

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2020-008**

**Wednesday, August 19, 2020**

**Commencing at 1:00pm Electronic Public Participation**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Councillor Emmett Yeo**

**David Marsh**

**Andre O'Bumsawin**

**Sandra Richardson**

**Lloyd Robertson**

**Betty Archer**

**Stephen Strangway**

**“Note: This will be an electronic participation meeting and public access to Council Chambers will not be available. Please visit the City of Kawartha Lakes Youtube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view proceedings.”**

**To request to speak to public meeting reports on this agenda please email [cofa@kawarthalakes.ca](mailto:cofa@kawarthalakes.ca) and reference the report number in your email. Following receipt of your email you will receive instruction from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to [cofa@kawarthalakes.ca](mailto:cofa@kawarthalakes.ca) and reference the report number in the subject line.**

**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	COA2020-004.2.1.1 August 19, 2020 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2020-003.2.3.1 July 16, 2020 Committee of Adjustment Minutes	5 - 21
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2020-007 David Harding, Planner II, RPP, MCIP File Number: D20-2020-003 Location: Vacant Lot, Sugar Bush Trail, Part Lot 26, Concession 10 Geographic Township of Fenelon Owners: Darren and Gillian Wilkinson Applicant: Doug Carroll - DC Planning Services Inc.	22 - 43
3.1.2	COA2020-020 David Harding, Planner II, RPP MCIP File Number: D20-2020-016 Location: 17 Gardiner Shore Avenue Concession 8, Part Lot 23, Plan 294, Lot 12 Geographic Township of Fenelon Owners: Valdis Martinsons and Catharine Turylo Applicant: Gerald Hood - Integrity Home and Cottage	44 - 55

3.1.3	COA2020-021	56 - 66
	Kent Stainton, Planner II File Number: D20-2020-017 Location: 216 Hickory Beach Road Part Lot 20, Concession 1, Part 1, 57R-3042 Geographic Township of Verulam Owner: Brent Duff Applicant: Brent Duff	
3.1.4	COA2020-022	67 - 76
	Kent Stainton, Planner II File Number: D20-2020-018 Location: 8 Edward Road Part Lot 11 Church St., Part Lots 16 and 17F Simcoe Street, Plan 78 Geographic Township of Mariposa Owners: Timothy Deegan and Leah Speers Applicants: Timothy Deegan and Leah Speers	
3.1.5	COA2020-024	77 - 87
	Kent Stainton, Planner II File Number: D20-2020-020 Location: 93 Cresswell Road South Part Lot 2, Concession 7 Geographic Township of Mariposa Owners: Scott an Elizabeth Beacock Applicants: Scott an Elizabeth Beacock	
3.1.6	COA2020-025	88 - 101
	Kent Stainton, Planner II File Number; D20-2020-021 Location: 15 Rockway Trail Part Lot A, Concession 2, Part Lot 11, Plan 557 Geographic Township of Bexley Owners: Cidalia and Manuel Barbosa Applicants: Cidalia and Manuel Barbosa	
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, September 17, 2020 at 1:00pm in Council Chambers, City Hall.

**8. Adjournment**

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2020-007**  
**Thursday, July 16, 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**  
**Betty Archer**  
**Stephen Strangway**

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## 1. **Call to Order**

Chair Robertson called the meeting to order at 1:02pm. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin, S. Richardson, B. Archer, and S. Strangway were in attendance.

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

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2020-003.2.1.1

July 16, 2020  
Committee of Adjustment Agenda

#### **CA2020-014**

**Moved By** D. Marsh

**Seconded By** S. Strangway

**That** the agenda for the July 16, 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 COA2020-002.2.3.1

February 20, 2020  
Committee of Adjustment Minutes

#### **CA2020-015**

**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** the minutes of the previous meeting held February 20, 2020 be adopted as circulated.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 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

Mr. Harding summarized Report COA2020-008, to request relief to reduce the minimum lot frontage to permit the construction of a detached garage and addition to the single detached dwelling and to reduce the minimum interior side yard to permit a detached garage.

Agency comments received from Development Engineering Division (July 6, 2020), Community Services Department (March 17, 2020), Kawartha Region Conservation Authority (March 6, 2020), Building Division – Part 8 Sewage Systems (March 6, 2020) and Building Division (March 5, 2020) cited no concerns.

There were no questions from the Committee or other persons.

#### **CA2020-016**

**Moved By** D. Marsh

**Seconded By** Councillor Yeo

**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.**

**Carried**

### 3.1.2 COA2020-009

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2020-005  
 Location: 9 Moynes Court  
 Lot 11, Plan 57M-796  
 Former Town of Lindsay  
 Owner: Monica Andrus  
 Applicant: Kyle Statten - Northern Touch Landscape Construction

David Harding summarized Report COA2020-009, to request relief to reduce the minimum rear yard setback to permit a deck above a walk-out basement. Staff respectfully recommends that the application be granted approval subject to the conditions in the report.

Agency comments received from the Building Division (March 5, 2020) and Development Engineering Division (March 6, 2020) had no concerns at the time of writing the report.

The applicant, Mr. Statten of Northern Touch Landscape Construction was present via Zoom and spoke to the Committee.

There were no questions from the Committee or other persons.

**CA2020-017**

**Moved By** S. Strangway

**Seconded By** A. O'Bumsawin

**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.**

**Carried**

### 3.1.3 COA2020-010

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2020-006  
 Location: 63 North Taylor Road  
 Lot 16, Plan 224  
 Geographic Township of Eldon  
 Owners: Ahsan Ullah and Fahmida Nutan  
 Applicant: Jim Even - C.T. Strongman Survey

Mr. Harding cited the deferral memo distributed to members: On July 15, 2020 the Building Division – Part 8 Sewage Systems provided staff with a letter requesting the application be deferred in order to complete a site visit to assess the proposed changes to the dwelling. The dwelling has been constructed in a location inconsistent with a previous approval granted in 2017, and the dwelling appears to be constructed with a larger living space footprint than what was approved in the 2017 sewage system permit.

Planning staff is supportive of this request and requests the Committee consider deferring the application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting.

There were no questions from the Committee or other persons.

**CA2020-018****Moved By** D. Marsh**Seconded By** B. Archer

**That** further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee has deferred this application to allow the Building Division - Part 8 Sewage Systems time to complete a site visit to assess the proposed changes to the dwelling. The dwelling has been constructed in a location inconsistent with a previous approval granted in 2017, and the dwelling appears to be constructed with a larger living space footprint than what was approved in the 2017 sewage system permit.

The Committee motioned to defer the application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting.

**Carried**

## 3.1.4 COA2020-011

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-007

Location: Vacant Land, Chadwin Drive

Block 13, Plan 57M-782

Former Town of Lindsay

Owner: 2607226 Ontario Inc.

Applicant: Martin Lariviere - API Architecture and Planning Initiatives

Mr. Harding summarized Report COA2020-011, to permit the seventh storey of the apartment building to be added along with the associated servicing and to permit additional variation in the arrangement and composition of the landscape buffers surrounding the property and between the parking lot and ground floor units.

Agency comments received from Development Engineering Division (July 6, 2020) and Building Division (July 14, 2020) noting no concerns.

Public comments were received from Geoff Burrow of 116 Colborne Street West (July 14, 2020), concerning building height, unit density, landscape requirements, as well as entrance placement onto Chadwin Drive and associated traffic

concerns. Comments were also received from Bryan Reynolds (July 14, 2020), which presented a petition signed by owners residing at 24 separate addresses on Chadwin Drive. The petition also raised concern over the landscaping requirements, entrance placement onto Chadwin Drive and associated traffic concerns, and building height.

The Committee questioned staff as to the public comments received concerning height, density, landscape and proposed entrance location.

Staff responded by saying the City had extensive discussions with the developer to outline the preliminary requirements of the site plan process. The zoning by-law permits a maximum number of units, and the proposal will not exceed that maximum; a taller, skinnier building is proposed instead of a lower, longer one. The height of the building is not a concern for the Fire Department. The by-law calls for a row of cedar plantings to ring the property. The applicant proposes to use higher quality plantings in more appropriate locations. Staff further clarified that Engineering staff would not permit access onto Colborne Street West and a traffic study was submitted in support of the site plan application, which justified the Chadwin Drive entrance.

Mr. Lariviere of API Architecture & Planning Initiatives was present and spoke to the Committee. He clarified the Fire Code requirements for taller buildings and stated that this building would remain low enough that the seventh storey could be accessed by firetruck ladder. He further clarified that his office is working on enhanced vegetative buffering along Chadwin Drive that he believes will be satisfactory to the City to accomplish the screening and buffering desired.

No further questions from the Committee or others persons.

#### **CA2020-019**

**Moved By** A. O'Bumsawin

**Seconded By** Councillor Yeo

**That** minor variance application D20-2020-007 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 generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2020-011, which shall be attached to and form part of the Committee's Decision;

2. **That** the landscaping form sought by requesting variances from Section 5.14(f) shall be generally in accordance with drawings L1-01, L1-02 and L1-03 submitted in support of site plan application D19-2019-010 subject to the revisions required in the City's post circulation comments dated March 20, 2020, and addendum comments dated March 24, 2020, and May 5, 2020. This condition shall be considered fulfilled when the applicant submits revised landscaping drawings to the satisfaction of the Planning Division and Community Services Department in support of application D19-2019-010; and
3. **That** the site plan agreement shall be registered 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 approval pertains to the application as described in report COA2020-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.5 COA2020-012

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-008

Location: 27 McGill Drive

Lot 16, Plan 33

Geographic Township of Manvers

Owners: Nicole Swartz and Tyrone Pereira

Applicant: Holly Richards-Conley - Black Point Construction Services

Mr. Harding summarized Report COA2020-012, to request relief in order to permit the construction of a single detached dwelling inclusive of eaves, rear deck with stairs and a shed.

Agency comments received from Development Engineering Division (July 7, 2020), and Kawartha Region Conservation Authority (March 6, 2020) had no concerns. Comments received after the writing of the report from Community Services Department (July 7, 2020), and Building Division (July 14, 2020) had no concerns.

The applicant, Holly Richards-Conley of Black Point Construction Services was present and spoke to the Committee.

There were no questions from the Committee or other persons.

**CA2020-020**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2020-008 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 and elevations in Appendix D submitted as part of Report COA2020-012, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of the permit for the shed, the Chief Building Official or his/her designate shall provide written confirmation to the Secretary-Treasurer that the temporary shed within the front yard has been removed from the property;
3. **That** notwithstanding the definition of front yard and the granting of the variances to reduce the minimum front yard and permit the shed within the front yard, the variances will not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
4. **That** the building construction related to the minor variances for the shed shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.
5. **That** the building construction related to the minor variances for the dwelling and deck with stairs shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the next Building Inspection.

**This approval pertains to the application as described in report COA2020-012. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried****3.1.6 COA2020-013**

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-009

Location: 26 Evergreen Street

Part Lot 12, Block 4, Concession 7

Geographic Township of Emily

Owner: Yunmei Ye and Honghua Wu

Applicant: Joe Kezar - Joe's Masonry and Son Limited.

Mr. Harding summarized the Report COA2020-013, to request relief to reduce the minimum interior side yard setback to permit the raising of a dwelling to add a full walk-out basement.

Agency comments received from Development Engineering Division, Kawartha Region Conservation Authority and the Building Division at the time of writing the report had no concerns. Mr. Harding noted that since the writing of the report, agency comments received from Community Services Department (July 7, 2020) noting no concerns. Public comments were received from Dave and Tammy Scott of 24 Evergreen Street (July 13, 2020) in opposition to the application.

The Committee asked staff as to the height of the basement and what the difference was from a crawl space to a full basement. The Chief Building Official, Susanne Murchison, replied the difference would be 3 feet. The Committee referred to concerns from the public regarding the renting of the property whether the number of people present could impact the septic system. Staff replied that it is up to the owner who they rent to. However, the owner can only rent the whole single-detached dwelling; they cannot create apartments as per the by-law. The Committee also asked if the privacy issues were addressed. Staff confirmed that there would be no impact to privacy as the abutting dwelling at 24 was behind the dwelling on the subject property and the vegetation between the two lots is being retained.

No further questions from the Committee or other persons.

**CA2020-021**

**Moved By** D. Marsh

**Seconded By** Councillor Yeo

**That** minor variance application D20-2020-009 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.**

**Carried**

### 3.1.7 COA2020-014

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2020-010  
 Location: 87 Marsh Creek Road  
 Part Lot 22, Concession C  
 Geographic Township of Mariposa  
 Owner: Heather Curtis  
 Applicant: Dan Furlani

Mr. Harding presented a memo outlining that on July 9, 2020, staff received correspondence from the owner wishing to revise the application and appoint a new applicant to carry out the alterations. She along with her newly appointed applicant are requesting a deferral of the application in order to make the necessary revisions.

There were no questions from the Committee or other persons.

### **CA2020-022**

**Moved By** S. Richardson

**Seconded By** Councillor Yeo

**That** further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee has deferred your application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting, to allow the owner and newly appointed applicant sufficient time to revise the application.

**Carried**

### 3.1.8 COA2020-015

Kent Stainton, Planner II

File Number: D20-2020-011

Location: 74 Colborne Street East

Part Lot 1, Block PP, Plan 1, Parts 1 and 3, 57R-2210

Former Town of Lindsay

Owner: Steve Corley - 1853896 Ontario Inc.

Applicant: Beverly Saunders - EcoVue Consulting Services Inc.

Kent Stainton summarized Report COA2020-015, to request relief to permit the construction of a new bank of storage units associated with an existing mini-storage establishment and recognize the location of existing mini-storage units.

Agency comments received from Kawartha Region Conservation Authority (March 6, 2020) and Engineering and Corporate Assets Department (July 6, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 7, 2020), had no concerns.

The Committee questioned Page 3 of 5 of the report regarding Kawartha Region Conservation Authority having no concerns provided permits are obtained prior to the issuance of a building permit. Ms. Murchison, Chief Building Official confirmed it is applicable law that if a permit is required prior to the issuance of a building permit then it is required.

The applicant, Beverly Saunders of EcoVue Consulting Services Inc. was present via zoom and spoke to the Committee.

No further questions from the Committee or other persons.



**CA2020-023****Moved By** D. Marsh**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2020-011 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 COA2020-015, which shall be attached to and form part of the Committee's Decision;
2. **That** the Site Plan Amending Agreement for the subject property be executed and secured within eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused;
3. **That** the building construction related to this 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 COA2020-015. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

## 3.1.9 COA2020-017

Kent Stainton, Planner II

File Number: D20-2020-013

Location: Vacant Lot, Part of Lot 7, North of Church Street, East of George Street, Plan 109

Former Village of Omemee

Owner: Joe Ferrara - Napa Valley Contracting Inc.

Applicant: Tom deBoer - TD Consulting

Mr. Stainton cited the memo presented to the members requesting a deferral. On July 7, 2020, Planning Division staff received a previously conducted Survey of the property (19 Church Street) abutting the lands subject to this application. The

information provided by the resident of 19 Church Street contradicts the locations of the eastern and front (south) lot lines of the survey provided in support of the application. The discrepancies directly influence all reliefs.

There were no questions from the Committee or other persons.

**CA2020-024**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee motioned to defer the application for a maximum of 3 months (no later than the October 2020 meeting) until such time as the survey discrepancies can be resolved and a revised application be submitted for consideration.

**Carried**

3.1.10 COA2020-018

Kent Stainton, Planner II

File Number: D20-2020-014

Location: 134-136 Lake Dalrymple Road

Part Lots 16 and 17, Plan 173, Parts 1 and 2, RP57R-8723

Geographic Township of Carden

Owners: Craig and Caroline Rendall

Applicant: Craig Rendall

Kent Stainton summarized Report COA-2020-018, to request relief to permit the construction of an accessory building (detached garage) in the front yard of the subject property.

