

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Weilandt

Report Number COA2024-007

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### Public Meeting

**Meeting Date:** January 25, 2024

**Time:** 1:00 pm

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

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### Ward 2 – Geographic Township of Fenelon

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling with a walkout basement

### Relief sought:

1. Section 15.2.1.3 b) ii) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side; the proposed setback is 1.3 metres on the north side.

The variance is requested at **138 Coldstream Road** (File D20-2023-092).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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### Recommendations

**That** Report COA2024-007 – Weilandt, be received;

**That** minor variance application D20-2023-092 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 and the drawings in Appendix D submitted as part of Report COA2024-007, 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 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.

- 3) **That** the shed identified in Appendix E 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 shed has been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2024-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |  |
|------------------------------|--|
| Proposal:                    | The demolition of the existing dwelling and the construction of a new dwelling with a walkout basement |
| Owners:                      | Gerda Weilandt   |
| Applicant:                   | Vulcan Design Inc. c/o Dan Berry   |
| Legal Description:           | Part Lot 32, Concession 9 (being Lot 10 on Plan 306)   |
| Official Plan <sup>1</sup> : | Waterfront (City of Kawartha Lakes Official Plan, 2012)  |
| Zone <sup>2</sup> :          | Limited Service Residential Exception Two (LSR-2) Zone (Township of Fenelon Zoning By-law 12-95)       |
| Site Size:                   | 1,702.82 sq. m. (18,329 sq. ft.)   |
| Site Access:                 | Year round municipal road  |
| Site Servicing:              | Private individual well and septic system  |
| Existing Uses:               | Residential  |
| Adjacent Uses:               | Residential and commercial   |

## Rationale

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

The subject property is within an established neighbourhood containing residential and commercial uses located on the northern shore of the Rosedale River. The property is rectangular in shape and is a waterfront lot. The property contains a

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

single detached dwelling constructed in 1948 (according to Municipal Property Assessment Corporation), two sheds, a boathouse, and a gazebo.

The purpose of the application is to facilitate the demolition of the existing dwelling and the construction of a new dwelling with a walkout basement. The new dwelling is to have an attached waterside deck. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The existing dwelling has a gross floor area of approximately 118 square metres. The new dwelling is to have a gross floor area of 380 square metres. The new dwelling will provide more living space to better accommodate the property owner as well as family and friends.

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 property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses and buildings and structures accessory to residential uses are permitted within this 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 Limited Service Residential Exception Two (LSR-2) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling and accessory structures are permitted within this zone. The LSR-2 exception zone allows for a home occupation. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback.

As per Section 15.2.1.3 b) ii) of the By-law, a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side is required for dwellings greater than one storey. The proposed setback from the south lot line is 3.02 metres, and the proposed setback from the north lot line is 1.3 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The portion of the proposed dwelling with the reduced side yard setback has one window proposed, while the portion of the dwelling with two proposed patio doors complies with the minimum side yard setback and abuts a shed located on the neighbouring property. As such, it is not anticipated that the reduced side yard setback of a portion of the proposed dwelling will result in any privacy issues between neighbouring lots.

The dwelling on the property to the north is also two storeys, so the massing of the proposed dwelling will not overwhelm the existing built form on the abutting lot. Additionally, the proposed setback is not anticipated to result in negative impacts to lot drainage, and will provide adequate space to allow for access between front and rear yards and for the carrying out of any required maintenance to the north side of the dwelling.

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:**

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection to or comment for 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 – Construction Drawings
- Appendix E – Photo of Existing Shed to be Removed

