

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Meyer and Meinecke**  
Report Number COA2024-057

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**Public Meeting**

**Meeting Date:** June 27, 2024

**Time:** 1:00 pm

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

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**Ward 1 – Geographic Township of Eldon**

**Subject:** The purpose and effect is to recognize an existing rental cottage.

**Relief sought:**

1. Section 16.2.1.3 c) of the Zoning By-law requires a minimum exterior side yard setback of 25 metres; the existing setback is 12.8 metres.

The variance is requested at **88 Bolsover Road** (File D20-2024-047).

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**Author:** Katherine Evans, Planner II    **Signature:** 

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**Recommendations**

**That** Report COA2024-057 – Meyer and Meinecke, be received;

**That** minor variance application D20-2024-047 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 COA2024-057, 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**, prior to the issuance of a Building Permit, the owner obtain a Section 59 Notice from Kawartha Region Conservation Authority's Risk Management Official. This condition will be considered fulfilled upon the provision of a copy of Kawartha Region Conservation Authority's approval to the Secretary Treasurer.

This approval pertains to the application as described in report COA2024-057. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of an existing rental cottage
Owners:	Leonard Linton Meyer and Stephanie Meinecke
Applicant:	RWH Construction c/o Ryan Hayter
Legal Description:	Part Lots 12 to 15, Plan 15
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Tourist Commercial (C3) Zone (Township of Eldon Zoning By-law 94-14)
Site Size:	0.56 ha. (1.38 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well/lake draw water and private individual septic system
Existing Uses:	Residential and tourist commercial
Adjacent Uses:	Residential, commercial, community facility, agricultural

## 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 located at the southern end of Canal Lake. The property is a waterfront lot and currently contains a single detached dwelling constructed in 1986 (according to Municipal Property Assessment Corporation), and two rental cottages constructed in 2019 (according

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

to Municipal Property Assessment Corporation). The surrounded uses include residential, commercial, community facility, and agricultural.

The proposal is to recognize an existing deficient setback between the rental cottage on the eastern side of the property and the exterior lot line. The proposal is to continue using the property as a cottage establishment. The property owners reside in the single detached dwelling full time, and operate the property as a four season establishment accommodating the travelling and vacationing public by renting out the two existing cottages.

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, buildings and structures accessory to residential uses, and tourist resorts and camps are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

The subject property is located within the Wellhead Protection Area C for the Western Trent/Palmina municipal drinking water system and is therefore subject to the policies contained within the Trent Source Protection Plan, which was written in accordance with the Clean Water Act, 2006 (the Act). As defined in the Act, all Planning Act applications within these vulnerable areas must be reviewed by the Risk Management Official, and a Section 59 Notice must be issued. The purpose of this review is to ensure that the development does not create a threat to the quality or quantity of the water in the municipal drinking water system. Condition 3 of this report as been included to reflect this requirement.

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 Tourist Commercial (C3) Zone under the Township of Eldon Zoning By-law 94-14. A single detached dwelling, accessory buildings and structures, and a cottage establishment are permitted within the C3 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum exterior side yard setback.

As per Section 16.2.1.3 c) of the Zoning By-law, a minimum exterior side yard setback of 25 metres is required. The existing setback to the eastern rental cottage is 12.8 metres. The purpose of the required setback from an exterior lot line is to provide adequate spatial separation between a road allowance and an abutting residential use to avoid land use conflicts between the transportation and residential uses, to provide spatial buffering between the residential use and road maintenance works, to prevent impacts to sight lines, and not to impede to snow storage.

The road allowance is unopened and is not used to access any adjacent properties. Adjacent to the site, the road allowance appears to be an extension of the lawn of the subject property. As such, there is no existing traffic or road maintenance which could result in land use conflicts with the rental cottage. Hypothetically, if the road allowance were ever opened and constructed, the 12.8 metre setback would be sufficient spatial separation between the rental cottage and the travelled portion of the road, there would be no impact to sight lines, and snow storage would not be impeded.

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 objection to or comment for this Minor Variance application.”

