

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Clark

Report Number COA2025-008

---

### Public Meeting

**Meeting Date:** January 30, 2025

**Time:** 1:00 pm

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

---

### Ward 6 – Geographic Township of Fenelon

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

#### Relief sought:

1. Section 15.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a two storey dwelling; the proposed setbacks are 3.3 metres from the western lot line and 2 metres from the eastern lot line;
2. Section 15.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres; and,
3. Section 15.2.1.3 e) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setback is 12.1 metres.

The variance is requested at **69 Rose Street** (File D20-2024-111).

---

**Author:** Katherine Evans, Acting Development Supervisor

**Signature:** 

---

### Recommendations

**That** Report COA2025-008 – **Clark**, be received;

**That** minor variance application D20-2024-111 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report

COA2025-008, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2025-008. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The demolition of the existing dwelling and the construction of a new larger dwelling
Owners:	Deborah and Peter Clark
Applicant:	John Barkey
Legal Description:	Part Lot 8, Concession 10; West Part Lot 52 Lane E (being Part 1 on Reference Plan 57R11097)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential Exception One (LSR-1) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	584.4 sq. m. (6,290.43 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

## Rationale

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

The subject property is within an area which contains residential and agricultural uses located on the southern shore of Sturgeon Lake. The property is irregular in

---

<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

shape and is a waterfront lot. The property consists of the waterfront lot, as well as a back lot on the south side of Rose Street. The back lot contains a detached garage, and the waterfront lot contains a single detached dwelling constructed in 1929 (according to Municipal Property Assessment Corporation) and a shed.

The proposal is to demolish the existing dwelling and construct a new larger dwelling. The existing dwelling is one storey and approximately 93.95 square metres in size. The proposed dwelling is to be two storeys and approximately 147.47 square metres in size. The proposed dwelling will provide additional living space for the property owners. It is the desire of the property owners for the new dwelling to maintain the majority of the footprint of the existing dwelling. Expansion beyond the existing footprint is to occur through the construction of a screened porch on the south side of the new dwelling and a verandah on the west side.

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.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. The proposed dwelling is to primarily maintain the footprint of the water side of the existing dwelling, with expansion to the south and west. The new dwelling is not to extend towards the water beyond what exists today. As such, the proposal is not creating a new hazard by introducing habitable space into the water setback where it does not already exist. It is not anticipated that the proposed dwelling on the existing footprint will impact the existing shoreline conditions.

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 Exception One (LSR-1) Zone under the Township of Fenelon Zoning By-law 12-95. A vacation 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 interior side yard setback, minimum rear yard setback, and minimum water setback.

Section 15.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a two storey

dwelling. The proposed setbacks are 3.3 metres from the western lot line and 2 metres from the eastern lot line. Therefore, relief is required for the interior side yard setback from the eastern lot line. 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 yard, and building maintenance.

The portion of the proposed dwelling that does not comply with the interior side yard setback is the proposed sunroom, which is a single storey. It is not anticipated that the proposed 2 metre setback will result in massing or privacy issues. The proposed setback will provide adequate space for lot drainage, yard access, and any building maintenance required on that side of the dwelling.

Section 15.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed setback is 1.2 metres. The intent of the minimum rear yard setback provision is to manage massing and privacy issues and to ensure adequate rear yard amenity space is maintained.

The subject property has a unique lot line configuration due to the municipal shore road allowance which juts into the northern portion of the property and separates the property from the water. As a result, the property has two rear lot lines, the first being closer to the water, and second being approximately 7.4 metres further south, closer to the existing dwelling and the proposed location of the new dwelling. As the rear lot line abuts a shore road allowance and not a residential property, impacts to privacy and massing issues are not anticipated. Additionally, adequate amenity space in the rear yard is to be maintained.

