

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Kevin Brasier and Theresa Henry**

Report Number COA2021-028

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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: 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to re-create two residential lots that have merged on title by seeking relief from the following provisions:

**26 Sanderling Court**

1. Section 11.2.1.2 to reduce the minimum lot frontage requirement from 38 metres to 23 metres,
2. Section 11.2.1.3(b) to reduce the minimum interior side yard from 3 metres on the south side to 2.8 metres; and

**28 Sanderling Court**

3. Section 11.2.1.2 to reduce the minimum lot frontage requirement from 38 metres to 29 metres.

The variances are requested at 26 and 28 Sanderling Court, geographic Township of Fenelon (File D20-2021-021).

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

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2021-028 Brasier/Henry, be received;

**That** minor variance application D20-2021-021 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the application shall be deemed to be refused if the related consent application D03-2020-011 lapses;
- 2) **That** the variances pertaining to 26 Sanderling Court shall only apply to said address once the lands are divided;

- 3) **That** the variance pertaining to 28 Sanderling Court shall only apply to said address once the lands are divided.

**This approval pertains to the application as described in report COA2021-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

Background:	<p>This application was submitted in anticipation of the issuance of a decision by the Acting Director of Development Services for consent file D03-2020-011. The owners have agreed with the proposed conditions within the staff recommendation for the consent. One of the conditions of consent is to obtain variances for lot frontage and interior side yard setback in order to re-create the two residential lots.</p> <p>The application will serve to re-establish independent ownership over the single detached dwellings addressed as 26 and 28 Sanderling Court. Each parcel became part of a lot within a plan of subdivision and thus lost their Planning Act protections from a merger on title granted under Section 50(3) when a new lot was created to the west under consent application D03-07-047 in 2008. While the lots merged on title, they continue to function independently of one another and are separated by a fence and hedge.</p> <p>This application was submitted March 25, 2021.</p>
Proposal:	To re-create two residential lots.
Owners:	Kevin Brasier and Theresa Henry
Legal Description:	26 and 28 Sanderling Court, Part Lots 1 and 2, Plan 400, geographic Township of Fenelon, City of Kawartha Lakes
Official Plan:	"Prime Agricultural" within the City of Kawartha Lakes Official Plan
Zone:	"Rural Residential Type One (RR1) Zone" within the Township of Fenelon Zoning By-law 12-95
Site Size:	26 Sanderling Court – 2,855 square metres (30,730.9 square feet) 28 Sanderling Court – 2,825 square metres (30,408 square feet)
Site Servicing:	Private individual well and septic system for each dwelling
Existing Uses:	Rural Residential
Adjacent Uses:	North, East: Rural Residential

West: Rural Residential, Agricultural, Forest  
South: Agricultural

**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 part of a smaller plan of subdivision surrounded by agricultural uses. The application will serve to re-establish independent ownership over the single detached dwellings addressed as 26 and 28 Sanderling Court. While the lots merged on title, they continue to function independently of one another and are separated by a fence and hedge.

As each side of the subject property is developed with a dwelling, the perceived frontage is not changing as a result of this application. Further, the frontages proposed are in keeping with the other rural residential lots along Sanderling Court.

For the proposed interior side yard setback reduction from the dwelling at 26 Sanderling Court to the mutual lot line, sufficient space remains for access and maintenance purposes. Also, it is not anticipated that the 0.3 metre reduction from one corner of the dwelling will be perceptible. As the attached garages of each dwelling border the proposed mutual lot line, and the relief is being requested for the corner containing the garage, there is no anticipated loss of privacy as the closest wall of each dwelling to the mutual lot line contain attached garages.

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

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

The subject property is zoned "Rural Residential Type One (RR1) Zone" within the Township of Fenelon Zoning By-law 12-95. The RR1 Zone permits single detached dwellings.

