

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

COA2020-003

Thursday, March 19, 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	
2.	Administrative Business	
2.1	Adoption of Agenda	
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2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2020-02-2.3.1 February 20, 2020 Committee of Adjustment Minutes	4 - 15
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2020-007 David Harding, Planner II, RPP, MCIP File Number: D20-2020-003 Location: Sugar Bush Trail Part Lot 26, Concession 10 Geographic Township of Fenelon Owners: Gillian and Darren Wilkinson Applicant: Doug Carroll, DC Planning Services	16 - 28
3.1.2	COA2020-008 David Harding, Planner II, RPP, MCIP File Number : D20-2020-004 Location: 6 Cowans Crescent Lot 58, Plan 358 Geographic Township of Emily Owners: Patrick and Lori Brick Applicant: Patrick Brick	29 - 43

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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, April 16, 2020 at 1:00pm in Council Chambers, City Hall.	
8.	Adjournment	

The Corporation of the City of Kawartha Lakes
Minutes
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

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1. Call to Order

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

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

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2020-02.2.1.1

February 20, 2020
Committee of Adjustment Agenda

CA2020-008

Moved By D. Marsh

Seconded By A. O'Bumsawin

That the agenda for the February 20, 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 COA2020-01.2.3.1

January 23, 2020
Committee of Adjustment Minutes

CA2020-009

Moved By A. O'Bumsawin

Seconded By S. Richardson

That the minutes of the previous meeting held January 23, 2020 be adopted as circulated.

Carried

3. New Applications

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

Mr. Harding summarized Report COA2020-004 to request relief to construct an addition to the existing dwelling. The addition is to contain living space and a two level attached garage. The lower level of the garage is closer to the road than the upper level. The lower level is entirely underground at the front of the building. The minor variances meet the four tests.

Mr. Harding noted that since the writing of the report, comments were received from the Community Services Department and the Building Division - Part 8 Sewage Systems noting no concerns.

The Committee questioned why Condition 2 was included. Staff replied that it is common to identify and remediate items which do not comply with the zoning by-law when a property goes through the variance process. The accessory building, if considered a boathouse, remains too close to the interior side lot line to comply with the side yard setback provision.

The Committee asked whether there would be sufficient space to park a vehicle in-front of the garage doors on private property and whether the below-grade garage level could support the weight of the vehicles parking above. Mr. Harding responded that a parking space must be at least 6 metres in length, and the proposal complies with this length. Ms. Murchison, Chief Building Official responded that the structural integrity of the proposal will be reviewed through the building permit process.

The Committee also asked whether a condition needed to be added to reflect the KRCA's concerns with respect to flooding. Ms. Murchison suggested a condition be added to ensure a surveyor confirmed the elevation of the proposed construction.

The applicant, Robert Kneale was present and spoke to the Committee. The Committee asked applicant how difficult is it to move the "boathouse". Mr. Kneale replied it is an 8 x 8 foot shed on patio stones. While it is not difficult to move, it is close to the neighbour's sheds which back onto it and is set back into the trees.

The Committee asked for staff's opinion on the repercussions of removing Condition 2. Staff replied that the building does not comply with the zoning by-law and the Committee's decision will not change this fact.

The Committee motioned to delete the wording of Condition 2 in the staff report for its decision and add new wording to read: "That prior to the issuance of a building permit the owners shall submit from an Ontario Land Surveyor, confirmation that the elevation of the openings relating to the proposed construction, are in compliance with the approval issued by the Conservation Authority in relation to the regulatory flood elevations".

No further questions from the Committee or other persons.

CA2020-010

Moved By Councillor Yeo

Seconded By A. O'Bumsawin

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 submit from an Ontario Land Surveyor, confirmation that the elevation of the openings relating to the proposed construction, are in compliance with the approval issued by the Conservation Authority in relation to the regulatory flood elevation,
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.

Carried

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 Anglican Church

Mr. Harding summarized Report COA2020-005, to request relief from zoning provisions to facilitate the construction of a main floor addition to the existing building.

Mr. Harding brought to the attention of the Committee a typo error in Report COA2020-005, page 3, rationale, last sentence, which read: "...5 accessory and 2 regular..." which should read: "...5 accessory and 3 regular...". Also in the report, page 2, Conditions, the conditions were omitted in the original printed version due to a software issue. Two conditions have been added to the hardcopy to reflect the digital report and were distributed for the Committee's and applicant's review. Mr. Harding noted that since the writing of the report, comments were received from Community Services, noting no comments or concerns.

The Committee asked if the parking spaces exist. Staff clarified that the parking surface exists but the lines are yet to be painted.

The Committee questioned the proposed aisle width from a safety aspect, noting that large vehicles are used for accessible parking. They were concerned

whether it is acceptable according the Zoning By-Law as well as the AODA (Accessibility for Ontarians with Disabilities Act) to have aisle widths of the proposed size. Mr. Holy, Manager of Planning, replied that the parking lot area is substantially constrained due to the location of the church, septic system and cemetery, and recognized that multiple turns may be needed to successfully navigate the smaller aisle if backing up from a parking space. The proposal achieves the best design possible given the site constraints.

The applicant, Paul Heath, Warden Representative, was present and spoke to the Committee. He spoke to the preservations of the Churches in rural areas. Their intention is to bring the Church up to code by making it more accessible as they have an ageing congregation. The Church would like to be a community hub where elections can be held, as well as meetings and events. Being an accessible building will facilitate its ability to be a community hub. The Committee questioned why the Diocese did not approve the improvements suggested in 2012. The applicant, Mr. Heath responded by saying that the Diocese reviewed and suggested applying for a grant. The Diocese rejected the proposal as it was focused on dealing with declining congregations and church closures.

The Committee asked Mr. Heath what made the Diocese change their mind and support the upgrades. Mr. Heath replied, due to having the right Minister and positive atmosphere resulted in a thriving congregation. The Diocese saw revenues increase and the congregation in good spirits, and in return decided to support the addition.

The Committee also had some questions about the location and status of the tile bed. The Committee asked staff if the parking lot is paved. Staff replied yes. The Committee asked whether the pavement over the portion of the tile bed has been removed.

Ms. Murchison, Chief Building Official confirmed due to the weather it will be spring before it can be pulled back. Mr. Heath confirmed that they had spoken with the parking lot installer and had scheduled the partial removal in spring.

The Committee asked about the number of cars present at services.

Emil Nychka, Warden, was present and advised that due to carpooling about 15-20 cars are parked during regular church events, but this can increase substantially during the holidays.

No further questions from the Committee or other persons.

CA2020-011

Moved By D. Marsh

Seconded By S. Richardson

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.

Carried

3.1.3 COA2020-006

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-002

Location: 84-86 Queen Street

Part 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, DC Planning Services

Mr. Harding summarized Report COA2020-006 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, which are to be created via application D03-

2018-018. The minor variance application meets the four tests.

Mr. Harding noted that since the writing of the report, comments were received from the Community Services Department noting no concerns.

The Committee asked staff if the lot line runs equally through the middle of the properties. Staff replied that it is proposed to run down the driveway. The Committee continued to ask if both properties are required to provide parking. Staff read the conditions of consent D03-2018-018 to the Committee and confirmed that a site plan agreement is a requirement to accommodate the parking for the four-plex building, addressed as 84 Queen Street.

Discussions ensued regarding zoning compliance and the particulars of the site plan agreement process.

The applicant, Doug Carroll, DC Planning Services was present and spoke to the Committee. He requested that Condition 2 be deleted in case the consent lapses on April 23, 2020. If the consent does lapse his client will have to re-apply for the consent application as well as minor variance. Mr. Carroll noted that he received a concept plan survey yesterday for the parking lot on 84 Queen Street, which would form part of the site plan agreement. The concept plan survey also shows parking behind 86 Queen Street. He passed it to Staff and the Committee to review.

The Committee asked staff if a deferral would cause further costs to the applicant with respect to the minor variance process. Staff replied, no.

The Committee asked Mr. Harding if Condition 2 should be removed.

Mr. Harding replied that it is practical to tie a variance decision to the consent application since a condition of provisional consent is the only item requiring the variance application and the owner is given 1 year to fulfill all provisional consent conditions.

In opposition to the application is Ryan Shotlander of 88 Queen Street. He spoke to the Committee regarding his fence which has been there since 1920. He asked if he is required to move the fence line to allow for the 5 foot landscape area and curb shown in the concept plan survey presented to the Committee. Staff replied that he is not required to make any adjustments as a result of this variance application.

Councillor Yeo moved to grant the minor variance application with the exclusion of Condition 2. There was no seconder. The motion failed.

Mr. Marsh moved to defer the minor variance application. Mr. O'Bumsawin seconded.

Staff clarified that a deferral is not necessary as the site plan agreement need not be registered before the provisional consent lapsing date. The condition in application D03-2018-018 requires a solicitor's undertaking that no other document be registered until the site plan agreement is registered.

Mr. Marsh and Mr. O'Bumsawin withdrew the motion.

The Committee motioned to grant the application as printed.

No further questions from the Committee or other persons.

CA2020-012

Moved By Councillor Yeo

Seconded By S. Richardson

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.

Carried

At 2:56pm the Chair called for a break. At 3:03pm the Chair called the meeting back to order.

3.2 Consents

4. **Deferred Applications**

4.1 Minor Variances

4.2 Consents

5. **Other Business**

Tribunal Case No. PL190381, 45 Marsh Creek Road, Kawartha Lakes.

Mr. Holy, Manager of Planning spoke to the Committee regarding the Local Planning Appeal Tribunal (LPAT) decision for 45 Marsh Creek Road. Discussion ensued.

The Committee reiterated its displeasure at the lack of support it received from the City Solicitor and Council. The Committee proposed to better articulate its decision so that the City Solicitor and Council have a better understanding of their rationale when deciding whether to support a decision different from the staff recommendation.

