

**The Corporation of the City of Kawartha Lakes  
Agenda  
Committee of Adjustment Meeting**

**COA2024-10**

**Thursday, October 24, 2024**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**

Councillor Emmett Yeo

Betty Archer

Gerald Erickson

Sandra Richardson

Lloyd Robertson

Stephen Strangway

Eric Finn

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1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda October 24, 2024 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes September 26, 2024 Committee of Adjustment Minutes	5 - 36
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2024-095 Katherine Evans, Senior Planner File Number: D20-2024-087 and D03-2024-002 Location: 25 Melbourne Street East Lot 8, Plan 15P Former Town of Lindsay Owner: 974660 Ontario Inc. Applicant: Miller Planning Services c/o Roger Miller	37 - 56
3.1.2	COA2024-096 Ahmad Shahid, Planner II File Number: D20-2024-088 Location: 20 Lakeview Boulevard Part Lot 11, Concession C (being Lot 11 of Registered Plan 447) Geographic Township of Mariposa Owners: Michael and Pat Adam Applicant: TD Consulting Inc.	57 - 67

3.1.3	COA2024-098	68 - 78
	<p>Ahmad Shahid, Planner II  File Number: D20-2024-090  Location: 131 Kenedon Drive  Part of Lot 17, Concession 7 (being Parts 1 and 3 of Reference Plan 57R-5230)  Geographic Township of Emily  Owners/Applicants: Jodi Gienow and Robert Berry</p>	
3.1.4	COA2024-099	79 - 89
	<p>Katherine Evans, Senior Planner  File Number: D20-2024-091  Location: 26 Goodman Road  Part Lot 31, Concession 8 (being Lot D and E on Plan 115 and including Part 1 on Reference Plan 57R-2865)  Geographic Township of Fenelon  Owners: Chris and Nicole Lewis  Applicant: Chris Lewis</p>	
3.1.5	COA2024-100	90 - 98
	<p>Ahmad Shahid, Planner II  File Number: D20-2024-092  Location: 26 Hummingbird Lane  Part Lot 4 and Lot 5, Concession 4 (being Part 1 of Reference Plan 57R-5238)  Geographic Township of Carden  Owners/Applicants: Tan T. Ta, Anna N. T. Ta, Tien T. Ta and Sarah Chung</p>	
3.1.6	COA2024-101	99 - 109
	<p>Katherine Evans, Senior Planner  File Number: D20-2024-093  Location: 263 Glenarm Road  Part Lot 11, Concession 2  Geographic Township of Eldon  Owner/Applicant: Alaric Cowie</p>	

3.1.7 COA2024-102 110 - 119  
Ahmad Shahid, Planner II  
File Number: D20-2024-094  
Location: 204 Rustic Trail  
Part Lot 15, Concession 8  
Geographic Township of Somerville  
Owner/Applicant: Rui Ferreira

3.1.8 COA2024-103 120 - 129  
Katherine Evans, Senior Planner  
File Number: D20-2024-095  
Location: 15 Rumohr Drive  
Part Lot 29, Concession 3 (being Lot 15 on Plan 332)  
Geographic Township of Dalton  
Owners: Salvatorina and Andrea Giovannoni  
Applicant: Marco DiTommaso

3.2 Consents

**4. Deferred Applications**

4.1 Minor Variances

4.2 Consents

**5. Other Business**

**6. Correspondence**

**7. Next Meeting**

The next meeting will be Thursday, November 28th at 1:00pm in Council Chambers, City Hall.

**8. Adjournment**



**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Committee of Adjustment Meeting**

**COA2024-09**  
**Thursday, September 26, 2024**  
**2:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett Yeo**  
**Betty Archer**  
**Gerald Erickson**  
**Sandra Richardson**  
**Lloyd Robertson**  
**Stephen Strangway**  
**Eric Finn**

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## 1. Call to Order

Chair Robertson called the meeting to order at 2:01pm. Councillor E. Yeo and Members S. Strangway, S. Richardson, B. Archer, G. Erickson and E. Finn were in attendance in person.

Staff, L. Barrie, Director of Development Services, K. Evans, Senior Planner, A. Shahid, Planner II, M. LaHay, Secretary-Treasurer, M. McKinnon, Supervisor of Plans Review and Inspections and C. Crockford, Recording Secretary.

Absent, J. Connolly, Manager of Planning.

## 2. Administrative Business

### 2.1 Adoption of Agenda

September 26, 2024

Committee of Adjustment Agenda

Mr. Shahid, Planner II brought to the attention of the Committee an amendment to the agenda for section 3.1.8 to add Consent file number D03-2024-022.

Ms. Evans, Senior Planner also brought to the Committees attention an amendment to Section 3.1.12 to read 26 Ridgewood Road instead of 24 Ridgewood Road.

#### **CA2024-106**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**That** the agenda for September 26, 2024 be approved as amended.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

### 2.3 Adoption of Minutes

August 22, 2024

Committee of Adjustment Minutes

**CA2024-107****Moved By** B. Archer**Seconded By** E. Finn

That the minutes of the previous meeting held August 22, 2024 be adopted as printed.

**Carried****3. New Applications****3.1 Minor Variances****3.1.1 COA2024-081**

Ahmad Shahid, Planner II  
 File Number: D20-2024-072  
 Location: 7971 Highway 35  
 East Part Lots 12 and 13, Concession 11  
 Geographic Township of Laxton  
 Owner: Eric Hall and Kelly Pellerine  
 Applicant: Carmen Pellerine

Mr. Shahid summarized Report COA2024-081. The purpose and effect is to facilitate the construction of an Additional Residential Unit (ARU) and detached garage. Relief sought: Section 18.1.b of the Zoning By-law requires accessory structures to be located in a side or rear yard; relief is required for locating the proposed ARU in the front yard.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating no issue with the minor variance as it relates to private on-site sewage disposal. Kawartha Region Conservation Authority stated they have no concerns with the proposal and that a permit is not required from their office.

There were no questions from the Committee or other persons.

**CA2024-108****Moved By** Councillor Yeo**Seconded By** S. Richardson

**That** minor variance application D20-2024-072 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 and Appendix D submitted as part of Report COA2024-081, which shall be attached to and form part of the Committee's Decision;
2. **That** approvals and/or permits required by the Ministry of Transportation (MTO), are applied for and granted prior to the issuance of a Building Permit; and,
3. **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 COA2024-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.2 COA2024-082

Katherine Evans, Senior Planner  
 File Number: D20-2024-074  
 Location: 7 Bronte Lane  
 Part Lot 12 and 13, Concession 6  
 Geographic Township of Verulam  
 Owners: Kevin Primmer and Beverly Swan  
 Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2024-082. The purpose and effect is to facilitate the construction of a detached garage with a workshop and Additional Residential Unit (ARU) and the recognition of an existing storage building. Relief sought: Section 5.1.3 b) of the Zoning By-law provides that an accessory building or structure that is not attached to the main building shall not be erected in any yard other than the interior side or rear yard; the proposed detached garage/ARU

is to be located in the front yard and the existing storage building is located in the front yard.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating sewage system proposal needs to be revised to include all components of the minor variance proposal to comply with the Ontario Building Code. Condition 3 has been added to ensure this occurs. Kawartha Region Conservation Authority stated no concerns with the minor variance and that a permit will be required.

The applicant, Ms. Archer of TD Consulting Inc. was present in person and thanked staff.

There were no questions from the Committee or other persons.

The Committee made a motion to approve the application as amended.

**CA2024-109**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**That** minor variance application D20-2024-074 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 COA2024-082, 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; and,
3. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system

requirements.

This approval pertains to the application as described in report COA2024-082. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.3 COA2024-083

Ahmad Shahid, Planner II

File Number: D20-2024-075

Location: 375 Snug Harbour Road

Part of Lot 6, Concession 9 (being Parts 2 of Reference Plan 57R-7753 and Part 6 of Reference Plan 57R-4058)

Geographic Township of Fenelon

Owners: Ernie and Kim Griffioen

Applicants: Ernie and Kim Griffioen

Mr. Shahid summarized Report COA2024-083. The purpose and effect is to recognize an existing Additional Residential Unit (ARU) on the upper storey of an existing detached garage. Relief sought: Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000 square metres (0.4 hectares) for lots on private services to be eligible for an ARU. The subject lot is 3,000 square metres (0.3 hectares).

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating the existing sewage system does not have the capacity to service additional sewage flows generated from the additional residential unit (ARU). They also found evidence indicating a system was installed to service the ARU without a permit. As such, the Supervisor of Part 8 requires a condition be added for their approval, which was already added to the report.

The Committee had the following questions:

- 1) Is eight (8) months sufficient to work on the septic system and could it be extended to twelve (12) months?
- 2) Was a building permit issued in 2012?
- 3) Is the applicant required to pay the permit fees from 12 years ago?

Mr. Shahid replied that the eight (8) month timeframe was determined to be sufficient by the Supervisor of Part 8 to complete the septic system, however the Committee can decide.

Mr. McKinnon, Supervisor of Plans Review and Inspections stated that a permit was not issued in 2012, and confirmed that all outstanding permit fees will be applicable for the ARU and Septic are subject to the Building By-laws fees.

The Committee made a motion to approve the application as amended Condition 2, to extend the eight (8) month timeline to twelve (12) months due to the winter period.

There were no further questions from the Committee or other persons.

**CA2024-110**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2024-075 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions**

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-083, which shall be attached to and form part of the Committee's Decision;
2. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of twelve (12) 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,
3. **That** this approval shall be in effect a period of eight (8) 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 COA2024-083. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.4 COA2024-084

Ahmad Shahid, Planner II

File Number: D20-2024-076

Location: 32 Beachli Lane

Part Lot 9, Concession 11 (being Parts 2 to 6 on Reference Plan 57R-1887)

Geographic Township of Laxton

Owners: Manojah Ganeshalingam and Nishanthan Mahenthirarasa

Applicant: Manojah Ganeshalingam

Mr. Shahid summarized Report COA2024-084. The purpose and effect is to recognize an existing cabin and shed. Relief sought: Section 5.2 g) requires a minimum water setback of 15 metres, the existing water setbacks are 13.8 metres (cabin) and 13.3 metres (shed). Section 18.1 b) requires a minimum side yard of 1.3 metres for accessory structures, the existing side yard setback from the shed is 0.57 metres. Section 18.1.f. i) of the Zoning By-law permits cabins as an accessory use to a permitted dwelling on lots which conform to the requirements of the By-law for lot area and frontage. The applicable zone requires a minimum 2,000 square metre lot area; the existing lot area is 1,080 square metres.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems that a sewage system use permit has been located and that the permit does not have the capacity for the additional sewage flows generated from the cabin. A sewage system replacement would be required to continue with the proposal of the cabin. A condition was requested and included in the revised conditions provided to the Committee. The Kawartha Region Conservation Authority stated they have no concerns with the application and that the applicant does not require a permit from their office.

The Committee had the following questions:

- 1) Size of the subject lot.
- 2) Condition 2, is eight (8) months sufficient?
- 3) Is there a fixed timeline for the installation of a sewage system?
- 4) Is there any sanitary services in the cabin?

Mr. Shahid responded by saying the size of the subject lot was compared to



similar lots on both sides of the Gull River. There are no sanitary services in the cabin.

Mr. McKinnon, Supervisor of Plans Review and Inspections stated that the Ontario Building Code has a six (6) month time line for installation of a sewage system although the City has a By-law that states 1 year and if not completed the permit can be revoked or begin an enforcement.

The applicant, Ms. Ganeshalingam was present via electronic participation and confirmed the cabin is purely used for living space and will comply with any requirements.

There were no further questions from the Committee or other persons.

The Committee made a motion to approve the application as amended to add Condition 2.

**CA2024-111**

**Moved By** Councillor Yeo

**Seconded By** G. Erickson

**That** minor variance application D20-2024-076 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions**

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-084, which shall be attached to and form part of the Committee's Decision;
2. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of eight (8) 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,
3. **That** this approval shall be in effect a period of eight (8) 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 COA2024-084. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.5 COA2024-085

Ahmad Shahid, Planner II

File Number: D20-2024-077

Location: 81 Front Street West

Part Lot 1, West Side of Head Street (being Plan 70 of Reference Plan 57R-4510)

Former Village of Bobcaygeon

Owner: Melissa Ryall

Applicant: Melissa Ryall

Mr. Shahid summarized Report COA2024-085. The purpose and effect is to facilitate the construction of a new front yard deck. Relief sought: Section 5.2.c. of the Zoning By-law requires a minimum 7.5 metre front yard setback, the front yard setback from the proposed deck is 6.47 metres; and, Section 5.2.f. of the Zoning By-law permits a maximum 30% total lot coverage, the existing lot coverage is 34.39% and the proposed lot coverage is 38.69%.

After the writing of the report, comments were received from Kawartha Region Conservation Authority stating no concerns with the application and that a permit has already been obtained.

Public comments were received from the owner of 77 Front Street West in support of the application.

The Committee had the following questions:

- 1) Use of the detached garage at the rear of the property and could it be changed to comply with the lot coverage?
- 2) Setbacks relating to the area of the deck.

Mr. Shahid indicated that the garage is not being used for parking but would defer to the applicant for confirmation.

The applicant, Ms. Ryall was present via electronic participation and confirmed

that the garage was originally used for storage and is presently used as a workshop and that she has no intention of removing the garage.

There were no further questions from the Committee or other persons.

**CA2024-112**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** minor variance application D20-2024-077 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 COA2024-085, 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 COA2024-085. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

3.1.6 COA2024-086

Katherine Evans, Senior Planner

File Number: D20-2024-078

Location: Lot 70 Randal Street

Part East 1/2 and Part West 1/2 Lot 22, Concession 4 Ops

Former Town of Lindsay

Owner: Lindsay 2017

Applicant: DG Biddle and Associates

Ms. Evans summarized Report COA2024-086. The purpose and effect is to facilitate the construction of a single detached dwelling. Relief sought: Section 8.2 f) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres.

After the writing of the report, comments were received from the Supervisor of Plans Review and Inspections stating that spatial separation could be an issue but will be dealt with at the building permit stage.

Public concerns were received from Mr. Tejas Shah, the owner of 5 Charles Street relating to the location of the lots adjacent to 5 Charles Street and property rear yard setbacks. Ms. Evans responded indicating the subject lots were part of the draft plan approval in 2019. The rear yard setback is a result of the unique shape of the lot.

The Committee had the following questions:

- 1) What is the rear yard setback for 5 Charles Street and is it fenced?
- 2) Condition 2. Why thirty-six (36) months to complete construction?
- 3) Will a deck be permitted in the future for this shallow lot and if there are differences in grades will a potential deck be an issue regarding privacy?
- 4) What was the intended use of these lots, which are part of the plan of subdivision?
- 5) The spelling of Randal Street.
- 6) Page 3 of 8 of the report. Ministers Zoning Order versus Local By-laws.
- 7) Ministers Zoning Order referred to on page 7 and 8 of the report be included in a condition. Ms. Barrie, Director of Development Services responded.
- 8) Page 8 of the report, clarification of minimum front yard setback.

Ms. Evans responded. Thirty-six months is requested for the condition due to the current status of the subdivision. A deck is not being proposed, and if a deck was proposed in the future, a Minor Variance would be required. The minimum front yard setback is established by the MZO.

The applicant, Ms. Klets, Junior Planner for DG Biddle and Associates was present and in person. Ms. Klets thanked staff for the report and spoke to the proposal.

Opposed to the application, Mr. Shah of 5 Charles Street was present and in person. He addressed the Committee with concerns to dust clouds, privacy, green space, grading and noise. Mr. Shah also confirmed he does not have a

fenced rear yard. The Chair reminded Mr. Shah to speak specifically to the minor variance. Ms. Evans referred to the 2019 draft plan approval and stated that it was never intended to be green space and that the area is not regulated by Kawartha Region Conservation Authority.

The Committee continued with questions concerning green space and architectural aspects, placement of windows for privacy etc. The Chair stated the Committee cannot enforce where owners can position a window on a structure. Ms. Barrie agreed with the Chair.

The Chair suggested to Mr. Shah of 5 Charles Street to connect with Ms. Klets of DG Biddle and Associates, the Planning Division and the Building and Septic Division if he has any further concerns.

There were no further questions from the Committee or other persons.

**CA2024-113**

**Moved By** Councillor Yeo

**Seconded By** G. Erickson

**That** minor variance application D20-2024-078 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 COA2024-086, 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 thirty-six (36) 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 COA2024-086. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

3.1.7 COA2024-087

Katherine Evans, Senior Planner  
File Number: D20-2024-079  
Location: Lot 71 Randal Street  
Part East 1/2 and Part West 1/2 of Lot 22, Concession 4 Ops  
Former Town of Lindsay  
Owner: Lindsay 2017  
Applicant: DG Biddle and Associates

Ms. Evans summarized Report COA2024-087. The purpose and effect is to facilitate the construction of a single detached dwelling. Relief sought: Section 8.2 f) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres.

After the writing of the report, comments were received from the Supervisor of Plans Review and Inspections stating the spatial separation could be an issue but can be dealt with at the building permit stage.

The Committee had the following questions:

- 1) Was consideration given to structuring the building so that it is fronted on Colborne Street to be consistent with 188 Colborne Street West. Ms. Evans referred to the 2019 draft plan approval. The proposal is to have the lot front on the future Randal Street, as Colborne Street West is a busy road.
- 2) Explanation of spatial separation. Mr. McKinnon responded.

The applicant, Ms. Klets, Junior Planner for DG Biddle and Associates was present in person and addressed the Committee.

Opposed to the application, Mr. Shah of 5 Charles Street was present in person. He spoke on behalf of the neighbour at 188 Colborne Street regarding loss of views, sun and airflow's and why this is not taken into consideration. Ms. Evans indicated that views are typically considered on waterfront properties but there is nothing in the Zoning By-law that speaks to views.

The Committee advised the public when buying property that backs onto vacant land to be aware that when the land is sold the use can change.

The Committee asked staff when reviewing the application if the possibility of shadowing would occur. Ms. Barrie, Director of Development Services stated that typically justification studies are only completed for subdivisions and condominiums, not for single detached buildings.

The Committee questioned why side yard setbacks for one and two storey buildings are taken into account but not for this application and the previous application. Ms. Evans responded that under the Zoning By-law there is no difference in the minimum side yard setbacks for a one or two storey dwelling.

There were no further questions from the Committee or other persons.

**CA2024-114**

**Moved By** Councillor Yeo

**Seconded By** G. Erickson

**That** minor variance application D20-2024-079 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 COA2024-087, 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 thirty-six (36) 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 COA2024-087. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

3.1.8 COA2024-088

Ahmad Shahid, Planner II

File Number: D20-2024-080 and D03-2024-022

Location: 17 Victoria Street East

Lot 9, Plan 109; Part of Lot 1, Part of Lot 2, Part of Lot 3, Part of Lot 4 and Part of Lot 9, all on West Side of Colborne Street; also Part of Lot 9 on the South Side of Elm Street, Plan 109, as in R390409: Subject to R376035

Former Village of Omemee

Owners: Shelley Ferguson and Sylvia Vandam  
Applicant: TD Consulting Inc.

Mr. Shahid brought to the Committees attention that the original severance applied for and proposed required relief only for the size of the severed lot. It did not meet the size required of the applicable zone.

After the writing of the report, comments were received from Development Engineering, which determined a road widening was required. A 3 metre road widening was agreed to be sufficient. As a result, the lot size is reduced and additional reliefs are required. Mr. Shahid stated that the applicant did not alter the proposal. The reliefs changed today are a result of comments received from agency circulations. This changes were supported by the Director of Development Services. It was turned over to the Committee for their consideration to proceed. The Committee agreed to proceed.

Mr. Shahid summarized Report COA2024-088 for minor variance file D20-2024-080 and the consent file D03-2024-022. The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot and retain a lot containing an existing single-detached dwelling. A single-detached dwelling with an attached garage is proposed on the lot to be severed. Relief sought: Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells; the area of the proposed severed lot is 539.65 square metres. Section 8.2.1.3 a) of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback of the proposed severed lot is 5.0 metres. Section 8.2.1.4 of the Zoning By-law permits a maximum 30% lot coverage; the proposed lot coverage of the proposed severed lot is 32.6%.

Concerns were received from the owner of 24 Colborne Street North, East of the subject property with regards to drainage.

The Committee had the following questions:

- 1) Appendix D, size of lots compared to adjacent lots.
- 2) Is there municipal water services in Omemee?
- 3) Page 6 of the report, entrance. Should a condition be added?

The applicant, Ms. Archer of TD Consulting Inc. was present in person, thanked staff and spoke to the proposed minor variance.



There were no further questions from the Committee or other persons.

**CA2024-115**

**Moved By** S. Strangway

**Seconded By** E. Finn

**That** minor variance application D20-2024-080 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** consent application D03-2024-022 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

**Conditions of Approval for Minor Variance**

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix D submitted as part of Report COA2024-088, 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 COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Revised Conditions of Provisional Consent**

Refer to Revised Appendix E for Conditions of Provisional Consent.

These approvals pertain to the application as described in report COA2024-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding and for the consents to be fulfilled.

**Carried**

The Chair called for a break at 3:41pm. Councillor Yeo left the meeting. The Chair called the meeting back to order at 3:47pm.

3.1.9 COA2024-089

Katherine Evans, Senior Planner  
File Number: D20-2024-081 and D03-2024-023  
Location: 18 Deane Street North  
Lot 19 and Part of Lot 18, Plan 109 (being Parts 1 and 2 on Reference Plan 57R-1372)  
Former Village of Omemee  
Owners: Rob and Judy Edwards  
Applicants: Rob Edwards

Ms. Evans brought to the Committees attention that there were two separate circulations for the minor variance and consent. The location map mailed out with the consent public notice was correct. The location map mailed out with the minor variance public notice identified the wrong property, which pointed north to 67 King Street. Comments were received from the owner of 67 King Street regarding incorrect location map. Neither the consent nor the minor variance relate to 67 King Street. 18 Deane Street North is the subject property. The consent sign was posted 14 days before the meeting and the minor variance sign was posted 9 days before the meeting, whereas the minimum time for posting is 10 days. Discussions took place with the Director of Development Services and were comfortable with proceeding. Ms. Evans left it with the Committee to determine whether to proceed at today's meeting. The Committee agreed to proceed.

Ms. Evans summarized Report COA2024-089. The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot with frontage on Walnut Street West to contain a future single detached dwelling. Relief sought: Section 8.2.1.1 b) of the Zoning By-law requires a minimum lot area of 830 square metres for a lot serviced by municipal sewers and private individual wells; the proposed lot areas are 665.5 square metres for the severed lot and 663.1 square metres for the retained lot; Part 2 of the Zoning By-law defines 'Accessory Building' as a detached building or structure on the same lot as the main building devoted exclusively to an accessory use; as a result of the severance, the three (3) accessory buildings (sheds) would temporarily remain on the severed lot as stand-alone structures without a main use (therefore primacy of use); and, Section 3.1.3.3 of the Zoning By-law provides that a maximum of two (2) accessory buildings or structures shall be permitted on a lot in any class of residential zone; the proposed severed lot is to contain three (3) accessory buildings (sheds).

The Committee had the following questions:

1) Referenced the report; the Zoning By-law indicates two accessory structures are permitted on a residential lot. Should Condition 3, read that within three (3) months, one shed has to be removed? Ms. Evans felt that three sheds could be supported whereas the setback issue could not be supported. In discussions with the owner, they are to sell off all sheds and agreed to relocate them temporarily to comply with the setbacks.

