

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Carpentier
Report Number COA2025-019

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 Laxton

Subject: The purpose and effect is to recognize an existing dwelling on the property, as well as construct an attached covered porch.

Relief sought:

1. Section 4.2.j. of the Zoning By-law requires a minimum 58 square metre dwelling unit floor area; the existing floor area of the dwelling is 22.84 square metres.

The variance is requested at **Cockburn Street, Laxton** (File D20-2025-006).

Author: A. Shahid, Planner II **Signature:**



Recommendations

That Report COA2025-019 – **Carpentier**, be received;

That minor variance application D20-2025-006 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 COA2025-019, 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 COA2025-019. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an existing dwelling on the property, as well as construction of an attached covered porch.
Owners:	Larry B. Carpentier
Applicant:	Owner
Legal Description:	Lot 35, Plan 30
Official Plan ¹ :	Hamlet Settlement Area and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	971.25 square metres (10,454.45 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Individual septic system and municipal water servicing
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 in the former Township of Laxton, in Norland, a predominantly low density residential community. The community is comprised of single detached dwellings, commercial buildings, and some institutional buildings. The subject property currently contains a detached dwelling and a cabin structure. It is unknown when the detaching dwelling was placed on the property, based on aerial imagery the dwelling has existed since at least 2004. The new and current owner is upgrading and restoring the dwelling, and installing a septic sewage system. The cabin was placed by the current owner in May of 2024 to temporarily reside in until the building permit for the dwelling can be processed.

¹ See Schedule 1

² See Schedule 1

As such, the application seeks to facilitate the recognition of the existing dwelling on the property given its undersized floor area, as well as construct an attached covered porch. The existing cabin will be converted into a storage structure as part of the application.

The upgrading of the detached dwelling will improve the aesthetic of the property and better align it with the built form character of the community. Recognizing the dwelling supports the efficient use of land and resources while retaining an existing structure, reducing unnecessary demolition and waste. Moreover, the proposal recognizes the dwelling may support housing diversity by providing an alternative small-footprint housing option.

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 Hamlet Settlement Area and Environmental Protection under the City of Kawartha Lakes Official Plan (2012). A majority of the property is designated Environmental Protection, which follows a watercourse that is partially open and partially underground through a culvert. The watercourse eventually leads into the Gull River. Approximately 88% of the property is under the Environmental Protection designation, with the existing structures all situated within this designation.

The Environmental Protection designation aims to identify lands subject to flooding, identified as a Provincially Significant Wetland (PSW's) or are unsuitable for development due to physical hazards. Based on data from the Ministry of Natural Resources, there are no wetlands of any form on the subject property nor are there any woodlands, or any Areas of Natural and Scientific Interest (ANSI's). Policy 17.3.3. of the Official Plan states that if a lot is to be created that is partially designated as Environmental Protection, sufficient lot area based on the abutting land use designation outside of the Environmental Protection designation must be maintained for the proposed use. Policy 17.3.4. states that in some instances the Environmental Protection designation may be found to not reflect the true limit of the land subject to flooding or having a natural hazard. In this case, the Official Plan states that the City is to work with the applicable Conservation Authority in review of the evaluation, to ensure the proposed use is minor, and the an amendment to the Plan is not required. Moreover, in the case of existing buildings within floodplains, Policy 17.6.1. states that an existing non-conforming building may be enlarged, expanded, or altered subject to various criteria including but not limited to: the satisfaction of the Conservation Authority; satisfactory water supply and subsurface sewage disposal servicing; and that the development is not a threat to public health and safety or property.

In consideration of the above, the Kawartha Region Conversation Authority (KRCA) have stated that they have no concerns with the approval of the application and that they recommend that property Erosion and Sediment Control (ESC) measures are put in place. The applicant has been informed about this suggestion. Moreover, the applicant has completed an application with the KRCA's

Risk Management Official (RMO) to ensure municipal drinking water supplies are protected (commonly referred to as a Section 59 Notice).

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 Rural Residential Type Two (RR2) Zone under the United Townships of Laxton, Digby, and Longford Zoning By-law 32-83. The RR2 Zone permits various uses including but not limited to a single detached dwelling and assorted accessory structures. Relief is required from the minimum required dwelling unit floor area of the RR2 Zone.

