

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Inkersell and Battersby**  
Report Number COA2021-033

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**Public Meeting**

**Meeting Date:** May 20, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 8 – Geographic Township of Emily**

**Subject:** The purpose and effect is request relief from the following sections in order to permit the increase in height to a dwelling and permit a shed/greenhouse and shed on the property:

1. Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 12.5 metres to permit an increase in height to the dwelling's north-facing wall, and permit an accessory building (greenhouse-storage shed),
2. Section 3.18.1.1(a) to reduce the minimum building setback from an Environmental Protection (EP) Zone from 15 metres to 12.5 metres to permit an increase in height to the dwelling and permit an accessory building (greenhouse-storage shed),
3. Section 3.1.2.2 to reduce the minimum side lot line setback for an accessory building from 1 metre to 0.45 metres to permit the greenhouse storage shed,
4. Section 3.1.3.1 to increase the accessory building maximum lot coverage from 8% to 8.06%; and
5. Section 3.1.3.3 to increase the maximum number of accessory buildings from 3 to 4.

The variances are requested at 15 Lila Court, geographic Township of Emily (File D20-2021-023).

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

**Signature:** 

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**Recommendations:**

**Resolved That** Report COA2021-033 Inkersell and Battersby, be received;

**That** relief 3 sought in minor variance application D20-2021-023 be DENIED, as the application is not minor in nature, desirable and appropriate for the use of the

land, and is not in keeping with the general intent and purpose for the zoning by-law tests set out in Section 45(1) of the Planning Act.

**That** reliefs 1,2,4, and 5 sought in minor variance application D20-2021-023 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" and elevations in Appendix "D" submitted as part of Report COA2021-033, which shall be attached to and form part of the Committee's Decision,
- 2) **That** the owners shall apply for and obtain a building permit from the Building Division for the storage shed and greenhouse-storage shed identified as accessory buildings 1 and 2 on the sketch in Appendix "C" of Report COA2021-033 and submit to the Secretary-Treasurer written confirmation from the Building Division that the permits have been issued and/or are not required,
- 3) **That** within a period of twenty-four (24) months after the date of the Notice of Decision, the owners submit photographic evidence to the satisfaction of the Secretary-Treasurer demonstrating that the greenhouse storage shed has been shifted west to maintain a side yard setback of 1.0 metre in compliance with Section 3.1.2.2 of the Zoning By-law, failing which this application shall be deemed to be refused; and
- 4) **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 COA2021-033. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The owners were pursuing a building permit for the alteration of a rear wall and roofline on their dwelling. They were directed to the pre-screening process. As a result of the pre-screening process, reliefs were identified for additional buildings on the property. Please see the Other Alternatives Considered section for an examination of options that were considered for some of the problematic buildings.

This application was deemed complete March 23, 2021.

- Proposal:** To permit structural alterations to the rear of a dwelling which will facilitate internal renovations, recognize a greenhouse-storage shed within the rear yard, and increase the number of permitted accessory buildings to recognize an additional shed located within the front yard.
- Within the front yard, there is a single door detached garage (building #4) and storage shed (building #1). Within the interior side yard is a greenhouse-storage shed (building#2). The rear yard contains a boathouse (building #3).
- The structural alterations to the dwelling involve changing the roof above a bedroom from a low sloped roof to a peaked roof, and placing new wall studs to support the roof change.
- Owners:** Susan Inkersell and William Battersby
- Applicant:** William Battersby
- Legal Description:** Lot 6, Plan 243, geographic Township of Emily, City of Kawartha Lakes
- Official Plan:** "Waterfront" within the City of Kawartha Lakes Official Plan
- Zone:** Limited Service Residential (LSR) Zone within the Township of Emily Zoning By-law 1996-30
- Site Size:** 1,153.06 square metres (12,411.4 square feet)
- Site Servicing:** Private individual well and septic system
- Existing Uses:** Shoreline Residential
- Adjacent Uses:** North: Pigeon River  
South: Agricultural Lands  
East, West: Shoreline Residential

**Rationale:** The owners submitted supporting documentation pertaining to a prior variance application, File A-11-2000, granted by the Township of Emily Committee of Adjustment on August 4, 2000, to permit an aluminum shed in approximately the same location as the currently proposed greenhouse-storage shed. Staff note that the shed permitted at that time was smaller, being approximately 6' x 8' (1.8 x 2.4 metres and likely had no eaves as continues to be common of small aluminum storage buildings. As the aluminum shed was removed, the variance for that accessory building no longer applies, which is why relief is being sought for the current building.

