

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Patrick and Lori Brick
Report Number COA2020-008

Public Meeting

Meeting Date: March 19, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from the following provisions:

1. Section 3.11.1 to reduce the minimum lot frontage from 12 metres to 8 metres to permit the construction of a detached garage and addition to the single detached dwelling; and
2. Section 12.2.1.3(b)(i) to reduce the minimum interior side yard from 3 metres to 1.2 metres to permit a detached garage.

The variance is requested at 6 Cowans Crescent, geographic Township of Emily (File D20-2020-004).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-008 Patrick and Lori Brick, be received;

That minor variance application D20-2020-004 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 garage and addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of report COA2020-008, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2020-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application was last amended March 2, 2020.

Proposal: To construct a 13.7 square metre (148 square foot) addition to a single detached dwelling and a 9.2 x 9.2 metre (30.2 foot x 30.2 foot detached garage).

Owners: Patrick Brick and Lori Brick (Lori-Ann O'Connor)

Applicant: Patrick Brick

Legal Description: Lot 58, Plan 358, geographic Township of Emily, 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 Emily Zoning By-law 1996-30

Site Size: 1,603 square metres [MPAC]

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Shoreline Residential & Shoreline Residential Backlots
South Pigeon River
West, West: 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 land is part of a shoreline residential neighbourhood located upon the north side of Pigeon River. The neighbourhood is often referred to as Cowan's Bay.

The neighbourhood has a very unique lot configuration, being comprised of "flag and pole" shaped lots on the south and east sides of Cowan's Crescent. Please refer to Appendices A, B and C. The properties on the south and east sides of Cowan's Crescent are irregularly shaped to maximize the number of lots with shoreline frontage. There are two types of lot configurations: lots that have narrow road frontages sufficient to contain only a single lane driveway with wider shoreline frontages, and lots with wider road frontages and narrow shoreline frontages. The lot configurations cause dwellings to locate close to

the road (road side dwellings) or close to the shoreline (shore side dwellings) to utilise the best area for a building envelope.

Permitting development to occur on the subject property given its narrow lot frontage is appropriate as the lot, like all neighbouring lots of similar shape, contains a building envelope of sufficient size closer to the shoreline. Permitting the construction of the addition and garage is not anticipated to adversely impact the character of the neighbourhood nor cause land use conflict between abutting and adjacent residential properties.

The detached garage will provide sheltered storage space for items currently stored out on the lawn. The proposed reduced interior side yard is consistent with that permitted for accessory buildings located in other yards. The proposed setback is sufficient for maintenance to be performed on the building, and for lot grading and drainage purposes.

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 within the Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30. Existing lots of record are subject to the lesser lot frontage of 12 metres and area of 930 square metres contained within the General Provisions, subjecting lots which do not meet these provisions to additional review in the form of a minor variance application. The frontage provision appears to have been developed on the premise that a lot would be rectangular in nature. The property, as a flag and pole shaped shore side lot, is of sufficient size to accommodate the proposed development. The addition will apply with all applicable setback provisions

The garage is proposed within an area that is in-front of the shore side dwellings and behind the road side dwellings. This in-between band is occupied by accessory uses and buildings on abutting properties.

The intent of the General Provisions section regulating the placement of garages in front yards appears to be to ensure their placement is compatible with that of the dwellings on abutting properties and the broader neighbourhood streetscape. The reduced side yard setback is not anticipated to generate any adverse impacts to the abutting residential uses or streetscape as the proposed garage is located far from the road and is largely set in behind the road side dwellings. It is the road side dwellings which largely define the streetscape.

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 subject property is designated Waterfront within the City of Kawartha Lakes Official Plan. Within the Waterfront designation, residential uses, including their accessory uses, are anticipated.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

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 (March 6, 2020): No concerns.

Kawartha Region Conservation Authority (March 6, 2020): No concerns.

Building Division – Part 8 Sewage Systems (March 6, 2020): No concerns.

Building Division (March 5, 2020): No concerns.

