

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Kneale
Report Number COA2020-004

Public Meeting

Meeting Date: February 20, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to request relief from the following sections to permit an addition to a single detached dwelling:

1. Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 20.5 metres; and
2. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.2 metres for the above-ground portion of an attached garage and to 4.4 metres for the below-grade portion of the attached garage.

The variance is requested at 37 Sugar Bush Trail, geographic Township of Mariposa (File D20-2019-049).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2020-004 Robert and Colleen Kneale be received;

That minor variance application D20-2019-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C-2 and elevation in Appendix D submitted as part of Report COA2020-004, which shall be attached to and form part of the Committee's Decision,
- 2) **That** prior to the issuance of a building permit the owners shall demonstrate to the satisfaction of the Secretary-Treasurer that the accessory building by the shoreline is being used as a boathouse and that it has been relocated to comply with the interior side yard setback requirements,

- 3) **That** prior to the issuance of a building permit the owners shall submit a holding tank design to the satisfaction of the Building Division – Part 8 Sewage Systems; and
- 4) **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 COA2020-004. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application was last amended February 4, 2020.

Proposal: To construct an addition to the existing dwelling. The addition is to contain living space and a two level attached garage. The lower (underground) level of the garage would be deeper than the upper level.

Owners: Robert and Colleen Kneale

Applicant: Robert Kneale

Legal Description: Lot 12, Plan 252

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 1,234 square metres

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Lake Scugog
West: Forest/Agriculture

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 within a shoreline residential neighbourhood on the east side of Washburn Island. The neighbourhood is composed of seasonal and year-round dwellings.

The property contains a two storey dwelling consisting of a main level with a walk-out basement. The addition is proposed to the southwest of the dwelling within the front and interior side yards. The location is currently occupied by a deck, lawn, and driveway leading to a basement level garage.

The proposal will enhance the available living and storage space on the property while preserving the rear yard as a recreational and landscaped open amenity space area.

While a portion of the garage is to be located within the front yard, the additional storage space is not anticipated to adversely impact the character of the neighbourhood as the garage will appear as a single storey when viewed from the road, and the lower level will be screened from view from the roadside and abutting neighbour due to the cedar hedge which runs along the southeast property line. As living space is proposed behind the addition, the lower level of the garage is not anticipated to be visible from the shoreline. Furthermore, the lower level of the garage is proposed to be clad in stone and the gable section in wood. This variation of materials assists in breaking up the façade closest to the road and mitigating any adverse massing impacts while adding character to the streetscape.

Due to the above, 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 Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the zoning by-law is to provide adequate front yard setback to provide for such things as: adequate space for vehicles to park completely on private property, to provide sufficient space for snow storage, and regulate the character of the neighbourhood by introducing a standard front yard setback.

The lower level of the garage is underground, and as such will not be visible from the road. The upper wall facing the road is sufficiently set back to provide for on-site parking in-front of the garage doors.

The garage appears further from the road due to the fact that there is an additional 3.5 - 4 metres of spatial separation between the lot line and the travelled portion of the road. The added spatial separation mitigates potential adverse massing impacts and provides additional space for road functions such as snow storage.

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 located within the Waterfront designation of the City of Kawartha Lakes Official Plan.

The Waterfront designation anticipates residential uses and an expansion to a residential use is proposed.

The Official Plan contains water setback policies under section 3.11 to control the extent of the projection into the water setback to the maximum extent possible. Through the pre-screening process, the applicant worked with staff to bring the proposed addition in-line with the existing deck, ensuring no additional projection into the water setback.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

In response to staff concerns over the proximity of the above-ground front garage wall face to the road, the applicant reduced the length of the front wall and slightly shifted it further away from the road.

Servicing Comments:

The property is serviced by a private individual well and septic system.

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 (February 7, 2020): No concerns.

Building Division (February 6, 2020): No concerns.

Kawartha Region Conservation Authority (November 19, 2019): No concerns.

Building Division (November 6, 2019): Cannot support the variances as proposed. Insufficient information has been provided on a new holding tank design to complete an evaluation.

Public Comments:

No comments received as of February 11, 2020.

