

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

**COA2020-002**

**Thursday, February 20, 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](mailto:AgendaItems@kawarthalakes.ca) if you have an accessible accommodation request.

1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.1.1	COA2020-02.2.1.1 February 20, 2020 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2020-01.2.3.1 January 23, 2020 Committee of Adjustment Minutes	4 - 15
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2020-004  David Harding, Planner II, RPP, MCIP File Number: D20-2019-049 Location: 37 Sugar Bush Trail Lot 12, Plan 252 Geographic Township of Mariposa Owner: Robert and Colleen Kneale Applicant: Robert Kneale	16 - 31
3.1.2	COA2020-005  David Harding, Planner II, RPP, MCIP File Number: D20-2020-001 Location: 945 Frank Hill Road Part of Lot 22, Concession 6 Geographic Township of Emily Owner: The Anglican Diocese of Toronto Applicant: Paul Heath, on behalf of Wardens of St. James	32 - 44

3.1.3	COA2020-006	45 - 54
	David Harding, Planner II, RPP, MCIP File Number: D20-2020-002 Location: 84-86 Queen Street Park Lot 25, Lot 26, Part Park Lot 32, N/S Queen Street, Plan 15P; Parts 5 and 6, 57R-4585 Former Town of Lindsay Owner: Jamol Johnson Applicant: Doug Carroll, D.C. Planning Services	
3.2	Consents	
4.	<b>Deferred Applications</b>	
4.1	Minor Variances	
4.2	Consents	
5.	<b>Other Business</b>	55 - 63
	Tribunal Case No. PL190381, 45 Marsh Creek Road, Kawartha Lakes.	
6.	<b>Correspondence</b>	
7.	<b>Next Meeting</b>	
	The next meeting will be Thursday, March 19, 2020 at 1:00pm in Council Chambers, City Hall.	
8.	<b>Adjournment</b>	

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

**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**

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## **1. Call to Order**

The Acting Secretary-Treasurer, Mr. LaHay called the meeting to order at 1:00 p.m. Councillor E. Yeo and Members L. Robertson, D. Marsh, A. O'Bumsawin and S. Richardson were in attendance.

Recording Secretary - C. Crockford-Toomey.

### **1.1 Election of the Chair**

Mark LaHay, Acting secretary-Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of the Chair for 2020.

**CA2020-001**

**Moved By** A. O'Bumsawin

**Seconded By** D. Marsh

**That** Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried**

### **1.2 Election of the Vice Chair**

Lloyd Robertson assumed the role of Chair and requested nominations for a Vice Chair.

**CA2020-002**

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried**

## **2. Administrative Business**

### **2.1 Adoption of Agenda**

#### **2.1.1 COA2020-01.2.1.1**

January 23, 2020

Committee of Adjustment Agenda

**CA2020-003****Moved By** D. Marsh**Seconded By** A. O'Bumsawin**That** the agenda for the January 23, 2020 meeting be approved.**Carried****2.2 Declaration of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

**2.3 Adoption of Minutes****2.3.1 COA2019-12.2.3.1**

November 28, 2019

Committee of Adjustment Minutes

**CA2020-004****Moved By** S. Richardson**Seconded By** A. O'Bumsawin**That** the minutes of the previous meeting held November 28, 2019 be adopted as circulated.**Carried****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

Applicant: Earl Marks

Mr. Harding summarized Report COA2020-001, to request relief to increase the maximum permitted footprint of all residential accessory buildings to permit the construction of a 223 square metre storage building.

Mr. Harding noted that since the writing of the report comments were received from the Ministry of Transportation, Building Division – Part 8 Sewage Systems, and Kawartha Region Conservation Authority noting no objections to the proposal.

The Committee asked staff if the storage building could be used for commercial use in the future. Staff responded that it is zoned for residential use only. The Committee suggested a condition be added. Staff replied a condition is not necessary, as the zoning prohibits the building from being used commercially.

The Committee asked whether the owner was aware that a building permit was still required even though the Ministry of Transportation does not require a permit. Staff replied that the applicant is aware as it was through the building permit application process that it was identified that a minor variance was required.

The applicant, Earl Marks, was present but had no questions.

No further questions from the Committee or other persons.

#### **CA2020-005**

**Moved By** Councillor Yeo

**Seconded By** A. O'Bumsawin

**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.**

**Carried**

### 3.1.2 COA2020-002

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

Mr. Harding summarized Report COA2020-002, to request relief to reduce the minimum water setback to permit the raising of a dwelling, to reduce the minimum water setback to permit the construction of a raised deck and stairs; and to reduce the minimum rear yard to permit the construction of a raised deck and stairs.

Mr. Harding brought to the Committee's attention an amendment to the requested relief in report COA2020-002, which read "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" be amended to read "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 provide for a reinforced foundation". This amendment to the requested relief was the result of further clarification from the owner on the scope of the proposed works.

Mr. Harding noted that since the writing of the report comments were received from the Ministry of Transportation, noting no concerns. Also public comments received from Marie-Elise Steele of 72 Wildflower Road, which were addressed and do not impact the proposed recommendation.

The Committee asked whether the City would be liable for approving development within a flood-prone area. Ms. Murchison, Chief Building Official, responded that the City would be able to effectively defend itself in such a



situation as the proposal is for flood-proofing measures to improve an existing situation.

The Committee stated we would be more liable if we turned down the improvement. Ms. Murchison, Chief Building Official, agreed.

The Committee asked if raising the floor by 1 meter would it be sufficient to flood-proof the building.

The applicant, Don Sellers, was present and spoke to the Committee. He stated that the water flooded to the level of the deck last year and that there is a designated high water level set by the surveyors. He proposes to raise the foundation by a third over the 100 high water level.

No further questions from the Committee or other persons.

**CA2020-006**

**Moved By** D. Marsh

**Seconded By** A. O'Bumsawin

**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.**

**Carried**

### 3.1.3 COA2020-003

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 Gibson

Mr. Harding summarized Report COA2020-003, to request relief to construct a detached garage as the only building on an existing lot.

Mr. Harding also stated that since the writing of the report comments were received from the Ministry of Transportation noting no concerns.

The Committee asked whether merging the lots via a deeming by-law was an option. Staff replied that this was an available option to the owner.

Bruce Gibson, applicant, was present and stated that from an economical view, he did not see an advantage or need to merge the lots.

The Committee had questions regarding the relationship of the vacant lot to 50 Birch Glen Drive was important in considering the proposal, whether the garage could be constructed in other locations on the lot, how the property would be accessed, and whether driveway access was required from the road on the same lot in order for development to proceed.

Mr. Harding replied that the relationship between the vacant lot and 50 Birch Glen Drive and the steep topography were key considerations in supporting the variances. He further stated that the topography on the lot restricted development to the location where the garage was proposed. He further clarified that the zone category for the property did not require the lot to have access to a road for development to proceed, and that access is proposed from 50 Birch Glen at this time since the owner of that lot would be utilizing the garage. Should ownership of the lot containing the garage change, then a separate driveway access would need to be applied for or an easement for a right-of-way would be required over 50 Birch Glen Drive.

Mr. Gibson stated that he is the owner of 50 Birch Glen Drive and the vacant lot and that his intent is to build a garage on his vacant lot with access from 50 Birch Glen Drive.

The Committee asked if 50 Birch Glen Drive had space to build garage. Staff replied yes on existing parking pad area, but that is where vehicles can also maneuver to navigate the steep driveway.

The Committee questioned what the requested reliefs in bullet point 4 accomplished. Staff responded that this point established standards to construct a detached garage on the lot as the primary building. If a cottage were to be constructed at a later date, these reliefs would no longer apply.

The Committee asked if a cottage could be constructed on the lot in the future. Staff replied they could as there is sufficient room to build with a sewage system as per comments received from the Building Division – Part 8 Sewage Systems Branch.

Further discussion ensued.

The Committee asked for clarification as to whether the Building Code stipulated road access in order to issue a building permit. Ms. Murchison, Chief Building Official spoke to the Committee and stated that the Code did not require direct access to a road. However, she also stated that access is in the property owner's best interests in order to bring building materials to the building site.

The Committee asked whether a condition of approval should be that an application for easement for a right-of-way be filed.

Staff replied that an easement agreement is not required at this time as the owner owns both lots. Should the owner decide to sell the vacant lot with the proposed garage, the new owner would have to build a new driveway or apply for an easement over 50 Birch Glen Drive.

The Committee asked if there is room for a driveway to be installed on the vacant lot if it sells. Staff replied that it is up to a contractor to design a suitable driveway, but that the vacant lot is of the same size and topography as the other nearby developed lots.

At 2.15pm, Member, Mr. O'Bumsawin left the meeting.

The Committee asked if a condition be included that would prohibit human habitation within the garage.

Richard Holy, Planning Manager spoke to the province's direction on accessory dwelling units.

Further discussion ensued.

The Chair stated that the intent of this application is noble and straight forward. The owner would like to build a garage on an adjoining lot which they own, access will be from 50 Birch Glen Road, and that they have no intention of selling the lot at this time.

