

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2024-03**

**Thursday, March 28, 2024**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Councillor Emmett Yeo**

**Betty Archer**

**Gerald Erickson**

**Sandra Richardson**

**Lloyd Robertson**

**Stephen Strangway**

This Public Meeting will be held virtually with electronic public participation. To attend in person, seating is limited. You must reserve a seat with the Recording Secretary to be able to attend City Hall in person. Please email [cofa@kawarthalakes.ca](mailto:cofa@kawarthalakes.ca) to reserve your seat. If you have not received a confirmation email from the Planning Division, Recording Secretary that a seat has been reserved for you, you do not yet have a seat reserved for you.

To request to speak to public meeting reports on this agenda please email [cofa@kawarthalakes.ca](mailto:cofa@kawarthalakes.ca) and reference the report number in your email.

The general public and the media can view the Committee of Adjustment webcast through the City of Kawartha Lakes livestream at: [www.youtube.com/c/CityofKawarthaLakes](http://www.youtube.com/c/CityofKawarthaLakes).

**Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact [Agendaitems@kawarthalakes.ca](mailto:Agendaitems@kawarthalakes.ca) if you have an accessible accommodation request.**

1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.1.1	COA2024-03 March 28, 2024 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2024-02 February 22, 2024 Committee of Adjustment Minutes	6 - 21
3.	<b>New Applications</b>	
3.1	Minor Variances	
3.1.1	COA2024-021  Katherine Evans, Planner II File Number: D20-2024-011 Location: 22 and 24 Camp Street Part Lot 30, Concession 5 (being Part of Part 1 on Reference Plan 57R428) Geographic Township of Fenelon Owner: Christopher and Samuel Chiovitti Applicant: DC Planning Services Inc.	22 - 31
3.1.2	COA2024-022  Katherine Evans, Planner II File Number: D20-2024-012 Location: 653 Hickory Beach Road Part Lot 12 Concession 2 (being Part 1 on Reference Plan 57R6090) Geographic Township of Verulam Owners: Zbigniew and Edyta Filipczak Applicant: DC Planning Services Inc.	32 - 43

3.1.3	COA2024-023	44 - 53
	<p>Ahmad Shahid, Planner II  File Number: D20-2024-013  Location: 8 Kenver Street  Part Lot 13, Concession 7 (being Lot 2 of Plan 353)  Geographic Township of Emily  Owners: Steve and Kathy Brown  Applicant: TD Consulting Inc.</p>	
3.1.4	COA2024-024	54 - 63
	<p>Katherine Evans, Planner II  File Number: D20-2024-014  Location: 77 - 83 William Street North  Part Lot 6 North of Wellington Street and South of Bond Street, Town  Plan  Former Town of Lindsay  Owner: Muskoka D &amp; M Corp - Thomas Binczyk  Applicants: EcoVue Consulting Inc. - Aditya Srinivas and Kent Randall</p>	
3.1.5	COA2024-025	64 - 76
	<p>Ahmad Shahid, Planner II  File Number: D20-2024-015  Location: 79 Fell's Point Road  Part Lot 32 and Part Bed of Cameron Lake, Concession 11 (being Part 3  on RP 57R9366)  Geographic Township of Fenelon  Owners: Craig McGill and Kelly Smith  Applicant: TD Consulting Inc.</p>	
3.1.6	COA2024-026	77 - 85
	<p>Katherine Evans, Planner II  File Number: D20-2024-016  Location: Vacant Lot on Fisher Road  Lot 48 Plan 57M813  Former Town of Lindsay  Owner: 1000561448 Ontario Limited - Mark Milani  Applicant: Cayla Milani</p>	

3.1.7 COA2024-027 86 - 97

Ahmad Shahid, Planner II  
File Number: D20-2024-017  
Location: 11 Albert Street South  
Part of Park Lot 6, West of Albert Street, Town Plan  
Former Town of Lindsay  
Owner: David Nigh  
Applicant: David Nigh

3.1.8 COA2024-028 98 - 112

Katherine Evans, Planner II  
File Number: D20-2024-018  
Location: 80 Romany Ranch Road  
Part Lot 27, Concession 4 (being Lot 6 #182 on Plan 214)  
Geographic Township of Fenelon  
Owner: 1850874 Ontario Inc. - Chris Kapsalakis  
Applicant: Keji Planners and Builders - Joe McCool

3.1.9 COA2024-030 113 - 124

Ahmad Shahid, Planner II  
File Number: D20-2024-020  
Location: 3 Jackson Street  
Part of Lots 20 and 21, Plan 5 (being Part 1 on Reference Plan 9R2759)  
Geographic Township of Manvers  
Owner; Kelly and Sarah Palmer  
Applicant: Kelly Palmer

3.2 Consents

#### 4. **Deferred Applications**

4.1 Minor Variances

4.2 Consents

#### 5. **Other Business**

#### 6. **Correspondence**

#### 7. **Next Meeting**

The next meeting will be Thursday, April 25th at 1:00pm in Council Chambers, City Hall.



## 8. Adjournment

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2024-02**  
**Thursday, February 22, 2024**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett Yeo**  
**Betty Archer**  
**Gerald Erickson**  
**Sandra Richardson**  
**Lloyd Robertson**  
**Stephen Strangway**

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**To see the full proceedings of the public meeting, go to the City of Kawartha Lakes YouTube Channel.**

## 1. **Call to Order**

Chair Robertson called the meeting to order at 1:01 pm. Chair Robertson, Councillor Yeo and members S. Richardson, B. Archer and G. Erickson were in attendance in person.

Staff, K. Evans, Planner II, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and S. Murchison, Chief Building Official were in attendance in person.

Staff, L Barrie, Director of Development Services and A. Shahid, Planner II were in attendance via electronic participation.

Absent: Member S. Strangway.

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2024-02

February 22, 2024

Committee of Adjustment Agenda

**CA2024-016**

**Moved By** B. Archer

**Seconded By** G. Erickson

**That** the agenda for February 22, 2024 be approved.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2024-01

January 25, 2024

Committee of Adjustment Minutes

**CA2024-017**

**Moved By** G. Erickson

**Seconded By** S. Richardson

**That** the minutes of the previous meeting held January 25, 2024 be adopted as printed.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 COA2024-020**

Katherine Evans, Planner II  
 File Number: D20-2024-010  
 Location: 506 King's Wharf Road  
 Part Lot 9, Concession 13  
 Geographic Township of Emily  
 Owner: Troy and Emelda Coates  
 Applicant: TD Consulting Inc.

Ms. Evans summarized the memorandum previously distributed to the members stating that new information was presented after the writing of the report, which required further evaluation and recommended a deferral until such time as the application can return to the Committee.

TD Consulting Inc. Nick Fegan was present and spoke to the Committee.

The Committee made a motion on the deferral time.

There were no further questions from the Committee or other persons.

##### **CA2024-018**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** the application be deferred no later than two (2) months returning at the latest April 25, 2024 to allow the planning staff more time to review and evaluate new information.

**Carried**

##### **3.1.2 COA2024-011**

Ahmad Shahid, Planner II  
 File Number: D20-2024-001

Location: 112 Lindsay Street South  
 Lot 23E, Lindsay Street  
 Former Town of Lindsay  
 Owner: Anthony and Roger Crowder  
 Applicant: Duane Visneskie

Mr. Shahid summarized Report COA2024-011. The purpose and effect is to facilitate the removal of an existing detached garage and shed, and construction of a new detached garage. Relief sought: Section 12.2.h. of the Zoning By-law permits a maximum lot coverage of 30% for all structures and buildings. The proposed lot coverage is 34.9%. Section 5.2.b.i. of the Zoning By-law requires a 4-metre setback from the exterior side lot line. The proposed exterior side yard setback of the detached garage is 3.69 metres. Section 5.2.c. of the Zoning By-law permits a 10% maximum lot coverage for all accessory structures. The proposed accessory structure lot coverage is 19.1%.

Agency comments were received after the writing of the report from Engineering and Corporate Assets stating they have no objections to the application.

The Committee asked staff if there is a storage container on the property. Staff replied yes, the storage container is recognized as the shed. The shed and existing garage are being removed and replaced by a new detached garage.

The owner, Mr. Crowder was present in person.

The Committee asked the owner what would the new larger proposed garage be used for. Mr. Crowder replied that it would be used for personal storage and parking.

There were no further questions from the Committee or other persons.

**CA2024-019**

**Moved By** Councillor Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2024-001 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 COA2024-011 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 COA2024-011. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.3 COA2024-012

Katherine Evans, Planner II

File Number: D20-2024-002

Location: 124 Bond Street East

Part Lot 11 South Bond Street East and East Colborne Street, Plan 100

Former Village of Fenelon Falls

Owners: Nathanael Plamondon and Tynisha Forde

Applicant: Nathanael Plamondon

Ms. Evans summarized Report COA2024-012. The purpose and effect is to facilitate the recognition of an existing covered front porch addition. Relief sought: Section 4.3.2 c) i) of the By-law requires a minimum front yard setback of 7.6 metres; the existing setback is 6.1 metres; and, Section 4.3.2 f) of the By-law requires a minimum setback from the street centreline of 17.6 metres; the existing setback is 16.1 metres.

Agency comments were received from the Building and Septic Division, Plans Examiner stating that this is part of an enforcement matter.

The Committee asked staff if there is an established building line. Staff responded that the established building line provision speaks to the construction of a dwelling.

The Committee asked Ms. Barrie, Director of Development Services, if staff's comments satisfy the requirements of the Secondary Plan and Official Plan with respect to the Environment Impact Study (EIS). Ms. Barrie responded.

The owner, Mr. Plamondon was present via electronic participation and available for questions.

There were no further questions from the Committee or other persons.

#### **CA2024-020**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** minor variance application D20-2024-002 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 COA2024-012, 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 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 COA2024-012. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.4 COA2024-013

Katherine Evans, Planner II

File Number: D20-2024-003

Location: 3 Short Street

Part Lots 10, 11, 12, Block B, Plan 100

Former Village of Fenelon Falls

Owners: Alaina Pascoe and Justin Jones

Applicant: Justin Jones

Ms. Evans summarized Report COA2024-013. The purpose and effect is to facilitate the construction of a swimming pool. Relief sought: Section 5.1.11 b) of the By-law provides that where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3 metres to the side or rear lot; the proposed setback from the side lot line is 0.8 metres; and, Section 5.1.3 of the By-law provides that an accessory building or structure shall not be erected closer than 2 metres to the principal or main building; the proposed pool is to be setback 1.8 metres from the deck attached to the dwelling, and 1.6 metres from the screened porch attached to the dwelling.

The owner, Mr. Jones was present via electronic participation and available for questions.

There were no questions from the Committee or other persons.

#### **CA2024-021**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**That** minor variance application D20-2024-003 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 COA2024-013, 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 COA2024-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.



**Carried****3.1.5 COA2024-014**

Ahmad Shahid, Planner II

File Number: D20-2024-004

Location: 49 Potts Shore Road

Part Lot 25, Concession 8, Lot 7 and Part ROW, Plan 191 (being Part 5 of Reference Plan 57R5497)

Geographic Township of Fenelon

Owners: Susan Pandelidis and David Peters

Applicant: Jean Pandelidis

Mr. Shahid summarized Report COA2024-014. The purpose and effect is to facilitate the demolition of the current rear deck, and the construction of a new rear deck. Relief sought: Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The existing non-complying setback is 7.5 metres. The proposed water setback is 8.2 metres.

Agency comments were received from Engineering and Corporate Assets, stating they have no objections and Kawartha Region Conservation Authority stating no concerns with the proposal and that a permit has already been obtained from their office.

The applicant Mr. Pandelidis was available via electronic participation and available for questions.

There were no questions from the Committee or other persons.

**CA2024-022****Moved By** Councillor Yeo**Seconded By** S. Richardson

**That** minor variance application D20-2024-004 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

COA2024-014, 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 COA2024-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

Councillor Yeo left the meeting at 1:37pm and returned 1:40pm.

### 3.1.6 COA2024-015

Ahmad Shahid, Planner II  
 File Number: D20-2024-005  
 Location: 101 Springdale Drive  
 Lot 10, Plan 57M802  
 Former Town of Lindsay  
 Owners: Robert and Joan Connors  
 Applicant: Syed Ahmed

Mr. Shahid summarized Report COA2024-015. The purpose and effect is to facilitate the addition of a sunroom. Relief sought: Section 6.2.f. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 5.5 metres. Section 6.3.25. of the Zoning By-law permits a maximum 40% lot coverage for all buildings and structures. The proposed lot coverage is 40.5%.

Agency comments were received from Engineering and Corporate Assets stating they have no objection to the minor variance and Kawartha Region Conservation Authority stating they have no concerns with the proposal and that a permit is required from their office.

The Committee asked if the Fire Department was circulated on this application due to an elevated structure with no staircase. Staff replied the Fire Department was circulated and they had no comments. Ms. Murchison, Chief Building Official

also responded by saying this would fall under the Building Code and not the Fire Code. Ms. Murchison advised under the Building Code for a single/two unit dwelling, a staircase is not required from the balcony.

The applicant, Mr. Syed was present in person and available for questions.

There were no further questions from the Committee or other persons.

### **CA2024-023**

**Moved By** Councillor Yeo

**Seconded By** B. Archer

**That** minor variance application D20-2024-005 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 and elevation drawings in Appendix D submitted as part of Report COA2024-015, 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 COA2024-015. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.7 COA2024-016

Ahmad Shahid, Planner II

File Number: D20-2024-006

Location: 42 Walnut Street

Part Lot 31, Concession 11 (being Parts 6 to 9 of Reference Plan 57R8852)

Geographic Township of Fenelon

Owner: Frances Platten

Applicant: Scott Platten

Mr. Shahid summarized Report COA2024-016. The purpose and effect is to facilitate raising the existing one-storey cottage and deck to allow for a basement walkout. Relief sought: Section 15.2.1.3.a. of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed front yard setback, from Walnut Street, is 4.5 metres. Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The proposed interior side yard setback is 2.37 metres (north side) and 2.59 metres (south side).

Agency comments were received from Engineering and Corporate Assets stating they have no objection with the proposed minor variance and Kawartha Region Conservation Authority stating they have no concerns with the approval of the minor variance and that a permit is required from their office.

The Committee referred to Appendix A and asked if the road is municipally owned or privately owned and the location of the Right-of-Way along the shoreline. Staff responded.

The applicant, Mr. Platten was available in person on behalf of the owner.

There were no further questions from the Committee or other persons.

#### **CA2024-024**

**Moved By** Councillor Yeo

**Seconded By** G. Erickson

**That** minor variance application D20-2024-006 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 COA2024-016 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 COA2024-016. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.8 COA2024-017

Ahmad Shahid, Planner II  
 File Number: D20-2024-007  
 Location: 55 Glassford Road  
 Part Lots 21 and 22, Concession C (being Lot 4 of Plan 394)  
 Geographic Township of Mariposa  
 Owners: Tina and Giuseppe Speciale  
 Applicant: Giuseppe Speciale

Mr. Shahid summarized Report COA2024-017. The purpose and effect is to facilitate raising the existing dwelling to allow for a basement walkout, additions to the existing dwelling, a new deck, and a detached garage. Relief sought: Section 14.2.1.4. of the Zoning By-law requires a 30 metre minimum water setback. The proposed water setback from the deck is 15.0 metres and 18.05 metres from the dwelling.

Agency comments were received from Engineering and Corporate Assets stating they have no objection with the proposed minor variance and Kawartha Region Conservation Authority stating they have no concerns with the approval of the minor variance and that the applicant will require a permit from their office.

Mr. Curtis was present via electronic participation on behalf of the applicant and the owner.

There were no questions from the Committee or other persons.

### **CA2024-025**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**That** minor variance application D20-2024-007 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 COA2024-017, 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 COA2024-017. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.9 COA2024-018

Katherine Evans, Planner II  
 File Number: D20-2024-008  
 Location: 236 Francis Street East  
 Part Lot 21, Concession 11 (being Lot 7 on Plan 253)  
 Geographic Township of Fenelon  
 Owner: John Miller  
 Applicant: John Miller

Ms. Evans summarized Report COA2024-018. The purpose and effect is to facilitate the raising of the existing dwelling in order to construct a walkout basement. Relief sought: Section 3.18.1.1 of the By-law requires a minimum setback from the Environmental Protection Zone of 15 metres; the proposed setback is 10 metres.

Ms. Evans brought to the Committee's attention on Page 6 of the report stating the heading where it reads "City of Kawartha Lakes Official Plan" should now read "Fenelon Falls Secondary Plan".

Agency comments were received after the writing of the report from Kawartha Region Conservation Authority stating they have no concerns with the proposed minor variance and that the applicant will require a permit from their office.

Councillor Yeo asked what the rationale was for this application being heard today when it previously went through a minor variance which was approved in November, 2023. Ms. Evans responded saying that this application is to raise the dwelling for an expansion of living space to an existing foundation, which has to comply within the provisions of the Fenelon Township Zoning By-law. The previous minor variance was for a detached garage.

The applicant, Mr. Miller was present via electronic participation and available for questions.

There were no further questions from the Committee or other persons.

#### **CA2024-026**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** minor variance application D20-2024-008 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 and the drawings in Appendix D submitted as part of Report COA2024-018, 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 COA2024-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.10 COA2024-019

Katherine Evans, Planner II  
 File Number: D20-2024-009  
 Location: 165 Fell's Point Road  
 Part Lot 31, Concession 10 (being Part 6 on Reference Plan 57R7315)  
 Geographic Township of Fenelon  
 Owner: Karen and Gordon Pike  
 Applicant: Karen and Gordon Pike

Ms. Evans summarized Report COA2024-019. The purpose and effect is to facilitate the raising of the existing single detached dwelling to construct a walkout lower level. Relief sought: Section 15.2.1.3 b) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side; the existing setback from the southeast lot line is 1.75 metres; and, Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the existing setback is 1.75 metres.

The Committee had the following questions:

1) At what point does a structure become a two-storey?

Ms. Murchison stated the definition falls under the Zoning By-Law not the Ontario Building Code. Ms. Evans responded by saying the definition of a two-storey dwelling depends on the Zoning By-law, which varies across the former Townships.

2) Has the definition changed in the rural Zoning By-law?

Ms. Evans replied that she doesn't have that information at hand but will look into it after the meeting and respond by email if the Committee wishes.

The applicants Gordon and Karen Pike were present in person and available for questions.

There were no further questions from the Committee or other persons.

#### **CA2024-027**

**Moved By** Councillor Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2024-009 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 and the drawings in Appendix D submitted as part of Report COA2024-019, 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 COA2024-019. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

The Chair thanked staff for their presentations.

## 6. **Correspondence**

## 7. **Next Meeting**

The next meeting will be Thursday, March 28th at 1:00pm in Council Chambers, City Hall.

## 8. **Adjournment**

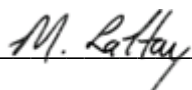
**CA2024-028**

**Moved By** Councillor Yeo

**Seconded By** B. Archer

**That** the meeting be adjourned at 2:17pm.

**Carried**



Mark LaHay, Secretary-Treasurer

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Chiovitti**  
Report Number COA2024-021

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**Public Meeting**

**Meeting Date:**      **March 28, 2024**

**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 fulfil a condition of approval pertaining to consent application D03-2022-017 to facilitate a lot line adjustment resulting in land from 22 Camp Street being severed and added to 24 Camp Street.

**Relief sought:**

1. Section 15.2.1.2 c) of the By-law requires a minimum lot frontage of 35 metres; the resulting lot frontage for the retained lot is 31 metres.

The variance is requested at **22 and 24 Camp Street** (File D20-2024-011).

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**Author:**    Katherine Evans, Planner II    **Signature:** 

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**Recommendations**

**That** Report COA2024-021 – Chiovitti, be received;

**That** minor variance application D20-2024-011 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions**

- 1) **That** lot configuration related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-021, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** lot configuration related to this approval shall be in force for a period not exceeding 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 companion consent application D03-2022-017, set to lapse by February 9, 2026.

This approval pertains to the application as described in report COA2024-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To fulfil a condition of approval pertaining to consent application D03-2022-017 to facilitate a lot line adjustment resulting in land from 22 Camp Street being severed and added to 24 Camp Street
Owners:	Christopher Chiovitti and Samuel Chiovitti
Applicant:	DC Planning Services Inc.
Legal Description:	Part Lot 30 Concession 5 (being Part of Part 1 on Reference Plan 57R428)
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:	937 sq. m. (10,085.8 sq. ft.) (Severed lot); 3,029 sq. m. (33,282 sq. ft.) (Retained lot)
Site Access:	Private road
Site Servicing:	Private individual well and on-site filtration
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject properties are within an established residential neighbourhood located on the southeastern shore of Balsam Lake. The properties are rectangular in shape and are waterfront lots.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The purpose of the application is to facilitate a lot line adjustment. Provisional consent was granted on February 9, 2024 to sever approximately 937 square metres of land from the property identified as 22 Camp Street to be added to the property identified as 24 Camp Street (the benefitting lot). As a result, the retained portion of 22 Camp Street is to have a lot area of approximately 3,029 square metres and a lot frontage of 31 metres. The benefitting lot is to have a lot area of approximately 4,983 square metres and a lot frontage of 54.9 metres. The purpose of the lot line adjustment is to increase the frontage of the benefitting lot so it more closely aligns with the frontages of adjacent lands.

The property identified as 22 Camp Street contains a boathouse constructed in 1990, a cabin constructed in 1900 (according to Municipal Property Assessment Corporation) and an above ground pool. Relief is not needed to address the status of the structures as no new lots are being created as a result of the consent application for a lot line adjustment.

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). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation.

As per policy 33.3.7 of the Official Plan, consents which have the effect of changing boundary lines or which do not create additional or buildable lots should be evaluated on their own merits. No new lot is to be created as a result of the proposed severance. The shoreline frontage of both the severed and retained lot will continue to be consistent with the established character of the adjacent shoreline.

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 properties are zoned Limited Service Residential (LSR) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposed lot line adjustment complies with all provisions of the Zoning By-law with the exception of the minimum lot frontage.

Section 15.2.1.2 c) of the By-law requires a minimum lot frontage of 35 metres. The resulting lot frontage for the retained lot is 31 metres. The intent of the minimum lot frontage requirement is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, private services (when required), and stormwater infiltration. The minimum

lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The minimum lot area in the LSR Zone is 2,000 square metres. The retained lot exceeds this minimum by 1,029 square metres. The retained lot will remain sufficiently sized to accommodate development, adequate amenity space, and stormwater infiltration. It is not anticipated that the proposed reduced frontage would impact the ability to install private services in the future if desired. Additionally, it is not anticipated that the reduced frontage will impact the ability to establish a building envelope that complies with the provisions of the Zoning By-law, if development is desired in the future.

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:**

No alternatives considered.

**Consultation Summary**

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

**Agency Comments:**

**Building and Septic Division (Building):** “No comments.”

**Building and Septic Division (Septic):** “I have received and reviewed the proposal for minor variance to recognize a reduced lot frontage as a result of a consent application. The property was reviewed through the consent process for private on-site sewage disposal requirements. The reduced lot frontage will not change the comments provided as they relate to private on-site sewage disposal. As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection/no comment.”

**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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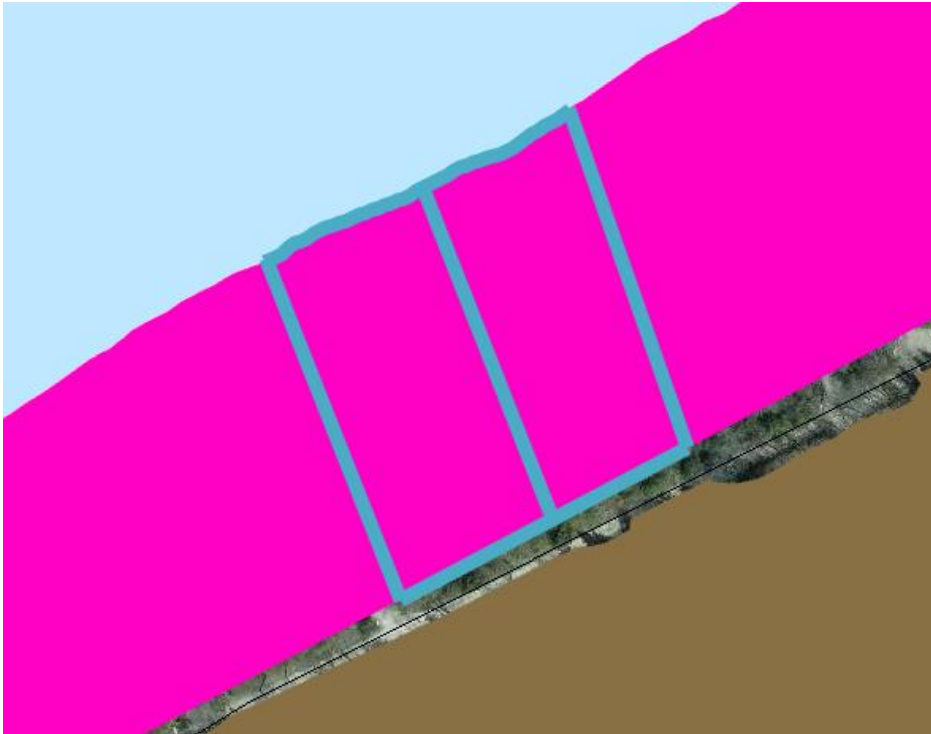
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-011

## **Schedule 1**

### **Relevant Planning Policies and Provisions**

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#### **City of Kawartha Lakes Official Plan**



## **20. Waterfront Designation**

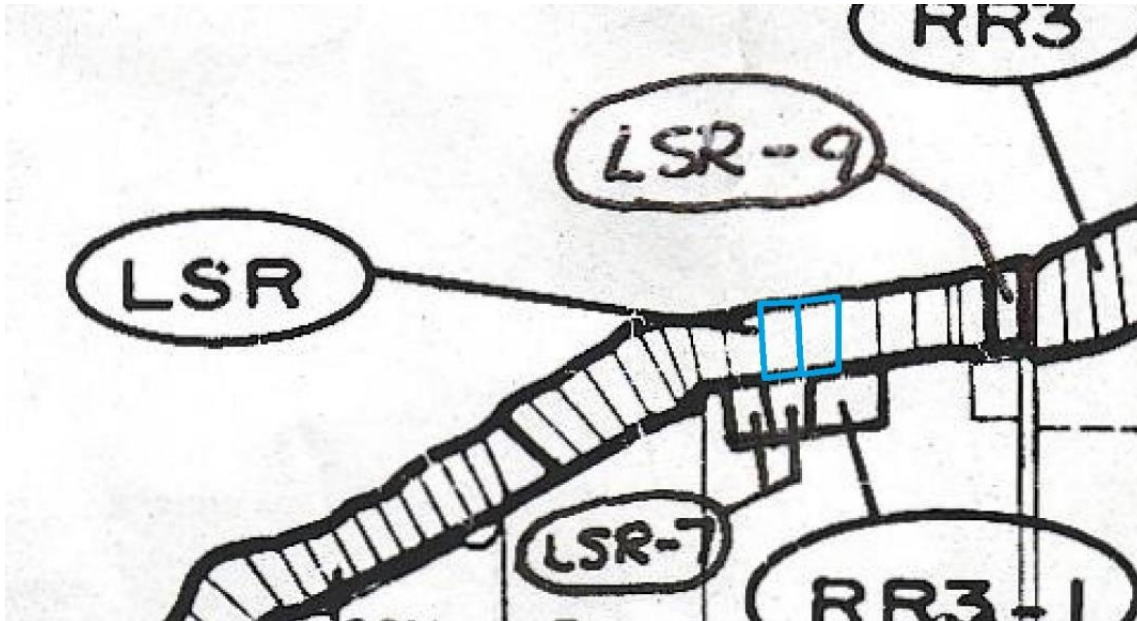
### **20.4 Lot Creation**

#### **33.3. Consents**

33.3.7 Consents which have the effect of changing boundary lines or which do not create additional or buildable lots should be evaluated on their own merits.

