The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Peter and Karen Marren

Report Number COA2021-024

Public Meeting

Meeting Date: May 20, 2021 Time: 1:00 pm

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

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions in order to facilitate the construction of a two-storey boathouse and acknowledge the location of a garden shed within the front yard:

Two-Storey Boathouse

- 1. Section 3.1.5.3 to increase the number of storeys of a boathouse from one (1) storey to two (2) storeys,
- 2. Section 3.1.5.3 b) to increase the height of a boathouse from 4.5 metres to 5.5 metres.

Garden Shed

3. Section 3.1.2.1 to acknowledge the location of an accessory building which is not part of the main building within the front yard.

The variance is requested at 2 Huntingdon Court, geographic Township of Fenelon (File D20-2021-006).

Author: Kent Stainton, Planner II

Signature:

Recommendations:

Resolved That Report COA2021-024 Marren, be received;

That reliefs 1-2 sought for in the minor variance application D20-2021-006 be DENIED, as the reliefs do not meet the four tests set out in Section 45(1) of the Planning Act.

That relief 3 pertaining to the acknowledgement of the location of the garden shed within the front yard in minor variance application D20-2021-006 be GRANTED, as the relief does meet the tests set out in Section 45(1) of the Planning Act.

Condition:

 That the shed location related to this approval shall be acknowledged generally in accordance with the sketch in Appendix C submitted as part of Report COA2021-006, which shall be attached to and form part of the Committee's Decision; and,

2) **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 building identified on Appendix C to Report COA2021-006 as 'Shed to be Removed' has been removed.

This approval pertains to the application as described in report COA2021-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

The application was originally submitted December 16, 2020. No consultation through the pre-screening process occurred with the Planning Division prior to the submission of the application. The application was originally scheduled for the April 2021 Committee meeting.

On April 1, 2021, the Supervisor of Part 8 Sewage Systems provided the Planning Division with a letter identifying that the application, as proposed, could not be supported. A sewage system permit to install was issued to replace the existing sewage system serving the dwelling; however, the proposal did not accommodate an allowance for habitable space (identified as a 'sunroom') within the boathouse. The Supervisor of Part 8 Sewage Systems advised that the boathouse be reconfigured or the existing septic permit is to be amended in order to account for human habitation within the boathouse. A deferral to address the concerns with respect to reference to human habitation was granted by the Committee at the April 18, 2021 meeting.

The applicant subsequently modified the proposal by removing reference to human habitation within the second storey of the boathouse and eliminated a cantilevered deck projecting into the water setback from the second storey balcony. No additional structural changes to the proposal were made.

The application was last amended on April 22, 2021.

Proposal:

To construct a new 209.3 square metre (2,252.9 square feet), two-storey boathouse with marine railway. The proposal also recognizes the location of a 7.5 square metre (80.7 square feet) garden shed within the front yard of the subject property.

Owners:

Peter and Karen Marren

Applicant:

Garry Newhook

Page 3 of 8

Legal Description: 2 Huntingdon Court, Part Lot 12, Concession 9, Parts 4 and 5,

RP 57R-8322, geographic Township of Fenelon,

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: 1.01 hectares (approximately 2.54 acres)

Site Servicing: Private individual well and private septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South, West: Shoreline Residential, Rural

Residential

East: Sturgeon Lake

Rationale:

1) Are the variances minor in nature?

(i) Two-Storey Boat House and Height - No

(ii) Location of garden shed in front yard - Yes And

2) Is the proposal desirable and appropriate for the use of the land?

(i) Two-Storey Boat House and Height - No

(ii) Location of garden shed in front yard - Yes

The subject property is located on a relatively quiet cul-de-sac comprised of three narrow, linear lots created through consent in the late 1990's. The property is elongated with a gravel driveway that winds through mature mixed deciduous forest a considerable distance to the east before terminating at a clearing, where a 1.5 storey dwelling with a walkout basement exists. The dwelling was constructed in 2001 (according to MPAC) and overlooks Sturgeon Lake. Attached to the dwelling on the north side is a two-bay garage.

Between the dwelling and the shoreline, the property consists of manicured lawn. Deciduous trees provide a degree of privacy on the southern interior lot line, while planted conifers denote the northern lot line. The property then slopes considerably towards an armourstoned shoreline. An interlocked brick patio is located at the site of the proposed boathouse in the northeastern corner of the lot. There is also a small building with a storage awning located in the southeastern corner of the lot.

