

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Davies

Report Number COA2024-058

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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 1 – Geographic Township of Carden

**Subject:** The purpose and effect is to recognize an existing single-storey detached dwelling constructed in 2023.

### Relief sought:

1. Section 2.2.d. of the Zoning By-law requires a minimum side yard of 3 metres on one side, and 1.2 metres on the opposite side, plus 1 metre for each additional or partial storey. In this Zoning By-law, a basement is considered an additional storey. The existing side yard setbacks are 2.12 metres (north) and 1.90 metres (south).

The variance is requested at **91 Fulsom Crescent** (File D20-2024-048).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-058 – Davies, be received;

**That** minor variance application D20-2024-048 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 COA2024-058, 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 COA2024-058. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognize recently constructed single-storey dwelling.
Owners:	Jon Davies
Applicant:	Rick Jablonski
Legal Description:	Part Lot 20, Concession 1 (being Lot 20 of Plan 360)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Carden Zoning By-Law 79-2)
Site Size:	1,457.55 square metres (0.36 acres)
Site Access:	Seasonally maintained road
Site Servicing:	Private individual well and septic system
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 within a residential neighbourhood on the western shore of Dalrymple Lake. The built-form in the neighbourhood is comprised of low-density residential dwellings. According to the Municipal Property Assessment Corporation (MPAC), the dwellings in this area were constructed through a wide range of time starting roughly in the 1950's, all now with various extents of renovations, alterations, and additions. The property remained vacant for an extended duration before recent residential development.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The property currently contains a single-storey constructed in December of 2023. The as-built building setback differed from the originally submitted plans, as the development had to be shifted when rock features were discovered. In order to avoid any on-site rock blasting, the development was shifted.

Overall, it is expected of property owners to seek development of vacant lots with the aim of achieving the most optimal utilization. In this case, the neighbourhood has primarily been developed, with very few vacant lots remaining. The residential use and structure aligns with the character of the neighbourhood while promoting infill development and efficient land use.

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. 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 application 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 Limited Service Residential (LSR) Zone under the Township of Carden Zoning By-Law 79-2. The LSR Zone permits a single-detached dwelling or vacation dwelling, along with assorted accessory structures. The applications complies with all provisions of the Zoning By-law except the interior side yard setback.

Section 2.2.d. of the Zoning By-law requires a minimum side yard of 3 metres on one side, and 1.2 metres on the opposite side, plus 1 metre for each additional or partial storey. Unlike a majority of the other City's Zoning By-laws, the Carden Zoning By-law 79-2 considers a basement an additional storey. Whereas, many of the other Zoning By-laws only consider a *walkout* basement an additional storey. As a result, the required minimum side yard setbacks for the property are 3 metres on one side and 2.2 metres on the opposite side. The purpose of an interior side yard setback is to ensure adequate separation between neighboring properties, facilitating access, maintenance, and safeguarding against overcrowding while preserving privacy for all affected residents.

Presently, the existing side yard setbacks are 2.12 meters (north) and 1.90 meters (south). Despite the insufficient setbacks in the interior side yard, the development provides adequate passage way for maintenance purposes. Regarding privacy considerations, it's notable that the existing dwelling is not directly adjacent to the

nearest abutting property (93 Fulsom Crescent), mitigating any potential concerns regarding sightlines or privacy infringement. Lastly, the development complies with lot coverage and height, avoiding any issues with massing, privacy, and/or overcrowding.

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.”

**DS – Building and Septic (Septic):** “A sewage system installation report has been issued for the sewage system to service the residential dwelling on the property. The sewage system has been designed and installed to provide sanitary servicing for the proposed residential use as per the requirements of the Ontario Building Code. The sewage system has been established to adhere to all minimum required clearance distances as per the OBC. As such, the Building and Septic Division has no issue with the minor variance as it relates to private on-site sewage disposal.”

**Public Comments:**

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

**Attachments**

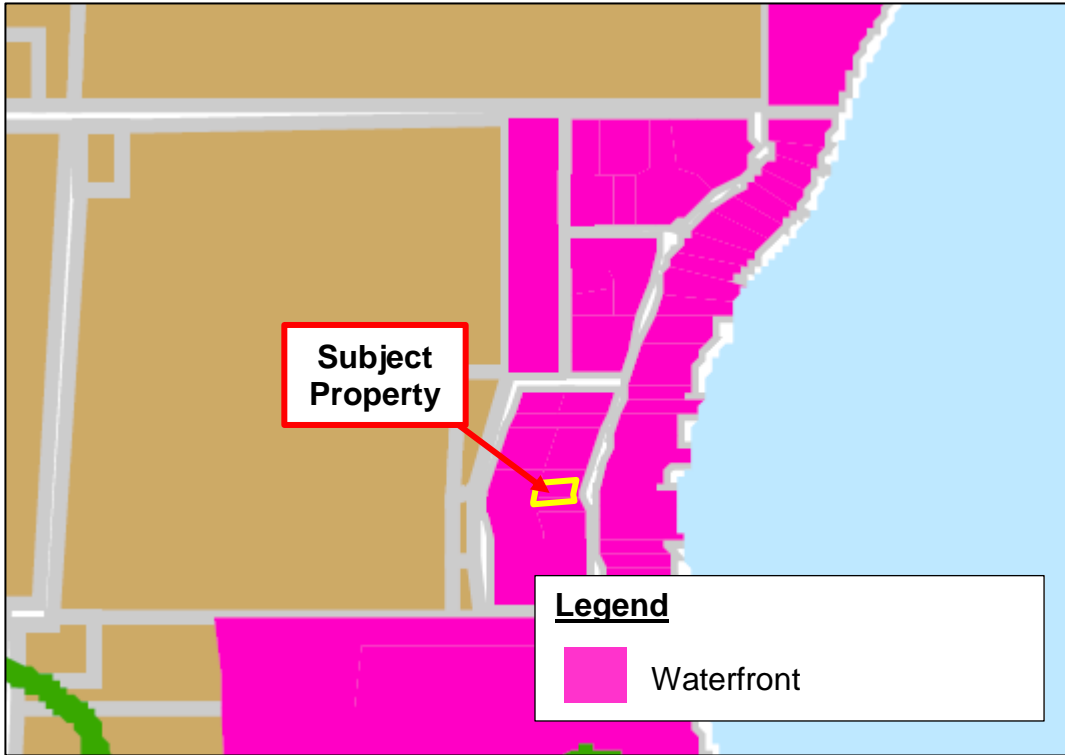
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

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**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-048

## Schedule 1 Relevant Planning Policies and Provisions

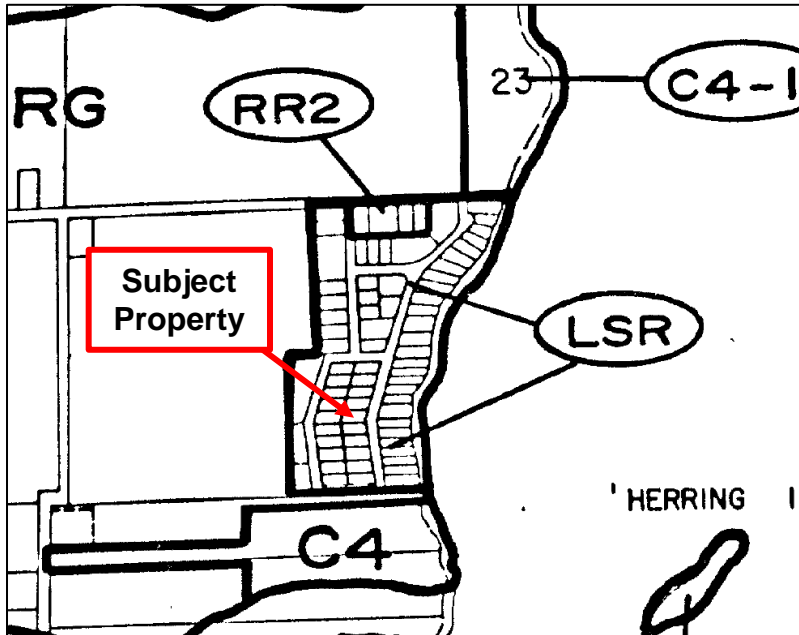
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### City of Kawartha Lakes Official Plan



### Section 20. Waterfront Designation

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



TOWNSHIP OF CARDEN  
COMPREHENSIVE ZONING BY-LAW 79-2

OFFICE CONSOLIDATION  
March 2022

### SECTION 2

#### LIMITED SERVICE RESIDENTIAL (LSR) ZONE

##### 2.2 LSR ZONE REQUIREMENTS

In a Limited Service Residential "LSR" Zone no persons shall hereafter erect or use any building except in conformity with the following requirements:

- d. Minimum Side Yard shall be 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first

### SECTION 15

#### DEFINITIONS

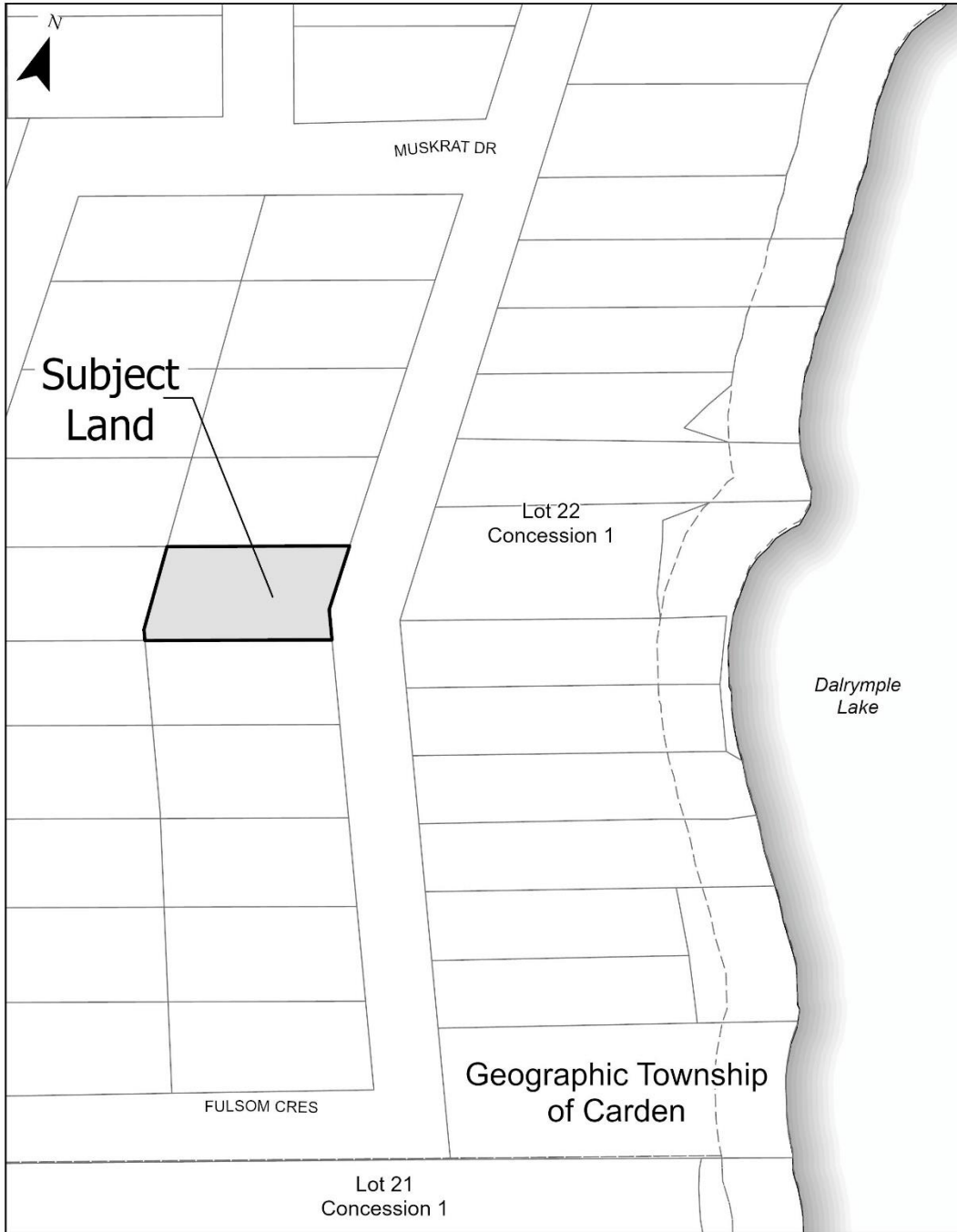
In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

**STOREY** means that portion of a building other than a cellar or attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

to

**LOCATION MAP**

# D20-2024-048



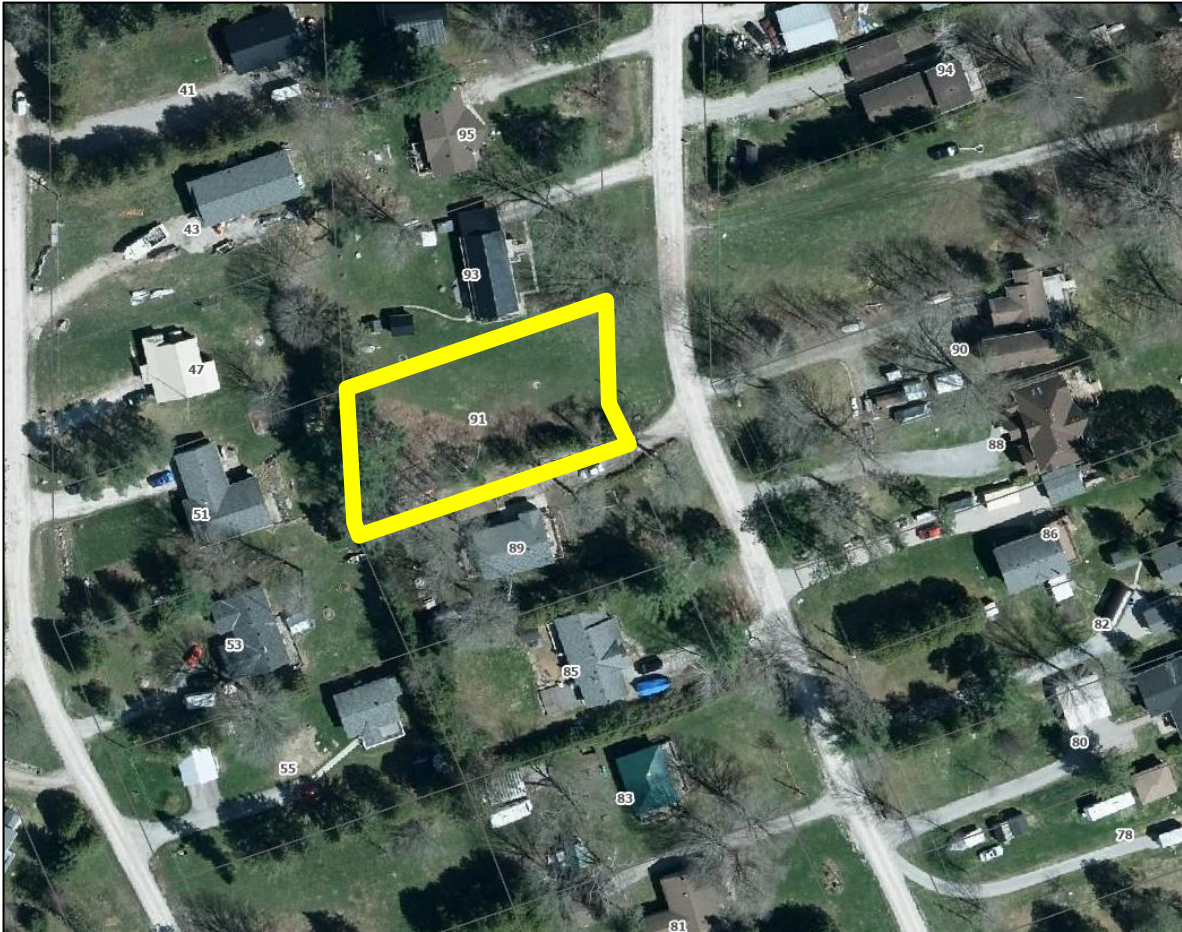


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**AERIAL PHOTO (2018)**



to

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APPLICANT'S SKETCH

