

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Roka**

Report Number COA2022-029

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### **Public Meeting**

**Meeting Date:** April 21, 2022

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### **Ward: 8 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to request relief from Section 13.4.1(c) to reduce the minimum side yard from 7.6 metres to 4.2 metres to permit the construction of an addition to a single detached dwelling.

The variance is requested at 19 Royal Estate Drive, geographic Township of Manvers (File D20-2022-015).

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**Author:** Leah Barrie, Manager

**Signature:** 

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### **Recommendations:**

**Resolved That** Report COA2022-029 Roka, be received;

**That** minor variance application D20-2022-015 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 COA2022-029, which shall be attached to and form part of the Committee's Decision; and
- 2) That the building construction related to the minor variance 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 COA2022-029. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The application was deemed complete on February 18, 2022

**Proposal:** To construct an approximately 7.92 metre x 11.58 metre garage attached to the existing single detached dwelling

**Owner:** John Roka

**Legal Description:** 19 Royal Estate Drive, Part Lot 12, Concession 2, geographic Township of Manvers, City of Kawartha Lakes

**Official Plan:** "Rural Settlement" within the Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan

**Zone:** "Rural Residential Type One Special Two (RR1-S2)" Zone within the Oak Ridges Moraine Zoning By-law 2005-133

**Site Size:** 3,941.6 square metres (0.974 acre) [MPAC]

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Residential

**Adjacent Uses:** Residential

**Rationale:**

**1) Is the variance minor in nature? Yes**

The subject property is located within a residential subdivision in the southern portion of the community of Pontypool. The estate residential subdivision is characterized by a regular lotting pattern of predominantly square-shaped lots with ample spatial separation between the single detached dwellings. The dwellings are buffered from one another by trees and patches of forest. There are no sidewalks or curbs.

The yard area between the proposed garage and the road is comprised of manicured lawn with a dense vegetative buffer along the front lot line screening the new structure from the road and adjacent property to the west (#14). The tree cover continues along the north lot line providing a suitable screen between the new garage and the dwelling on the abutting lot to the north (#17). There are no impacts to the neighbour's privacy as a result of siting the new garage within the north side yard.

When evaluating the possible impacts of the variance, an assessment of environmental features, municipal functions and neighbouring properties is warranted. The site is outside of any known natural hazards; is not within 120 metres of any known key hydrological or natural heritage features of significance; is outside of the Conservation Authority's regulated areas; and is not located in a vulnerable area per the Revised Trent Source Water Protection Plan. There are no anticipated impacts on the function of the municipal right of

way with respect to access or drainage. Any possible impacts to the adjacent property to the north and west are mitigated through existing vegetation.

As such, the variance is minor in nature.

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The proposed attached garage will provide needed additional indoor storage. Adding the garage to the north side of the dwelling is most logical given the location of the driveway, the clearing in the north side yard, and the floorplan of the dwelling. Many of the surrounding homes have been designed with attached garages, and the proposal upholds the existing neighbourhood character.

As such, the proposal is 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 property is zoned "Rural Residential Type One Special Two (RR1-S2)" Zone within the Oak Ridges Moraine Zoning By-law 2005-133. The zone provisions establish an estate residential character in the neighbourhood through larger lot areas, greater yard setbacks and lesser lot coverage while ensuring sustainable carrying capacity based on the available services. These provisions also allow for the establishment and maintenance of additional vegetation to buffer the dwellings from one another.

The proposed attached garage is positioned slightly ahead of the existing dwelling while continuing to exceed the minimum front yard setback. While sizeable at approximately 96 sq m, the proposed garage remains subordinate to the footprint of the dwelling in size and height, and as such is not anticipated to cause adverse massing impacts.

The maximum lot coverage of 25% indicates the intent of the by-law to create a neighbourhood where it is the landscape rather than the built form that is to be most prominent. Construction of the garage is not anticipated to have any impact on the existing landscape or natural tree cover to ensure character is upheld. The reduced side yard will continue to provide ample room to pass from front to rear yards, perform maintenance on the north side of the structure, and adequately drain water. A generous south side yard also provides access between front and rear yards with direct access to the existing septic field in the southeast corner of the property.

