

The Corporation of the City of Kawartha Lakes

Agenda

Committee of Adjustment Meeting

COA2024-09

Thursday, September 26, 2024

2:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Emmett Yeo

Betty Archer

Gerald Erickson

Sandra Richardson

Lloyd Robertson

Stephen Strangway

Eric Finn

This Public Meeting will be held virtually with electronic public participation. To attend in person, seating is limited. You must reserve a seat with the Recording Secretary to be able to attend City Hall in person. Please email cofa@kawarthalakes.ca to reserve your seat. If you have not received a confirmation email from the Planning Division, Recording Secretary that a seat has been reserved for you, you do not yet have a seat reserved for you.

To request to speak to public meeting reports on this agenda please email cofa@kawarthalakes.ca and reference the report number in your email.

The general public and the media can view the Committee of Adjustment webcast through the City of Kawartha Lakes livestream at: www.youtube.com/c/CityofKawarthaLakes.

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Video and/or audio recording is not permitted during Council or Committee of Council meetings, pursuant to Trespass to Property Act, R.S.O. 1990, c. T.21.

1.	Call to Order	
2.	Administrative Business	
2.1	Adoption of Agenda September 26, 2024 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes August 22, 2024 Committee of Adjustment Minutes	7 - 23
3.	New Applications	
3.1	Minor Variances	
3.1.1	COA2024-081 Ahmad Shahid, Planner II File Number: D20-2024-072 Location: 7971 Highway 35 East Part Lots 12 and 13, Concession 11 Geographic Township of Laxton Owner: Eric Hall and Kelly Pellerine Applicant: Carmen Pellerine	24 - 34
3.1.2	COA2024-082 Katherine Evans, Planner II File Number: D20-2024-074 Location: 7 Bronte Lane Part Lot 12 and 13, Concession 6 Geographic Township of Verulam Owners: Kevin Primmer and Beverly Swan Applicant: TD Consulting Inc.	35 - 44

3.1.3	COA2024-083	45 - 54
	<p>Ahmad Shahid, Planner II File Number: D20-2024-075 Location: 375 Snug Harbour Road Part of Lot 6, Concession 9 (being Parts 2 of Reference Plan 57R-7753 and Part 6 of Reference Plan 57R-4058) Geographic Township of Fenelon Owners: Ernie and Kim Griffioen Applicants: Ernie and Kim Griffioen</p>	
3.1.4	COA2024-084	55 - 64
	<p>Ahmad Shahid, Planner II File Number: D20-2024-076 Location: 32 Beachli Lane Part Lot 9, Concession 11 (being Parts 2 to 6 on Reference Plan 57R- 1887) Geographic Township of Laxton Owners: Manojah Ganeshalingam and Nishanthan Mahenthirarasa Applicant: Manojah Ganeshalingam</p>	
3.1.5	COA2024-085	65 - 73
	<p>Ahmad Shahid, Planner II File Number: D20-2024-077 Location: 81 Front Street West Part Lot 1, West Side of Head Street (being Plan 70 of Reference Plan 57R-4510) Former Village of Bobcaygeon Owner: Melissa Ryall Applicant: Melissa Ryall</p>	
3.1.6	COA2024-086	74 - 84
	<p>Katherine Evans, Planner II File Number: D20-2024-078 Location: Lot 70 Randal Street Part East 1/2 and Part West 1/2 Lot 22, Concession 4 Ops Former Town of Lindsay Owner: Lindsay 2017 Applicant: DG Biddle and Associates</p>	

3.1.7	<p>COA2024-087</p> <p>Katherine Evans, Planner II File Number: D20-2024-079 Location: Lot 71 Randal Street Part East 1/2 and Part West 1/2 of Lot 22, Concession 4 Ops Former Town of Lindsay Owner: Lindsay 2017 Applicant: DG Biddle and Associates</p>	85 - 95
3.1.8	<p>COA2024-088</p> <p>Ahmad Shahid, Planner II File Number: D20-2024-080 Location: 17 Victoria Street East Lot 9, Plan 109; Part of Lot 1, Part of Lot 2, Part of Lot 3, Part of Lot 4 and Part of Lot 9, all on West Side of Colborne Street; also Part of Lot 9 on the South Side of Elm Street, Plan 109, as in R390409: Subject to R376035 Former Village of Omemee Owners: Shelley Ferguson and Sylvia Vandam Applicant: TD Consulting Inc.</p>	96 - 110
3.1.9	<p>COA2024-089</p> <p>Katherine Evans, Planner II File Number: D20-2024-081 and D03-2024-023 Location: 18 Deane Street North Lot 19 and Part of Lot 18, Plan 109 (being Parts 1 and 2 on Reference Plan 57R-1372) Former Village of Omemee Owners: Rob and Judy Edwards Applicants: Rob Edwards</p>	111 - 126
3.1.10	<p>COA2024-090</p> <p>Ahmad Shahid, Planner II File Number: D20-2024-082 Location: 108 Crawford Road Part Lot 2, Concession 3, Lot 10, Plan 409 Geographic Township of Carden Owner: Angelo Derango Applicant: Deepak Tyagi</p>	127 - 136

3.1.11	COA2024-091	137 - 151
	<p>Ahmad Shahid, Planner II File Number: D20-2024-083 Location: 2 Crimson Lane Part Lot 15, Concession 5 (being Part 1 of Reference Plan 57R-687) Geographic Township of Verulam Owners: Michelle Chouinard-Kenney and Bryan Kenney Applicants: Michelle Chouinard-Kenney and Bryan Kenney</p>	
3.1.12	COA2024-092	152 - 164
	<p>Katherine Evans, Planner II File Number: D20-2024-084 Location: 24 Ridgewood Road Part Lot 15, Concession 4; Part Lots 1 and 2 on Reference Plan 57R-299 Geographic Township of Ops Owner: Kelly Murphy Applicant: KMD Planning c/o Kevin Duguay</p>	
3.1.13	COA2024-093	165 - 174
	<p>Katherine Evans, Planner II File Number: D20-2024-085 Location: 24 Majestic Street Part Park Lot 11 on Plan 105; Reference Plan 57R-4079 Parts 1 and 2 Geographic Township of Somerville Owner: City of Kawartha Lakes Applicant: Glenn Wilcox</p>	
3.1.14	COA2024-094	175 - 189
	<p>Katherine Evans, Planner II File Number: D20-2024-086 Location: 43 Loon Street Part of Lot 1, Concession 1 (being Lot 3 on Plan 195) Geographic Township of Ops Owners: John and Mary Groetelaars Applicant: Brad Conway</p>	
3.2	Consents	
4.	Deferred Applications	
4.1	Minor Variances	

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, October 24th at 1:00pm in Council Chambers, City hall.

8. **Adjournment**

**The Corporation of the City of Kawartha Lakes
Minutes
Committee of Adjustment Meeting**

**COA2024-08
Thursday, August 22, 2024
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:
Councillor Emmett Yeo
Betty Archer
Gerald Erickson
Sandra Richardson
Lloyd Robertson
Stephen Strangway
Eric Finn**

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To see the full proceedings of the public meeting, go to the City of Kawartha Lakes YouTube Channel.

1. Call to Order

The Chair called the meeting to order at 1:00pm. Members S. Strangway, B. Archer, S. Richardson, G. Erickson and E. Finn were in attendance in person.

Absent, Councillor Yeo.

Staff, J. Connolly, Manager of Planning, K. Evans, Planner II, A. Shahid, Planner II, M. McKinnon, Supervisor of Plans Review and Inspections, M. LaHay, Secretary-Treasurer and C. Crockford, Recording Secretary were in attendance in person.

2. Administrative Business

2.1 Adoption of Agenda

August 22, 2024

Committee of Adjustment Agenda

The Chair brought to the attention of the Committee, the September 26th meeting, which will start at 2:00pm.

CA2024-094

Moved By S. Strangway

Seconded By B. Archer

That the agenda for August 22, 2024 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

2.2.1 E. Finn - COA2024-073

Member Finn declared a pecuniary interest for Section 3.1.2, minor variance application D20-2024-064, 33 Douglas Drive, Laxton. Member Finn owns a property on Head Lake.

2.3 Adoption of Minutes

July 25, 2024

Committee of Adjustment Minutes

CA2024-095**Moved By** S. Richardson**Seconded By** E. Finn

That the minutes of the previous meeting held July 25, 2024 be adopted as printed.

Carried**3. New Applications**

3.1 Minor Variances

3.1.1 COA2024-072

Katherine Evans, Planner II

File Number: D20-2024-063

Location: 75 Campbell Beach Road

Part Lot 11, Concession 1 (being Lot 27 on Plan 235)

Geographic Township of Carden

Owner: Rob Reid

Applicant: Rob Reid

Ms. Evans summarized Report COA2024-072. The purpose and effect is to facilitate the recognition of existing accessory structures and the construction of a new detached garage. Relief sought: Section 14.1 b) of the Zoning By-law provides that accessory structures are permitted in the interior side or rear yard; the proposed garage is to be located in the front yard and two existing sheds are currently located in the front yard; and, Section 14.1 c) i) of the Zoning By-law permits a maximum lot coverage for accessory structures of 8%; the proposed accessory structure lot coverage is 13%.

Ms. Evans noted that a previous tent storage structure on the property to be removed as per Condition 3 of the report has been removed.

Ms. Evans briefly summarized concerns received from the owner of 71 Campbell Beach Road. The potential use as a business, potential use of the travel trailer as habitable space, the two existing sheds in the front yard relating to setbacks to the side lot line and garbage structure located on Campbell Beach Road. Ms. Evans responded that unpermitted uses and the trailer being used for human habitation should be reported to Municipal Law Enforcement. The owners of the

subject property adjusted the location of the sheds in the front yard so they comply with the interior side yard setback. The owners of the subject property also relocated the garbage storage structure.

The Committee had the following questions:

1) Is the applicant the owner of the portion of the shoreline road allowance? Staff replied that Realty Services were circulated and had the opportunity to respond but they did not.

The applicant, Rob Reid was present in person and confirmed that he does not own the shoreline road allowance.

2) To the planner, should a condition be put in place? Staff replied that this is not the right meeting for this concern, as the garage is not being built on the shoreline road allowance. If Realty Services contacts the Planning Division in the future with a concern to the shoreline road allowance, they will be connected to the owner.

A motion was made to approve the application as amended to remove Condition 3.

There were no further questions from the Committee or other persons.

CA2024-096

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2024-063 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-072, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2024-072. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Member Finn excused himself from the meeting at 1:15pm.

3.1.2 COA2024-073

Ahmad Shahid, Planner II

File Number: D20-2024-064

Location: 33 Douglas Drive

Part Lot 10, Concession 5 (being Part 9 of Reference Plan 57R3844)

Geographic Township of Laxton

Owner: Kathy Firth

Applicant: Kathy Firth

Mr. Shahid summarized Report COA2024-073. The purpose and effect is to facilitate the recognition of two gazebo's, a cabin, and three sheds. Relief sought (the numbers in the closed brackets correspond to the numbers shown on Appendix A): Section 5.2.g. of the Zoning By-law requires a 15 metre water setback. The existing setback from each of the subject accessory structures is as follows: Gazebo (#2) is 1.0 metre setback; Boat Supply Shed (#4) is 9 metre setback; and, the Hot Tub Gazebo (#5) is 8.4 metre setback; Section 18.1.b. of the Zoning By-law requires a minimum 1.3 metre rear yard setback. The existing setback from the Gazebo (#2) is 1.0 metres; and, Section 18.1.b. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The following structures are located in the front yard: Bunkie (#3), Boat Supply Shed (#4), Storage Shed (#6), and the Garden Tool Shed (#7).

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating they have no issue with the application. Kawartha Region Conservation Authority indicated they have no concerns with the approval of the application and that a permit is not required from their office.

Public comments were received from Mr. and Mrs. Lowles, the owner of 28 Douglas Drive and co-signed by six other property owners in support of the minor variance. Mr. Grills, the owner of 35 Douglas Drive, had concerns with the number of buildings and setbacks of which Mr. Shahid responded.

The Committee asked staff if there was a reason why the dwelling was not

included with the other water setbacks as it is close to the water. Staff replied that the cottage was built in 1964 and predates the Zoning By-law.

The applicant, Ms. Firth was present and available for questions.

There were no further questions from the Committee or other persons.

CA2024-097

Moved By S. Richardson

Seconded By G. Erickson

That minor variance application D20-2024-064 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-073, which shall be attached to and form part of the Committee's Decision; and,
2. **That** this approval shall be in effect a period of eight (8) 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 COA2024-073. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Member Finn returned to the meeting at 1:22pm.

3.1.3 COA2024-074

Katherine Evans, Planner II

File Number: D20-2024-065

Location: 64 Shadow Lake Road 18

Part Lot 53, Concession Front Range

Geographic Township of Somerville

Owner: Christine Raffan

Applicant: Christine Raffan

Ms. Evans summarized Report COA2024-074. The purpose and effect is to facilitate the construction of an attached screened porch onto the existing dwelling. Relief sought: Section 5.2 f) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback to the porch is 8 metres.

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems stating no concerns with the minor variance. Kawartha Region Conservation Authority also stated they have no concerns and that a permit is not required from their office.

Public comments were received from Mr. Browne of 70 Shadow Lake Road 18, in support of the application.

There were no questions from the Committee or other persons.

CA2024-098

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2024-065 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-074, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2024-074. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2024-075

Ahmad Shahid, Planner II
 File Number: D20-2024-066
 Location: 83 Paradise Road
 Part of Lot 10, Range NPR (being Part 1 of Reference Plan 57R5590)
 Geographic Township of Eldon
 Owner: Wendy Anderson
 Applicant: Rose Dunning

Mr. Shahid summarized Report COA2024-075. The purpose and effect is to facilitate the recognition of a recently constructed one-and-a-half (1.5) storey single-detached dwelling and rear deck. Relief sought: Section 13.2.1.3 (b) of the Zoning By-law requires a minimum interior side yard of 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first. The existing interior side yard setbacks are 3.74 metres (compliant west side yard) and 2.08 metres (deficient east side yard); and, Section 13.2.1.4 of the Zoning By-law requires a minimum 15 metre water setback, the existing water setback is 12.8 metres (dwelling), 9.7 metres (deck platform) and 7.57 metres (stairs of deck).

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems stating they have no issues with the minor variance proposal as it relates to private on-site sewage disposal. Kawartha Region Conservation Authority stated they have no concerns with the proposal and that the applicant has obtained the necessary approvals.

There were no questions from the Committee or other persons.

CA2024-099

Moved By S. Richardson

Seconded By G. Erickson

That minor variance application D20-2024-066 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-075, which shall be attached to and form part of the Committee's Decision; and,

2. **That** approval shall be in effect for a period of 8 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 next pending Building Inspection.

This approval pertains to the application as described in report COA2024-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2024-076

Katherine Evans, Planner II
 File Number: D20-2024-067
 Location: 3 West Street South
 Lot 80, Plan 100 East Side of Lindsay Street
 Former Village of Fenelon falls
 Owner: Janette Palmer
 Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2024-076. The purpose and effect is to facilitate the construction of an addition onto the existing legal non-conforming single detached dwelling (circa 1962) whereby residential uses predate the Zoning By-law adopted in 1989, that zones the lot District Commercial (C2) Zone, and Section 4.10.1 does not otherwise permit a single detached dwelling. Relief sought: Section 4.10.3 c) i) of the Zoning By-law requires a minimum front yard setback of 12 metres; the proposed setback is 4.7 metres; Section 4.10.3 c) iv) of the Zoning By-law requires a minimum rear yard setback of 12 metres; the proposed setback is 7.1 metres; and, Section 4.10.3 e) of the Zoning By-law requires a minimum setback from the street centreline of 22 metres; the proposed setback is 14.7 metres.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority stating they have no concern with the minor variance pending the receipt of a satisfactory karst assessment and that a permit is required from their office.

Public comments were received from the owner of the Gas Station next to the subject property who was seeking clarification for the proposal and asked what

side the addition is to be added. Ms. Evans responded to the neighbour regarding the proposal and indicated that the addition will be to the south east of the dwelling. The neighbour had no further concerns.

The Committee suggested that a condition be added to reflect Kawartha Region Conservation Authorities requirements. Ms. Evans noted that she had a conversation with Kawartha Region Conservation Authority and they indicated that a condition is not required, as it will be dealt with through the permitting process.

The applicant, Mr. deBoer was present in person, thanked staff and was available for questions.

As Kawartha Region Conservation Authority are requesting a Karst Study, the Committee asked the applicant to give more detail as to what that entails and the cost. Mr. deBoer responded.

There were no further questions from the Committee or other persons.

CA2024-100

Moved By B. Archer

Seconded By E. Finn

That minor variance application D20-2024-067 be GRANTED, as the application meets the tests set out in Section 45(1) and 45(2) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-076, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2024-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.6 COA2024-077**

Ahmad Shahid, Planner II
 File Number: D20-2024-068
 Location: 64 Telecom Road
 Part Lot 2, Concession 3 (being Part 1 of Reference Plan 9R2117)
 Geographic Township of Manvers
 Owner: Michelle Crosbie
 Applicant: Michelle Crosbie

Mr. Shahid summarized Report COA2024-077. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 5.1.b of the Zoning By-law requires accessory structures to be located in the side or rear yard, the proposed detached garage is to be located in the front yard; and, Section 5.1.c. of the Zoning By-law permits a maximum height of 5 metres for accessory structures, the proposed height of the detached garage is 6.71 metres.

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems stating they have no issue with the minor variance as it relates to private on-site sewage disposal.

The Committee asked staff if the City has an arborist due to the removal of vegetation. Mr. Shahid replied that he is not aware if the City has an arborist available, also that the City does not currently have a Tree By-law.

The applicant, Ms. Crosbie was present via electronic participation and available for questions.

There were no further questions from the Committee or other persons.

CA2024-101

Moved By S. Strangway

Seconded By G. Erickson

That minor variance application D20-2024-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and Appendix D submitted as part of Report COA2024-077, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2024-077. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2024-078

Katherine Evans, Planner II
 File Number: D20-2024-069
 Location: 30 Birchwood Lane
 Part Lot 26, Concession 3 (being Lot 3 on Plan 149)
 Geographic Township of Fenelon
 Owner: Jeffrey Sandbrook
 Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2024-078. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey single detached dwelling. Relief sought: Section 15.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 6.4 metres; Section 15.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a dwelling greater than one storey; the proposed setback from the southern interior lot line is 1.2 metres; and, Section 15.2.1.3 e) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 10.2 metres.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority with no issues to the proposal.

The owner to the south of the subject property contacted planning seeking clarification to the water setbacks. Staff responded to the owner.

The Committee asked staff if the owner of the subject property was instructed to demolish the cabin or was it by choice. Staff and Mr. deBoer responded that it was by choice.

The Committee referred to the small lot sizes and asked the applicant if there would be sufficient room for a septic system. Mr. deBoer replied that a holding tank would be required.

There were no further questions from the Committee or other persons.

CA2024-102

Moved By S. Richardson

Seconded By E. Finn

That minor variance application D20-2024-069 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-078, which shall be attached to and form part of the Committee's Decision;
2. **That** 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; and,
3. **That** the cabin identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the cabin has been removed.

This approval pertains to the application as described in report COA2024-078. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2024-079

Ahmad Shahid, Planner II
File Number: D20-2024-070
Location: 44 Walnut Street
Part Lot 31, Concession 11 (being Parts 1 to 5 of Reference Plan 57R8852)
Geographic Township of Fenelon
Owner: Avy Ben-Zvi
Applicant: Avy Ben-Zvi

Mr. Shahid summarized Report COA2024-079. The purpose and effect is to facilitate the recognition of an existing lakeside deck constructed in 2022. Relief sought: Section 15.2.1.3.a. of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The existing front yard setback, from Walnut Street to the deck, is 4.57 metres; and, Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The existing interior side yard setbacks from the deck are 1.17 metres (south) and 0.55 metres (north).

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems stating they have no issue with the minor variance as it relates to private on-site sewage disposal.

Committee asked staff if the driveway is shared. Staff replied yes.

Committee followed up by asking if there is sufficient room to move a piece of equipment through the front yard without encroaching on the neighbour's property. Staff replied yes and that there are no concerns.

The applicant, Mr. Ben-Zvi was present in person, thanked staff and was available for questions.

The Committee asked Mr. Ben-Zvi if he owned the lane way or is it shared. Mr. Ben-Zvi confirmed it is a shared lane way and there is sufficient room.

There were no further questions from the Committee or other persons.

CA2024-103**Moved By** S. Strangway**Seconded By** S. Richardson

That minor variance application D20-2024-070 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-079, which shall be attached to and form part of the Committee's Decision; and,
2. **That** this approval shall be in effect a period of eight (8) 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 COA2024-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.9 COA2024-080

Katherine Evans, Planner II

File Number: D20-2024-071

Location: 211 Francis Street East

Part Lots 21 and 22, Concession 11 (being Part 1 on Reference Plan 57R1013)

Geographic Township of Fenelon

Owner: Alexandra Barrett

Applicant: Alexandra Barrett

Ms. Evans summarized Report COA2024-080. The purpose and effect is to facilitate the construction of an attached garage onto the existing dwelling. Relief sought: Section 12.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 2.4 metres.

The Committee asked staff what is the rear yard setback for existing building. Ms. Evans replied 3.54 metres.

The applicant, Ms. Barrett was present in person.

There were no further questions from the Committee or other persons.

CA2024-104

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2024-071 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-080, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2024-080. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

Committee inquired as to the use of the pointer when Planners are presenting. Ms. Evans responded.

New Provincial Planning Statement (PPS) and if this would affect the Committee of Adjustment. Mr. Connolly, Manager of Planning responded.

The Chair thanked Staff.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, September 26th at 2:00pm in Council Chambers, City Hall.

8. Adjournment

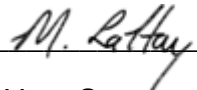
CA2024-105

Moved By B. Archer

Seconded By E. Finn

That the meeting be adjourned at 2:10pm.

Carried



Mark LaHay, Secretary-Treasurer

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Hall and Pellerine
Report Number COA2024-081

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Laxton

Subject: The purpose and effect is to facilitate the construction of an Additional Residential Unit (ARU) and detached garage.

Relief sought:

1. Section 18.1.b of the Zoning By-law requires accessory structures to be located in a side or rear yard; relief is required for locating the proposed ARU in the front yard.

The variance is requested at **7971 Highway 35** (File D20-2024-072).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-081 – Hall and Pellerine, be received;

That minor variance application D20-2024-072 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and Appendix D submitted as part of Report COA2024-081, which shall be attached to and form part of the Committee’s Decision;
- 2) **That** approvals and/or permits required by the Ministry of Transportation (MTO), are applied for and granted prior to the issuance of a Building Permit; and,
- 3) **That** 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 COA2024-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an Additional Residential Unit (ARU) and detached garage. Relief is required for the location of the ARU.
Owners:	Eric Hall & Kelly Pellerine
Applicant:	Carmen Pellerine
Legal Description:	East Part Lots 12 and 13, Concession 11
Official Plan ¹ :	Rural, Aggregate, Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural General (A1) Zone, Industrial Extractive Exception Two (M2-2) Zone, Open Space (O1) Zone. (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	57.45 hectares (141.96 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Commercial, Vacant Lands

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in the former township of Laxton, with access from Highway 35. The lots in the area vary in size and shape, many with irregular configurations. Based on the Municipal Property Assessment Corporation (MPAC), the surrounding area is a mix of low-density residential uses, commercial use, mixed-use commercial/residential use, and vacant lands. There is no clear period of when the built-form was constructed in the area. The majority of properties in

¹ See Schedule 1

² See Schedule 1

this area along Highway 35 are heavily treed in, with little or no visibility from the road into the lots.

The subject property is irregularly shaped and currently contains a two-storey dwelling (1990) and shed. There is also an existing inactive licensed quarry on the property, that is not currently in use and the owners have indicated that they are working with the Ministry of Natural Resources and Forestry to remove the license.

The proposal seeks to facilitate the construction of an Additional Residential Unit (ARU) and detached garage in the front yard. The proposal is compatible with surrounding land uses, as similar residential uses are located along Highway 35 and within the vicinity of the property. The proposed ARU and detached garage are both one-storey in height and align with the existing built-form character in the area. The proposed development is to be located in an area which is largely surrounded by an existing dense tall vegetation, restricting any visibility from the road and neighbouring properties. Furthermore, the proposed development creates an additional residential opportunity on an existing appropriately sized lot, negating the need for the creation of a new lot, and maximizing the usability of the lot.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Rural, Aggregate, and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). The proposed development is solely located within the Rural land use designation. The Rural designation permits the use of low-density single detached dwellings and associated accessory structures. The proposed development does not conflict with the objectives of the Rural designation as it does not change the existing low-density residential land use, and maintains a low profile. Furthermore, the Official Plan states that the City should encourage residential intensification in developed areas.

Under Schedule B of the City of Kawartha Lakes Official Plan, the property contains unevaluated wetlands. Based on current data from the Ministry of Natural Resources and Forestry, the lands are not evaluated provincially significant wetlands. Regardless, the proposed development is not located within the unevaluated wetlands as identified in Schedule B of the Official Plan.

In 2020, the City of Kawartha Lakes Official Plan (2012) was amended to address the requirements of the Planning Act, conform with Provincial Policies and establish new land use policies for Additional Residential Units (ARU). An ARU is permitted as-of-right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions. The proposed ARU upholds the residential character of the area and the variance maintains the general intent and purpose of the Official Plan.

Performance and siting criteria is implemented through the zoning by-law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Rural General (A1) Zone, Industrial Extractive Exception Two (M2-2) Zone and Open Space (O1) Zone under the United Townships of Laxton, Digby, and Longford Zoning By-law 32-83. The A1 Zone permits various uses, including but not limited to, single detached dwellings. The proposed Additional Residential Unit (ARU) requires relief from its proposed location in the front yard. The detached garage is compliant in its location as Section 18.1.b. of the Zoning By-law allows for the erection of a garage in the front yard provided that it complies with the setbacks of the specific zone. The proposed detached garage complies with the applicable setbacks and is therefore a permitted accessory structure in the front yard.

Section 1.31 of the Zoning By-law states that a detached ARU shall be subject to the provisions detailed in section 18.1 of the Zoning By-law. Section 18.1.b of the Zoning By-law requires accessory structures to be located in a side or rear yard; the proposed location of the ARU is in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area.

As previously mentioned, the proposed location of the development is surrounded by the existing vegetation including large trees. The existing tree cover guards views of the property from the road and surrounding neighbours. As such, adverse impact is not anticipated to the public view. Furthermore, the proposed ARU, in comparison to the existing primary dwelling, is smaller in both height and gross floor area. Additionally, the Zoning By-law requires a 90 metre setback from a quarry (considered medium industrial use in the Zoning By-law). As the rear of the lot is largely within the M2-2 Zone, space for locating the ARU is limited while being attentive of the industrial zoning. Given the subject property's size and low lot coverage (proposed 0.04%), ample open space continues to be provided in the front, rear, and side yards.

Overall, no massing and height incompatibilities are proposed with the primary dwelling or neighbouring properties, view is limited of the proposed development, and the proposed ARU remains subordinate to the existing dwelling.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated adverse impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

Attachments

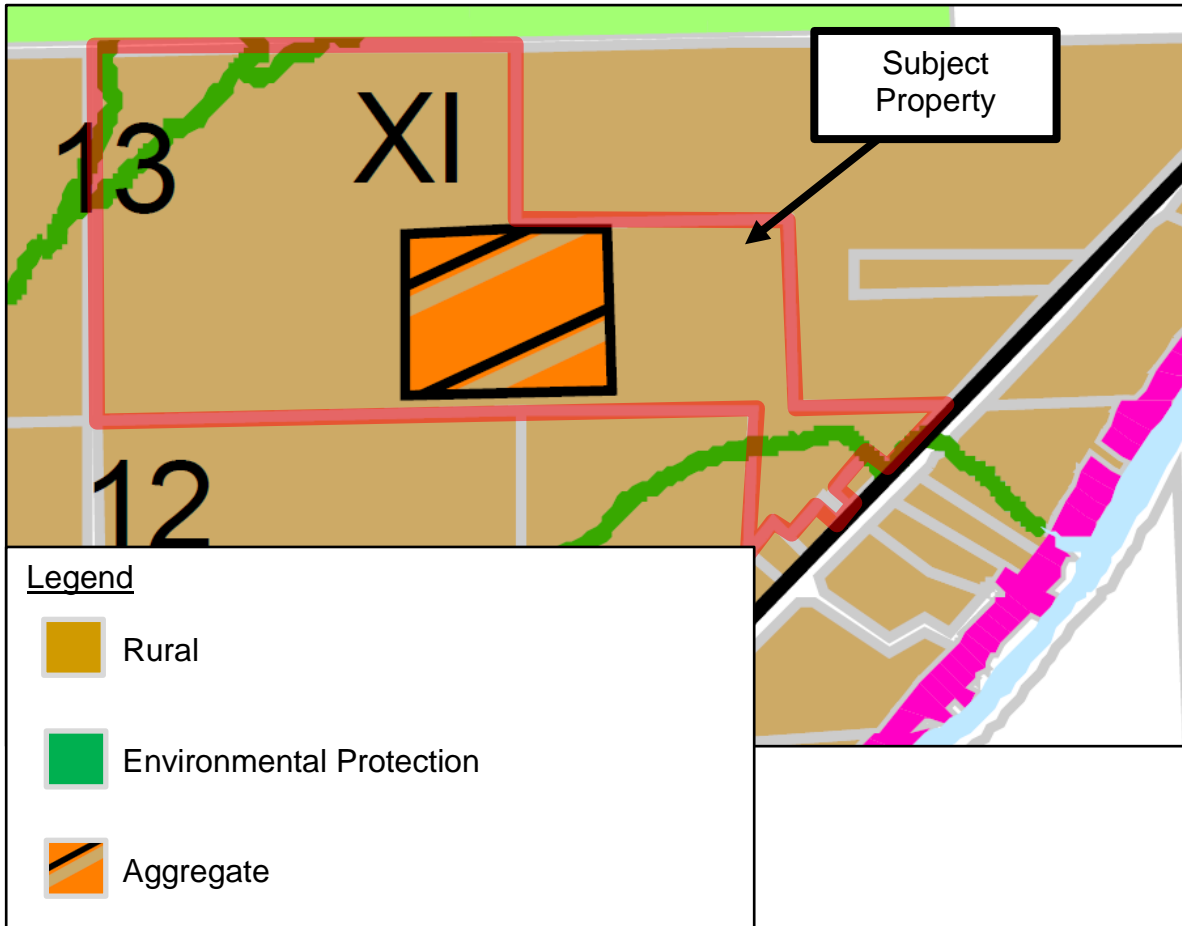
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Scoped-In Drawing

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-072

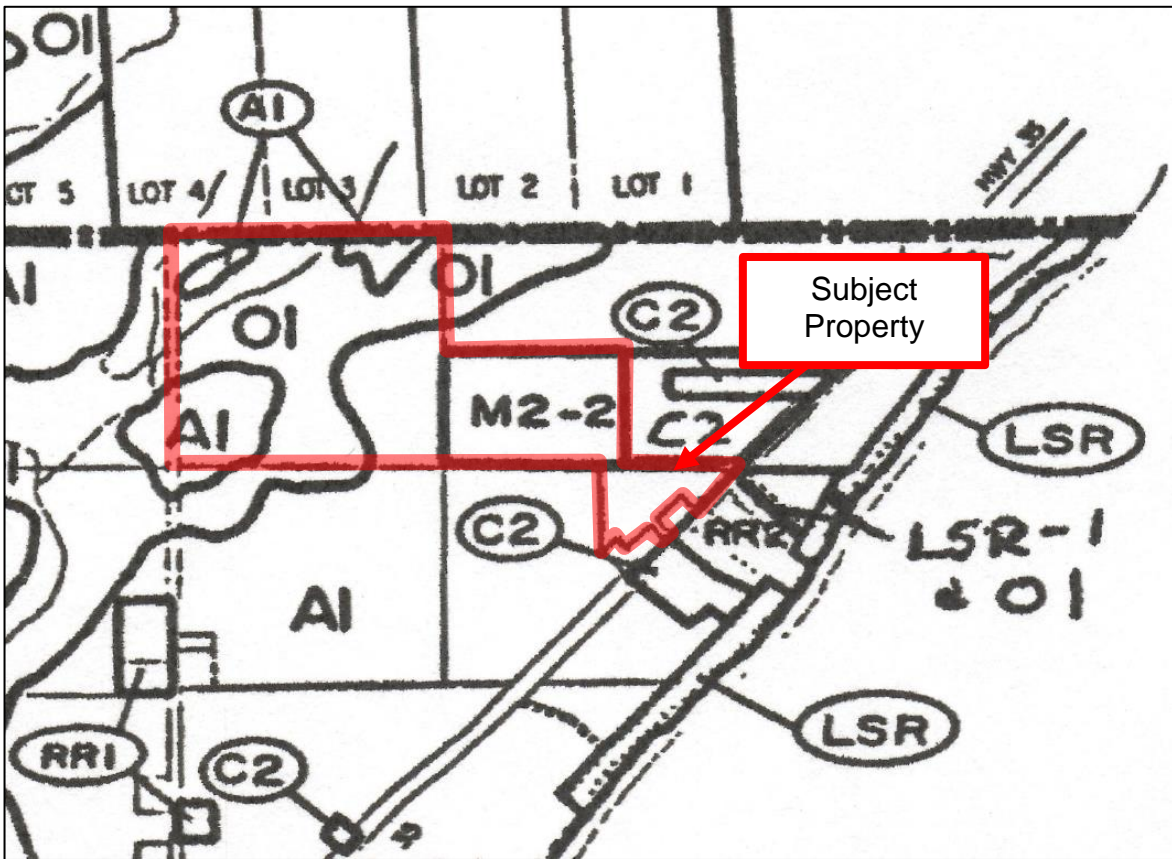
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



United Townships of Laxton, Digby, and Longford Zoning By-law 32-83



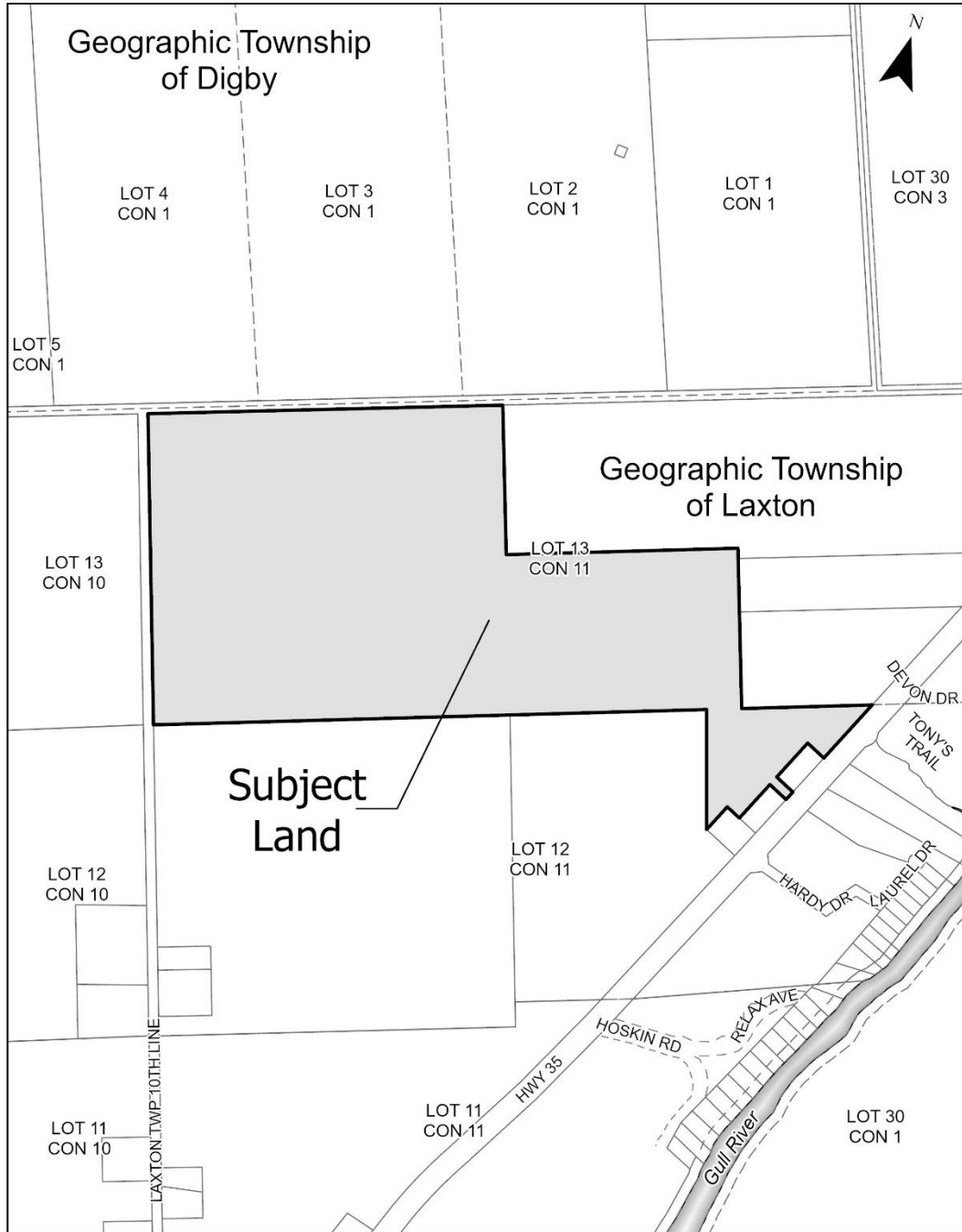
to

REPORT COA2024-081

FILE NO: D20-2024-072

LOCATION MAP

D20-2024-072



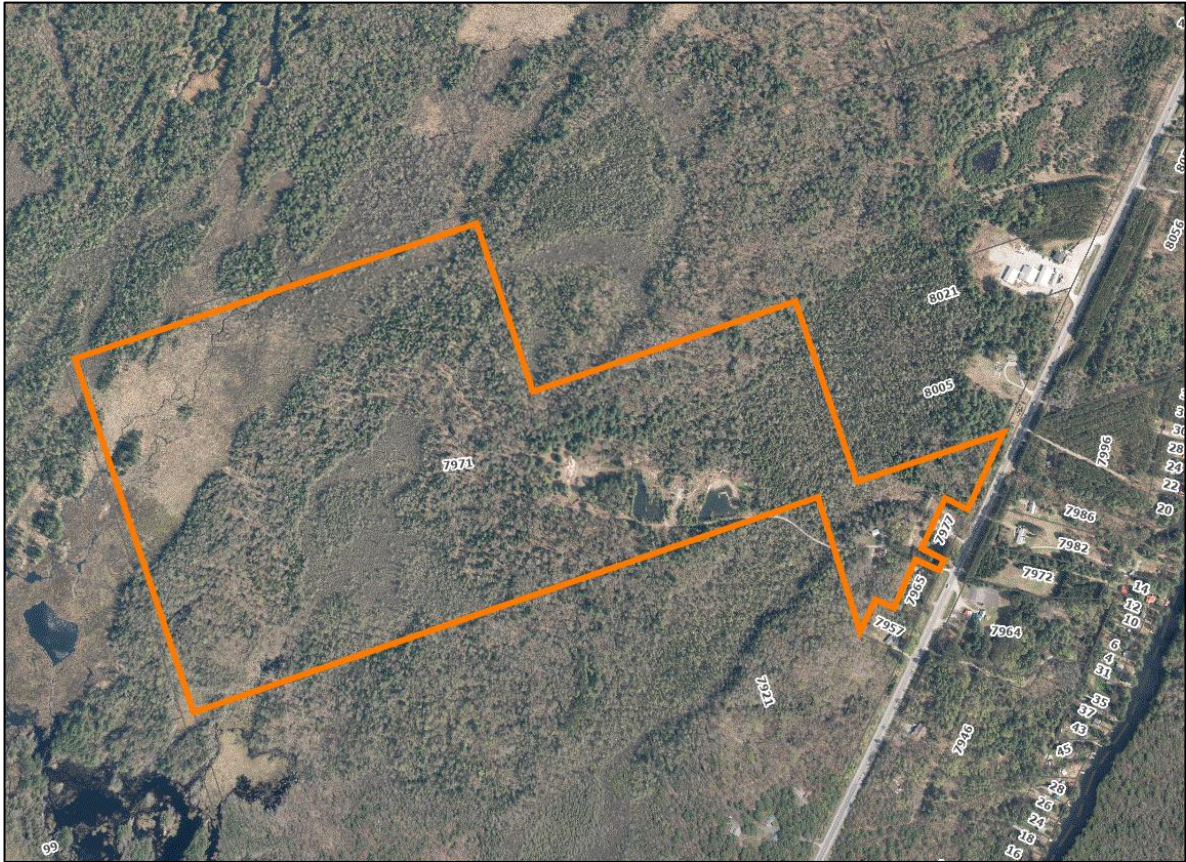
SRQ_17616

to

REPORT COA2024-081

FILE NO: D20-2024-072

AERIAL PHOTO (2023)

