

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Derango

Report Number COA2024-090

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 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 20.43 square metre addition onto the existing detached garage, as well as recognize the existing above-ground pool and gazebo.

Relief sought:

1. Section 2.2.g. of the Zoning By-law which requires a 20 metre water setback, the proposed water setback is 18.5 metres from the proposed addition of the garage. The existing water setbacks are 6.44 metres (pool) and 9.93 metres (gazebo).

The variance is requested at **108 Crawford Road, Carden** (File D20-2024-082).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-090 – Derango, be received;

That minor variance application D20-2024-082 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 COA2024-090, 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 COA2024-090. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Addition onto existing detached garage, as well as recognizing existing above-ground pool and gazebo.
Owners:	Angelo Derango
Applicant:	Deepak Tyagi
Legal Description:	Part Lot 2, Concession 3, Lot 10, Plan 409
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:	1,375.93 square metres (0.34 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Agricultural

Rationale

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

The subject property is situated in the former Township of Carden on the shore of Canal Lake with access from Crawford Road. The area in which the property is located is predominantly residential comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the road and shoreline. Based on the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings in the area are for

¹ See Schedule 1

² See Schedule 1

seasonal use. Large majority of built form constructed in the mid 1900s, some with renovations, and additions completed more recently in the last 20 years (MPAC).

The subject property currently contains a single detached dwelling (1961), detached garage (2018), gazebo, and above-ground swimming pool. The application seeks to facilitate the construction of a 20.43 square metre addition onto the existing garage, and recognize the existing gazebo and swimming pool. The applicant has indicated that the purpose of the addition is to enlarge the garage, enabling the accommodation of the owner's boat within the structure.

It is suitable for property owners to seek the improvement and redevelopment of their land, seeking the most optimal utilization of their properties. The proposed addition is not visible from the road, nor will it greatly alter any view from the shoreline. The existing pool and gazebo are not visible from the road and compliment the property when viewed from the shoreline.

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). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. Due to the curve in the shoreline, built form is brought closer to the water.

Policy 20.30.11. states that preservation of social values including landscapes, aesthetics, and recreational opportunities to the waterfront will be supported. The Waterfront designation states that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. With respect to density and massing, Section 20.5 states all building and structures within the Waterfront designation shall maintain a low profile and blend with the natural surroundings without exceeding the height of the tree canopy. Furthermore, the Waterfront designation establishes policies regarding shoreline activity areas. As per Policy 20.5.2., the shoreline activity areas are meant to serve as an appropriate balance of natural and built form along the shoreline, and include but are not limited to docks, boathouses, and other structures.

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. The RR2 Zone permits multiple uses, including a vacation dwelling or a single detached dwelling and, as well as accessory structures. Relief is required from the proposed water setback from the proposed addition onto the garage, and the existing setbacks from the swimming pool and gazebo.

Section 2.2.g. of the Zoning By-law requires a 20 metre water setback, the proposed water setback is 18.5 metres from the proposed addition of the garage. The existing water setbacks are 6.44 metres (pool) and 9.93 metres (gazebo). The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The proposed addition onto the existing detached garage will align the structure with the existing dwelling. The curved shape of the shoreline on the northern portion of the property bring the shoreline closer to the existing built form. Due to this, locating any addition or structure in the rear yard would place them within the water setback. Regardless, the subject proposed and existing accessory structures within the water setback do not contain habitable space nor is habitable space being introduced within these structures, as such, there is no concern with water hazards and dangers to habitable space.

For comparative purposes, the Rural Zoning By-law (RZBL) that was adopted by Council although not currently in effect, takes a different view of the existing subject accessory structures. The RZBL, in support of the City of Kawartha Lakes Official Plan, has introduced a “Shoreline Activity Area” which dedicates a portion of the land along the shorelines to serve as a “Shoreline Naturalization Buffer”. The RZBL states that the “Shoreline Activity Area” may contain shoreline structures, pathways, and native vegetation. Shoreline structures, as defined by the RZBL, include any building or structure such as a dock, hot tub, outdoor sauna, storage shed, and gazebos, within any yard abutting a waterbody. The RZBL excludes shoreline structures from being subject to the minimum water setback requirement. As a result, the existing gazebo may be considered a shoreline structure under the RZBL and not subject to the minimum water setback. However, as the RZBL is under appeal, its policies are not in effect.

