

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Rajendran

Report Number COA2024-032

Public Meeting

Meeting Date: April 25, 2024

Time: 1:00 pm

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

Ward 1 – Geographic Township of Somerville

Subject: The purpose and effect is to recognize an existing garage to cabin conversion.

Relief sought:

1. Section 4.2.f. of the Zoning By-law requires a minimum water setback of 15 metres. The water setback from the existing storage structure attached to the cabin is 13.83 metres.
2. Section 18.1.3.a. of the Zoning By-law permits a maximum accessory lot coverage of 8% to a maximum of 225 square metres, whichever is less. The accessory structure lot coverage remains unchanged at 9.86% (136.37 square metres).
3. Section 18.1.6.a. of the Zoning By-law permits a maximum floor area of 30 square metres for the accessory use of a cabin. The existing cabin is 45.3 square metres in floor area.
4. Section 18.1.6.a. of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The required minimum lot area and frontage of the applicable zone is 2,000 square metres and 30 metres, respectively. The subject property is 1,382.40 square metres in size and 29.26 metres in frontage.

The variance is requested at **3552 Monck Road** (File D20-2024-022).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-032 – Rajendran, be received;

That minor variance application D20-2024-022 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 COA2024-032, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of eight (8) 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 a review of the sewage system requirements; and,
- 3) **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 COA2024-032. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognize existing garage to cabin conversion.
Owners:	Ranginidevy Rajendran
Applicant:	Raj Balasundaram
Legal Description:	Part Lot 6, Concession A (being Part 13 to 14 on Reference Plan 57R2231)
Official Plan ¹ :	Hamlet Settlement Area (Norland) (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	1,382.40 square metres (0.34 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual water and septic system
Existing Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Residential

Rationale

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

The subject property is situated along the Gull River, with access from Monck Road. The area in which the property is located is predominantly residential comprised of built-form characterized by single detached dwellings and assorted accessory structures with varying proximities from both the road and shoreline. The property currently contains a single-storey dwelling with a detached garage, cabin with attached storage structure, and a shed.

The proposal seeks to recognize the existing garage to cabin conversion. The existing cabin was originally constructed in 2003, and converted into a cabin at some point in time under different ownership. The current property owners are now seeking a Change Of Use building permit for the existing cabin in order to use the structure for residential purposes and not accessory uses typically associated with a detached garage. The cabin is to be used solely for sleeping accommodation, and does not contain any cooking or sanitary facilities. The cabin provides additional residential space without the need for construction of a new structure by utilising the previous detached garage.

Given the above analysis, the variances are 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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan. This designation permits low density residential buildings/uses and residential accessory buildings/uses. Performance and siting criteria are implemented through the Zoning By-law.

Therefore, the variances are 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 Somerville Zoning By-Law 78-45. The RR3 Zone permits multiple uses including a vacation dwelling or a single detached dwelling, as well as accessory structures including but not limited to a cabin. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum water setback, accessory structure lot coverage, size of a cabin, and lot size and frontage requirements for a cabin.

Firstly, Section 4.2.f. of the Zoning By-law requires a minimum water setback of 15 metres. The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and

preservation of vegetation. The existing unchanged water setback measured from the cabin's attached storage structure, is 13.83 metres. An important distinction is that the existing setback from the cabin itself is 18.42 metres, however, the attached storage structure extends from the cabin into the rear yard shortening the distance from built-form to shoreline. The attached storage structure is not habitable space, as such, the potential impact from the shoreline hazard is reduced. Moreover, due to the curved shape of the shoreline, structures located in specific areas on the property are subject to a closer water setback than in other areas. Additionally, although the cabin's water setback is deficient, it is greater than the water setback measured from the existing dwelling (13.54 metres). Overall, the residential portion of the existing cabin is located more than 15 metres away from the shoreline.

