

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Gibson**

Report Number COA2020-003

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### **Public Meeting**

**Meeting Date:** January 23, 2020 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### **Ward: 2 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to request relief from:

1. Section 19 – Definitions to vary the definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property;
2. Section 5.1 to add 'Accessory Building – Detached Garage' to the list of permitted uses within the Limited Service Residential (LSR) Zone;
3. Section 18.1.2 to ensure the location requirements for accessory buildings do not apply when no other main building is present on the same lot, but the LSR Zone yard and setback requirements;
4. Further relief is sought from the LSR Zone provisions to clarify and facilitate the placement of the detached garage when no other main building is present on the same lot:
  - a) Section 5.2(c) to increase the minimum front yard from 7.5 metres to 22 metres;
  - b) Section 5.2(d) to increase the minimum rear yard from 7.5 metres to 30 metres;
  - c) Section 5.2(f) to increase the minimum water setback from 7.5 metres to 30 metres; and
  - d) Section 5.2(j) to increase the minimum side yard from 1.2 metres to 3 metres

The variances are requested at Lots 9 and 10, Plan 184, geographic Township of Somerville (File D20-2019-057).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:** 

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### **Recommendations:**

**Resolved That** Report COA2020-003 Gibson, be received;

**That** minor variance application D20-2019-057 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the requested variances shall only apply to Lot 9, Plan 184 unless the owner applies to subject both Lots 9 and 10 to a deeming by-law and the by-law is in effect;
- 2) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-003, which shall be attached to and form part of the Committee's Decision; 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 COA2020-003. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The subject property abuts a lot to the northeast, 50 Birch Glen Drive, that is also owned by the owner and contains a cottage.

The owners proposes to add a detached garage to the vacant lot abutting 50 Birch Glen Road, to be used accessory to said cottage lot.

This application was last amended December 19, 2019.

**Proposal:** To construct a 10 metre x 8 metre (33 feet x 26 feet) detached garage.

**Applicant:** Bruce Gibson

**Owner:** Bruce and Andrew Gibson

**Legal Description:** Lots 9 and 10, Plan 184, geographic Township of Somerville, City of Kawartha Lakes

**Official Plan:** Waterfront and Four Mile Lake Policy Area within the City of Kawartha Lakes Official Plan

**Zone:** Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45

**Site Size:** Lot 9: 1,398.6 square metres

Lot 10: 1,398.6 square metres

Site Servicing: None

Existing Uses: Vacant Forested Land

Adjacent Uses: North: Burnt River  
East, West: Shoreline Residential  
West, South: Forest

**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 in a shoreline residential neighbourhood along the southeastern bank of Four Mile Lake. A substantial slope runs from the road down to the lake, with a small band of land with gentler slope running about 2/3 of the way down where all of the buildings in the neighbourhood are constructed. The result of this unique topography is forested front yards and very steep driveways to provide entry to the cottages below.

The garage would be located close to the driveway and parking pad serving 50 Birch Glen Drive.

The variances, if granted, would permit the garage to be used accessory to 50 Birch Glen Drive without consolidating the subject property with the cottage lot. The subject property is heavily forested, which would result in the garage being substantially screened from the lake, road, and neighbour to the southwest. Due to the garage's proximity to 50 Birch Glen Road, if any portion of the garage is visible through the trees, the garage would appear to be part of the lot belonging to 50 Birch Glen Drive.

The creation of the garage will provide 50 Birch Glen Drive with a covered storage building.

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 property is zoned Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45. The LSR Zone permits seasonal and year-round residential uses.

The zoning by-law intends for accessory buildings to be accessory to primary uses on the same lot. While the accessory use is proposed on a lot separate from where the primary residential use is located, a relationship between the two lots is maintained due to their proximity to one another and the proximity of the proposed garage to the existing cottage.

There is a small band of more even ground running parallel to the lake not too far away from the shoreline. It is along this band where most cottage development has taken place. The dwelling and parking pad on 50 Birch Glen Drive are positioned on this more even ground. The garage on the abutting vacant lot is proposed upon this same band, which allows 50 Birch Glen to retain its outdoor parking pad and turnaround area for vehicles descending and ascending the steep driveway.

Due to the substantial slope between the road and the proposed garage site, it is very unlikely that the garage would be used independently from 50 Birch Glen Drive, as the only way to do so and avoid trespassing would be to install driveway access of its own. It is anticipated that such driveway grading would be substantial, and would be accompanied with the construction of a dwelling to fully utilise the driveway investment.

