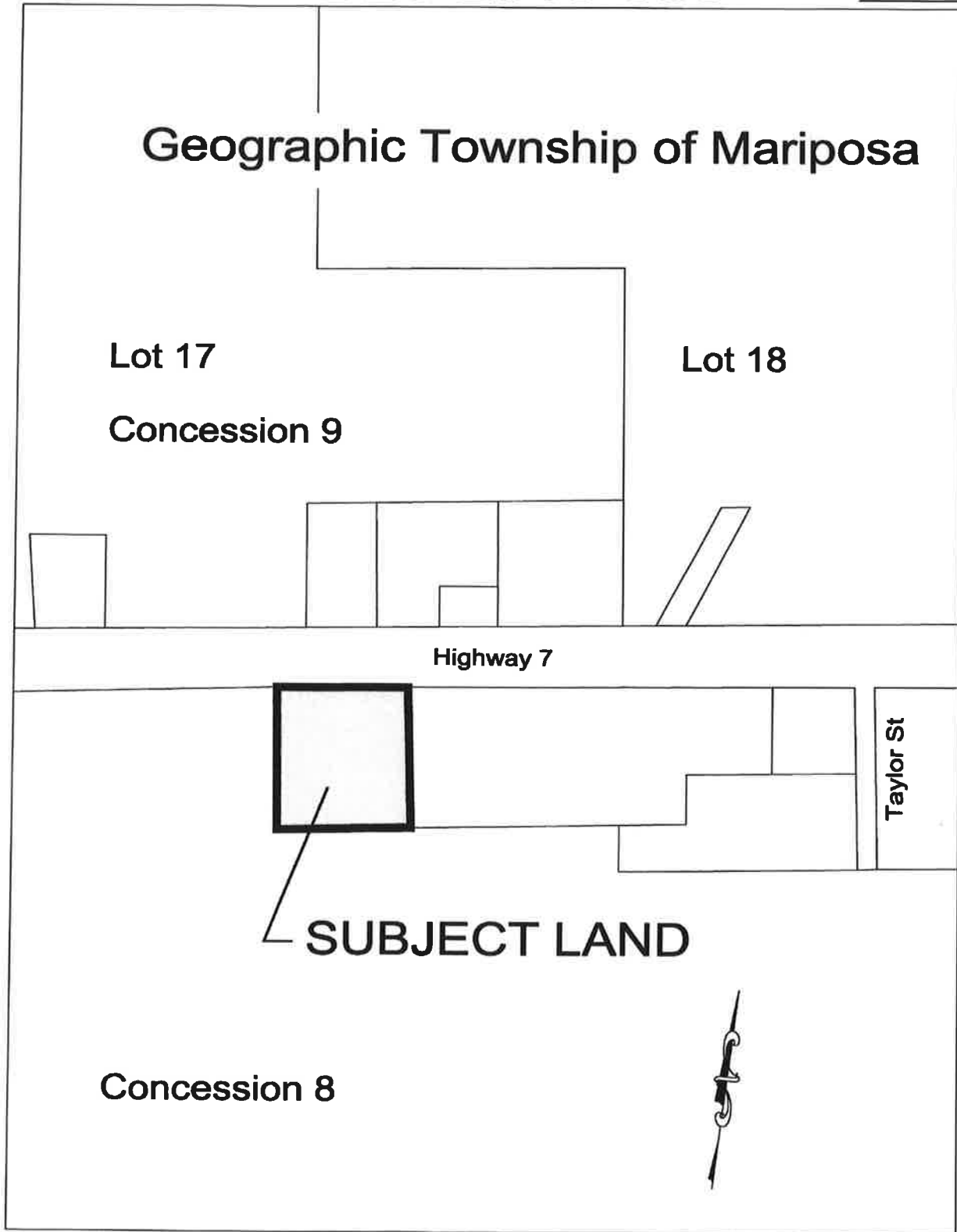
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-055

to

REPORT COA2020-001

FILE NO: D20-2019-055

D20-2019-055





APPENDIX " D "

to

REPORT COA2020-001

FILE NO: D20-2019-055



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Proposed BUILDING

David Harding

From: Mark LaHay
Sent: Tuesday, January 14, 2020 1:58 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200114 D20-2019-055 - Engineering review

APPENDIX " E "
to
REPORT CoA 2020 - 001
FILE NO. D20 - 2019-055

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Tuesday, January 14, 2020 12:43 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200114 D20-2019-055 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-055
1022 Highway 7
North Part Lot 17, Concession 8
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief to increase the maximum permitted footprint of all residential accessory buildings from 150 square metres to 295 square metres to permit the construction of a 223 square metre storage building.