The Committee asked about the intent of proposed Condition 1. Staff replied that the vacant lot was actually two vacant lots and the garage was proposed entirely on one of those two. The condition was constructed to ensure that each lot was not entitled to utilize the variances if they are granted.

The Committee questioned the purpose and effect for the relief requested in bullet point 1 and asked that it be rephrased or removed.

At 2:40pm - Break. At 2:47pm meeting called to order.

Staff stated that they are prepared to amend Section 19, which read:  
 "...Definitions to vary the definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property;" to: "...Definitions to vary the definition of 'Accessory Building' to include one detached building;".

No further questions from the Committee or other persons.

#### **CA2020-007**

**Moved By** Councillor Yeo

**Seconded By** L. Robertson

**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 deemed 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.**

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

- The Chair wished everyone a Happy New Year.
- The Chair politely requested that once the meeting is called to order that all cell phones be turned off.
- The Chair requested that all members notify the recording secretary of attendance prior to each meeting.
- Mr. Holy requested that all members renew their OACA memberships for 2020.

## 6. **Correspondence**

## 7. **Next Meeting**

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

## 8. **Adjournment**

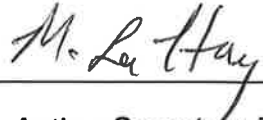
**CA2020-008**

**Moved By** D. Marsh

**Seconded By** Councillor Yeo

**That** the meeting be adjourned at 3:03pm.

**Carried**



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Mark LaHay, Acting Secretary-Treasurer



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Kneale**  
Report Number COA2020-004

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**Public Meeting**

**Meeting Date:** February 20, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from the following sections to permit an addition to a single detached dwelling:

1. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 20.5 metres; and
2. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.2 metres for the above-ground portion of an attached garage and to 4.4 metres for the below-grade portion of the attached garage.

The variance is requested at 37 Sugar Bush Trail, geographic Township of Mariposa (File D20-2019-049).

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

**Signature:** 

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**Recommendations:**

**Resolved That** Report COA2020-004 Robert and Colleen Kneale be received;

**That** minor variance application D20-2019-049 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-2 and elevation in Appendix D submitted as part of Report COA2020-004, 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 demonstrate to the satisfaction of the Secretary-Treasurer that the accessory building by the shoreline is being used as a boathouse and that it has been relocated to comply with the interior side yard setback requirements,



- 3) **That** prior to the issuance of a building permit the owners shall submit a holding tank design to the satisfaction of the Building Division – Part 8 Sewage Systems; and
- 4) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2020-004. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

Background: The application was last amended February 4, 2020.

Proposal: To construct an addition to the existing dwelling. The addition is to contain living space and a two level attached garage. The lower (underground) level of the garage would be deeper than the upper level.

Owners: Robert and Colleen Kneale

Applicant: Robert Kneale

Legal Description: Lot 12, Plan 252

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

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

Site Size: 1,234 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential  
East: Lake Scugog  
West: Forest/Agriculture

**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 within a shoreline residential neighbourhood on the east side of Washburn Island. The neighbourhood is composed of seasonal and year-round dwellings.

The property contains a two storey dwelling consisting of a main level with a walk-out basement. The addition is proposed to the southwest of the dwelling within the front and interior side yards. The location is currently occupied by a deck, lawn, and driveway leading to a basement level garage.

The proposal will enhance the available living and storage space on the property while preserving the rear yard as a recreational and landscaped open amenity space area.

While a portion of the garage is to be located within the front yard, the additional storage space is not anticipated to adversely impact the character of the neighbourhood as the garage will appear as a single storey when viewed from the road, and the lower level will be screened from view from the roadside and abutting neighbour due to the cedar hedge which runs along the southeast property line. As living space is proposed behind the addition, the lower level of the garage is not anticipated to be visible from the shoreline. Furthermore, the lower level of the garage is proposed to be clad in stone and the gable section in wood. This variation of materials assists in breaking up the façade closest to the road and mitigating any adverse massing impacts while adding character to the streetscape.

Due to the above, 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 Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the zoning by-law is to provide adequate front yard setback to provide for such things as: adequate space for vehicles to park completely on private property, to provide sufficient space for snow storage, and regulate the character of the neighbourhood by introducing a standard front yard setback.

The lower level of the garage is underground, and as such will not be visible from the road. The upper wall facing the road is sufficiently set back to provide for on-site parking in-front of the garage doors.

The garage appears further from the road due to the fact that there is an additional 3.5 - 4 metres of spatial separation between the lot line and the travelled portion of the road. The added spatial separation mitigates potential adverse massing impacts and provides additional space for road functions such as snow storage.

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 located within the Waterfront designation of the City of Kawartha Lakes Official Plan.

The Waterfront designation anticipates residential uses and an expansion to a residential use is proposed.

The Official Plan contains water setback policies under section 3.11 to control the extent of the projection into the water setback to the maximum extent possible. Through the pre-screening process, the applicant worked with staff to bring the proposed addition in-line with the existing deck, ensuring no additional projection into the water setback.

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

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

In response to staff concerns over the proximity of the above-ground front garage wall face to the road, the applicant reduced the length of the front wall and slightly shifted it further away from the road.

#### **Servicing Comments:**

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

#### **Consultations:**

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

#### **Agency Comments:**

Development Engineering Division (February 7, 2020): No concerns.

Building Division (February 6, 2020): No concerns.

Kawartha Region Conservation Authority (November 19, 2019): No concerns.

Building Division (November 6, 2019): Cannot support the variances as proposed. Insufficient information has been provided on a new holding tank design to complete an evaluation.

#### **Public Comments:**

No comments received as of February 11, 2020.

#### **Attachments:**



Appendices A-E to  
Report COA2020-004.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

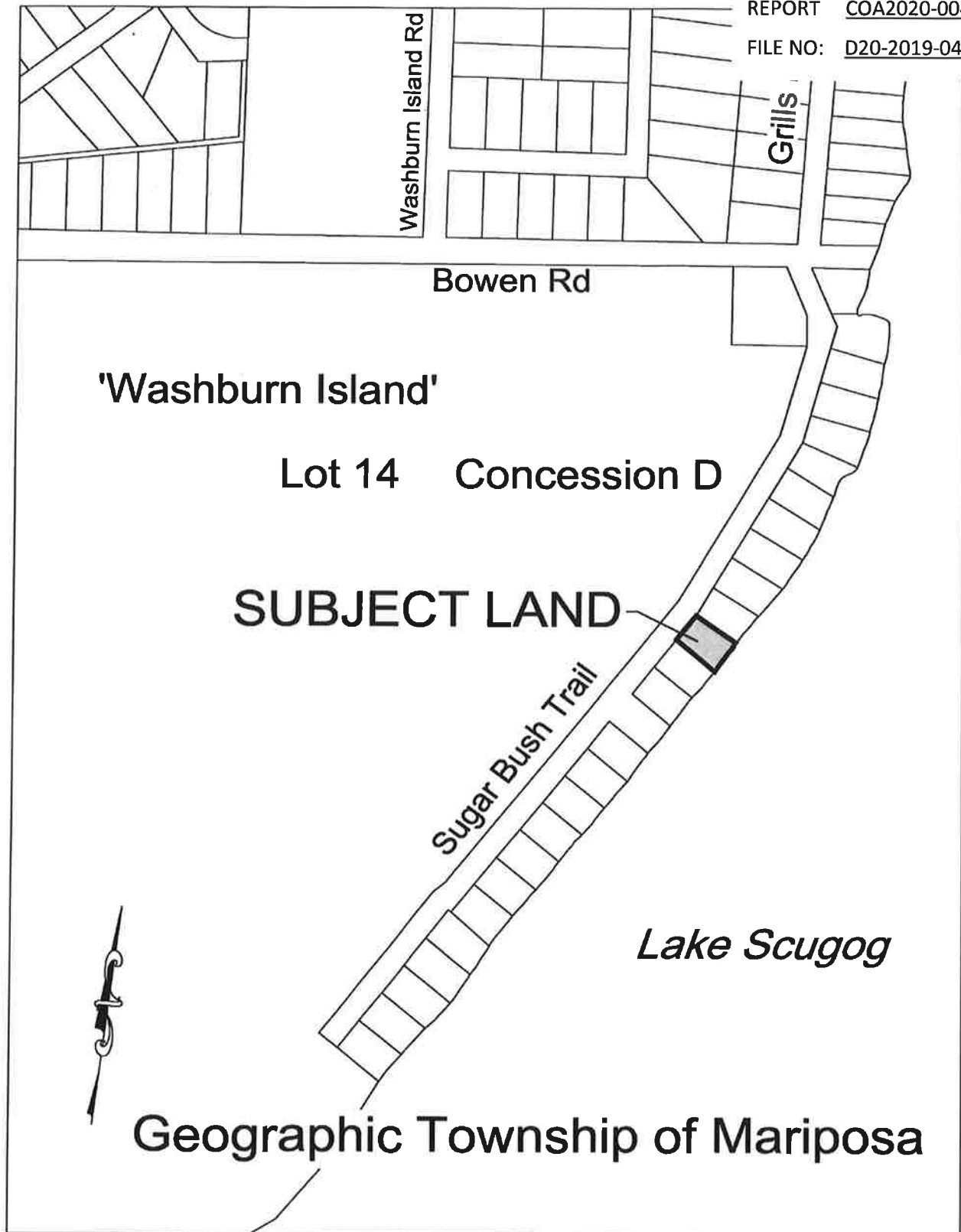
Appendix D – Department and Agency Comments

