

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Heather Curtis

Report Number COA2020-040

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### Public Meeting

**Meeting Date:** November 5, 2020

**Time:** 1:00 pm

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

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### Ward 7 – Former Town of Mariposa

**Subject:** The purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15.2 metres to permit an addition to and reconstruction/renovation of the existing dwelling, and permit an unenclosed deck with stairs.

The variance is requested at 87 Marsh Creek Road, geographic Township of Mariposa (File D20-2020-010).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:** 

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### Recommendation:

**Resolved That** Report COA2020-040 Heather Curtis be received;

**That** minor variance application D20-2020-010 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions:

- 1) **That** the building construction for the deck and addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevations in Appendix D submitted as part of Report COA2020-040, which shall be attached to and form part of the Committee's Decision;
- 2) **That** prior to the issuance of a building permit the owner shall apply for a demolition permit for the building identified as Old Shed in Appendix C to Report COA2020-040 and the Secretary-Treasurer shall receive written confirmation from the Chief Building Official that the building has been satisfactorily removed from the property; and
- 3) **That** the building construction related to the minor variance 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 COA2020-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background: Construction works are proposed to an existing cottage, which includes:

- (1) An approximately 4.88 x 4.88 metre addition that will square off the south eastern corner of the building,
- (2) reconstructing a portion of the rear of the building,
- (3) increasing wall/roof height, and
- (4) adding a deck on the southeastern side.

At its July 16, 2020 meeting the Committee of Adjustment (the Committee) granted the owner's request to defer the application. The owner was in the process of transitioning applicants and submitting a revised proposal. The application was to return to the Committee for a decision no later than its October 15, 2020 meeting.

At the Committee's October 15 meeting, it granted one further extension as not all material was received in time to be heard at said meeting.

Proposal: Renovation, reconstruction and expansion works to an existing single detached dwelling, and add a new deck with stairs.

Owner: Heather Curtis

Applicant: Doug Norton - Measurite

Legal Description: Part Lot 22, Concession C, geographic Township of Mariposa now the City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 1,457 square metres (15,683 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Agricultural  
South: Lake Scugog  
East, West: Shoreline Residential

**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 in a shoreline residential neighbourhood on the northern shores of Lake Scugog. Residential lots along the shoreline and an agricultural parcel borders the north side of the neighbourhood road: Marsh Creek Road. A mix of dwelling unit ages and sizes are found along Marsh Creek Road. The older dwellings tend to be smaller. Within the past 5-10 years, residential properties within this neighbourhood have and continue to experience reinvestment in the form of renovations and additions or complete replacement of the dwellings.

The requested relief will facilitate the renovation and expansion of the existing cottage.

The dwelling is at an angle to the shoreline, with its closest point being its southwestern corner. The addition, proposed in the southeast, will therefore be further away from the shoreline and in-line with the dwelling's existing rear wall. The deck is proposed to be stepped in order to provide adequate spatial separation between built form and the shoreline. This will preserve additional rear yard recreational amenity space and provide for the separation of built form from the shoreline.

Reconstruction of the southern portion of the dwelling is also proposed. An increase to overall building height is also proposed as part of the general reconstruction/renovation works, though no additional floors are proposed. No adverse impacts are anticipated through this reconstruction as the works are staying within the existing footprint and no additional floors are being added to the dwelling.

The proposal is in keeping with the line of built form established by 89 and 85 Marsh Creek Road, squares off the existing dwelling, and no adverse impacts to the character of the shoreline are anticipated.

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 subject property is zoned Rural Residential Type Three (RR3) Zone. The RR3 Zone permits residential use in the form of a single detached dwelling. While the RR3 Zone requires a 30 metre water setback, the General Provisions establish a minimum setback requirement of 15 metres from an Environmental Protection (EP) Zone. Both setback requirements are measured from the shoreline. The EP Zone setback ensures a minimum buffer is provided for stormwater attenuation and habitat in the form of landscaped open space for the abutting waterbody. The proposal complies with this EP Zone setback requirement.

One role of the RR3 Zone water setback is to ensure sufficient rear yard space is maintained for recreational and amenity purposes. Sufficient setback remains for these purposes.

The deck and stairs will facilitate access to the rear yard from the main floor of the dwelling, and also provide some unenclosed deck amenity space immediately abutting the rear access to the dwelling.

