

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Griffin

Report Number COA2024-048

---

### Public Meeting

**Meeting Date:** May 23, 2024

**Time:** 1:00 pm

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

---

### Ward 1 – Geographic Township of Bexley

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling, construction of a new dwelling, and a barn structure returned to the agricultural use originally granted.

### Relief sought:

1. Section 3.6.1. of the Zoning By-law requires direct access onto an improved public street that is maintained to provide year-round access to allow for the erection of any building or structure. The subject property is already developed and does not have direct access or frontage onto a year-round maintained public road.

The variance is requested at **107 Pinegrove Road** (File D20-2024-038).

---

**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-048 – Griffin, be received;

**That** minor variance application D20-2024-038 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 COA2024-048, which shall be attached to and form part of the Committee's Decision;
- 2) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements;

- 3) **That** prior to the issuance of a building permit, the owner/applicant must demonstrate to the Chief Building Official that all plumbing fixtures, systems and accommodations have been removed from the existing barn structure, and the structure has been returned to the agricultural use originally granted; and,
- 4) **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 COA2024-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Demolition of existing dwelling, construction of new dwelling, and a barn structure returned to the agricultural use originally granted.
Owners:	Emily Griffin
Applicant:	TD Consulting Inc.
Legal Description:	Part Lots 4 and 5, North West Bay Range (being Part 4 to 6 of Reference Plan 57R2765)
Official Plan <sup>1</sup> :	(City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	(Township of Fenelon Zoning By-law 12-95)
Site Size:	19.89 acres (8.05 hectares)
Site Access:	Private right-of-way
Site Servicing:	Private individual septic system and water
Existing Uses:	Residential
Adjacent Uses:	Residential, Agricultural

---

<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 situated on the shore of Balsam Lake with access by a private right-of-way (Pinegrove Road). The area in which the property is located in is predominantly residential, consisting of single detached dwellings of varying style and built form constructed primarily in the late 1900's (according to the Municipal Property Assessment Corporation).

The property currently contains a single-storey dwelling (built in 1963), a barn, two storage sheds, and an outdoor sauna. The proposal seeks to facilitate the demolition of the existing dwelling, construction of a new 1.5 storey dwelling, and change of use of an existing structure to an agricultural use.

Given the age of the existing dwelling, it is appropriate for property owners to undertake the redevelopment of their properties with the aim of realizing the highest and most optimal utilization. The proposed dwelling takes into consideration the existing neighbourhood context, blending in with the existing low-rise character of the community. The proposed dwelling is located a distance from the private right of way (76.8 metres setback) ensuring existing access is not disturbed.

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 and Rural under the City of Kawartha Lakes Official Plan (2012). Both designations recognize low-density residential dwellings, however, the proposed dwellings is solely situated within the Waterfront designation.

The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designations permit the use of single detached and vacation dwellings. The proposed development 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 Rural General (RG) Zone under the Township of Bexley Zoning By-Law 93-09. The RG Zone permits various uses including but not limited to agricultural uses and single detached dwellings. The proposal complies with all provisions of the Zoning By-law with the exception of frontage requirements.

Section 3.6.1. of the Zoning By-law requires direct access onto an improved public street that is maintained to provide year-round access to allow for the erection of any building or structure. The intent of this provision is to maintain a structured urban fabric, fostering accessibility, and enabling efficient municipal service provision. The requirement for frontage onto a public road serves to facilitate safe ingress and egress, promote effective emergency response, and prioritize connectivity and accessibility. Like the other properties within this area, the subject property is already developed and does not have direct access or frontage onto a year-round maintained public road. The property is accessed by a private right of way, not maintained by the City. According to the applicant, the existing dwelling constructed in 1963 predates the Zoning By-law. As such, the residential use of the property has been existing and established, and will not change. The proposed dwelling does not present a change of use, nor does it disturb the current private right of way access. The proposed application will continue the existing residential use while complying with all other applicable zoning provisions.

