

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

## **Agenda**

### **Committee of Adjustment Meeting**

**COA2024-04**

**Thursday, April 25, 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).

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1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
2.1.1	COA2024-04 April 25, 2024 Committee of Adjustment Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	
2.3.1	COA2024-03 March 28, 2024 Committee of Adjustment Minutes	6 - 24
3.	<b>Deferred Applications</b>	
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 Owners: Troy and Emelda Coates Applicant: TD Consulting Inc.	25 - 36
3.2	Consents	
4.	<b>New Applications</b>	
4.1	Minor Variances	

4.1.1	COA2024-031	37 - 47
	<p>Katherine Evans, Planner II</p> <p>File Number: D20-2024-021</p> <p>Location: 116 Wilkinson Drive</p> <p>Part Lot 20, Concession 6 (being Lot 4 on Plan 335)</p> <p>Geographic Township of Somerville</p> <p>Owners: Ryan Bennett and Tara Bennett-Johnson</p> <p>Applicant: Keji Planners and Buildings - Joe McCool</p>	
4.1.2	COA2024-032	48 - 58
	<p>Ahmad Shahid, Planner II</p> <p>File Number: D20-2024-022</p> <p>Location: 3552 Monck Road</p> <p>Part Lot 6, Concession A (being Part 13 to 14 on Reference Plan 57R2231)</p> <p>Geographic Township of Somerville</p> <p>Owner: Ranginidevy Rajendran</p> <p>Applicant: Raj Balasundaram</p>	
4.1.3	COA2024-033	59 - 68
	<p>Katherine Evans, Planner II</p> <p>File Number: D20-2024-023</p> <p>Location: 60 Elder Street</p> <p>Part Lot 8, Concession 11 (being Lot 12 on Plan 246)</p> <p>Geographic Township of Fenelon</p> <p>Owners: 2537914 Ontario Inc.</p> <p>Applicant: Jason Bektas</p>	
4.1.4	COA2024-034	69 - 78
	<p>Katherine Evans, Planner II</p> <p>File Number: D20-2024-024</p> <p>Location: 251 Snug Harbour Road</p> <p>Part Lot 4, Concession 8 (being Part 1 on Reference Plan 57R3164)</p> <p>Geographic Township of Fenelon</p> <p>Owners: Marie and Brian Reel</p> <p>Applicant: Brian Reel</p>	

4.1.5	COA2024-036	79 - 88
	Katherine Evans, Planner II File Number: D20-2024-026 Location: 65 Hemlock Drive Part Lot 13, Concession 9 (being Lot 9 on Plan 563) Geographic Township of Somerville Owners: Frank Grech and Margaret Alder-Grech Applicant: Frank Grech	
4.1.6	COA2024-037	89 - 100
	Ahmad Shahid, Planner II File Number: D20-2024-027 Location: 11 Corby Crescent Lot 12, Plan 36 Geographic Township of Somerville Owners: Jillian and Ken Gray Applicant: TD Consulting Inc.	
4.1.7	COA2024-038	101 - 110
	Katherine Evans, Planner II File Number: D20-2024-028 Location: 146 Yankee Line Part Lot 15, Concession 6 Geographic Township of Emily Owners: Amanda Svendsen and Justin Adamson Applicant: Amanda Svendsen	
4.1.8	COA2024-039	111 - 123
	Ahmad Shahid, Planner II File Number: D20-2024-029 Location: 3711 Highway 7 Part Lot 2, Concession 4 Geographic Township of Emily Owners: Cleon, Elias, Amsey and Oscar Gringrich Applicant: TD Consulting Inc.	



Ahmad Shahid, Planner II

File Number: D20-2024-030

Location: 433 Beaver Road (Lot 166)

Part Lot 8, Concession 5, (being Part 1 of Reference Plan 57R2979)

Geographic Township of Emily

Owners: Chris Rhodes (Owner/Manager of Parkbridge Resorts) and  
Daniel Peleg (Tenant)

Applicant: Howard Janes

## 4.2

## Consents

## 5.

**Other Business**

## 6.

**Correspondence**

## 7.

**Next Meeting**

The next meeting will be Thursday, May 23rd at 1:00pm in Council  
Chambers, City Hall.

## 8.

**Adjournment**

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

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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 1:00pm. Chair Robertson and Members S. Richardson, S. Strangway, B. Archer and G. Erickson were in attendance in person.

Staff, L. Barrie, Director of Development Services, K. Evans, Planner II, A. Shahid, Planner II, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and M. McKinnon, Plans Examiner- Building and Septic Division (Building).

Absent: Councillor E. Yeo.

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2024-03

March 28, 2024

Committee of Adjustment Agenda

**CA2024-029**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**That** the agenda for March 28, 2024 be approved as amended to bring forward Section 3.1.8 Report COA2024-028, 80 Romany Ranch Road under New Applications; Minor Variance File Number: D20-2024-018, to be presented first.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2024-02

February 22, 2024

Committee of Adjustment Minutes

**CA2024-030****Moved By** S. Richardson**Seconded By** G. Erickson

**That** the minutes of the previous meeting held February 22, 2024 be adopted as printed.

**Carried****3. New Applications****3.1 Minor Variances****3.1.8 COA2024-028**

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

Ms. Evans summarized Report COA2024-028. The purpose and effect is to facilitate the demolition of the existing boathouse and the construction of a new larger boathouse. Relief sought: 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; 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; and, 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.

Public comments were received from N. Lee of 74 Romany Ranch Road with concerns to Dark Sky Pollution. Ms. Evans responded to the neighbour.

Four photographs of neighbourhood boathouses were received from the applicant, Mr. McCool that were distributed to the Committee at today's meeting.

The Committee raised the following questions:

- 1) What is dark sky pollution?
- 2) Is there a photograph of the property taken from the lake?
- 3) The four photographs received of the boathouse in the neighbourhood; when were the two-storey boathouses constructed and the two-storey boathouse referenced in the report?
- 4) How can we deny this two-storey boathouse when a number of two-storey boathouses along the lake were granted permission for purposes of storage?
- 5) Is 4.5 metres sufficient height for a pergola?

Ms. Evans responded.

The applicant, Mr. McCool was present in person. Mr. McCool indicated that he had a photo of the property from the lake if the Committee wished to view. Committee accepted. Mr. McCool spoke to all five structures on the property and the height of the second storey.

Member Strangway stated that 50 percent of the boathouses on Balsam Lake have two-storey boathouses and for that reason put forward a motion to grant approval for all four reliefs. Member Erickson second that motion.

The Committee finished by asking staff, what is the main reason for denying the second storey, the concern with massing? Ms. Evans responded. Ms. Barrie, Director of Development Services followed up by speaking to the Rural Zoning By-law Consolidation Project referencing boathouses and also reminded the Committee of their responsibilities when decision making, to make a fair and consistent approach when evaluating each application, which does not mean that the end result is the same in each application.

The motion to grant all four reliefs was carried.

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

**CA2024-038**

**Moved By** S. Strangway

**Seconded By** G. Erickson

**That** minor variance application D20-2024-018 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 COA2024-028, 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.

**Carried**

#### 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.

Ms. Evans summarized Report COA2024-021. 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: 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 Committee raised the following questions:

- 1) Where is the cabin situated, on the retained or benefiting lands?
  - 2) Are there structures on the retained lands?
  - 3) Is the boathouse allowed to stay without a primary residence?
  - 4) What was the purpose of the severance?
- Staff responded.

The applicant, Mr. Carroll was present in person, spoke to the report, and was available for questions.

The Committee asked Mr. Carroll if the owner owns all three lots and is a technical severance for ownership of each lot required. Mr. Carroll responded.

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

#### **CA2024-031**

**Moved By** B. Archer

**Seconded By** G. Erickson

**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.

**Carried**

### 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.

Ms. Evans summarized Report COA2024-022. The purpose and effect is to fulfil a forthcoming recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new lot. Relief sought: 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; 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; 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, 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.

Public concerns were received from neighbouring property looking for clarification as to the existing boathouse. Staff responded.

The applicant, Mr. Carroll was present in person and spoke to the report. He requested that Condition 2 of the report be amended to add, "This condition be considered fulfilled upon completion of the companion consent application D03-2023-030", and that the twenty-four month completion date be removed.

Ms. Evans asked Mr. Carroll, is the intention for the amendment to the condition to allow the existing boathouse to remain indefinitely without a primary use? Mr.



Carrol replied yes. Ms. Evans followed up by saying that the appropriate route would then be a zoning by-law amendment.

The Committee asked the applicant if they had submitted an up to date land survey showing the location of the boathouse and if the owners are intending to sell the lot as a residential lot. Mr. Carroll responded.

Ms. Barrie, Director of Development Services spoke to the conditions within the report and how they relate to the companion consent application in process. Ms. Barrie reminded the Committee of the application process and that this minor variance is a draft condition of approval of the consent application. The Committee has the option to defer this application and bring forward the consent and minor variance to a later meeting to allow further deliberation.

Mr. Carroll asked staff why a dwelling is required to be built within the two-year period. Ms. Barrie responded referring to the intentions of the Zoning By-law process.

The Committee asked staff who determines the timelines for the decisions. Ms. Barrie replied that the timeline is determined by the Committee, and can be subject to change depending on the circumstances, for example in the case of an enforcement matter.

Member Erickson put a motion on the floor as printed.

Mr. Carroll disagreed with the two-year approval. Ms. Barrie suggested a couple of options but the applicant had left the meeting:

- 1) Discuss a reasonable time line.
- 2) Defer the minor variance and allow it to return along with the companion consent application D03-2023-030 for a decision.

Member Richardson suggested withdrawing her seconder if Member Erickson agreed to withdraw his motion and put a new motion forward to defer the application until such time as the minor variance and consent can return to the meeting. Discussions ensued.

Member Erickson's motion on the floor stands.

It was noted that Member Strangway was opposed to the decision.

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

**CA2024-032****Moved By** G. Erickson**Seconded By** S. Richardson

**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.

**Carried****3.1.3 COA2024-023**

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.

Mr. Shahid summarized Report COA2024-023. 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: 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). 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.

Since the writing of the report comments were received from Kawartha Conservation stating no concerns and that a permit has been obtained from their office.

The applicant, Mr. deBoer was present in person. He thanked staff for the report and spoke to the application.

There were no questions from the Committee or other persons.

### **CA2024-033**

**Moved By** B. Archer

**Seconded By** S. Strangway

**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.

**Carried**

### 3.1.4 COA2024-024

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 & M Corp - Thomas Binczyk  
 Applicants: EcoVue Consulting Inc. - Aditya Srinivas and Kent Randall

Ms. Evans summarized Report COA2024-024. The purpose and effect is to facilitate the construction of an 8-storey 110-unit apartment building. Relief sought: Section 14.3.12 2. i) of the By-law permits a maximum lot coverage of 55%; the proposed lot coverage is 63%; and, 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 Committee referred to Page 4 of 7, paragraph 1 of the report and asked what an additional Environment Impact Study (EIS) would add to this application. Ms. Evans replied it would not add anything as it was previously required for the Official Plan Amendment/Zoning By-law Amendment (OPA/ZBA).

The Committee asked if there was sufficient parking spaces and are the emergency services satisfied with the turning aisle radius. Ms. Evans responded.

The applicant, Mr. Srinivas was present via electronic participation. He thanked staff for the report and was available for questions.

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

#### **CA2024-034**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**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.

**Carried**

The Chair called for a break at 2:39pm. The meeting was brought back to order at 2:47pm. Member Strangway returned to the meeting at 2:48pm.

### 3.1.5 COA2024-025

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.

Mr. Shahid summarized Report COA2024-025. The purpose and effect is to facilitate obtainment of a building permit for an existing cabin. Relief sought: 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. 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. 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. 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.

After the writing of the report, agency comments were received from Kawartha Conservation stating no concerns with the application and that a permit has already been obtained from their office.