Agency comments received from Development Engineering Division (July 6, 2020), and Building Division, Part 8 Sewage Systems (May 19, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 6, 2020) noted no concerns.

The applicant Mr. Rendall was present and spoke to the Committee.

There were no questions from the Committee of other persons.

**CA2020-025****Moved By** Councillor Yeo**Seconded By** B. Archer

**That** minor variance application D20-2020-014 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2020-018, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line; and
3. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2020-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

## 3.1.11 COA2020-019

Kent Stainton, Planner II

File Number: D20-2020-015

Location: 23 Kenhill Beach Road

Part Lot 10, Concession 3, Lot 9, Plan 145

Geographic Township of Verulam

Owners: Douglas and Ida Robson

Applicant: Holly Richards-Conley - Blackpoint Construction Services

Kent Stainton summarized Report COA2020-019, to request relief to construct a new two-storey single detached dwelling with walk-out basement and a deck. The new construction requires relief from the setbacks from Centreline of Kenhill Beach Road and a reduced front yard setback as well as a reduction in the water setback to allow encroachment from the main level deck.

Agency comments received from Kawartha Region Conservation Authority (May 21, 2020), Development Engineering Division (July 6, 2020) and Building Division - Part 8 Sewage System (May 26, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 7, 2020) and Building Division - Plans Examiner (July 14, 2020) had no concerns.

The applicant, Holly Richards-Conley was present via zoom and spoke to the Committee.

There were questions from the Committee or other persons.

#### **CA2020-026**

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2020-015 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

#### **Conditions:**

1. **That** the construction of the dwelling and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2020-019, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; and
3. **That** the building construction related to the minor variances shall be completed within a period of 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 COA2020-019. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

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, August 20, 2020 at 1:00pm in Council Chambers, City Hall.

**8. Adjournment**

**CA2020-027**

**Moved By** S. Strangway

**Seconded By** A. O'Bumsawin

**That** the meeting be adjourned at 2:28pm.

**Carried**



**FOR:** 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

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**Public Meeting**

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

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

**Subject:** The purpose and effect is from the following provisions in order to permit the construction of the following:

**Unenclosed Decks with Stairs**

1. Section 3.18.1.1 to reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 8.3 metres; and
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 8.3 metres;

**Single Detached Dwelling**

3. Section 3.18.1.1 to reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 10.8 metres; and
4. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 10.8 metres.

The variances are requested on vacant land on Sugar Bush Trail, geographic Township of Fenelon (File D20-2020-003).

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

**Signature:**



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**Recommendation:**

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

**That** minor variance application D20-2020-003 be GRANTED, as the application meets the tests for minor variance set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the dwelling, decks and stairs 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

COA2020-007, 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 COA2020-007. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**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. The application was originally scheduled for the March 19, 2020 Committee meeting. The staff report prepared at that time did not recommend approval of the application. That public meeting was cancelled and the staff report never presented.

The applicant subsequently modified the proposal, though not in consultation with staff. Relief from the interior side yard setback was requested in the original application. This request has since been removed. The amended application also proposes to increase the EP and shoreline setbacks by 2 metres.

The application was last amended on June 9, 2020.

**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 (2012)

**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.

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

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

The subject property is located upon a peninsula 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.

The subject property is shallow, and the shoreline runs at an angle. A single storey dwelling with a 1.5 car garage and walk-out basement is proposed. The sewage system is also proposed between the dwelling and Sugar Bush Trail.

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 relation of the front yard to the dwelling, 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 ensures the decks project as minimally as possible into the front yard while remaining sufficiently sized to allow transition between the main floor and front yard. This minimal projection ensures as much rear yard space as possible is preserved for amenity and recreational uses.

The proposal ensures the maximum separation between the sewage system and shoreline possible. Further, the proposed design of the main floor with walk-out basement ensures a low profile design in keeping with the established built form of nearby dwellings. This built form is more appropriate and in character with the neighbourhood than a two or three floor dwelling with a walk-out basement that has a much smaller footprint.

The variances allow for the residential use of the lot with a footprint that recognizes to the extent possible the septic system and shoreline setbacks.

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



**3) Do the variances maintain the intent and purpose of the Zoning By-law?**

**Yes**

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

The intent of the Environmental Protection (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 preserves as much of a buffer as possible given the unique configuration of the lot. The dwelling has been stepped on the southeastern side in order to maximize the setback to the shoreline.

As much open space as possible within the front yard has been retained to allow for the even distribution of recreational and amenity activities associated with the built form.

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

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

**Yes**

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. 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 of a stepped design on a lot with a diagonal shoreline to ensure the built form is directed away from the shoreline where possible.

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

As the proposal attempts to direct the built form away from the shoreline, and is an improvement over the original submission, there is additional area that may now be utilised to establish a greater vegetation protection zone.

**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 lot has insufficient depth to comply with the water setbacks for both the dwelling and septic system. The intent of the policy was not to extinguish the residential use of an unusually-shaped lot, but to improve upon shoreline setbacks when development or redevelopment occurs. Due to the shallow depth of the lot, it is not possible to further enhance the shoreline setback without increasing the overall height of the building. A taller building is unlikely to comply with the required setbacks given the shallow depth of the lot and present a more prominent built form less in keeping with the designation's other policies that encourage low profile development.

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

**Other Alternatives Considered:**

The applicant revised the proposal on June 9, 2020.

**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.

Community Services Department (March 17, 2020): No concerns.

Development Engineering Division (August 11, 2020): No concerns.

**Public Comments:**

The following comments were received in response to the March circulation of the application:

Doug Black of 36 Sugar Bush Trail (March 25, 2020): Letter of objection.

Stanley Black of 36 Sugar Bush Trail (March 25, 2020): Letter of objection.

Eileen Weldon of 42 Sugar Bush (April 1, 2020): Letter of objection.

**Applicant Comments:**

The applicant provided a response to the public comments about concerns raised concerning the spraying of pesticides, from Greg Ottenbrite, Ontario Exterminator Licence 034245. Greg clarifies that the product was applied twice in August 2018 to control poison ivy, and that the product is the recommended product by the Ministry of Environment. He further clarifies that it is biologically impossible for the product, PCP 28198, to harm animals as it is a biologically degradable plant protein with the toxicity of half a cup of coffee.

**Attachments:**



Appendices A-F to  
Report COA2020-007

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Applicant's Elevations

Appendix E – Department and Agency Comments

Appendix F – Public 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:** D20-2020-003

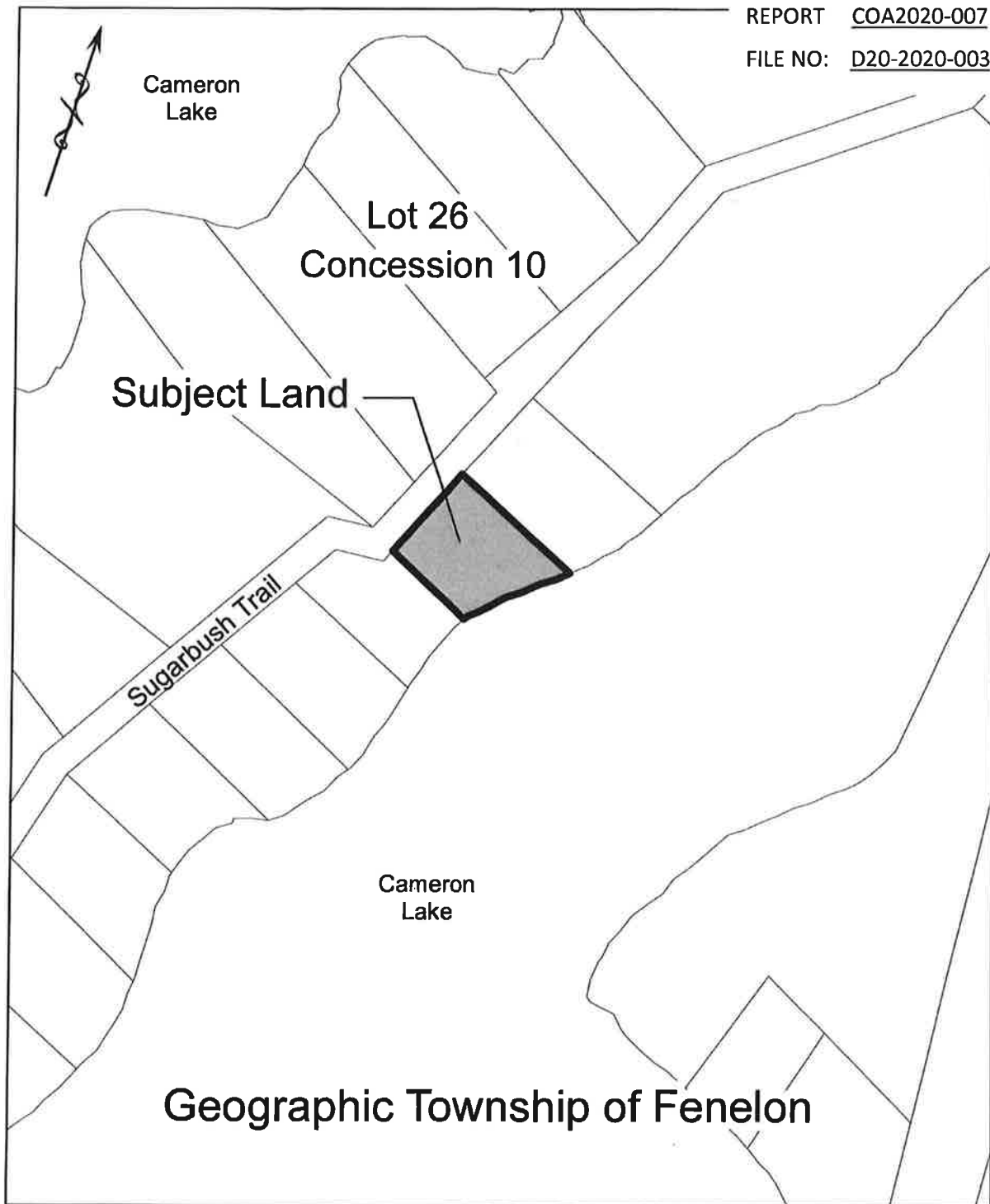
# D20-2020-003

APPENDIX " A "

to

REPORT COA2020-007

FILE NO: D20-2020-003





GEOMATICS  
MAPPING

## Vacant Lot, Part of Lot 26, Concession 10, Geographic Township of Fenelon



### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Road Centreline (2016 Needs)
- ☐ Lower Tier Municipalities

### Notes

Notes

APPENDIX " B "

to

REPORT COA2020-007

FILE NO: D20-2020-003

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

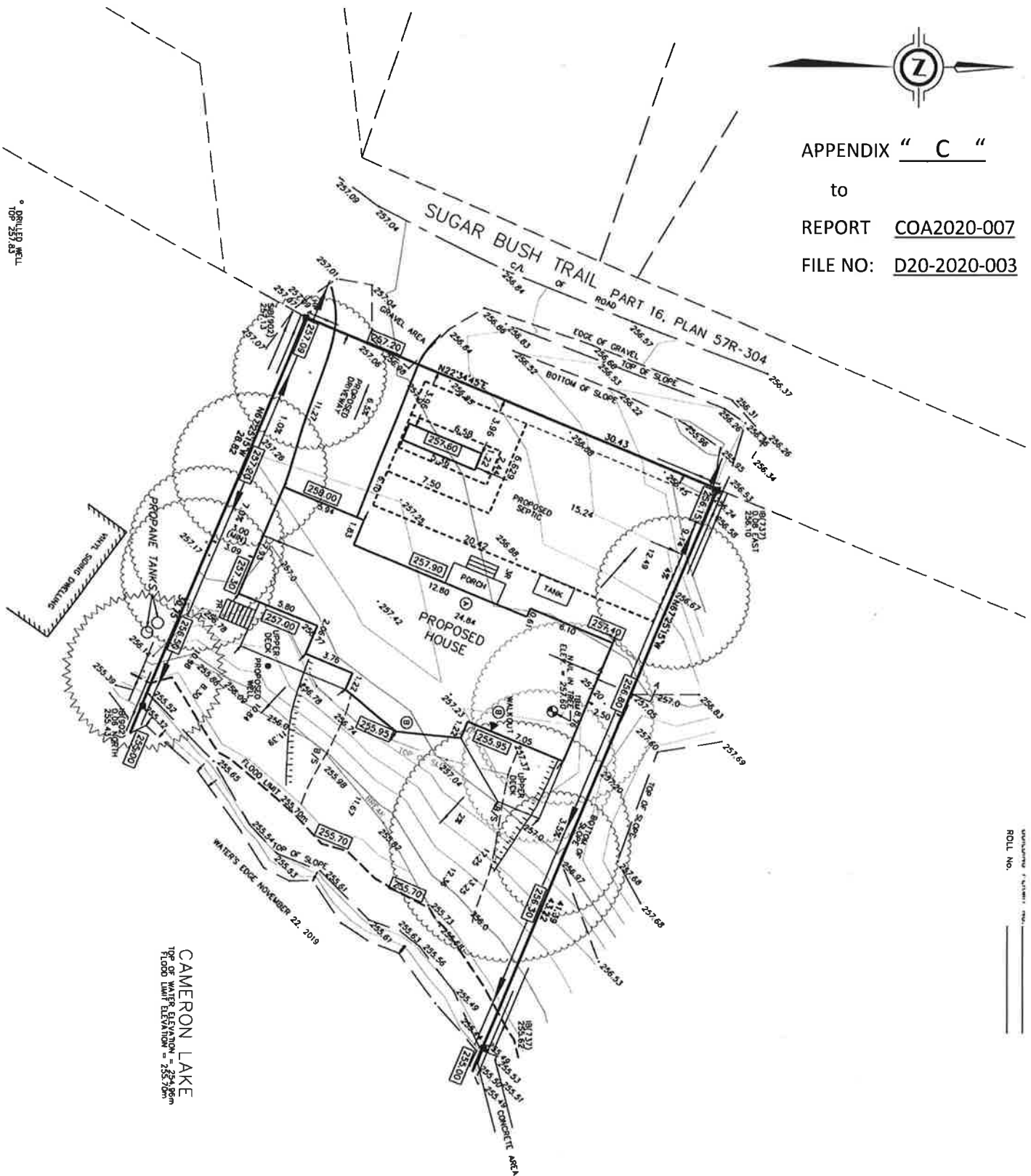


APPENDIX " C "

to

REPORT COA2020-007

FILE NO: D20-2020-003



ROLL NO. \_\_\_\_\_

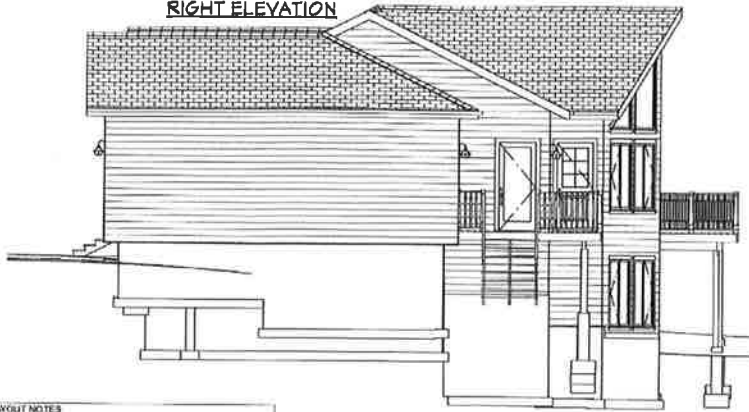
# APPENDIX " D "

to

REPORT COA2020-007

FILE NO: D20-2020-003

RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION



IMPORTANT NOTE:  
HOMEOWNERS SHOULD BE AWARE THAT ANY CHANGES MADE TO ORIGINAL DRAWINGS OR NOTED AFTER SUBMITTAL FOR PERMIT THE DESIGNER SHALL BE NOTIFIED OF ANY CHANGES PRIOR TO PERMITTING. TO ORIGINAL DRAWINGS IMMEDIATELY BEFORE CONSTRUCTION. IT IS THE RESPONSIBILITY OF CONTRACTORS TO REVIEW AND VERIFY ALL DIMENSIONS, PITCHES AND MATERIALS BEFORE CONSTRUCTION AND REPORT OCCURRENCE OF ANY ERRORS OR OMISSIONS BEFORE ANY BEGINS. ANY ENGINEER/ARCHITECT/CONTRACTOR.  
PRODUCED FOR TRUSS STRUCTURE OR EMD. FLOORING LAYOUTS SHALL BE FORWARDED TO DESIGNER AT AFFECTING ORIGINAL STRUCTURAL DESIGN. ALL CONSTRUCTION SHALL COMPLY WITH PART 8 OF THE ONTARIO BUILDING CODE.