As such, 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 Settlement" within the Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan. This designation

permits residential uses and associated accessory structures. The proposed addition enhances the residential function of the property.

As such, the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by a private individual well and 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:**

Otonabee Conservation – Planning and Development Officer: Summarized as the application is consistent with applicable policies, regulation and legislation.

Building and Septic Division – Supervisor of Part 8 Sewage Systems: No concerns.

Building and Septic Division – Plans Examiner: Building permit required, no other concerns.

Development Engineering Division – Manager: No objection.

Community Services – Executive Assistant: No comments or concerns.

Ministry of Transportation – Planning Intern: The subject lands are not within MTO jurisdiction, therefore MTO has no comments to offer.

**Public Comments:**

No comments received as of April 12, 2022.

**Attachments:**



Appendices A-E to  
COA2022-029

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevations

Appendix E – Department and Agency Comments

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**Phone:**

705-324-9411 extension 1240

**E-Mail:** lbarrie@kawarthalakes.ca  
**Department Head:** Richard Holy, Director of Development Services  
**Department File:** D20-2022-015

APPENDIX " A "

to

REPORT COA2022-029

FILE NO: D20-2022-015

## D20-2022-015

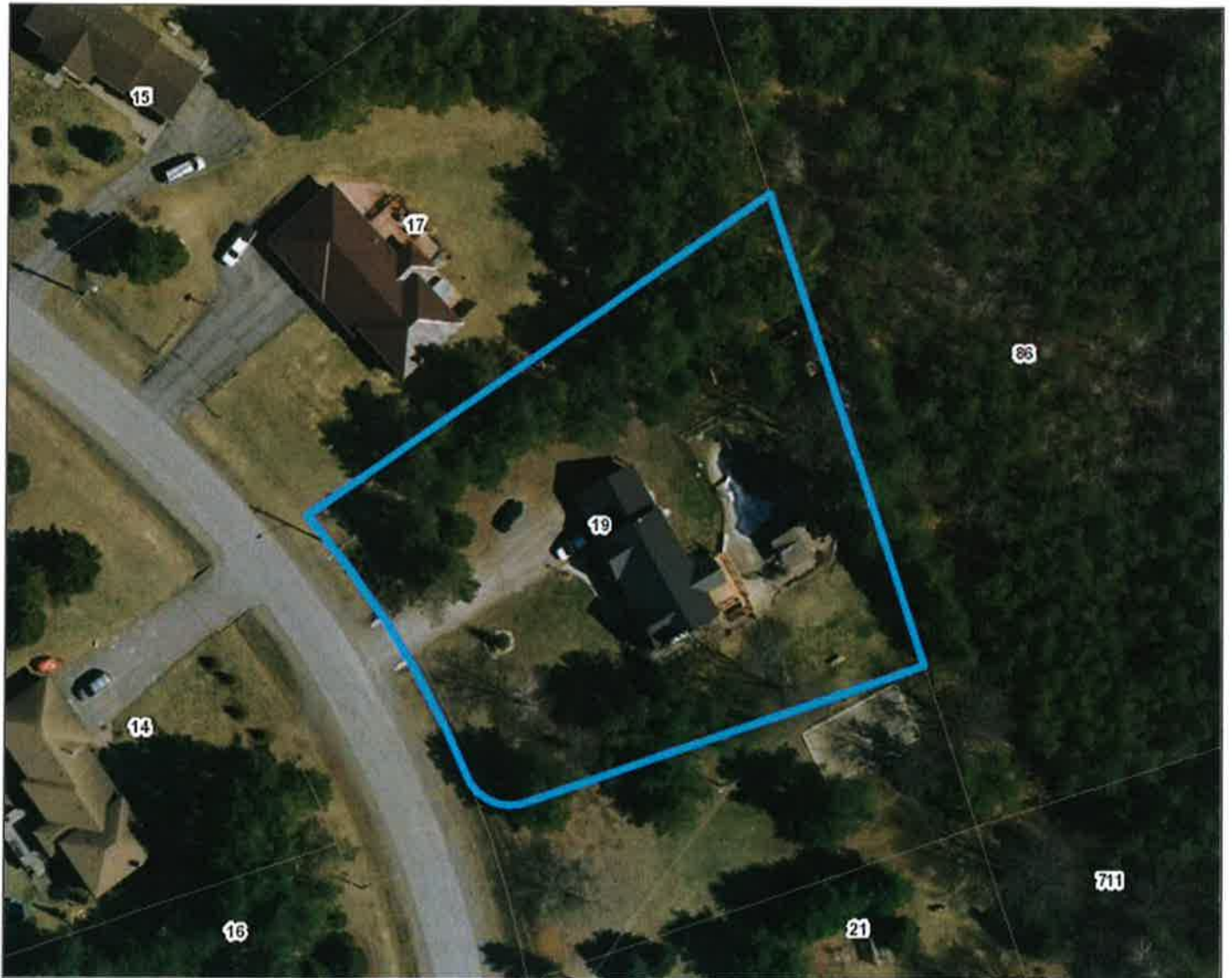


APPENDIX “ B ”