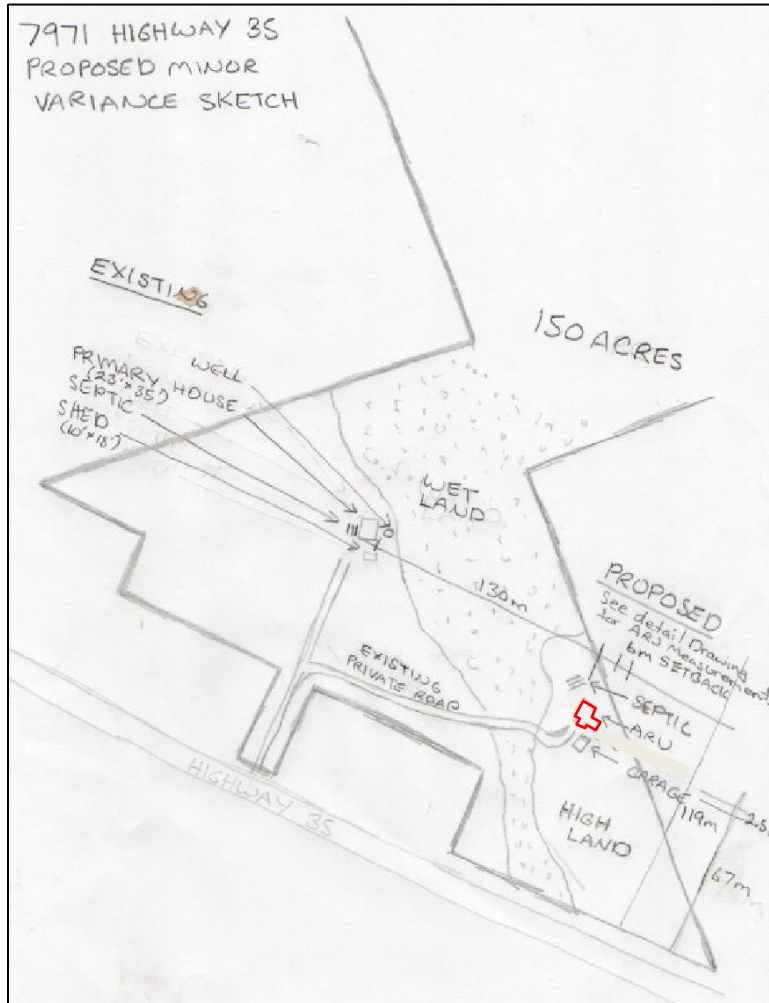


to

REPORT COA2024-081

FILE NO: D20-2024-072

APPLICANT'S SKETCH

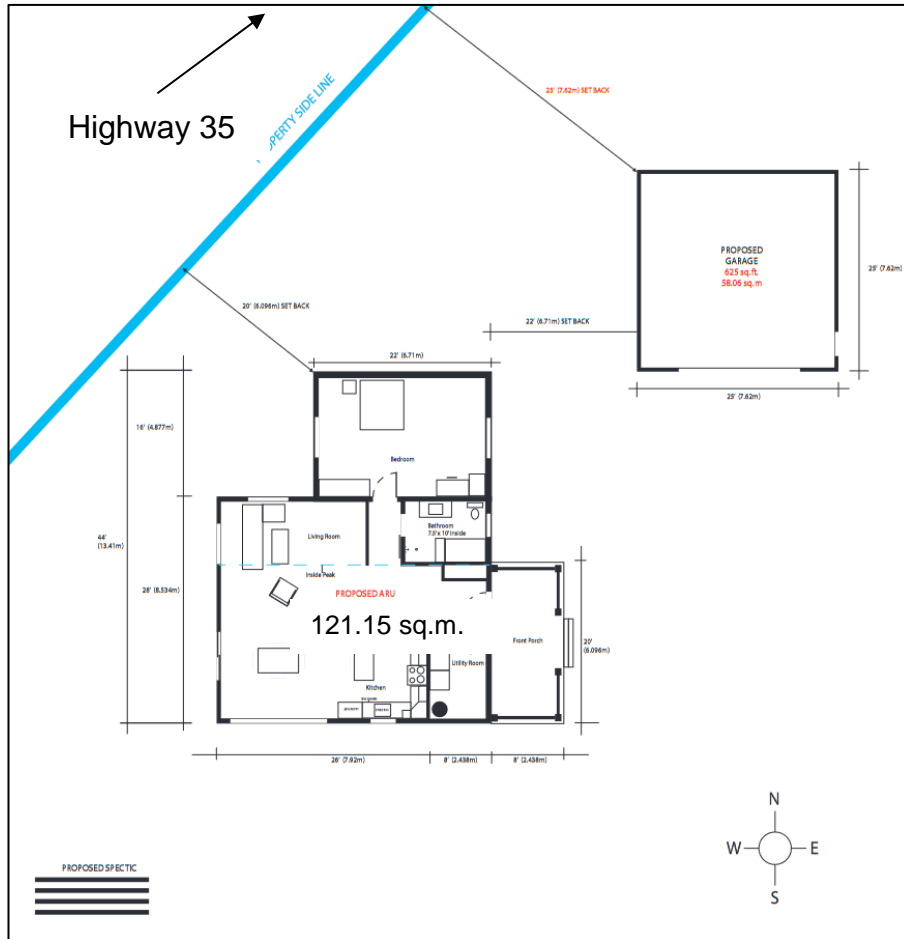


to

REPORT COA2024-081

FILE NO: D20-2024-072

SCOPED-IN DRAWING



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Primmer and Swan
Report Number COA2024-082

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Verulam

Subject: The purpose and effect is to facilitate the construction of a detached garage with a workshop and Additional Residential Unit (ARU) and the recognition of an existing storage building.

Relief sought:

1. Section 5.1.3 b) of the Zoning By-law provides that an accessory building or structure that is not attached to the main building shall not be erected in any yard other than the interior side or rear yard; the proposed detached garage/ARU is to be located in the front yard and the existing storage building is located in the front yard.

The variance is requested at **7 Bronte Lane** (File D20-2024-074).

Author: Katherine Evans, Senior Planner **Signature:** 

Recommendations

That Report COA2024-082 – Primmer and Swan, be received;

That minor variance application D20-2024-074 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-082, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2024-082. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a detached garage with a workshop and Additional Residential Unit (ARU) and the recognition of an existing storage building
Owners:	Kevin Primmer and Beverly Swan
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 12 and 13, Concession 6
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Type One (R1) Zone and Open Space (OS) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	1.7 ha. (4.3 ac.)
Site Access:	Year round municipal road (Scotch Line Road) and private road (Bronte Lane)
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is within an established residential neighbourhood located on the southern shore of Sturgeon Lake. The property is irregular in shape and is a waterfront lot. The property has frontage on County Road 24 and Scotch Line Road, which are year round municipal roads. Bronte Lane is a private road which runs through the middle of the subject property and functions similar to a driveway

¹ See Schedule 1

² See Schedule 1

off of Scotch Line Road. Bronte Lane is used to access one other lot to the east of the subject property. The property currently contains a single detached dwelling constructed in 1977 (according to Municipal Property Assessment Corporation), a boathouse, and a storage building.

The proposal is to construct a detached garage with space for storage, a workshop, and an Additional Residential Unit (ARU). The ARU to be used by the property owners as well as family and friends. The purpose of the application is to seek relief to permit the detached garage/ARU to be located in the front yard as well as to recognize an existing storage building which is currently located in the front yard.

As per the Zoning By-law, the minimum lot size for an Additional Residential Unit located on a lot with private services is 4,000 square metres or 0.4 hectares; the subject property exceeds this minimum lot size. Additionally, the Zoning By-law provides that a property must have frontage on an improved public street that is maintained year round. The property abuts two improved public streets that are maintained year round, being Scotch Line Road and County Road 24.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

An ARU is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Residential Type One (R1) Zone and Open Space (OS) Zone under the Township of Verulam Zoning By-law 6-87. The portion of the property zoned OS is approximately 1,788 square metres in size and is located at the southern boundary of the property. No existing or proposed structures are to be located within this zone. A single detached dwelling, as well as accessory buildings and structures including a detached Additional Residential Unit are permitted within the R1 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the permitted location for accessory buildings and structures.

Section 5.1.3 b) of the Zoning By-law provides that an accessory building or structure that is not attached to the main building shall not be erected in any yard other than the interior side or rear yard. The proposed detached garage/ARU is to

be located in the front yard and the existing storage building is located in the front yard. The intent of limiting the location of accessory structures to the interior side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

As defined by the Zoning By-law, the front lot line of a corner lot is the shorter lot line that abuts the street. Therefore, the lot line which abuts County Road 24 is the front lot line, and the lot line that abuts Scotch Line Road is an exterior side lot line. The Zoning By-law defines the front yard as the entire width of the yard between the front lot line and the main building. As such, the area between County Road 24 and the dwelling is all considered the front yard.

The property is approximately 220 metres deep. The dwelling is approximately 178 metres from the front lot line and 16.2 metres from the rear lot line (the shoreline). As such, the property has an extensive front yard and a smaller rear yard, limiting the opportunity to site an accessory structure in a permitted location. The existing location of the storage building and the proposed location of the detached garage/ARU being in the front yard will still allow for a significant amount of amenity space in the front yard.

The property is heavily vegetated, and the location of the proposed and existing accessory structures is surrounded by a stand of mature vegetation. As the visibility of the accessory structures is limited when viewing the property from the street, their location is not anticipated to impact the residential character of the property. Additionally, there are several properties in the surrounding area with accessory structures in the front yard, so the proposal is in keeping with the existing built form. Both accessory structures have adequate setbacks from the private road (Bronte Lane) so their location will not impede the use of the road to access the subject property or the neighbouring property to the east.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “No comments.”

Public Comments:

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

Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-074

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

The Corporation of The City of Kawartha Lakes Amendment No. 39 to The City of Kawartha Lakes Official Plan

E. Details of the Amendment

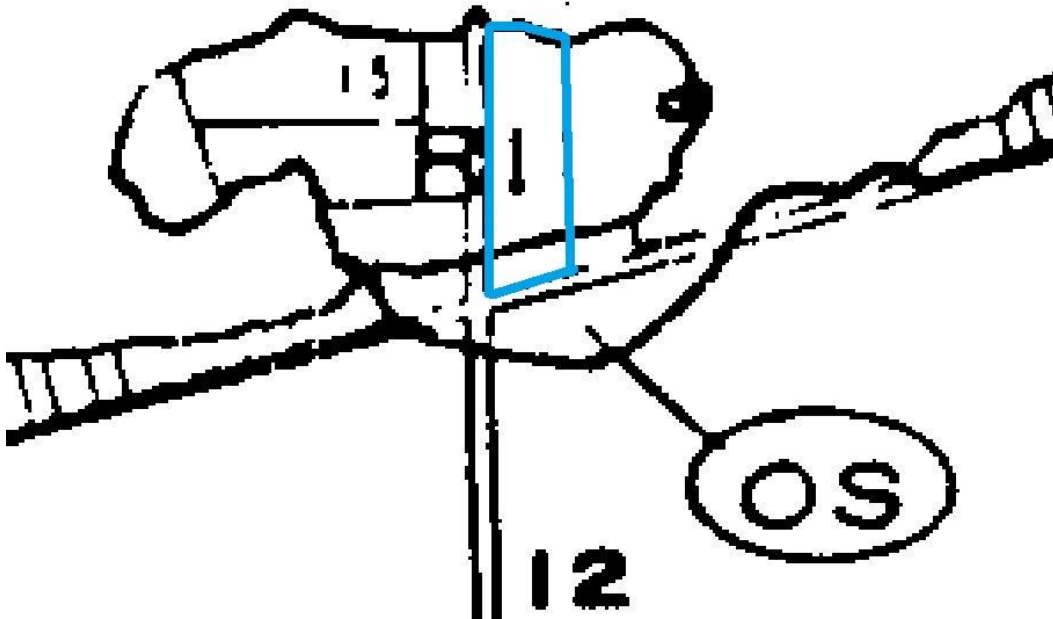
The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

1. **Section 5. Housing Goal is amended by adding subsection 5.7 Additional Residential Units as follows:**

5.7 Additional Residential Units

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 An additional residential unit is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions.

Township of Verulam Zoning By-law 6-87



Section 5 General Provisions

5.1 Accessory Uses

5.1.3 Location

b) Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.

Section 8 Residential Type One (R1) Zone

8.1 R1 Uses Permitted

8.2 R1 Zone Provisions

Section 18 Open Space (OS) Zone

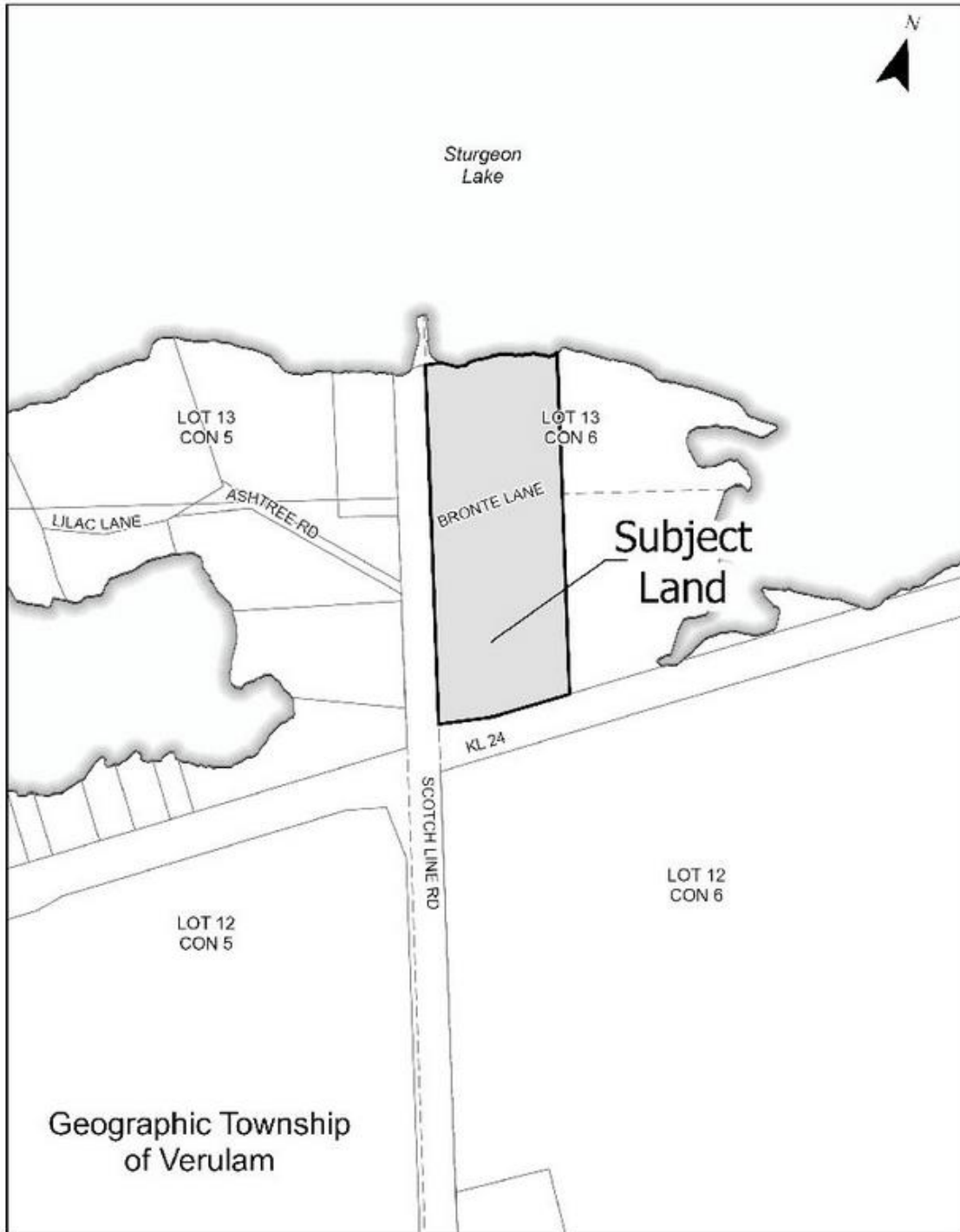
18.1 OS Uses Permitted

18.2 OS Zone Provisions

to

LOCATION MAP

D20-2024-074

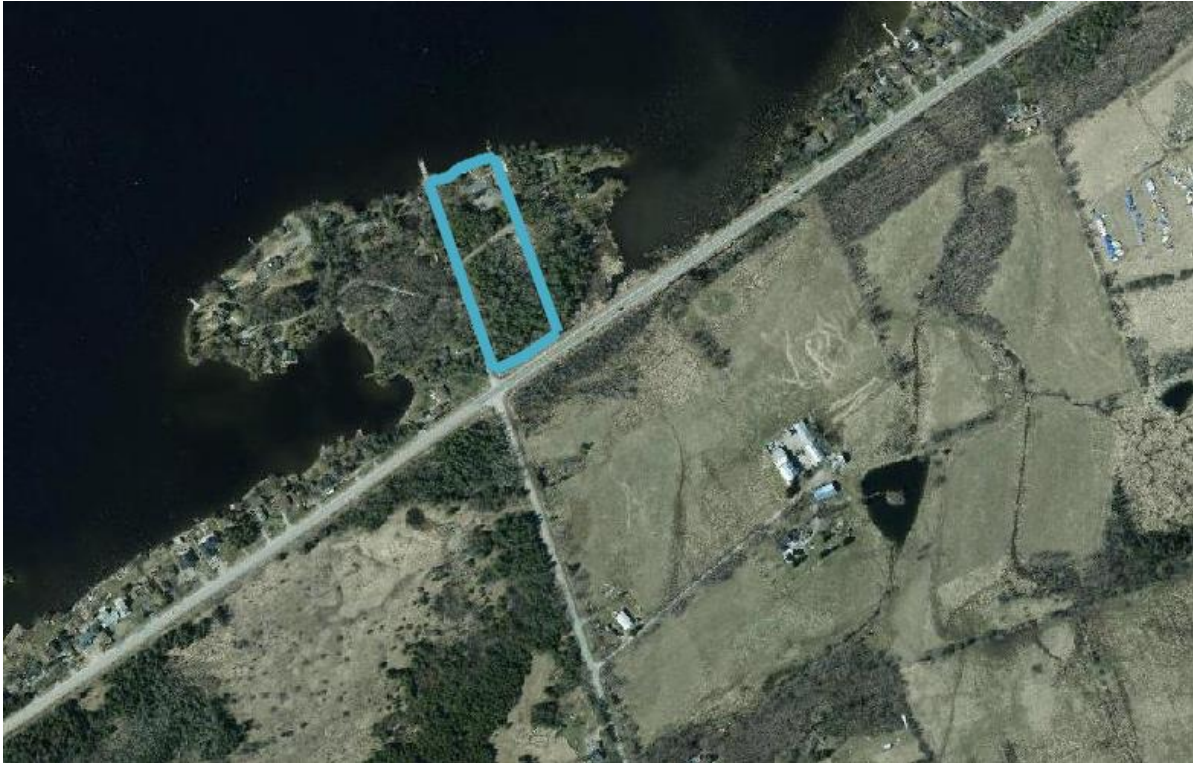


to

REPORT COA2024-082

FILE NO: D20-2024-074

AERIAL PHOTO

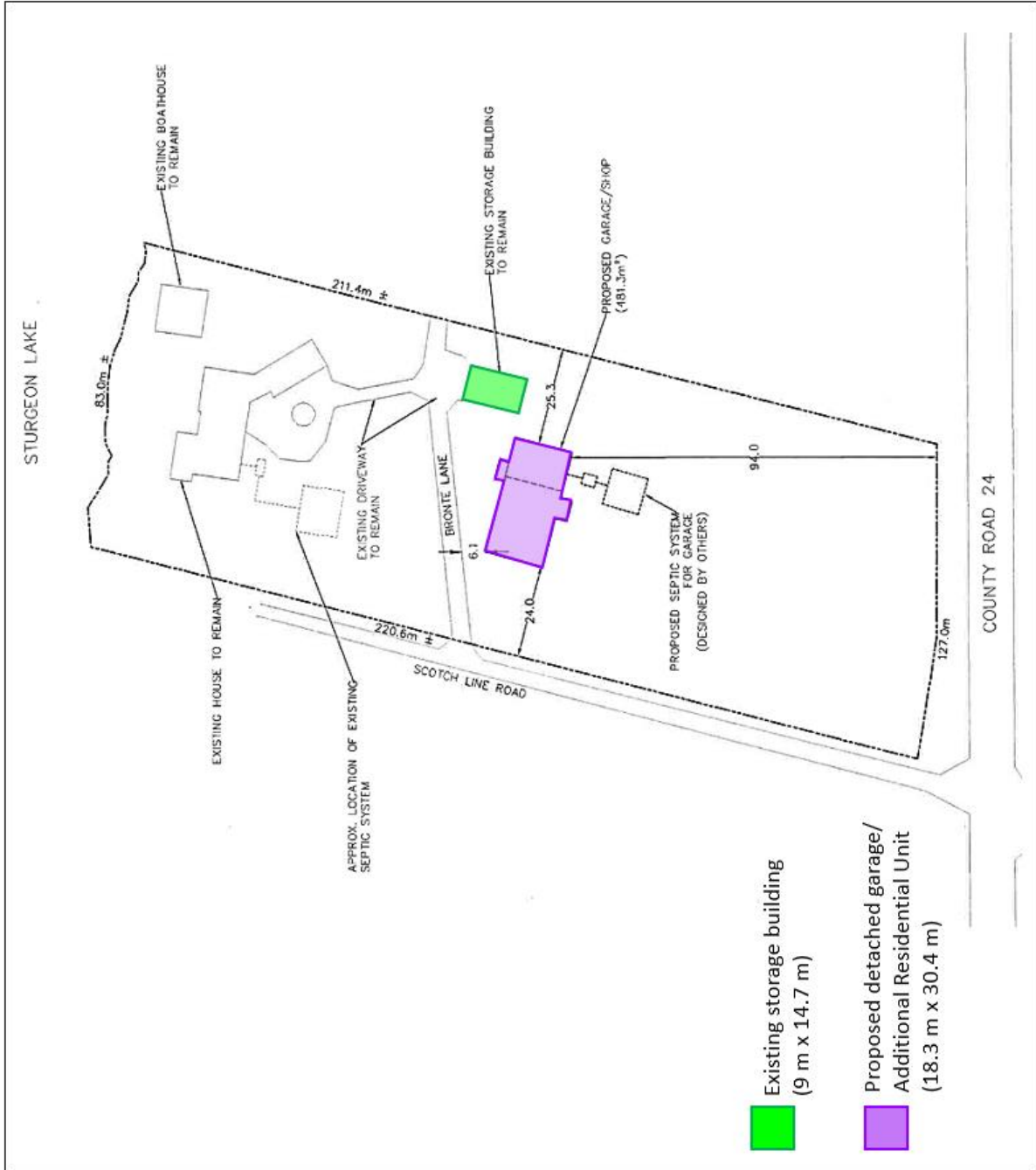


to

REPORT COA2024-082

FILE NO: D20-2024-074

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Griffioen

Report Number COA2024-083

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to recognize an existing Additional Residential Unit (ARU) on the upper storey of an existing detached garage.

Relief sought:

1. Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres (0.4 hectares) for lots on private services to be eligible for an ARU. The subject lot is 3,000 square metres (0.3 hectares).

The variance is requested at **375 Snug Harbour Road** (File D20-2024-075).

Author: Ahmad Shahid, Planner II **Signature:** 

Recommendations

That Report COA2024-083 – Griffioen, be received;

That minor variance application D20-2024-075 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-083, which shall be attached to and form part of the Committee's Decision;
- 2) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of eight (8) 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,

- 3) **That** this approval shall be in effect a period of eight (8) 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 COA2024-083. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognize an existing Additional Residential Unit (ARU) on the upper storey of an existing detached garage. No new structures are being constructed.
Owners:	Ernie & Kim Griffioen
Applicant:	Owners
Legal Description:	Part of Lot 6, Concession 9 (being Parts 2 of Reference Plan 57R-7753 and Part 6 of Reference Plan 57R-4058)
Official Plan ¹ :	Rural and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	3,000 square metres (0.74 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is situated along the shoreline of Sturgeon Lake with access from Snug Harbour Road (year-round maintained public road). The surrounding area is primarily residential, with built-form consisting of single-detached dwellings

¹ See Schedule 1

² See Schedule 1

and assorted accessory structures with varying proximities and locations in relation to the road and shoreline. Large agricultural lots are also present in the area. Based on data collected from the Municipal Property Assessment Corporation (MPAC), there is no clear timeframe of building construction in the area. Residential properties vary in age from as early as the 1900s to as recent as the 2020s.

The property currently contains single detached dwelling, a detached garage with an Additional Residential Unit (ARU) on the second storey), an in-ground pool, storage shed, and a pool shed. There are no new structures being constructed. The proposal is compatible with surrounding land uses, maintaining a low-density residential use. The detached garage/ARU is two-stories in height and aligns with the existing built-form character in the area. Furthermore, it can be expected of property owners to redevelop their properties to strive to achieve the highest and best use. In this case, the use supports and provides additional housing without the creation of a new lot.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Rural and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). The Environmental Protection designation follows a creek that runs through the area. The ARU is located wholly within the Rural designation, outside the Environmental Protection designation. Low density residential uses and accessory buildings and structures are permitted within the Rural designation. Performance and siting criteria is implemented through the Zoning By-Law.

In 2020, the Official Plan (2012) was amended to address the requirements of the Planning Act, and conform with Provincial Policies and establish new land use policies for Additional Residential Units (ARU). An ARU is permitted as-of-right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions. The proposed ARU upholds the residential character of the area and the variance maintains the general intent and purpose of the Official Plan.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3 Zone permits a single detached dwellings and appropriate accessory uses. The existing ARU complies with all provisions of the Zoning By-law with the exception of the minimum lot area required for an ARU on a lot with private services.

Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres (0.4 hectares) for lots on private services to be eligible for an ARU. The subject lot is 3,000 square metres (0.3 hectares). Under the Zoning By-Law, ARUs are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the provisions of the Zoning By-law. The minimum lot size required for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. After discussion with the Supervisor of Part 8 – Sewage Systems, Condition #2 has been added for their endorsement of the application. The Supervisor is currently in consultation with the applicant, with the aim of working towards satisfying the Ontario Building Code (OBC).

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

Attachments

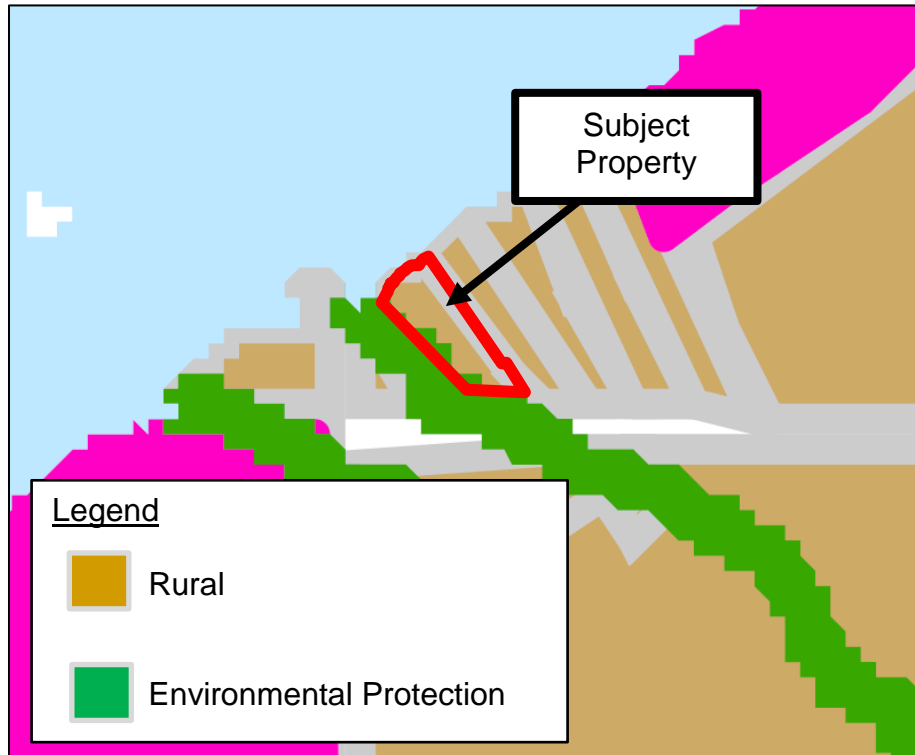
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca

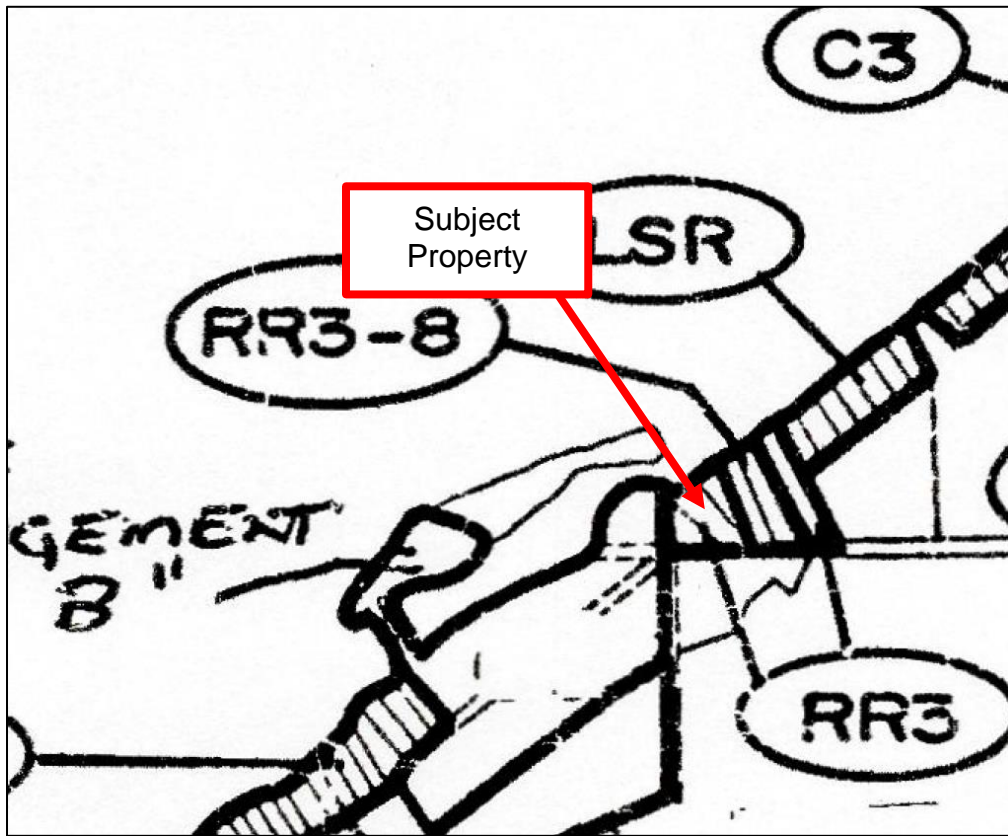
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-075

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Fenelon Zoning By-law 12-95



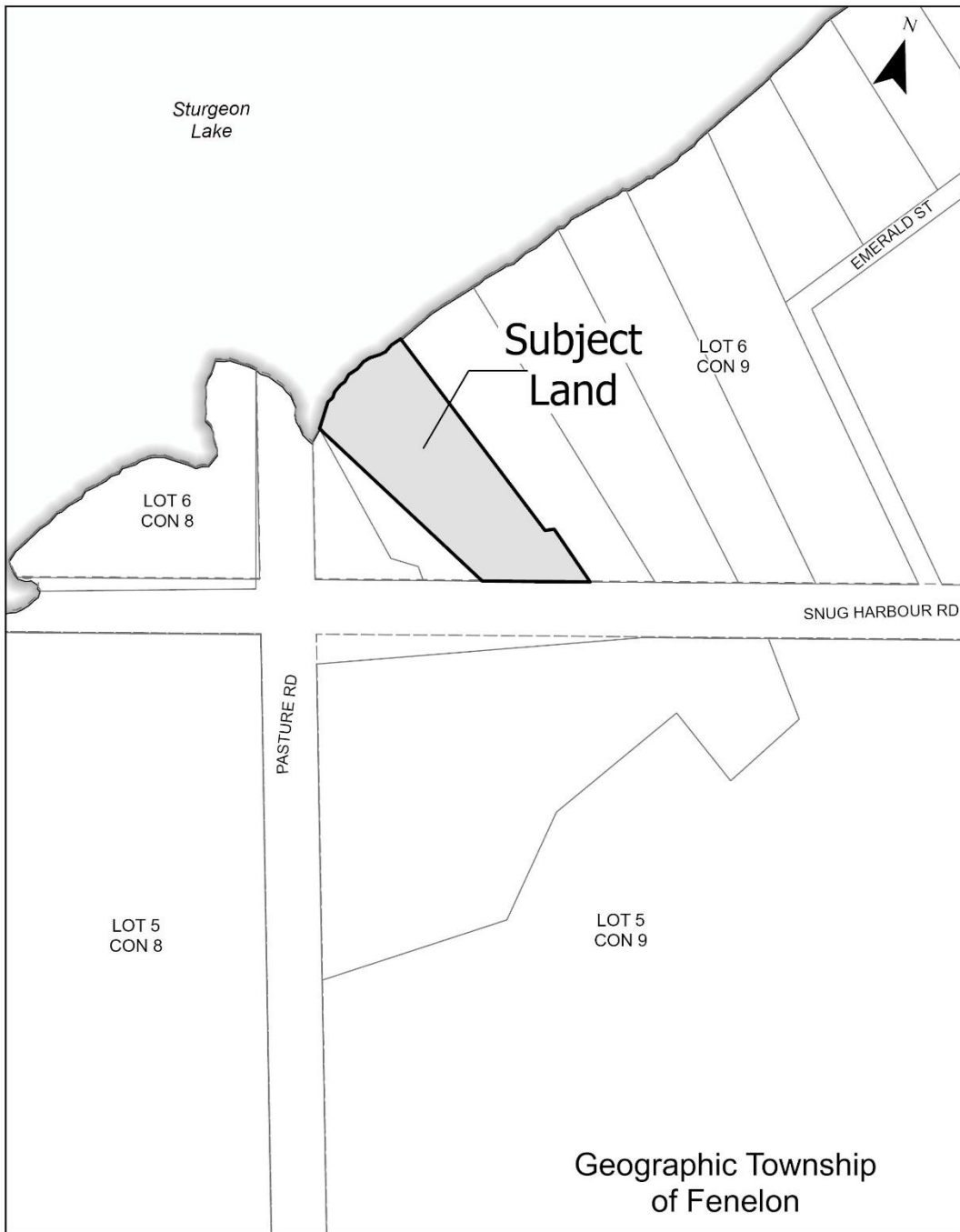
to

REPORT COA2024-083

FILE NO: D20-2024-075

LOCATION MAP

D20-2024-075



SRQ_18875

to

REPORT COA2024-083

FILE NO: D20-2024-075

AERIAL PHOTO



to

REPORT COA2024-083

FILE NO: D20-2024-075

APPLICANT'S SKETCH



Existing Lot Area:
3,000 m² (0.3 ha)

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ganeshalingam and Mahenthirarasa
Report Number COA2024-084

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Laxton

Subject: The purpose and effect is to recognize an existing cabin and shed.

Relief sought:

1. Section 5.2 g) requires a minimum water setback of 15 metres, the existing water setbacks are 13.8 metres (cabin) and 13.3 metres (shed).
2. Section 18.1 b) requires a minimum side yard of 1.3 metres for accessory structures, the existing side yard setback from the shed is 0.57 metres.
3. Section 18.1.f. i) of the Zoning By-law permits cabins as an accessory use to a permitted dwelling on lots which conform to the requirements of the By-law for lot area and frontage. The applicable zone requires a minimum 2,000 square metre lot area, the existing lot area is 1,080 square metres.

The variance is requested at **32 Beachli Lane** (File D20-2024-076).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-084 – Ganeshalingam and Mahenthirarasa, be received;

That minor variance application D20-2024-076 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-084, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** this approval shall be in effect a period of eight (8) 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 COA2024-084. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognize existing cabin and shed.
Owners:	Manojah Ganeshalingam and Nishanthan Mahenthirarasa
Applicant:	Manojah Ganeshalingam
Legal Description:	Part Lot 9, Concession 11 (being Parts 2 to 6 on Reference Plan 57R-1887)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	1,080 square metres (0.74 acres)
Site Access:	Unmaintained private road
Site Servicing:	Private individual septic system and potable drawn lake water
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is situated in the former township of Laxton on the shore of the Gull River. The area in which the property is located is predominantly residential comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the

¹ See Schedule 1

² See Schedule 1

road and shoreline. Along the shoreline of Gull River, it is not uncommon to see lots with structures located close to the shoreline within their respective water setbacks. There is also a municipal park just south of the subject property for viewing of Elliot Falls. Based on data from the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings in the area are for seasonal use with primarily constructed in the mid 1900's with various accessory structures constructed later on.

