

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Jackson

Report Number COA2024-044

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 Verulam

Subject: The purpose and effect is to facilitate construction of a new two-storey dwelling, new deck, new detached garage, recognition of an existing cabin; and removal of an existing frame dwelling and detached garage.

Relief sought:

1. Section 8.2.n. of the Zoning By-law requires a 15 metre water setback. The proposed water setback is 11.1 metres (dwelling) and 10.8 metre (deck);
2. Section 5.1.3. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The proposed detached garage and existing cabin are located in the front yard;
3. Section 8.2.d. of the Zoning By-law requires a minimum 7.5 metre front yard setback. The proposed front yard setback from the detached garage is 4.5 metres;
4. Section 5.18.3. of the Zoning By-law requires a minimum 10 metre setback plus the required front yard setback (7.5 metre) from the street centreline. As such, the required setback from the street centreline is 17.5 metres. The proposed street centreline setback from the proposed detached garage is 10.65 metres; and,
5. Section 5.16 of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The required minimum lot area and frontage of the applicable zone is 2,050 square metres with 36 metres in frontage. The subject property is 1,618.75 square metres in size with 22.86 metres in frontage.

The variance is requested at **49 Meachin Drive** (File D20-2024-034).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-044 – Jackson, be received;

That minor variance application D20-2024-034 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 COA2024-044, 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 COA2024-044. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a new two-storey dwelling, new deck, new detached garage, and recognition of an existing cabin.
Owners:	Matthew Jackson
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 13, Concession 7 (being Lot 4 Plan 159)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Type One (R1) Zone (Township of Verulam Zoning By-Law 6-87)
Site Size:	1,618.75 square metres (0.40 acres)
Site Access:	Year-round maintained road

¹ See Schedule 1

² See Schedule 1

Site Servicing: Private individual septic and water.

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 on the southern shore of Sturgeon Lake, with access from Meachin Drive (year-round maintained public road). The neighbourhood is primarily residential, comprised mainly of one to two storey dwellings and assorted accessory structures with varying proximities to the road and shoreline. According to the Municipal Property Assessment Corporation (MPAC), the neighbourhood contains dwellings constructed during a wide range of time, spanning from the early 1900's to the late 1900's. Many of the dwellings constructed during that time period have gone through various extents of renovations. There are also a few newly constructed dwellings within the vicinity of the subject property, with construction dates ranging from 2017 to 2023.

The subject property currently contains a one-storey frame dwelling with rear deck, as well as a cabin and detached frame garage in the front yard. The proposal seeks to remove the existing dwelling and detached garage, and facilitate the construction of a new two-storey dwelling, new deck, new detached garage, and recognize the existing cabin.

According to MPAC, the existing frame dwelling was constructed in 1955. Given the age of the existing dwelling, it can be expected for property owners to redevelop their properties striving to achieve the highest and best use. As previously mentioned, many of the neighbouring properties owners have redeveloped their properties with new dwellings, accessory structures, and/or alterations. The proposed dwelling is two-storeys and 7.4 metres in height, this aligns with the neighbourhood trend of properties transforming into two-storey dwellings. The proposed garage will provide an upgraded structure for indoor parking and storage.

Given the above analysis, the variances are 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. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of an building or structure into a water setback to be considered. The proposed redevelopment supports this policy as the proposed water setback is

greater than what is currently provided. Moreover, the proposed redevelopment supports the objectives of the Waterfront designation as it does not change the existing low-density residential land use, maintains a low profile and preserves the existing shoreline.

With respect to the existing cabin, the Official Plan defines a cabin as an accessory structure to a permitted dwelling unit that must only be used for sleeping and must not contain any cooking or sanitary facilities. The existing cabin conforms to this definition.

Performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variances are 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. The R1 Zone permits multiple uses including but not limited to a single detached dwelling and seasonal dwelling. The proposed application complies with most provisions of the Zoning By-law except the minimum water setback, the location of accessory structures, the front yard setback, the street centreline setback, and the minimum lot area and frontage requirements for a cabin.