Consents that propose an addition to a lot, created by a previous consent, may be subject to conditions deemed necessary to ensure the merging in title of the two parcels. This may include conveyances to alter the lot description, stipulating the consent and agreements registered against title of both the severed and benefiting parcels. Consents should not be considered within a draft plan of subdivision to create new lots that would be created if the plan was registered.

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



### Part 15 Limited Service Residential (LSR) Zone

#### 15.1 Permitted Uses

#### 15.2 Zone Provisions

##### 15.2.1.2 Lot frontage (min.)

c) with shore lot line regardless of services      35 m



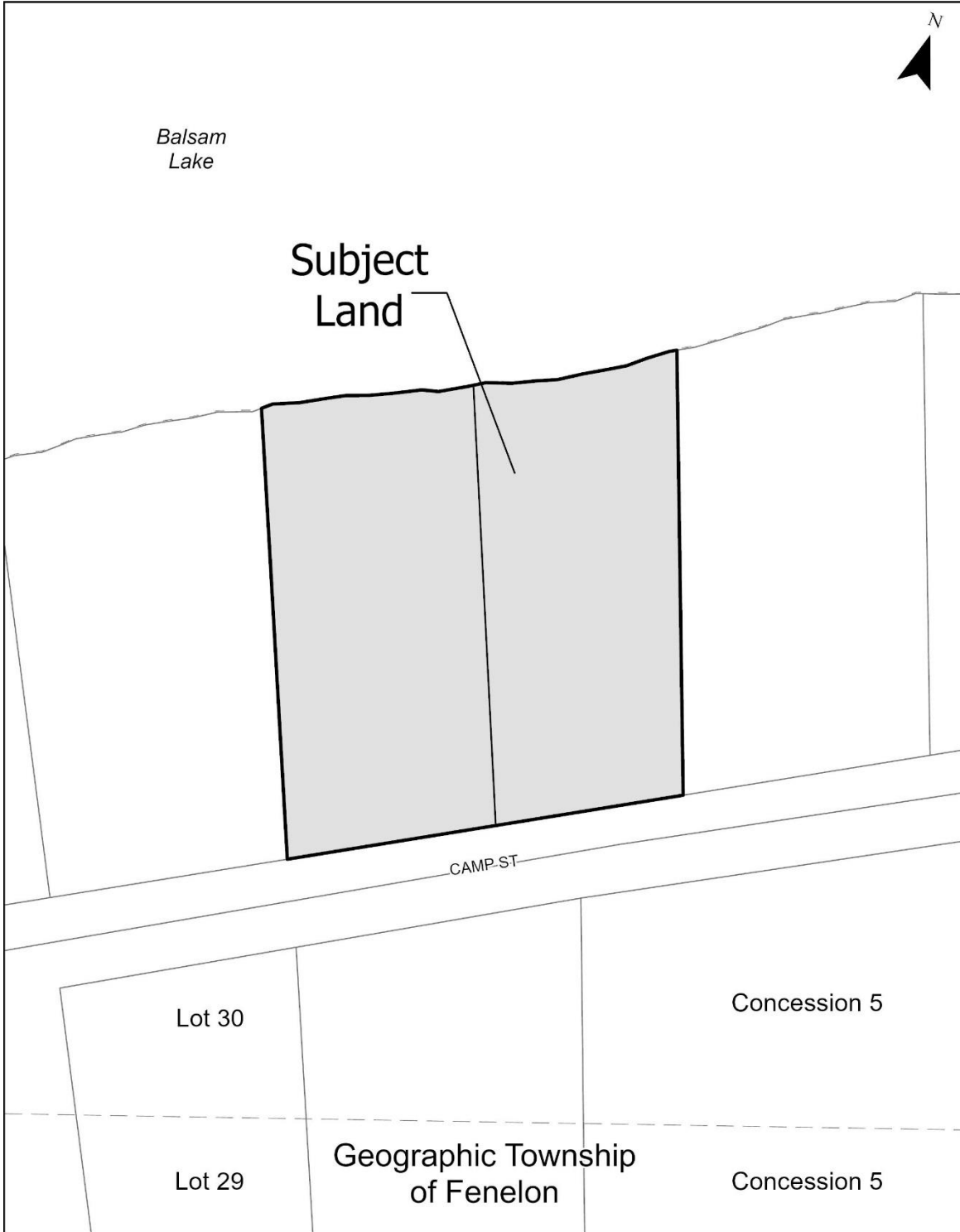
to

REPORT COA2024-021

FILE NO: D20-2024-011

**LOCATION MAP**

**D20-2024-011**



to

REPORT COA2024-021

FILE NO: D20-2024-011

**AERIAL PHOTO**

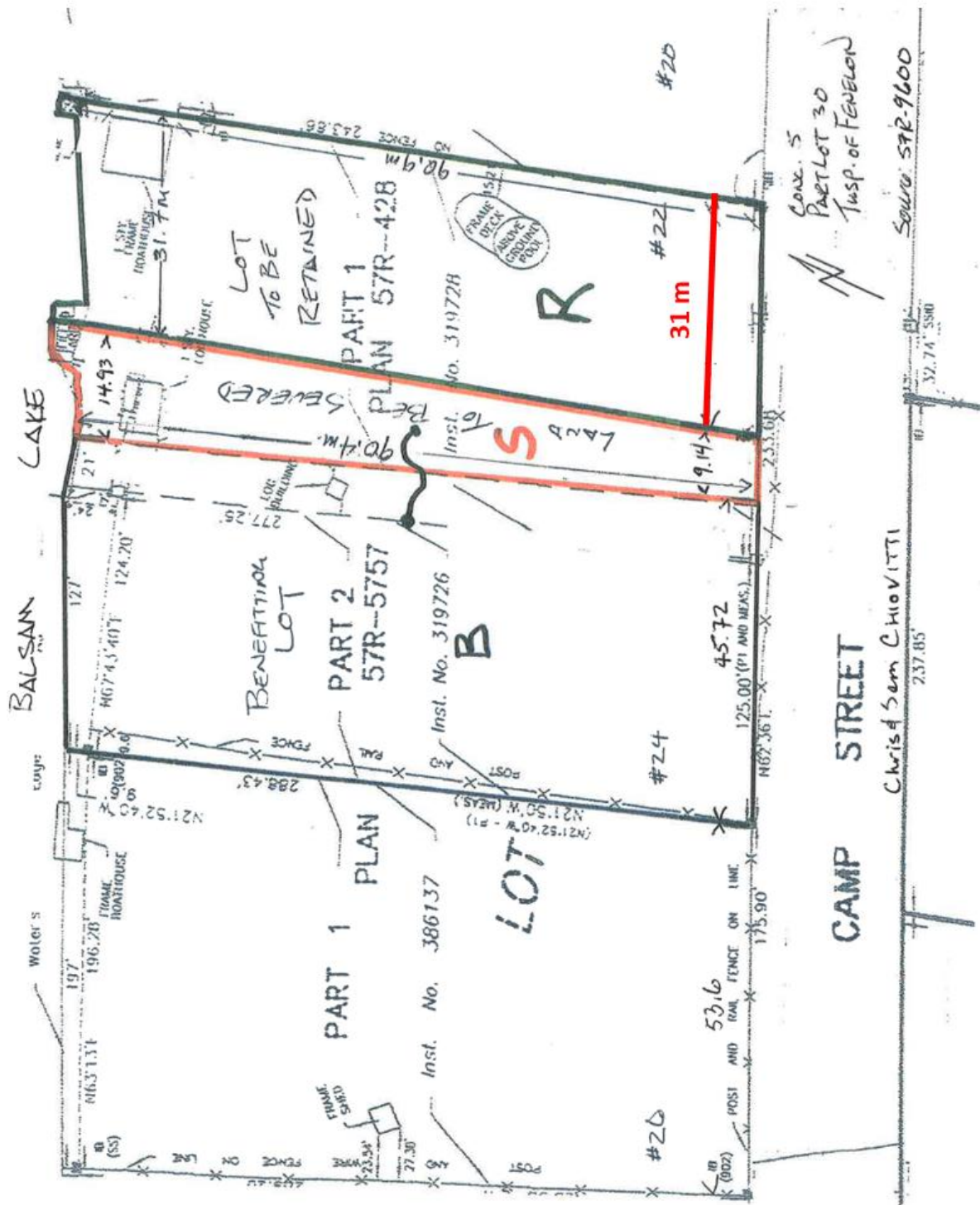


to

## APPLICANT'S SKETCH

REPORT COA2024-021

FILE NO: D20-2024-011



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Filipczak**  
Report Number COA2024-022

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**Public Meeting**

**Meeting Date:**      **March 28, 2024**

**Time:**                1:00 pm

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

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**Ward 3 – Geographic Township of Verulam**

**Subject:**      The purpose and effect is to fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new lot

**Relief sought:**

1. Section 8.3.9 a) of the By-law requires a minimum lot area of 0.9 hectares; the resulting lot area is 0.6 hectares for the severed parcel and 0.58 hectares for the retained parcel;
2. Section 8.3.9 b) of the By-law requires a minimum lot frontage of 47 metres; the resulting lot frontage is 25 metres for the severed parcel and 25 metres for the retained parcel;
3. Section 4 of the By-law defines 'Accessory' as, when used to describe a use, building or structure, as a use, building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. The existing boathouse on the severed parcel would temporarily remain as a stand-alone structure without a main use until a new dwelling is constructed; and,
4. Section 5.1.3 c) of the By-law provides that a boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade. The existing boathouse is located within the water setback and is 4.5 metres in height.

The variance is requested at **653 Hickory Beach Road** (File D20-2024-012).

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**Author:**    Katherine Evans, Planner II    **Signature:** 

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## Recommendations

**That** Report COA2024-022 – Filipczak, be received;

**That** minor variance application D20-2024-012 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** the lot configuration and boathouse related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-022, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** the lot configuration and boathouse use related to this approval shall be in force for 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 approval pertains to the application as described in report COA2024-022. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new lot
Owners:	Zbigniew and Edyta Filipczak
Applicant:	DC Planning Services Inc.
Legal Description:	Part Lot 12 Concession 2 (being Part 1 on Reference Plan 57R6090)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One Exception Nine (R1-9) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	1.18 ha. (2.94 ac.)
Site Access:	Year round municipal road

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Site Servicing: Private individual well and septic system

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 within an established residential neighbourhood located on the northeastern shoreline of Sturgeon Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling with attached garage constructed in 2002, and a boathouse constructed in 2000 (according to Municipal Property Assessment Corporation).

The purpose of the application is to fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new residential building lot. The existing dwelling would remain on the retained lot, and the existing boathouse would remain in its current location on the severed lot.

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). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation.

For new lot creation in the Waterfront Designation, infilling residential lots are permitted provided the lots are not less than 3,000 square metres in area with a minimum lot frontage of 30 metres. Shoreline frontage shall be consistent with the established character of the adjacent shoreline.

Both the severed and retained lots exceed 3,000 square metres. The shoreline frontage of both lots will remain consistent with the water frontages of the surrounding lots. While the proposed lot frontage for the severed and retained parcels are less than 30 metres, the frontage will remain consistent with the frontages of the surrounding existing lots. The average frontage of the six properties to the east of the subject property is approximately 25.2 metres.

Furthermore, policy 33.3.5 provides that the size of any parcel of land created by consent should be appropriate for the proposed uses and the services available. The proposed sizes of both the severed and retained lots are appropriate for residential uses with private individual services.

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 Residential Type One Exception Nine (R1-9) Zone under the Township of Verulam Zoning By-law 6-87. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The R1-9 Zone contains specific provisions regarding minimum lot area, minimum lot frontage, minimum water setback, and minimum exterior opening elevations of dwelling units. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot area, minimum lot frontage, definition of 'Accessory', and maximum height for a boathouse located within the water setback.

As per Section 8.3.9 a) of the By-law, a minimum lot area of 0.9 hectares is required. The resulting lot area is 0.6 hectares for the severed parcel and 0.58 hectares for the retained parcel. As per Section 8.3.9 b) of the By-law, a minimum lot frontage of 47 metres is required. The resulting lot frontage is 25 metres for the severed parcel and 25 metres for the retained parcel. The intent of the minimum lot frontage and area requirements is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, private services (when required), and stormwater infiltration. The minimum lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The proposed lot area and frontage of the severed and retained parcels are sufficient for stormwater infiltration and for the accommodation of development within a building envelope that complies with the provisions of the Zoning By-law. Adequate amenity space will be maintained, and it is not anticipated that the proposed reduced frontage and lot area would impact the ability to install private services on the severed parcel in the future.

Relief is required to permit an accessory structure, being the existing boathouse, to be located on a lot without a primary use. The granting of a variance will allow the accessory use to continue without a primary use until the decision of the Committee of Adjustment lapses. After this time, a primary use will need to be established for the accessory structure to be compliant with the Zoning By-law. The boathouse has existed in this location since 2000, and is not proposed to change. It is not anticipated that adverse impacts will result from the boathouse remaining on the severed lot as a stand alone structure until such time as a primary use is established. The intent of the property owners is that the new lot be a residential building lot.

Section 5.1.3 c) of the By-law provides that a boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade. The existing boathouse is located within the water setback and is 4.5 metres in height. The intent of establishing a maximum height for a boathouse located within the water

setback is to prevent more concentrated accessory residential uses in the floodplain, and to manage the bulk and massing of built form along the shoreline.

The existing boathouse is one storey in height, preventing accessory residential uses from occurring in an upper level. Additionally, the lack of second storey prevents the appearance of the shoreline being overbuilt due to increased bulk and massing. For comparative purposes, the maximum height for a boathouse in other rural Zoning By-laws is 4.5 metres. No change to the existing boathouse is proposed, and no adverse impacts are anticipated.

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:**

**Building and Septic Division (Building):** “No comments.”

**Building and Septic Division (Septic):** “I have received and reviewed the minor variance application to request relief for lot size, lot frontage, the existence of an accessory structure “boathouse” as a stand-alone structure until a new single detached dwelling can be erected and accessory structure height. The property was reviewed for sewage system disposal system requirements during the consent application process. The property was found to be acceptable for private on-site sewage disposal during a site visit conducted. The proposed requests for relief will not hinder the ability for private on-site sewage disposal. The current boathouse does not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division does not have any concerns with the proposed minor variance application as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection to this proposed Minor Variance and provide the following comment: We understand the provision of a sight triangle is a condition of the consent application and will be required through that application process.”



**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 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-012

## Schedule 1

### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan



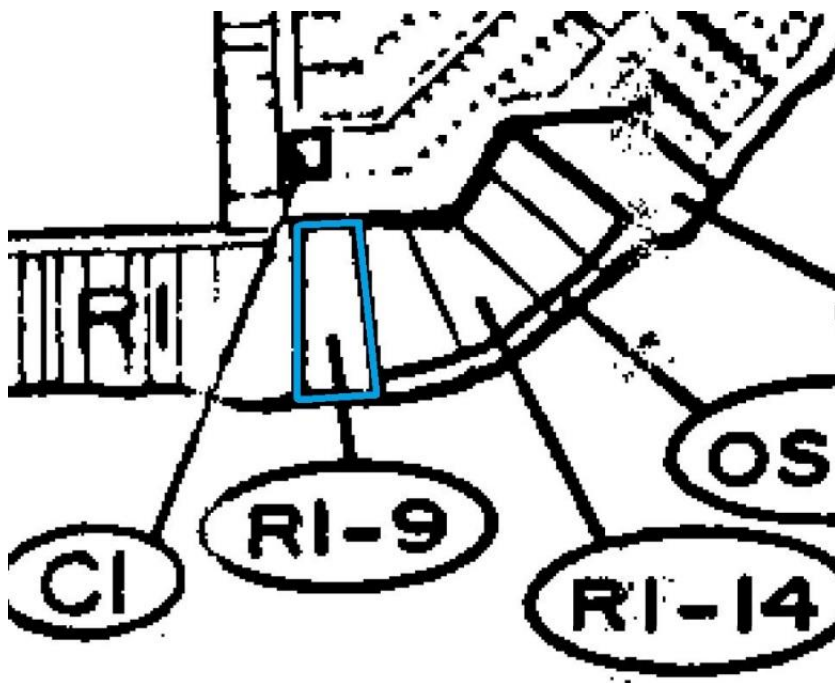
#### 20. Waterfront Designation

##### 20.4 Lot Creation

#### 33.3 Consents

33.3.5. The size of any parcel of land created by Consent should be appropriate for the proposed uses and the services available.

## Township of Verulam Zoning By-law 6-87



### Section 4 Definitions

"ACCESSORY", when used to describe a use, building or structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

### Section 5 General Provisions

#### 5.1 Accessory Uses

##### 5.1.3 Location

c) A boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade.

### Section 8 Residential Type One (R1) Zone

#### 8.1 R1 Uses Permitted

#### 8.2 R1 Zone Provisions

#### 8.3 R1 Special Requirements

8.3.9 Notwithstanding Sections 8.2 a., 8.2 b., 8.2 g. and 8.2 n. or any other requirement of the R1 Zone to

the contrary, on land zoned the Residential Type One Special (R1-9) Zone, the following requirements shall apply:

- a. Minimum Lot Area                      0.9 ha
- b. Minimum Lot Frontage                47 m
- c. Minimum Water Setback              30 m
- d. Minimum Exterior Opening Elevation of any dwelling unit shall be a minimum of 248.7 metres CGD

All other provisions of the R1 Zone and this By-law shall apply to land zoned R1-9.