Section 15.2.1.3 e) of the Zoning By-law requires a minimum water setback of 15 metres. The proposed setback is 12.1 metres. The intent of a minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposal is to maintain the existing water setback, so no further encroachment beyond what currently exists is proposed. The proposed water setback does not vary significantly from the water setbacks established by dwellings on adjacent properties. Adequate separation between Sturgeon Lake and the dwelling is maintained, and no adverse massing impacts to the shoreline are anticipated as the existing and proposed setbacks are to remain the same.

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 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

---

**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-111

## Schedule 1 Relevant Planning Policies and Provisions

---

### City of Kawartha Lakes Official Plan

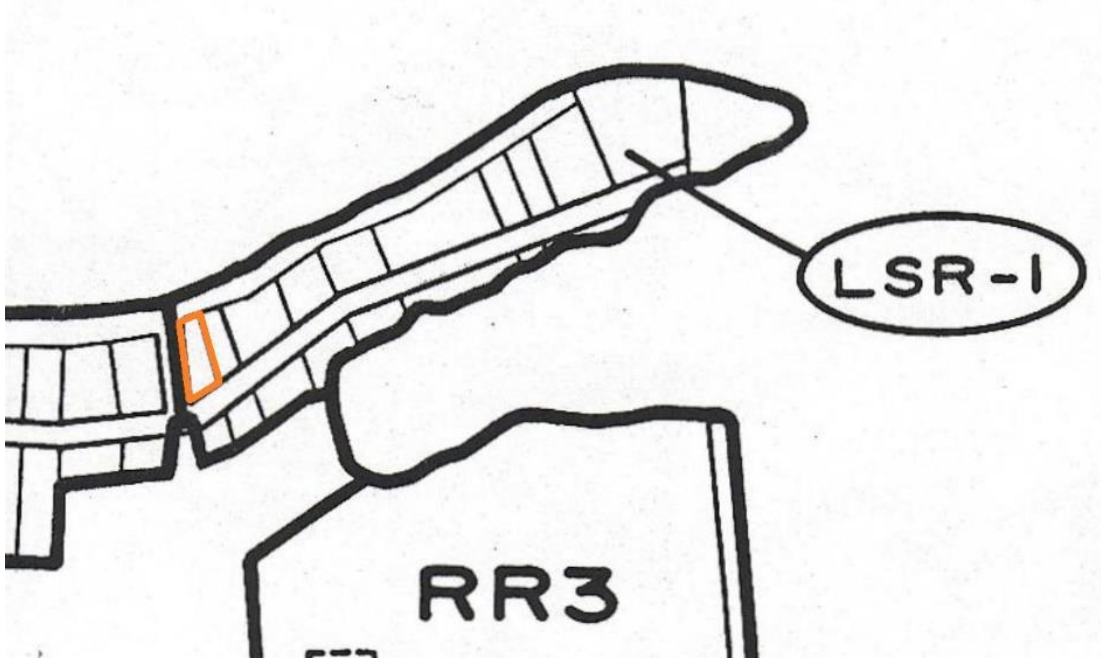


### 3.11. Water Setback and Accessory Uses

3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

### 20. Waterfront Designation

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



### Part 15 Limited Service Residential (LSR) Zone

#### 15.1 Permitted Uses

#### 15.2 Zone Provisions

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

##### 15.2.1.3 b) interior side 3 m on one side

- i) one storey 1.3 m on opposite site
- ii) all others 2.3 m on opposite side
- d) rear 7.5 m
- e) water setback 15 m

