

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Lindsay and Shawney Murray
Report Number COA2022-030

Public Meeting

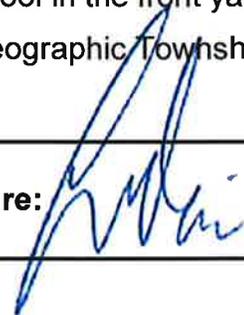
Meeting Date: May 19, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to provide relief from Section 3.1.2.1 that requires the siting of accessory structures in the interior side yard or rear yard, in order to permit an above-ground swimming pool in the front yard. The variance is requested at **111 Cameron Drive**, geographic Township of Fenelon (File D20-2022-023).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations:

Resolved That Report COA2022-030 Murray, be received;

That minor variance application D20-2022-023 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 submitted as part of Report COA2022-030, 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 COA2022-030. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:

Proposal: To permit an above-ground swimming pool in the front yard

Owners: Lindsay and Shawney Murray

Applicants: Same as above

Legal Description: Lot 34 on Plan 416, Part of Lot 7, Concession 8, 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: 1,393.54 sq m (15,000.0 sq ft)

Site Servicing: Municipal water and private individual septic system

Existing Uses: Residential

Adjacent Uses: Residential

Rationale:

1) Are the variances minor in nature? Yes

When evaluating the possible impacts of the variance, an assessment of environmental features, municipal functions and neighbouring properties is warranted.

The site contains lands regulated by Kawartha Conservation, and a permit will be required for the proposed development. Also applicable is KRCA's Plan Review and Regulations Polices (2013) section 4.4.2(3) – Development (Buildings or Structure within or Adjacent to an Apparent Valley), which requires potential erosion to be addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans. According to KRCA, the impacts on erosion are minimal and no additional studies will be required.

There are no anticipated impacts on the function of the municipal right of way with respect to access or drainage.

Given the presence of accessory structures within the front yards of neighbouring properties, as well as the increased setback proposed, the impacts to neighbouring properties or the streetscape are minimal.

As such, the variance is minor in nature.

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

The proposed swimming pool is a permitted accessory structure on the residential lot. It is intended to add to the owners' enjoyment of their property, while also

providing a good opportunity to enhance their level of activity and daily exercise to address existing ailments on the advice of their doctor. The area surrounding the pool will be landscaped with armour stone, shrubs and flowers.

As such, the proposal is 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 property is zoned Rural Residential Type Three (RR3) Zone, which permits the existing dwelling and its accessory structures and uses. For the purposes of this By-law a swimming pool is considered an accessory structure and as such is required to be sited in the interior side yard or rear yard only, generally intended to prioritize the presence of the dwelling as the primary use.

The lot is characterized as a Through Lot with Cameron Drive abutting the front lot line, while the driveway and garage are accessed from Southview Drive abutting the rear lot line. Additional encumbrances in the rear yard include the septic system, while utilities and residential structures render the interior side yards inconvenient and lacking a suitable building envelope in accordance with setback provisions. Notwithstanding the proposed front yard location, the pool will exceed the minimum front yard setback of 7.5 m at 9.7 m.

As such the variance maintains the 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 that permits seasonal and limited permanent residential development in proximity to lakes and rivers, with a goal to recognize and protect the established low density residential character. In order to uphold character through density and massing policies, new development shall maintain a low profile and blend with natural surroundings.

As such, the variance maintains the 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 municipal water and a private individual septic system.

Consultations:

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

Agency Comments:

DS-Building and Septic Division, Plans Examiner: No concerns.

DS-Building and Septic Division, Supervisor – Part 8 Sewage Systems: The location of the proposed above-ground pool will not encroach into the area of the sewage system envelope. As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to private on-site sewage disposal.

EA-Development Engineering Division, Manager: From an engineering perspective, we have no objection to the proposed Minor Variance.

Kawartha Conservation, Floodplain GIS/Mapping Technician: Any development, grading, structures, etc. within Kawartha Conservation's regulated area will require a permit pursuant to Ontario Regulation 182/06.

Public Comments:

No comments received as of the writing of the staff report.