2) "Temporary" (referring to sheds), could the sheds stay indefinitely? Ms. Evans stated that they have to be removed by completion of the consent in 2 years unless a primary use is established within that time.

There were no further questions from the Committee or other persons.

### **CA2024-116**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** minor variance application D20-2024-081 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** consent application D03-2024-023 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

### **Conditions of Approval for Minor Variance**

1. **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-089, which shall be attached to and form part of the Committee's Decision;
2. **That** development 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; and,
3. **That** the three (3) sheds located on the proposed severed lot identified in Appendix E be relocated to comply with the minimum interior side and rear yard setbacks of 1.2 metres within a period of three (3) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the sheds have been relocated.

This approval pertains to the application as described in report COA2024-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

### **Conditions of Provisional Consent**

See Appendix F

These approvals pertain to the application as described in report COA2024-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding and for the consents to be fulfilled.

**Carried**

#### 3.1.10 COA2024-090

Ahmad Shahid, Planner II  
 File Number: D20-2024-082  
 Location: 108 Crawford Road  
 Part Lot 2, Concession 3, Lot 10, Plan 409  
 Geographic Township of Carden  
 Owner: Angelo Derango  
 Applicant: Deepak Tyagi

Mr. Shahid summarized Report COA2024-090. The purpose and effect is to facilitate the construction of a 20.43 square metre addition onto the existing detached garage, as well as recognize the existing above-ground pool and gazebo. Relief sought: Section 2.2.g. of the Zoning By-law which requires a 20-metre water setback, the proposed water setback is 18.5 metres from the proposed addition of the garage. The existing water setbacks are 6.44 metres (pool) and 9.93 metres (gazebo).

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating no concerns with the minor variance proposal. Kawartha Region Conservation Authority have no concerns with the proposal and that a permit is not required from their office.

The owner, Mr. Derango was present in person and available for questions.

There were no questions from the Committee or other persons.

**CA2024-117****Moved By** B. Archer**Seconded By** E. Finn

That minor variance application D20-2024-082 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 COA2024-090, 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 COA2024-090. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

## 3.1.11 COA2024-091

Ahmad Shahid, Planner II

File Number: D20-2024-083

Location: 2 Crimson Lane

Part Lot 15, Concession 5 (being Part 1 of Reference Plan 57R-687)

Geographic Township of Verulam

Owners: Michelle Chouinard-Kenney and Bryan Kenney

Applicants: Michelle Chouinard-Kenney and Bryan Kenney

Mr. Shahid summarized Report COA2024-091. The purpose and effect is to facilitate the partial demolition of the existing non-complying two-storey dwelling (foundation to remain) and construction of a new two-storey dwelling. Relief sought: Section 8.2.d. requires a minimum front yard setback of 7.5 metres, the proposed front yard setback is 1.8 metres; Section 8.2.g. requires a minimum rear yard setback of 7.5 metres, the proposed rear yard setbacks are 3 metres

(dwelling) and 2.11 metres (deck); Section 8.2.k. permits a maximum height of 10.5 metres, the proposed height of the dwelling is 10.74 metres; and, Section 8.2.n. requires a minimum water setback of 15 metres, the proposed water setback is 10.2 metres (dwelling) and 7.62 metres (deck).

After the writing of the report, comments were received from Kawartha Region Conservation Authority stating no concerns with the application and that the applicant must obtain a permit from their office. The Supervisor of Part 8 Sewage Systems stated they have no issue with the application and that the applicant has already submitted for a permit.

The Committee questioned if there was water on the North side of the property line. Mr. Shahid confirmed that there is only water on the east portion of the property.

The applicant, Larry Mintoff, Project Designer was present via electronic participation and thanked staff and was available for questions.

There were no further questions from the Committee or other persons.

**CA2024-118**

**Moved By** S. Strangway

**Seconded By** G. Erickson

**That** minor variance application D20-2024-083 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 and Appendix D submitted as part of Report COA2024-091, 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 COA2024-091. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

## 3.1.12 COA2024-092

Katherine Evans, Senior Planner

File Number: D20-2024-084

Location: 26 Ridgewood Road

Part Lot 15, Concession 4; Part Lots 1 and 2 on Reference Plan 57R-299

Geographic Township of Ops

Owner: Kelly Murphy

Applicant: KMD Planning c/o Kevin Duguay

Ms. Evans summarized Report COA2024-092. The purpose and effect is to facilitate the use of the existing single detached dwelling as a group home for individuals with dementia and related cognitive challenges. Relief sought: Section 16.2 a) of the Zoning By-law provides that the minimum lot area for a group home is 4.0 hectares; the existing lot area is 0.29 hectares; Section 19.86 of the Zoning By-law defines 'Group Home' as a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents; the proposed number of residents is 10; and, Section 2.29 iv) of the Zoning By-law provides that the minimum lot area for an Additional Residential Unit on a lot with private services is 4,000 square metres; the basement of the dwelling is to be registered as an Additional Residential Unit and the existing lot area is 2,943 square metres.

After the writing of the report comments were received from the Supervisor of Part 8 Sewage Systems stating they have no concerns with the minor variance proposal as private on-site septic disposal. Condition 3 has been removed as it has already been fulfilled. The Ministry of Transportation - Ministry approvals and permits are required for this proposal. A new condition has been added to ensure this occurs prior to issuance of a building permit. The updated list of conditions were provided to the Committee.

The Committee had the following questions:

- 1) Do group homes have requirements for the care of residents specifically those with Alzheimer's and Dementia? Ms. Evans responded that the definition of a group home says that the care is specific to the needs of the residents.
- 2) Is there a difference between group homes and nursing homes? Ms. Evans

deferred to the applicant.

3) Why is the Ministry of Transportation involved? Ms. Evans responded that the property is within the MTO permit control area.

The applicant Mr. Duguay was present via electronic participation. He thanked staff and agreed with staff's report. Mr. Duguay spoke to the requirements of a group home.

There were no further questions from the Committee or other persons.

**CA2024-119**

**Moved By** S. Strangway

**Seconded By** E. Finn

**That** minor variance application D20-2024-084 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 COA2024-092, 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; and,
3. **That** approvals and/or permits required by the Ministry of Transportation are applied for and granted prior to the issuance of a Building Permit.

This approval pertains to the application as described in report COA2024-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.13 COA2024-093

Katherine Evans, Senior Planner  
File Number: D20-2024-085



Location: 24 Majestic Street  
 Part Park Lot 11 on Plan 105; Reference Plan 57R-4079 Parts 1 and 2  
 Geographic Township of Somerville  
 Owner: City of Kawartha Lakes  
 Applicant: Glenn Wilcox

Ms. Evans summarized Report COA2024-093. The purpose and effect is to facilitate the construction of an addition onto the existing fire hall. Relief sought: Section 8.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 2.5 metres; and, Section 8.2 e) of the Zoning By-law requires a minimum side yard setback of 4.5 metres; the proposed setback is 3.2 metres.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating no concerns with the minor variance.

The applicant, Mr. Wilcox was present via electronic participation and spoke to the proposal.

There were no questions from the Committee or other persons.

**CA2024-120**

**Moved By** B. Archer

**Seconded By** S. Richardson

**That** minor variance application D20-2024-085 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 COA2024-093, 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 COA2024-093. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.14 COA2024-094

Katherine Evans, Senior Planner  
 File Number: D20-2024-086  
 Location: 43 Loon Street  
 Part of Lot 1, Concession 1 (being Lot 3 on Plan 195)  
 Geographic Township of Ops  
 Owners: John and Mary Groetelaars  
 Applicant: Brad Conway

Ms. Evans summarized Report COA2024-094. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey single detached dwelling with a walkout basement. Relief sought: Section 6.2 of the Zoning By-law requires a minimum rear yard setback of 9 metres; the proposed setbacks are 1.67 metres from the dwelling and 0.61 metres from the porch; Section 6.2 of the Zoning By-law requires a minimum side yard setback of 3 metres; the proposed setback 1.27 metres; and, Section 2.25.1 b) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 12.29 metres.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating no concerns with the minor variance proposal. Kawartha Region Conservation Authority stating no concerns with the minor variance proposal and that a permit has been granted. The Supervisor of Plans Review and Inspection commented that spatial separation could be an issue and can be dealt with at the building permit stage.

The applicant, Brad Conway was present in person and available for questions.

There were no questions from the Committee or other persons.

**CA2024-121**

**Moved By** S. Richardson

**Seconded By** E. Finn

**That** minor variance application D20-2024-086 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 COA2024-094, 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; and,
3. **That** the shipping container identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Secretary-Treasurer that the shipping container has been removed.

This approval pertains to the application as described in report COA2024-094. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

3.2 Consents

## **4. Deferred Applications**

4.1 Minor Variances

4.2 Consents

## **5. Other Business**

Ms. Barrie began by thanking staff for today's meeting and recognized a professional achievement to Katherine Evans who has been promoted from Planner II to Senior Planner. Staff and the Committee congratulated Ms. Evans.

The Chair advised Staff and the Committee that he would be absent for the October 24th meeting and that Vice Chair Strangway would step in.

**6. Correspondence**

**7. Next Meeting**

The next meeting will be Thursday, October 24th at 1:00pm in Council Chambers, City hall.

**8. Adjournment**

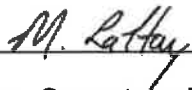
**CA2024-122**

**Moved By** S. Strangway

**Seconded By** E. Finn

**That** the meeting be adjourned at 4:42pm.

**Carried**

  
\_\_\_\_\_  
Mark LaHay, Secretary-Treasurer

to

**REVISED PROPOSED CONDITIONS OF  
PROVISIONAL CONSENT**REPORT COA2024-088FILE NO: D20-2024-080

1. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
3. A 3.0 metre road widening be conveyed to the City of Kawartha Lakes across the entire frontage of the parcel to be severed, free and clear of all encumbrances, to the satisfaction of the ECA – Development Engineering Division. The legal description shall include the words “RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway.
4. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
5. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for the proposed entrance and submit it to the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) that an entrance permit would be available for the lot to be severed in accordance to By-law 2017-151.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.

to

REPORT COA2024-088

FILE NO: D20-2024-080

**REVISED PROPOSED CONDITIONS OF  
PROVISIONAL CONSENT CONTINUED**

9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

REPORT COA2024-089FILE NO: D20-2024-081  
D03-2024-023**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. Submit to the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
3. Submit payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the Transfer/deed are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
4. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
5. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lot to be severed.
6. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
7. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
8. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

9. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 974660 Ontario Inc.**  
Report Number COA2024-095

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**Public Meeting**

**Meeting Date:**      **October 24, 2024**  
**Time:**                1:00 pm  
**Location:**            Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 7 – Former Town of Lindsay**

**Subject:**      The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling.

**Relief sought:**

1. Section 7.2 b) of the Zoning By-law requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.3 metres.

The variance and consent are requested at **25 Melbourne Street East** (File D20-2024-087 and D03-2024-002).

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**Author:**   **Katherine Evans, Senior Planner**

**Signature:** 

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**Recommendations**

**That** Report COA2024-095 – 974660 Ontario Inc., be received;

**That** minor variance application D20-2024-087 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** consent application D03-2024-002 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

**Conditions of Approval for Minor Variance**

- 1) **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-095, which shall be attached to and form part of the Committee’s Decision; and,

- 2) **That** development 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 approval pertains to the minor variance application as described in report COA2024-095. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

### **Conditions of Provisional Consent**

See Appendix D

This approval pertains to the consent application as described in report COA2024-095. Fulfillment of all conditions is required for the consent to be fulfilled.

### **Application Summary**

Proposal:	To facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling
Owners:	974660 Ontario Inc.
Applicant:	Miller Planning Services c/o Roger Miller
Legal Description:	Lot 8, Plan 15P
Official Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan, 2023)
Zone <sup>2</sup> :	Residential Two (R2) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	Total: 1,007.5 sq. m. (10,844.6 sq. ft.); Severed lot: 412.8 sq. m. (4,443.3 sq. ft.); Retained lot: 594.7 sq. m. (6,401.3 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential
Adjacent Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## Rationale

### Provincial Planning Statement 2024

The Provincial Planning Statement (PPS), 2024 provides policy direction on matters of provincial interest related to land use planning and development. The PPS also classifies the Town of Lindsay as a settlement area. Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. This direction ensures the more efficient use of land, existing urban services and infrastructure. Additionally, Section 2.3.1.3 provides that Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options. The proposal is consistent with the applicable policies of the PPS.

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

The subject property is within an established residential neighbourhood, located east of Lindsay Street South and west of the Scugog River. The property is rectangular in shape and has frontage on a road that is assumed and maintained year round. The existing lot pattern in the area consists of deep rectangular lots with more narrow frontages. The property currently contains a single detached dwelling constructed in 1890 (according to Municipal Property Assessment Corporation) and a detached garage. The detached garage is to be demolished (as per the third proposed condition of provisional consent).

The dwelling on the subject property is listed on the City's Heritage Register. The dwelling is proposed to remain on the retained lot. The Economic Development Officer – Heritage Planning has provided that apart from restrictions on demolition (which is not proposed), there are no further restrictions on the dwelling or property resulting from its heritage status.

The proposal is to sever the property to create one (1) new residential lot to contain a future single detached dwelling. The proposed dwelling on the severed lot appears to comply with the provisions of the Zoning By-law. Relief is required through the Minor Variance process to permit the severed lot to have less lot frontage than required under the Zoning By-law.

The Province of Ontario has launched the 'More Homes, More Choice: Ontario's Housing Supply Action Plan' (2019), the goal of which is to build 1.5 million homes by 2031 to address the housing supply crisis in Ontario and to encourage the development of housing that meets the needs and budgets of all Ontarians. As per the Municipal Housing Pledge, the Province has established a housing target in the City of Kawartha Lakes of 6500 new housing units by 2031, and the City has committed to work to achieve this target locally. Through the severance of the property and the construction of a new dwelling, this proposal can contribute to meeting the City's housing target.

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 Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of residential density.

The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered low density residential development, which includes single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings. The minimum density for low density residential uses is 15 dwelling units per net hectare and the maximum is 25 units per net hectare. The resulting density is approximately 20 units per net hectare.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary Plan.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The subject property is zoned Residential Two (R2) Zone under the Town of Lindsay Zoning By-law 2000-75. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot frontage.

Section 7.2 b) of the Zoning By-law requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.3 metres. The intent of the minimum lot frontage requirement is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, and stormwater infiltration. The minimum lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The minimum lot area within the R2 Zone is 360 square metres, and the severed lot is to exceed this minimum. The proposed dwelling complies with all other provisions of the Zoning By-law, including minimum parking requirements and minimum setbacks. Additionally, stormwater infiltration issues are not anticipated as both the severed and retained lots comply with the maximum lot coverage provision. The proposed dwelling on the severed lot is to have a rear yard setback of 11.92 metres, allowing for sufficient amenity space.

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 comments.”

**Engineering and Corporate Assets Division:** “From an engineering perspective, we have no objection to the consent and advise that the new lot will require a future Municipal Service Connection application for municipal water and sanitary servicing.”

**Public Works (Roads Division):** “Severed property will require an entrance permit/letter.”

**Enbridge:** “Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. Please always call before you dig. It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner.”

**Hydro One:** “We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.”

**Public Comments:**

The Consent was originally circulated in February 2024, and the Consent was circulated again with the Minor Variance in October 2024. Comments were received from several residents in the area. The comments received at the time of the preparation of the staff report have been summarized below, and have been included in the Appendix.

The concerns include the proposed new dwelling being a rental property, impacts to community safety, traffic and parking, impacts to mature trees, privacy and light issues, impacts during the construction process. Concerns also include increasing the density of the population, impacts to infrastructure, environmental impacts, the proposal not being in keeping with the character of the area, impacts to property values, noise, and the size of the proposed lot.

## Attachments

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant’s Sketch  
Appendix D – Proposed Conditions of Provisional Consent  
Appendix E – March 2024 Public Petition  
Appendix F – Public Comments

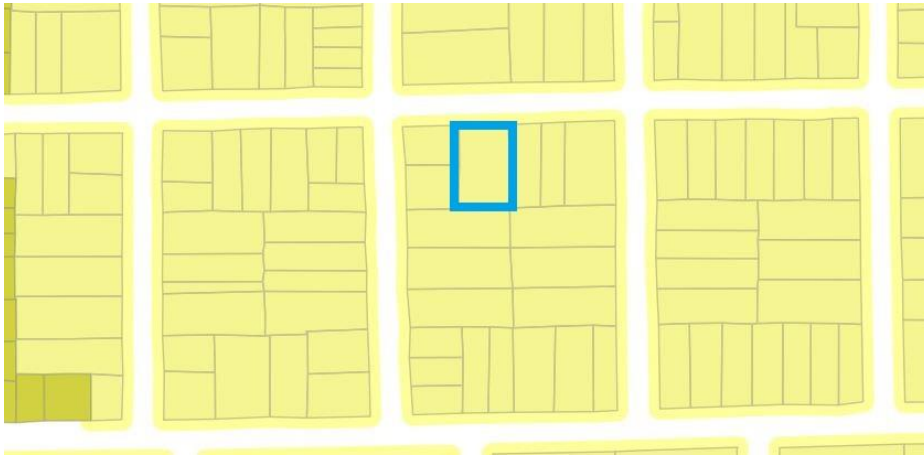
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-087 and D03-2024-002

## Schedule 1 Relevant Planning Policies and Provisions

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### Lindsay Secondary Plan, 2023



### 31.2.3. Land Use Policies

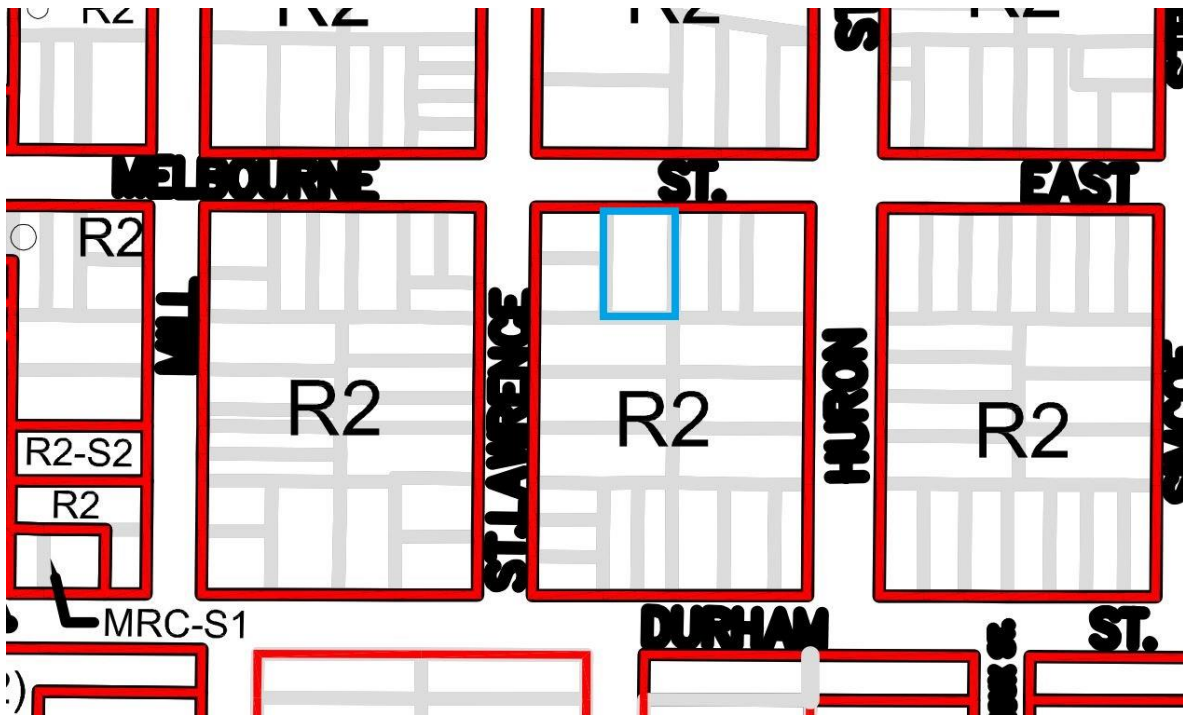
#### 31.2.3.1. Residential

##### 31.2.3.1.1. Permitted Uses

##### 31.2.3.1.2. Residential Densities

##### 31.2.3.1.2.1. Low Density Residential Development

**Town of Lindsay Zoning By-law 2000-75**



**Section 7 Residential Two (R2) Zone**

7.1 R2 Uses Permitted

7.2 R2 Zone Requirements

b) Minimum lot frontage 12 m



to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**LOCATION MAP**

# D03-2024-002 and D20-2024-087



APPENDIX " B "

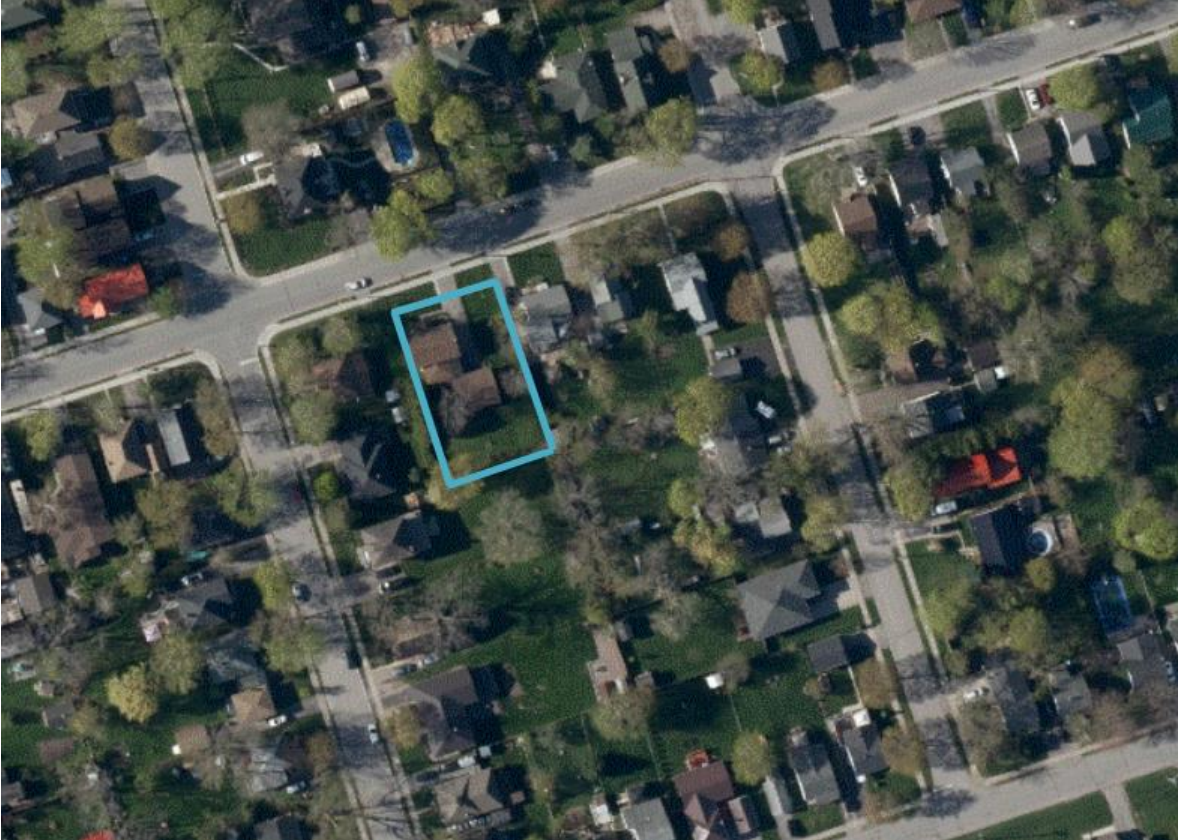
to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**AERIAL PHOTO**



