

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Rob and Lois Louttit
Report Number COA2020-043

Public Meeting

Meeting Date: November 5, 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 to request relief from Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.3 metres to permit the construction of a dwelling.

The variance is requested at 55 Sugar Bush Trail, geographic Township of Fenelon (File D20-2020-036).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2020-043 Louttit, be received;

That minor variance application D20-2020-036 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 Appendix C and elevations in Appendix D submitted as part of Report COA2020-043, 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 COA2020-043. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: There is a cottage on the property constructed circa 1920 and a small storage shed near the north lot line. Both structures are

proposed to be removed in order to facilitate the construction of a replacement dwelling.

This application was deemed complete October 14, 2020.

- Proposal: To construct a single detached dwelling.
- Owners: Rob and Lois Louttit
- 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 Exception One (LSR-1) Zone within the Township of Fenelon Zoning By-law 12-95
- Site Size: 1,055.8 square metres (11,364.5 square feet)
- Site Servicing: Private individual septic system and lake-based water supply
- Existing Uses: Shoreline Residential
- Adjacent Uses: North, South, West: Shoreline Residential
East: Cameron Lake
- Rationale:** The zoning by-law defines a walkout basement as a storey.

1) Is the variance minor in nature? Yes
And

2) Is the proposal desirable and appropriate for the use of the land? Yes

The subject property is located 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. Single storey, 1.5 storey and two storey dwelling designs are found on the east side of Sugar Bush Trail. Some of these dwellings have walkout basements, which are defined as an additional storey.

The variance, if granted, will allow for a dwelling with a slightly wider footprint than is currently permitted. The dwelling will appear as a single storey from the road.

It is anticipated that the redevelopment of the lot will require the removal of much of the vegetation acting as a buffer between the subject property and number 51. However, a 2.3 metre setback in current compliance with the zoning by-law is unlikely to change the degree of vegetation to be removed. The north interior side yard currently functions as a storage and utility area. It is anticipated that the storage function will shift into the garage and other storage spaces within the dwelling footprint, reducing the outdoor activity with this

interior side yard and reducing the overall outdoor storage found on the property.

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 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 enhanced interior side yard setback for buildings that are more than one storey is likely to maintain sufficient spatial separation between dwellings on abutting lots to avoid massing/loss of privacy and additional space to perform maintenance on the taller building face. As only a small portion of the walkout basement wall will be entirely above grade, no adverse massing impacts are anticipated, nor is it anticipated that the ability to perform maintenance will be impeded.

Other functions of an interior side yard include facilitating access between the front and rear yards and providing for lot drainage. The reduced interior side yard will not impact these interior side yard functions.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) Does the variance maintain the intent and purpose of the Official Plan?
Yes

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

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

Other Alternatives Considered:

Encroachment within the minimum water setback was discussed with staff prior to submitting the application. As a result of those discussions, the proposed building does not require water setback relief.

Servicing Comments:

The property will be serviced by a new private individual septic system and lake-based water supply.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Development Engineering Division (October 26, 2020): No concerns.

Building Division – Part 8 Sewage Systems (October 27, 2020): No concerns.

Building Division (October 23, 2020): No concerns.

Public Comments:

No comments received as of October 27, 2020.

Attachments:



Appendices A-E to
Report COA2020-04.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

