

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Smith

Report Number COA2024-070

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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 3 – Village of Fenelon Falls

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and construction of a new one-storey single detached dwelling with a basement walkout and attached garage.

### Relief sought:

1. Section 4.3.3.c.iii. requires a minimum 4 metre interior side yard setback; the proposed interior side yard setback is 1.52 metres (south) and 2.74 metres (north).

The variance is requested at **43 Lagoon Drive** (File D20-2024-061).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-070 – Smith, be received;

**That** minor variance application D20-2024-061 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 COA2024-070, 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 COA2024-070. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |  |
|------------------------------|--|
| Proposal:                    | Demolition of all existing structures and construction of a new one-storey single detached dwelling with a basement walkout and attached garage. |
| Owners:                      | Worrell R. Smith and June M. Smith   |
| Applicant:                   | B. Armstrong Contracting   |
| Legal Description:           | Part Lot 29 and Part Block Y, Plan 253 (Parts 1 to 3 of Reference Plan 57R6863)  |
| Official Plan <sup>1</sup> : | Urban Settlement Area<br>(City of Kawartha Lakes Official Plan, 2012)<br>Residential<br>(Fenelon Falls Secondary Plan)                           |
| Zone <sup>2</sup> :          | Residential Type One (R1) Zone<br>(Village of Fenelon Falls Zoning By-Law 89-25)   |
| Site Size:                   | 1,295.00 square metres (0.32 acres)  |
| Site Access:                 | Year-round maintained road   |
| Site Servicing:              | Potable water from lake and individual 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 situated along the shore of Fenelon River, with access from Lagoon Drive. The residential neighbourhood consists primarily of one to two storey dwellings with assorted accessory structures. According to the Municipal

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Property Assessment Corporation (MPAC), the built-form in the neighbourhood range in age of construction. Many dwellings constructed in the mid- to late- 1900s and with various extends of renovations and additions; as well as, more recent dwellings constructed in the 2000's.

The property currently contains a one-storey dwelling (1950s), rear deck, and multiple sheds. All of the aforementioned structures are to be removed. The proposal seeks to construct a one-storey dwelling with rear deck and walkout basement.

Given the age of the existing dwelling, it can be expected for a property to redevelop their properties striving to achieve the highest and best use. As per MPAC, this is evident as many of the surrounding properties have altered, renovated, and/or redeveloped their properties. The proposed low-density residential development will integrate well with the existing neighbourhood by proposing a dwelling that aligns with the development trend and existing character of the area.

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 Urban Settlement Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation aims to provide general broad policies that are applicable to all urban settlements within the City. The Fenelon Falls Secondary Plan provides more specific policies directed towards the former Village of Fenelon Falls. Under the Secondary Plan, the property is designated Residential. A variety of dwelling types, including low-density residential dwelling are permitted within this designation.

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 minimum the 1950s. 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 Kawartha Region Conservation Authority have been circulated as part of the application process and will be issuing comments on the proposed application.

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 Residential Type One (R1) Zone under the Village of Fenelon Falls Zoning By-Law 89-25. The R1 Zone permits various uses, including but not limited to, a single-detached dwelling with assorted accessory structures. The proposal requires relief from the interior side yard setback.

Section 4.3.3.c.iii. requires a minimum 4 metre interior side yard setback. The intent of the interior side yard setback is to ensure overcrowding is avoided, there is sufficient space for access between the front and rear yard for maintenance, and providing privacy for neighbouring properties. The proposed interior side yard setbacks are 1.52 metres (south) and 2.74 metres (north). It is pertinent to acknowledge that the existing side yard setbacks are also non-compliant and deficient on both sides. The property is irregular in shape, narrowing towards to the front lot line and then following the curved shoreline at the rear. As a result of this lot configuration, the building envelope is very restricted in accommodating all of the required setbacks, location of septic bed, and distance from the shoreline. The proposed development complies with the minimum required water setback, and is in turn, necessitated to be situated closer to the narrowing side lot lines connecting to the road.

Furthermore, despite the deficient proposed setbacks on both side yards, the proposed 1.52 metres and 2.74 metres provides adequate passageway for maintenance purposes. Regarding privacy, the property is guarded on both side lot lines by an existing hedge of vegetation that restricts the view from and to neighbouring properties. Thus, concerns regarding views and privacy of neighbouring properties is mitigated.

