

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – John and Sheila Speirs**  
Report Number COA2021-019

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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 is to request relief from Section 15.2.1.3 (d) to reduce the minimum rear yard requirement from 7.5 metres to 2.85 metres in order to permit the construction of a new two storey single detached vacation dwelling

The variance is requested at 2 Ripple Street, geographic Township of Fenelon (File D20-2021-012).

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**Author:** Kent Stainton, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2021-019 Speirs, be received;

**That** minor variance application D20-2021-012 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 submitted as part of Report COA2021-019, 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 and complete an Application for a Sewage System Permit with the Building Division – Part 8 Sewage Systems;
- 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 structures identified on Appendix C to Report COA2021-019 as 'Pumphouse' and 'Shed' have been removed,
- 4) **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 COA2021-019 as 'Relocated sauna to be located a minimum 1.2m from property line' has been relocated; 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 COA2021-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

Background:	The owners are proposing to demolish the existing single storey cottage, constructed circa 1970 (MPAC) and replace it with a two storey cottage.  The application was deemed complete March 1, 2021.
Proposal:	To replace an approximately 72 square metre (775 square foot) one storey cottage and porch with an approximately 270 square metre (2,906 square foot) two-storey cottage.
Owners:	John and Sheila Speirs
Applicant:	Tom deBoer (TD Consulting Inc.)
Legal Description:	2 Ripple Street, Part Lot 27, 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:	1,485.66 square metres (0.37 acres)
Site Servicing:	Private well and holding tank
Existing Uses:	Shoreline Residential
Adjacent Uses:	North, South: Cameron Lake, Shoreline Residential East: Victoria Rail Trail, Agricultural West: Cameron Lake

**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 located within a seasonal shoreline residential neighbourhood on the east shore of Cameron Lake. The property is irregularly shaped, tapering to the south. The existing dwelling is currently situated approximately at the halfway point between the north and south property boundaries. The north side of the property contains the driveway access for the subject property and the abutting property to the northwest, 3 Ripple Street.

The shoreline is to the west and south of the dwelling site. There are a couple mature trees found between the dwelling and the shoreline with the majority of the mixed forest existing along the property boundaries to the north, east and south of the dwelling. The Victoria County Rail Trail and dense woods buffers the property from several properties fronting onto Louisa Street to the southeast.

The variances will facilitate the replacement of a seasonal dwelling that will improve the overall setback to the shoreline. Due to the irregular shape of the property, the flat expanse in the northeast corner is the widest portion of the lot, providing for the most functional layout with the least number of reliefs required.

The reduced rear side yard setback is not anticipated to adversely impact the ability to perform maintenance along the north and eastern sides of the dwelling. The reduced rear yard provides for increased spatial separation between the proposed dwelling and shoreline. As the spatial separation is being increased, no adverse impacts to the available shoreline amenity area are anticipated.

Due to the presence of the existing treeline, which assists in screening the dwelling from the neighbouring property at 3 Ripple Street to the northwest, no adverse massing impacts are anticipated to neighbouring properties. The increased water setback also negates any potential impacts that would negatively impact the character of the shoreline.

As a result of 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 subject property is zoned Limited Service Residential Type One (LSR-1) Zone within the Township of Fenelon Zoning By-law 12-95. The LSR-1 Zone category requires the dwelling to be used as a vacation dwelling. A vacation dwelling is proposed.

The 4.65 metre reduction in the rear yard setback provides for sufficient maintenance access and Engineering and Corporate Assets Department has raised no concerns with respect to lot grading and drainage. Building Division has requested a lot grading and drainage plan be prepared as part of the Building Permit process in order to ensure the effective containment and conveyance of runoff.

The decreased rear yard setback is required in order to adhere to the minimum 15 metre water setback and Environmental Protection requirements of the

**Zoning By-law.** All development will occur outside of the aforementioned setbacks.

As mentioned under Rationale 1 & 2, dense mixed forest to the east mitigates any privacy infringement concerns from the landowners to the southeast with the Victoria County Rail trail providing additional buffering from the rear yard encroachment.

The existing pumphouse and garden sheds are to be removed from the property with the barrel sauna to be relocated in order to comply with the provisions of the zoning by-law as illustrated in Appendix C. Conditions 3 & 4 are recommended in order to confirm the removal and relocation of the respective structures.

Therefore, the variance maintains 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. 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 is located greater than 15 metres from the shoreline, which represents an increased setback in comparison to the current location of the dwelling and accessory buildings/structures.

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 an existing drilled well and holding tank. The holding tank is proposed to be replaced with a new holding tank.

**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 Department (March 4, 2021): No objections.

Building Division (March 4, 2021): No concerns. Building permits are required accompanied by a lot grading and drainage plan.

Building Division – Part 8 Sewage Systems (March 8, 2021): In order to meet the required clearance distances for a replacement sewage system, a Class 5 Holding Tank is being proposed. Based on site observations, the property is irregularly shaped and bordered by Cameron Lake and a drainage ditch. This makes the property limited for sewage system replacement options and a Class 5 Holding Tank would be permitted under the Ontario Building Code.

