

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Dobbs
Report Number COA2025-016

Public Meeting

Meeting Date: February 27, 2025

Time: 1:00 pm

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

Ward 1 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the construction of a screened-in porch on an existing deck. An existing two storey cabin, detached garage, and outhouse are being recognized.

Relief sought:

1. Section 4.2.f. of the Zoning By-law requires a minimum 15 metre water setback, the water setback remains unchanged at 8.68 metres from the proposed screened-in porch;
2. Section 18.1.2.a. of the Zoning By-law requires accessory structures to be located in an interior side yard; the existing two-storey cabin and outhouse are located in the front yard;
3. Section 18.1.3.b. of the Zoning By-law permits a maximum height of 5 metres for accessory structures; the existing two-storey cabin is 6.1 metres in height;
4. Section 18.1.3.c. of the Zoning By-law permits a maximum of three accessory structures, there are 9 existing accessory structures;
5. Section 18.1.6.a of the Zoning By-law permits a maximum floor area of 30 square metre for cabins, the existing cabin is 45 square metres in ground floor area.

The variance is requested at **3706 Monck Road, Somerville** (File D20-2025-003).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2025-016 – **Dobbs**, be received;

That minor variance application D20-2025-003 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 COA2025-016, 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 COA2025-016. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a screened-in porch on an existing deck. An existing two-storey cabin, detached garage, and outhouse are being recognized.
Owners:	Phil and Maria Dobbs
Applicant:	Owners
Legal Description:	Part Lot 75 Part Road Allowance, Concession Front Range (being Part 4, RP 57R-10330)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	3,277.95 square metres (0.81 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual septic system and potable water from lake
Existing Uses:	Residential
Adjacent Uses:	Residential, Vacant

¹ See Schedule 1

² See Schedule 1

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 Shadow Lake with access from Monck Road. The area in which the property is located is predominantly seasonal residential, comprised of built form characterized by single detached dwellings and assorted accessory structures with varying proximities from both the road and shoreline. The subject property has tall trees and dense hedges running along portions of its lot boundaries. The front lot line and eastern side lot line are almost entirely covered by this existing dense tall vegetation.

The subject property is a seasonal residential property and currently contains a two-storey dwelling, a detached garage, a two-storey cabin, an outhouse, a boathouse, three sheds, and two gazebos. The proposal seeks to facilitate the construction of a screened-in porch on an existing deck. The existing two-storey cabin, detached garage, and outhouse are being recognized in order to obtain building permits.

The existing cabin is two-stories in height, with the second-storey being used solely for storage. The existing accessory structures are typical of a seasonal residence, as seen in many of the neighbouring properties as well (according to the Municipal Property Assessment Corporation). The proposed screened-in porch on the existing deck will allow the existing space to be enclosed and covered, allowing the residents to view the lake from a protected space.

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 Rural Residential Type Three (RR3) Zone under the Township of Somerville Zoning By-Law 78-45. The RR3 Zone permits various uses, including but not limited to, a single detached dwelling, a vacation dwelling, and related accessory structures. Relief is required from the provisions identified on page 1 of this report.

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. The proposed screened-in porch is being placed directly on the existing deck. 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 existing vegetation or infiltration.

Generally, provisions regarding accessory structures aim to ensure accessory uses remain subordinate to the primary use, avoid overcrowding, and to maintain a cohesive neighbourhood built form character. Given the waterfront nature of the subject property, detached garages are permitted in the front yard and thus the existing garage does not need relief for its existing location. As the subject property is largely covered from public views from the road, the only visible structures are the existing garage and dwelling. Similarly, although the number of permitted accessory structures is exceeded, both overall lot coverage and accessory structure lot coverage are complied with, mitigating concerns regarding overcrowding. These accessory structures are typical of a seasonal property, and compliment the primary residential use.

With respect to the oversized cabin, the structure has been existing since the year 1991. Both the maximum height provision and floor area provision aim to ensure any cabin remains subordinate to the primary use of the property. Although oversized, the existing cabin remains the subordinate use on the property as its visual impact is minimal from the public view. Moreover, the cabin's ground floor area is more than three times smaller than the existing dwelling, which ensures the primary dwelling remains the predominate use of the property.

