

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 1000329376 Ontario Inc.**  
Report Number COA2024-108

---

**Public Meeting**

**Meeting Date:** November 28, 2024  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward 2– Geographic Village of Bobcaygeon**

**Subject:** The purpose and effect is to facilitate the redevelopment of an existing cottage establishment, through construction of five (5) new two-storey cottages, as well as second-storey additions on nine (9) of the existing buildings. Three (3) existing cottages are to be demolished in place of the five (5) new cottages.

**Relief sought (the numbered cottages correspond to the numbers shown on the site plan):**

1. Section 13.2.c. of the Zoning By-law requires a minimum front yard setback of 9 metres; the proposed front yard setbacks of the five (5) new two-storey cottages are 3 metres; the existing front yard setback of Cottage #1 is 0.93 metres;
2. Section 13.2.d. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the existing rear yard setback of Cottage #5 is 5.08 metres; and,
3. Section 13.2.e. of the Zoning By-law requires a minimum interior side yard setback of 2.5 metres; the existing deficient side yard setbacks of Cottages #2, 3, 4, 5, 13, 14, and 15 range between 0.38 metres to 1.27 metres (site plan identifies individual setbacks); Cottage #12 currently extends beyond the property boundaries and is proposed with a 1.53 metre side yard setback.

The variance is requested at **322 Front Street West** (File D20-2024-100).

---

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



---

**Recommendations**

1. That Report COA2024-108 – 1000329376 Ontario Inc., be received;

2. **That** minor variance application D20-2024-100 be **GRANTED** pertaining to Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 (as shown in Appendix C) as the associated variances meet the tests set out in Section 45(1) of the Planning Act.
3. **That** minor variance application D20-2024-100 be **DENIED** pertaining to Cottage #2, 3, and 4 (as shown in Appendix C) as the associated variances do not meet the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** building construction related to this Approval of Relief 1, Relief 2, and Relief 3 (for Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 (as shown in Appendix C)) shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-108, 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 COA2024-108. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Redevelopment of an existing cottage establishment, through construction of five (5) new two-storey cottages, as well as second-storey additions on nine (9) of the existing buildings. Three (3) existing cottages are to be demolished in place of the new cottages.
Owners:	1000329376 Ontario Inc.
Applicant:	Groundswell Urban Planners Inc.
Legal Description:	Lot 20, Plan 133
Official Plan <sup>1</sup> :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan <sup>1</sup> :	Tourism Commercial and Policy Area #1 (Bobcaygeon Secondary Plan, 2024)

---

<sup>1</sup> See Schedule 1

Zone <sup>2</sup> :	Commercial Recreation (C3) Zone (Village of Bobcaygeon Zoning By-Law 16-78)
Site Size:	4,741.18 square metres (1.15 acres)
Site Access:	Year-round maintained street
Site Servicing:	Municipal water and sewer servicing
Existing Uses:	Cottage Resort
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 western outskirt of the former Village of Bobcaygeon, on the shoreline of the Bobcaygeon River. The area surrounding the property is primarily characterized by low-density residential uses. To the west along Front Street West, there is a mix of low-density residential dwellings and several cottage resorts with uses similar to that of the subject property. Likewise, to the east along Front Street West, the area consists predominantly of low-density residential dwellings. Towards the northeast of the subject property, is a recently completed subdivision development containing various styles of one-to-two storey single-detached dwellings. Along Front Street West, there is no distinct pattern in the placement of buildings or structures relative to the street and shoreline.

The directly abutting neighbours to the east and west are low-density residential land uses, in the form of single-detached dwellings and various accessory structures. According to the Municipal Property Assessment Corporation (MPAC), both the neighbouring lots are used for seasonal residence.

The subject property, Ambleside Cottage Resort, is a waterfront cottage resort establishment with twelve (12) existing cottages, a washhouse (laundry room and washroom), a pump house and a shed. The proposal is for the redevelopment of the existing cottage establishment, through construction of five (5) new two-storey cottages, as well as second-storey additions on nine (9) of the existing buildings. Three (3) existing cottages and a shed are to be demolished in place of the five (5) new cottages. The existing washhouse is to be repurposed into a cottage with a second-storey addition. In total, fifteen (15) cottages are included in the proposed redevelopment.

