

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Anderson

Report Number COA2024-075

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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 1 – Geographic Township of Eldon

**Subject:** The purpose and effect is to facilitate the recognition of a recently constructed one-and-a-half (1.5) storey single-detached dwelling and rear deck.

### Relief sought:

1. Section 13.2.1.3 (b) of the Zoning By-law requires a minimum interior side yard of 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first. The existing interior side yard setbacks are 3.74 metres (compliant west side yard) and 2.08 metres (deficient east side yard); and,
2. Section 13.2.1.4 of the Zoning By-law requires a minimum 15 metre water setback, the existing water setback is 12.8 metres (dwelling), 9.7 metres (deck platform) and 7.57 metres (stairs of deck).

The variance is requested at **83 Paradise Road** (File D20-2024-066).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-075 – Anderson, be received;

**That** minor variance application D20-2024-066 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 COA2024-075, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** approval shall be in effect for a period of 8 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 next pending Building Inspection.

This approval pertains to the application as described in report COA2024-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of a 1.5 storey single-detached dwelling and rear deck constructed in 2023
Owners:	Wendy Anderson
Applicant:	Ross Dunning
Legal Description:	Part of Lot 10, Range NPR (being Part 1 of Reference Plan 57R5590)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential Exception One (LSR-1) Zone (Township of Eldon Zoning By-Law 94-14)
Site Size:	1,092 square metres (0.27 acres)
Site Access:	Partially maintained road
Site Servicing:	Private individual well and private holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential, Vacant Lands

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject property is situated on the shoreline of Canal Lake with access from Paradise Road. The built-form in the neighbourhood is comprised of low-density residential dwellings. According to the Municipal Property Assessment Corporation (MPAC), the dwellings in this area were constructed through the mid-to-late 1900's.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Many of these properties have gone through various extents of renovations, alterations, and additions, some going through complete redevelopments more recently in the last 20 years.

The subject property currently contains a one-and-a-half (1.5) storey dwelling with a boathouse (1955). To provide context, prior to the existing dwelling being constructed in 2023, there was a dwelling constructed in the 1950's that had been on the property until the current structure was placed. When the proposal was submitted for what is currently on the property, the plan detailed all compliant setbacks. However, it was later discovered through a revised survey report (Foundation Control Certificate) that the structure is deficient in its compliance with zoning requirements. As a result, the application seeks to recognize the existing single-detached dwelling and rear deck.

Considering the age of the previous dwelling and overall locality, it is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization. It is evident that there is a trend of redevelopment in the area, with property owners seeking to redevelop their waterfront properties with an updated residential space.

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. The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designations permits the use of single detached and vacation dwellings. Policy 20.3.6. of the Official Plan states new development on Waterfront designated properties will be developed on individual services at a low-density. The application supports the objective and goals of the Official Plan for the Waterfront designation.

The Official Plan prescribes a 30 metre setback for all buildings, structures and septic systems. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The application supports this policy as it takes into account the location of the existing septic system in the front yard and distance from built form to the septic system.

Furthermore, 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 restricted in accommodating all of the required setbacks, location of septic system, and distance from the shoreline. Additionally, the existing dwelling maintains a low-density residential profile and preserves the existing shoreline. It should also be noted that the water setback is

reduced due to an existing inlet on the shoreline that brings the water closer to the property.

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 Limited Service Residential Exception One (LSR-1) Zone under the Township of Eldon Zoning By-Law 94-14. The LSR-1 Zone permits residential uses and accessory structures. Relief is required from the interior side yard setback and minimum water setback.

Section 13.2.1.3 (b) of the Zoning By-law requires a minimum interior side yard of 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first. As the existing dwelling is 1.5 stories, the required minimum interior side yard setbacks are 3 metres on one side and 2.2 metres on the other side. The intent of the interior side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and a space for maintenance and access to the rear yard. The existing interior side yard setbacks are 3.74 metres (compliant west side yard) and 2.08 metres (deficient east side yard). The discrepancy of the existing east side yard setback to the requirement minimum is 0.12 metres and is considered minimal. The existing east side yard continues to allow for passageway, access, and sufficient space to the neighbouring lot line. Concern regarding overcrowding is avoided as the total lot coverage is in compliance.

