

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Alavi
Report Number COA2022-079

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

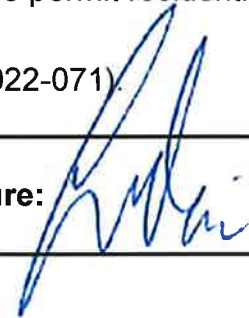
Ward 1 – United Townships of Laxton, Digby and Longford (Laxton)

Subject: The purpose and effect is to facilitate the enlargement of the legal non-conforming single detached dwelling (est. 1958) whereby its residential use predates the Zoning By-law adopted in 1983, that zones the lot Open Space 'O1', and Section 7.1 does not otherwise permit residential uses.

The variance is requested at **4 Greenwood Road** (File D20-2022-071).

Author: Leah Barrie, RPP, Manager of Planning

Signature:



Recommendations

That Report COA2022-079 – Alavi, be received;

That minor variance application D20-2022-071 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 Appendices C and D submitted as part of Report COA2022-079, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to this approval 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 COA2022-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To permit the construction of a +/- 25.5 sq m residential addition to the existing dwelling
Owners:	Zahra Alavi
Applicant:	Farid Ghorbani
Legal Description:	Part Lot 8, Concession 4
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Open Space 'O1' (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	1,177 sq m (0.29 ac)
Site Servicing:	Lake draw and private individual septic system
Site Access:	Year-round municipal road
Existing Uses:	Residential
Adjacent Uses:	Residential

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 November 12, 1983 (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 1958, and as such predates the By-law. The O1 zone does not permit new residential uses. The existing residential use has continued uninterrupted to present day.

Evaluation of impact

The +/- 71.19 sq m single-storey dwelling contains one washroom and two small bedrooms with no laundry area. The proposed addition is intended to provide a new laundry area and larger bedrooms. The continuation of the residential use and proposed modest addition to the existing dwelling do not preclude the lot from being used for Open Space uses in the future.

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

Surrounding residential lots are zoned both 'O1' and 'Limited Service Residential (LSR)' Zone further south on Greenwood Road; the neighbourhood has a shoreline residential character. The proposed residential addition results in a built form that is compatible with other residential lots subject to 'LSR' zone provisions.

A municipal encroachment agreement recognizes the north corner of the existing dwelling and deck within the original shore allowance.

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:

None applicable.

Consultation Summary

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

Agency Comments:

DS-Building and Septic Division (Septic): "A sewage system installation report has been issued for a recent system upgrade under file SS2020-0358. The installed system will accommodate the proposed expansion and fixtures. As well, the expansion will not encroach on the existing system. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to private on-site sewage disposal."

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

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-071

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,

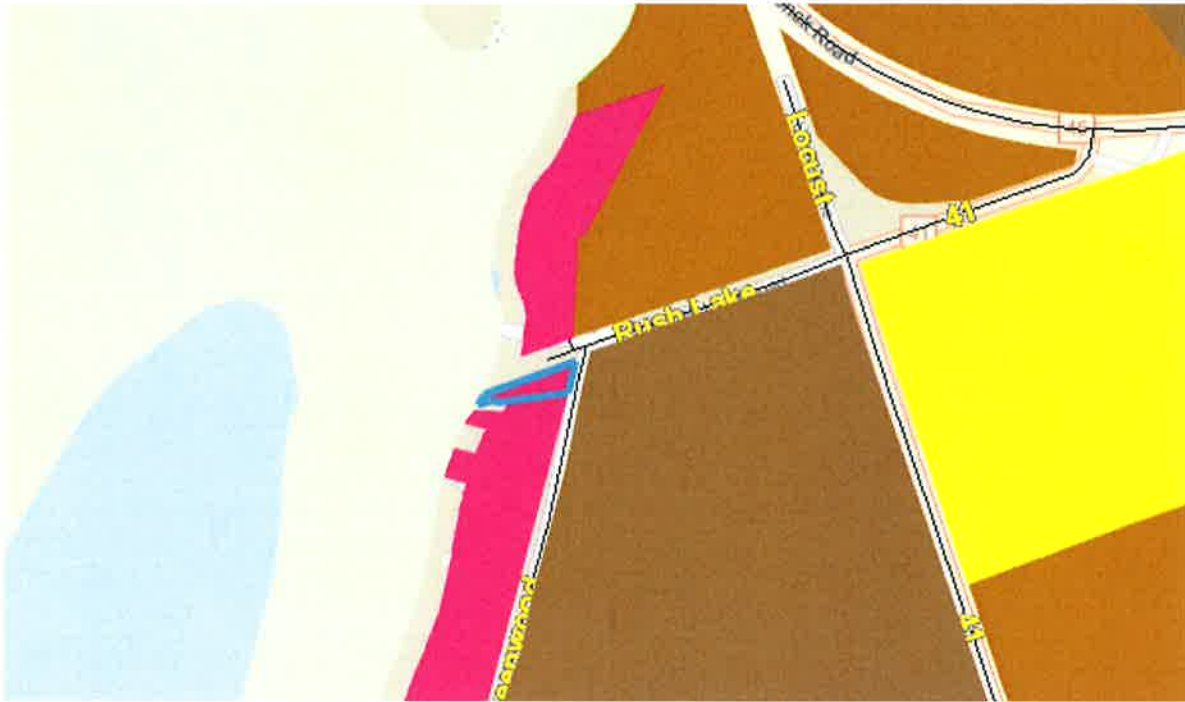
(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(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

