

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Kenney

Report Number COA2024-091

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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 3 – Geographic Township of Verulam

**Subject:** The purpose and effect is to facilitate the partial demolition of the existing non-complying two-storey dwelling (foundation to remain) and construction of a new two-storey dwelling.

#### Relief sought:

1. Section 8.2.d. requires a minimum front yard setback of 7.5 metres, the proposed front yard setback is 1.8 metres;
2. Section 8.2.g. requires a minimum rear yard setback of 7.5 metres, the proposed rear yard setbacks are 3 metres (dwelling) and 2.11 metres (deck);
3. Section 8.2.k. permits a maximum height of 10.5 metres, the proposed height of the dwelling is 10.74 metres; and,
4. Section 8.2.n. requires a minimum water setback of 15 metres, the proposed water setback is 10.2 metres (dwelling) and 7.62 metres (deck).

The variance is requested at **2 Crimson Lane** (File D20-2024-083).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2024-091 – Kenney, be received;

**That** minor variance application D20-2024-083 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 COA2024-091, 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 COA2024-091. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Partial demolition of the existing dwelling (foundation to remain), with full demolition of the existing attached garage. New two-storey dwelling with attached garage and lakeside deck to be constructed.
Owners:	Michelle Chouinard-Kenney and Bryan Kenney
Applicant:	Owners
Legal Description:	Part Lot 15, Concession 5 (being Part 1 of Reference Plan 57R-687)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One (R1) Zone (Township of Verulam Zoning By-Law 6-87)
Site Size:	2,063 square metres (0.51 acres)
Site Access:	Winter-maintained public road (Crimson Lane)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

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 on the shore of Sturgeon Lake, with frontage onto two roads, Bayview Estate Road (year-round maintained public road) and its entrance from Crimson Lane (winter only maintained public road). Crimson Lane is a short dead-end road (approximately 70 metres) that provides access to only two properties, those being the subject property and 7 Crimson Lane. Bayview Estates Road is a longer road that runs through the area and provides access to many lots. The lot fabric of the area is irregular, with no patterns lot configuration. Lots nearby the subject property vary in shape, some 'L-shaped' and others more rectangular with various widths and lengths.

The area is predominantly residential in land use, characterized by one-to-two-storey single detached dwellings and assorted accessory structures. The area is a mix of both permanent residential properties and seasonal residential use (based on date from the Municipal Property Assessment Corporation). MPAC states that many of the dwellings in this area were constructed in the late 1900's; however, many also have gone through various renovations, alterations, and additions, some going through complete redevelopments more recently in the last 20 years.

The subject property currently contains a two-storey dwelling with an existing attached garage (1992), shed, and cabin. The proposal seeks for the partial demolition of the existing dwelling (foundation to remain), with full demolition of the existing attached garage. A new two-storey dwelling with attached garage and lakeside deck to be constructed. The existing cabin and shed will also be removed. The proposed development aligns with the existing built-form character of the neighbourhood. It is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization.

It is also important to note that the existing attached garage encroaches into the front lot line; however, the proposed development will improve the front yard setback by bringing the new construction further into the property.

Given the above analysis, the variances are 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. The designation permits the use of single detached and vacation dwellings. Policy 20.3.6. of the Official Plan states new development on Waterfront designated properties will be developed on individual services at a low-density.

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. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The proposed development retains and makes use of the existing foundation, limiting the ability to move further from the shoreline. Additionally, the proposed development places the septic system at an appropriate distance from the shoreline.

Overall, the proposed redevelopment supports the objectives of the Waterfront designation as it maintains the low-density residential land use, and preserves the existing shoreline. The proposed water setback aligns with many of the surrounding properties fronting onto Sturgeon Lake.

Therefore, the variances are 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 Residential Type One (R1) Zone under the Township of Verulam Zoning By-Law 6-87. The R1 Zone permits various uses including single detached dwellings and seasonal dwellings. Relief is required from the following provisions

- Front Yard Setback: Section 8.2.d. requires a minimum front yard setback of 7.5 metres. The proposed front yard setback is 1.8 metres.
- Rear Yard Setback: Section 8.2.g. requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setbacks are 3 metres (dwelling) and 2.11 metres (deck).
- Water Setback: Section 8.2.n. requires a minimum water setback of 15 metres. The proposed water setbacks are 10.2 metres (dwelling) and 7.62 metres (deck).
- Building Height: Section 8.2.k. permits a maximum height of 10.5 metres. The proposed height of the dwelling is 10.74 metres.

