

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cidalia and Manuel Barbosa
Report Number COA2020-025

Public Meeting

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

Ward: 1 – Geographic Township of Bexley

Subject: The purpose and effect is from the following provisions in order to permit a detached garage:

1. Section 3.1.3.2 to permit an accessory structure (detached garage) in a residential zone that is greater than 5 metres in height at 6.6 metres.

The variance is requested at 15 Rockway Trail, geographic Township of Bexley (File D20-2020-021).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2020-025 Barbosa, be received;

That minor variance application D20-2020-021 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 Appendices C & D submitted as part of Report COA2020-025, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2020-025. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The proposal involves the construction of a one-and-a-half storey three-car detached garage with an associated deck. The proposed garage requires relief from the maximum height provision associated with accessory structures. The relief is required to allow for the storage and maintenance of recreational equipment associated with watersports, in particular windsurfing. No habitable space is proposed within the upper level of the garage.

This application was deemed complete on July 16, 2020.

Proposal: To construct a 210 square metre (2260.42 square feet) three car detached garage and associated deck. The garage is 1.5 storeys or 6.6 metres (21.65 feet) in height.

Owner: Manuel and Cidalia Barbosa

Legal Description: 15 Rockway Trail, Part Lot A, Concession 2, Part Lot 11, Plan 557, geographic Township of Bexley, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan (2012)

Zone: Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law No. 93-09

Site Size: 4,856 square metres (52,269.55 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, East: Shoreline and Rural Residential
East: Balsam Lake

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 on a peninsula of the western portion of Balsam Lake, southwest of Long Point. The neighbourhood consists primarily of shoreline residential lots with forested lands to the south. The property is a corner lot bordered by a private, unmaintained road identified as Rockway Trail to the north and east. Access is provided to the lot via Rockway Trail.

The shoreline residences within the neighbourhood vary in age and built-form. The adjacent parcels are smaller than the subject lands; however, the residences 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 subject property is surrounded on all sides by vegetative buffers, which effectively screen the property from the road and neighbouring lots. The northern property line consists of a mature cedar hedge along with a variety of shrubs and coniferous trees. The eastern and southern property lines are also well vegetated with a variety of coniferous and deciduous trees as well as a dense selection of shrubs. No adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

The location of the proposed garage is within a large, flat open field area, which itself is larger than most of the individual lots within the area. A gravel driveway terminates east of the septic system for the residence. A small garden shed currently provides minimal storage space with boat trailers and other recreational items currently being stored in open space.

The proposed northern and eastern deck is intended to facilitate access relating to the storage and maintenance of equipment specific to drying sails and equipment associated with windsurfing. Sliding doors permit access to the deck in order to hang the sails to be dried. Due to the placement of the septic system in relation to the dwelling, the proposed location provides the least amount of disturbance to the property, while allowing for shorter transportation distances of the recreational equipment to the shore. The requested 1.6 metre relief from the maximum height provision for accessory structures does not enable a full second storey nor is the relief requested to facilitate habitable space.

The accessory garage and deck provide additional amenity and storage space on the lot without adversely impacting the function of the front and exterior side yards. The construction of the garage will provide for additional space to store vehicles, boats and watersport-related recreational items. As the garage bay doors are facing southward, any visual impacts are mitigated through the mature deciduous trees and shrubs present along the southern interior side yard.

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 Limited Service Residential (LSR) Zone permits a variety of residential uses, including vacation and single detached dwellings.

As the application is proposing to add an accessory building, and said accessory building is not proposed to have any water/wastewater services, there is no change to the existing service levels within this area. Also, no residential intensification is occurring.

Additionally, the intent of the General Provisions section of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is accessory to the primary use. The existing 2-storey dwelling is situated much higher in

elevation on the lot in relation to the proposed garage, maintaining most of the visual interest to the property. The property is of sufficient size to accommodate the detached garage within the large open space to the east of the dwelling and is not anticipated to adversely impact the use of the abutting residential lots. As a result, no massing and height incompatibilities with the primary residential use is anticipated.