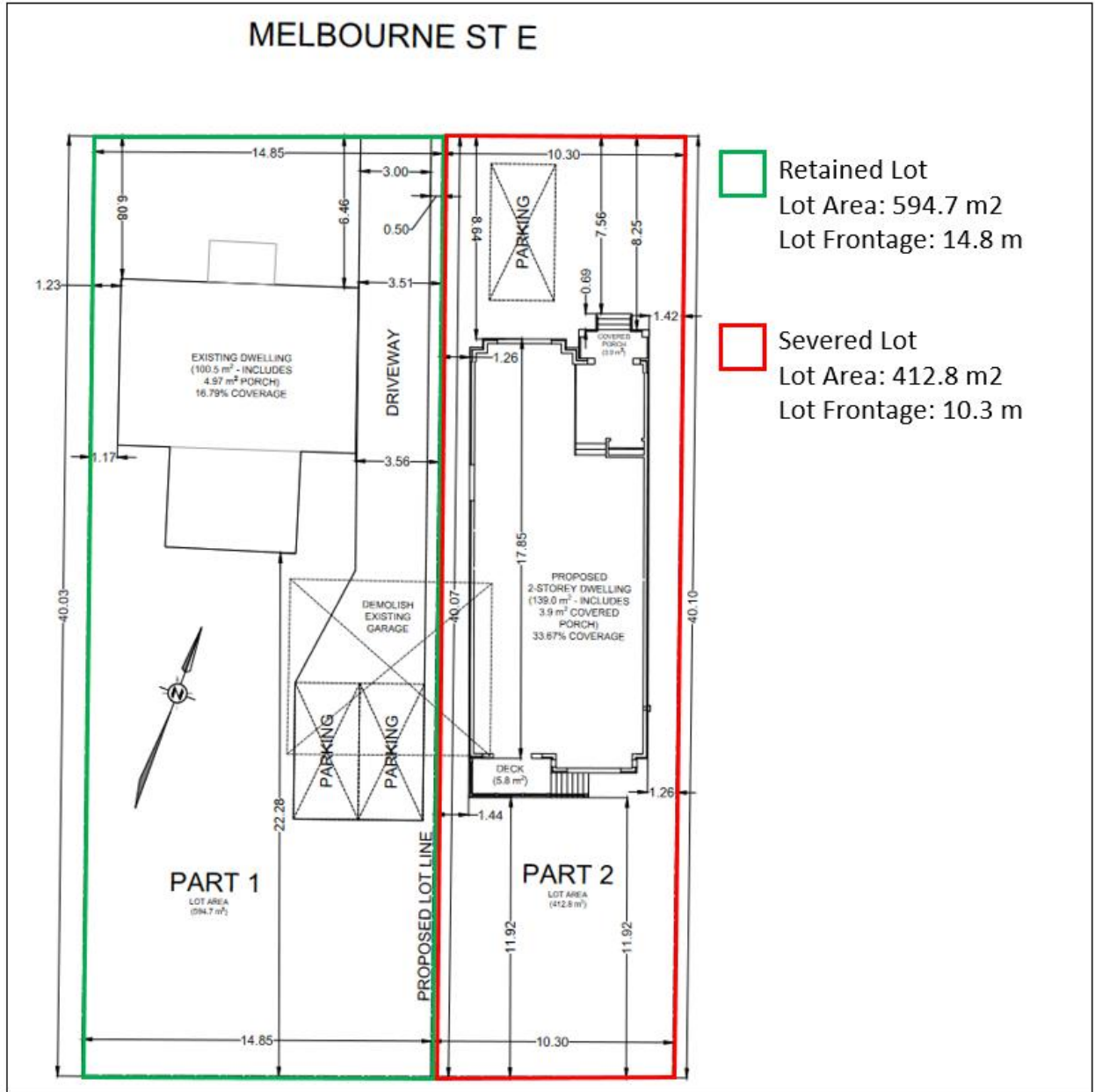
to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**APPLICANT'S SKETCH**



to

REPORT COA2024-095FILE NO: D20-2024-087D03-2024-002**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. The owner shall submit to the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel to be severed, for review and endorsement, and the subsequent registered reference plan of survey; or, alternatively, the applicant’s solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. That the Minor Variance (D20-2024-087) be in force and effect.
3. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Secretary-Treasurer as written confirmation from the City’s Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lot to be severed.
4. Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate, that the existing garage and foundation have been removed from the property or demolished and that the Chief Building Official or his/her designate shall confirm, in writing to the Planning Division, when such removal and/or demolition has been satisfactorily completed.
5. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall submit to the Secretary-Treasurer written confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. The owner shall submit payment to the City of Kawartha Lakes the stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer’s trust account.

8. The owner's solicitor shall provide a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
9. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
10. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

MARCH 2024 PUBLIC PETITION

① STOP SIGN PETITION FORM FOR

CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

RECEIVED

Mar 15 2024  
MAR 19 2024

OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

WHEREAS:

RESIDENTS AGAINST SEVERANCE  
SOME REASONS #1 - OWNER IS ALREADY AN ABSENTEE  
LANDLORD/ PLANS TO BUILD RESIDENCE FOR MULTI-UNIT/  
ROOMING- HOUSE RENTAL. #2 DESTRUCTION OF MATURE TREES  
#3 PRIVATE RIGHTS TO LIGHT #4 PRIVATE RIGHTS TO ROAD ACCESS

Name	Signature	Phone Number
① STACY MEENAN	[REDACTED]	[REDACTED]
② HOWARD WILLIAMS	[REDACTED]	[REDACTED]
③ JIM LYNCH	[REDACTED]	[REDACTED]
④ SHARLEY LYWOOD	[REDACTED]	[REDACTED]
⑤ Charlotte Freig	[REDACTED]	[REDACTED]
⑥ Corrie Lee	[REDACTED]	[REDACTED]
⑦ Dustin Lee	[REDACTED]	[REDACTED]
⑧ Murray Lee	[REDACTED]	[REDACTED]
⑨ Wesley Paterson	[REDACTED]	[REDACTED]
⑩ Jake Paterson	[REDACTED]	[REDACTED]

CONTINUED  
PAGE 2

\*



(2)

11	Diane Pearson	[REDACTED]	[REDACTED]
12	Colleen Meenan	[REDACTED]	[REDACTED]
13	Desmond Meenan	[REDACTED]	[REDACTED]
14	Susan Zarkens	[REDACTED]	[REDACTED]
15	Phelan Meenan	[REDACTED]	[REDACTED]
16	Wynne O'Sullivan	[REDACTED]	[REDACTED]
17	Paul O'Keefe	[REDACTED]	[REDACTED]
18	CR Dickerson	[REDACTED]	[REDACTED]

Continued from Page 1

#4 (road traffic in the pocket will dramatically increase)

#5 Design of new build beside and in century neighbourhood.

#6 Fear of crime with multiple tenants - Owner lives in Oshawa / wants property strictly for profit. When approached by residents about rental plans he stated "I don't live here - I don't care!" Already does not maintain property or tenants - At one point he had drug trafficking in home

#7. Noise and Environmental pollution/Capacity & strain on drains

#8. Loss of Privacy

Most residents in this area have owned properties for over 15 years - Our community here is close - please help us keep an absentee landlord from destroying it. → continues on back

3

CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

WHEREAS: *Continued*

	Name	Signature	Phone Number
19	Jason Pelletier	[REDACTED]	[REDACTED]
20	STEVE KEENAN	[REDACTED]	[REDACTED]
21	MICHAEL FORA	[REDACTED]	[REDACTED]
22	Sim LAMB	[REDACTED]	[REDACTED]
23	KRISTA PREIK COLLINS	[REDACTED]	[REDACTED]
24	CHRIS COLLINS	[REDACTED]	[REDACTED]
25	Joanne Shaw	[REDACTED]	[REDACTED]
26	William Shaw	[REDACTED]	[REDACTED]
27	PRITVI RATTI	[REDACTED]	[REDACTED]
28	JASLEEN RATTI	[REDACTED]	[REDACTED]



4

# STOP SIGN PETITION FORM FOR

CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

WHEREAS:

	Name	Signature	Phone Number
29	Piper Wiste	[REDACTED]	[REDACTED]
30	Sarah Quinnell	[REDACTED]	[REDACTED]
31	RIKER ALIVATZAK	[REDACTED]	[REDACTED]
32	Courtney Thaxler	[REDACTED]	[REDACTED]
33	Jillian O'Connell	[REDACTED]	[REDACTED]
34	Hush Yeehen	[REDACTED]	[REDACTED]

to

REPORT COA2024-095FILE NO: D20-2024-087D03-2024-002**PUBLIC COMMENTS**

**From:** [REDACTED]  
**Sent:** Monday, March 4, 2024 1:32 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** Consent application.file D03-2024-002

Hello I am contacting you in my objection against this property being torn down .This property is in fixable condition currently being rented to a nice couple and is one of the oldest properties in this area with a great deal of history tied to the old mill.I along with several other neighbors do not want this demolished and will protest as such .Thank you.[REDACTED]

**From:** [REDACTED]  
**Sent:** Monday, March 4, 2024 1:39 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** 25 Melbourne street

I also am in disagreement with the land being severed...they want to build new home to rent out to large groups .students etc.i have been told this by the owners relatives currently renting the property



Mon 3/4/2024 2:17 PM

Re: 25 Melbourne street

To: Committee of Adjustment

 You forwarded this message on 3/4/2024 3:13 PM.

Thank you , just so you are aware several of the neighbours are elderly and not able to use a computer to respond .They are opposed to this happening

**From:** [REDACTED]  
**Sent:** Wednesday, March 6, 2024 12:09 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>; Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** Consent application- file no.D03-2024-002 attention Mark LaHay and Bruce Strickney

To Mr.Mark LaHay and Mr.Bruce Stickney.I am address my concern to you over this application for 25 Melbourne street east,Lindsay.The severance of this land with intention to build is very upsetting to several residents in this area.The owner of the current property has been renting the current property and is an absentee landlord to say the least.Never checking on current property.I spoke with him personally and his plan is to build a house used for multiple tenants..I asked him if he cared about area and how that could affect neighborhood where several long term residents live and have formed a great sense of community and safety.His response ,I don't care - I don't live here I live in Oshawa.This area which had issues before is now a safe and happy community,most of the residents were born in their homes and others have lived in area for 19 plus years.An absentee landlord which he has already displayed for many years with more rentals is not what we need.At one point he rented to known drug users and dealers.Building a new build amongst older homes would be out of place.Traffic will be another issue with the amount of parking he intends.There are mature trees that need to be destroyed to build .A loss of light and privacy to neighbours.A fear of crime to the elderly residents and younger as well having a strictly rental property.The mental health affect on neighbours from the building ( construction machines,etc)the hazards involved,pollution,noise etc.These things will directly affect the surrounding neighbours and their life for several months.these are just a few concerns among many more.Residents are rallying together and will be petitioning against this approval.Most residents cannot even work a computer and unable to do cursive writing.This community will be protesting this proposed dwelling that is purely being used from the owners words as a rental to several people.He is not a resident of this beautiful town and has clearly expressed from his lack of care with current property that he rents ,he surely will not care about the future property.Its only about money! We have contacted our councillor and hope you as well will help us in stopping this pass.Thank you very much,I look forward to hearing from you [REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, March 5, 2024 4:38 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** 25 Melbourne St E Appeal  
To whom it may concern,

I am writing to express my strong opposition to the proposed housing development at 25 Melbourne St E, Lindsay Ontario. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community. First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting residents at risk. Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates, drug use and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, eye sore of a building. Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere. In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. I live at [REDACTED] Melbourne St E, and we just got rid of our next door neighbour who was a known drug dealer. Our road is already safer and cleaner now that the drug addicts aren't filtering to our street. Thank you for your attention to this matter.  
Sincerely, [REDACTED]

**From:** [REDACTED]  
**Sent on:** Thursday, March 14, 2024 6:47:13 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>  
**Subject:** D03-2024-002 25 Melbourne St. E.

**From:** [REDACTED] owner and resident of [REDACTED] St.lawrence St. Lindsay since 1983.  
The entirety of 25 Melbourne St. E. backs onto my property.  
There is no indication that the proposed building is going to be owner occupied and rumor has it that it is likely to be three floors of tenants with an absentee landlord. Maybe the structure will be in the shape of the trojan horse that it may turn out to be?  
Unmonitored tenants crammed together can become a volatile and upsetting experience for the whole neighborhood. For example; loud disturbance inside a unit, battles between units, conflicts between occupants and other neighbors, more unattended barking dogs, campfires, and there is always one or two that feel it is their duty to play screaming music for ALL to hear ALL the time.  
We do not want to participate in or witness a local live episode of "Fear Thy Neighbor"  
Unfortunately I was not around to sign the 35 plus name petition, which must be a very large percentage of affected residents considering a 60 meter circumference was used.  
Could it be that someone is trying to take advantage of the complacency of a peacefully passive community of loyal neighbors and faithful taxpayers to satisfy an absentee landlord?  
What does knowingly instigating an unwanted action that will have a profoundly negative impact on so many lives do for one's karma?  
Thanks for the opportunity to express a few of my concerns. [REDACTED]

**From:** [REDACTED]  
**Sent on:** Thursday, March 14, 2024 7:17:46 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>  
**Subject:** D03-2024-002

From: [REDACTED] St.Lawrence St. Lindsay  
I am 88 years old and have lived in an adjoining property to 25 Melbourne St.E.  
for over 40 years and have enjoyed a peaceful and friendly neighborhood. My fear now is that a multi tenant building will take away all of the calm security that I  
have become accustomed to.  
Please prevent my quiet safety zone from becoming loud and dangerous.I don't want to live in fear. Thank you.  
[REDACTED]

Summary of comments received from resident via phone call October 15, 2024:

The member of the public's backyard connects with 25 Melbourne Street East. The individual objects to the application. Their concerns are the new dwelling being too close to their property, being able to see the new dwelling when they look out the window, concerns about noise associated with tenants, the lot not being large enough to build on, the new house being located between existing houses, and a new house being in an older area. The individual provided that they feel there are other places to build houses.

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Adam

Report Number COA2024-096

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 4 – Geographic Township of Mariposa

**Subject:** The purpose and effect is to facilitate the construction of an addition onto the existing dwelling and a new lakeside deck. The proposed lakeside deck will replace the previous sunroom and deck. The existing mudroom will be removed in place of the proposed addition.

### Relief sought:

1. Section 14.2.1.4 of the Zoning By-law, which requires a 30 metre water setback; the proposed water setbacks are 12.9 metres (deck stairs) and 17.64 metres (addition).

The variance is requested at **20 Lakeview Boulevard** (File D20-2024-088).

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



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### Recommendations

**That** Report COA2024-096 – Adam, be received;

**That** minor variance application D20-2024-088 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 COA2024-096, 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 COA2024-096. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of an addition onto the existing dwelling and a new lakeside deck. Existing lakeside deck, sunroom, and mudroom to be removed.
Owners:	Michael and Pat Adam
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 11, Concession C (being Lot 11 of Registered Plan 447)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Mariposa Zoning By-law 94-07)
Site Size:	1,497.34 square metres (0.37 acres)
Site Access:	Year-round maintained 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 subject property is situated on the shoreline of Lake Scugog with access from Lakeview Boulevard. The built-form in the neighbourhood is comprised of low-density residential dwellings and assorted accessory structures. According to the Municipal Property Assessment Corporation (MPAC), the dwellings in this area were constructed through the mid-to-late 1900's. Many of these properties have

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1



gone through various extents of renovations, alterations, and additions, some going through complete redevelopments more recently in the last 20 years.

The property currently contains a one-storey single-detached dwelling (1970), a detached garage, and shed. There was previously a lakeside deck and sunroom attached to the dwelling, which was found to be removed during a physical site visit to the property (October 1<sup>st</sup>, 2024).

The proposal seeks to facilitate the construction of an addition onto the existing dwelling and a new lakeside deck. The proposed lakeside deck will replace the footprint of the previous sunroom and deck and remain in the same footprint. The existing mudroom will be removed in place of the proposed addition. The lakeside deck features both a covered and uncovered component. The proposed addition will provide a new kitchen space, mudroom, and porch for the property owners.

Considering the age of the previous dwelling and overall locality, it is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization. It is evident that there is a trend of redevelopment/upgrading in the area, with property owners seeking to redevelop their waterfront properties with new additions, renovations, and entirely new structures.

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, as such, single detached dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal utilizes the existing dwelling setback, limiting the ability to move further from the shoreline. The proposed lakeside deck does not further encroach into the water setback, than the previous sunroom and deck. Moreover, the variance supports the objectives of the Waterfront designation as it does not change the existing 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 Rural Residential Type Three (RR3) Zone under the Township of Mariposa Zoning By-law 94-07. The RR3 Zone permits a vacation dwelling, a single detached dwelling, a home occupation as well as accessory structures. Relief is required from the minimum water setback.

Section 14.2.1.4 of the Zoning By-law, requires a 30 metre water setback; the proposed water setbacks are 12.9 metres (deck stairs) and 17.64 metres (addition). The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The existing building footprint of the dwelling, is located entirely within the 30 metre water setback of the Zoning By-law. As such, any addition onto the existing dwelling regardless of placement would result in constructing within the water setback. It is important to mention, neither the proposed deck nor the addition to the existing dwelling further expand into the rear yard. The proposal addition seeks to expand towards the eastern side yard, however, due to the slight curved-shape of the shoreline, this results in a closer edge of the shoreline to the proposed addition. The proposed lakeside deck replaces the previous footprint of the sunroom and old deck, which has since been removed. The proposed deck does not encroach any further into the existing water setback.

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 comments.”

**DS – Building and Septic (Septic):** “A sewage system installation report has been issued for a replacement system under file SS2023-0330. The report indicates the holding tank has been installed in the roadside yard of the dwelling. The addition and deck are proposed on the side and lakeside of the dwelling, respectively. The



placement of the construction in these locations will not encroach on the minimum clearance distances to the holding tank. As well, the holding tank has the allowable capacity for the proposed addition.

As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance 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
- Appendix D – Existing and Proposed Floor Plans

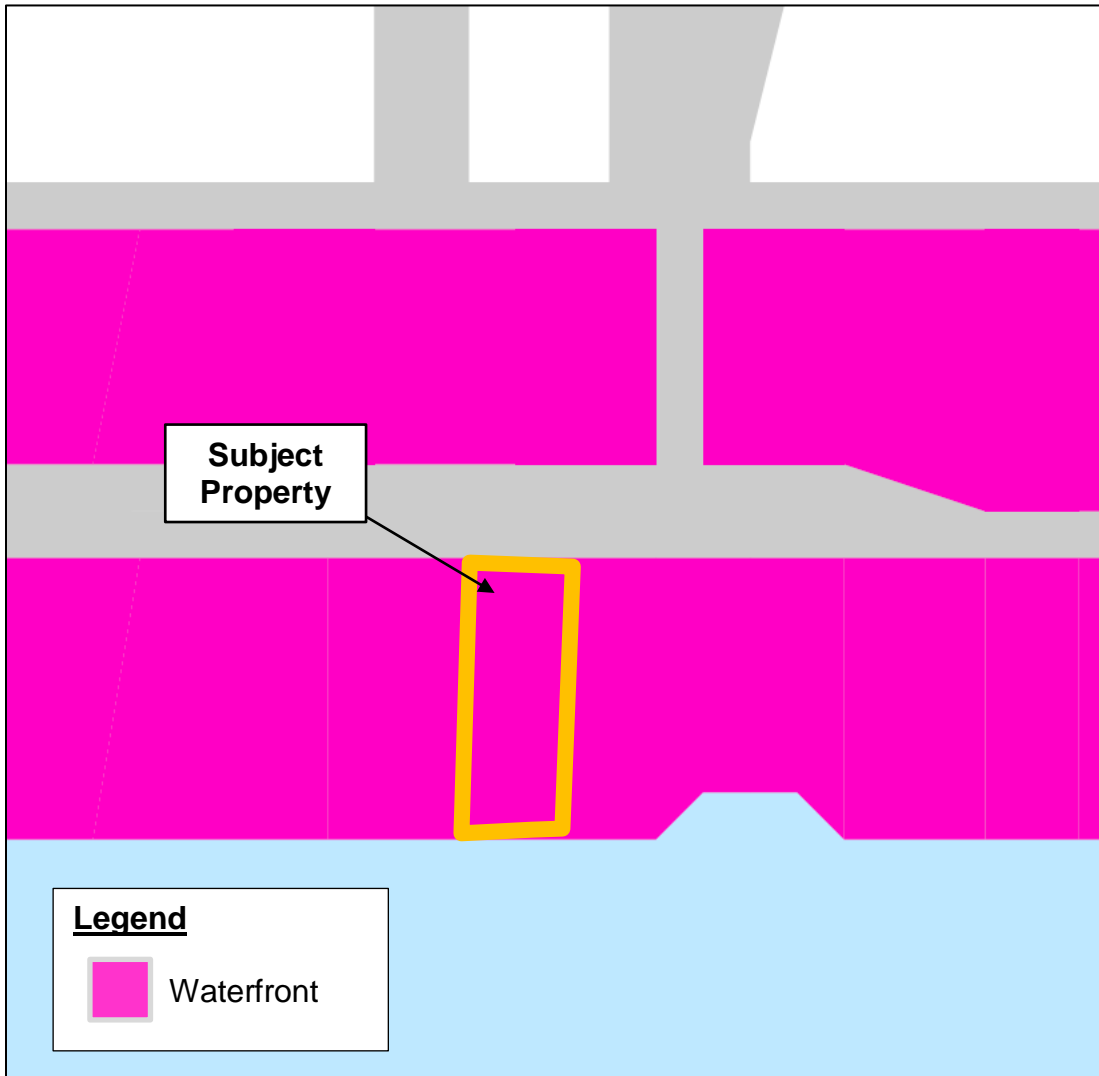
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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-088

