

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Darren and Gillian Wilkinson
Report Number COA2020-034

Public Meeting

Meeting Date: October 15, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is from the following provisions in order to permit the construction of the following:

Unenclosed Decks with Stairs

1. Section 3.18.1.1 to reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 8.3 metres; and
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 8.3 metres;

Single Detached Dwelling

3. Section 3.18.1.1 to reduce the minimum setback to the Environmental Protection (EP) Zone from 15 metres to 10.8 metres; and
4. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 10.8 metres.

The variances are requested on vacant land on Sugar Bush Trail, geographic Township of Fenelon (File D20-2020-003).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2020-034 Darren and Gillian Wilkinson, be received;

That minor variance application D20-2020-003 be GRANTED, as the application meets the tests for minor variance set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the construction of the dwelling, decks and stairs related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2020-034, which shall be attached to and form part of the Committee's Decision,

- 2) **That** prior to the issuance of a building permit the owners submit to the Secretary-Treasurer written confirmation from the Kawartha Region Conservation Authority that it is satisfied with the proposed shoreline planting plan as recommended by Cunningham Environmental Associates in its Letter of Opinion dated September 10, 2020; 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 COA2020-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application was submitted January 21, 2020. No consultation through our pre-screening process occurred with the Planning Division prior to the submission of the application. The application was originally scheduled for the March 19, 2020 Committee meeting. The staff report prepared at that time did not recommend approval of the application. That public meeting was cancelled and the staff report never presented.

The applicant subsequently modified the proposal, though not in consultation with staff. Relief from the interior side yard setback was requested in the original application. This request has since been removed. The amended application also proposes to increase the EP and shoreline setbacks by 2 metres. The application was last amended on June 9, 2020.

A report was prepared based on a revised proposal for the August 19, 2020 Committee of Adjustment meeting. In response to the public comments received prior to the meeting, and additional staff consideration, staff requested additional time to confer with the applicant, KRCA, and Building Division Part 8 Sewage Systems to determine if there was an alternative location for the tile bed beside the dwelling which could allow for the dwelling to gain additional water setback. This analysis is contained within the Other Alternatives Considered section. In response, the applicant provided justification of the current design from the sewage system designer and an ecologist.

Proposal: To permit the construction of a single detached dwelling inclusive of a screened porch, deck, and attached garage.

Owners: Darren and Gillian Wilkinson

Applicant: Doug Carroll, DC Planning Services Inc.

Legal Description: Part Lot 26, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

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

Zone: Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 1,089.59 square metres (11,728.3 square feet)

Site Servicing: Private individual well and septic system proposed

Existing Uses: Vacant Land

Adjacent Uses: North, South, West: Shoreline Residential
East: Cameron 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 located upon a peninsula on the east side of Cameron Lake. The peninsula is accessed via a private easement for a right-of-way known as Sugar Bush Trail. The neighbourhood is composed of seasonal and year-round residential uses. Sugar Bush Trail does not run down the centre of the peninsula, resulting in deeper lots on the west side and shallower lots on the east side. The subject property is the last undeveloped lot on the east side. Single storey, 1.5 storey and two storey dwelling designs are found on the east side of Sugar Bush Trail. Some of these dwellings also have walkout basements, which are defined as an additional storey.

The subject property is shallow, and the shoreline runs at an angle. A single storey dwelling with a 1.5 car garage and walk-out basement is proposed. The sewage system is also proposed between the dwelling and Sugar Bush Trail.

As per the zoning by-law, private rights-of-way are not defined as streets. Therefore, the shore lot line is also considered the front lot line. Due to the relation of the front yard to the dwelling, it is anticipated that it will function as a rear yard. Rear yards contain and function primarily as private recreational and amenity spaces related to the dwelling. The footprint ensures the decks project as minimally as possible into the front yard while remaining sufficiently sized to allow transition between the main floor and front yard. This minimal projection ensures as much rear yard space as possible is preserved for amenity and recreational uses.

The proposal ensures the maximum separation between the sewage system and shoreline possible. Further, the proposed design of the main floor with

walk-out basement ensures a low profile design in keeping with the established built form of nearby dwellings. This built form is more appropriate and in character with the neighbourhood than a two or three floor dwelling with a walk-out basement with a smaller building footprint.

The variances allow for the residential use of the lot with a footprint that recognizes to the extent possible the septic system and shoreline setbacks.

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 property is zoned Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95. The zone category permits seasonal and year round residential uses.

The intent of the Environmental Protection (EP) Zone setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment of vegetation. The role of this vegetative buffer is examined more within the Official Plan test. The setback reduction preserves as much of a buffer as possible given the unique configuration of the lot. The dwelling has been stepped on the southeastern side in order to maximize the setback to the shoreline.

As much open space as possible within the front yard has been retained to allow for the even distribution of recreational and amenity activities associated with the built form.

Therefore, the variances do maintain 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. Residential uses are anticipated within this designation.

The Official Plan establishes water setback policies to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the creation of a water setback, a buffer is created between the built form and waterbody for the establishment of vegetation to protect and enhance the ecological function of the waterbody and its fish habitat. This vegetation provides the following benefits to the waterbody: attenuation of warm water runoff, trapping of sediments and nutrients carried by storm water runoff, enhancement to water quality, and habitat enhancement in the riparian area.

Policy 3.11 permits development within 30 metres of the shoreline on existing lots of record where it is demonstrated that all of the following criteria are met:

A. The 30 metre water setback cannot be met.

As the property is a depth of 28.82 metres on one side and 43.22 metres on the other side, so due to the shallow depth of the property, staff is of the opinion that this condition is met.

B. Development is to be directed away from the shoreline as much as possible.

The proposal has a stepped design, which mirrors the diagonal shoreline of the lot to ensure the built form is directed away from the shoreline where possible. A letter from the sewage system designer, Brad Clark, is included in Appendix F. In his letter, he explains that the sewage system is sited away from the shoreline to the greatest extent possible.

C. A vegetation protection zone be established to the maximum extent possible.

As the proposal attempts to direct the built form away from the shoreline, and is an improvement over the original submission, there is additional area that may now be utilised to establish a greater vegetation protection zone.

The applicant has submitted a Letter of Opinion from Cunningham Environmental Associates, which recommends an approximately 3 metre buffer along the entire shoreline, excluding a 3 metre wide pathway in the southeast corner to provide access to the wood dock, be planted to follow for proper land stewardship.

D. The septic system be elevated 0.9 metres above the water table.

The site grading plan shows this criterion is met.

E. The impact of the expansion or reconstruction is minimized to the maximum extent possible.

This criterion is not applicable as the proposal is not an expansion or reconstruction.

F. In no case shall development be less than 15 metres to the high water mark.

The lot has insufficient depth to comply with the water setbacks for both the dwelling and septic system. The intent of the policy is not to extinguish the residential use of an unusually-shaped lot, but to improve upon shoreline setbacks when development or redevelopment occurs. Due to the shallow depth of the lot, limited opportunity remains to further enhance the shoreline setback without increasing the overall height of the building or bringing the sewage system closer to the shoreline. A taller building is unlikely to comply with the required setbacks given the shallow depth of the lot and present a more prominent built form less in keeping with the designation's other policies that encourage low profile development. As per the sewage designer's comments, placing the sewage system beside rather than behind the house would also direct leachate to run towards the lake, which would be counter to the intent of the buffering policy to lessen environmental impacts.

In consideration of the above, the variances do maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Staff conferred with KRCA and the Building Division – Part 8 Sewage Systems and their offices confirm that it would be possible, subject to further design, to accommodate a sewage system to the south of the dwelling. Such placement would in turn permit the dwelling to move closer to the road and provide additional separation from the shoreline.

The residual footprint for a dwelling would be smaller than the current proposal and be more square in nature. As a result, the dwelling:

- (1) would likely be taller to gain additional floor space lost in the footprint contraction,
- (2) would likely require rear (road) and interior side yard setbacks in an attempt to comply with the water setback; and
- (3) may require the removal of additional vegetation along the north lot line beyond what is contemplated in the current scenario due to its increased proximity to this lot line. See Cunningham Environmental Associates letter synopsis below for examination on current anticipated tree removal.

It is likely that over 1/3 of the sewage system footprint would be located within the 15 metre water setback in such a design scenario. The property slopes toward Cameron Lake, so the system would also slope toward the lake.

In Appendix F, Brad Clark, sewage system designer, identifies that while placing a sewage system to the south of the dwelling may be possible, the current proposal provides the greatest degree of spatial separation between the system and lake, allows for the dwelling to act as a barrier between the septic system and lake, and directs the effluent to the north instead of towards the lake.

