

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Kenneth Paul Handley
Report Number COA2021-048

Public Meeting

Meeting Date: July 15, 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 Section 15.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 2.1 metres to permit the construction of a 2.5 storey single-detached dwelling with an attached deck.

The variance is requested at 10 Lakeview Park Road, geographic Township of Fenelon (File D20-2021-028).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2021-048 Handley, be received;

That minor variance application D20-2021-028 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 sketches in Appendices C-D submitted as part of Report COA2021-048, which shall be attached to and form part of the Committee's Decision;
- 2) **That** owner shall apply for a deeming by-law for Lots 15,16, 31 & 32 of Plan 169, and the by-law be in effect;
- 3) **That** the owner shall apply for a merger agreement, pursuant to Section 51(26) of the *Planning Act*, with the City of Kawartha Lakes to the effect that the resultant parcels addressed as 10 Lakeview Park Drive, identified as PINs 63161-0301 (LT) & 63161-0314 (LT) will henceforth be dealt with as one lot. The agreement shall be registered against both parcels;
- 4) **That** within twenty-four (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 COA2021-048 as 'Frame Garage' has been removed, and;

- 5) **That** the building construction related to the minor variance 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 COA2021-048. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant submitted a proposal to construct a replacement 2.5 storey dwelling with walkout basement and associated wooden deck from the ground floor.

The subject lands are comprised of a 'waterfront lot' and a 'back-lot'. The property has two separate PINs, separate Assessment Roll Numbers (ARNs) and based on the legal descriptions under both Parcel Registers, the lots are deemed to be separately conveyable and not tied together.

In order to lessen the number of reliefs sought through the application, the applicant has agreed to enter into a Merger Agreement to legally tie the two parcels together as well as a Deeming By-law to consolidate the existing lots. Separate conditions are recommended in order to ensure the registration of the agreement against both parcels and consolidate the existing lots as part of Plan 169.

Moreover, the deck originally proposed encroached within the water setback. The applicant revised the configuration of the deck to comply with the standard.

This application was deemed complete June 7, 2021.

Proposal: To demolish an existing cottage and construct a new 272.74 square metre (2,936 square feet) two-and-a-half-storey dwelling with a walkout basement and an attached wooden deck.

Owner: Kenneth Paul Handley

Applicant: Tom DeBoer (TD Consulting Inc.)

Legal Description: 10 Lakeview Park Road, Lots 15 to 16 (waterfront – Lot A) and 31 to 32 (backlot – Lot B), Plan 169, Part Lot 11, Concession 9, geographic Township of Fenelon, 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 Fenelon Zoning By-law 12-95

Site Size: Approximately 0.2 hectares (0.47 acres); Lot A - 1,000 square metres (10,764 square feet) and Lot B - 931 square metres (10,021 square feet)

Site Servicing: Private individual water system (lake draw) and private septic system

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Shoreline Residential
East: Sturgeon Lake
West: Vacant land, Lakeview Park Road

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 shoreline residential neighbourhood on the western shores of Sturgeon Lake. Most parcels within this neighbourhood are of similar size and comprised of both a waterfront lot (Lot A) and back-lot (Lot B). Each lot as part of the subject lands is approximately 1,000 square metres in size. The homes within the neighbourhood are relatively modest in size, which allows for good spatial separation between homes and for the retention of vegetation screening between properties to increase privacy. It is reasonable to expect that over time, residents will undertake improvements to their properties along this reach of Sturgeon Lake.

The new 2.5 storey dwelling is not anticipated to generate any adverse massing or land use impacts, as it is screened from the abutting neighbours to the north and south (14 and 8 Lakeview Park Road) by established vegetation and mature cedar hedges on both property lines. The proposed dwelling emulates the 2.5 storey with walkout basement design of 8 Lakeview Park Road and will be similar in height. The eastern third of the property consists of manicured lawn and slopes considerably towards Sturgeon Lake with the basement walkout extending to a proposed patio and proposed deck off of the main floor taking advantage of the level grade that exists on the property.