The Acting Secretary-Treasurer, Mark LaHay, reminded the Committee that it fulfilled its commitment and obligation to make a decision, and that it has no legal obligation to defend its decision if appealed.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, March 19, 2020 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2020-013

Moved By Councillor Yeo

Seconded By D. Marsh

That the meeting be adjourned at 3:24pm.

Carried



Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Darren and Gillian Wilkinson
Report Number COA2020-007

Public Meeting

Meeting Date: March 19, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is from the following provisions in order to permit the construction of a single detached dwelling with a deck and screened porch:

1. Section 3.18.1.1 to reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 6.3 metres,
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 6.3 metres; and
3. Section 15.2.1.3(b)(ii) to reduce the north interior side yard setback from 2.3 metres to 1.3 metres

The variance is requested on Vacant land on Sugar Bush Trail, geographic Township of Fenelon (File D20-2020-003).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-007 Darren and Gillian Wilkinson, be received;

That minor variance application D20-2020-003 be DENIED, as the application is not minor in nature, not desirable and appropriate for the use of the land, does not maintain the intent of the zoning by-law and does not maintain the intent of the Official Plan. The four tests for minor variance are set out in Section 45(1) of the Planning Act.

Background: The application was submitted January 21, 2020. No consultation through our pre-screening process occurred with the Planning Division prior to the submission of the application.

Proposal: To permit the construction of a single detached dwelling inclusive of a screened porch, deck, and attached garage.

Owners: Darren and Gillian Wilkinson

Applicant: Doug Carroll, DC Planning Services Inc.

Legal Description: Part Lot 26, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 1,089.59 square metres (11,728.3 square feet)

Site Servicing: Private individual well and septic system proposed

Existing Uses: Vacant Land

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

Rationale: Analysis of the requested relief for the interior side yard reduction shall be tied to the reliefs being sought to the water and EP Zone setbacks as all three variances are related to the same built form proposal.

While analysing the application, Planning Staff have identified that relief from the minimum front yard requirement in Section 15.2.1.3(a) was not sought. Therefore, if the application as applied for is approved, the deck could be no closer than 7.5 metres to the shoreline. A pre-screening application was not filed for this property. One of the functions of the pre-screening process is to allow Planning Staff to conduct a review of the application to determine the variances required.

1) Are the variances minor in nature? No
And

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

The subject property is located upon a peninsula on the east side of Cameron Lake. The peninsula is accessed via a private easement for a right-of-way known as Sugar Bush Trail. The neighbourhood is composed of seasonal and year-round residential uses. Sugar Bush Trail does not run down the centre of the peninsula, resulting in deeper lots on the west side and shallower lots on the east side. The subject property is the last undeveloped lot on the east side. Single storey, 1.5 storey and two storey dwelling designs are found on the east side of Sugar Bush Trail. Some of these dwellings also have walkout basements, which are defined as an additional storey.

While it is recognized that the shoreline of the subject property runs at an angle, the application proposes a built form substantially closer to the water than any recent construction and proposes a built form that covers approximately 303.28 square metres (303.28 square feet) or about 27.9% of the lot. This calculation includes deck coverage as per the zoning by-law. The maximum lot coverage permitted is 30%. While the proposal is under the maximum permitted coverage, the reliefs are sought on the basis of permitting a dwelling footprint

which spans the width of the lot. As per the zoning by-law, private rights-of-way are not defined as streets. Therefore, the shore lot line is also considered the front lot line. Due to the location of the front yard, it is anticipated that it will function as a rear yard. Rear yards contain and function primarily as private recreational and amenity spaces related to the dwelling. The footprint restricts amenity and recreational uses solely to the front (water side) yard as the rear yard as defined is occupied by the septic system and driveway.

The front yard recreational and amenity area ranges in depth from about 15 metres at its northeastern corner down to 6.3 metres near its southeastern corner. This results in a front yard area where there is less landscaped open space available for recreational and amenity uses.

A review of more recently constructed dwellings in the vicinity identified that they maintain or exceed the minimum water and EP setback provisions. The application proposes a built form which is out of character with the neighbourhood by bringing the built form closer to the shoreline than what is found in any of the modern builds. Massing impacts are anticipated.

Other designs should be considered. See the Other Alternatives Considered section.

Due to the above analysis, the variances are not minor in nature nor desirable and appropriate for the use of the land.

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

The property is zoned Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95. The zone category permits seasonal and year round residential uses.

The intent of the interior side yard is to provide sufficient space for: passage between the front and rear yards, building maintenance, and the buffering of uses between properties. The reduction to the northern interior side yard is not anticipated to affect the ability to permit passage between the front and rear yards nor is it anticipated to reduce the ability to perform dwelling maintenance. The reduction is also not anticipated to adversely affect the use on 27 Sugar Bush Trail as the dwelling is located at the opposite end of that lot and there is a line of trees which run along the mutual lot line, providing a vegetative buffer.

The intent of EP Zone setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment of vegetation. The role of this vegetative buffer is examined more within the Official Plan test. The setback reduction contradicts the intent of maintaining this buffer.

Further, the water setback is often found within what functions as the rear yard. The rear yard primarily functions as a private recreational and amenity space for the dwelling. As such, the area in which the water setback applies also functions as the rear yard even though it is by definition the front yard. Reducing the water and EP Zone setbacks reduces the area of available front

(rear) yard amenity space and brings the built form closer to the water. This causes the recreational and amenity activities associated with the built form to be concentrated in a smaller space closer to the water because there is no other place for these activities to occur, save the rear yard, which is nearly entirely occupied by the driveway and septic system. Given that the property abuts a long and narrow bay where dwellings on the opposite sides are less than 200 metres away, there may be adverse impacts related to noise that could be magnified by the water.

Other designs should be considered. See the Other Alternatives Considered section.

Therefore, the variances do not maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan? No

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Residential uses are anticipated within this designation.

The Official Plan establishes water setback policies to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the creation of a water setback, a buffer is created between the built form and waterbody for the establishment of vegetation to protect and enhance the ecological function of the waterbody. This vegetation provides the following benefits to the waterbody: attenuation of warm water runoff, trapping of sediments and nutrients carried by storm water runoff, enhancement to water quality, and habitat enhancement in the riparian area.

Policy 3.11 permits development within 30 metres of the shoreline on existing lots of record where it is demonstrated that all of the following criteria are met:

A. The 30 metre water setback cannot be met.

As the property is a depth of 28.82 metres on one side and 43.22 metres on the other side, staff is of the opinion that this condition is met.

B. Development is to be directed away from the shoreline as much as possible.

The proposal is a rectangular design on a lot with a diagonal shoreline and the building's footprint spans the entire width of the lot. The proposal does not propose a footprint that attempts to direct the built form away from the shoreline. See Other Alternatives Considered for further staff analysis on this point.

C. A vegetation protection zone be established to the maximum extent possible.

As the proposal does not propose a footprint that attempts to direct the built form away from the shoreline, there is additional area which could be utilized to establish a vegetation protection zone with a depth greater than 6.3 metres. As such, the vegetation protection zone has not been

established to the maximum extent possible. See Other Alternatives Considered for further staff analysis on this point.

D. The septic system be elevated 0.9 metres above the water table.

The site grading plan shows this criterion is met.

E. The impact of the expansion or reconstruction is minimized to the maximum extent possible.

This criterion is not applicable as the proposal is not an expansion or reconstruction.

F. In no case shall development be less than 15 metres to the high water mark.

The proposal does not maintain a water setback of at least 15 metres nor have other designs been submitted to demonstrate that the proposal is the most suitable built form for the lot. See Other Alternatives Considered for further staff analysis on this point.

Based upon this analysis, criteria B, C, and F are not met.

Section 20.4 of the Official Plan contains policies to preserve the natural appearance of the shoreline by minimizing the visual presence of built form and retain as much natural shoreline as possible. The intent of these policies is to provide a buffer between the activity of the built form by the dwelling and the ecological functions of the lake. The presence of the built form may be controlled through proximity. Proposing built form 6.3 metres from the shoreline does not lessen the visual impact of the built form. Should the variances be granted, recreational and amenity uses within the reduced water setback area are anticipated to become concentrated within that space since there is less space available within that setback area to carry out those activities.

In consideration of the above the variances do not maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff did reach out to the applicant to ask whether other septic system and building designs had been considered that would comply with the Zoning By-law and Official Plan policies. The response was that the submitted design is the preferred design.

Staff believes there is opportunity to create a proposal that does comply with the current water setback requirements through: (1) a different building and driveway design and/or (2) a different septic system design.

The septic system footprint may be reduced through the use of an alternative (formerly known as tertiary) sewage system in order to free up additional building envelope that is outside of the water setback. The system may also be positioned in a different location, such as a side yard, to allow for a dwelling with more depth that does not span the width of the lot.

The dwelling is proposed to cover an area of 243.28 square metres (2,618.6 square feet). The coverage does not include the deck, which has a footprint of

about 53 square metres (580 square feet). The living space on the main floor is 175.3 square metres (1,886 square feet) and the lower level is 172.8 square metres (1,860 square feet).

The footprint and building is large in relation to the property area. Opportunities exist to reduce the footprint of the building by either: (1) making reductions to the 348 square metre (3,746 square foot) living space and/or (2) arrange the living space differently by adding a partial or full storey above the main floor. In either scenario, a less rectangular design could also be proposed to better utilize the building envelope available outside of the minimum water and EP Zone setbacks. Such a design may involve the relocation of the garage.

Staff remains open to reviewing alternative design proposals which comply with the water setback requirement, but may require relief from other minimum yard setback provisions.