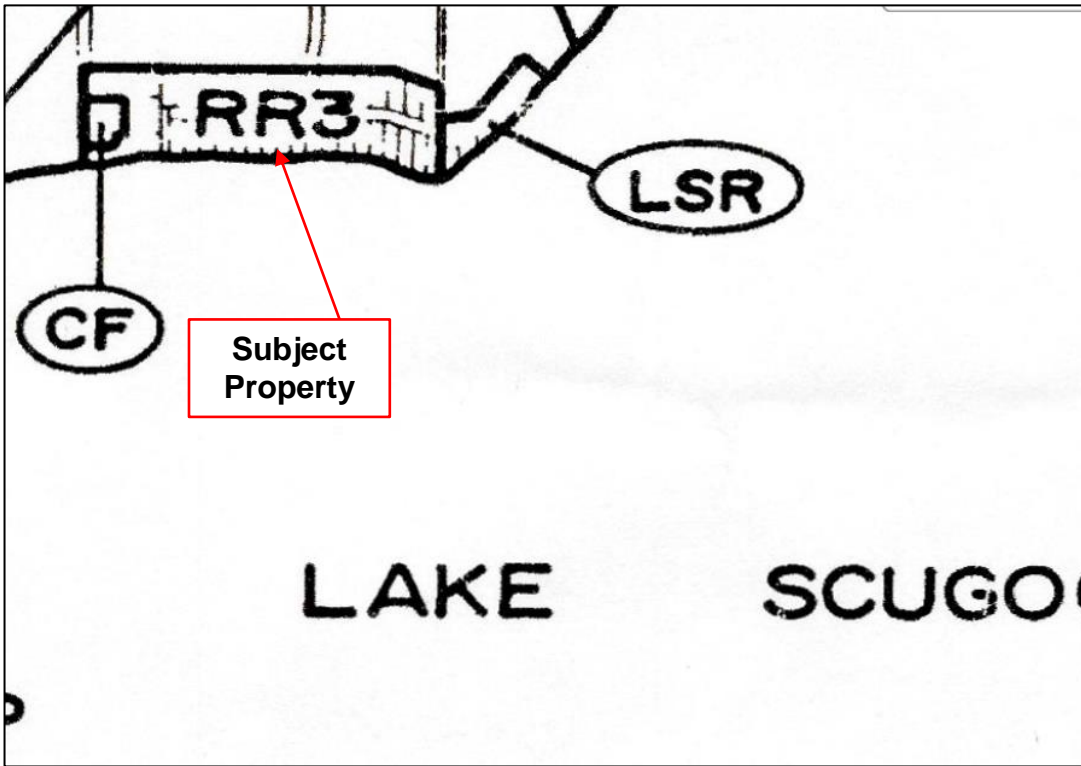
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



Township of Mariposa Zoning By-law 94-07



to

REPORT COA2024-096

FILE NO: D20-2024-088

**LOCATION MAP**

# D20-2024-088



TSK-19772

to

REPORT COA2024-096

FILE NO: D20-2024-088

**AERIAL PHOTO (2018)**

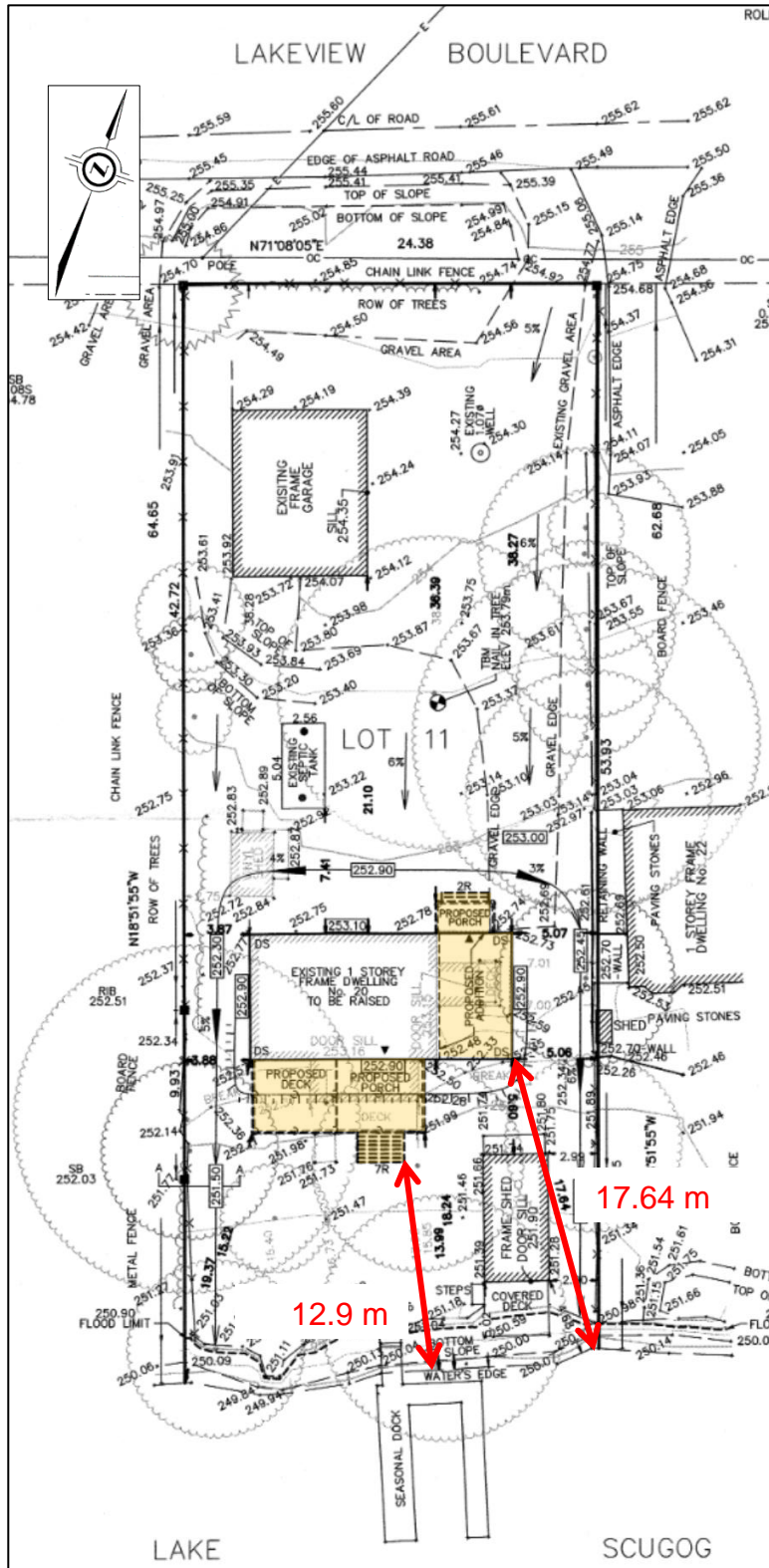


to

REPORT COA2024-096

FILE NO: D20-2024-088

APPLICANT'S SKETCH

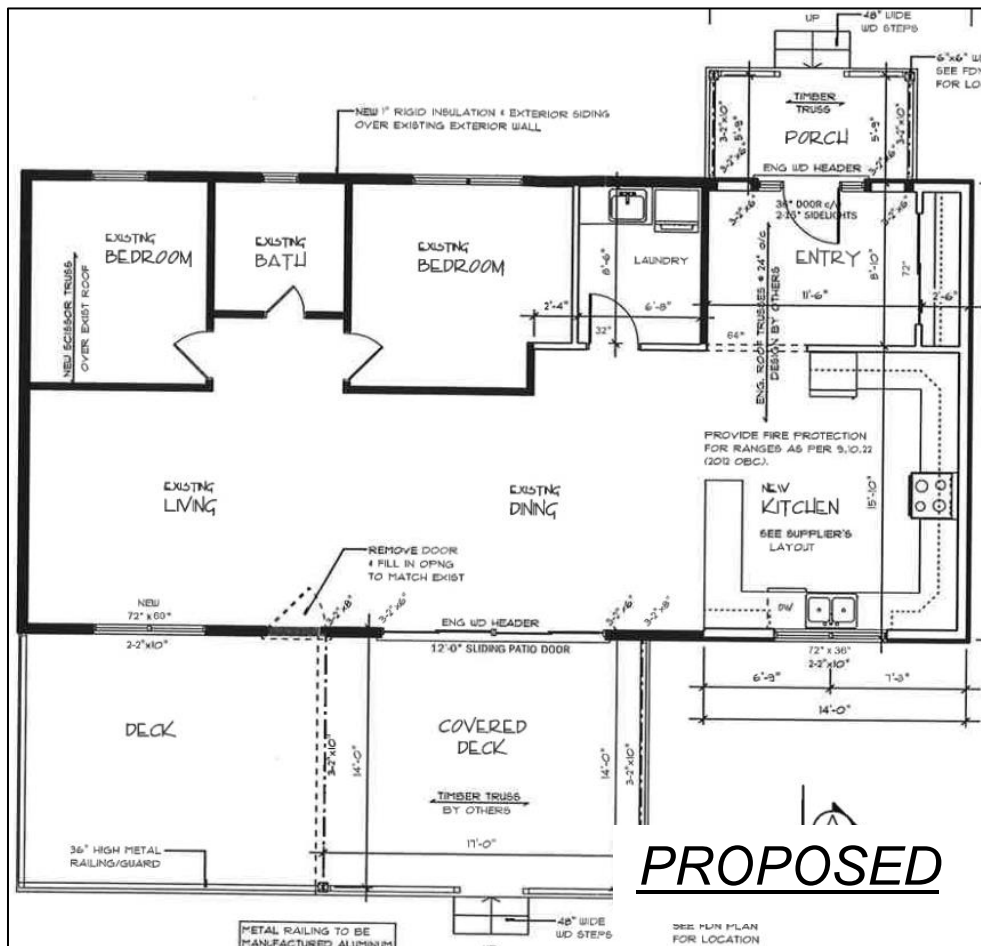
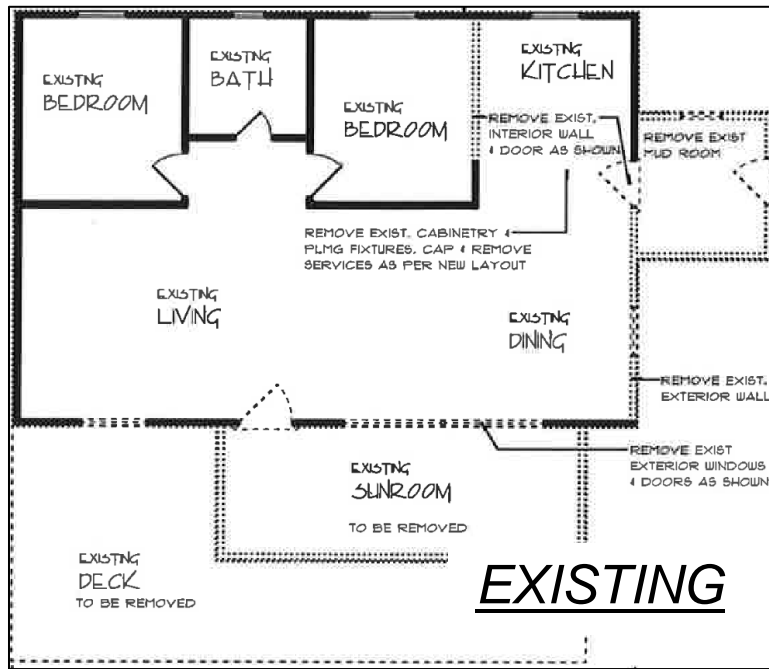


to

EXISTING AND PROPOSED FLOOR PLANS

REPORT COA2024-096

FILE NO: D20-2024-088



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gienow and Berry**  
Report Number COA2024-098

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**Public Meeting**

**Meeting Date:**      **October 24, 2024**  
**Time:**                1:00 pm  
**Location:**            Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 8 – Geographic Township of Emily**

**Subject:**      The purpose and effect is to recognize an existing shed/bar structure and existing storage container.

**Relief sought:**

1. Section 3.1.2.1 of the Zoning By-law requires accessory structures to be located in a side or interior yard; the existing storage container is located in the front yard;
2. Section 12.2.1.3 of the Zoning By-law requires a minimum 30 metre water setback; the existing water setback from the shed/bar is 19.50 metres.

The variance is requested at **131 Kenedon Drive** (File D20-2024-090).

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

**Signature:**



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**Recommendations**

**That** Report COA2024-098 – Gienow and Berry, be received;

**That** minor variance application D20-2024-090 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions**

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-098, which shall be attached to and form part of the Committee’s Decision;
- 2) **That** the detached garage identified in Appendix C, submitted as part of Report COA2024-098, be removed within a period of twelve (12) months after the date of the Notice of Decision. This condition will be considered



fulfilled upon the owner providing photographic evidence that the structure has been removed to the Secretary-Treasurer; and,

- 3) **That** this approval shall be in effect a period of twelve (12) 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 COA2024-098. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

### **Application Summary**

Proposal:	Recognition of an existing shed/bar structure and an existing storage container.
Owners:	Jodi Gienow and Robert Berry
Applicant:	Owners
Legal Description:	Part of Lot 17, Concession 7 (being Parts 1 and 3 of Reference Plan 57R-5230)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three Exception Seven (RR3-7) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	2,873.27 square metres (0.71 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	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 in the former Township of Emily on the shore of Pigeon Lake. The surrounding area is primarily residential, with built-form

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

consisting of single-detached dwellings and assorted accessory structures with varying proximities and locations in relation to the road and shoreline. Located across the street, south of the subject property, is an agricultural property with a residential dwelling. Along Kenedon Drive, particularly to the east of the subject property, the residential lots are effectively shielded from the roadway by a natural barrier of trees and hedges. West of the subject property, residential lots present open views from the road.

The subject property currently contains a single-detached dwelling with an attached Additional Residential Unit (ARU), a shed/bar structure at the lakeside, a garbage shed, as well as a detached garage and storage container in the front yard. The proposal seeks to recognize both the existing shed/bar structure and existing storage container. As part of the application, the existing detached garage in the front yard will be removed.

The property serves as a multi-generational residence through the use of the existing ARU. The shed/bar structure is 11.54 square metres with 3.74 square metres space dedicated to the shed storage component. According to the property owners, the shed/bar has been existing since 1968. However, this cannot be substantiated using aerial imagery or third party data from the Municipal Property Assessment Corporation. The shed/bar does not contain any habitable space and is located in the rear yard.

The existing storage container is 26.47 square metres in size and was placed on the property in 2020, according to the property owners. Given the removal of the existing detached garage and the multi-generational household, the use of a storage container is considered appropriate. The existing storage container is located in the front yard, largely screened from the public view by the existing row of hedge and trees along the road.

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, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal is not seeking an expansion of any of the existing structures within the water setback. Moreover, the proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline.

Policy 20.3.10. states that preservation of social values including landscapes, aesthetics, and recreational opportunities to the waterfront will be supported. The Waterfront designation states that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. Furthermore, the Waterfront designation establishes policies regarding shoreline activity areas. As per Policy 20.5.2., the shoreline activity areas are meant to serve as an appropriate balance of natural and built form along the shoreline, and include but are not limited to docks, boathouses, and other structures. The shed/bar structure supports the social use or element of the waterfront, and encourages its recreational use.

Accessory uses to single detached dwellings are permitted in the Waterfront designation. 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 Rural Residential Type Three Exception Seven (RR3-7) Zone under the Township of Emily Zoning By-Law 1996-30. The RR3-7 Zone permits various uses including a vacation dwelling or a single detached dwelling as well as accessory structures. Relief is required from the following provisions of the Zoning By-law:

- Location Of Accessory Structure: Section 3.1.2.1 of the Zoning By-law requires accessory structures to be located in a side or interior yard; the existing storage container is located in the front yard;
- Water Setback: Section 12.2.1.3 of the Zoning By-law requires a minimum 30 metre water setback; the existing water setback from the shed/bar is 19.50 metres.

Firstly, the intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. Limiting the location of accessory structures to the side or rear yard ensures accessory uses remain subordinate to the primary use by being located in less visible areas on the property. This ensures the property is cohesive with surrounding properties and area. The existing storage container complies with the minimum front yard setback of the applicable zone and, does not interrupt or impact the travelled portion of the road. As previously mentioned, the property is effectively screened from the public view by the existing vegetative cover along the road. The storage container is located directly behind this vegetative cover, mitigating concerns regarding any major visual impact to the property from the public view. Moreover, front yard accessory structures in the form of detached garages and storage structures are commonly found along Kenedon Drive based on aerial imagery from 2023 and data from MPAC.

With respect to the water setback, the intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function

of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The shed/bar structure does not contain habitable space nor is habitable space being introduced within the structure, as such, there is no concern with water hazards and dangers to habitable space. The existing shoreline conditions are not anticipated to change due to the existing shed/bar, and as such, the structure will not negatively impact vegetation or infiltration.

For comparative purposes, the Rural Zoning By-law (RZBL) that was adopted by Council although under appeal and not currently in effect, takes a different view of the existing subject accessory structures. The RZBL, in support of the City of Kawartha Lakes Official Plan, has introduced a “Shoreline Activity Area” which dedicates a portion of the land along the shorelines to serve as a “Shoreline Naturalization Buffer”. The RZBL states that the “Shoreline Activity Area” may contain shoreline structures, pathways, and native vegetation. Shoreline structures, as defined by the RZBL, include any building or structure such as a dock, hot tub, outdoor sauna, storage shed, and gazebos, within any yard abutting a waterbody. The RZBL excludes shoreline structures from being subject to the minimum water setback requirement. As a result, the subject shed/bar structure may be considered a shoreline structure under the RZBL and not subject to the minimum water setback. However, as the RZBL is under appeal, its policies are not in effect.

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 comments.”

**DS – Building and Septic (Septic):** “A sewage system installation report for a replacement sewage system has been issued under file SS2020-0441. The shed/bar and storage container are located on the property to ensure the minimum clearance distances to the sewage system. These structures will not cause any change to the capacity requirements of the sewage system.

As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance 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

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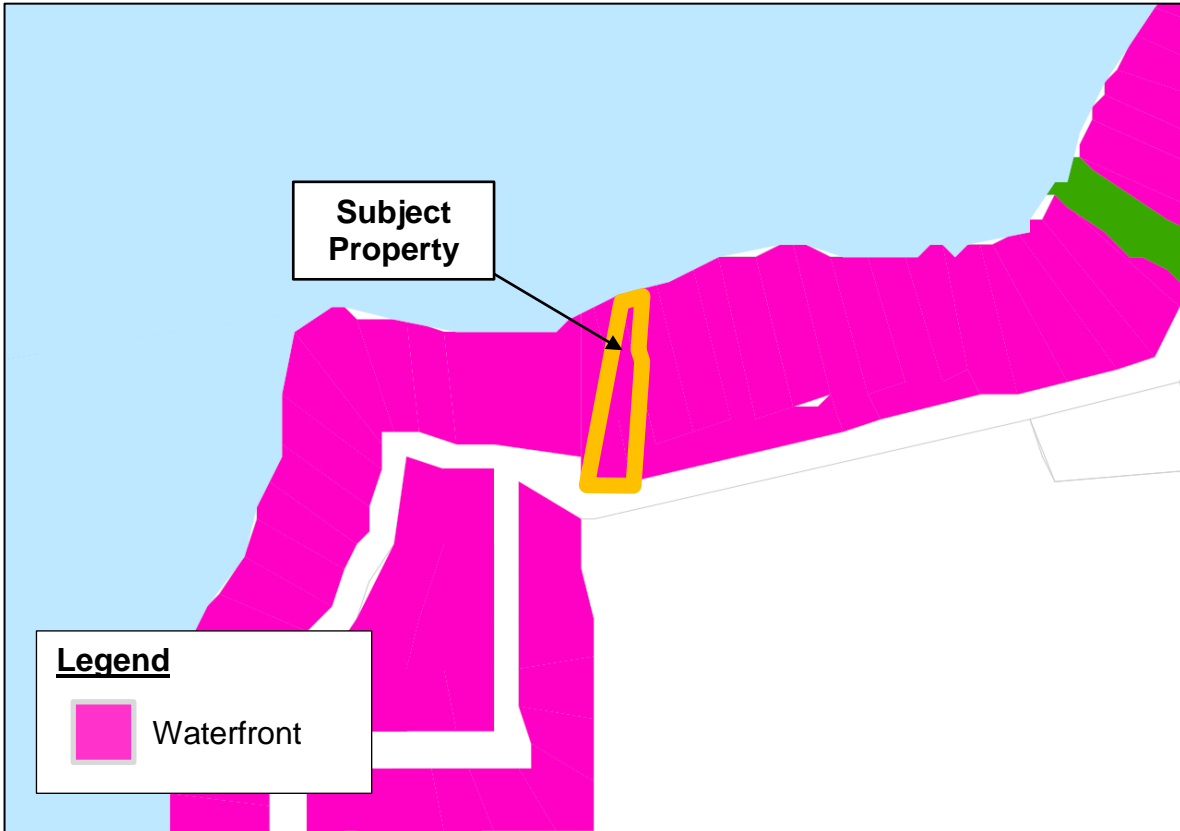
**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-090

