

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2020-011

Thursday, November 5, 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

“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 review proceedings.”

To request to speak to public meeting reports on this agenda please email cofa@kawarthalakes.ca and reference the report number in your email. Following receipt of your email you will receive instructions from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to 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 if you have an accessible accommodation request.

1.	Call to Order	
2.	Administrative Business	
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2.2.	Declaration of Pecuniary Interest	
2.3.	Adoption of Minutes	
2.3.1.	COA2020-10.2.3.1 October 15, 2020 Committee of Adjustment Minutes	4 - 23
3.	New Applications	
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3.1.1.	COA2020-040 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: Doug Norton - Measurite	24 - 35
3.1.2.	COA2020-042 Kent Stainton, Planner II File Number: D20-2020-035 Location: 57 Weldon Road Part Lot 21, Concession 7, Part Lot 61, Plan 44 Geographic Township of Ops Owners: Murray and Carol Sweet Applicant: Murray Sweet	36 - 46

David Harding, Planner II, RPP, MCIP
File Number :D20-2020-036
Location: 55 Sugar Bush Trail
Part Lot 26, Concession 10
Geographic Township of Fenelon
Owners: Rob and Lois Louttit
Applicant: Rob Louttit

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, November 26, 2020 at 1:00pm in Council Chambers, City Hall.

8. **Adjournment**

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

COA2020-010
Thursday, October 15, 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 1:00pm. Councillor E. Yeo and Members A. O'Bumsawin, S. Richardson, B. Archer and S. Strangway were in attendance.

Absent: D. Marsh

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2020-10.2.1.1

October 15, 2020

Committee of Adjustment Agenda

CA2020-048

Moved By S. Richardson

Seconded By A. O'Bumsawin

That the agenda for October 15, 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 COA2020-09.2.3.1

September 17, 2020

Committee of Adjustment Minutes

CA2020-049

Moved By B. Archer

Seconded By Councillor Yeo

That the minutes of the previous meeting held September 17, 2020 be adopted as printed.

Carried

3. **New Applications**

3.1 Minor Variances

3.1.1 COA2020-028

Kent Stainton, Planner II
 File Number: D20-2020-024
 Location: 64 Iris Drive
 Part Lot 25, Concession 3, Lot 13, Plan 241
 Geographic Township of Fenelon
 Owner: 2126660 Ontario Inc. - Vinti Sansanwal

Mr. Stainton summarized Report COA2020-028, to permit the construction of a detached garage and recognize the location of an exiting septic system pump house.

Public comments in opposition to the application were received from M. Murcott of 52 Iris Drive and A. Foster of 88 Iris Drive. Primary concerns were regarding construction materials associated with the completion of the open building permit and storage of the items within the front yard. The Planning department cannot speak to the open building permit. There were concerns regarding the potential for living space within the storage loft of the garage. Also, an additional structure in the front yard. Through conversations with the owner, there is a desire to complete both building permits at the same time. Materials for the garage will be stored in the garage, used for the construction of the garage or removed from the property. The storage loft is not designed for habitable space and conforms to the height provisions of the Zoning By-law. The owner has no desire to make it a habitable space. Regarding the additional structure in the front yard, the only structure to be identified through the application is the septic pump house. Staff noted to the Committee that they have spoken to both individuals in opposition to the application and are satisfied with the responses.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee sought clarification as to the date of the building permit and if the construction of the dwelling was complete. Staff replied the building permit has been open since 2008. As to whether the dwelling is complete, it would have to be deferred to the building division for further information. Upon conducting the site visit, it appears to be constructed from the outside.

The Committee continued to ask what means do we have as the City to see that permits are completed, as this has been 12 years. Staff responded by saying

they believe there is a history associated with this file; however, we would have to defer to the building division for the processes of a building permit.

The Committee asked staff as to the size of the pump house. Staff replied 38 square feet/3.55 Square metres. Committee stated that a permit is not required for a structure under 108 square feet, so why is one required for the pump house. Staff replied that a building permit is not required for the septic system. As the structure meets the definition of a 'structure' within the definition of the Fenelon Zoning By-law, relief is required to acknowledge the location within the front yard.

The Committee questioned staff as to the foundation for the pump house was poured without a permit and whether or not could the pump house be moved now the septic system is installed. Staff replied the concrete pad for the garage was poured without a permit. A septic system permit was issued for the entire system. Whether the pump house could be moved would have to be deferred to the Building Division. However, they are investigating work without permits.

The Committee asked where does the Committee stand if we approve this application and it has to be moved. Staff clarified that during a site visit that the structure meets the side yard setbacks and despite no permit, it complies with the zoning by-law.

The Committee stated that a permit is not required to pour a concrete pad on a lot as it is considered landscaping. Permits are only required when building on a pad. It would be the building division's responsibility to make sure the pad is sufficient to build on and owner to prove it. Staff noted if the concrete pad doesn't meet the building division requirements, the applicant would be required to upgrade by pulling out existing pad and pour in the same place. The Committee asked if there were any concerns from Kawartha Region Conservation Authority. Staff replied no concerns as per comments received from the Conservation Authority.

The applicant, Mr. Sansanwal was present and spoke to the Committee. The delay in closing the building permit was due to a financial situation. He clarified that he had a building permit for the garage and then reapplied to build a new house, garage included. The old permit for the garage expired and wasn't included in the new permit. He continued to say that the concrete pad could be moved if called for as it's just used as a parking pad.

Staff confirmed the pad was poured with electrical panel attached. Upon

speaking with owner; he would like to finish the garage simultaneously with closing the building permit for the dwelling.

The applicant, Mr. Sansanwal stated that he is working with an occupancy permit since 2019.

The Committee suggested adding a condition to make sure the concrete pad is sufficient to build on. Mr. Holy said that the building division would check to see if the pad is sufficient to build on. No need to add a condition, as they will take that into consideration as part of the Building Permit process.

No further questions from the Committee or other persons.

CA2020-050

Moved By A. O'Bumsawin

Seconded By B. Archer

That minor variance application D20-2020-024 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 - E submitted as part of Report COA2020-028, which shall be attached to and form part of the Committee's Decision;
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;
3. **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structure identified on Appendix C to Report COA2020-028 as 'gazebo' has been removed;
4. **That** within 24 months after the date of Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the eastern edge of the wooden deck identified on Appendix C to Report COA2020-028 attached to the existing single detached dwelling has been modified to reflect a minimum 1.3 metre setback from the eastern side lot line, and;

5. **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 COA2020-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2020-036

David Harding, Planner II, RPP, MCIP
 File Number: D20-2020-031
 Location: 11 Distillery Street
 Part Lots 14-18 West of Hughes Street, Plan 109
 Former Village of Omemee
 Owner: 2085633 Ontario Limited C/o Nelson Homes
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Harding summarized Report COA2020-036, to request relief to reduce the minimum exterior side yard setback in order to permit a single detached dwelling.

The applicant, Mr. deBoer was present and spoke to the Committee.

There were no questions from the Committee or other persons.

CA2020-051

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2020-031 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 COA2020-036, 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 COA2020-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2020-038

Kent Stainton, Planner II
 File Number: D20-2020-033
 Location: 12 Treewood Lane
 Lot 11, Plan 175
 Geographic Township of Bexley
 Owners: Samuel Thornbury and Sherrie Walker
 Applicant: Brian Hoag

Mr. Stainton summarized Report COA2020-038, to request relief to reduce the minimum exterior side yard setback in order to permit the construction of a new single storey detached dwelling and deck. Mr. Stainton also clarified that the application is for a new two-storey dwelling as both one and two-storey dwellings were mentioned in the report.

Public comments received from Lorraine McRae of 19 Treewood Lane, June Comden of 3 Farmingdale Lane, David and Louise Grandy of Treewood Lane, Vasilije and Gordana Tomic of 11 Treewood Lane and Miroslav Rakita of no fixed address.

Concerns were raised pertaining to potential sale and closure of this end of block M or the unopened road allowance to access Balsam Lake through the application and in future. Also the trimming of the cedar hedges between the access and the lot in question. Whilst the sale and closure of the land is not subject to this application, as of this morning staff can verify that Realty Services has not received any applications to purchase the enclosed road allowance. With respect to hedge trimming, some of the hedges are on publicly owned lands and

some on the subject property. The applicant advises that the owner will be maintaining as much of the hedge as possible for privacy screening. The public that sent in written comments were provided contact information on the respective area of the Roads Department. The maintenance of the access is not a planning matter to be discussed through this forum.

The Committee noted that it is policy for the City of Kawartha Lakes and Council not to sell properties leading to the waterfront. If this were to change it would go to council, is that correct? Staff replied that that is a fair assertion.

The Committee asked staff what the maximum allowance for accessory buildings are and is the septic a holding tank. Staff replied a maximum allowance of 3 accessory structures are permitted according to the Bexley Zoning By-law. Also, the septic is a holding tank.

The Committee finally asked staff if the 24 months was sufficient time to complete conditions and close the file. Staff replied yes.

Due to technical difficulties, at 1:52pm Chair Robertson called for a five minute break until we could engage with the owner, Mr. Thornbury. The Chair called for a motion to table the application at 1:57pm.

CA2020-052

Moved By Councillor Yeo

Seconded By A. O'Bumsawin

That application D20-2020-033 be tabled to enable time to reconnect with the applicant via zoom.

Carried

3.1.4 COA2020-039

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-034

Location: 100 Leslie Frost Lane

Part of Lot 7, Concession 9

Geographic Township of Fenelon

Owner: Patricia Jarvie

Mr. Harding summarized Report COA2020-039, to request relief from the minimum interior side yard setback and minimum lot area requirement of an existing lot of record in order to construct a second storey addition and covered porch.

Since the writing of the report, public comments were received from Colleen and Rodney Cook of 69 Indian Trail, who were concerned with the impact to their property abutting the private right of way portion of Leslie Frost Lane as a result of development.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked staff if it's the intent of the owner to remain as a vacation dwelling. Staff could not confirm but deferred the question to the applicant.