**Building and Septic Division (Septic):** “A sewage system installation report has been issued for the rental cottage on this property. The sewage system has been designed and established to provide sanitary servicing for the proposed cottage use as per the requirements of the Ontario Building Code. The sewage system has been established to adhere to all minimum required clearance distances from the cottage as per the OBC. As such, the Building and Septic Division has no issue with the minor variance 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 – Construction Drawings

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**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-047

## Schedule 1 Relevant Planning Policies and Provisions

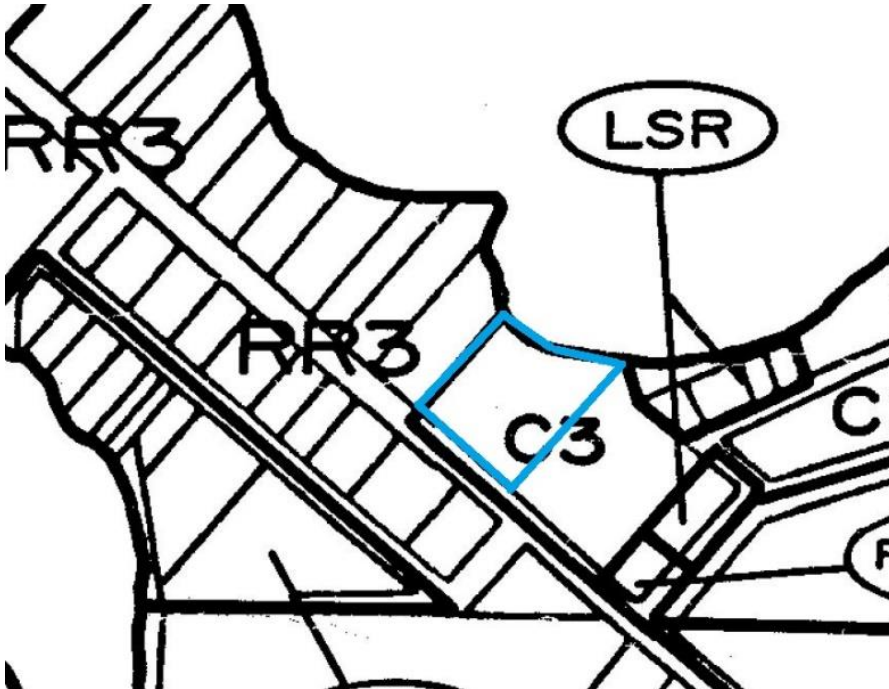
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

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



### Part 16 Tourist Commercial (C3) Zone

16.1 Uses Permitted

16.2 Zone Provisions

16.2.1.3 Yard Requirements (min.)

c) Exterior side 25 m

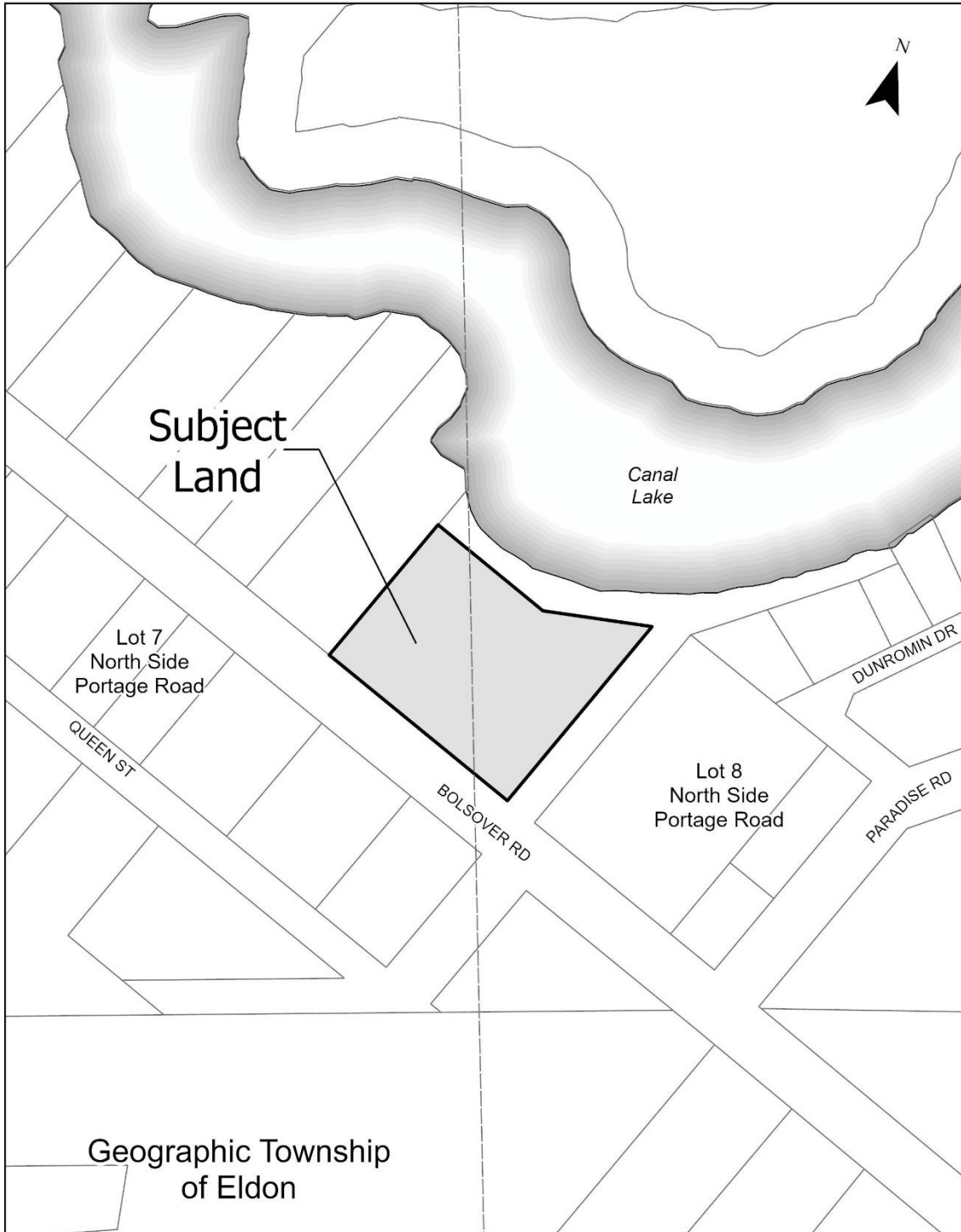
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FILE NO: D20-2024-047

