

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Binczyk

Report Number COA2025-007

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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 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 front yard setback of 7.5 metres; the proposed setback is 1.3 metres.

The variance is requested at **18 Daisy Drive** (File D20-2024-110).

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

**Signature:** 

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### Recommendations

**That** Report COA2025-007 – **Binczyk**, be received;

**That** minor variance application D20-2024-110 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 COA2025-007, which shall be attached to and form part of the Committee's Decision;
- 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; and,

- 3) **That** the tent storage structure identified in Appendix D be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the storage structure has been removed.

This approval pertains to the application as described in report COA2025-007. 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:	Michelle, Nicole, Anna, and Peter Binczyk
Applicant:	Peter Binczyk
Legal Description:	Part Lot 16, Concession 6 (being Part 1 on Reference Plan 57R3624)
Official Plan <sup>1</sup> :	Waterfront and Specific Lake Policy Area 1 Four Mile Lake (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,254 sq. m. (13,498 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and open space

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **Rationale**

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

The subject property is within an established residential neighbourhood located on a peninsula on the southeastern shore of Four Mile Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling in its final stages of construction, two sheds, and a tent storage structure. The tent storage structure to be removed as per Condition 3.

The proposal is to construct a detached garage. The garage will provide space for the storage of the property owners' belongings as well as covered vehicle storage. The garage will provide storage space in a manner that is more permanent and aesthetically pleasing than the existing tent storage structure.

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 property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low density residential uses and buildings and structures accessory to residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

The subject property is also within the Four Mile Lake Specific Lake Policy Area. Single detached dwellings and associated accessory uses and structures are permitted within this policy area.

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 Township of Somerville Zoning By-law 78-45. A single detached dwelling as well as accessory buildings and structures 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 5.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 1.3 metres. 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 garage is proposed with a reduced front yard setback in order for it to comply with required clearance distances from hydro lines. The subject property is the last property on Daisy Drive. The abutting property to the east is accessed via Juniper Crescent. As such, it is unlikely there would be any vehicle traffic passing the

location of the proposed garage so there would be no impacts to sight lines or traffic flow. Additionally, there are other properties along Daisy Drive and the adjacent Juniper Crescent which appear to have accessory structures with reduced front yard setbacks, so the proposed garage location 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 right-of-way with respect to access, drainage, or other maintenance carried out by the private owner.

**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):** “A sewage system permit to install has been issued for the property. The permit indicates the placement of the sewage system on the west side of the property, adjacent to the dwelling. The garage is proposed to be placed in the north east corner of the property. The placement of the garage in this location will ensure the required minimum clearance distances are maintained to the sewage system. Additionally, the garage will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue 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 comments or objections for this Minor Variance application.”

**Kawartha Region Conservation Authority:** “The property is located outside Kawartha Conservation’s Jurisdiction but within the City of Kawartha Lakes’ Extended Planning area. The proposed garage does not appear to be within any natural Hazards. We have no concerns with the approval.”

**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 – Storage Structure to be Removed

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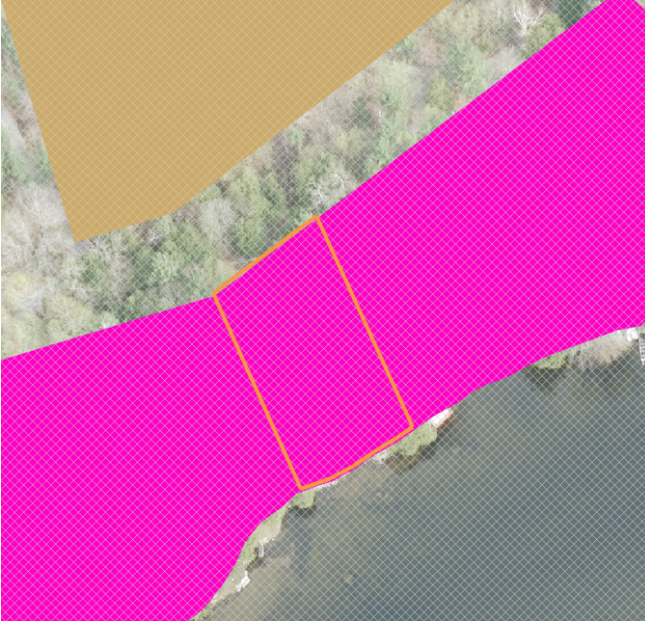
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-110

