

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Erik Orava, Sarah Benn-Orava, Marshall**  
**Henkle, Ellie Benn**

Report Number COA2021-041

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**Public Meeting**

**Meeting Date:** June 17, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 2 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to request relief from Section 5.2 (c) in order to reduce the front yard setback from 7.5 metres to 3.75 metres to facilitate the construction of an addition to an existing vacation dwelling.

The variance is requested at 19 Clover Court, former Township of Somerville (File D20-2021-032).

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**Author:** Kent Stainton, Planner II **Signature:**



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**Recommendations:**

**Resolved That** Report COA2021-041 Orava, Benn-Orava, Henkle and Benn be received;

**That** minor variance application D20-2021-032 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 generally in accordance with the elevations in Appendix D submitted as part of Report COA2021-041, which shall be attached to and form part of the Committee's Decision;
- 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 COA2021-041 as 'Privy' has been removed;
- 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 building identified on Appendix C to Report COA2021-041 as 'Building 3' has been removed, 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 COA2021-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The applicant is proposing an addition to an existing vacation dwelling within the front yard of the subject lands. It is important to note that the advertisement of the application inadvertently made reference to section 5.2 d) Minimum rear yard setback of the Zoning By-law while relief is being sought from section 5.2 c) Minimum front yard setback of the subject lands.

The application was deemed complete on May 3, 2021.

**Proposal:** To construct a 61 square metre (657 square feet) addition to an existing shoreline residential dwelling

**Owners:** Erik Orava, Sarah Benn-Orava, Marshall Henkle, Ellie Benn

**Applicants:** Erik Orava

**Legal Description:** Lot 32, Plan 494, Part Lot 9, Concession 14, geographic Township of Somerville, City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan (2012)

**Zone:** Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-law 78-45

**Site Size:** 2,225.3 square metres (approximately 0.55 acres)

**Site Servicing:** Lake-based water supply and private individual septic system

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North: Crego Lake  
South: Crego Lake, Waterfront Residential  
East: Waterfront Residential, Crego Lake  
West: Waterfront Residential, Woodlands

**Rationale:**

**1) Is the variance minor in nature? Yes**

**And**

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

The subject property is situated on a bay in the northwestern shore of Crego Lake northwest of the Hamlet of Kinmount. Many of the dwellings and vacation dwellings along Crego Lake Road and Clover Court are heavily wooded, secluded lots comprised of seasonal dwellings, constructed prior to the 1970's with the lots being part of a Plan of Subdivision. While some seasonal dwellings have been enlarged, it appears the majority of the cottages are smaller in order to maintain the rustic character of the shoreline residences.

The site currently contains a small one-storey vacation dwelling and two accessory buildings that were constructed in 1975 (according to MPAC). The construction of the buildings predate the current Township of Somerville Zoning By-law (1978). A privy was also identified when conducting the site visit.

The hummocky and densely forested terrain with rocky outcrops of limestone along the eastern section of the property drops off from Clover Court before plateauing, where the vacation dwelling and attached deck are located. The deck is cantilevered over sloping land towards the shoreline of Crego Lake, which appears to be completely naturalized.

The relatively undisturbed nature of the property and mixed forest lends itself to privacy created between neighbouring properties. Since there is a drop-off where the addition is proposed to be built towards, massing is negated through the change of grade and any encroachment towards the front lot line is imperceptible. There is also a considerable distance from the location of the front property line to the road of approximately 8 metres, which assists in buffering the proposed addition. The overall design of addition emulates the current style of the cottage through a minimalistic four-window design.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law?**

**Yes**

The subject property is zoned Limited Service Residential (LSR) Zone in the Township of Someville Zoning By-law 78-45. The LSR Zone permits both single detached dwellings as well as vacation dwellings.

The intent of the front yard setback is to provide separation between the road and residential uses; however, Clover Court is a private road located off of Crego Lake Road and does not appear to experience a lot of traffic. There are no anticipated land use compatibility issues presented to the front yard-to-road interface, as the grade rises as one approaches Clover Court from the location of the addition. Through constructing the addition, the prominence of the south face of the dwelling will be increased; however, the addition will not impose onto the streetscape due to the sloping topography.

