

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Ahsan Ullah & Fahmida Nutan**  
Report Number COA2020-010

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**Public Meeting**

**Meeting Date:** July 16, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 1, former Geographic Township of Eldon**

**Subject:** The purpose and effect is to request relief from Section 13.2.1.3(a) to reduce the minimum front yard setback from 7.5 metres to 7.3 metres to permit the construction of a new single detached dwelling and 5.9 metres respectively for a covered porch on the single detached dwelling

The variance is requested at 63 North Taylor Road, geographic Township of Eldon (File D20-2020-006).

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

**Signature:** 

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**Recommendations:**

**Resolved That** Report COA2020-010 Ullah and Nutan, be received;

**That** minor variance application D20-2020-006 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-010, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** prior to proceeding with the building permit process the owner shall apply for a deeming by-law to ensure Lot 16 of Plan 224 consolidate with Part of Lot 54, North of Portage Road in order to comply with the reduced lot area of 895 square metres granted by the Committee in application D20-17-046, and the by-law be in effect.

**This approval pertains to the application as described in report COA2020-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** Relief was previously sought from the minimum lot area requirement for an existing lot of record was sought to construct a replacement dwelling on the property via application D20-17-046. On November 9, 2017, the Committee granted the requested relief.

Construction of the dwelling proceeded. Drawings were submitted to the Building Division identifying that the dwelling had been constructed in the wrong place: its front wall and covered porch were within the minimum front yard setback requirement.

Upon further review of the application it has been determined that the property is actually two parcels: a whole of a lot (lot 16) within a registered plan of subdivision (Plan 224) that has the potential to be separately conveyed and some land along the shoreline (Part of Lot 54, North of Portage Road). The 895 square metre lot area sought and granted in D20-17-046 applies if the lands were consolidated. Condition 2 has been incorporated to consolidate the parcels and bring the property in to conformity with the Committee's 2017 decision.

The application was submitted on January 27, 2020.

**Proposal:** To recognize a two-storey single detached dwelling and covered porch.

**Owners:** Ahsan Ullah and Fahmida Nutan

**Applicant:** Jim Even – C.T. Strongman Survey

**Legal Description:** Lot 16, Plan 224; Part of Lot 54, North of Portage Road, geographic Township of Eldon, now City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan

**Zone:** Limited Service Residential (LSR) Zone within the Township of Eldon Zoning By-law 94-14

**Site Size:** 895 square metres (9,633.6 square feet)

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

**Existing Uses:** Shoreline Residential

**Adjacent Uses:**

North:	Mitchell Lake
East, West:	Rural Residential
South:	Vacant Rural Land

**Rationale:**

**1) Is the variance minor in nature? Yes**  
**And**

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

The subject property is situated on the north shore of an island within Mitchell Lake, along a road containing many shoreline residential dwellings.

Many of the dwellings in this neighbourhood were constructed prior to the 1970's and are smaller in size and height. Many are less than 185 square metres in area. The subject property and the property to the east, 65 North Taylor Road, are newer builds. It is anticipated that this neighbourhood will experience a change in building form over time trending towards larger, higher dwellings.

Most of the dwellings within the neighbourhood do not contain garages, but front yard parking areas. The subject property also has a front yard parking area across most of its front lot line. To accommodate this parking, there is no vegetative buffering along the front lot line. This parking layout and absence of front yard vegetation is also present at number 65. As the vegetation is absent, the building is already more visually prominent within the streetscape. The slightly increased proximity of 0.2 metres to the road causes no additional impacts to massing or neighbourhood character than a house that meets the 7.5 metre setback.

The covered porch is completely open. As such, it proposes no structural massing with respect to the road, serves to add visual interest and assists in breaking up the two storey wall.

Due to the above analysis, the variance is minor in nature and 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 within the Limited Service Residential (LSR) Zone. The LSR Zone permits seasonal and year-round residential use.

One of the intents of the front yard setback is to provide sufficient spatial separation between the road allowance and built form for the parking of vehicles. Two 2.8 x 6 metre parking spaces are required for a single detached dwelling. Two spaces may be accommodated to the northeast of the covered porch. Another function of the front yard setback is to provide sufficient space for snow storage. Snow storage capability was demonstrated via creating a small island near the centre of the front lot line and additional deposition area around the drilled well.

Therefore, the variance maintains 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 property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

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 a private individual well and sewage system.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (July 6, 2020): No concerns.

**Public Comments:**

No comments as of July 6, 2020.

