

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Earle

Report Number COA2025-003

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### Public Meeting

**Meeting Date:** January 30, 2025

**Time:** 1:00 pm

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

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### Ward 1 – Geographic Township of Digby

**Subject:** The purpose and effect is to facilitate the construction of a new one-storey dwelling and screened-in porch. The existing dwelling and shed are to be demolished.

### Relief sought:

1. Section 5.2.d. of the Zoning By-law requires a minimum 6 metre front yard setback; the proposed dwelling maintains the existing front yard setback of 0.84 metres; and,
2. Section 5.2.g. of the Zoning By-law requires a minimum 15 metre water setback; the proposed dwelling maintains the existing water setback of 12 metres.

The variance is requested at **16 Copper Lane, LDL** (File D20-2024-106).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2025-003 – Earle, be received;

**That** minor variance application D20-2024-106 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 COA2025-003, 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 COA2025-003. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a new one-storey dwelling and screened-in porch. The existing dwelling and shed are to be demolished.
Owners:	Stephen Earle
Applicant:	Owner
Legal Description:	Part Lot 3, Plan 258 (being Part 4 on Plan 57R-3311 and Part 1 on Plan 57R-8965), Digby Part Road Allowance
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	1,254.53 square metres (13,503.65 square feet)
Site Access:	Private road
Site Servicing:	Private holding tank and lake drawn water
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 on the shoreline of Head Lake, with access from Copper Lane (private road). The area in which the property is located is predominantly residential, comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the road and shoreline. According to data from the Municipal Property

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Assessment Corporation (MPAC), numerous properties have undergone complete redevelopment over the past 25 years, while others have experienced various extents of renovations, alterations, and additions since their original construction.

The property currently contains a single-detached dwelling (1963) and shed. The application seeks to facilitate the construction of a new one-storey dwelling and screened-in porch. The existing dwelling and shed are to be demolished.

The proposed development aligns with the existing low-density residential built-form character of the neighbourhood. Given the age of the existing dwelling and many of the other surrounding dwellings, it is reasonable to expect that property owners may undertake redevelopment of their property with the aim of realizing the most optimal utilization.

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, dwellings and related accessory structures are permitted within the designation.

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. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat.

The proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. Moreover, the proposal does not bring built form any closer than the existing water setback.

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 under the United Townships of Laxton, Digby, and Longford Zoning By-law 32-83. The LSR Zone permits a vacation dwelling, single detached dwelling, a home occupation, and various accessory structures. Relief is required from the following provisions:

- Front Yard Setback: Section 5.2.d. of the Zoning By-law requires a minimum 6 metre front yard setback; the proposed dwelling maintains the existing front yard setback of 0.84 metres; and,
- Water Setback: Section 5.2.g. of the Zoning By-law requires a minimum 15 metre water setback; the proposed dwelling maintains the existing water setback of 12 metres.

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. This ensures the property is cohesive with surrounding properties and area. The lot fabric within this area is irregular, with various shaped lots gaining access through private roads traversing them. The private road runs outside of the eastern side of the subject property, setback distantly from the front lot line of the subject property. The proposed development does not extend any further into the front yard setback, maintaining the existing deficiency. On-site, the deficiency is not evident due to the distancing of the gravel private road to the subject property and dwelling. The deficient front yard setback does not interrupt neighbouring properties with their use of the road, nor does it negatively impact the area of the surrounding properties.

With respect to the water setback, the intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. Due to the subject property's irregular lot configuration, the building envelope is very limited when taking into account all applicable required setbacks. Nonetheless, the owner is not seeking a greater deficiency from the existing non-complying water setback. The existing shoreline conditions are not anticipated to change, nor will the proposed development negatively impact vegetation or infiltration (compliant lot coverage).

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 private right-of-way with respect to access, drainage, or other 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.”