**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-049

to

REPORT COA2020-004

FILE NO: D20-2019-049



# 37 Sugar Bush Trail, geographic Twp. of Mariposa



## Legend

- ☐ Property ROLL
- ☐ Road Centreline (2016 Needs)
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

## Notes

Notes

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

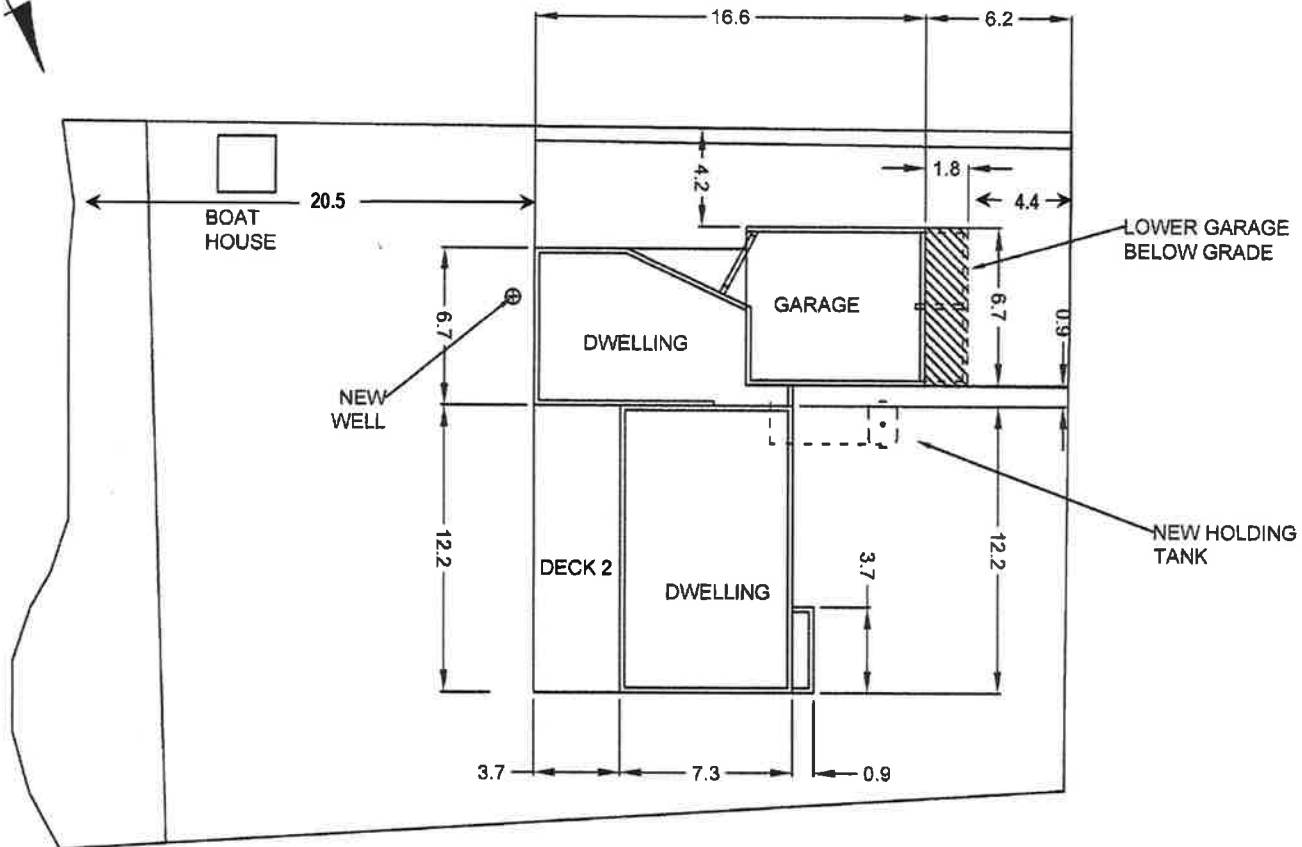


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " B "  
to  
REPORT COA2020-004  
FILE NO: D20-2019-049





General Notes

File No.	Revision/Status	Date

File Name and Address

APPENDIX " C-2 "

to

REPORT COA2020-004

FILE NO: D20-2019-049

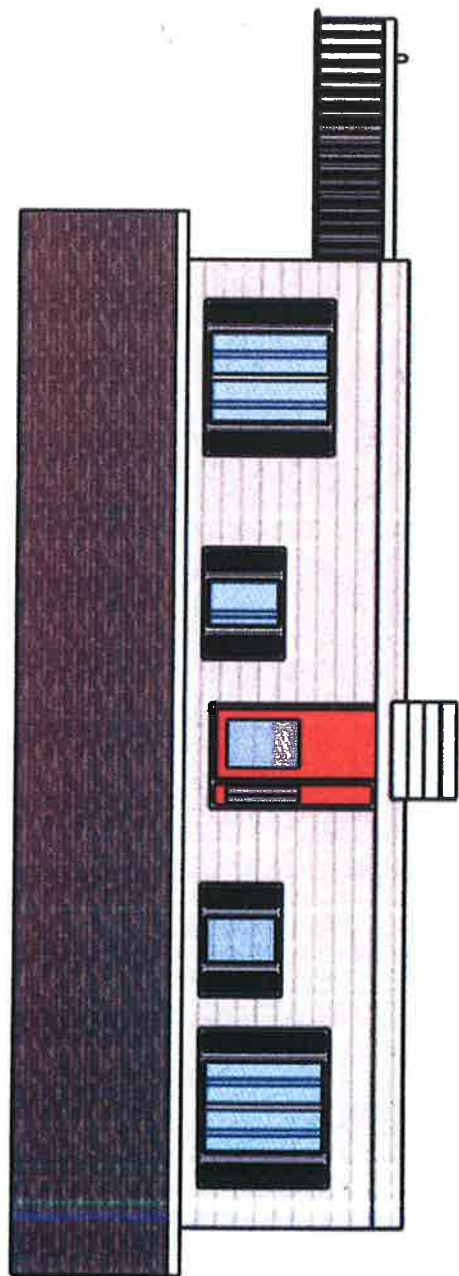


APPENDIX " D "

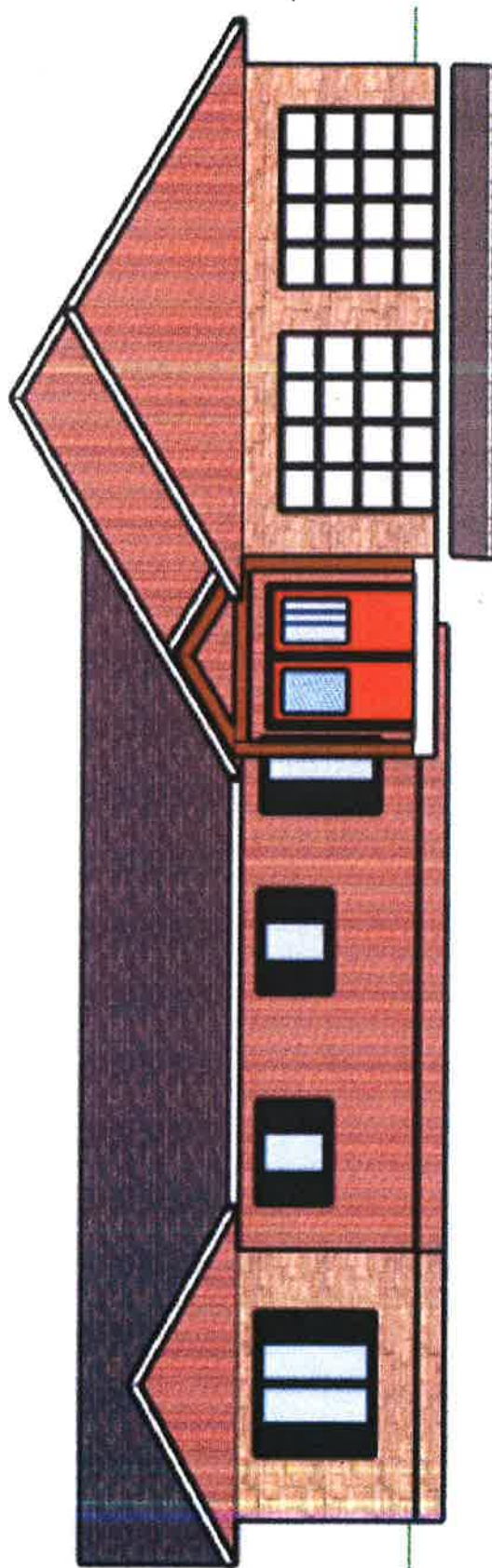
to

REPORT COA2020-004

FILE NO: D20-2019-049



CURRENT HOUSE



PROPOSED RENOVATION

## David Harding

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**From:** Mark LaHay  
**Sent:** Friday, February 7, 2020 8:58 AM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200207 D20-2019-049 - Engineering review

APPENDIX " E "  
to  
REPORT COA2020-004  
FILE NO. D20-2019-049

FYI - file

**From:** Kim Rhodes  
**Sent:** Friday, February 7, 2020 8:41 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20200207 D20-2019-049 - Engineering review

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

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

Minor Variance – D20-2019-049  
37 Sugar Bush Trail  
Lot 12, Plan 252  
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following sections to permit an addition to a single detached dwelling:

1. Section 14.2.1.4 to reduce to minimum water setback from 30 metres to 20.5 metres; and
2. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.2 meters for the above o recognize an above-ground portion of an attached garage and to 4.4 metres for the below-grade portion of the attached garage.

