

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Poley
Report Number COA2022-070

Public Meeting

Meeting Date: September 22, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

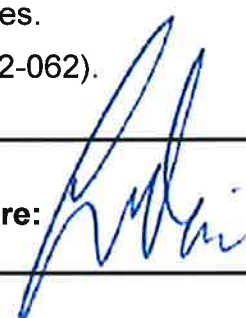
Ward 4 – Geographic Township of Eldon

Subject: The purpose and effect is to facilitate the enlargement of the legal non-conforming single detached dwelling (est. 1974), whereby its residential use predates the Zoning Bylaw adopted in 1994, that zones the lot General Industrial 'M2', and Section 18.1 does not otherwise permit residential uses.

The variance is requested at 232 Glenarm Road (File D20-2022-062).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations

That Report COA2022-070 – Poley, be received;

That minor variance application D20-2022-062 be GRANTED, as the application satisfies Section 45(2) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and D submitted as part of Report COA2022-070, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the minor variance 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 COA2022-070. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To permit a +/- 6 sq m (64.6 sq ft) mudroom addition to a single detached dwelling
Owners:	Charles Poley
Applicant:	Geoff Graves
Legal Description:	Part Lot 10, Concession 2 (being Part 1, RP 57R404)
Official Plan ¹ :	Hamlet Settlement (Argyle), Environmental Protection, Provincially Significant Woodlands and Wetlands (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	General Industrial 'M2' (Township of Eldon Zoning By-law 94-14)
Site Size:	1.7 ha (4.2 ac)
Site Access:	Year-round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential, Industrial
Adjacent Uses:	Agricultural, natural features (bush, wetlands)

Rationale

The application satisfies the provisions of the Planning Act³

In accordance with section 45(2)(a)(i) if a structure was used for a purpose prohibited by the By-law as of October 24, 1994 (By-law date of passage), the committee may permit its enlargement if its use has continued to present day.

The owner has provided documentation to support the contention that the existing dwelling was constructed in 1974, and as such predates the By-law. The M2 zone does not permit new residential uses. The existing residential use has continued uninterrupted to present day.

Evaluation of impact

The dwelling coexists on-site with other uses and structures, including a manufacturing shop, and, a cabin and 'mini-barn' used for storage. The uses have demonstrated their compatibility with one another over the past 30 years, and are well-spaced on the property to mitigate potential nuisances. The continuation of the residential use and proposed modest addition of a mudroom to the existing

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

single detached dwelling do not preclude the lot from continuing to be used for industrial uses. The enlargement has no impact on surrounding property owners, environmental features, or the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

DS-Building and Septic Division (Building): "No comments."

DS-Building and Septic Division (Septic): "A review of the historical sewage system files was conducted to locate information on the existing sewage disposal system serving the dwelling. A Sewage System Use Permit was located under file E-22-77 for the Class 4 Sewage System. The approval indicates the sewage system to be located in the same area as depicted on the site plan submitted. The proposed addition will be located on the opposite side of the dwelling, maintaining an adequate clearance distance to the sewage system. As well, the proposed addition will consist of an entryway and will not cause an increase in the total daily sewage flow for the dwelling. As such, the Building and Septic Division has no issue with the proposed minor variance application as it relates to private on-site sewage disposal."

Lake Simcoe Region Conservation Authority: "Based on our review of the submitted information, from a watershed management perspective, we confirm that LSRCA has no objection to the proposed minor variance. The proposal is consistent with 3.1 of the PPS as the addition is located outside of the hazard areas. There are regulated elements on this site. A LSRCA permit has already been obtained for the proposed addition (permit issued June 9, 2022). Should further development or site alteration be proposed in the regulated portion of the property in the future, a permit from the LSRCA would be required."

Public Comments:

No comments received as of the writing of the staff report.

Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Construction Drawings

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E-Mail: lbarrie@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Division File: D20-2022-062

Schedule 1

Relevant Planning Policies and Provisions

The Planning Act, R.S.O. 1990

Powers of committee

45(1)

Other powers

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

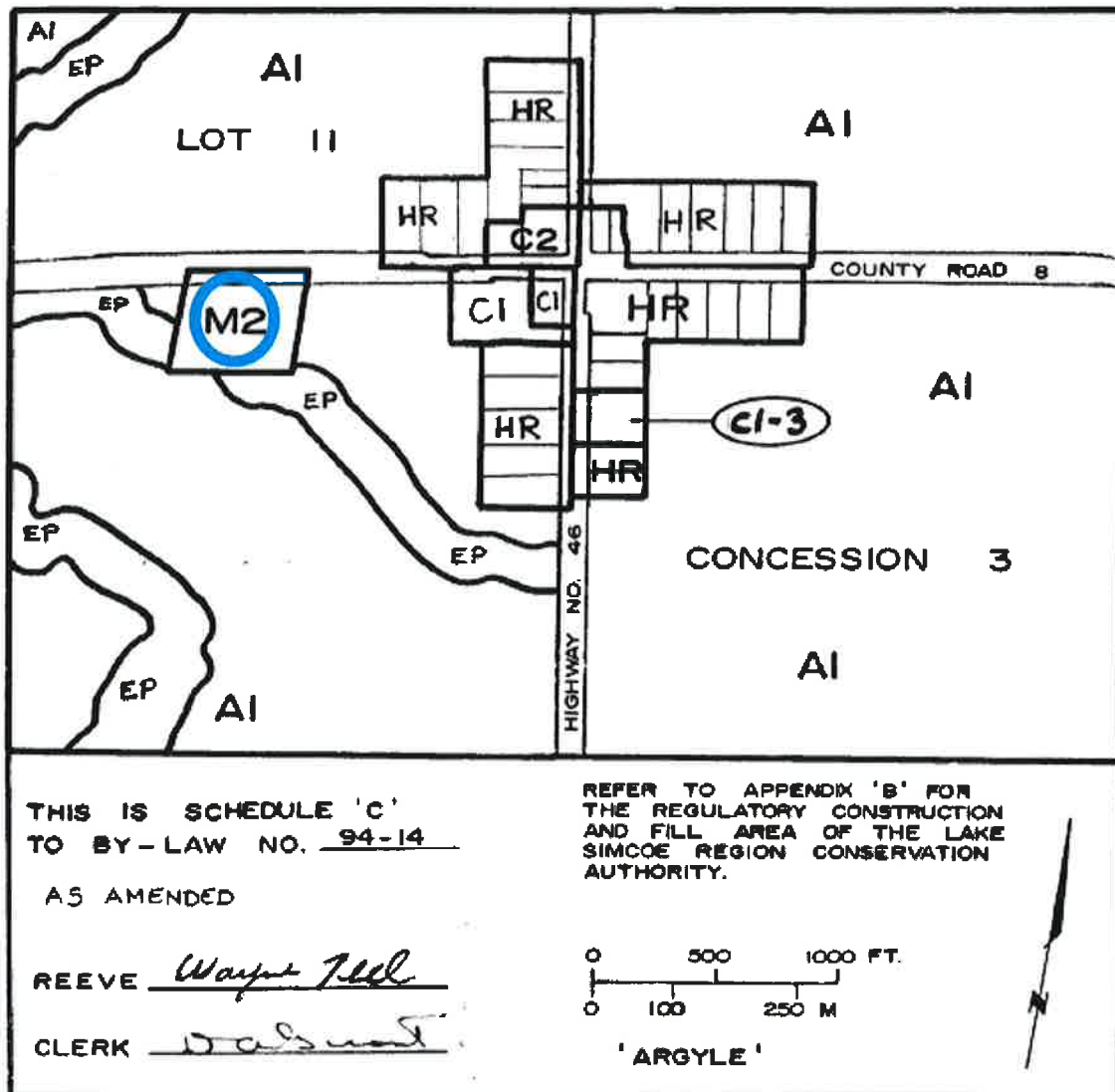
(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

City of Kawartha Lakes Official Plan



- 3.5 Natural Heritage System
- 17. Environmental Protection Designation
- 19. Hamlet Settlement Designation
- 34.1 Existing Uses
- 34.16 Committee of Adjustment

