

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Sawatzky**  
Report Number COA2022-092

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**Public Meeting**

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

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**Ward 6 – Geographic Township of Verulam**

**Subject:** The purpose and effect is to permit a detached accessory structure located in the front yard.

**Relief sought:**

- 1) Section 5.1.3. b. permits accessory structures in interior side or rear yards only; the detached accessory structure (detached garage with upper-level ARU) is located in the front yard.

The variance is requested at **97 Meachin Drive** (File D20-2022-083).

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**Author:** Megan Peck, Planner II

**Signature:**



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**Recommendations**

**That** Report COA2022-092 – Sawatzky, be received;

**That** minor variance application D20-2022-083 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 submitted as part of Report COA2022-092, 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 four (4) 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 COA2022-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To permit a detached accessory structure (garage and upper-level ARU) in the front yard.
Owners:	Rudy Sawatzky
Applicant:	RWH Construction c/o Kassie Holtom
Legal Description:	Part of Lot 12, Concession 7 (being Part 1 on Reference Plan 57R857)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One 'R1' (Township of Verulam Zoning By-Law 6-87)
Site Size:	+/- 9,142.66 sq. m (2.26 ac)
Site Access:	Meachin Drive (improved road)
Site Servicing:	Private lake draw, individual private septic
Existing Uses:	Residential
Adjacent Uses:	Residential, rural/agricultural, woodlands

## Rationale

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

The lower level of the proposed detached accessory structure (garage) will provide ancillary residential uses, such as the storage of vehicles, personal affects and property maintenance equipment. The garage's upper level will provide an Additional Residential Unit (ARU) with separated living quarters for family or guests. The construction of an ARU provides the owner 'supplementary income' opportunities as well as an opportunity assist the City in meeting its rental housing objectives.

The subject property is considered a corner lot, meaning the lot is situated at the curved angle of the intersection of Meachin Drive's adjacent sides. In the case of a

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

corner lot, the shorter lot line abutting a street shall be deemed the front lot line; therefore, the west lot line abutting Meachin Drive is considered the front lot line, contrary to the established orientation and building line of existing dwellings on the street.

The proposed single detached dwelling is oriented/elongates in the east-west direction and is flanked on the west side by a three-bay boathouse, leaving minimal space for the construction of a detached accessory structure (garage) in the side yard or rear yards. The property's rear yard is considered the distance between the shore lot line and the nearest part of future single detached dwelling (or excavated portion). A detached garage with upper-level ARU located in the rear yard is considered undesirable, as it would block views of the lake and require the removal of established mature trees. Furthermore, locating the detached garage in the rear yard would separate the building from the street. In other words, locating the detached garage in the front yard strengthens the synergy between the structure's use (storage of cars and machinery) and its proposed location (proximity to the street), which also de-emphasizes the appearance of vehicles as viewed from the water. Restricting vehicle movement to the front of the property also improves on-site safety, by reducing the interaction between residents and motor vehicles.

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

Accessory structures for residential uses are permitted in the 'Waterfront' designation; performance and siting criteria are implemented through the Zoning By-law. The detached garage is proposed in a cleared area of the lot, preserving surrounding vegetation.

Residential lots in the 'Waterfront' designation that front onto an improved public road that is maintained year-round by the municipality may be zoned to permit both seasonal and permanent residential uses. As per By-law 2020-155, ('A By-law to Amend the City of Kawartha Lake's Official Plan to Allow Additional Residential Units Within the City of Kawartha Lakes'), an ARU is permitted as of right, accessory to the primary residential unit, being a single detached dwelling.

The proposed ARU meets all other location requirements outlined in this Policy being that it is located on a lot with frontage onto a year-round municipally maintained road, and it is located outside of a floodplain, water setback or other hazardous lands.

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

The proposed garage is a permitted accessory structure, and complies with the applicable zone provisions, with the exception of yard location.

The purpose of By-law restricting detached accessory structures to the side and rear yards is to de-emphasize the appearance of the car and or machinery in the front yard (curb appeal), and to better establish a consistent edge formed by buildings fronting on a street. This provision does not capture the unique siting constraints of waterfront lots, that have a presence on both the waterfront and street sides.

A front yard setback can support a consistent and un-obstructed built form adjacent to a street. The garage's proposed location is setback well beyond the required front yard setback (+/- 57.8 metres versus 7.5 metres), de-emphasize the appearance of the car and negating potential visual impacts. Mature vegetation will also shield the appearance of the garage from the street, as viewed from Meachin Drive, and provide privacy for the residents within the ARU.

