

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Swartz and Pereira**  
Report Number COA2020-012

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**Public Meeting**

**Meeting Date:** July 16, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 7, Geographic Township of Manvers**

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit the construction of the following buildings:

**Dwelling, Attached Unenclosed Deck with Stairs, and Shed**

1. Section 20.4 to decrease the minimum lot area from 750 square metres to 746.5 square metres to permit the development of the lot; and
2. Section 5.2(h) to increase the maximum lot coverage from 25% to 27.4%.

**Shed**

3. Section 20.1(b)(ii) to permit the construction of a shed within the front yard whereas only a garage is permitted and also permit a side yard setback of 2 metres whereas 3 metres is required in the RR3 Zone; and
4. Section 5.2(c) to reduce the minimum front yard setback from 15 metres to 4.7 metres.

**Dwelling and Attached Unenclosed Deck with Stairs**

5. Section 5.2(f) to reduce the minimum side yard setback within the southwest side yard from 3 metres to 1.8 metres for the deck and 2.5 metres for the dwelling respectively.

The variances are requested at 27 McGill Drive, geographic Township of Manvers (File D20-2020-008).

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

**Signature:** 

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**Recommendation:**

**Resolved That** Report COA2020-012 Swartz and Pereira, be received;

**That** minor variance application D20-2020-008 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 and elevations in

Appendix D submitted as part of Report COA2019-006, which shall be attached to and form part of the Committee's Decision;

- 2) **That** prior to the issuance of the permit for the shed, the Chief Building Official or his/her designate shall provide written confirmation to the Secretary-Treasurer that the temporary shed within the front yard has been removed from the property;
- 3) **That** notwithstanding the definition of front yard and the granting of the variances to reduce the minimum front yard and permit the shed within the front yard, the variances will not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
- 4) **That** the building construction related to the minor variances for the shed 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 completion of the first Building Inspection.
- 5) **That** the building construction related to the minor variances for the dwelling and deck with stairs 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 completion of the next Building Inspection.

**This approval pertains to the application as described in report COA2020-012. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The owners propose to replace the existing cottage with a new single detached dwelling and shed.

This application was last amended June 11, 2020.

**Proposal:** To permit the construction of a single detached dwelling inclusive of eaves, rear deck with stairs, and a shed.

**Owners:** Nicole Swartz and Tyrone Pereira

**Applicant:** Holly Richards-Conley – Black Point Construction Services

**Legal Description:** Lot 16, Plan 33, Ward 7, former geographic Township of Manvers, 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 Manvers Zoning By-law 87-06

Site Size: 745.6 square metres (8,025.5 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: Northeast, Southwest: Shoreline Residential  
Southeast: Shoreline Residential Backlots  
Northwest: Lake Scugog

**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 on the southeastern shore of Lake Scugog. The rear yard functions as the primary amenity space for the shoreline properties.

The variances sought will permit the redevelopment of the property. The southwestern side yard reduction for the dwelling and deck continue to allow sufficient width for passage between the front and rear yards.

The proposal is for a two storey home with walkout basement and accompanying deck, and a shed within the front yard to provide additional storage. The property is of sufficient size to absorb the scale of development proposed.

As the property, much like the neighbouring lots, is a shoreline lot that is relatively narrow, the dwelling would occupy the entire width of the property in order to provide a sufficient functional footprint and floorplan. In order to maintain the required water setback, the front yard is the only yard that remains for accessory buildings to locate and where the parking of vehicles may occur. Many of the shoreline properties are of similar width, and as a result have front yards which function similarly.

The proposed shed is modest in size, which will protect for the two required on-site parking spaces, will have its door face northeast instead of towards the road to provide for some modest landscaping opportunity along the wall facing the street, and will be clad in vinyl siding with a lower stone veneer. The combination of materials will add visual interest to the streetscape and be in keeping with the design of the dwelling. The shed is modest in height and footprint, and is proposed off to one side of the yard. As such, the dwelling is anticipated to maintain visual prominence within the streetscape, rather than the accessory storage use.

