

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Barber
Report Number COA2019-062

Public Meeting

Meeting Date: November 28, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property thus; 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

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.

The variance is requested at 276 Moorings Drive, geographic Township of Fenelon (File D20-2019-045).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-062 Bartt Barber be received;

That minor variance application D20-2019-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the dwelling and accessory building related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2019-062, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory structure(s) or the construction of any addition(s) between the rear wall of the dwelling and the water's edge;
- 3) **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the building permit situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 4) **That** the Building Permit process shall be completed within a period of twelve (12) 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

This approval pertains to the application as described in report COA2019-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: Committee deferred this application at its October 17, 2019 meeting for a maximum period of 2 months in order to allow sufficient time for the issues identified by the commenting agencies to be addressed and to ensure the proposal can be adequately evaluated for support by planning staff.

Kawartha Conservation (KRCA) have confirmed the following via preliminary conversations with planning staff and advised that they will provide formal comments before the application is presented at the public meeting;

- (i) that they will not be pursuing any violation orders against the applicant since their records show that a permit was issued from their office for the attached garage with living space above (see Appendix E). Since the boat port and

sunroom which were constructed almost 10 years ago, these matters cannot be enforced retroactively; and

- (ii) that Burnt River is a known natural flood hazard for which mitigating measures are limited when the river overflows on land during increased water levels.

The Building Division's enforcement process on the property is still active and subject to the outcome of a minor variance decision. They advised that the sunroom was built without permits whereas the physical build-out of the attached garage with living space above is largely inconsistent with the drawings provided for the building permit that was issued. A minor variance was recommended upon this discovery and the property owner/applicant was also required to get their property surveyed in company with the minor variance application submission.

Planning staff note that the construction of the attached garage with living space above is incomplete due to a stop-work-order issued by the Building Division. Notwithstanding the building enforcement matter in play, planning staff are evaluating the proposal as if the installations subject to this minor variance were non-existent and newly proposed today.

The application was deemed complete September 26, 2019.

| | |
|--------------------|---|
| Proposal: | To recognize the addition of an approximately 132.3 square metre attached garage with living space (master bedroom) above, and an approximately 16.4 square meter sunroom onto an approximately 69.1 square metre dwelling, and an approximately 27 square metre boat port. |
| Owner/Applicant: | Bartt Barber |
| Legal Description: | Part Lot 32, Concession 10, geographic Township of Fenelon, now City of Kawartha Lakes |
| Official Plan: | Waterfront within the City of Kawartha Lakes Official Plan |
| Zone: | Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95 |
| Site Size: | 850.5 square metres |
| Site Servicing: | Lake water and private individual sewage system. |
| Existing Uses: | Shoreline Residential |
| Adjacent Uses: | North: Burnt River, Goose Lake South: Moorings Drive, Cameron Lake |

East and West: Shoreline Residential

Rationale: While the boat port and the additions to the dwelling are already built, they do not comply with zoning. Therefore, the Planning Act requires that these installations be presented and discussed as proposed buildings.

1) Are the variances minor in nature?

- (i) **Boat Port - Yes**
 - (ii) **Sunroom – Yes**
 - (iii) **Attached Garage - Yes**
- And**

2) Is the proposal desirable and appropriate for the use of the land? Yes

- (i) **Boat Port - Yes**
- (ii) **Sunroom – Yes**
- (iii) **Attached Garage - Yes**

The subject property is amongst a chain of waterfront residential lots on a peninsula that runs west to east separating Burnt River from Cameron Lake. Two sides of the neighbourhood (north and south) are designated as Provincially Significant Wetland in the City of Kawartha Lakes Official Plan.

The property is roughly trapezoidal, widening at the shoreline and narrowing at the street line. The boat port design is a steel frame type with roof cover. The boat slip is made of wood and serves as a base to hold the boat port. Based on the condition of the boat slip, it appears to have been in place prior to the installation of the boat port on top of it. Although a boat port is permitted to be located within the water setback, it is expected to comply with the minimum interior side yard requirement of the by-law. Thus, from a planning perspective, if the applicant consulted with the City staff prior to installation of the boat port, it would have been recommended that it be placed at a minimum of 1.2 metres from the westerly interior side lot line. However, in answering whether the deficiency in that side of the yard is minor, it is pertinent to evaluate likely impact on neighbouring land uses. Burnt River as identified by KRCA is flood prone. The dock and boat slip which do not require building permits from the City are already in place and have established the manner of flooding on the property when there is a rise in water levels. As the installation of the boat port appear to be a nailed fixation on the existing boat slip without the need for digging or landscaping, its placement is not considered to exacerbate the established flooding impact on the property. The eaves of the roof wraps flat along the sides of the boat port with no protruding extension. Notwithstanding the deficiency in the westerly interior side yard, the design of the roof will normally direct stormwater inside the subject property. From a functional perspective, it provides temporary cover for marine craft from weather elements. A similar boat port and boat slip also exists on the abutting property to the east (274 Moorings Drive), and no concerns were raised by commenting agencies.