The location of the garage contributes to the existing character of the area given numerous front yard encroachments of accessory structures, including detached garages that may be appropriate for ARUs, made evident through upper level dormers.

The proposed location of the garage complies with all other zone provisions.

**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**

Not applicable.

**Consultation Summary**

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

**Agency Comments:**

**DS-Building, Plans Examiner:** "No comments"

**DS-Septic, Part 8 Septic Supervisor:** "I have received and reviewed the minor variance application to request relief to permit the construction of a detached accessory structure (garage with ARU) in the front yard. A sewage system permit to install has been issued for this property under file SS2022-0142. The proposed garage location will not encroach on the area for the proposed sewage system. The sewage system can be sized to accommodate the ARU proposal. As such, the Building and Septic Division has no issue with the minor variance request 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 – Applicant's Supplementary Elevations

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**Phone:** 705-324-9411 extension 1248

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

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

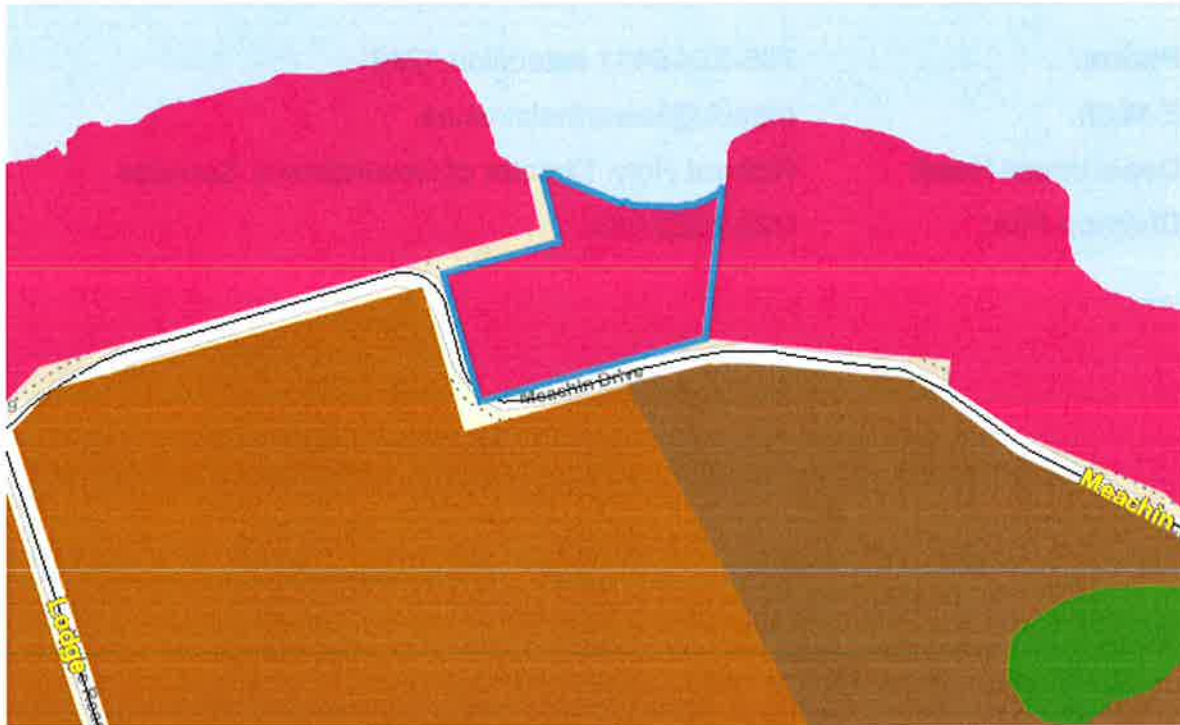
**Division File:** D20-2022-083

## Schedule 1

### Relevant Planning Policies and Provisions

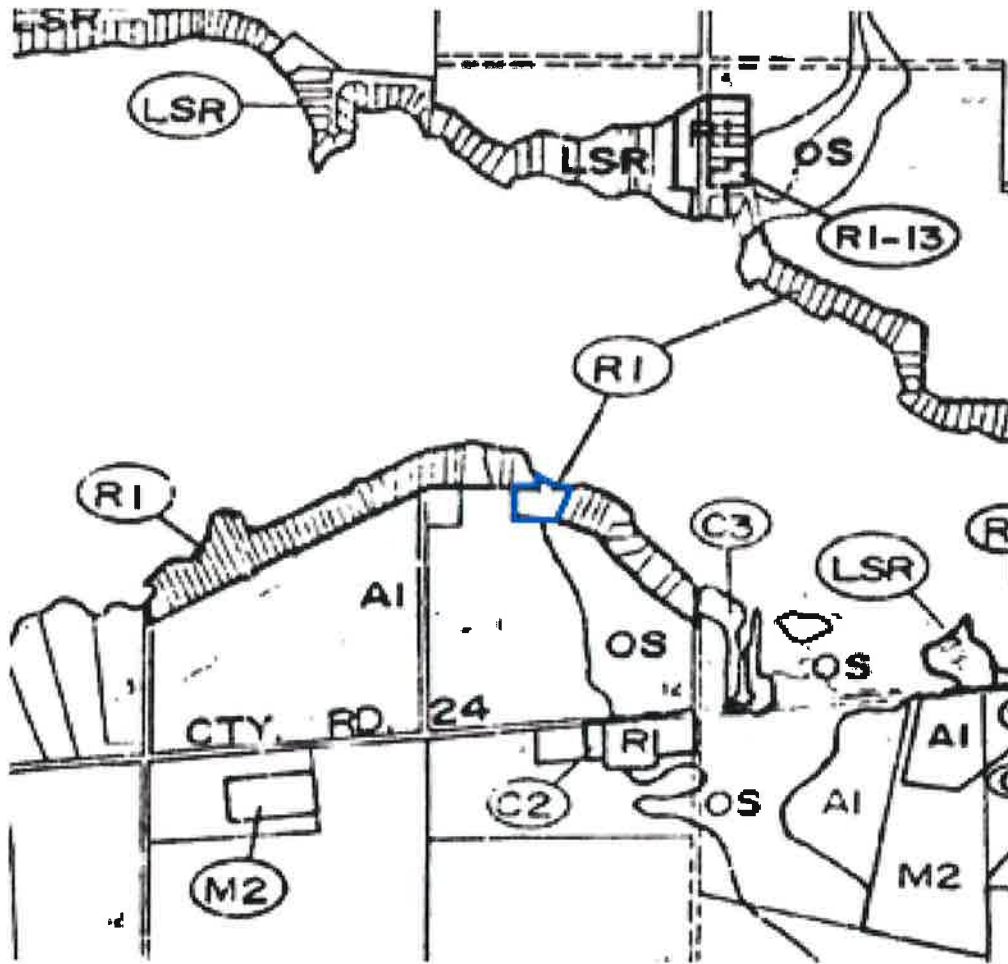
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#### City of Kawartha Lakes Official Plan



3.5	Natural Heritage System
3.11	Water Setback and Accessory Uses
5.7	Additional Residential Units
20	Waterfront Designation

