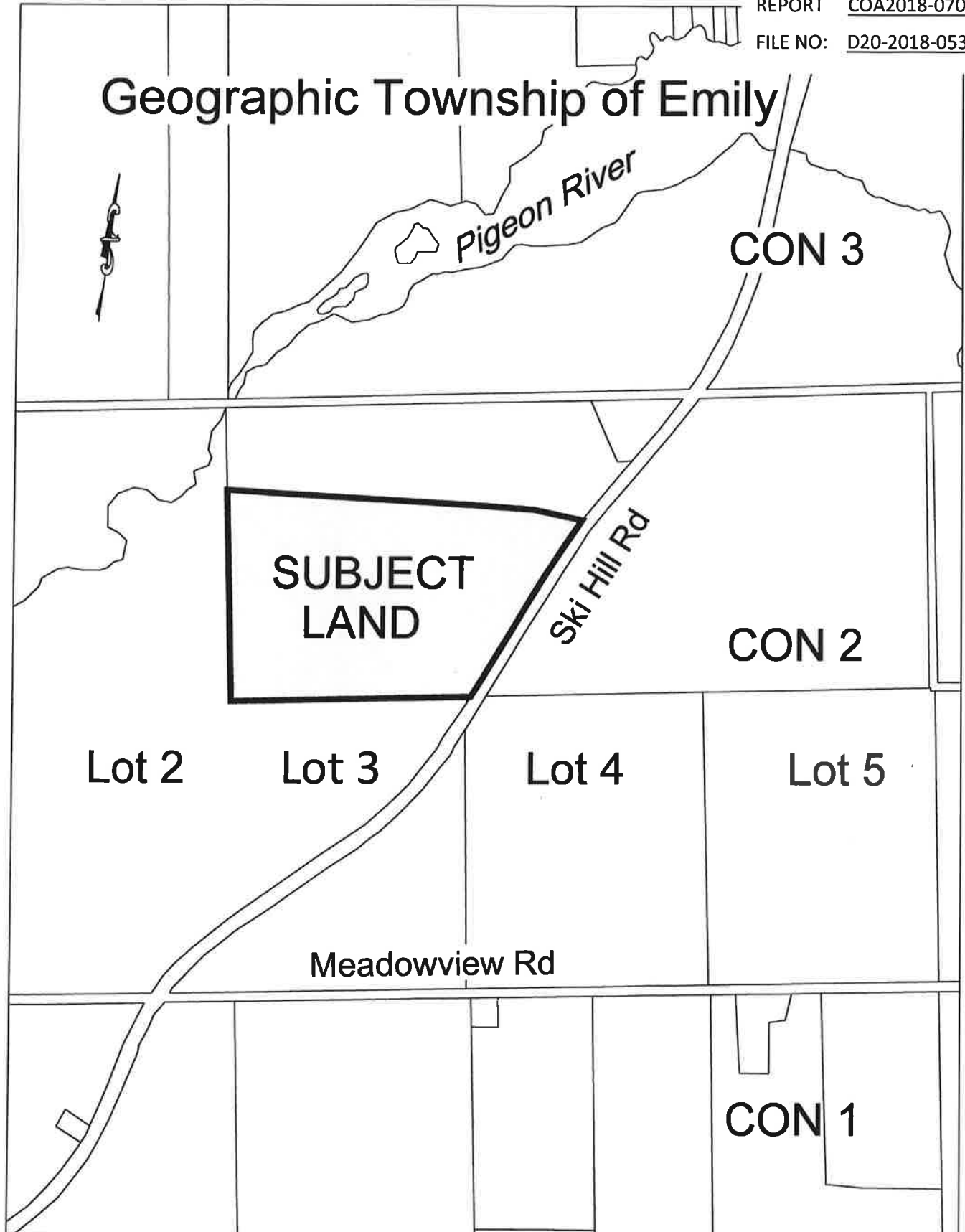


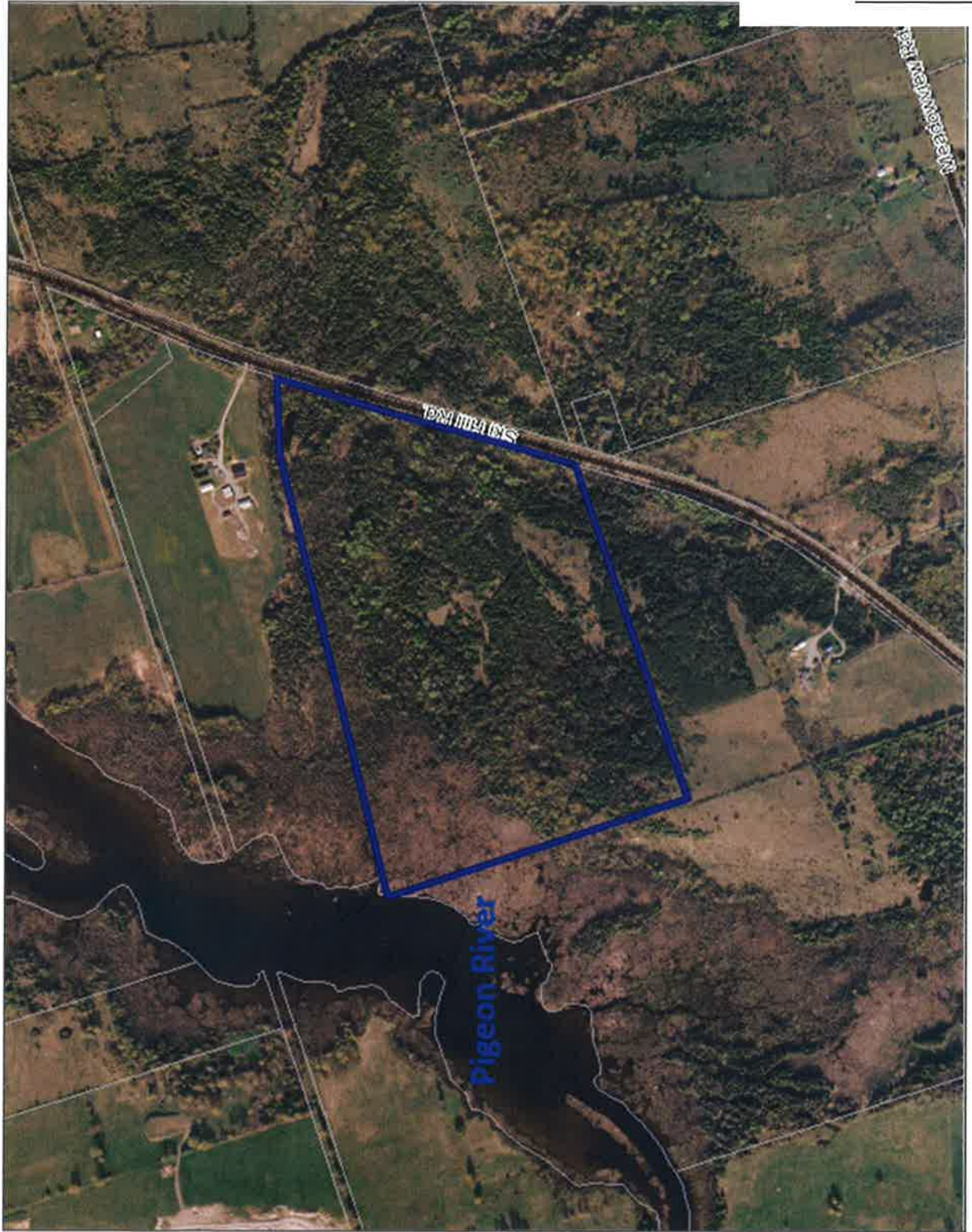
to

REPORT COA2018-070

FILE NO: D20-2018-053



1473 Highway 7A, geographic Twp. of Manvers



APPENDIX " B "