- 1) **Are the variances minor in nature? And**
- 2) **Is the proposal desirable and appropriate for the use of the land?**
  - A. For relief 3? **No**
  - B. For reliefs 1,2,4, and 5? **Yes**

The subject property is situated on a private road in a neighbourhood on the southern side of the Pigeon River. The neighbourhood is composed of residential and seasonal residential uses. The subject property is relatively wide and deep, with a gradual rise up from the road to the dwelling, followed by a steep slope down into Pigeon River. The dwellings within the neighbourhood are commonly situated upon this high point, which runs east-west parallel to the shoreline.

The water/EP Zone setback reductions will facilitate alterations to the existing single detached dwelling. The alterations will result in an increase in wall height of the north (water facing wall), but will not cause the building to project closer to the water. The building will remain a single storey. The greenhouse-storage shed is in-line with the existing dwelling, is situated within an existing deck area, and provides some storage for recreational water equipment which cannot be accommodated within the smaller and older boathouse to the north. The owners advise that outdoor recreation equipment stored in the boathouse, which was built into the slope and dates to circa 1955, gets mouldy. The greenhouse-storage shed is the only accessory building other than the boathouse within the rear yard. Storing shoreline-related recreational equipment within a building in close proximity to the shoreline also increases the functionality of the shoreline area and provides convenient storage opportunities.

The increase in total accessory building lot coverage by 0.06% is not anticipated to be perceptible, and the lot is sufficiently sized to absorb the 8% coverage currently permitted. Additionally, the inclusion of an additional accessory building on the lot does not detract from the primary residential use on the property as the dwelling continues to maintain visual prominence and the accessory buildings each have modest footprints. Topography also plays a role. Since there is a ridge running through the centre of the property, no more than three accessory buildings may be observed at any time.

However, the reduced side lot line setback provides challenges pertaining to providing adequate space for maintenance purposes. As the greenhouse-storage shed has eaves, it is anticipated that these eaves come in very close proximity to and may cross the lot line. Building Division and Development Engineering have also noted concern with the reduced setback. Staff recommend the building be slightly shifted west to comply with the 1 metre side yard setback the zone requires to address all concerns and avoid renovations to the building.

Due to the above analysis, the variances, with the exception of relief 3, 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?**

**A. For relief 3? No**

**B. For reliefs 1,2,4, and 5? Yes**

The Limited Service Residential (LSR) Zone permits single detached dwellings.

Alterations are proposed to the rear wall and roof line of the dwelling. No additional works are being undertaken that would bring the dwelling closer to the shoreline. The functionality and size of the rear yard is not changing. The alterations will increase the functionality of the bedroom.

The greenhouse-storage building is a multi-purpose building which provides some storage for water-related outdoor recreational equipment that cannot be stored within the boathouse. Due to the nature of this storage function, the greenhouse-storage shed benefits from proximity to the shoreline.

The General Provisions introduce controls on the number and total lot coverage of accessory buildings on a property. The intent of those provisions are likely to ensure the dwelling, not accessory uses maintains prominence on the property from a footprint and visual perspective. The lot is sufficiently sized to absorb four accessory buildings, as they are each relatively modest in size, and therefore do not appear as the primary use in relation to the dwelling. Further, three of the accessory buildings are arranged one behind the other along the east side of the property. As the three buildings are situated at the side of the property, they also allow the dwelling to maintain visual prominence. The proposal allows for various storage functions to be carried out on the property which are either best suited to be contained outside of the dwelling or cannot be stored within the dwelling due to its more modest size.

However, the reduced side lot line setback for the greenhouse-storage shed provides challenges pertaining to providing adequate space for maintenance and lot grading and drainage purposes. The intent of the side yard setback is to provide for sufficient space for said purposes.

Staff recommend the building be slightly shifted west to comply with the 1 metre side yard setback the zone requires to address all concerns raised and avoid building alterations that would be required to satisfy Building Division with the proposed reduced proximity.

Therefore, the variances, with the exception of relief 3, 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 "Waterfront" within the City of Kawartha Lakes 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.

As the greenhouse-storage shed is positioned directly behind the boathouse, and stores outdoor recreation equipment which cannot be located within the older boathouse, and is upon an existing lot of record, impacts are minimized to the extent possible.

