

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Leo Anagnostakos
Report Number COA2021-061

Public Meeting

Meeting Date: September 16, 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 13.2.1.2(c) to reduce the minimum lot frontage requirement from 35 metres to 25.11 metres in order to fulfill a condition of provisional Consent associated with a lot line adjustment as part of Consent File D03-2021-002.

Relief is also being requested from Section 3.1.3.2 to increase the maximum allowable height of an accessory building (detached garage) in a residential zone from 5 metres to 6.17 metres.

The variance is requested at 584 Birch Point Road, geographic Township of Fenelon (File D20-2021-052).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-061 Anagnostakos, be received;

That minor variance application D20-2021-052 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 Appendices C-D submitted as part of Report COA2021-061, which shall be attached to and form part of the Committee's Decision;
- 2) **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, and;

- 3) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2021-002, lapses.

This approval pertains to the application as described in report COA2021-061. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The Acting Director of Development Services, as delegated by Council, granted provisional consent for file D03-2021-002 to sever approximately 207 square metres from the abutting property addressed as 584 ½ Birch Point Road and add the lands to the subject property. The applicant has agreed to the conditions of the staff recommendation. The resultant lands are approximately 3,119 square metres (0.77 acres) in size. The lot addition will facilitate each property to be redeveloped with a new two-storey single detached dwelling, a detached garage and private individual septic system.

Through review of the consent application, it was determined that both the benefitting and retained shoreline lots do not meet the minimum lot frontage requirement of the Zoning By-law. Condition 3 of the provisional consent approval requires a variance for both the retained and benefitting lands such that relief from the minimum lot frontage provisions is recognized.

When reviewing the Building Plans associated with a detached garage proposed as part of the redevelopment of the lot, it was identified that relief would also be required to increase the maximum allowable height for the detached garage.

The application is concurrent with minor variance file no. D20-2021-051; whereby, a reduced lot frontage and an identical increase in the maximum allowable height for an accessory building (detached garage) is being proposed. The loft area of the detached garage is not to be used for human habitation.

This application was deemed complete on August 20, 2021.

Proposal: To demolish an existing one-storey cottage and construct a new 370 square metre (3,983 square feet) two-storey dwelling and a 111.5 square metre (1,200 square feet) detached garage.

Owner: Leo Anagnostakos

Legal Description: 584 Birch Point Road, Part Lots 12 and 13, Plan 291, Parts 2 to 10, 57R-10683, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan:	Waterfront and Environmental Protection within the City of Kawartha Lakes Official Plan (2021)	
Zone:	Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95	
Site Size:	3,116.80 square metres (0.77 acres)	
Site Servicing:	Private individual well and private septic system	
Existing Uses:	Shoreline Residential	
Adjacent Uses:	North, South:	Shoreline Residential
	East:	Balsam Lake
	West:	Agricultural Pastureland

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 situated in a shoreline residential neighbourhood on the southern shore of Balsam Lake, north of a small peninsula. This specific neighbourhood consists of a fair mix of older cottages and larger infill development. It is anticipated that the surrounding properties will undergo intensification in the years to come.

The associated Consent application proposes to partially reverse the decision of City of Kawartha Lakes File No. D03-2017-016; whereby, lands were severed and added to 584 ½ Birch Point Road through a lot line adjustment. Concurrently, Consent application (City of Kawartha Lakes File No. D03-2017-015) was approved for a Right-of-Way for an easement over the subject lands in favour of the property at 582 Birch Point Road, the abutting property to the south. No changes are proposed to the existing easement through the consent application.

The proposed location of the garage is set behind an established vegetative buffer and Birch Point Road, as the western portion of the lot is comprised of cedar and mixed conifer species. While some vegetation will be cleared to facilitate the septic system, a buffer of vegetation will be left for privacy. The proposed location of the garage will not present any massing impacts as a result, since the height of the garage is less than the proposed height of the two-storey dwelling at approximately 7.62 metres. Moreover, the reduction in lot frontage will be imperceptible given the location of the development in relation to the established vegetative screening along Birch Point Road and the distance of approximately 50 metres between the location of the garage and front lot line.