The Committee noted that the staff report focused examining whether impacts would occur to 98 Leslie Frost Lane, and asked whether there should be analysis about potential impacts to 102 Leslie Frost Lane. Staff replied that impacts to number 102 were not examined as the second storey is complying with the setback requirement on that side.

The applicant, Patricia Jarvie was present and spoke to the Committee and conveyed that she had been in communication with the neighbours and were in full support apart from Mr. and Mrs. Cook of 69 Indian Trail. She stated that the contractor had attended the site and was aware of the proximity of the Cook's fence to the right of way. Any damages to the Cook's property would be corrected by her. The applicant also responded to the question deferred by staff confirming that her primary residence is in Port Perry. Mrs. Jarvie finished by thanking the Committee.

No further questions from the Committee or other persons.

CA2020-053

Moved By S. Strangway

Seconded By A. O'Bumsawin

That minor variance application D20-2020-034 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 COA2020-039, 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 COA2020-039. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2020-034

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

Mr. Harding summarized Report COA2020-034, to permit the construction of a single detached dwelling inclusive of a deck and attached garage.

Mr. Harding gave a brief recap on the previous meeting due to technical difficulties. The purpose for deferring the application was to allow further examination as to whether or not the current proposal, which includes the building and septic footprints, were in the best place they could be in order to

develop this parcel. Based on previous comments from neighbours as well as comments received shortly before meeting had taken place, there was still the outstanding question of whether a better water setback could be achieved. Time was required to review with the KRCA and Building Division –Part 8 Sewage Systems to see if there were alternative locations that made more sense environmentally. The owner/applicant worked with their septic system designer and environmental consultant to assess whether or not the proposed location is the most sensible. While it was determined that there may be the potential to place the sewage system beside the dwelling in order to push the dwelling further from the water, the designer and consultant submitted documentation identifying that it made more ecological sense to keep to the original proposal, as per correspondence in the report.

The Committee asked for confirmation of distances from the closest point of the central room to the shoreline. Staff replied.

The applicant, Mr. Carroll of DC Planning Services was present and spoke to the Committee. He referred to Appendix C and confirmed the setbacks Committee requested. Mr. Carroll agreed with the planner's evaluation of the application and acknowledged the input from the neighbours. He outlined the owner approached another homebuilder after March, which reduced the depth of the building and increased the water setback from what was originally proposed. The original proposal was approved by Kawartha Region Conservation Authority (KRCA) in March and the revised footprint was also accepted by KRCA.

The Chair noted comments received from Mr. Allinson of 27 Sugar Bush Trail: "It would be interesting to know why other similar applications on the same street were denied". The Chair asked staff if they have knowledge of this. Mr. Harding replied that they were not aware of any application for a new dwelling or an addition requesting water setback reliefs within the past 7 years.

In opposition to the application, Mr. Davies of 41 Sugar Bush Trail was present and spoke to the Committee with concerns. He asked the applicant what is the livable space of this dwelling. Mr. Carroll replied 1800 square feet. Mr. Davies asked if that included the walkout basement. Mr. Carroll confirmed 1800 square feet on main floor and 1800 square feet in the basement. Mr. Davies stated that it is in fact 3600 square feet of livable space plus a 1 1/2 car garage and that this is not a minor variance. He went on to say that, the proposed dwelling is too large for the lot. He requested that the size of the built form be reconfigured to fit the lot. Staff responded by saying that the applicant must justify the need for a water setback reduction. Staff explained that the location of the septic system is

dictating the placement of the building footprint. As long as the septic system abuts and runs parallel to the road to maintain maximum distance from the shoreline, the dwelling footprint will require relief from the water setback due to the shape of the lot.

Mr. Carroll spoke to the Committee and stated that the tradition of the Committees' decision in the past is to provide environmental integrity of development.

Mr. Davies reiterated again that the built form could be reduced.

No further questions from the Committee or other persons.

CA2020-054

Moved By Councillor Yeo

Seconded By A. O'Bumsawin

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 COA2020-034, which shall be attached to and form part of the Committee's Decision,
2. **That** prior to the issuance of a building permit the owners submit to the Secretary-Treasurer written confirmation from the Kawartha Region Conservation Authority that it is satisfied with the proposed shoreline planting plan as recommended by Cunningham Environmental Associates in its Letter of Opinion dated September 10, 2020; 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 COA2020-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.2 COA2020-031

Kent Stainton, Planner II
 File Number: D20-2020-027
 Location: 144 Ball Point Road
 Part Lot 18, Concession C
 Geographic Township of Mariposa
 Owner: Gary Cowan
 Applicant: Scottie Eisemann - Cottage Life Construction

Mr. Stainton summarized Report COA2020-31, to request relief to reduce the minimum water setback in order to permit the construction of an addition to a one-storey single detached dwelling.

The application was originally scheduled for the September 17, 2020 meeting however; Part 8 Sewage Systems provided planning with a letter indicating that the current septic system cannot accommodate the proposal. A request to defer no more than 4 months was granted until such time that the septic system capacity issues could be resolved. The applicant subsequently modified the size of the septic tank and resubmitted based on resizing the tank. No resizing of the addition or deck were proposed. Part 8 Sewage Systems has no concerns with the revised proposal as long as the tank is upgraded.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked staff if it is a usual practice to recommend an upgrade on a septic tank and not on the septic bed. Staff replied that the owner undertook an investigation through an environmental engineer, which confirmed that only the tank required upgrading. The Supervisor Anne Elmhirst of Part 8 Sewage Systems reviewed the septic brief and agreed with the findings of the report.

The applicant, Scottie Eisemann of Cottage Life Construction was present and spoke to the Committee. He stated that he employed an environmental engineer, the results being that the septic bed is functioning at full capacity and agreed to upgrade the septic tank to 1000 gallons. Mr. Eisemann continued to say that he has employed a septic company who will be submitting an application for upgrading the tank to 1000 gallons. He also asked staff for clarification as to when the shed should be removed. Staff replied at any time prior to the closing of the building permit.

The owner, Mr. Cowan was present for any questions.

No further questions from the Committee or other persons.

CA2020-055

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2020-027 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-E submitted as part of Report COA2020-031, which shall be attached to and form part of the Committee's Decision;
2. **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-031 as 'small frame shed to be removed' has been removed, 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 COA2020-031. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.3 COA2020-041

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-006

Location: 63 North Taylor Road

Lot 16, Plan 224, Part of Lot 54, North of Portage Road

Geographic Township of Eldon

Owners: Ahsan Ullah and Fahmida Nutan

Applicant: Jim Even - C.T. Strongman Survey

Mr. Harding gave a brief recap for the returning application which was deferred at the July 16, 2020 meeting due to comments received from the Supervisor of Part 8 Sewage Systems. Further investigation by that department was required before the application could proceed.

Mr. Harding summarized Report COA2020-041, to seek relief to reduce the minimum front yard setback to permit the construction of a new single detached dwelling and respectively for a covered porch on the single detached dwelling.

Since the writing of the report, comments were received from the owner and additional comments from Mr. Riches of 65 North Taylor Road. Concerns related to the building permit component of the sewage system approval process. These concerns have no impact on the variance, and the building division provided comment to that affect.

Opposed to the application, Mr. Riches of 65 North Taylor Road was present and addressed the Committee. His concerns were with the septic system being over 50 years old, whether there is sufficient capacity in it for the new build, and clarification on whether the sewage system is a septic bed or a holding tank. He was concerned over who is responsible should the owner sell and something goes wrong with the sewage system. Staff replied that it is a holding tank. The building permit is still open and any remedial work required can still be done before the permit is closed. If something happened after the permit is closed, it would be on a reactionary basis. Mr. Riches asked when should someone put forward concerns when a new home is being built with an old septic system. Staff replied that he could not speak on behalf of the Building Division but you can send concerns in at any point of time. Staff noted that Anne Elmhirst, Supervisor of Part 8 Sewage Systems would reach out to Mr. Riches to go over his questions in detail.

Mr. Holy, Manager of Planning spoke through the Chair to Mr. Riches and stated that when an application is received through the Building Division for larger dwellings, one of the items they look for is inadequacies in the septic system and whether or not it requires upgrading.

The Committee asked staff why there was no completion date in the conditions or is it because it is finished? Staff confirmed, yes, it is finished.

No further questions from the Committee or other persons.

CA2020-056

Moved By A. O'Bumsawin

Seconded By S. Strangway

That minor variance application D20-2020-006 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 COA2020-041, which shall be attached to and form part of the Committee's Decision; and
- 2. That** prior to proceeding with the building permit process the owners shall apply for a deeming by-law to ensure Lot 16 of Plan 224 consolidate with Part of Lot 54, North of Portage Road in order to comply with the reduced lot area of 895 square metres granted by the Committee in application D20-17-046, and the by-law be in effect.

This approval pertains to the application as described in report COA2020-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.4 D20-2020-010 Memorandum

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: Doug Norton - Measurite

Mr. Harding spoke briefly to the previous deferral of this application at the July 16, 2020 meeting. The owner changed applicants and also wanted to make alterations to the design. As a result of the change, staff worked hard with the applicant and owner in September to get everything in to meet the deadline. Unfortunately, it did not happen. Staff now have all the documentation submitted to revise the application.

Staff respectfully request a deferral no later than the November 26, 2020 meeting.

The applicant, Doug Norton was present and spoke to the Committee as well as thanked staff.

No questions from the Committee or other persons.

CA2020-057

Moved By Councillor Yeo

Seconded By S. Strangway

That the Minor Variance Application D20-2020-010 be further deferred, returning at the latest to the November 26, 2020 meeting.

Carried

3.1.3 COA2020-038

At 3:04pm Chair Robertson called for a motion to lift from the table application file D20-2020-033.

CA2020-058**Moved By** Councillor Yeo**Seconded By** S. Richardson**That** application D20-2020-033 be lifted from the table.**Carried**

Discussions ensued.

