

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Griffioen

Report Number COA2024-083

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

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

Ward 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to recognize an existing Additional Residential Unit (ARU) on the upper storey of an existing detached garage.

Relief sought:

1. Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres (0.4 hectares) for lots on private services to be eligible for an ARU. The subject lot is 3,000 square metres (0.3 hectares).

The variance is requested at **375 Snug Harbour Road** (File D20-2024-075).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-083 – Griffioen, be received;

That minor variance application D20-2024-075 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 COA2024-083, which shall be attached to and form part of the Committee's Decision;
- 2) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of eight (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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,

- 3) **That** this approval shall be in effect a period of eight (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 first Building Inspection.

This approval pertains to the application as described in report COA2024-083. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognize an existing Additional Residential Unit (ARU) on the upper storey of an existing detached garage. No new structures are being constructed.
Owners:	Ernie & Kim Griffioen
Applicant:	Owners
Legal Description:	Part of Lot 6, Concession 9 (being Parts 2 of Reference Plan 57R-7753 and Part 6 of Reference Plan 57R-4058)
Official Plan ¹ :	Rural and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	3,000 square metres (0.74 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and 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 shoreline of Sturgeon Lake with access from Snug Harbour Road (year-round maintained public road). The surrounding area is primarily residential, with built-form consisting of single-detached dwellings

¹ See Schedule 1

² See Schedule 1

and assorted accessory structures with varying proximities and locations in relation to the road and shoreline. Large agricultural lots are also present in the area. Based on data collected from the Municipal Property Assessment Corporation (MPAC), there is no clear timeframe of building construction in the area. Residential properties vary in age from as early as the 1900s to as recent as the 2020s.

The property currently contains single detached dwelling, a detached garage with an Additional Residential Unit (ARU) on the second storey), an in-ground pool, storage shed, and a pool shed. There are no new structures being constructed. The proposal is compatible with surrounding land uses, maintaining a low-density residential use. The detached garage/ARU is two-stories in height and aligns with the existing built-form character in the area. Furthermore, it can be expected of property owners to redevelop their properties to strive to achieve the highest and best use. In this case, the use supports and provides additional housing without the creation of a new lot.

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 Rural and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). The Environmental Protection designation follows a creek that runs through the area. The ARU is located wholly within the Rural designation, outside the Environmental Protection designation. Low density residential uses and accessory buildings and structures are permitted within the Rural designation. Performance and siting criteria is implemented through the Zoning By-Law.

In 2020, the Official Plan (2012) was amended to address the requirements of the Planning Act, and conform with Provincial Policies and establish new land use policies for Additional Residential Units (ARU). An ARU is permitted as-of-right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions. The proposed ARU upholds the residential character of the area and the variance maintains the general intent and purpose of the Official Plan.

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 Fenelon Zoning By-Law 12-95. The RR3 Zone permits a single detached dwellings and appropriate accessory uses. The existing ARU complies with all provisions of the Zoning By-law with the exception of the minimum lot area required for an ARU on a lot with private services.

Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres (0.4 hectares) for lots on private services to be eligible for an ARU. The subject lot is 3,000 square metres (0.3 hectares). Under the Zoning By-Law, ARUs are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the provisions of the Zoning By-law. The minimum lot size required for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. After discussion with the Supervisor of Part 8 – Sewage Systems, Condition #2 has been added for their endorsement of the application. The Supervisor is currently in consultation with the applicant, with the aim of working towards satisfying the Ontario Building Code (OBC).

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:

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic (Building): “No comments.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

