

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report –Thornbury and Walker
Report Number COA2020-038

Public Meeting

Meeting Date: October 15, 2020

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from Section 12.2.1.3 (c) to reduce the minimum exterior side yard setback of 7.5 metres to 1.2 metres in order to permit the construction of a new single storey detached dwelling and deck.

The variance is requested at 12 Treewood Lane, geographic Township of Bexley (File D20-2020-033).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2020-038 Thornbury and Walker, be received;

That minor variance application D20-2020-033 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 & D submitted as part of Report COA2020-038, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to proceeding with the building permit process, the owner shall apply for a deeming by-law to ensure that the Federal Crown Land known as Part 1 of 57R-10663, Plan 175 will consolidate with the subject lands known as Lot 11, Plan 175, 12 Treewood Lane, and the by-law be in effect;
- 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 COA2020-038. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	<p>Upon applying for a Building Permit to demolish the existing detached dwelling and wooden deck in order to facilitate the construction of a new single detached dwelling and deck, the Building and Zoning Clerk identified that the lands immediately to the north of the subject property are part of a road allowance.</p> <p>The applicant sought clarification from the Planning Division in regard to the ownership of the abutting lands to the north of the existing parcel. Following correspondence with the Realty Services Division, it was determined the lands to the north are owned by the City of Kawartha Lakes in the form of a road allowance that facilitates public access to Balsam Lake. As such, the property is considered a corner lot; therefore, the side yard is considered an 'Exterior Side Yard' for the purposes of implementing the Zoning By-law.</p> <p>This application was deemed complete on September 15, 2020.</p>
Proposal:	To demolish the existing one-storey detached dwelling and wooden deck and construct a new 152 square metre (1,636.11 square feet) two-storey detached dwelling and attached wooden deck.
Owner:	Samuel Thornbury and Sherrie Walker
Applicant:	Brian Hoag
Legal Description:	Lot 11 and Part of Block D, Plan 175, geographic Township of Bexley, 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 Bexley Zoning By-law 93-09
Site Size:	674 square metres (7,254 square feet)
Site Servicing:	Private individual well and holding tank for septage
Existing Uses:	Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
West: Shoreline Residential, Treewood Lane, Farmingdale Lane
East: Balsam Lake

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated along the shoreline of a southwestern bay of Balsam Lake. This specific parcel is surrounded by smaller shoreline residential lots comprised of cottages and single detached dwellings. The lots in the neighbourhood are flat with a variety of built form ranging from quaint bungalows to modern two-storey in-fill development.

The proposed design of the dwelling incorporates elements of modern and traditional design and will add to the overall character of the neighbourhood. The double patio doors provide for a transition to the amenity space within the rear yard towards the lake. Since the overall footprint of the development is being shifted to the west of the parcel, amenity space in the form of a rear yard is being increased. The slight increase in lot coverage does not impair the area of available landscaped amenity space or the appearance of the property.

The presence of detached accessory structures in the front yard of the subject lands as well as on the lot to the south provides increased privacy for the lot by essentially screening the entire width of the property with the exception of the driveway. Both accessory structures were constructed in 1960 (according to MPAC) and predate the first Zoning By-law for the Township of Bexley (1979).

Dense cedar trees along the northern lot line running the entire length of the parcel combine with the buffer provided from width of road allowance to provide substantial privacy from the neighbouring lot to the north. The boathouse and a mature cedar hedge running the entire length of the southern property line. The vegetation effectively screens the property on both sides from the neighbouring lots. No adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

Due to the above analysis, the variance is 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 Rural Residential Type Three (RR3) Zone permits a variety of uses, including single detached and vacation dwellings.

As the lot abuts a road allowance, it is considered a corner lot. An exterior side yard setback provides for the protection of land to maintain sight lines, road widenings for the installation/expansion of services and by shaping the streetscape by regulating the placement of buildings.

In this case, the exterior side yard functions as an interior side yard, as the road allowance it abuts is densely vegetated and provides the ability for residents to access Balsam Lake. An interior side yard serves primarily as a space to provide for lot and building maintenance, establish utility infrastructure and facilitate access between the rear and front yards. The proposed exterior side yard distance of 1.2 metres is of sufficient space to provide for lot and building maintenance with the opposite interior side yard setback providing ample space for accessibility to the rear yard. In fact, the proposed 1.2 metre setback improves the current 0.2 metre exterior side yard setback of the dwelling.