The applicant will need to complete an Application for a Sewage System Permit for the new proposal.

The Building and Septic Division has no concerns with the minor variance proposal relating to the septic requirements

**Public Comments:**

No comments were received as of March 9, 2021.

**Attachments:**



Appendices A-D for  
COA2020-019.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	kstainton@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2021-012

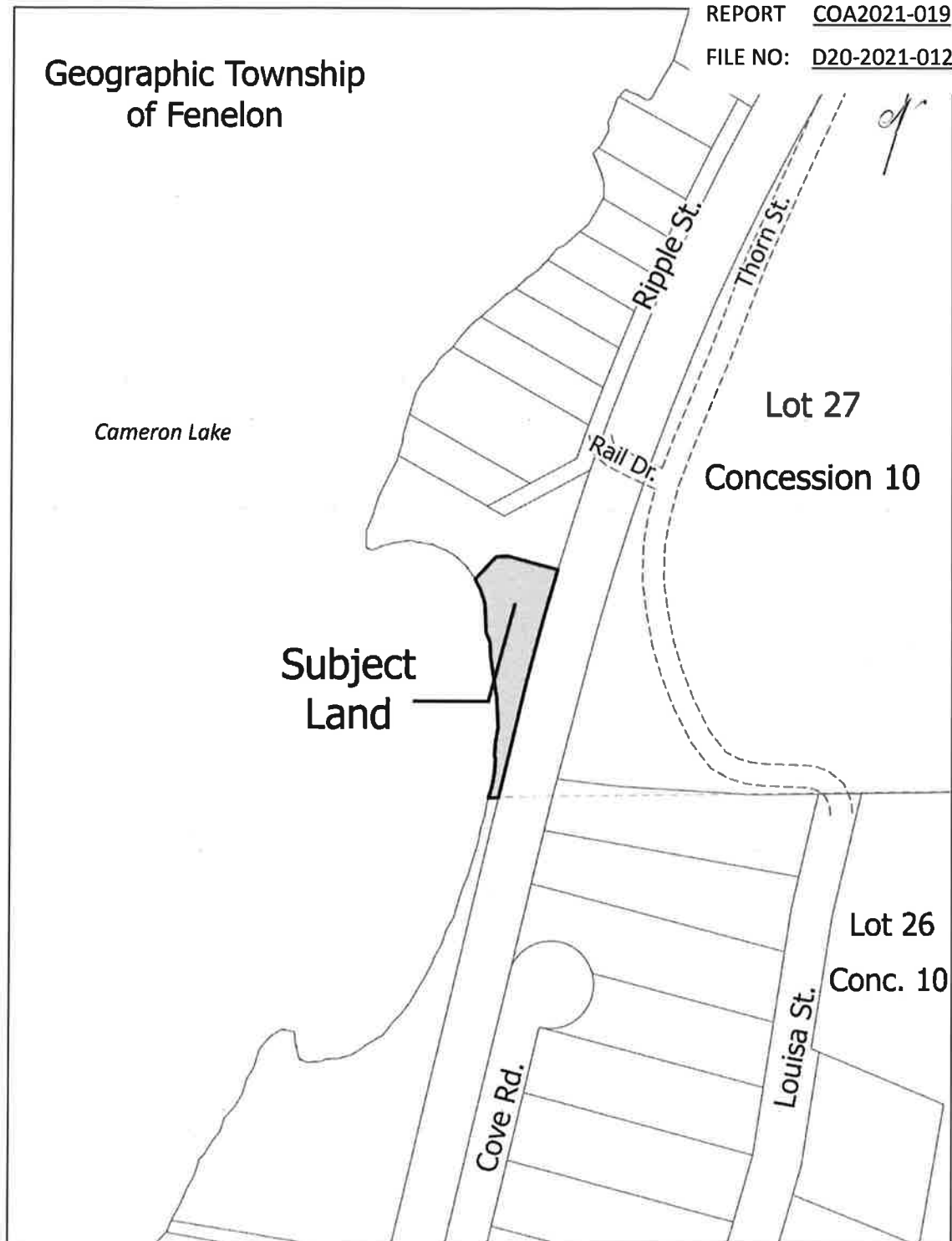
# D20-2021-012

APPENDIX " A "

to

REPORT COA2021-019

FILE NO: D20-2021-012





GEOMATICS  
MAPPING

## 2 Ripple Street, Former Geographic Township of Fenelon



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

### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

### Notes

APPENDIX " B "