Committee noted that the right-of-way is maintained and that there is a motion of Council that right-of-ways leading to water will not be sold.

A zoom connection to the applicant could not be made. Staff will reach out to the applicant after the meeting. The Committee had gathered enough information to make a motion to the application.

No further questions from the Committee or other persons.

CA2020-059**Moved By** S. Strangway**Seconded By** B. Archer

That minor variance application D20-2020-033 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 COA2020-038, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to proceeding with the building permit process, the owner shall apply for a deeming by-law to ensure that the Federal Crown Land known as Part 1 of 57R-10663, Plan 175 will consolidate with the subject lands known as Lot 11, Plan 175, 12 Treewood Lane, and the by-law be in effect;
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 COA2020-038. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.2 Consents

5. Other Business

The Committee asked Mr. Holy, Manager of Planning, at what point will we be able to accept electronic signatures for people who have to travel long distances or reply on mail to get a hard copy written signature to Planning. Is it in the Planning Act that prohibits this or a City policy? Mr. Holy replied that it is a City policy. With respect to commissioning, typically they are commissioned live.

Mr. Holy spoke to the protocols of receiving applications during the pandemic. We have encountered a few glitches. Originally, everything was directed to City Hall, however had a few couriers come to 180 Kent Street. We were not at that point prepared to accept applications but we are now. Applicants/owners are required to contact the office in advance and we will go down to the back door and accept applications. We have been doing this for a few weeks now.

The Chair thanked Mr. Holy and staff for an excellent job under these circumstances.

The Chair stated that he would be absent for the November 5, 2020 meeting and that Vice Chair D. Marsh will take the Chair.

Mr. Holy noted that the next meeting will be small, around 5 applications due to processes and the November 26, 2020 meeting will be large around, 10-12 applications, which will flatten the backlog.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, November 5, 2020 at 1:00pm in Council Chambers, City Hall.

8. Adjournment**CA2020-060****Moved By** A. O'Bumsawin**Seconded By** Councillor Yeo**That** the meeting be adjourned at 3:11pm**Carried**

Mark LaHay, Acting Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Heather Curtis
Report Number COA2020-040

Public Meeting

Meeting Date: November 5, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 7 – Former Town of Mariposa

Subject: The purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15.2 metres to permit an addition to and reconstruction/renovation of the existing dwelling, and permit an unenclosed deck with stairs.

The variance is requested at 87 Marsh Creek Road, geographic Township of Mariposa (File D20-2020-010).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-040 Heather Curtis be received;

That minor variance application D20-2020-010 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction for the deck and addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevations in Appendix D submitted as part of Report COA2020-040, 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 apply for a demolition permit for the building identified as Old Shed in Appendix C to Report COA2020-040 and the Secretary-Treasurer shall receive written confirmation from the Chief Building Official that the building has been satisfactorily removed from the property; 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 COA2020-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: Construction works are proposed to an existing cottage, which includes:

- (1) An approximately 4.88 x 4.88 metre addition that will square off the south eastern corner of the building,
- (2) reconstructing a portion of the rear of the building,
- (3) increasing wall/roof height, and
- (4) adding a deck on the southeastern side.

At its July 16, 2020 meeting the Committee of Adjustment (the Committee) granted the owner's request to defer the application. The owner was in the process of transitioning applicants and submitting a revised proposal. The application was to return to the Committee for a decision no later than its October 15, 2020 meeting.

At the Committee's October 15 meeting, it granted one further extension as not all material was received in time to be heard at said meeting.

Proposal:	Renovation, reconstruction and expansion works to an existing single detached dwelling, and add a new deck with stairs.		
Owner:	Heather Curtis		
Applicant:	Doug Norton - Measurite		
Legal Description:	Part Lot 22, Concession C, geographic Township of Mariposa now the City of Kawartha Lakes		
Official Plan:	Waterfront within the City of Kawartha Lakes Official Plan		
Zone:	Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07		
Site Size:	1,457 square metres (15,683 square feet)		
Site Servicing:	Private individual well and septic system		
Existing Uses:	Shoreline Residential		
Adjacent Uses:	North:	Agricultural	
	South:	Lake Scugog	
	East, West:	Shoreline 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 situated in a shoreline residential neighbourhood on the northern shores of Lake Scugog. Residential lots along the shoreline and an agricultural parcel borders the north side of the neighbourhood road: Marsh Creek Road. A mix of dwelling unit ages and sizes are found along Marsh Creek Road. The older dwellings tend to be smaller. Within the past 5-10 years, residential properties within this neighbourhood have and continue to experience reinvestment in the form of renovations and additions or complete replacement of the dwellings.

The requested relief will facilitate the renovation and expansion of the existing cottage.

The dwelling is at an angle to the shoreline, with its closest point being its southwestern corner. The addition, proposed in the southeast, will therefore be further away from the shoreline and in-line with the dwelling's existing rear wall. The deck is proposed to be stepped in order to provide adequate spatial separation between built form and the shoreline. This will preserve additional rear yard recreational amenity space and provide for the separation of built form from the shoreline.

Reconstruction of the southern portion of the dwelling is also proposed. An increase to overall building height is also proposed as part of the general reconstruction/renovation works, though no additional floors are proposed. No adverse impacts are anticipated through this reconstruction as the works are staying within the existing footprint and no additional floors are being added to the dwelling.

The proposal is in keeping with the line of built form established by 89 and 85 Marsh Creek Road, squares off the existing dwelling, and no adverse impacts to the character of the shoreline are anticipated.

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

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

The subject property is zoned Rural Residential Type Three (RR3) Zone. The RR3 Zone permits residential use in the form of a single detached dwelling. While the RR3 Zone requires a 30 metre water setback, the General Provisions establish a minimum setback requirement of 15 metres from an Environmental Protection (EP) Zone. Both setback requirements are measured from the shoreline. The EP Zone setback ensures a minimum buffer is provided for stormwater attenuation and habitat in the form of landscaped open space for the abutting waterbody. The proposal complies with this EP Zone setback requirement.

One role of the RR3 Zone water setback is to ensure sufficient rear yard space is maintained for recreational and amenity purposes. Sufficient setback remains for these purposes.

The deck and stairs will facilitate access to the rear yard from the main floor of the dwelling, and also provide some unenclosed deck amenity space immediately abutting the rear access to the dwelling.

The applicant advises that the old shed within the rear yard shall be removed in order to permit the construction of the addition and deck. Condition 2 is included to ensure compliance with the accessory building spatial separation requirements contained in Section 3.1.2.2, as the building would be too close to the proposed deck and addition to comply, and may even be within a portion of the proposed footprint.

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

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

Yes

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

Policy 3.11 permits a minimum water setback of down to 15 metres on developed existing lots of record provided that there is no alternative to expansion and development is directed away from the shoreline as much as possible. The addition is squaring off the existing built form and the deck width is being restricted to the extent possible to provide useable amenity space off of the main floor while complying with the minimum shoreline setback requirements.

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

Other Alternatives Considered:

Through the pre-screening process, adjustments were made to the deck to bring the proposal into conformity with the Official Plan policies and compliance with the setback requirements from the Environmental Protection (EP) Zone.

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:

Building Division (October 23, 2020): No concerns.

Development Engineering Division (October 23, 2020): No concerns.

Public Comments:

No comments received as of October 27, 2020.

Attachments:

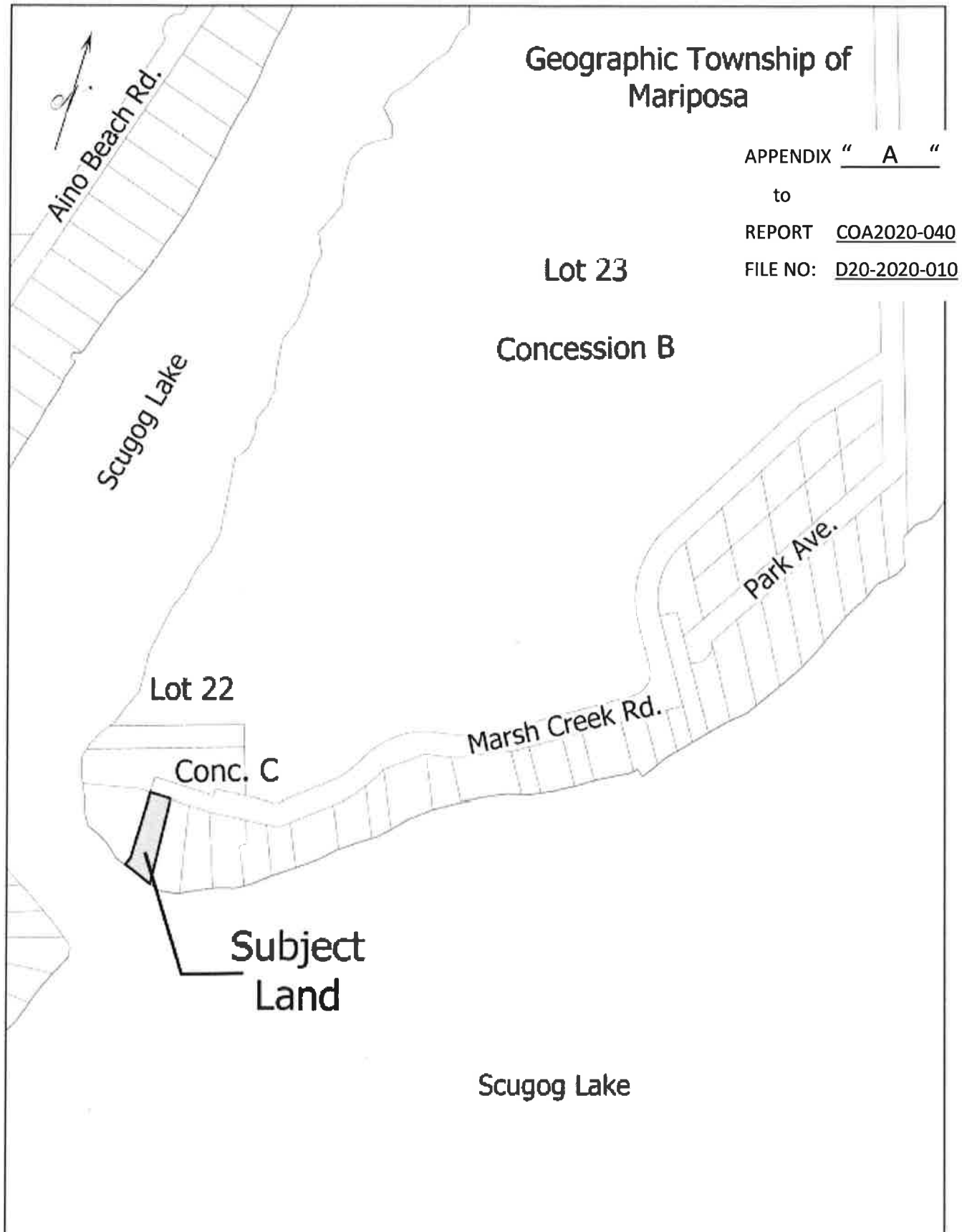


Appendices A-E to
Report COA2020-040

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

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-010

D20-2020-010





REPORT COA2020-040
FILE NO: D20-2020-010

5

APPENDIX "B"

