

# The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Small

Report Number COA2026-038

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## Public Meeting

**Meeting Date:** April 23, 2026

**Time:** 1:00 pm

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

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## Ward 3 – Geographic Township of Fenelon

**Subject:** The purpose and effect is to facilitate the construction of a roof cover on a portion of the existing deck.

### Relief sought:

1. Section 3.18.1.1.1 of the Zoning By-law requires a minimum 15 metre setback from an Environmental Protection (EP) Zone, the Burnt River is zoned EP Zone and the proposed setback is 7.92 metres; and,
2. Section 13.2.1.3.e. of the Zoning By-law requires a minimum 15 metre water setback, the proposed setback is 7.92 metres.

The variance is requested at **282 Moorings Drive** (File D20-2026-039).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



## Recommendations

**That** Report COA2026-038 – Small, be received;

**That** minor variance application D20-2026-039 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 COA2026-038, 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and this application shall be deemed to have been annulled and rescinded by the Committee.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 COA2026-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a roof cover on a portion of the existing deck.
Owners:	Jamie Small
Applicant:	Owner
Legal Description:	Part Lot 32, Concession 10
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	728 square metres (7,836.13 square feet)
Site Access:	Year-round maintained
Site Servicing:	Private individual septic system and no potable 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 the Burnt River, with access from Moorings Drive (year-round maintained). According to the Municipal Property Assessment Corporation (MPAC), the surrounding area is comprised of seasonal residential uses, with built form consisting of single-detached dwellings and assorted accessory structures.

The property currently contains a single detached dwelling (constructed in 1966) with lakeside deck, and detached garage. The proposal seeks to facilitate the construction of a roof cover on a portion of the existing deck.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The proposed structure does not change the use of the land and aligns with one would typically see on a low-density residential property.

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, dwellings and accessory uses are permitted within the designation.

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. Through the establishment of a water setback, a buffer is created between the built form and a waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The application does not change the existing land use, maintains a low profile and preserves the existing shoreline. Moreover, the proposed development does not bring built form any closer to the shoreline than what already exists today.

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 Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3 Zone permits various uses including but not limited to 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 and required setback from an Environmental Protection (EP) Zone.

Section 3.18.1.1.1 of the Zoning By-law requires a minimum 15 metre setback from an Environmental Protection (EP) Zone, the Burnt River is zoned EP Zone and the proposed setback is 7.92 metres. Section 13.2.1.3.e. of the Zoning By-law requires a minimum 15 metre water setback, the proposed setback is 7.92 metres.

The intent of a minimum required setback from an EP Zone is to provide a buffer that protects environmentally sensitive lands from potential impacts associated with adjacent development. Similarly, the intent of the minimum water setback is to protect built form from natural hazards, and to protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. In this case, both provisions intend to establish a buffer between built form and the Burnt River.

The proposed deck roof cover does not bring built form closer to the shoreline, nor does it introduce any habitable space. No changes or impacts to the existing shoreline conditions are anticipated. The application is not seeking a greater deficiency from the existing non-complying water setback.