Firstly, Section 8.2.n. of the Zoning By-law requires a 15 metre water setback. The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The existing water setback is 7.9 metres from the current deck and 10.7 metres from the current dwelling. In comparison, the proposed water setback is 11.1 metres (dwelling) and 10.8 metre (deck). In turn, the proposed water setback is greater than what is currently existing, allowing for a greater distance between the shoreline and built form, and mitigating concerns regarding potential water hazards. As a result, the proposed application better supports the intent of the water setback in contrast to the current built form.

Secondly, Section 5.1.3. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The intent of limiting the location of accessory structures to the 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. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area. The existing cabin and the current frame garage are located in the front yard. The existing garage will be removed and the proposed detached garage will be placed in the front yard. The existing cabin will also remain in its place. Options for the placement of the cabin are limited, as it is a habitable space and best not to be located near the shoreline

which coincides with the rear yard. The property is well-guarded from the road by a dense hedge of vegetation and the proposed detached garage blocks the view of the cabin. In turn, the proposed detached garage and existing cabin are not anticipated to cause any major visual impact to the property. Additionally, the proposed lot coverage for accessory structures is well in-compliance at 4.88% in comparison to the 10% maximum allowance. As such, accessory uses will continue to remain subordinate to the primary use.

With respect to the existing character of the area, many of the residential properties along Meachin Drive have a detached garage and/or other accessory structures in the front yard. As a result, the proposed location of the garage aligns with the current residential built form of the area. In addition, in many of the City's other Zoning By-laws, the placement of a private garage in the front yard is permissible for properties that abut a navigable waterway or a shore lot line. The proposed draft consolidated Rural Zoning By-law proposes to incorporate a provision permitting garages in the front yard on properties with shore lot lines to address this inconsistency.

Thirdly, Section 8.2.d. of the Zoning By-law requires a minimum 7.5 metre front yard setback. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. The proposed front yard setback from the detached garage is 4.5 metres. As previously mentioned, the proposed detached garage remains hidden behind the dense hedge fronting along Meachin Drive. The hedge is to remain, maintaining the character of the streetscape. The proposed garage will remain in the same yard as the existing garage; therefore, the function of the front yard setback and access to the property will remain the same.

Fourthly, Section 5.18.3. of the Zoning By-law requires a minimum 10 metre setback plus the required front yard setback (7.5 metre) from the street centreline. As such, the required setback from the street centreline is 17.5 metres. The proposed street centreline setback from the proposed detached garage is 10.65 metres. The street centreline setback appears to have been written on the premise that built form will be adequately set back from the road in the event the municipality decided to take a road widening. In this community, the road centreline setback provision may be considered dated, as there are many existing encroachments that would render (potential) future road widening challenging and unlikely. For reference, the proposed draft consolidated Rural Zoning By-law has taken situations like this into account and removed the street centreline setback requirement.

Lastly, Section 5.16 of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The intention of this provision is to ensure properties have sufficient space to support an additional accessory structure without causing overcrowding or negatively impacting the surrounding environment. The required

minimum lot area and frontage of the applicable zone is 2,050 square metres and 36 metres in frontage, respectively. The subject property is 1,618.75 square metres in size and 22.86 metres in frontage. If approved, the variance avoids overcrowding as it complies with the total permitted lot coverage and accessory structure lot coverage.

It should be noted that although the lot is undersized it is in keeping with the character of other lots along Meachin Drive.

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.”