From the water, the shorelines of adjacent properties appear to have larger, two-storey boathouses nearly identical to the development proposed through the application. Planning Division records indicate that a two-storey boathouse was approved by the Committee of Adjustment in October of 2012 for the abutting property addressed as 604 Long Beach Road, notwithstanding a staff recommendation for the proposal to be denied. It must be emphasized that

every application is evaluated on its individual merits, notwithstanding adjacent development approvals. The property addressed as 6 Huntingdon Court also has a two-storey boathouse

(i) Two-Storey Boat House and Height:

The scale of the proposed two-storey boat house is anticipated to be visually imposing when compared to the design and built-form of most boat houses on Sturgeon Lake. Most boat houses on Sturgeon Lake are single-storey and the massing of the proposed design including a partially covered deck is anticipated to present negative land-use compatibility issues considering the potential for human habitation.

Although the applicant has revised the proposal to stipulate that the second storey is supposed to function as storage, one can reasonably infer that the proposed design and exterior treatments (including 3-glass doors on the waterside and double-door entrance from grade) present a considerable extension of amenity space. There are options to revise the proposal to a configuration that does not double the allowable number of storeys and represents a configuration conducive to storage without a 4.2 metre (13.75 feet) ceiling height. The height of the second storey alone is almost equal to the allowable 4.5-metre boathouse height under the By-law.

As a result of the above analysis, the reliefs pertaining to the boathouse cannot be considered minor nor desirable and appropriate for the use of the land.

ii) Location of garden shed within the front yard

The garden shed is located near the western end of parking area, where the driveway connects to the parking area and two-bay attached garage. The use of the shed is apparent, as it is used to storage items used in the maintenance of the parking area/driveway.

Given the distance (over 261 metres) between the shed and the entrance to the property from Huntingdon Court combined with the privacy created from the buffering of the woodlands, the presence of the shed is undetectable from Huntingdon Court. No land use incompatibilities will be created through acknowledging the existing location of the garden shed. This particular relief is 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?
 - (i) Two-Storey Boat House and Height <u>No</u>
 - (ii) Garden Shed Located in the Front Yard Yes
 - (i) Two-Storey Boat House and Height:

The Township of Fenelon Zoning By-law is clear in the standards allowed for boathouses. The By-law prescribes that only one (1) storey is permitted and that when a structure is constructed more than 3 metres away from the shore lot line, the height is to be measured from finished grade (on land). Due to the

irregular slope of the land, the height of the boathouse is calculated based on the average elevation of the grade.

Boathouses are intended to house and shelter boats, watercraft and modes of water transportation as well as items ancillary to the aforementioned. The primary intent behind limiting boathouses to one storey is to prevent human habitation in order to protect personal property and human life. Recently adopted Additional Residential Unit (ARU) policies and regulations through an Official Plan Amendment and Zoning By-law Amendment restrict the establishment of habitable units within boathouses and within the water yard setback altogether. While the determination that the boathouse is located outside of the Regulatory flood elevation has been made by Kawartha Conservation, there is no evidence that the geotechnical stability of the slope for which the boathouse is being constructed into has been examined.

Through constructing a second storey on the boathouse, the opportunity for the conversion of the space into a separate, habitable unit with the potential to connect to the adjacent septic system is presented. Despite the drawings and the acknowledgement of the applicant that the second storey is for storage, the height of the second storey at 4.19 metres is comparable to the height of a residential storey and the ability to walk into the boathouse from grade is provided for. Loft storage within the boathouse could be achieved at a height much less than what is proposed through the application.

Restricting the height of boathouses to 4.5 metres is intended to prevent the ability to access boathouses from higher elevations. When a boathouse is constructed into a slope, entrances or amenity space atop the boathouse can be constructed. Through proposing to increase the height of the boathouse by an entire metre to 5.5 metres, the application contravenes the intent and purpose of the zoning by-law by allowing the ability to access the upper level of the boathouse from the existing grade.

It is important to note that upon conducting the site visit associated with the variance application, Planning staff identified a small storage building located within the water yard setback of the property. The owners have agreed to remove the building. A condition is recommended in order to ensure the building is entirely removed from the property.