Township of Eldon Zoning By-law 94-14



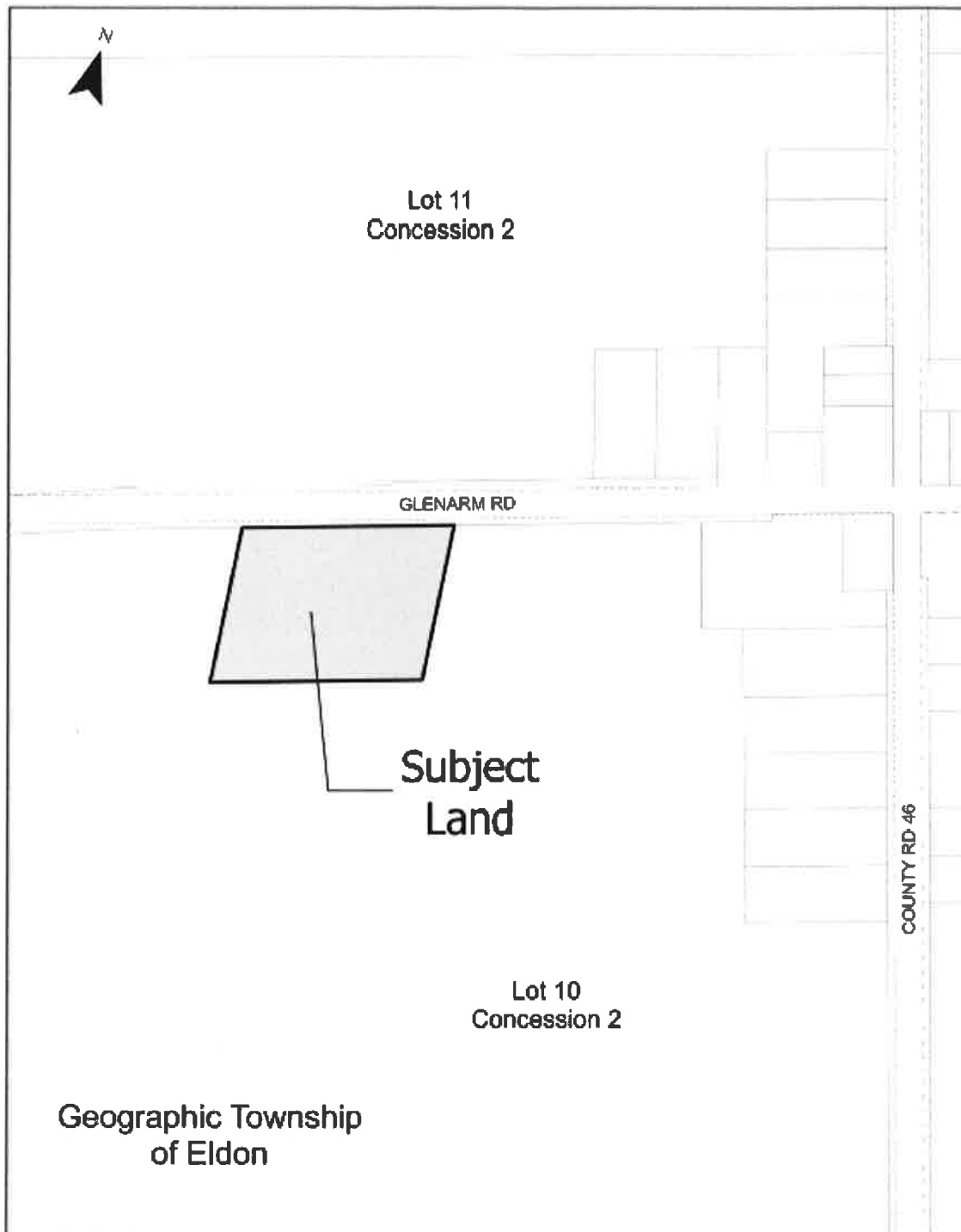
- Part 2 Definitions
- Part 3 General Provisions
- 3.4.1 Non-Conforming Uses
- Part 18 General Industrial (M2) Zone