The location of the proposed septic system in between the dwelling and the southern lot line prevents the development from being relocated further to the south of the lot. While acknowledging the water setback, a slight adjustment of the footprint to the south while maintaining accessibility along the northern property line is pragmatic.

It is understood that a portion of the shoreline identified as Part 1 of PLAN 57R-10663 on the survey provided with the application is under the ownership of the Trent Severn Waterway (TSW). The owner is in the process of purchasing the abutting shoreline lands from the TSW. As a recommended condition of approval, the purchase and melding of the aforementioned lands to the existing lot must be accomplished through approval of a Deeming By-law.

As mentioned in Rationale 1 & 2, the existing detached garage and shed close to the front lot line were constructed in 1960 (according to MPAC), which predates the first Township of Bexley Zoning By-law implemented in 1979.

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. As per Policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline. All development, including the location of the proposed deck is located greater than 15 metres from the shoreline, which represents an increased setback in comparison to the current location of the dwelling and deck.

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 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:

Trent Severn Waterway (October 5, 2020): An application has been accepted for the sale of Federal Crown Land and approved.

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

Building Division (October 2, 2020): No Concerns.

Part 8 Sewage Systems (September 30, 2020): A submission for a Sewage System Permit to install a Class 5 Holding Tank has been received by the Supervisor of Part 8 Sewage Systems. There are no concerns with the proposal.

Planning staff offer a response to the public comments received October 6, 2020 shown below:

Vegetation Removal: The cedar trees along the northern lot boundary are being preserved as best as possible for privacy and screening purposes.

Sale of lands owned by the City of Kawartha Lakes: The lands being sold as part of the application are confined to the shoreline lands owned by the Trent Severn Waterway. To staff's knowledge, there are no applications with the Land Management Committee administered through the Realty Services Division to purchase and close the road allowance. There is a public process associated with the sale of city-owned lands.

Public Comments:

David & Louise Grandy – Treewood Lane (October 6, 2020): Ms Grandy posed questions regarding the removal of the trees along the property line between the subject lands and the road allowance. Furthermore, Ms. Grandy questioned the ability of the owner of the subject property to purchase the lands owned by the City through the minor variance application. If access to Balsam Lake is being prohibited as a result of the application, Ms. Grandy (and other residents) would like to be made aware.

Attachments:



Appendices A - F
for COA2020-038.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Survey

Appendix D – Elevation Drawings (East and West Facing)

