

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Sandbrook

Report Number COA2024-078

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### Public Meeting

**Meeting Date:** August 22, 2024

**Time:** 1:00 pm

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

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### Ward 3 – Geographic Township of Fenelon

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey single detached dwelling.

#### Relief sought:

1. Section 15.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 6.4 metres;
2. Section 15.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a dwelling greater than one storey; the proposed setback from the southern interior lot line is 1.2 metres; and,
3. Section 15.2.1.3 e) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 10.2 metres.

The variance is requested at **30 Birchwood Lane** (File D20-2024-069).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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### Recommendations

**That** Report COA2024-078 – Sandbrook, be received;

**That** minor variance application D20-2024-069 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

COA2024-078, which shall be attached to and form part of the Committee's Decision;

- 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; and,
- 3) **That** the cabin identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the cabin has been removed.

This approval pertains to the application as described in report COA2024-078. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Demolition of the existing dwelling and the construction of a new two storey single detached dwelling
Owners:	Jeffrey Sandbrook
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 26, Concession 3 (being Lot 3 on Plan 149)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	550.2 sq. m. (5,924.5 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **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 southern shore of Balsam Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1955 (according to Municipal Property Assessment Corporation), a cabin, and a boathouse.

The proposal is to demolish the existing dwelling and construct a new dwelling. As part of the proposal, the existing cabin will also be demolished and is not proposed to be reconstructed or replaced. The existing dwelling is one storey and is approximately 87 square metres in size. The proposed dwelling is to be two storeys, with a ground floor area of 76 square metres and a gross floor area of 152 square metres. The larger dwelling will provide additional living and storage space to better accommodate the property owners.

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 and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). The proposed dwelling is outside of the Environmental Protection designation. 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. Compared to the existing dwelling, the new dwelling is to encroach minimally further into the water setback beyond what exists today. It is not anticipated that this encroachment will create a hazard or 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 Limited Service Residential (LSR) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory building and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front, interior side, and water setbacks.

Section 15.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed setback for the new dwelling is 6.4 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The existing dwelling that is to be demolished has a 0 metre setback from the front lot line, so the proposed dwelling will be an improvement from the current circumstance. Additionally, from north to south the front lot line forms a diagonal line, resulting in the northern corner of the dwelling being closer to the front lot line than the southern corner. While the northern corner of the dwelling is setback 6.4 metres from the front lot line, the southern corner is approximately 11.5 metres from the front lot line.

Between the front lot line and the travelled portion of the road there is an approximately 1.7-metre-wide grassy boulevard. This, in addition to the proposed front yard setback, will provide sufficient separation between the dwelling and the road in order to avoid impacts to traffic, maintenance, and sightlines. The travelled portion of the road is relatively narrow. If two cars travelling in opposite directions were to meet each other on the road, there is a large vacant lot on the opposite side of the road to the subject property with plenty of space for a car to pull over to the shoulder to allow the other to pass safely.

Section 15.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a dwelling greater than one storey. The proposed setback from the southern interior lot line is 1.2 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 existing setback of the dwelling is approximately 0.9 metres, so the proposed dwelling will improve upon this setback. The 1.2 metre setback will allow for unimpeded access between the front and rear yard, as will the 5.7 metre interior side yard setback to the northern lot line. The proposed setback is not anticipated to impact lot drainage and will provide sufficient space for carrying out any required building maintenance on this side of the dwelling. Negative massing impacts and privacy issues are not anticipated. The dwelling on the property to the south is 'L' shaped, and the proposed dwelling on the subject property will be closest to the narrowest portion of the neighbouring dwelling.

Section 15.2.1.3 e) of the Zoning By-law requires a minimum water setback of 15 metres. The proposed setback is 10.2 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 proposed dwelling is setback 16.7 metres from the shoreline of the subject property, exceeding the minimum water setback. However, the shoreline of the

property to the south has been altered to include a boat slip, and as such the water setback is measured from here, being the closest point to the proposed dwelling. The location of the proposed dwelling will not alter the existing shoreline conditions and is not anticipated to increase the risk associated with natural hazards or impact infiltration.