Attachments:



Appendices
A-D_Cameron Dr_Mi

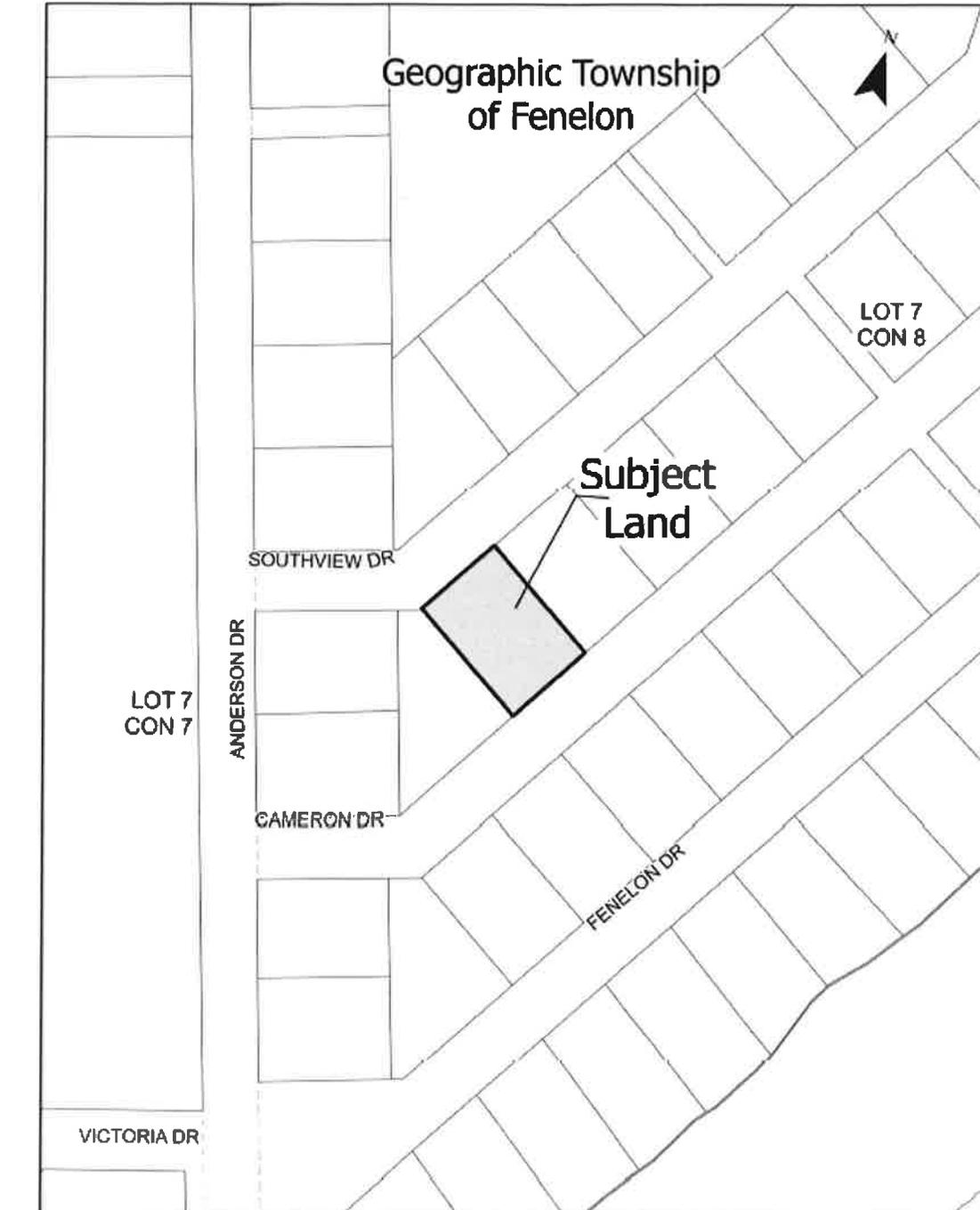
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1240
E-Mail: lbarrie@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-023

to

LOCATION MAP

D20-2022-023



APPENDIX " B "