0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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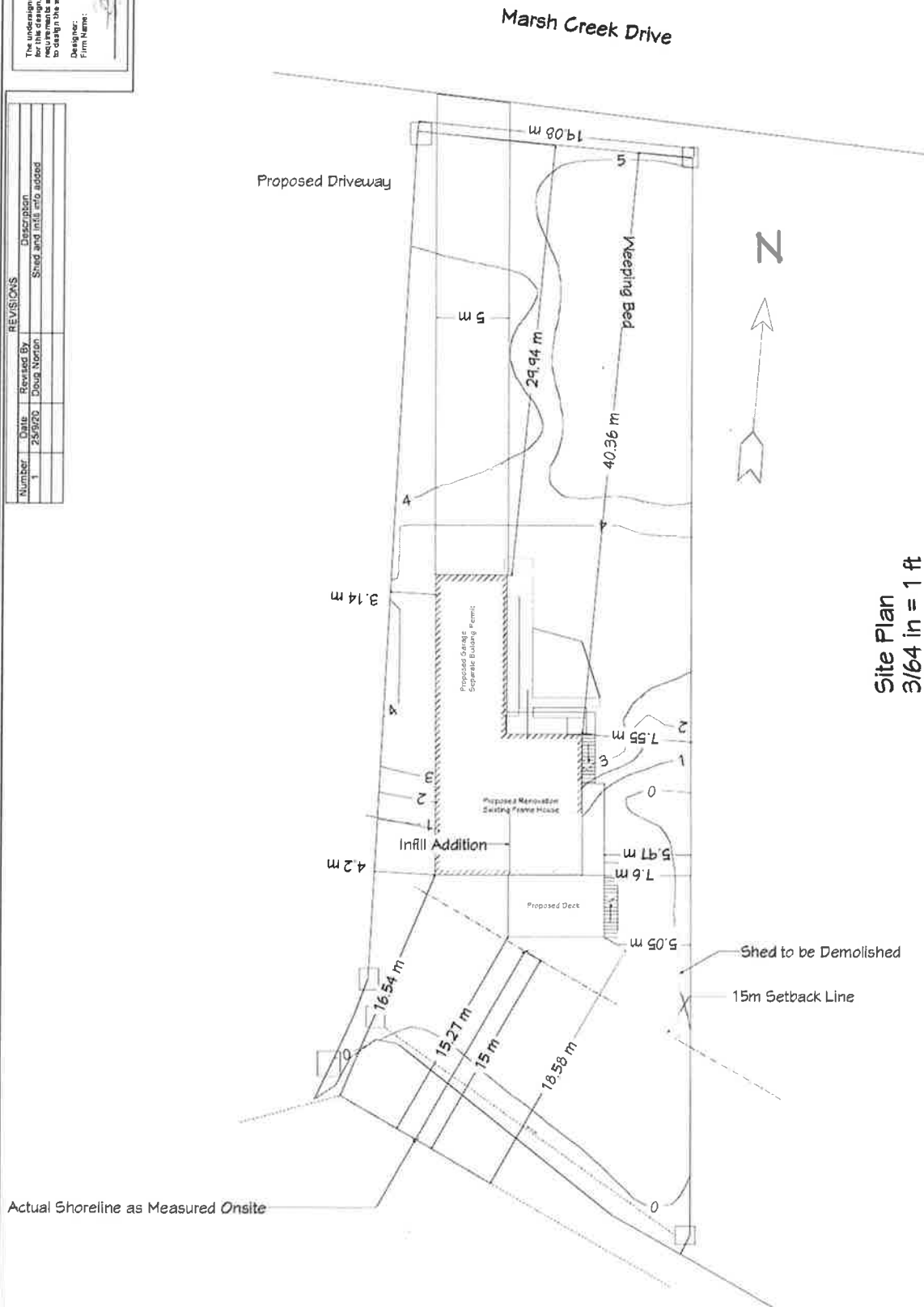
The undersigned has reviewed and takes responsibility for the accuracy of the information and drawings submitted in accordance with the requirements set out in the Ontario Building Code Act to design the work shown on these documents.

Designer: Doug Norton 103323 BCIN
Firm Name: Measurite 108913 BCIN

REVISIONS			
Number	Date	Revised By	Description
1	25/02/20	Doug Norton	Sheet and info info added

Measurite
37 Bredell Crescent
Whitby Ontario, L1R 2N6
info@measurite.ca 905 409 6487

PROJECT DRAWINGS FOR:	Heather Curtis 87 Marsh Creek Road Little Britain, Ontario.
PHONE: 905 978 0147	MOBILE PHONE: 905 978 0147
EMAIL: info@measurite.ca	MEASURITE: 108913
BCIN: 103323	Designer: Doug Norton



Site Plan
3/64 in = 1 ft

APPENDIX " D "

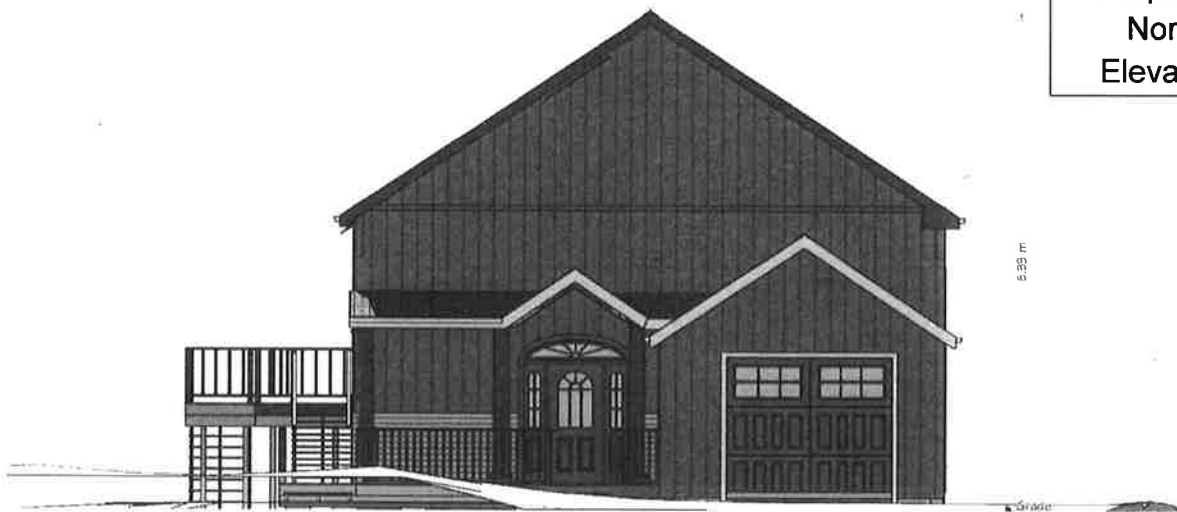
to

REPORT COA2020-040

FILE NO: D20-2020-010



Proposed
South
Elevation

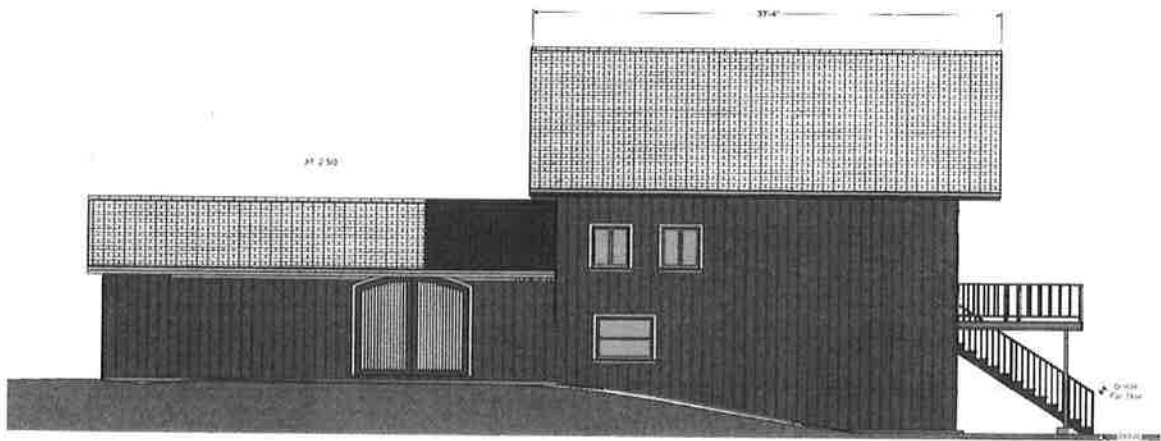


Proposed
North
Elevation

Proposed
East
Elevation



Proposed
West
Elevation



David Harding

From: Mark LaHay
Sent: Friday, October 23, 2020 2:14 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201023 D20-2020-010 - Engineering review

APPENDIX " E "
to
REPORT COA2020-040
FILE NO. D20-2020-010

FYI - file

From: Kim Rhodes
Sent: Friday, October 23, 2020 1:36 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20201023 D20-2020-010 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-010
87 Marsh Creek Road
Part Lot 22, Concession C
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15.2 metres to permit an addition to and reconstruction/renovation of the existing dwelling, and permit an unenclosed deck with stairs.