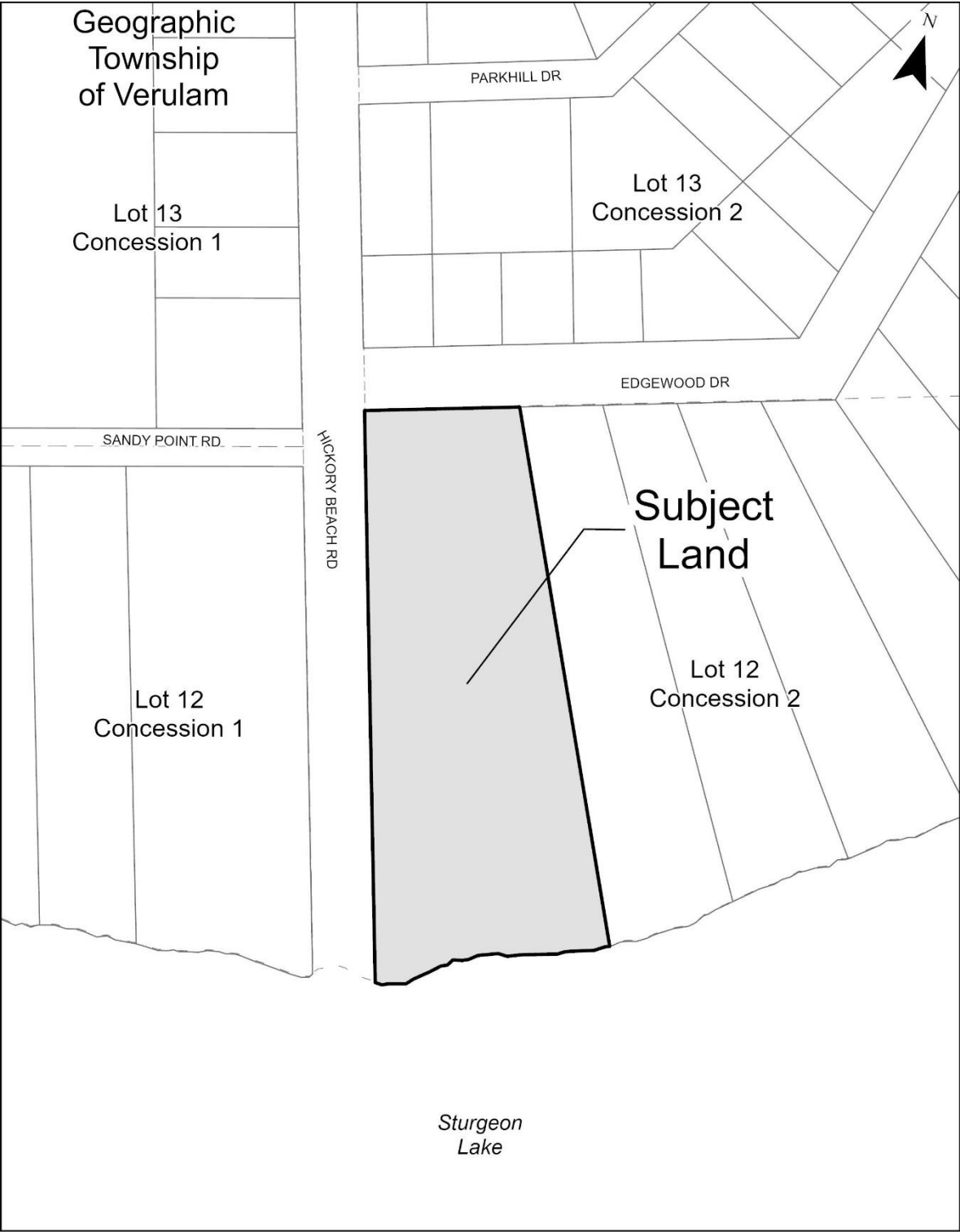
to

REPORT COA2024-022

FILE NO: D20-2024-012

LOCATION MAP

D20-2024-012

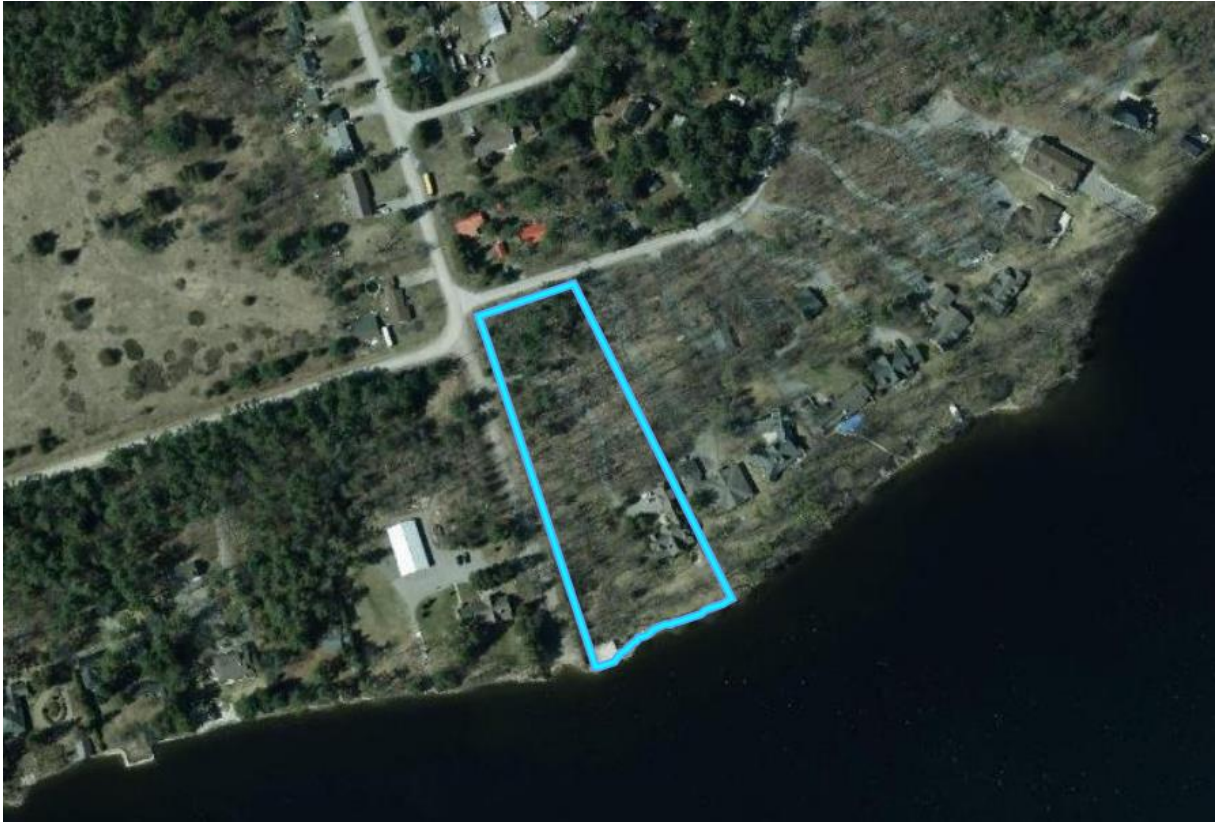


to

REPORT COA2024-022

FILE NO: D20-2024-012

**AERIAL PHOTO**

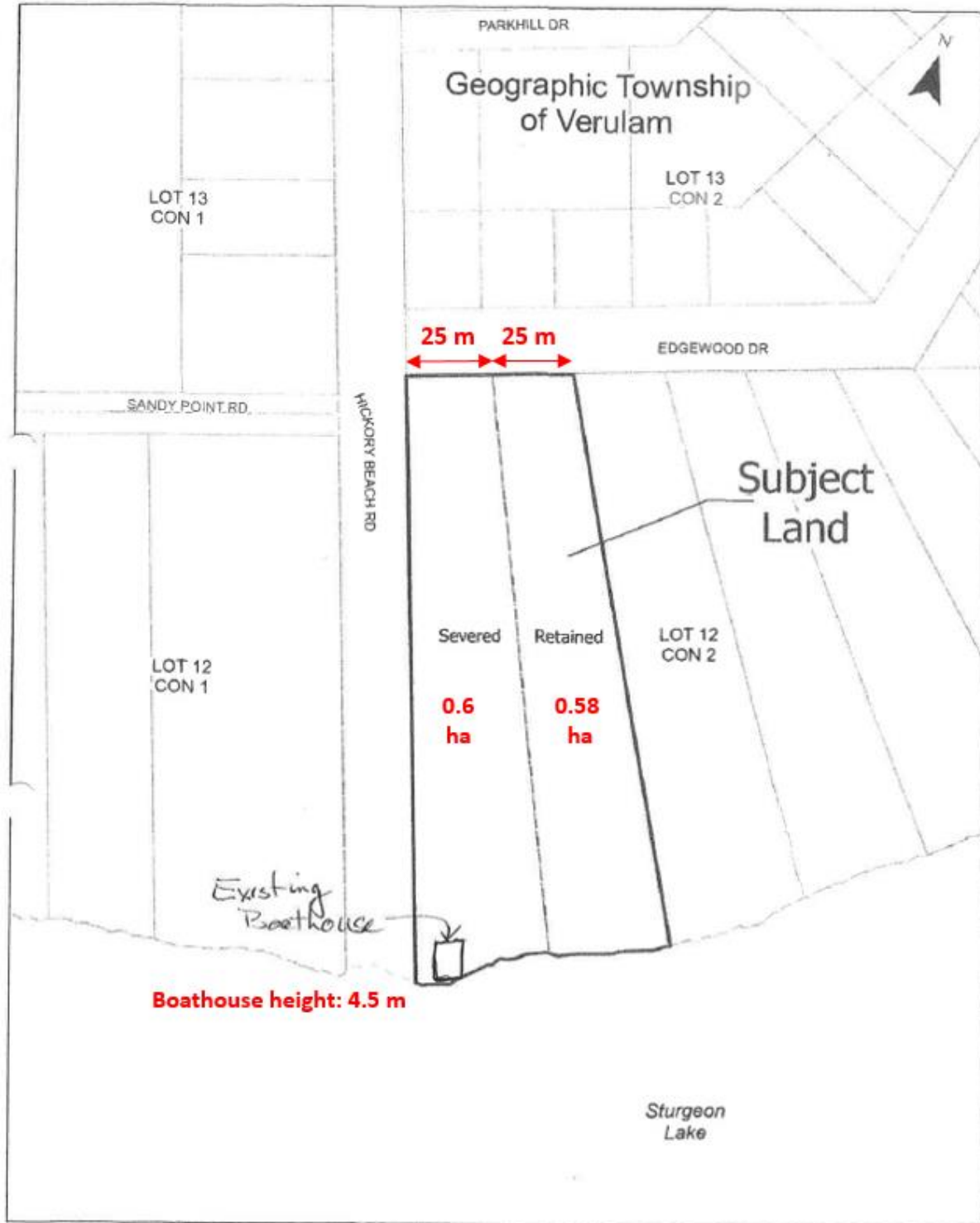


to

REPORT COA2024-022

FILE NO: D20-2024-012

# APPLICANT'S SKETCH



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Brown**  
Report Number COA2024-023

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**Public Meeting**

**Meeting Date:**      **March 28, 2024**

**Time:**                1:00 pm

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

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**Ward 6 – Geographic Township of Emily**

**Subject:**      The purpose and effect is to facilitate the demolition of the existing dwelling and garage on the property; replacing with a new 1-storey dwelling with rear deck, basement walkout, and an attached garage.

**Relief sought:**

1. Section 12.2.1.3.b. of the Zoning By-law requires a 3 metre setback for buildings less than two-storeys or 5.5 metres for a building two-storeys or greater. A basement walkout is considered an additional storey in this Zoning By-law, as such; the 5.5 metre interior side yard setback applies. The proposed side yard setback is 4.55 metres (east side lot line) and 3.10 metres (west side lot line).
2. Section 12.2.1.3.e. of the Zoning By-law requires a 30 metre water setback. The proposed water setback is 25.41 metres.

The variance is requested at **8 Kenver Street** (File D20-2024-013).

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

**Signature:**



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**Recommendations**

**That** Report COA2024-023 – Brown, be received;

**That** minor variance application D20-2024-013 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 COA2024-023, 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 COA2024-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a new 1-storey dwelling with attached garage, rear deck, and basement walkout.
Owners:	Steve & Kathy Brown
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 13, Concession 7 (being Lot 2 of Plan 353)
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 Emily Zoning By-Law 1996-30)
Site Size:	1,578.27 square metres (0.39 acres)
Site Access:	Year-round municipal road
Site Servicing:	Potable water from lake and individual septic system
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 northern shore of Pigeon River, with access from Kenver Street (year-round maintained public road). The residential built form within the residential neighbourhood is comprised of primarily one to two storey single detached dwellings with varying proximity to the road and shoreline.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

According to the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings within the neighbourhood were constructed in the 1960's, many with accessory structures constructed more recently. The property currently contains a one-storey dwelling, detached garage, and two sheds.

The proposal seeks to demolish the existing dwelling, detached garage, and remove one of the sheds to allow for the construction of a new one-storey dwelling with a basement walkout and rear uncovered deck.

Given the age of the extant dwelling, garage, and the overall locality, it is deemed suitable for proprietors to undertake the redevelopment of their properties with the aim of realizing the highest and most optimal utilization. The proposed single-storey dwelling takes cognizance of the existing neighbourhood context, blending in with the existing low-rise, primarily single-storey character of the neighbourhood. The proposed height of the proposed dwelling remains unchanged at 6.0 metres, while creating additional habitable space through the proposed basement walkout. Furthermore, the removal of the current detached garage and one of the sheds will mitigate any perceived clutter. Overall, the proposed dwelling with attached garage and deck promotes efficient land use and blends in with the density of the surrounding properties.

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. The objective of the Waterfront designation is to recognize low density residential development as the primary land use.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The proposed redevelopment supports this policy as the water setback is greater than 15 metres, and a substantial space for an environmental buffer is provided. Moreover, the proposed redevelopment supports the objectives of the Waterfront designation as it does not change the existing low-density residential land use, maintains a low profile and preserves the existing shoreline. Performance and siting criteria is implemented through the zoning by-law.

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 Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-Law 1996-30. The RR3 Zone permits multiple uses including single detached dwellings and vacation dwellings, as well as the use of accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the water setback and interior side yard setback.

Section 12.2.1.3.e. of the Zoning By-law requires a minimum 30 metre water setback. The intent of the water setback is to protect built form from natural hazards, and 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 current water setback from the existing dwelling is non-compliant at 9.4 metres. The Zoning By-law does not include the first four metres of an unenclosed deck extending from the main building in the applicable water setback. The proposed deck is 3.05 metres in width. As a result, the proposed water setback from the new dwelling is 25.41 metres. The proposed water setback is greater than the existing water setback from built-form. The larger water setback allows for greater opportunities for integrating with surrounding greenery. Additionally, the redevelopment is constrained and restricted by the proposed new septic system in the front yard, which is best to be located as distant as possible from the shoreline. It is important to mention, that the proposed water setback is actually set back greater than 30 metres from the majority of the shoreline. However, the existing boat slip extends onto the property, thereby diminishing the distance between the water and built form. As such, if the water setback were to be measured from the shoreline instead of the boat slip, a variance would not be required for the water setback requirement. Overall, the proposed redevelopment provides a greater water setback than the existing setback, and maintains the intention of this provision.

Section 12.2.1.3.b. of the Zoning By-law requires a 3 metre setback for buildings less than two-storeys or 5.5 metres for a building two-storeys or greater. As per the definition of storey in the Zoning By-law, a walkout basement is considered an additional storey. As such the proposed redevelopment must comply with provisions applicable to a two-storey dwelling, a 5.5 metre interior side yard setback on both sides. The intent of this provision is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and support privacy for all neighbouring residents. The proposed side yard setback is 4.55 metres (east side) and 3.10 metres (west side). Although deficient, the proposed interior side yard setbacks continue to allow more than adequate space to traverse freely from the front yard to the rear yard, or for side yard maintenance. Furthermore, a dense hedge exists on both the eastern and western side lots lines guarding views from abutting neighbouring lots and ensuring privacy is maintained. Overcrowding is avoided as the existing detached garage is being removed and a new attached garage is being constructed, allowing for greater side yard amenity space than previously existing.

In consideration of the above, the variances 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 Division (Building):** “No comments.”

**DS – Building and Septic Division (Septic):** “An application for a sewage system permit has been submitted for a replacement sewage system to service the new single detached dwelling on the property. Initial evaluations have been conducted for the proposed build and associated sewage system and it has been determined that the property will be able to be serviced by a private on-site sewage disposal system. The current proposal is consistent with the information provided through the sewage system application. As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage disposal.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection/no comment.”

**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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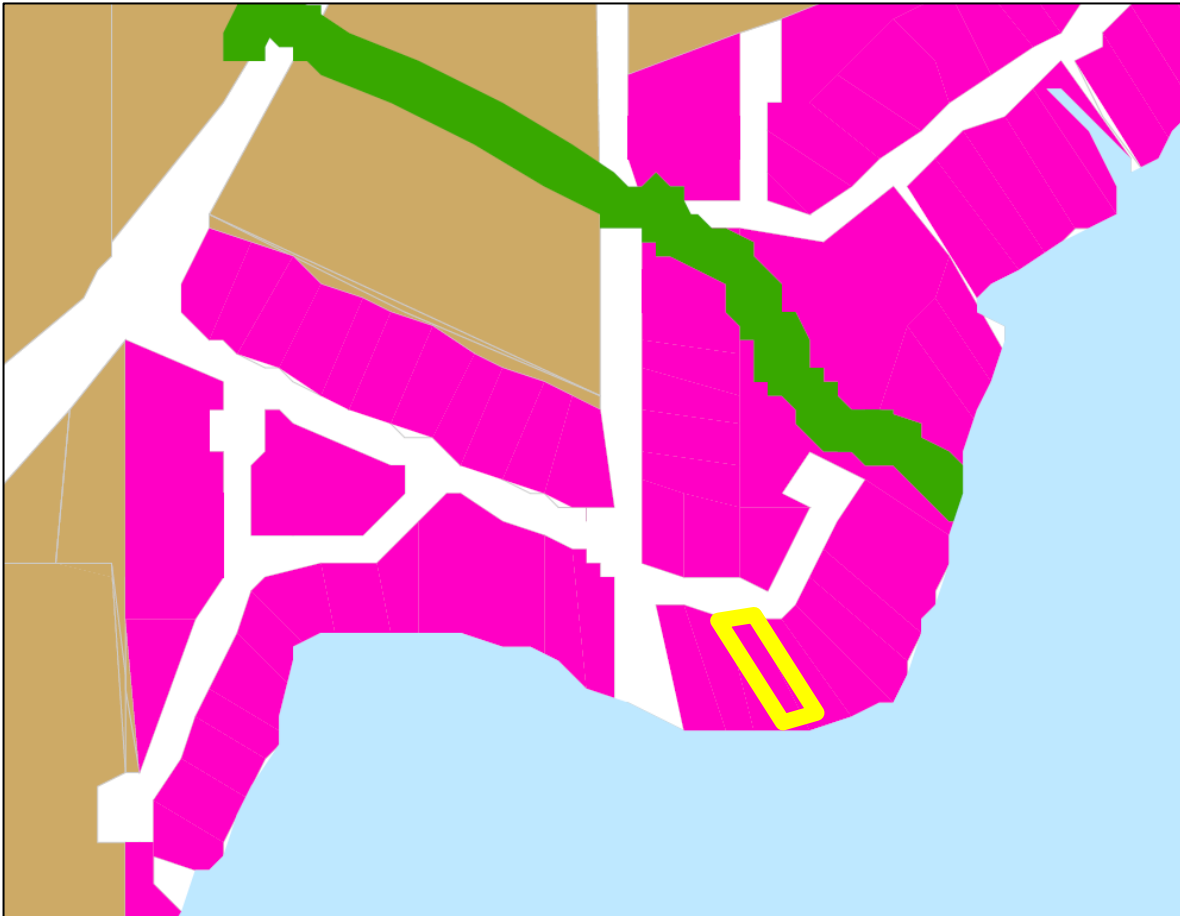
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-013

## Schedule 1

### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan (2012)



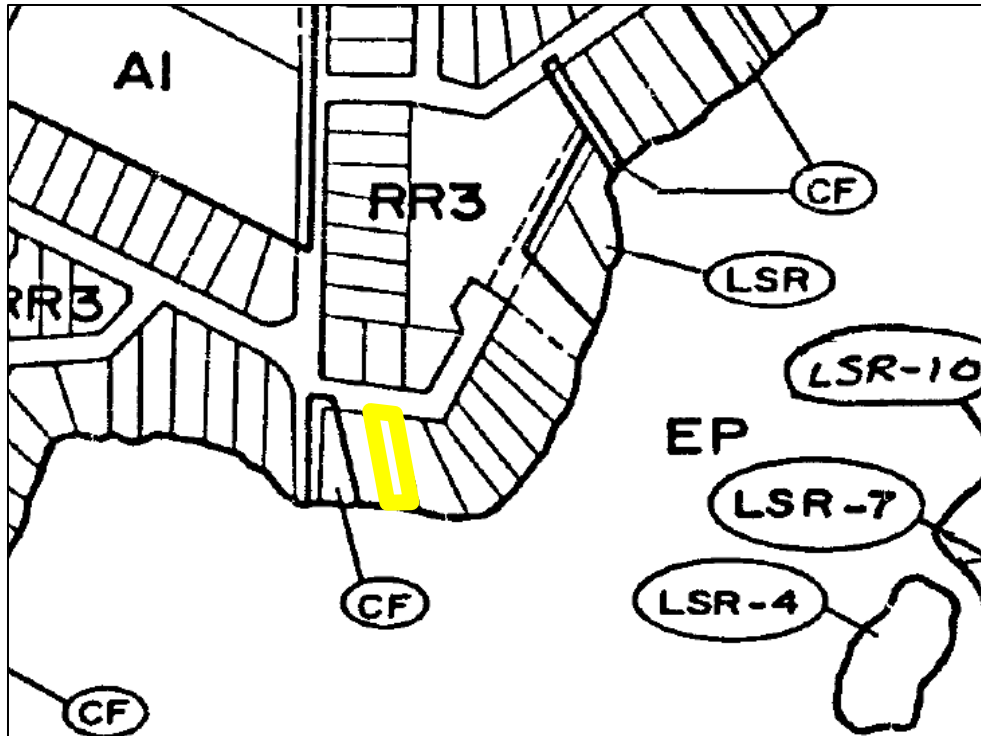
#### 3.11 WATER SETBACK AND ACCESSORY STRUCTURES

3.11.2. Notwithstanding, the expansion to or reconstruction of existing buildings and structures or dwellings that are permitted uses, and existing lots of record where there is not sufficient area to accommodate this setback, may be considered within the 30 m setback, if it is demonstrated that:

- there is no alternative to the expansion or reconstruction;
- that the expansion or reconstruction and septic system is directed away from the high water mark as much as possible;
- that a vegetation protection zone be established to the maximum extent possible;
- the septic system shall be elevated 0.9 m. above the water table.
- the impact of the expansion or reconstruction is minimized to the maximum extent possible; and in no case shall it be less than 15 metres to the high water mark.

#### SECTION 20 – WATERFRONT DESIGNATION

## Township of Emily Zoning By-Law 1996-30



### **PART 2 - DEFINITIONS**

**STOREY** means that portion of a building, other than an attic, basement or cellar, included between any floor level and the floor, ceiling or roof next above it. A storey shall include a walk-out basement.

**WATER SETBACK** means a yard extending the full width of a lot between the normal water level of lakes or rivers and the nearest main wall of any building, structure, excavation or open storage use on the lot and "minimum water setback" means the minimum depth of a "water setback" on a lot between the normal water level and the nearest main wall of any building, structure, excavation or open storage use on the lot exclusive of the first 4 metres of an unenclosed deck extending from the main building

### **PART 12 - RURAL RESIDENTIAL TYPE THREE (RR3) ZONE**

#### **12.2 ZONE PROVISIONS**

##### **12.2.1.3 Yard Requirements (min.)**

- (a) front 7.5 m
- (b) interior side
  - (i) one and one and a half storey buildings 3 m
  - (ii) two storeys or greater 5.5 m
- (c) exterior side 7.5 m
- (d) rear 7.5 m
- (e) water setback 30 m

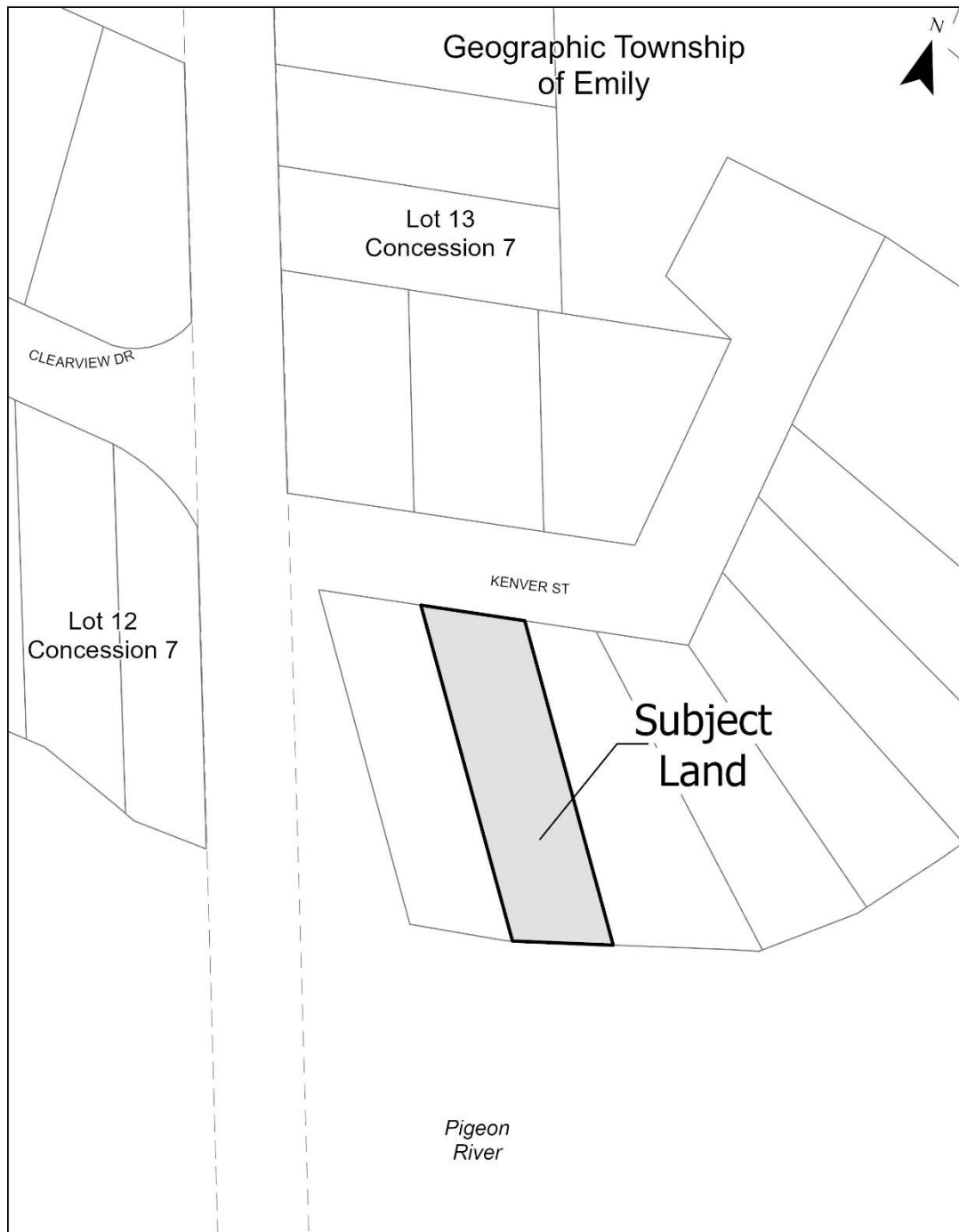
to

**LOCATION MAP**

REPORT COA2024-023

FILE NO: D20-2024-013

**D20-2024-013**

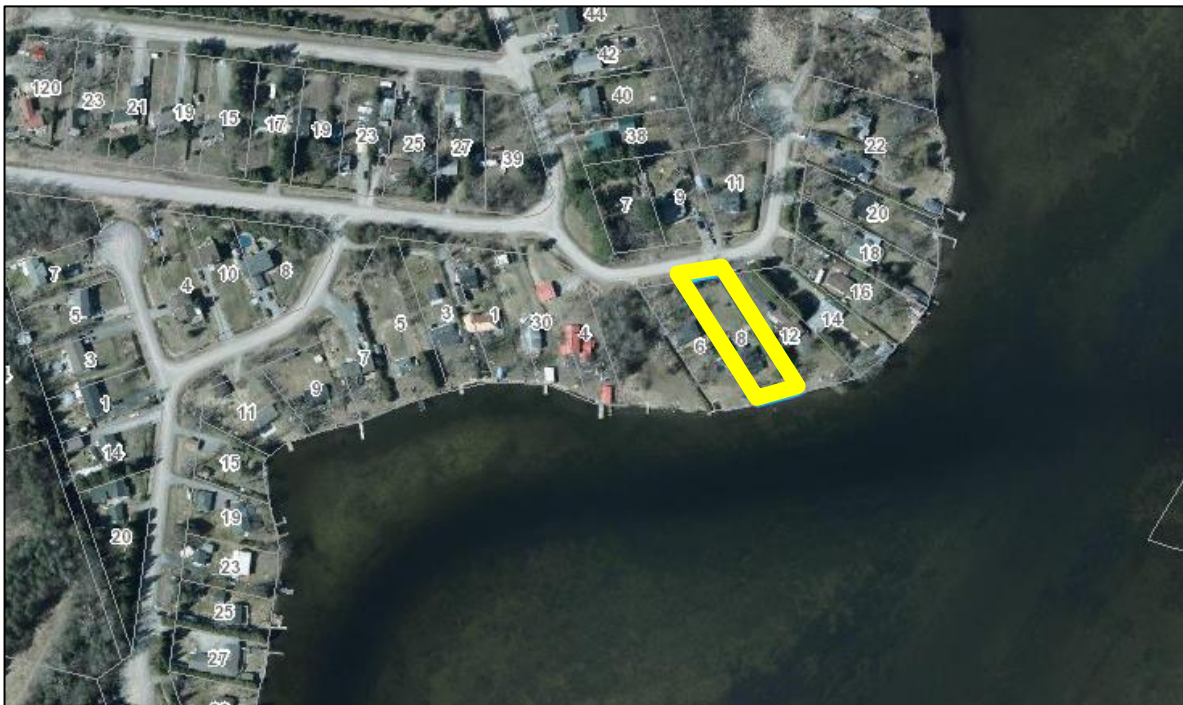
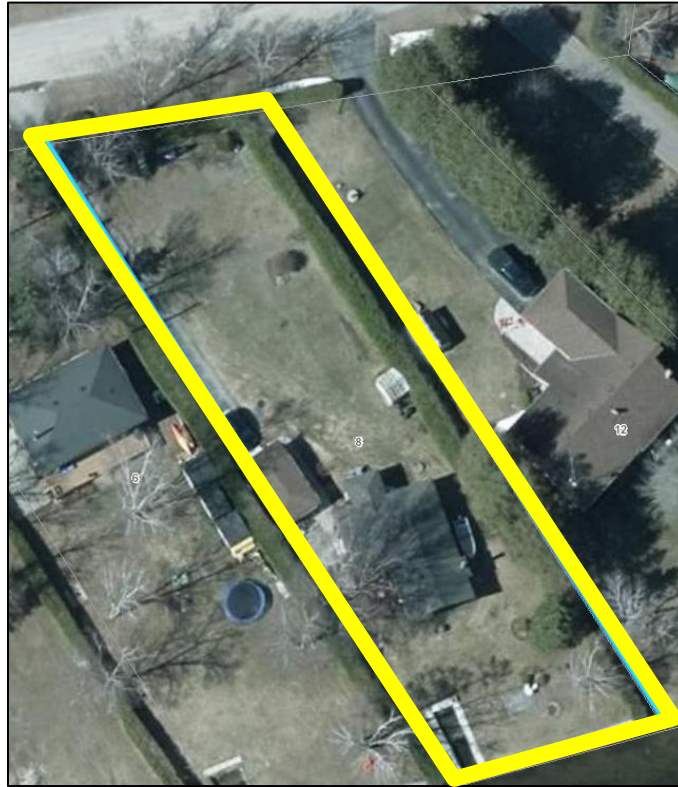