David Cunningham, an ecologist, has submitted a letter of opinion also contained within Appendix F. In this letter, a natural hedgerow of trees is identified along the southern lot line consisting of 4 mature sugar maples, 1 eastern white cedar, 1 eastern hemlock and various shrubs. It is noted that the current proposal will have no impact to these trees as minimal grading is required along the tree line. The natural hedgerow along the north lot line will require the removal of 8 trees to accommodate the footprint of the dwelling. A 3 metre shoreline vegetative buffer consisting of native shrubs and groundcover is recommended to act as a buffer between the dwelling along with its lawn and Cameron Lake. The buffer will attenuate and trap some of the sediments and nutrients carried by stormwater runoff.

Planning Staff Analysis: Based on the above-submitted documentation, a sewage system located to the south of the dwelling could have more adverse environmental impacts on the lake, and could require the further removal of or damage to trees along the southern lot line to accommodate the works associated with sewage system installation in addition to the trees that are already to be removed from the north lot line to accommodate the dwelling. The removal of additional established trees is likely to have further adverse effect on the overall character of the neighbourhood.

The current sewage system footprint and dwelling proposal minimizes impacts to the lake and the extent of tree removal required to facilitate construction, and proposed mitigation measures through the installation of shoreline vegetative buffer. Staff have incorporated Condition 2 to ensure the buffer is planned to KRCA's satisfaction. KRCA may then monitor the implementation of the buffer through their permitting process.

Servicing Comments:

The property is proposed to be 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:

Kawartha Region Conservation Authority (February 10, 2020): No concerns. Planning Staff did discuss the proposal with KRCA staff. The KRCA clarified that their review of the application related primarily to ensuring the building would be located outside of the Cameron Lake flood plain.

Building Division (August 11, 2020): No concerns.

Building Division – Part 8 Sewage Systems (March 6, 2020): No concerns.

Community Services Department (March 17, 2020): No concerns.

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

Public Comments:

The following comments were received, copies of which are contained in Appendix G:

Doug Black of 36 Sugar Bush Trail (March 25, 2020): Letter of objection.

Stanley Black of 36 Sugar Bush Trail (March 25, 2020): Letter of objection.

Eileen Weldon of 42 Sugar Bush (April 1, 2020): Letter of objection.

Peter and Carol Davies of 41 Sugar Bush Trail (August 17, 2020): Letter of objection.

Ron Allinson of 27 Sugarbush Trail (August 18, 2020): Letter of objection.

Applicant Comments:

The applicant provided a response to the public comments about concerns raised concerning the spraying of pesticides, from Greg Ottenbrite, Ontario Exterminator Licence 034245. Greg clarifies that the product was applied twice in August 2018 to control poison ivy, and that the product is the recommended product by the Ministry of Environment. He further clarifies that it is biologically impossible for the

product, PCP 28198, to harm animals as it is a biologically degradable plant protein with the toxicity of half a cup of coffee.

Attachments:



Appendices A-F to
Report COA2020-03.

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Department and Agency Comments
Appendix F – Supporting Documentation
Appendix G – Public Comments

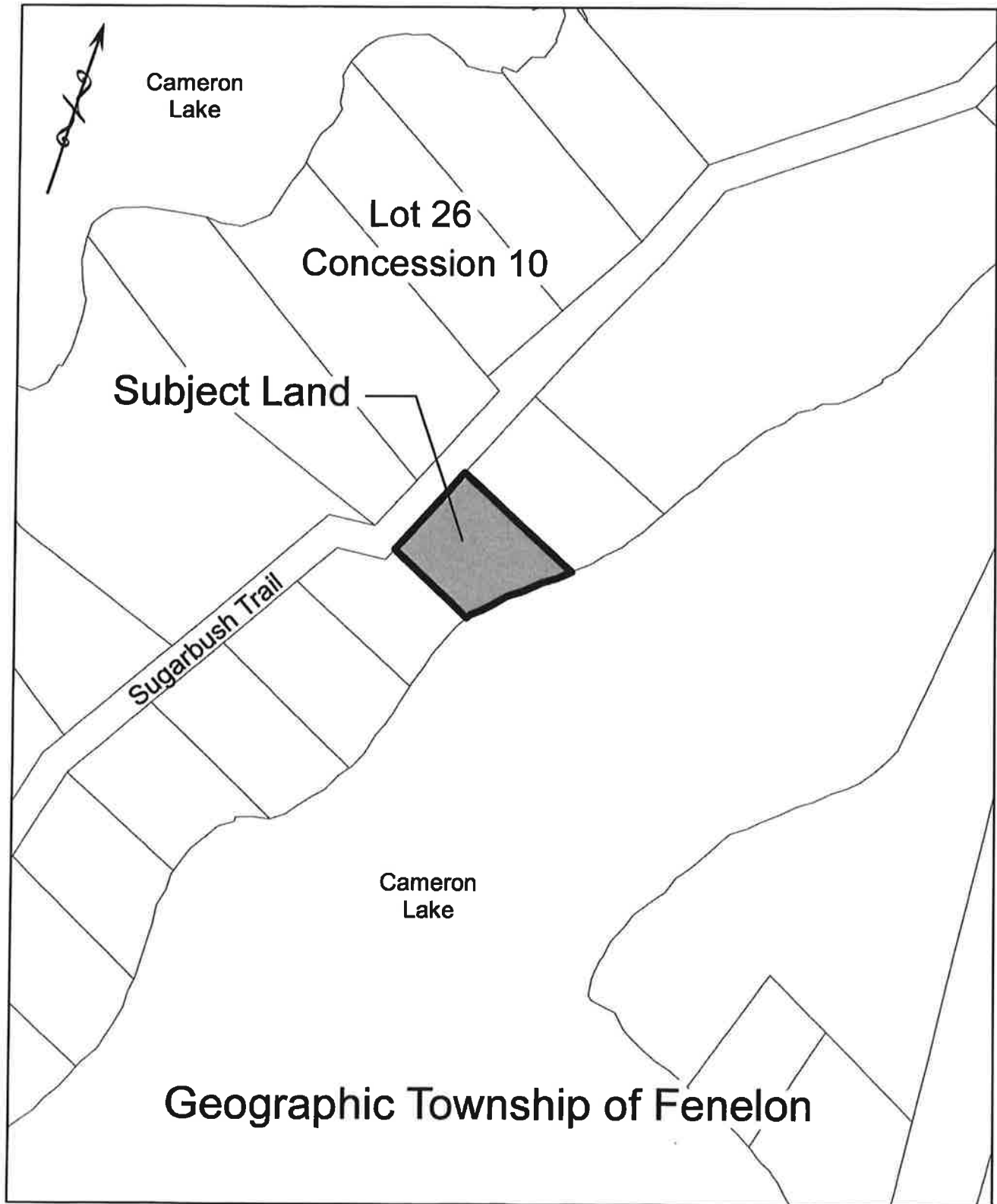
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2020-003

to

REPORT COA2020-034

FILE NO: D20-2020-003

D20-2020-003





GEOMATICS
MAPPING

Vacant Lot, Part of Lot 26, Concession 10, Geographic Township of Fenelon



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 referen
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FILE NO: D20-2020-003

