

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Wen

Report Number COA2024-054

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### Public Meeting

**Meeting Date:** June 27<sup>th</sup>, 2024

**Time:** 1:00 pm

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

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### Ward 3 – Geographic Township of Fenelon

**Subject:** The purpose and effect is to recognize an existing detached additional residential unit (ARU).

#### Relief sought:

1. Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres for lots on private services to be eligible for an ARU. The subject lot is 1,254.53 square metres in size; and,
2. Section 3.1.3.1 of the Zoning By-law permits a maximum accessory structure lot coverage of 8% (to a maximum of 225 square metres). The existing accessory structure lot coverage is 12.57% (157.68 square metres).

The variance is requested at **10 Sunrise Crescent** (File D20-2024-044).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-054 – Wen, be received;

**That** minor variance application D20-2024-044 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 COA2024-054, which shall be attached to and form part of the Committee's Decision;
- 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

achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,

- 3) **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 COA2024-054. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

### **Application Summary**

Proposal:	Recognize existing detached additional residential unit (ARU)
Owners:	Si Wen
Applicant:	Owners (see above)
Legal Description:	Lot 28, Plan 474, Part Lot 1, Concession 5
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,254.53 square metres (0.31 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic
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 situated along the shoreline of Sturgeon Lake with access onto Sunrise Crescent (year-round maintained public road). The neighbourhood is residential in character, with built form consisting of one-to-two storey detached

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

dwellings and accessory structures with varying proximities to the road and shoreline. The property currently contains a two-storey dwelling, a detached additional residential unit (ARU) and two sheds. According to the applicant, in 2003 a detached garage was constructed in 2003 and at some point converted into living space. The new and current property owners are now seeking to register the change of use on the property, and to continue the use of an ARU lawfully. The property has been used as such since as early as 2009 (according to the applicant). The ARU is 93 square metres in size, and the primary residence is 97 square metres in size.

The structure and use are permitted, but are deficient in regards to zoning compliance. As such, there are no new structures or uses being proposed on the subject property. Furthermore, it can be expected of property owners to redevelop their properties to strive to achieve the highest and best use. In this case, the use supports and provides additional housing without the creation of a new lot.

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. Low density residential uses and accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

In 2020, the City of Kawartha Lakes Official Plan (2012) was amended to address the requirements of the Planning Act, conform with Provincial Policies and establish new land use policies for Additional Residential Units (ARU). An ARU is permitted as-of-right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions. The proposed ARU upholds the residential character of the area and the variance maintains the general intent and purpose of the Official Plan.

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. The RR3 Zone permits a single detached dwellings and appropriate accessory uses. The existing ARU complies with all provisions of the Zoning By-law with the exception of Section 3.22.vi. which provides the minimum lot area required for an ARU on a property with private services, and Section 3.1.3.1 which provides the maximum lot coverage for accessory structures.

Under the Zoning By-Law, ARUs are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the provisions of the Zoning By-law. The minimum lot size required for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. The Supervisor of Part 8 – Sewage Systems has requested a condition to be added for their endorsement of the application. They will be in consultation with the applicant, with the aim of working towards satisfying the Ontario Building Code (OBC).

Section 3.1.3.1 of the Zoning By-law permits a maximum accessory structure lot coverage of 8% (to a maximum of 225 square metres). 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 existing accessory structure lot coverage is 12.57% (157.68 square metres). The important distinction here is that no new structures are being proposed, as such, additional lot coverage is not being increased. Moreover, although the accessory structure lot coverage is exceeded, the total lot coverage of all structure is in compliance ensuring overcrowding is avoided. The ARU complies with all setbacks of the Zoning By-law, maintaining an appropriate front, side, and rear yards for open space. The ARU remains subordinate to the primary dwelling, as its building footprint and height are both less than the existing main dwelling.

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:**

**DS – Building and Septic (Septic):** “The property has undergone evaluation to determine the allowance for a private on-site sewage disposal system. Due to the lot coverage and placement of structures there is limited area available for a replacement sewage system. To accommodate a private on-site sewage system to service both the main dwelling and the ARU, some reductions in the number of bedrooms and plumbing fixtures will be required. These reductions have not been confirmed and a replacement system has not been defined as yet. 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 for private on-site sewage disposal.”

