

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Robson**  
Report Number COA2020-019

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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 6 – Former Town of Verulam**

**Subject: The purpose and effect is to request relief from:**

1. Section 5.18.3 to reduce the street centreline setback from Kenhill Beach Road from 17.5 metres to 16.01 metres to permit the construction of a new single detached dwelling and deck,
2. Section 8.2 (d) to decrease the minimum front yard setback from 7.5 metres to 5.95 metres to permit the construction of a new single detached dwelling and deck; and
3. Section 8.2 (n) to decrease the minimum water setback from 15 metres to 14.44 metres to permit the construction of a new deck associated with a new single detached dwelling.

The variance is requested at 23 Kenhill Beach Road, former Township of Verulam (File D20-2020-015).

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**Author:** Kent Stainton, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2020-019 Douglas and Ida Robson be received;

**That** minor variance application D20-2020-015 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 dwelling and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2020-019, 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 submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; and
- 3) **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 COA2020-019. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

- Background:** The proposal involves the replacement of an existing bungalow and the construction of a 277.77 square metre (2989.90 square feet) two-storey single detached dwelling and a 20.81 square metre (224 square feet) deck on the subject property. The application was deemed complete on May 6, 2020.
- Proposal:** To construct a new two-storey single detached dwelling with walkout basement and a deck. The new construction requires relief from the setbacks from Centreline of Kenhill Beach Road and a reduced front yard setback as well as a reduction in the Water Setback to allow encroachment from the main level deck.
- Owners:** Douglas and Ida Robson
- Applicant:** Holly Richards-Conley (Blackpoint Construction Services)
- Legal Description:** 23 Kenhill Beach Road, Part Lot 10, Concession 3, Lot 9, Plan 145, geographic Township of Verulam, Ward 6, now in the City of Kawartha Lakes
- Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan (2012)
- Zone:** Residential Type One (R1) Zone under the Township of Verulam Zoning By-Law No. 6 - 87
- Site Size:** 669.24 square metres (7023.64 square feet)
- Site Servicing:** Private individual well and septic system
- Existing Uses:** Shoreline Residential
- Adjacent Uses:** North: Sturgeon Lake  
East, West: Shoreline Residential  
South: Vacant Land

**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 located within a shoreline residential neighbourhood on the southeast side of Sturgeon Lake. The parcels within this neighbourhood are smaller, with the nearby lots being of similar size around 680 square metres. However, the homes within the neighbourhood are relatively modest in size, which allows for good spatial separation between homes and for the retention of vegetation screening between properties to increase privacy. The parcel features a "backlot" portion south of Kenhill Beach Road. There is the option to explore the backlot portion of the lot for the purpose of accessory structures if necessary.

The new two-storey dwelling is not anticipated to generate any adverse massing or land use impacts, as it is screened from the abutting neighbours to the east and west (21 and 25 Kenhill Beach Road) by established vegetation and is similar in height to the two-storey dwelling to the west. The terraced topography of the lot permits a two-storey design with the northern half of the basement extending as a walkout to an existing concrete patio. Additionally, the sides of the dwelling which face the neighbouring properties function as interior side yards, reducing the human activity and therefore land use conflict that could occur within these yards.

The water setback is slightly improved with the location of the proposed deck being no closer to the shoreline than the existing footprint of the of the bungalow. The new build is shifted to the south taking a reduced front yard setback (5.95 metres) from the southeast corner of the proposed dwelling, while allowing for two (2) parking spaces to be established in the front yard. The reduction of the front yard setback results from the angular parcel fabric as well as the location of the existing septic system (holding tank) on the site. The proposed parking spaces removes the requirement for on-street parking, keeping the roadway clear and bringing the property into compliance with the Zoning By-Law. Any visual impacts from the presence of the vehicles within the front yard are mitigated by the vegetative screening on both the eastern and western lot lines.

The main level deck represents a relatively minor encroachment into the water setback (0.6 metres) from the southwest corner, as a result of the angular configuration of the lot. The deck is elevated with the walkout patio from the basement as well as existing vegetation to the north to be maintained. Therefore, the deck does not remove landscaped open space from use and maintains continuity of access from the existing basement to the north yard.

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 dwelling is oriented towards the Sturgeon Lake shoreline to the north. As such, the majority of the parcel's recreational amenity space is located within the north yard. The area south of the dwelling functions as its front yard since the front door and parking area is located within this space. The area west and east of the dwelling functions as its interior side yards. The intent of the rear yard setback is to provide sufficient depth for a rear yard amenity space and sufficient spatial separation to buffer residential uses in abutting rear yards.

