

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Koh and Tan
Report Number COA2025-028

Public Meeting

Meeting Date: **March 27, 2025**

Time: 1:00 pm

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

Ward 2 – Geographic Township of Somerville

Subject: The subject property currently contains two single detached dwellings. The purpose and effect is to facilitate the demolition of one of the dwellings and the construction of a new larger dwelling. The dwelling (circa 1953) to be demolished and replaced holds a legal non-conforming status on the property whereby the existence of two single detached dwellings on the property predate the Zoning By-law adopted in 1978, that zones the property Limited Service Residential (LSR) Zone and Section 5.2 k) of the Zoning By-law permits a maximum of one dwelling unit per lot.

The permission is requested at **39 Burnett Shore Road** (File D20-2025-015).

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

Signature: 

Recommendations

That Report COA2025-028 – **Koh and Tan**, be received;

That permission application D20-2025-015 be GRANTED, as the application satisfies Section 45(2) 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 COA2025-028, which shall be attached to and form part of the Committee's Decision;
- 2) **That** building construction related to the permission granted 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 COA2025-028. Fulfillment of all conditions is required for the permission granted to be considered final and binding.

Application Summary

Proposal:	The demolition of one of the dwellings and the construction of a new larger dwelling. The dwelling (circa 1953) to be demolished and replaced holds a legal non-conforming status on the property whereby the existence of two single detached dwellings on the property predate the Zoning By-law adopted in 1978, that zones the property Limited Service Residential (LSR) Zone and Section 5.2 k) of the Zoning By-law permits a maximum of one dwelling unit per lot.
Owners:	Carolyn Hui-Yen Koh and Andrew Tan
Applicant:	Andrew Tan
Legal Description:	Part Lot 16 Front Range
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,805 sq. m. (19,429 sq. ft.)
Site Access:	Unassumed and unmaintained road
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, and agriculture

¹ See Schedule 1

² See Schedule 1

Rationale

The application satisfies the provisions of the Planning Act³

In accordance with Section 45(2)(a)(i), the Committee may approve the enlargement or extension of a building or structure if it was lawfully used for a purpose prohibited by the by-law continuously, before the day the by-law was passed. The subject property is zoned Limited Service Residential (LSR) Zone under the Township of Somerville Zoning By-law 78-45. The LSR Zone permits a maximum of one dwelling unit per lot. The subject property contains two single detached dwellings.

The first dwelling on the property was constructed in 1947, and the second in 1953 (according to Municipal Property Assessment Corporation). The two dwellings have existed on the property since before the Zoning By-law was passed on December 19, 1978. Therefore, the applicant is proposing a building enlargement and extension of use to the existing legal non-conforming building, being one of the single detached dwellings. The dwelling is to be demolished and a new larger dwelling is to be constructed. The second existing dwelling will remain as it is.

Evaluation of impact

Two dwellings have existed on the property since 1947 and 1953 respectively. Both dwellings are relatively small in size, and the proposed new dwelling will provide more space for the property owners. The existing dwelling that is to be demolished is one storey and approximately 95 square metres in size. The proposed new dwelling is to be two storeys with a ground floor area of approximately 106.4 square metres and a gross floor area of approximately 155.8 square metres. The second dwelling is to remain as it is, and will continue to be used by the property owners as extra space for visiting family and friends.

As per policy 34.1., nothing in the Official Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit residential uses and accessory structures, and this residential zoning has been in place since at least 1978.

The proposed dwelling complies with all provisions of the Limited Service Residential (LSR) Zone apart from the maximum number of dwellings per lot. The surrounding area consists of residential uses and a mixture of one and two storey dwellings. The continuation of the residential use is in keeping with surrounding uses and the continued existence of two dwellings on the property and the enlargement of one of the dwellings is not anticipated to impact neighbouring properties, environmental features, or the function of the right of way.

³ See Schedule 1

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.”

