

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Van Lagen
Report Number COA2025-040

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 Emily

Subject: The purpose and effect is to facilitate the construction of a one-storey single detached dwelling, as well as recognize an existing shed.

Relief sought:

1. Section 12.2.1.3.e. of the Zoning By-law requires a minimum 30 metre water setback, the proposed water setback from the dwelling is 15.1 metres and the existing shed is 22.7 metres.

The variance is requested at **Part Lot 21, Concession 12** (File D20-2025-027).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2025-040 – Van Lagen, be received;

That minor variance application D20-2025-027 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 COA2025-040, which shall be attached to and form part of the Committee's Decision;
- 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 COA2025-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a one-storey single detached dwelling, as well as recognition an existing shed.
Owners:	Jeannette Y. and John E. Van Lagen
Applicant:	Grace & Associates Inc.
Legal Description:	Part Lot 21, Concession 12
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Environmental Protection (EP) Zone and Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	1,596.9 square metres (17,188.89 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Private individual septic system and well
Existing Uses:	Vacant residential
Adjacent Uses:	Residential, Agricultural

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 Pigeon Lake, with access from Pigeon Lake Road (year-round maintained public road). The area is predominantly residential, with low-density residential buildings along the shoreline and larger agricultural lots. The lots along the shoreline vary in depth with existing dwellings and accessory structures situated at varying distances from both the road and shoreline.

The subject property currently contains a trailer, shed, and privy. The application seeks to facilitate the construction of a one-storey single detached dwelling, as well

¹ See Schedule 1

² See Schedule 1

as recognize an existing shed. The existing trailer and privy are a temporary use and are to be removed upon completion of construction of the proposed dwelling.

The property is heavily buffered by vegetation at its front lot line, limiting visibility from the public view. The proposed 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 Waterfront under the City of Kawartha Lakes Official Plan (2012). The proposed and existing structures are all located within the Waterfront designation. The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and accessory uses are permitted within the designation. Policy 20.3.6. of the Official Plan states new development on Waterfront designated properties will be developed on individual services at a low-density.

The Official Plan prescribes a 30 metre setback for all buildings, structures and septic systems. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The application supports this policy as the proposed septic system is to be located in the front yard. Furthermore, the property is irregular in shape following a curved shoreline at the rear and short in depth between its front lot line and the shoreline (approximately 37 metres). As a result of this lot configuration, the building envelope is restricted and accommodating all of the required setbacks, the permitted location for a septic system, and the minimum required distance from the shoreline is challenging.

The proposal supports the objectives of the Waterfront designation as it establishes a 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 Environmental Protection (EP) Zone and Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-Law 1996-30. The proposal is wholly outside of the EP Zone. The RR3 Zone permits various uses including a single detached dwelling and accessory uses. Relief is needed from the required minimum water setback.

Section 12.2.1.3.e. of the Zoning By-law requires a minimum 30 metre water setback, the proposed water setback from the dwelling is 15.1 metres and the existing shed is 22.7 metres. The intent of the water setback is to protect built form from natural hazards, and protect and enhance the ecological function of

waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation.

Due to the lack of depth between the front lot line and shoreline (approximately 37 metres), the placement of any building or structure is difficult when considering required setbacks and the placement of a septic system. Due to the proposed septic system being in the front yard, the potential locations for the dwelling are restricted, as it must take into account both the distance from the septic and the shoreline.

The lack of depth is consistent across the shoreline lots along Pigeon Lake Road, as many of the dwellings of the nearby dwellings on waterfront lots are deficient in meeting the required water setback. The applicant has also indicated that the proposed dwelling will not include a basement and will be situated on helical piers that elevate the floor/openings of the building to be a minimum of 0.3 metres above the high water level, to ensure any seasonal high water events will not impact the building.

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 process, it was identified in the public notice that relief was being sought from Section 12.2.1.6 of the Zoning By-law, which stipulates a minimum gross floor area of 93 square metres for a dwelling. The original proposal featured a gross floor area of 70.6 square metres. However, the applicants have since revised their plans to increase the gross floor area by replacing the previously proposed deck with a sunroom. Consequently, the revised proposal now includes a gross floor area of 107 square metres, which satisfies the requirements of Section 12.2.1.6 of the Zoning By-law.

Additionally, the public notice included a request for relief pertaining to the existing privy. The applicant has since indicated, during the preparation of this report, that the privy will be removed.

