

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Browne

Report Number COA2024-008

Public Meeting

Meeting Date: January 25, 2024

Time: 1:00 pm

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

Ward 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to facilitate the acquisition of a building permit for a roof-covered pergola constructed in 2022.

Relief sought:

1. Section 3.1.2.2. of the Zoning By-law requires a 4 metre setback from an accessory structure to a residential dwelling. The existing setback of the roof-covered pergola from the residential dwelling is 3.02 metres.
2. Section 14.2.1.4. of the Zoning By-law requires a 30 metre water setback. The existing water setback is 26.9 metres.
3. Section 3.1.3.1. permits a maximum lot coverage of 10% of the lot area to a maximum of 100 square metres for all accessory structures; the existing lot coverage is 107.3 square metres (5.4% of total lot area).

The variance is requested at **16 Aino Beach Road** (File D20-2023-093).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-008 – Browne be received;

That minor variance application D20-2023-093 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 and engineering drawings in Appendix D submitted as part of Report COA2024-008, 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 eight (8) 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 COA2024-008. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the acquisition of a building permit for a roof-covered pergola constructed in 2022.
Owners:	Kara Lynn Browne & Jordan Ancil Browne
Applicant:	Debbie Wright
Legal Description:	Part Lot 22, Concession B (being Lot 5 on Plan 539)
Official Plan ¹ :	Waterfront and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Mariposa Zoning By-law 94-07)
Site Size:	1,982.96 square metres
Site Access:	Aino Beach Road (year-round municipal road)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and Agricultural

Rationale

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

The subject property is within an established residential neighbourhood located on the western shore of Lake Scugog with access from Aino Beach Road (public road). The property is pentagonal in shape and is waterfront. The property contains a single detached dwelling and a detached garage both constructed in 2013

¹ See Schedule 1

² See Schedule 1

(according to the Municipal Property Assessment Corporation). Moreover, the property contains a roof-covered pergola constructed in 2022.

The application is to facilitate the acquisition of a building permit for the existing roof-covered pergola. The roof-covered pergola is currently being used as an outdoor barbeque area, sheltering a barbeque grill and a table.

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 primarily designated Waterfront with a portion of the property designated Environmental Protection along the shoreline, under the City of Kawartha Lakes Official Plan (2012).

Low density residential uses and accessory structures are permitted in the Waterfront designation.

The portion of the property along the shoreline contains Provincially Significant Wetlands recognized under the Environmental Protection designation. The roof-covered pergola does not appear to be situated within the Environmental Protection 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 Three (RR3) Zone under the Township of Mariposa Zoning By-law 94-07. The RR3 Zone permits residential uses and accessory structures thereto. The existing roof-covered pergola complies with all provisions of the zoning by-law with the exception of the minimum water setback, setback from residential dwelling, and the maximum lot coverage for accessory structures.

As per Section 14.2.1.4. of the Zoning By-law, all structures require a 30 metre water setback. The existing water setback from the roof-covered pergola is 26.9 metres. The intent of the 30 metre water setback is to protect built form from natural hazards, as well as, protect water bodies by providing a buffer zone between built form and water. The setback reduction preserves as much of a buffer as possible given the Provincially Significant Wetlands identified under the Environmental Protection designation under the Official Plan (discussed above). The reduced water setback adheres to maintaining a buffer from wetlands. Moreover, given the roof-covered pergola is not habitable, or able to be easily converted into an enclosed structure, the potential for hazard is reduced. Overall, the reduced setback ensures environmental conservation by preserving sensitive wetland ecosystems while addressing practical constraints.

As per Section 3.1.2.2. of the Zoning By-law, a 4 metre setback is required from an accessory structure to a residential dwelling. The existing setback of the roof-covered pergola from the residential dwelling is 3.02 metres. The intent of this setback is to ensure safety, preventing overcrowding, and contributing to the overall aesthetic of properties. The reduced setback aims to create a convenient and accessible outdoor barbeque area near the dwelling, while being attentive of ecological features closer to the shoreline. Overall, the reduced setback from the dwelling enhances the enjoyment of outdoor space while maintaining a reasonable setback from ecological features on the property.