to

REPORT COA2021-019

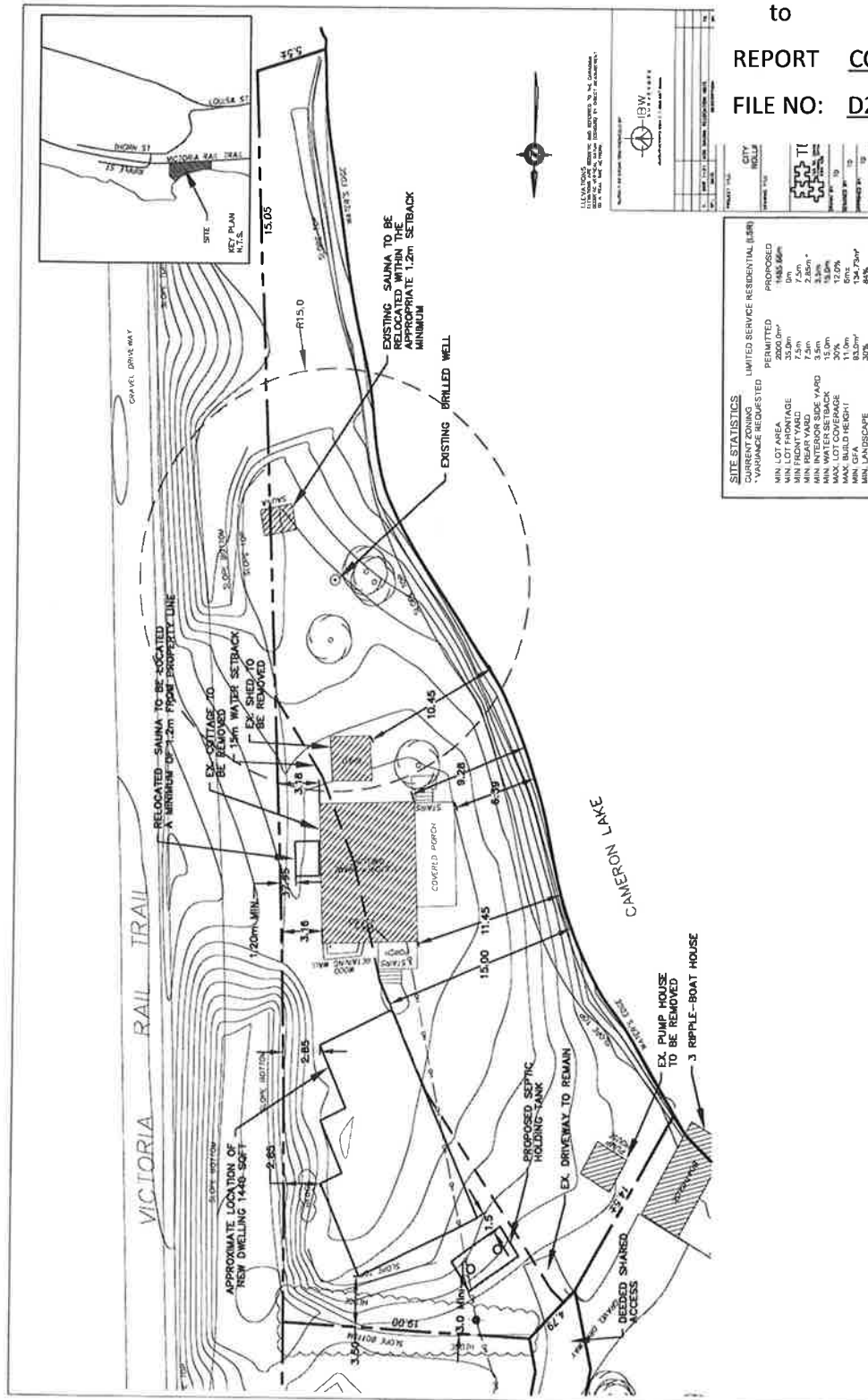
FILE NO: D20-2021-012



to

REPORT COA2021-019

FILE NO: D20-2021-012





## Kent Stainton

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**From:** Anne Elmhirst  
**Sent:** Monday, March 8, 2021 9:29 AM  
**To:** Charlotte Crockford  
**Subject:** D20-2021-012 - 2 Ripple St

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

APPENDIX " D "  
to  
REPORT COA2021-019  
FILE NO. D20-2021-012

Hello Charlotte,

I have received and reviewed the request for minor variance D20-2021-012 for 2 Ripple Street to provide relief from the setback requirements to establish a new single detached dwelling.

The proposal to replace and relocate the dwelling includes a requirement to upgrade the sewage system. In order to meet the required clearance distances for a replacement sewage system, a Class 5 Holding Tank is being proposed. Based on site observations, the property is irregularly shaped and bordered by Cameron Lake and a drainage ditch. This makes the property limited for sewage system replacement options and a Class 5 Holding Tank would be permitted under the Ontario Building Code.

The applicant will need to complete an Application for a Sewage System Permit for the new proposal.

The Building and Septic Division has no concerns with the minor variance proposal relating to the septic requirements.

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 1:58 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210304 D20-2021-012 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Thursday, March 4, 2021 1:34 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210304 D20-2021-012 - 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 – D20-2021-012  
2 Ripple Street  
Part Lot 27, 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(d) to reduce the minimum rear yard requirement of 7.5 metres to 2.85 metres in order to construct a new replacement dwelling on the subject lands.

*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)



## Kent Stainton

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**From:** Derryk Wolven  
**Sent:** Thursday, March 4, 2021 1:00 PM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing for Minor Variance D20-2021-012, 2 Ripple Street, Fenelon

Please be advised building division has no concerns with the above noted application.  
Building permits required accompanied by lot grading and drainage plan.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes  
705-324-9411 ext 1273  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