As a professional angler and wildlife enthusiast, the ground floor of the garage will contain a variety of boats, ATVs and associated equipment with one of the

boats to be stored containing equipment that is approximately 3.66 metres (12 feet) in height. As the proposed dwelling does not have a basement, additional storage is required in the form of a storage loft. The applicant has specified that the loft will not be used for human habitation with the roofline limiting such and no plumbing fixtures are proposed in the plans. The garage will compliment the character of the property and overall neighbourhood by providing enclosed storage for the vulnerable larger items that would otherwise be stored outside.

The design elements of the garage including an east-facing dormer with window above the two garage doors and windows on all sides. The design works towards blending in the appearance of the garage with the dwelling unit. The result is a building that appears more aesthetically-pleasing than a typical utilitarian accessory building. Moreover, letters supporting both reliefs applied for through the application have been received from seven (7) of the neighbouring property owners in the immediate vicinity of the subject lands. The letters can be found in Appendix F of the report.

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 Rural Residential Type Three (RR3) Zone permits a variety of uses, including single detached dwellings and accessory buildings. Accessory buildings by their nature should compliment both the dwelling on the property and the general neighbourhood streetscape. This neighbourhood contains accessory buildings within the front yards.

One of the intents of the General Provisions of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is accessory to a primary use. The requested 1.17 metre relief from the Zoning By-law is imperceptible when viewing the building from ground-level. As mentioned, the garage will be less than the height of the existing dwelling and will comply with all other development standards. Given the design treatments proposed for the garage and the presence of nearly identical garage to the north, the garage will compliment rather than dominate the presence of the proposed two-storey dwelling. When viewed from the water, the residential dwelling will attract the majority of the visual interest, as the garage would be shielded by the dwelling.

The purposes of the minimum lot frontage requirement for shoreline lots is to ensure the parcel is wide enough to support a dwelling, well and septic system through creating adequate spatial separation while maintaining appropriate setbacks from the shoreline. Moreover, the lot frontage requirement ensures buildings and structures do not dominate the parcel in terms of massing and lot coverage. Through spreading out development, adequate accessibility and lot drainage can also be maintained. The Supervisor of Part 8 Sewage Systems confirms that there is adequate room for a replacement septic system based on the new lot boundaries. Engineering and Corporate Assets Division also confirms that there will be no impacts with respect to lot drainage as a result of

the reduced lot frontage. It is important to note that the previous lot frontage created through Plan 291 was non-compliant with the 35 metre requirement.

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 and Environmental Protection within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within the Waterfront designation.

The Environmental Protection designation follows a Provincially Significant Wetland (PSW) that follows the shoreline of the property. No development is proposed within the EP designation nor within 15 metres of the shoreline. The detached garage will be greater than 30 metres from the shoreline and will not impact the overall character of the shoreline of Balsam Lake. Kawartha Conservation provided comments on the consent application indicating there will be no negative impacts with respect to natural heritage, watershed management and natural hazards components of Planning Policies.

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

Other Alternatives Considered:

No alternatives are considered at this time.

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:

Engineering and Corporate Assets Division (September 2, 2021): No objections.

Building and Septic Division (September 3, 2021): The applicant has submitted an Application for a Sewage System Permit to upgrade the system serving the property. This system has been designed to accommodate a new single detached dwelling on the property. As well, the sewage system has been located to provide adequate space for the detached garage and the lot size.

The detached garage height is to accommodate recreational vehicles and storage. The applicant has indicated that it will not be used for human habitation, nor will it contain plumbing fixtures.

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

Building and Septic Division – Chief Building Official (September 7, 2021): No concerns, applications have already been filed for building permits relating to the replacement dwelling and detached garage.