to

**AERIAL IMAGERY (2018)**

REPORT COA2024-023

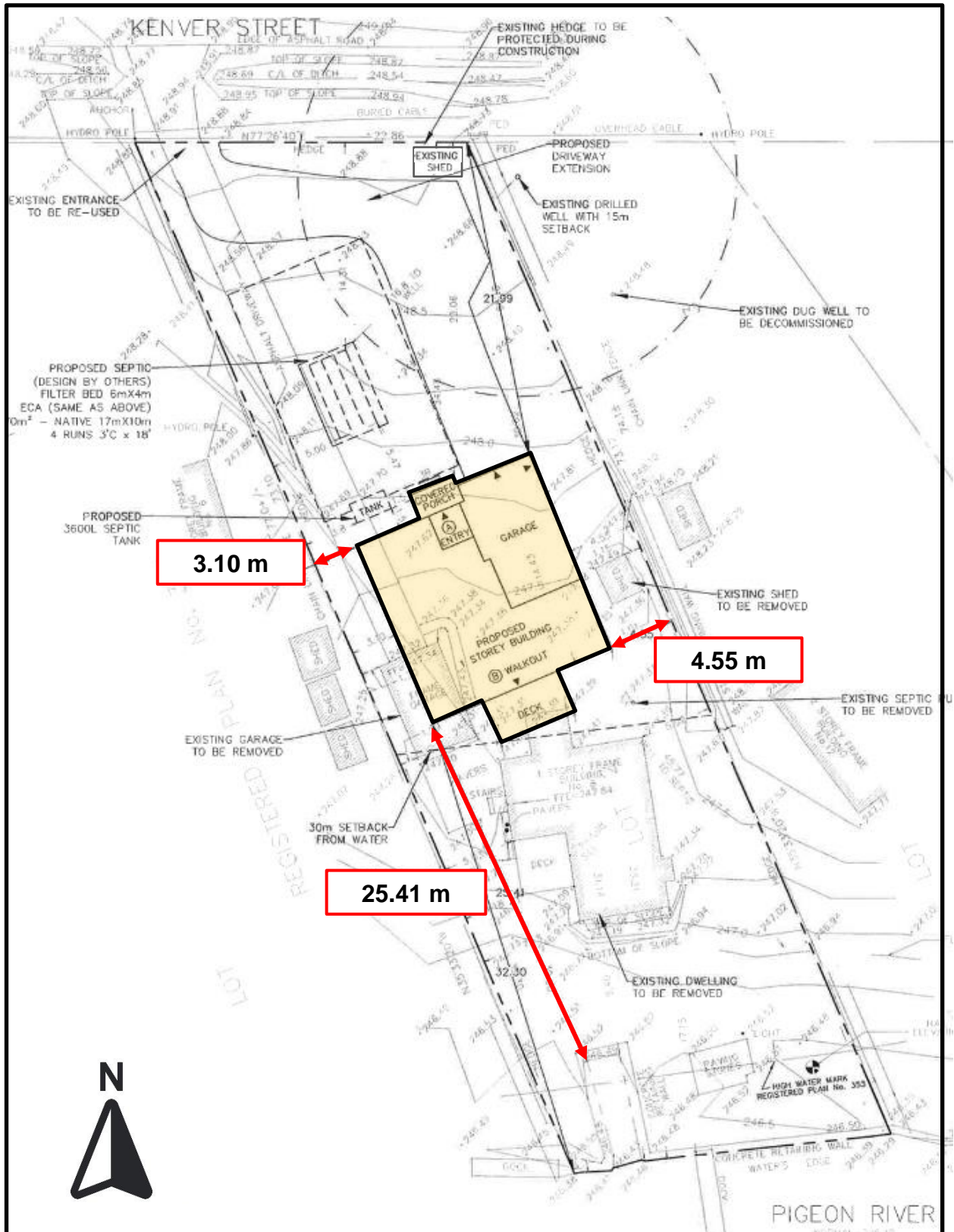
FILE NO: D20-2024-013





to

## APPLICANT'S SKETCH

REPORT COA2024-023FILE NO: D20-2024-013

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Muskoka D & M Corporation**  
Report Number COA2024-024

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**Public Meeting**

**Meeting Date:** March 28, 2024

**Time:** 1:00 pm

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

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**Ward 5 – Former Town of Lindsay**

**Subject:** The purpose and effect is to facilitate the construction of an 8 storey 110-unit apartment building.

**Relief sought:**

1. Section 14.3.12 2. i) of the By-law permits a maximum lot coverage of 55%; the proposed lot coverage is 63%; and,
2. Section 14.3.12 2. q) of the By-law requires a minimum aisle width of 6.7 metres; the proposed aisle width is 6 metres.

The variance is requested at **77 - 83 William Street North** (File D20-2024-014).

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**Author:** Katherine Evans, Planner II    **Signature:** 

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**Recommendations**

**That** Report COA2024-024 – Muskoka D & M Corporation, be received;

**That** minor variance application D20-2024-014 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 COA2024-024, 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 thirty-six (36) 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 COA2024-024. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of an 8 storey 110-unit apartment building
Owners:	Muskoka D & M Corporation c/o Thomas Binczyk
Applicant:	EcoVue Consulting Inc. c/o Aditya Srinivas and Kent Randall
Legal Description:	Part Lot 6 North of Wellington Street and South of Bond Street, Town Plan
Official Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan, 2017)
Zone <sup>2</sup> :	Central Commercial Special Eleven Holding (CC-S11(H)) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	2,402 sq. m. (25,854.9 sq. ft.) (before road widening/sight triangle conveyance to City); 2,097 sq. m. (22,571.92 sq. ft.) (after road widening/sight triangle conveyance to City)
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 neighbourhood located in the centre of the former Town of Lindsay at the intersection of Wellington Street and William Street North. The property is rectangular in shape and currently contains two commercial buildings which are vacant.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The purpose of the application is to facilitate the construction of an 8 storey 110-unit apartment building. Muskoka D & M Corporation submitted an application to the City's Affordable Housing Targets Program in 2022 seeking incentives to support the creation of affordable housing units within their proposed apartment building. In 2023 City of Kawartha Lakes Council approved such incentives. By late spring 2024 relevant agreements will be signed to support the incentives to the developer and to establish the rent supplement program for a portion of the units in the building.

Council approved a site-specific Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) on June 20, 2023 that are in force and effect. The current proposal is the same as what was approved through the OPA/ZBA process. Through the current site plan application process, the approximate dimensions of the road widening and site triangle applied during the OPA/ZBA process were finalized, resulting in an approximately 305 square metre reduction in lot area which effectively increased the lot coverage. Additionally, 6.7-metre-wide aisles in the parking area are required, and 6-metre-wide aisles are proposed. In developments of this nature, design refinements can be expected with approvals that are conditionally granted subject to final agency review and detailed design at the final site plan stage.

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.**

At the time of the OPA/ZBA, the Town of Lindsay Official Plan was in effect. An OPA was granted to increase the permitted residential density from 100 units per gross hectare to 113 units per gross hectare. However, the Town of Lindsay Official Plan has recently been repealed by the Minister of Municipal Affairs and Housing and the Lindsay Secondary Plan is now in effect.

The property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of density. The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered high density residential, which includes medium-rise and high-rise residential apartment buildings and other residential buildings in excess of four storeys in height, generally between 5 and 8 storeys in height, with a maximum density of 125 dwelling units per hectare of land.

High density residential uses will generally be located close to, or within, existing and future activity nodes, along arterial roads, along existing or planned transit corridors, or on brownfield sites, where the intensity of residential development supports commerce and transit ridership, and generates pedestrian traffic to enliven neighbourhood streets. The property is within close proximity to downtown Lindsay and is located along an arterial road, being William Street North. There are several bus routes adjacent to the property. The proposal will result in increased pedestrian traffic in this area.

The subject property is identified as being within an Environmental Constraint Area, being within 120 metres of the Scugog River. An Environmental Impact Study (EIS) or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. As per the City of Kawartha Lakes Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS. As part of the OPA/ZBA, the following reviews were completed: a Phase One and Phase Two Environmental Site Assessment; a Species at Risk screening; a Functional Servicing Report; a preliminary Stormwater Management Report; a Hydrogeological Investigation; and a Geotechnical Investigation.

The property is outside of the Kawartha Region Conservation Authority regulated area. Based on the location of the proposed development and the limited natural features on and adjacent to the site, staff feel it is reasonable to not require an EIS and that the proposal is in keeping with the general intent and purpose of the Secondary Plan.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The subject property is zoned Central Commercial Special Eleven Holding (CC-S11(H)) Zone under the Town of Lindsay Zoning By-law 2000-75. An apartment building is a permitted use within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the maximum lot coverage and minimum aisle width.

As per Section 14.3.12 2. i) of the By-law, a maximum lot coverage of 55% is permitted. The proposed lot coverage is 63% as a result of land conveyance to the municipality. The intent of establishing maximum lot coverage is to manage massing, ensure a sufficient degree of landscaped open space is maintained, and to control more technical aspects of development such as drainage. The built form that was approved through the OPA/ZBA process is to remain the same, and the proposal is to comply with the minimum required landscaped open space. The increased lot coverage is not anticipated to impact drainage.

As per Section 14.3.12 2. q) of the By-law, a minimum aisle width of 6.7 metres is required. The proposed aisle width is 6 metres. The intent of a minimum aisle width is to ensure there is adequate space for vehicles to negotiate the parking area. As part of the OPA/ZBA submission, a traffic impact brief was prepared by Tatham Engineering. It was determined that a 6-metre-wide aisle is sufficient for the circulation of traffic on the site and for the manoeuvring of typical vehicles.

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:**

**Building and Septic Division (Building):** “No comments.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection/no comment.”

### **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 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-014

## Schedule 1

### Relevant Planning Policies and Provisions

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#### Lindsay Secondary Plan



#### 31.2.3. Land Use Policies

##### 31.2.3.1. Residential

##### 31.2.3.1.1. Permitted Uses

##### 31.2.3.1.2. Residential Densities

##### 31.2.3.1.2.3. High Density Residential Development



#### 31.2.2.6. Environment and Natural Heritage

## Town of Lindsay Zoning By-law 2000-75



### 14.3.12 CC-S11(H) Zone Central Commercial Special Eleven Holding (CC-511(H)) Zone

#### 1. Permitted Uses

- (a) Apartment Building
- (b) All other permitted uses in the CC Zone

#### 2. Zone requirements for apartments

- i) Maximum lot coverage 55%
- q) Minimum aisle width 6.7 m



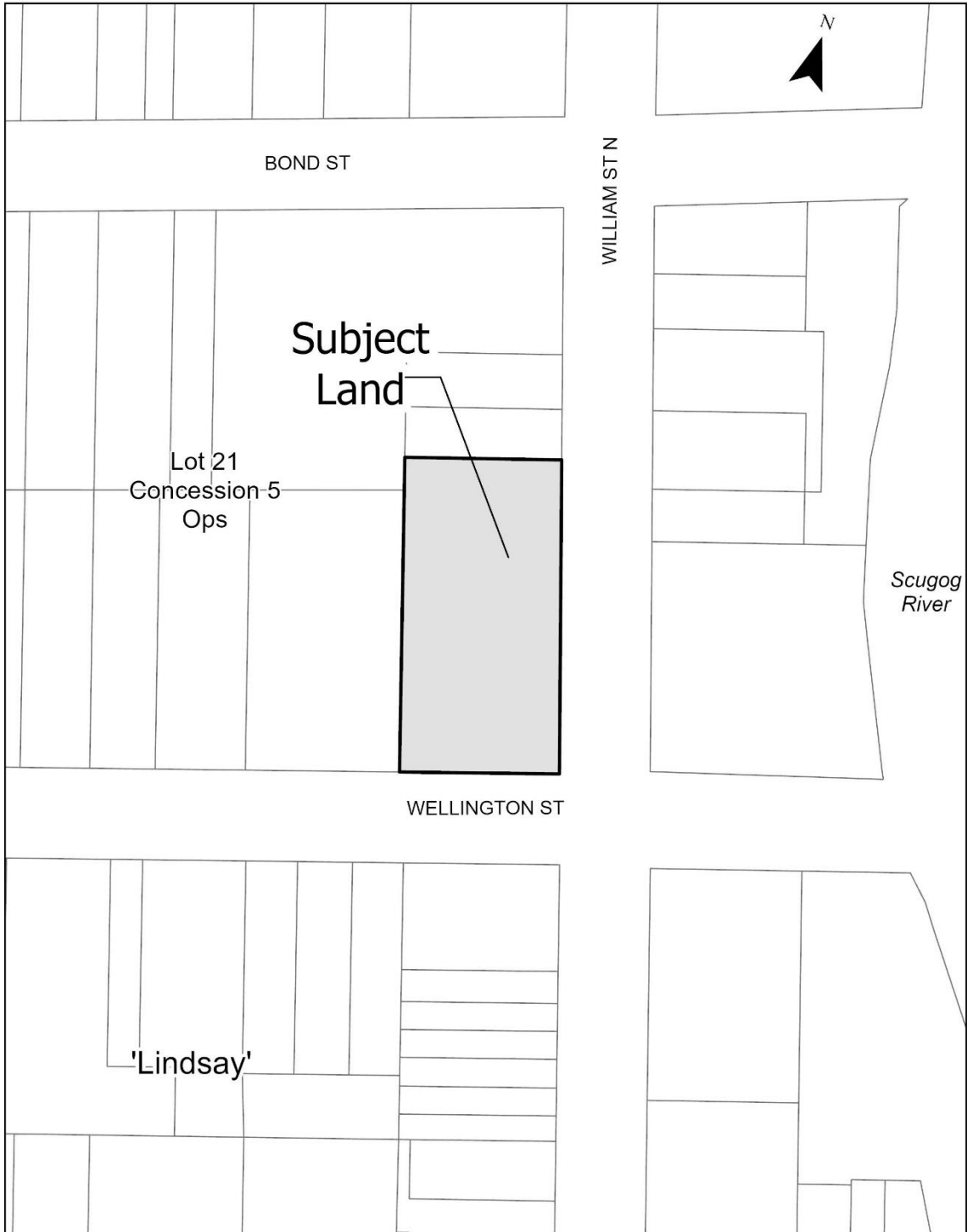
to

REPORT COA2024-024

FILE NO: D20-2024-014

**LOCATION MAP**

**D20-2024-014**

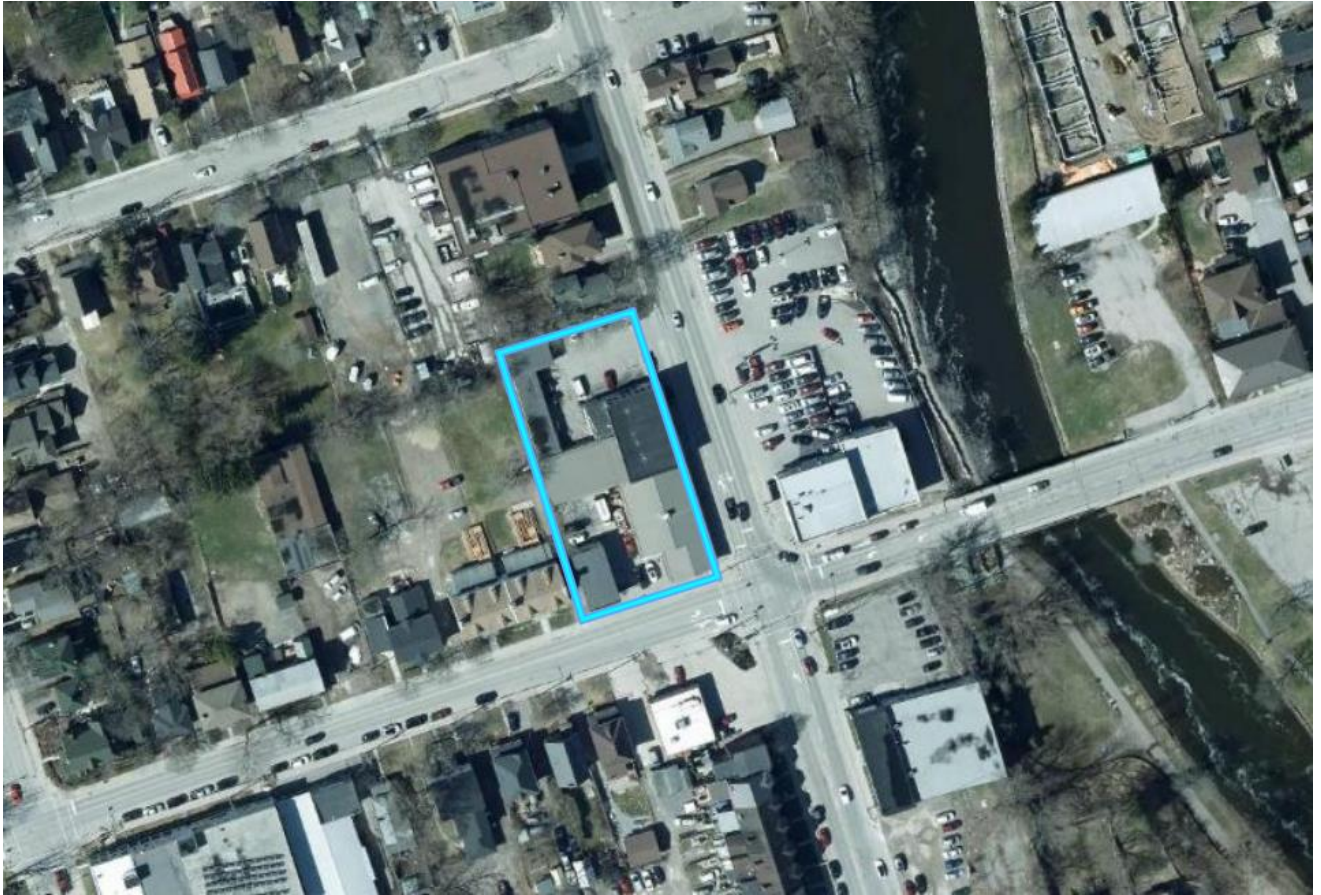


to

REPORT COA2024-024

FILE NO: D20-2024-014

**AERIAL PHOTO**

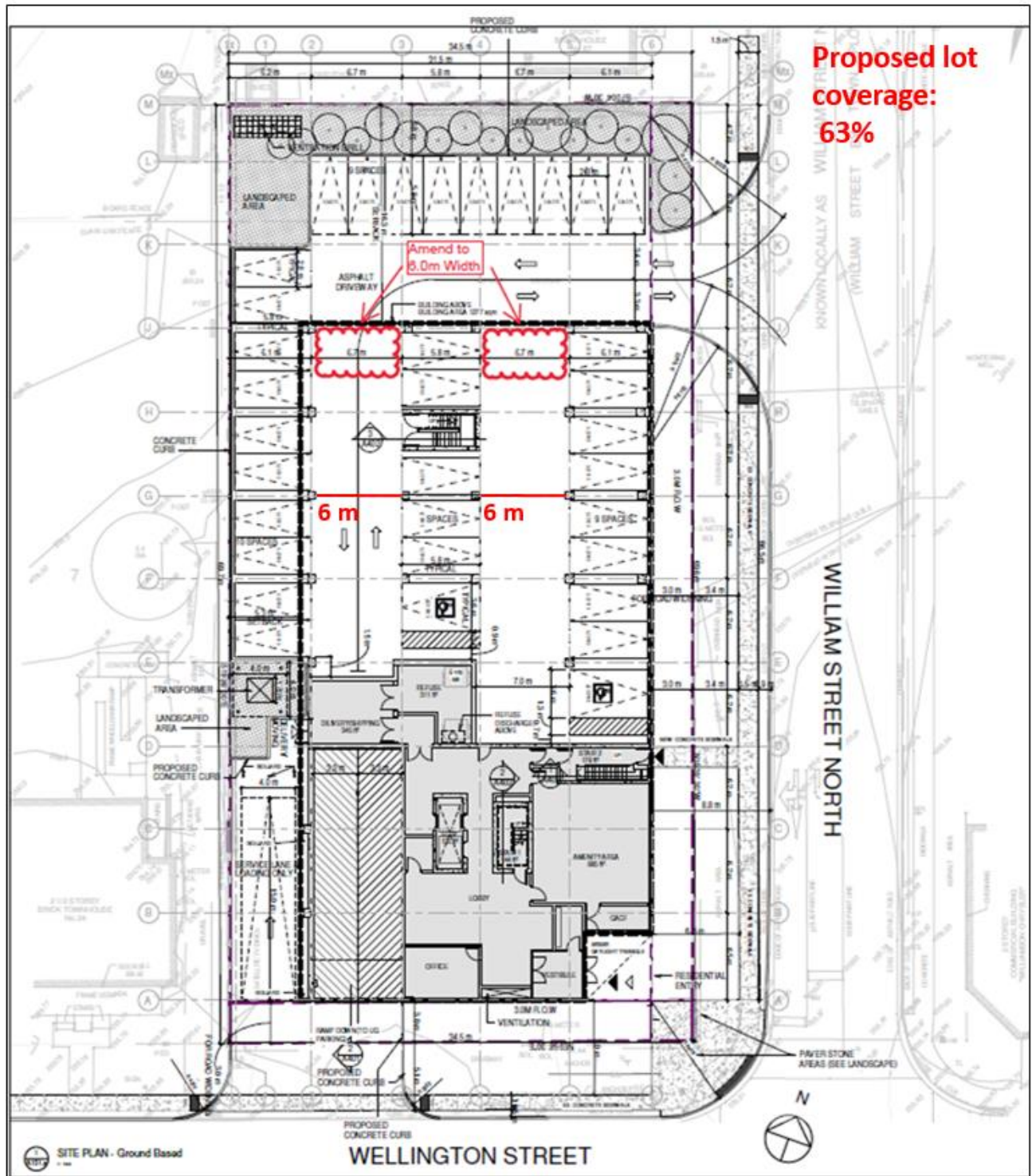


to

REPORT COA2024-024

FILE NO: D20-2024-014

### APPLICANT'S SKETCH



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – McGill and Smith**  
Report Number COA2024-025

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**Public Meeting**

**Meeting Date:** March 28, 2024

**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 obtainment of a building permit for an existing cabin.

**Relief sought:**

1. Section 13.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The existing water setback from the cabin remains unchanged at 8.7 metres.
2. Section 3.1.2.2. of the Zoning By-law requires a minimum 1.2 metre setback for all accessory structures from the primary residential building. The existing setback of the cabin from the dwelling remains unchanged at 1.0 metre.
3. Section 3.1.6.1. of the Zoning By-law permits a cabin up to a maximum of 30 square metres. The existing cabin size remains unchanged at 37.0 square metres.
4. Section 3.1.6.1. of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The required minimum lot area and frontage of the applicable zone is 2,000 square metres and 35 metres, respectively. The subject property is 1,011.71 square metres in size and 31.1 metres in frontage along Fell's Point Road.

The variance is requested at **79 Fell's Point Road** (File D20-2024-015).

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



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**Recommendations**

**That** Report COA2024-025 – McGill and Smith, be received;

**That** minor variance application D20-2024-015 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 COA2024-025, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** the shed identified in Appendix C and Appendix D, submitted as part of Report COA2024-025, be removed within a period of eight (8) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the has been removed to the Secretary-Treasurer; and,
- 3) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within 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 a review of the sewage system requirements; and,
- 4) **That** this approval shall be in effect for a period of eight (8) months after the date of the Notice of Decision, after which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2024-025. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Obtain building permit for an existing cabin
Owners:	Craig McGill and Kelly Smith
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 32 and Part Bed of Cameron Lake, Concession 11 (being Part 3 on RP 57R9366)
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:	1,011.71 square metres (0.25 acres)

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1



Site Access: Year-round maintained road

Site Servicing: Potable water from lake and individual septic system

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 northern shore of Cameron Lake, with access from Fell's Point Road (year-round maintained public road). The area in which the property is located is predominantly residential comprised of built-form characterized by single detached dwellings and assorted accessory structures with varying proximities from both the road and shoreline. The property currently contains a one-storey single detached dwelling (1952) with rear deck, two sheds, a cabin, and a boathouse.

The proposal seeks to facilitate obtainment of a building permit for an existing cabin.

The existing cabin was originally constructed as a detached garage in the 1980's and converted into a cabin at some point in time. The current property owners are now seeking a Change Of Use permit for the existing cabin in order to use the structure for residential purposes and not accessory uses typically associated with a detached garage. The cabin is to be used solely for sleeping accommodation, and does not contain any cooking or sanitary facilities. Given the age of the extant dwelling, it is suitable for the property owners to seek the most optimal utilization of their land. Furthermore, the cabin provides additional residential space without the need for construction of a new structure by utilising the previous detached garage.

Given the above analysis, the variances are 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. 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.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. The variance is not seeking expansion or construction of a new building or structure within the water setback, as such, the intent of the Waterfront designation is maintained in

restricting new development within the water setback of a shoreline. Moreover, the variance supports the objectives of the Waterfront designation as it does not change the existing low-density residential land use, maintains a low profile and preserves the existing shoreline. Performance and siting criteria is implemented through the zoning by-law.

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 Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-Law 12-95. The RR3 Zone permits multiple uses including a vacation dwelling or a single detached dwelling, as well as accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum water setback, accessory structure setback from a dwelling, size of a cabin, and lot size and frontage requirements for a cabin. An existing shed in the front yard will be removed as part of the application. There is also an addition to the front porch, however, that is unrelated to the subject minor variance application as it complies with all provisions of the Zoning By-law.

Firstly, Section 13.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The intent of the water setback is to protect built form from natural hazards, and 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 existing unchanged water setback from the cabin is 8.7 metres. The cabin is further away than 8.7 metres from the majority of the shoreline, however, near the cabin is an existing boat ramp that extends into the property creating a closer water setback. The Zoning By-law requires accessory structures to be located in a side or rear yard. The existing cabin cannot be located anywhere in the rear yard as the entirety of the rear yard is within the minimum water setback. The existing septic bed in the front yard prevents any of the structures being located closer to the street. Although the cabin's water setback is deficient, it is greater than the water setback measured from the dwelling and/or its rear deck. As a result, the proposed variance maintains the intent of the Zoning By-law as it does not seek new construction within the water setback, nor does it create a water setback lesser than currently existing.