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

Agency Comments:

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

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

Public Comments:

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

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

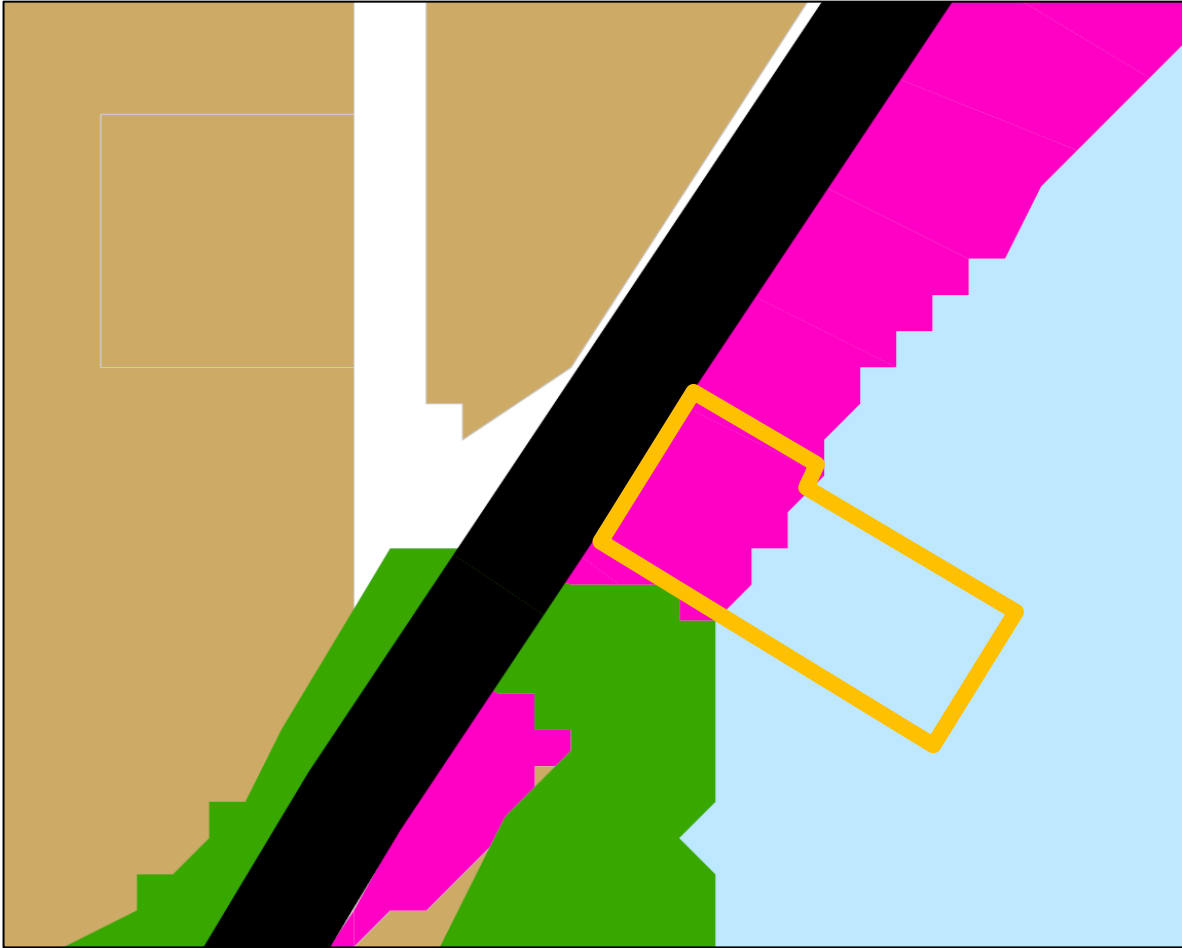
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-027