Attachments:



Appendices A-E to
Report COA2020-004.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

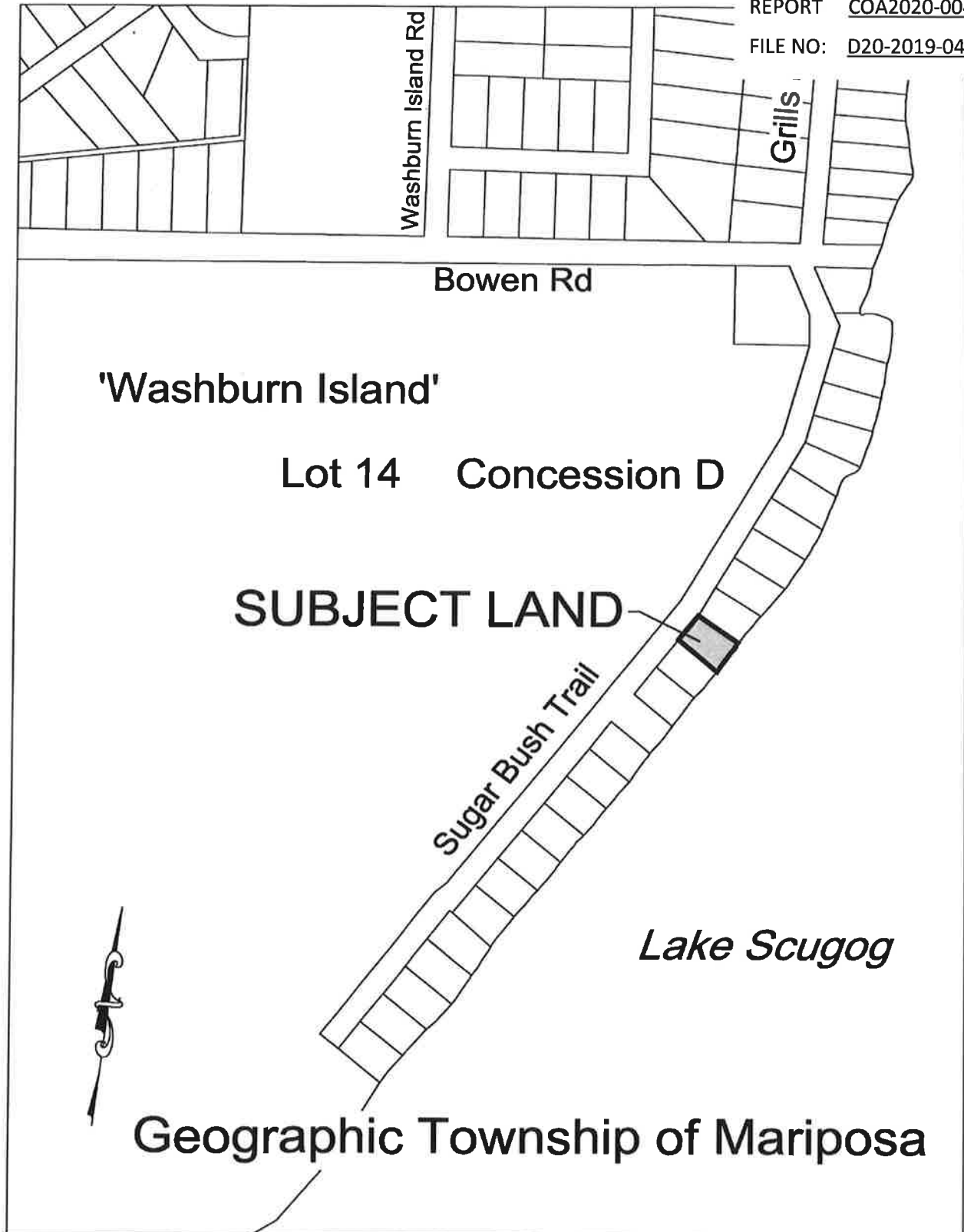
Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2019-049

to

REPORT COA2020-004

FILE NO: D20-2019-049



'Washburn Island'