Secondly, Section 3.1.2.2. of the Zoning By-law requires a minimum 1.2 metre setback for all accessory structures from the primary residential building. The intent of this provision is to ensure safety from fire hazards, preventing overcrowding, and contributing to the overall aesthetic of properties. The existing setback of the cabin from the dwelling remains unchanged at 1.0 metre. The 1.0 metre setback area provides adequate space for passageway between the front yard and rear yard. Furthermore, a line of trees is present between the subject property and the neighbouring property, and moving the existing cabin closer to the side lot line may require the removal or alteration to that existing tree vegetation. Additionally, the 0.20 metre deficiency between the existing setback and required setback is negligible considering the proposed change in use is to be contained within the existing accessory structure and environmental features in the side yard.

Thirdly, Section 3.1.6.1. of the Zoning By-law permits a cabin up to a maximum of 30 square metres. The intention of this provision is to ensure the cabin remains subordinate to the primary, generally residential, use of the property. Moreover, as a cabin is not permitted to contain cooking or sanitary facilities and must only be used for sleeping accommodation, it should not require a very large footprint. The existing cabin size remains unchanged at 37.0 square metres. As previously mentioned, the proposed change in use is to be contained within the existing accessory structure, it is restricted to the same building footprint. Nonetheless, the existing cabin remains subordinate to the dwelling situated on the property as it is approximately a quarter of the ground floor area of the current dwelling.

Lastly, Section 3.1.6.1. of the Zoning By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. 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 required minimum lot area and frontage of the applicable zone is 2,000 square metres and 35 metres, respectively. The subject property is 1,011.71 square metres in size and 31.1 metres in frontage along Fell's Point Road. The variance avoids overcrowding as the shed in the front yard will be removed as part of the application which will allow for greater open space in the front yard. Additionally, 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 in keeping with the character of the lots along Fell's Point Road.

Therefore, the variances 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 (Building):** “No comments.”

**DS – Building and Septic (Septic):** “An application for a sewage system permit has been submitted for a replacement sewage system to service the current build-out. At this time, the application has received preliminary review. However, many



factors with the evaluation remain outstanding. As such, the Building and Septic Division would request a condition be added to any endorsement for the minor variance to satisfy the Supervisor – Part 8 Sewage Systems prior to completion of the approval.”

**ECA – Development Engineering Division:** “From a Development engineering perspective, we have no objection/no comment.”

**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

---

<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>	D20-2024-015

## Schedule 1

### Relevant Planning Policies and Provisions

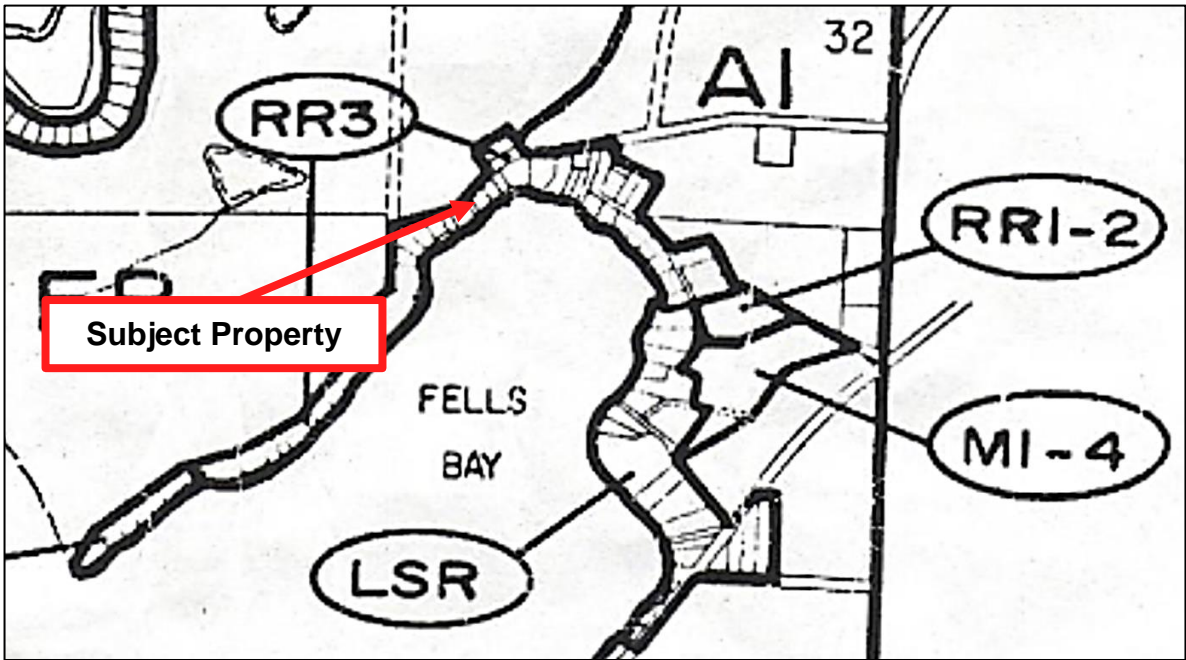
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#### City of Kawartha Lakes Official Plan



#### SECTION 20 – WATERFRONT DESIGNATION

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



**PART 13 - RURAL RESIDENTIAL TYPE THREE (RR3) ZONE**

**13.2 ZONE PROVISIONS**

13.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Three (RR3) Zone, except in conformity with the following zone provisions:

- 13.2.1.1 Lot Area (min.)
  - (a) serviced with municipal or communal water system 1400 sq. m
  - (b) serviced with private well and septic system 2000 sq. m
- 13.2.1.2 Lot Frontage (min.)
  - (a) serviced with municipal or communal water system 25 m
  - (b) serviced with private well and septic system 30 m
  - (c) with shore lot line regardless of services 35 m
- 13.2.1.3 Yard Requirements (min.)
  - (e) water setback 15 m

**PART 3 - GENERAL PROVISIONS**

**3.1.2 LOCATION**

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

3.1.6 CABINS

3.1.6.1 Where a zone permits a private cabin a maximum of 1 private cabin, having a maximum floor area of 30 square metres, may be permitted as an accessory use to a permitted dwelling unit provided the lot upon which they are situated conforms to the minimum lot area and frontage requirements of the zone.

PART 2 - DEFINITIONS

CABIN, PRIVATE means a building, for sleeping accommodation, which contains no cooking or sanitary facilities and which is an accessory use to a dwelling unit.

DWELLING UNIT means a suite operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities for the exclusive use of the occupants.

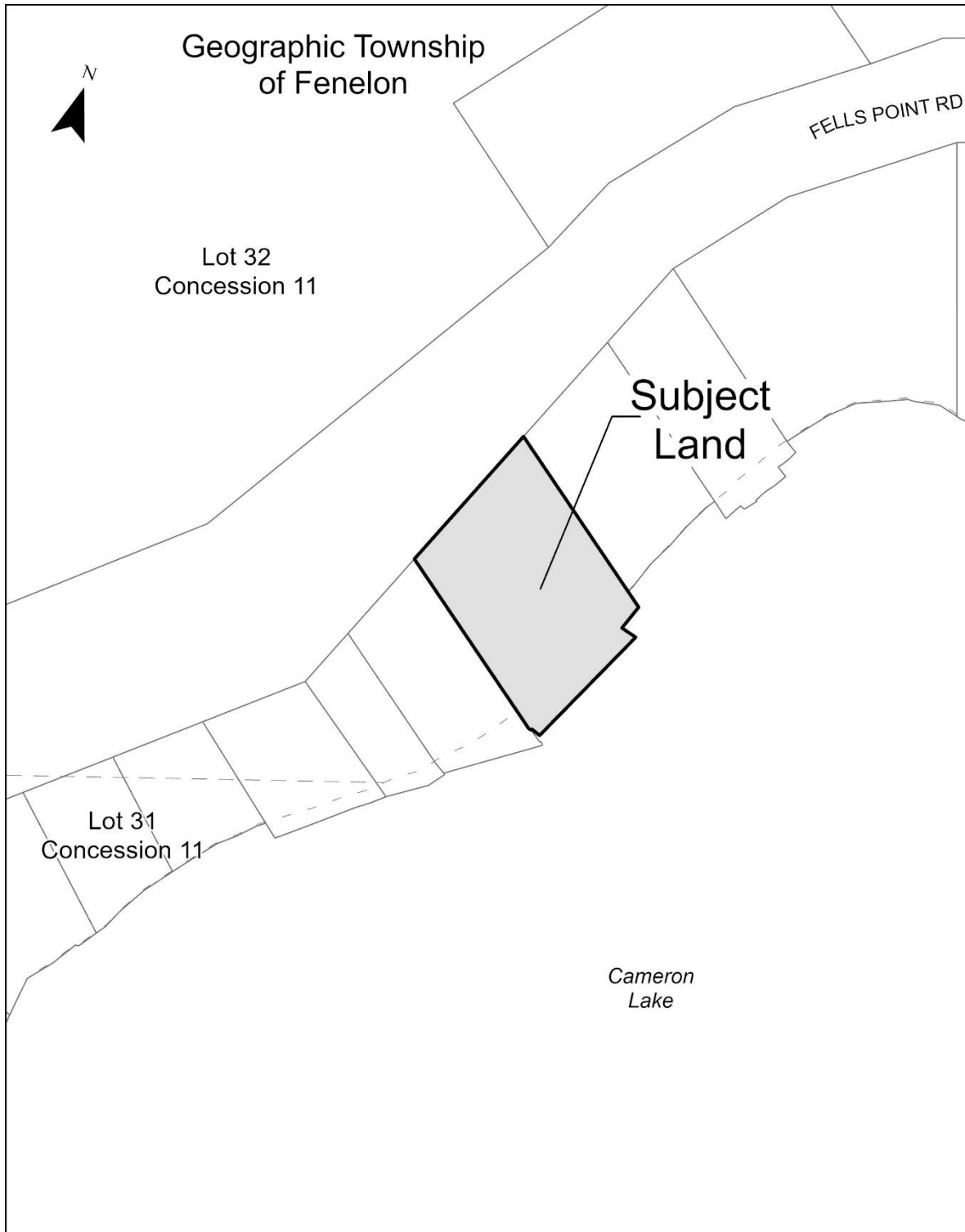
to

**LOCATION MAP**

REPORT COA2024-025

FILE NO: D20-2024-015

# D20-2024-015





APPENDIX “ B ”

to

**AERIAL IMAGERY (2018)**

REPORT COA2024-025

FILE NO: D20-2024-015



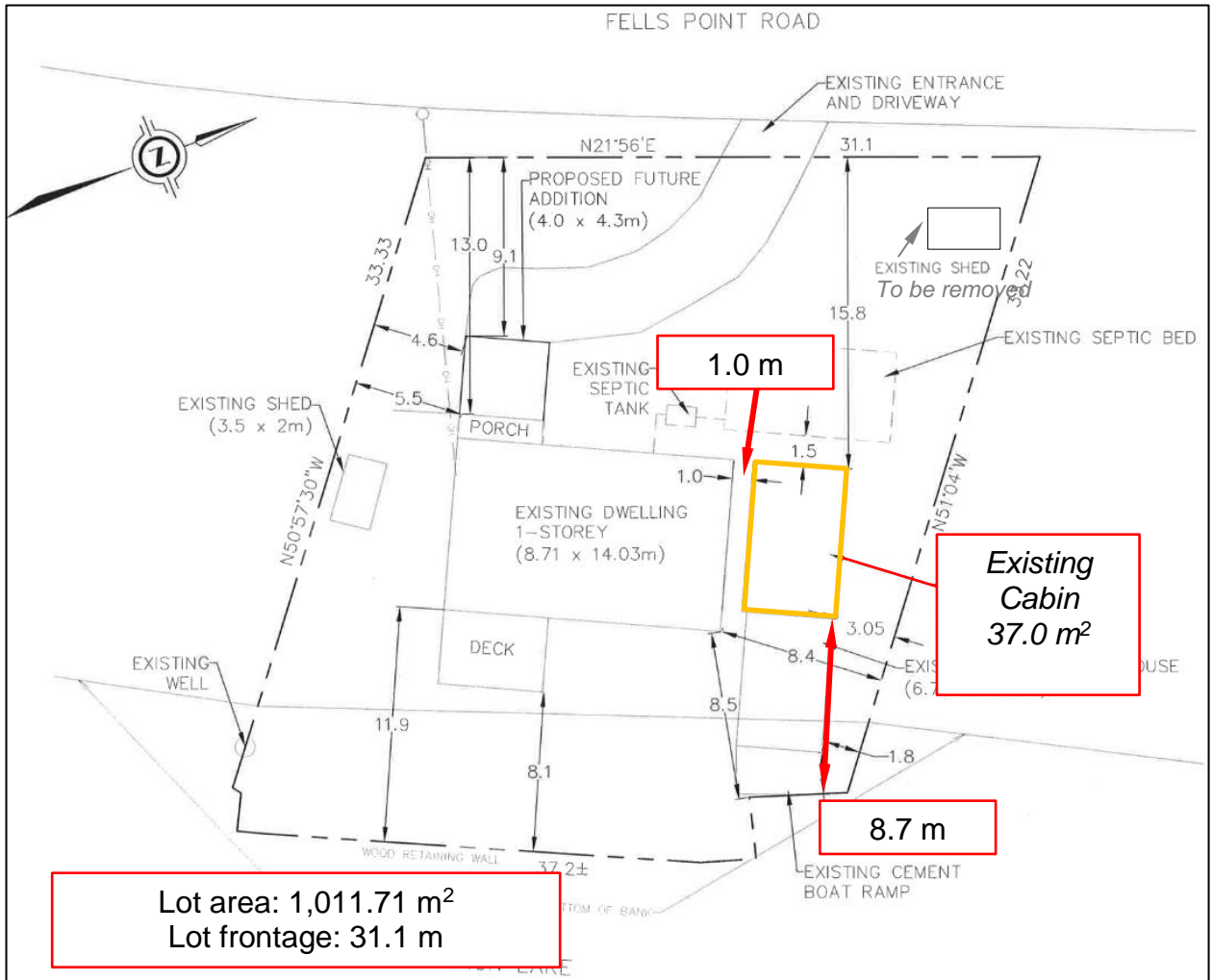
# APPENDIX “ C ”

to

## APPLICANT’S SKETCH

REPORT COA2024-025

FILE NO: D20-2024-015





to

**PHOTO OF EXISTING SHED TO  
BE REMOVED**

REPORT COA2024-025

FILE NO: D20-2024-015





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 1000561448 Ontario Limited**  
Report Number COA2024-026

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**Public Meeting**

**Meeting Date:**      **March 28, 2024**

**Time:**                1:00 pm

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

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**Ward 7 – Former Town of Lindsay**

**Subject:**      The purpose and effect is to facilitate the construction of a single detached dwelling.

**Relief sought:**

1. Section 7.3.23 i) of the By-law requires a minimum front yard setback of 6 metres; the proposed setback is 2.3 metres from the stairs and 4.7 metres from the front porch.

The variance is requested at vacant **Lot 48 Fisher Road** (File D20-2024-016).

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**Author:**    Katherine Evans, Planner II

**Signature:** 

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**Recommendations**

**That** Report COA2024-026 – 1000561448 Ontario Limited, be received;

**That** minor variance application D20-2024-016 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 COA2024-026, 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 COA2024-026. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a single detached dwelling
Owners:	1000561448 Ontario Limited c/o Mark Milani
Applicant:	Cayla Milani
Legal Description:	Lot 48 Plan 57M813
Official Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan, 2017)
Zone <sup>2</sup> :	Residential Two Special Eighteen (R2-S18) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	516 sq. m. (5,554.18 sq. ft.)
Site Access:	Road under construction – to be assumed at later date in accordance with subdivision agreement
Site Servicing:	Lot will be serviced with municipal water and sanitary sewers
Existing Uses:	Residential (dwelling under construction)
Adjacent Uses:	Residential

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject property is located in a new subdivision in the southeastern portion of the former Town of Lindsay. The subdivision contains new development at varying stages of completion, with some completed dwellings to the west of this property, vacant lots, and dwellings that are partially constructed. The subject property contains a dwelling that has been partially constructed.

The purpose of the application is to facilitate the construction of a new single detached dwelling. Due to the change in grade of this lot, stairs are required to access the dwelling from the driveway. Additionally, a front porch is proposed,

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

which will provide visual interest to the front of the dwelling while providing shelter from the elements while entering and exiting the dwelling.

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.**

As the Town of Lindsay Official Plan has recently been repealed by the Minister of Municipal Affairs and Housing, the Lindsay Secondary Plan is now in effect. The subject property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of residential density.

The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered low density residential development, which includes single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary Plan.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The subject property is zoned Residential Two Special Eighteen (R2-S18) Zone under the Town of Lindsay Zoning By-law 2000-75. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback.

As per Section 7.3.23 i) of the By-law, a minimum front yard setback of 6 metres is required. The proposed setback is 2.3 metres from the stairs and 4.7 metres from the front porch. 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.

Section 5.24 of the Zoning By-law contains a provision which allows stairs to extend 0.9 metres into a required minimum setback. As the proposed stairs exceed this allowed encroachment, this provision does not apply to allow the stairs at the proposed setback and relief is required. Additionally, the Zoning By-law contains a provision which allows an open porch to extend 1.8 metres into a required minimum setback. The proposed porch is covered and is primarily enclosed. As such, this provision does not apply to allow the porch at its proposed setback and relief is required.

This side of the street is to have a side walk and grass boulevard, providing visual and physical separation between the porch and stairs and the travelled portion of the road. It is not anticipated that the proposed reduced setback will impact street maintenance or sight lines. As the majority of the lots on this street are currently

vacant, the character of the streetscape has yet to be established. However, the completed portion of the subdivision to the west contains a variety of dwelling models with varying front yard setbacks, and it is not anticipated the dwelling on the subject property will be out of character with the existing and future development in the 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:**

**Building and Septic Division (Building):** “No comments.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection/no comment.”

**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 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-016

## Schedule 1

### Relevant Planning Policies and Provisions

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#### Lindsay Secondary Plan



#### 31.2.3. Land Use Policies

##### 31.2.3.1. Residential

##### 31.2.3.1.1. Permitted Uses

##### 31.2.3.1.2. Residential Densities

##### 31.2.3.1.2.1. Low Density Residential Development

## Town of Lindsay Zoning By-law 2000-75



### Section 5 General Provisions for all Zones

#### 5.24 Yard and Setback Encroachments Permitted

- ii) an open platform or stairway (excluding a fire escape) may extend a distance of not more than 0.9 m into a front, rear or side yard setback area;
- iv) In a Residential Zone
  - an open balcony or porch may extend a distance of not more than 1.8 m into a front, side or rear yard setback area.

### Section 7 Residential Two (R2) Zone

#### 7.1 R2 Uses Permitted

#### 7.2 R2 Zone Requirements

#### 7.3 Special R2 Zone Requirements

##### 7.3.23 R2-S18 Zone

- i) The minimum front yard setback shall be 6.0 m.

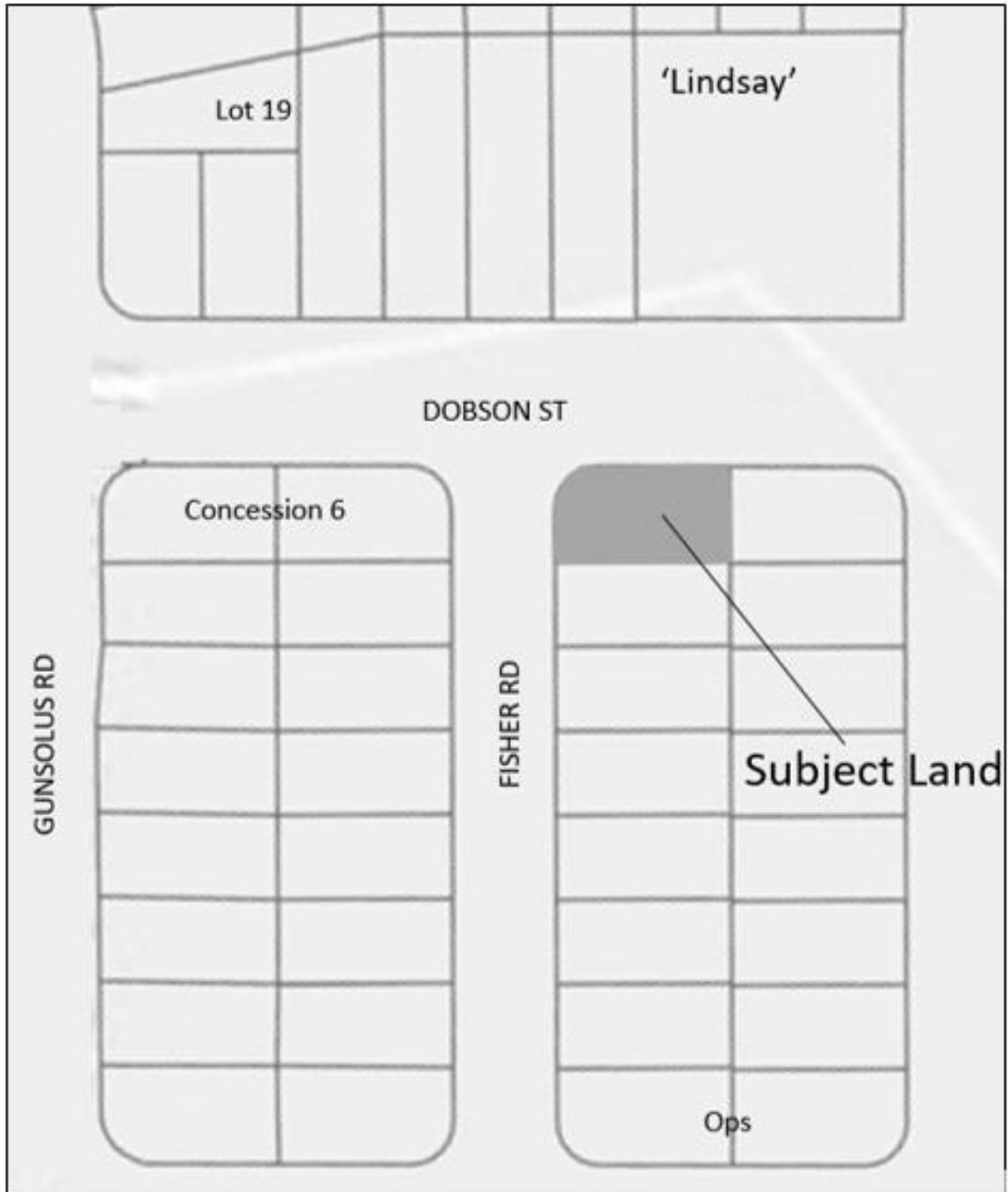
to

REPORT COA2024-026

FILE NO: D20-2024-016

## LOCATION MAP

# D20-2024-016



to

REPORT COA2024-026

FILE NO: D20-2024-016

**AERIAL PHOTO**



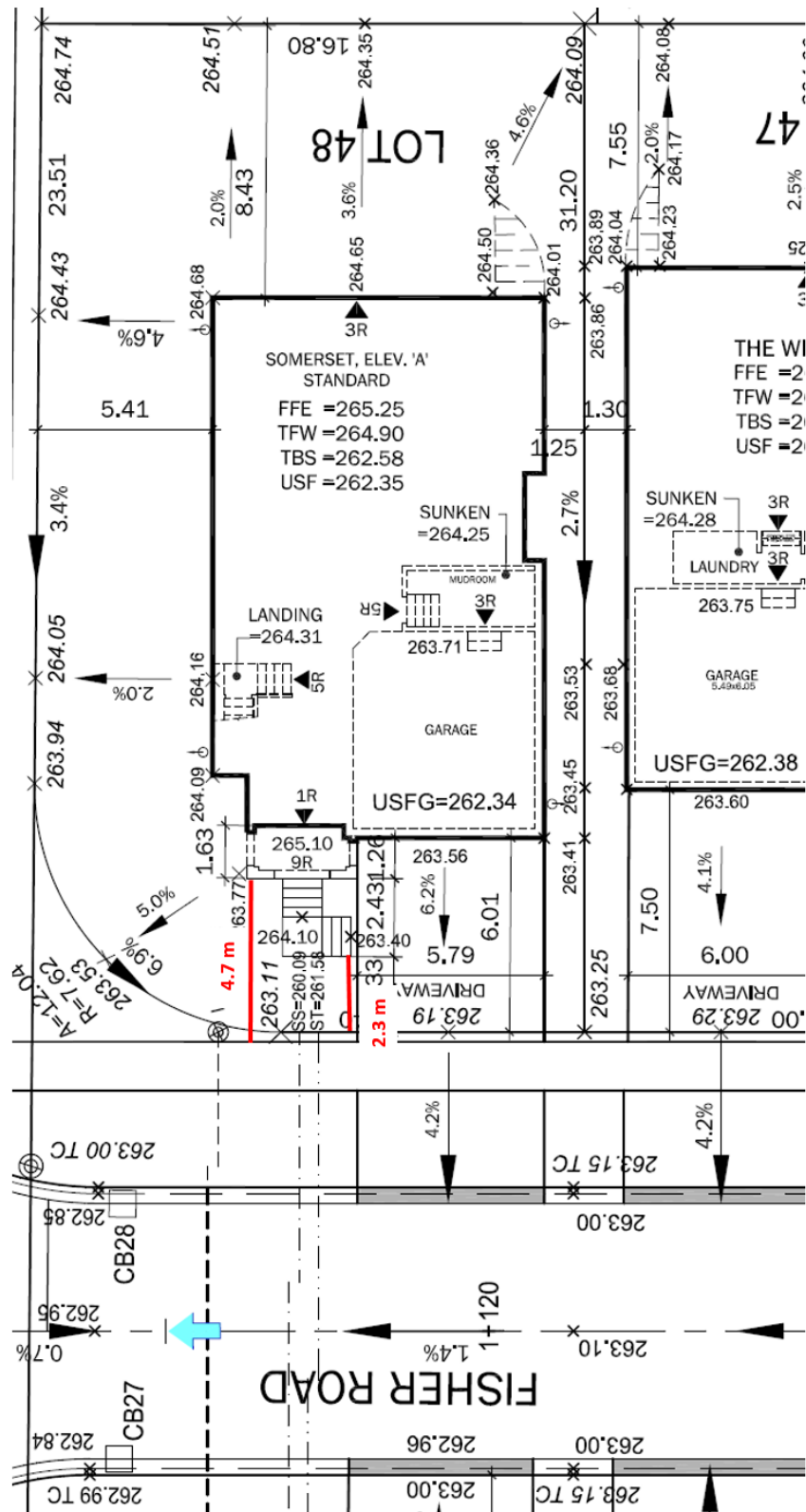


to

REPORT COA2024-026

FILE NO: D20-2024-016

## APPLICANT'S SKETCH



# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Nigh

Report Number COA2024-027

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### Public Meeting

**Meeting Date:** March 28, 2024

**Time:** 1:00 pm

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

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### Ward 5 – Former Town of Lindsay

**Subject:** The purpose and effect is to facilitate the construction of a new detached garage.

### Relief sought:

1. Section 5.2.b.i. of the Zoning By-law requires a 1.25 metre setback from an interior side lot line for accessory structures; the proposed side yard setback is 0.51 metres.
2. Section 5.24 of the Zoning By-law permits the encroachment of roofs and other overhanging projections up to a maximum of 0.6 metres into any yard. The proposed encroachment into the side yard from the overhang of the roof's eave is 1.20 metres.

