

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Sims

Report Number COA2024-046

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 facilitate the construction of a new dwelling, in-ground swimming pool, pool shed, and a boathouse.

Relief sought:

1. Section 3.18.1.1. of the Zoning By-law requires a 15 metre setback from any class of Environmental Protection (EP) Zone. The neighbouring land to the south is zoned EP-5 Zone. The proposed setback from the abutting EP Zone is 3.5 metres (dwelling), 4.30 metres (shed), and 9.72 metres (pool).

The variance is requested at **Admiral Drive** (File D20-2024-036).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-046 – Sims, be received;

That minor variance application D20-2024-036 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 COA2024-046, 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.

This approval pertains to the application as described in report COA2024-046. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a new one-storey dwelling, in-ground swimming pool, pool shed, and a boathouse.
Owners:	Lionel and Sonia Sims
Applicant:	Carmella Taccone and Joseph Galea
Legal Description:	Part Lot 3, Lot 5, Plan 57M-750
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three Exception Ten (RR3-10) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	5,716.62 square metres (1.41 acres)
Site Access:	Year-round maintained road
Site Servicing:	No existing servicing
Existing Uses:	Vacant
Adjacent Uses:	Residential, Environmental Protection

Rationale

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

The subject property is situated along the shore of Sturgeon Lake, with access from Admiral Drive. The residential neighbourhood consists primarily of one to two storey dwellings, with varying proximities to the shoreline. Based on data provided by the Municipal Property Assessment Corporation (MPAC), the majority of the built form in the neighbourhood was constructed in the early 2000s, many with accessory structures constructed more recently.

The subject property is generally rectangular in shape with a curved shoreline. The property is currently vacant. The development proposal seeks to construct a new one-storey dwelling with basement walkout, in-ground swimming pool, pool shed, and a boathouse.

¹ See Schedule 1

² See Schedule 1

The property is situated in a residential community consisting of recently constructed built-form. The vacant property presents an opportunity for low-density residential development. As such, it is appropriate for property owners to seek the most optimal utilization of their land. The proposed low-density residential development will integrate well with the existing neighbourhood by proposing a dwelling and accessory structures that align with the character of the neighbourhood.

Given the above, 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. The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designations permits the use of single detached and vacation dwellings. Policy 20.3.6. of the Official Plan states new development on Waterfront designated properties will be developed on individual services at a low-density. The proposed development supports the objective and goals of the Official Plan for the Waterfront designation.

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 Exception Ten (RR3-10) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3-10 Zone permits the use of vacation dwellings and single detached dwellings, as well as associated accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum required setback from an Environmental Protection (EP) Zone.

Section 3.18.1.1. of the Zoning By-law requires a 15 metre setback from any class of Environmental Protection (EP) Zone. The neighbouring land to the south is zoned EP-5 Zone. The intention of this provision requiring a 15-meter water setback from Environmental Protection (EP) zones is to safeguard any environmental significant features by creating a buffer zone that minimizes direct human impacts, thereby promoting and maintaining a healthy environment. The neighbouring property does not contain any provincial significant wetlands and/or unevaluated wetlands. It is likely the property was zoned EP-5 Zone due to the property's water features stemming from Sturgeon Lake. The proposed setback from the abutting EP Zone is 3.5 metres (dwelling), 4.30 metres (shed), and 9.72 metres (pool). An important distinction to make is that the proposed setback from the water body situated within the EP-5 Zone exceeds 15 meters. Nevertheless, given the entirety of the adjacent lot is designated as EP-5 Zone, this effectively establishes a minimum side yard of 15 meters. As such, the proposed

development remains setback further than 15 metres from the environmental significant features of the neighbouring property.

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:

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

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

Public Comments:

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

Attachments

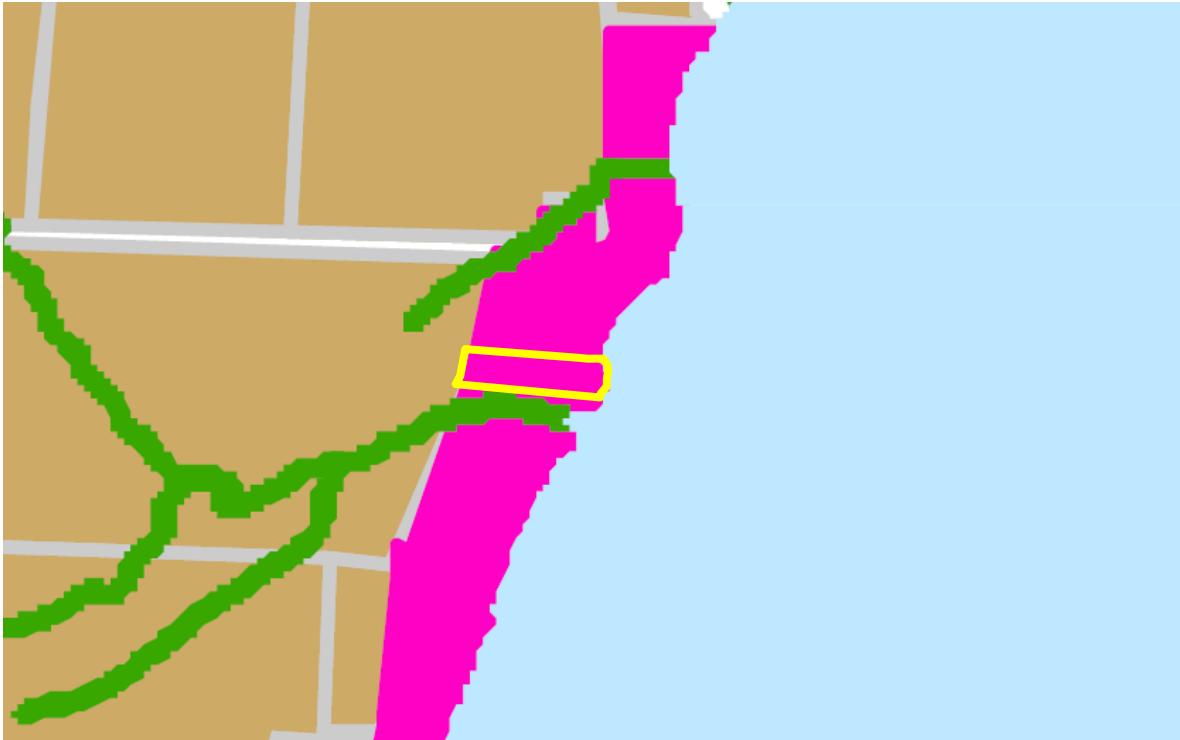
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-036

Schedule 1

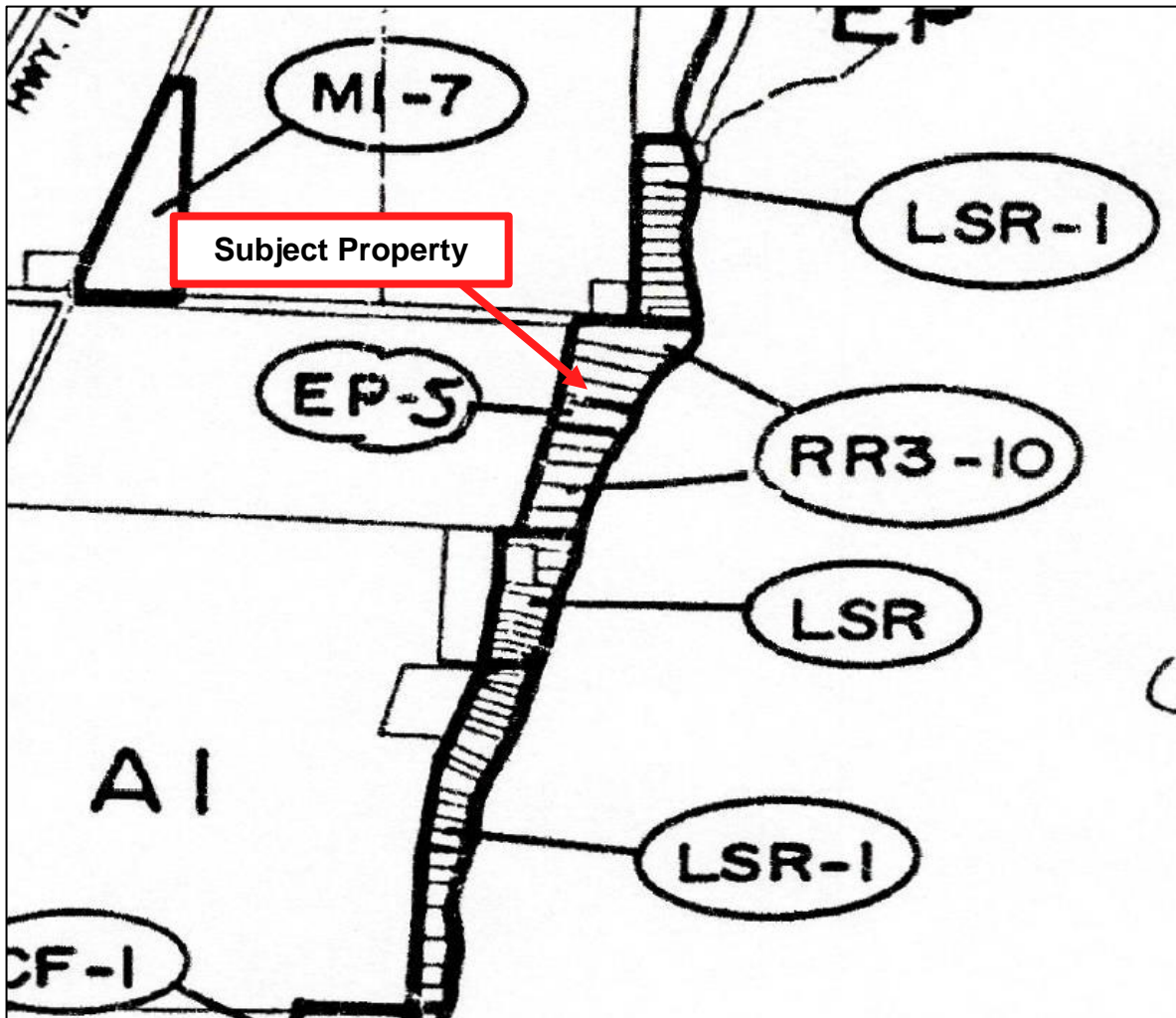
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