A smaller shed (temporary shed) is present within the southeastern area of the front yard, which appears to be serving a temporary storage function in the

absence of the proposed permanent shed. This shed must be removed in order to comply with the zoning by-law provisions for yard setbacks, lot coverage, protect for the two required parking spaces, and ensure additional accessory uses are not located within the front yard. Condition 2 has been included to address this issue.

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 subject property is zoned Rural Residential Type Three (RR3) Zone. The RR3 Zone permits residential uses.

The reduced interior side yard to the southwestern lot line continues to provide sufficient space for access between the front and rear yards and for maintenance of the dwelling, deck, and shed. The reduced side yard setback for the shed also permits there to be greater maneuvering space for vehicles to transition between the driveway entrance and parking area.

The intent of restricting the number and type of accessory buildings within the front yard to garages is to recognize the vehicle storage use, reduce the presence of accessory uses within the front yard and ensure the dwelling maintains visual prominence in a residential streetscape. As the subject property is too small to contain a garage with acceptable setbacks to the road allowance, a shed built to appear like a smaller garage is acceptable to accommodate the ancillary storage uses that garages also perform (lawn mower and patio furniture, etc.).

The increased lot coverage does not propose a built form too large to be accommodated upon the size of lot proposed.

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. Low density residential uses, along with accessory uses are anticipated within this designation.

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

**Other Alternatives Considered:**

Through staff discussion during the pre-screening process, the application was revised from a detached garage within the front yard that faced the road and was larger and closer to the road to the more modest shed building currently proposed.

**Servicing Comments:**

The property is to be serviced by private individual well and holding tank.

**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 (July 7, 2020): No concerns.

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

**Public Comments:**

No comments received as of July 7, 2020.

**Attachments:**



Appendices A-E  
Report COA2020-01.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – 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>	D20-2020-008

