

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Ganeshalingam and Mahenthirarasa**  
Report Number COA2024-084

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**Public Meeting**

**Meeting Date:** September 26, 2024  
**Time:** 2:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 1 – Geographic Township of Laxton**

**Subject:** The purpose and effect is to recognize an existing cabin and shed.

**Relief sought:**

1. 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).
2. 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.
3. 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.

The variance is requested at **32 Beachli Lane** (File D20-2024-076).

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



**Recommendations**

**That** Report COA2024-084 – Ganeshalingam and Mahenthirarasa, be received;

**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; and,

- 2) **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.

## Application Summary

Proposal:	Recognize existing cabin and shed.
Owners:	Manojah Ganeshalingam and Nishanthan Mahenthirarasa
Applicant:	Manojah Ganeshalingam
Legal Description:	Part Lot 9, Concession 11 (being Parts 2 to 6 on Reference Plan 57R-1887)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	1,080 square metres (0.74 acres)
Site Access:	Unmaintained private road
Site Servicing:	Private individual septic system and potable drawn lake water
Existing Uses:	Residential
Adjacent Uses:	Residential

## Rationale

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

The subject property is situated in the former township of Laxton on the shore of the Gull River. The area in which the property is located is predominantly residential comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

road and shoreline. Along the shoreline of Gull River, it is not uncommon to see lots with structures located close to the shoreline within their respective water setbacks. There is also a municipal park just south of the subject property for viewing of Elliot Falls. Based on data from the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings in the area are for seasonal use with primarily constructed in the mid 1900's with various accessory structures constructed later on.

The subject property currently contains a single detached dwelling, a boathouse, a cabin, and a shed. According to MPAC, the single detached dwelling and boathouse were constructed in 1956. The property owners who purchased the property in October of 2021 are unaware of the date of construction for any of the structures and claim these have been existing since the date of their purchase. Based on aerial imagery, the cabin and shed were existing prior to the ownership of the current owners but were constructed sometime after 2008.

The proposal seeks to recognize the existing cabin and shed on the property. Overall, given the locational context of the property along the Gull River and its seasonal use, it is suitable for property owners to seek to the most optimal utilization of their land. This is evident as many property owners in the area have sought out the erection of newer accessory structures many years after the construction of their respective dwellings. The subject structures align with the residential character and use of the area.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

**The variance maintains the general intent and purpose of the Official Plan.**

The subject property is designated 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 defines a cabin as an accessory structure for sleeping accommodation in accessory to a permitted dwelling unit. The existing cabin does not conflict with the objectives of the Waterfront designation as it does not change the existing low-density residential land use, and maintains a low profile.

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. All of the structures are generally in-line along the shoreline. The shoreline is to be maintained and will remain in its natural state.

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 Limited Service Residential (LSR) Zone under the United Townships of Laxton, Digby and Longford Zoning By-Law 32-83. The LSR Zone permits multiple uses, including a vacation dwelling or a single detached dwelling and, as well as accessory structures. In order to recognize the existing structures, relief is required from the water setback, interior side yard setback and the minimum lot area required for a cabin.

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). 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. It is important to note, the water setback from the existing cottage dwelling is non-complaint at 13.8 metres. The subject cabin does not encroach any further within the water setback and maintains this distance. The shed is located a short distance closer to the shoreline, however, the shed does not contain habitable space nor is habitable space being introduced within the structures, as such, there is no concern with water hazards and dangers to habitable space. The shed is used solely for the storage of wood.

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. The intent of the interior side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and a space for maintenance and access to the rear yard. The shed is a small structure, 7.29 square metres in size and 2.7 metres in height. The property complies with both accessory structure lot coverage and total lot coverage. The space provided in between the shed and side lot line is sufficient for passageway and maintenance if need be. Overall, the existing shed has a minimal presence on the property, avoids overcrowding, and does not impede passageway or maintenance of the side yards.

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 LSR Zone requires a minimum 2,000 square metre lot area, the existing lot area is 1,080 square metres. The intention of this provision is to ensure properties have sufficient space to support an additional accessory structure without causing overcrowding or negatively impacting the surrounding environment. The variance avoids overcrowding as it complies with the total permitted lot coverage and accessory structure lot coverage. As no new structure is being proposed as part of the application, there are no anticipated impacts to drainage. Furthermore, although the lot is undersized it is in keeping with the character of the residential lots in the surrounding area.

