

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Tillaart
Report Number COA2025-036

Public Meeting

Meeting Date: April 23, 2025

Time: 1:00 pm

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

Ward 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the construction of a detached garage with a second-storey Additional Residential Unit (ARU) and recognition of a recently constructed shed. The existing one-storey cottage will be demolished. The existing boathouse is also being demolished and replaced with a larger upland boathouse.

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 recently constructed shed is located in the front yard;
2. Section 3.1.3.1 of the Zoning By-law permits a maximum accessory structure lot coverage of 8% to a maximum of 225 square metres, the proposed accessory structure lot coverage is 8.4% (172.8 square metres);
3. Section 3.1.3.3 of the Zoning By-law permits a maximum of 3 accessory structures, with the proposed ARU/Garage there will be 4 accessory structures situated on the property;
4. Section 3.22.vi of the Zoning By-law requires a minimum lot area of 0.4 hectares (4,000 square metres) for a lot on private services to be eligible for an ARU, the lot area of the subject property is 2,063 square metres (0.51 acres); and,
5. Section 13.2.1.3.a. of the Zoning By-law requires a minimum 7.5 metre front yard setback, the proposed ARU/Garage is setback 7.0 metres from the front lot line and the recently constructed shed is setback 1.2 metres from the front lot line.

The variance is requested at **237 Snug Harbour Road** (File D20-2025-023).

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



Recommendations

That Report COA2025-036 – Tillaart, be received;

That minor variance application D20-2025-023 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 COA2025-036, 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 COA2025-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage with a second-storey Additional Residential Unit (ARU), as well as recognition of an existing shed. Existing one-storey dwelling and boathouse to be demolished. New upland boathouse to be constructed.
Owners:	Henry and Irma Tillaart
Applicant:	TD Consulting Inc.
Legal Description:	Part of Lot 4, Concession 8 (being Lots 23, 24 and 25, Registered Plan 129)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	2,063 square metres (0.51 acres)

¹ See Schedule 1

² See Schedule 1

Site Access: Year-round maintained road

Site Servicing: Individual private septic system and well

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 Sturgeon Lake with access from Snug Harbour Road (year-round maintained public road). The surrounding area is primarily residential, with built-form consisting of single-detached dwellings and assorted accessory structures with varying proximities and locations in relation to the road and shoreline. Large agricultural lots are also present in the area. Based on data collected from the Municipal Property Assessment Corporation (MPAC), there is no clear timeframe of building construction in the area.

The subject property currently contains a two-storey dwelling (2010), one-storey dwelling (1957), boathouse, and two sheds. The proposal seeks to facilitate the construction of a detached garage with a second-storey Additional Residential Unit (ARU) and recognition of a recently constructed shed. The existing one-storey cottage will be demolished. The existing boathouse is also being demolished and replaced with a larger upland boathouse.

The proposal and existing structures do not change the use of the property or conflict with neighbouring land uses and built form. Furthermore, it can be expected of property owners to redevelop their properties to strive to achieve the highest and best use. In this case, the proposal replaces an existing dwelling on the property, with a garage/ARU, maximizing the utilization of the property.

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. Performance and siting criteria is implemented through the Zoning By-law.

In 2020, the Official Plan (2012) was amended to address the requirements of the Planning Act, and conform with Provincial Policies and establish new land use policies for Additional Residential Units (ARU). An ARU is permitted as-of-right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions. The proposed Garage/ARU

upholds the character of the area and the variance maintains 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 Fenelon Zoning By-Law 12-95. The RR3 Zone permits a single detached dwellings and appropriate accessory uses. The proposal complies with all provisions of the Zoning By-law with the exception of the location of accessory structures, accessory structure lot coverage, number of accessory structures, minimum lot area for ARU eligibility on private servicing, and the front yard setback.

Firstly, Section 3.22.vi of the Zoning By-law requires a minimum lot area of 0.4 hectares (4,000 square metres) for a lot on private services to be eligible for an ARU, the lot area of the subject property is 2,063 square metres (0.51 acres). Under the Zoning By-Law, ARUs are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the provisions of the Zoning By-law. The minimum lot size required for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. The applicant has indicated that the existing holding tank is being upgraded to a private septic system. This will be reviewed by the Supervisor of Part 8 – Sewage Systems. They will be in consultation with the applicant, with the aim of working towards satisfying the Ontario Building Code (OBC).

