

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Michael & Linda Bosiljevac
Report Number COA2021-062

Public Meeting

Meeting Date: September 16, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 8 – Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 13.2.1.3 b)(ii) to reduce the minimum interior side yard setback from 3 metres to 1.2 metres in order to permit the construction of a 75.8 square metre detached garage.

The variance is requested at 7 Bayside Street, geographic Township of Emily (File D20-2021-053).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-062 Bosiljevac, be received;

That minor variance application D20-2021-053 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 COA2021-062, 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.

This approval pertains to the application as described in report COA2021-062. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

Proposal:	To construct a new 75.8 square metre (816 square feet) detached garage on the subject lands.	
Owners:	Michael and Linda Bosiljevac	
Legal Description:	7 Bayside Street, Lot 5, Plan 384, Part Lot 29, Concession 7, Lot 17, 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:	Approximately 1,935.16 square metres (0.47 acres)	
Site Servicing:	Private individual well and private individual septic system	
Existing Uses:	Shoreline Residential	
Adjacent Uses:	North, South:	Shoreline Residential
	East:	Rural Residential, Kenedon Drive
	West:	Pigeon Lake

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 end of Pigeon Lake. This specific neighbourhood consists of older seasonal dwellings and smaller residences. The eastern side of Bayside Street is well vegetated with the majority of the lots being established on the western or lake side of the street.

The subject lands contain a single detached dwelling, which was constructed in 1959 (according to MPAC). A storage shed exists near the shoreline that predates the Township of Emily Zoning By-law 1996-30. A deck was added to the north side of the dwelling in 2015. The northern side yard also provides the larger access to the water side of the dwelling when compared to the southern interior side yard. The majority of the land between the dwelling and Bayside Street is occupied by vegetable and flower gardens as well as some fruit trees. The grade does increase from Bayside Street westward towards the dwelling and if the garage was proposed closer to the Street, larger grade modifications would be required to provide level access to the garage.

The southern lot boundary contains some sparse vegetation in the form of shrubs before transitioning to a mature cedar hedge that begins at the dwelling and grows to the west. The doors of the garage do not face towards Bayside

Street as to negate any potential traffic or sightline implications arising from the location of the garage. Since the garage would be located on the street side of the property, no impedance of the lake views from neighbouring properties will arise.

The design of the garage is conventional with two garage doors for accessibility and an access door and window on both eastern and western sides. Existing vegetation along the southern lot line will be maintained to break up the southern face of the garage. Through shifting the location of the garage towards the southern lot line, the prominence of the dwelling is maintained when viewed from Bayside Street.

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 subject lands are zoned Limited Service Residential (LSR) Zone within the Township of Emily Zoning By-law 1996-30.

Through locating the garage towards the southern lot line, the dwelling retains its visual prominence as the primary use and building on the property. The intent of the zoning by-law is to relegate accessory uses to the interior side or rear yard, and maintain sufficient spatial separation between accessory uses and interior side lot lines. Where a lot fronts onto a navigable waterway, the Township of Emily Zoning By-law does permit a private garage between the main building on the lot and the street line provided the garage complies with the yard provisions of the zone. The proposed garage complies with all other development standards of the of the Zoning By-law. The Development Engineering Division has no concerns with the proposal in regard to drainage impacts on adjacent properties resulting from the reduced interior side yard setback.

The location of the septic system to the west of the dwelling of the garage combined with the need to maintain accessibility to the rear yard from the northern interior side yard, relegates the location of the garage on the east side of the dwelling.

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 like detached garages are anticipated within this designation.

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

Other Alternatives Considered:

Through the pre-screening process, it was identified that the eave projections of the detached garage would need to be reduced in order to prevent abutting the interior side lot line. The applicant subsequently revised the dimensions of the eaves to project 0.6 metres (2 feet) in order to be compliant with the development standard.

Servicing Comments:

The property is serviced by a private individual water supply (well) 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 (September 2, 2021): No objections.

Building and Septic Division – Chief Building Official (September 7, 2021): No concerns, applications already filed for building permits relating to the detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (September 3, 2021): A sewage system review was conducted in 2015 for the construction of deck and proposed detached garage. A sewage system use permit has been located for this property as well. Based on the observations from the 2015 site visit and the existing sewage system report, the detached garage will be constructed outside of the sewage system area and will be maintained in the opposite yard to the system.

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

Kawartha Region Conservation Authority (KRCA) – Resources Planner Technician (August 6, 2021): Circulation of the minor variance application is not required as there are no concerns with the proposal.

Public Comments:

No comments have been received as of September 8, 2021.

