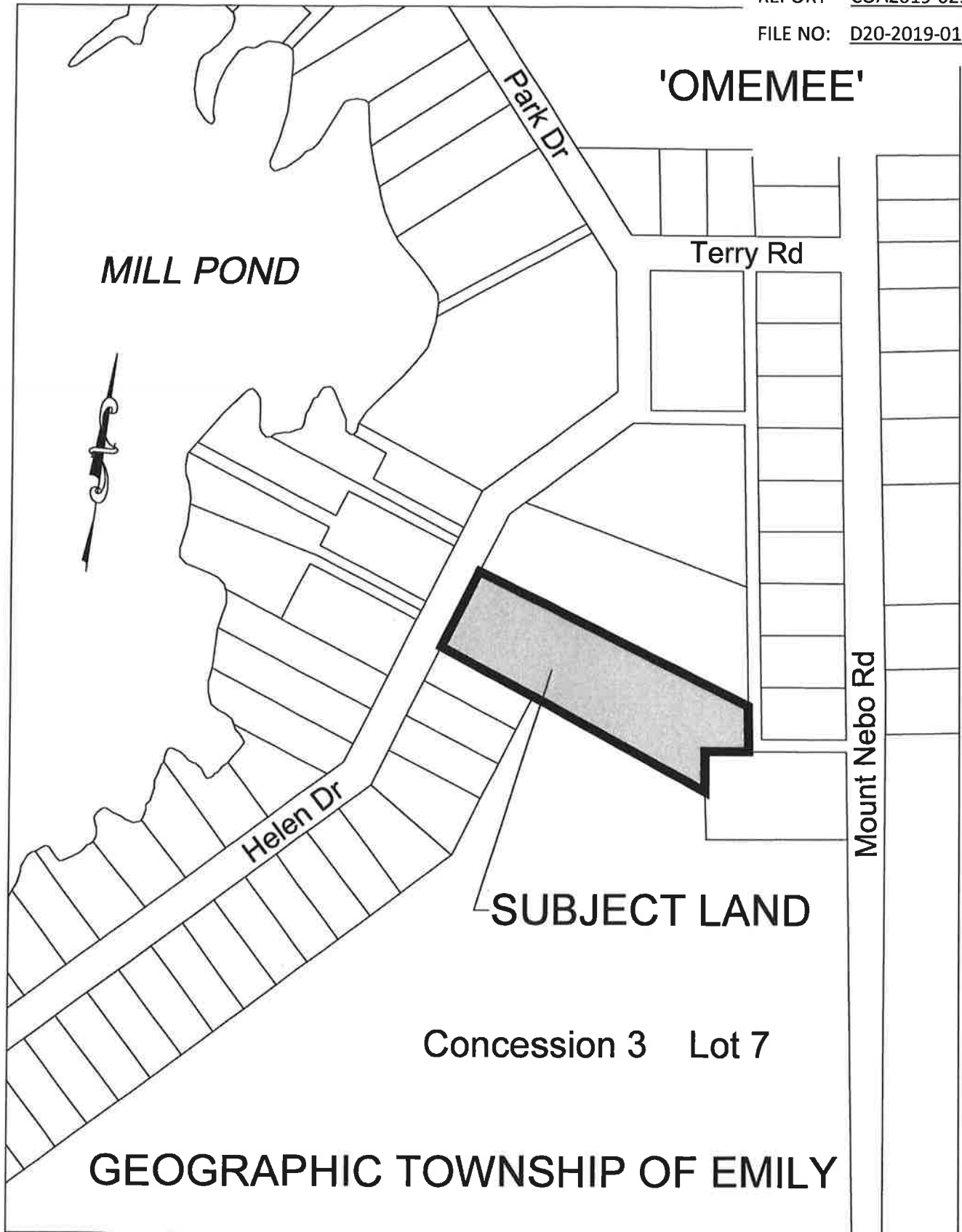


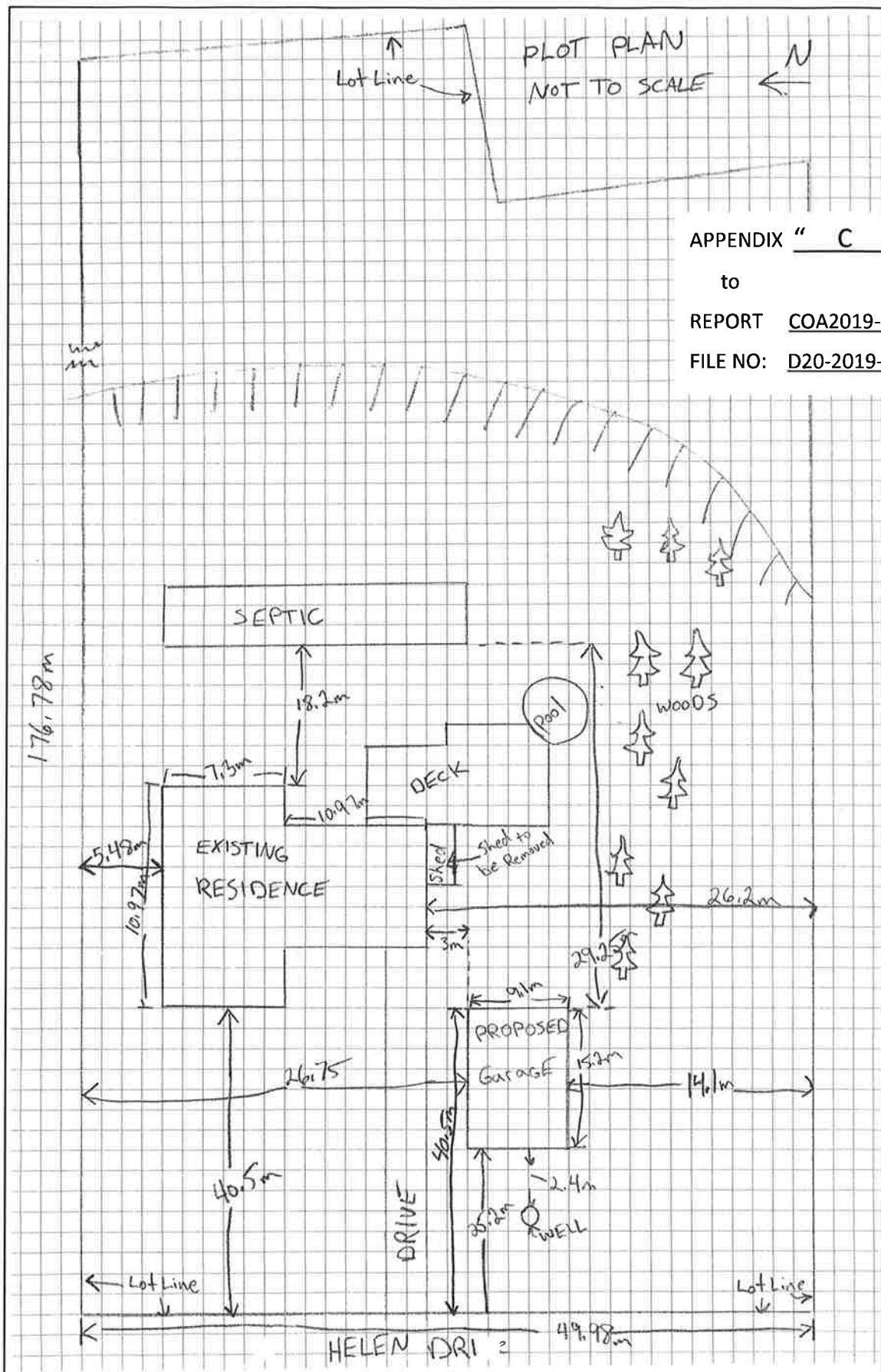
to

REPORT COA2019-025

FILE NO: D20-2019-017







APPENDIX " C "