Servicing Comments:

The property is proposed to be 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:

Kawartha Region Conservation Authority (February 10, 2020): No concerns. Planning Staff did discuss the proposal with KRCA staff. The KRCA clarified that their review of the application related primarily to ensuring the building would be located outside of the Cameron Lake flood plain.

Building Division (March 5, 2020): No concerns.

Development Engineering Divisions (March 6, 2020): No concerns.

Planning Division Comments: In correspondence with the applicant, the applicant identified the recently constructed dwelling at 47 Sugar Bush Trail as a comparison case to the current application. Planning Staff has reviewed the lot grading and drainage plan for 47 Sugar Bush Trail. The plan identifies the dwelling along with its deck exceed the required 15 metre minimum water and EP Zone setback.

Public Comments:

No comments received as of March 10, 2020.

Attachments:



Appendices A-D to
Report COA2020-003.

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

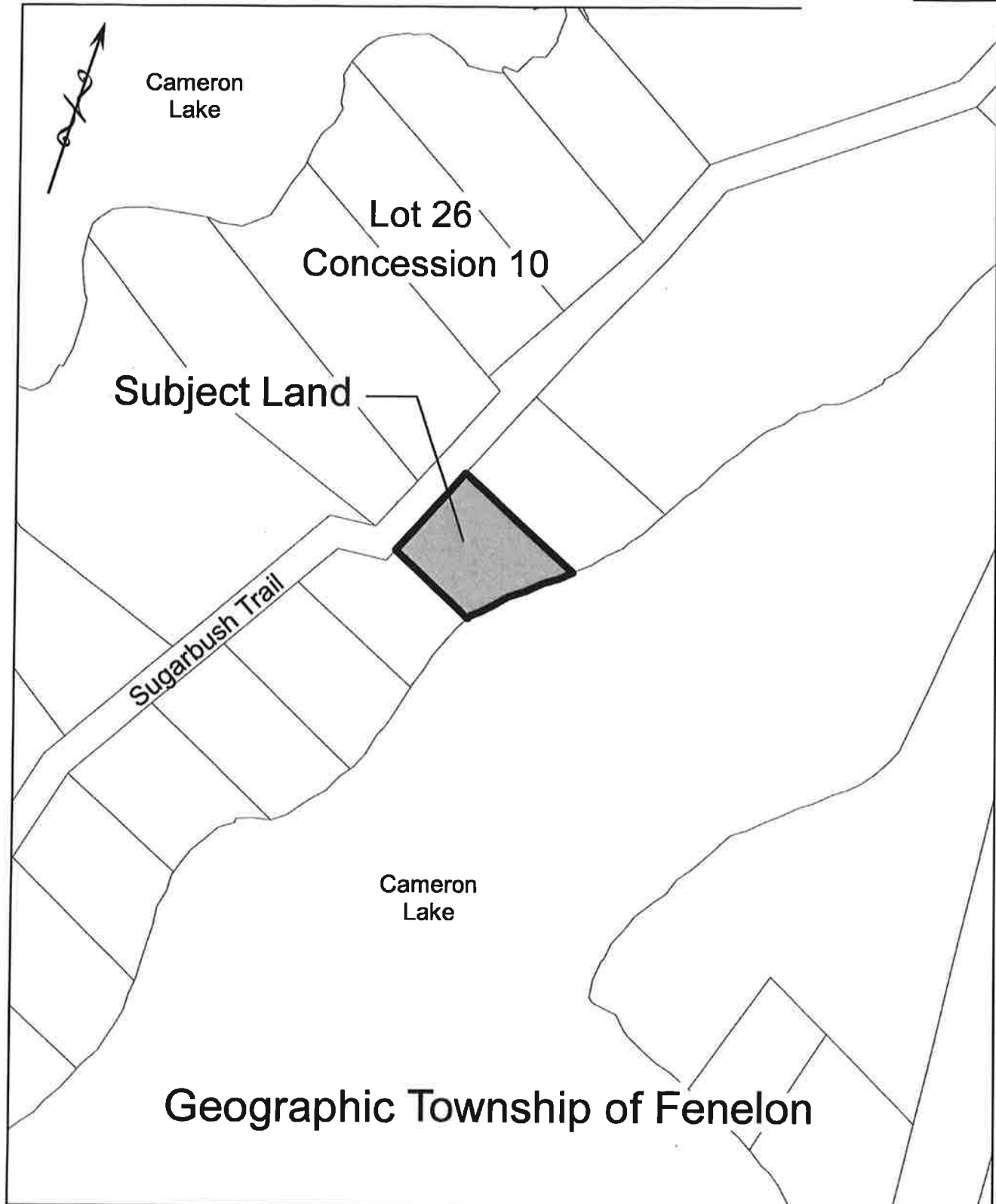
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-003

to

REPORT COA2020-007

FILE NO: D20-2020-003

D20-2020-003



Vacant Lot, Sugar Bush Trail, geographic Twp. of Fenelon



0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

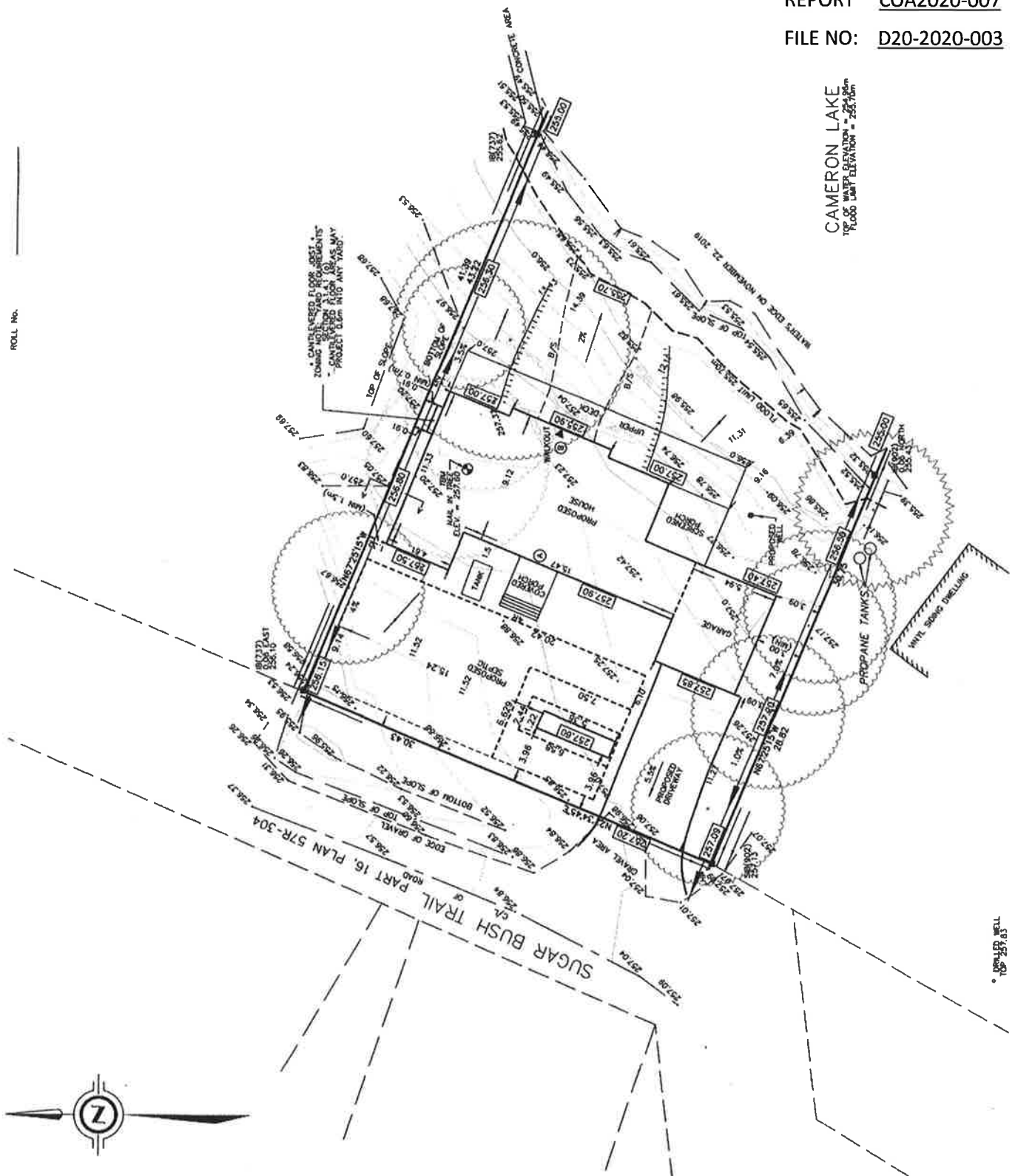


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2020-007
FILE NO: D20-2020-003

CAMERON LAKE
TOP OF WATER ELEVATION = 254.98m
FLOOD LIMIT ELEVATION = 255.70m



David Harding

From: Derryk Wolven
Sent: Thursday, March 5, 2020 1:50 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-003

APPENDIX " D "
to
REPORT COA2020-007

Follow Up Flag: Follow up
Flag Status: Completed

FILE NO. D20-2020-003

Building division has the following comments:

No concerns.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Anne Elmhirst
Sent: Friday, March 6, 2020 4:58 PM
To: David Harding
Subject: D20-2020-003 Sugar Bush Trail

Hello David,

RE: D20-2020-003 Minor Variance
Sugar Bush Trail, Former Fenelon Township
Part Lot 26, Conc. 10,
Roll No. 165121006020300

I have received and reviewed the application for minor variance to request relief to permit the construction of a single detached dwelling with a deck and screened porch on the above-noted property. The relief request will allow a reduction of the minimum setback requirement to the Environmental Protection Zone, a reduction to the minimum water setback and a reduction to the north interior yard setback.