*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)



## David Harding

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**From:** Derryk Wolven  
**Sent:** Thursday, February 6, 2020 10:59 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-049 37 Sugar bush Trail

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)



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**  
**D20-2019-049**  
**Kawartha Conservation File No: PPLK-10065**  
**37 Sugar Bush Trail, Mariposa**  
**Part Lot 16, Concession D**  
**City of Kawartha Lakes**

This letter acknowledges the receipt of the above noted Minor Variance Application D20-2019-049. 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 Mariposa By-law 94-07 to allow for an addition to the existing dwelling. Relief is sought from the front yard setback (6.1 metres instead of the required 7.5 metre), and from the water setback (20.5 metres instead of the required 30 metres). The reduced water setback is existing.

**Documents Reviewed:**

- Application for Minor Variance/Permission
- Photos and drawings submitted with application.

**Site Characteristics:**

The subject property is adjacent to Lake Scugog, 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):**

**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 • **28** Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

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

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

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

Development is defined as:

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

The entirety of the subject property is regulated by Kawartha Conservation.

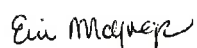
**Recommendation:**

Kawartha Conservation has no objection to Minor Variance Application D20-2019-049, 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

**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 • <sup>29</sup>Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

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**

***Our Watershed Partners:***

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • <sup>30</sup> Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

## David Harding

---

**From:** Anne Elmhirst  
**Sent:** Wednesday, November 6, 2019 4:38 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2019-049 - 37 Sugar Bush Trail

Hello Charlotte,

RE: D20-2019-049  
37 Sugar Bush Trail, Former Mariposa Township  
Conc. D, Pt Lot 16, Plan 252, Lot 12  
Roll No. 165111001037700  
Owner: Robert Kneale

I have received and reviewed the application for minor variance to request relief to construct an attached garage and addition onto the existing dwelling at the above-noted property.

I completed a site visit to determine the location of the Class 5 Holding Tank serving the dwelling to ensure appropriate clearance distances could be maintained. It has come to my attention that the proposed addition and garage will be constructed over the existing holding tank. This proposal cannot be supported as a minimum of 1.5 metres is required between any portion of the structure and the holding tank.

As such, I cannot support the minor variance as proposed.

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

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)



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – St. James Anglican Church**  
Report Number COA2020-005

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**Public Meeting**

**Meeting Date:** February 20, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward 8 – Geographic Township of Emily**

**Subject:**

The purpose and effect is to request relief from the following zone provisions to facilitate the construction of a main floor addition to the existing building:

1. Section 6.2.1.3(a) to reduce the front yard setback from 10 metres to 0.3 metres to permit the addition to the existing building,
2. Section 3.1.4(c) to permit the porch and stair features serving the addition to project up to 9.7 metres into the front yard setback (to within 0.3 metres from the front lot line) whereas they are currently permitted to project up to 1.5 metres (8.5 metres from the front lot line),
3. Section 3.1.4(e) to permit the ramp features serving the addition to project 9.7 metres into the front yard setback (to within 0.3 metres from the front lot line) whereas it is permitted to project up to 1.8 metres (8.2 metres from the front lot line),
4. Section 3.14.1.2 to reduce the number of parking spaces required with the construction of the addition from 5 accessible parking spaces and 3 regular parking spaces to 0; and
5. Section 3.14.1.11 to reduce the minimum aisle width between parking spaces from 7 metres to 6.9 metres for three accessible parking spaces and to 5.9 metres for three regular and two accessible parking spaces.

The variance is requested at 945 Frank Hill Road, geographic Township of Emily (File D20-2020-001).

---

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

**Signature:**





**Recommendation:**

**Resolved That** Report COA2020-005 The Anglican Diocese of Toronto be received;

**That** minor variance application D20-2020-001 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 COA2020-005, which shall be attached to and from 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 COA2020-005. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On October 11, 2012 the Committee approved a similar proposal represented in application D20-12-055. The application proposed to create an accessible addition in the same location as the current proposal. That proposal was also to adjust the parking requirements related to the additional spaces that were to be created as a result of the construction of the addition. At that time, the property had no on-site parking.

Since the Committee's decision, the parking lot was constructed. However, the addition was unable to proceed as the church was unable to obtain approval from the Anglican Diocese Executive Board and Council for the works before the variances lapsed in April 2014.

The St. James Anglican Church members have since obtained approval from the Diocese and have re-applied to construct the accessible addition.

**Proposal:** To construct an accessible building addition and adjust parking requirements and standards related to the parking lot installed as a result of Committee's 2012 decision.

**Owners:** The Anglican Diocese of Toronto

**Applicant:** Paul Heath, on behalf of the Wardens of St. James Anglican Church

Legal Description: Part Lot 22, Concession 6, geographic Township of Emily

Official Plan: Prime Agricultural within the City of Kawartha Lakes Official Plan

Zone: Community Facility (CF) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1,932.48 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Place of Worship

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

**Rationale:** Additions to non-residential buildings must provide additional parking spaces to reflect the increased use a building addition is anticipated to generate. Prior to the creation of the new parking lot, the property had no on-site parking. Since the 2012 variances lapsed, the added parking is treated as addressing an existing site deficiency. Therefore, relief from the parking provision must again be requested as the building addition work is now proceeding. Specific reliefs are requested with respect to the driveway aisle widths to accommodate the creation of the 8 parking spaces (5 accessible and 2 regular) in the newly created parking lot.

**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 at the northeast corner of the intersection of Frank Hill and Valley Roads. To the south of Valley Road is shoreline residential and backlot development which borders Lancaster Bay.

The building is located at the southwest corner of the subject property. The parking lot is located east of the building and the balance of the property is occupied by a pioneer cemetery.

The main level of the building is L-shaped, with the majority of its length running parallel to Valley Road. While the main floor is L-shaped, the building footprint is rectangular. The exposed lower level that extends beyond the main level is about 1 metre above grade and covered by a flat roof. The exposed lower level is used as the church's reception area/event space, which is accessed by travelling down two flights of stairs.

The addition proposes to relocate the reception area/event space to the main level to make it more accessible to users. The addition will also create a new accessible entryway with a ramp leading to the newly installed parking lot containing 5 accessible spaces. The old ramp leading to the building's original main doorway on the south side is to be removed.

The creation of the accessible features is anticipated to allow the better utilization of the building and provide improved access for people of all age groups and mobility levels.

The lower level is slightly set back from the main church wall facing Frank Hill Road. As the addition is proposed to be constructed upon the existing lower level foundation, the proximity of the building to Frank Hill Road is not changing. Some of the features proposed as part of the accessible entry (stairs leading to the west parking area and canopy cover) would project beyond the existing footprint, but would be no closer to Frank Hill Road than the main church wall facing that road. As such, there are no new massing impacts anticipated though the construction of the addition that are not already established by the presence of the existing church building at the intersection of Frank Hill and Valley Roads.

Therefore, the proposal 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 Community Facility (CF) Zone within the Township of Emily Zoning By-law 1996-30. Various community uses including places of worship are permitted within the zone category.

The intent of the front and exterior yard setback provisions is to establish appropriate setbacks for new development in order to accommodate features such as signage, parking aisles/spaces, landscaped open space and snow storage and protect sight lines.

Given that the addition is proposed within the existing building footprint and the building's main level is closer to Frank Hill and Valley Roads, the addition introduces no new issues while resolving existing accessibility issues.

The slight reductions to driveway aisle widths permits the accommodation of 8 on-site parking spaces, 5 of which are accessible. The footprint of the parking area is restricted due to the location of the existing building, its septic system, and the pioneer cemetery.

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 subject property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan (Official Plan).

The property contains a long-standing place of worship and cemetery use, existing since approximately 1845. The Official Plan does recognize the existence of historic clusters of lots within agricultural areas. While it is residential uses that are addressed within the policy dealing with the historic

clustering of lots, places of worship as well as schools are also found within such clusters and serve the residential uses of the area.

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:**

Private individual well and sewage system.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (February 7, 2020): No concerns

Building Division (February 6, 2020): No concerns

Building Division – Part 8 Sewage Systems (January 29, 2020): A section of the parking lot will need to be reconfigured to protect the sewage system. The reconfigured area has been noted in the submitted sketch. No concerns.

