

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Trudy Worsley

Report Number COA2021-015

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### Public Meeting

**Meeting Date:** March 18, 2021

**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 to request relief from the following provisions to permit the construction of a two storey addition to a single detached dwelling and recognize an existing shed:

#### Two Storey Addition to Single Detached Dwelling

1. Section 13.2.1.3(d) to reduce the minimum rear yard from 7.5 metres to 4.4 metres,
2. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 6.5 metres; and
3. Section 3.18.1.1 to reduce the minimum setback to the EP Zone from 15 metres to 4.4 metres.

#### Shed

4. Section 13.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 7.2 metres,
5. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 11.5 metres,
6. Section 3.18.1.1 to reduce the minimum EP Zone setback from 15 metres to 9.9 metres; and
7. Section 3.1.2.2 to reduce the minimum setback to the side lot line from 1.2 metres to 0.6 metres and reduce the minimum setback to a dwelling from 1.2 metres to 0 metres.

The variance is requested at 11 Manor Road, geographic Township of Fenelon (File D20-2021-008).

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

**Signature:**



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### Recommendations:

**Resolved That** Report COA2021-015 Worsley, be received;

**That** reliefs 1-3 sought for the addition and the portion of relief 7 pertaining to the reduced side lot line setback for the shed in minor variance application D20-2021-008 be DENIED, as the reliefs do not meet the four tests set out in Section 45(1) of the Planning Act.

**That** reliefs 4-6 and the portion of relief 7 pertaining to the reduced setback to the dwelling for the shed in minor variance application D20-2021-008 be GRANTED, as the reliefs do meet the tests set out in Section 45(1) of the Planning Act.

**Condition:**

- 1) **That** the shed location related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2021-015, which shall be attached to and form part of the Committee's Decision.

**This approval pertains to the application as described in report COA2021-015. Fulfillment of the condition is required for the Minor Variances to be considered final and binding.**

**Background:** The 1.5 storey single detached dwelling has a covered two storey deck within the rear yard. The owner has advised that the structural support for the deck on the second floor is rotting. As the supports require replacing, the owner is exploring the opportunity to formally expand both storeys of the dwelling into the area occupied by the covered deck. The owner has provided a rationale for the proposal in Appendix E. This application was last amended March 1, 2021.

**Proposal:** To permit a rear addition to the 1.5 storey dwelling and recognize the location of an existing shed.

**Owner:** Trudy Worsley

**Legal Description:** Part Lots 8 and 9, Plan 164, geographic Township of Fenelon, now 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 Fenelon Zoning By-law 12-95

**Site Size:** 374.1 square metres (4,026.7 square feet)

**Site Servicing:** Private individual holding tank and lake-based water supply

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North, South: Shoreline Residential

East: Sturgeon Lake  
West: Residential

**Rationale:**

- 1) **Are the variances minor in nature?**  
And
- 2) **Is the proposal desirable and appropriate for the use of the land?**
  - A. For the dwelling addition? **No**
  - B. For the shed save the side yard reduction? **Yes**

The subject property is situated upon a peninsula within Sturgeon Lake. The lots along the portion of the peninsula closest to land are modest in size. This neighbourhood has no municipal water or wastewater services. The lots along the east side of the road are very modest and shallow, situated between the road and shoreline, generally around the 300-400 square metre range. The lots within this section of the neighbourhood are primarily composed of modest single storey dwellings, with several 1.5 and 2 storey dwellings. The dwelling on the subject property has a gable roofline that runs east-west, and the second floor is contained within the roof.

The addition will remove covered outdoor amenity space, incorporating that space into the dwelling on a lot, which due to its size, has lesser area to establish outdoor amenity space to begin with.

Due to the size of the property, it is noted that some outdoor storage space is required for various items (maintenance equipment, chairs etc.). The shed is situated in the smaller of the two side yards to minimize the impacts associated with the loss of landscaped open space from its construction. The shed is also located as far as possible back from the shoreline while maintaining sufficient room for 1 of the 2 required on-site parking spaces.