Secondly, Section 18.1.3.a. of the Zoning By-law permits a maximum accessory lot coverage of 8% to a maximum of 225 square metres, whichever is less. The intention of this provision is to ensure any accessory use or structure remains subordinate to the principal use or main building, as well as maintaining a balance between built form and open space. The accessory structure lot coverage remains unchanged at 9.86% (136.37 square metres). Although the maximum permitted lot coverage is exceeded, it is important to mention no new accessory structures are being constructed. As well, the proportion of all structures (23%) on the property is considerably lower than the zone's total permitted maximum lot coverage (30%) as per Section 4.2.g. Additionally, open space is provided through the complying side yard setbacks as well as the large rear yard.

Thirdly, Section 18.1.6.a. of the Zoning By-law permits a maximum floor area of 30 square metres for the accessory use of a cabin. The intention of this provision is to ensure the cabin remains subordinate to the primary, residential use of the property. Moreover, as a cabin is not permitted to contain cooking or sanitary facilities and must only be used for sleeping accommodation, it should not require a very large footprint. The existing cabin size remains unchanged at 45.3 square metres. As previously mentioned, the proposed change in use is to be contained within the existing accessory structure, it is restricted to the same building footprint. Nonetheless, the existing cabin remains subordinate to the dwelling situated on the property as it is approximately a quarter of the ground floor area of the current dwelling.

Lastly, Section 18.1.6.a. of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The required minimum lot area and frontage of the applicable zone is 2,000 square metres and 30 metres, respectively. The intention of this provision is to ensure properties have sufficient space to support an additional accessory structure without causing overcrowding or negatively impacting the surrounding environment. The subject property is 1,382.40 square metres in size and 29.26 metres in frontage. The variance avoids overcrowding as it complies with the total permitted lot coverage. Additionally, all setbacks excluding water setbacks are complied with. As no new structure is being proposed as part of the application, there are no anticipated impacts to drainage. Furthermore,

although the lot is undersized it is in keeping with the character of the lots along Monck Road.

Therefore, the variances 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:

DS – Building and Septic (Building): “No comments.”

ECA – Development Engineering: “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.