The variance is requested at **11 Albert Street South** (File D20-2024-017).

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

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### Recommendations

**That** Report COA2024-027 – Nigh, be received;

**That** minor variance application D20-2024-017 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 COA2024-027, 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 COA2024-027. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a detached garage in the side yard
Owners:	David Nigh
Applicant:	David Nigh
Legal Description:	Part of Park Lot 6, West of Albert Street, Town Plan
Official Plan <sup>1</sup> :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan)
Zone <sup>1</sup> :	Residential One (R1) Zone (Town of Lindsay Zoning By-Law 2000-75)
Site Size:	526.09 square metres (5,662.78 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Municipal water and sewage system
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 located west of the intersection of Russell Street West and Albert Street South in the former Town of Lindsay. The neighbourhood is

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<sup>1</sup> See Schedule 1

predominantly residential in the form of single detached dwellings. However, the neighbouring property to the north contains a six-storey apartment complex.

The subject property is rectangular in shape with access from Albert Street South. The property currently contains a single detached dwelling, and a temporary tent-canopy car shelter.

The proposal is to remove the existing temporary tent-canopy car shelter and construct a detached garage in the side yard. The existing car shelter will be removed immediately prior to construction of the proposed detached garage. The proposed garage is slightly larger than the existing car shelter and will promote better use of the land as it will allow for a permanent place of shelter for a single vehicle. Additionally, the proposed garage will offer increased privacy for the vehicle and homeowners and store the vehicle out of sight from the street.

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 Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation aims to provide general broad policies that are applicable to all urban settlements within the City. The Lindsay Secondary Plan provides more specific policies directed towards the former Town of Lindsay. Under the Secondary Plan, the property is designated Residential.

The Residential designation under the Secondary Plan permits a variety of residential dwelling types and accessory structures. Policy 31.2.3.1.2.1. of the Secondary Plan states garages should not project more than one metre beyond the front face of the dwelling or covered front porch, in order to foster an attractive streetscape. The proposed detached garage is situated in the side yard and will not be situated closer to the street than the existing dwelling and/or covered porch. Furthermore, the proposed garage provides a more aesthetically appealing style of built form in comparison to the existing temporary tent-canopy car shelter. Performance and siting criteria is implement through the Zoning By-law.

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 Residential One (R1) Zone under the Town of Lindsay Zoning By-Law 2000-75. The R1 Zone permits the use of a single detached dwelling and accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of the interior side yard setback and the maximum encroachment of an overhang into a setback area.

Section 5.2.b.i. of the Zoning By-law requires a 1.25 metre setback from an interior side lot line for accessory structures. The intention of this provision is to ensure

there is sufficient space for lot drainage, access between front and rear yards, building maintenance, as well as providing privacy for neighbouring properties. The proposed interior side yard setback is 0.51 metres from the northern side lot line. The proposed garage will be situated on an existing paved area, which in turn will not create any anticipated impacts to the existing lot drainage pattern. Furthermore, despite the insufficient setback in the interior side yard, the proposed 0.51 metres remains adequate to accommodate passageway for maintenance purposes. Additionally, there is still 1.74 metres of space between the proposed garage and the existing dwelling for access between the front and rear yard. Regarding privacy, the proposed garage is not directly adjacent to any neighboring structure or dwelling, as the adjacent property to the north features an apartment complex with a large front yard green space.

Section 5.24. of the Zoning By-law permits the encroachment of roofs and other overhanging projections up to a maximum of 0.6 metres into any yard. As such, the resulting interior side yard setback is permitted to be reduced to 0.65 metres for any roof or other overhanging projections. The intention of this provision is to accommodate architectural and functional features (e.g., eaves, roofs), while ensuring a balance between building aesthetics and property line regulations. It allows for more flexible building designs without violating setback requirements or impeding neighbouring properties. The proposed encroachment from the eave of the roof is 1.20 metres, meaning the interior setback from the eave of the roof the northern side lot line is 0.05 metres. Although deficient, the proposed garage follows the intent of this provision by avoiding encroachment into the neighbouring property. Furthermore, the eave of the roof will not restrict passageway in the interior side yard as the roof is approximately 2.7 metres from finished grade.

In consideration of the above, the variances 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 (Building):** “Spatial separation could be a potential issue (will be addressed at building permit stage)”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to this proposed Minor Variance and provide the following comment:

- Given that the proposed side yard setback will be less than 1.0 metre to the north, the applicant must confirm that the proposed downspouts are directed to the subject property at 11 Albert Street South (i.e. to the rear yard/rear of the garage and not to the side yard on the north side) to mitigate any drainage issue.”

**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  
Appendix D – Elevation Drawings

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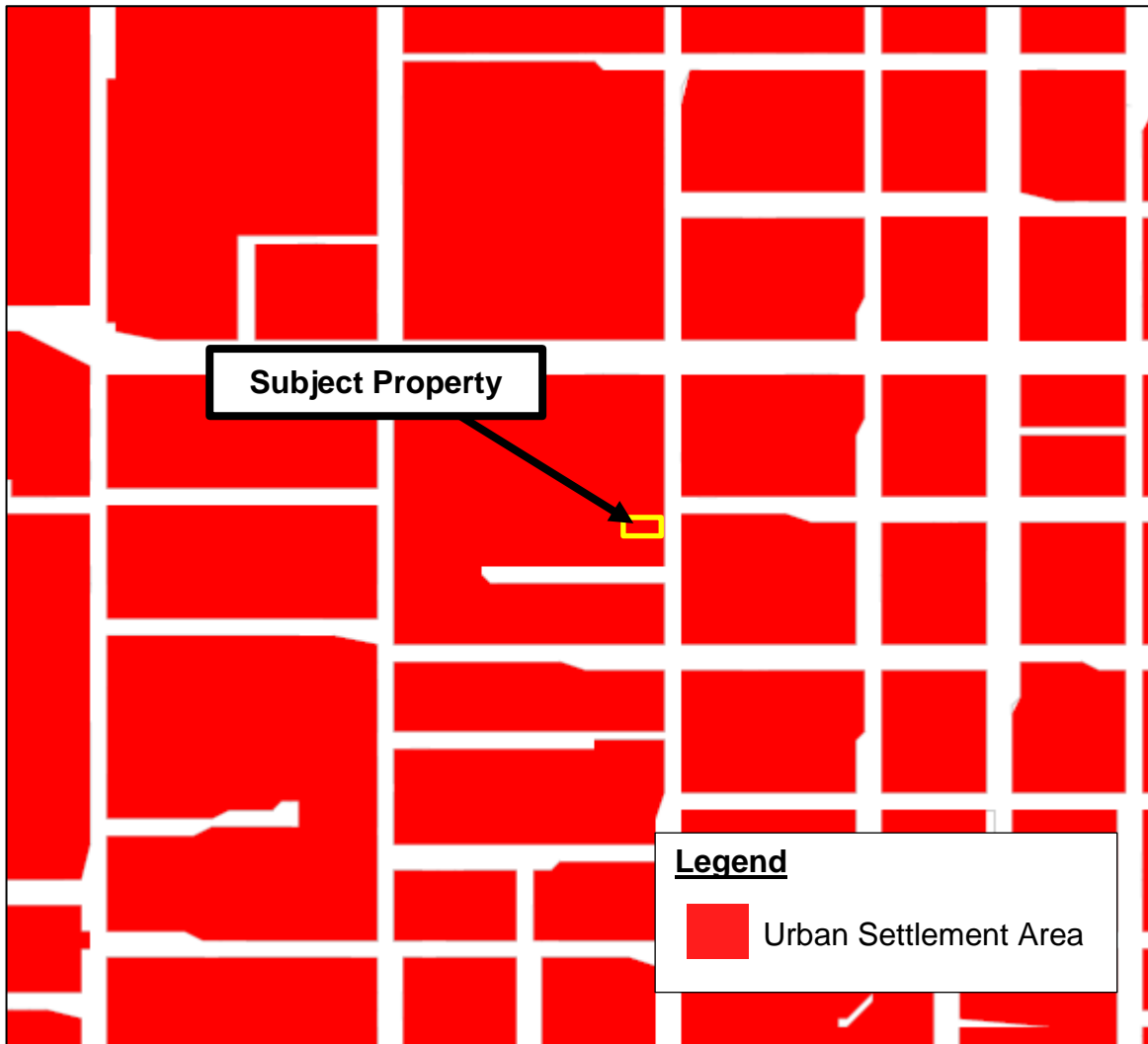
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-017

## Schedule 1

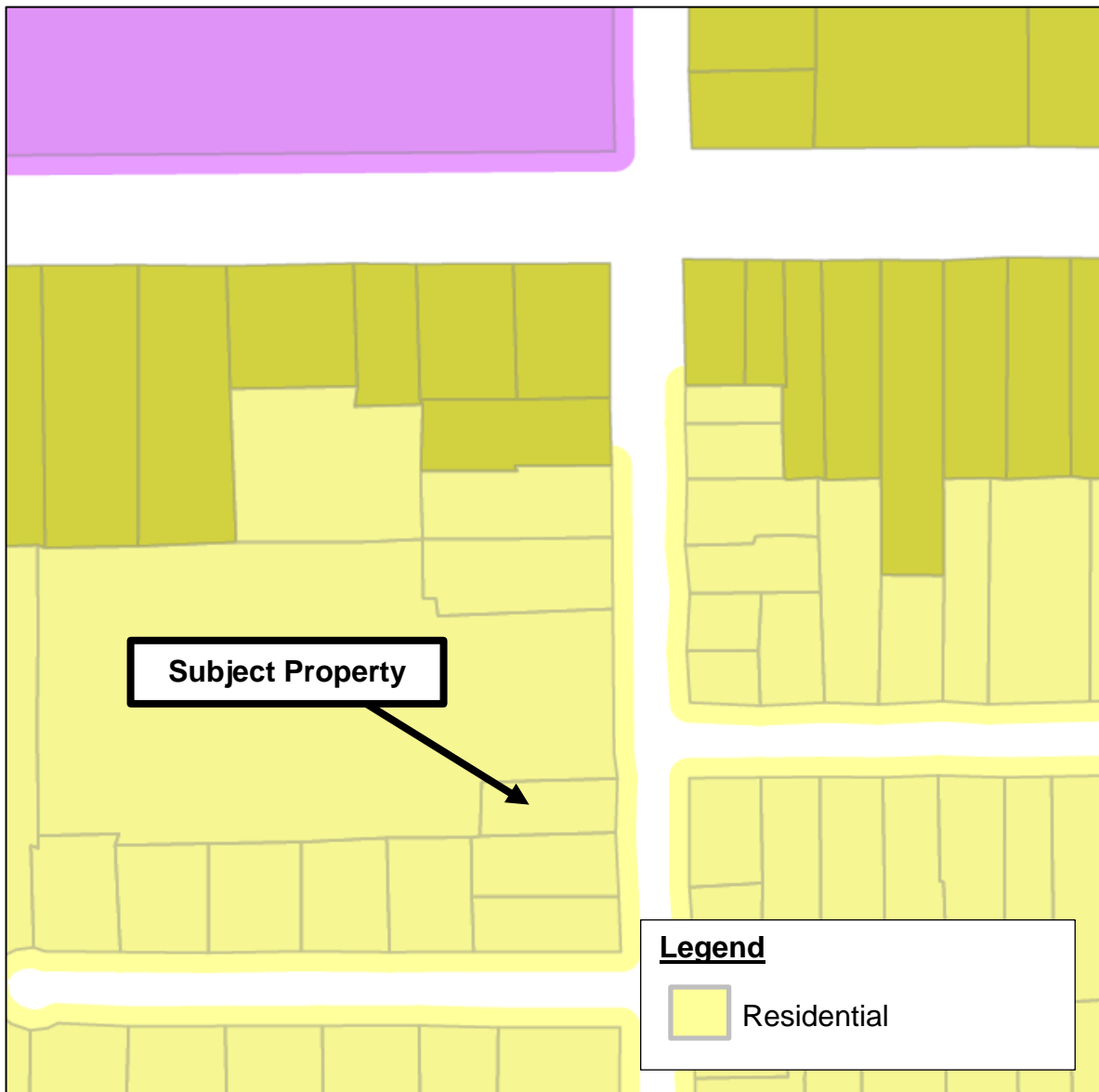
### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan

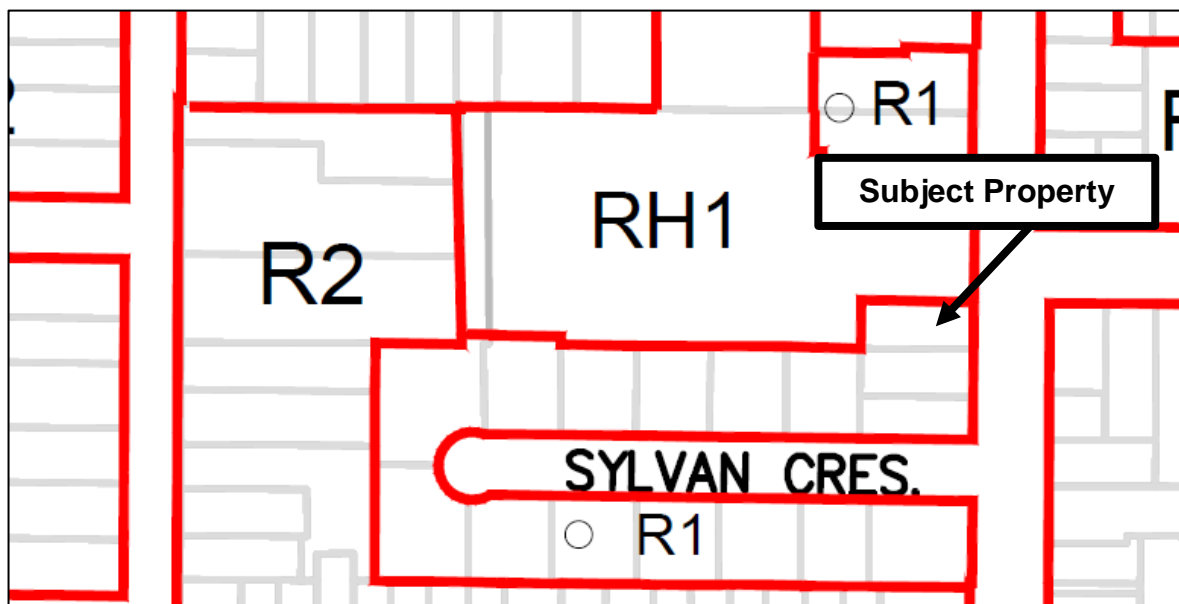


## Lindsay Secondary Plan





## Town of Lindsay Zoning By-Law 2000-75



### **SECTION 5: GENERAL PROVISIONS FOR ALL ZONES**

#### **5.2 ACCESSORY BUILDINGS, USES & STRUCTURES**

##### **b) Location Requirements for Accessory Buildings**

- i. In a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than:
  - 1.5 m from any wall of the main building;
  - 1.25 m from the rear lot line;
  - 1.25 m from the interior side lot line; and
  - 4 m from the exterior side lot line.

#### **5.24 YARD & SETBACK ENCROACHMENTS PERMITTED**

Notwithstanding the provisions of this By-Law, the only structures permitted to project or overhang into a yard setback area, unless otherwise stipulated by this By-Law, shall be the following:

- i. eaves, cornices, canopies, awnings, roofs or other overhanging projections of a building may extend a distance of not more than 0.6 m into a front, rear or side yard setback area;

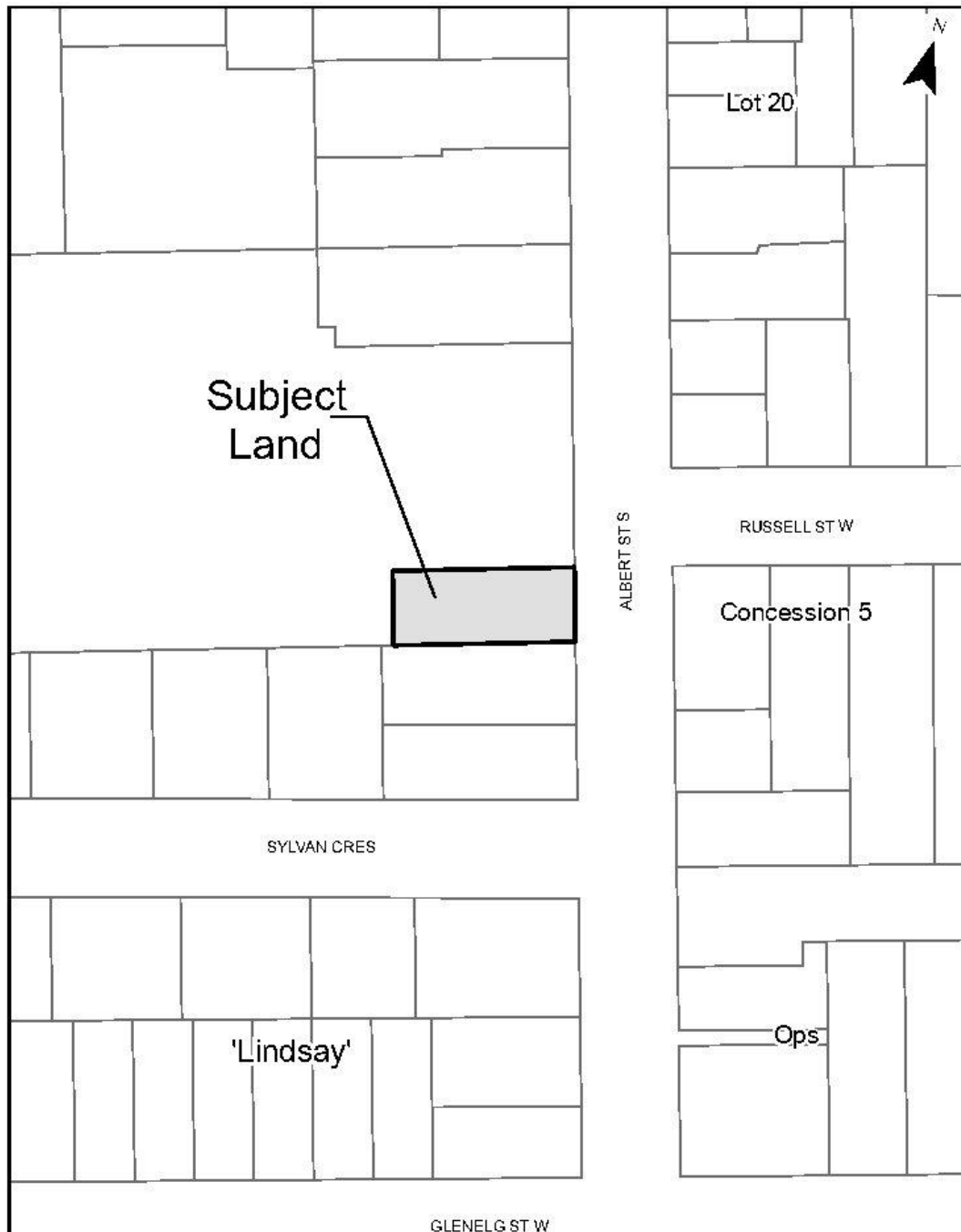
to

REPORT COA2024-027

FILE NO: D20-2024-017

LOCATION MAP

D20-2024-017



APPENDIX “   B   ”

to

**AERIAL IMAGERY (2018)**

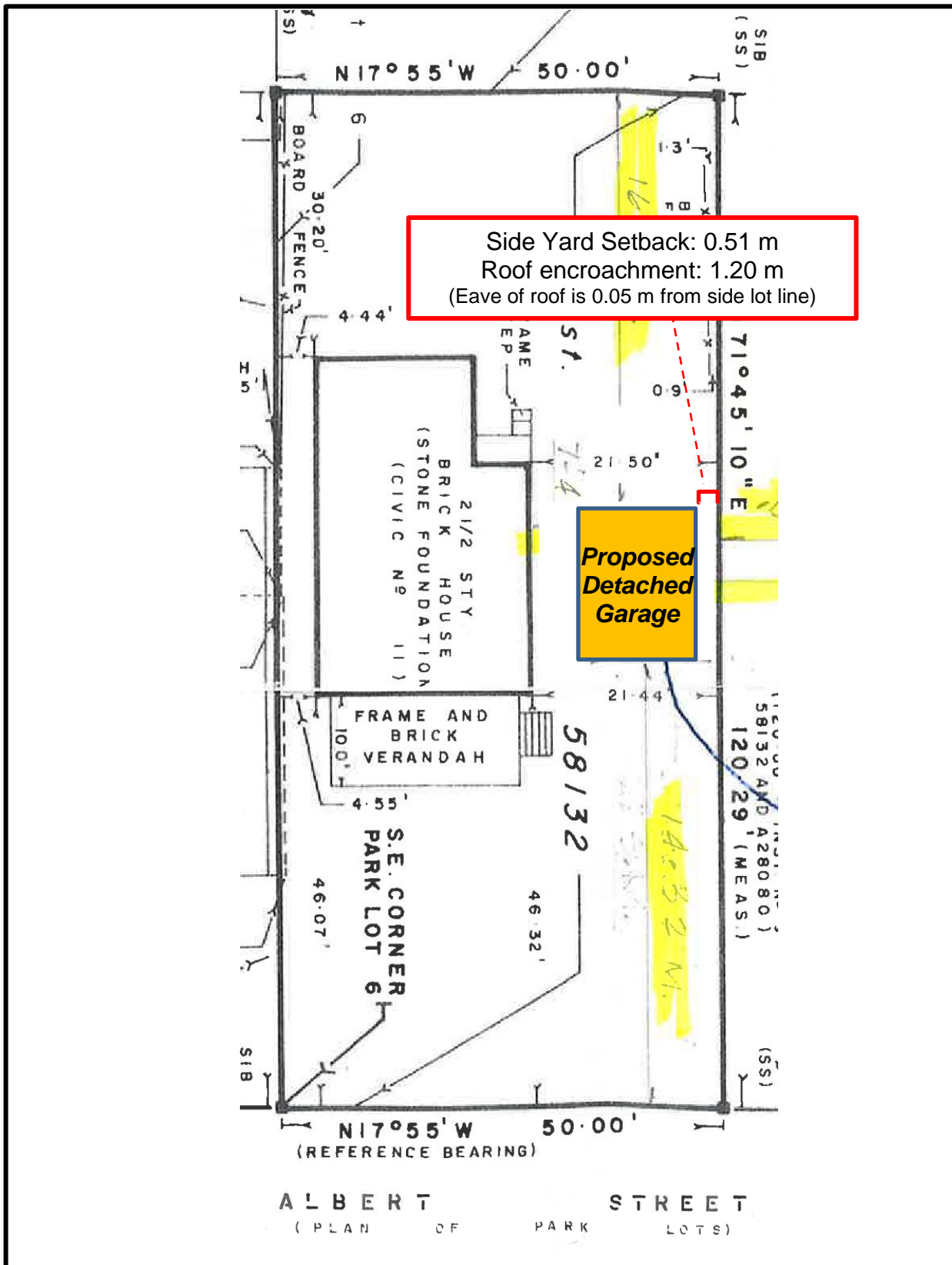
REPORT COA2024-027

FILE NO: D20-2024-017



to

## APPLICANT'S SKETCH

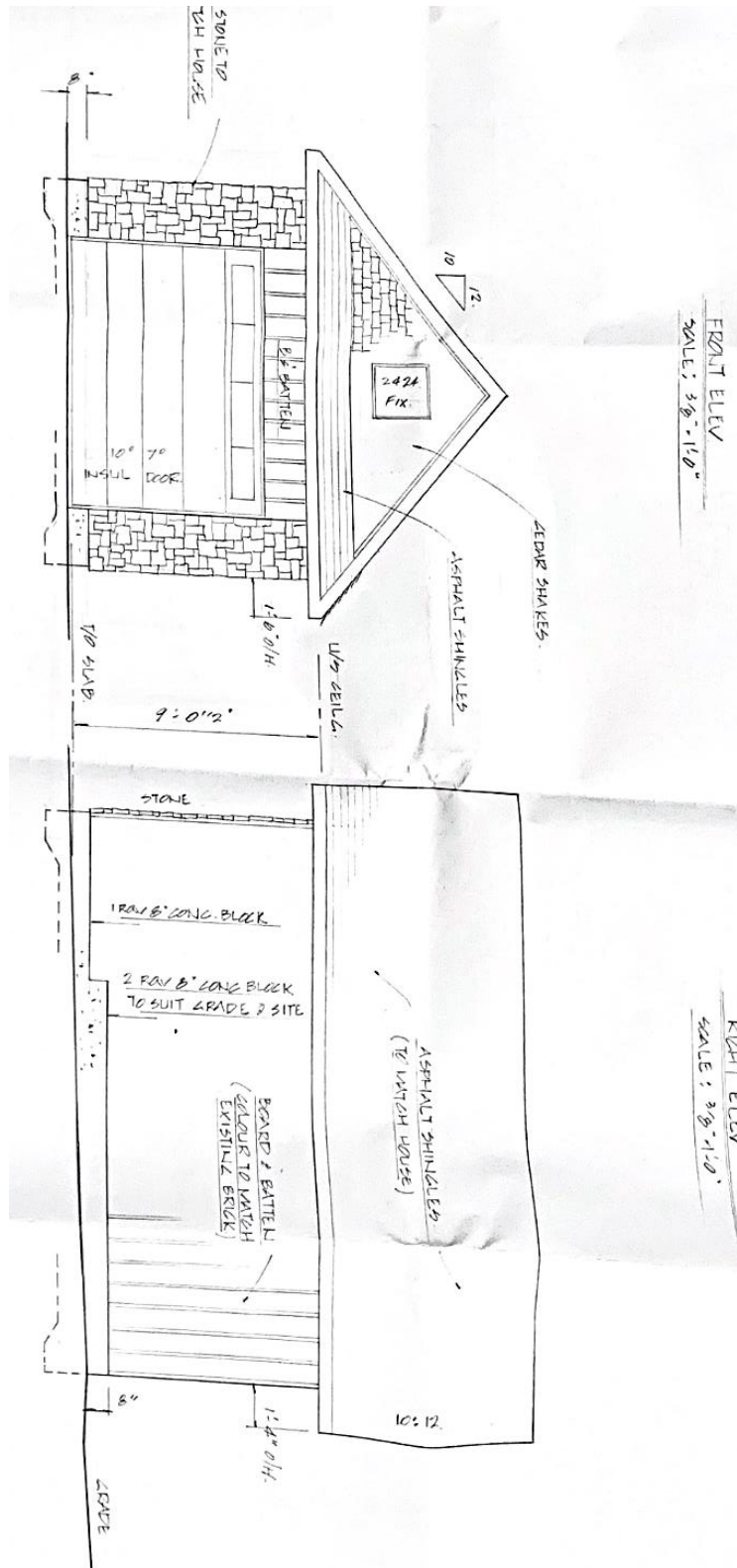
REPORT COA2024-027FILE NO: D20-2024-017

to

ELEVATION DRAWINGS

REPORT COA2024-027

FILE NO: D20-2024-017





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Kapsalakis**  
Report Number COA2024-028

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**Public Meeting**

**Meeting Date:**      **March 28, 2024**

**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 demolition of the existing boathouse and the construction of a new larger boathouse.