#### 15.3 LSR Exception Zones

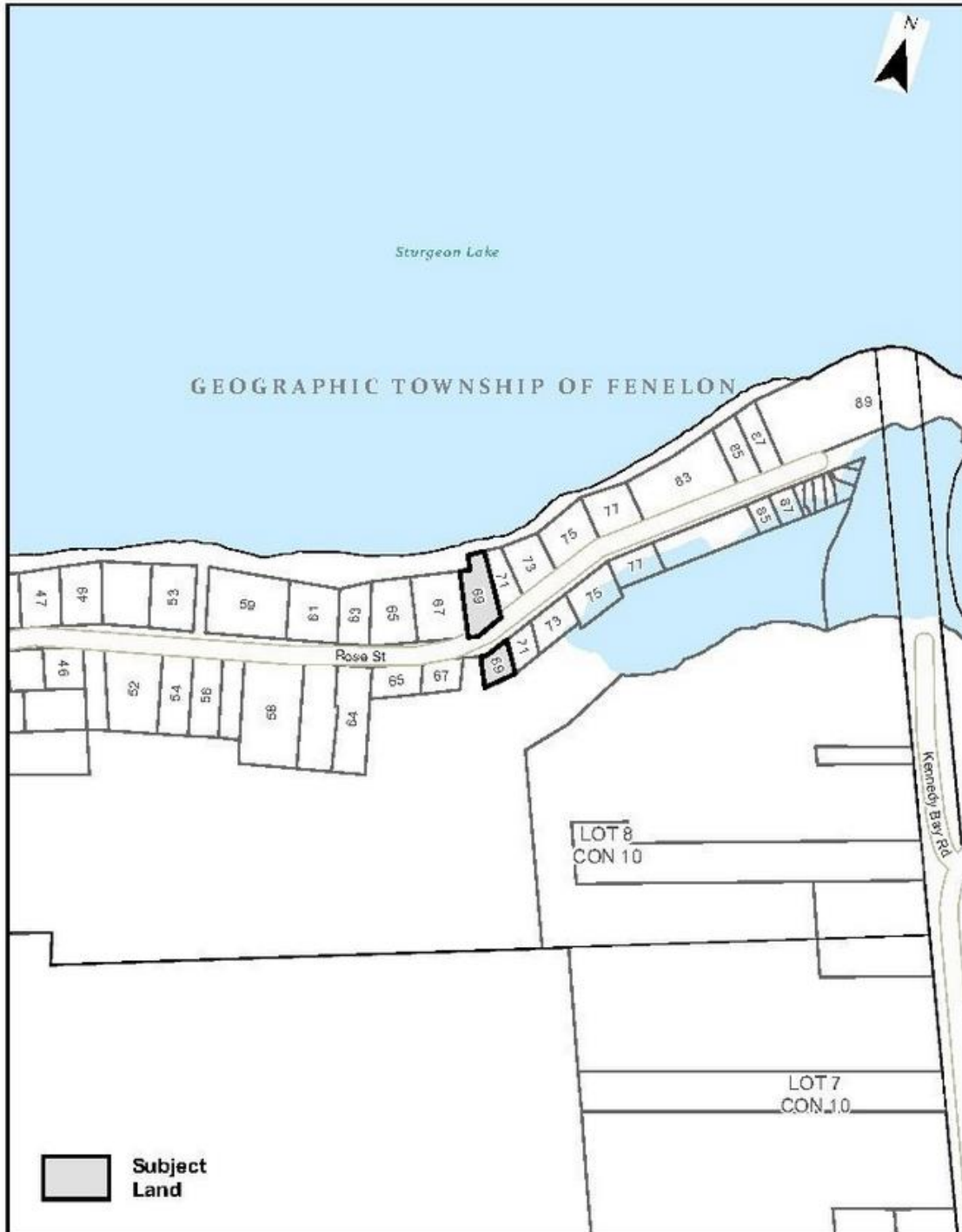
##### 15.3.1 Limited Service Residential Exception One (LSR-1) Zone

15.3.1.1 Notwithstanding subsection 15.1.1 land zoned "LSR-1" may only be used for a vacation dwelling.

to

LOCATION MAP

# D20-2024-111





APPENDIX " B "

to

REPORT COA2025-008

FILE NO: D20-2024-111

**AERIAL PHOTO**



to

APPLICANT'S SKETCH