Public Comments:

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

Attachments

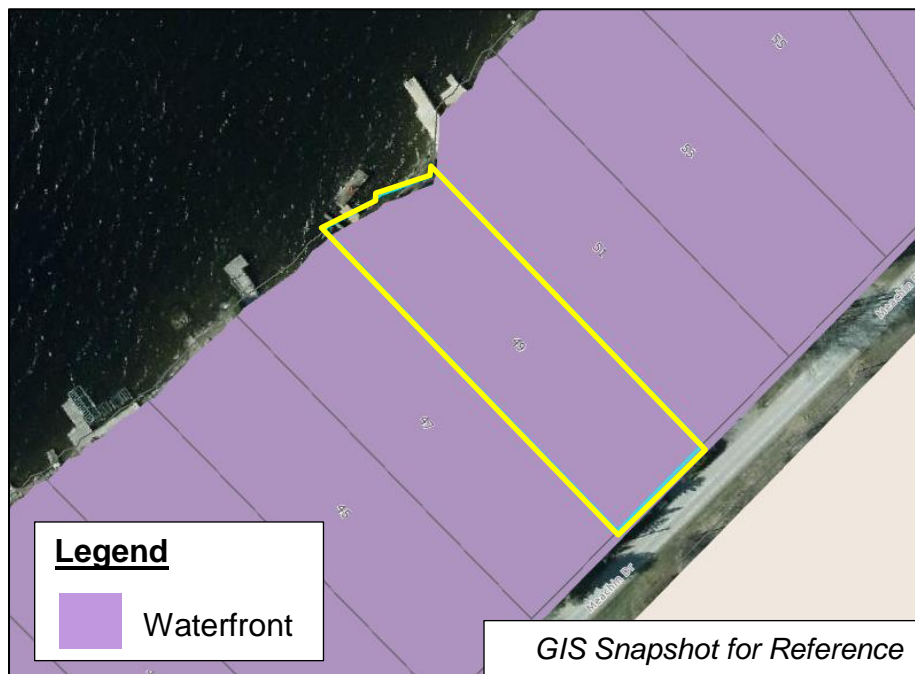
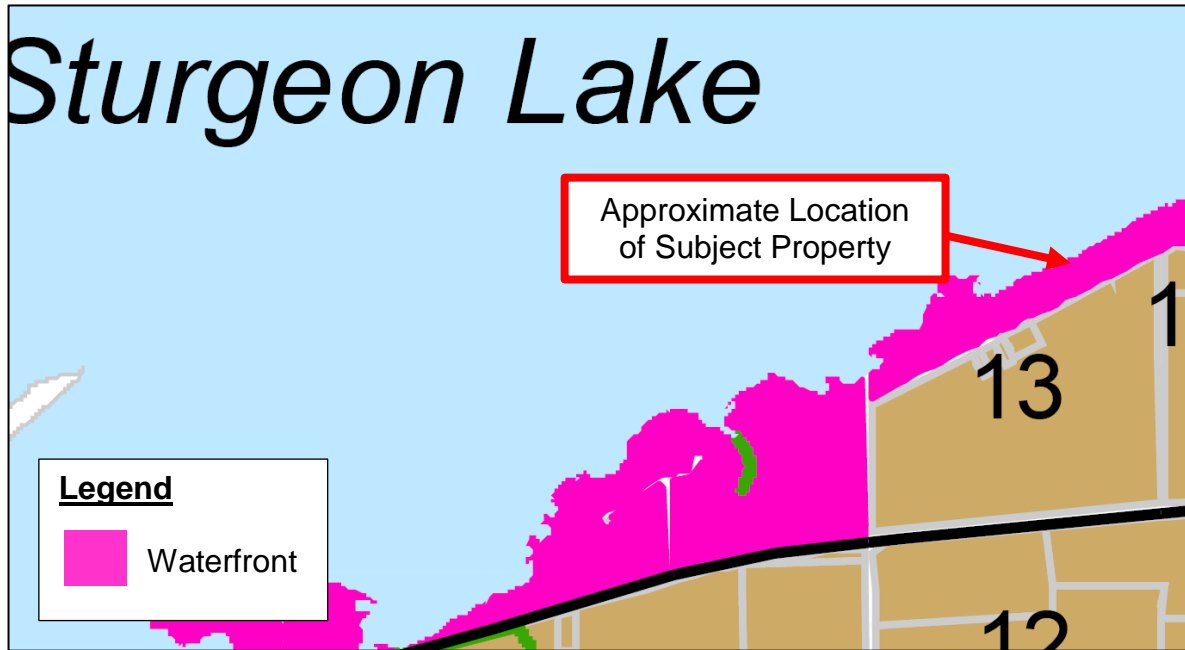
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch
Appendix D – Construction Drawings