to

REPORT COA2022-029

FILE NO: D20-2022-015



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

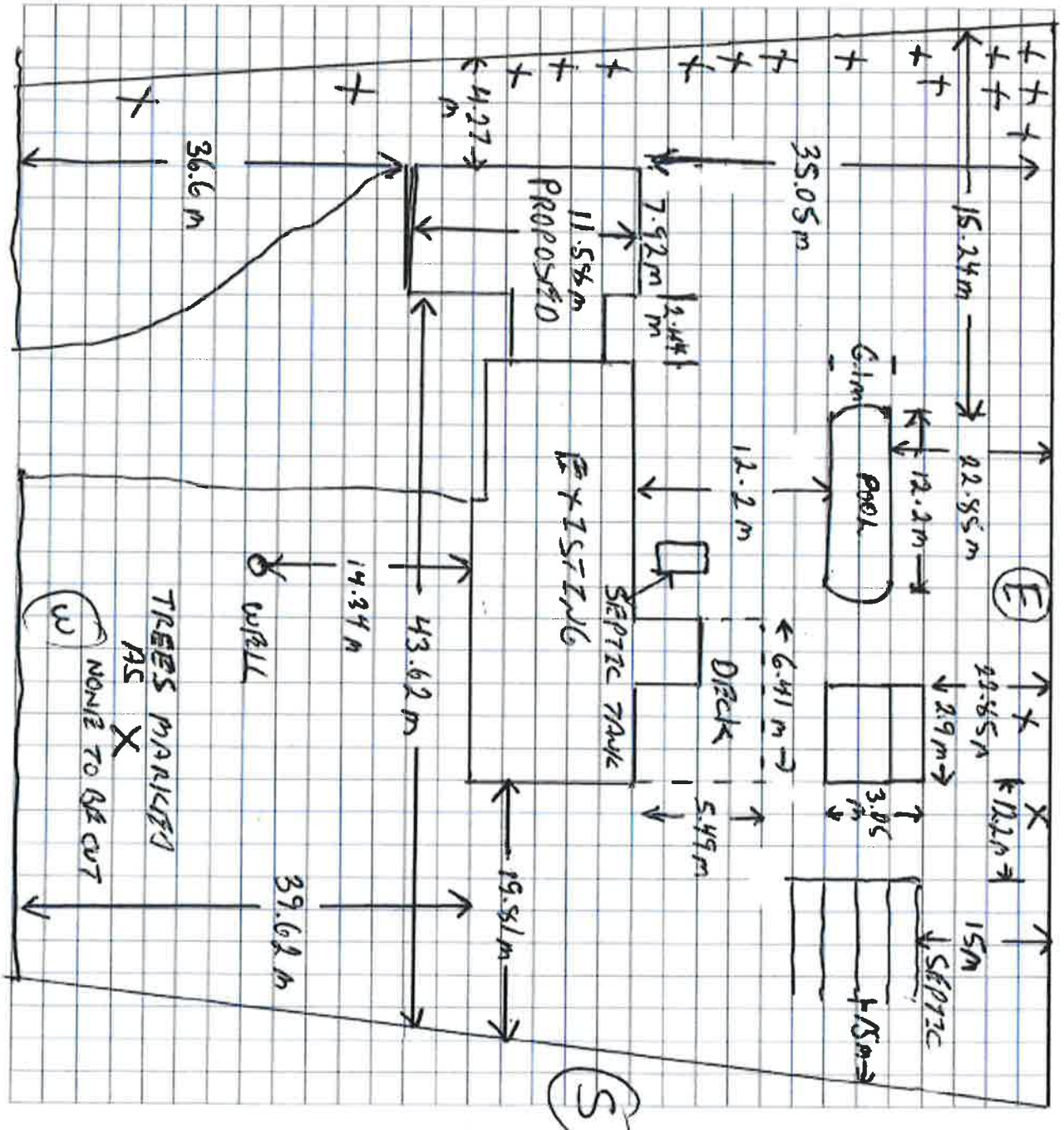


