

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – McGuire

Report Number COA2024-071

Public Meeting

Meeting Date: July 25, 2024

Time: 1:00 pm

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

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate the construction of a detached garage and a swimming pool.

Relief sought:

1. Section 14.1 b) of the Zoning By-law provides that an accessory structure shall only be erected in the side or rear yard; the proposed detached garage is to be located in the front yard; and,
2. Section 4.2 g) of the Zoning By-law requires a minimum water setback of 20 metres; the proposed setback for the pool is 18.5 metres.

The variance is requested at **151 Campbell Beach Road** (File D20-2024-062).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2024-071 – McGuire, be received;

That minor variance application D20-2024-062 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 COA2024-071, 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 COA2024-071. 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 with attached garage, a detached garage and a swimming pool (Minor Variance required for the detached garage and pool)
Owners:	Dawn McGuire
Applicant:	Felicia Buchholz
Legal Description:	Part Lot 12, Concession 1; Lot 9 and Part Shore Road Allowance on Plan 303; Part 1 on Reference Plan 57R-7178
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Carden Zoning By-law 79-2)
Site Size:	3,283 sq. m, (35,337.92 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 within an established residential neighbourhood located on the eastern shore of Dalrymple Lake. The property is irregular in shape and is a waterfront lot. The property previously contained a single detached dwelling constructed in 1938 (according to Municipal Property Assessment Corporation).

¹ See Schedule 1

² See Schedule 1

The dwelling has been demolished in preparation for the construction of a new single detached dwelling with attached garage, a detached garage, and a pool.

The proposed detached garage and a swimming pool are subjects of the Minor Variance. The detached garage will provide covered parking as well as additional storage space. The pool will enhance the outdoor recreation opportunities on the property.

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.

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. The pool exceeds the 15 metre setback, and is not anticipated to result in creation of a hazard or negative environmental impacts.

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 Two (RR2) Zone under the Township of Carden Zoning By-law 79-2. 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 permitted located for an accessory structure and the minimum water setback.

As per Section 14.1 b) of the By-law, accessory structures are permitted in the side or rear yard. The new garage is proposed to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

The subject property is approximately 121 metres deep on the north side and 91 metres deep on the south side. The depth of the property allows for extensive amenity space in both the front and rear yards. The proposed garage complies with the maximum accessory structure height and is located towards the north lot line, while the proposed dwelling is centered on the property. As such, the dwelling will remain visually predominant. There are several properties along Campbell Beach Road that have garages in the front yard, so the proposal is in keeping with the existing built form. The garage exceeds the minimum front yard setback and will not result in impacts to traffic, road maintenance, or sightlines.

Under the majority of the City's other Zoning By-laws, a private garage is permitted in the front yard when a property has frontage on a navigable waterway/has a shore lot line. For comparative purposes, if this property was located within an area covered by a different Zoning By-law that did contain a provision allowing private garages in the front yard for properties with shore lot lines, a minor variance would not be required to permit the proposed garage. Additionally, the new consolidated Rural Zoning By-law contains a provision which allows for garages in the front yard on properties with shore lot lines (once in effect).

Section 4.2 g) of the Zoning By-law requires a minimum water setback of 20 metres. The proposed setback for the pool is 18.5 metres. The intent of the minimum water setback is to provide sufficient space to establish vegetation to improve waterbody health and to provide sufficient space for the infiltration of stormwater runoff. The existing shoreline conditions are not anticipated to change due to the location of the proposed pool, and as such the pool will not negatively impact vegetation or infiltration. For comparative purposes, the majority of the City's other Rural Zoning By-laws require a minimum 15 metre setback from the water, which this proposal exceeds.

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
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: D20-2024-062