The Committee raised the following questions:

- 1) Reason for this application being brought to Committee, was it complaint driven? Mr. Shahid indicated it was an enforcement issue.
- 2) When was the garage converted into a cabin? Mr. Shahid deferred to the applicant.
- 3) Why is the Building and Septic Division requesting a condition for sewage system review if the cabin is not used for sanitary and cooking purposes? Mr. Shahid deferred to the applicant for a response.

The applicant, Mr. deBoer was present in person and responded to Committee's questions.

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

#### **CA2024-035**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**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 shed 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.

**Carried**

### 3.1.6 COA2024-026

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

Ms. Evans summarized Report COA2024-026. The purpose and effect is to facilitate the construction of a single detached dwelling. Relief sought: 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 Committee stated that being a new subdivision, will there be other applications to follow as each dwelling is built and is there a cold cellar under the front steps? Ms. Evans indicated that she has not been provided with information to confirm whether a cold cellar is proposed, and that she believes the relief required at this lot is unique because of the grade of this lot that requires stairs.

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

**CA2024-036****Moved By** B. Archer**Seconded By** S. Strangway

**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.

**Carried****3.1.7 COA2024-027**

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

Mr. Shahid summarized Report COA2024-027. The purpose and effect is to facilitate the construction of a new detached garage. Relief sought: 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. 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.

After the writing of the report, Mr. Shahid confirmed with the owner that the downspout from the proposed garage will be directed to the rear yard of the property and not the side yard or any neighbouring property.

The Committee asked if the neighbours of the rental apartment next door will receive the notice of decision or just the owner. Mr. Shahid responded.

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

### **CA2024-037**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**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.

**Carried**

Member Archer left the meeting at 3:13pm.

### 3.1.9 COA2024-030

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

Owners: Kelly and Sarah Palmer

Applicant: Kelly Palmer

Mr. Shahid summarized Report COA2024-030. 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: 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. 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 applicant, Mr. Palmer was present via electronic participation and available for questions.

There were no questions from the Committee or other persons.

#### **CA2024-039**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**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.

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

Ms. Barrie updated the Committee regarding the Rural Zoning By-law Project and that a hybrid public meeting will be taking place on April 10, 2024 at 7:00pm.

Ms. Barrie confirmed that interviews have been completed for the seventh member on the Committee of Adjustment. A confidential report will go to the April 30th Council Meeting. Tentatively aiming for the new member to join the May 23<sup>rd</sup> meeting.

## 6. **Correspondence**

## 7. **Next Meeting**

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

## 8. **Adjournment**

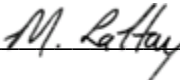
**CA2024-040**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** the meeting be adjourned at 3:19pm.

**Carried**

A handwritten signature in cursive script, appearing to read "M. LaHay", is written over a horizontal line.

Mark LaHay, Secretary-Treasurer

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Coates**  
Report Number COA2024-020

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**Public Meeting**

**Meeting Date:** April 25, 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 recognize a storage building under construction and an existing horse shelter.

**Relief sought:**

1. Section 3.1.3.1 of the By-law permits a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres; the proposed lot coverage is 248 square metres or 2% of the lot area; and,
2. Section 3.18.5.2 provides that no livestock building or manure storage facility shall be erected or altered unless it complies with the minimum distance separation calculated using Form 2 being Schedule "G" Minimum Distance Separation (MDS) Calculation for Livestock Facilities to this By-law. The required MDS radius for the existing horse shelter is 37 metres; the existing distance between the shelter and the church on the adjacent lot to the west is 29.4 metres.

The variance is requested at **506 King's Wharf Road** (File D20-2024-010).

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

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**Recommendations**

**That** Report COA2024-020 – Coates, be received;

**That** minor variance application D20-2024-010 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 COA2024-020, 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 COA2024-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of a storage building under construction and an existing horse shelter
Owners:	Troy and Emelda Coates
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 9, Concession 13
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	3.01 ac. (1.22 ha.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
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 property is located in a predominantly agricultural area consisting of large farms and smaller rural residential lots. The property contains a one storey

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

single detached dwelling constructed in 1971 (according to Municipal Property Assessment Corporation), two sheds, a horse shelter, and a storage building.

The purpose of the application is to recognize a storage building that is currently under construction as well as an existing horse shelter. The storage building is to be used to store personal items and equipment, including tools, gardening supplies, and the buggy the owners use for transportation. The storage building will store and protect the items and equipment.

There is an existing horse shelter on the property that accommodates two horses. The property owners are part of the Mennonite community, and the horses are used for transportation purposes. The shelter provides the horses with protection from inclement weather.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The property is designated Prime Agricultural within the City of Kawartha Lakes Official Plan (2012). Low density residential uses and accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

Policy 15.3.10. provides that all farm and non-farm development will comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.

The Provincial Minimum Distance Separation (MDS) formulae and guidelines are land use planning tools used to determine required setbacks between livestock facilities/manure storage and surrounding uses. The purpose is to minimize potential conflicts and complaints regarding odour and increase compatibility between uses. The MDS formulae that applies depends on whether the proposal is for new development (MDS I), or for new or altered livestock facilities (MDS II).

As the proposal is to recognize a livestock facility (the existing horse shelter) it is MDS II that applies. Using the MDS II guidelines, based on the number of livestock units, the size of the structure, and the type of manure storage, the MDS radius is 37 metres. The only building on a neighbouring property that is within that radius is the Mennonite Church located on the property to the west. The church is 29.4 metres from the horse shelter, resulting in an encroachment into the MDS radius of 7.6 metres. Only a small portion of the church is within the MDS radius.

Under the Province of Ontario's Minimum Distance Separation (MDS) Document, Implementation Guideline number 43 provides that MDS II setbacks can be reduced in specific circumstances when deemed appropriate by the municipality through the Minor Variance process.

The MDS Guidelines suggest considering surrounding land uses when determining whether a reduction in MDS II setbacks is appropriate. This includes the type and amount of development on adjacent properties. The subject property is surrounded primarily by agricultural properties, some of which contain agricultural operations and some of which have horses used for transportation purposes. The land uses on the subject property are similar to the surrounding land uses. Additionally, the development within MDS radius for the subject horse shelter is limited to a portion of the church on the abutting property.

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 Agricultural (A1) Zone under the Township of Emily Zoning By-law 1996-30. A single detached dwelling and accessory buildings and structures are permitted within this zone. The Zoning By-law defines an accessory use as a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot. As an accessory use is devoted to the main use of the land, being residential in this case, the proposed storage building is considered an accessory building that is accessory to the residential use. As such, the General Provisions Section 3.1 Accessory Buildings, Structures and Uses apply.

The proposal complies with all provisions of the Zoning By-law with the exception of the maximum lot coverage for accessory buildings and structures and the MDS II setback required for the horse shelter.

Section 3.1.3.1 of the By-law permits a maximum lot coverage for accessory buildings and structures of 8% of the lot area to a maximum of 225 square metres; the proposed lot coverage is 248 square metres or 2% of the lot area. The purpose of the maximum lot coverage for accessory structures is to maintain the rural residential character of the property and to ensure that accessory uses remain subordinate to the primary (residential) use.

Though the total lot coverage of the accessory structures exceeds 225 square metres by 23 square metres, the portion of the lot covered by these accessory structures is only 2%. For comparative purposes, other rural Zoning By-laws regulate lot coverage using only a percentage, on average ranging from 8% to 10% of the lot area.

The existing and proposed accessory structures are located in the rear yard. Additionally, the subject storage building complies with the maximum height for accessory structures. It is not anticipated that the accessory structure lot coverage resulting from the storage building will adversely impact the rural residential character of the property, and the accessory uses will remain visually subordinate to the primary dwelling.



Section 3.18.5.2 provides that no livestock building or manure storage facility shall be erected or altered unless it complies with the minimum distance separation calculated using Form 2 being Schedule "G" Minimum Distance Separation (MDS) Calculation for Livestock Facilities to this By-law. The required MDS radius for the existing horse shelter is 37 metres; the existing distance between the shelter and the church on the adjacent lot to the west is 29.4 metres.

The Official Plan provides that MDS requirements established by the Province apply. These requirements are more up to date than the formulae used in the Township of Emily Zoning By-law, which was established in 1996. As such, the Provincial guidelines are applicable to the existing horse shelter. The purpose of the MDS II setback is to minimize conflicts between land uses and issues with odour.

The horses on the subject property are used only for transportation purposes, and are the property owners' only source of transportation. The similarly sized neighbouring property to the north also has horses. There are also larger agricultural lots with farms in the immediate vicinity. As such, the character of this area is predominantly agricultural, and the existing horse structure on the subject property is not introducing any new odours that are not already present.

Additionally, the only building the horse shelter's MDS II radius encroaches on is the church to the west. The majority of the church is outside of the radius. This church is operated by the Mennonite community. The typical mode of transportation that would be used to travel to this church would be horse and buggy. As such, horses would be tied up outside of the church on a regular basis, and manure/the odour of manure would already be present on the church property. It is not anticipated that the horse shelter on the existing property will result in any land use conflicts with the church or complaints regarding odour.

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):** “A review of the site plan indicates the placement of the accessory structure under construction in the rear yard of the dwelling. The sewage system has been located in the opposite side yard of the dwelling to the accessory structure. The location of the structure under construction will ensure that the minimum required clearance distances will be maintained to the existing sewage system. Additionally, the workshop is not being proposed to contain any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue 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 to or comment for this Minor Variance application.”

**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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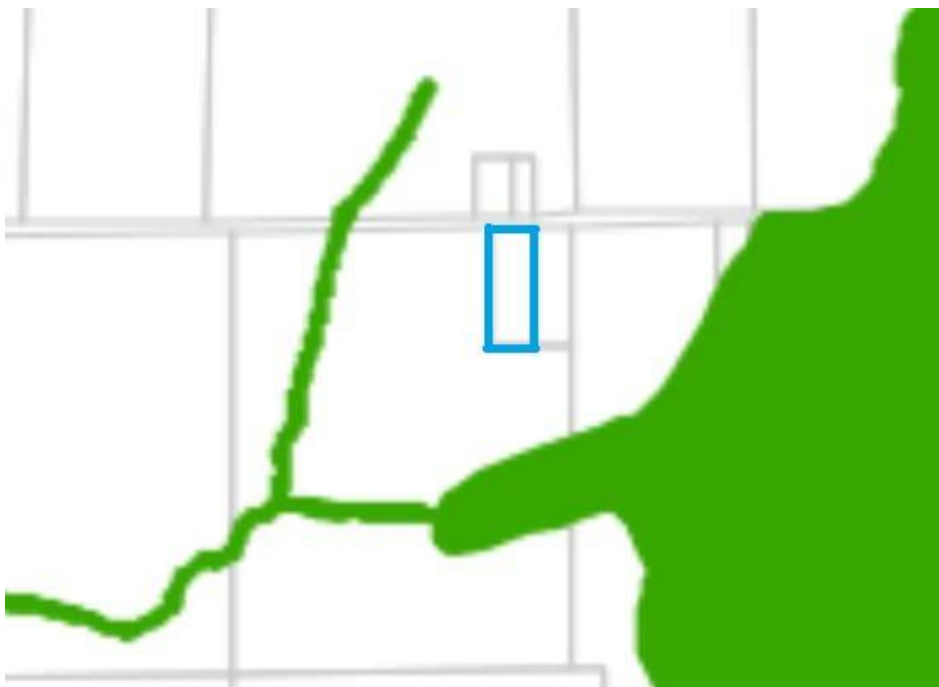
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-010

## **Schedule 1**

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

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



#### **15. Prime Agricultural Designation**

15.3.10. All farm and non-farm development will comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amendment from time to time.



