

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Hall and Pellerine
Report Number COA2024-081

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 Laxton

Subject: The purpose and effect is to facilitate the construction of an Additional Residential Unit (ARU) and detached garage.

Relief sought:

1. Section 18.1.b of the Zoning By-law requires accessory structures to be located in a side or rear yard; relief is required for locating the proposed ARU in the front yard.

The variance is requested at **7971 Highway 35** (File D20-2024-072).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-081 – Hall and Pellerine, be received;

That minor variance application D20-2024-072 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 and Appendix D submitted as part of Report COA2024-081, which shall be attached to and form part of the Committee's Decision;
- 2) **That** approvals and/or permits required by the Ministry of Transportation (MTO), are applied for and granted prior to the issuance of a Building Permit; and,
- 3) **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 COA2024-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an Additional Residential Unit (ARU) and detached garage. Relief is required for the location of the ARU.
Owners:	Eric Hall & Kelly Pellerine
Applicant:	Carmen Pellerine
Legal Description:	East Part Lots 12 and 13, Concession 11
Official Plan ¹ :	Rural, Aggregate, Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural General (A1) Zone, Industrial Extractive Exception Two (M2-2) Zone, Open Space (O1) Zone. (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	57.45 hectares (141.96 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Commercial, Vacant Lands

Rationale

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

The subject property is located in the former township of Laxton, with access from Highway 35. The lots in the area vary in size and shape, many with irregular configurations. Based on the Municipal Property Assessment Corporation (MPAC), the surrounding area is a mix of low-density residential uses, commercial use, mixed-use commercial/residential use, and vacant lands. There is no clear period of when the built-form was constructed in the area. The majority of properties in

¹ See Schedule 1

² See Schedule 1

this area along Highway 35 are heavily treed in, with little or no visibility from the road into the lots.

The subject property is irregularly shaped and currently contains a two-storey dwelling (1990) and shed. There is also an existing inactive licensed quarry on the property, that is not currently in use and the owners have indicated that they are working with the Ministry of Natural Resources and Forestry to remove the license.

The proposal seeks to facilitate the construction of an Additional Residential Unit (ARU) and detached garage in the front yard. The proposal is compatible with surrounding land uses, as similar residential uses are located along Highway 35 and within the vicinity of the property. The proposed ARU and detached garage are both one-storey in height and align with the existing built-form character in the area. The proposed development is to be located in an area which is largely surrounded by an existing dense tall vegetation, restricting any visibility from the road and neighbouring properties. Furthermore, the proposed development creates an additional residential opportunity on an existing appropriately sized lot, negating the need for the creation of a new lot, and maximizing the usability of the 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, Aggregate, and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). The proposed development is solely located within the Rural land use designation. The Rural designation permits the use of low-density single detached dwellings and associated accessory structures. The proposed development does not conflict with the objectives of the Rural designation as it does not change the existing low-density residential land use, and maintains a low profile. Furthermore, the Official Plan states that the City should encourage residential intensification in developed areas.

Under Schedule B of the City of Kawartha Lakes Official Plan, the property contains unevaluated wetlands. Based on current data from the Ministry of Natural Resources and Forestry, the lands are not evaluated provincially significant wetlands. Regardless, the proposed development is not located within the unevaluated wetlands as identified in Schedule B of the Official Plan.

In 2020, the City of Kawartha Lakes Official Plan (2012) was amended to address the requirements of the Planning Act, 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.

Performance and siting criteria is 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 Rural General (A1) Zone, Industrial Extractive Exception Two (M2-2) Zone and Open Space (O1) Zone under the United Townships of Laxton, Digby, and Longford Zoning By-law 32-83. The A1 Zone permits various uses, including but not limited to, single detached dwellings. The proposed Additional Residential Unit (ARU) requires relief from its proposed location in the front yard. The detached garage is compliant in its location as Section 18.1.b. of the Zoning By-law allows for the erection of a garage in the front yard provided that it complies with the setbacks of the specific zone. The proposed detached garage complies with the applicable setbacks and is therefore a permitted accessory structure in the front yard.

Section 1.31 of the Zoning By-law states that a detached ARU shall be subject to the provisions detailed in section 18.1 of the Zoning By-law. Section 18.1.b of the Zoning By-law requires accessory structures to be located in a side or rear yard; the proposed location of the ARU is in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area.

As previously mentioned, the proposed location of the development is surrounded by the existing vegetation including large trees. The existing tree cover guards views of the property from the road and surrounding neighbours. As such, adverse impact is not anticipated to the public view. Furthermore, the proposed ARU, in comparison to the existing primary dwelling, is smaller in both height and gross floor area. Additionally, the Zoning By-law requires a 90 metre setback from a quarry (considered medium industrial use in the Zoning By-law). As the rear of the lot is largely within the M2-2 Zone, space for locating the ARU is limited while being attentive of the industrial zoning. Given the subject property's size and low lot coverage (proposed 0.04%), ample open space continues to be provided in the front, rear, and side yards.

