

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Karagianis**  
Report Number COA2022-089

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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 3 – Geographic Township of Verulam**

**Subject:** To recognize the property's existing residential use to facilitate the reconstruction and enlargement of an existing single detached dwelling and new detached accessory structure (garage) with frontage on an unimproved road.

**Relief sought:**

- 1) By-law Section 19.2. c. ii. requires a minimum front yard depth of 10 metres, a minimum front yard depth of +/- 4.5 metres (porch) and +/- 6.7 metres (dwelling) are proposed;
- 2) By-law Section 19.2.5. requires a minimum rear yard depth of 10 metres, a minimum rear yard depth of +/- 8.7 meters is proposed;
- 3) By-law Section 19.2.6. permits a maximum lot coverage of 10%, a maximum lot coverage of 18% is proposed;
- 4) By-law Section 5.12.1 only permits the construction of buildings or structures on lots that have unobstructed driveway or passageway to an abutting improved street, building construction on an unimproved street is proposed.

The relief is requested at **22 Henry's Road** (File D20-2022-080).

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**Author:** Megan Peck, Planner II

**Signature:** 

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**Recommendations**

**That** Report COA2022-089 – Karagianis, be received;

**That** application D20-2022-080 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 submitted as part of Report

COA2022-089, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** building construction related to the application 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 COA2022-089. Fulfillment of all conditions is required for the decision to be considered final and binding.

## **Application Summary**

|                              |   |
|------------------------------|---|
| Proposal:                    | Reconstruction and enlargement of an existing single detached dwelling and new detached garage with frontage on an unimproved road. |
| Owner:                       | Lisa Karagianis   |
| Applicant:                   | TD Consulting Inc. c/o Tom DeBoer   |
| Legal Description:           | Part of Lot 20, Concession 3  |
| Official Plan <sup>1</sup> : | Rural (City of Kawartha Lakes Official Plan, 2012)  |
| Zone <sup>2</sup> :          | General Rural 'A1' (Township of Verulam Zoning By-Law 6-87)   |
| Site Size:                   | +/-1,391.8 sq. m (0.34 ac)  |
| Site Access:                 | Henry's Road (unimproved road)  |
| Site Servicing:              | Individual private well and individual private septic system  |
| Existing Uses:               | Residential   |
| Adjacent Uses:               | Rural residential; Agricultural   |

## **Rationale**

### **The application satisfies the provisions of the Planning Act<sup>3</sup>**

In accordance with section 45(2)(a)(i) if a structure was used for a purpose prohibited by the By-law as of March 2, 1987 (By-law date of passage), the

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

<sup>3</sup> See Schedule 1

committee may permit its enlargement, and expansion of its use, if its use has continued to present day.

The owner has provided tax documents to demonstrate the existence and contention of a residential use (single detached dwelling) since 1982. A single detached dwelling and accessory structures are permitted uses within the General Rural 'A1' Zone; however, Section 5.12.1 of the By-law prohibits the construction of buildings or structures on lots lacking unobstructed passageway from an abutting unimproved street; therefore, the enlargement of the existing single detached dwelling and the construction of a new stand-alone accessory structure (garage) is not permitted as of right.

### **Evaluation of impact**

It can be expected that over time, owners may improve their property resulting in its highest and best use. The road assumption status limits the subject property's redevelopment opportunities, including the expansion or enlargement of the existing single detached dwelling (circa 1982) or the ability to construct a new accessory structure, such as the proposed detached garage. Therefore, the permission sought would recognize the property's existing residential use and non-compliance to permit an enlargement of the existing dwelling and the construction of a new detached garage.

