

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Corrao
Report Number COA2024-045

Public Meeting

Meeting Date: May 23, 2024

Time: 1:00 pm

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

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to recognize a single detached dwelling under construction.

Relief sought:

1. Section 13.2.1.3 b ii) of the Zoning 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 2.9 metres from the southeast corner of the dwelling.

The variance is requested at **190 Sturgeon Glen Road** (File D20-2024-035).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-045 – Corrao, be received;

That minor variance application D20-2024-035 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 COA2024-045, 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 twelve (12) 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.

This approval pertains to the application as described in report COA2024-045. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To recognize a single detached dwelling under construction
Owners:	Vincenzo and Sonia Corrao
Applicant:	Neil Spivey
Legal Description:	Part Lot 18, Concession 10 (Being Part Lot 35 and 36 on Plan 300)
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:	971.45 sq. m. (10,456.6 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is located in a residential neighbourhood on the eastern shore of Sturgeon Lake. The property is rectangular in shape and has frontage on the water. The property contains a two storey single detached dwelling and a detached garage that are currently under construction. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The original dwelling (constructed in 1957 according to Municipal Property Assessment Corporation) and the original detached garage (constructed in 1976

¹ See Schedule 1

² See Schedule 1

according to Municipal Property Assessment Corporation) were removed and replaced with these new buildings.

A Minor Variance was granted for this proposal on April 27, 2023 (D20-2023-028) for relief from the minimum lot frontage and minimum water setback. Relief was granted to recognize the existing lot frontage of 9.45 metres, and the proposed water setback of 12.31 metres.

The purpose of the application is to recognize a deficient interior side yard setback that was identified after construction had begun. The ground and gross floor area of the original dwelling was approximately 66.92 square metres. The ground floor area of the new dwelling is approximately 90.33 square metres and the gross floor area is approximately 144.18 square metres. The new larger dwelling provides additional living space to better accommodate the property owner and their 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 (2012). Low density 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 Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law and the reliefs granted through the 2023 Minor Variance except for the interior side yard setback.

As per Section 13.2.1.3 b ii) of the Zoning 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 dwelling that is more than one storey. The dwelling under construction is two storeys in height, and it was constructed with a setback of 2.9 metres from the southeast corner of the dwelling. 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 setback from the southwest corner is 3.7 metres, so the dwelling exceeds the minimum 3 metre setback at that corner, and relief is only required for the southeast corner. The 0.1 metre encroachment is not anticipated to result in adverse impacts pertaining to massing, privacy, or lot drainage. Additionally, the 2.9 metre setback provides adequate space for access between the front and rear yard.

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.”

Building and Septic Division (Septic): “A sewage system review has been conducted for the proposed dwelling construction. The review has demonstrated that the placement of the dwelling will not encroach on the required clearance distances to the sewage system. The reduced lot line placement will not cause an encroachment on the sewage system. As such, the Building and Septic Division has no concerns with the minor variance as it relates to private on-site sewage disposal.”

Building and Septic Division (Building): “No comments.”

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

E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-035

Schedule 1

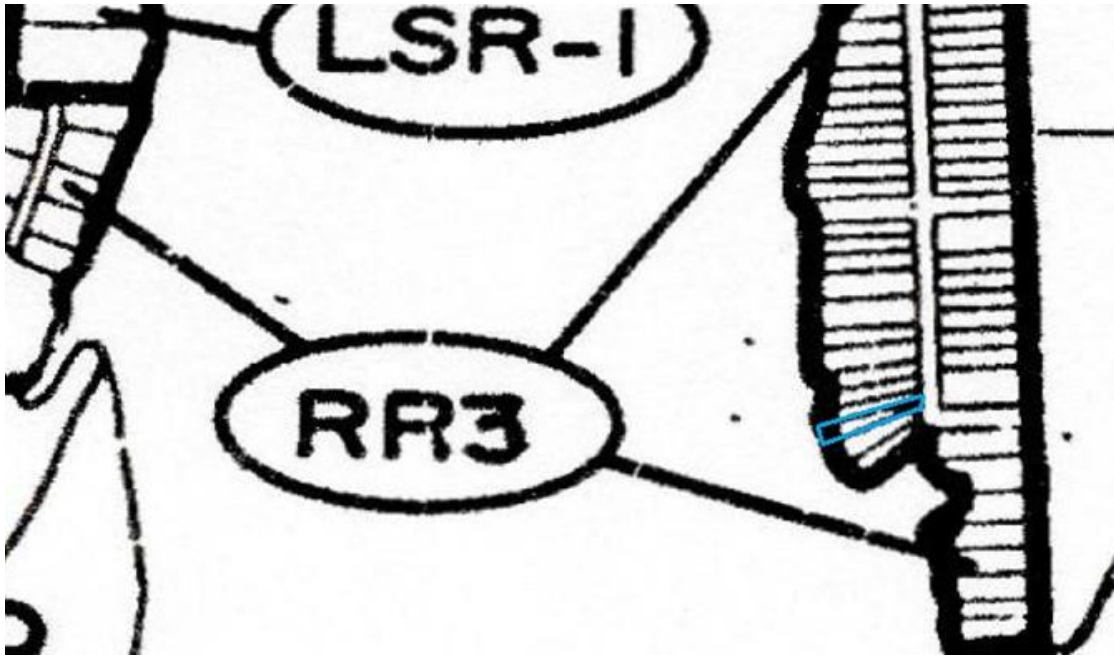
Relevant Planning Policies and Provisions