APPENDIX " C "

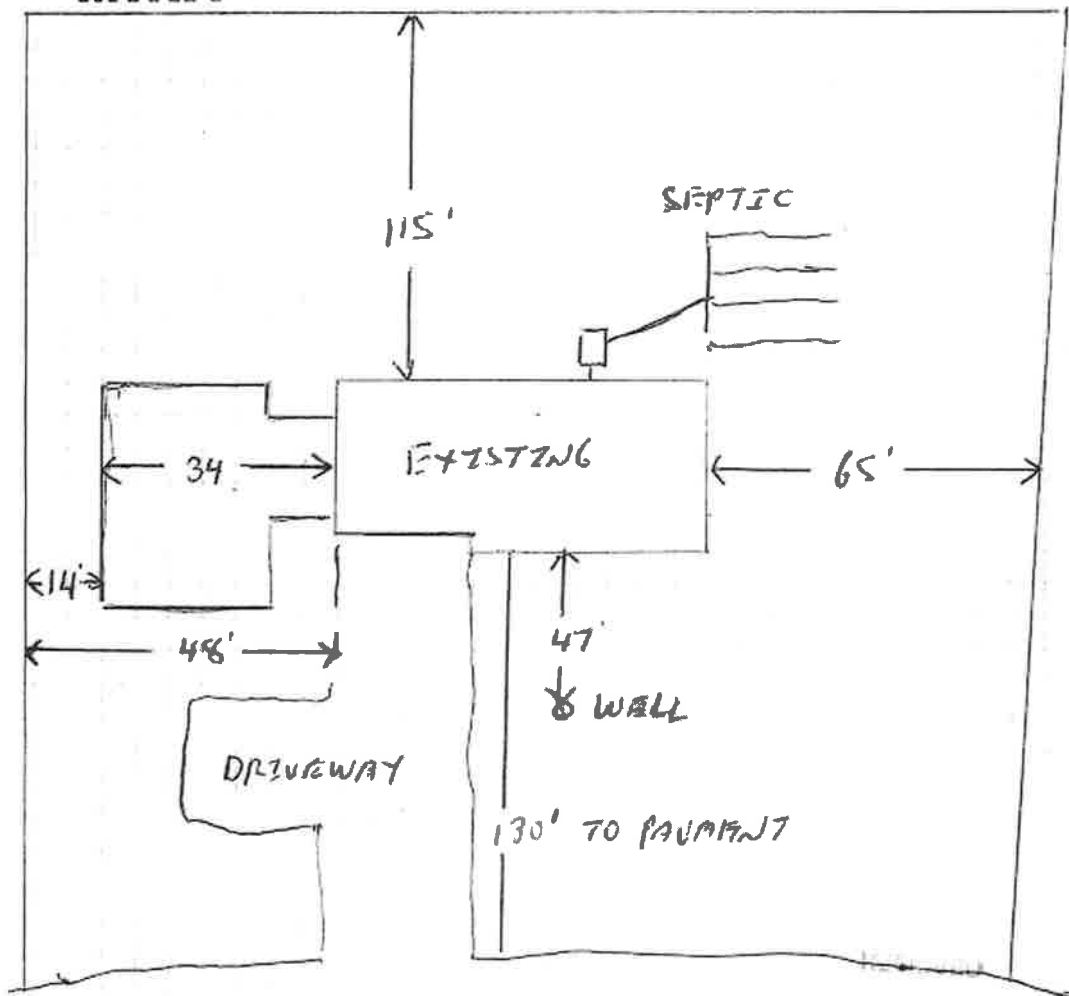
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REPORT COA2022-029