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 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:**

**Building and Septic Division (Building):** “No 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
- Appendix E – Photo of cabin to be removed

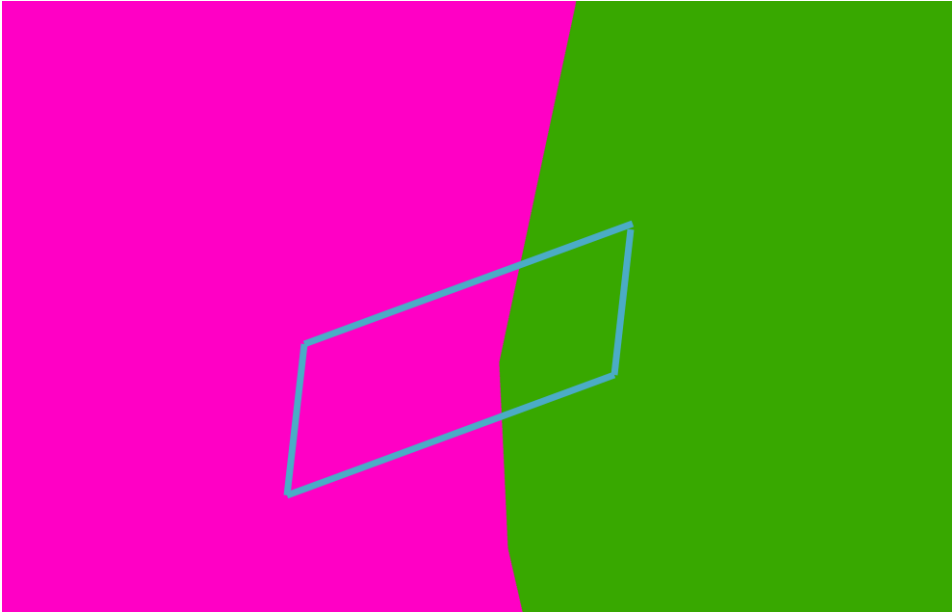
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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-069

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



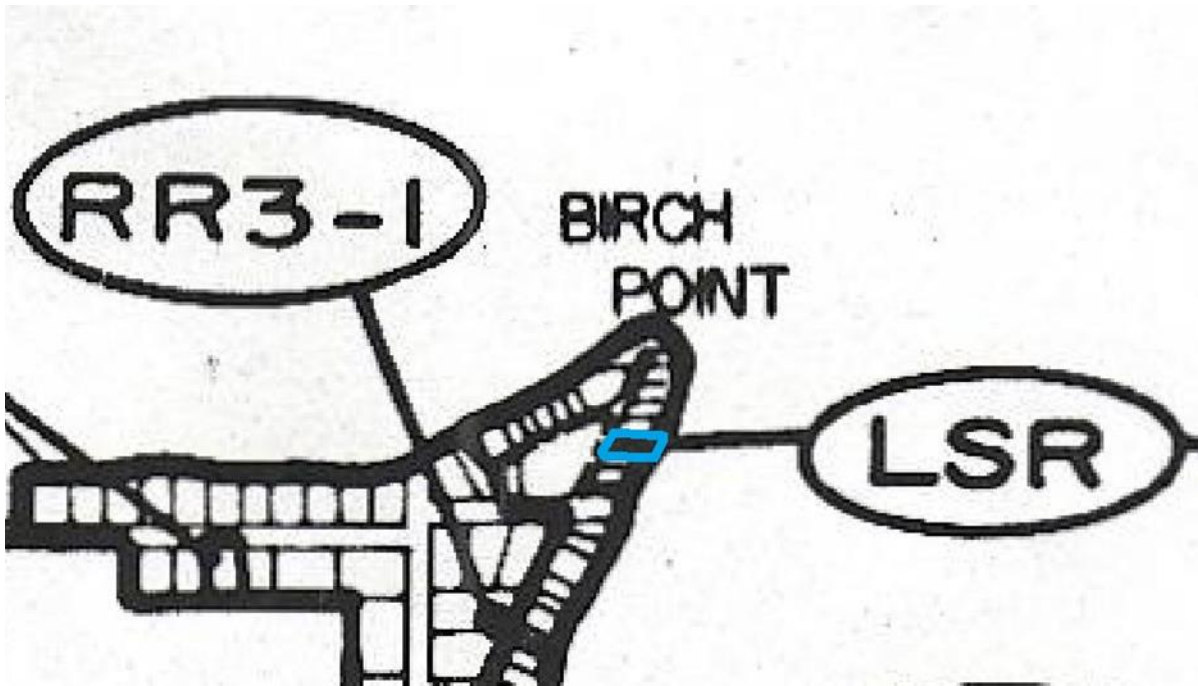
### 3.11. Water Setback and Accessory Uses

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.