Building and Septic Division (Septic): “A sewage system application for a permit has been submitted for the proposed new single detached dwelling. At this time, the final proposal and evaluation for the sewage system to service the property and structures remains outstanding. As such, the Building and Septic Division would request a condition be placed on any minor variance endorsement to satisfy the Supervisor – Part 8 Sewage Systems as it relates to private on-site sewage disposal.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment on this minor variance application.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

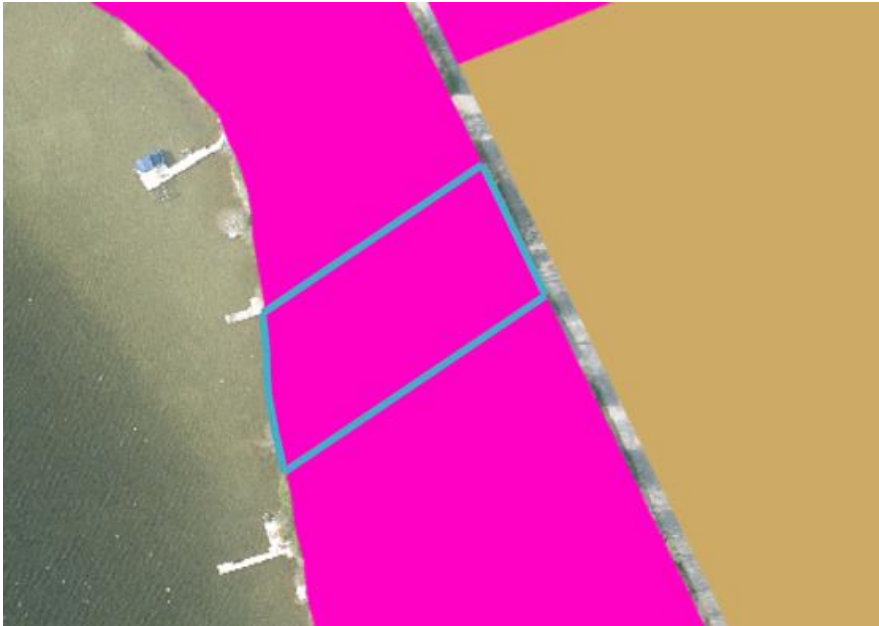
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch – Proposed
Appendix D – Applicant’s Sketch – Existing

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-015

Schedule 1

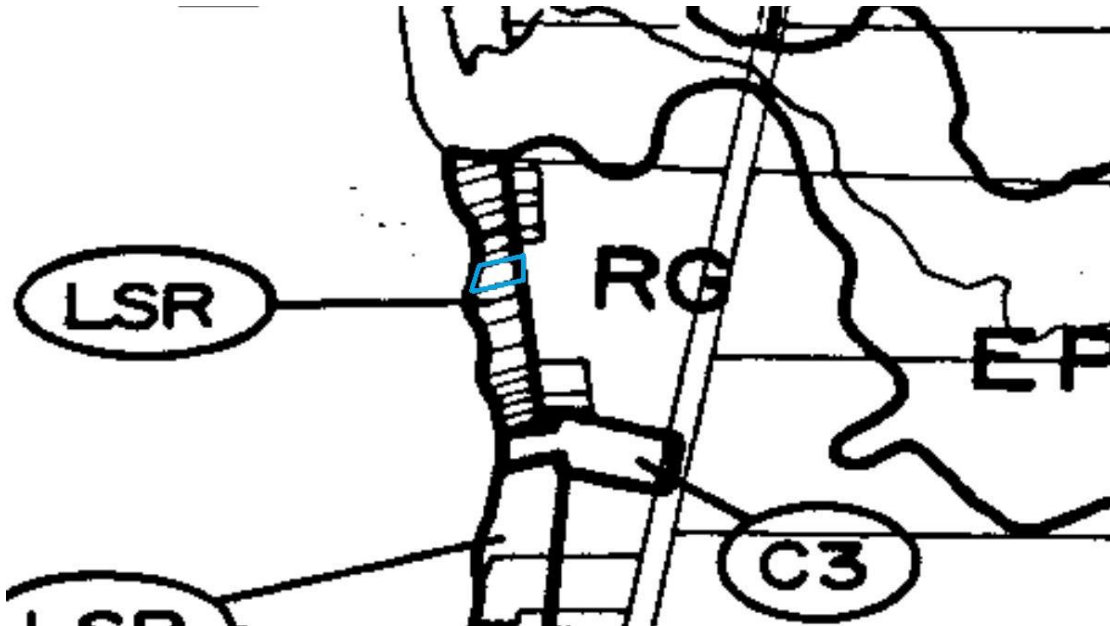
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Somerville Zoning By-law 78-45



Section 5 Limited Service Residential (LSR) Zone

5.1 LSR Uses Permitted

5.2 LSR Zone Provisions

k. Maximum number of dwelling units per lot 1

The Planning Act, R.S.O. 1990

Powers of committee

45(1)

Other powers

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c.P.13, s.45(2).

