

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 2126660 Ontario Inc.**  
Report Number COA2020-028

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**Public Meeting**

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

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**Ward: 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to permit the construction of a detached garage and recognize the location of an existing septic system pump house by requesting relief from the following provisions:

**Detached Garage**

1. Section 13.2.1.3 (a) to reduce the minimum front yard setback for a detached garage from 7.5 metres to 5.33 metres;

**Septic System Pump House**

2. Section 3.1.2.1 to construct an accessory building which is not part of the main building within the front yard of the property;
3. Section 13.2.1.3 (a) to reduce the minimum front yard setback from 7.5 metres to 5.64 metres, and;

**Lot Coverage for Accessory Structures**

4. Section 3.1.3.1 to increase the total allowable lot coverage for accessory buildings and structures from 8% to 13.83%

The variance is requested at 64 Iris Drive, geographic Township of Fenelon (File D20-2020-024).

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**Author:** Kent Stainton, Planner II

**Signature:**



**Recommendations:**

**Resolved That** Report COA2020-028 212660 Ontario Inc., be received;

**That** minor variance application D20-2020-024 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 sketches in Appendices C - E submitted

as part of Report COA2020-028, which shall be attached to and form part of the Committee's Decision;

- 2) **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
- 3) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structure identified on Appendix C to Report COA2020-028 as 'gazebo' has been removed;
- 4) **That** within 24 months after the date of Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the eastern edge of the wooden deck identified on Appendix C to Report COA2020-028 attached to the existing single detached dwelling has been modified to reflect a minimum 1.3 metre setback from the eastern side lot line, and;
- 5) **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 COA2020-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The applicant initially proposed review of the detached garage in 2015 through a prescreening application that was withdrawn. Relief was being sought for a reduced front yard setback and increase in the maximum allowable height for the proposed detached garage.

Through the pre-screening process, the height of the garage was lowered to comply with the Zoning By-law. Additional variances pertaining to the maximum lot coverage for accessory buildings and structures as well as the pumphouse for the septic system were identified. Recognition of the pumphouse within the front yard is being sought. The distance from the front lot line is also being sought to comply with the by-law.

Through conducting a site visit associated with the application, it was determined that the eastern side of the wooden deck associated with an open Building Permit application from 2008

was closer than the allowable side yard setback for accessory structures. The application was not deemed complete until direction regarding modifications to the deck were provided by the applicant.

This application was deemed complete on August 17, 2020.

- Proposal:** To construct a new 72.466 square metre (780 square feet) detached garage with storage loft and to recognize the construction of a 3.55 square metre (38.2 square feet) pump house associated with a septic system. The detached garage is not proposed to contain habitable space.
- Owner:** 2126660 Ontario Inc. (Vinti Sansanwal)
- Legal Description:** Part Lot 25, Concession 3, Lot 13, Plan 241 geographic Township of Fenelon, City of Kawartha Lakes
- Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan (2012)
- Zone:** Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95
- Site Size:** 1,437.91 square metres (15,477.53 square feet)
- Site Servicing:** Private individual well supply and septic system
- Existing Uses:** Shoreline Residential
- Adjacent Uses:** North: Balsam Lake  
East, West: Shoreline Residential  
South: Iris Drive, Rural Residential, Wood lot

**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 the south shore of Balsam Lake along a row of shoreline residential lots. The dwellings along Iris Drive are moderately sized and comprised of varying built form. The 1.5 storey single detached dwelling was constructed several years ago with a fairly modern design.

The associated detached garage will be constructed using similar stone and brick composition with an identical colour scheme to the dwelling unit. Since the height of the garage at 4.97 metres to the midpoint of the rafter complies with the maximum allowable height provision for accessory structures and there are no buildings or structures to the east of the proposed location of the garage, there are no anticipated massing impacts from the detached garage.

The subject property is surrounded on all sides by dense vegetative buffers, which effectively screen the proposed garage from the neighbouring lots as well as partially from the road when travelling westbound on Iris Drive. The driveway leading to the double garage doors on the western side of the garage has a wider turning radius that allows vehicles to turn around or drive out of the property, lessening impacts to traffic along Iris Drive. The western property line is also screened by a newer wooden fence immediately west of the septic pump house to assist with privacy screening. On the south side of Iris Drive, a dense buffer of woodland is present. No adverse impacts to the privacy of the neighbourhood are anticipated due to the presence of the vegetative buffers and no visual impedance is created through the proposed site of the garage.