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. It is also within the Four Mile Lake Specific Policy Area (SP-1).

The SP-1 designation contains policies which regulate the creation of new residential lots and protect the existing community character. The proposal does not create a new lot, but permits the lot to be used accessory to an abutting established residential use. As such, the proposal is in keeping with the established character of the area.

The Waterfront designation anticipates an assortment of residential uses including their accessory uses, that utilise an abutting water body.

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

**Other Alternatives Considered:**

The merger of the lot(s) was discussed. However, the owners have expressed a desire to retain separate ownership.

**Servicing Comments:**

The property is un-serviced.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

Development Engineering Division (January 14, 2020): No concerns.

Kawartha Region Conservation Authority (January 13, 2020): No concerns.

**Planning Division Comments:** Condition 1 is recommended to ensure the proposed garage does not cross the mutual lot line separating Lots 9 and 10.

**Public Comments:**

No comments as of January 14, 2020.

**Attachments:**



Appendices A-D to  
COA2020-003.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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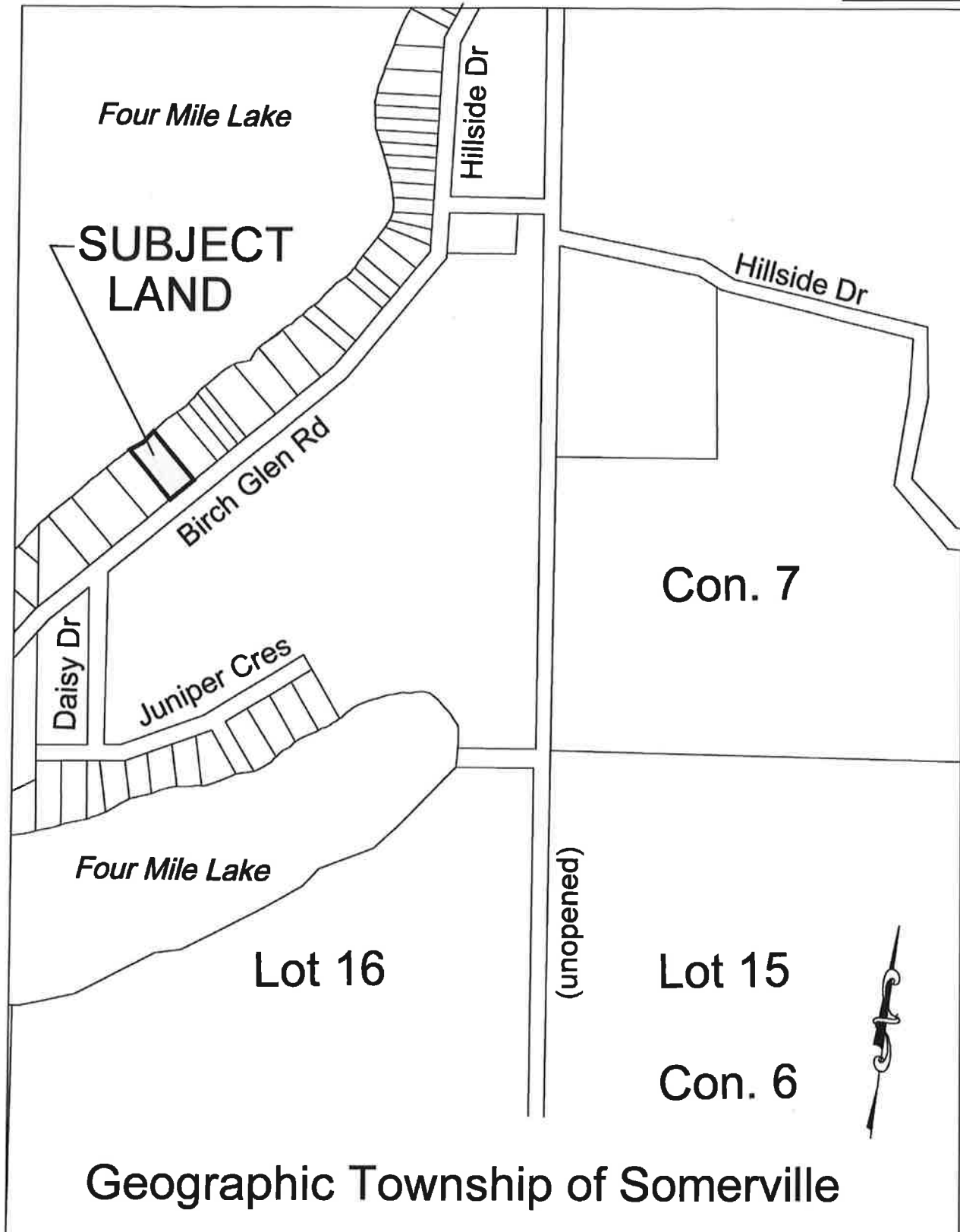
|                         |  |
|-------------------------|--|
| <b>Phone:</b>           | 705-324-9411 extension 1206                      |
| <b>E-Mail:</b>          | dharding@kawarthalakes.ca                        |
| <b>Department Head:</b> | Chris Marshall, Director of Development Services |
| <b>Department File:</b> | D20-2019-057                                     |