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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Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-082

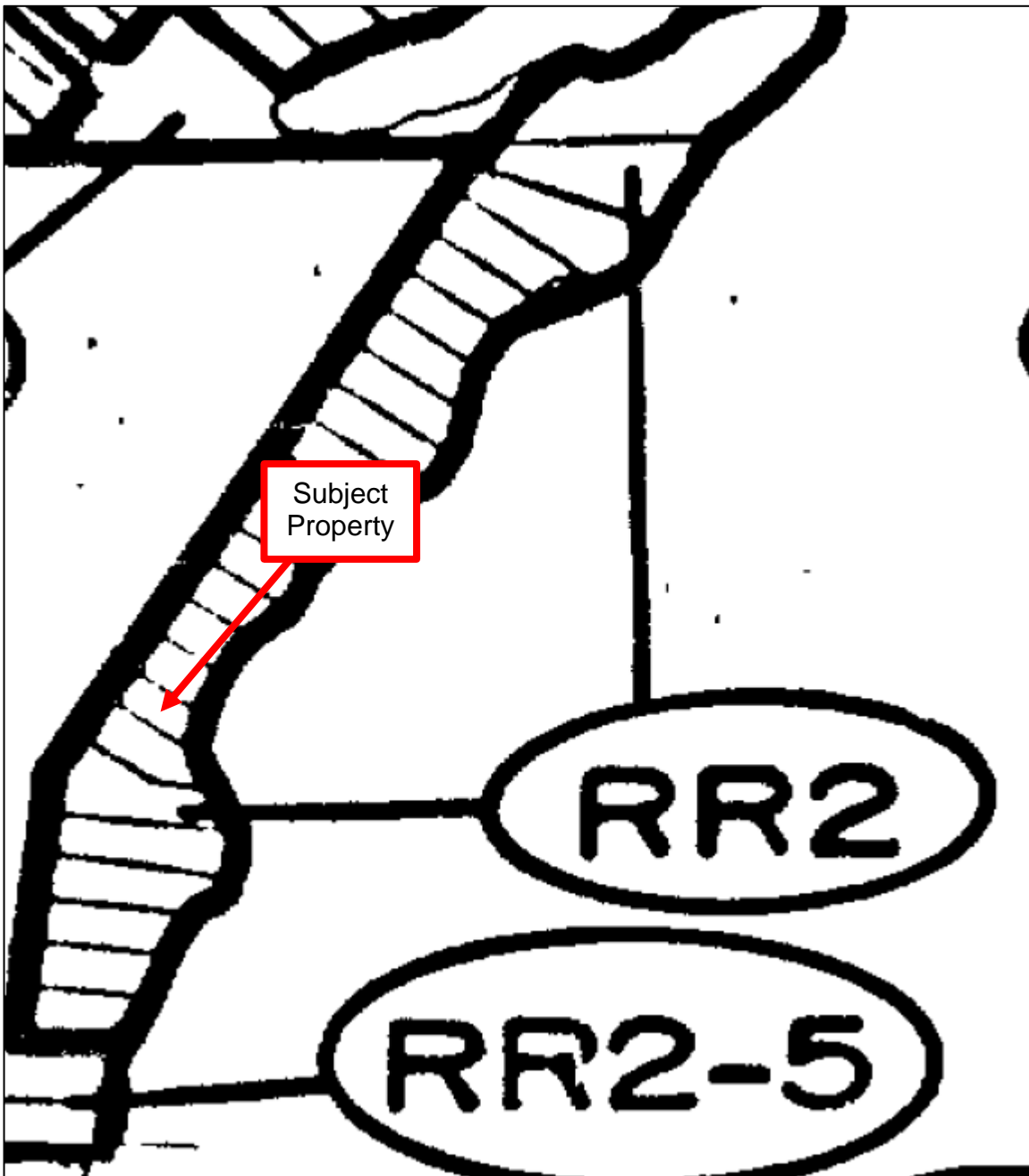
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