Secondly, Section 13.2.1.3.a. of the Zoning By-law requires a minimum 7.5 metre front yard setback, the proposed ARU/Garage is setback 7.0 metres from the front lot line and the recently constructed shed is setback 1.2 metres from the front lot line. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the road and to maintain features such as the character of the streetscape. The provision aims to ensure the property is cohesive with surrounding properties and area. The proposed ARU/Garage will be used for parking of vehicles in the first level, requiring direct access from the road without obstruction. As such, the proposed septic system must be located at the rear of the ARU/Garage, in an area clear of any driveway or structures. This causes the ARU/Garage to be located closer to the road, to provide buffering from the septic system and taking into account distancing from the proposed system to the shoreline. With respect to the newly constructed shed, its footprint is minimal and its view is largely hidden by an existing tall-dense hedge at the northeast corner of the property.

Section 3.1.2.1 of the Zoning By-law requires accessory structures to be located in a side or rear yard, the recently constructed shed is located in the front yard. Although two sheds are situated in the front yard, one of them (according to MPAC), predates the Zoning By-law. As such, this application reviews solely the recently constructed shed (as shown in Appendix C). 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. Similarly, Section 3.1.3.3 of the Zoning By-law permits a maximum of 3 accessory structures, with the proposed ARU/Garage there will be 4 accessory structures situated on the property.

The existing shed being situated in the front yard avoids non-compliance with the water setback and distance from the septic bed in the rear yard. This is commonly seen on many waterfront properties, as property owners tend to perceive the yard abutting their shore lot line to be their front lot line. The shed is situated in the northeastern corner of the property, behind a thick hedge that buffers its impacts from the public view. Furthermore, although relief is required for the number of total accessory structures, the total number of accessory structures is not being increased beyond what exists today. As a result of the existing one-storey dwelling being replaced by the proposed ARU/Garage, which is considered an accessory structure, the total number of accessory structures increase without the overall total of structures increasing.

Lastly, Section 3.1.3.1 of the Zoning By-law permits a maximum accessory structure lot coverage of 8% to a maximum of 225 square metres, the proposed accessory structure lot coverage is 8.4% (172.8 square metres). Similar to the aforementioned provisions, the intention of this provision is to ensure any accessory use or structure remains subordinate to the principal (residential) use or main building, as well as maintaining a balance between built form and open space. The proposed ARU/Garage is smaller in both ground floor area and gross floor area when compared to the two-storey dwelling. As such, the existing two-storey dwelling remains the predominate use on the property. Moreover, overcrowding is avoided as the existing and proposed structures are spaced out on the property, with many not visible to the public view. Those being, the proposed boathouse and existing sheds.

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 concerns.”

Public Comments:

Property Owners of 241 Snug Harbour Road: In objection to the application.

