

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – David & Anna Smith**  
Report Number COA2020-046

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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: 1 – Geographic Township of Bexley**

**Subject:** The purpose and effect is to seek relief from the following provisions in order to permit the construction of a detached garage:

1. Section 3.1.3.1 to increase the maximum allowable lot coverage of all accessory buildings and structures excluding private garages attached to the main building and outdoor swimming pools from 225 square metres to 289.65 square metres, and;
2. Section 3.1.3.3 to increase the maximum number of accessory buildings or structures, excluding outdoor swimming pools from three (3) to four (4).

The variances are requested at 8 Shield's Lane, geographic Township of Bexley (File D20-2020-038).

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**Author:** Kent Stainton, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2020-046 Smith, be received;

**That** minor variance application D20-2020-038 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 COA2020-046, which shall be attached to and form part of the Committee's Decision; and
- 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 COA2020-046. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

<b>Background:</b>	The proposal seeks to demolish an existing detached garage currently housing lawn and landscaping maintenance equipment on the subject lands. The existing structure is a pole-based design, which is to be replaced by a permanent building. Through further review of the application, staff determined that an additional relief for the number of accessory buildings on the subject lands is required.  This application was deemed completed on November 5, 2020.	
<b>Proposal:</b>	To construct a 111.48 (1200 square feet) detached garage on the subject property	
<b>Owner:</b>	David and Anna Smith	
<b>Legal Description:</b>	8 Shields Lane, Lots 33 and 34, Block D, Part Block C, Plan 378, Part Lot A, Part 1 of 57R-9058, geographic Township of Bexley, City of Kawartha Lakes	
<b>Official Plan:</b>	'Waterfront' within the City of Kawartha Lakes Official Plan	
<b>Zone:</b>	Limited Service Residential (LSR) Zone within the Township of Bexley Zoning By-law 93-09	
<b>Site Size:</b>	1.91 Hectares (4.72 Acres)	
<b>Site Servicing:</b>	Private individual water (lake draw) and septic system	
<b>Existing Uses:</b>	Shoreline Residential	
<b>Adjacent Uses:</b>	North, East:	Shoreline Residential, Indian Point Provincial Park
	West, South:	Balsam Lake

**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 Indian Point along the shore of Balsam Lake. The private neighbourhood is comprised of larger shoreline residential lots that contain mature trees and a high-degree of privacy. To the north, Indian Point Provincial Park dominates the interior of the peninsula. Access is

obtained to the property from Shield's Lane, a private laneway branching off of Indian Point Road.

The subject property is fairly flat and surrounded on all sides by dense mixed deciduous forest, which effectively screens the property from the road and neighbouring lots. A wooden rail fence separates the property from vacant lands between the neighbouring lot to the west. Noteworthy is the fact that the landowners are pursuing a lot line adjustment, which will alter the lot configuration by increasing the overall area of both lots. Since the proposed garage is to be constructed in virtually the same footprint as the existing pole garage, no adverse impacts to the neighbourhood are anticipated due to the presence of the vegetative buffers.

There is a second garage, constructed in 1960 (according to MPAC), in between the existing pole garage and the one storey dwelling. The dwelling was also constructed in 1960 (according to MPAC). A modern design boathouse was constructed in 2013. Half of the boathouse contains a railway system to store a boat. A small wood storage structure is located closer to the southeastern property line. The storage structure also houses fans associated with the HVAC system for the dwelling.

The proposed location of the replacement garage is over 35 metres from Indian Point Road and over 39 metres from Shield's Lane. The garage will provide additional amenity and storage space on the lot without adversely impacting the function of the front yard.

The increased lot coverage does not impair the area of available landscaped amenity space or the appearance of the property.

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**

As of right, a private garage is permitted in the front yard in the Township of Bexley Zoning By-law when a residential property abuts a shoreline, provided it complies with the yard provisions of the applicable zone. The proposed detached garage meets both front and side yard setback requirements accordingly.