It is appropriate to have a shed up against the dwelling in order to minimize the volume of space occupied on a small lot. However, the side yard reduction is not appropriate as it restricts opportunity to adequately maintain and move around the north side yard. Providing the sketch is accurate, the wall of dwelling addressed as 9 Manor Road to the north comes very close to the lot line, and its eaves may encroach, which may exacerbate the maintenance and access issue.

Due to the above analysis, the variances pertaining to the addition are not minor in nature nor desirable and appropriate for the use of the land, but the noted variances for the shed are.

- 3) **Do the variances maintain the intent and purpose of the Zoning By-law?**
  - A. For the dwelling addition? **No**
  - B. For the shed save the side yard reduction? **Yes**

The subject property is zoned "Rural Residential Type Three (RR3) Zone" within the Township of Fenelon Zoning By-law 12-95.

Proposals on lots, which cannot meet those provisions, are to be evaluated through a Planning Act application on their own merits. The intent of a Zoning

By-law is to regulate the use of land to avoid land use conflicts, facilitate the wise and orderly use/development of land and ensure compatibility with surrounding properties while maintaining neighbourhood character.

The zoning by-law has established minimum setbacks from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat as well as avoid loss to property or life due to natural hazards.

The addition is not in keeping with the intent of the zoning by-law as it is bringing habitable space, which is already 9.5 metres from the shoreline even closer by proposing 6.5 metres. This reduction also results in the loss of outdoor amenity space, albeit covered. This space provides outdoor amenity area on an already small lot and also functions as a buffer between the dwelling's habitable space and shoreline.

The shed has been situated as far as it can be from the shoreline without interfering with the parking within the front yard. The interior side yard setback for accessory buildings is meant to maintain a minimum distance between building and lot line to provide sufficient room for maintenance. However, the reduced setback from the property line impacts the ability of that setback to perform its intended function. It is recommended a narrower shed be used in the same location to provide a sufficient side yard setback.

Therefore, the variances for the addition do not meet the general intent and purpose of the zoning by-law, but the noted variances for the shed do.

- 4) Do the variances maintain the intent and purpose of the Official Plan?**  
**A. For the dwelling addition? No**  
**B. For the shed save the side yard reduction? Yes**

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

The intent of the Official Plan, particularly policy 3.11, is that development should be located 30 metres from the shoreline where possible. When it is not possible, development shall be located no less than 15 metres from the shoreline to provide a sufficient buffer of landscaped open space between the water and built form to improve water quality and habitat, and avoids subjecting development and individuals to natural hazards.

The intent of the Official Plan is to direct development away from the shoreline. This proposal brings habitable space closer to the shoreline by proposing a water setback of 6.5 metres. This proposed encroachment is contrary to the Official Plan. Development upon lots that are so shallow where development is so constrained should use existing foundation walls as a guide if additions to the built form are contemplated.

In consideration of the above, the variances for the addition do not meet the general intent and purpose of the Official Plan but the noted variances for the shed do.

**Other Alternatives Considered:**

The owners were informed of challenges staff would have in supporting the application due to lot size. Discussion around slightly expanding the dwelling to the south, and maintaining the same water setback was suggested.

**Servicing Comments:**

The property is serviced by a holding tank 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:**

Building Division (March 4, 2021): No concerns.

Building Division – Part 8 Sewage Systems (March 8, 2021): The proposal will not cause an increase in the total daily sewage flow nor will it encroach onto the holding tank.

Development Engineering Division (March 4, 2021): No concerns.

Ministry of Transportation (March 4, 2021): No concerns.

**Public Comments:**

No comments received as of March 8, 2021.