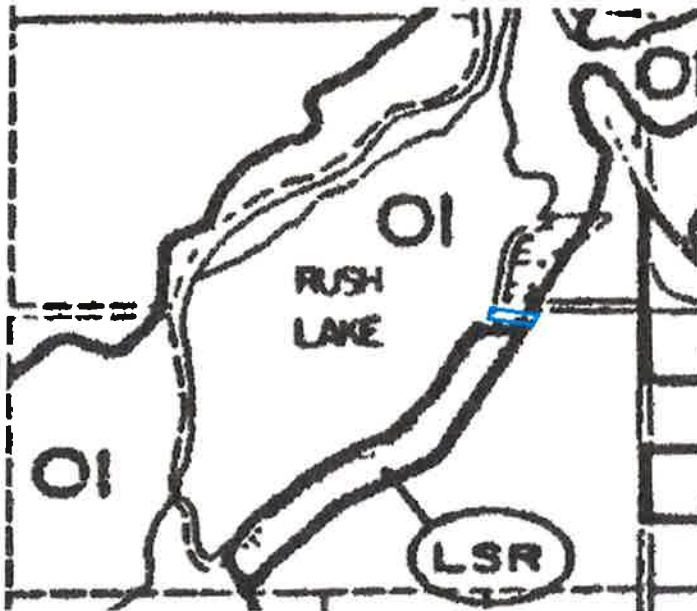
(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

City of Kawartha Lakes Official Plan



- 20. Waterfront Designation
- 34.1 Existing Uses
- 34.16 Committee of Adjustment

United Townships of Laxton, Digby, and Longford Zoning By-Law 32-83



Section 7 Open Space (O1) Zone

7.1 O1 USES PERMITTED

No person shall hereafter use or change the use of any land in an Open Space (O1) Zone, except for one or more of the following uses:

- a. Golf Courses
- b. Parks
- c. Athletic fields, ski lifts and similar uses
- d. Agricultural uses
- e. Resource Management

7.2 O1 PROHIBITION OF BUILDING CONSTRUCTION

In an Open Space (O1) Zone no person shall hereafter erect any building or structure except structures accessory to a permitted use.

Section 18 General Provisions

- a. Non conforming Uses
 - i. No person shall use any land or erect or use any building or structure except for those uses permitted in the zone in which such land, building or structure is or is to be located. Uses existing prior to the date of passing of this By law which were in conformity with and not forbidden by an existing By law in

force at the date of passage of this By law may continue as an existing, legal, non conforming use.

- ii. A non conforming use shall not be reconstructed in such a manner that shall enlarge, extend or otherwise structurally alter the building or structure unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements for such zone.

