

**The Corporation of the City of Kawartha Lakes** D20-2018-046  
**Committee of Adjustment Report – William Ball and Heather Clarke-Ball**  
**Report Number COA2018-060**

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**Public Meeting**

**Meeting Date:** September 20<sup>th</sup>, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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**Ward: 2 – Geographic Township of Bexley**

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

- (i) Part 2 – Definitions, to amend the definition of Accessory Building to include one detached building ancillary to a developed residential lot that is within 30 metres of the subject property;
- (ii) Section 13.1.1 to add Accessory Building – Detached Garage to the list of permitted uses within the Limited Service Residential (LSR) Zone; and
- (iii) Section 3.1.3.2 to increase the maximum height of the detached garage from 5 metres to 6 metres;

Relief is also sought from the following General Provisions for accessory buildings to ensure they do not apply to the proposed detached garage so that the applicable Limited Service Residential (LSR) Zone provisions apply:

- (iv) Section 3.1.2.2 – accessory building setbacks; and
- (v) Section 3.1.3.1 – accessory building lot coverage requirement;

Further relief is sought from the following LSR Zone provisions to clarify and facilitate the proposed placement of the garage when no other main building is present on the same lot:

- (vi) Section 13.2.1.3(a) to increase the front yard setback from 7.5 metres to 8 metres;
- (vii) Section 13.2.1.3(b) to increase the interior side yard setback from 3 metres to 5.6 metres from the north lot line, and from 1.2 metres to 3.3 metres from the south lot line respectively; and
- (viii) Section 13.2.1.3(d) to increase the rear yard setback from 7.5 metres to 43.12 metres.

The variance is requested at 10 Lake Street, geographic Township of Bexley (File D20-2018-046).

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**Author: Quadri Adebayo, Planner II**

**Signature:** 

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**Recommendations:**

**RESOLVED THAT** Report COA2018-060 William Ball and Heather Clarke-Ball, be received;

**THAT** minor variance application D20-2018-046 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** the construction of the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-060, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; 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 COA2018-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The subject lot (a backlot) is owned by the same individuals who own the shoreline residential lot across the road at 10 Lake Street. The backlot and the shoreline residential lot have same tax roll number but different PINs. As such, the owners are proposing to replace an existing accessory structure on the backlot portion of their property with a three (3) bay detached garage in order to provide additional storage space.

This application was deemed complete August 2, 2018.

**Proposal:** To construct an approximately 181.7 square metre (1,955 square foot) detached garage with loft space above the main level on a lot where the garage is accessory to a nearby residential lot.

**Owners:** William Ball and Heather Clarke-Ball

Applicant: William Ball and Heather Clarke-Ball

Legal Description: Range North West Bay, Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove, geographic Township of Bexley, City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 0.29 acres (1,196.61 square metres)

Site Servicing: Not Serviced

Existing Uses: Vacant (containing an accessory building)

Adjacent Uses: North: Residential (Vacant)  
East: Shoreline Residential, Balsam Lake  
South: Residential (containing an accessory building)  
West: Agricultural - (Forest)

**Rationale:** By adding an accessory use to the list of permitted uses, the garage becomes subject to the provisions governing a primary structure and accessory structure simultaneously. The reliefs being sought are to clarify the zone provisions that apply to the proposed detached garage.

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

**And**

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

The subject property is a back lot within an established shoreline residential neighbourhood. The lot already contains an accessory structure similar to the prevailing character of the other backlots in the neighbourhood whereby each shoreline residential lot has exclusive access to its adjacent backlot.

While the proposed replacement accessory structure (the garage) will be located on a separate lot, it will remain accessory to the residential lot across from it. As such, the accessory relationship of the building to the dwelling across the road is maintained. Condition 2 as also been placed to prevent any land use compatibility issues.

Given that the garage will be further set back from the lot lines than the minimum requirements of the LSR Zone, observation from site visit suggests that the increased height of the garage may appear visually imposing due to the insufficient vegetation on the subject lot. As such, staff would encourage that the owners save any existing trees or shrubs on the property and plant new ones in order to mask the massing and scale of the garage from being visible from the Road. Especially when viewing from Poplar Grove Trail.