In consideration of the above analysis, the requested reliefs pertaining to the height of the boathouse do not maintain the intent and purpose of the zoning by-law.

(ii) Location of garden shed within the front yard:

The intent of relegating accessory buildings to interior side or rear yards is to ensure accessory uses do not dominate over the primary use within the front yard. Due to the location of and the screening of the shed, the dwelling remains the primary use on the property from a visual perspective. The shed also complies with the other general provisions for accessory buildings and

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?

- (i) Two-Storey Boat House and Height No
- (ii) Location of the Garden Shed in the Front Yard Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Residential uses, along with accessory uses (e.g. boat houses) are anticipated within the designation.

The Official Plan is unequivocal in its intent to maintain naturalized shorelines that are not dominated by anthropogenic influence. The Sturgeon Lake shoreline, in particular, is one of the most heavily developed of the Kawartha Lakes. Policies 20.3.7 and 20.3.10 of the Official Plan strive to limit building and structure heights so as to maintain a low profile and blend with the natural surroundings. Policy 20.5.1 related to Density and Massing within the Waterfront designation also requires buildings and structures to maintain a low profile. When examining the proposal from the water (as was done during the site visit in the Winter), the height and massing of the proposed boathouse will dominate the shoreline of the property and completely detract from the dwelling atop of the slope.

When combined with the existing hardscaped shoreline of the property, the proposal is also incompatible with Objective 5 of the Sturgeon Lake Management Plan, which resolves to enhance and maintain the natural integrity of the shoreline. Policy 20.3.11 of the Official Plan encourages individual Lake Management Plans as a means towards identifying lake character.

In summary, the reliefs proposed associated with the boathouse do not maintain the general intent and purpose of the Official Plan.

(ii) Location of garden shed within the front yard:

Low density residential uses, along with accessory uses are anticipated within the Waterfront designation.

In consideration of the above, the relief for the location of the garden shed within the front yard of the subject property maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternative configurations have been proposed by the applicant; however, the applicant did revise the proposal on May 11, 2021 to remove a cantilevered deck projecting towards the shoreline from the second-storey.

In consideration of the above analysis, provided the proposed number of storeys for the boathouse is reduced to less than two-storeys and the height of the storage loft is revised to restrict the potential for human habitation yet permit storage, Planning staff would be in a position to support the application.

Servicing Comments:

The property is serviced by a private individual well and private 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:

<u>Kawartha Region Conservation Authority (March 9, 2021)</u>: A site visit was conducted on September 17, 2020, which confirmed that the proposed boathouse will be outside of the floodplain for Sturgeon Lake. Kawartha Conservation has issued a permit (Permit #2020-268) for the proposal and has no concerns with the proposed variances.

Community Services Division (April 7, 2021): No concerns.

<u>Building and Septic Division (May 6, 2021)</u>: The Building and Plans Examiner notes that although not a requirement of the minor variance, Building Division would note that the proposed cantilevered covered deck will require engineering or conventional support (posts and footings). No representation of the deck and roof being cantilevered 1.2 metres into the 3 metre setback has been presented on the site plan.

Planning Response: The applicant has revised the proposal by eliminating the cantilevered covered deck from the proposal.

<u>Building and Septic Division – Supervisor, Part 8 Sewage Systems (May 7th, 2021):</u> A sewage system permit to install has been issued to replace the existing system. The replacement system will be located in a manner to accommodate the proposed boathouse placement. The purpose of the second storey will be for storage only.

As such, the Building and Septic Division has no objection to the proposed minor variance as it relates to private on-site sewage disposal.

Development Engineering Division (May 7th, 2021): No objections.

Public Comments:

The following comments were received with the application <u>in support</u> of the proposal:

- 1) Brian and Jill Hoag, 6 Huntingdon Court, received December 16, 2020;
- 2) Jennifer and Byron Allin, 604 Long Beach Road, dated December 7, 2020, received December 16, 2020.