During a site visit associated with the application, Planning staff identified Building 3 (identified within Appendix C) located in the northwest of the property that is non-compliant with the water yard setback of the Zoning By-law. While the building may predate the Zoning By-law, the owner has expressed a desire to remove the accessory building during construction of the addition. A condition is recommended in order to ensure Building 3 is entirely removed from the property.

Moreover, Planning staff identified a privy located to the southeast of the vacation dwelling that is not entirely located on the subject lands and is non-compliant with the general provisions of the Zoning By-law. The owner has agreed to remove the privy during construction of the new dwelling. A condition is recommended in order to ensure the privy is entirely removed from the property.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

**4) Does the variance 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 proposed addition is on the side opposite the water yard and will be at least 30 metres away from the shoreline, satisfying Policy 3.11, which directs development away from the shoreline wherever possible and establishes a minimum water setback of 15 metres.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No alternatives were considered through this application.

**Servicing Comments:**

The property is serviced by a private lake-based water supply and private individual 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:**

Engineering and Corporate Assets Division (June 4<sup>th</sup>, 2021): No objections.

Building and Septic Division (June 7<sup>th</sup>, 2021): Building Plans Examiner of the Building and Septic Division has no concerns with the application.

**Public Comments:**

No comments received as of June 9, 2021

**Attachments:**



Appendices A-E for  
COA2021-041.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Site Plans)

Appendix D – Application's Sketches (Elevations)

Appendix E - Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Richard Holy, Acting Director of Development Services  
**Department File:** D20-2021-032