Schedule 1

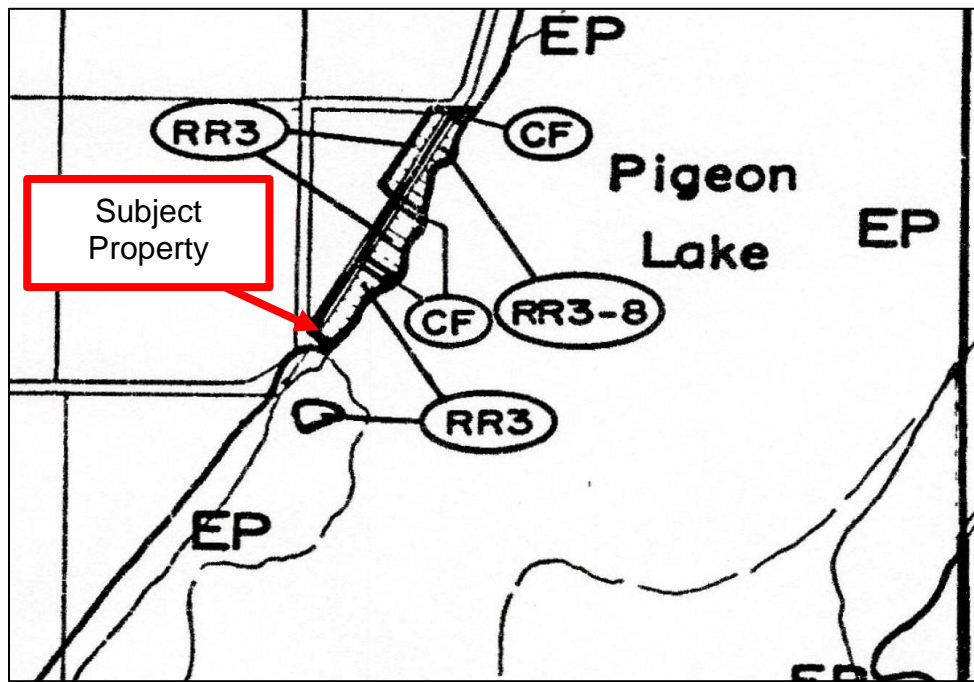
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

