

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Bell

Report Number COA2025-063

Public Meeting

Meeting Date: June 26, 2024

Time: 1:00 pm

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

Ward 3 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the construction of a one-storey addition on the south side of the existing home, and a two-storey addition on the east side.

Relief sought:

1. Section 12.2.1.3 of the Zoning By-law which requires a 5.5 metre setback from the interior side yard for a two-storey dwelling; the proposed additions will result in a 3.90 metre setback from the South lot line and a 3.16 metre setback from the North lot line.

The variance is requested at **42 Woods Avenue** (File D20-2025-050).

Author: Shayan Okhowat, Planner II

Signature:



Recommendations

That Report COA2025-063 – James Bell, be received;

That minor variance application D20-2025-050 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 COA2025-063, 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 COA2025-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of two additions onto the existing dwelling
Owners:	James Bell
Applicant:	Same as Owner
Legal Description:	Plan 358 Lot 87
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	1,456.9 Square Metres (0.14 Hectares)
Site Access:	Municipal Road
Site Servicing:	Private Individual Well and Septic System
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The property is situated near Pigeon River with access from Woods Avenue. The property currently contains a one storey dwelling with a walk out basement and a shed. The proposal is to permit the expansion of the current dwelling. The dwelling was constructed in 1965. Over time, it is reasonable to anticipate that property owners will enhance existing structures to maximize the quality and functionality of their lots. The expansion respects the existing scale and design of surrounding homes, ensuring an appropriate fit within the community.

¹ See Schedule 1

² See Schedule 1

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 property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Residential uses and accessory structures are permitted within the Waterfront designation.

A single detached dwelling is permitted within the Waterfront designation. Water setbacks are maintained as well as height restrictions. Performance standards and siting requirements applicable to such uses are governed by 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 property is zoned Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-Law 1996-30. The RR3 Zone permits a single detached dwelling and the proposal complies with all provision except the interior side yard setback.

Section 12.2.1.3 of the Zoning By-Law requires a minimum interior side yard setback of 5.5 metres for buildings that are two storeys or greater. According to the Township of Emily Zoning By-law, a walk-out basement is counted as a storey, so the dwelling is considered a two-storey building. The purpose of this interior setback is to ensure open space is left between each property. The proposal seeks an interior setback of 3.90 metres from the South lot line and 3.16 metres from the North lot line. It is not expected that this encroachment will impede on any existing dwellings in the area and is consistent with the surrounding properties. The reduced side yard setback is not expected to negatively affect privacy or lot drainage. Adequate space remains to allow access between the front and rear yards and to carry out building maintenance along the sides of the dwelling.

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 Division (Septic): “A sewage system permit to install has been issued for the property, which incorporates the proposed addition construction. The sewage system will be located with the required minimum clearance distances under the Ontario Building Code in the rear yard of the property. As such, the Building and Septic Division have no concerns with the proposed minor variance as it relates to private on-site sewage disposal.”

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

Public Comments:

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

Attachments

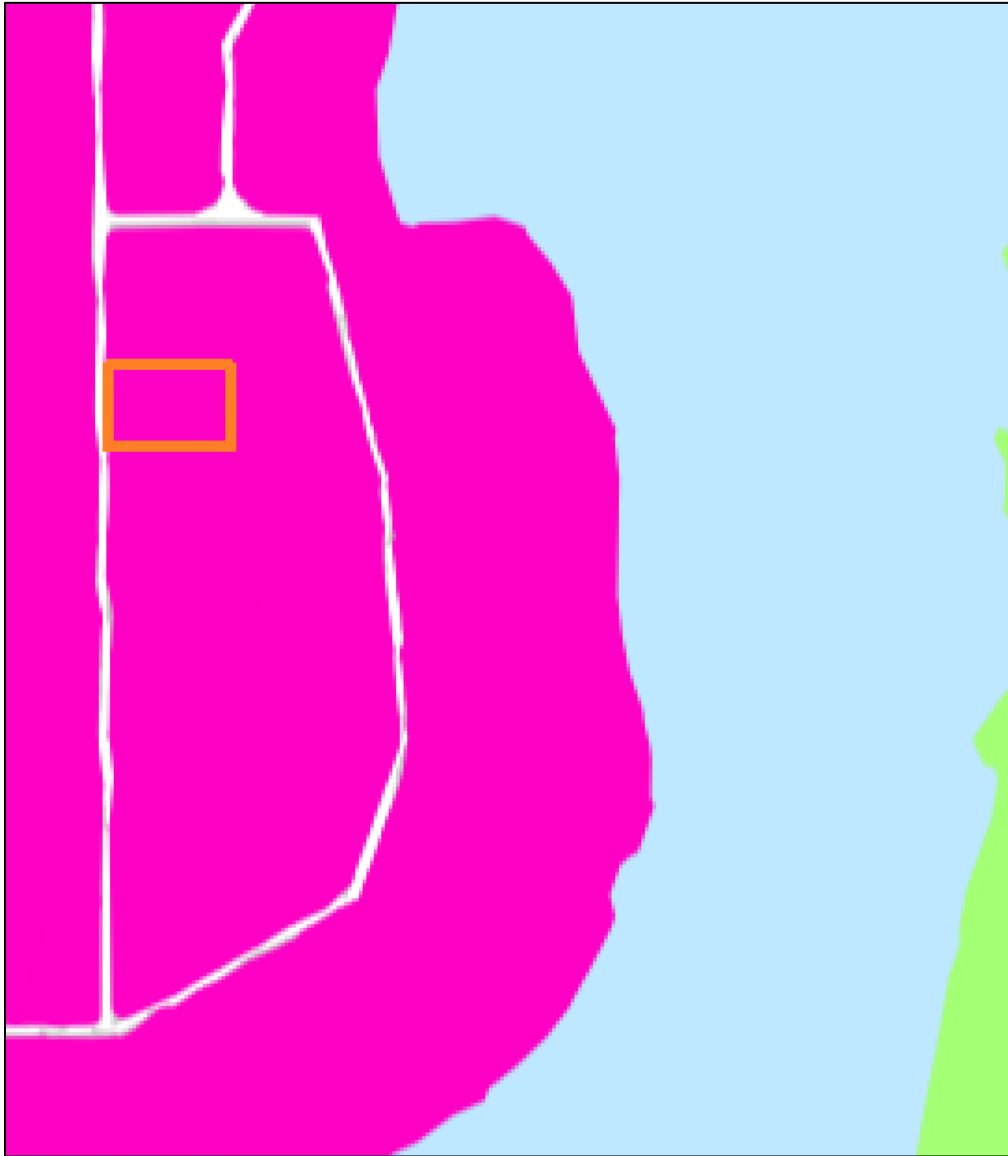
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 2156
E-Mail:	sokhowat@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-050