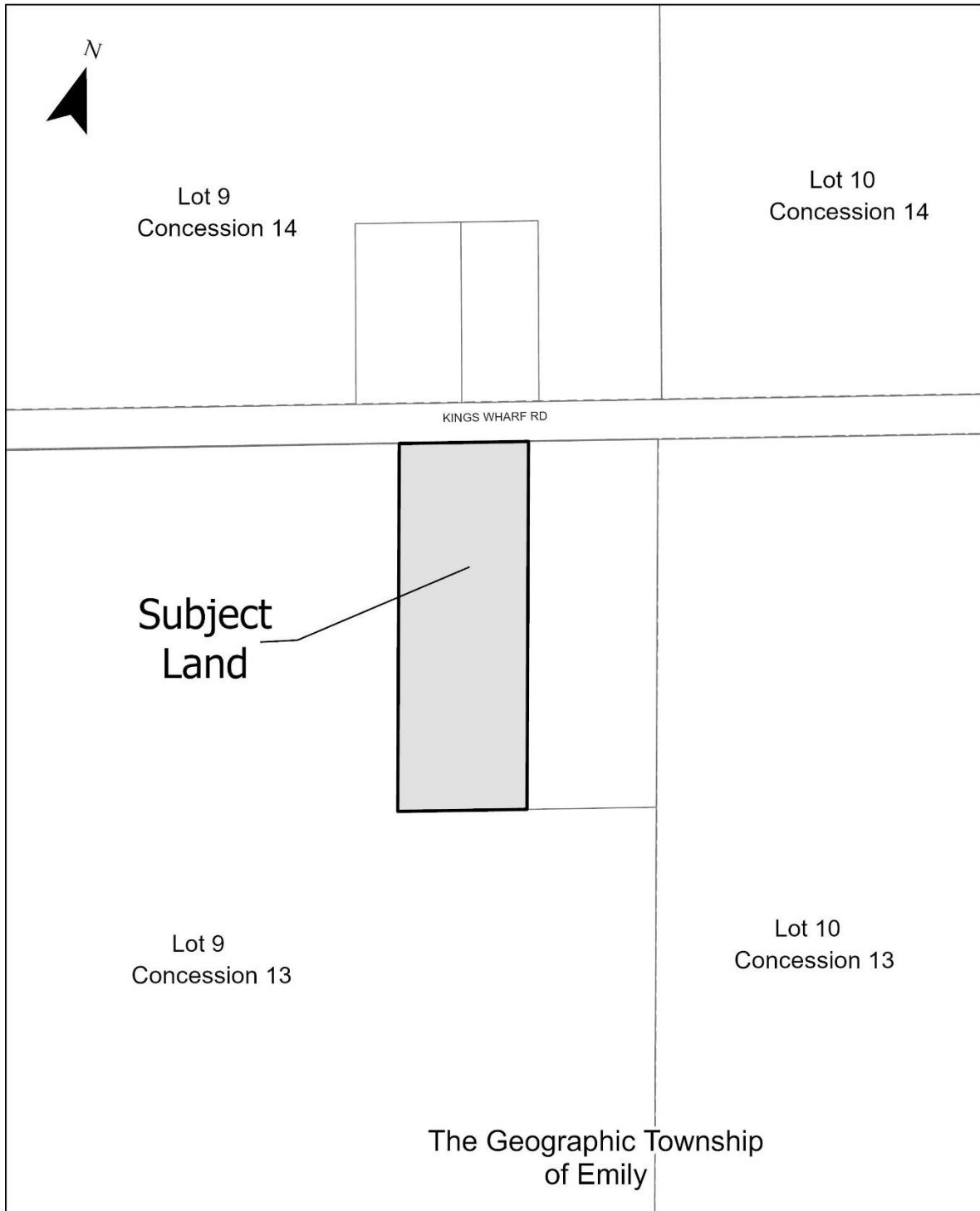
to

REPORT COA2024-020

FILE NO: D20-2024-010

**LOCATION MAP**

**D20-2024-010**

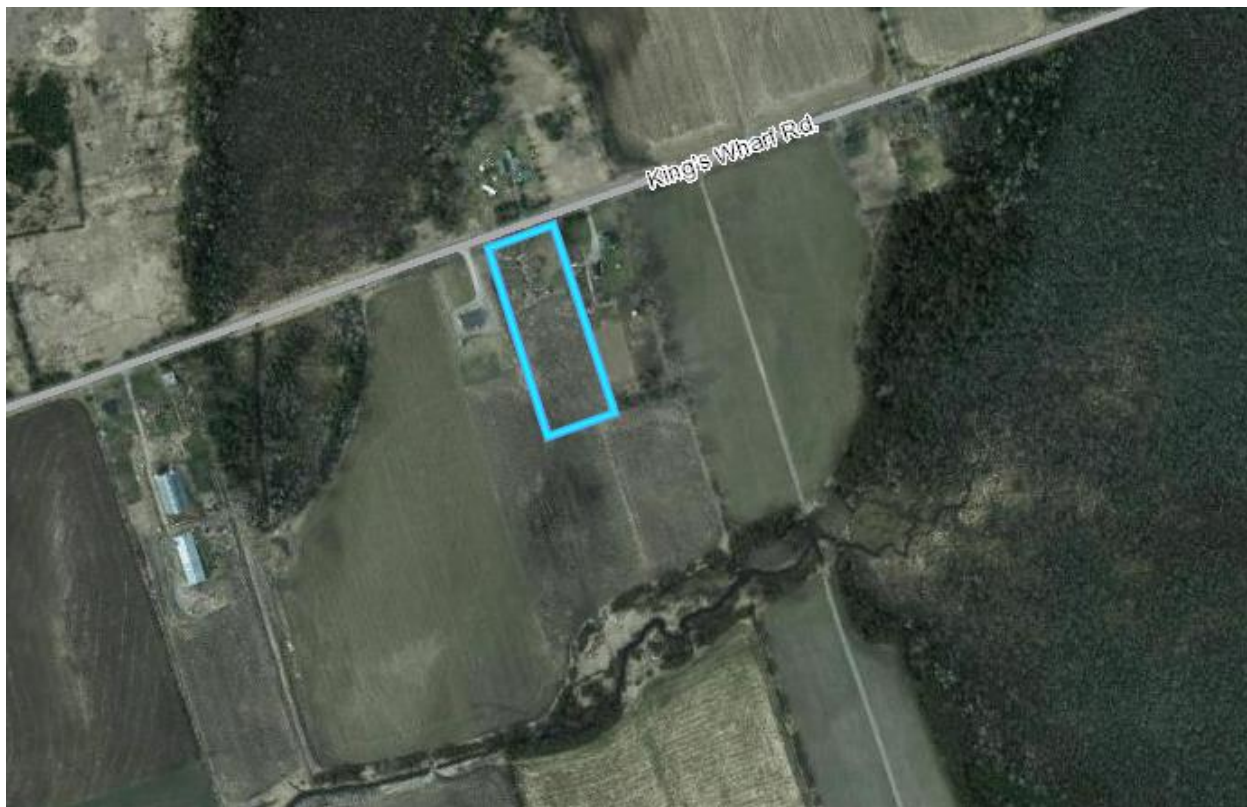


to

REPORT COA2024-020

FILE NO: D20-2024-010

**AERIAL PHOTO**

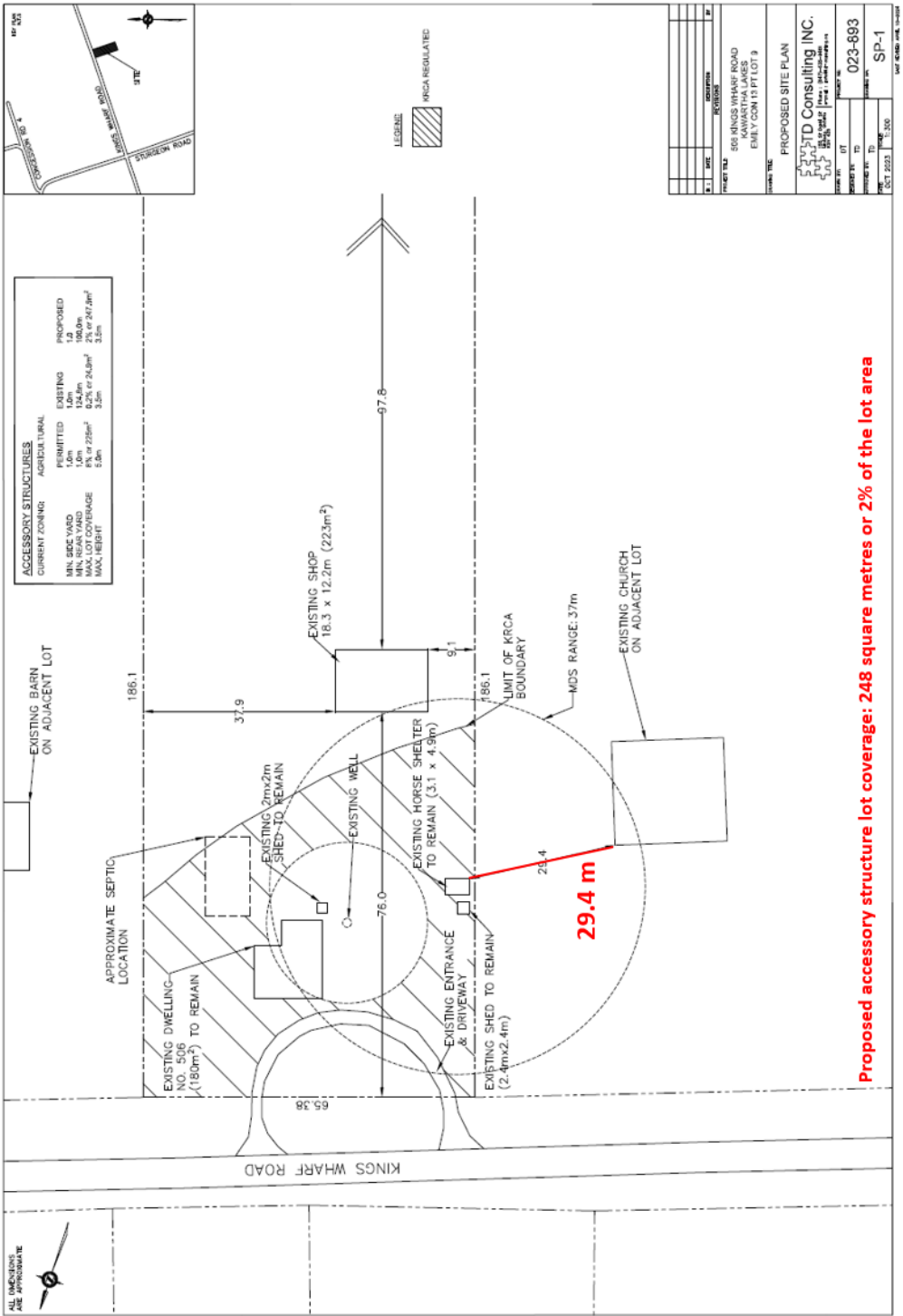


to

APPLICANT’S SKETCH

REPORT COA2024-020

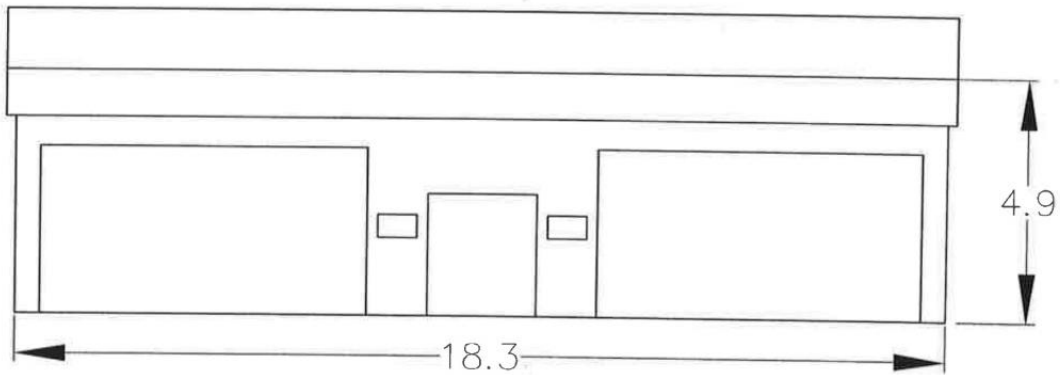
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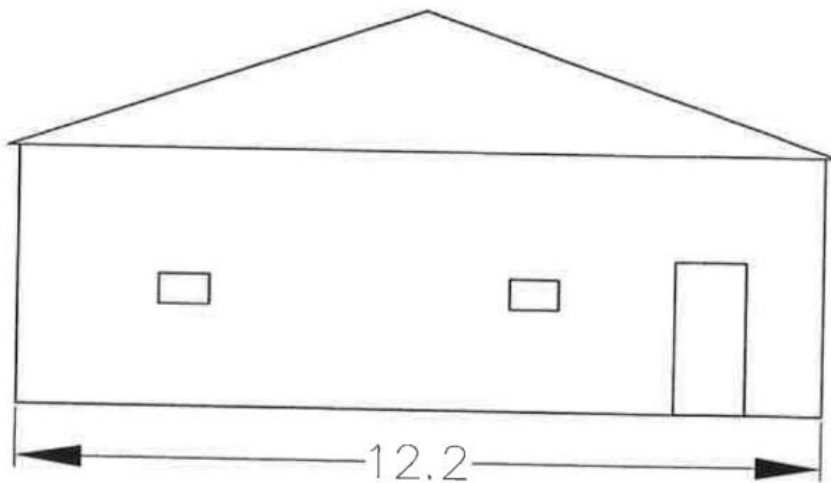
Proposed accessory structure lot coverage: 248 square metres or 2% of the lot area

