

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Murphy

Report Number COA2024-092

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### Public Meeting

**Meeting Date:** September 26, 2024

**Time:** 2:00 pm

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

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### Ward 7 – Geographic Township of Ops

**Subject:** The purpose and effect is to facilitate the use of the existing single detached dwelling as a group home for individuals with dementia and related cognitive challenges.

### Relief sought:

1. Section 16.2 a) of the Zoning By-law provides that the minimum lot area for a group home is 4.0 hectares; the existing lot area is 0.29 hectares;
2. Section 19.86 of the Zoning By-law defines 'Group Home' as a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents; the proposed number of residents is 10; and,
3. Section 2.29 iv) of the Zoning By-law provides that the minimum lot area for an Additional Residential Unit on a lot with private services is 4,000 square metres; the basement of the dwelling is to be registered as an Additional Residential Unit and the existing lot area is 2,943 square metres.

The variance is requested at **26 Ridgewood Road** (File D20-2024-084).

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**Author:** Katherine Evans, Senior Planner

**Signature:** 

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### Recommendations

**That** Report COA2024-092 – Murphy, be received;

**That** minor variance application D20-2024-084 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 COA2024-092, 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** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.

This approval pertains to the application as described in report COA2024-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The use of the existing single detached dwelling as a group home for individuals with dementia and related cognitive challenges
Owners:	Kelly Murphy
Applicant:	KMD Planning c/o Kevin Duguay
Legal Description:	Part Lot 15, Concession 4; Part Lots 1 and 2 on Reference Plan 57R-299
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A) Zone (Township of Ops Zoning By-law 93-30)
Site Size:	2,943 sq. m. (31,678.2 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and septic system

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Existing Uses: Residential

Adjacent Uses: Residential, agricultural, commercial

## Rationale

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

The subject property is located south of the former Town of Lindsay in an area comprised of agricultural, residential, and commercial uses. The property is rectangular in shape and contains a two storey single detached dwelling constructed in 1981 (according to Municipal Property Assessment Corporation) and two sheds.

The proposal is to renovate the existing dwelling to facilitate the use of the dwelling as a group home for individuals with dementia and related cognitive challenges. The change in use is to be achieved through interior renovation, as such no addition or expansion to the existing dwelling is proposed. The property is to continue to be used for residential purposes, and the proposal will not change the character of the dwelling. The proposal is to provide adults with supportive living amenities in a home-like environment, and the dwelling will be renovated to meet the needs of residents as well as staff.

Relief is required to permit an Additional Residential Unit (ARU). The basement of the dwelling is to be registered as an ARU. The ARU is to be used as part of the group home, and is not proposed to function as an independent unit. However, it is configured in such a way that it could function as a completely independent unit, and therefore must be evaluated on this basis.

The Zoning By-law defines 'Dwelling Unit' as "a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside." As both the basement and the main floor of the dwelling are to have a kitchen, bathrooms, bedrooms, living space, and separate entrances, the proposal would constitute two dwelling units. To permit two dwelling units, one must be considered the primary and the other must be registered as an ARU.

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 Prime Agricultural under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling as well as accessory buildings and structures are permitted within this designation.

As per Policy 5.2, one of the objectives established by the Official Plan is to encourage a wide range of residential types and tenures to ensure access to housing for all segments of the population. This includes housing for families, persons with disabilities, long term care facilities and other housing options, which encourage independent living.

Policy 5.5. provides that group homes will be directed to urban areas and larger hamlets where community facilities and transportation are accessible. The Official Plan also provides that group homes may be permitted throughout other areas where residential uses predominate and that they may be established as-of-right in a specific zone. There are residential lots to the north and south of the subject property, and the property is zoned to permit a group home. Policy 5.5.2. states that a group home must be on a lot large enough to accommodate servicing when private services are required. Condition 3 has been included to provide opportunity for the Supervisor of Part 8 Sewage Systems to finalize their review of the proposal.

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 Agricultural (A) Zone under the Township of Ops Zoning By-law 93-30. A single detached dwelling, including a group home, as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot area for a group home, the minimum lot area for an Additional Residential Unit on a lot that is privately serviced, and the definition of a group home with respect to the maximum number of residents.

