

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Savage
Report Number COA2022-024

Public Meeting

Meeting Date: April 21, 2022
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(e) to reduce the minimum water setback from 30 metres to 27.9 metres to permit the construction of a vacation dwelling, 23.9 metres to permit the construction of a covered deck, and 23.7 metres to permit the construction of two uncovered decks.

The variances are requested at 43 Chemongview Street, geographic Township of Emily (File D20-2022-004).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendations:

Resolved That Report COA2022-024 Savage, be received;

That minor variance application D20-2022-004 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 elevations in Appendix D submitted as part of Report COA2022-024, 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 COA2022-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application proposes to replace an existing vacation dwelling with a new vacation dwelling.
This application was last amended March 22, 2022.

Proposal: To construct a new vacation dwelling.

Owners: Rob and Helen Savage

Applicant: Dennis Jenkins – Northern Designs

Legal Description: Part Lot 23, Concession 5, geographic Township of Emily

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

Zone: Limited Service Residential Exception Four (LSR-4) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1,474 square metres (15,866 square feet)

Site Servicing: Private individual well and sewage system

Existing Uses: Shoreline Residential

Adjacent Uses: North: Agricultural
South: Lancaster Bay
East: Shoreline Residential
West: Forest, Shoreline 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 in a shoreline residential area at the end of the private road known as Chemongview Street.

The variances, if granted, will allow for the redevelopment of the shoreline residential lot in a location similar to other dwellings along Chemongview Street and move the built form further from the shoreline. The deck of the current dwelling is 10.6 metres from the shoreline. The new deck is proposed at 23.7 metres. As a result, the setback between built form and the shoreline will increase by an additional 9.8 metres. The additional water setback shall provide more space within the rear yard for amenity purposes, infrastructure, and provide space to establish vegetation for stormwater attenuation and infiltration.

The existing vacation dwelling to be removed is 54 square metres, which is undersized. It is also about 13.9 metres from the shoreline.

The new dwelling, with a gross floor area (gfa) of 128.3 square metres, will provide a footprint that exceeds the minimum gfa requirement of 93 square metres. This will allow for the increased utilisation of the site for residential purposes and provide a dwelling size that complies with the minimum by-law requirements.

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 Four (LSR-4) Zone within the Township of Emily By-law 1996-30. The zone permits vacation dwellings. Single detached dwellings that were in lawful existence are also permitted. A vacation dwelling is proposed.

The intent of the water setback is to provide sufficient spatial separation between built form along with the activity it generates and the shoreline to protect the environmental functions of the lake and mitigate adverse impacts. The built form is being moved further north to better address these items. It is also anticipated that the covered and uncovered decks will assist in grouping the most intensive rear yard recreational and amenity activities to the area immediately surrounding the dwelling, reducing the frequency that the remainder of the rear yard will be used more intensively. Further mitigating impacts on the water and shoreline.

Adequate spatial separation, in addition to providing distance between built form and the shoreline, allows for the establishment of vegetation to assist with the attenuation of stormwater runoff.

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 are anticipated within this designation, and a new vacation dwelling is proposed.

The intent of the Official Plan, particularly policy 3.11, is that development should be located 30 metres from the shoreline where possible. When it is not possible, development shall be located as far away as possible, but be no less than 15 metres from the shoreline to provide a minimal buffer of landscaped open space between the water and built form to improve water quality and habitat.

The lot is between 46.2 and 51.9 metres deep. The relatively shallow depth of the lot does not make it possible to construct a dwelling that would comply with

the 30 metre requirement. Therefore, the development must be analysed to see whether it has improved upon the water setback as much as is possible.

The built form is proposed to utilise the minimum front yard requirement in order to bring it close to the front lot line. The minimal front yard maximizes the distance between the built form and shoreline. The decks provide access to the rear yard from the main floor of the dwelling, and are sufficiently sized to be used for a variety of recreational purposes while not being of an excessive depth. The proposed built form has provided the best setback possible for the design proposed. The new landscaped open space proposed between the built form and shoreline is anticipated to improve the condition of the water and its shoreline.

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

Other Alternatives Considered:

No other alternatives have been considered.

Servicing Comments:

The property is serviced by private individual well and will be serviced by private individual sewage system.

Consultations:

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

Agency Comments:

Otonabee Region Conservation Authority (April 11, 2022): No concerns.

Building and Septic Division – Plans Examiner (April 7, 2022): No concerns.
Building permit required for the new dwelling. Demolition permits required for existing buildings.

Community Services Department (April 7, 2022): No concerns.

Development Engineering Division (April 7, 2022): No concerns.

Public Comments:

No comments received as of April 12, 2022.

