

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Jeevanesan

Report Number COA2025-081

Public Meeting

Meeting Date: August 28, 2025

Time: 1:00 pm

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

Ward 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to facilitate the recognition of an existing covered front patio and planter boxes

Relief sought:

1. Section 4.10.3.c) i) of the Zoning By-law requires a 12 metre minimum front yard setback; the existing front yard setback is 3.03 metres from the covered patio and 0.90 metres from the planter boxes
2. Section 4.10.3.e) of the Zoning By-law requires a 22 metre minimum setback from the street centreline; the existing street centreline setback is 13.56 metres from the covered patio and 11.46 metres from the planter boxes.

The variance is requested at **102 Lindsay Street** (File D20-2025-041).

Author: Violeta Manastirliu, Summer Student Planner

Signature: 

Recommendations

That Report COA2025-081 – Jeevanesan, be received;

That minor variance application D20-2025-041 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

COA2025-081, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** this 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 COA2025-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To recognize an existing covered front patio and planter boxes
Owners:	Sinnathural Jeevanesan
Applicant:	Mayu Balasubramaniam
Legal Description:	Lot 74 on Plan 11 West Side of Lindsay Street
Official Plan ¹ :	Commercial (Fenelon Fall Secondary Plan, 2015)
Zone ² :	District Commercial (C2) (Village of Fenelon Falls Zoning By-law 89-25)
Site Size:	2,033.61 m ² (21,889.6 sq ft)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Commercial
Adjacent Uses:	Commercial and 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 Commercial area located on the western side of the Former Village of Fenelon Falls. The property is rectangular in

¹ See Schedule 1

² See Schedule 1

shape and currently contains a one-storey restaurant constructed in 1965 (According to Municipal Property Assessment Corporation).

The purpose of the application is to recognize an existing covered front patio and planter boxes. The covered patio provides outdoor dining space for customers of the restaurant. It is located at the front of the building, which is ideal for accessibility for both staff and customers. Additionally, the planter boxes improve the overall aesthetic of the property while also providing a physical buffer between the patio and the sidewalk.

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 Urban Settlement under the City of Kawartha Lakes Official Plan, 2012 and Commercial under the Fenelon Falls Secondary Plan, 2015. The Urban Settlement designation allows commercial uses and supports the improvement of infrastructure. The Commercial designation permits the use of a restaurant. Performance and siting criteria are implemented through the ZBL.

Section 31.4.3.5.6 b) of the Fenelon Falls Secondary Plan details the need for adequate buffering through the use of suitable screening materials. The existing planter boxes act as a buffer between Lindsay Street and the covered patio space.

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 property is zoned District Commercial (C2) Zone under the Village of Fenelon Falls Zoning By-law 89-25. An eating establishment is permitted within this zone. The development complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback and the minimum setback from the street centreline.

As per section 4.10.3.c) i) of the By-law, a minimum front yard setback of 12 metres is required. The existing setback is 3.03 metres from the covered patio and 0.90 metres from the planter boxes. Additionally, Section 4.10.3.e) of the By-law requires a minimum setback from the street centreline of 22 metres; the existing setback is 13.56 metres from the covered patio and 11.46 metres from the planter boxes. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape. The intent of the street centreline setback is to ensure that built form will be adequately set back from it in the event the municipality decided to take a road widening. The road allowance for Lindsay Street is currently approximately 20 metres wide. It is not anticipated that the covered patio and planter boxes will impact the function of the road right of way. If the municipality were to widen Lindsay Street at some point

in the future, the patio and planter boxes could be removed or reconfigured to facilitate the widening.

The existing covered patio and planter boxes do not encroach onto or obstruct the sidewalk, allowing pedestrians to use the sidewalk safely. Additionally, there is sufficient parking in the side and back yard of the lot. Furthermore, automobile access to the property is not affected or hindered by the patio and planter boxes. The planter boxes act as a buffer between the sidewalk and the covered patio to create separation between public and private areas, as well as to avoid passerby's from entering into the restaurant area.

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:

