

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 259441 Ontario Inc.**  
Report Number COA2024-062

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**Public Meeting**

**Meeting Date:** July 25, 2024  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 6 – Geographic Township of Emily**

**Subject:** The purpose and effect is to facilitate the addition of an attached garage to the existing dwelling

**Relief sought:**

1. Section 12.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 5.5 metres for a dwelling that is two storeys or greater; the proposed setback is 3 metres; and,
2. Section 12.3.10.1 of the Zoning By-law provides that the rear face of a dwelling shall not be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road; the proposed attached garage is 144 metres from the livestock building.

The variance is requested at **73 Lakeview Crescent** (File D20-2024-052).

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

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**Recommendations**

**That** Report COA2024-062 – 259441 Ontario Inc., be received;

**That** minor variance application D20-2024-052 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

COA2024-062, 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 COA2024-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Addition of an attached garage to the existing dwelling
Owners:	259441 Ontario Inc. (c/o Paul Charron)
Applicant:	TD Consulting Inc.
Legal Description:	Lot 10 on Plan 57M808
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three Exception Ten (RR3-10) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	0.7 ha (1.8 ac)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and 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 east side of Pigeon Lake Road, on the western side of the Pigeon River. The property is rectangular in shape and is not a waterfront lot. While the dwelling on the subject property is older, it is located within

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

a newer subdivision that is being developed, consisting of newly constructed dwellings and vacant lots.

The proposal is to construct an attached garage with a second level above. The property is currently accessed from Pigeon Lake Road, but eventually a driveway will be constructed off of Lakeview Crescent, and the front of the dwelling will face Lakeview. The garage will extend towards the new driveway, and provide covered parking and additional storage space.

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. Low density residential uses and buildings and structures accessory to 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 Rural Residential Type Three Exception Ten (RR3-10) Zone under the Township of Emily Zoning By-law 1996-30. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The exception zone provides specific provisions for locating a single detached dwelling in relation to a livestock building located at 2217 Pigeon Lake Road. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback and the distance from the livestock building at 2217 Pigeon Lake Road.

Section 12.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 5.5 metres for a dwelling that is two storeys or greater. The proposed setback is 3 metres. 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 dwelling on the neighbouring property to the north is approximately 22 metres from the interior lot line, so the proposed reduced interior side yard setback for the garage is not anticipated to result in adverse massing or privacy issues. Negative impacts to lot drainage are not anticipated. The proposed 3 metre setback will

allow for sufficient space for access between the front and rear yard, and provides adequate room for any required maintenance on this side of the dwelling.

Section 12.3.10.1 of the Zoning By-law provides that the rear face of a dwelling shall not be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road. The proposed attached garage is 144 metres from the livestock building. The intent of this provision is to ensure there is adequate distance between residential uses and the livestock building.

This exception zone is specific to this subdivision. As the lots will front onto Lakeview Crescent, the rear face of the dwellings will be closest to 2217 Pigeon Lake Road. The RR3-10 Zone was put in place in 2012, and the dwelling on the subject property was constructed in approximately 1988. As such, the dwelling predates the Zoning By-law Amendment which implemented the minimum arc distance provision. The entire dwelling is within the 188 metre arc. As such, an addition to the dwelling could not be constructed in compliance with this provision.

As the property already contains a dwelling, the construction of an attached garage is not introducing a new residential use into the minimum distance arc. The addition of the garage and it being 144 metres from the livestock building at 2217 Pigeon Lake Road is not anticipated to result in any adverse impacts.

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 comment or objection to the proposed Minor Variance."