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:**

ECA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building and Septic: “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

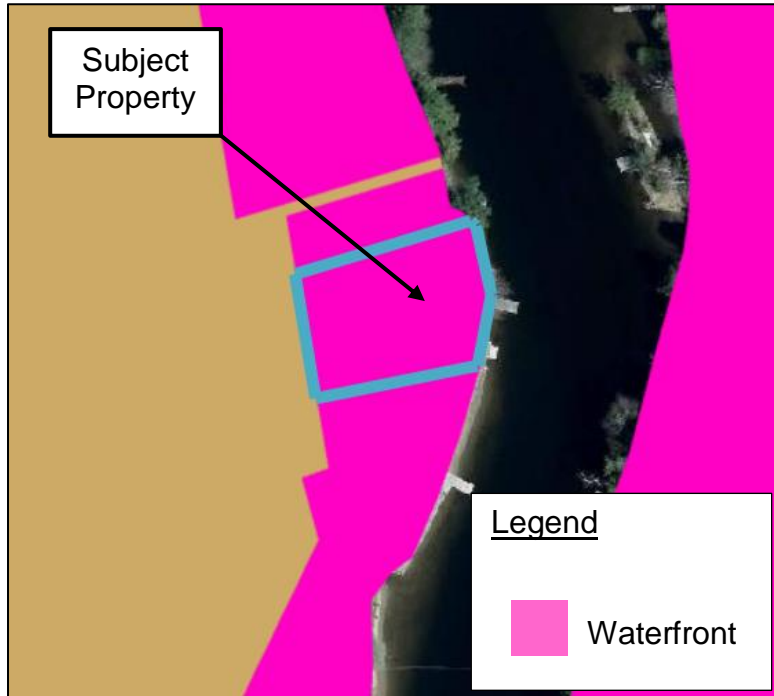
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**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-076

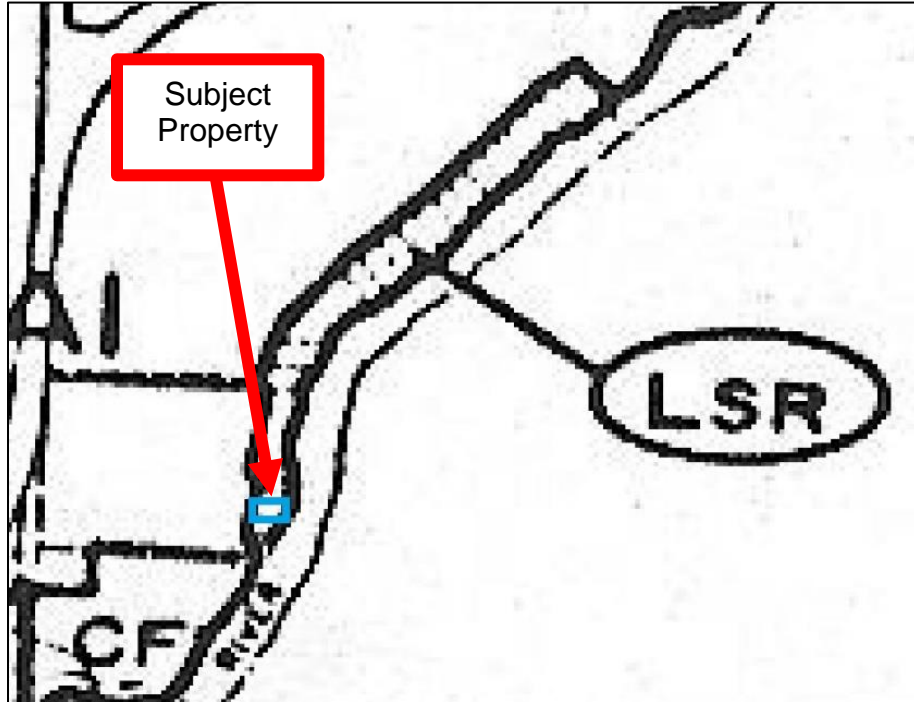
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