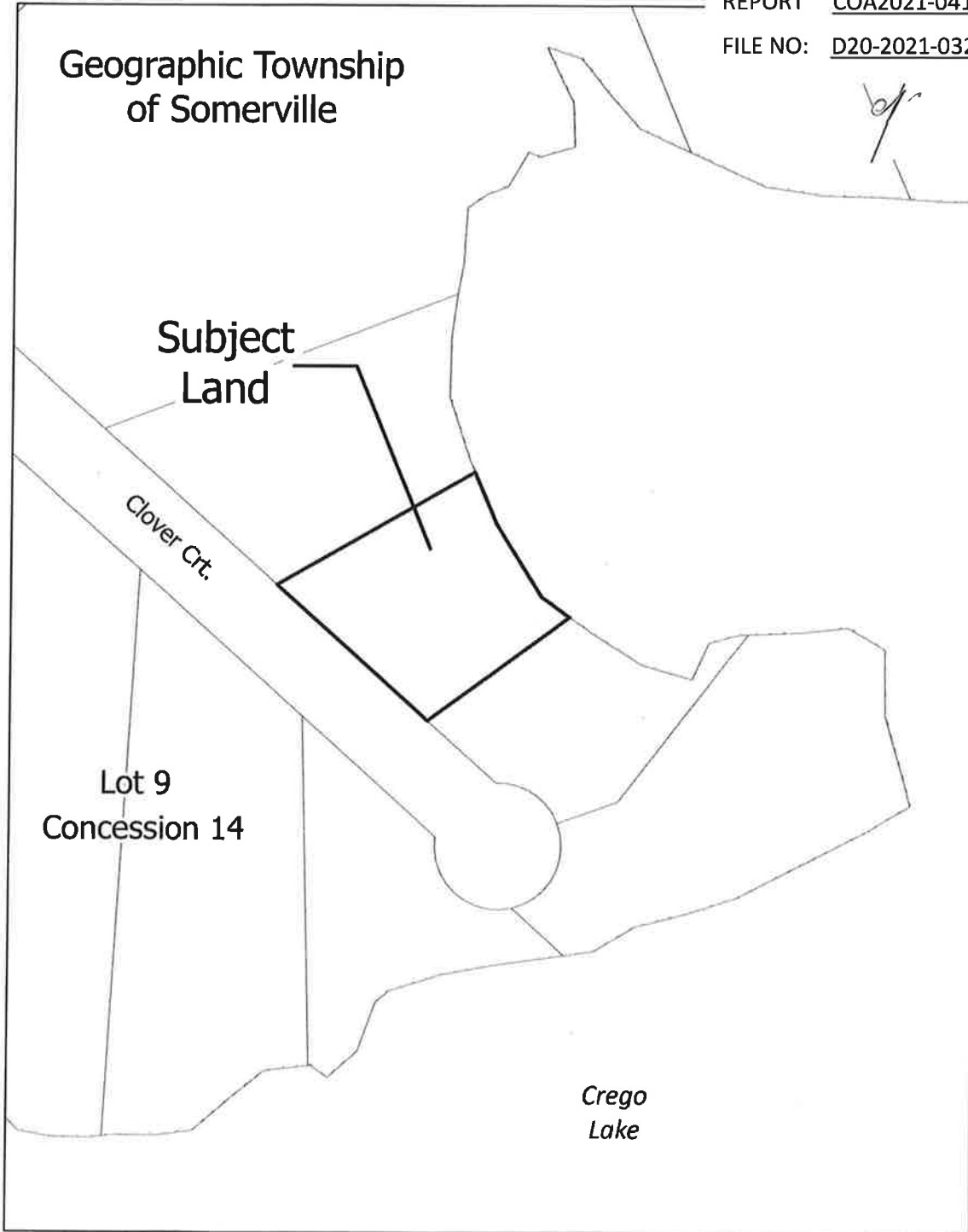
# D20-2021-032

APPENDIX " A "

to

REPORT COA2021-041

FILE NO: D20-2021-032



# 19 Clover Court, former Township of Somerville



**Legend**

- Property Roll Number
- Lots and Concessions

APPENDIX " B "

to

REPORT COA2021-041

FILE NO: D20-2021-032

**Notes**

Notes

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

APPENDIX " C "

to

REPORT COA2021-041

FILE NO: D20-2021-032

REVISED 01 June 16, 2021 4:54 PM  
 SITE PLAN/GRADING PLAN OF  
 19 CLOVER COURT  
 CITY OF  
 KAWARTHA LAKES  
 TOWNSHIP OF TOWNSHIP

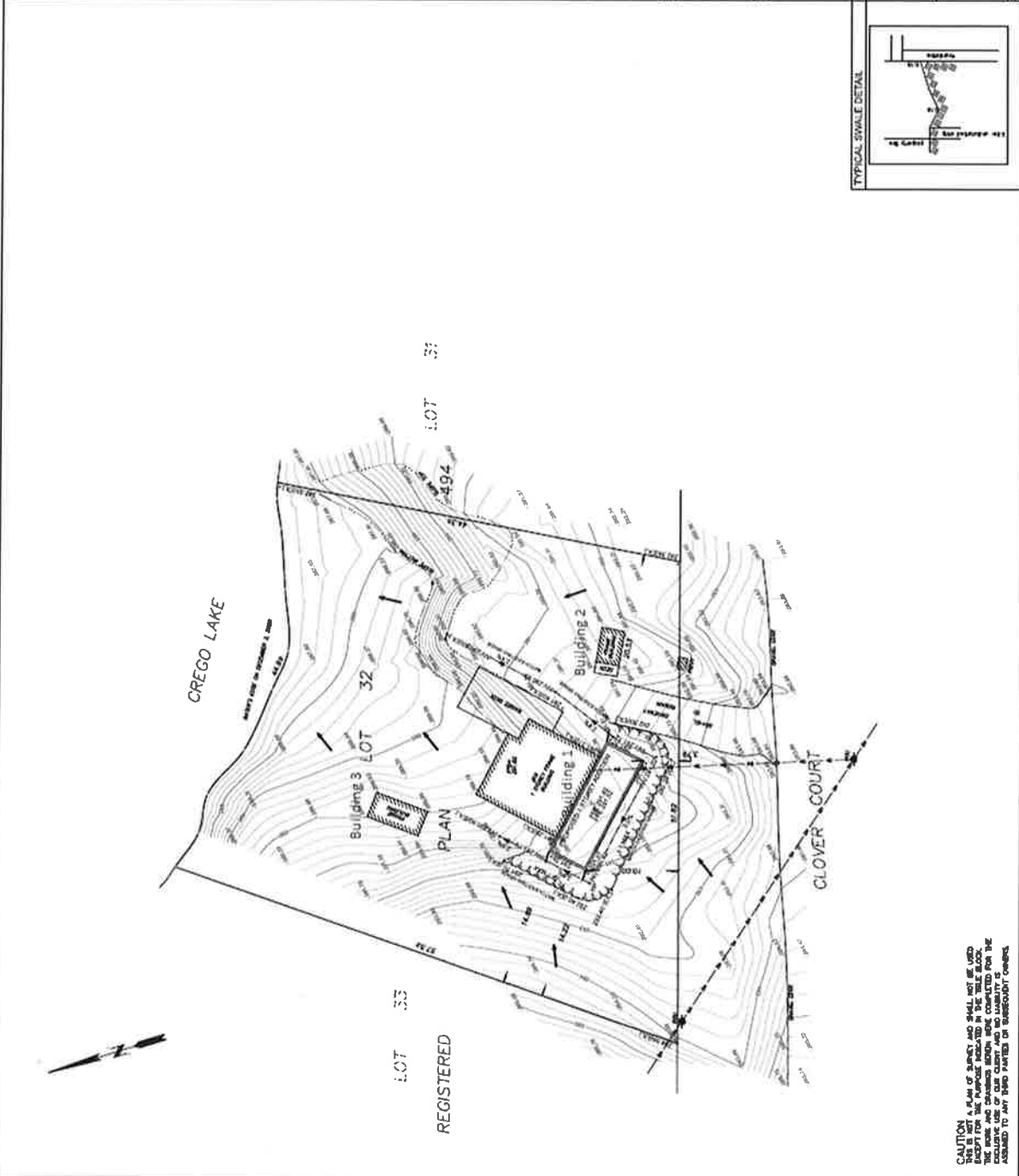
- CITY OF KAWARTHA LAKES NOTES**
1. DRAINAGE SHALL BE SELF-CONTAINED OR DRAIN TO A PROTECTED OUTLET DRAINAGE SYSTEM. ALL DRAINAGE SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF KAWARTHA LAKES DRAINAGE BY-LAW.
  2. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.
  3. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.
  4. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.
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  6. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.
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  9. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.
  10. ALL DRAINAGE SHALL BE INSTALLED TO PREVENT FLOODING TO ANY ADJACENT LOT, INCLUDING BACKFLOW PREVENTION TO ANY ADJACENT LOT.