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

As part of the circulation, it was noted on the public notice that existing non-compliances relative to the issuance of a building permit will be addressed. This statement was included as there is awareness regarding the non-compliance status of several structures on the property.

During the writing of this report, it was confirmed by the Building and Septic Division that the following structures require a building permit (as labelled on the sketch): 3 bay garage, two storey games cabin, and two piece bathroom. As a result, these structures have been included in this application through the request of relief numbers two to five to address zoning non-compliances.

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

ECA – Development Engineering: “From a Development engineering perspective, we have no comments for or objection to this Minor Variance application.”

Kawartha Region Conservation Authority (Resources Planner): “The property is located outside Kawartha Conservation’s Jurisdiction but within the City of Kawartha Lakes’ Extended Planning area. We have no concerns with the proposal of screened porch on the existing deck, and no further circulation or fees are required at this time. A permit under Ontario Regulation 41/24 will not be required for the proposed porch.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

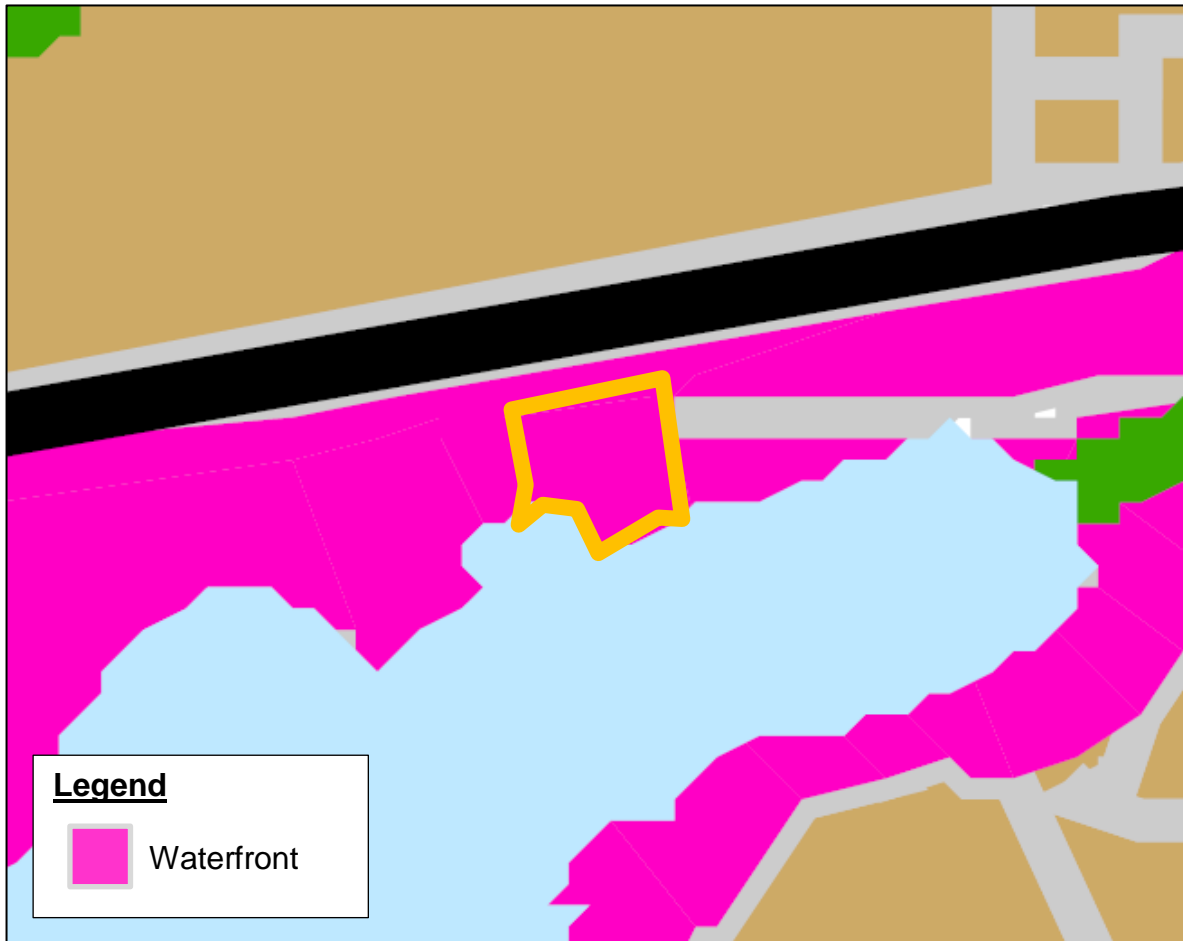
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-003

