

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Byers
Report Number COA2025-065

Public Meeting

Meeting Date: June 26, 2025
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to recognize three existing accessory structures.

Relief sought:

1. Section 5.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the front yard setback of the shed is 2.4 metres and the front yard setback of the play house is 7.3 metres;
2. Section 18.1.2 a) of the Zoning By-law provides that accessory structures are permitted in the interior side or rear yard; the shed, play house, and cabin are located in the front yard;
3. Section 18.1.3 c) of the Zoning By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposal is for 4 accessory structures to remain on the property; and,
4. Section 18.1.6 a) of the Zoning By-law provides that a cabin is permitted provided the lot complies with the minimum lot area and frontage requirements; as per Section 5.2 b) ii) of the Zoning By-law the minimum frontage is 30 metres and the subject property has 21.3 metres of frontage.

The variance is requested at **38 Kozy Kove Road** (File D20-2025-052).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2025-065 – Byers, be received;

That minor variance application D20-2025-052 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2025-065, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** approval shall be in effect a period of eight (8) 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 COA2025-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of three existing accessory structures.
Owners:	Shawn Byers
Applicant:	Owner
Legal Description:	Part Lot 15, Concession 4 (being Lot 27 on Plan 399)
Official Plan ¹ :	Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential Floodplain (LSR (F)) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	1,903 square metres (20,483.72 square feet)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

¹ See Schedule 1

² See Schedule 1

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 the Burnt River, with access from Kozy Kove Road. The area is primarily characterized by single detached dwellings and assorted accessory structures, mainly for seasonal residential use (according to the Municipal Property Assessment Corporation).

The subject property currently contains a detached garage, cabin, playhouse, two sheds, and an outhouse. The proposal seeks to facilitate the recognition of three existing accessory structures, being a cabin, playhouse, and one of the sheds. The remaining shed and outhouse are being removed. A new single detached dwelling is also proposed, but does not require relief from the Zoning By-law.

The application does not alter the property's use or conflict with surrounding land uses and built form. Considering the seasonal nature of the area, the proposed accessory structures are typical and support the reasonable use of the property. On seasonal properties, structures such as cabins and playhouses are commonly used to enhance recreational enjoyment, accommodate guests, and provide flexible use of outdoor space during peak seasonal months. These types of structures are consistent with the character and function of the area.

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 property is designated Environmental Protection under the City of Kawartha Lakes Official Plan (2012).

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.

Performance and siting criteria are 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 Limited Service Residential Floodplain (LSR (F)) Zone under Township of Somerville Zoning By-Law 78-45. The floodplain provision identifies properties that may be susceptible to flooding during a Regulatory Flood. Regulatory Flood is based on lands that would be flooded as a result of a storm event equivalent to the Timmins Storm of 1961. The Zoning By-law provides information on the expected level of flooding, as well as provisions for floodproofing buildings and structures. The application seeks relief from the minimum front yard

setback, location of accessory structures, number of accessory structures, and the minimum lot area and frontage required for a cabin.

Section 5.2 c) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the front yard setback of the shed is 2.4 metres and the front yard setback of the play house is 7.3 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the road and to maintain features such as the character of the streetscape. The provision aims to ensure the property is cohesive with surrounding properties and area.

Additionally, Section 18.1.2 a) of the Zoning By-law provides that accessory structures are permitted in the interior side or rear yard; the shed, play house, and cabin are 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. Requiring accessory structures to be located within the interior side or rear yard serves to maintain ample amenity space in the front yard, as well as ensures the property is cohesive with surrounding properties and area.

The existing accessory structures being situated in the front yard avoids non-compliance with the water setback. It is common for property owners to site accessory structures in the front yard in order to avoid the minimum water setback and to preserve amenity space closer to the water. Furthermore, the accessory structures are located directly behind an existing hedge, which provides visual screening when viewing the property from the street. Additionally, it is evident through aerial imagery that accessory structures being situated in the front yard is generally common along Kozy Kove Road.

Section 18.1.3 c) of the Zoning By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposal is for 4 accessory structures to remain on the property. The intent of limiting the number of accessory structures is to prevent overdevelopment of a lot, maintain open space, minimize visual clutter, and ensure that accessory uses remain subordinate to the primary use of the property.

To reduce visual clutter, the owner is removing two existing accessory structures (outhouse and one shed). Additionally, the remaining structures share a consistent built form, contributing to a cohesive visual appearance in the front yard. Adequate open space is maintained at the rear of the property, and overall lot coverage remains within the permitted limits.

Section 18.1.6 a) of the Zoning By-law provides that a cabin is permitted provided the lot complies with the minimum lot area and frontage requirements; as per Section 5.2 b) ii) of the Zoning By-law the minimum frontage is 30 metres and the subject property has 21.3 metres of frontage. The intention of this provision is to ensure properties have sufficient space to support an additional accessory structure without causing overcrowding or negatively impacting the surrounding environment.