Overall, no massing and height incompatibilities are proposed with the primary dwelling or neighbouring properties, view is limited of the proposed development, and the proposed ARU remains subordinate to the existing dwelling.

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 adverse 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

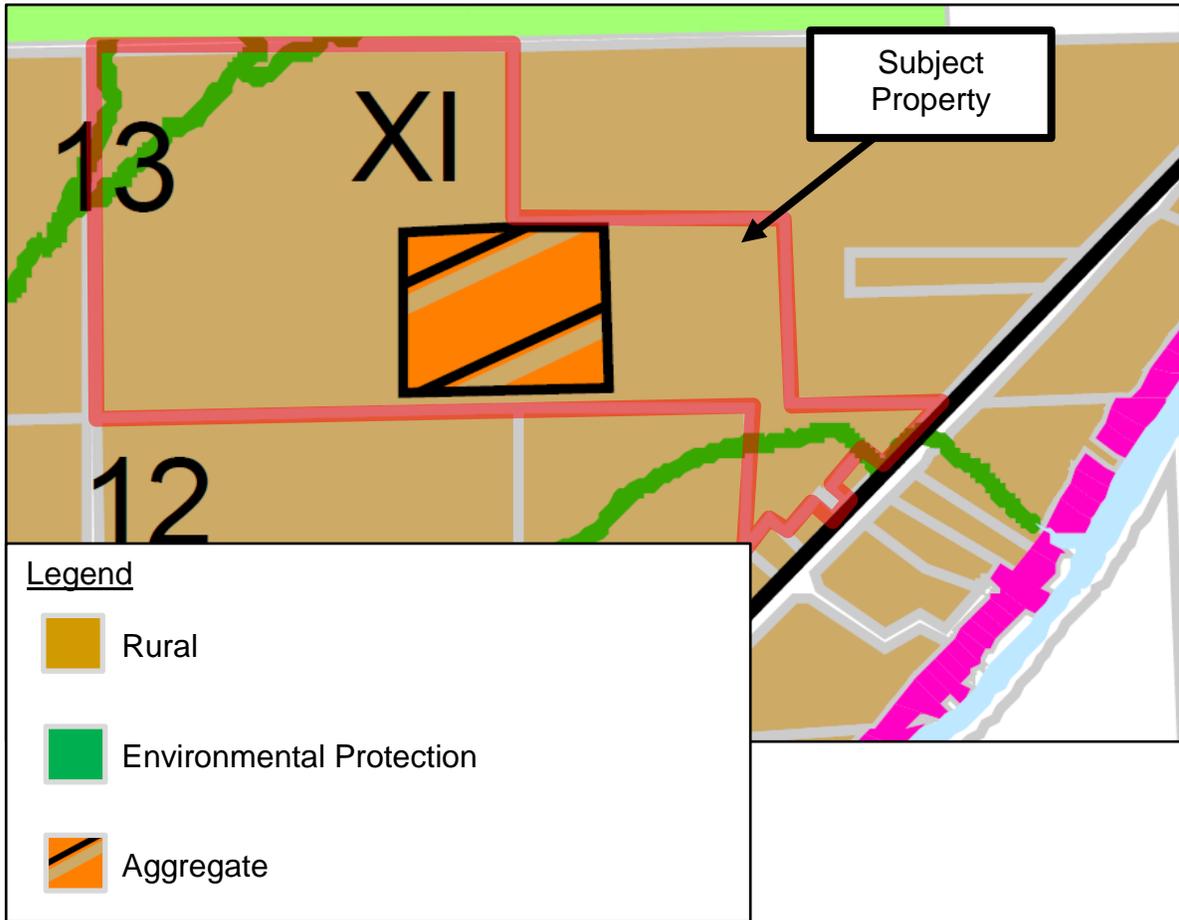
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Scoped-In Drawing