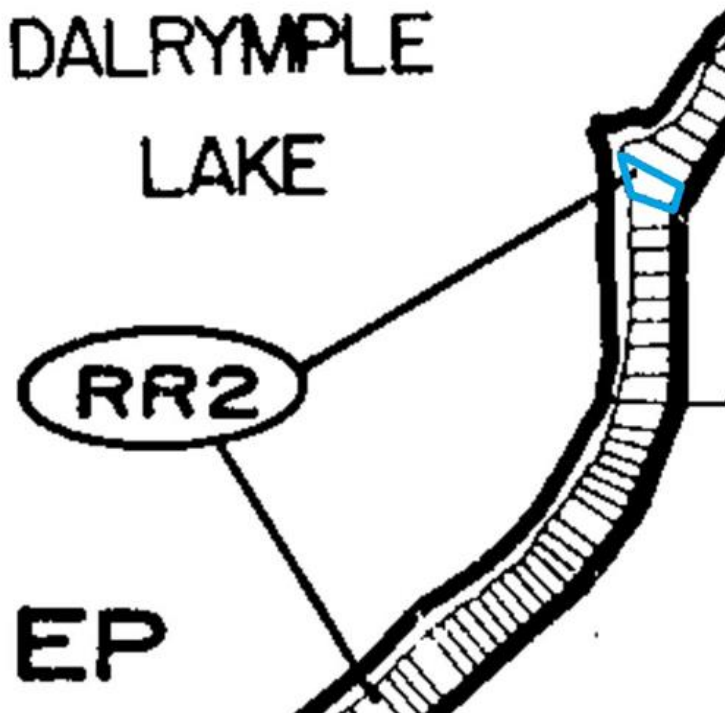
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Carden Zoning By-law 79-2



Section 4 Rural Residential Type Two (RR2) Zone

4.1 RR2 Uses Permitted

4.2 RR2 Zone Requirements

Section 14 General Provisions

14.1 Accessory Buildings, Structures and Uses

b. Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building. Where the rear lot line is a shore lot line, article 14.21 a. shall apply.

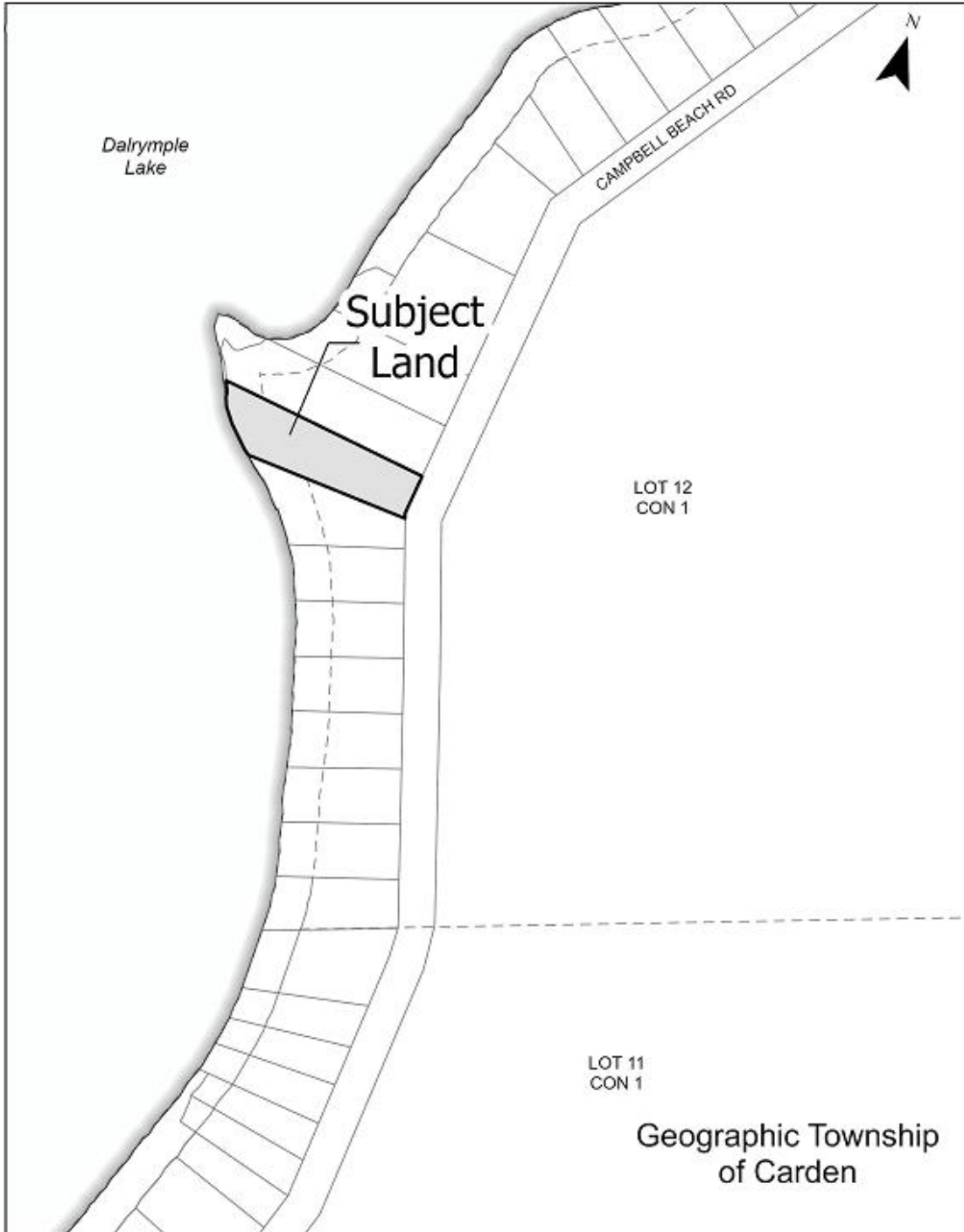
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LOCATION MAP