**Attachments:**



Appendices A-F for  
COA2021-015.pdf

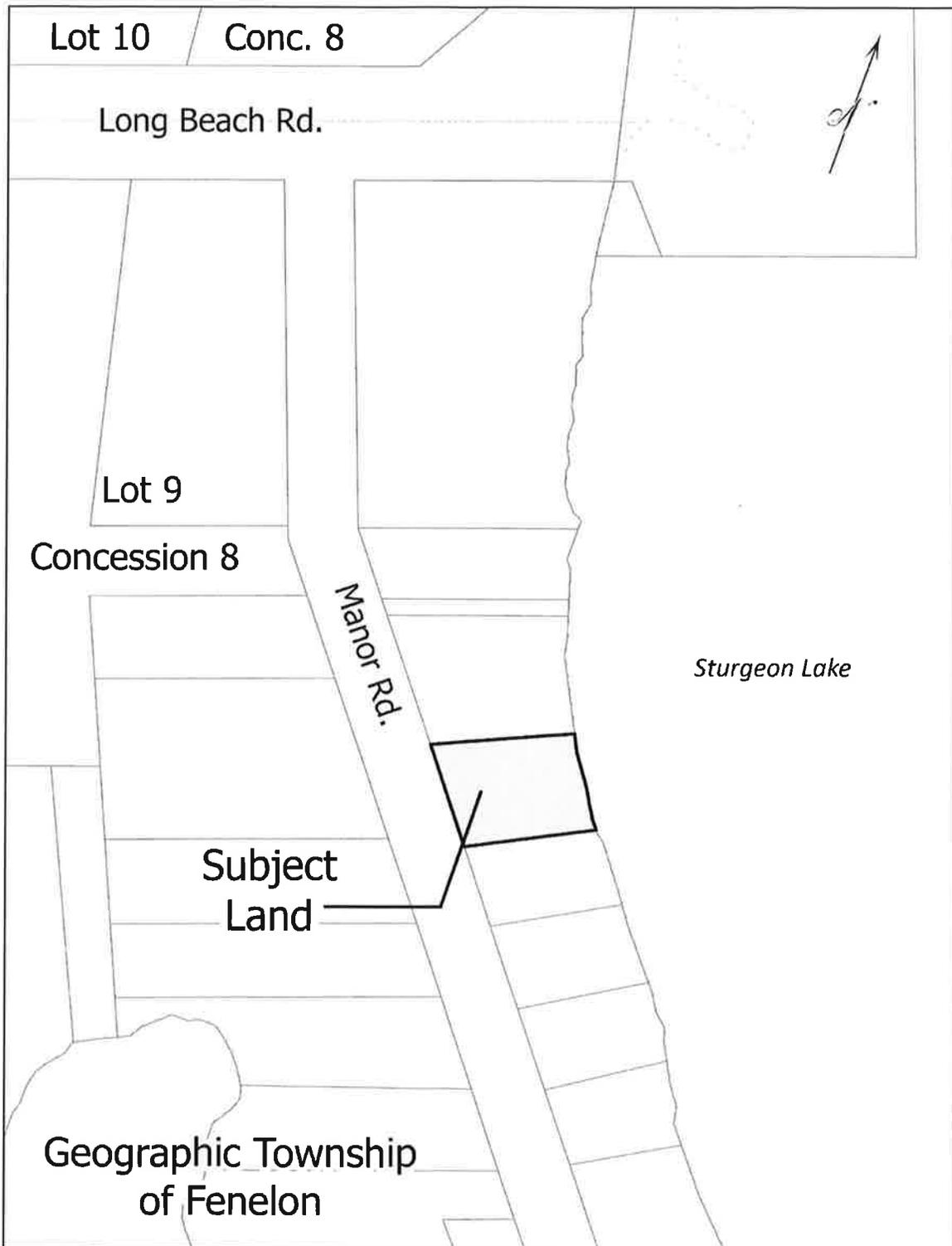
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevation
- Appendix E – Applicant Rationale
- Appendix F – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2021-008

