

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Richard Michael D. E. Chartier**  
Report Number COA2020-023

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**Public Meeting**

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

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**Ward: 3 – Former Village of Fenelon Falls**

**Subject:** The purpose and effect is to request relief from Section 4.3.3(c)(iii) to reduce the minimum interior side yard setback from 4 metres to 1.8 metres in order to permit an addition to a single detached dwelling.  
The variance is requested at 101 Juniper Street, Former Village of Fenelon Falls (File D20-2020-019).

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

**Signature:** 

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**Recommendations:**

**Resolved That** Report COA2020-023 Richard Michael D.E. Chartier, be received;

**That** minor variance application D20-2020-019 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 addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-023, 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 COA2020-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

- Background:** An addition to the one storey single detached dwelling is proposed.  
This application was last amended August 28, 2020.
- Proposal:** To permit an approximately 27.3 square metre (293 square feet) one storey addition to a single storey dwelling.
- Owner:** Richard Michael David Edmond Chartier
- Legal Description:** Lot 6 n/s Juniper, Plan 345, former Village of Fenelon Falls, City of Kawartha Lakes
- Official Plan:** Low Density Residential within the Village of Fenelon Falls Official Plan
- Zone:** Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25
- Site Size:** 1,982.96 square metres (0.49 acres)
- Site Servicing:** Municipal water and private individual septic system
- Existing Uses:** Shoreline Residential
- Adjacent Uses:** Northeast: Fenelon River  
Southwest: Vacant Land  
Southeast, Northwest: 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 residential neighbourhood bordering the south side of the Fenelon River. The southwestern side of the road is bordered by vacant land and the Fenelon Falls Public School. Therefore, all of the residences along the road, except 22 Juniper to the north, are between the road and river. The neighbourhood has a distinctly rural character due to the lack of development on the southwest side of the road, wide lots, and distance the dwellings are set back from the road.

The dwelling on the subject property is at an angle to the road. Therefore, its interior side yards are of uneven widths. The southeastern corner of the dwelling is closest to the southeast lot line. The addition is proposed on this side, and will provide for an enlarged bathroom. As the dwelling is at an angle, only a corner of the development will utilise the full extent of the variance requested. Sufficient space (1.8 metres) will remain to provide access for maintenance purposes along this side of the house.

The northwestern interior side yard is over 8 metres wide at its narrowest point, providing sufficient space to accommodate equipment to service or replace the septic system within the rear yard. This yard appears to be more intensively utilised due to its parking area and storage (shed) uses, and is more appropriate as a service access point to the rear yard.

There is a cedar hedge which runs along the mutual lot line between the property and 109 Juniper Street. The owner has identified that this hedge will be retained as much as possible to maintain privacy.

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 Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. Lots on full municipal services have smaller setbacks than lots on partial or fully private services. The intent of the enhanced setbacks for properties with partial or fully private services is to provide additional space to accommodate well or septic service vehicles or services. Sufficient space remains in the northwestern interior side yard to facilitate access for larger vehicles and equipment for the sewage system within the rear yard.

The purpose of an interior side yard is also to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance. The addition will be up to 1.8 metres away from the lot line at the yard's narrowest point and up to 3.3 metres away at its widest point. Sufficient space remains within this interior side yard to accomplish these functions.

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 property is designated Low Density Residential within the Village of Fenelon Falls Official Plan. Single detached dwellings, 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:**

No other alternatives were considered at this time.

**Servicing Comments:**

The property is serviced by municipal water and a private individual 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 (August 4, 2020): No concerns.

Development Engineering Division (August 11, 2020): No concerns.

Building Division (September 8, 2020): No concerns.

**Public Comments:**

No comments received as of September 8, 2020.