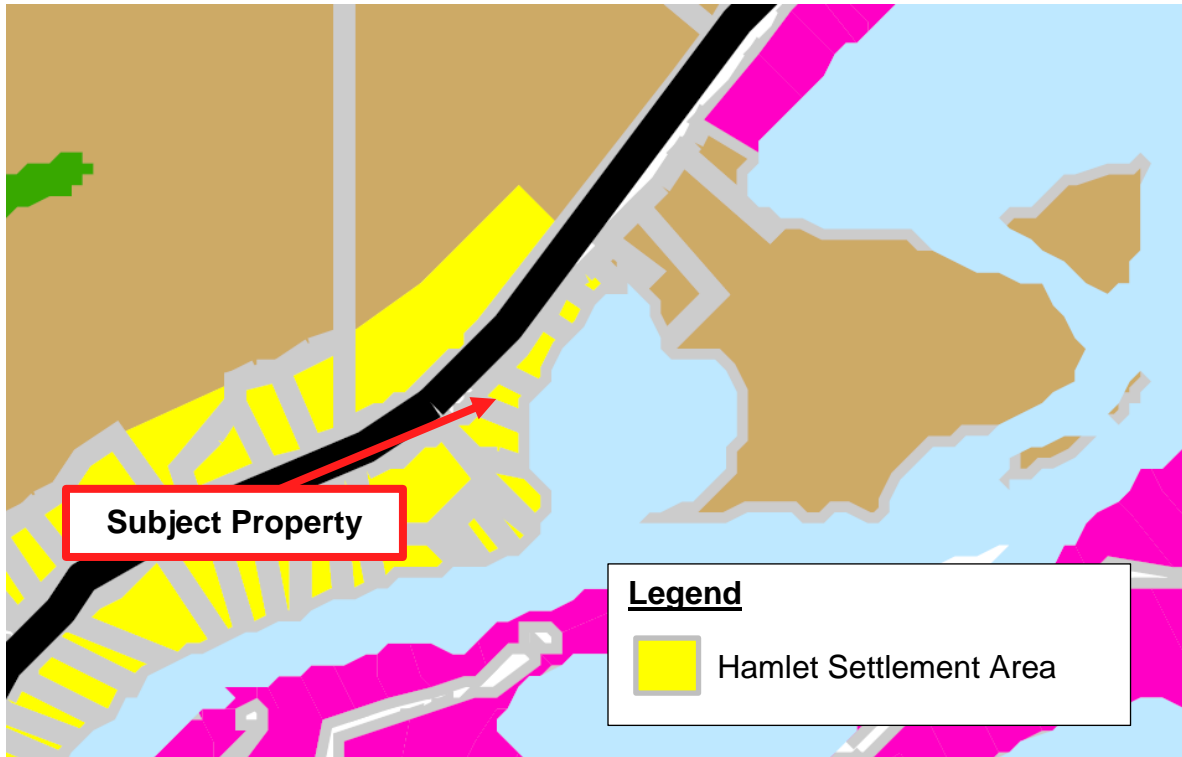
Attachments

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

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-022

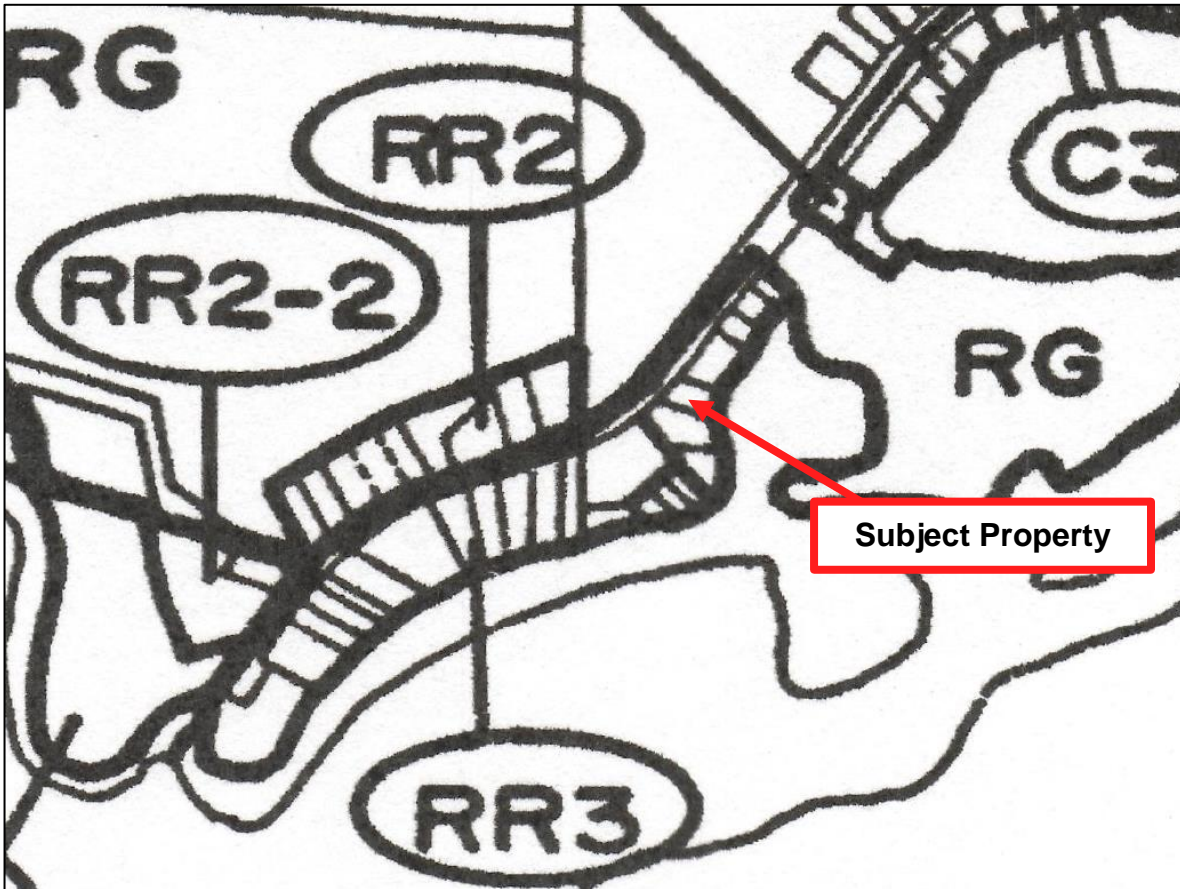
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 19. Hamlet Settlement Designation