The intent of the lot frontage provision is to ensure the residential lots are sufficiently sized to accommodate a building along with private servicing. The frontage provision appears to have been written on the premise that a lot within the RR1 Zone would be rectangular in nature. The two proposed residential lots to be re-established are pie shaped. They do contain sufficient area to contain and support two dwellings, as is evidenced by the two dwellings that exist. However, the building envelopes are situated further back from the road.

The intent of the interior side yard provision is to ensure sufficient spatial separation between lots to manage massing, property maintenance issues, and lot grading and drainage issues. Due to the pie-shaped nature of the lots, only one of the two corners of the dwelling requires relief from the interior side yard provision. It is not anticipated that the 0.3 metre reduction on one corner will be perceptible. Further, there is sufficient distance between the dwelling and lot

line to carry out needed maintenance, and Development Engineering has not raised any issues with respect to lot grading and drainage.

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**

Within the City of Kawartha Lakes Official Plan (Official Plan), the property is designated "Prime Agricultural". The "Prime Agricultural" designation recognizes the importance of protecting agricultural lands for agricultural purposes. This designation also recognizes the existence of clusters of rural residential lots within this designation. The application seeks to reconfigure the ownership of a residential lot with two established residential uses by re-establishing the independent ownership of the two single detached dwellings.

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:**

Each dwelling 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 (April 1, 2021): No concerns.

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

**Public Comments:**

No comments as of April 6, 2021.

**Attachments:**



Appendices A-D to  
COA2021-028.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Richard Holy, Acting-Director of Development Services  
**Department File:** D20-2021-021

to

D20-2021-021

REPORT COA2021-028

FILE NO: D20-2021-021

Geographic Township  
of Fenelon

Lot 1

Concession 7



Subject  
Land

Sanderling Crt.

Pickerel Point Rd.