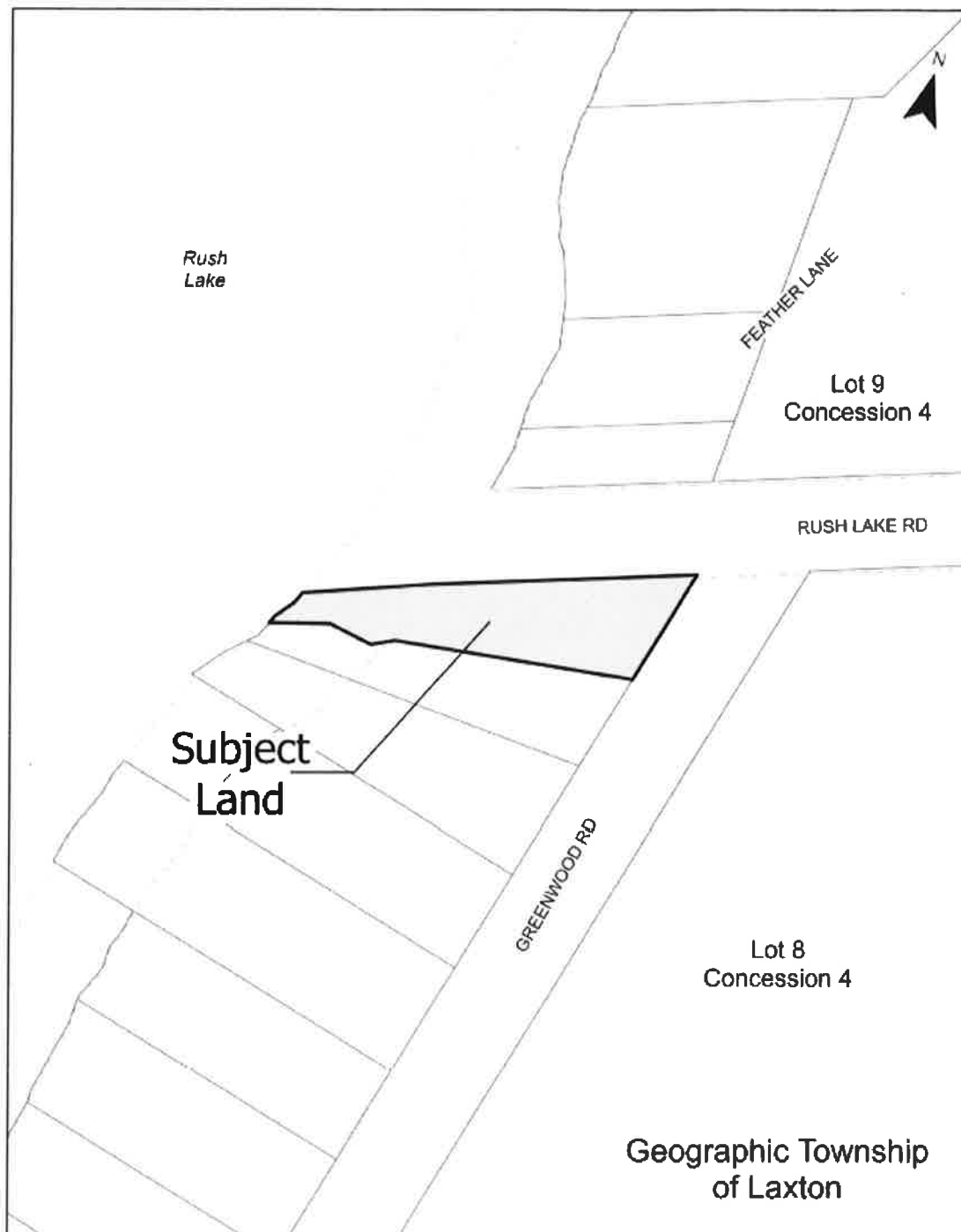
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FILE NO: D20-2022-071