The subject property currently contains a single detached dwelling, a boathouse, a cabin, and a shed. According to MPAC, the single detached dwelling and boathouse were constructed in 1956. The property owners who purchased the property in October of 2021 are unaware of the date of construction for any of the structures and claim these have been existing since the date of their purchase. Based on aerial imagery, the cabin and shed were existing prior to the ownership of the current owners but were constructed sometime after 2008.

The proposal seeks to recognize the existing cabin and shed on the property. Overall, given the locational context of the property along the Gull River and its seasonal use, it is suitable for property owners to seek to the most optimal utilization of their land. This is evident as many property owners in the area have sought out the erection of newer accessory structures many years after the construction of their respective dwellings. The subject structures align with the residential character and use of the area.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan defines a cabin as an accessory structure for sleeping accommodation in accessory to a permitted dwelling unit. The existing cabin does not conflict with the objectives of the Waterfront designation as it does not change the existing low-density residential land use, and maintains a low profile.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal is not seeking an expansion of any of the existing structures within the water setback. All of the structures are generally in-line along the shoreline. The shoreline is to be maintained and will remain in its natural state.

Performance and siting criteria is implemented through the zoning by-law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Limited Service Residential (LSR) Zone under the United Townships of Laxton, Digby and Longford Zoning By-Law 32-83. The LSR Zone permits multiple uses, including a vacation dwelling or a single detached dwelling and, as well as accessory structures. In order to recognize the existing structures, relief is required from the water setback, interior side yard setback and the minimum lot area required for a cabin.

Section 5.2 g) requires a minimum water setback of 15 metres, the existing water setbacks are 13.8 metres (cabin) and 13.3 metres (shed). The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. It is important to note, the water setback from the existing cottage dwelling is non-complaint at 13.8 metres. The subject cabin does not encroach any further within the water setback and maintains this distance. The shed is located a short distance closer to the shoreline, however, the shed does not contain habitable space nor is habitable space being introduced within the structures, as such, there is no concern with water hazards and dangers to habitable space. The shed is used solely for the storage of wood.

Section 18.1 b) requires a minimum side yard of 1.3 metres for accessory structures, the existing side yard setback from the shed is 0.57 metres. The intent of the interior side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and a space for maintenance and access to the rear yard. The shed is a small structure, 7.29 square metres in size and 2.7 metres in height. The property complies with both accessory structure lot coverage and total lot coverage. The space provided in between the shed and side lot line is sufficient for passageway and maintenance if need be. Overall, the existing shed has a minimal presence on the property, avoids overcrowding, and does not impede passageway or maintenance of the side yards.

Section 18.1.f. i) of the Zoning By-law permits cabins as an accessory use to a permitted dwelling on lots which conform to the requirements of the By-law for lot area and frontage. The LSR Zone requires a minimum 2,000 square metre lot area, the existing lot area is 1,080 square metres. The intention of this provision is to ensure properties have sufficient space to support an additional accessory structure without causing overcrowding or negatively impacting the surrounding environment. The variance avoids overcrowding as it complies with the total permitted lot coverage and accessory structure lot coverage. As no new structure is being proposed as part of the application, there are no anticipated impacts to drainage. Furthermore, although the lot is undersized it is in keeping with the character of the residential lots in the surrounding area.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic: “No comments.”

Public Comments:

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

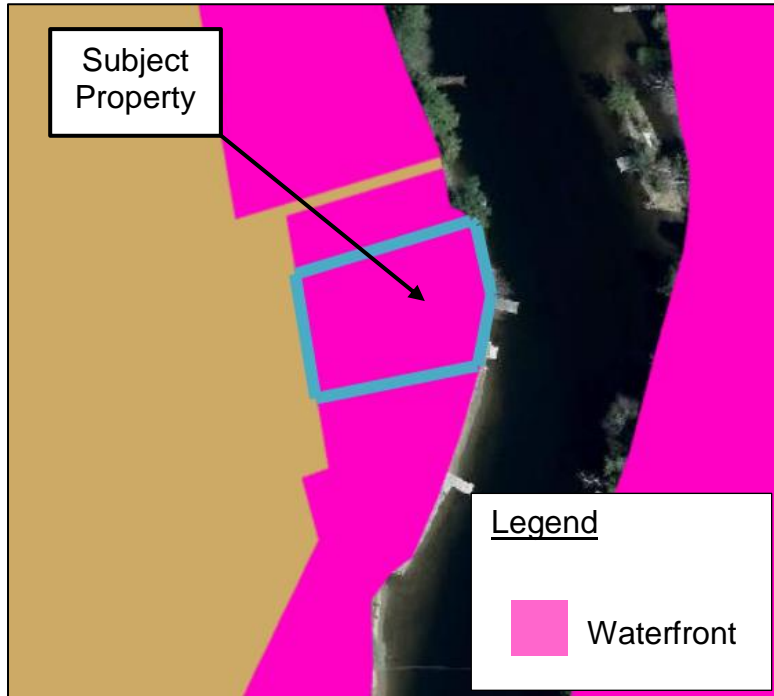
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

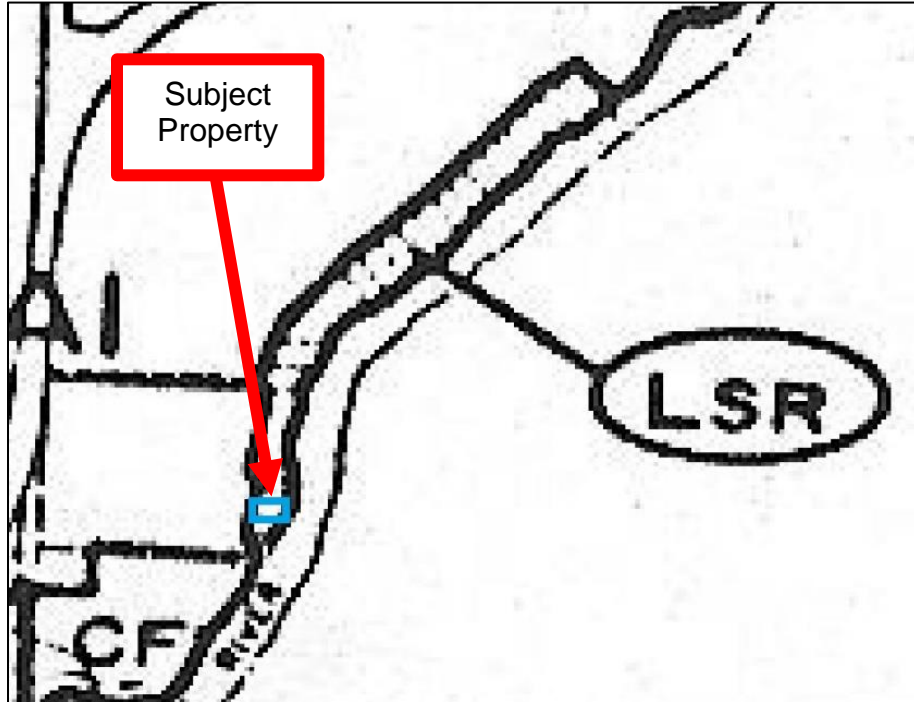
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-076

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



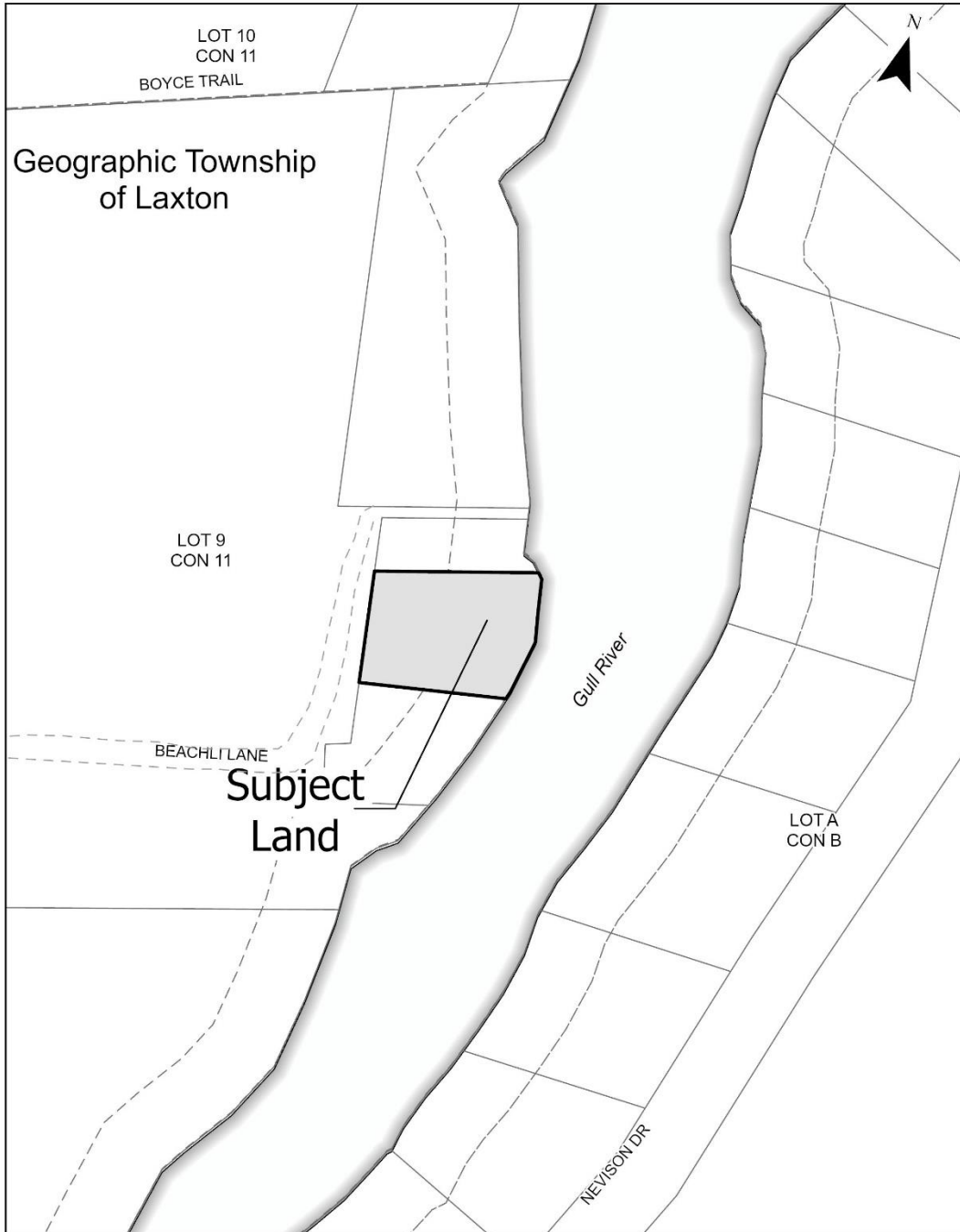
Township of Fenelon Zoning By-law 12-95



to

LOCATION MAP

D20-2024-076



SRQ_18875

to

REPORT COA2024-084

FILE NO: D20-2024-076

AERIAL PHOTO

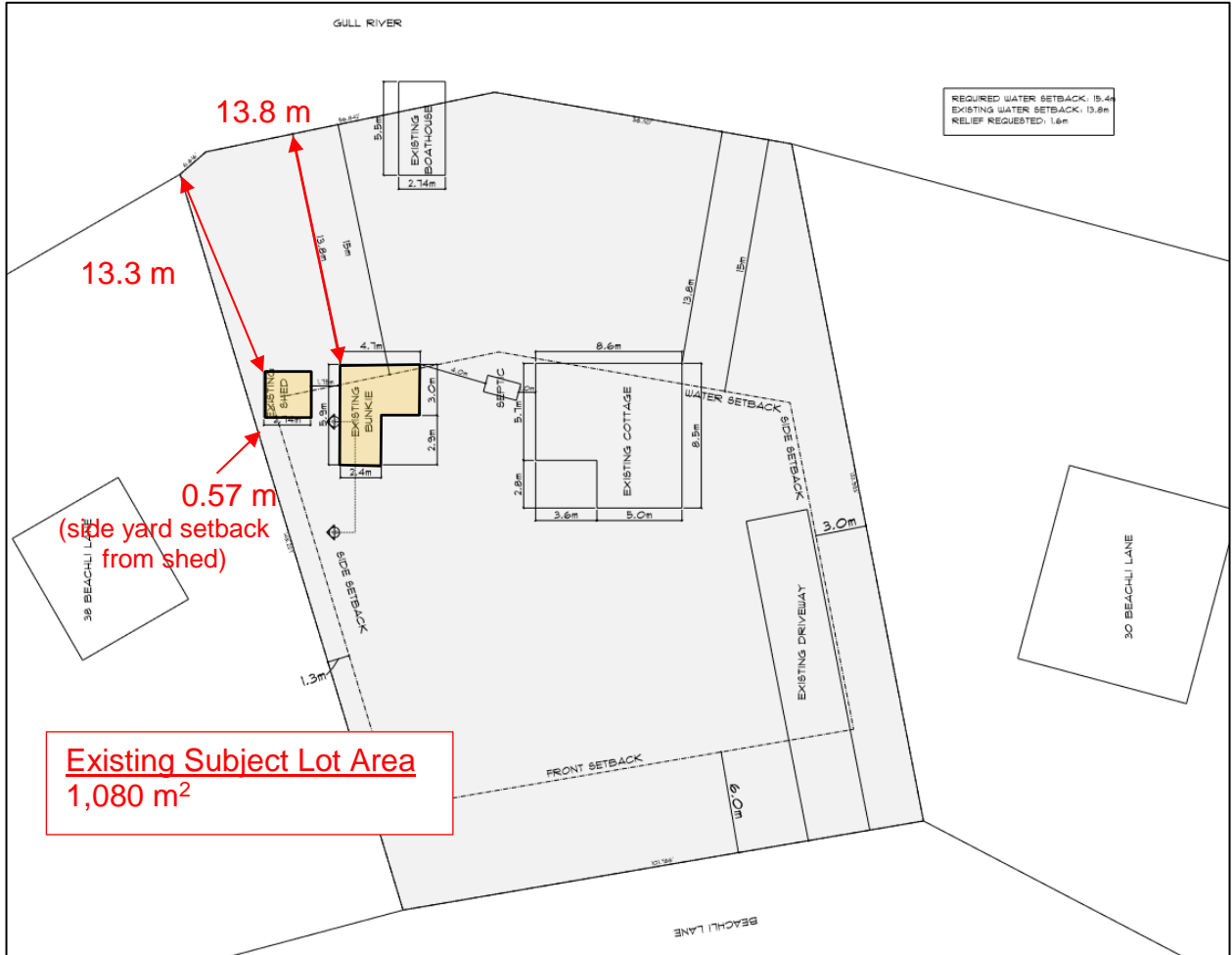


to

REPORT COA2024-084

FILE NO: D20-2024-076

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Ryall

Report Number COA2024-085

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 2 – Former Village of Bobcaygeon

Subject: The purpose and effect is to facilitate the construction of a new front yard deck.

Relief sought:

1. Section 5.2.c. of the Zoning By-law requires a minimum 7.5 metre front yard setback, the front yard setback from the proposed deck is 6.47 metres; and,
2. Section 5.2.f. of the Zoning By-law permits a maximum 30% total lot coverage, the existing lot coverage is 34.39% and the proposed lot coverage is 38.69%.

The variance is requested at **81 Front Street West** (File D20-2024-077).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-085 – Ryall, be received;

That minor variance application D20-2024-077 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-085, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2024-085. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a new front yard deck
Owners:	Melissa Ryall
Applicant:	Owner
Legal Description:	Part Lot 1, West Side of Head Street (being Plan 70 of Reference Plan 57R-4510)
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012) Urban (Victoria County Official Plan, 1978)
Zone ² :	Urban Residential One (R1) Zone (Village of Bobcaygeon Zoning By-Law 16-78)
Site Size:	637.42 square metres (6,861.13 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Full municipal servicing
Existing Uses:	Residential
Adjacent Uses:	Residential, Vacant

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is situated in the former Village of Bobcaygeon, near the intersection of Head Street and Front Street West. The neighbourhood is comprised of low-density residential uses in the form of single detached dwellings

¹ See Schedule 1

² See Schedule 1

and various accessory structures. The properties along Front Street West are not waterfront but have view of the Bobcaygeon River.

The subject property currently contains a one-storey dwelling with an attached garage and rear deck (1970), a detached garage (1990), and a shed. The proposal seeks to construct a 24.13 square metre (platform size) front yard deck attached to the existing dwelling. The proposed front yard deck will be uncovered and primarily serve as a sitting area for the property owners, providing a view of the Bobcaygeon River across the street.

The proposal is compatible with surrounding land uses and existing built form. The neighbouring property to the east contains a similarly placed deck that is in-line with the proposed deck. Moreover, the neighbouring properties to the west are all setback much closer to the street than the existing dwelling and proposed deck location.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Urban Settlement Area under the City of Kawartha Lakes Official Plan (2012). As the Bobcaygeon Secondary Plan of the City's 2012 Official Plan is under appeal, the Victoria County Official Plan (VCOP) applies. Under the VCOP, the property is designated Urban. The Urban designation permits a broad range of residential uses, but states that low-density residential uses should predominate. The proposal maintains the existing low-density use.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Urban Residential One (R1) Zone under the Village of Bobcaygeon Zoning By-Law 16-78. The R1 Zone permits a single-detached dwelling and accessory structures/uses. Relief is required from the minimum required front yard setback and maximum permitted lot coverage.

Section 5.2.c. of the Zoning By-law requires a minimum 7.5 metre front yard setback, the front yard setback from the proposed deck is 6.47 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. The proposed front yard setback of the deck will not interrupt or impact the travelled portion of the street. Additionally, the proposed front yard setback is in-line or greater than the existing front yard setback of the neighbouring properties along Front Street West.

Section 5.2.f. of the Zoning By-law permits a maximum 30% total lot coverage, the propose lot coverage is 38.69%. The intention of regulating lot coverage is to

maintain a balance between built form and open space, ensuring there is area for greenspace, landscaping, and other open space amenities. Furthermore, limiting lot coverage prevents overcrowding, contributing to a more aesthetically pleasing environment. The existing lot coverage of the property is 34.39%, exceeding the maximum permitted rate. As a result, the addition of any structure regardless of size would require relief from this provision. The proposed deck is to be situated in the front yard of the property, where no other structures are existing. As a result, overcrowding is avoided as there is still ample amenity space available in the front yard. The proposed deck is not anticipated to negatively impact the aesthetic from the public view as it aligns with the built form character along the street.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic Division (Building): “No comments.”

Public Comments:

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

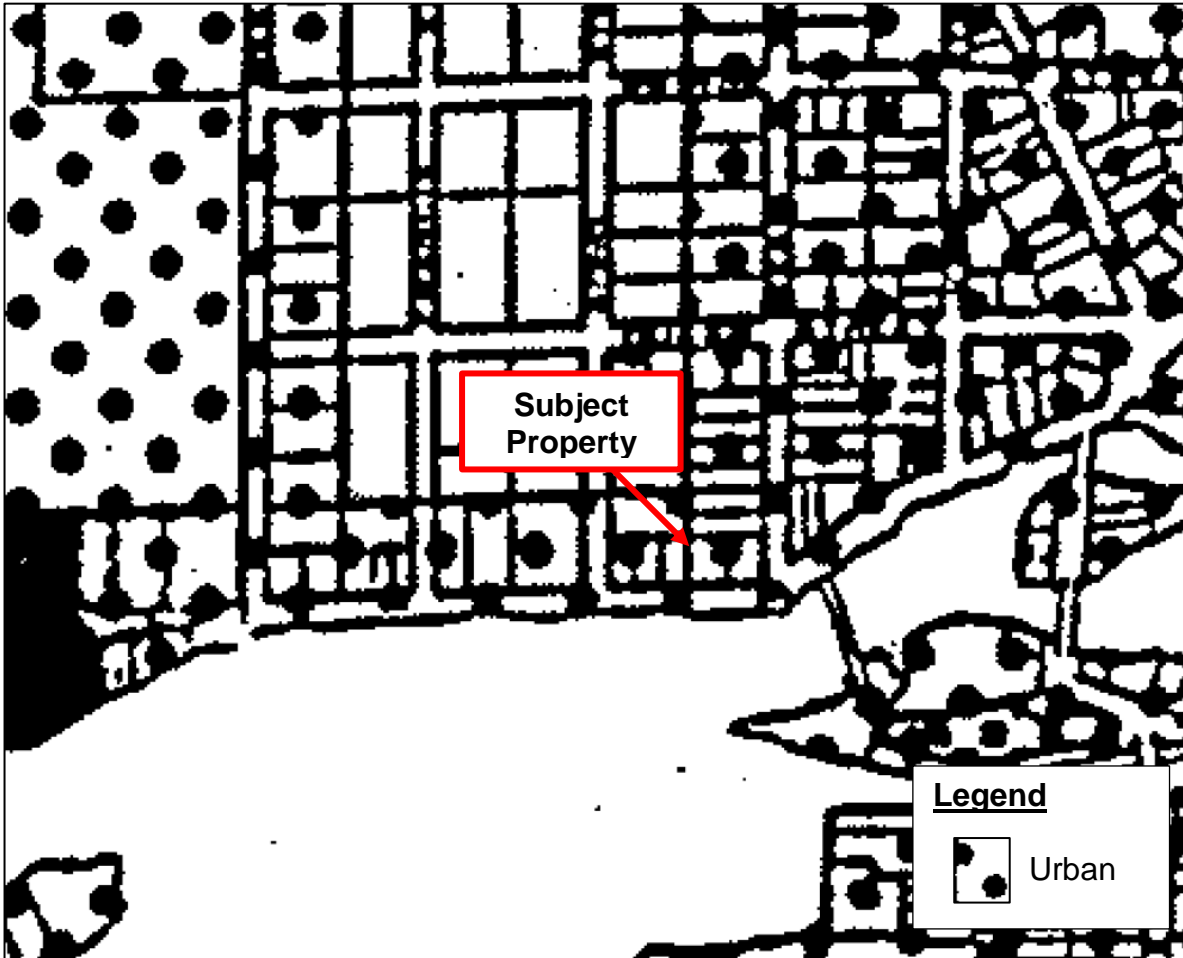
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

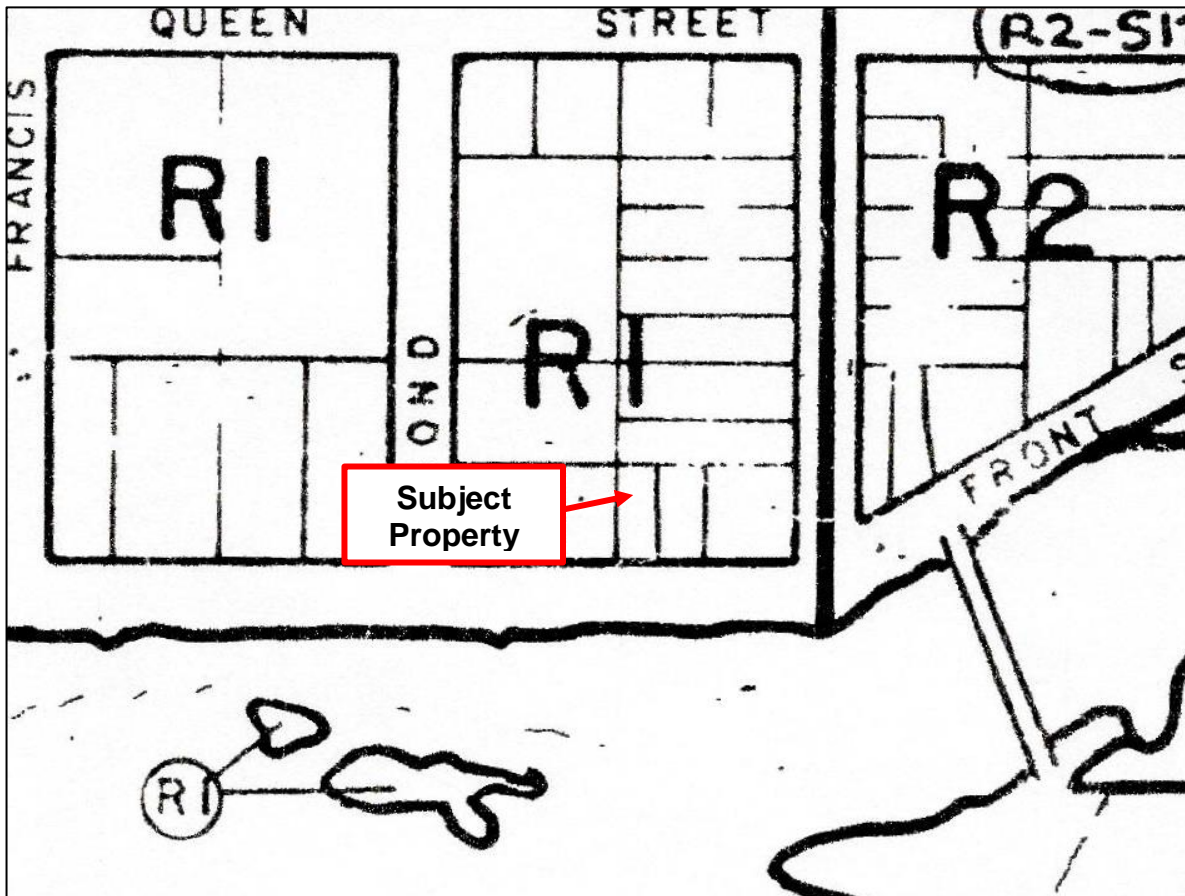
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-077

Schedule 1 Relevant Planning Policies and Provisions

Victoria County Official Plan



Village of Bobcaygeon Zoning By-Law 16-78



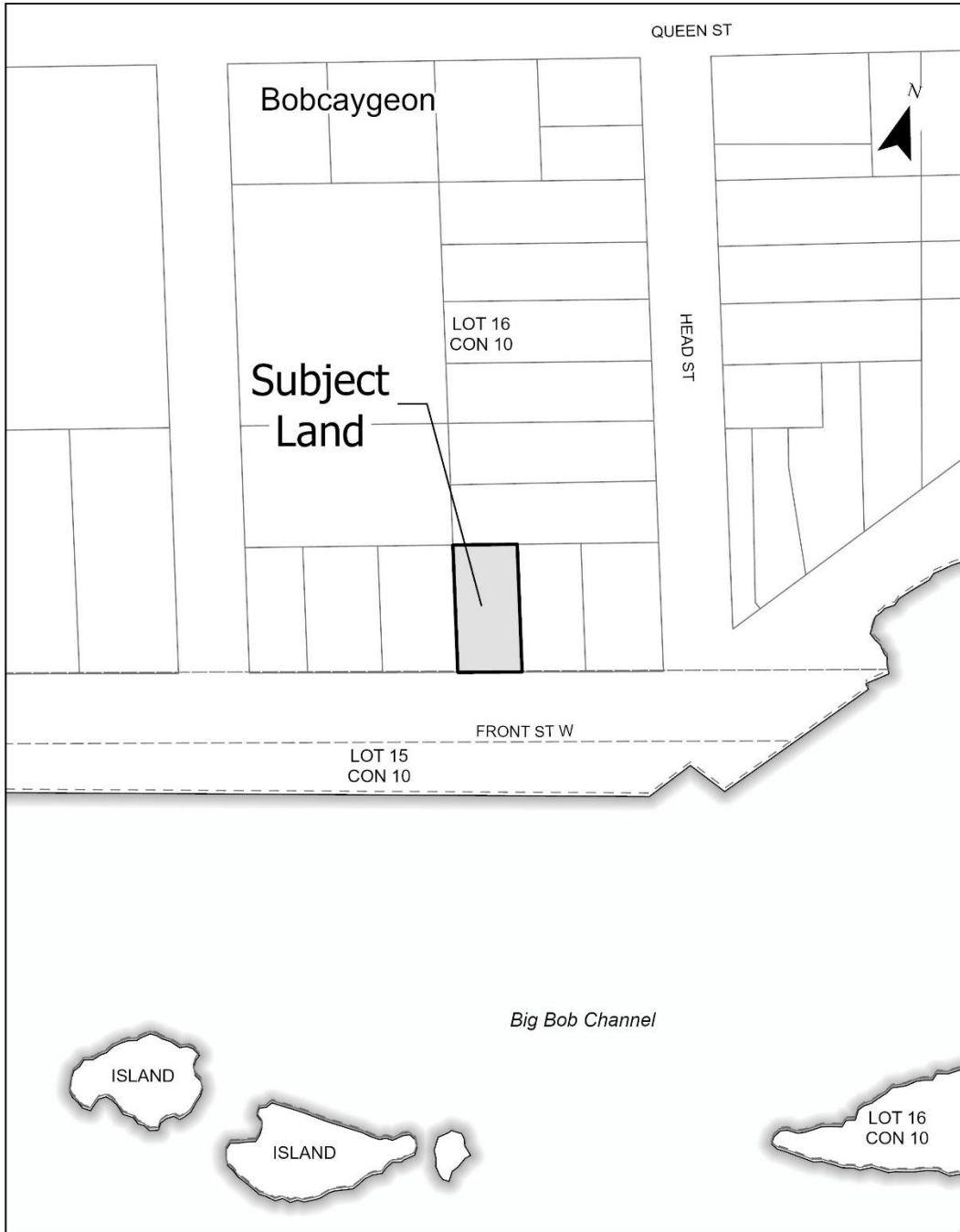
to

REPORT COA2024-085

FILE NO: D20-2024-077

LOCATION MAP

D20-2024-077



SRQ_18875

to

REPORT COA2024-085

FILE NO: D20-2024-077

AERIAL PHOTO (2023)

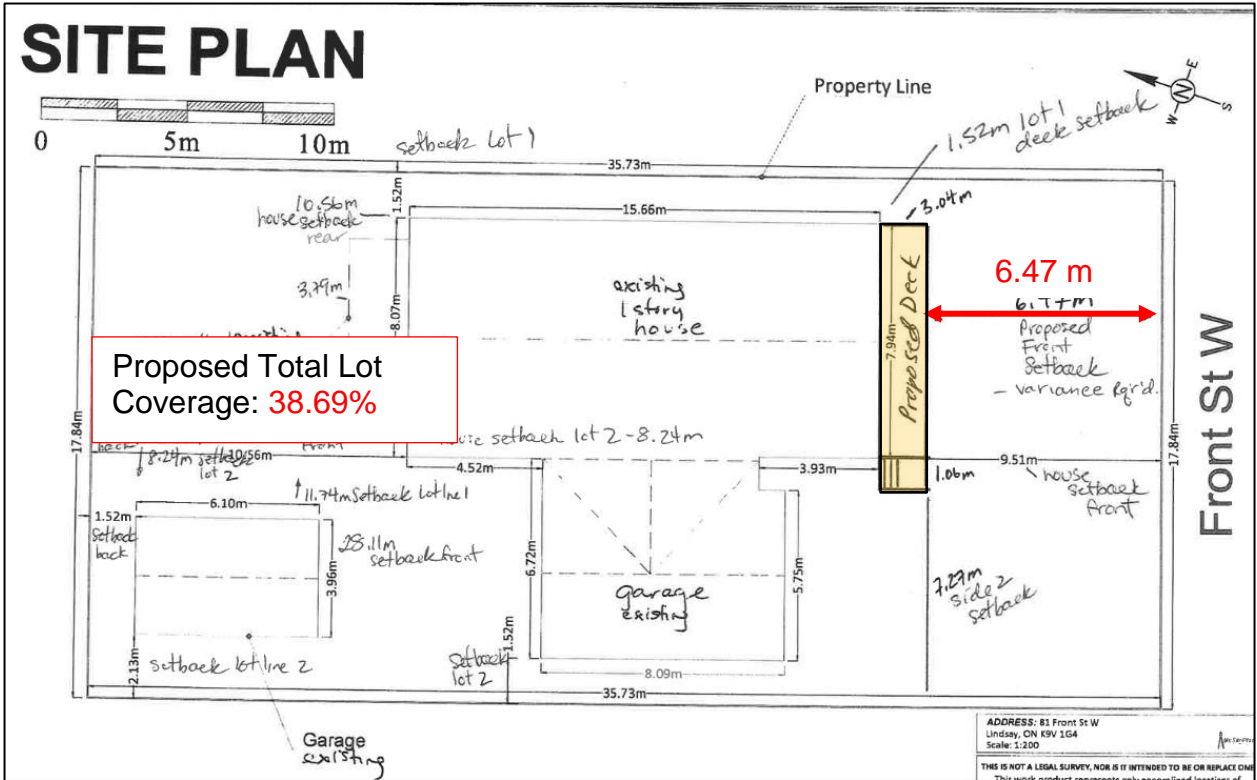


to

REPORT COA2024-085

FILE NO: D20-2024-077

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Lindsay 2017

Report Number COA2024-086

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to facilitate the construction of a single detached dwelling.

Relief sought:

1. Section 8.2 f) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres.

The variance is requested at **Lot 70 Randal Street** (File D20-2024-078).

Author: Katherine Evans, Senior Planner

Signature: 

Recommendations

That Report COA2024-086 – Lindsay 2017, be received;

That minor variance application D20-2024-078 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-086, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of thirty-six (36) 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 COA2024-086. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a single detached dwelling
Owners:	Lindsay 2017
Applicant:	DG Biddle and Associates
Legal Description:	Part East ½ and Part West ½ of Lot 22, Concession 4 Ops
Official Plan ¹ :	Residential (Lindsay Secondary Plan, 2017)
Zone ² :	Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes
Site Size:	592.5 sq. m. (63,77.6 sq. ft.)
Site Access:	Development under construction – road to be constructed and assumed at later date in accordance with subdivision agreement
Site Servicing:	Lot will be serviced with municipal water and sanitary sewers
Existing Uses:	Vacant
Adjacent Uses:	Residential and vacant

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in a new subdivision at the western boundary of the former Town of Lindsay, at the intersection of Colborne Street West and Highway 35. The subdivision contains new development at varying stages of completion, with some completed dwellings closer to Highway 35 and dwellings that are partially constructed. The subject property is located in a portion of the development that is currently vacant.

The purpose of the application is to facilitate the construction of a single detached dwelling. While the majority of the other lots in this development are more narrow

¹ See Schedule 1

² See Schedule 1

and deep, this lot is wider and not as deep. This configuration results in larger side yard setbacks and a narrow rear yard setback, which requires relief.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of residential density.

The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered low density residential development, which includes single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

Section 47 of the Planning Act authorizes the Minister of Municipal Affairs and Housing to issue Minister's Zoning Orders (MZO) that regulate the use of land in Ontario. An MZO is similar to a Zoning By-law, as they can permit the use of land, prohibit the use of land, and regulate location, use, height, size, and spacing of buildings and structures. The MZO prevails over the local Zoning By-law. The property is subject to Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes.

Ontario Regulation 355/20 provides that the zoning requirements of the Residential Three (R3) Zone under the Town of Lindsay Zoning By-law 2000-75 apply to a single detached dwelling, apart from unique provisions for front yard setback, interior side yard setback, maximum gross floor area, and maximum lot coverage established by the MZO. As there is no unique provision for rear yard setback, the minimum rear yard setback of 7.5 metres as per Section 8.2 f) of the Town of Lindsay Zoning By-law 2000-75 applies. The proposed setback is 1.2 metres.

The intent of establishing a minimum rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space. The rear lot line of the subject property abuts 5 Charles Street, which contains a two storey single detached dwelling. The dwelling on 5 Charles Street also has a reduced rear yard setback, so the proposal is in keeping with the built form of the surrounding area. Land use and privacy conflicts and massing issues are not anticipated. While the amenity space available in the rear yard would be limited, amenity space would be provided in the southern interior side yard, which has a setback of 7.5 metres.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the future municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “Spatial separation could be a potential issue (can be dealt with at the permit stage). No further comments.”

Public Comments:

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

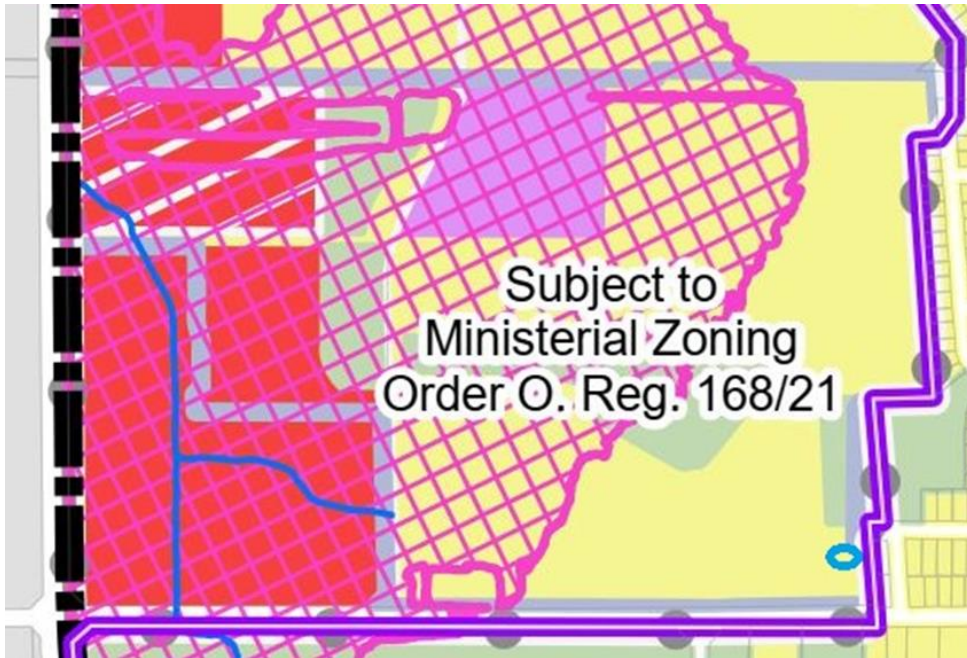
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-078

Schedule 1 Relevant Planning Policies and Provisions

Lindsay Secondary Plan



31.2.3. Land Use Policies

31.2.3.1. Residential

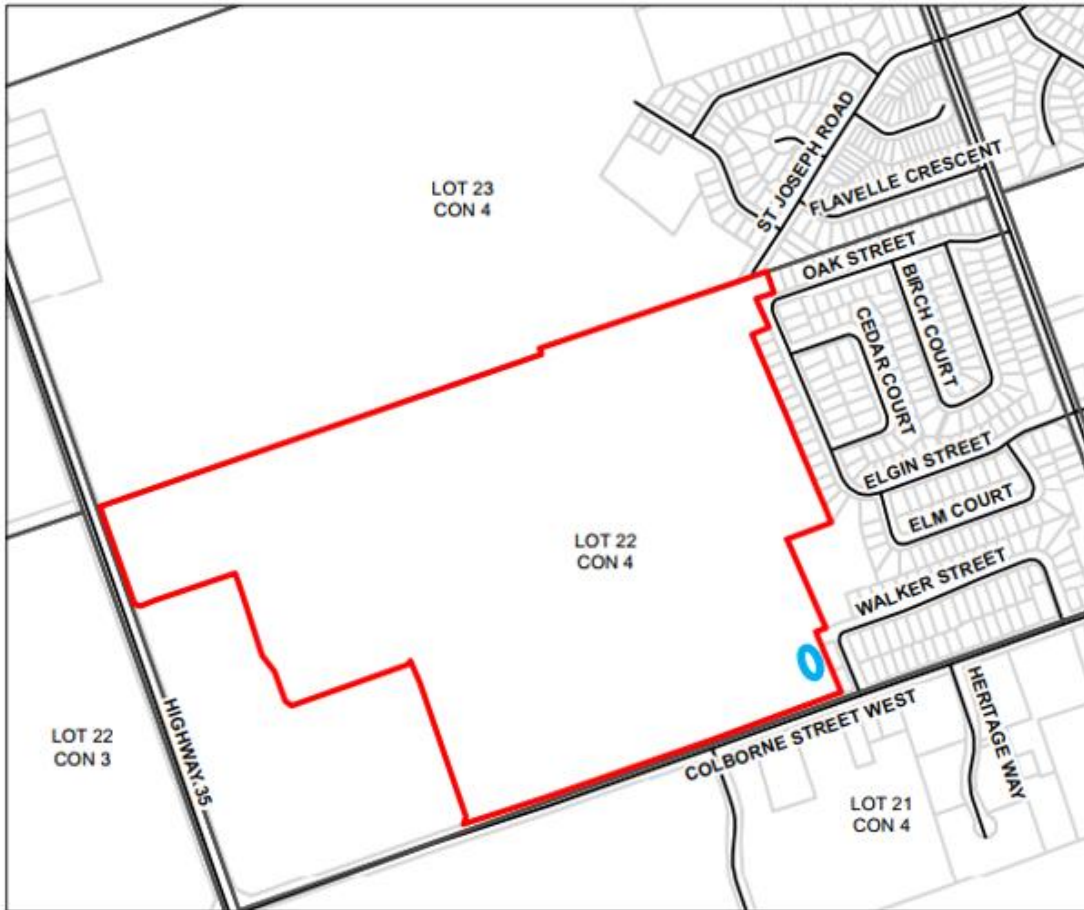
31.2.3.1.1. Permitted Uses

31.2.3.1.2. Residential Densities

31.2.3.1.2.1. Low Density Residential Development

Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes

Part Lot 22, Concession 4,
 City of Kawartha Lakes



MAP No. 255

Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario,

Planning Act

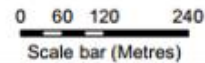
Ontario Regulation: 168/21

Date: March 5, 2021

Original Signed By: Minister of Municipal Affairs and Housing

LEGEND

- Subject Lands
- Lot & Concession
- Roads
- Assessment Parcel



Map Description:
 This is map no. 255 referred to in a Minister's Zoning Order. It shows lands which are located in Part Lot 22, Concession 4, City of Kawartha Lakes.

