

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Martin

Report Number COA2024-041

Public Meeting

Meeting Date: May 23, 2024

Time: 1:00 pm

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

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate an addition to the existing dwelling for the use of a home occupation (bakery).

Relief sought:

1. Section 3.9.1.5. of the Zoning By-law states that a home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit or 45 square metres whichever is less, whether or not such home occupation is located within the dwelling or within an accessory structure. The proposed addition is 33.8 square metres, and the total proposed area devoted to the home occupation is 67.62 square metres.

The variance is requested at **2173 Pigeon Lake Road. Emily** (File D20-2024-031).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-041 – Martin, be received;

That minor variance application D20-2024-031 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 COA2024-041, which shall be attached to and form part of the Committee's Decision;
- 2) **That** approvals and/or permits required by the Haliburton Kawartha Pine Ridge District Health Unit, are applied for and granted prior to the issuance of a Building Permit; 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 COA2024-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an addition to enlarge an existing home occupation.
Owners:	Betty and Martha Martin
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 21, Concession 13
Official Plan ¹ :	Rural and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Agricultural (A1) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	4,046.86 square metres (1 acre)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Agricultural and Residential

Rationale

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

The proposed application seeks to facilitate an addition onto the existing dwelling to enlarge the current home occupation. The property currently contains a one-storey dwelling (built in 1974), detached garage, pergola, and shed. The dwelling contains a component dedicated to an existing home occupation serving as a

¹ See Schedule 1

² See Schedule 1

bakery. The applicant has indicated that the intention of the proposed addition is to provide extra storage space for products and provide an area that is protected from the elements as well as high heat of the existing ovens.

The property is situated along Pigeon Lake Road (year-round maintained public road) in the geographic Township of Emily. There are no directly abutting dwellings to the subject property, as the surrounding lands are primarily agricultural in use with residences located distantly from the subject property. Additionally, the proposed addition is to the rear of the dwelling into the rear yard opposite of the road. As such, the visual impact that may result from the addition on the property is minimized.

In terms of use, the home occupation operates only two days out of the week, Friday and Saturday. As such, the home occupation is not an intensive use as it does not serve the public for the majority of the week. The proposed addition does not seek to create space for additional customers, removing concerns regarding intensifying the home occupation use and/or changes to traffic.

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 Rural and Environmental Protection under the City of Kawartha Lakes Official Plan. Residential uses and accessory structures/uses are anticipated within the Rural designation. No structures are located within the Environmental Protection designation including the proposed addition, as the designation falls in the northwest corner of the lot.

The proposed addition continues to support the policies of the Rural designation as it does not seek to increase the existing low-density residential use of the property. Additionally, the Rural designation also includes the permitted uses from the Prime Agricultural designation which supports the exploration of economic opportunities through secondary uses. Moreover, the Official Plan states that home occupations are permitted in all designations where a dwelling is a principal permitted use.

The intent of the Official Plan is to ensure home occupations remain secondary to the primary residential use of the property. The proposed addition supports the Official Plan's intention by continuing its operations wholly within a residence, avoiding visual impacts, and providing adequate parking. Given that the home occupation use is food related, the Official Plan requires complying with Health Unit requirements for water and protection from food contamination. It should be noted that the Haliburton Kawartha Pine Ridge District Health Unit (Health Unit) was circulated and notified of this application.

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 Agricultural (A1) Zone under the Township of Emily Zoning By-law 1996-30. As per Section 7.2.1.7 of the Zoning By-law, the subject property is less than 1 hectare (2.47 acres) as a result, the permitted uses and provisions of the Rural Residential Type One (RR1) Zone apply.

The RR1 Zone permits the use of a single detached dwelling and home occupation. The proposal complies with all provisions of the Zoning By-law except the maximum gross floor area of a home occupation.

Section 3.9.1.5 of the Zoning By-law states that a home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit or 45 square metres whichever is less, whether or not such home occupation is located within the dwelling or within an accessory structure. The intention of this provision is to ensure any home occupation remains subordinate and secondary to the main use of the lot/structure. The dwelling is currently 166.5 square metres, with 33.8 square metres allocated to the home occupation. The proposed area of dwelling with the addition is 200.3 square metres (33.8 square metre addition), with 67.62 square metres (or 33.75%) proposed for the home occupation. The proposed addition is to the rear of the dwelling, opposite and not visible from the street. Additionally, the proposed increase in gross floor area requires a greater parking requirement, which will be accommodated for.

