

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Heather Curtis**  
Report Number COA2020-014

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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: 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 19.30 metres to permit an addition to the dwelling and to 15.7 metres to permit a deck.

The variance is requested at 87 Marsh Creek Road, geographic Township of Mariposa (File D20-2020-010).

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

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2020-014 Curtis, be received;

**That** minor variance application D20-2020-010 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction for the deck and addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-014, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner shall apply for a demolition permit for the building identified as Old Shed in Appendix C to Report COA2020-014 and the Secretary-Treasurer shall receive written confirmation from the Chief Building Official that the building has been satisfactorily removed from the property; and
- 3) **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 COA2020-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** Renovations are proposed to an existing cottage, which involves squaring off the south eastern corner of the dwelling, and adding a deck spanning the rear wall. The addition will measure approximately 4.88 x 4.88 metres, and will occupy the footprint of the existing deck.

This application was deemed complete February 4, 2020.

**Proposal:** To construct an addition to a dwelling along with a deck.

**Owner:** Heather Curtis

**Applicant:** Dan Furlani

**Legal Description:** 87 Marsh Creek Road, Part Lot 22, Concession C, geographic Township of Mariposa now the 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 Mariposa Zoning By-law 94-07

**Site Size:** 1,457 square metres (15,683 square feet)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North: Agricultural  
South: Lake Scugog  
East, West: Shoreline Residential

**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 subject property is situated in a shoreline neighbourhood on the northern shores of Lake Scugog. Marsh Creek Road contains a mix of dwelling unit ages and sizes. The older dwellings tend to be smaller. Within the past 5-10 years, residential properties within this neighbourhood have and continue to experience reinvestment in the form of renovations and additions or complete replacement of the dwellings.

The requested relief will facilitate the renovation and expansion of the existing cottage.

The dwelling is at an angle to the shoreline, with its closest point being its southwestern corner. The addition, proposed in the southeast, will therefore be further away from the shoreline and in-line with the dwelling's existing rear wall. The deck is proposed to be stepped in order to provide adequate spatial separation between built form and the shoreline. This will preserve additional rear yard recreational amenity space and provide for the separation of built form from the shoreline.

The proposal is in keeping with the apparent line of development established by 89 and 85 Marsh Creek Road. No adverse impacts to the character of the shoreline are anticipated.

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 subject property is zoned Rural Residential Type Three (RR3) Zone. The RR3 Zone permits residential use in the form of a single detached dwelling. The General Provisions establish a minimum setback requirement of 15 metres from an Environmental Protection (EP) Zone. This requirement ensures sufficient space to provide for stormwater attenuation and habitat in the form of landscaped open space for the abutting waterbody. The proposal complies with this requirement.

Sufficient rear yard space is being maintained for recreational and amenity purposes.

The applicant advises that the old shed within the rear yard shall be removed in order to facilitate the addition. Condition 2 is included to ensure compliance with the accessory building spatial separation requirements contained in Section 3.1.2.2, as the building would be too close to the proposed deck and addition to comply.

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 designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

Policy 3.11 permits a minimum water setback of down to 15 metres on developed existing lots of record provided that there is no alternative to expansion and development is directed away from the shoreline as much as possible. The addition is squaring off the existing built form and the deck width is being restricted to the extent possible to provide useable amenity space off of the main floor while complying with the minimum shoreline setback requirements.

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

**Other Alternatives Considered:**

Through the pre-screening process, adjustments were made to the deck to bring the proposal into conformity with the Official Plan policies and compliance with the setback requirements from an Environmental Protection (EP) Zone.

**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 (July 6, 2020): No concerns.

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

**Public Comments:**

No comments received as of July 6, 2020.

**Attachments:**



Appendices A-D to  
Report COA2020-01.