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

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2025-041

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



 Urban Settlement Area

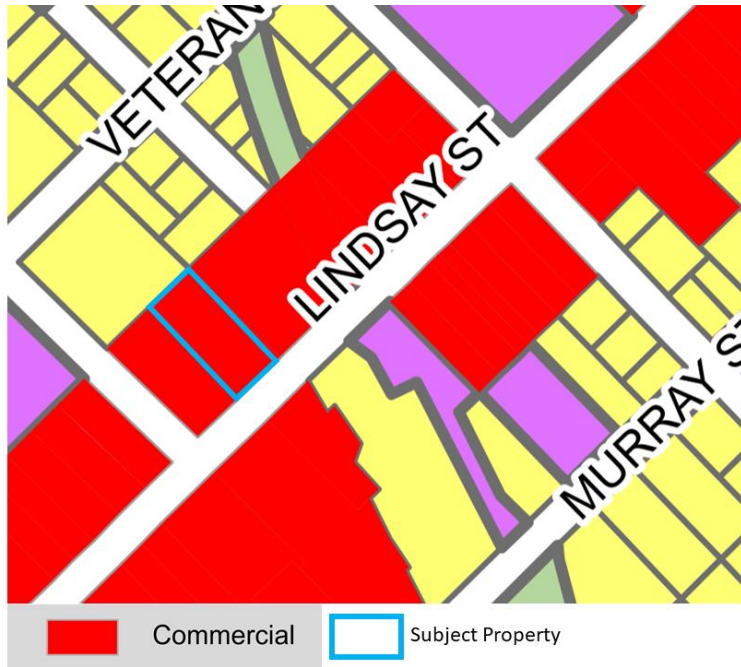
 Subject Property

Section 18. Urban Settlement Designation

18.1.3. Goals

To manage growth through efficient land use and development that supports strong, liveable and healthy communities, protects the environment and public health and safety and facilitates economic growth.

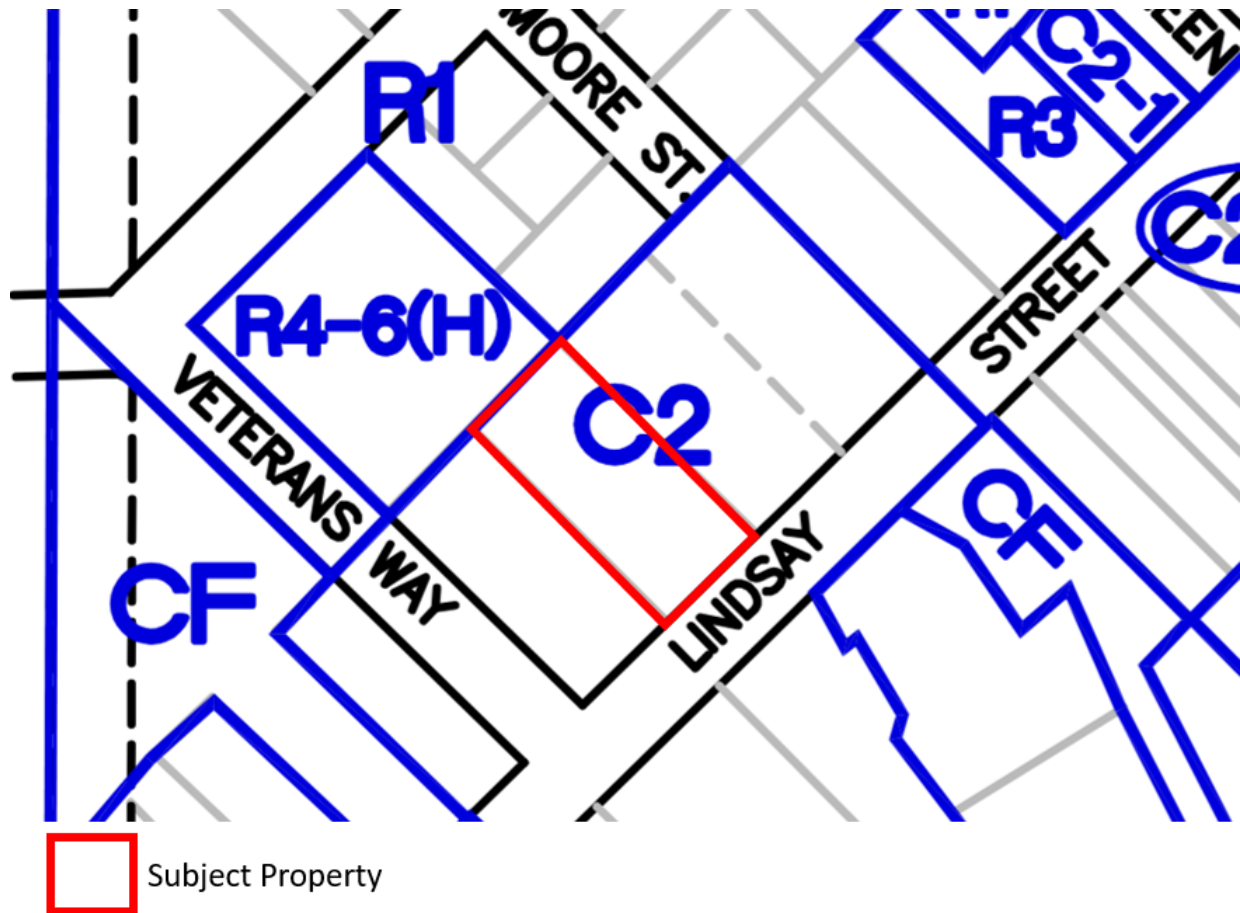
Fenelon Falls Secondary Plan



31.4.3.5 Commercial

31.4.3.5.2 Commercial uses which primarily serve vehicular traffic, the travelling public and which rely heavily upon such traffic for their economic existence shall be located on CKL Roads or arterial roads. These uses include automobile service station, public garages, motel, hotel, auction barn, laundromat, restaurant, places of assembly, building supply outlets, drive-through facilities, recreational uses, retail establishments that carry basically one line of goods of a non-perishable nature that requires a large area for storage and delivery being uses such as home furnishings stores, motor vehicle and marine sales and service, and existing tourism commercial establishments.