FILE NO: D20-2022-015







19 ROYAL ESTATE DR

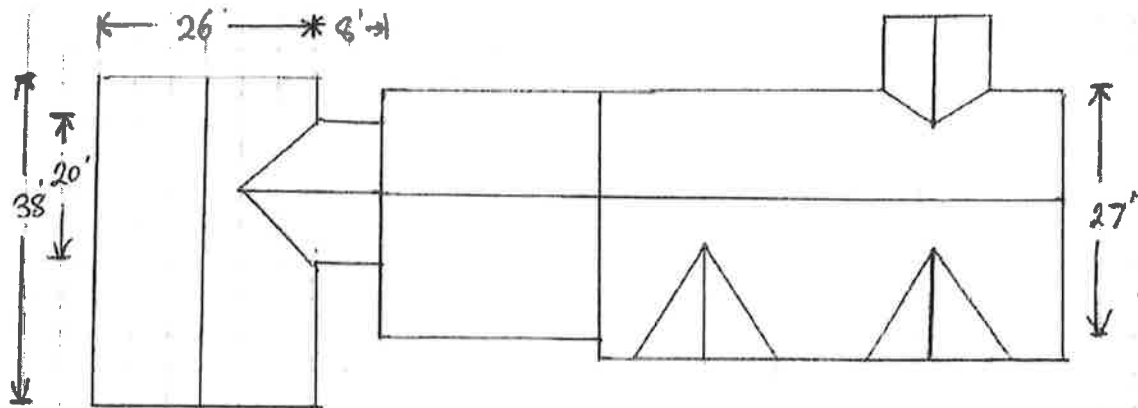
JAN 21 2017

APPENDIX " D "

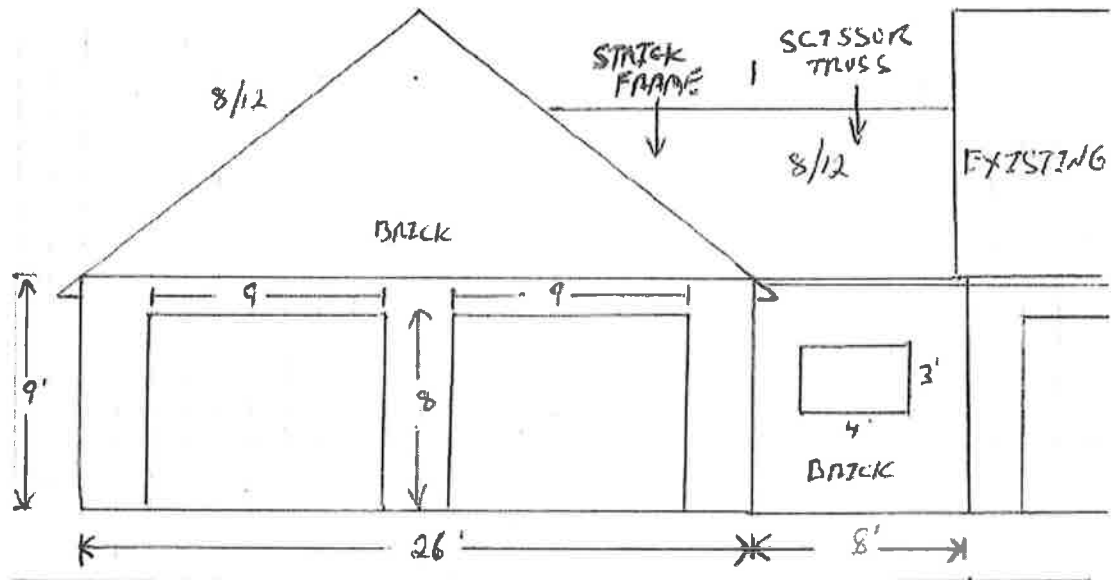
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REPORT COA2022-029