Public Comments: Public comments in support of both reliefs requested through the application were submitted by the following:

George Zachopolous of 578 Birch Point Road, dated August 30, 2021;

Diane Williamson of 576 Birch Point Road, dated August 28, 2021;

Leith Henry of 582 Birch Point Road, dated August 27, 2021;

Tom Trelford of 580 Birch Point Road, dated August 28, 2021;

Tim Tatchell of 586 Birch Point Road, dated August 28, 2021;

Barb Harrison of 590 Birch Point Road, dated August 28, 2021;

Doug Simmonds of 594 Birch Point Road, dated August 28, 2021.

The associated documentation can be found in Appendix F of the report.

Attachments:



Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Lot Drainage and Grading Plan)

Appendix D – Elevation Drawings

Appendix E– Department and Agency Comments

Appendix F – Public Comments

Phone: 705-324-9411 extension 1367

E-Mail: kstainton@kawarthalakes.ca

Department Head: Richard Holy, Acting Director of Development Services

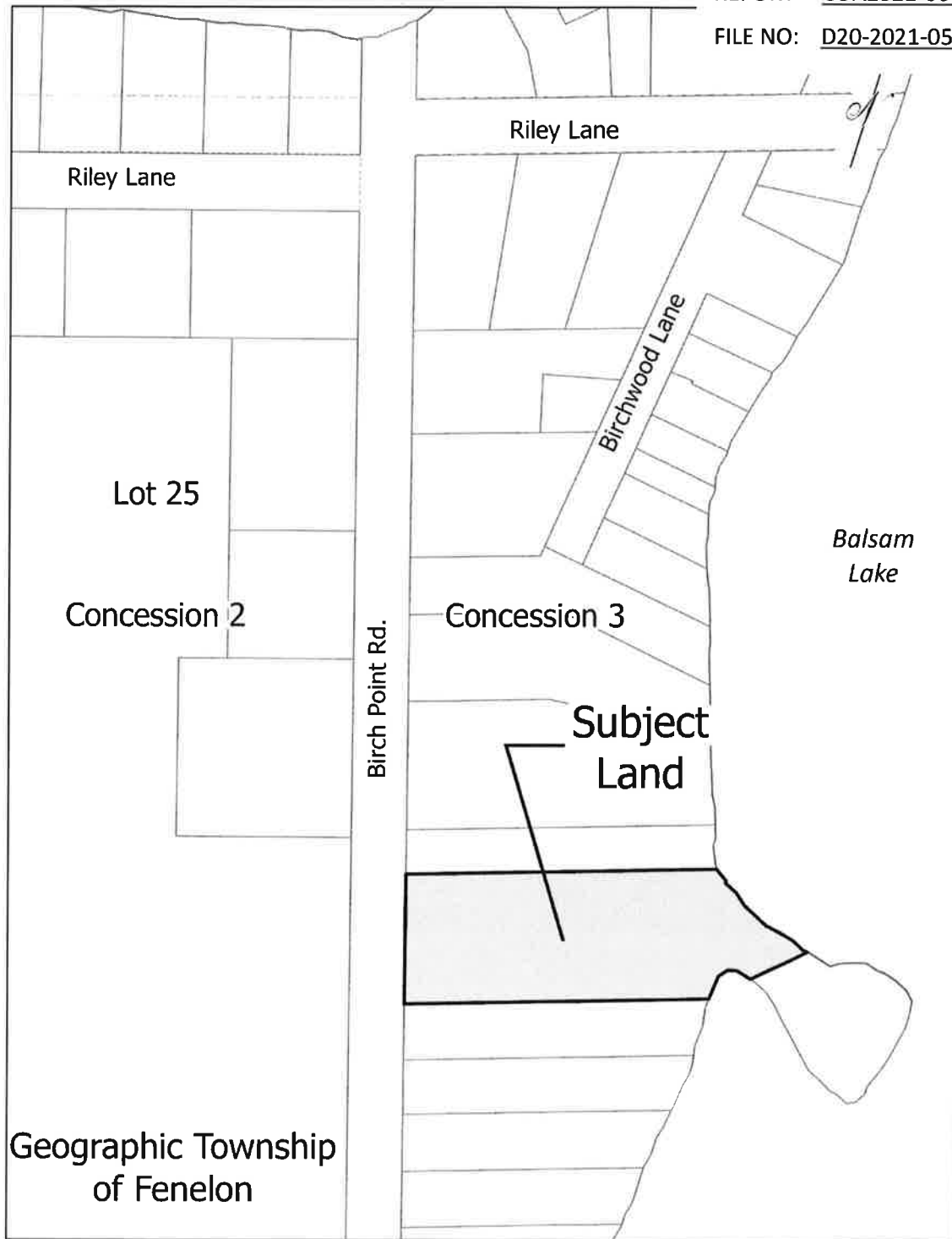
Department File: D20-2021-052

APPENDIX " A "