Appendix E – Department and Agency Comments

Appendix F – Public Comments

Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-033

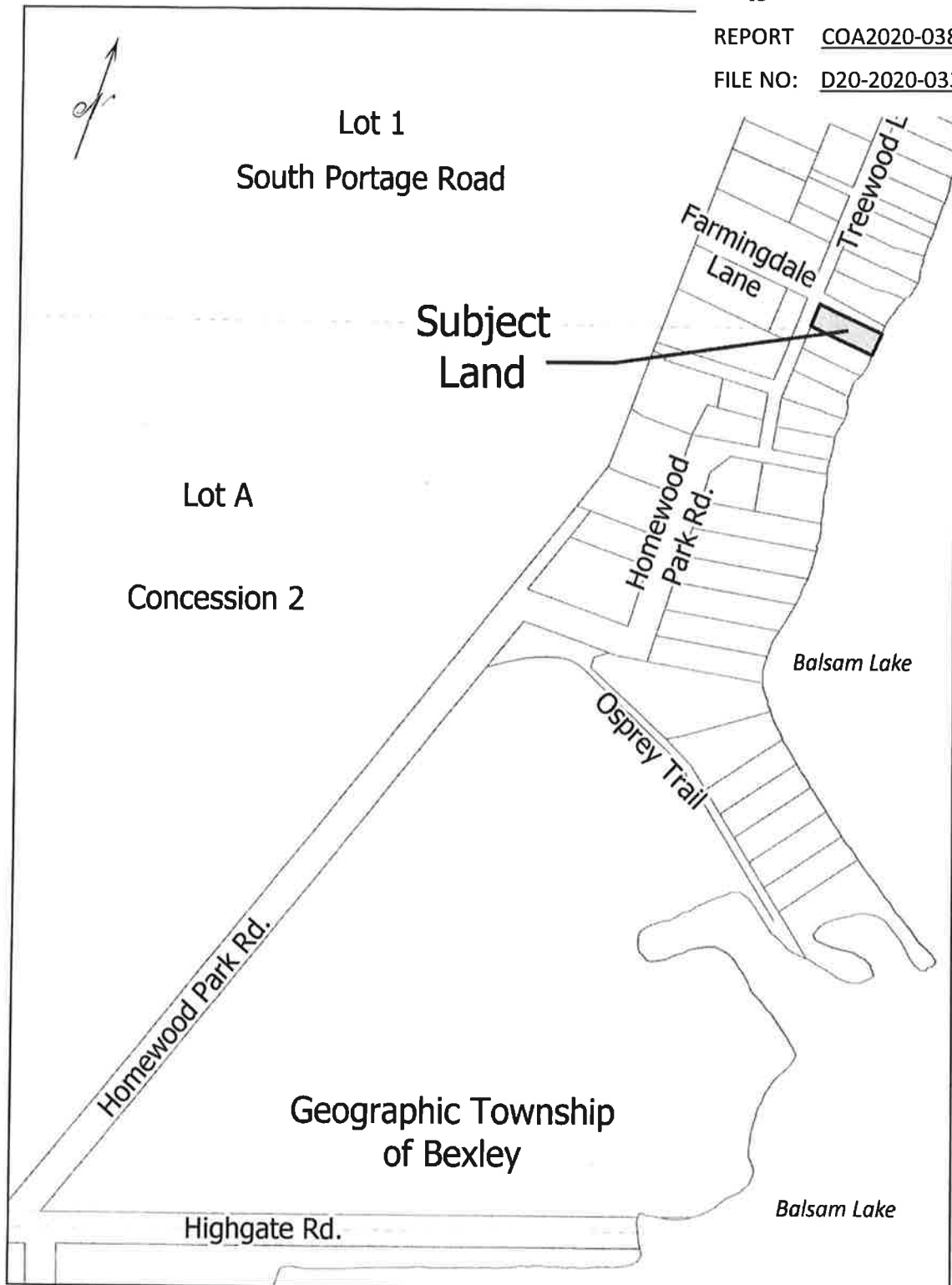
D20-2020-033

APPENDIX " A "

to

REPORT COA2020-038

FILE NO: D20-2020-033





GEOMATICS
MAPPING

12 Treewood Lane, Geographic Township of Bexley



Legend

- ☐ Property Roll Number
- ☐ Lower Tier Municipalities

Notes

Notes

APPENDIX " B "