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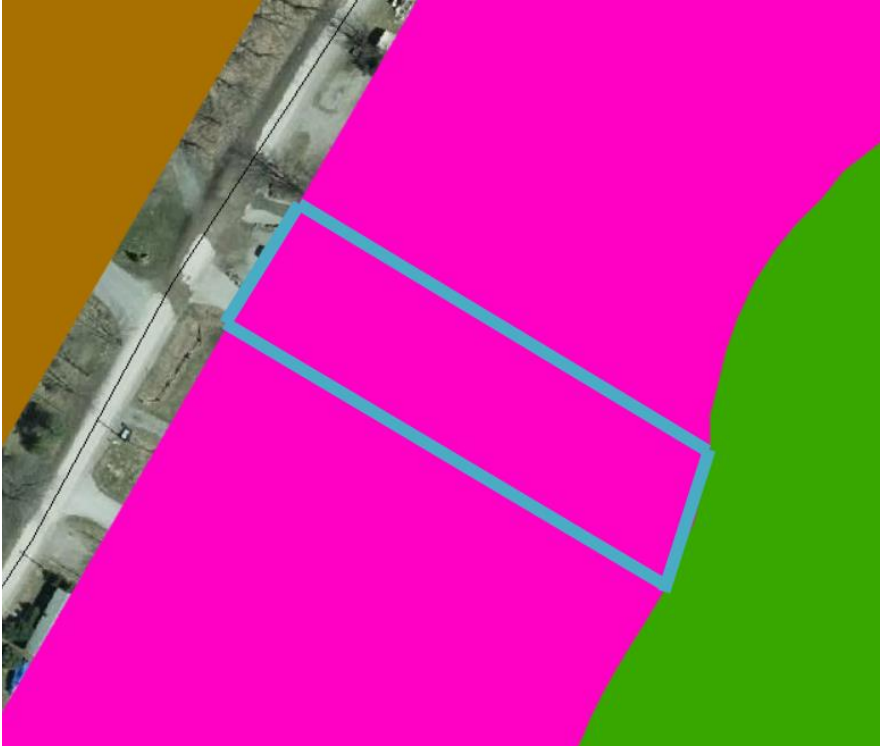
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca

**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2023-092

## Schedule 1 Relevant Planning Policies and Provisions

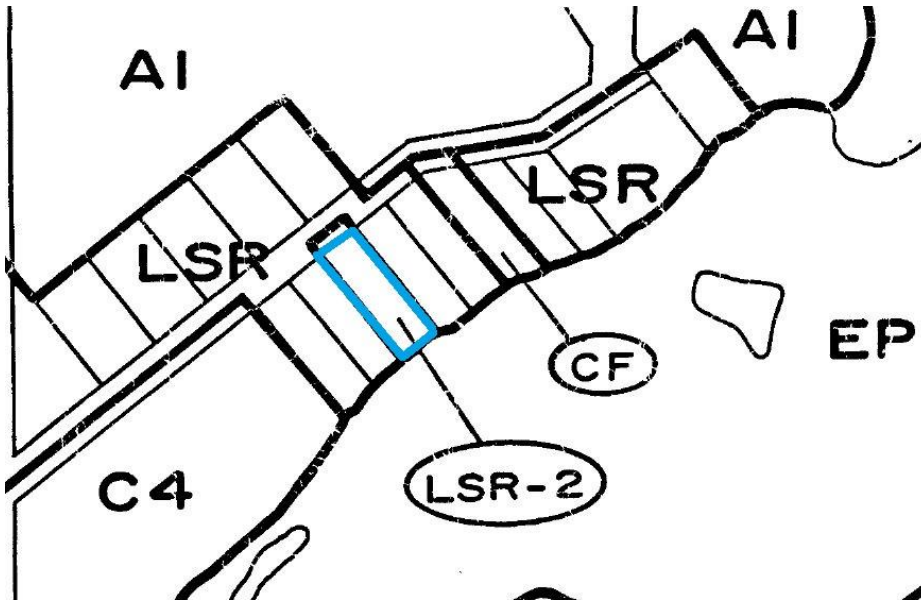
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Fenelon Zoning By-law 12-95



### Part 2 Definitions

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A storey shall include a walk-out basement.

### Part 15 Limited Service Residential (LSR) Zone

#### 15.1 Permitted Uses

#### 15.2 Zone Provisions

##### 15.2.1.3 Yard requirements (min.)

- b) interior side 3 m on one side
  - i) one storey 1.3 m on opposite side
  - ii) all others 2.3 m on opposite side