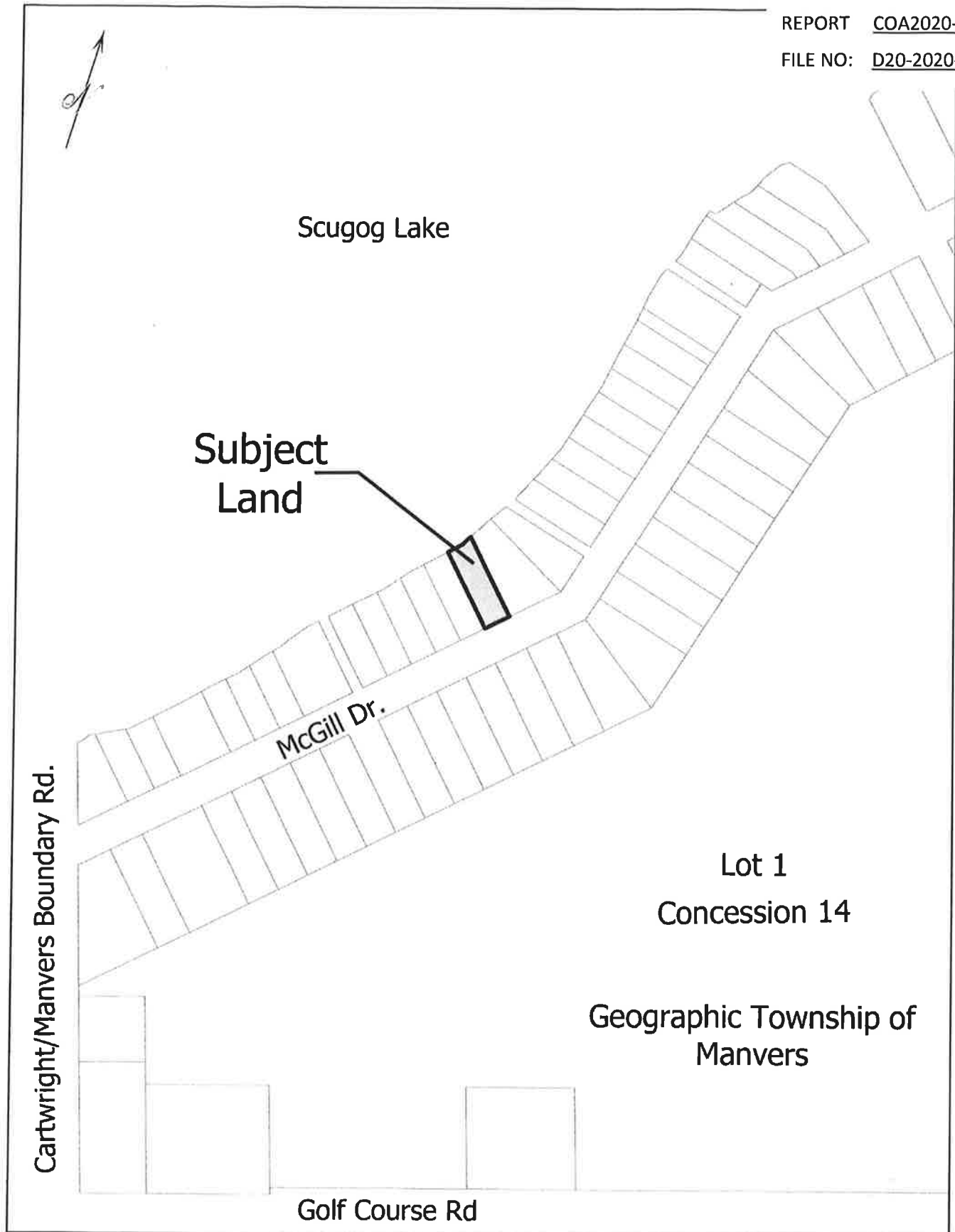
# D20-2020-008

APPENDIX " A "