**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

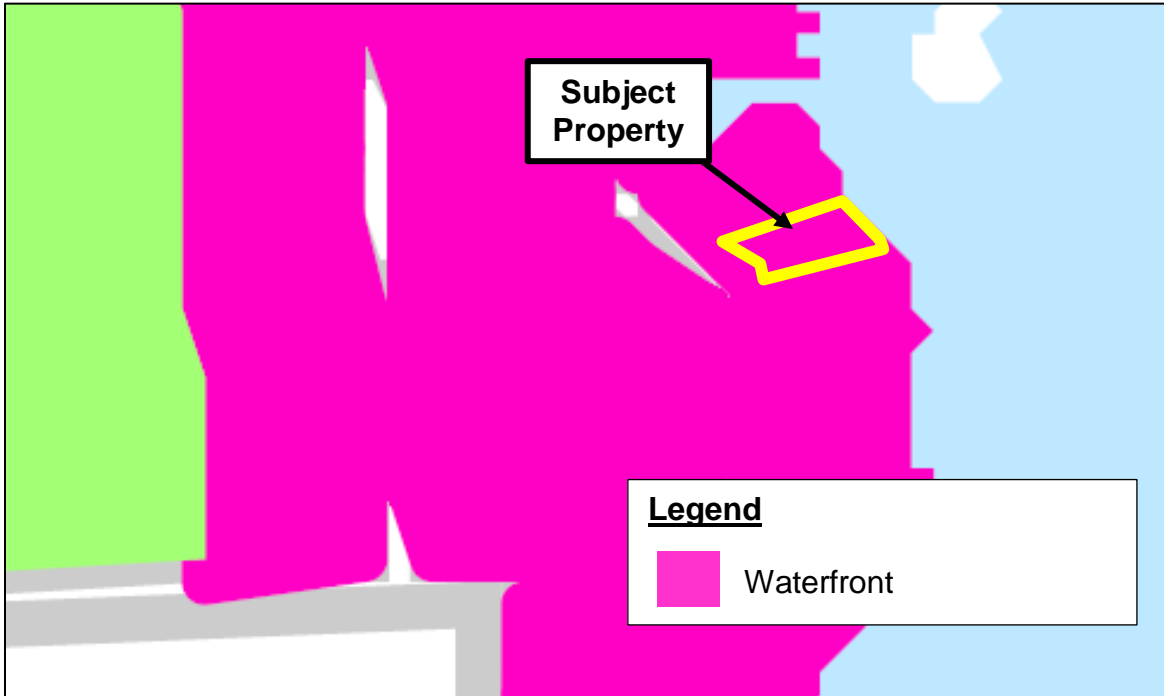
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**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-044

## Schedule 1 Relevant Planning Policies and Provisions

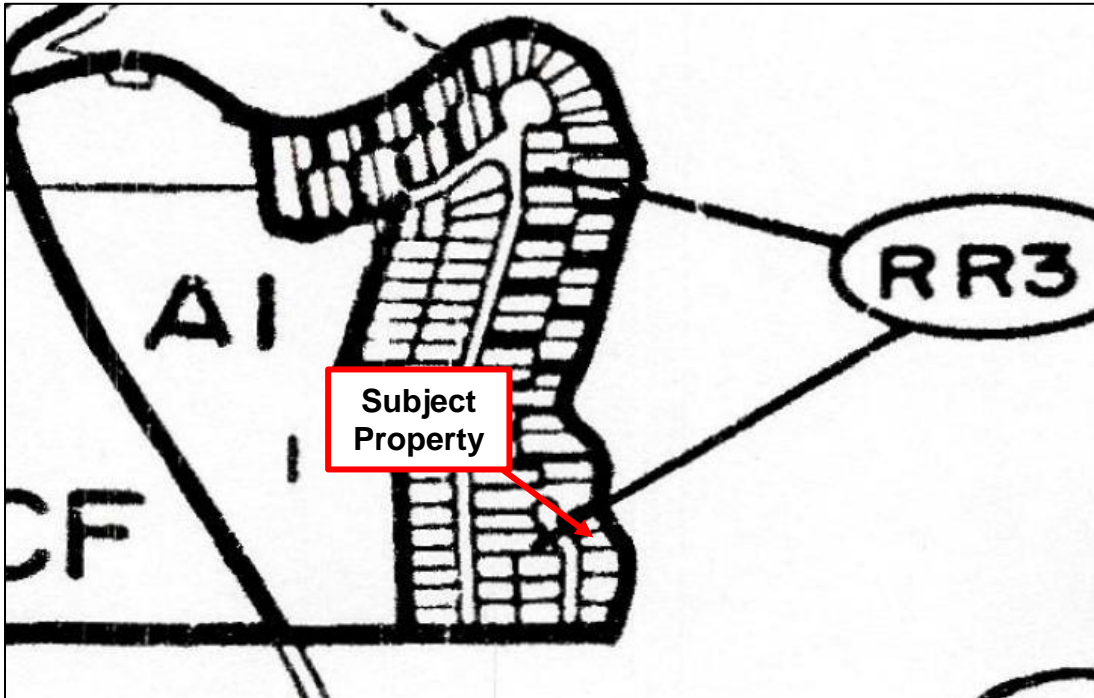
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### City of Kawartha Lakes Official Plan



#### Section 20. Waterfront Designation

## Township of Fenelon Zoning By-law 12-95



TOWNSHIP OF FENELON  
ZONING BY-LAW 12-95

3-1

OFFICE CONSOLIDATION  
MARCH 2022

### PART 3 - GENERAL PROVISIONS

#### 3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

##### 3.1.3 LOT COVERAGE AND HEIGHT

3.1.3.1 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 to a maximum of 225 square metres.