An application for a sewage system permit has been submitted and reviewed by our department to service the proposed single detached dwelling on the property. The sewage system is proposed in the road side of the property. The proposal is for a conventional filter bed system to service the dwelling. The sewage system proposal meets the requirements of the Ontario Building Code.

A further review of the property was conducted to determine if there would be a sewage system proposal that would allow for more available space in order to reduce the request for relief for the dwelling on the water setback. An evaluation of alternative sewage systems was conducted. An alternative sewage system proposal would provide some additional alleviation for the relief to the water setback. However, the amount of alleviation would be minimal.

As such, the Building Division – Sewage System Program has no concerns with the minor variance request.

Best Regards,

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



Charlotte Crockford-Toomey

From: Mark LaHay
Sent: Friday, March 06, 2020 4:31 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200306 D20-2020-003 - Engineering review

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, March 6, 2020 4:28 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200306 D20-2020-003 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance — D20-2020-003
Vacant Lot, Sugar Bush Trail
Part Lot 26, Concession 10
Geographic Township of Verulam

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the construction of a single detached dwelling with a deck and screened porch:

1. reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 6.3 metres;
2. reduce the minimum water setback from 15 metres to 6.3 metres; and
3. reduce the north interior side yard setback from 2.3 metres to 1.3 metres.

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

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

Thanks,

CHRISTINA

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Patrick and Lori Brick
Report Number COA2020-008

Public Meeting

Meeting Date: March 19, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from the following provisions:

1. Section 3.11.1 to reduce the minimum lot frontage from 12 metres to 8 metres to permit the construction of a detached garage and addition to the single detached dwelling; and
2. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard from 3 metres to 1.2 metres to permit a detached garage.

The variance is requested at 6 Cowans Crescent, geographic Township of Emily (File D20-2020-004).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-008 Patrick and Lori Brick, be received;

That minor variance application D20-2020-004 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 garage and addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of report COA2020-008, 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 COA2020-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application was last amended March 2, 2020.

Proposal: To construct a 13.7 square metre (148 square foot) addition to a single detached dwelling and a 9.2 x 9.2 metre (30.2 foot x 30.2 foot detached garage).

Owners: Patrick Brick and Lori Brick (Lori-Ann O'Connor)

Applicant: Patrick Brick

Legal Description: Lot 58, Plan 358, geographic Township of Emily, now City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1,603 square metres [MPAC]

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Shoreline Residential & Shoreline Residential Backlots
South Pigeon River
West, West: Shoreline Residential

Rationale:

1) Are the variances minor in nature? Yes
And

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

The subject land is part of a shoreline residential neighbourhood located upon the north side of Pigeon River. The neighbourhood is often referred to as Cowan's Bay.

The neighbourhood has a very unique lot configuration, being comprised of "flag and pole" shaped lots on the south and east sides of Cowan's Crescent. Please refer to Appendices A, B and C. The properties on the south and east sides of Cowan's Crescent are irregularly shaped to maximize the number of lots with shoreline frontage. There are two types of lot configurations: lots that have narrow road frontages sufficient to contain only a single lane driveway with wider shoreline frontages, and lots with wider road frontages and narrow shoreline frontages. The lot configurations cause dwellings to locate close to

the road (road side dwellings) or close to the shoreline (shore side dwellings) to utilise the best area for a building envelope.

Permitting development to occur on the subject property given its narrow lot frontage is appropriate as the lot, like all neighbouring lots of similar shape, contains a building envelope of sufficient size closer to the shoreline. Permitting the construction of the addition and garage is not anticipated to adversely impact the character of the neighbourhood nor cause land use conflict between abutting and adjacent residential properties.

The detached garage will provide sheltered storage space for items currently stored out on the lawn. The proposed reduced interior side yard is consistent with that permitted for accessory buildings located in other yards. The proposed setback is sufficient for maintenance to be performed on the building, and for lot grading and drainage purposes.

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 within the Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30. Existing lots of record are subject to the lesser lot frontage of 12 metres and area of 930 square metres contained within the General Provisions, subjecting lots which do not meet these provisions to additional review in the form of a minor variance application. The frontage provision appears to have been developed on the premise that a lot would be rectangular in nature. The property, as a flag and pole shaped shore side lot, is of sufficient size to accommodate the proposed development. The addition will apply with all applicable setback provisions

The garage is proposed within an area that is in-front of the shore side dwellings and behind the road side dwellings. This in-between band is occupied by accessory uses and buildings on abutting properties.

The intent of the General Provisions section regulating the placement of garages in front yards appears to be to ensure their placement is compatible with that of the dwellings on abutting properties and the broader neighbourhood streetscape. The reduced side yard setback is not anticipated to generate any adverse impacts to the abutting residential uses or streetscape as the proposed garage is located far from the road and is largely set in behind the road side dwellings. It is the road side dwellings which largely define the streetscape.

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 Waterfront within the City of Kawartha Lakes Official Plan. Within the Waterfront designation, residential uses, including their accessory uses, are anticipated.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

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 (March 6, 2020): No concerns.

Kawartha Region Conservation Authority (March 6, 2020): No concerns.

Building Division – Part 8 Sewage Systems (March 6, 2020): No concerns.

Building Division (March 5, 2020): No concerns.

Public Comments:

No comments received as of March 9, 2020.

Attachments:



Appendices A-E to
Report COA2020-008.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Applicant's Elevations

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: D20-2020-004

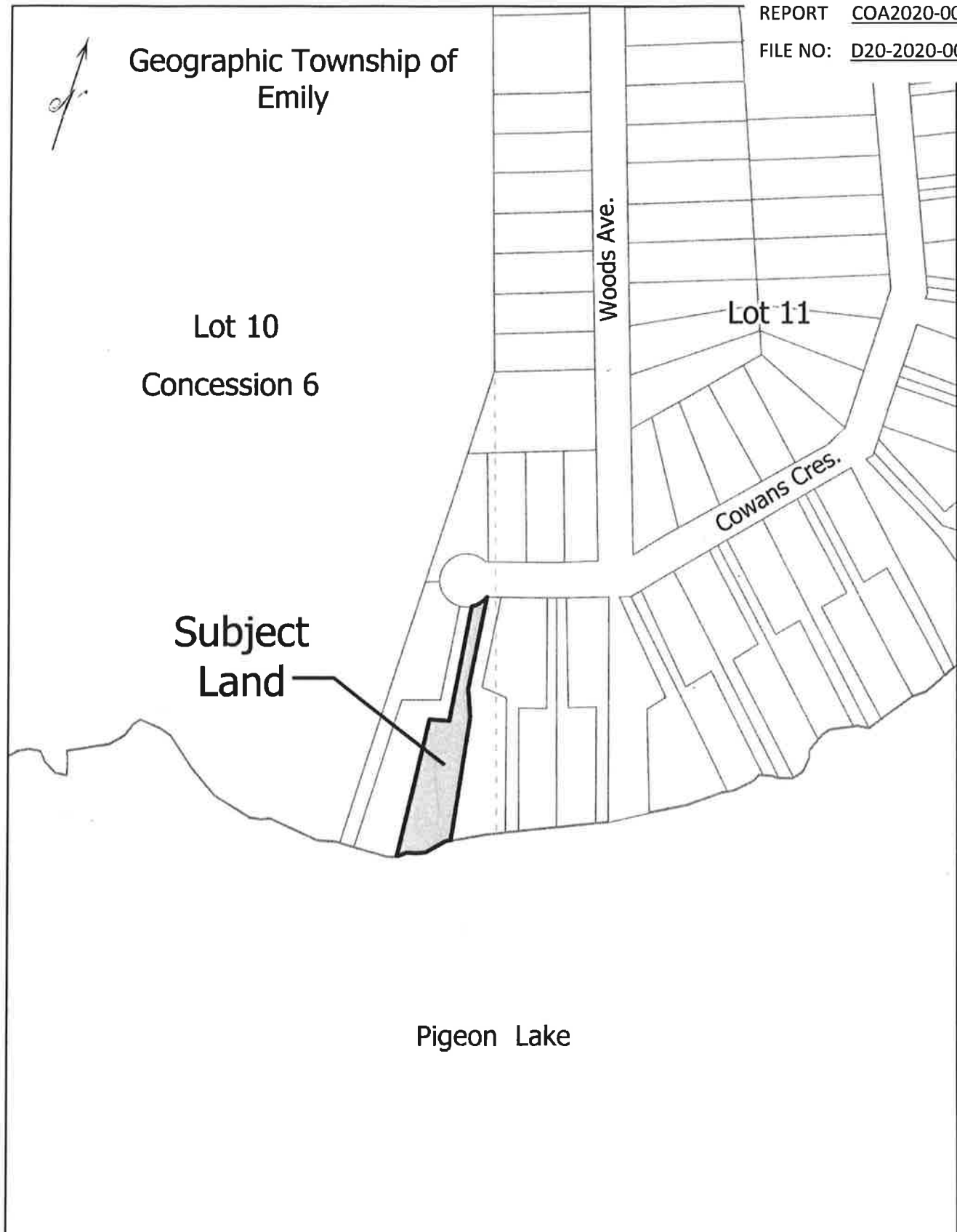
D20-2020-004

APPENDIX " A "

