

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Eagleson-Madden
Report Number COA2025-035

Public Meeting

Meeting Date: March 27, 2025

Time: 1:00 pm

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

Ward 1 – Geographic Township of Eldon

Subject: The purpose and effect is to facilitate construction of a detached garage and recognize three (3) existing sheds in the front yard.

Relief sought:

1. Section 3.1.2.1. of the Zoning By-law requires accessory structures to be located in a side or rear yard, the proposed garage is to be located in the front yard and the existing sheds are in the front yard; and,
2. Section 3.1.3.3. of the Zoning By-law permits a maximum two (2) accessory structures, with the proposed garage there will be four (4) accessory structures.

The variance is requested at **23 Duncan Drive** (File D20-2025-022).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2025-035 – Eagleson-Madden, be received;

That minor variance application D20-2025-022 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 COA2025-035, 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 COA2025-035. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage and recognition of three (3) existing sheds.
Owners:	Lisa Eagleson-Madden
Applicant:	Joseph Madden
Legal Description:	Part Lot 27, Concession 1 (being Lot 9 and 9A, Plan 305; Part C, 1918C); as well as, Part Lot 27, Concession 1 (being Lot 8 and 8A, Plan 305; Part C, 1918C)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Eldon Zoning By-Law 94-14)
Site Size:	3,844.51 square metres (0.95 acres)
Site Access:	Unassumed road
Site Servicing:	Private individual well and septic system
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 situated on the shoreline of the Talbot River, with access from Duncan Drive (unassumed road). The property is located in the low-density residential neighbourhood, comprised of single-detached dwellings and assorted accessory structures. The subject property currently contains a one-storey single detached dwelling with three (3) sheds.

¹ See Schedule 1

² See Schedule 1

The proposal seeks to facilitate the construction of a detached garage and recognition of the three (3) existing sheds. The use of accessory structures for personal storage is common on many low-density residential lots, the proposed structure and existing structures do not change the use of the property or conflict with neighbouring land uses.

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. The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The Official Plan establishes a water setback, aiming to provide a buffer between bodies of water and built form, as well as preserving shorelines. The proposed garage supports the objectives of the Waterfront designation as it does not change the existing low-density residential land use, maintains a low profile and preserves the existing shoreline.

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 Limited Service Residential (LSR) Zone under the Township of Eldon Zoning By-Law 94-14. The LSR Zone permits a single detached dwelling, vacation dwellings, and related accessory uses. Relief is sought from the maximum number of permitted accessory structures and location of accessory structures.

Section 3.1.2.1. of the Zoning By-law requires accessory structures to be located in a side or rear yard, the proposed garage is to be located in the front yard and the existing sheds are in the front yard. The intent of limiting the location of accessory structures to the 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. Requiring accessory structures to be located within the interior side or rear yard serves to secure ample amenity space in the front yard, as well as, ensures the property is cohesive with surrounding properties and area.

Section 3.1.3.3. of the Zoning By-law permits a maximum of two (2) accessory structures; with the proposed garage there will be four (4) accessory structures. By establishing a maximum limit, the intention is to maintain the low-density residential use of properties while also safeguarding against potential overcrowding.

With respect to the proposed detached garage, on waterfront properties it is common for garages to be located in the front yard opposite from the shoreline to provide direct access from the road via a driveway. The Township of Eldon Zoning By-Law 94-14 allows for detached garages to be situated in the front yard on waterfront properties, however, a garage must be under 56 square metres in floor

area in order to be eligible for this provision. This provision is rare amongst the various Zoning By-law's that are applicable in the City of Kawartha Lakes, and this has been taken into account in the Rural Zoning By-law (RZBL) that was adopted by Council (although under appeal and not currently in effect), which allows for garages on waterfront properties. The proposed detached garage complies with the applicable front yard setback, is located distantly from the street, and upholds a sufficient water setback.

The existing sheds being situated in the front yard avoid incompatibility with the water setback and distance from the septic bed in the rear yard. Moreover, although the maximum number of accessory structures in this Zoning By-law is two (2), typically the other City's Zoning By-laws permit a maximum of three (3) accessory structures in addition to an accessory structure lot coverage. The RZBL also allows for a maximum of three (3) accessory structures.

