

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Evan Bombino

Report Number COA2020-044

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### Public Meeting

**Meeting Date:** November 26, 2020

**Time:** 1:00 pm

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

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### Ward: 3 – Former Village of Fenelon Falls

**Subject:** The purpose and effect is to request relief from the following provisions in order to construct a single detached dwelling and detached garage:

#### Single Detached Dwelling

Section 4.3.3(c)(i) to reduce the minimum exterior side yard from 7.6 metres to 3.3 metres,

Section 4.3.3(f) to reduce the minimum setback from street centerline from 17.6 metres to 9.3 metres,

#### Detached Garage

Section 4.3.3(c)(i) to reduce the minimum exterior side yard from 7.6 metres to 3.6 metres,

Section 4.3.3(f) to reduce the minimum setback from street centerline from 17.6 metres to 9.6 metres; and

Section 5.1.4 to increase the total accessory building lot coverage from 5% to 5.2%; and

The variance is requested at vacant land on Riverview Road, former Village of Fenelon Falls (File D20-2020-028).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:** 

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### Recommendations:

**Resolved That** Report COA2020-044 Bombino, be received;

**That** minor variance application D20-2020-028 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 elevations in Appendix D submitted as part of Report

COA2020-044, which shall be attached to and form part of the Committee's Decision;

- 2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written confirmation from the Building Division – Part 8 Sewage Systems stating that is satisfied with the proposed sewage system; and
- 3) **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 COA2020-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** This application was last amended November 10, 2020.

**Proposal:** To permit the construction of a two storey single detached dwelling with walkout basement, covered deck, and detached garage on the subject property.

**Owner:** Evan Bombino

**Legal Description:** Part Lot 6, Plan 100, former Village of Fenelon Falls, now City of Kawartha Lakes

**Official Plan:** Low Density Residential within the Village of Fenelon Falls Official Plan

**Zone:** Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25

**Site Size:** Total Lot Area: 4,272.1 square metres (1.05 acre), of which only 1,078.2 square metres (0.27 acre) is developable.

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

**Existing Uses:** Vacant Land

**Adjacent Uses:** North: Vacant Forested Land, Residential  
South, East: Shoreline Residential  
West: Residential

**Rationale:** The by-law requires the lot area calculation to exclude areas covered by water or marsh. Given that approximately 75% of the lot is covered by natural features, there is a significant difference between the area of owned land and lot area as per the by-law.

**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 borders the west side of the Fenelon River. The property is within the urban settlement area of Fenelon Falls, though the neighbourhood has a distinctive rural or cottage feel due to the narrow roadways, modestly sized dwellings in relation to lot size, and generous vegetation.

The subject property is a pie-shaped corner lot, bordering Riverview Road to the west and Wychwood Crescent to the north. The property is narrowest where it borders Wychwood Crescent. The property generally slopes downwards from west to east, with wetlands present at the bottom of most of the slopes. A small watercourse runs along the southern portion of the property, draining into Fenelon River.

Riverview Road is a short, narrow road which provides access to at least three other properties to the south. The municipally-owned portion of the road ends shortly after the subject property.

The property is highest on the west side. Driveway access along with the building footprints are proposed along the west side. The variances will facilitate the development of a property with significant environmental constraints. While the development is proposed closer to Riverview Road, the garage doors are proposed to face south, creating a courtyard between the garage and the north dwelling wall. This will ensure parking is contained entirely upon the property. Three windows are proposed on the garage wall facing the road, providing visual interest and providing more residential rather than utilitarian character to the streetscape.

The total area of the lot is large enough to absorb the slightly larger garage footprint. Further, as the garage is proposed to be in line with the dwelling, it is not anticipated to appear as the dominate the built form on the lot.

The reduced setback for the dwelling to the west lot line is not anticipated to cause privacy or massing impacts between the residential and road use as the second floor windows are not proposed on the southeastern wall facing the street. As the dwelling is proposed at an angle to the road, only the northwest corner of the dwelling will utilize the full extent of the requested setback. The southwest corner proposes a setback of 7.13 metres to the west lot line. Further, the travelled portion of the road is on the west side of the road allowance, providing a distance of 9.32 metres between the road edge and the nearest corner of the dwelling. This increased spatial separation between the uses provides additional buffering.