to

REPORT COA2020-008

FILE NO: D20-2020-004



6 Cowans Crescent, geographic Twp. of Emily



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

FILE NO: D20-2020-004

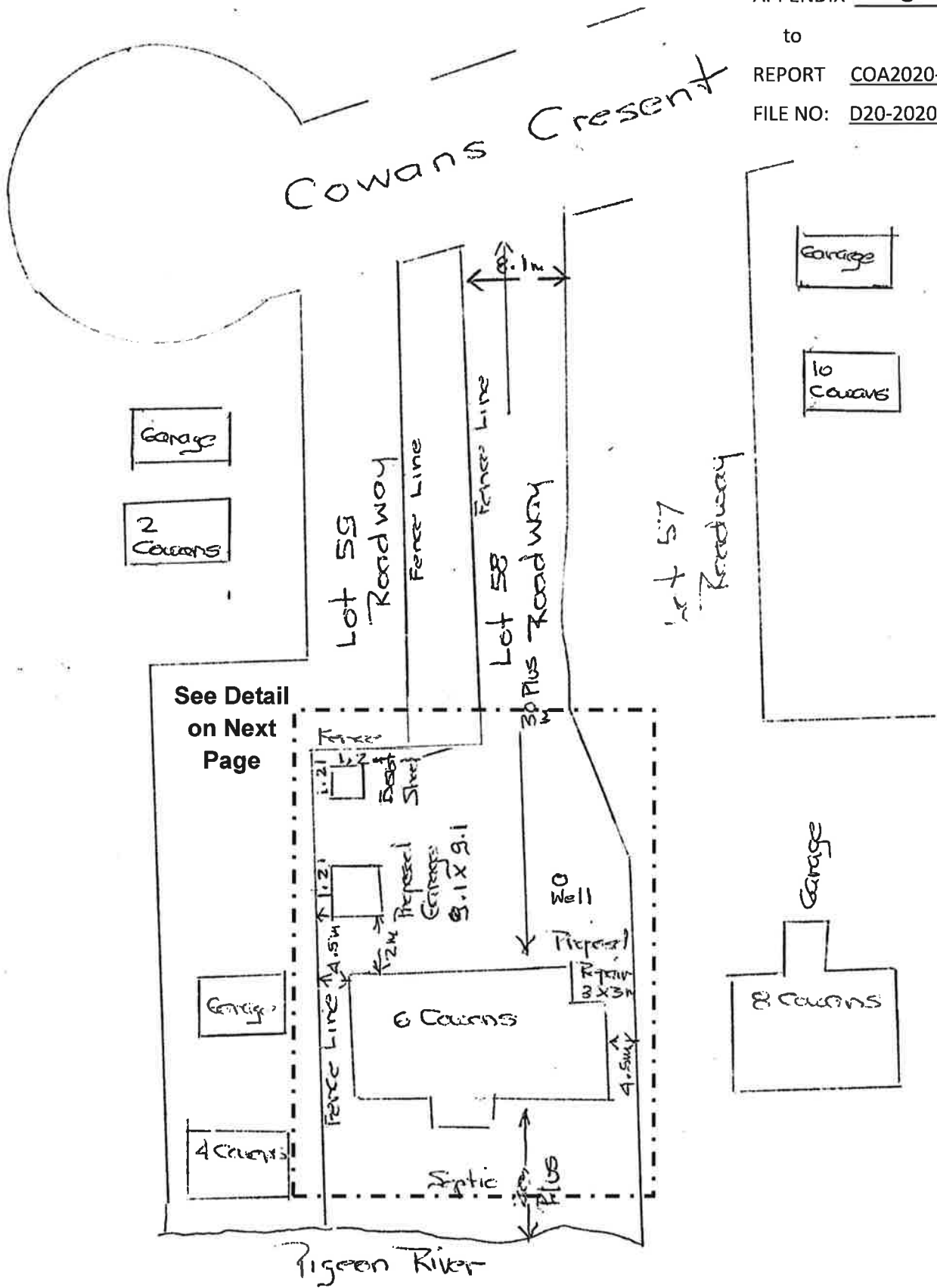
REPORT COA2020-008

APPENDIX " B " to

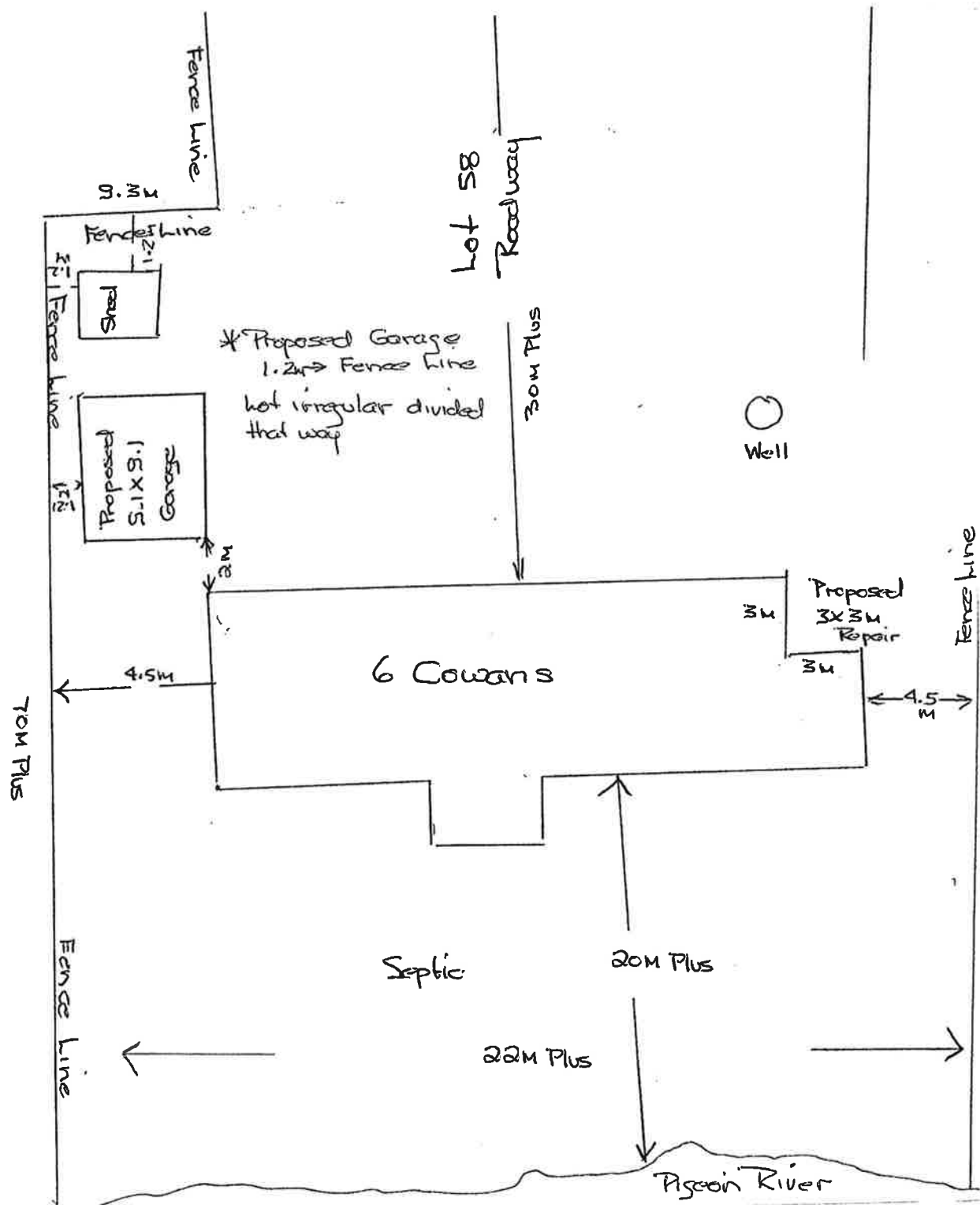
to

REPORT COA2020-008

FILE NO: D20-2020-004



Detail





David Harding

From: Anne Elmhirst
Sent: Friday, March 6, 2020 4:19 PM
To: David Harding
Subject: D20-2020-004 - 6 Cowans Crescent

APPENDIX " E "
to
REPORT COA2020-008
FILE NO. D20-2020-004

Hello David,

RE: D20-2020-004 Minor Variance
6 Cowans Crescent, Former Emily Township
Plan 358, Lot 58
Roll No. 165100100312100

I have received and reviewed the minor variance application for the above-noted property to request relief to reduce the minimum lot frontage and interior side yard setback to permit the construction of a detached garage. As well, the minor variance has been initiated to request relief from the minimum lot frontage to allow the construction of a small addition onto the existing single detached dwelling.

A site visit was conducted to review clearance distance requirements for the sewage system components to the proposed detached garage and addition. The sewage system is located on the water side of the property outside the required clearance distances and was approved under file EM-30-80.

As such, the Building Division – Sewage System Program has no concerns with the proposal to for the location of the proposed structure and addition.

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



David Harding

From: Derryk Wolven
Sent: Thursday, March 5, 2020 1:50 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-004

Follow Up Flag: Follow up
Flag Status: Completed

Building division has the following comments:

No concerns.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Friday, March 6, 2020 4:30 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200306 D20-2020-004 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes
Sent: Friday, March 6, 2020 4:28 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200306 D20-2020-004 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-004
6 Cowans Crescent
Lot 58, Plan 358
Geographic Township of Emily

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

1. to reduce the minimum lot frontage from 12 metres to 8 metres to permit the construction of a detached garage and addition to the signal detached dwelling; and
2. to reduce the minimum interior side yard from 3 metres to 1.2 metres to permit a detached 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

KRCA File NO: PPLK-10132

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

**Regarding: Application for Minor Variance
D20-2020-004
6 Cowans Crescent, Lot 10, Concession 6, geographic Township of Emily
Patrick and Lori Brick**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Patrick and Lori Brick. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards. Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2020-004 is to seek relief from Township of Emily By-law No. 1996-30 for a reduced lot frontage (existing) from 12m to 8m, to reduce the side yard setback from 3m to 1.2m

Site Characteristics:

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

Natural Heritage Features:

- Pigeon River
- Fish Habitat
- Provincially Significant Wetlands

Kawartha Conservation regulates 15m from the shoreline of Pigeon River, and 120m from the limit of the Provincially Significant Wetland (the subject property falls within this 120m buffer).