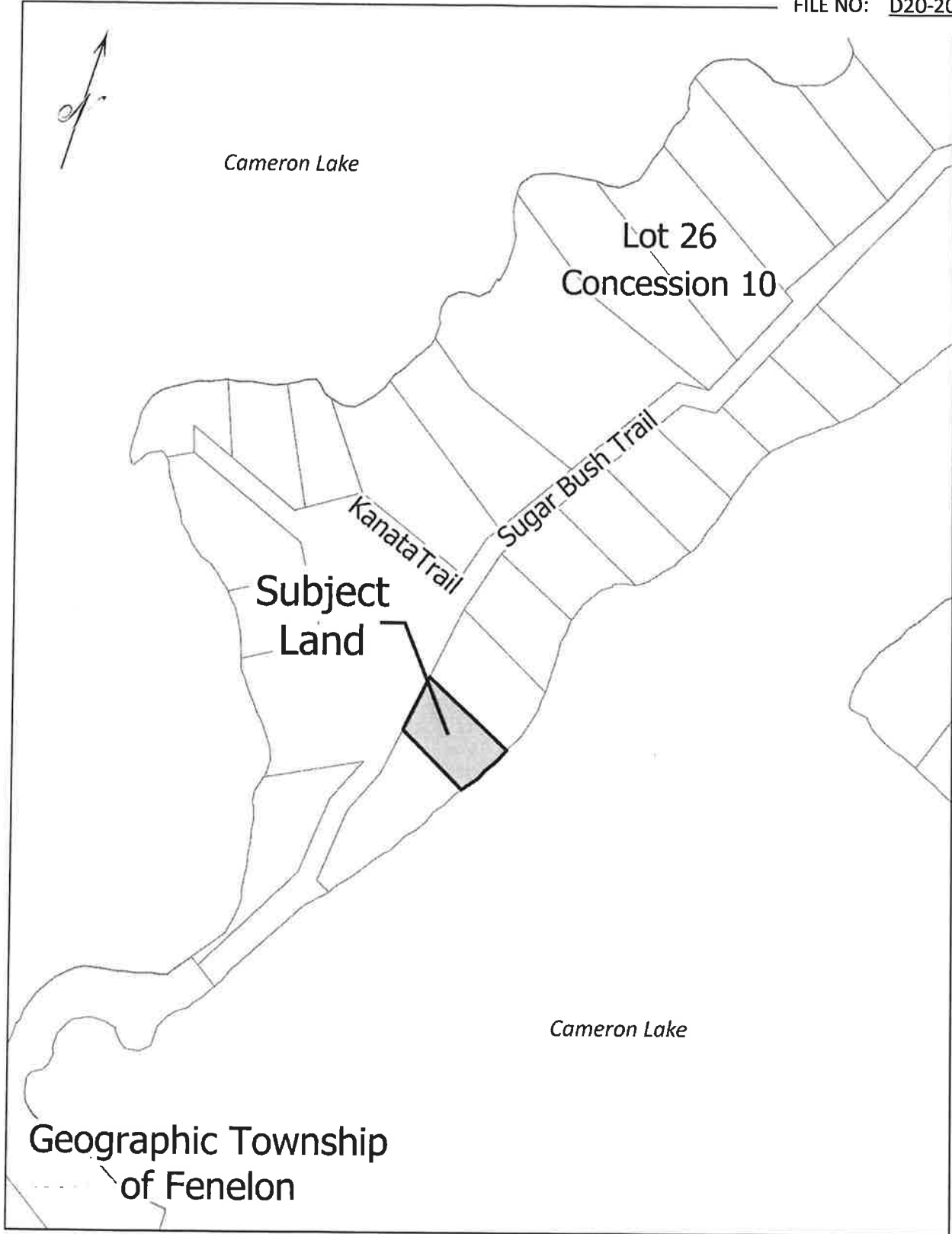
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-036

to

REPORT COA2020-043

FILE NO: D20-2020-036

D20-2020-036



55 Sugar Bush Trail, geographic Twp. of Fenelon



0.06 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



CIVIC ADDRESS: 55 SUGARBUSH TRAIL
 OWNER: ROB LOUITT
 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
 - ⊙ - SET SURVEY MONUMENT
 - SB - STANDARD IRON BAR
 - IB - IRON BAR
 - 250.50 - PROPOSED ELEVATION
 - 250.34 - GROUND ELEVATION
 - SLOPE
 - SWALE
 - F.F.E. - FIRST FLOOR ELEVATION
 - T.B.W. - TOP OF BASEMENT WALL
 - T.B.S. - TOP OF BASEMENT SLAB
 - T.G.S. - TOP OF GARAGE WALL
 - T.G.W. - TOP OF GARAGE WALL
 - U.F. - UNDERSIDE OF FOOTING
 - HP - HIGH POINT
 - DS - DOWNSPOUT