Section 16.2 a) of the Zoning By-law provides that the minimum lot area for a group home is 4.0 hectares. The existing lot area is 0.29 hectares. The intent of this provision is to ensure a property is large enough to contain a dwelling that is appropriately sized to accommodate residents, staff, and visitors while still being able to comply with the provisions of the Zoning By-law. The intent of this provision is to also ensure there is adequate outdoor amenity space for residents and their visitors, sufficient parking availability, and sufficient space for private services (when required).

The existing dwelling complies with the provisions of the Zoning By-law. The rear yard of the property is approximately 1,290 square metres in size, providing sufficient outdoor amenity space for residents and visitors. The Zoning By-law does not contain a specific parking requirement for a group home. The residential minimum parking requirement is 2 parking space per dwelling unit. As the property contains two dwelling units, the minimum parking requirement is four spaces. However, the property contains a substantial driveway and an attached garage which can accommodate approximately 14 parking spaces. The owner of the subject property anticipates approximately 4 spaces would be used for staff, and anticipates 4-5 visitors at different times of day.

Section 2.29 iv) of the Zoning By-law provides that the minimum lot area for an Additional Residential Unit on a lot with private services is 4,000 square metres; the basement of the dwelling is to be registered as an Additional Residential Unit and the existing lot area is 2,943 square metres. The minimum lot size listed 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. Condition 3 has been included to provide opportunity for the Supervisor of Part 8 Sewage Systems to finalize their review of the proposal.

Section 19.86 of the Zoning By-law defines 'Group Home' as a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents; the proposed number of residents is 10. The intent of this maximum is to ensure the scale of the home remains in character with surrounding residential uses.

The proposal is to renovate the existing dwelling and the footprint will not increase, maintaining the existing residential character of the property. Additionally, the proposal is to continue to use the dwelling for residential purposes, which is compatible with the surrounding land uses. Accommodating four residents more than the maximum is not anticipated to change the character of the property or negatively impact surrounding land uses.

The Rural Zoning By-law (RZBL) remains under appeal and is not currently in effect. However, looking to the RZBL for comparative purposes, a group home would be a permitted use on this property. The RZBL does not contain a minimum lot area for a group home. Also, the RZBL defines a group home as being for the accommodation of three to ten residents.

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:**

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**Building and Septic Division (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
- Appendix D – Floor plans

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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-084

## Schedule 1 Relevant Planning Policies and Provisions

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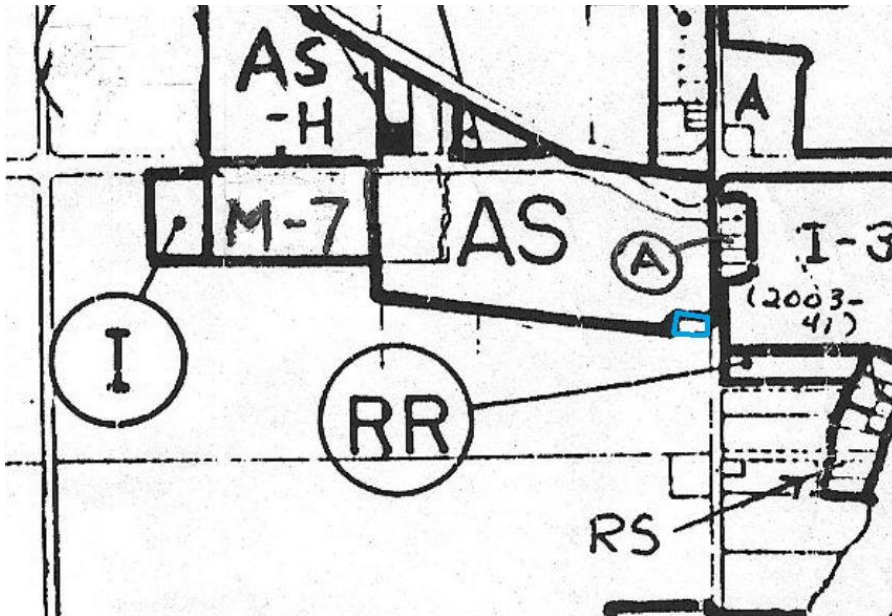
### City of Kawartha Lakes Official Plan



 Prime Agricultural

### 15. Prime Agricultural Designation

## Township of Ops Zoning By-law 93-30



### Section 2 General Provisions

#### 2.29 Additional Residential Dwelling Units

vi) A minimum lot area of 0.4 ha (4000 sq. m.) on private services.