**CONSTRUCTION DRAWINGS**

NORTH  
ELEVATION



EAST  
ELEVATION





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Bennett**  
Report Number COA2024-031

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**Public Meeting**

**Meeting Date:** April 25, 2024  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 2 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling with a two level attached waterside deck, as well as the construction of a shed.

**Relief sought:**

1. Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposed setbacks are 11.8 metres from the dwelling, 8.5 metres from the deck, and 8.5 metres from the shed.

The variance is requested at **116 Wilkinson Drive** (File D20-2024-021).

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

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**Recommendations**

**That** Report COA2024-031 – Bennett, be received;

**That** minor variance application D20-2024-021 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 COA2024-031, 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 COA2024-031. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Demolition of the existing dwelling and the construction of a new dwelling with a two level attached waterside deck, as well as the construction of a shed
Owners:	Ryan Bennett and Tara Bennett-Johnson
Applicant:	Keji Planners and Buildings c/o Joe McCool
Legal Description:	Part Lot 20 Concession 6 (being Lot 4 on Plan 335)
Official Plan <sup>1</sup> :	Waterfront and Four Mile Lake Special Policy Area (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	1,651 sq. m. (17,771.22 sq. ft.)
Site Access:	Private road
Site Servicing:	Private individual septic system and lake draw water
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 property is within an established residential neighbourhood located on the southwestern shore of Four Mile Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a one storey single detached dwelling constructed in 1959 (according to Municipal Property Assessment Corporation), a deck, and a shed that is under construction.

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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 demolition of the existing dwelling and the construction of a new dwelling with a two level attached waterside deck, as well as the construction of a shed. It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The new dwelling will be constructed on the same footprint as the existing dwelling, and will be two storeys. The existing dwelling has a gross floor area of 80 square metres, and the proposed dwelling is to have a gross floor area of 160 square metres, providing additional living space to better accommodate the property owners as well as family and friends. The proposed deck will provide enhanced outdoor amenity space, and the deck being two levels will allow it to be accessed from both levels of the dwelling, and will provide a higher location from which to view the water.

The shed that is under construction is used for storage, and contains the water pump. It is to remain in its current location until a new in-water pump is installed, and then it will be relocated.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The property is designated Waterfront within the City of Kawartha Lakes Official Plan (2012). Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

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 existing dwelling and deck encroach into the water setback, and that encroachment is to be maintained, as the proposed dwelling and attached deck are not to be closer to the water than what already exists. The potential hazard associated with habitable space in the water setback will not increase.

The area between the dwelling and the water is a steep slope with rocks and mature trees, with the dwelling being located at a higher elevation in the event of flooding. Additionally, it is not anticipated that this proposal will alter the existing shoreline conditions.

The subject property is also within the Four Mile Lake Specific Lake Policy Area. Single detached dwellings and associated accessory uses and structures are permitted within this policy area. The policies of the Official Plan recognize that this shoreline residential community is 'at capacity' and the ecological diversity of this area may be threatened by new development. As the proposal is to renovate the existing dwelling, no additional new development is proposed. Also, the proposal maintains the existing setback from the water.

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

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

The subject property is zoned Limited Service Residential (LSR) Zone under the Township of Somerville Zoning By-law 78-45. 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 water setback.

Section 5.2 f) of the By-law requires a minimum water setback of 15 metres. The proposed setbacks are 11.8 metres from the dwelling, 8.5 metres from the deck, and 8.5 metres from the shed. The intent of the minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff. The purpose of a minimum rear yard setback on a waterfront lot is to provide sufficient amenity space in the rear yard.

The new dwelling and deck are to maintain the existing water setback, and the shed has the same water setback as the deck. As no additional encroachment beyond what exists today is proposed, it is not anticipated that the proposal will impact stormwater runoff or the existing shoreline vegetation. Additionally, the steep slope of the property could mitigate impacts of a flood event. The proposed decks will enhance the outdoor amenity space in the rear yard, while the large front yard provides adequate open amenity space.

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."

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

**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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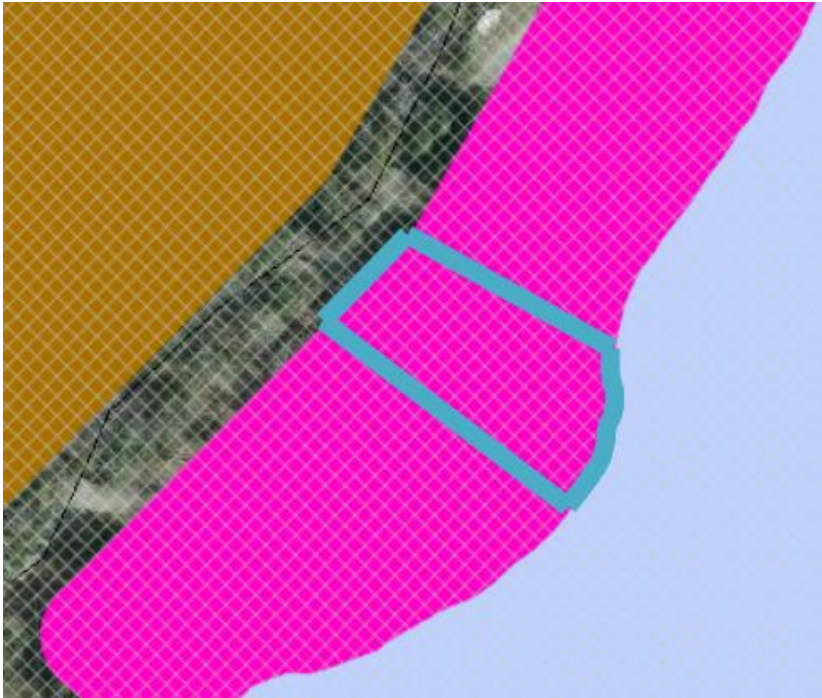
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-021

## **Schedule 1**

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

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



#### **20. Waterfront Designation**

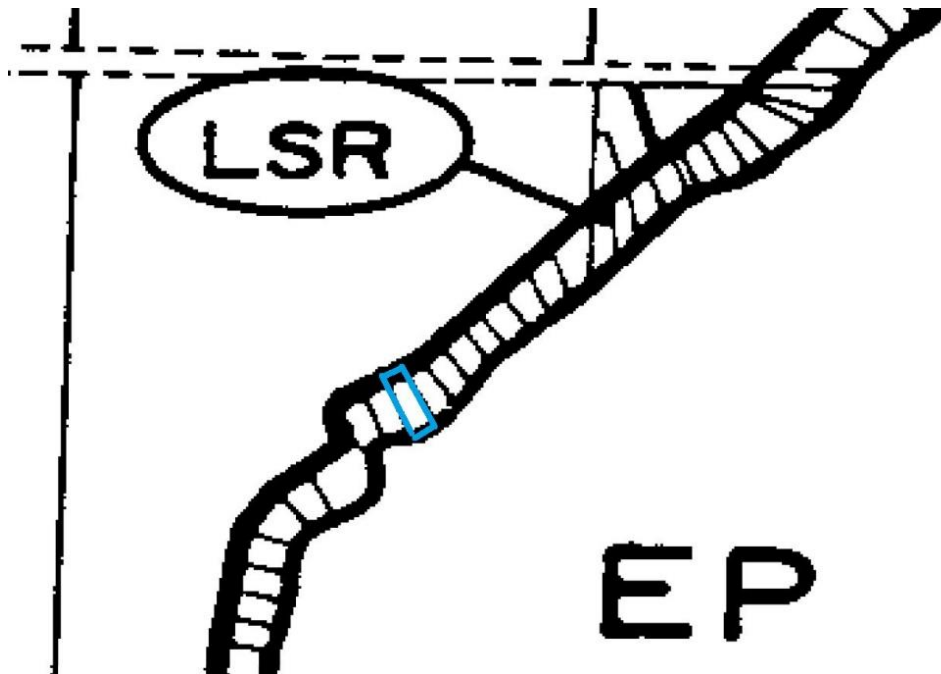
##### **31.3. Four Mile Lake – Specific Lake Policy Area**