**Relief sought:**

1. Section 3.1.2.2 of the By-law requires a minimum side yard setback of 1.2 metres from the side lot line for accessory structures; the existing setback of 1.1 metres is to be maintained;
2. Section 3.1.5.3 of the By-law provides that a boathouse shall be limited to one storey; the proposed boathouse has a second storey;
3. Section 3.1.5.3 of the By-law permits a maximum height of 4.5 metres for a boathouse; the proposed height is 6.9 metres; and,
4. Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed boathouse constitutes the fifth accessory structure.

The variance is requested at **80 Romany Ranch Road** (File D20-2024-018).

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**Author:**    Katherine Evans, Planner II    **Signature:** 

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**Recommendations**

**That** Report COA2024-028 – Kapsalakis, be received;

That reliefs 1 and 4 sought for in the minor variance application D20-2024-018 be **GRANTED**, provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), as these reliefs meet the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** building construction related to this approval of Relief 1 and Relief 4 shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-028, 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 COA2024-028. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

That reliefs 2 and 3 sought for in the minor variance application D20-2024-018 be **DENIED**, as these reliefs do not meet the tests set out in Section 45(1) of the Planning Act.

## Application Summary

Proposal:	The demolition of the existing boathouse and the construction of a new larger boathouse
Owners:	1850874 Ontario Inc. c/o Chris Kapsalakis
Applicant:	Keji Planners and Builders c/o Joe McCool
Legal Description:	Part Lot 27, Concession 4 (being Lot 6 #182 on Plan 214)
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:	3,571 sq. m. (38,437.92 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

**The variance is minor in nature.**

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

The subject property is within an established residential neighbourhood located on the southeastern shore of Balsam Lake. The property is rectangular in shape and is a waterfront lot. It currently contains a single detached dwelling constructed in 1968, a boathouse constructed in 1975 (according to Municipal Property Assessment Corporation), a detached garage, two sheds, and structure for wood storage.

The proposal is to tear down the existing boathouse and construct a new boathouse with a roof top patio and second storey. The second storey is to cover approximately 34% of the roof area of the storey below, and is to be used for shade as well as the storage of furniture. Strong winds are common in this location, so the enclosed second storey is intended to protect the furniture.

- i) Side yard setback
- ii) Number of accessory structures

The existing side yard setback of the boathouse is 1.1 metres, and the proposed setback of the new boathouse is to maintain this setback. It is not anticipated that the continuation of this reduced setback for the construction of a new one storey boathouse will result in adverse impacts to neighbouring properties. Additionally, as the boathouse is to be removed and replaced, there is no increase in the number of accessory structures on the property beyond what exists today.



Given the above analysis, these reliefs are considered desirable and appropriate for the use of land and are minor in nature.

iii) Two storey boathouse

iv) Height of boathouse

The existing boathouse is approximately 3.2 metres in height, and the proposed boathouse is to be 6.9 metres in height. As such, the new boathouse would be approximately twice the height of what exists today. Additionally, the typical built form for boathouses in this area is a single storey.

There are 54 residential waterfront properties along Romany Ranch Road. Through a desk top exercise, 28 boathouses were identified. Using information from MPAC, it was found that 24 boathouses are single storey, including the boathouse on the abutting property to the west.

The proposed two storey boathouse is anticipated to be visually imposing when compared to the design and built form of the majority of the existing boathouses along this portion of the lake. Additionally, the proposed 6.9-metre-high boathouse will result in the shoreline of the subject property appearing overbuilt.

Given the above analysis, these reliefs are not considered desirable and appropriate for the use of land and are not minor in nature.

**The variance maintains the general intent and purpose of the Official Plan.**

i) Side yard setback - **Yes**

ii) Number of accessory structures - **Yes**

iii) Two storey boathouse – **No**

iv) Height - **No**

i) Side yard setback

ii) Number of accessory structures

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

Therefore, these reliefs are considered to maintain the general intent and purpose of the Official Plan.

- iii) Two storey boathouse
- iv) Height of boathouse

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.

The Official Plan contains objectives for the Waterfront designation, which includes protecting the established residential character. Additionally, policy 20.3.3 provides that development design will respond directly to the natural shoreline character and shall not significantly alter shoreline character. Policy 20.3.11 provides that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. As the typical built form of boathouses in this area is one storey, the proposal is not in keeping with the existing character of the area. The proposed height and massing of the boathouse would dominate the shoreline and detract from the view of the property from the water, significantly altering the shoreline character.

As per policy 20.3.10., provisions such as building and structure height limits are implemented to ensure buildings and structures do not exceed the height of the tree canopy or break the skyline horizon. Building heights should be measured from the lakeside, maintain a low profile, and blend with the natural surroundings.

The boathouse is to be located directly along the shoreline, and its height will result in the structure standing out starkly against the horizon when viewing the property from the water as well as from other vantage points including neighbouring properties. The boathouse does not maintain a low profile or blend with the natural surroundings.

Therefore, these reliefs are not 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.**

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

The property is zoned Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum interior side yard setback for an accessory structure, the maximum

number of accessory structures, the maximum number of storeys for a boathouse, and the maximum height for a boathouse.

- i) Side yard setback
- ii) Number of accessory structures

Section 3.1.2.2 of the By-law requires a minimum side yard setback of 1.2 metres from the side lot line for accessory structures. The existing setback of 1.1 metres is to be maintained. The purpose of establishing a minimum interior side yard is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

Provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), it is not anticipated that maintaining the existing reduced setback will result in any impacts to massing, privacy, or drainage. Additionally, the existing setback provides adequate space for any required building maintenance to this side of the proposed boathouse.

Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone. The proposed boathouse constitutes the fifth accessory structure. The intent of establishing a maximum number of accessory structures is to control built form in order to maintain the residential character of the property, manage massing, reduce visual clutter, and to ensure that accessory uses remain subordinate to the primary (residential) use.

The existing and proposed structures are dispersed throughout the property, reducing visual clutter and massing impacts. Provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), the dispersed arrangement of the accessory structures provides balance and maintains the dwelling as the visually predominant structure when viewing the property from the street. Additionally, the proposal complies with the maximum lot coverage for accessory structures.

Therefore, these reliefs are considered to maintain the general intent and purpose of the Zoning By-Law.

- iii) Two storey boathouse
- iv) Height of boathouse

Section 3.1.5.3 of the By-law provides that a boathouse shall be limited to one storey. The proposed boathouse has a second storey. Section 3.1.5.3 of the By-law permits a maximum height of 4.5 metres for a boathouse. The proposed height is 6.9 metres. The intention of establishing a maximum height for a boathouse is to prevent more concentrated accessory residential uses in the floodplain, and to manage the bulk and massing of built form along the shoreline.

The Zoning By-law's definition of boathouse excludes habitation and any other use in conjunction with human habitation. The By-law's definition of habitable room includes a room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.

The proposed second storey is fully enclosed and can be accessed from the exterior of the boathouse, being the staircase from grade to the second level. Although the current proposal does not indicate this intention, this configuration could be easily converted to habitable space. The intention to use the enclosed second storey for shade and the presence of windows and a glass door suggest that this is to be an extension of indoor amenity space on the property.

The proposed second storey is setback from the shoreline, keeping some of the building's bulk farther back from the water. However, at 6.9 metres in height with a fully enclosed second storey, the boathouse will be visually dominant when viewing the property from the water and when viewing the water from dwellings on neighbouring properties.

Therefore, these reliefs are not considered to maintain the general intent and purpose of the Zoning By-Law.

#### **Other Alternatives Considered:**

Through the process of reviewing the application, staff suggested to the proponent that the proposal could be altered to have an open pergola on the roof top patio instead of a fully enclosed second storey, which would provide the desired shade while reducing the bulk and massing of the boathouse and eliminating the need for relief for a second storey. This alternative was not accepted by the proponent.

In consideration of the above analysis, if the proposal was changed to a one storey boathouse with a pergola on the roof top patio, Planning staff would be in a position to support the application.

#### **Consultation Summary**

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

#### **Agency Comments:**

**Building and Septic Division (Building):** "No comments."

**Building and Septic Division (Septic):** "I have received and reviewed the minor variance application to request relief for the construction of an accessory structure, boathouse, with a reduced site yard setback, a 2nd storey with a height exceedance, and more accessory structured than permitted. A sewage system installation report has been issued for this property under file SS2015-0693. The sewage system is located in the roadside yard of the property. The construction of a larger boathouse in the water yard will not impact the existing sewage system as

the minimum clearance distances will be maintained. Additionally, the space over the boathouse is not proposed to contact any plumbing fixtures or habitable space. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection or comment for this proposed Minor Variance.”

**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  
Appendix D – Construction Drawings

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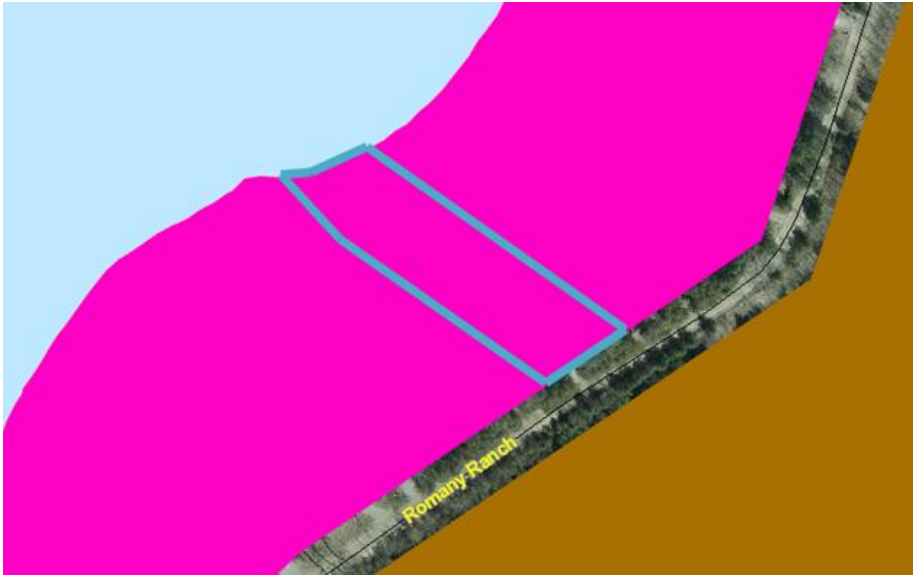
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-018

## Schedule 1

### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan



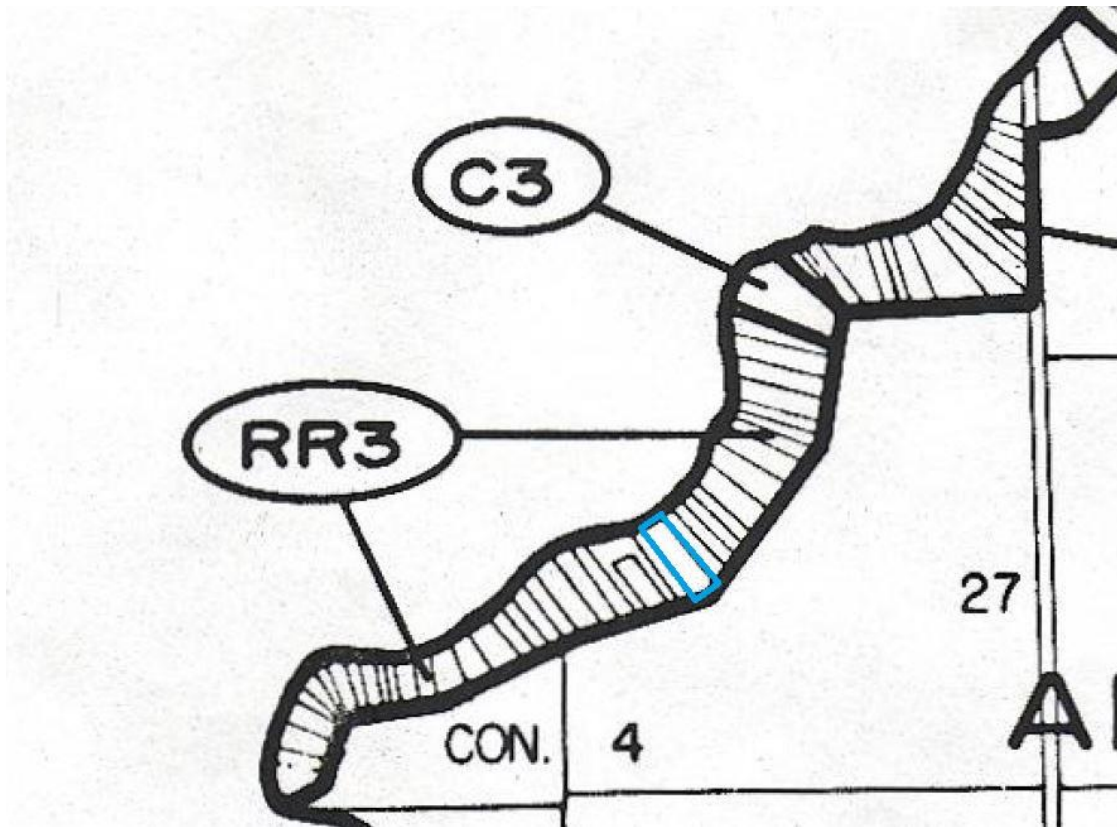
#### 3.11. Water Setback and Accessory Uses

- 3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

#### 20. Waterfront Designation

- 20.3.10. Density limits will be developed to establish acceptable social and aesthetic qualities. Provisions such as building and structure height limits will be implemented so as not to exceed the height of the tree canopy or to break the skyline horizon. Therefore, building heights should be measured from the lakeside, maintain a low profile and blend with natural surroundings. Provisions to address lot coverage will ensure proportionality; examples include relating lot coverage to the buildable area adjacent to the shoreline.

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



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures and Uses

##### 3.1.2 Location

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

##### 3.1.3 Lot Coverage and Height

3.1.3.3 A maximum of three accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

##### 3.1.5 Boat House, Pump House or Docking Facilities

3.1.5.3 A boat house shall be limited to one storey and shall not exceed a height of 4.5 metres. For the purposes of this article, height shall be measured as the vertical distance from:

(a) the normal water level for a building or structure constructed, in whole or in part, adjacent to or within 3 metres of a lake or river; or,

(b) the finished grade for a building or structure all of which is constructed more than 3 metres from a shore lot line

### **Part 13 Rural Residential Type Three Zone**

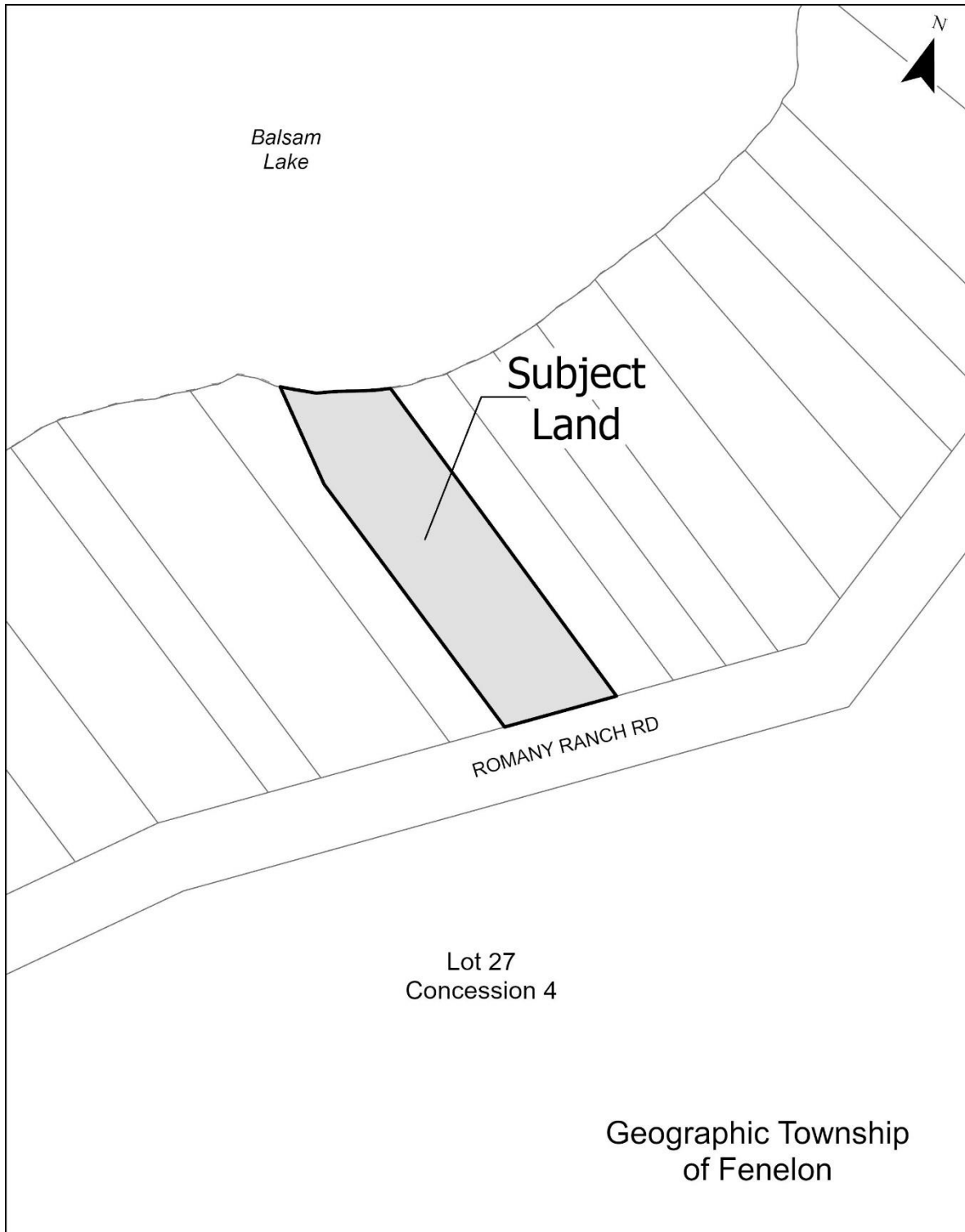
#### **13.1 Uses Permitted**

#### **13.2 Zone Provisions**



**LOCATION MAP**

**D20-2024-018**



to

REPORT COA2024-028

FILE NO: D20-2024-018

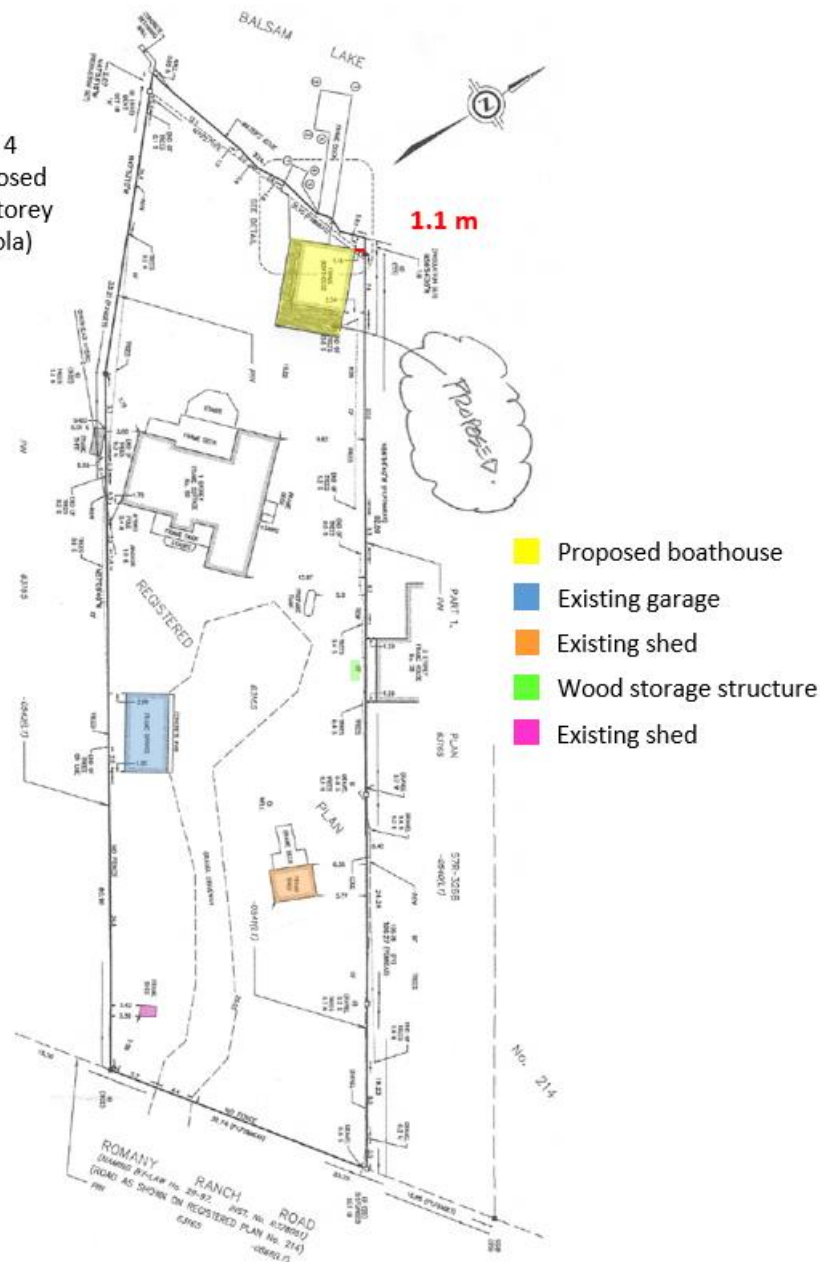
**AERIAL PHOTO**



to

REPORT COA2024-028FILE NO: D20-2024-018**APPLICANT'S SKETCH**

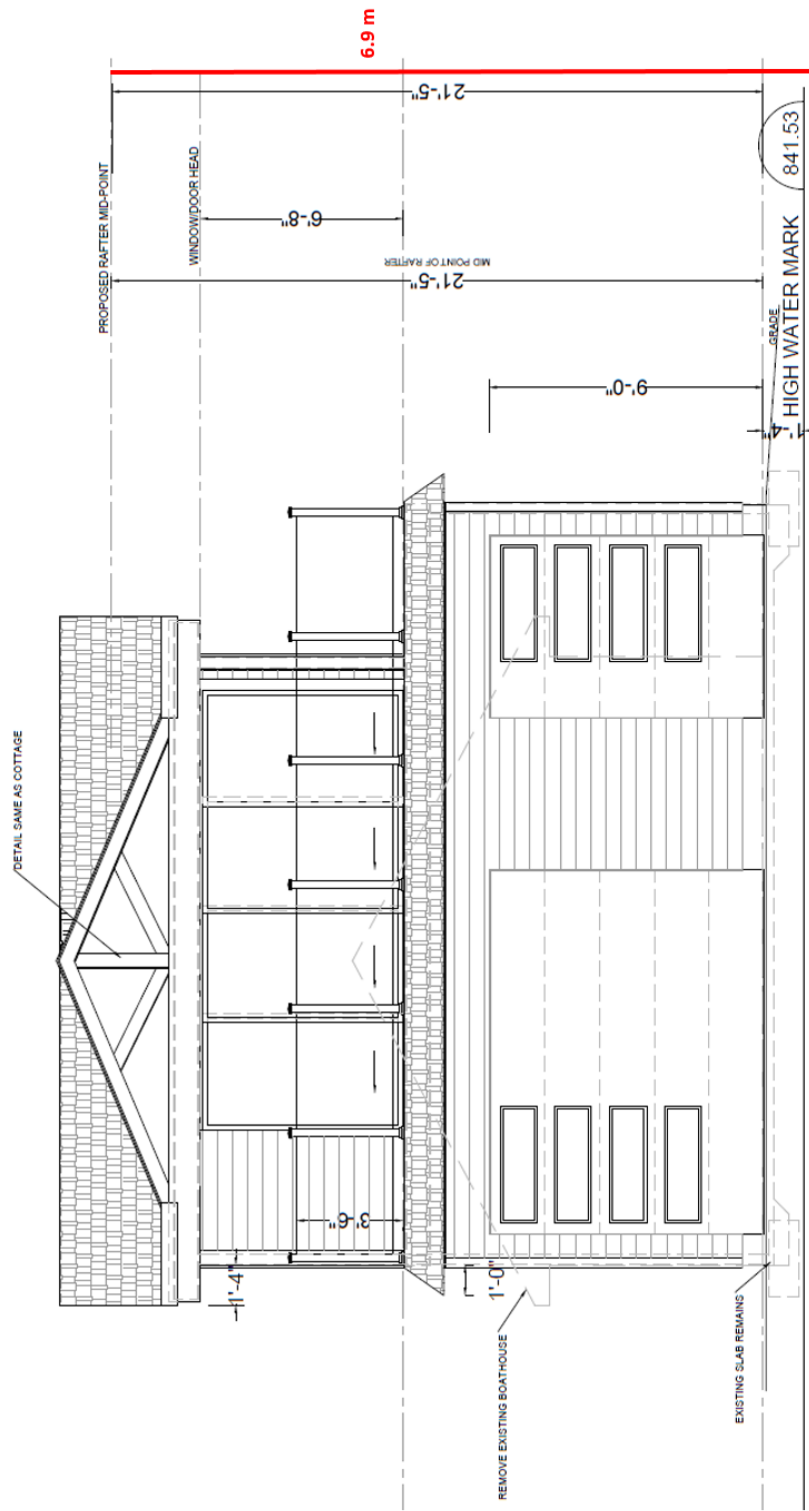
Recommended that reliefs 1 and 4 be **GRANTED**, provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola)



CONSTRUCTION DRAWINGS

APPENDIX " D "

to  
REPORT COA2024-028  
FILE NO: D20-2024-018



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Palmer**  
Report Number COA2024-030

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**Public Meeting**

**Meeting Date:** March 28, 2024

**Time:** 1:00 pm

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

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**Ward 8 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to facilitate the construction of a new two-storey dwelling with attached garage. A previous Minor Variance application (D20-2023-015) was approved that provided relief from the same provisions that now require further relief as a result of a revised survey report.

