

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Jane and Paul McCabe**  
Report Number COA2021-026

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**Public Meeting**

**Meeting Date:** April 15, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 7 – Geographic Township of Ops**

**Subject:** The purpose and effect is to request relief from the following provisions in order to fulfill a condition of provisional Consent associated with a lot line adjustment as part of Consent File D03-2020-027 by recognizing the location of an existing detached garage:

1. Section 5.2 in order recognize a reduced front yard setback from 9 metres to 2.32 metres

The variance is requested at 308 Cross Creek Road, former geographic Township of Ops (File D20-2021-016).

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**Author:** Kent Stainton, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2021-026 McCabe, be received;

**That** minor variance application D20-2021-016 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-027, lapses.

**This approval pertains to the application as described in report COA2021-026. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The Director of Development Services, as delegated by Council, is in the process of granting provisional consent for file D03-2020-027 to sever approximately 980 square metres from vacant land on Cross Creek Road and add the lands to 308 Cross Creek Road. The resultant benefitting lands would be

approximately 0.49 hectares (1.2 acres) in size. The applicant has agreed to the conditions of the staff recommendation.

Through review of the consent application, it was determined that the subject property is a corner lot, abutting an unopen road allowance and as such, the western lot line was determined to be the front lot line. An existing detached garage permitted is located within the front yard of the subject property. Condition 5 of the provisional consent approval requires a variance to recognize the reduced front yard setback of the garage in relation to the front lot line. The application is concurrent with minor variance file no. D20-2021-015; whereby, an undersized agricultural lot is being recognized.

This application was deemed complete on March 12, 2021.

Proposal:	The acknowledgement of the location of the location of the detached garage is associated with a consent application to facilitate a lot addition to an abutting residential property. The justification for the lot line adjustment is to address the encroachment of a swimming pool, wood furnace and well servicing the benefitting lands. No new lot is being created and no new construction is proposed through the application		
Owners:	Jane and Paul McCabe		
Applicant:	Roberta Perdue		
Legal Description:	308 Cross Creek Road, Part Lot 10, Concession 4, geographic Township of Ops, City of Kawartha Lakes		
Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan (2012).		
Zone:	'Agricultural (A)' Zone within the Township of Ops Zoning By-law 93-30.		
Site Size:	Currently, the property is approximately 0.398 Hectares (0.98 acres)		
Site Servicing:	Private individual well and private individual septic system		
Existing Uses:	Residential		
Adjacent Uses:	North: Agricultural, Rural Residential	South: Scugog River,	
	East: Agricultural, Rural Residential	West: Rural 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**

The subject property is located within a rural neighbourhood southeast of the former Town of Lindsay. The bungalow with walkout basement to the east was constructed in 1974 (according to MPAC). The predominant surrounding land use in the area is agriculture with the Scugog River located to the south of the property.

As the lot abuts a road allowance to the west, it is considered a corner lot. In this case, since the western lot line is shorter than the northern lot line, the western yard is considered the 'front yard' for the purposes of administering the Zoning By-law. Definition notwithstanding, the front yard functions as an exterior side yard. Correspondence with Engineering and Corporate Assets Division has provided that the unopened road allowance (a continuation of Bridle Road) will not be opened.

A Building Permit was issued for the detached garage in 1992. While the construction predates the current Township of Ops Zoning By-law, the previous iteration of the Zoning By-law from 1987 also identifies the front yard setback for detached structures as being 9 metres. Noteworthy is the fact that neither version of the Zoning By-law restricts the placement of accessory buildings or structures from being situated in the front yard. The variance is requested to acknowledge and rectify the reduced front yard setback.

The proposal will acknowledge the existing location of the garage in relation to the front lot line. There are no anticipated massing issues and impacts to sightlines. Overall, the functionality of the front yard will not be diminished.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

The subject property is zoned Agricultural (A) Zone under the Township of Ops Zoning By-law 93-09. In accordance with the Zoning By-law, since the lot was created by consent, the permitted uses and provisions revert to the Rural Residential (RR) Zone. The RR Zone permits a single detached dwelling and accessory uses.