to

REPORT COA2020-038

FILE NO: D20-2020-033

0.07

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

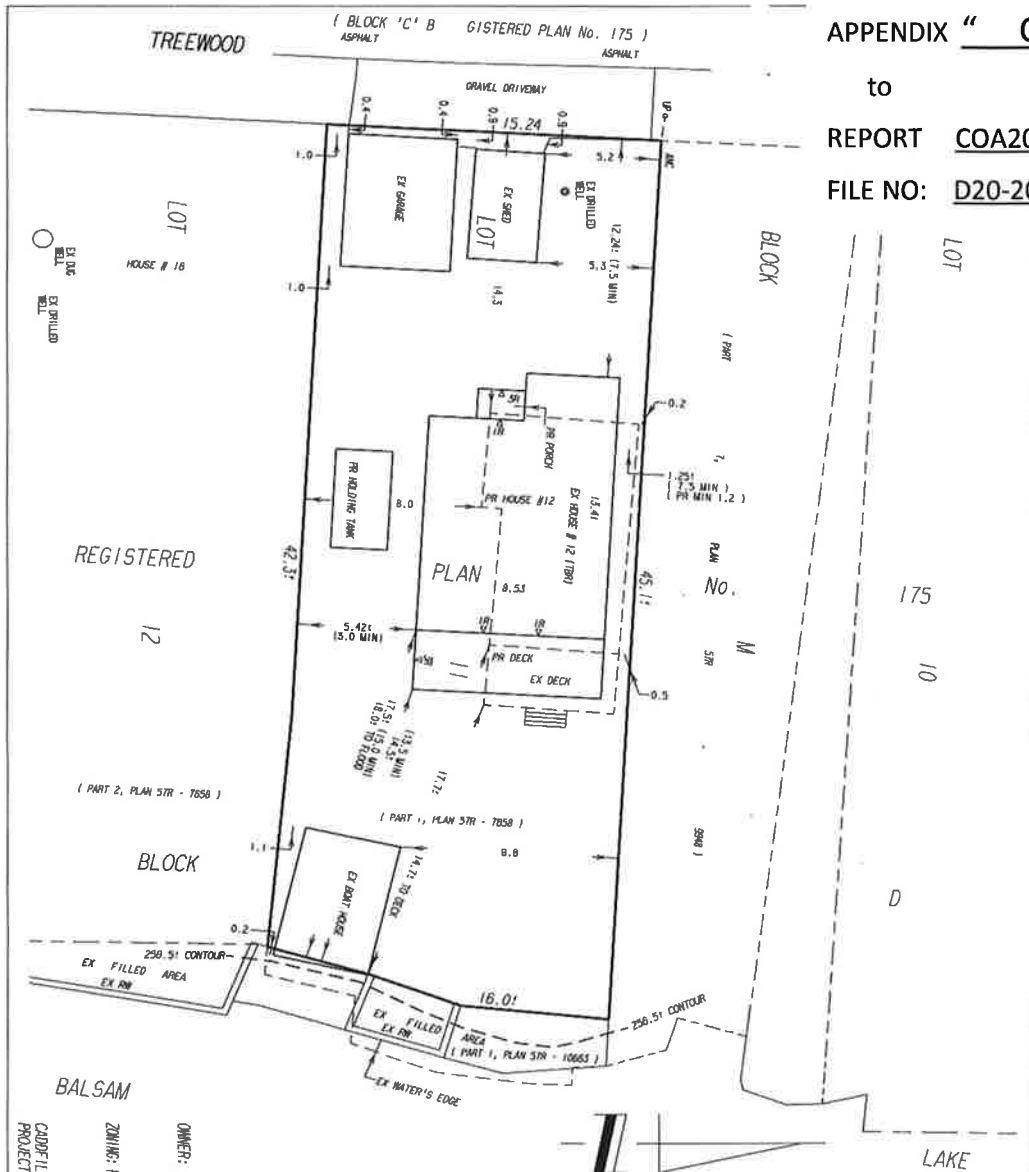


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "

to
REPORT COA2020-038
FILE NO: D20-2020-033



SKETCH FOR MINOR VARIANCE
(# 12 TREWOOD LANE)
ON ALL OF LOT 11, AND PART OF BLOCK D,
REGISTERED PLAN NO. 175,
GEOGRAPHIC TOWNSHIP OF BEVELY,
CITY OF KAWARTHA LAKES
SCALE 1 : 200 METRES
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES:

- AREA = 674 SQ. M.
- EXISTING BUILDING AREA = 74.0 SQ. M.
- EXISTING GARAGE AREA = 33.7 SQ. M.
- EXISTING SHED AREA = 17.6 SQ. M.
- EXISTING BOAT HOUSE AREA = 28.9 SQ. M.
- EXISTING BUILDING AREA = 101.3 SQ. M.
- PROPOSED LOT COVERAGE = 27.8%
- MINIMUM OPENING ELEVATION IS 256.80 METRES.

THIS PROPERTY IS REGULATED BY THE K.R.C.A.
WITHIN 15 METRES OF THE 256.5 CONTOUR ELEVATION.

AUGUST 19, 2020

OWNER: WALKER, SHERRI
THORNBURY, SIMUEL

ZONING: RURAL RESIDENTIAL TYPE THREE (R83).

