

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Ferreira

Report Number COA2024-102

Public Meeting

Meeting Date: October 24, 2024

Time: 1:00 pm

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

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the construction of a detached garage.

Relief sought:

1. Section 5.2.c of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback from the detached garage is 3.48 metres;
2. Section 18.1.3.c. of the Zoning By-law permits a maximum 3 accessory structures; as a result of the proposed detached garage, the number of accessory structures is increased to 5 structures.

The variance is requested at **204 Rustic Trail** (File D20-2024-094).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-102 – Ferreira, be received;

That minor variance application D20-2024-094 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 COA2024-102, 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 COA2024-102. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage
Owners:	Rui Ferreira
Applicant:	Owner
Legal Description:	Part Lot 15, Concession 8
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	2,468.58 square metres (0.61 acres)
Site Access:	Private road
Site Servicing:	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 in the former Township of Somerville, with waterfront onto Four Mile Lake. The neighbourhood is comprised of low-density residential uses in the form of single detached dwellings as well as assorted accessory structures with varying distances from the road and shoreline. The residential lots along the shoreline, vary in seasonal residential use and year-round residential use (according to the Municipal Property Assessment Corporation). The

¹ See Schedule 1

² See Schedule 1

property is accessed through Rustic Trail, a dead-end private road that ends at the subject property at its most southern point.

The subject property currently contains a single detached dwelling, a boathouse, a cabin (also commonly referred to as a “bunkie”), a sauna, and a gazebo. The proposal seeks to facilitate the construction of a detached garage in the front yard. The proposed garage is one-storey in height, will allow for the parking of three vehicles and will also be used for storage.

The owner has indicated that they would like to eventually reside on the property year-round, and require enclosed space to store both their vehicles and personal items. The proposal is compatible with the surrounding land uses and existing built form. Given the owner’s future intention for the property and its waterfront nature, the proposal is considered appropriate for the use of land. Moreover, front yard garages with deficient front yard setbacks do not appear to be uncommon in this neighbourhood, based on a review of aerial imagery from 2023.

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, single detached dwellings and accessory uses are permitted within the designation.

Additionally, the property is located within the ‘Four Mile Lake – Specific Lake Policy Area’. The Four Mile Lake Waterfront designation aims to preserve the unique character of Four Mile Lake. This designation allows for single detached dwellings and accessory 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 Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-Law 78-45. The LSR Zone permits the use of single detached dwellings and vacation dwellings, as well as the use of accessory structures. The proposal requires relief from the following provisions of the Zoning By-law:

- Front Yard Setback: Section 5.2.c of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback from the detached garage is 3.48 metres;
- Number of Accessory Structures: Section 18.1.3.c. of the Zoning By-law permits a maximum 3 accessory structures; as a result of the proposed detached garage, the number of accessory structures is increased to 5 structures.

Firstly, the intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. The proposed garage itself is permitted to be in the front yard given its waterfront nature. As the subject property is the last property along Rustic Trail at the dead-end, concern is minimized considering no other lots rely on the road for access beyond the point of the subject property. Therefore, the deficient front yard setback does not interrupt neighbouring properties with their use of the road.

With respect to the maximum number of accessory structures, by establishing a maximum limit, the intention is to maintain the low-density residential use of properties while also safeguarding against potential overcrowding. The proposed development is to be located in the front yard, where no other accessory structures currently exist. The remaining existing accessory structures are located at the lakeside (rear yard) and/or side yards, with little to no visibility from the road. The proposed overall lot coverage (9.9%) and accessory structure lot coverage (5.5%) remain compliant. Moreover, the proposed use of a garage is a typical accessory structure on residential lots, and does not negatively impact the low-density residential character of the property.

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 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.”

DS – Building and Septic (Septic): “A sewage system installation report was located for this property. As well, a review was conducted on the placement of the proposed garage. The sewage system is located in the roadside yard of the property. The garage is being proposed to be placed in this yard. Based on the current site plan, submitted with the minor variance, the garage is being proposed to maintain the minimum clearance distance to the leaching bed. Additionally, the garage will not include any plumbing fixtures or habitable space.

As such, the Building and Septic Division have no concern with the minor variance proposal as it relates to private sewage disposal.”

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

Public Comments:

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

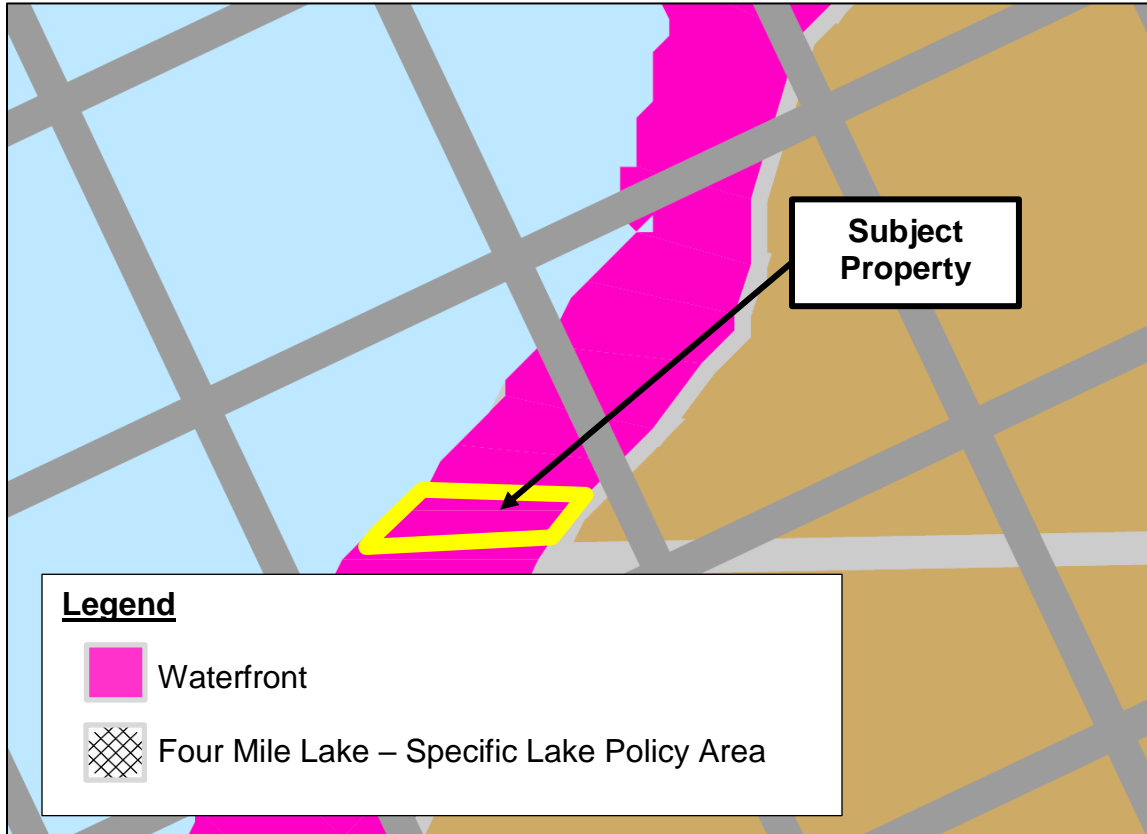
Attachments

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

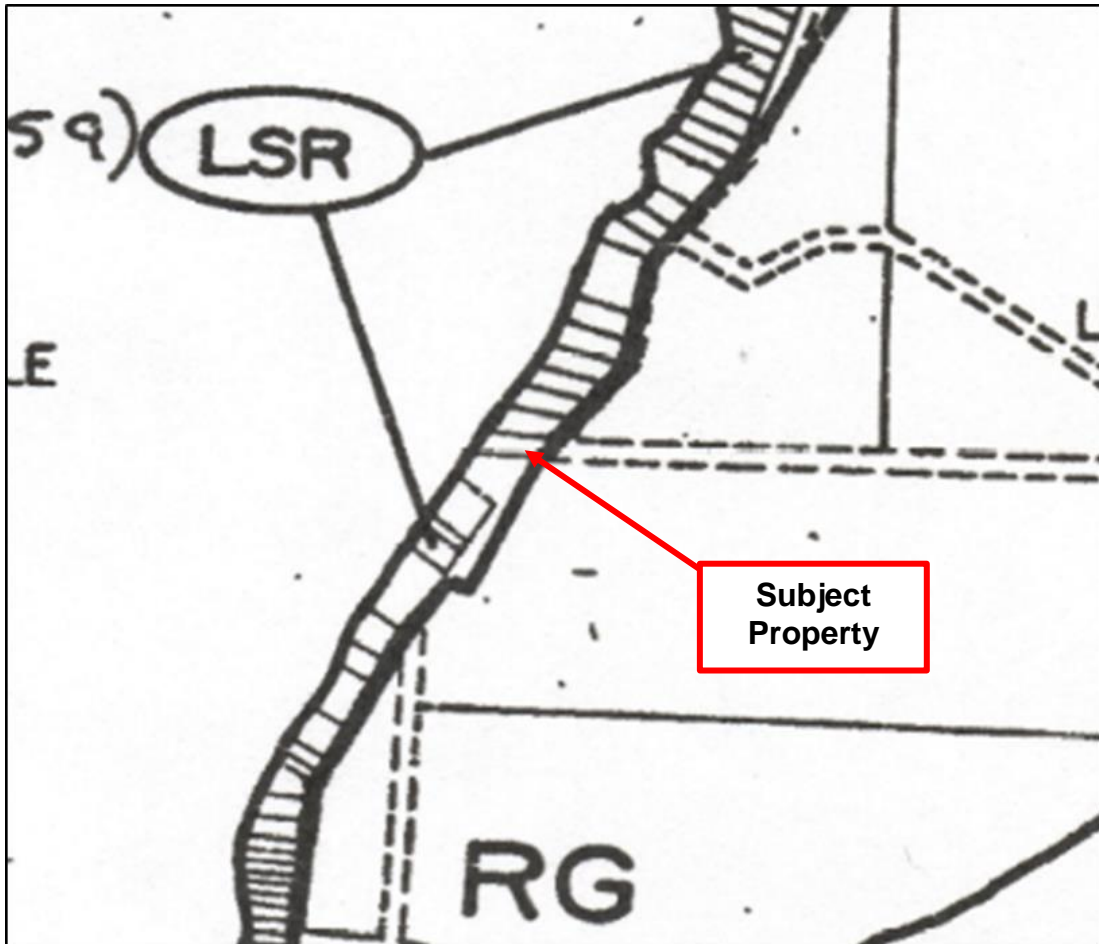
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-094