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

#### **Other Alternatives Considered:**

During the pre-screening process, there was an additional structure with a roof to the south of the greenhouse-storage shed. The structure was in close proximity to the lot line. This additional structure was removed in order to reduce the total number of accessory buildings and address the non-compliance issue with respect to the reduced side yard setback.

#### **Servicing Comments:**

The property is serviced by a private individual well and sewage 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 (May 6, 2021): Concerns with the proposed greenhouse storage shed. A building positioned that close to the lot line will require a 45 minute rating. Moving the building so that it is 0.6 metres from the side lot line will remove this requirement.

Development Engineering Division (May 11, 2021): No objection in general, though an increased side yard setback for the greenhouse storage shed is preferred.

Kawartha Region Conservation Authority (May 11, 2021): No concerns.

#### **Public Comments:**

Jason and Kristen Babcock of 17 Lila Court have submitted a letter of support.

#### **Attachments:**



Appendices A-G to  
COA2021-033

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch

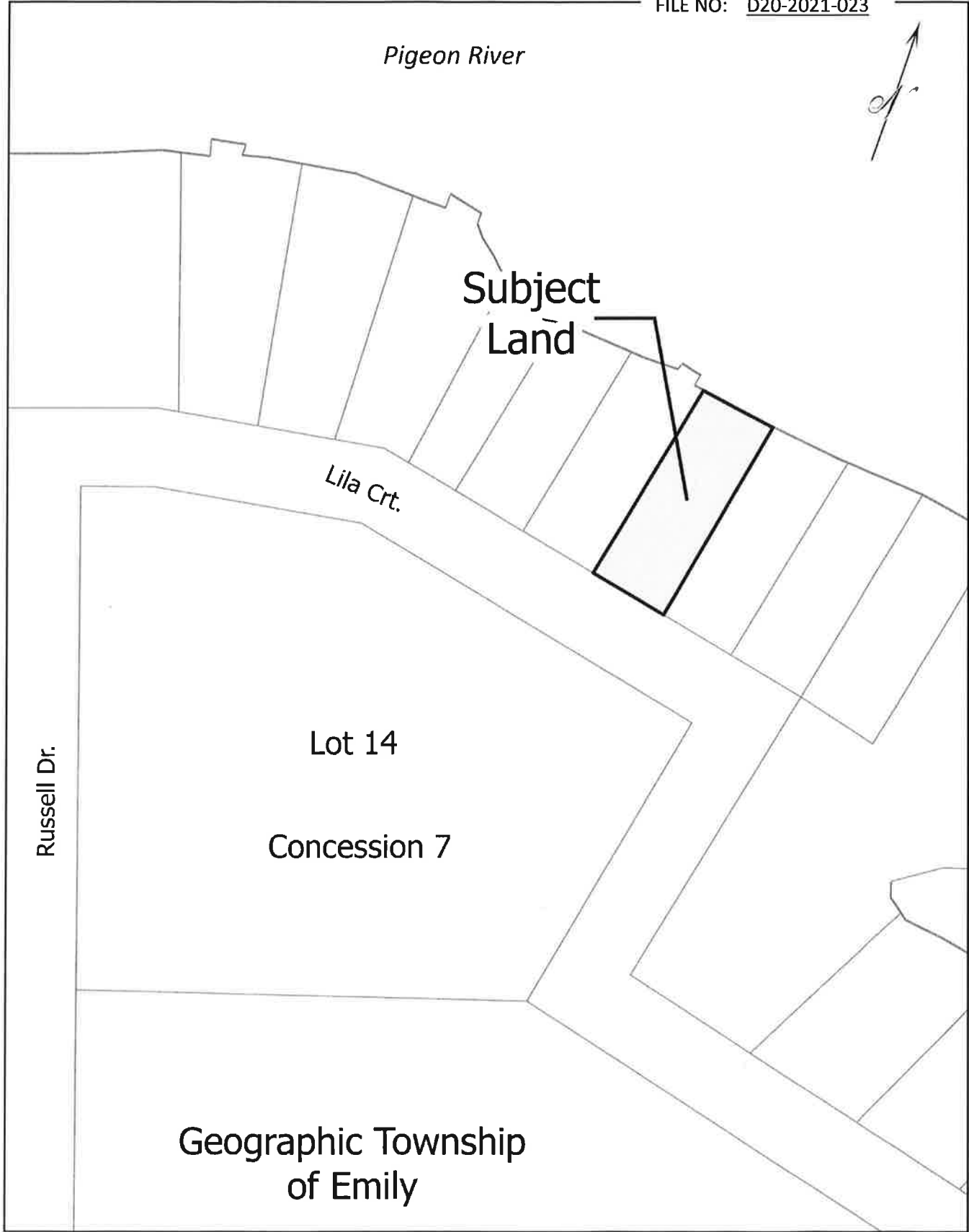
Appendix D – Applicant’s Elevations  
Appendix E – Department and Agency Comments  
Appendix F – Owners’ Letter of Reasons  
Appendix G – Public Comment