REPORT COA2020-034

APPENDIX " B "
to

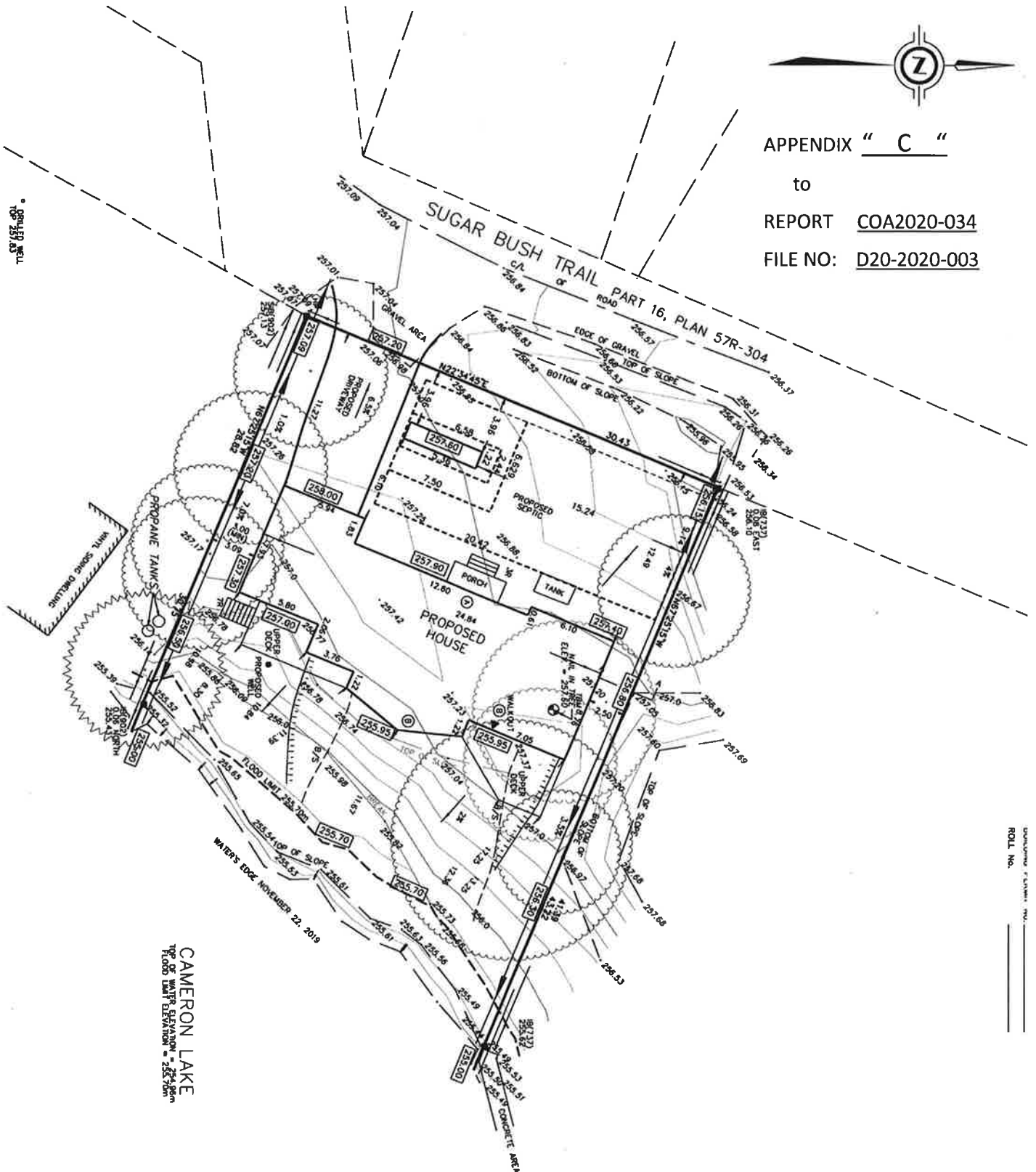


APPENDIX " C "

to

REPORT COA2020-034

FILE NO: D20-2020-003



APPENDIX " D "

to

REPORT COA2020-034

FILE NO: D20-2020-003

RIGHT ELEVATION



LAYOUT NOTES

LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION



IMPORTANT NOTE:
NONE OF THE INFORMATION CONTAINED HEREIN IS TO BE USED AS A BASIS FOR ANY CLAIMS OR DAMAGES, AND THE ARCHITECT ASSUMES NO LIABILITY FOR ANY CHANGES MADE TO ORIGINAL DRAWINGS OR NOTED AFTER SUBMITTAL. FOR THAT THE DESIGNER SHALL BE RESPONSIBLE OF ANY CHANGES MADE OR PERSONS REQUIRED TO ORIGINAL CHANGES IMMEDIATELY BEFORE CONSTRUCTION. IT IS THE RESPONSIBILITY OF CONTRACTOR/OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, FINISHES AND MATERIALS BEFORE CONSTRUCTION AND NOTIFY DESIGNER OF ANY CHANGES OR CORRECTIONS BEFORE BEGINNING ANY CONSTRUCTION WORK. PROCEED FOR THE ARCHITECT'S STRUCTURAL OR ENGINEERING WORK SHALL BE FORWARDED TO DESIGNER IF AFFECTING ORIGINAL STRUCTURAL DESIGN. ALL CONSTRUCTION SHALL COMPLY WITH PART 8 OF THE CHANDLER BUILDING CODE.

APPENDIX " E "
to
REPORT COA2020-034
FILE NO. D20-2020-003

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
D20-2020-003
Kawartha Conservation File No: PPLK-81
Vacant Land – Sugarbush Trail
Part Lot 26 Concession 10
Township of Fenelon
City of Kawartha Lakes**

Dear Ms. Crockford-Toomey

Kawartha Conservation has completed review of the above noted Minor Variance Application.

Our comments are as follows:

Application Purpose:

it is Kawartha Conservation's understanding that the purpose of the Minor Variance is to seek relief from the Township of Fenelon Zoning By-law 12-95 section 15.2.1.3 b) (ii) and (e) to reduce the north side yard setback from 2.3m to 1.3m, and to reduce the water setback between the proposed deck from 15m to 6.3m.

Ontario Regulation 182/06:

The subject property contains lands regulated by Kawartha Conservation. Kawartha Conservation regulates the shoreline of Cameron Lake and 15m from the high water mark. Any development, grading, structures, etc., within Kawartha Conservation's regulated area will require a permit pursuant to Ontario Regulation 182/06.

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

Summary:

Kawartha Conservation has no objection to the approval of Minor Variance Application D20-2020-003, and it is the opinion of Kawartha Conservation that the application is consistent with Section 3.1 of the PPS.

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

David Harding

From: Anne Elmhirst
Sent: Friday, March 6, 2020 4:58 PM
To: David Harding
Subject: D20-2020-003 Sugar Bush Trail

Hello David,

RE: D20-2020-003 Minor Variance
Sugar Bush Trail, Former Fenelon Township
Part Lot 26, Conc. 10,
Roll No. 165121006020300

I have received and reviewed the application for minor variance to request relief to permit the construction of a single detached dwelling with a deck and screened porch on the above-noted property. The relief request will allow a reduction of the minimum setback requirement to the Environmental Protection Zone, a reduction to the minimum water setback and a reduction to the north interior yard setback.

An application for a sewage system permit has been submitted and reviewed by our department to service the proposed single detached dwelling on the property. The sewage system is proposed in the road side of the property. The proposal is for a conventional filter bed system to service the dwelling. The sewage system proposal meets the requirements of the Ontario Building Code.

A further review of the property was conducted to determine if there would be a sewage system proposal that would allow for more available space in order to reduce the request for relief for the dwelling on the water setback. An evaluation of alternative sewage systems was conducted. An alternative sewage system proposal would provide some additional alleviation for the relief to the water setback. However, the amount of alleviation would be minimal.

As such, the Building Division – Sewage System Program has no concerns with the minor variance request.

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





The Corporation of the
City of Kawartha Lakes
Community Services
50 Wolfe Street
Lindsay, Ontario K9V 2J2
Tel: 705-324-9411 ext 1300
Toll Free: 1-888-822-2225
ldonnelly@kawarthalakes.ca
www.kawarthalakes.ca

LeAnn Donnelly, Executive Assistant, Community Services

MEMORANDUM

DATE: March 17, 2020
TO: Committee of Adjustment
FROM: LeAnn Donnelly, Executive Assistant, Community Services
RE: Minor Variance - Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2020-003	Sugar Bush Trail, Fenelon Township
D20-2020-004	6 Cowans Crescent, Emily
D20-2020-005	9 Moynes Court, Lindsay
D20-2020-009	26 Evergreen Street, Emily Township

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services

David Harding

From: Kirk Timms
Sent: Tuesday, August 11, 2020 1:00 PM
To: Mark LaHay
Cc: Christina Sisson; Kim Rhodes; Charlotte Crockford-Toomey
Subject: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Follow Up Flag: Follow up
Flag Status: Flagged

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



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.

David Harding

From: Charlotte Crockford-Toomey
Sent: Tuesday, August 11, 2020 4:36 PM
To: Kent Stainton; David Harding
Subject: FW: D20-2020-003 Sugar Bush Trail

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: Derryk Wolven
Sent: Tuesday, August 11, 2020 4:31 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-003 Sugar Bush Trail

Building division has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division

APPENDIX " F
to
REPORT COA2020-034
FILE NO. D20-2020-003

September 9/2020

Re: Wilkinson Sewage Disposal System

Vacant Lot Sugarbush Trail

1651 210 0602 0300 0000

To whom it may concern,

To answer the query from David Harding, in my opinion as a licensed designer the proposed site to the south of the lot presents challenges.

The best location for the sewage system is as originally presented as it provides the most possible separation from the lake, has the effluent moving north, not towards the lake, allows for a barrier from the lake by the placement of the dwelling and stays completely away from the flood plain.