to

# D20-2021-008



# 11 Manor Road, Geographic Township of Fenelon



Location of Subject Property



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**

APPENDIX " B "  
to  
REPORT COA2021-015  
FILE NO: D20-2021-008

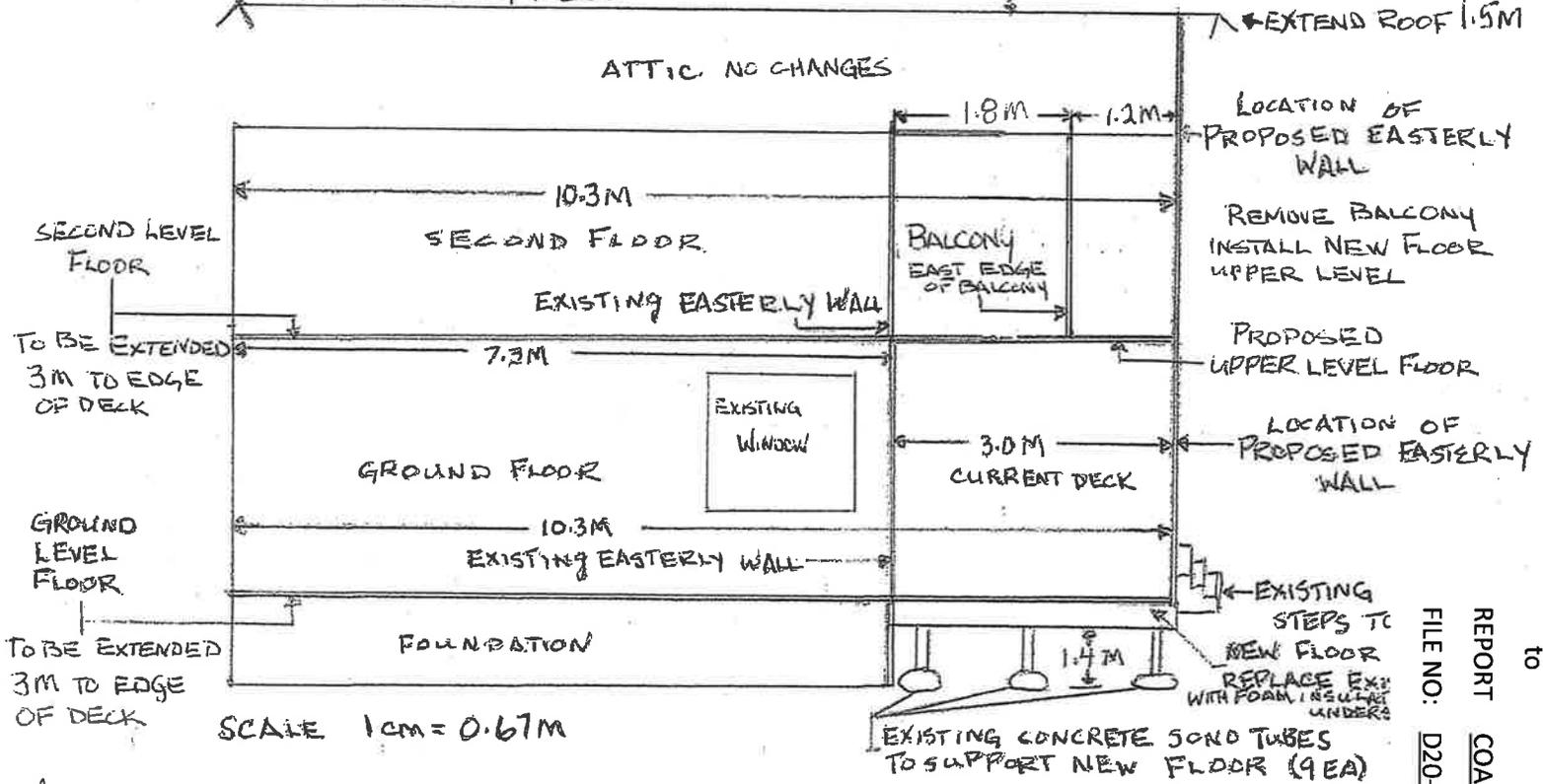


11 MANOR ROAD

SOUTHERLY VIEW  
EAST



(PROPOSED) TO EXTEND WALL ON UPPER FLOOR TO EDGE OF EXISTING DECK  
AND GROUND FLOOR EAST WALL TO EXTEND TO EDGE OF EXISTING DECK



