

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – McCormack**  
Report Number COA2025-012

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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 Laxton**

**Subject:** The purpose and effect is to recognize an existing Additional Residential Unit (ARU) for the purpose of obtaining a building permit.

**Relief sought:**

1. Section 18.1 b) of the Zoning By-law permits accessory structures in the interior side or rear yard; the existing ARU is located in the front yard.

The variance is requested at **24 Courtland Road** (File D20-2024-115).

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

**Signature:** 

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**Recommendations**

**That** Report COA2024-012 – **McCormack**, be received;

**That** minor variance application D20-2024-115 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 COA2025-012, 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.

This approval pertains to the application as described in report COA2025-012. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of an existing Additional Residential Unit (ARU) for the purpose of obtaining a building permit.
Owners:	John and Gail McCormack
Applicant:	Keji Planners and Builders c/o Joe McCool
Legal Description:	Part Lot 3 and Part Road Allowance, Concession 11 (being Part 1 on Reference Plan 45R8897)
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:	7,689.03 sq. m. (82,764.03 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and commercial

## Rationale

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

The subject property is located within an area which contains residential and commercial uses, located on the western shore of Shadow Lake. The property is irregular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1993 (according to Municipal Property Assessment Corporation), a shed, a cabin, and an Additional Residential Unit (ARU).

The purpose of the application is to recognize the existing ARU for the purpose of obtaining a building permit. An existing detached garage was converted to an ARU, which now provides additional habitable space on the property.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The Province of Ontario has launched the 'More Homes, More Choice: Ontario's Housing Supply Action Plan' (2019), the goal of which is to build 1.5 million homes by 2031 to address the housing supply crisis in Ontario and to encourage the development of housing that meets the needs and budgets of all Ontarians. As per the Municipal Housing Pledge, the Province has established a housing target in the City of Kawartha Lakes of 6500 new housing units by 2031, and the City has committed to work to achieve this target locally. This ARU can contribute to meeting the City's housing target.

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 within the City of Kawartha Lakes Official Plan. Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

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.

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. A single detached dwelling as well as accessory buildings and structures including an Additional Residential Unit (ARU) is permitted. The proposal complies with all provisions of the Zoning By-law with the exception of the location for accessory structures.

Section 18.1 b) of the Zoning By-law permits accessory structures in the interior side or rear yard. The existing ARU is located in the front yard. The intent of limiting the location of accessory structures to the interior 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. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

Section 18.1 b) of the Zoning By-law provides that a garage may be erected in the front yard provided it complies with the setback provisions of the specific zone. As the subject structure was originally a detached garage, it was permitted in this location and the existing structure was converted to an ARU in its existing location. The conversion of the garage to an ARU requires relief through the minor variance process.

The ARU complies with the minimum front and interior side yard setbacks. There is a stand of mature vegetation between the ARU and the travelled portion of the road which provides visual screening. Additionally, the primary dwelling on the subject property is larger than the ARU. Overall, the primary dwelling remains visually predominant. The property is approximately 7,689.03 square metres in size, and contains ample amenity space in all yards. The Building and Septic Division has indicated they have no concerns regarding the proposed septic servicing for the ARU.

In most cases, to be eligible for an Additional Residential Unit a property must abut a road that is assumed and maintained by the Municipality. Courtland Road is a private road. However, the Zoning By-law contains a unique provision regarding frontage on a public street. Section 18.7 provides that any lot which is in existence on or prior to the date of passing of this By-law shall be exempt from requiring frontage on a public street for the purposes of development. Based on the assessment maps available, the subject property has been in existence since at least 1979, predating the Zoning By-law. Through staff review of the Zoning By-law, it was determined that Section 18.7 prevails and the property is exempt from requiring frontage on a public street and is eligible for an ARU.

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):** “An application for a sewage system permit has been submitted for the proposed development. The proposal provides for a alternative sewage disposal system to service the ARU. An evaluation was conducted on the property to confirm the placement and allowance for the sewage system. Through our observations it was determined that the property could support the sewage system proposal. 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.”

**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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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-115

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

#### The Corporation of The City of Kawartha Lakes Amendment No. 39 to The City of Kawartha Lakes Official Plan

##### E. Details of the Amendment

The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

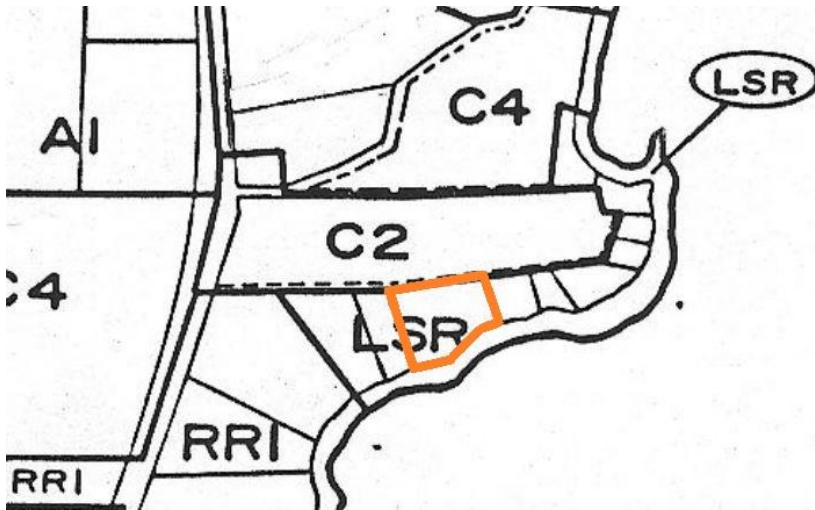
1. **Section 5. Housing Goal is amended by adding subsection 5.7 Additional Residential Units as follows:**

##### **5.7 Additional Residential Units**

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 An additional residential unit 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.

- c) Lots outside of designated settlement areas shall have a minimum lot area of 0.4 hectares to be eligible for an additional residential unit. This requirement may be reduced where it is demonstrated through a hydrogeological and site servicing study that the lot can be adequately serviced.
- d) Additional residential units shall only be permitted on lots having adequate sewage and water supply. Additional residential units being developed on private services are encouraged to utilize the existing private sewage disposal systems and wells.

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



### Section 5 Limited Service Residential (LSR) Zone

#### 5.1 LSR Uses Permitted

#### 5.2 LSR Zone Requirements

### Section 18 General Provisions

#### 18.1 Accessory Buildings, Structures and Uses

##### b) Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.3 metres from a rear lot line and 1.3 metres from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building.

Notwithstanding the requirement that an accessory building is only permitted in the side or rear yard, a garage may be erected in the front yard provided that it complies with the setback provisions of the specific zone.

#### 18.7 Frontage on a Public Street

Any lot which is in existence on or prior to the date of passing of this By-law or is an island lot or is in the LSR or LSS Zone shall be exempt from requiring frontage on a public street. Further, any lot within a registered plan of subdivision under Section 50 of The Planning Act, R.S.O. 1990, as amended, in which the road is to be assumed by the Municipality as stated within a subdivision agreement shall be exempt from requiring frontage on a public street.



### 18.31 Additional Residential Dwelling Units

Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the following provisions:

iv. An additional residential dwelling unit located in an accessory building or structure shall be in accordance with the provisions in subsection 18.1. An accessory building or structure containing an accessory residential dwelling unit located on an upper storey shall have a maximum height of 10 m and minimum yard setback of 1.2 m

to

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LOCATION MAP

# D20-2024-115



APPENDIX " B "

to

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**AERIAL PHOTO**



to

**APPLICANT'S SKETCH**

