

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gopsill and Mulder**  
**Report Number COA2022-008**

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**Public Meeting**

**Meeting Date:** January 20, 2022  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 3 – Geographic Township of Fenelon and Former Village of Sturgeon Point**

**Subject:** The purpose and effect is to seek relief from the following provisions in order to construct a pool and recognize a shed:

**Sturgeon Point By-law**

1. Section 5.3.2 to permit a pool and shed whereas only landscaping and residential uses not containing a building or structure is currently permitted,
2. Section 3.1(b) to permit a pool and shed within the front yard whereas only a side or rear yard is permitted; and
3. Section 3.1(b) to reduce the minimum rear yard setback for a pool from 1.2 metres to 0.

**Fenelon By-law**

4. Section 3.1.2.1 to permit a pool within the front yard whereas only a side or rear yard is permitted; and
5. Section 3.1.2.2 to reduce the minimum side lot line setback for a pool from 1.2 metres to 0.

The variances are requested at 22 Forest Road, geographic Township of Fenelon and former Village of Sturgeon Point (File D20-2021-081).

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

**Signature:**



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**Recommendation:**

**Resolved That** Report COA2022-008 Gopsill and Mulder, be received;

**That** minor variance application D20-2021-081 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 COA2022-008, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2022-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** This application was last amended January 10, 2022. The relief sought for the shed was originally advertised as relief for a cabin, as the owner wished to apply to recognize the building in its current location and allow for future cabin use. However, the Building and Septic Division identified concerns with the capacity of the existing sewage system if the building were to be used as a cabin. In light of the comments, the owners revised their application seeking relief for a shed instead of a cabin. The building is currently used as a shed and home office.

**Proposal:** To permit an accessory building (shed) and accessory structure (pool) within the front yard.

**Owners:** Howard Gopsill and Antonja Mulder

**Legal Description:** Part Lot 11, Concession 10, geographic Township of Fenelon, Part 4, 57R-7271, former Village of Sturgeon Point

**Official Plan:** "Development Area Plan Nine Special Policy Three (DP-9(3))" 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  
"Single Residential Type One Exception Two (R1-2) Zone" within the Village of Sturgeon Point By-law 339

**Site Size:** 7,486.7 square metres (1.85 acres)

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

Existing Uses: Residential

Adjacent Uses: North: Agricultural, Forest  
South, East, West: Residential

**Rationale:** The subject property has the unique circumstance of being subject to two zoning by-laws. The space between the front lot line and south wall of the house is primarily within the Sturgeon Point By-law, and the balance of the property is within the Fenelon Zoning By-law.

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

The subject property is located on the west side of the Sturgeon Point community. The lots within this area are wide, deep, and heavily forested. As a result, the neighbourhood is characterized by forest with winding driveways intermittently connecting to the road, dwellings set well back from the road, and the forest providing substantial screening of the dwellings from the road and from one another.

The shed is proposed about 41 metres from the front lot line and pool about 31 metres from the front lot line. The majority of the front yard is forested. Only the yard area nearest the dwelling is maintained lawn and cleared of trees. The substantial spatial separation along with the vegetative buffering is anticipated to effectively screen the two structures from the road.

Both structures are modest in relation to the footprint of the dwelling and are located on the west and east side of the front yard respectively. Due to their placement and scale, should they be visible from the road, they are not anticipated to visually detract from the primary use of the dwelling. The land to the side of the structures is forested on both the subject property and the abutting residential lots: 16 and 30 Forest Road. The accessory structures are not anticipated to adversely impact the function of the front yards of the abutting properties.

The variances are minor in nature.

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

The property is heavily forested. The lands immediately around the dwelling are maintained as manicured lawn. The sewage system is within the rear yard. The most viable cleared space to place a pool and shed are within the front yard. Both structures are relatively small.

The subject property is surrounded on all sides by vegetative buffers, which effectively screen the property from the road and neighbouring lots. No adverse land use impacts are anticipated due to the presence of the vegetative buffers.

The pool will add additional outdoor recreational amenity space and the shed will provide additional storage and home office space.

Due to the above analysis, the variances are 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 southernmost portion of the property is within the Single Residential Type One Exception Two (R1-2) Zone” of the Village of Sturgeon Point By-law 339. The balance of the property is “Rural Residential Type One (RR1) Zone” within the Township of Fenelon Zoning By-law 12-95.

