

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gear and Koopmans**  
Report Number COA2024-056

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**Public Meeting**

**Meeting Date:** June 27, 2024

**Time:** 1:00 pm

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

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**Ward 8 – Geographic Township of Emily**

**Subject:** The purpose and effect is to facilitate the recognition of an existing shed.

**Relief sought:**

1. Section 3.1.2.1 of the Zoning By-law provides that an accessory structure shall only be erected in an interior side or rear yard; the shed is located in the front yard; and,
2. Section 12.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the existing setback is 3 metres.

The variance is requested at **2 Marilyn Crescent** (File D20-2024-046).

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

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**Recommendations**

**That** Report COA2024-056 – Gear and Koopmans, be received;

**That** minor variance application D20-2024-046 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 COA2024-056, 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 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.

This approval pertains to the application as described in report COA2024-056. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of an existing shed
Owners:	Whitney Gear and Cody Koopmans
Applicant:	Whitney Gear
Legal Description:	Lot 62 on Plan 466
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 Emily Zoning By-law 1996-30)
Site Size:	1,336 sq. m. (14,380.6 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and communal well
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 within an established residential neighbourhood located to the east of Pigeon Lake. The property is rectangular in shape, is a corner lot, and does not have frontage on the water. The property currently contains a single detached dwelling constructed in 1973 (according to Municipal Property Assessment Corporation) and two sheds.

The purpose of the application is to recognize one of the existing sheds, located in the southeast corner of the property. The Zoning By-law defines the front lot line for a corner lot as the shorter lot line that abuts the street. As such, the lot line along Marilyn Crescent is the front lot line and the lot line along Cardinal Road is an

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

exterior side lot line. The front yard is defined as the entire width of the lot between the front lot line and the closest main wall of the dwelling. As such, the shed in question is located in the front yard, and it also encroaches into the minimum front yard setback. As the property does not have a garage, this shed provides necessary storage for items including lawn maintenance equipment, tools, and patio furniture.

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 Emily Zoning By-law 1996-30. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the permitted location for an accessory structure and the minimum front yard setback.

As per Section 3.1.2.1 of the Zoning By-law, an accessory structure shall only be erected in an interior side or rear yard. The shed in question is located in the front yard. The intent of limiting the location of accessory structures to the interior side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and that the property is in keeping with the character of the rest of the neighbourhood.

Due to the configuration of the dwelling on the lot, when viewing the property from the street this shed appears to be located in the rear yard. As the front of the dwelling faces north and this shed is located in the southeast corner of the property, this shed is located in a less visible area on the property, it remains visually subordinate to the primary (residential) use, and the property is in keeping with the character of the area. Additionally, sufficient amenity space is maintained.

As per Section 12.2.1.3 a) of the Zoning By-law, a minimum front yard setback of 7.5 metres is required. The existing setback is 3 metres. 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.

Between the front lot line and the travelled portion of the street, there is an approximately 7-metre-wide grassy boulevard which contains a mature hedge. The location of the shed in question is not anticipated to impact traffic, maintenance, or sight lines. Additionally, the existing vegetation provides a visual and physical buffer between the shed and the travelled portion of the road.

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:**

**Otonabee Region Conservation Authority:** “It is the opinion of Otonabee Conservation staff that the application is consistent with section 3.1 of the Provincial Policy Statement. Based on the information provided, the development does not appear to create new or aggravate existing hazards. The property is not regulated. Permits are not required from the Authority for any development.”

**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 use permit/installation report could not be located for the property. An evaluation was conducted of the placement of the shed as it relates to the existing private on-site sewage disposal system. The sewage system is located in the south yard of the dwelling. The shed has been erected in the east yard of the dwelling. The shed has been established to meet the required clearance distance from the septic tank. A clearance distance of 4.3 metres was established to the distribution line. The minimum required clearance distance to a distribution line is 5 metres. A reduction in clearance has been granted for the placement of the shed. Additionally, the shed will not

incorporate any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue with the proposed 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

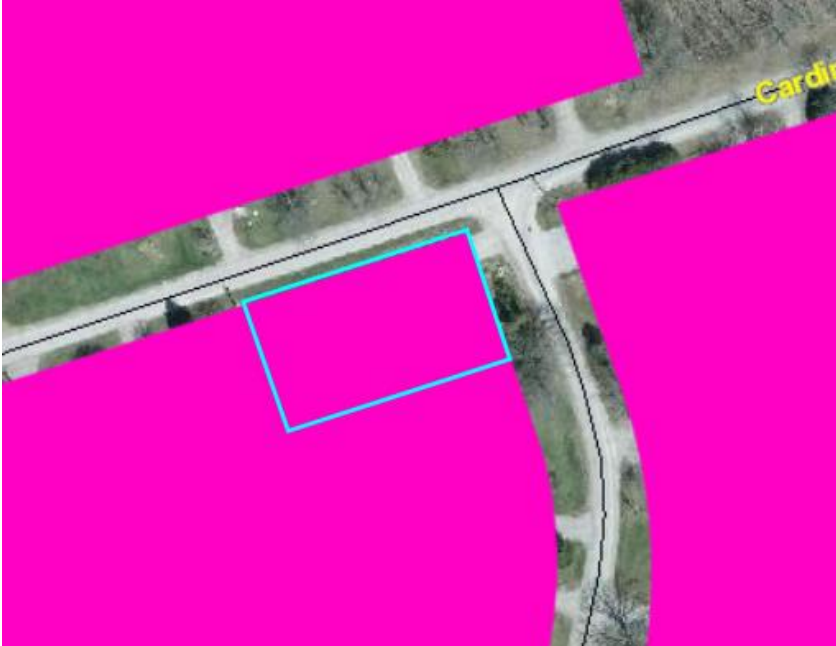
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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-046

