

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Cowie

Report Number COA2024-101

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 4 – Geographic Township of Eldon

**Subject:** The purpose and effect is to facilitate the construction of an addition onto the existing single detached dwelling.

### Relief sought:

1. Section 15.2.1.3 b) of the Zoning By-law requires a minimum interior side yard setback of 12 metres; the proposed setback is 1.5 metres.

The variance is requested at **263 Glenarm Road** (File D20-2024-093).

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**Author:** Katherine Evans, Senior Planner

**Signature:** 

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### Recommendations

**That** Report COA2024-101 – Cowie, be received;

**That** minor variance application D20-2024-093 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 sketches in Appendix C and Appendix D submitted as part of Report COA2024-101, 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 COA2024-101. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The construction of an addition onto the existing single detached dwelling
Owners:	Alaric Cowie
Applicant:	Same as owner
Legal Description:	Part Lot 11, Concession 2
Official Plan <sup>1</sup> :	Hamlet Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Highway Commercial (C2) Zone (Township of Eldon Zoning By-law 94-14)
Site Size:	1,640 sq. m. (17,652.81 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, and agricultural

## Rationale

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

The subject property is located in the Hamlet of Argyle on the north side of Glenarm Road. Surrounding uses include residential, commercial, and agriculture. The property is rectangular in shape and currently contains a single detached dwelling constructed in 1910 (according to Municipal Property Assessment Corporation), a detached garage, a tool shed, and a workshop.

The proposal is to construct an addition onto the back of the existing dwelling. The previously existing back portion of the dwelling has been removed and is to be replaced with a new larger one storey addition. The new addition will provide more living space.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling is a permitted use within the Hamlet Settlement Area designation, with performance and siting criteria being 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 Highway Commercial (C2) Zone under the Township of Eldon Zoning By-law 94-14. A single detached dwelling is a permitted use within the C2 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback.

Section 15.2.1.3 b) of the Zoning By-law requires a minimum interior side yard setback of 12 metres. The proposed setback is 1.5 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 Highway Commercial (C2) Zone requires larger interior side yard setbacks in order to keep potential commercial and industrial uses farther away from lot lines in order to reduce potential land use conflicts. The C2 Zone does not contain unique setbacks for residential uses, and as such the dwelling is subject to the provisions of the C2 Zone, including the minimum 12 metre interior side yard setback.

The remaining portion of the existing dwelling has a 1.5 metre side yard setback, and the proposed addition is to have the same setback. Section 3.4.2.1 of the Zoning By-law provides that nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

Additionally, Section 3.4.2.2 provides that where an existing building or structure is closer to a lot line than the required yard requirements, any extension to the building or structure shall be required to comply with the minimum yard requirements of the applicable zone. As such, an addition to an existing non-complying building is permitted so long as the new addition complies with the applicable setbacks. The proposal is to construct an addition on to the existing dwelling, and as the proposed addition does not comply with the minimum interior side yard setback, a Minor Variance is required to permit the proposed setback.

The proposed interior side yard setback is adequate for lot drainage and the performance of any required building maintenance on this side of the dwelling. The 1.5 metre setback will allow for access between the front and rear yard, as will the proposed 32 metre setback from the western interior side lot line. The building on the neighbouring property to the east is approximately 13 metres from the shared lot line, as such land use conflicts and privacy issues are not anticipated. For comparative purposes, the surrounding residential lots are zoned Hamlet Residential (HR) Zone, which requires a minimum interior side yard setback for a dwelling of 3 metres on one side and 1.2 metres on the other side, which this proposal exceeds.

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 comments or objections for this Minor Variance application.”