The R1-2 Zone permits landscaping and related uses accessory to a single detached dwelling. The RR1 Zone permits a single detached dwelling.

The boundary between the two by-laws runs on a northwest-southeast diagonal through the front yard of the subject property and the front yard of the property to the east: 16 Forest Road. While all five residential lots on the north side of Forest Road are subject to two different by-laws, numbers 16 and 22 have the least land subject to the Sturgeon Point By-law. Given the generous depth of both lots, and the fact that development within this neighbourhood is set well back from the road, the R1-2 Zone likely intended for development to occur further back on the parcel, and for vegetation to be preserved within the front yards. The RR1 Zoning on the balance of the two lots reinforces this interpretation.

The intent of the R1-2 Zone is being maintained as the shed is proposed about 41 metres from the front lot line and pool about 31 metres from the front lot line. As such, the built form is located well away from the road, and does not impact the ability of the established forest vegetation to screen the uses from the road.

The by-law permits a shed to be used as a home office. No adverse impacts are anticipated to having the shed function as a home office.

The reliefs from the minimum side yard and rear yard setbacks are sought for the pool due to the placement of the zone boundary through the property. The zone boundary runs through the proposed pool location. However, the overall setback between the pool and the mutual lots lines is substantially greater.

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 within the “Development Area Plan Nine Special Policy Three (DP-9(3))” designation within the City of Kawartha Lakes Official Plan. The designation applies to the lands north of Irene Avenue, east of Forest Avenue, and west of Sturgeon Point Road. The intent of the designation is to prevent the further subdivision of land until a Secondary Plan for the area has been implemented. The Secondary Plan will address the compatibility of new development in relation to the established Sturgeon Point community. Existing lots of record are excluded from this policy.

The intent of the Official Plan is maintained as improvement to an existing lot of record is proposed.

**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 (January 7, 2022): No concerns

Building and Septic Division – Part 8 Sewage System Supervisor (January 10, 2022): If the accessory building is proposed to be a cabin, additional review is required as there may be challenges with the capacity of the existing sewage system. No concerns with using the accessory building as a shed/home office, or with the placement of the pool.

Building and Septic Division – Chief Building Official (January 10, 2022): No concerns. A pool permit is required for the proposed pool.

**Public Comments:**

No comments received as of January 11, 2022.

**Attachments:**

Appendices A-D  
COA2022-008.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 1206