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

Our Watershed Partners:

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

Natural Hazards:

- Flooding
- Erosion

Kawartha Conservation regulates the flooding hazard of Pigeon River.

Water Resources:

The subject property is within the Pigeon Lake Management Plan boundary.

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

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

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

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

Development is defined as:

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

Provincial Plans:

The policies of the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe (May, 2019) apply to the subject property. Staff are of the opinion that the application conforms to the natural heritage, natural hazard, and water resource policies of these plans.

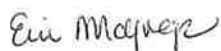
Recommendation:

Kawartha Conservation has no objection to the approval of D20-2020-004, based on our consideration for natural heritage, natural hazards, and water resources.

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
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering

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

Our Watershed Partners:

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

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Monica Andrus
Report Number COA2020-009

Public Meeting

Meeting Date: March 19, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 7 – former Town of Lindsay

Subject: The purpose and effect is from Section 7.2(f) to reduce the minimum rear yard setback from 7.5 metres to 4.5 metres to permit a deck above a walk-out basement.

The variance is requested at 9 Moynes Court, former Town of Lindsay (File D20-2020-005).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2020-009 Monica Andrus, be received;

That minor variance application D20-2020-005 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 deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of report COA2020-009, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-009. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was deemed complete January 24, 2020.

Proposal: To construct a deck that is approximately 12.5 metres by 3.68 metres over a walkout basement.

Owner: Monica Andrus

Applicant: Kyle Statten, Northern Touch Landscape Construction

Legal Description: Lot 11, Plan 57M-796, former Town of Lindsay, now City of Kawartha Lakes

Official Plan: Residential within the Town of Lindsay Official Plan

Zone: Residential Two Special Twenty-Five (R2-S25) Zone within the Town of Lindsay Zoning By-law 2000-75

Site Size: 485 square metres

Site Servicing: Municipal water and sanitary services

Existing Uses: Residential

Adjacent Uses: Residential

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is a lot in a newer plan of subdivision located in a developing neighbourhood.

The proposal will provide outdoor access and amenity space for the main floor. No stairs are proposed to link the deck to the landscaped amenity space within the rear yard. The land over which the deck is proposed is hardscaped with a patio that abuts the walkout basement. The proposal will add additional amenity area above the patio and is not anticipated to affect the patio's function. As stairs are not proposed none of the lawn abutting the patio will be covered.

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 subject property is zoned Residential Two Special Twenty-Five (R2-S25) Zone within the Town of Lindsay Zoning By-law 2000-75. As per the General Provisions, decks exceeding a height of 1.8 metres (5.9 feet) are not permitted as-of-right to project into the minimum rear yard, but are instead subject to the

same setbacks as a dwelling. The intent of the rear yard setback is to provide sufficient rear yard amenity space, address massing impacts, and reduce land use and privacy conflicts between abutting properties.

The dwelling's rear wall faces southwest. The dwelling on the lot to the south, addressed as 66 Logie Street, is not located immediately behind the dwelling at 9 Moynes, nor do the rear walls of either dwelling face one another. 9 Moynes overlooks the landscaped rear yard of 66 Logie Street, and Holtom Street Road beyond.

No massing, land use or privacy impacts are anticipated due to the location and orientation of the dwelling and proposed deck.

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 remains in effect. Within this document, the property is designated Residential. Low rise residential uses and their accessory uses are anticipated within this designation.

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 subject property is on full municipal services.

Consultations:

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

Agency Comments:

Building Division (March 5, 2020): No concerns.

Development Engineering Division (March 6, 2020): No concerns.

Public Comments:

No comments have been received as of March 6, 2020.

Attachments:



Appendices A-E to
Report COA2020-009.

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

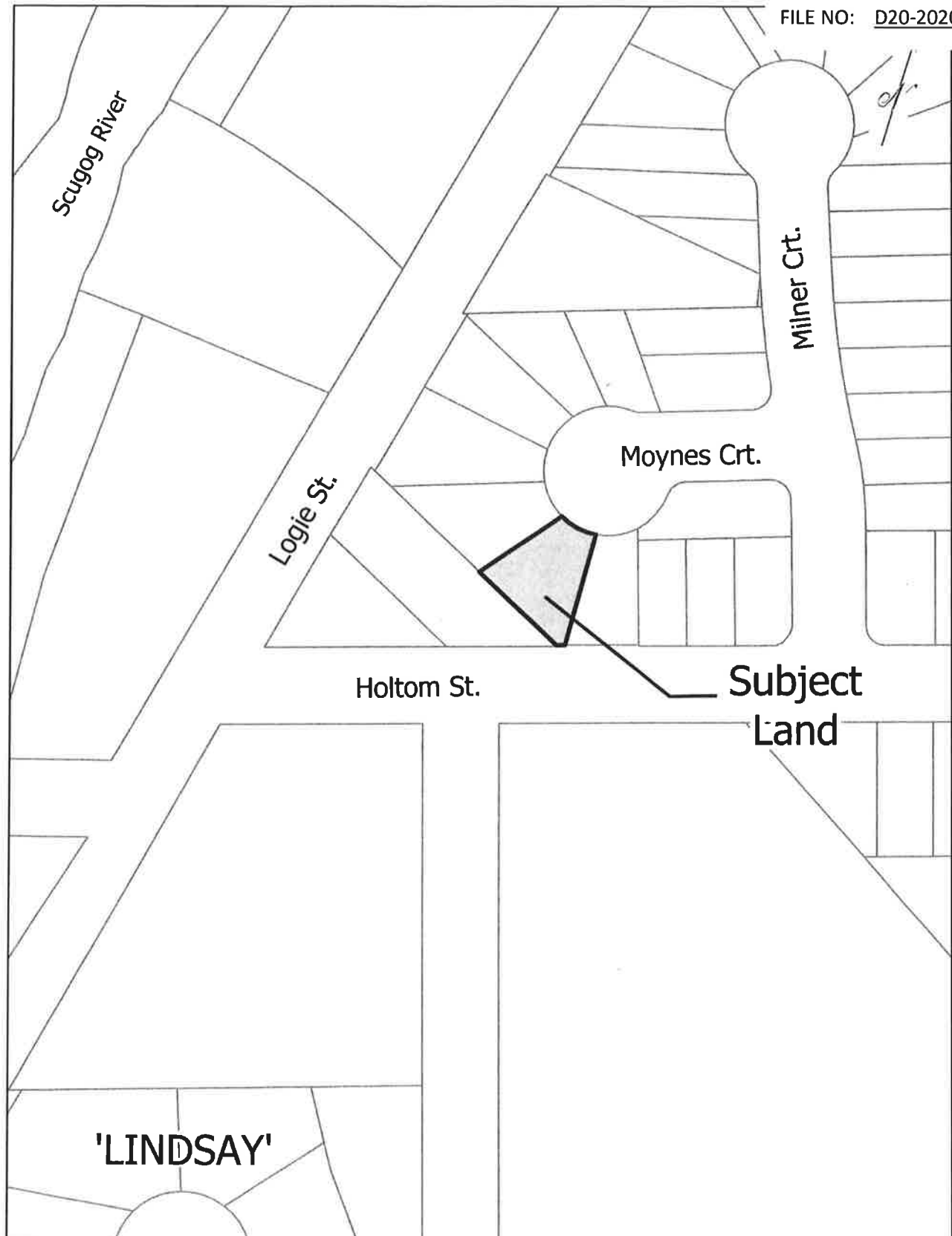
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-005

to

REPORT COA2020-009

FILE NO: D20-2020-005

D20-2020-005



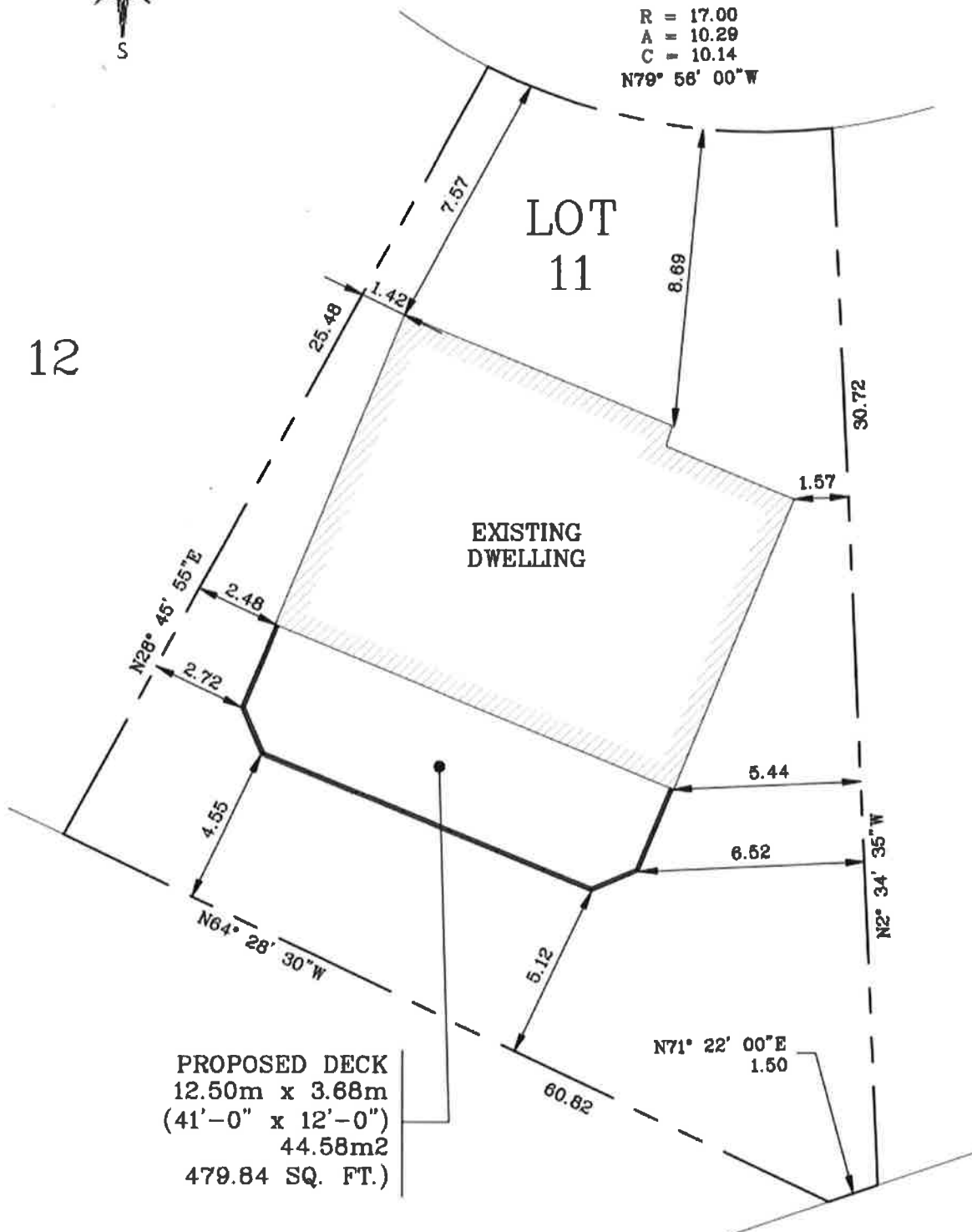
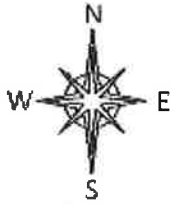