Lot 14 Concession D

SUBJECT LAND

Sugar Bush Trail

Lake Scugog

Geographic Township of Mariposa

37 Sugar Bush Trail, geographic Twp. of Mariposa



Legend

- Property ROLL
- Road Centreline (2016 Needs)
- Upper Municipalities
- Lower Tier Municipalities

Notes

Notes

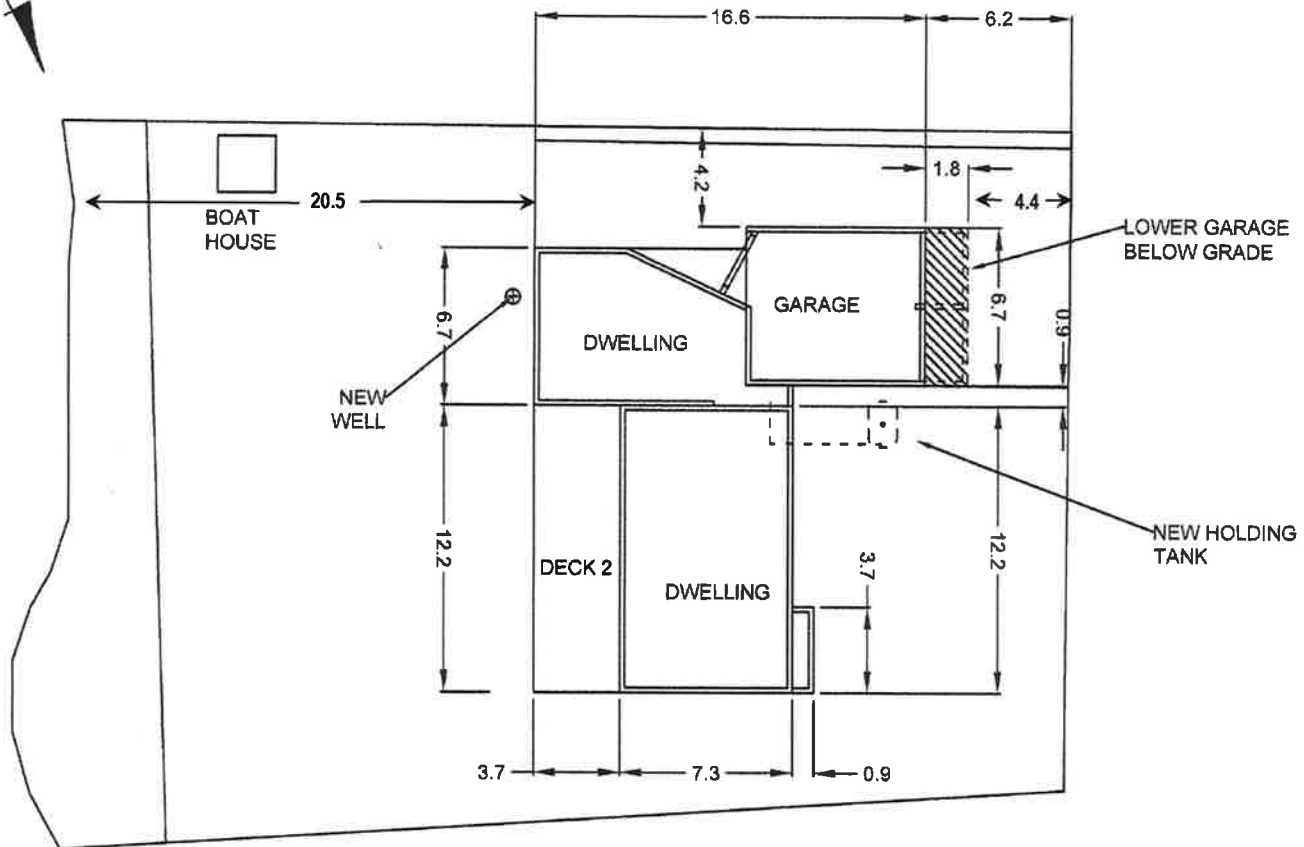
0.08 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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 COA2020-004
FILE NO: D20-2019-049