**Attachments:**



Appendices A-D to  
Report COA2020-006

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

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<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2020-006

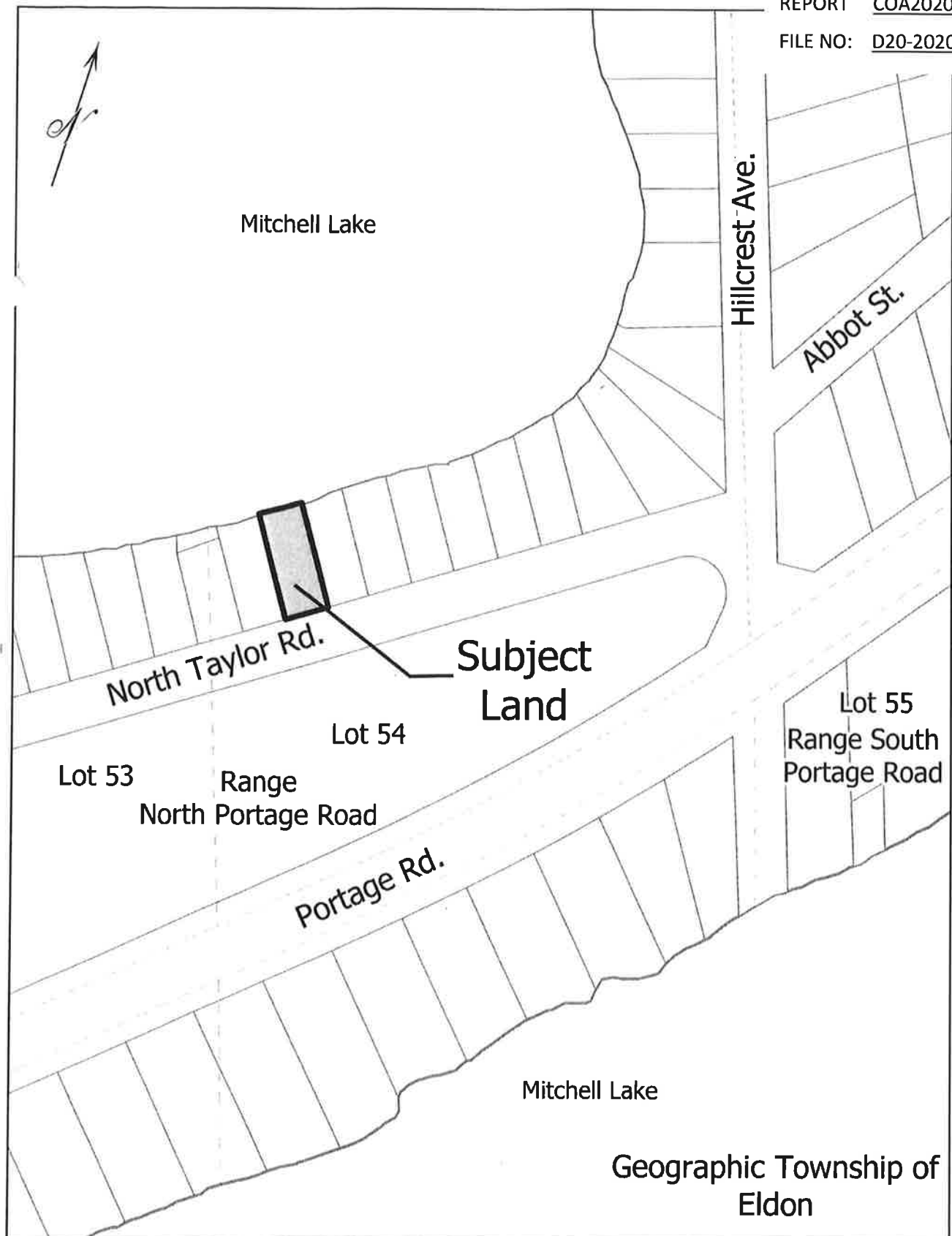
# D20-2020-006

APPENDIX " A "

to

REPORT COA2020-010

FILE NO: D20-2020-006



# 63 North Taylor Road, geographic Twp. of Eldon



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



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

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APPENDIX " B "  
to  
REPORT COA2020-010  
FILE NO: D20-2020-006