to

REPORT COA2020-012

FILE NO: D20-2020-008



## 27 McGill Drive, geographic Twp. of Manvers





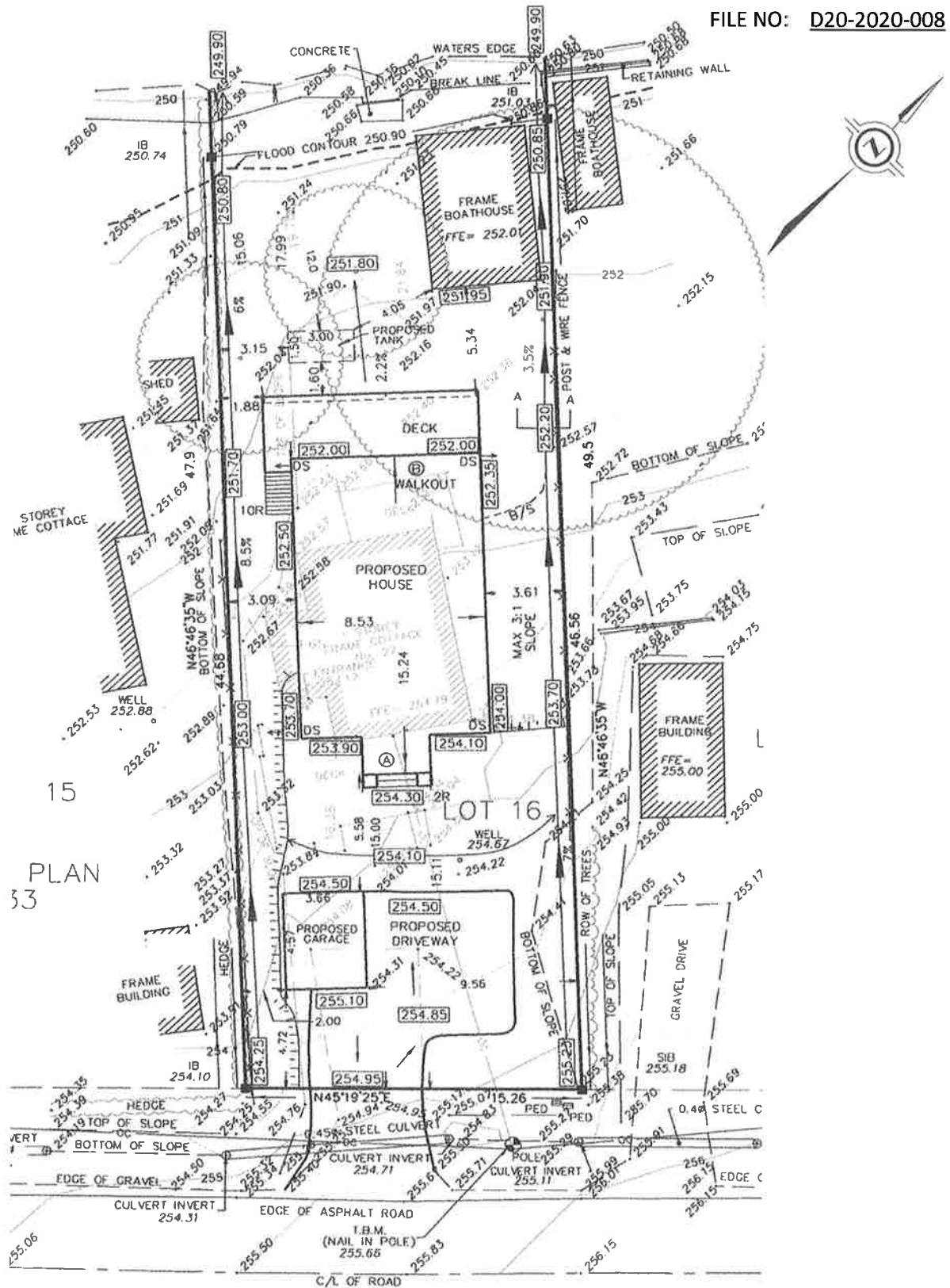
# LAKE SCUGOG

APPENDIX " C "

to

REPORT COA2020-012

FILE NO: D20-2020-008



McGILL DRIVE



APPENDIX " D "