Schedule 1

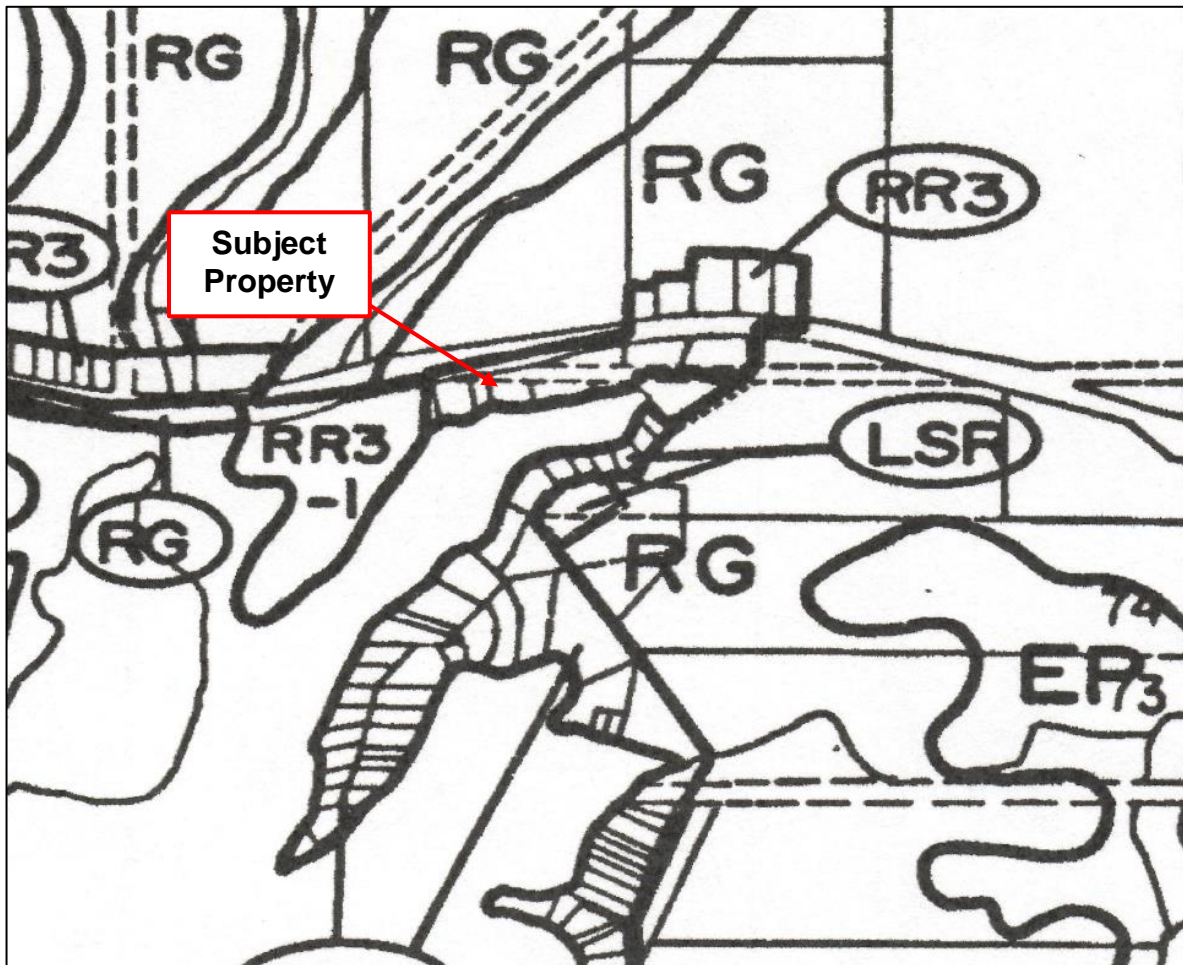
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 20. Waterfront Designation

Township of Somerville Zoning By-Law 78-45



Section 4: Rural Residential Type Three (RR3) Zone
Section 18: General Provisions

