

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Dawson and Marsh**  
Report Number COA2024-047

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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 8 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to facilitate the recognition of an addition constructed onto the existing dwelling as well as the construction of an attached deck.

**Relief sought:**

1. Section 4.2 c) of the Zoning By-law requires a minimum front yard setback of 15 metres; the existing setbacks are 5.6 metres to the dwelling, 3.3 metres to the deck, and 2.5 metres to the stairs.

The variance is requested at **689 Janetville Road** (File D20-2024-037).

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

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**Recommendations**

**That** Report COA2024-047 – Dawson and Marsh, be received;

**That** minor variance application D20-2024-037 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 COA2024-047, 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 COA2024-047. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To recognize an addition constructed onto the existing dwelling as well as the construction of an attached deck
Owners:	Carolyn Dawson and Charles Marsh
Applicant:	Same as owner
Legal Description:	Part Lot 5, Concession 13 (being Lots 1 to 2 on Plan 8)
Official Plan <sup>1</sup> :	Hamlet Settlement Area and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Two (RR2) Zone and Open Space (O1) Zone (Township of Manvers Zoning By-law 87-06)
Site Size:	3,076 sq. m. (33,109.8 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, open space, commercial, agricultural

## Rationale

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

The subject property is located on the west side of Janetville Road in the Hamlet of Janetville. The property contains a single detached dwelling constructed in 1870 (according to Municipal Property Assessment Corporation).

The proposal is to recognize an addition that was constructed onto the back of the dwelling as well as the deck which was constructed onto the front of the dwelling. The entire dwelling is located within the front yard setback. As such, the addition and the attached deck do not comply with the minimum required setback of 15 metres. The addition to the dwelling provides storage space and the deck provides access to the front door and wraps around the side of the dwelling.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

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 Hamlet Settlement Area and Environmental Protection under the City of Kawartha Lakes Official Plan, 2012. The dwelling with the new addition and attached deck is outside of the Environmental Protection designation. A single detached dwelling is a permitted use within the Hamlet Settlement Area designation, with performance and siting criteria being 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 Two (RR2) Zone and Open Space (O1) Zone under the Township of Manvers Zoning By-law 87-06. The dwelling with the new addition and deck is located outside of the O1 Zone. A single detached dwelling and accessory buildings and structures are permitted within the RR2 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the front yard setback.

As per Section 4.2 c) of the Zoning By-law, a minimum front yard setback of 15 metres is required. The existing setbacks are 5.6 metres to the dwelling, 3.3 metres to the deck, and 2.5 metres to the stairs. 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.

As the dwelling was constructed in 1870, it predates the Zoning By-law. The entire dwelling is within the minimum 15 metre front yard setback, and as such an addition could not be constructed to comply with the setback. Additionally, the deck, which is used to access the front of the dwelling, could not be located to comply with the setback.

The dwelling with its reduced setback is existing and not proposed to change, and the addition is located at the back of the dwelling, so it does not increase the encroachment of the dwelling into the front yard setback. The deck is uncovered and open, and is setback far enough so that it does not impact sight lines or the flow of traffic. There is adequate space to allow for snow removal and other maintenance to occur along the road and sidewalk. Additionally, there appear to be other buildings along the street with reduced front yard setbacks, so the dwelling and deck are not out of character with the existing built form.

**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:**

**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 (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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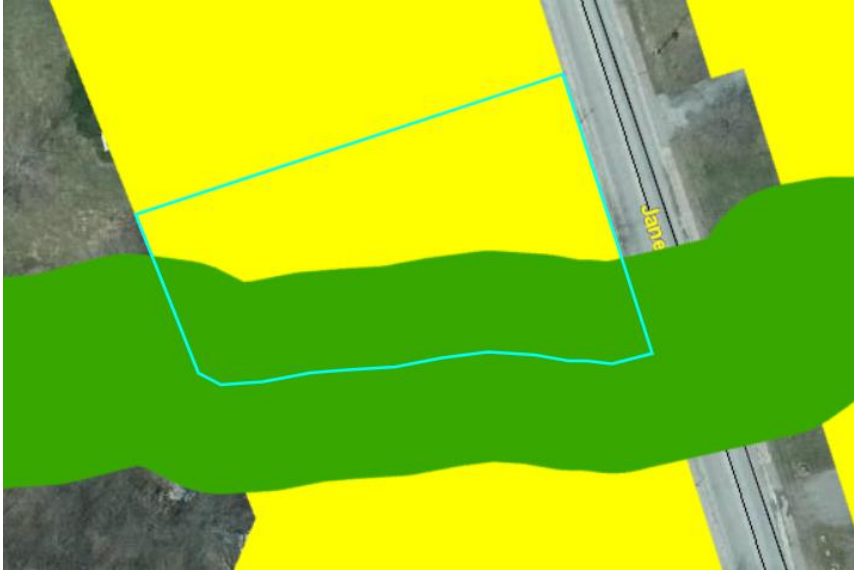
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-037