CADFILE: 80110-M-1.DPD
PROJECT NO. 80110-MV

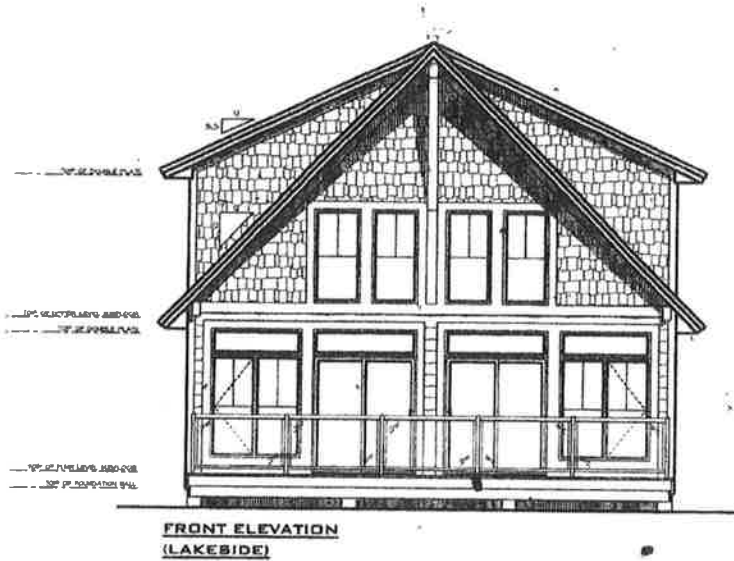
H. F. GRANGER CO. LTD.
ONTARIO LAND SURVEYOR
1575 HIGHWAY 74 WEST, UNIT 24
PORT PERRY, ONTARIO
L9L 1A6
TEL. (505) 985-3800
FAX. (505) 985-2347

APPENDIX " D "

to

REPORT COA2020-038

FILE NO: D20-2020-033





Parks Canada
Parcs Canada



Ontario Waterways

Trent-Severn Waterway National Historic Site &
Rideau Canal National Historic Site
PO Box 56, 2155, Ashburnham Drive
Peterborough, ON K9J 6Z6
705-750-4900
Fax: 705-742-9644

Voies navigables de l'Ontario

Lieu historique national du Canada de la Voie-Navigable-Trent-Severn &
Lieu historique national du Canada du Canal-Rideau
C.P. 567, 2155, promenade Ashburnham
Peterborough, ON K9J 6Z6
705-750-4900
Télécopieur: 705-742-9644

APPENDIX

to

October 5, 2020

REPORT COA2020-038

O/F: 8620-1877

City of Kawartha Lakes

Minor Variance Application - Thornbury

FILE NO. D30-2020-033

To whom it may concern:

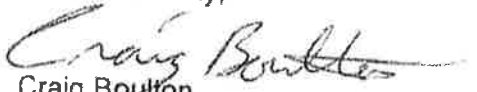
**HER MAJESTY THE QUEEN SALE TO SAM THORNBURY – PART OF LOT A,
CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BEXLEY, CITY OF KAWARTHA
LAKES, BEING PART 1 ON 57R-10663**

Sam Thornbury has applied to purchase Federal Crown Land fronting the upland property in Part of Lot A, Concession 2, Geographic Township of Bexley, City of Kawartha Lakes, being Part 1 on 57R-10663.

The application has been accepted and the sale of the Federal Crown Land has been approved by Parks Canada, Ontario Waterways. Due to the Covid 19 pandemic, there has been a significant delay in getting documents registered, but the process for Sam Thornbury to acquire Part 1 on 57R-10663 is currently under way and is expected to be completed in the coming months.

If the City of Kawartha Lakes staff have any concern with regards to the purchase of the Federal Crown Land, you can reach out to me directly at craig.boulton@canada.ca or 705-760-0293.

Yours sincerely,


Craig Boulton
Real Property Officer
Parks Canada - Ontario Waterways

Canada

Kent Stainton

From: Mark LaHay
Sent: Monday, October 5, 2020 10:17 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford-Toomey
Subject: FW: 20201005 D20-2020-033 - 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 D20-2020-033 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2020-033
12 Treewood Lane
Lot 11, Plan 75
Geographic Township of Bexley

It is the understanding by Engineering that the purpose and effect is to request relief from Section 12.2.1.3 (c) to reduce the minimum side yard exterior side yard setback from 7.5 metres to 1.2 metres in order to permit the construction of a single detached 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



Kent Stainton

From: Charlotte Crockford-Toomey
Sent: Thursday, October 1, 2020 9:03 AM
To: Kent Stainton
Subject: FW: D20-2020-033 - 12 Treewood Lane Part 8 Sewage System Comments

Follow Up Flag: Flag for follow up
Flag Status: Completed

Fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 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: Anne Elmhirst
Sent: Wednesday, September 30, 2020 11:10 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-033 - 12 Treewood Lane

Hello Charlotte,

I have received and reviewed the application for Minor Variance to request relief from a side yard lot line for the construction of a new dwelling.