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-034

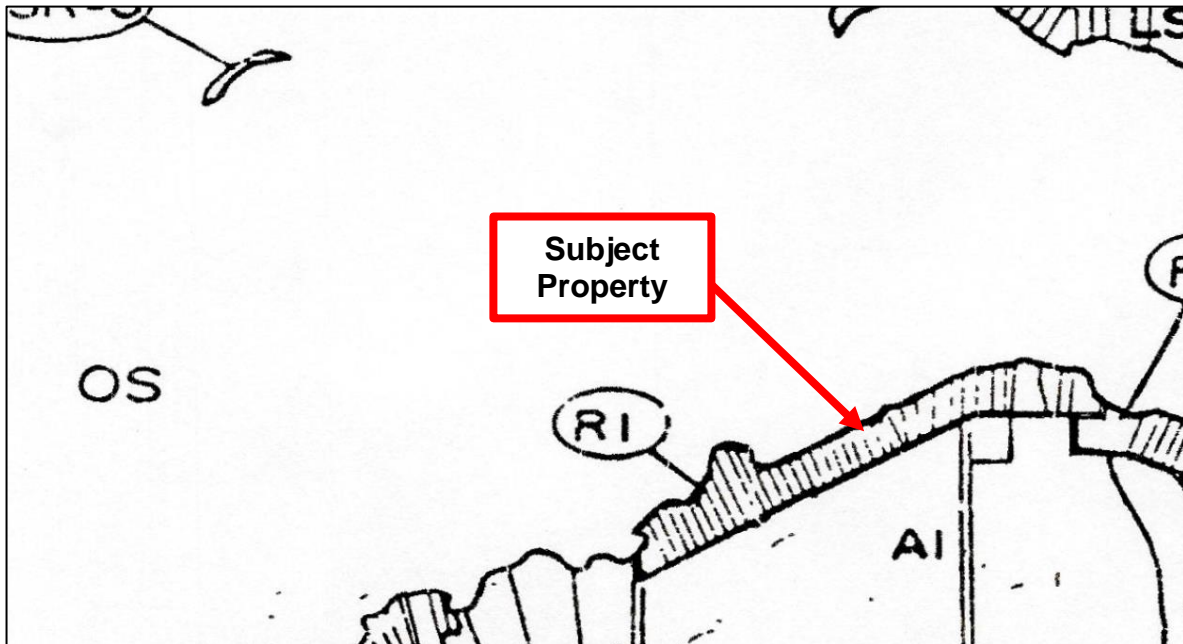
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Verulam Zoning By-Law 6-87



Section 5 – General Provisions

5.1 ACCESSORY USES

5.1.3 Location

b. Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.

5.16 PRIVATE CABINS

One private cabin, having a maximum dwelling unit area of 38 square metres, may be permitted as an accessory use to a permitted seasonal dwelling on a lot which conforms to the requirements of this By-law for lot area, lot frontage and water frontage. (B/L 24-96)

5.18 SETBACKS

No person shall erect any building or structure in any zone unless such building or structure conforms to the following setback requirements from the centre of the road allowance:

5.18.3 Other Street - 10 metres, plus the minimum exterior side or front yard depth required for such use in the zone where it is located.

