

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Nguyen**  
Report Number COA2025-034

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**Public Meeting**

**Meeting Date:**      **March 27, 2025**

**Time:**                1:00 pm

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

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**Ward 1 – Geographic Township of Carden**

**Subject:**      The purpose and effect is to facilitate the construction of a detached garage.

**Relief sought:**

1. Section 14.1 b) of the Zoning By-law permits accessory structures to be located within the interior side or rear yard; the proposed garage is to be located in the front yard.

The variance is requested at **43 Campbell Beach Road** (File D20-2025-021).

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

**Signature:** 

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**Recommendations**

**That** Report COA2025-034 – **Nguyen**, be received;

**That** minor variance application D20-2025-021 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 COA2025-034, 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 COA2025-034. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a detached garage
Owners:	Thuan Nguyen
Applicant:	Same as owner
Legal Description:	Part Lot 11, Concession 1 (being Lot 11 on Plan 235)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Two (RR2) Zone (Township of Carden Zoning By-law 79-2)
Site Size:	1,521 sq. m. (16,372 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
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 located on the eastern shore of Lake Dalrymple in an area that contains residential and agricultural uses. The property currently contains a single detached dwelling constructed in 1954 (according to Municipal Property Assessment Corporation), two sheds, and a boathouse. The proposal is to construct a detached garage. The garage will provide covered vehicle parking as well as storage space for the property owner's belongings.

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

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

**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.

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 Two (RR2) Zone under the Township of Carden Zoning By-law 79-2. 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 location for accessory structures.

Section 14.1 b) of the Zoning By-law permits accessory structures to be located within the interior side or rear yard. The proposed garage is to be located in the front yard. The intent of limiting the location of accessory structures to the side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood. For comparative purposes, most of the City's existing rural Zoning By-laws permit garages in the front yard when a property fronts on a navigable waterway. Additionally, the New Rural Zoning By-law (while not currently in effect) permits a garage in the front yard when a property has frontage on a navigable waterway.

The dwelling is setback approximately 44 metres from the front lot line, and approximately 27 metres from the shoreline, resulting in a larger front yard and smaller rear yard. There is limited space in the interior side yards to locate the garage. Locating the garage in the front yard ensures the structure will not encroach into the water setback or the interior side yard setbacks. The front yard is also a logical location for the garage to allow for vehicle access from the existing driveway.

Between the front lot line and the travelled portion of a road, there is a mature hedge which provides a visual buffer between the proposed location of the garage and the road. The proposed detached garage complies with the maximum height for accessory structures and the minimum front yard setback and will not result in impacts to traffic, road maintenance, or sightlines. There are several properties along Campbell Beach Road that have garages in the front yard, including the neighbouring property to the northeast, so the proposal is in keeping with the existing built form.

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.”

**Building and Septic Division (Septic):** “A sewage system installation report has been located for the property. The report indicates that the sewage system is located in roadside yard of the property which will be the same yard as the garage. The site plan indicates that the placement of the garage will not encroach onto the sewage system and the clearance distances to the components can be maintained. This was confirmed with the sewage system report. Additionally, the garage will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division have no issue with the minor variance proposal 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

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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca

**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2025-021

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

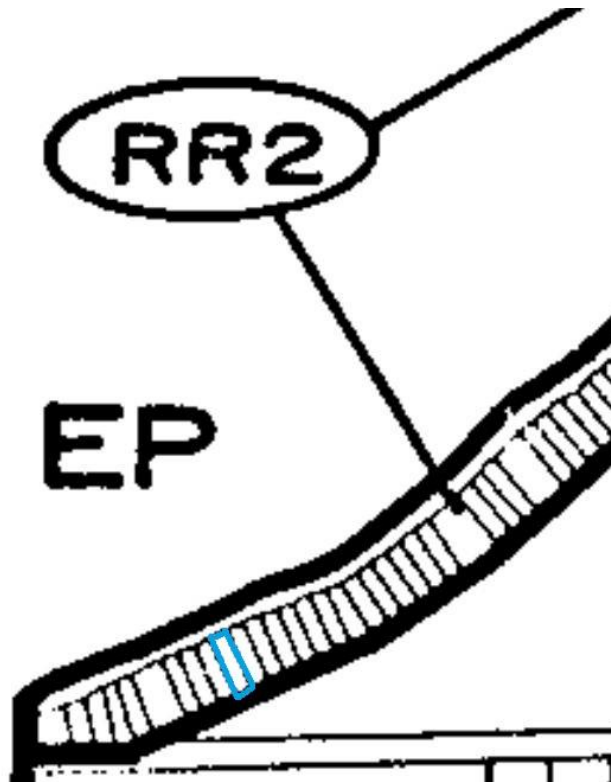
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#### **City of Kawartha Lakes Official Plan**



#### **20. Waterfront Designation**

## Township of Carden Zoning By-law 79-2



### Section 4 Rural Residential Type Two (RR2) Zone

#### 4.1 RR2 Uses Permitted

#### 4.2 RR2 Zone Provisions

### Section 14 General Provisions

#### 14.1 Accessory Buildings, Structures and Uses

##### b) Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

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 flanking 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. Where the rear lot line is a shore lot line, article 14.21 a. shall apply.

