

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Allan and Deborah Wilcox**  
Report Number COA2021-016

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**Public Meeting**

**Meeting Date:** May 20, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 3 – Former Village of Fenelon Falls**

**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 D03-2020-022:

1. Section 4.3.2 (a) to reduce the minimum lot area from 670 square metres to 398.6 square metres,
2. Section 4.3.2 (b) to reduce the minimum frontage requirement from 18 metres to 13.8 metres.

The variance is requested at 39 Elliot Street, former Village of Fenelon Falls (File D20-2021-009).

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**Author:** Kent Stainton, Planner II

**Signature:**



**Recommendations:**

**Resolved That** Report COA2021-016 Wilcox, be received;

**That** minor variance application D20-2021-009 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the variance shall apply solely to the proposed retained portion of the subject property;
- 2) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-022, lapses.

**This approval pertains to the application as described in report COA2021-016. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** On February 24, 2021, the Director of Development Services, as delegated by Council, granted provisional consent for file

D03-2020-022 to sever approximately 172.9 square metres from 39 Elliot Street and add the lands to 35 Elliot Street, resulting in an approximately 537 square metre parcel. Condition 3 of the provisional consent approval requires a variance to the proposed retained parcel to recognize the reduced lot area and frontage for the resultant lot.

Upon reviewing the submitted application, staff determined that the resultant configuration of the benefitting lands, identified as 35 Elliot Street, would also be deficient in lot area, notwithstanding receipt of the severed lands, in accordance with the provisions of the Residential Type One (R1) Zone of the Village of Fenelon Falls Zoning By-law 89-25. A revised staff recommendation was issued on March 4, 2021.

As is common practice with variances required as conditions of provisional Consent, all associated properties that are subject to variances are typically heard at the same hearing for convenience. As opposed to hearing variance application D20-2021-009 at the March 18, 2021 meeting and the variance application for 35 Elliot Street at a subsequent hearing, Planning staff requested the Committee consider deferring the application for a period of not more than two months with the applications returning concurrently at the latest to the May 2021 meeting. The request for deferral was granted.

This application was deemed complete on February 19, 2021.

Proposal:	To facilitate a lot addition to an abutting residential property. The justification for the lot line adjustment is to address the encroachment of a driveway and gravel pad onto the abutting parcel and give the benefitting lot supplementary interior side yard space.
Owners:	Allan and Deborah Wilcox
Legal Description:	39 Elliot Street, Part Lot 106, Plan 25, former Village of Fenelon Falls, City of Kawartha Lakes
Official Plan:	Severed & Retained - Low Density Residential within the Village of Fenelon Falls Official Plan
Zone:	Severed & Retained - Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25
Site Size:	Severed – 172.9 square metres (1,861 square feet) Retained – 398.6 square metres (4,290.5 square feet)
Site Servicing:	Severed & Retained - Municipal water and sanitary system

Existing Uses: Severed – Vacant, gravel driveway  
Retained - Residential

Adjacent Uses: North: Commercial, Residential  
East, South, 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**

The subject property is situated in a well-established residential neighbourhood composed of single and two-storey single detached dwellings. The majority of the dwellings within the immediate vicinity of the subject property are over eighty (80) years old and part of an older Plan of Subdivision (Plan 25). The present-day lot fabric was created as part of the aforementioned Plan of Subdivision.

The property is fully developed with a single detached dwelling, driveway and accessory buildings and structures. Both lots are also connected to full municipal servicing. For these reasons, the proposed reductions in lot area and frontage are not anticipated to adversely impact the character of the neighbourhood. Noteworthy is the fact that many of the neighbouring lots also possess similar area and frontage dimensions.

The proposed variance will address an encroachment issue relating to the location of a driveway and gravel pad by giving the benefitting lot at 35 Elliot Street supplementary interior side yard space

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 Residential Type One (R1) Zone within the Village of Fenelon Falls Zoning By-law 89-25. The R1 zone permits a variety of residential uses, including single detached dwellings.

An intent of the minimum lot area and frontage standards in the By-law is to ensure carrying capacity and adequate spatial separation between a dwelling, well and septic system. The subject lands were created as part of a Registered Plan of Subdivision that predates the Village of Fenelon Falls Zoning By-law. Moreover, as both parcels are connected to Municipal servicing, the resultant lot area and frontage allows for appropriate servicing and spatial separation. It is also important to note that the Village of Fenelon Falls Zoning does not quantify absolute minimum lot area and frontage less than required through a separate provision for both serviced and unserved lots.