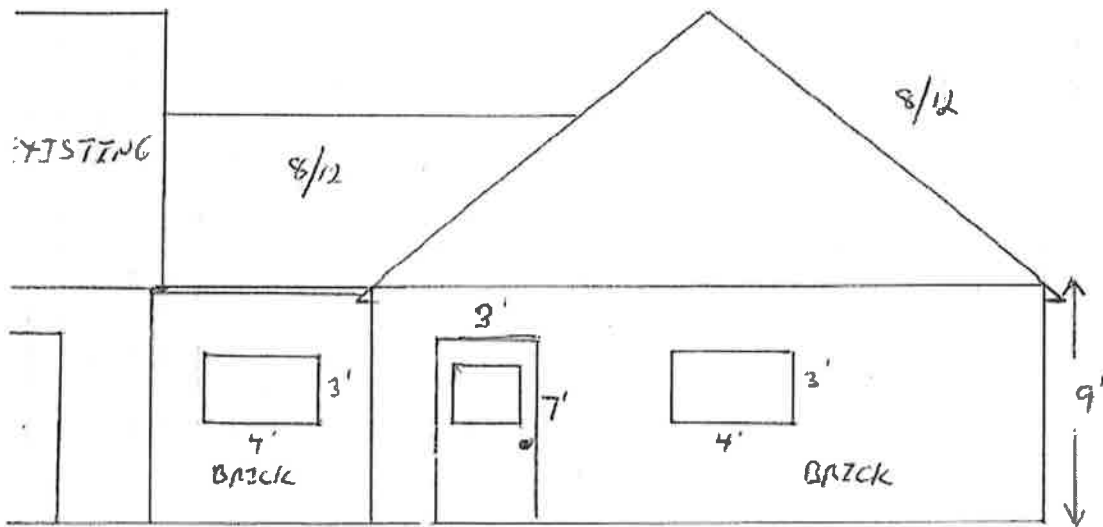
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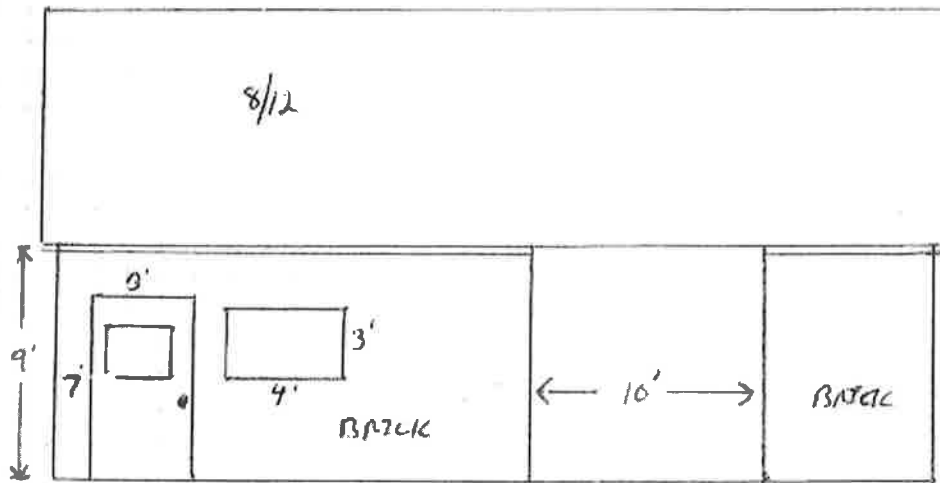
WEST SIDE



