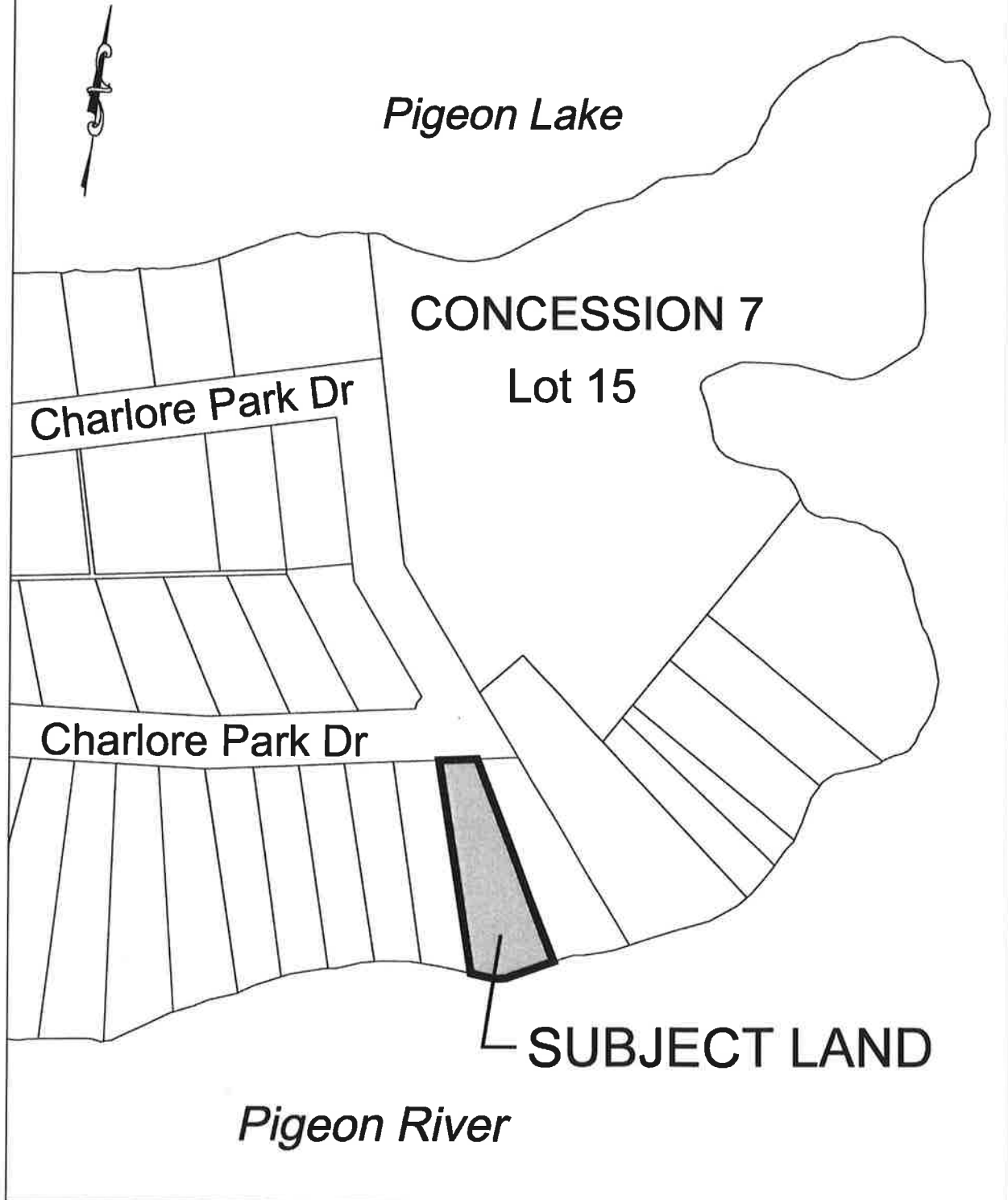


to

REPORT COA2019-009

FILE NO: D20-2019-002

Geographic Township of Emily





This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSE.