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Emily Zoning By-law 1996-30



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures, and Uses

##### 3.1.2 Location

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

### Part 12 Rural Residential Type Three (RR3) Zone

#### 12.1 Uses Permitted

#### 12.2 Zone Provisions

##### 12.2.1.3 Yard requirements (min.)

- a) front      7.5 m

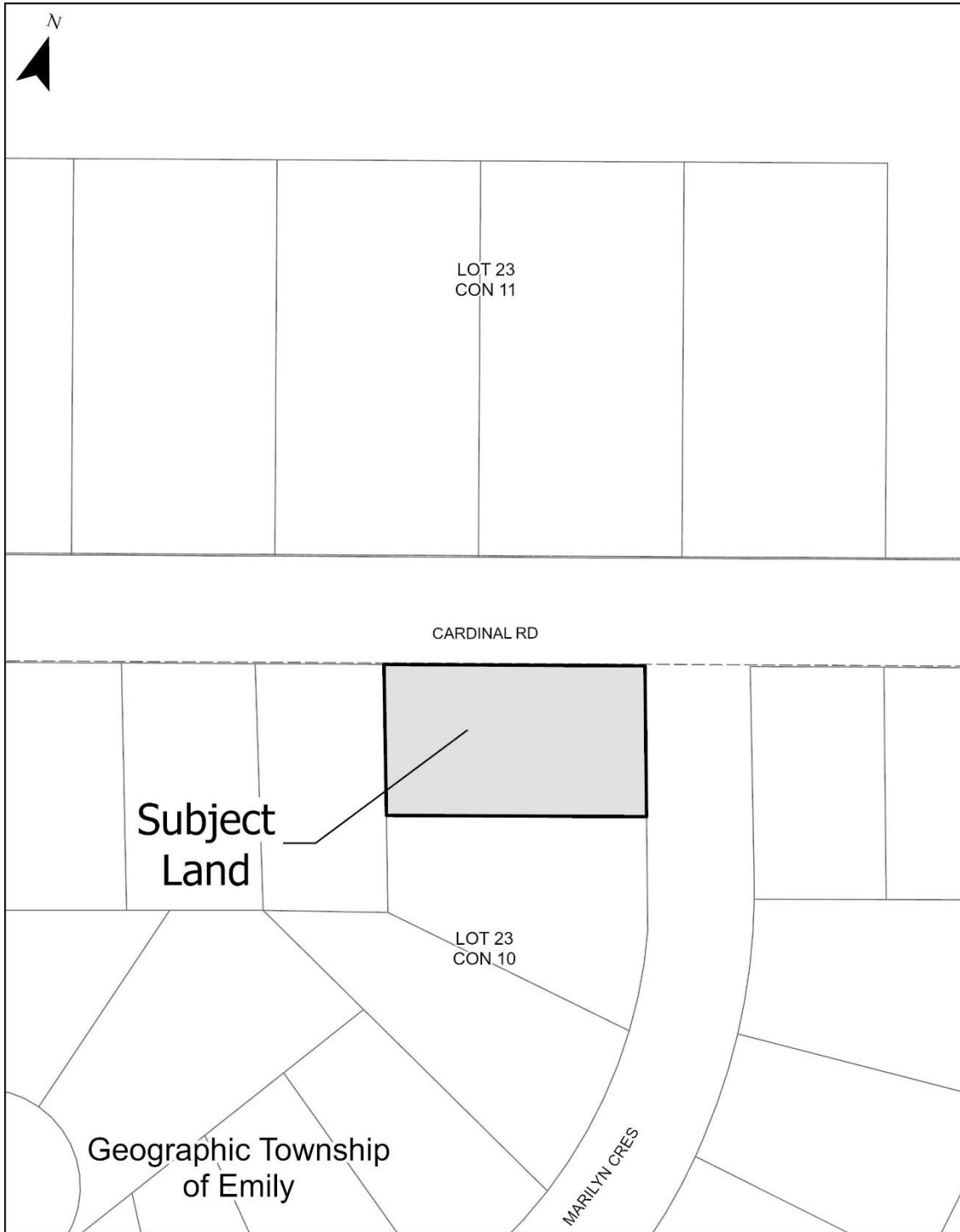
to

REPORT COA2024-056

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**LOCATION MAP**

# D20-2024-046





APPENDIX " B "

to

REPORT COA2024-056

FILE NO: D20-2024-046

**AERIAL PHOTO**



to

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APPLICANT'S SKETCH

Shed that requires relief