The location of the existing septic system and driveway to the west of the proposed garage prohibits the footprint from being situated in the western front yard. The linear bed of the tertiary system and existing holding tank confine the garage to the proposed location.

The existing dwelling is located closer to the eastern lot line while access to the rear yard is maintained on both sides, but primarily on the western side of the property. While the garage is proposed within the front yard, it is anticipated that the garage use will complement the character of the property and streetscape by providing enclosed storage for vehicles and other items that would otherwise be stored outside within the front yard.

The increased lot coverage as a result of the garage does not impair the area of available amenity space or the appearance of the property.

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 General Provisions set a maximum coverage of 8% for accessory buildings or structures to a maximum of 225 square metres. On smaller residential properties, the provision can substantially restrict the ability to construct sufficiently sized buildings or structures. The proposal complies with the maximum lot coverage within the RR3 Zone category. The modest 5.83% increase acknowledges the proposed detached garage at 5.04% (72.47m<sup>2</sup>), the boathouse at 2.68% (38.46m<sup>2</sup>), the attached wooden deck at 5.86% (84.32m<sup>2</sup>) and the septic system pump house at 0.25% (3.55m<sup>2</sup>). The overall area of the accessory structures is 198.81 m<sup>2</sup>, which is less than the maximum allowable 225 square metres. Unlike most zoning by-laws within the City, the wooden deck does factor into the calculation for lot coverage within the Township of Fenelon Zoning By-law. The gazebo was not considered in the calculation since it is being removed.

The dwelling retains its visual prominence as the primary use and building on the property. The increase in coverage also maintains the intent of the zoning by-law to maintain adequate landscaped open space for amenity, service (i.e. sewage system and well) and storm water infiltration. Therefore, it is

appropriate to increase the lot coverage to permit the additional accessory buildings.

The intent of the zoning by-law is to relegate accessory uses to the interior side or rear yard, and maintain sufficient spatial separation between accessory uses and interior side lot lines. Another intent of the location provision is to ensure accessory buildings and uses do not dominate the streetscape. Where a lot fronts onto a navigable waterway, the Township of Fenelon Zoning By-law does permit a private garage between the main building on the lot and the street line provided the garage complies with the yard provisions of the zone. The proposed garage complies with all other yard provisions of the Zoning By-law.

Given the overall size and scale of the septic system pumphouse, the presence of the structure within the front yard is relatively imperceptible. The septic system was granted a permit in 2020 and the structure complies with the interior side yard setback from the western lot line. The pumphouse is also positioned with essentially the same setback as the proposed garage. As such, the established building line within the front yard will be virtually the same.

It is important to note that gazebo located along the shoreline will be removed upon completion of construction. The gazebo was acknowledged during the pre-screening process and the applicant has agreed to remove the structure. A condition is recommended in order to confirm removal of the structure.

Upon conducting site inspection associated with the variances, Planning staff identified the wooden deck associated with an open Building Permit had been constructed approximately 0.9 metres from the eastern side lot line. The findings were conveyed to the owner, who has agreed to relocate the eastern edge of the deck to reflect a 1.3 metre side yard setback at minimum. A condition is recommended in order to confirm compliance with the Zoning By-law.

Therefore, the variances 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. Low density residential uses, along with accessory uses are anticipated within this designation.

All built form of any substantial height will be at least 15 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

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

**Other Alternatives Considered:** No alternatives have been considered at this time.

**Servicing Comments:** The property is serviced by private water 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:**

Engineering and Corporate Assets Division (October 5, 2020): No objections.

Building Division (October 2, 2020): A Building permit is required for the construction of the garage. As the pad has been poured, construction began without a permit.

Part 8 Sewage Systems (September 3, 2020): A sewage system has been constructed on the property under File F-18-08. The driveway to access the garage will be maintained wholly in front of the dwelling to avoid the sewage system envelope. No concerns.