Appendix A – Location Map

Appendix B – Aerial Photo

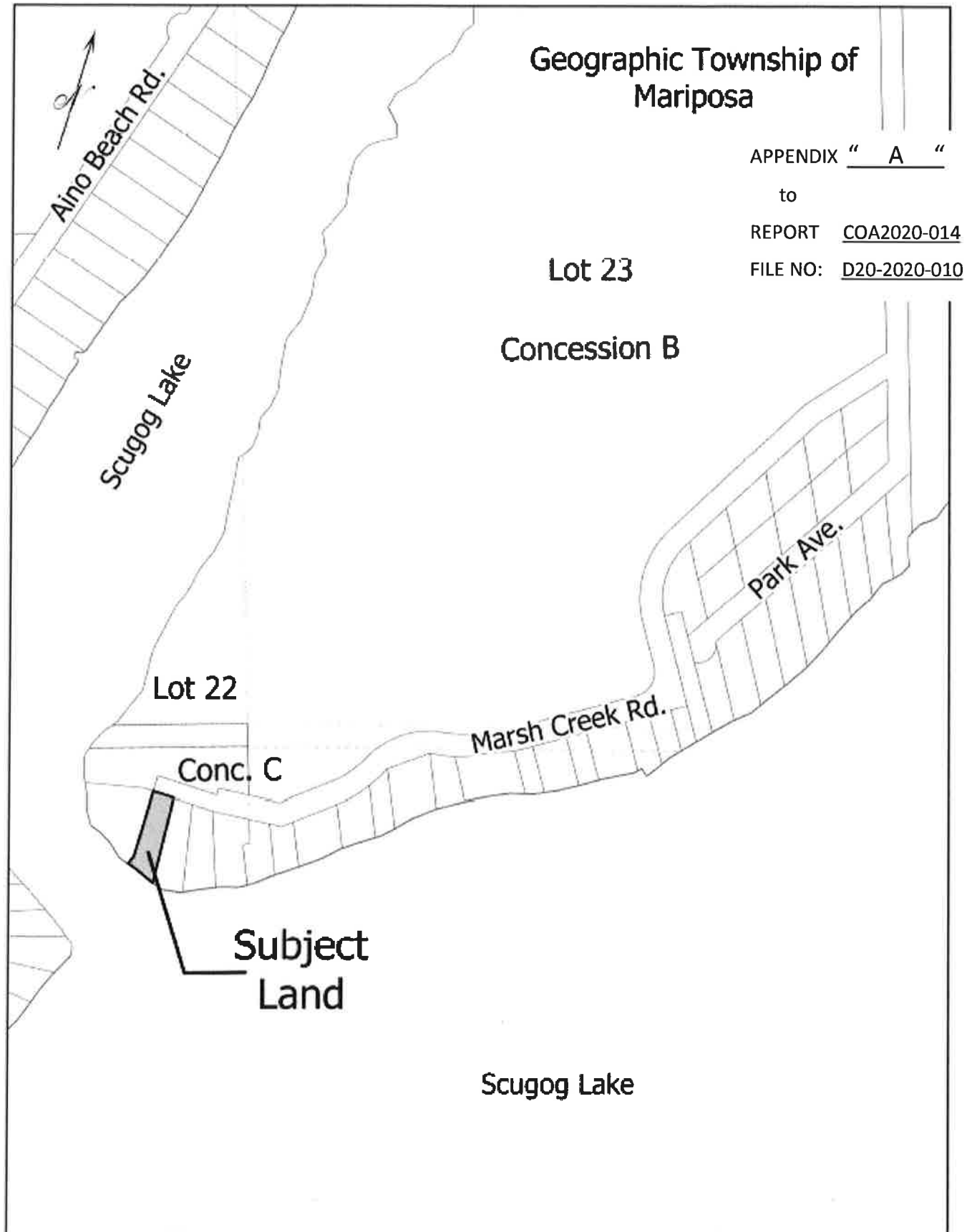
Appendix C – Applicant's Sketch

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>	D20-2020-010

# D20-2020-010





#### Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☒ Road Centreline (2016 Needs)
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities

#### Notes

Notes

APPENDIX " B "