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

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#### **City of Kawartha Lakes Official Plan**



#### **20. Waterfront Designation**

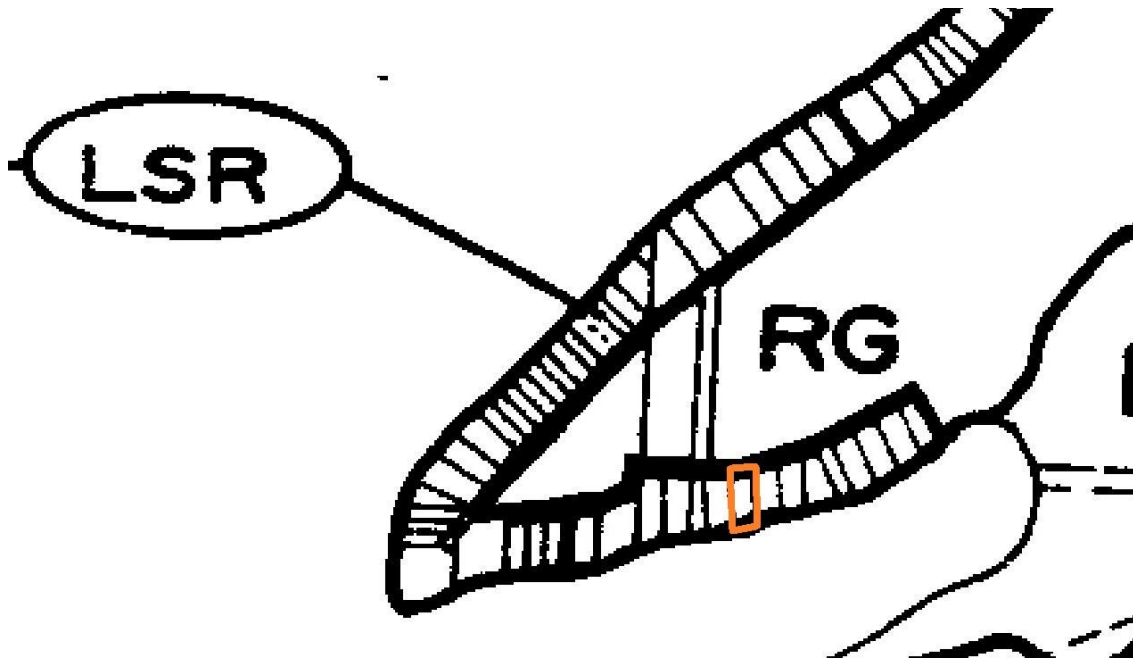
##### **31.3. Four Mile Lake – Specific Lake Policy Area**

