

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Kirton

Report Number COA2026-031

Public Meeting

Meeting Date: April 23, 2026

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 facilitate the construction of a front covered porch, lakeside sunroom and 2nd level deck above the proposed sunroom.

Relief sought:

1. Section 13.2.1.13.b.ii. of the Zoning By-law requires an interior side yard setback of 3 metres on one side and 2.3 metres on the opposite side, the setbacks remained unchanged at 2.84 metres (south) and 2.06 metres (north);
2. Section 13.2.1.3.e. of the Zoning By-law requires a 15 metre water setback, the proposed setback is 7.62 metres (proposed sunroom and sunroom roof deck); and,
3. Section 13.2.1.4. of the Zoning By-law permits a maximum 30% lot coverage, the proposed lot coverage is 31%.

The variance is requested at **8 Oriole Road** (File D20-2026-032).

Author: Ahmad Shahid, Planner II

Signature: 

Recommendations

That Report COA2026-031 – Kirton, be received;

That minor variance application D20-2026-032 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 COA2026-031, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** this approval shall be in effect for a period of twenty-four (24) months after the date of the Notice of Decision, after which the approval shall lapse, and this application shall be deemed to have been annulled and rescinded by the Committee.

This approval pertains to the application as described in report COA2026-031. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a front covered porch, lakeside sunroom and 2 nd level deck above the proposed sunroom.
Owners:	Grace and Todd Kirton
Applicant:	Ryan Hayter
Legal Description:	Part Lot 23, Concession 9 (being Lot 49 on Plan 190)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan ² :	Residential, Intake Protection Zone (Fenelon Falls Secondary Plan, 2023)
Zone ³ :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	485.62 square metres (5,227.17 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Lake drawn water and private holding tank
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 Cameron Lake with access from Oriole Road. According to the Municipal Property Assessment Corporation

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

(MPAC), the surrounding area to the west is primarily low-density residential land uses in the form of single detached dwellings, while towards the east is a mix of low-density residential and commercial land uses.

The subject property currently contains a two-storey single detached dwelling with lakeside deck, and a detached garage. The proposal seeks to facilitate the construction of a front covered porch, lakeside sunroom and 2nd level deck above the proposed sunroom. There is an existing deck and 2nd level cantilever balcony, which will be replaced by the proposed development.

It is deemed suitable for property owners to modify their properties with the aim of realizing the most optimal utilization. Moreover, based on MPAC, many structures in the surrounding area have gone through upgrades and renovations since their original construction.

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. As such, single detached dwellings and accessory uses are permitted within the designation.

The Fenelon Falls Secondary Plan provides more specific policies for the former Village of Fenelon Falls. Under the Secondary Plan, the property is designated Residential Intake Protection Zone, and within an Environmental Impact Study (EIS) area. The Residential designation under the Secondary Plan allows for low-density residential uses and related accessory structures.

Regarding Intake Protection Zones, the applicant is required to apply for a Section 59 Notice from KRCA to ensure that proposed land uses and activities within vulnerable areas are reviewed to determine whether they could pose a risk to drinking water sources. With respect to the EIS, as per the Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS. Staff feel it is reasonable to not require a study and that the proposal is in keeping with the general intent and purpose of the Secondary Plan.

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 Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3 Zone permits various uses including a single detached dwelling and related accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the water setback, interior side yard setback, and lot coverage.

Section 13.2.1.13.b.ii. of the Zoning By-law requires an interior side yard setback of 3 metres on one side and 2.3 metres on the opposite side, the setbacks remain unchanged at 2.84 metres (south) and 2.06 metres (north). The intention of this provision is to ensure there is sufficient space between structures on neighbouring properties, avoiding overcrowding, maintaining privacy, and a space for maintenance and access. The proposed development does not further encroach into any of the existing deficient side yards. The existing space present for access and maintenance is not expected to be impacted, and privacy is maintained by the existing hedge along the side lot lines between the neighbouring properties.

