

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Shanahan
Report Number COA2025-059

Public Meeting

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

Ward 6 – Geographic Township of Verulam

Subject: The purpose and effect is to facilitate the recognition of an existing deck.

Relief sought:

1. Section 5.18 of the Zoning By-law requires a 10 metre setback from a street centreline, plus the applicable front yard setback (7.5 metres), as such a 17.5 metre street centreline setback is required. The existing setbacks for the deck from the street centreline are 8.15 metres (Hazel Street) and 5.68 metres (Fern Avenue);
2. Section 8.2.d of the Zoning By-law requires a 7.5 metre front yard setback, the existing deck will be modified to a front yard setback of 1.8 metres ; and,
3. Section 8.2.e of the Zoning By-law requires a 7.5 metre exterior side yard setback, the existing setback of the deck is 2.8 metres.

The variance is requested at **69 Hazel Street** (File D20-2025-046).

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



Recommendations

That Report COA2025-059 – Shanahan, be received;

That minor variance application D20-2025-046 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 COA2025-059, 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 COA2025-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of an existing deck, with modifications to remove a protruding portion to align with the layout shown in Appendix C.
Owners:	Kaehly and Matthew Shanahan
Applicant:	Owners
Legal Description:	Part Lot 9, Concession 2, Plan 125, Lots 62 and 4
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential Type One (R1) Zone (Township of Verulam Zoning By-Law 6-87)
Site Size:	930.77 square metres (10,018.72 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Private individual septic system and lake drawn water
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 located in a well-established low-density residential neighbourhood with access from both Hazel Street and Fern Avenue, both of which are year-round maintained roads. The neighbourhood is primarily characterised by single-detached dwellings and assorted accessory structures. The Municipal

¹ See Schedule 1

² See Schedule 1

Property Assessment Corporation (MPAC) states that the majority of the built form within the neighbourhood was constructed in the 1930s and onwards, many having gone through various renovations and additions since their initial construction.

The property currently contains a two-storey single-detached dwelling, upper-storey deck, and detached garage. The proposal seeks to recognize the existing deck, with modifications to remove a protruding portion to align with the layout shown in Appendix C. The proposed modification of the deck will improve the existing front yard setback.

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 objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designation permits single detached and vacation dwellings. Performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variances are 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 Type One (R1) Zone under Township of Verulam Zoning By-Law 6-87. The R1 Zone permits various uses including single detached dwellings and accessory structures. Relief is sought from the street centreline setback, front yard setback, and exterior side yard setback.

Section 8.2.d of the Zoning By-law requires a 7.5 metre front yard setback, the existing deck will be modified to a front yard setback of 1.8 metres. 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 existing front yard setback of the dwelling is approximately 5.3 metres, as such, any structure extending beyond the main wall of the dwelling would be encroaching into the front yard. An established building line is not present along Hazel Street. The neighbouring dwelling to the north is an example of a lot with an existing front yard setback very similar to that of the subject property. The deck will not impact the travelled portion of the road, and with the proposed modifications will generally align with the northern neighbouring property.

Section 8.2.e of the Zoning By-law requires a 7.5 metre exterior side yard setback, the existing setback of the deck is 2.8 metres. Similar to the front yard setback, the intention of the exterior side yard setback requirement is to regulate the distance between a building or structure and the property line abutting a street, maintaining the existing streetscape, preventing overshadowing issues and creating a buffer between the street and built form to avoid land use conflicts. The existing deck is generally aligned with the dwelling and does not extend beyond its established

footprint. Due to the dwelling's slight angle relative to the exterior side lot line, its closest point is set back 2.7 metres, while the deck maintains a slightly greater setback of 2.8 metres. This ensures that the deck does not project closer to the lot line than the dwelling itself, thereby reinforcing the existing built form and mitigating any potential concerns related to massing, visibility, or land use compatibility.

Section 5.18 of the Zoning By-law requires a 10 metre setback from a street centreline, plus the applicable front yard setback (7.5 metres), as such a 17.5 metre street centreline setback is required. The existing setbacks for the deck from the street centreline are 8.15 metres (Hazel Street) and 5.68 metres (Fern Avenue). The street centreline setback appears to have been written on the premise that built form will be adequately set back from the road in the event the municipality decided to take a road widening. In this area, the road centreline setback provision may be considered dated, as there are existing encroachments that would render (potential) future road widening challenging and unlikely. For reference, the Rural Zoning By-law (RZBL) that was adopted by Council, although under appeal and not currently in effect, has taken situations like this into account and removed the street centreline setback requirement.

