

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2537914 Ontario Inc.
Report Number COA2024-051

Public Meeting

Meeting Date: May 23, 2024
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the recognition of an addition constructed onto a single detached dwelling.

Relief sought:

1. Section 13.2.1.3 a) of the By-law requires a minimum front yard setback of 7.5 metres; the existing setback of 6.8 metres to the attached deck is to remain; and,
2. Section 13.2.1.3 d) of the By-law requires a minimum rear yard setback of 7.5 metres; the existing setback of 1.2 metres is to remain.

The variance is requested at **60 Elder Street** (File D20-2024-023).

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

Recommendations

That Report COA2024-051 – 2537914 Ontario Inc., be received;

That minor variance application D20-2024-023 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 COA2024-051 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 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 the first Building Inspection; and,

- 3) **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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

This approval pertains to the application as described in report COA2024-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an addition constructed onto a single detached dwelling
Owners:	2537914 Ontario Inc.
Applicant:	Jason Bektas
Legal Description:	Part Lot 8, Concession 11 (being Lot 12 on Plan 246)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	605 sq. m. (6,512.17 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and privy
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.

¹ See Schedule 1

² See Schedule 1

The subject property is within an established residential neighbourhood located on the southern shore of Sturgeon Lake. The property is wedge shaped and does not have frontage on the water. The property currently contains a single detached dwelling constructed in 1958 (according to Municipal Property Assessment Corporation) and a privy.

The purpose of the application is to recognize an addition that was constructed onto the rear of the dwelling, as well as a deck on the front of the dwelling. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The addition contains a kitchen and two bedrooms, and provides additional 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 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 Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback and the minimum rear yard setback.

As per Section 13.2.1.3 a) of the By-law, a minimum front yard setback of 7.5 metres is required. The existing setback of 6.8 metres to the attached deck is to remain as it is today. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The dwelling is situated atop a hill, accessed by a stone staircase. Due to the elevation change between the deck and dwelling and the road allowance, it is not anticipated that the reduced front yard setback of the deck will impact traffic flow, maintenance, or sight lines. Additionally, there appear to be existing dwellings with reduced front yard setbacks on other properties along Elder Street, and as such the setback of the deck is not out of character with the existing built form.

As per Section 13.2.1.3 d) of the By-law, a minimum rear yard setback of 7.5 metres is required. The existing setback of 1.2 metres is to remain. The intent of the rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space.

The property that abuts the rear lot line of the subject property is approximately 33.8 hectares (83.5 acres) in size and is currently vacant. The area directly behind the subject property is a mature wooded area. As such, land use, privacy, and massing issues are not anticipated to result from the reduced rear yard setback. While the configuration of the dwelling results in limited rear yard amenity space, the property has sufficient amenity space in the side yards.

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 (Building): “No comments.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Septic): “A site visit was conducted to evaluate the existing methods of sanitary sewage disposal. A Class 1 Privy was identified on the property. However, no form of greywater disposal has been noted. A plumbing vent stack was noted on the roof of the dwelling. This would indicate that there are plumbing fixtures provided in the dwelling. However, the form of sewage disposal for these fixtures is unknown or confirmed. In order to complete a full evaluation of the available and required sewage disposal methods, further information would be necessary. As such, the Building and Septic Division would request a condition be placed on any endorsement of the minor variance to satisfy the Supervisor – Part 8 Sewage Systems to ensure on-site servicing can be accommodated.”

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

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-023

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 13 Rural Residential Type Three (RR3) Zone