Public Comments:

No comments received as of March 9, 2020.

Attachments:



Appendices A-E to
Report COA2020-008.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Applicant's Elevations

Appendix E – 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: D20-2020-004

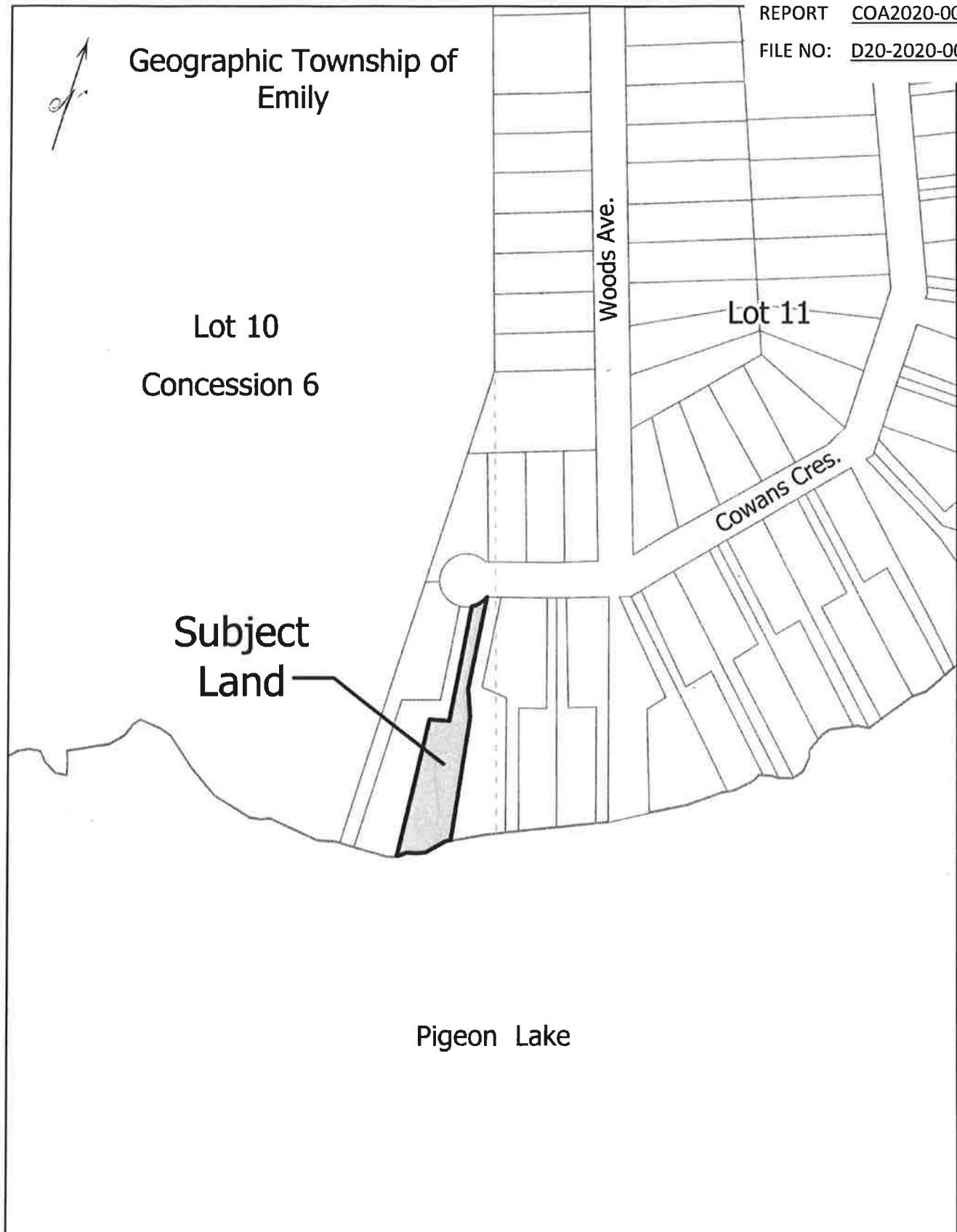
D20-2020-004

APPENDIX " A "