**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

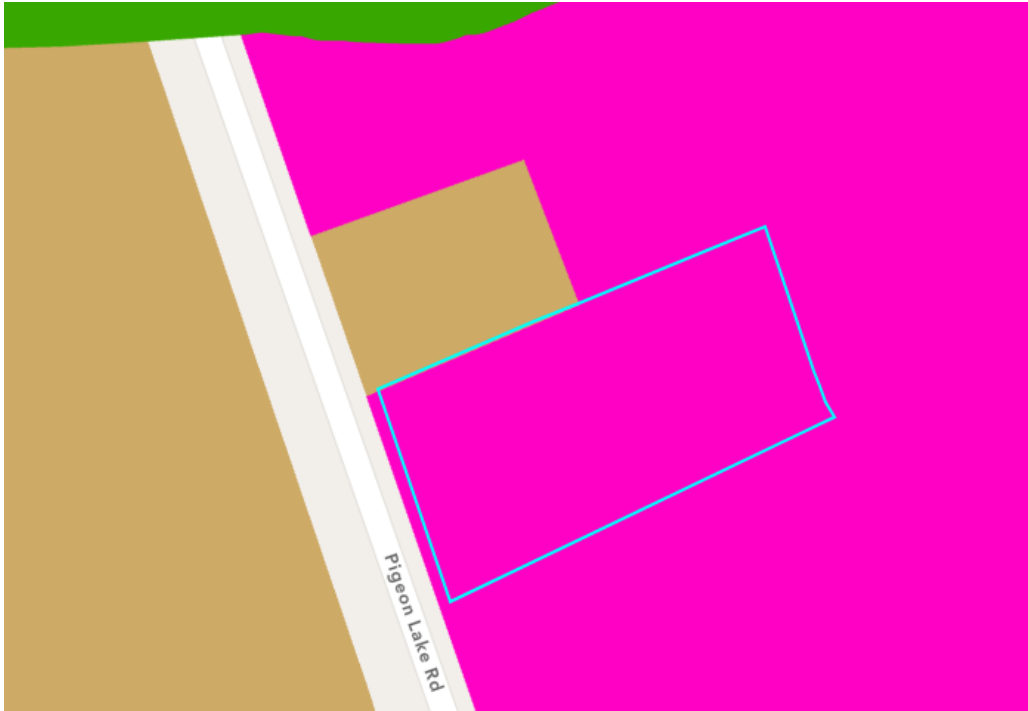
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-052

## Schedule 1 Relevant Planning Policies and Provisions

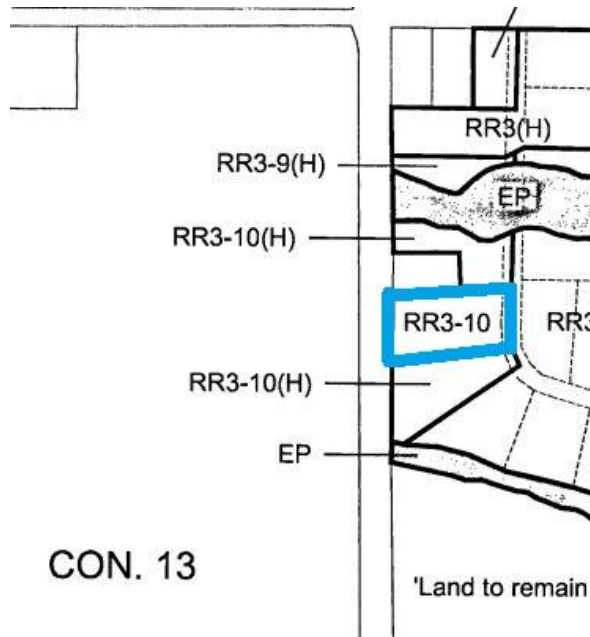
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Emily Zoning By-law 1996-30



### Part 12 Rural Residential Type Three (RR3) Zone

#### 12.1 Uses Permitted

#### 12.2 Zone Provisions

##### 12.2.1.3 Yard Requirements (min.)

b) interior side

ii) two storeys or greater 5.5 m

#### 12.3 Rural Residential Type Three Exception Zones

##### 12.3.10 Rural Residential Type Three Exception Ten (RR3-10) Zone

12.3.10.1 Notwithstanding Section 12.2, the rear face of a single detached dwelling including enclosed or unenclosed decks, porches, and verandahs attached thereto, and above-ground or in-ground pools on lands - be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road. Other accessory structures are exempt from this provision.