to

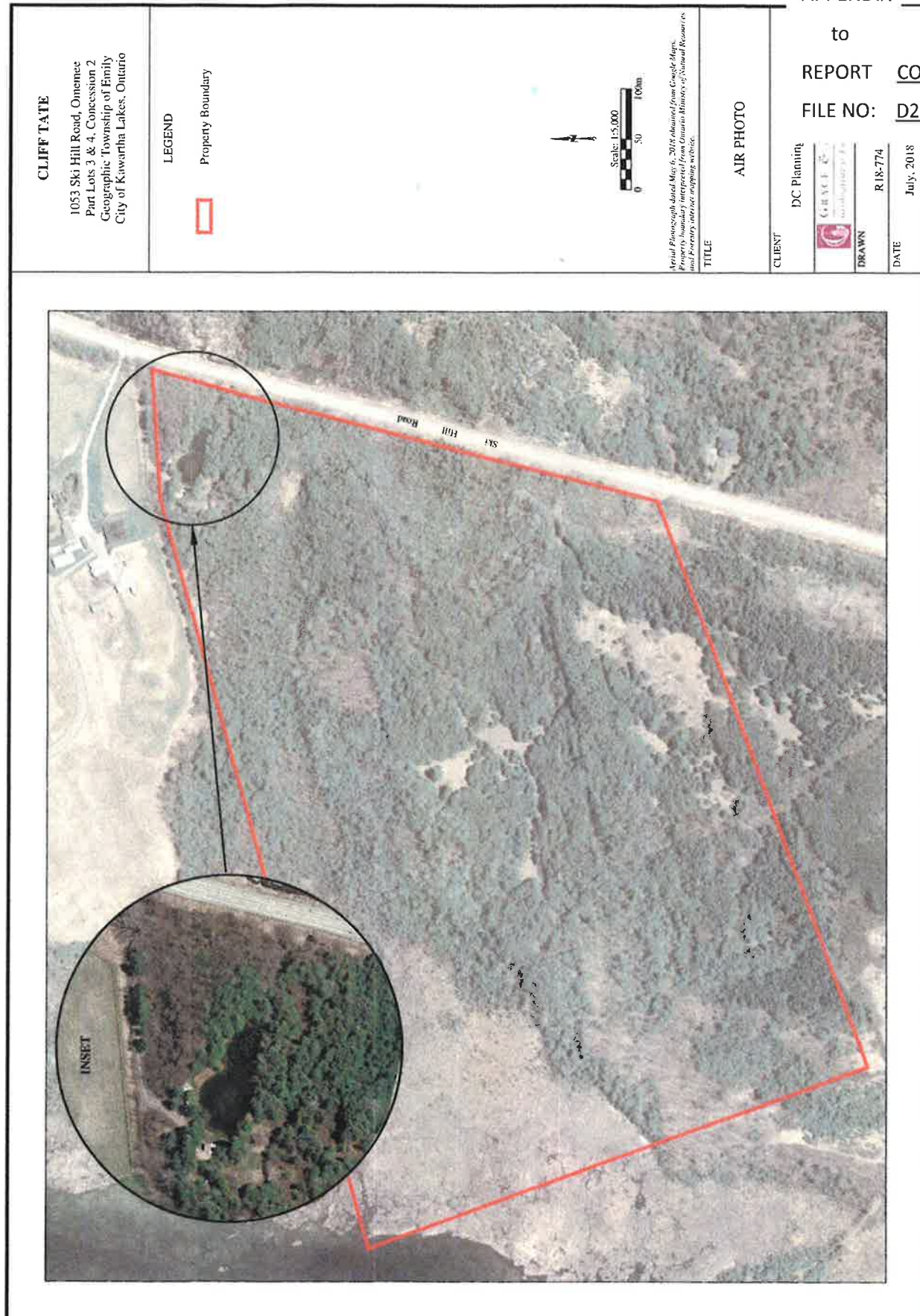
REPORT COA2018-070

FILE NO: D20-2018-053

to

REPORT COA2018-070

FILE NO: D20-2018-053



to
REPORT COA2018-067
FILE NO: D20-2018-051

CLIFF TATE

1053 Ski Hill Road, Onemec
Part Lots 3 & 4, Concession 2
Geographic Township of Emily
City of Kawartha Lakes, Ontario

LEGEND

- Property Boundary
- *On-site Structure
- ⊕ Drilled Well

*On-site structure location and dimensions provided by client.