Respecting the sunroom, the limits of its construction within the rear yard does not protrude beyond the rear yard depth established by the rear deck. The

survey document provided by the owner indicates an improvement in the water setback situation for the sunroom in comparison with the deck. The west corner of the rear deck is 9.36 metres from the water's edge while the east corner, which touches the west side-wall of the sunroom, is 9.99 metres from the water's edge. Whereas the east side-wall of the sunroom is approximately 11.2 metres from the water's edge. If it were newly proposed, an improved water setback situation would have been recommended by planning staff. There is sufficient room on the easterly side yard to enable movement and maintenance. The space in that part of the yard in conjunction with the tree on the neighbouring property also helps to limit any negative massing impact that may result from the addition. The applicant has also demonstrated reason with planning staff's recommendation through the removal of the frame shed located within the water setback that was identified as creating spatial separation issues and interfering with the landscaped amenity space to the water.

Concerning the attached garage addition with living space above it, if it were a new proposal, planning staff would have supported the depth of the wall provided it does not protrude beyond the depth established by the existing dwelling from the water with KRCA approval being a prerequisite. The issuance of a KRCA permit in conjunction with the preliminary comments KRCA has demonstrated that no negative impact is anticipated, plus the property was also identified to be inherently flood-prone. On the other hand, the extent of the addition within the westerly interior side yard would have been supported if it were flush with the front wall of the dwelling at approximately 2.1 metres (0.2 metre less than the minimum requirement). However, the relief requested for a 1.86 metre setback (a 0.44 metre reduction from the minimum requirement) in that side of the yard is considered minor. Site observations suggest that sizeable room is available to navigate between the front and rear yards. The commenting divisions (Building and Engineering) have also not raised any concerns from a spatial separation or drainage perspective. Likewise, the massing of the design is similar to the abutting neighbour to the west (278 Moorings Drive). The scale of the development also appears to be in character with the general neighbourhood which consists of a mix of single and two-storey dwellings.

As the proposed development has not been identified to pose negative impacts to servicing, or affect the aesthetic of the shoreline, the variances are considered minor as well as desirable and appropriate for the use of the land.

- 3) Do the variances maintain the intent and purpose of the Zoning By-law?**
- (i) Boat Port - Yes**
 - (ii) Sunroom – Yes**
 - (iii) Attached Garage – Yes**

The subject property is zoned Rural Residential Type Three (RR3) Zone in the Township of Fenelon Zoning By-law 12-95.

The Zoning By-law, through its Environmental Protection Zone setback, has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water

quality and habitat. The proposed water setback for the additions are not anticipated to negatively impact this functionality since the additions will not extend beyond the established dwelling setback for the attached garage with living space above, and the established deck setback for the sunroom. Therefore, sufficient spatial separation between the development and Burnt River will be maintained.

The reduced interior side yard setback for the attached garage provides for sizeable maintenance and pedestrian access between the front and rear yards. The Engineering and Corporate Assets Department has raised no concerns with respect to drainage matters.

The reduced interior side yard is also not anticipated to adversely impact the use or privacy of the westerly abutting property (278 Moorings Drive) given that some vegetation exists along the side yard, and the neighbour also has a privacy fence installed on their side of the property.

Additionally, as explained in rationale 1 and 2 above, the eaves of the boat port roof wraps flat along the sides of the boat port with no protruding extension that directs stormwater inside the deficient interior side yard area. It meets the accessory building lot coverage requirement and functionally provides cover for marine craft from weather elements whereas no concerns were raised by commenting agencies.

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?

- (i) Boat Port - Yes**
- (ii) Sunroom – Yes**
- (iii) Attached Garage – Yes**

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. The designation anticipates residential uses and ancillary uses.