The variance avoids overcrowding as it complies with the total permitted lot coverage and accessory structure lot coverage. As no new structure is being proposed as part of the application, there are no anticipated impacts to drainage. Furthermore, although the lot is undersized it is in keeping with the surrounding lot fabric.

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 right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

The application was initially submitted with the intent to relocate the subject accessory structures to the rear yard. Following discussions with neighbouring property owners, the decision was made to retain the structures in their current location to the satisfaction of the owner's neighbours and maintain appropriate separation from the septic system and shoreline.

No other alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

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

Public Comments:

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

Attachments

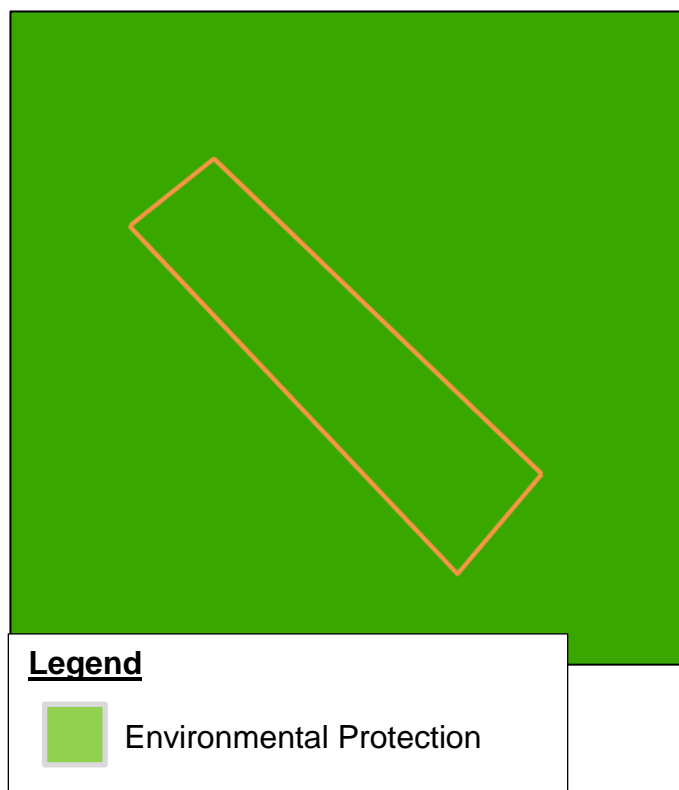
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-052

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



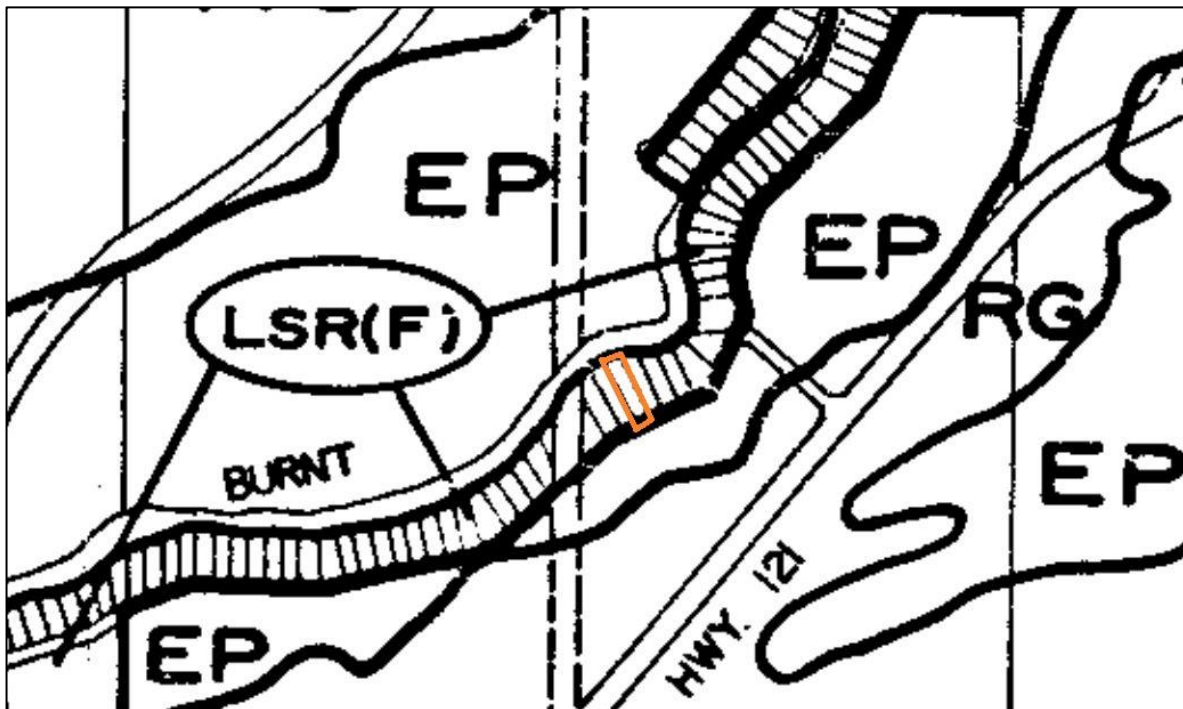
Section 17. Environmental Protection Designation

34. Development Control

34.1. Existing Uses

Nothing in this 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.