**LOCATION MAP**

# D20-2024-047





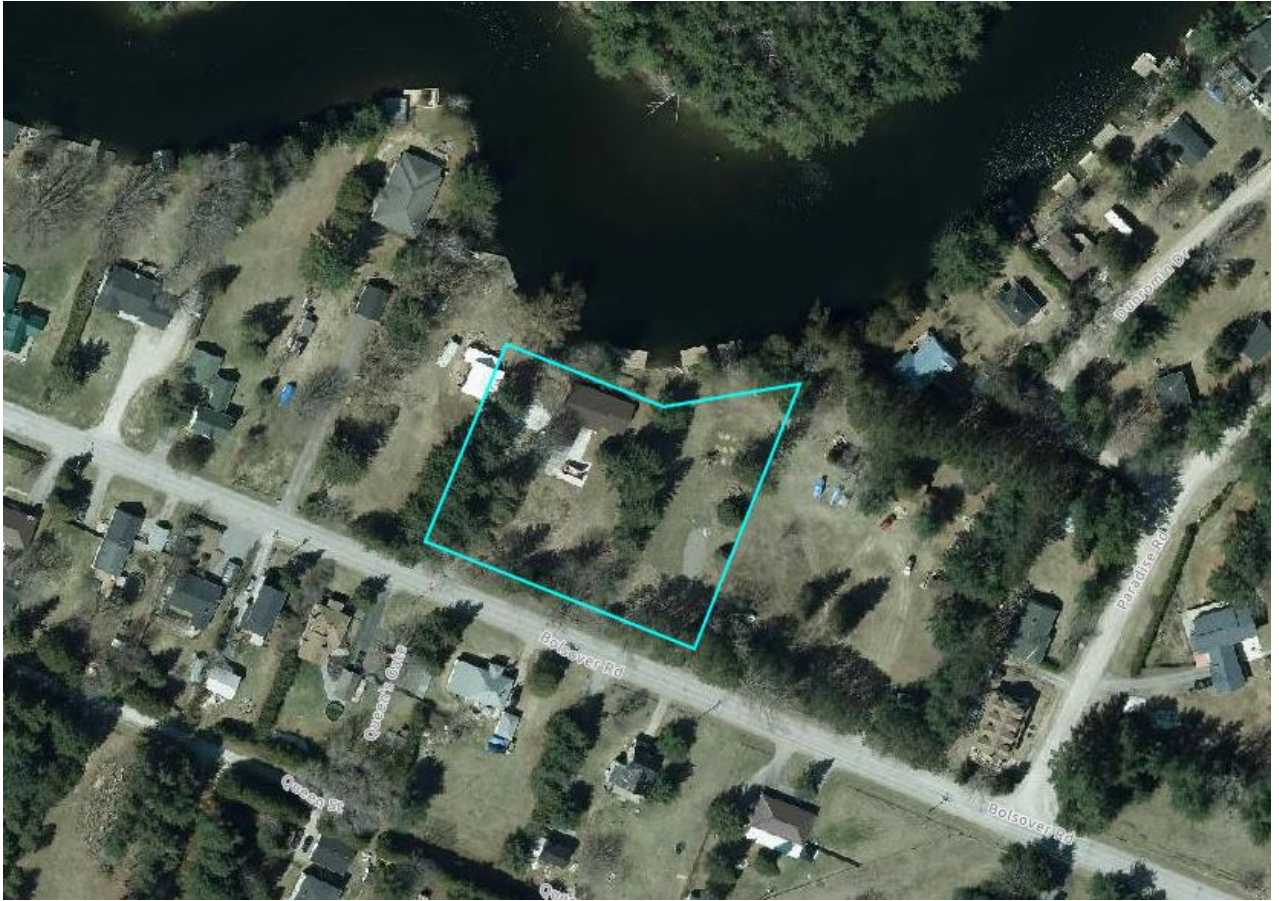
APPENDIX " B "

