

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Beach and Earle
Report Number COA2021-085

Public Meeting

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

Ward: 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions in order to recognize the location of an existing single detached dwelling and to permit the construction of a new attached deck:

Existing Single Detached Dwelling

1. Section 13.2.1.3 (b)(i) to recognize the reduction of the interior side yard setback from 3 metres to 2.96 metres;
2. Section 13.2.1.3 (b)(ii) to recognize the reduction of the interior side yard setback on the southern side from 2.3 metres to 1.44 metres;

Deck

3. Section 13.2.1.4 to increase the maximum allowable lot coverage from 30% to 33.3%

The variance is requested at 205 Snug Harbour Road, geographic Township of Fenelon (File D20-2021-073).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2021-085 Earle/Beach, be received;

That minor variance application D20-2021-073 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 Appendix D submitted as part of Report COA2021-085, which shall be attached to and form part of the Committee's Decision; and

- 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 COA2021-085. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant is proposing to construct a new wooden deck onto a dwelling with a main level and walkout basement. The dwelling was constructed in 2020.

While reviewing the application for compliance with the Zoning By-law, it was identified that in addition to relief from the maximum allowable lot coverage, both interior side yards require recognition based on the walkout basement being considered a 'storey' within the Zoning By-law.

This application was deemed complete November 2, 2021.

Proposal: To recognize the location of an existing 157 square metre (1,690 square feet) single detached dwelling with a walkout basement and to construct a new 39 square metre (419 square feet) attached wooden deck.

Owners: Sheila Beach and Gregory Earle

Legal Description: 205 Snug Harbour Road, Part Lot 4, Concession 8 being Lot 6 of Plan 129, geographic Township of Fenelon, City of Kawartha Lakes

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

Zone: Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95

Site Size: 683.20 square metres (7,535 square feet)

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

Existing Uses: Shoreline residential

Adjacent Uses: North, South: Shoreline Residential
East: Agricultural, Rural Residential
West: Sturgeon 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 Eastern shore of Sturgeon Lake known as Snug Harbour, is where the Scugog River flows into Sturgeon Lake. The Snug Harbour neighbourhood consists of shoreline lots on steeper grades with many dwellings featuring a walk-out configuration as a result of the slope. Built form varies from larger three storey dwellings like the neighbouring 201 Snug Harbour Road to the south to those with a main floor and walkout basement including the subject lands. A vacant lot exists between the property and 201 Snug Harbour Road.

Many of the lots along Snug Harbour Road contain buildings and structures that encroach within the water setback. A pre-existing single storey boathouse was replaced in 2020 when the dwelling was constructed. The shoreline is armorstoned with manicured lawn growing in a terraced fashion in order to lessen the impact of the steeper grade.

Recognition of the 0.04 metre & 0.86 metre side yard setback encroachments address a minor deficiency. The southern interior side entrance stairs and landing were added following the construction of the dwelling. The stairs and landing present no impedance of access along the southern side of the dwelling.

The lot coverage increase of 3.33% above the maximum is negligible. The construction of the deck extends amenity space from the main floor to the rear yard with a patio from the walkout basement below and provides for further enjoyment of the rear yard.

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 uses.

As the property contains a walkout basement, the dwelling is treated as being two-storeys, as defined in the Zoning By-law. The side yard setbacks are acknowledged to be 3 metres on the north side and 2.3 metres on the south side. The acknowledgement of the 0.04 metre and 0.86 metre reductions on each respective side of the dwelling brings the dwelling into compliance with the Zoning By-law and does not impede accessibility, impact lot drainage patterns or present massing impacts to the abutting lot owner to the south.

While the RR3 lot coverage provision is exceeded, the General Provisions set a maximum coverage of 8% (to a maximum of 225 square metres) for accessory buildings and structures for which the property is compliant. As the deck is closer than 0.5 metres from the western wall of the dwelling, it is considered an

extension of dwelling for the purposes of determining setbacks and coverage. The dwelling and deck cover 28.6% of the property in comparison to the 4.7% for the boathouse.