Section 13.2.1.4 of the Zoning By-law requires a minimum 15 metre water setback, the existing water setback is 12.8 metres (dwelling), 9.7 metres (deck), and 7.57 metres (stairs of deck). The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. Due to the existing septic system in the front yard, the location of the dwelling is restricted as it must take into account both the distance from the septic and the shoreline. The existing dwelling and deck are further away than the specified setback from the majority of the shoreline, however, there is an existing inlet along the shoreline that serves as a space for canoe launching which brings the water much closer to the built form on the subject property. The rear yard is grassed, allowing for infiltration through the vegetation and greenspace. The dwelling itself containing habitable space is setback further than the deck. Overall, the existing water setback is not unusual in the area and maintains the intent of the zoning by-law.

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:**

DS – Building and Septic (Building): “No 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

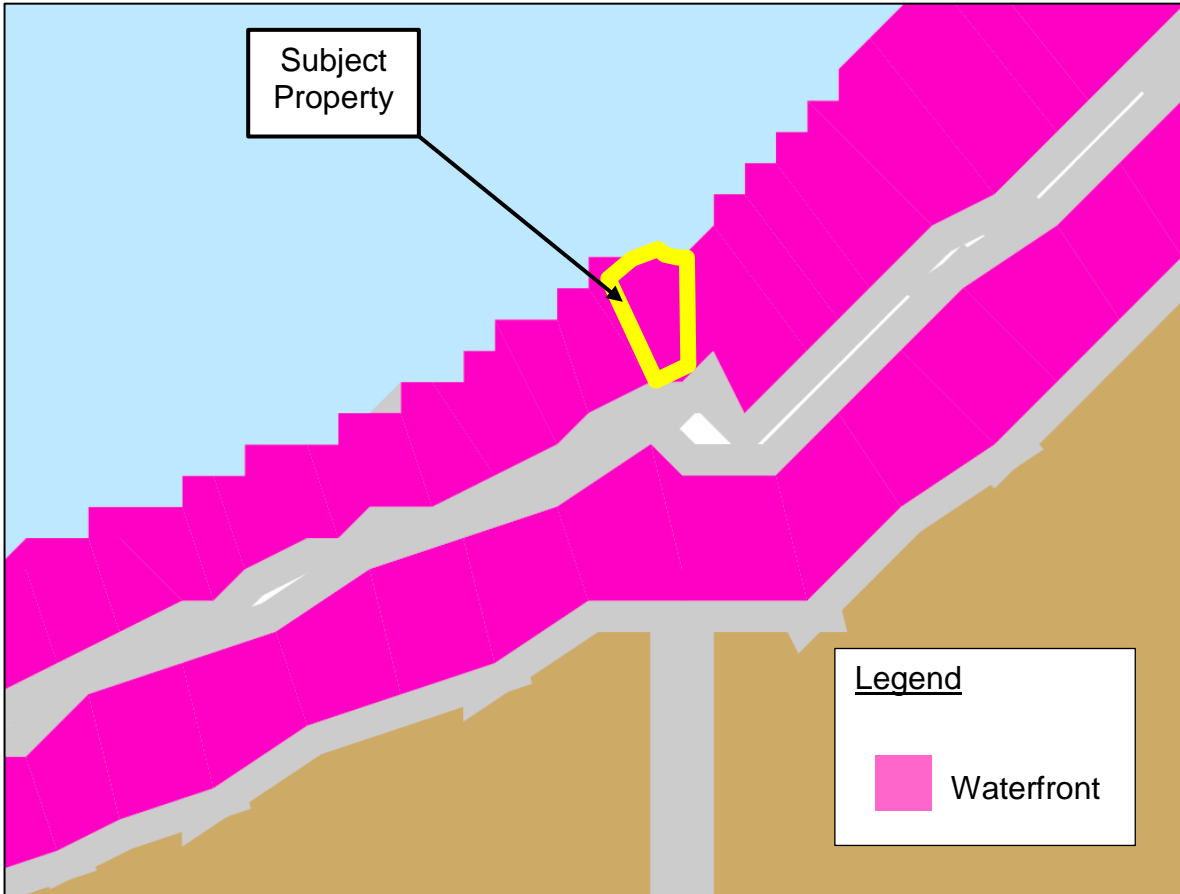
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**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-066