13.1 Uses Permitted

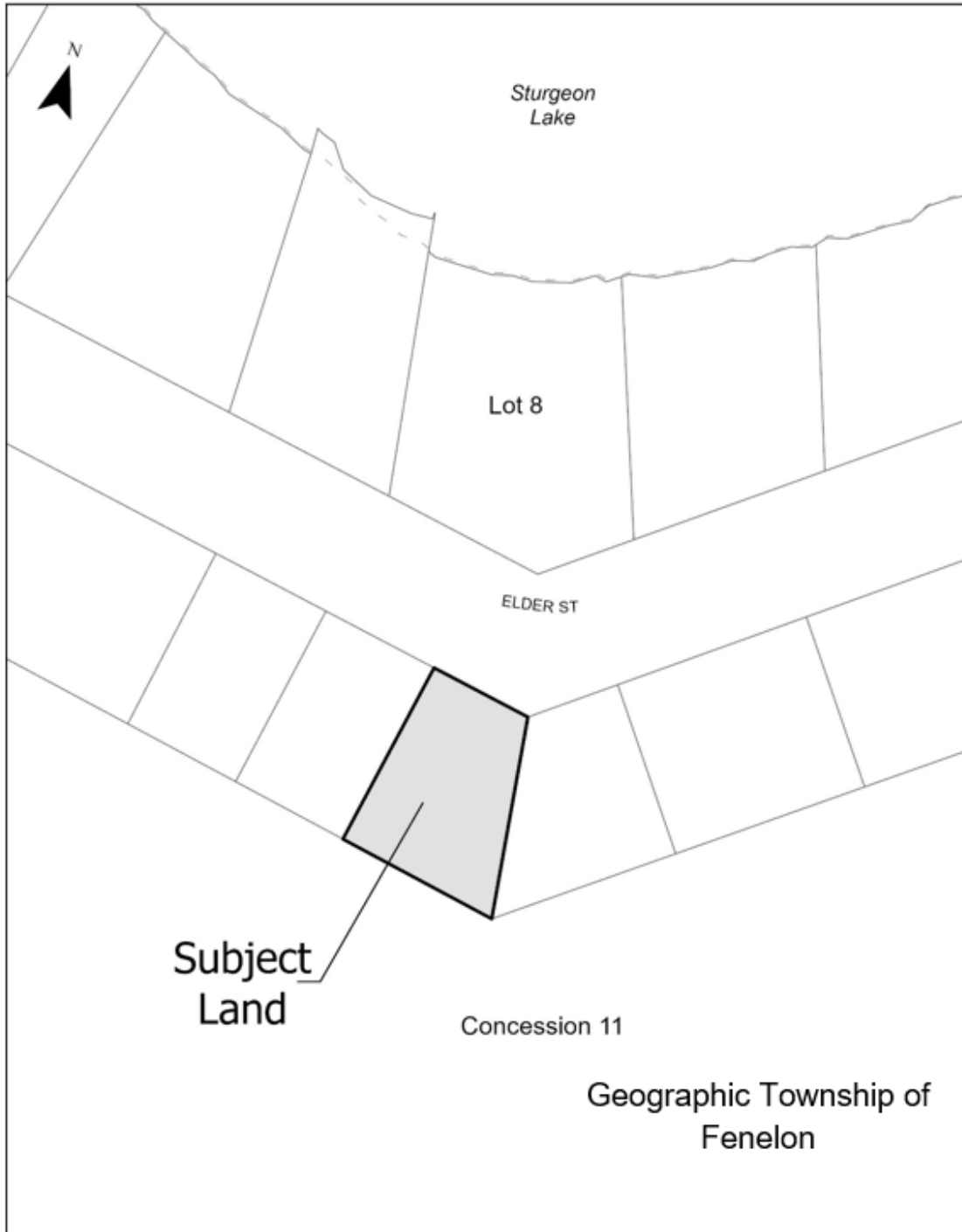
13.2 Zone Provisions

13.2.1.3 Yard Requirements (min.)

- a) front 7.5 m
- d) rear yard 7.5 m

LOCATION MAP

D20-2024-023



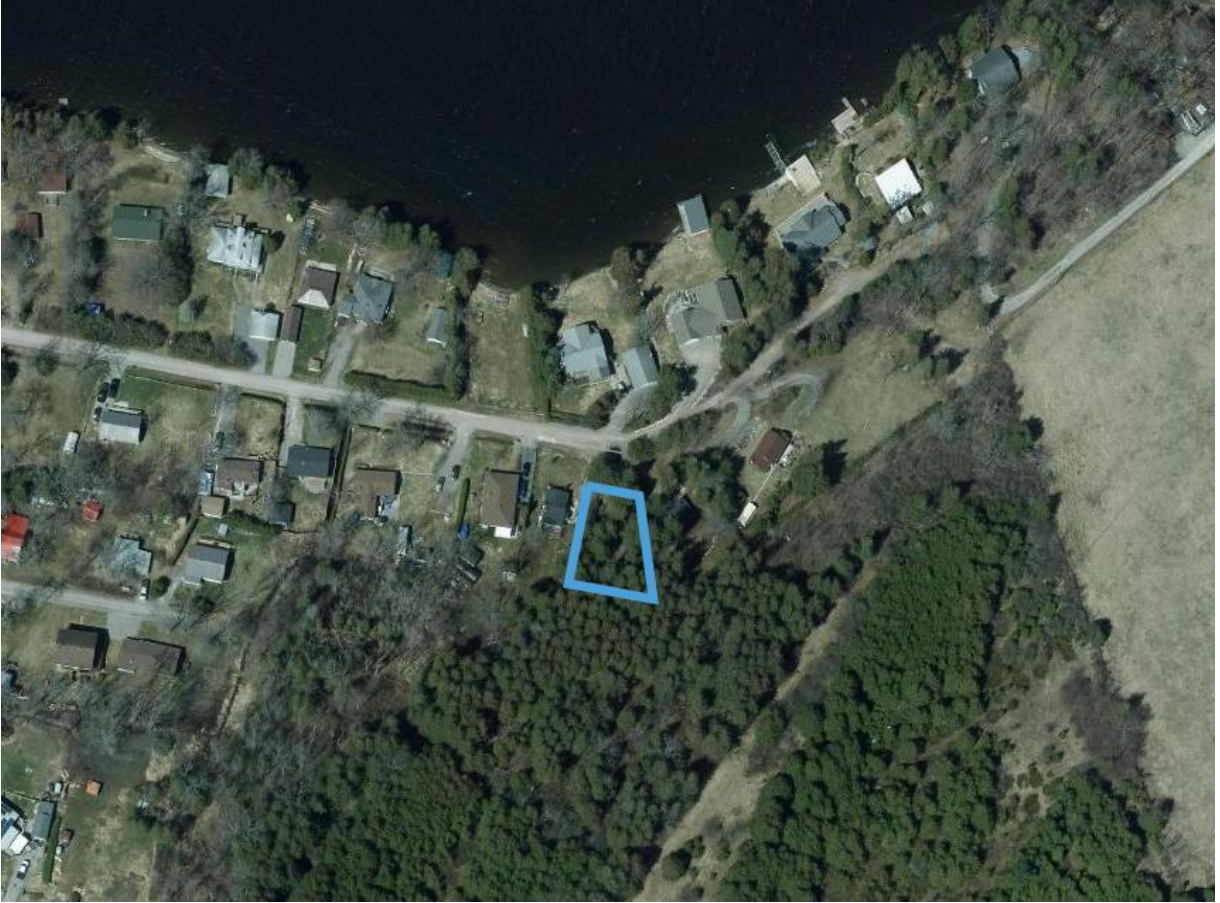
APPENDIX " B "