The proposed lot boundary changes do not appear to impact existing lot coverage compliance (23.2% resultant lot coverage for the subject lands) or generate any side yard setback complications.

The detached frame garage in the rear yard of the subject lands predates the Village of Fenelon Falls Zoning By-law 89-25 and was constructed in 1942 according to MPAC.

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**

As the Fenelon Falls Secondary Plan is under appeal, the Village of Fenelon Falls Official Plan is in effect. The property is designated "Low Density Residential" within the Official Plan. The designation anticipates that the land within that designation will primarily be used for residential purposes and permits a variety of residential densities. The Official Plan supports the consent process with respect to lot additions. The single detached dwelling on the subject property is permitted within the designation.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

Both residential parcels are serviced by Municipal water and sanitary sewer systems.

**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 (March 8, 2021): No concerns.

Building and Septic Division (March 4, 2021): No concerns.

**Public Comments:**

No comments have been received as of May 12, 2021.

**Attachments:**



Appendices A-D to  
COA2021-016.pdf

- 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:** D20-2021-009

# D20-2021-009

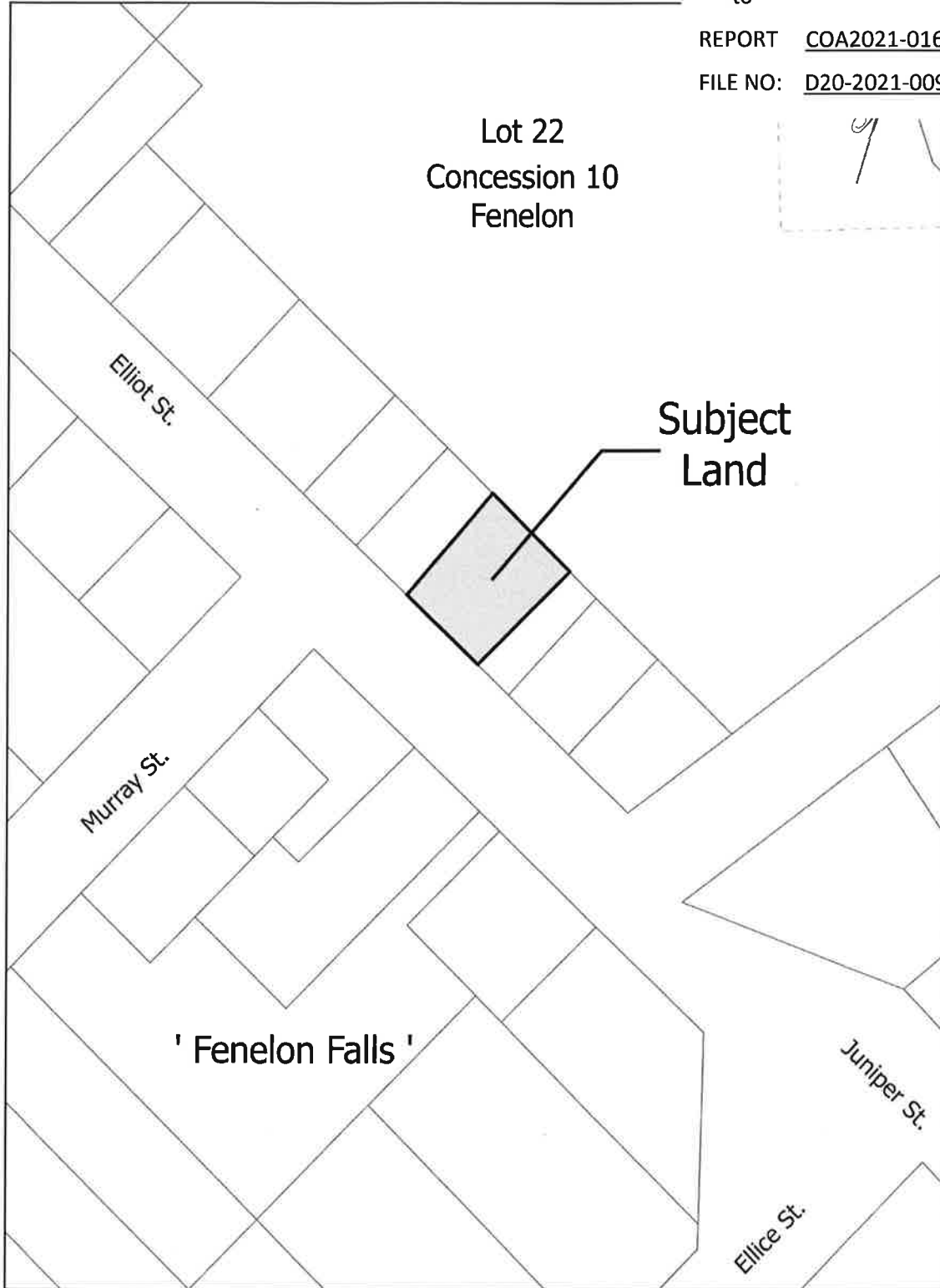
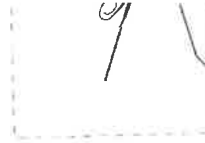
APPENDIX " A "