Attachments:



Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch (Site Plan)
Appendix D – Elevation Drawings
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:	D20-2021-053

D20-2021-053

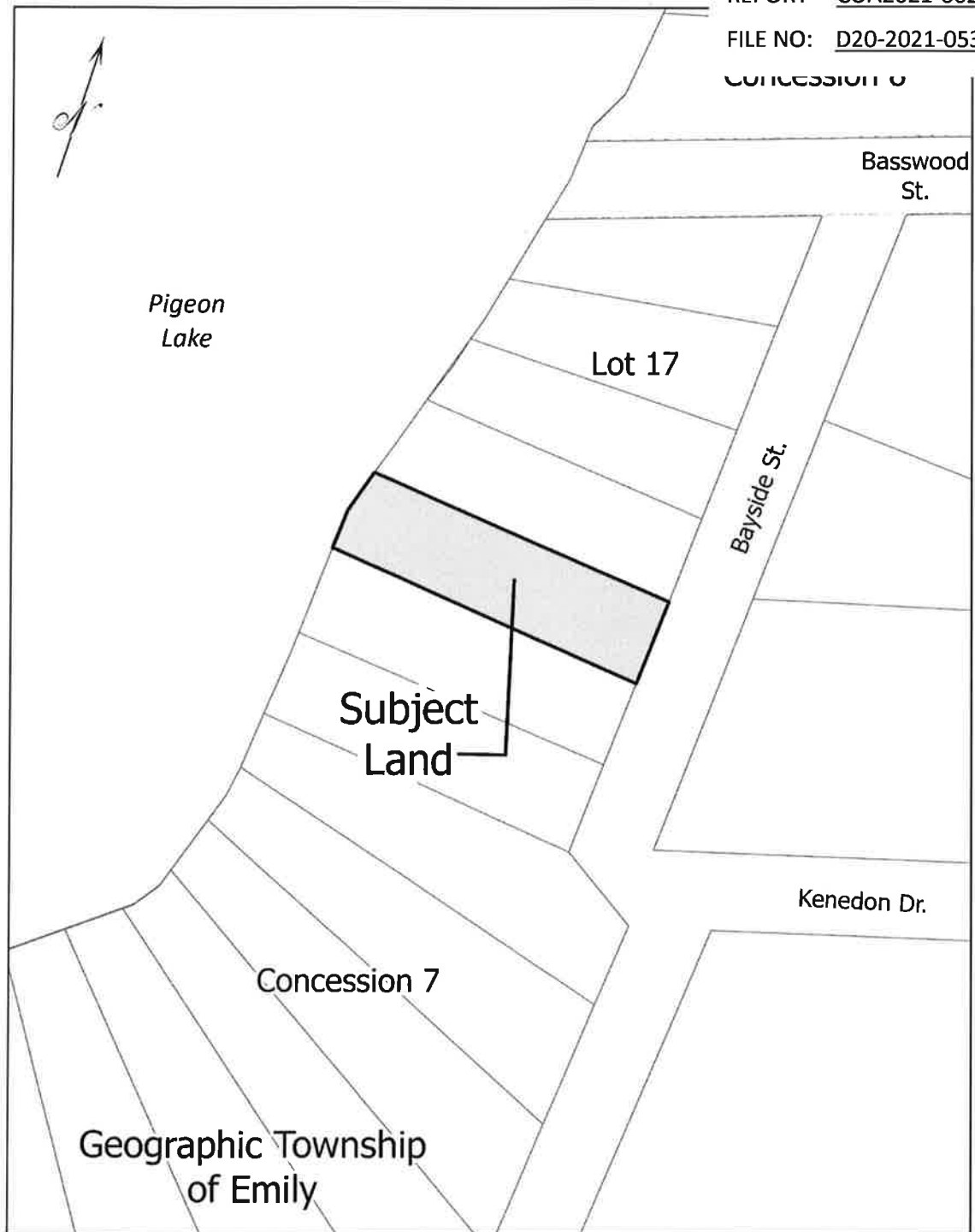
APPENDIX " A "

to

REPORT COA2021-062

FILE NO: D20-2021-053

CONCESSION 6



7 Bayside Street, Geographic Township of Emily



Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

Notes

Notes

APPENDIX " B "