Due to the lot's existing configuration, the Zoning By-law's interpretation of yards does not translate easily with respect to this property. The property contains a wide but shallow front and rear yard. As a result, this creates difficulty in placing a building footprint while being attentive of the various setback requirements. Measured from the closest points of the front lot line to the rear lot line, the proposed dwelling is approximately 20 metres wide. Based on aerial imagery, a 20 metre width of a dwelling is average when looking at the surrounding lots in the area.

With respect to the front yard setback, the existing attached garage encroaches beyond the property's front lot line. However, on-site one would not recognize this non-compliance as the front lot line and existing structure are setback far from the edge of the gravel road and buffered by an existing line of trees. The proposed redevelopment, although deficient, improves the front yard setback by bringing

development within the property's respective boundaries. Additionally, as only one other property utilizes Crimson Lane for access, this minimizes the impact of the proposed deficient setback.

The rear yard, similar to the front yard, is constrained by the configuration and dimensions of the property. Although considered the rear lot line of the subject property under the applicable Zoning By-law, the lot line also serves as an interior side lot line for the neighbouring property to the south. On-site, the use of the Zoning By-law's interpreted rear yard is more comparable to that of an interior side yard. The space although deficient, provides sufficient space for functionality (passageway, access, maintenance) and aesthetic coherence as the neighbouring lots to the south are comparably distanced.

With regards to the proposed water setback, the intent of the water setback is to protect built form from natural hazards, and 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 discrepancy between the existing water setback of the current deck (approximately 7.7 metres) and the proposed deck (7.62 metres) is minimal. As the redevelopment seeks to utilize the foundation of the existing dwelling, options for placement are limited. The curved-shape of the shoreline, results in a closer edge of the shoreline to the proposed redevelopment.

The proposed height of approximately 10.74 metres slightly exceeds the 10.5 metre maximum. However, this minor deviation will not significantly impact the view from the road due to the existing vegetation screening. Given the improvement of the front yard setback, the spatial separation from the road will be increased, reducing concern of building massing. The number of proposed stories is consistent with the one-to-two-storey structures typical of the neighborhood, and the increase in height is minimal. The neighbouring property to the south also contains a two-storey dwelling with an attached garage constructed in 2021 (MPAC). The only other property that utilizes Crimson Lane for access (7 Crimson Lane, north of the property across the street) is also a two-storey dwelling with an attached garage (MPAC).

Therefore, the variances are 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
- Appendix D – Proposed Renderings
- Appendix E – Proposed Floor Plans