to

REPORT COA2021-016

FILE NO: D20-2021-009

Lot 22  
Concession 10  
Fenelon



Subject  
Land

' Fenelon Falls '

### 35 Elliot Street, former Village of Fenelon Falls



**Legend**  
 Property Roll Number

**Notes**  
Notes

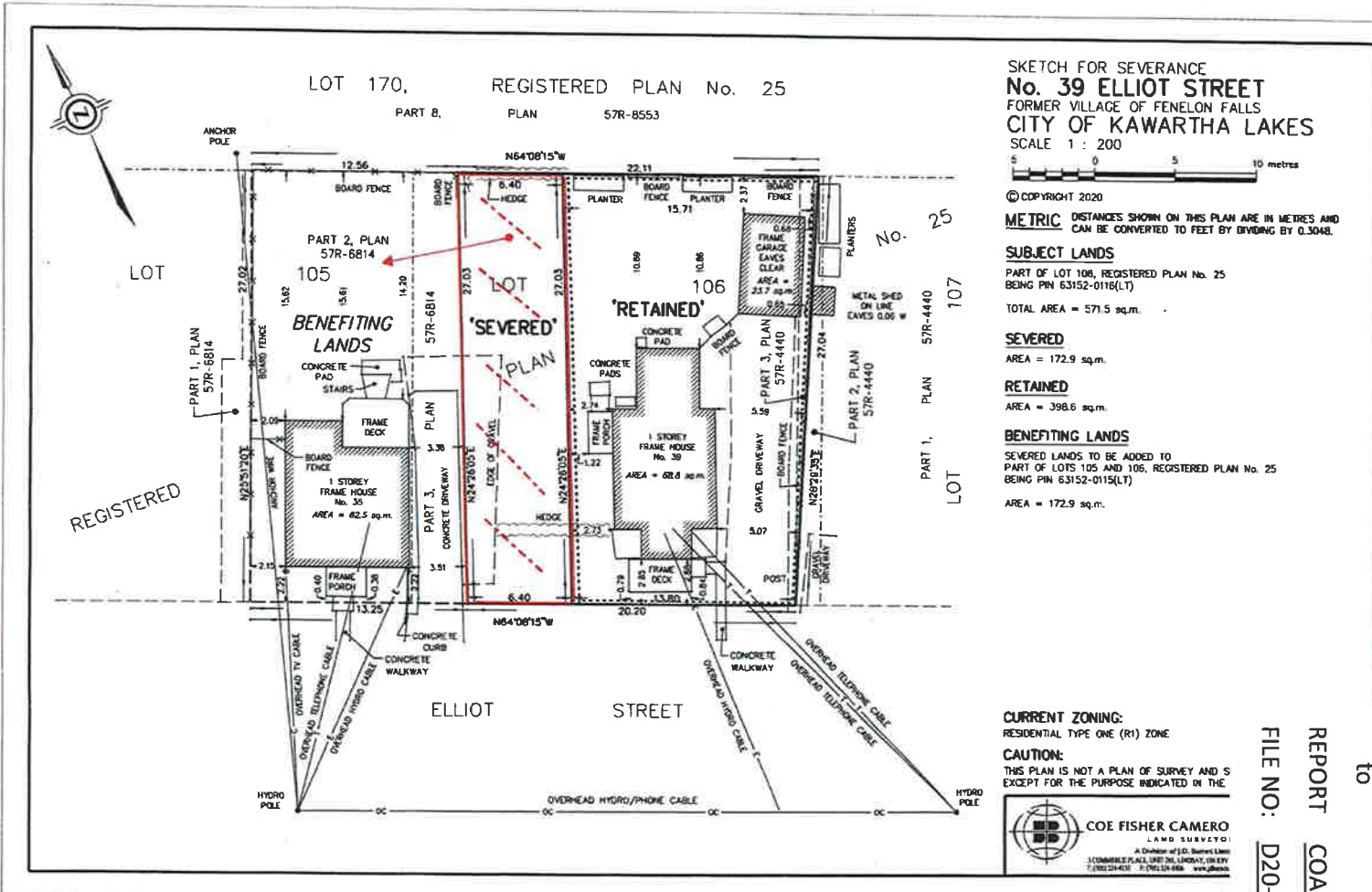
0.04 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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 COA2021-016  
FILE NO: D20-2021-009