THIS IS NOT A PLAN OF SURVEY
 Information provided by the Ministry of Municipal Affairs and Housing, under licence with the Ministry of Natural Resources.
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ONTARIO REGULATION 355/20
ZONING ORDER - CITY OF KAWARTHA LAKES

Consolidation Period: From April 29, 2022 to the [e-Laws currency date](#).

Last amendment: 457/22.

Legislative History: 168/21, 457/22.

This Regulation is made in English only.

Definition

1. In this Order,

“Zoning By-law” means the Town of Lindsay Comprehensive Zoning By-law No. 2000-75.

Application

2. This Order applies to lands in the City of Kawartha Lakes, in the Province of Ontario, being the lands identified on a map numbered 255 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street. O. Reg. 355/20, s. 2; O. Reg. 168/21, s. 1.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 2, except for,

- (a) single detached dwellings;
- (b) semi-detached dwellings;
- (c) duplex dwellings;
- (d) triplex dwellings;
- (e) fourplex dwellings;
- (f) townhouse dwellings;
- (g) home occupations in a dwelling;
- (h) day nurseries and day care centres;
- (i) accessory uses to a dwelling;
- (j) a model home to be used as a temporary sales office;
- (k) community parks, parks and recreation trails;
- (l) stormwater management facilities;
- (m) public utilities, including a pump station;
- (n) an elementary school;
- (o) accessory uses to an elementary school;
- (p) maisonette dwellings;
- (q) apartment buildings;
- (r) multiple attached dwellings; and
- (s) senior citizens’ homes. O. Reg. 355/20, s. 3; O. Reg. 168/21, s. 2.

Zoning requirements

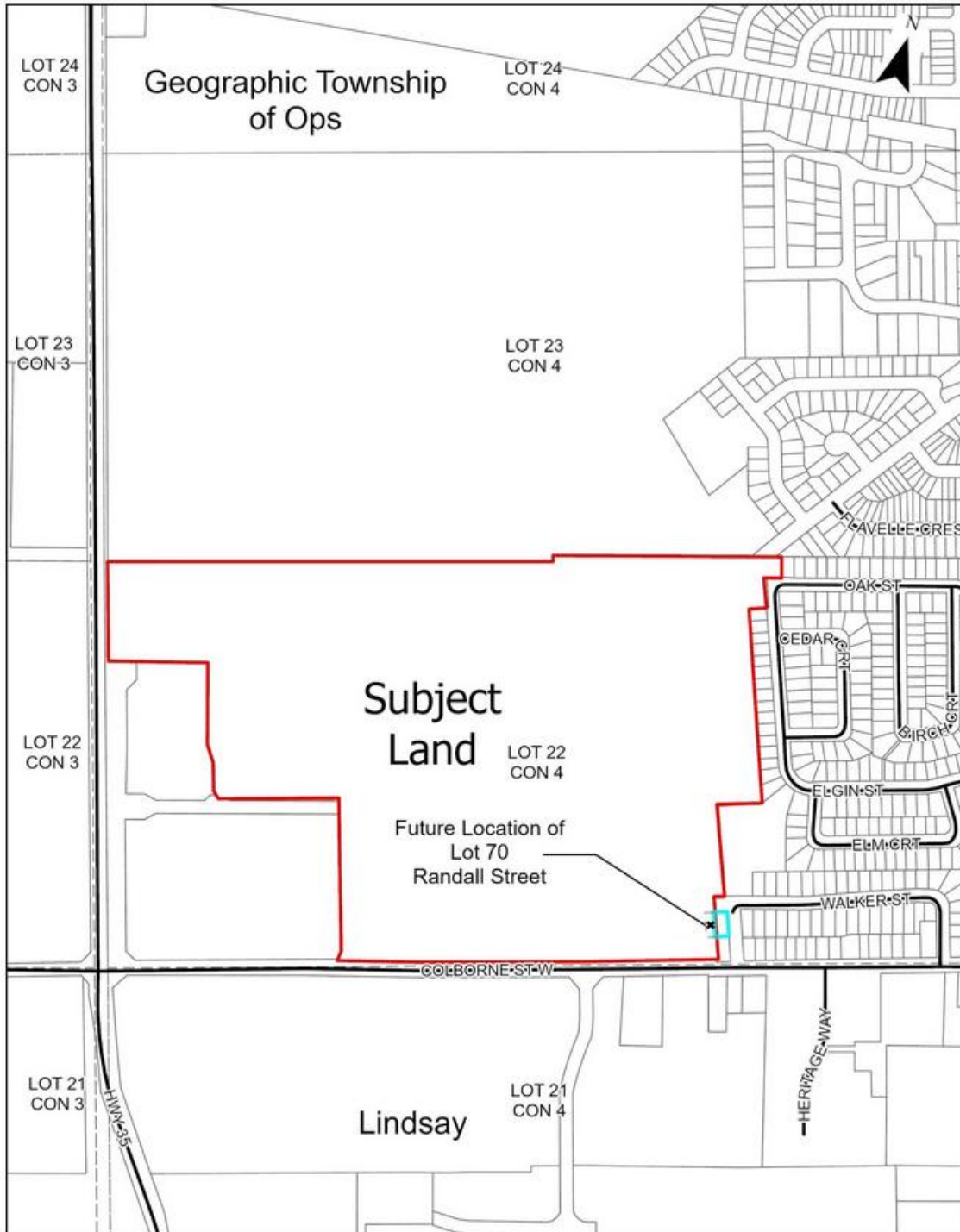
4. The zoning requirements for the uses set out in the Residential Three (R3) Zone in the Zoning By-law shall apply to the uses described in clauses 3 (a), (b), (c) and (j) with the following exceptions:

1. The minimum front yard setback is 4.0 metres to the main front wall of a building or covered porch and 6.0 metres to a garage.
2. The minimum interior side yard setback is 1.2 metres on one side and 0.6 metres on the other side, but this requirement shall not apply to the common wall between semi-detached dwelling units.
3. There is no maximum gross floor area as a percentage of lot area.
4. The maximum lot coverage for all buildings is 55 per cent. O. Reg. 355/20, s. 4; O. Reg. 457/22, s. 1.

to

LOCATION MAP

D20-2024-078

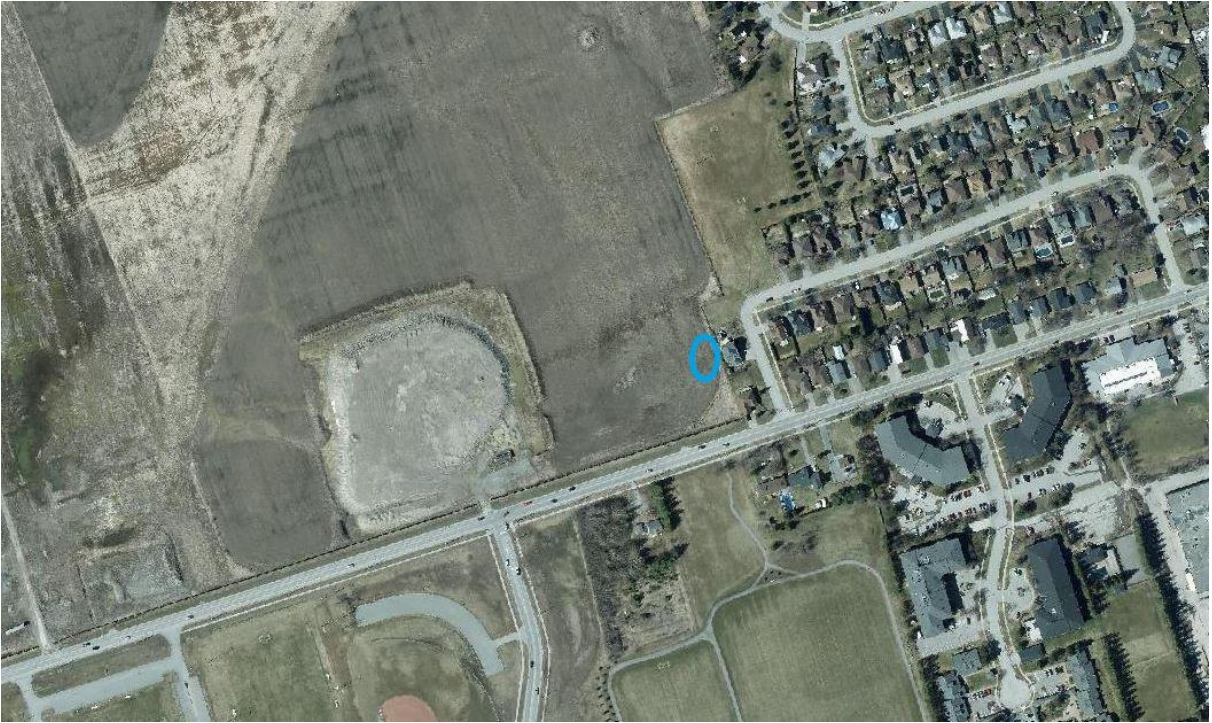


to

REPORT COA2024-086

FILE NO: D20-2024-078

AERIAL PHOTO

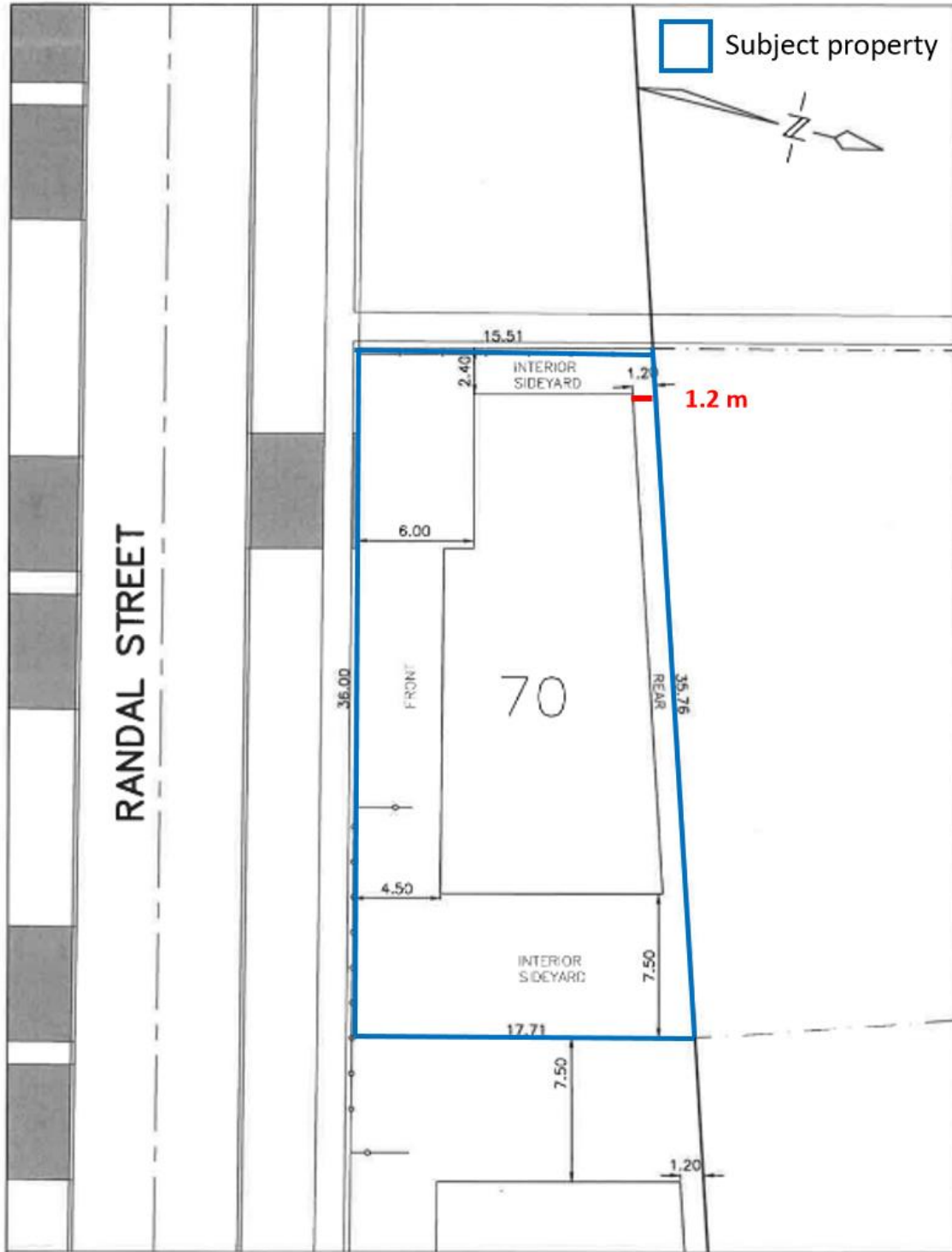


to

REPORT COA2024-086

FILE NO: D20-2024-078

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Lindsay 2017

Report Number COA2024-087

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to facilitate the construction of a single detached dwelling.

Relief sought:

1. Section 8.2 f) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres.

The variance is requested at **Lot 71 Randal Street** (File D20-2024-079).

Author: Katherine Evans, Senior Planner **Signature:** 

Recommendations

That Report COA2024-087 – Lindsay 2017, be received;

That minor variance application D20-2024-079 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-087, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance shall be completed within a period of thirty-six (36) 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 COA2024-087. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a single detached dwelling
Owners:	Lindsay 2017
Applicant:	DG Biddle and Associates
Legal Description:	Part East ½ and Part West ½ of Lot 22, Concession 4 Ops
Official Plan ¹ :	Residential (Lindsay Secondary Plan, 2017)
Zone ² :	Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes
Site Size:	668.7 sq. m. (7,197.8 sq. ft.)
Site Access:	Development under construction – road to be constructed and assumed at later date in accordance with subdivision agreement
Site Servicing:	Lot will be serviced with municipal water and sanitary sewers
Existing Uses:	Vacant
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in a new subdivision at the western boundary of the former Town of Lindsay, at the intersection of Colborne Street West and Highway 35. The subdivision contains new development at varying stages of completion, with some completed dwellings closer to Highway 35 and dwellings that are partially constructed. The subject property is located in a portion of the development that is currently vacant.

The purpose of the application is to facilitate the construction of a single detached dwelling. While the majority of the other lots in this development are more narrow

¹ See Schedule 1

² See Schedule 1

and deep, this lot is wider and not as deep. This configuration results in larger side yard setbacks and a narrow rear yard setback, which requires relief.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of residential density.

The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered low density residential development, which includes single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

Section 47 of the Planning Act authorizes the Minister of Municipal Affairs and Housing to issue Minister's Zoning Orders (MZO) that regulate the use of land in Ontario. An MZO is similar to a Zoning By-law, as they can permit the use of land, prohibit the use of land, and regulate location, use, height, size, and spacing of buildings and structures. The MZO prevails over the local Zoning By-law. The property is subject to Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes.

Ontario Regulation 355/20 provides that the zoning requirements of the Residential Three (R3) Zone under the Town of Lindsay Zoning By-law 2000-75 apply to a single detached dwelling, apart from unique provisions for front yard setback, interior side yard setback, maximum gross floor area, and maximum lot coverage established by the MZO. As there is no unique provision for rear yard setback, the minimum rear yard setback of 7.5 metres as per Section 8.2 f) of the Town of Lindsay Zoning By-law 2000-75 applies. The proposed setback is 1.2 metres.

The intent of establishing a minimum rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space. The rear lot line of the subject property abuts 188 Colborne Street West, which contains a one storey single detached dwelling. The rear yard of the subject property is to abut the interior side yard of 188 Colborne. The rear yard of the subject property will function similarly to an interior side yard. The proposed setback of 1.2 metres is not anticipated to result in massing, privacy, or land use conflicts. While the amenity space in the rear yard of the subject property is limited, amenity space is available in the northern interior side yard, which has a setback of 7.5 metres.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the future municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “Spatial separation could be a potential issue (can be dealt with at the permit stage). No further comments.”

Public Comments:

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

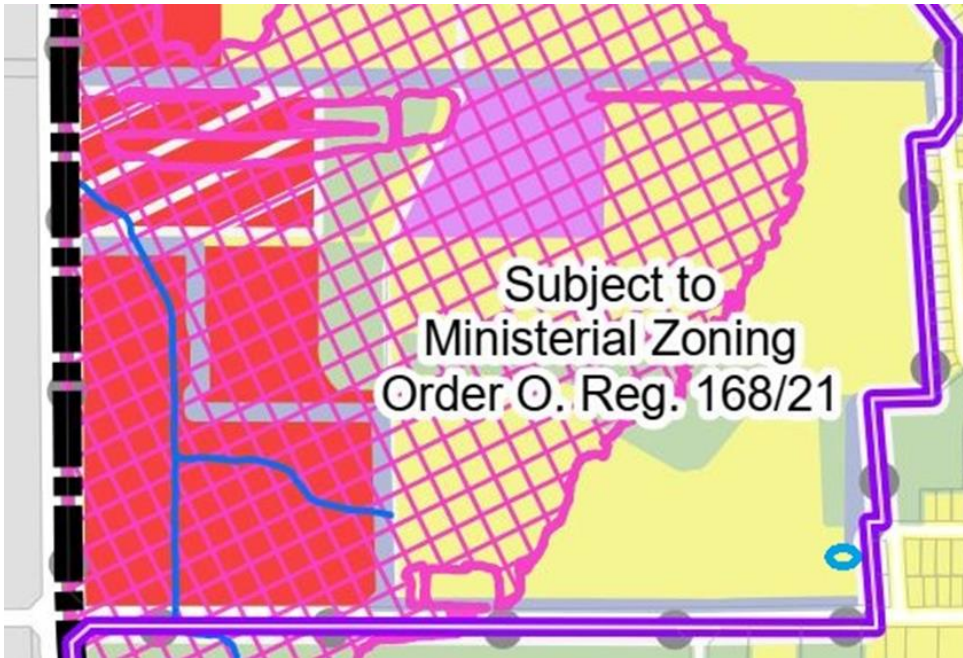
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-079

Schedule 1 Relevant Planning Policies and Provisions

Lindsay Secondary Plan



31.2.3. Land Use Policies

31.2.3.1. Residential

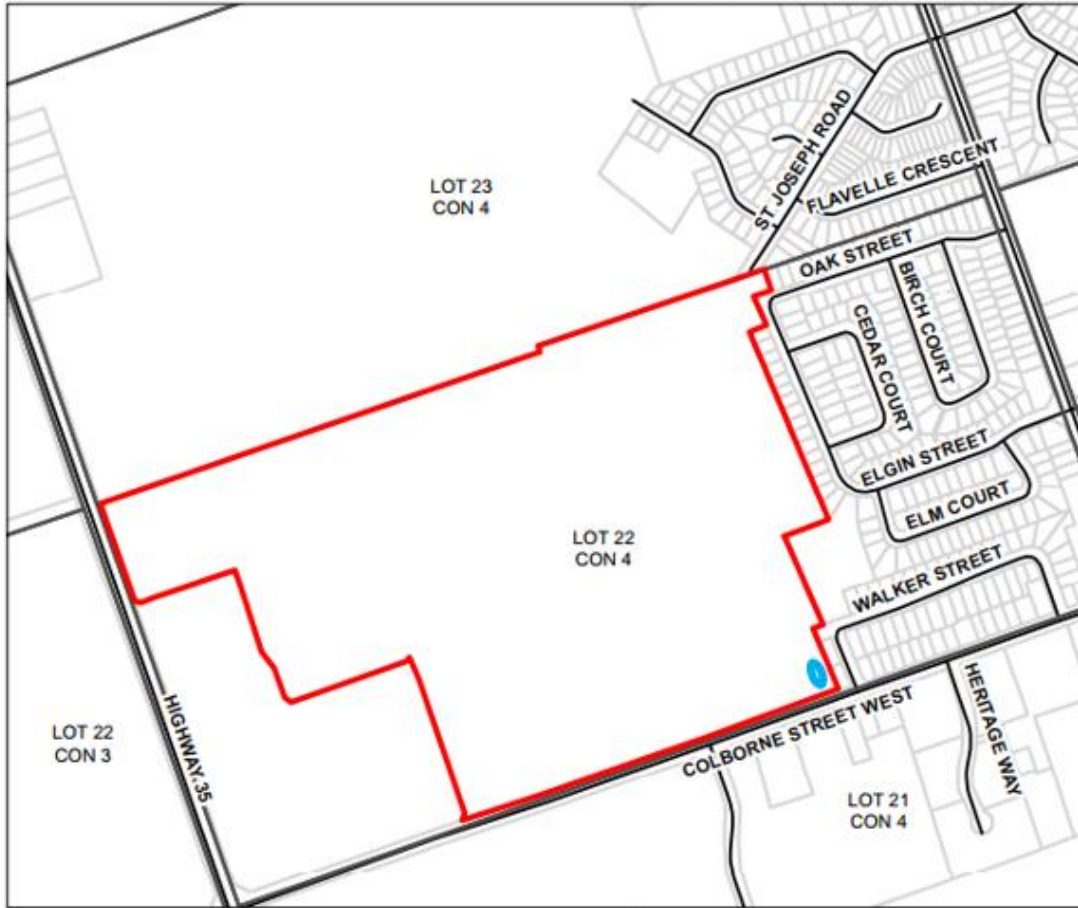
31.2.3.1.1. Permitted Uses

31.2.3.1.2. Residential Densities

31.2.3.1.2.1. Low Density Residential Development

Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes

Part Lot 22, Concession 4,
 City of Kawartha Lakes



<p>MAP No. 255</p> <p>Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario,</p> <p>Planning Act</p> <p>Ontario Regulation: 168/21</p> <p>Date: March 5, 2021</p> <p>Original Signed By: Minister of Municipal Affairs and Housing</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Subject Lands Lot & Concession Roads Assessment Parcel <div style="text-align: right; margin-top: 10px;">   </div>
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Map Description:
 This is map no. 255 referred to in a Minister's Zoning Order.
 It shows lands which are located in Part Lot 22,
 Concession 4, City of Kawartha Lakes.

THIS IS NOT A PLAN OF SURVEY
 Information provided by the Ministry of Municipal
 Affairs and Housing, under licence with the
 Ministry of Natural Resources.
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ONTARIO REGULATION 355/20
ZONING ORDER - CITY OF KAWARTHA LAKES

Consolidation Period: From April 29, 2022 to the [e-Laws currency date](#).

Last amendment: 457/22.

Legislative History: 168/21, 457/22.

This Regulation is made in English only.

Definition

1. In this Order,

“Zoning By-law” means the Town of Lindsay Comprehensive Zoning By-law No. 2000-75.

Application

2. This Order applies to lands in the City of Kawartha Lakes, in the Province of Ontario, being the lands identified on a map numbered 255 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street. O. Reg. 355/20, s. 2; O. Reg. 168/21, s. 1.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 2, except for,

- (a) single detached dwellings;
- (b) semi-detached dwellings;
- (c) duplex dwellings;
- (d) triplex dwellings;
- (e) fourplex dwellings;
- (f) townhouse dwellings;
- (g) home occupations in a dwelling;
- (h) day nurseries and day care centres;
- (i) accessory uses to a dwelling;
- (j) a model home to be used as a temporary sales office;
- (k) community parks, parks and recreation trails;
- (l) stormwater management facilities;
- (m) public utilities, including a pump station;
- (n) an elementary school;
- (o) accessory uses to an elementary school;
- (p) maisonette dwellings;
- (q) apartment buildings;
- (r) multiple attached dwellings; and
- (s) senior citizens’ homes. O. Reg. 355/20, s. 3; O. Reg. 168/21, s. 2.

Zoning requirements

4. The zoning requirements for the uses set out in the Residential Three (R3) Zone in the Zoning By-law shall apply to the uses described in clauses 3 (a), (b), (c) and (j) with the following exceptions:

1. The minimum front yard setback is 4.0 metres to the main front wall of a building or covered porch and 6.0 metres to a garage.
2. The minimum interior side yard setback is 1.2 metres on one side and 0.6 metres on the other side, but this requirement shall not apply to the common wall between semi-detached dwelling units.
3. There is no maximum gross floor area as a percentage of lot area.
4. The maximum lot coverage for all buildings is 55 per cent. O. Reg. 355/20, s. 4; O. Reg. 457/22, s. 1.

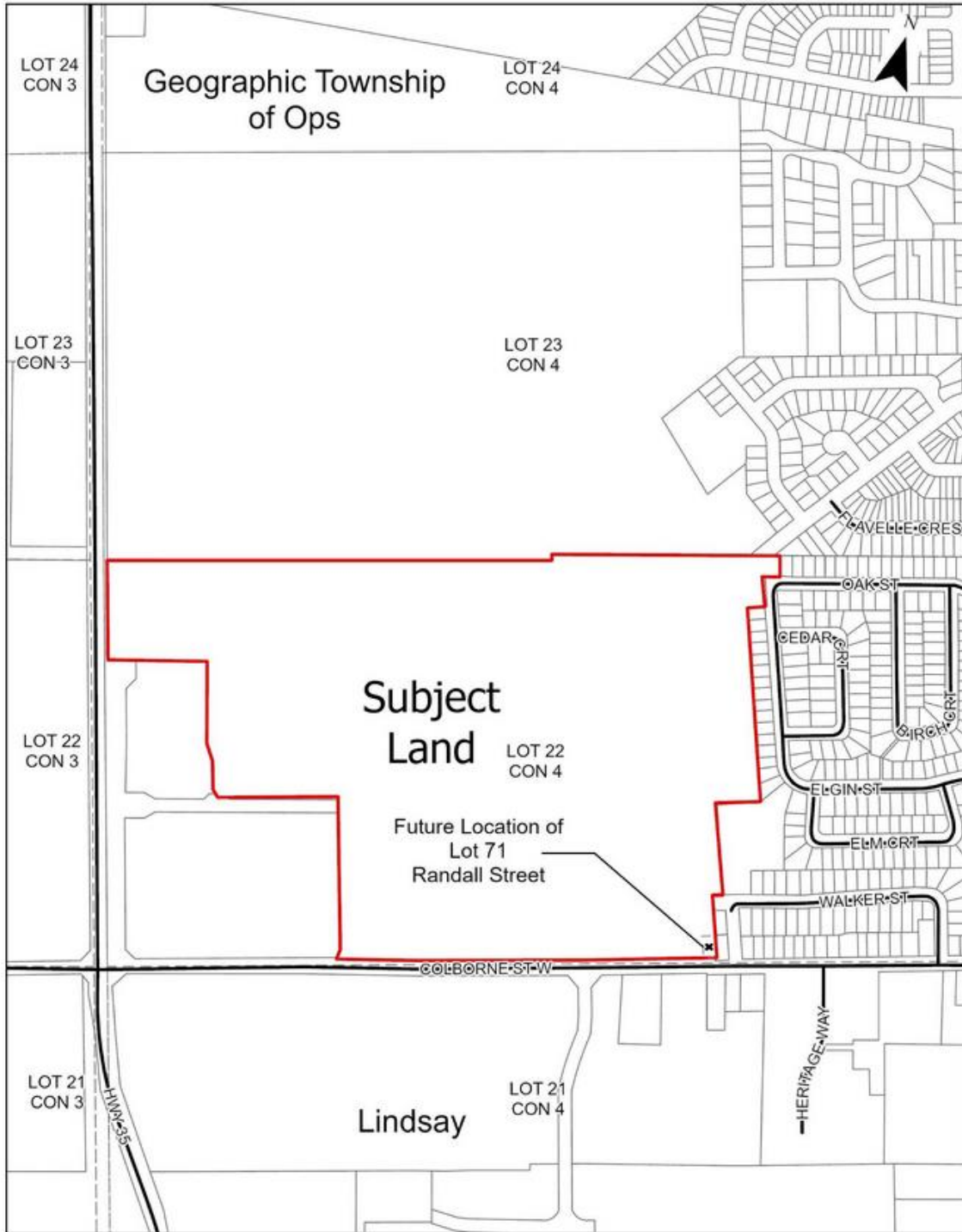
to

REPORT COA2024-087

FILE NO: D20-2024-079

LOCATION MAP

D20-2024-079



to

REPORT COA2024-087

FILE NO: D20-2024-079

AERIAL PHOTO

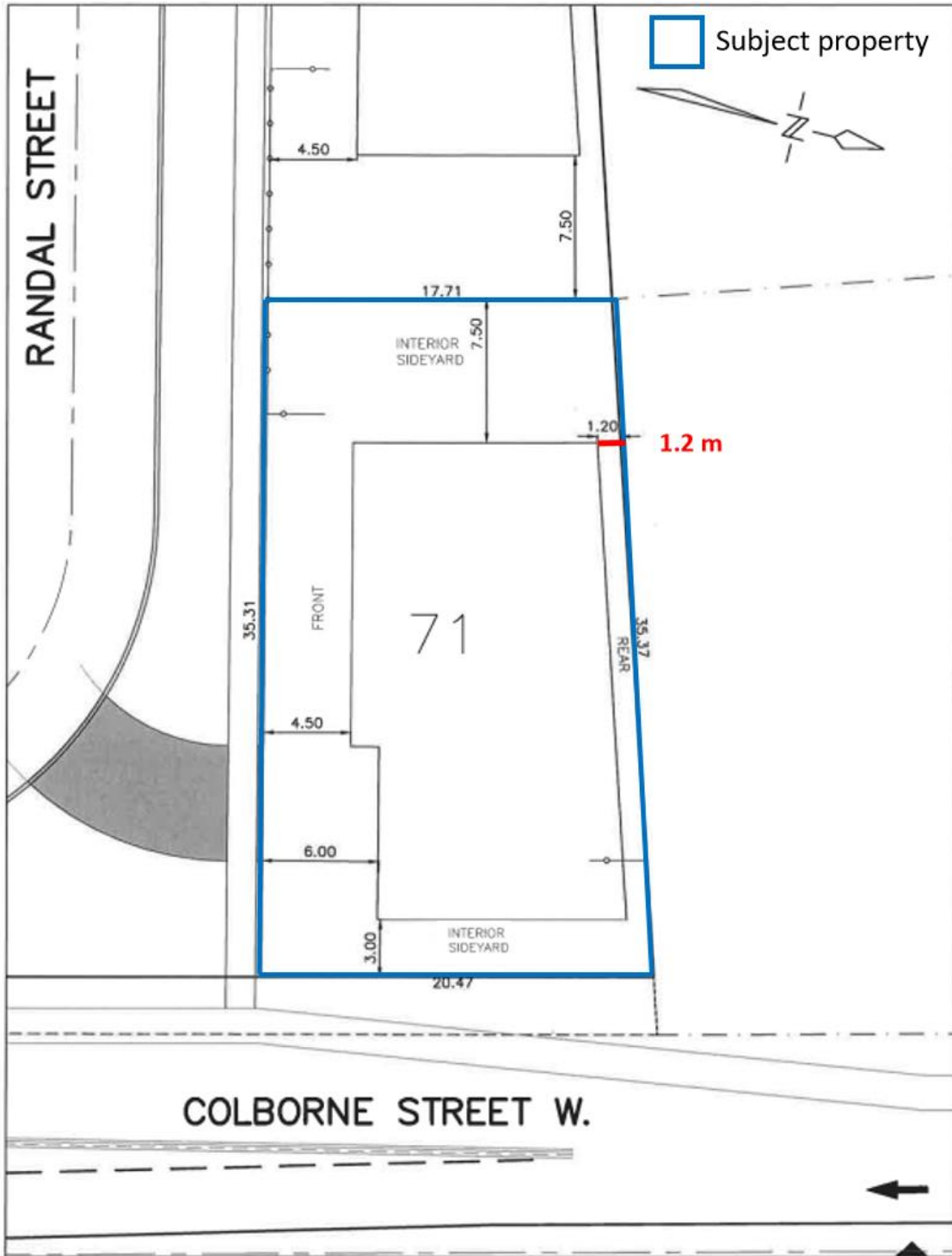


to

REPORT COA2024-087

FILE NO: D20-2024-079

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ferguson and Vandam
Report Number COA2024-088

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Former Village of Omemee

Subject: The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot and retain a lot containing an existing single-detached dwelling. A single-detached dwelling with an attached garage is proposed on the lot to be severed.

Relief sought:

1. Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells; the area of the proposed severed lot is 503 square metres.
2. Section 8.2.1.4 of the Zoning By-law permits a maximum 30% lot coverage; the proposed lot coverage of the proposed severed lot is 35%.

The variance is requested at **17 Victoria Street East** (File D20-2024-080).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-088 – Ferguson and Vandam, be received;

That minor variance application D20-2024-080 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

That consent application D03-2024-022 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Conditions of Approval for Minor Variance

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix D submitted as part of Report

COA2024-088, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** 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 COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent

Refer to Appendix E for Conditions of Provisional Consent.

These approvals pertain to the application as described in report COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding and for the consents to be fulfilled.

Application Summary

Proposal: Severance of the property to create one (1) new residential lot and retain a lot containing an existing single-detached dwelling. A single-detached dwelling with an attached garage is proposed on the lot to be severed.

Relief is required for the proposed lot area of the severed lot.

Owners: Shelley Ferguson and Sylvia Vandam

Applicant: TD Consulting Inc

Legal Description: Lot 9, Plan 109; Part of Lot 1, Part of Lot 2, Part of Lot 3, Part of Lot 4, and Part of Lot 9, all on the West Side of Colborne Street; also Part of Lot 9 on the South Side of Elm Street, Plan 109, as in R390409; Subject to R376035

Official Plan¹: Urban Settlement Area
(City of Kawartha Lakes Official Plan, 2012)

Urban
(Victoria County Official Plan, 1978)

Zone²: Residential Type One (R1) Zone
(Village of Omemee Zoning By-Law 1993-15)

¹ See Schedule 1

² See Schedule 1

Site Size: Total: 2,615 square metres (28,148 sq.ft.)
Severed Lot: 595 square metres (6,405 sq.ft.)
Retained Lot: 2,020 square metres (21,743 sq.ft.)

Site Access: Victoria Street East (year-round maintained street)
Colborne Street (year-round maintained street)

Site Servicing: Individual private well and municipal sewer

Existing Uses: Residential

Adjacent Uses: Residential, Hydro Corridor (Rail Trail)

Rationale

Growth Plan for the Greater Golden Horseshoe (2019) and the Provincial Policy Statement (2020)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019 is a regional growth management policy for the Greater Golden Horseshoe area of southern Ontario, Canada. The Growth Plan classifies the Village of Omemee as a settlement area. Section 2.2.1 states that growth and development will be directed to settlement areas.

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS also classifies the Village of Omemee as a settlement area. Section 1.1.3.1 states that settlement areas shall be the focus of growth and development.

The application conforms to the applicable policies of the 2019 Growth Plan for the Greater Golden Horseshoe (GP) and consistent with the applicable policies of the 2020 Provincial Policy Statement (PPS). These policy documents direct growth to and encourage intensification within urban settlement areas except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This direction ensures the most efficient use of land, existing urban services and infrastructure.

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in the northern portion of the former Village of Omemee, with access from both Victoria Street East and Colborne Street. The area is comprised of low-density residential uses in the form of single detached dwellings and various accessory structures.

The property currently contains a single detached dwelling constructed in 1962 (Municipal Property Assessment Corporation) with an attached garage, and two storage structures. The proposal seeks to create one (1) new residential building

lot with frontage onto Colborne Street North for low-density residential uses. The proposed severed lot is 503 square metres with 18.4 metres of frontage onto Colborne Street North. The proposed severed lot is to contain a future single detached dwelling. The proposed retained lot is 2,020 square metres with 28.3 metres of frontage onto Victoria Street East. The proposed retained lot will maintain the use of the existing single detached dwelling and storage structures. Through the minor variance relief is sought to address the proposed lot size and lot coverage of the lot to be severed.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Urban Settlement Area under the City of Kawartha Lakes Official Plan (2012). As the Urban Settlement Area designation in the City's Official Plan as it relates to the Omemee Secondary Plan is under appeal, the Victoria County Official Plan (VCOP) applies. Under the VCOP, the property is designated Urban. The Urban designation permits a broad range of uses, including residential uses, but states that low-density residential uses should predominate.

Policy 8.3.1.1 and 8.3.1.2 of the VCOP states that consents may be considered only when the land fronts on an assumed public road and should not be considered where access may create a traffic hazard. The proposed retained lot will continue to be accessed via Victoria Street East using the existing entrance; and, the proposed severed will be accessed via Colborne Street. Both of the aforementioned streets are year-round maintained municipal roads. The proposed severed lot is more than 25 metres away from the intersection of Colborne Street and Victoria Street East, and no adverse impacts to traffic are anticipated.

Furthermore, Policy 8.3.15 of the VCOP states that the proposed lot size should be appropriate for the uses proposed and the services available. The proposed severed lot size provides an adequate building envelope for a single detached dwelling and is appropriately sized given the existing municipal sewer system. The proposed retained lot is appropriately sized to continue the existing low-density use and servicing of the property.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Residential Type One (R1) Zone under the Village of Omemee Zoning By-law 1993-15. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposed retained lot remains compliant with all of the provisions of the R1 Zone. The proposed single detached dwelling in the proposed severed lot complies with the R1 Zone's primary building requirements. Relief is required for the proposed lot area of the severed lot and the proposed lot coverage.

Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells. The intent of the minimum lot area requirement is to ensure lots are appropriately sized to accommodate development while ensuring there is adequate space for amenity uses, private services (e.g. septic system if required), and stormwater infiltration. Additionally, minimum lot sizes help aid in creating a structured and coherent neighborhood fabric.

The area of the proposed severed lot is 503 square metres. The proposed severed lot provides an adequate building envelope to accommodate for yard requirements and maximum coverage, while also meeting the minimum gross floor area for a dwelling unit. Sufficient amenity spaces is provided in the compliant proposed yards. Moreover, as municipal sewers are present and available, additional space is not required for a private septic system. Lastly, based on lot size data collected from the Municipal Property Assessment Corporation (MPAC), the proposed lot area of the severed lot remains consistent with the size of the surrounding lots in the immediate area.

Secondly, Section 8.2.1.4 of the Zoning By-law permits a maximum lot coverage of 30 percent (30%). The proposed lot coverage of the lot to be severed was originally 29%. However, due to the required road widening and consequently reduction in lot size, the proposed lot coverage is now proposed at 35%. The intention of regulating lot coverage is to maintain a balance between built form and open space, ensuring there is area for greenspace, landscaping, and other open space amenities. Furthermore, limiting lot coverage prevents overcrowding, contributing to a more aesthetically pleasing environment. The proposed development provides compliant yard setbacks and areas. Moreover, no detached accessory structures are proposed, ensuring overcrowding is avoided. The proposed building footprint of the proposed severed lot aligns with the sizes of the building in the surrounding area and along Colborne Street North.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Following the comments received from the Engineering & Corporate Assets - Development Engineering Division, it was determined that a road widening is necessary for the lot to be severed, based on the current width of Colborne Street North. Consequently, the proposed severed lot has been further reduced to 503

square meters. Additionally, due to the reduction in lot size, relief is required for the proposed lot coverage of the severed lot. The circulation did not include the request for relief from lot coverage, as the need for such relief arises solely from the stipulations and comments received subsequent to the circulation.

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Minor Variance Comments

Agency Comments:

DS – Building and Septic Division: “No comments.”

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Public Comments:

No comments received pertaining to the minor variance application as of the writing of the staff report.

Consent Comments

Agency Comments:

DS – Building and Septic Division: “No comments.”

ECA – Development Engineering: “From an engineering perspective, we confirm we have no objection to this consent application. We note that there is a potential for road widening (5.0 metres) to be supported with a survey provided by the applicant.”

PW – Roads Operations East: “Public Works Roads requests that an entrance review approval letter be obtained for all existing and proposed entrances on both the severed and retained parcels. This is to confirm existing entrances comply with By-Law 2017-151 or that an entrance compliant with the same would be possible if one does not currently exist.”

Hydro One Networks Inc.: “We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.”

Public Comments:

Comments were received from E. Jane Byers and John Trennum, property owners of 24 Colborne Street North, Omeme raising concerns regarding the drainage of Colborne Street North. The full comment has been provided to the Committee members.

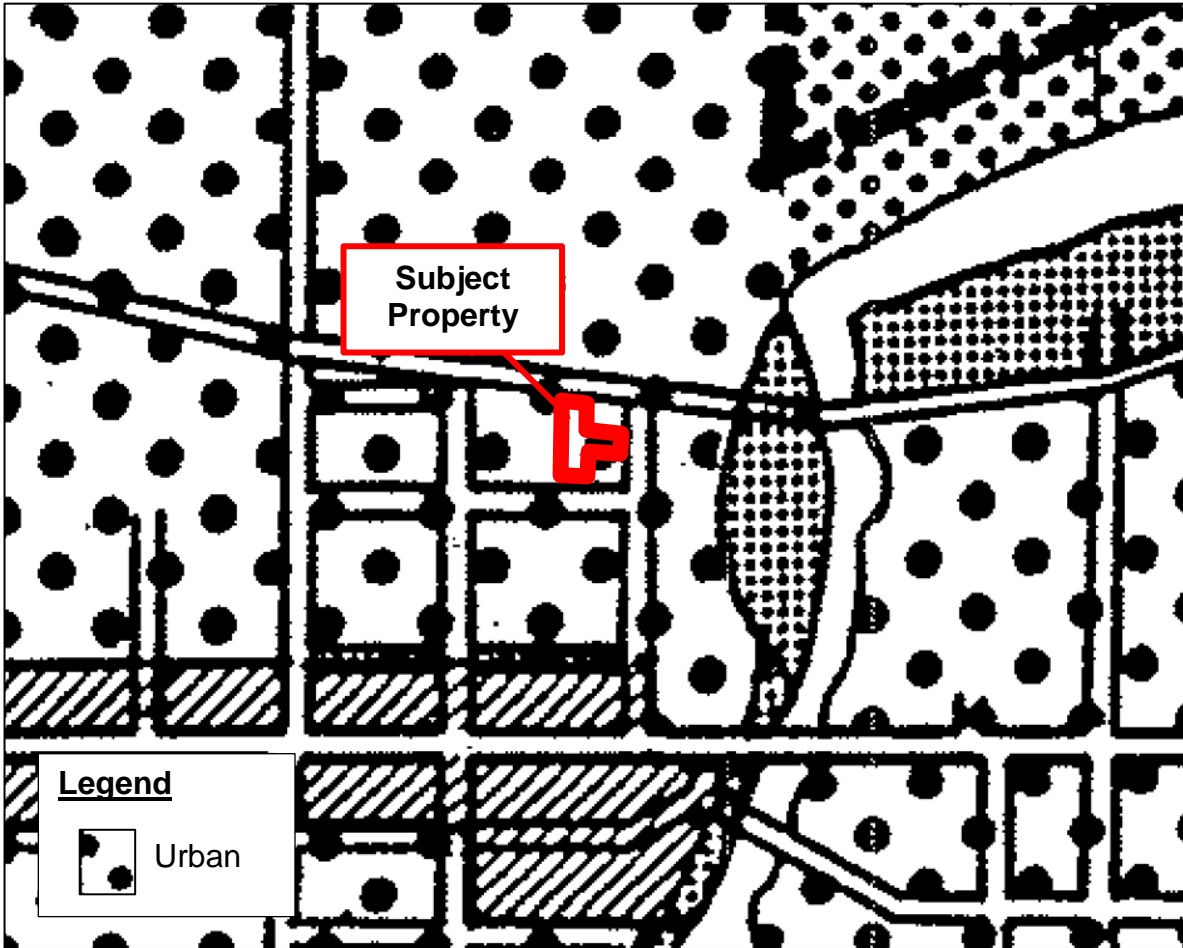
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Severance Sketch
Appendix D – Applicant’s Minor Variance Sketch
Appendix C – Proposed Conditions of Provisional Consent

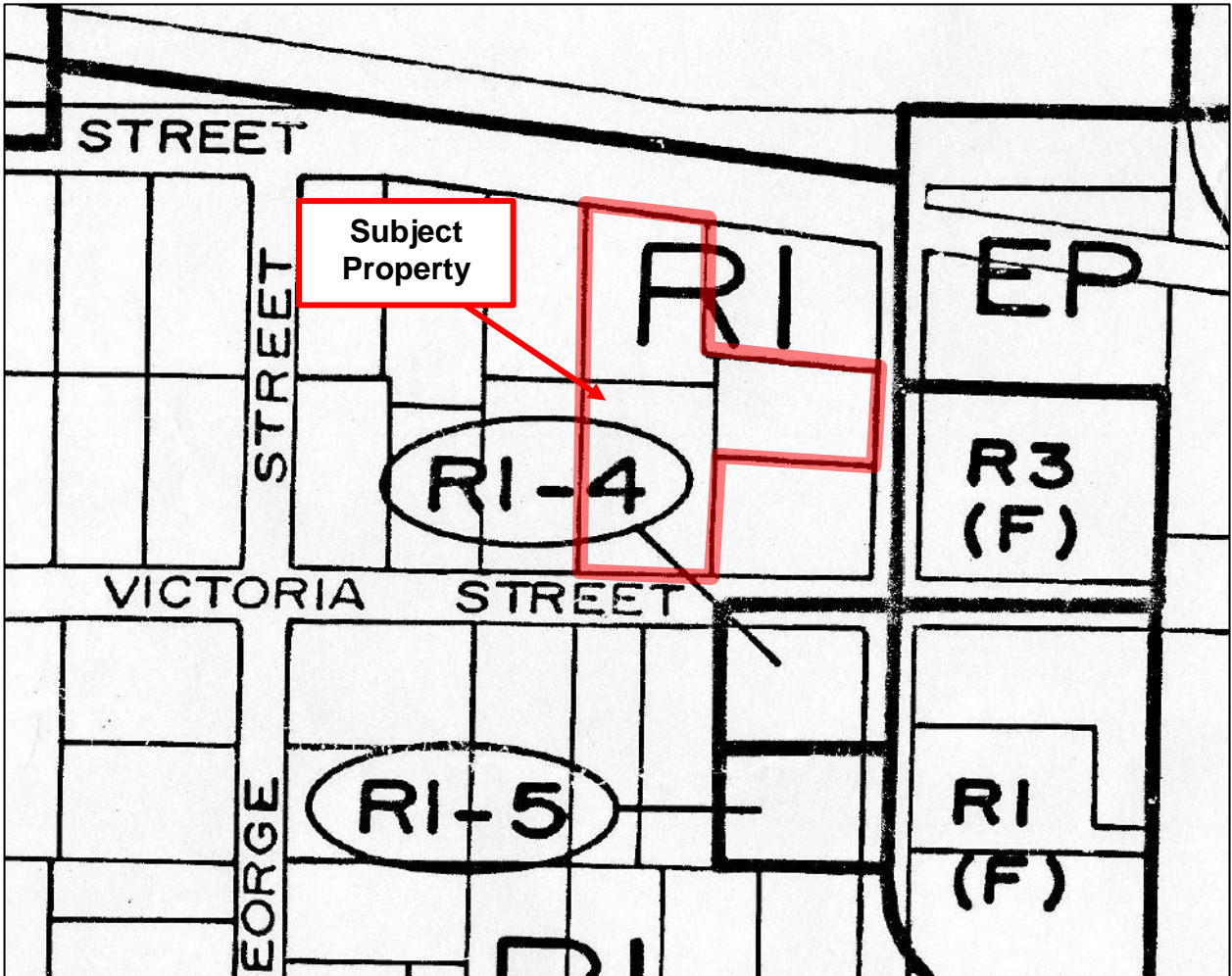
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-080

Schedule 1 Relevant Planning Policies and Provisions

Victoria County Official Plan



Village of Omeme Zoning By-law 1993-15

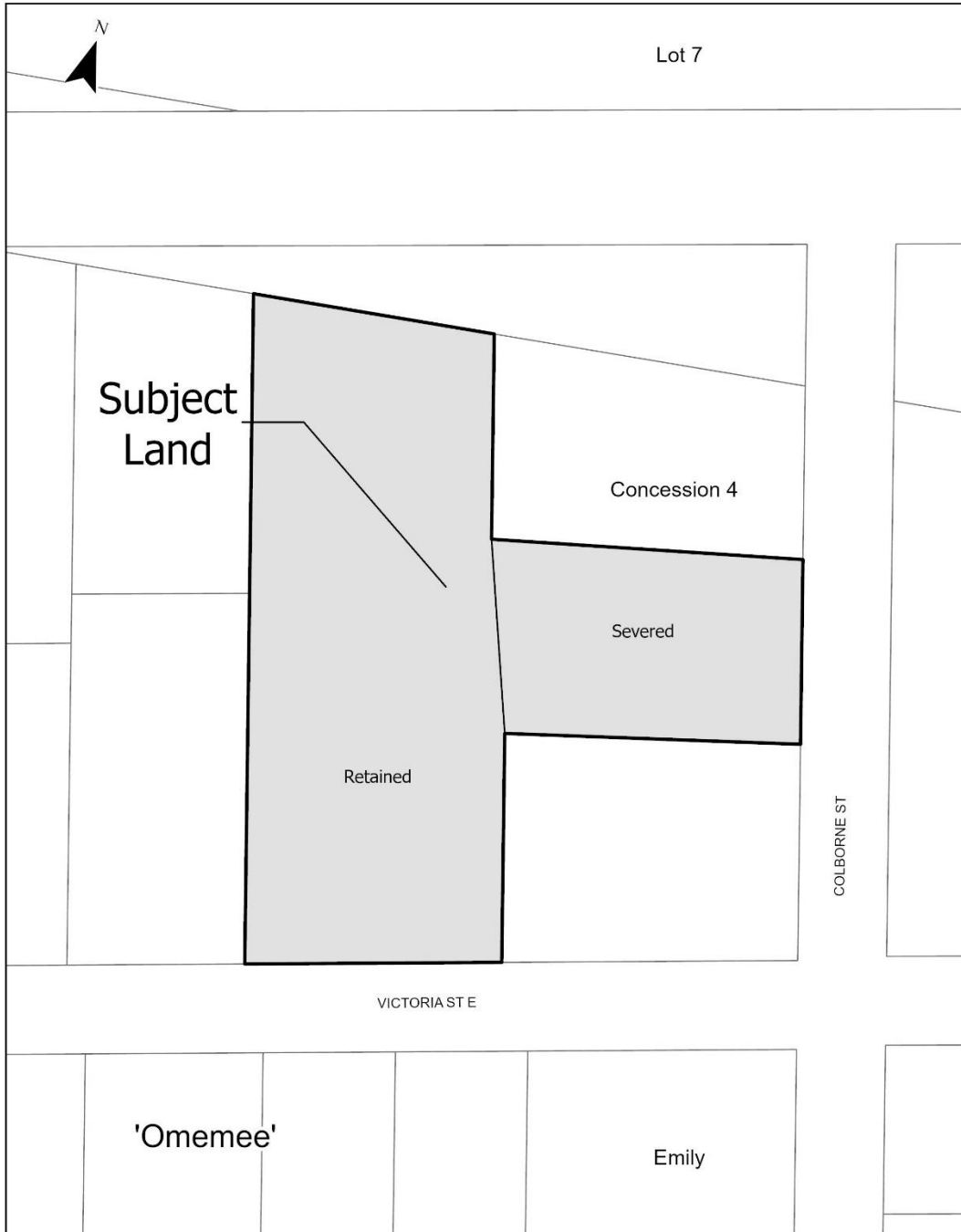


to

REPORT COA2024-088

FILE NO: D20-2024-080

LOCATION MAP



to

REPORT COA2024-088

FILE NO: D20-2024-080

AERIAL PHOTO (2023)



to

REPORT COA2024-088

FILE NO: D20-2024-080

APPLICANT'S SEVERANCE SKETCH



SITE STATISTICS

CURRENT ZONING

RESIDENTIAL TYPE ONE (R1) ZONE

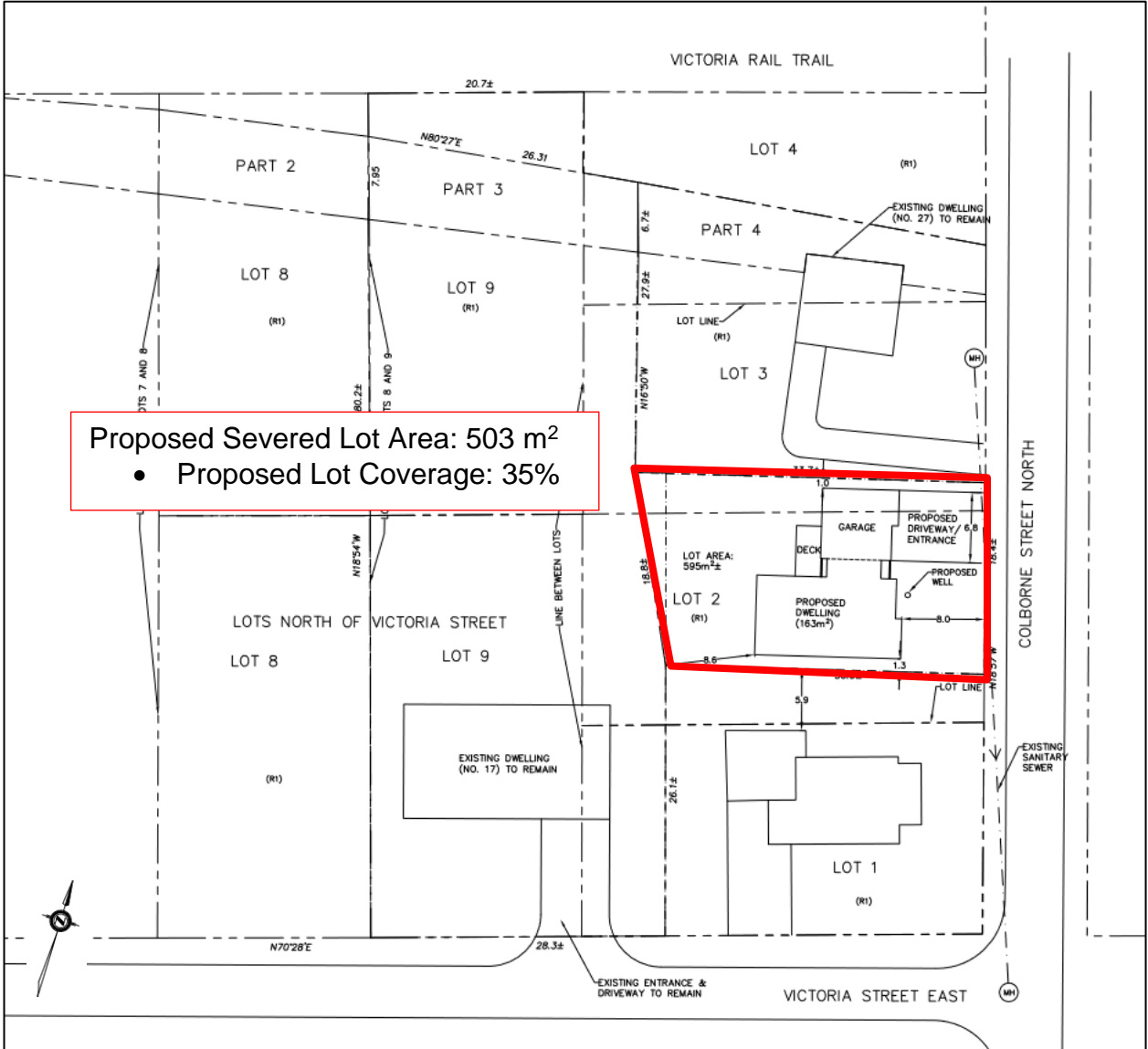
	PERMITTED	RETAINED	SEVERED
MIN. LOT AREA	830m ²	2020m ²	503m ²
MIN. LOT FRONTAGE	17m	28.3m	18.4m

to

REPORT COA2024-088

FILE NO: D20-2024-080

APPLICANT'S MINOR VARIANCE SKETCH



to

REPORT COA2024-088FILE NO: D20-2024-080**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey; or, alternatively, the applicant’s solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
3. A 5.0 metre road widening be conveyed to the City of Kawartha Lakes across the entire frontage of the parcel to be severed, free and clear of all encumbrances, to the satisfaction of the ECA – Development Engineering Division. The legal description shall include the words “RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway.
4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
5. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for the proposed entrance and submit it to the Secretary-Treasurer as written confirmation from the City’s Manager of Roads Operations (or his/her designate) that an entrance permit would be available for the lot to be severed in accordance to By-law 2017-151.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. The owner’s solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer’s certificate is stamped on the deed, failing which the consent shall lapse.

9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Edwards

Report Number COA2024-089

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 6 – Former Village of Omemee

Subject: The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot with frontage on Walnut Street West to contain a future single detached dwelling.

Relief sought:

1. Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells; the proposed lot areas are 665.5 square metres for the severed lot and 663.1 square metres for the retained lot;
2. Part 2 of the Zoning By-law defines 'Accessory Building' as a detached building or structure on the same lot as the main building devoted exclusively to an accessory use; as a result of the severance, the three (3) accessory buildings (sheds) would temporarily remain on the severed lot as stand-alone structures without a main use (therefore primacy of use); and,
3. Section 3.1.3.3 of the Zoning By-law provides that a maximum of two (2) accessory buildings or structures shall be permitted on a lot in any class of residential zone; the proposed severed lot is to contain three (3) accessory buildings (sheds).

The variance is requested at **18 Deane Street North** (File D20-2024-081 and D03-2024-023).

Author: Katherine Evans, Senior Planner

Signature: 

Recommendations

That Report COA2024-089 – Edwards, be received;

That minor variance application D20-2024-081 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

That consent application D03-2024-023 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Conditions of Approval for Minor Variance

- 1) **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-089, which shall be attached to and form part of the Committee's Decision;
- 2) **That** development 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; and,
- 3) **That** the three (3) sheds located on the proposed severed lot identified in Appendix E be relocated to comply with the minimum interior side and rear yard setbacks of 1.2 metres within a period of three (3) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the sheds have been relocated.

This approval pertains to the application as described in report COA2024-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent

See Appendix F

These approvals pertain to the application as described in report COA2024-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding and for the consents to be fulfilled.

Application Summary

Proposal:	The severance of the property to create one (1) new residential lot with frontage on Walnut Street West to contain a future single detached dwelling
Owners:	Rob and Judy Edwards
Applicant:	Rob Edwards
Legal Description:	Lot 19 and Part of Lot 18, Plan 109 (being Parts 1 and 2 on Reference Plan 57R-1372)

Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012); Urban (Victoria County Official Plan, 1978)
Zone ² :	Residential Type One (R1) Zone (Village of Omemee Zoning By-law 1993-15)
Site Size:	Total: 1,328.6 sq. m. (14,300.9 sq. ft.); Severed lot: 665.5 sq. m. (7,163.4 sq. ft.); Retained lot: 663.1 sq. m. (7,137.5 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and municipal sewer
Existing Uses:	Residential
Adjacent Uses:	Residential and community facility

Rationale

Growth Plan for the Greater Golden Horseshoe (2019) and the Provincial Policy Statement 2020

The Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019 is a regional growth management policy for the Greater Golden Horseshoe area of southern Ontario, Canada. The Growth Plan classifies the Village of Omemee as a settlement area. Section 2.2.1 states that growth and development will be directed to settlement areas.

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS also classifies the Village of Omemee as a settlement area. Section 1.1.3.1 states that settlement areas shall be the focus of growth and development. This direction ensures the more efficient use of land, existing urban services and infrastructure. The proposal conforms to the applicable policies of the Growth Plan is consistent with the applicable policies of the PPS.

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in the northwestern portion of the former Village of Omemee. The property is rectangular in shape and is a corner lot. The property currently contains a single detached dwelling constructed in 1900 (according to Municipal Property Assessment Corporation), a detached garage, and three sheds.

The proposal is to sever the lot to create one (1) new residential lot with frontage on Walnut Street West to contain a future single detached dwelling. Relief is

¹ See Schedule 1

² See Schedule 1

required to permit both the severed and retained lots to have less lot area than required under the Zoning By-law, and to recognize the existing three sheds located on the proposed severed lot.

Through the Minor Variance, relief is sought to allow the sheds to temporarily remain on the severed lot without a primary use, and to permit three accessory structures (the maximum being two accessory structures). The owner proposes to keep the sheds on the severed lot temporarily, as they will be selling the sheds.

As per the Zoning By-law, the minimum interior side yard setback for an accessory structure is 1.2 metres, and the minimum rear yard setback for an accessory structure is 1.2 metres. The sketch in Appendix D labels the sheds as Shed 1, Shed 2, and Shed 3. Shed 1 does not comply with the minimum side yard setback, Shed 2 does not comply with the minimum side or rear yard setback, and Shed 3 does not comply with the minimum rear yard setback. The proposal is to remove the sheds from the property, but Condition 3 is in place to ensure the sheds are relocated on the property in compliance with these minimum setbacks until they are removed.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Urban Settlement Area under the City of Kawartha Lakes Official Plan (2012) and Urban under the Victoria County Official Plan (1978).

As the Urban Settlement Area Designation in the City's 2012 Official Plan as it relates to the Omemee Secondary Plan is under appeal, the Urban designation of the Victoria County Official Plan (VCOP) applies. Within the Urban Designation, the permitted uses are residential, recreational, institutional, industrial, cultural, and commercial uses. A broad range of residential uses are permitted as well as buildings and structures accessory to residential uses. Performance and siting criteria is implemented through the Zoning By-law. The maximum density is 25 units per hectare, and the proposed density is approximately 15 units per hectare.

As per Policy 8.3.1 of the VCOP, consents may be considered only when the land fronts on an assumed public road and should not be considered where access may create a traffic hazard. The retained lot will continue to be accessed via the existing driveway off of Deane Street North and the proposed severed lot is to be accessed via Walnut Street West, which are both assumed municipal roads that are maintained year round. The proposed severed lot is approximately 32.8 metres from the intersection of Walnut Street West and Deane Street North, and impacts to traffic are not anticipated.

Additionally, the VCOP provides that the proposed lot size should be appropriate for the uses proposed and the services available. The proposed lot sizes are

considered to be appropriate for the construction of a single detached dwelling, and the lot is serviced by municipal sewers.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Residential Type One (R1) Zone under the Village of Omeme Zoning By-law 1993-15. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot area, the definition of 'Accessory Building', and the maximum number of accessory buildings or structures.

Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells. The proposed lot areas are 665.5 square metres for the severed lot and 663.1 square metres for the retained lot. The intent of the minimum lot area requirement is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, private services (when required), and stormwater infiltration.

The proposed lot area of the severed and retained parcels is sufficient for stormwater infiltration and for the accommodation of development within a building envelope that complies with the provisions of the Zoning By-law. Adequate amenity space will be maintained. As the property is serviced by municipal sewers, space is not required for a private individual septic system. A new well has been established on the severed lot. Additionally, both the severed and retained lots comply with the minimum frontage requirement under the Zoning By-law, being 17 metres.

Part 2 of the Zoning By-law defines 'Accessory Building' as a detached building or structure on the same lot as the main building devoted exclusively to an accessory use. As a result of the proposed severance, the three (3) accessory buildings (sheds) would temporarily remain on the severed lot as stand-alone structures without a main use. Additionally, Section 3.1.3.3 of the Zoning By-law provides that a maximum of two accessory buildings or structures shall be permitted on a lot in any class of residential zone. The proposed severed lot is to contain three accessory buildings.

Relief is required to permit accessory structures, being the three sheds, to be located on a lot without a primary use. The granting of a variance will allow the accessory use to continue without a primary use until the decision of the Committee of Adjustment lapses. After this time, a primary use will need to be established for the accessory structure to be compliant with the Zoning By-law.

The sheds are to be kept on the property on a temporary basis as the property owners intend to sell the sheds. As per Condition 3, the sheds will be relocated on the property so they are 1.2 metres from the side lot line and 1.2 metres from the

rear lot line. Therefore, they will be compliant with the setbacks until such time that they are removed from the property. While the proposal is to sever the lot, when viewing the property from the street it will continue to appear to be one lot, so the accessory structures will not look out of place. The accessory structures are relatively dispersed throughout the property and do not appear cluttered.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of the Consent application was circulated in accordance with the requirements of the Planning Act, including the mail circulation and the public notice sign. The mail circulation for the Minor Variance was circulated in accordance with the requirements of the Planning Act. The public notice sign for the minor variance was posted nine days before the Committee of Adjustment meeting instead of the statutory ten days.

Agency Comments:

Public Works (Roads Division): “Public Works Roads requests that an entrance review approval letter be obtained for all existing and proposed entrances on both the severed and retained parcels. This is to confirm existing entrances comply with By-Law 2017-151 or that an entrance compliant with the same would be possible if one does not currently exist.”

Building and Septic Division (Building): “No comments.”

Engineering and Corporate Assets Division: “From an engineering perspective, Development Engineering has no objection or comment regarding this Consent application. From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Community Services Division: “Our Department would request that, as a condition of these Consents, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created.”

Ministry of Transportation: “The ministry has determined that the subject lands are not within MTO’s permit control area, therefore we have no comments to offer this application.”

Hydro One: “We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.”

Enbridge: “Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. Please always call before you dig. It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner.”

Public Comments:

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

Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch (Consent)
- Appendix D – Applicant’s Sketch (Minor Variance)
- Appendix E – Sheds to be relocated
- Appendix F – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-081 and D03-2024-023

Schedule 1

Relevant Planning Policies and Provisions

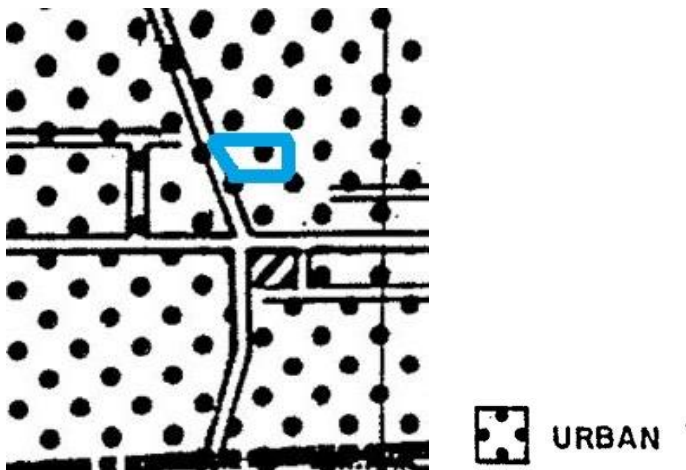
City of Kawartha Lakes Official Plan



18. Urban Settlement Designation

18.8. Omemee

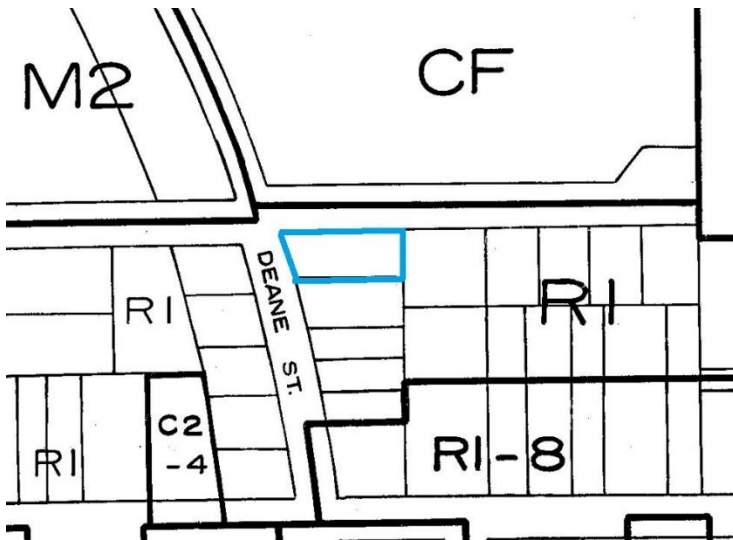
Victoria County Official Plan



6.2 Urban Designation

8.3 Consents

Village of Omeme Zoning By-law 1993-15



Part 2 Definitions

ACCESSORY BUILDING means a detached building or structure on the same lot as the main building devoted exclusively to an accessory use. For the purpose of this By-law swimming pools shall be considered an accessory building or structure.

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.3 Lot Coverage and Height

3.1.3.3 A maximum of two accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

Part 8 Residential Type One (R1) Zone

8.1 Uses Permitted

8.3 Zone Provisions

8.2.1.1 Lot Area (min.)

b) services with municipal sewers only 830 sq. m.

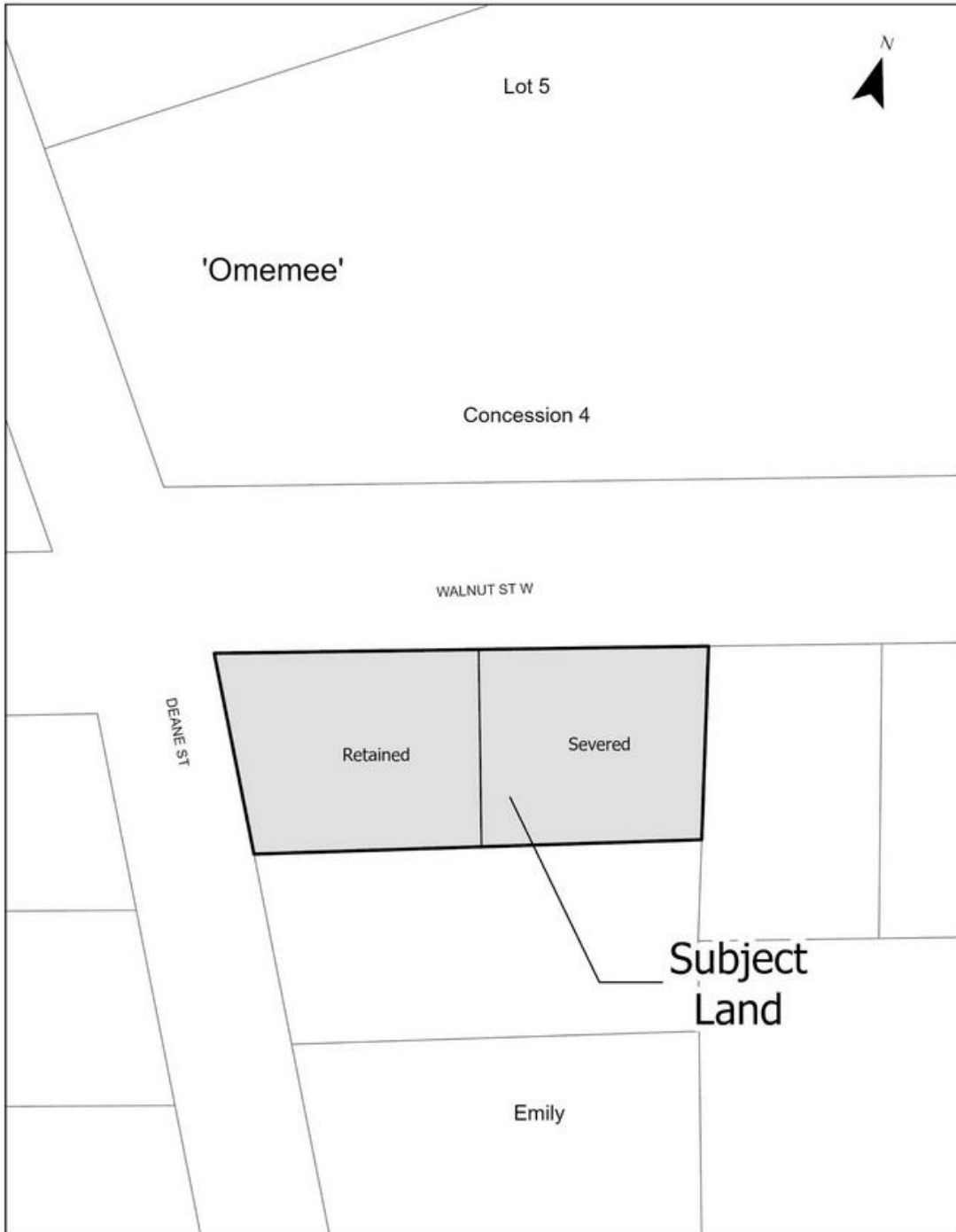
to

REPORT COA2024-089

FILE NO: D20-2024-081
D03-2024-023

LOCATION MAP

D03-2024-023



to

REPORT COA2024-089

FILE NO: D20-2024-081
D03-2024-023

AERIAL PHOTO



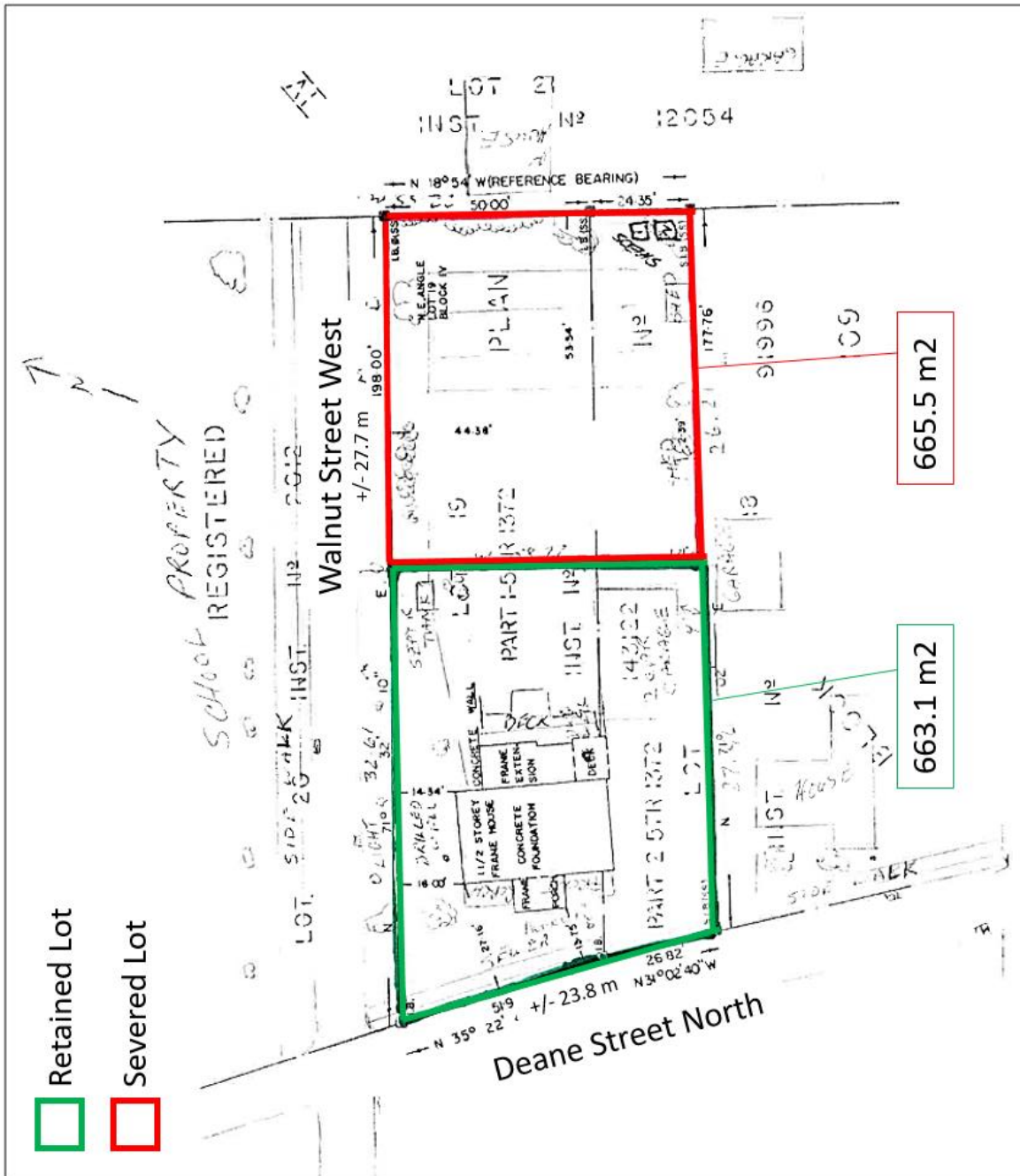
to

REPORT COA2024-089

FILE NO: D20-2024-081

D03-2024-023

APPLICANT'S SKETCH (CONSENT)



to

REPORT COA2024-089

FILE NO: D20-2024-081

D03-2024-023

APPLICANT'S SKETCH (MINOR VARIANCE)

Severed Lot: 665.5 m²

- Shed 1 (existing)
- Shed 2 (existing)
- Shed 3 (existing)

Sheds are to remain on the severed lot temporarily and are to be relocated to comply with minimum side and rear yard setback of 1.2 metres

Retained Lot: 663.1 m²

- Detached garage (existing)



to

REPORT COA2024-089

FILE NO: D20-2024-081
D03-2024-023

SHEDS TO BE RELOCATED



to

REPORT COA2024-089FILE NO: D20-2024-081
D03-2024-023**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. Submit to the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
3. Submit payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the Transfer/deed are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
4. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
5. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lot to be severed.
6. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
7. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
8. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

9. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Derango

Report Number COA2024-090

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate the construction of a 20.43 square metre addition onto the existing detached garage, as well as recognize the existing above-ground pool and gazebo.