to

D20-2019-057

REPORT COA2020-003

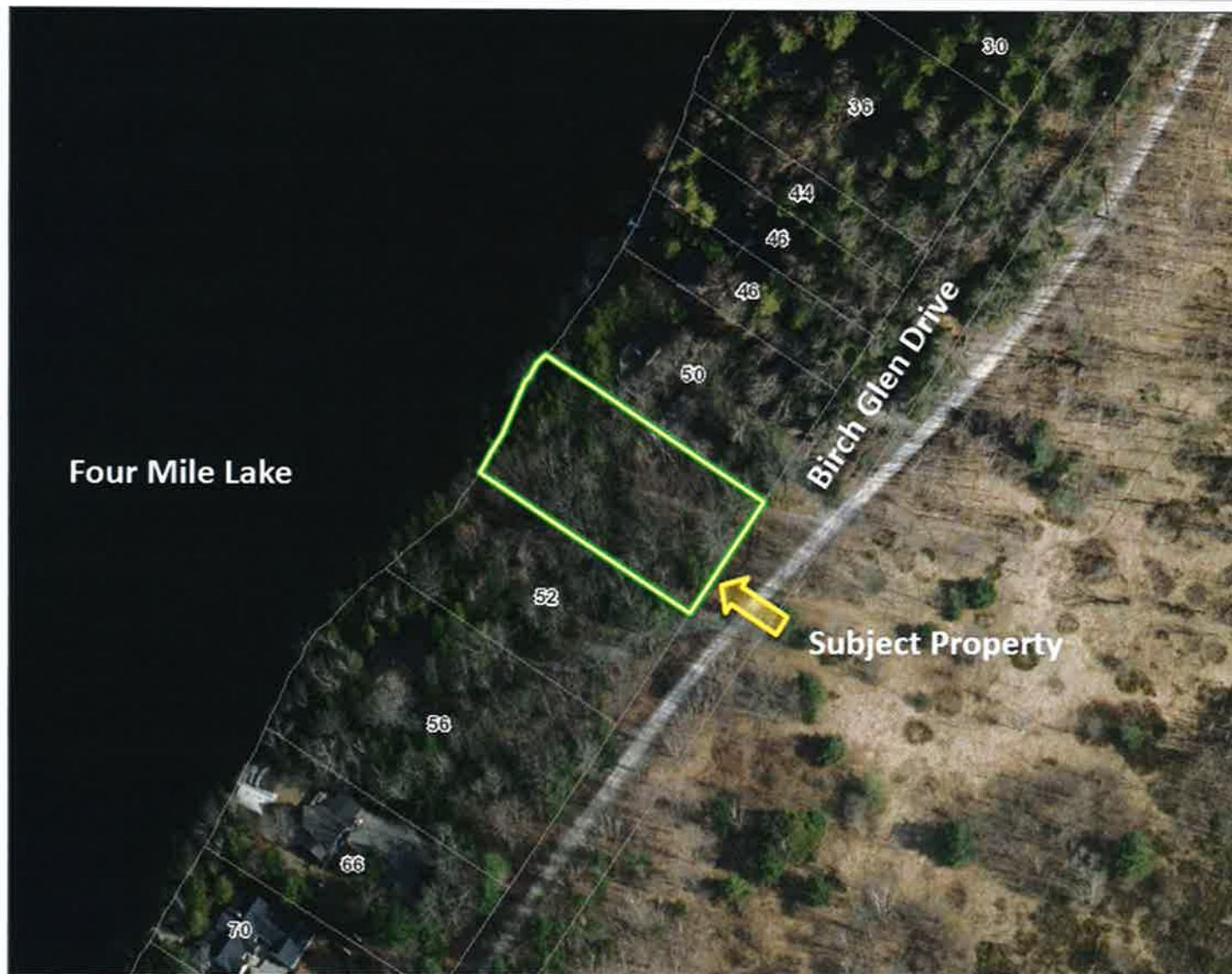
FILE NO: D20-2019-057





GEOMATICS  
MAPPING

## 50 Birch Glen Drive, geographic Twp. of Somerville



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. 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 COA2020-003