**Attachments:**



Appendices A-D to  
Report COA2020-02.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

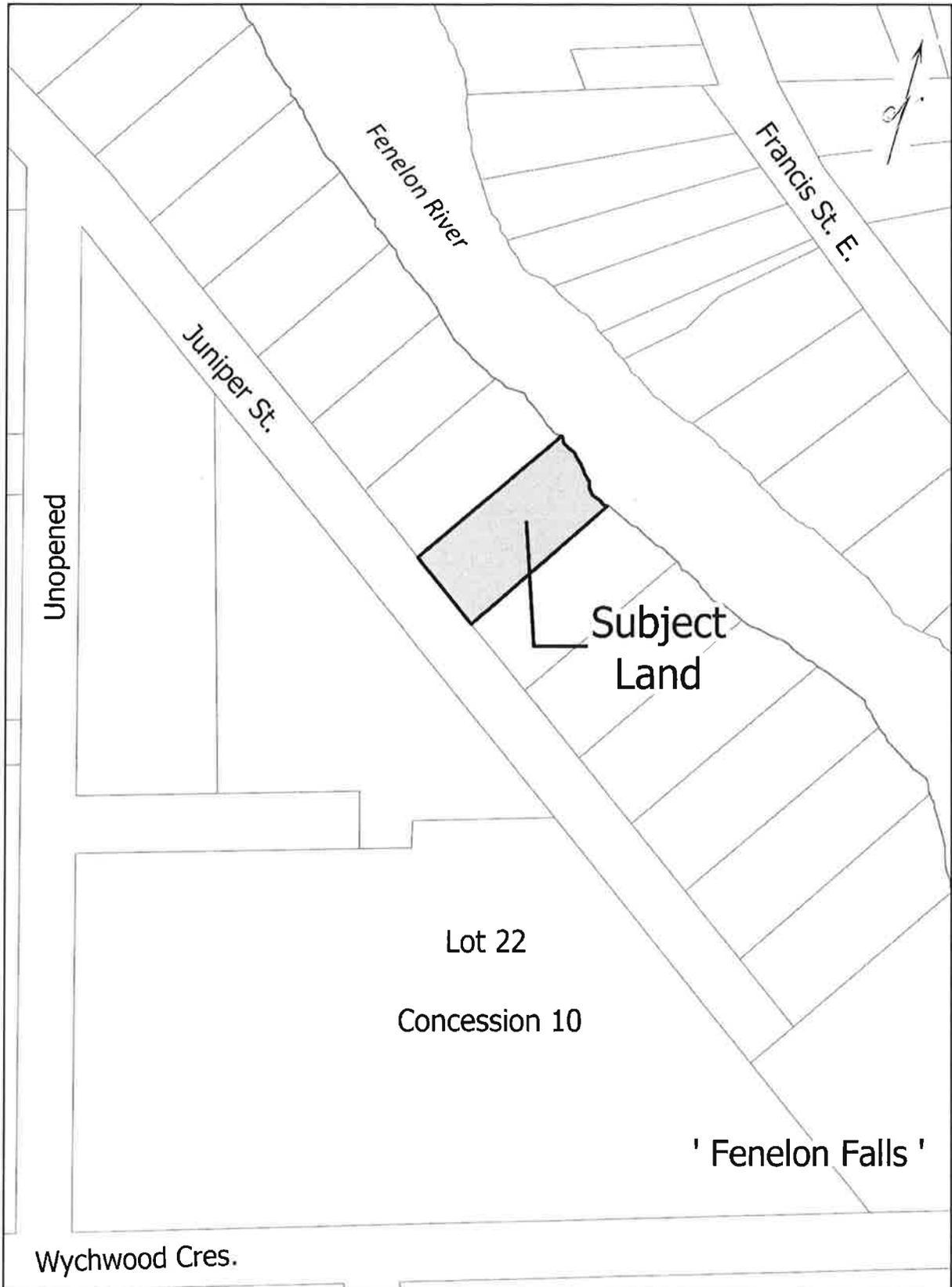
Appendix D – Department and Agency Comments