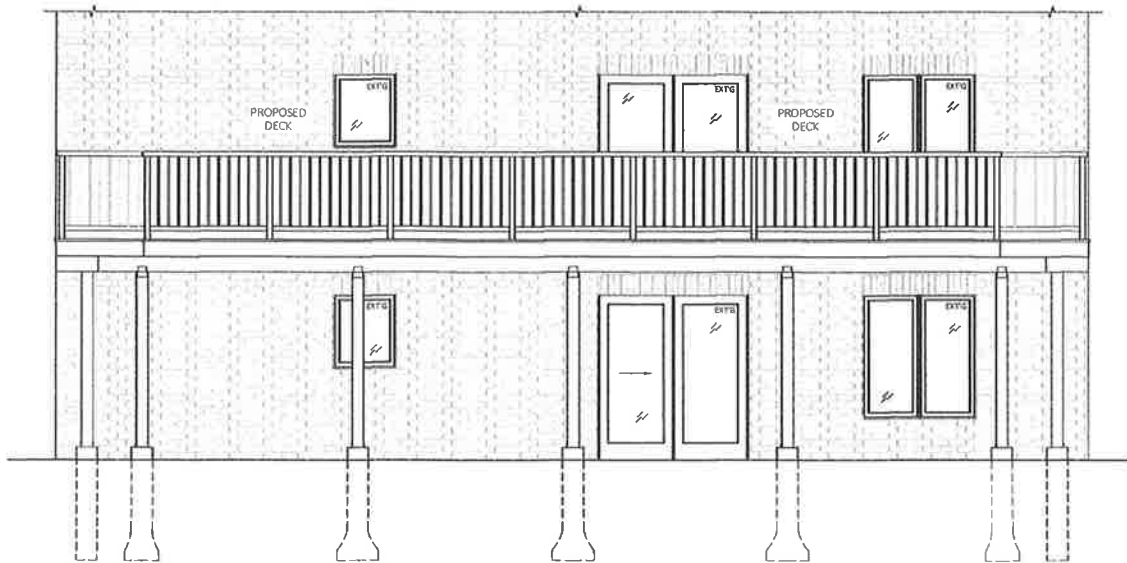
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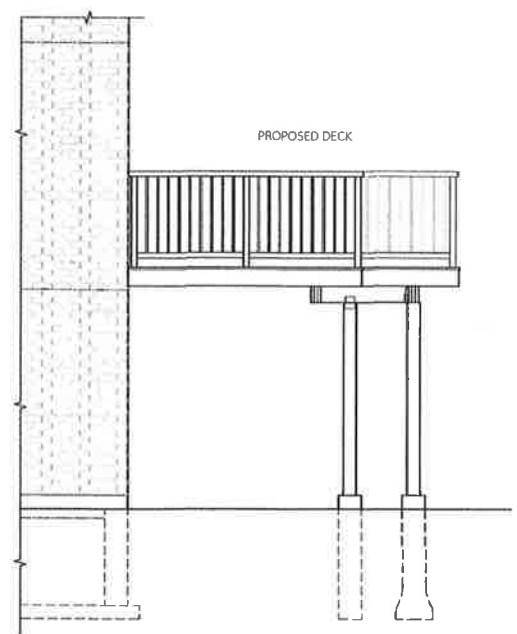
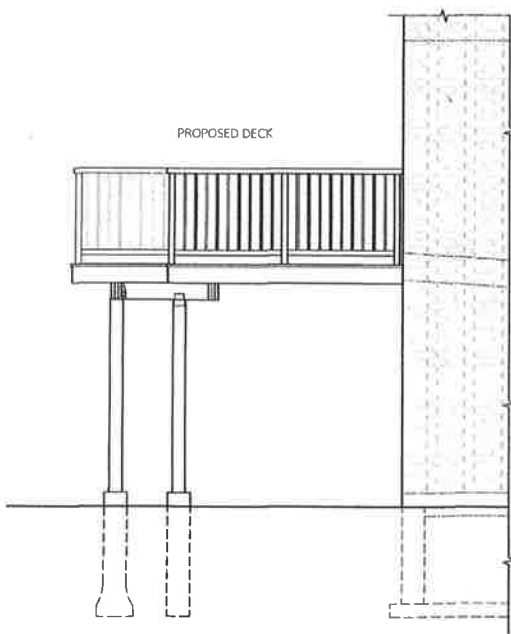
REPORT COA2020-009

FILE NO: D20-2020-005





○ Front Elevation



○ Left Side Elevation

David Harding

From: Derryk Wolven
Sent: Thursday, March 5, 2020 1:54 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-005

Follow Up Flag: Follow up
Flag Status: Completed

APPENDIX " E "
to
REPORT COA2020-009
FILE NO. D20-2020-005

Building division has the following comments:

No concerns.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Friday, March 6, 2020 4:30 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200306 D20-2020-005 - Engineering review

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, March 6, 2020 4:27 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200306 D20-2020-005 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-005
9 Moynes Court
Lot 11, Plan 57M-796
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to request relief to reduced the minimum rear yard setback from 7.5 metres to 4.5 metres to permit a deck above a walk-out basement.

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 – Yunmei Ye and Honghua Wu
Report Number COA2020-013

Public Meeting

Meeting Date: March 19, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 13.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 5.5 metres to 4.3 metres to permit the raising of a dwelling to add a full walk-out basement.

The variance is requested at 26 Evergreen Street, geographic Township of Emily (File D20-2020-009).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-013, be received;

That minor variance application D20-2020-009 Yunmei Ye and Honghua Wu be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2020-013, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was deemed complete February 3, 2020.

Proposal: To permit a vacation dwelling to be raised to add a full lower level (basement).

Owners: Yunmei Ye and Honghua Wu

Applicant: Joe Kezar, Joe's Masonry & Son Ltd.

Legal Description: Part Lot 12, Block 4, Concession 7, geographic Township of Emily, now the City of Kawartha Lakes

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

Zone: Limited Service Residential Exception Four (LSR-4) Zone

Site Size: 1,684 square metres

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North & South – Shoreline Residential
East: Pigeon River
West: Rural

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 property is located within a seasonal residential neighbourhood on the west side of the Pigeon River.

The proposed construction will add additional living space without enlarging the footprint. As such, there is no reduction to any of the landscaped amenity spaces around the dwelling.

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 Limited Service Residential Exception Four (LSR-4) Zone within the Township of Emily Zoning By-law 1996-30. The zone category permits vacation dwellings.

The intent of an interior side yard setback is to preserve space sufficient for the passage of items between the front and rear yards and to provide sufficient

spatial separation between dwellings on abutting properties to avoid land use conflicts.

The reduction does not impact the ability to move larger items between the front and rear yards nor are any adverse impacts anticipated to the dwelling to the southwest at 24 Evergreen. No impacts are anticipated to 24 Evergreen as that dwelling is closer to the shoreline and there is also a line of cedar trees along the mutual lot line which acts as a vegetative buffer.

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 within the Waterfront designation of the City of Kawartha Lakes Official Plan. Within this designation, shoreline residential uses are anticipated.

The dwelling is more than 30 metres back from the shoreline. As such, its raising meets the intent of Policy 3.11 by maintaining development away from the shoreline.

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 a private well and private 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:

Kawartha Region Conservation Authority (March 6, 2020): No concerns.

Development Engineering Division (March 6, 2020): No concerns.

Building Division (March 5, 2020): No concerns.

Public Comments:

No comments have been received as of March 6, 2020.

Attachments:



Appendices A-D to
Report COA2020-013.

