

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Smith and Gaul
Report Number COA2024-059

Public Meeting

Meeting Date: June 27, 2024
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling.

Relief sought:

1. Section 4.3.3 c) iv) of the Zoning By-law requires a minimum rear yard setback of 15 metres; the proposed setbacks are 12 metres from the screened porch and 14.9 metres from the dwelling.

The variance is requested at **62 Lagoon Drive** (File D20-2024-049).

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

Recommendations

That Report COA2024-059 – Smith and Gaul, be received;

That minor variance application D20-2024-049 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 COA2024-059, 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** 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

This approval pertains to the application as described in report COA2024-059. 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 dwelling.
Owners:	Adam Smith and Alison Gaul
Applicant:	Adam Smith
Legal Description:	Part Block Z on Plan 253
Official Plan ¹ :	Residential (Fenelon Falls Secondary Plan, 2015)
Zone ² :	Residential Type One (R1) Zone (Village of Fenelon Falls Zoning By-law 89-25)
Site Size:	2,550 sq. m (27,447.97 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and lake draw 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 within an established residential neighbourhood in the former Village of Fenelon Falls. The property has frontage on the water and is

¹ See Schedule 1

² See Schedule 1

located at the end of a peninsula along the Fenelon River. The property currently contains a one storey single detached dwelling constructed in 1958 (according to Municipal Property Assessment Corporation) and a boathouse.

The proposal is to demolish the existing dwelling and construct a new dwelling. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The existing dwelling is approximately 130 square metres in size, while the proposed dwelling is to be approximately 214 square metres, providing additional living space to better suit the needs of the property owners.

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 Residential under the Fenelon Falls Secondary Plan, 2015. A variety of dwelling types as well as accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-law.

The property is within the Floodplain Hazard. As per the Fenelon Falls Secondary Plan, an Environmental Impact Study (EIS) or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. As per the City of Kawartha Lakes Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS.

The proposal is to continue a residential use that has existed since at least 1958. The proposed dwelling improves upon the setbacks of the existing dwelling. As such, staff feel it is reasonable to not require a study and that the proposal is in keeping with the general intent and purpose of the Secondary 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 Village of Fenelon Falls Zoning By-law 89-25. 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 rear yard setback.

As per Section 4.3.3 c) iv) of the Zoning By-law, a minimum rear yard setback of 15 metres is required. The proposed setbacks are 12 metres from the screened porch and 14.9 metres from the dwelling. Due to the configuration of the subject property, the shoreline is the rear lot line for the purposes of establishing the rear yard and minimum rear yard setback. As the R1 Zone does not have a minimum water setback provision, the intent of the minimum rear yard setback in this case is to act as a water setback and protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposed dwelling is setback further from the shoreline than the existing dwelling. Impacts to waterbody health or storm water infiltration are not anticipated. Additionally, the dwelling is located at a higher elevation than the shoreline, and the property slopes down towards the water, potentially mitigating impacts of a flood event.

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 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.”

Building and Septic Division (Septic): “A site inspection was conducted for a proposed sewage disposal system in 2023. However, an application for a sewage system permit was not submitted, nor have we received a detailed proposal. In order to conduct an overall review of the proposal, a complete application submission will be required. As such, the Building and Septic Division would request a condition be placed on any endorsement of the minor variance to satisfy the Supervisor – Part 8 Sewage Systems.”

Public Comments:

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

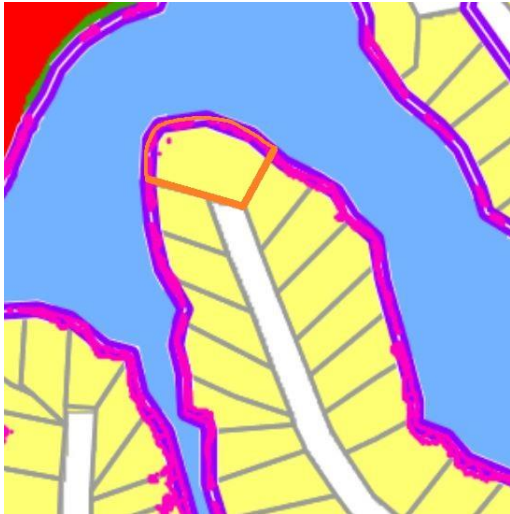
Attachments

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

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-049



Schedule 1 Relevant Planning Policies and Provisions

Fenelon Falls Secondary Plan



	Special Policy Area # 3 (Sturgeon Lake Floodplain Area)		Residential
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	Sturgeon Lake Floodplain Hazard
	EIS Floodplain Hazard -120m Buffer (KRCA)