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

The circulation of this application included a need for relief from Section 8.2.n of the Zoning By-law which requires a 15 metre water setback. At the time, the water setback was unknown and measurement was estimated using aerial imagery. Since the circulation, the owners have indicated that the deck complies and exceeds the minimum required water setback. As such, relief is not required from Section 8.2.n of the Zoning By-law.

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

Agency Comments:

DS – Building and Septic (Septic): “A sewage system review was conducted for the construction that was completed. The septic tank is located under a portion of the deck. However, the deck maintains a height to ensure proper maintenance can be completed for the system. Structural supports have been established for the deck

that do encroach within the clearance distances to the septic tank. An evaluation of the existing clearance distances indicates that there will be limited interference with the operation of the tank. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

Public Comments:

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

Attachments

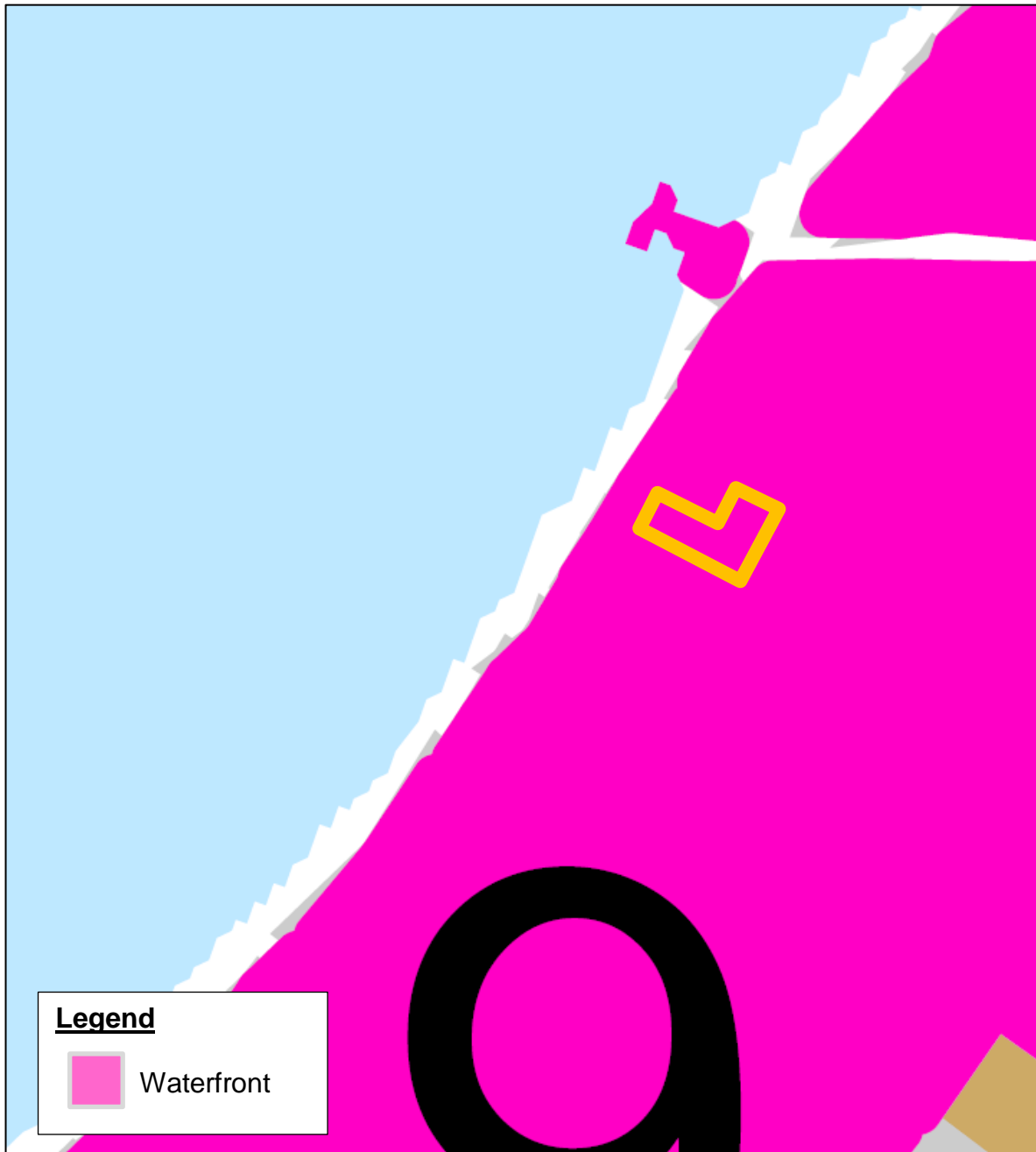
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-046