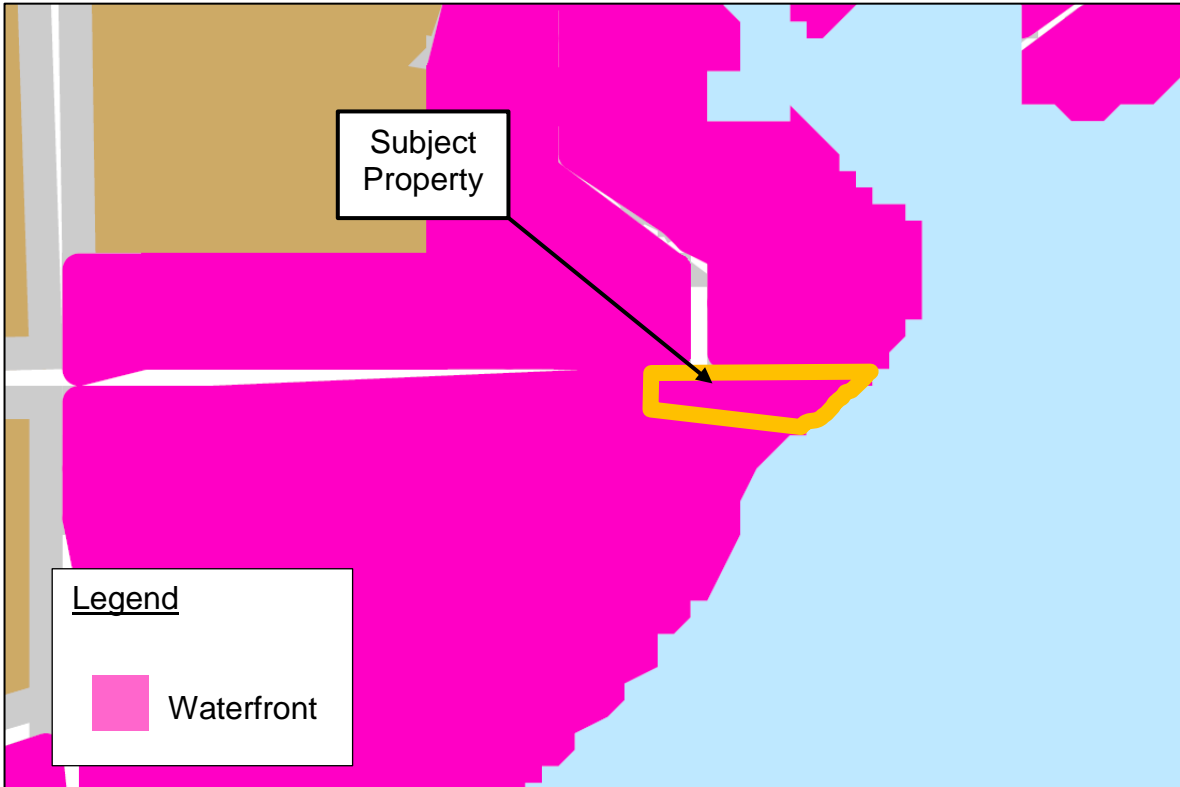
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**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-083

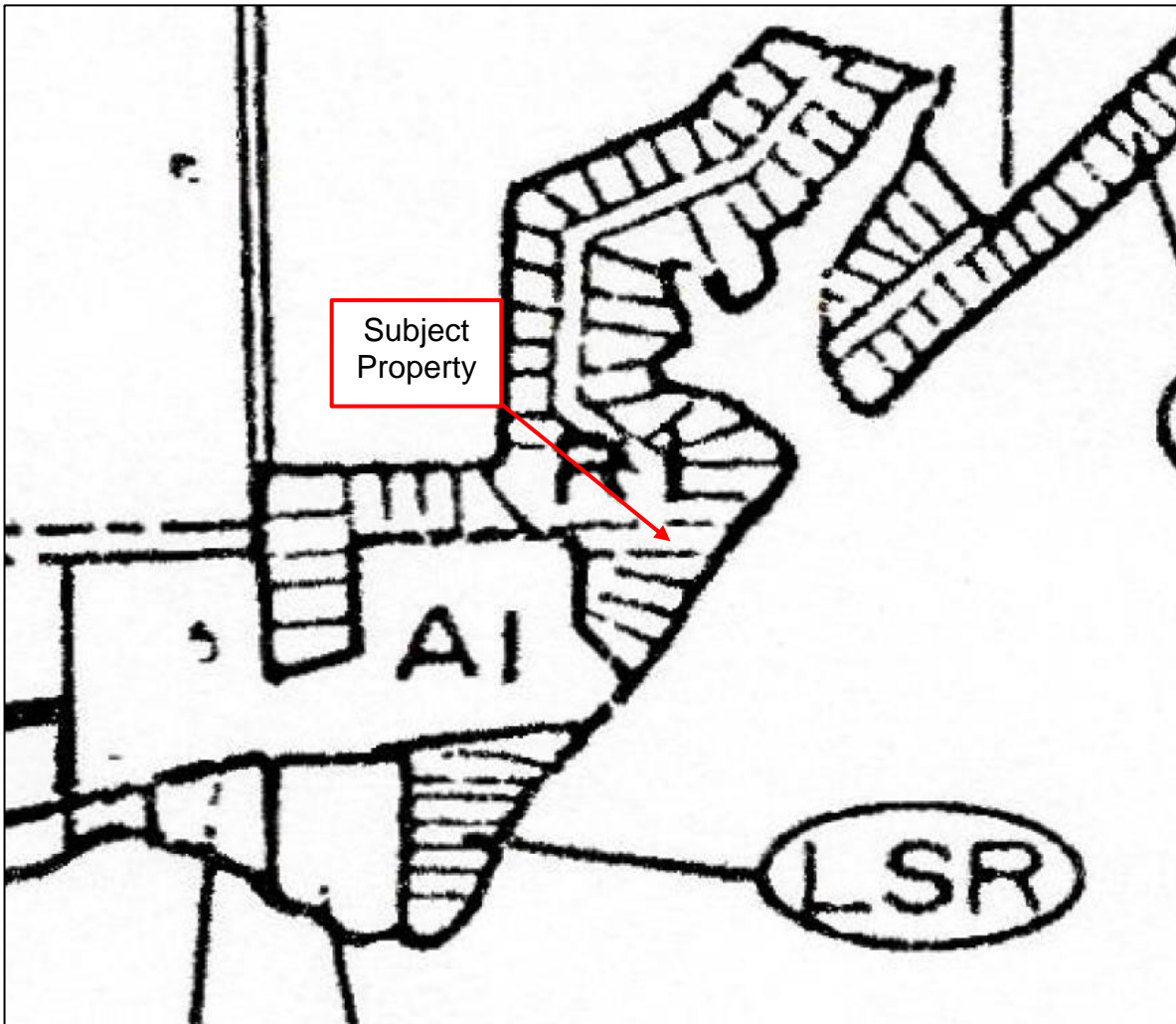
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