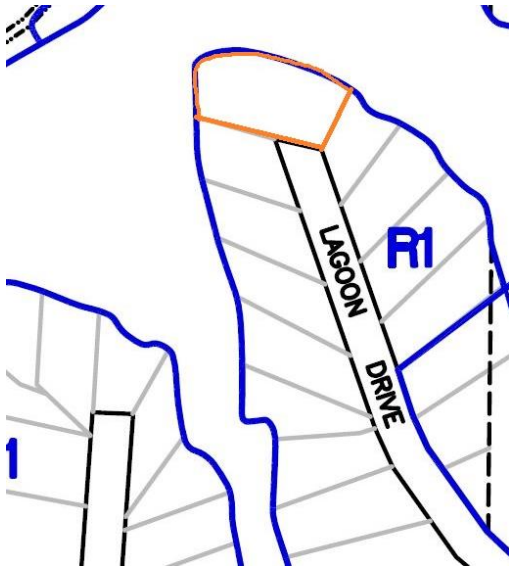
31.4.3 Land Use Policies

31.4.3.1. Residential

31.4.2.6. Environment and Natural Heritage

31.4.2.6.6 Schedule "G-3" delineates as Environmental Constraint Areas those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, contain Provincially Significant Wetlands, and/or contain Environmentally Sensitive Features. Development of the lands in accordance with the designation on Schedule "F-3" may be permitted provided that the development does not result in an increased risk of loss of life, property damage, or the degradation of the environment. An EIS prepared in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area.

Village of Fenelon Falls Zoning By-law 89-25



Part 4 Zone Provisions

4.3 Residential Type One (R1) Zone

4.3.1 Permitted Uses

4.3.3 Regulations for Residential Uses Municipal and/or Private Water Supply and Private Sewage Treatment Facilities

4.3.3 c) Minimum Yard Requirements

iv) Rear Yard 15 m

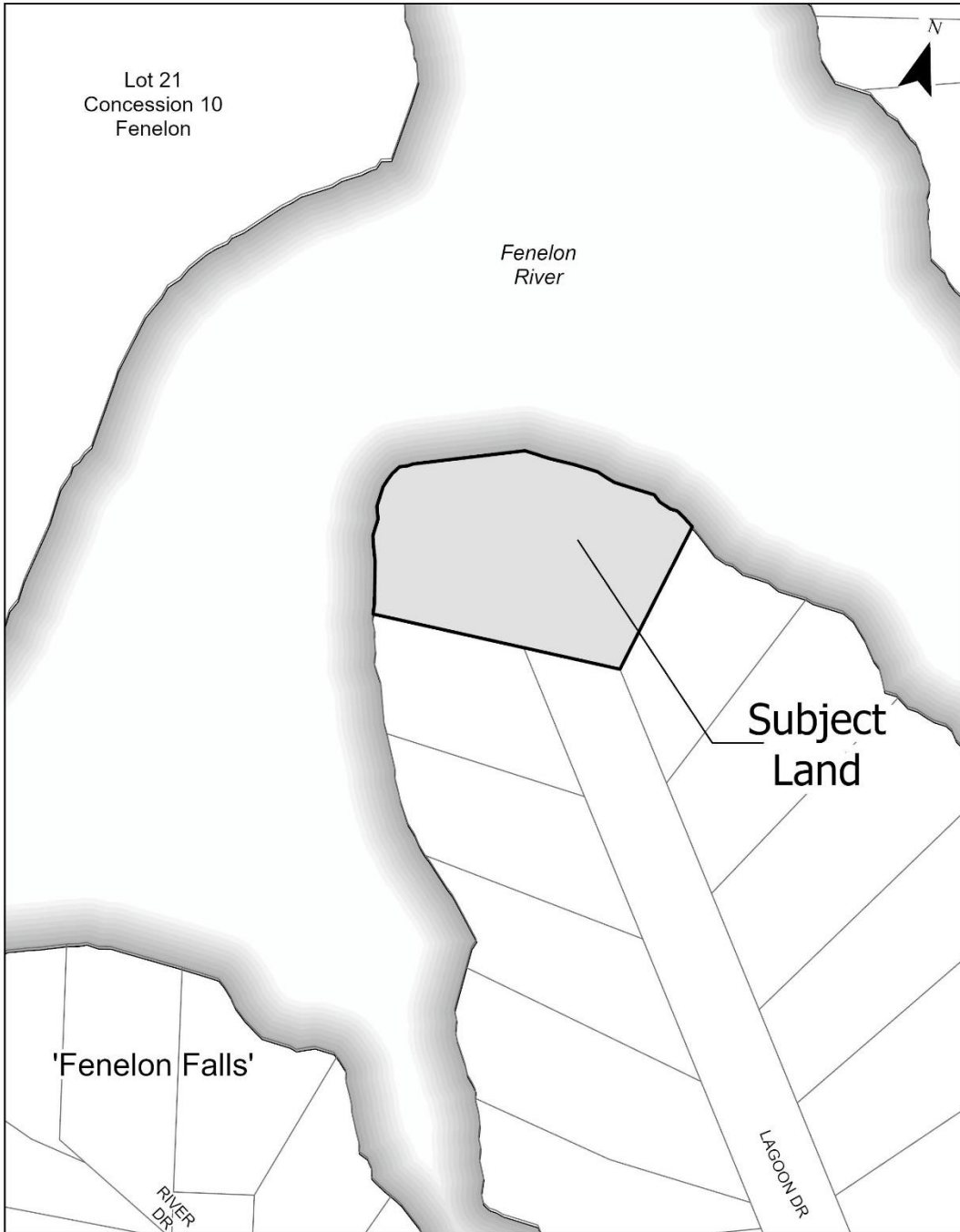
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LOCATION MAP