D20-2021-051 & -052

to
REPORT COA2021-061

FILE NO: D20-2021-052





584 & 584 1/2 Birch Point Road, Geographic Township of Fenelon



- Legend**
- Property Roll Number
 - Lots and Concessions
 - Road Centreline (2016 Needs)

0.11 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
City Of Kawartha Lakes

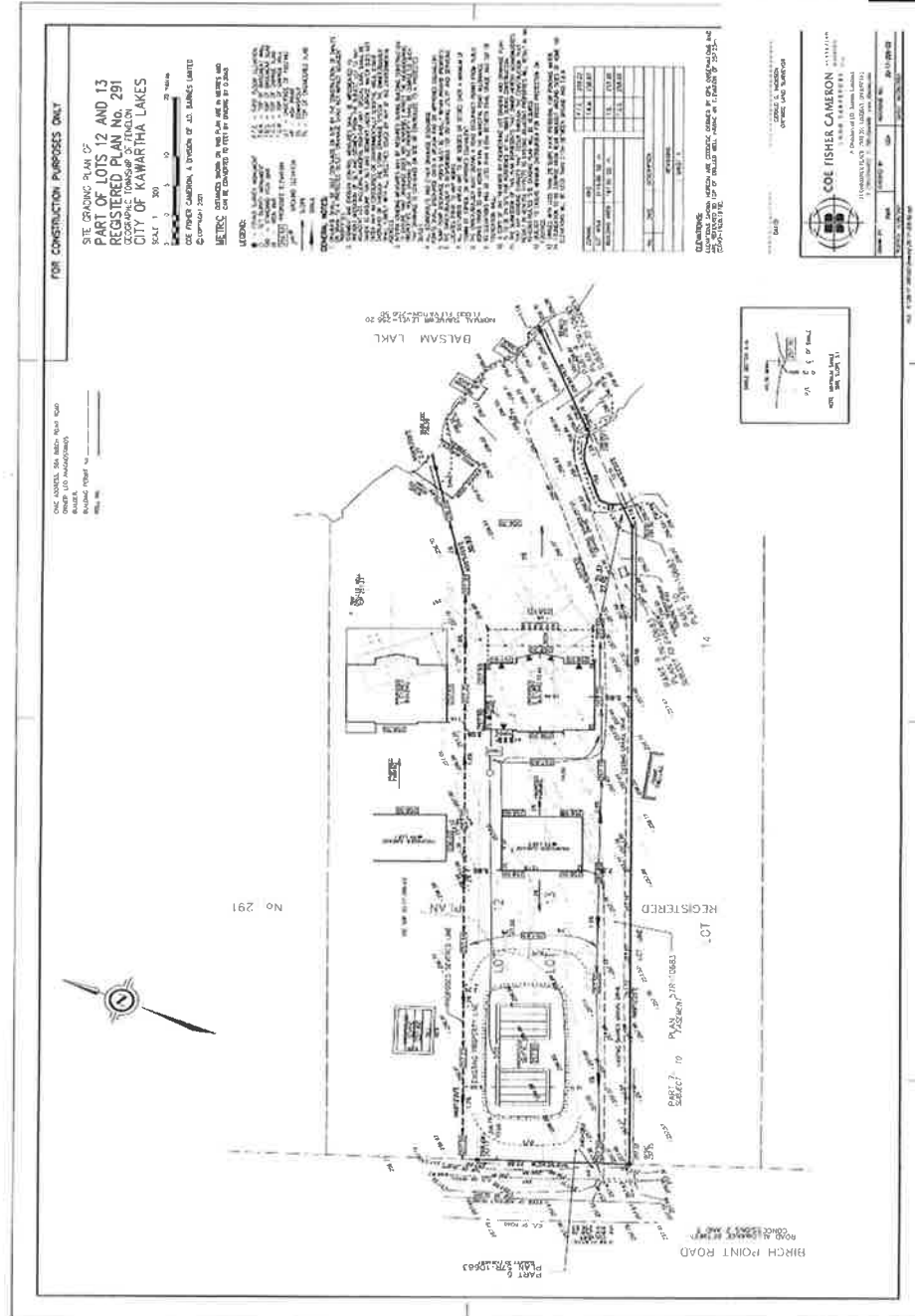


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