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

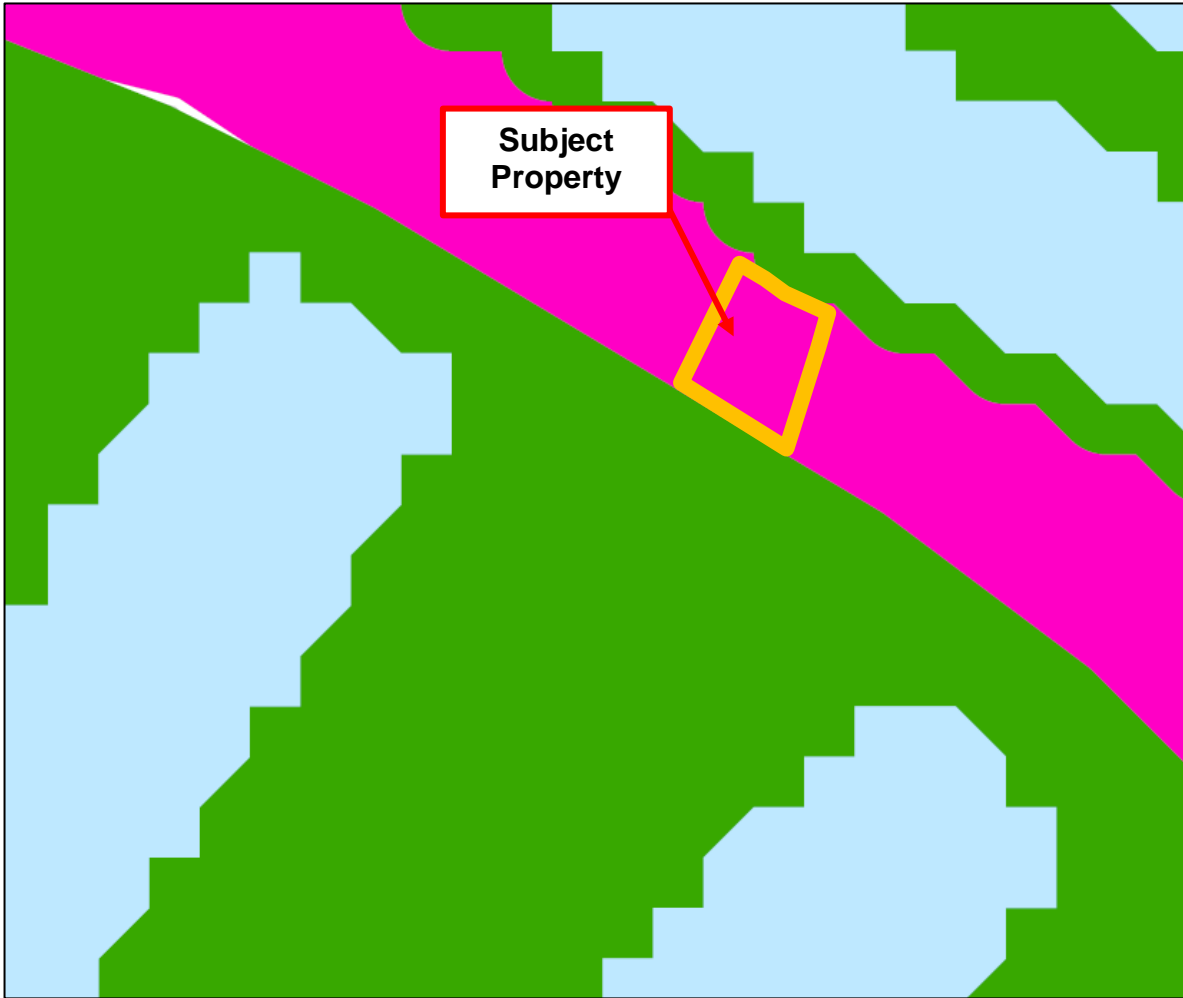
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**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2026-039

## Schedule 1 Relevant Planning Policies and Provisions

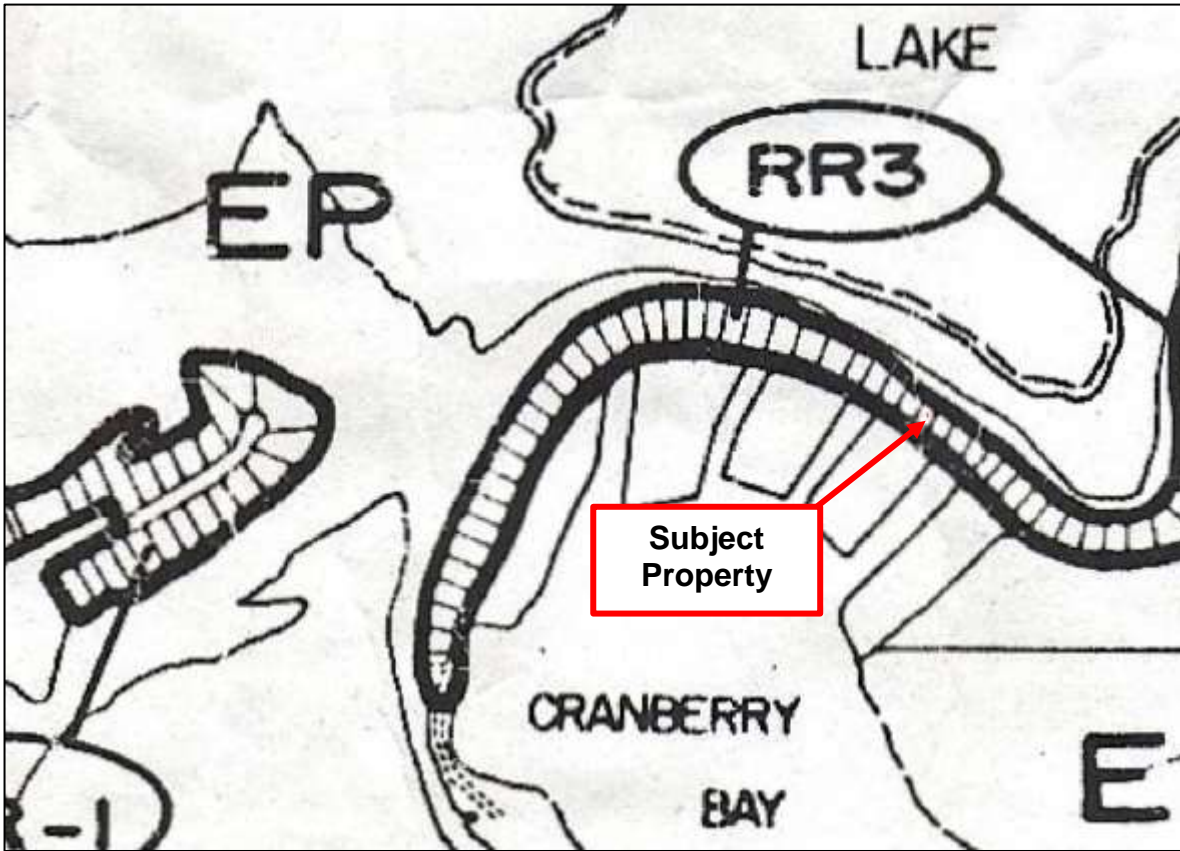
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### City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