to

REPORT COA2020-014

FILE NO: D20-2020-010

0.11

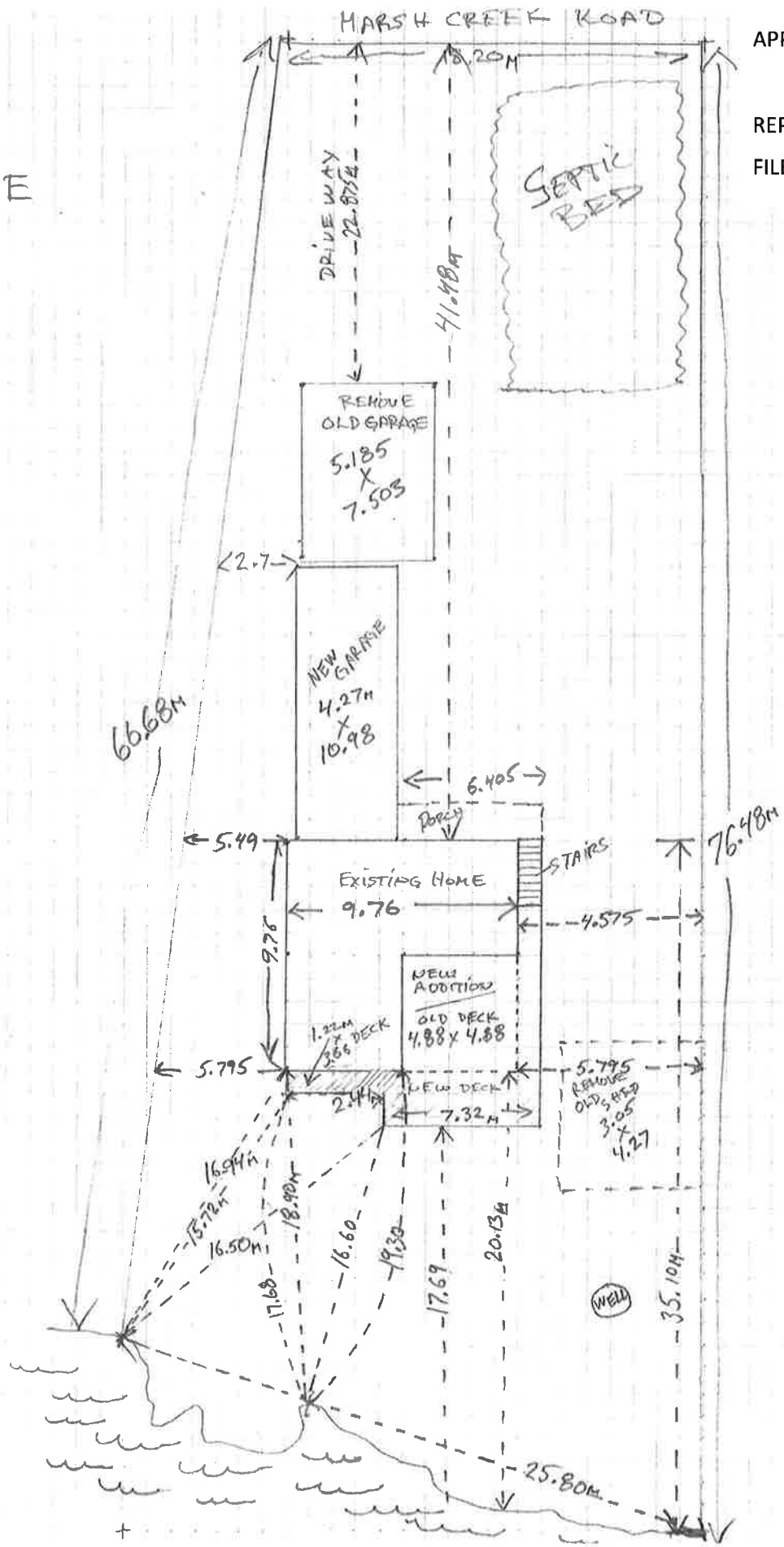
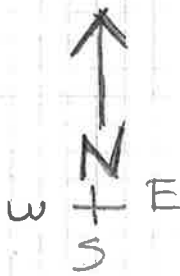
Kilometers

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.

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APPENDIX " C "  
to  
REPORT COA2020-014  
FILE NO: D20-2020-010

APPENDIX " D "  
to  
REPORT COA2020-014  
FILE NO. D20-2020-010

KRCA File NO: PPLD-3237

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  
D20-2020-010  
87 Marsh Creek Rd, Lot 22, Concession C, geographic Township of Mariposa  
Heather Curtis**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Application for a Minor Variance, submitted by Dan Furlani on behalf of Heather Curtis. 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 D20-2020-010 is to seek relief from the Township of Mariposa By-law No. 94-07 to reduce the minimum water setback from the required 30m to 15.7m.

**Site Characteristics:**

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

**Natural Heritage Features:**

- Lake Scugog
- Fish Habitat
- Provincially Significant Wetland (property within area of interference)

Kawartha Conservation regulates 15m from the high water mark of Lake Scugog. Kawartha Conservation also regulates the Provincially Significant Wetland adjacent to the subject property and 120m from the limit of the feature.

**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



***Natural Hazards:***

- Flooding
- Erosion

***Water Resources:***

The subject property is within the Lake Scugog 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 applicant has already obtained a permit from our office (permit no. 2019-395).

**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 proposal conforms to the natural heritage, natural hazard and water resource policies of these documents.

**Recommendation:**



**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

Page 3 of 3  
March 6, 2020

Kawartha Conservation has no objection to the approval of D20-2020-010, 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**

277 Kenrei Road, Lindsay, ON K9V 4R1

705.328.2271 Fax 705.328.2286

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## David Harding

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**From:** Kim Rhodes  
**Sent:** Monday, July 6, 2020 1:39 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20200706 D20-2020-010 - Engineering review

**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 – D20-2020-010  
87 Marsh Creek Road  
Part Lot 22, Concession C  
Geographic Township of Mariposa, Ward 7

It is the understanding by Engineering that the purpose and effect is to consider relief to reduce the minimum water setback from 30 metres to 19.30 metres to permit an addition to the dwelling and to 15.7 metres to permit a deck.

*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)