#### 15.3 LSR Exception Zones

##### 15.3.2 Limited Service Residential Exception Two (LSR-2) Zone

15.3.3.1 Notwithstanding subsection 15.1.1 land zoned "LSR-2" may also be used for a home occupation.

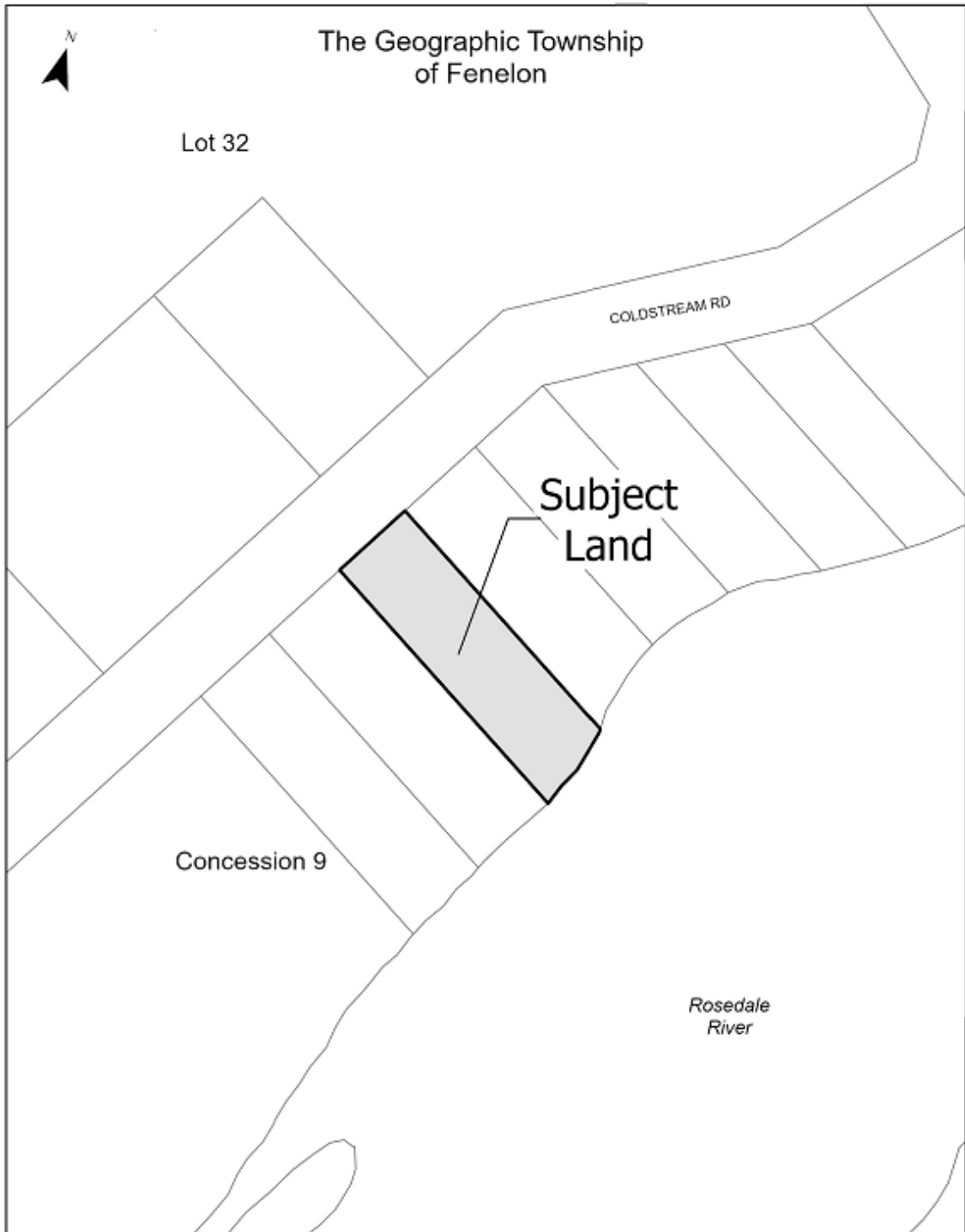
to

REPORT COA2024-007

FILE NO: D20-2023-092

**LOCATION MAP**

# D20-2023-092





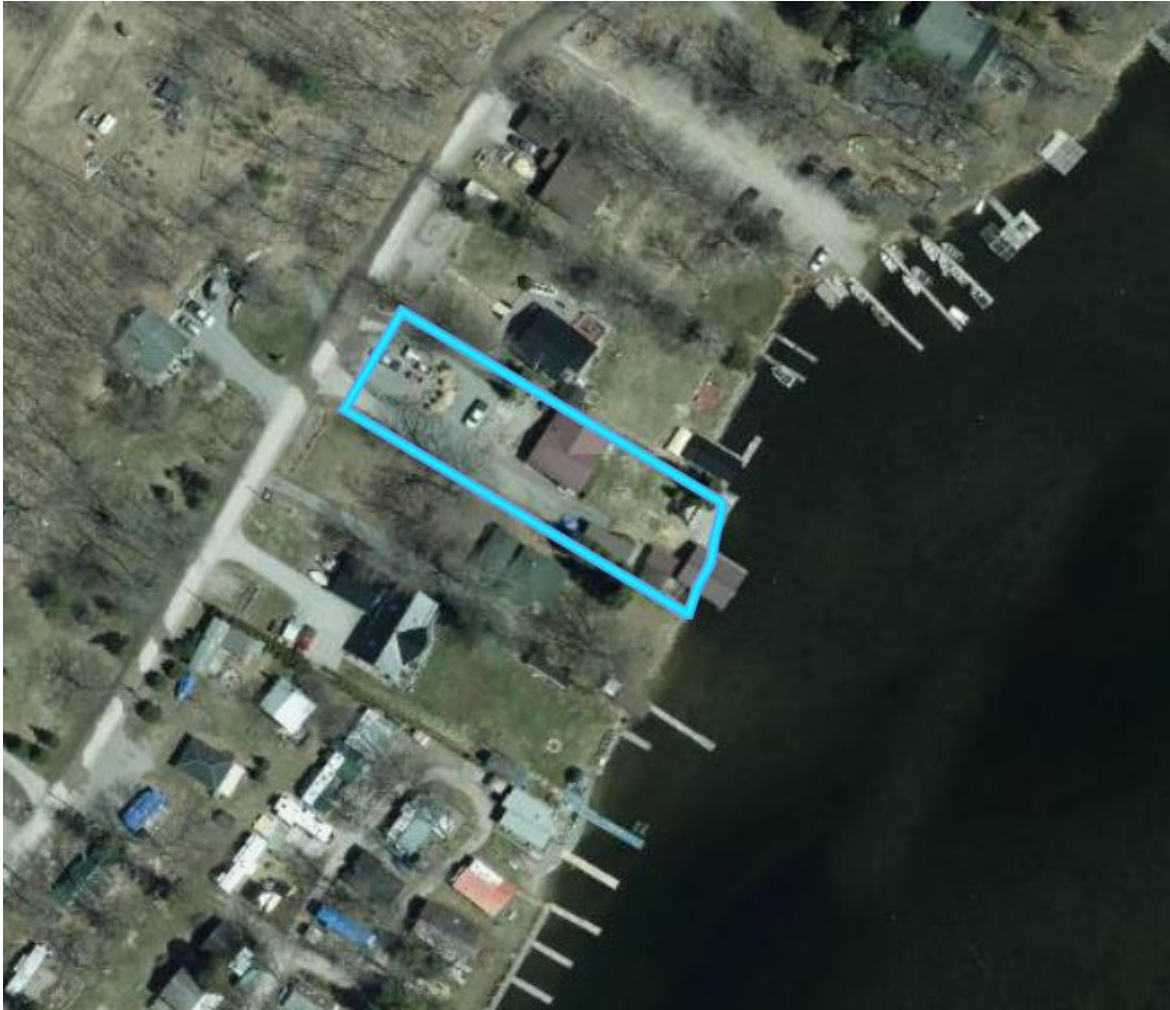
APPENDIX " B "