The proposed side yard reductions would still function as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat in accordance with Ministry of Natural Resources and Forestry recommendations. These setbacks also have the added function of directing built form away from the shorelines so that natural, rather than built form dominates which in turn reduces massing impacts by increasing spatial separation in keeping with the policies laid out in section 20.3. KRCA has not raised any issue whilst identifying the neighbourhood to be inherently flood prone. Similarly, the installation of the boat port, sunroom, and attached garage is not anticipated to significantly alter the existing flooding situation.

In consideration of the above, the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Observations from the site inspection suggests that there may be a desire by the applicant to construct an upper level deck by the glassed sliding door of the master bedroom space immediately above the attached garage facing the water. The applicant did not advise of any plans when this was shared with them. Planning staff would like to clarify that an upper level deck will not be supported due to the deficient water setback situation in the rear yard of the subject property. It is strongly recommended that the applicant explore the option of a Juliette balcony that will not project beyond the maximum requirement of 0.6 metres within the rear yard in accordance with the yard provisions of the Township of Fenelon Zoning By-law.

Servicing Comments:

The property is serviced by lake water and private individual sewage system.

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 (October 7, 2019) – No concerns.

Engineering and Corporate Assets Department (October 8, 2019) – No objections.

Kawartha Conservation (October 31, 2019) – No concerns. See preliminary comments in Appendix D3.

Public Comments:

Gail and Harold Kukasch - 268 Moorings Drive (October 8 and October 9, 2019):

They advised that the most of the construction on the subject property were done without permits, that the applicant intentionally falsified the drawing figures in order to avoid the appropriate process before construction. They indicated that the boat slip, which was installed by the applicant is too close to their property line, causes their property to flood every spring. The proximity of the newly constructed garage to the boat slip acts as a blockage sending water into their yard. Further, they do not consider the variances to be minor given that the development has impacted their property value, personal safety, and the integrity of their home. They finally suggested that the boat slip area be filled and returned to the original condition when the applicant purchased the property in 2010. See Appendix F1 to F2.

Planning staff response is as follows:

- (i) Permits: comments provided by the permitting agencies did not reflect any concerns following their review of the minor variance application. The building

enforcement matter has been activated, and the minor variance is a step towards satisfying any Building Division requirements. KRCA has also advised that they are unable to pursue enforcement retroactively for portions of the development that was done without permit.

- (ii) Boat Slip: KRCA regulates docks and boat slip construction and have raised no concerns. The zoning by-law does not regulate these installations and they are not part of the relief evaluated under the minor variance tests.
- (iii) Attached Garage: Planning staff typically rely on KRCA's input when there is a water setback deficiency, especially when in proximity to an Environmental Protection Zone. Apparently, KRCA did issue a permit for the attached garage and has advised of no concerns due to the neighbourhood being flood prone. This in conjunction with the planning rationale 1 and 2 above solidifies Staff's position regarding the attached garage. As well, the subject property is not in a site plan control area; therefore, the City's site alteration by-law does apply to the subject property.

Overall, the relief sought through the minor variance is not rationalized to be a root cause of the flooding concerns. Therefore, the City is unable to intervene in the matter as it is considered a civil matter between two property owners.

Attachments:

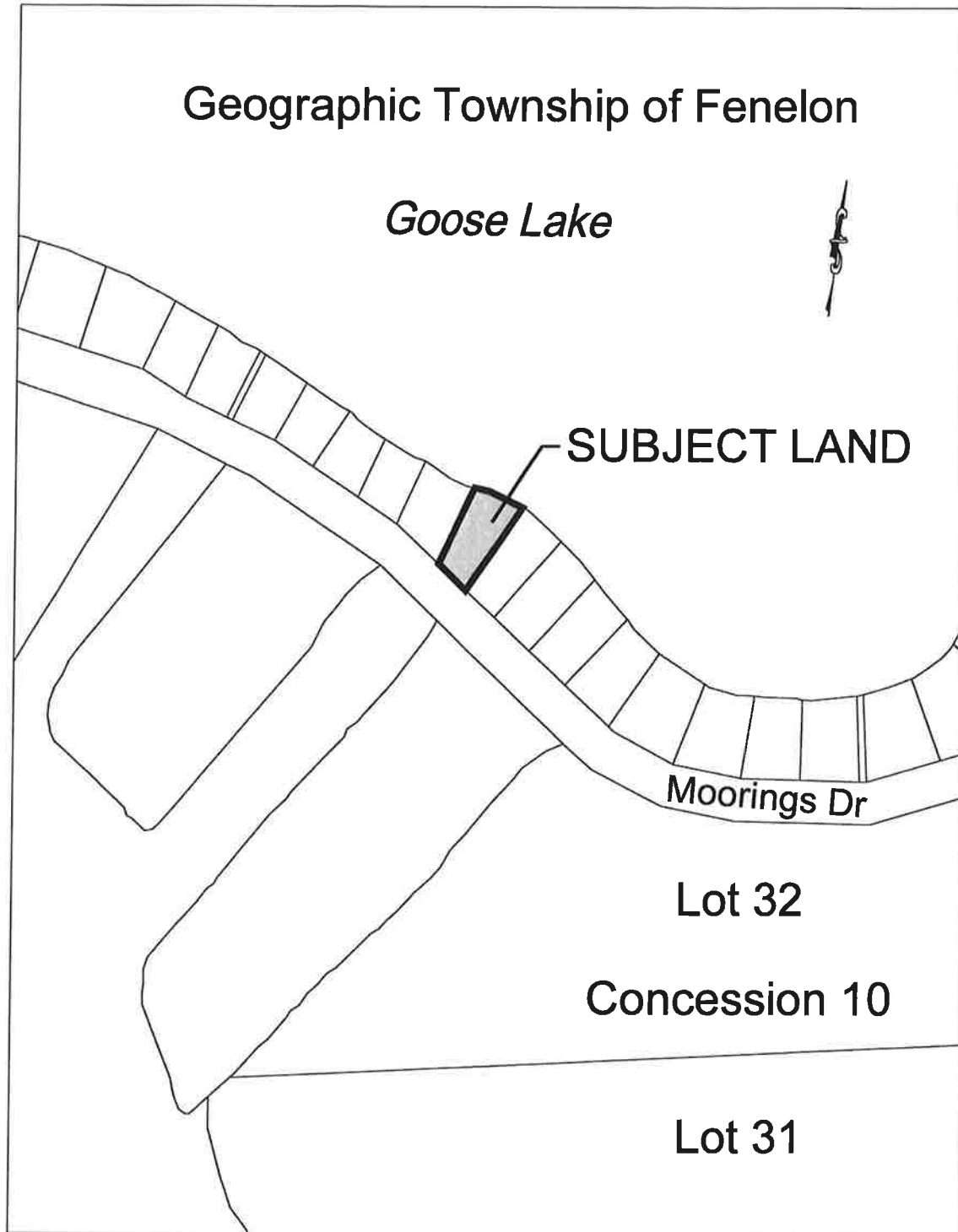


Appendices A-F to
Report COA2019-062

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D1 to D3 – Department and Agency Comments
Appendix E – KRCA Permit for the Attached Garage
Appendix F1 to F2 – Public Comment

| | |
|-------------------------|--|
| Phone: | 705-324-9411 extension 1367 |
| E-Mail: | qadebayo@kawarthalakes.ca |
| Department Head: | Chris Marshall, Director of Development Services |
| Department File: | D20-2019-045 |

D20-2019-045





GEOMATICS
MAPPING

276 Moorings Drive, geographic Township of Fenelon



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. A data, layers and text that appear on this map may or may not be accurate current, or otherwise reliable