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 property is zoned Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. A single detached dwelling is a permitted use within the zone.

Development of the property is significantly constrained due to the wetlands present and the retaining wall features needed to provide a sufficiently-sized building envelope on a property with sloping topography. The constraints move a potential building envelope toward the west lot line.

While the yard between west building walls and west lot line is defined as an exterior side yard, it functions as a front yard since access to the property and dwelling is achieved from that side. Front yards as exterior side yards by their nature are less private spaces since they abut roads. The house is designed with that fact in mind: (1) in addition to the placement of the front door on the wall facing Riverview Road, the rear yard is proposed to the southeast away from the road, and (2) second floor windows are not proposed on the wall facing Riverview Road.

Front and exterior side yards regulate the overall proximity of built form to the street to reduce land use conflicts between uses, provide space for vehicle parking, and protect for other road functions, such as snow storage.

The dwelling design features noted above minimize potential conflict with the road use. Any outdoor parking is proposed in the courtyard between the dwelling and garage, which allows the built form to move closer to the road. Road maintenance operations are also not anticipated to be an issue as the travelled portion of the road is on the west side of the road allowance. Additionally, Riverview Road is not a main road: it is a narrow dead-end road serving few residential lots. Therefore, road use and the impacts that may result from increased proximity of built form to the road are anticipated to be very minimal, especially when viewed in conjunction with the proposed building placement and design.

The accessory building lot coverage requirement regulates the overall size of accessory uses in relation to the dwelling to ensure the dwelling remains the most visually prominent use on the property. The proposed garage is a two car building with a 55.7 square metre (600 square foot) footprint. The garage is proposed in line with the dwelling, and is modest in size. The garage is not anticipated to remain visually accessory to the size of the dwelling, and can be absorbed on a lot of this size.

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**

As the City of Kawartha Lakes Official Plan as it applies to the Fenelon Falls Urban Settlement Area has been appealed to the Local Planning Appeal Tribunal, the Village of Fenelon Falls Official Plan (Official Plan) applies. Single detached, duplex, semi-detached and similar residential uses are permitted within the designation. The application proposes a low density residential use.

In consideration of the above, the variances maintain 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 will be serviced by private individual septic system and well.

**Consultations:**

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

**Agency Comments:**

Kawartha Region Conservation Authority (October 6, 2020): No concerns. Permits are required as is a wetland compensation plan. Please see Appendix "E" for additional comments.

Building Division (November 13, 2020): No concerns.

Development Engineering Division (November 17, 2020): No concerns.

**Public Comments:**

No comments received as of November 17, 2020.

**Attachments:**



Appendices A-E to  
COA2020-044.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