to

REPORT COA2024-007

FILE NO: D20-2023-092

**AERIAL PHOTO**

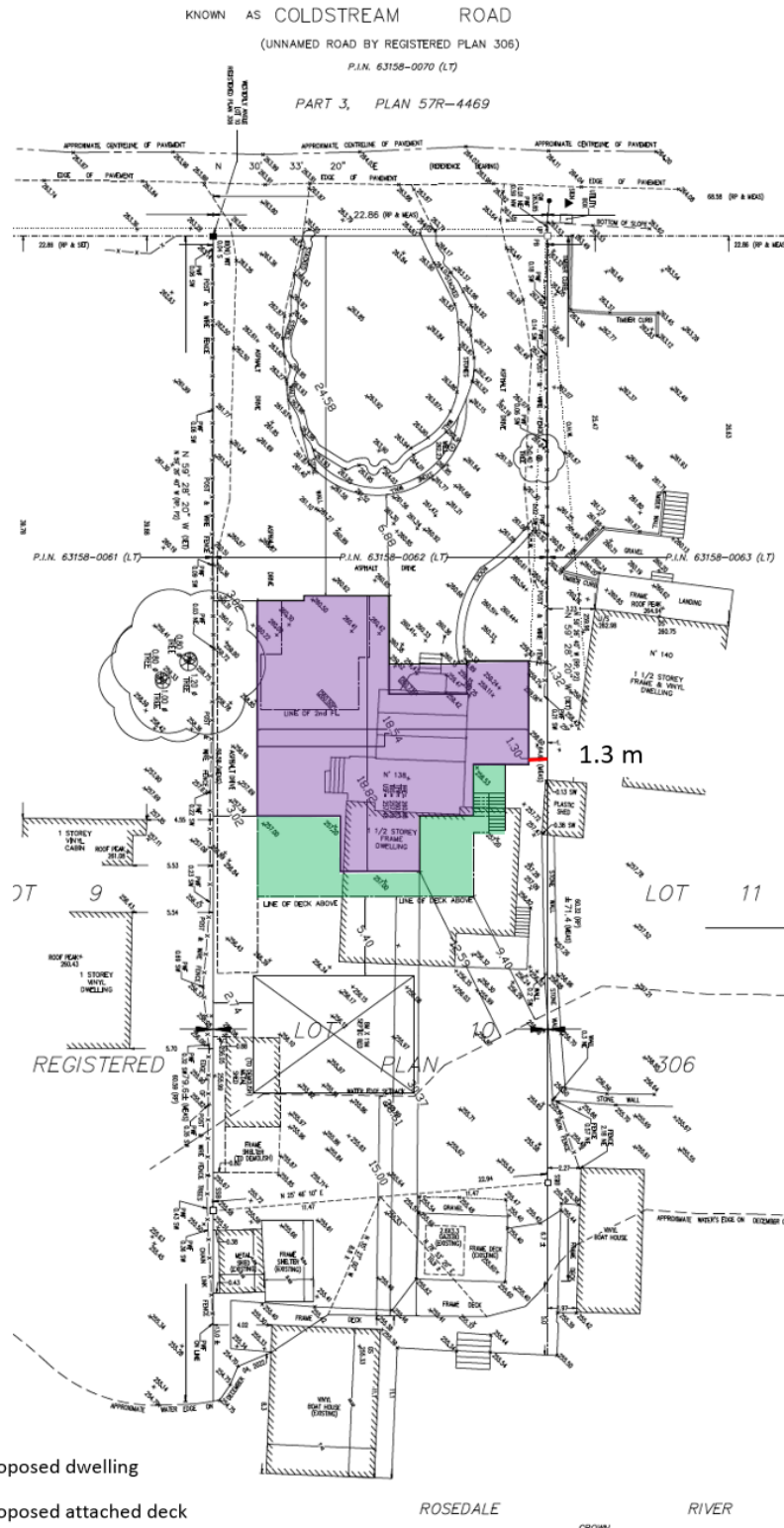


to

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**APPLICANT'S SKETCH**



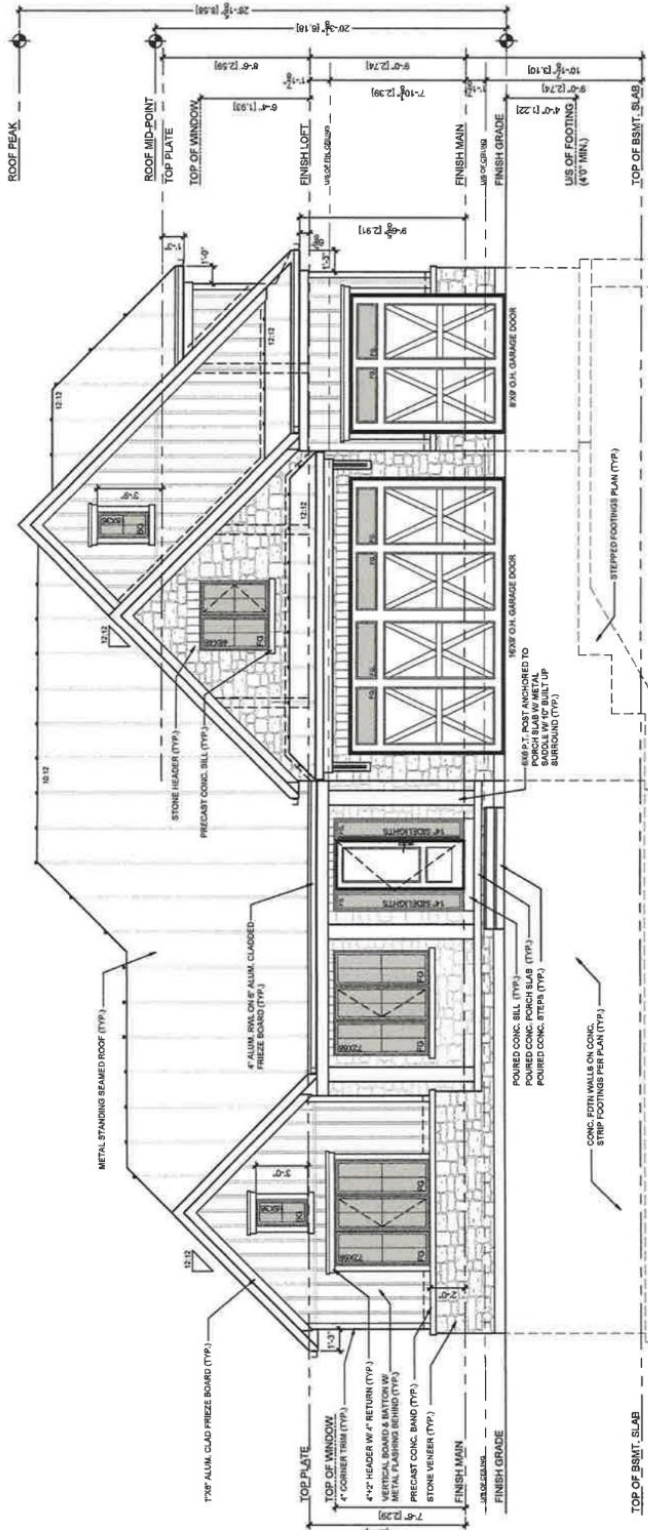
# CONSTRUCTION DRAWINGS

APPENDIX " D "