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**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Richard Holy, Acting Director of Development Services  
**Department File:** D20-2021-023

# D20-2021-023

to  
REPORT COA2021-033  
FILE NO: D20-2021-023







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

FILE NO: D20-2021-023

REPORT COA2021-033

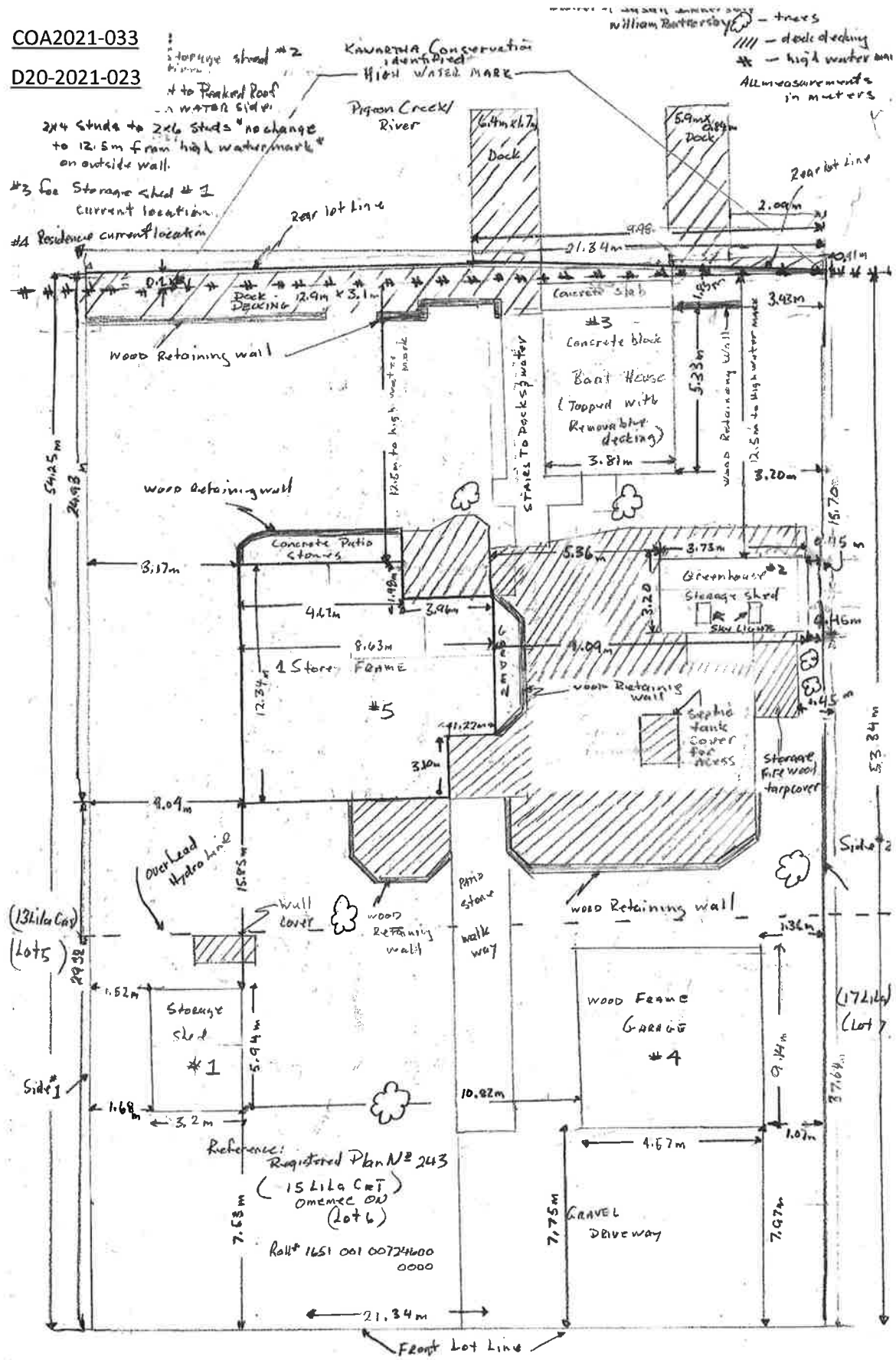
APPENDIX " B "  
to

APPENDIX " C "