**Building and Septic Division (Septic):** “A sewage system review was conducted on the proposed addition. The sewage system was located to ensure the addition will not encroach within the minimum clearance distance requirements. Additionally, the sewage system review evaluated the capacity allowances of the system for the addition. The evaluation indicated that the addition would not cause issue for the sewage system. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**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 – Additional Applicant's Sketch

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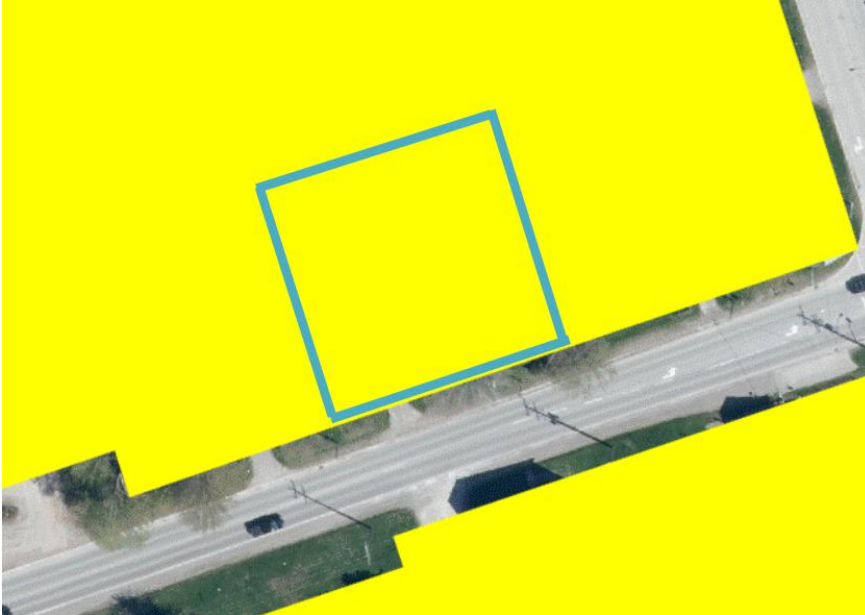
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-093

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

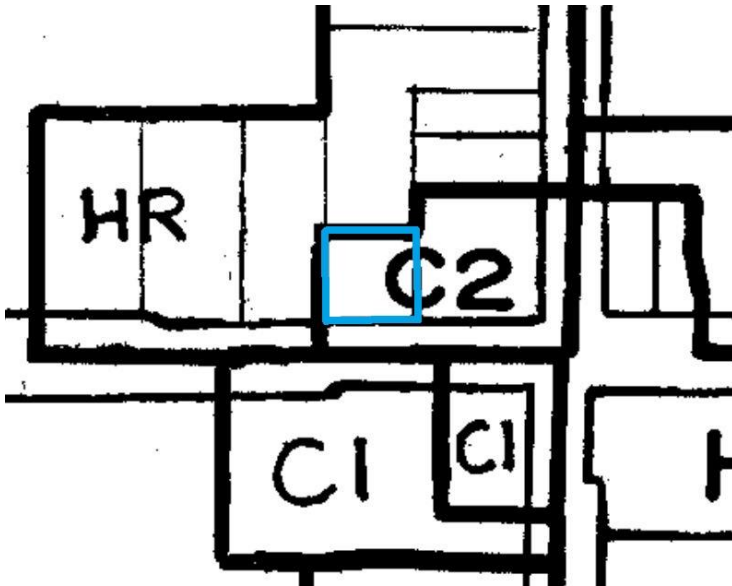
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#### **City of Kawartha Lakes Official Plan**



#### **19. Hamlet Settlement Designation**

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



### Part 3 General Provisions

#### 3.4 Existing Buildings, Structures and Uses

##### 3.4.2 Non-complying Uses

3.4.2.1 Nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

3.4.2.2 Where an existing building or structure is closer to a lot line than the required yard requirements, any extension to the building or structure shall be required to comply with the minimum yard requirements of the applicable zone.