The garage is proposed well back from the eastern and northern sections of Rockway Trail. The existing vegetation consists of a mature cedar hedge, coniferous trees is well established, providing substantial buffering from both sections of the private road with the proposed design treatments to the north and west walls adding visual interest and character to the building where it is visible from Rockway Trail. The proposed garage design ensures that it appears more residential in nature rather than utilitarian, and will complement the neighbourhood. While the requested variance is needed to facilitate the storage and maintenance of watersport equipment, the proposed accessory use is anticipated to add to the character of the streetscape rather than adversely impact it.

Therefore, the variance maintains 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:

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 (August 7, 2020): No concerns. Permit No. 2019-333 was issued to facilitate the construction of the garage on October 23, 2019.

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

Building Division (August 11, 2020): No concerns

Public Comments:

The following comments were received in response to the circulation of the application:

Gloria Sharples (Dumond) of 8 Rockway Trail (August 10, 2020): Letter of objection.

Attachments:



Appendices A-F for
Report COA2020-02

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevation Sketch
Appendix E – Department and Agency Comments
Appendix F – Public Comment

Phone:	705-324-9411 extension 1367
E-Mail:	kstainton@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-021

APPENDIX " A "

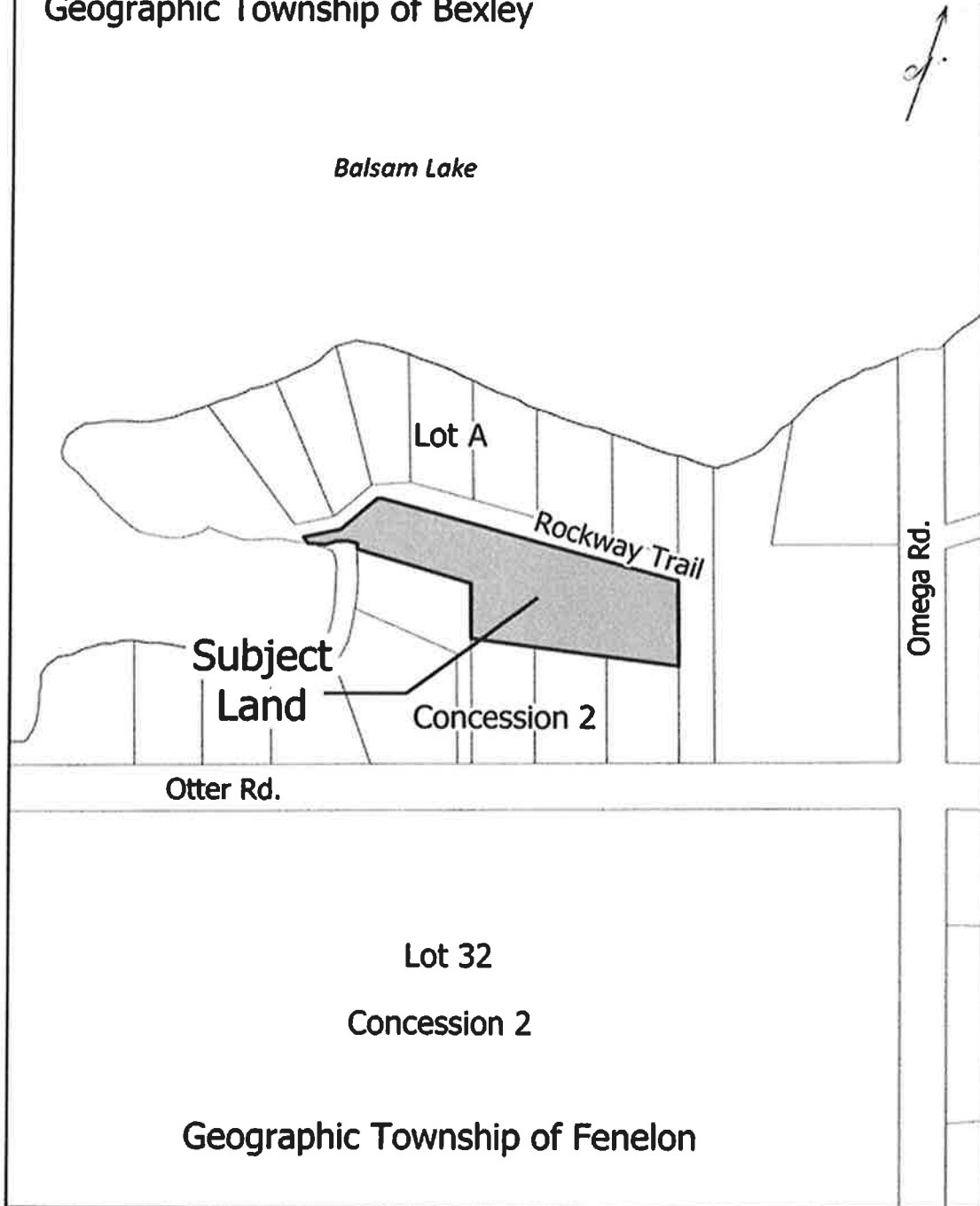
to

REPORT COA2020-025

FILE NO: D20-2020-021

D20-2020-021

Geographic Township of Bexley



15 Rockway Trail, Geographic Township of Bexley



Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☐ Lower Tier Municipalities

Notes

Notes

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.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2020-025
FILE NO: D20-2020-021