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Attachments:



COA2021-024.pdf

Appendix A – Location Map

Appendix B - Aerial Photo

Appendix C – Applicant's Sketch (Site Plan)

Appendix D – Applicant's Drawings (Elevations)

Appendix E – Department and Agency Comments

Appendix F – Public Comments

Phone: 705-324-9411 extension 1367

kstainton@kawarthalakes.ca E-Mail:

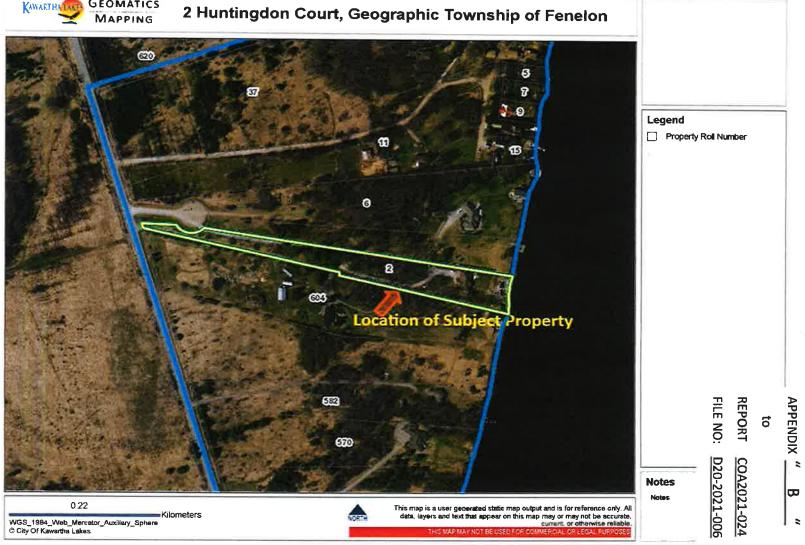
Richard Holy, Acting-Director of Development Services **Department Head:**

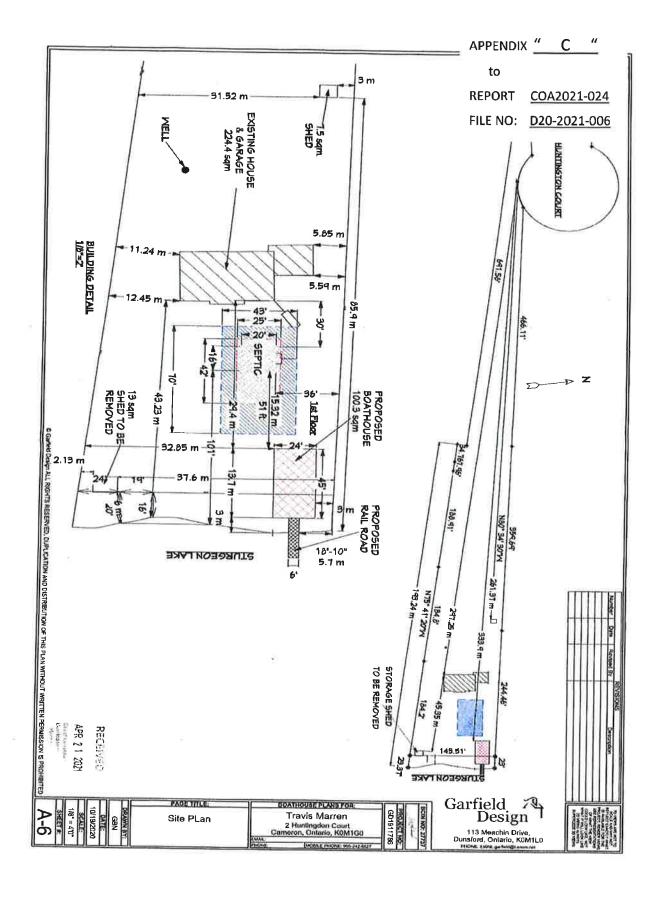
Department File: D20-2021-006

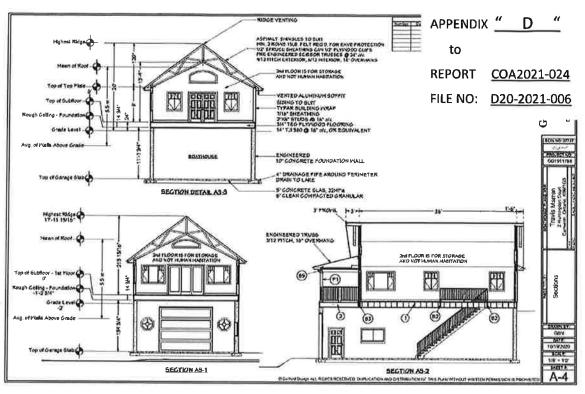
D20-2021-006 to REPORT COA2021-024 FILE NO: <u>D20-2021-006</u> Lot 13 Village St. Concession 8 Huntingdon Subject Land Long Beach Rd. Lot 12 Concession 9 Sturgeon Lake Geographic Township of Fenelon