## Kent Stainton

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**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

APPENDIX E  
to  
REPORT COA 2020-007

FILE NO. D20-2020-003

fyi

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Kirk Timms <ktimms@kawarthalakes.ca>  
**Sent:** Tuesday, August 11, 2020 1:00 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>  
**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.



**D20-2020-021** - 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,  
Kirk

**Kirk Timms, C.E.T., CAN-CISEC**

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

705-324-9411 ext. 1119 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8. For COVID-19 information including service levels and how to access services, call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19).**

## Kent Stainton

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**From:** Mark LaHay  
**Sent:** Friday, March 6, 2020 4:31 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200306 D20-2020-003 - Engineering review

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

FYI - file

**From:** Kim Rhodes  
**Sent:** Friday, March 6, 2020 4:28 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20200306 D20-2020-003 - 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](http://www.kawarthalakes.ca)



## Kent Stainton

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



## Kent Stainton

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

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



## Kent Stainton

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**From:** Eileen Weldon <eileenweldon@sympatico.ca>  
**Sent:** Wednesday, April 1, 2020 7:15 PM  
**To:** David Harding  
**Subject:** RE: Lot for sale with City of Kawartha Lakes Minor Variance

Eileen Weldon  
P.O. Box 1416  
42 Sugarbush Trail  
Fenelon Falls K0M 1N0

APPENDIX E  
to  
REPORT COA2020-007  
FILE NO. D20-2020-003

-----Original Message-----

**From:** David Harding [mailto:dharding@kawarthalakes.ca]  
**Sent:** Wednesday, April 1, 2020 9:29 AM  
**To:** Eileen Weldon  
**Subject:** Re: Lot for sale with City of Kawartha Lakes Minor Variance

Thank you for your email, Eileen.

Would you please provide your mailing address so that we can add you to the interested parties list once we are in a position to move forward with this application?

Our office is currently closed and our service levels have been affected.

David Harding RPP, MCIP

Planner II

City of Kawartha Lakes

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**From:** Eileen Weldon <eileenweldon@sympatico.ca>  
**Sent:** Wednesday, March 25, 2020 6:04:06 PM  
**To:** David Harding  
**Subject:** Lot for sale with City of Kawartha Lakes Minor Variance

I live at 42 Sugarbush Trail. We have had our place here since 1978. A few years ago, whoever bought that property absolutely clear cut it, It was such an eye sore for our lovely treed trail. To keep the weeds down he would spray it with all kinds of chemicals. I don't even spray my lawn for weeds as we're very concerned for the lake. These chemicals are also very dangerous for our pets. He should have done his research before he bought it. If this lot is too small to build on, what about the septic system will he treat his new lawn with all these chemicals. The Loons nest in this bay every year. It is always full of a variety of ducks from spring through to the fall. Some of the turtles in the bay are humungous. How will this place impact the wildlife? I am not in favour of the 'minor' variance.

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows

10

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail.

If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized.

## Kent Stainton

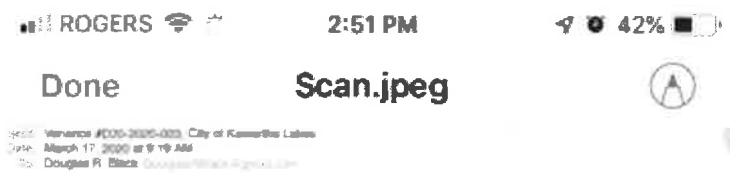
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**From:** Doug Black <douglasrblack@gmail.com>  
**Sent:** Wednesday, April 1, 2020 2:57 PM  
**To:** David Harding  
**Subject:** 36 sugarbush

Hi David,

Thanks for your reply. Yes, my father Stanley is co-owner of 36 Sugarbush. I've recopied a screenshot of his message below.

Thanks,  
Doug



Dear Doug,  
You have my permission to share this document as my proxy.

Dear Sirs:

As a property owner of many years at 36 Sugarbush Trail, I have significant concerns about the variance proposed for Lot #26. I feel a variance of over 50% (8.7 meters) is not minor, but major. The proposed structure would be only 6.3 meters from the lake.  
I received this notice on 3/26/2020, and am unable to present for the hearing.

Thank you for your consideration.

Stanley R. Black





## Kent Stainton

---

**From:** Doug Black <douglasrblack@gmail.com>  
**Sent:** Wednesday, March 25, 2020 1:49 PM  
**To:** David Harding  
**Subject:** Kawartha Lakes: Variance Application D20-2020-003

From:  
Douglas Black  
36 Sugarbush Trail  
Fenelon Falls, ON K0M1N0

18 Cody Ave  
Brooklin, ON L1M1K8

Dear Mr. Harding,

I hope you are well and thank you for your time on the phone last week to discuss the minor variance proposal on Sugarbush Trail.

As discussed, I am OPPOSED to granting approval to this variance as it is not minor in nature and not suitable for the land it is on or the neighbourhood it is in. This is similar to what you have posted in your case notes online.

Beyond the official rules and regulations that the proposal deviates from, I am concerned with the environmental impact that this would have on the waterfront. Since the Wilkinsin family purchased this land they have clear cut approx. 100 trees to make the lot completely barren. It has been repeatedly treated with pesticides for weed control that caused sickness for local dogs and animals, not to mention the wildlife in the lake and the water that we all swim in. It gives me further concern on what would be done with the construction, the environmental impact and how the lot would then be treated once landscaped.

I understand that this lot has been for sale for a couple of years, and it could be deduced that it was originally purchased with a misunderstanding of what could be built on it. Notes on the listing always had a bold mention that the potential purchaser would be responsible for doing due diligence on local zoning and building policies. It appears that after failure to sell and gain any return on the original investment that this variance application is an attempt at a solution for a mistake that was made from not doing proper due diligence on the original purchase. I feel badly that the property owners have ended up in this situation, but it is not fair that the neighbourhood would have to pay for the mistake by allowing a construction that is well outside the regulations. My family and I have owned property on Sugarbush Trail since 1925 and take pride in preserving local policies, the environment and the natural charm of the neighbourhood. I have also included a signed statement from my father, Stanley Black, as an attachment.

As the in-person hearing for March 19th was cancelled due to COVID-19 isolation recommendations, please take this email as my formal statement. Please also advise the neighbourhood with a new sign when it's rescheduled.

Kindly confirm receipt of my email and please feel free to reach out to me directly at any time.

Sincerely,

Doug Black  
647.993.3115

From: Susan Black <susanblack@kwantha.com>  
Subject: Variance #D20-2020-003, City of Kwantha Lakes  
Date: March 17, 2020 at 9:19 AM  
To: Douglas R. Black <drblack@kwantha.com>



Dear Doug,

You have my permission to share this document as my proxy:

Dear Sirs:

As a property owner of many years at 36 Sugarbush Trail, I have significant concerns about the variance proposed for Lot #26.

I feel a variance of over 50% (8.7 meters) is not minor, but major. The proposed structure would be only 6.3 meters from the lake!

I received this notice on 3/26/2020, and am unable to present for the hearing.

Thank you for your consideration,

Stanley R. Black

## Kent Stainton

---

**From:** Eileen Weldon <eileenweldon@sympatico.ca>  
**Sent:** Wednesday, March 25, 2020 6:04 PM  
**To:** David Harding  
**Subject:** Lot for sale with City of Kawartha Lakes Minor Variance

I live at 42 Sugarbush Trail. We have had our place here since 1978. A few years ago, whoever bought that property absolutely clear cut it, It was such an eye sore for our lovely treed trail. To keep the weeds down he would spray it with all kinds of chemicals. I don't even spray my lawn for weeds as we're very concerned for the lake. These chemicals are also very dangerous for our pets. He should have done his research before he bought it. If this lot is too small to build on...what about the septic system will he treat his new lawn with all these chemicals. The Loons nest in this bay every year. It is always full of a variety of ducks from spring through to the fall. Some of the turtles in the bay are humungous. How will this place impact the wildlife? I am not in favour of the 'minor' variance.

Sent from [Mail](#) for Windows 10

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Martinsons and Turylo**  
Report Number COA2020-020

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**Public Meeting**

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

---

**Ward 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit the construction of a detached garage:

1. Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 2.68 metres; and
2. Section 3.1.4.1(b) to increase the distance eaves and gutters are permitted to project into a required yard from 0.6 metres to 0.92 metres. The result being that the garage eaves will be 1.7 metres from the front lot line.

The variances are requested at 17 Gardiner Shore Avenue, geographic Township of Fenelon (File D20-2020-016).

---

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

**Signature:**



---

**Recommendation:**

**Resolved That** Report COA2020-020 Valdis Martinsons and Catharine Turylo be received;

**That** minor variance application D20-2020-016 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the detached garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevation in Appendix D submitted as part of Report COA2020-020, 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 COA2020-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The application was deemed complete May 15, 2020.

**Proposal:** To construct an approximately 14.02 x 7.92 metre (46' x 26') detached garage within the front yard. The garage is proposed to have eaves deeper than 0.6 metres.

**Owners:** Valdis Martinsons and Catharine Turylo

**Applicant:** Gerald Hood - Integrity Home and Cottage

**Legal Description:** Plan 295, Lot 12

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan (2012).

**Zone:** Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95.

**Site Size:** 1,777 square metres

**Site Servicing:** Private individual sewage system and lake-based water supply

**Existing Uses:** Vacant Land

**Adjacent Uses:** North – Cameron Lake  
South – Vacant Rural Land  
East and 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 property is within a shoreline residential neighbourhood on the southern shores of Cameron Lake.

A dwelling spanning most of the width of the lot is proposed closer to the shoreline, with a sewage system to the immediate south of the dwelling's footprint. The garage is proposed in the yard area that remains after the appropriate setbacks to the proposed sewage system are applied.

The proposed garage will provide additional storage and workshop space on the property.

The placement of the garage will not impede the ability to provide maintenance to its east and southern walls nor the yard abutting these walls.

Staff understands that the eave projections are proposed for architectural reasons, and do not increase the functionality of the outside of the building along the south and eastern faces where the eave reductions are sought.

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

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**  
**Yes**

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

The General Provisions section permits a detached garage within the front yard of a shoreline lot provided it complies with the setback provisions of the RR3 Zone. The intent of the by-law is to ensure the detached garage does not adversely impact the character of the neighbourhood, impact sight lines, or snow storage.

The garage door is proposed to face west, perpendicular to the road. As such no vehicle will be backing out onto the road directly from the garage. The orientation of the garage also permits snow storage along the majority of the lot's road frontage, save and except the small width where the driveway entrance connects with the road.

While the garage wall facing the road is long (~14 metres), the lot is quite wide at about 28 metres. This leaves 11.14 metres between the garage face and the west lot line. The wide frontage allows a longer building face to be absorbed on the lot. Façade work is proposed to the south-facing wall to add visual interest and ensure a more residential rather than utilitarian appearance for the purposes of maintaining the residential character of the neighbourhood. Cultured stone is proposed on approximately 60% of the lower part of the wall, with vinyl cladding above. The two materials break up the façade to add visual interest to the wall. Two frosted windows are also proposed to add further visual interest and residential character.

The garage will compliment the residential streetscape of the neighbourhood and no adverse massing impacts are anticipated as a result of its construction.

The eaves, while projecting further into the front and eastern interior side yard, are not anticipated to cause any adverse massing impacts or maintenance issues as 1.77 and 2.11 metres respectively remains within each yard between the eave and respective lot lines.

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 within the Waterfront designation of the City of Kawartha Lakes Official Plan. Within this designation, shoreline residential uses along with 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 proposed to be serviced by a private sewage system and lake-based water supply.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (August 11, 2020): No objections.

Kawartha Region Conservation Authority (August 7, 2020): No concerns.

Building Division, Part 8 Sewage Systems (July 1, 2020): No concerns with the application. The proposed Class 4 sewage system cannot be placed in an alternative location and maintain the required clearance distance to the lake.

**Public Comments:**

No comments were received as of August 11, 2020.

**Attachments:**



Appendices A-E to  
Report COA2020-020

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](mailto:dharding@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-016

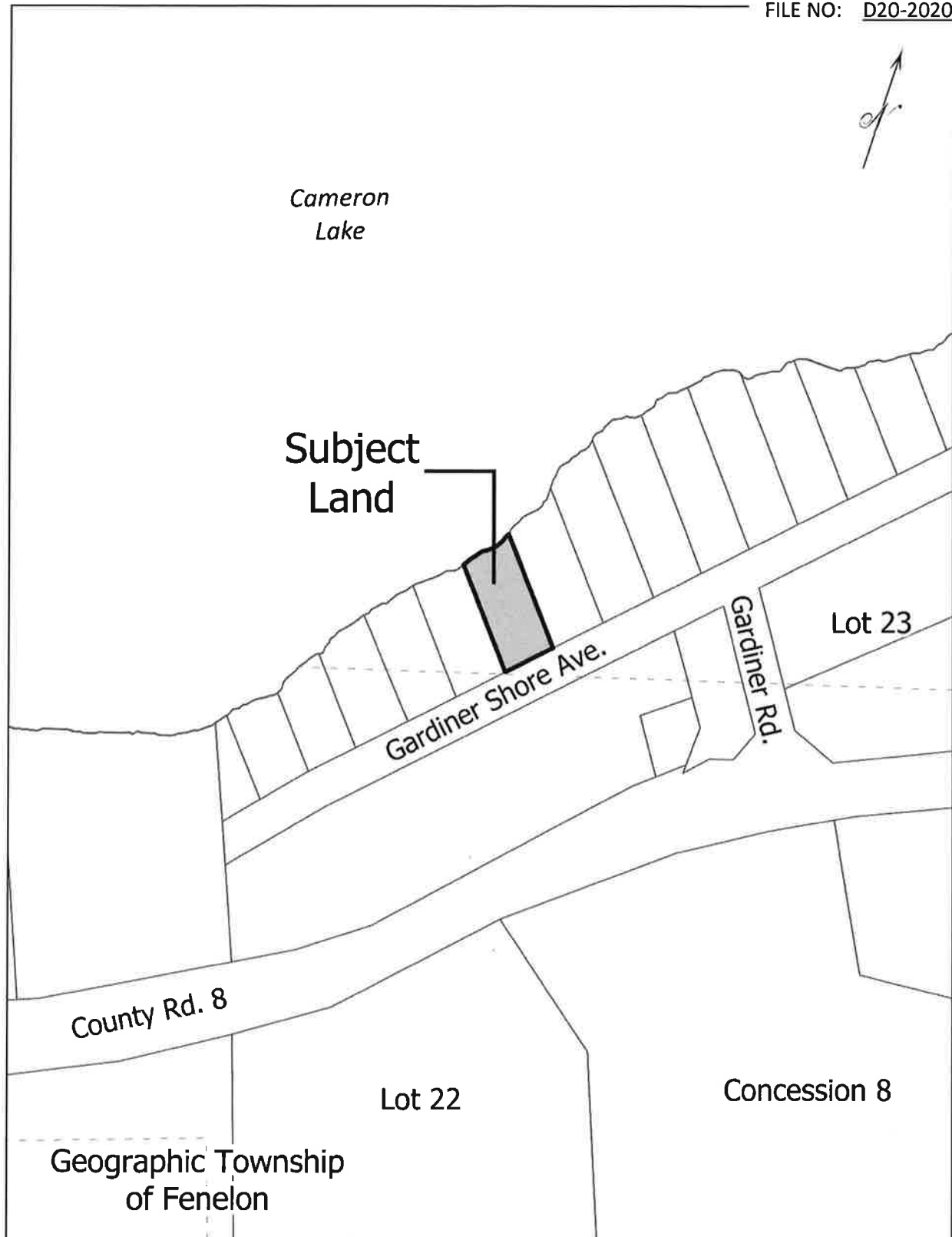


to

REPORT COA2020-020

FILE NO: D20-2020-016

D20-2020-016



## 17 Gardiner Shore Avenue, Geographic Township of Fenelon



### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Road Centreline (2016 Needs)
- ☐ Lower Tier Municipalities