Most of the backlots along Lakeview Park Drive contain detached accessory garages and structures. A condition is recommended for the owner to enter into a merger agreement such that the front and back lots are treated as one entity. As a result of the agreement, there is the option to explore the backlot portion of the lot for the purpose of accessory buildings and structures with the required two (2) parking spaces provided for on the backlot.

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 Limited Service Residential (LSR) Zone permits a variety of residential uses, including single detached dwellings.

The dwelling is oriented towards the Sturgeon Lake shoreline to the north. As such, the majority of the parcel's recreational amenity space is located within the north and eastern yards. The area west of the dwelling functions as the front yard since the front door is proposed in this area. The backlot also offers amenity space and removes the requirement for on-street parking, keeping the roadway clear and bringing the property into compliance with the Zoning By-law.

Through reducing the front yard setback, the water setback is improved by over a metre, as the location of the proposed deck being greater than 15 metres from the shoreline. Since Lakeview Park Road terminates at a cul-de-sac to the north and does not experience the level of traffic that neighbouring Long Beach Road does, the vast majority of traffic consists of residents of Lakeview Park Road and an encroachment into the front yard is negligible from a traffic perspective. It also appears as though many of the existing dwellings do not currently comply with the front yard setback in order to maintain an adequate water yard setback from Sturgeon Lake. Currently, the existing dwelling is 3.97 metres from the front lot line. The location of the proposed new septic system in the northwest section of the property also directs development on the property.

It is important to note that upon conducting the site visit associated with the variance application, Planning staff identified a small garage located near the proposed location of the septic system. The building will be removed to facilitate the development. A condition is recommended in order to ensure the garage is entirely removed from the property.

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 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 in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat in accordance with Ministry of Natural Resources and Forestry (MNR) recommendations.

These setbacks also have the added function of directing built form away from the shorelines so that natural, rather than built form, dominates and reduces massing impacts by increasing spatial separation. All development proposed through the application is greater than 15 metres away from the shoreline.

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

Other Alternatives Considered:

The original deck configuration encroached within the minimum 15 metre water yard setback of the Zoning By-law with a separate relief requested for the encroachment. Upon receipt of the original submission of the application, the applicant was advised to revise the configuration to comply with the water yard provisions. Subsequently, the applicant revised the proposal to comply with the provisions.

Servicing Comments:

The property is serviced by a private individual water supply (lake draw) 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:

Development Engineering Division (June 30, 2021): No objections.

Building and Septic Division – Plans Examiner (July 2, 2021): No concerns.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (June 7, 2021): A site visit was conducted to evaluate the ability to service the property with a private on-site sewage disposal system. Through field observations, it was determined that a private sewage disposal system could be accommodated on the property. Property modifications, as outlined in the site plan, would need to be completed in order to accommodate the sewage system. As such, the Building and Septic Division has no objection to the minor variance proposal as it relates to private sewage disposal systems

Kawartha Region Conservation Authority (Kawartha Conservation)(June 16, 2021): The Resources Planner Technician notes that a permit will be required to facilitate the works proposed. Based on consideration for natural heritage, watershed management and natural hazards, there are no concerns with the proposal.

Public Comments:

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

Attachments:



Appendices A-E for
COA2021-048.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Site Plan)

Appendix D – Applicant's Sketch (Elevations)