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

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

Thanks,

CHRISTINA

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



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Sellers

Report Number COA2020-002

Public Meeting

Meeting Date: January 23, 2020 1:00 pm

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

Ward: 2 – Geographic Township of Somerville

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

1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement;
2. Section 5.2(f) to reduce the minimum water setback from 15 metres to 5.5 metres to permit the construction of a raised deck and stairs; and
3. Section 5.2(d) to reduce the minimum rear yard from 7.5 metres to 5.5 metres to permit the construction of a raised deck and stairs

The variances are requested at 76 Kozy Kove, geographic Township of Somerville (File D20-2019-056).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2020-002 Sellers, be received;

That minor variance application D20-2019-056 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-002, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property contains a legal non-complying vacation dwelling, constructed circa 1962 according to MPAC.
The owners propose to replace the current foundation with a new one to meet current flood proofing requirements. The flood proofing will result in the raising of the dwelling by about 1 metre. The new basement will remain a crawlspace.
This application was submitted December 4, 2019.

Proposal: To raise an existing single storey vacation dwelling.

Owner: Donald Sellers

Legal Description: Lot 17, Plan 399, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Environmental Protection within the City of Kawartha Lakes Official Plan

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

Site Size: 1,301.40 square metres (14,008.1 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Rural Residential

Adjacent Uses: North: Burnt River
East, West: Shoreline Residential
West, South: Forest

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject property is situated in a neighbourhood along the southern bank of the Burnt River.

The property slopes gently from the road down to the dwelling. Behind the dwelling is a small rear yard. The rear yard is elevated approximately 2-2.5 metres above the river's normal summer water level. The rear yard is separated from the river by a metal breakwall.

The owners are replacing the existing foundation with one that is more flood proof. As part of those works, the dwelling is proposed to be raised on its

current footprint. The dwelling currently accesses the rear yard through a deck, which is proposed to be raised on the existing footprint to continue to provide access from the dwelling to the rear yard.

The existing dwelling is in close proximity to the shoreline in relation to the other dwellings within the area. However, as the footprint of the dwelling is not changing, and an additional storey is not being added, the overall massing shoreline impacts resulting from an additional ~1 metre height increase are anticipated to be minimal.

The renovations will better secure the established residential use from flood damage.

Due to the above analysis, 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 with a floodplain (F) Symbol within the Township of Somerville Zoning By-law 78-45.

One of the functions of the rear yard and water setbacks are to provide sufficient amenity space. The property is currently operating with deck amenity space and a smaller depth of landscaped amenity space between the deck and river. Another function is to provide sufficient landscaped open space to assist with the infiltration and attenuation of storm water. The reduced proximity to the shoreline is an existing condition and the application is not anticipated to alter the existing conditions.

Further, should additional landscaped amenity space be desired for recreational purposes, the front yard is available.

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

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

The property is designated Environmental Protection within the City of Kawartha Lakes Official Plan due to its proximity to the Burnt River.

The objective of the Environmental Protection designation is to direct development away from lands deemed hazardous due to flooding, erosion, poor drainage, or other physical conditions which could cause loss to property or loss of life.

While the EP designation does not permit new development, the OP does have policies which apply to existing uses. In such situations, developable lots are zoned appropriately. As the property is zoned Limited Service Residential and contains a flood plain (F) symbol, appropriate flood proofing measures are in place to ensure the lot can be adequately developed.

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

Other Alternatives Considered:

Relocation of the dwelling further inland was discussed. However, the location of the existing septic system, which is proposed to remain, impedes the ability to relocate the dwelling.

Servicing Comments:

The property is serviced by individual well and septic system.

Consultations:

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

Agency Comments:

Development Engineering Division (January 14, 2020): No concerns.

Kawartha Region Conservation Authority (January 14, 2020): No concerns.

Public Comments:

No comments as of January 14, 2020.

Attachments:



Appendices A-D to
COA2020-002.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

