

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – McClelland**  
Report Number COA2024-042

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**Public Meeting**

**Meeting Date:** May 23, 2024

**Time:** 1:00 pm

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

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**Ward 6 – Geographic Township of Verulam**

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new single detached dwelling with an attached waterside deck and screened porch.

**Relief sought:**

1. Section 8.2 f) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 1.8 metres on the other side; the proposed setback is 1.3 metres from the north lot line; and,
2. Section 8.2 j) of the Zoning By-law permits a maximum lot coverage of 33%; the proposed lot coverage is 34%.

The variance is requested at **7 Cop's Cove** (File D20-2024-032).

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

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**Recommendations**

**That** Report COA2024-042 – McClelland, be received;

**That** minor variance application D20-2024-032 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 COA2024-042, which shall be attached to and form part of the Committee's Decision;

- 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; and,
- 3) **That** the shed identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the shed has been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2024-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Demolition of the existing dwelling and the construction of a new single detached dwelling with an attached waterside deck and screened porch
Owners:	John and Elizabeth McClelland
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 9, Concession 19
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One (R1) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	1,073.8 sq. m. (11,558.3 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **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 on the western shore of Pigeon Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a one storey single detached dwelling constructed in 1959 (according to Municipal Property Assessment Corporation), a detached garage, and a shed which is to be removed.

It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The proposal is to demolish the existing dwelling and construct a new one storey dwelling with an attached waterside deck and screened porch. The new deck will enhance the outdoor amenity space on the property, and the screened porch will provide a location for enjoying the views of the water while being protected from the elements and insects.

The existing dwelling is approximately 94 square metres in size, and the proposed dwelling is to be approximately 185 square metres. The new larger dwelling will provide additional space to better accommodate the property owners and their family and friends.

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 property is designated Waterfront within the City of Kawartha Lakes Official Plan (2012). Low density residential uses are permitted within this 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 Residential Type One (R1) Zone under the Township of Verulam Zoning By-law 6-87. A single detached dwelling and 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 minimum interior side yard setback and the maximum lot coverage.

As per Section 8.2 f) of the Zoning By-law, a minimum interior side yard setback of 3 metres on one side and 1.8 metres on the other side is required. The proposed setbacks are 1.3 metres from the northern interior lot line and 3 metres from the southern interior lot line. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The existing dwelling has an interior side yard setback of 1.1 metres, so the new dwelling will improve upon the setback. Additionally, as the proposed dwelling is one storey, the overall massing of the dwelling will not significantly change beyond what exists today. Impacts to privacy between the neighbouring lots is not anticipated. The proposed 1.3 metre setback provides adequate space for lot drainage and the performance of any required building maintenance on this side of the dwelling. The 1.3 metre setback also allows for unimpeded access between the front and rear yards on this side of the dwelling. For comparative purposes, the typical minimum interior side yard setback for a one storey dwelling under most of the City's other rural zoning by-laws is 3 metres on one side, 1.3 metres on the other side.

As per Section 8.2 j) of the Zoning By-law, a maximum lot coverage of 33% is permitted. The proposed lot coverage is 34%. The maximum lot coverage controls built form to manage massing, ensures a sufficient degree of landscaped open space is maintained, and controls more technical aspects of development such as drainage. Adequate outdoor amenity space is to be maintained, and the proposed increased lot coverage is not anticipated to impact drainage.

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 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:**

**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):** "An application for a sewage system permit has been submitted for a replacement system to service the new dwelling. The property has been evaluated for the proposed sewage system. Through on-site observations, a test hole evaluation and design review, it has been determined that the property can be serviced with a private on-site sewage disposal system."