# Schedule 1

## Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



**Township of Emily Zoning By-Law 1996-30**



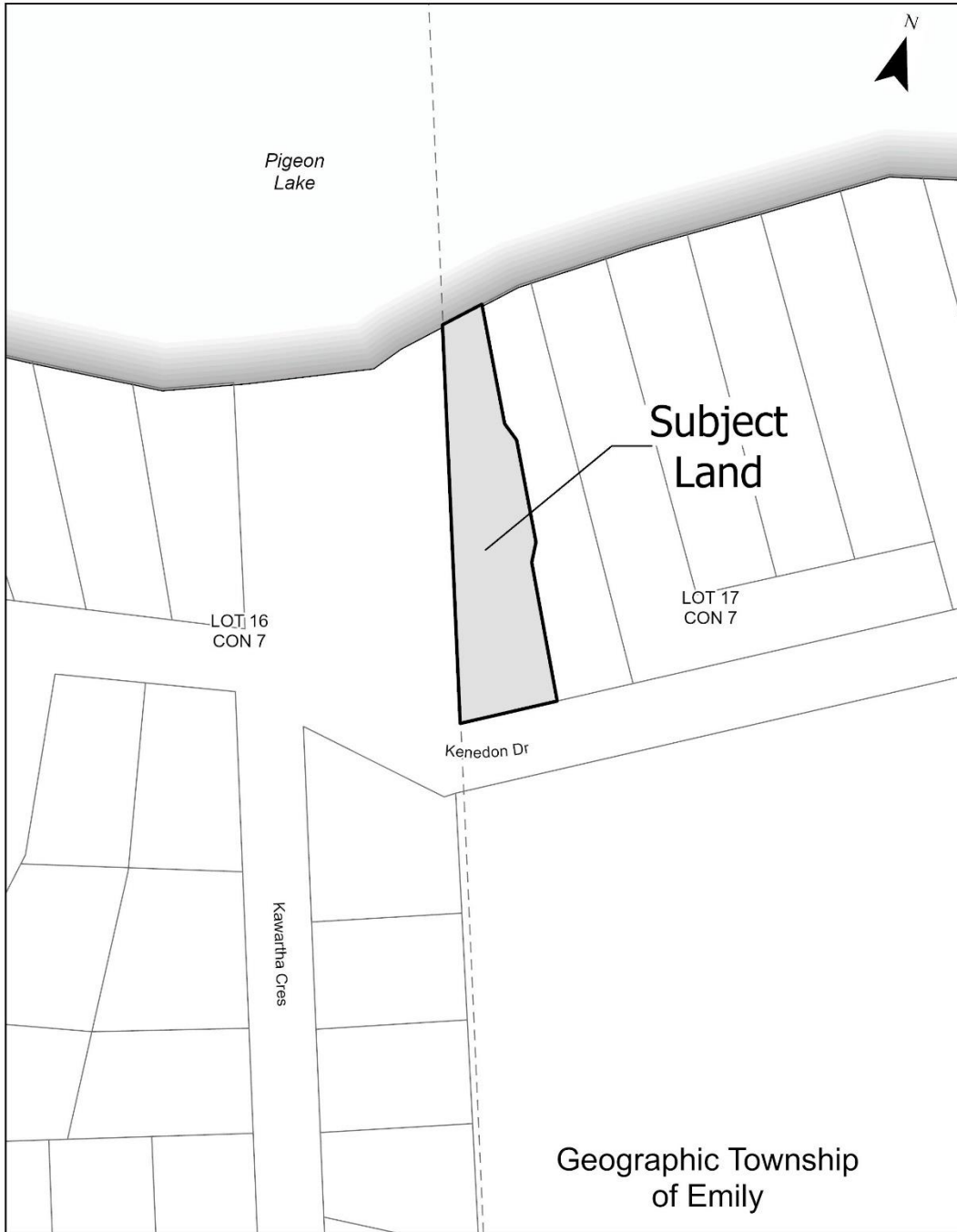
to

REPORT COA2024-098

FILE NO: D20-2024-090

**LOCATION MAP**

# D20-2024-090



TSK-19772

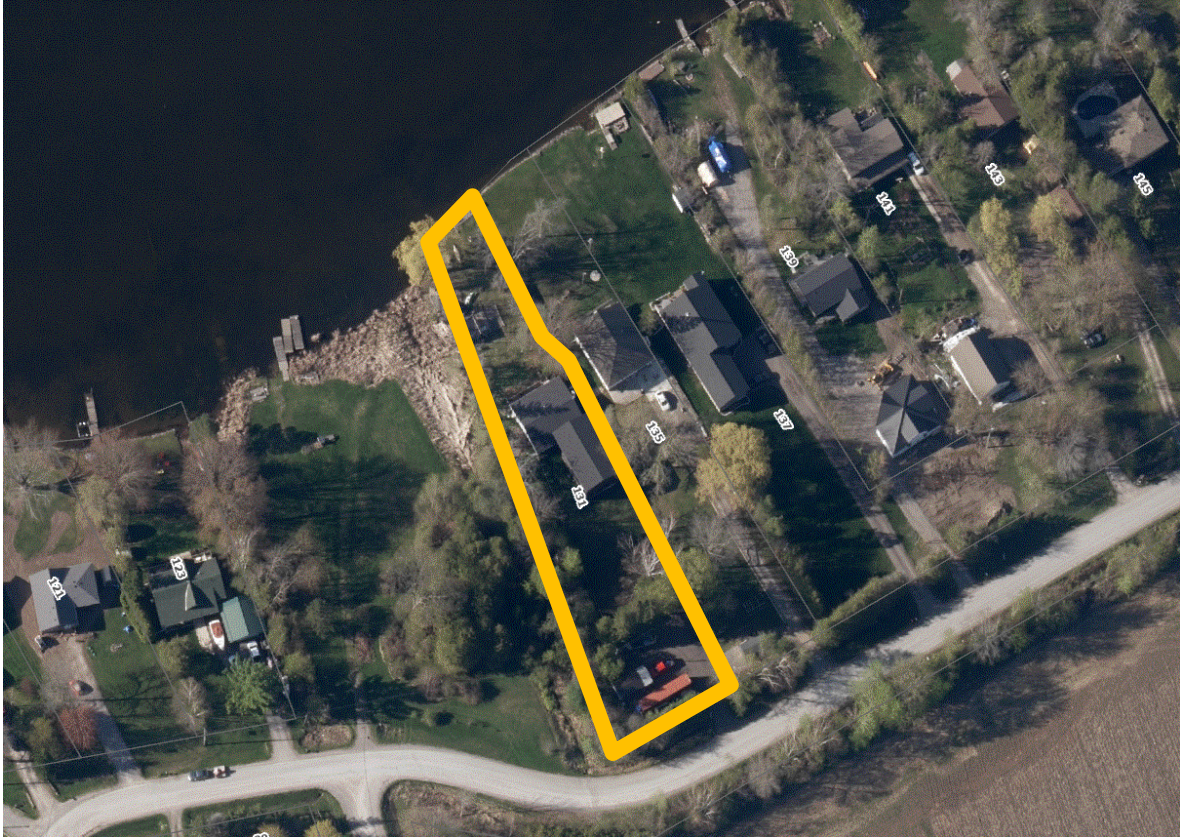


to

REPORT COA2024-098

FILE NO: D20-2024-090

**AERIAL PHOTO (2023)**

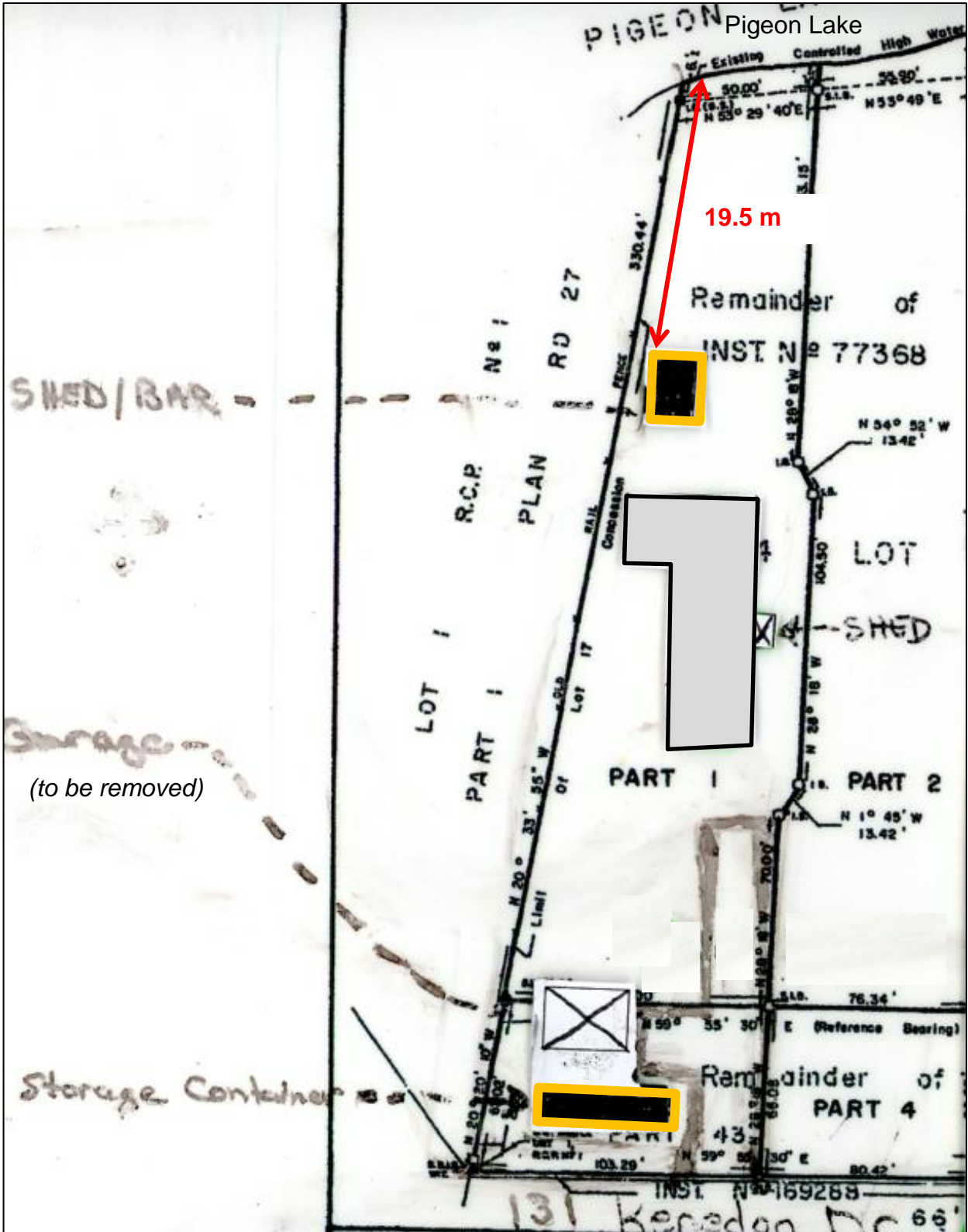


to

REPORT COA2024-098

FILE NO: D20-2024-090

APPLICANT'S SKETCH



# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Lewis

Report Number COA2024-099

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 3 – Geographic Township of Fenelon

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

#### Relief sought:

1. Section 10.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 3.2 metres; and,
2. Section 3.1.3.2 of the Zoning By-law provides that the maximum height for an accessory building or structure is 5 metres; the proposed height is 6.3 metres.

The variance is requested at **26 Goodman Road** (File D20-2024-091).

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**Author:** Katherine Evans, Senior Planner

**Signature:** 

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### Recommendations

**That** Report COA2024-099 – Lewis, be received;

**That** minor variance application D20-2024-091 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 and the construction drawings in Appendix D submitted as part of Report COA2024-099, 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 COA2024-099. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The demolition of the existing detached garage and the construction of a new detached garage
Owners:	Chris and Nicole Lewis
Applicant:	Chris Lewis
Legal Description:	Part Lot 31, Concession 8 (being Lot D and E on Plan 115 and including Part 1 on Reference Plan 57R-2865)
Official Plan <sup>1</sup> :	Hamlet Settlement Area Designation (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Hamlet Residential (HR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,495 sq. m. (16,092.1 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential, tourist commercial, and agricultural

## Rationale

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

The subject property is located in the Hamlet of Rosedale, on the southern shore of Balsam Lake to the west of where the lake narrows to become the Rosedale River. The property is rectangular in shape and is a waterfront lot. The property contains a single detached dwelling constructed in 1992 (according to Municipal Property

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Assessment Corporation), a boathouse, and a detached garage. The detached garage is to be removed.

The proposal is to demolish the existing detached garage and construct a new detached garage. The property owners have sold their permanent residence and have moved to the subject property to make it their year round home. As such, additional storage space is required to accommodate the number of items that result from combining of two households' worth of belongings. Additionally, the garage is to provide covered parking for vehicles. The existing garage is approximately 36.5 square metres in size, and the new garage is to be 78 square metres, providing that additional required storage space.

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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling as well as accessory uses are a permitted use within the Hamlet Settlement Area designation, with performance and siting criteria being 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 Hamlet Residential (HR) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback and the maximum height for an accessory structure.

Section 10.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed setback is 3.2 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The existing detached garage is setback approximately 3 metres from the front lot line, so the proposed garage is an improvement over the current circumstance. The driveway that is used to access the neighbouring property at 28 Goodman Road goes over the subject property, and separates the proposed location of the garage from the travelled portion of the road. The distance between the travelled portion of the road and the proposed location of the garage is approximately 9 metres. The proposed garage location is not anticipated to impact traffic flow, road maintenance, or sightlines. There are several other properties in the surrounding area with garages that appear to have reduced front yard setbacks, so the proposal is not out of character with the existing built form.



Section 3.1.3.2 of the Zoning By-law provides that the maximum height for an accessory building or structure is 5 metres. The proposed height is 6.3 metres. The purpose of a maximum height for accessory structures in a residential zone is to ensure the accessory use is visually subordinate to a primary use and to maintain the residential character of an area.

The majority of the proposed garage is approximately 4.9 metres in height. However, there is a dormer on a portion of the garage which exceeds the maximum height. The purpose of the dormer is to provide additional height so a full stairwell can be constructed to make moving larger items up the stairs into the storage area easier. The dormer is to be located on the northwestern side of the garage, adjacent to the interior side lot line. The garage complies with the minimum interior side yard setback, and there is a stand of mature vegetation along the side lot line which will provide a visual buffer between the garage and the neighbouring property. Also, the proposed garage is to abut an existing detached garage on the neighbouring property, so land use conflicts are not anticipated as the proposed garage will not abut a residential building. As the dwelling on the subject property is two storeys, the additional height of the garage from the proposed dormer will not result in the dwelling becoming visually subordinate.

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:**

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

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  
Appendix D – Construction Drawings

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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-091

## Schedule 1 Relevant Planning Policies and Provisions

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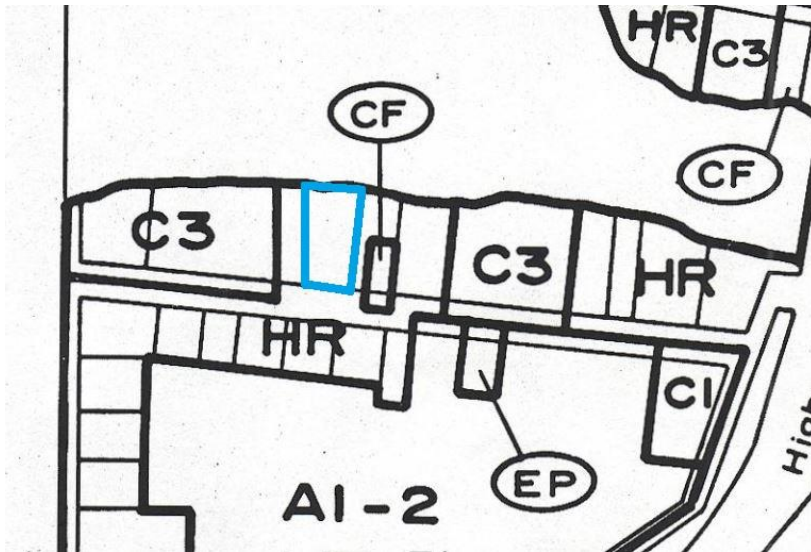
### City of Kawartha Lakes Official Plan



### 19. Hamlet Settlement Area Designation



## Township of Fenelon Zoning By-law 12-95



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures and Uses

##### 3.1.2 Location

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

3.1.2.4 Where a lot fronts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

##### 3.1.3 Lot Coverage and Height

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof.

### Part 10 Hamlet Residential (HR) Zone

#### 10.1 Uses Permitted

#### 10.2 Zone Provisions

##### 10.2.1.3 Yard Requirements (min.)

a) front 7.5 m

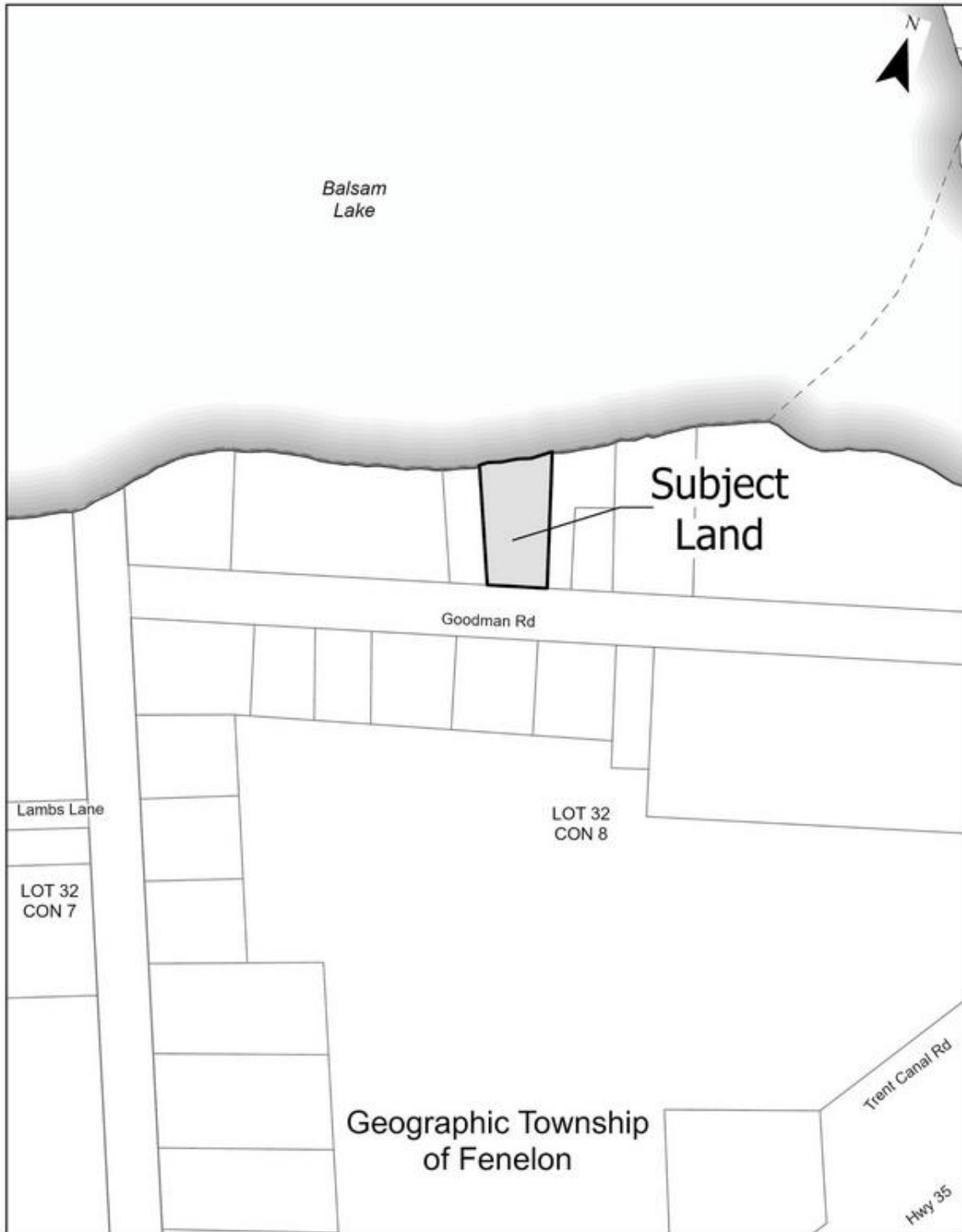
to

REPORT COA2024-099

FILE NO: D20-2024-091

**LOCATION MAP**

# D20-2024-091



APPENDIX " B "

to

REPORT COA2024-099

FILE NO: D20-2024-091

**AERIAL PHOTO**

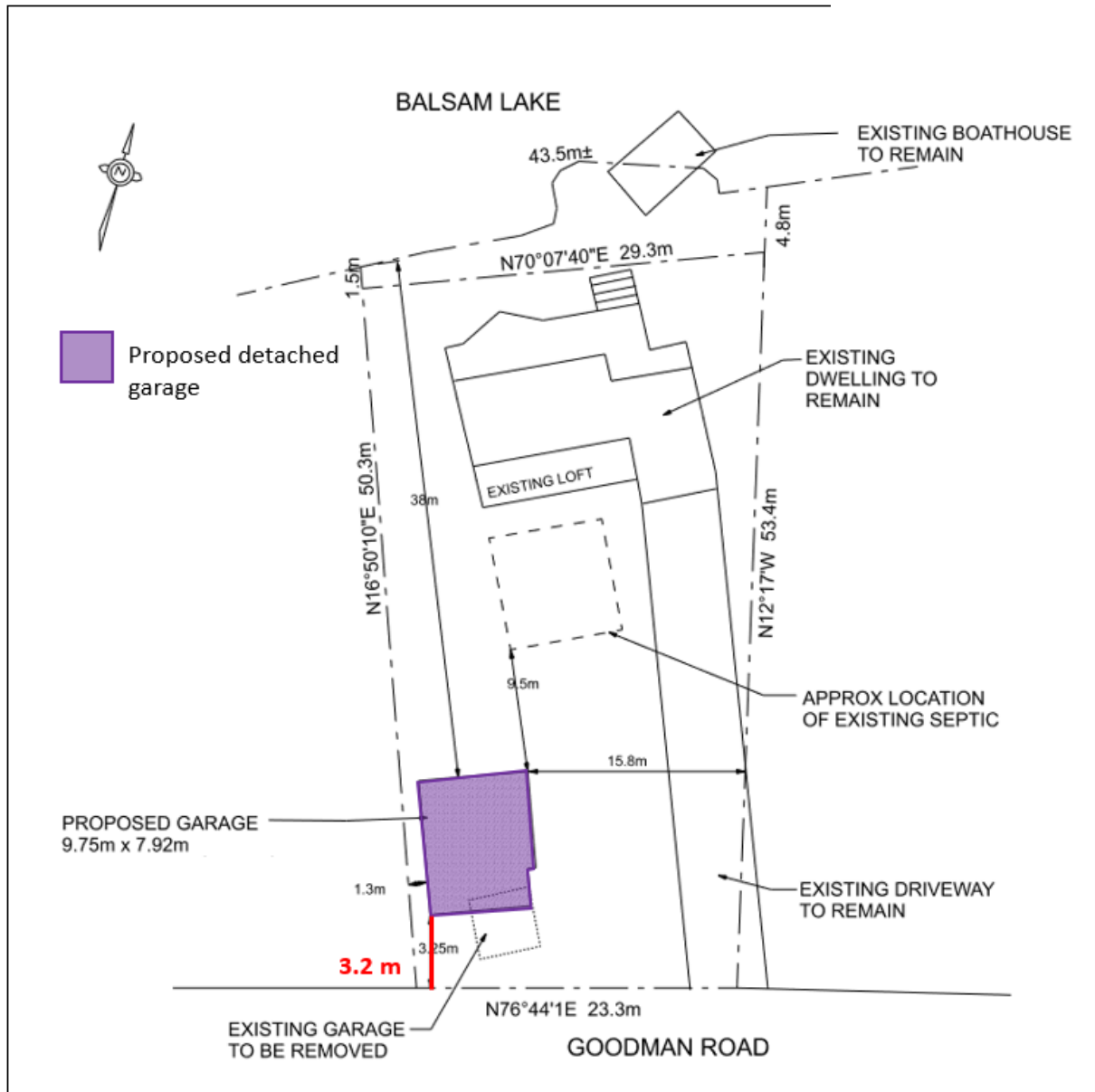


to

REPORT COA2024-099

FILE NO: D20-2024-091

**APPLICANT'S SKETCH**





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Ta and Chung**  
Report Number COA2024-100

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**Public Meeting**

**Meeting Date:**      **October 24, 2024**

**Time:**                      1:00 pm

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

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**Ward 1 – Geographic Township of Carden**

**Subject:**      The purpose and effect is to facilitate the relocation and recognition of an existing above-ground swimming pool.

**Relief sought:**

1. Section 2.2.g. of the Zoning By-law requires a 20 metre water setback; the proposed water setback from the pool is 14.33 metres.

The variance is requested at **26 Hummingbird Lane** (File D20-2024-092).

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



**Recommendations**

**That** Report COA2024-100 – Ta and Chung, be received;

**That** minor variance application D20-2024-092 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 COA2024-100, 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 COA2024-100. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Relocation and recognition of an existing above-ground pool.
Owners:	Tan T. Ta, Anna N. T. Ta, Tien T. Ta and Sarah Chung
Applicant:	Same as Owners
Legal Description:	Part Lot 4 and Lot 5, Concession 4 (being Part 1 of Reference Plan 57R-5238)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Carden Zoning By-Law 79-2)
Site Size:	1,999.77 square metres (0.49 acres)
Site Access:	Year-round maintained 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 subject property is located in the former Township of Carden, with waterfront onto Canal Lake. The neighbourhood is primarily low-density residential, comprised of dwellings and assorted accessory structures varying proximities to the road and shoreline.

The property currently contains a single detached dwelling, shed, and an above-ground pool (2022). The above-ground pool is 53.2 square metres in size and was originally constructed in 2022, placed adjacent to/directly above the existing septic bed. The pool at the time of writing this report was taken apart. The proposed application seeks to relocate the pool.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1



The pool enhances the outdoor recreational opportunities on the property, and is considered an appropriate structure for personal use on a residential property. Moreover, neighbouring properties also contain an array of accessory structures nearby the shoreline. The relocation of the pool will allow for compliant distances from the existing septic system.

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, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal is not seeking an expansion of any of the existing structures within the water setback. Moreover, the proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. The configuration of the existing dwelling and location of the existing septic system, restricts the location of any accessory structure within the rear yard.

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 Limited Service Residential (LSR) Zone under the Township of Carden Zoning By-Law 79-2. The LSR Zone permits a vacation dwelling or a single detached dwelling as well as accessory structures. Relief is required from the minimum water setback.

