

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Ewing

Report Number COA2025-014

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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 6 – Geographic Township of Verulam

**Subject:** The purpose and effect is recognize an existing gazebo.

#### Relief sought:

1. Section 8.2 j) of the Zoning By-law permits a maximum lot coverage of 33% of the lot area; the existing lot coverage is 35%; and,
2. Section 5.1.4 b) of the Zoning By-law requires a minimum rear yard setback for accessory structures of 1.2 metres; the existing setback is 0.1 metres.

The variance is requested at **55 Hazel Street, Verulam** (File D20-2025-002).

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

**Signature:** 

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### Recommendations

**That** Report COA2025-014 – **Ewing**, be received;

**That** minor variance application D20-2025-002 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 COA2025-014, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** this approval shall be in effect for a period of twenty-four (24) months after the date of the Notice of Decision, after which this structure will hold a legal non-complying status with respect to lot coverage and rear yard setback.

This approval pertains to the application as described in report COA2025-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To recognize an existing gazebo
Owners:	Doris Kelly Ewing
Applicant:	Same as owner
Legal Description:	Part Lot 10, Concession 2 (being lots 89 and 90 on Plan 128)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One (R1) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	364 sq. m. (3,918 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and holding tank
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 located within an established residential neighbourhood in the Greenhurst-Thurstonia area. The property is rectangular in shape and is not a waterfront lot, as Hazel Street separates the property from Sturgeon Lake. The property currently contains a single detached dwelling constructed in 1930 (according to Municipal Property Assessment Corporation), a shed, and a gazebo.

The purpose of the application is to recognize the existing gazebo. The gazebo is located in the rear yard at the highest portion of the property, and provides a space for enjoying views of the water while being sheltered from the elements. The property steeply slopes from the rear yard down to the front yard and contains a retaining wall, making siting the gazebo in a compliant location challenging. The location also maximizes the owner's ability to enjoy the view of the water.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

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. 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.

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 Residential Type One (R1) Zone under the Township of Verulam Zoning By-law 6-87. 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 maximum lot coverage and minimum rear yard setback for an accessory structure.

Section 8.2 j) of the Zoning By-law permits a maximum lot coverage of 33% of the lot area. The existing lot coverage is 35%. The intent of this provision is to ensure adequate amenity and landscaped open space is maintained, and to control more technical aspects of development such as stormwater management.

This neighbourhood is characterized by smaller lot sizes, so exceeding maximum lot coverage is not uncommon. The buildings and structures on the subject property exceed the maximum lot coverage by approximately 8 square metres. Adequate amenity space is maintained, and no issues regarding stormwater infiltration have been raised.

Section 5.1.4 b) of the Zoning By-law requires a minimum rear yard setback for accessory structures of 1.2 metres. The existing setback is 0.1 metres. The intent of the minimum rear yard setback for an accessory structure is to reduce land use and privacy conflicts between abutting properties, and address massing impacts.

The gazebo is not enclosed, mitigating massing impacts. The rear lot line of the subject property and the interior side lot line of the neighbouring property are separated by a fence, which assists with maintaining privacy between the properties. Additionally, due to the sloping nature of these properties, only the top of the gazebo is visible from the deck on the neighbouring property, again maintaining a level of privacy.

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 was located for the property. The holding tank has been installed in the roadside yard of the property. The gazebo has been located in the rear yard of the dwelling. The gazebo has been placed to ensure the minimum required clearance distances are maintained. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to a 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:** D20-2025-002

## Schedule 1 Relevant Planning Policies and Provisions

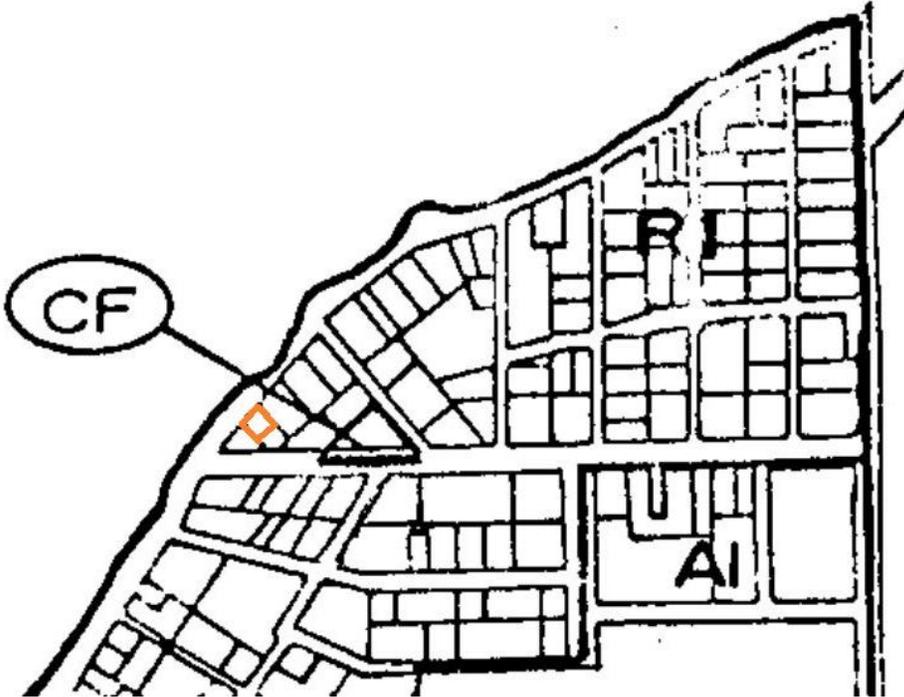
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Verulam Zoning By-law 6-87



