

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Yunmei Ye and Honghua Wu
Report Number COA2020-013

Public Meeting

Meeting Date: July 16, 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 Section 13.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 5.5 metres to 4.3 metres to permit the raising of a dwelling to add a full walk-out basement.

The variance is requested at 26 Evergreen Street, geographic Township of Emily (File D20-2020-009).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2020-013, be received;

That minor variance application D20-2020-009 Yunmei Ye and Honghua Wu be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-013, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance 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 COA2020-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: This application was deemed complete February 3, 2020.

Proposal: To permit a vacation dwelling to be raised to add a full lower level (basement).

Owners: Yunmei Ye and Honghua Wu

Applicant: Joe Kezar-Joe's Masonry & Son Ltd.

Legal Description: Part Lot 12, Block 4, Concession 7, geographic Township of Emily, now the City of Kawartha Lakes

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

Zone: Limited Service Residential Exception Four (LSR-4) Zone

Site Size: 1,684 square metres (18,126.4 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North & South – Shoreline Residential
East: Pigeon River
West: Rural

Rationale:

1) Is the variance minor in nature? Yes

And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The property is located within a seasonal residential neighbourhood on the west side of the Pigeon River.

The proposed construction will add additional living space without enlarging the footprint. As such, there is no reduction to any of the landscaped amenity spaces around the dwelling.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes

The property is zoned Limited Service Residential Exception Four (LSR-4) Zone within the Township of Emily Zoning By-law 1996-30. The zone category permits vacation dwellings.

The intent of an interior side yard setback is to preserve space sufficient for the passage of items between the front and rear yards and to provide sufficient

spatial separation between dwellings on abutting properties to avoid land use conflicts.

The reduction does not impact the ability to move larger items between the front and rear yards nor are any adverse impacts anticipated to the dwelling to the southwest at 24 Evergreen. No impacts are anticipated to 24 Evergreen as that dwelling is closer to the shoreline and there is also a line of cedar trees along the mutual lot line which acts as a vegetative buffer.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?
Yes

The property is within the Waterfront designation of the City of Kawartha Lakes Official Plan. Within this designation, shoreline residential uses are anticipated.

The dwelling is more than 30 metres back from the shoreline. As such, its raising meets the intent of Policy 3.11 by maintaining development away from the shoreline.

In consideration of the above the variance maintains 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 well and private 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 (July 6, 2020): No concerns.

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

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

Public Comments:

No comments have been received as of July 6, 2020.

Attachments:



Appendices A-D for
Report COA2020-01.

