

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Baker, Bowers & Germain Report Number COA2019-071

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 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 provisions to facilitate the separation of ownership of two cottages and recognize the location of an existing cabin:

1. Section 15.2.1.1(b) to reduce the minimum lot area from 2,000 square metres to 1,212 square metres for the proposed severed parcel and 1,296 square metres for the proposed retained parcel,
2. Section 15.2.1.2(c) to reduce the minimum required shore lot line frontage for the proposed severed parcel from 35 metres to 25.8 metres,
3. Section 15.2.1.3(b)(i) to reduce the minimum required interior side yard from 1.3 metres to 0.7 metres for the existing cabin on the retained parcel; and
4. Sections 3.18.1.1 and 15.2.1.3(e) to reduce the minimum required setback from an Environmental Protection (EP) Zone and water setback from 15 metres to 4.5 metres for the existing cabin on the retained parcel.

The variances are requested at 8-10 Kanata Trail, geographic Township of Fenelon (File D20-2019-053).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2019-071 Earle Baker, Simon Bowers and France Germain be received;

That minor variance application D20-2019-053 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction of the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part

of report COA2019-071, which shall be attached to and form part of the Committee's Decision; and

- 2) **That** if the related application for consent, file number D03-17-044 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-071. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On July 1, 2019, the Director of Development Services as delegated by Council granted provisional consent to file D03-17-044. The application proposes to separate two dwellings from one another on land that merged on title. The previous merger combined three parcels. The third parcel was vacant, and is proposed to be shared between the two proposed lots. Provisional consent approval required the owners to apply for variances to establish the reduced lot area and frontage for the proposed severed, reduced lot frontage for the proposed retained, and reduced water and side yard setbacks for the cabin on the proposed retained.

The application was deemed complete September 27, 2019.

Proposal: To re-create two shoreline residential lots.

Owners: Earle Baker, Simon Bowers and France Germain

Applicant: Earle Baker

Legal Description: Part Lot 26, Concession 10, Parts 4-6, 57R-304, geographic Township of Fenelon, now City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: Proposed Severed – 1,212 square metres
Proposed Retained – 1,296 square metres

Site Servicing: Proposed Severed - Private individual sewage system and lake-based water supply
Proposed Retained – Private individual sewage system and well

Existing Uses: Shoreline Residential

Adjacent Uses: North, West: Cameron Lake
South, East: Shoreline Residential

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 located upon a peninsula within Cameron Lake that is to the west of Fenelon Falls. The peninsula is comprised of seasonal and year-round dwellings and is accessed by private road. The neighbourhood is heavily forested, with small forested pockets partially screening and separating many of the dwellings from one another.

The two lots are proposed within a neighbourhood where there are a series of lots with smaller lot areas and/or shoreline frontages. This is in part due to the linear nature of the peninsula combined with the location of the private road upon it. The proposed parcel areas are not out of character with the smaller lots found within the neighbourhood.

Due to the irregular shape of the proposed retained lot, little space remains in close proximity to the dwelling where the cabin could be relocated to in compliance with the required setbacks. The existing dwelling is further west than the cabin and appears closer to the shoreline due to its location and larger footprint. The cabin is located within a yard area which appears to receive a fair degree of activity as it is close to the dwelling entrance, parking pad, and swimming area. The cabin also has an exterior shower stall for swimmers. As such, the cabin is in the best functional location to be utilised as the shoreline recreational structure it is.

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 property is zoned Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95. The LSR Zone permits vacation dwellings or single detached dwellings.

The frontage and area requirements are intended to ensure that new lots of sufficient size are created to accommodate a dwelling and associated private infrastructure. It has been demonstrated that there is sufficient space to maintain each existing dwelling on its own parcel.

The function of the interior side yard is to provide sufficient space for maintenance and spatial separation from abutting residential uses. The south wall of the cabin is at an angle to the nearby interior side lot line. The westernmost side of the wall complies with the required 1.3 metre setback, but the easternmost side does not. As the encroachment is only a corner of the building, there remains sufficient space to perform maintenance around the building. The neighbouring lot is vegetated near the cabin. As such, the reduced side yard setback is not anticipated to generate any adverse land use conflicts.

The location of the cabin was legitimised through the issuance of Building Permit 83-88 back in 1988. Due to the modest scale of the cabin and its location within a highly utilised area of the yard, any adverse shoreline effects are anticipated to be negligible. There is also an outdoor shower stall on the exterior of the building for swimmers. This added function requires it to be in close proximity to the small beach area on the property, which it is.

