

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Jane and Paul McCabe
Report Number COA2021-025

Public Meeting

Meeting Date: April 15, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 7 – Geographic Township of Ops

Subject: The purpose and effect is to request relief from the following provisions in order to fulfill a condition of provisional Consent associated with a lot line adjustment as part of Consent File D03-2020-027:

1. Section 16.2 b) to reduce the minimum lot area from 37 hectares to 27.5 hectares

The variance is requested at vacant land on Cross Creek Road, former geographic Township of Ops (File D20-2021-015).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-025 McCabe, be received;

That minor variance application D20-2021-015 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall apply solely to the proposed retained portion of the subject property;
- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-027, lapses.

This approval pertains to the application as described in report COA2021-025. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The Director of Development Services, as delegated by Council, is in the process of granting provisional consent for file D03-2020-027 to sever approximately 980 square metres from the subject lands on Cross Creek Road and add the lands to 308 Cross Creek Road. The applicant has agreed to the

conditions of the staff recommendation. The resultant retained lands are approximately 27.5 hectares (68 acres) in size. Through review of the consent application, it was determined that the retained agricultural lands do not meet the minimum lot area requirements of the Zoning By-law. Condition 5 of the provisional consent approval requires a variance to the retained agricultural parcel to recognize a lot area less than required by the Zoning By-law. The application is concurrent with minor variance file no. D20-2021-016; whereby, an existing detached garage with a reduced front yard setback is being proposed.

This application was deemed complete on March 12, 2021.

Proposal: The acknowledgement of the undersized agricultural lot is associated with a consent application to facilitate a lot addition to an abutting residential property. The justification for the lot line adjustment is to address the encroachment of a swimming pool, wood furnace and well servicing the benefitting lands. No new lot is being created and no new construction is proposed through the application.

Owners: Jane and Paul McCabe

Applicant: Roberta Perdue

Legal Description: Vacant land on Cross Creek Road, Part Lot 10, Concession 4, geographic Township of Ops, City of Kawartha Lakes

Official Plan: Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012). The Environmental Protection designation follows the shoreline of the Scugog River and the Scugog River and Mariposa Brook Provincially Significant Wetland Complex.

Zone: 'Agricultural (A)' Zone and 'Hazard Lands (HL)' Zone within the Township of Ops Zoning By-law 93-30.

Site Size: Approximately 27.5 hectares (68 acres)

Site Servicing: None

Existing Uses: Agricultural (Barn)

Adjacent Uses: North: Agricultural, Rural Residential South: Scugog River,
East: Agricultural, Rural Residential West: Rural Residential

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 rural neighbourhood southeast of the former Town of Lindsay. The subject lands contain a barn (constructed in 1920 according to MPAC). There is a farm entrance off of Cross Creek Road that was identified during the site visit. The predominant surrounding land use in the area is agriculture (beef, cash-crop) with the Scugog River to the south of the property.

According to records, the subject lands have undergone two severances for 'one-acre parcels' in both 1972 (property to the east known as 386 Cross Creek Road) and 1989 (the benefitting lands in consent file D03-2020-027 – known as 308 Cross Creek). Essentially, the parcel has always been undersized, notwithstanding the aforementioned severances.

The existing lot-of-record maintains a triangular shape that is based on the unopened road allowance to the west and the Scugog River to the south. Based on records from the aforementioned consent applications in 1972 and 1989 respectively, the subject lands were always undersized. The requirement to recognize the deficiency in lot area is triggered as a result of the consent application; whereby, the lot size is slightly decreased by 980 square metres (0.2 acres). No impacts to the operation of the property nor the neighbourhood are anticipated as a result of the acknowledgement.

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 subject lands are zoned Agricultural (A) Zone within the Township of Ops Zoning By-law 93-09. Agricultural uses and a single detached dwelling are permitted.

The purposes of the minimum lot area requirement of an Agricultural Zone are to ensure buildings and structures do not dominate the parcel in terms of massing and lot coverage. Through spreading out development on larger sized parcels, adequate lot drainage can also be maintained.

As mentioned previously, based on records from the aforementioned consent applications in 1972 and 1989, the subject lands were always undersized as per the minimum lot area requirements of the Agricultural Zone category. The resultant lot area, which is only 9.5 hectares less than minimum lot area required under the Zoning By-law, does not impair the functionality of the lot as an agricultural property. The lot possesses adequate frontage in compliance

with the Zoning By-law and all future agricultural buildings and structures are required to comply with MDS criteria.

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 Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan. Agricultural Uses are anticipated within the Agricultural designation.

Agricultural uses are anticipated through the Agricultural designation. There is no anticipated development proposed through this application. It is understood that the Environmental Protection designation will remain in-place to protect the wetlands and shoreline of the Scugog River.

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

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The subject property does not contain servicing.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Development Engineering Division (April 1, 2021): No objections.

Building Division (April 1, 2021): No concerns.

Septic Division (April 1, 2021): No concerns.

Public Comments:

No comments have been received as of April 7, 2021.