### Section 5 General Provisions

#### 5.1 Accessory Uses

##### 5.1.4 Yards

All accessory uses shall comply with the yard provisions of the zone in which such accessory use is located, except that in a Residential Zone, an accessory use shall comply with the following provisions:

b) when such accessory use is located in the rear yard, no rear yard is required except in the case where the rear lot line is the side lot line of the adjoining lot, in which case such accessory use shall be no closer than 1.2 metres to that portion of the rear lot line which adjoins the interior side lot line of the adjoining lot.

### Section 8 Residential Type One (R1) Zone

#### 8.1 R1 Uses Permitted

#### 8.2 R1 Zone Provisions

j) Maximum lot coverage 33%

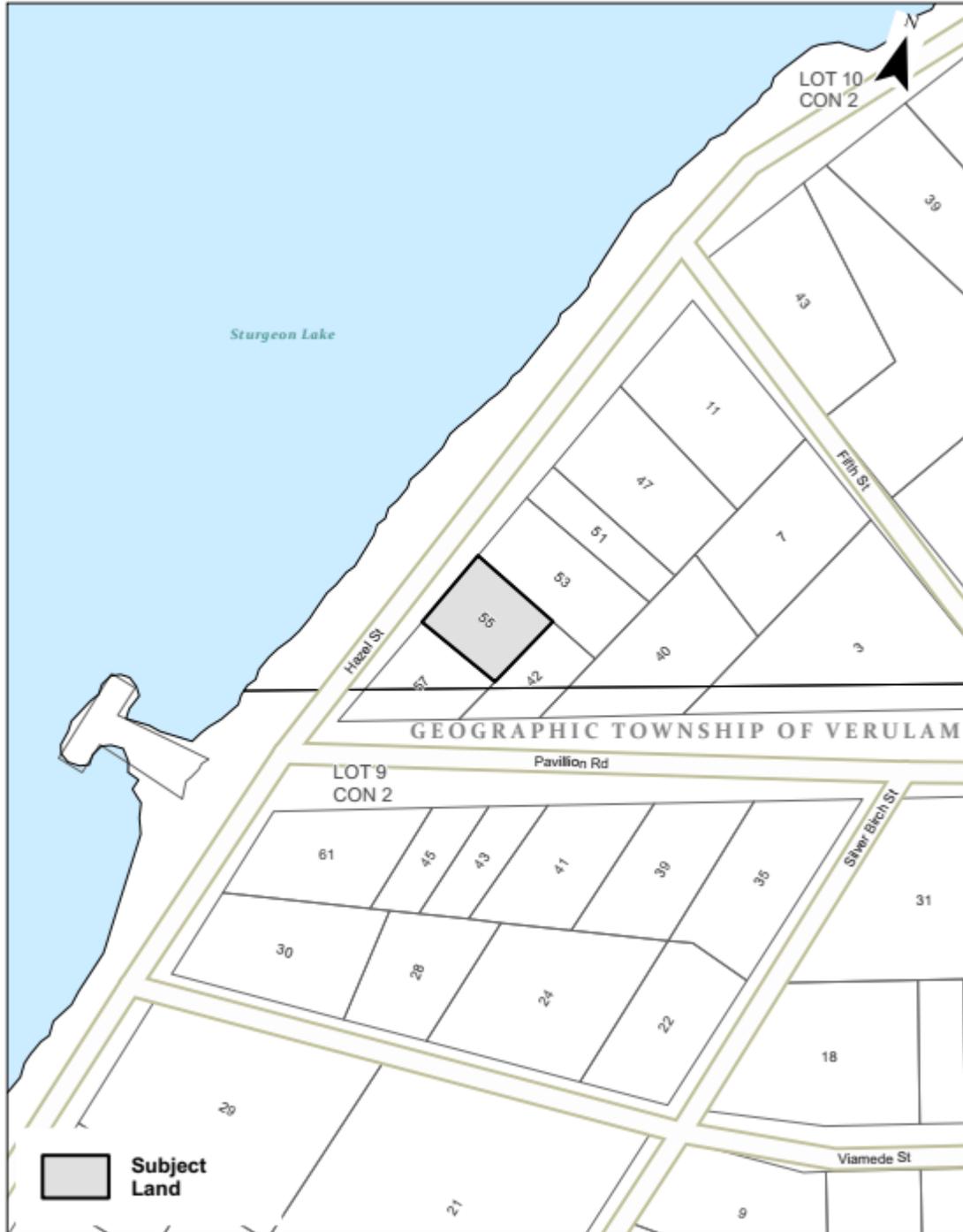
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REPORT COA2025-014

FILE NO: D20-2025-002

**LOCATION MAP**

# D20-2025-002



APPENDIX " B "

to

REPORT COA2025-014

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**AERIAL PHOTO**



