

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Steven Harjula
Report Number COA2021-038

Public Meeting

Meeting Date: November 25, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Somerville

Subject: The purpose and effect is to request from Section 18.8.1 in order to erect a new single detached dwelling and an agricultural building upon a lot, which does not have a lot line abutting an improved public street as defined.

The variance is requested at Vacant Lands, Part of Lots 16 and 17, Concession 10, geographic Township of Somerville (File D20-2021-029).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-038 Harjula, be received;

That minor variance application D20-2021-029 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the owner enter into a Development Agreement with the City within 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 registration of the Development Agreement on-title.

This approval pertains to the application as described in report COA2021-038. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: On June 3, 2021, the above-referenced application was circulated. While Planning staff were able to access the property, the ability for Emergency Management Services (EMS) to obtain access/egress to and from the property was identified as an obstacle. Moreover, the standards and requirements needed to upgrade the section of road allowance from Woodcock Line to the subject lands were not available at that time. As a result, Planning staff recommended deferring the application until such time as all of the requisite information pertaining to the requirements associated with emergency vehicle accessibility, road widening and upgrades as well as road maintenance are identified, provided, and analyzed. Planning staff recommended the Committee defer the application for a 3-month period, returning to the September 2021 meeting. The Committee granted the request.

During the time between the deferral and the date to which the application was scheduled to return to the Committee, in consultation with the Director of Development Services, staff was made aware that the process surrounding obtaining access to private lots by means of unassumed public rights of way was placed under a coordinated review requiring input from several key City Departments, including Realty Services and the City's solicitor, Roads, Engineering, EMS, and Planning.

As the review process commenced after the previous request for deferral, Planning staff recommended a second deferral in order to receive direction on the process. Planning staff recommended the application be deferred to no later than the last meeting of November (November 25th) 2021. The request was granted. Although the internal policy review is on-going, staff have included Condition 1 to ensure appropriate development standards are applied, and will include the prevailing City regulations at the time the Development Agreement is prepared.

Proposal: To erect a new single detached dwelling and an agricultural building upon a lot, which does not have a lot line abutting an improved public street as defined.

Owner: Steven Harjula

Legal Description: Vacant Lands, Part Lots 16 and 17, Coboconk Concession 10, geographic Township of Somerville, City of Kawartha Lakes

Official Plan:	Rural (within the Four Mile Lake Special Policy Area) with Significant Woodlands within the City of Kawartha Lakes Official Plan	
Zone:	Rural General (RG) Zone within the Township of Somerville Zoning By-law 78-45	
Site Size:	69.6 hectares (approximately 172 acres)	
Site Servicing:	Private individual well and private septic system	
Existing Uses:	Vacant Lands	
Adjacent Uses:	North:	Road allowance, Agricultural, Woodlot
	East, West:	Rural Residential, Agricultural
	South:	Woodlands

Rationale: The unassumed road allowance runs east-west in between Woodcock Line and Baseline Road. Access is proposed via Woodcock Line. The section of Woodcock Line intersecting the road allowance is an assumed and maintained road. The section west of Woodcock Line is an unassumed road allowance. Access to the subject lands would be achieved through this section of the unassumed portion of the Road Allowance. Section 18.8 of the Zoning By-law permits the construction of residential buildings/structures on lots that abut and obtain access via improved streets, but not unassumed roads.

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 located in a predominantly rural area northeast of Coboconk and northwest of Four Mile Lake. The neighbourhood consists of larger rural lots, many forested and some used for agriculture. The subject lands contain an expansive mixture of woodlot and flat, open scrub areas. The lot is currently vacant.

The proposed access to the property is via an unopened municipal Right-of-way (ROW) or road allowance to the west of the southern terminus of Woodcock Line, which runs south from Monck Road. The road allowance, which is a wide dirt trail, appears well used by all-terrain vehicles. The road allowance may be used by individuals wishing to gain access to Woodcock Line from Baseline Road (and vice versa) without traveling along Baseline Road. The subject lands are the only lot along the road allowance that would directly benefit from the improvements to the road. Approximately 450 metres of the ROW is required in order to achieve access to the subject lands. Another 1200 metres west along the ROW ends at the intersection of Sticky Lane and Baseline Road. Staff were able to reach the proposed entrance to the property in a Sport-Utility Vehicle (SUV) by driving slowly along the road allowance.

