

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Bye**  
Report Number COA2023-089

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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 Dalton**

**Subject:**      The purpose and effect is to facilitate the construction of a detached garage.

**Relief sought:**

1. Section 14.1 b) of the By-law permits an accessory structure to be located in the side or rear yard; the proposed garage is to be located in the front yard; and,
2. Section 14.1 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 (RR2)' Zone and the required minimum front yard setback is 7.5 metres; the proposed setback is 4.6 metres.

The variance is requested at **40 McLeish Drive** (File D20-2023-081).

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

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**Recommendations**

**That** Report COA2023-089 – Bye, be received;

**That** minor variance application D20-2023-081 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

COA2023-089, which shall be attached to and form part of the Committee's Decision;

- 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; and,
- 3) **That** the sheds and wooden lean-to structure identified in Appendix D be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the structures have been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2023-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## **Application Summary**

Proposal:	Construction of a detached garage
Owners:	Katie and Timothy Bye
Applicant:	Katie Bye
Legal Description:	Part Lot 31, Concession 3 (being Lot 14 on Plan 402)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Two (RR2) Zone (Township of Dalton Zoning By-law 10-77)
Site Size:	1,416 sq. m. (15,241.7 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **Rationale**

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

The subject property is located in an established residential neighbourhood located near the north shore of Young Lake. The property is rectangular in shape and does not have frontage on the water. The property currently contains a single detached dwelling constructed in 2000 (according to Municipal Property Assessment Corporation), two sheds, and a wooden lean-to storage structure attached to one of the sheds.

The proposal is to construct a detached garage. The garage will provide additional storage opportunities on the property. Items to be stored in the garage include snowmobiles, dirt bikes, tools, and gardening and lawn care equipment. The construction of the garage will allow for the removal of the existing sheds and the wooden lean-to structure, as the storage needs they currently address will be met by the new garage in a more consolidated, permanent and aesthetically pleasing manner.

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 is considered to maintain 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 (RR2) Zone under the Township of Dalton Zoning By-law 10-77. A single detached dwelling and accessory structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the location of the garage and the front yard setback.

As per Section 14.1 b) of the By-law, an accessory structure is permitted in the side or rear yard. The proposed garage is to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

As the dwelling is larger and greater in height than the proposed garage, the primary use (dwelling), will remain visually predominant. There is an existing solid privacy fence along the front lot line as well as the western side lot line, providing visual screening when viewing the property from the road and from the neighbouring property to the west. Additionally, sufficient amenity space exists within the interior side and rear yard, allowing for outdoor recreation to continue to occur unimpeded on the property. As there are other properties in the area with accessory structures in the front yard, the proposal will not be out of character with the existing built form.

As per Section 14.1 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 Zone is 7.5 metres, and the proposed setback is 4.6 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.

In addition to the proposed 4.6 metre setback, there is an approximately 4.2-metre-wide grassy boulevard between the front lot line and the travelled portion of the road, adding visual and physical separation between the proposed garage and the road. Additionally, the road allowance will still be accessed via the property's existing driveway, so vehicles will not be exiting the garage and immediately entering 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. There appear to be existing buildings and structures along McLeish Drive with reduced front yard setbacks, so the garage at its proposed setback will be in keeping with the existing built form in the area.

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 detached garage is being proposed on the north side of the existing single detached dwelling. The sewage system installation report indicates the septic tank and leaching bed are located on the south side of the existing single detached dwelling. Based on the proposed location of the detached garage, the minimum required clearance distances to the sewage system components will be maintained. Additionally, the detached garage is not being proposed with any plumbing fixtures or habitable living space as part of the construction.

Please note that based on the existing property layout and existing and proposed structure, it will be challenging to replace the sewage system in the future and the only option for replacement may be an alternative-type treatment proposal.