Relief sought:

1. Section 2.2.g. of the Zoning By-law which requires a 20 metre water setback, the proposed water setback is 18.5 metres from the proposed addition of the garage. The existing water setbacks are 6.44 metres (pool) and 9.93 metres (gazebo).

The variance is requested at **108 Crawford Road, Carden** (File D20-2024-082).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-090 – Derango, be received;

That minor variance application D20-2024-082 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-090, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2024-090. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Addition onto existing detached garage, as well as recognizing existing above-ground pool and gazebo.
Owners:	Angelo Derango
Applicant:	Deepak Tyagi
Legal Description:	Part Lot 2, Concession 3, Lot 10, Plan 409
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Carden Zoning By-Law 79-2)
Site Size:	1,375.93 square metres (0.34 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Agricultural

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is situated in the former Township of Carden on the shore of Canal Lake with access from Crawford Road. The area in which the property is located is predominantly residential comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the road and shoreline. Based on the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings in the area are for

¹ See Schedule 1

² See Schedule 1

seasonal use. Large majority of built form constructed in the mid 1900s, some with renovations, and additions completed more recently in the last 20 years (MPAC).

The subject property currently contains a single detached dwelling (1961), detached garage (2018), gazebo, and above-ground swimming pool. The application seeks to facilitate the construction of a 20.43 square metre addition onto the existing garage, and recognize the existing gazebo and swimming pool. The applicant has indicated that the purpose of the addition is to enlarge the garage, enabling the accommodation of the owner's boat within the structure.

It is suitable for property owners to seek the improvement and redevelopment of their land, seeking the most optimal utilization of their properties. The proposed addition is not visible from the road, nor will it greatly alter any view from the shoreline. The existing pool and gazebo are not visible from the road and compliment the property when viewed from the shoreline.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. Due to the curve in the shoreline, built form is brought closer to the water.

Policy 20.30.11. states that preservation of social values including landscapes, aesthetics, and recreational opportunities to the waterfront will be supported. The Waterfront designation states that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. With respect to density and massing, Section 20.5 states all building and structures within the Waterfront designation shall maintain a low profile and blend with the natural surroundings without exceeding the height of the tree canopy. Furthermore, the Waterfront designation establishes policies regarding shoreline activity areas. As per Policy 20.5.2., the shoreline activity areas are meant to serve as an appropriate balance of natural and built form along the shoreline, and include but are not limited to docks, boathouses, and other structures.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Rural Residential Type Two (RR2) Zone under the Township of Carden Zoning By-Law 79-2. The RR2 Zone permits multiple uses, including a vacation dwelling or a single detached dwelling and, as well as accessory structures. Relief is required from the proposed water setback from the proposed addition onto the garage, and the existing setbacks from the swimming pool and gazebo.

Section 2.2.g. of the Zoning By-law requires a 20 metre water setback, the proposed water setback is 18.5 metres from the proposed addition of the garage. The existing water setbacks are 6.44 metres (pool) and 9.93 metres (gazebo). The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The proposed addition onto the existing detached garage will align the structure with the existing dwelling. The curved shape of the shoreline on the northern portion of the property bring the shoreline closer to the existing built form. Due to this, locating any addition or structure in the rear yard would place them within the water setback. Regardless, the subject proposed and existing accessory structures within the water setback do not contain habitable space nor is habitable space being introduced within these structures, as such, there is no concern with water hazards and dangers to habitable space.

For comparative purposes, the Rural Zoning By-law (RZBL) that was adopted by Council although not currently in effect, takes a different view of the existing subject accessory structures. The RZBL, in support of the City of Kawartha Lakes Official Plan, has introduced a “Shoreline Activity Area” which dedicates a portion of the land along the shorelines to serve as a “Shoreline Naturalization Buffer”. The RZBL states that the “Shoreline Activity Area” may contain shoreline structures, pathways, and native vegetation. Shoreline structures, as defined by the RZBL, include any building or structure such as a dock, hot tub, outdoor sauna, storage shed, and gazebos, within any yard abutting a waterbody. The RZBL excludes shoreline structures from being subject to the minimum water setback requirement. As a result, the existing gazebo may be considered a shoreline structure under the RZBL and not subject to the minimum water setback. However, as the RZBL is under appeal, its policies are not in effect.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

Attachments

Appendix A – Location Map

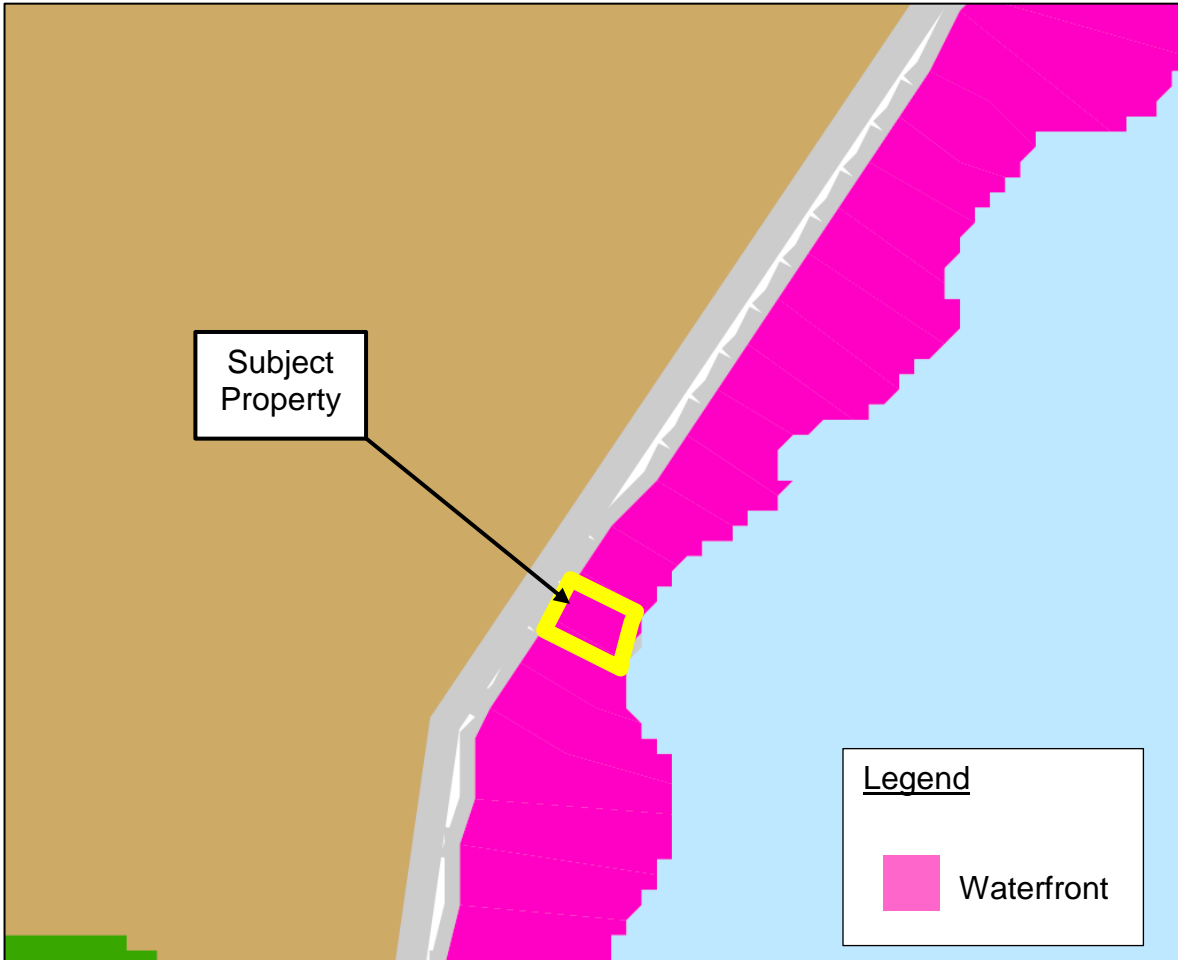
Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

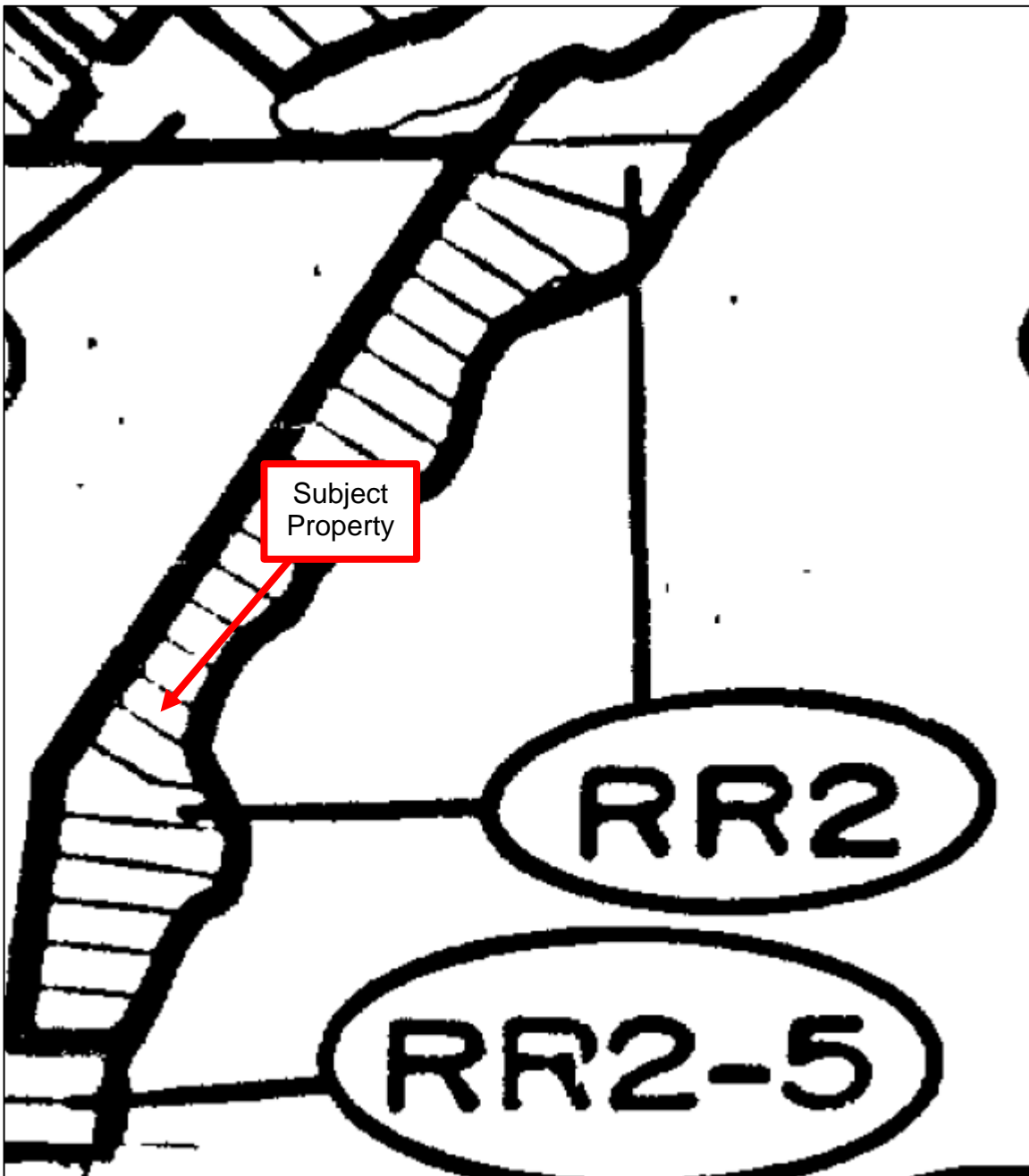
Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-082

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

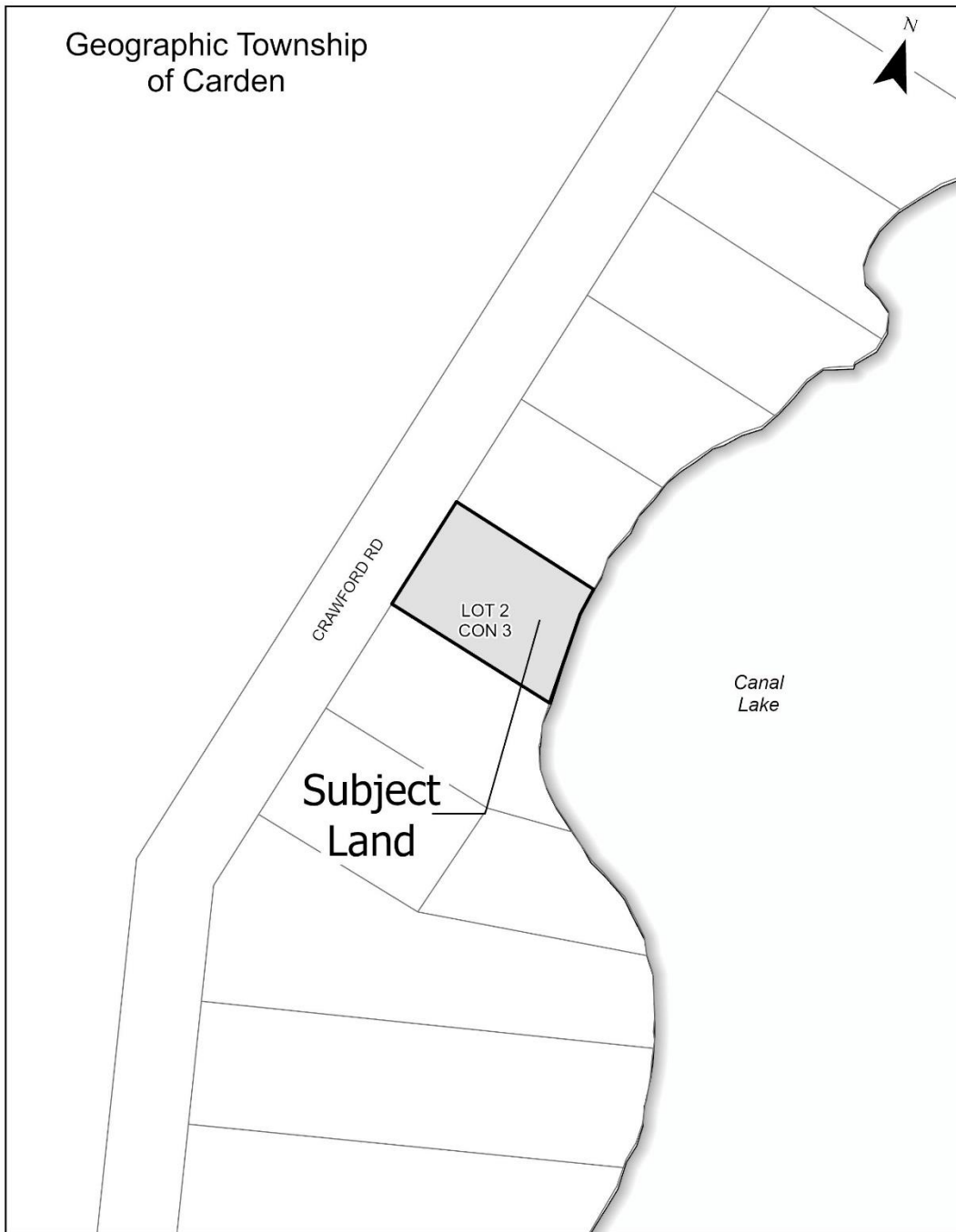


Township of Carden Zoning By-Law 79-2



LOCATION MAP

D20-2024-082



SRQ_18875

to

REPORT COA2024-090

FILE NO: D20-2024-082

AERIAL PHOTO (2023)

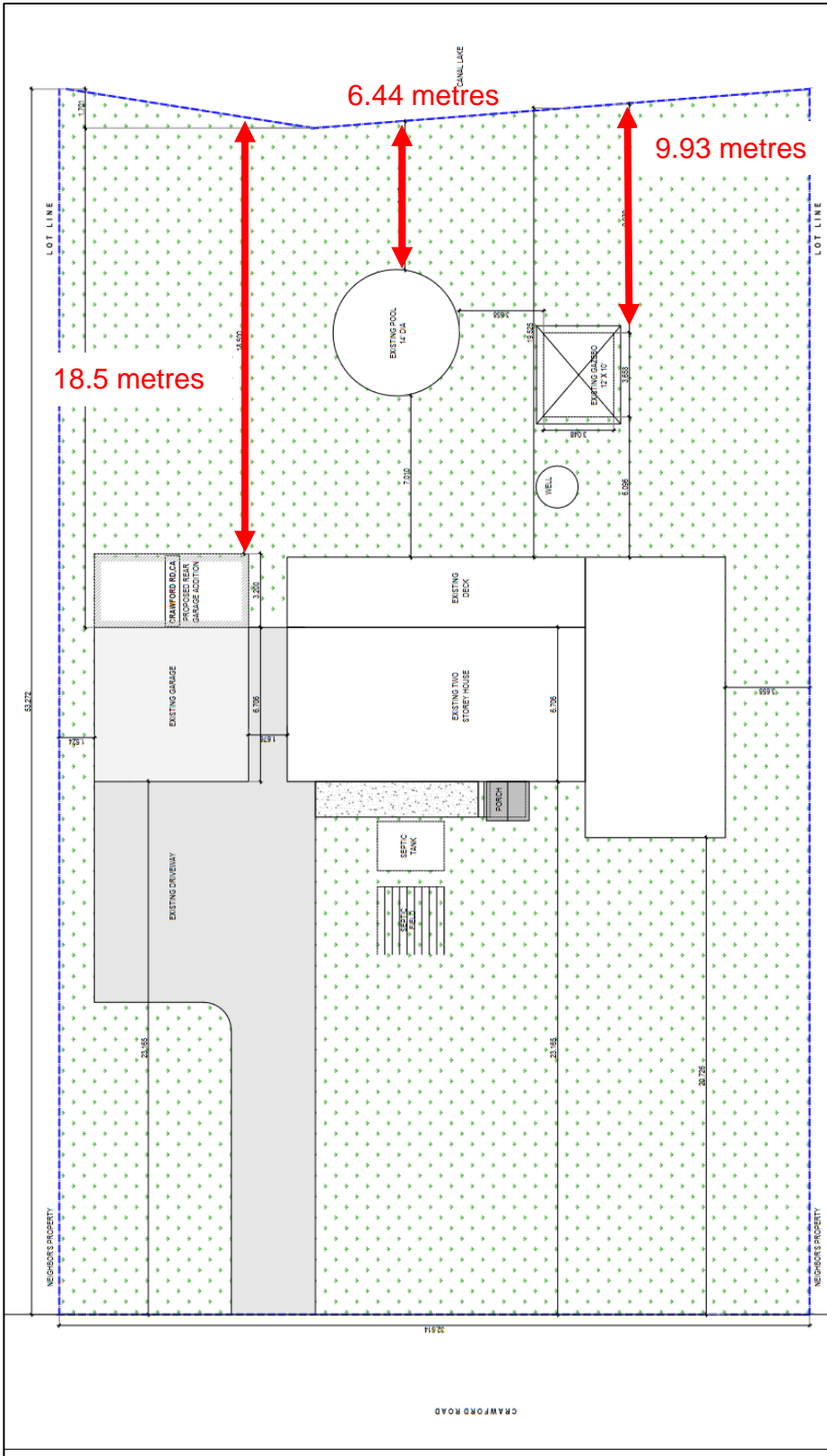


to

REPORT COA2024-090

FILE NO: D20-2024-082

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Kenney

Report Number COA2024-091

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Geographic Township of Verulam

Subject: The purpose and effect is to facilitate the partial demolition of the existing non-complying two-storey dwelling (foundation to remain) and construction of a new two-storey dwelling.

Relief sought:

1. Section 8.2.d. requires a minimum front yard setback of 7.5 metres, the proposed front yard setback is 1.8 metres;
2. Section 8.2.g. requires a minimum rear yard setback of 7.5 metres, the proposed rear yard setbacks are 3 metres (dwelling) and 2.11 metres (deck);
3. Section 8.2.k. permits a maximum height of 10.5 metres, the proposed height of the dwelling is 10.74 metres; and,
4. Section 8.2.n. requires a minimum water setback of 15 metres, the proposed water setback is 10.2 metres (dwelling) and 7.62 metres (deck).

The variance is requested at **2 Crimson Lane** (File D20-2024-083).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-091 – Kenney, be received;

That minor variance application D20-2024-083 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and Appendix D submitted as part of Report COA2024-091, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2024-091. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Partial demolition of the existing dwelling (foundation to remain), with full demolition of the existing attached garage. New two-storey dwelling with attached garage and lakeside deck to be constructed.
Owners:	Michelle Chouinard-Kenney and Bryan Kenney
Applicant:	Owners
Legal Description:	Part Lot 15, Concession 5 (being Part 1 of Reference Plan 57R-687)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Type One (R1) Zone (Township of Verulam Zoning By-Law 6-87)
Site Size:	2,063 square metres (0.51 acres)
Site Access:	Winter-maintained public road (Crimson Lane)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is situated on the shore of Sturgeon Lake, with frontage onto two roads, Bayview Estate Road (year-round maintained public road) and its entrance from Crimson Lane (winter only maintained public road). Crimson Lane is a short dead-end road (approximately 70 metres) that provides access to only two properties, those being the subject property and 7 Crimson Lane. Bayview Estates Road is a longer road that runs through the area and provides access to many lots. The lot fabric of the area is irregular, with no patterns lot configuration. Lots nearby the subject property vary in shape, some 'L-shaped' and others more rectangular with various widths and lengths.

The area is predominantly residential in land use, characterized by one-to-two-storey single detached dwellings and assorted accessory structures. The area is a mix of both permanent residential properties and seasonal residential use (based on date from the Municipal Property Assessment Corporation). MPAC states that many of the dwellings in this area were constructed in the late 1900's; however, many also have gone through various renovations, alterations, and additions, some going through complete redevelopments more recently in the last 20 years.

The subject property currently contains a two-storey dwelling with an existing attached garage (1992), shed, and cabin. The proposal seeks for the partial demolition of the existing dwelling (foundation to remain), with full demolition of the existing attached garage. A new two-storey dwelling with attached garage and lakeside deck to be constructed. The existing cabin and shed will also be removed. The proposed development aligns with the existing built-form character of the neighbourhood. It is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization.

It is also important to note that the existing attached garage encroaches into the front lot line; however, the proposed development will improve the front yard setback by bringing the new construction further into the property.

Given the above analysis, the variances are considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designation permits the use of single detached and vacation dwellings. Policy 20.3.6. of the Official Plan states new development on Waterfront designated properties will be developed on individual services at a low-density.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The proposed development retains and makes use of the existing foundation, limiting the ability to move further from the shoreline. Additionally, the proposed development places the septic system at an appropriate distance from the shoreline.

Overall, the proposed redevelopment supports the objectives of the Waterfront designation as it maintains the low-density residential land use, and preserves the existing shoreline. The proposed water setback aligns with many of the surrounding properties fronting onto Sturgeon Lake.

Therefore, the variances are considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Residential Type One (R1) Zone under the Township of Verulam Zoning By-Law 6-87. The R1 Zone permits various uses including single detached dwellings and seasonal dwellings. Relief is required from the following provisions

- Front Yard Setback: Section 8.2.d. requires a minimum front yard setback of 7.5 metres. The proposed front yard setback is 1.8 metres.
- Rear Yard Setback: Section 8.2.g. requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setbacks are 3 metres (dwelling) and 2.11 metres (deck).
- Water Setback: Section 8.2.n. requires a minimum water setback of 15 metres. The proposed water setbacks are 10.2 metres (dwelling) and 7.62 metres (deck).
- Building Height: Section 8.2.k. permits a maximum height of 10.5 metres. The proposed height of the dwelling is 10.74 metres.

Due to the lot's existing configuration, the Zoning By-law's interpretation of yards does not translate easily with respect to this property. The property contains a wide but shallow front and rear yard. As a result, this creates difficulty in placing a building footprint while being attentive of the various setback requirements. Measured from the closest points of the front lot line to the rear lot line, the proposed dwelling is approximately 20 metres wide. Based on aerial imagery, a 20 metre width of a dwelling is average when looking at the surrounding lots in the area.

With respect to the front yard setback, the existing attached garage encroaches beyond the property's front lot line. However, on-site one would not recognize this non-compliance as the front lot line and existing structure are setback far from the edge of the gravel road and buffered by an existing line of trees. The proposed redevelopment, although deficient, improves the front yard setback by bringing

development within the property's respective boundaries. Additionally, as only one other property utilizes Crimson Lane for access, this minimizes the impact of the proposed deficient setback.

The rear yard, similar to the front yard, is constrained by the configuration and dimensions of the property. Although considered the rear lot line of the subject property under the applicable Zoning By-law, the lot line also serves as an interior side lot line for the neighbouring property to the south. On-site, the use of the Zoning By-law's interpreted rear yard is more comparable to that of an interior side yard. The space although deficient, provides sufficient space for functionality (passageway, access, maintenance) and aesthetic coherence as the neighbouring lots to the south are comparably distanced.

With regards to the proposed water setback, the intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The discrepancy between the existing water setback of the current deck (approximately 7.7 metres) and the proposed deck (7.62 metres) is minimal. As the redevelopment seeks to utilize the foundation of the existing dwelling, options for placement are limited. The curved-shape of the shoreline, results in a closer edge of the shoreline to the proposed redevelopment.

The proposed height of approximately 10.74 metres slightly exceeds the 10.5 metre maximum. However, this minor deviation will not significantly impact the view from the road due to the existing vegetation screening. Given the improvement of the front yard setback, the spatial separation from the road will be increased, reducing concern of building massing. The number of proposed stories is consistent with the one-to-two-storey structures typical of the neighborhood, and the increase in height is minimal. The neighbouring property to the south also contains a two-storey dwelling with an attached garage constructed in 2021 (MPAC). The only other property that utilizes Crimson Lane for access (7 Crimson Lane, north of the property across the street) is also a two-storey dwelling with an attached garage (MPAC).

Therefore, the variances are considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

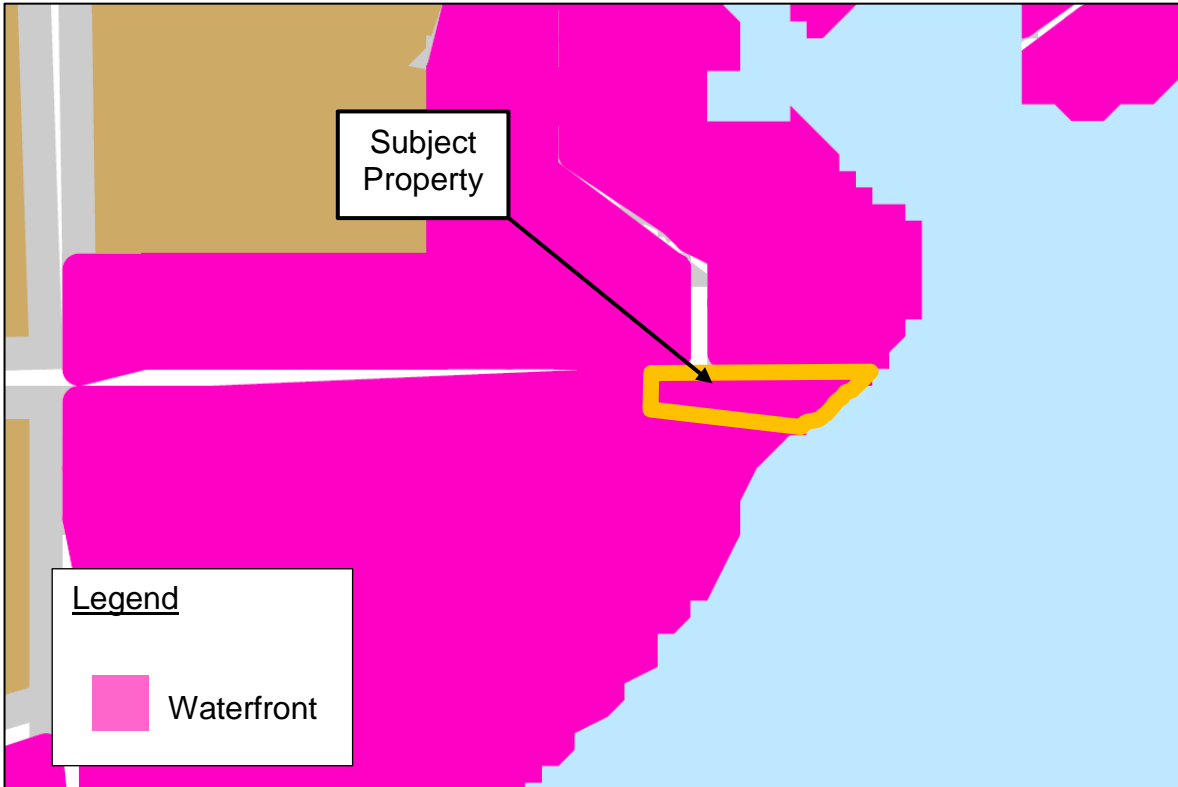
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Proposed Renderings
- Appendix E – Proposed Floor Plans

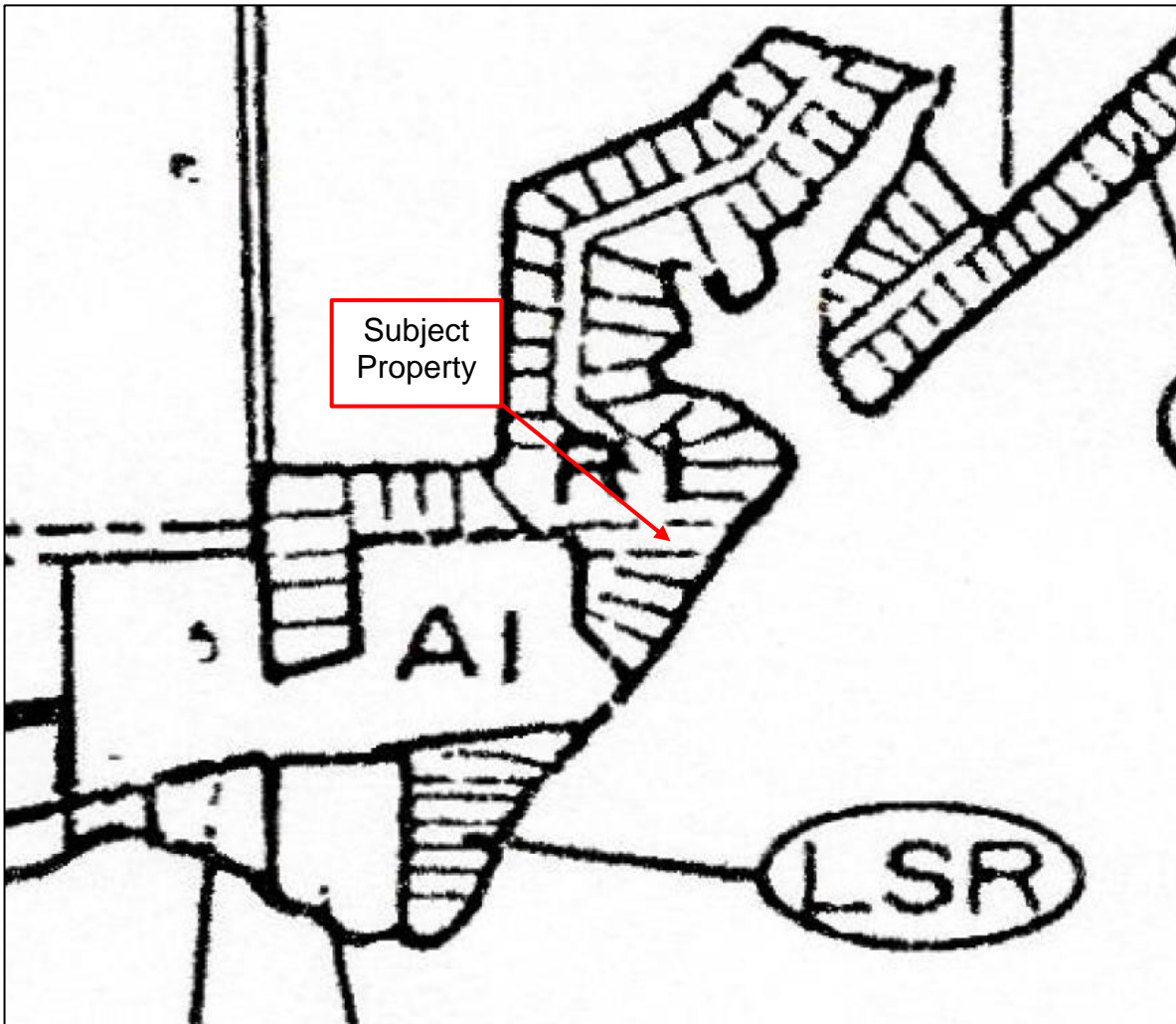
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-083

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



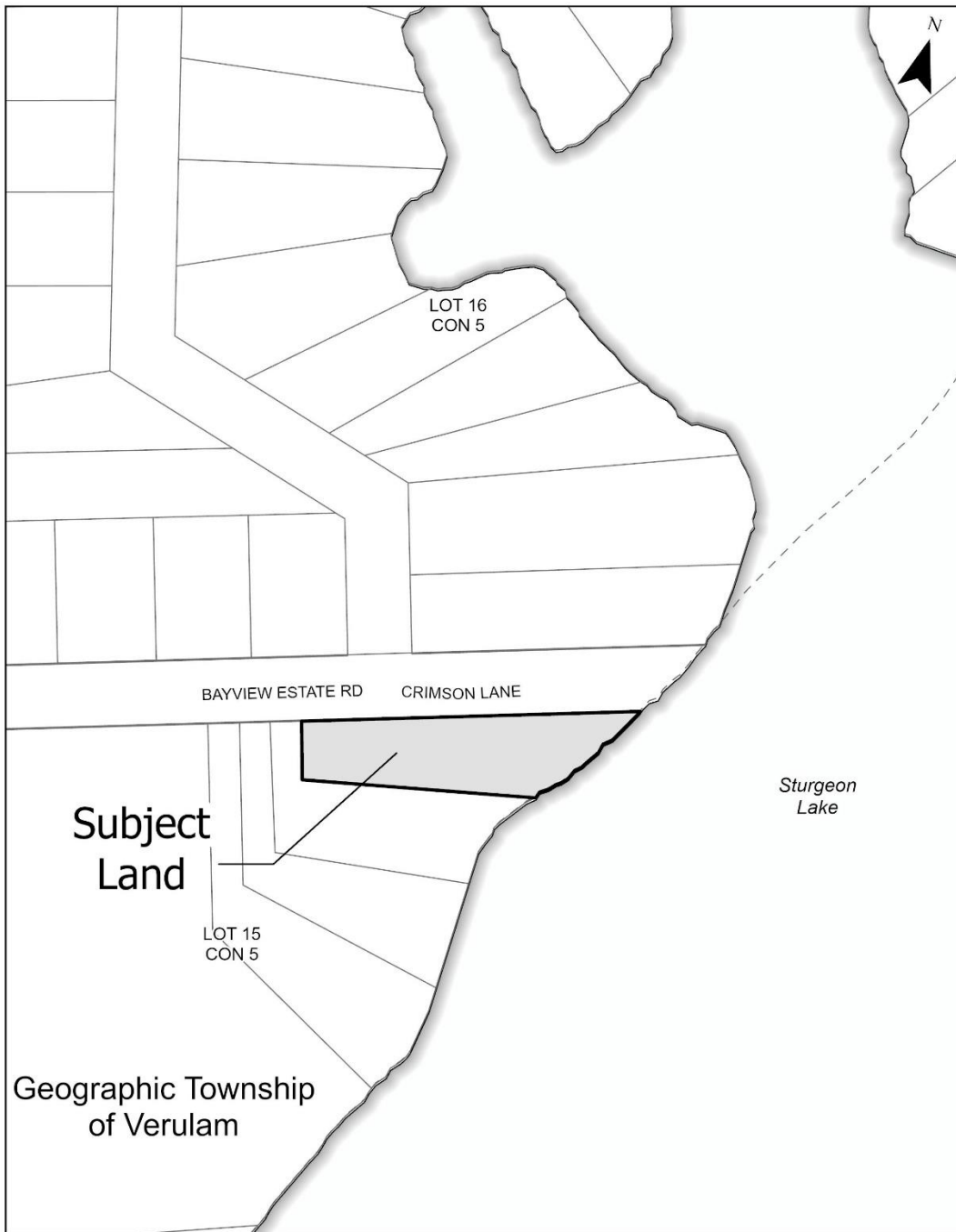
Township of Verulam Zoning By-Law 6-87



to

LOCATION MAP

D20-2024-083



SRQ_18875

to

REPORT COA2024-091

FILE NO: D20-2024-083

AERIAL PHOTO (2018)