Schedule 1

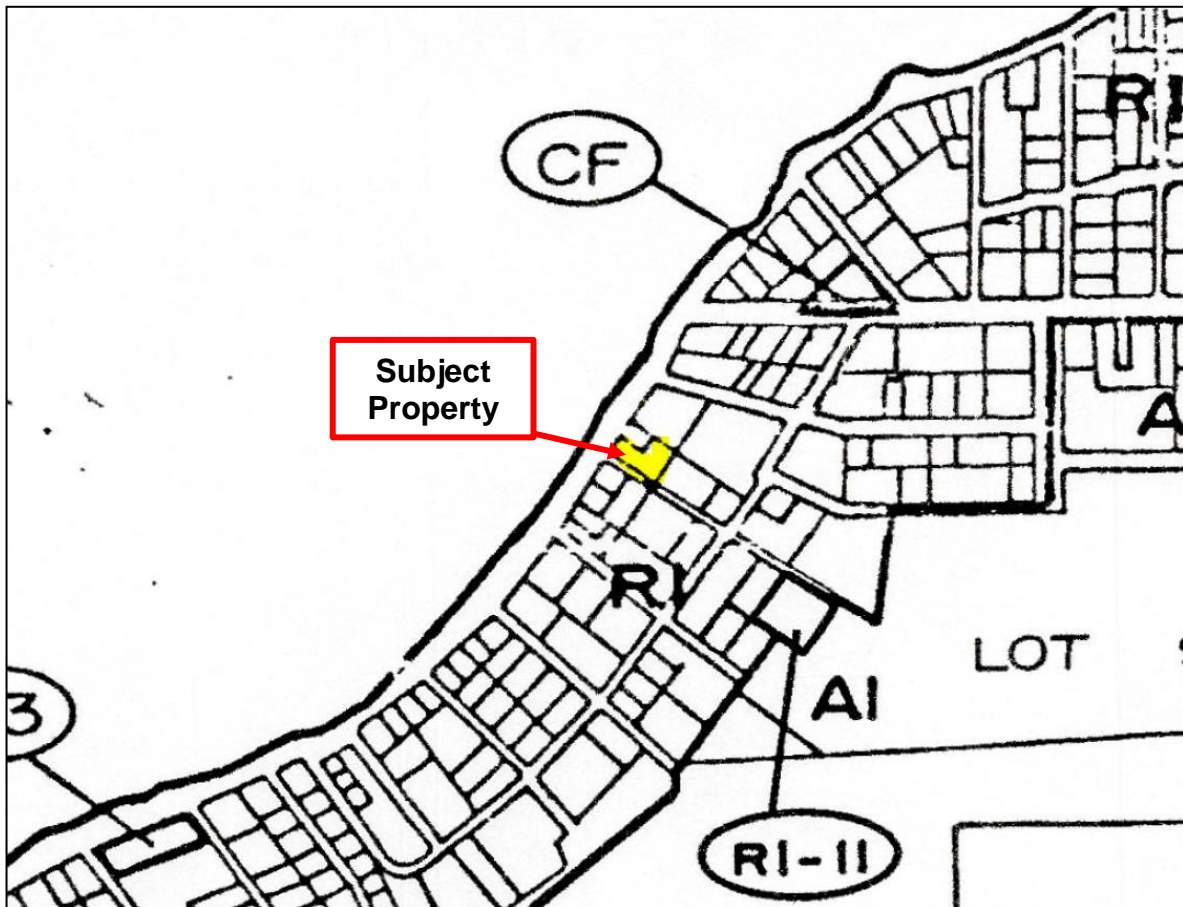
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