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Site Plan Sketch

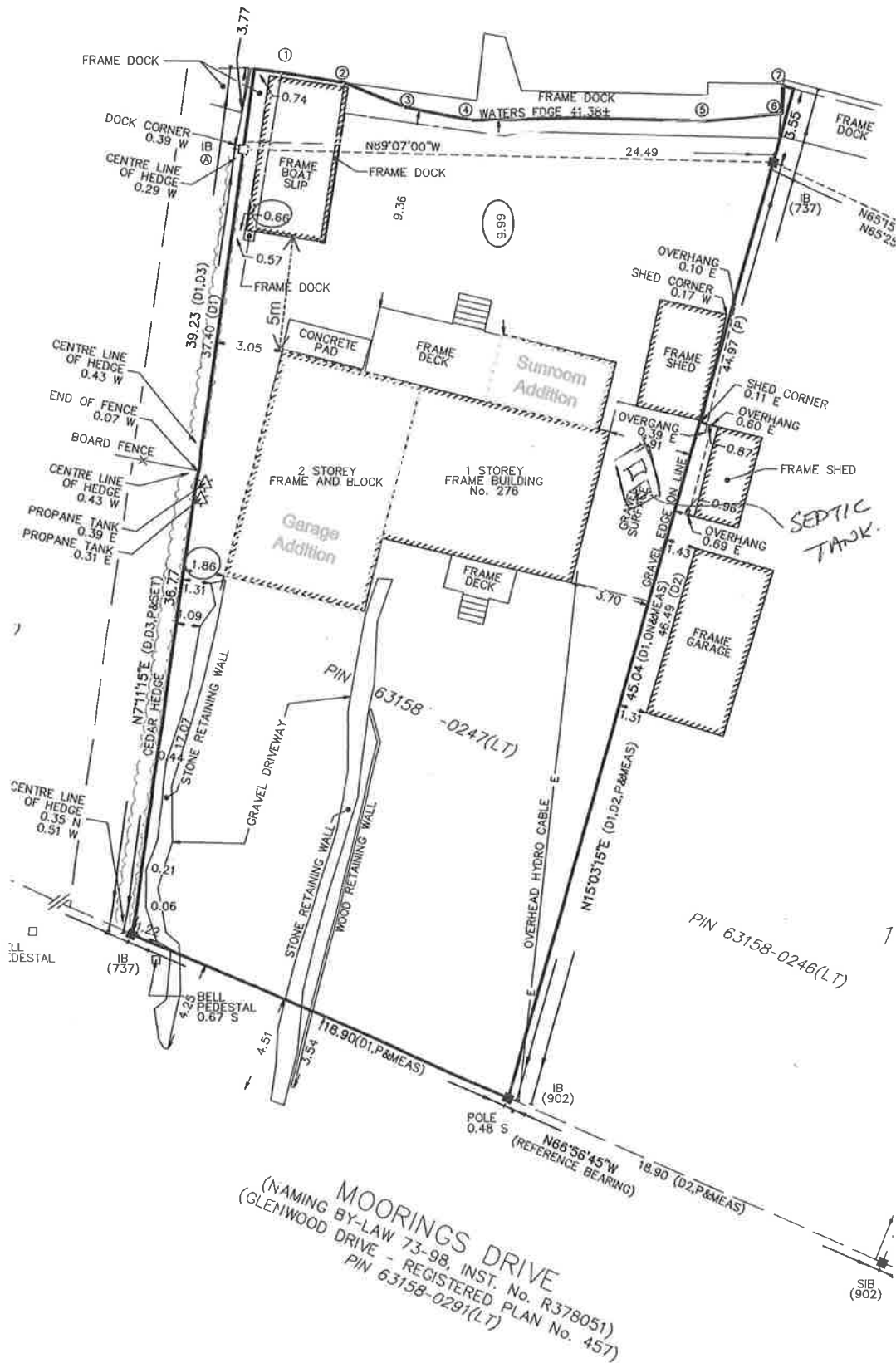
APPENDIX: C

to

BURNT RIVER

REPORT COA2019-062

FILE NO: D20-2019-045



Quadri Adebayo

APPENDIX D1

From: Derryk Wolven
Sent: Monday, October 07, 2019 11:40 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-045

REPORT COA2019-062

FILE NO. D20-2019-045

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



Quadri Adebayo

APPENDIX " D2
to

From: Mark LaHay
Sent: Tuesday, October 08, 2019 4:02 PM
To: Quadri Adebayo
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191008 D20-2019-045 - Engineering review

REPORT COA2019-062
FILE NO. D20-2019-045

FYI - file

From: Kim Rhodes
Sent: Tuesday, October 08, 2019 2:11 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191008 D20-2019-045 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-045
276 Moorings Drive
Part Lot 32, Concession 10
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following in order to permit existing installations on a waterfront property thus; 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

1. 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. to reduce the minimum water setback from 15 metres to 9.99 metres;
3. to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 9.99 metres;

Attached Garage with Living Space Above

4. to reduce the minimum water setback from 15 metres to 5 metres;
5. to reduce the minimum setback from an Environmental Protection Zone from 15 metres to 5 metres; and
6. to reduce the minimum interior side yard setback from 2.3 metres to 1.86 metre.

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.

Quadri Adebayo

APPENDIX ⁿ D3
to

From: Erin McGregor <emcgregor@kawarthaconservation.com>
Sent: Thursday, October 31, 2019 1:23 PM
To: Quadri Adebayo
Subject: 276 Moorings Dr - KRCA update

REPORT COA2019-062
FILE NO. D20-2019-045

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Quadri,

Got your voicemail regarding 276 Moorings Dr.

In an effort to keep this application moving forward, I will revise our comments to reflect the following:

For the original comments I wasn't aware that all of the structures requiring a minor variance were already constructed. Because all the structures are existing, we can indicate that we have no objections to their minor variances.