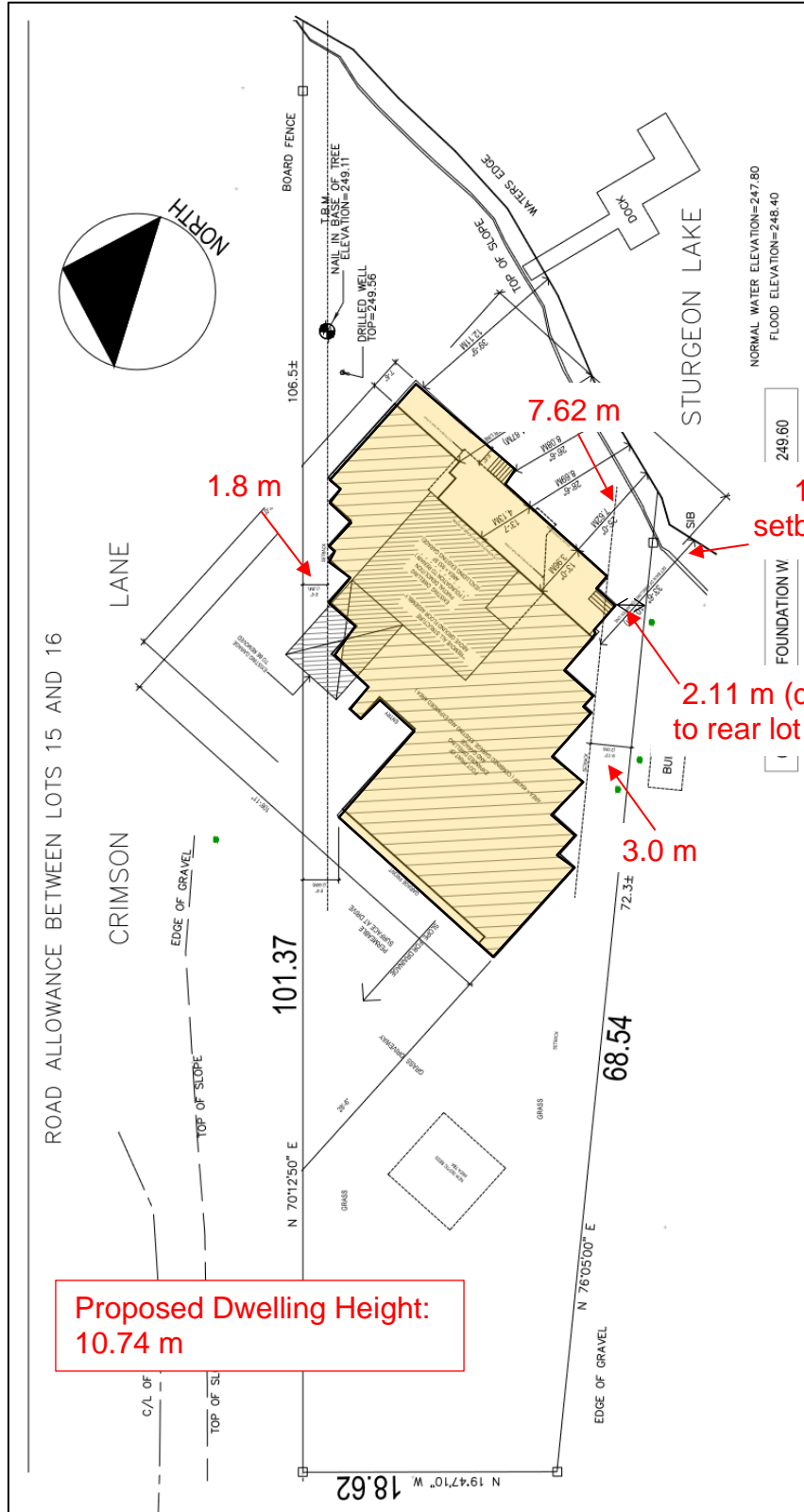


to

REPORT COA2024-091

FILE NO: D20-2024-083

APPLICANT'S SKETCH

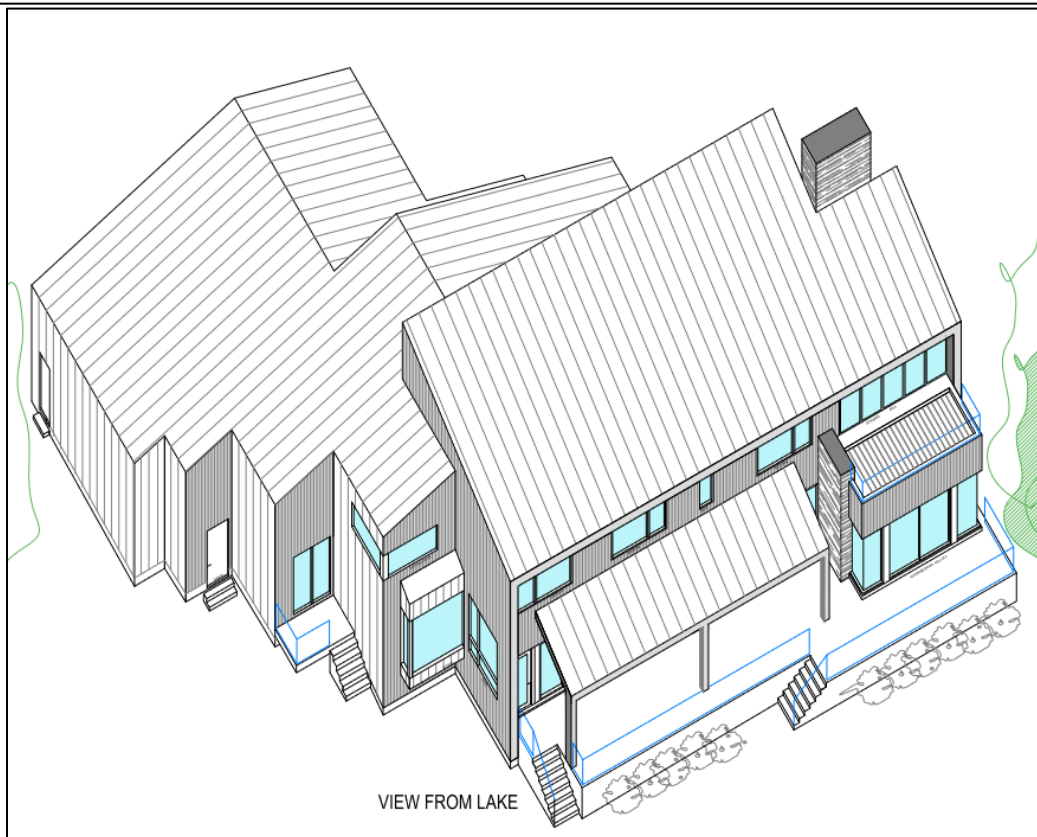
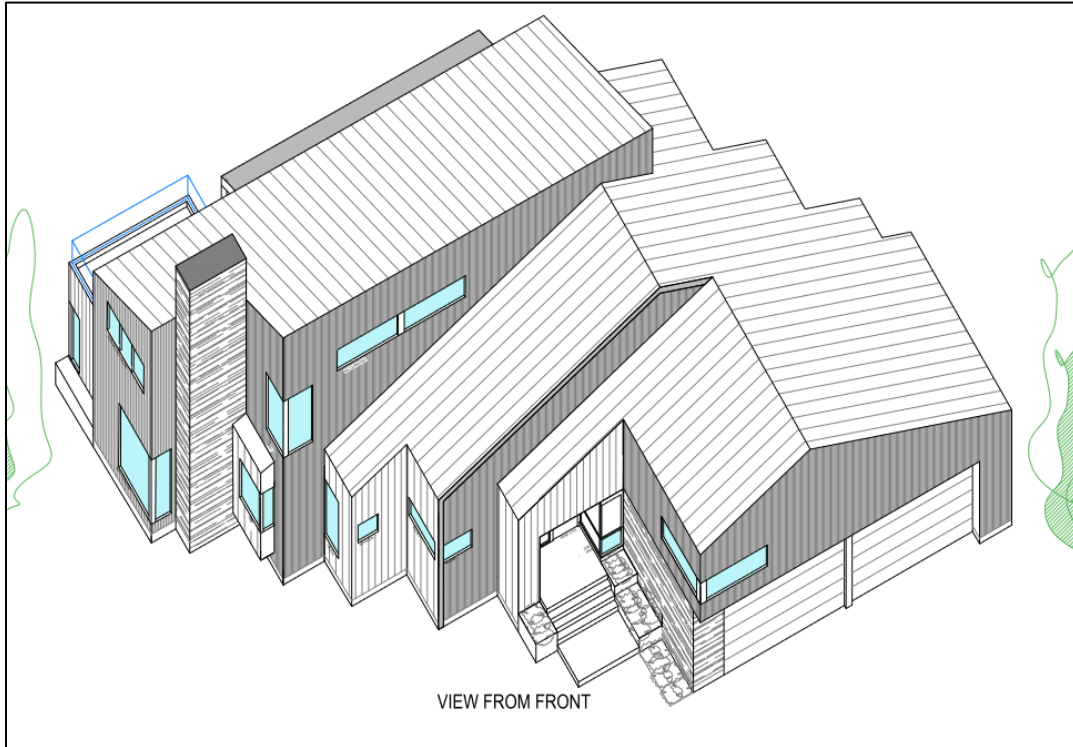


to

REPORT COA2024-091

FILE NO: D20-2024-083

PROPOSED RENDERINGS

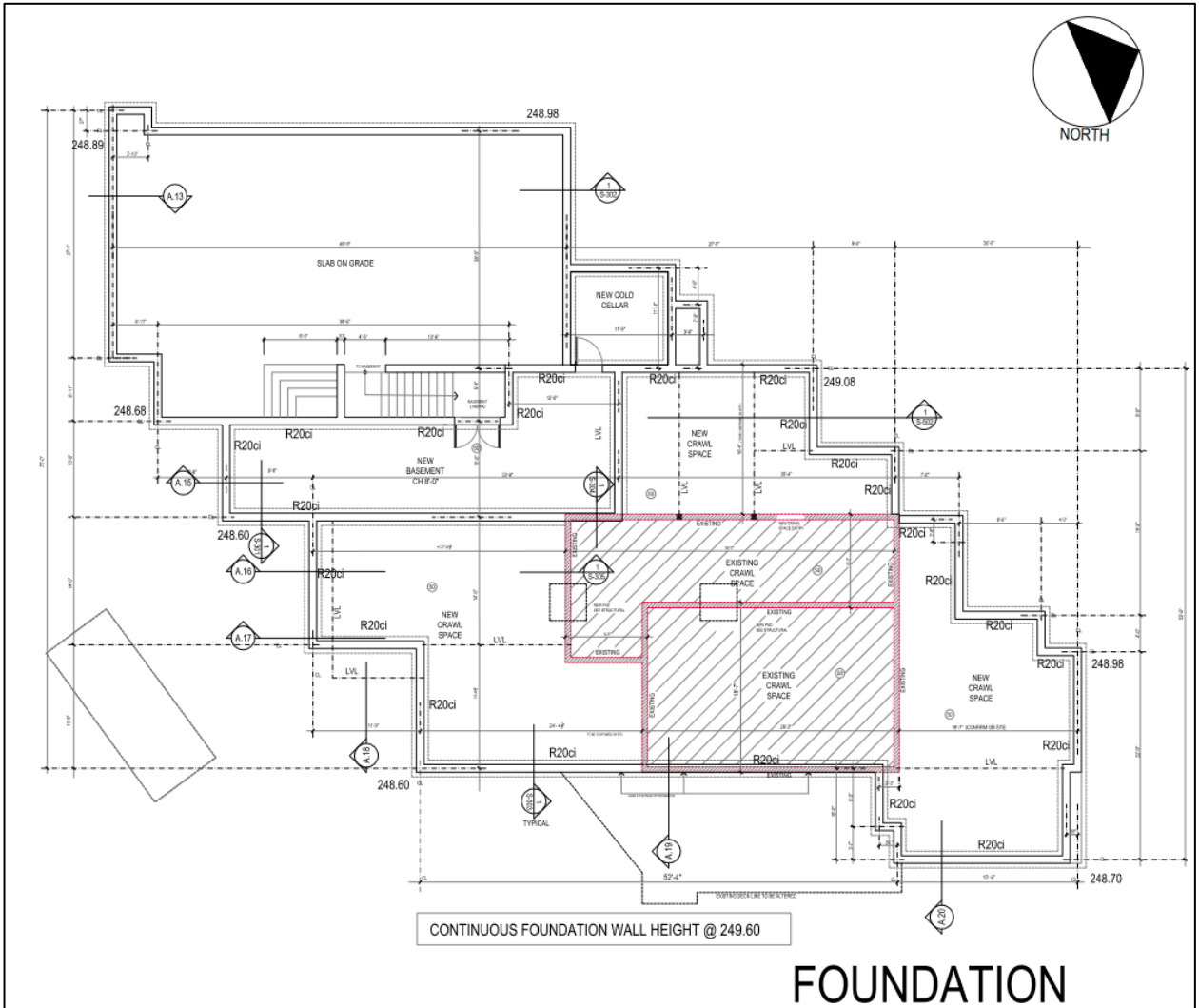


to

REPORT COA2024-091

FILE NO: D20-2024-083

PROPOSED FLOOR PLANS



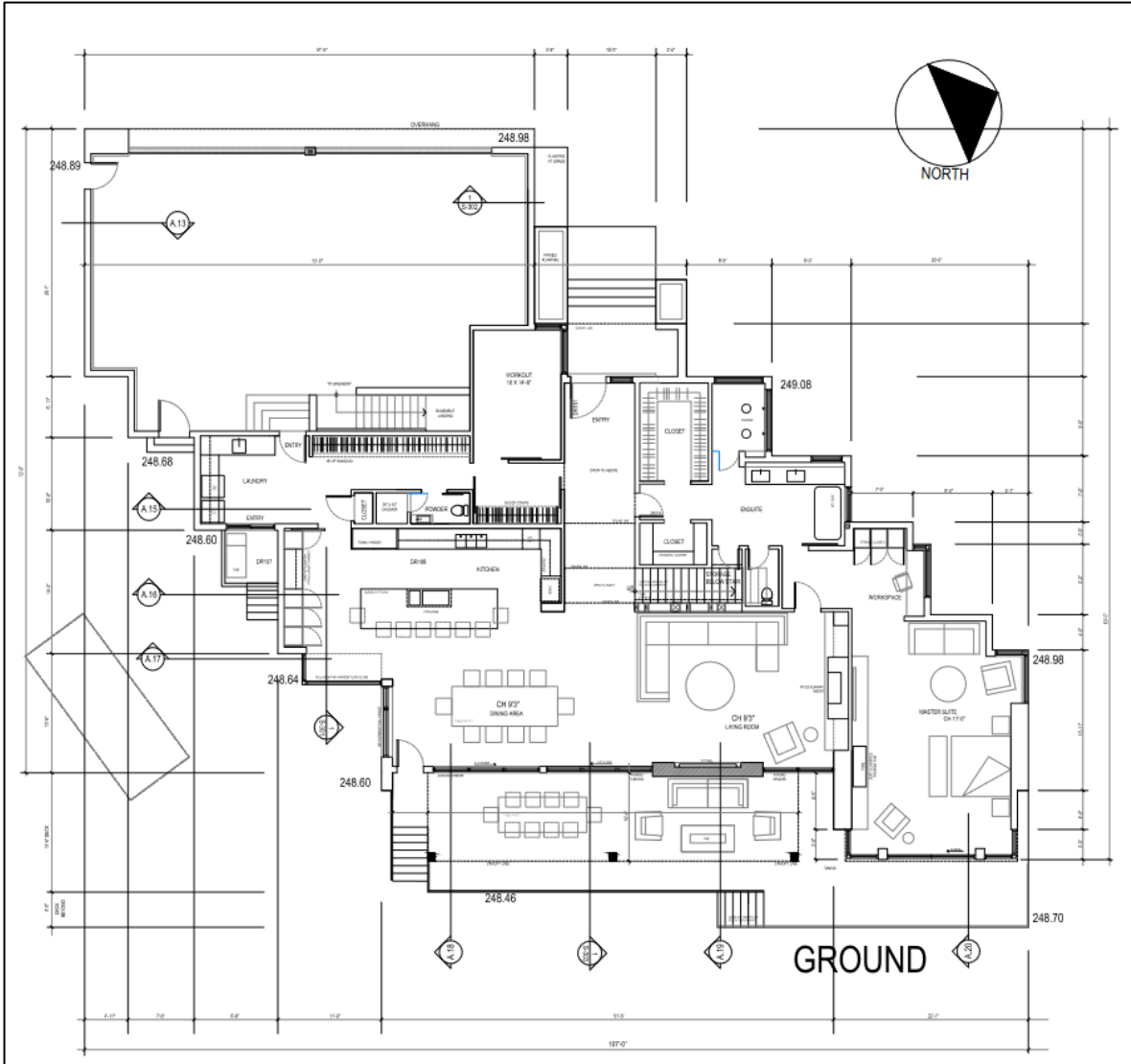
FOUNDATION

APPENDIX " E "

to

REPORT COA2024-091

FILE NO: D20-2024-083

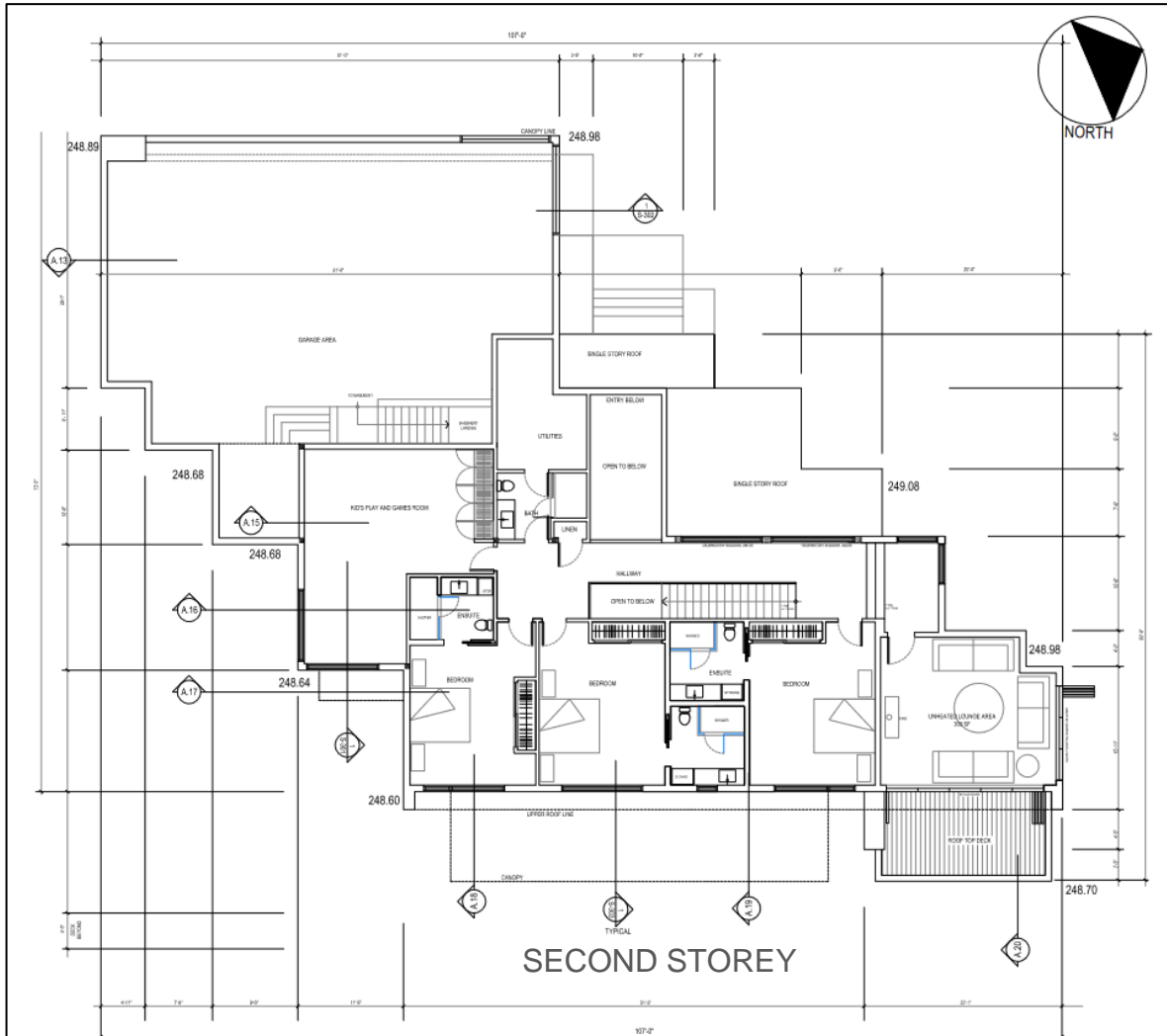


APPENDIX " E "

to

REPORT COA2024-091

FILE NO: D20-2024-083



The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Murphy

Report Number COA2024-092

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 7 – Geographic Township of Ops

Subject: The purpose and effect is to facilitate the use of the existing single detached dwelling as a group home for individuals with dementia and related cognitive challenges.

Relief sought:

1. Section 16.2 a) of the Zoning By-law provides that the minimum lot area for a group home is 4.0 hectares; the existing lot area is 0.29 hectares;
2. Section 19.86 of the Zoning By-law defines 'Group Home' as a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents; the proposed number of residents is 10; and,
3. Section 2.29 iv) of the Zoning By-law provides that the minimum lot area for an Additional Residential Unit on a lot with private services is 4,000 square metres; the basement of the dwelling is to be registered as an Additional Residential Unit and the existing lot area is 2,943 square metres.

The variance is requested at **26 Ridgewood Road** (File D20-2024-084).

Author: Katherine Evans, Senior Planner

Signature: 

Recommendations

That Report COA2024-092 – Murphy, be received;

That minor variance application D20-2024-084 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-092, which shall be attached to and form part of the Committee's Decision;
- 2) **That** 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; and,
- 3) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.

This approval pertains to the application as described in report COA2024-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The use of the existing single detached dwelling as a group home for individuals with dementia and related cognitive challenges
Owners:	Kelly Murphy
Applicant:	KMD Planning c/o Kevin Duguay
Legal Description:	Part Lot 15, Concession 4; Part Lots 1 and 2 on Reference Plan 57R-299
Official Plan ¹ :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Agricultural (A) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	2,943 sq. m. (31,678.2 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and septic system

¹ See Schedule 1

² See Schedule 1

Existing Uses: Residential

Adjacent Uses: Residential, agricultural, commercial

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located south of the former Town of Lindsay in an area comprised of agricultural, residential, and commercial uses. The property is rectangular in shape and contains a two storey single detached dwelling constructed in 1981 (according to Municipal Property Assessment Corporation) and two sheds.

The proposal is to renovate the existing dwelling to facilitate the use of the dwelling as a group home for individuals with dementia and related cognitive challenges. The change in use is to be achieved through interior renovation, as such no addition or expansion to the existing dwelling is proposed. The property is to continue to be used for residential purposes, and the proposal will not change the character of the dwelling. The proposal is to provide adults with supportive living amenities in a home-like environment, and the dwelling will be renovated to meet the needs of residents as well as staff.

Relief is required to permit an Additional Residential Unit (ARU). The basement of the dwelling is to be registered as an ARU. The ARU is to be used as part of the group home, and is not proposed to function as an independent unit. However, it is configured in such a way that it could function as a completely independent unit, and therefore must be evaluated on this basis.

The Zoning By-law defines 'Dwelling Unit' as "a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside." As both the basement and the main floor of the dwelling are to have a kitchen, bathrooms, bedrooms, living space, and separate entrances, the proposal would constitute two dwelling units. To permit two dwelling units, one must be considered the primary and the other must be registered as an ARU.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling as well as accessory buildings and structures are permitted within this designation.

As per Policy 5.2, one of the objectives established by the Official Plan is to encourage a wide range of residential types and tenures to ensure access to housing for all segments of the population. This includes housing for families, persons with disabilities, long term care facilities and other housing options, which encourage independent living.

Policy 5.5. provides that group homes will be directed to urban areas and larger hamlets where community facilities and transportation are accessible. The Official Plan also provides that group homes may be permitted throughout other areas where residential uses predominate and that they may be established as-of-right in a specific zone. There are residential lots to the north and south of the subject property, and the property is zoned to permit a group home. Policy 5.5.2. states that a group home must be on a lot large enough to accommodate servicing when private services are required. Condition 3 has been included to provide opportunity for the Supervisor of Part 8 Sewage Systems to finalize their review of the proposal.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Agricultural (A) Zone under the Township of Ops Zoning By-law 93-30. A single detached dwelling, including a group home, as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot area for a group home, the minimum lot area for an Additional Residential Unit on a lot that is privately serviced, and the definition of a group home with respect to the maximum number of residents.

Section 16.2 a) of the Zoning By-law provides that the minimum lot area for a group home is 4.0 hectares. The existing lot area is 0.29 hectares. The intent of this provision is to ensure a property is large enough to contain a dwelling that is appropriately sized to accommodate residents, staff, and visitors while still being able to comply with the provisions of the Zoning By-law. The intent of this provision is to also ensure there is adequate outdoor amenity space for residents and their visitors, sufficient parking availability, and sufficient space for private services (when required).

The existing dwelling complies with the provisions of the Zoning By-law. The rear yard of the property is approximately 1,290 square metres in size, providing sufficient outdoor amenity space for residents and visitors. The Zoning By-law does not contain a specific parking requirement for a group home. The residential minimum parking requirement is 2 parking space per dwelling unit. As the property contains two dwelling units, the minimum parking requirement is four spaces. However, the property contains a substantial driveway and an attached garage which can accommodate approximately 14 parking spaces. The owner of the subject property anticipates approximately 4 spaces would be used for staff, and anticipates 4-5 visitors at different times of day.

Section 2.29 iv) of the Zoning By-law provides that the minimum lot area for an Additional Residential Unit on a lot with private services is 4,000 square metres; the basement of the dwelling is to be registered as an Additional Residential Unit and the existing lot area is 2,943 square metres. The minimum lot size listed for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. Condition 3 has been included to provide opportunity for the Supervisor of Part 8 Sewage Systems to finalize their review of the proposal.

Section 19.86 of the Zoning By-law defines 'Group Home' as a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents; the proposed number of residents is 10. The intent of this maximum is to ensure the scale of the home remains in character with surrounding residential uses.

The proposal is to renovate the existing dwelling and the footprint will not increase, maintaining the existing residential character of the property. Additionally, the proposal is to continue to use the dwelling for residential purposes, which is compatible with the surrounding land uses. Accommodating four residents more than the maximum is not anticipated to change the character of the property or negatively impact surrounding land uses.

The Rural Zoning By-law (RZBL) remains under appeal and is not currently in effect. However, looking to the RZBL for comparative purposes, a group home would be a permitted use on this property. The RZBL does not contain a minimum lot area for a group home. Also, the RZBL defines a group home as being for the accommodation of three to ten residents.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “No comments.”

Public Comments:

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

Attachments


- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Floor plans

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-084

Schedule 1 Relevant Planning Policies and Provisions

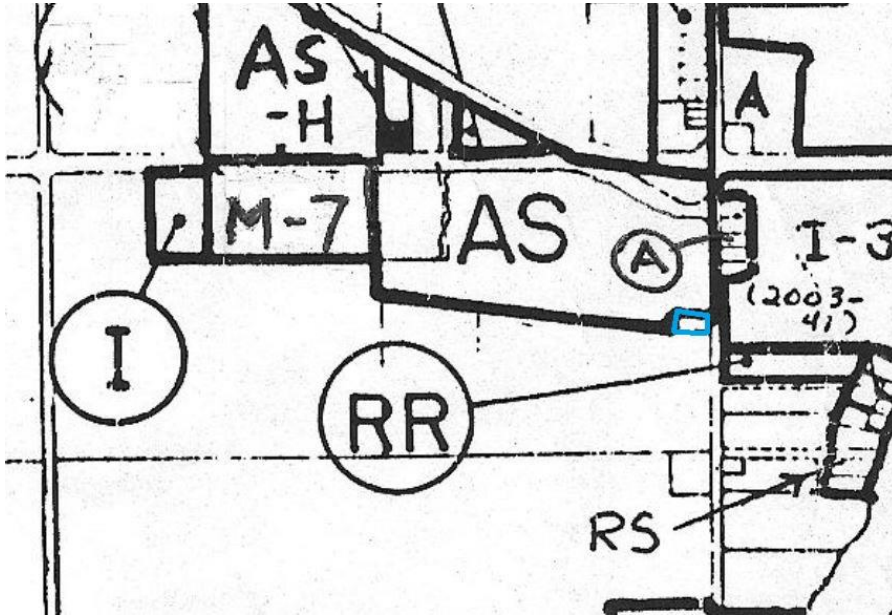
City of Kawartha Lakes Official Plan



 Prime Agricultural

15. Prime Agricultural Designation

Township of Ops Zoning By-law 93-30



Section 2 General Provisions

2.29 Additional Residential Dwelling Units

vi) A minimum lot area of 0.4 ha (4000 sq. m.) on private services.

Section 16 Agricultural (A) Zone

16.1 Uses Permitted

16.2 Zone Provisions

Lot Areas (Minimum)

- a) Group home 4 hectares

Section 19 Definitions

19.86 Group Home

A single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under the Provincial statute in compliance with municipal by-laws.

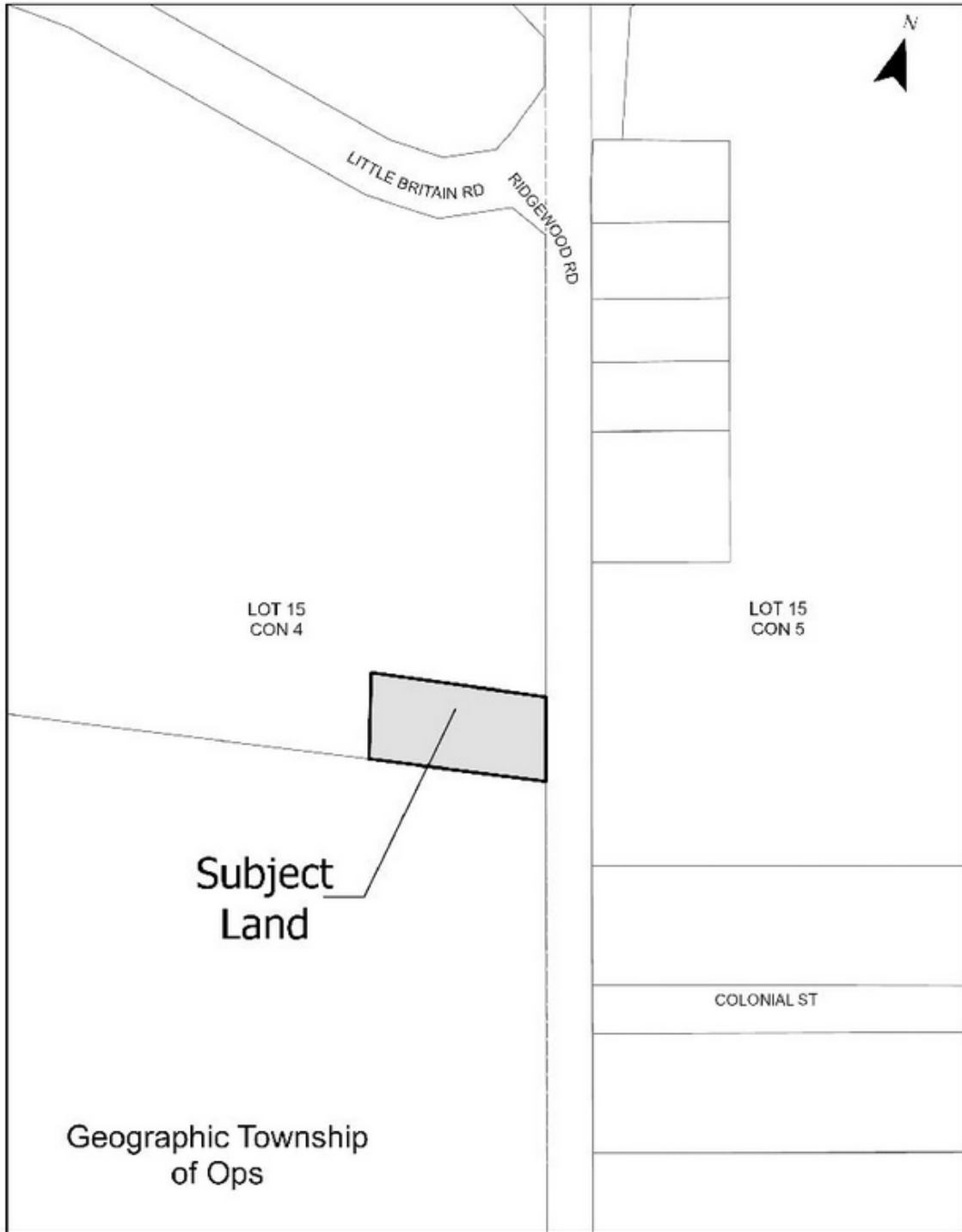
to

REPORT COA2024-092

FILE NO: D20-2024-084

LOCATION MAP

D20-2024-084



to

REPORT COA2024-092

FILE NO: D20-2024-084

AERIAL PHOTO

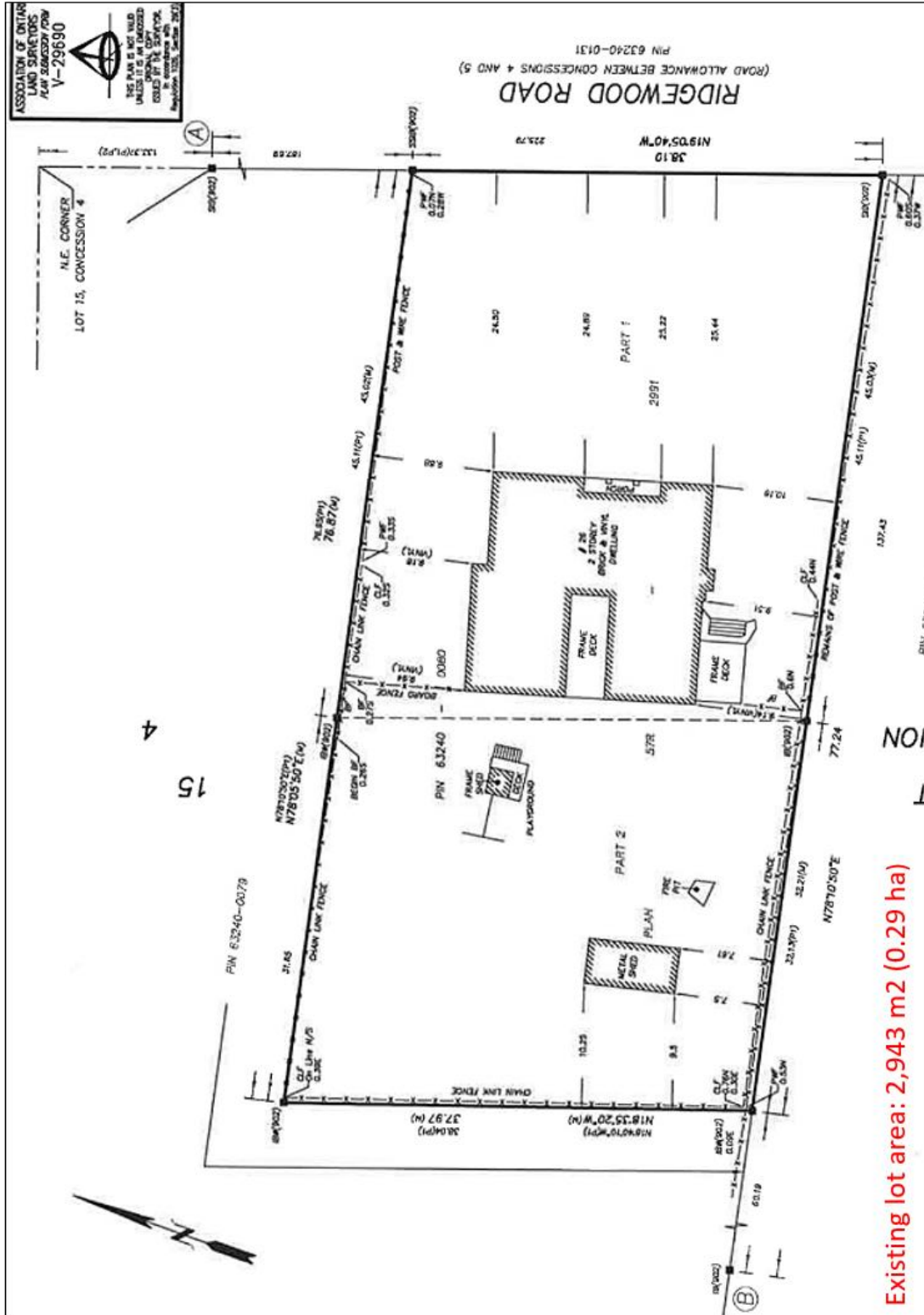


to

REPORT COA2024-092

FILE NO: D20-2024-084

APPLICANT'S SKETCH

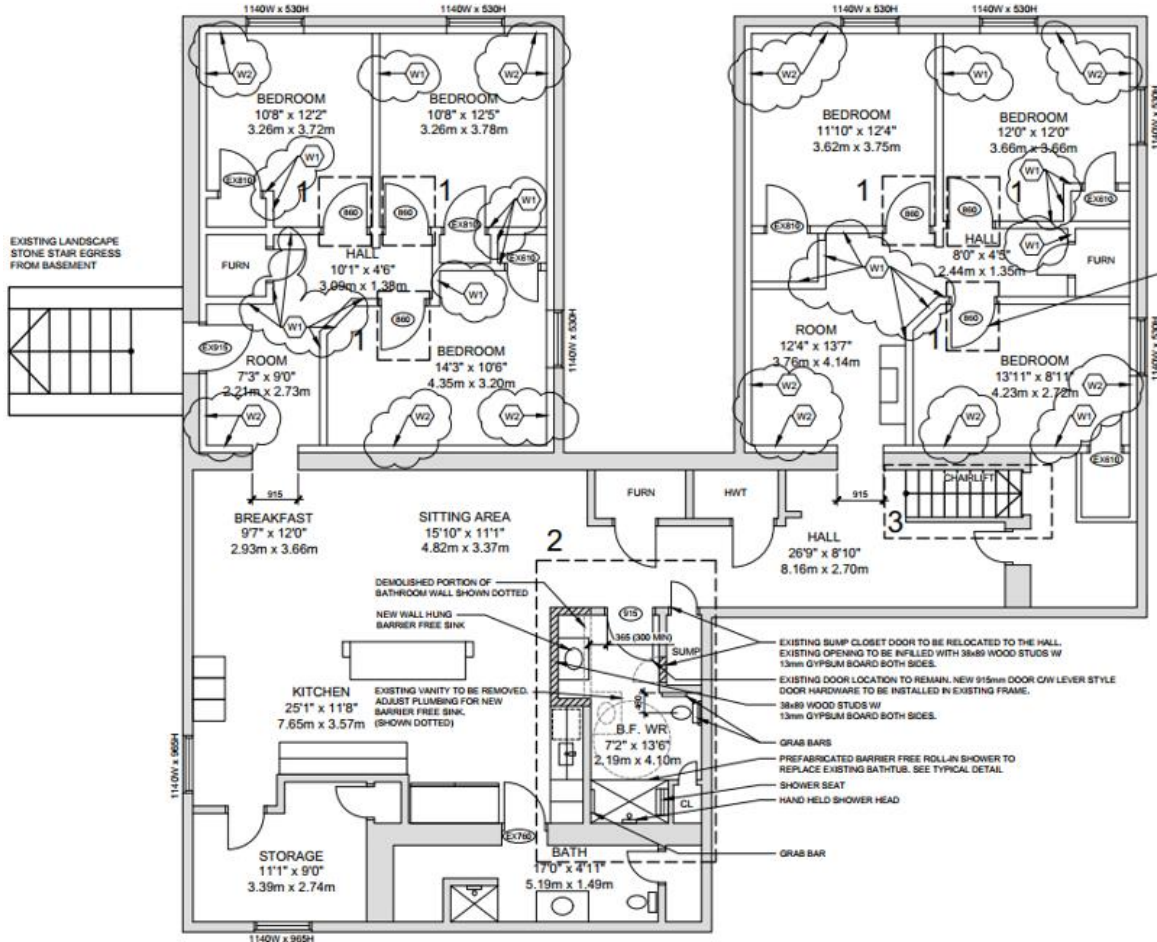


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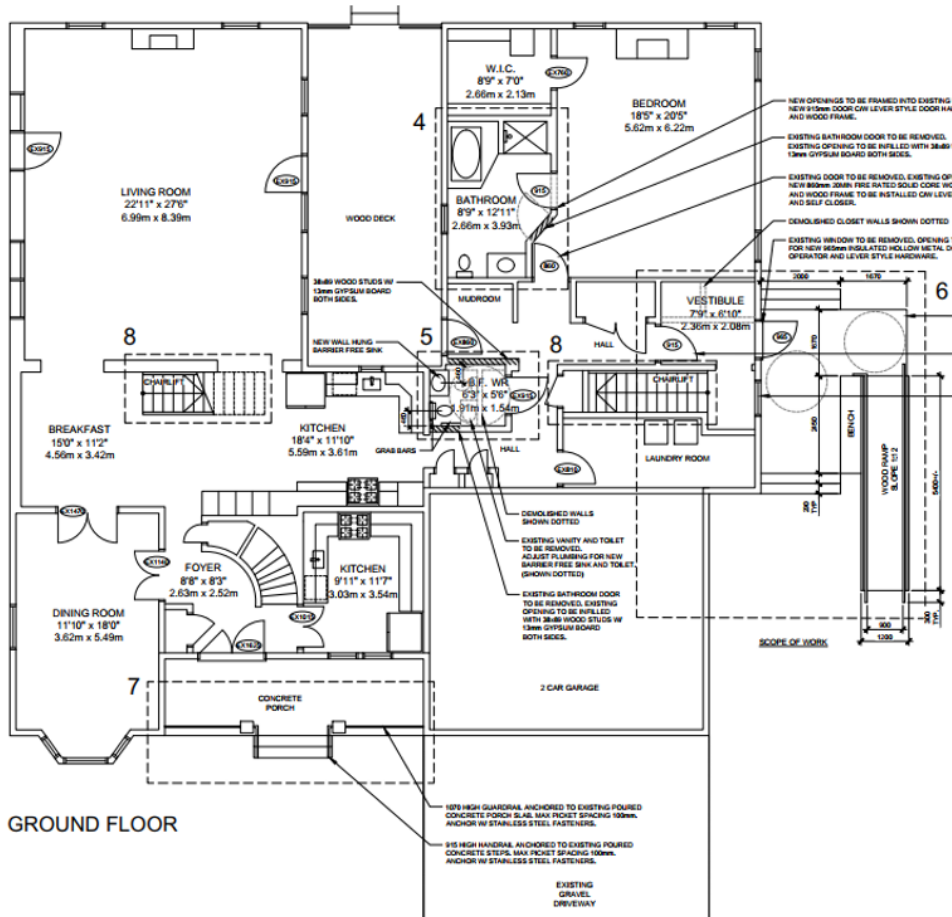
FLOORPLANS

REPORT COA2024-092

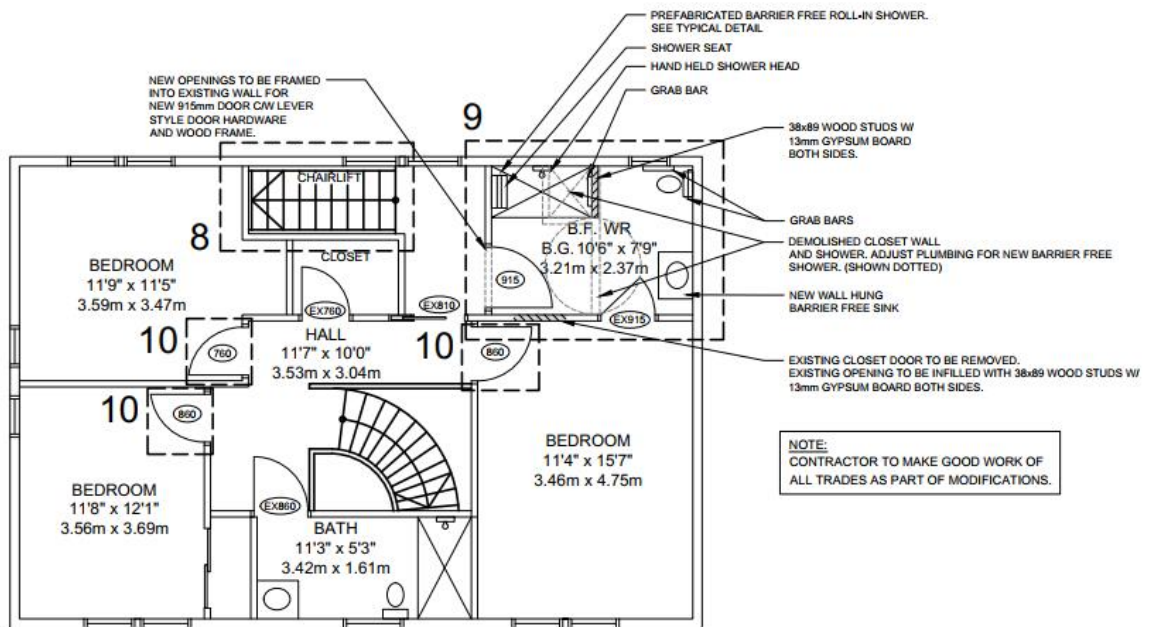
FILE NO: D20-2024-084



BASEMENT



GROUND FLOOR



SECOND FLOOR

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – City of Kawartha Lakes
Report Number COA2024-093

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the construction of an addition onto the existing fire hall.