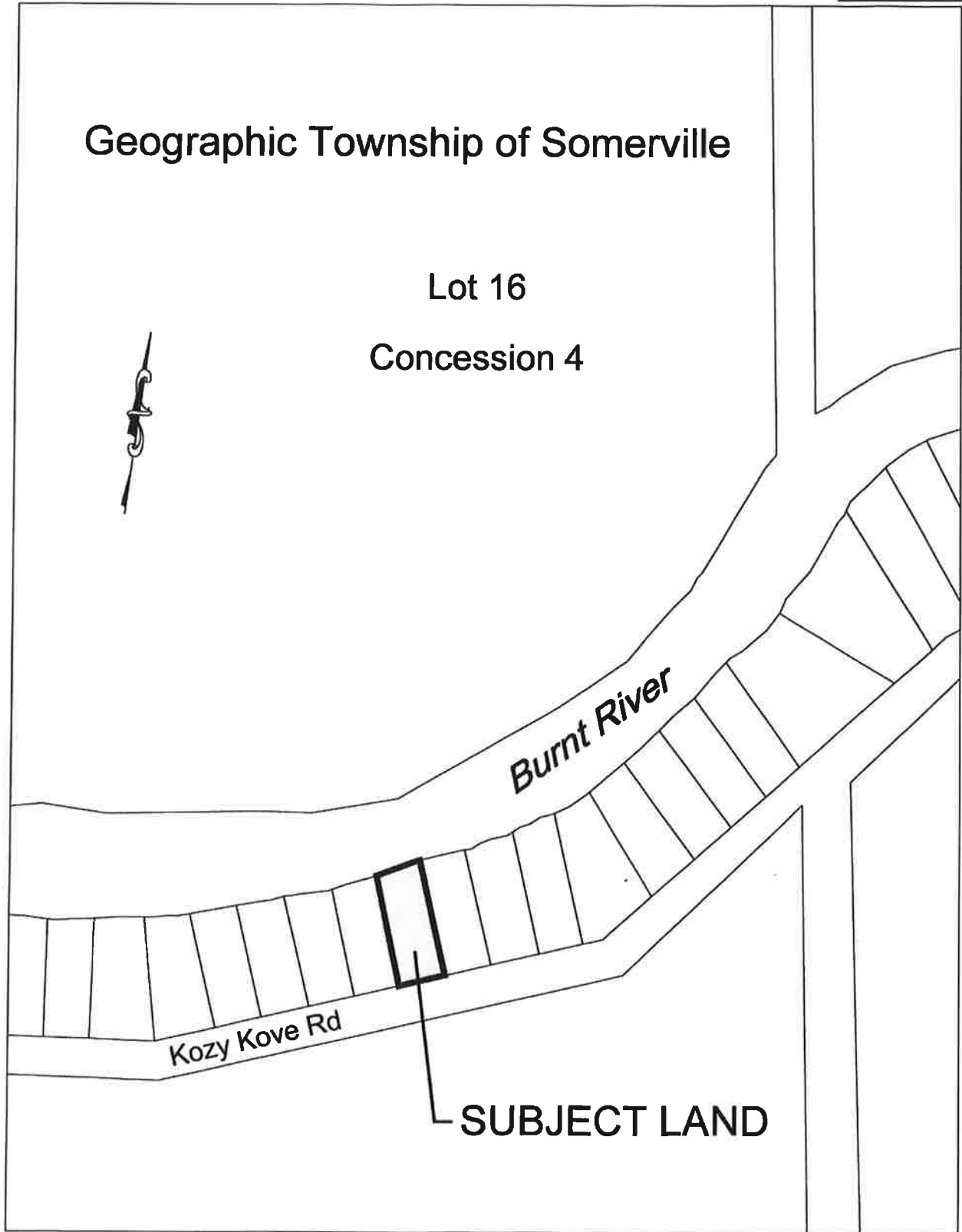
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-056