- GENERAL NOTES:**
1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF CHANES OR GRAS TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
 2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MIGRATION OF SILT AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SILT AND SEDIMENT LOADED SURFACE WATER DOES NOT ENTER ANY WATERCOURSES 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 SERVING LOCATES PRIOR TO ANY WORKS.
 7. ALL DISTURBED AREAS ARE TO BE SOOLED OR SEEDED OVER A MINIMUM OF 150MM 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 BY ENGINEERING LOT 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 THROUGH 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 OVERSPOUT FOR FROST PROTECTION ON FOOTINGS.
 13. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER. FOUNDATION IS TO BE STEPPED FROM NEAR VALLEY AROUND SIDES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15m BETWEEN GROUND AND T.B.W.

ZONING	LSR	F.F.E.
LOT AREA	1055.81 SQ. m.	T.B.W.
BUILDING AREA	191.25 SQ. m.	T.B.S.
		T.G.S.
		U.F.

NO.	DATE	DESCRIPTION
REVISIONS		
SHEET 1		

ELEVATIONS:
 ELEVATIONS SHOWN HEREON ARE GEODESIC DERIVED BY GPS OBSERVATIONS AND ARE REFERRED TO A SITE BENCHMARK BEING A WALL IN THE BASE OF TREE LOCATED WITHIN THE SUBJECT PROPERTY, HAVING AN ELEVATION OF 256.65m (CGVD-1929/1978).

DATED: _____

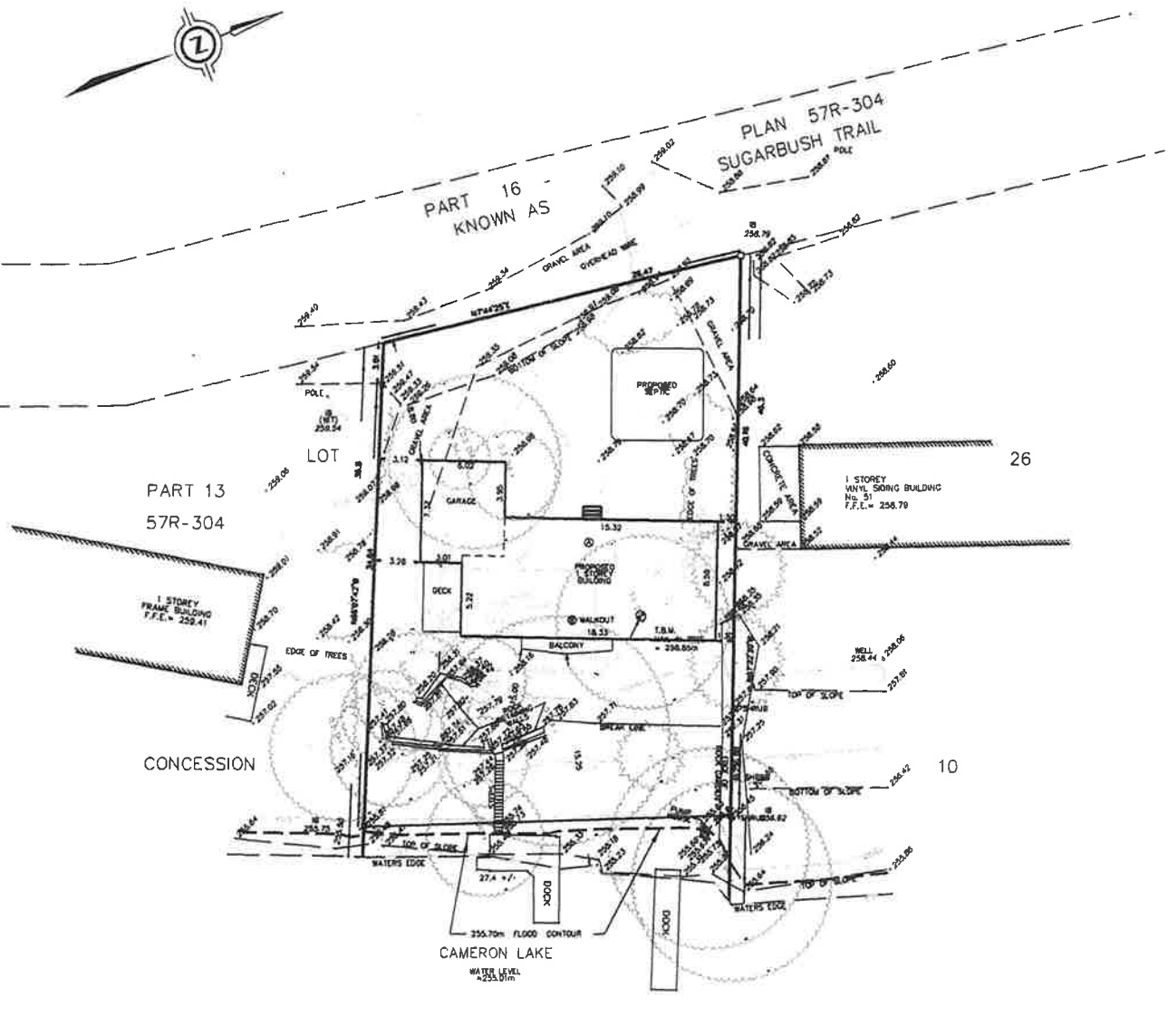
30305
 R. LOUITT
 ENGINEER
 REG. 2019-11-14 14:20:00