Based on the above, the variances are 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 Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09. The LSR Zone permits a variety, and contemplates residential accessory uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses whilst discouraging their construction within a water setback. And for 10 Lake Street, there is insufficient room on their shoreline property to accommodate a garage at the size proposed. As the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another. Therefore, it is appropriate to permit an accessory use on the subject lot.

The by-law has set the height of the garage at 5 metres to ensure that the second floor is not made into habitable space, nor that the garage becomes more prominent than the primary building. Condition 2 and paragraph 3 in rationales 1 and 2 above ensures that the proposed garage will not be repurposed nor result into a prominent feature in the neighbourhood.

In consideration of the above, the variances maintain 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 subject is designated Waterfront in the City of Kawartha Lakes Official Plan. The designation contemplates backlot developments and accessory uses as being primarily ancillary to residential dwellings.

In that regard, the variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is not serviced.

**Consultations:**

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

**Agency Comments:**

None received as September 10, 2018.

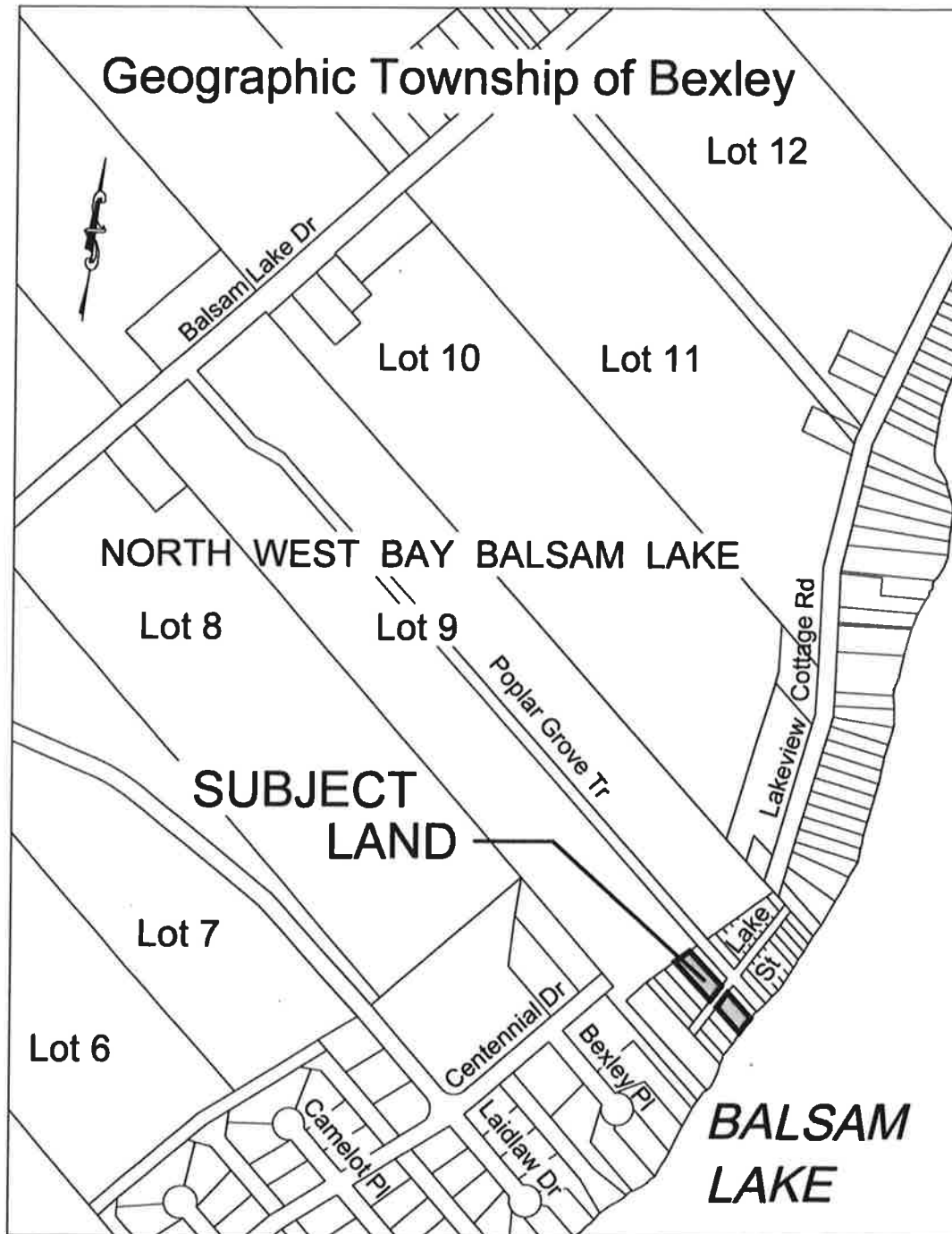
APPENDIX: B

to

REPORT COA2018-069

FILE NO: D20-2018-046

## D20-2018-046





APPENDIX: C

to

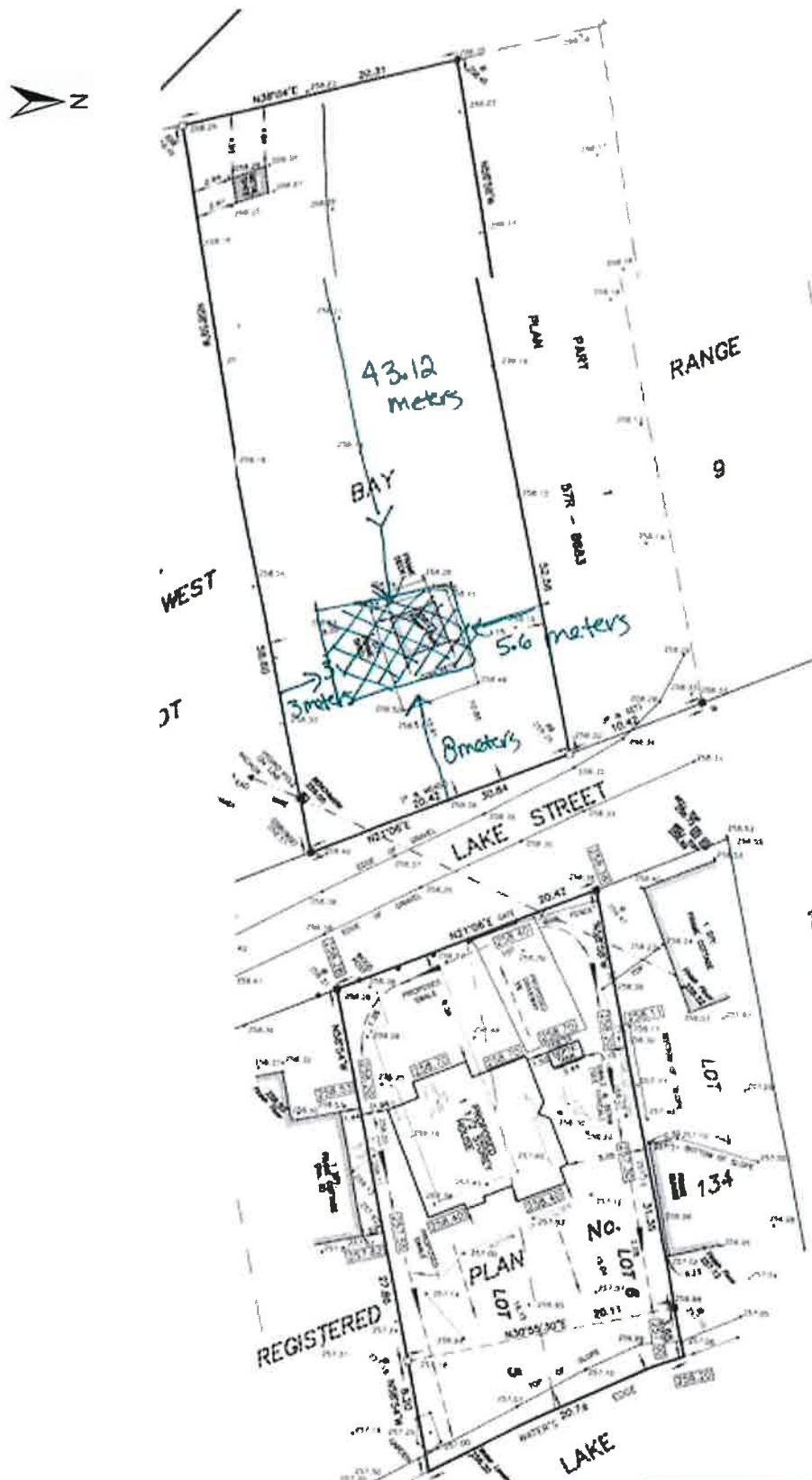
REPORT COA2018-069

FILE NO: D20-2018-046

## 10 Lake Street, geographic Township of Bexley



FILE NO: D20-2018-046



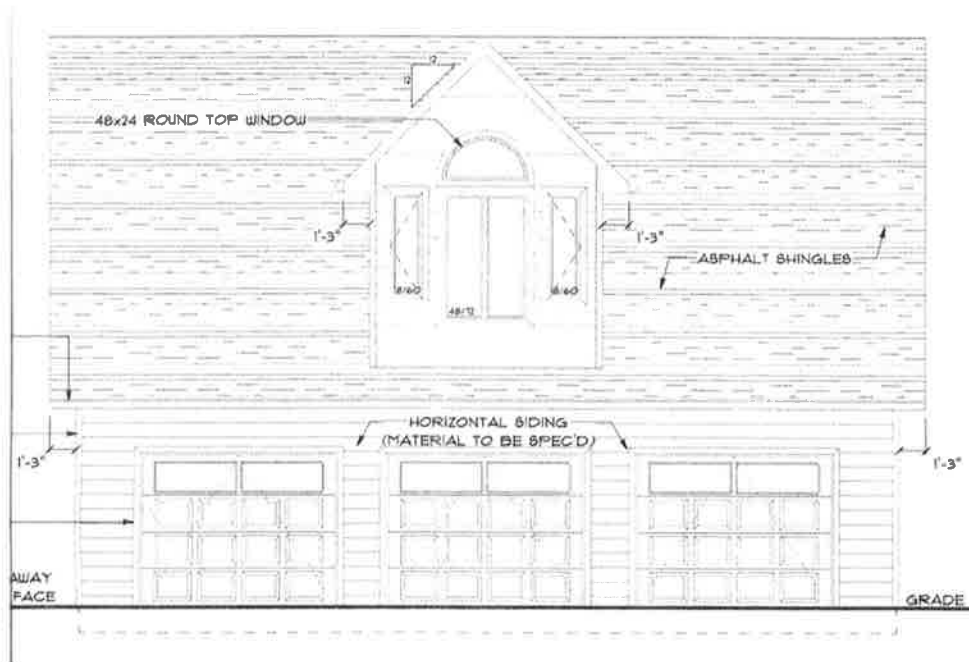
APPENDIX: E

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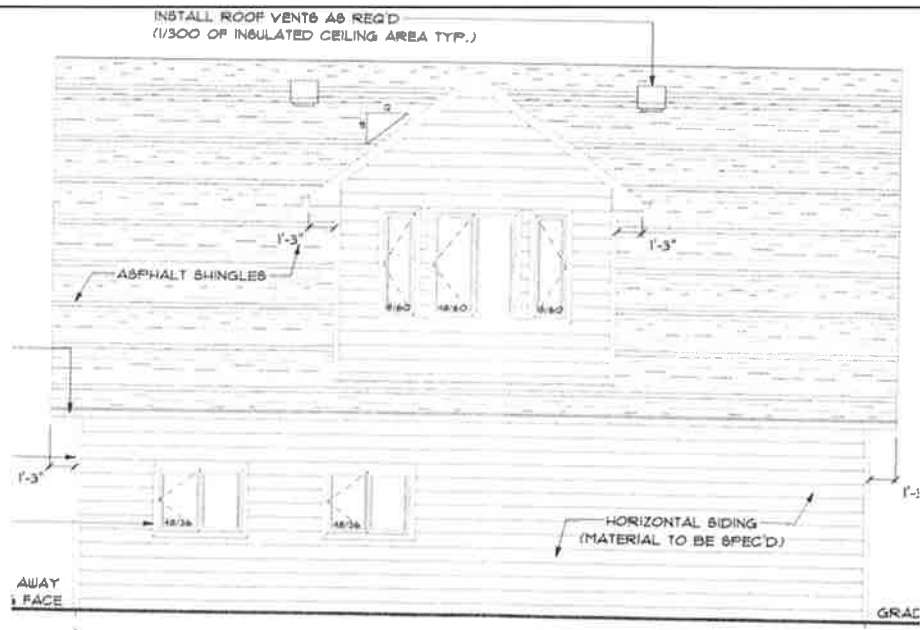
REPORT COA2018-069