Attachments:



Appendices A-E to
COA2022-024

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations
Appendix E – Department and Agency Comments

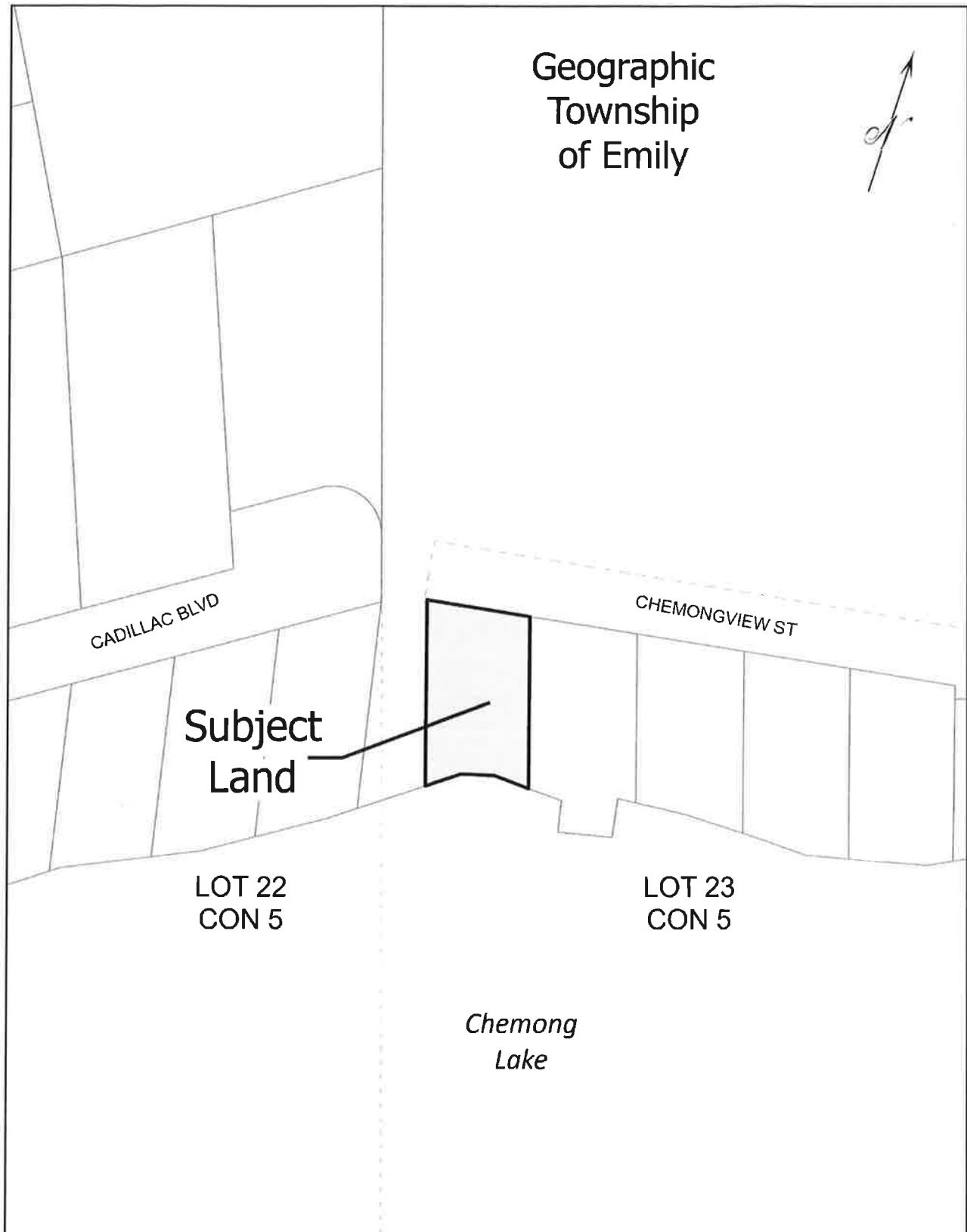
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Department File:	D20-2022-004

to

REPORT COA2022-024

FILE NO: D20-2022-004

D20-2022-004



43 Chemongview Street, geographic Twp. of Emily



to

FILE NO:

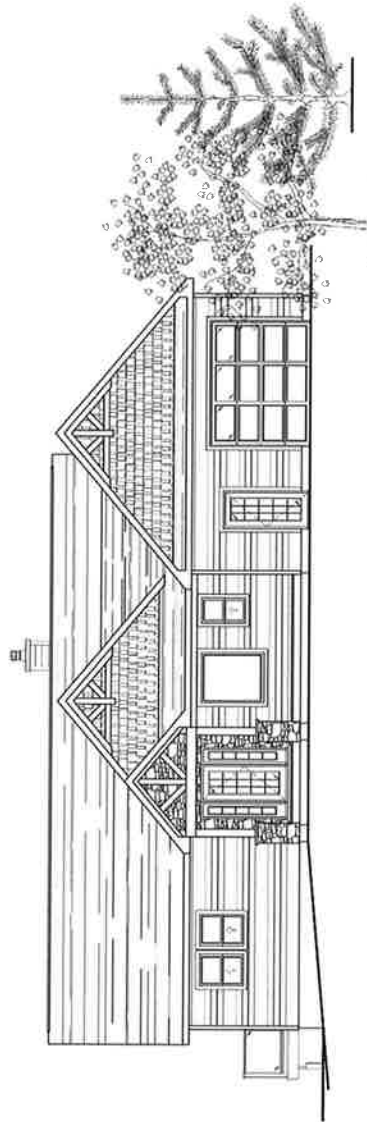


APPENDIX " D "

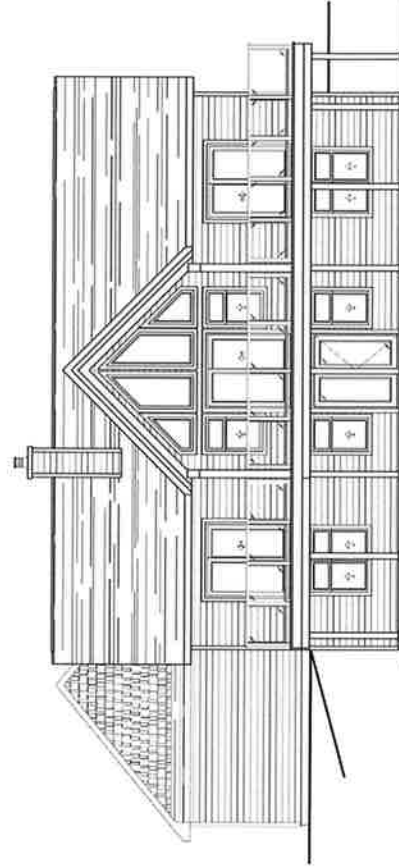
to

REPORT COA2022-024

FILE NO: D20-2022-004



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

David Harding

From: Mathew McKinnon
Sent: Thursday, April 7, 2022 8:55 AM
To: Nancy Ord
Cc: Susanne Murchison
Subject: RE: Notice of April 21, 2022 Public Hearing for Minor Variance Application D20-2022-004, 43 Chemongview Street, Emilly

APPENDIX E
to
REPORT COA2022-024
File No: D20-2022-004

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:

- Building permit required for new dwelling unit, demolition permits required for the garage and dwelling unit, no other concerns

Mathew McKinnon

Plans Examiner
Development Services, City of Kawartha Lakes
Tel: (705) 324-9411 ext. 1273 www.kawarthalakes.ca



From: Nancy Ord <nord@kawarthalakes.ca>
Sent: Tuesday, April 5, 2022 11:40 AM
To: 'mwilkinson@otonabeeconservation.com' <mwilkinson@otonabeeconservation.com>; 'Planning' <planning@otonabeeconservation.com>; Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Tracy Richardson <trichardson@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Mathew McKinnon <mmckinnon@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Cc: David Harding <dharding@kawarthalakes.ca>; Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: Notice of April 21, 2022 Public Hearing for Minor Variance, Application D20-2022-004, 43 Chemongview Street, Emilly

Please find attached the Notice of Public Meeting for Minor Variance Application D20-2022-004 with application and sketch to be heard at the April 21, 2022 Committee of Adjustment Hearing. (Attached as well is the Ad listing other applications which will also be heard at the April 21, 2022 hearing).

Thank you and **please respond with comments by Monday, April 11, 2022** to allow Planners to include your comments in their reports.

Nancy H. Ord

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



Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date: April 6, 2022
To: Committee of Adjustment
From: LeAnn Donnelly, Executive Assistant, Community Services
Re: Minor Variance – Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2022-004	43 Chemongview Street, Emily
D20-2022-014	4 Alfred Street, Verulam
D20-2022-015	19 Royal Estate Drive, Manvers
D20-2022-020	50 River Bend Drive, Somerville
D20-2022-021	31 Logie Street, Lindsay
D20-2022-022	5 Homestead Road, Manvers

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services
705-324-9411 ext. 1300

David Harding

From: Mark LaHay
Sent: Thursday, April 7, 2022 3:44 PM
To: David Harding
Cc: Nancy Ord; Charlotte Crockford
Subject: FW: 20220407 D20-2022-004 - Engineering Review

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Thursday, April 7, 2022 8:57 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220407 D20-2022-004 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-004
43 Chemongview Street
Part of Lot 23, Concession 5
Geographic Township of Emily, Ward 8, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 27.9 metres to permit the construction of a vacation dwelling, 23.9 metres to permit the construction of a covered deck, and 23.7 metres to permit the construction of two uncovered decks.