The proposed reduction of the street centreline setback from Kenhill Beach Road (1.5 metres) and reduced front yard setback (1 metre) is required in order to achieve a greater water setback from the shoreline to the proposed dwelling. The parallelogramic shape of the lot presents challenges without shifting the entire foundation of the existing dwelling, causing greater site disturbance and a reduced spatial separation from the septic system. Notwithstanding the reduced street centreline and front yard setback, off-street parking spaces for the requisite two vehicles is established on-site as opposed to parking on Kenhill Beach Road.

The proposed dwelling on the subject property will not adversely reduce any of the existing side yard setbacks. Interior side yards function primarily as utilitarian spaces to provide maintenance access around buildings, a space to locate utility infrastructure and to facilitate access between front and rear yards. Both interior side yard lot lines are well vegetated with a mature cedar hedge on the western lot line and a variety of mature shrubs providing privacy on the eastern lot line. A 1.8 metre setback from the southeast corner of the dwelling is proposed without limiting accessibility to the eastern interior side lot.

The zoning by-law, through its water setback establishes a minimum spatial separation standards from the shoreline. The setback also ensures the built form does not dominate the shoreline. The proposed 14.4 metre rear yard setback is appropriate and does not introduce adverse massing impacts or land use conflicts. The deck projection into the water setback is less prominent due to the angling of the proposed dwelling with only the corner of the deck encroaching into the setback and the at-grade landscaping to remain intact.

While the purpose of the water setback is also to provide sufficient space to allow for the establishment of an environmental buffer and the infiltration of stormwater runoff, the location of the deck represents the extent of the previous dwelling, which has already created a distinct break and hard-surfacing of this portion of the north yard landscape. The purpose and function of the water setback remains in the space north of the proposed deck.

Therefore, the variances maintain 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 subject property is designated Waterfront in the City of Kawartha Lakes Official Plan (Official Plan). Residential uses are anticipated within this designation. As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat in accordance with Ministry of Natural Resources and Forestry (MNR) recommendations. These setbacks also have the added function of directing built form away from the shorelines so that natural, rather than built form, dominates which in turn reduces massing impacts by increasing spatial separation. In keeping with the policies laid out in section 20.3, when it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat.

Policy 20.3.10 and 20.5.1 outlines the importance of shoreline development maintaining low profiles in order to blend in with the natural surroundings. The proposed dwelling is being relocated outside of the 15 metre water setback with only the southwest corner of the main level deck remaining 0.6 metres within the setback. As the proposed dwelling is greater than 15 metres from the shoreline and no further aggravation is proposed to the landscape between the overhang of the deck and the shoreline, there are no impacts to the established environmental buffer between the shoreline and dwelling. The main level deck adds further floor space to make the deck area more useable as an outdoor sitting area to enjoy views of the lake.

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:**

Kawartha Region Conservation Authority (May 21, 2020): No Concerns.

Development Engineering Division (July 6, 2020): No concerns.

Building Division – Part 8 Sewage System (May 26, 2020): A sewage system permit to install has been completed for the installation of a replacement Class 5 Holding Tank for this property. The Class 5 system has been granted due to restrictions with clearance distances for this property. The current site plan indicating the location of the new dwelling and Class 5 Holding Tank does reflect the approval for placement. No concerns.