Section 13.2.1.3.e. of the Zoning By-law requires a 15 metre water setback, the proposed setback is 7.62 metres (proposed sunroom and sunroom roof deck). The intent of this provision is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The proposed development does not bring built form closer to the shoreline. No changes or impacts to the shoreline are anticipated. The application is not seeking a greater deficiency from the existing non-complying water setback.

Section 13.2.1.4. of the Zoning By-law permits a maximum 30% lot coverage, the proposed lot coverage is 31%. The intention of regulating lot coverage is to maintain a balance between built form and open space, ensuring there is area for greenspace, landscaping, and other open space amenities. Furthermore, limiting lot coverage prevents overcrowding, contributing to a more aesthetically pleasing environment. The proposed development does not further exacerbate the existing exceeding lot coverage and is limited to the rear yard. The proposed front coverage porch does not substantially change the view of the property from the road.

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

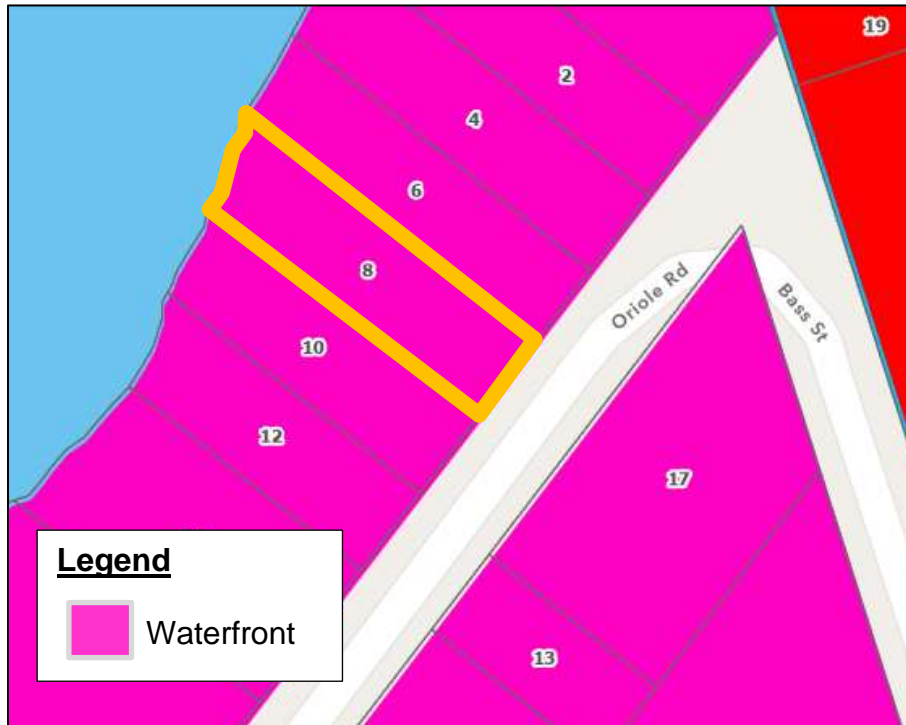
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2026-032