Section 8 – Residential Type One (R1) Zone

8.2 R1 ZONE PROVISIONS

8.2.d. Minimum front yard depth: 7.5 m

8.2.n. Minimum water setback: 15 m

APPENDIX “ A ”

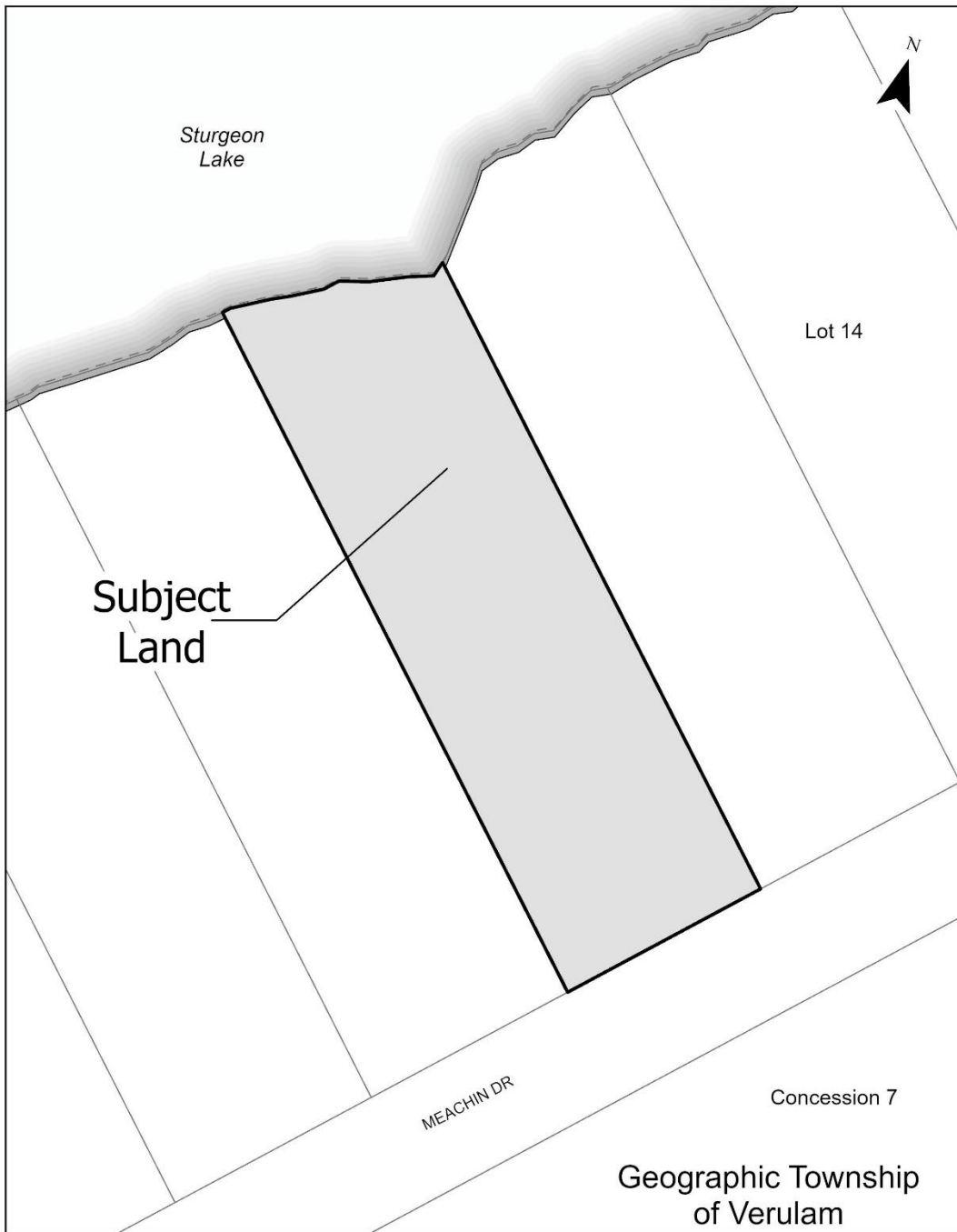
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LOCATION MAP