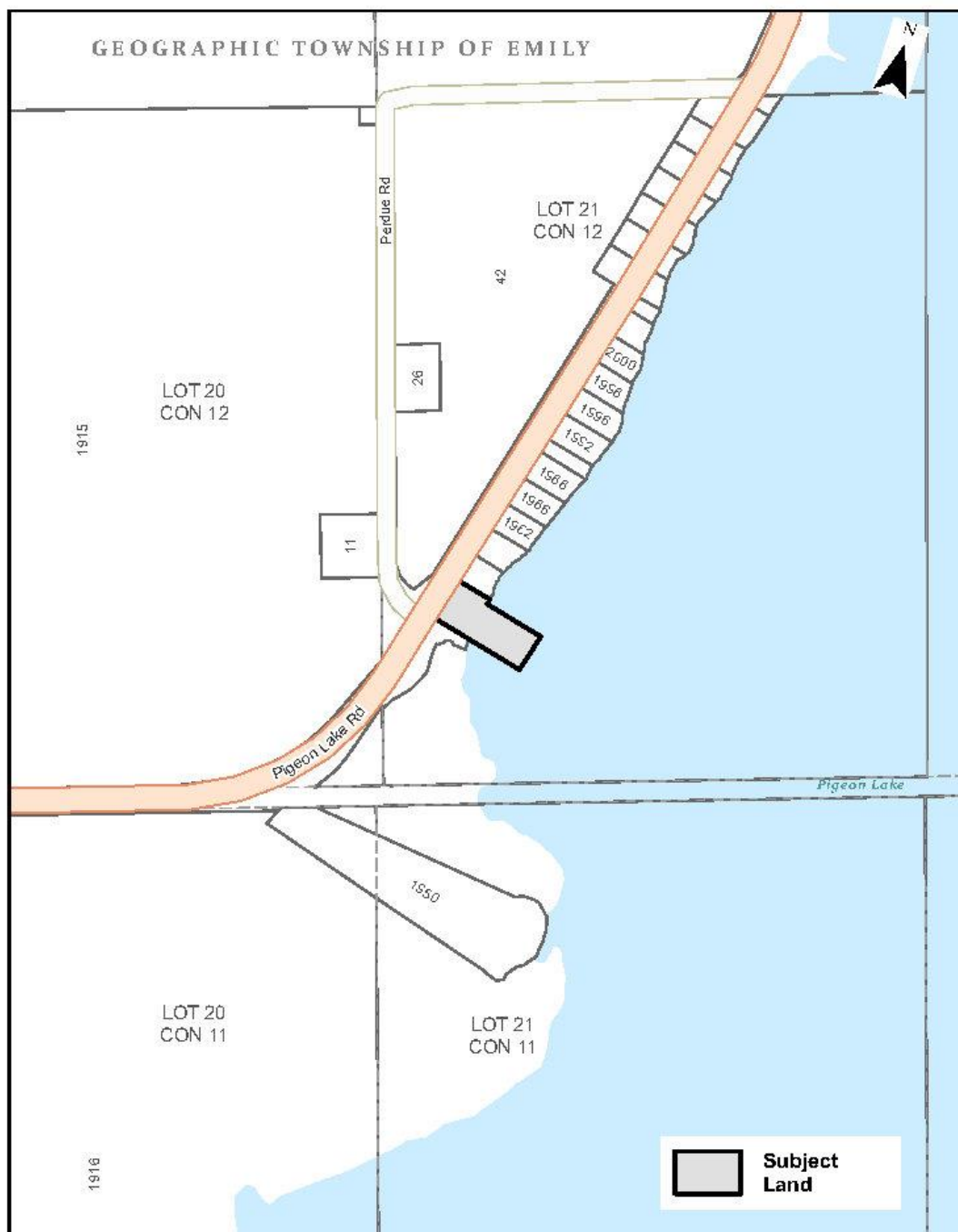
Township of Fenelon Zoning By-law 12-95



Section 3. General Provisions

Section 12. Rural Residential Type Three (RR3) Zone

D20-2025-027



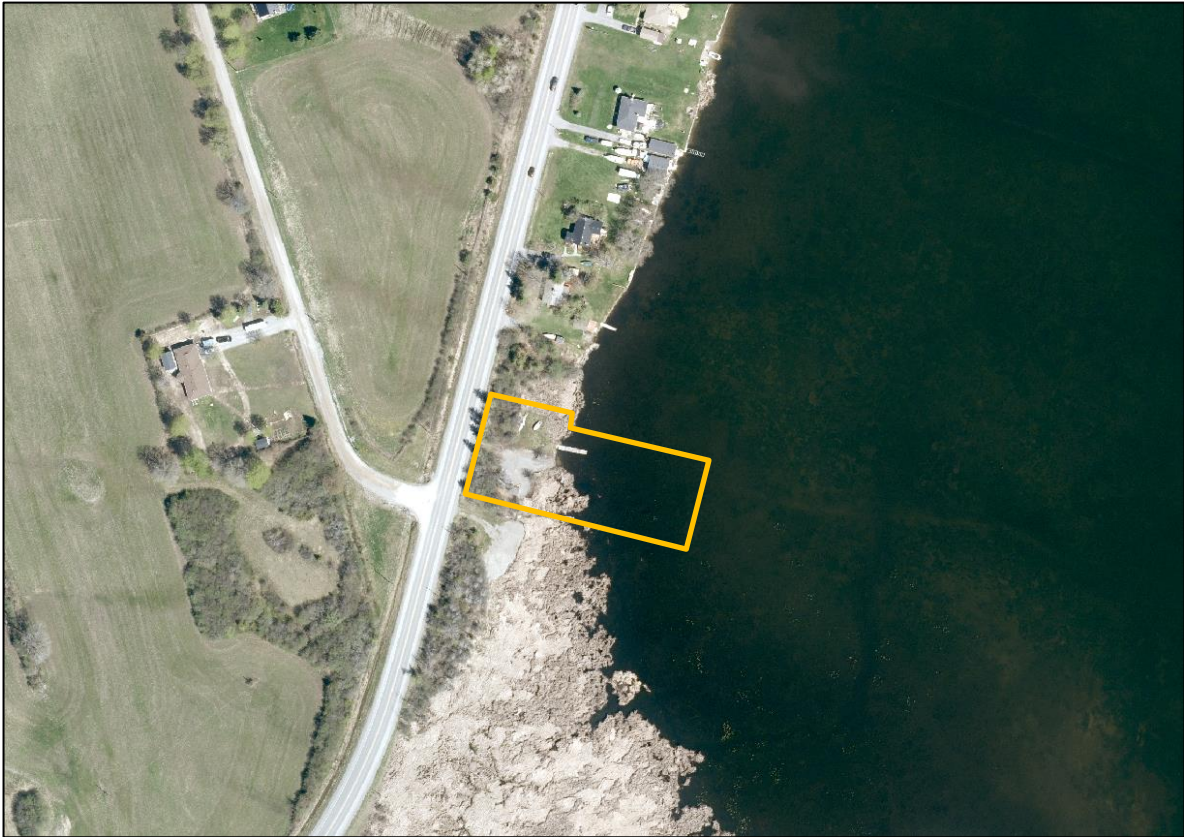
APPENDIX " B "

to

REPORT COA2025-040

FILE NO: D20-2025-027

AERIAL PHOTO



Proposed One-Storey Dwelling
15.1 m (water setback)

Pigeon Lake
Flood Elevation 246.9
mASL

System 'O' Sewage System (2.8m x 5 m)

Proposed Dwelling (103 m²)

Four Season enclosed sunroom

Wetland plants

Driveway

Existing Trailer (27 m²)

Existing Privy (to be removed)

Existing Shed

Inundated Land

Existing Trailer (temporary)

Existing Shed
22.7 m (water setback)

Existing Privy (to be removed)