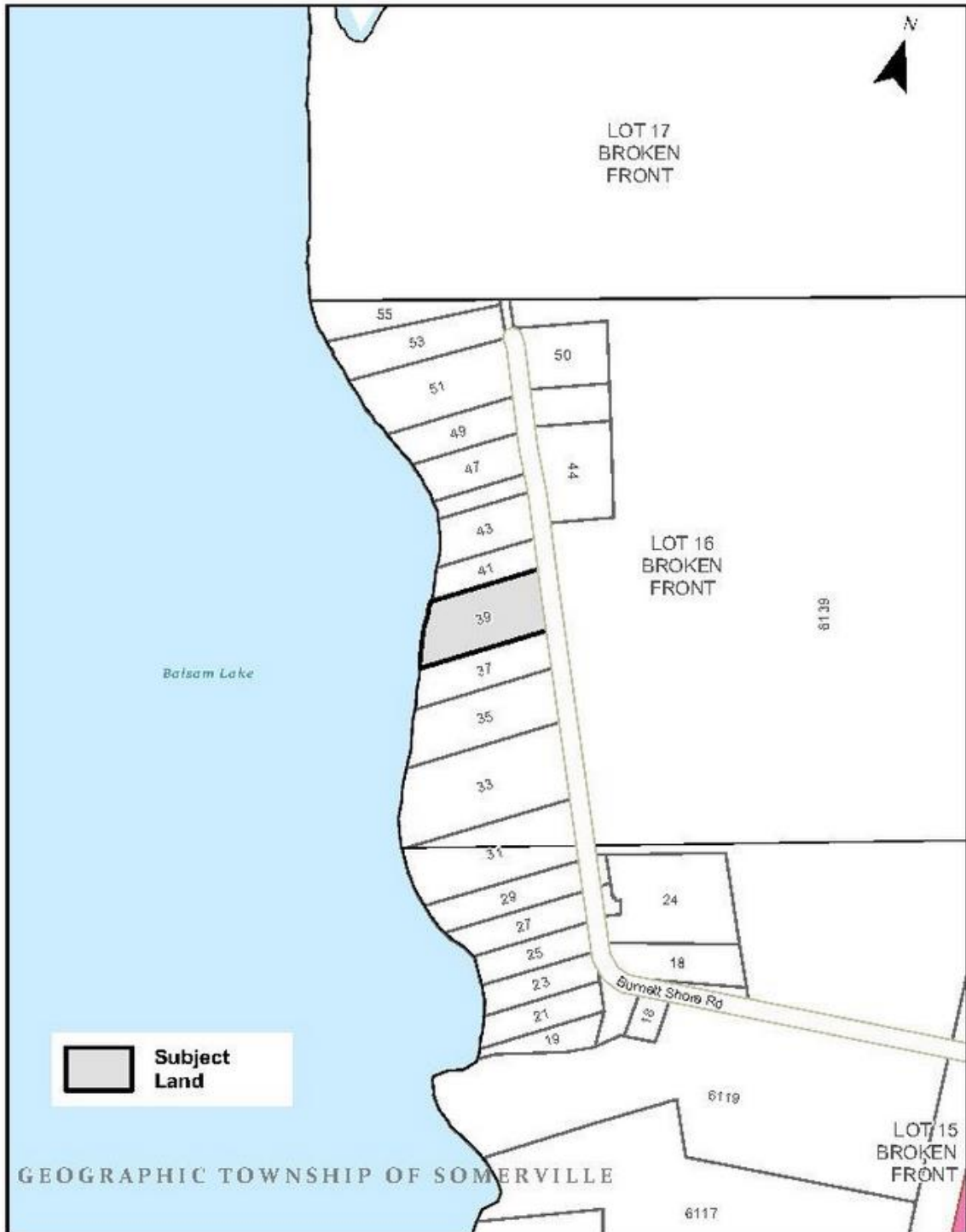
to

REPORT COA2025-028

FILE NO: D20-2025-015

LOCATION MAP

D20-2025-015



APPENDIX " B "