to

REPORT COA2019-025

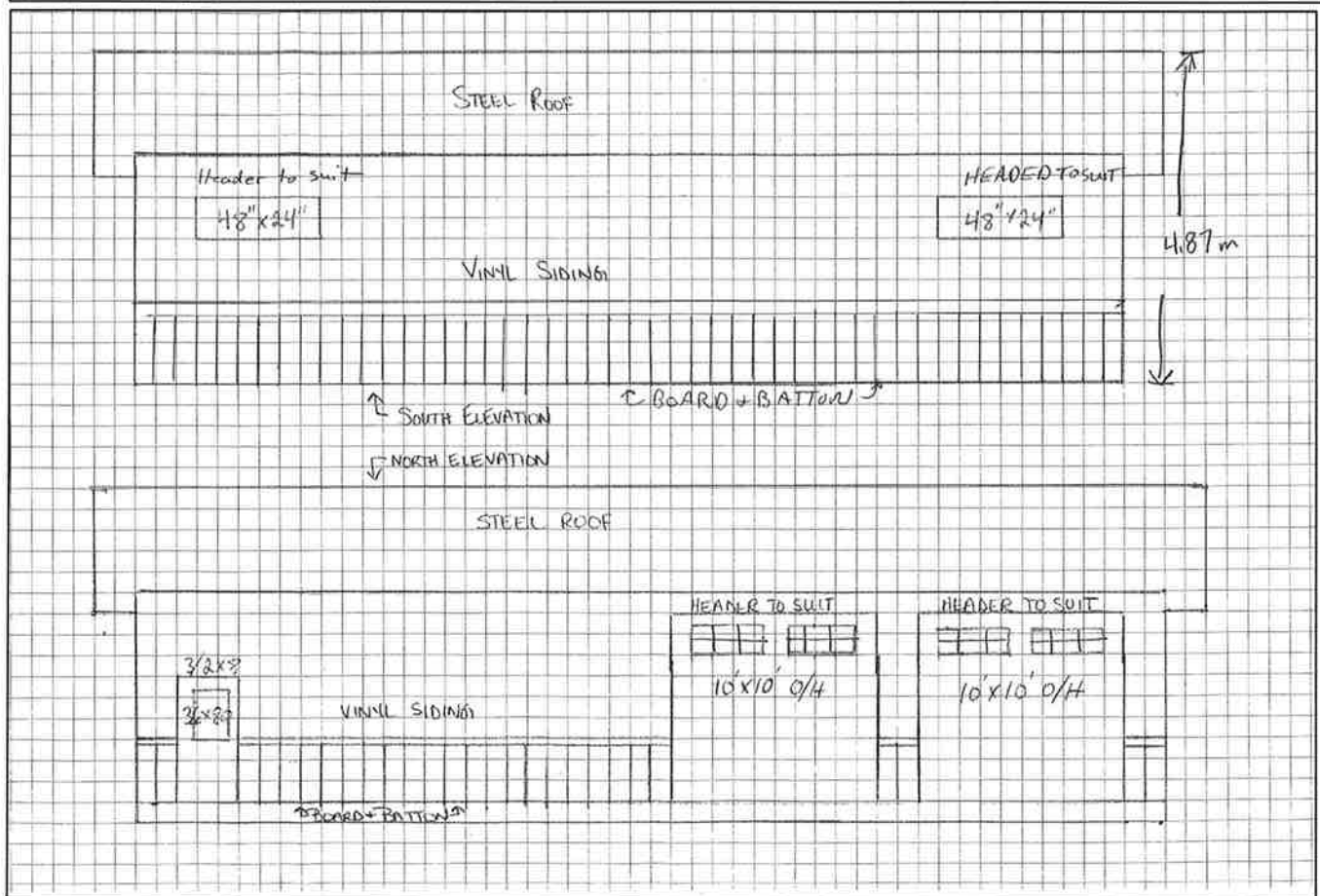
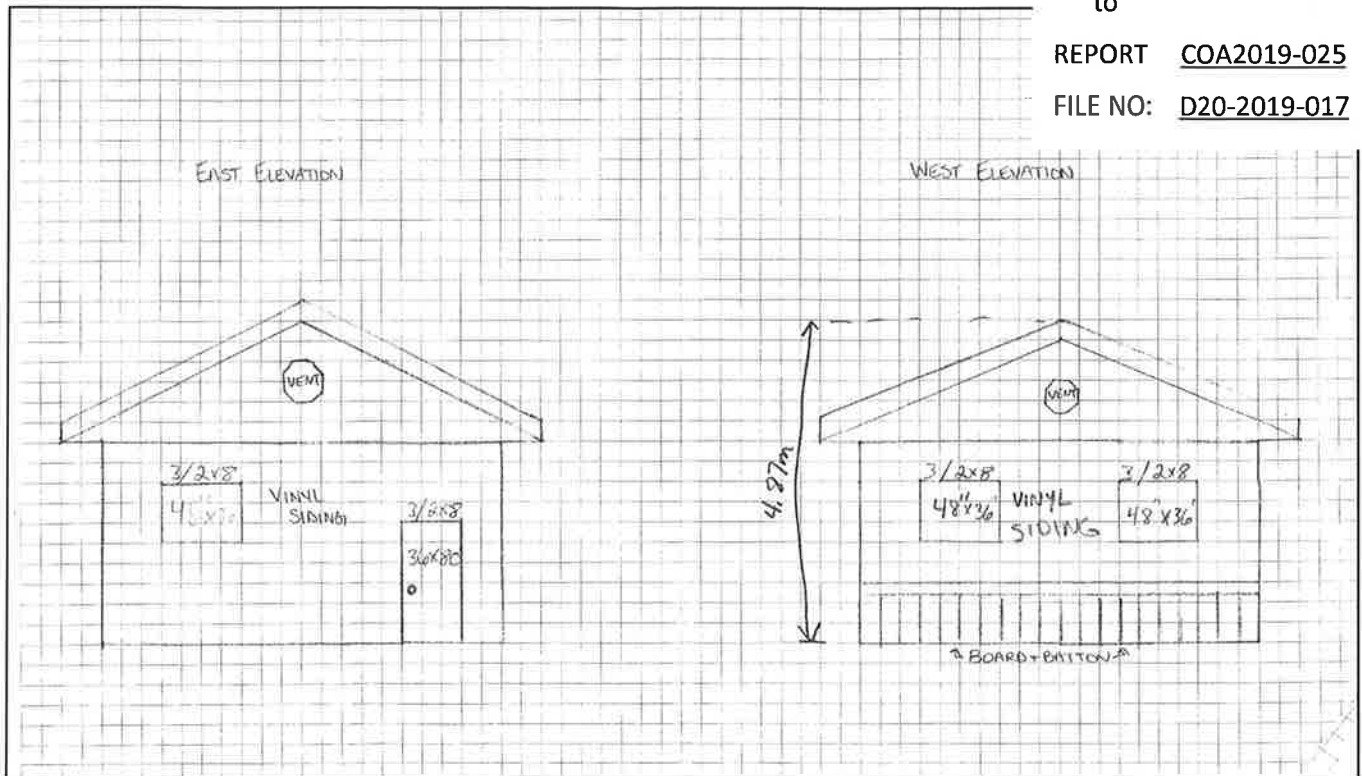
FILE NO: D20-2019-017