Section 2.2.g. of the Zoning By-law requires a 20 metre water setback; the proposed water setback from the pool is 14.33 metres. The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The original location of the pool was compliant with respect to water setback, however, the pool was located directly above the existing septic system. As such, the owner is seeking to relocate the pool further away from the septic system. A swimming pool is not a permitted accessory structure in the front yard, and is restricted to being located in a side yard or rear yard. Relocating the pool to the front yard (i.e. roadside) would also require relief, and would not align with the built form character of the area. Locating the pool to the rear yard is more appropriate as it is away from the public view, aligns with the character of the area, and does not introduce a habitable space (shoreline hazard) within the water setback.



As the existing septic system is located at the lakeside (i.e. rear yard) of the property, the pool must be located in accordance with the minimum setback requirement from the septic system. The existing shoreline conditions are not anticipated to change due to the relocation of the pool, and as such, the pool will not negatively impact vegetation or infiltration.

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 comments.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance 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

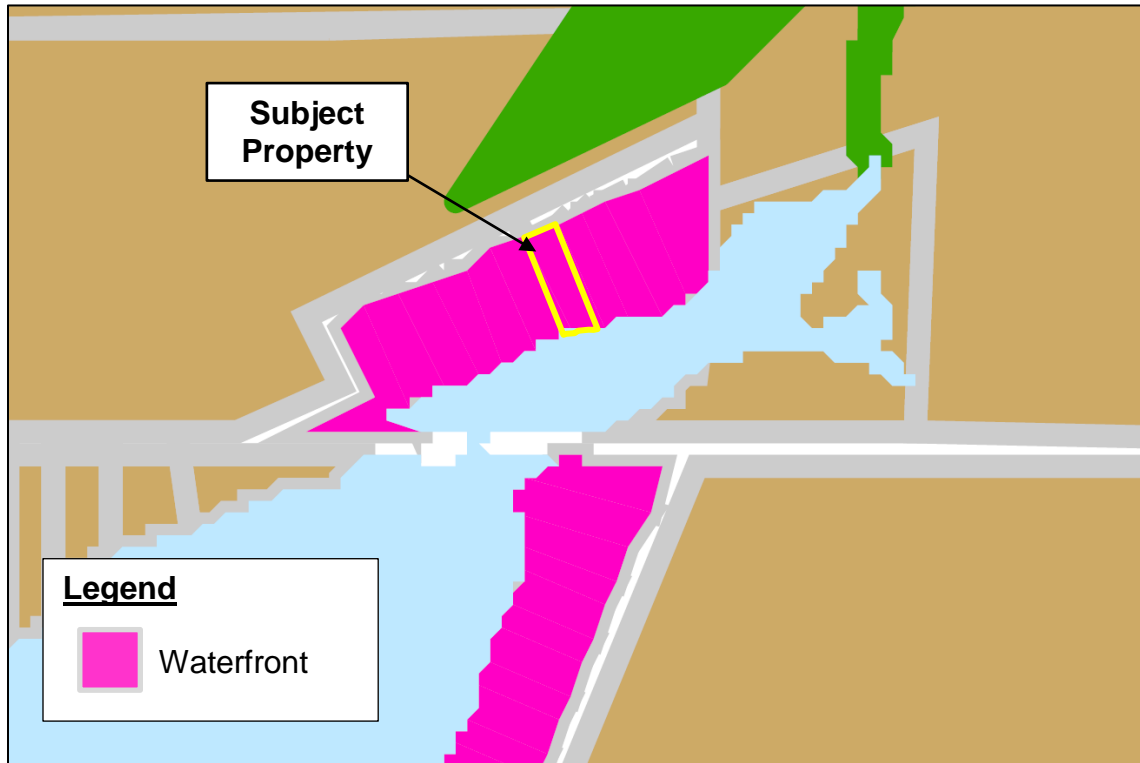
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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-092

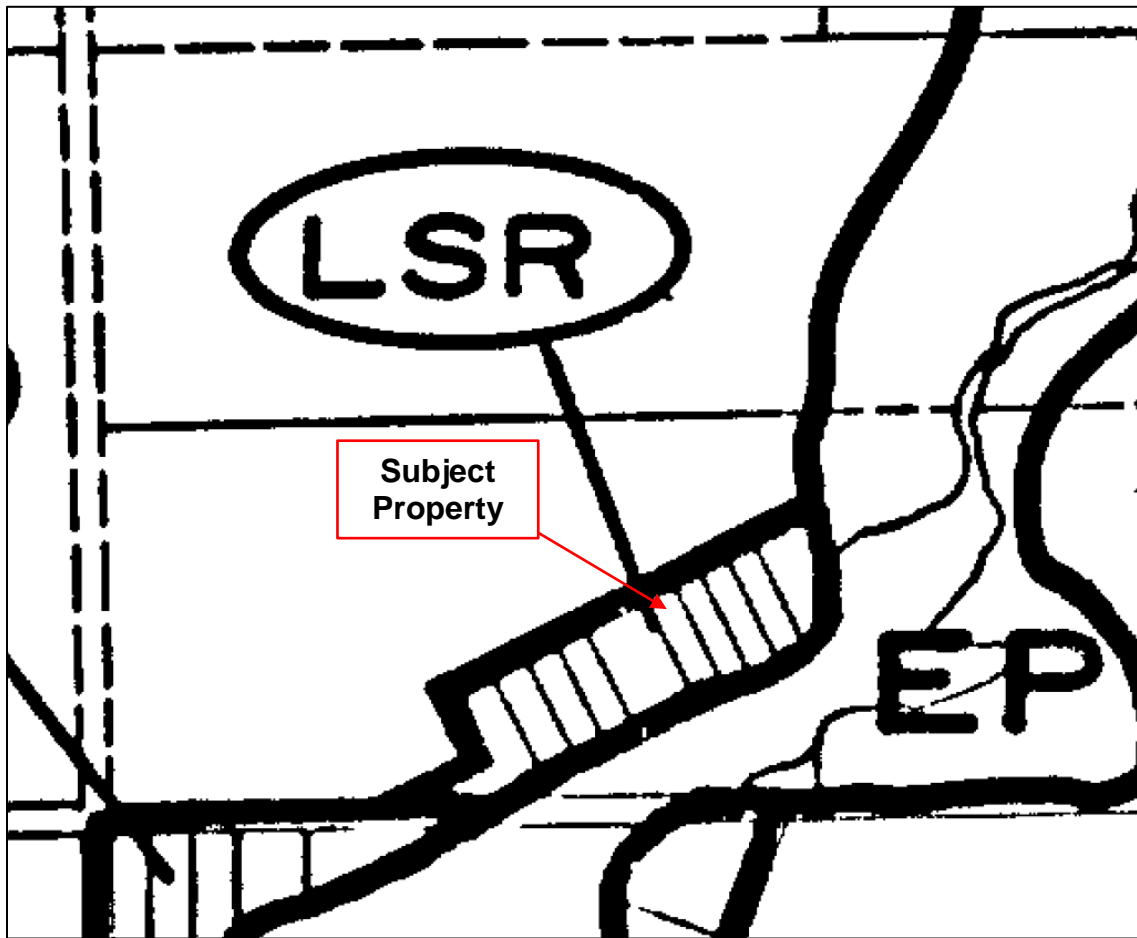
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



### Township of Carden Zoning By-Law 79-2



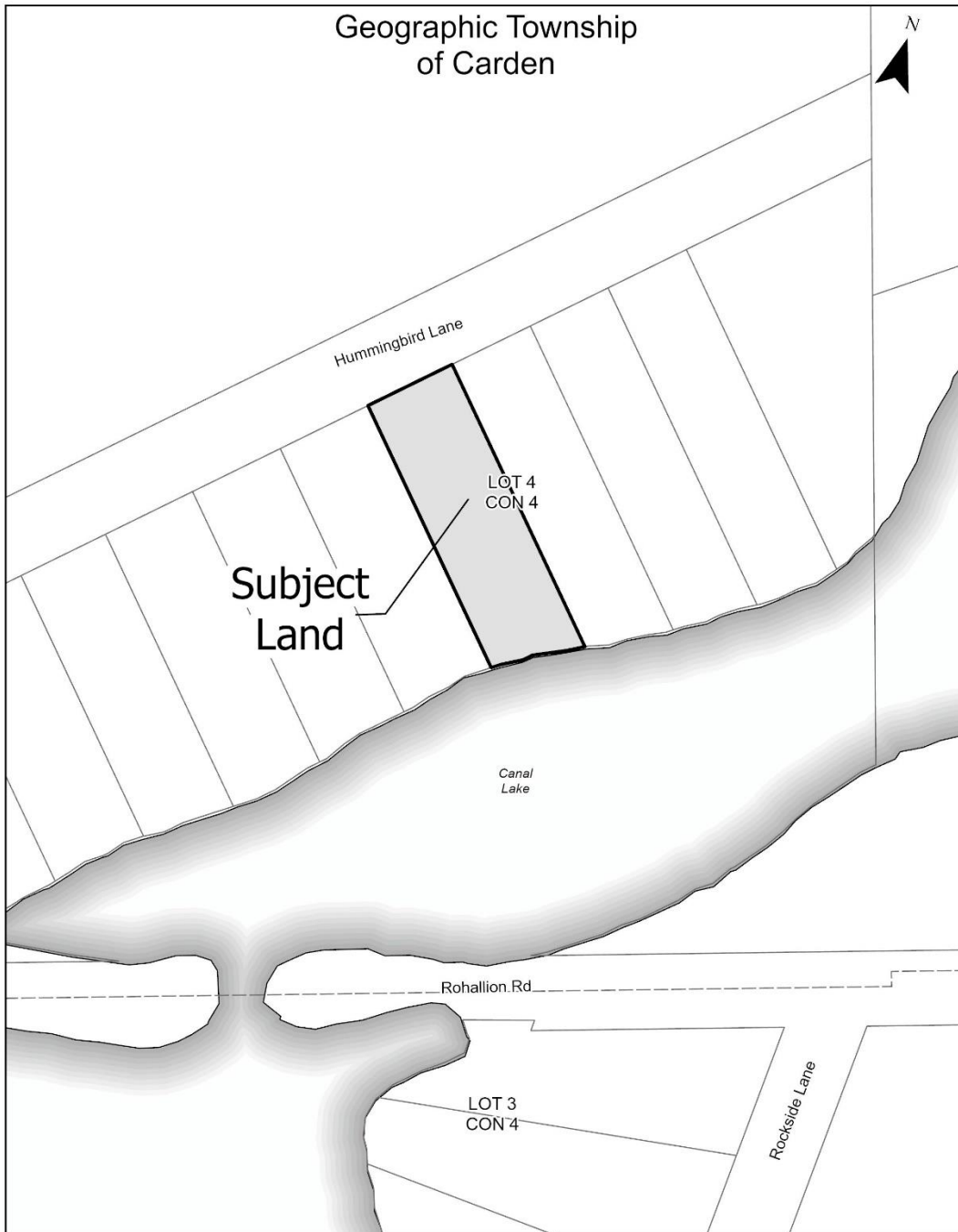
to

REPORT COA2024-100

FILE NO: D20-2024-092

**LOCATION MAP**

# D20-2024-092



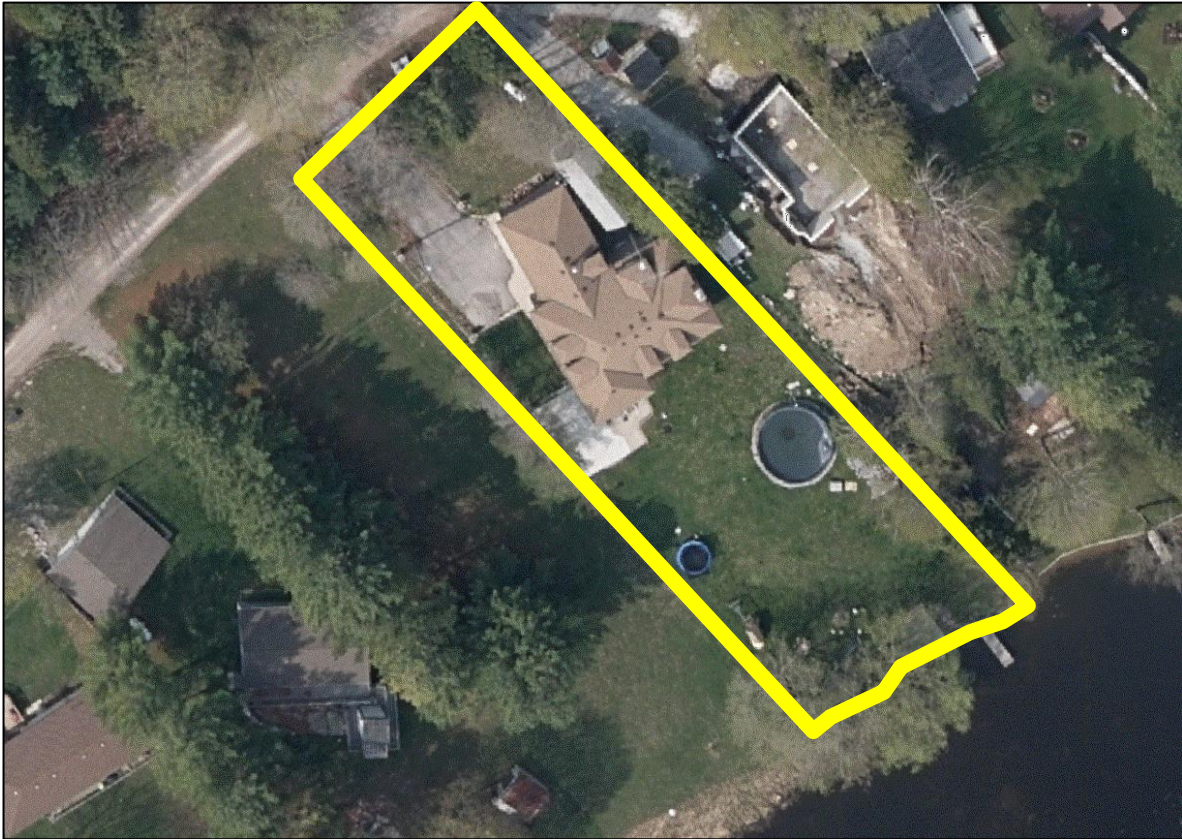
TSK-19772

to

REPORT COA2024-100

FILE NO: D20-2024-092

**AERIAL PHOTO**

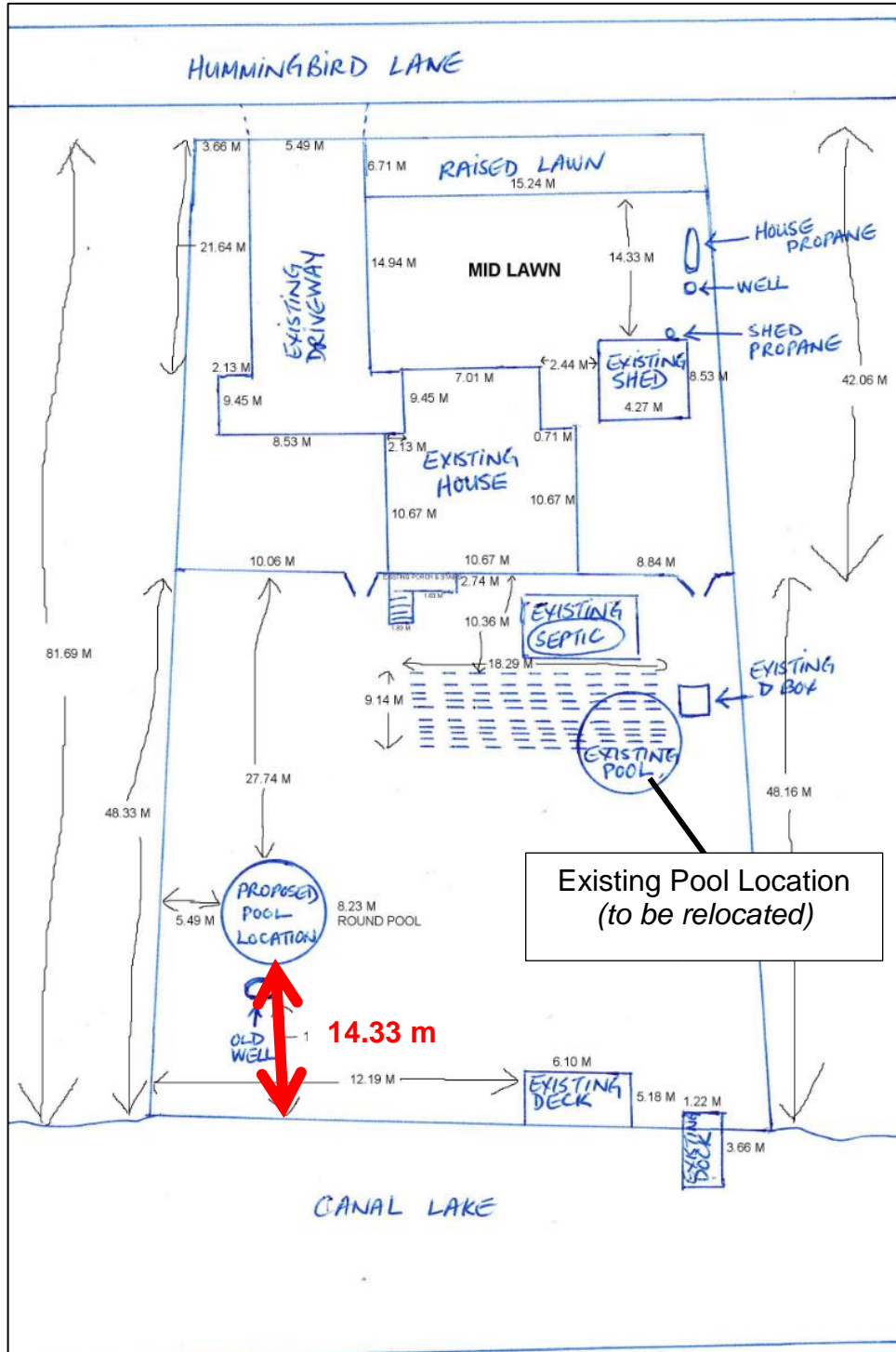


to

REPORT COA2024-100

FILE NO: D20-2024-092

APPLICANT'S SKETCH



# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Cowie

Report Number COA2024-101

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 4 – Geographic Township of Eldon

**Subject:** The purpose and effect is to facilitate the construction of an addition onto the existing single detached dwelling.

### Relief sought:

1. Section 15.2.1.3 b) of the Zoning By-law requires a minimum interior side yard setback of 12 metres; the proposed setback is 1.5 metres.

The variance is requested at **263 Glenarm Road** (File D20-2024-093).

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**Author:** Katherine Evans, Senior Planner

**Signature:** 

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### Recommendations

**That** Report COA2024-101 – Cowie, be received;

**That** minor variance application D20-2024-093 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 sketches in Appendix C and Appendix D submitted as part of Report COA2024-101, 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 COA2024-101. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The construction of an addition onto the existing single detached dwelling
Owners:	Alaric Cowie
Applicant:	Same as owner
Legal Description:	Part Lot 11, Concession 2
Official Plan <sup>1</sup> :	Hamlet Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Highway Commercial (C2) Zone (Township of Eldon Zoning By-law 94-14)
Site Size:	1,640 sq. m. (17,652.81 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, and agricultural

## Rationale

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

The subject property is located in the Hamlet of Argyle on the north side of Glenarm Road. Surrounding uses include residential, commercial, and agriculture. The property is rectangular in shape and currently contains a single detached dwelling constructed in 1910 (according to Municipal Property Assessment Corporation), a detached garage, a tool shed, and a workshop.

The proposal is to construct an addition onto the back of the existing dwelling. The previously existing back portion of the dwelling has been removed and is to be replaced with a new larger one storey addition. The new addition will provide more living space.

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<sup>1</sup> See Schedule 1

<sup>2</sup> 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 subject property is designated Hamlet Settlement Area under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling is a permitted use within the Hamlet Settlement Area designation, with performance and siting criteria being 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 Highway Commercial (C2) Zone under the Township of Eldon Zoning By-law 94-14. A single detached dwelling is a permitted use within the C2 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback.

Section 15.2.1.3 b) of the Zoning By-law requires a minimum interior side yard setback of 12 metres. The proposed setback is 1.5 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The Highway Commercial (C2) Zone requires larger interior side yard setbacks in order to keep potential commercial and industrial uses farther away from lot lines in order to reduce potential land use conflicts. The C2 Zone does not contain unique setbacks for residential uses, and as such the dwelling is subject to the provisions of the C2 Zone, including the minimum 12 metre interior side yard setback.

The remaining portion of the existing dwelling has a 1.5 metre side yard setback, and the proposed addition is to have the same setback. Section 3.4.2.1 of the Zoning By-law provides that nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

Additionally, Section 3.4.2.2 provides that where an existing building or structure is closer to a lot line than the required yard requirements, any extension to the building or structure shall be required to comply with the minimum yard requirements of the applicable zone. As such, an addition to an existing non-complying building is permitted so long as the new addition complies with the applicable setbacks. The proposal is to construct an addition on to the existing dwelling, and as the proposed addition does not comply with the minimum interior side yard setback, a Minor Variance is required to permit the proposed setback.

The proposed interior side yard setback is adequate for lot drainage and the performance of any required building maintenance on this side of the dwelling. The 1.5 metre setback will allow for access between the front and rear yard, as will the proposed 32 metre setback from the western interior side lot line. The building on the neighbouring property to the east is approximately 13 metres from the shared lot line, as such land use conflicts and privacy issues are not anticipated. For comparative purposes, the surrounding residential lots are zoned Hamlet Residential (HR) Zone, which requires a minimum interior side yard setback for a dwelling of 3 metres on one side and 1.2 metres on the other side, which this proposal exceeds.