The increase in lot coverage from 30% to 33.3% maintains the intent of the zoning by-law to maintain adequate landscaped open space for amenity, servicing (i.e. sewage system and well) and storm water infiltration. Engineering and Corporate Assets Division has no concerns with the proposal in regard to lot drainage and impacts to adjacent properties. Accessibility is also maintained on either side of the dwelling between the front and water yards of the subject lands. Therefore, it is appropriate to increase the lot coverage to permit the attached deck.

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 (2012). Low density residential uses, along with accessory uses are anticipated within this designation.

The proposed deck will be at least 15 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 sewage system (holding tank).

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 (November 12, 2021): No objection.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (November 12, 2021): A sewage system installation report has been completed under file SS2020-0011 for the installation of a Class 5 Holding Tank on the property.

Based on a review the location of the proposed deck, it will span over the installed holding tank. The tank will remain accessible for maintenance as the construction of the deck will be 3 metres off existing grade. The applicant is proposing to

maintain a minimum of 1.5 metre clearance to any portion of the holding tank with their construction and the outlined placement and measurements indicate this can be accomplished.

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

Kawartha Region Conservation Authority (Kawartha Conservation, Oct 28, 2021): Due to the nature of the application, circulation of the Minor Variance application is not required. A permit is not required from KRCA to facilitate the construction of the deck.

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

Bruce & Nadine Heaslip of 201 Snug Harbour Road, dated November 16, 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 (Surveyed Site 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: D20-2021-085

D20-2021-073

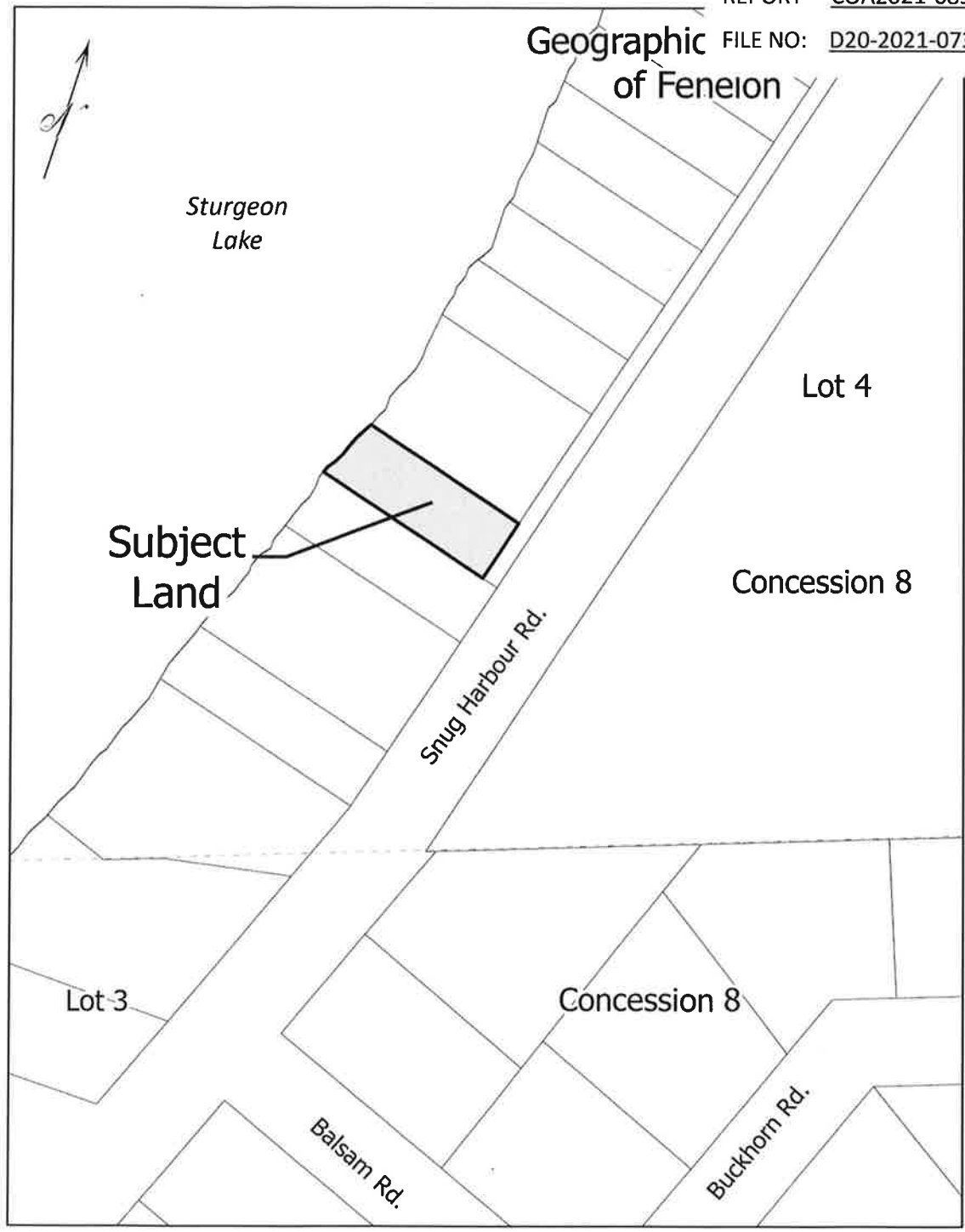
APPENDIX " A "