FILE NO: D20-2018-046

### Front Elevation



### Rear Elevation





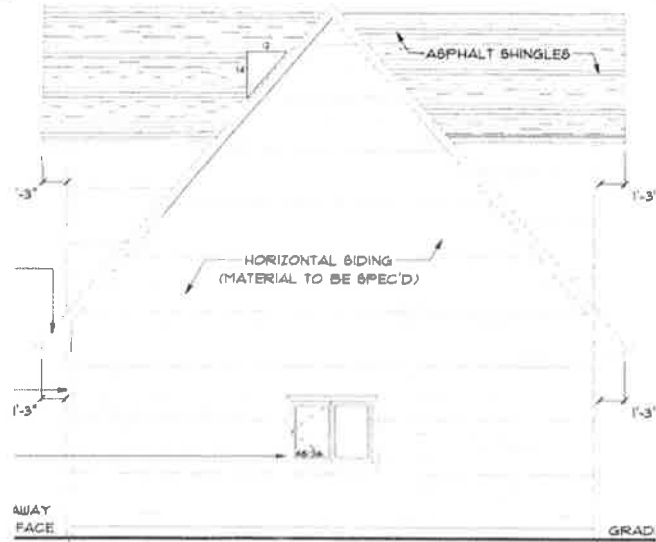
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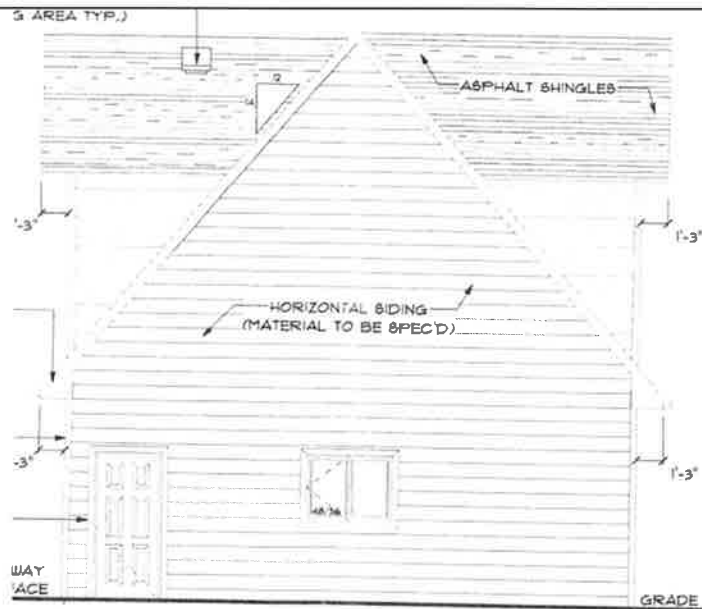
REPORT COA2018-069

FILE NO: D20-2018-046

**Right Elevation**



**Left Elevation**



**Charlotte Crockford-Toomey**

FILE NO.

D20-2018-046

**From:** Anne Elmhirst  
**Sent:** Monday, September 10, 2018 10:04 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2018-046 - 10 Lake Street

Hello Charlotte,

**RE: Minor Variance D20-2018-046**  
10 Lake Street, Former Bexley Township, City of Kawartha Lakes  
Conc. Range NWB, Pt Lot 9, Plan 134, Lot 5 & 6  
Roll No. 1651340020511300  
Owner: William Ball and Heather Clarke-Ball

I have received and reviewed the minor variance application to request relief to construct an accessory building on a back lot to the primary residence.

A site visit was completed to assess the property for the proposal. The structure will not interfere with the existing sewage disposal system serving the primary residence. Nor will the proposed structure generate additional sewage flow capacities for the existing system.