D20-2024-034



APPENDIX “ B ”

to

AERIAL IMAGERY (2018)

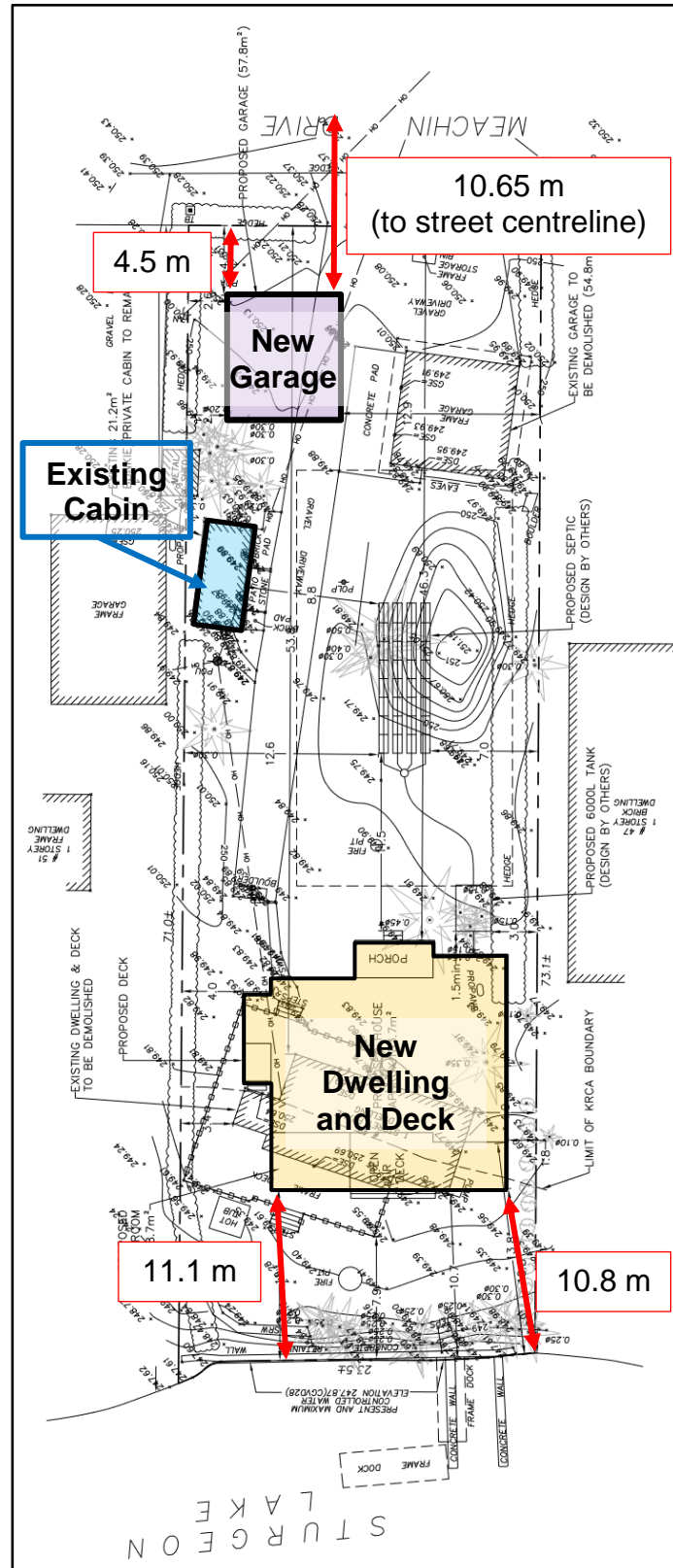
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to

APPLICANT'S SKETCH

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to

CONSTRUCTION DRAWINGS

REPORT COA2024-044

FILE NO: D20-2024-034