The use of the land as a cottage resort is well-established and longstanding, with the existing cottages dating back to the 1950s (MPAC). Additionally, cottage resort establishments are common in this area. Although the immediate surrounding lots are one-storey in height, Cottage #11 (as shown on Appendix C) is an existing two-storey cottage that will be left undisturbed. Furthermore, two-storey buildings are

---

<sup>2</sup> See Schedule 1

relatively common within the broader area, particularly to the west of the subject property and in the recently completed development located to the northeast.

The property is also currently undergoing and subject to a site plan control process (D19-2022-012), for this same proposal.

Overall, the proposed redevelopment does not change the use of the lot, nor does it create incompatibility in terms of land use with nearby properties or disrupt the character of the area.

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

**The variance for Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 maintain the general intent and purpose of the Official Plan.**

The subject property is designated Urban Settlement Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation aims to provide general broad policies that are applicable to all urban settlements within the City. The Bobcaygeon Secondary Plan provides more specific policies directed towards the former Village of Bobcaygeon. Under the Secondary Plan, the property is designated Tourism Commercial and Policy Area #1 (Sturgeon Lakes Floodplain Area).

The Tourism Commercial designation broadly defines uses and is intended to work with the Zoning By-law to control the specific type and built form. The designation provides some examples of uses including but not limited to bed and breakfast establishments, motels, hotels, inns, and existing residential uses. Policy 31.3.3.2.5.2.a. states that Tourism Commercial uses are encouraged to cluster together and be developed in accordance with good urban design principles. Policy 31.3.3.2.5.2.b. states that Tourism Commercial areas shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses. Buffers shall include the grassed areas and appropriate planting of trees, shrubs, and/or other suitable screening materials.

The abutting neighbouring properties are also designated Tourism Commercial, however, have been used as low-density residential lots since the mid-to-late 1900s. With the intensification of the existing cottage establishment on the subject property, there is concern regarding the unchanging western side yards (particularly Cottages #2, 3, and 4) and the lack of any existing or proposed buffer. The proposed development is anticipated to generate more customer traffic, noise, and operational movement than what is currently existing. The existing deficient western side yard setback raises a concern pertaining to noise and activity, as well as preserving the privacy and comfort of the neighbouring low-density residential lots. In comparison, the eastern side yard of Cottage #12 is seeking an improvement from what is currently present, and the eastern neighbouring dwelling is situated an appropriate distance from the subject side lot line. Cottage #13, 14, and 15 are not located directly beside any existing neighbouring structures. At the closest point, the buffer from the neighbouring dwellings and the proposed cottages are as follows: eastern side yard is 5.05 metres (from Cottage #12), while the western side yard buffer is slightly under 2.99 metres (Cottage #4). Moreover,

the western neighbouring dwelling is closely situated to two cottages (Cottages #3 and #4) that are proposed with second-storey additions. As such, Cottages #2, 3, and 4 do not provide an appropriate buffer to the neighbouring residential use, especially when considering the concerns/implications from the proposed second-storey additions.

Policy 31.3.2.6.6 states that the City recognizes that portions of existing development may be located within a flooding hazard, identified through Policy Areas. The policy goes on to state that an existing building or structure located within Policy Area #1 may be enlarged, expanded or altered subject to various criteria including but not limited to: the Conservation Authority has been satisfied; satisfactory water supply and subsurface sewage disposal servicing; as well as that vehicles and people have a safe way of entering and existing the area during floods.

Therefore, the variance for all Cottages except Cottages #2, 3 and 4 are considered to maintain the general intent and purpose of the Official Plan. The variance proposed for Cottage #2, 3 and #4 do not maintain the general intent and purpose of the Official Plan.

**The variance for Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 maintain the general intent and purpose of the Zoning By-law.**

The subject property is zoned Commercial Recreation (C3) Zone under the Village of Bobcaygeon Zoning By-Law 16-78. The C3 Zone permits various uses, including but not limited to a cottage establishment. Relief is required from the following provisions:

Zoning By-law Requirement	Proposed/Existing Setbacks
Front Yard: 9 metre minimum	5 New Cottages: 3 m (Cottage #6, 7, 8, 9, 10) Existing/Retained Cottage #1: 0.93 m
Rear Yard: 7.5 metre minimum	Existing/Retained Cottage #5: 5.08 m
Side Yard: 2.5 metre minimum	Existing: 0.38 m to 1.27 m (Cottages #2, 3, 4, 5, 13, 14, 15) Cottage #12: 1.53 m (currently encroaches neighbouring property)