### Section 16 Agricultural (A) Zone

#### 16.1 Uses Permitted

#### 16.2 Zone Provisions

##### Lot Areas (Minimum)

- a) Group home                      4 hectares

### Section 19 Definitions

#### 19.86 Group Home

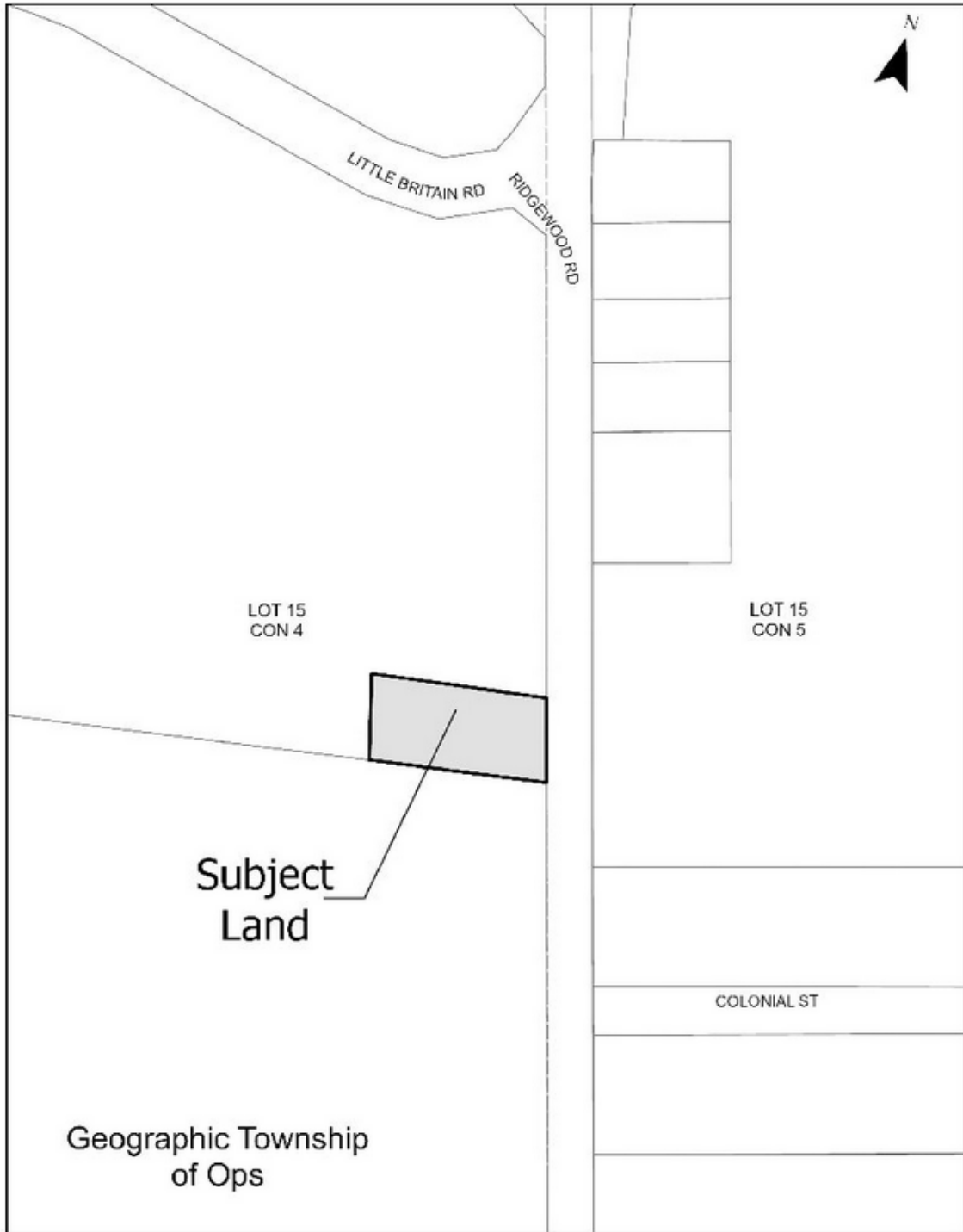
A single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under the Provincial statute in compliance with municipal by-laws.