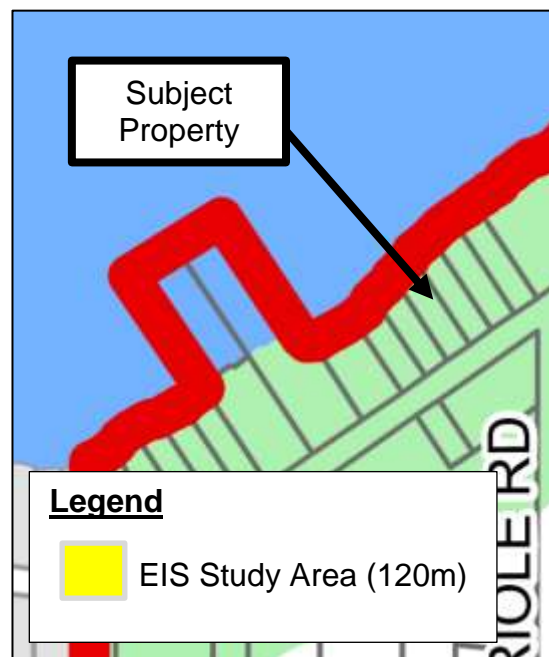
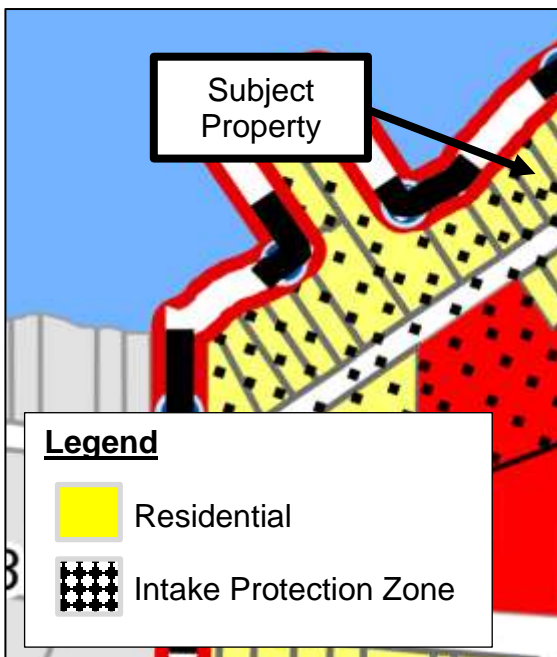
Schedule 1

