

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Wilson
Report Number COA2025-044

Public Meeting

Meeting Date: **April 23, 2025**

Time: 1:00 pm

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

Ward 8 – Geographic Township of Manvers

Subject: The purpose and effect is to facilitate the construction of a detached garage.

Relief sought:

1. Section 5.1 b) of the Zoning By-law permits an accessory structure in the side or rear yard; the proposed garage is to be located in the front yard.

The variance is requested at **379 Ballyduff Road** (File D20-2025-031).

Author: **Katherine Evans, Acting Development Supervisor**

Signature: *Katherine Evans*

Recommendations

That Report COA2025-044 – **Wilson**, be received;

That minor variance application D20-2025-031 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 COA2025-044, 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 COA2025-044. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a detached garage
Owners:	Adam and Amanda Wilson
Applicant:	Planfarm Inc c/o Mitch Morawetz
Legal Description:	Part Lot 7, Concession 6 (being Part 1 on Reference Plan 57R-8068)
Official Plan ¹ :	Natural Core Area [The City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP OPA No. 104), 2004]
Zone ² :	Oak Ridges Moraine Core Area (Oak Ridges Moraine Zoning By-law 2005-133)
Site Size:	15.4 ha. (38 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, agricultural, forested areas

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in an area that contains residential and agricultural uses, as well as forested areas. There is variation in lot sizes in this area, with some smaller residential lots of approximately 1 acre in size as well as larger lots that are several acres in size. The subject property currently contains a single detached dwelling constructed in 1988 (according to Municipal Property Assessment Corporation), a shed, a shipping container, and a detached storage structure towards the rear of the property.

The proposal is to construct a detached garage. It will provide enclosed vehicle parking as well as storage space for the property owners' belongings. The existing driveway is to be expanded and the new garage will be accessed from the

¹ See Schedule 1

² See Schedule 1

driveway. The intent of locating the garage in the proposed location is so it can be logically placed to best access the driveway, keeping it further away from the wooded area on the property, and for aesthetic purposes. The majority of the properties in the immediate vicinity have detached accessory structures, so the proposed detached garage is in keeping with the existing built form in the area.

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 Natural Core Area under the City of Kawartha Lakes Oak Ridges Moraine Policy Area (VCOP OPA No. 104), 2004. The permitted uses within the Natural Core Area designation include fish, wildlife, and forest management; conservation and flood control projects; agricultural uses; farm vacation dwellings; and accessory uses.

Section 3.3 provides that nothing in the City of Kawartha Lakes Oak Ridges Moraine Policy Area applies to prevent the use, erection, or location of a single detached dwelling if it would have been permitted by the Township of Manvers Zoning By-law 87-06. The property was zoned Rural General (A1) Zone under the Township of Manvers Zoning By-law 87-06 which permits a single detached dwelling. Additionally, a single detached dwelling is permitted within the Oak Ridges Moraine Core Area (ORMCA) Zone under the Oak Ridges Moraine Zoning By-law 2005-133. Therefore, a single detached dwelling and buildings and structures accessory to a single detached dwelling are permitted.

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 Oak Ridges Moraine Core Area (ORMCA) Zone under the Oak Ridges Moraine Zoning By-law 2005-133. A single detached dwelling is permitted within the ORMCA Zone so long as a single detached dwelling was permitted on the property under the Township of Manvers Zoning By-law 86-78, which it was for the subject property. Buildings and structures accessory to permitted uses are also permitted within the ORMCA Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the permitted location for accessory structures.

Section 5.1 b) of the Zoning By-law permits an accessory structure in the side or rear yard. The proposed garage is to be located in the front yard. The intent of limiting the location of accessory structures to the interior 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. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

The existing dwelling is setback approximately 40 metres from the front lot line, and the proposed garage is to be located at an angle with its closest corner being 30 metres from the front lot line. Due to these setbacks, it is anticipated that the garage being located closer to the front lot line than the dwelling will be minimally perceptible when viewing the property from the road. Additionally, the existing dwelling is two storeys and the proposed garage is to be one storey, ensuring the dwelling remains visually predominant. The property is 15.4 hectares in size and ample amenity space will remain in all yards.

The Zoning By-law does permit detached accessory structures in the front yard where a lot has a shore lot line. A detached accessory structure is also permitted in the Rural Residential Type One (RR1) Zone, the Oak Ridges Moraine Settlement Area (ORMSA) Zone, the Oak Ridges Moraine Linkage Area (ORMLA) Zone, and the Oak Ridges Moraine Countryside (ORMCS) Zone. Therefore, while a garage is not permitted on the subject property as it is zoned ORMCA Zone, the Zoning By-law does contemplate accessory structures in the front yard in zones with similar permitted uses. Additionally, there appear to be detached accessory structures in the front yards of several properties in the area, so the proposal is in keeping with the existing built form.