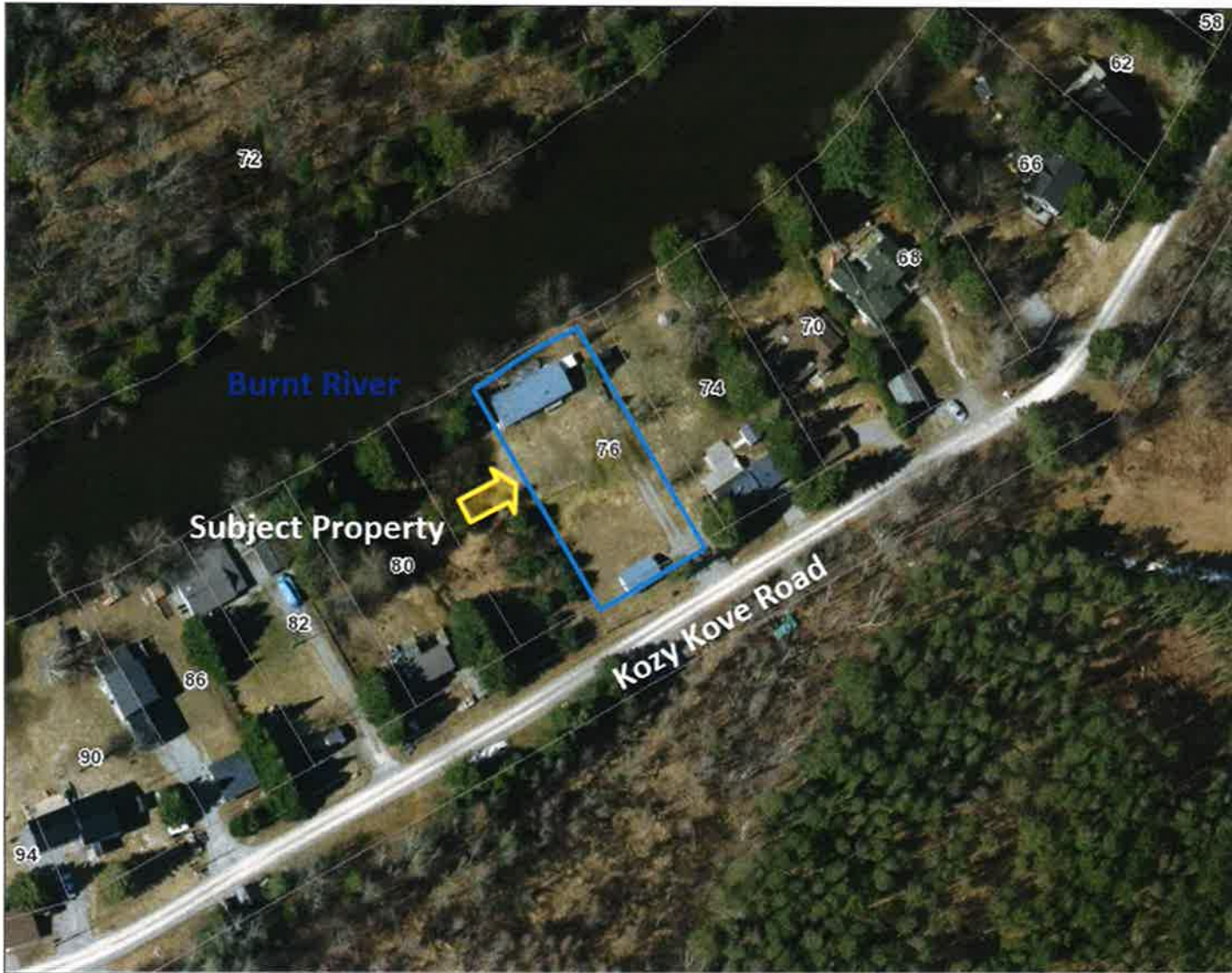
to

REPORT COA2020-002

FILE NO: D20-2019-056

D20-2019-056





0.08 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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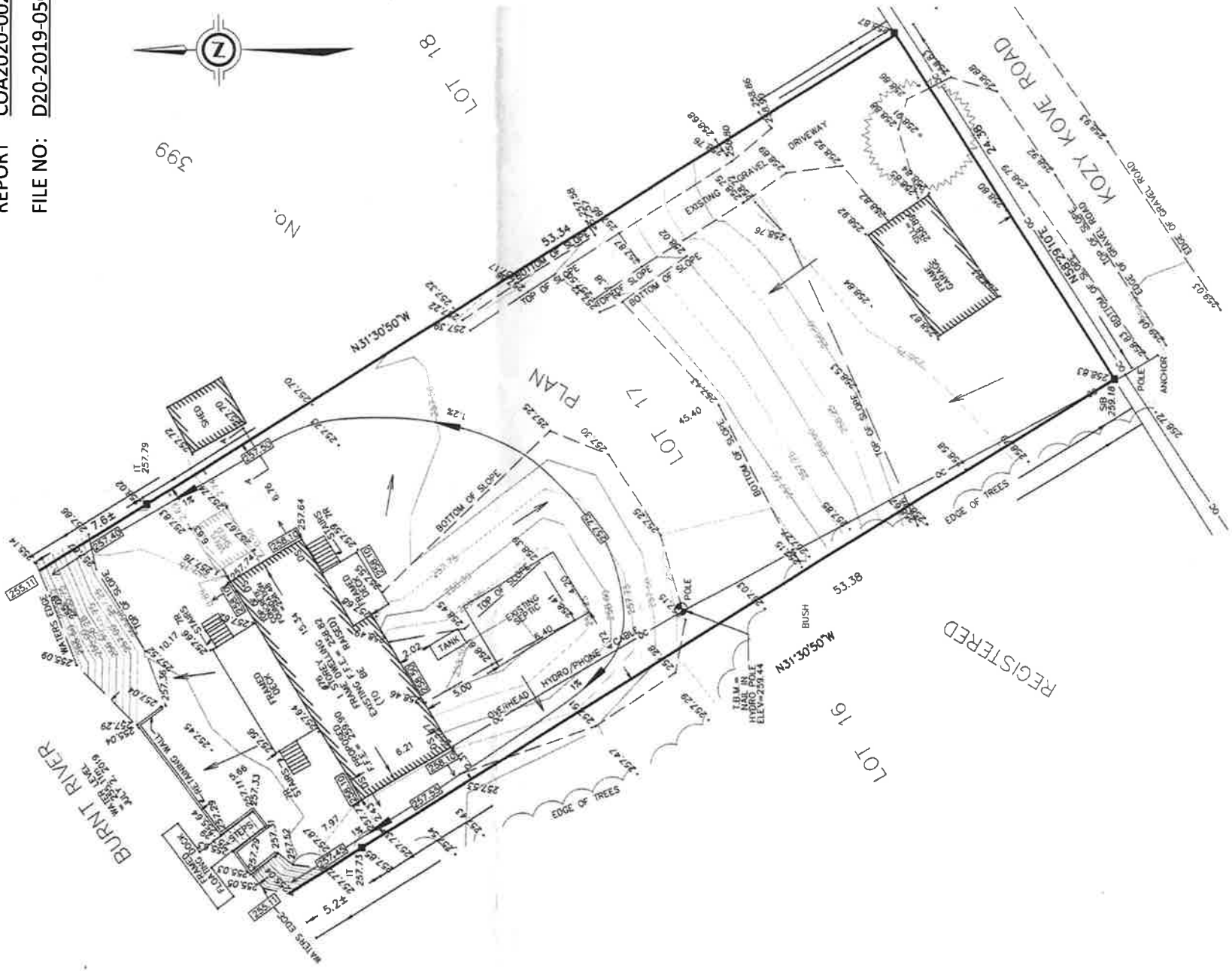
APPENDIX " B "
to
REPORT COA2020-002
FILE NO: D20-2019-056