According to the applicant, the proposed addition is solely to provide extra storage space and is not expected to increase the amount of customers. As such the home occupation is not expected to create any nuisances to noise, traffic, or parking. The home occupation does not include any outside storage of good or materials associated with the business, and will be wholly enclosed within the proposed structure. Furthermore, the residential use will remain the primary use of the property as with the proposed addition, two thirds (66%) of the structure will be used for residential purposes. Lastly, there are no nearby dwellings within the vicinity of the home occupation, therefore, any potential visual or privacy concerns are avoided.

Therefore, the variance maintains 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.”

Haliburton Kawartha Pine Ridge District Health Unit (Health Unit):

“The following comments from the Haliburton, Kawartha, Pine Ridge District Health Unit (HKPR) reflect matters of public health interest related to this application. Please advise the applicant of the following.

Food safety

Food Premises O. Reg. 493/17 requires the owner/operator to notify public health for inspection prior to opening any facility where food is being prepared for the public.

Drinking water

New operations where the public has access to drinking water will require a drinking water assessment for applicable regulations.

The proponent is strongly encouraged to contact inspections@hkpr.on.ca or call 1-866-888-4577 x5006 during the planning of the facility to ensure it will be compliant with requirements in the regulations.”

Public Comments:

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

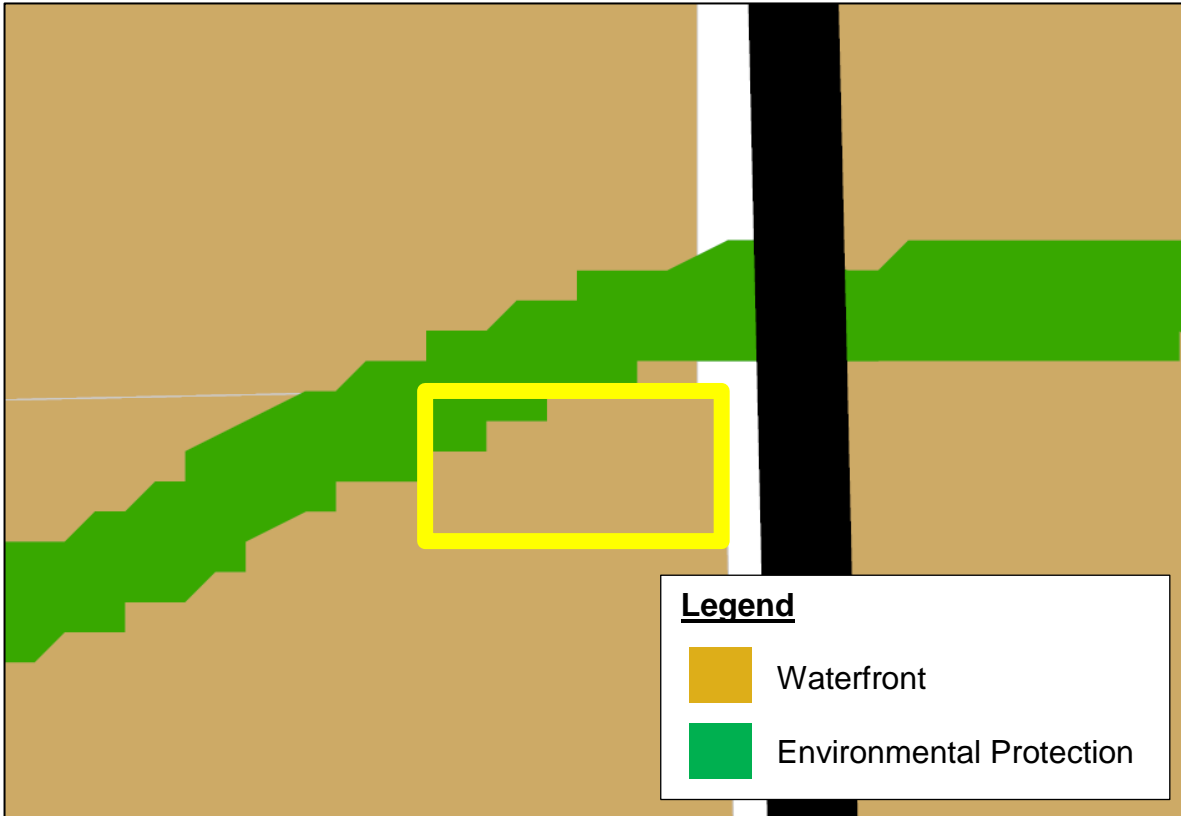
Attachments

- 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: D20-2024-031

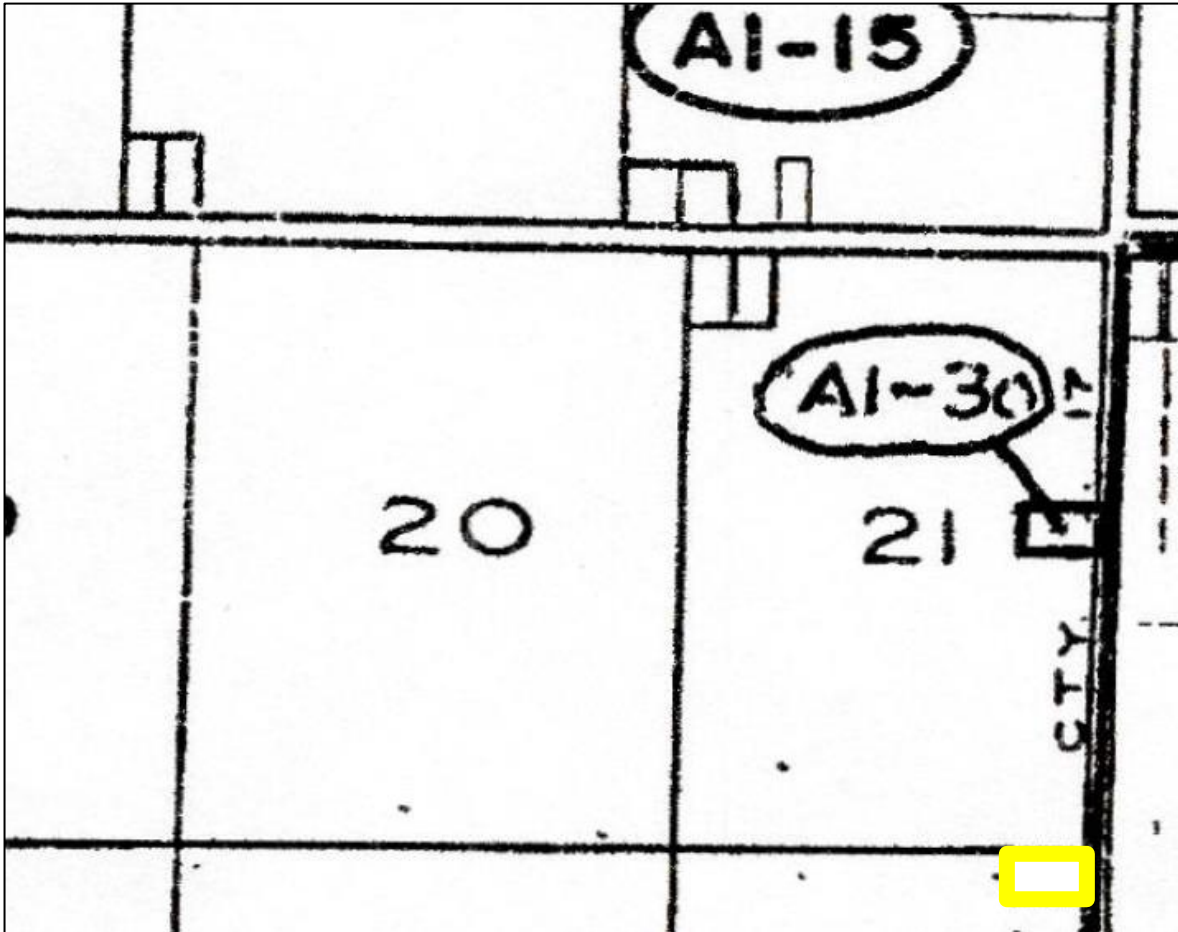
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 16. Rural Designation
Section 17. Environmental Protection Designation

Township of Emily Zoning By-Law 1996-30



PART 2 - DEFINITIONS

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

HOME OCCUPATION means an accessory use of part of a dwelling or part of any accessory building for gainful employment secondary to and compatible with a domestic household and which is carried on by members of the household residing in the dwelling unit.

