

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Russell**  
Report Number COA2025-021

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**Public Meeting**

**Meeting Date:** February 27, 2025  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 8 – Geographic Township of Emily**

**Subject:** The purpose and effect is to recognize an existing shed for the purpose of obtaining a building permit.

**Relief sought:**

1. Section 3.1.2.1 of the Zoning By-law permits accessory structures to be located in the interior side or rear yard; the shed is located in the front yard.

The variance is requested at **4 Cadillac Boulevard** (File D20-2025-008).

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

**Signature:** 

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**Recommendations**

**That** Report COA2025-021 – **Russell**, be received;

**That** minor variance application D20-2025-008 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 COA2025-008, 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 COA2025-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To recognize an existing shed for the purpose of obtaining a building permit
Owners:	Tina and Ronald Russell
Applicant:	Tina Russell
Legal Description:	Part Lot 22, Concession 5 (being Block 1 on Plan 450, less Part 1 on Reference Plan 57R893)
Official Plan <sup>1</sup> :	Waterfront and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	1,941 sq. m. (20,893 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, agricultural, and environmental protection

## Rationale

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

The subject property is located at the northern end of Lancaster Bay in an area that consists of residential and agricultural properties. The property is a corner lot that is rectangular in shape, and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1974 (according to Municipal Property Assessment Corporation), a detached garage, and two sheds.

The purpose of the application is to recognize one of the existing sheds, being the shed currently located in the front yard, for the purposes of obtaining a building

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

permit. The shed provides storage space for the belongings of the property owners.

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 and Environmental Protection under the City of Kawartha Lakes Official Plan. Only a small corner of the property near the shoreline is designated Environmental Protection. The Waterfront designation permits residential uses and buildings and structures accessory to residential uses.

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 Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-law 1996-30. 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 accessory structure location.

Section 3.1.2.3 of the Zoning By-law provides that a private garage is permitted in the front yard when a property abuts a navigable waterway. A private garage is defined as “an enclosed structure accessory to a residential use for the storage of one or more motor vehicles in which no business, occupation, or service is conducted for profit.” As the subject structure is a shed and does not meet the definition of a private garage, it is not permitted in the front yard and therefore a Minor Variance is required.

Section 3.1.2.1 of the Zoning By-law permits accessory structures to be located in the interior side or rear yard; the shed 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.

Accessory structures are permitted in the interior side or rear yard. As this property is a corner lot, it has one interior side yard, which contains the detached garage. Additionally, siting an accessory structure in the rear yard in compliance with the minimum water setback would be challenging. The shed exceeds the minimum front and interior side yard setbacks. The dwelling is two storeys in height and remains visually predominant. The property is 1,941 square metres in size and adequate amenity space is available in the front and rear yards. Other properties in the area appear to have accessory structures in the front yard, so the existing shed is not out of character with the 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 (Septic):** “A sewage system installation report has been located for the property. The report indicates that the sewage system is located in the north-east corner of the property. The shed has been placed in the south-east corner of the property. The shed has been located to ensure the minimum required clearance distances are maintained to the sewage system components. The placement of the shed will not restrict the property from a replacement sewage system in the future. Additionally, the shed will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division have 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 comments for or objection to this Minor Variance application.”

**Building and Septic Division (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

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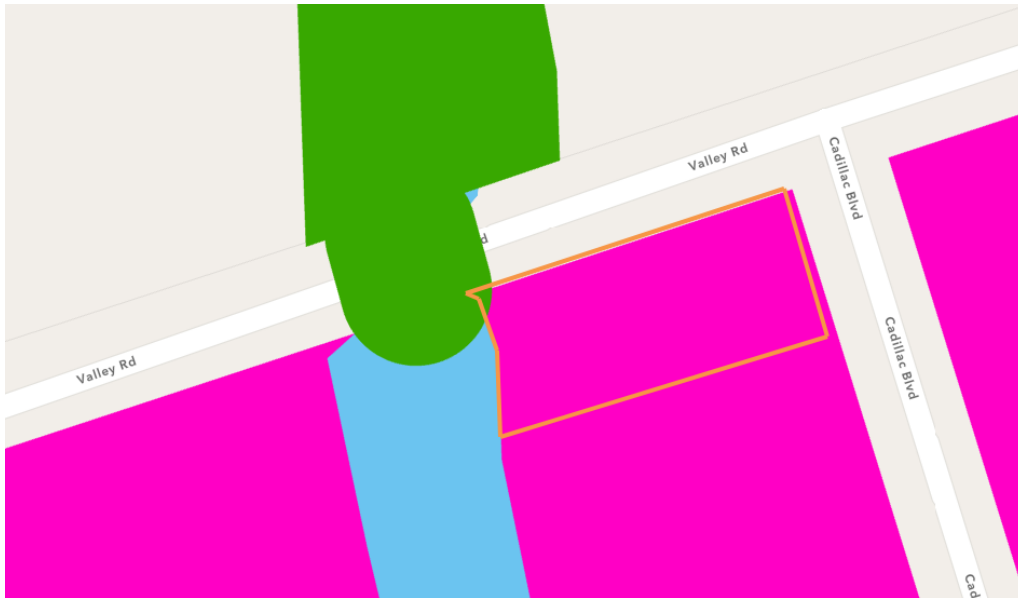
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2025-008