**E-Mail:** dharding@kawarthalakes.ca

**Department Head:** Richard Holy, Acting Director of Development Services

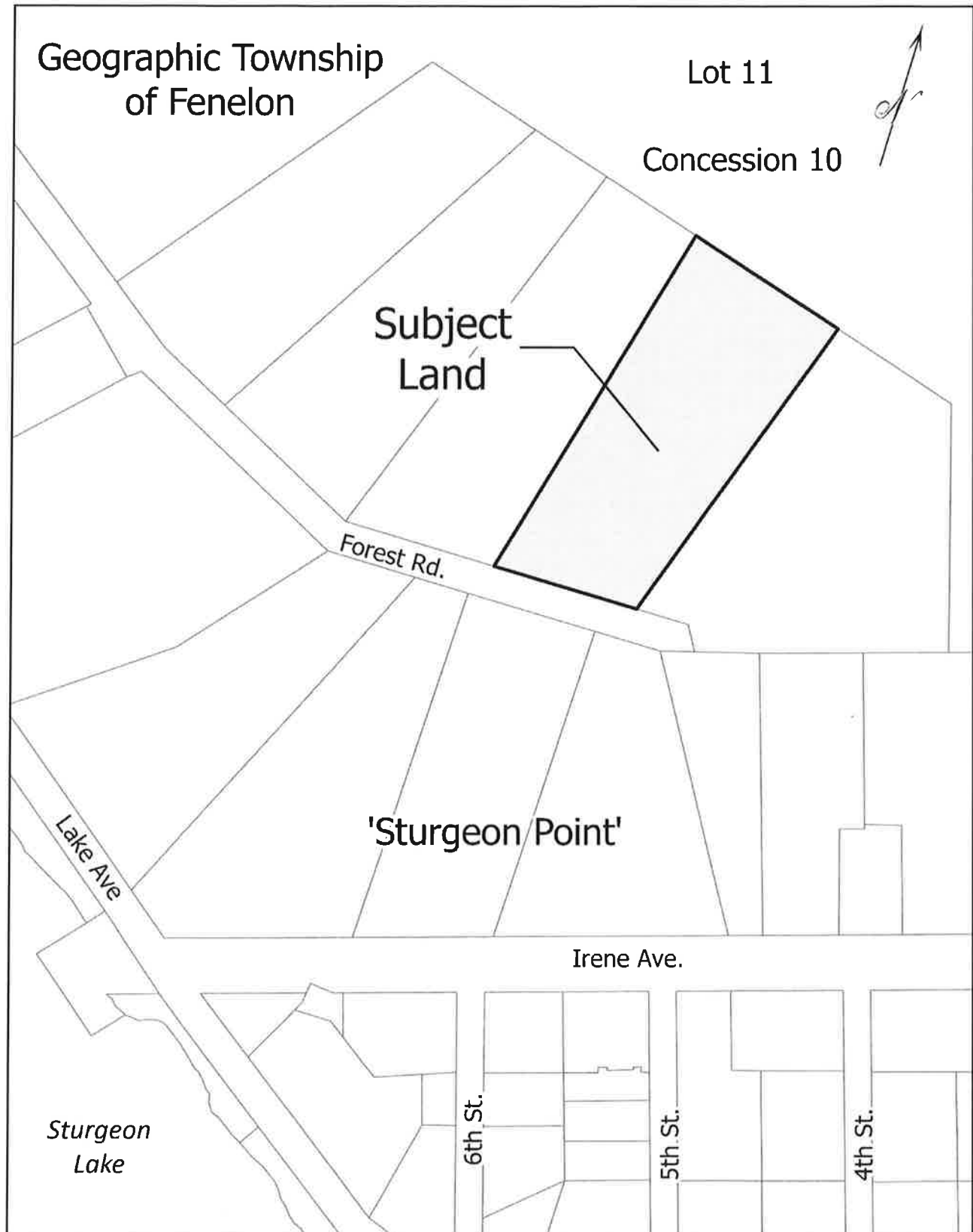
**Department File:** D20-2021-081

to

REPORT COA2022-008

FILE NO: D20-2021-081

D20-2021-081



# 22 Forest Road, Geographic Twp. of Fenelon, Former Village of Sturgeon Point



0.11 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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This map is a user generated static map output and is for reference only. It may not reflect current or other data, layers and text that appear on this map.

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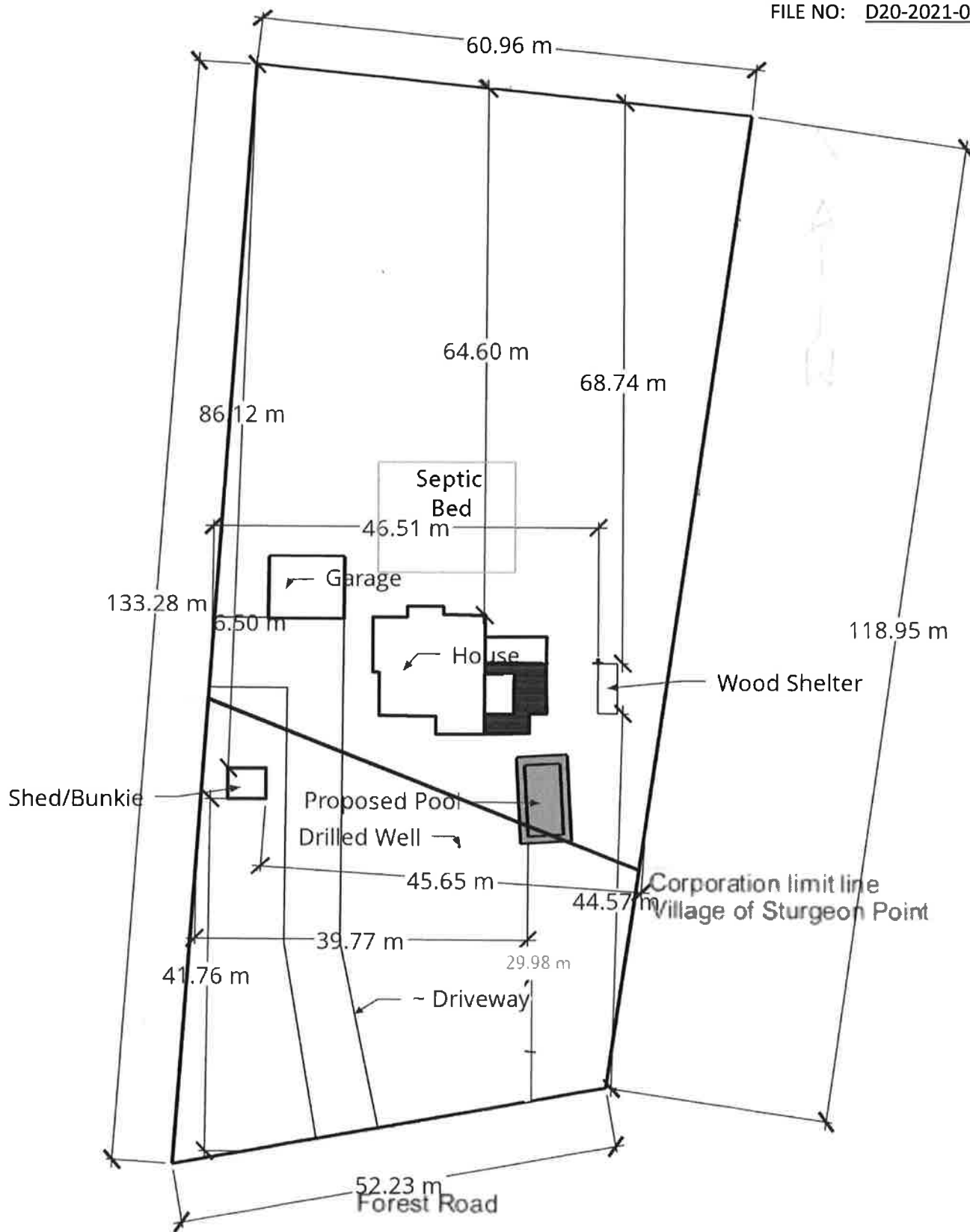
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APPENDIX " B "  
to