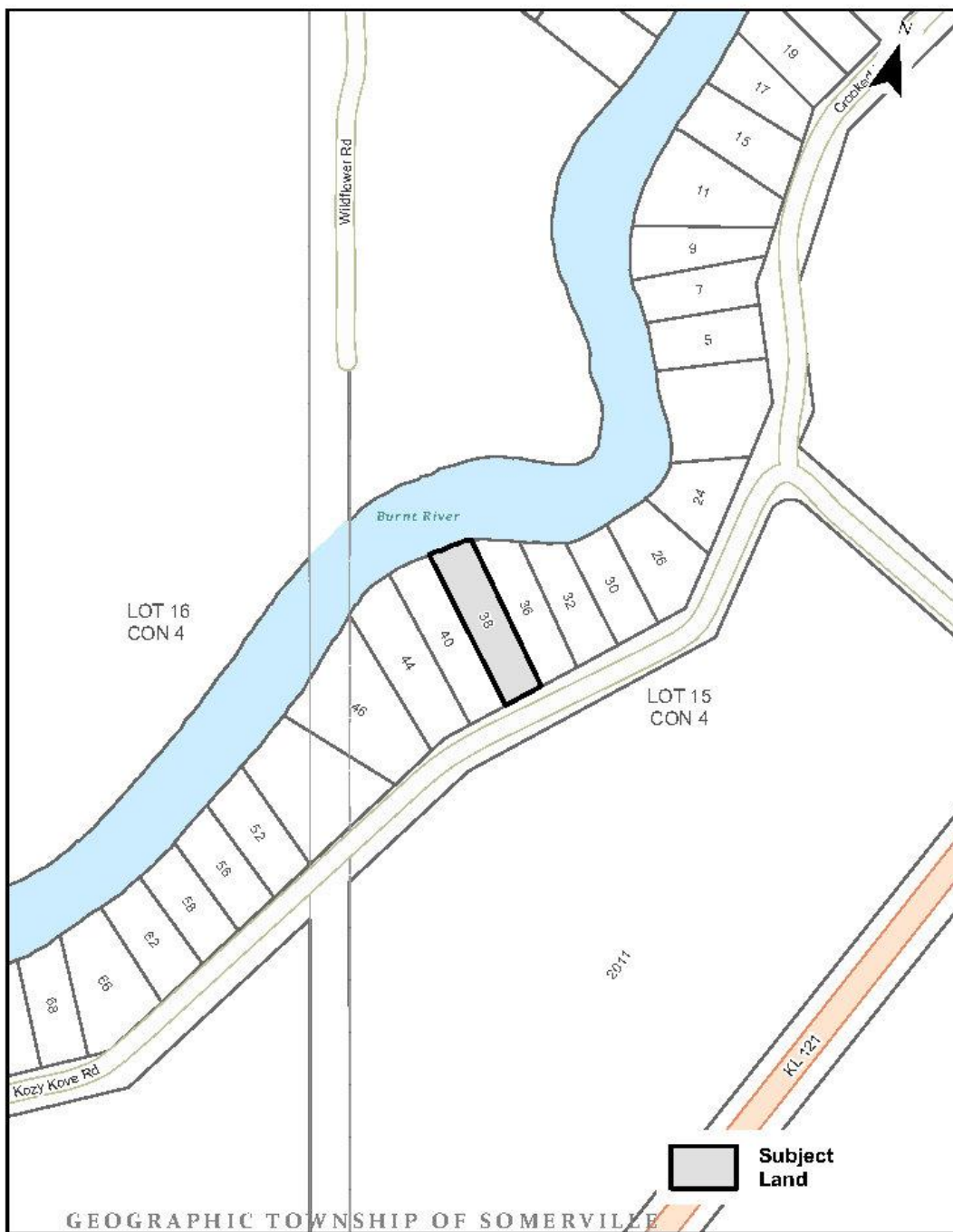
Township of Somerville Zoning By-Law 78-45



Section 5. Limited Service Residential (LSR) Zone

Section 18. General Provisions

D20-2025-052



APPENDIX " B "

to

REPORT COA2025-065

FILE NO: D20-2025-052

AERIAL PHOTO (2023)



