

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Perdue

Report Number COA2024-066

Public Meeting

Meeting Date: July 25, 2024

Time: 1:00 pm

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

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the construction of a single detached dwelling

Relief sought:

1. Section 12.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 4.5 metres.

The variance is requested at **Vacant Lot, Pigeon Lake Road** (File D20-2024-056).

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

Recommendations

That Report COA2024-066 – Perdue, be received;

That minor variance application D20-2024-056 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 COA2024-066, 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 COA2024-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a single detached dwelling
Owners:	Garnet Perdue
Applicant:	Same as owner
Legal Description:	Part Lot 21, Concession 12 (being Lot 6 on Plan 308)
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:	929 sq. m. (10,000 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system (proposed)
Existing Uses:	Vacant
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 west side of Pigeon Lake Road, in an area comprised of residential and agricultural uses. The property is square in shape and does not have frontage on the water, though the property owner also owns the waterfront lot across the road from the subject property. The subject property is currently vacant.

The proposal is to construct a single detached dwelling with an attached garage. The subject property is one of seven abutting residential lots along this section of Pigeon Lake Road, and is the last lot to be developed.

¹ See Schedule 1

² 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 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.

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 rear yard setback.

As per Section 12.2.1.3 d) of the Zoning By-law, a minimum rear yard setback of 7.5 metres is required. The proposed setback is 4.5 metres. The intent of the rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space.

The rear lot line of the subject property abuts an agricultural property that is approximately 8 hectares (20 acres) in size. The dwelling on this neighbouring property is approximately 177 metres from the rear lot line of the subject property, separated by open field. As such, no land use conflicts or privacy issues between the lots are anticipated. Additionally, the proposed rear yard setback is similar to the setbacks of other adjacent dwellings on this side of Pigeon Lake Road. As such, the proposed reduced rear yard setback is in keeping with the existing built form. Adequate amenity space will be maintained within the interior side yards and the front yard.

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

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-056

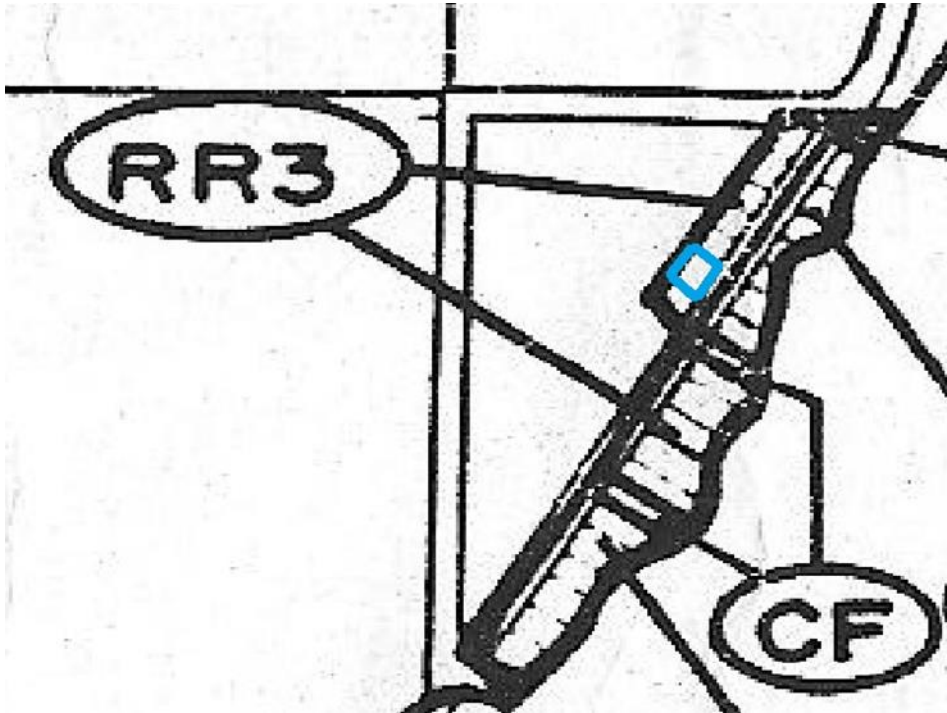
Schedule 1 Relevant Planning Policies and Provisions