## Township of Verulam Zoning By-Law 6-87



Section 4 Definitions

Section 5 General Provisions

Section 5.1.3 Location of Accessory Structures

Section 5.27 Additional Residential Dwelling Units

Section 8 Residential Type One (R1) Zone

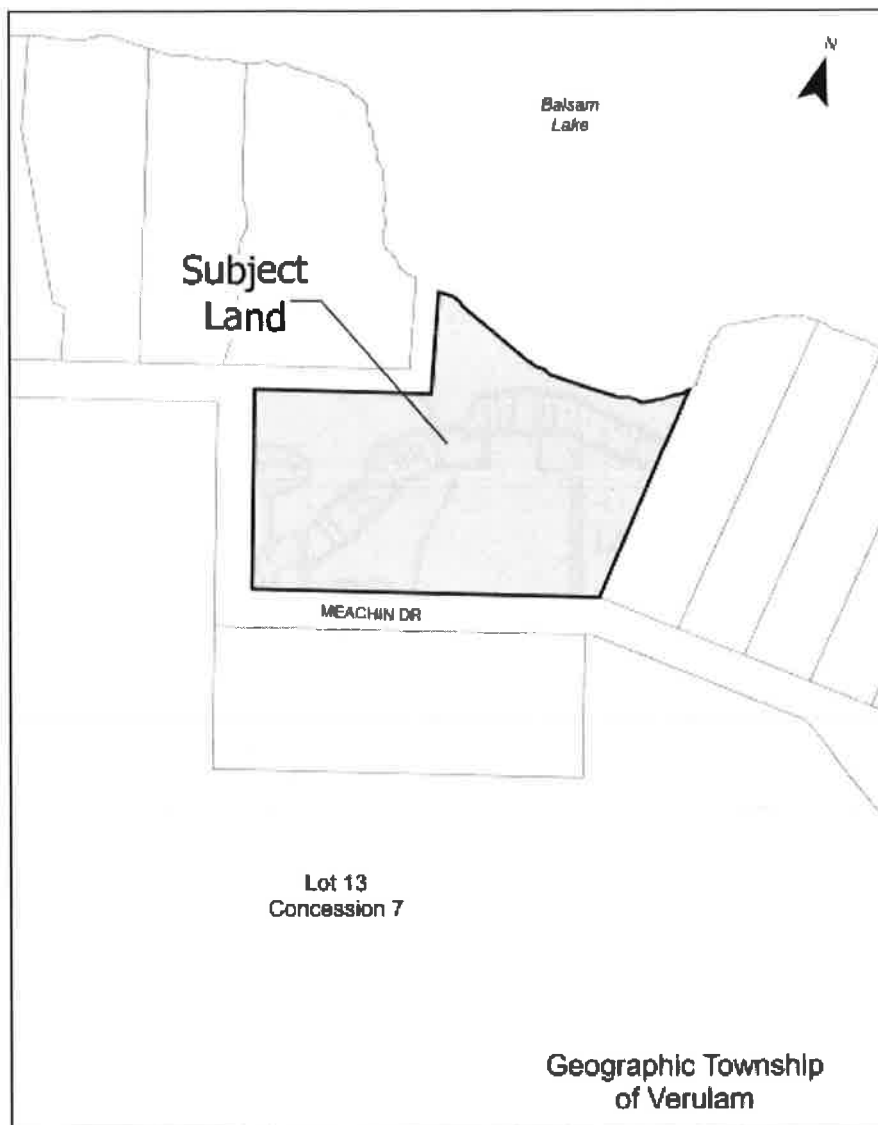
to

REPORT COA2022-092

FILE NO: D20-2022-083

**Location Map**

**D20-2022-083**





to

REPORT COA2022-092

FILE NO: D20-2022-083

**Aerial Photo**

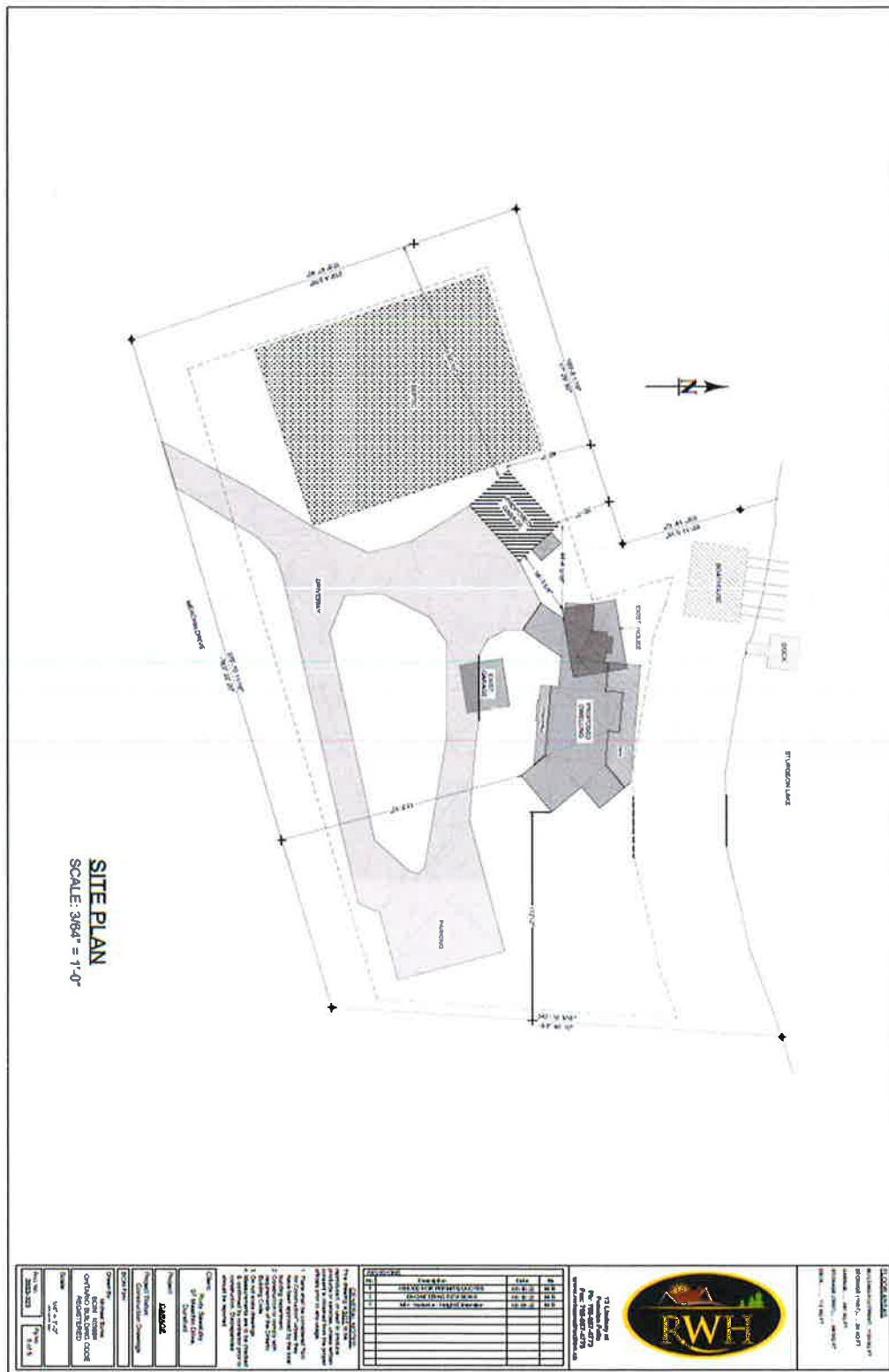


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REPORT COA2022-092

