

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Cardozo
Report Number COA2025-032

Public Meeting

Meeting Date: **March 27, 2025**

Time: 1:00 pm

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

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to recognize an existing boathouse and pump house for the purpose of obtaining building permits.

Relief sought:

1. Section 3.1.5.1 of the Zoning By-law provides that a boathouse and a pump house are subject to the minimum side yard setback for accessory buildings and structures. Section 3.1.2.2 of the Zoning By-law requires a minimum interior side yard setback for accessory structures of 1.2 metres; the existing setbacks of both the boathouse and pump house are 0.6 metres.

The variance is requested at **6 Sunrise Crescent** (File D20-2025-019).

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

Signature: *Katherine Evans*

Recommendations

That Report COA2025-032 – **Cardozo**, be received;

That minor variance application D20-2025-019 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 COA2025-032, 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 twelve (12) 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 twelve (12) 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 COA2025-032. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To recognize an existing boathouse and pump house for the purpose of obtaining building permits.
Owners:	Jordan and Michelle Cardozo
Applicant:	Jordan Cardozo
Legal Description:	Part Lot 1, Concession 5 (being Lot 26 on Plan 474)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,700 sq. m. (18,299 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
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 within an established residential neighbourhood located on the western shore of Sturgeon Lake. The property is rectangular in shape and is a

¹ See Schedule 1

² See Schedule 1

waterfront lot. It currently contains a single detached dwelling constructed in 1964 (according to Municipal Property Assessment Corporation), an above ground pool, a boathouse, and a pump house.

The proposal is to recognize the boathouse and pump house currently under construction for the purposes of obtaining building permits. The previously existing boathouse and pump house were damaged during a storm in 2023 and were demolished. Construction has begun on a new larger boathouse and pump house. The previously existing boathouse was approximately 30 square metres in size, and the new boathouse is approximately 54 square metres. The previously existing pump house was approximately 8 square metres in size, and the new pump house is approximately 20 square metres.

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.

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. This policy states that a boathouse is permitted within this setback. As per Section 20.5.2., a pump house is considered a shoreline activity which is permitted within the water setback.

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 Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached 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.

Section 3.4.7.1 of the Zoning By-law permits rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this By-law, provided that the dimensions of the original building or structure are not increased. As the new boathouse and pump house are to be larger than the structures that were damaged, this provision does not apply and a minor variance is required.

Section 3.1.5.1 of the Zoning By-law provides that a boathouse and a pump house are subject to the minimum side yard setback for accessory buildings and

structures. Section 3.1.2.2 of the Zoning By-law requires a minimum interior side yard setback for accessory structures of 1.2 metres. The existing setbacks of both the boathouse and pump house are 0.6 metres. The purpose of an interior side yard is to manage massing and privacy issues, and to provide sufficient space for lot drainage and building maintenance.

The previously existing boathouse and pump house had setbacks of 0.6 metres, so the new structures do not encroach further into the interior side yards than what existed previously. Additionally, the structures are on opposite sides of the property, so they do not both encroach into the same side yard. Neither structure is to contain habitable space and will not abut the neighbouring dwellings, so privacy issues are not anticipated. Each structure is approximately 3 metres in height, so building maintenance on the side of the structures would not require a large ladder, and it is anticipated that building maintenance could occur unimpeded within the 0.6 metre setback.

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): “Spatial separation could be a potential issue. No other comments.”

Building and Septic Division (Septic): “A sewage system review application has been submitted for the proposed modifications to the properties. At this time, the evaluation of the sewage system for the noted 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 existing situation leading to the 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: D20-2025-019

Schedule 1

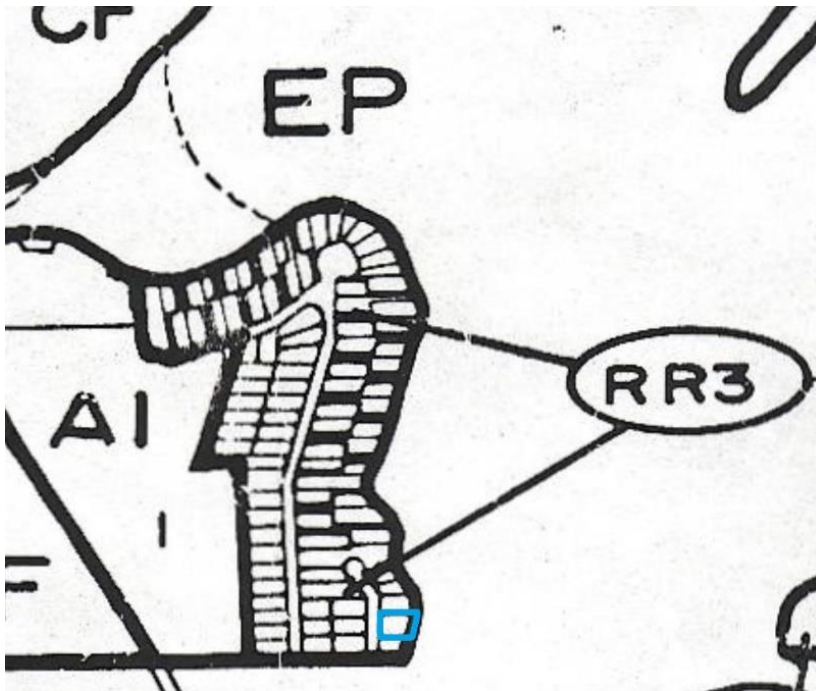
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.2 Location