0.08 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
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APPENDIX " D "
to
REPORT COA 2019-009

FILE NO. D20-2019-002

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

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

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: February 11th, 2019

SUBJECT: Application for Minor Variance/Permission
D20-2019-002 – 132 Charlore Park Drive
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 February 7th, 2019.

It is our understanding that the applicant is requesting relief to permit the construction of an addition to a single detached dwelling with a deck, recognize the construction of two cabins, and recognize the construction of a pool and deck by requesting relief from the following provisions:

Addition to Single Detached Dwelling inclusive of a Deck

1. reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. reduce the minimum water setback from 30 metres to 14.2 metres, and
5. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition Pertaining to Both Existing Cabins

6. increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square

metres.

Recognition of Existing Cabin 1

7. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. reduce the minimum water setback from 30 metres to 4.4 metres,
9. reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2

11. reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. reduce the minimum water setback from 30 metres to 14.9 metres.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance. We do note that one side yard setback for the Existing Cabin 2 is proposed to be 0.5 metres. This is less than the minimum setback required to provide for any drainage issues that may arise between private properties. The application suggests that this cabin has been in existence since 2016. As we have no knowledge of any drainage issues arising to this date, we confirm that the existing drainage patterns will remain.

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: ccrockford-toomey@kawarthalakes.ca

Charlotte Crockford-Toomey
Administrative Assistant
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance – D20-2019-002
Mary Shephard & Tim Deel
132 Charlore Park Drive, Part of Lots 14, 15 Concession 7
Geographic Township of Emily
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following revised comments to reflect an increase in reliefs sought from the provisions of the Zoning By-law:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of the Township of Emily Zoning By-law 1996-30, as amended. The purpose and effect is to permit the construction of an addition to a single detached dwelling with a deck, recognize the construction of two cabins, and recognize the construction of a pool and deck by requesting relief from the following provisions:

Addition to Single Detached Dwelling inclusive of a Deck (BUILDING 1)

1. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the east lot line from 5.5 metres to 2 metres; and
2. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 26 metres for the dwelling and 24 metres for the deck.

Recognition of Existing Deck, Stairs and Pool

3. Section 12.2.1.3(b)(ii) to reduce the minimum interior side yard setback to the west lot line from 3 metres to 1.5 metres,
4. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.2 metres, and
5. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.2 metres.

Recognition Pertaining to Both Existing Cabins (BUILDINGS 5 & 6)

6. Section 3.1.6.1 to increase the number of permitted cabins from 1 to 2 and increase the total permitted floor area for cabin use from 30 square metres to 41.4 square metres.

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

Our Watershed Partners:

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Recognition of Existing Cabin 1 (BUILDING 5)

7. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 4.4 metres,
8. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 4.4 metres,
9. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard setback from 3 metres to 1 metre; and
10. Section 12.2.1.3(d) to reduce the minimum rear yard setback from 7.5 metres to 1.3 metres.

Recognition of Existing Cabin 2 (BUILDING 6)

11. Section 12.2.1.3(b) to reduce the minimum side yard setback from 3 metres to 0.5 metres,
12. Section 3.18.1.1(a) to reduce the minimum setback from an Environmental Protection (EP) Zone from 15 metres to 14.9 metres; and
13. Section 12.2.1.3(e) to reduce the minimum water setback from 30 metres to 14.9 metres.

Staff would like to note that the aforementioned building numbers were not provided on any materials submitted as part of the application.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/ 06 (as amended):

The subject property is within the KRCA's Regulated Area, as it fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the valley system associated with Pigeon Lake and lands within 15 metres of the existing stable slope. Moreover, the Regulatory Flood Elevation for Pigeon Lake (246.9 masl) extends onto the property. A topographic survey prepared by *Coe, Fisher and Cameron Land Surveyors* dated September 2018 was provided with the application, illustrating that most of the development subject to the application is located outside of the flood elevation. Any development (or redevelopment) on the subject property requires a Permit pursuant to Ontario Regulation 182/06 prior to 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.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. The addition to the existing single detached dwelling, proposed deck addition and the pool with deck will require a permit pursuant to Kawartha Conservation Policy 4.4.2(3) (Development within or Adjacent to an Apparent Valley). It is understood that upgrades to the existing septic system are also proposed. The details and specifications regarding the septic system upgrade are also required as part of the permit application. The applicant is advised to contact Stacy Porter, Planning and Regulation Technician, at (705) 328-2271 ext. 231 or sporter@kawarthaconservation.com for additional information regarding the permitting process.