**Public Comments:**

No comments received as of February 11, 2020.

**Attachments:**



Appendices A-D to  
Report COA2020-005.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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

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

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

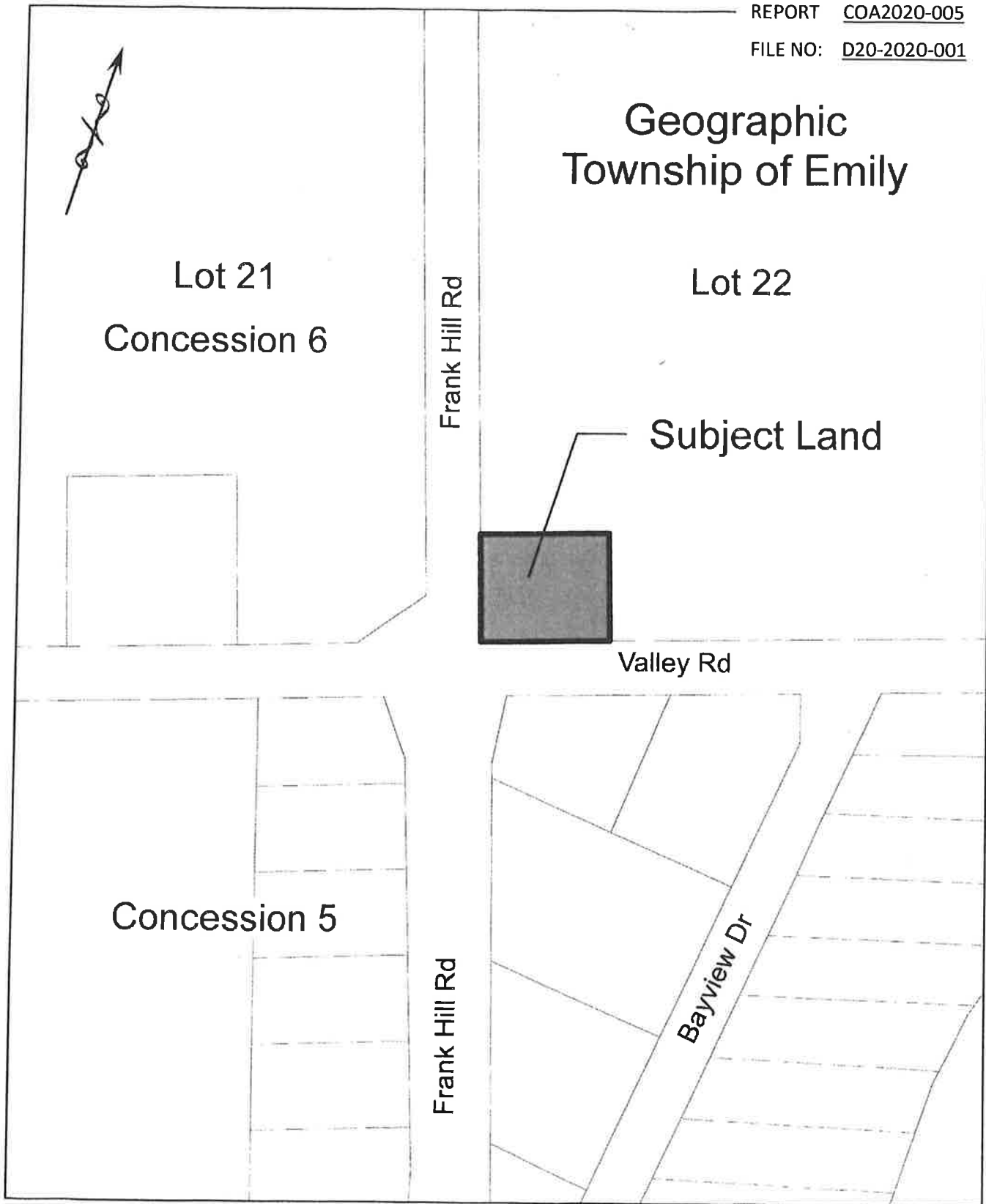
**Department File:** D20-2020-001

to

REPORT COA2020-005

FILE NO: D20-2020-001

## Geographic Township of Emily





GEOMATICS  
MAPPING

## 945 Frank Hill Road, geographic Twp. of Emily



0.11

Kilometers

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



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REPORT COA2020-005  
FILE NO: D20-2020-001

APPENDIX " B "  
to



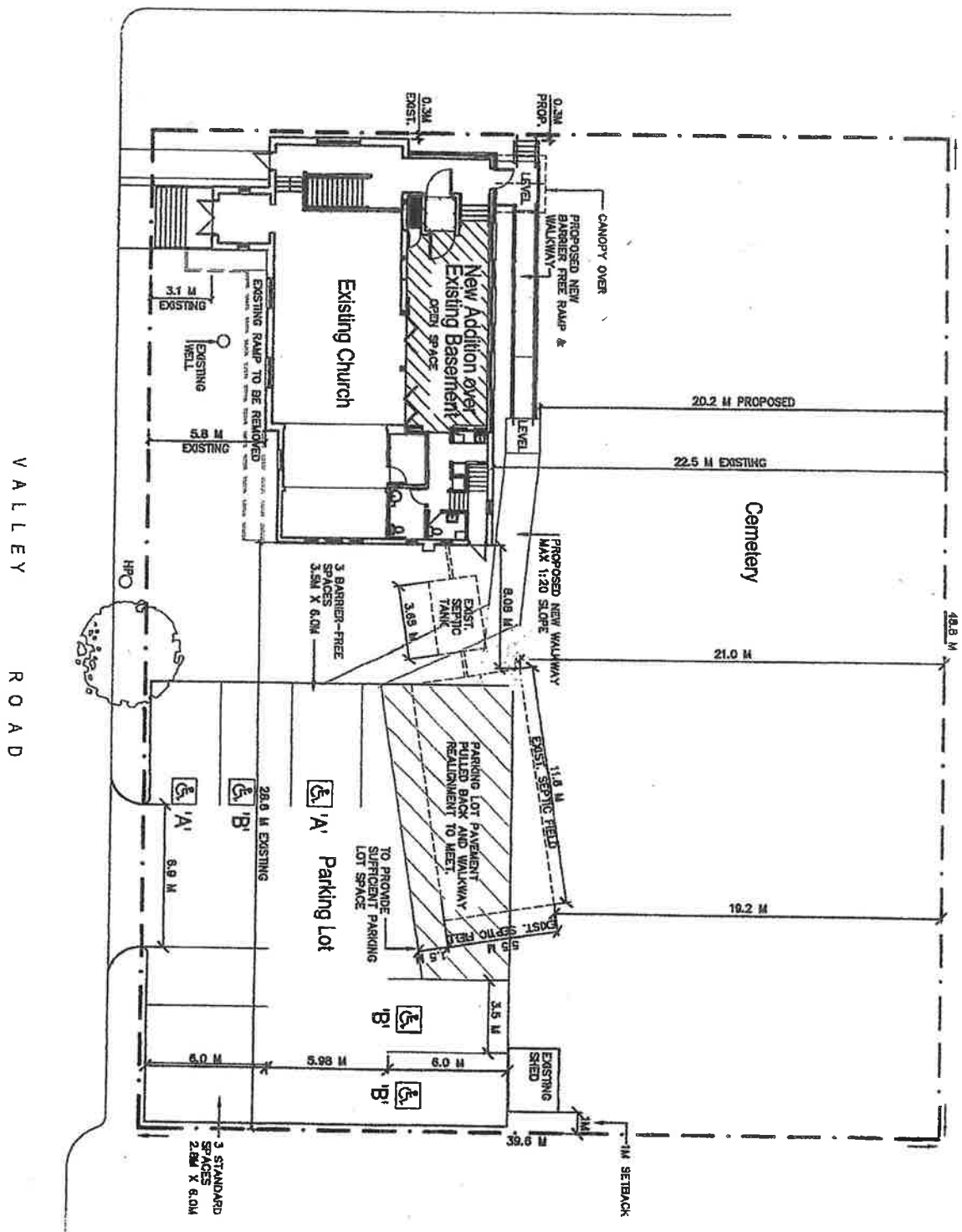
to

REPORT COA2020-005

FILE NO: D20-2020-001

FRANK HILL ROAD

## 1. SITE PLAN



**TREVELYAN ARCHITECT INC.**  
104 Dublin Street  
Peterborough, Ontario K9H 3A9  
p. 705 745 7055 ken@trevelyan.ca



**New Barrier-Free Ramp for St. James Anglican Church**  
945 Frank Hill Road, Kawartha Lakes, Ontario

## SITE PLAN

Scale  
1:200

Date  
October 23/19

21909

Site plan for the proposed addition to the existing church building. The plan shows the existing church structure, a new addition over the basement, and an open space. Key features include a proposed new barrier-free ramp and walkway, a proposed new walkway with a max 1:20 slope, an existing septic tank, and an existing septic field. The plan also shows a parking lot with three barrier-free spaces (3.5m x 6.0m) and an existing shed. Dimensions are provided for various areas and setbacks. The plan is oriented with Cemetery to the north and Valley Road to the south.