We also won't pursue any violations against the applicant. The addition which included a garage and living space above received a permit from this office in July 24. Additionally, the boat slip and sunroom were both built around 2010-2011 I believe. Because it has been almost 10 years since their construction, Jim said he won't pursue any violations.

Regarding the flooding, I'm not sure that there is anything that Kawartha Conservation can do to mitigate the flooding impacts. The Burnt River is a known flooding hazard. The neighbours (Gail and Harold Kukasch) have expressed their concerns to us many times (as I'm sure you're well aware) and they claim that the boat slip is causing the flooding issues on their property. I spoke with some other staff members, and can confirm that it is highly unlikely that the boat slip is causing the flooding or greatly exacerbating it.

I will confirm all of this with Ron.

Sincerely,

Erin McGregor
Resources Planner Technician
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ex 232

Fax: 705.328.2286

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

to



KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
Tel: 705.328.2271 Fax: 705.328.2288
www.kawarthaconservation.com

REPORT

COA2019-062

FILE NO.

PERMIT No.

D20-2019-045
2018-238

**DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO
SHORELINES AND WATERCOURSES – ONTARIO REGULATION 182/06**

Valid: July 24, 2018 to July 24, 2020

This permit expires on the date noted above, at which time it becomes null and void.

Should you need to extend the period of validity to allow for you to complete the permitted works, an extension for a maximum of one additional year may be granted. You will need to contact Kawartha Conservation to request an extension a minimum of 60 days prior to the permit expiration date, in order for us to accommodate the extension request, as required per Ontario Regulation 182/06.

Permission has been granted to:

| | | | |
|-----------|---|------------|--|
| Owner(s): | Bartt Barber | Applicant: | Jonathan Pitcher |
| Company: | | Company: | Kawartha Lakes Draft & Design |
| Address: | 7 Victoria Street East Cooksville, ON L0L 1L0 (H) 416-677-2124 | Address: | 6-70 Bond Street West Lindsay ON, K9V 3R4 |
| Phone: | (B) 905-660-6831 | Phone: | 705-328-4518 Kawartha_design@yahoo.ca |
| Location: | 276 Moorings Drive, Lot 32, Concession 10; Geographic Township of Fanelon, City of Kawartha Lakes | | |
| For the: | Construction of a ~ 147.25 square meter garage addition with second-storey master suite above the garage and the associated excavation/grading/fill placement (~11.5 cubic meters) for foundation works | | |

Note: This permit does not exempt the owner/applicant from obtaining and adhering to Municipal, Provincial, and/or Federal permits that may also be required.

**This permit shall be subject to the attached Special and General
Conditions and Silt Fence Fact Sheets.**

OFFICE USE ONLY

- ☐ Owner: Bartt Barber
☐ Applicant: Jonathan Pitcher
☐ Building Dept
☐ KRCA File: 16400

Ron Warne
Director, Planning, Development & Engineering

Applicant Signature

Date July 24, 2018

Date

Permit No. 2018-238
Page 1/5

SITE LEGEND

◀ WEIRIC LINTANCE/TILL LICH

on 60000 4000 2000

▶ 60000 4000 2000

▶ 60000 4000 2000

▶ 60000 4000 2000

LEGAL DESCRIPTION
 Block 10, Part 10, Lot 30, Township 11
 Range 10, East of Range 10
 10th St. Township, South

GENERAL NOTES

DETAILS SHOWN ON THIS PLAN ARE IN
FUT. AND CAN BE DEEMED TO BEING
OF IMPORTANCE BY ENGINE

4. ALL INFORMATION TAKEN FROM
CONSTRUCTION PLAN PROVIDED BY
PROJECT ARCHITECT
ENGINEER AND SUBMITTER
OF PROPOSAL, DATE
APRIL 27, 1982