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-072

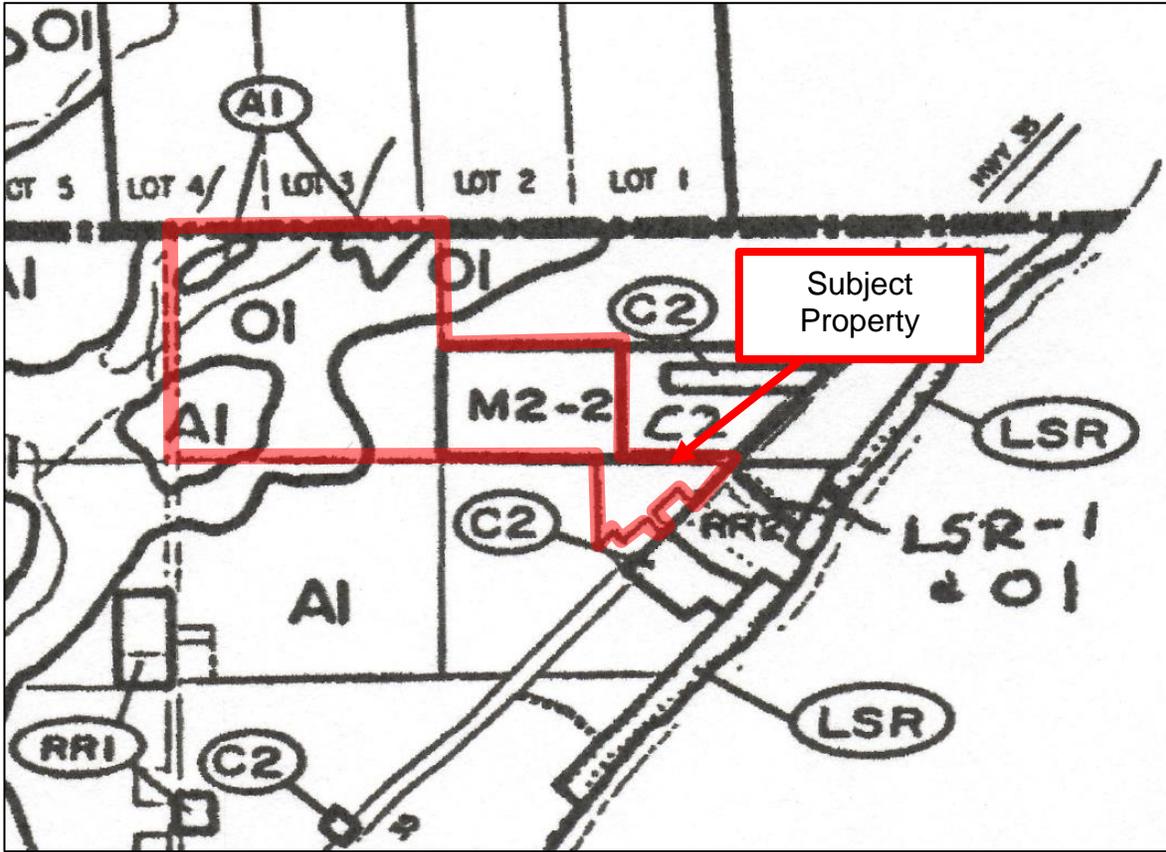
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



