

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Webster

Report Number COA2024-106

---

### Public Meeting

**Meeting Date:** November 28, 2024

**Time:** 1:00 pm

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

---

### Ward 4 – Geographic Township of Mariposa

**Subject:** The purpose and effect is to facilitate the recognition of an existing porch for the purpose of obtaining a Building Permit

### Relief sought:

1. Section 8.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 30 metres; the existing setback is 17 metres from the porch and 16 metres from the stairs.

The variance is requested at **137 Royal Oak Road** (File D20-2024-098).

---

**Author:** Katherine Evans, Acting Development Supervisor

**Signature:** 

---

### Recommendations

**That** Report COA2024-106 – Webster, be received;

**That** minor variance application D20-2024-098 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-106, which shall be attached to and form part of the Committee's Decision;
- 2) **That** this approval shall be in effect for 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 approval pertains to the application as described in report COA2024-106. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |  |
|------------------------------|--|
| Proposal:                    | Recognition of existing front porch for the purpose of obtaining a Building Permit |
| Owners:                      | Webster Farms Ltd.   |
| Applicant:                   | Dianne Webster   |
| Legal Description:           | Part Lot 3 Concession 5  |
| Official Plan <sup>1</sup> : | Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)                    |
| Zone <sup>2</sup> :          | Agricultural (A1) Zone (Township of Mariposa Zoning By-law 94-07)                  |
| Site Size:                   | 20.2 hectares (50 acres)   |
| Site Access:                 | Year round municipal road  |
| Site Servicing:              | Private individual well and septic system  |
| Existing Uses:               | Residential and agricultural   |
| Adjacent Uses:               | Residential and agricultural   |

## Rationale

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

The subject property is located on the north side of Royal Oak Road in an area comprised primarily of larger agricultural lots, with some smaller rural residential lots. The subject property contains a single detached dwelling constructed in 1880 (according to Municipal Property Assessment Corporation) as well as several buildings associated with the existing agricultural use on the property.

The proposal is to recognize an existing porch that was constructed onto the front of the dwelling. It can be expected that over time, owners may improve their property resulting in its highest and best use. The front porch provides shelter from the elements when entering and exiting the dwelling as well as a covered seating

---

<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

area, adding to the overall enjoyment of the property. The porch also adds visual interest and dimension to the front of the dwelling.

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, accessory buildings and structures, and agricultural uses are permitted within this designation.

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 (A1) Zone under the Township of Mariposa Zoning By-law 94-07. A single detached dwelling, accessory buildings and structures, and agricultural uses are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback.

Section 8.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 30 metres; the existing setback is 17 metres from the porch and 16 metres from the stairs. 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 sight lines and the character of the streetscape.

The dwelling was constructed in 1880 and has therefore existed in this location for an extensive period of time. The majority of the dwelling is located within the 30 metre setback, so a porch on the front of the dwelling could not be constructed to comply with this setback, as such a Minor Variance is required. There is adequate separation between the porch and the travelled portion of the road so there are no impacts to sightlines or road maintenance. There are several dwellings in close proximity to the subject property that appear to have reduced front yard setbacks, ranging from approximately 12 metres to approximately 23 metres. The front yard setback of the porch is in keeping with the existing built form in the area.

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:**

**Building and Septic Division (Building):** “No comments.”

**Building and Septic Division (Septic):** “The front porch location has been reviewed for compliance with sewage system clearance distances. It was noted that the sewage system is in an alternate yard to the constructed porch. The placement of the porch will not interfere with the components of the sewage system. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no concerns or comments 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 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-098

## Schedule 1 Relevant Planning Policies and Provisions

---

### City of Kawartha Lakes Official Plan



### 15. Prime Agricultural Designation

## Township of Mariposa Zoning By-law 94-07



### Part 8 Agricultural (A1) Zone

#### 8.1 Uses Permitted

#### 8.2 Zone Provisions

8.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Agricultural (A1) Zone, except in conformity with the following zone provisions:

##### 8.2.1.3 Yard Requirements (min.)

- a) front                      30 m

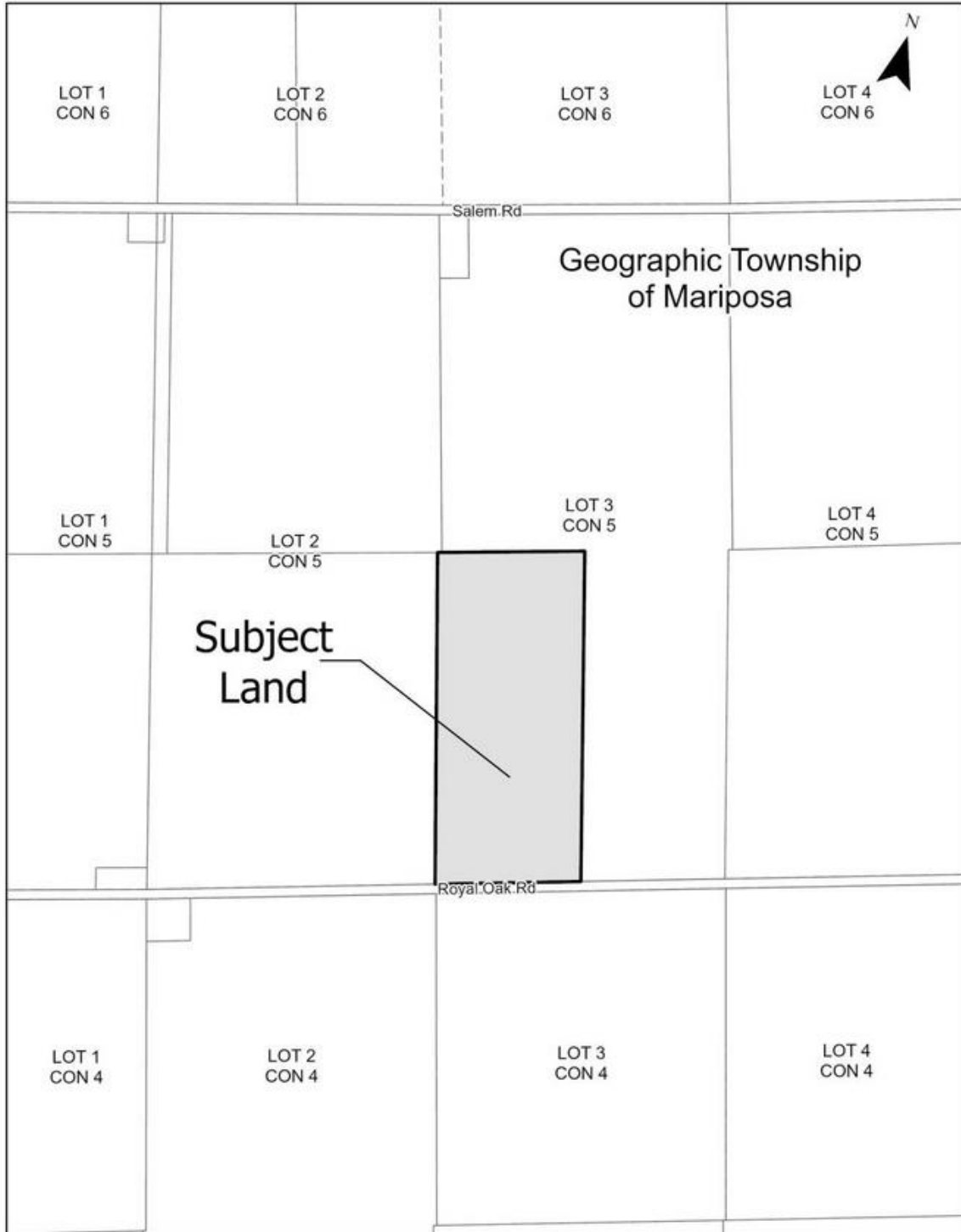
to

REPORT COA2024-106

FILE NO: D20-2024-098

**LOCATION MAP**

# D20-2024-098



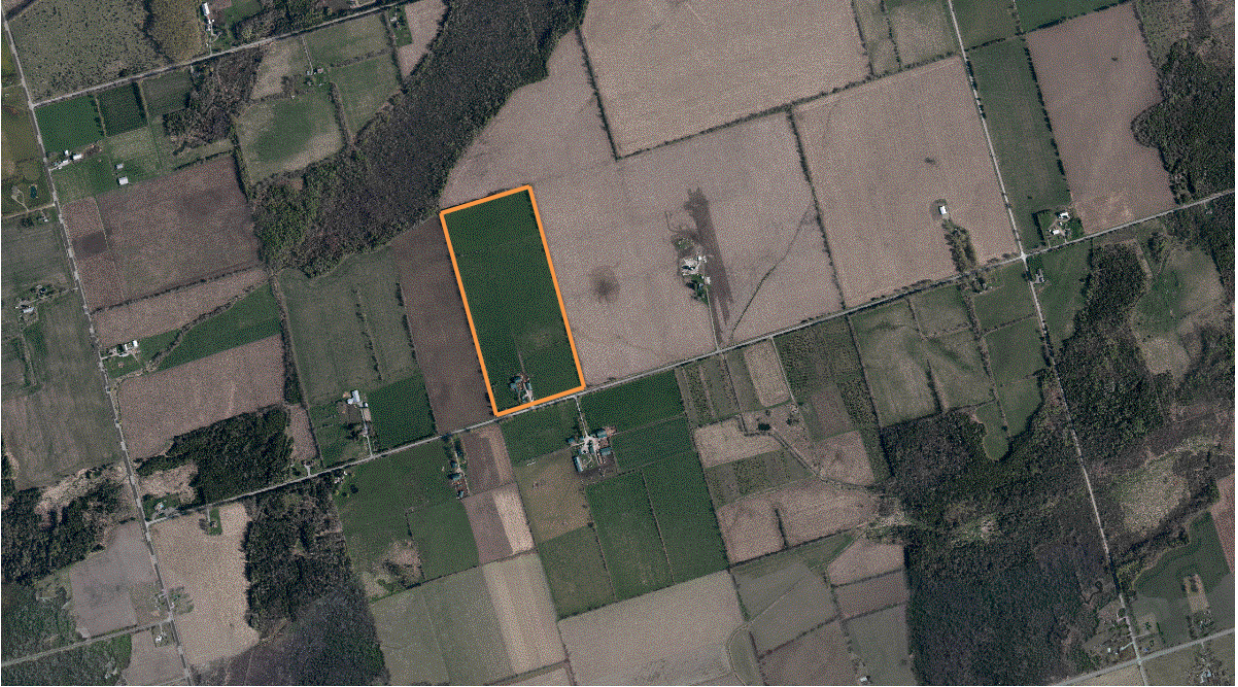
APPENDIX " B "

to

REPORT COA2024-106

FILE NO: D20-2024-098

**AERIAL PHOTO**





to

APPLICANT'S SKETCH