Kawartha Region Conservation Authority (September 4, 2020): No objection.

**Public Comments:** No comments have been received as of October 6, 2020.

**Attachments:**



Appendices A-F for  
COA2020-028.pdf

- Appendix A – Location Map
- Appendix B – Aerial Photo of Subject Property
- Appendix C – Applicant's Site Plan
- Appendix D – Elevation Drawings (North Elevation)
- Appendix E – Elevation Drawings (South Elevation)
- Appendix F – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-024

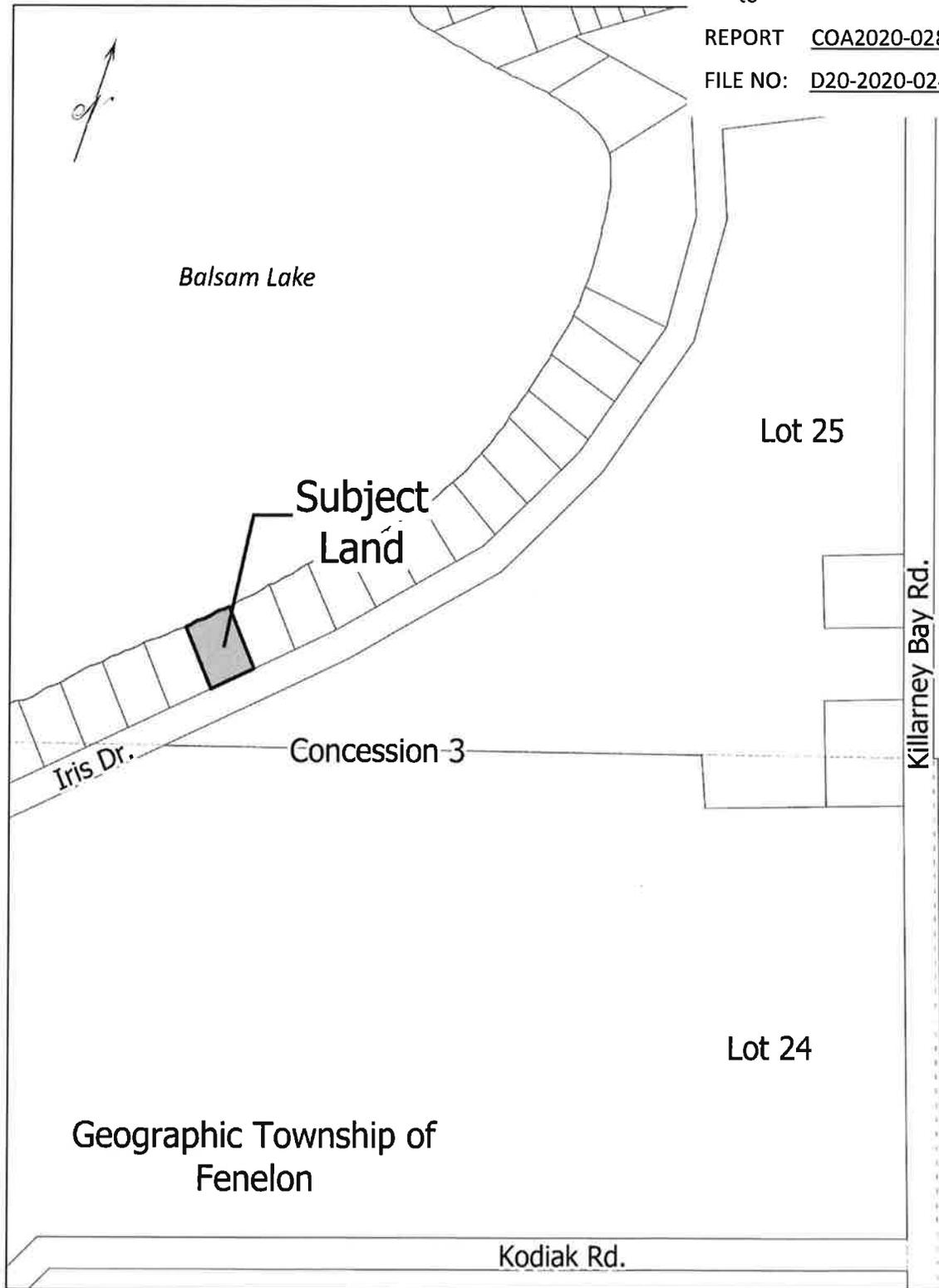
# D20-2020-024

APPENDIX " A "

to

REPORT COA2020-028

FILE NO: D20-2020-024





### 64 Iris Drive, Geographic Township of Fenelon



#### Legend

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

#### Notes

Notes

APPENDIX " B "

to

REPORT COA2020-028

FILE NO: D20-2020-024

0.07

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.