D20-2024-062



APPENDIX " B "

to

REPORT COA2024-071

FILE NO: D20-2024-062

AERIAL PHOTO



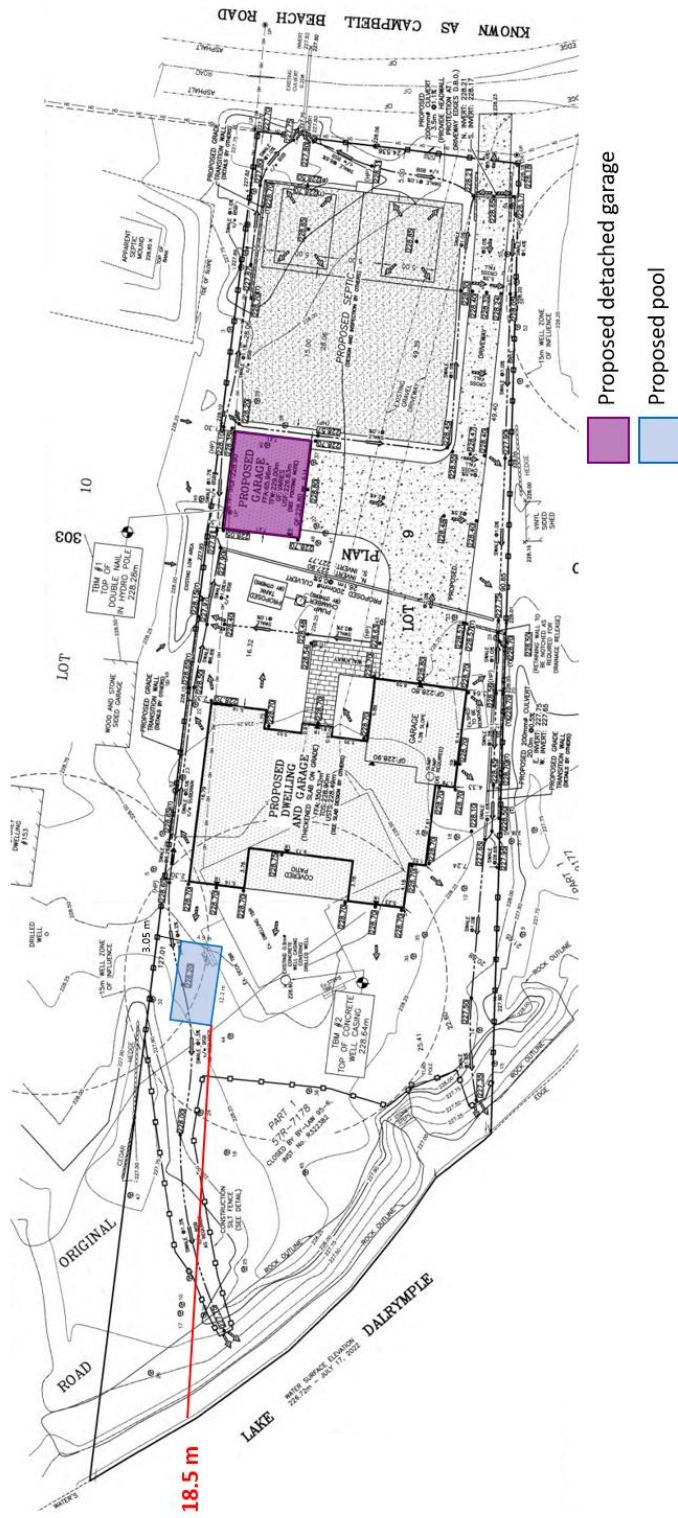
APPLICANT'S SKETCH

APPENDIX " C "

to

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CONSTRUCTION DRAWINGS

APPENDIX " D "

to

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