##### **31.4. Four Mile Lake Objectives**

##### **31.5. Scope of Four Mile Lake Policies**

##### **31.6. Specific Policies**

**Township of Somerville Zoning By-law Number 78-45**



**Section 5 Limited Service Residential (LSR) Zone**

**5.1 LSR Uses Permitted**

**5.2 LSR Zone Requirements**

- f) Minimum water setback 15 m

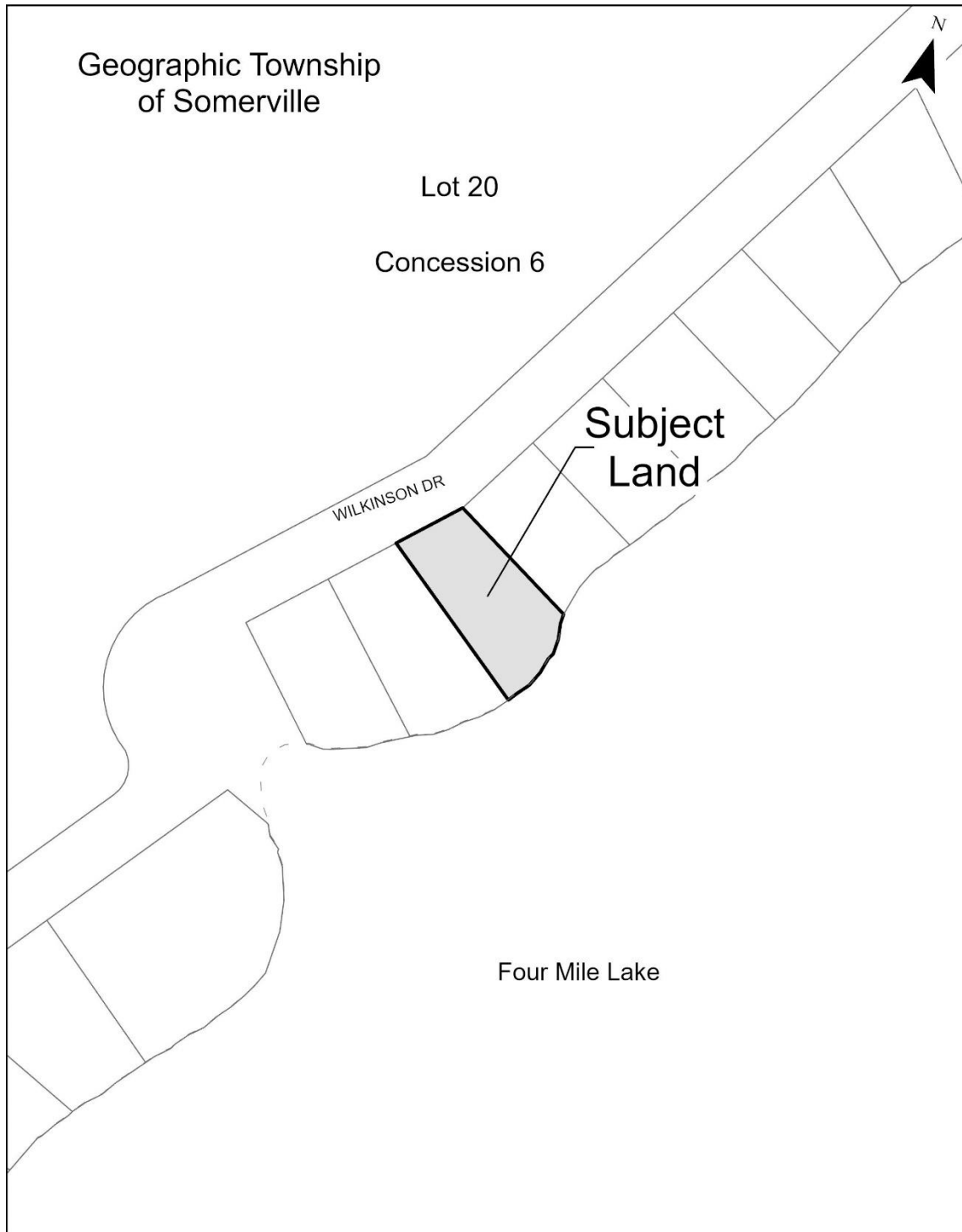
to

REPORT COA2024-031

FILE NO: D20-2024-021

**LOCATION MAP**

**D20-2024-021**





to

REPORT COA2024-031

FILE NO: D20-2024-021

**AERIAL PHOTO**

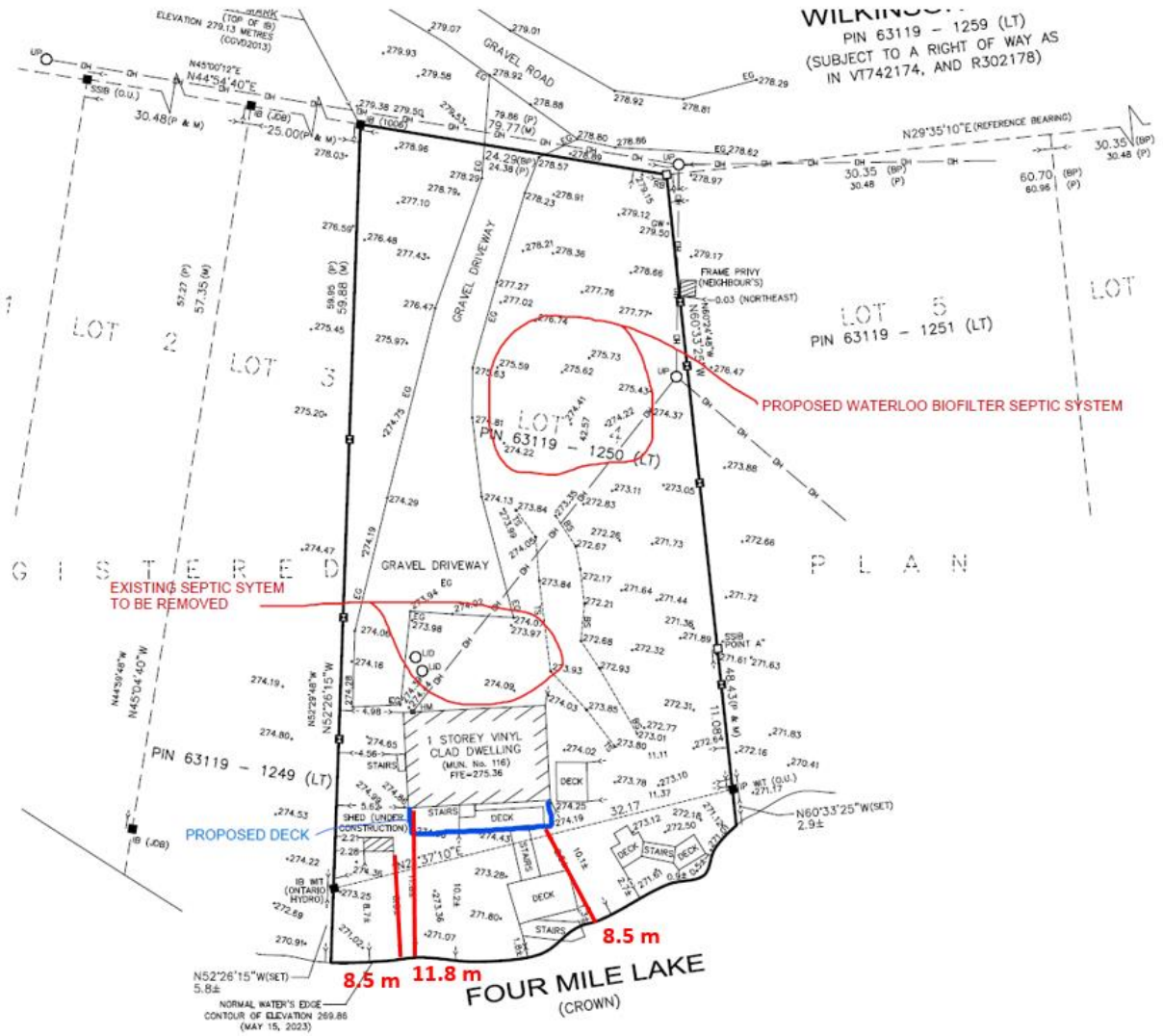


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## APPLICANT'S SKETCH

REPORT COA2024-031

FILE NO: D20-2024-021

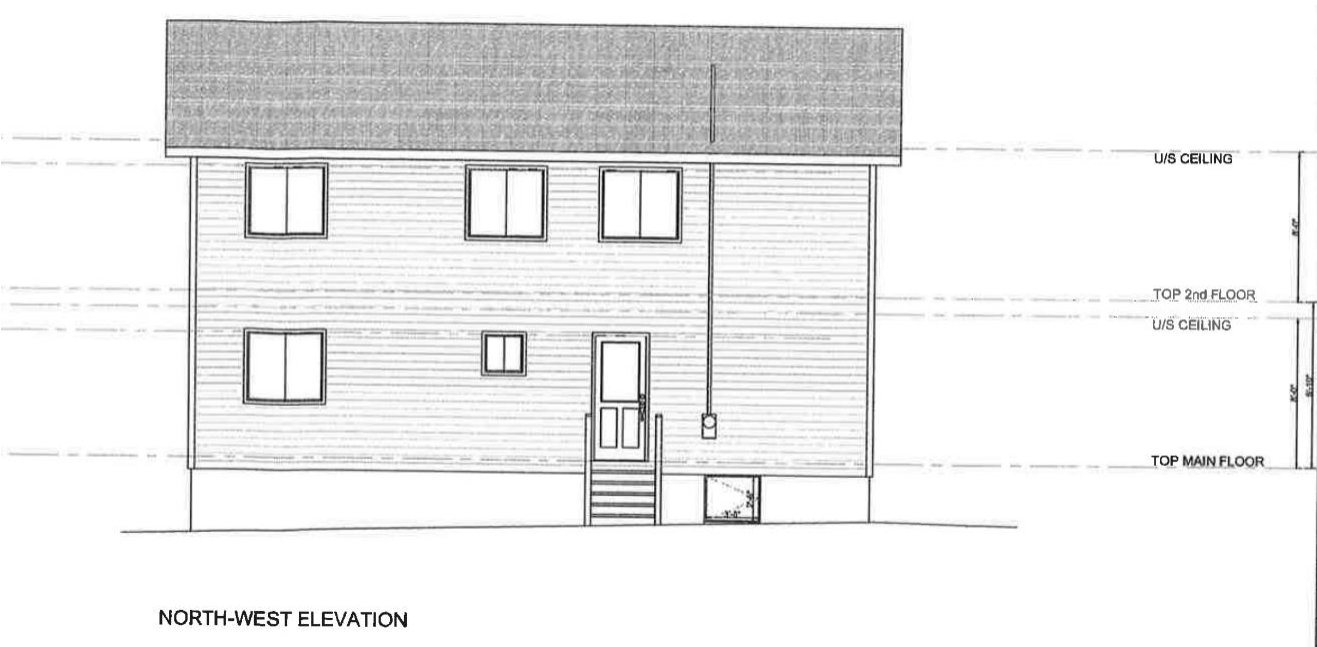


CONSTRUCTION DRAWINGS

APPENDIX " D "  
to  
REPORT COA2024-031  
FILE NO: D20-2024-021



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Rajendran**  
Report Number COA2024-032

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**Public Meeting**

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

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

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**Ward 1 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to recognize an existing garage to cabin conversion.

**Relief sought:**

1. Section 4.2.f. of the Zoning By-law requires a minimum water setback of 15 metres. The water setback from the existing storage structure attached to the cabin is 13.83 metres.
2. Section 18.1.3.a. of the Zoning By-law permits a maximum accessory lot coverage of 8% to a maximum of 225 square metres, whichever is less. The accessory structure lot coverage remains unchanged at 9.86% (136.37 square metres).
3. Section 18.1.6.a. of the Zoning By-law permits a maximum floor area of 30 square metres for the accessory use of a cabin. The existing cabin is 45.3 square metres in floor area.
4. Section 18.1.6.a. 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 30 metres, respectively. The subject property is 1,382.40 square metres in size and 29.26 metres in frontage.

The variance is requested at **3552 Monck Road** (File D20-2024-022).

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



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**Recommendations**

**That** Report COA2024-032 – Rajendran, be received;

**That** minor variance application D20-2024-022 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 COA2024-032, which shall be attached to and form part of the Committee's Decision; and,
- 2) **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,
- 3) **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 COA2024-032. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognize existing garage to cabin conversion.
Owners:	Ranginidevy Rajendran
Applicant:	Raj Balasundaram
Legal Description:	Part Lot 6, Concession A (being Part 13 to 14 on Reference Plan 57R2231)
Official Plan <sup>1</sup> :	Hamlet Settlement Area (Norland) (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	1,382.40 square metres (0.34 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual water 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

## **Rationale**

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

The subject property is situated along the Gull River, with access from Monck 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 single-storey dwelling with a detached garage, cabin with attached storage structure, and a shed.

The proposal seeks to recognize the existing garage to cabin conversion. The existing cabin was originally constructed in 2003, and converted into a cabin at some point in time under different ownership. The current property owners are now seeking a Change Of Use building 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. 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 Hamlet Settlement Area under the City of Kawartha Lakes Official Plan. This designation permits low density residential buildings/uses and residential accessory buildings/uses. 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 Three (RR3) Zone under the Township of Somerville Zoning By-Law 78-45. The RR3 Zone permits multiple uses including a vacation dwelling or a single detached dwelling, as well as accessory structures including but not limited to a cabin. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum water setback, accessory structure lot coverage, size of a cabin, and lot size and frontage requirements for a cabin.

Firstly, Section 4.2.f. 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 measured from the cabin's attached storage structure, is 13.83 metres. An important distinction is that the existing setback from the cabin itself is 18.42 metres, however, the attached storage structure extends from the cabin into the rear yard shortening the distance from built-form to shoreline. The attached storage structure is not habitable space, as such, the potential impact from the shoreline hazard is reduced. Moreover, due to the curved shape of the shoreline, structures located in specific areas on the property are subject to a closer water setback than in other areas. Additionally, although the cabin's water setback is deficient, it is greater than the water setback measured from the existing dwelling (13.54 metres). Overall, the residential portion of the existing cabin is located more than 15 metres away from the shoreline.