Section 4.2.j. of the Zoning By-law requires a minimum 58 square metre dwelling unit floor area; the existing floor area of the dwelling is 22.84 square metres. The intention of this provision is to guarantee that dwellings provide enough space for essential living functions, ensures land is used efficiently, and support cohesion in neighbourhood built form.

The proposal seeks to recognize the existing dwelling, in order for the owner to complete an upgrade of the building. The owner has undertaken renovations to ensure the structure meets the Ontario Building Code (OBC), which addresses fundamental health, safety, and structural integrity considerations. Compliance with the OBC mitigates concerns regarding the adequacy of living conditions, despite the dwelling's existing small size. Furthermore, recognizing the dwelling will not introduce additional density or disrupt neighborhood character; in contrast, the character of the property will be improved by the upgrades.

For comparative purposes, the Rural Zoning By-law (RZBL) that was adopted by Council although under appeal and not currently in effect, does not uphold the requirement of a minimum dwelling unit floor area (notwithstanding specific exception zones).

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:

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

DS – Building and Septic (Septic): “An application for a sewage system permit has been submitted with a proposal for a private on-site sewage disposal system to service the dwelling. The proposal recognizes the existing dwelling with porch and the accessory structure to be converted to a shed for clearance distance allowances and capacity. The proposal demonstrates that the property can be serviced by a Class 4 sewage system compliant with the Ontario Building Code. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

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): “Kawartha Conservation has no concerns with the approval of Minor Variance Application D20-2025-006 to the recognition of an existing dwelling on the property, as well as construction of an attached covered porch. We recommend that proper Erosion and Sediment Control (ESC) measures to be put in place prior to any development. The property is located within the Norland Source Water Protection Zone. A Section 59 Notice from the Risk Management Official (RMO) is required for each planning and permitting application separately to confirm that the proposed activity will not pose a significant threat to the municipal drinking water source. To obtain this Notice, please complete the application form available on our website, linked here. For further assistance or inquiries regarding Section 59 Notice, please contact Kawartha Conservation's Risk Management Official, Stephanie Vegotsky, by phone at 705-328-2271 ext. 250 or via email at planning@kawarthaconservation.com. A permit pursuant to Ontario Regulation 41/24 will not be required prior to any development on the subject property.

Public Comments:

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

Attachments

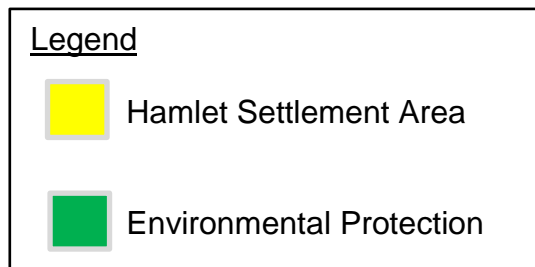
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-006