As per Section 3.1.3.1. of the Zoning By-law, all accessory structures are permitted a maximum lot coverage of 10% of the lot area to a maximum of 100 square metres, the existing lot coverage is 107.3 square metres (5.4% of total lot area). Although the current lot coverage of all accessory structures (107.3 square metres) exceeds the allowable coverage (100 square metres) by 7.3 square metres, the proportion of coverage in relation to lot size (5.4%) is well below the maximum of 10%. As well, the proportion of all structures (14.5%) on the property is considerably lower than the maximum lot coverage (30%) as per Section 14.2.1.5. Furthermore, the roof-covered pergola is not an enclosed structure which aids in blending in with the outdoor space.

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:

E&CA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building & Septic: “A sewage system installation report was located for this property. The installation reports indicates the sewage system construction occurred in the roadside yard of the dwelling. The pergola was constructed in the waterside yard of the dwelling. The placement of the pergola will ensure the required clearance distances to the sewage system components are maintained.

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

Public Comments:

No comments received as of the writing of the staff report.

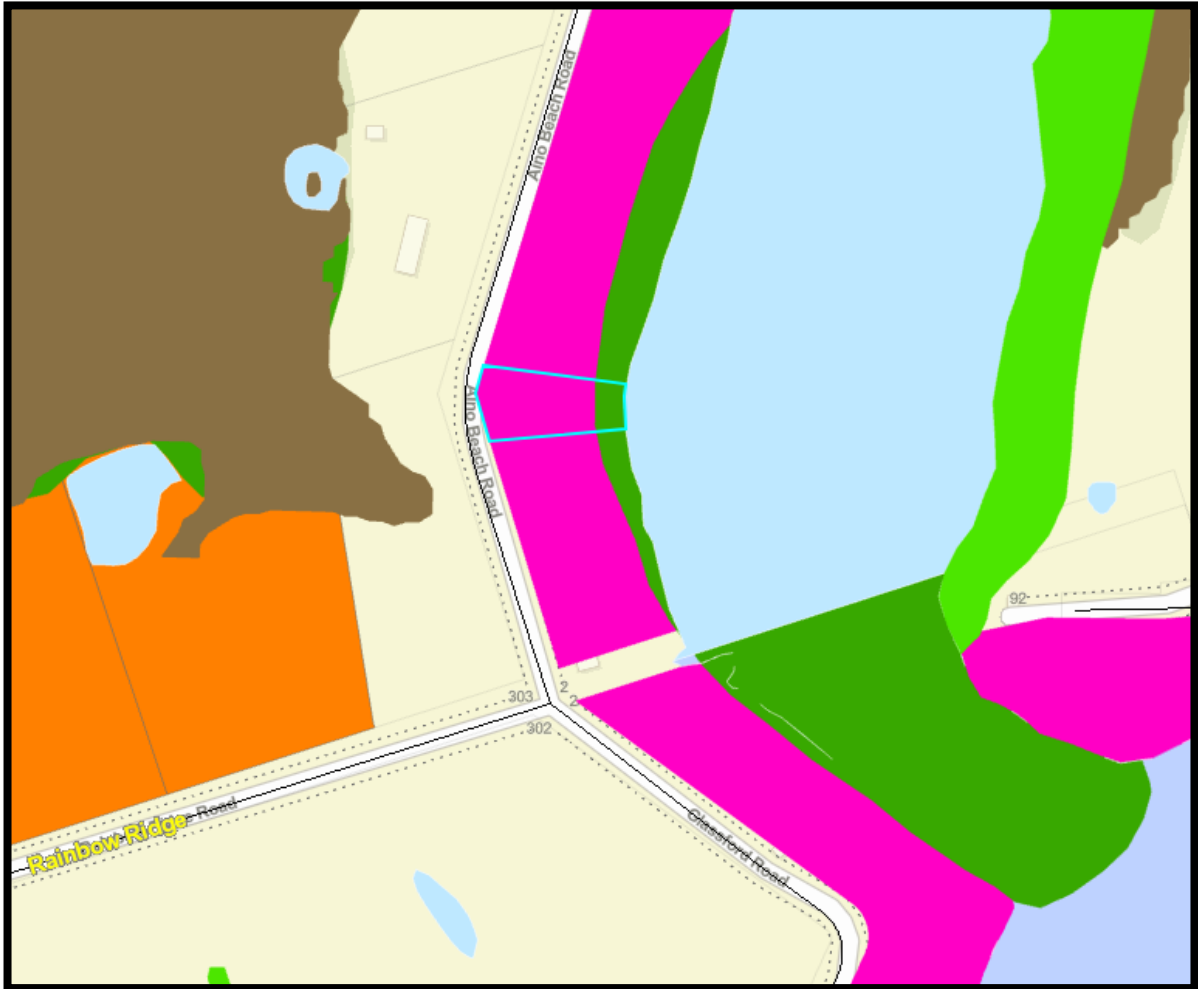
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Engineering Drawings