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

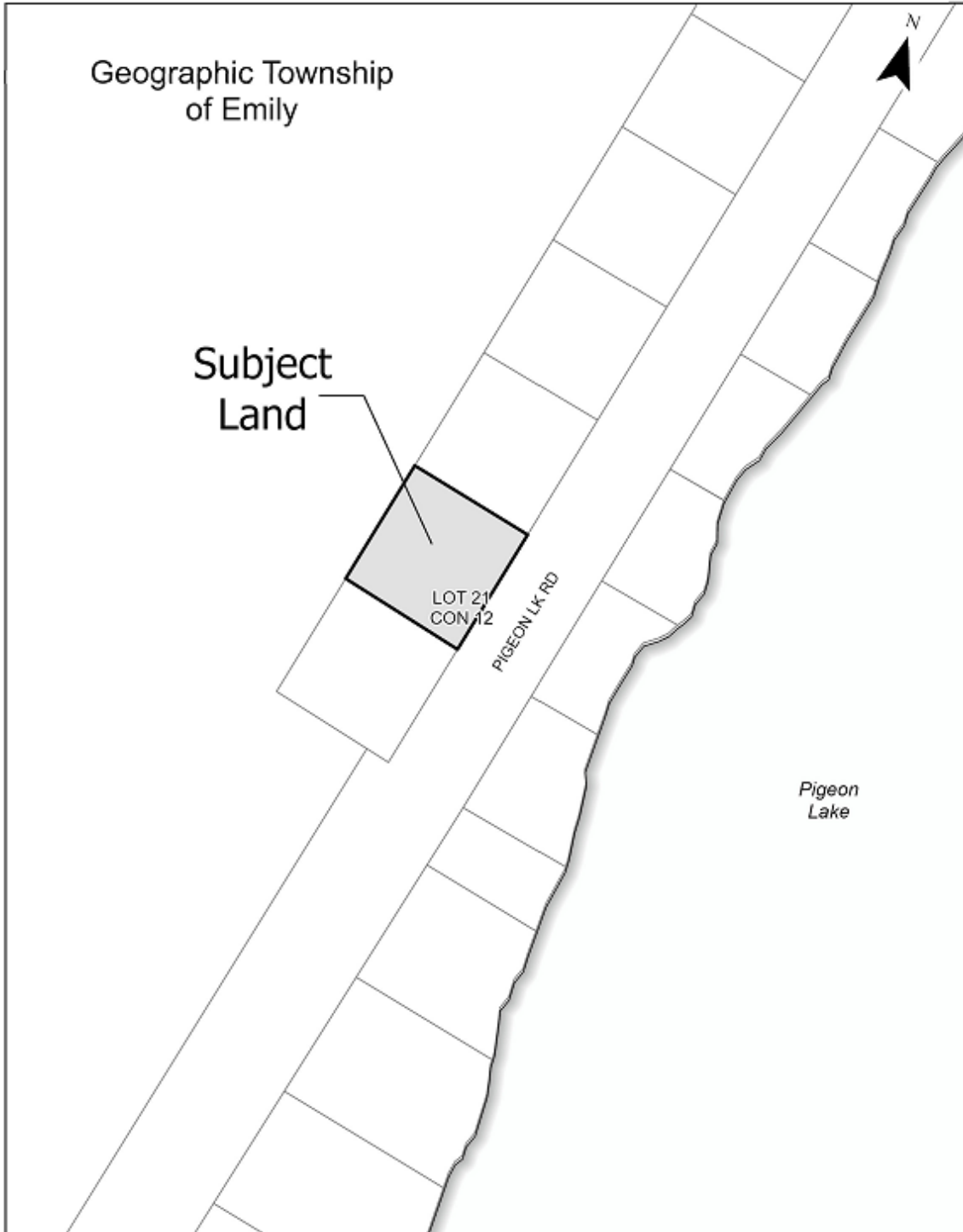
12.2 Zone Provisions

12.2.1.3 Yard Requirements (min.)

d) rear 7.5 m

LOCATION MAP

D20-2024-056



APPENDIX " B "

to

REPORT COA2024-066

FILE NO: D20-2024-056

AERIAL PHOTO



to

REPORT COA2024-066

FILE NO: D20-2024-056

APPLICANT'S SKETCH