**Township of Verulam Zoning By-Law 6-87**

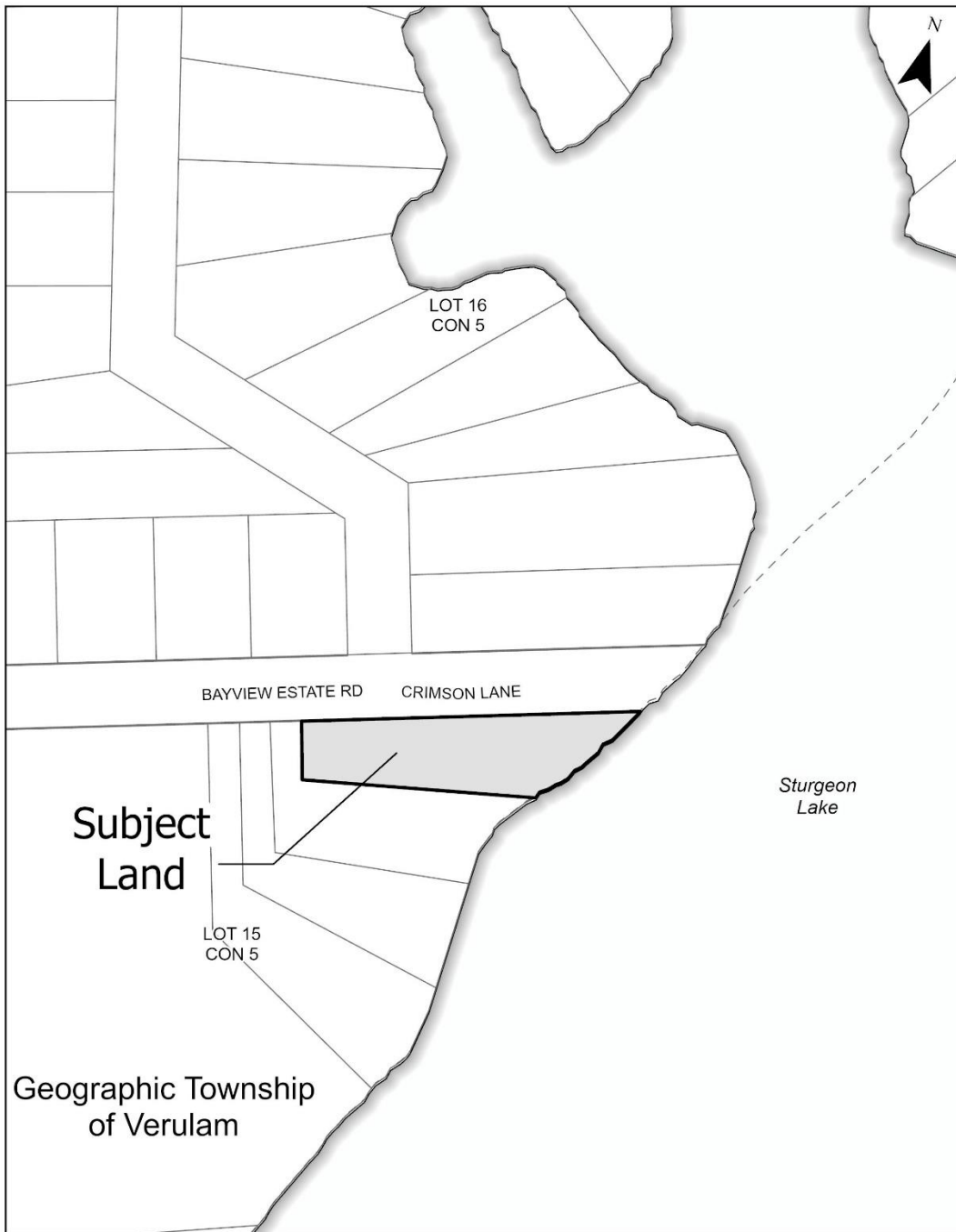




to

**LOCATION MAP**

# D20-2024-083



APPENDIX " B "