to

REPORT COA2020-008

FILE NO: D20-2020-004



6 Cowans Crescent, geographic Twp. of Emily



Subject Property

Pigeon River

0.11

Kilometers

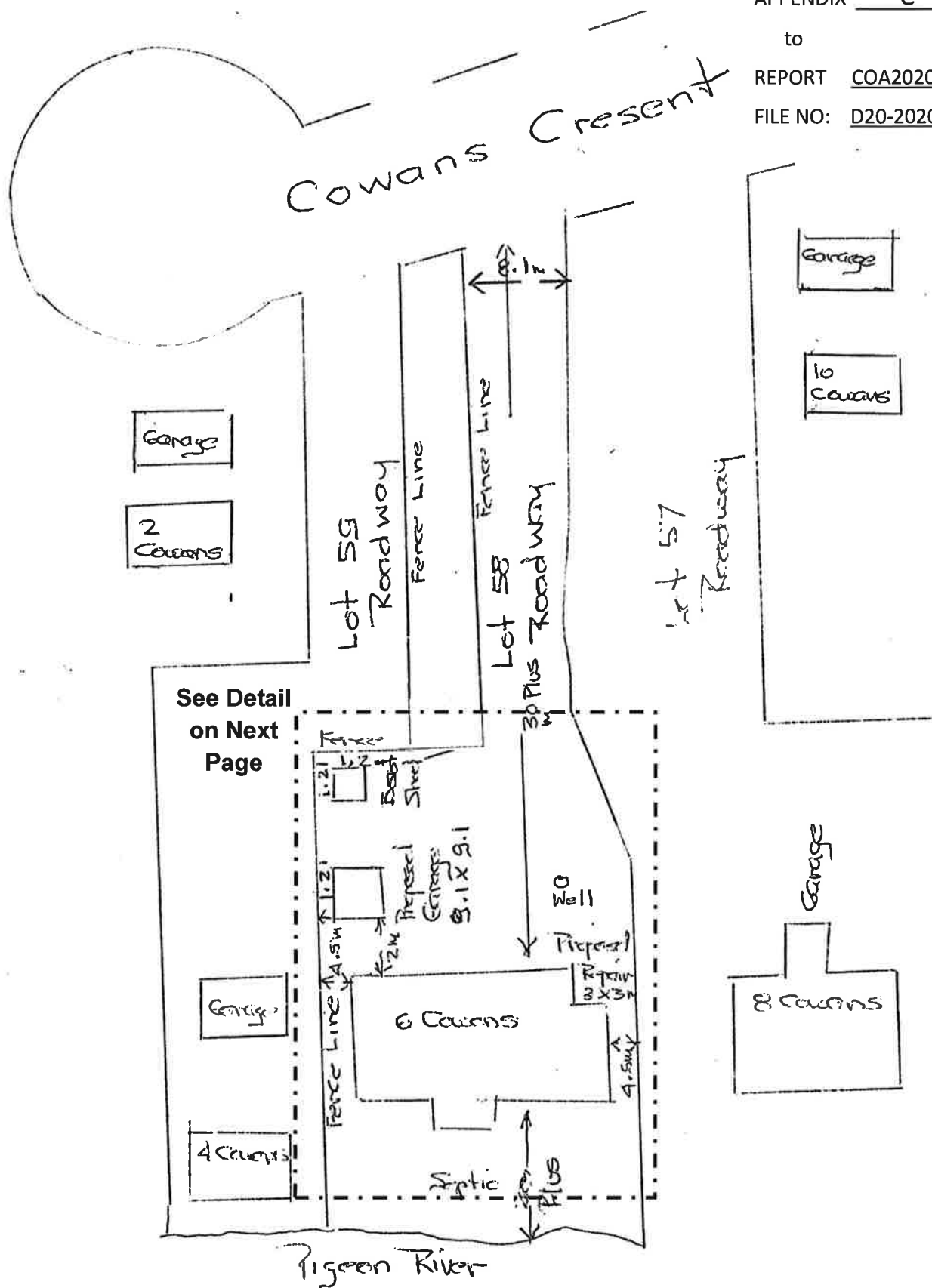
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