### Notes

Notes

APPENDIX " B "

to

REPORT COA2020-020

FILE NO: D20-2020-016

0.11 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

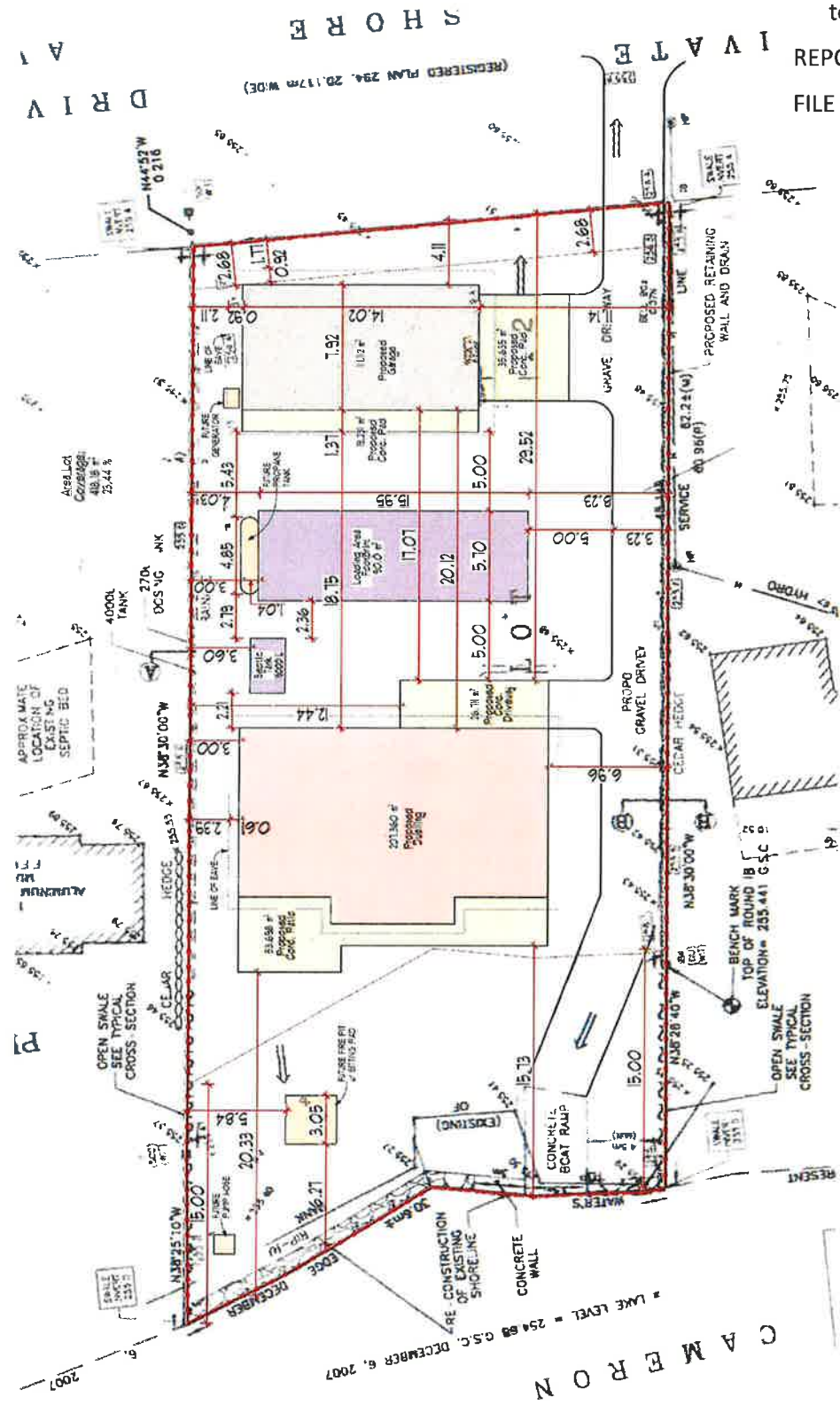
© City Of Kawartha Lakes



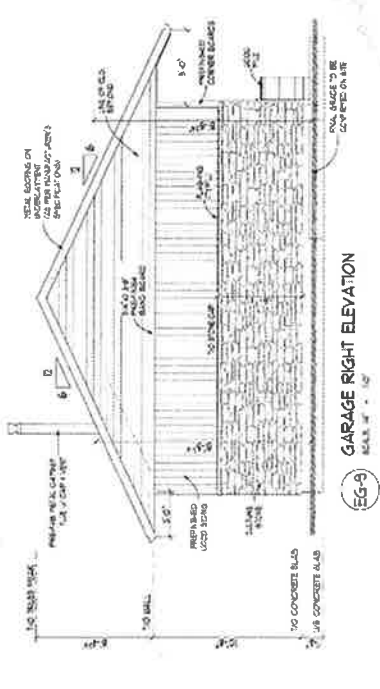
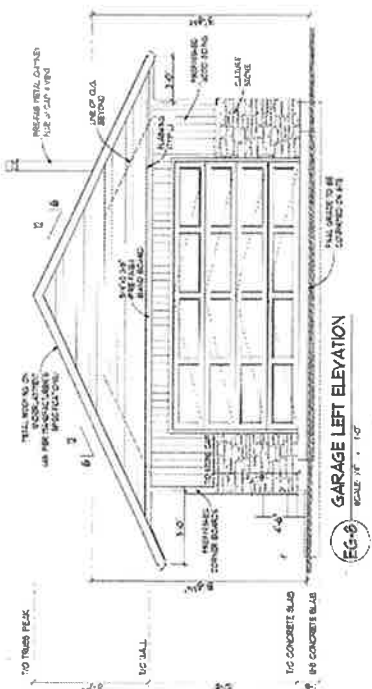
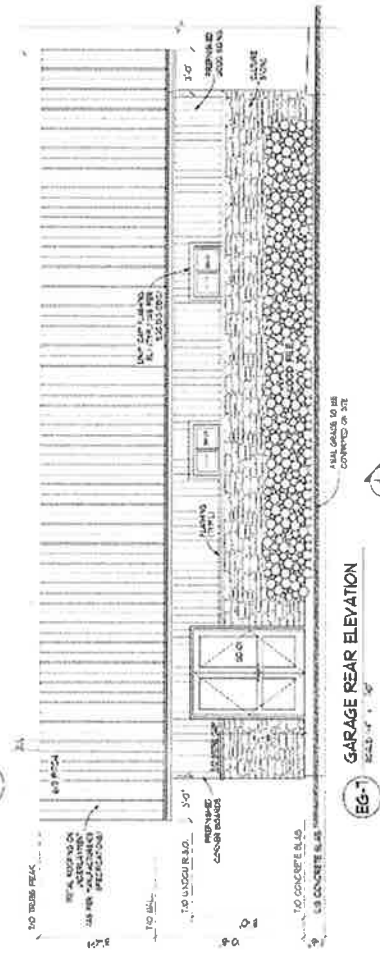
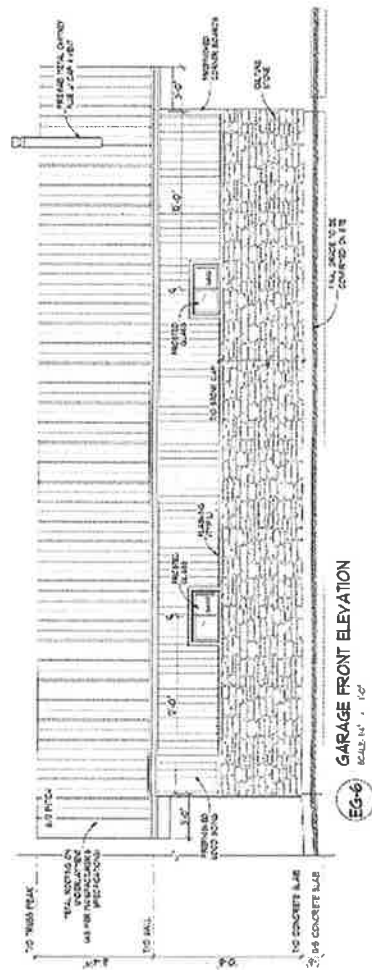
This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

to  
REPORT COA2020-020  
FILE NO: D20-2020-016



<b>SITE PLAN</b>		<b>INTEGRITY HOME AND</b> 48 West Road May 19th Lakes, Ontario L7R 1G1 Working drawings
Scale: N.T.S.	Project Name: <i>Marlborough</i> Project Number: 25-02 Customer Name: <i>Mr. &amp; Mrs. J. &amp; S. J. J.</i> Drawn By: <i>M.T.</i>	
	Issue Date: 5/1/2020	



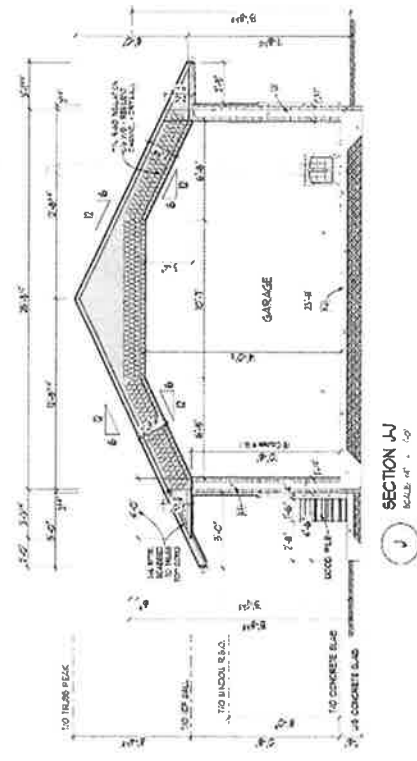
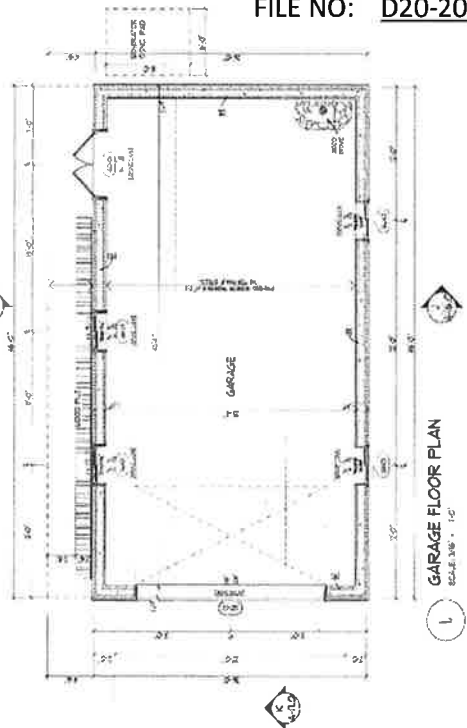
- (B) - WALL ASSEMBLY  
1. EXTERIOR WALL: 8\"/>
- (M) - FLOOR ASSEMBLY  
1. FLOOR: 4\"/>
- (R) - ROOF ASSEMBLY  
1. ROOF: 12\"/>

APPENDIX " D "

to

REPORT COA2020-020

FILE NO: D20-2020-016





## Kent Stainton

---

**From:** Erin McGregor <emcgregor@kawarthaconservation.com>  
**Sent:** Friday, August 7, 2020 9:13 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Comments for D20-2020-016 and D20-2020-021 KRCA

APPENDIX E  
to  
REPORT COA2020-020  
FILE NO. D20-2020-016

Good Morning Charlotte,

I'm working remotely with reduced hours still, so I hope you can accept this email in lieu of the letter we would normally send.

D20-2020-016 – 17 Gardiner Shore Rd  
No concern  
D20-2020-021 – 15 Rockaway Trail  
No concern

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

Tel: 705.328.2271 ext. 232  
Fax: 705.328.2286

**IMPORTANT COVID-19 NOTICE:** In light of health concerns related to the Covid-19 virus, the Kawartha Conservation Administrative office will be closed to the public until further notice. Events and meetings will be postponed until further notice. Residents can reach the office by calling 705.328.2271 or by emailing [geninfo@kawarthaconservation.com](mailto:geninfo@kawarthaconservation.com).

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



**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

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**D20-2020-021** - 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,  
Kirk

**Kirk Timms, C.E.T., CAN-CISEC**

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

705-324-9411 ext. 1119 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8. For COVID-19 information including service levels and how to access services, call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19).**

## Kent Stainton

---

**From:** Anne Elmhirst  
**Sent:** Wednesday, July 1, 2020 11:42 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-016 - 17 Gardiner Shore Road

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

Hello Charlotte,

I have received and reviewed the application for minor variance to request allowances for the construction of the garage in closer proximity to the road and side yard property lines.

I have received an application for a sewage system permit to install a Class 4 Alternative Sewage System to service the proposed dwelling. The site plan included with the application demonstrates the required size for the proposed system. As well, the sewage system cannot be placed in an alternate location and maintain the required clearance distances to the lake.

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

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)



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**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Duff**  
Report Number COA2020-021

---

**Public Meeting**

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

---

**Ward 3 – Geographic Township of Verulam**

**Subject:** The purpose and effect of the application is to request relief from:

1. Section 5.1.3 (b) to permit the construction of an accessory building (detached garage) in the front yard of the subject property;
2. Section 19.2 (c)(ii) to reduce the minimum front yard depth from 10 metres to 7.62 metres to facilitate the construction of an accessory building (detached garage).

The variance is requested at 216 Hickory Beach Road, former Township of Verulam (File D20-2020-017).

---

**Author:** Kent Stainton, Planner II

**Signature:**



---

**Recommendations:**

**Resolved That** Report COA2020-021 Brent Duff be received;

**That** minor variance application D20-2020-017 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the detached garage related to this approval shall proceed generally in accordance with the sketches in Appendices C and D submitted as part of Report COA2020-021, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line; and



- 3) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2020-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background:	This application proposes to construct a 111.48 square metre (1200 square feet) detached garage within a front yard. This application was deemed complete on July 2, 2020.
Proposal:	The proposal involves the construction of a new 111.48 square metre (1200 square feet) three-car detached garage.
Owners:	Brent Duff
Applicant:	Brent Duff
Legal Description:	216 Hickory Beach Road, Part Lot 20, Concession 1, Part 1, RP57R-3042, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	Rural Designation within the City of Kawartha Lakes Official Plan (2012)
Zone:	General Rural (A1) Zone in the Township of Verulam Zoning By-Law 6-87
Site Size:	Approximately 4,048.4 square metres (0.99 acres)
Site Servicing:	Private Well and Private Sanitary System
Existing Uses:	Residential
Adjacent Uses:	North: Residential & Agricultural East: Agricultural South: Residential & Agricultural West: Agricultural

**Rationale:**

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

**And**

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

The subject property is situated within a predominantly agricultural neighbourhood located southeast of the Village of Fenelon Falls. The subject property is bordered by two other rural residential lots approximately

one acre in size to the north and south. The majority of the surrounding neighbourhood is under agricultural production. A watercourse is located to the west of the three rural residential lots.