**Public Comments:**

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

**Attachments:**



Appendices A-D for  
Report COA2020-019

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

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-015

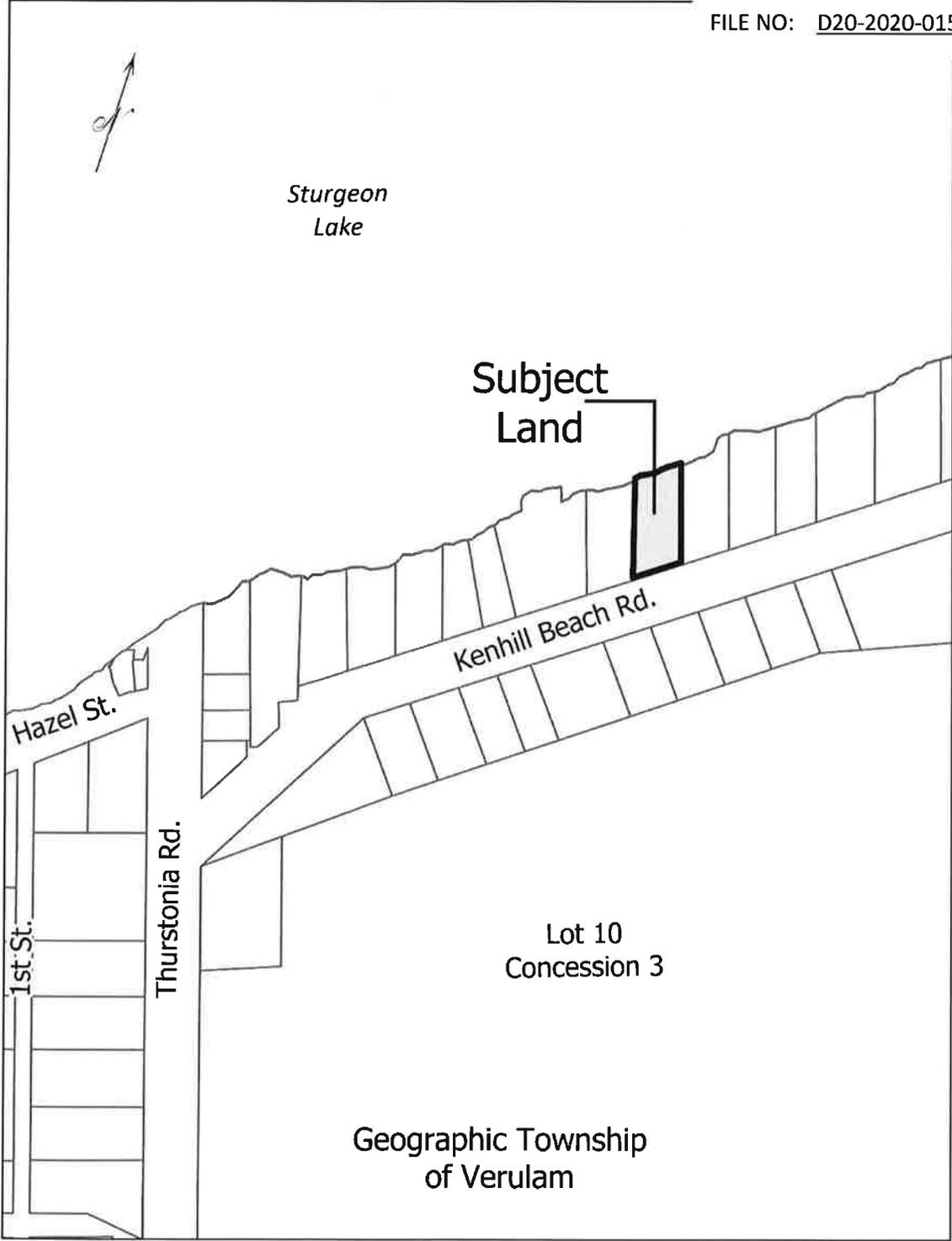
APPENDIX " A "

to

REPORT COA2020-019

FILE NO: D20-2020-015

# D20-2020-015



## 23 Kenhill Beach Road, Verulam



### Legend

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

### Notes

Notes

REPORT COA2020-019  
FILE NO: D20-2020-015

APPENDIX " B "

0.06

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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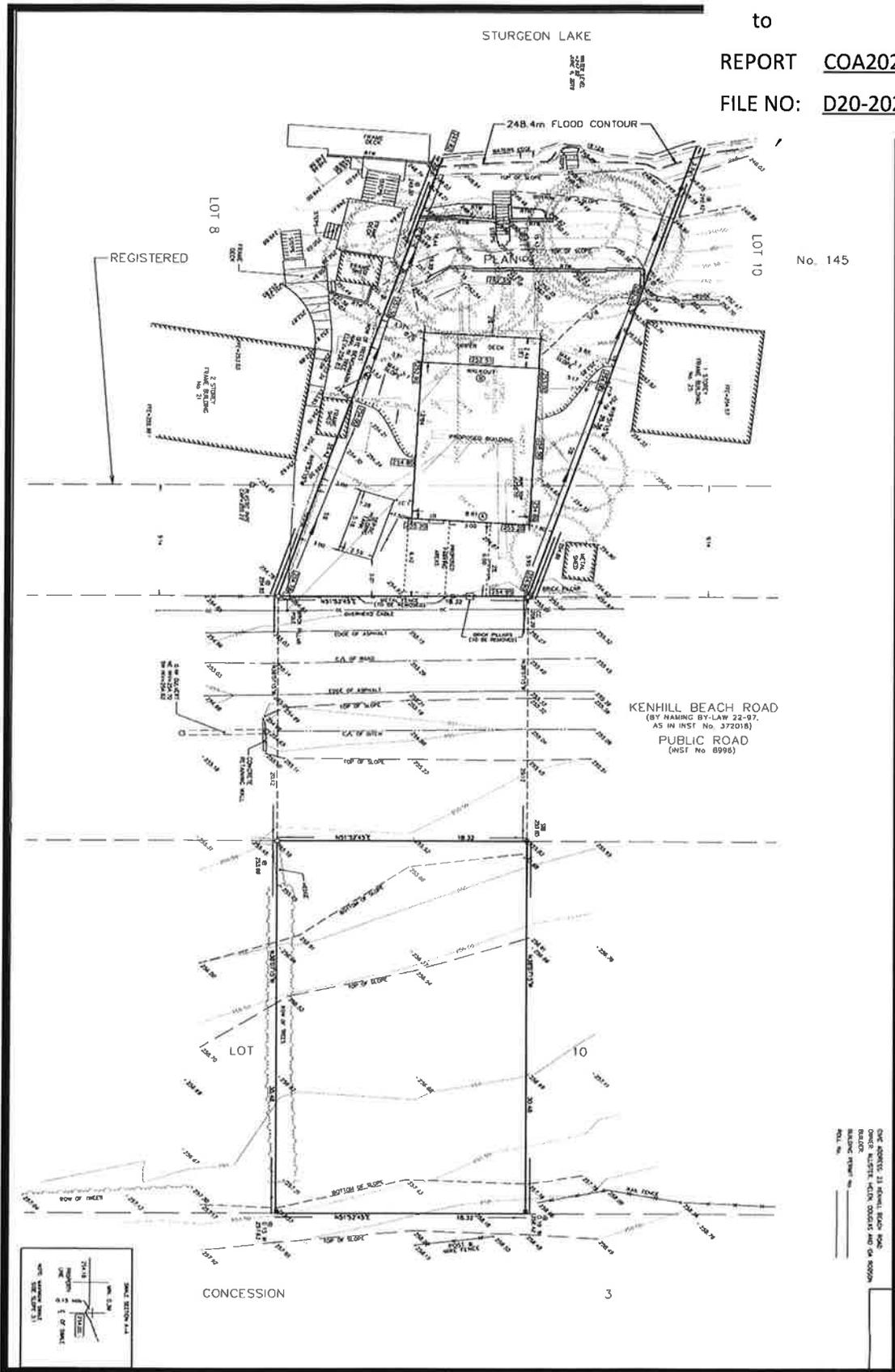
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APPENDIX " C "

