

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Glenn Lundrigan & Susan Berghuis
Report Number COA2022-017

Public Meeting

Meeting Date: March 17, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 1 – Geographic Township of Bexley

Subject: The purpose and effect is to request relief from Section 3.1.3.2 to increase the maximum allowable height for an accessory building (detached garage) in a residential zone from 5 metres to 6.5 metres.

The variance is requested at 285 Omega Road, geographic Township of Bexley (File D20-2022-010).

Author: Kent Stainton, Planner II

Signature:



Recommendations:

Resolved That Report COA2022-017 Lundrigan and Berghuis, be received;

That minor variance application D20-2022-010 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 COA2022-017, which shall be attached to and form part of the Committee's Decision.

This approval pertains to the application as described in report COA2022-017. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The applicant approached the Planning Division in early January 2022 regarding a Building Permit application for which the height provision for accessory buildings and structures was not addressed.

This application was deemed complete January 20 , 2022.

Proposal: To acknowledge the construction of a 115.2 square metre (1,240 square feet) detached garage with upper storage on the subject lands.

Owner: Glenn Lundrigan & Susan Berghuis

Applicant: Tom deBoer (TD Consulting Inc.)

Legal Description: 285 Omega Road, Lot 2, Base of Long Point, Compiled Plan 557, Part Lot A, Concession 2, geographic Township of Bexley, City of Kawartha Lakes

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

Zone: Rural General (RG) Zone within the Township of Bexley Zoning By-law 93-09

Site Size: 8,639.8 square metres (2.13 Acres)

Site Servicing: Private individual well and private septic system

Existing Uses: Seasonal Residential

Adjacent Uses: North: Balsam Lake
East, West: Seasonal Residential, Omega Road, Rockway Trail
South: Otter Road, Woodland, Rural Residential

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 a bay near the western portion of Balsam Lake, southwest of Long Point. The neighbourhood consists primarily of shoreline residential lots with forested lands occupying a large portion of the southeast section of the property. The property is an 'L-shaped' through-lot with the northwest arm leading to the shoreline of Balsam Lake. The property is bordered by Omega Road to the east, Otter Road to the south and a private, unmaintained road identified as Rockway Trail to the west. Access is provided to the lot via Omega Road.

The shoreline residences within the neighbourhood vary in age and built-form. The adjacent parcels along the shoreline are much smaller than the subject lands. The subject property is surrounded on all sides by substantial vegetative buffers, which effectively screen the property from all three roads as well as neighbouring lots. No adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

The location of the garage is set back within the lot adjacent to the southeastern woodlands, which form the thickest buffer on the property. The presence of the vegetation completely conceals the garage when viewed from Omega Road and Otter Road. The proposed location and height of the garage at 6.5 metres will not present any massing impacts on the adjacent shoreline properties.

The design elements of the garage include a gabled-roof design with three dormers on the northern roofline and one on the southern roof. The colour scheme is identical to the single detached dwelling resulting in an aesthetic that melds well with the single detached dwelling and appears more visually-pleasing than a typical utilitarian accessory building.

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 General (RG) Zone permits a variety of rural uses, including single detached dwellings as well as uses, buildings and structures accessory to a single detached dwelling.

One of the intentions of the General Provisions of the Zoning By-law is to restrict the height of accessory buildings to ensure the use is subordinate to a primary use. The requested 1.5 metre relief from the Zoning By-law would be negligible when viewing the building from either Omega Road, Otter Road or Rockway Trail. The detached garage does not exceed the height of the single detached dwelling. Given the design treatments proposed for the garage and the surrounding vegetation screening the garage from the surrounding roads, the garage will compliment rather than dominate the presence of the dwelling.

The property is of sufficient size to accommodate the detached garage within the space to the southeast of the dwelling and is not anticipated to adversely impact the use of any of the yards on the property. As mentioned in Rationale 1 & 2, there are no massing and height incompatibilities with the primary residential use and surrounding properties. The proposal also complies with all other development standards of the Zoning By-law.

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 other alternatives were considered.

Servicing Comments:

The property is serviced by private water (lake draw) 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 (March 3, 2022): No objections.