APPENDIX " C "

to

REPORT COA2020-002

FILE NO: D20-2019-056





**KAWARTHA
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APPENDIX " D "
to
REPORT COA 2020 -002
FILE NO. D20-2019-056

Via Email: ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Development Services – Planning Division
180 Kent Street West
Lindsay, ON, K9V 2Y6

Regarding: Minor Variance Application
File No: D20-2019-056
76 Kozy Kove Road
Lot 16, Concession 4
Geographic Township of Somerville
City of Kawartha Lakes

Kawartha Conservation staff have completed review of the above noted Application for Minor Variance. Our comments are as follows:

Application purpose:

It is our understanding that the purpose of the Minor Variance is to seek relief from By-law 78-45 for the following:

- Reduce the minimum water setback from 15 metres to 7.9 metres for the existing dwelling; and
- Reduce the minimum water setback from 15 metres to 5.5 metres in order to permit an elevation deck raised 1.2 metres from the ground.

Site Characteristics:

Existing mapping indicates that the subject property is adjacent to the Burnt River and associated fish habitat. Natural hazards associated with these natural heritage features include flooding and erosion.

Ontario Regulation 182/06:

The subject property is not within Kawartha Conservations watershed, no permits will be required under Ontario Regulation 182/06. In accordance with the Memorandum of Understanding (MOU) between the

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

Our Watershed Partners:

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**KAWARTHA
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Page 2 of 2
January 14, 2020

City of Kawartha Lakes and Kawartha Conservation regarding Natural Heritage and Natural Hazards, the property is within an area of an extended planning agreement.

Recommendation:

Kawartha Conservation has no concern with the approval of Minor Variance application D20-2019-056.

Please inform this office of any decision made with regard to this application. I trust this meets your information requirements at this time. 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

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Our Watershed Partners:

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David Harding

From: Mark LaHay
Sent: Tuesday, January 14, 2020 1:59 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200114 D20-2019-056 - Engineering review

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Tuesday, January 14, 2020 12:43 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200114 D20-2019-056 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-056
76 Kozy Kove Road
Part Lot 16, Concession 4, Lot 17, Plan 399
Geographic Township of Somerville

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

1. to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement;
2. to reduce the minimum water setback from 15 metres to 5.5 metres to permit the construction of a raised deck and stairs; and
3. to reduce the minimum rear yard from 7.5 metres to 5.5 metres to permit the construction of a raised deck and stairs.

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

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

Thanks,

CHRISTINA

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



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Gibson

Report Number COA2020-003

Public Meeting

Meeting Date: January 23, 2020 1:00 pm

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

Ward: 2 – Geographic Township of Somerville

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

1. Section 19 – Definitions to vary the definition of ‘Accessory Building’ to include one detached building ancillary to a developed residential lot that abuts the subject property;
2. Section 5.1 to add ‘Accessory Building – Detached Garage’ to the list of permitted uses within the Limited Service Residential (LSR) Zone;
3. Section 18.1.2 to ensure the location requirements for accessory buildings do not apply when no other main building is present on the same lot, but the LSR Zone yard and setback requirements;
4. Further relief is sought from the LSR Zone provisions to clarify and facilitate the placement of the detached garage when no other main building is present on the same lot:
 - a) Section 5.2(c) to increase the minimum front yard from 7.5 metres to 22 metres;
 - b) Section 5.2(d) to increase the minimum rear yard from 7.5 metres to 30 metres;
 - c) Section 5.2(f) to increase the minimum water setback from 7.5 metres to 30 metres; and
 - d) Section 5.2(j) to increase the minimum side yard from 1.2 metres to 3 metres

The variances are requested at Lots 9 and 10, Plan 184, geographic Township of Somerville (File D20-2019-057).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2020-003 Gibson, be received;

That minor variance application D20-2019-057 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the requested variances shall only apply to Lot 9, Plan 184 unless the owner applies to subject both Lots 9 and 10 to a deeming by-law and the by-law is in effect;
- 2) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-003, which shall be attached to and form part of the Committee's Decision; and
- 3) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-003. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The subject property abuts a lot to the northeast, 50 Birch Glen Drive, that is also owned by the owner and contains a cottage.

The owners proposes to add a detached garage to the vacant lot abutting 50 Birch Glen Road, to be used accessory to said cottage lot.

This application was last amended December 19, 2019.