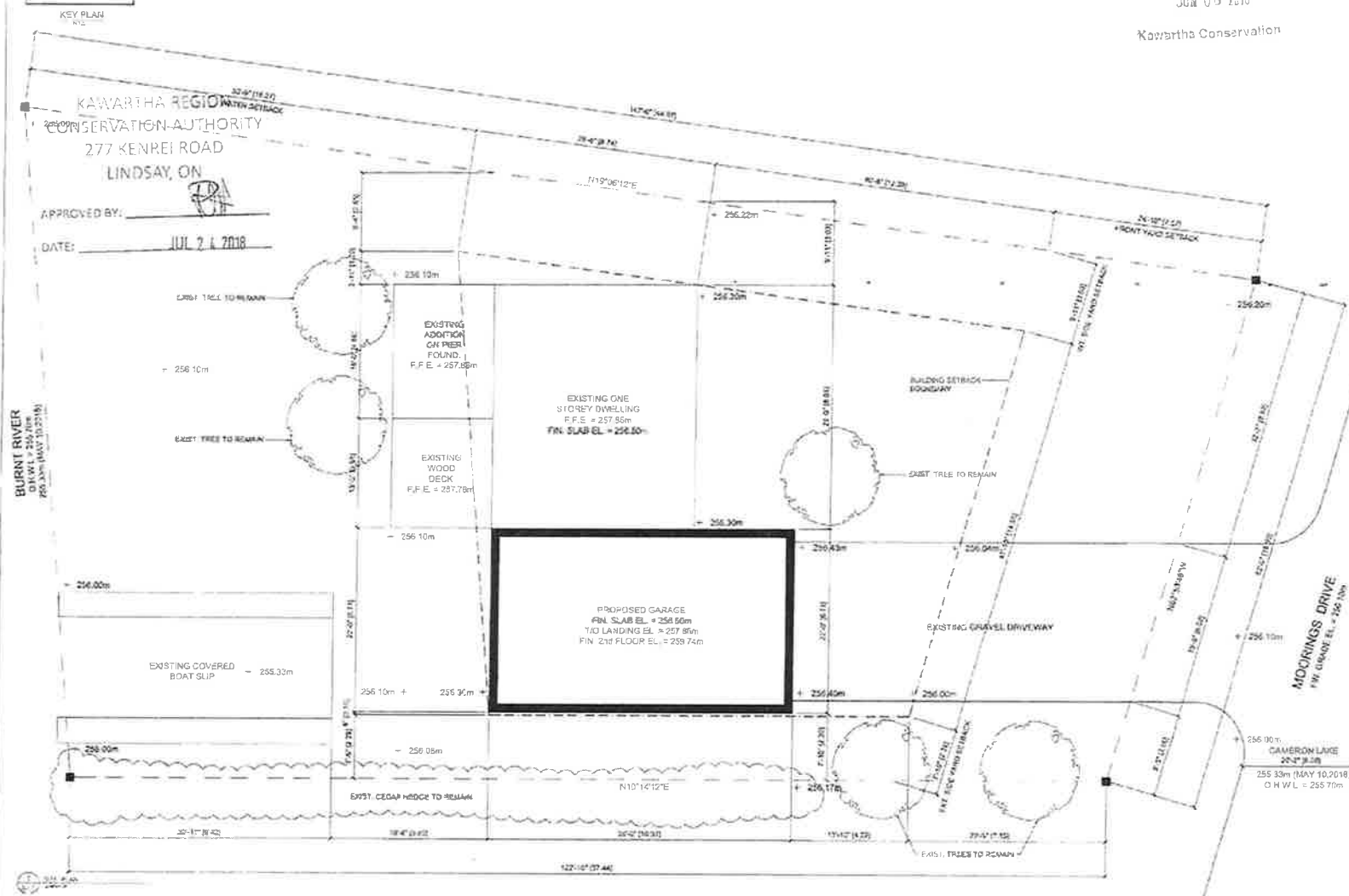
DRAWING NOTES

- ## DRAWING NOTES
1. The plan shows the arrangement of houses and the position of the main roads in Wallingford. It also shows the position of the town in relation to the river.
 2. The legend (or key) explains the symbols used on the map. It includes the names of the streets and the names of the houses.
 3. There is a scale bar at the bottom of the map. It shows the distance between the houses and the distance between the roads. It also shows the distance between the town and the river.
 4. The map is a plan of the area. It shows the position of the houses and the position of the roads. It also shows the position of the town and the position of the river.
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RECEIVED

JUN 03 2016

Kawartha Conservation



QUALIFICATION INFORMATION

The undersigned has reviewed and concurs respectfully, in this report and has the qualifications and authority to recommend approval of the findings of the study to be a foregone conclusion.