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

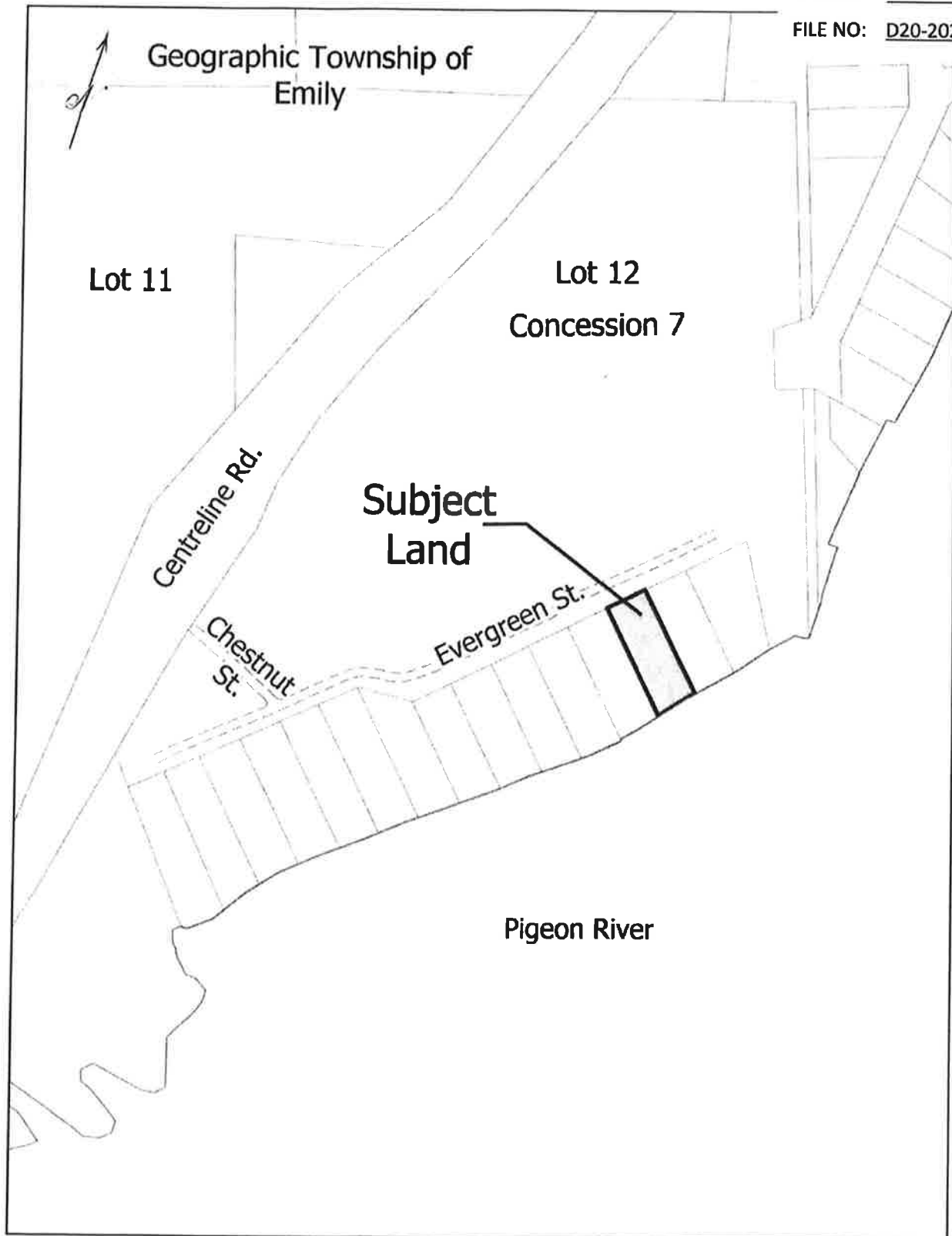
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-009

to

REPORT COA2020-013

FILE NO: D20-2020-009

D20-2020-009





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

Notes

Notes

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 complete. **THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES.**