Brad Clark

BCIN 11061

111287

September 10, 2020

Darren and Gillian Wilkinson
c/o Doug Carroll, MCIP, RPP
DC Planning Services Inc.
3 Crestwood Avenue
Lindsay, ON K9V 6A7

Re: Letter of Opinion – Wilkinson Property, Part of Lot 26, Concession 10, Geographic Township of Fenelon, City of Kawartha Lakes; CKL File No. D20-2020-003; CEA File No. 2016

Dear Mr. Carroll:

1.0 INTRODUCTION

Cunningham Environmental Associates (CEA) was retained in April 2020 through DC Planning Services Inc., the Agent (Planner) acting on behalf of Darren and Gillian Wilkinson to provide a Letter of Opinion regarding the proposed development of a single detached dwelling, inclusive of a screened porch, deck and attached garage on a vacant registered shoreline lot ("subject property") on Cameron Lake. The lot size is 1,089.59 hectares (11,726.3 square feet), and fronts onto the eastern shoreline of Cameron Lake along a private right-of-way known as Sugarbush Trail. The legal description of the vacant lot is Part Lot 26, Concession 10, Geographic Township of Fenelon, in the City of Kawartha Lakes. Land uses to the north, south and west are comprised of as-built residential lots.

The intent of the Letter of Opinion is to offer my professional opinion and evaluation of any potential natural feature issues arising from the proposed development. My professional opinion is based on 40 years experience in the natural resources field, and supported by a background data review and site reconnaissance and inventories of the subject property conducted on July 9, 2020 and August 11, 2020. My *Curriculum Vitae* which outlines my academic and work experience is attached as **Appendix A**.

The subject property is designated as Waterfront within the City of Kawartha Lakes (CKL) Official Plan (2012). The zoning is Limited Service Residential (LSR) Zone within the Township of Fenelon Zoning By-law 12-95. The entire property is regulated by the Kawartha Region Conservation Authority (KRCA) under Ontario Regulation 182/06. **Figure 1** shows the general location of the subject property on Sugarbush Trail, with the lot situated on the eastern side of a peninsula of land which juts into the eastern shoreline of Cameron Lake.

2.0 PROPOSED DEVELOPMENT

The landowner intends to build a single-family detached dwelling, with an attached 1.5 car garage, walk-out basement, screened porch and deck. Servicing for the dwelling will be on-site private water and



<https://www.gisapplication.lrc.gov.on.ca/mamh/>

Scale 1:NTS*

Figure 1. Study Site Location

Wilkinson Property

Part of Lot 26, Concession 10
Geographic Township of Fenelon
City of Kawartha Lakes



subject property



Cunningham Environmental Associates

sewage. The septic system has been designed and located in an appropriate location. **Appendix B** is the Site Grading Plan (Coe Fisher Cameron Land Surveyors June 4 2020). Given the physical dimensions of the lot, the CKL policy mandated shoreline setbacks cannot be met.

Kawartha Conservation (KRCA) granted Permit No. 2020-077, dated March 27, 2020 for the 1st proposed dwelling. We acknowledge that KRCA has no objection to the proposed increased water setbacks for the 2nd proposed dwelling, and that the March 27, 2020 permit remains in force until March 27, 2022, with no changes to Special and General Conditions contained therein.

To formulate our Letter of Opinion, the results of the following study methods: background documents review; general findings; and conclusions in relation to the proposed development of the subject property are documented in the following sections.

3.0 STUDY METHODS

The general methods used to identify, map, characterize and evaluate the on-site cultural, terrestrial and aquatic features included: a review of natural environment background documents review (e.g., planning designations, technical reports, maps, figures, species lists) germane to the subject property and adjacent lands; site reconnaissance and inventories conducted on July 9th, 2020 and August 11th, 2020. Qualitative notes including photographs were compiled on the on-site vegetation, as well as incidental observations of wildlife, and a general characterization of the shoreline.

3.1 Background Documents Review

Discussions were held with Doug Carroll of DC Planning Services Inc., who provided some of the following documents. Other documents in the list below were garnered from various web data-query sites. These background documents provided an understanding of the proposed development, as well as the types, character, structure, composition and quality of the on-site cultural, terrestrial and aquatic features on-site and abutting the subject property.

- City of Kawartha Lakes Property and Planning Aerial Photograph (2016)
- Ministry of Natural Resources and Forestry Make A Map: Natural Heritage Areas (2016)
- Site Grading Plan of Part Lot 26, Conc. 10, Geographic Township of Fenelon, City of Kawartha Lakes (Coe Fisher Cameron Land Surveyors January 21, 2020)
- Site Grading Plan of Part Lot 26, Conc. 10, Geographic Township of Fenelon, City of Kawartha Lakes (Coe Fisher Cameron Land Surveyors June 4, 2020)
- The Corporation of the City of Kawartha Lakes Committee of Adjustment Report – Darren and Gillian Wilkinson Report Number COA2020-007 (CKL 2020)
- City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance (CKL August 5, 2020)
- Kawartha Conservation Development, Interference with Wetlands and Alterations to Shorelines and Watercourses – Ontario Regulation 182/06 (Permit No. 2020-077 March 27, 2020)

3.2 Site Reconnaissance and Inventories

A site reconnaissance and inventories were undertaken on July 9, 2020 and August 11, 2020. Weather conditions at the time of the visit were cloudy to sunny and cloudy, with calm winds and no precipitation.

The site visits included documenting the types of cultural, terrestrial and aquatic resources on and abutting the subject property. The on-site features were inventoried and photographed, including the GPSd locations and photographs of trees that are required to be removed to facilitate the proposed development of the single-family dwelling and ancillary structures. Only incidental observations of wildlife were recorded, along with a general description of the aquatic resources of the Cameron Lake shoreline.

4.0 GENERAL FINDINGS

Access to the subject property will be from the private lane known as Sugarbush Trail (**Photographs 1 and 2**).

4.1 Cultural Features

Based on the background document review and site visits, the majority of the subject property consists of an open treeless area covered with a weedy groundcover stratum (old field habitat), along with exposed rocks and boulders, with underlying compacted gravelly/till soils (**Photographs 3 and 4**). The groundcover in the main developable portion of the lot has been sprayed with pesticides by a licenced sprayer (Greg Ottenbrite, Ontario Exterminator Licence 034245) and/or “weed-wacked” in the past, as a means of controlling the weed growth.

Typical weeds, grasses and herbaceous forbs noted during the July 9th, 2020 site visit included the following:

common sow-thistle	prickly leaved sow-thistle
bull thistle	common mullein
purple-flowering raspberry	wild red raspberry
riverbank grape	Virginia creeper
garlic mustard	horseweed
herb-robert	night-flowering catchfly
white sweet-clover	Deptford pink
field bindweed	dog-strangling vine
common dandelion	poison ivy
heart-leaved aster	Canada goldenrod
tall goldenrod	deadly nightshade
New England aster	common plantain
awnless brome grass	Kentucky bluegrass
annual blue grass	yellow sweet-clover
bladder campion	common milkweed

4.2 Terrestrial Features

Bordering the southern property boundary is a line of trees or natural hedgerow (**Photograph 5**). Trees (on the abutting property) in this feature include four (4) mature sugar maples, one (1) eastern white cedar, one (1) eastern hemlock, along with shrubs such as staghorn sumac and pole-sized eastern white cedars. None of these trees will be impacted by the proposed development, and will remain intact, as minimal, if any, grading is required along this tree-line.



Photograph 1. Southward view of private lane - Sugarbush Trail at back of subject property.



Photograph 2. Northward view of private lane - Sugarbush Trail at back of subject property



Photograph 3. Eastward view of central portion of subject property, comprised of weedy groundcover (old field habitat), periodically maintained through spraying and/or mechanical cutting



Photograph 4. Westward view from front of lot at the shoreline, showing central portion of subject property, comprised of weedy groundcover (old field habitat)



Photograph 5. Southward view of southern property perimeter natural hedgerow, comprised of sugar maple, eastern white cedar, eastern hemlock, and staghorn sumac



Photograph 6. Northward view of northern property natural hedgerow, comprise of sugar maple, white ash, eastern white cedar, hop hornbeam, choke cherry, common buckthorn, and staghorn sumac



Photograph 7. View of hop hornbeam to be removed, part of northern natural hedgerow feature



Photograph 8. View of white ash to be removed, part of northern natural hedgerow feature

Bordering the northern property boundary is a line of trees and shrubs, most of which lie on the subject property (**Photograph 6**). Typical trees include dead and/or dying white ash, sugar maple, eastern white cedar, and hop hornbeam. Shrubs and vines include choke cherry, staghorn sumac, pole-sized eastern white cedar, common buckthorn, riverbank grape, Virginia creeper and poison ivy.