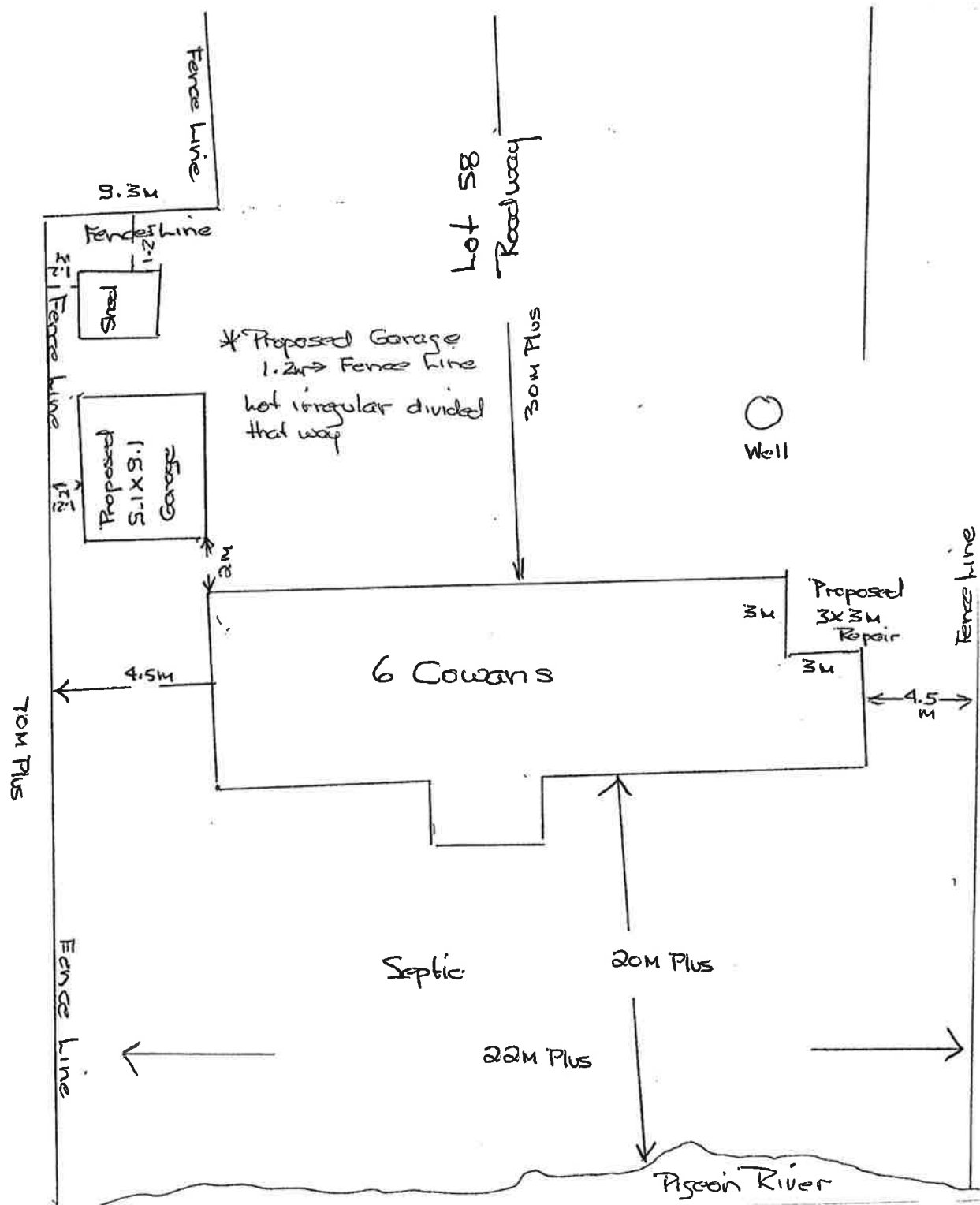
This map is a user generated static map output and is for reference only. The data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " B "
to
REPORT COA2020-008
FILE NO: D20-2020-004