Township of Somerville Zoning By-Law 78-45



SECTION 4

RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

4.1 RR3 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Rural Residential Type Three (RR3) zone, except for one or more of the following uses:

- a. Vacation dwelling
- b. Single Detached Dwelling
- c. Park
- d. Home occupation

4.2 RR3 ZONE REQUIREMENTS

In a Rural Residential Type Three (RR3) zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	Communal or Municipal Water Supply Provided	Individual Water Supply & Sewage Disposal
a. Minimum lot area	1700 sq.m (18,298 sq.ft)	2000 sq.m (21,527 sq.ft)
b. Minimum lot frontage		
i. No shore lot line	25 sq.m (82 ft)	30 m (98 ft)
ii. With shore lot lines	30 m (98 ft)	30 m (98 ft)
f. Minimum water setback	15 m (50 ft)	15 m (50 ft)

SECTION 18

GENERAL PROVISIONS

18.1.3 LOT COVERAGE AND HEIGHT

- a. Except as otherwise provided for herein, the total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area or a maximum of 225 square metres (2,420 sq.ft) whichever is less.

18.1.6 CABINS

- a. A maximum of 1 private cabin, having a maximum floor area of 30 square metres (320 ft), may be permitted as an accessory use to a permitted dwelling unit provided the lot conforms to the minimum lot area and frontage requirements of the zone.

SECTION 19

DEFINITIONS

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

CABIN, PRIVATE means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.

APPENDIX " A "

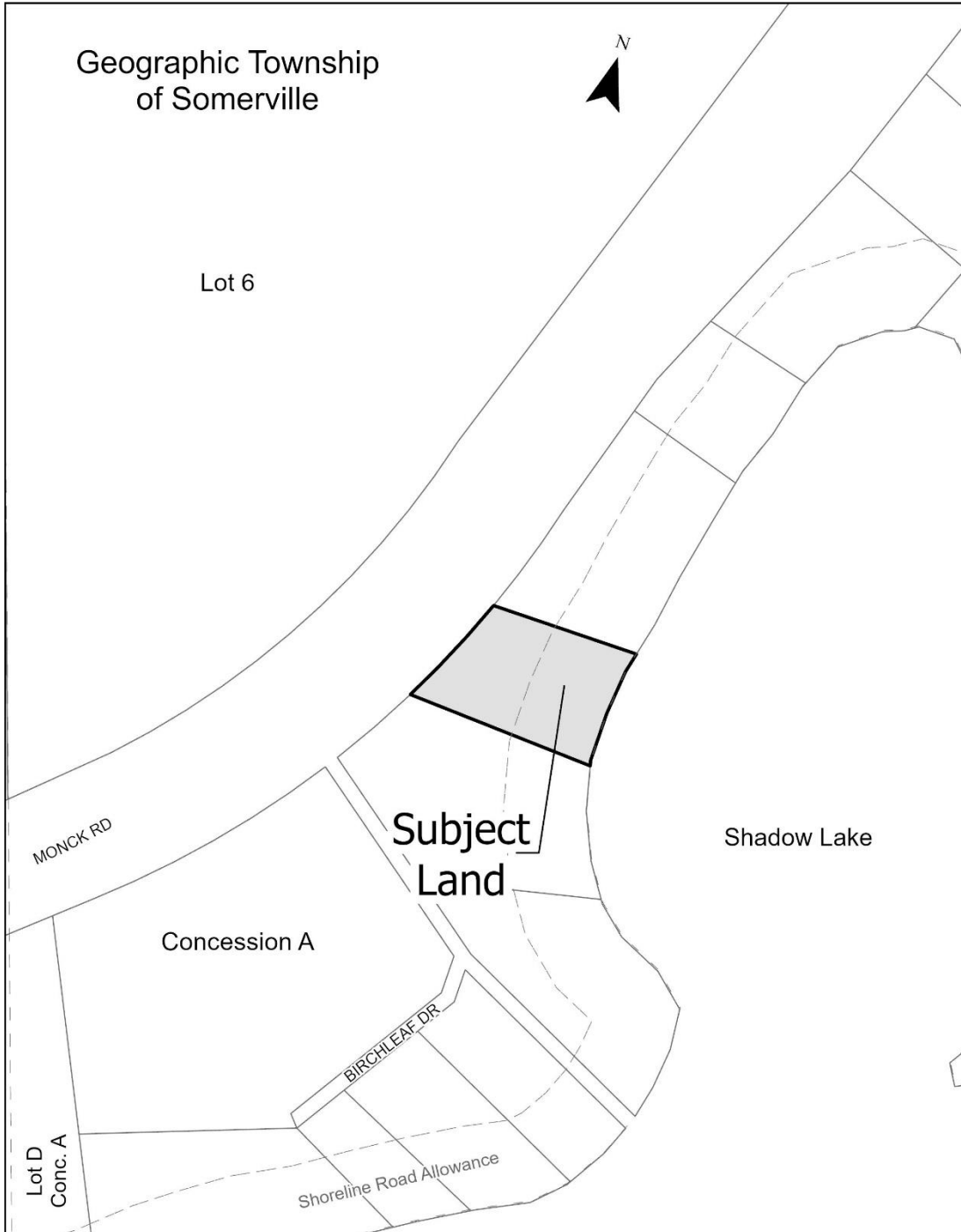
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REPORT COA2024-032