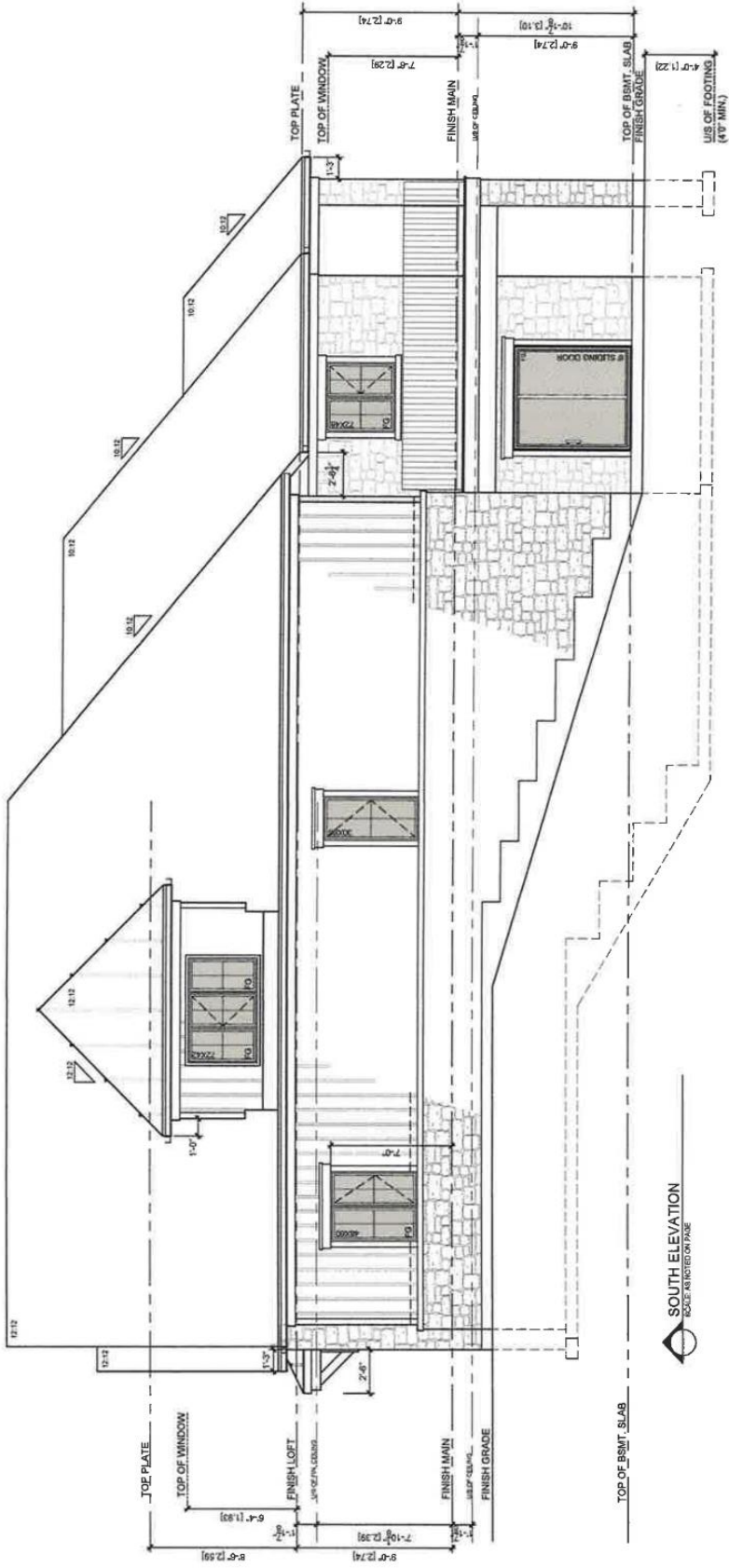
to

REPORT COA2024-007