LOCATION MAP

D20-2022-071

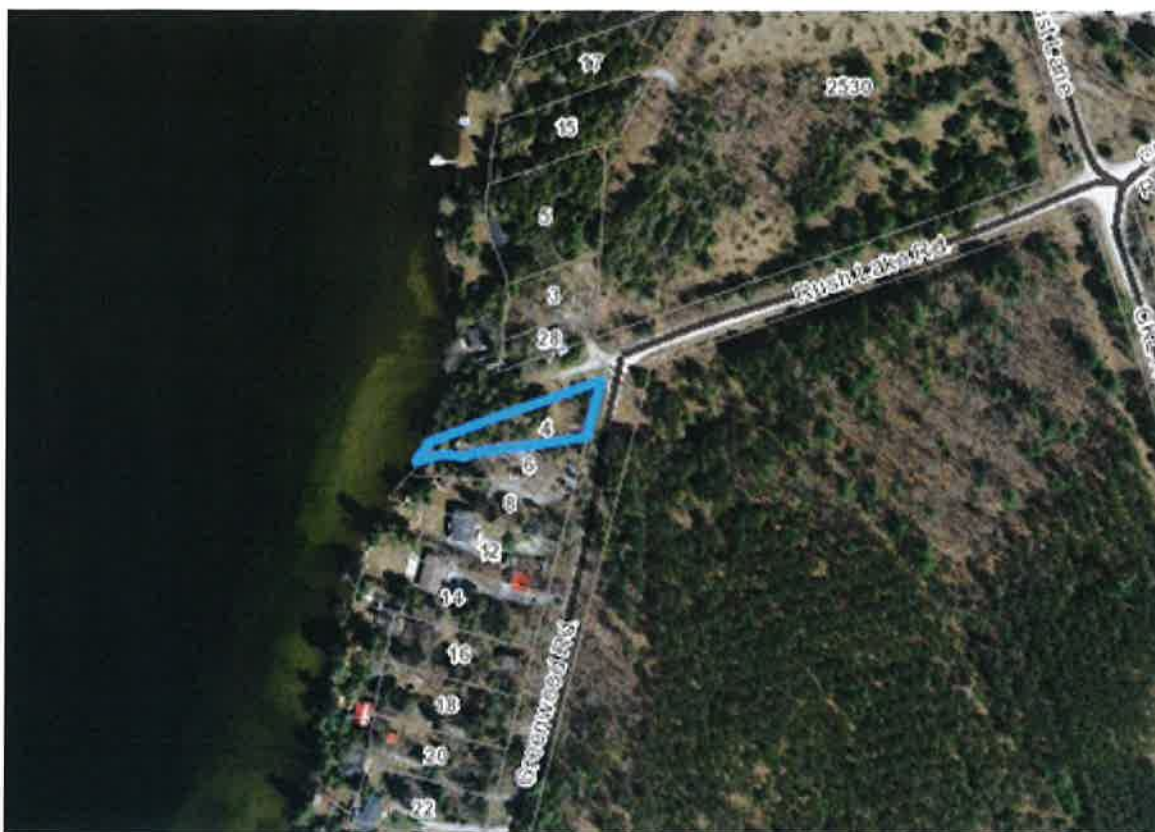


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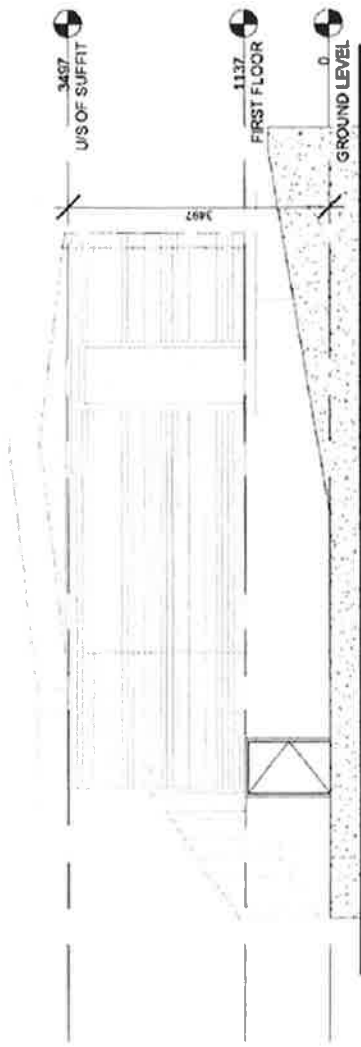
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AERIAL PHOTO



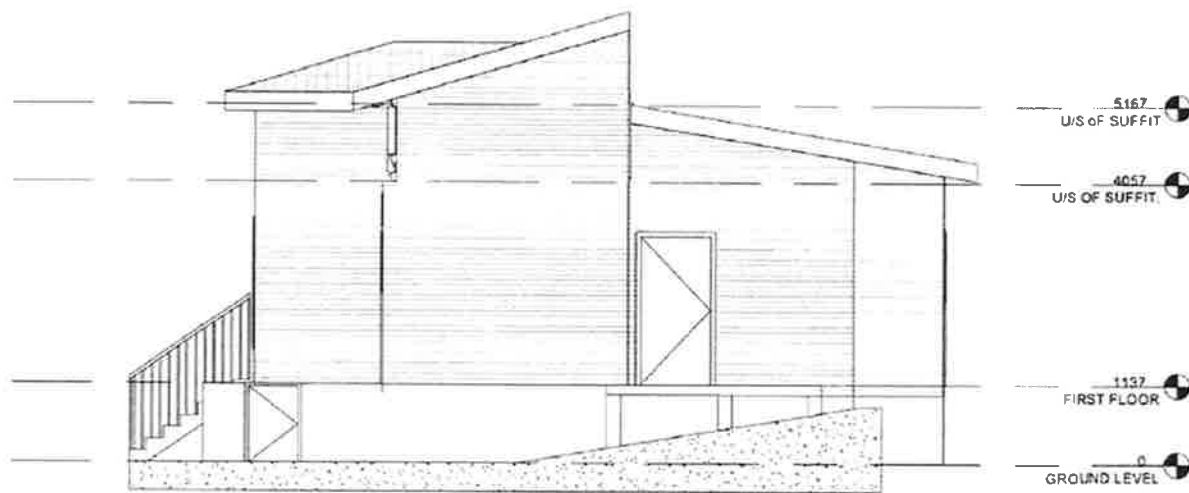
CONSTRUCTION DRAWINGS



SOUTH ELEVATION-EXISTING

1 : 100

1



1 SOUTH ELEVATION-PROPOSED
1 : 100