to

REPORT COA2022-008

FILE NO: D20-2021-081





## David Harding

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**From:** Charlotte Crockford  
**Sent:** Monday, January 10, 2022 4:28 PM  
**To:** David Harding; Kent Stainton  
**Subject:** FW: MV comments

APPENDIX " D "  
to  
REPORT CoA2022-008  
FILE NO. D20-2021-081

fyi

**Charlotte K. 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)

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**From:** Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>  
**Sent:** Monday, January 10, 2022 4:16 PM  
**To:** Charlotte Crockford <[ccrockford@kawarthalakes.ca](mailto:ccrockford@kawarthalakes.ca)>  
**Subject:** MV comments

The Building and Septic Division comments, save and except comments being provided by the Supervisor of Part 8 Sewage Systems, are as follows:

- |                                |                                                                                                 |
|--------------------------------|-------------------------------------------------------------------------------------------------|
| D20-2021-071<br>other concerns | a building permit will be required for the proposed replacement dwelling, no other concerns     |
| D20-2021-075<br>concerns       | a building permit will be required for the proposed industrial building, no other concerns      |
| D20-2021-076<br>concerns       | a building permit will be required for the proposed detached garage, no other concerns          |
| D20-2021-078<br>other concerns | a building permit will be required for the proposed addition to the dwelling, no other concerns |
| D20-2021-079<br>concerns       | a building permit will be required for the proposed detached garage, no other concerns          |

D20-2021-080 completion of the pending building permit application will be required for the proposed second storey dwelling addition and deck addition, an outstanding building permit BP2012-1137 for the installation of solar panels on the dwelling and garage requires a final inspection to close the file

D20-2021-081 a pool permit will be required for the proposed pool, no other concerns

**Susanne Murchison, CBCO**

Chief Building Official

Building & Septic Division, Development Services, City of Kawartha Lakes

705-324-9411 ext. 1200 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## **David Harding**

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**From:** Kim Rhodes  
**Sent:** Friday, January 7, 2022 8:44 AM  
**To:** Mark LaHay  
**Cc:** Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead  
**Subject:** 20220107 D20-2021-081 - Engineering review

**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 – D20-2021-081  
22 Forest Road  
Geographic Township of Fenelon and former Village of Sturgeon Point

It is the understanding by Engineering that the purpose and effect is to see relief from the following provisions in order to construct a pool and recognize a cabin:

Sturgeon Point By-law

1. Section 5.3.2 to permit a pool and cabin whereas only landscaping and residential uses not containing a building or structure is currently permitted;
2. Section 3.1(b) to permit a pool and cabin within the front yard whereas only a side or rear yard is required; and
3. Section 3.1(b) to reduce the minimum rear yard setback for a pool from 1.2 metres to 0.