to

**LOCATION MAP**

# D20-2024-084



APPENDIX " B "

to

REPORT COA2024-092

FILE NO: D20-2024-084

**AERIAL PHOTO**

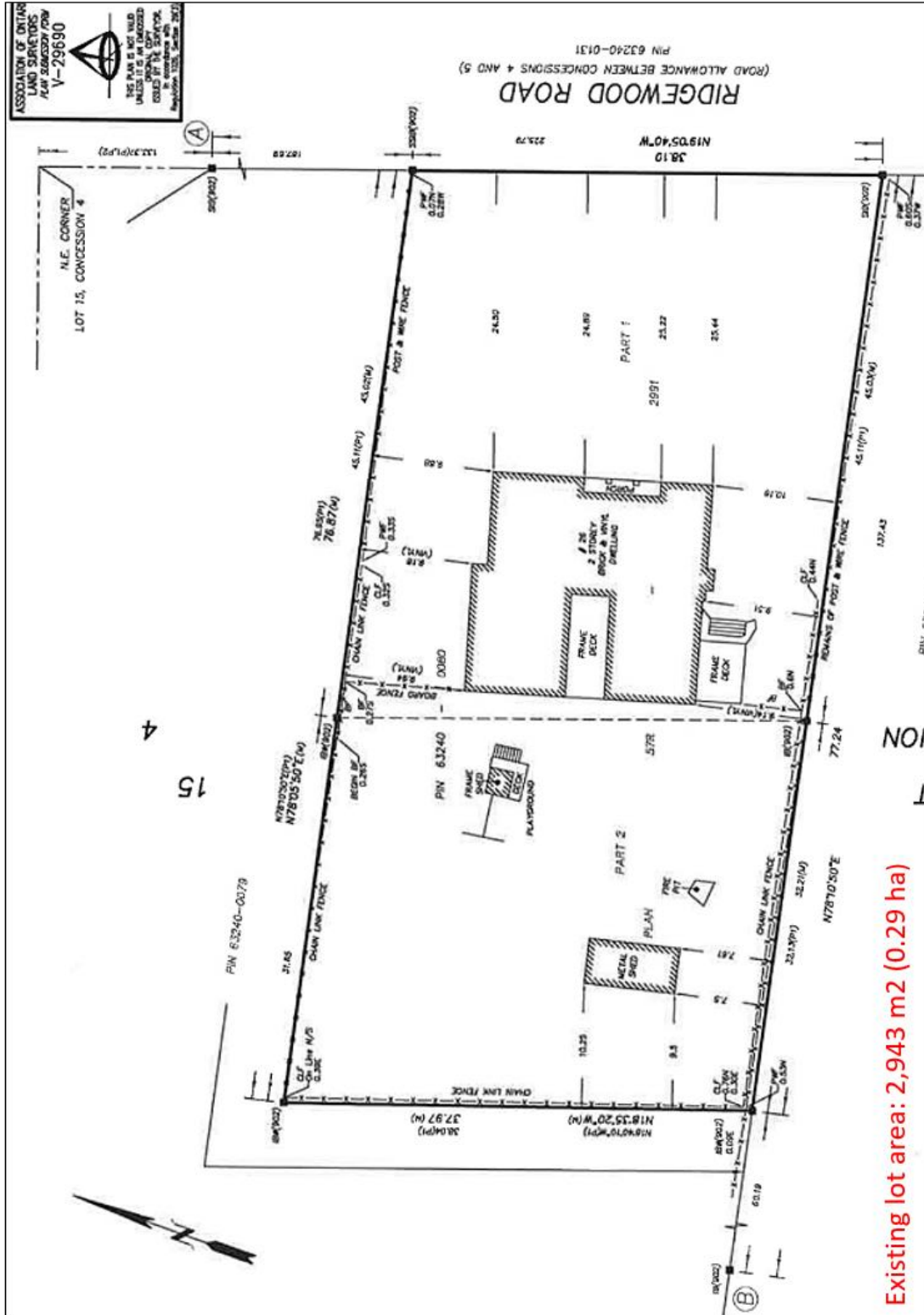