Township of Fenelon Zoning By-Law 12-95



3.18 SPECIAL SETBACKS OR RESTRICTIONS

3.18.1.1. Environmental Protection Zone Setbacks and Restrictions

Except as otherwise specifically provided for herein, the minimum setback for all buildings and structures from any class of Environmental Protection Zone shall be the applicable yard requirement or a setback of 15 metres whichever is greater.

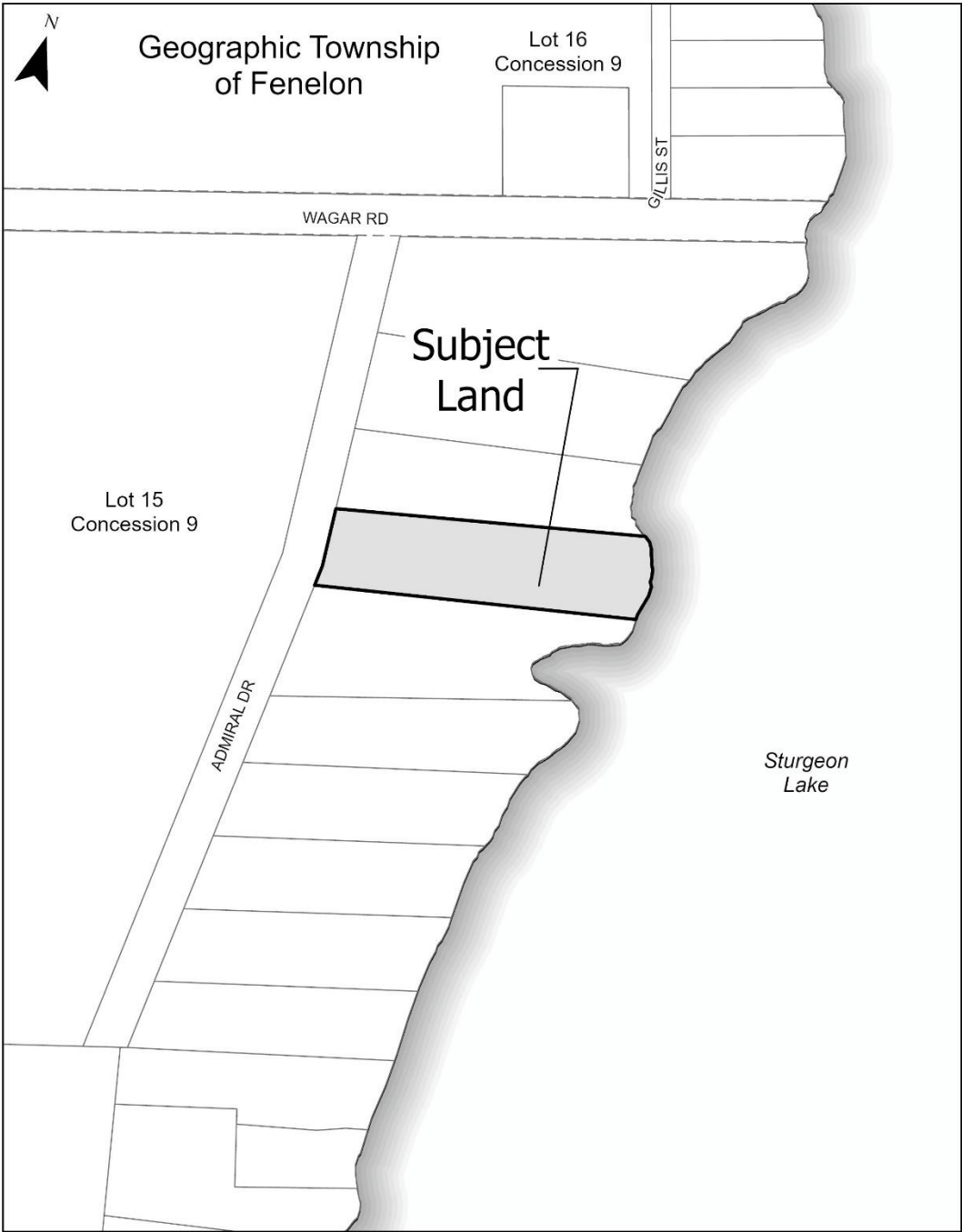
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LOCATION MAP