Parts of the ROW are overgrown by adjacent vegetation and uneven in terms of grading at points. Condition 1 is recommended to ensure the road is constructed in accordance with the appropriate development standards.

The applicant is proposing to establish a greenhouse and agricultural operation for growing a variety of produce as permitted through the Official Plan and Zoning By-law.

Based on the above, 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 Rural General (RG) Zone within the Township of Somerville Zoning By-law 78-45. The proposed development of a single detached dwelling and agricultural buildings would comply with the development standards for the RG Zone.

Section 18.8.1 of the Zoning By-law permits development upon lots, which abut improved public streets or private right-of-ways that were in existence prior to the passing of the Zoning By-law. An 'Improved Public Street' is defined in the Zoning By-law as 'a street, assumed by the Corporation, County or Province which has been constructed in such a manner so as to permit its use by normal vehicular traffic.'

The intent of the Zoning By-law appears to be to permit development on properties where publicly or privately maintained vehicular access could reasonably be achieved. Through constructing the road within the municipal ROW, in accordance with required specifications, access/egress to the lot can be obtained. The recommended condition ensures this provision is met.

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 Rural (within the Four Mile Lake Special Policy Area) with Significant Woodlands within the City of Kawartha Lakes Official Plan. Within the Rural designation, the proposed single detached dwelling and agricultural use/buildings are permitted.

Section 28.6.7 of the Official Plan requires lots to have direct access onto a maintained year round municipal road or provincial highway for the City to permit development to take place. If not, the landowner must enter into an agreement or licence with the City for maintenance and/or construction of the road. Fulfillment of Condition 1 ensures this policy is met.

According to Schedule B-7 (Natural Heritage Features) of the Official Plan, Significant Woodlands are not located within 120 metres of the proposed

location of the road allowance; therefore, there are no anticipated impacts to these features.

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

Other Alternatives Considered:

Access from Baseline Road and Sticky Lane to the west was considered; however, the distance to reach the property is greater at approximately 1200 metres, which may prove to be cost prohibitive.

Servicing Comments:

The property is proposed to be serviced by a private individual septic system and a private individual well.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Roads Division (June 14th, 2021): The applicant would need to enter into a Development Agreement to Upgrade the Unopened Road Allowance to sufficient standards. Development Engineering would provide the specification depending on the proposed use(s) of the Buildings.

Development Engineering Division (June 7th, 2021): No objection.

Building and Septic Division (June 4th, 2021): The Building and Plans Examiner for the Building and Septic Division has no concerns with the application.

Building and Septic Division (June 7th, 2021): The Supervisor of Part 8 – Sewage Systems notes that an application for a Sewage System Permit to service a single detached dwelling on the property has been received by the Division. There is adequate space to complete a sewage system for a dwelling within the existing property boundaries. However, the road will need to be constructed such that it can handle a sewage haulage vehicle for maintenance of the sewage system. This would include a minimum 12-foot-wide road with a load capability of 20 metric tonne.

As such, the Building and Septic Division would support the minor variance conditional upon the road being sufficient for the on-site sewage system maintenance requirement.

Public Comments:

No comments as of November 17, 2021.