### Part 15 Highway Commercial (C2) Zone

#### 15.1 Uses Permitted

#### 15.2 Zone Provisions

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

b) interior side 12 m

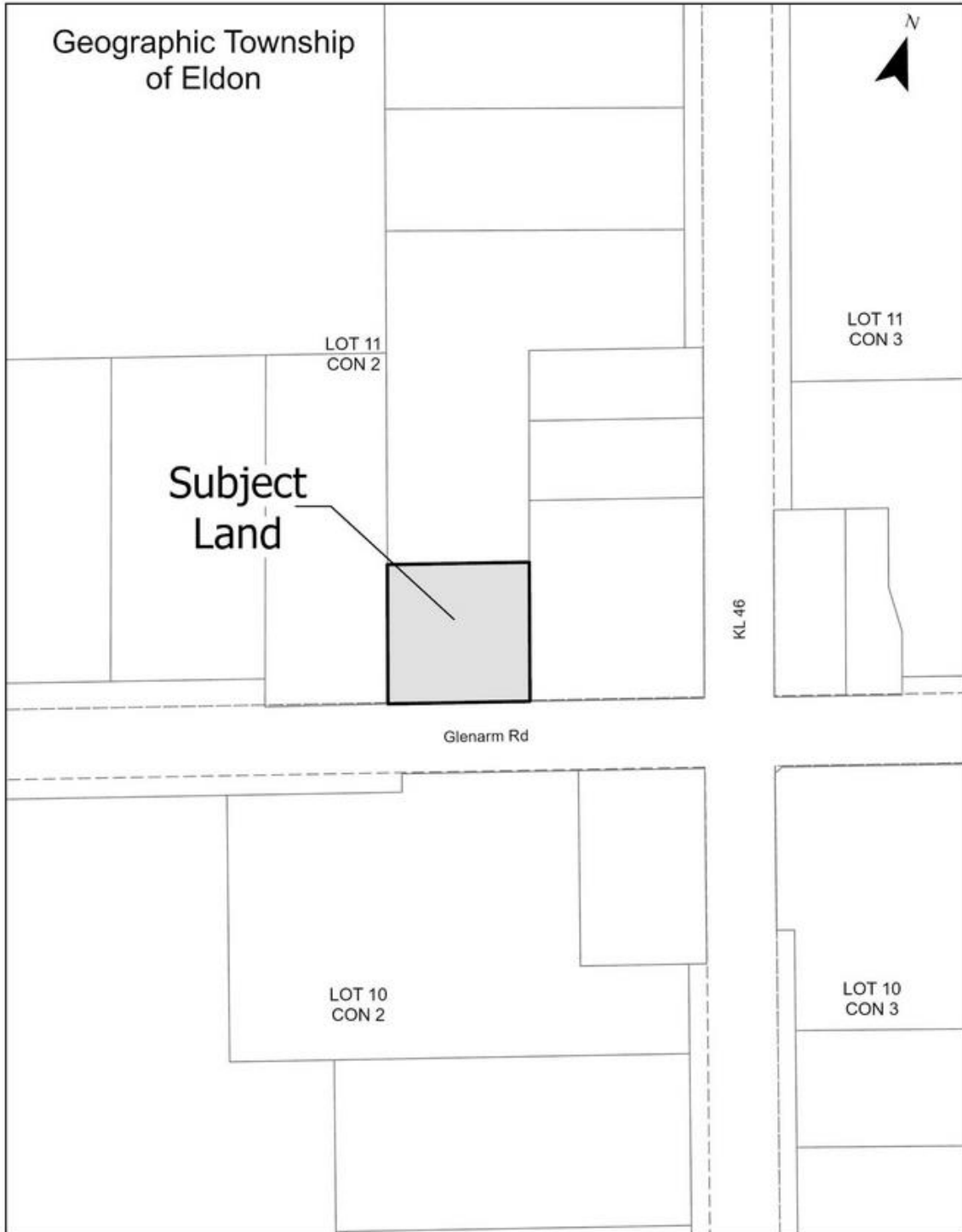
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REPORT COA2024-101