## **Schedule 1**

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

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



#### **17. Environmental Protection Designation**

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

## Township of Emily Zoning By-law 1996-30



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures, and Uses

##### 3.1.2 Location

- 3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

### Part 12 Rural Residential Type Three (RR3) Zone

#### 12.1 Uses Permitted

#### 12.2 Zone Provisions

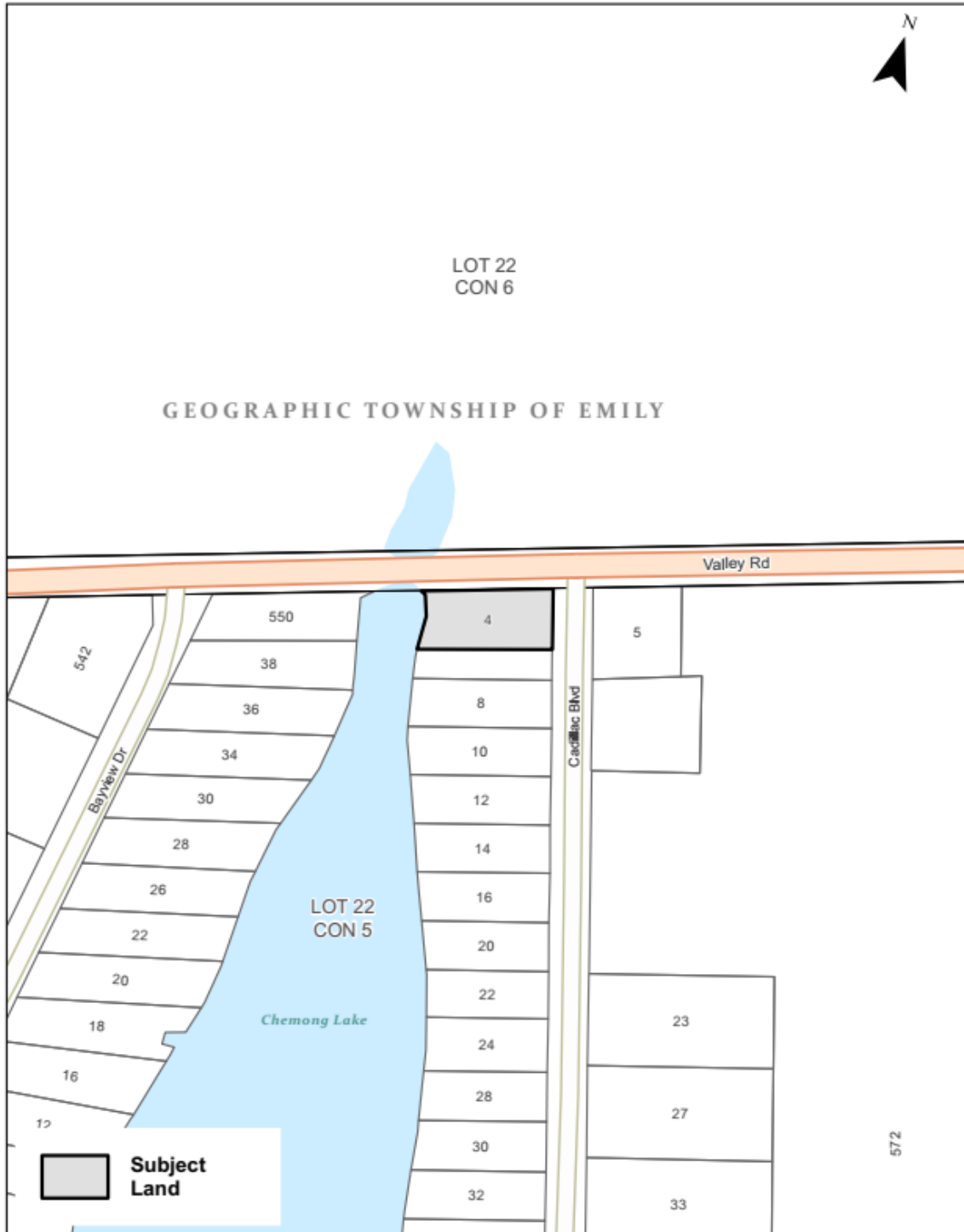
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**LOCATION MAP**