## **Schedule 1**

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

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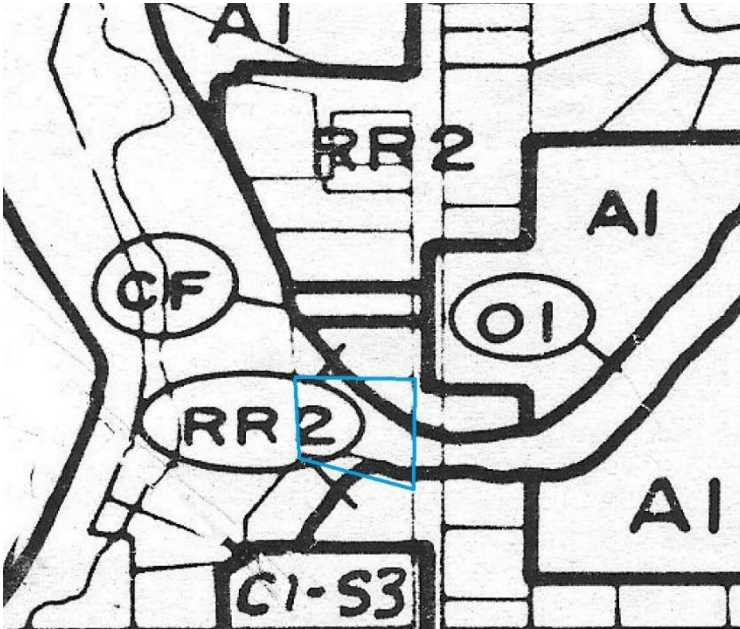
#### **City of Kawartha Lakes Official Plan**



**17. Environmental Protection Designation**

**19. Hamlet Settlement Area Designation**

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



### Section 4 Rural Residential Type Two (RR2) Zone

4.1 RR2 Uses Permitted

4.2 RR2 Zone Requirements

c) Minimum front yard 15 m

### Section 9 Open Space (O1) Zone

9.1 O1 Uses Permitted

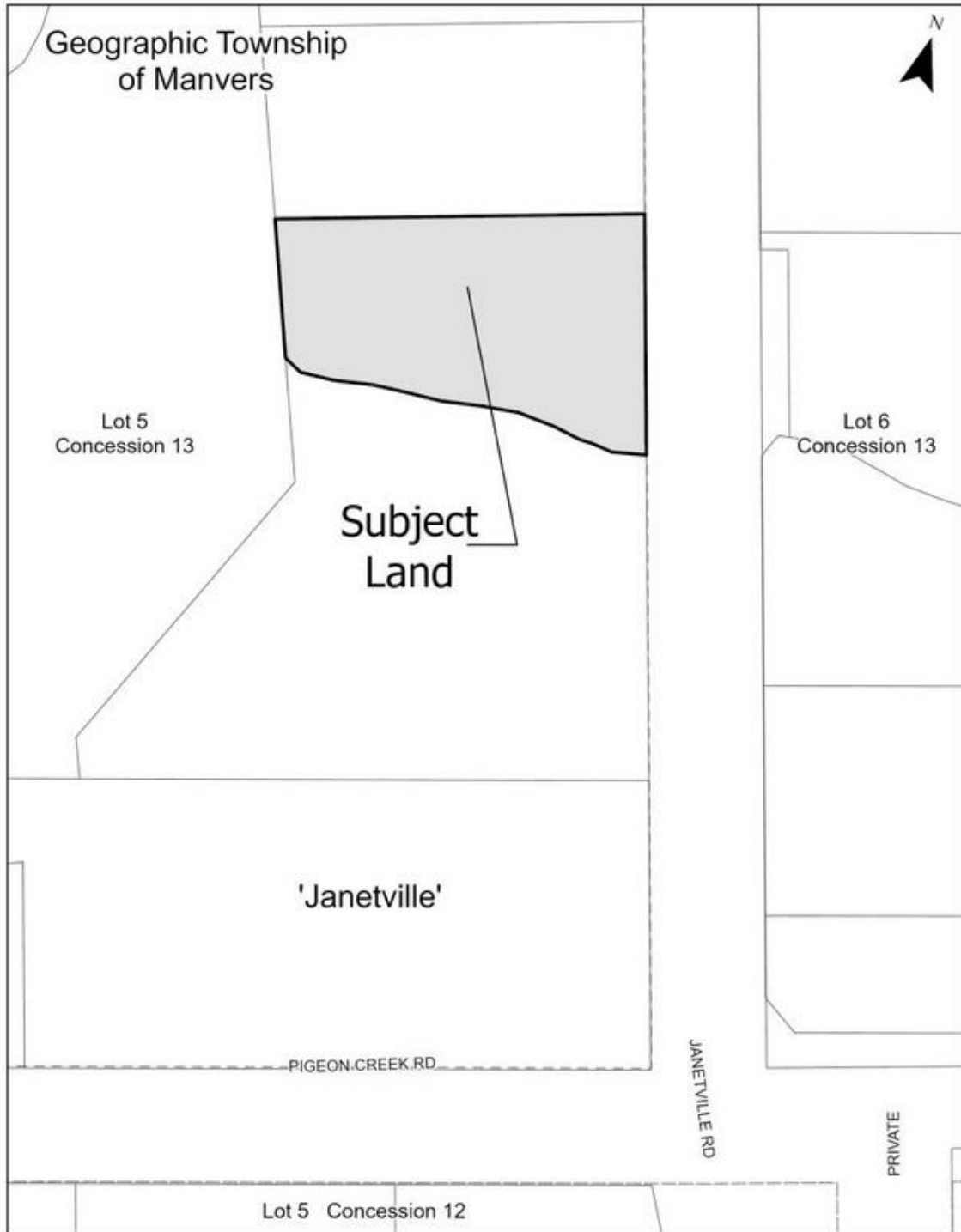
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REPORT COA2024-047

