

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report –Fairhurst**  
Report Number COA2018-047

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**Public Meeting**

**Meeting Date:** August 16, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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**Ward: 5 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to request relief from the following provisions in order to recognize the location of:

**Detached Garage**

1. Section 13.2.1.3 (b) to reduce the minimum interior side yard setback from 3 metres to 0.89 metres; and

**Single Detached House**

2. Section 13.2.1.3 (b)(i) to reduce the minimum interior side yard setback from 1.3 metres to 1.1 metres.

The variance is requested at 258 Moorings Drive, geographic Township of Fenelon (File D20-2018-036).

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**Author:** Lydia (Cho Laam) Wong, Student Planner      **Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-047 Gary and Rhonda Fairhurst, be received;

**THAT** minor variance application D20-2018-036 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**This approval pertains to the application as described in report COA2018-036**  
**No conditions are required for the Minor Variance to be considered final and binding.**

**Background:** The property contains a single detached cottage with a patio deck, shed, and a detached garage. The application proposes to recognize the interior side yard setbacks of the cottage and garage respectively. No further development is being proposed through this application.

This application was deemed complete June 15, 2018.

Proposal: To recognize the 1.1 metres interior side yard setback of existing single detached cottage, and 0.89 metres interior side yard setback of the built detached garage.

Owner: Gary and Rhonda Fairhurst

Legal Description: Part Lot 32, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

Official Plan: Waterfront - City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Three (RR3) Zone - Township of Fenelon Zoning By-law 12-95

Site Size: 1,328 square metres (0.328 acre)

Site Servicing: Lake water system and private septic system

Existing Uses: Residential

Adjacent Uses: North: Burnt River  
East: Residential  
South: Moorings Drive/ Rural/ Cranberry Bay  
West: Residential

**Rationale:**

**1) Are the variances minor in nature? Yes**  
**And**

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

Due to the irregular lot shapes and sizes, there is great variation in lot frontage and orientation of housing stock on this road. The variation in setbacks and orientations of the subject property provides Moorings Drive with a unique character. The subject property is complimentary with the existing residential character of the neighbourhood. In terms of scale, the massing of the single detached cottage and detached garage blend in with the prevailing residential dwelling sizes in the neighbourhood. As observed from site visit by staff, there are no adverse land use compatibility issues.

In terms of appearance, the built form and style of the cottage and garage are consistent with the general character of the neighbouring residential dwellings to the east and west of the subject site.

Observations from site visit also suggest that there are adequate yard amenity and vegetative landscaping spaces. The side yard relief requested for the garage and cottage recognize an existing situation. The structures do not impact the function of the side yards, as sufficient space remains within the proposed interior side yards to facilitate access to the rear yard from the front

yard. The yards still serve as naturalization space that can retain and infiltrate surface water run-off before discharging it into the abutting waterbody.

The detached garage is adjacent to the side wall of a detached garage of the abutting residential lot. Due to the irregular lot shape, the side yard setback widens towards the lot frontage, which aids in minimizing the potential of land use conflicts. The cottage is adjacent to the side wall of the neighbouring cottage on the east side. No land use conflicts are anticipated as sufficient yard space remains between the two structures.

Based on this, the variances for the single detached cottage and detached garage will be considered minor as well as desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law?**  
**Yes**

The subject property is zoned Rural Residential Type Three (RR3) Zone within the Township of Fenelon Zoning By-law 12-95.

The 0.2 metre relief from the 1.3 metre east interior side yard setback required, and the 2.11 metre relief from the 0.89 metre west interior side yard setback required are not perceptible. Sufficient space remains within the side yards to facilitate access to the rear yard.

The existing single detached cottage has a height of 4.8 metres. It is considered low profile as it is less than the maximum height of 11 metres permitted in a Rural Residential Type Three (RR3) Zone. The existing detached garage has a height of 4.5 metres. It is also considered low profile as it is less than the maximum height of 5 metres permitted. Additionally, the proposal has not fully exercised the zoning provision privileges, utilizing lot coverage of 15% from a possible 30% maximum.

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

**4) Does the variance maintain the intent and purpose of the Official Plan?**  
**Yes**

The Waterfront designation in the City of Kawartha Lakes Official Plan permits residential uses, and accessory uses as secondary to a single detached dwelling.

The existing structures follow the Official Plan policy regarding density and massing in the Waterfront designation. It blends with the natural surroundings whilst providing an opportunity to retain the naturalization space between the rear of the building and the water's edge as reasonably possible.

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

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by lake water and private individual septic systems.

**Consultations:**

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

**Agency Comments:**

Building Division – Building Inspection/Plans Examiner (August 2, 2018): No concerns.

Kawartha Region Conservation Authority (KRCA – July 31, 2018): No objection. See comments.

**Public Comments:**

No comments as of August 7, 2018.

**Attachments:**

2018.08.16  
Appendices A-D to Re

Appendix “A” – Location map  
Appendix “B” – Air photo  
Appendix “C” – Site Plan  
Appendix “D” – Department and Agency comments

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<b>Phone:</b>	705-324-9411 ext. 1883
<b>E-Mail:</b>	lwong@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall
<b>Department File:</b>	D20-2018-036