Attachments:



- Appendix A – Location Map
 - Appendix B – Aerial Photo
 - Appendix C – Applicant's Sketch (Site Plan)
 - Appendix D – Department and Agency Comments
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Phone: 705-324-9411 extension 1367
E-Mail: kstainton@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-029

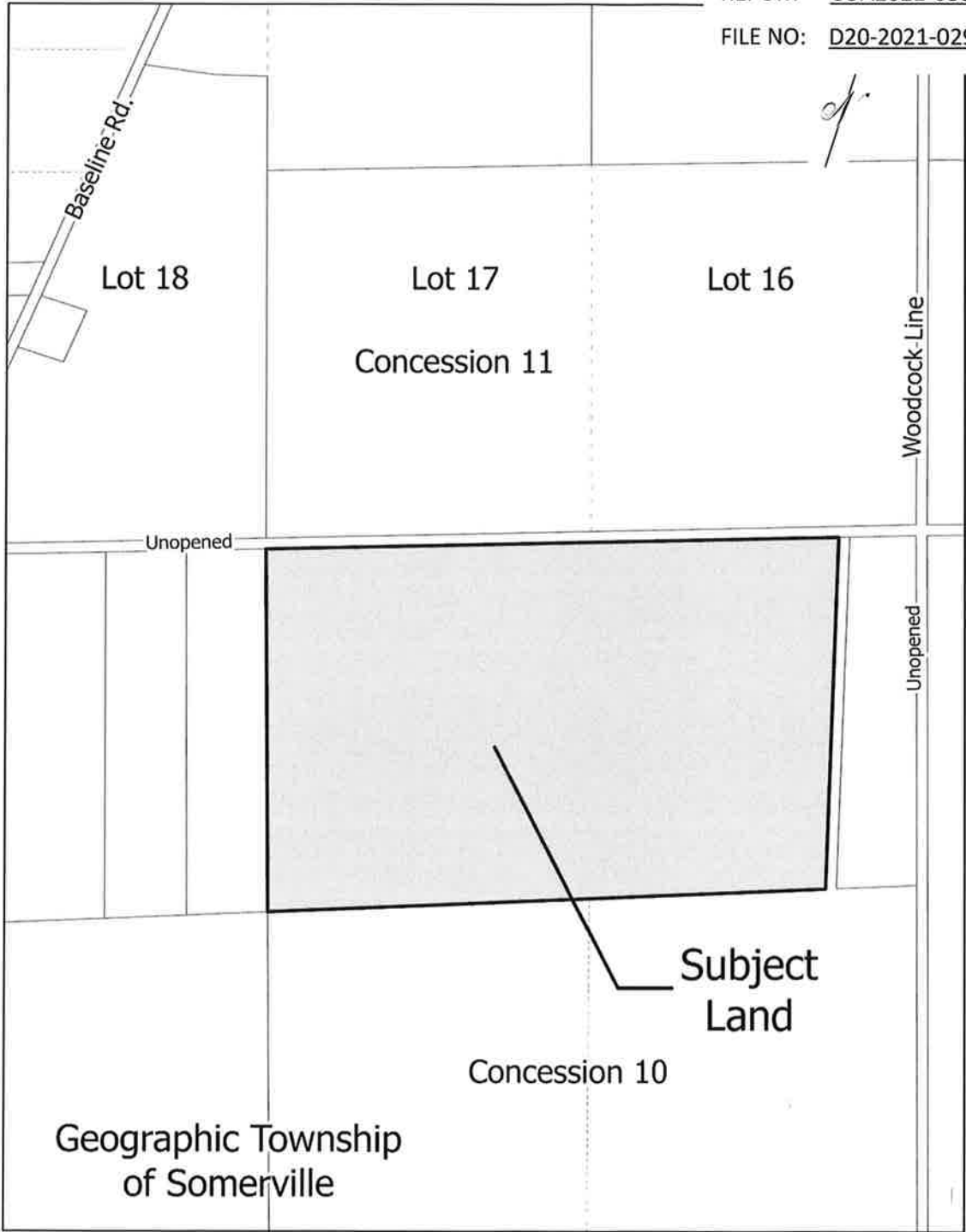
D20-2021-029

APPENDIX " A "

to

REPORT COA2021-038

FILE NO: D20-2021-029



Vacant Lands, Part of Lots 16 & 17, Concession 10, Geographic Township of Somerville



0.90 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.