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 front yard setback of the five (5) new cottages is an improvement from the existing setback of 1.54 metres; and as previously stated, there is no consistent pattern of setbacks from Front Street West to the existing built form with numerous lots appearing to have front yard setbacks similar to that which is being proposed. Cottage #1 maintains its existing front yard setback of 0.93 metres, and is buffered by the existing shoulder of Front Street West. Moreover, the existing buffer of hedges, bushes, and trees along the road are to remain and screen the cottages from the streetview

and mitigate concerns regarding visual impact. Existing ingress and egress are not anticipated to be negatively impacted. Therefore, the variance pertaining to the front yard maintains the general intent and purpose of the Zoning By-law.

In regards to the rear yard, the intention of a rear yard setback is to ensure adequate amenity space and open space is provided. In this case, ample amenity space is provided on the property and lot coverage is complied with. Moreover, the rear yard setback is maintained and not further reduced. The variance pertaining to the rear yard maintains the general intent and purpose of the Zoning By-law.

Lastly, the intention of a side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, maintaining privacy, and a space for maintenance and access.

With respect to the eastern side yard, based on a survey submitted by the applicant, the existing single-detached dwelling on the eastern neighbouring lot is situated 3.52 metres from the subject property's side lot line. Cottage #12 (as per Appendix D), being the closest existing cottage to the eastern neighbouring dwelling, in its current condition extends beyond the boundaries of the subject property into the eastern neighbouring lot. The proposal removes the encroachment, improves the setback of Cottage #12, and repositions the cottage within the boundaries of the subject property. The existing frame shed on the neighbouring eastern property has a minimal footprint and is not habitable space. The proposed variances on the eastern side yard continue to allow for adequate passageway, provide space for maintenance purposes, and are appropriately distanced from the neighbouring dwelling.

Similarly, the western abutting property also contains a one-storey single-detached dwelling. The western neighbour's dwelling is setback 2.15 metres from the subject property's western side lot line. The neighbouring dwelling is not parallel to the side lot line, as such, 2.15 metres is the closest point from the neighbour's dwelling with the furthest point of the dwelling being 2.40 metres from the side lot line. Two cottages (Cottages #3 and #4) are located nearby the neighbouring dwelling, with their closest points to the western side lot being 0.93 metres (Cottage #3) and 0.49 metres (Cottage #4). Cottage #3 is approximately 3.3 metres from the western neighbouring dwelling, and Cottage #4 is slightly less than 2.99 metres from the western neighbouring dwelling. As a second-storey addition is proposed on these two cottages, concern is raised with the existing deficient setbacks and lack of space between the cottages and the western neighbouring dwelling. With respect to Cottage #2, although the side yard setback is being maintained, insufficient space is provided for access and maintenance of the building especially considering the second-storey addition. Overcrowding may also be an issue with the second-storey additions as Cottages #2, 3, and 4 are all located close to one another and to the western neighbouring dwelling.

Therefore, the variances pertaining to the front yard setback (Relief #1) and rear yard setback (Relief #2) are considered to maintain the general intent and purpose of the Zoning By-Law.

The variance pertaining to the side yard setback (Relief #2) of Cottages #5, 12, 13, 14, and 15 are considered to maintain the general intent and purpose of the Zoning By-law.

The variances pertaining to the side yard setback of Cottages #2, 3, and 4 do not maintain the general intent and purpose of the Zoning By-law.

**The variance for Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 is minor in nature.**

There are no anticipated impacts on environmental features; the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Neighbouring properties are anticipated to be impacted by the proposed second-storey additions to Cottages #2, 3, and 4. The western proposed side yard setbacks, particular of Cottages #2, 3, and 4 are very minimal and not minor in nature.

Therefore, the variance pertaining to Cottages #1, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 15 are considered to be minor in nature.

However, the variance pertaining to Cottage #2, 3, and 4 are not considered minor in nature.

**Other Alternatives Considered:**

According to the Municipal Property Assessment Corporation (MPAC), the existing cottages that are proposed with second-storey additions were constructed in the mid-1900s. During the site visit, concerns were raised regarding the age, structural quality, and overall condition of these cottages, specifically whether they are capable of supporting the proposed second-storey additions. There is a potential concern that the existing structures may not be adequate, necessitating demolition and reconstruction. This concern was communicated to the applicants, who did not provide any information regarding the structural integrity of the cottages.