to

REPORT COA2022-030

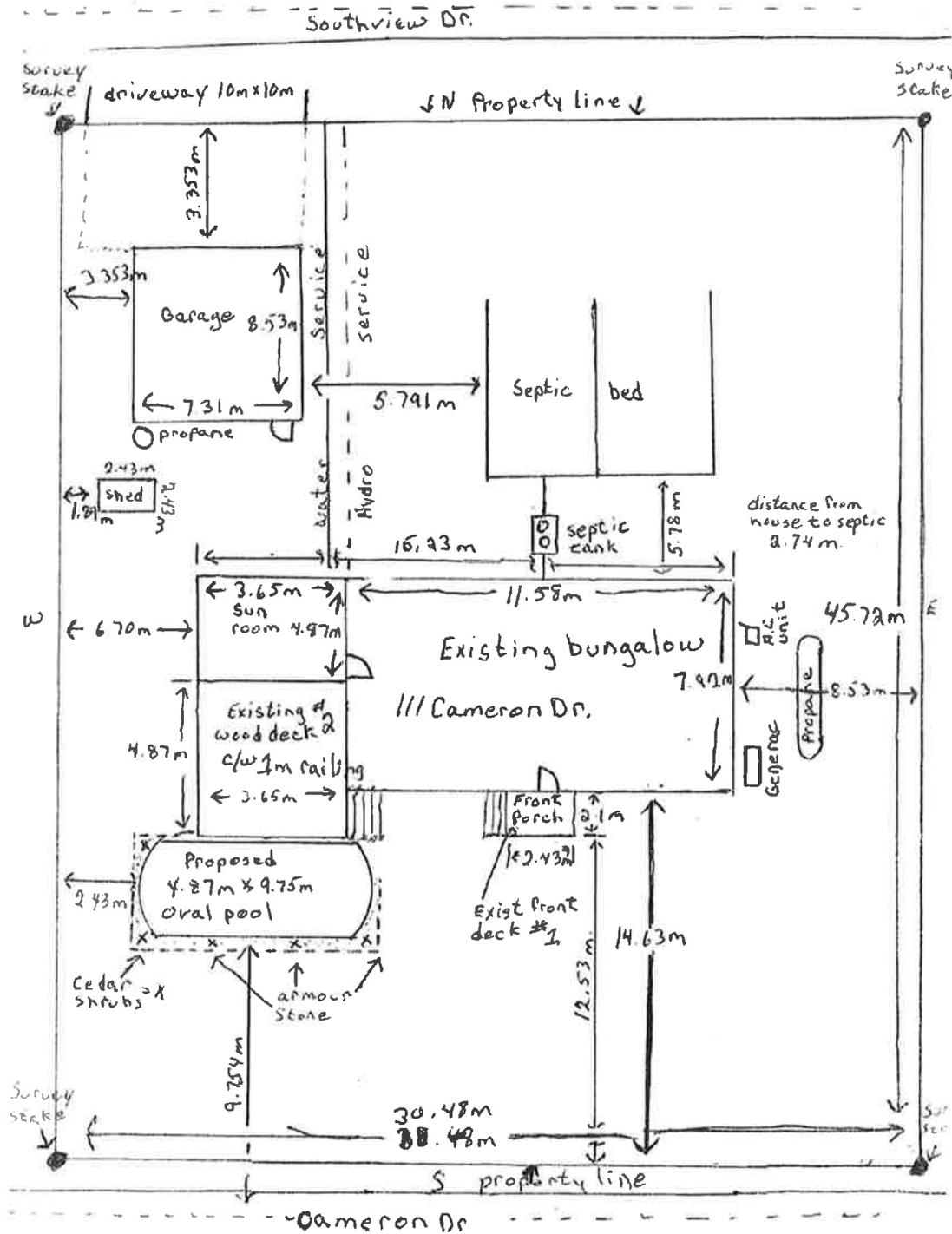
FILE NO: D20-2022-023

AERIAL PHOTO



to

APPLICANT'S SKETCH



to

REPORT COA2022-030FILE NO: D20-2022-023**COMMENTS**

From: Mathew McKinnon <mmckinnon@kawarthalakes.ca>
Sent: Monday, May 9, 2022 9:04 AM
To: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Cc: Susanne Murchison <smurchison@kawarthalakes.ca>
Subject: RE: Notice of Public Hearing for Minor Variances May 2022