Key features and dimensions:

- Existing Church:** Main structure with a new addition over the basement.
- New Addition over Existing Basement:** Shaded area representing the new construction.
- Open Space:** Area between the new addition and the existing church.
- Proposed New Barrier-Free Ramp & Walkway:** Located at the top left, with a canopy over.
- Proposed New Walkway:** Max 1:20 slope, located between the new addition and the existing church.
- Existing Church:** Main structure with a new addition over the basement.
- Existing Septic Tank:** Located near the new addition, with dimensions 3.65 M and 8.08 M.
- Existing Septic Field:** Located to the right of the septic tank, with dimensions 11.6 M and 5.5 M.
- Parking Lot:** Located to the right of the church, with dimensions 28.6 M existing and 6.0 M. It includes three barrier-free spaces (3.5 M x 6.0 M).
- Existing Shed:** Located to the right of the parking lot.
- Valley Road:** Located at the bottom of the plan, with a 6.0 M setback.
- Cemetery:** Located at the top of the plan, with a 20.2 M proposed and 22.5 M existing setback.



**David Harding**

---

**From:** Anne Elmhirst  
**Sent:** Wednesday, January 29, 2020 9:49 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-001 - 945 Frankhill Rd

APPENDIX " D "  
to  
REPORT COA 2020-005  
FILE NO. D20-2020-001

Hello Charlotte,

RE: Minor Variance Application D20-2020-001  
945 Frank Hill Road, Former Emily Township  
Conc. 6, Lot 22  
Roll No. 165100100704700000  
St. James Church

I have received and reviewed the proposal for minor variance to create more accessible accommodations at the above-noted property. This proposal will include a parking lot expansion to accommodate accessible parking.

A site visit was completed to review the location of the existing sewage system, septic tank and distribution lines, to ensure the parking area will not encroach over the system. It was determined that a section of the parking lot asphalt would need to be reconfigured to protect the sewage system from compaction and damage. This configuration has been outlined in the site plan submitted and completed by Trevelyan Architect Inc. dated October 23, 2019.

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

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

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:** Derryk Wolven  
**Sent:** Thursday, February 6, 2020 11:00 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-001 945 Frank Hill Rd

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

---

**From:** Mark LaHay  
**Sent:** Friday, February 7, 2020 8:59 AM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200207 D20-2020-001 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Friday, February 7, 2020 8:42 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20200207 D20-2020-001 - Engineering review

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

---

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

Minor Variance – D20-2020-001  
945 Frank Hill Road  
Part Lot 22, Concession 6  
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from the following zone provisions to facilitate the construction of a main floor addition to the existing building:

1. Section 6.2.1.3(a) to reduce the front yard setback from 10 metres to 0.3 metres to permit the addition to the existing building;
2. Section 3.1.4(c) to permit the porch and stair features serving the addition to project up to 9.7 metres into the front yard setback (be 0.3 metres from the front lot line) whereas they are currently permitted to project up to 1.5 metres (be 8.5 metres from the front lot line);
3. Section 3.1.4(e) to permit the ramp features serving the addition to project 9.7 metres into the front yard setback (be 0.3 metres from the front lot line) whereas it is permitted to project up to 1.8 metres (be 8.2 metres from the front lot line);
4. Section 3.14.1.2 to reduce the number of parking spaces required with the construction of the addition from 5 accessible parking spaces and 3 regular parking spaces to 0; and
5. Section 3.14.1.11 to reduce the minimum aisle width between parking spaces from 7 metres to 6.9 metres for three accessible parking spaces and to 5.9 metres for three regular and two accessible parking spaces.

*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 – Johnson**  
Report Number COA2020-006

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**Public Meeting**

**Meeting Date:** February 20, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 5 – Former Town of Lindsay**

**Subject:** The purpose and effect is to request from Section 5.12(j)(vi) to reduce the driveway setback requirement from a side lot line from 0.6 metres to nil in order to permit a shared driveway between two abutting lots.

The variance is requested at 84-86 Queen Street, former Town of Lindsay (File D20-2020-002).

---

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

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2020-006 Jamol Johnson be received;

**That** minor variance application D20-2020-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Condition:**

- 1) **That** the variance related to this approval shall be applied in accordance with the sketch in Appendix C-2 which depicts shared driveway access between 84 and 86 Queen Street.
- 2) **That** should the related application for consent, file number D03-2018-018 lapse, this application shall be deemed to be refused.

**This approval pertains to the application as described in report COA2020-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** On April 23, 2019 the Director of Development Services as delegated by Council granted provisional consent to files D03-2018-018 and D03-2018-019. The application ending in 018 proposes to separate two residential buildings, addressed as 84 and 86 Queen Street, from one another.

The application ending in 019 proposes to create an easement for a right-of-way to allow each lot to continue to use the

mutual driveway that provides access from the road to the parking area behind the buildings. A condition of provisional consent approval requires the owner to apply for a variance to permit a driveway to abut the lot line to be created.

The application was deemed complete January 21, 2020.

Proposal:	To create two residential lots with shared driveway access.
Owner:	Jamol Johnson
Applicant:	Doug Carroll, DC Planning Services
Legal Description:	Part Lot 25, Lot 26, Part Park Lot 32, N/S Queen Street, Plan 15P; and Parts 5 and 6, 57R-4585
Official Plan:	Residential within the Town of Lindsay Official Plan
Zone:	Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75
Site Size:	Proposed Severed – 607 square metres Proposed Retained – 1,571.4 square metres
Site Servicing:	Municipal Water and Wastewater Services
Existing Uses:	84 Queen Street – Fourplex 86 Queen Street – Duplex
Adjacent Uses:	North: Park, Residential South, East West: Residential

#### **Rationale:**

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

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

The subject property is located on Queen Street, which is an established neighbourhood with older housing stock. The buildings on the subject property date to circa 1920 according to MPAC.

There is a single driveway that runs between the two buildings, providing access to two of the fourplex units with entries along the eastern building wall. The driveway also provides access to a communal parking area behind 86 Queen Street. A condition of provisional consent for file D03-2018-018 is for the parking spaces dedicated to the residents of 84 Queen Street be relocated from behind 86 Queen Street to the rear of 84 Queen Street. As such, the mutual driveway will provide access from Queen Street to the separate parking areas for each building and lot.

The use of the communal driveway is appropriate due to the City's approval of application D03-2018-019 to create easements over the driveway so that each lot will continue to be able to use it to access the parking areas once the lot line is created.

The variance is minor and desirable and appropriate as it permits a mutual driveway between two lots. Additionally, there is no perceived adverse impact to the neighbourhood character or use of either building as the driveway is an existing condition and the variance will not change how the driveway functions.

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

**Yes**

The property is zoned Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75. The provision from which relief is being sought is contained within the General Provisions section.

The intent of the General Provision regulating the placement of the driveway with respect to a mutual lot line is to ensure that the driveway, any vehicles which park upon it, and any swinging vehicle doors are fully contained upon the subject property. Another function of this required spatial separation is to ensure that there is space for stormwater runoff and snow storage.

However, this provision is established with the intent of separating the functions of driveways on abutting properties from one another. In this case, the intent of the consent applications which have received provisional consent is for the properties to share mutual driveway access. Therefore, the General Provision need not be in effect because the circumstance which it is controlling for is not being created.

The separation of the two lots meets all other provisions of the zoning by-law.

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**

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies. The subject property is within the Residential designation of the Official Plan. The Official Plan supports the use of the consent process to create residential infill lots.

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 on full municipal water and wastewater services.

**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 (February 7, 2020): No concerns.

Building Division (February 6, 2020): No concerns.

**Public Comments:**

No comments received as of February 10, 2020.