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-093

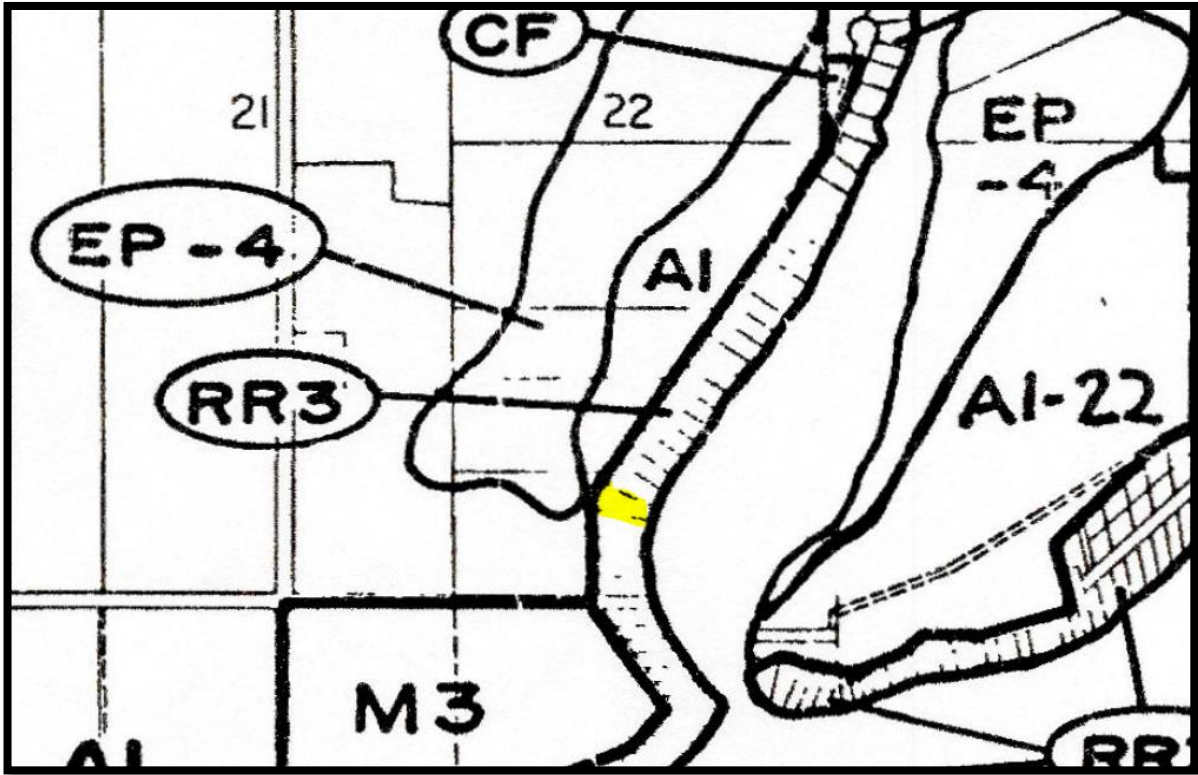
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 17 – Environmental Protection Designation
Section 20 – Waterfront Designation

Township of Mariposa Zoning By-law 94-07



SECTION 3 – GENERAL PROVISIONS

3.1.2 LOCATION

3.1.2.2. An accessory building may be erected not closer than 2 metres from a rear lot line and 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 4 metres to a residential building located on the same lot.