In the north natural hedgerow, a total of eight (8) trees were identified by the landowner, which will require removal to facilitate the construction and footprint of the proposed dwelling, decks and stairs. The eight trees are comprised of two (2) hop hornbeam, one (1) white ash in poor condition, two (2) eastern white cedar, and three (3) mature sugar maple (**Photographs 7, 8, 9, 10, 11, 12, 13 and 14**). The remainder of this natural hedgerow will remain intact. There are some additional white ash in this feature which may presently or in the future pose a potential hazard to personal safety and/or property. It is recommended that this dead and/or dying white ash be removed.

4.3 Aquatic Features

The shoreline of Cameron Lake along the "property frontage" consists of a cobble, rock, till, silty clay substrate with good water clarity, along with typical upland weeds along water's edge, of a similar composition to those found in the proposed development area. Plant species found in the water or in the mucky shoreline edge include aquatics such as spotted jewelweed, reed canary grass, awl-fruited sedge, riverbank grape, creeping bent grass, Canada bluejoint grass and leafy pondweed, and naiad (**Photographs 15 and 16**).

4.4 Wildlife and Wildlife Habitat

Incidental bird species mostly heard or seen on abutting properties include: American robin, black-capped chickadee, ring-billed gull, white-breasted nuthatch, mourning dove, red-eye vireo, house wren, American goldfinch, tree swallow, northern flicker, Canada goose, mallard, belted kingfisher, common grackle, yellow warbler, turkey vulture and common crow. Mammal species heard or observed include: eastern chipmunk, eastern gray squirrel, and raccoon.

All of the above-mentioned wildlife species are typical and common for the on-site and off-site habitats and the local geographic area. None are considered rare or significant. Given the lack of on-site wildlife habitat, the proposed development area on the lot will have minimal to indiscernible impacts to the local wildlife.

5.0 CONCLUDING REMARKS AND RECOMMENDATIONS

As background to the concluding remarks, we reviewed the site plan/grading plan (January 21, 2020) submitted to CKL for the 1st proposed dwelling.

The landowner subsequently revised the site plan/grading plan, such that relief from the interior side yard setback was no longer required, and the EP zone and shoreline setbacks were increased by 2 metres (**Appendix B**). The application was amended on June 9, 2020.

The shoreline lot is designated and zoned for its intended use. Based on the revised site plan/grading plan (**Appendix B**), minor variances will only be required for the unenclosed decks and stairs, and for the



Photograph 9. View of eastern white cedar, to be removed, part of northern natural hedgerow feature



Photograph 10. View of hop hornbeam, to be removed, part of northern natural hedgerow feature



Photograph 11. View of eastern white cedar, to be removed, part of northern natural hedgerow feature



Photograph 12. View of sugar maple, to be removed, part of northern natural hedgerow feature



Photograph 13. View of sugar maple (split trunk), to be removed, part of northern natural hedgerow feature



Photograph 14. View of mature sugar maple, to be removed, part of northern natural hedgerow feature



Photograph 15. Northern view of subject property frontage, along shoreline of Cameron Lake



Photograph 16. Southern view of subject property frontage, along shoreline of Cameron Lake

single detached dwelling, as neither structures can comply with the Environmental Protection (EP) Zone and water setback of 15 metres.

The following concluding remarks and recommendations regarding the proposed construction of a single-family detached dwelling, attached garage, and decks with stairs based on the revised site plan (**Appendix B**), have been formulated based on the existing natural environment conditions on and abutting the subject property, and determined through the background documents review, and site reconnaissance and inventories conducted on July 9th, 2020 and Augusts 11th, 2020.

As previously described in Sections 4.1 and 4.2, the majority of the subject property is comprised of a weedy groundcover (old field habitat), which has been periodically maintained through pesticide spraying (for poison ivy control) and/or mechanical cutting. The naturally treed northern property edge abuts an existing as-built residential shoreline lot. The natural treed southern property edge abuts an existing as-built residential shoreline lot. There is also the shoreline of Cameron Lake along the subject property frontage, and this feature contains fish and fish habitat.

Given the physical restrictions on the lot, it is our professional opinion and experience with similar shoreline residential development in the CKL, that the requested minor variances for both the unenclosed decks and stairs and the single detached dwelling are appropriate from a natural environment perspective. There will be minimal to indiscernible impacts to the adjacent natural features (e.g., north property perimeter and south property perimeter natural hedgerows), as well as the aquatic environment (shoreline and fish and fish habitat) of Cameron Lake.

The removal of eight (8) trees as listed in Section 4.2 are required to facilitate the building footprint. The loss of these on-site trees are not mitigable, unless the landowner decides to plant replacements. However, there is no legal, legislative or regulation requirements (e.g., tree-cutting bylaw) to mitigate this loss. Also, it is to be noted that mitigation for the loss of the eight (8) trees is not a condition of the KRCA permit.

As an added protection measure for the Environmental Protection (EP) Zone, **CEA recommends that the landowner will be seeding/sodding (manicured lawn) the lot frontage from the cottage/deck edges down to the flood limit (255.70 m)**, as shown on **Appendix B**. Manicured lawn is in keeping with adjacent as-built lots to the north and south of the subject property. The manicured grassed lawn will act as a filter and will attenuate surface water runoff, and trap some of the sediments and nutrients carried by stormwater runoff. This lawn will help mitigate potential water quality impacts to the fish and fish habitat of the lake.

Also, as a sign of proper land stewardship, **CEA recommends that the landowner plant potted native shrubs and a natural shoreline groundcover seed mix between the flood limit and the top of slope (255.61 m) for a total width of approximately 3 metres in width, along the entire length of the property frontage**. These added woody plantings and seed mix will act as a buffer between the house/manicured lawn and the fish and fish habitats in the lake and attenuate and trap some of the sediments and nutrients carried by stormwater runoff. The landowner has also indicated the need for a maximum 3 metre wide pathway through the planted buffer in the southeast corner, to facilitate access to the floating wooden dock (presently stored on the property).

In conclusion, it is the professional opinion of CEA and supported by the documenting and evaluation of the on-site cultural, terrestrial and aquatic features, that the proposed development as shown on

Appendix B, will not negatively or adversely impact the on-site and abutting natural environment features. The recommended seeding/sodding of the lot frontage between the house/deck edges to the flood limit and the planting an approximately 3 metre wide buffer comprised of a woody/groundcover seed mixture between the flood limit and top of slope will provide added water quality protection to the fish and fish habitat of the lake, and from the passive operational uses of this typical shoreline residential development.

Sincerely,

CUNNINGHAM ENVIRONMENTAL ASSOCIATES

A handwritten signature in cursive script that reads "David G. Cunningham".

David G. Cunningham, Spec. Hons. B.Sc.
Senior Ecologist/Principal

APPENDIX A – CURRICULUM VITAE

CUNNINGHAM ENVIRONMENTAL ASSOCIATES

Natural Resources Consultants

DAVID G. CUNNINGHAM, Spec. Hon. B.Sc.
Senior Ecologist/Principal

- EDUCATION**
- Honours Bachelor of Science (BSc.) Environmental Sciences (1978)
York University, Toronto, Ontario
- MEMBERSHIPS**
- Field Botanists of Ontario
 - Canadian Society of Environmental Biologists
 - Ontario Nature
 - Ontario Field Ornithologists
 - Society for Ecological Restoration (Ontario)
 - Ontario Environmental Network
 - Kawartha Field Naturalists
- CERTIFICATIONS**
- International Open Water Diver (PADI) Certification - 1980
 - Certification for Ministry of Natural Resources and Forestry Ontario Wetland Evaluation System (Southern and Northern Ontario). 1st Edition to 3rd Edition.
 - Ministry of Natural Resources & Forestry Environmental Impact Study (EIS) Training Session
 - MNRF Ecological Land Classification Certification (2009)
 - Butternut Health Assessor Certification (#177)
 - NHIC Species At Risk Data Sensitivity Training

AREAS OF PROFESSIONAL EXPERIENCE

General

Mr. Cunningham has 40 years experience in the natural environment profession, which includes 34 years as an environmental consultant. He specializes in environmental evaluations and impact assessments related primarily to natural resources, with expertise in terrestrial vegetation, wetlands and wildlife. David has managed and/or participated in a variety of projects dealing with natural heritage features and functions, including their significance and sensitivity. He has managed multi-disciplinary studies pertaining to the identification and evaluation of terrestrial, aquatic and wetland resources, from a watershed and subwatershed perspective. This has included the formulation of natural environment policies, standards and targets for natural heritage systems.

Mr. Cunningham regularly identifies and assesses the impacts of various land use development proposals on existing terrestrial and wetland resources. Development proposals have included infrastructures such as oil, gas, water and sewer pipelines, roads, sewage treatment plants, storm water facilities, and landfills. Other projects have included airports, parkland, golf courses, subdivisions, pits, quarries and mines, transportation corridors, coal-fired electric and small-head hydroelectric facilities including transmission line route selection.