**Attachments:**



Appendices A-D to  
Report COA2020-006.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketches

Appendix D – Department and Agency Comments

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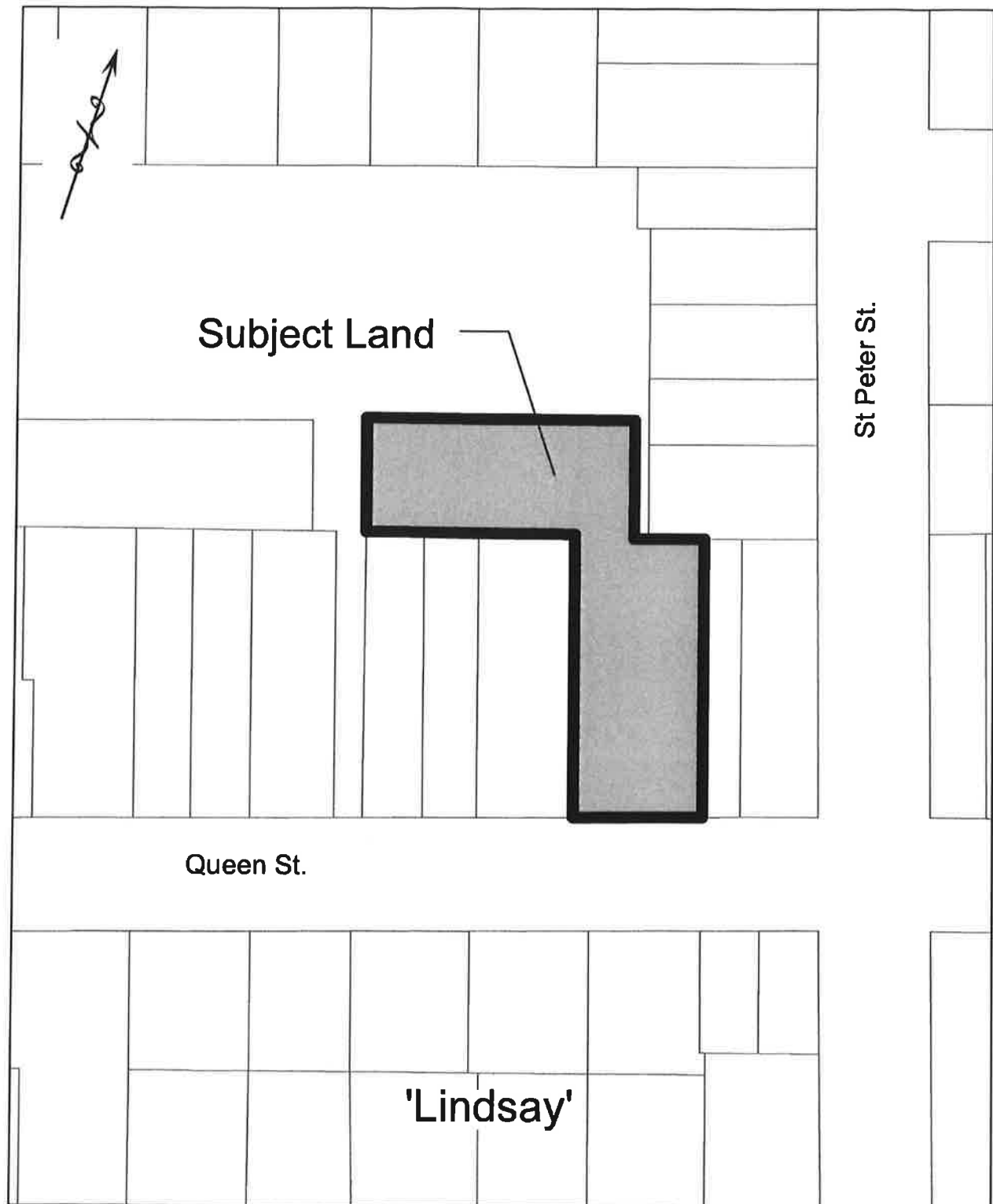
<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2020-002



to

REPORT COA2020-006

FILE NO: D20-2020-002



# 84-86 Queen Street, former Town of Lindsay



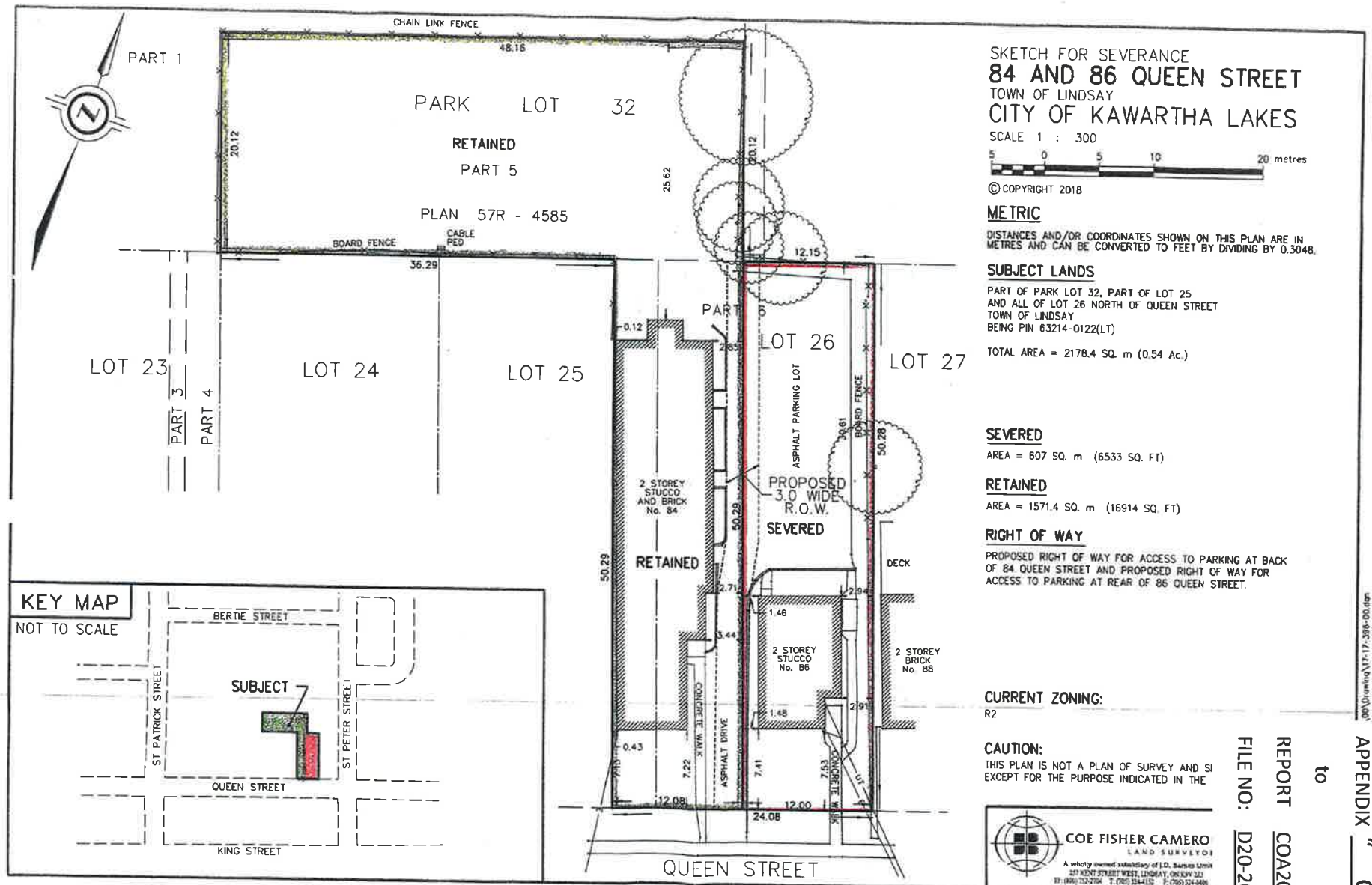
0.06 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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APPENDIX " B "  
to  
REPORT COA2020-006  
FILE NO: D20-2020-002





## David Harding

---

**From:** Derryk Wolven  
**Sent:** Thursday, February 6, 2020 11:01 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-002 84-86 Queen St

APPENDIX " D "  
to  
REPORT COA 2020-006

Please be advised building division has no concerns with the above noted application. FILE NO. D20-2020-002

**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

---

**From:** Mark LaHay  
**Sent:** Friday, February 7, 2020 9:00 AM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200207 D20-2020-002 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Friday, February 7, 2020 8:43 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20200207 D20-2020-002 - Engineering review

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

---

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

Minor Variance – D20-2020-002  
84-86 Queen Street  
Part Lot 25, Lot 26, Part Park Lot 32, N/S Queen Street,  
Plan 15P, Parts 5 and 6, 5&R-4585  
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to request relief from the following Section 5.12(j)(vi) to reduce the driveway setback requirement from a side lot line from 0.6 metres to nil in order to permit a shared driveway between two abutting lots.

*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  
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**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** January 27, 2020

**CASE NO(S):**

PL190381

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Ahmad Jawad Hadi
Subject:	Minor Variance
Variance from By-law No.:	94-07
Property Address/Description:	45 Marsh Creek Road
Municipality:	City of Kawartha Lakes
Municipal File No.:	D20-2019-030
LPAT Case No.:	PL190381
LPAT File No.:	PL190381
LPAT Case Name:	Hadi v. Kawartha Lakes (City)

**Heard:** January 8, 2020 in Lindsay, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Ahmad Jawad Hadi

Self-represented

City of Kawartha Lakes

Denitza Koev\*

**DECISION DELIVERED BY D. CHIPMAN AND ORDER OF THE TRIBUNAL**

**INTRODUCTION**

[1] Ahmad Jawad Hadi (the "Appellant") appealed the decision of the Committee of

Adjustment (the “CoA”) of the City of Kawartha Lakes (the “City”) which refused his application for three minor variances at 45 Marsh Creek Road, Concession B and C, Part Lot 23 and Part Road Allowance, Part 1, 57R-8393, geographic Township of Mariposa, now the City of Kawartha Lakes (the “subject property”). The property has frontage on Lake Scugog.