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:**

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

**Building and Septic Division (Septic):** “A sewage system review was conducted on the proposed addition. The sewage system was located to ensure the addition will not encroach within the minimum clearance distance requirements. Additionally, the sewage system review evaluated the capacity allowances of the system for the addition. The evaluation indicated that the addition would not cause issue for the sewage system. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**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  
Appendix D – Additional Applicant's Sketch

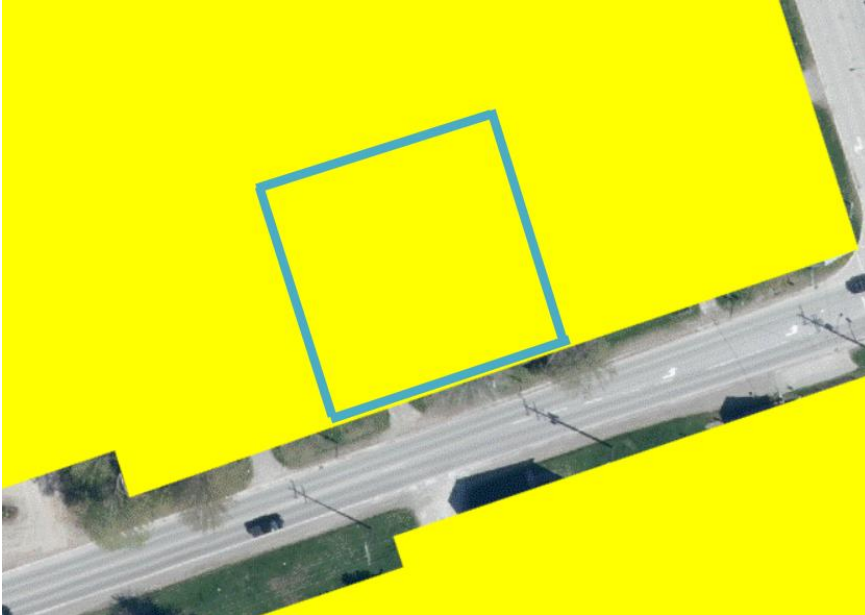
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-093

## Schedule 1 Relevant Planning Policies and Provisions

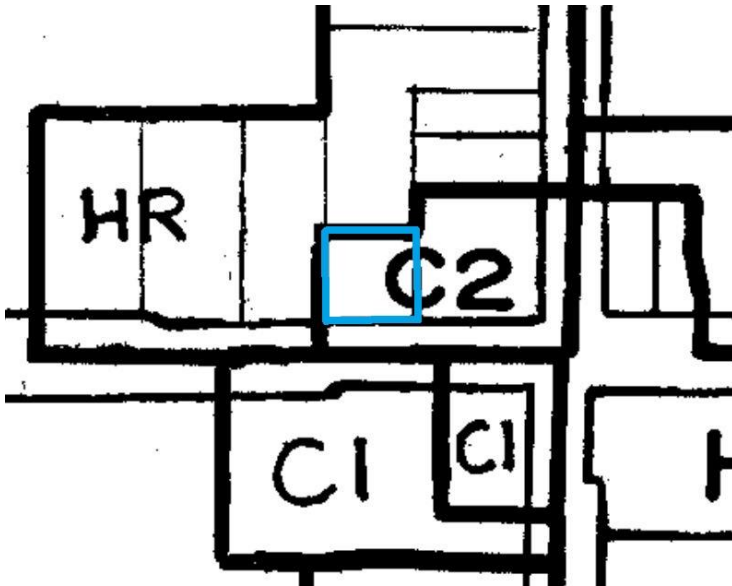
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### City of Kawartha Lakes Official Plan



### 19. Hamlet Settlement Designation

## Township of Eldon Zoning By-law 94-14



### Part 3 General Provisions

#### 3.4 Existing Buildings, Structures and Uses

##### 3.4.2 Non-complying Uses

3.4.2.1 Nothing in this By-law shall prevent the extension, enlargement, reconstruction or structural alteration of a building or structure that legally existed prior to the date of passing of this By-law and which does not comply with the zone provisions or requirements contained herein, provided that the extension, enlargement, reconstruction or structural alteration complies with the appropriate lot area, setback and parking requirements of this By-law.

3.4.2.2 Where an existing building or structure is closer to a lot line than the required yard requirements, any extension to the building or structure shall be required to comply with the minimum yard requirements of the applicable zone.

### Part 15 Highway Commercial (C2) Zone

#### 15.1 Uses Permitted

#### 15.2 Zone Provisions

##### 15.2.1.3 Yard Requirements (min.)

- b) interior side 12 m

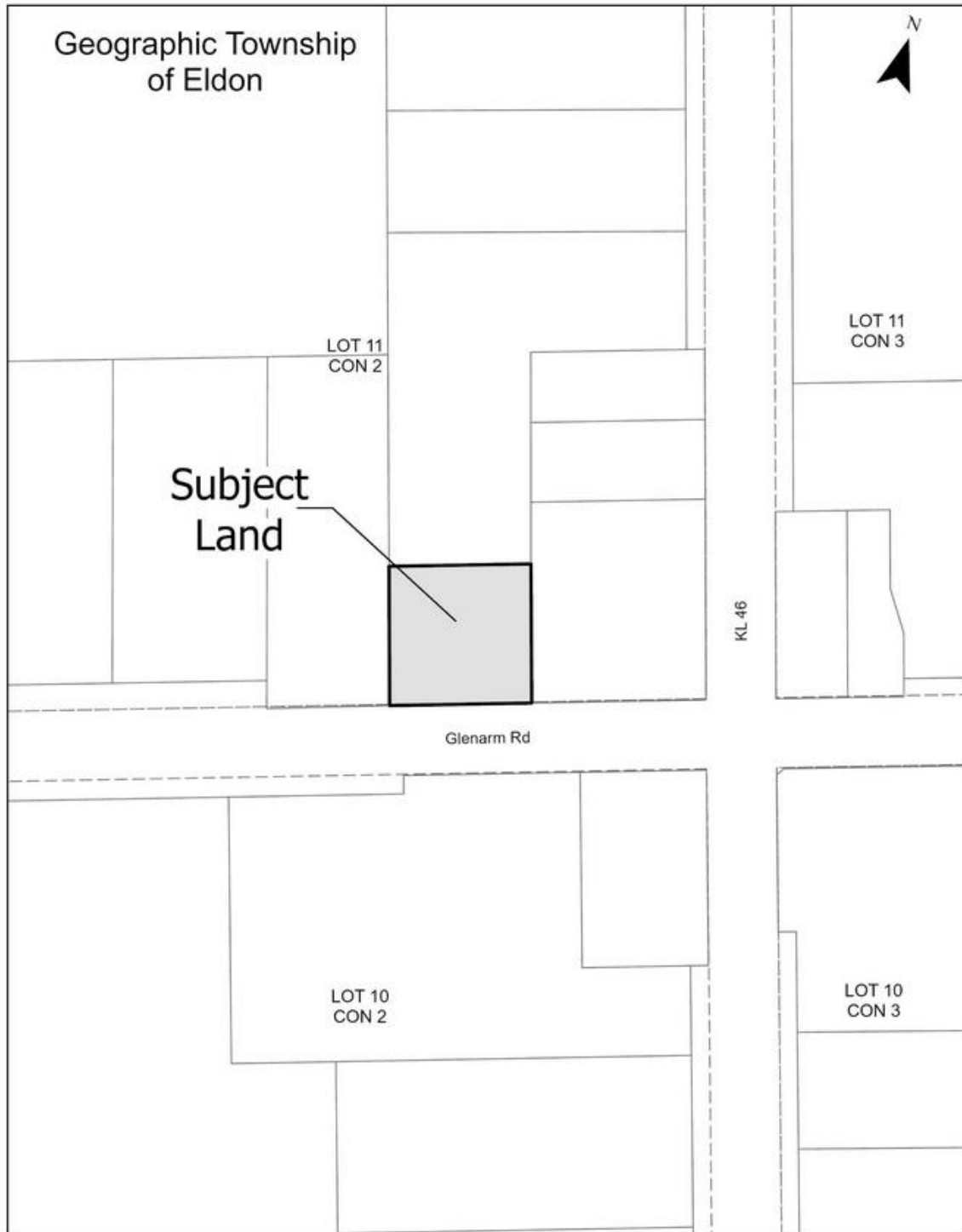
to

REPORT COA2024-101

FILE NO: D20-2024-093

LOCATION MAP

# D20-2024-093



to

REPORT COA2024-101

FILE NO: D20-2024-093

**AERIAL PHOTO**

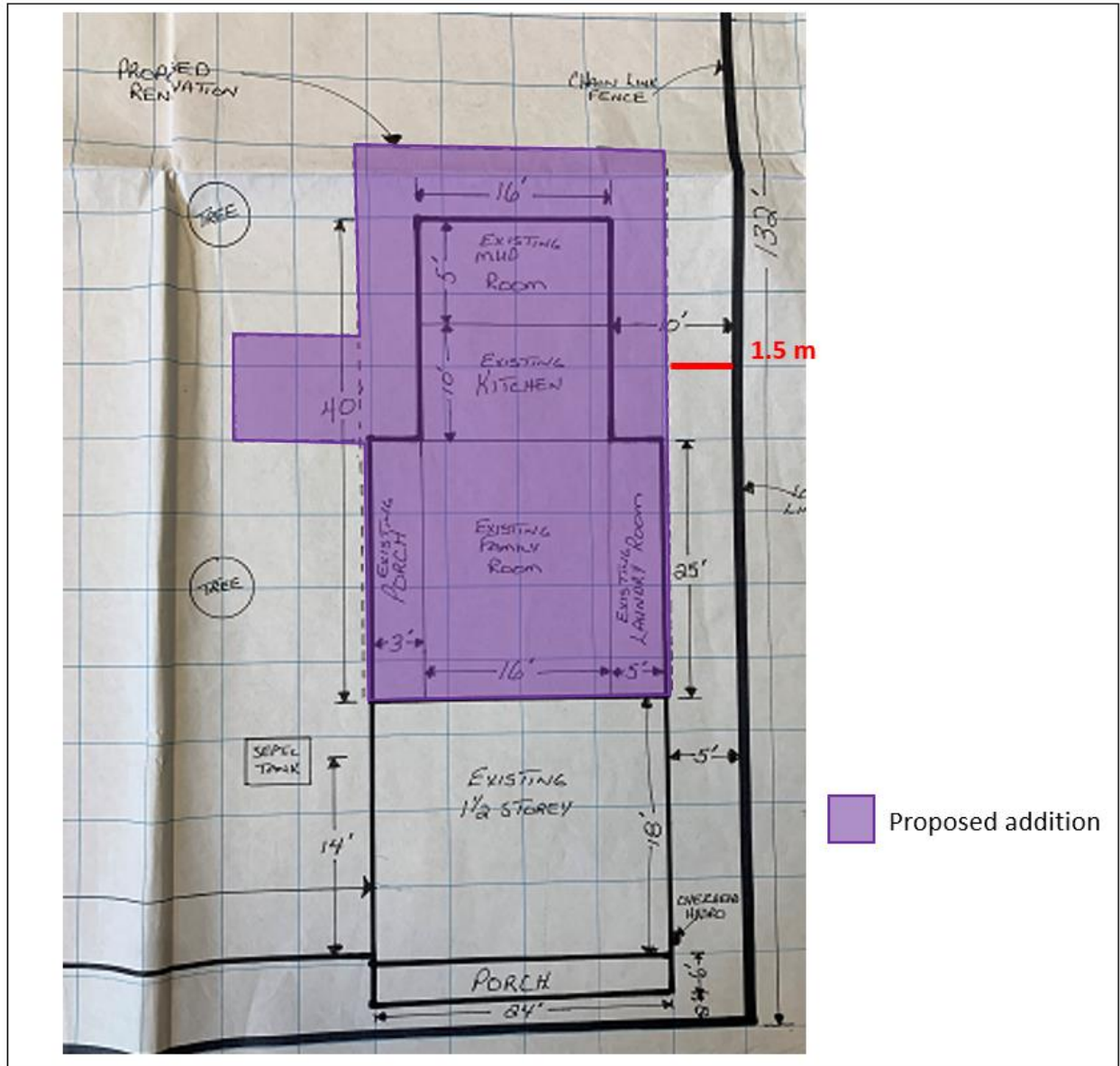


to

REPORT COA2024-101

FILE NO: D20-2024-093

**APPLICANT'S SKETCH**



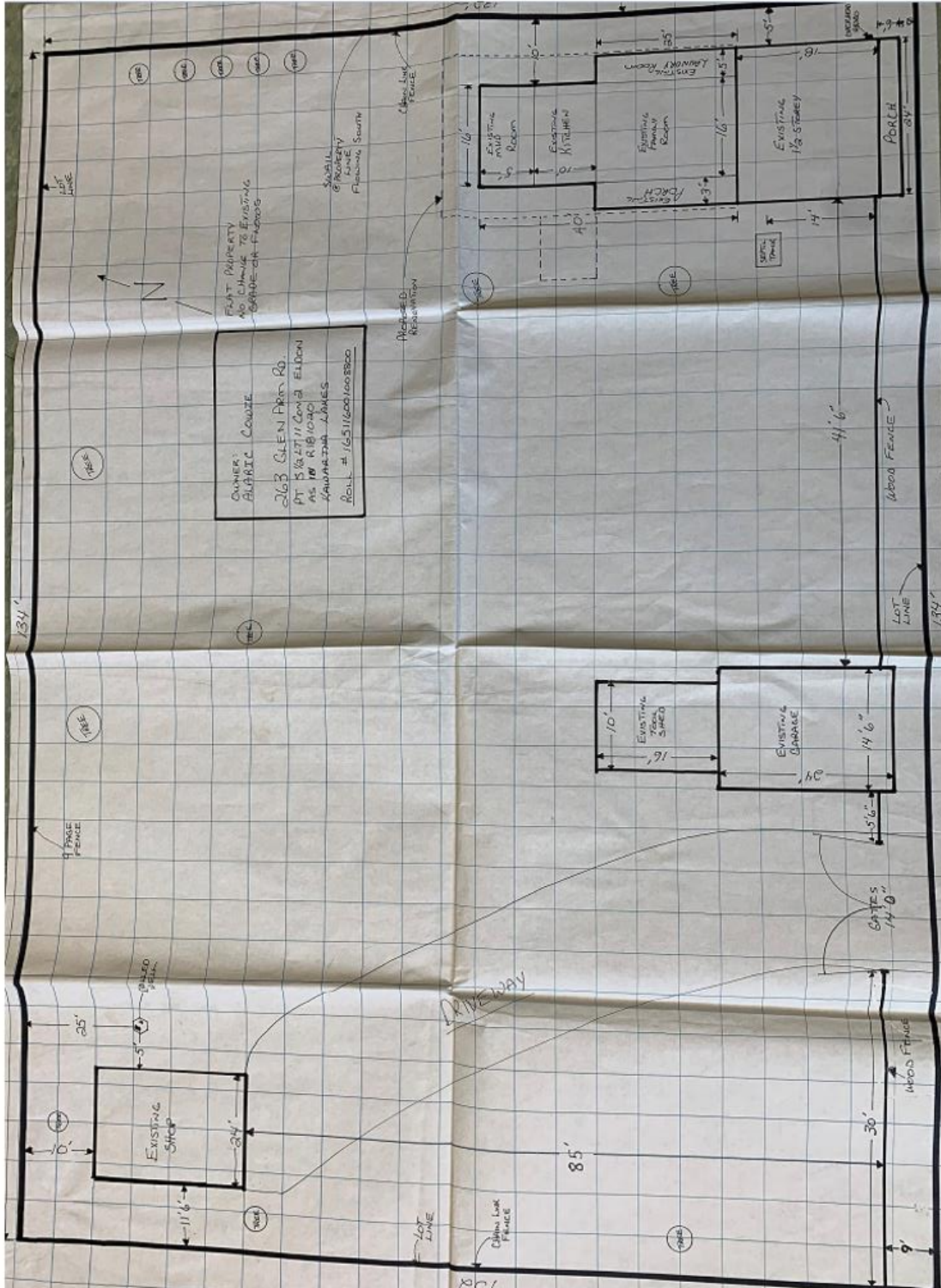


to

REPORT COA2024-101

FILE NO: D20-2024-093

ADDITIONAL APPLICANT'S SKETCH



# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Ferreira

Report Number COA2024-102

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 2 – Geographic Township of Somerville

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

#### Relief sought:

1. Section 5.2.c of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback from the detached garage is 3.48 metres;
2. Section 18.1.3.c. of the Zoning By-law permits a maximum 3 accessory structures; as a result of the proposed detached garage, the number of accessory structures is increased to 5 structures.

The variance is requested at **204 Rustic Trail** (File D20-2024-094).

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



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### Recommendations

**That** Report COA2024-102 – Ferreira, be received;

**That** minor variance application D20-2024-094 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 COA2024-102, 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 COA2024-102. 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:	Rui Ferreira
Applicant:	Owner
Legal Description:	Part Lot 15, Concession 8
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	2,468.58 square metres (0.61 acres)
Site Access:	Private road
Site Servicing:	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 subject property is situated in the former Township of Somerville, with waterfront onto Four Mile Lake. The neighbourhood is comprised of low-density residential uses in the form of single detached dwellings as well as assorted accessory structures with varying distances from the road and shoreline. The residential lots along the shoreline, vary in seasonal residential use and year-round residential use (according to the Municipal Property Assessment Corporation). The

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

property is accessed through Rustic Trail, a dead-end private road that ends at the subject property at its most southern point.

The subject property currently contains a single detached dwelling, a boathouse, a cabin (also commonly referred to as a “bunkie”), a sauna, and a gazebo. The proposal seeks to facilitate the construction of a detached garage in the front yard. The proposed garage is one-storey in height, will allow for the parking of three vehicles and will also be used for storage.

The owner has indicated that they would like to eventually reside on the property year-round, and require enclosed space to store both their vehicles and personal items. The proposal is compatible with the surrounding land uses and existing built form. Given the owner’s future intention for the property and its waterfront nature, the proposal is considered appropriate for the use of land. Moreover, front yard garages with deficient front yard setbacks do not appear to be uncommon in this neighbourhood, based on a review of aerial imagery from 2023.

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, as such, single detached dwellings and accessory uses are permitted within the designation.

Additionally, the property is located within the ‘Four Mile Lake – Specific Lake Policy Area’. The Four Mile Lake Waterfront designation aims to preserve the unique character of Four Mile Lake. This designation allows for single detached dwellings and accessory structures.

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 Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-Law 78-45. The LSR Zone permits the use of single detached dwellings and vacation dwellings, as well as the use of accessory structures. The proposal requires relief from the following provisions of the Zoning By-law:

- Front Yard Setback: Section 5.2.c of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback from the detached garage is 3.48 metres;
- Number of Accessory Structures: Section 18.1.3.c. of the Zoning By-law permits a maximum 3 accessory structures; as a result of the proposed detached garage, the number of accessory structures is increased to 5 structures.

Firstly, the intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. The proposed garage itself is permitted to be in the front yard given its waterfront nature. As the subject property is the last property along Rustic Trail at the dead-end, concern is minimized considering no other lots rely on the road for access beyond the point of the subject property. Therefore, the deficient front yard setback does not interrupt neighbouring properties with their use of the road.

With respect to the maximum number of accessory structures, by establishing a maximum limit, the intention is to maintain the low-density residential use of properties while also safeguarding against potential overcrowding. The proposed development is to be located in the front yard, where no other accessory structures currently exist. The remaining existing accessory structures are located at the lakeside (rear yard) and/or side yards, with little to no visibility from the road. The proposed overall lot coverage (9.9%) and accessory structure lot coverage (5.5%) remain compliant. Moreover, the proposed use of a garage is a typical accessory structure on residential lots, and does not negatively impact the low-density residential character of the property.

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 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 comments.”

**DS – Building and Septic (Septic):** “A sewage system installation report was located for this property. As well, a review was conducted on the placement of the proposed garage. The sewage system is located in the roadside yard of the property. The garage is being proposed to be placed in this yard. Based on the current site plan, submitted with the minor variance, the garage is being proposed to maintain the minimum clearance distance to the leaching bed. Additionally, the garage will not include any plumbing fixtures or habitable space.

As such, the Building and Septic Division have no concern with the minor variance proposal as it relates to private sewage disposal.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance 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

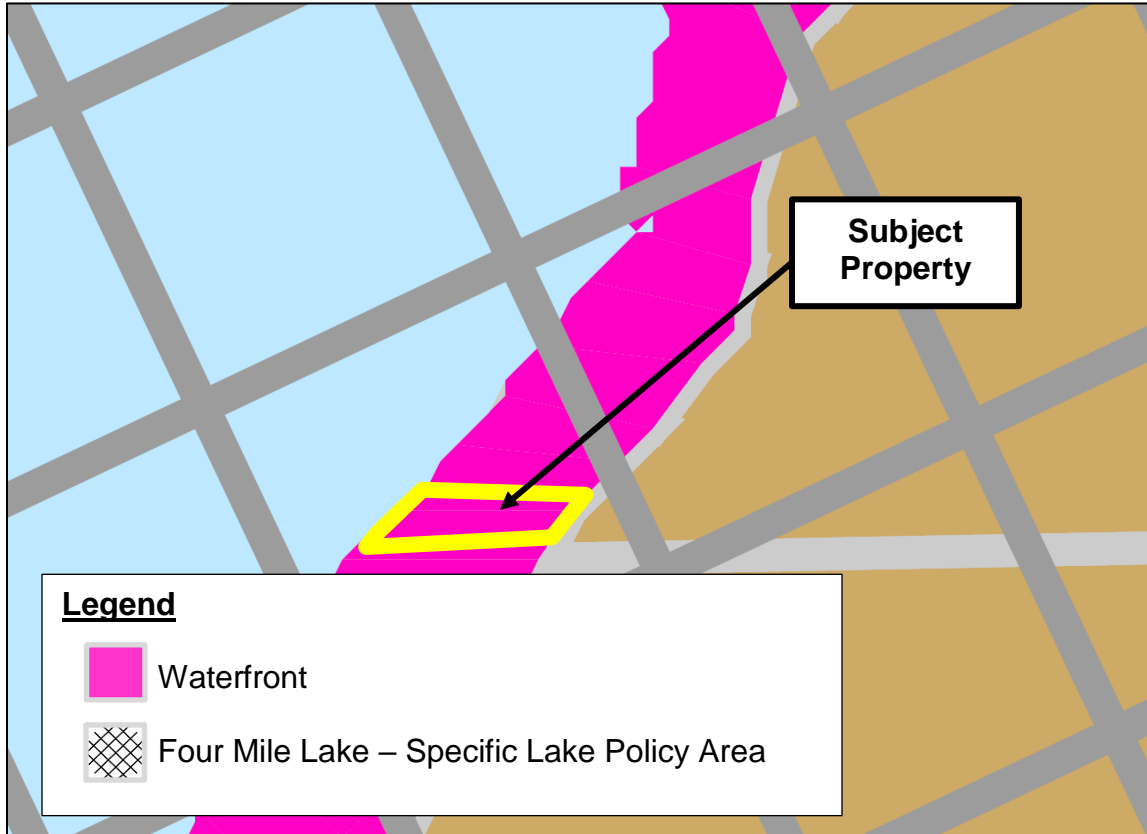
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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-094

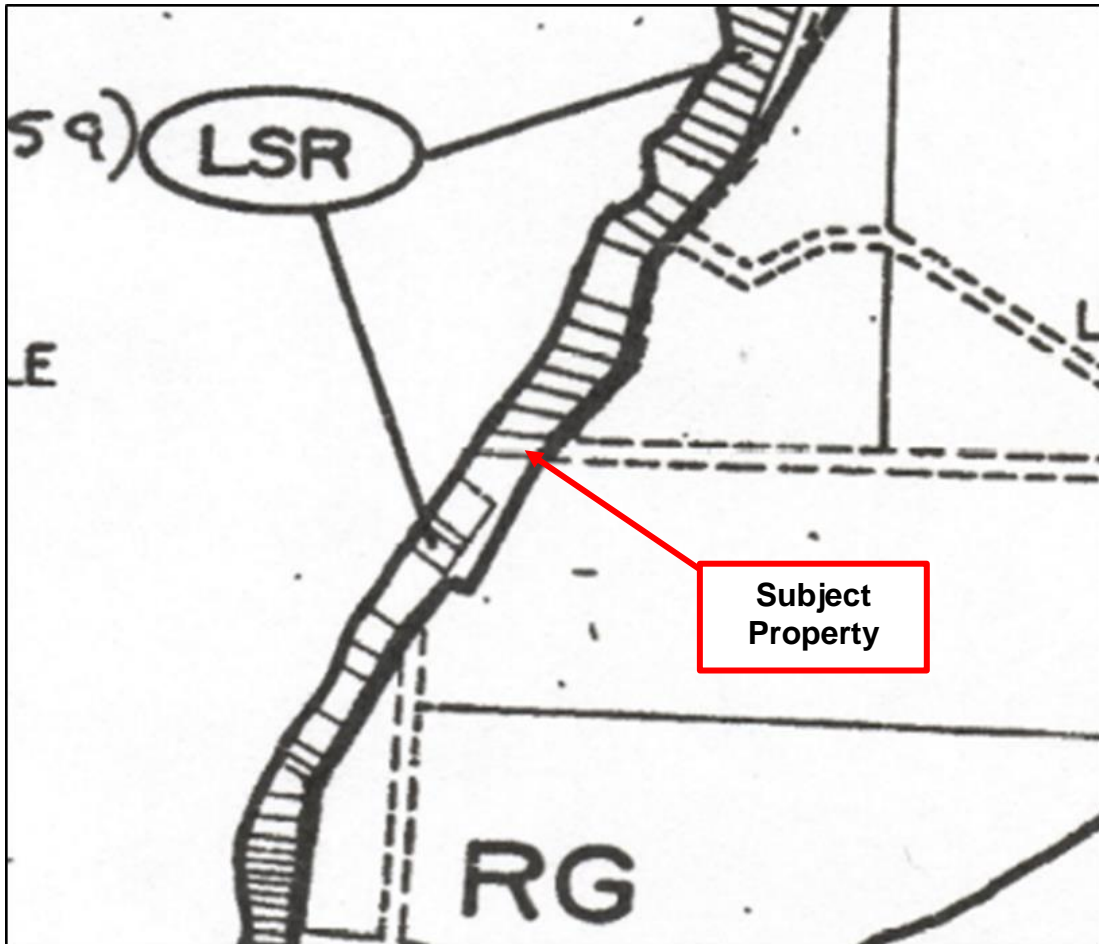
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