Page 3 of 10

*Handwritten initials*

REPORT COA2021-015  
FILE NO: D20-2020-008

APPENDIX " D "

APPENDIX " E "

to

REPORT COA2021-015

FILE NO. D20-2021-008

RECEIVED

JAN 22 2021

City of Kawartha Lakes  
Development Services  
Planning Division

### 3.2 Addendum

#### Reason

When our cottage was built in the mid 1970's the cottage building regulations were very different or non-existent as evidenced by looking along the shores of Sturgeon Lake. We support the governmental changes that have been put in place to protect our waters and lakeshores. As the cottage owner for the past 46 years, it is impossible for us to create more footage to our lot and therefore are applying for a variance to create a more safe and secure building (replacing barn beams) that will provide us with more interior space. When the opportunity arose, we did purchase a lot (12 Manor Road) that is directly behind our cottage across Manor Road. This property provides storage and parking space for our family.

This is Exhibit B  
to the Application for Minor Variance of  
Trudy Worsley

Sworn before me at the City of Oshawa  
this 12<sup>th</sup> day of January, 2021

A Commissioner, etc.



Ashleigh Dawn Sharon McLaren, a Commissioner,  
etc., Province of Ontario, for the Corporation of the  
City of Oshawa. Expires June 1, 2022.

10 pages

to the Application of Trudy Norsley

Sworn before me at the City of Oshawa

this 12<sup>th</sup> day of January, 2021

BS

9. Other Information (Addendum)

Replacement of two wooden barn beams <sup>A Commissioner, etc.</sup> that have been weakened by carpenter ants, with two steel I-beams. These beams currently support the upper floor and balcony. The new replacement steel beams will be load rated to ensure adequate support and will span to the edge of the deck. Extend the interior wall on the ground floor 3 m to the edge of the existing deck to provide 22 sqm additional living space.

RECEIVED

JAN 22 2021

City of Kawartha Lakes  
Development Services  
Planning Division

Extend the upper level interior wall 3 m removing the balcony and move the interior wall to the edge of the deck. This will provide another 22 sqm of additional living space for a total increase of 44 sqm.

The extension of the walls will not exceed the current deck space or be any closer to the water. It will be in the existing footprint. The floor of the ground level extension will replace the current deck. The new floor will be supported by the current 9 concrete-poured footings that now support the deck.

The current deck which will become the new floor space is 1.4 m off the ground so will never be threatened by flooding. The new floor will be insulated with spray foam on the underside.

Reason:

We need to replace the wood beams with steel beams to ensure a safe living environment. This would be the ideal time to do this reno. We have found a reputable contractor from the area that is working with us to ensure we will have a safe, functioning space that is aesthetically attractive.

Our family is growing. We have 3 adult children with spouses and 5 grandchildren who visit often. We are retired and love our time at the cottage. It would be ideal to have additional living space. There will not be any more rooms from this proposal, just bigger rooms. The proposed extra space is in the same footprint of the current cottage.

Ashleigh Dawn Sharon McLaren, a Commissioner,  
etc., Province of Ontario, for the Corporation of the  
City of Oshawa. Expires June 1, 2022.

BS

**Kent Stainton**

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**From:** Anne Elmhirst  
**Sent:** Monday, March 8, 2021 2:11 PM  
**To:** Charlotte Crockford  
**Subject:** D20-2021-008 - 11 Manor Road

APPENDIX " F "  
to  
REPORT COA 2021-015  
FILE NO. D20-2021-008

Hello Charlotte,

I have received and reviewed the request for minor variance D20-2021-008 to request relief from the required setback clearances for a proposed addition.

The property is serviced by a Class 5 Holding Tank located on the road side of the property. The proposal to expand the current single detached dwelling will not cause an increase in the total daily sewage flow as per the Ontario Building Code nor will it cause an encroachment on the existing Class 5 Holding Tank.