Building and Septic Division – Plans Examiner (March 3, 2022): An outstanding building permit BP2017-1278 exists for the single detached dwelling, no other concerns.

Building and Septic Division – Supervisor, Part 8 Sewage Systems (March 7, 2022): A sewage system was installed to service the residential dwelling on the property under file SS2017-0358. The garage location was established at the time of the sewage system installation and clearance distances were observed to be adequate at that time. The modification to the garage to increase the height is not being proposed to accommodate living space, or plumbing fixtures and thus will not affect the overall requirements of the sewage system.

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

Public Comments: No comments have been received from the public as of March 9, 2022

Attachments:



Appendices A-E for
COA20220-017.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch (Site Plan)

Appendix D – Elevation Drawings and Renderings

Appendix E– Department and Agency Comments

Phone: 705-324-9411 extension 1367

E-Mail: kstainton@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-010

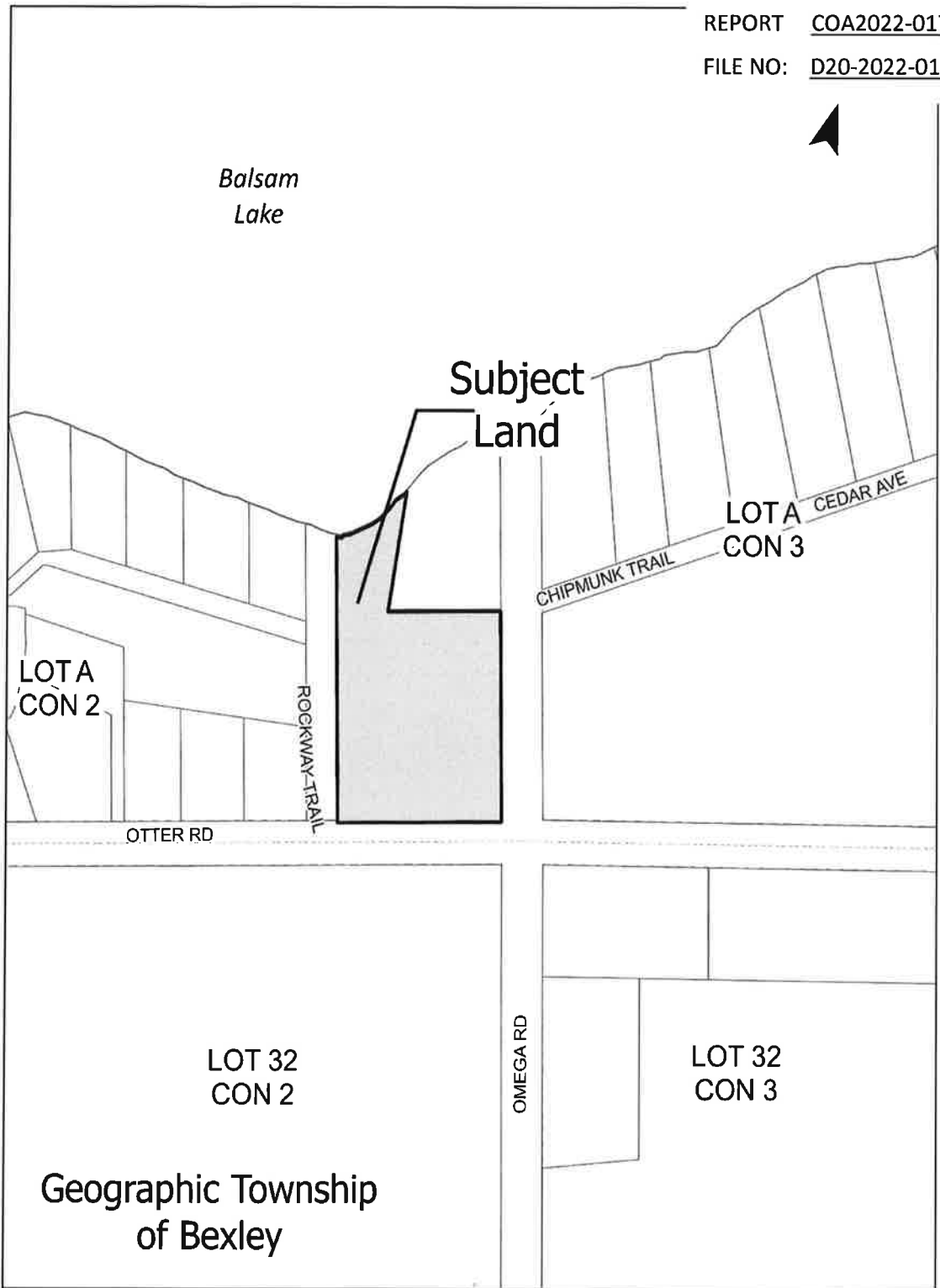
D20-2022-010

APPENDIX " A "

to

REPORT COA2022-017

FILE NO: D20-2022-010



285 Omega Road, Geographic Township of Bexley



Legend

☐ Property Roll Number

Notes

Notes

APPENDIX " B "

to

REPORT COA2022-017

FILE NO: D20-2022-010

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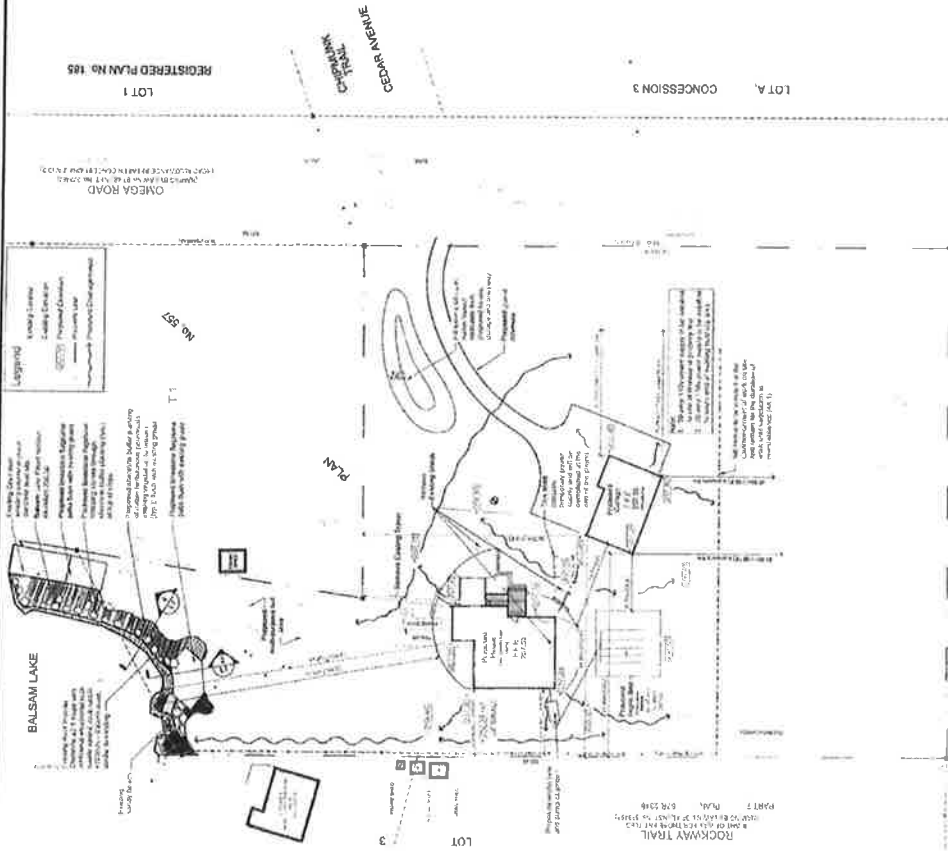
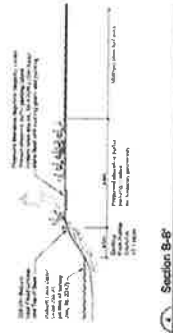
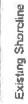
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This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

