

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Beer**

Report Number COA2025-062

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### **Public Meeting**

**Meeting Date:** June 26, 2024

**Time:** 1:00 pm

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

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### **Ward 1 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to facilitate raising and alteration of an existing boathouse.

#### **Relief sought:**

1. Section 3.1.2.2 of the Zoning By-law which requires a 1.2 metre side yard setback, the existing side yard setback of the boathouse is 0.8 metres and is to be maintained.

The variance is requested at **44 Hardwood Street, Fenelon** (File D20-2025-049).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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### **Recommendations**

**That** Report COA2025-062 – Beer, be received;

**That** minor variance application D20-2025-049 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 COA2025-062, 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 COA2025-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Raising and alteration of an existing boathouse.
Owners:	Douglas and Donna Beer
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 30, Concession 3
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	3,341.50 square metres (35,967.61 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Individual septic system and lake drawn water
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 situated on the shoreline of Balsam Lake with access from Hardwood Street. The neighbourhood is primarily characterised by single-detached dwellings and accessory structures including sheds, boathouses, and detached garages. The Municipal Property Assessment Corporation (MPAC) states that the majority of the built form within the neighbourhood was constructed in the later half of the 1900s, many having gone through various extents of renovations and additions since their construction.

The subject property currently contains a single detached dwelling, garage, and boathouse. The proposal seeks to facilitate raising the existing boathouse, which is to be elevated and modified through the infill of the existing boat slip and the construction of a foundation incorporating a marine railway. The boathouse is

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

currently slightly greater than 3 metres in height approximately and is proposed to be 4.5 metres when raised.

It is common for waterfront properties to contain boathouses, and in general it is deemed suitable for property owners to modify their properties with the aim of realizing the most optimal utilization. Moreover, based on MPAC, there seems to be a general trend of upgrading and renovating structures within the neighbourhood including the neighbouring property to the south which had undergone major additions to the two-storey boathouse.

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). The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designation permits single detached and vacation dwellings as well as buildings and structures accessory to these uses. 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.

Therefore, the variances are 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 (LSR) Zone under the Township of Fenelon Zoning By-Law 12-95. The LSR Zone permits low-density residential uses and accessory structures, including a boathouse. The proposal complies with all provisions of the Zoning By-law except the minimum interior side yard setback.

Section 3.1.2.2 of the Zoning By-law requires a 1.2 metre side yard setback. The existing side yard setback of the boathouse is 0.8 metres and is to be maintained. The intent of the interior side yard setback is to ensure there is sufficient space between buildings and structures on neighbouring properties, avoiding overcrowding and providing access for maintenance. For accessory structures specifically, it also helps minimize potential impacts on privacy, drainage, and to ensure adequate fire separation between buildings. The existing interior side yard setback is to be maintained, the footprint of the boathouse will remain unchanged, mitigating concerns regarding potential adverse impacts on overcrowding and drainage. Fire separation requirements are governed by the Ontario Building Code to ensure compliance with fire safety standards. The existing side yard will maintain a sufficient space for access and maintenance.