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



**3.18 Special Setbacks or Restrictions**

**3.18.1 Environmental Protection Zone Setbacks and Restrictions**

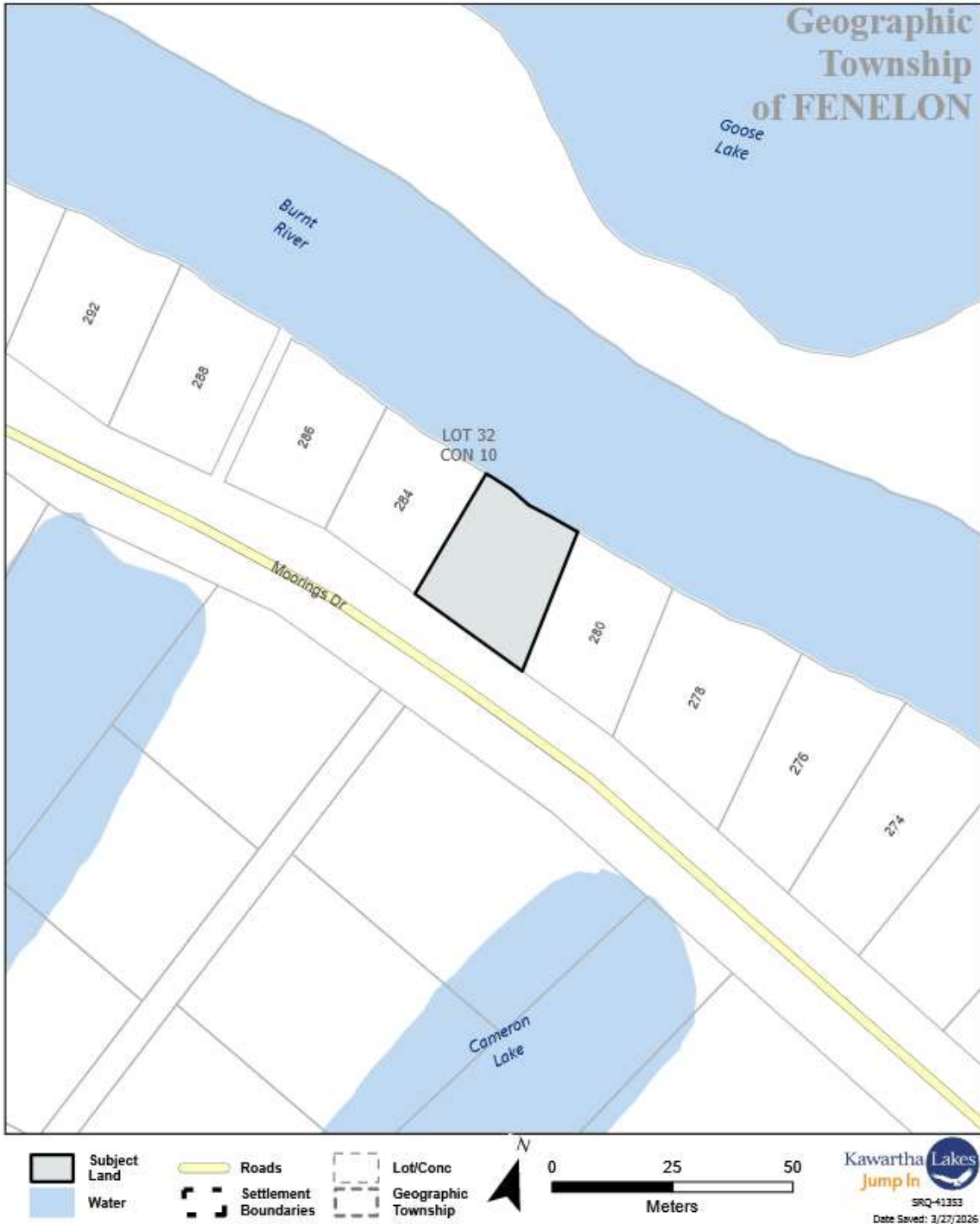
**Part 13 – Rural Residential Type Three (RR3) Zone**

**13.2.1.3 Yard Requirements (min.)**

**(e) Water Setback**

# Location Map

## D20-2026-039



**Aerial Photo (2023)**



### Applicant's Sketch