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:

D20-2022-023 – no concerns

Mathew McKinnon

Plans Examiner

Development Services, City of Kawartha Lakes

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

From: Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Sent: Wednesday, May 4, 2022 4:06 PM
To: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Subject: D20-2022-023 - 111 Cameron Road

Hello Charlotte,

RE: Minor Variance D20-2022-023

111 Cameron Road, Former Fenelon Township,

Conc. 8, Pt Lot 7, Plan 416, Lot 34

Roll No. 165121003022300

I have received and reviewed the minor variance request for relief to locate an above-ground pool in the front yard of the property.

A review of the sewage system files back to 1974 was completed. A sewage system use permit/installation report was not found for the property. A site visit was conducted to locate the existing sewage system on the property. The sewage system was located in the rear yard (adjacent to Southview Drive) as represented on the provided site plan. The location of the proposed above-ground pool will not encroach into the area of the sewage system envelope.

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

From: Lisa Peimann <lpeimann@kawarthalakes.ca>

Sent: Thursday, May 5, 2022 8:09 AM

To: Mark LaHay <MLaHay@kawarthalakes.ca>

Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>

Subject: 20220504 D20-2022-023 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-023

111 Cameron Drive

Lot 34 on Plan 416, Part of Lot 7, Concession 8

Geographic Township of Fenelon, Ward 3, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to provide relief from Section 3.1.2.1 that requires the siting of accessory structures in the interior side yard or rear yard, in order to permit an above-ground pool in the front yard.

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



KRCA File NO: PPLK-10790

Via Email: ccrockford@kawarthalakes.ca

Charlotte Crockford
Administrative Assistant
Planning Department
City of Kawartha Lakes
26 Francis St
Lindsay, ON, K9V 5R8

**Regarding: Minor Variance Application
D20-2022-023
111 Cameron Drive, Fenlon, City of Kawartha Lakes
Lindsay and Shawney Murray**

Dear Ms. Crockford,

Kawartha Conservation has completed review of the above noted Minor Variance Application, submitted by Lindsay and Shawney Murray. Kawartha Conservation has provided comments as per our MOU with the City of Kawartha Lakes to review the application with respect to Natural Heritage, Watershed Management, and Natural Hazards.

Our comments are as follows:

Application Purpose:

It is Kawartha Conservation's understanding that the purpose and effect of Minor Variance Application D20-2022-023 is to seek relief from the following provisions in order to facilitate the construction of an above ground pool within the front yard of the property.

- Section 3.1.2.1 of Township of Fenelon Falls By-law 12-95 general provision for accessory buildings, structures and uses. Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

KAWARTHA CONSERVATION
277 Kerrej Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:
City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan





Site Characteristics:

Ontario Regulation 182/06:

The subject property contains lands regulated by Kawartha Conservation. Any development, grading, structures, etc. within Kawartha Conservation's regulated area will require a permit pursuant to Ontario Regulation 182/06.

Applicable Kawartha Conservation Regulation and Policies

The subject property is located within Kawartha Conservation's watershed/jurisdiction. A permit will be required from our office. In accordance with the Memorandum of Understanding (MOU) between the City of Kawartha Lakes and Kawartha Conservation regarding Natural Heritage and Natural Hazards.

Under Kawartha Conservation's Plan Review and Regulations Policies (2013) section 4.4.2(3) – Development (Buildings or Structure within or Adjacent to an Apparent Valley) applies which requires potential erosion to be addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans. Due to the minor nature of the proposed development the impacts on erosion are minimal and no additional studies will be required.

Recommendation:

Kawartha Conservation has no concerns with the approval of the Minor Variance Application D20-2022-023.

This evaluation is based on our consideration for natural heritage, watershed management, and natural hazards listed above. I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely,

Galen Yerex

Kawartha Conservation

CC: Emma Collyer, Director of Integrated Watershed Management, Kawartha Conservation

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