General Notes

No.	Revision/Issue	Date

File Name and Notes

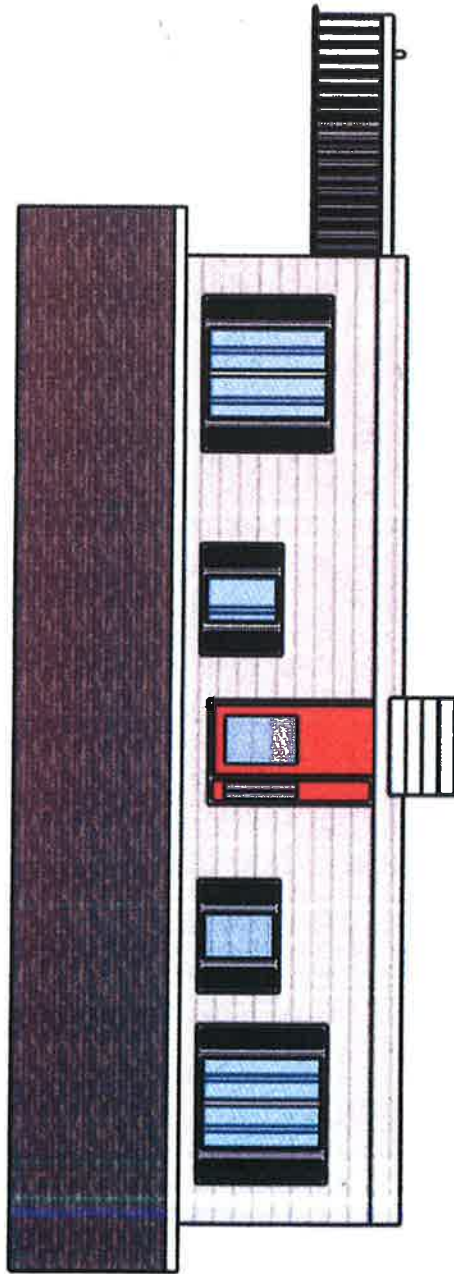
APPENDIX " C-2 "
to
REPORT COA2020-004
FILE NO: D20-2019-049

APPENDIX " D "