APPENDIX <u>A</u>

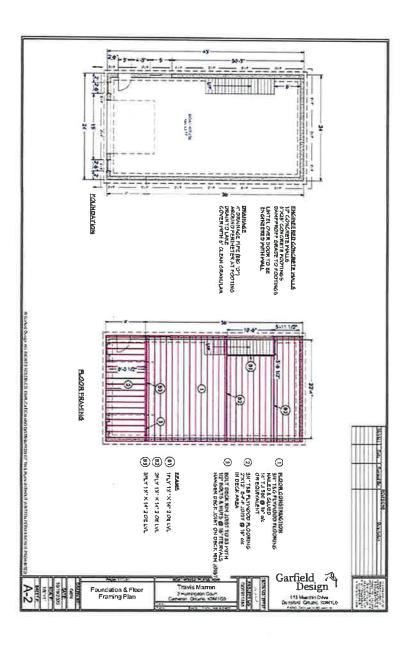


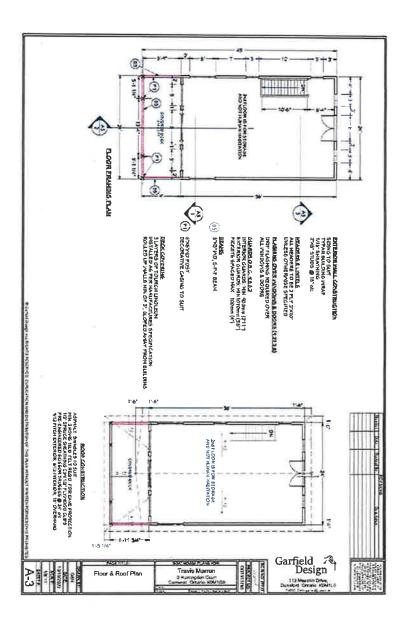












Kent Stainton

APPENDIX "

From:

Anne Elmhirst

Sent:

Friday, May 7, 2021 6:10 PM

To:

Charlotte Crockford

Subject:

RE: Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court

Fenelon

Hello Charlotte.

I have reviewed the application for minor variance D20-2021-006 to construct a boathouse with a second storey. The purpose of the second storey of the boathouse will be for storage only.

A sewage system permit to install has been issued to replace the existing system. The replacement system will be located in a manner to accommodate the proposed boathouse placement.

As such, the Building and Septic Division has no objection to the proposed minor variance as it relates to private 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.

From: Charlotte Crockford

Sent: Thursday, May 6, 2021 12:27 PM

To: Christina Sisson; Kim Rhodes; 'alanna.boulton@canada.ca'; Doug Elmslie; Susanne Murchison; Derryk Wolven;

Anne Elmhirst

Subject: Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court Fenelon

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court Fenelon.

Many thanks

Charlotte Crockford

Administrative Assistant

Kent Stainton

From:

Kim Rhodes

Sent:

Friday, May 7, 2021 12:10 PM

To:

Mark LaHay

Cc:

Charlotte Crockford; Christina Sisson; Kirk Timms; Benjamin Courville

Subject:

20210507 D20-2021-006 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-006 2 Huntingdon Court Part Lot 12, Concession 9 Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to facilitate the construction of a two-storey boathouse and acknowledge the location of a garden shed within the front yard:

Two-Storey Boathouse

- 1. Section 3.1.5.3 to increase the number of storeys of a boathouse from one (1) storey to two (2) storeys,
 - 2. Section 3.1.5.3 b) to increase the height of a boathouse from 4.5 metres to 5.5 metres,

Garden Shed

1. Section 3.1.2.110 acknowledge the location of an accessory building which is not part of the main building within the front yard.

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:

Derryk Wolven

Sent:

Thursday, May 6, 2021 1:05 PM

To:

Charlotte Crockford

Subject:

Re: Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court

Fenelon

Follow Up Flag:

Follow up

Flag Status:

Flagged

Although not a requirement of the minor variance, building would note that the proposed cantilevered covered deck will require engineering or conventional support (posts and footings). No representation of the deck and roof being cantilevered 1.2m into the 3m setback has been presented on the siteplan.