Although the number of permitted accessory structures is exceeded, even with the construction of a detached garage the property maintains a compliant overall lot coverage (4.4% proposed, 30% permitted) and accessory structure lot coverage (2.6% proposed, 10% to a maximum of 100 square metres permitted). The existing sheds are not scattered around the property, and situated cohesively nearby the north side lot line. As such, the accessory structures remain subordinate to the primary use of the property and overcrowding is avoided.

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 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:

DS – Building and Septic (Building): “No comments.”

DS – Building and Septic (Septic): “A sewage system use permit has been located for the property. The sewage system report indicates the system is constructed on the water side, directly in front of the dwelling. The garage is being proposed to the side and roadside yard of the property. The placement of the garage 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.”

Public Comments:

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

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

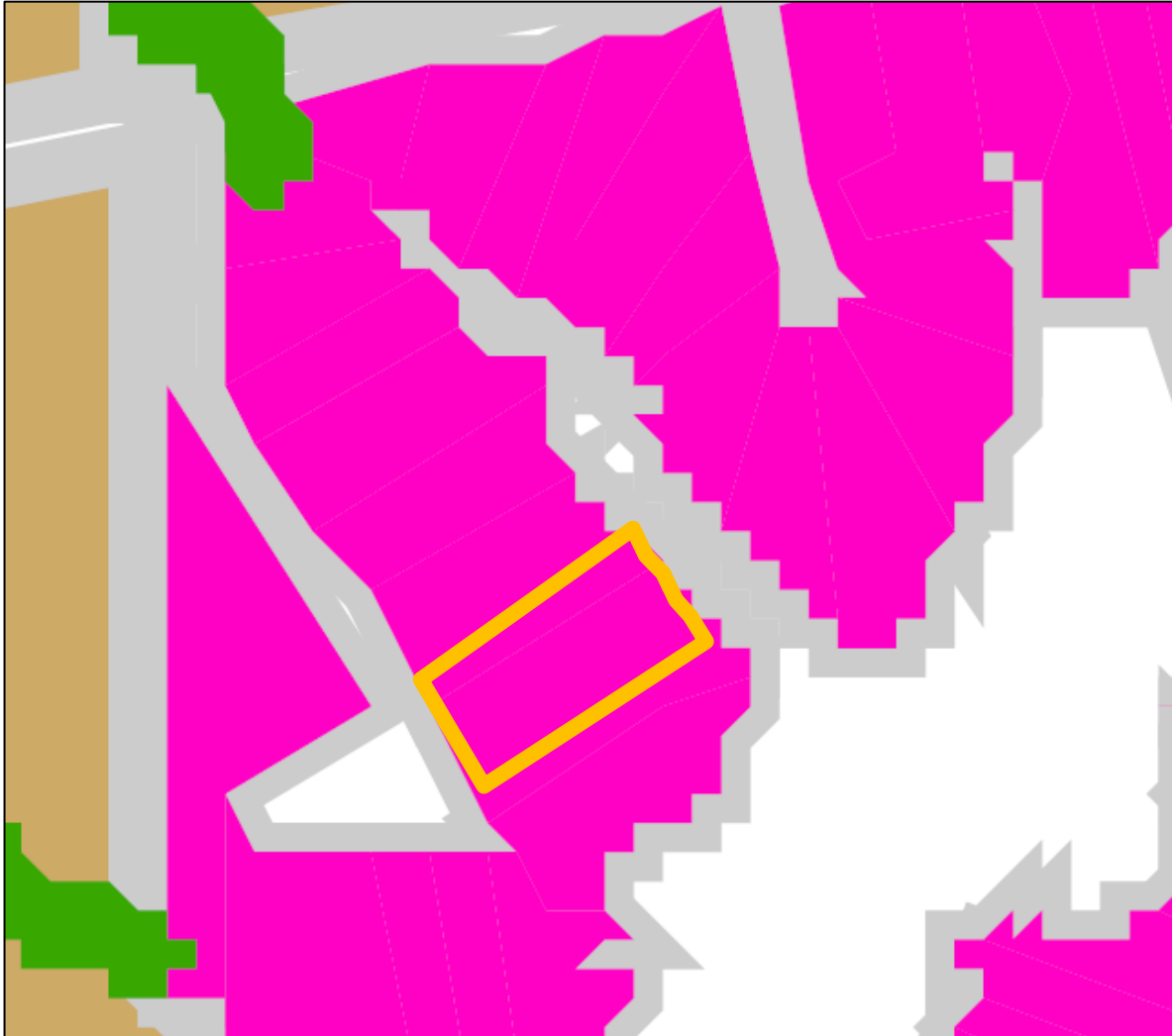
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-022