FILE NO: D20-2024-093

**LOCATION MAP**

# D20-2024-093





APPENDIX " B "

to

REPORT COA2024-101

FILE NO: D20-2024-093

**AERIAL PHOTO**

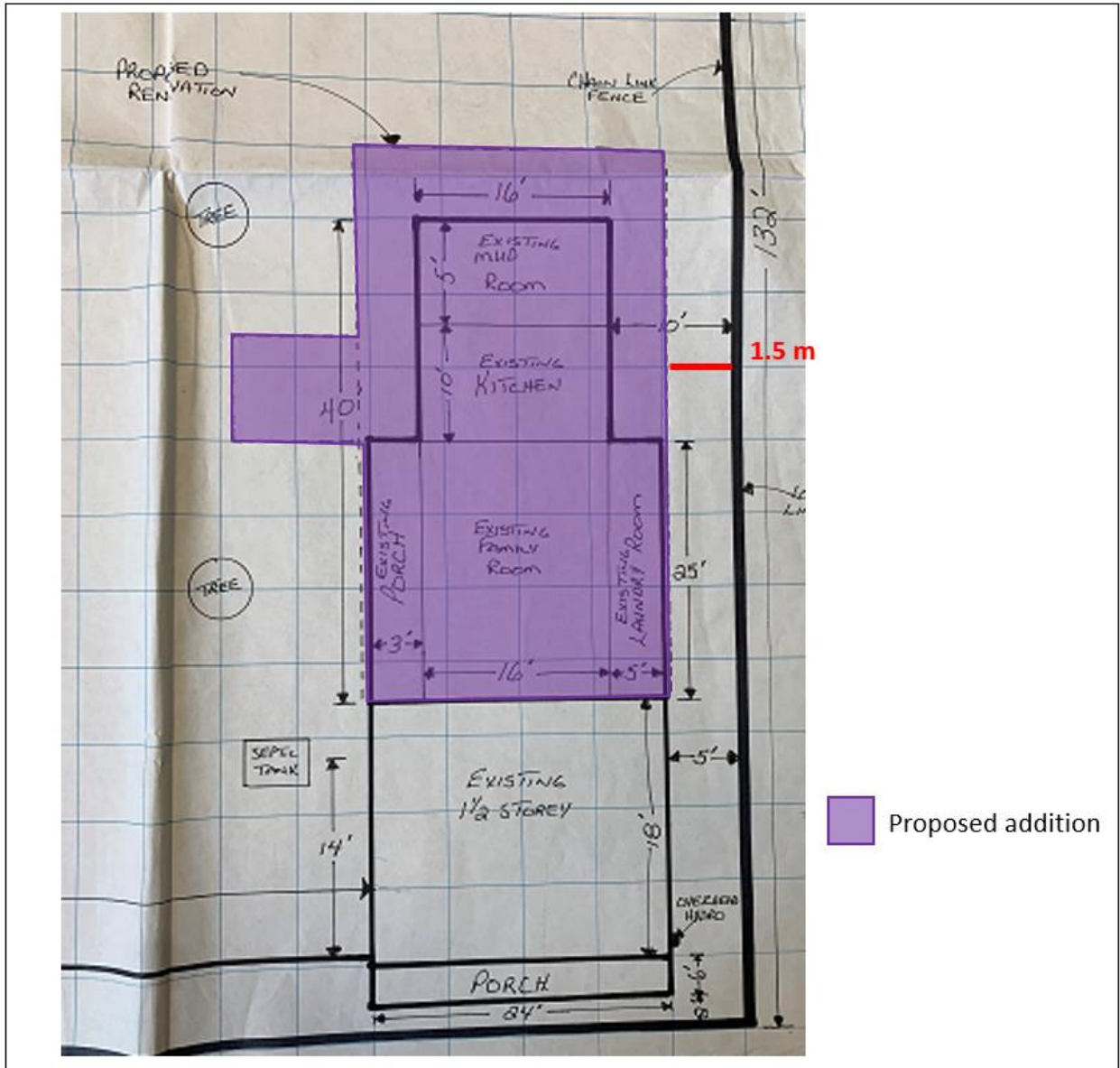


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REPORT COA2024-101

FILE NO: D20-2024-093

**APPLICANT'S SKETCH**





to

REPORT COA2024-101

FILE NO: D20-2024-093

ADDITIONAL APPLICANT'S SKETCH