to

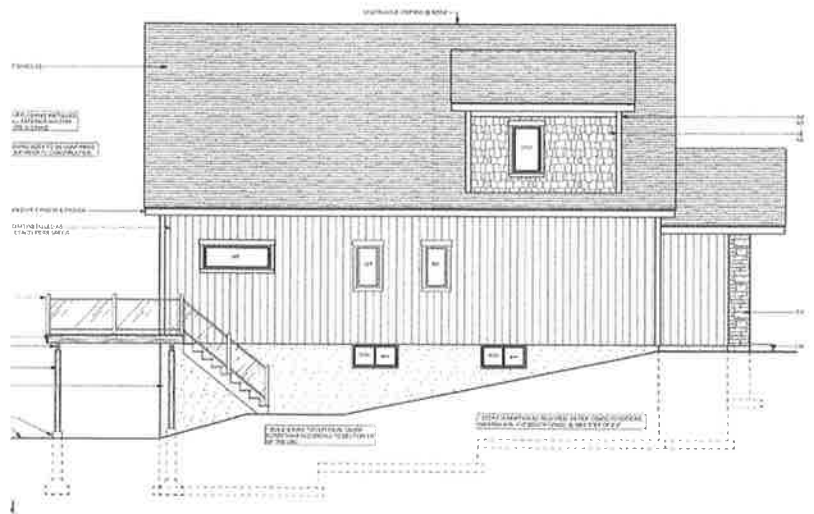
REPORT COA2020-012

FILE NO: D20-2020-008

Proposed Dwelling and Unenclosed Deck



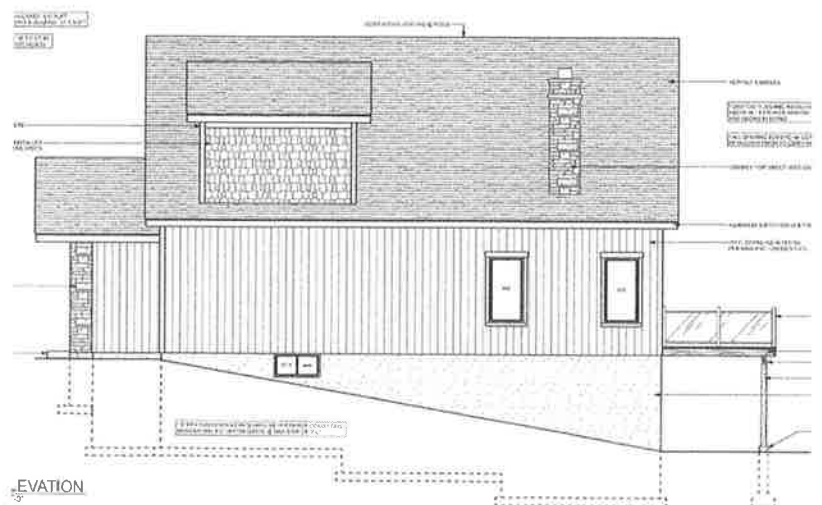
Southeast Elevation



Southwest Elevation

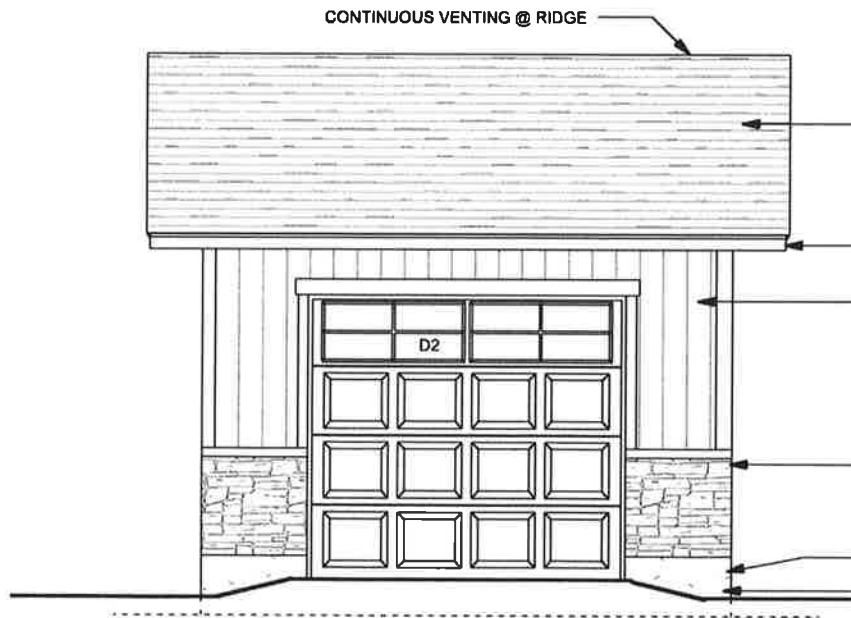
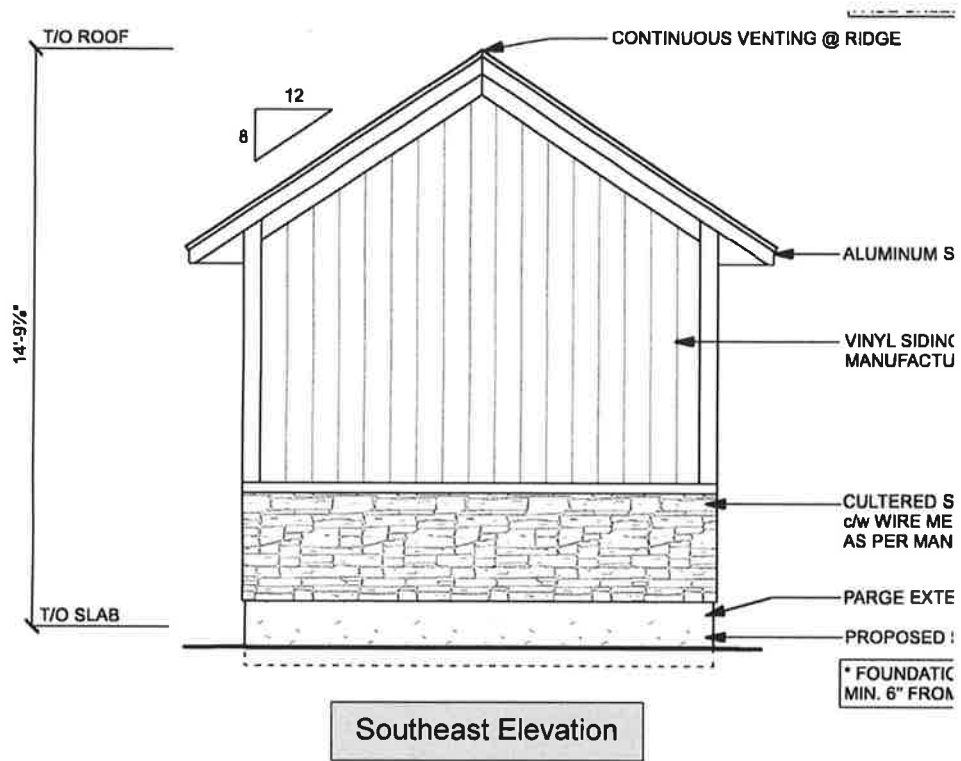


