

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Daniel and Heather Bourgeois
Report Number COA2021-077

Public Meeting

Meeting Date: November 4, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Eldon

Subject: The purpose and effect is to request relief from Section 3.1.2.3 to increase the maximum allowable size for a one-storey private (detached) garage on a property with a shore lot line from 56 square metres to 66.89 square metres.

The variance is requested at 125 McKelvey Road, geographic Township of Eldon (File D20-2021-064).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2021-077 Bourgeois, be received;

That minor variance application D20-2021-064 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 sketches in Appendix D submitted as part of Report COA2021-077, which shall be attached to and form part of the Committee's Decision;
- 2) **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 COA2021-077 as 'Shed to be Removed' has been removed;
- 3) **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 COA2021-077. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant submitted Building Permit applications for an addition to an existing vacation dwelling as well as a new detached garage, a new well, and a replacement septic system. Through review of the Building Permits, Building staff directed the applicant to the Planning Division to seek relief for the detached garage.

This application was deemed complete on October 5, 2021.

Proposal: To construct a new 66.89 square metre (720 square feet) one-storey detached garage on the subject lands.

Owners: Daniel and Heather Bourgeois

Applicant: Joe McCool (Keji Planners & Builders)

Legal Description: 125 McKelvey Road, Lot 12, Plan 276 and Part Lot 15 Unreg Eldon Concession NPR, geographic Township of Eldon, City of Kawartha Lakes

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Limited Service Residential Exception One (LSR-1) Zone within the Township of Eldon Zoning By-law 94-14

Site Size: 1,951 square metres (21,000 square feet)

Site Servicing: Private individual well and private septic system

Existing Uses: Vacation Dwelling

Adjacent Uses:

North:	Canal Lake, vacation dwellings
East:	McKelvey (Beach) Road, woodlands (swamp)
South:	Vacation dwellings, woodlands (swamp)
West:	Canal 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 on the southeastern shoreline of Canal Lake, northeast of Bolsover. Many of the vacation dwellings or cottages along

McKelvey (Beach) Road in this neighbourhood were constructed prior to the 1960's and are smaller in size and height. Many are less than 100 square metres in area. The subject property is currently being redeveloped with an addition to the existing vacation dwelling proposed in accordance with Appendix C of the report. It is anticipated that this neighbourhood will experience a change in built-form over time trending towards larger, higher vacation dwellings.

The property is uniformly flat with evidence of a newer raised septic bed on the water side of the property. There is also a two-storey boathouse that was constructed in 1956 (according to MPAC), which predates the Township of Eldon Zoning By-law.

The proposed location of the garage is shifted to the south of the lot as to not detract from the prominence of the existing vacation dwelling. There is some vegetation between the lot to the south in the form of cedar trees, which assist in buffering the presence of the garage from the neighbouring lot. Moreover, there is no uniform established building line for the front yards along North Taylor Road and the encroachment is minor enough to blend in with this trend.

The design of the proposed garage maintains a low profile and offers the ability to store two vehicles. The roadside (east) and west faces of the garage feature larger windows, which break up the face of the garage. Many of the adjacent properties feature similar garage design and location on their respective lots. An increase in size provides for greater functionality within the building and only represents an increase of 10.89 square metres or 117.2 square feet over the By-law standard. Cumulatively, the single-storey design combined with the negligible increase in area contributes to the proposal blending in with the character of the neighbourhood.

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 property is zoned Limited Service Residential Exception One (LSR-1) Zone in the Township of Eldon Zoning By-law 94-14. The LSR-1 Zone permits both single detached dwellings as well as vacation dwellings.

Section 3.1.2.3 of the General Provisions is a provision unique to the Township of Eldon Zoning By-law, which restricts the size of one-storey private garages between the main building and the street line on lots with a shore lot line to a maximum of 56 square metres (603 square feet) in building area, and further provided such private garage complies with the yard provisions of the applicable zone category.