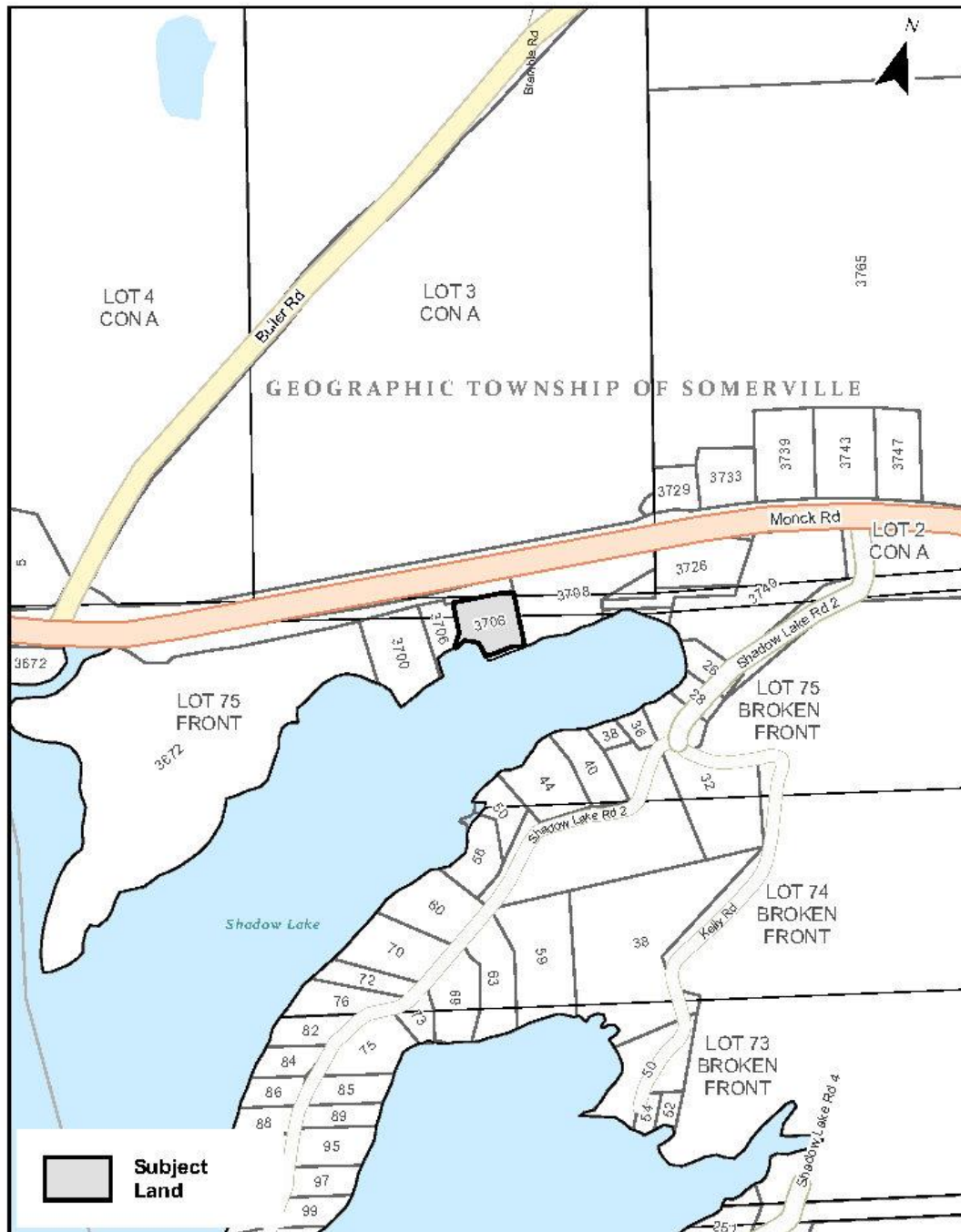
to

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LOCATION MAP

D20-2025-003



APPENDIX " B "

to

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AERIAL PHOTO (2023)

