

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Idele and Rod Hynes**  
Report Number COA2019-019

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**Public Meeting**

**Meeting Date:** March 21, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to permit a storey to be added to a single detached dwelling, permit the construction of two decks, and recognize two sheds on the property by requesting relief from the following provisions:

**Additional Storey to a Single Detached Dwelling and South Deck with Stairs**

1. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres;

**West Deck with Stairs**

2. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 11 metres;
3. Section 3.18.5 to reduce the setback to the Environmental Protection Zone (EP) Zone from 15 metres to 11 metres;

**Shed 1**

4. Section 3.1.2.1 to permit an accessory building within a front yard instead of a side or rear yard;

**Shed 2**

5. Section 3.1.2.2 to reduce the minimum side yard setback from 2 metres to 1.2 metres and reduce the spatial separation to a residential building from 4 metres to 3 metres; and
6. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15 metres.

The variances are requested at 133 Oakdene Crescent, geographic Township of Mariposa (File D20-2019-011).

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**Author:** David Harding, Planning II

**Signature:**

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**Recommendation:**

**Resolved That** Report COA2019-019 Idele and Rod Hynes, be received;

**That** minor variance application D20-2019-011 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 COA2019-019, 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 COA2019-019 as Shed 2 has been relocated; 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 COA2019-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	<p>To create a two storey dwelling by raising the main level and constructing a new level below. A deck on the south wall is proposed to provide access to the second level.</p> <p>Through the pre-screening process, additional variances pertaining to the two sheds were identified. Recognition of the shed within the front yard is being sought. A new location for the shed within the rear yard is being sought to better comply with the by-law. This new location also requires relief.</p> <p>This application was last amended March 4, 2019.</p>
<b>Proposal:</b>	<p>To create a two storey dwelling by raising the main level and constructing a new level below. There are two decks proposed with the construction. The recognition of two existing sheds is also being sought.</p>
<b>Owner:</b>	<p>Idele and Rod Hynes</p>
<b>Legal Description:</b>	<p>Lot 3, Plan 354, geographic Township of Mariposa, City of Kawartha Lakes</p>
<b>Official Plan:</b>	<p>Waterfront within the City of Kawartha Lakes Official Plan</p>

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

Site Size: 1,345.99 square metres (0.33 acres)

Site Servicing: Private Individual Well and Holding Tank.

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential  
East: Second Tier Shoreline Residential  
West: Lake Scugog

**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 within a shoreline residential neighbourhood bordering Lake Scugog. The neighbourhood contains a mixture of seasonal and year-round residential dwellings.

There is a cedar hedge which runs along the front lot line and north side lot line. The south lot line is planted with trees, most of which are cedars. These vegetative buffers assist in screening the property to varying degrees.

The shed (Shed 1) within the front yard is set back approximately 11.5 metres from the road allowance. In addition to the cedar hedge, mature birch trees grow around the east side of the shed, further buffering it from the road. The combination of spatial separation and vegetative buffers, in addition to the shed's relatively small size assist in mitigating its visibility and prominence within the front yard.

Shed 2 is proposed to be relocated within the interior side yard nearly in-line with the rear wall of the dwelling. Adequate spatial separation remains between Shed 2 and the side lot line to perform maintenance.

The dwelling does not appear significantly closer to the shoreline than the dwellings on nearby lots, nor will adding an additional storey significantly alter the character of the shoreline. The other nearby dwellings, with the exception of 127 Oakdene Crescent which is a raised walkout basement, are all two storey buildings. As the footprint of the building is not changing, the relatively large side yards are being retained. The retention of these yards also lessens any potential massing impact by mitigating the length of built form facing the shoreline.

The south deck, which is of modest area, is proposed away from the rear wall of the dwelling, and will provide access to the side yard from the second storey. Its modest footprint and location is not anticipated to generate any adverse massing impacts or impede the function of the side yard.

The rear yard deck is proposed slightly above grade, and is not anticipated to create any adverse massing impacts due to its modest height. It is proposed to project no further into the rear yard than the existing deck, which has now been removed, and will be substantially smaller in area. The reduction in area will allow for increased landscaped open space, which will assist in stormwater infiltration. The modestly sized rear deck is not anticipated to adversely impact the function of the rear yard as a landscaped amenity space.

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 subject property is zoned Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the zoning by-law is to maintain sufficient space between the dwelling and shoreline to permit the establishment of vegetation to assist in the infiltration of stormwater runoff.

Due to the location of the existing holding tank, the dwelling cannot be moved closer to the road. Additionally, the dwelling is coming no closer to the shoreline and maintains the 15 metres minimum setback required from the Environmental Protection (EP) Zone. The deck surrounding the dwelling is being replaced by two smaller decks: one close to grade within the rear yard, and one to provide access to the second storey. While the rear deck encroaches into the rear yard setback, it is modest in area in comparison to the old deck, will come no closer to the shoreline than the old deck, and will facilitate access from the new lower floor of the dwelling to the rear yard. As such, the new rear deck achieves a net improvement with respect to the water and EP Zone setback provisions.

The intent of some of the sections within the General Provisions is to discourage the placement of accessory buildings other than garages within the front yards of shoreline residential properties. This ensures the predominant use and appearance of front yards is not for storage purposes. In this circumstance, the shed proposed within the front yard is small, positioned away from the road, and buffered from the road by vegetation. The combination of mitigation measures ensures that the storage use will not appear as the predominant use within the front yard.

The placement of Shed 2 within the interior side yard in its proposed location ensures it is outside of the EP Zone setback. Its placement also ensures adequate access for maintenance and lot grading and drainage purposes.

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**

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.

All built form of any substantial height will be at least 15 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

In consideration of the above 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 serviced by a holding tank and private individual well.

**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 (March 7, 2019): No concerns.

Kawartha Region Conservation Authority (March 8, 2019): No concerns. Permit P2018-0319 has been issued for the proposed works. A revision to the permit may be needed to reflect the relocation of Shed 2.

**Public Comments:**

No comments as of March 11, 2019.

**Attachments:**



Appendices A-E to  
COA2019-019.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

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**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-011