Section 19.2.c. ii. and 19.2.5. of the By-law requires a minimum front yard depth and rear yard depth of 10 metres. The single detached dwelling pre-dates the Verulam Zoning By-law (1987) and its location on the lot is considered legal non-complying. The existing house is located +/- 5.8 metres from the front lot line, whereby the By-law requires a front yard setback of 10 metres. The proposed reconstruction will further this non-compliance, resulting in a front yard setback of +/- 4.5 metres (to the proposed porch) and +/- 6.7 (to the house's main wall), and a rear yard setback of +/- 8.7 metres. Although the proposed reconstruction will further reduce the minimum front yard depth, the setback between the front lot line and dwelling's main wall would be increasing.

The existing camper trailers location in the front and south side yards will be removed to accommodate the new construction. The existing location of these camper trailers, encroaching in the front yard, demonstrate the limited impact of the proposed house expansion and its compatibility with adjacent uses. A row of evergreen trees provides physical and visual separation between the existing house and camper trailer from the street, and similarly will provide a buffer effect for the proposed front porch.

The property currently contains a variety of accessory, and temporary structures, including two (2) camper trailers, a shed, as well as a temporary fabric car shelter, and tarp-enclosed tent gazebo. Hence, the existing site demonstrates the need for additional storage space. The owner is also storing their boat on the property, which would be better protected from the elements in a covered, permanent structure, such as the proposed detached garage. The proposed +/- 127.2 sq m house addition is intended to increase functionality and living space, while an

additional +/- 82.1 sq m of new garage space will provide storage area for personal effects, vehicles and property maintenance tools/material.

This proposal also requests permission to increase the maximum lot coverage from 10% to 18%. In the 'A1' zone the maximum lot coverage of 10% applies to both farm, and residential uses alike. This is atypical of lots less than 1-2 ha, whereby City By-laws generally permit a greater lot coverage for residential uses, generally between +/- 30 and 35%. Furthermore, due to the parcel's undersized nature of (approximately 1,391.8 sq. m, compared to the minimum lot size of 2,020 sq. m for new lots in the 'A1' zone) the extent of permitted lot coverage is disproportionately represented. Properties within the 'A1' zone are typically large agricultural lots; therefore, 10% lot coverage generally allows for a larger building envelope and developed land area than proposed.

The property has a steep slope between the existing house and the north portion of the lot. This drastic change in topography makes the location for the proposed garage desirable, given this area is relatively flat and cleared of vegetation. This location is also considered desirable for the detached garage, as an approved secondary entrance already exists to permit vehicle access.

The subject property is heavily treed and is surrounded by large neighbouring agricultural lots with dense woodlots in all directions. Development is largely static in the vicinity of the subject property further limiting the potential impacts of the proposed development on neighboring properties.

According to Kawartha Conservation the property is located in the vicinity of a significant woodland; within 120 metres of a waterbody/fish habitat, and within a 120 metre buffer of an unevaluated wetland (Natural Heritage Features). The property is within the boundary of the Sturgeon Lake Management Plan, and highly vulnerable aquifers (Water Resources). It's determined that the proposed development is unlikely to cause negative effects to the fish habitat, and is unlikely to impact the function of the nearby wetland. Given the nature of the proposed development, Kawartha Conservation will not request an Environmental Impact Study(EIS) for the development in proximity to the significant woodlands; however, recommends that tree clearing be kept to a minimum. KRCA has requested a tree compensation plan, and landscaping plan in accordance with KRCA's described protocol, to demonstrate/mitigate the proposals impact on the surrounding woodlands. The proposed construction does not appear to necessitate the removal of vegetation or trees. After further consultation with KRCA it's been determined that the need for these plans will be further assessed at KRCA's regulatory permit stage, as required under the Conservation Authorities Act.

The expansion of the existing house and proposed new garage is anticipated to have no impact on surrounding property owners, or the function of the private right-of-way with respect to access, drainage, and maintenance. Due to the unimproved road status, should the property be proposed for redevelopment in the future, further relief would be required.

**Other Alternatives Considered:**

No alternatives applicable.