**PLAN NOTES**

1. THE SUBMISSION OF THIS PLAN REPRESENTS THAT THE OWNER HEREBY REPRESENTS THAT THE CONSTRUCTION OF THE PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF KAWARTHA LAKES DRAINAGE BY-LAW AND ALL APPLICABLE REGULATIONS.

2. THE SUBMISSION OF THIS PLAN REPRESENTS THAT THE OWNER HEREBY REPRESENTS THAT THE CONSTRUCTION OF THE PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF KAWARTHA LAKES DRAINAGE BY-LAW AND ALL APPLICABLE REGULATIONS.

3. THE SUBMISSION OF THIS PLAN REPRESENTS THAT THE OWNER HEREBY REPRESENTS THAT THE CONSTRUCTION OF THE PROJECT SHALL BE IN ACCORDANCE WITH THE CITY OF KAWARTHA LAKES DRAINAGE BY-LAW AND ALL APPLICABLE REGULATIONS.



**CAUTION**  
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR THAT PURPOSE. THE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA AND THE LIABILITY OF THE USER FOR THE EXCLUSIVE USE OF THE CLIENT. NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.



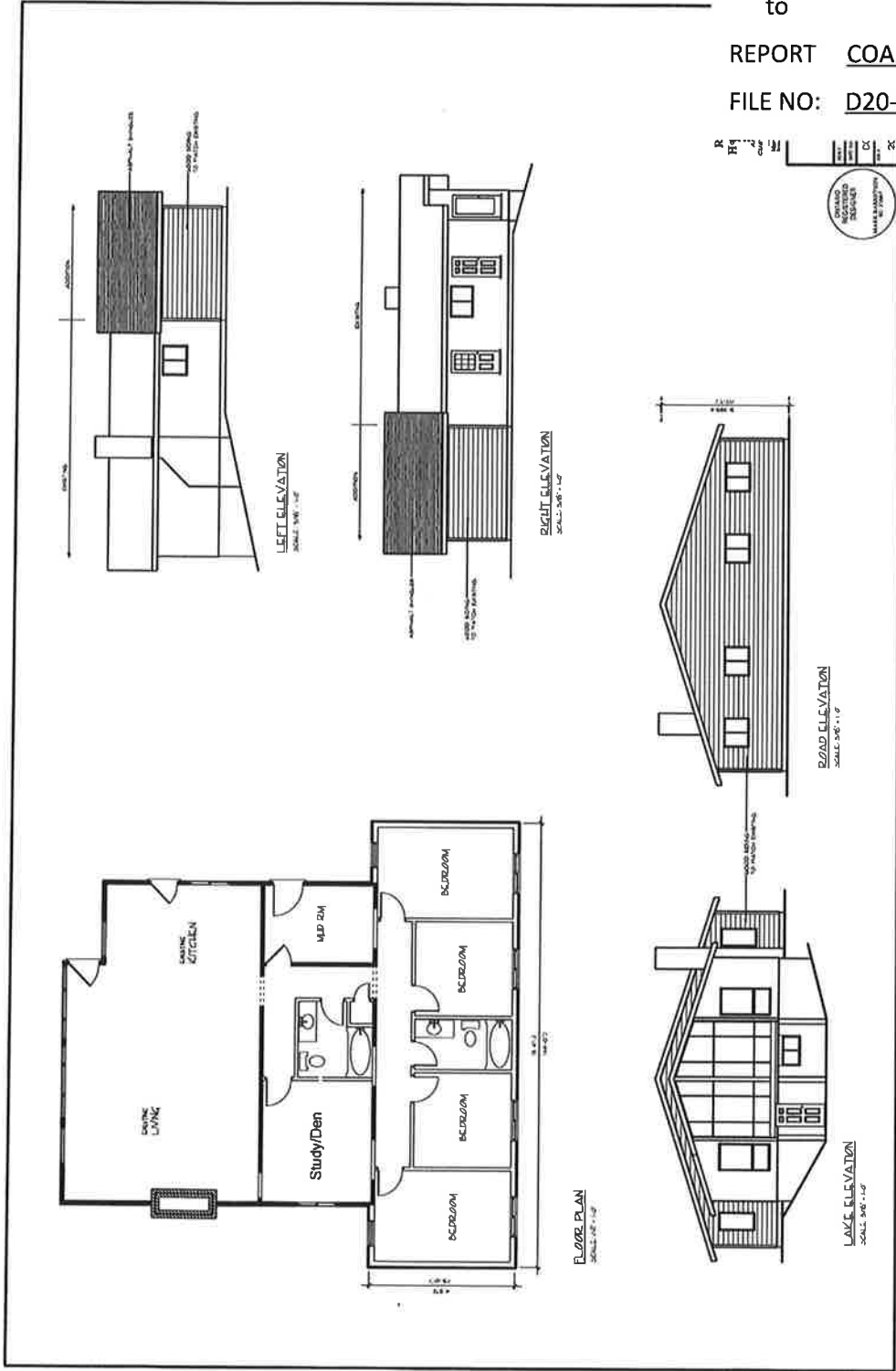


APPENDIX " D "

to

REPORT COA2021-041

FILE NO: D20-2021-032



**Kent Stainton**

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**From:** Kim Rhodes  
**Sent:** Friday, June 4, 2021 9:59 AM  
**To:** Charlotte Crockford  
**Subject:** FW: 20210508 D20-2021-032 - Engineering review

APPENDIX " E "  
to

REPORT COA2021-041

FILE NO. D20-2021-032

**From:** Kim Rhodes  
**Sent:** Friday, June 4, 2021 9:57 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Daniel Woodhead  
**Subject:** 20210508 D20-2021-032 - 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 – D20-2021-032  
19 Clover Court  
Lot 32, Plan 484, Part Lot 9, Concession 14  
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.2 (d) in order to reduce the rear yard setback from 7.5 metres to 3.75 metres to facilitate the construction of an addition to an existing vacation dwelling.

*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:** Derryk Wolven  
**Sent:** Friday, June 4, 2021 11:01 AM  
**To:** Charlotte Crockford  
**Subject:** RE: D20-2021-032, Notice of Public Hearing for Minor Variance, 19 Clover Court, Somerville

Building division has no concerns with the above noted application.

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



**From:** Charlotte Crockford  
**Sent:** Wednesday, June 2, 2021 4:45 PM  
**To:** 'Erin McGregor'; Christina Sisson; Kim Rhodes; Emmett Yeo; Susanne Murchison; Derryk Wolven; Anne Elmhirst  
**Subject:** D20-2021-032, Notice of Public Hearing for Minor Variance, 19 Clover Court, Somerville

Good afternoon

Please find attached D20-2021-032, Notice of Public Hearing for Minor Variance, 19 Clover Court, Somerville.

Many thanks

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