Appendix E – 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: D20-2021-028

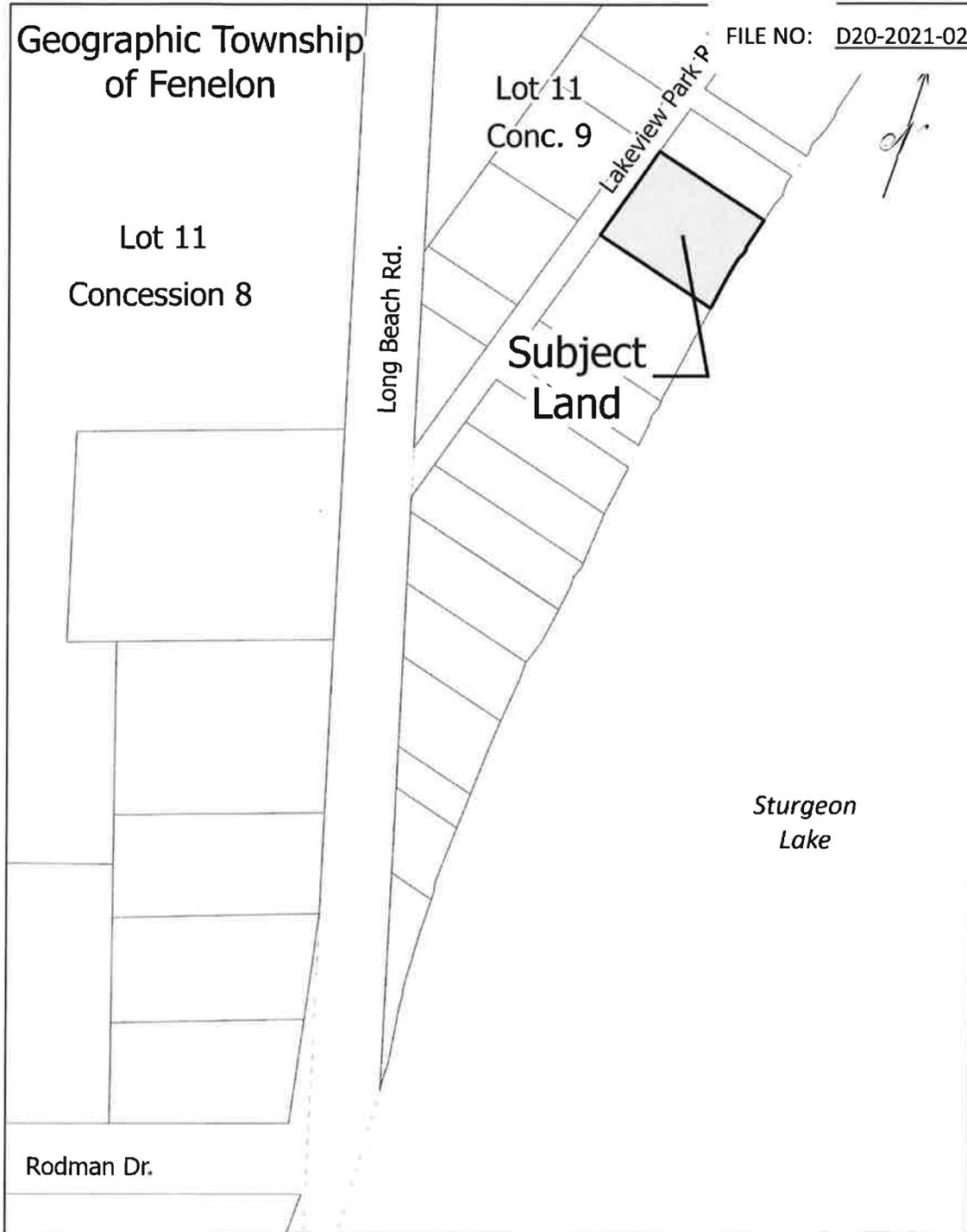
D20-2021-028

APPENDIX " A "

to

REPORT COA2021-048

FILE NO: D20-2021-028



10 Lakeview Park Road, Fenelon Township



Legend

- Property Roll Number
- Lots and Concessions
- Roads_2020
- <all other values>
- Resource / Recreation, Service
- Arterial
- Collector, Expressway / Highway, Fi
- Local/Residential

Notes

Notes

REPORT COA2021-048
FILE NO: D20-2021-028

APPENDIX " B "