David has participated in watershed, subwatershed and master drainage studies throughout Ontario. In these studies, he was responsible for the collection and review of natural environment background information, site inventories and evaluations, as well as liaising with resource management agencies and public interest groups.

He has qualified as an expert witness (biologist/ecologist) before the Ontario Municipal Board (OMB). He has prepared evidence and participated in mediation sessions before the Board and Local Planning Appeal Tribunal (LPAT), Ontario Mining & Lands Division Commissioner, Regional-Municipal and Township Councils, Federal Court (Criminal Division) and Provincial Court.

Transportation and Route Selection Studies

Transportation related projects include the GO-ALRT rapid transit system between Mississauga and Oakville; North-South Link between Highway 417 and Regional Road 30 in Cumberland Township; re-design of the internal road system in Point Pelee National Park; widening and upgrades to Highway 20 between Fonthill and Allanburg; bridge crossing from Hawkesbury to Hamilton Island on the Ottawa River; causeway/bridge crossing to Clarence Island; re-alignment, removal and rehabilitation of County Road 45 near Alexandria; widening and upgrades to

Highway 58 south of Welland; widening and upgrades of Highway 17 near Nairn Centre; widening, upgrades and the extension of Bathurst Street near Newmarket; widening and upgrades to Altona Road from Highway 2 to Finch Avenue in Pickering; widening and re-paving of County Road 28 from Minesing to Hwy 90 near Barrie; and bridge replacements across Axe Creek and Buck River near Huntsville.

Terrestrial Vegetation and Wildlife Studies

David has extensive experience in botanical evaluations including species inventories, vegetation community mapping and is certified in Ecological Land Classification (ELC) protocol. Inventories and after-construction monitoring programs have been undertaken using a variety of qualitative, and quantitative sampling techniques. Species habitat identification, utilization and Species At Risk (SAR) are a critical component of all studies. He has managed/participated in the evaluation of Environmentally Significant/Sensitive Areas (ESAs) as a part of Natural Heritage Systems (NHS), Secondary Plans, Master Drainage Plans and Master Environmental Servicing Plans.

David has also worked extensively on wildlife studies including habitat evaluations and management plans, population assessments and impact mitigation from land uses. He has managed projects dealing with the inventory and control of nuisance animals, particularly bird and mammal species in the vicinity of waterfront parks, airports and construction sites. Wildlife habitat evaluation and management projects have included mapping, as well as the identification and assessment of movement corridors and habitat linkages. These projects were conducted using small mammal trapping and tagging techniques, bird banding, and provincial breeding bird survey protocols. David was a volunteer participant in the 1981-1985 and 2001-2005 Ontario Breeding Bird Atlas (OBBA) project. He regularly utilizes the bird and amphibian survey protocols of the Ontario Marsh Monitoring Program (MMP).

Wetland Studies

Mr. Cunningham has participated in over 100 wetland evaluations throughout Ontario using the standard Canadian Federal and the Ontario Provincial Evaluation System for Wetlands - Southern Ontario and Northern Ontario (OWES). He has managed and prepared Environmental Impact Studies (EIS)/Natural Heritage Evaluations (NHE) for various land use development proposals on wetland features, attributes and functions. Developments involving wetland issues have included housing, industrial, commercial, roads, utility corridors, storm water facilities, landfills, golf courses, hydroelectric facilities and aggregate/mineral/ore extraction.

Mr. Cunningham has formulated and provided mitigation measures and recommendations, site selection and compensation criteria, and restoration/rehabilitation management plans as compensation for land use development proposals in and adjacent to wetlands and shoreline features, within the context of both the Federal and Provincial wetland policies. He has been involved in the research and testing of wetland buffers, including enhancement/restoration planting plans within buffers adjacent to various wetland features. He has worked extensively with the MNRF, Parks Canada, Conservation Authorities and the Trent-Severn Waterway (TSW) on wetland and shoreline issues and is a certified wetland evaluator under the MNRF 1st, 2nd and 3rd editions of the OWES for both Southern and Northern Ontario.

Woodland/Woodlot Studies

David has extensive experience in evaluating woodland/woodlot ecosystems in relation to other identified natural resources. These evaluations have included the integration of information on woodland ecology, soils, surface drainage, flora and fauna. Woodland assessment projects have included the use of quantitative sampling techniques (tree tagging, basal sweeps, GPS) to determine species dominance, age, height, health and community structure. All of these projects have involved due diligence pertaining to flora and fauna Species At Risk (SAR) and the ranking of wooded areas and individual trees for preservation or integration into proposed developments and natural heritage systems. This also involved appropriate buffer restoration/enhancement naturalization planting plans. He has participated in the preparation of managed forest plans using the Managed Forest Tax Incentive Program (MFTIP) guidelines in conjunction with a certified Forest Plan Approver. He has prepared reports related to tree compensation issues under Forest Conservation and Tree-Cutting By-laws. He is also an MNRF certified Butternut Health Assessor (#177).

Aquatic Studies

Mr. Cunningham has participated in studies that focus on aquatic environs, fish and fish habitat evaluations. He has assessed the potential impacts of dredged sediment disposal, hydroelectric facilities, sewage disposal and water supply facilities on fish, fish habitat and water quality. He has prepared plans and drawings, and supervised the construction of MNRF fisheries enhancement projects - FEP (riparian shoreline restoration, fencing, cattle watering

stations, spawning shoals). Most of these projects have included using an array of fish and water quality sampling equipment. Equipment has included a dissolved oxygen/temperature meter, secchi disk, Van Doren bottle, backpack electro-shocker, beach seine net, gill net, trap net, portable HACH kit, ponar, dome sampler, and depth sounder.

Federal, Provincial and Conservation Authority Acts, Statutes, Regulations, Policies & Guidelines

He has extensive knowledge of the regulations pertaining to Species At Risk (SAR) for both the Federal *Species At Risk Act (2002)* - (SARA), as well as the Province of Ontario *Endangered Species Act (2007)* and the Species At Risk in Ontario (SARO) - Ontario Regulation 230/08 list. He regularly reviews updates for both Acts and their applicability to a proposed development project. He has a working comprehension of the Ontario *Oak Ridges Moraine Act (2001)*, *Oak Ridges Moraine Conservation Plan (2002 & 2017)* - (ORMCP) having completed numerous ORM Compliance reports and Natural Heritage Evaluations (NHE). He has also addressed natural environment issues related to the Ontario *Greenbelt Plan (2005 & 2017)* and *Greenbelt Act (2005)*, *Lake Simcoe Protection Act (2008)* and *Lake Simcoe Protection Plan (2009)*, Ontario *Environmental Assessment Act (1990)*, Municipal Class Environmental Assessment (MCEA) and Conservation Authorities Ontario Regulations, planning and development policies and/or guidelines.

PROFESSIONAL HISTORY

Principal

Cunningham Environmental Associates, Lindsay, Ontario 1985 to Present

Associate Ecologist

CF Crozier & Associates Consulting Engineers 2019 to Present

Associate Ecologist

Hensel Design Group, Collingwood, Ontario 2009 to 2019

Associate Ecologist

Michael Michalski Associates Limited, Bracebridge, Ontario 2007 to Present

Associate Ecologist

Bird and Hale Limited, Toronto, Ontario 2000 to 2015

Associate Ecologist

Michalski Nielsen Associates, Bracebridge, Ontario 1998 to 2007

Associate Ecologist

Ecologistics Limited, Waterloo, Ontario 1995 to 1998

Associate Ecologist/Senior Ecologist

Niblett Environmental Associates Inc., Bethany, Ontario 1987 to 1995

Biologist

Toronto Region Conservation Authority (TRCA), Downsview, Ontario 1986

Resource Technician

Ontario Ministry of Natural Resources, Maple District Office, Maple, Ontario 1985

Terrestrial Ecologist

Proctor & Redfern Limited, Toronto, Ontario 1984 to 1985

Resource Technician

Ontario Ministry of Natural Resources, Maple District Office, Maple, Ontario 1984

Biologist

Seatech Investigation Services Limited, Halifax, Nova Scotia 1982

Authority Biologist

Lake Simcoe Region Conservation Authority, Newmarket, Ontario 1982 to 1983

Biologist

Metropolitan Toronto and Region Conservation Authority, Downsview, Ontario 1979 to 1982

* References available upon request

**APPENDIX B – SITE PLAN/GRADING PLAN OF PART OF LOT 25,
CONCESSION 10, GEOGRAPHIC TOWNSHIP OF FENELON, CITY OF
KAWARTHA LAKES (June 4, 2020)**