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:**

DS – Building and Septic (Septic): “A sewage system use permit was located for the property. The report indicates that the sewage system is located on the roadside of the single detached dwelling. The boathouse is located, and will remain, in the waterside yard of the dwelling. Clearance distances to the sewage system will be maintained from the proposed boathouse construction. Additionally, the boathouse will not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**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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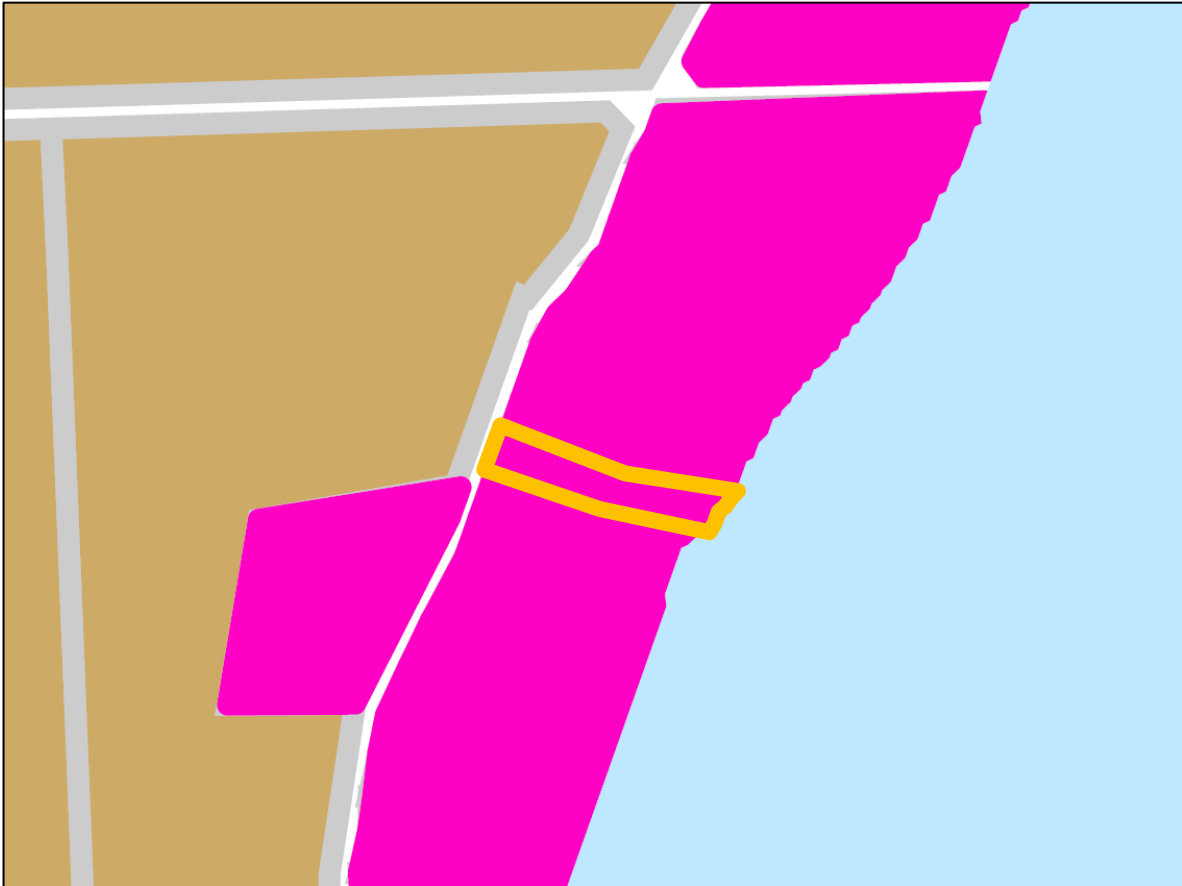
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2025-049