Village of Fenelon Falls Zoning By-law 89-25



Section 4.10 District Commercial (C2) Zone

Section 4.10 3. Regulations for Non-Residential Uses Exclusive of Retail Gasoline Establishments

- c) Minimum yard requirements
 - i) Front yard 12 m
- e) Minimum setback from street centreline 22 m

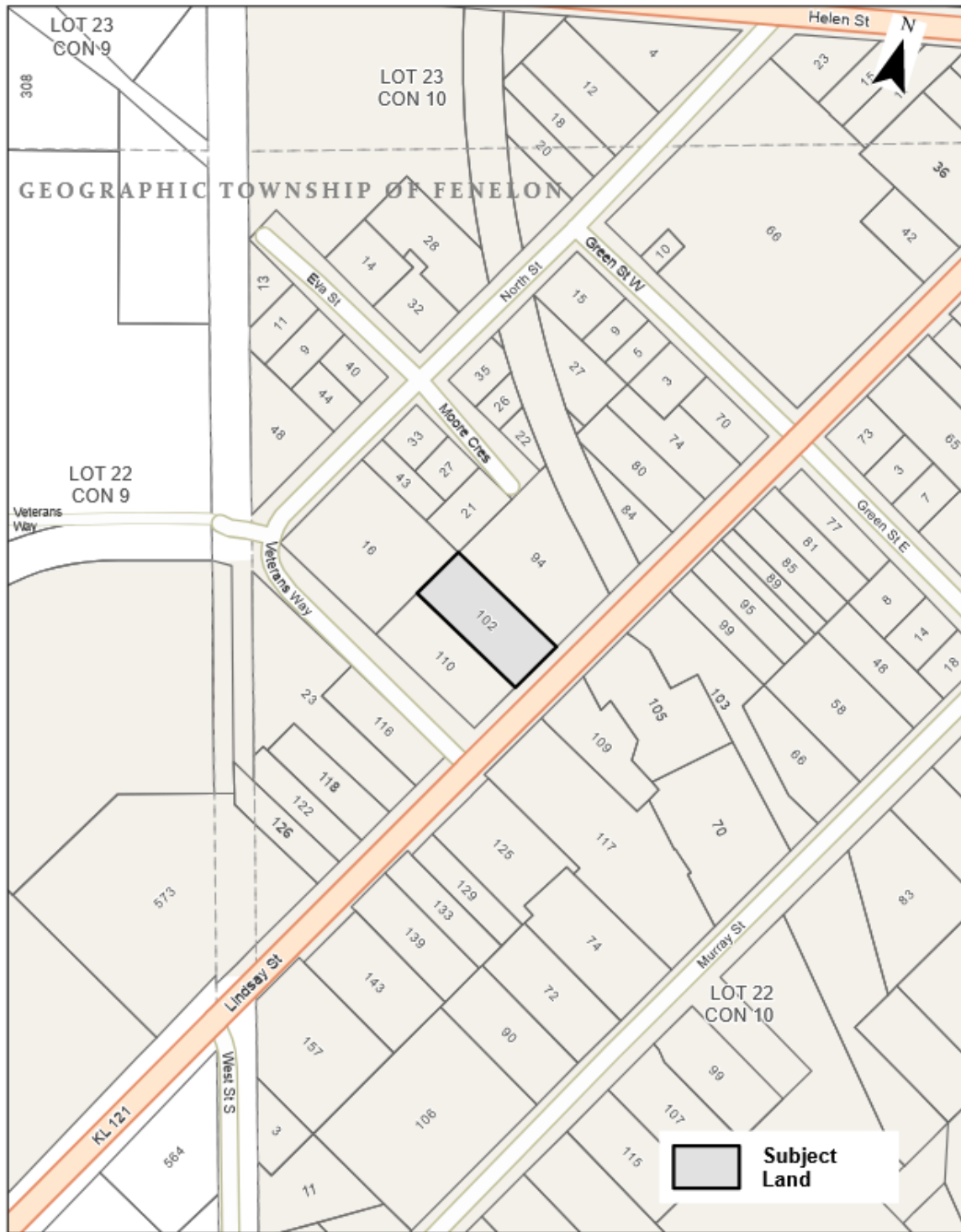
to

REPORT COA2025-081

FILE NO: D20-2025-041

LOCATION MAP

D20-2025-041



to

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AERIAL PHOTO



Subject Property

to

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APPLICANT'S SKETCH