The General Provisions set a maximum coverage of 8% for accessory buildings or structures to a maximum of 225 square metres. On smaller residential properties, the provision can restrict the ability to construct sufficiently sized buildings or structures. The modest 36% increase in lot coverage to 289.65 square metres acknowledges the proposed detached garage at 0.5% (111.48 m<sup>2</sup>), the boathouse at 0.5% (110.64m<sup>2</sup>), the second detached garage at 0.3% (59.67m<sup>2</sup>) and the wood shed at 0.0004% (7.66m<sup>2</sup>). The total lot coverage for all four accessory buildings is only 1.3 %.

The proposed increase in coverage also maintains the intent of the zoning by-law by maintaining adequate landscaped open space for amenity, servicing (i.e.

sewage system) and storm water infiltration. Therefore, it is appropriate to increase the lot coverage to permit the detached garage.

Respecting the number of accessory buildings being increased from three (3) to three (4), the removal of the wood shed from the property may cause the owner undue hardship as the structure provides essential housing for a component of the HVAC system comprised of two (2) large fans. The current location of the wood shed not only conceals the fans, but acts as a sound barrier to the constant noise of the fans.

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.

All built form of any substantial height will be at least 15 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. The proposed detached garage is situated well over 15 metres from the shoreline.

In consideration of the above, the variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:** No alternatives have been considered at this time.

**Servicing Comments:** The property is serviced by private water (lake-draw) 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:**

Engineering and Corporate Assets Division (November 17, 2020): No objections.

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

Part 8 Sewage Systems (November 9, 2020): No concerns

**Public Comments:** No comments have been received as of November 18, 2020.

**Attachments:**



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 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-038

APPENDIX " A "