### 17. Environmental Protection Designation

### 20. Waterfront Designation

## Township of Fenelon Zoning By-law 12-95



### Section 15 Limited Service Residential (LSR) Zone

#### 15.1 Permitted Uses

#### 15.2 Zone Provisions

##### 15.2.1.3 Yard Requirements (min.)

- a) front 7.5 m
- b) interior side 3 m on one side
  - i) one storey 1.3 m on opposite side
  - ii) all others 2.3 m on opposite side
- e) water 15 m

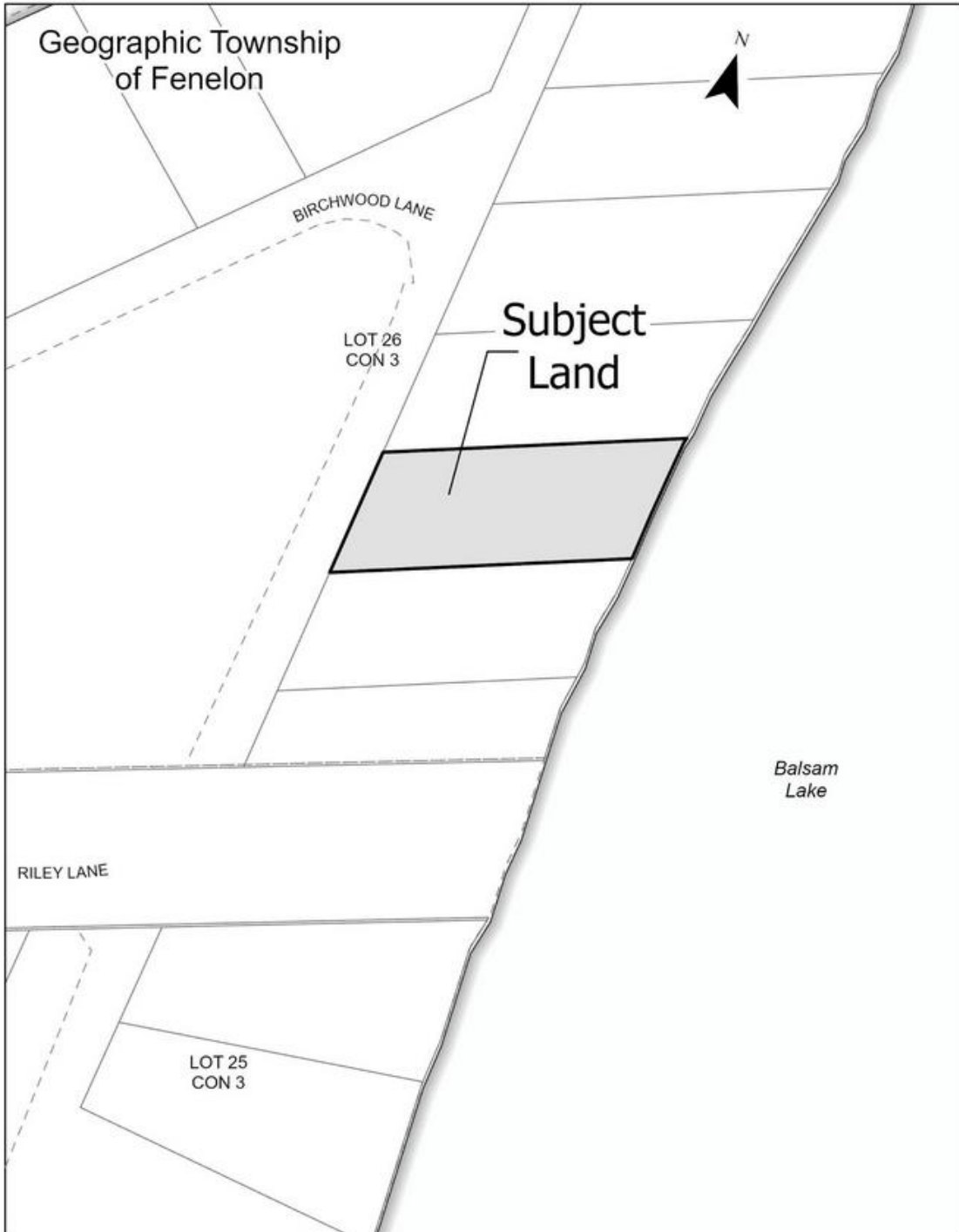
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**LOCATION MAP**

