



Development Services – Planning Division
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MEMORANDUM

TO: Committee of Adjustment

FROM: Quadri Adebayo, Planner II - Development Services –
Planning Division

DATE: October 18, 2018

SUBJECT: Minor Variance Application File No. D20-2018-049
105 Brook Road, Geographic Township of Somerville

Christine and Eric Van Allen, applicants for the above-noted file request relief from Section 18.26.4(e) of the Township of Somerville Zoning By-law 78-45, as amended, to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

On October 4, 2018, comments received from the Sewage Systems Supervisor expressed concerns regarding the undetermined location of the weeping lines and the clearance distance from the limits of the proposed addition to the dwelling. In light of a possible deferral, planning staff immediately notified the applicants about the matter on October 5, 2018, and suggested that the applicant contact the Sewage System Supervisor to see if the issue can be addressed prior to a planning report being drafted. As well, planning staff also pre-emptively contacted the Kawartha Region Conservation Authority (KRCA) to confirm the possible implications if the proposed configuration of the addition was to be altered due to proximity of the weeping lines.

On October 9th, 2018, staff met with the applicants at the development services building in consultation with the Sewage System Supervisor and it was determined that the current location of the weeping lines will not comply, and that a new septic system installation will be required to accommodate the new building addition. On the same day, a substantive deferral recommendation was received from the KRCA. KRCA comments expressed that the proposed addition was not minor, and that it will encroach further towards the Burnt River. KRCA further indicated that they may consider support for the application provided the proposal can be reconfigured subject to satisfaction of their conditions.

In consideration of the above, staff respectfully recommends the following resolution:

THAT Minor Variance application D20-2018-049 be DEFERRED for a period of three (3) to four (4) months in order to provide the applicants enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately reviewed for supportability by staff.

Sincerely,



Quadri Adebayo, Planner II



Agency Comments,
Deferral Memo.pdf

cc: Christine and Eric Van Allen

Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment

Chris Marshall, Director of Planning

Derryk Wolven – Plans Examiner, Building Division

Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division

Christina Sisson, Supervisor, Development Engineering

Kent Stainton, Resources Planner – Kawartha Region Conservation Authority

Charlotte Crockford-Toomey

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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Charlotte Crockford-Toomey

From: Anne Elmhirst
Sent: Thursday, October 04, 2018 11:58 AM
To: Charlotte Crockford-Toomey
Subject: D20-2018-049 - 105 Brook Rd

Hello Charlotte,

RE: Minor Variance Application D20-2018-049
105 Brook Rd, Former Somerville Twp.,
Conc. 3, Lot 18, Plan 281, Sublot 25,
Roll No. 165131002037000

I have received and reviewed the request for minor variance to allow for the construction of an addition onto the existing dwelling at the above-noted property. This addition will incorporate a larger kitchen with living room area and a total square metre increase of 74.42 outside of the existing dwelling footprint.

A search of records was performed to locate documentation for the existing sewage system. No information was located about the on-site sewage disposal system. A review of the site was conducted to determine a location for the system. However, this assessment did not provide an accurate determination of the weeping lines. A locate of the system has been requested of the owner to ensure adequate clearances distances for the new addition to the existing weeping lines.

As such, the Building Division – Sewage System Program requests the stipulation of a condition to satisfy the requirements of on-site disposal prior to the finalization of approval for the minor variance.

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

Best Regards,

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





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MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-049 – 105 Brook Road
Lot 25, Part Lot 18, Concession 3, Plan 281
Geographic Township of Somerville, City of Kawartha Lakes

The Development Engineering Division has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance. We do recommend that the applicant be advised by the appropriate reviewer of any and all requirements for such buildings within the Burnt River Floodplain (as per any applicable by-laws, etc.).

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

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

Via E-Mail: mlahay@kawarthalakes.ca

Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2018-049
Christine Van Allen
105 Brook Road, Part of Lot 18, Concession 3 (Burnt River)
Geographic Township of Somerville
City of Kawartha Lakes**

Dear Mr. LaHay:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of Zoning By-Law 78-43 (Township of Somerville), as amended, as it relates to:

- a) Relief from Section 18.26.4(e) to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone from 18 square metres to 74.42 square metres in order to permit an addition to a single detached dwelling.