to

REPORT COA2020-019

FILE NO: D20-2020-015



**Charlotte Crockford-Toomey**

**From:** Erin McGregor <emcgregor@kawarthaconservation.com>  
**Sent:** Thursday, May 21, 2020 11:28 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** RE: Advanced Circulation D20-2020-015, 23 Kenhill Beach Drive, Verulam

Hi Charlotte,

I'm back working part-time so I'm just sending some brief comments via email.

No issues with the reduced setbacks. The property is entirely regulated so permits will be required for construction.

Sincerely,

Erin McGregor  
Resources Planner Technician  
KAWARTHA CONSERVATION  
277 Kenrei Road  
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232

Fax: 705.328.2286

**IMPORTANT COVID-19 NOTICE:** In light of health concerns related to the Covid-19 virus, the Kawartha Conservation Administrative office will be closed to the public until further notice. Events and meetings will be postponed until further notice. Residents can reach the office by calling 705.328.2271 or by emailing [geninfo@kawarthaconservation.com](mailto:geninfo@kawarthaconservation.com).

[KawarthaConservation.com](http://KawarthaConservation.com)



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**From:** Charlotte Crockford-Toomey

**Sent:** May 6, 2020 3:43 PM

**To:** Anne Elmhirst ; Ron Warne ; Erin McGregor

**Subject:** Advanced Circulation D20-2020-015, 23 Kenhill Beach Drive, Verulam

Good afternoon

Please find attached an advanced circulation for application D20-2020-015.  
Hard copy to follow with the cheque.

Many thanks

**Charlotte Crockford-Toomey**

Administrative Assistant

Planning Department, City of Kawartha Lakes

705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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## **Charlotte Crockford-Toomey**

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**From:** Anne Elmhirst  
**Sent:** Tuesday, May 26, 2020 10:37 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-015 - 23 Kenhill Beach Rd

Hello Charlotte,

I have received and reviewed the request for relief to decrease the minimum front yard setback for the construction of a new dwelling at 23 Kenhill Beach Rd under file D20-2020-015. A site visit was completed to confirm the proposal location.

A sewage system permit to install has been completed for the installation of a replacement Class 5 holding tank for this property. The Class 5 system has been granted due to restrictions with clearance distances for this property. The current site plan indicating the location of the new dwelling and Class 5 Holding Tank does reflect our approval for placement.

As such, the Building Division – Sewage System Program has no objection to the request for minor variance.

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



## Kent Stainton

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**From:** Kim Rhodes  
**Sent:** Monday, July 6, 2020 1:42 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20200706 D20-2020-015 - 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 – D20-2020-015  
23 Kenhill Beach Road  
Part Lot 10, Concession 3, Lot 9, Plan 145  
Geographic Township of Verulam, Ward 6

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

1. to reduce the street centerline setback from Kenhill Beach Road from 17.5 metres to 16.01 metres to permit the construction of a new single detached dwelling and deck;
2. to decrease the minimum front yard setback from 7.5 metres to 5.95 metres to permit the construction of a new single detached dwelling and deck; and
3. to decrease the minimum water setback from 15 metres to 14.44 metres to permit the construction of a new deck associated with a new single detached dwelling.

*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)