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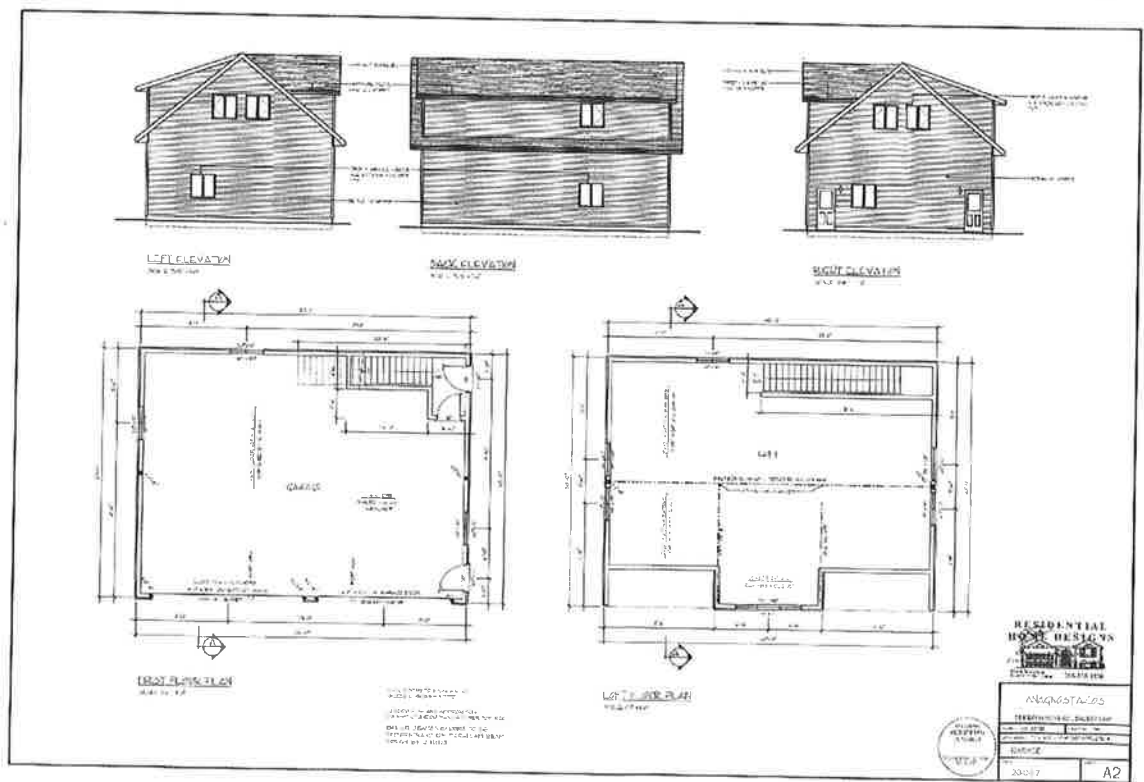
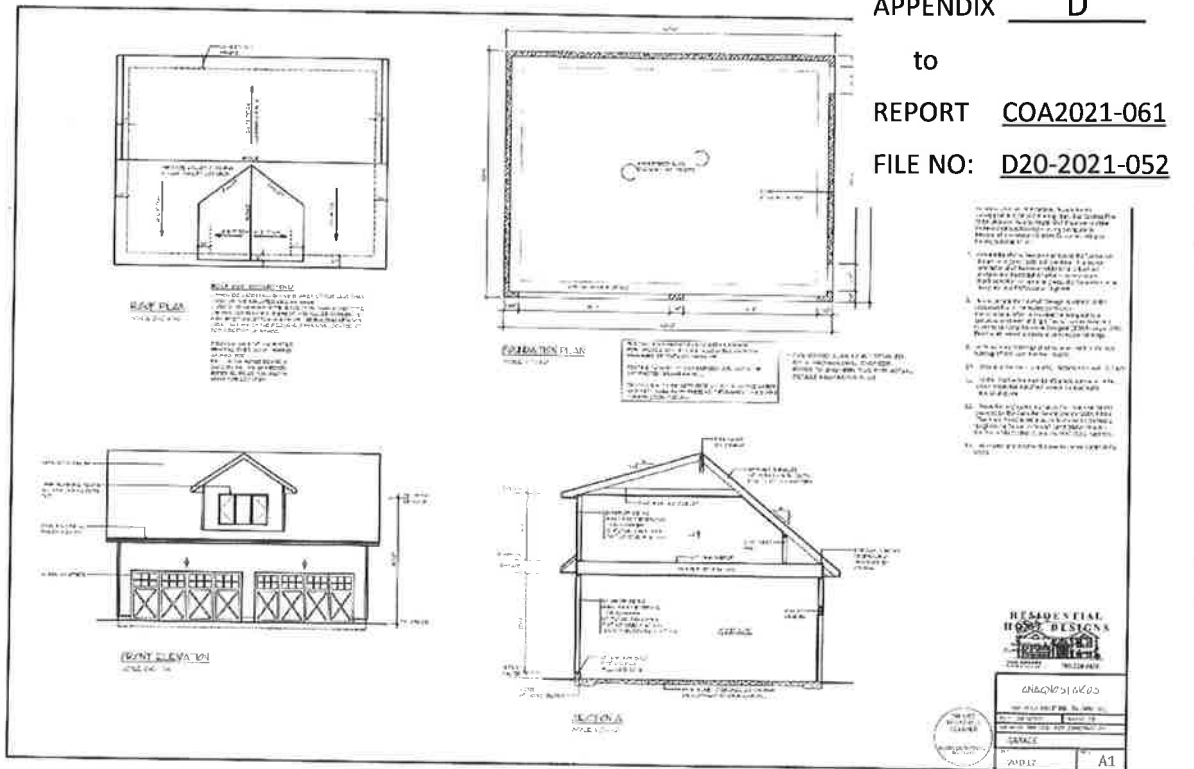
APPENDIX " B "
to
REPORT COA2021-061
FILE NO: D20-2021-052