to

REPORT COA2024-091

FILE NO: D20-2024-083

**AERIAL PHOTO (2018)**

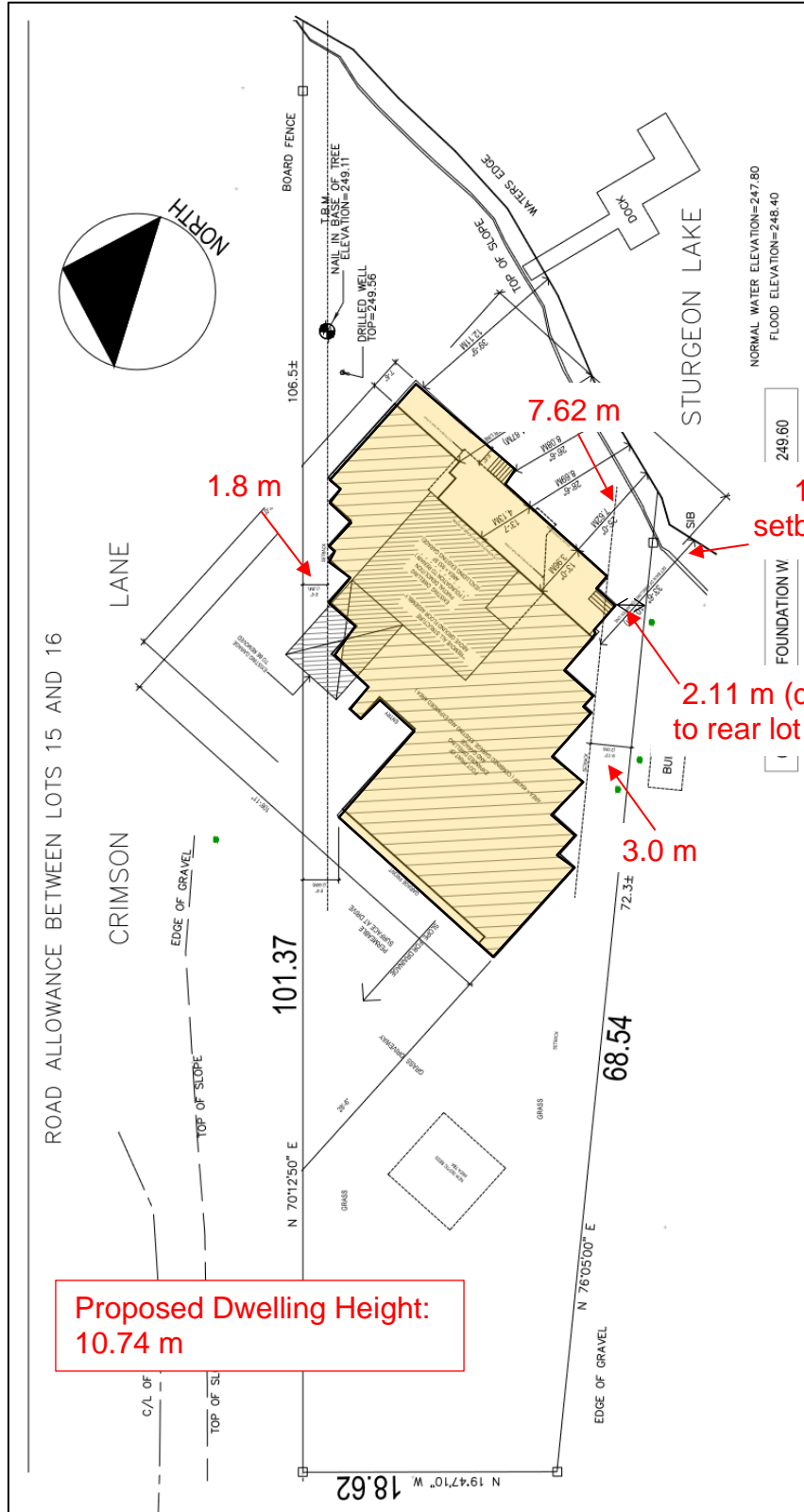


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**APPLICANT'S SKETCH**



**Proposed Dwelling Height:  
10.74 m**

1.8 m

7.62 m

10.2 m (water  
setback to dwelling)

2.11 m (deck  
to rear lot line)

