

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Kandelsdorfer**  
Report Number COA2022-068

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**Public Meeting**

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

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**Ward 1 – Geographic Township of Carden**

**Subject:** The purpose and effect is to facilitate a new dwelling. The existing dwelling is proposed to be converted into an accessory building.

**Relief sought:**

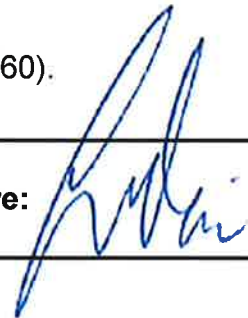
1. Section 14.1.b. of the By-law permits accessory buildings in side or rear yards only; the existing building is in the front yard.
2. Section 7.2.c. requires a minimum front yard setback of 30 metres; a second accessory building (shipping container) is also located in the front yard, with reduced setback of 21.6 metres.

The variance is requested at 138 Shrike Road (File D20-2022-060).

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**Author:** Leah Barrie, RPP, Manager of Planning

**Signature:**



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**Recommendations**

**That** Report COA2022-068 – Kandelsdorfer, be received;

**That** minor variance application D20-2022-060 be GRANTED, as the application meets the tests set out in Section 45(1) 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 COA2022-068, 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 COA2022-068. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To permit the siting of accessory buildings in the front yard
Owners:	Irwin Kandelsdorfer
Applicant:	Same as Owner
Legal Description:	Part Lot 3, Concession 9
Official Plan <sup>1</sup> :	Rural, Environmental Protection, Provincially Significant Woodlands and Wetlands, Unevaluated wetlands, Bedrock Resource (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural General 'RG' (Township of Carden Zoning By-law 79-2)
Site Size:	40 ha (100 acres)
Site Access:	Year-round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural residential
Adjacent Uses:	Rural, natural features (bush, wetlands)

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

Over time, it can be expected that property owners may endeavour to redevelop their property to achieve a higher and better use. The owners have constructed a +/- 122.96 sq m new dwelling to replace the +/- 42.35 sq m former dwelling (circa 1950). The former dwelling, located in front of the new dwelling, is now intended as an accessory building for storage.

A shipping container was brought on site and placed in the front yard providing convenient access for storage of items related to construction of the new house. With construction nearing completion, the owners would like to retain the shipping

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

container for continued secure storage of property maintenance equipment (i.e. riding mower, chainsaws, etc.)

On approach from the north and south, the site is screened from the road by substantial vegetation.

**The variance maintains the general intent and purpose of the Official Plan.**

The Rural designation permits residential uses and accessory uses thereto; performance and siting criteria are implemented through the Zoning By-law.

The property is in the vicinity of natural heritage features (significant woodland and the associated 120 m buffer, unevaluated wetlands, and partially contains the Kawartha Naturally Connected Preferred Solution), natural hazards (partially within known karst topography, within the Carden Plain boundary, and within the Lake Simcoe Protection Plan area), and water resources (within the boundary of the Canal and Mitchell Lake Management Plan).

According to Kawartha Conservation as the proposed development is entirely outside of the significant woodland feature and associated 120 m buffer, they will not require an Environmental Impact Study (EIS) as there will be no impacts to the feature as a result of the development. An EIS is not required if all existing 30 m setbacks from the natural features surrounding the wetland/pond are to be maintained. The location of the dwelling is completely outside of the area of known karst topography on the property. As such, a geotechnical study for the proposed development will not be required.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The RG zone permits residential uses and accessory uses thereto. Accessory buildings are typically required to be sited in side and rear yards only to appear subordinate to the primary use and maintain a consistent built form contributing to the character of an area.

The large building envelope easily absorbs the accessory buildings. The former dwelling and shipping container remain under the maximum height provision, and maintain ample amenity area in the front yard, while also maintaining a safe buffer between the residential use of the property and the adjacent municipal right of way.