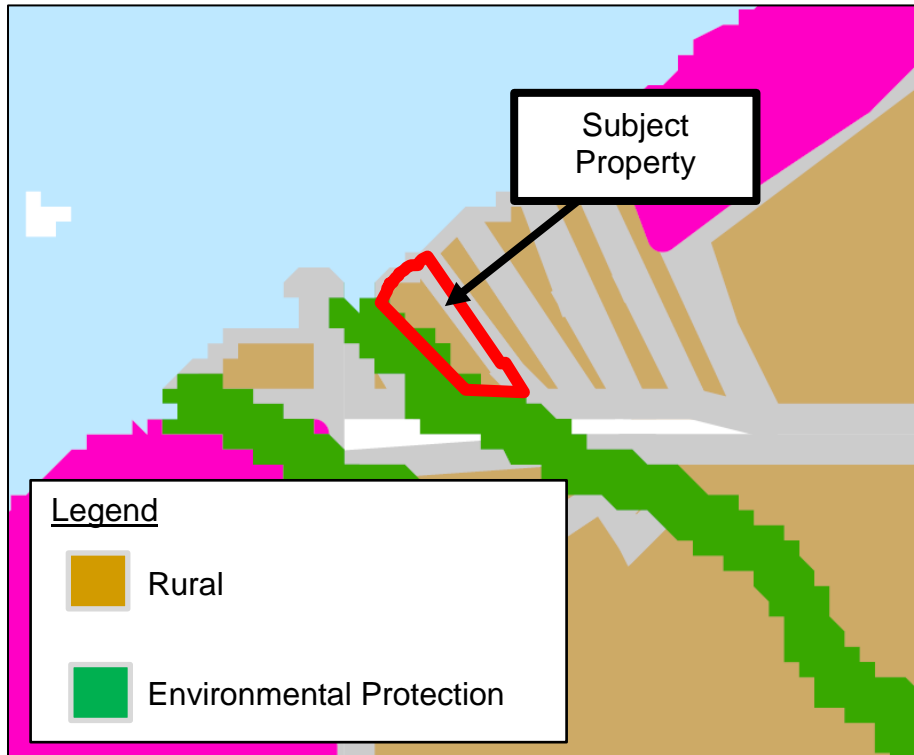
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

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E-Mail: ashahid@kawarthalakes.ca

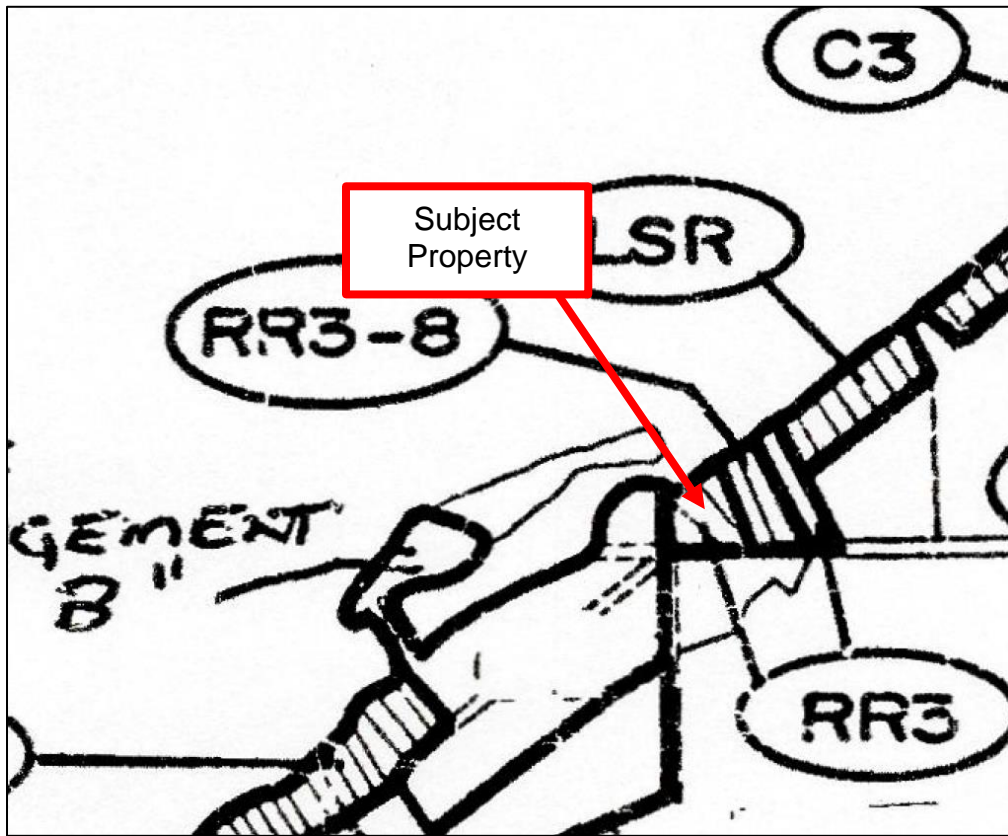
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-075