to

REPORT COA2021-085

FILE NO: D20-2021-073

Geographic of Feneion



205 Snug Harbour Road, Geographic Township of Fenelon



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.

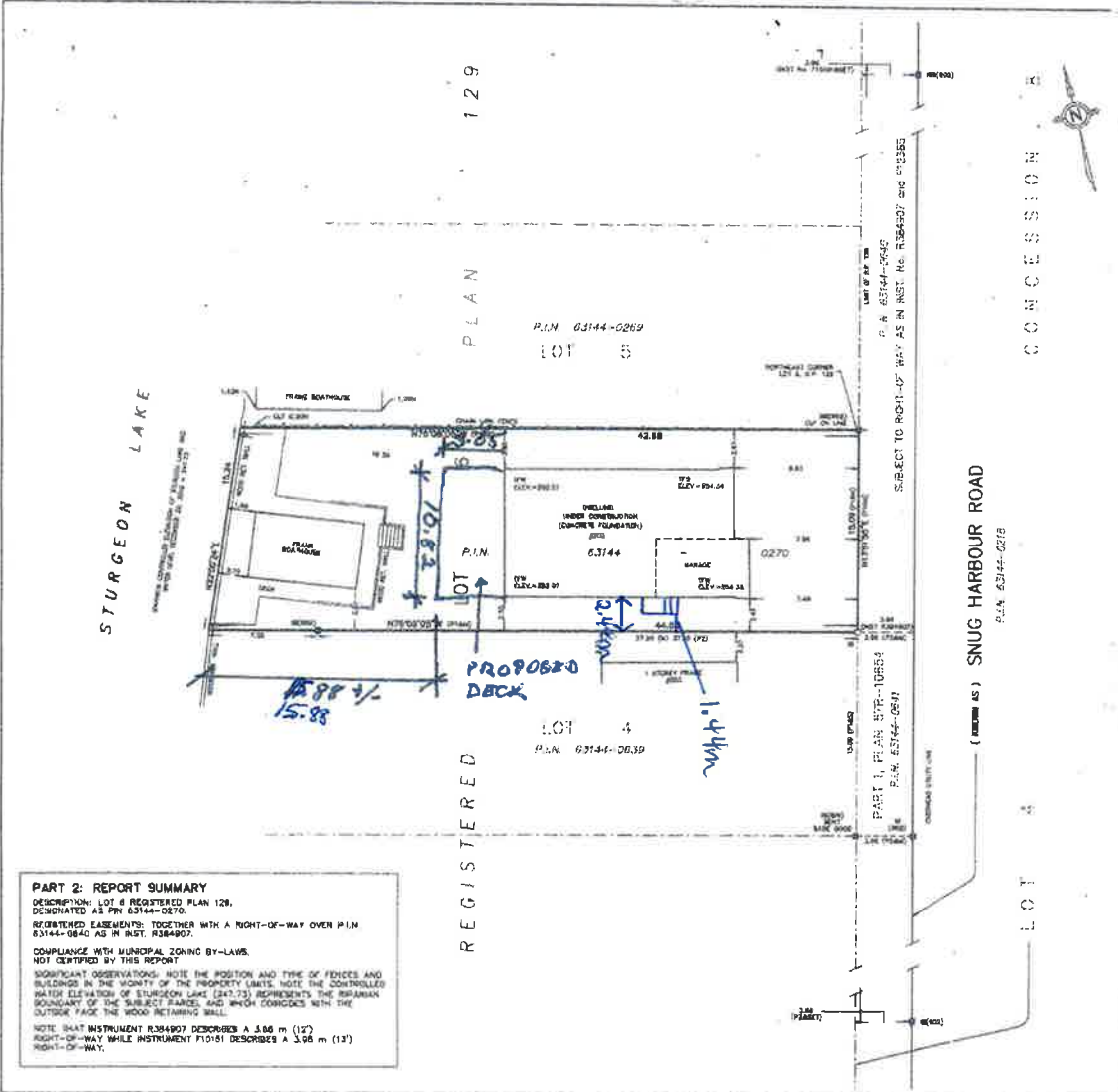
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