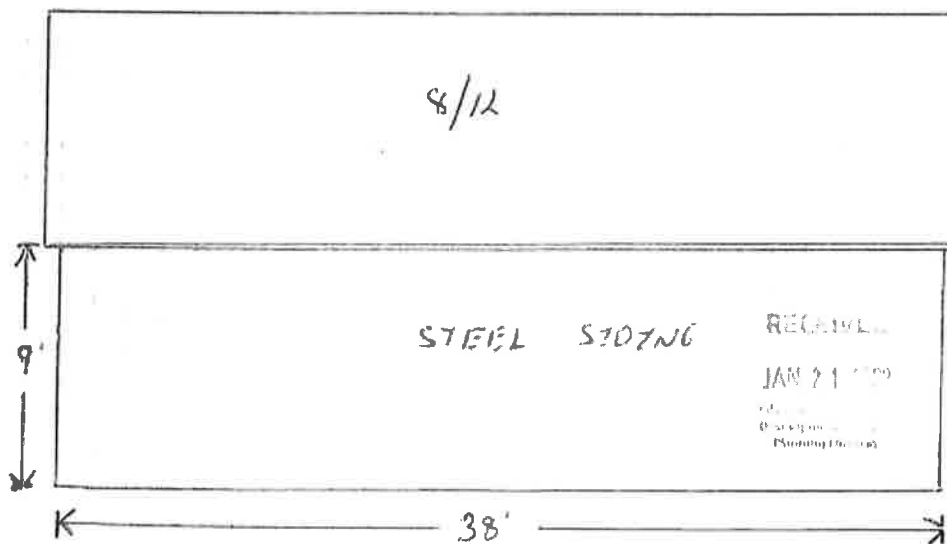
EAST SIDE



# SOUTH SIDE



# NORTH SIDE



APPENDIX " E "

to

REPORT COA2022-029

FILE NO: D20-2022-015

**From:** Lisa Peimann <[lpeimann@kawarthalakes.ca](mailto:lpeimann@kawarthalakes.ca)>

**Sent:** Thursday, April 7, 2022 9:32 AM

**To:** Mark LaHay <[MLaHay@kawarthalakes.ca](mailto:MLaHay@kawarthalakes.ca)>

**Cc:** Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Kirk Timms

<[ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)>; Daniel Woodhead <[dwoodhead@kawarthalakes.ca](mailto:dwoodhead@kawarthalakes.ca)>

**Subject:** 20220407 D20-2022-015 - Engineering Review

**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2022-015

19 Royal Estate Drive

Part 12, Concession 2

Geographic Township of Manvers, 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 13.4.1(c) to reduce the minimum side yard from 7.6 metres to 4.2 metres to permit the construction of an addition to a single detached dwelling.

*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](http://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.**

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**From:** Mathew McKinnon <mmckinnon@kawarthalakes.ca>  
**Sent:** Thursday, April 7, 2022 9:38 AM  
**To:** Nancy Ord <nord@kawarthalakes.ca>  
**Cc:** Susanne Murchison <smurchison@kawarthalakes.ca>  
**Subject:** RE: Committee of Adjustment Notice of Public Hearing for Minor Variance Application D20-2022-015, 19 Royal Estate Drive, Manvers

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, no other concerns

**Mathew McKinnon**

Plans Examiner

Development Services, City of Kawartha Lakes

Tel: (705) 324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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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:

D20-2022-015    19 Royal Estate Drive, Manvers

LeAnn Donnelly

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

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**From:** Miller, Amanda (MTO) <Amanda.Miller3@ontario.ca>  
**Sent:** Wednesday, April 6, 2022 8:45 AM  
**To:** Nancy Ord <nord@kawarthalakes.ca>  
**Cc:** Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>  
**Subject:** RE: Committee of Adjustment Notice of Public Hearing for Minor Variance Application D20-2022-015, 19 Royal Estate Drive, Manvers