Relevant Planning Policies and Provisions

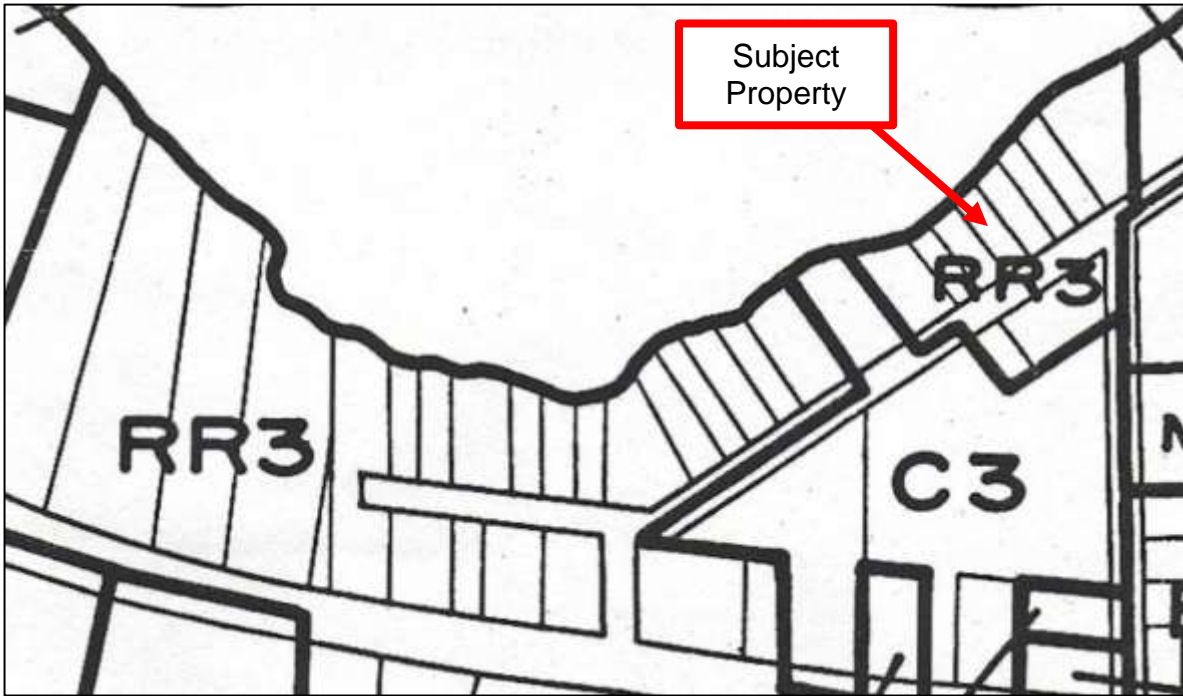
City of Kawartha Lakes Official Plan



Fenelon Falls Secondary Plan



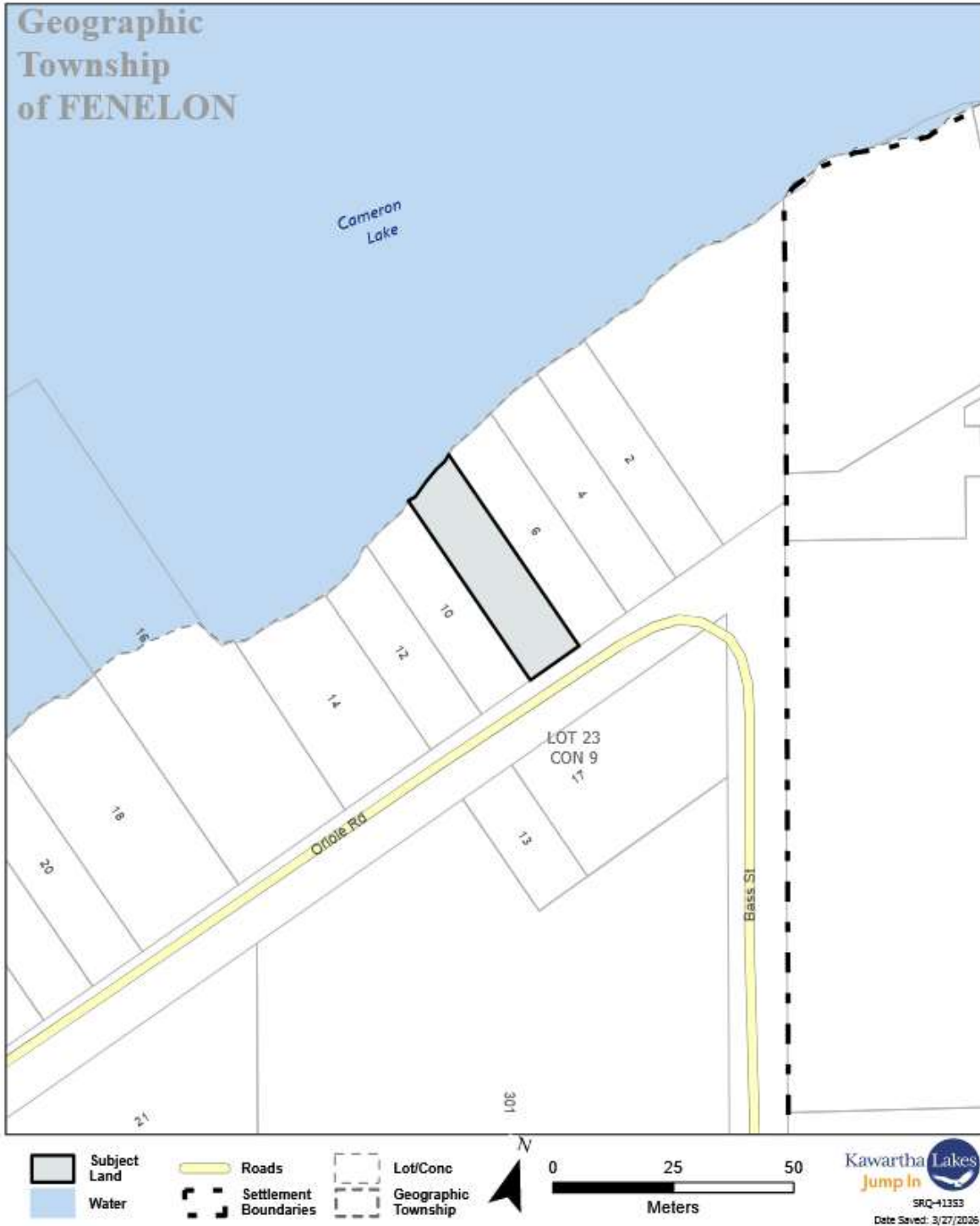