FILE NO: D20-2019-057

APPENDIX " C "

to

REPORT COA2020-003

FILE NO: D20-2019-057

4 MILE LAKE

BOAT  
HOUSE

↑  
15 m  
↓

COTTAGE

SEPTIC

DRIVEWAY.

• WELL

PROPOSED  
GARAGE

DRIVEWAY

BUNKIE

← 36.0 m →

# 50

← 36 m →

BIRCHLEA DR



↑  
33  
↓

↑  
3  
↓  
7  
7  
↓



APPENDIX " D "  
to  
REPORT COA2020-003  
FILE NO. D20-2019-057

Via Email: [ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)

Administrative Assistant  
Development Services – Planning Division  
180 Kent Street West  
Lindsay, ON, K9V 2Y6

**Regarding:      Minor Variance Application**  
**D20-2019-057**  
**KRCA File No: PPLK-2886**  
**Birch Glen Dr**  
**Roll No: 1651310020637000**  
**Lot 16, Concession 7**  
**Geographic Township of Somerville**  
**City of Kawartha Lakes**

Kawartha Conservation staff have completed review of the above noted Application for Minor Variance.  
Our comments are as follows:

**Application purpose:**

It is Kawartha Conservations understanding that the purpose of the Minor Variance is permit a single accessory structure (garage) on a currently vacant lot owned by the applicant. The applicant owns a vacation dwelling on an adjacent residential lot. Based on the application, the accessory structure will be setback approximately 37 metres from Four Mile Lake.

**Site Characteristics:**

Existing mapping indicates that the subject property is adjacent to Four Mile Lake and associated fish habitat. Natural hazards associated with these natural heritage features include flooding and erosion.

**Ontario Regulation 182/06:**

The subject property is not within Kawartha Conservations watershed, no permits will be required under Ontario Regulation 182/06. In accordance with the Memorandum of Understanding (MOU) between the

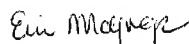
City of Kawartha Lakes and Kawartha Conservation regarding Natural Heritage and Natural Hazards, the property is within an area of an extended planning agreement.

**Recommendation:**

Kawartha Conservation can advise that we would foresee no issue with the approval of minor variance application D20-2019-057.

Please inform this office of any decision made with regard to this application. I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely,



Erin McGregor  
Resources Planner Technician – ex 232  
Kawartha Conservation

CC:

Ron Warne, Director, Planning, Development, & Engineering, Kawartha Conservation

## David Harding

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**From:** Mark LaHay  
**Sent:** Tuesday, January 14, 2020 1:59 PM  
**To:** David Harding  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20200114 D20-2019-057 - Engineering review - DRAFT

FYI - file

**From:** Kim Rhodes  
**Sent:** Tuesday, January 14, 2020 12:44 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20200114 D20-2019-057 - Engineering review - DRAFT

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

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Good afternoon Mark – on February 27, 2019, Engineering provided a review on D38-2019-014 noting that we had no Engineering comments.

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

Minor Variance – D20-2019-057  
Vacant land of Birch Glen Drive  
Lots 9 and 10, Concession 7, Part Lot 16, Plan 184  
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the construction of a detached residential accessory building (garage) on a separate lot:

1. Section 19 – Definitions to vary to definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property;
2. Section 5.1 to add 'Accessory Building – Detached Garage' to the list of permitted uses within the Limited Service Residential (LSR) Zone;
3. Section 18.1.2 to ensure the location requirements for accessory buildings do not apply when no other main building is present on the same lot, but the LSR Zone yard and setback requirements;
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  - a. Section 5.2(c) to increase the minimum front yard from 7.5 metres to 22 metres;
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  - c. Section 5.2(f) to increase the minimum water setback from 7.5 metres to 30 metres; and
  - d. Section 5.2(j) to increase the minimum side yard from 1.2 metres to 3 metres.

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