FILE NO: D20-2022-083

### Applicant's Sketch



to

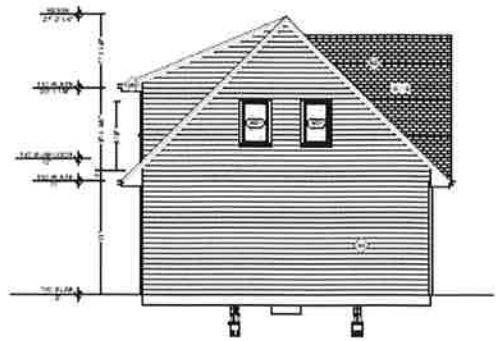
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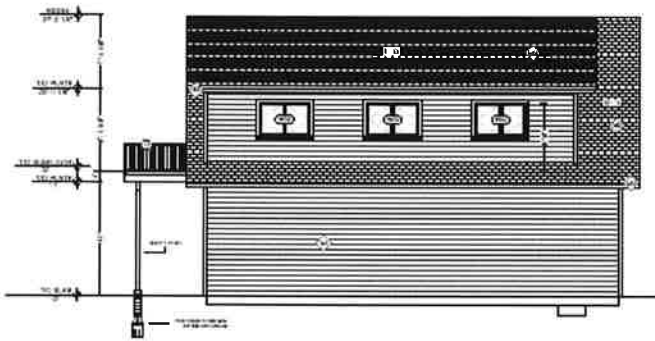
**Supplementary Material – Elevations**



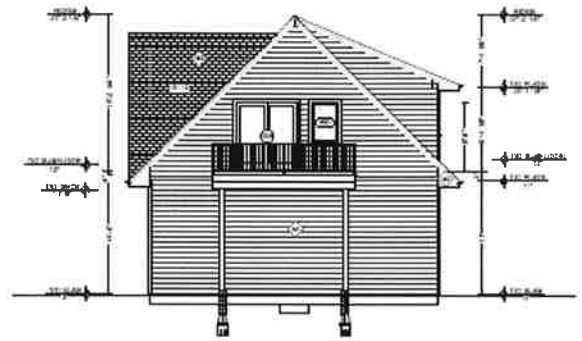
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

to

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**Supplementary Material – Perspective Elevations**

RUDY SAWATZKY  
GARAGE  
97 Meachin Drive,  
Dunsford  
CONSTRUCTION DRAWINGS