Legend

Notes

Notes

APPENDIX " B "
to
REPORT COA2021-085
FILE NO: D20-2021-073



SURVEYOR'S REAL PROPERTY REPORT
 PART 1: PLAN OF SURVEY OF
LOT 6
REGISTERED PLAN No. 129
 (GEOGRAPHIC TOWNSHIP OF FENELON)
CITY OF KAWARTHA LAKES
 SCALE: 1:200
 FRED PETRICH, B.Sc., O.L.S., O.L.I.P.

METRIC
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES
 BEARINGS ARE UTM GRID DERIVED BY GNSS OBSERVATIONS AND REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE), NAD83 (CSRS)(2011).
 BEARINGS HAVE BEEN ROTATED COUNTERCLOCKWISE ON THE FOLLOWING PLANS TO ACCOUNT FOR CONVERSION TO UTM GRID BEARINGS:
 - P1 BY 9° 14' 06"

LEGEND

- ⊙ DENOTES SURVEY MONUMENT FOUND
- ⊙ DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- M DENOTES MEASURED
- PWF DENOTES POST AND WIRE FENCE
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- OU DENOTES ORIGIN UNKNOWN
- PL DENOTES REGISTERED PLAN 129
- P2 DENOTES PLAN 578-10664
- RSZ DENOTES OAK FISHER GAMERON, O.L.S.
- BSW DENOTES IVAN B. WALLACE SURVEYORS LTD.
- U DENOTES UTILITY POLE
- HM DENOTES HYDRA METER
- TFW DENOTES TOP OF FOUNDATION WALL



SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 24th DAY OF FEBRUARY 2020.

CLIENT: ALTERNATIVE CREATIONS
 THE WORK AND DRAWINGS HEREIN BEING COMPLETED FOR THE USE OF OUR CLIENT AND NO RESPONSIBILITY IS ASSUMED BY THE SURVEYOR FOR ANY PARTIES OR SUBSEQUENT OWNERS.

DONEVAN FLEIS
 ONTARIO LAND SURVEYOR
 SUITE 1, 1101 I
 PH1: 905-725-7255
 PH2: 1-888-725-7255
 FAX: 905-725-7255

PART 2: REPORT SUMMARY
 DESCRIPTION: LOT 6 REGISTERED PLAN 129, DESIGNATED AS P.N. 63144-0218.
 REGISTERED EASEMENTS: TOGETHER WITH A RIGHT-OF-WAY OVER P.L.N. 63144-0840 AS IN INST. R384807.
 COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS: NOT CERTIFIED BY THIS REPORT.
 SIGNIFICANT OBSERVATIONS: NOTE THE POSITION AND TYPE OF FENCES AND BUILDINGS IN THE VICINITY OF THE PROPERTY LIMITS. NOTE THE CONTROLLED WATER ELEVATION OF STURGEON LAKE (247.73) REPRESENTS THE SEAFARAN BOUNDARY OF THE SUBJECT PARCELS, AND WHICH COINCIDES WITH THE OUTSIDE FACE THE WOOD RETAINING WALL.
 NOTE THAT INSTRUMENT R384807 DESCRIBES A 3.66 m (12') RIGHT-OF-WAY WHILE INSTRUMENT F10161 DESCRIBES A 3.66 m (12') RIGHT-OF-WAY.

