

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Davidenko

Report Number COA2023-088

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### Public Meeting

**Meeting Date:** November 23, 2023

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward 1 – Geographic Township of Digby

**Subject:** The purpose and effect is to recognize a recently constructed garage with two attached 'lean-to' structures.

#### Relief sought:

1. Section 18.1 b) of the By-law states that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Two Exception Three (RR2-3)' Zone and the minimum front yard setback requirement is 6 metres; the existing setback is 5.4 metres; and,
2. Section 18.1 b) of the By-law states that a garage may be erected in the front yard provided that it complies with the setback provisions of the specific zone. The garage does not comply with the front yard setback, and is located in the front yard.

The variance is requested at **128 Baker Boulevard** (File D20-2023-080).

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**Author:** Katherine Evans, Planner II    **Signature:** 

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### Recommendations

**That** Report COA2023-088 – Davidenko, be received;

**That** minor variance application D20-2023-080 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2023-088, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** this approval shall be in effect for a period of twelve (12) months after the date of the Notice of Decision, after which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2023-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognize a recently constructed garage with two attached 'lean-to' structures
Owners:	Victor and Tatyana Davidenko
Applicant:	Victor Davidenko
Legal Description:	Lot 3, Plan 57M741
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Two Exception Three (RR2-3) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	0.3 ha. (0.74 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

## Rationale

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

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The subject property is located in an established residential neighbourhood located on the northern shore of Head Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 2005 (according to Municipal Property Assessment Corporation), a carport, and a detached garage with two attached lean-to structures.

The proposal is to recognize the reduced front yard setback of the existing detached garage with attached lean-tos. The garage was constructed with a Building Permit in 2023. However, the lean-to structures were added afterwards. When the third party contractor measured to drill the helical piles which support the lean-to structures, the measurement did not account for the slight angle of the front lot line. As such, the west corner of the lean-to constructed on the north side of the garage complies with the minimum front yard setback, but the east corner of the lean-to encroaches into the required front yard setback.

The dwelling on the property has limited storage space, so the garage provides necessary storage on the property. In addition to the interior space within the garage, the lean-to structures provide additional covered storage areas. Other properties in the area have accessory structures in the front yard, so the location of the garage is in keeping with the existing built form in the neighbourhood. The built form and materials used for the garage construction compliment the existing single detached dwelling.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

Therefore, the variance maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned Rural Residential Type Two Exception Three (RR2-3) Zone under the United Townships of Laxton, Digby, and Longford Zoning By-law 32-83. The RR2-3 Zone provides specific provisions regarding water setback, elevation of building openings, and permitted built form. The garage complies with the provisions of the exception zone, and a single detached dwelling as well as accessory structures are permitted within this zone. The existing garage complies with all provisions of the Zoning By-law with the exception of the front yard setback and accessory structure location.

As per Section 18.1 b) of the By-law, an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is

located. The minimum front yard setback in the RR2-3 Zone is 6 metres. The existing setback is 5.4 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as sight lines and the character of the streetscape.

As one corner of the attached lean-to complies with the front yard setback, it is only the eastern corner which needs relief. It is not anticipated that the 0.6 metre encroachment would be perceptible when viewing the property from the road. Additionally, there is a road side ditch which provides visual and physical separation between the garage and the travelled portion of the road allowance. It is not anticipated that the garage will result in impacts to sight lines or the travelled portion of the road with respect to traffic or road maintenance. Additionally, other accessory structures in the area appear to have reduced front yard setbacks, so the garage in this location aligns with the existing built form.

As per Section 18.1 b) of the By-law, a garage may be erected in the front yard provided that it complies with the setback provisions of the specific zone. The garage does not comply with the front yard setback, and is located in the front yard. If the garage complied with the minimum front yard setback, its location in the front yard would be permitted under the Zoning By-law. It is not anticipated that the garage being located in the front yard at its existing reduced setback will result in any negative impacts to the provision of amenity space or the character of the neighbourhood.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

**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:**

No alternatives considered.