Schedule 1

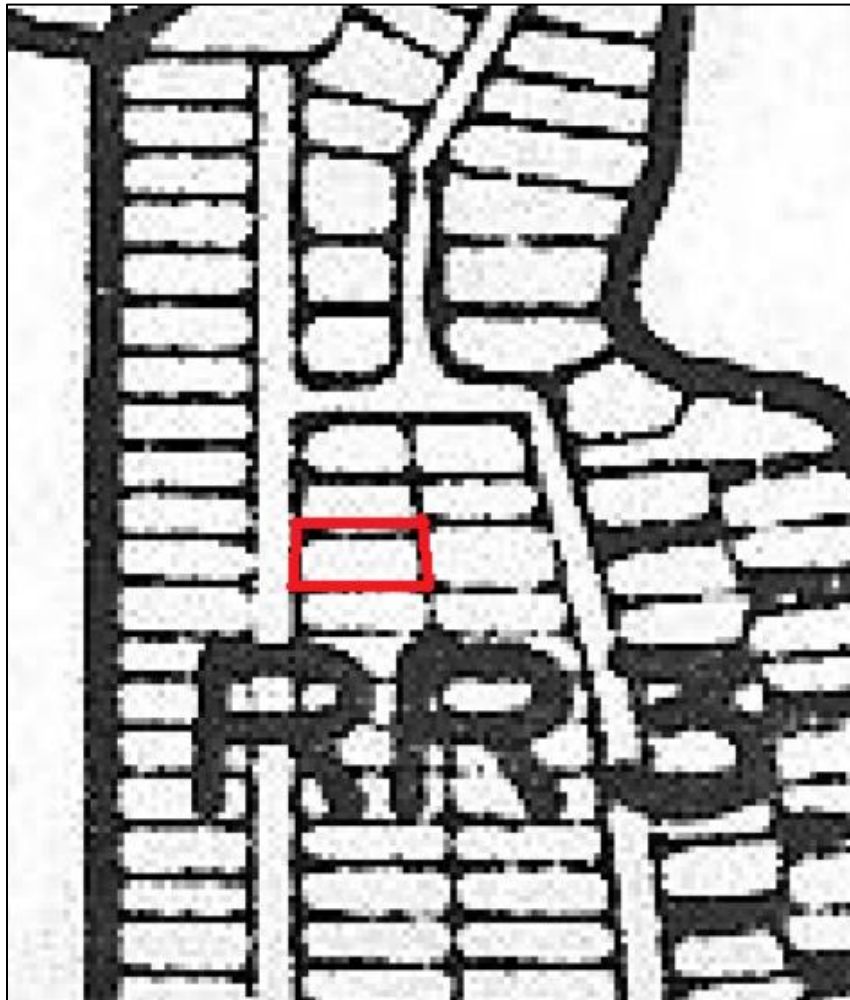
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Emily Zoning By-law 1996-30



Section 12 – Rural Residential Type Three (RR3) Zone

Section 12.2.1.3 – Yard Requirements (min.)

(b) Interior Side – ii. Two Storeys or Greater: 5.5 m

to

REPORT COA2025-063

FILE NO: D20-2025-050

LOCATION MAP



to

REPORT COA2025-063

FILE NO: D20-2025-050

AERIAL PHOTO



to

REPORT COA2025-063

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APPLICANT'S SKETCH