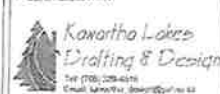
REGISTRATION INFORMATION

| Author | Journal | Year | Volume | Issue | Page |
|--------|---------|------|--------|-------|------|
| ... | ... | ... | ... | ... | ... |

924 VITKOVICH

| NO. | DESCRIPTION | BY | DATE |
|-----|---------------------|----|----------|
| 2 | PRELIMINARY | JP | 02/02/8 |
| 3 | PRELIMINARY | JP | 02/06/8 |
| 4 | PRELIMINARY | JP | 02/12/8 |
| 5 | STATUS FOR PERMIT | JP | 02/15/19 |
| 6 | GENERAL REVISIONS | JP | 05/02/8 |
| 7 | CONSERVATION PERMIT | JP | 04/04/8 |

PROJECT DESIGN FLOW



PROJECT DESCRIPTION

NEW GARAGE

276 BROADVIEW DRIVE, STERILON FALLS, ONTARIO

ORG. NAME

SITE PLAN

| | |
|-----------------------|--------------------|
| DATE 04/02/18 | DRAWN BY JP |
| SCALE 1/8" = 1'-0" | CHECKED BY JP |
| PROJECT NO. 17-015 | DRAWING NO. A-1 |

Charlotte Crockford-Toomey

APPENDIX " F1
to

From: Quadri Adebayo
Sent: Tuesday, October 08, 2019 2:25 PM
To: Charlotte Crockford-Toomey
Subject: FW: Barber Variance D20-2019-045
Attachments: IMG_3208.jpeg; IMG_3209.JPG; IMG_3210.JPG

REPORT COA2019-062

FILE NO. D20-2019-045

FYI – File. Thanks

From: G K [<mailto:gailkukasch@gmail.com>]
Sent: Tuesday, October 08, 2019 12:09 PM
To: Quadri Adebayo
Subject: Barber Variance D20-2019-045

To the committee of adjustments:

We are writing to express our concerns regarding the above on the property directly to our east. We expected this process to happen prior to the construction of the addition so that the plans would be made to conform. Mr Barber was fully aware that a variance was required prior to building but chose to use false figures making it appear his drawings conformed. Numerous calls to the building department both prior to and since the permit was issued seem to have been disregarded. Now, the newest addition, there have been others done without permits, is not only too close to our property by 18 inches in the front corner of the new garage, crowding us again, but is ridiculously close to the river at a distance of 5 meters from the poorly built boat slip which Mr Barber added. This area, which is only 0.66 meters from the property line, is subject to flooding from the boat slip every spring. The new garage acts as a blockade sending the waters into our yard, being the only point where water is an issue the last few years. Our property value is impacted as well as our personal safety and the integrity of our home. We do not consider these to be MINOR variances in any way. Mr Barber's disregard for the laws and neighbours should not be rewarded by approval of this blatant abuse. If he were applying for a permit thru the proper process I am quite certain it would be denied. Allowing him to proceed will encourage more of this type of back door approval and does not in any way protect us.

We will attach photos of the boat slip which have been provided previously so the file is complete.

We appreciate your time and consideration of these concerns.

Gail and Harold Kukasch
278 Moorings Dr

As a side note, we are unable to attend the meeting on Oct 17, but can be reached by phone at 239 400-1900 or email if further clarification is required. We are out of the country as of October 15.





Quadri Adebayo

APPENDIX " F2 "

From: Charlotte Crockford-Toomey
Sent: Wednesday, October 09, 2019 3:39 PM
To: Quadri Adebayo
Subject: FW: FW: Memorandum D20-2019-045, 276 Moorings Drive

REPORT COA2019-062
FILE NO. D20-2019-045

Fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
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From: G K [<mailto:gailkukasch@gmail.com>]
Sent: Wednesday, October 09, 2019 3:35 PM
To: Charlotte Crockford-Toomey
Subject: Re: FW: Memorandum D20-2019-045, 276 Moorings Drive

Thank you very much. We appreciate any and all updates. We did speak with Jim Shrubsall this morning over our concerns about the boat slip...the proximity to our property, flooding from it every spring etc. We are extremely concerned about this aspect being overlooked. I would like to suggest it be filled in and returned to the way the property was when Mr Barber purchased in May 2010.

Gail and Harold Kukasch

On Wed, Oct 9, 2019 at 3:21 PM Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca> wrote:

Please find attached.

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



From: Charlotte Crockford-Toomey
Sent: Wednesday, October 09, 2019 3:20 PM
To: 'gailkukasch@gmail.com'
Subject: Memorandum D20-2019-045, 276 Moorings Drive
Importance: High

Good afternoon Gail and Harold

Please find attached a copy of the memorandum, D20-2019-045.

Many thanks

Charlotte Crockford-Toomey
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