With respect to the existing barn, that structure is currently being used for residential purposes and not for purposes typically associated with an agricultural barn. As part of the application, in order to meet conformity with the Zoning By-law's permitted uses, the barn will be converted back into a structure used for agricultural purposes. This change of use will be completed by removing the residential features of the structure, as stated in the conditions of the report.

**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:**

**DS – Building and Septic (Septic):** “An application for a sewage system permit has been submitted for a replacement system to service a new dwelling. During the application evaluation, it was noted that an agriculture building had been converted to a Bunkie/sleeping room structure. At this time, the sewage system proposal does not include additional accommodation for the change of use. As such, the Building and Septic Division would request a condition be placed on a minor variance endorsement to satisfy the Supervisor – Part 8 Sewage Systems to ensure adequate servicing for private on-site sewage disposal.”

**DS – Building and Septic (Building):** “Require a demolition permit to remove the non-conforming use. No other 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 – Supplementary Drawings

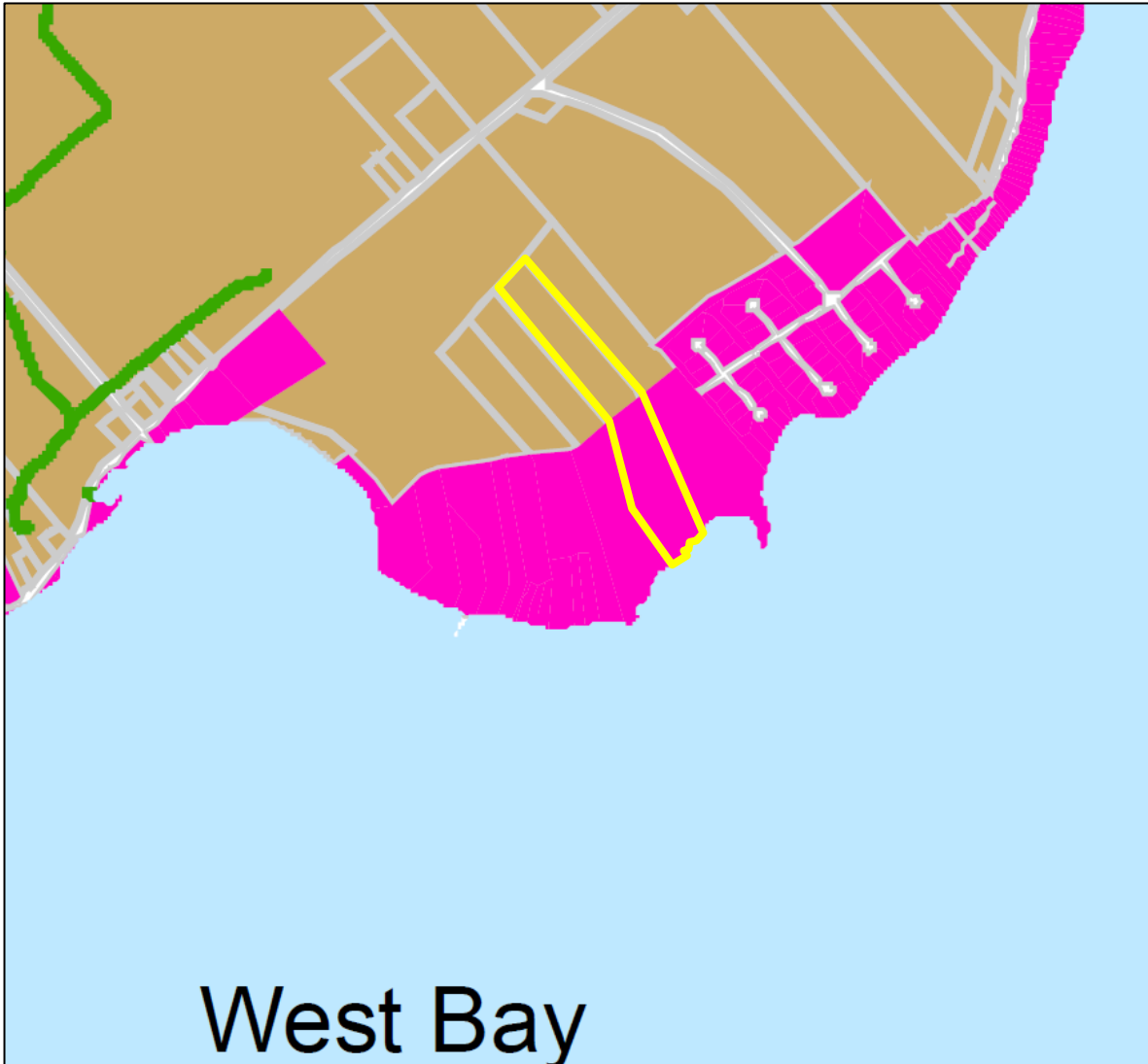
---

**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [ashahid@kawarthalakes.ca](mailto:ashahid@kawarthalakes.ca)  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-038

## Schedule 1 Relevant Planning Policies and Provisions

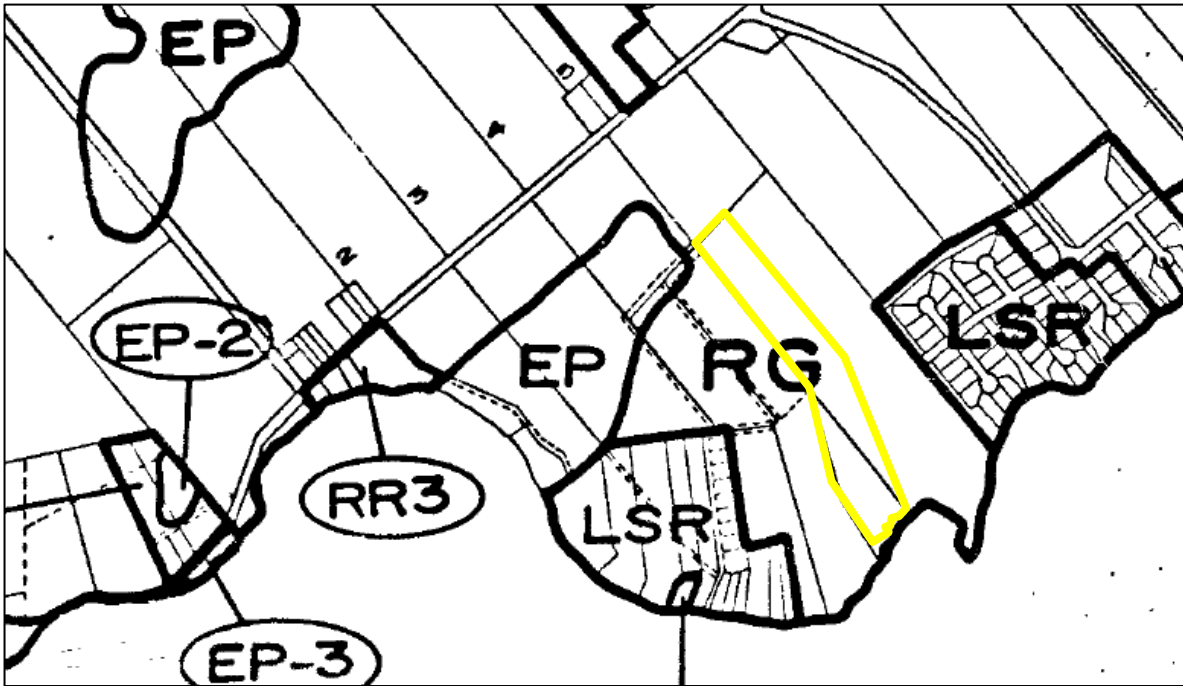
---

### City of Kawartha Lakes Official Plan



Section 16. Rural Designation  
Section 20. Waterfront Designation

**Township of Bexley Zoning By-Law 93-09**



**PART 3 - GENERAL PROVISIONS**

**3.6 FRONTAGE ON PUBLIC STREET**

3.6.1 Except as provided for in this section, no person shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts and obtains direct access onto an improved public street and which is maintained to provide year-round access.