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

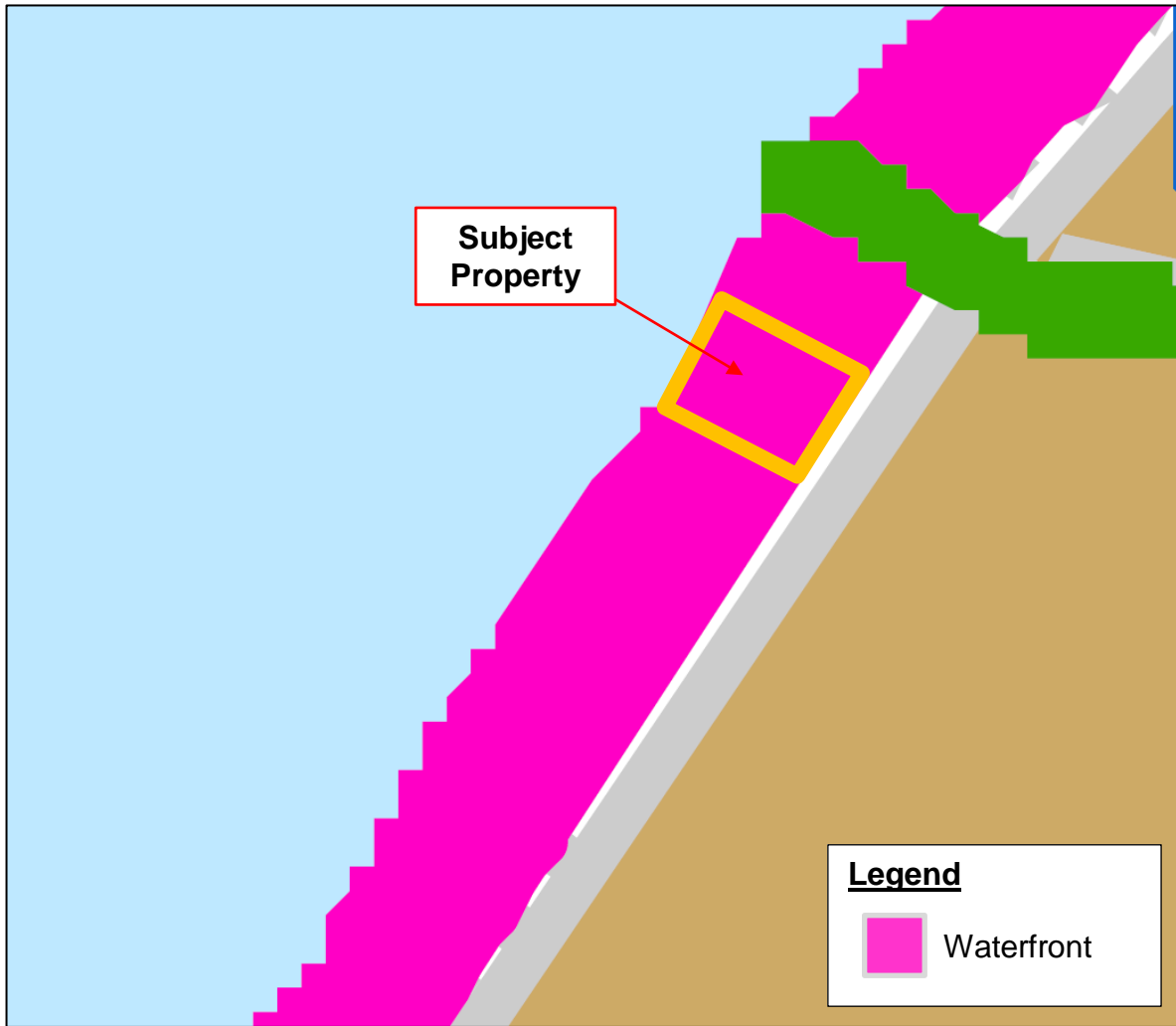
Department Head: Leah Barrie, Director of Development Services

Division File: D20-2025-023

Schedule 1

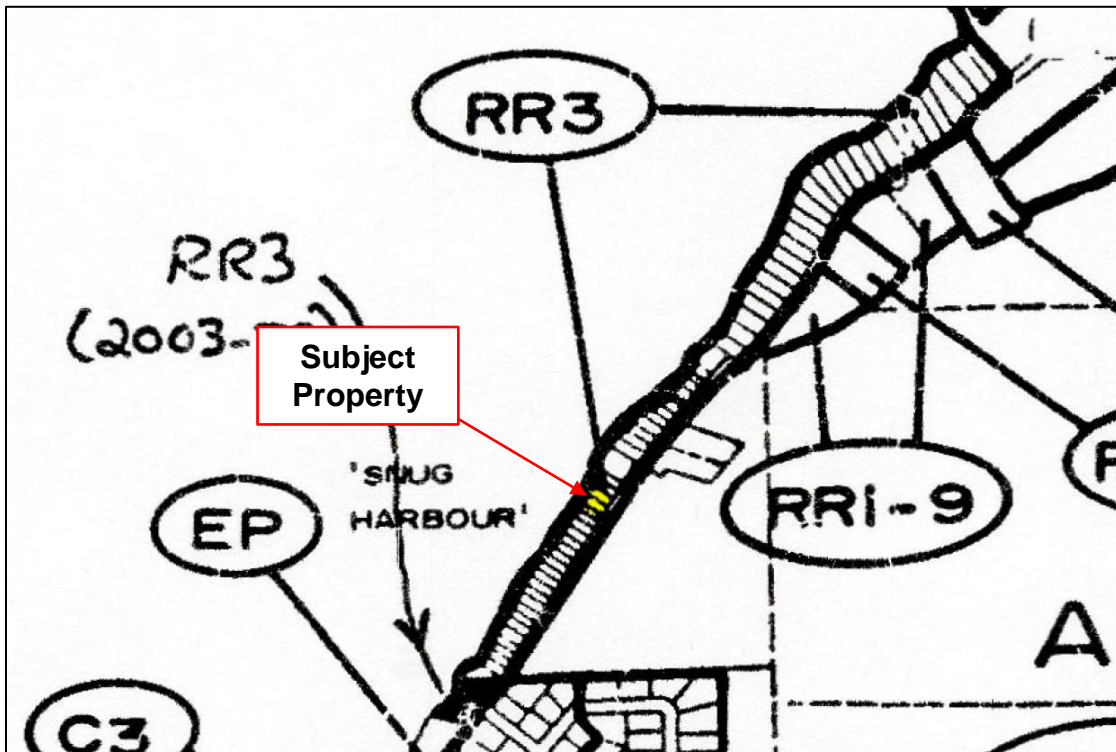
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Section 3. General Provisions