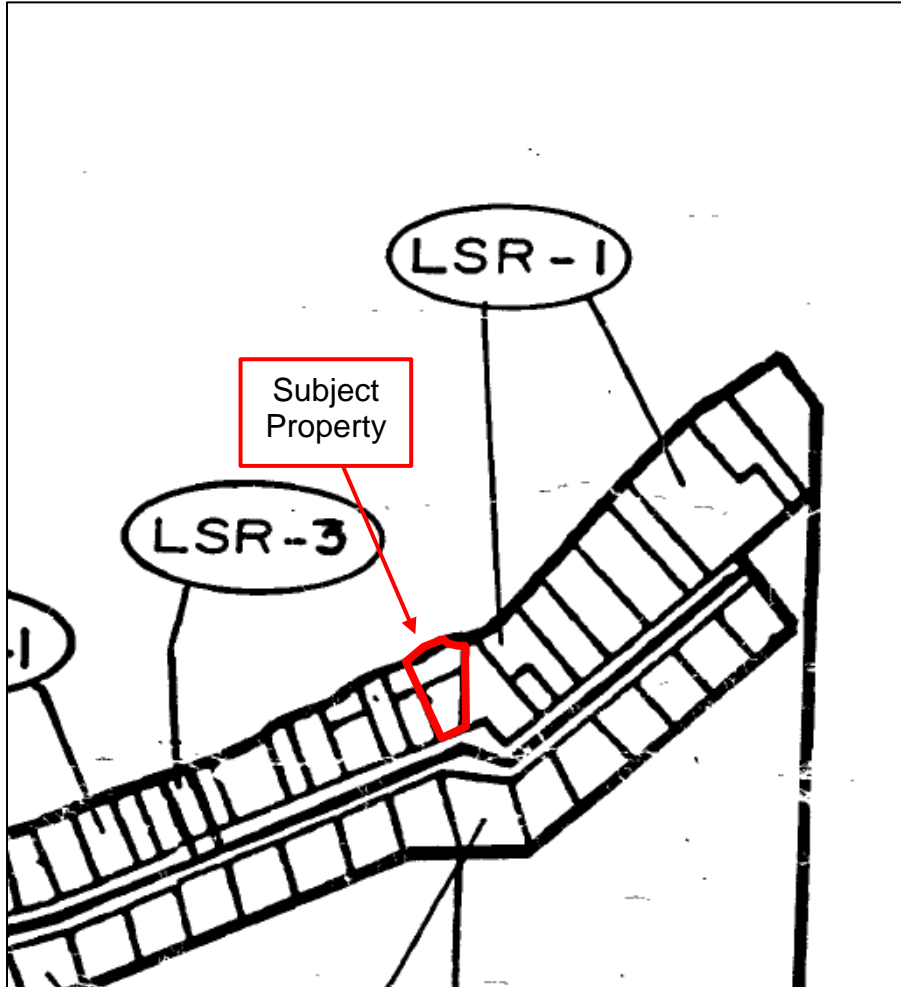
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