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

Appendix D – Sheds and lean-to structure to be removed

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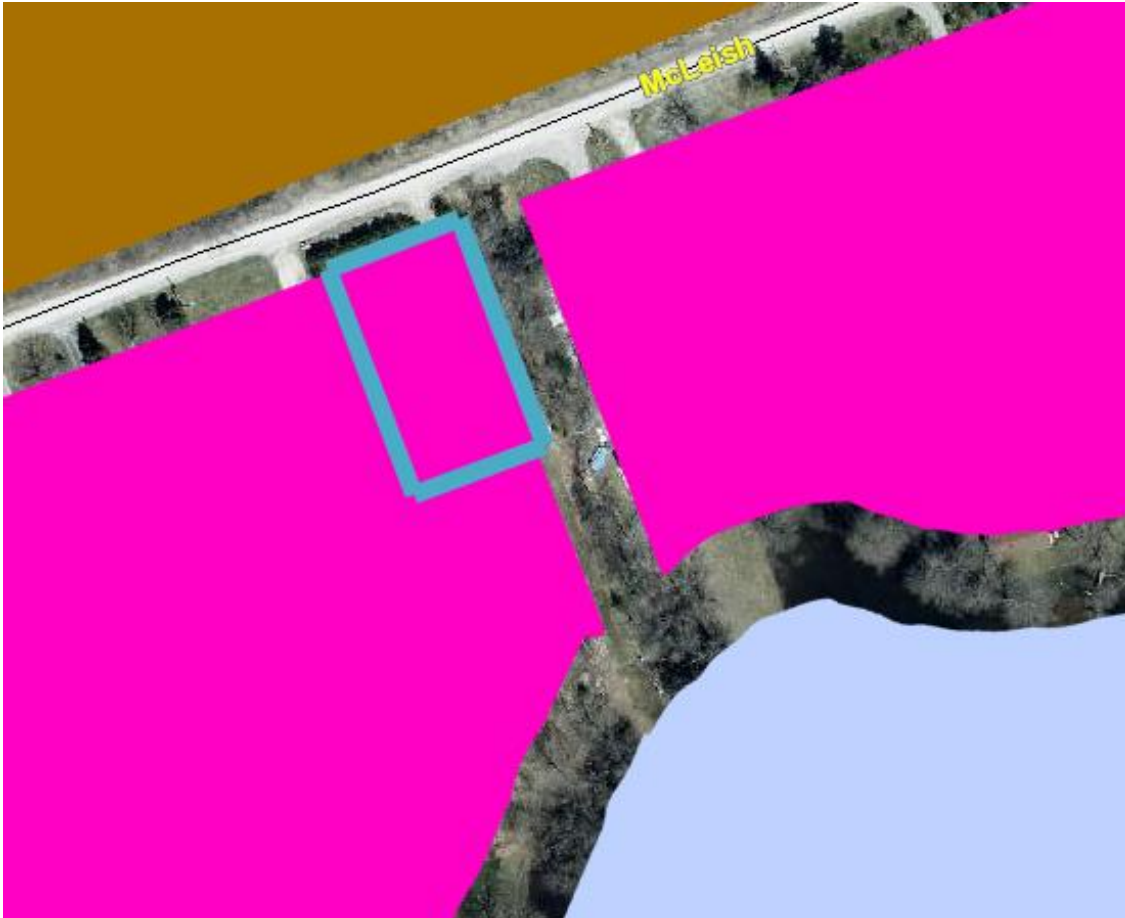
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Richard Holy, Director of Development Services
<b>Division File:</b>	D20-2023-081

## Schedule 1

### Relevant Planning Policies and Provisions

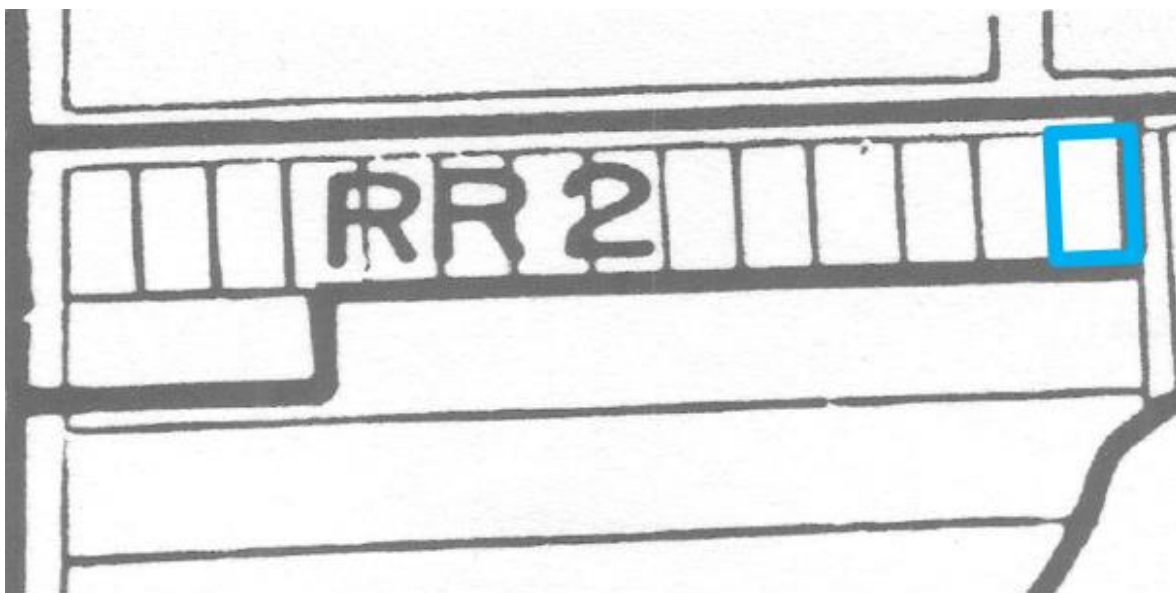
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#### City of Kawartha Lakes Official Plan