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LOCATION MAP

D20-2024-022



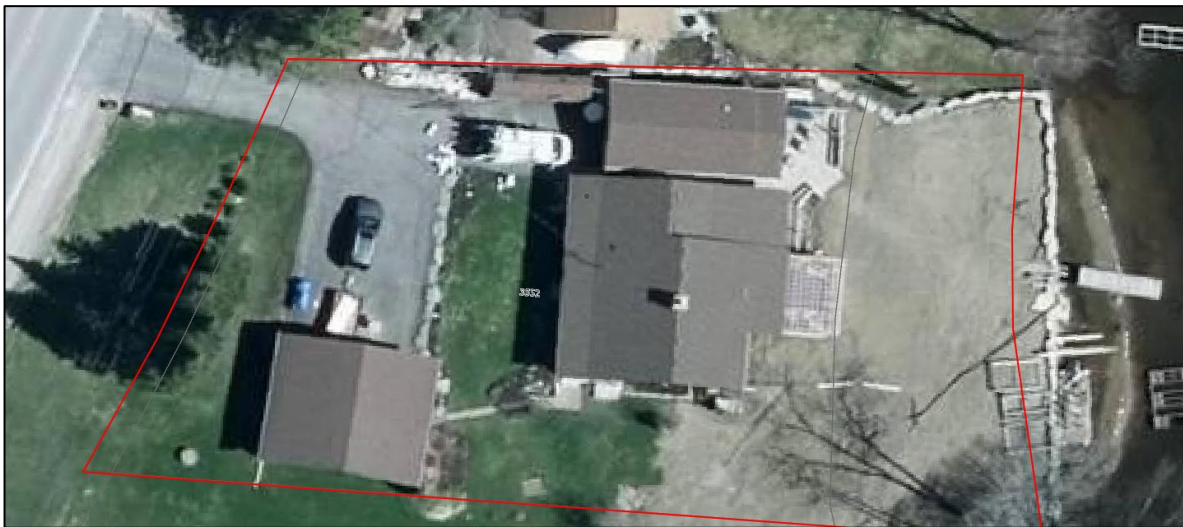
APPENDIX " B "

to

REPORT COA2024-032

FILE NO: D20-2024-022

AERIAL IMAGERY (2018)



to

APPLICANT'S SKETCH

REPORT COA2024-032

FILE NO: D20-2024-022