to

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LOCATION MAP



to

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AERIAL PHOTO

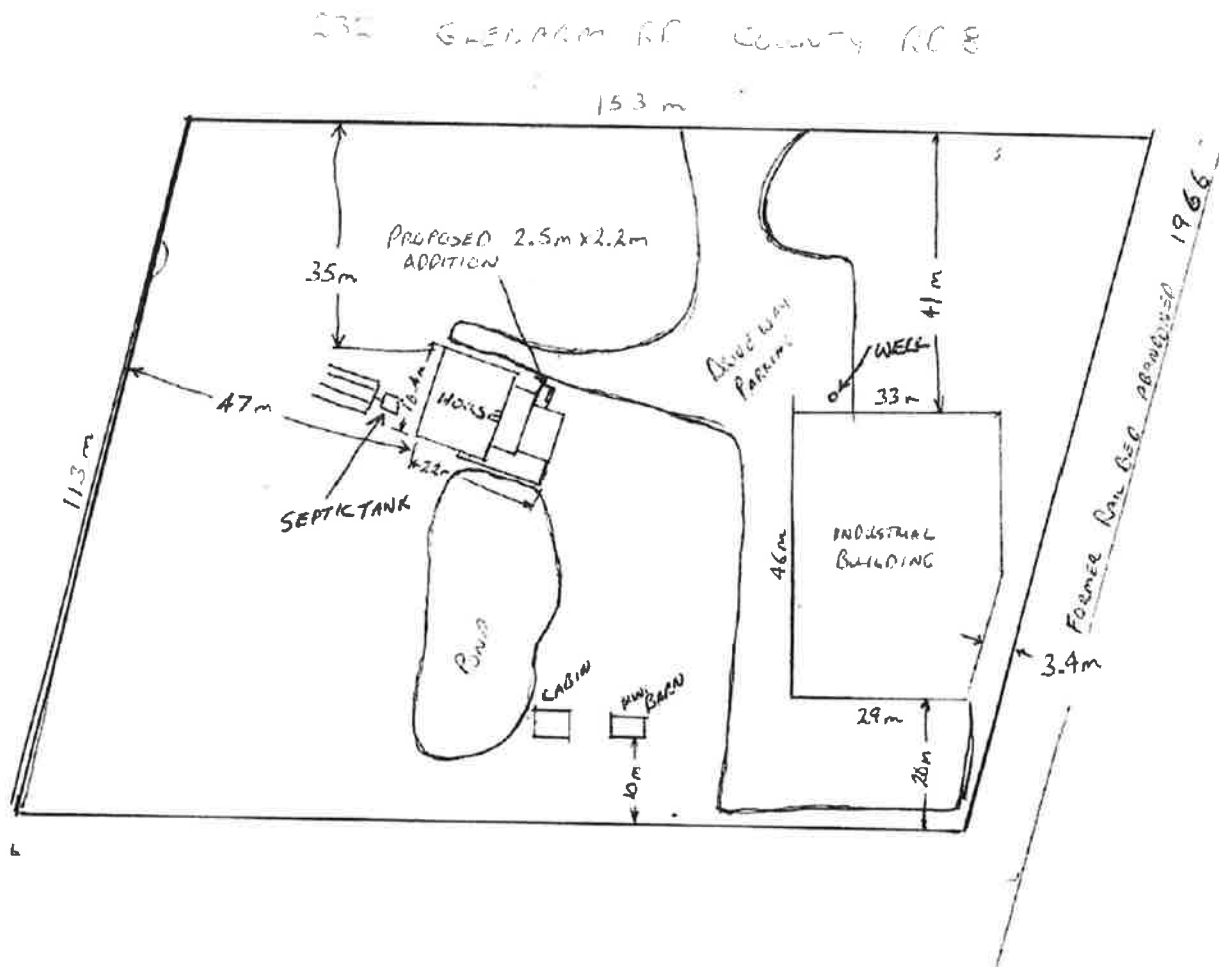


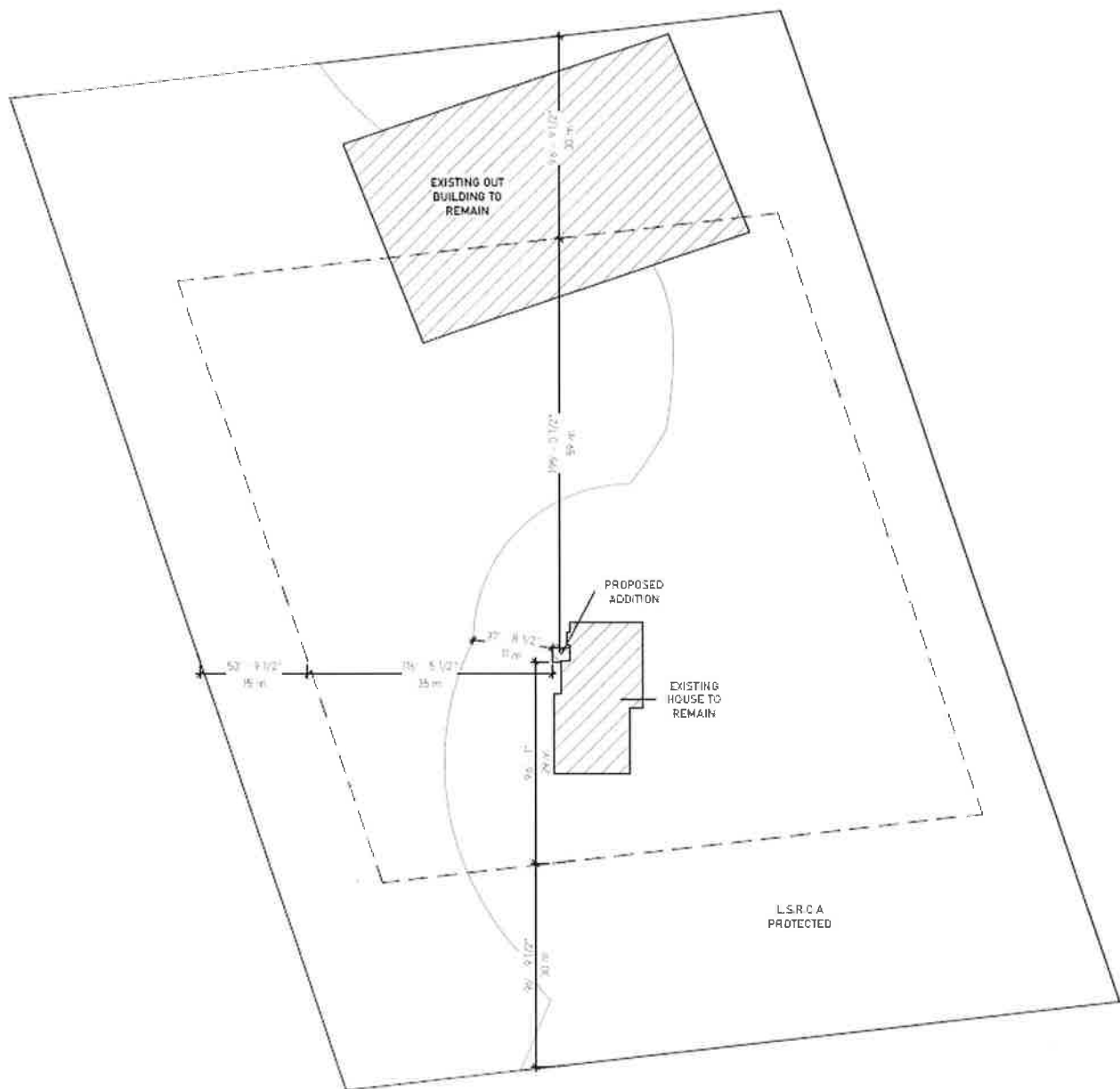