## Consultation Summary

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

### Agency Comments:

**DS-Building, Plans Examiner:** "There is an outstanding building permit on this property BPH2015-0622 for a deck and it has no relevance to this minor variance, no other comments"

**DS-Septic, Part 8 Septic Supervisor:** "A sewage system installation report was located for the sewage system serving the property. Based on the site plan submitted, the new dwelling location will not encroach on the existing sewage system. The proposal will need to ensure that the new dwelling does not exceed the allowable capacities of the working components of the sewage system. This evaluation can be conducted at anytime prior to the issuance of the building permit. I have contacted the applicant to request a formal submission for review. As such, the Building and Septic Division has no concerns with the proposed dwelling location as it relates to private on-site sewage disposal."

**Kawartha Conservation:** "Kawartha Conservation would recommend the submission of a landscaping plan that incorporate the suggested tree compensation protocol to support the approval of the D20-2022-080 Minor Variance for the replacement of the existing dwelling and proposed detached garage. The applicant will be required to obtain a Permit from Kawartha Conservation for the proposed project. Please confirm requirements with our staff. Please note if there are any species at risk considerations on the property, the MECP is the applicable agency to follow up with."

### 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

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|-------------------------|--|
| <b>Phone:</b>           | 705-324-9411 extension 1248                    |
| <b>E-Mail:</b>          | mpeck@kawarthalakes.ca                         |
| <b>Department Head:</b> | Richard Holy, Director of Development Services |
| <b>Division File:</b>   | D20-2022-080                                   |

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

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#### **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

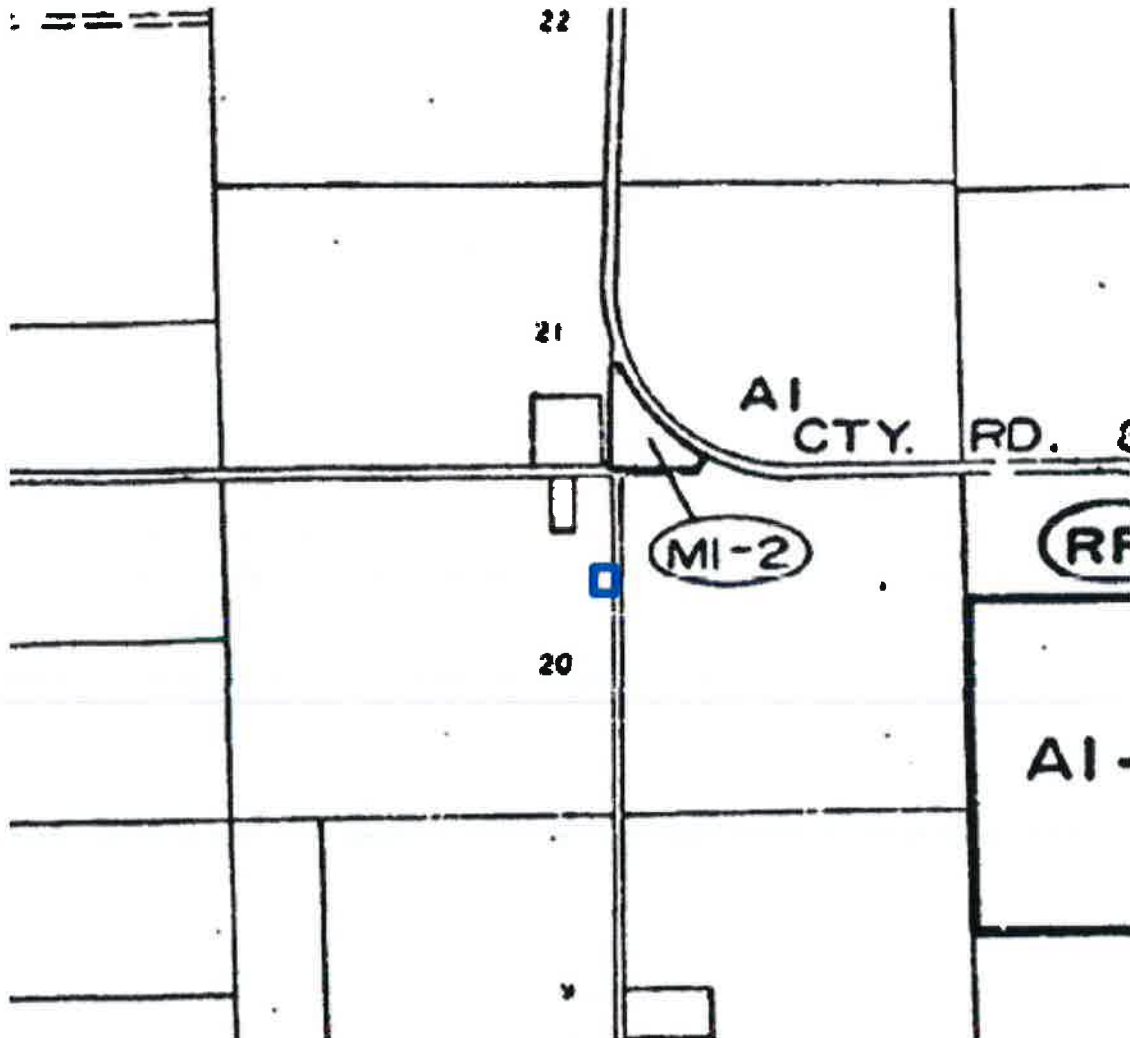
(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c.P.13, s.45(2).