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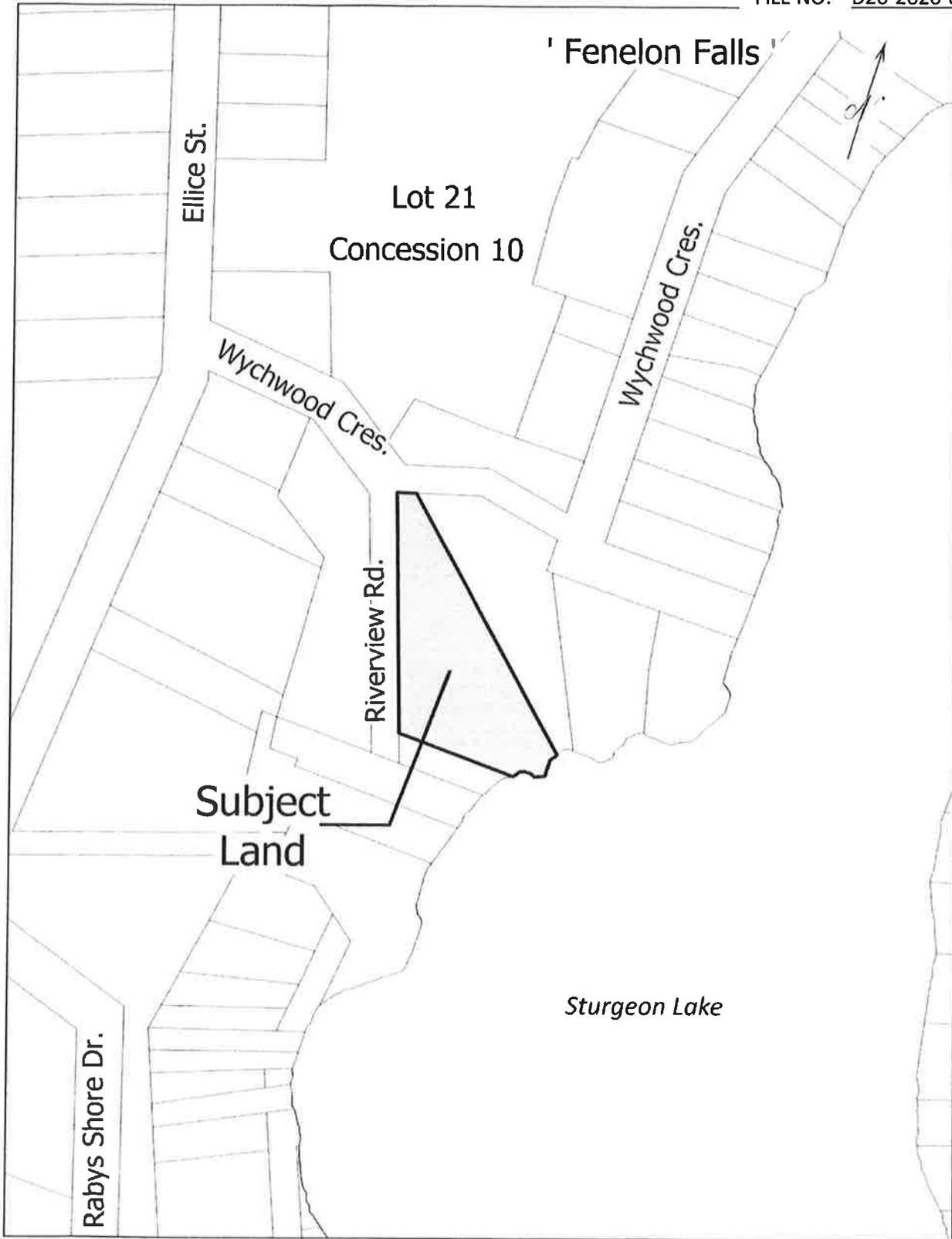
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-028