0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

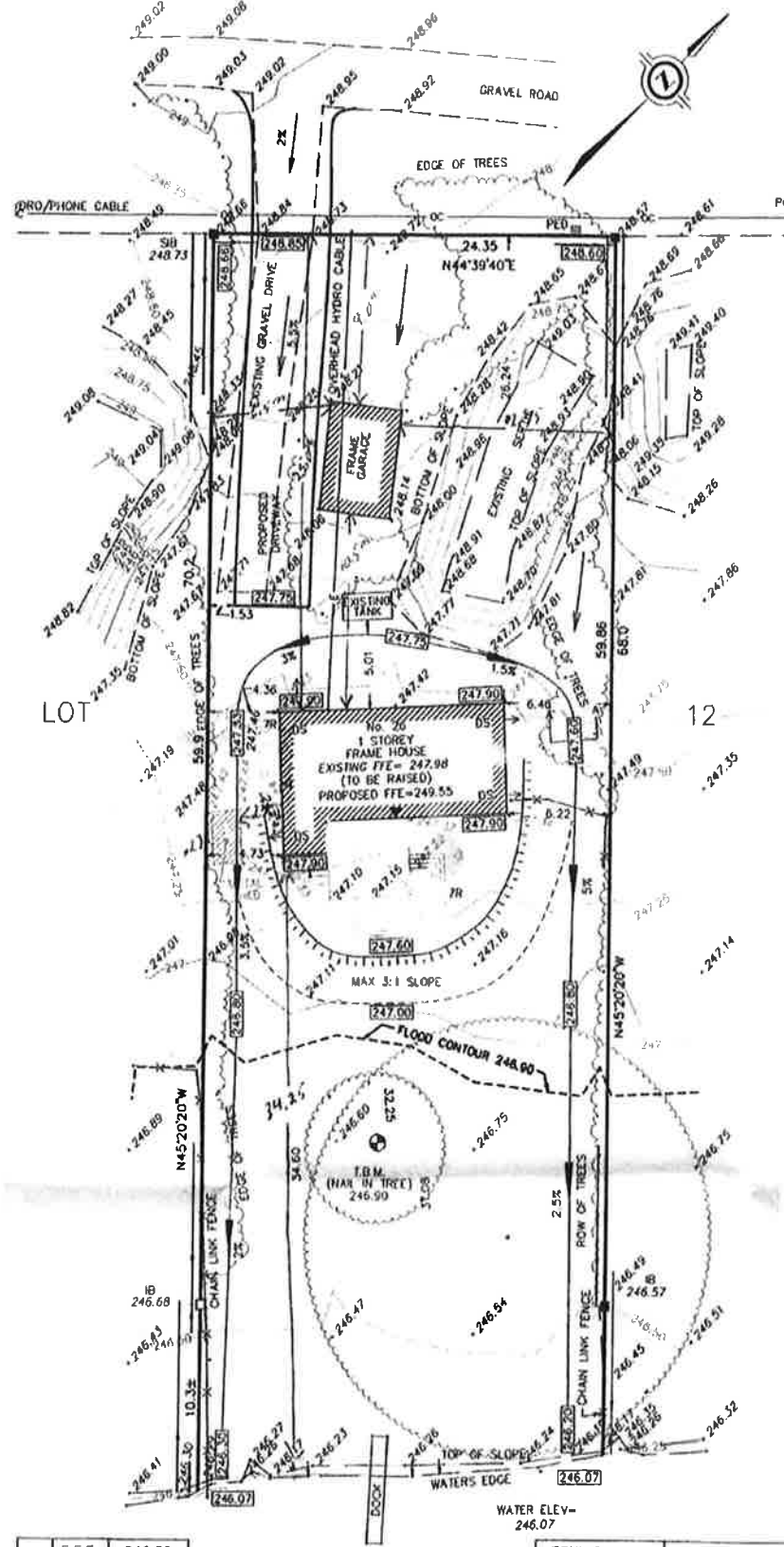
APPENDIX " B "

to

REPORT COA2020-013

FILE NO: D20-2020-009

FILE NO: D20-2020-009



	F.F.E.	249.55
	T.B.W.	249.25
	T.S.	248.05

ZONING	LSR-4
LOT AREA	1684 SQ. m.
BUILDING AREA	88.42 SQ. m.

Kent Stainton

From: Derryk Wolven
Sent: Thursday, March 5, 2020 1:54 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-009

Follow Up Flag: Follow up
Flag Status: Completed

APPENDIX D

to

REPORT

FILE NO.

COA 2020-013
D20-2020-009

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



KRCA File NO: PPLK-10138

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
D20-2020-009
26 Evergreen St, Lot 12, Concession 7, geographic Township of Emily
Ye Yunmei and Wu Honghua**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Joe's Masonry & Sons Ltd. on behalf of Ye Yunmei and Wu Honghua. 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 D20-2020-009 is to seek relief from Township of Emily By-law No. 1996-30 to reduce the side yard setback from the required 5.5m to 4.36m.

Site Characteristics:

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

Natural Heritage Features:

- Pigeon Lake
- Fish habitat
- Significant Woodlands
- Unevaluated wetland

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

Kawartha Conservation regulates the shoreline of Pigeon Lake and 15m from the high water mark. Kawartha Conservation regulates the unevaluated wetland nearby and 30m from the limit of the feature, this buffer falls on a part of the subject property.

Natural Hazards:

- Flooding
- Erosion

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 documents.



Recommendation:

Kawartha Conservation has no objection to the approval of D20-2020-009, 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

KAWARTHA CONSERVATION
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Kent Stainton

From: Kim Rhodes
Sent: Monday, July 6, 2020 1:38 PM
To: Mark LaHay
Cc: Christina Sisson; Kirk Timms
Subject: 20200706 D20-2020-009 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-009
26 Evergreen Street
Part Lot 12, Block 4, Concession 7
Geographic Township of Emily, Ward 6

It is the understanding by Engineering that the purpose and effect is to consider relief to reduce the minimum interior side yard setback from 5.5 metres to 4.3 metres to permit the raising of a dwelling to add a full walk-out basement.

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