FILE NO: D20-2021-052



APPENDIX " D "

to
REPORT COA2021-061
FILE NO: D20-2021-052



Charlotte Crockford

From: Susanne Murchison
Sent: Tuesday, September 7, 2021 7:08 PM APPENDIX E
To: Charlotte Crockford to
Cc: David Harding; Kent Stainton REPORT COA2021-061
Subject: MV comments

FILE NO. D20-2021-052

The following reflect the Building and Septic Division comments, save and except those relating to on-site sewage systems which will be provided under separate email by Part 8 Supervisor:

D20-2021-047: no concerns at this stage, further comments will be provided through the site plan approval process, building permit required for proposed hotel building, development is subject to development charges bylaw

D20-2021-050: no concerns, structure built without benefit of building permit but owner is working with staff to correct issues, building permit required for proposed dwelling, development charges apply to this development

D20-2021-051: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-052: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-053: no concerns, applications have already been filed for building permits relating to this proposed detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection

D20-2021-054: no concerns, building permit required for the proposed detached garage, outstanding building permit relating to construction of the single detached dwelling BPH2007-0325 requires final inspection

D20-2021-055: no concerns at this stage, further comments will be provided through the site plan approval process, building permits required for proposed self-storage buildings, development is subject to development charges bylaw, the following are some of the major building code items that may affect the placement and size of the proposed self-storage buildings: design of on-site supply of water for fire fighting, spatial separation and related construction materials, fire route design – these items will be reviewed at site plan approval stage

D20-2021-056: no concerns, application has already been filed for building permit relating to the construction of this proposed foundation

D20-2021-057: no concerns, building permit required for proposed dwelling, development charges apply to this development

Susanne Murchison, CBCO
Chief Building Official

Kent Stainton

From: Charlotte Crockford
Sent: Friday, September 3, 2021 12:26 PM
To: Kent Stainton
Subject: FW: D20-2021-052 - 584 Birch Point Rd

fyi

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 <aelmhirst@kawarthalakes.ca>
Sent: Friday, September 3, 2021 12:23 PM
To: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: D20-2021-052 - 584 Birch Point Rd

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2021-052 to request a reduction in the minimum lot frontage as well as to provide an allowance for an increased height for a detached garage.

The applicant has submitted an Application for a Sewage System Permit to upgrade the system serving the property. This system has been designed to accommodate a new single detached dwelling on the property. As well, the sewage system has been located to provide adequate space for the detached garage and the lot size.

The detached garage height is to accommodate recreational vehicles and storage. The applicant has indicated that it will not be used for human habitation, nor will it contain plumbing fixtures.

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

Kent Stainton

From: Kim Rhodes
Sent: Thursday, September 2, 2021 1:29 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20210902 D20-2021-052 Engineering review

Importance: High

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

Minor Variance – D20-2021-052
584 Birch Point Road
Part of Lot 12 and 13, Plan 291
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 13.2.1.2(c) to reduce the minimum lot frontage from 35 metres to 25.11 metres in order to fulfil a condition of provisional consent (File No. D03-2021-002) for a lot line adjustment. Relief is also being requested from Section 3.1.3.2 to increase the maximum allowable height of an accessory building (detached garage) in a residential zone from 5 metres to 6.17 metres to permit the construction of a detached garage.

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.

APPENDIX " F "

to

REPORT COA 2021-061

FILE NO. D20-2021-052

RECEIVED

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we George Zachopoulos support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, KOM 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature: 

Date: August 30, 2021

Address: 578 Birchpoint Rd.

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

RECEIVED

SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we Dane Wilkerson support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature:



Date:

Aug 28 '21

Address:

576 Birch Point Rd Woodville ON K0M 2T0.

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2


RECEIVED

SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we LEITH HENRY support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature: 

Date: 08/27/2021

Address: 584 Birchpoint Rd, Woodville ON K0M 2T0

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

RECEIVED

SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we S. Gershwin / Tom Trudford support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature: _____

Date: _____

Address: _____

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

RECEIVED

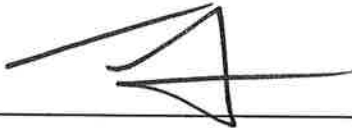
SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we Tia Teter support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature:



Date:

29 Aug 21

Address:

584 Birchpoint Rd Woodville ON

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

RECEIVED

SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

I/we Barb Harrison support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature: Barb Harrison Date: Aug 28, 21

Address: 590 BIRCH POINT Rd WOODVILLE, ONT.

City of Kawartha Lakes

Development Services Kawartha Lakes Planning Division

180 Kent Street West

Lindsay, ON

K9V 2Y6

Attention: Kent Stainton - Planner 2

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SEP - 1 2021

City of Kawartha Lakes
Development Services
Planning Division

AS PER.

I/we DOUG SIMMONDS support Mr. Anagnostakos's application with respect to the new build of their home at 584 Birchpoint Rd., Woodville, ON, K0M 2T0 with reduced frontage to 25.1 meters. We are also in support of his application for the garage variance detailing an increased height of 6.17 meters where bylaw allows for 5 meters.

Sincerely,

Signature:

Doug Simmonds

Date:

Aug 28/21

Address:

584 BIRCH POINT ROAD