D20-2024-036



APPENDIX " B "

to

AERIAL IMAGERY (2018)

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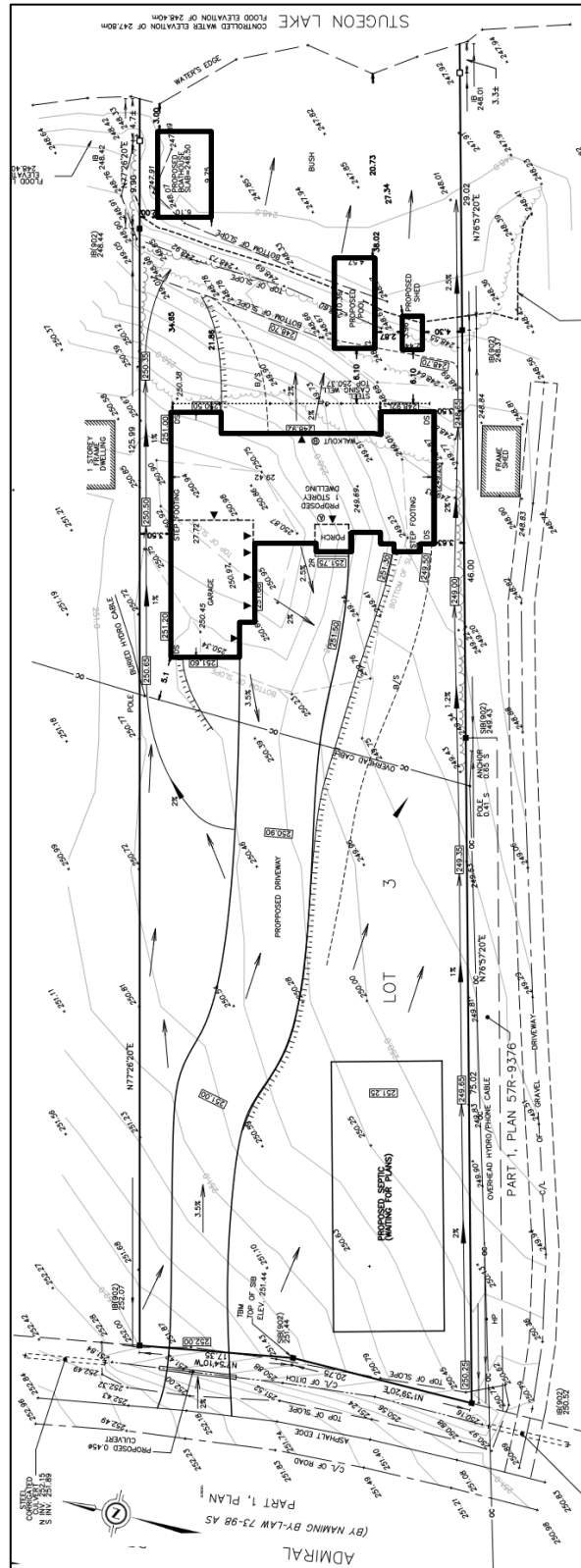


to

APPLICANT'S SKETCH

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