In consideration of the above, the variance maintains 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:**

**ECA – Development Engineering:** “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

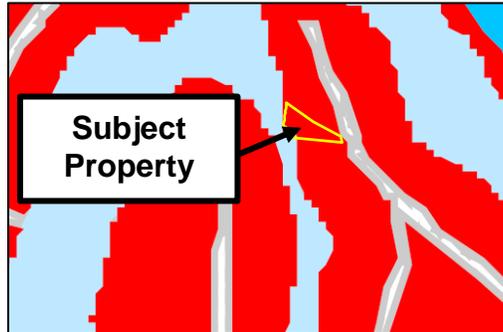
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**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-061

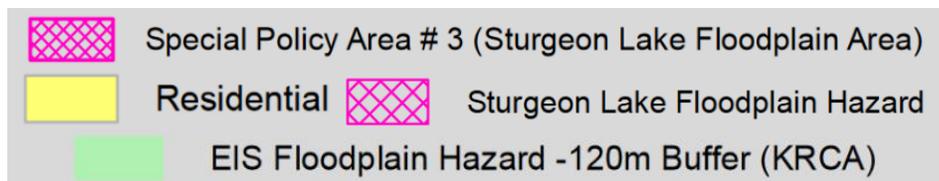
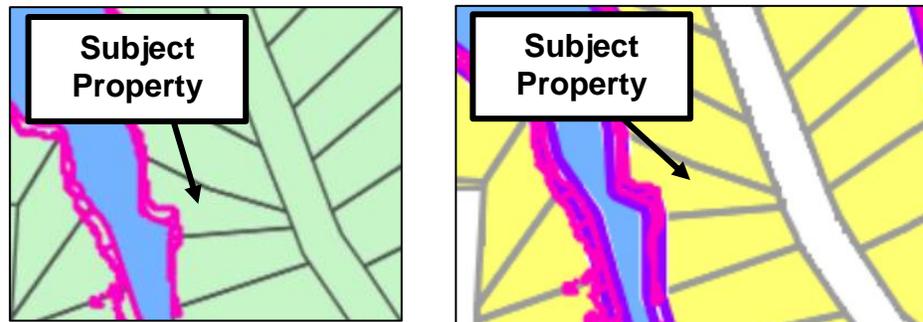
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



### Fenelon Falls Secondary Plan



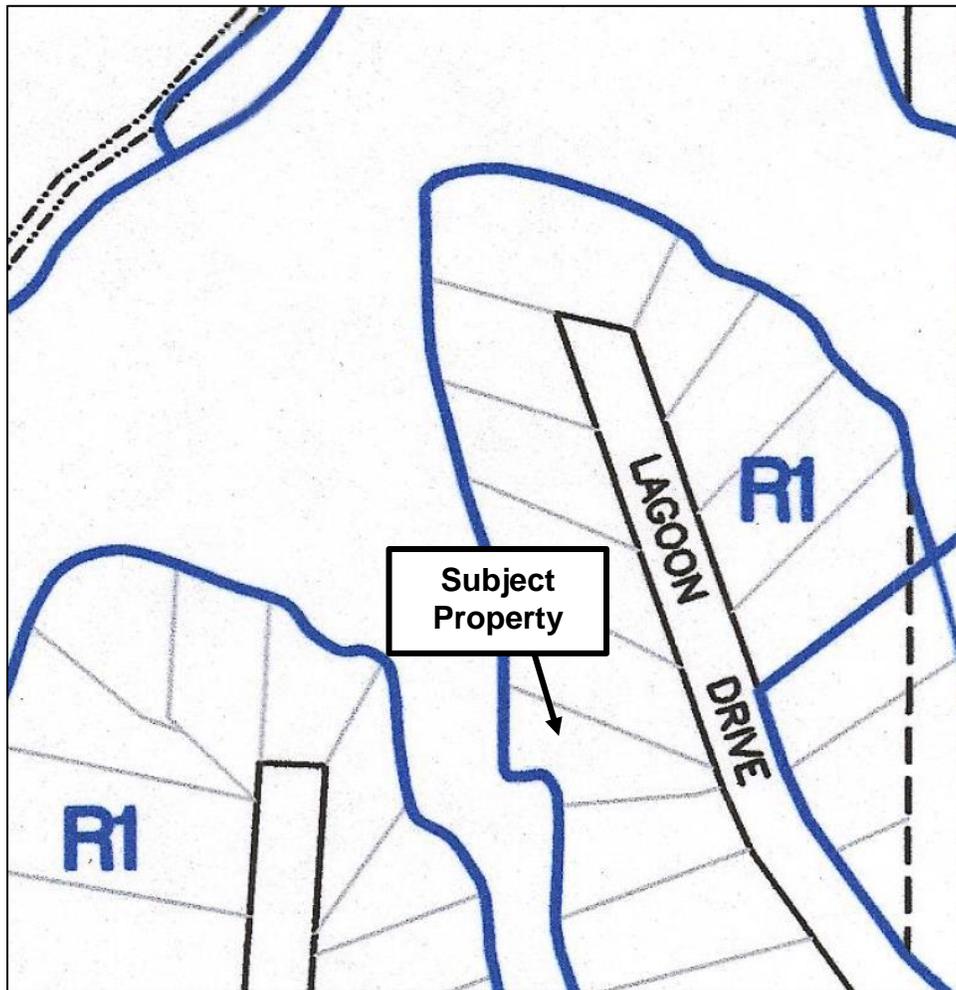
### 31.4.3 Land Use Policies

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



### 4.3 RESIDENTIAL TYPE ONE (R1) ZONE

#### 4.3.3 REGULATIONS FOR RESIDENTIAL USES MUNICIPAL AND/OR PRIVATE WATER SUPPLY AND PRIVATE SEWAGE TREATMENT FACILITIES