Schedule 1

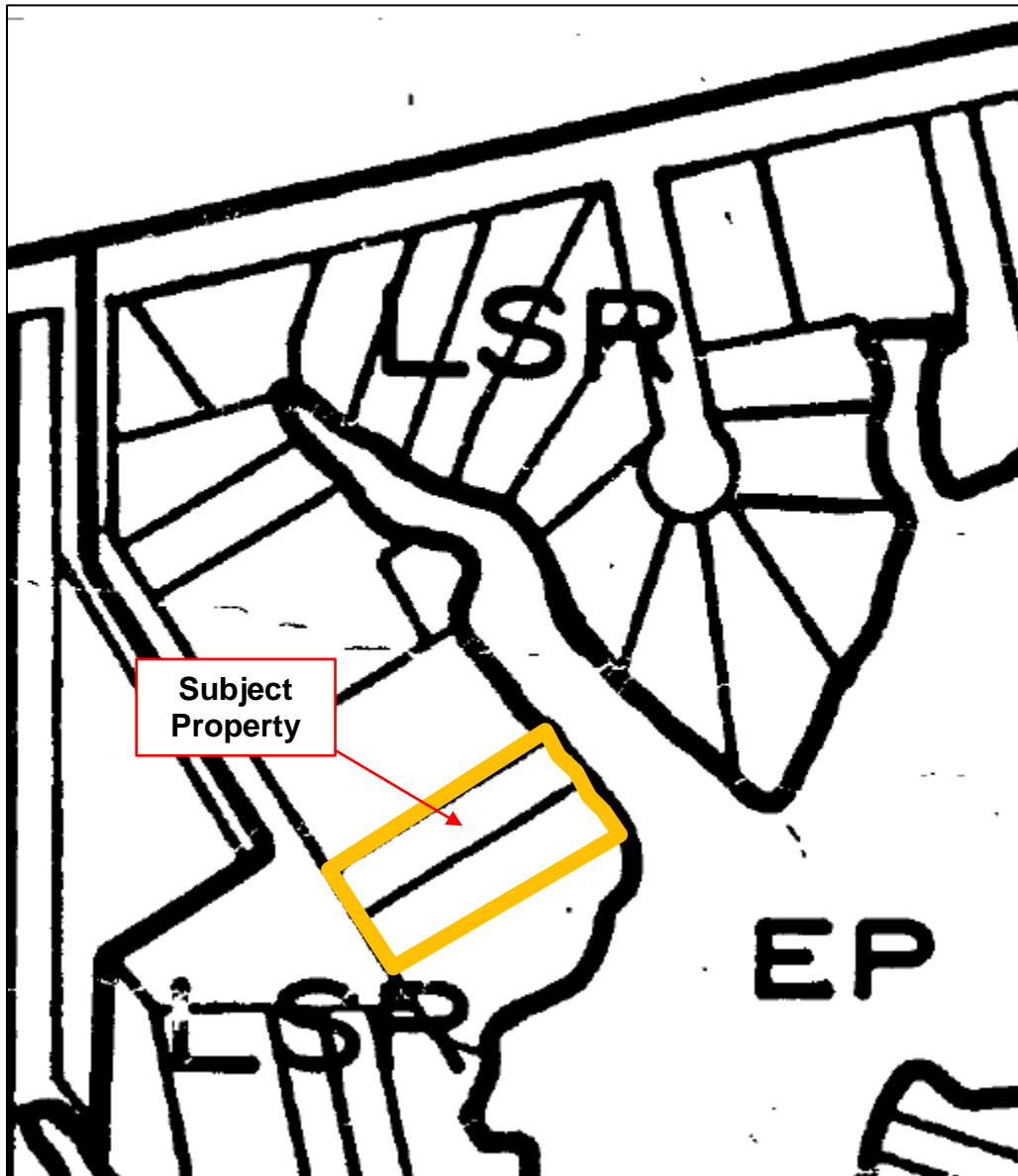
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