Under Schedule F of the Oak Ridges Moraine Zoning By-law 2005-133, the subject property is located in an area of significant woodlands. As per Section 6.2 of the By-law, the construction of a new building or expansion of an existing building would require a Natural Heritage Evaluation (NHE). The proposed garage is within an area that is previously disturbed and developed with a single detached dwelling and accessory structure, is not subject to the Conservation Authorities regulated area and through discussion between Planning staff and Kawartha Region Conservation Authority (KRCA), it has been determined that the waiving of the requirement for an NHE is appropriate and acceptable to both Planning staff and KRCA staff.

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:

Building and Septic Division (Building): “No concerns.”

Engineering and Corporate Assets Division: “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

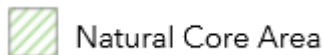
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-031

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Oak Ridges Moraine Policy Area, 2004 (Amendment #104, Victoria County Official Plan)



Part 3 Application of ORMCP and ORMPA Policies on Existing Uses, Buildings and Development Applications

3.3 Previously Authorized Single Dwelling

Nothing in the ORMPA or the ORMCP applies to prevent the use, erection or location of a single dwelling if,

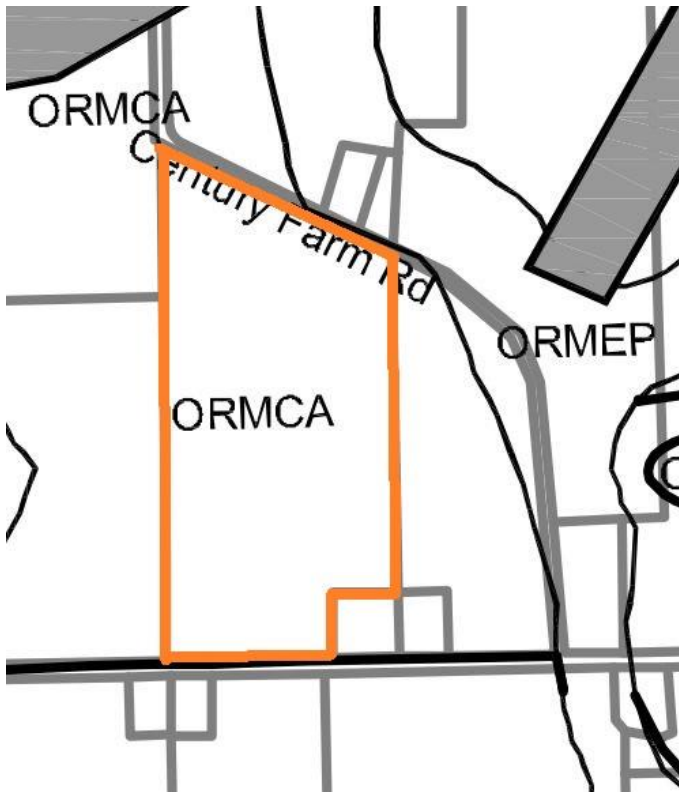
- (a) the use, erection and location would have been permitted by Township of Manvers Zoning By-law 87-06 on November 15, 2001; and
- (b) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area.

Part 4.2 Natural Core Areas

4.2.1 Purpose

4.2.2 Permitted Uses – Natural Core Areas

Oak Ridges Moraine Zoning By-law 2005-133



Section 5 General Provisions

5.1 Accessory Buildings, Structures and Uses

b) Location

Except as otherwise provided for herein, an accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

- i) An accessory building may be erected not closer than 1.3 metres from a rear lot line and 1.3 metres from the side lot line or closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.3 metres to a residential building.
- ii) A garage may be erected in the front yard on a lot which has a shore lot line provided that it has setbacks not less than the minimum front yard and side yard setbacks required for a main building in the applicable zone.
- iii) In the RR1, ORMSA, ORMLA or ORMCS zones, a building accessory to a residential use which exceeds a floor area of 60 square metres shall be subject to a minimum setback of 6 metres from a side or rear lot line and 15 metres from a flankage lot line.
- iv) A garage accessory to a residential use in the RR1, ORMSA, ORMLA or ORMCS zones may be erected in a front yard subject to a minimum setback of 15 metres from the front lot line, 15 metres from a flankage lot line and 6 metres from a side lot line.

v) In addition to clause iv) above, where a garage is erected within 10 metres of a side lot line in a front yard in an RR1, ORMSA, ORMLA or ORMCS zones and is within 45 metres of a dwelling on an immediately abutting lot which is less than 10 metres from the common lot line then the garage shall not locate closer to the common lot line than a line projected toward the front lot line with an interior angle of 30 degrees from an origin at the intersection of the minimum side yard on the abutting lot with a line projected from the limit of the front yard on the subject land or the limit of the front yard on the abutting property, whichever front yard has the least depth.

vi) Notwithstanding the setbacks from side and rear lot lines in clause i), above, an accessory building in an RR1, ORMSA, ORMLA or ORMCS zones which exceeds 4.3 metres in height shall have a minimum setback from a side or rear lot line of 6 metres.

vii) An accessory building for an agricultural use shall have a minimum setback of 9 metres from a side or rear lot line and 15 metres from a flankage lot line.