to

REPORT COA2024-062

FILE NO: D20-2024-052

**LOCATION MAP**

# D20-2024-052





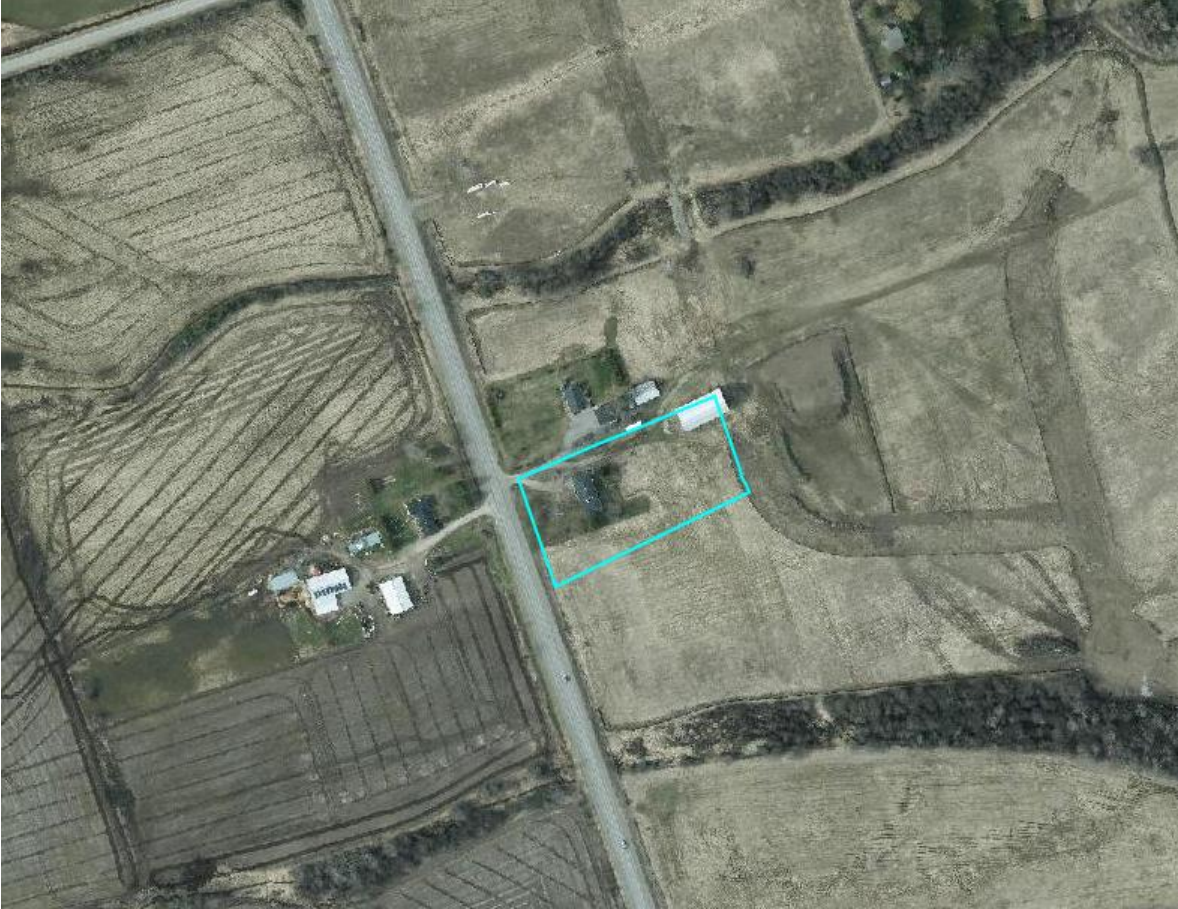
APPENDIX " B "

to

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**AERIAL PHOTO**



to

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**APPLICANT'S SKETCH**