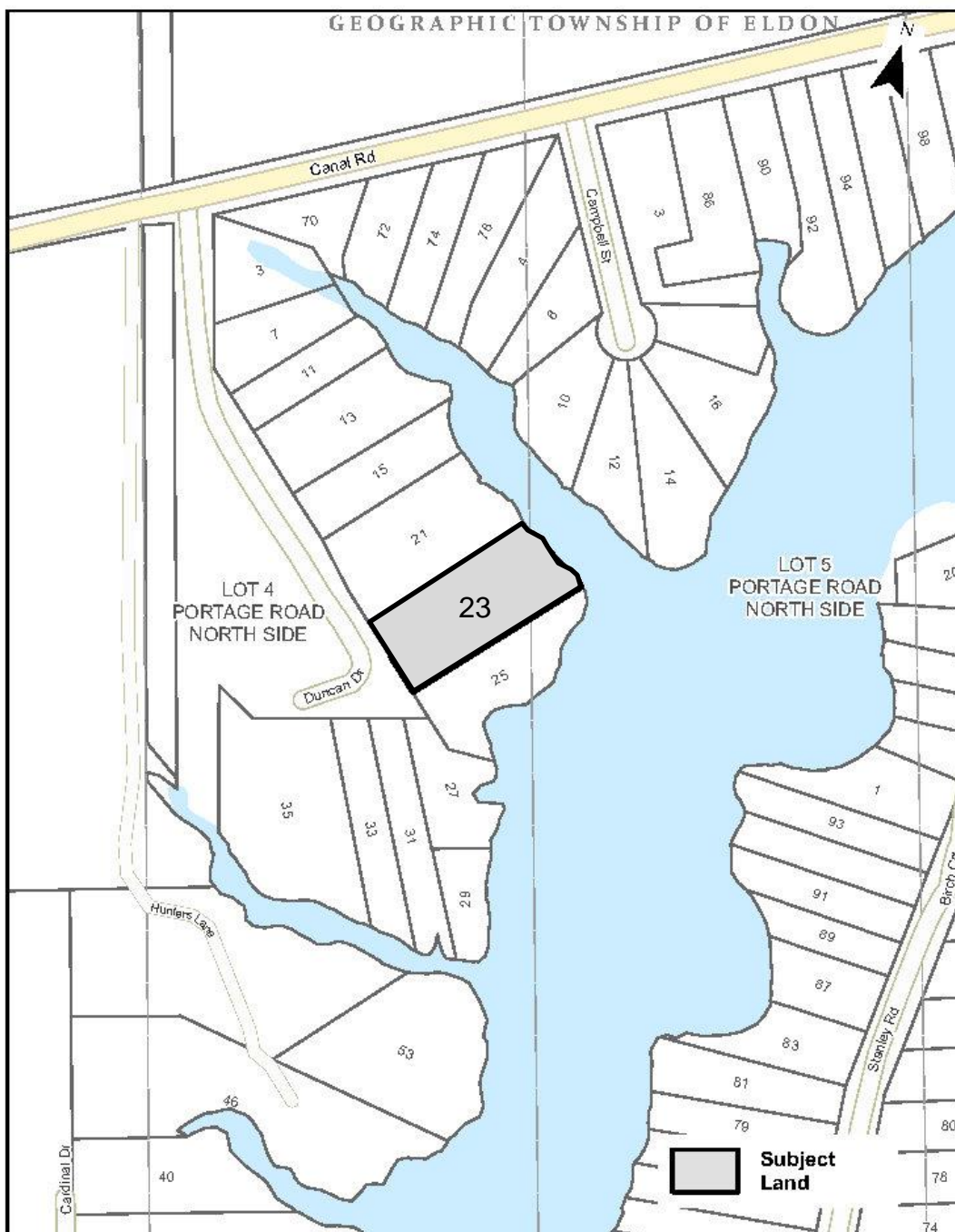
Section 20. Waterfront Designation

Township of Eldon Zoning By-Law 94-14



Section 3. General Provisions

D20-2025-022



to

REPORT COA2025-035

FILE NO: D20-2025-022

AERIAL PHOTO (2023)



to

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APPLICANT'S SKETCH