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APPLICANT'S SKETCH



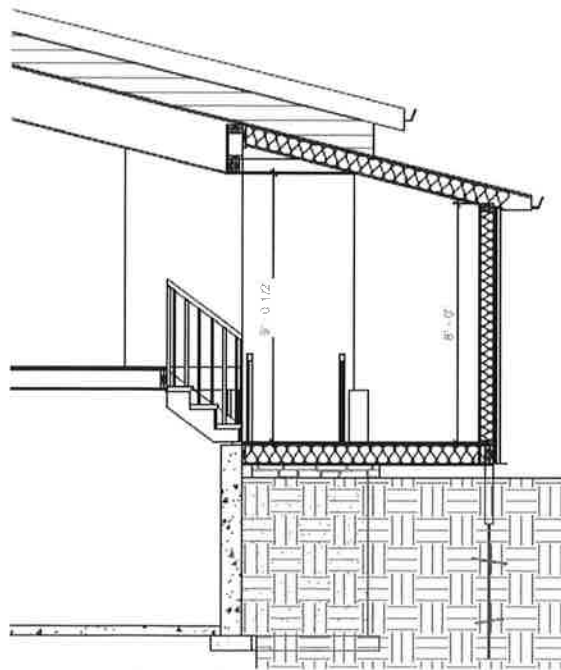


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CONSTRUCTION DRAWINGS



SECTION CUT 1/8"=1'-0"