to

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APPLICANT'S SKETCH



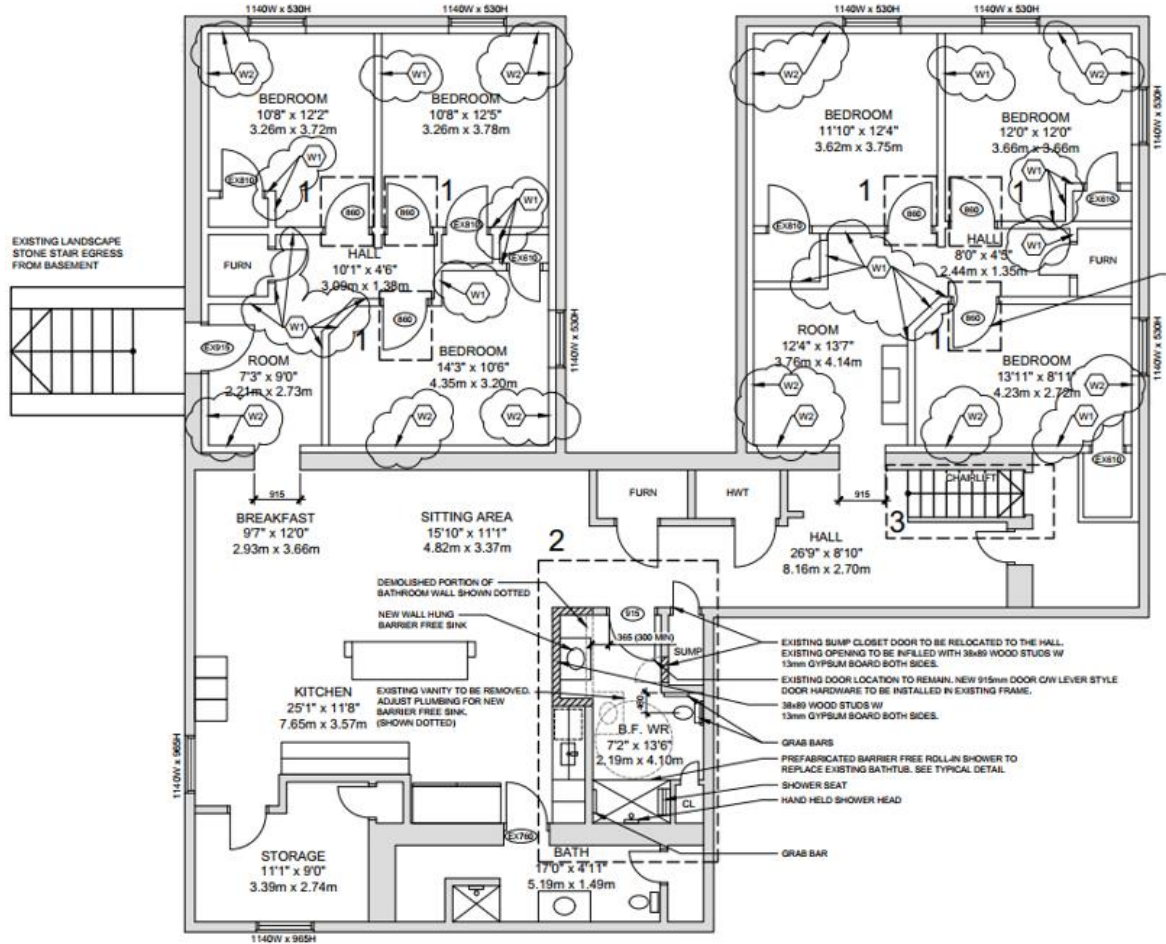
Existing lot area: 2,943 m2 (0.29 ha)