## City of Kawartha Lakes Official Plan



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

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



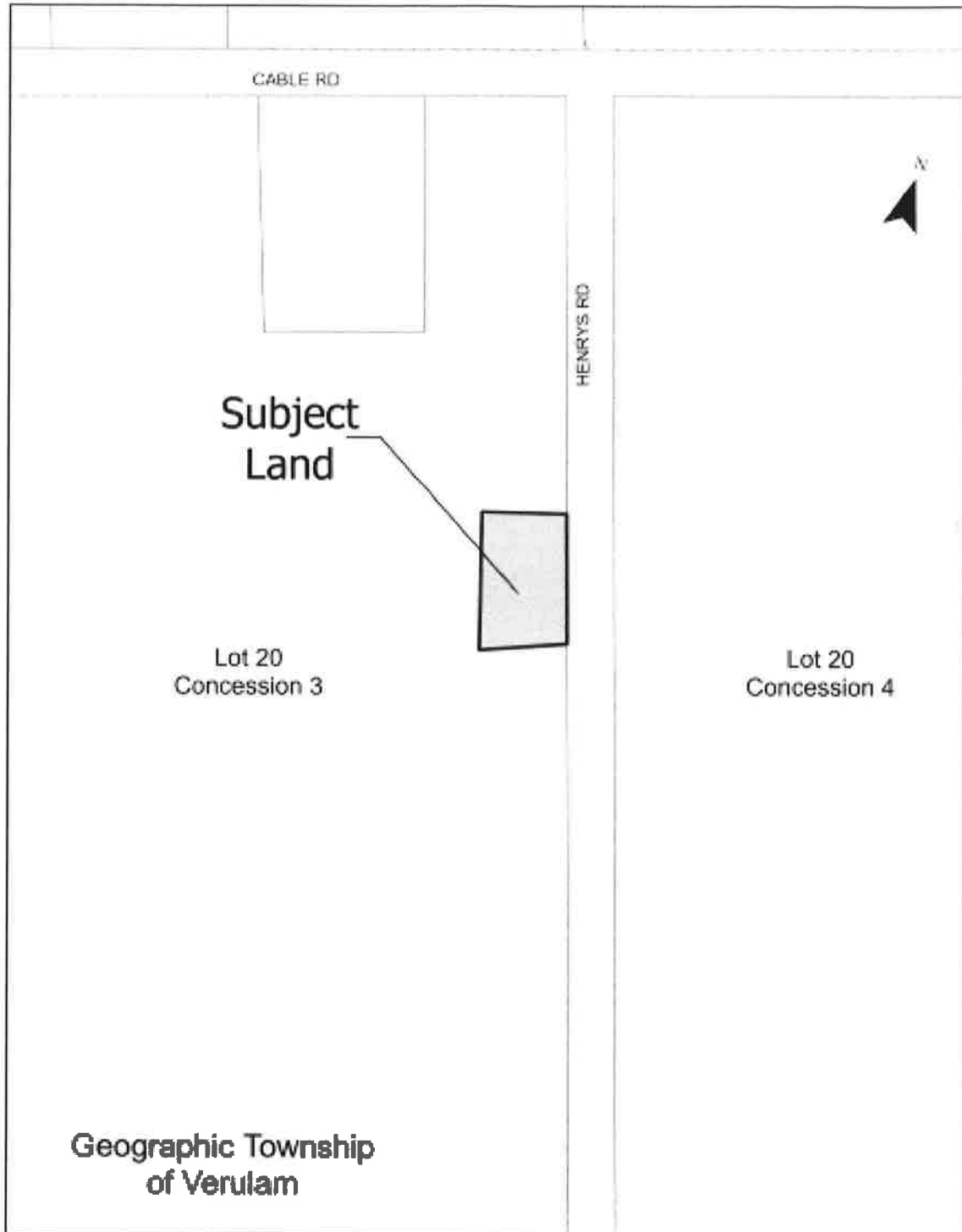
|                |                           |
|----------------|---------------------------|
| Section 1.3.3  | Existing Uses Continued   |
| Section 4      | Definitions               |
| Section 5      | General Provisions        |
| Section 5.1    | Accessory Uses            |
| Section 5.12.1 | Access to Improved Street |
| Section 19     | General Rural (A1) Zone   |