Secondly, Section 18.1.3.a. of the Zoning By-law permits a maximum accessory lot coverage of 8% to a maximum of 225 square metres, whichever is less. The intention of this provision is to ensure any accessory use or structure remains subordinate to the principal use or main building, as well as maintaining a balance between built form and open space. The accessory structure lot coverage remains unchanged at 9.86% (136.37 square metres). Although the maximum permitted lot coverage is exceeded, it is important to mention no new accessory structures are being constructed. As well, the proportion of all structures (23%) on the property is considerably lower than the zone's total permitted maximum lot coverage (30%) as per Section 4.2.g. Additionally, open space is provided through the complying side yard setbacks as well as the large rear yard.

Thirdly, Section 18.1.6.a. of the Zoning By-law permits a maximum floor area of 30 square metres for the accessory use of a cabin. The intention of this provision is to ensure the cabin remains subordinate to the primary, 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 45.3 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 18.1.6.a. 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 30 metres, respectively. 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 subject property is 1,382.40 square metres in size and 29.26 metres in frontage. The variance avoids overcrowding as it complies with the total permitted lot coverage. Additionally, all setbacks excluding water setbacks are complied with. As no new structure is being proposed as part of the application, there are no anticipated impacts to drainage. Furthermore,

although the lot is undersized it is in keeping with the character of the lots along Monck 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.”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**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>	D20-2024-022

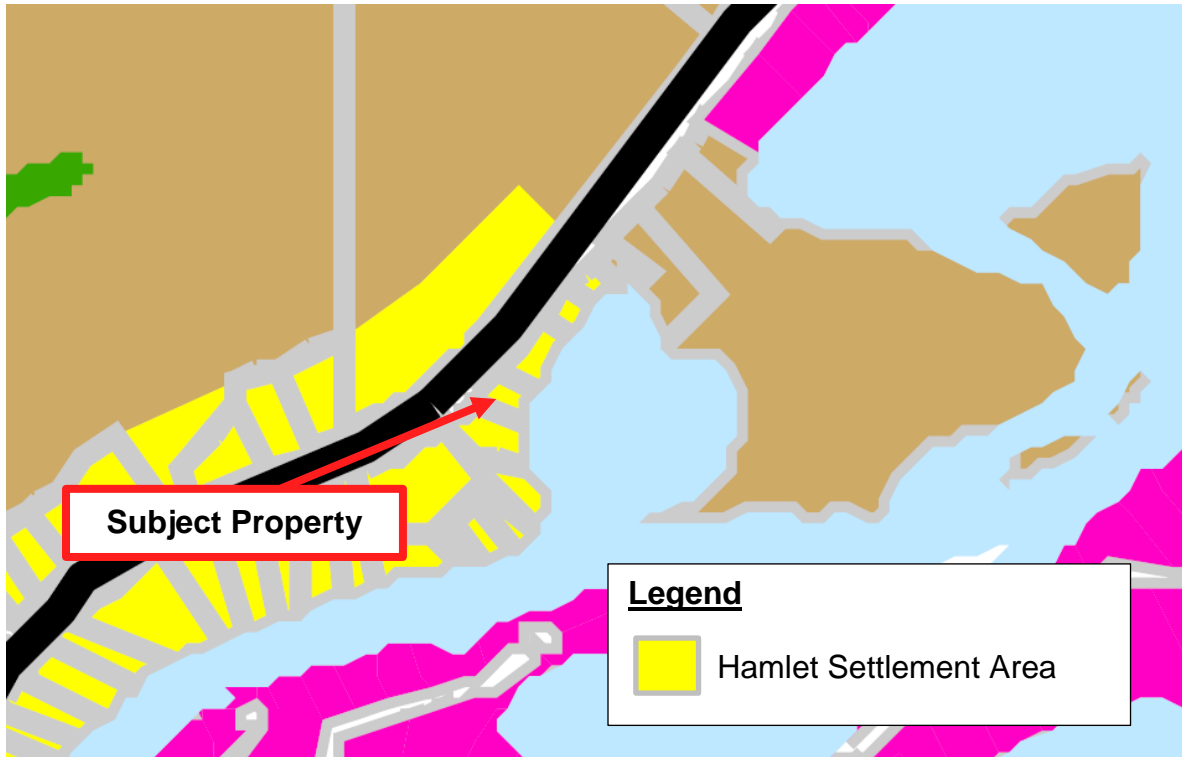


## Schedule 1

### Relevant Planning Policies and Provisions

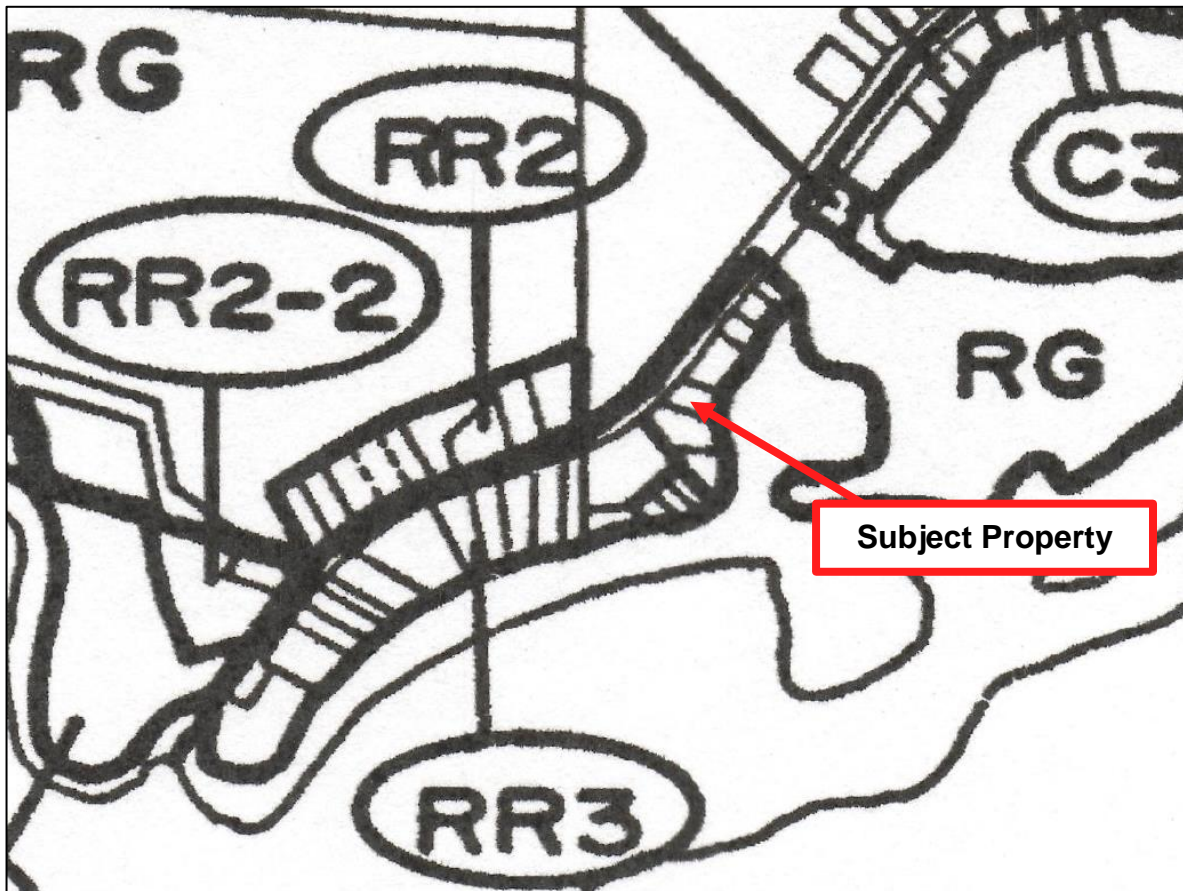
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#### City of Kawartha Lakes Official Plan



#### Section 19. Hamlet Settlement Designation

## Township of Somerville Zoning By-Law 78-45



### SECTION 4

#### RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

##### 4.1 RR3 USES PERMITTED

No persons 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 for one or more of the following uses:

- a. Vacation dwelling
- b. Single Detached Dwelling
- c. Park
- d. Home occupation

## 4.2 RR3 ZONE REQUIREMENTS

In a Rural Residential Type Three (RR3) zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	Communal or Municipal Water Supply Provided	Individual Water Supply & Sewage Disposal
a. Minimum lot area	1700 sq.m (18,298 sq.ft)	2000 sq.m (21,527 sq.ft)
b. Minimum lot frontage		
i. No shore lot line	25 sq.m (82 ft)	30 m (98 ft)
ii. With shore lot lines	30 m (98 ft)	30 m (98 ft)
f. Minimum water setback	15 m (50 ft)	15 m (50 ft)

## SECTION 18

### GENERAL PROVISIONS

#### 18.1.3 LOT COVERAGE AND HEIGHT

- a. Except as otherwise provided for herein, the total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area or a maximum of 225 square metres (2,420 sq.ft) whichever is less.

#### 18.1.6 CABINS

- a. A maximum of 1 private cabin, having a maximum floor area of 30 square metres (320 ft), may be permitted as an accessory use to a permitted dwelling unit provided the lot conforms to the minimum lot area and frontage requirements of the zone.