Scale: 1:750
0 10 20m

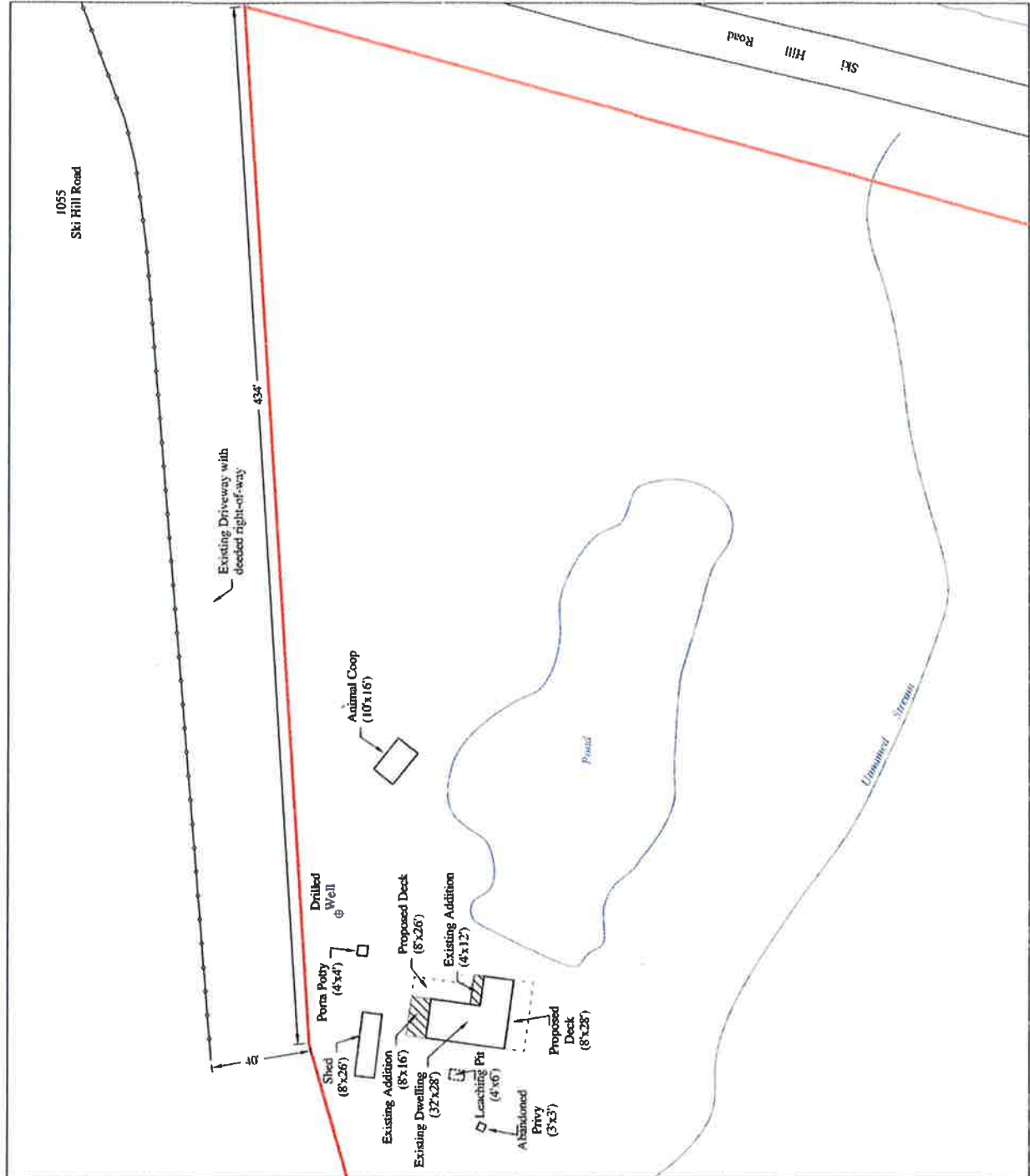
On-site structure locations interpreted from aerial photograph dated May 6, 2018 obtained from Google Maps.

Property boundary interpreted from Ontario Ministry of Natural Resources and Forestry internet mapping website.

TITLE

SKETCH

CLIENT	DC Planning & Design
DRAWN	R18-774
DATE	July, 2018



AFFIDAVIT

I, Joseph Jesse Roger McQuade, of the City of Kawartha Lakes, in the Province of Ontario MAKE OATH AND SAY:

- 1) In 1973 I visited the property located at Concession 2, Part Lots 3 and 4, Geographic Township of Emily, being approximately 90 acres and identified as 1053 Ski Hill Road, several times. I fished the pond to the east of the cabin. At that time the cabin was used as a seasonal (or permanent) home. During my visits I did not observe any flooding of the pond or small creek.
- 2) During these visits I observed it to be an "L" shape layout, comprising approximately 600 sq. ft. Inside the cabin there was a living area, a kitchen area, a sleeping area and a dining area. Heat was provided by a wood stove. There was a pit privy and a leeching pit to the west of the cabin.
- 3) I purchased this property on or about spring 2001 for the specific purpose of having a place to live and enjoy the outdoors. I was the registered owner of this property from that date to October 25, 2013.
- 4) I used the cabin and property as my home for periods of four (4) to six (6) months each year that I owned it. The cabin was heated by wood-burning stove.
- 5) I completed renovations to the cabin, during which I discovered water pipes in the walls and a drain through the floor. It was obvious to me that prior to my ownership, the cabin had plumbing, running water and electricity. In 2005 I installed a bathroom shower and sink. I replaced all the wiring throughout the cabin and used a generator to produce electricity.
- 6) During my use of this property I did not observe any flooding of the pond or small creek.
- 7) On October 25, 2013 I sold this property to Clifford Brian Tate and the cabin was approximately 600 sq. ft.
- 8) The residential use of the cabin, established by the prior owner and continued by me, has been continued by Cliff Tate.
- 9) In August 2016, I visited Cliff Tate at this property. He advised that he had constructed two (2) additions; the 1st being a 12 ft. x 4 ft. addition/extension to the north side of the front section of the dwelling and the 2nd being an 8 ft. x 16 ft. addition/extension to the north end of the cabin, for a total of 176 sq. ft. From my prior knowledge and use of this cabin, I agree that the cabin was enlarged by approximately 176 sq. ft.
- 10) I make this Affidavit for no improper purpose.

SWORN BEFORE ME at the)
City of Kawartha Lakes)
In the Province of Ontario)
This 24th day of July 2018)


Joseph Jesse Roger McQuade



Commissioner for Taking Affidavits (on behalf of the City of Kawartha Lakes Police Service.
Expires May 3, 2020.