While the proposed detached garage complies with the applicable yard provisions and total lot coverage provisions of the LSR-1 Zone, it is understood the intent of the zone provision is to lessen the size and height of the garage in relation to the vacation dwelling in order for the dwelling to maintain its

prominence. As the garage is shifted towards the southern interior side lot line the vacation dwelling is unquestionably the largest building on the property. The addition will further assist in establishing the scale of the vacation dwelling in relation to the garage.

McKelvey Road only experiences local traffic and there are no anticipated land use compatibility issues presented to the front yard-to-road interface.

Another purpose of the size restriction is to maintain adequate landscaped open space for amenity, servicing (i.e. sewage system and well) and stormwater infiltration on the smaller sized lots. The Engineering and Corporate Assets Division has no concerns with the proposal with respect to servicing and stormwater management.

It is important to note that upon conducting the site visit associated with the variance application, Planning staff identified a small shed located near the front lot line of the subject property. The structure will be removed to facilitate the development and the owner indicated that an additional shed has already been removed from the property. While there are options to relocate the structure on the property, the owner has expressed intent to remove the remaining structure following construction of the garage. A condition is recommended in order to ensure the remaining shed 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.

The proposed garage 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 variances maintain 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 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 (October 25, 2021): No objection.

Lake Simcoe Region Conservation Authority (LSRCA – October 15, 2021): Ontario Regulation 179/06 is not applicable to the subject property, therefore, an LSRCA Permit is not required.

The proposal is generally consistent and in conformity with the natural heritage policies of the applicable Provincial and local plans. On this basis, we recommend approval of the application.

Public Comments:

No comments received as of October 27, 2021

Attachments:



Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Site Plan)