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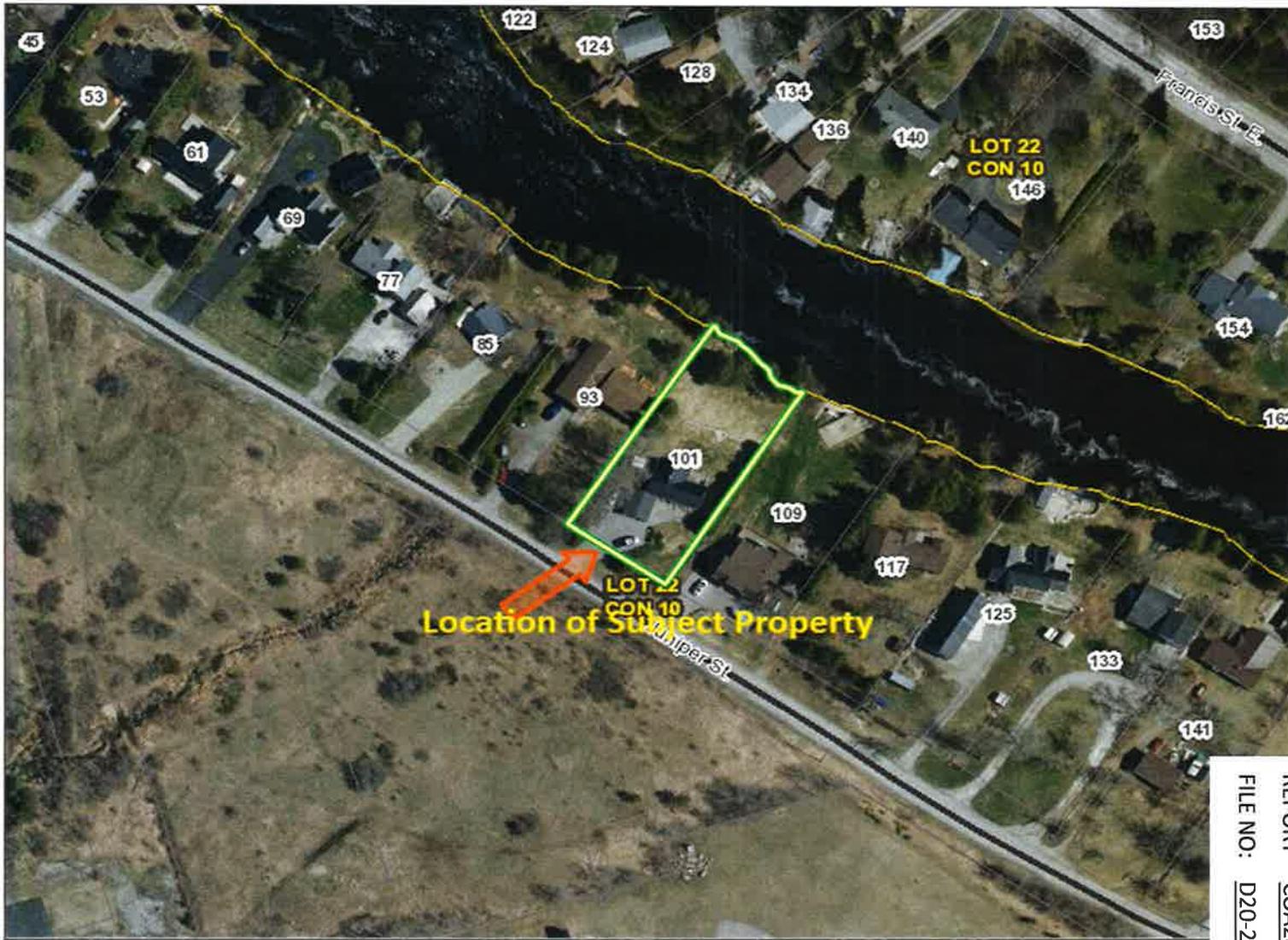
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-019