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

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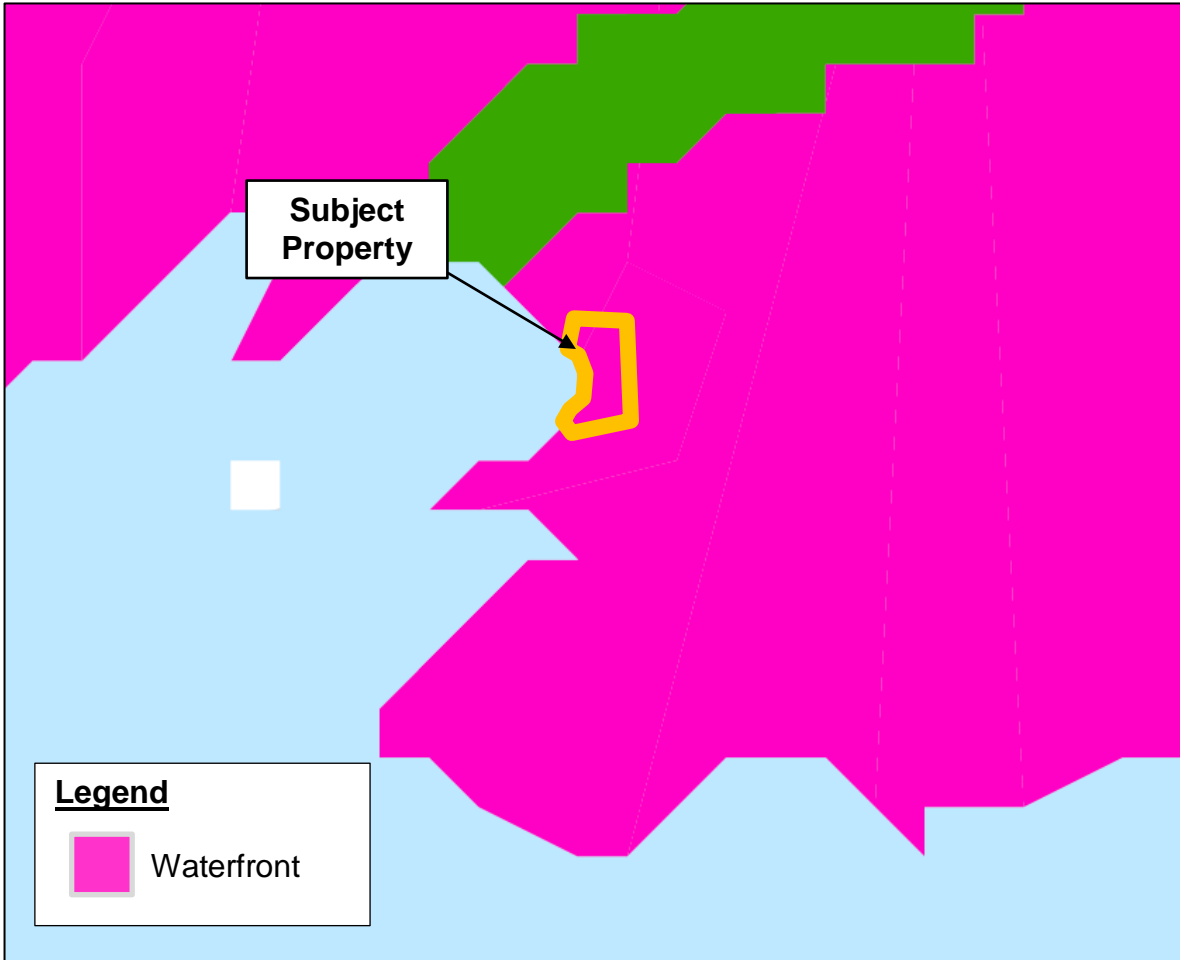
**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-106

# Schedule 1

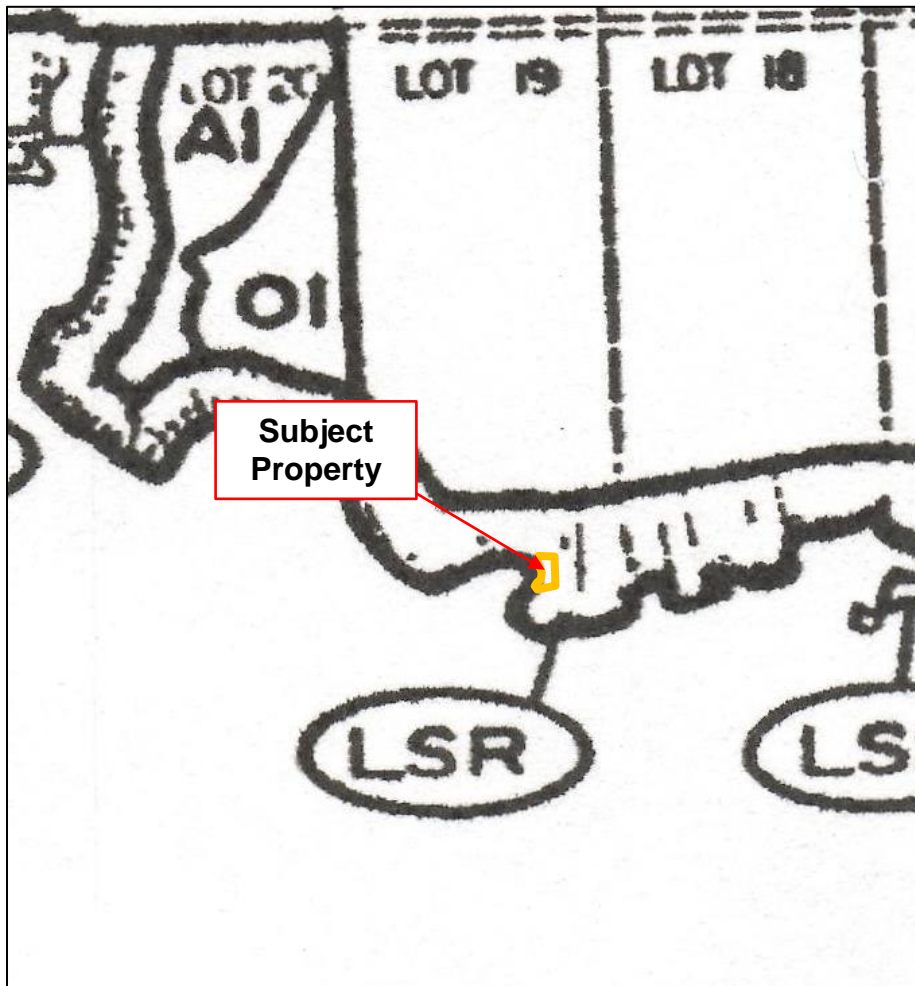
## Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