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



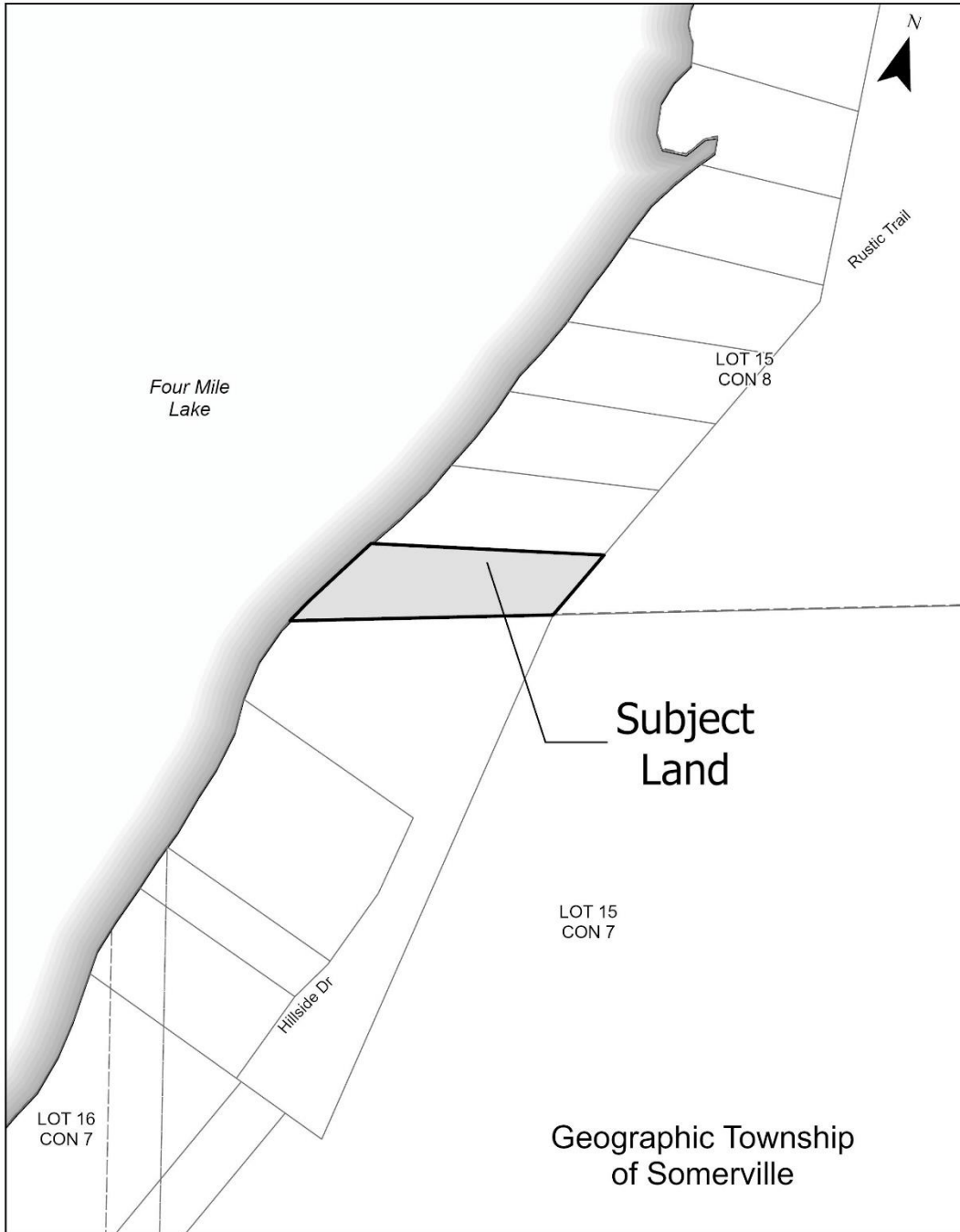
Township of Somerville Zoning By-Law 78-45



to

LOCATION MAP

D20-2024-094



APPENDIX " B "

to

REPORT COA2024-102

FILE NO: D20-2024-094

AERIAL PHOTO



to

REPORT COA2024-102

FILE NO: D20-2024-094

APPLICANT'S SKETCH