to

REPORT COA2020-044

FILE NO: D20-2020-028

# D20-2020-028



# Riverview Road, former Village of Fenelon Falls



Subject Property

Fenelon River

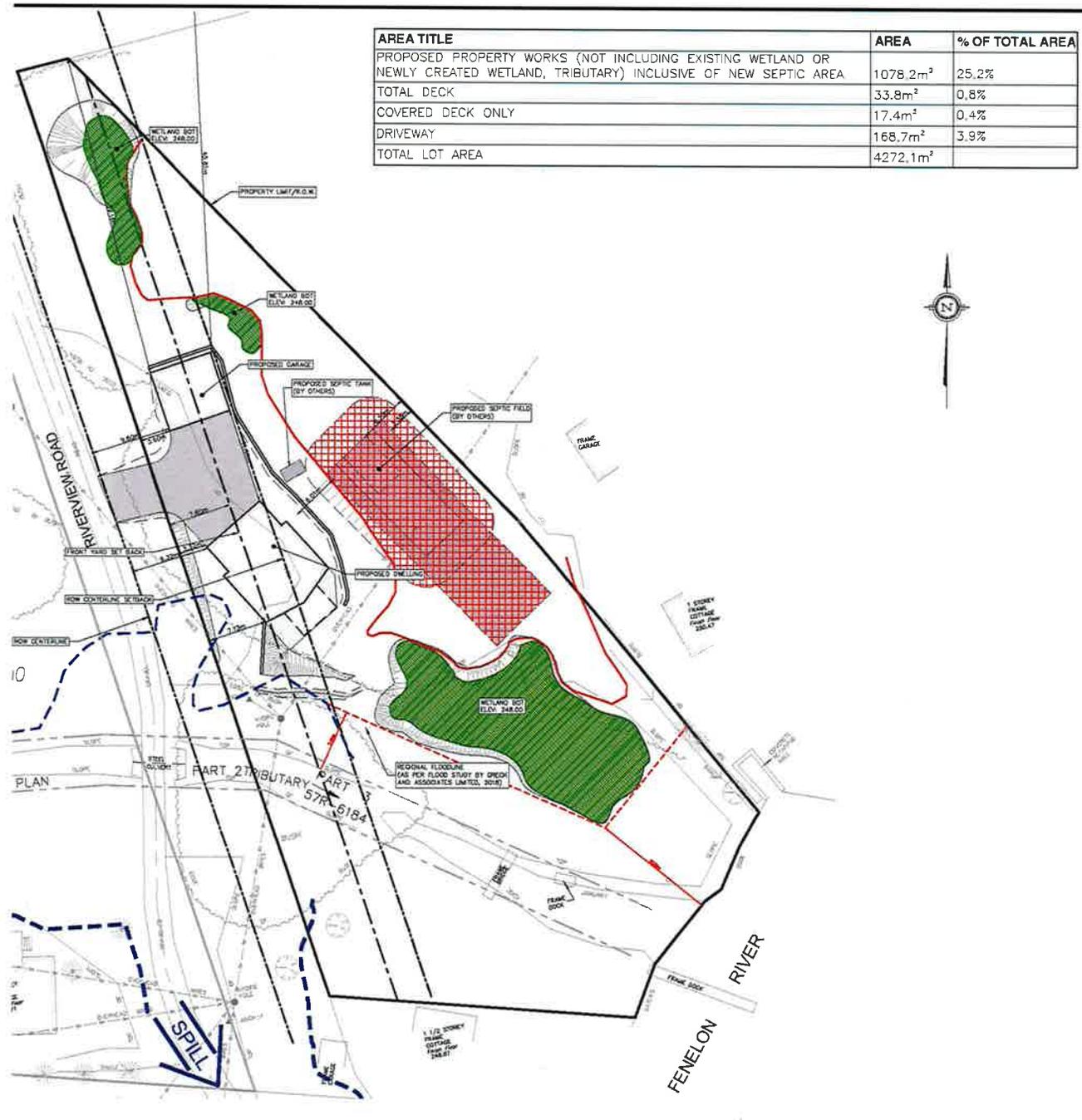
0.14 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



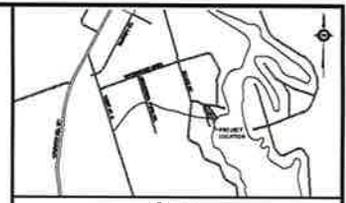
This map is a user generated static map output and is for reference data, layers and text that appear on this map may or may not be current, or otherwise.  
**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

REPORT COA2020-044  
FILE NO: D20-2020-028

APPENDIX " B "  
to



AREA TITLE	AREA	% OF TOTAL AREA
PROPOSED PROPERTY WORKS (NOT INCLUDING EXISTING WETLAND OR NEWLY CREATED WETLAND, TRIBUTARY) INCLUSIVE OF NEW SEPTIC AREA	1078.2m <sup>2</sup>	25.2%
TOTAL DECK	33.8m <sup>2</sup>	0.8%
COVERED DECK ONLY	17.4m <sup>2</sup>	0.4%
DRIVEWAY	168.7m <sup>2</sup>	3.9%
TOTAL LOT AREA	4272.1m <sup>2</sup>	



KEY PLAN  
N T S

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	LIMIT OF SUBJECT PROPERTY
[Symbol]	[Symbol]	EASEMENT
[Symbol]	[Symbol]	RIGHT OF WAY
[Symbol]	[Symbol]	LOT LINE
[Symbol]	[Symbol]	EDGE OF ASPHALT
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	RETAINING WALL
[Symbol]	[Symbol]	TOP OF SLOPE
[Symbol]	[Symbol]	BOTTOM OF SLOPE / SHALE
[Symbol]	[Symbol]	EXISTING REGIONAL FLOODLINE (OFFICIAL STUDY 2018)
[Symbol]	[Symbol]	SET BACK (VILLAGE OF FENELON FALLS SUBMERSIONS ZONING BY-LAW 08-25, SECTION 4.3.2)
[Symbol]	[Symbol]	WETLAND (PROPOSED)
[Symbol]	[Symbol]	WETLAND (REMOVED)
[Symbol]	[Symbol]	EXISTING WETLAND BOUNDARY