to

REPORT COA2024-051

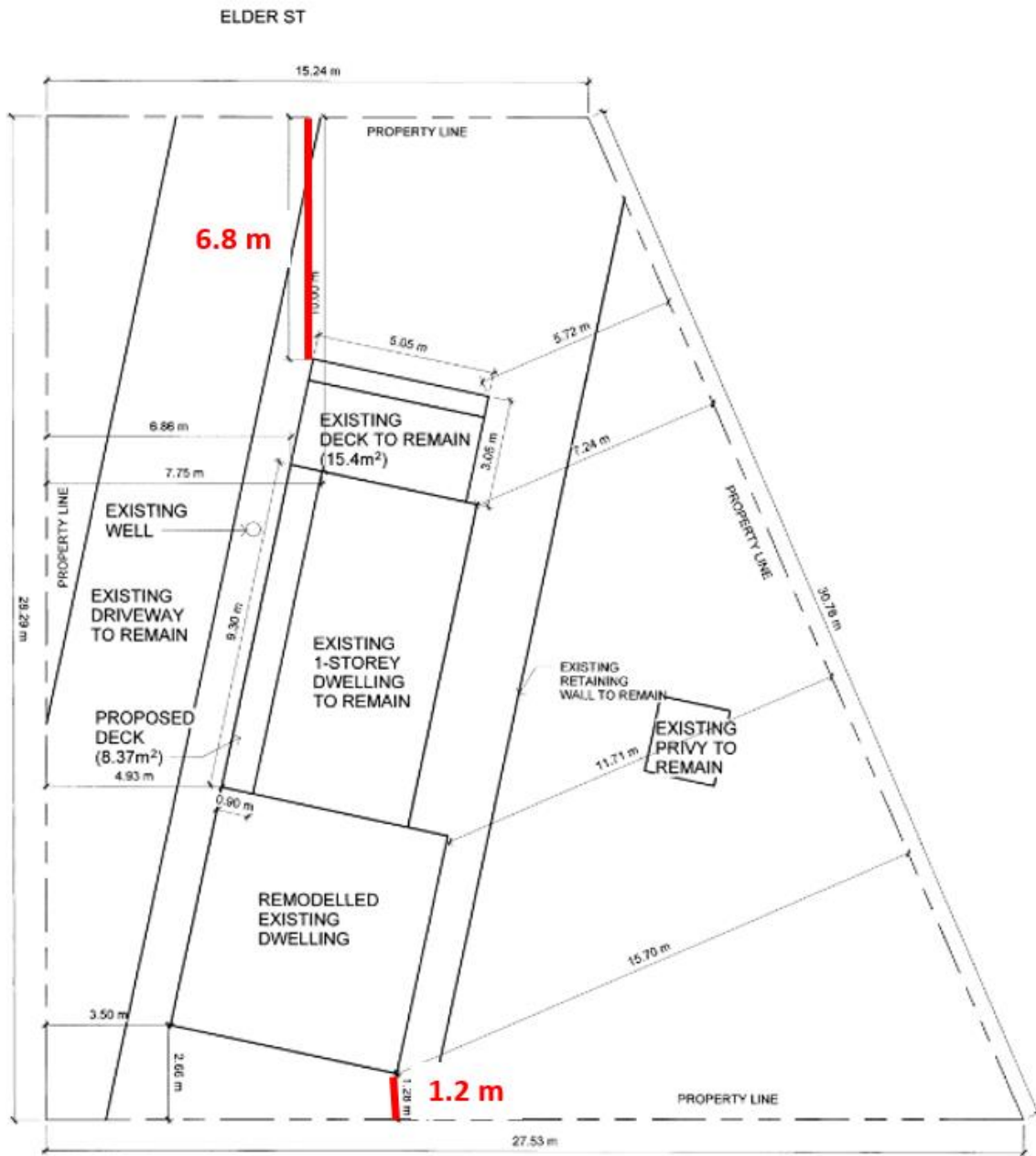
FILE NO: D20-2024-023

AERIAL PHOTO



to

APPLICANT'S SKETCH



to

CONSTRUCTION DRAWINGS