#### 20. Waterfront Designation

## Township of Dalton Zoning By-law Number 10-77



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

#### 4.1 RR2 Uses Permitted

#### 4.2 RR2 Zone Requirements

- |                       |       |
|-----------------------|-------|
| c) Minimum front yard | 7.5 m |
|-----------------------|-------|

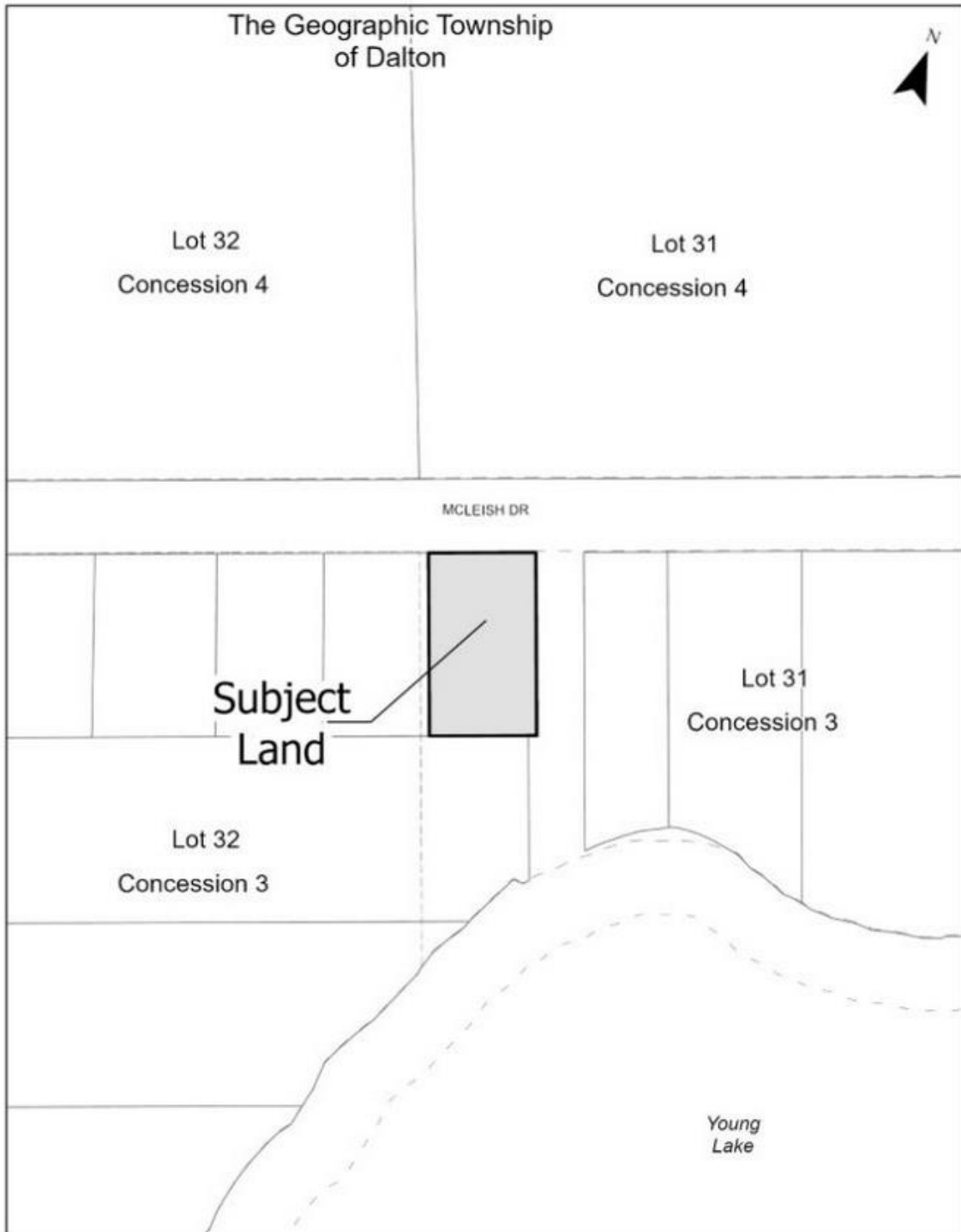
### Section 14 General Provisions

- 14.1 b) 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.

**LOCATION MAP**

**D20-2023-081**





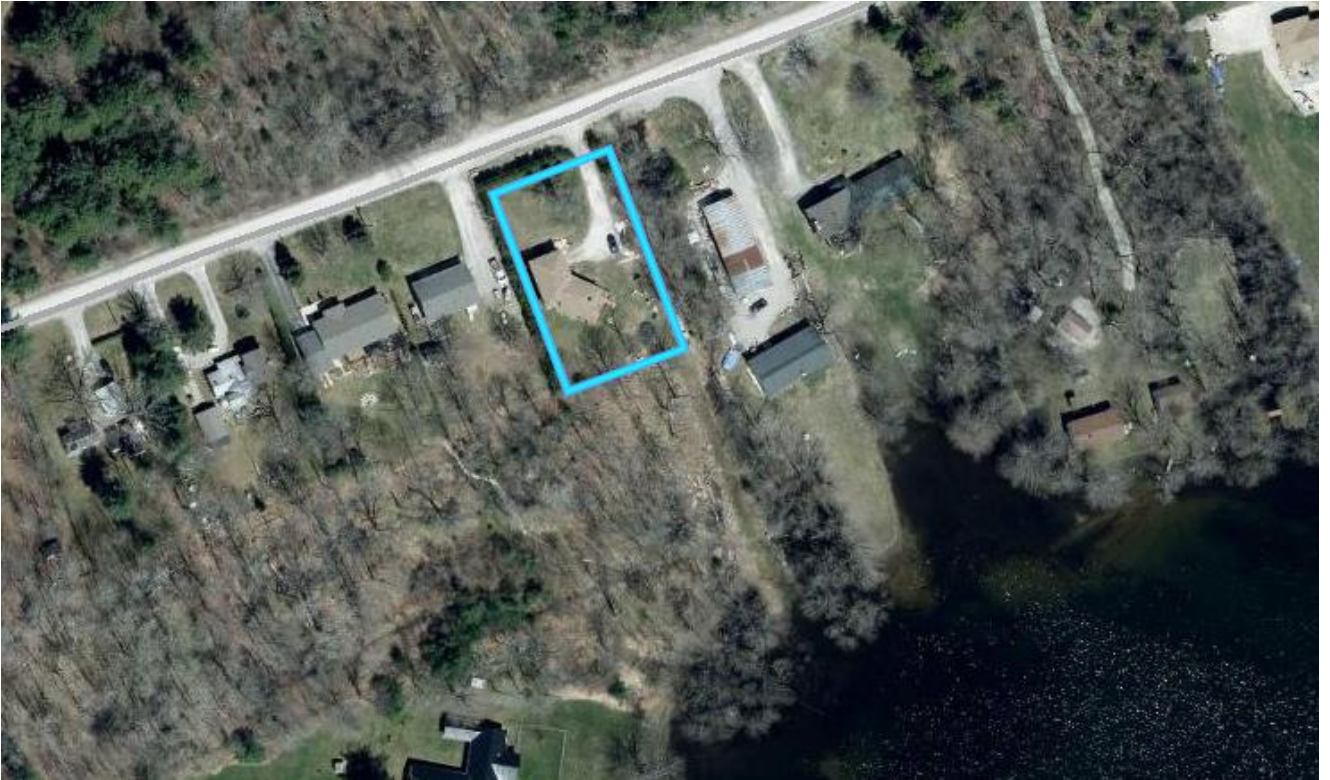
APPENDIX " B "