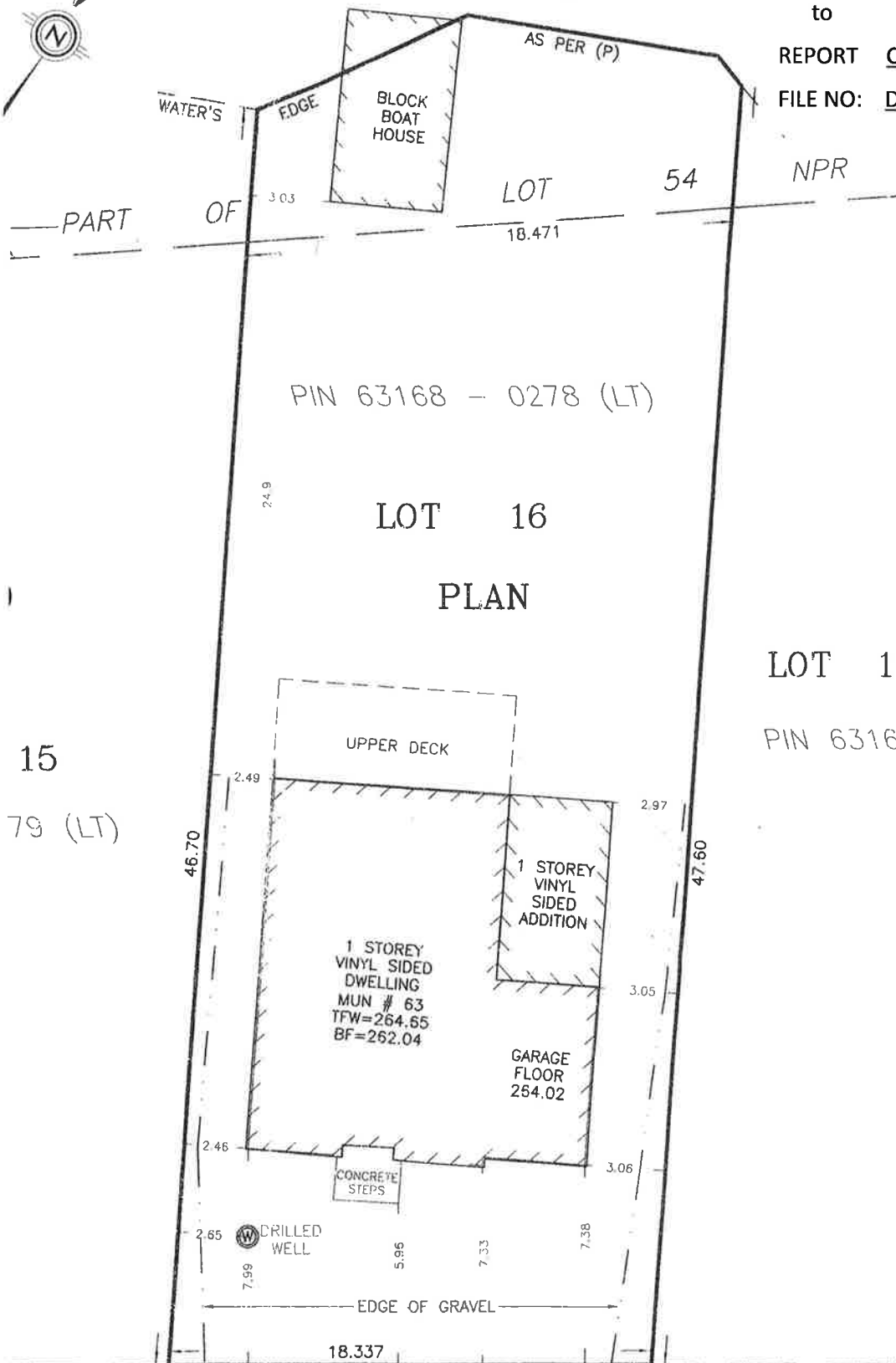
# MITCHELL LAKE

APPENDIX " C "

to

REPORT COA2020-010

FILE NO: D20-2020-006



KNOWN AS NORTH TAYL

## Charlotte Crockford-Toomey

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**From:** Kim Rhodes  
**Sent:** Monday, July 6, 2020 1:36 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20200706 D20-2020-006 - Engineering review

APPENDIX D  
to  
REPORT COA 2020-010  
FILE NO. D20-2020-006

**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2020-006  
63 North Taylor Road  
Lot 16, Plan 224, Part of Lot 54, North of Portage Road  
Geographic Township of Eldon, Ward 1

It is the understanding by Engineering that the purpose and effect is to consider relief:

1. to reduce the minimum front yard setback from 7.5 metres to 7.3 metres to permit the construction of a new single detached dwelling and 5.9 metres respectively for a covered porch on the single detached dwelling; and
2. to reduce the minimum lot area from 930 square metres to 895 square metres to permit the construction of the new single detached dwelling.

*From an engineering perspective, we have no objection to the proposed Minor Variance.*

Please do not hesitate to contact our office if you have any questions.

Thanks,

*CHRISTINA*

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
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