D20-2024-049



APPENDIX " B "

to

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FILE NO: D20-2024-049

AERIAL PHOTO

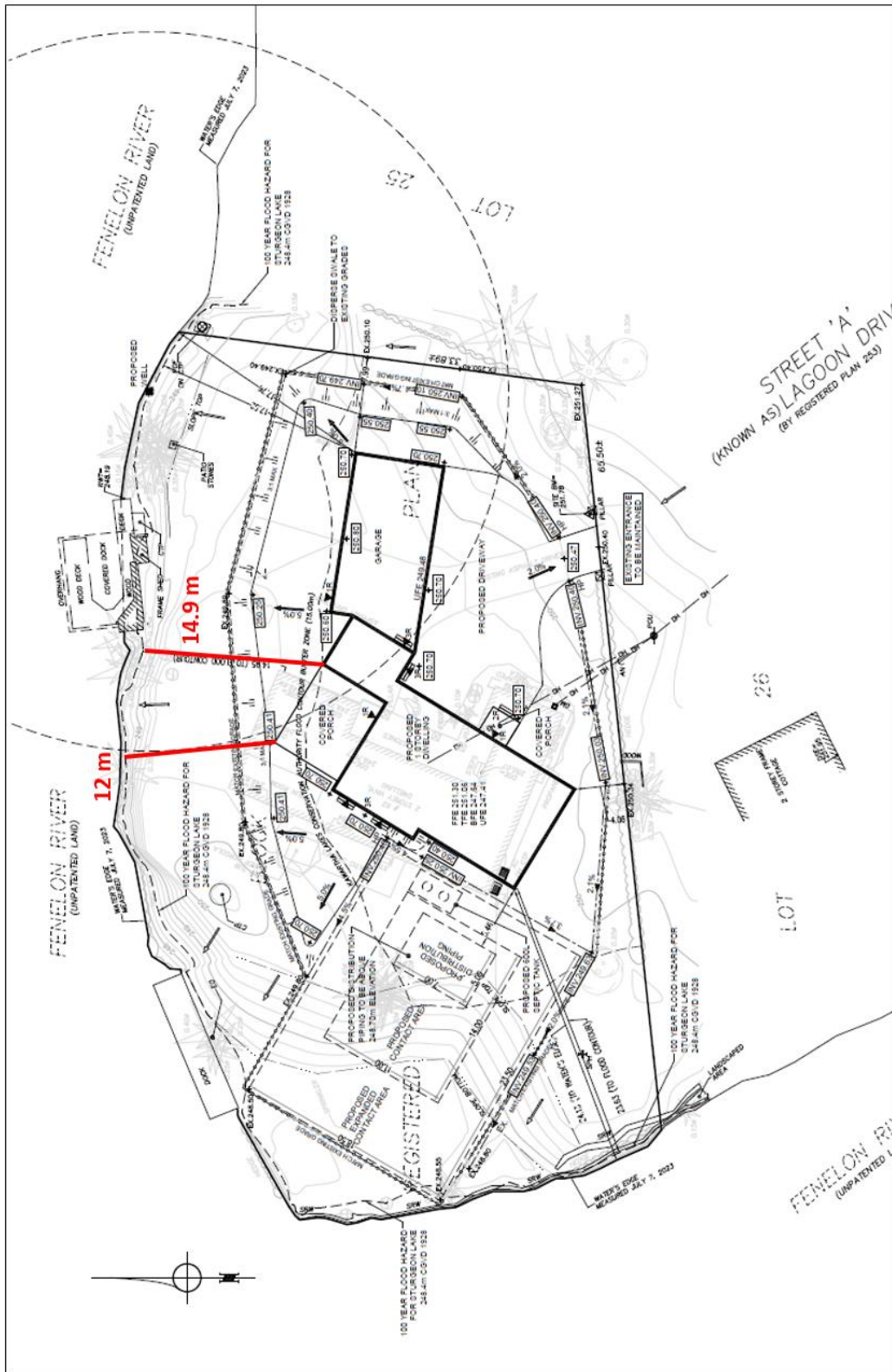


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APPLICANT'S SKETCH



to

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CONSTRUCTION DRAWINGS