to

**Location Map**

# D20-2022-080



to

REPORT COA2022-089

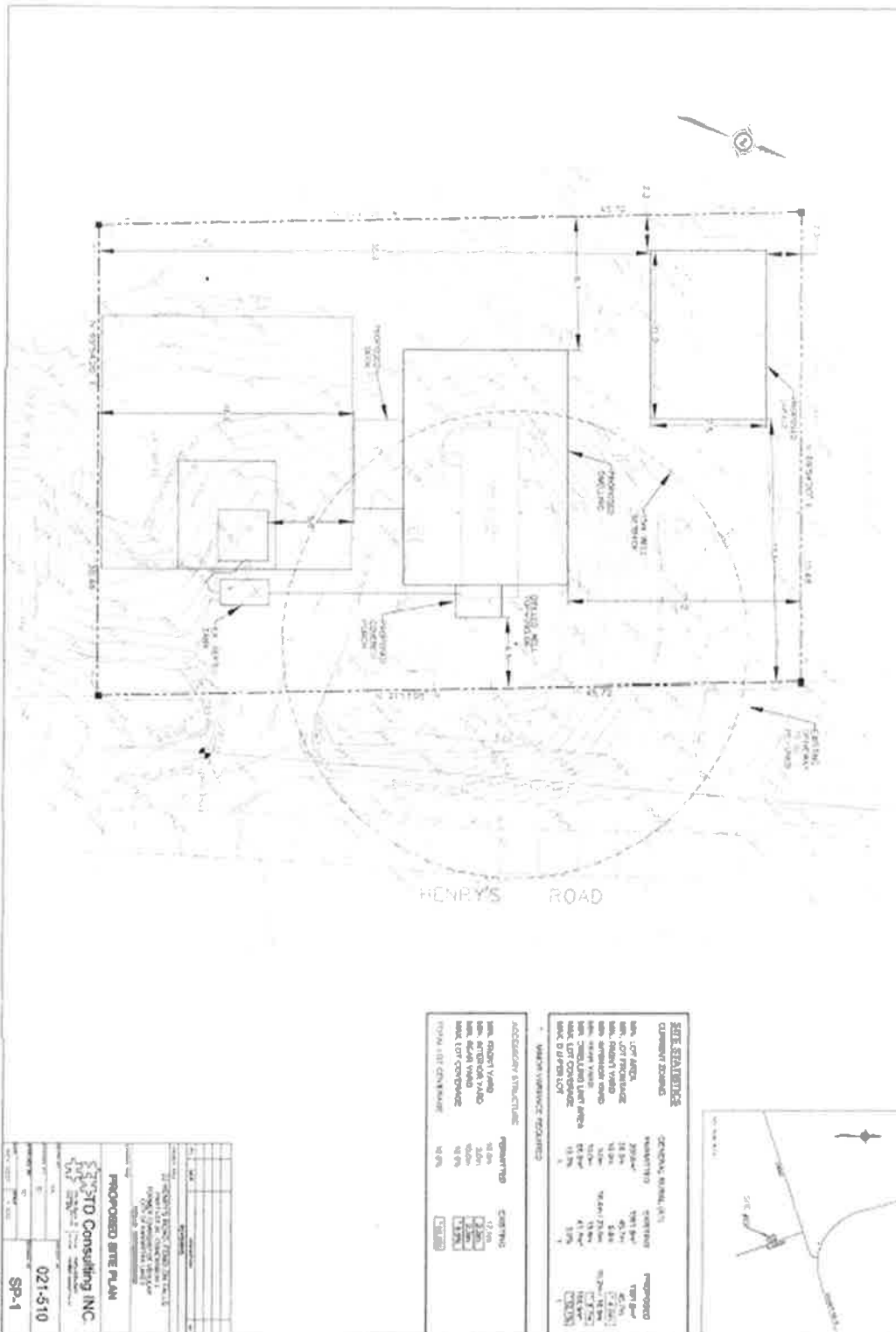
FILE NO: D20-2022-080

**Aerial Photo**



to

**Applicant's Sketch**



HENRY'S ROAD



**SITE STATISTICS**

| Customer Zoning          | GENERAL: R100 (A) | PROPOSED     |
|--------------------------|-------------------|--------------|
| MIN. LOT AREA            | 20,000 sq ft      | 10,000 sq ft |
| MIN. LOT FRONTAGE        | 30.00 ft          | 40.00 ft     |
| MIN. FRONT YARD SETBACK  | 10.00 ft          | 5.00 ft      |
| MIN. SIDE YARD SETBACK   | 5.00 ft           | 5.00 ft      |
| MIN. REAR YARD SETBACK   | 10.00 ft          | 5.00 ft      |
| MAX. LOT COVERAGE        | 40.00%            | 41.00%       |
| MAX. LOT AREA            | 10,000 sq ft      | 10,000 sq ft |
| MAX. GROUND LOT AREA     | 10,000 sq ft      | 10,000 sq ft |
| MAX. GROUND LOT COVERAGE | 40.00%            | 41.00%       |

**ADDITIONAL STRUCTURE**

| MIN. FRONT YARD SETBACK | PROPOSED     | EXISTING     |
|-------------------------|--------------|--------------|
| MIN. FRONT YARD SETBACK | 10.00'       | 10.00'       |
| MIN. SIDE YARD SETBACK  | 5.00'        | 5.00'        |
| MIN. REAR YARD SETBACK  | 10.00'       | 10.00'       |
| MIN. LOT COVERAGE       | 40.00%       | 41.00%       |
| MIN. LOT AREA           | 10,000 sq ft | 10,000 sq ft |

**PROPOSED SITE PLAN**

**SEYSTO Consulting INC.**

2200 WEST 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
TEL: (303) 733-1111  
WWW.SEYSTO.COM

DATE: 02/15/20  
PROJECT: SP-1