**D20-2025-008**





APPENDIX " B "

to

REPORT COA2025-021

FILE NO: D20-2025-008

## AERIAL PHOTO

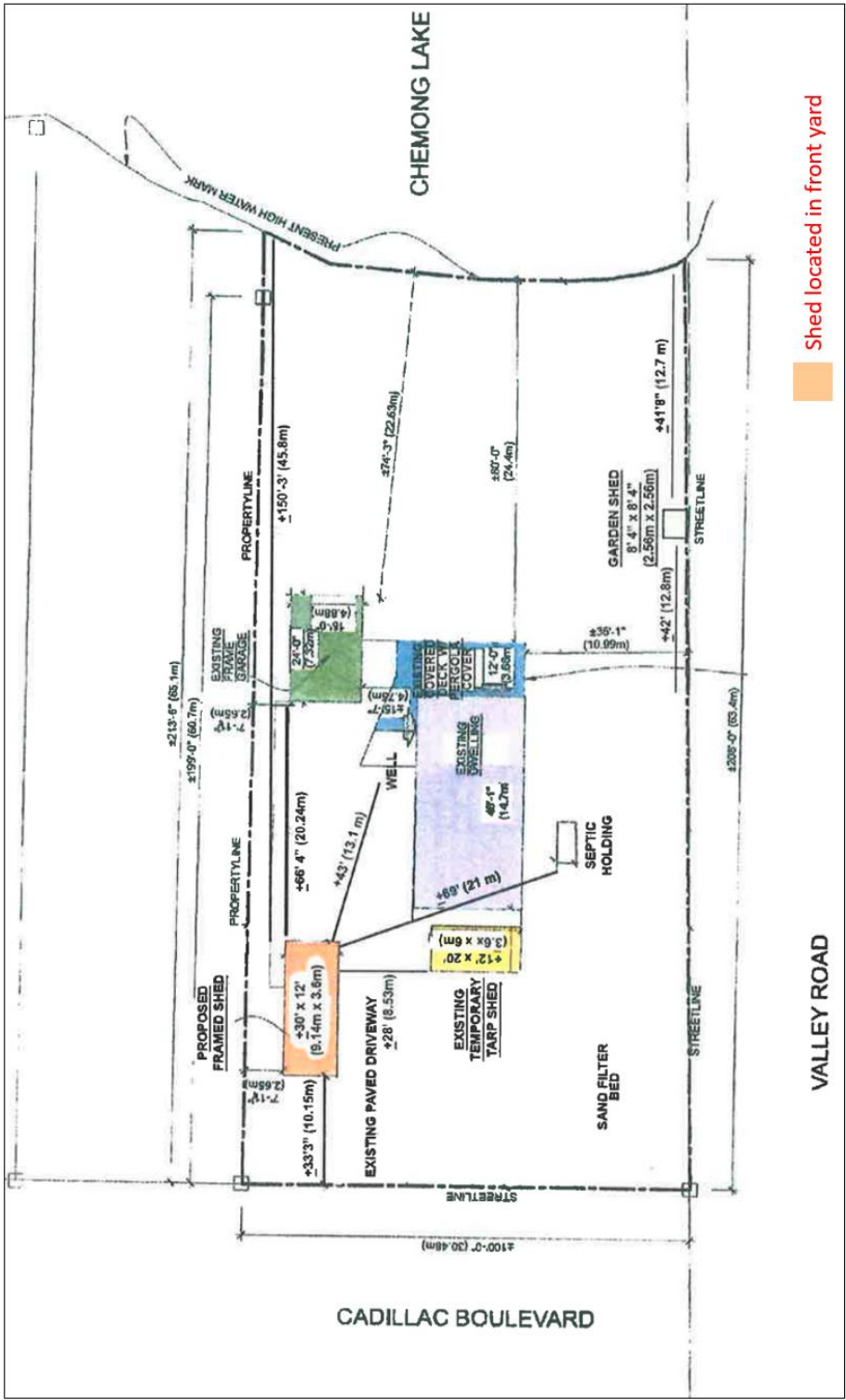


to

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APPLICANT'S SKETCH



Shed located in front yard