**Township of Somerville Zoning By-Law 78-45**

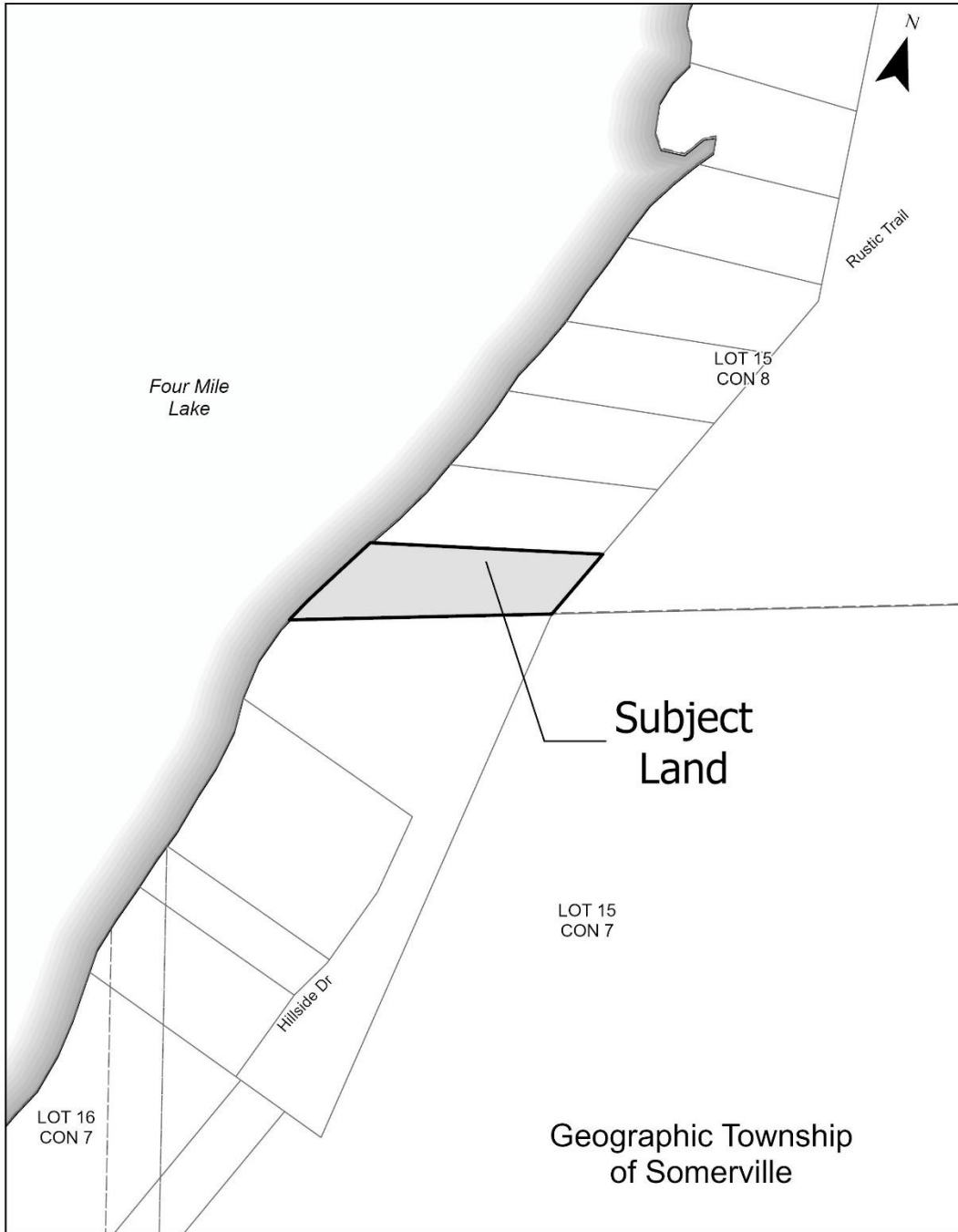




to

**LOCATION MAP**

**D20-2024-094**



TSK-19772

to

REPORT COA2024-102

FILE NO: D20-2024-094

**AERIAL PHOTO**

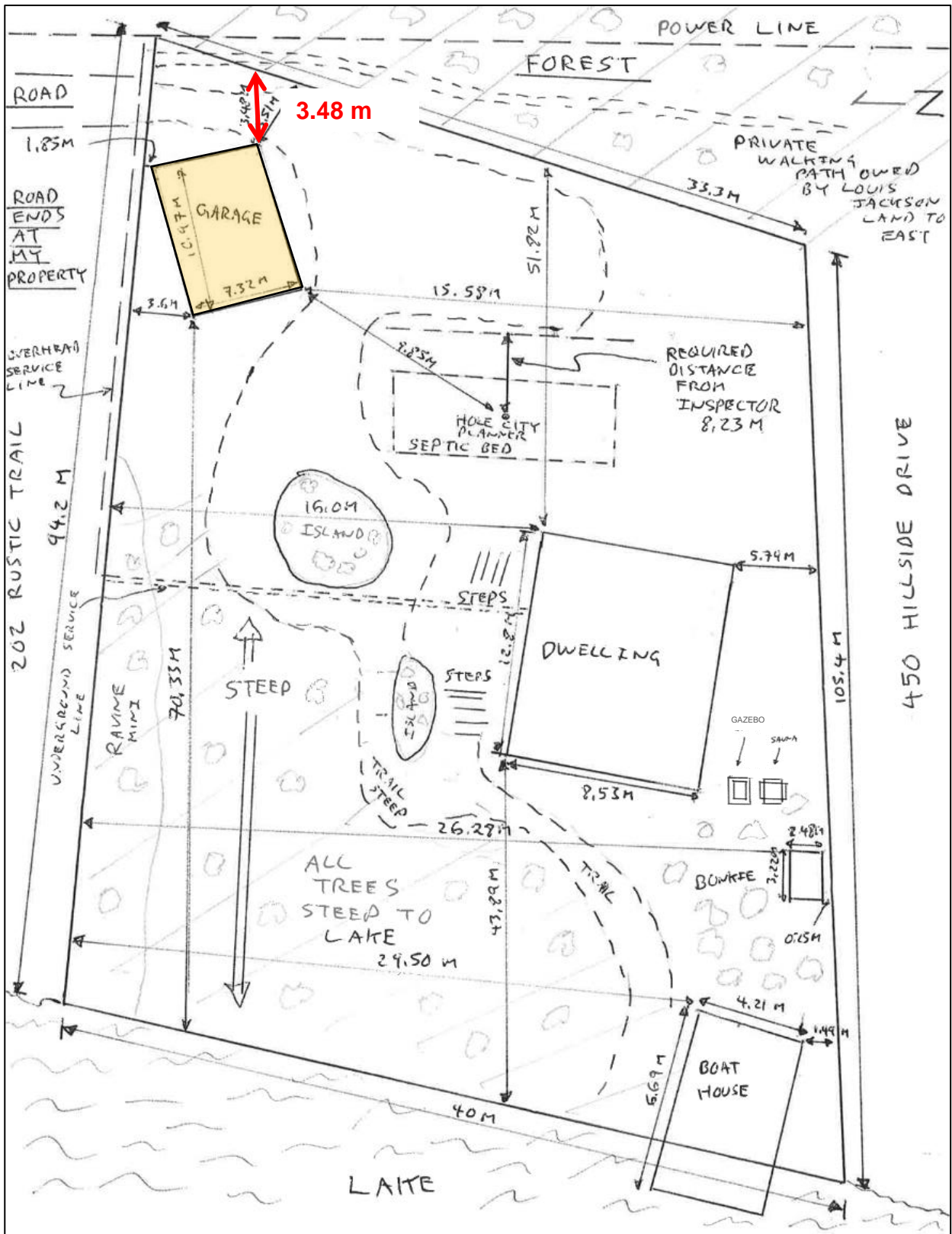


to

REPORT COA2024-102

FILE NO: D20-2024-094

APPLICANT'S SKETCH



# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Giovannoni

Report Number COA2024-103

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### Public Meeting

**Meeting Date:** October 24, 2024

**Time:** 1:00 pm

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

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### Ward 1 – Geographic Township of Dalton

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

### Relief sought:

1. Section 14.1 b) of the Zoning By-law provides that an accessory building shall only be erected in a side or rear yard; the proposed garage is to be located in the front yard.

The variance is requested at **15 Rumohr Drive** (File D20-2024-095).

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**Author:** Katherine Evans, Senior Planner

**Signature:** 

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### Recommendations

**That** Report COA2024-103 – Giovannoni, be received;

**That** minor variance application D20-2024-095 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 COA2024-103, 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 COA2024-103. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The demolition of the existing detached garage and the construction of a new detached garage
Owners:	Salvatorina and Andrea Giovannoni
Applicant:	Marco DiTommaso
Legal Description:	Part Lot 29, Concession 3 (being Lot 15 on Plan 332)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Dalton Zoning By-law 10-77)
Site Size:	2,266 sq. m. (24,391.02 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, agricultural, and community facility

## Rationale

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

The subject property is within an established neighbourhood that contains residential, commercial, agricultural, and community facility uses. The neighbouring property to the north is residential, and the neighbouring property to the south is the Dalton Community Centre and Library. The subject property is located on the northeastern shore of Young Lake, is irregular in shape, and is a waterfront lot. The property currently contains a single detached dwelling constructed in 2020, a shed, and a detached garage. The detached garage is to be removed.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The proposal is to demolish the existing detached garage and construct a new detached garage in the same location. The existing garage is approximately 20 square metres in size and the new garage is to be 80 square metres. The new garage will provide additional parking and storage space to better accommodate the property owners' possessions and vehicles.

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). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. 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 Rural Residential Type Three (RR3) Zone under the Township of Dalton Zoning By-law 10-77. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the permitted location for an accessory structure.

Section 14.1 b) of the Zoning By-law provides that an accessory building shall only be erected in a side or rear yard. The proposed detached garage is to be located in the front yard. 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. 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.

For comparative purposes, the majority of the City's other rural Zoning By-laws permit detached garages in the front yard when a property fronts on a navigable waterway. The Township of Dalton Zoning By-law only permits accessory structures in the side or rear yard, regardless of whether a property is located on the water. Additionally, the Rural Zoning By-law (while not currently in effect) also permits a detached garage in the front yard when a property fronts on a navigable waterway.

The proposed garage complies with the maximum height for accessory structures, as well as all applicable setbacks. The proposed location also exceeds the minimum front yard setback. The existing dwelling is larger than the proposed garage, ensuring the residential use remains the visually predominant use on the property. Additionally, the area between the front lot line and the proposed garage location is heavily vegetated, providing a visual buffer between the garage and the road.

The subject property is approximately 79 metres deep, and dwelling is setback approximately 40 metres from the front lot line, resulting in a large front yard. The garage being located in the front yard will still leave adequate front yard amenity space. Additionally, several other properties in this area have garages in the front yard, so the proposal is in keeping with the existing built form.

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:**

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

**Building and Septic Division (Septic):** “A sewage system use permit has been located for the property. The report indicates that the sewage system is located in the roadside yard of the dwelling. The replacement detached garage will be located in the roadside yard. The location of the sewage system has been reviewed with the proposed garage, the garage will not encroach on the minimum clearance distance requirements for the sewage system. Additionally, the garage will not contain any plumbing or habitable space. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**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

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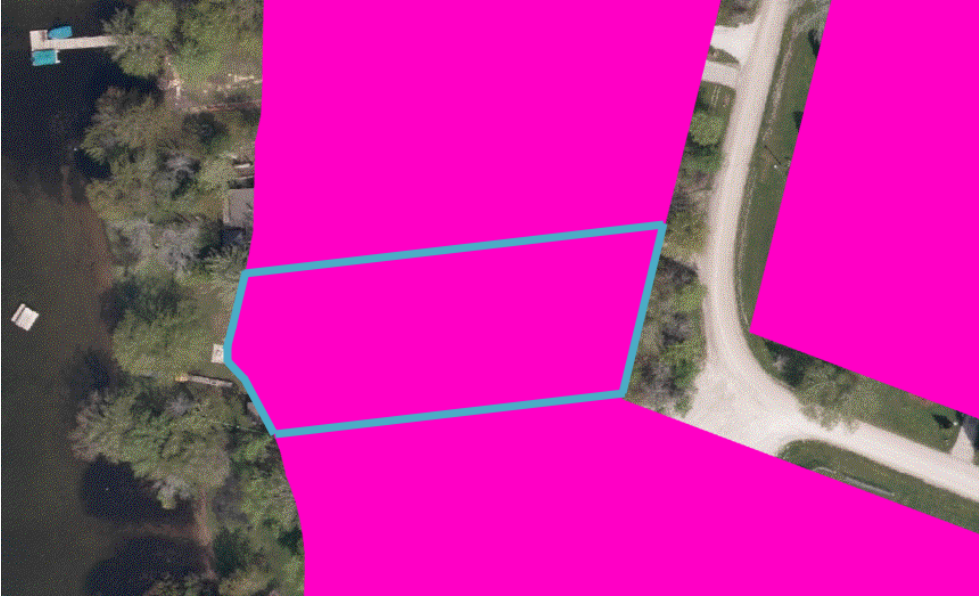
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-095



## Schedule 1 Relevant Planning Policies and Provisions

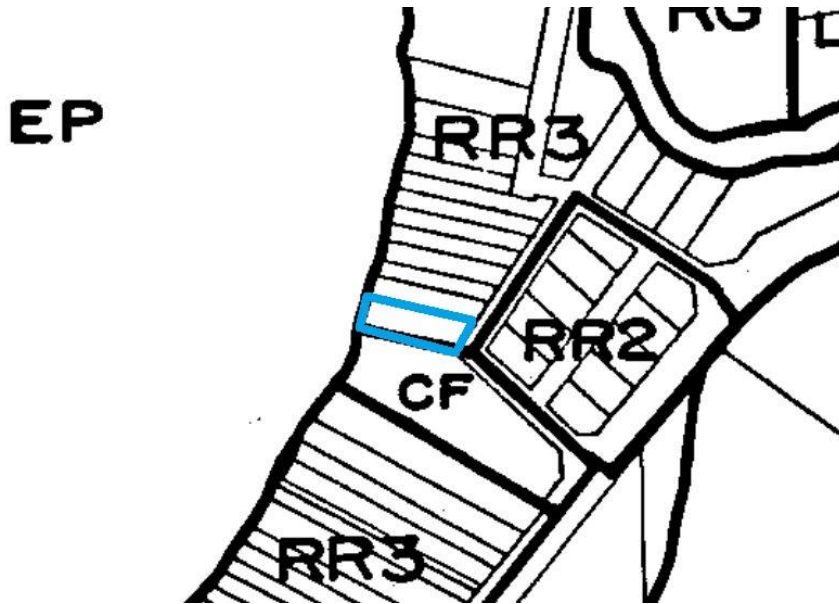
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Dalton Zoning By-law 10-77



### Section 5

5.1 RR3 Uses Permitted

5.2 RR3 Zone Requirements

### Section 14 General Provisions

14.1 Accessory Buildings, Structures and Uses

b) Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor 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 1.2 metres to a residential building.

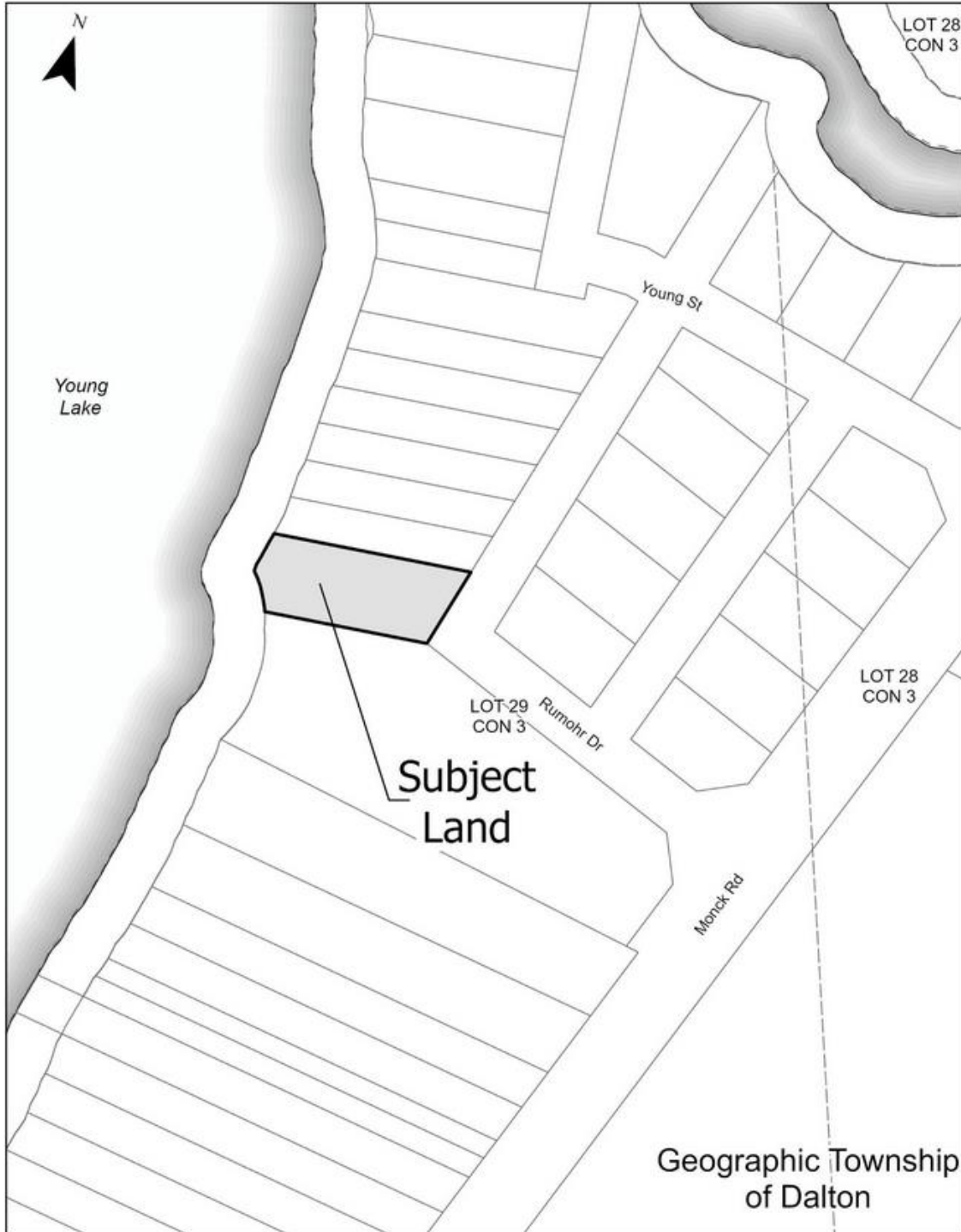
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REPORT COA2024-103

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**LOCATION MAP**

# D20-2024-095

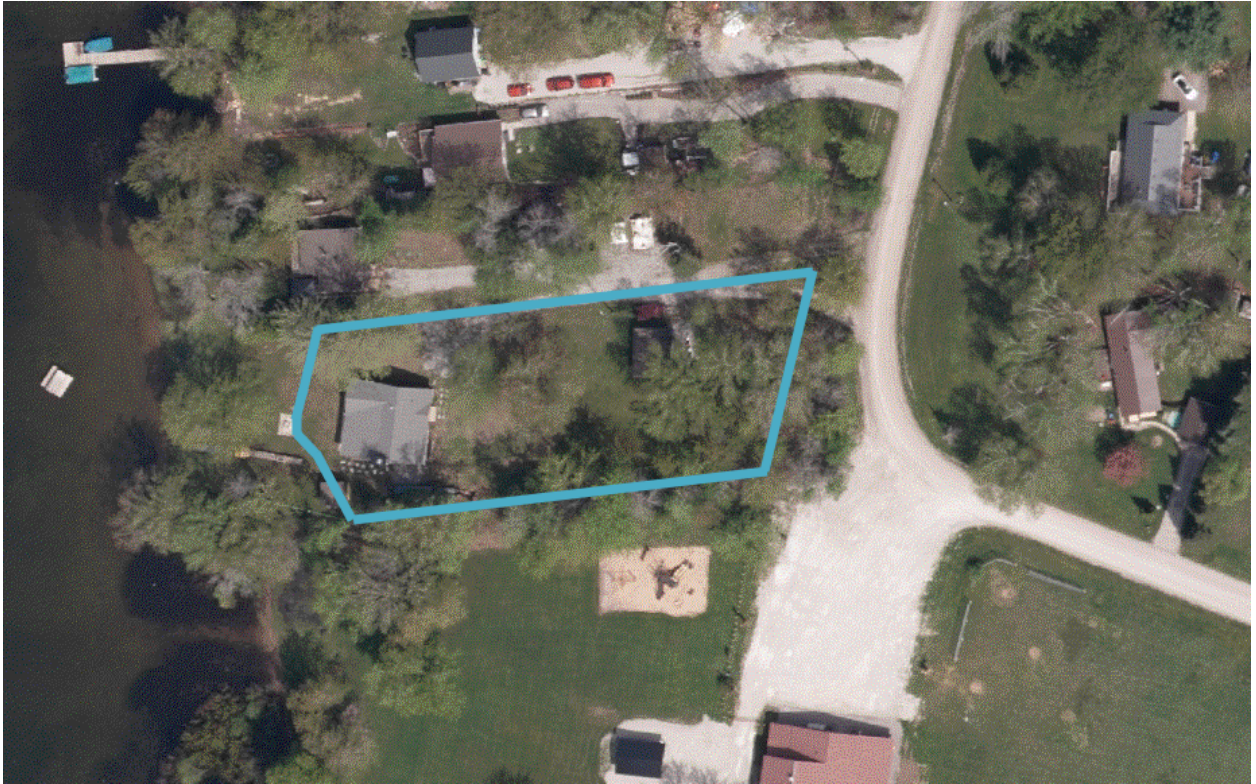


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REPORT COA2024-103

FILE NO: D20-2024-095

**AERIAL PHOTO**





to

APPLICANT'S SKETCH