## SECTION 19

### DEFINITIONS

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

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

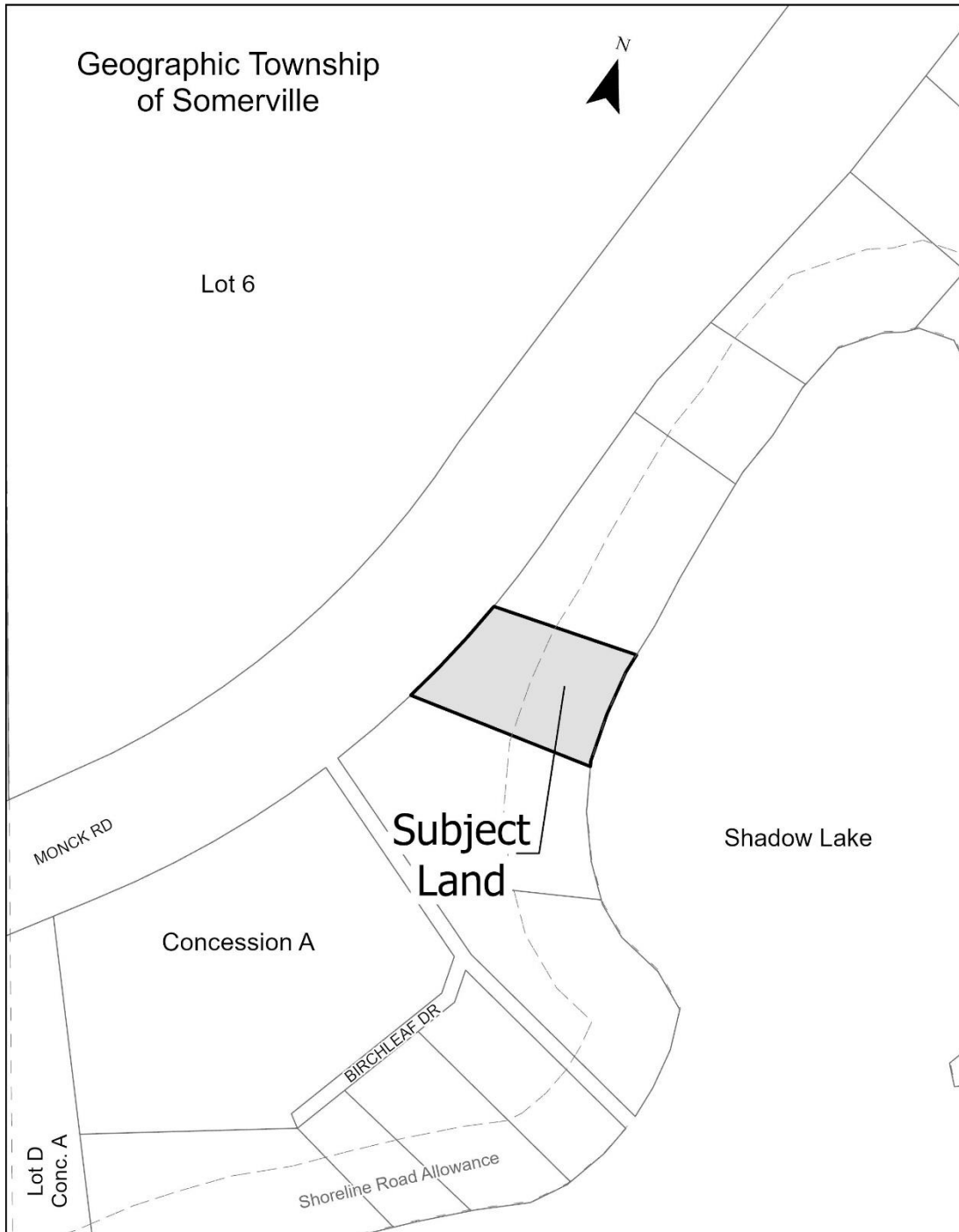
to

REPORT COA2024-032

FILE NO: D20-2024-022

**LOCATION MAP**

**D20-2024-022**





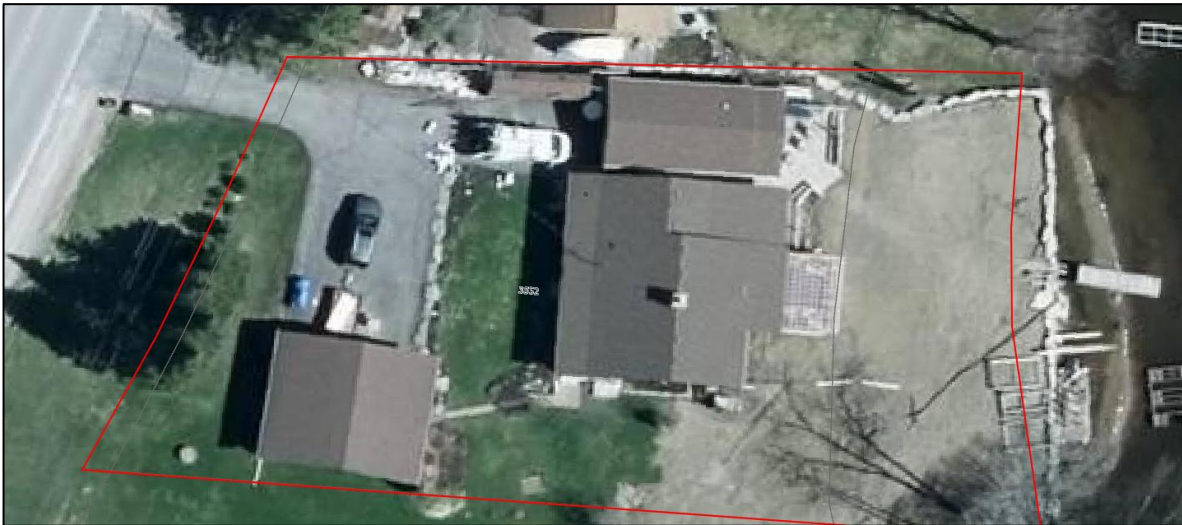
APPENDIX “   B   ”

to

**AERIAL IMAGERY (2018)**

REPORT COA2024-032

FILE NO: D20-2024-022

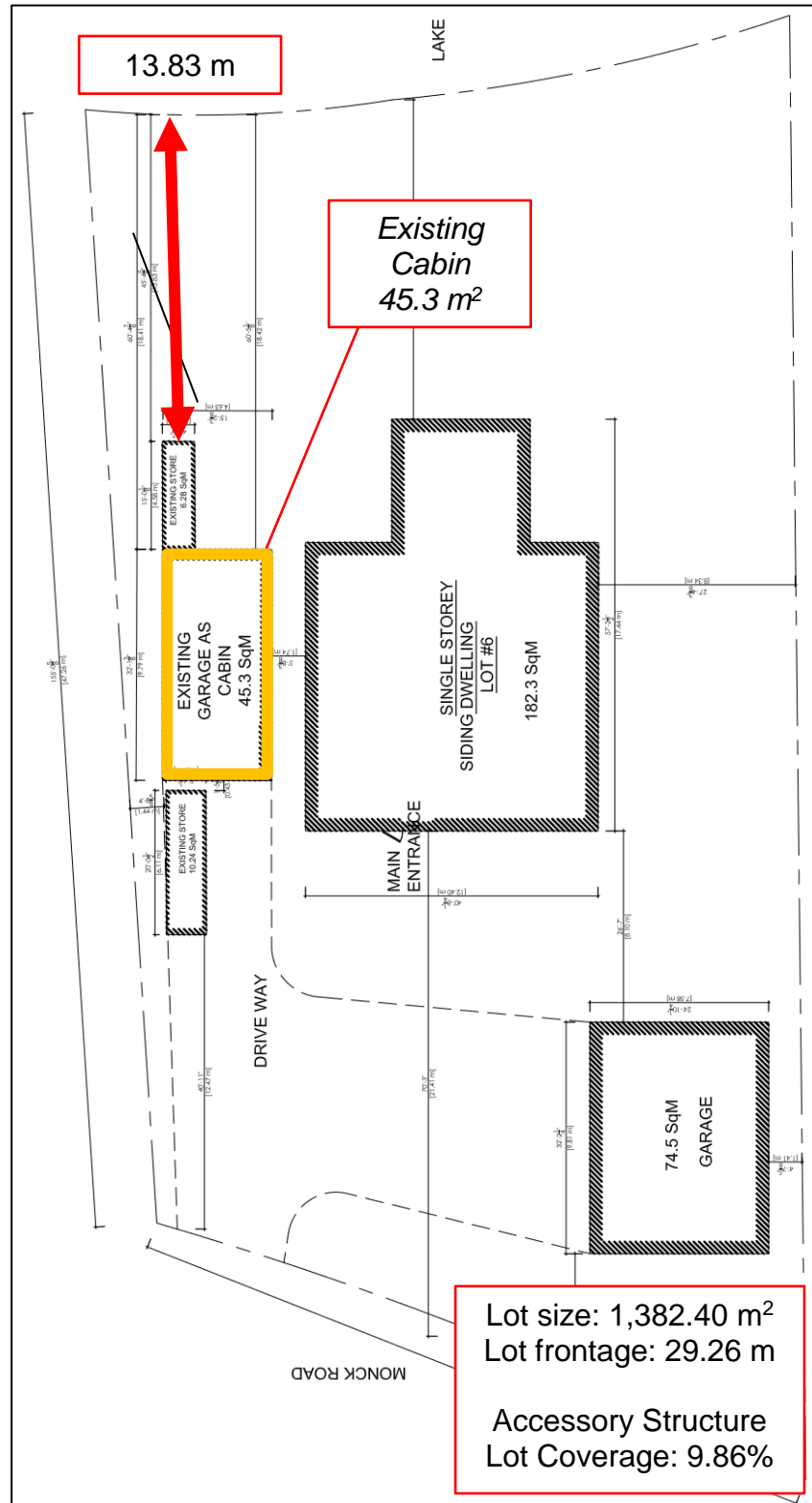


to

## APPLICANT'S SKETCH

REPORT COA2024-032

FILE NO: D20-2024-022



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 2537914 Ontario Inc.**  
Report Number COA2024-033

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**Public Meeting**

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

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

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**Ward 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to facilitate the recognition of an addition constructed onto a single detached dwelling.

**Relief sought:**

1. Section 13.2.1.3 a) of the By-law requires a minimum front yard setback of 7.5 metres; the existing setback of 6.8 metres to the attached deck is to remain; and,
2. Section 13.2.1.3 d) of the By-law requires a minimum rear yard setback of 7.5 metres; the existing setback of 1.2 metres is to remain.

The variance is requested at **60 Elder Street** (File D20-2024-023).

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

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**Recommendations**

**That** Report COA2024-033 – 2537914 Ontario Inc., be received;

**That** minor variance application D20-2024-023 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 COA2024-033 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 COA2024-033. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Recognition of an addition constructed onto a single detached dwelling
Owners:	2537914 Ontario Inc.
Applicant:	Jason Bektas
Legal Description:	Part Lot 8, Concession 11 (being Lot 12 on Plan 246)
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:	605 sq. m. (6,512.17 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Individual private well and privy
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 property is within an established residential neighbourhood located on the southern shore of Sturgeon Lake. The property is wedge shaped and does not have frontage on the water. The property currently contains a single detached dwelling constructed in 1958 (according to Municipal Property Assessment Corporation) and a privy.

The purpose of the application is to recognize an addition that was constructed onto the rear of the dwelling, as well as a deck on the front of the dwelling. It can be expected that over time, owners may improve their property in an attempt to

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1



achieve its highest and best use. The addition contains a kitchen and two bedrooms, and provides additional living space to better accommodate the property owner as well as family and friends.

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. Performance and siting criteria is implemented through the Zoning By-Law.

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

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

The subject property is zoned Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory 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 and the minimum rear yard setback.

As per Section 13.2.1.3 a) of the By-law, a minimum front yard setback of 7.5 metres is required. The existing setback of 6.8 metres to the attached deck is to remain as it is today. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The dwelling is situated atop a hill, accessed by a stone staircase. Due to the elevation change between the deck and dwelling and the road allowance, it is not anticipated that the reduced front yard setback of the deck will impact traffic flow, maintenance, or sight lines. Additionally, there appear to be existing dwellings with reduced front yard setbacks on other properties along Elder Street, and as such the setback of the deck is not out of character with the existing built form.

As per Section 13.2.1.3 d) of the By-law, a minimum rear yard setback of 7.5 metres is required. The existing setback of 1.2 metres is to remain. The intent of the rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space.

The property that abuts the rear lot line of the subject property is approximately 33.8 hectares (83.5 acres) in size and is currently vacant. The area directly behind the subject property is a mature wooded area. As such, land use, privacy, and massing issues are not anticipated to result from the reduced rear yard setback.

While the configuration of the dwelling results in limited rear yard amenity space, the property has sufficient amenity space in the side yards.

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 to or comment for this Minor Variance application.”