Unopened

Lot 29

Concession 7

Geographic Township  
of Ops

Kawartha Lakes Rd. 36



GEOMATICS  
MAPPING

## 26 and 28 Sanderling Court, geographic Twp. of Fenelon



0.11

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

APPENDIX " B "  
to  
REPORT COA2021-028  
FILE NO: D20-2021-021

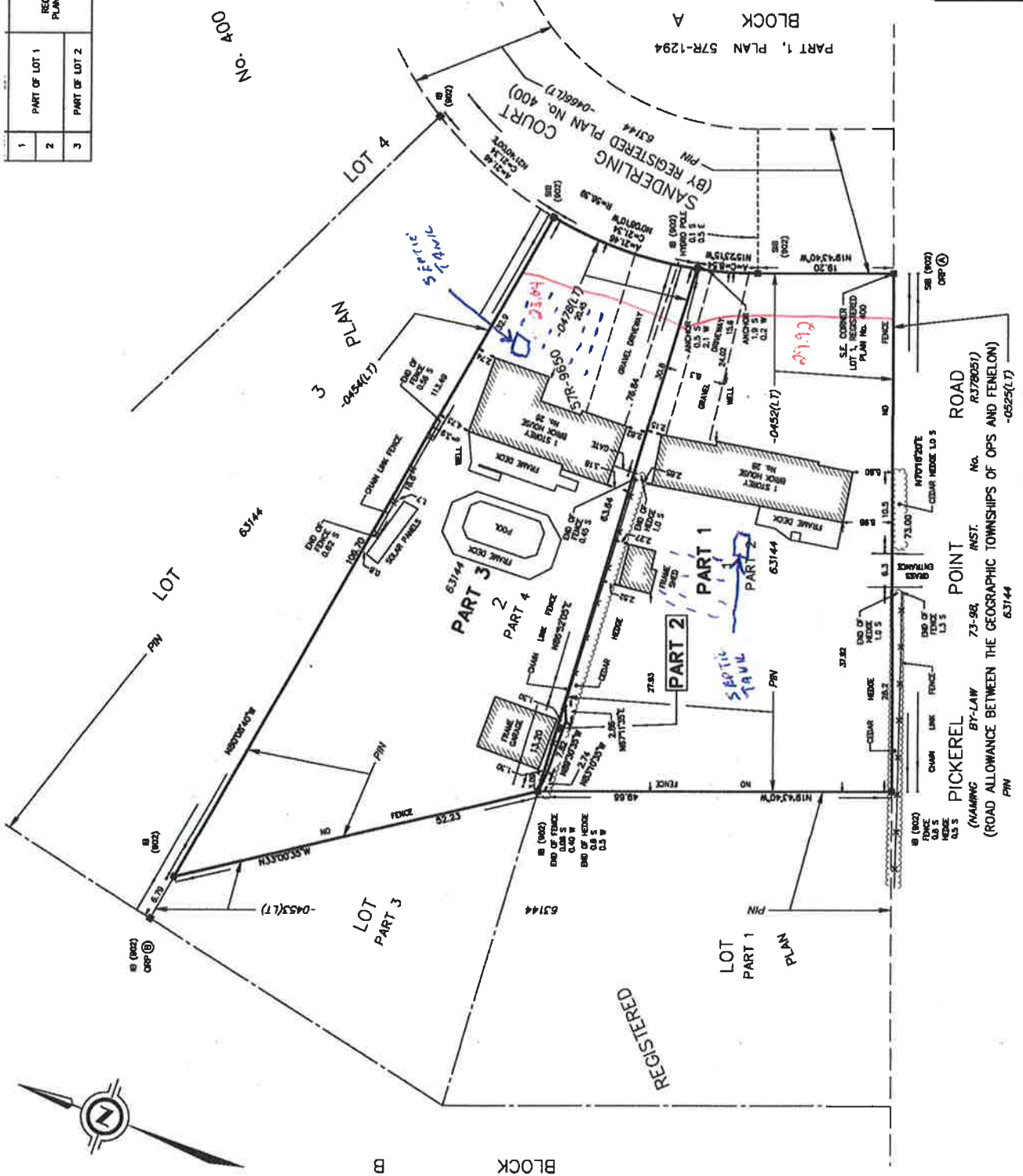


to

REPORT COA2021-028

FILE NO: D20-2021-021

REGISTERED PLAN No. 40		
1	PART OF LOT 1	
2		PART OF LOT 2
3		





**David Harding**

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**From:** Mark LaHay  
**Sent:** Thursday, April 1, 2021 1:31 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210401 D20-2021-021 - Engineering review  
  
**Importance:** High

APPENDIX " D "  
to  
REPORT COA 2021-02K  
FILE NO. D20-2021-021

FYI - file

**From:** Kim Rhodes  
**Sent:** Thursday, April 1, 2021 1:03 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210401 D20-2021-021 - Engineering review  
**Importance:** High

**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 – D20-2021-021  
26 and 28 Sanderling Court, Fenelon  
Part of Lots 1 and 2, Plan 400  
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to re-create two residential lots that have merged on title by seeking relief from the following provisions:

**26 Sanderling Court**

1. Section 11.2.1.2 to reduce the minimum lot frontage requirement from 38 metres to 23 metres;
2. Section 11.2.1.3(b) to reduce the minimum interior side yard from 3 metres on the south side to 2.8 metres; and

**28 Sanderling Court**

3. Section 11.2.1.2 to reduce the minimum lot frontage requirement from 38 metres to 29 metres.

*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)



**Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.**

## David Harding

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**From:** Derryk Wolven  
**Sent:** Thursday, April 1, 2021 11:45 AM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing D20-2021-021, 26 and 28 Sanderling Court, Fenelon

Building division has no concerns with the above noted application.

**From:** Charlotte Crockford  
**Sent:** Thursday, April 1, 2021 10:53 AM  
**To:** Christina Sisson ; Kim Rhodes ; Ron Ashmore ; Susanne Murchison ; Derryk Wolven  
**Subject:** Notice of Public Hearing D20-2021-021, 26 and 28 Sanderling Court, Fenelon

Good morning

Please find attached the Notice of Public Hearing for application D20-2021-021 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)



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)