to

REPORT COA2021-062

FILE NO: D20-2021-053

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

TOTAL 248851

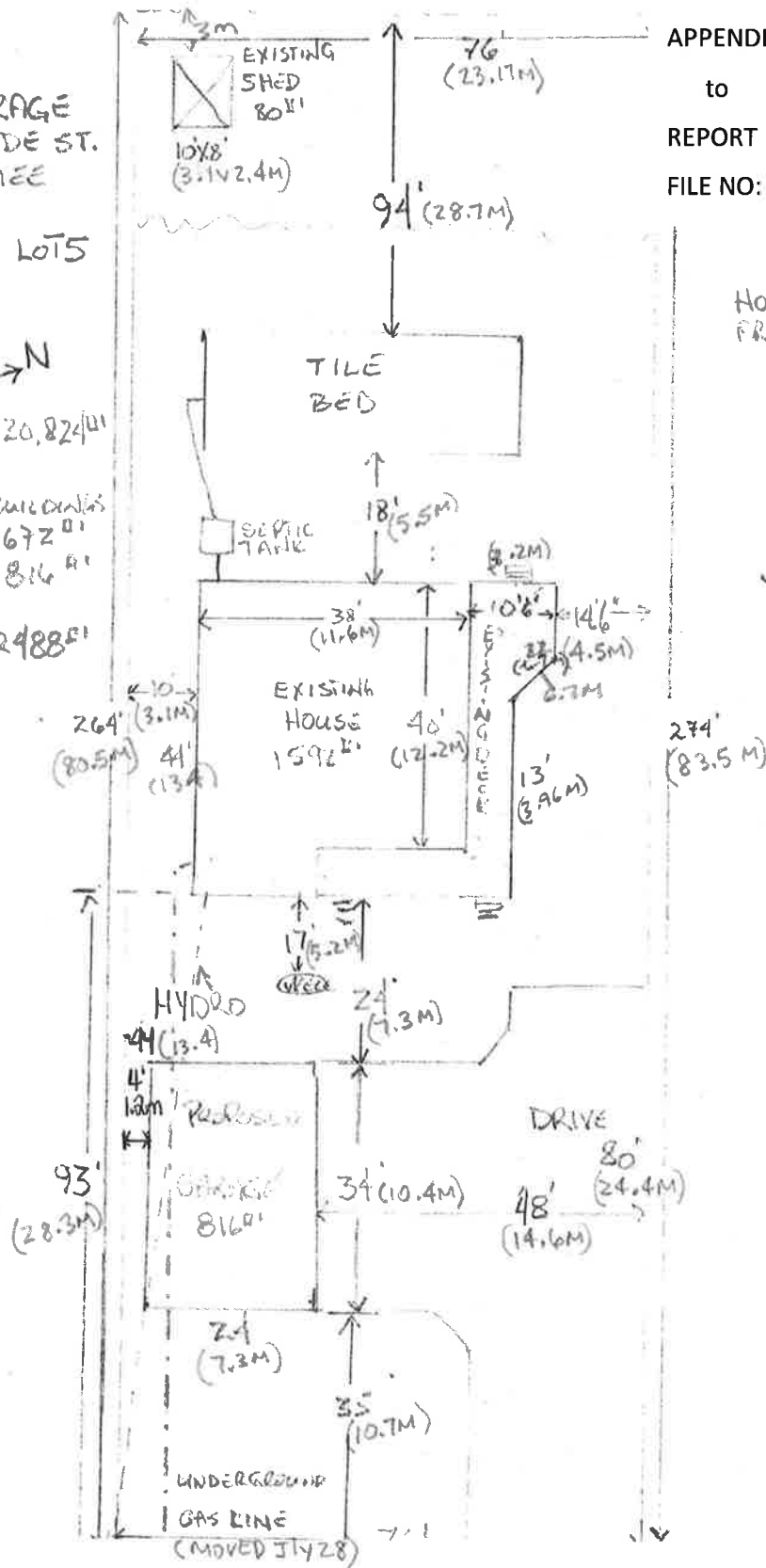
APPENDIX “ C ”

to

REPORT COA2021-062

FILE NO: D20-2021-053

House 134'
From Lake
(40.84m)

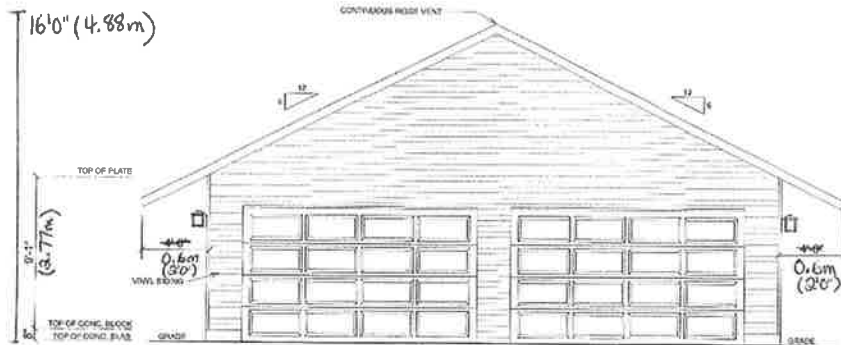


APPENDIX " D "