3.0 m

ROAD ALLOWANCE BETWEEN LOTS 15 AND 16

CRIMSON  
LANE

STURGEON LAKE

101.37

68.54

18.62

NORMAL WATER ELEVATION=247.80  
FLOOD ELEVATION=246.40

249.60

FOUNDATION W

BUI

SIB



BOARD FENCE

NAIL IN STEM OF TREE  
ELEVATION=249.11

DRILLED WELL  
TOP=249.56

TOP OF SLOPE

WATERS EDGE

DOCK

EDGE OF GRAVEL

TOP OF SLOPE

C/L OF

TOP OF SL

N 70°12'50" E

N 76°05'00" E

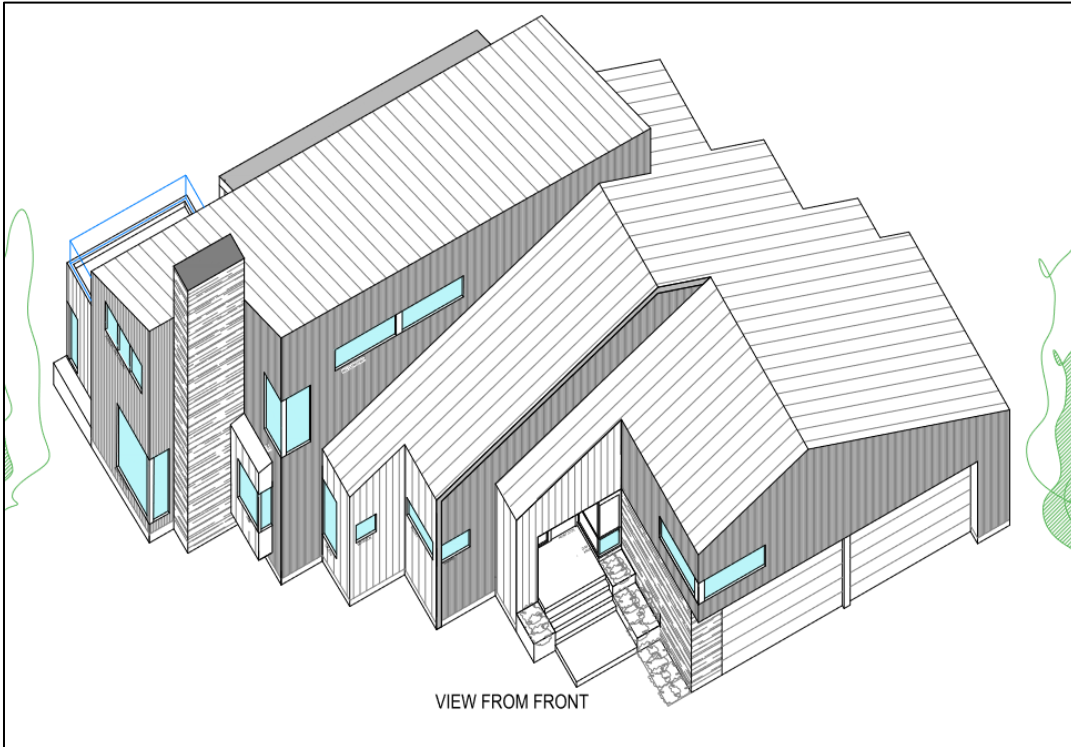
N 19°47'10" W

to

REPORT COA2024-091

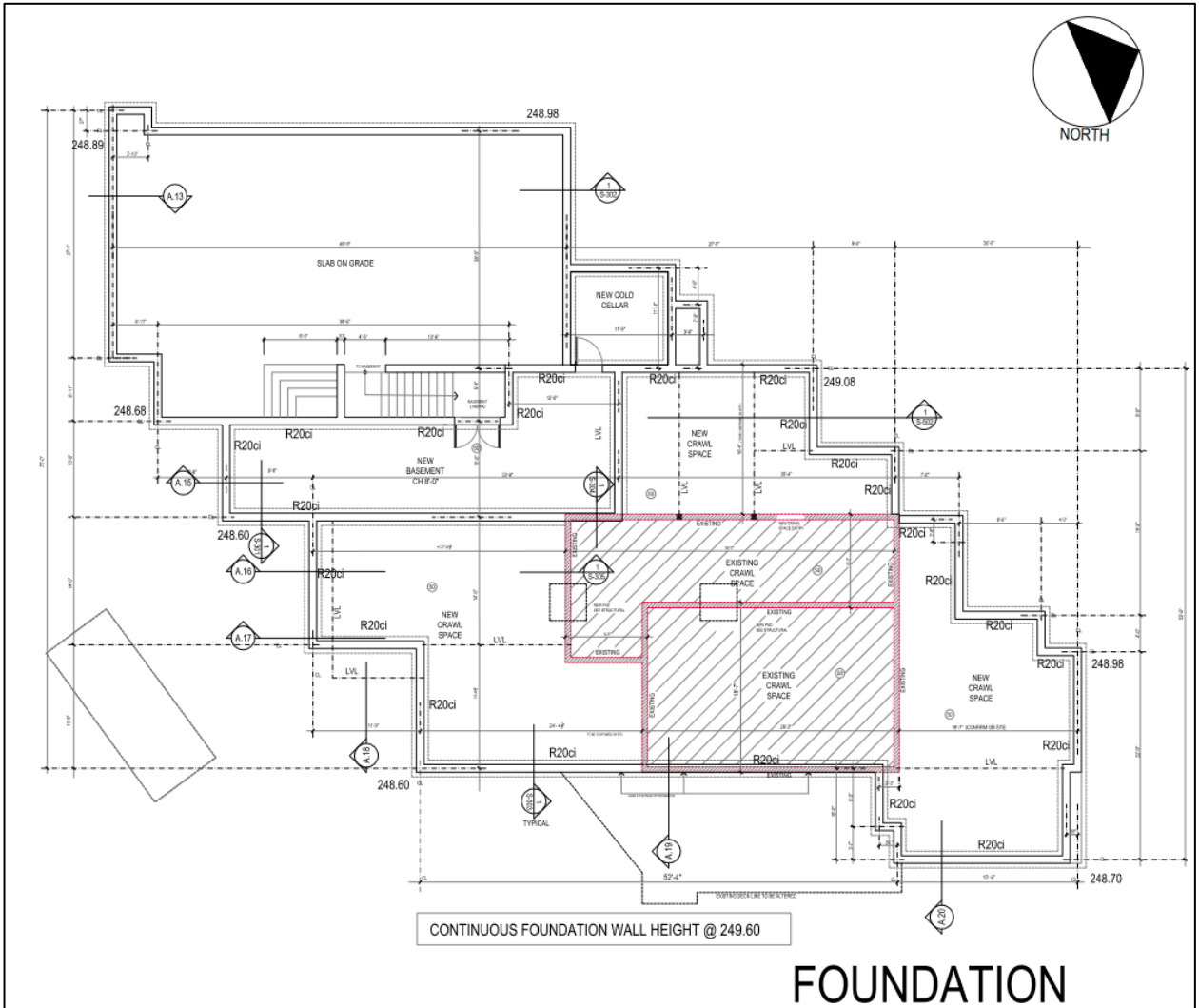
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**PROPOSED RENDERINGS**



