



Development Services – Planning Division
180 Kent St. West, 2nd Floor
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1367
Fax: (705) 324-4027
E-mail: qadebayo@kawarthalakes.ca
Website: www.kawarthalakes.ca

MEMORANDUM

TO: Committee of Adjustment

FROM: Quadri Adebayo, Planner II - Development Services – Planning Division

DATE: October 17, 2019

SUBJECT: Minor Variance Application File No. D20-2019-045
276 Moorings Drive, Geographic Township of Fenelon

Bart Barber, owner/applicant for the above-noted file requests relief from Township of Fenelon Zoning By-law 12-95, as amended, from the following in order to permit existing installations on a waterfront property thus:

Boat Port

1. Section 3.1.2.2 to reduce the minimum interior side yard setback for an accessory structure from 1.2 metres to 0.66 metre.

Sunroom Addition to Rear of Dwelling

2. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 9.99 metres;
3. Section 3.18.1.1 to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 9.99 metres;

Attached Garage with Living Space Above

4. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 5 metres;
5. Section 3.18.1.1 to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and
6. Section 13.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.86 metre.

On October 8, 2019, comments received from the Kawartha Conservation (KRCA) advised no support for two portions of the application (the sunroom addition and the attached garage with living space above). KRCA reasons were expressed as follows:

- The installations were built without obtaining necessary approvals, and as such considered a violation that needs to be dealt through a compliance process;
- The property is located within a regulated flood hazard and the installations have not been demonstrated to meet KRCA policies of being 0.3 metres above the regulatory flood elevation; and
- It has not been demonstrated that the number of dwelling units within the house between pre and post construction are the same.

In consideration of the above, and in light of the fact that the minor variance application process was triggered through a building enforcement matter, planning staff are unable to support the application at this time given that the flooding potential of the proposal has not been demonstrated to be consistent with the Natural Hazard policies of the 2014 Provincial Policy Statement and as such not considered minor or appropriate for the use of the land. Therefore, staff respectfully recommends the following resolution:

That Minor Variance application D20-2019-045 be DEFERRED for a period of two (2) months in order to provide the owner enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately evaluated for supportability by staff.

Sincerely,



Quadri Adebayo, Planner II



KRCA Comments.pdf

cc: Bartt Barber - Owner

Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment

Chris Marshall, Director of Planning

Derryk Wolven, Plans Examiner, Building Division

Susan Murchison, Chief Building Official, Building Division

Cheryl Bryant, Building and Zoning Clerk, Building Division

Anne Elmhirst, Supervisor – Part 8 Sewage Systems, Building Division

Erin McGregor, Resources Planner Technician – Kawartha Conservation

Jim Shrubsall, Compliance Officer & Permitting Technician, Kawartha Conservation

Ron Warne, Director, Kawartha Conservation

Gail and Harold Kukasch – Public - email

Via Email: ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
180 Kent Street West
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance
D20-2019-045
276 Moorings Dr, Part Lot 32, Concession 10
Geographic Township of Fenelon
City of Kawartha Lakes**

Dear: Ms. Crockford-Toomey:

This letter acknowledges the receipt of the above noted application for a Minor Variance. Kawartha Conservation staff have reviewed the application and provide the following comments:

Application Purpose:

It is our understanding that the purpose of this application is to consider relief under Section 45(1) of the Planning Act, R.S.O., as amended, from the Township of Fenelon Zoning By-law 12-95, as amended. The purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property; a detached boat port, and additions to a single storey dwelling that comprises of an attached garage with supplementary living space above and a sunroom at the rear.

- **Boat Port:**
 - o To reduce the minimum interior side yard setback for an accessory structure from 1.2 metres to 0.66 metre.
- **Sunroom Addition to the Rear of the Dwelling:**
 - o To reduce the minimum water setback from 15 metres to 9.99 metres;
 - o To reduce the minimum water setback from an Environmental Protection Zone from 15 metres to 9.99 metres.
- **Attached Garage with Living Space Above:**
 - o To reduce the minimum water setback from 15 metres to 5 metres;
 - o To reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and,

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

- To reduce the minimum interior site yard setback from 2.3 metres to 1.86 metre.

Site Characteristics:

The subject property is adjacent to the following natural heritage features:

- Provincially Significant Wetland
- ELC Wetlands
- Area of Natural and Scientific Interest – Life Science
- Burnt River

The following natural hazards are associated with the above noted natural heritage features:

- Erosion
- Flooding
- Unstable soils

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

The entirety of the subject property is within lands regulated by Kawartha Conservation. Kawartha Conservation regulates the flooding and erosion hazard associated with Burnt River. Kawartha Conservation also regulates the Provincially Significant Wetland adjacent to the property and all lands within 120m of it.

Any development on the subject property will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended. No development, site alteration, grading, structure, etc., is permitted within Kawartha Conservations regulated area prior to obtaining a permit pursuant to Ontario Regulation 182/06.

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 changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected 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.

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

Boat Port:

- Kawartha Conservation has no concern with the minor variance proposed to reduce the rear yard setback for accessory uses.

Sunroom Addition to the Rear of the Dwelling:

- Kawartha Conservation advises that this addition must be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines;

Attached Garage with Living Space Above:

- Kawartha Conservation advises that this addition must be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines;
- Additionally, all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation of 255.7m/ASL in accordance with Kawartha Conservation Floodproofing Guidelines.
- As per Kawartha Conservation policy 4.5.2 (5), an additional storey (or extension thereof) on existing residential dwellings located within a flooding hazard may be permitted provided it can be demonstrated that the number of dwelling units is the same or less and access (ingress/egress) conditions are "dry" where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than safe.

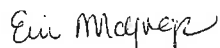
Recommendation:

Given the above comments, Kawartha Conservation does not support D20-2019-045, and it is the opinion of Kawartha Conservation that:

1. Consistency with Section 3.1 (Natural Hazards) of the PPS has not been demonstrated;
2. Consistency with Kawartha Conservation policies have not been met;
 - a. Specifically, it has not been demonstrated that the additions are 0.3 metres above the regulatory flood elevation and that the number of dwellings units has remained the same.
3. As the proposed construction has already taken place prior to obtaining the above noted Kawartha Conservation permit, the matter is now considered a violation and will be forwarded to our Compliance Officer (Jim Shrubsall copied on this letter) for further action. Please contact Jim directly at extension 250 for further information and clarification.

We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Erin McGregor
Resources Planner Technician – ex 232
Kawartha Conservation

CC:

Jim Shrubsall, Compliance Officer & Permitting Technician, Kawartha Conservation
Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation
Quadri Adebayo, Planner II, City of Kawartha Lakes
Susanne Murchison, Chief Building Official, City of Kawartha Lakes