[2] The three minor variances that the Appellant is seeking relief from are:

- (i) Section 14.2.1.3(a) to reduce the front yard setback from 7.5 metres (“m”) to 0 m.
- (ii) Section 14.2.1.7 to reduce the minimum gross floor area from 93 square metres (“sq m”) to 86.9 sq m.
- (iii) Section 3.1.4.1(c) to permit unenclosed deck/porch with steps to project into an interior side yard such that the build features are 0.6 m from the east lot line whereas the by-law requires such projections to be at least 1.5 m from a lot line

[3] In determining the outcome of this appeal, the Tribunal must consider whether each variance satisfies all the four tests are set out in s. 45(1) of the *Planning Act* and that each variance is minor, desirable for appropriate development of the lands and that each variance maintains the general purpose and intent of the zoning by-law(s) and the official plan. Failure to satisfy any of the four tests is fatal to an application for a minor variance.

### **Concerns of the Participant**

[4] The Member advised the Parties that there had been a further submission received from by Mark and Jo-Ann Wieleba of 43 Marsh Creek Road. This Member advised all present that copies of the submission are available to all Parties through the Case Coordinator at the request of the Parties. Mark and Jo-Ann Wieleba were not



present for this hearing. The Tribunal recognizes the concerns brought forth. It is felt that the relief being sought through the revisions presented by the Appellant will mitigate the negative impacts currently being experienced as outlined in both of their written submissions.

[5] Denitza Koev, City Solicitor opened by stating that the City and the CoA had no issues with the first two variances ((i) and (ii)) and further, there had been dialogue between the Appellant and the City regarding the outstanding variance since the CoA's decision was issued. Ms. Koev stated that the information would be shared with the Tribunal as the hearing continued.

### **Planning Evidence**

[6] Kevin Duguay was hired by the Appellant in July 2019. Mr. Duguay was sworn in without objection as an expert planner to provide evidence to the Tribunal.

[7] Mr. Duguay informed the Tribunal the subject property is currently zoned RR3 – Rural Residential Type Three Zone by Zoning By-law No. 94-07 (the “Zoning By-law”) which permits Single detached dwellings and Vacation dwellings.

[8] Mr. Duguay identified the subject property as being waterfront with a naturalized shoreline, existing boathouse, existing building location and existing site parking/driveway.

[9] He informed the Tribunal that the garage on the subject property had been vacant for many years. The garage had been used by the neighbours to the east. Mr. Duguay mentioned that the garage had been converted by the Appellant into a three-season accommodation after he purchased the property. He stated that the said property relies upon private (water and waste water) services. The septic system on the property had been installed prior to the Appellant purchasing the subject property and that the Appellant had installed the well system since taking ownership.

[10] Mr. Duguay informed the Tribunal that the Appellant had installed a double door, that is fixed in nature, as well as a large window on the north side of the building facing the road frontage. The front yard requires an encroachment agreement with the City to approve variance (i) to reduce the front yard setback from 7.5 m to 0 m. Mr. Duguay confirmed the Appellant has started this process.

[11] Mr. Duguay pointed out that the proposed dwelling is approximately 86.9 sq m and is in fact, 6.04 sq m smaller than the minimum gross floor area of 93 sq m which is the maximum allowance per dwelling. Thus, satisfying the qualifications for variance (ii) to be approved under s. 14.2.1.7 of the Zoning By-law.

[12] Mr. Duguay provided a “Revised Concept Plan” illustrating an enclosed entrance, east side of the dwelling having a set back of 1.2 m from the east lot line. The original request was for a setback of 0.6 m. The resultant setback would be 0.3 m deficient from the minimum requirement of the Zoning By-law. In doing so, he suggested the revised plan would require a further variance. The amendment would also redirect the staircase from protruding in an easterly direction to one of a northerly direction. This would provide for an external door at the top of the staircase into an enclosed platform area.

[13] Ms. Koev requested clarification on the measurements of the east side yard property line to the exterior east side wall of the building structure as it appears in Proposed Porch Enclosure Attachment 5 of Exhibit 2. Mr. Duguay recognized that the 2.84 m as shown in Attachment 5 identifies the measurement as being from the property line to the protruding staircase and not the building wall of the structure. The Tribunal so notes the error and will request in its final Order that Mr. Duguay provide a corrected drawing to confirm the measurement is between the property line and the building wall.

[14] Mr. Duguay brought the Tribunal through his evidence citing the qualifying sections of the Official Plan, Provincial Policy Statement, 2014 (“PPS”) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”). Each of

the sections are outlined in Exhibit 3.

[15] Ms. Koev called David Harding, City Planner as a witness. Mr. Harding was sworn in as an expert planner without objection.

[16] Mr. Harding confirmed that in May 2018 the Appellant attended a pre-screening meeting and that they had met several times through the summer of 2018. An application was received in 2019 and Mr. Harding prepared a staff report for the CoA.

[17] The staff report concluded that variances (i) and (ii) as noted above, met the four tests of a minor variance and recommended they be granted. Mr. Harding recommended variance (iii), to permit an unenclosed deck/porch with steps projecting into the interior side yard such that the built features are 0.6 m setback from the east lot line, be denied. Mr. Harding stated that he had received written and verbal communication from the neighbours abutting the property to the east. The communication noted noise and privacy issues with having neighbouring bedroom windows directly across from the unenclosed deck/porch. Mr. Harding was of the opinion the variance was not minor in nature if the unenclosed deck/porch was used as a gathering place that negatively impacted the adjacent neighbour.

[18] Mr. Harding was asked by Ms. Koev if he would support the “Revised Concept Plan” amendment. He confirmed that, in his opinion an enclosed deck/porch would alleviate the noise factor and privacy issues. He confirmed that repositioning the staircase to face north would deter using the space for individuals to congregate along the property line.

[19] Mr. Harding expressed that he believes there would be sufficient space for an enclosed porch within the footprint of the existing concrete porch base. He believes that coupled with the relocation of the steps there would be sufficient buffering of pedestrian traffic as access to the building would be direct and closer to the building. He believes that the amended application would make variance (iii) minor in nature.

[20] Mr. Harding opined that the application otherwise meets the Zoning By-law and Official Plan for waterfront properties of similar size with seasonal accommodation. He stated the property has sufficient parking, and under the Waterfront Policy in the City's Official Plan is respective of the 30 m setback from water's edge.

[21] Mr. Harding commented that the intended use of the existing detached garage conversion into a single detached dwelling would meet the PPS policy directives and the Growth Plan.

[22] Ms. Koev asked Mr. Harding if the enclosed porch and relocation of the staircase in final design could, in fact, meet the side yard setbacks required in the Zoning By-law s. 14.2.1.3 should the third variance be required. Mr. Harding confirmed that if the enclosure including the exterior cladding was 1.3 m from the property line no variance would be needed.

[23] Mr. Duguay confirmed in the hearing that the Appellant would submit the final design using the existing 1.2 m by 1.2 m concrete porch base, with the inclusion of exterior wall cladding so that the full enclosure meets the requirements of the Zoning By-law s. 14.2.1.3 and confirmed no further variance will be sought regarding the enclosed porch structure and side yard setback.

## **ANALYSIS AND FINDINGS**

[24] The Tribunal is confident that the application meets the PPS policy directives and the Growth Plan. In determining this matter, the Tribunal accepts and adopts the uncontested land use planning evidence and expert opinions provided by both Mr. Duguay and Mr. Harding. The Tribunal is persuaded by the evidence that the proposal promotes efficient use of land as a seasonal dwelling while maintaining the natural shore line and recreational use of rural lands.

[25] The Tribunal finds that through the evidence presented, that the variances meet the four tests as set out in s. 45 (1) of the *Planning Act*.

**ORDER**

The Tribunal orders that the appeal is allowed in part and the variances to Zoning By-law No. 94-07 are authorized subject to the following conditions:

- That all encroachments onto municipal property, namely the driveway, front building wall and fencing, have been addressed to the satisfaction of the City's Realty Services Division;
- That the proposed conversion of the existing detached garage into a single detached dwelling shall proceed in accordance with Site Plan A0, dated November 2019, appended to this Decision as Attachment 1
- That, notwithstanding s. 3.1.2.1 of the Township of Mariposa Comprehensive Zoning By-law No. 94-07, when relief is granted, it shall not be interpreted to permit an accessory building to be constructed any closer to the front lot line than 7.5 m;
- That the Appellant prepare a revised Attachment 5 of Exhibit 2 for submission to the City Planning Department to reflect correct measurements on the drawing and forward a copy to the Case Coordinator to ensure the file is accurate;
- That the Appellant as agreed satisfactory to all parties, submits a final design outline using the footprint of the existing 1.2 m by 1.2 m concrete porch base, inclusive of the exterior wall cladding for the enclosed porch so that the full enclosure meets the requirements of Zoning By-law No. 94-07 s. 14.2.1.3;
- The Appellant will, as agreed satisfactory to all parties, ensure that the access steps are oriented towards the driveway; and

[26] The Member may be spoken to should the need arise.

*"D. Chipman"*

D. CHIPMAN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

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## SCHEDULE A