REPORT COA2021-085
FILE NO: D20-2021-073

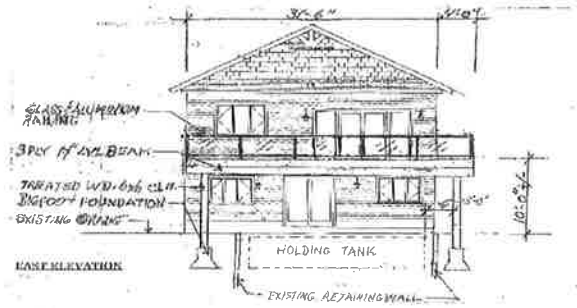
APPENDIX " C "

APPENDIX " D "

to

REPORT COA2021-085

FILE NO: D20-2021-073

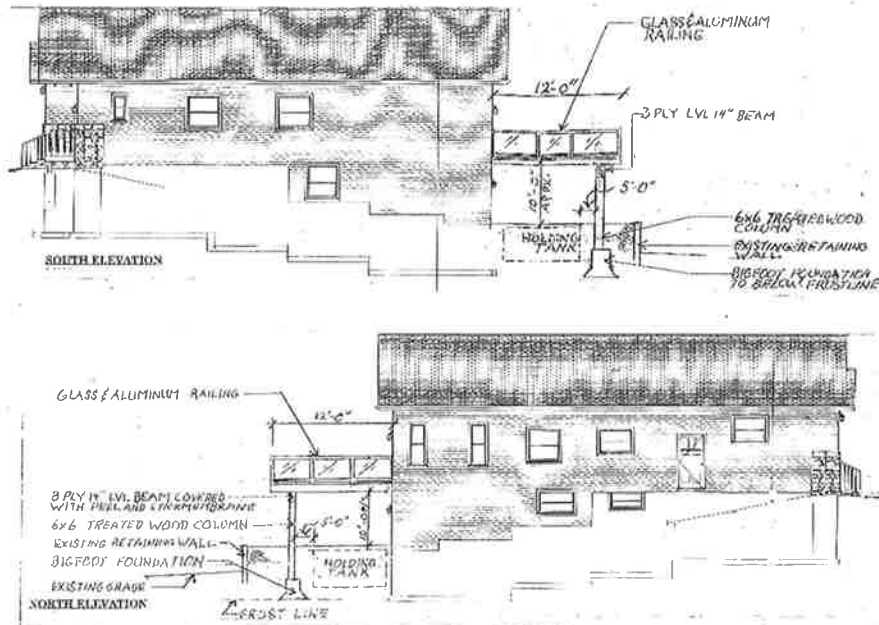


RECEIVED
SEP 27 2021

PROPOSE ELEVATED DECK

EARLE RESIDENCE
205 SNUG HARBOUR ROAD,
LINDSAY, ONTARIO
K9V 4R6

DRAWINGS NOT TO SCALE



RECEIVED
SEP 27 2021

PROPOSE ELEVATED DECK

EARLE RESIDENCE
205 SNUG HARBOUR ROAD,
LINDSAY, ONTARIO
K9V 4R6

DRAWINGS NOT TO SCALE

Kent Stainton

From: Anne Elmhirst
Sent: Friday, November 12, 2021 11:07 AM
To: Charlotte Crockford
Subject: D20-2021-073 - 205 Snug Harbour Rd

APPENDIX " E "
to
REPORT COA2021-085
FILE NO. D20-2021-073

Hello Charlotte,

RE: D20-2021-073 Minor Variance Application
205 Snug Harbour Rd, Former Fenelon Twp
Roll No. 165121005016000

I have received and reviewed the minor variance application for 205 Snug Harbour Road to request relief to recognize the location of the existing single detached dwelling and construct a new wooden deck.