##### 14.21 Water Setback Requirement

a. Unless otherwise provided herein the minimum water setback which shall apply to all zones shall be 20 metres from the normal high water mark.

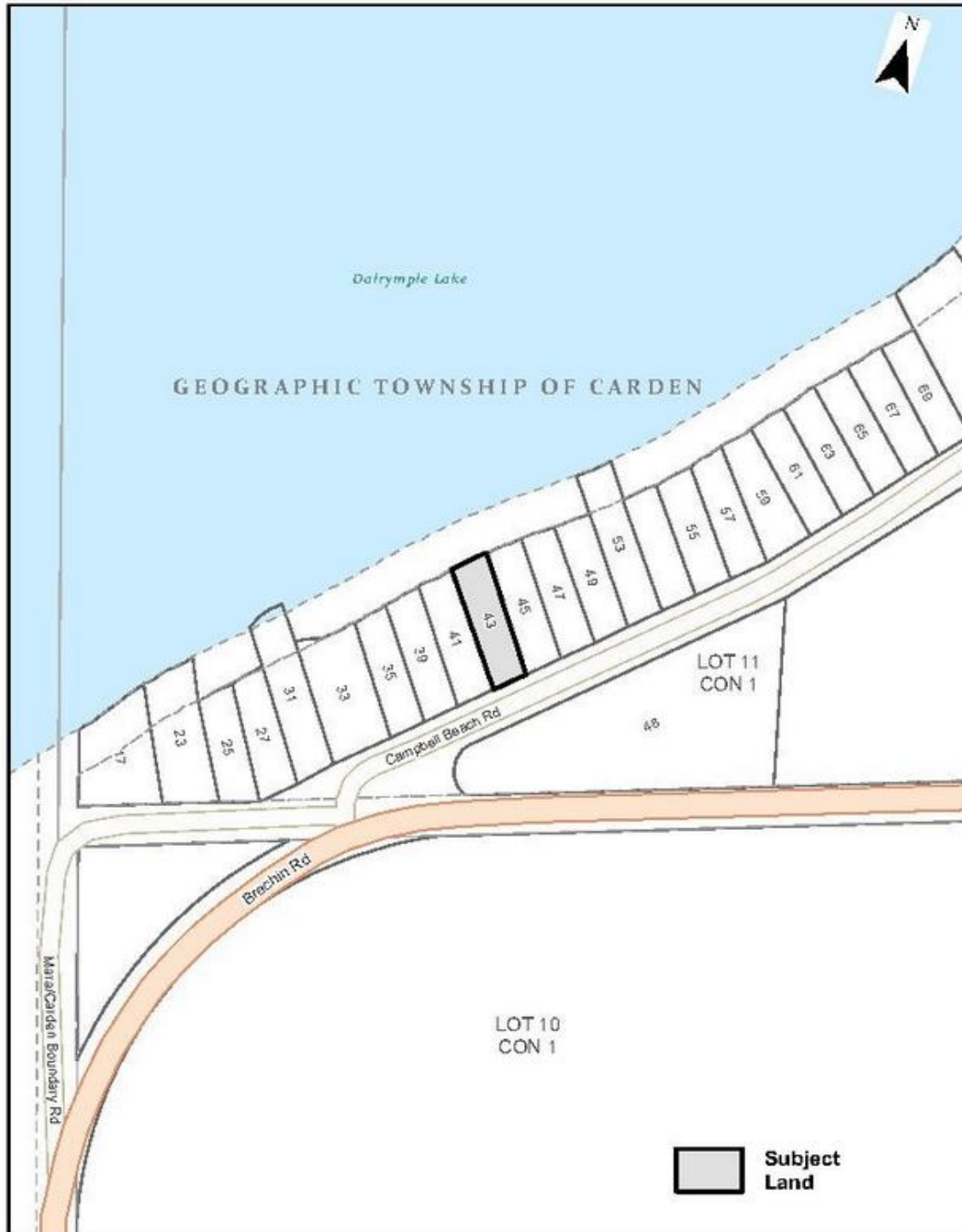
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REPORT COA2025-034

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**LOCATION MAP**

**D20-2025-021**





APPENDIX " B "

to

REPORT COA2025-034

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## AERIAL PHOTO



to

## APPLICANT'S SKETCH

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