Proposal: To construct a 10 metre x 8 metre (33 feet x 26 feet) detached garage.

Applicant: Bruce Gibson

Owner: Bruce and Andrew Gibson

Legal Description: Lots 9 and 10, Plan 184, geographic Township of Somerville, City of Kawartha Lakes

Official Plan: Waterfront and Four Mile Lake Policy Area within the City of Kawartha Lakes Official Plan

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

Site Size: Lot 9: 1,398.6 square metres

Lot 10: 1,398.6 square metres

Site Servicing: None

Existing Uses: Vacant Forested Land

Adjacent Uses: North: Burnt River
East, West: Shoreline Residential
West, South: Forest

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is situated in a shoreline residential neighbourhood along the southeastern bank of Four Mile Lake. A substantial slope runs from the road down to the lake, with a small band of land with gentler slope running about 2/3 of the way down where all of the buildings in the neighbourhood are constructed. The result of this unique topography is forested front yards and very steep driveways to provide entry to the cottages below.

The garage would be located close to the driveway and parking pad serving 50 Birch Glen Drive.

The variances, if granted, would permit the garage to be used accessory to 50 Birch Glen Drive without consolidating the subject property with the cottage lot. The subject property is heavily forested, which would result in the garage being substantially screened from the lake, road, and neighbour to the southwest. Due to the garage's proximity to 50 Birch Glen Road, if any portion of the garage is visible through the trees, the garage would appear to be part of the lot belonging to 50 Birch Glen Drive.

The creation of the garage will provide 50 Birch Glen Drive with a covered storage building.

Due to the above analysis, 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 Somerville Zoning By-law 78-45. The LSR Zone permits seasonal and year-round residential uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses on the same lot. While the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another and the proximity of the proposed garage to the existing cottage.

There is a small band of more even ground running parallel to the lake not too far away from the shoreline. It is along this band where most cottage development has taken place. The dwelling and parking pad on 50 Birch Glen Drive are positioned on this more even ground. The garage on the abutting vacant lot is proposed upon this same band, which allows 50 Birch Glen to retain its outdoor parking pad and turnaround area for vehicles descending and ascending the steep driveway.

Due to the substantial slope between the road and the proposed garage site, it is very unlikely that the garage would be used independently from 50 Birch Glen Drive, as the only way to do so and avoid trespassing would be to install driveway access of its own. It is anticipated that such driveway grading would be substantial, and would be accompanied with the construction of a dwelling to fully utilise the driveway investment.

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

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. It is also within the Four Mile Lake Specific Policy Area (SP-1).

The SP-1 designation contains policies which regulate the creation of new residential lots and protect the existing community character. The proposal does not create a new lot, but permits the lot to be used accessory to an abutting established residential use. As such, the proposal is in keeping with the established character of the area.

The Waterfront designation anticipates an assortment of residential uses including their accessory uses, that utilise an abutting water body.

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

Other Alternatives Considered:

The merger of the lot(s) was discussed. However, the owners have expressed a desire to retain separate ownership.

Servicing Comments:

The property is un-serviced.

Consultations:

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

Agency Comments:

Development Engineering Division (January 14, 2020): No concerns.

Kawartha Region Conservation Authority (January 13, 2020): No concerns.

Planning Division Comments: Condition 1 is recommended to ensure the proposed garage does not cross the mutual lot line separating Lots 9 and 10.

Public Comments:

No comments as of January 14, 2020.

Attachments:



Appendices A-D to
COA2020-003.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