to

REPORT COA2021-033

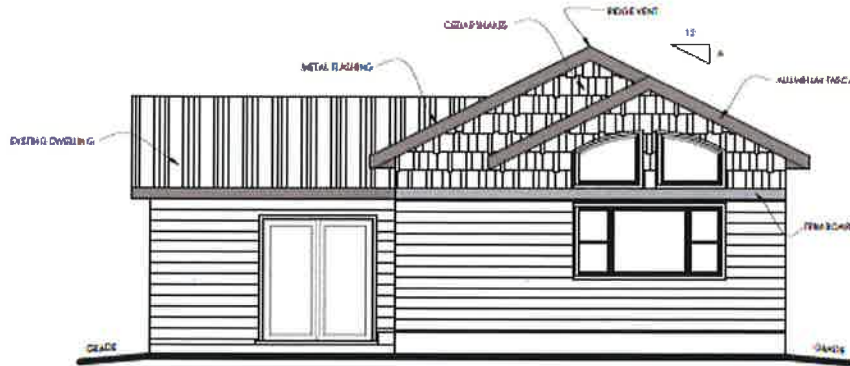
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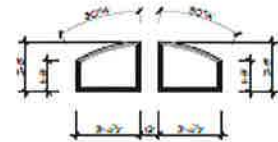
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REPORT COA2021-033

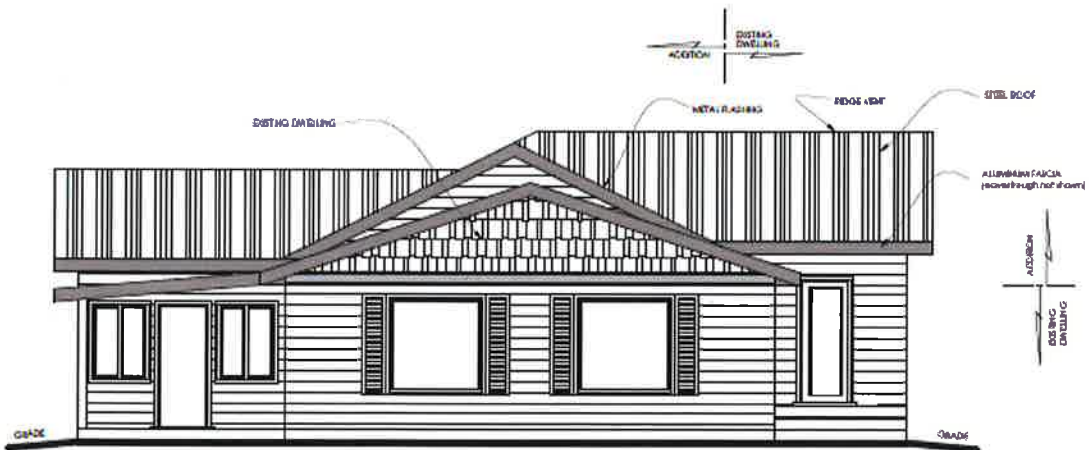
FILE NO: D20-2021-023



lakeside elevation



window details



east elevation

## David Harding

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**From:** Derryk Wolven  
**Sent:** Thursday, May 6, 2021 3:25 PM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing for Minor Variance, D20-2021-023, 15 Lila Court, Emily

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

Please be advised that the accessory building located at .4m from the property line requires a 45 minute rating. (9.10.14.5 of OBC)

A setback of .6m would have no implications.

APPENDIX " E "

to

REPORT COA2021-033

FILE NO. D20-2021-023

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



**From:** Charlotte Crockford  
**Sent:** Thursday, May 6, 2021 1:07 PM  
**To:** 'Erin McGregor' ; Christina Sisson ; Kim Rhodes ; 'alanna.boulton@canada.ca' ; Tracy Richardson ; Susanne Murchison ; Derryk Wolven  
**Subject:** Notice of Public Hearing for Minor Variance, D20-2021-023, 15 Lila Court, Emily

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-023, 15 Lila Court, Emily.