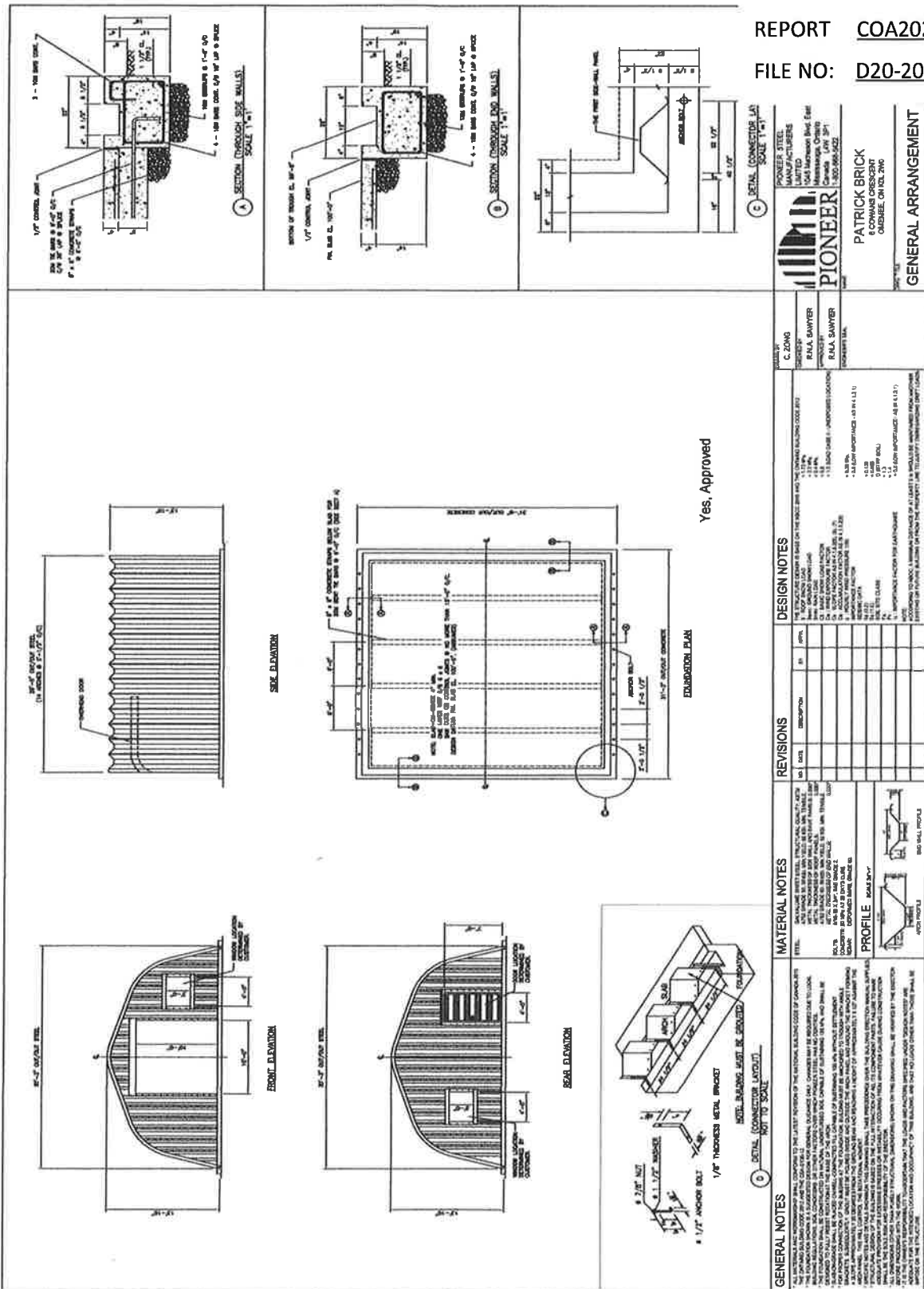
Detail



to

REPORT COA2020-008

FILE NO: D20-2020-004



David Harding

From: Anne Elmhirst
Sent: Friday, March 6, 2020 4:19 PM
To: David Harding
Subject: D20-2020-004 - 6 Cowans Crescent

APPENDIX " E "
to
REPORT COA2020-008
FILE NO. D20-2020-004

Hello David,

RE: D20-2020-004 Minor Variance
6 Cowans Crescent, Former Emily Township
Plan 358, Lot 58
Roll No. 165100100312100

I have received and reviewed the minor variance application for the above-noted property to request relief to reduce the minimum lot frontage and interior side yard setback to permit the construction of a detached garage. As well, the minor variance has been initiated to request relief from the minimum lot frontage to allow the construction of a small addition onto the existing single detached dwelling.

A site visit was conducted to review clearance distance requirements for the sewage system components to the proposed detached garage and addition. The sewage system is located on the water side of the property outside the required clearance distances and was approved under file EM-30-80.

As such, the Building Division – Sewage System Program has no concerns with the proposal to for the location of the proposed structure and addition.

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: Derryk Wolven
Sent: Thursday, March 5, 2020 1:50 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-004

Follow Up Flag: Follow up
Flag Status: Completed

Building division has the following comments:

No concerns.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

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



David Harding

From: Mark LaHay
Sent: Friday, March 6, 2020 4:30 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200306 D20-2020-004 - Engineering review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes
Sent: Friday, March 6, 2020 4:28 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200306 D20-2020-004 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-004
6 Cowans Crescent
Lot 58, Plan 358
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief:

1. to reduce the minimum lot frontage from 12 metres to 8 metres to permit the construction of a detached garage and addition to the signal detached dwelling; and