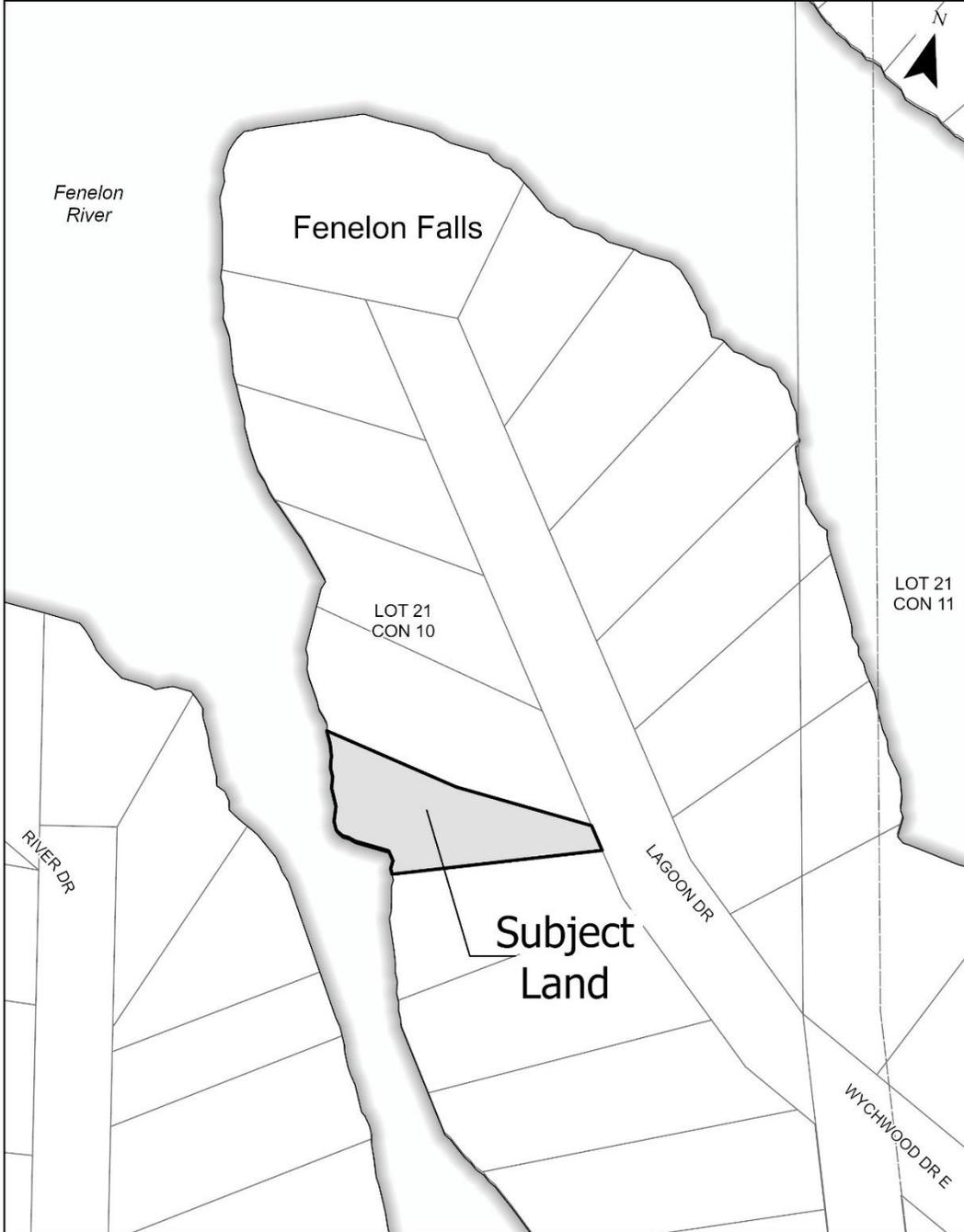
##### c. Minimum Yard Requirements

- iii. Interior Side Yard                      4 metres

to

**LOCATION MAP**

# D20-2024-061



APPENDIX " B "

to

REPORT COA2024-070

FILE NO: D20-2024-061

**AERIAL PHOTO**