FILE NO: D20-2024-037

LOCATION MAP

# D20-2024-037



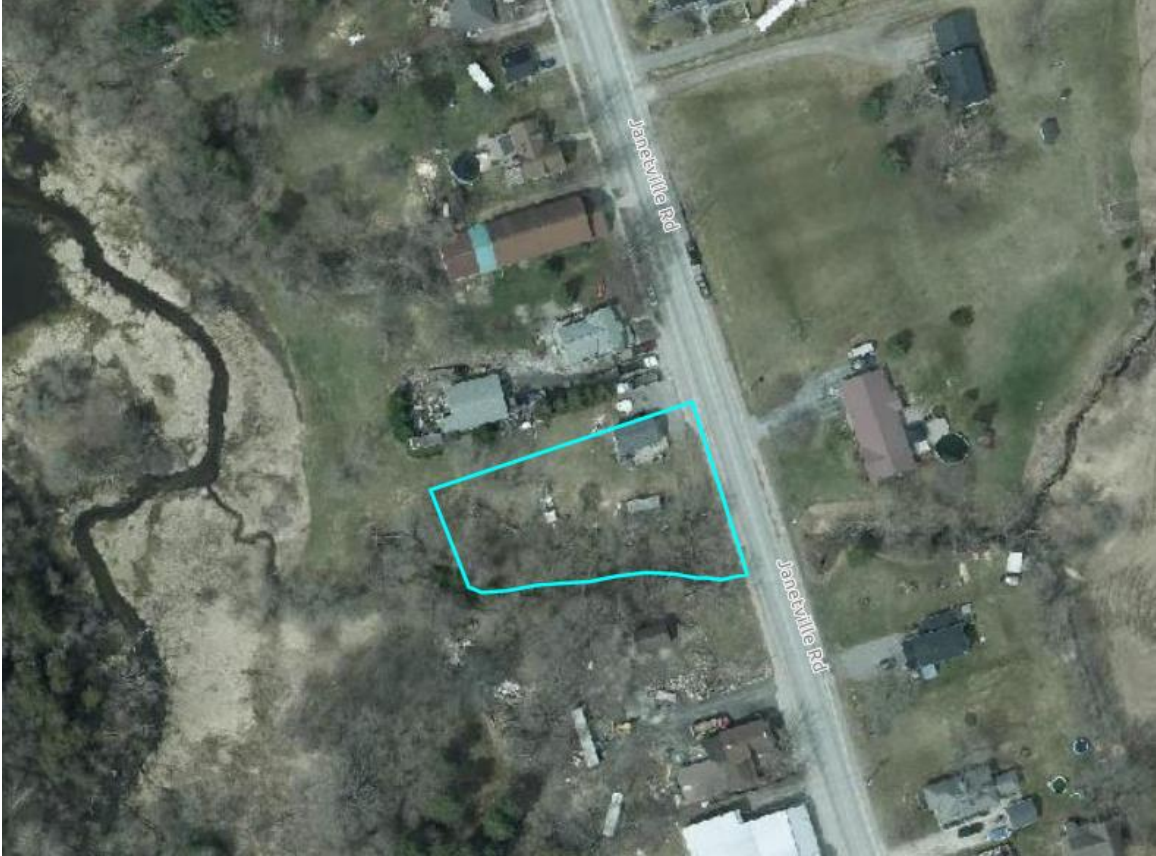
APPENDIX " B "

to

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**AERIAL PHOTO**





to

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**APPLICANT'S SKETCH**