A sewage system installation report has been completed under file SS2020-0011 for the installation of a Class 5 Holding Tank on the property. Based on a review the location of the proposed deck, it will span over the installed holding tank. The tank will remain accessible for maintenance as the construction of the deck will be 3 metres off existing grade. The applicant is proposing to maintain a minimum of 1.5 metre clearance to any portion of the holding tank with their construction and the outlined placement and measurements indicate this can be accomplished.

As such, the Building and Septic Division has no further concerns with the minor variance proposal as it relates to private 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: Friday, November 12, 2021 10:04 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20211112 D20-2021-073 - Engineering review

Importance: High

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2021-073
205 Snug Harbour Road
Part Lot 4, Concession 8, being Lot 6, Plan 129
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to recognize the location of the existing single detached dwelling and construct a new wooden deck:

Existing Single Detached Dwelling

1. Section 13.2.1.3 (b)(i) to reduce the interior side yard setback from 3 metres to 2.96 metres;
2. Section 13.2.1.3 (b)(ii) to reduce the interior side yard setback on the opposite side from 2.3 metres to 1.44 metres;

Deck

3. Section 13.2.1.4 to increase the maximum allowable lot coverage from 30% to 33.3%

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



Kent Stainton

From: Ron Warne <rwarne@kawarthaconservation.com>
Sent: Thursday, October 28, 2021 6:36 PM
To: Sheila
Cc: Erin McGregor; Kent Stainton
Subject: Re: Deck for 2022 construction

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sheila, I can't explain why we never received the emails you had noted; but, I agree that our fee will not be required and we will not need to be circulated the Minor Variance application.

All the best,
Ron Warne

[Get Outlook for Android](#)

From: Sheila <sheilabeach3@gmail.com>
Sent: Thursday, October 28, 2021, 5:16 p.m.
To: Ron Warne
Subject: Deck for 2022 construction

Hi

Hope you are well

We have been speaking to Kent in regards to a minor variance to build a deck on our property we just bought nov 2020

I have made several attempts to contact your department by email but no reply and email bounced back so Kent sent this email

Our property has a holding tank and we are wanting to build a raised elevated deck approximately 10 feet high over holding tank

We have been told by Kent to reach out to the kawartha conservation regarding waiving the fee for the application as a holding tank is less than a year old

We have to reply to Kent my Monday as our application is being presented to the committee

Please let us know what to do

Thank you for your time
Sheila Beach & Greg Earle

Sent from my iPhone

Charlotte Crockford

From: heaslipfamily heaslipfamily <heaslipfamily@sympatico.ca>
Sent: Tuesday, November 16, 2021 1:56 PM
To: Committee of Adjustment
Subject: D20-2021-073-205 Snug Harbour Road, Part Lot 4, Concession 8, Lot 6, Plan 129, Township of Fenlon

APPENDIX " F "

to

REPORT COA2021-085

FILE NO D20-2021-073

- City of Kawartha Lakes,
Committee of Adjustment,
180 Kent Street West,
Lindsay, ON
K9V 2Y6

November 16, 2021

Re:D20-2021-073-205 Snug Harbour Road, Part Lot 4, Concession 8, Lot 6, Plan 129, Township of Fenlon

To the Committee

We are the neighbors of the applicant immediately adjacent to the south of the subject property at 201/203 Snug Harbour Road.

We have seen the plans that have been presented as part of this application and have no objection to them. It is our belief in fact, that the addition of the proposed deck will add to the overall appeal.

It is our belief that the requests that are being made are minor in nature and will not affect the enjoyment of the property owners on either side of their proposal.

Should you wish to ask for additional input, please feel free to contact us at our email address or telephone.

Regards,

Bruce and Nadine Heaslip,

201 Snug Harbour Road,

Lindsay, ON.,

K9V 4R6

heaslipfamily@sympatico.ca

Bruce: 647-669-7417

Out of Town: 239-849-2440