**Consultation Summary**

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

**Agency Comments:**

**Building and Septic Division (Septic):** “The attached lean-to structures are being proposed to be constructed onto the existing garage structure. The sewage system was evaluated for the proposed garage construction in 2021. During that evaluation it was determined that the garage would be placed to ensure the

minimum required clearance distances to the sewage system components would be maintained. The lean-tos proposed will be added onto the ends of the garage and all clearance distances can still be maintained. Additionally, the garage and lean-tos will not contain any plumbing fixtures or habitable living space as part of the construction.

As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage systems.”

**Building and Septic Division (Building):** “No comments.”

**Engineering and Corporate Assets Division:** “From an engineering perspective, we have no concerns or comments on this Minor Variance application.”

**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

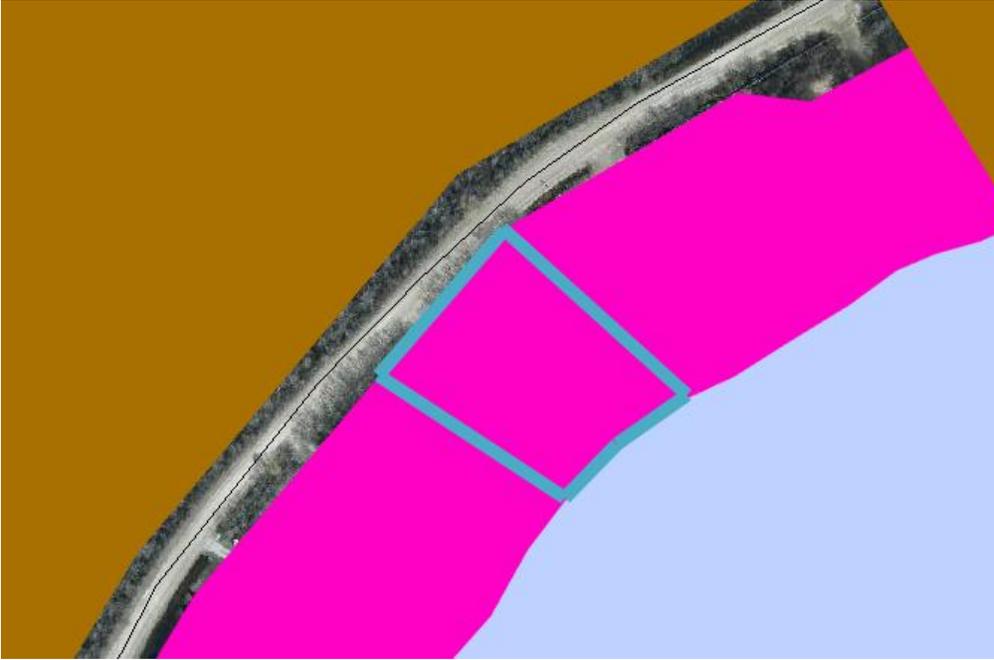
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**Department Head:** Richard Holy, Director of Development Services  
**Division File:** D20-2023-080

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

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



### Section 4 Rural Residential Type Two (RR2) Zone

#### 4.1 RR2 Uses Permitted

#### 4.2 RR2 Zone Requirements

- d) Minimum front yard 6 m

#### 4.3.3 Notwithstanding Sections 4.2 g. and i. and 18.22 and in addition to the provisions of Section 4.2, on land zoned "RR2-3" the following requirements shall apply:

- a. Minimum water setback 20 m
- b. Minimum opening elevation 270.46 m G.S.C.
- c. Minimum elevation for floor of crawl spaces 269.96 m G.S.C.
- d. no basements shall be permitted as a foundation for any building or structure
- e. for the purposes of the RR2-3 Zone a crawl space shall mean that space located below the first storey of a building or structure which is completely enclosed by the foundation walls and is not greater than 1 metre in height
- f. no buildings shall be greater than one storey in height.