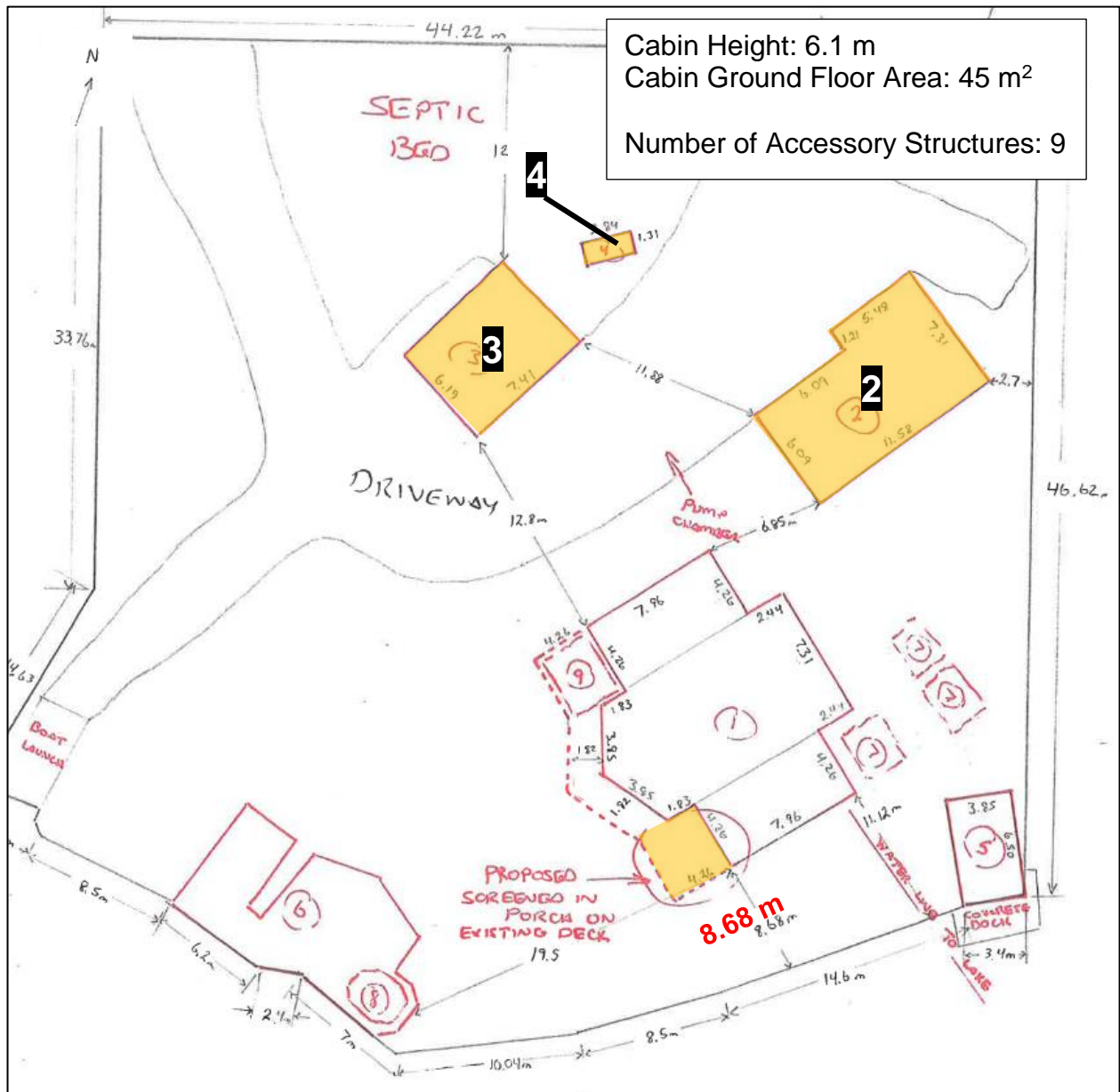


to

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APPLICANT'S SKETCH



- ① HOME BUNGALOW
WITH PARTIAL 2ND FLOOR
- ② 3 BAY GARAGE
- ③ TWO STOREY GAMES CABIN
- ④ 2 PIECE BATHROOM
- ⑤ 1914 BOAT HOUSE
- ⑥ DOCK

- ⑦ THREE VINYL STORAGE SHEDS
2.44 X 2.44 METRES
- ⑧ ALUMINUM GAZEBO ON
DOCK 3.6 X 3.6 METRES
- ⑨ ALUMINUM GAZEBO ON
DECK.
3.05 X 3.05 METRES