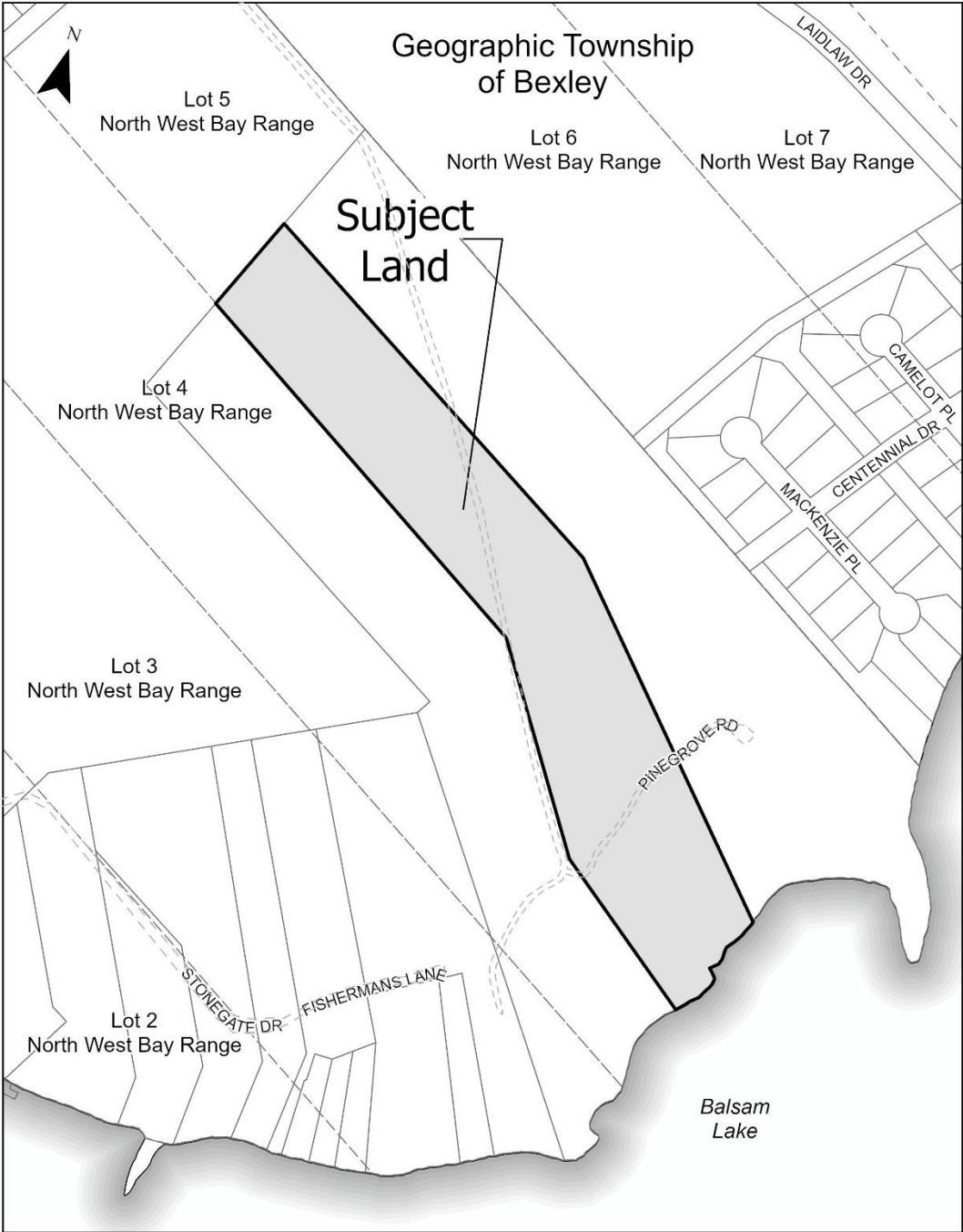
to

REPORT COA2024-048

FILE NO: D20-2024-038

**LOCATION MAP**

**D20-2024-038**





APPENDIX “ B ”