The detached garage will be located to the north of the existing residential dwelling. The location of the existing septic system is in the southeastern section of the front yard preventing the garage from being situated in said location. By situating the garage within the front yard, rear yard amenity space is preserved. Moreover, the presence of a watercourse in the rear of the property presents environmental constraints with respect to locating the garage within the rear yard. The proposed location minimizes any impacts to water quality through additional buffer space between the watercourse and the development. Due to the constraints of the property, the most appropriate building envelope for a detached garage is within the front yard.

While the garage is proposed within the front yard, it is anticipated that the garage use will complement the character of the property and streetscape by providing enclosed storage for vehicles and other items that would otherwise be stored outside within the front yard. The location of the garage also minimizes alterations to the landscape, which would be required to accommodate access to the garage in the side or rear of the property.

The three bay doors are proposed on the southern wall of the garage. The proposed garage blends in well with the design and massing of the existing detached dwelling. A considerable spatial separation is proposed between the garage and the front property line (7.62 metres), as no adverse massing impacts are anticipated by permitting the garage in the proposed location. A cedar hedge and wood fence with flower beds detracts from the presence of the proposed location of the garage. New plantings of boxwood and crimson maple have been placed along the front lot line in addition to the fence. Once established, further privacy will be gained through the vegetative screening.

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

**3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

The subject property is zoned General Rural (A1) in the Township of Verulam Zoning By-Law 6-87.

The intent of the zoning by-law is to restrict the placement of accessory buildings within a front yard, relegating them to side or rear yards. Side and rear yards are usually less visually prominent locations in comparison to a front yard. As it is usually the most visible yard from the street, front yards have the greatest ability to shape the character of the street through their appearance and use. One of the intents of the location provision is to ensure accessory buildings and uses do not dominate the streetscape.

Notwithstanding the placement of the garage, a new wooden fence and plantings have been established along the front property line further screening the prominence of the detached garage.

Given the spatial separation of buildings and structures between the adjacent rural residential lots, the lower density development maintains the intent of a rural residential lot. Any visual impacts to the southern residential lot are mitigated through the presence of a mature cedar hedge along the southern property boundary.

As the garage is not proposed directly in front of the dwelling, the dwelling will continue to appear as the principal use when viewed from the road. The east wall of the garage will be the most visually prominent of the garage walls, as the driveway entrance to the three bay doors is located on the southern wall of the garage. Two windows on the eastern face of the garage work to break up the face of the wall from what can be seen over the aforementioned front yard fence.

In this case, the garage is proposed in a complimentary location with respect to the existing detached dwelling, which functions and appears as something other than a front yard. Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

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

**Yes**

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

In consideration of the above the 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 individual 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: Permit No. 2019-377 was issued on November 14, 2019 for the proposed detached garage.

Development Engineering Division (August 11, 2020): No concerns.

Building Division (August 11, 2020): No Concerns

Building Division – Part 8 Sewage Systems (January 20, 2020): The garage will be established with the required clearance distances to the sewage system and will not impede the ability of the system to be located on the property. No concerns

**Public Comments:**

No comments have been received as of August 11, 2020.

**Attachments:**



Appendices A-E for  
Report COA2020-02

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	kstainton@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2020-017

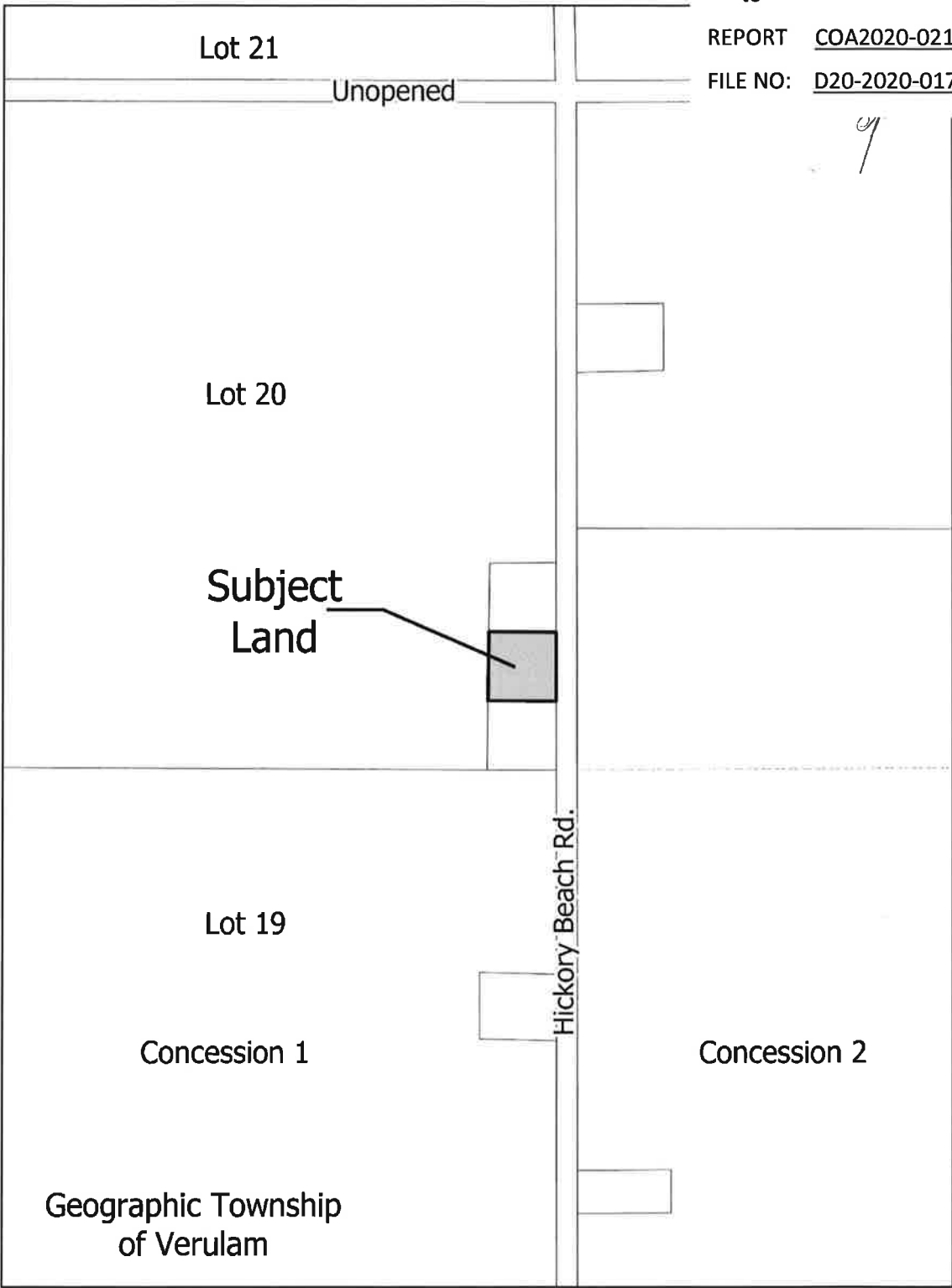
# D20-2020-017

APPENDIX " A "

to

REPORT COA2020-021

FILE NO: D20-2020-017



## 216 Hickory Beach Road, Geographic Township of Verulam



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



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### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Lower Tier Municipalities

### Notes

Notes

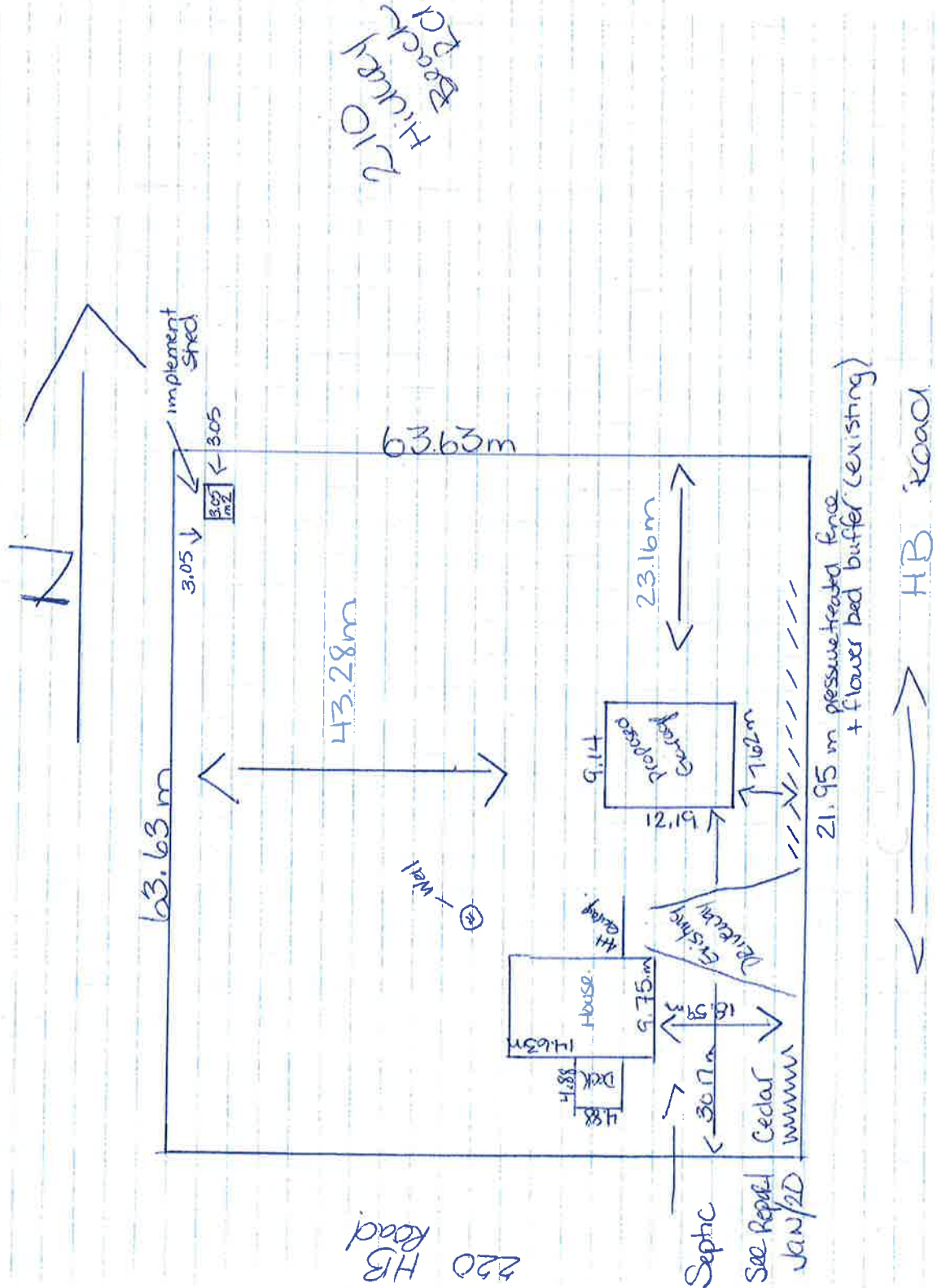
APPENDIX " B "  
to  
REPORT COA2020-021  
FILE NO: D20-2020-017

APPENDIX " C "

to

REPORT COA2020-021

FILE NO: D20-2020-017





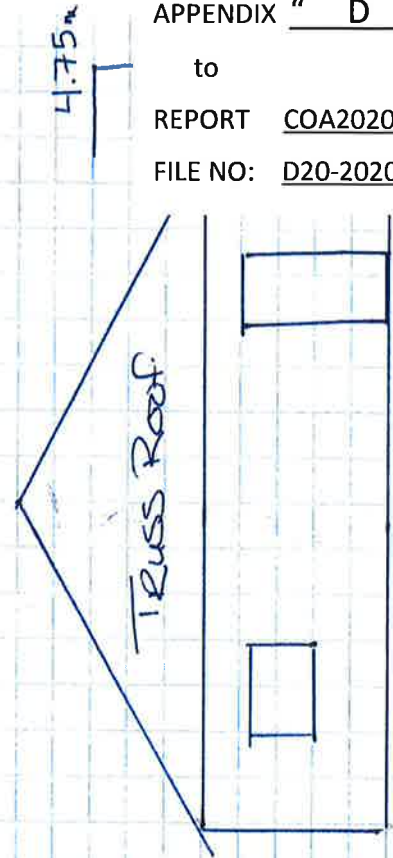


1 Russ Roof  
1" triple 2x6 Header

2x6 Framing

Engineered Pad (see attached)

Windows 6 @ .91 x 1.22m  
Door (Standard 36" door)



APPENDIX " D "

to

REPORT COA2020-021

FILE NO: D20-2020-017





## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

APPENDIX E

to

REPORT COA2020-021

FILE NO. D20-2020-017

fyi

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



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**From:** Kirk Timms <ktimms@kawarthalakes.ca>  
**Sent:** Tuesday, August 11, 2020 1:00 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>  
**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 4:40 PM  
**To:** Kent Stainton  
**Subject:** FW: D20-2020-017 216 Hickory Beach Rd

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

fyi

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Sent:** Tuesday, August 11, 2020 4:35 PM  
**To:** Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)>  
**Subject:** D20-2020-017 216 Hickory Beach Rd

Building division has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Timothy Deegan and Leah Speers**

Report Number COA2020-022

---

**Public Meeting**

**Meeting Date:** August 19, 2020

**Time:** 1:00 pm

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

---

**Ward: 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to seek relief from Section 10.2.1.3 (d) to reduce the minimum rear yard setback from 7.5 metres to 5.11 metres to permit the construction of an enclosed porch.

The variance is requested at 8 Edward Street (Manilla), in the former Township of Mariposa (File D20-2020-018).

---

**Author:** Kent Stainton, Planner II

**Signature:** 

---

**Recommendations:**

**Resolved That** Report COA2020-022 Deegan and Speers, be received;

**That** minor variance application D20-2020-018 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 COA2020-022, 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 COA2020-022. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** This application is proposing to replace a derelict shed with an enclosed porch to the rear of a recently reconstructed residential dwelling. A new unenclosed deck is also proposed abutting the porch; however, the deck is only 0.46 metres in height and considered landscaping under the Zoning By-law.

This application was deemed complete on July 3, 2020.

**Proposal:** To construct a 17.84 square metre (192 square feet) enclosed porch that is 4.27 metres (14 feet) in height.

**Owner:** Timothy Deegan and Leah Speers

**Legal Description:** 8 Edward Street, Manilla, Part Lot 11 Church St., Part Lots 16 and 17F Simcoe Street, Plan 78 geographic Township of Mariposa, City of Kawartha Lakes

**Official Plan:** Hamlet within the City of Kawartha Lakes Official Plan (2012)

**Zone:** Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07

**Site Size:** 1,177.44 square metres (12,673.86 square feet)

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

**Existing Uses:** Residential

**Adjacent Uses:** North: Edward Street, Residential, Community Facility (Manilla Cemetery)  
East: Church Street, Residential  
South: Residential, Commercial  
West: Residential, Simcoe Street (Durham Region Boundary Road)

**Rationale:**

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

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

The subject property is located within the hamlet of Manilla in an established residential neighbourhood that contains a mix of historic and modern residential buildings. The previous dwelling was constructed in 1865 and was recently replaced with a new single detached dwelling, which was designed to preserve the general character of the neighbourhood.