Township of Fenelon Zoning By-law 12-95



Part 13 - Rural Residential Type Three (RR3) Zone

Location Map

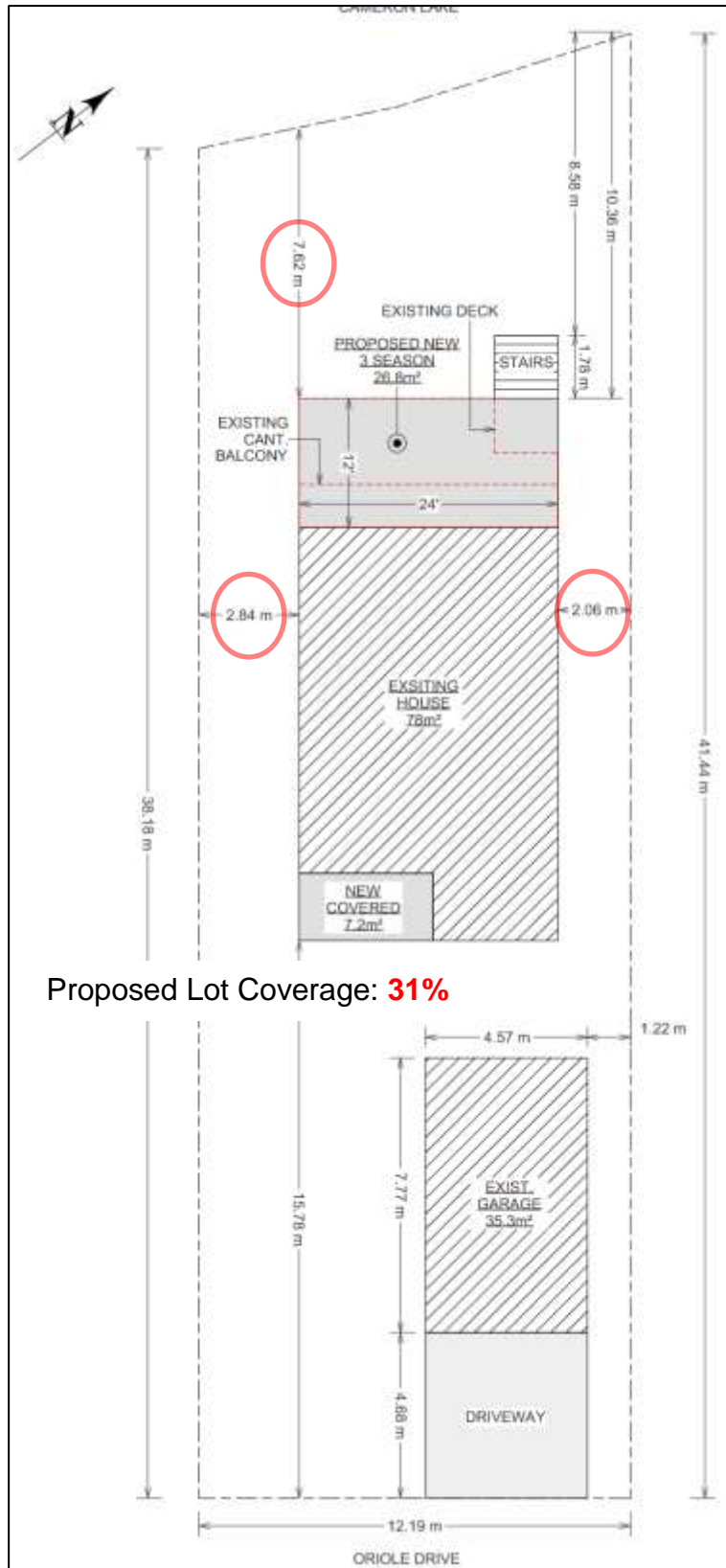
D20-2026-032



Aerial Photo (2023)



Applicant's Sketch



Proposed Lot Coverage: **31%**