**The variance is minor in nature.**

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

**Other Alternatives Considered:**

The owners explored alternative building designs that included attaching the new dwelling to the former dwelling. However, the proposed new basement rendered this option not structurally feasible given the former dwelling did not have a basement.

## 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):** “As the items relating to the sewage system concerns have been identified and are being corrected to move forward as a shed without plumbing fixtures, the Building and Septic Division has no issues with the proposed minor variance as it relates to private on-site sewage disposal.”

**Kawartha Conservation:** “Kawartha Conservation has no concern with the approval of Minor Variance Application D20-2022-060 for the construction of the new residential dwelling on the subject property, providing the proposed development remain in the currently disturbed portion of the property and not encroach on the key natural heritage features on the remainder of the property. A permit pursuant to Ontario Regulation 182/06 will not be required for the proposed Minor Variance as the property is located outside of Kawartha Conservation regulated area.”

### 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 – Elevations

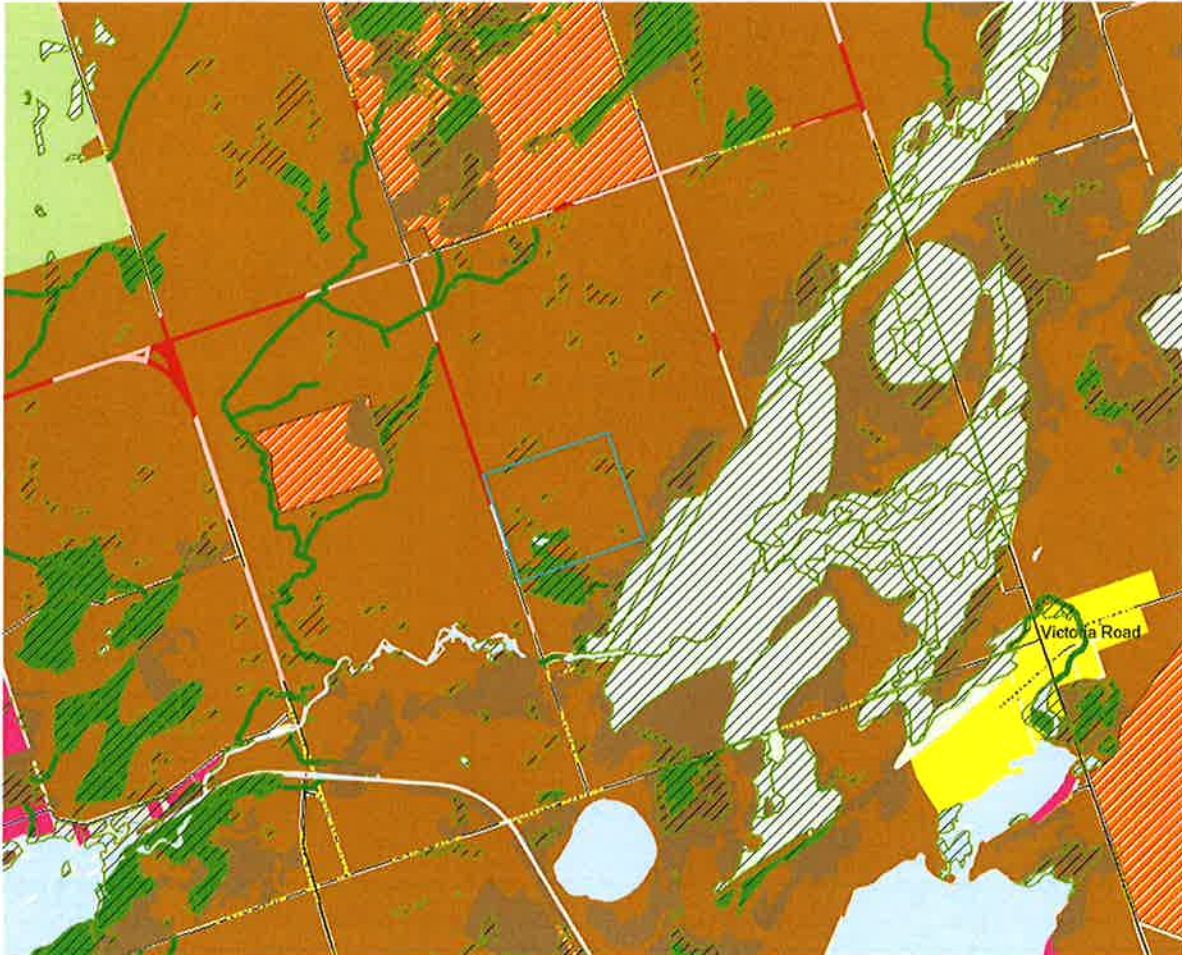
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<b>Phone:</b>	705-324-9411 extension 1240
<b>E-Mail:</b>	lbarrie@kawarthalakes.ca
<b>Department Head:</b>	Richard Holy, Director of Development Services
<b>Division File:</b>	D20-2022-060