The variances meet the 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. While the proposal does not meet the 3,000 square metre area requirement to create a new residential lot, the application proposes to separate two shoreline dwellings from one another on land that merged on title. As there were three lots and now only two are proposed, the two re-established lots will be larger since the former third parcel will be divided between the two.

The Official Plan does not provide specific provisions to address situations where parcels have inadvertently merged on title, but does allow through Policy 33.3 for the area of land to be appropriate for the uses and services available. As this proposal re-creates and enlarges two previously existing lots which are already developed on separate sewage systems, this application does not offend the required criteria.

Therefore, the variances meet the intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been examined at this time.

Servicing Comments:

The proposed retained is serviced by a private individual well and sewage system. The proposed severed is serviced by a lake-based water supply and private 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:

Engineering and Corporate Assets Department (November 18, 2019): No concerns.

Building Division – Part 8 Sewage Systems (November 15, 2019): No concerns.

Building Division (November 15, 2019): No concerns.

Public Comments:

No comments received as of November 19, 2019.

Attachments:



Appendices A-D to
COA2019-071.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-053

to

REPORT COA2019-071

FILE NO: D20-2019-053

Geographic Township of Fenelon

Cameron Lake

**SUBJECT
LAND**

Kanata Trail

CON 10

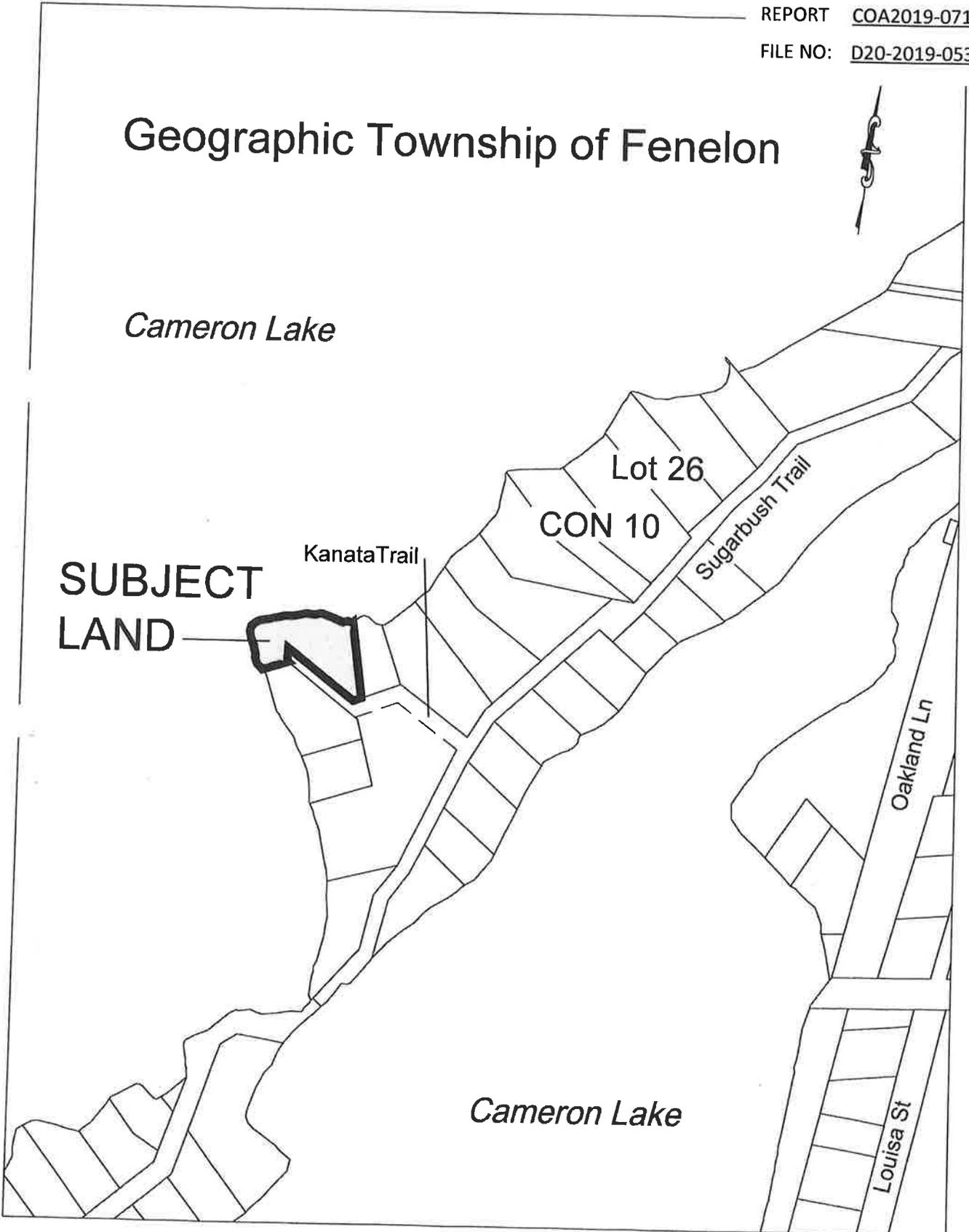
Lot 26

Sugarbush Trail

Oakland Ln

Cameron Lake

Louisa St



8-10 Kanata Trail, geographic Twp. of Fenelon



0.17

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

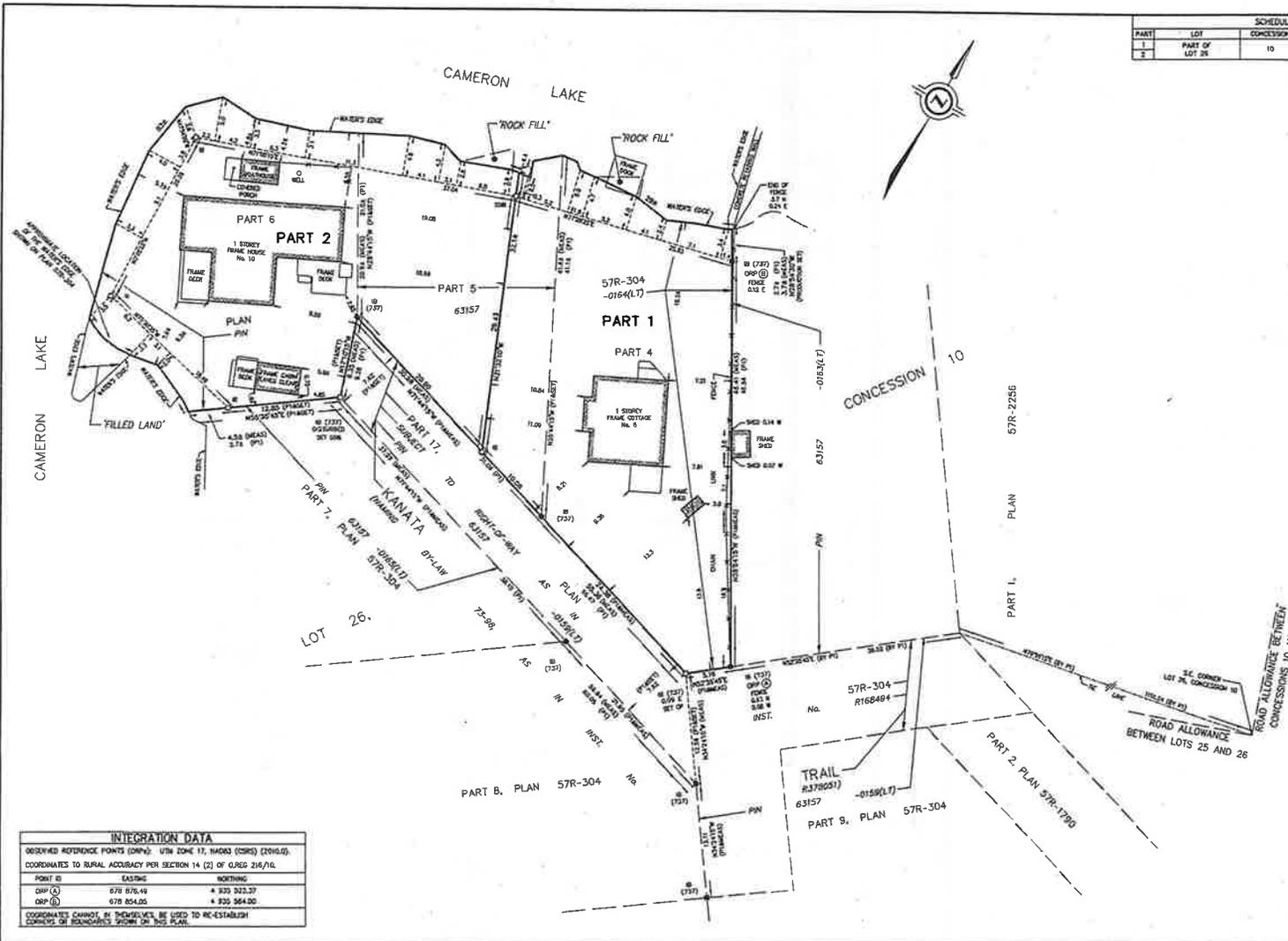


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2019-071
FILE NO: D20-2019-053

SCHEDULE			
PART	LOT	CONCESSION	AREA
1	PART OF LOT 26	10	12124 sq.m.
2			12968 sq.m.