to

REPORT COA2024-048

FILE NO: D20-2024-038

**AERIAL IMAGERY (2018)**



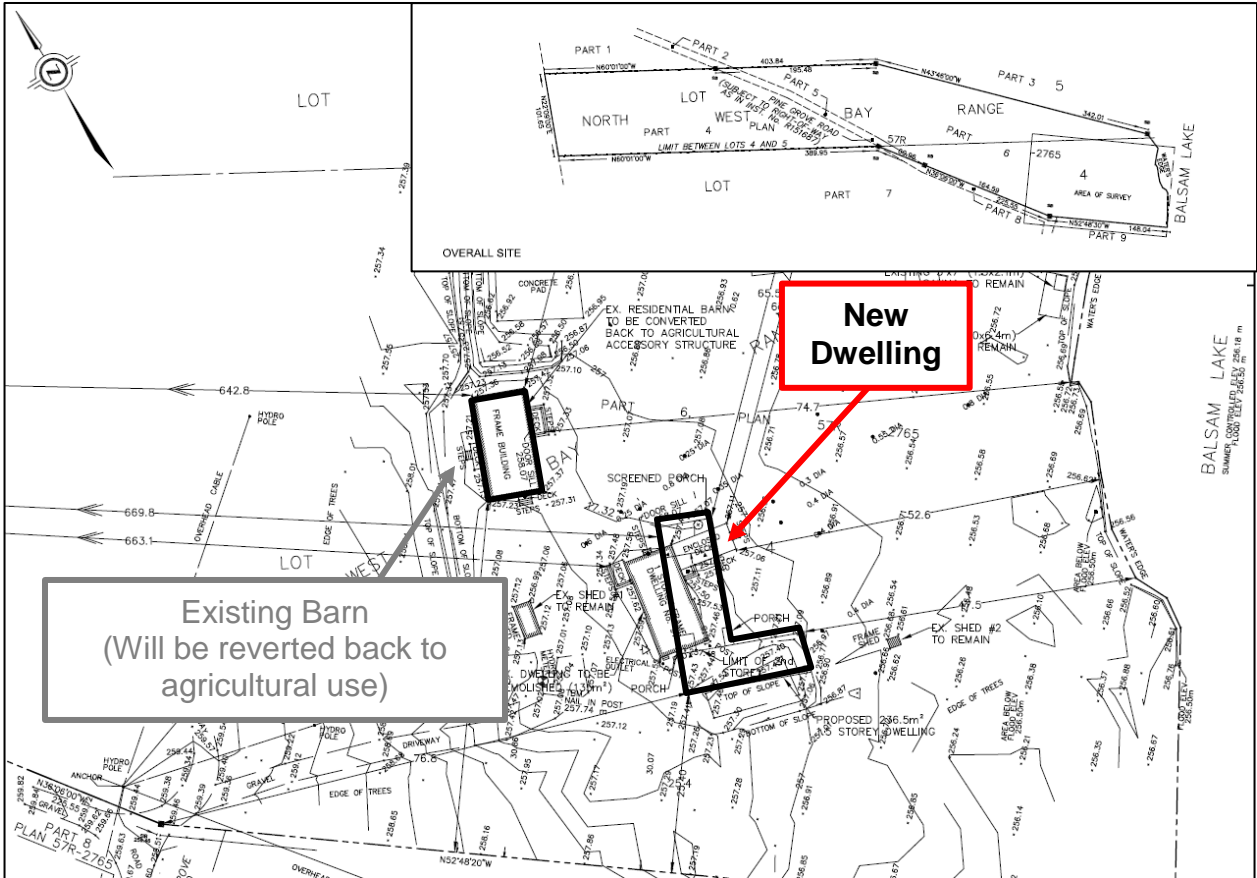
APPENDIX “ C ”

to

REPORT COA2024-048

FILE NO: D20-2024-038

APPLICANT'S SKETCH



APPENDIX " D "

to

SUPPLEMENTARY DRAWINGS

REPORT COA2024-048

FILE NO: D20-2024-038