#### 3.22 ADDITIONAL RESIDENTIAL DWELLING UNITS

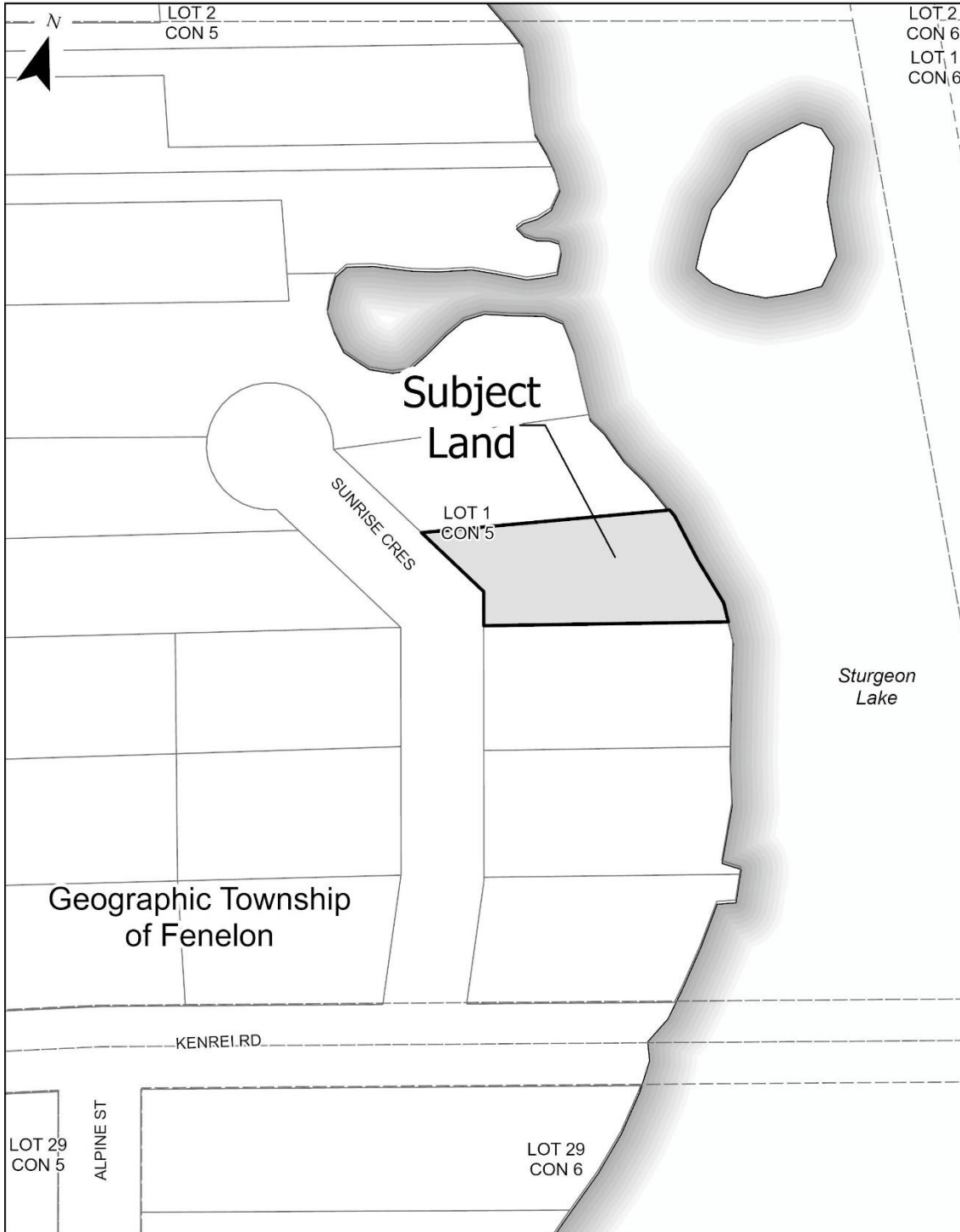
Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the following provisions:

- vi. A minimum lot area of 0.4 ha (4000 sq. m.) on private services.

to

**LOCATION MAP**

# D20-2024-044





APPENDIX " B "

to

REPORT COA2024-054

FILE NO: D20-2024-044

**AERIAL PHOTO (2018)**



to

REPORT COA2024-054

FILE NO: D20-2024-044

**APPLICANT'S SKETCH**