## Schedule 1

### Relevant Planning Policies and Provisions

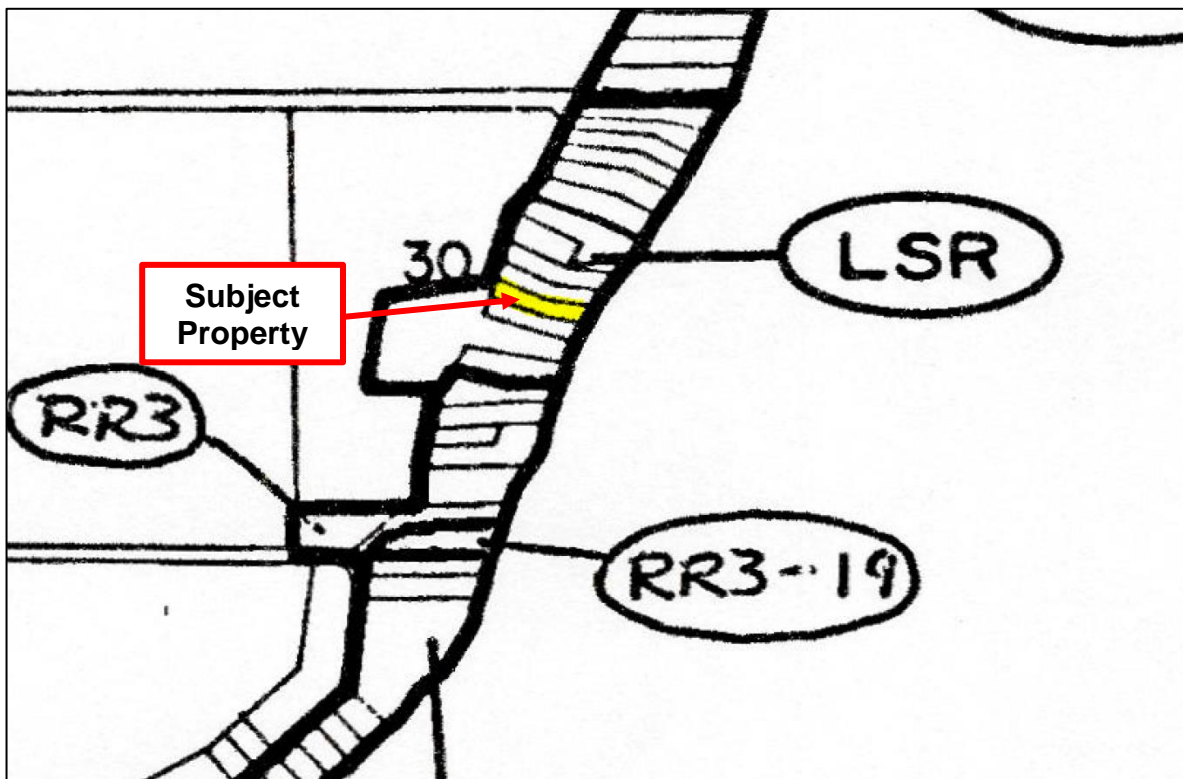
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#### City of Kawartha Lakes Official Plan