There is a current submission for a Sewage System Permit to Install for a Class 5 Holding Tank. The positioning of the Holding Tank has been confirmed for the waterside of the property.

As such, the Building Division – Sewage System Program has no concerns with the proposal.

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

Kent Stainton

From: Derryk Wolven
Sent: Friday, October 2, 2020 1:55 PM
To: Charlotte Crockford-Toomey
Subject: D20-2020-033 12 Treewood

No Concern.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Kent Stainton

From: Kent Stainton
Sent: Wednesday, October 7, 2020 10:18 AM
To: 'LOUISE GRANDY'
Subject: RE: D20-2020-033

APPENDIX F
to
REPORT COA2020-038

Hi Louise,

FILE NO. D20-2020-033

Thank you for your email regarding Minor Variance File D20-2020-033 (12 Treewood Lane, Bexley). In regard to your question, there is no intention to purchase the lands to the north abutting the parcel. Since the shoreline portion immediately abutting the parcel is technically owned by the Trent Severn Waterway (TSW), a condition is being recommended that these lands (not including the allowance) be purchased in order to clear up any future encroachment or Title issues. This does not include the lands to the north and public access will remain As for the cedar trees, a lot of the trees (based on the Survey stakes) are actually on the owners property. I believe the intent is to preserve as many as possible for the purposes of screening and privacy.

I am not familiar with the boathouse issues; however, any disposition of City-owned land is a public process administered through the Realty Services Division and overseen by the Land Management Committee. To my knowledge, there is no application to sell and close the allowance

I trust this is of assistance. If you have any additional questions, do not hesitate to contact me directly.

Best,
Kent

Kent Stainton

Planner II

Development Services, City of Kawartha Lakes
705-324-9411 ext. 1367 www.kawarthalakes.ca

City of Kawartha Lakes
Development Services Department, Planning Division
180 Kent Street West
Lindsay, ON K9V 2Y6
705-324-4027 (F)



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.

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this e-mail. If you have received this e-mail in error, please notify the sender immediately by telephone, fax, or e-mail and shred this confidential e-mail, including any attachments, without making a copy. Access to this e-mail by anyone else is unauthorized.

From: LOUISE GRANDY <louisegrandy@yahoo.ca>
Sent: Tuesday, October 6, 2020 12:08 PM
To: Kent Stainton <kstainton@kawarthalakes.ca>
Cc: Emmett Yeo <eyeo@kawarthalakes.ca>; Andy Letham <aletham@kawarthalakes.ca>; Committee of Adjustment <cofa@kawarthalakes.ca>
Subject: Fwd: D20-2020-033

Sent from my iPhone

Begin forwarded message:

From: LOUISE GRANDY <louisegrandy@yahoo.ca>
Date: October 6, 2020 at 12:04:02 PM EDT
To: cofa@kawarthalakes.ca
Cc: emmettyeo@kawarthalakes.ca, eyeo@kawarthalakes.ca
Subject: D20-2020-033

Dear committee members

With regard to minor variance
D20-2020-033
12 Treewood Lane
Township of Bexley
H.F. Grander
Ontario Land Surveyor

Caddfile 80110-MV-I.DPD
Project 80110-MV

A few questions and concerns.

1. Will the cedar trees on Block M Public Access to Lake be preserved?
2. Will the Variance of 6.3 metres allow the property owner to apply to purchase and take property away from the public access, namely Block M?

As was done by Lot 10 On the opposite side of Block M approximately 10 years ago.
The CKL sold footage of public access to lot 10 owners.
This resulted in harassment for backlot owners in accessing the lake on Block M.

The CKL admitted after the fact that lot 10 could have maintained their boathouse by using public access Block M. Property to narrow down Public Access Block M did not need to happen.

As a backlot owner, access to the lake affects property values.

If this variance is going to result in issues affecting Block M, residents want assurances from CKL that Block M will not be partially sold off or stopped up.

Thank you for your consideration.

David and Louise Grandy
Treewood Lane

Sent from my iPhone