As the existing driveway and septic system locations occupy the eastern and western side yards of the property respectively, the placement of the enclosed porch to the rear of the dwelling is the most practical option. The proposal will provide increased amenity space for the existing dwelling and will considerably

improve the aesthetics of the rear yard over the existing derelict shed. Together with the proposed abutting deck to the east, the porch will revitalize rear yard space providing an entertainment area to an otherwise unusable space in its current condition. The encroachment into the rear yard setback still provides for utilization and access to the greater rear yard portion to the southwest of the proposed porch, improving the overall setback from the property line adjacent to the existing attached shed.

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 Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07.

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 property is an irregular L-shaped lot, which presents a reduction in rear yard space for any development south of the existing dwelling unit. The proposed 2.39 metre reduction of the rear yard requirement is also not anticipated to pose any land use compatibility issues with the neighbouring properties to the south. The proposed location of the enclosed porch represents a near 1 metre improvement of the rear yard setback, as the previous attached shed was located 4.12 metres from the rear property line.

The rear wall of the dwelling faces south. The dwelling on the lot to the southeast (addressed as 18 Church Street) is not located immediately behind the dwelling at 8 Edward Street, nor do the rear walls of either dwelling face one another. There is a significant distance between the rear of the dwelling located at 16971 Simcoe Street and the proposed enclosed porch of the subject lands. No massing, land use or privacy impacts are anticipated due to the location and orientation of the proposed enclosed porch.

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

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

The property is designated Hamlet within the City of Kawartha Lakes Official Plan, which permits residential development. The variance maintains the general intent and purpose of the Official Plan

**Other Alternatives Considered:**

None 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:**

Engineering and Corporate Assets Department (August 11, 2020): No Concerns

Building Division (August 11, 2020): No concerns.

**Public Comments:**

No comments received as of August 11, 2020.

**Attachments:**

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

---

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

**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)

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

**Department File:** D20-2020-018

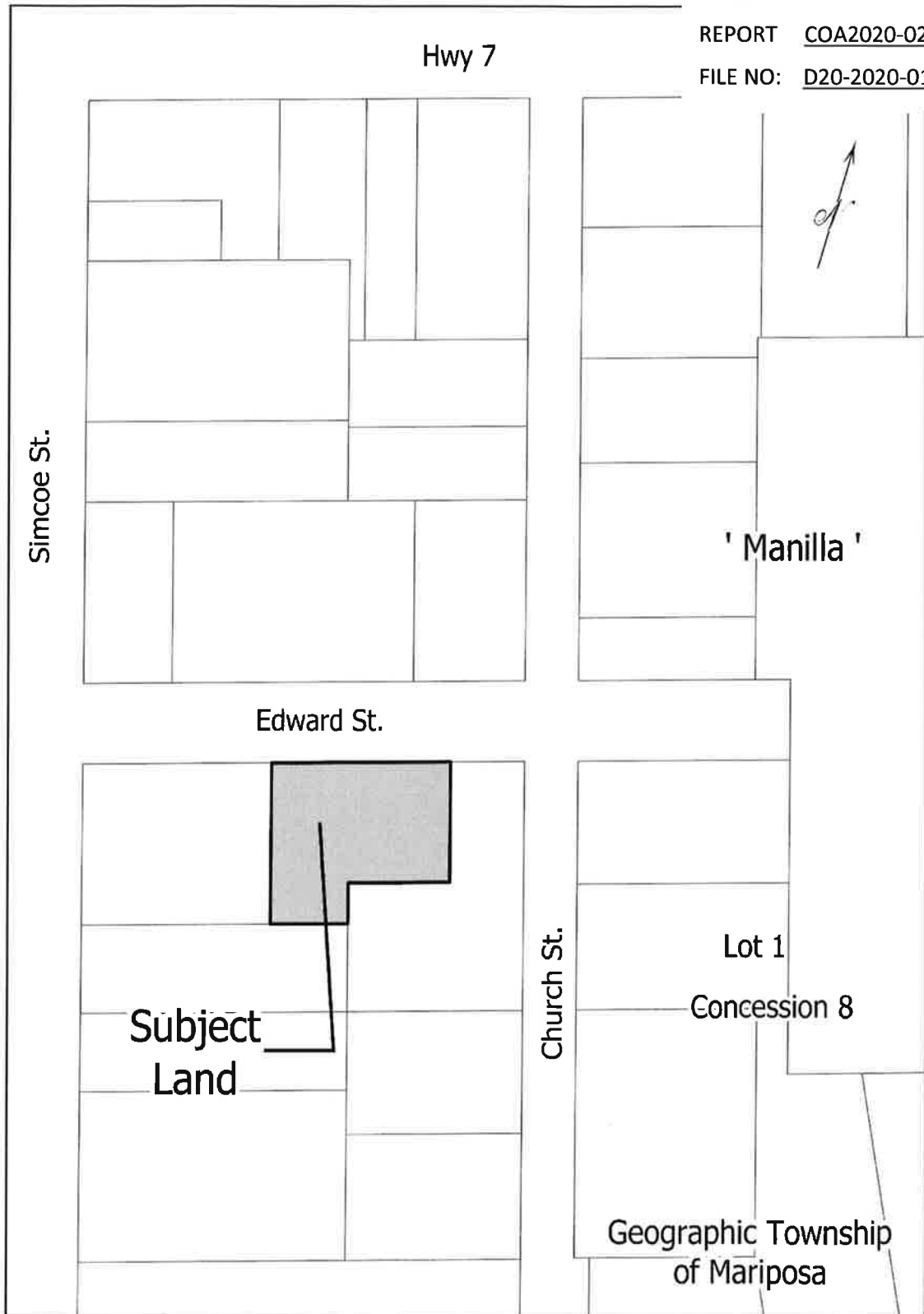
# D20-2020-018

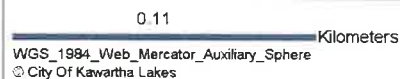
APPENDIX " A "

to

REPORT COA2020-022

FILE NO: D20-2020-018





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

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☐ Lower Tier Municipalities

## Notes

to  
REPORT COA2020-022  
FILE NO: D20-2020-018

## APPENDIX "B"

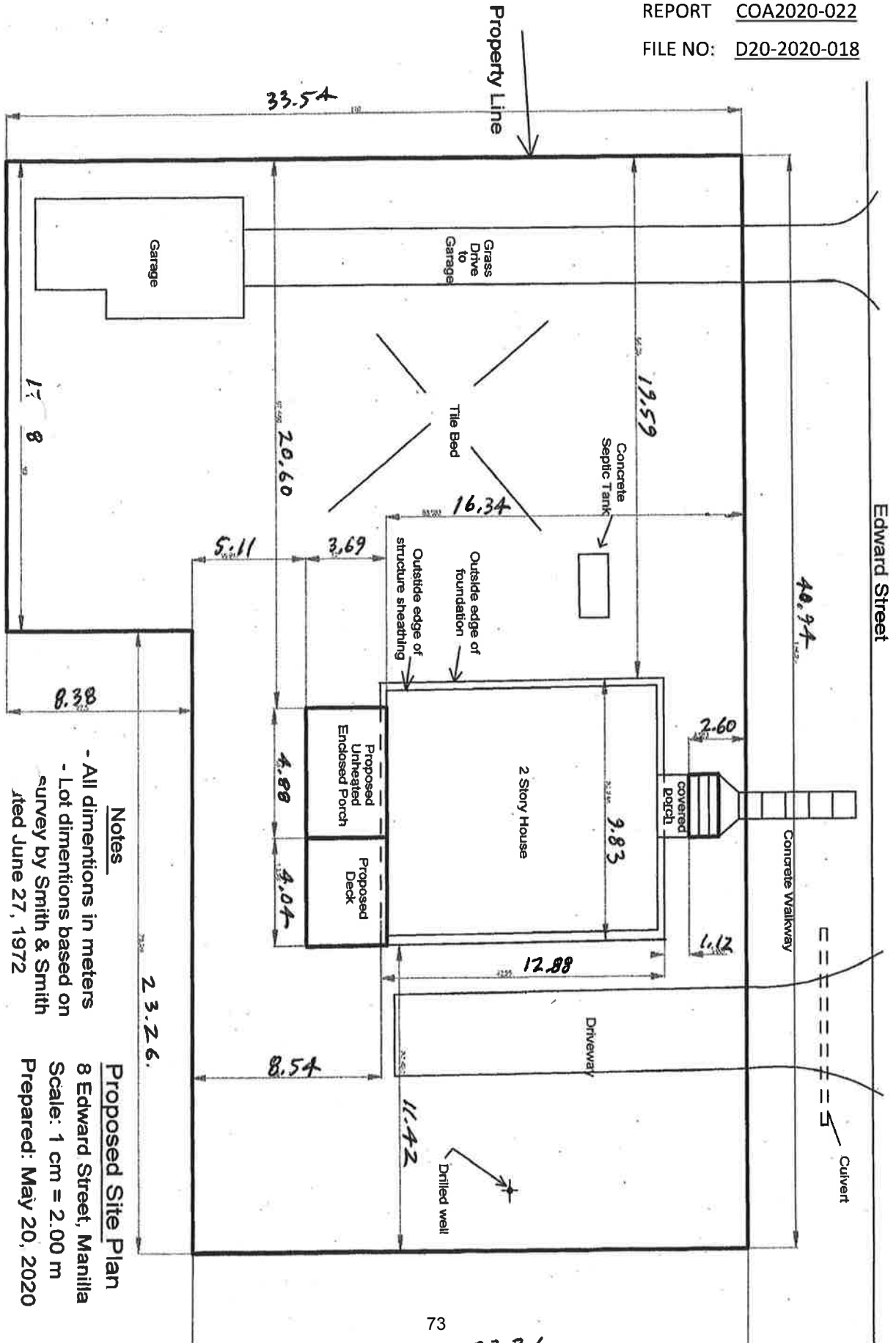


# APPENDIX " C "

to

REPORT COA2020-022

FILE NO: D20-2020-018



## Notes

- All dimensions in meters
- Lot dimensions based on survey by Smith & Smith dated June 27, 1972

## Proposed Site Plan

8 Edward Street, Manila  
Scale: 1 cm = 2.00 m  
Prepared: May 20, 2020

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

fyi

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Kirk Timms <ktimms@kawarthalakes.ca>  
**Sent:** Tuesday, August 11, 2020 1:00 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>  
**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.

APPENDIX "D"

to

REPORT

FILE NO.

COA2020-022

D20-2020-018

**D20-2020-021** - 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,  
Kirk

**Kirk Timms, C.E.T., CAN-CISEC**

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

705-324-9411 ext. 1119 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8. For COVID-19 information including service levels and how to access services, call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19).**

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 4:40 PM  
**To:** Kent Stainton  
**Subject:** FW: D20-2020-018

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

fyi

### Charlotte Crockford-Toomey

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Sent:** Tuesday, August 11, 2020 4:37 PM  
**To:** Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)>  
**Subject:** D20-2020-018

Building division has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Scott and Elizabeth Beacock**  
**Report Number COA2020-024**

---

**Public Meeting**

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

---

**Ward: 4 –Geographic Township of Mariposa**

**Subject:** The purpose and effect is to seek relief from Section 10.2.1.3 (a) to reduce the minimum front yard setback from 7.5 metres to 4.2 metres to permit the construction of a covered porch.

The variance is requested at 93 Cresswell Road, geographic Township of Mariposa (File D20-2020-020).

---

**Author:** Kent Stainton, Planner II

**Signature:**



---

**Recommendations:**

**Resolved That** Report COA2020-024 Beacock, be received;

**That** minor variance application D20-2020-020 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 sketches in Appendices C & D submitted as part of Report COA2020-024, 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 COA2020-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** This application is proposing to replace an existing front porch in disrepair that is non-compliant with the Zoning By-law. A replacement covered porch of the same dimensions is proposed.

This application was deemed complete on July 2, 2020.

**Proposal:** To construct a 22.5 square metre (242.19 square feet) covered porch.

**Owner:** Scott and Elizabeth Beacock

**Legal Description:** 93 Cresswell Road, South Part of Lot 2, Concession 7, geographic Township of Mariposa, City of Kawartha Lakes

**Official Plan:** Hamlet Settlement Area within the City of Kawartha Lakes Official Plan (2012)

**Zone:** Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07

**Site Size:** 1,100 square metres (11,840.3 square feet)

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

**Existing Uses:** Residential

**Adjacent Uses:** North: Agricultural  
East: Residential, Community Facility (Church)  
South: Cresswell Road, Residential  
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 within the hamlet of Cresswell in an established residential neighbourhood that contains a mix of historic and modern residential buildings. The dwelling was constructed in 1900 (according to MPAC) and is representative of the types of homes within the community.

The location of homes in relation to the depth of the lots within the hamlet of Cresswell varies significantly along Cresswell Road. The dwelling addressed as 91 Cresswell Road has a deep front yard setback while the residence at 87 Cresswell Road has virtually no front yard setback. Dwellings within the neighbourhood contain a variety of entryway designs as well. While the existing porch on the subject lands is uncovered, the proposed covered porch and associated railing will further complement the character of the neighbourhood by proposing a design, which maintains the historical character of the dwelling.

The proposal will provide increased amenity space for the existing dwelling and will considerably improve the aesthetics of front yard. As the covered porch is open on the front and both sides, there are no anticipated massing issues and impacts to sightlines. Overall, the functionality of the front yard will not be diminished.

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 Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the front yard setback is to provide separation between the road and residential uses; however, the subject property is within the urbanized hamlet area of Cresswell, which has reduced speed limits and contains numerous dwellings much closer than the proposed reduction of the front yard setback to 4.2 metres.

As the covered porch is replacing an existing porch with no additional expansion laterally or towards the road, there are no anticipated land use compatibility issues presented to the front yard-to-road interface. The established building line of the replacement porch is no closer to the road than the limit of development established to the east at 95 Cresswell Road.

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

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

The property is designated Hamlet within the City of Kawartha Lakes Official Plan, which permits residential development. The variance maintains the general intent and purpose of the Official Plan

**Other Alternatives Considered:**

None 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:**

Engineering and Corporate Assets Department (August 11, 2020): No concerns.

Building Division (August 11, 2020): No concerns.

**Public Comments:**

No comments received as of August 11, 2020.

**Attachments:**



Appendices A-E for  
Report COA2020-02.