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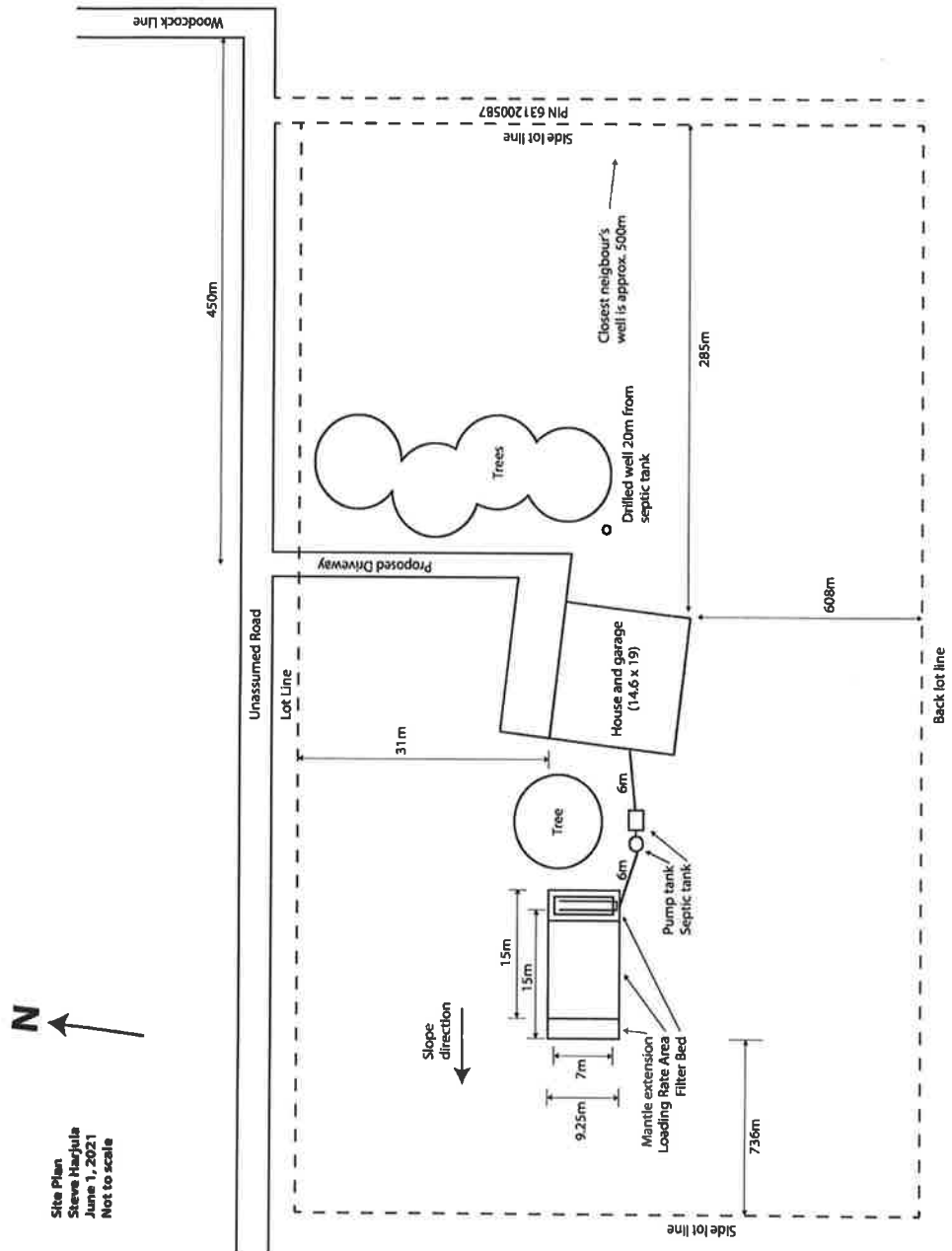
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Notes

APPENDIX " B "
to
REPORT COA2021-038
FILE NO: D20-2021-029

APPENDIX " C "

to
REPORT COA2021-038
FILE NO: D20-2021-029



Site Plan
Steve Harjula
June 1, 2021
Not to scale

Kent Stainton

From: Kent Stainton
Sent: Wednesday, June 16, 2021 10:41 AM
To: Charlotte Crockford
Subject: FW: D20-2021-029, Notice of Public Hearing for Minor Variance, Vacant Land on an nmassumed Road Allowance

APPENDIX " D "

to

REPORT COA2021-038

FILE NO. D20-2021-029

FYI – please print and file.