TO WHOM IT MAY CONCERN


AFFIDAVIT

I, Joe McQuade, of the City of Kawartha Lakes, in the Province of Ontario, MAKE

OATH AND SAY:

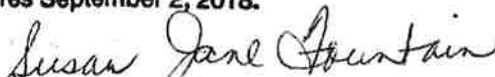
1. I was the registered owner of the property located at Con 2, PT Lots 3 & ~~X4~~ *1.4.*
Ward 15, City of Kawartha Lakes.
2. I sold the property to Cliff Tate, on or about October 25, 2013.
3. At the time of my purchase and the time of the sale to Cliff Tate, I had
knowledge of an existing cabin located on the property.
4. During my childhood, 1973, I would fish at the property and the cabin was in
existence at that time.
5. I make this Affidavit for no improper purpose.

SWORN BEFORE ME at the)
City of Kawartha Lakes)
in the Province of Ontario)
this ~~28.11~~ day of August, 2016)


Joe McQuade

Commissioner for Taking Affidavits (or as may be)

Susan Jane Fountain,
a Commissioner, etc., Province
of Ontario, for City of Kawartha
Lakes Police Service.
Expires September 2, 2018.



to

REPORT COA2018-070**David Harding**

From: Susanne Murchison
Sent: Friday, October 26, 2018 4:24 PM
To: Charlotte Crockford-Toomey
Subject: D20-2018-053

FILE NO. D20-2018-053

The Building Division has the following comments:

- Construction has occurred to the existing cabin without the benefit of a building permit being issued. As well, existing animal coop structure, existing shed and proposed decks will require building permits, no applications submitted to-date. Building permit applications, both pending and those not yet filed, will require zoning compliance, conservation approval and sewage system application approval.

Susanne Murchison, CBCO
Chief Building Official
Building Division, Development Services, City of Kawartha Lakes
705-324-9411 ext. 1200 www.kawarthalakes.ca



David Harding

From: Anne Elmhirst
Sent: Saturday, October 27, 2018 9:21 PM
To: David Harding
Subject: D20-2018-053 - Tate

Hi David,

Further to the email provided by Susanne Murchison, Building Division, I will add that an application for a sewage system permit has been submitted for a proposed system on the Ski Hill property. This application remains incomplete due to requirements for Conservation Authority approval, zoning amendments and design completion. The Building Division - Sewage System Program is not able to endorse this proposal for minor variance until it can be demonstrated that an on-site sewage system can be accommodated.

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

Best Regards,
Anne Elmhirst

Sent from my BlackBerry 10 smartphone on the Bell network.

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 – D20-2018-053**
 Clifford Tate (Agent: Doug Carroll)
 1053 Ski Hill Road, Part of Lots 2 & 3, Concession 2
 Geographic Township of Emily
 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 1996-30 (Township of Emily), as amended, as it relates to Relief from Sections 3.18 and 5.1 of the Zoning By-Law by recognizing the location of two additions to a dwelling within an Environmental Protection (EP) Zone and within 15 metres of the EP Zone boundary. Permission is also sought to construct two decks abutting a dwelling within an EP Zone category and/or within 15 metres of the EP Zone category boundary.

Kawartha Conservation previously provided comments (City of Kawartha Lakes Pre-consultation File D38-16-035) 2016 in relation to a proposal to rezone portions of the property to permit a single detached dwelling on private services in the existing Environmental Protection (EP) Zone. Upon further review of the proposal and a subsequent site visit, staff determined that several works proposed through the pre-consultation were constructed without approvals and permissions under Ontario Regulation 182/06. Subsequently, a violation notice under Ontario Regulation 182/06 was issued and a formal letter was provided to the applicant on January 26, 2017 by Kawartha Conservation Enforcement Staff.

The matter remains an active violation in the absence of evidence validating the presence, use and size of certain undertakings on the subject lands. Kawartha Conservation also received documentation from the City of Kawartha Lakes identifying the opinion that the cabin on the property is not Legal Non-Conforming. Staff noted to the applicant that any future permissions from Kawartha Conservation do not preclude the requirement to obtain all other

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

Our Watershed Partners:

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

necessary permissions from the City of Kawartha Lakes nor does Ontario Regulation 182/06 take precedence over legislation and policies administered by the City of Kawartha Lakes and other agencies.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is entirely within the KRCA's Regulated Area with the constructed additions and proposed decks located adjacent to a tributary of the Pigeon River. Kawartha Conservation regulates the tributary and from the greater of the floodplain and erosion hazard associated with the feature plus lands within 15 metres from the greater of the hazard. Given the size of the catchment area (approximately 700 Hectares) of the tributary and in the absence of detailed Regulatory floodplain mapping for the watercourse, Kawartha Conservation policies identify the Regulatory flood hazard at an elevation of one (1) metre above the bankful width (physical top of bank) of the watercourse. Moreover, the cabin and location of the proposed deck appear to be within the Pigeon River No. 25 Provincially Significant Wetland (PSW) Complex. Kawartha Conservation regulates the PSW feature and lands within 120 metres from the limit of the PSW. As such, any development (or redevelopment) on the subject lands require a Permit pursuant to Ontario Regulation 182/06 prior to development and site alteration. In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

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

An elevation survey signed and stamped by an Ontario Lands Surveyor (OLS) would be required in order to determine the extent of the flood hazard on the property. The applicant is also advised they may undertake a floodplain delineation study, examining the hydrology and hydraulics of the watercourse on the subject lands in order to more precisely delineate the limit of the floodplain on the subject lands. Noteworthy is the fact the applicant has yet to provide the requisite elevation survey to support the proposal.

Any development (including the proposed decks and constructed additions) on the subject lands would require support by a geotechnical report addressing the potentially unstable soils and the potential for erosion from the

meander belt associated with the tributary of the Pigeon River. The unstable soils would need to be addressed in the report conducted by a qualified geotechnical engineer with any erosion hazards identified to remain within a protective zoning.

An Environmental Impact Study (EIS), delineating the boundary of the PSW and demonstrating no negative impacts on the PSW and fish habitat would be required for all development on lands adjacent to the PSW feature. The EIS should examine the hydrologic and ecological impacts to the wetland feature presented through the development constructed to-date and any proposed works, maintaining hydrologic and ecological linkages. It is further recommended that the proponent address any serious threats to fish and/or fish habitat, Species-at-Risk and Migratory Bird legislation within the study.

A number of potentially hazardous conditions for development may be associated with this feature, including flooding hazards(s), erosion hazard(s) and unstable soils (i.e. organic soils). Any additions or decks are subject to Kawartha Conservation Policies 4.6.2.1(1) & (2) (*New Development*), which cannot be supported, as the current zoning is incompatible with the nature of the proposed development.

It is noted that the proponent can move the building envelope outside of the EP zone. The option would require less remediation and fewer studies in order to achieve support from Kawartha Conservation. Kawartha Conservation is willing to work with the applicant towards devising an approach necessary in order to rectify the outstanding violation under Ontario Regulation 182/06. Should the applicant not receive the requisite permissions from Kawartha Conservation in order to retain the additions, Kawartha Conservation will require full remediation of the property, including removal of the additions in order to resolve the active violation. The applicant is advised to contact Jim Shrubsall, Compliance Officer & Permitting Technician, at (705) 328-2271 ext. 250 or jshrubsall@kawarthaconservation.com to determine any additional requirements from Kawartha Conservation.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting and Compliance:

As noted, the subject property is within KRCA Regulated Area of the Watershed. All works constructed on the lands including the constructed additions and proposed deck subject to this application are within lands regulated by the Conservation Authority. The matter remains an active violation under Ontario Regulation 182/06. The previous recommendation made by Enforcement staff to relocate the dwelling and works undertaken to a more suitable area, which provides suitable buffering from both the wetland and watercourse and is located outside of the Environmental Protection Zoning remains a preferred option. Should the development remain status quo, Kawartha Conservation will require full remediation of the property, including the removal of buildings and structures in order to resolve the outstanding violation.

Natural Heritage – Provincially Significant Wetlands and Significant Woodlands

The location of the additions and proposed deck appear to be within lands designated by the Province as Provincially Significant Wetland. In accordance with Section 2.1.4 a) of the PPS (2014), *“Development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E.”*

Without the submission of an EIS illustrating the additions and proposed deck are within lands adjacent to the PSW and present no negative impacts on the natural feature or its ecological function, the application does not conform to Provincial policy.

In keeping with the provisions of the PPS (2014), the City of Kawartha Lakes Official Plan (2008), the Growth Plan for the Greater Golden Horseshoe (2017) and Kawartha Conservation Policies, development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield or within 120 metres of significant woodlands, unless it has been demonstrated that there will be no negative impact on the woodlands or adjacent lands or on their ecological functions. An EIS/Natural Heritage Evaluation (NHE) is the preferred mechanism in order to demonstrate no negative impacts to significant woodlands. The EIS/NHE will need to provide justification as to how the woodlands do not meet the criteria for significance. The property should also be assessed for the presence of species-at-risk and/or their habitat. Since the application for minor variance did not include the aforementioned EIS/NHE identifying how the additions and proposed deck are within lands adjacent to the significant woodlands and present no negative impacts on the natural feature or its ecological function, the application does not conform to Provincial policy.