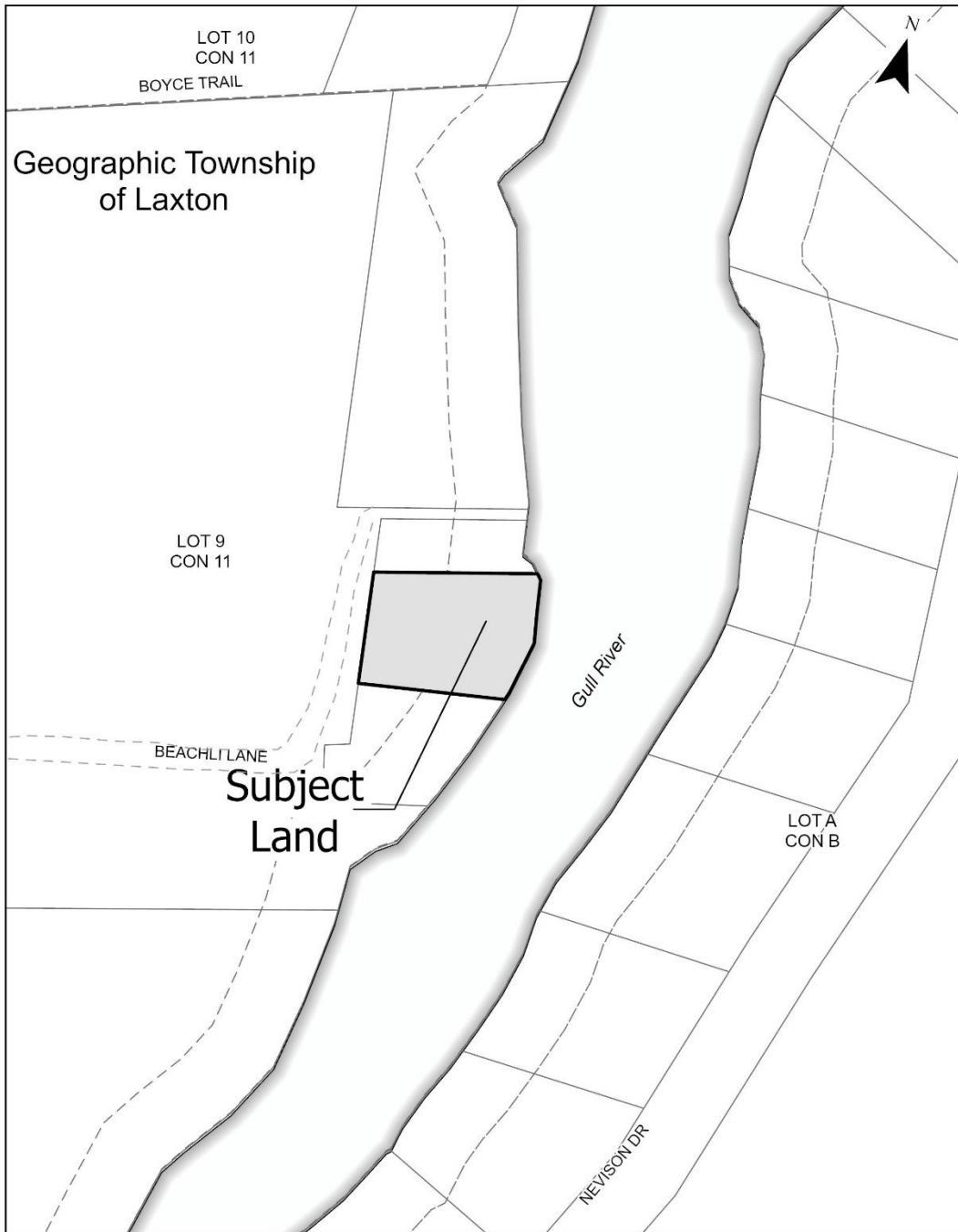
### Township of Fenelon Zoning By-law 12-95



to

**LOCATION MAP**

**D20-2024-076**





APPENDIX " B "

to

REPORT COA2024-084

FILE NO: D20-2024-076

**AERIAL PHOTO**



to

REPORT COA2024-084

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APPLICANT'S SKETCH