##### **31.4. Four Mile Lake Objectives**

##### **31.5. Scope of Four Mile Lake Policies**

##### **31.6. Specific Policies**

## Township of Somerville Zoning By-law 78-45



### Section 5 Limited Service Residential

#### 5.1 LSR Uses Permitted

#### 5.2 LSR Zone Provisions

- c) Minimum front yard setback 7.5 m

### Section 18 General Provisions

#### 18.1 Accessory Buildings, Structures and Uses

##### 18.1.2 Location

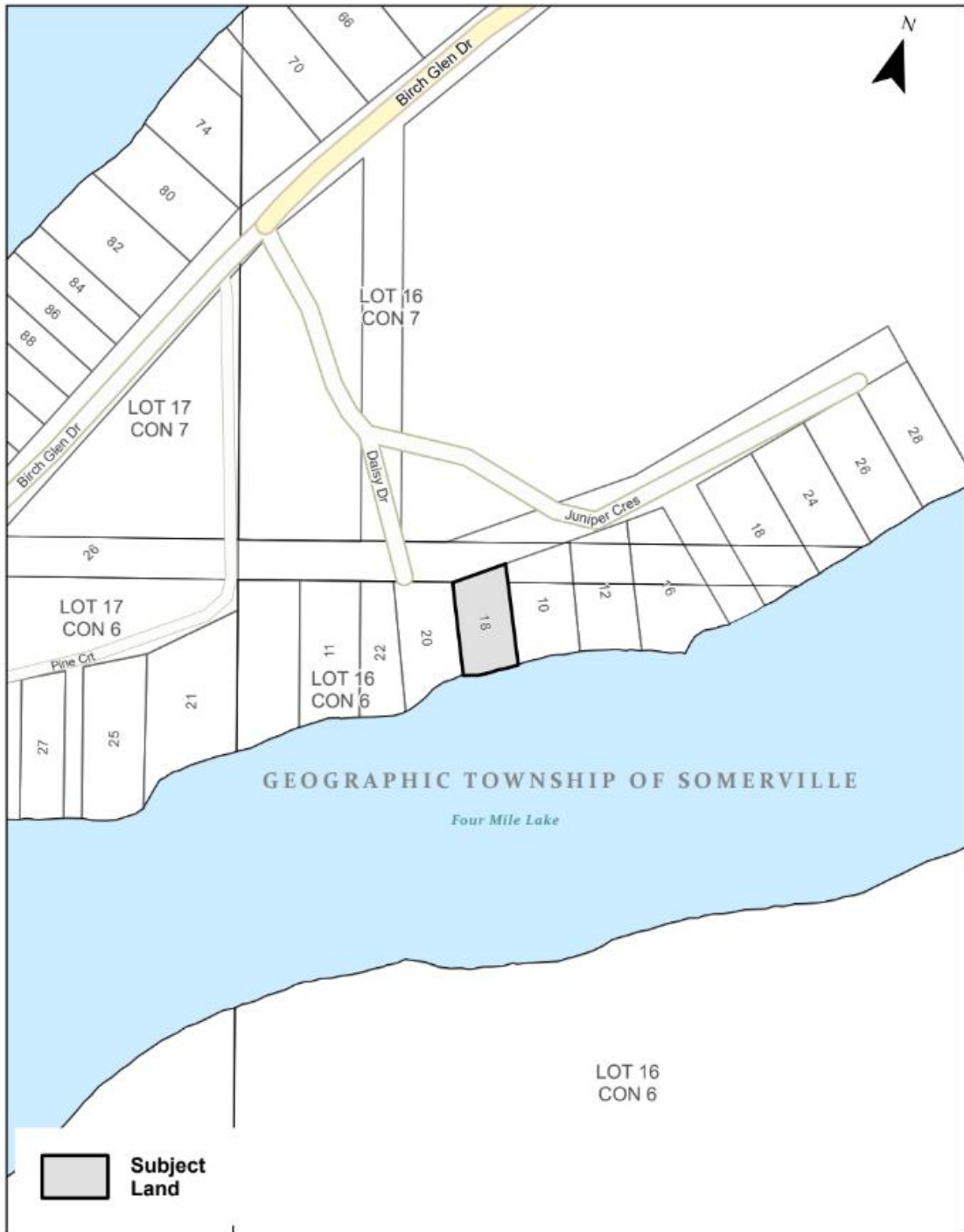
b) An accessory building may be erected not closer than 1.2 metres (4 ft) from a rear lot line and 1.2 metres (4 ft) from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres (4 ft) to a residential building located on the same lot.