to

REPORT COA2025-028

FILE NO: D20-2025-015

AERIAL PHOTO

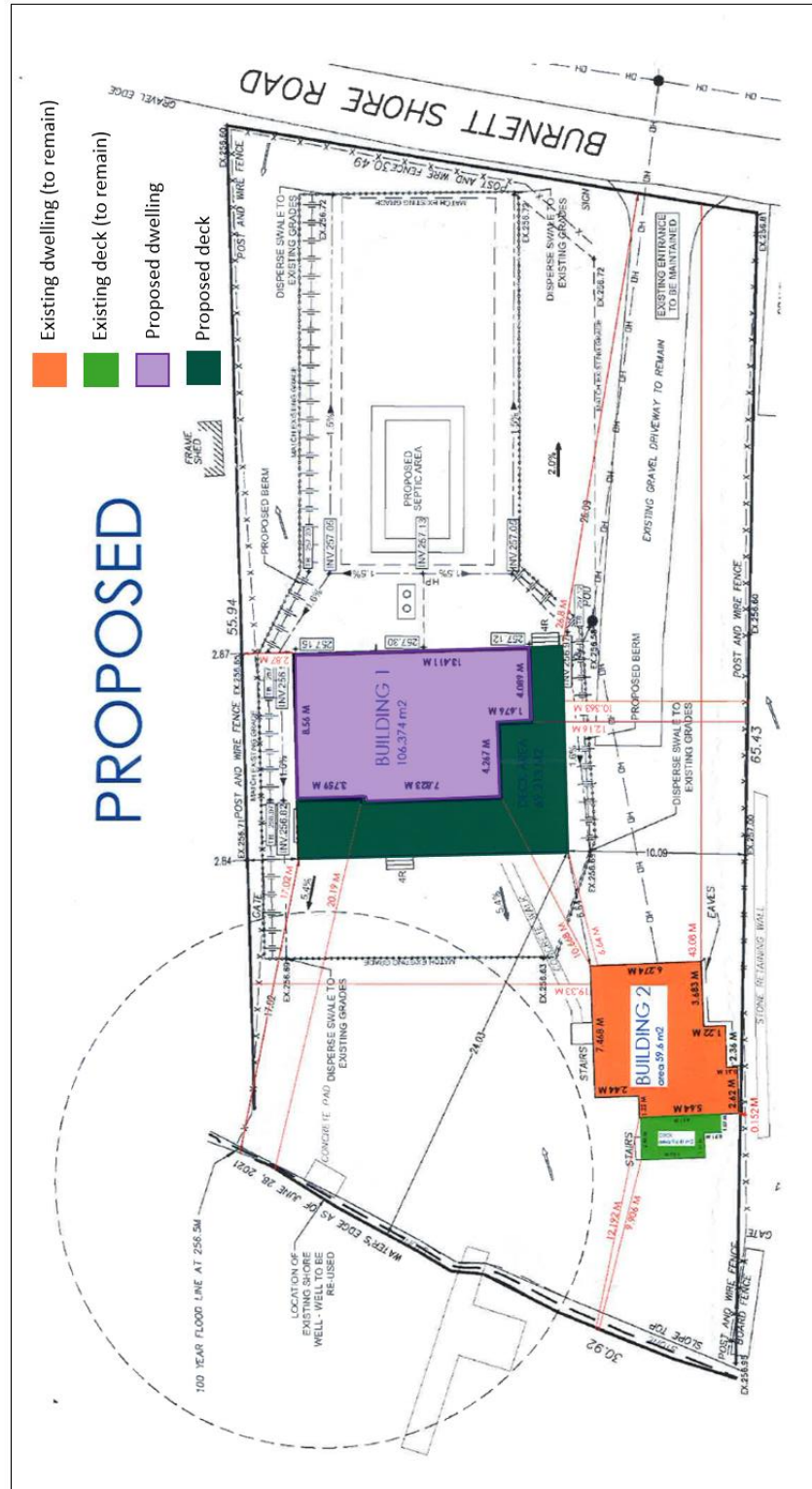


to

REPORT COA2025-028

FILE NO: D20-2025-015

APPLICANT'S SKETCH – PROPOSED



to

APPLICANT'S SKETCH – EXISTING

REPORT COA2025-028

FILE NO: D20-2025-015