Appendix D – 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: D20-2021-064

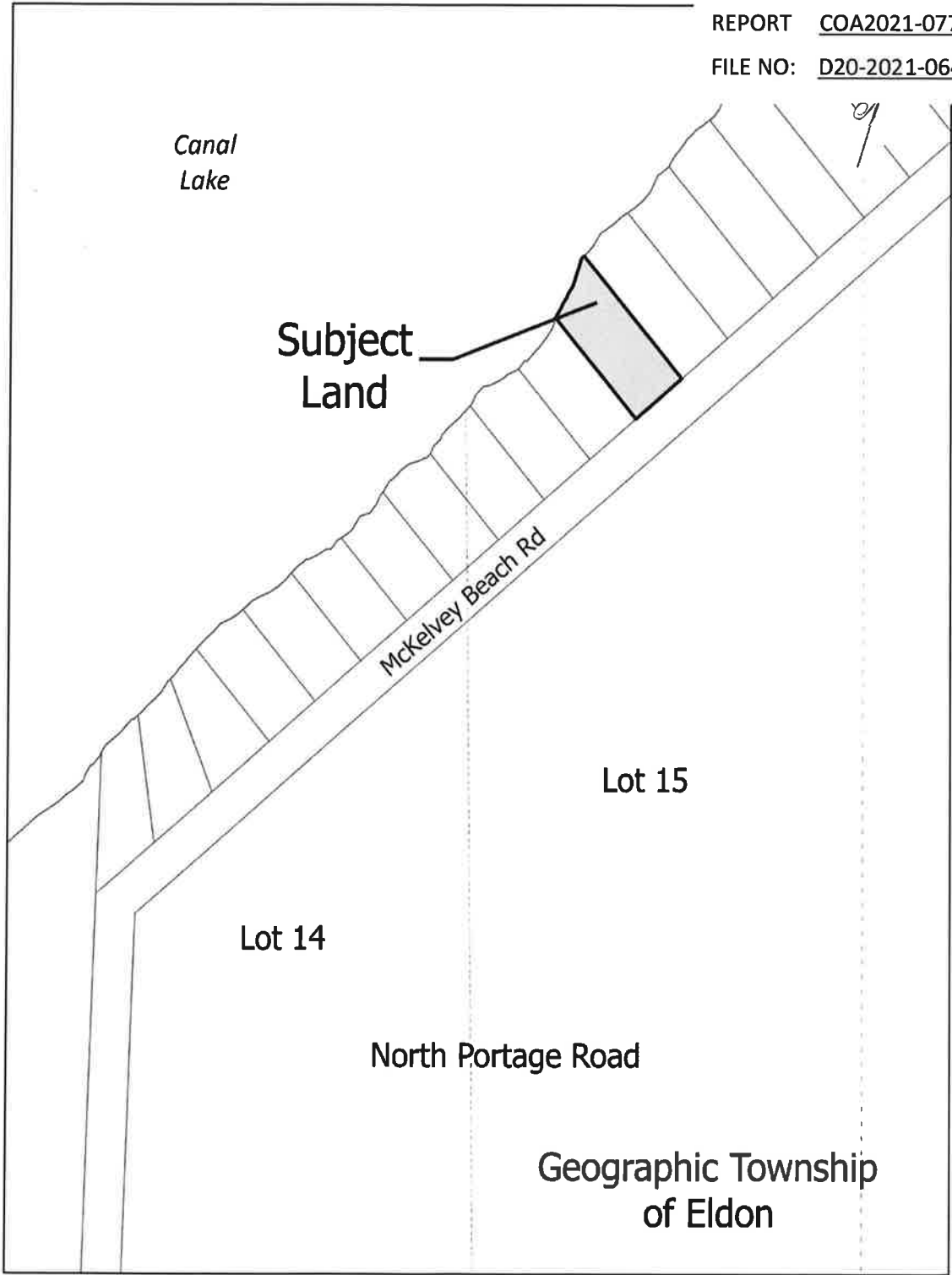
D20-2021-064

APPENDIX " A "

to

REPORT COA2021-077

FILE NO: D20-2021-064





Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

Notes

Notes

0.12 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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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.

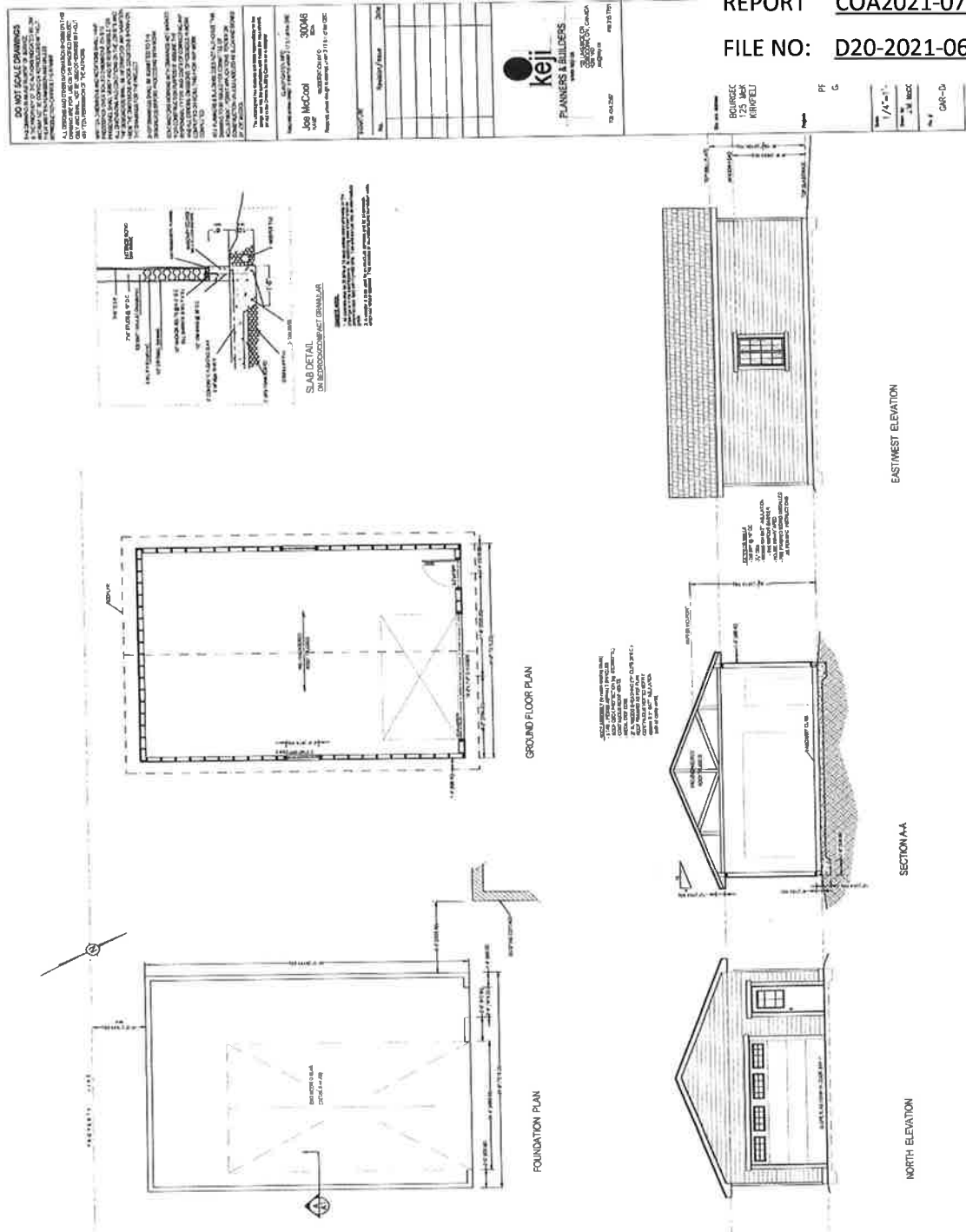
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APPENDIX " B "
to
REPORT COA2021-077
FILE NO: D20-2021-064