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): “Spatial separation could be a potential issue (can be dealt with at building permit stage). No other comments.”

ECA – Development Engineering: “From a Development engineering perspective, we have no concerns or comments 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 Site Plan / Survey

---

<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-100

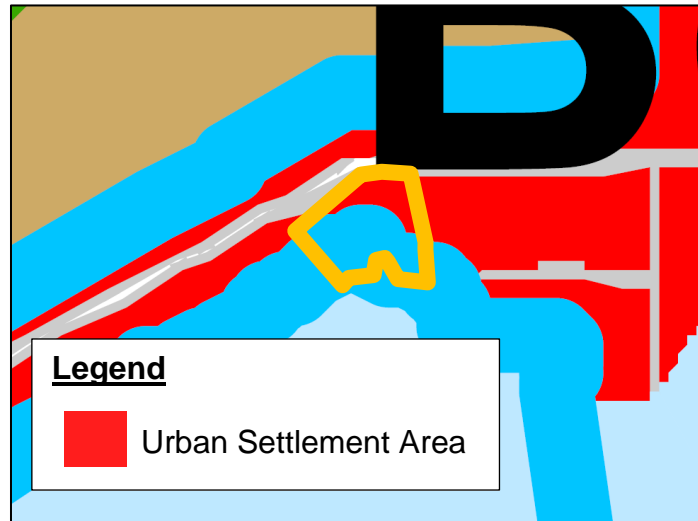


## Schedule 1

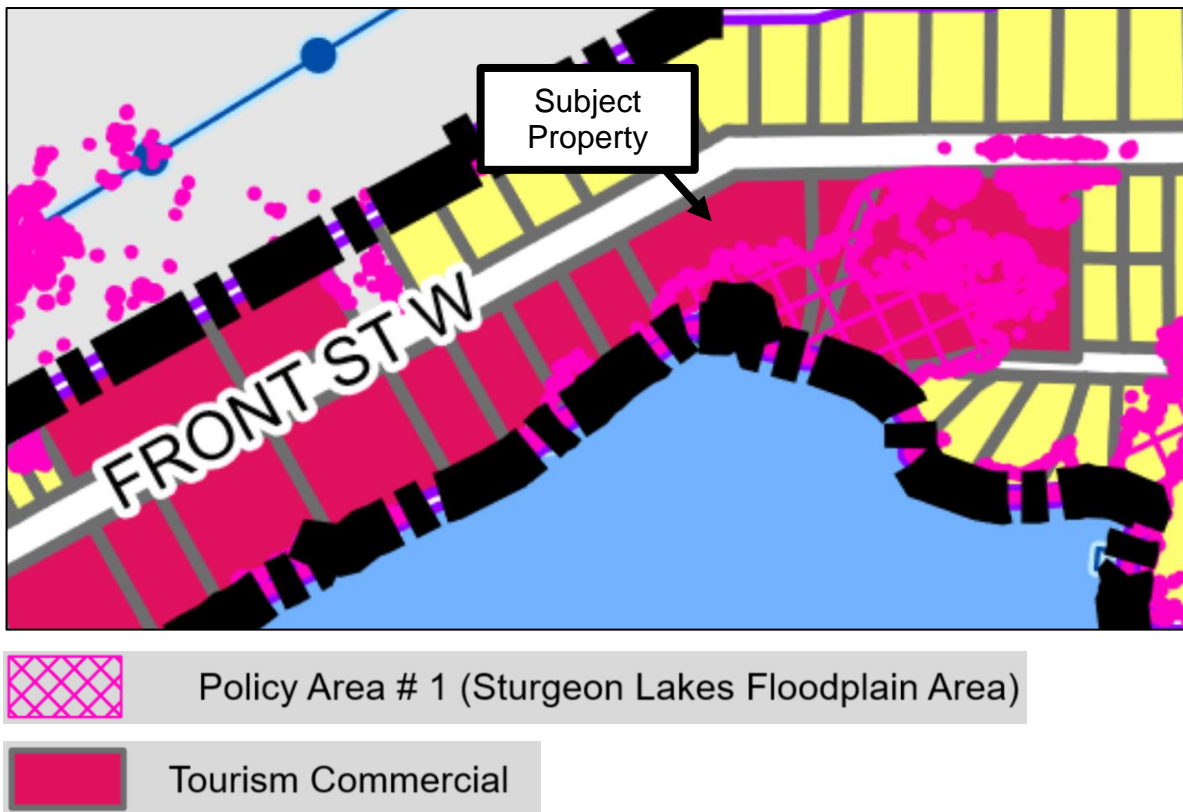
### Relevant Planning Policies and Provisions