#### Section 15. Waterfront Designation

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



Section 3.1 Accessory Buildings, Structures and Uses  
Section 3.1.2 Location

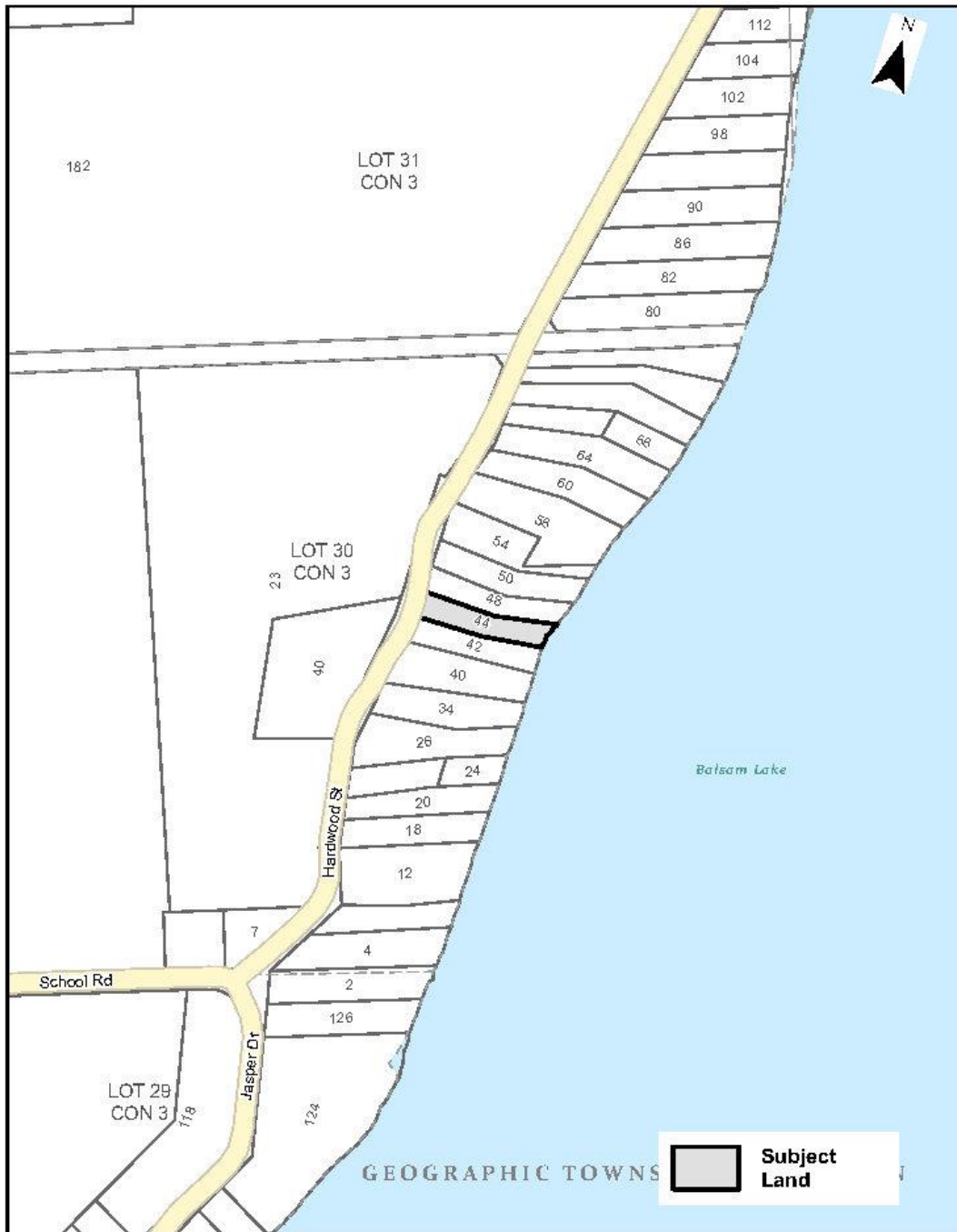
to

REPORT COA2025-062

FILE NO: D20-2025-049

**LOCATION MAP**

**D20-2025-049**



APPENDIX " B "

to

REPORT COA2025-062

FILE NO: D20-2025-049

**AERIAL PHOTO (2023)**





N78°26'40"E

63.50

LIMIT OF KRCA REGULATED AREA

BREAK LINE

10% SLOPE

BOTTOM OF SLOPE

CONCRETE WALL

WATER'S EDGE

32.8±

BALSAM LAKE  
NORMAL SUMMER LEVEL = 256.20m  
FLOOD LEVEL = 256.50m

ONE STOREY BRICK DWELLING (No. 44)

RAISED DECK

16.4

16.00 CONCRETE WALK

DECK

16.92

RAISED DECK

HEDGE

62.26

0.8 m

PROPOSED MARINE RAILWAY

EXISTING BOATHOUSE TO BE LIFTED AND WETSLIP FILLED IN

CONCRETE

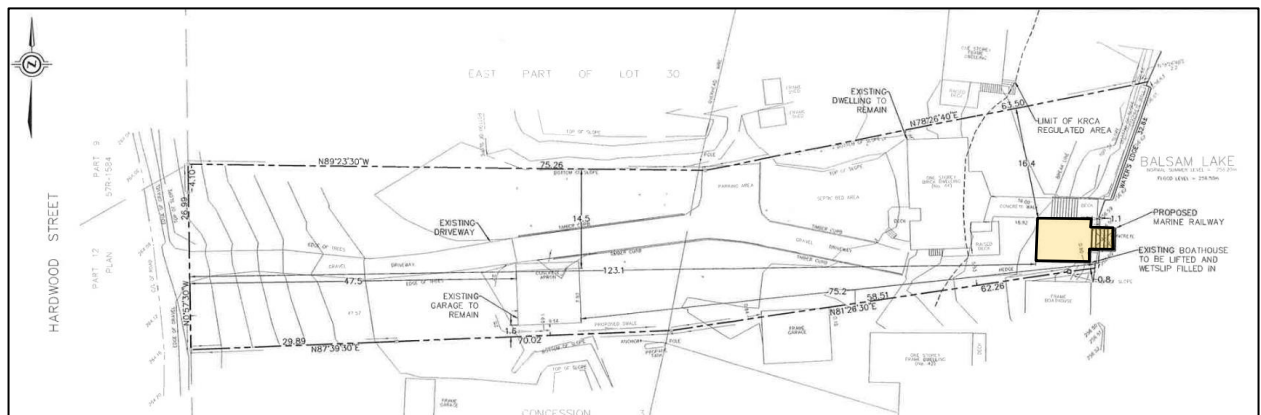
1.1

256.59

256.62

256.61

256.63



*FULL SITE PLAN*