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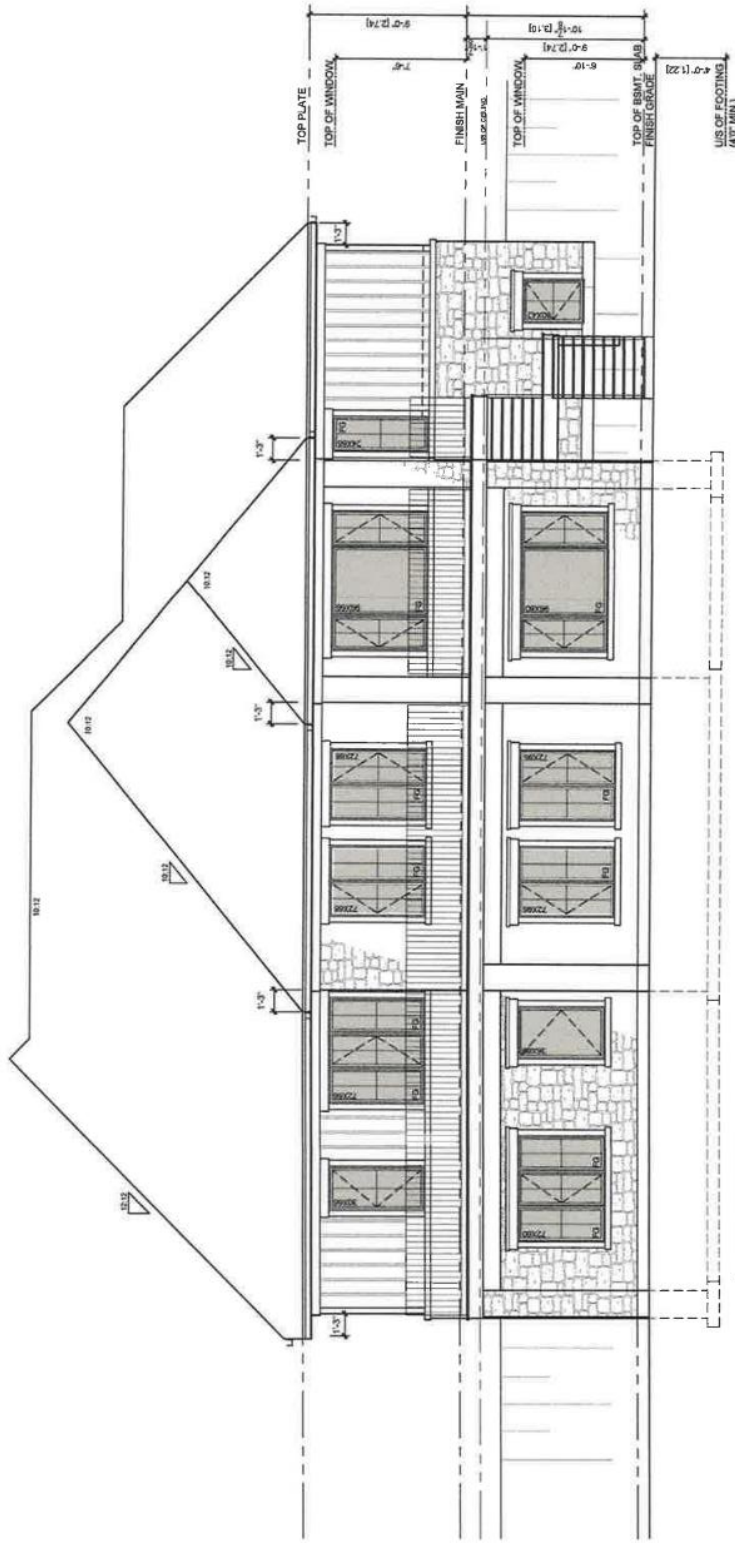