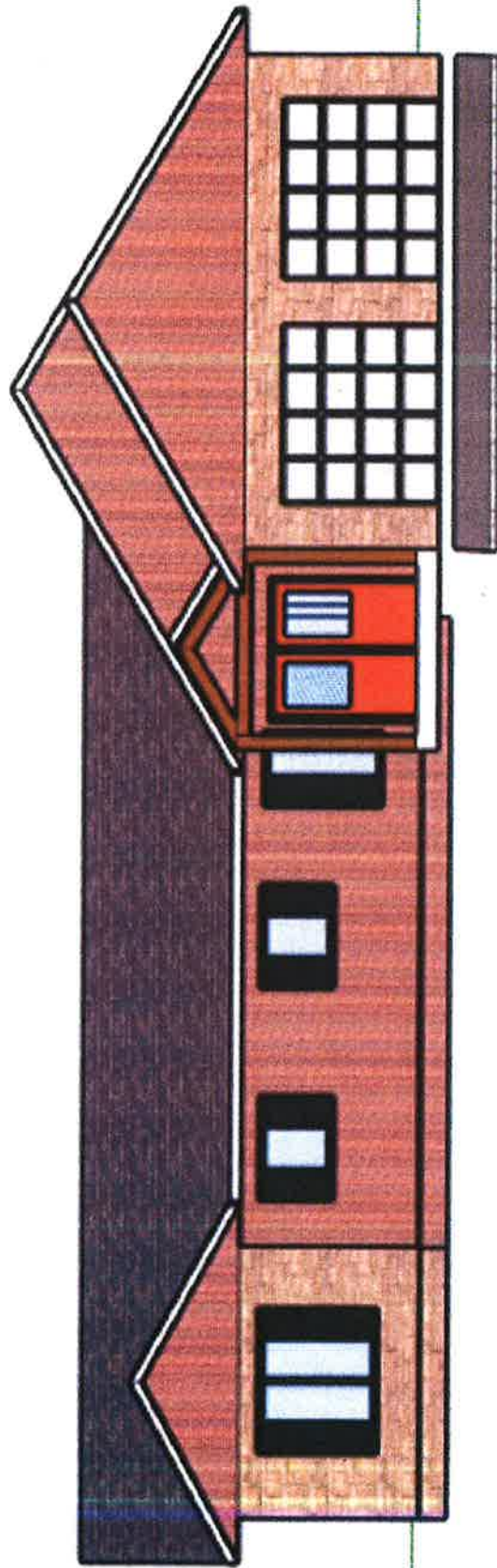
to

REPORT COA2020-004

FILE NO: D20-2019-049



CURRENT HOUSE



PROPOSED RENOVATION

David Harding

From: Mark LaHay
Sent: Friday, February 7, 2020 8:58 AM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200207 D20-2019-049 - Engineering review

APPENDIX " E "
to
REPORT COA2020-004
FILE NO. D20-2019-049

FYI - file

From: Kim Rhodes
Sent: Friday, February 7, 2020 8:41 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200207 D20-2019-049 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2019-049
37 Sugar Bush Trail
Lot 12, Plan 252
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from the following sections to permit an addition to a single detached dwelling:

1. Section 14.2.1.4 to reduce to minimum water setback from 30 metres to 20.5 metres; and
2. Section 14.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 6.2 meters for the above o recognize an above-ground portion of an attached garage and to 4.4 metres for the below-grade portion of the attached garage.

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



David Harding

From: Derryk Wolven
Sent: Thursday, February 6, 2020 10:59 AM
To: Charlotte Crockford-Toomey
Subject: D20-2019-049 37 Sugar bush Trail

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



Charlotte Crockford-Toomey
Administrative Assistant
Development Services – Planning Division, City of Kawartha Lakes
180 Kent Street West,
Lindsay, ON, K9V 2Y6

Regarding: Minor Variance Application
D20-2019-049
Kawartha Conservation File No: PPLK-10065
37 Sugar Bush Trail, Mariposa
Part Lot 16, Concession D
City of Kawartha Lakes

This letter acknowledges the receipt of the above noted Minor Variance Application D20-2019-049. Staff have reviewed the application and provide the following comments:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose of the minor variance is to seek relief from Mariposa By-law 94-07 to allow for an addition to the existing dwelling. Relief is sought from the front yard setback (6.1 metres instead of the required 7.5 metre), and from the water setback (20.5 metres instead of the required 30 metres). The reduced water setback is existing.

Documents Reviewed:

- Application for Minor Variance/Permission
- Photos and drawings submitted with application.

Site Characteristics:

The subject property is adjacent to Lake Scugog, and there is a flooding hazard associated with the sites proximity to the lake.

Applicable Kawartha Conservation Regulation and Policies
Ontario Regulation 182/06 (as amended):

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

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

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.

The entirety of the subject property is regulated by Kawartha Conservation.

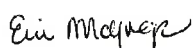
Recommendation:

Kawartha Conservation has no objection to Minor Variance Application D20-2019-049, provided that:

- The applicant is aware of the applicability of Ontario Regulation 182/06 on the property;
- Any new additions must be raised 0.3 metres above the regulatory flood elevation.

I trust this meets your information requirements at this time. 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

KAWARTHA CONSERVATION
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CC:

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

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David Harding

From: Anne Elmhirst
Sent: Wednesday, November 6, 2019 4:38 PM
To: Charlotte Crockford-Toomey
Subject: D20-2019-049 - 37 Sugar Bush Trail

Hello Charlotte,

RE: D20-2019-049
37 Sugar Bush Trail, Former Mariposa Township
Conc. D, Pt Lot 16, Plan 252, Lot 12
Roll No. 165111001037700
Owner: Robert Kneale

I have received and reviewed the application for minor variance to request relief to construct an attached garage and addition onto the existing dwelling at the above-noted property.

I completed a site visit to determine the location of the Class 5 Holding Tank serving the dwelling to ensure appropriate clearance distances could be maintained. It has come to my attention that the proposed addition and garage will be constructed over the existing holding tank. This proposal cannot be supported as a minimum of 1.5 metres is required between any portion of the structure and the holding tank.

As such, I cannot support the minor variance as proposed.

Should you have any questions or concerns, please do not hesitate to contact me.

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