Staff note that the proposed addition is closer to the waterfront (Burnt River) than the existing footprint of development.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is located outside of Kawartha Conservation's defined watershed boundary.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant

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Our Watershed Partners:

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

woodlands, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

Flooding Hazards (Hazardous Lands)

To ensure conformity with Section 3.1 of the Provincial Policy Statement (PPS, 2014), Kawartha Conservation aims to prevent new development from locating in areas where there is a potential for loss of life and/or property damage from natural hazards. Moreover, KRCA Plan Review Policies (Section 2.4.2.4) for Natural Hazards identifies that applications shall not create new or exacerbate existing hazardous conditions. The entire property is located within the floodplain of the Burnt River, as defined in the Burnt River Floodplain Mapping Study (1990).

Further, development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard, in accordance with Section 3.1.2.c) of the PPS.

The proposed addition consists of 74.42 square metres to be added to an existing 64.75 square metre single detached dwelling, which is over four times the maximum floor area enlargement or extension permitted under the zoning by-law. The addition is over double the size of the existing cottage and represents a significant overall increase in habitable area and encroachment towards the Burnt River, a flood-prone area. Kawartha Conservation highly recommends decreasing the overall size and configuration of the dwelling to constitute a 'minor' addition in accordance with the provisions of the Burnt River EPA Designation.

Any proposed addition on the subject lands should include drawings and plans (including a topographic survey signed and stamped by an Ontario Lands Surveyor) should be revised to show that the foundation is flood-proofed, no basement is being constructed and be designed with all openings/finished floor elevations of the addition be at/or above 259.04 masl (258.74masl plus a 0.3m freeboard elevation).

Fish Habitat

Pursuant to Policy 3.4.6(8), for expansion, replacement, or relocation of an existing building or structure on adjacent lands (within 120 metres of fish habitat), Kawartha Conservation recommends the maintenance, establishment, and/or enhancement of a buffer strip running continuously along both sides of all water features supporting fish habitat, measured in accordance with Policies 3.4.6(10), 3.4.6(11), 3.4.6(12), 3.4.6(13) OR where this is not feasible, that maximum buffers, given the site constraints, should be applied wherever possible.

Furthermore, Policy 2.1.8 of *Provincial Policy Statement* states,

"Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions".

The Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation's mapping, the existing cottage is located within the 30 metre setback and the proposed addition encroaches towards the shoreline (approximately 18m).

Based on MNRF's direction, in cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable. Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

During all phases of construction, appropriate erosion and sediment controls (i.e. silt fencing as per OPSD 219.100) should be implemented between disturbed areas and the Burnt River to prevent sediment-laden runoff from entering into Shadow Lake. The silt fencing must be maintained and remain in-place until all disturbed soils have become revegetated.

In lieu of a technical study, staff request the applicant conduct a shoreline plantings plan (see example provided in Appendix A) following a site visit from Technical Staff to consist of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer, unless the proponent revises the plans of the addition demonstrating no encroachment towards the shoreline.

Recommendation

Based on our review of the natural hazards on the subject property, KRCA does not support the support the proposed Minor Variance Application D20-2018-049. KRCA requests deferral of the application until such time as the addition can be reconfigured to represent a minor addition to the dwelling with no further encroachment towards the Burnt River. Should the proposal be reconfigured, KRCA could support the application, provided the following conditions are addressed to our satisfaction:

1. The applicant provides a topographic (elevation) survey signed and stamped by an Ontario Lands Surveyor (OLS) showing the proposed addition in relation to the subject lands;
2. The applicant provides updated plans/drawings (including cross-sections) of the proposed addition illustrating that all openings and Finished Floor Elevations at/or above 259.04 metres above sea level to reflect the 0.3m freeboard above the floodplain elevation of 258.92 mASL;
3. The applicant works with Kawartha Conservation staff to develop and implement a shoreline planting plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
Kent.stainton@kawarthaconservation.com

cc: David Harding, Planner II, via email
Charlotte Crockford-Toomey, Administrative Assistant, via email
Quadri Adebayo, Planner II, via email

Encl. Appendix A – Example Plantings Plan Guidelines Letter

Quadri Adebayo

From: Christine Van Allen <vanallen.cl@gmail.com>
Sent: Tuesday, October 09, 2018 1:01 PM
To: Quadri Adebayo
Subject: Variance Application for 105 Brook Road

Follow Up Flag: Follow up
Flag Status: Completed

Hi Quadri,

Per our discussion this morning we wish to defer our variance meeting till January 2019 to allow time for any necessary changes required to gain approval.

Please confirm receipt of this email.

Regards,

Christine Van Allen

Sent from my iPhone