Fenelon By-law

4. Section 3.1.2.1 to permit a pool within the front yard whereas only a side or rear yard is required; and
5. Section 3.1.2.2 to reduce the minimum side lot line setback for a pool from 1.2 metres to 0.

*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.**

Manager, 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)

## David Harding

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**From:** Anne Elmhirst  
**Sent:** Monday, January 10, 2022 1:40 PM  
**To:** Charlotte Crockford  
**Subject:** RE: Notice of Public Hearing for Minor Variance D20-2021-081, 22 Forest Road

Hello Charlotte,

I have received and reviewed and the Minor Variance application D20-2021-081 for 22 Forest Road to request relief to permit a pool and cabin in the front yard of the property.

A sewage system installation report has been issued for this property under file F-09-08. The sewage system is located in the rear yard of the dwelling. The placement of an accessory structure, pool, will not encroach on the sewage system when placed in the front yard area. As such, the Building and Septic Division has no concerns with the pool placement as it relates to the private on-site sewage disposal system.

A cabin structure (labelled shed/bunkie) has been constructed in the front yard as well. The location of this structure will not cause an issue for the existing sewage system for clearance distances purposes. However, the allowed use of the structure can impact the total daily sewage flow for the sewage system. Currently, the owner has indicated that the structure is a private home-based office. This use can be permitted with the existing sewage disposal system. If the provisions of the minor variance allow the structure to be used for sleeping accommodations, the system will not accommodate the increase to the total daily sewage flow. Further review may be required for the existing shed/bunkie structure based on the uses permitted through the variance.

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)



Please note: The Building Division 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.

**From:** Charlotte Crockford <[ccrockford@kawarthalakes.ca](mailto:ccrockford@kawarthalakes.ca)>  
**Sent:** Thursday, January 6, 2022 3:23 PM  
**To:** Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Doug Elmslie <[delmslie@kawarthalakes.ca](mailto:delmslie@kawarthalakes.ca)>; Susanne Murchison <[smurchison@kawarthalakes.ca](mailto:smurchison@kawarthalakes.ca)>; Anne Elmhirst <[aelmhirst@kawarthalakes.ca](mailto:aelmhirst@kawarthalakes.ca)>  
**Cc:** Kim Rhodes <[krhodes@kawarthalakes.ca](mailto:krhodes@kawarthalakes.ca)>  
**Subject:** Notice of Public Hearing for Minor Variance D20-2021-081, 22 Forest Road

## David Harding

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**From:** Anne Elmhirst  
**Sent:** Monday, January 10, 2022 3:43 PM  
**To:** David Harding  
**Subject:** RE: Office Shed

Hi David,

Thank you for looping me in on the conversation around the cabin for 22 Forest Drive. As the request for the accessory structure will be a shed/office proposal. I have no further concerns with the minor variance request.

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)



Please note: The Building Division 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.

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**From:** David Harding <dharding@kawarthalakes.ca>  
**Sent:** Monday, January 10, 2022 3:40 PM  
**To:** 'Howard Gopsill' <howard.gopsill@live.com>  
**Cc:** Charlotte Crockford <ccrockford@kawarthalakes.ca>; Leah Barrie <lbarrie@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>  
**Subject:** RE: Office Shed

Thank you, Howard.

We acknowledge the partial withdrawal and will update the staff report and recommendation accordingly.

**David Harding RPP, MCIP**  
Planner II  
Development Services – Planning Division  
City of Kawartha Lakes  
180 Kent Street West, Lindsay, ON K9V 2Y6  
Phone: 705-324-9411 extension 1206 Toll Free: 1-888-822-2225  
Fax: 705-324-4027



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**From:** Howard Gopsill <[howard.gopsill@live.com](mailto:howard.gopsill@live.com)>  
**Sent:** Monday, January 10, 2022 2:27 PM  
**To:** David Harding <[dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)>  
**Subject:** Office Shed

Hi David,

As per our phone conversation today, we would like to formally withdraw the cabin component of our minor variance application. As agreed, we will only use as a shed/home office.

Please let me know if you require any additional information.

Thanks David,

Howard