3.1.3 LOT COVERAGE AND HEIGHT

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, shall be:

- (a) 10% of the lot area to a maximum of 100 square metres in the HR, RR2, RR3, LSR and corresponding exception zones;

SECTION 14 – RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

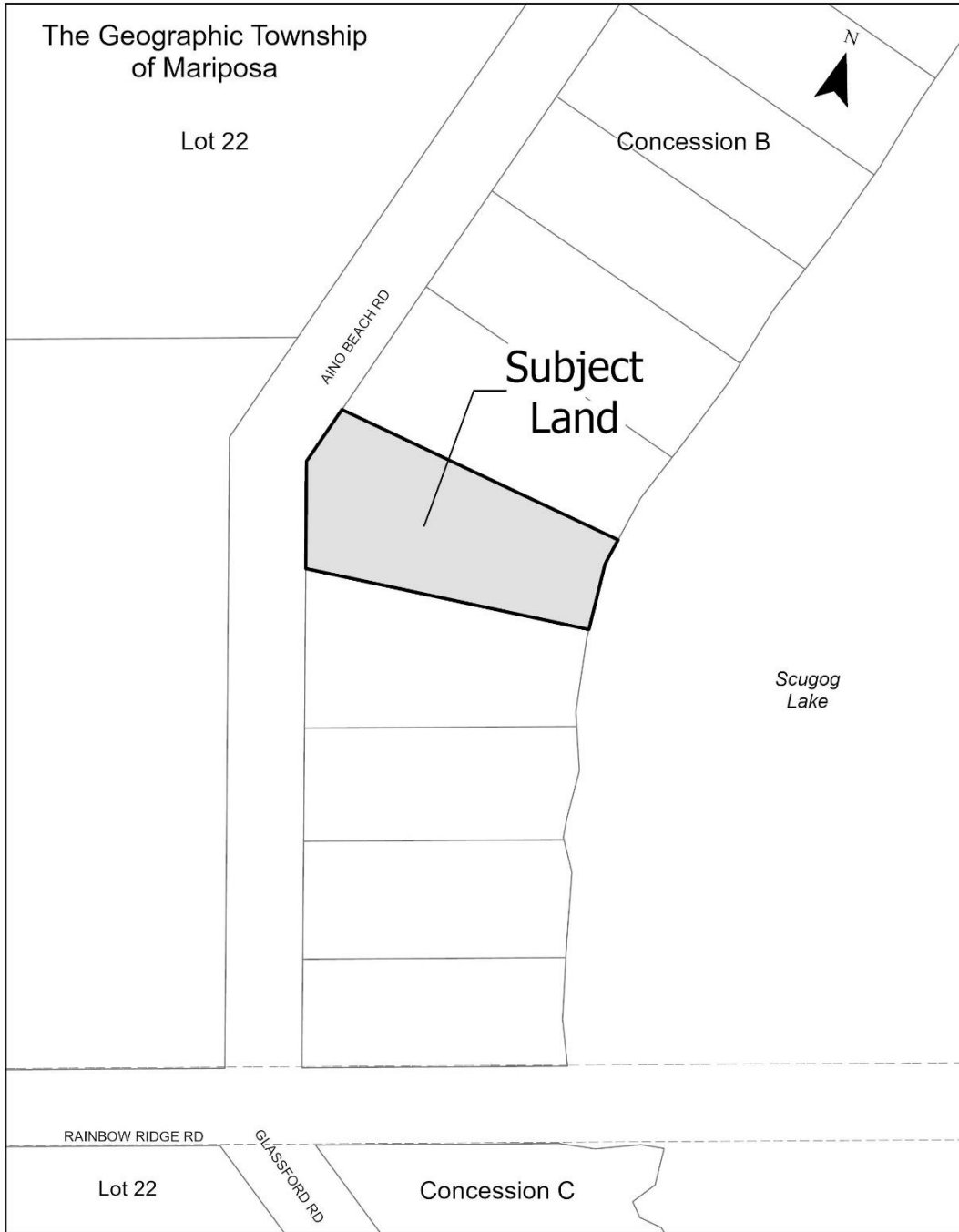
14.2 ZONE PROVISIONS

14.2.1.4 Water Setback (min.) 30 m

to

LOCATION MAP

D20-2023-093



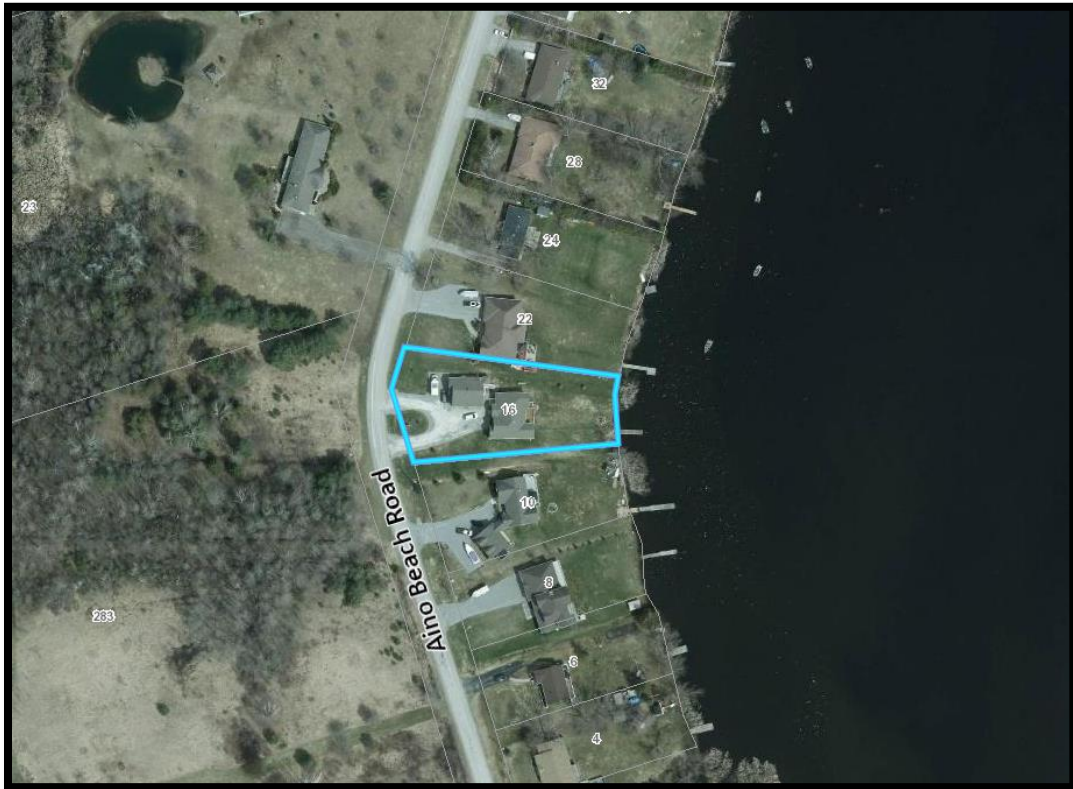
APPENDIX " B "

to

REPORT COA2024-008

FILE NO: D20-2023-093

AERIAL IMAGERY



APPENDIX " C "