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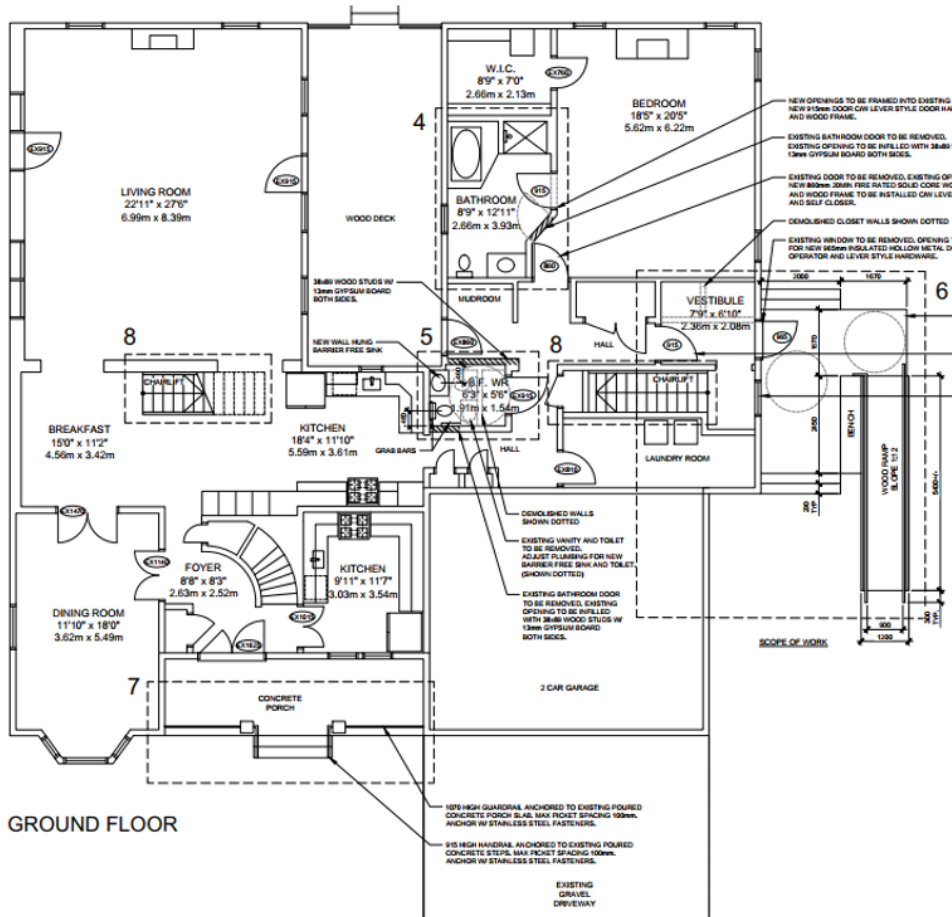
FLOORPLANS

REPORT COA2024-092

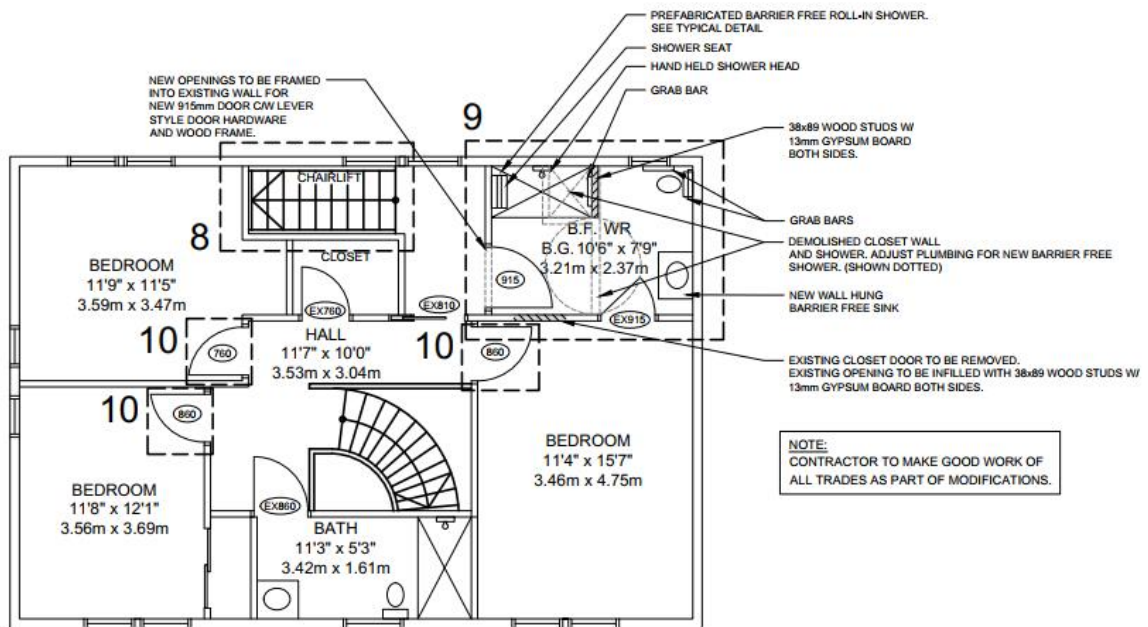
FILE NO: D20-2024-084



BASEMENT



GROUND FLOOR



SECOND FLOOR

**NOTE:**  
CONTRACTOR TO MAKE GOOD WORK OF ALL TRADES AS PART OF MODIFICATIONS.