PART 3 - GENERAL PROVISIONS

3.9 HOME OCCUPATIONS

3.9.1 The following requirements shall apply to any zone wherein a home occupation is permitted.

3.9.1.5 The home occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit or 45 square metres whichever is less, whether or not such home occupation is located within the dwelling or within an accessory structure;

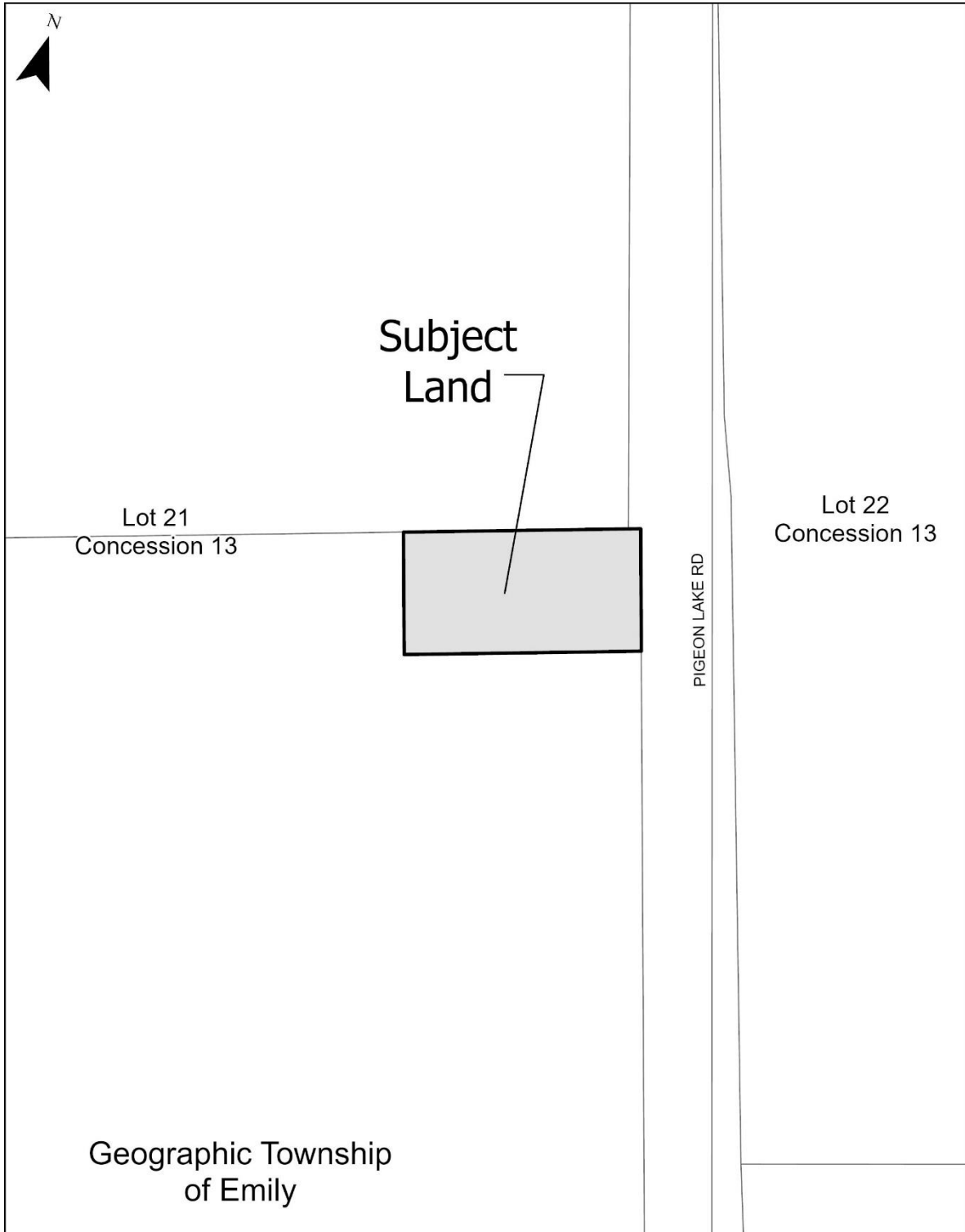
to

REPORT COA2024-041

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LOCATION MAP

D20-2024-031



to

REPORT COA2024-041

FILE NO: D20-2024-031

AERIAL IMAGERY (2018)



to

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APPLICANT'S SKETCH