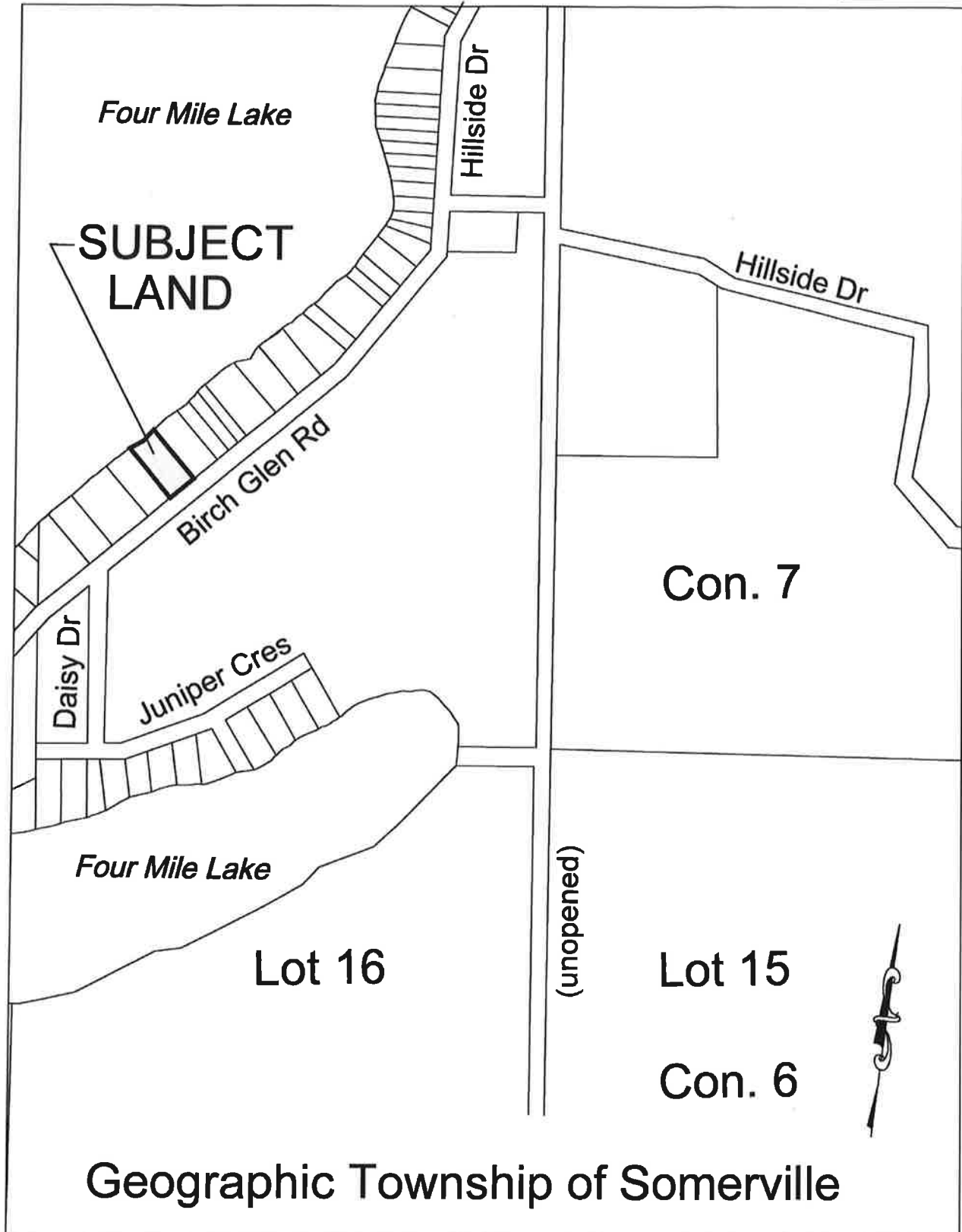
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-057

to

D20-2019-057

REPORT COA2020-003

FILE NO: D20-2019-057



Geographic Township of Somerville



0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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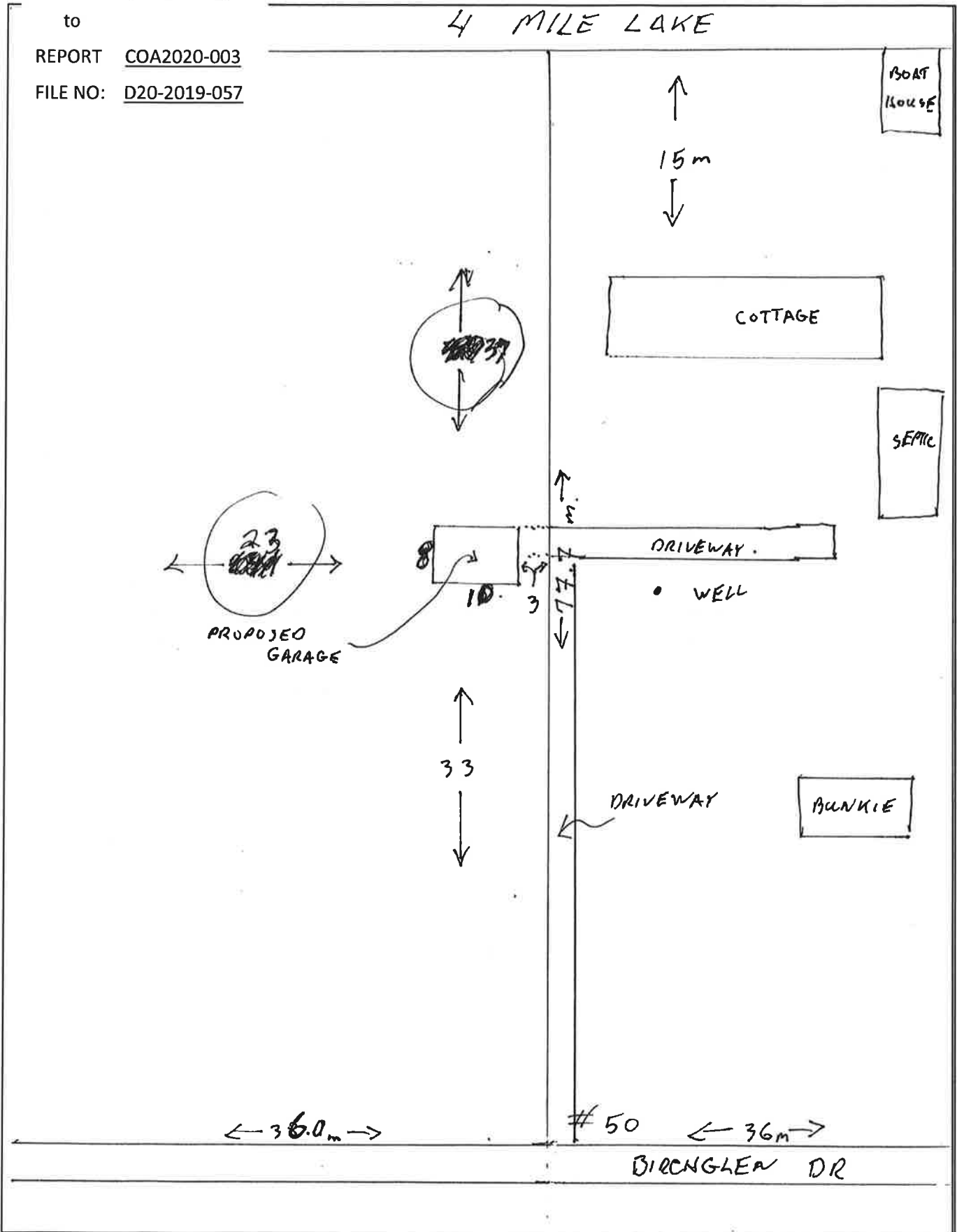
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APPENDIX " B "
to
REPORT COA2020-003
FILE NO: D20-2019-057