- NOTES**
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
  2. CONTOUR INTERVAL IS 0.25M.
  3. ALL DIMENSIONS SHALL BE CHECKED AND VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION, AND ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.
  4. ALL WORK SHALL BE IN ACCORDANCE WITH CURRENT CITY OF KAMATHIA LAWS, STANDARD SPECIFICATIONS AND DRAWINGS UNLESS OTHERWISE NOTED HEREON.
  5. ORDER OF PRECEDENCE OF DRAWINGS SHOWN IN FIRST CITY OF KAMATHIA LAWS, AND SECONDLY DURING PROVINCIAL STANDARD DRAWINGS (SPSD).
  6. THE CONTRACTOR IS TO BE RESPONSIBLE FOR LOCATION OF ALL EXISTING S/D AND UTILITIES. CONTRACTOR IS REQUIRED TO OBTAIN ALL LOCATIONS & VERIFY THE VARIOUS UTILITY COMPANIES PRIOR TO THE COMMENCEMENT OF ANY WORK. THE CITY OF KAMATHIA LAWS AND CONSULTANT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF EXISTING UTILITIES AS INDICATED ON THIS DRAWING.

**BENCHMARK**  
 BENCHMARK No. N/A  
 ELEVATION = 247.92m  
 LOCATION: TOWNSHIP OF FENELON  
 DESCRIPTION:  
 ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE WATER LEVEL ON JANUARY 14, 2008 AS CONTROLLED BY THE TRENT-SEVERN WATERWAY HAVING AN ELEVATION OF 247.92

COMPLETED BY:  
 COE, FISHER, CAMERON ONTARIO LAND SURVEYORS  
 247 KENT ST. W. LINDSAY, ON (705) 324-4152  
 COMPLETED ON: FEB 4, 2018

**Greck**  
 8770 Highway 7, Woodbridge, Ontario, L4L 1T8 | www.greck.com

CLIENT NAME:  
 EVAN BOMBINO

PROJECT NAME:  
 BOMBINO I  
 31 RIVERVIEW RC  
 SITE SETB

DESIGNED BY: J.L. SCALES  
 CHECKED BY: S.S. HORIZONTAL  
 DRAWN BY: J.L. VERTICAL  
 DATE: AUG 3, 2020 SHEET 3/3

APPENDIX " C "

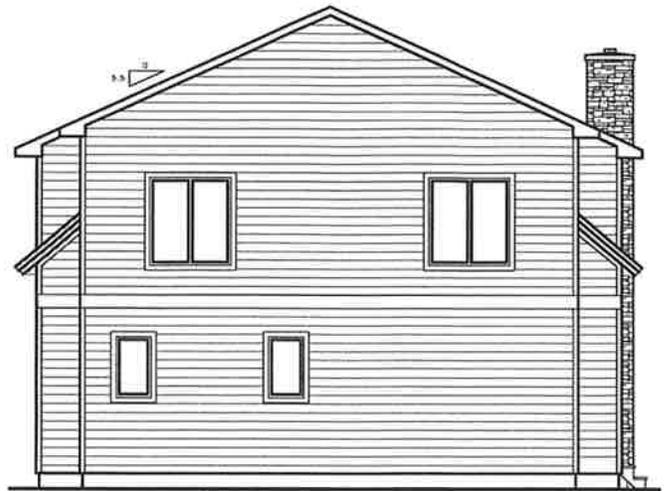
to

REPORT COA2020-044

FILE NO.: D20-2020-028



Southeast Elevation



Northwest Elevation

APPENDIX " D "