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

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

Thanks,

CHRISTINA

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



David Harding

From: Derryk Wolven
Sent: Friday, October 23, 2020 1:10 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-010

Follow Up Flag: Follow up
Flag Status: Flagged

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

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Sweet
Report Number COA2020-042

Public Meeting

Meeting Date: November 5, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 5 – Geographic Township of Ops

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 2.1 to permit the height of an accessory building or structure, in a residential zone that is greater than 5 metres in height at 5.42 metres, and;
2. Section 5.2 to permit an increase in the maximum allowable building height for accessory buildings from 5 metres to 5.42 metres.

The variance is requested at 57 Weldon Road, geographic Township of Ops (File D20-2020-035).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-042 Sweet, be received;

That minor variance application D20-2020-035 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 COA 2020-042, which shall be attached to and form part of the Committee's Decision;
- 2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-042 as 'helicopter storage tent' has been removed;
- 3) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming

that the small garden shed located immediately adjacent to the eastern side of the dwelling and north of the attached garage has been removed, and;

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

This approval pertains to the application as described in report COA2020-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: To construct a new detached garage on the subject lands in order to store two (2) motor homes, a sailboat, a helicopter and a backhoe. Relief from the height requirements of the Zoning By-law are required in order to facilitate personal access when performing maintenance to the upper portions of the motor homes and sailboat.

This application was deemed complete on October 14th, 2020.

Proposal: To permit a new 185.78 square metre (2000 square foot) detached garage. There is no habitable space proposed within the detached garage.

Owners: Murray and Carol Sweet

Legal Description: 57 Weldon Road, Part Lot 21, Concession 7, Part Lot 61, Plan 44, Geographic Township of Ops, City of Kawartha Lakes

Official Plan: Urban Settlement Area within the City of Kawartha Lakes Official Plan

Zone: Rural Residential (RR) Zone within the Township of Ops Zoning By-law 93-30

Site Size: 3,277.95 square metres (0.81 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses:	North:	Rural Residential, Agricultural
	East, West:	Rural Residential, Agricultural
	South:	Weldon Road, Agricultural, I.E. Weldon Secondary School

Rationale:

1) Are the variances minor in nature? Yes

And

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

The subject property is situated in a neighbourhood, which transitions from smaller residential lots to a predominantly agricultural setting to the east. The small cluster of rural residential lots is located northeast of IE. Weldon Secondary School. The larger rural residential lots occupy the stretch of both Weldon Road and Pigeon Lake Road to the north. The property contains two legal entrances with the western entrance permitted access to the rear yard.

The size and depth of the lots enable larger accessory buildings to be situated on the lots with 47 Weldon Road and 56 Pigeon Lake Road (the abutting lot to the north) being prime examples of lots containing garages/workshops, which are nearly identical in height to the garage proposed within the application. In fact, the proposed location of the garage will be immediately south of the garage on 56 Pigeon Lake Road. The existing garage on the abutting lot effectively screens the proposed garage from the lots on Pigeon Lake Road. A row of trees planted to the north and east of the proposed location of the garage along the property line substantially screens the garage location from the lots to the northeast. No adverse impacts to the neighbourhood are anticipated as a result of the vegetative buffers along the northern property line.

As mentioned, the proposed location of the garage is set back near the rear of the lot and away from the dwellings along Weldon Road. The proposed location will not present any massing impacts as a result, since the height of the garage will be similar to the height of the existing detached dwelling that occupies the property. The garage is also smaller in gross floor area than the dwelling, which is 249.34 square metres in size.

The current two-bay garage attached to the dwelling contains a workshop. An existing coverall structure in the front yard currently serves as storage for a helicopter. There are also two garden sheds – one of which is recommended for removal through the application – that provide storage on the property. With two motor homes, a sailboat and a back-hoe, the proposed garage is intended to store the larger items that are currently stored outside within the rear yard of the property. The garage will compliment the character of the property and overall neighbourhood by providing enclosed storage for the larger items that would otherwise be stored outside.

The design elements of the garage including windows on all sides of varying sizes and the strip of flashing composed of shingles along the front (south) face of the garage, work towards blending in the appearance of the garage with the dwelling unit. The result is a building that appears more aesthetically-pleasing than a typical utilitarian accessory building.

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

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

Yes

The Rural Residential (RR) Zone permits a variety of rural uses, including single detached dwellings. The Township of Ops Zoning By-law also identifies accessory structures within the parent zone; thus, the requirement for relief from the parent zone category in addition to relief from the height requirement of the General Provisions of the Zoning By-law.

The garage is situated away from Weldon Road on a deeper lot and is proposing the aforementioned design treatments to ensure that it appears more residential in nature rather than utilitarian and will compliment the neighbourhood. There is no partial storey or storage loft proposed within the building, eliminating the possibility of a conversion to habitable space above the garage.

One of the intents of the General Provisions of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is accessory to a primary use. The requested 0.42 metre relief from the Zoning By-law is imperceptible when viewing the building from ground-level. The garage will match the overall height of the existing dwelling; however, the deeper lot provides for the garage to be screened with the dwelling maintaining most of the visual interest. The garage will appear secondary to the dwelling when viewed from Weldon Road.

The property is of sufficient size to accommodate the detached garage within the large open space to the north of the dwelling and is not anticipated to adversely impact the use of the rear yard. The proposed garage will also replace the views of the rear side of the garage to the north. As mentioned in Rationale 1 & 2, no massing and height incompatibilities with the primary residential use are anticipated.

The coverall shed housing the helicopter in the front yard between the dwelling and eastern property line as well as a small garden shed against the eastern side of the dwelling will be removed upon completion of construction. Both structures were acknowledged during the pre-screening process and the applicant has agreed to remove the structures. A condition is recommended in order to confirm removal of the structure. The small garden shed near the northeast corner of the lot will remain and is compliant with the Zoning By-law.

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

As the 'Urban Settlement Area' Designation of the City of Kawartha Lakes Official Plan (2012) is under appeal, the Victoria County Official Plan (VCOP), in particular, the Township of Ops Official Plan remains in effect. Within this document, the property is designated Residential. Low density residential uses and their accessory uses are anticipated within this designation.

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

Other Alternatives Considered:

No alternatives are 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 (October 23, 2020): No concerns.

Building Division (October 23, 2020): No concerns.

Public Comments:

No comments have been received as of October 28, 2020

Attachments:



Appendices A-E for
Report COA2020-04.

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

Phone:	705-324-9411 extension 1367
E-Mail:	kstainton@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-035

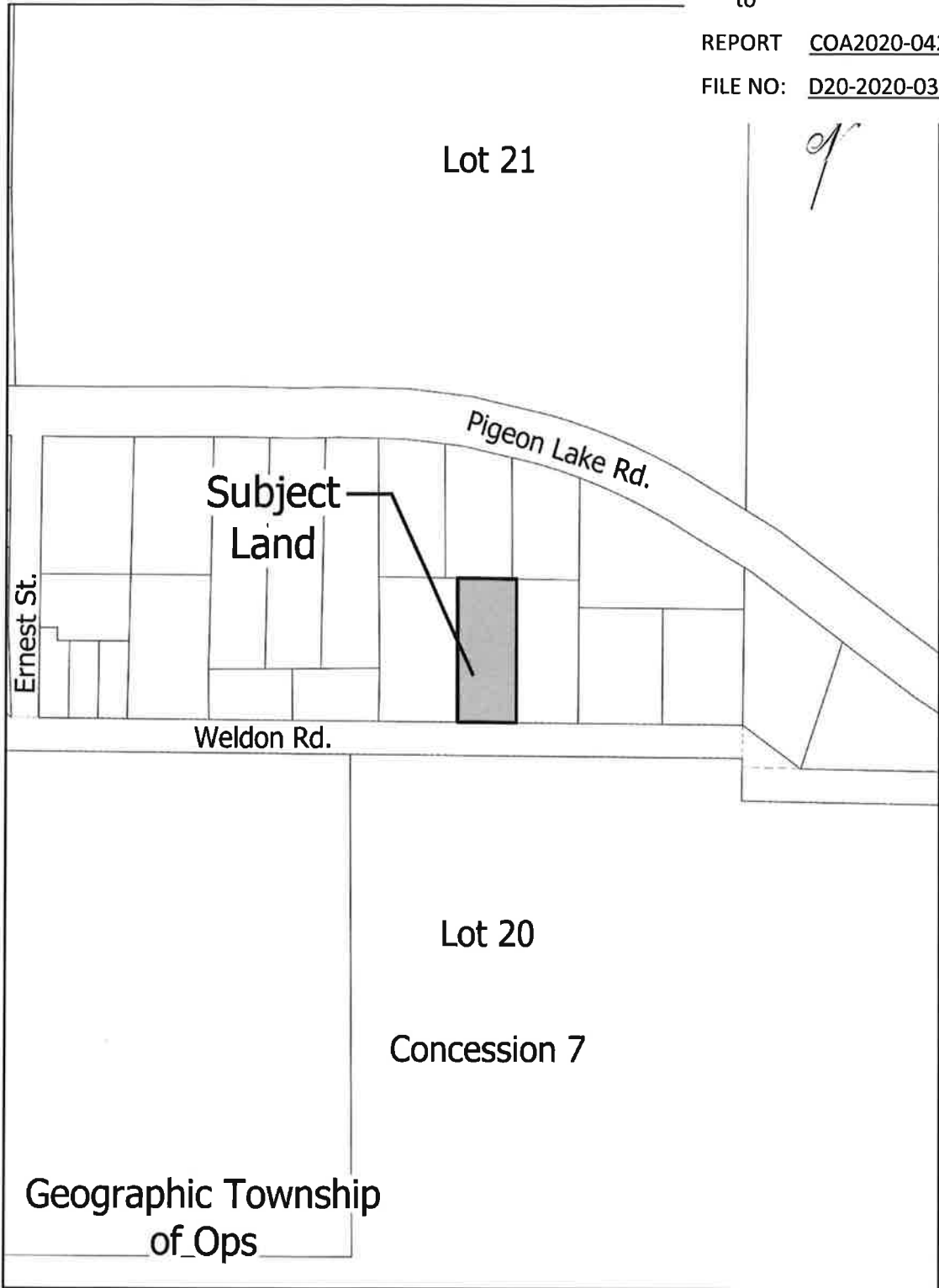
D20-2020-035

APPENDIX " A "