to

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**AERIAL PHOTO**

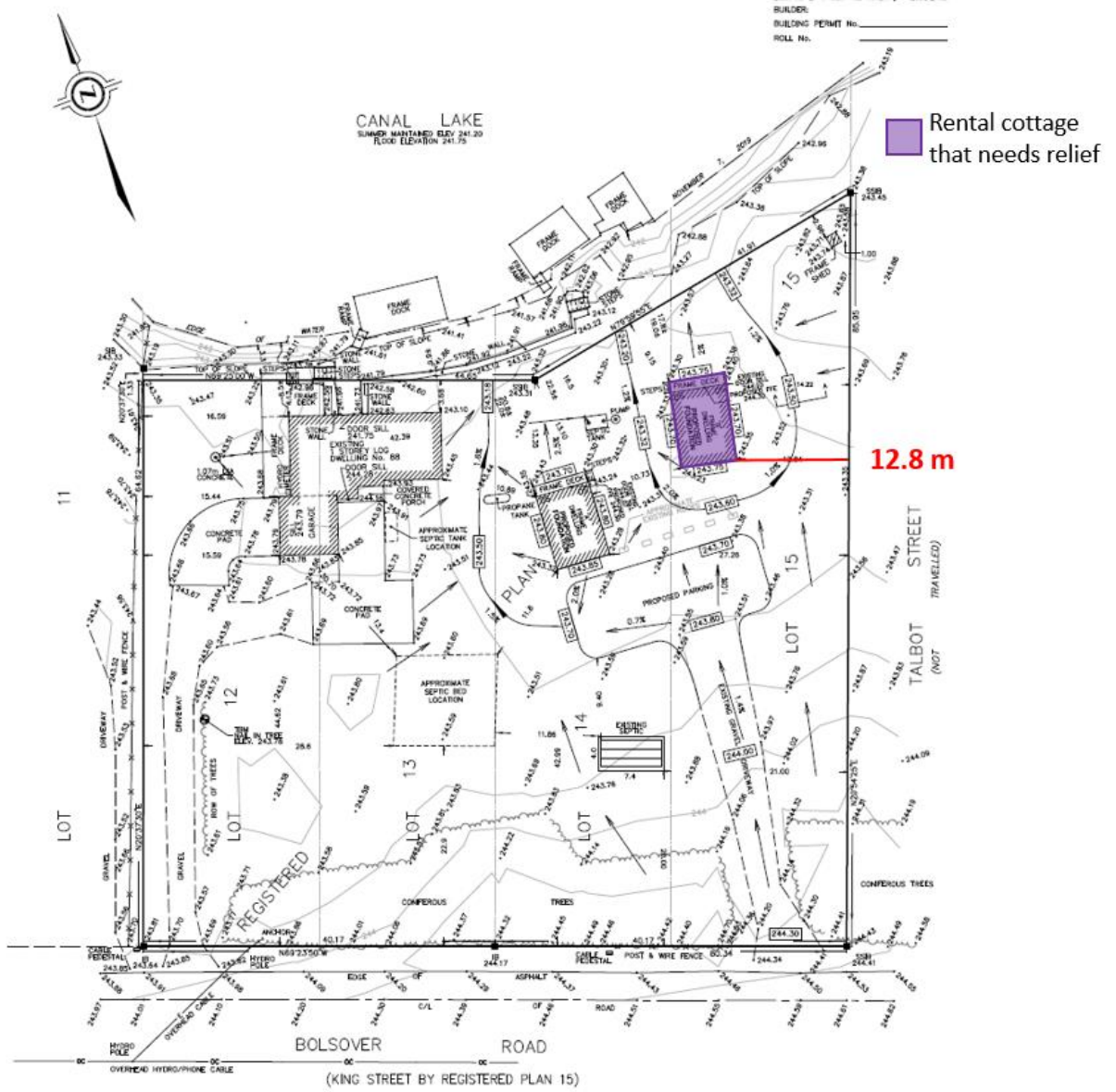


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APPLICANT'S SKETCH



# CONSTRUCTION DRAWINGS

APPENDIX " D "

to

REPORT COA2024-057

FILE NO: D20-2024-047