Township of Verulam Zoning By-Law 6-87



Section 5.18 Setbacks
Section 8. Residential Type One (R1) Zone

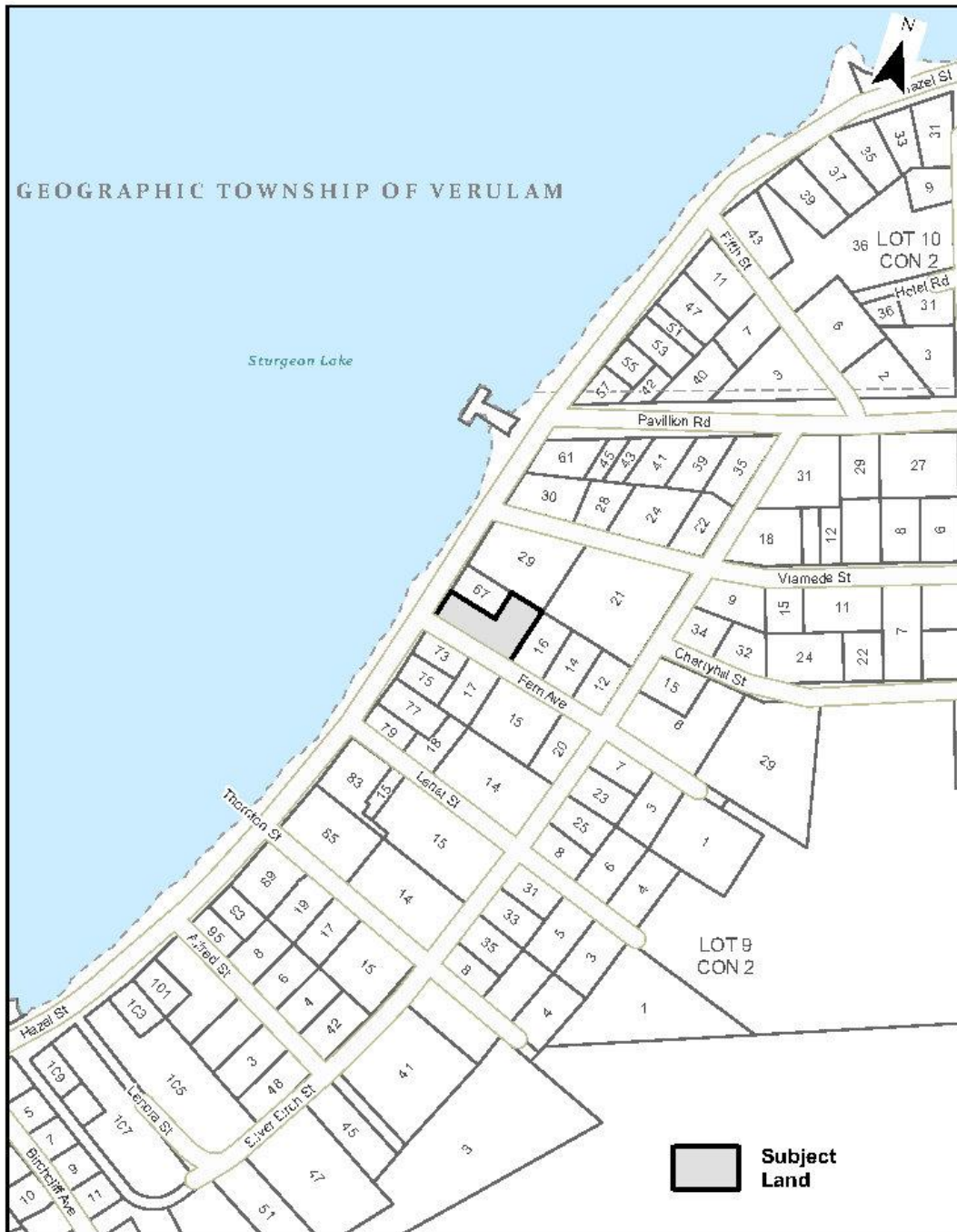
to

REPORT COA2025-059

FILE NO: D20-2025-046

LOCATION MAP

D20-2025-046



APPENDIX " B "

to

REPORT COA2025-059

FILE NO: D20-2025-046

AERIAL PHOTO (2023)



to

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APPLICANT'S SKETCH