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

Best Regards,

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





APPENDIX " F "

to

September 11, 2018  
KRCA File No 16549  
X-Ref: 11938, 11987  
File No: D20-2018-046

VIA EMAIL: mlahay@kawarthalakes.ca

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

**Regarding: Application for Minor Variance – D20-2018-046**  
**William & Heather Ball**  
**10 Lake Street, Lot 9 Con NWB**  
**Geographic Township of Bexley**  
**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 variances from the requirements of Zoning By-Law 93-09 (Township of Bexley), as amended, as it relates to:

- a) Part 2 (Definitions) – amendment to the definition of an accessory building, and the definition of and accessory use, "to include a building that is ancillary to at least one abutting developed residential lot.
- b) Section 3.1.2.2 – Location of an accessory building "so that it does not apply to the construction of an accessory building when there is no other main building on the lot"
- c) Section 3.1.3.1 – "to adjust the lot coverage requirements for an accessory building when there is no other main building on the lot"
- d) Section 13.1.1 – Use permitted in a Limited Service Residential (LSR) Zone, "To Include an accessory use"
- e) Section 13.2.1.3 – (a) Front Yard, (b) Interior Side Yard, and (d) Rear Yard, "to adjust the front/side/rear yard requirements of the LSR Zone for an accessory building when there is no other main building"
- f) Section 3.1.32 – an increase in the maximum height permitted for an accessory building to exceed 5 meters.

#### Applicable KRCA Regulations and Policies

##### **Ontario Regulation 182/ 06 (as amended):**

The subject property is adjacent to the shoreline of Balsam Lake and contains a portion of the flooding and erosion hazard associated with that waterbody. Kawartha Conservation regulates Balsam Lake and the hazards associated with it, as well as a setback of 15 metres from the limit of the greatest hazard. The flood elevation for Balsam Lake is 256.5 metres above sea level. In addition, to the northwest of the subject property, there is a provincially identified, but unevaluated wetland, greater than 2 ha in size. Kawartha Conservation regulates wetlands as well as 120m from the limit of the feature. As a result, the subject property also contains a portion of the 120m setback from the wetland.

#### **KAWARTHA CONSERVATION**

277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

#### *Our Watershed Partners:*

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



The location of the proposed detached garage based on the location of an existing concrete pad as shown on the Topographic survey prepared by *Coe, Fisher, Cameron Ontario Lands Surveyors* is shown to be 258.50 masl. Based on the survey, the garage location would be above the flood elevation associated with Balsam Lake, which appears to be located below the physical top of bank on the shoreline of the property.

Moreover, the location of the garage appears to be outside of the 120 metre setback from the unevaluated wetlands adjacent to the property. As such, given the location of the proposed garage, a permit will not be required from this office.

#### **Application-Specific Comments**

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 woodlots, 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.

#### **Fish Habitat**

Balsam Lake is considered 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.

Staff are satisfied that the proposed location of the garage will not have a negative impact on the fish habitat; however, proper erosion and sediment controls should be used before, during, and after the construction of the garage to ensure there is no sediment laden runoff into the lake.

#### **Recommendation**

On this basis, KRCA staff have **no objections** to the approval of this Minor Variance application D06-2018-046.

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: Charlotte Crockford-Toomey, City of Kawartha Lakes, via email

to

REPORT COA2018-069**Charlotte Crockford-Toomey**FILE NO. D20-2018-046

**From:** Derryk Wolven  
**Sent:** Wednesday, September 12, 2018 12:26 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** FW: Consents

Please be advised the building division has the following comments to offer:

D20-2018-042	No concerns
D20-2018-044	No concerns
D20-2018-041	No concerns
D20-2018-043	No concerns
D20-2018-045	No concerns
D20-2018-040	No concerns
D20-2018-046	No concerns

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



to

REPORT COA 2018-069

FILE NO. D20-2018-046  
Engineering & Corporate Assets Department  
P.O. Box 9000, 12 Peel Street  
Lindsay ON K9V 5R8  
Tel: (705) 324-9411 Ext. 1152  
Fax: (705) 324-2982  
e-mail: [csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)  
website: [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

## 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:** September 13<sup>th</sup>, 2018

**SUBJECT:** Application for Minor Variance/Permission  
D20-2018-046 – 10 Lake Street, Range NWB  
Part Lot 9, Plan 134, Lot 5 to 6, Poplar Grove  
Geographic Township of Bexley, 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 September 5<sup>th</sup>, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from several provisions related to the construction of a detached garage, applicability with the Limited Service Residential Zone provisions, and the placement of the garage.

Further to our review of the above noted application, we confirm that we have **no objection** to the proposed minor variance and no engineering comments related to the proposed minor variance.

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.