Many thanks

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## David Harding

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**From:** Mark LaHay  
**Sent:** Friday, May 7, 2021 2:38 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: 20210507 D20-2021-023 - Engineering review

FYI - file

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**From:** Kim Rhodes  
**Sent:** Friday, May 7, 2021 2:23 PM  
**To:** Mark LaHay  
**Cc:** Charlotte Crockford ; Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210507 D20-2021-023 - Engineering review

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**From:** Kim Rhodes  
**Sent:** Thursday, May 6, 2021 1:15 PM  
**To:** Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Kirk Timms <[ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)>; Benjamin Courville <[bcourville@kawarthalakes.ca](mailto:bcourville@kawarthalakes.ca)>  
**Subject:** 20210507 D20-2021-023 - Engineering review - MEMO DRAFTED

**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 – D20-2021-023  
15 Lila Court  
Lot 6, Plan 243  
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from the following sections in order to permit the increase in height to a dwelling and permit a shed/greenhouse and shed on the property:

1. Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 12.5 metres to permit an increase in height to the dwelling and permit an accessory building (greenhouse storage shed),
2. Section 3.18.1.1(a) to reduce the minimum building setback from an Environmental Protection (EP) Zone from 15 metres to 12.5 metres to permit an increase in height to the dwelling and permit an accessory building (greenhouse storage shed),
3. Section 3.1.2.2 to reduce the minimum side lot line setback for an accessory building from 1 metre to 0.45 metres to permit the greenhouse storage shed,
4. Section 3.1.3.1 to increase the accessory building maximum lot coverage from 8% to 8.06%; and
5. Section 3.1.3.3 to increase the maximum number of accessory buildings from 3 to 4.

We do note that the greenhouse storage shed has a side lot line setback of 0.45 metres which is not preferred, however we acknowledge it is an existing situation and therefore 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.**

KRCA File NO: PPLK-2418

Via Email: Ccrockford@kawarthalakes.ca  
Charlotte Crockford  
Administrative Assistant  
Development Services – Planning Division  
180 Kent Street West  
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application  
D20-2021-023  
15 Lila Court, Emily  
Susan Inkersell and William Battersby**

Dear Ms. Crockford,

Kawartha Conservation has completed review of the above noted Minor Variance Application submitted by Susan Inkersell and William Battersby. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

**Application Purpose:**

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2021-023 is to seek relief from the Township of Emily Zoning By-law 1996-30 in order to permit the increase in height to a dwelling and permit a shed/greenhouse and shed on the property:

- Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 12.5 metres to permit an increase in height to the dwelling and permit an accessory building (greenhouse storage shed),
- Section 3.18.1.1(a) to reduce the minimum building setback from an Environmental Protection (EP) Zone from 15 metres to 12.5 metres to permit an increase in height to the dwelling and permit an accessory building (greenhouse storage shed),
- Section 3.1.2.2 to reduce the minimum side lot line setback for an accessory building from 1 metre to 0.45 metres to permit the greenhouse storage shed,
- Section 3.1.3.1 to increase the accessory building maximum lot coverage from 8% to 8.06%; and
- Section 3.1.3.3 to increase the maximum number of accessory buildings from 3 to 4.

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
**KawarthaConservation.com**

**Our Watershed Partners:**

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan

**Site Characteristics:**

Existing mapping indicates that the subject property is within the vicinity of the following:

**Natural Heritage Features:**

- Shoreline of Pigeon River. Kawartha Conservation regulates the shoreline of Pigeon River and 15 metres from the high-water mark.

**Natural Hazards:**

- There may be flooding and/or erosion hazards.

**Water Resources:**

Subject property is within the boundary of the Pigeon Lake Management Plan.

**Applicable Kawartha Conservation Regulation and Policies**

**Ontario Regulation 182/06 (as amended):**

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The applicant obtained a permit from our office for a 3.73 metre x 3.73 metre shed (Permit # 2021-090).

**Recommendation:**

Kawartha Conservation has no concern with the approval of D20-2021-023. I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.