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

APPENDIX " D "

to

REPORT COA2021-048

FILE NO: D20-2021-028

FLOOR PLAN

FRONT ELEVATION

ROOF PLAN

RECEIVED
JUN - 7 2021
City of Santa Barbara
Development Services
Planning Division

RESIDENTIAL
HOOD DESIGNS
1000 W. SANTA BARBARA ST.
SANTA BARBARA, CA 93101
TEL: 805.964.1111

JANALY
1000 W. SANTA BARBARA ST.
SANTA BARBARA, CA 93101
TEL: 805.964.1111

JUN 04 4 280 2021
19 2021 AL

CROSS SECTION

REAR ELEVATION

RECEIVED
JUN - 7 2021
City of Santa Barbara
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JUN 04 4 280 2021
19 2021 A5

Kent Stainton

From: Derryk Wolven
Sent: Friday, July 2, 2021 10:47 AM
To: Charlotte Crockford
Subject: D20-2021-028 10 Lakeview

APPENDIX " E "
to
REPORT COA2021-048
FILE NO. D20-2021-028

Please be advised 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



Kent Stainton

From: Kim Rhodes
Sent: Wednesday, June 30, 2021 1:24 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20210630 D20-2021-028 - Engineering review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-028
10 Lakeview Park Road
Lots 15 to 16, Plan 169, Part Lot 11, Concession 9
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(a) to reduce the minimum front yard setback from 7.5 metres to 2.1 metres to permit the construction of a replacement 1.5 storey single detached dwelling with attached deck.

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



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

From: Charlotte Crockford
Sent: Tuesday, June 8, 2021 2:37 PM
To: Kent Stainton
Subject: FW: D20-2021-028 - 10 Lakeview Park Rd

Follow Up Flag: Follow up
Flag Status: Flagged

Please see below.

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: Anne Elmhirst
Sent: Monday, June 7, 2021 2:51 PM
To: Charlotte Crockford
Cc: Nancy Ord
Subject: D20-2021-028 - 10 Lakeview Park Rd

Hello Charlotte,

RE: Minor Variance Application D20-2021-028
10 Lakeview Park Rd, Former Fenelon Township,
Plan 169, Lot 15, 16
Roll No. 165121003045900

I have received and reviewed the request for minor variance to reduce the front yard and water yard setbacks to allow for the construction of a single detached dwelling.

The report indicates a proposal for a replacement sewage system to service the proposed dwelling. A site visit was conducted to evaluate the ability to service the property with a private on-site sewage disposal system. Through field observations it was determined that a private sewage disposal system could be accommodated on the property. Property modifications, as outlined in the site plan, would need to be completed in order to accommodate the sewage system.

As such, the Building and Septic Division has no objection to the minor variance proposal as it relates to private sewage disposal systems.

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



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**KAWARTHA
CONSERVATION**

Discover · Protect · Restore

KRCA File NO: PPLK-10524

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
D20-2021-028
10 Lakeview Park Road
Kenneth Paul Handley and TD Consulting Inc.**

Kawartha Conservation has completed review of the above noted Minor Variance Application, submitted by TD Consulting Services Inc., on behalf of Kenneth Paul Handley. 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 D20-2021-028 is to seek relief from the Township of Fenelon Zoning By-Law 12-95 to allow for a reduced minimum front yard setback from the required 7.5 metres to 2.1 metres, and to reduce the minimum water setback from the required 15 metres to 13.98 metres, for the construction of a single detached dwelling and deck.

Site Characteristics:

The subject property is adjacent to Sturgeon Lake/fish habitat and is mapped within hazards lands (erosion hazards). Kawartha Conservation regulates the shoreline of Sturgeon Lake and 15 metres from the regulatory flood elevation, and all known hazards.

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

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





**KAWARTHA
CONSERVATION**

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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.

A permit is required from our office prior to any onsite works.

Recommendation:

Kawartha Conservation has no concern with the approval of D20-2021-028 based on our consideration for natural heritage, watershed management, and natural hazards.

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

Sincerely,

Erin McGregor

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

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