Relief sought:

1. Section 8.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 2.5 metres; and,
2. Section 8.2 e) of the Zoning By-law requires a minimum side yard setback of 4.5 metres; the proposed setback is 3.2 metres.

The variance is requested at **24 Majestic Street** (File D20-2024-085).

Author: Katherine Evans, Senior Planner **Signature:** 

Recommendations

That Report COA2024-093 – City of Kawartha Lakes, be received;

That minor variance application D20-2024-085 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-093, which shall be attached to and form part of the Committee’s Decision; and,
- 2) **That** 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 COA2024-093. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of an addition onto the existing fire station
Owners:	City of Kawartha Lakes
Applicant:	Glenn Wilcox
Legal Description:	Part Park Lot 11 on Plan 105; Reference Plan 57R-4079 Parts 1 and 2
Official Plan ¹ :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Community Facility (CF) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	0.5 ha. (1.2 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Fire hall
Adjacent Uses:	Residential, community facility, agricultural, environmental protection

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located at the southeastern boundary of the Hamlet of Kinmount. The property is located at the end of Majestic Street and the surrounding area is heavily forested. The adjacent land uses include agriculture, vacant land, residential uses, and a cemetery. The property currently contains the Kinmount Fire Hall, which was constructed in 1978 (according to Municipal Property Assessment Corporation).

¹ See Schedule 1

² See Schedule 1

The proposal is to construct an addition onto the existing fire hall. The existing fire hall garage, which is used to store the fire trucks, also contains laundry facilities, a bathroom, equipment storage, and utility rooms. With the construction of the addition, these uses are to be relocated to the new portion of the hall, resulting in increased space for truck storage and allowing for the accommodation of larger trucks in the garage.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Rural under the City of Kawartha Lakes Official Plan. A variety of uses are permitted within the Rural Designation. While a fire hall is not explicitly listed as a permitted use, as per policy 34.1., nothing in the Official Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit community facility uses including municipal buildings, and this zoning has been in place since at least 1978.

Additionally, as per Policy 7.1., one of the goals of the Official Plan is to promote and enhance community facilities throughout the City to serve the residents. This goal includes the objective of providing an adequate level of police, fire protection and ambulance services to all City residents and businesses. The proposed addition to the fire hall will allow for necessary storage for fire trucks, and will allow the fire hall to continue to serve Kinmount and the surrounding area, contributing to the achievement of this goal and objective.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Community Facility (CF) Zone under the Township of Somerville Zoning By-law 78-45. Municipal buildings are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front and side yard setbacks.

Section 8.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed setback to the new addition is 2.5 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The subject property is located at the end of Majestic Street, which terminates at a privately owned property. The property across the road from the subject property is

vacant and owned by the Municipality. The proposal is not anticipated to impact sight lines or the character of the streetscape. Additionally, there is an approximately 4-metre-wide gravel shoulder between the travelled portion of the road and the front lot line of the subject property, allowing for space for the carrying out of street maintenance. As the existing fire hall has an approximately 0 metre setback from the front lot line, the new addition will not encroach beyond what exists today.

Section 8.2 e) of the Zoning By-law requires a minimum side yard setback of 4.5 metres. The proposed side yard setback of the new addition is 3.2 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The proposed side yard setback from the southern interior lot line is deficient and requires relief. To the south, the subject property abuts a vacant property that is approximately 37.2 hectares (92 acres) in size. The property is heavily vegetated. Massing and privacy issues are not anticipated. Additionally, the proposed setback is adequate for lot drainage, access between yards, and the performance of any required maintenance on the south side of the fire hall.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “No comments.”

Public Comments:

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

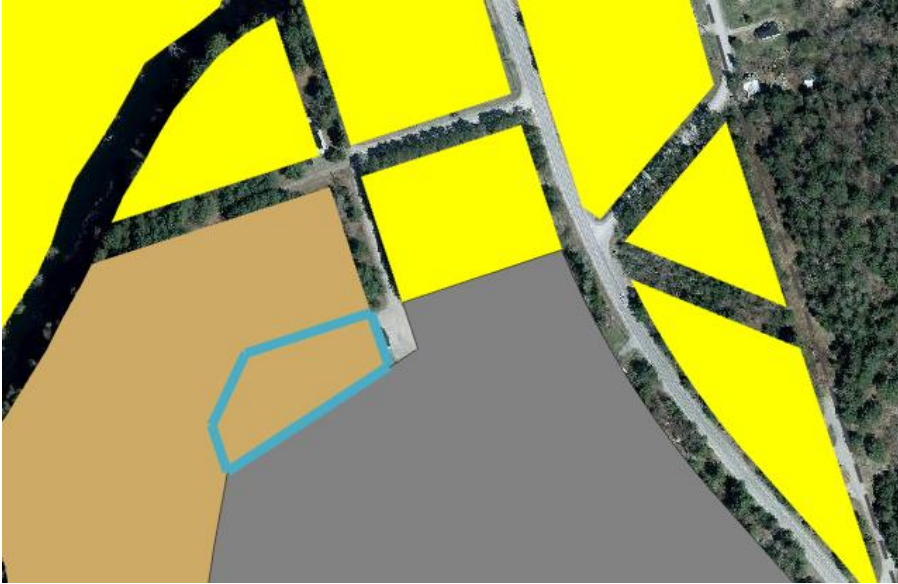
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-085

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



7. Community Facilities

7.1. Goal

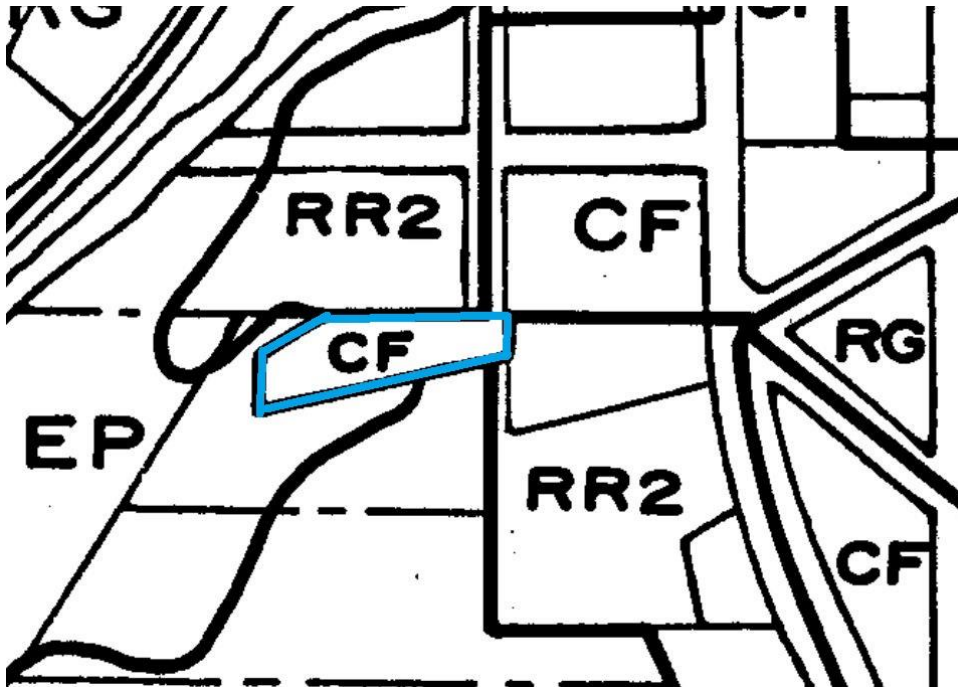
To promote and enhance the community facilities throughout the City to serve the residents

7.2. Objectives

c) Provide an adequate level of police, fire protection and ambulance services to all City residents and businesses.

16. Rural Designation

Township of Somerville Zoning By-law 78-45



Section 8 Community Facility (CF) Zone

8.1 CF Uses Permitted

8.2 Zone Provisions

- c) Minimum front yard 7.5 m
- e) Minimum side yard 4.5 m

to

REPORT COA2024-093

FILE NO: D20-2024-085

LOCATION MAP

D20-2024-085

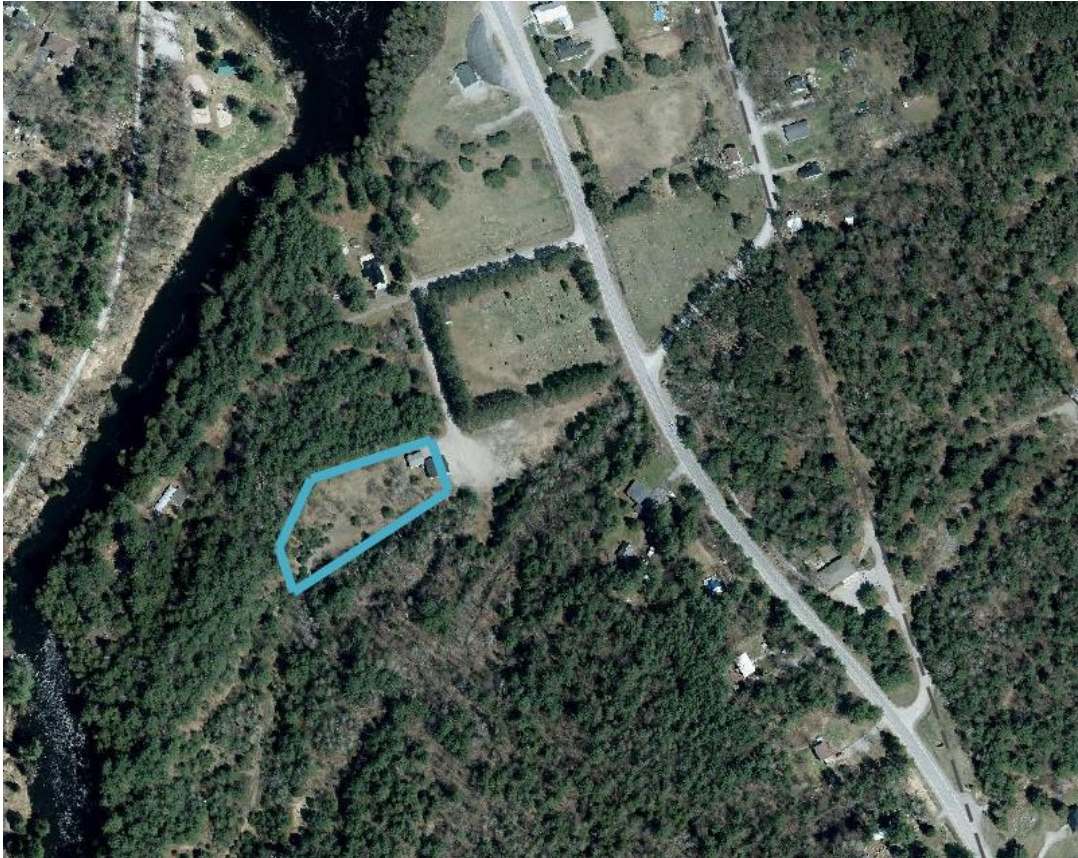


to

REPORT COA2024-093

FILE NO: D20-2024-085

AERIAL PHOTO

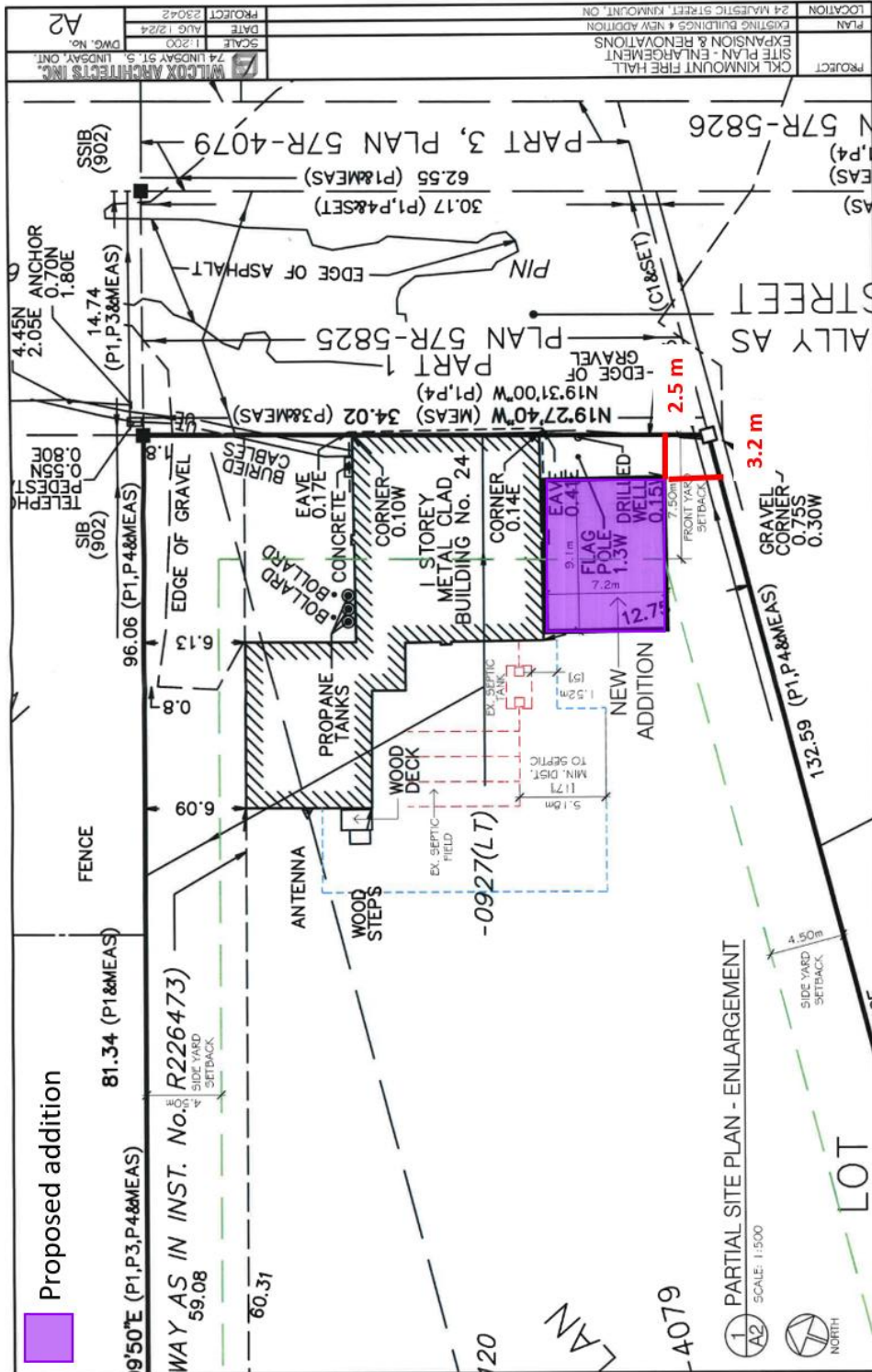


to

REPORT COA2024-093

FILE NO: D20-2024-085

APPLICANT'S SKETCH



The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Groetelaars
Report Number COA2024-094

Public Meeting

Meeting Date: September 26, 2024
Time: 2:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 7 – Geographic Township of Ops

Subject: The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey single detached dwelling with a walkout basement.

Relief sought:

1. Section 6.2 of the Zoning By-law requires a minimum rear yard setback of 9 metres; the proposed setbacks are 1.67 metres from the dwelling and 0.61 metres from the porch;
2. Section 6.2 of the Zoning By-law requires a minimum side yard setback of 3 metres; the proposed setback 1.27 metres; and,
3. Section 2.25.1 b) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 12.29 metres.

The variance is requested at **43 Loon Street** (File D20-2024-086).

Author: Katherine Evans, Senior Planner **Signature:** 

Recommendations

That Report COA2024-094 – Groetelaars, be received;

That minor variance application D20-2024-086 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report

COA2024-094, which shall be attached to and form part of the Committee's Decision;

- 2) **That** 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; and,
- 3) **That** the shipping container identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the shipping container has been removed.

This approval pertains to the application as described in report COA2024-094. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of the existing dwelling and the construction of a new two storey single detached dwelling with a walkout basement
Owners:	John and Mary Groetelaars
Applicant:	Brad Conway
Legal Description:	Part of Lot 1, Concession 1 (being Lot 3 on Plan 195)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Shoreline Residential Exception One (RS-1) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	385.5 sq. m. (41,49.5 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential and environmental protection

¹ See Schedule 1

² See Schedule 1

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in an established residential neighbourhood located on the eastern shore of Lake Scugog. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1944 (according to Municipal Property Assessment Corporation), a shed, and a shipping container.

The proposal is to demolish the existing dwelling, and construct a new two storey dwelling with a walkout basement. This property was the subject of a Minor Variance in March, 2023 (D20-2023-012). The proposal was to pick up the existing one and one half storey dwelling, move it further away from the northern interior lot line, and construct a new basement and foundation for the existing dwelling.

The dwelling was moved further from the interior lot line, but it was determined that the condition of the dwelling was not suitable for the work to continue as planned, and the proposal has since changed to the construction of an entirely new dwelling. Apart from the requested relief for the front porch, which was not a part of the original proposal, the requested reliefs are the same as what was requested and approved in 2023. However, as the proposal is significantly different from what was applied for, circulated to the public, and presented to the Committee of Adjustment, a new Minor Variance is required to permit the new proposal.

The proposed dwelling is to maintain the same footprint of the existing dwelling, with the exception of the proposed front porch. The surrounding area contains a mixture of both one and two storey dwellings, so the proposal is not out of character with the existing built form.

As per Section 2.3.1 of the Zoning By-law, a building or structure incidental to lawful construction is permitted for as long as it is necessary for the work in progress and until the work is completed or abandoned and while a valid building permit for such construction remains in force. The shipping container is to remain on the property temporarily, to be used during the construction process. Condition 3 has been included to ensure the shipping container is removed.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The property is designated Waterfront within the City of Kawartha Lakes Official Plan (2012). Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards

which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. The proposed dwelling is to maintain the same footprint as the existing dwelling, and as such the proposal is not creating a new hazard by introducing habitable space into the water setback where it does not already exist. It is not anticipated that the proposed dwelling on the existing footprint will impact the existing shoreline conditions.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Shoreline Residential Exception One (RS-1) Zone under the Township of Ops Zoning By-law 93-30. The exception zone contains a minimum lot area and minimum lot frontage that is different than those required under the RS Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear yard setback, minimum interior side yard setback, and minimum water setback.

As per the definition of front lot line, on a standard waterfront lot the shoreline is deemed the front lot line. As such, the opposite lot line which separates the property from the road is the rear lot line. As the subject property is a standard waterfront lot, the lot line which separates the property from the road (being the western lot line) is considered the rear lot line.

Section 6.2 of the Zoning By-law requires a minimum rear yard setback of 9 metres. The proposed setbacks are 1.67 metres from the dwelling and 0.61 metres from the porch. In this case, the intent of the minimum rear yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The existing dwelling has a rear yard setback of 1.67 metres, so the majority of the new dwelling will maintain this setback. The proposed porch is to encroach 1.06 metres further into the rear yard. The porch is to be approximately half the width of the dwelling.

Loon Street is privately owned and maintained. Loon Street is unique, as the travelled portion of the road is not centred within the larger road allowance. The untraveled shoulder to the east of Loon Street is approximately 4 metres wide. The untraveled shoulder to the west of Loon Street is approximately 12 metres wide. As the subject property is on the west side of Loon Street, there is a 12-metre-wide shoulder between the rear lot line of the subject property and the travelled portion of the road. This configuration allows for visual and physical separation between the travelled portion of the road and the proposed dwelling on the subject property and will allow for the sight lines and road maintenance activities to continue unimpeded by the proposed dwelling. The proposed setback from the rear lot line

is characteristic with the built form in this area, as almost all of the dwellings along this portion of Loon Street are setback a similar distance from the rear lot line.

Section 6.2 of the Zoning By-law requires a minimum side yard setback of 3 metres. The proposed setback is 1.27 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The original dwelling had a 0.37 metre setback from the northern interior lot line. As part of the work that has been done on the property, the dwelling was shifted 0.9 metres south, and now has a setback of 1.27 metres. This will allow for adequate separation for lot drainage and space for building maintenance on this side of the dwelling. The side yard to the south of the dwelling provides amenity space, space for vehicle parking and space for watercraft to be brought through the property to access the waterfront, and is the location of the existing well. The neighbouring property to the north contains a two storey dwelling, so the proposed dwelling will not result in any negative impacts to massing. As the side yard setback has been improved and the footprint of the dwelling is to be maintained, no impacts to privacy are anticipated.

Section 2.25.1 b) of the Zoning By-law requires a minimum water setback of 15 metres. The proposed setback is 12.29 metres. The intent of a minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposal is to maintain the existing water setback of 12.29 metres, so no further encroachment beyond what is existing is proposed. The proposed water setback does not vary significantly from the water setbacks established by dwellings on adjacent properties. Adequate separation between Lake Scugog and the dwelling is maintained, and no adverse massing impacts to the shoreline are anticipated as the existing and proposed setbacks are to remain the same.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “Spatial separation could be a potential issue (can be dealt with at the permit stage). No further comments.”

Public Comments:

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

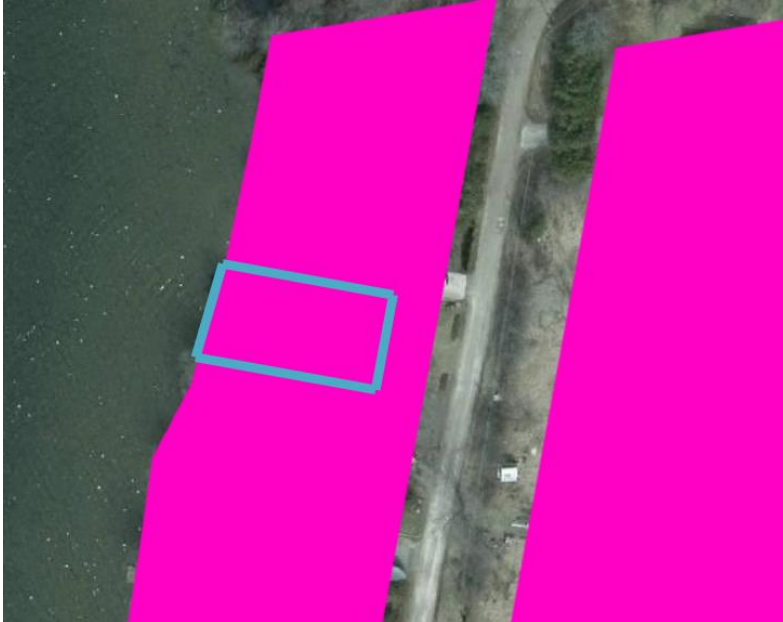
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Construction Drawings
- Appendix E – Shipping Container to be Removed

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-086

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

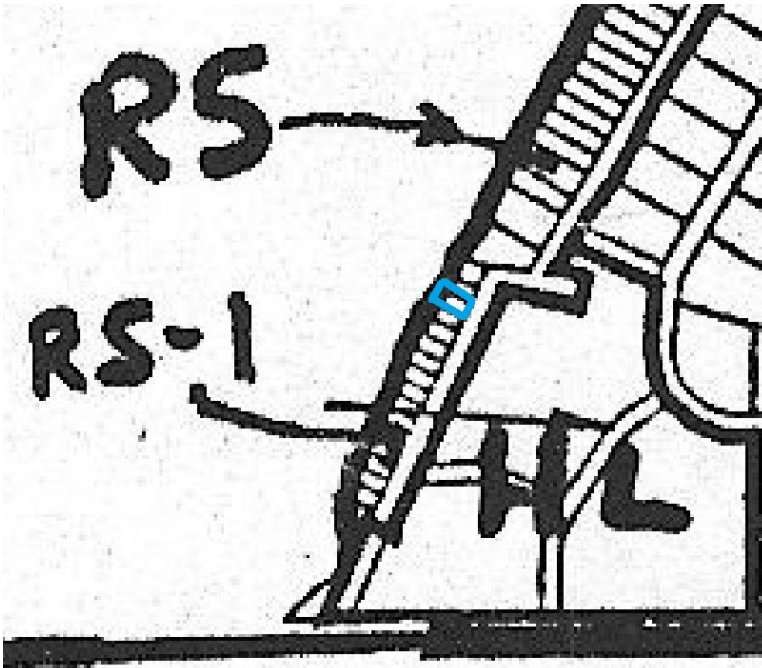


3.11. Water Setback and Accessory Uses

3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

20. Waterfront Designation

Township of Ops Zoning By-law 93-30



Section 2 General Provisions

2.3 Construction Uses

2.3.1 Temporary Uses

In any portion of the Zoned Area, a building or structure incidental to lawful construction on the lot where such building or structure is situated shall be permitted but only for as long as it is necessary for the work in progress and until the work is completed or abandoned and while a valid building permit for such construction remains in force.

2.25 Water Setbacks

2.25.1 Requirements By Zones

Unless otherwise specified in this By-law, no building or structure, other than a marine facility, shall be located closer to the high water mark of a waterbody than:

- (b) in any other zone 15 metres

Section 6 Shoreline Residential (RS) Zone

6.1 Uses Permitted

6.2 Zone Provisions

Front Yard (minimum)	9 m	
Rear Yard (minimum)	(a) main building	9 m
	(b) accessory building	6 m
Side Yard (minimum)	(a) main building	3 m
	(b) accessory building	2 m

6.3 Exceptions

6.3.1 Shoreline Residential Exception One (RS-1) Zone

Notwithstanding the provisions of the Shoreline Residential (RS) Zone, to the contrary, on lands within the shoreline Residential Exception (RS-1) Zone, the following shall apply: Minimum frontage 22 metres; Minimum Lot Area 836 square metres (8,999.sq.ft.). In all other respects, the provisions of Section 6, Shoreline Residential (RS) Zone, shall apply.

Section 19 Definitions

19.116 Lot Line, Front

In the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except, where the lot lines abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a standard waterfront lot, the shoreline shall be deemed to be the front lot line. In the case of a through waterfront lot, the longest shoreline shall be deemed to be the front lot line.

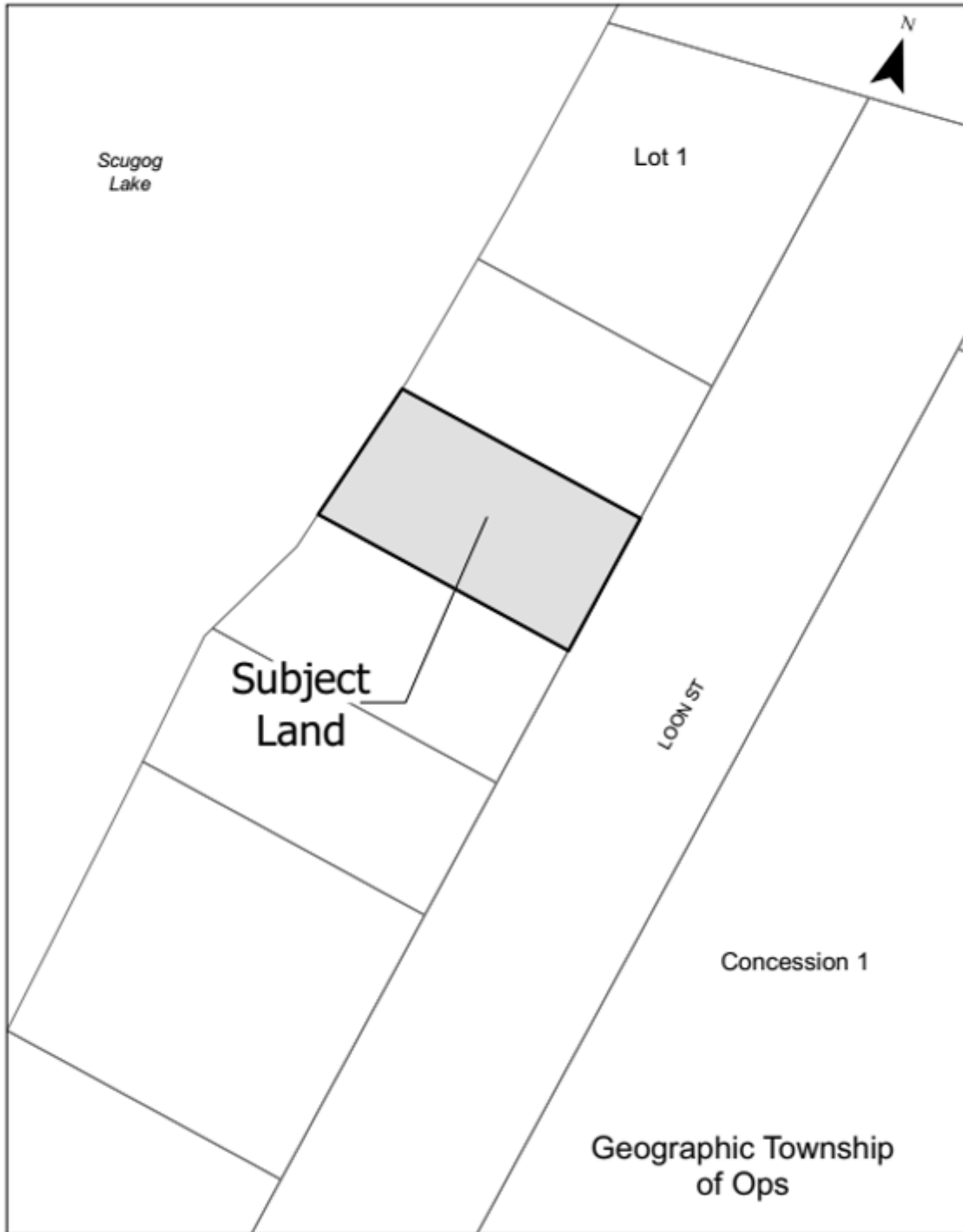
to

REPORT COA2024-094

FILE NO: D20-2024-086

LOCATION MAP

D20-2024-086



to

REPORT COA2024-094

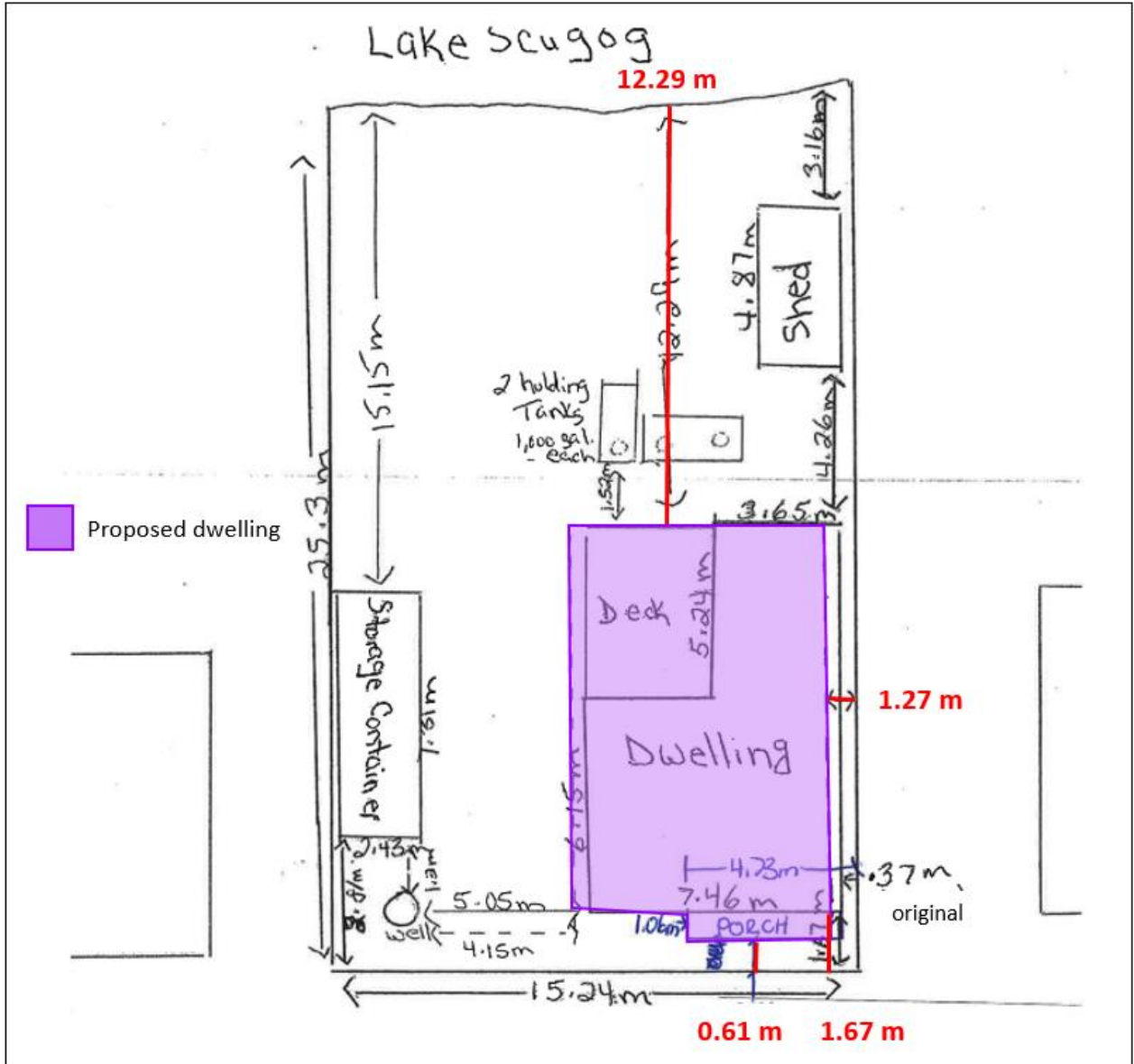
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AERIAL PHOTO



to

APPLICANT'S SKETCH



to

CONSTRUCTION DRAWINGS



Front Elevation



Side Elevation (South)



Rear Elevation



Side Elevation (North)

APPENDIX " E "

to

REPORT COA2024-094

FILE NO: D20-2024-086

SHIPPING CONTAINER TO BE REMOVED