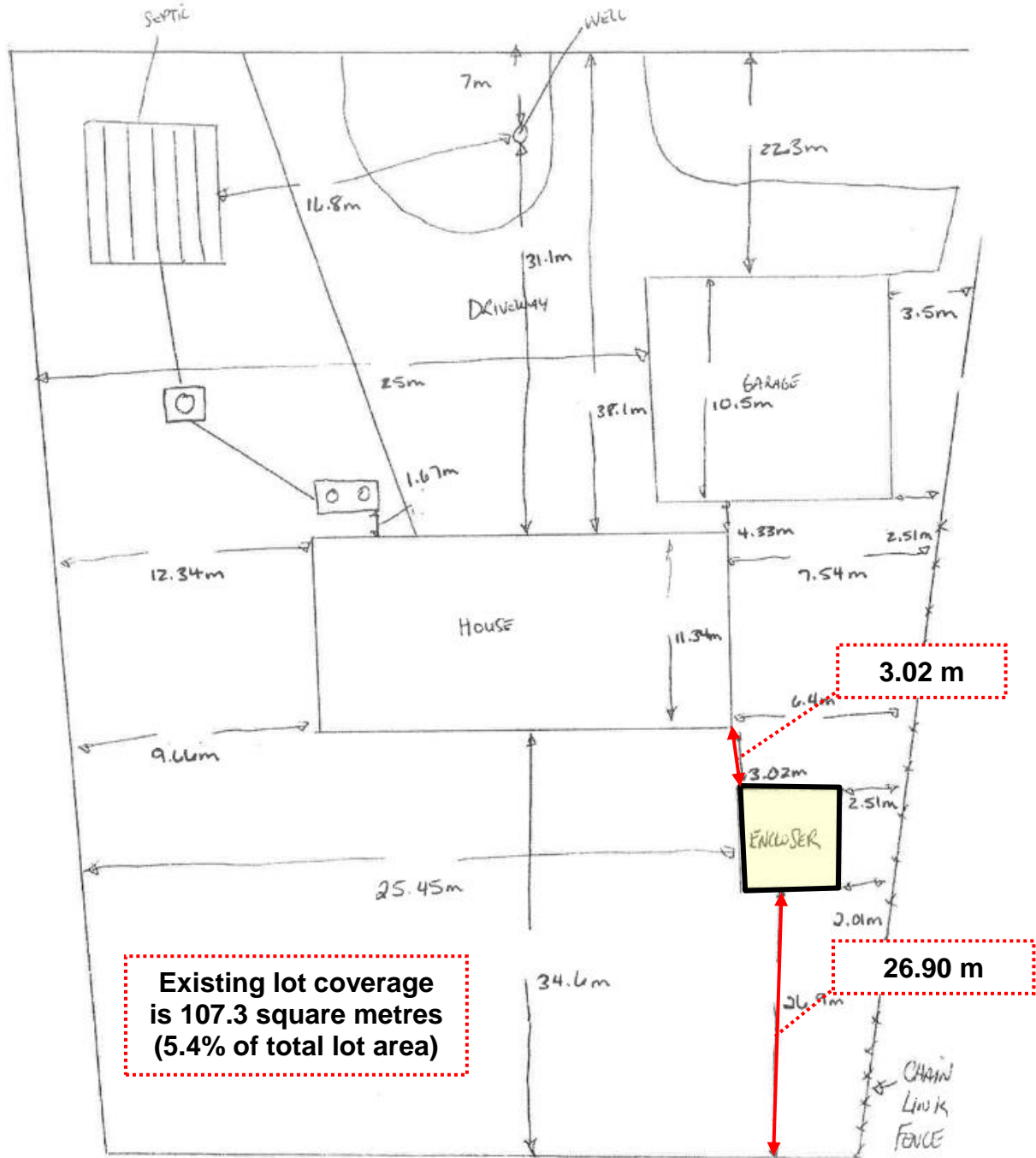
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REPORT COA2024-008

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APPLICANT'S SKETCH

16 ANNO BONNET RD



to

ENGINEERING DRAWINGS

REPORT COA2024-008

FILE NO: D20-2023-093