As such, the Building and Septic Division has no concerns 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

Appendix D – Construction Drawings

Appendix E – Photo of Existing Shed to be Removed

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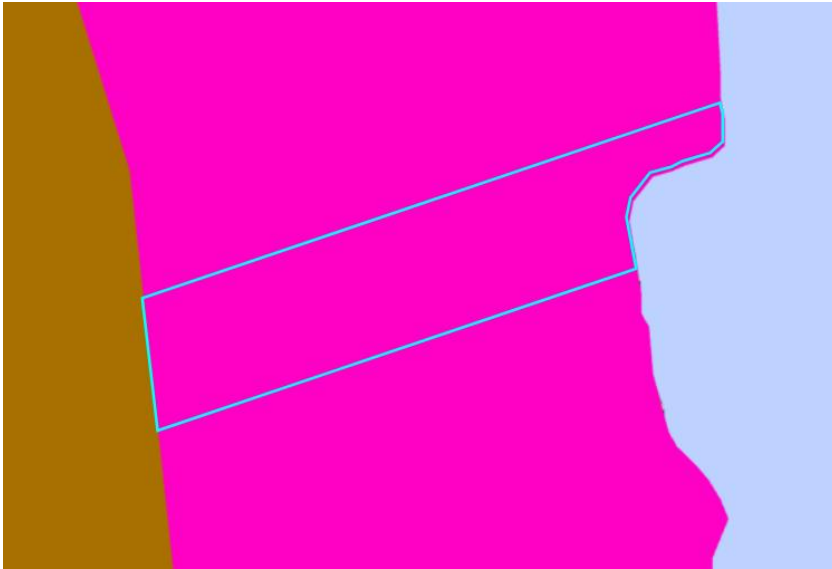
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-032

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

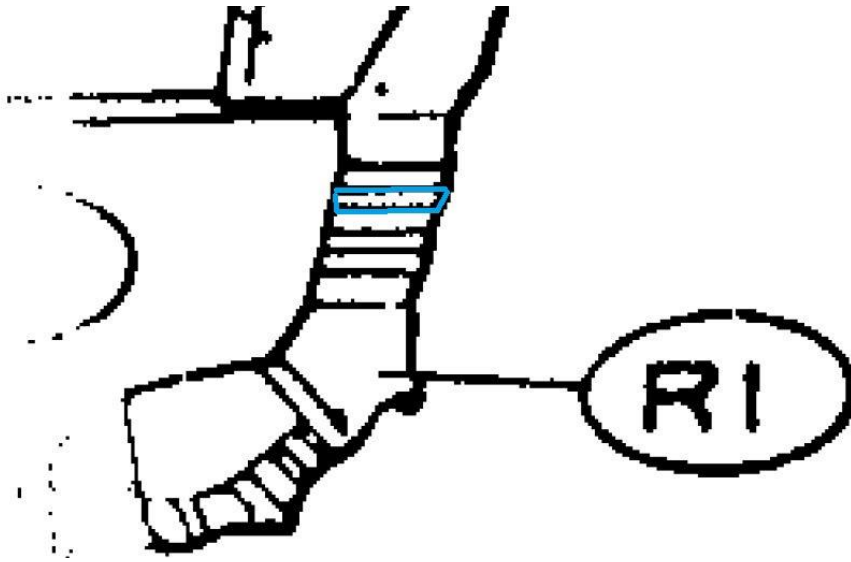
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#### **City of Kawartha Lakes Official Plan**



#### **20. Waterfront Designation**

## Township of Verulam Zoning By-law 6-87



### Section 8 Residential Type One (R1) Zone

#### 8.1 R1 Uses Permitted

#### 8.2 R1 Zone Provisions

- f) Minimum interior side yard width 3 metres on one side, 1.8 metres on the other side
- j) Maximum lot coverage 33%