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



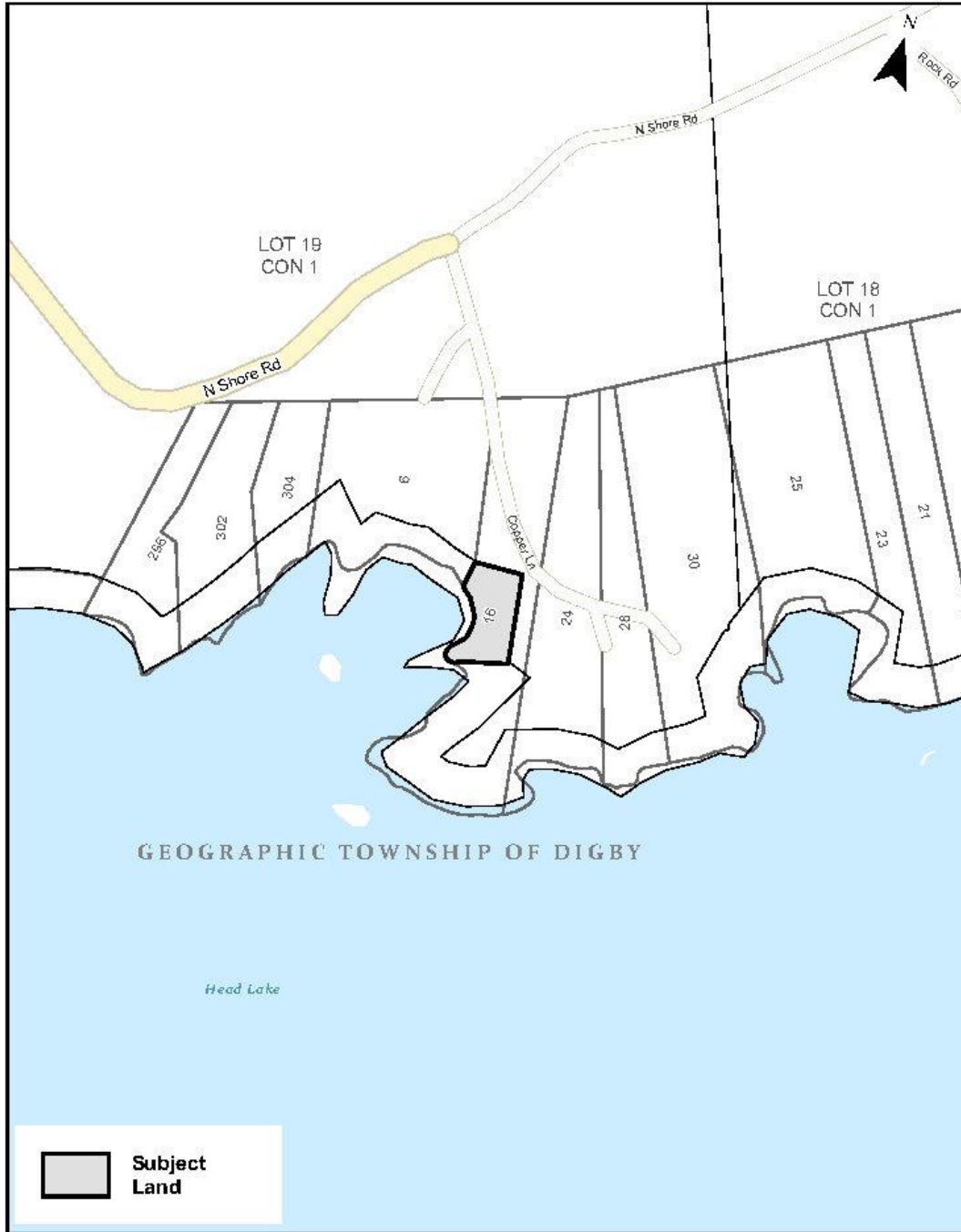
to

REPORT COA2025-003

FILE NO: D20-2024-106

**LOCATION MAP**

# D20-2024-106





APPENDIX " B "

to

REPORT COA2025-003

FILE NO: D20-2024-106

**AERIAL PHOTO (2023)**



to

REPORT COA2025-003

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**APPLICANT'S SKETCH**