to

REPORT COA2019-025

FILE NO: D20-2019-017



**Charlotte Crockford-Toomey**

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**From:** Derryk Wolven  
**Sent:** Thursday, April 04, 2019 3:37 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** Committee of Adjustment

Please be advised building division has the following comments:

D20-2019-009	No concerns
D20-2019-015	No concerns
D20-2019-016	No concerns
D20-2019-017	No concerns
D20-2019-018	No concerns
D20-2019-019	No concerns
D20-2019-020	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)



**Via E-Mail:** [ccrockford-toomey@kawarthalakes.ca](mailto: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 – D20-2019-017**  
                    **Frank & Tera Keenan**  
                    **23 Helen Drive, Part of Lot 7, Concession 3**  
                    **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 comments:

**Application Purpose**

We understand the application is to consider relief from the Township of Emily Zoning By-Law 1996-30, as amended. The purpose and effect is to request relief from Section 3.1.2.1 to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted.

**Applicable Kawartha Conservation Regulations and Policies**

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

The subject property is within the KRCA's Regulated Area, as it is adjacent to the Pigeon River (Mill Pond – Omemee East Tributary). Kawartha Conservation regulates the Pigeon River and the greater of the flooding or erosion hazard associated with the Pigeon River. The valley system and associated slope (greater than 2 metres in height and/or steeper than 3:1 horizontal-to-vertical units) appears to be the greater of the regulated features and may be unstable and/or pose an erosion hazard. The extent of the erosion hazard is generally described as the landward limit of three components: 1) a toe erosion allowance (15 metres inland from the toe of the slope, unless otherwise determined through a site-specific study); 2) a projected stable slope allowance (typically 3:1 horizontal-to-vertical units on the Pigeon River, projected inland from the toe erosion allowance unless otherwise determined through a site-specific study); and, 3) an erosion access allowance (typically 6 metres). Development within the erosion hazard and/or within 15 metres of the erosion hazard is subject to KRCA's current erosion hazard policies for Accessory Buildings or Structures 4.5.3(5).

**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

In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, a permit is 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 construction of the detached garage will require a permit pursuant to Kawartha Conservation Policy 4.5.3(5) (Accessory Buildings or Structures-Erosion Hazards). The applicant is advised to contact Stacy Porter, Planning and Regulation Technician, at (705) 328-2271 ext. 231 or [sporter@kawarthaconservation.com](mailto:sporter@kawarthaconservation.com) for additional information regarding the permitting process, as a Letter of Permission is required to facilitate the construction of the detached garage subject to the application

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*.