# D20-2024-069





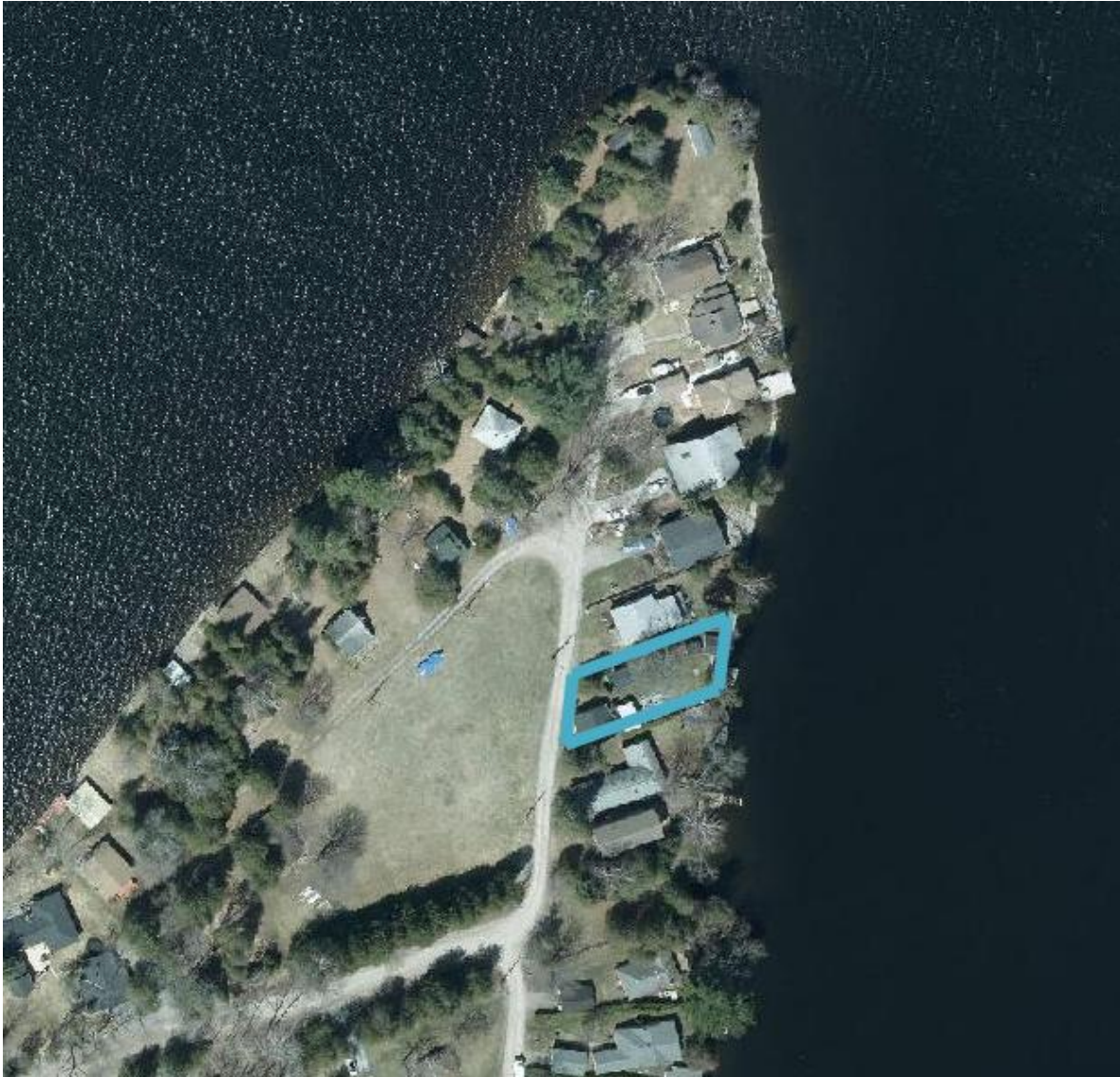
APPENDIX " B "