APPENDIX " C "

to
REPORT COA2020-003
FILE NO: D20-2019-057





APPENDIX " D "
to
REPORT COA2020-003
FILE NO. D20-2019-057

Via Email: ccrockford-toomey@kawarthalakes.ca
Administrative Assistant
Development Services – Planning Division
180 Kent Street West
Lindsay, ON, K9V 2Y6

Regarding: Minor Variance Application
D20-2019-057
KRCA File No: PPLK-2886
Birch Glen Dr
Roll No: 1651310020637000
Lot 16, Concession 7
Geographic Township of Somerville
City of Kawartha Lakes

Kawartha Conservation staff have completed review of the above noted Application for Minor Variance. Our comments are as follows:

Application purpose:

It is Kawartha Conservations understanding that the purpose of the Minor Variance is permit a single accessory structure (garage) on a currently vacant lot owned by the applicant. The applicant owns a vacation dwelling on an adjacent residential lot. Based on the application, the accessory structure will be setback approximately 37 metres from Four Mile Lake.

Site Characteristics:

Existing mapping indicates that the subject property is adjacent to Four Mile Lake and associated fish habitat. Natural hazards associated with these natural heritage features include flooding and erosion.

Ontario Regulation 182/06:

The subject property is not within Kawartha Conservations watershed, no permits will be required under Ontario Regulation 182/06. In accordance with the Memorandum of Understanding (MOU) between the

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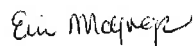
City of Kawartha Lakes and Kawartha Conservation regarding Natural Heritage and Natural Hazards, the property is within an area of an extended planning agreement.

Recommendation:

Kawartha Conservation can advise that we would foresee no issue with the approval of minor variance application D20-2019-057.

Please inform this office of any decision made with regard to this application. I trust this meets your information requirements at this time. 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

David Harding

From: Mark LaHay
Sent: Tuesday, January 14, 2020 1:59 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200114 D20-2019-057 - Engineering review - DRAFT

FYI - file

From: Kim Rhodes
Sent: Tuesday, January 14, 2020 12:44 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200114 D20-2019-057 - Engineering review - DRAFT

Please see the message below from Christina Sisson:

Good afternoon Mark – on February 27, 2019, Engineering provided a review on D38-2019-014 noting that we had no Engineering comments.

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

Minor Variance – D20-2019-057
Vacant land of Birch Glen Drive
Lots 9 and 10, Concession 7, Part Lot 16, Plan 184
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the construction of a detached residential accessory building (garage) on a separate lot:

1. Section 19 – Definitions to vary to definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property;
2. Section 5.1 to add 'Accessory Building – Detached Garage' to the list of permitted uses within the Limited Service Residential (LSR) Zone;
3. Section 18.1.2 to ensure the location requirements for accessory buildings do not apply when no other main building is present on the same lot, but the LSR Zone yard and setback requirements;
4. Further relief is sought from the LSR Zone provisions to clarify and facilitate the placement of the detached garage when no other main building is present on the same lot:
 - a. Section 5.2(c) to increase the minimum front yard from 7.5 metres to 22 metres;
 - b. Section 5.2(d) to increase the minimum rear yard from 7.5 metres to 30 metres;
 - c. Section 5.2(f) to increase the minimum water setback from 7.5 metres to 30 metres; and
 - d. Section 5.2(j) to increase the minimum side yard from 1.2 metres to 3 metres.

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