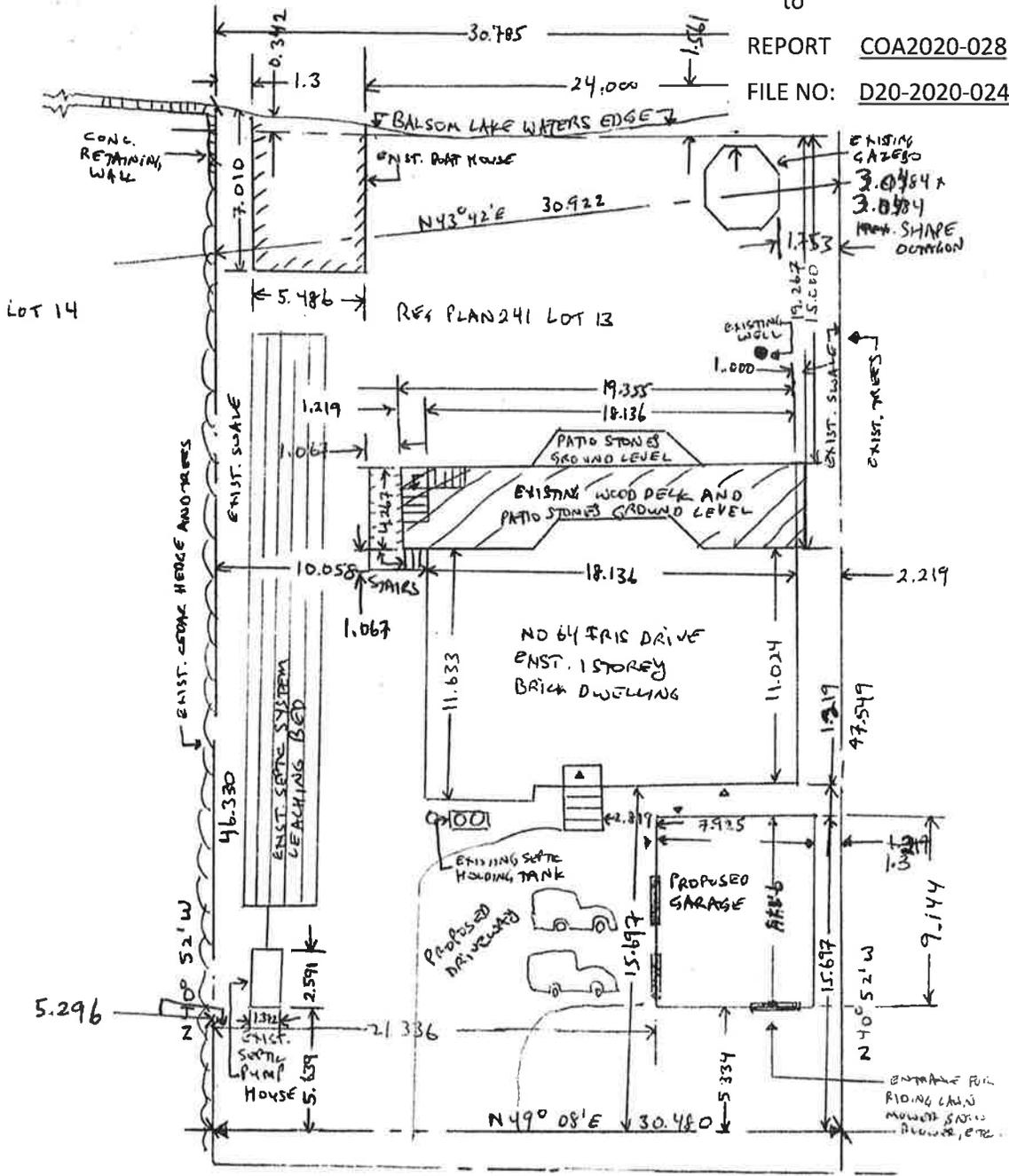
**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