OWNER: WILKINSON, DARREN & GILLMAN
 BUILDER:
 BUILDING PERMIT No. _____
 ROLL No. _____

FOR CONSTRUCTION PURPOSES ONLY

**SITE GRADING PLAN OF
 PART OF LOT 26
 CONCESSION 10
 GEOGRAPHIC TOWNSHIP OF FENELON
 CITY OF KAWARTHA LAKES**

SCALE 1 : 200



COE, FISHER, CAMERON
 © COPYRIGHT 2020

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:

- | | |
|---------------------------|--------------------------------|
| ⊕ - FOUND SURVEY MONUMENT | F.F.E. - FIRST FLOOR ELEVATION |
| ⊙ - SET SURVEY MONUMENT | T.B.W. - TOP OF BASEMENT WALL |
| SIB - STANDARD IRON BARR | T.B.S. - TOP OF BASEMENT SLAB |
| IB - IRON BARR | T.G.S. - TOP OF GARAGE SLAB |
| PROPOSED ELEVATION | T.G.W. - TOP OF GARAGE WALL |
| 256.00 | U.F. - UNDERSIDE OF FOOTING |
| 256.30 | HP - HIGH POINT |
| GROUND ELEVATION | DS - DOWNSPOUT |
| 256.30 | B/S - BOTTOM OF SLOPE |
| → SLOPE | |
| → SLOPE | |

GENERAL NOTES:

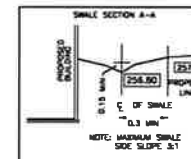
1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR DRAINS TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SOIL AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SOIL AND SEDIMENT LAIDEN SURFACE WATER DOES NOT ENTER ANY WATERSHEDS OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIM GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBOURING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DOWNSPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ONTO A SPLASH PAD OR APPROVED EQUIVALENT.
5. SUMP PUMP DISCHARGE POINTS MUST BE WHOLLY WITHIN PRIVATE PROPERTY.
6. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SEWERING LOCATES PRIOR TO ANY WORK.
7. ALL DISTURBED AREAS ARE TO BE SOODED OR SEEDED OVER A MINIMUM OF 50MM OF TOPSOIL OR APPROVED EQUIVALENT.
8. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
9. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN FINAL GRADE AND TOP OF FOUNDATION WALL.
10. A COPY OF THE REVIEWED SITE GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
11. THE SUBMISSION OF THIS PLAN REPRESENTS THAT OWNER HEREBY ACKNOWLEDGES THAT ANY GRADING CHANGES THAT OCCUR THROUGHOUT THE CONSTRUCTION THAT RESULT IN ADVERSE EFFECTS TO EXISTING ADJACENT PROPERTIES WILL RESULT IN AN AS-CONSTRUCTED SITE GRADING PLAN WILL BE REQUIRED.
12. BUILDER TO ENSURE MINIMUM OVERLAP FOR FROST PROTECTION ON FOOTINGS.
13. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
14. FOUNDATION TO BE STIFFED FROM REAR WAYOUT AROUND SOETS OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND T.B.W.

		F.F.E. 256.79
ZONING	LSR	A T.B.W. 256.44
LOT AREA	1089.59 SQ. m.	B T.B.S. 256.10
BUILDING AREA	243.28 SQ. m.	T.G.S. 256.10
		T.G.W. 256.00
		A U.F. 255.80
		B U.F. 254.73
REL. DATE	DESCRIPTION	
	REVISIONS	
	SHEET 1	

ELEVATIONS:

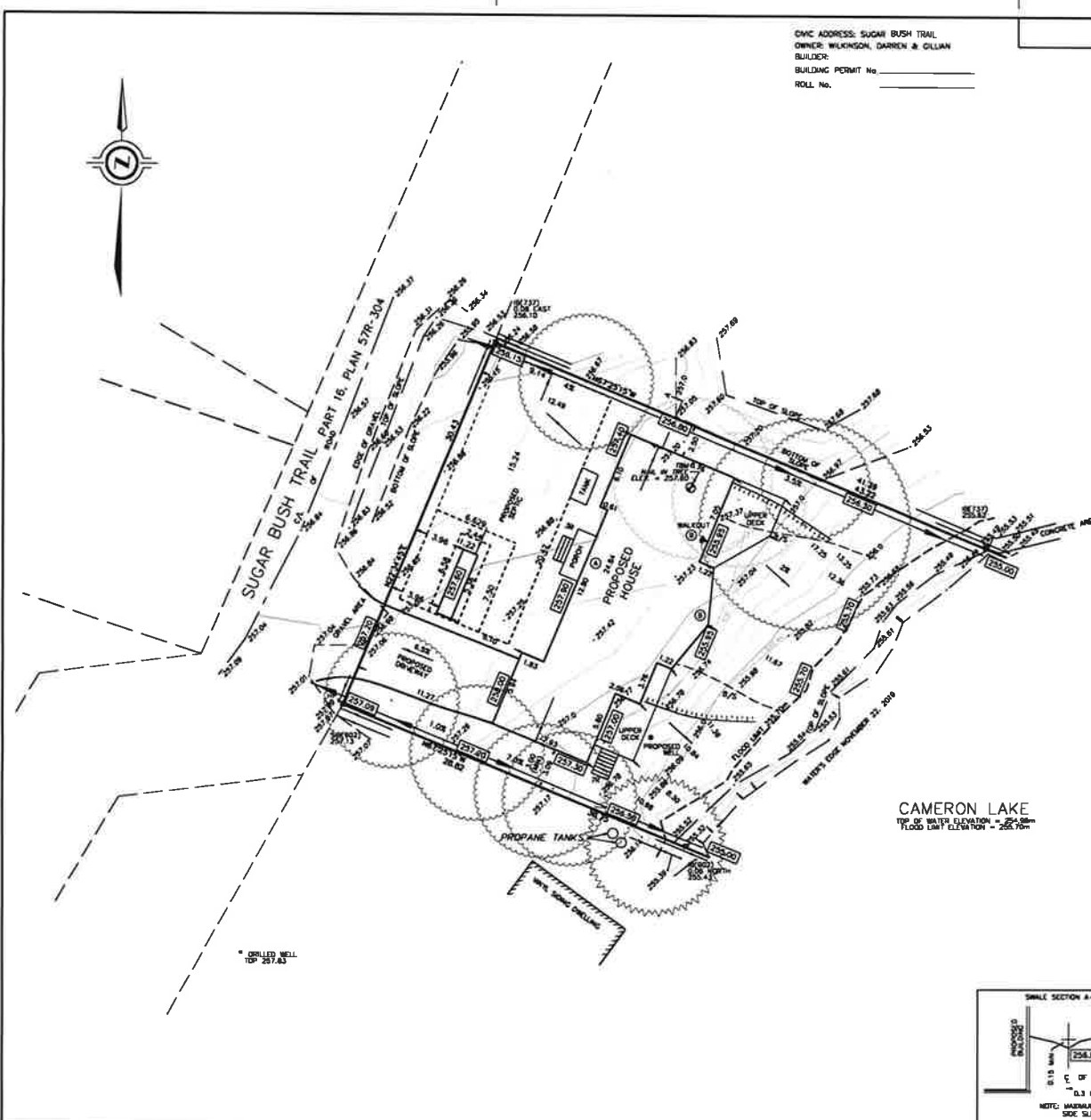
ELEVATIONS SHOWN HEREON ARE GEODETIC DERIVED BY GPS OBSERVATIONS AND ARE REFERRED TO AN NAD IN A TREE HAVING AN ELEVATION OF 257.50 (CGD-1928:1976).

DATED: _____
 DONALD G. HOCKSON
 ONTARIO LAND SURVEYOR



COE FISHER CAMERON
 LAND SURVEYORS
 A Division of J.D. Barnes Limited
 3 COMMERCIAL PLACE, UNIT 201, LINDSAY, ON K9V 1N5
 T: (705) 324-4132 F: (705) 324-8406 www.jdbarnes.com

DATE: 19-17-250-02-A
 PLO: 019-17-250-02-A
 PLOT: 1/2/2020



CAMERON LAKE
 TOP OF WATER ELEVATION = 256.60m
 FLOOD LIMIT ELEVATION = 256.70m

* DRILLED WELL
 TOP 257.83

David Harding

From: Eileen Weldon <eileenweldon@sympatico.ca>
Sent: Wednesday, March 25, 2020 6:04 PM
To: David Harding
Subject: Lot for sale with City of Kawartha Lakes Minor Variance

APPENDIX " G
to

REPORT COA2020-034

FILE NO. D20-2020-003

I live at 42 Sugarbush Trail. We have had our place here since 1978. A few years ago, whoever bought that property absolutely clear cut it, It was such an eye sore for our lovely treed trail. To keep the weeds down he would spray it with all kinds of chemicals. I don't even spray my lawn for weeds as we're very concerned for the lake. These chemicals are also very dangerous for our pets. He should have done his research before he bought it. If this lot is too small to build on...what about the septic system will he treat his new lawn with all these chemicals. The Loons nest in this bay every year. It is always full of a variety of ducks from spring through to the fall. Some of the turtles in the bay are humungous. How will this place impact the wildlife? I am not in favour of the 'minor' variance.