Kent Stainton
Planner II
Development Services, City of Kawartha Lakes
705-324-9411 ext. 1367 www.kawarthalakes.ca

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From: Chris Porter
Sent: Monday, June 14, 2021 1:39 PM
To: Kent Stainton
Subject: RE: D20-2021-029, Notice of Public Hearing for Minor Variance, Vacant Land on an nmassumed Road Allowance

Hi Again,

I was able to get the question I had answered through one of the other Managers.

Given the note on the road condition from Anne, the applicant would need to enter into a development agreement to upgrade the unopened road allowance to sufficient standards. Development Engineering would provide the specifications depending on the proposed use(s) of the buildings.

Regards,

Chris Porter, B.E.Sc
Manager, Road Operations East
Public Works, City of Kawartha Lakes
705-324-9411 ext 3587
www.kawarthalakes.ca



Kent Stainton

From: Kim Rhodes
Sent: Monday, June 7, 2021 1:02 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20210507 D20-2021-029 - Engineering review

Importance: High

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-029
Vacant land on an unassumed road allowance
Part Lots 16 and 17, Concession 10
Geographic Township of Somerville

It is the understanding by Engineering that the purpose and effect of the application is to request relief from Section 18.8.1 in order to erect a new single detached dwelling and an agricultural building in the Rural General (RG) Zone upon a lot, which does not have a lot line abutting an improved public street.

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: Kent Stainton
Sent: Monday, June 7, 2021 2:47 PM
To: Charlotte Crockford
Cc: Mark LaHay
Subject: FW: D20-2021-029 - Sticky Lane

Follow Up Flag: Follow up
Flag Status: Flagged

FYI. I anticipated this. Once I hear from Roads and EMS, this may require deferral or very specifically crafted conditions.

Kent Stainton

Planner II

Development Services, City of Kawartha Lakes
705-324-9411 ext. 1367 www.kawarthalakes.ca

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From: Anne Elmhirst
Sent: Monday, June 7, 2021 2:40 PM
To: Kent Stainton
Subject: D20-2021-029 - Sticky Lane

Hello Kent,

RE: D20-2021-029 – Minor Variance Application
Conc. 10, Lot 17 and Part Lot 16,
Former Somerville Township, City of Kawartha Lakes
Roll No. 165131004000600

I have received and reviewed the application for minor variance for the above-noted property to construct a dwelling on a public road without frontage.

We have received an Application for a Sewage System Permit to service a single detached dwelling on the property. There is adequate space to complete a sewage system for a dwelling within the existing property boundaries. However, the road will need to be constructed such that it can handle a sewage haulage vehicle for maintenance of the sewage system. This would include a minimum 12 foot wide road with a load capability of 20 metric tonne.

As such, the Building and Septic Division would approve the minor variance with the acknowledgement that the road will suffice for the on-site sewage system maintenance requirement.

Should you have any questions, please do not hesitate to contact me.

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: Derryk Wolven
Sent: Friday, June 4, 2021 11:24 AM
To: Charlotte Crockford
Subject: RE: D20-2021-029, Notice of Public Hearing for Minor Variance, Vacant Land on an unassumed Road Allowance

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



From: Charlotte Crockford
Sent: Wednesday, June 2, 2021 4:25 PM
To: Christina Sisson ; Kim Rhodes ; Kathleen Seymour-Fagan ; Susanne Murchison ; Derryk Wolven ; Anne Elmhirst ; Sharri Dyer ; Chris Porter
Subject: D20-2021-029, Notice of Public Hearing for Minor Variance, Vacant Land on an unassumed Road Allowance

Good afternoon

Please find attached D20-2021-029, Notice of Public Hearing for Minor Variance, Vacant land on an unassumed road allowance.

Many thanks

Charlotte Crockford
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca