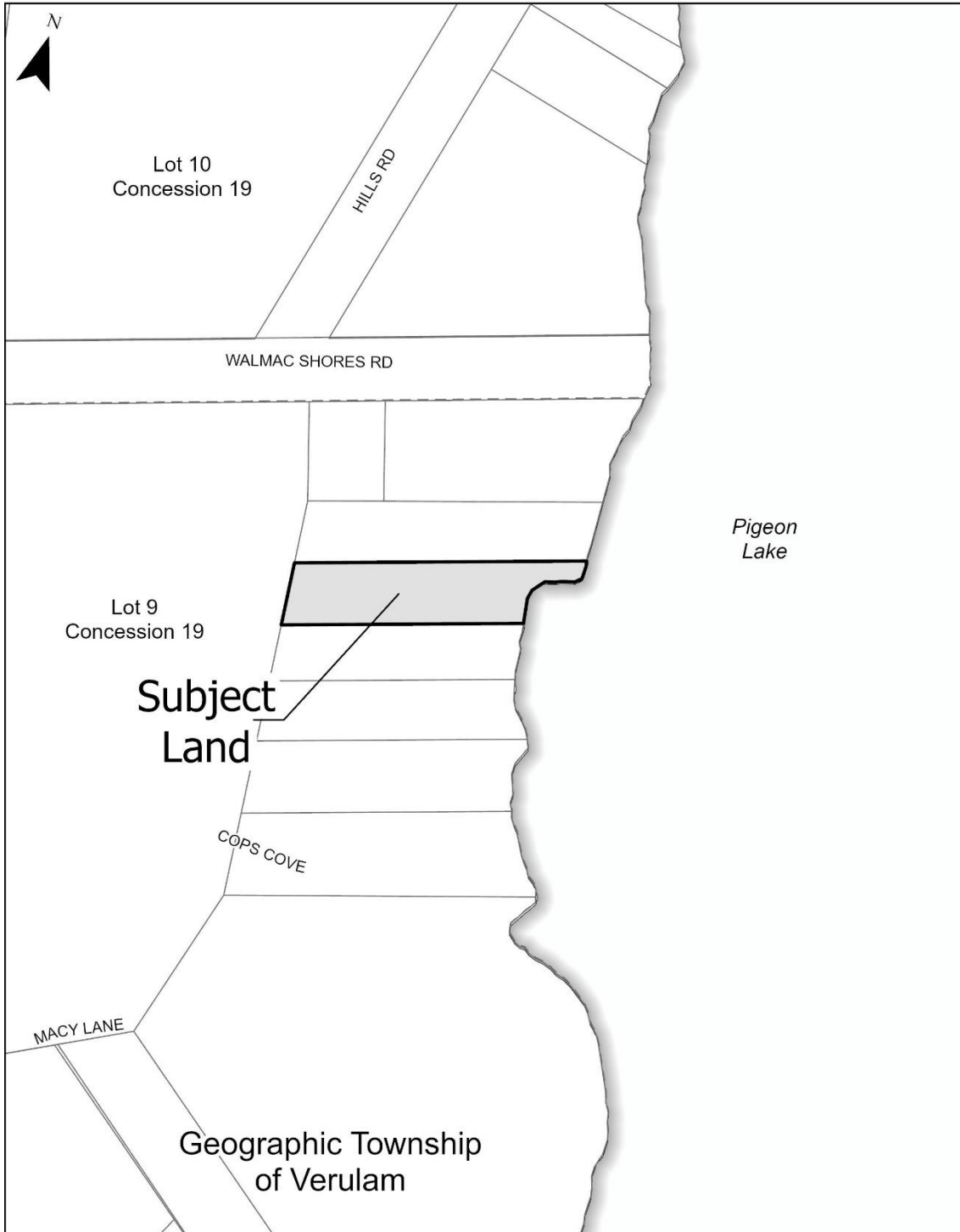
to

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**LOCATION MAP**

**D20-2024-032**



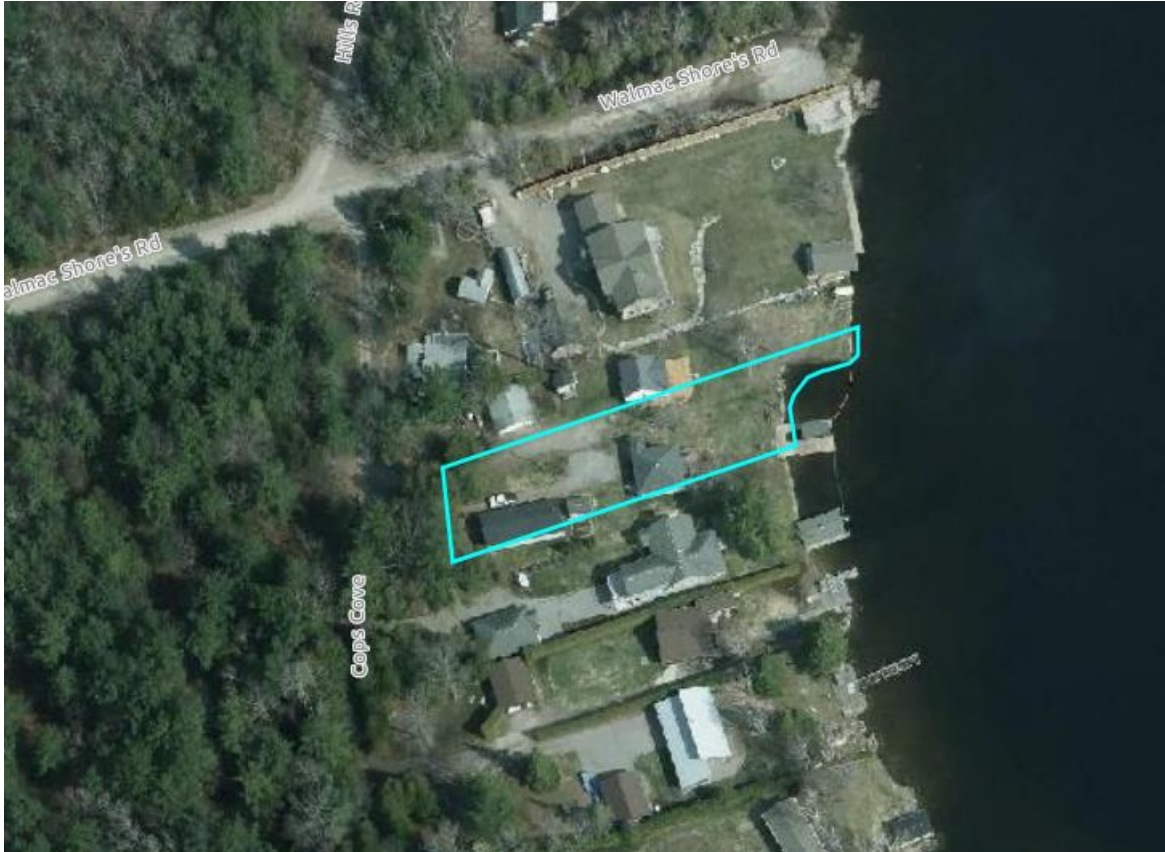


to

REPORT COA2024-042

FILE NO: D20-2024-032

## AERIAL PHOTO

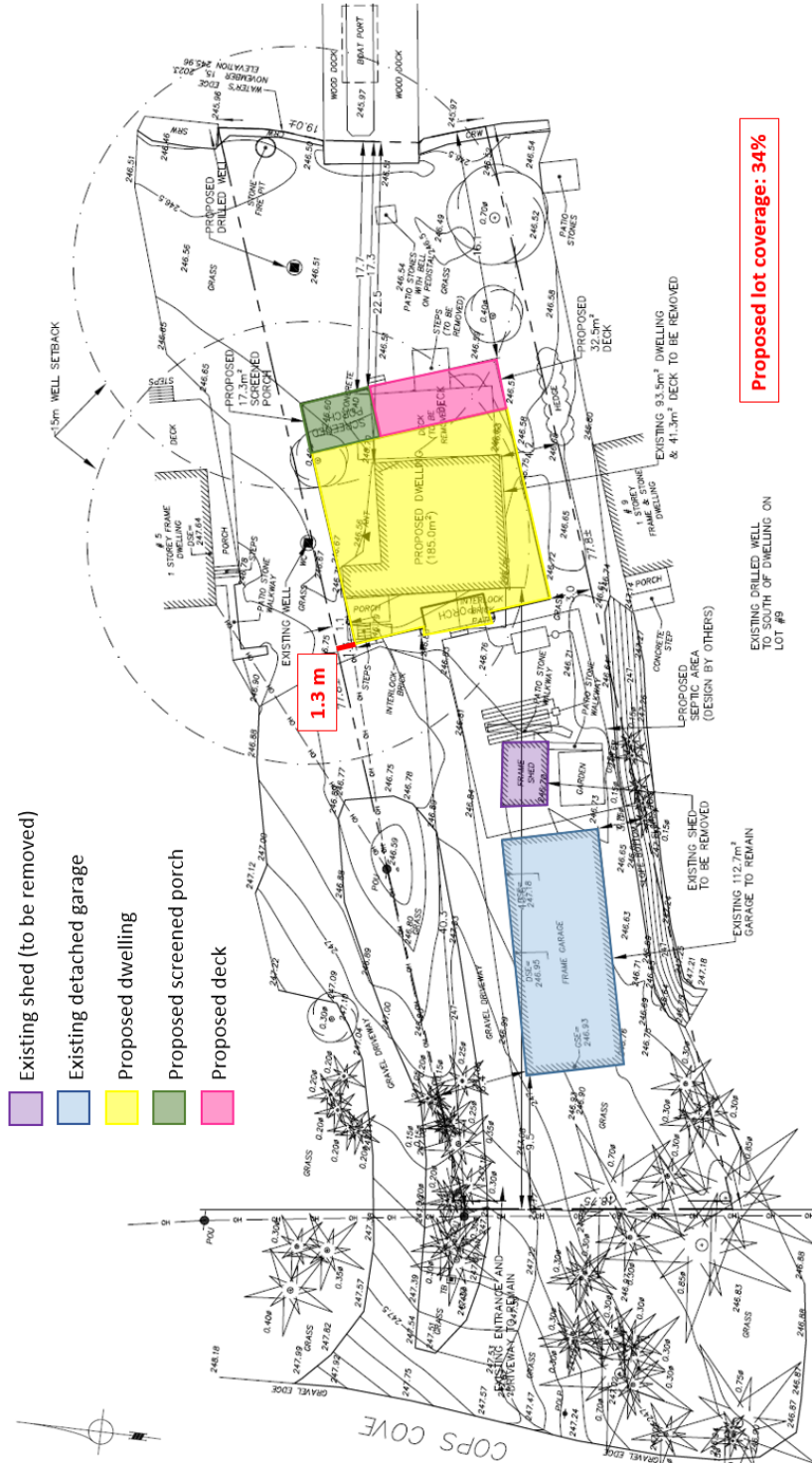


to

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## APPLICANT'S SKETCH



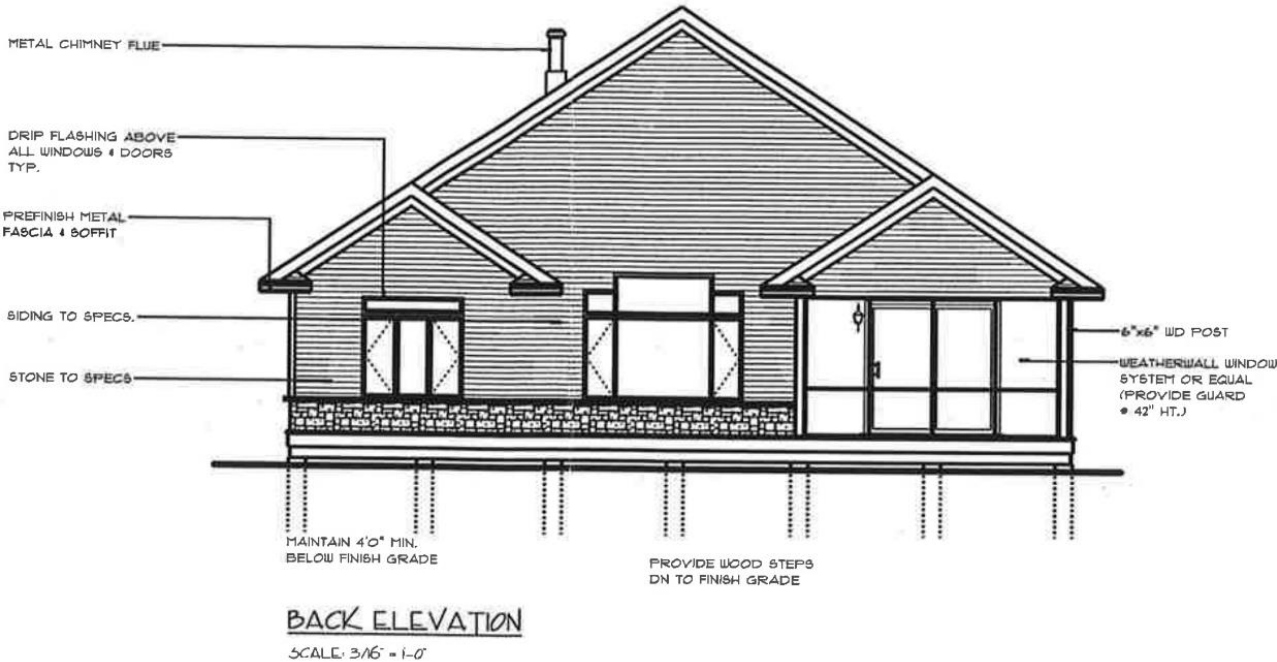
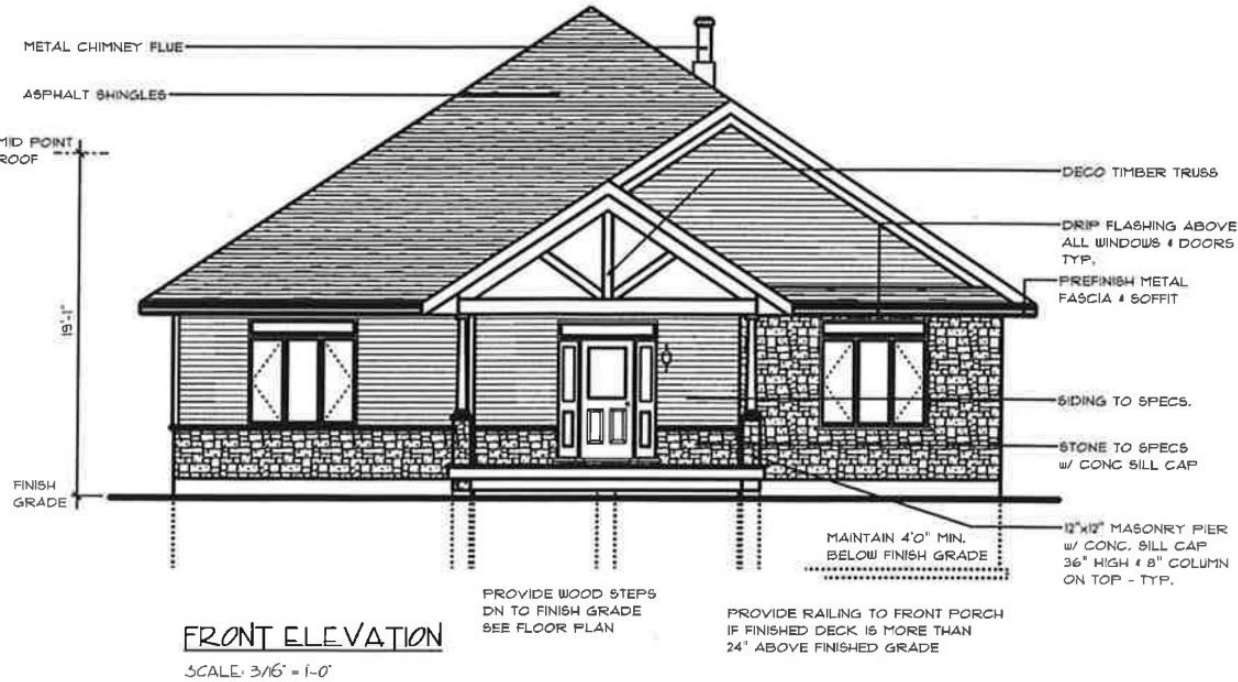
CONSTRUCTION DRAWINGS

APPENDIX " D "

to

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APPENDIX " E "

to

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**PHOTO OF EXISTING SHED TO BE REMOVED**