PLAN OF SURVEY OF
PART OF LOT 26
CONCESSION 10
 GEOGRAPHIC TOWNSHIP OF FENELON
 CITY OF KAWARTHA LAKES
 SCALE 1 : 250

COE, FISHER, CAMERON
 THE INTENDED PLOT SIZE OF THIS PLAN IS 702mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99995.
 FOR BEARING COMPARISONS, A ROTATION OF 23305° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS P1, 57R-1700 AND 57R-2256.
 ALL TRANSVERSE TIES ARE PERPENDICULAR UNLESS NOTED OTHERWISE.

LEGEND
 B DENOTES SURVEY MONUMENT BOUNDS
 CS DENOTES SURVEY MONUMENT SET
 SM DENOTES STANDING IRON NAIL
 SSB DENOTES SHORT STANDING IRON BAR
 RW DENOTES IRON NAIL
 CP DENOTES CONCRETE PIN
 TSP DENOTES T.S. TYPICAL S.I.S.
 PT DENOTES 5/8" DIA. IRON PIN
 MEAS DENOTES MEASURED

ALL SET CORNER MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 255/91.

SURVEYOR'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JULY 10th, 2019.

July 26, 2019
 DATE

THIS PLAN OF SURVEY RELATES TO

COE
 J. COHEN
 T. (REG) O.A.
 DRAWN BY: []
 DWT
 CHECKED: []
 FILE: 018-17387(19)10-000000

REPORT FILE NO: **D20-2019-053**
COA2019-071

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0)			
COORDINATES TO RURAL ACCURACY PER SECTION 14 (2) OF OREG. 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	678 876.49	4 835 023.37	
ORP (B)	678 854.05	4 835 064.00	

COORDINATES SHOWN IN THIS PLAN ARE USED TO RE-ESTABLISH CORNER OR MONUMENTS FROM THE PLAN.

APPENDIX " C "

David Harding

APPENDIX " D "

to

From: Derryk Wolven
Sent: Friday, November 15, 2019 8:16 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-053

REPORT COA2019-071

FILE NO. D20-2019-053

Please be advised Building division has no concerns with the above noted application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Anne Elmhirst
Sent: Friday, November 15, 2019 9:25 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-053 0 8-10 Kanata Trail

Hello Charlotte,

Please be advised that I have received and reviewed the application for minor variance D20-2019-053 to request relief to facilitate the separation of the 2 existing cottages.

The Building Division – Sewage System Program has no objection to the proposed minor variance request.

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



David Harding

From: Mark LaHay
Sent: Monday, November 18, 2019 4:21 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20191118 D20-2019-053 - Engineering review

Importance: High

FYI - file

From: Kim Rhodes
Sent: Monday, November 18, 2019 4:17 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20191118 D20-2019-053 - Engineering review
Importance: High

Please see the message below from Christina Sisson:

Good afternoon Mark – on March 22, 2018, Development Engineering provided a review on D03-17-044 offering no objection or conditions of consent for clearance by Engineering based on the Notice of Application for Consent.

Engineering's review of the minor variance is as follows:

Minor Variance – D20-2019-053
8-10 Kanata Trail
Part Lot 26, Concession 10, Parts 4-6, 57R-304
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions to facilitate the separation of ownership of two cottages and recognize the location of an existing cabin:

1. to reduce the minimum lot area from 2,000 square metres to 1,212 square metres for the proposed severed parcel and 1,296 square metres from the proposed retained parcel;
2. to reduce the minimum required shore lot line frontage for the proposed severed parcel from 35 metres to 25.8 metres;
3. to reduce the minimum required interior side yard from 1.3 metres to 0.7 metres for the existing cabin on the retained parcel; and
4. to reduce the minimum required setback from an Environmental Protection (EP) Zone and water setback from 15 metres to 4.5 metres from the existing cabin on the retained parcel.

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