d) Where a lot fronts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

to

**LOCATION MAP**

# D20-2024-110





APPENDIX " B "

to

REPORT COA2025-007

FILE NO: D20-2024-110

**AERIAL PHOTO**

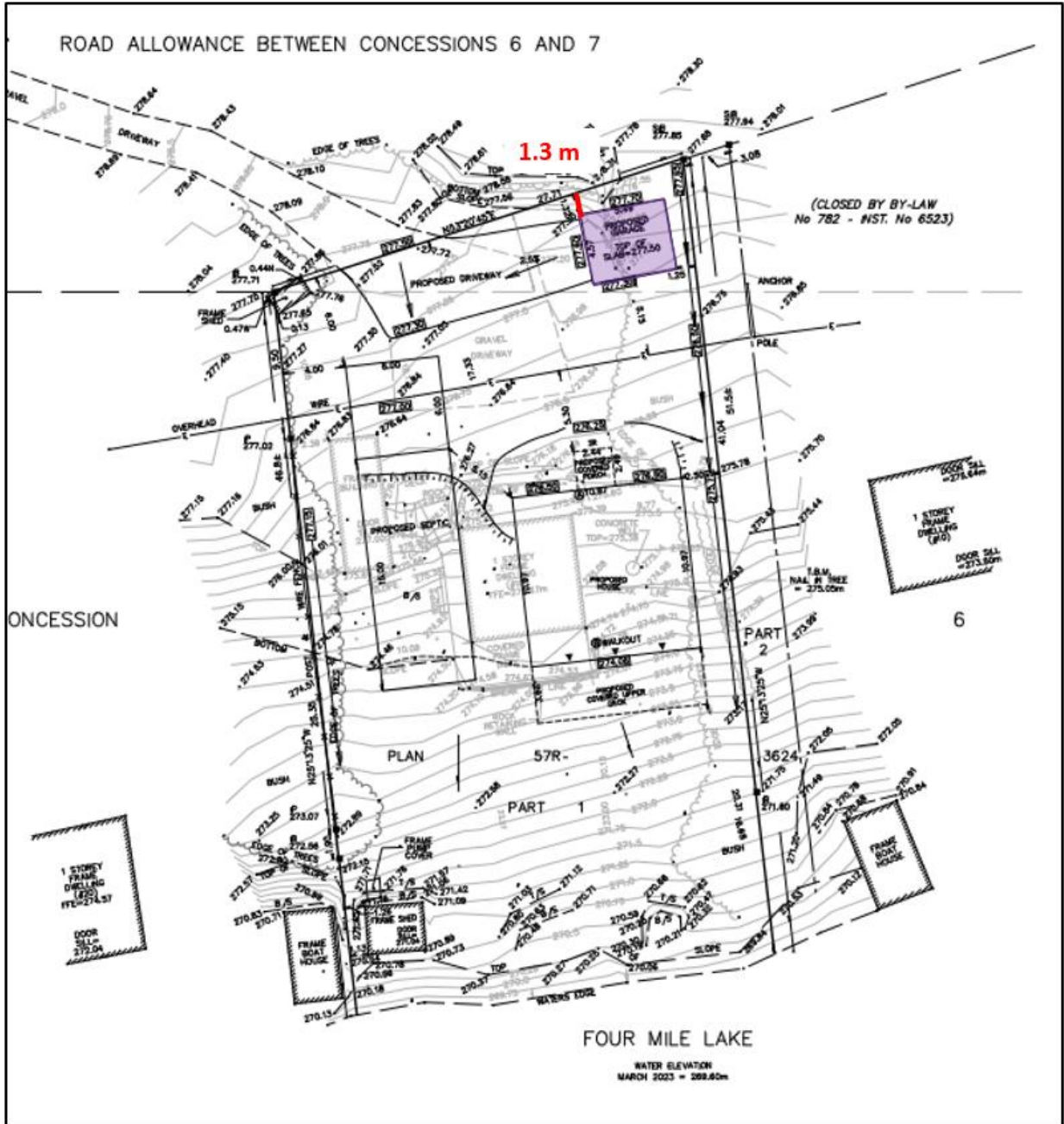


to

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FILE NO: D20-2024-110

APPLICANT'S SKETCH



APPENDIX “ D ”

to

REPORT COA2025-007

FILE NO: D20-2024-110

**STORAGE STRUCTURE TO BE REMOVED**

