

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Cook

Report Number COA2024-064

Public Meeting

Meeting Date: July 25, 2024

Time: 1:00 pm

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

Ward 5 – Geographic Township of Emily

Subject: The purpose and effect is to recognize an existing shipping container.

Relief sought:

1. Section 12.2.1.3 e) of the Zoning By-law requires a minimum water setback of 30 metres; the existing setback is 6.7 metres.

The variance is requested at **106 Cowans Crescent** (File D20-2024-054).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-064 – Cook, be received;

That minor variance application D20-2024-054 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-064, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** this approval shall be in effect for a period of eight (8) months after the date of the Notice of Decision, after which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2024-064. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an existing shipping container already on site
Owners:	Lawrence and Helen Cook
Applicant:	Lawrence Cook
Legal Description:	Lot 12 Plan 358
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	1,498 sq. m. (16,124.34 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and septic system
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 in an established residential neighbourhood located on the western shore of the Pigeon River. The property is irregular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1988 (according to Municipal Property Assessment Corporation), a boathouse, a shed, and a shipping container.

The proposal is to recognize the existing shipping container. The shipping container was brought to the property to provide additional storage space for items including boating accessories, ATVs, lawn and garden equipment and tools, etc., and the proposal is to keep the shipping container in its current location so it can continue to provide that storage.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

¹ See Schedule 1

² See Schedule 1

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 (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. As the shipping container is used for storage purposes only, its location does not result in habitable space being located within the water setback. The location of the container is not anticipated to impact water quality or habitat.

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 (RR3) 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 proposal complies with all provisions of the Zoning By-Law with the exception of the minimum water setback.

Section 12.2.1.3 e) of the Zoning By-law requires a minimum water setback of 30 metres. The existing setback is 6.7 metres. The intent of a minimum water setback is to 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 location of the shipping container does not change the existing shoreline conditions, and is not anticipated to impact infiltration. The shoreline has remained in a vegetated state between the container and the water. The container does not introduce any habitable space in the water setback, so the potential risk from having human habitation within the water setback is not increased with the presence of the container.

Due to the depth of the property and the minimum 30 metre water setback, locating an accessory structure on the property in compliance with the Zoning By-law is very difficult. The entire dwelling, which predates the Zoning By-law, is within the minimum water setback. As such, locating an accessory structure anywhere in the

rear or interior side yards would require relief. The septic system is located within the southern interior side yard, so the container cannot be placed in this yard. An accessory structure other than a garage is not permitted in the front yard, so the container could not be placed in the front yard without seeking relief.

There is mature vegetation along the property's northern interior lot line which provides visual screening between the neighbouring property to the north and the container. The presence and height of this vegetation ensures the shipping container does not alter the view from the neighbouring property, as the vegetation already impedes views of the water from that direction. Locating the container closer to the water also provides separation between the container and the neighbour's dwelling, providing additional visual screening. Additionally, the dwelling has a walkout basement, so when viewing the property from the water the dwelling is two storeys, and this proportion ensures the dwelling remains visually predominant.

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:

Early in the minor variance process, the proposal was to relocate the shipping container to the northern interior side yard, between the dwelling and the side lot line. However, the property owner expressed that their ideal location was its current location, 6.7 metres from the shoreline. Upon completing the site inspection, it was noted that if the container was relocated to the interior side yard, it would have been directly adjacent to the neighbour's dwelling. As such, it was determined that the proposal would be changed and relief would be sought to allow the container to remain where it is today.

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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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-054

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

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.)

e) water setback 30 m

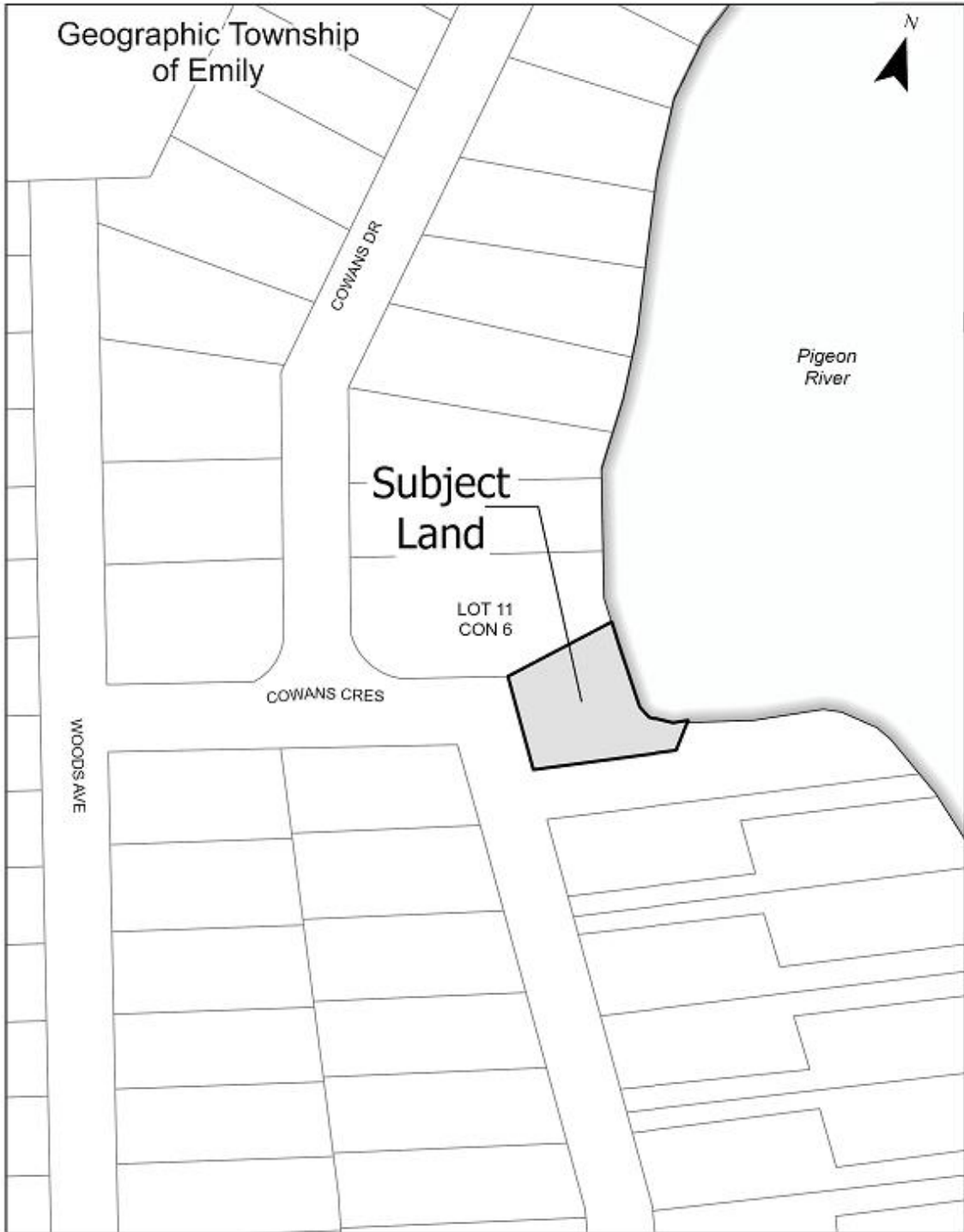
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LOCATION MAP