Northwest Elevation



Northeast Elevation

Proposed Shed



**David Harding**

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**From:** Kim Rhodes  
**Sent:** Monday, July 6, 2020 1:37 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20200706 D20-2020-008 - Engineering review

APPENDIX E  
to  
REPORT COA2020-012  
FILE NO. D20-2020-008

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

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

Minor Variance – D20-2020-008  
27 McGill Drive  
Lot 16, Plan 33  
Geographic Township of Manvers, Ward 7

It is the understanding by Engineering that the purpose and effect is to consider relief from the following provisions in order to permit the construction of the following buildings:

**Dwelling, Attached Unenclosed Deck with Stairs, and Shed**

1. to decrease the minimum lot area from 750 square metres to 746.5 square metres to permit to development of the lot; and
2. to increase the maximum lot coverage from 25% to 27.4%.

**Shed**

3. to permit the construction of a shed within the front yard whereas only a garage is permitted and also permit a side yard setback of 2 metres whereas 3 metres is required in the RR3 Zone; and
4. to reduce the minimum front yard setback from 15 metres to 4.7 metres.

**Dwelling**

5. to reduce the minimum side yard setback within the southwest side yard from 3 metres to 1.8 metres from the deck and 2.5 metres for the dwelling respectively.

*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](http://www.kawarthalakes.ca)

KRCA File NO: PPLK-9899

Via Email - [ccrockford-toomey@kawarthalakes.ca](mailto: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  
D20-2020-008  
27 McGill Dr, Part Lot 1, Concession 14, geographic Township of Manvers  
Tyrone Pereira and Nicole Swartz**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Holly Richards-Conley on behalf of Tyrone Pereira and Nicole Swartz. 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 D20-2020-008 is to seek relief from the Township of Manvers By-law No. 87-06 to:

- Decrease the front yard setback from the required 15m to 4.72m,
- Decrease the side yard setback from the required 3m to 2m,
- Decrease the SW side yard setback from the required 3m to 1.86m,
- Decrease the SW side yard setback from the required 3m to 2.51,
- Increase the maximum lot coverage from 25% to 27.34%, and
- Decrease the minimum lot area from 750 sq. m to 746.5 sq. m.

**Site Characteristics:**

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

**Natural Heritage Features:**

- Lake Scugog

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://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

- Fish habitat

Kawartha Conservation regulates the shoreline of Lake Scugog and 15m from the high water mark.

**Natural Hazards:**

- Flooding
- Erosion
- Steep slopes

Kawartha Conservation regulates steep slopes near the subject property.

**Water Resources:**

The subject property is within the Lake Scugog 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.

The owners have received a permit from Kawartha Conservation (Permit no. 2019-212).

**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 that the application is consistent with the natural heritage, natural hazard, and water resource policies of these documents.

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**Recommendation:**

Kawartha Conservation has no objection to D20-2020-008, based on our consideration for natural heritage, natural hazard, 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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