APPENDIX " C "

to

REPORT COA2020-028

FILE NO: D20-2020-024



SURVEY INFORMATION  
 INFORMATION WAS TAKEN IN PART  
 FROM PLAN OF SURVEY SHOWING  
 LOT 13 & 14, REG. PLAN 241  
 TOWNSHIP OF FENELON, ONTARIO

SCALE 1"=20'0"  
 PROPOSED GARAGE AT  
 64 IRIS DRIVE  
 TOWNSHIP OF FENELON  
 CAMERON, ONTARIO  
 KOM 190

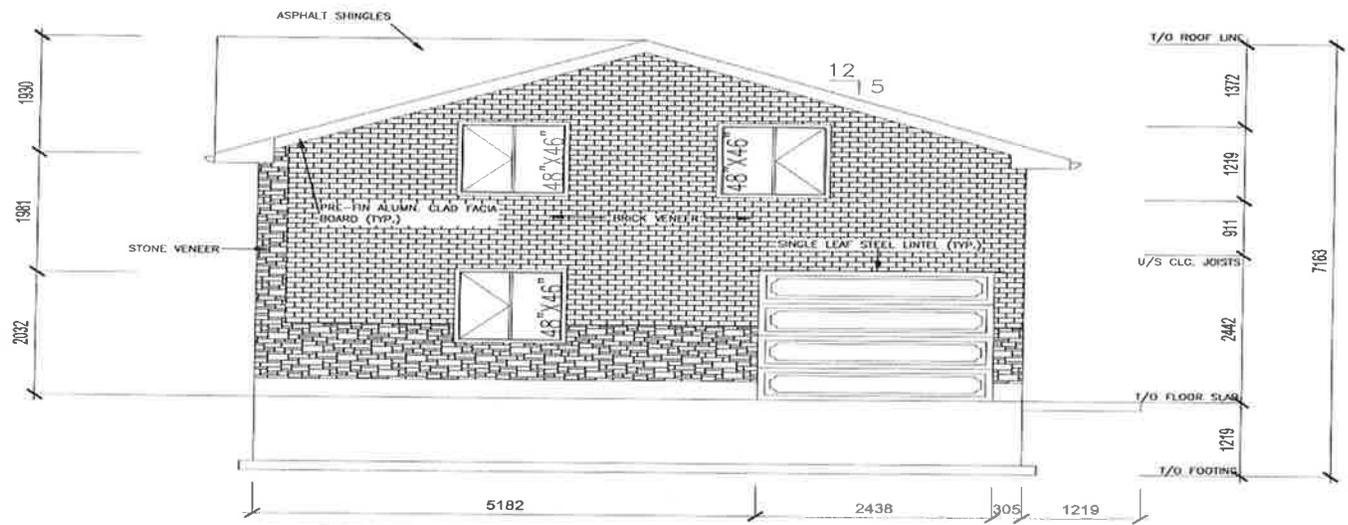


APPENDIX " D "