D20-2024-054



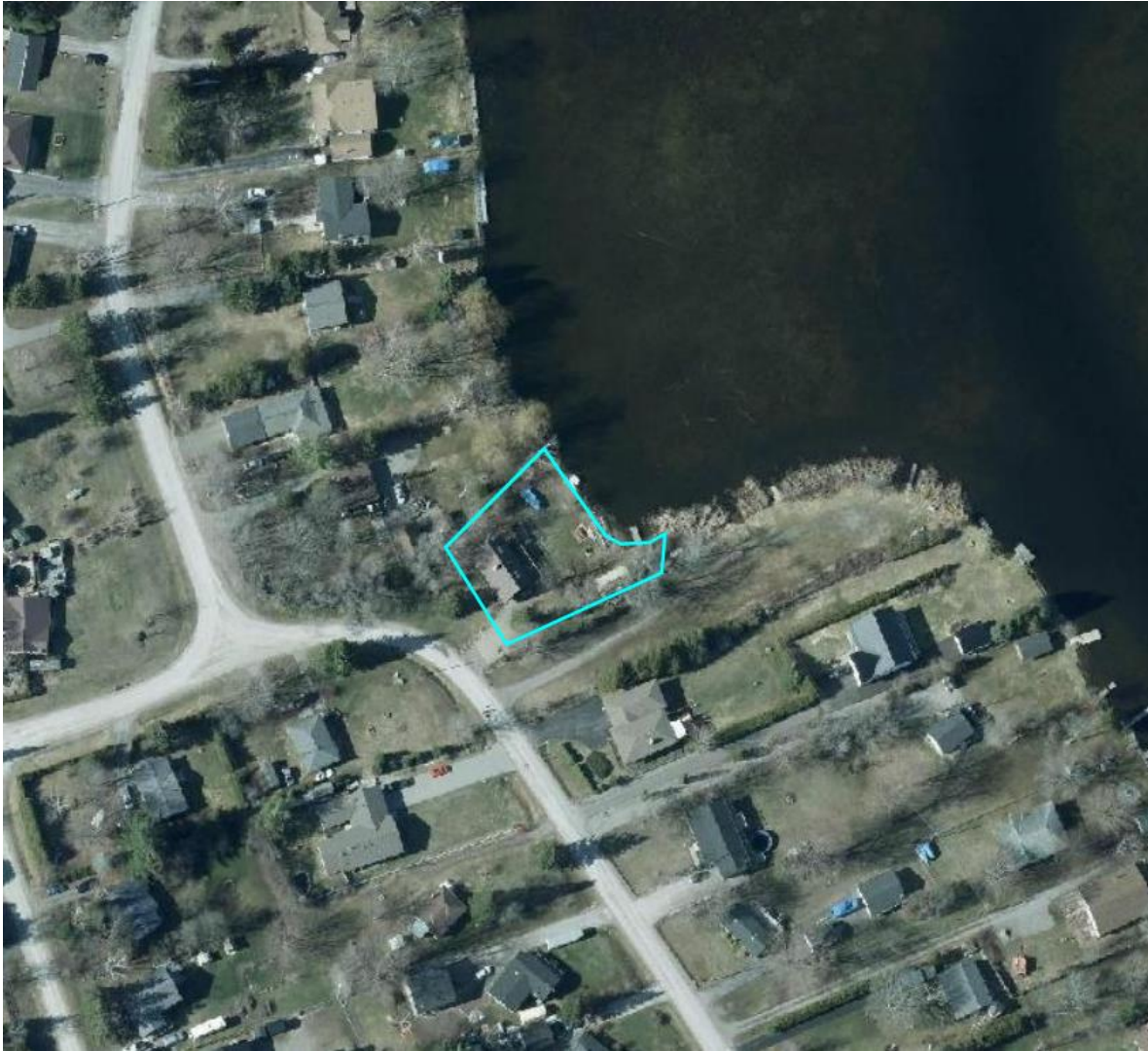
APPENDIX " B "

to

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