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



April 11, 2022

Nancy Ord
Administrative Assistant
Development Services – Planning Division
180 Kent Street West
Lindsay, ON, K9V 2Y6

**Re: D20-2022-004; 43 Chemongview Street, Lot 23 Concession V (Emily) Rob and Helen Savage,
Kawartha Lakes, Roll#:165100100723200; ORCA File PPLK-307**

Dear Nancy Ord,

The Otonabee Region Conservation Authority (Otonabee Conservation) have received the above noted circulation regarding the proposed minor variance. Otonabee Conservation staff have reviewed the information in accordance with our mandate and policies and offer the following comments.

The application seeks relief from the Township of Emily Zoning By-law 1996-30, as amended, in order to permit the construction of a vacation dwelling, a covered deck, two uncovered decks and a filter bed.

- i) With reference to Section 13.2.1.3(e) to reduce the minimum water setbacks from 30 metres to:
 - i. 27.91 metres for a vacation dwelling;
 - ii. 23.9 metres for a covered deck;
 - iii. 23.71 metres for two uncovered decks; and
 - iv. 15.22m for a filter bed.

Otonabee Conservation's Interest in this application is four-fold:

1. *Otonabee Conservation has reviewed this application through our delegated authority from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).*

The Otonabee Region Conservation Authority
250 Milroy Drive, Peterborough, ON K9H 7M9
Phone: 705-745-5791 Fax: 705-745-7488
Email: otonabeeca@otonabeeconservation.com

www.otonabeeconservation.com



The subject property fronts onto Chemong Lake and contains a portion of the flooding hazard associated with that waterbody.

A review of available flood mapping (Kawartha Lakes High Water Levels Mapping) and the Plan of Survey submitted in support of the application indicates the proposed development appears to be outside the area of flooding associated with Chemong Lake (246.82 metres CGVD28) or any known erosion hazards. **Therefore, Otonabee Conservation is of the opinion that the application is consistent with PPS Section 3.1, referencing Natural Hazards.**

2. *The Authority has reviewed the application as a service provider to the Township of Selwyn, in that we provide technical advice on natural heritage matters through a Memorandum of Understanding.*

The mapping indicates the proposed redevelopment is within 120 metres of a key hydrologic feature (Chemong Lake). A proposal of this nature should demonstrate conformity to the Growth Plan for the Greater Golden Horseshoe Policy 4.2.4.5 in that there will be no negative impacts to the feature as a result of the proposed development. **Therefore, it is the opinion of Otonabee Conservation that while the proposed development is consistent with PPS Section 2.1 and 2.2, in order to demonstrate conformity with GPGGH 4.2.4.5c) for a shoreline redevelopment, it is recommended to the City of Kawartha Lakes that the application prepare and submit a plan(s) to be approved by the applicable planning authority that:**

- **Establishes, or increases the extent and width of a vegetation protection zone along the shoreline to a minimum of 30 metres;**
- **plans, designs, and constructs the development in a manner that protects hydrologic functions, minimizes erosion, and avoids or mitigates sedimentation and the introduction of nutrients or other pollutants into the lake; and**
- **Enhances the ability of native plants and animals to use the shoreline as both wildlife habitat and a movement corridor.**

3. *Otonabee Conservation has reviewed the application through a regulatory lens. Under Ontario Regulation 167/06, this Authority's 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation under Section 28 of the Conservation Authorities Act, any development, interference with or alteration within a flooding hazard, erosion hazard, watercourse, wetland and their adjacent lands/areas of interference requires a permit from the Authority. When an application is circulated under the Planning Act will also require an Otonabee Conservation permit, it is the practice of the Authority to establish the policy requirements of both processes during the planning stage.*

Otonabee Conservation mapping shows the property is subject to this Authority's 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation, Ontario Regulation 167/06. Based on a cursory review of the Authority's Development Control mapping,

the filter bed is proposed within the 15 metre regulated area adjacent to the limit of the floodplain associated with Chemong Lake. **As such a permit is required from this agency prior to site alteration.**

4. *Otonabee Conservation has reviewed the application in terms of the Revised Trent Source Water Protection Plan (SPP), prepared under the Clean Water Act. The SPP, intended to protect Ontario's drinking water at its source, came into effect on January 1, 2015 and contains policies to protect sources of municipal drinking water supplies from existing and future land use activities.*

It was determined that the subject property is not located within an area that is subject to the policies contained in the SPP.

Please contact me if you have any questions or concerns.

Best Regards,



Katie Jane Harris

Planning and Development Officer, Otonabee Conservation

Cc: Mark LaHay, Secretary-Treasurer, Committee of Adjustment, City of Kawartha Lakes