to

# D20-2020-019



# 101 Juniper Street, Village of Fenelon Falls

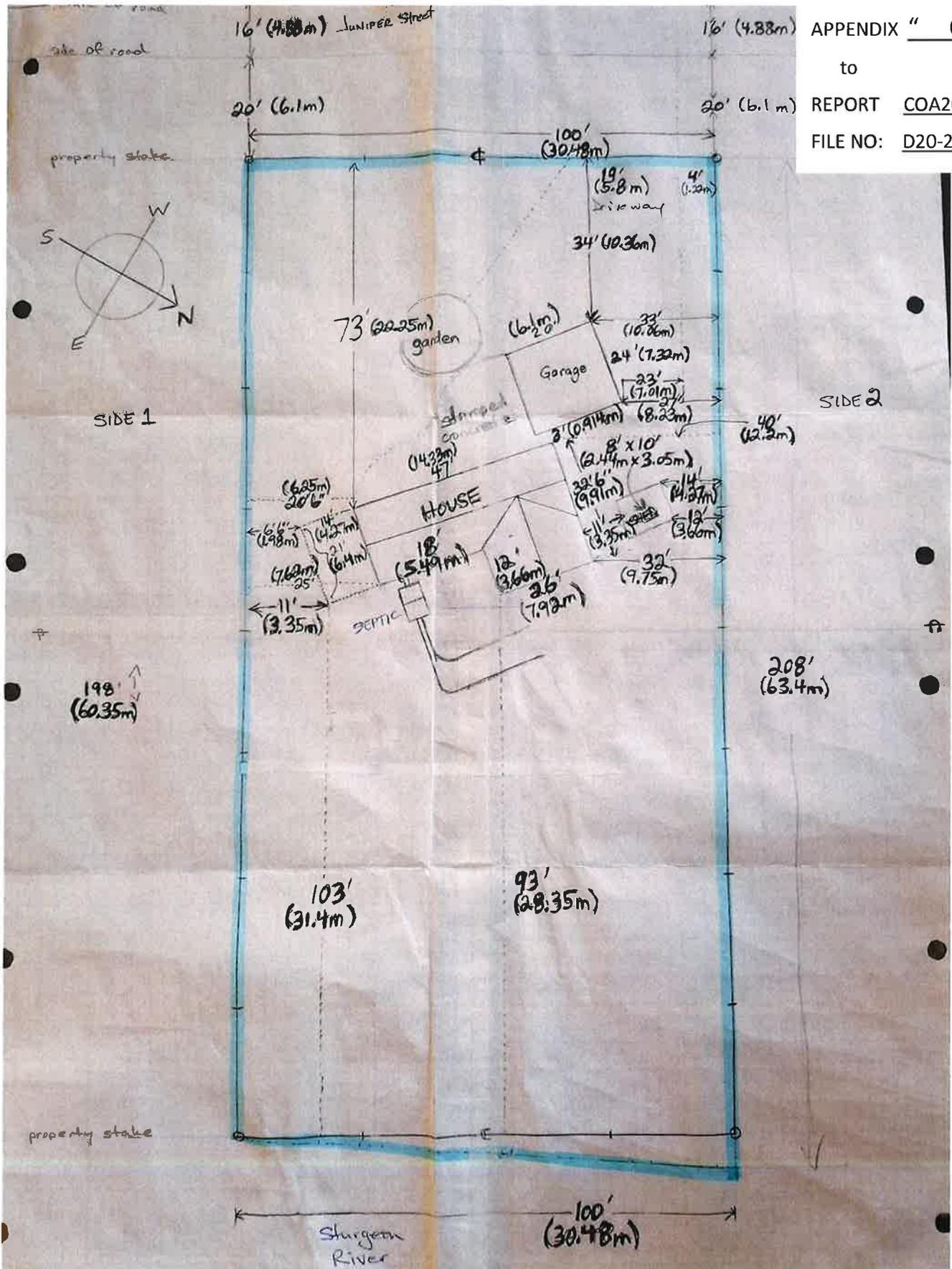


APPENDIX " C "

to

REPORT COA2020-023

FILE NO: D20-2020-019





APPENDIX " D "  
to  
REPORT COA2020-023  
FILE NO. D20-2020-019

KRCA File NO: PPLK-10205  
Via Email: ccrockford-toomey@kawarthalakes.ca  
Charlotte Crockford-Toomey  
Administrative Assistant  
Development Services – Planning Division  
180 Kent St West  
Lindsay, ON K9V 2Y6