to

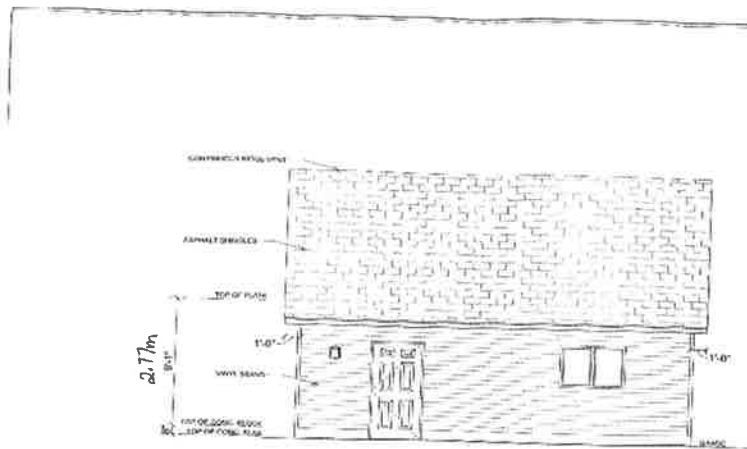
REPORT COA2021-062

FILE NO: D20-2021-053



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Chemong Home 1000 Chemong Road North S.W. 97 Palmetto, FL 34224 PH (888) 746-0111 FAX (888) 746-0114 www.chemonghome.com	
CLIENT:	MR. BOERLEWAC
SITE LOCATION:	1 KANSAS ST. CHATEL, ON N7S 2P8
DATE:	April 6, 2013
SCALE:	AS NOTED
DRAWN BY:	NS
REV. BY:	AL KESLOUGH
JOB NO.:	
DRAWING NO.:	1 OF 7



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Chemong Home 1000 Chemong Road North S.W. 97 Palmetto, FL 34224 PH (888) 746-0111 FAX (888) 746-0114 www.chemonghome.com	
CLIENT:	MR. BOERLEWAC
SITE LOCATION:	1 KANSAS ST. CHATEL, ON N7S 2P8
DATE:	April 6, 2013
SCALE:	AS NOTED
DRAWN BY:	NS
REV. BY:	AL KESLOUGH
JOB NO.:	
DRAWING NO.:	2 OF 7

Charlotte Crockford

From: Susanne Murchison
Sent: Tuesday, September 7, 2021 7:08 PM
To: Charlotte Crockford
Cc: David Harding; Kent Stainton
Subject: MV comments

APPENDIX " E "
to
REPORT COA2021-062

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: Anne Elmhirst
Sent: Friday, September 3, 2021 4:33 PM
To: Charlotte Crockford
Subject: D20-2021-053 - 7 Bayside St

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2021-053 to request relief to permit a detached garage in the front yard of the property with an allowance for a reduced side yard setback.

A sewage system review was conducted in 2015 for the construction of deck and proposed detached garage. A sewage system use permit has been located for this property as well. Based on the observations from the 2015 site visit and the existing sewage system report, the detached garage will be constructed outside of the sewage system area and will be maintained in the opposite yard to the system.

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

Kent Stainton

From: Kim Rhodes
Sent: Thursday, September 2, 2021 2:43 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms
Subject: 20210902 D20-2021-053 - Engineering review

Importance: High

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

Minor Variance – D20-2021-053
7 Bayside Street
Lot 5, Plan 384, Part Lot 17, Concession 7
Geographic Township of Emily

It is the understanding by Engineering that the purpose and effect is to request relief from Section 13.2.1.3(b)(i) in order to reduce the minimum interior side yard setback requirements from 3 metres to 1.2 metres in order to facilitate 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.

Kent Stainton

From: Erin McGregor <emcgregor@kawarthaconservation.com>
Sent: Friday, August 6, 2021 3:40 PM
To: Kent Stainton
Cc: Imbosiljevac@msn.com
Subject: 7Bayside St - MV

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kent,

I'm emailing with regards to a potential minor variance at 7 Bayside St. After speaking with the owner, Linda Bosiljevac, we won't require circulation of the minor variance application once submitted.

Have a good weekend,
Erin McGregor
Resources Planner Technician
KAWARTHA CONSERVATION
277 Kenrei Road
Lindsay, ON K9V 4R1

Tel: 705.328.2271 ext. 232
Fax: 705.328.2286

IMPORTANT COVID-19 NOTICE: In light of health concerns related to the COVID-19 virus and in response to the Province's state of emergency the Kawartha Conservation Administrative office is closed to the public at this time. Staff are available remotely to assist with all business needs. Further information can be obtained by calling the office or visiting our website.

KawarthaConservation.com



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