to

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## AIR PHOTO

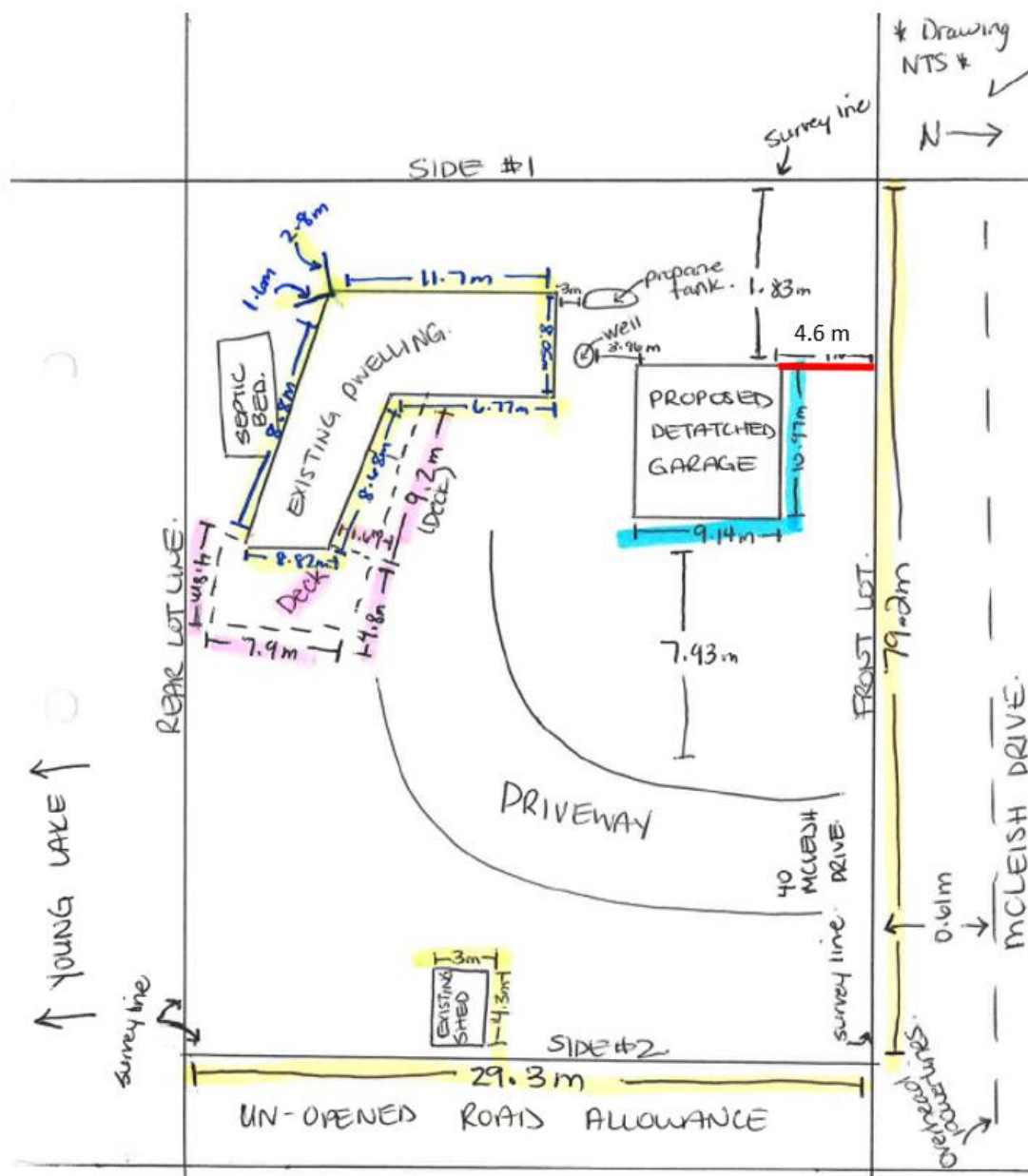


to

### APPLICANT'S SKETCH

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APPENDIX " D "

to

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**PHOTO OF SHEDS AND LEAN-TO STRUCTURE  
TO BE REMOVED**