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 unauthorized additions and the proposed decks appear to be located within the floodplain of the tributary associated with the Pigeon River.

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. In the absence of the previously mentioned elevation survey or a detailed delineation of the depths and flows of flooding on the lands, staff cannot confirm that the constructed additions are structurally sound should they be subjected to conditions under the Regulatory flood event. Furthermore, there remains uncertainty surrounding the ability to increase in habitable space given the location of the additions, while achieving safe ingress/egress to and from the property.

Fish Habitat

The pond and tributary of the Pigeon River are considered fish habitat. 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”.

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. The existing cabin is located within the 30 metre setback and the construction of the addition has resulted in the overall expansion of the dwelling within the fish habitat buffer.

Based on MNRF’s direction, in cases where a site specific technical report (e.g. EIS) 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 and does not represent a serious threat to fish ; a minimum 15 metre buffer width may be acceptable. Ultimately, the constructed additions as well as the proposed deck(s) abutting the dwelling represent an increased footprint both within and closer to the pond and watercourse, within the fish habitat buffer. Again, the application was not supported by an EIS; therefore, the development is contrary to Provincial policy.

Recommendation

Based on our review of the above information, the remaining outstanding violation on the property and the absence of detailed hydrological and ecological studies supporting the application, **staff are not in a position to approve Minor Variance application D20-2018-053**. A request for relief to existing natural heritage features and hazards on the property contradicts the very purpose of implementing the protective zoning, which is to prevent development in areas where there is increased risk to property and life and direct construction in areas where no negative impacts would be presented to natural heritage features. Kawartha Conservation reiterates that the applicant can relocate the building envelope outside of the Environmental Protection zone. Staff are willing to work with the applicant towards devising an approach necessary in order to rectify the outstanding violation.

Kawartha Conservation staff would like to note that the decision of the Committee of Adjustment does not bind Kawartha Conservation under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, Kawartha Conservation staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the *Planning Act* and the *Conservation Authorities Act*.

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.



October 29, 2018
KRCA File No 16585
Page 6 of 6

Yours Truly,

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

cc: Ron Warne, Kawartha Conservation
Jim Shrubsall, Kawartha Conservation
Chris Marshall, City of Kawartha Lakes
David Harding, City of Kawartha Lakes
Charlotte Crockford-Toomey, City of Kawartha Lakes

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

Our Watershed Partners:
City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan





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
website: 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: October 29th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-053 – 1053 Ski Hill Road
Part Lots 3 and 4, Concession 2
Geographic Township of Emily, 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 25th, 2018.

It is our understanding that the applicant is applying for a minor variance to seek permission to recognize the location of two additions to a dwelling within an Environmental Protection (EP) Zone and/or within 15 metres of the EP Zone category boundary. Permission is also sought to construct two decks abutting a dwelling within an EP Zone category and/or within 15 metres of the EP Zone category boundary.

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.

to

REPORT COA2018-070

David Harding

From: Benoit Dupuis <benoitdupuishorse@gmail.com>
Sent: Monday, October 29, 2018 11:00 AM
To: Mark LaHay
Cc: David Harding; Mary Ann Martin
Subject: File D-20-2018-053 Minor Variance application Addressed to M.Lahay , Acting Secretary-Treasurer

FILE NO. D20-2018-053

To Mark Lahay Secretary-Treasurer

Committee of Adjustments City of KawarthaLakes

Lindsay Service Centre,

180 Kent Street West,

Lindsay Ontario K9V 2Y6

Benoit and Shelley Dupuis object to the minor variance application D20-2018-053 – part Lots 3 and 4, Concession 2, geographic township of Emily, Ward 15, now in the city of Kawartha Lakes.

BACKGROUND for the objection: After Mr. Tate purchased the adjacent property to us, I introduced myself and questioned Mr. Tate on whether he was planning on building on his property. He informed me that they would build a dwelling at the second entrance further south and not beside us. I proceeded to explain that the area around the pond and creek were an (EP) Environmentally Protected Zone designated wetlands. He assured me that he would not build in this (EP) zone. On 2 more occasions upon seeing large metal containers dropped off ,my wife and I in discussion with Mr. Tate were assured he would not be building by the pond and creek; we also restated that this area was designated Wetlands and were very concerned about him building there. This was in the fall season There was a small cabin existing by the pond, which Mr. Tate started to use to sleep over periodically. Having been granted unlimited access by the previous owner, my wife and I with the children hiked on the property regularly and visited the cabin on a couple of occasions when the previous owner was present. The cabin floor itself had sunken down into the ground as the floor was rotting and the soil around that area was soft. Upon coming home one day in the next year Mr. Tate had building movers on site to raise the cabin. I went over and informed Mr. Tate that the floor was most likely rotten and he should abandon this project. This is when we became aware that there were no building permits in place, and that there were no permissions from the City of Kawartha Lakes and Conservation Authority in place. Once the cabin was raised and set back down on cement blocks and patio stones and the movers were completed I went over and had a discussion with Mr. Tate about the state of the cabin, he informed me that it was after all, all rotten and that he wouldn't be able to use it. Shortly after coming home one day I noticed the existing cabin torn down and all the salvageable lumber off to the side with a few wall sections intact by this pile and a new floor /base had been built. When I entered Mr. Tate's property and went up and the new floor/base and notice that a section of wall from the old structure had been used and was braced into place on the south end wall and that it was not the full length (28') as provided by DC Planning Services Inc. on the sketch. Also on some of the new joists they had attached the old rotten joists/beams. The old Cabin had been removed and a new one was being built, Mr. Tate was attempting to make this look like an addition or renovation, which it was not as we witnessed this on a daily basis.