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

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	kstainton@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2020-020



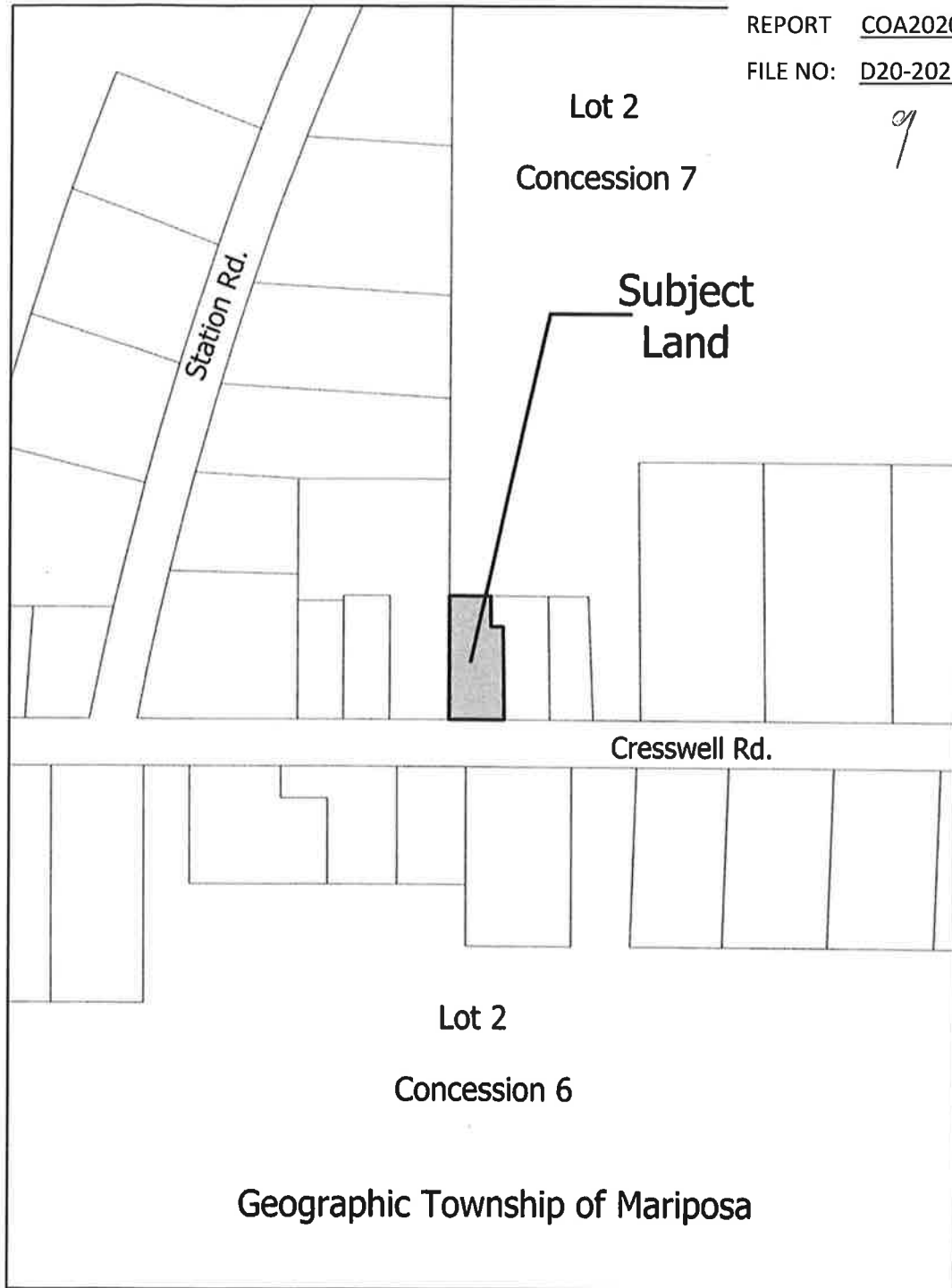
D20-2020-020

APPENDIX " A "

to

REPORT COA2020-024

FILE NO: D20-2020-020





GEOMATICS  
MAPPING

## 93 Cresswell Road, Geographic Township of Mariposa



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

### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Lower Tier Municipalities

### Notes

Notes

REPORT COA2020-024  
FILE NO: D20-2020-020

APPENDIX " B "

APPENDIX " C "

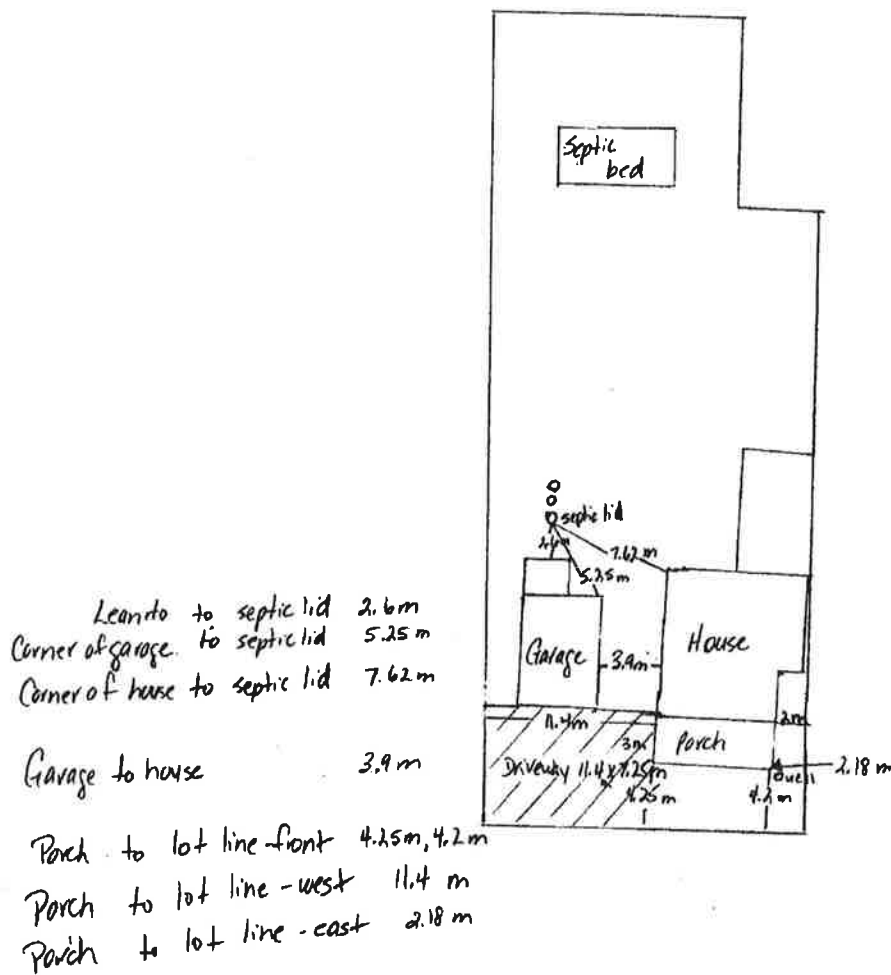
to

REPORT COA2020-024

FILE NO: D20-2020-020

93 Cresswell Rd

Site Plan

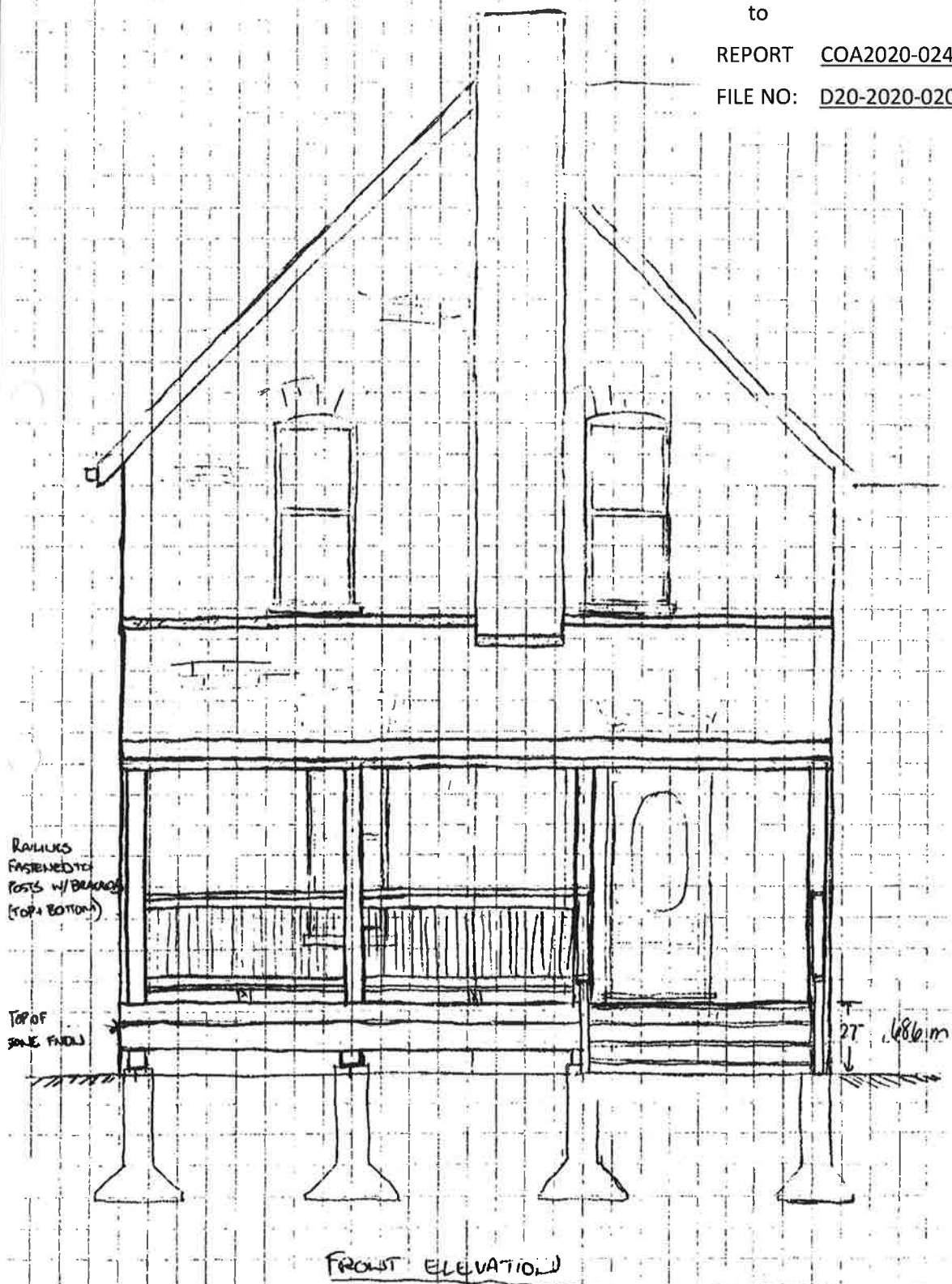


APPENDIX " D "

to

REPORT COA2020-024

FILE NO: D20-2020-020



## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

APPENDIX " E "

fyi

to

REPORT

COA2020-024

FILE NO.

D20-2020-020

### Charlotte Crockford-Toomey

Administrative Assistant

Planning Department, City of Kawartha Lakes

705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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**From:** Kirk Timms <ktimms@kawarthalakes.ca>

**Sent:** Tuesday, August 11, 2020 1:00 PM

**To:** Mark LaHay <mlahay@kawarthalakes.ca>

**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>

**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-021** - 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,  
Kirk

**Kirk Timms, C.E.T., CAN-CISEC**  
Senior Engineering Technician  
Engineering & Corporate Assets Department, City of Kawartha Lakes  
705-324-9411 ext. 1119 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8. For COVID-19 information including service levels and how to access services, call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19).**

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 4:41 PM  
**To:** Kent Stainton  
**Subject:** FW: D20-2020-020 93 Cresswell Rd

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

fyi

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Sent:** Tuesday, August 11, 2020 4:39 PM  
**To:** Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)>  
**Subject:** D20-2020-020 93 Cresswell Rd

Building division has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Cidalia and Manuel Barbosa**  
**Report Number COA2020-025**

---

**Public Meeting**

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

---

**Ward: 1 – Geographic Township of Bexley**

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

1. Section 3.1.3.2 to permit an accessory structure (detached garage) in a residential zone that is greater than 5 metres in height at 6.6 metres.

The variance is requested at 15 Rockway Trail, geographic Township of Bexley (File D20-2020-021).

---

**Author:** Kent Stainton, Planner II

**Signature:**



---

**Recommendations:**

**Resolved That** Report COA2020-025 Barbosa, be received;

**That** minor variance application D20-2020-021 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 Appendices C & D submitted as part of Report COA2020-025, 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 COA2020-025. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**



**Background:** The proposal involves the construction of a one-and-a-half storey three-car detached garage with an associated deck. The proposed garage requires relief from the maximum height provision associated with accessory structures. The relief is required to allow for the storage and maintenance of recreational equipment associated with watersports, in particular windsurfing. No habitable space is proposed within the upper level of the garage.

This application was deemed complete on July 16, 2020.

**Proposal:** To construct a 210 square metre (2260.42 square feet) three car detached garage and associated deck. The garage is 1.5 storeys or 6.6 metres (21.65 feet) in height.

**Owner:** Manuel and Cidalia Barbosa

**Legal Description:** 15 Rockway Trail, Part Lot A, Concession 2, Part Lot 11, Plan 557, geographic Township of Bexley, City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan (2012)

**Zone:** Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law No. 93-09

**Site Size:** 4,856 square metres (52,269.55 square feet)

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

**Existing Uses:** Residential

**Adjacent Uses:** North, South, East: Shoreline and Rural Residential  
East: Balsam Lake

**Rationale:**

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

**And**

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

The subject property is situated on a peninsula of the western portion of Balsam Lake, southwest of Long Point. The neighbourhood consists primarily of shoreline residential lots with forested lands to the south. The property is a corner lot bordered by a private, unmaintained road identified as Rockway Trail to the north and east. Access is provided to the lot via Rockway Trail.

The shoreline residences within the neighbourhood vary in age and built-form. The adjacent parcels are smaller than the subject lands; however, the residences within the neighbourhood are relatively modest in size, which allows

for good spatial separation between homes and for the retention of vegetation screening between properties to increase privacy.

The subject property is surrounded on all sides by vegetative buffers, which effectively screen the property from the road and neighbouring lots. The northern property line consists of a mature cedar hedge along with a variety of shrubs and coniferous trees. The eastern and southern property lines are also well vegetated with a variety of coniferous and deciduous trees as well as a dense selection of shrubs. No adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

The location of the proposed garage is within a large, flat open field area, which itself is larger than most of the individual lots within the area. A gravel driveway terminates east of the septic system for the residence. A small garden shed currently provides minimal storage space with boat trailers and other recreational items currently being stored in open space.

The proposed northern and eastern deck is intended to facilitate access relating to the storage and maintenance of equipment specific to drying sails and equipment associated with windsurfing. Sliding doors permit access to the deck in order to hang the sails to be dried. Due to the placement of the septic system in relation to the dwelling, the proposed location provides the least amount of disturbance to the property, while allowing for shorter transportation distances of the recreational equipment to the shore. The requested 1.6 metre relief from the maximum height provision for accessory structures does not enable a full second storey nor is the relief requested to facilitate habitable space.

The accessory garage and deck provide additional amenity and storage space on the lot without adversely impacting the function of the front and exterior side yards. The construction of the garage will provide for additional space to store vehicles, boats and watersport-related recreational items. As the garage bay doors are facing southward, any visual impacts are mitigated through the mature deciduous trees and shrubs present along the southern interior side yard.

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 Limited Service Residential (LSR) Zone permits a variety of residential uses, including vacation and single detached dwellings.

As the application is proposing to add an accessory building, and said accessory building is not proposed to have any water/wastewater services, there is no change to the existing service levels within this area. Also, no residential intensification is occurring.

Additionally, the intent of the General Provisions section of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is accessory to the primary use. The existing 2-storey dwelling is situated much higher in

elevation on the lot in relation to the proposed garage, maintaining most of the visual interest to the property. The property is of sufficient size to accommodate the detached garage within the large open space to the east of the dwelling and is not anticipated to adversely impact the use of the abutting residential lots. As a result, no massing and height incompatibilities with the primary residential use is anticipated.

The garage is proposed well back from the eastern and northern sections of Rockway Trail. The existing vegetation consists of a mature cedar hedge, coniferous trees is well established, providing substantial buffering from both sections of the private road with the proposed design treatments to the north and west walls adding visual interest and character to the building where it is visible from Rockway Trail. The proposed garage design ensures that it appears more residential in nature rather than utilitarian, and will complement the neighbourhood. While the requested variance is needed to facilitate the storage and maintenance of watersport equipment, the proposed accessory use is anticipated to add to the character of the streetscape rather than adversely impact it.

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

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

**Yes**

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

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

**Other Alternatives Considered:**

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 (August 7, 2020): No concerns. Permit No. 2019-333 was issued to facilitate the construction of the garage on October 23, 2019.

Development Engineering Division (August 11, 2020): No concerns.