to

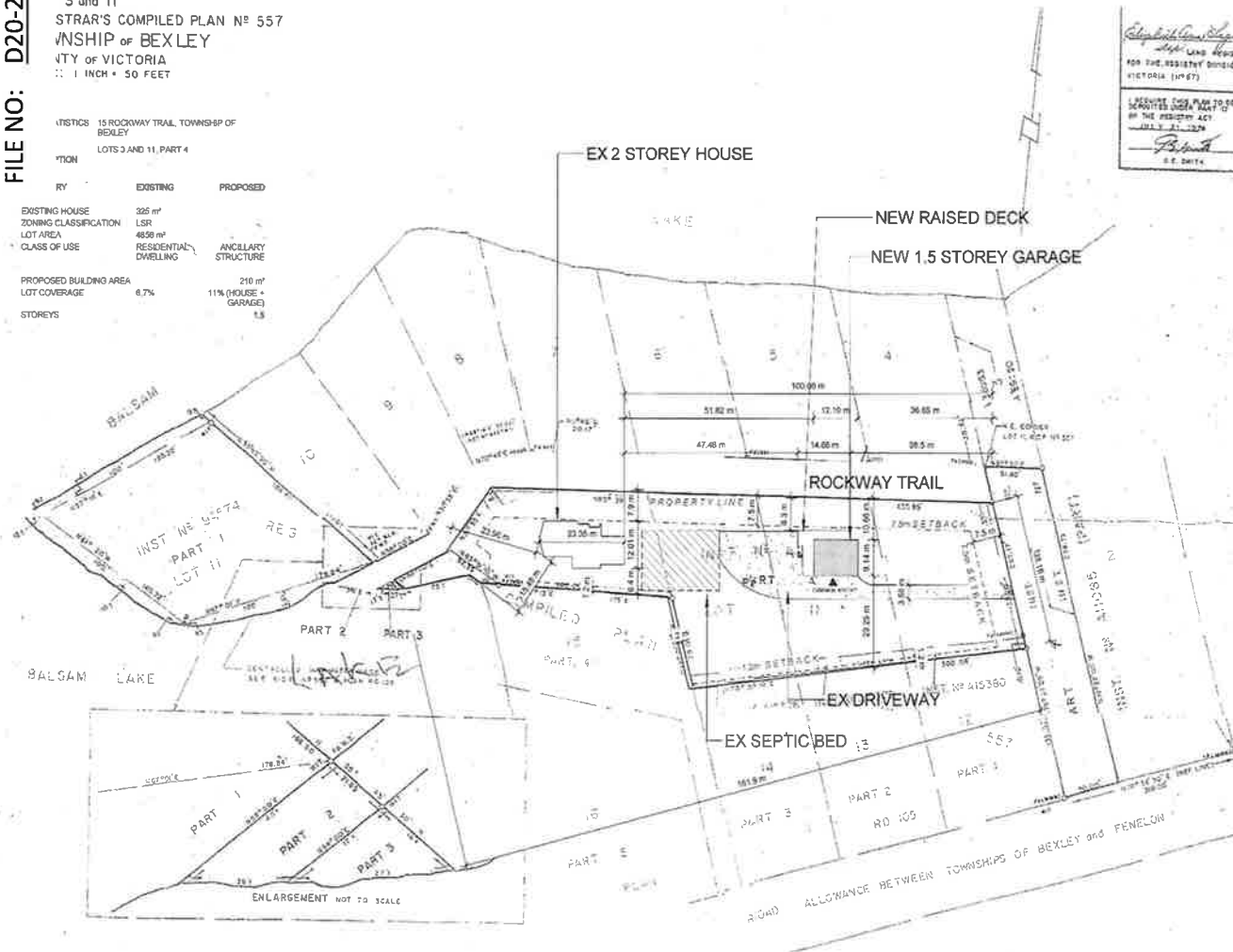
REPORT COA2020-025

FILE NO: D20-2020-021

3 and 11
STRAR'S COMPILED PLAN N° 557
TOWNSHIP OF BEXLEY
CITY OF VICTORIA
1:1 INCH = 50 FEET

LOCATION: 15 ROCKWAY TRAIL, TOWNSHIP OF BEXLEY
LOTS 3 AND 11, PART 4

EXISTING	EXISTING	PROPOSED
EXISTING HOUSE	325 m ²	
ZONING CLASSIFICATION	LSR	
LOT AREA	4850 m ²	
CLASS OF USE	RESIDENTIAL DWELLING	ANCILLARY STRUCTURE
PROPOSED BUILDING AREA		210 m ²
LOT COVERAGE	6.7%	11% (HOUSE + GARAGE)
STOREYS		1.5



REGISTERED LAND AGENT
100 RUE DESLAPES, VICTORIA (36167)
I HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE REGISTRAR
D. J. DAVY



DO NOT SCALE DRAWINGS. REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. USE ONLY DRAWING MARKED FOR CONSTRUCTION. THIS DRAWING, AS AN INSTRUMENT OF SERVICE IS PROVIDED BY AND IS THE PROPERTY OF THE ARCHITECT. THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.

#	DESCRIPTION	DATE
1	ISS. FOR CONSERVATION	2018-04-30
2	ISS. FOR GWA PRESCREENING	2020-01-19
3	ISS. FOR GWA	2020-03-08

ROCKWAY GARAGE
15 ROCKWAY TRAIL, BEXLEY

MANNY BARBOSA

PHASE	DD
PROJECT	1704
DATE	JUNE 2020
DRAWN	
SCALE	1:1000

SITE PLAN

A003

APPENDIX " D "