FILE NO: D20-2022-010



OTTER ROAD

Preliminary Landscape Concept Plan



APPENDIX " D "

to

REPORT COA2022-017

FILE NO: D20-2022-010

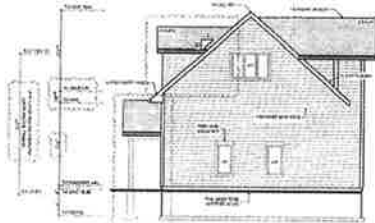


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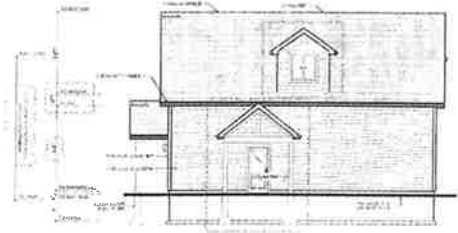
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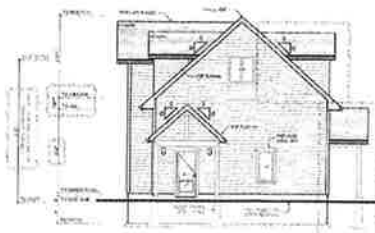
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REAR ELEVATION



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Kent Stainton

From: Anne Elmhirst
Sent: Monday, March 7, 2022 1:28 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2022-010, 285 Omega Road, Bexley

APPENDIX "E"
to

Good Afternoon Charlotte,

REPORT COA 2022-017
D20-2022-010

I have received and reviewed the minor variance proposal D20-2022-010 for 285 Omega Road to request relief for an accessory structure that exceeds the allowable height.

A sewage system was installed to service the residential dwelling on the property under file SS2017-0358. The garage location was established at the time of the sewage system installation and clearance distances were observed to be adequate at that time. The modification to the garage to increase the height is not being proposed to accommodate living space, or plumbing fixtures and thus will not affect the overall requirements of the sewage system.

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

From: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Sent: Thursday, March 3, 2022 2:33 PM
To: 'Erin McGregor' <emcgregor@kawarthaconservation.com>; Christina Sisson <csisson@kawarthalakes.ca>; Emmett Yeo <eyeo@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Mathew McKinnon <mmckinnon@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Cc: Kim Rhodes <krhodes@kawarthalakes.ca>
Subject: Notice of Public Hearing for Minor Variance D20-2022-010, 285 Omega Road, Bexley

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2022-010 to be heard at March 17, 2022 C of A meeting.

Kent Stainton

From: Mark LaHay
Sent: Friday, March 4, 2022 11:59 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20220304 D20-2022-010 - Engineering Review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Friday, March 4, 2022 11:32 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220304 D20-2022-010 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-010
285 Omega Road
Lot 2 Base of Long Point, Plan 557, Part Lot A, Concession 2
Geographic Township of Bexley, Ward 1, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.3.2 to increase the maximum allowable height for an accessory building (detached garage) in a residential zone from 5 metres to 6.5 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

Charlotte Crockford

From: Mathew McKinnon
Sent: Friday, March 4, 2022 10:24 AM
To: Charlotte Crockford
Subject: Notice of Public Hearing for Minor Variances

The following comments are provided from the Building & Septic Division, save and except those comments provided separately by the Supervisor of Part 8 Sewage Systems:

D20-2021-077 – Spatial could be a potential issue, development charges applicable, permit required, no other concerns

D20-2022-010 – outstanding building permit BP2017-1278, no other concerns

D20-2022-011 – outstanding building permit BPH2003-1508, permit required for pool house, no other concerns

D20-2022-012 – completion of issued permits BP2021-1621 & BP2017-0353 required, permits required for boathouse & cabin, no other concerns

D20-2022-016 – outstanding building permit BPH2013-0357, development charges applicable, permit required, no other concerns

D20-2022-017 – building permit required, completion of permit application BP2021-1620 for SDD required prior to issuance of garage permit, no other concerns

D20-2022-018 – no concerns

Mathew McKinnon

Plans Examiner

Development Services, City of Kawartha Lakes

Tel: (705) 324-9411 ext. 1273 www.kawarthalakes.ca



Please note: The Building Department 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.