D20-2020-038

to

REPORT COA2020-046

FILE NO: D20-2020-038

Geogra

Of DEXIEY

Lot 5

Unopen Road Allowance

Balsam Lake

Lot 3

Northwest Bay Range

Subject  
Land

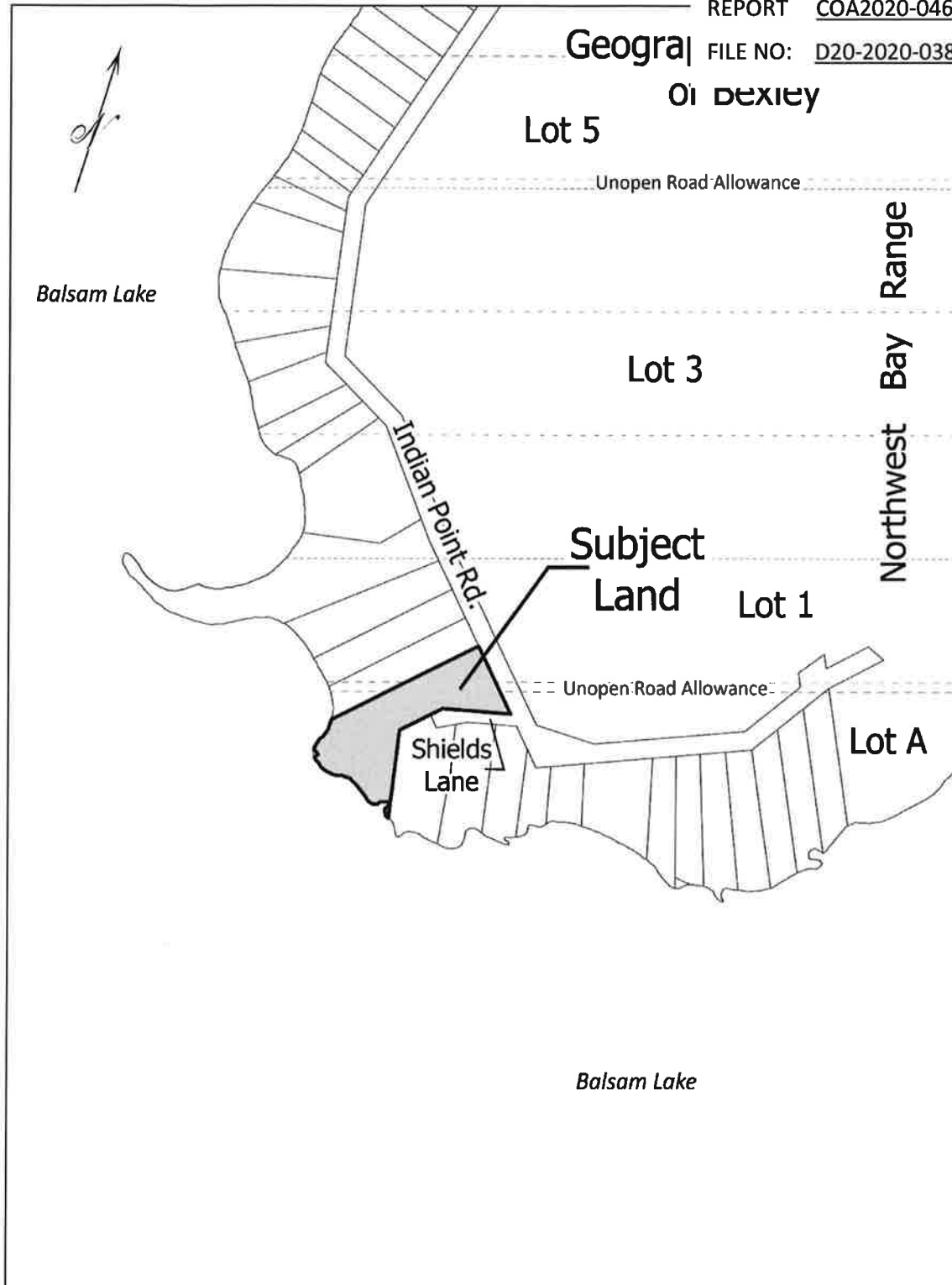
Lot 1

Unopen Road Allowance

Shields  
Lane

Lot A

Balsam Lake



## 8 Shield's Lane, Geographic Township of Bexley



### Legend

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☐ Lower Tier Municipalities

### Notes

Notes

REPORT COA2020-046  
FILE NO: D20-2020-038

to  
APPENDIX " B "

0.22

Kilometers

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



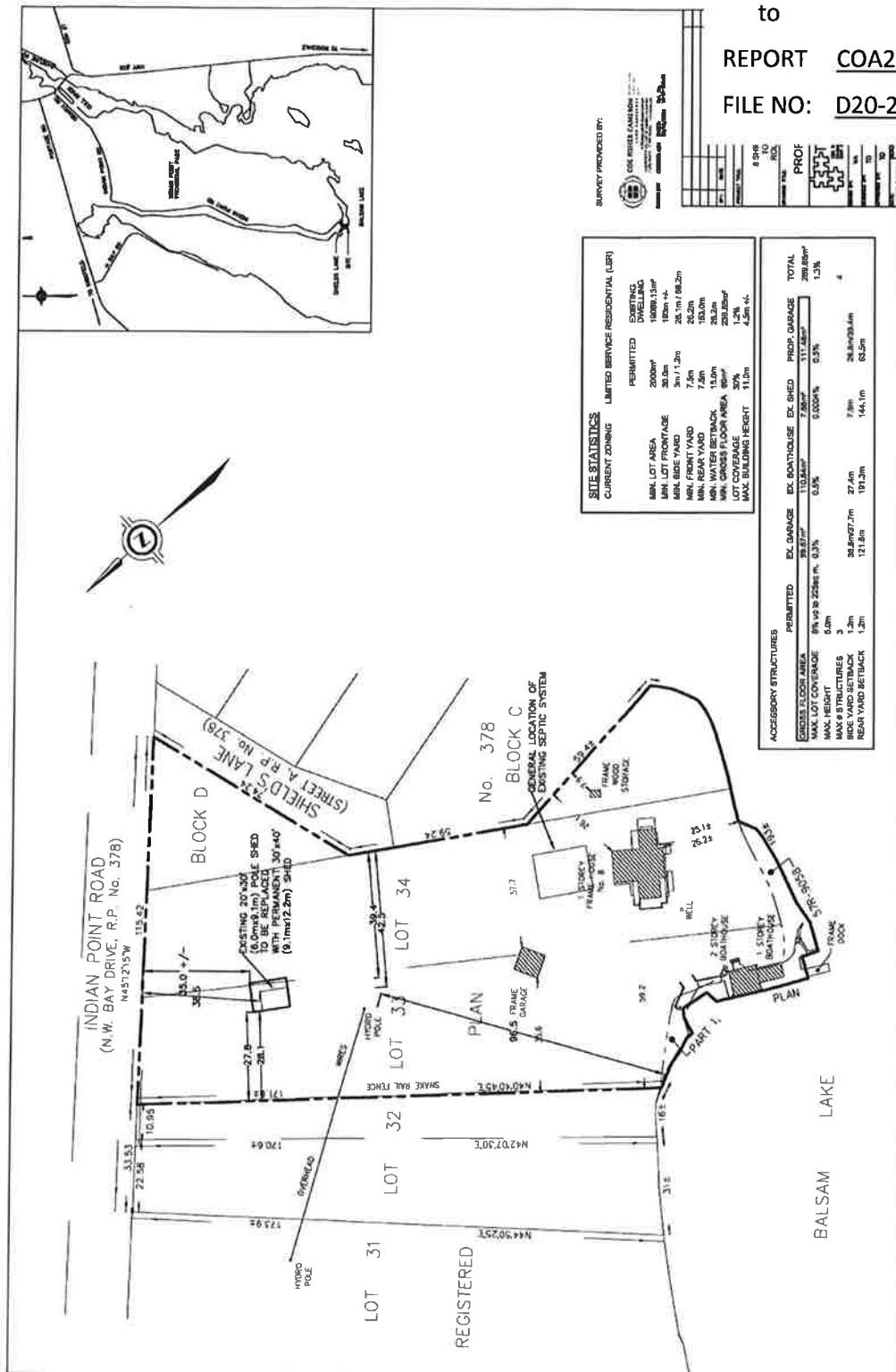
This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