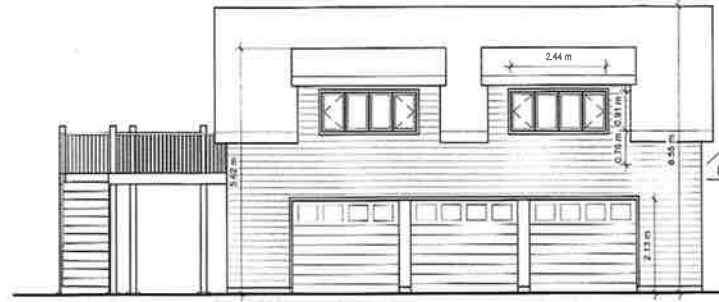
to

REPORT COA2020-025

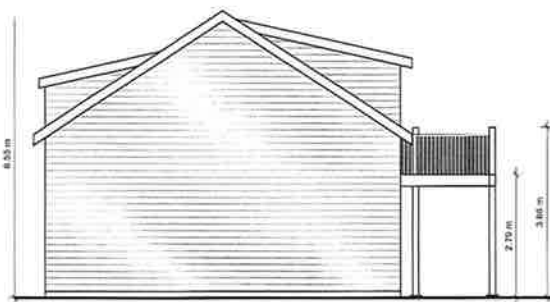
FILE NO: D20-2020-021



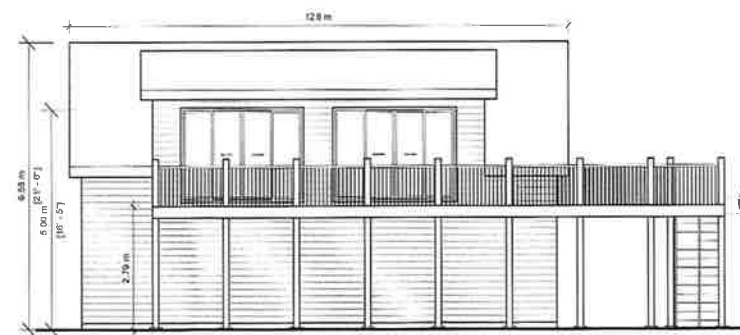
④ West
1:100



③ South
1:100



② East
1:100



① North
1:100

LEVEL 2
2946

U/S LEVEL 2
2561

LEVEL 1
0



DO NOT SCALE DRAWINGS. REFER TO APPROPRIATE SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, LANDSCAPE, ETC. CONSULTANT DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. USE ONLY DRAWING MARKED "FOR CONSTRUCTION". THIS DRAWING, AS AN INSTRUMENT OF SERVICE IS PROVIDED BY AND IS THE PROPERTY OF THE ARCHITECT. THE CONTRACTOR SHALL VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND SHALL NOTIFY THE APPROPRIATE CONSULTANT OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.

#	DESCRIPTION	DATE
1	ISS. FOR CONSERVATION	2018-04-30
2	ISS. FOR C&A PRESCREENING	2020-01-10
3	ISS. FOR C&A	2020-06-08

ROCKWAY GARAGE
15 ROCKWAY TRAIL, BEXLEY

MANNY BARBOSA

PHASE DD
PROJECT 1704
DATE JUNE 2020
DRAWN
SCALE 1:100

ELEVATIONS

A500

2020-06-08 11:14 AM

Kent Stainton

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

fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 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

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.

APPENDIX " E "

to

REPORT

COA 2020-025

FILE NO.

D20-2020-021

Kent Stainton

From: Charlotte Crockford-Toomey
Sent: Wednesday, August 12, 2020 7:24 AM
To: Kent Stainton
Subject: FW: D20-2020-021 15 Rockway

fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



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From: Derryk Wolven <dwolven@kawarthalakes.ca>
Sent: Wednesday, August 12, 2020 7:03 AM
To: Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>
Subject: D20-2020-021 15 Rockway

Building division has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division

Kent Stainton

From: Erin McGregor <emcgregor@kawarthaconservation.com>
Sent: Friday, August 7, 2020 9:13 AM
To: Charlotte Crockford-Toomey
Subject: Comments for D20-2020-016 and D20-2020-021 KRCA

Good Morning Charlotte,

I'm working remotely with reduced hours still, so I hope you can accept this email in lieu of the letter we would normally send.

D20-2020-016 – 17 Gardiner Shore Rd
No concern
D20-2020-021 – 15 Rockaway Trail
No concern

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.

KawarthaConservation.com



**KAWARTHA
CONSERVATION**

Discover • Protect • Restore

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Kent Stainton

From: Gloria Sharples <tomglo34@bell.net>
Sent: Monday, August 10, 2020 12:33 PM
To: Committee of Adjustment
Subject: D20-2020-021-15 Rockway Trail..... Minor variance

APPENDIX F
to
REPORT COA 2020-025
FILE NO. D20-2020-021

Gloria Sharples (Dumond)

Tomglo34@Bell.net

D20-2020-021 - 15 Rockway Trail, Part Lot A, Concession 2, Part Lot 11, Plan 557, geographic Township of Bexley, Ward 1, now in the City of Kawartha Lakes

- to permit the construction of an accessory building (detached garage) in a residential zone higher than 5 metres at a height of 6.6 metres

MINOR VARIANCE - Absolutely Not !!!!!

- I have numerous concerns with the height / size / purpose, etc.

- also concerned about future flooding issues

(conservation authorities are well aware of previous flooding)

Please acknowledge receipt of this email.

Thanks

Gloria

416-624-3777

8 Rockway Trail