---

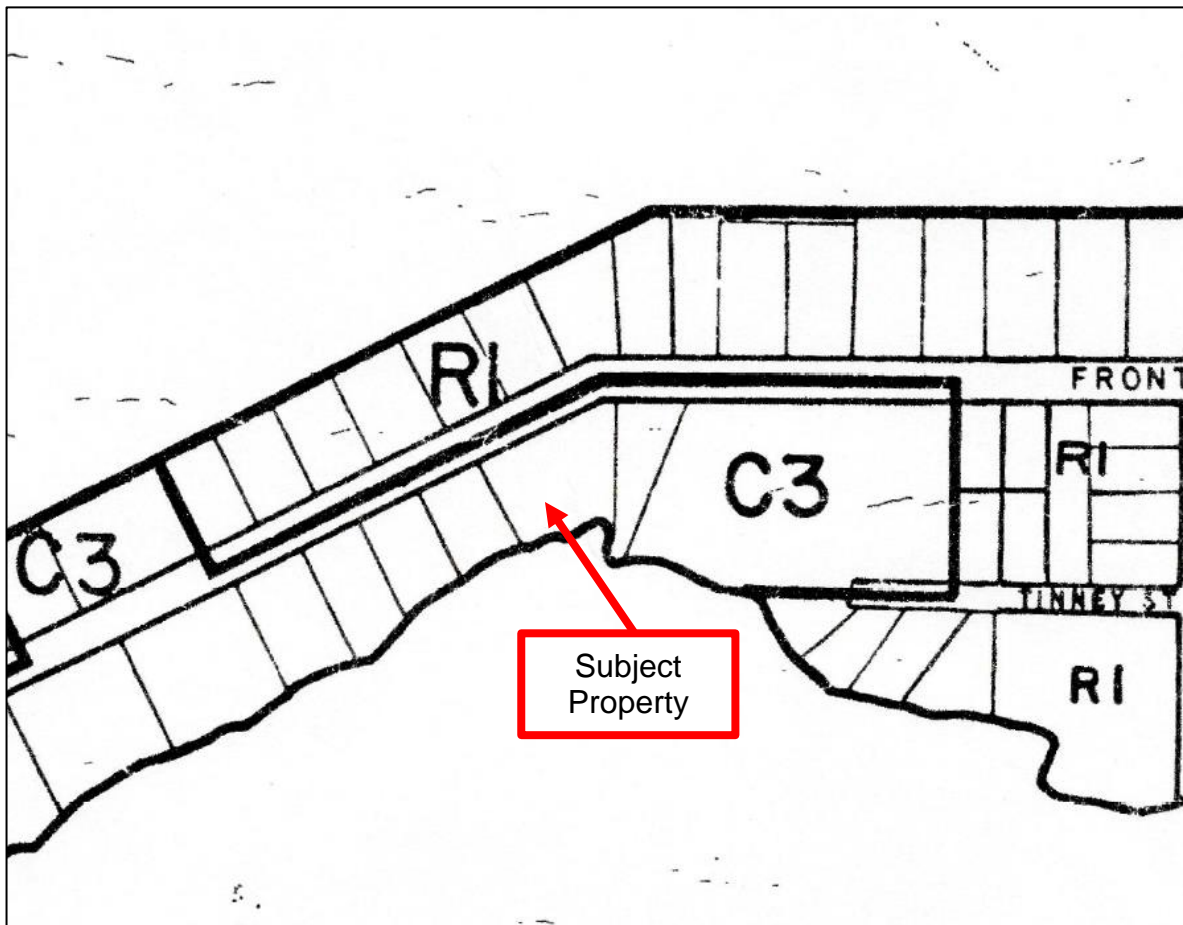
#### City of Kawartha Lakes Official Plan