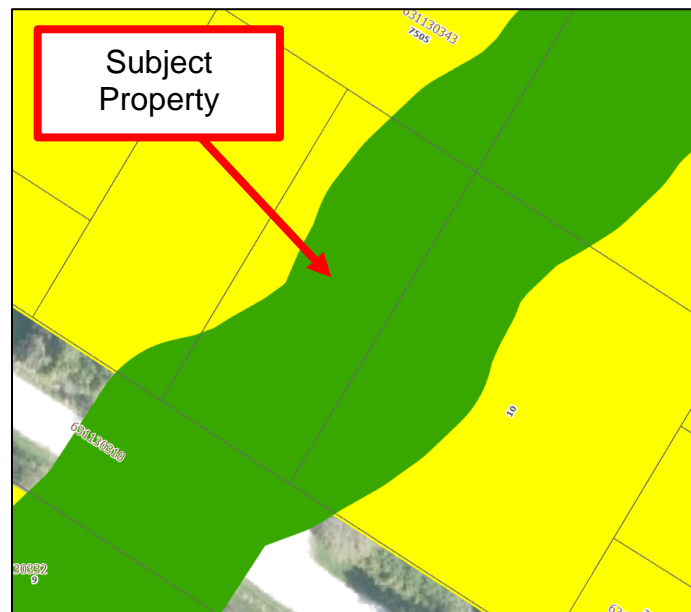
Schedule 1

Relevant Planning Policies and Provisions

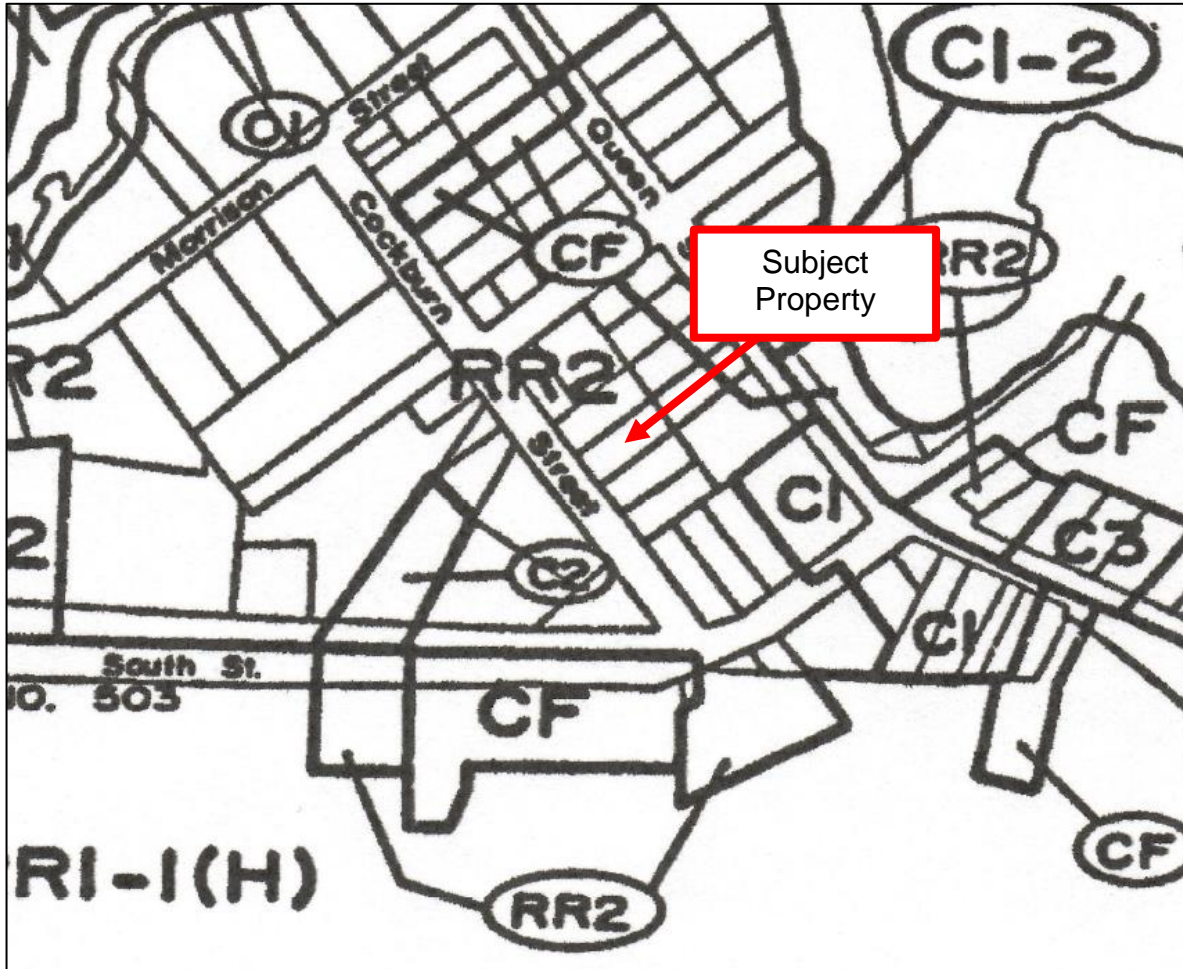
City of Kawartha Lakes Official Plan



GIS Imagery (for reference)



United Townships of Laxton, Digby, and Longford Zoning By-law 32-83



to

REPORT COA2025-019

FILE NO: D20-2024-006

LOCATION MAP

D20-2025-006



APPENDIX " B "

to

REPORT COA2025-019

FILE NO: D20-2024-006

AERIAL PHOTO (2023)



to

REPORT COA2025-019

FILE NO: D20-2024-006

APPLICANT'S SKETCH