Section 13. Rural Residential Type Three (RR3) Zone

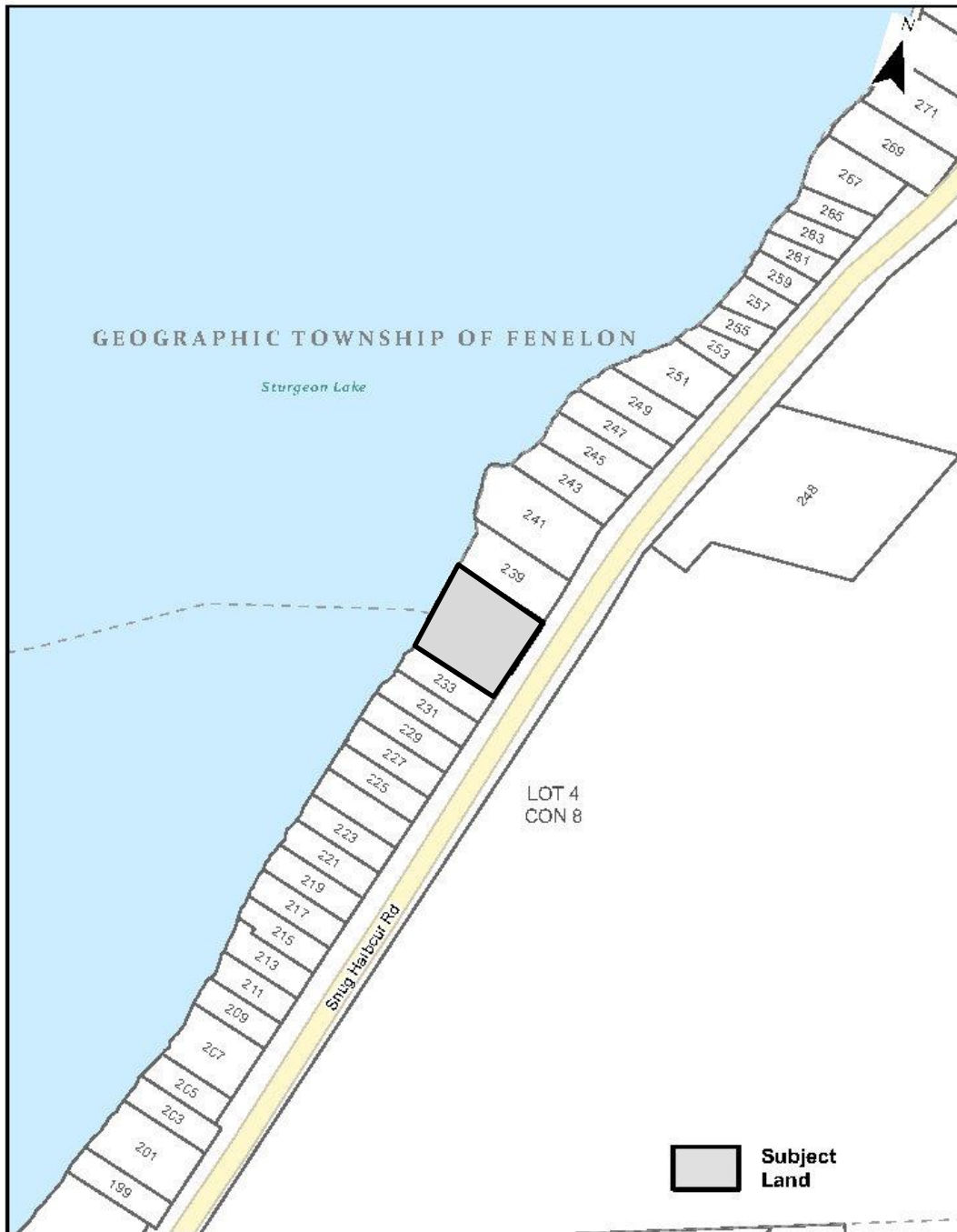
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LOCATION MAP

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APPENDIX " B "

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AERIAL PHOTO (2023)



to

APPLICANT'S SKETCH

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