#### Bobcaygeon Secondary Plan



## Village of Bobcaygeon Zoning By-Law 16-78



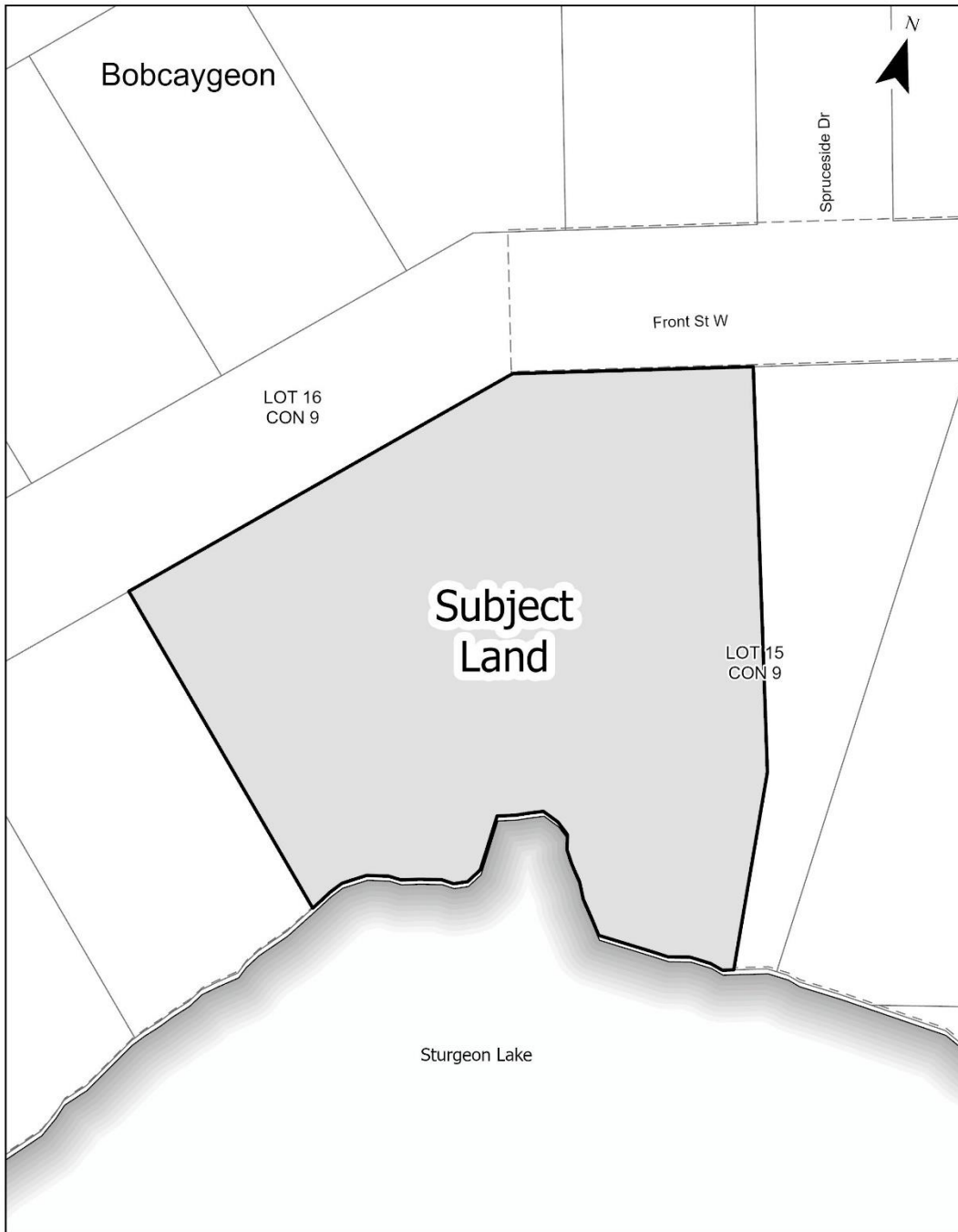
to

REPORT COA2024-108

FILE NO: D20-2024-100

**LOCATION MAP**

# D20-2024-100



SRQ-20944

APPENDIX " B "

to

REPORT COA2024-108

FILE NO: D20-2024-100

**AERIAL PHOTO (2023)**





[illegible]

to

## EXISTING SITE PLAN / SURVEY

REPORT COA2024-108

FILE NO: D20-2024-100

**Legend**

Structures to be removed