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 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

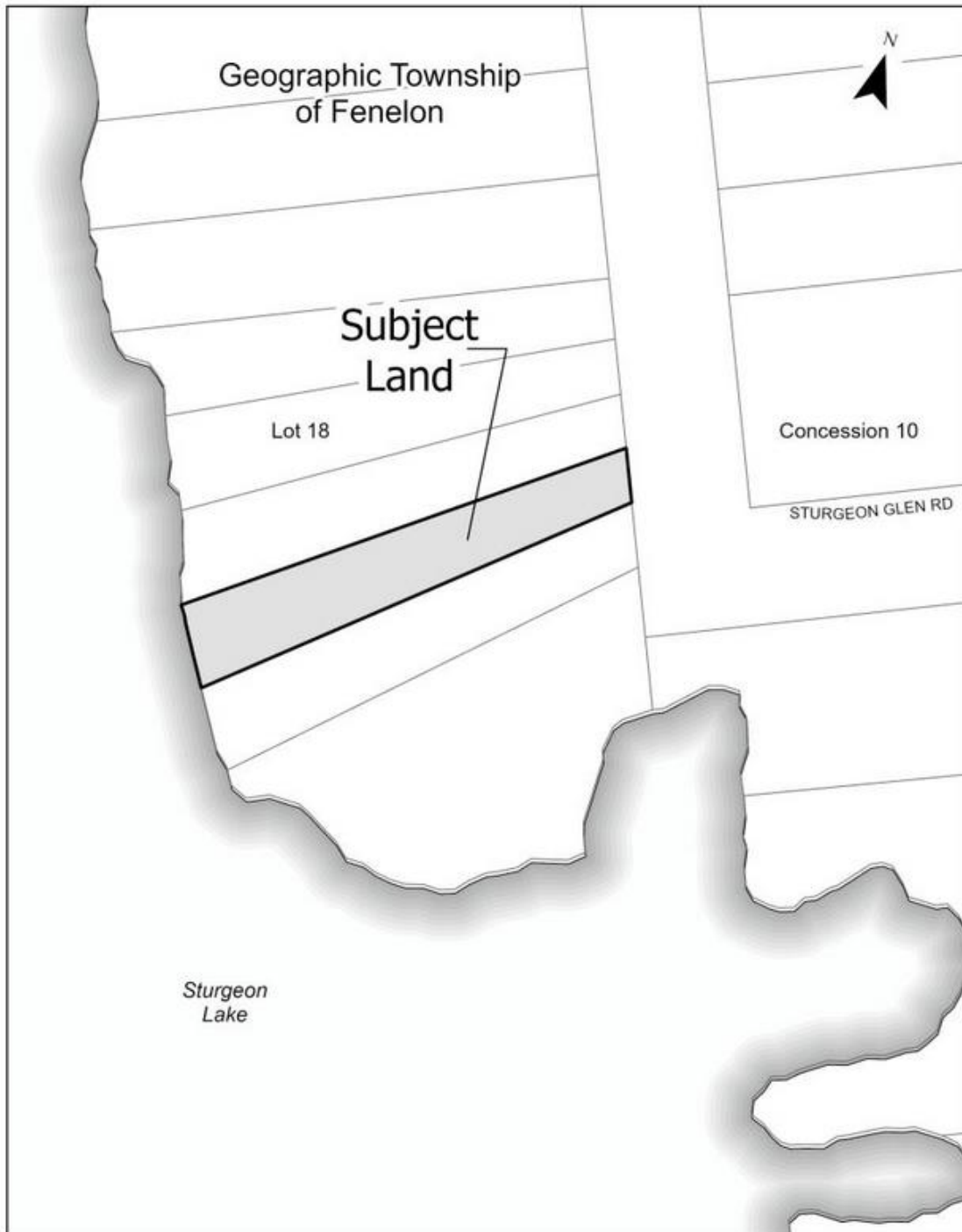
to

REPORT COA2024-045

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LOCATION MAP

D20-2024-035



APPENDIX " B "

to

REPORT COA2024-045

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