Cabin 1 (Building 5) is partially located within the Regulatory Flood elevation associated with Pigeon Lake. Both Buildings 5 and 6 are acknowledged to be "bunkies" or additional habitable space within a Regulated Area. Kawartha Conservation does not support additional habitable space within the Regulated Area on properties, which contravene Municipal Standards and By-Laws. Kawartha Conservation requests Building 5 be demolished or relocated to a minimum of 6 metres from the limit of the flood elevation, provided the use reverts to an accessory storage structure. Additionally, Kawartha Conservation requests that the use of Building 6 reverts to an accessory storage structure. The relocation of Building 5 would be subject to Kawartha Conservation Policy 4.4.2(3). Given Buildings 5 & 6 were constructed without permissions, 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 compliance requirements. Staff note that should the City recommend the outright demolition of Buildings 5 & 6 through review of the application, Kawartha Conservation would support the decision.

KRCA staff would like to note that the decision of the Committee of Adjustment does not bind KRCA under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, KRCA 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*.

Hazardous Lands

In accordance with Section 3.1.2 d) of the Provincial Policy Statement (2014),

"Development and site alteration (including lot creation) shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."

Notwithstanding the artificial manipulation of lake levels on Pigeon Lake, Building 5 appears to enter the Regulatory Flood elevation for Pigeon Lake. Staff are not in a position to support the legal recognition of existing cabin 1 (Building 5) by increasing the risk to public health or safety or damage to property.

Fish Habitat

Pigeon Lake is 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. Based on the Kawartha Conservation's mapping, Buildings 3, 5 and 6 are located well within the 30 metre buffer resulting in significant encroachment into the fish habitat buffer.

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, including the situation of Cabins 1 & 2 (Buildings 5 and 6) within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

In lieu of a technical study, staff requests the applicant conduct a shoreline plantings plan consisting of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

Recommendation

Based on our review of the above information, staff can **recommend conditional approval of Minor Variance File D20-2019-002**, provided the following conditions being addressed to our satisfaction:

1. The applicant acquires the necessary permissions, pursuant to Ontario Regulation 182/06, as amended for the addition to the single detached dwelling, deck addition, pool and any accessory storage structures;
2. The applicant obtain any requisite Remediation Agreements from Kawartha Conservation Compliance staff in relation to Cabins 1 & 2 (Buildings 5 & 6) should the applicant wish to maintain and relocate the non-habitable, accessory storage structures, and;
3. As part of the permissions process pursuant to Ontario Regulation 182/06, the applicant works with Kawartha Conservation Compliance and Stewardship staff to develop and implement a shoreline plantings 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.



February 11, 2019
KRCA File No 16824
Page 5 of 5

Yours Truly,

Kent Stainton
Resources Planner
Extension 232
kstainton@kawarthaconservation.com

cc: Stacy Porter, Kawartha Conservation
Jim Shrubbsall, Kawartha Conservation
David Harding, City of Kawartha Lakes

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Erica Hallett

From: Derryk Wolven
Sent: Thursday, February 07, 2019 2:30 PM
To: David Harding
Cc: Erica Hallett
Subject: Comm of adjustment

Please see building division comments:

D20-2019-001	No concerns
D20-2019-002	No concerns
D20-2019-003	Built without permit. Less than .6m from property line would require detailing for rating and type of construction under OBC 9.10.14.5(3)
D20-2019-004	Built without permit.
D20-2019-005	No concerns
D20-2019-006	Change of use permit required for the proposal
D20-2019-007	No concern

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

Subject: FW: CKL MV FILE D20-2019-02 (132 Charlore Park Drive)

From: Anne Elmhirst
Sent: Monday, February 04, 2019 4:20 PM
To: David Harding; 'Kent Stainton'
Cc: Stacy Porter
Subject: RE: CKL MV FILE D20-2019-02 (132 Charlore Park Drive)

There is a proposed septic upgrade submitted for this property.

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