to  
 REPORT COA2020-028  
 FILE NO: D20-2020-024



2 WEST ELEVATION



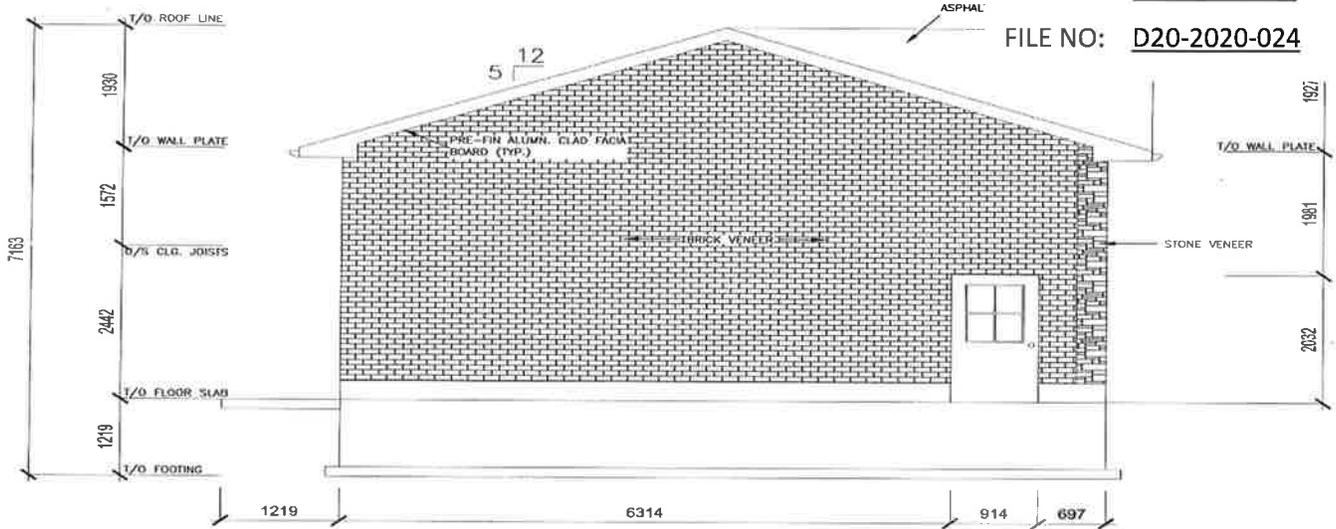
3 SOUTH ELEVATION

APPENDIX " E "