**Regarding: Application for Minor Variance  
D20-2020-019  
101 Juniper St, Fenelon Falls  
Richard Chartier**

Dear Ms. Crockford-Toomey,  
Kawartha Conservation has completed review of the above noted Application for a Minor Variance submitted by Richard Chartier. Kawartha Conservation has provided comments as per our MOU with 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 [D20-2020-019] is to reduce the side yard setback from 4 metres to 2.01 metres to permit an addition to the existing dwelling.

**Site Characteristics:**

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

*Natural Heritage Features:*

- Fenelon River
- Fish Habitat

Kawartha Conservation regulates the shoreline of Fenelon River and 15 metres from top of bank.

*Natural Hazards:*

- Flooding

Kawartha Conservation regulates the flooding hazard and 15 metres from the floodline.

*Water Resources:*

**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





**KAWARTHA  
CONSERVATION**

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Page 2 of 3  
August 4, 2020

- Subject property is within the boundary of the Sturgeon Lake Management Plan.

### **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 addition appears to be outside of Kawartha Conservation's regulated area.

#### **Recommendation:**

Kawartha Conservation has no objection to the approval Minor Variance Application D20-2020-019, and it is our opinion that the proposal is consistent with sections 2.1 and 3.1 of the Provincial Policy Statement (2020).

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

#### **KAWARTHA CONSERVATION**

277 Kenrei Road, Lindsay, ON K9V 4R1

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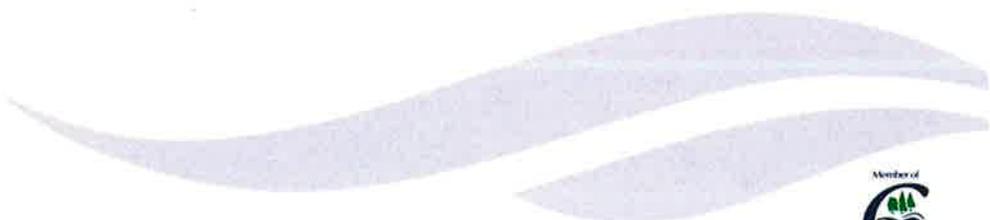
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CC: Ron Warne, Director of Planning, Development, & Engineering

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## Kent Stainton

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**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, August 11, 2020 2:06 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

fyi

**Charlotte Crockford-Toomey**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Kirk Timms <ktimms@kawarthalakes.ca>  
**Sent:** Tuesday, August 11, 2020 1:00 PM  
**To:** Mark LaHay <mlahay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>  
**Subject:** 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

**D20-2020-003** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-016** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-017** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-018** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-019** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-020** - From an engineering perspective, we have no objection to the proposed Minor Variance.

**D20-2020-021** - 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,  
Kirk

**Kirk Timms, C.E.T., CAN-CISEC**

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

705-324-9411 ext. 1119 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8. For COVID-19 information including service levels and how to access services, call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19).**

## David Harding

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**From:** Charlotte Crockford-Toomey  
**Sent:** Tuesday, September 8, 2020 2:02 PM  
**To:** David Harding  
**Subject:** FW: D20-2020-019

Fyi

### **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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**From:** Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Sent:** Tuesday, September 8, 2020 1:59 PM  
**To:** Charlotte Crockford-Toomey <[ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)>  
**Subject:** D20-2020-019

Building Division has no concerns with the above noted application.

### **Derryk Wolven, CBCO**

Plans Examiner  
Development Services, Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