to

REPORT COA2020-042

FILE NO: D20-2020-035





Legend

- Lots and Concessions
- Lower Tier Municipalities

Notes

Notes

APPENDIX " B "

to

REPORT COA2020-042

FILE NO: D20-2020-035

0.07

Kilometers

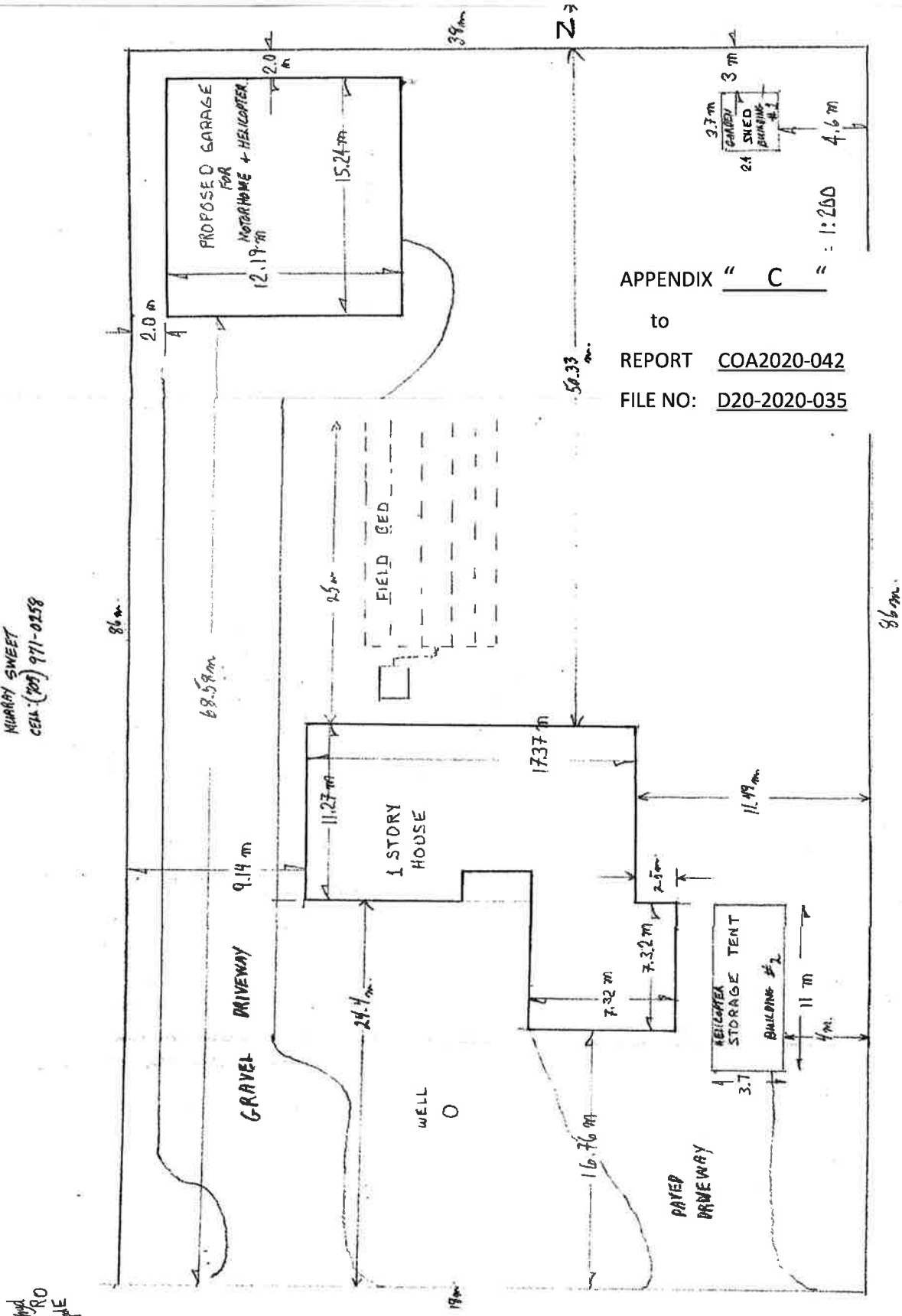
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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8560-146 (50%): 7132
MURRAY SWEET

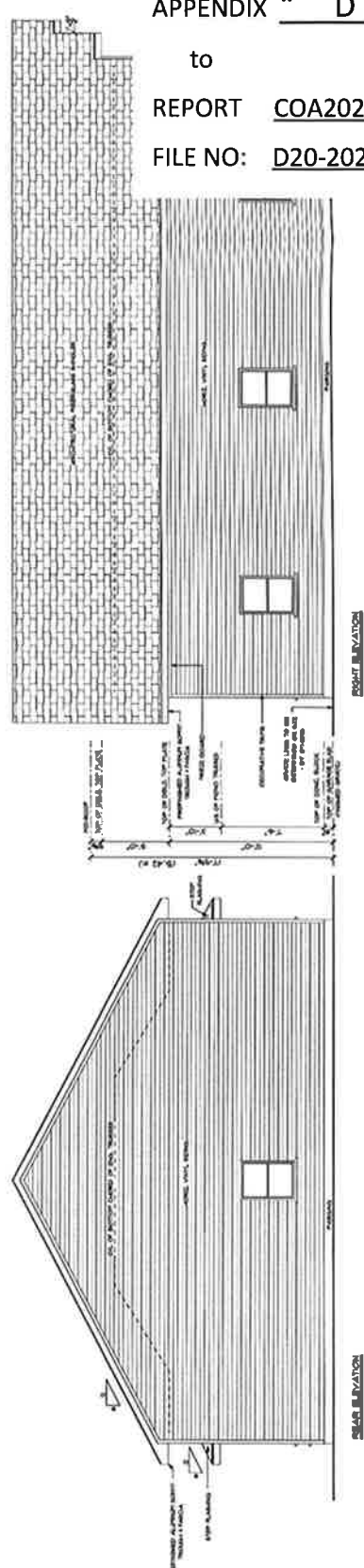
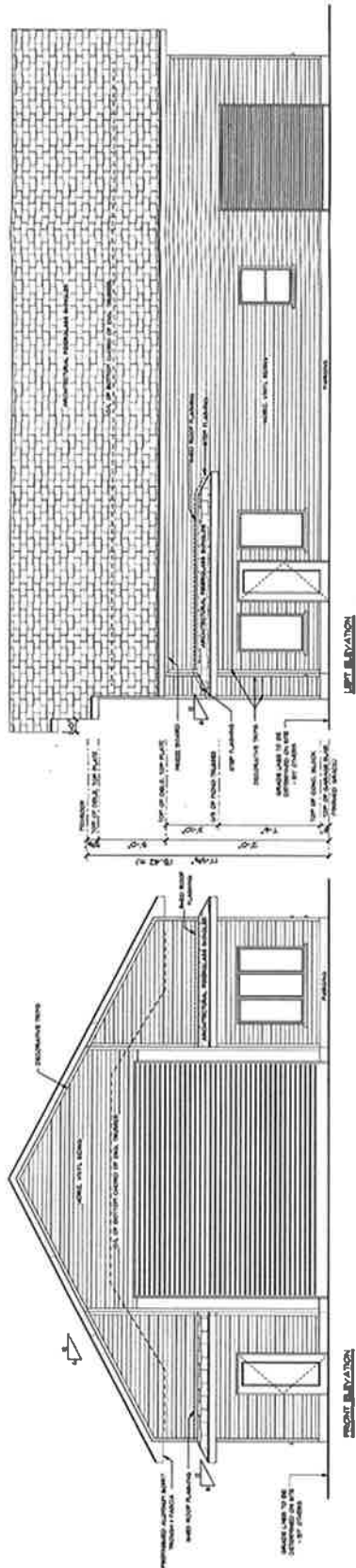


APPENDIX " C "
to
REPORT COA2020-042
FILE NO: D20-2020-035

APPENDIX " D "

to
REPORT COA2020-042
FILE NO: D20-2020-035

ALL OVERLAPINGS AND
NOTES
SHOWN
ON
DRAWING
ARE
TO
BE
NOTED



Kent Stainton

From: Mark LaHay
Sent: Friday, October 23, 2020 2:15 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201023 D20-2020-035 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Friday, October 23, 2020 1:37 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20201023 D20-2020-035 - Engineering review

APPENDIX " E "
to

REPORT COA 2020-042

FILE NO. D20-2020-035

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-035
57 Weldon Road
Part Lot 21, Concession 7, Part Lot 61, Plan 44
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief from Section 2.1 and Section 5.2 – maximum accessory building height to increase the maximum height of an accessory building from 5 metres to 5.5 metres to permit the construction of a detached garage.

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

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

Thanks,

CHRISTINA

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



Kent Stainton

From: Derryk Wolven
Sent: Friday, October 23, 2020 1:10 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-035

Follow Up Flag: Follow up
Flag Status: Flagged

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

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Rob and Lois Louttit
Report Number COA2020-043

Public Meeting

Meeting Date: November 5, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.3 metres to permit the construction of a dwelling.