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

3.1.5 Boat House, Pump House or Docking Facilities

3.1.5.1 Notwithstanding any other provisions of this By-law, a boat house, pump house, or docking facility may be erected and used in a yard fronting on a navigable waterway provided that the approval of any other governmental authority having jurisdiction within this area has been obtained and further provided the location complies with the required minimum side yard for accessory buildings or structures.

Part 13 Rural Residential Type Three (RR3) Zone

13.1 Uses Permitted

13.2 Zone Provisions

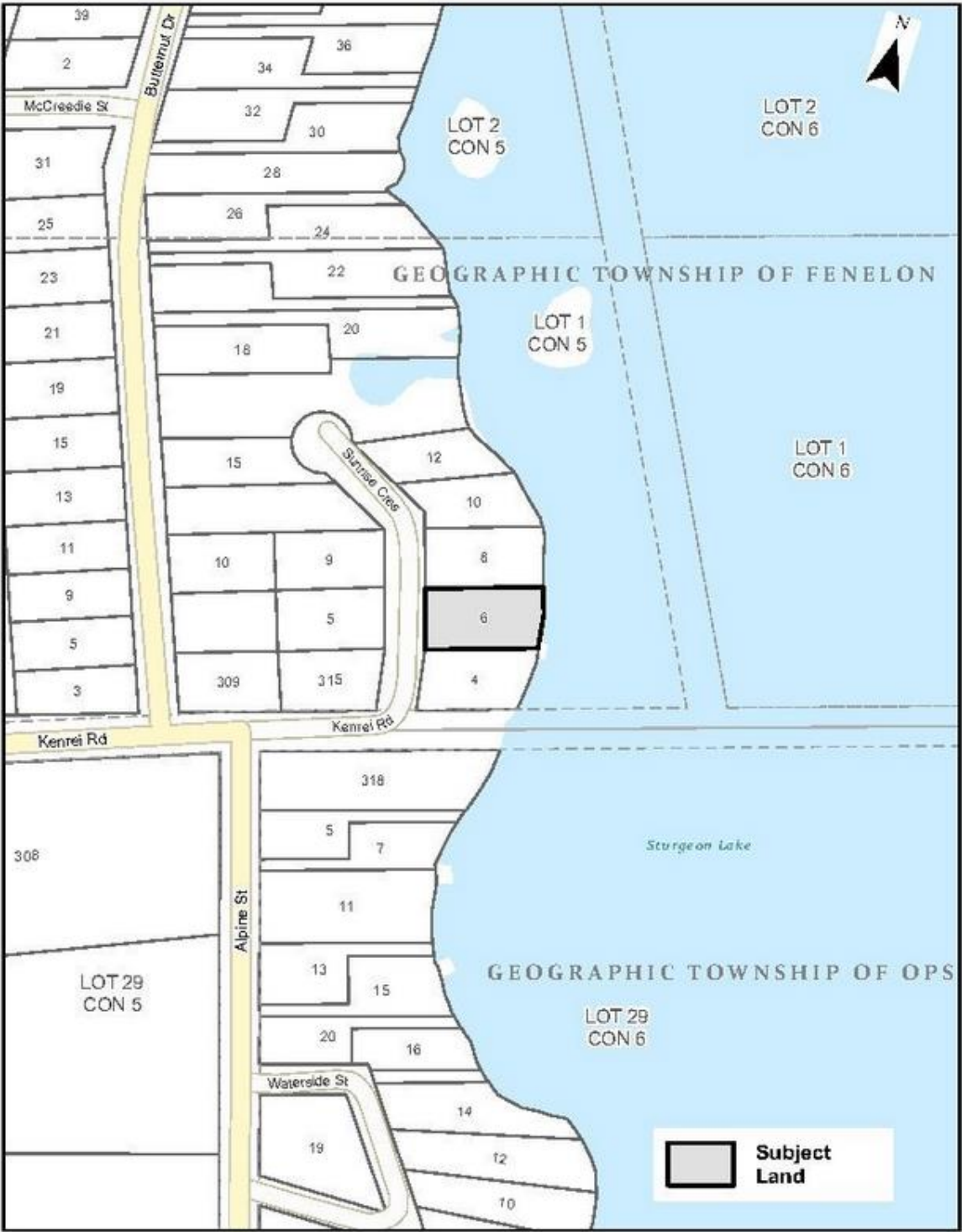
to

LOCATION MAP

REPORT COA2025-032

FILE NO: D20-2025-019

D20-2025-019



APPENDIX " B "

to

REPORT COA2025-032

FILE NO: D20-2025-019

AERIAL PHOTO



to

APPLICANT'S SKETCH

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