to

REPORT COA2021-077

FILE NO: D20-2021-064



Kent Stainton

From: Kim Rhodes
Sent: Monday, October 25, 2021 10:32 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20211025 D20-2021-064 - Engineering review

Importance: High

APPENDIX " E "

to

REPORT COA2021-077

Please see the message below from Christina Sisson:

FILE NO. D20-2021-064

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

Minor Variance – D20-2021-064
125 McKelvey Road
Part Lot 15, Plan 276, Part Lot 12, Concession north of Portage Road
Geographic Township of Eldon

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.2.3 to increase the maximum allowable size for a one-storey private (detached) garage on a property with a shore lot line from 56 square metres to 66.89 square metres.

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.
Manager, 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.



Sent via e-mail: Nancy Ord <nord@kawarthalakes.ca>

October 15th, 2021

City of Kawartha Lakes File No: D20-2021-064
LSRCA File No.: VA-225586-100821

Nancy H. Ord
Administrative Assistant
Planning Department, City of Kawartha Lakes

Dear Nancy Ord:

Re: Application for Minor Variance
Owners: Heather and Daniel Bourgeois
Applicant: Joe McCool, Keji Planners & Builders
125 McKelvey Beach Rd. (Eldon), City of Kawartha Lakes

Thank you for circulating the subject application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. We understand that the purpose and effect of this variance is to seek relief from Section 3.1.2.3, to allow for a new private garage, which will exceed the permitted 56 sq. m. total building area. The proposed new private garage will be a total of 66.89 sq. m.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- The completed Application for Minor Variance/Permission form (received by the LSRCA electronically on Oct. 8th, 2021)

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments per our MOU with the City of Kawartha Lakes. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Based on our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage policies of the applicable Provincial and local plans. On this basis, we recommend approval of the application.

The subject property is situated on Canal Lake, in the City of Kawartha Lakes. The property is designated by the City of Kawartha Lakes Official Plan as 'Waterfront' and is zoned as 'Limited Service Residential Exception 1', or 'LSR-1' by City Zoning By-law 94-14.



Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (2020). The proposal has demonstrated consistency with Section 3.1 of the PPS.
2. LSRCA has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

An LSRCA Permit is **not** required for these lands, as they are not within the regulated area, as per Ontario Regulation 179/06.

Summary

Based on our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage policies of the applicable Provincial and local plans. On this basis, we recommend approval of the application.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated.
2. Ontario Regulation 179/06 is not applicable to the subject property, therefore, an LSRCA Permit is not required.

Should you have any questions concerning these comments, please do not hesitate to contact the undersigned (l.munnoch@lsrca.on.ca) referencing the above file numbers in any correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,



Liam Munnoch
Planner 1
Lake Simcoe Region Conservation Authority