The applicant advises that the old shed within the rear yard shall be removed in order to permit the construction of the addition and deck. Condition 2 is included to ensure compliance with the accessory building spatial separation requirements contained in Section 3.1.2.2, as the building would be too close to the proposed deck and addition to comply, and may even be within a portion of the proposed footprint.

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.

Policy 3.11 permits a minimum water setback of down to 15 metres on developed existing lots of record provided that there is no alternative to expansion and development is directed away from the shoreline as much as possible. The addition is squaring off the existing built form and the deck width is being restricted to the extent possible to provide useable amenity space off of the main floor while complying with the minimum shoreline setback requirements.

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

**Other Alternatives Considered:**

Through the pre-screening process, adjustments were made to the deck to bring the proposal into conformity with the Official Plan policies and compliance with the setback requirements from the Environmental Protection (EP) Zone.

**Servicing Comments:**

The property is 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:**

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

Development Engineering Division (October 23, 2020): No concerns.

**Public Comments:**

No comments received as of October 27, 2020.

**Attachments:**



Appendices A-E to  
Report COA2020-040

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

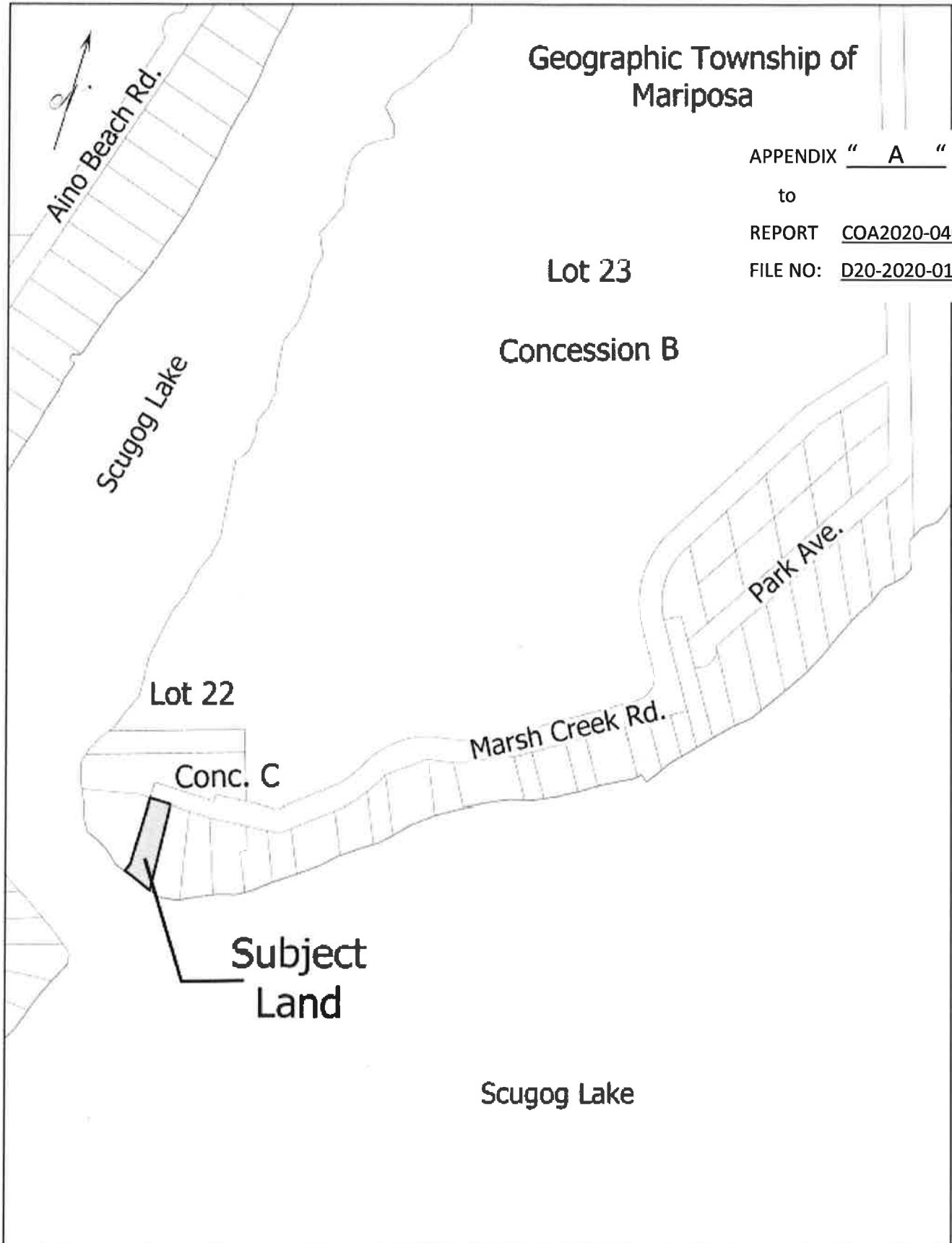
Appendix D – Elevations

Appendix E – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-010

# D20-2020-010



Geographic Township of  
Mariposa

APPENDIX " A "