Good Morning Nancy,

Thank you for circulating the Committee of Adjustment Notice of Public Hearing for Minor Variance Application to MTO for review. Please accept this as a formal response from the Ministry of Transportation. MTO has reviewed the application in accordance with the Public Transportation and Highway Improvement Act (PTHIA) and Highway Access Management Guideline and offers following comments:

The ministry has reviewed the applications for 19 Royal Estate Drive and has determined that the subject lands are not within MTO jurisdiction, therefore MTO has no comments to offer these applications.

Thank you for the opportunity to comment.

Kind Regards,

Amanda Miller

Planning Intern

Corridor Management Section | East Operations

Ministry of Transportation

1355 John Counter Blvd

Kingston, ON K7K 0E5

[Amanda.Miller3@ontario.ca](mailto:Amanda.Miller3@ontario.ca)



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**From:** Anne Elmhirst <aelmhirst@kawarthalakes.ca>  
**Sent:** Thursday, March 3, 2022 4:26 PM  
**To:** Charlotte Crockford <ccrockford@kawarthalakes.ca>  
**Subject:** D20-2022-015 - 19 Royal Estate Drive

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2022-015 for 19 Royal Estate Drive to request relief to a side property line for the construction of an attached garage.

A sewage system search of records was conducted and a sewage system use permit was located under file MA-102-89. The sewage system use permit indicates the location of the sewage system is in the rear yard of the property. A site visit was conducted to ensure the location was consistent with the approval. The sewage system was observed on the opposite yard to the proposed garage and will maintain the required clearance distance to the system components. In addition, the garage proposal will not incorporate habitable space or plumbing fixtures, which could effect capacity issues.

As such, the Building and Septic Division has no 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](http://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.



February 24, 2022

Charlotte Crockford-Toomey  
City of Kawartha Lakes  
180 Kent Street West  
Lindsay, ON K9V 2Y6

Dear Charlotte Crockford

Re: File: D20-2022-015, John Roka, 19 Royal Estate Drive, Pontypool, Roll#  
1651008010215390, ORCA File: PPLK-308

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

The purpose of the above noted application is to seek relief from the provisions of Zoning By-law No. 2005-133, as amended, in order to permit the construction of a 301.14 square metre garage as follows:

- I. With reference to Section 13.4.1 (c) – minimum side yard setback provisions of the City of Kawartha Lakes By-law No. 2005-133, as amended, to reduce the minimum side setback from 7.6 metres to 4.27 metres.

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

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

The proposed new development is located outside of any known natural hazards. It is the opinion of Otonabee Conservation staff that the application is consistent with section 3.1 of the PPS.

250 Milroy Drive, Peterborough ON K9H 7M9  
P: 705-745-5791 F: 705-745-7488  
otonabee@otonabeeconservation.com  
otonabeeconservation.com

2. *Otonabee Conservation has reviewed the application through our responsibilities as a service provider to the municipality in that we provide planning and technical advice on natural heritage matters through a Memorandum of Understanding.*

The garage structure is not proposed within 120 metres from any known key hydrological or natural heritage features of significance. Otonabee Conservation is of the opinion that the application is consistent with Section 2.1 and 2.2 of the PPS and 4.2.3 and 4.2.4 of the Growth Plan for the Greater Golden Horseshoe (GPGGH).

3. *Otonabee Conservation has reviewed the application through a regulatory lens as per our legislative priorities under Ontario Regulation 167/06, this Authority's 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation pursuant to Section 28 of the Conservation Authorities Act.*

Otonabee Conservation mapping shows the proposed new development falls outside of the regulated area. A permit is NOT required from the Authority for the new development.

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 subject lands are not located in a vulnerable area as per the SPP.

Please contact me if you have any questions or concerns.

Best Regards,



Katie Jane Harris

Planning and Development Officer