## Schedule 1 Relevant Planning Policies and Provisions

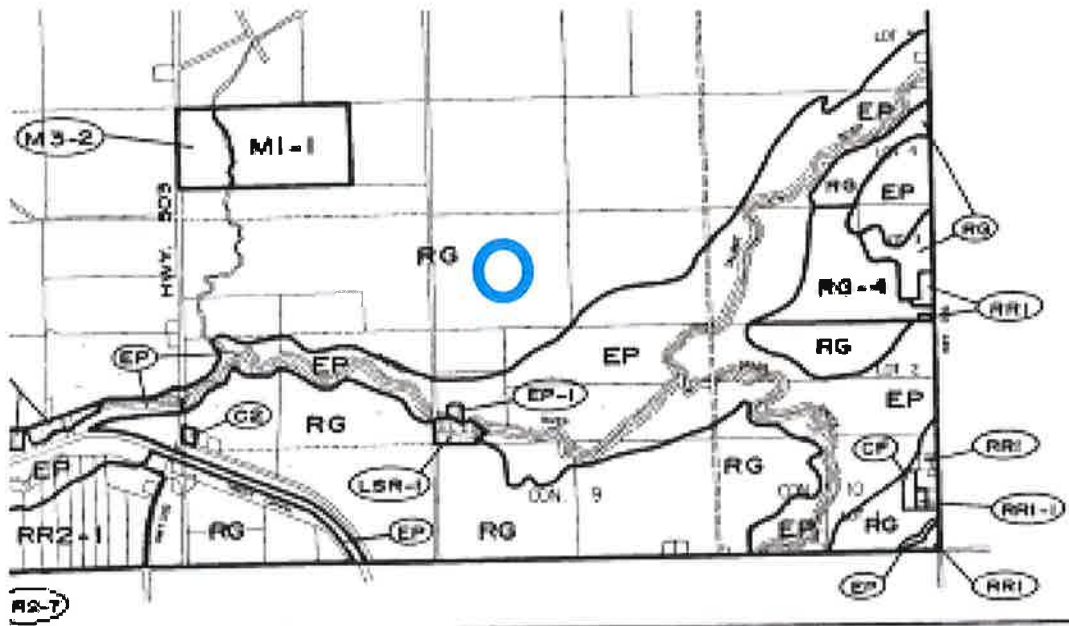
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### City of Kawartha Lakes Official Plan



- 3.5 Natural Heritage System
- 16. Rural Designation
- 17. Environmental Protection
- 25. Bedrock Resource Designation

## Township of Carden Zoning By-law 79-2



### Section 7 Rural General (RG) Zone

#### 7.2 RG Yard Requirements

- (c) Minimum Front Yard 30 m

### Section 14 General Provisions

#### 14.1.b. Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building. Where the rear lot line is a shore lot line, article 14.21 a. shall apply.