to

**PROPOSED FLOOR PLANS**

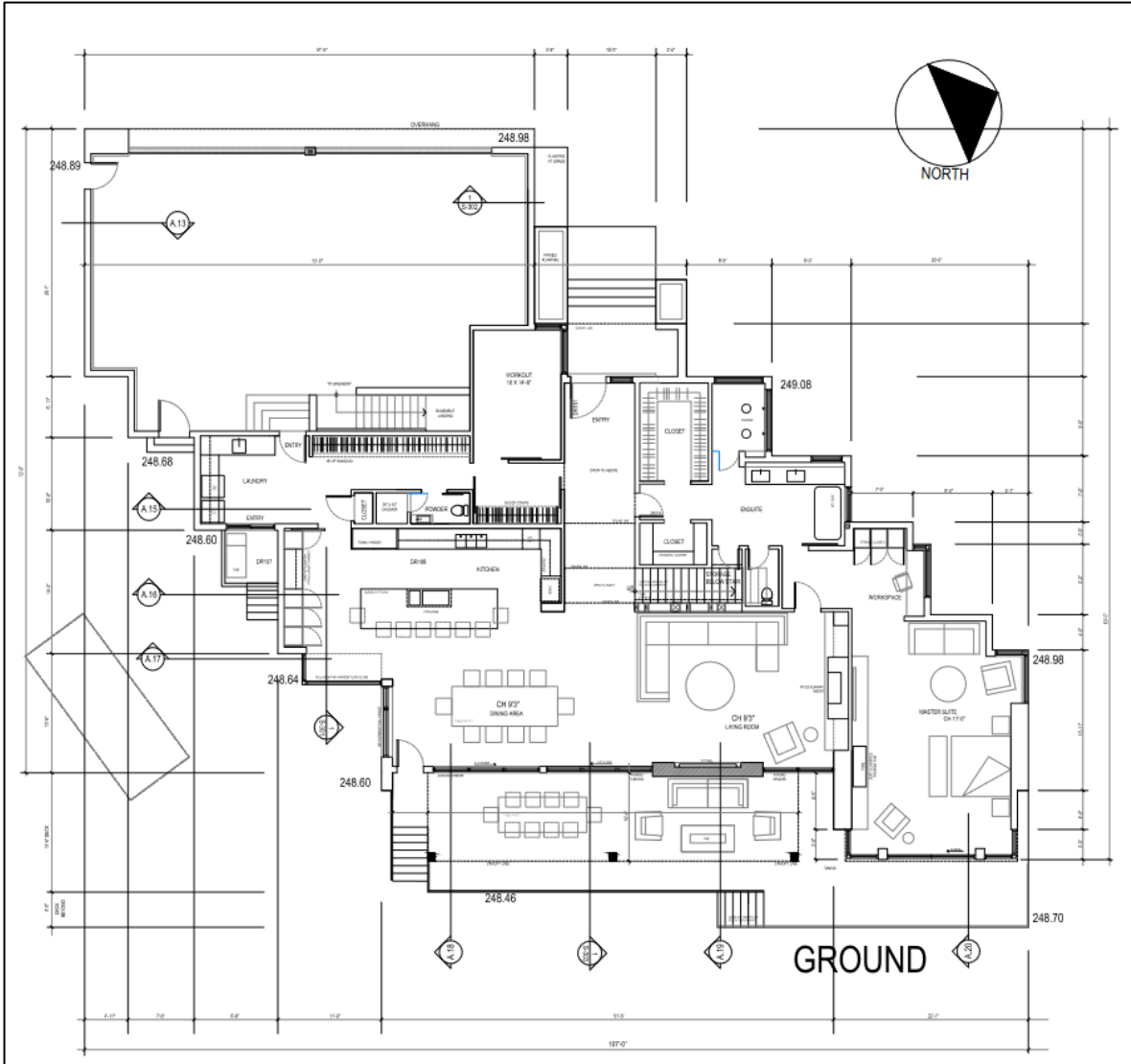


APPENDIX " E "

to

REPORT COA2024-091

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