to

REPORT COA2020-040

FILE NO: D20-2020-010

Lot 23

Concession B

Lot 22

Conc. C

Subject  
Land

Marsh Creek Rd.

Park Ave.

Scugog Lake



- Legend**
- Property Roll Number
  - Lots and Concessions
  - Road Centreline (2016 Needs)
  - Upper Municipalities
  - Lower Tier Municipalities

**Notes**  
Notes

REPORT COA2020-040  
FILE NO: D20-2020-010

APPENDIX " B "

0.11 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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

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

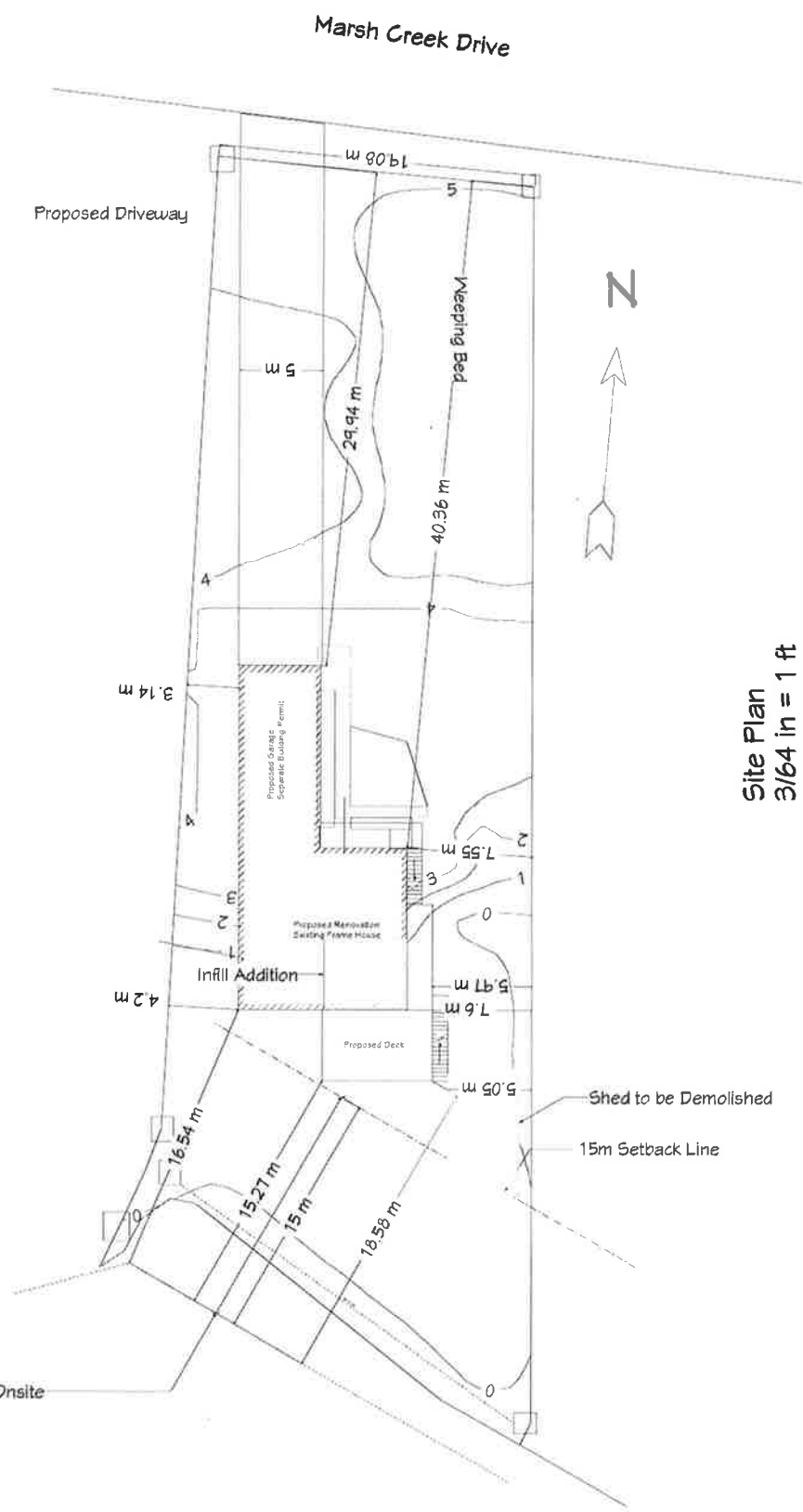
PAGE TITLE:  
 Site Plan

PROJECT DRAWINGS FOR:  
 Heather Curtis  
 87 Marsh Creek Road  
 Little Britain, Ontario,  
 MOBILE PHONE: 905 916 0147

BCIN  
 Designer: 103323  
 Measurer: 108113  
 Measurite  
 37 Bedell Crescent  
 Writby Ontario, L1R 2N6  
 info@measurite.ca 905 409 6487

The undersigned has reviewed and takes responsibility for the accuracy of the drawings and the requirements set out in the Ontario Building Code Act to design the work shown on these documents.  
 Designer: Doug Norton 103323 BCIN  
 Firm Name: Measurite 108113 BCIN

REVISIONS		
Number	Date	Description
1	25/07/20	Shed and in-fill info added



Site Plan  
 3/64 in = 1 ft



APPENDIX " D "

to

REPORT COA2020-040

FILE NO: D20-2020-010

Proposed  
South  
Elevation



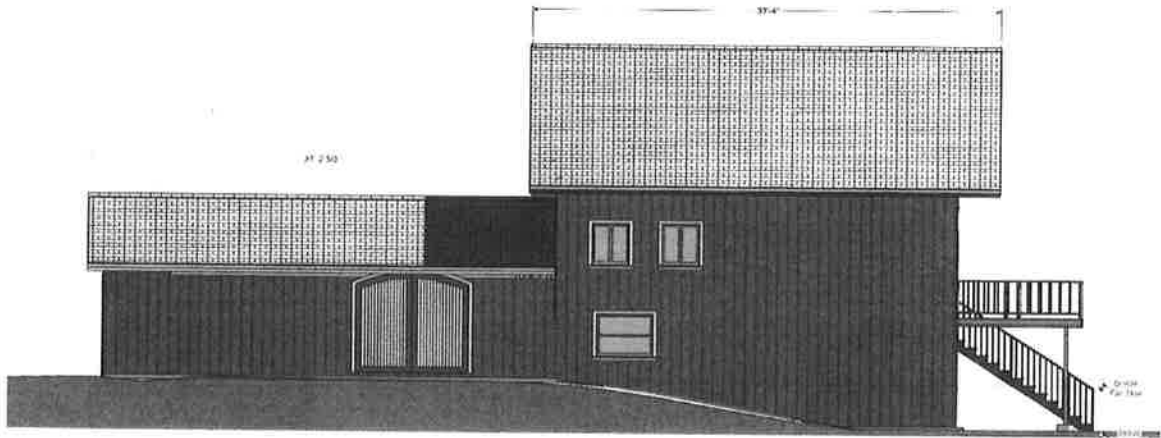
Proposed  
North  
Elevation



Proposed  
East  
Elevation



Proposed  
West  
Elevation



## David Harding

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**From:** Mark LaHay  
**Sent:** Friday, October 23, 2020 2:14 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20201023 D20-2020-010 - Engineering review

APPENDIX " E "  
to  
REPORT COA2020-040  
FILE NO. D20-2020-010

FYI - file

**From:** Kim Rhodes  
**Sent:** Friday, October 23, 2020 1:36 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms  
**Subject:** 20201023 D20-2020-010 - Engineering review

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

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

Minor Variance – D20-2020-010  
87 Marsh Creek Road  
Part Lot 22, Concession C  
Geographic Township of Mariposa

It is the understanding by Engineering that the purpose and effect is to request relief from Section 14.2.1.4 to reduce the minimum water setback from 30 metres to 15.2 metres to permit an addition to and reconstruction/renovation of the existing dwelling, and permit an unenclosed deck with stairs.

*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](http://www.kawarthalakes.ca)



## David Harding

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**From:** Derryk Wolven  
**Sent:** Friday, October 23, 2020 1:10 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-010

**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](http://www.kawarthalakes.ca)