**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



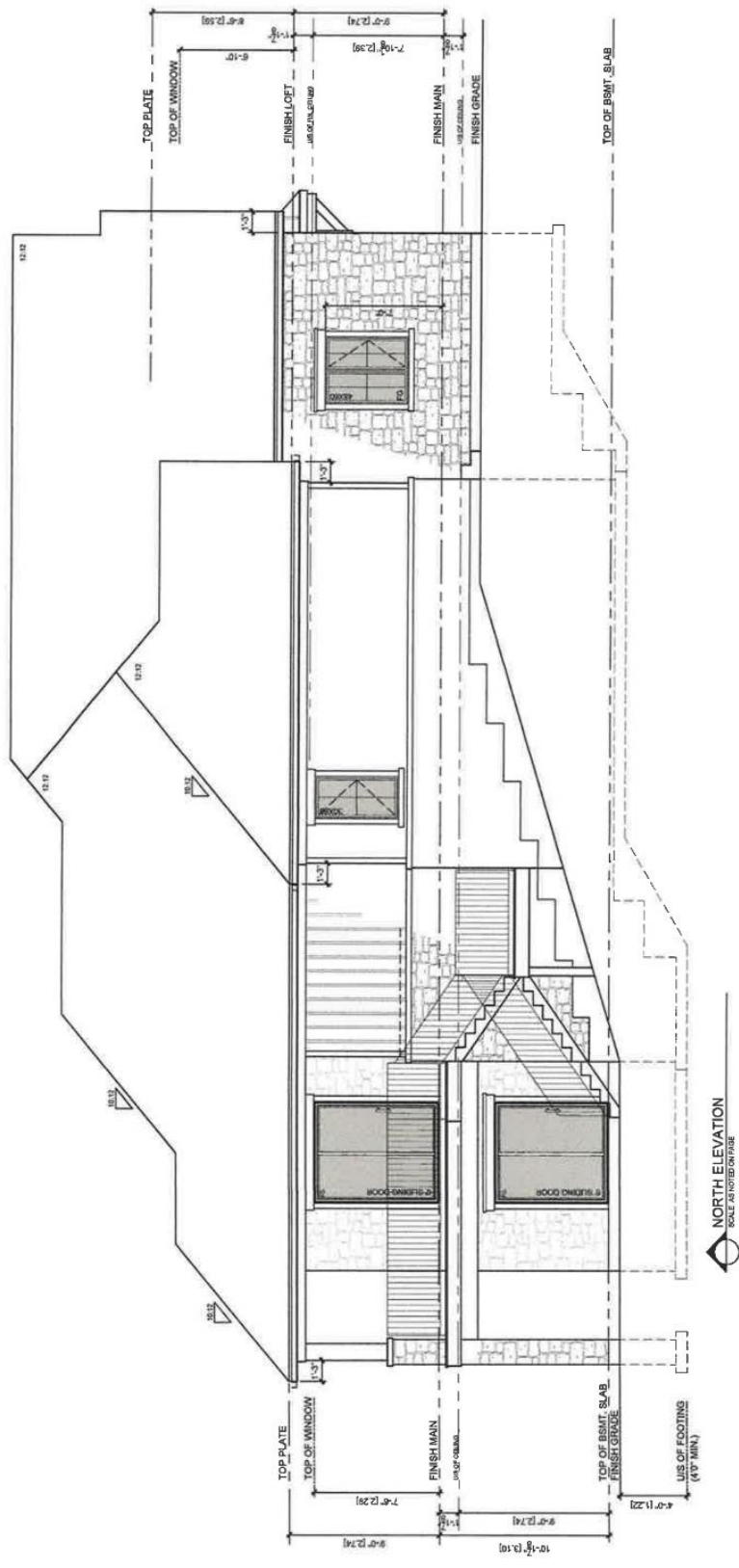
SOUTH ELEVATION  
LOOK W. 180° ON YAXE





TOP PLATE  
 TOP OF WINDOW 9'-0" (2.74)  
 FINISH MAIN 7'-0"  
 TOP OF WINDOW 10'-0" (3.05)  
 TOP OF BSMT. SLAB 6'-10"  
 FINISH GARAGE 9'-0" (2.74)  
 US OF FOOTING (4' MIN) 4'-0" (1.22)

EAST ELEVATION  
 SCALE: 3/8" = 1'-0"



NORTH ELEVATION  
SCALE: AS SHOWN

APPENDIX " E "

to

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**PHOTO OF EXISTING SHED TO BE REMOVED**