Building Division (August 11, 2020): No concerns

**Public Comments:**

The following comments were received in response to the circulation of the application:

Gloria Sharples (Dumond) of 8 Rockway Trail (August 10, 2020): Letter of objection.

**Attachments:**



Appendices A-F for  
Report COA2020-02

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

---

<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	kstainton@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2020-021



APPENDIX " A "

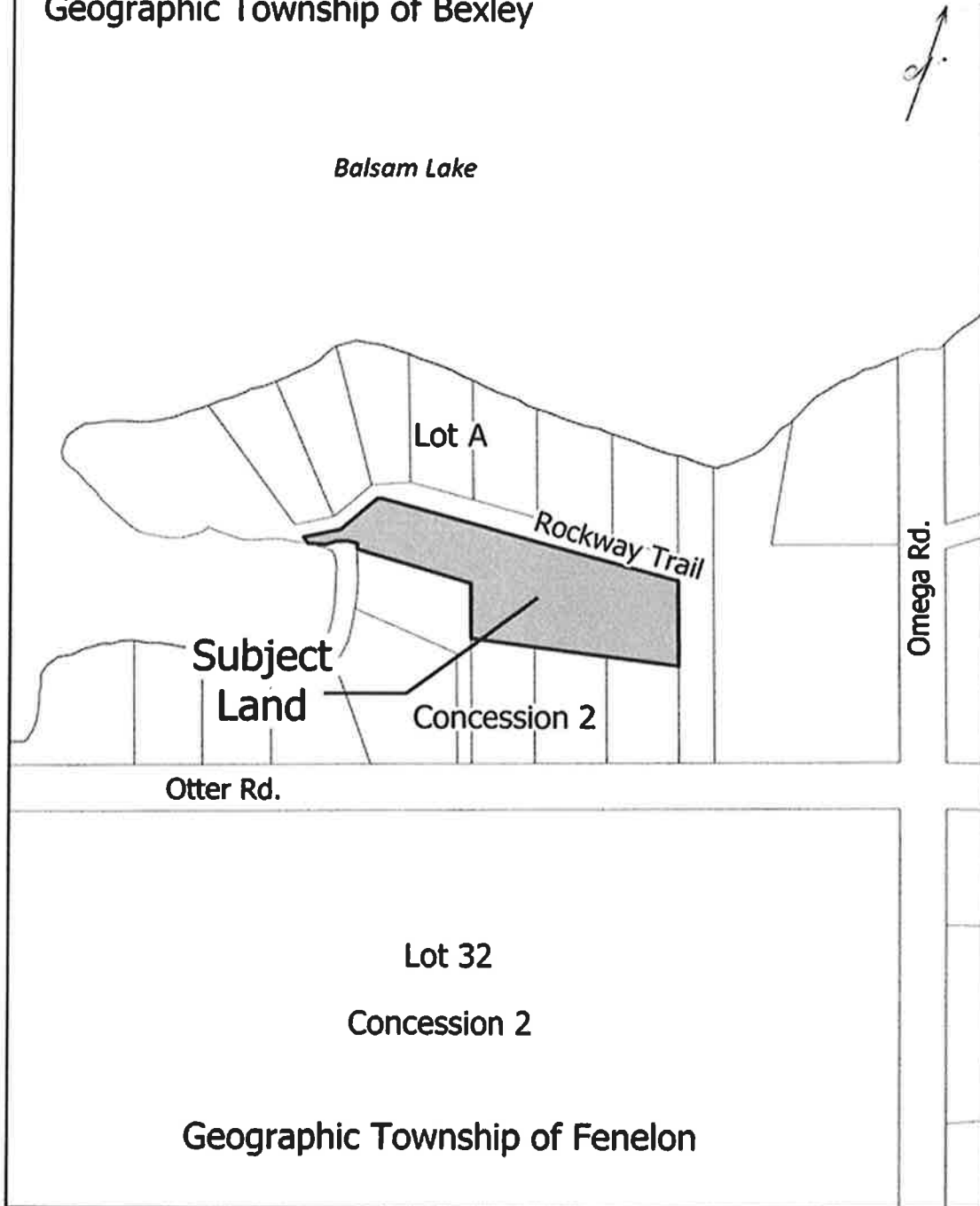
to

REPORT COA2020-025

FILE NO: D20-2020-021

**D20-2020-021**

**Geographic Township of Bexley**



# 15 Rockway Trail, Geographic Township of Bexley



## Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions
- ☐ Lower Tier Municipalities

## Notes

Notes

APPENDIX " B "

to

REPORT COA2020-025

FILE NO: D20-2020-021

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.

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to

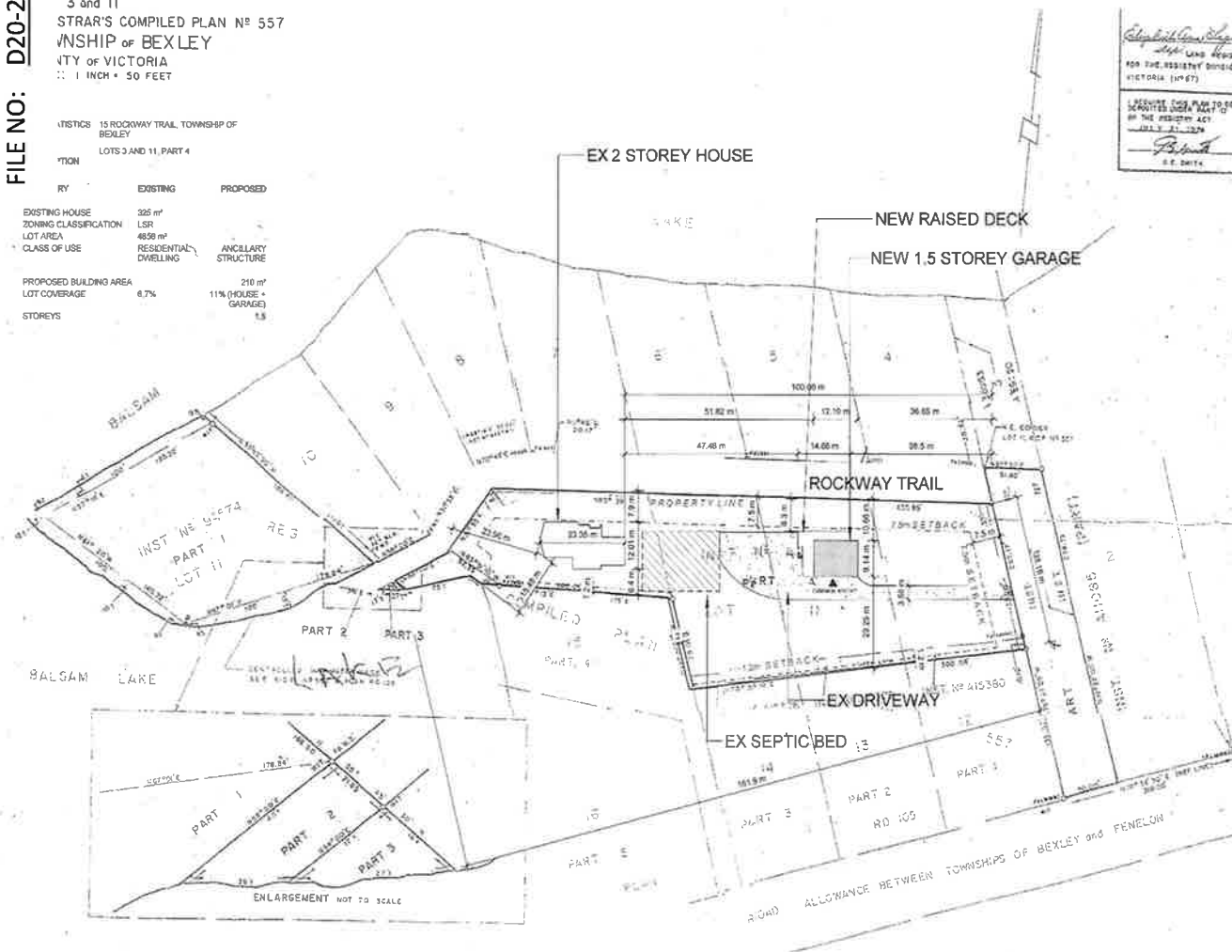
REPORT COA2020-025

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3 and 11  
STRAR'S COMPILED PLAN N° 557  
TOWNSHIP OF BEXLEY  
CITY OF VICTORIA  
1:1 INCH = 50 FEET

LOCATION 15 ROCKWAY TRAIL, TOWNSHIP OF BEXLEY  
LOTS 3 AND 11, PART 4

EXISTING	EXISTING	PROPOSED
EXISTING HOUSE	325 m <sup>2</sup>	
ZONING CLASSIFICATION	LSR	
LOT AREA	4850 m <sup>2</sup>	
CLASS OF USE	RESIDENTIAL DWELLING	ANCILLARY STRUCTURE
PROPOSED BUILDING AREA		210 m <sup>2</sup>
LOT COVERAGE	6.7%	11% (HOUSE + GARAGE)
STOREYS		1.5



*Robert J. Smith*  
L.S. LAND SURVEYOR  
100 RUE DES BOURGEOIS  
VICTORIA (V8T 6T7)  
I HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME BY THE REGISTERED ARCHITECT.  
JULY 21, 2020  
R.J. Smith  
S.T. 00174

DO NOT SCALE DRAWINGS. REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. USE ONLY DRAWING MARKED FOR CONSTRUCTION. THIS DRAWING, AS AN INSTRUMENT OF SERVICE IS PROVIDED BY AND IS THE PROPERTY OF THE ARCHITECT. THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.

#	DESCRIPTION	DATE
1	ISS. FOR CONSERVATION	2018-04-30
2	ISS. FOR CMA	2020-01-10
3	PRESCREENING	
4	ISS. FOR CMA	2020-03-08

ROCKWAY GARAGE  
15 ROCKWAY TRAIL, BEXLEY

MANNY BARBOSA

PHASE	DD
PROJECT	1704
DATE	JUNE 2020
DRAWN	
SCALE	1:1000

SITE PLAN

**A003**



APPENDIX " D "

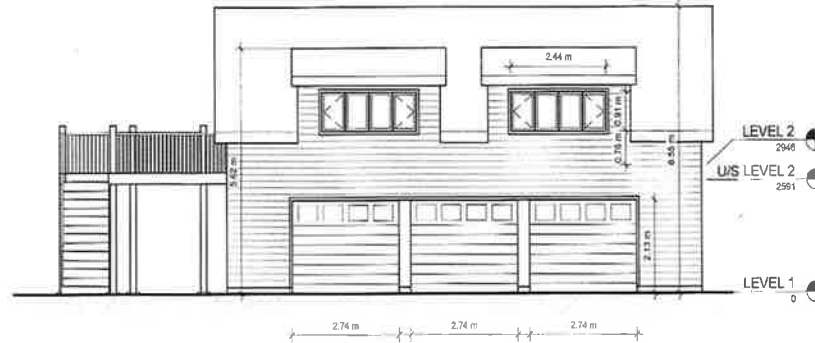
to

REPORT COA2020-025

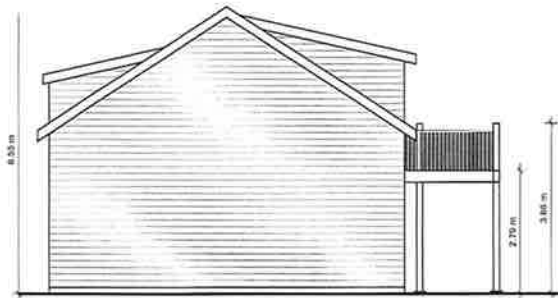
FILE NO: D20-2020-021



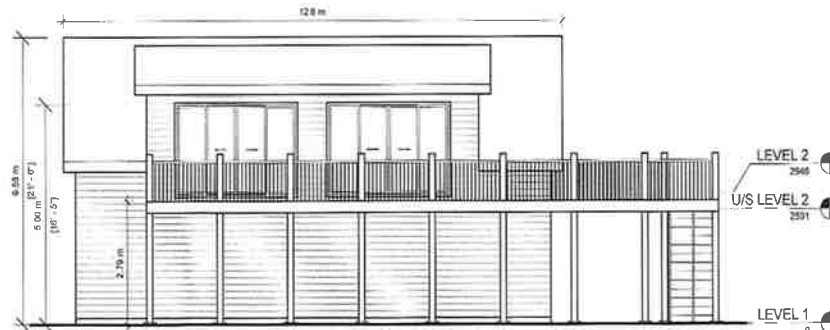
④ West  
1:100



③ South  
1:100



② East  
1:100



① North  
1:100



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#	DESCRIPTION	DATE
1	ISS. FOR CONSERVATION	2018-04-30
2	ISS. FOR CofA PRESCREENING	2020-01-10
3	ISS. FOR CofA	2020-06-08

ROCKWAY GARAGE  
15 ROCKWAY TRAIL, BEXLEY

MANNY BARBOSA

PHASE DD  
PROJECT 1704  
DATE JUNE 2020  
DRAWN  
SCALE 1:100

ELEVATIONS

**A500**

2020-06-08 11:14 AM

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

fyi

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



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Kirk Timms <ktimms@kawarthalakes.ca>  
**Sent:** Tuesday, August 11, 2020 1:00 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>  
**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.

APPENDIX " E "

to

REPORT

COA 2020-025

FILE NO.

D20-2020-021

## Kent Stainton

---

**From:** Charlotte Crockford-Toomey  
**Sent:** Wednesday, August 12, 2020 7:24 AM  
**To:** Kent Stainton  
**Subject:** FW: D20-2020-021 15 Rockway

fyi

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



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**From:** Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Sent:** Wednesday, August 12, 2020 7:03 AM  
**To:** Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)>  
**Subject:** D20-2020-021 15 Rockway

Building division has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

## Kent Stainton

---

**From:** Erin McGregor <emcgregor@kawarthaconservation.com>  
**Sent:** Friday, August 7, 2020 9:13 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Comments for D20-2020-016 and D20-2020-021 KRCA

Good Morning Charlotte,

I'm working remotely with reduced hours still, so I hope you can accept this email in lieu of the letter we would normally send.

D20-2020-016 – 17 Gardiner Shore Rd  
No concern  
D20-2020-021 – 15 Rockaway Trail  
No concern

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

Tel: 705.328.2271 ext. 232  
Fax: 705.328.2286

**IMPORTANT COVID-19 NOTICE:** In light of health concerns related to the Covid-19 virus, the Kawartha Conservation Administrative office will be closed to the public until further notice. Events and meetings will be postponed until further notice. Residents can reach the office by calling 705.328.2271 or by emailing [geninfo@kawarthaconservation.com](mailto:geninfo@kawarthaconservation.com).

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



**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

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## Kent Stainton

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**From:** Gloria Sharples <tomglo34@bell.net>  
**Sent:** Monday, August 10, 2020 12:33 PM  
**To:** Committee of Adjustment  
**Subject:** D20-2020-021-15 Rockway Trail..... Minor variance

APPENDIX F  
to  
REPORT COA 2020-025  
FILE NO. D20-2020-021

Gloria Sharples (Dumond)

Tomglo34@Bell.net

D20-2020-021 - 15 Rockway Trail, Part Lot A, Concession 2, Part Lot 11, Plan 557, geographic Township of Bexley, Ward 1, now in the City of Kawartha Lakes

- to permit the construction of an accessory building (detached garage) in a residential zone higher than 5 metres at a height of 6.6 metres

**MINOR VARIANCE - Absolutely Not !!!!!**

**- I have numerous concerns with the height / size / purpose, etc.**

**- also concerned about future flooding issues**

**(conservation authorities are well aware of previous flooding)**

Please acknowledge receipt of this email.

Thanks

Gloria

416-624-3777

8 Rockway Trail