APPENDIX " C "

to

REPORT COA2020-043

FILE NO: D20-2020-036



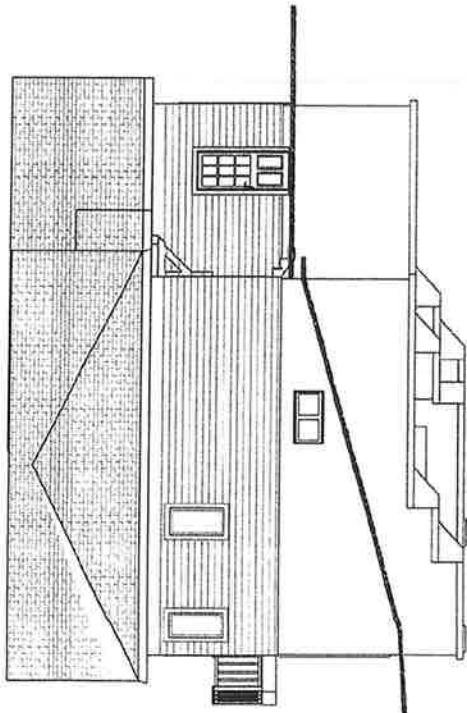
PART 13
 57R-304

CONCESSION

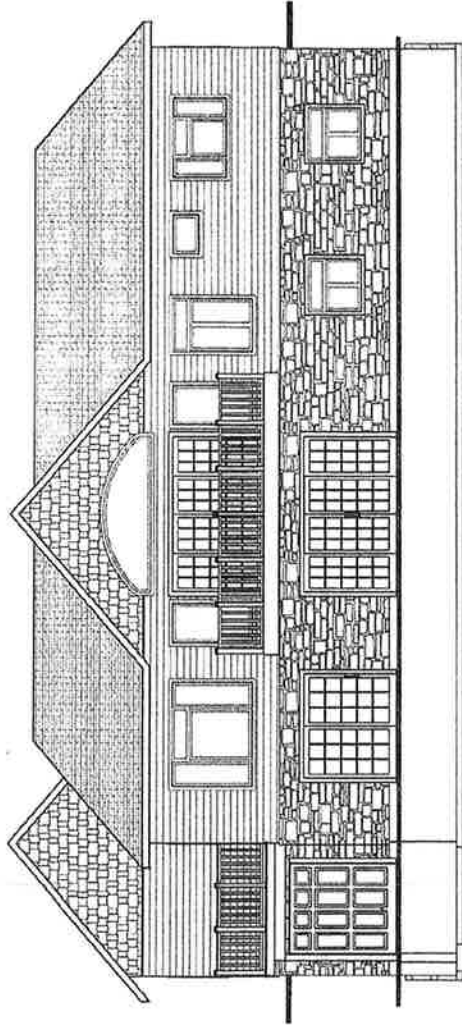
CAMERON LAKE
 WATER LEVEL
 256.00m

26

10

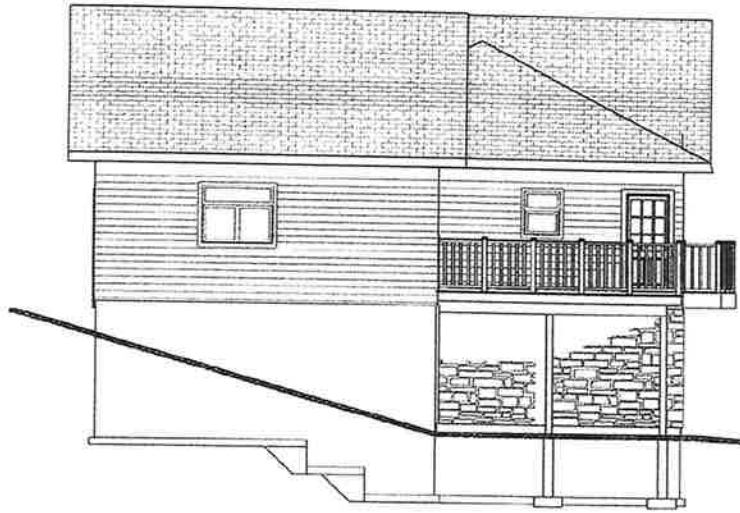


RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

APPENDIX " D "
to
REPORT COA2020-043
FILE NO: D20-2020-036



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

Charlotte Crockford-Toomey

From: Mark LaHay
Sent: Monday, October 26, 2020 2:45 PM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201026 D20-2020-036 - Engineering review

APPENDIX " E "

to

REPORT COA2020-04B

FILE NO. D20-2020-036

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Monday, October 26, 2020 2:38 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20201026 D20-2020-036 - Engineering review

Please see the message below from Christina Sisson:

Good afternoon Mark – further to our engineering review of the following:

Minor Variance – D20-2020-036
55 Sugar Bush Trail
Part Lot 26, Concession 10
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard setback from 2.3 metres to 1.3 metres to permit the construction of a dwelling.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



David Harding

From: Anne Elmhirst
Sent: Tuesday, October 27, 2020 8:37 AM
To: David Harding
Subject: RE: Advance Circulation for Minor Variance Application D20-2020-036 55 Sugar Bush Trail, Fenelon (Louttit)

Hello David,

I have received an updated sewage system proposal for the property known as 55 Sugar Bush Trail. The owner has decided to relocate the sewage system to the opposite side of the property to accommodate the placement of a garage and driveway in the position presented on the survey provided.

As such, I have no concerns with the proposal for minor variance.

Should you have any questions, please do not hesitate to contact me.

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



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

From: David Harding
Sent: Monday, October 19, 2020 3:40 PM
To: Anne Elmhirst ; Derryk Wolven
Subject: FW: Advance Circulation for Minor Variance Application D20-2020-036 55 Sugar Bush Trail, Fenelon (Louttit)

Hello Anne and Derryk,

I'm sending this application out to you early given the very short turnaround for comments.

David Harding RPP, MCIP
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

David Harding

From: Derryk Wolven
Sent: Friday, October 23, 2020 1:11 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-036

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised building 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