to

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**AERIAL PHOTO**

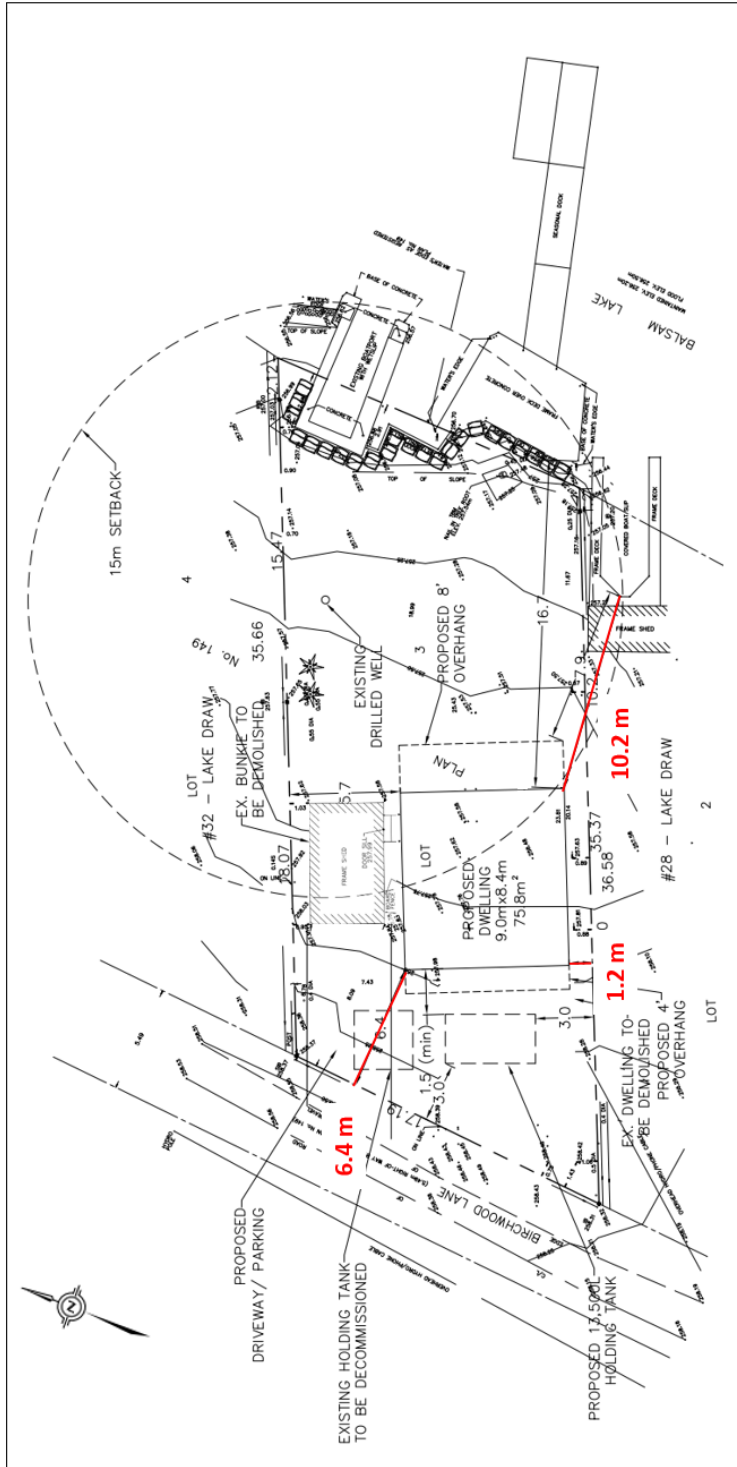


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APPLICANT'S SKETCH



to

**CONSTRUCTION DRAWINGS**



APPENDIX " E "

to

REPORT COA2024-078

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**PHOTO OF CABIN TO BE REMOVED**