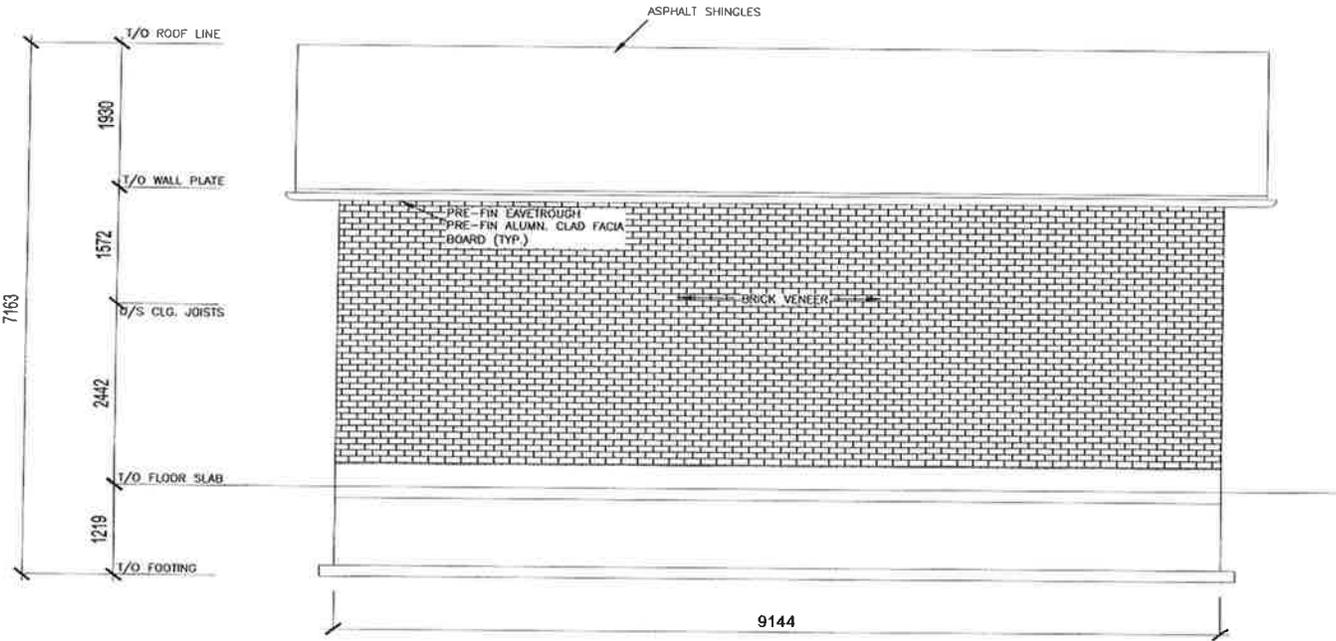
to

REPORT COA2020-028

FILE NO: D20-2020-024



1 NORTH ELEVATION



4 EAST ELEVATION

## Kent Stainton

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**From:** Mark LaHay  
**Sent:** Monday, October 5, 2020 10:16 AM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20201005 D20-2020-024 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Monday, October 5, 2020 9:48 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20201005 D20-2020-024 - Engineering review

APPENDIX F  
to  
REPORT COA2020-028  
FILE NO. D20-2020-024

**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2020-024  
64 Iris Drive  
Part Lot 25, Concession 3, Lot 13, Plan 241  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to construct a detached garage and acknowledge the location of an existing septic system pump house:

1. Section 3.1.2.1 to construct an accessory building (septic system pump house) which is not part of the main building within the front yard of the property;
2. Section 3.1.3.1 to increase the total lot coverage for accessory buildings and structures from 8% to 13.83%;
3. Section 13.2.1.3 (a) to reduce the minimum front yard setback for a detached garage from 7.5 metres to 5.33 metres;
4. Section 13.2.1.3 (a) to reduce the minimum front yard setback for the septic system pump house from 7.5 metres to 5.64 metres.

*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

## Kent Stainton

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**From:** Charlotte Crockford-Toomey  
**Sent:** Friday, October 2, 2020 2:10 PM  
**To:** Kent Stainton  
**Subject:** FW: D20-2020-024 64 Iris Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Fyi

I will scan and put hard copy in the file.

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



Please note: The Development Services 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:** Derryk Wolven  
**Sent:** Friday, October 2, 2020 1:52 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-024 64 Iris Drive

Building permit is required for the proposed garage. Construction started without permit in place.

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



KRCA File NO: PPLK-10218

Via Email: [ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)  
Charlotte Crockford Toomey  
Administrative Assistant  
Development Services – Planning Division  
180 Kent St West  
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application  
D20-2020-024  
64 Iris Dr, Fenelon  
2126660 Ontario Inc./ Vinti Sansanwal**

Kawartha Conservation has completed review of the above noted Minor Variance Application, submitted by 2126660 Ontario Inc. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

**Application Purpose:**

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2020-024 is to:

- Reduce the front yard setback from 7.5 metres to 5.33 metres for the existing septic pump house and proposed garage, and
- Increase accessory building coverage from 8% to 14.827%.

**Site Characteristics:**

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

*Natural Heritage Features:*

- Provincially Significant Wetland. The subject property is within the 120 metre regulated buffer of a Provincially Significant Wetland (Balsam Lake South Bay Complex).
- Balsam Lake/Fish Habitat – Kawartha Conservation regulates the shoreline of Balsam Lake and 15 metres from the high water mark.

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

*Our Watershed Partners:*

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



**KAWARTHA  
CONSERVATION**

Discover • Protect • Restore

Page 3 of 3  
September 4, 2020

*Elin McEvey*

**Resources Planner Technician  
Kawartha Conservation**

**CC: Ron Warne, Director of Planning, Development, & Engineering, Kawartha Conservation**

**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



## Kent Stainton

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**From:** Charlotte Crockford-Toomey  
**Sent:** Thursday, September 3, 2020 8:57 AM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: D20-2020-024 - 64 Iris Dr

fyi

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



Please note: The Development Services 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.

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**From:** Anne Elmhirst  
**Sent:** Thursday, September 03, 2020 12:34 AM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-024 - 64 Iris Dr

Hello Charlotte,

I have received and reviewed the application for Minor Variance to request relief from the front yard setback and to request from the required lot coverage for the construction of an accessory structure.

A sewage system has been constructed on the property under file F-18-08. The sewage system is located on the west side of the property. The accessory structure, detached garage, is proposed on the east side of the property. The driveway to access the garage will be maintained wholly in front of the dwelling to avoid the sewage system envelope.

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

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)