to

REPORT COA2020-044

FILE NO: D20-2020-028



Southwest Elevation



Northeast Elevation



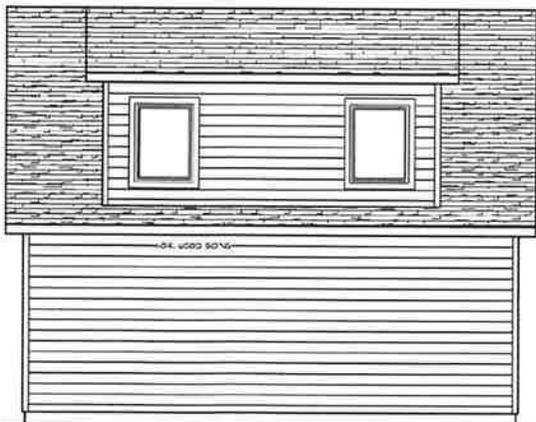
South Elevation

GRADE LINE(S) TO BE DETERMINED BY STAKE(S) + ADJUST TO SITE



West Elevation

GRADE LINE(S) TO BE DETERMINED BY STAKE(S) + ADJUST TO SITE



North Elevation

GRADE LINE(S) TO BE DETERMINED BY STAKE(S) + ADJUST TO SITE



East Elevation

GRADE LINE(S) TO BE DETERMINED BY STAKE(S) + ADJUST TO SITE

## David Harding

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**From:** Derryk Wolven  
**Sent:** Friday, November 13, 2020 3:30 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-028 31 Riverview RD

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

APPENDIX " E "  
to  
REPORT COA2020-044

FILE NO. D20-2020-028

Building has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

## David Harding

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**From:** Mark LaHay  
**Sent:** Tuesday, November 17, 2020 9:29 AM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: 20201117 D20-2020-028 - Engineering review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI - file

**From:** Kim Rhodes  
**Sent:** Tuesday, November 17, 2020 8:05 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20201117 D20-2020-028 - 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 – D20-2020-028  
31 Riverview Road  
Part Lot 6, Plan 100  
Former Village of Fenelon Falls

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to construct a single detached dwelling and detached garage:

### **Single Detached Dwelling**

Section 4.3.3(c)(i) to reduce the minimum exterior side yard from 7.6 metres to 3.3 metres,  
Section 4.3.3(f) to reduce the minimum setback from street centerline from 17.6 metres to 9.3 metres,

### **Detached Garage**

Section 4.3.3(c)(i) to reduce the minimum exterior side yard from 7.6 metres to 3.6 metres,  
Section 4.3.3(f) to reduce the minimum setback from street centerline from 17.6 metres to 9.6 metres,  
Section 5.1.4 to increase the total accessory building lot coverage from 5% to 5.2%; and

### **Garage and Dwelling**

Section 4.3.3(e) to increase the maximum 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.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



KRCA File NO: PPLK-10257

Via Email: [ccrockford-toomey@kawarthalakes.ca](mailto:ccrockford-toomey@kawarthalakes.ca)  
Charlotte Crockford-Toomey  
Administrative Assistant  
Development Services – Planning Division  
180 Kent Street West  
Lindsay, ON, K9V 2Y6

**Regarding: Minor Variance Application  
D20-2020-028  
31 Riverview Road, Fenelon Falls  
Evan Bombino**

Dear Ms. Crockford-Toomey,

Kawartha Conservation has completed review of the above noted Minor Variance Application submitted by Evan Bombino. 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 D20-2020-028 is to reduce the minimum exterior side yard setback from the required 7.6 metres to 5.07 metres for the dwelling and 3.60 metres for the garage.

**Site Characteristics:**

The subject property backs onto the Fenelon River. Wetlands and floodplain are present on much of the property.

**Applicable Kawartha Conservation Regulation and Policies and Applicable Provincial Plans:**

**Ontario Regulation 182/06 (as amended):**

Any development with Kawartha Conservation's regulated area will require a Permit pursuant to Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://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

Permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or changing or interfering with a wetland; and
- b) Development, if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The entirety of the subject property is regulated by Kawartha Conservation. Kawartha Conservation regulates all identified floodplain, the shoreline of the Fenelon River and 15 metres from top of bank, and wetlands and their buffers (30 metres for wetlands <2ha, 120 metres for wetlands >2ha). All development on the lot will require a permit.

**Recommendation:**

Kawartha Conservation has no concern with D20-2020-028 based on our consideration of natural heritage, natural hazards, and watershed management.

Permits will be required for development, and a wetland compensation plan is required as the septic is proposed within the wetlands on the property.

I trust this meets your information requirements at this time. Should you have any questions, please contact the undersigned.

Sincerely,

Erin McGregor



Resources Planner Technician  
Kawartha Conservation

CC: Ron Warne, Director of Planning, Development, & Engineering

**KAWARTHA CONSERVATION**  
277 Kenrei Road, Lindsay, ON K9V 4R1  
705.328.2271 Fax 705.328.2286  
[KawarthaConservation.com](http://KawarthaConservation.com)

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