##### **Growth Plan for the Greater Golden Horseshoe (GPGGH) - Natural Heritage System Mapping**

The subject property is located within the Provincial Natural Heritage System (NHS) released by the Ministry of Natural Resources and Forestry (MNRF) through the Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017. Key Natural Heritage Features (KNHFs) / Key Hydrologic Features (KHF) as part of the NHS have been identified on lands within 120 metres of subject lands including woodlands. Section 4.2.3.1 & 4.2.4.3 of the GPGGH prohibits development and site alteration outside settlement areas within key natural heritage features and key hydrologic

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features and their related vegetation protection zone (VPZ). Section 4.2.4.1 of the GPGGH states that development and site alteration within 120 metres of a KNHF/ KHF will require a natural heritage evaluation (NHE) or hydrologic evaluation that identifies a VPZ. For significant woodlands, the minimum VPZ is 30 m from the outside boundary of the feature (S. 4.2.4.1(c)). Due to the site specific constraints on the property and the nature of the application (no tree removal required), staff are of the opinion that the detached garage will present no negative impacts to the woodlands identified within the NHS; therefore, no NHE/EIS will be required to support the application.

### **Significant Woodlands**

The subject property appears to contain Significant Woodlands as identified within the City of Kawartha Lakes Official Plan (OP) and the Growth Plan for the Greater Golden Horseshoe (GPGGH). In keeping with the provisions of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (GPGGH) and Kawartha Conservation Policies, new 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. The proposed garage is proposed to be constructed within 120 metres of the significant woodlands. Typically, a Natural Heritage Evaluation (NHE) is required to demonstrate no negative impacts on the ecological function of the significant woodlands.

Given the site-specific constraints on the property and in lieu of a formal NHE, staff recommend minimizing tree removal and disturbance adjacent to the woodlands, although no removals are proposed. If tree removal is required, adherence to the *Migratory Bird Act* as well as the *Fish and Wildlife Conservation Act* must be followed (i.e. Tree inspection for nests/eggs must be undertaken prior to removal of trees and cannot occur during the nesting /breed season of migratory birds). Information regarding any tree removal is recommended to be submitted as part of the Ontario Regulation 182/06 permit to facilitate the construction of the detached garage.

### **Recommendation**

Based on our review of the above information, staff can recommend conditional approval of Minor Variance File D20-2019-017, provided the following conditions being addressed to our satisfaction:

1. The applicant obtains a permit pursuant to Ontario Regulation 182/06, for construction of the detached garage on the subject lands, and;
2. The applicant adheres to the provisions of the *Migratory Bird Act* and *Fish and Wildlife Conservation Act* regarding the inspection of trees for nests/eggs prior to any removal, if proposed. Tree removal cannot occur during the nesting/breeding season.

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  
[kstainton@kawarthaconservation.com](mailto:kstainton@kawarthaconservation.com)

cc: Stacy Porter, Kawartha Conservation, via email  
David Harding, City of Kawartha Lakes, via email  
Quadri Adebayo, City of Kawartha Lakes, via email  
Mark LaHay, City of Kawartha Lakes, via email

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The Corporation of the  
**City of Kawartha Lakes**  
Community Services  
50 Wolfe Street  
Lindsay, Ontario K9V 2J2  
Tel: 705-324-9411 ext 1300  
Toll Free: 1-888-822-2225  
[ldonnelly@kawarthalakes.ca](mailto:ldonnelly@kawarthalakes.ca)  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

LeAnn Donnelly, Executive Assistant, Community Services

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## MEMORANDUM

**DATE:** April 9, 2019  
**TO:** Committee of Adjustment  
**FROM:** LeAnn Donnelly, Executive Assistant, Community Services  
**RE:** Minor Variance - Various Applications

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This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2019-009 20 Griffin Drive, Somerville  
D20-2019-015 36 Stinson's Bay Road, Verulam  
D20-2019-016 3 Ripple Street, Fenelon  
D20-2019-017 23 Helen Drive, Emily Township  
D20-2019-018 52 McGill Drive, Manvers  
D20-2019-019 19 Snake Point Road, Bobcaygeon  
D20-2019-020 78 Logie Street, Lindsay

*LeAnn Donnelly*

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LeAnn Donnelly  
Executive Assistant, Community Services

**David Harding**

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**From:** Mark LaHay  
**Sent:** Monday, April 08, 2019 2:50 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20190408 D20-2019-017 - Engineering review

FYI - file

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**From:** Kim Rhodes  
**Sent:** Monday, April 08, 2019 2:06 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20190408 D20-2019-017 - Engineering review

**Please see the message below from Christina Sisson:**

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Good afternoon Mark - further to our engineering review of the following:

Minor Variance – D20-2019-017  
23 Helen Drive  
Part Lot 7, Concession 3, Part 4, 57R-7741  
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.2.1 to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted.

*From an engineering perspective, we have no objection to the proposed Minor Variance.*

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

Thanks,

*CHRISTINA*

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