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

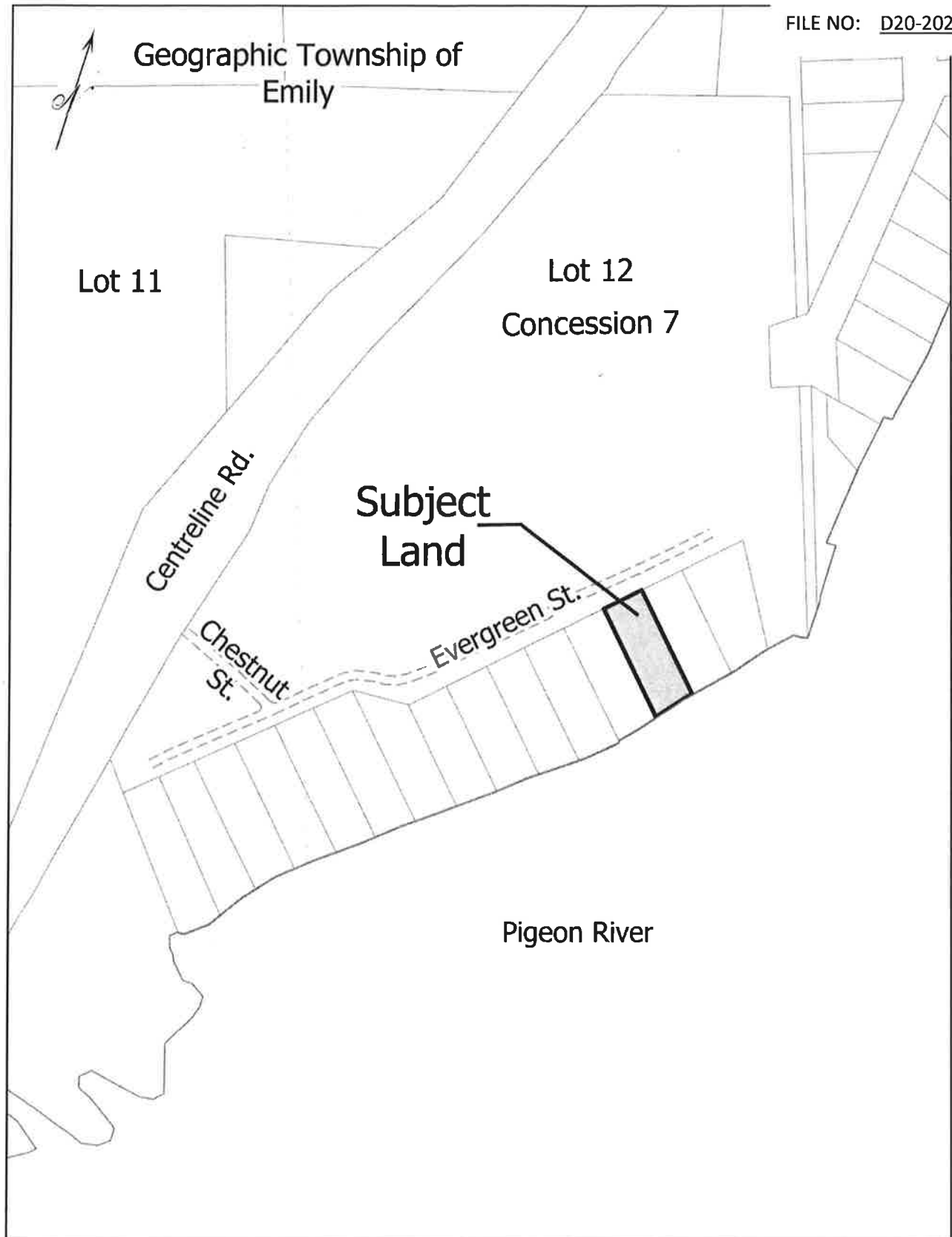
Department File: D20-2020-009

D20-2020-009

to

REPORT COA2020-013

FILE NO: D20-2020-009



26 Evergreen Street, geographic Twp. of Emily



Legend

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

Notes

Notes

0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2020-013
FILE NO: D20-2020-009

EVERGREEN

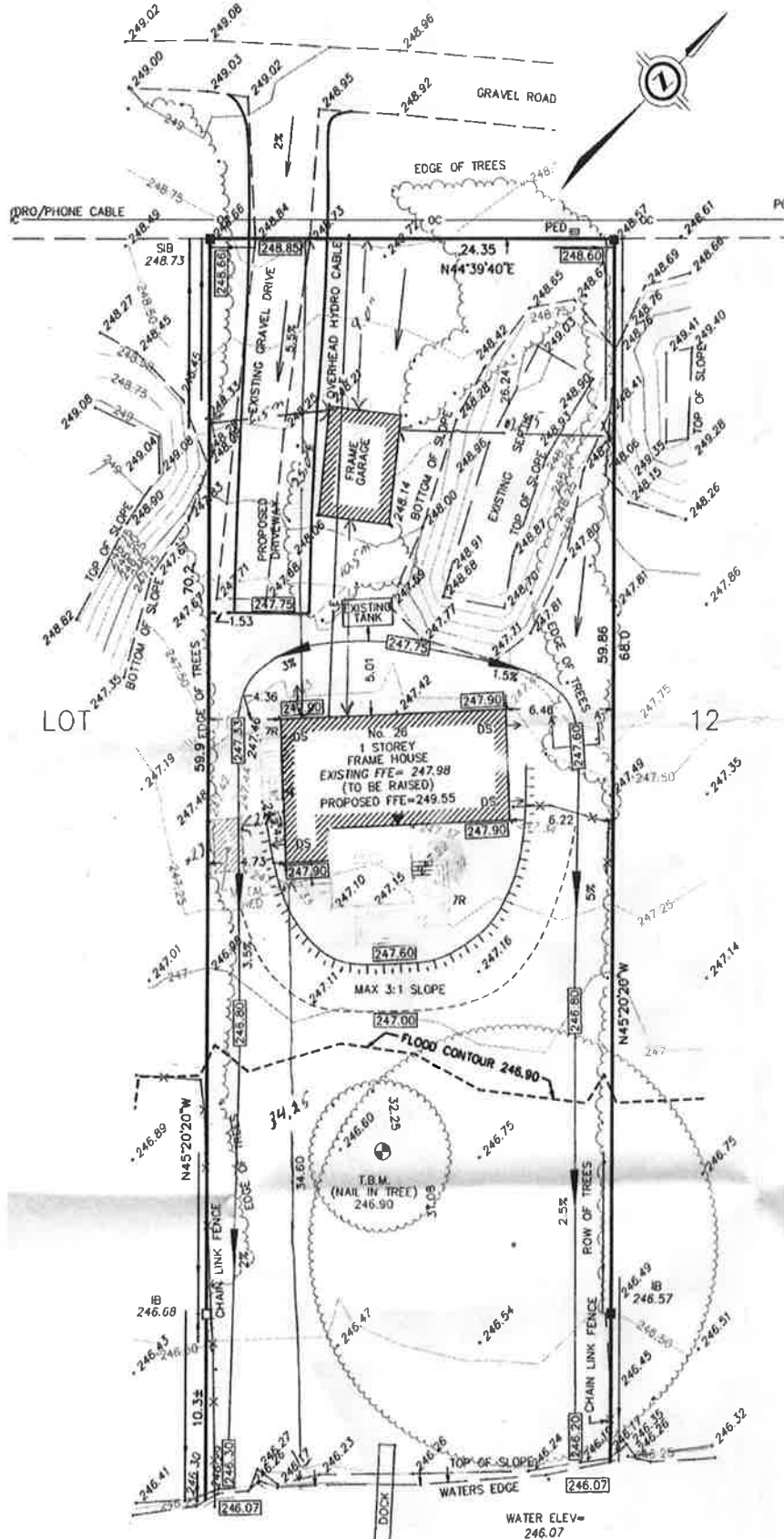
STREET

APPENDIX " C "

to

REPORT COA2020-013

FILE NO: D20-2020-009



David Harding

From: Derryk Wolven
Sent: Thursday, March 5, 2020 1:54 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-009

Follow Up Flag: Follow up
Flag Status: Completed

APPENDIX " D "
to

REPORT COA 2020-013

FILE NO.. D 20-2020-009

Building division has the following comments:

No concerns.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



KRCA File NO: PPLK-10138

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

**Regarding: Application for Minor Variance
D20-2020-009
26 Evergreen St, Lot 12, Concession 7, geographic Township of Emily
Ye Yunmei and Wu Honghua**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Joe's Masonry & Sons Ltd. on behalf of Ye Yunmei and Wu Honghua. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2020-009 is to seek relief from Township of Emily By-law No. 1996-30 to reduce the side yard setback from the required 5.5m to 4.36m.

Site Characteristics:

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

Natural Heritage Features:

- Pigeon Lake
- Fish habitat
- Significant Woodlands
- Unevaluated wetland

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1

705.328.2271 Fax 705.328.2286

KawarthaConservation.com

Our Watershed Partners:

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

Kawartha Conservation regulates the shoreline of Pigeon Lake and 15m from the high water mark. Kawartha Conservation regulates the unevaluated wetland nearby and 30m from the limit of the feature, this buffer falls on a part of the subject property.

Natural Hazards:

- Flooding
- Erosion

Water Resources:

The subject property is within the Pigeon Lake Management Plan boundary.

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

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

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

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

Development is defined as:

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

Provincial Plans:

The policies of the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (May, 2019) apply to the subject property. Staff are of the opinion that the application conforms to the natural heritage, natural hazard and water resource policies of these documents.

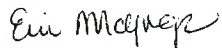
Recommendation:

Kawartha Conservation has no objection to the approval of D20-2020-009, based on our consideration for natural heritage, natural hazards and water resources.

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

Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1

705.328.2271 Fax 705.328.2286

KawarthaConservation.com

Our Watershed Partners:

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

Charlotte Crockford-Toomey

From: Mark LaHay
Sent: Friday, March 06, 2020 4:30 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200306 D20-2020-009 - Engineering review

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, March 6, 2020 4:27 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20200306 D20-2020-009 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-009
26 Evergreen Street
Part Lot 12, Block 4, Concession 7
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief to reduce the minimum interior side yard setback from 5.5 metres to 4.3 metres to permit the raising of a dwelling to add a full walk-out basement.

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