The variance is requested at 55 Sugar Bush Trail, geographic Township of Fenelon (File D20-2020-036).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-043 Louttit, be received;

That minor variance application D20-2020-036 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 COA2020-043, 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 COA2020-043. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: There is a cottage on the property constructed circa 1920 and a small storage shed near the north lot line. Both structures are

proposed to be removed in order to facilitate the construction of a replacement dwelling.

This application was deemed complete October 14, 2020.

Proposal: To construct a single detached dwelling.

Owners: Rob and Lois Louttit

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

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

Zone: Limited Service Residential Exception One (LSR-1) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 1,055.8 square metres (11,364.5 square feet)

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

Existing Uses: Shoreline Residential

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

Rationale: The zoning by-law defines a walkout basement as a storey.

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 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. Single storey, 1.5 storey and two storey dwelling designs are found on the east side of Sugar Bush Trail. Some of these dwellings have walkout basements, which are defined as an additional storey.

The variance, if granted, will allow for a dwelling with a slightly wider footprint than is currently permitted. The dwelling will appear as a single storey from the road.

It is anticipated that the redevelopment of the lot will require the removal of much of the vegetation acting as a buffer between the subject property and number 51. However, a 2.3 metre setback in current compliance with the zoning by-law is unlikely to change the degree of vegetation to be removed. The north interior side yard currently functions as a storage and utility area. It is anticipated that the storage function will shift into the garage and other storage spaces within the dwelling footprint, reducing the outdoor activity with this

interior side yard and reducing the overall outdoor storage found on the property.

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

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

The property is zoned Limited Service Residential (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 enhanced interior side yard setback for buildings that are more than one storey is likely to maintain sufficient spatial separation between dwellings on abutting lots to avoid massing/loss of privacy and additional space to perform maintenance on the taller building face. As only a small portion of the walkout basement wall will be entirely above grade, no adverse massing impacts are anticipated, nor is it anticipated that the ability to perform maintenance will be impeded.

Other functions of an interior side yard include facilitating access between the front and rear yards and providing for lot drainage. The reduced interior side yard will not impact these interior side yard functions.

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

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. 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:

Encroachment within the minimum water setback was discussed with staff prior to submitting the application. As a result of those discussions, the proposed building does not require water setback relief.

Servicing Comments:

The property will be serviced by a new private individual septic system and lake-based water supply.

Consultations:

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

Agency Comments:

Development Engineering Division (October 26, 2020): No concerns.

Building Division – Part 8 Sewage Systems (October 27, 2020): No concerns.

Building Division (October 23, 2020): No concerns.

Public Comments:

No comments received as of October 27, 2020.

Attachments:



Appendices A-E to
Report COA2020-04.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

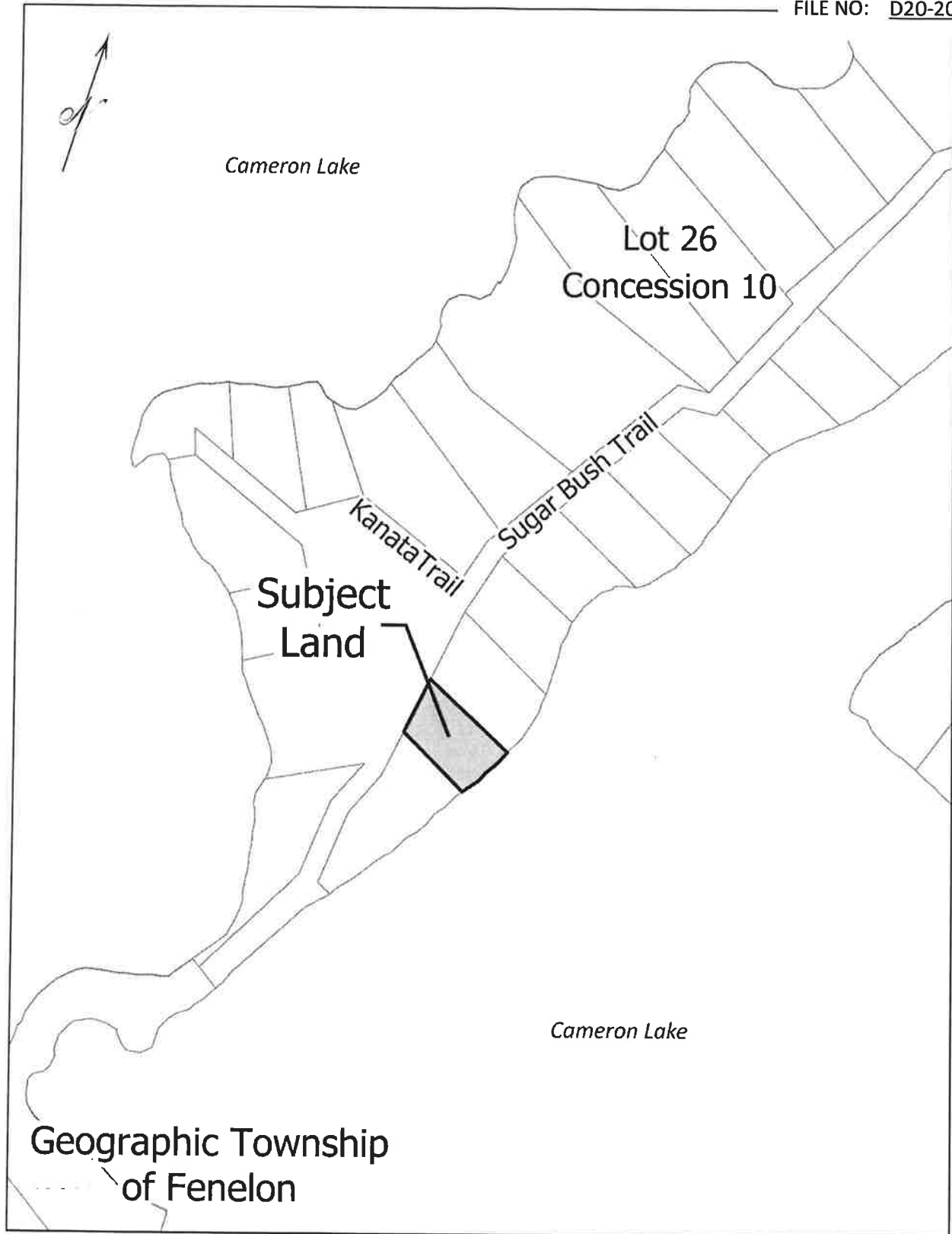
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-036

to

REPORT COA2020-043

FILE NO: D20-2020-036

D20-2020-036



55 Sugar Bush Trail, geographic Twp. of Fenelon



0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "

to

REPORT COA2020-043

FILE NO: D20-2020-036

FOR CONSTRUCTION PURPOSES ONLY

CIVIC ADDRESS: 55 SUGARBUSH TRAIL
OWNER: ROB LOUITT
BUILDER:
BUILDING PERMIT No. _____
ROLL No. _____

SITE GRADING PLAN OF
PART OF LOT 26
CONCESSION 10
GEOGRAPHIC TOWNSHIP OF FENELON
CITY OF KAWARTHA LAKES

SCALE 1 : 200



COE, FISHER, CAMERON
© COPYRIGHT 2020

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:

- ⊙ - FOUND SURVEY MONUMENT
- ⊙ - SET SURVEY MONUMENT
- SB - STANDARD HIGH BAR
- IB - IRON BAR
- 255.50 - PROPOSED ELEVATION
- 255.50 - GROUND ELEVATION
- SLOPE
- SWALE
- F.F.E. - FIRST FLOOR ELEVATION
- T.B.W. - TOP OF BASEMENT WALL
- T.B.S. - TOP OF BASEMENT SLAB
- T.G.S. - TOP OF GARAGE SLAB
- T.G.W. - TOP OF GARAGE WALL
- U.F. - UNDERSIDE OF FOOTING
- HP - HIGH POINT
- DS - DOWNSPOUT

GENERAL NOTES:

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR GRASS TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LADEN SURFACE WATER DOES NOT ENTER ANY WATERCOURSE OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIM GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBOURING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DOWNSPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ONTO A SPLASH PAD OR APPROVED EQUIVALENT.
5. DUMP PUMP DISCHARGE POINTS MUST BE WHOLLY WITHIN PRIVATE PROPERTY.
6. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SIGHTING LOCATES PRIOR TO ANY WORKS.
7. ALL DISTURBED AREAS ARE TO BE SOOLED OR SEEDED OVER A MINIMUM OF 150mm OF TOPSOIL OR APPROVED EQUIVALENT.
8. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
9. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN FINAL GRADE AND TOP OF FOUNDATION WALL.
10. A COPY OF THE REVIEWED BY ENGINEERING LOT GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
11. THE SUBMISSION OF THIS PLAN REPRESENTS THAT OWNER HEREBY ACKNOWLEDGES THAT ANY GRADING CHANGES THAT OCCUR THROUGH THE CONSTRUCTION THAT RESULT IN ADVERSE EFFECTS TO EXISTING ADJACENT PROPERTIES WILL RESULT IN AN AS-CONSTRUCTED SITE GRADING PLAN WILL BE REQUIRED.
12. BUILDER TO ENSURE MINIMUM OVERSPOORD FOR FLOOD PROTECTION ON FOOTINGS.
13. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
14. FOUNDATION TO BE STEPPED FROM REAR VALLEYFLOOR SIDES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND T.B.W.