Attachments:



Appendices A-D for
COA2021-025.pdf

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

| | |
|-------------------------|---|
| Phone: | 705-324-9411 extension 1367 |
| E-Mail: | kstainton@kawarthalakes.ca |
| Department Head: | Richard Holy, Acting-Director of Development Services |
| Department File: | D20-2021-015 |

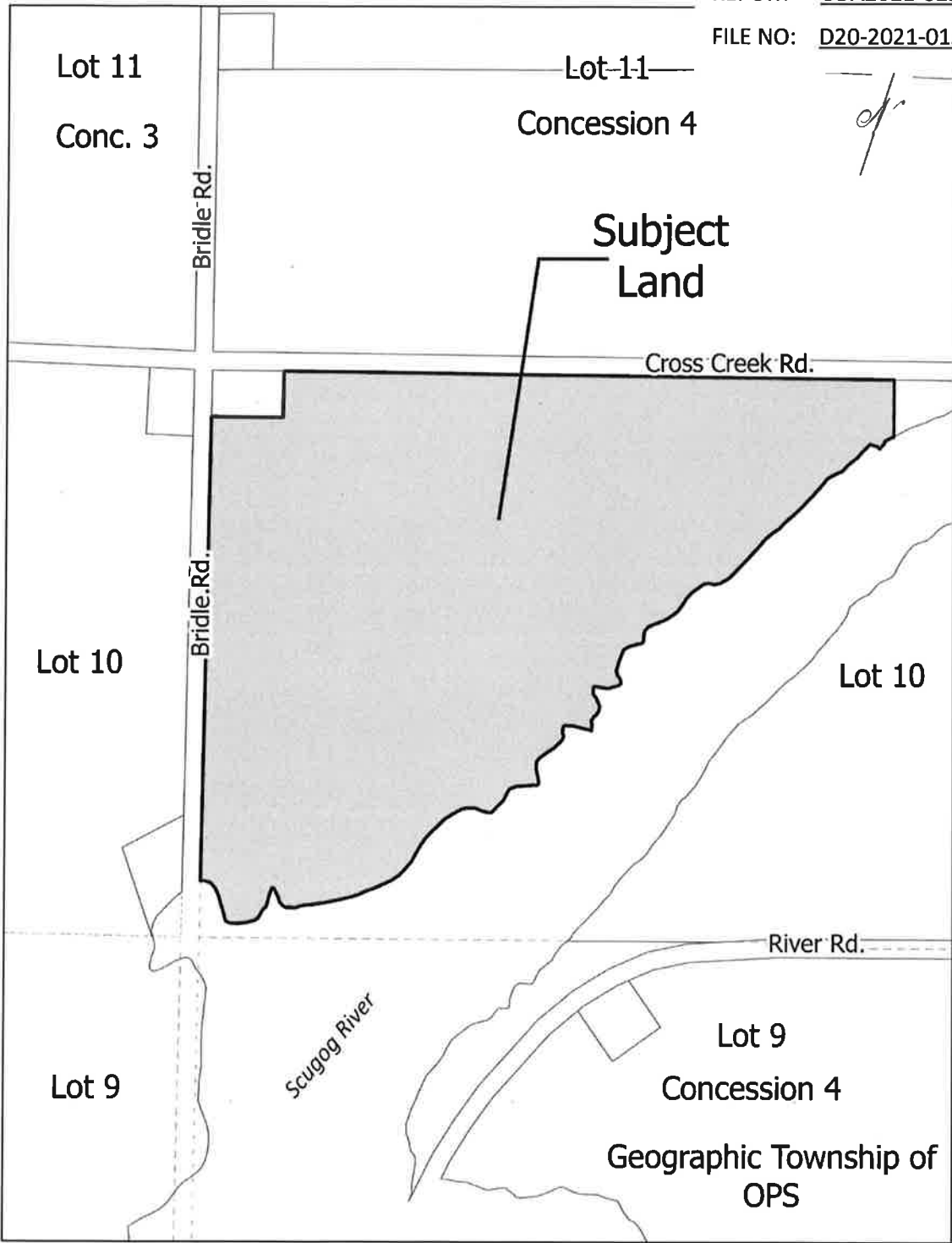
D20-2021-015

APPENDIX " A "

to

REPORT COA2021-025

FILE NO: D20-2021-015





GEOMATICS
MAPPING

Vacant Lands on Cross Creek Road, Former Geographic Township of Ops



0.90

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

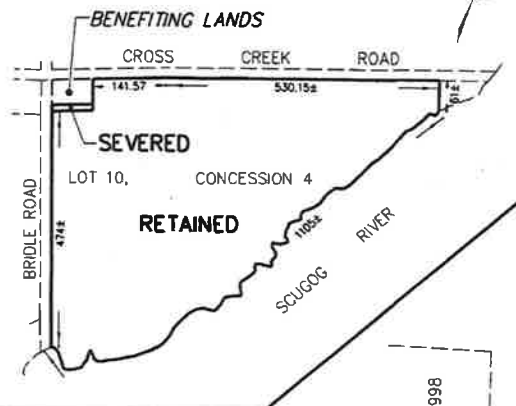
Notes

Notes

APPENDIX " B "
to
REPORT COA2021-025
FILE NO: D20-2021-015

KEY MAP

SCALE 1:7500



CONCESSION 3
PART 1, PLAN 57R-5998

LOT 10,

BRIDLE ROAD

EDGE OF GRAVEL ROAD
N81°16'10"W
50.29
12.50
474.2
(ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)