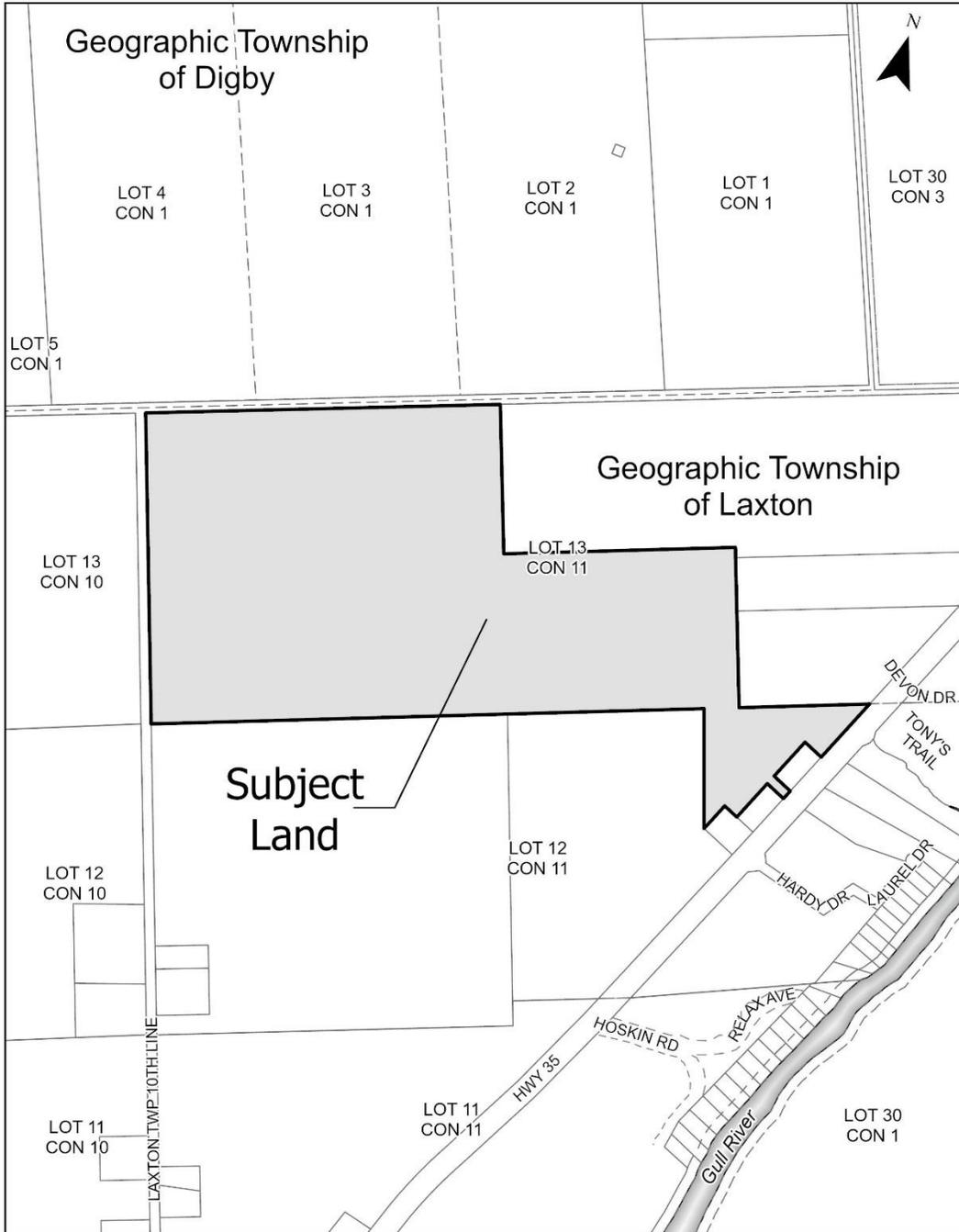
United Townships of Laxton, Digby, and Longford Zoning By-law 32-83



to

LOCATION MAP

D20-2024-072

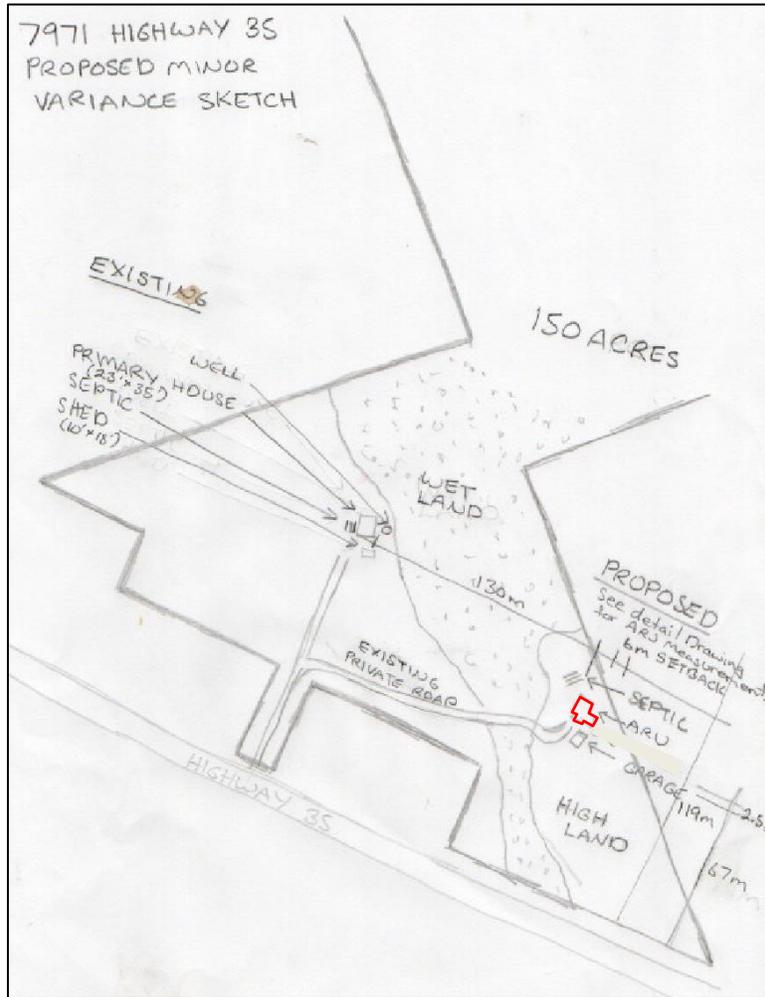


to

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APPLICANT'S SKETCH



to

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SCOPED-IN DRAWING