## **Section 18 General Provisions**

### **18.1 Accessory Buildings, Structures and Uses**

#### **b. Location**

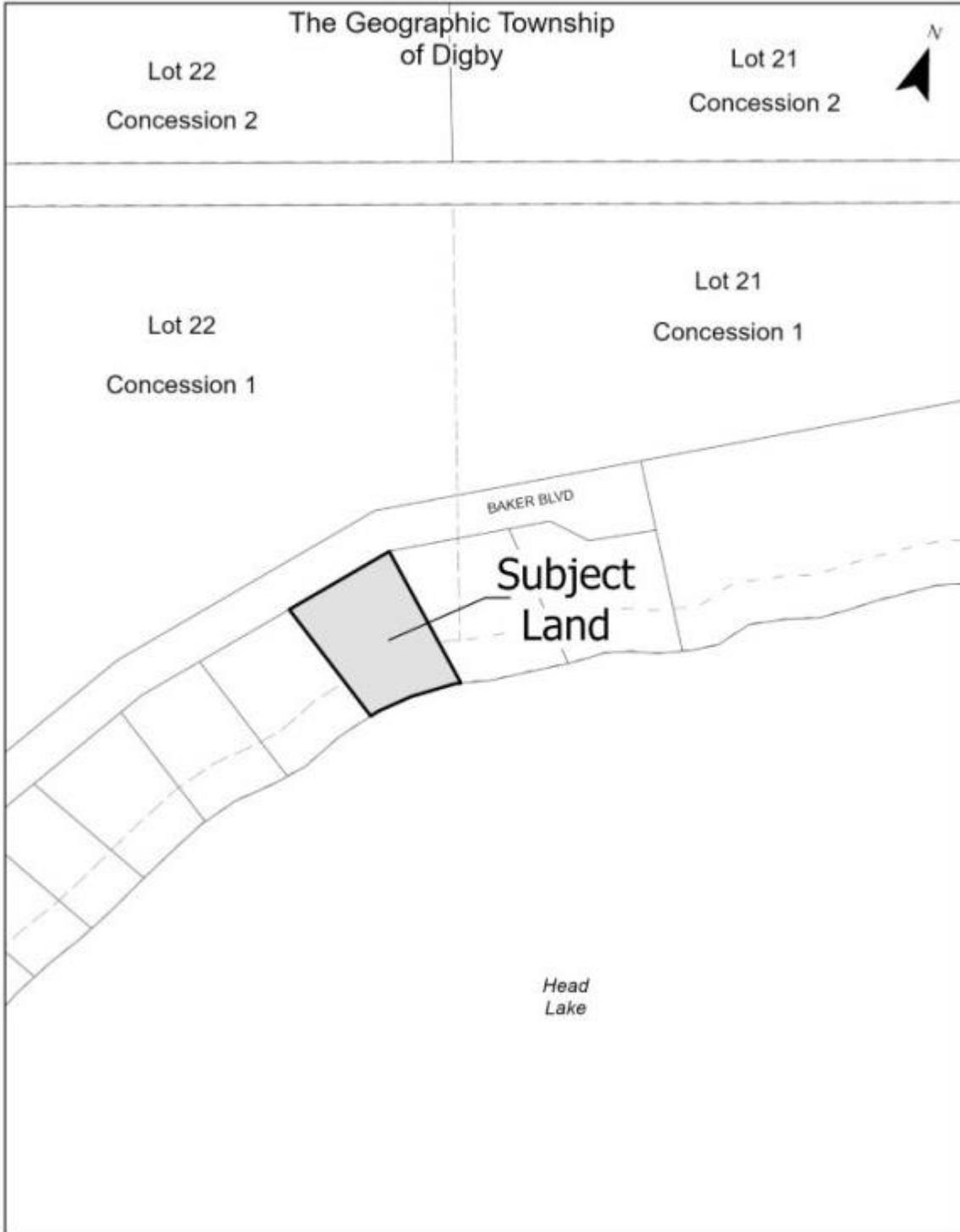
An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.3 metres from a rear lot line and 1.3 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.

Notwithstanding the requirement that an accessory building is only permitted in the side or rear yard, a garage may be erected in the front yard provided that it complies with the setback provisions of the specific zone.

**LOCATION MAP**

# D20-2023-080



APPENDIX " B "

to

REPORT COA2023-088

FILE NO: D20-2023-080

**AERIAL PHOTO**



to

REPORT COA2023-088

FILE NO: D20-2023-080

APPLICANT'S SKETCH