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Fenelon Zoning By-law 12-95



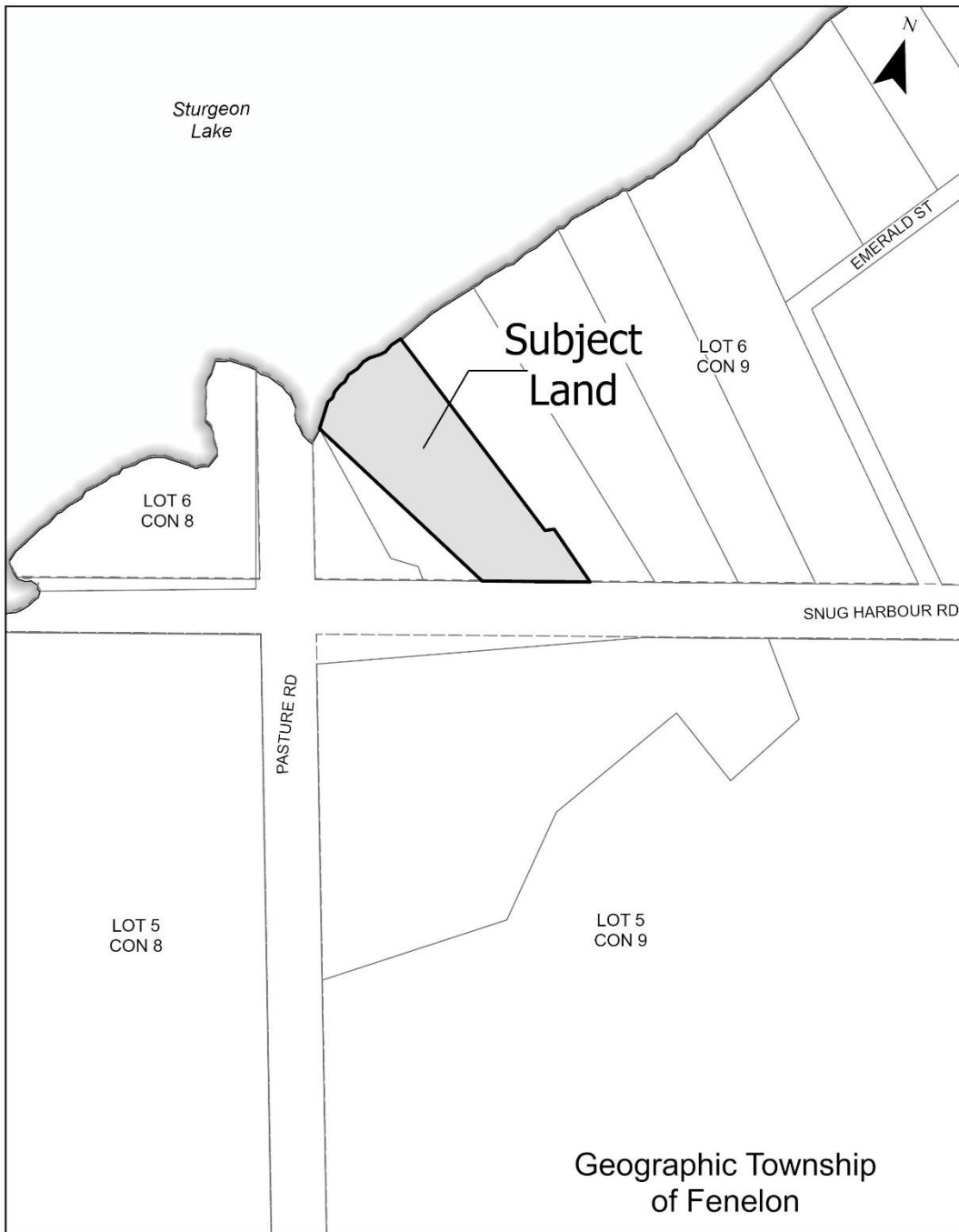
to

REPORT COA2024-083

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LOCATION MAP

D20-2024-075



APPENDIX " B "

to

REPORT COA2024-083

FILE NO: D20-2024-075

AERIAL PHOTO



to

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APPLICANT'S SKETCH