BENEFITING LANDS

PART 1,

PLAN 57R-5664

FRAME SHED

2.32

14.17

N69°03'20"E

PRIVY

0.5 S

FENCE

0.7 S

1.2

NEW FENCE

79.27

POSTS

3.25

DRILLED WELL

2.3 S

WOOD FURNACE

9.53

APPROXIMATE LOCATION OF SEPTIC BED

1 STOREY FRAME HOUSE No. 308

CONCRETE PAD

31.12

HYDRO POLE AND ANCHOR

79.25

N69°03'20"E

GRAVEL DRIVEWAY

29.00

SPRINKLED HYDRO CABLE

79.25

EDGE OF GRAVEL ROAD

141.57

SEVERED

RETAINED

LOT 10,

CONCESSION 4

CROSS CREEK ROAD
(ROAD ALLOWANCE BETWEEN LOTS 10 AND 11)

SKETCH FOR SEVERANCE McCABE LANDS GEOGRAPHIC TOWNSHIP OF OPS CITY OF KAWARTHA LAKES

SCALE 1 : 750



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METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SUBJECT LANDS

PART OF N1/2 LOT 10 AND PART OF S1/2 LOT 10, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF OPS
BEING PIN 63200-0829(LT)

TOTAL AREA = 27.4± ha. (67.7± ac.)

SEVERED

AREA = 0.098 ha. (0.24 ac.)

RETAINED

AREA = 27.302± ha. (67.46± ac.)

BENEFITING LANDS

PART OF N1/2 LOT 10, CONCESSION 4
GEOGRAPHIC TOWNSHIP OF OPS
BEING PART 1, PLAN 57R-5664 (PIN 63200-0828(LT))

AREA = 0.398 ha. (0.98 ac.)

AREA OF HOUSE = 176.9 sq.m.

AREA OF SHED = 54.7 sq.m.

NOTE

SEVERED LANDS TO BE ADDED TO BENEFITING LANDS.

CURRENT ZONING:

AGRICULTURAL (A) ZONE

CAUTION:

THIS PLAN IS NOT A PLAN OF SURVEY AND EXCEPT FOR THE PURPOSE INDICATED IN THE



COE FISHER CAMER & ASSOCIATES

A DIVISION OF J.D. BARNES & CO. LTD.

1 FONDRIET PLACE, UNIT 200, LINDSAY, ONT.

TEL: (905) 884-1000 FAX: (905) 884-1001 www.cfc.ca

REPORT COA2021-025
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APPENDIX " C "

Kent Stainton

From: Mark LaHay
Sent: Thursday, April 1, 2021 1:31 PM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20210401 D20-2021-015 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Thursday, April 1, 2021 1:20 PM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville
Subject: 20210401 D20-2021-015 - Engineering review

APPENDIX " D "
to
REPORT COA 2021-025
FILE NO. D20-2021-015

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-015
Vacant Land on Cross Creek Road
Part Lot 10, Concession 4
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief from Section 16.2 b) to reduce the minimum lot area from 37 hectares to 27.5 hectares. The variance is required to fulfil a condition of provisional consent (File No. D03-2020-027) for a lot line adjustment.

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



Kent Stainton

From: Anne Elmhirst
Sent: Thursday, April 1, 2021 10:03 AM
To: Charlotte Crockford
Subject: D20-2021-015 & D20-2021-016

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

I have reviewed the Minor Variance applications D20-2021-015 & 016 for a request for relief for the minimum front lot line setback and minimum lot size.

The property has a current sewage system located within the boundaries of the property and there is sufficient room to replace the system should the current one fail.

As such, the Building and Septic Division has no concerns as they relate to on-site sewage disposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building and Septic Division, City of Kawartha Lakes

705-324-9411 ext. 1882 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

From: Derryk Wolven
Sent: Thursday, April 1, 2021 9:12 AM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing D20-2021-15Cross Creek Road and 016, 308 Cross Creek Road

Follow Up Flag: Follow up
Flag Status: Flagged

Building division has no concerns with the above noted applications.

From: Charlotte Crockford
Sent: Wednesday, March 31, 2021 4:22 PM
To: Christina Sisson ; Kim Rhodes ; Patrick O'Reilly ; Susanne Murchison ; Derryk Wolven ; Anne Elmhirst
Subject: Notice of Public Hearing D20-2021-15Cross Creek Road and 016, 308 Cross Creek Road

Good afternoon

Please find attached the Notice of Public Hearing for application D20-2021-015 and 016 to be heard at the Committee of Adjustment Meeting on April 15, 2021.

Many thanks

Charlotte Crockford
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



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For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19