**Relief sought:**

1. Section 4.2.c of the Zoning By-law as approved under Decision D20-2023-015 requires a 2.45 metre minimum front yard setback. Relief is required for the new proposed front yard setback of 2.29 metres.
2. Section 4.2.h. of the Zoning By-law as approved under Decision D20-2023-015 permits a maximum lot coverage of 29.5%; the proposed maximum lot coverage is 30%.

The variance is requested at **3 Jackson Street** (File D20-2024-020).

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



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**Recommendations**

**That** Report COA2024-030 – Palmer, be received;

**That** minor variance application D20-2024-020 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 and elevation drawings in

Appendix D submitted as part of Report COA2024-030, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** the two accessory structures identified in Appendix C and Appendix E, submitted as part of Report COA2024-030, be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the structures have been removed to the Secretary-Treasurer.
- 3) **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 COA2024-030. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To facilitate the construction of a new two-storey dwelling with attached garage.
Owners:	Kelly and Sarah Palmer
Applicant:	Kelly Palmer
Legal Description:	Part of Lots 20 and 21, Plan 5 (Being Part 1 on Reference Plan 9R2759)
Official Plan <sup>1</sup> :	Hamlet Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Two (RR2) Zone (Township of Manvers Zoning By-Law 87-06)
Site Size:	938.7 square metres (10,104.08 square feet)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Adjacent Uses: Residential (majority of local vicinity)  
Community Facility (opposite side of thoroughfare)

## **Rationale**

### **The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject property is situated in the Hamlet of Bethany in the geographic Township of Manvers. The neighbourhood is a mix of residential, commercial, and community facility land uses. Directly within the vicinity of the property is the Victoria Rail Trail (north and west), residential property to the west, and the Bethany United Church (opposite side of the thoroughfare to the south). The residential built-form within the neighbourhood is primarily comprised of one to two-storey dwellings constructed as early as the late 1800's with various levels of renovations and additions (Municipal Property Assessment Corporation).

A previous Minor Variance application (D20-2023-015) was approved to facilitate the construction of a residential addition to an existing dwelling. The proposal was altered to instead construct a new single detached dwelling and attached garage intended to be in place of the previous proposal. However, it was found from a survey report during the construction process that further relief is required from the same provisions provided relief in the previous application. As a result, the property currently contains a two-storey dwelling and detached garage in the process of construction, with two sheds and a trailer in the rear yard. As detailed in the Applicant's Sketch, two accessory structures will be removed from the rear yard when construction is completed. Prior to the proposal, the property contained a two storey dwelling, constructed in 1900 (MPAC), as well as three accessory structures.

Considering the age of the previous dwelling and overall locality, it is deemed suitable for property owners to undertake redevelopment of their properties with the aim of realizing the most optimal utilization. The proposal maximizes land utilization, offering an updated residential space and a new attached garage for parking of vehicles and storage as previously there was no enclosed private space for vehicle parking.

Given the above, the variances are 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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan. One of the goals of this designation is to accommodate small-scale residential development within existing settlement areas. Additionally, the use of a single detached dwelling is permitted within this designation. Performance and siting criteria are implemented through the Zoning By-law.

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 Rural Residential Type Two (RR2) Zone under the Township of Manvers Zoning By-law 87-06. The RR2 Zone permits the use of single detached dwellings and accessory structures. The proposal complies with all provisions of the Zoning By-law, with exception of the front yard setback and total lot coverage.

Section 4.2.c of the Zoning By-law as approved under Decision D20-2023-015 requires a 2.45 metre minimum front yard setback. Relief is required for the new proposed front yard setback of 2.29 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. There is adequate separation between the dwelling and the travelled portion of the road as a sidewalk also separates the subject property from the street. Moreover, the proposed dwelling aligns with the established building line of the neighbouring property as well. The RR2 Zone requires a 15 metre front yard setback, nonetheless, the proposed revised front yard setback continues to maintain the intent of this provision and its discrepancy is minimal from the previous provided relief.

Section 4.2.h. of the Zoning By-law as approved under Decision D20-2023-015 permits a maximum lot coverage of 29.5%. Relief is required as the proposed maximum lot coverage is 30% (275.88 square metres). 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 discrepancy between the permitted maximum lot coverage (29.5%) and proposed revised lot coverage (30%) is minimal, with a difference of only 0.5%. Additionally, open space is provided through the complying side yard setbacks as well as the large rear yard. The removal of two of the accessory structures from the rear yard will reduce the total number of structures, creating more area for open space. As such, adverse impacts to the existing drainage pattern are not anticipated. The proposed revised maximum lot coverage continues to maintain the intent of this provision and its discrepancy is minimal.

Therefore, the variances are 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 (Building):** “No comments.”

**DS – Building and Septic (Septic):** “An sewage system permit to install has been issued for the property under file SS2023-0080. The sewage system is located in the rear yard of the dwelling. The current placement of the dwelling will not cause an issue for the proposed sewage systems. Additionally, the provisions of the permit have accounted for the dwelling size. As such, the Building and Septic Division has no issue with the minor variance as it relates to private on-site sewage disposal.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection/no comment.”

### **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

Appendix D – Elevation Drawings

Appendix E - Photo Of Existing Accessory Structures To Be Removed

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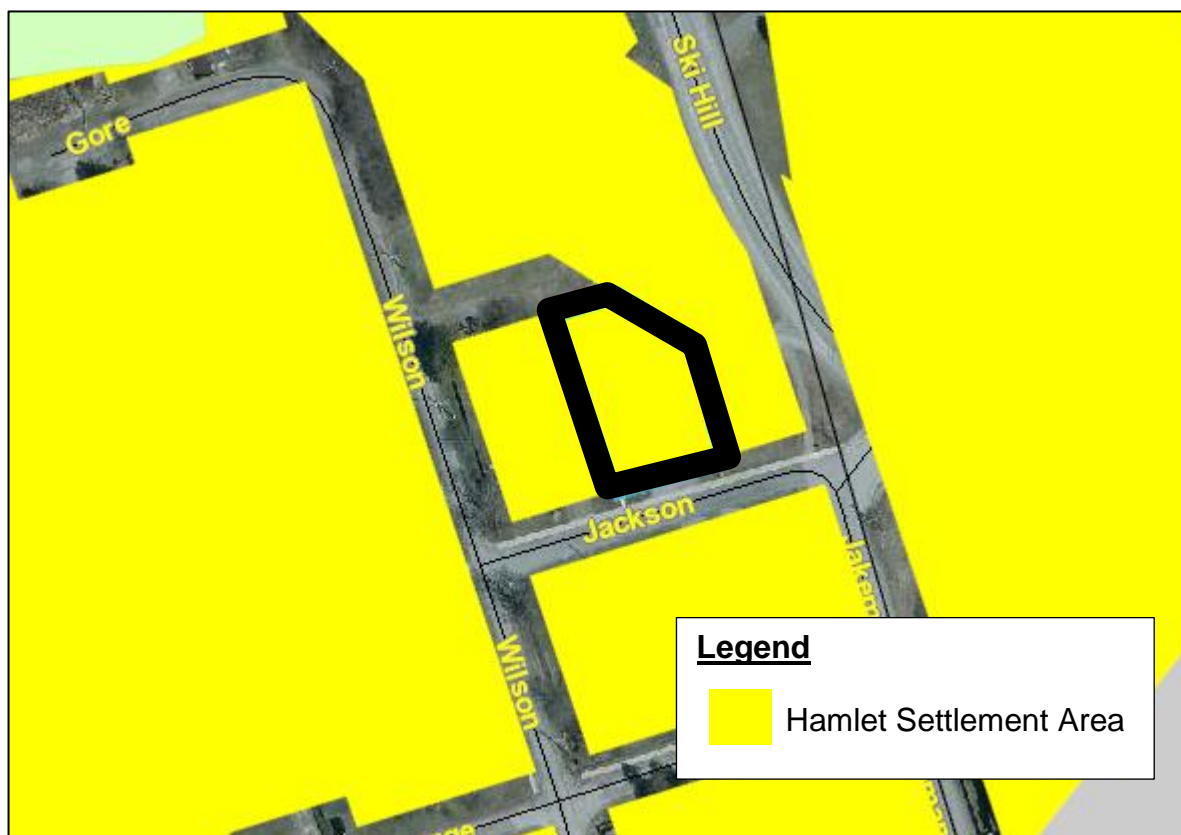
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-020

## Schedule 1

### Relevant Planning Policies and Provisions

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#### City of Kawartha Lakes Official Plan



### Section 19. Hamlet Settlement Designation

#### 19.1. GOALS:

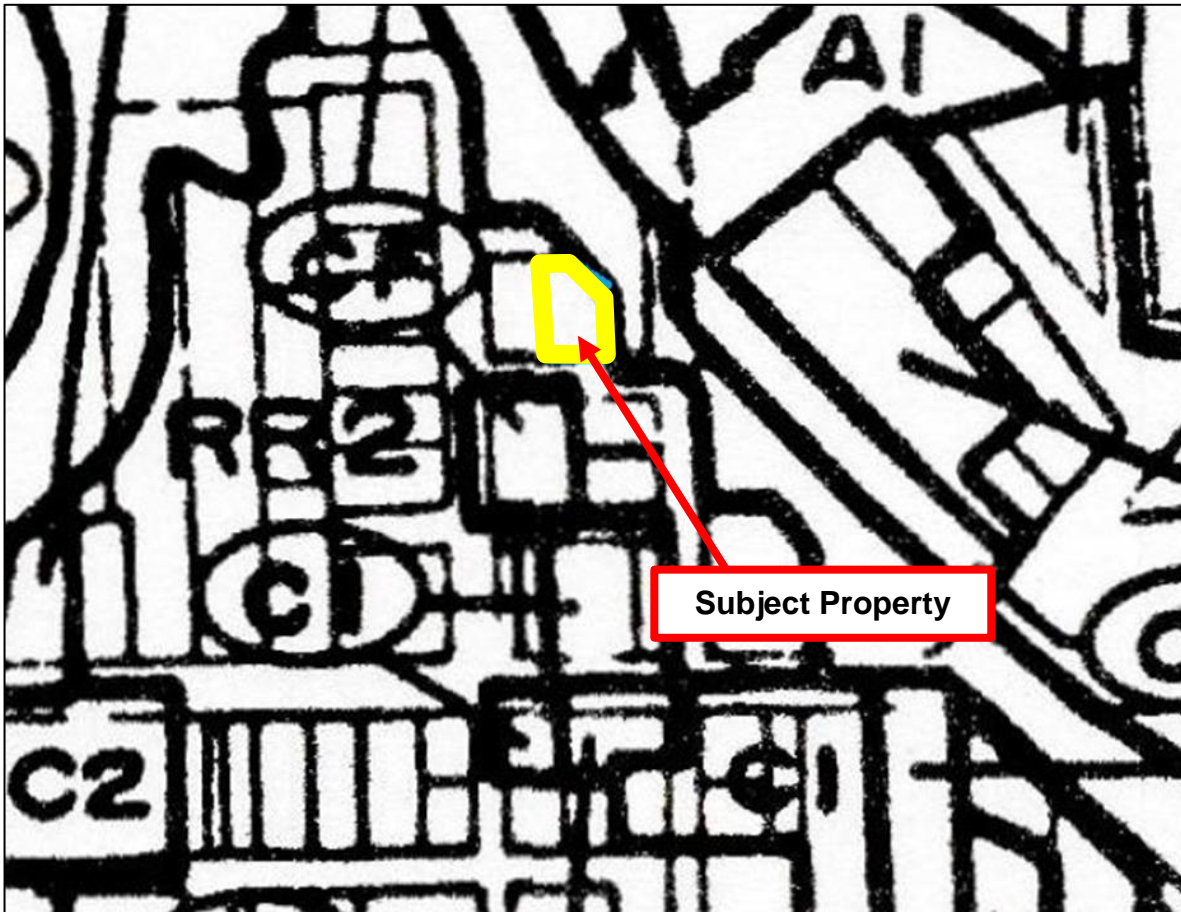
- To recognize existing hamlets and support their function of providing for limited residential, social and commercial needs of the rural area.
- To accommodate small-scale residential and non-residential development within existing settlement areas.

#### 19.3. POLICIES:

##### 19.3.1. The following uses will be permitted within the hamlet designation:

- Single detached dwelling
- *Refer to City of Kawartha Lakes Official Plan (2012) for full list of permitted uses.*

## Township of Manvers Zoning By-law 87-06



Previous reliefs sought:

1. Section 4.2 c) of the By-law requires a minimum front yard setback of 15 metres; the existing non-complying setback from the dwelling is 2.45 metres, and the proposed setback from the addition is 7.62 metres;
2. Section 4.2 h) permits a maximum lot coverage of 25%; the proposed lot coverage is 29.5%.

### Section 4 Rural Residential Type Two (RR2) Zone

4.2 RR2 Zone Requirements (individual water supply and sewage disposal)

4.2 c) Minimum front yard	15 m
4.2 h) Maximum lot coverage	25%

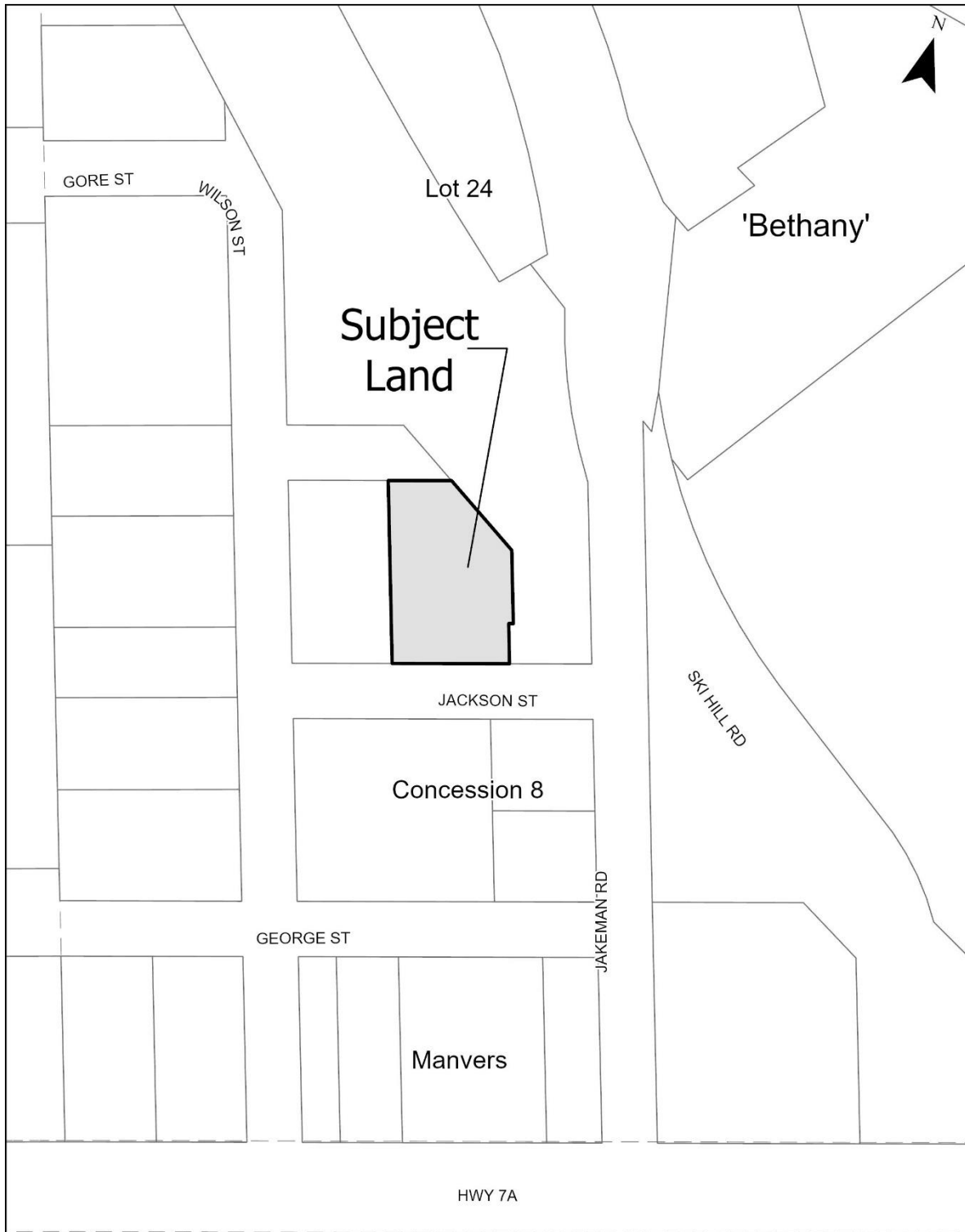
to

REPORT COA2024-030

FILE NO: D20-2024-020

**LOCATION MAP**

**D20-2024-020**



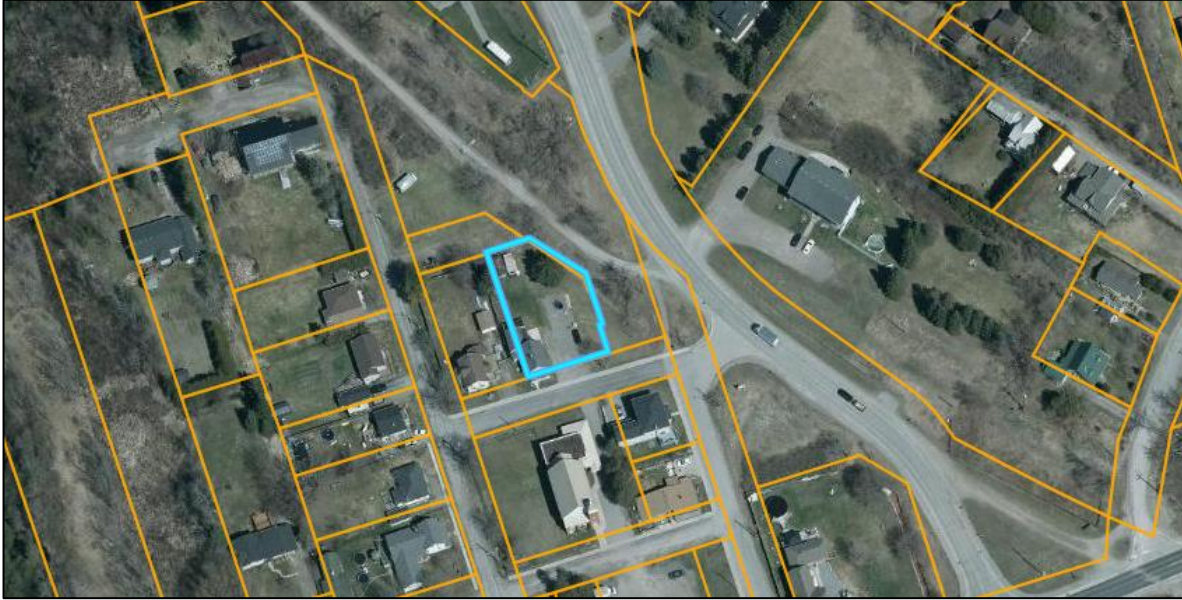
APPENDIX “   B   ”

to

**AERIAL IMAGERY (2018)**

REPORT COA2024-030

FILE NO: D20-2024-020



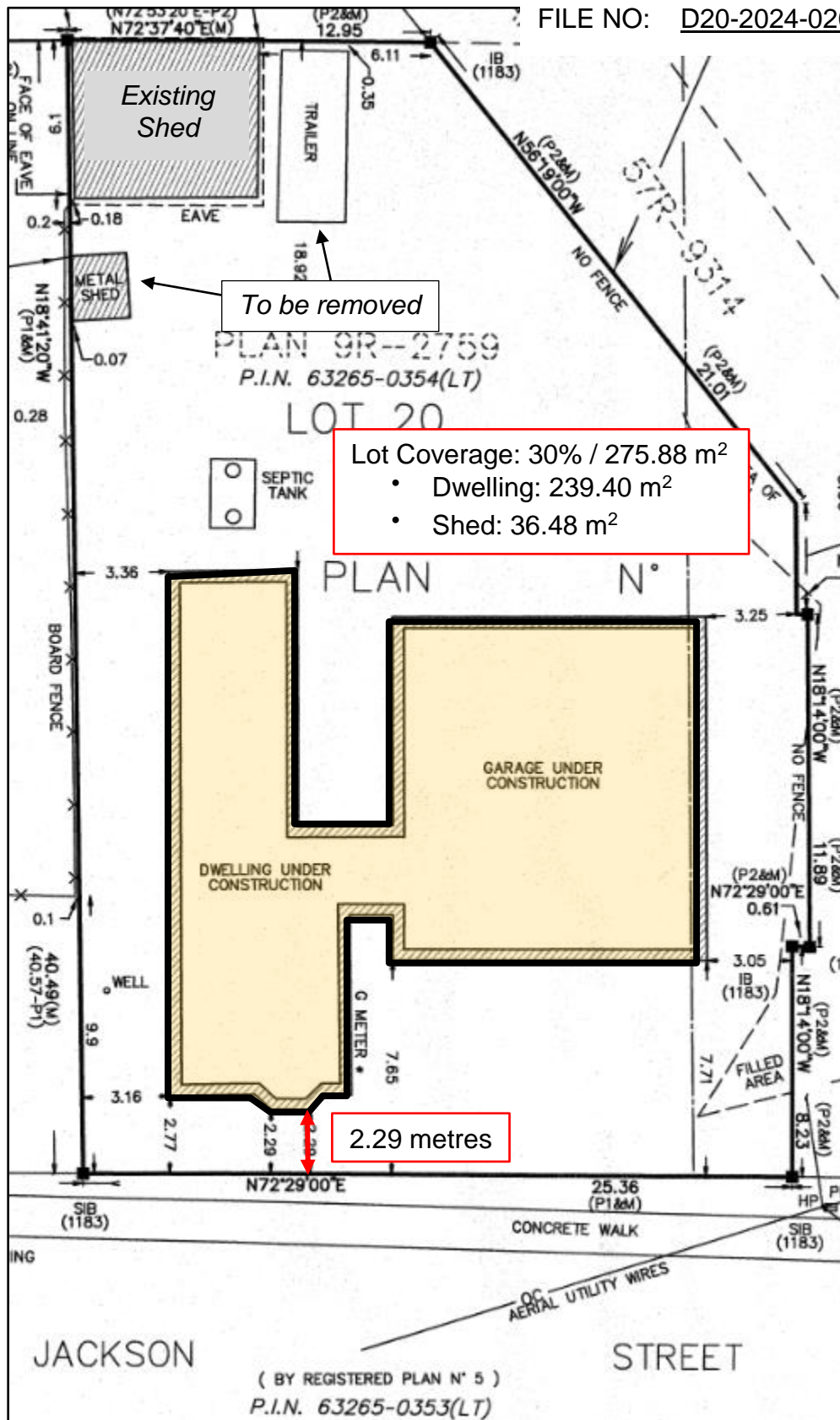


to

## APPLICANT'S SKETCH

REPORT COA2024-030

FILE NO: D20-2024-020



to

ELEVATION DRAWINGS

REPORT COA2024-030

FILE NO: D20-2024-020



to

**PHOTO OF EXISTING ACCESSORY  
STRUCTURES TO BE REMOVED**

REPORT COA2024-030

FILE NO: D20-2024-020



**Legend**



Accessory structures to be removed  
(as per Condition 2)