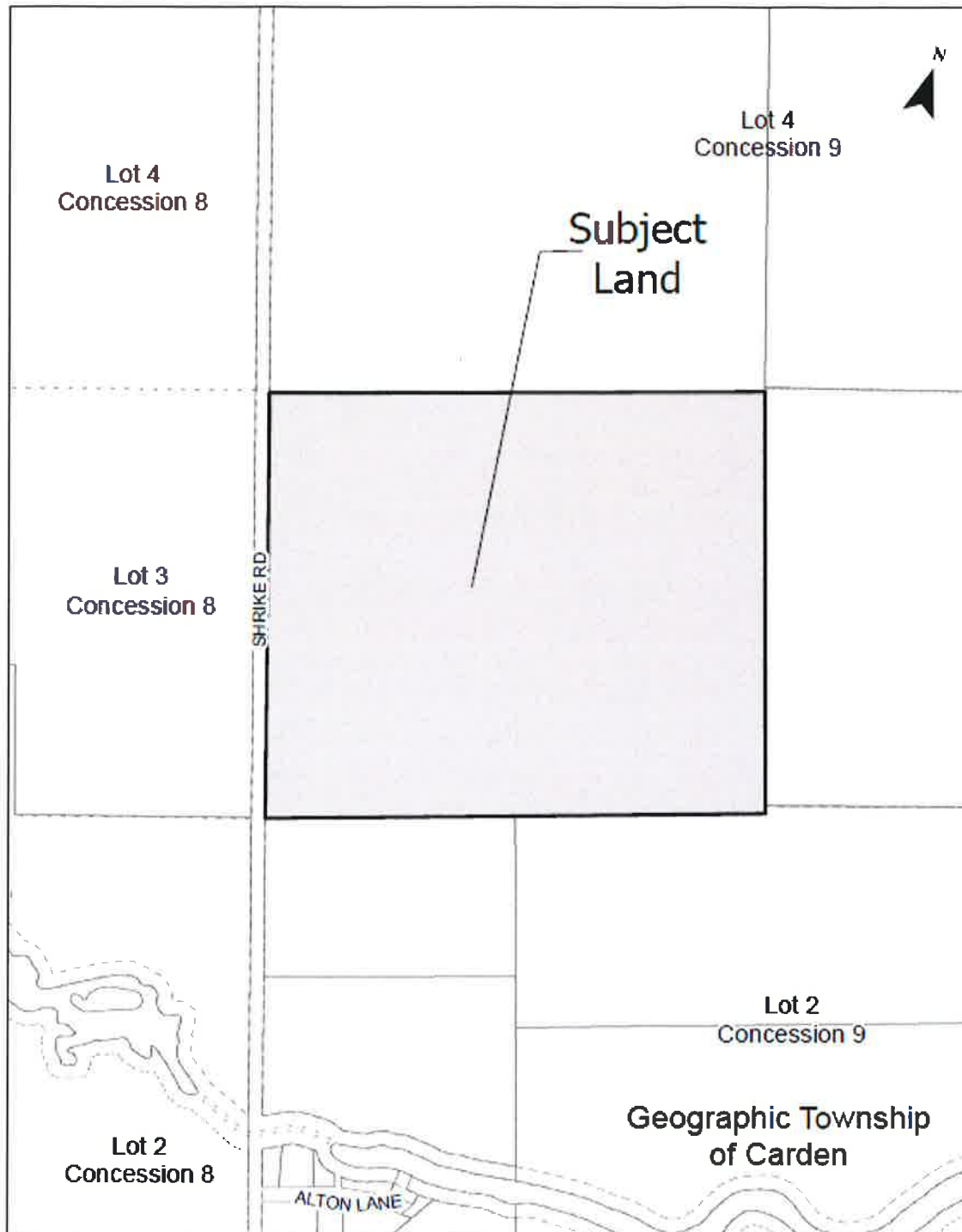


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## LOCATION MAP



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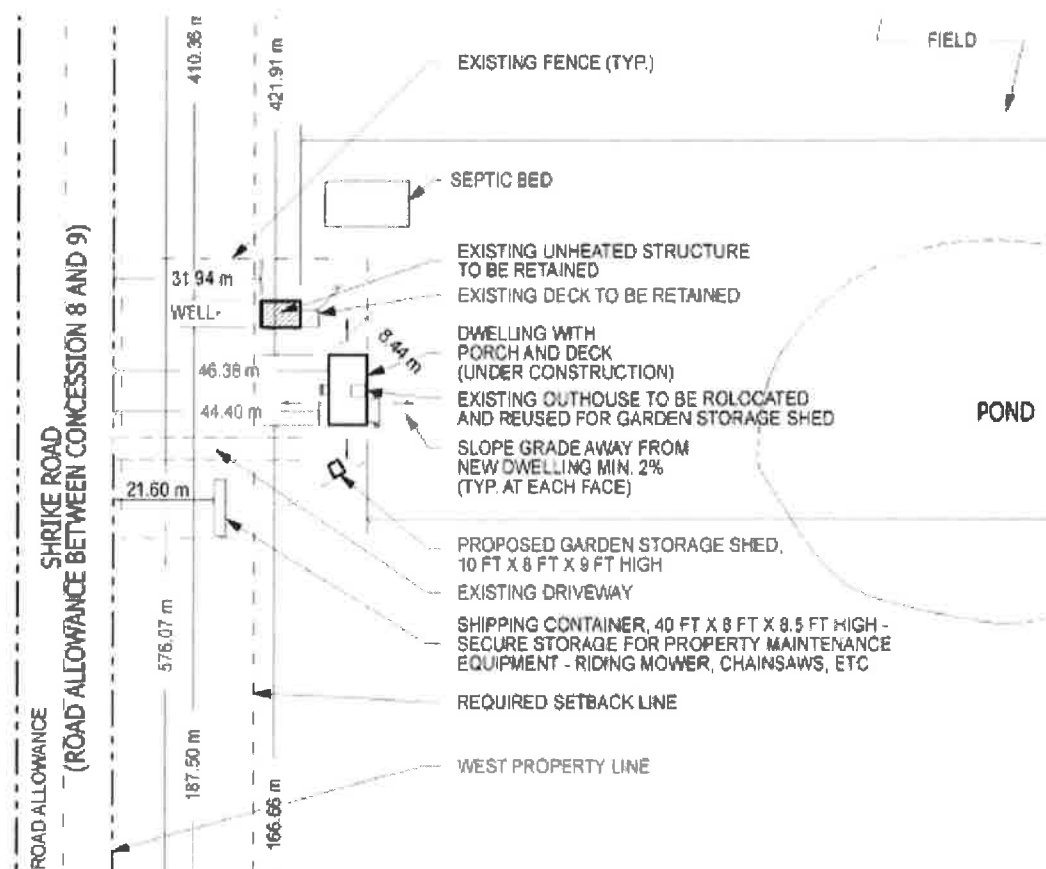
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## AERIAL PHOTO





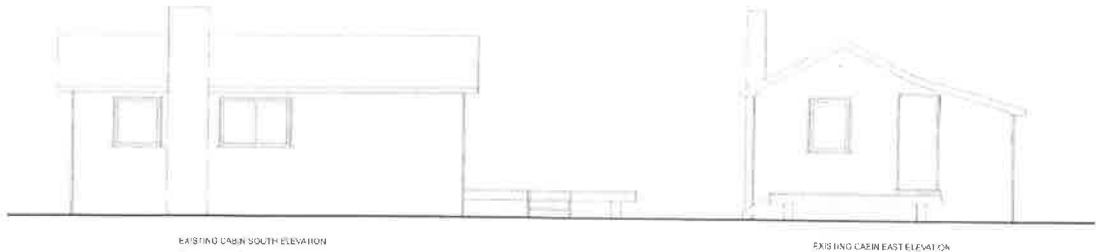
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ELEVATIONS



A12 EXISTING  
BUILDING ELEVATIONS  
3/16" = 1' - 0"  
2022-04-19

138 SHRIKE ROAD  
Kirkfield, ON