The part of the application for the minor variance that deals with the recognition of two additions to the dwelling is 100% not accurate, there was no additions only the removal of the existing cabin, and a new structure/dwelling was built by Mr. Tate without any permits or approvals from the City Of Kawartha Lakes and the Conservation Authority.

Not only is the dwelling built on 100% Environmentally Protected Wetlands, it is also adjacent to a small pond and a tributary stream to the pigeon river. Mr. Tate has been residing on the property full time and has had fill brought in to make the "right of way" driveable, build his cottage and deck, and to cover up the septic bed that he had removed, coincidentally, the same day that he self-reported his illegal dwelling to the City of Kawartha Lakes. This section of wetlands is a low lying area and was quite wet to walk on. Mr. Tate has built it up with the fill he has brought in approximately 161 tonnes. He has also built a bridge over the creek which is eroding the walls of the creek. There is a leaching bed behind the structure. We have seen laundry being hung out. We have great concerns where the drainage from the structure leaches into the bed and where it will go into the water table as we have a well very close to his property. Mr. Tate also had a well drilled (20ft) without a permit and installed a septic bed and tank on Environmentally Protected Wetlands and without permits. He also has 2 large Propane Tanks near the structure and runs a generator continuously that has a bank of batteries as back up that could potentially leak into the soil without proper containment and ventilation which poses an environmental and public safety hazard.

An important natural habitat has been negatively impacted from Mr. Tate's increased footprint on the site. The surrounding wetlands provide a mature mixed deciduous-coniferous forest with abundant riparian habitat. We've seen American Black Bears and Algonquin wolves or (coy-wolf hybrids) frequent this property. Prior to the increased footprint at the site, avian life was more common, including regular visits by Green Horn and rusty Blackbird(Special Concern). The area has abundant reptile and amphibian populations, including Midland Painted turtle(Special Concern), and Spotted Turtle (Endangered). These turtles migrate through both of our properties both to and from the Pigeon River in attempts to lay their nests. Less than 1 in a hundred turtle eggs laid will hatch and now their path has been disrupted by Mr. Tate's structure/dwelling, trailers, vehicles, "Johnny on the Spot" and large bird cages. Mr. Tate has kept meat birds on his wetlands property since the day after he self-reported to the City of Kawartha Lakes. On April 23, 2016 he brought in 1 rooster and 4 hens. The summer of 2017 and 2018 he procured close to a dozen large ducks which we believe he slaughters every fall. These birds are kept in large cages directly near the shore of the pond. The Birds are free range on the pond and creek during daylight, and their feces that contain potentially harmful bacteria, such as Salmonella, and could pose a threat to the water quality as their feces is deposited in the pond on a daily bases. Mr. Tate has also admitted to myself in spraying round up around this area.

Along with these environmental concerns we have definitely experienced a loss of privacy with the addition of the structure/dwelling and deck and a constant level of noise from Mr. Tate's generator. A quiet Wetland area with a small cabin that was occasionally used by the previous owner has been transformed into a structure/dwelling with deck on a pond. Mr. Tate does have an area further South on his property that would make a lovely area to move his structure/dwelling to. That area is not zoned Wetlands and would be the logical location for his structure/dwelling.

After reviewing the Official Plan (OP) for the City of Kawartha Lakes, Provincial Policy Statement, and the Planning Act, our opinion is that this is not a minor variance because it is too large and too important to be considered minor. The variance requested does not maintain the general intent and purpose of the Township of Emily Zoning By-Law 1996-30, and the Official Plan (OP). By granting the variance would the public interest be best served?, we think not as this would send the message "better to beg for forgiveness than to ask permission", and Build on environmentally Protected Land.

Benoit and Shelley Dupuis

1055 Ski Hill RD RR#2

Omeme, Ontario K0L 2W0