Section 8 Oak Ridges Moraine Core Area (ORMCA) Zone

8.1 Permitted Uses

8.2 Regulations

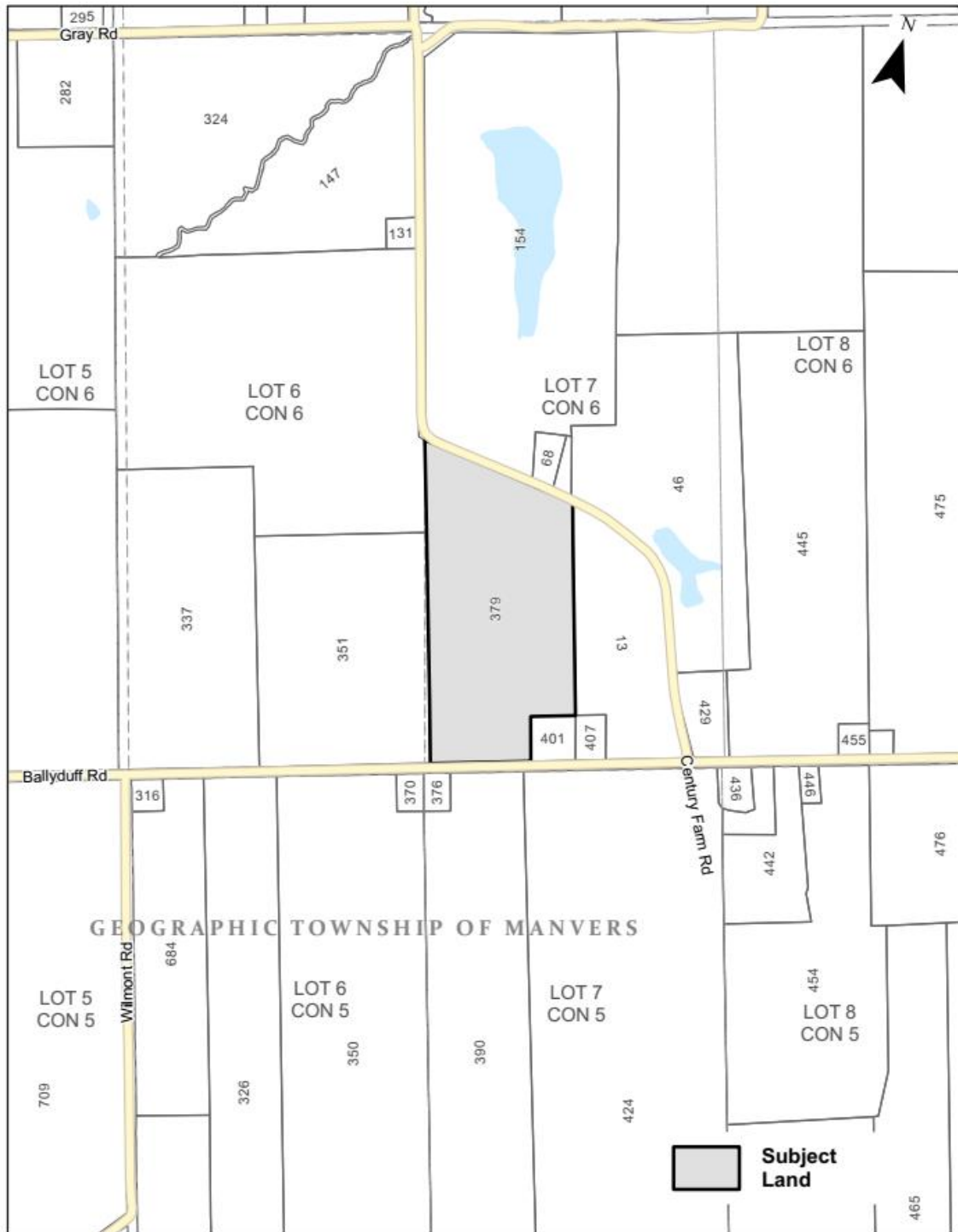
to

REPORT COA2025-044

FILE NO: D20-2025-031

LOCATION MAP

D20-2025-031



APPENDIX " B "

to

REPORT COA2025-044

FILE NO: D20-2025-031

AERIAL PHOTO



to

REPORT COA2025-044

FILE NO: D20-2025-031

APPLICANT'S SKETCH