As the the intent of the front yard setback is to provide separation between the road and residential uses, acknowledging the existing 2.32 metre setback is appropriate. The front lot line is delineated by dense vegetation screening the property from the road allowance and the neighbouring property at 300 Cross Creek Road to the west. The front yard setback of 2.32 metre is of sufficient space to provide for lot and building maintenance as well.

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

**4) Do the variances maintain the intent and purpose of the Official Plan?**

**Yes**

The property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan. Residential dwellings along with accessory uses are anticipated within this designation. No additional development is proposed through the application.

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 subject property is serviced by a private individual well and private septic system.

**Consultations:**

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

**Agency Comments:**

Development Engineering Division (April 1, 2021): No objections.

Building Division (April 1, 2021): No concerns.

Septic Division (April 1, 2021): The property has a current sewage system located within the boundaries of the property and there is sufficient room to replace the system should the current one fail. As such, the Building and Septic Division has no concerns as they relate to on-site sewage disposal.

**Public Comments:**

No comments have been received as of April 7, 2021.

**Attachments:**



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

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Richard Holy, Acting-Director of Development Services  
**Department File:** D20-2021-016

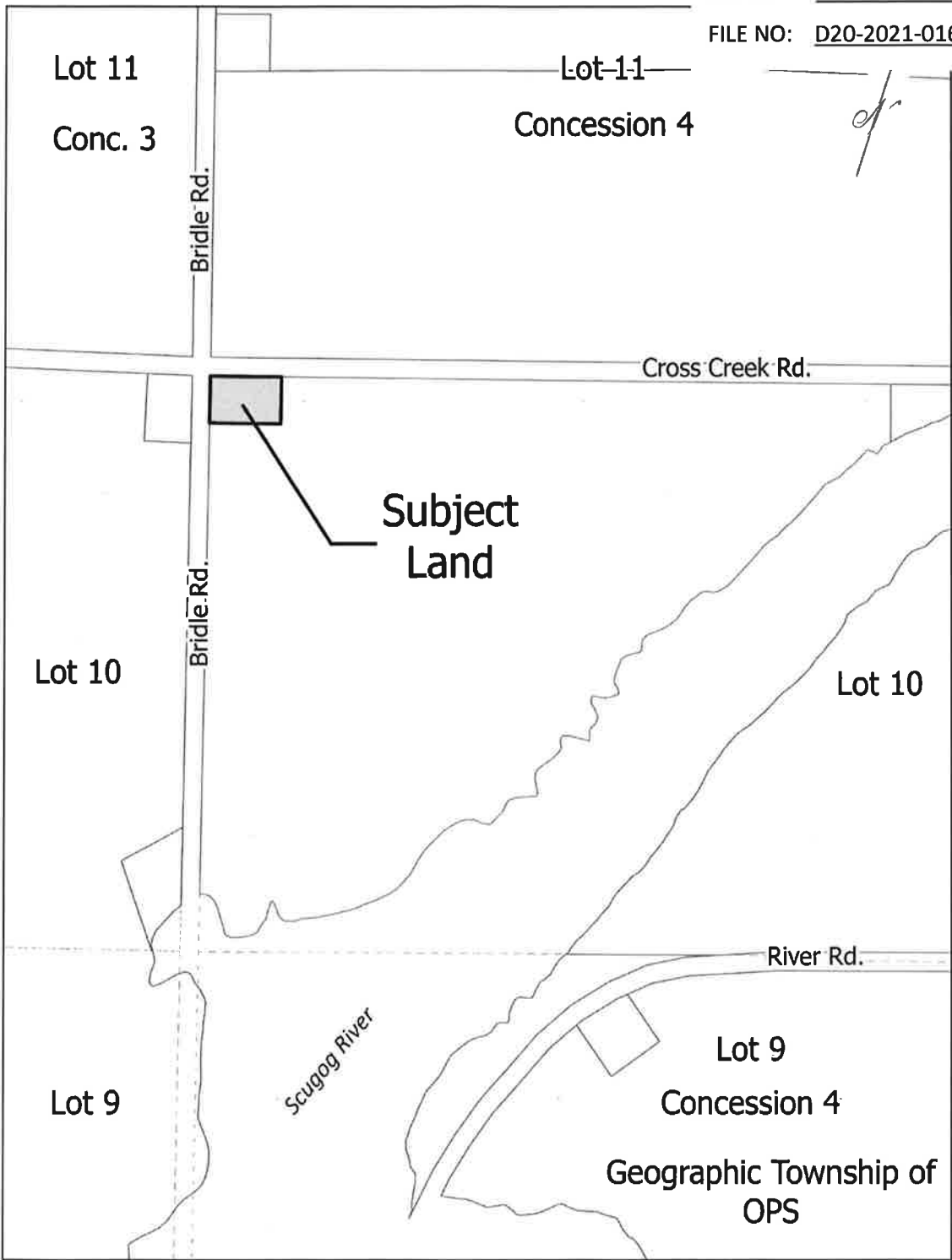
# D20-2021-016

APPENDIX " A "

to

REPORT COA2021-026

FILE NO: D20-2021-016





GEOMATICS  
MAPPING

## 308 Cross Creek Road, Former Geographic Township of Ops



### Legend

- ☐ Property Roll Number
- ☐ Lots and Concessions

### Notes

Notes

APPENDIX " B "

to

REPORT COA2021-026  
FILE NO: D20-2021-016

0.22

Kilometers

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

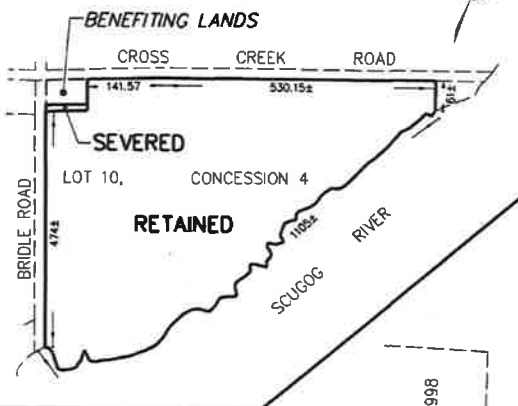


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

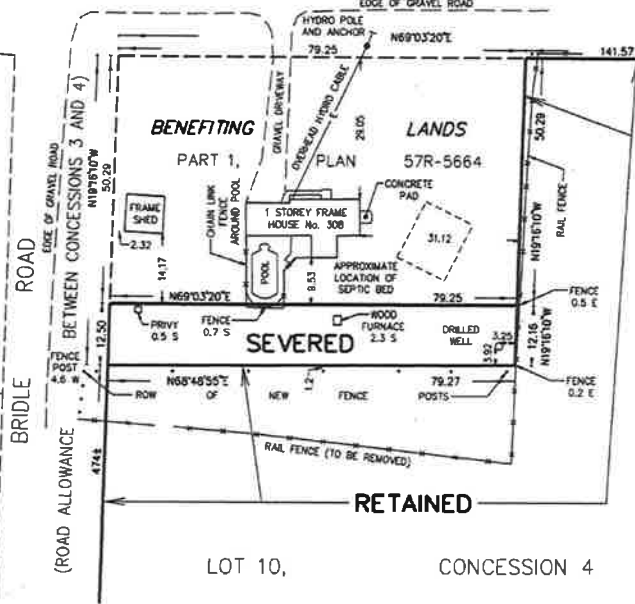
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

# KEY MAP

SCALE 1:7500



LOT 10,  
CONCESSION 3  
PART 1, PLAN 57R-5998



## SKETCH FOR SEVERANCE McCABE LANDS GEOGRAPHIC TOWNSHIP OF OPS CITY OF KAWARTHA LAKES

SCALE 1 : 750



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**METRIC** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

### SUBJECT LANDS

PART OF N1/2 LOT 10 AND PART OF S1/2 LOT 10, CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF OPS  
BEING PIN 63200-0829(LT)

TOTAL AREA = 27.4± ha. (67.7± ac.)

### SEVERED

AREA = 0.098 ha. (0.24 ac.)

### RETAINED

AREA = 27.302± ha. (67.46± ac.)