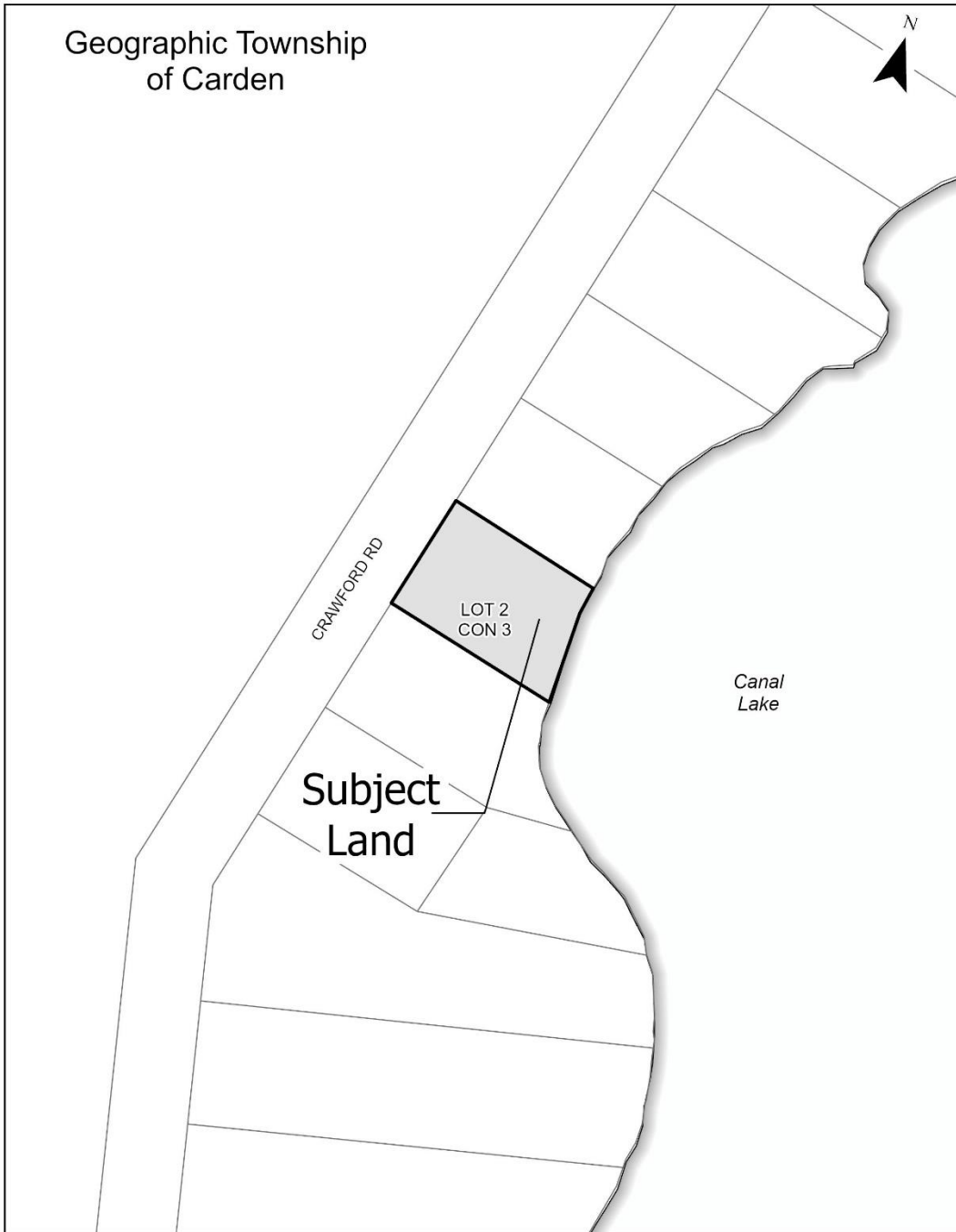


Township of Carden Zoning By-Law 79-2



LOCATION MAP

D20-2024-082



APPENDIX " B "

to

REPORT COA2024-090

FILE NO: D20-2024-082

AERIAL PHOTO (2023)



to

REPORT COA2024-090

FILE NO: D20-2024-082

APPLICANT'S SKETCH