SKETCH FOR SEVERANCE  
**No. 39 ELLIOT STREET**  
 FORMER VILLAGE OF FENELON FALLS  
 CITY OF KAWARTHA LAKES  
 SCALE 1 : 200

© COPYRIGHT 2020  
**METRIC** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SUBJECT LANDS**  
 PART OF LOT 106, REGISTERED PLAN No. 25 BEING PIN 63152-0116(LT)  
 TOTAL AREA = 571.5 sq.m.

**SEVERED**  
 AREA = 172.9 sq.m.

**RETAINED**  
 AREA = 398.6 sq.m.

**BENEFITING LANDS**  
 SEVERED LANDS TO BE ADDED TO PART OF LOTS 105 AND 106, REGISTERED PLAN No. 25 BEING PIN 63152-0115(LT)  
 AREA = 172.9 sq.m.

**CURRENT ZONING:**  
 RESIDENTIAL TYPE ONE (R1) ZONE

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

**COE FISHER CAMERO**  
 LAND SURVEYORS  
 A Division of J.D. Cameron Limited  
 3 COMMERCE PLACE UNIT 101, LONDON, ON N6C 1Y9  
 T: (519) 234-4131 F: (519) 234-6888 www.cfc.com

REPORT COA2021-016  
 FILE NO: D20-2021-009

APPENDIX " C " to

d:\p\20-00-000-11-001\kawa0106.dwg



## Kent Stainton

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**From:** Mark LaHay  
**Sent:** Monday, March 8, 2021 11:04 AM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20210308 D20-2021-009 - Engineering review

**Importance:** High

APPENDIX " D "  
to

REPORT COA2021-016

FILE NO. D20-2021-009

FYI - file

**From:** Kim Rhodes  
**Sent:** Monday, March 8, 2021 8:54 AM  
**To:** Mark LaHay  
**Cc:** Christina Sisson ; Kirk Timms ; Benjamin Courville  
**Subject:** 20210308 D20-2021-009 - Engineering review  
**Importance:** High

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

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

Minor Variance – D20-2021-009  
39 Elliot Street  
Part Lot 106, Plan 100  
Former Village of Fenelon Falls

It is the understanding by Engineering that the purpose and effect is to request relief from the following sections in order to fulfil a condition of provisional consent (File No. D03-2020-022) for a lot line adjustment:

1. Section 43.2(a) to reduce the minimum lot area required of the Residential Type One (R1) Zone for lots serviced by Municipal water supply and sanitary sewers from 670 square metres to 398.6 square metres;
2. Section 4.3.2(b) to reduce the minimum frontage required of the Residential Type One (R1) Zone for lots serviced by Municipal water supply and sanitary sewers from 18 metres to 13.8 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.**

## Kent Stainton

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**From:** Derryk Wolven  
**Sent:** Thursday, March 4, 2021 12:21 PM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing for Minor Variance D20-2021-009, 39 Elliot Street, Fenelon Falls

Please be advised building division has no concerns with the above noted application.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes  
705-324-9411 ext 1273  
[www.kawarthlakes.ca](http://www.kawarthlakes.ca)