From: Charlotte Crockford Sent: May 6, 2021 12:35:56 PM

To: Christina Sisson; Kim Rhodes; 'alanna.boulton@canada.ca'; Doug Elmslie; Susanne Murchison; Derryk Wolven; Anne

Elmhirst

Subject: FW: Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court Fenelon Please ignore pdf application previously sent. Please see resubmitted application dated 20210421 attached.

This application is being re-advertised.

Many thanks

Charlotte Crockford

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



Please note: The Development Services 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.

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

From: Charlotte Crockford

Sent: Thursday, May 6, 2021 12:27 PM

To: Christina Sisson; Kim Rhodes; 'alanna.boulton@canada.ca'; Doug Elmslie; Susanne Murchison; Derryk Wolven;

Anne Elmhirst

Subject: Notice of Public Hearing for Minor Variance D20-2021-006, 2 Huntingdon Court Fenelon



Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date:

April 7, 2021

To:

Committee of Adjustment

From:

LeAnn Donnelly, Executive Assistant, Community Services

Re:

Minor Variance - Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2021-001 37 Adelaide Street North, Lindsay
D20-2021-006 2 Huntingdon Court, Fenelon
D20-2021-015 Vacant Land Cross Creek, Ops
D20-2021-016 308 Cross Creek Road, Ops
D20-2021-019 17 Denfield Road, Lindsay
D20-2021-021 26 and 28 Sanderling Court, Fenelon

heAnn Donnelly

LeAnn Donnelly

Executive Assistant, Community Services

705-324-9411 ext. 1300



KRCA File NO: PPLK-2666

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

Regarding: Minor Variance Application

D20-2021-006

2 Huntingdon Court

Peter & Karen Marren and Garry Newhook

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Minor Variance Application submitted by Garry Newhook on behalf of Peter & Karen Marren. 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 D20-2021-006 is to seek relief from the Township of Fenelon Zoning By-law to permit a boathouse with human habitation, increase the number of storeys from one to two, and increase the height of the boathouse from 4.5 metres to 5.5 metres.

Site Characteristics:

The subject property is adjacent to Sturgeon Lake. Kawartha Conservation regulates the shoreline of Sturgeon Lake and 15 metres from the high water mark.

Applicable Kawartha Conservation Regulation and Policies and Applicable Provincial Plans: Ontario Regulation 182/06 (as amended):

KAWARTHA CONSERVATION

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





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.

Recommendation:

A site visit was conducted on September 17, 2020 which confirmed that the proposed boathouse will be outside of the floodplain for Sturgeon Lake. Kawartha Conservation has no concern with the approval D20-2021-006 based on our consideration of natural heritage, natural hazards, and watershed management. A permit will be required prior to construction.

I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely, Erin McGregor

Ein Magrep

Resources Planner Technician Kawartha Conservation

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

KAWARTHA CONSERVATION

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



Byron and Jennifer Allin

840 Hanmore Court | Oshawa | ON | L1K 0C5 | 905-261-7181 | jen@qualitytruckrepair.ca

December 7, 2020

RE: TRAVIS AND KAREN MARREN

2 Huntingdon Court

Cameron, ON

K0M 1G0

APPENDIX "_

to

REPORT COA2021-024

EIL = NO. D20-2021-006

RECEIVED

DEC 1 6 2020

City of Kan Develop

To Whom It May Concern:

This letter is to inform you that we, Byron and Jennifer Allin, the current owners of 604 Longbeach Road, Cameron, On, K0M 1G0, which is the neighboring property to Travis and Karen Marren, have no issues or concerns with the new construction of a boathouse on the property of Travis and Karren Marren.

Should you require any further information, please do not hesitate in contacting either one of us. We can be reached at either the telephone number or email address listed above.

Singerely

Jenifer Allin

Boathouse

RECEIVED

DEC 1 6 2020

To Whom It may concern;

Brian and Jill Hoag residing at 6 Huntingdon Crt Cameron On Kom 1g0 have no objections or issues with are neighbors Travis and Karen Marren building a boathouse at 2 Huntingdon crt, Cameron On K0m 1go. If you need anything further we can be reached at 705-878-2083.

Sincerely Sundfrag