ZONING	LSR	F.F.E. *									
LOT AREA	1055.81 SQ. m.	T.B.W. *									
BUILDING AREA	191.25 SQ. m.	T.B.S. *									
		T.G.S. *									
		U.F. *									
<table border="1"> <thead> <tr> <th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> </thead> <tbody> <tr> <td colspan="3">REVISIONS</td></tr> <tr> <td colspan="3">SHEET 1</td></tr> </tbody> </table>			NO.	DATE	DESCRIPTION	REVISIONS			SHEET 1		
NO.	DATE	DESCRIPTION									
REVISIONS											
SHEET 1											

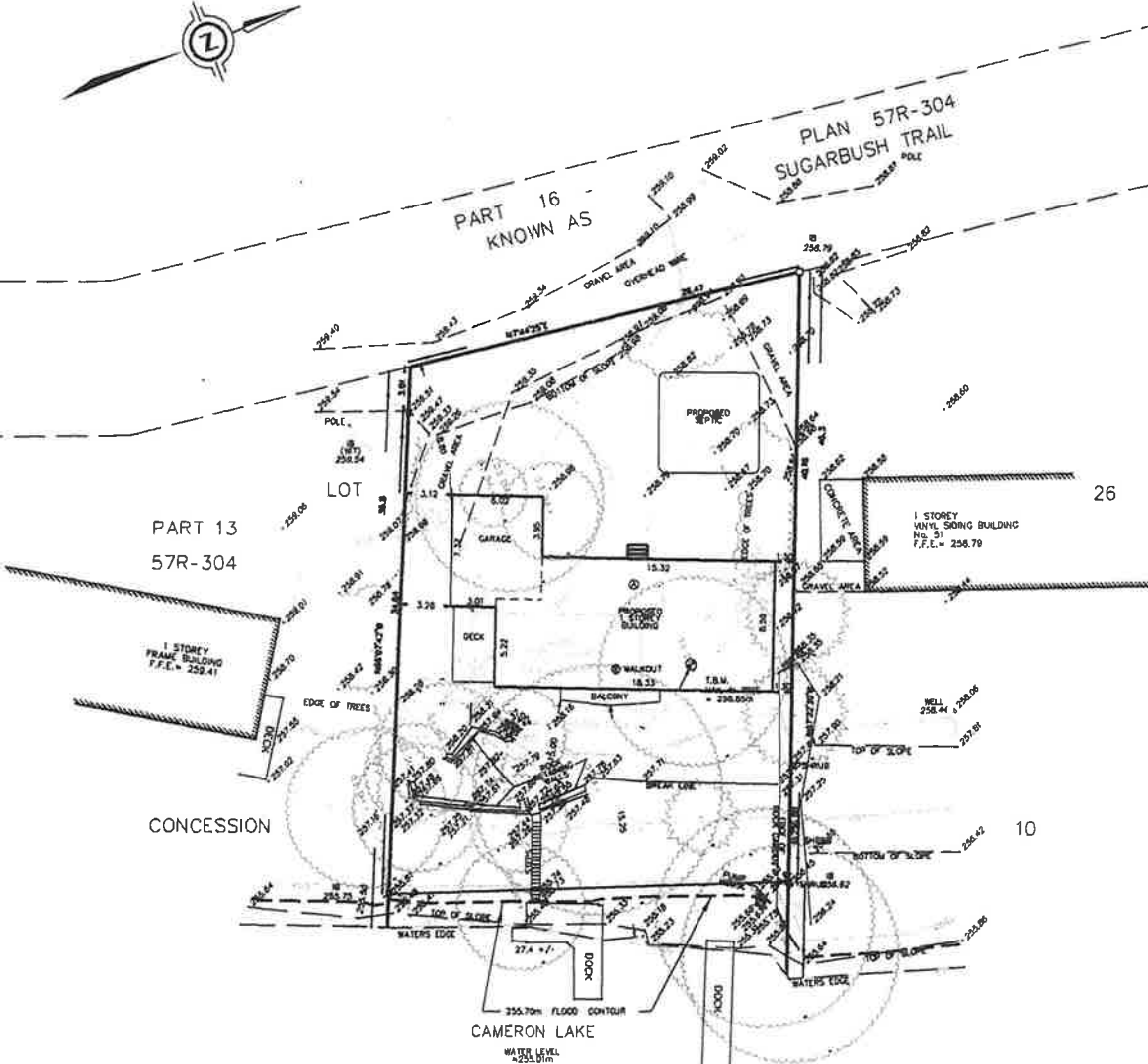
ELEVATIONS:

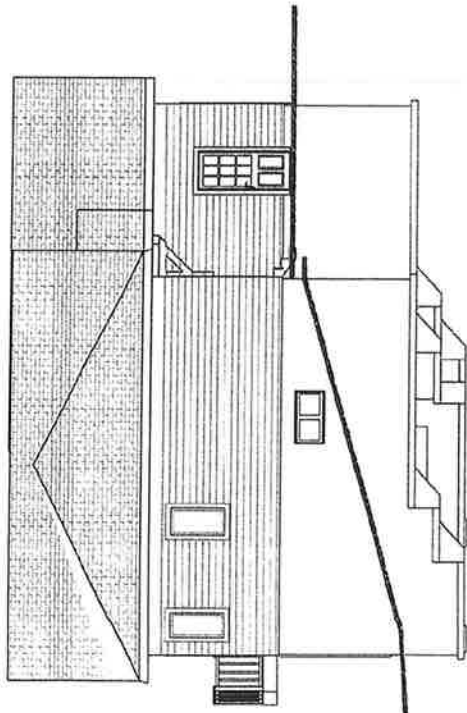
ELEVATIONS SHOWN HEREON ARE GEODETIC DERIVED BY GPS OBSERVATIONS AND ARE REFERENCED TO A SITE BENCHMARK BEING A NAIL IN THE BASE OF TREE LOCATED WITHIN THE SUBJECT PROPERTY, HAVING AN ELEVATION OF 256.65m (CGVD-1929/1978).

DATED: _____

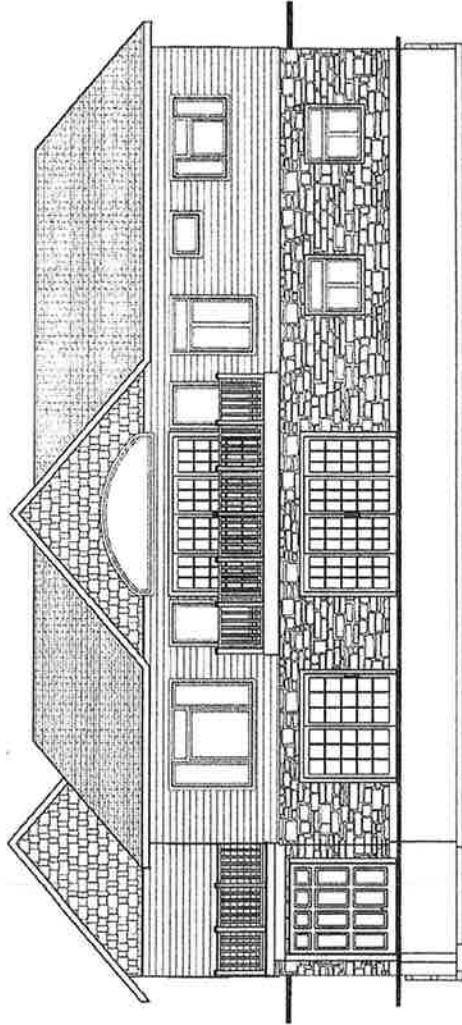


APPENDIX "C"
to
REPORT COA2020-043
FILE NO: D20-2020-036



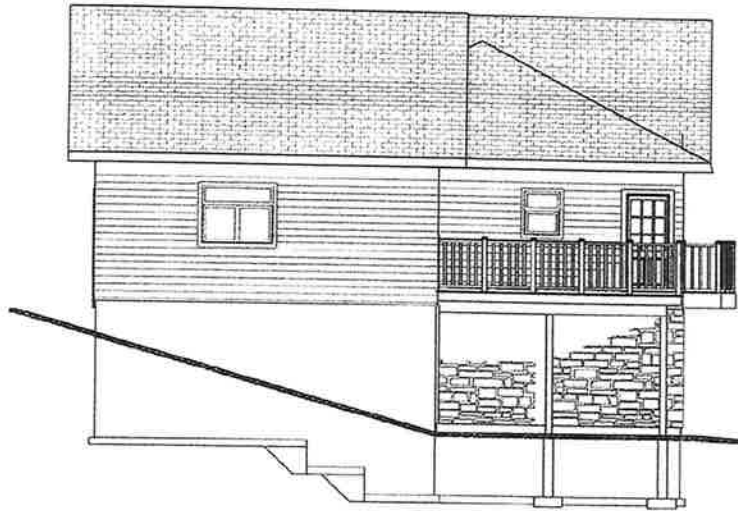


RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

APPENDIX " D "
to
REPORT COA2020-043
FILE NO: D20-2020-036



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

Charlotte Crockford-Toomey

From: Mark LaHay
Sent: Monday, October 26, 2020 2:45 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201026 D20-2020-036 - Engineering review

APPENDIX E

to

REPORT COA2020-043

FILE NO. D20-2020-036

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Monday, October 26, 2020 2:38 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20201026 D20-2020-036 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-036
55 Sugar Bush Trail
Part Lot 26, Concession 10
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.3 metres to permit the construction of a dwelling.

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

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

Thanks,

CHRISTINA

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



David Harding

From: Anne Elmhirst
Sent: Tuesday, October 27, 2020 8:37 AM
To: David Harding
Subject: RE: Advance Circulation for Minor Variance Application D20-2020-036 55 Sugar Bush Trail, Fenelon (Louttit)

Hello David,

I have received an updated sewage system proposal for the property known as 55 Sugar Bush Trail. The owner has decided to relocate the sewage system to the opposite side of the property to accommodate the placement of a garage and driveway in the position presented on the survey provided.

As such, I have no concerns with the proposal for minor variance.

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

Best Regards,

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



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

From: David Harding
Sent: Monday, October 19, 2020 3:40 PM
To: Anne Elmhirst ; Derryk Wolven
Subject: FW: Advance Circulation for Minor Variance Application D20-2020-036 55 Sugar Bush Trail, Fenelon (Louttit)

Hello Anne and Derryk,

I'm sending this application out to you early given the very short turnaround for comments.

David Harding RPP, MCIP
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

David Harding

From: Derryk Wolven
Sent: Friday, October 23, 2020 1:11 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-036

Follow Up Flag: Follow up
Flag Status: Flagged

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

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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