Sent from Mail for Windows 10

David Harding

From: Doug Black <douglasblack@gmail.com>
Sent: Wednesday, March 25, 2020 1:49 PM
To: David Harding
Subject: Kawartha Lakes: Variance Application D20-2020-003

From:
Douglas Black
36 Sugarbush Trail
Fenelon Falls, ON K0M1N0

18 Cody Ave
Brooklin, ON L1M1K8

Dear Mr. Harding,

I hope you are well and thank you for your time on the phone last week to discuss the minor variance proposal on Sugarbush Trail.

As discussed, I am OPPOSED to granting approval to this variance as it is not minor in nature and not suitable for the land it is on or the neighbourhood it is in. This is similar to what you have posted in your case notes online.

Beyond the official rules and regulations that the proposal deviates from, I am concerned with the environmental impact that this would have on the waterfront. Since the Wilkinsin family purchased this land they have clear cut approx. 100 trees to make the lot completely barren. It has been repeatedly treated it with pesticides for weed control that caused sickness for local dogs and animals, not to mention the wildlife in the lake and the water that we all swim in. It gives me further concern on what would be done with the construction, the environmental impact and how the lot would then be treated once landscaped.

I understand that this lot has been for sale for a couple of years, and it could be deduced that it was originally purchased with a misunderstanding of what could be built on it. Notes on the listing always had a bold mention that the potential purchaser would be responsible for doing due diligence on local zoning and building policies. It appears that after failure to sell and gain any return on the original investment that this variance application is an attempt at a solution for a mistake that was made from not doing proper due diligence on the original purchase. I feel badly that the property owners have ended up in this situation, but it is not fair that the neighbourhood would have to pay for the mistake by allowing a construction that is well outside the regulations. My family and I have owned property on Sugarbush Trail since 1925 and take pride in preserving local policies, the environment and the natural charm of the neighbourhood. I have also included a signed statement from my father, Stanley Black, as an attachment.

As the in-person hearing for March 19th was cancelled due to COVID-19 isolation recommendations, please take this email as my formal statement. Please also advise the neighbourhood with a new sign when it's rescheduled.

Kindly confirm receipt of my email and please feel free to reach out to me directly at any time.

Sincerely,

David Harding

From: Doug Black <douglasrblack@gmail.com>
Sent: Wednesday, April 1, 2020 2:57 PM
To: David Harding
Subject: 36 sugarbush

Hi David,

Thanks for your reply. Yes, my father Stanley is co-owner of 36 Sugarbush. I've recopied a screenshot of his message below.

Thanks,
Doug

ROGERS 2:51 PM 42%

Done

Scan.jpeg



Subject: Variance #000-2020-003 City of Kananis Lakes
Date: March 17, 2020 at 9:19 AM
To: Douglas R. Black <douglasrblack@gmail.com>

Dear Doug,

You have my permission to share this document as my proxy.

Dear Sirs:

As a property owner of many years at 36 Sugarbush Trail, I have significant concerns about the variance proposed for Lot #26.

I feel a variance of over 90% (8.7 meters) is not minor, but major. The proposed structure would be only 8.3 meters from the lake!

I received this notice on 3/26/2020, and am unable to present for the hearing.

Thank you for your consideration.

Stanley R. Black



Doug Black
647.993.3115

From: Susan Black <susan@black-associates.com>
Subject: Variance #D20-2020-003, City of Kawartha Lakes
Date: March 17, 2020 at 9:19 AM
To: Douglas R. Black <douglas@black-associates.com>

Dear Doug,

You have my permission to share this document as my proxy:

Dear Sirs:

As a property owner of many years at **36 Sugarbush Trail**, I have significant **concerns** about the variance proposed for Lot #26. I feel a variance of **over 50%** (8.7 meters) is not minor, but major. The proposed structure would be only 6.3 meters from the lake!

I received this notice on 3/26/2020, and am unable to present for the hearing.

Thank you for your consideration,



Stanley R. Black

March 18, 2020
Revised: August 17, 2020

Committee of Adjustments,
City of Kawartha Lakes

And

Mr. David Harding, Planner II, RPP, MCIP,
Planning Department,
City of Kawartha Lakes

RE: Committee of Adjustments
Minor Variance Application D20-2020-003

I, Peter Davies, am the registered own of 41 Sugar Bush Trail in the Township of Fenelon Falls, located approximately 200 feet to the south of the subject property and my spouse, Carol Davies, is the registered owner of 37 Sugar Bush Trail, Township of Fenelon Falls, located approximately 100 feet to the south of the subject property.

Please accept this letter as the expression of our combined comments and concerns regarding the above referenced matter for your consideration and that of the Committee.

We have reviewed the Committee of Adjustment Report COA2020-007 prepared by the City's Planning Staff and agree with and fully support staff's recommendation that Minor Variance Application D20-2020-003 be denied.

Zoning by-laws are the micro policies that act as the frontline defenders of the overall land use planning scheme established by a municipality. Although there may be situations which require exceptions these exceptions should only be out of necessity and be as insignificant as possible. Deviations from the by-laws set precedents which over time can escalate to the point where the resulting land use bears little, or no resemblance to the original intentions of the Municipality.

The variances being requested in this application are not minor in nature. The Applicant is requesting a reduction in the setback from the Environmental Protection Zone and the Water Setback of up to 8.3 metres (27.2 feet) from the required 15 metres (49.2 feet) a variance of 6.7 metres (21.9 feet) or 45%. That is not minor. Such large variances go against the by-law's underlying setback objectives of maintaining adequate buffer zones between land uses, providing adequate amenity space, preventing building massing and allowing the quiet enjoy of neighbouring properties.

I find it strange that the Kawartha Region Conservation Authority had no comments regarding this application in terms of achieving its mandate of protecting structures from natural hazards, in this case flooding, buffering changes in land use and protecting environmentally sensitive areas and water resources by creating a buffer zone for vegetation to act as a natural erosion control mechanism. In that regard, the owner has over the last two years indiscriminately stripped the property of its natural tree stand and chemically destroyed the ground vegetation permitting whatever herbicide that was used along with the contaminated soil to run off into the lake after rainfalls and the spring snow melts. This

can only have had a negative effect on the aquatic habitat of fish, frogs, turtles, and other wildlife not to mention impacting the quality of water for human enjoyment.

It is no coincidence that the applicant has engaged a planning consultant who, as a former employee of the City's Planning Department, has well established relationships with the members of the Committee however we are confident the Committee will exercise the duty entrusted to them and administer good and proper planning principles in this situation and deny the applicants request.

Yours truly,

Peter T. Davies

Carol A. Davies

Should the situation require, I would request the opportunity to speak to this matter(D20-2020-003):

e-mail: ptdavies@yahoo.com

I also would request receiving notice of the decision.

David Harding

From: ronallinson ronallinson <ronallinson@sympatico.ca>
Sent: Tuesday, August 18, 2020 2:36 PM
To: Committee of Adjustment
Subject: Lot Variance, D20-2020-003 Lot 26 Sugarbush Trail

From : Ron Allinson, 27 Sugarbush Trail

The following are my comments regarding the application for variance on the above stated property. The environment is a huge topic on the agenda of most Canadians including the media and politicians. Just turn on the TV and you can't help but see issues on emissions, pipelines ,water quality etc. and yet , The City Of Kawartha Lakes seems prepared to ignore there own regulations on water setback on an environmentally sensitive bay which is home to ducks, blue herring, osprey, fish turtles etc.. A 45% variance does not seem minor to me.

It would be interesting to see why other similar applications on the same street were denied.

On a personal note , approval of the variance will interfere with my view of the lake from my dwelling. My home was built to comply with the bylaws and is turned sideways to fit the lot so it now faces south with my picture windows facing across the front of the lot in question. Obviously this amendment is of concern to me because the view is one of the main features that makes my location so desirable to me. This could also affect the value of my home in the future should I decide to sell some day. If the variance is approved I think you should seriously consider a reduction in my taxes to compensate me.

Concerned Taxpayer

Ron Allinson