2. to reduce the minimum interior side yard from 3 metres to 1.2 metres to permit a detached 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

KRCA File NO: PPLK-10132

Via Email - ccrockford-toomey@kawarthalakes.ca
Charlotte Crockford-Toomey
Administrative Assistant
Development Services – Planning Division
180 Kent Street West
Lindsay, ON, K9V 2Y6

**Regarding: Application for Minor Variance
D20-2020-004
6 Cowans Crescent, Lot 10, Concession 6, geographic Township of Emily
Patrick and Lori Brick**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Patrick and Lori Brick. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards. Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2020-004 is to seek relief from Township of Emily By-law No. 1996-30 for a reduced lot frontage (existing) from 12m to 8m, to reduce the side yard setback from 3m to 1.2m

Site Characteristics:

Existing mapping indicates that the subject property is within the vicinity of the following:

Natural Heritage Features:

- Pigeon River
- Fish Habitat
- Provincially Significant Wetlands

Kawartha Conservation regulates 15m from the shoreline of Pigeon River, and 120m from the limit of the Provincially Significant Wetland (the subject property falls within this 120m buffer).

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

Natural Hazards:

- Flooding
- Erosion

Kawartha Conservation regulates the flooding hazard of Pigeon River.

Water Resources:

The subject property is within the Pigeon Lake Management Plan boundary.

Applicable Kawartha Conservation Regulation and Policies

Ontario Regulation 182/06 (as amended):

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.

Provincial Plans:

The policies of the Provincial Policy Statement (2014), and the Growth Plan for the Greater Golden Horseshoe (May, 2019) apply to the subject property. Staff are of the opinion that the application conforms to the natural heritage, natural hazard, and water resource policies of these plans.

Recommendation:

Kawartha Conservation has no objection to the approval of D20-2020-004, based on our consideration for natural heritage, natural hazards, and water resources.

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
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering

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