### BENEFITING LANDS

PART OF N1/2 LOT 10, CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF OPS  
BEING PART 1, PLAN 57R-5664 (PIN 63200-0829(LT))

AREA = 0.398 ha. (0.98 ac.)

AREA OF HOUSE = 176.9 sq.m.  
AREA OF SHED = 54.7 sq.m.

### NOTE

SEVERED LANDS TO BE ADDED TO BENEFITING LANDS.

### CURRENT ZONING:

AGRICULTURAL (A) ZONE

### CAUTION:

THIS PLAN IS NOT A PLAN OF SURVEY AND EXCEPT FOR THE PURPOSE INDICATED IN THE



REPORT COA2021-026  
FILE NO: D20-2021-016

APPENDIX " C " to



## Kent Stainton

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**From:** Mark LaHay  
**Sent:** Thursday, April 1, 2021 1:32 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210401 D20-2021-016 - Engineering review

FYI - file

**From:** Kim Rhodes  
**Sent:** Thursday, April 1, 2021 1:22 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210401 D20-2021-016 - Engineering review

APPENDIX " D "  
to  
REPORT COA 2021-026  
FILE NO. D20-2021-016

**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 – D20-2021-016  
308 Cross Creek Road  
Geographic Township of Ops

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.2 of the Zoning By-law in order recognize a reduced front yard setback from 9 metres to 2.32 metres, acknowledging the existing detached garage. The variance is required to fulfil a condition of provisional consent (File No. D03-2020-027) for a lot line adjustment.

*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  
Lean Six Sigma Black Belt  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## Kent Stainton

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**From:** Charlotte Crockford  
**Sent:** Thursday, April 1, 2021 12:03 PM  
**To:** Kent Stainton  
**Subject:** FW: D20-2021-015 & D20-2021-016

Fyi

I will save to the digital file.

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit [www.kawarthalakes.ca/covid19](http://www.kawarthalakes.ca/covid19)

**From:** Anne Elmhirst  
**Sent:** Thursday, April 1, 2021 10:03 AM  
**To:** Charlotte Crockford  
**Subject:** D20-2021-015 & D20-2021-016

Hello Charlotte,

I have reviewed the Minor Variance applications D20-2021-015 & 016 for a request for relief for the minimum front lot line setback and minimum lot size.

The property has a current sewage system located within the boundaries of the property and there is sufficient room to replace the system should the current one fail.

As such, the Building and Septic Division has no concerns as they relate to on-site sewage disposal.

Best Regards,

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

Supervisor – Part 8 Sewage Systems

Development Services - Building and Septic Division, City of Kawartha Lakes

705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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## Kent Stainton

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**From:** Charlotte Crockford  
**Sent:** Thursday, April 1, 2021 11:56 AM  
**To:** Kent Stainton  
**Subject:** FW: Notice of Public Hearing D20-2021-15Cross Creek Road and 016, 308 Cross Creek Road

Fyi  
I will save to digital file.

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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**From:** Derryk Wolven  
**Sent:** Thursday, April 1, 2021 9:12 AM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing D20-2021-15Cross Creek Road and 016, 308 Cross Creek Road

Building division has no concerns with the above noted applications.

**From:** Charlotte Crockford <[ccrockford@kawarthalakes.ca](mailto:ccrockford@kawarthalakes.ca)>  
**Sent:** Wednesday, March 31, 2021 4:22 PM  
**To:** Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Kim Rhodes <[krhodes@kawarthalakes.ca](mailto:krhodes@kawarthalakes.ca)>; Patrick O'Reilly <[poreilly@kawarthalakes.ca](mailto:poreilly@kawarthalakes.ca)>; Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>; Derryk Wolven <[dwolven@kawarthalakes.ca](mailto:dwolven@kawarthalakes.ca)>; Anne Elmhirst <[aelmhirst@kawarthalakes.ca](mailto:aelmhirst@kawarthalakes.ca)>  
**Subject:** Notice of Public Hearing D20-2021-15Cross Creek Road and 016, 308 Cross Creek Road

Good afternoon

Please find attached the Notice of Public Hearing for application D20-2021-015 and 016 to be heard at the Committee of Adjustment Meeting on April 15, 2021.

Many thanks

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



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