

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Wilson
Report Number COA2025-013

Public Meeting

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

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the construction of an attached garage.

Relief sought:

1. Section 14.2.1.5 e) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 1.2 metres on the other side; the proposed setback is 0.9 metres.

The variance is requested at **1 Macal Drive (Subject Site: 5 Homewood Avenue)** (File D20-2025-001).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2025-013 – **Wilson**, be received;

That minor variance application D20-2025-001 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 COA2025-013, 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 COA2025-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an attached garage
Owners:	Jeffrey Somerville (Park Manager of Pleasantview Park); Jim and Carol Wilson (tenants of subject lot)
Applicant:	Jim Wilson
Legal Description:	East Part Lot 1, Concession 3 (being Part 1 on Reference Plan 57R679)
Official Plan ¹ :	Prime Agricultural and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Mobile Home Park (RM) Zone and Environmental Protection Exception One (EP-1) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	768 sq. m. (8,267 sq. ft.)
Site Access:	Year round municipal road (park); private road (site)
Site Servicing:	Private individual septic system and private communal well
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 within Pleasantview Park, which consists of mobile home sites as well as communal amenity space. The subject site contains a mobile home which was constructed in 1979 (according to the tenants) as well as a shed. The proposal is to construct an attached garage onto the side of the existing

¹ See Schedule 1

² See Schedule 1

dwelling. The new garage will provide covered vehicle parking as well as storage space for the belongings of the tenants.

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 Prime Agricultural and Environmental Protection under the City of Kawartha Lakes Official Plan. The mobile home sites are within the Prime Agricultural designation. There are clusters of residential lots and scattered residential lots located throughout this designation. They may be recognized as permitted uses within the zoning by-law provided they existed prior to the adoption of this Plan. The majority of the dwellings on the subject property are from the 1970s and 1980s, predating the Official Plan.

Additionally, as per policy 34.1., nothing in the Official Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit a residential mobile home park, and this zoning has been in place since at least 1995.

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 Mobile Home Park (RM) Zone and Environmental Protection Exception One (EP-1) Zone under the Township of Fenelon Zoning By-law 12-95. The mobile home sites, including the proposed development, are out side of the EP-1 Zone within the RM Zone, which permits a mobile home park and accessory buildings and structures. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback for a mobile home site.

Section 14.2.1.5 e) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 1.2 metres on the other side; the proposed setback is 0.9 metres. The purpose of an interior side yard is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The proposed garage would abut the attached garage on the neighbouring lot, as such the proposed garage does not abut residential space and privacy issues are not anticipated. The proposed setback provides sufficient space for access between the front and rear yard as well as for the carrying out of any building maintenance on that side of the dwelling. Issues with lot drainage are not anticipated.

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:

Building and Septic Division (Septic): “The property falls within the jurisdiction of the Ministry of Environmental, Conservation and Parks for sewage disposal requirements. As such, the Building and Septic Division has no comments for the minor variance 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



Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-001

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

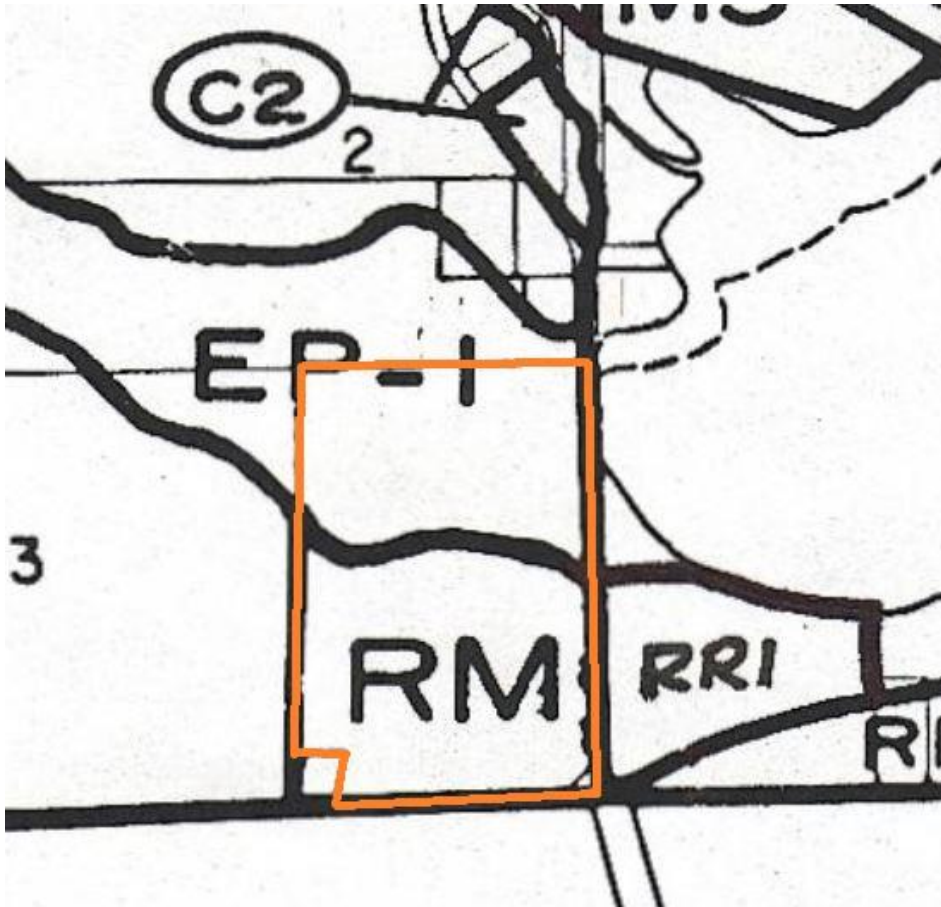


 Environmental Protection  Prime Agricultural

15. Prime Agricultural Designation

17. Environmental Protection Designation

Township of Fenelon Zoning By-law 12-95



Part 5 Environmental Protection (EP) Zone

5.1 Uses Permitted

5.3 Environmental Protection Exception Zones

5.3.1 Environmental Protection Exception One (EP-1) Zone

Notwithstanding subsection 5.1.1, land zoned "EP-1", may also be used for agricultural uses, however, no buildings or structures shall be permitted.

Part 14 Residential Mobile Home Park (RM) Zone

14.1 Uses Permitted

14.2 Zone Provisions

14.2.1.5 Mobile Home Site Standards

e) Interior side yard (min.) 1.2 m one side, 3 m other side

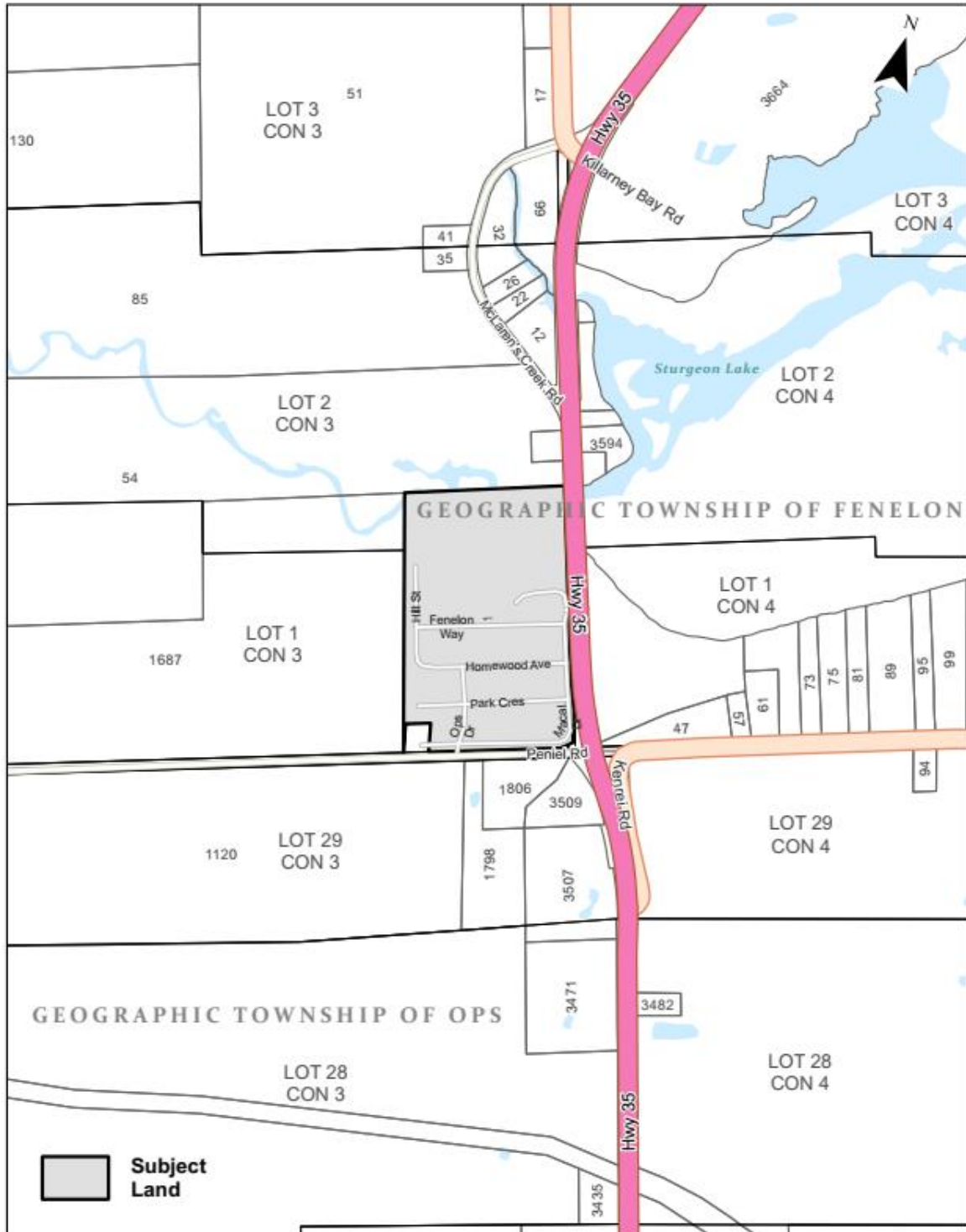
to

REPORT COA2025-013

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LOCATION MAP

D20-2025-001



to

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