to

REPORT COA2020-046

FILE NO: D20-2020-038





## Kent Stainton

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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 D20-2020-038 - Engineering review

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

APPENDIX " D " to

REPORT COA 2020-046

FYI - file

FILE NO. D20-2020-038

**From:** Kim Rhodes  
**Sent:** Tuesday, November 17, 2020 8:05 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20201117 D20-2020-038 - 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 – D20-2020-038  
8 Shields Lane  
Lots 33, 34, Block D, Part Block C, Plan 378, Part Lot A, Part Lot 1 of RP 57R9058  
Geographic Township of Bexley

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

1. to increase the maximum allowable lot coverage of all accessory buildings and structures excluding private garages attached to the main building and outdoor swimming pools from 225 square metres to 289.65 square metres, and;
2. to increase the maximum number of accessory buildings or structures, excluding outdoor swimming pools from three (3) to four (4).

*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

## Kent Stainton

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**From:** Derryk Wolven  
**Sent:** Friday, November 13, 2020 3:31 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-038

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

Building has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

## Kent Stainton

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**From:** Kent Stainton  
**Sent:** Monday, November 9, 2020 1:55 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** FW: D20-2020-038 - 8 Shields Rd

FYI

**Kent Stainton**  
Planner II  
Development Services, City of Kawartha Lakes  
705-324-9411 ext. 1367 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

City of Kawartha Lakes  
Development Services Department, Planning Division  
180 Kent Street West  
Lindsay, ON K9V 2Y6  
705-324-4027 (F)



Please note: The Development Services 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.

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**From:** Anne Elmhirst  
**Sent:** Monday, November 9, 2020 1:55 PM  
**To:** Kent Stainton  
**Subject:** D20-2020-038 - 8 Shields Rd

Hello Kent,

I have reviewed the proposal for minor variance to request relief for lot coverage for accessory structures at 8 Shields Lane to permit the construction of 30 foot x 40 foot garage.

A sewage system installation report was located for this property. The report indicates the sewage system located in close proximity to the residential dwelling on the south east side of the property. The proposed accessory structure will be located closer to the roadside yard in the north west portion of the property. The clearance distance between the sewage system and the structure will exceed the minimum requirements.

As such, the Building Division – Sewage System Program has no concerns with the minor variance request.

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**

Supervisor – Part 8 Sewage Systems

Development Services - Building 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.