As such, the Building and Septic Division does not have any concerns with the proposed minor variance as it relates to on-site septic.

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)



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.

## Kent Stainton

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**From:** Mark LaHay  
**Sent:** Thursday, March 4, 2021 2:00 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210304 D20-2021-008 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Thursday, March 4, 2021 1:59 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210304 D20-2021-008 - Engineering review

**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 – D20-2021-008  
11 Manor Road  
Part Lots 8 and 9, Plan 152, Part Lot 9, Concession 8  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions to permit the construction of a two storey addition to a single detached dwelling and recognize an existing shed:

### **Two Storey Addition to Single Detached Dwelling**

1. Section 13.2.1.3(d) to reduce the minimum rear yard from 7.5 metres to 4.4 metres,
2. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 6.5 metres; and
3. Section 3.18.1.1 to reduce the minimum setback to the EP Zone from 15 metres to 4.4 metres.

### **Shed**

4. Section 13.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 7 .2 metres,
  5. Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 11.5 metres,
  6. Section 3.18.1 .1 to reduce the minimum EP Zone setback from 15 metres to 9.9 metres;
- and
7. Section 3.1.2.2 to reduce the minimum setback to the side lot line from 1.2 metres to 0.6 metres and reduce the minimum setback to a dwelling from 1.2 metres to 0 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

Lean Six Sigma Black Belt

Engineering & Corporate Assets, City of Kawartha Lakes

705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.**

## Kent Stainton

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**From:** Teper, Aaron (MTO) <Aaron.Teper@ontario.ca>  
**Sent:** Thursday, March 4, 2021 2:56 PM  
**To:** Charlotte Crockford  
**Cc:** Tolles, Cheryl (MTO)  
**Subject:** FW: Notice of Public Hearing for Minor Variance D20-2021-008, 11 manor Road, Fenelon  
**Attachments:** 20210304 D20-2021-008 Public Notice.pdf; 20210304 D20-2021-008 Application.pdf; 20210304 Ad March 18, 2021 Minor Variance Ad.pdf

Good Afternoon Charlotte,

Thank you for circulating minor variance/zoning application to MTO for review. Please accept this as a formal response from the Ministry of Transportation. MTO has reviewed the application in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA) and Highway Access Management Guideline and offers following comments:

The ministry has reviewed the application for 11 Manor Road (D20-2021-008) and has determined that the subject lands are not within our permit control area, therefore, MTO has no comments to offer.

Thank you for the opportunity to comment.

**Aaron Teper**  
Planning Intern  
Corridor Management Section  
MTO Eastern Region  
[Aaron.Teper@ontario.ca](mailto:Aaron.Teper@ontario.ca)

**From:** Charlotte Crockford <[ccrockford@kawarthalakes.ca](mailto:ccrockford@kawarthalakes.ca)>  
**Sent:** Thursday, March 4, 2021 11:40 AM  
**To:** 'Erin McGregor' <[emcgregor@kawarthaconservation.com](mailto:emcgregor@kawarthaconservation.com)>; Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Kim Rhodes <[krhodes@kawarthalakes.ca](mailto:krhodes@kawarthalakes.ca)>; 'alanna.boulton@canada.ca' <[alanna.boulton@canada.ca](mailto:alanna.boulton@canada.ca)>; Doug Elmslie <[delmslie@kawarthalakes.ca](mailto:delmslie@kawarthalakes.ca)>; Tolles, Cheryl (MTO) <[Cheryl.Tolles@ontario.ca](mailto:Cheryl.Tolles@ontario.ca)>; Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>; Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>  
**Subject:** Notice of Public Hearing for Minor Variance D20-2021-008, 11 manor Road, Fenelon

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good morning

Please find attached the Notice of Public Hearing for Minor Variance for file D20-2020-044 to be heard at the March 18, 2021 Committee of Adjustment meeting.

Many thanks

**Charlotte Crockford**  
Administrative Assistant