**KAWARTHA  
CONSERVATION**

Discover · Protect · Restore

Page 3 of 3  
May 11, 2021

Sincerely,

Erin McGregor

Resources Planner Technician  
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering

**KAWARTHA CONSERVATION**

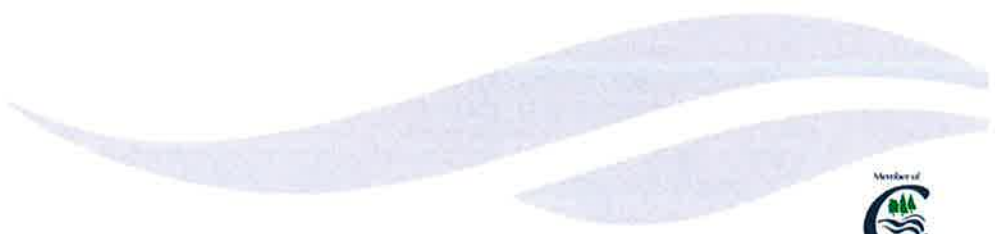
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(page 2 of 3)

**3.2 Reasons:**

1. Building #5 Residence purchased with variance set back approved with initial purchase 1999. Building permit is for changing waterside bedroom roof from a low sloped roof to a peaked roof. Construction of new roof requires changing wall studs from 2" x 4" studs to 2" x 6" studs. Replacing these studs will not bring wall closer to the waterside, 2" difference will be accommodated on interior bedroom floor area. From the high-water mark to the foundation of residence building #5 has an elevation rise above water level of 4.15m, as well as the current 12.5m horizontal distance from the high-water mark. There is also a retaining wall at the waterfront preventing any erosion from high water levels.

2. Building #2 Greenhouse was constructed a further distance from waterfront as previously Approved Variance dated August 2000 for smaller tin shed with initial property purchase July 1999. From the high-water mark to the foundation of the greenhouse building #2 has an elevation rise above water level of 3.96m, as well as the current 12.5m horizontal distance from the high-water mark. Kawartha Conservation streamlined permit has been acquired for the current location of the greenhouse building #2. Contractor reviewed potential movement of greenhouse building #2 back 2.5m from high-water mark using a crane and due to the position of the powerline between the garage and the greenhouse prevents crane access. The repositioning of the greenhouse not using a crane was also evaluated and since the lake side slope at the foundation would risk having the greenhouse potentially fall to the water side during an attempt to move 2.5m back from the water and up 0.35m in elevation. There is also a retaining wall at the waterfront preventing any erosion from high water levels.

3. Seeking relief to increase the number of permitted accessory buildings to 4 with respect to our minimal lot coverage increase 8.0% to 8.06%. (Accessory Building #1 – Storage Shed, Building #2 – Greenhouses Storage Shed, Building #3 Boathouse, Building #4 Garage.) We are seeking the increase in accessory building number from 3 to 4 buildings as we do not have a basement for storage and only have a limited cold crawlspace on a small portion of our home. Our home living space is only 94.87 m<sup>2</sup> (1021 ft<sup>2</sup>), hence the need for accessory building storage space. This is a cold and not waterproof crawlspace. As well, our boathouse is unsuitable storage as it is quite damp most of the year. Items often get moldy if stored in this Boathouse Building #3. We utilize Storage Shed #1, Greenhouse Storage Shed #2 and our one car Garage Building #4 for outdoor recreation equipment (SUP Boards, lifejackets, fishing gear, etc.) and beekeeping supplies. We are recreational beekeepers and store our beekeeping equipment in the garage and in ½ of Storage Shed #1.

APPENDIX " G "

to

REPORT COA 2021-033

FILE NO. D20-2021-023

Attachment#10 (1 page)

Jason & Kristen Babcock  
17 Lila Court  
Omemee, ON  
K0L 2W0

Phone# 905 441-4723 (Jason)

Re: Minor Variance Application for 15 Lila Court


To Whom it May Concern:

As per section 3.1.2.2 of the Comprehensive Zoning By-law "Location".

We have been informed by William Battersby and Susan Inkersell that their current location of the Building #2 Greenhouse Storage shed does not meet the 1.0 metre shared side lot line.

William and Susan have informed us that the current distance from the side lot line is 0.45 metres. They have discussed this with us and we have no issue with the Greenhouse remaining in its current location. The building is aesthetically pleasing and does not block our water view in any way. We want this letter to be included in the support for their review of their Variance request.

Jason Babcock

  
Date: MARCH 18/2021

Kristen Babcock

  
Date: MARCH 18/2021