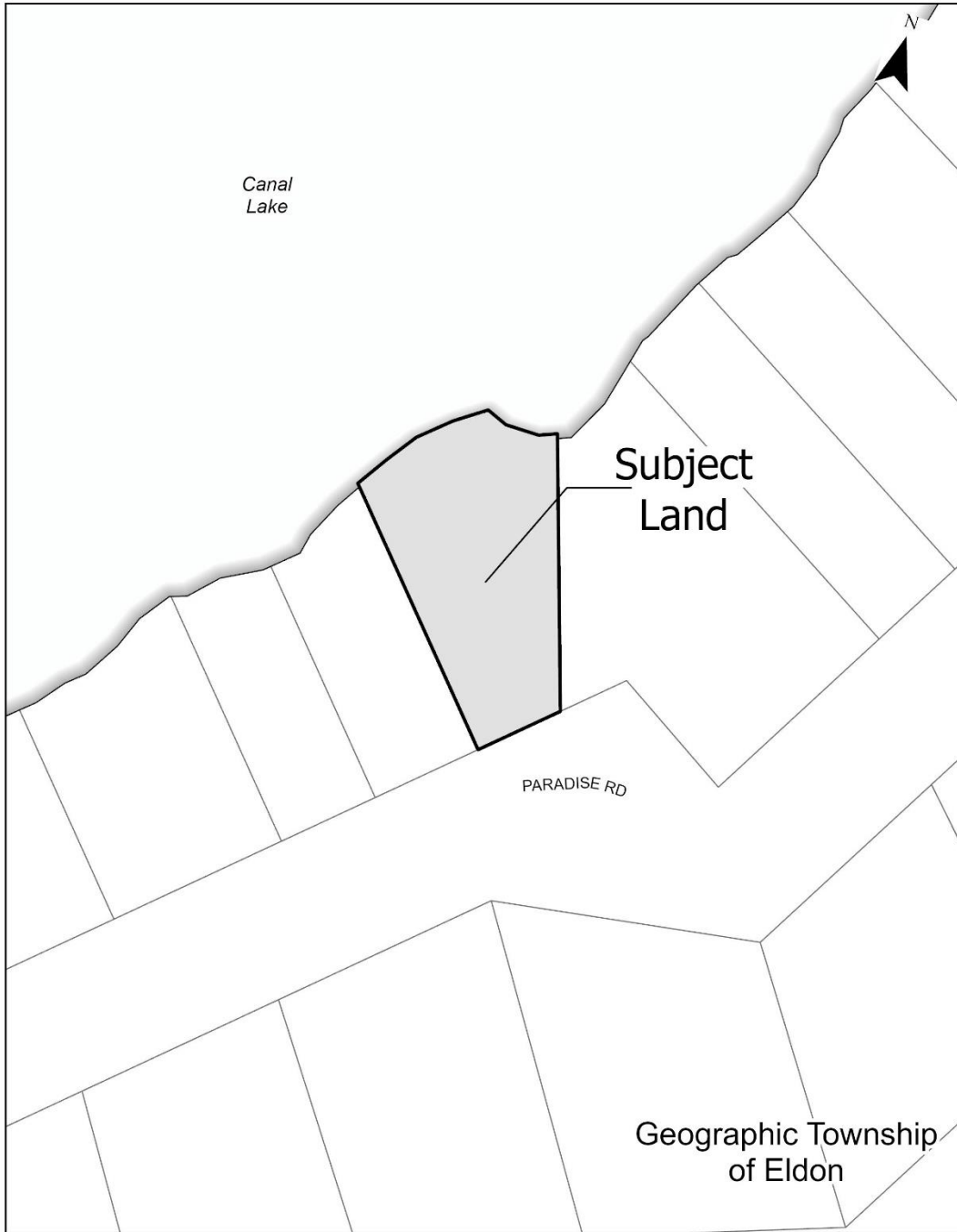
### Township of Eldon Zoning By-Law 94-14



to

**LOCATION MAP**

# D20-2024-066





to

REPORT COA2024-075

FILE NO: D20-2024-066

**AERIAL PHOTO**



to

REPORT COA2024-075

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**APPLICANT'S SKETCH**