**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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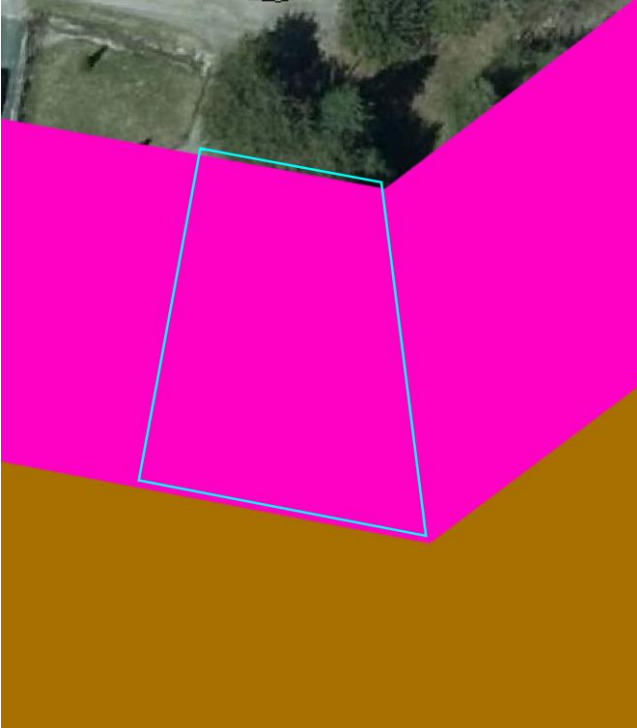
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthlakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-023

## **Schedule 1**

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

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



#### **20. Waterfront Designation**

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



### Part 13 Rural Residential Type Three (RR3) Zone

#### 13.1 Uses Permitted

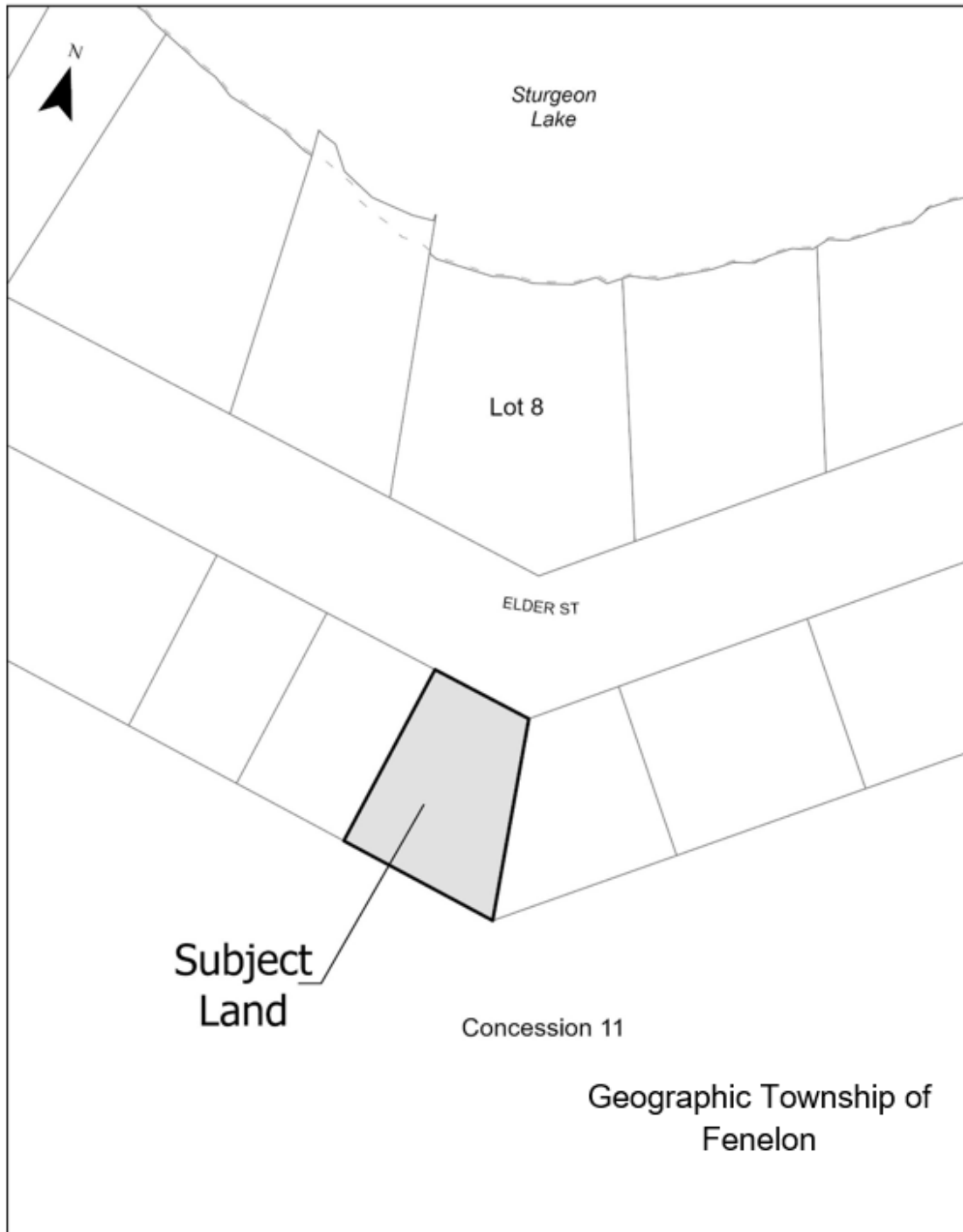
#### 13.2 Zone Provisions

##### 13.2.1.3 Yard Requirements (min.)

- a) front 7.5 m
- d) rear yard 7.5 m

**LOCATION MAP**

**D20-2024-023**

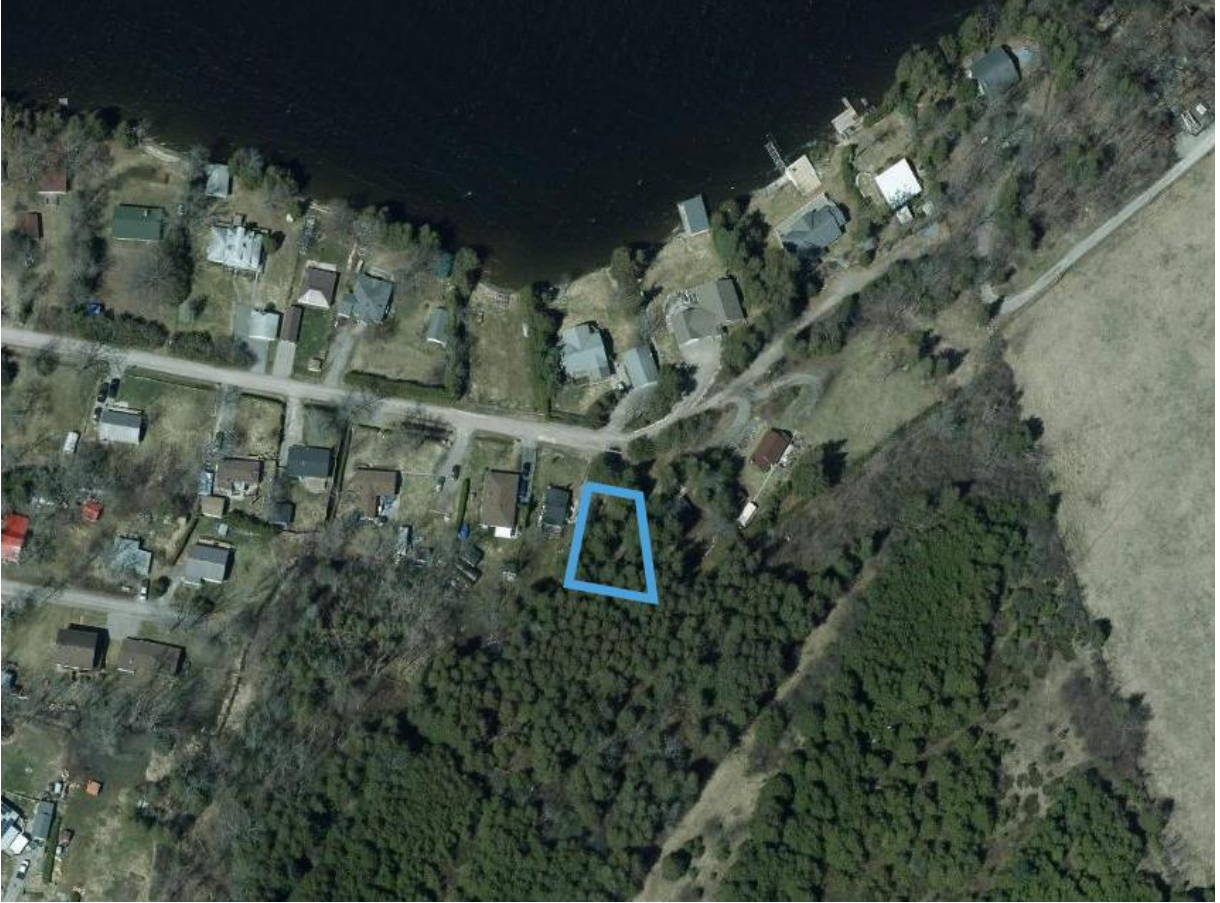


to

REPORT COA2024-033

FILE NO: D20-2024-023

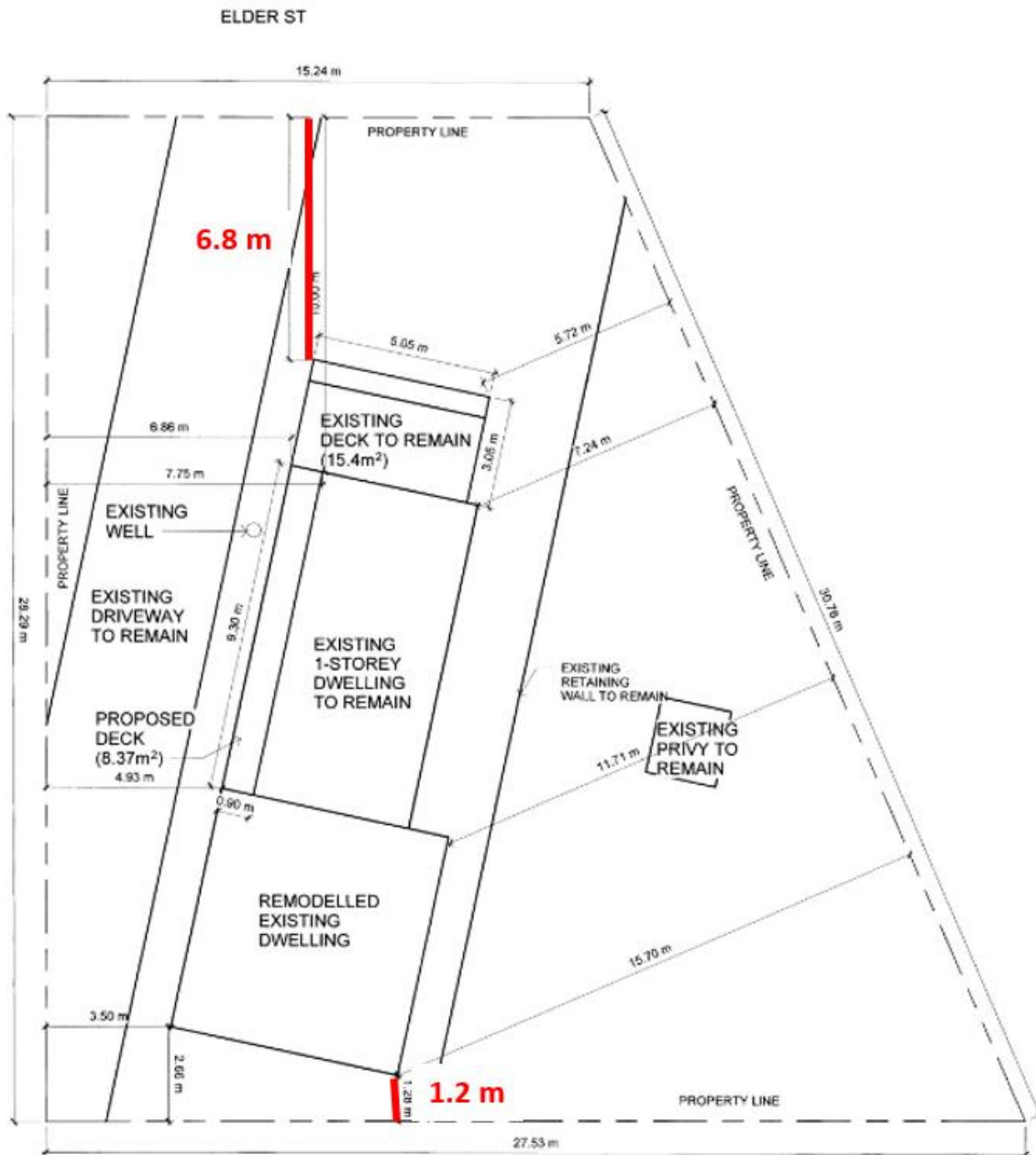
**AERIAL PHOTO**



to

REPORT COA2024-033FILE NO: D20-2024-023

## APPLICANT'S SKETCH



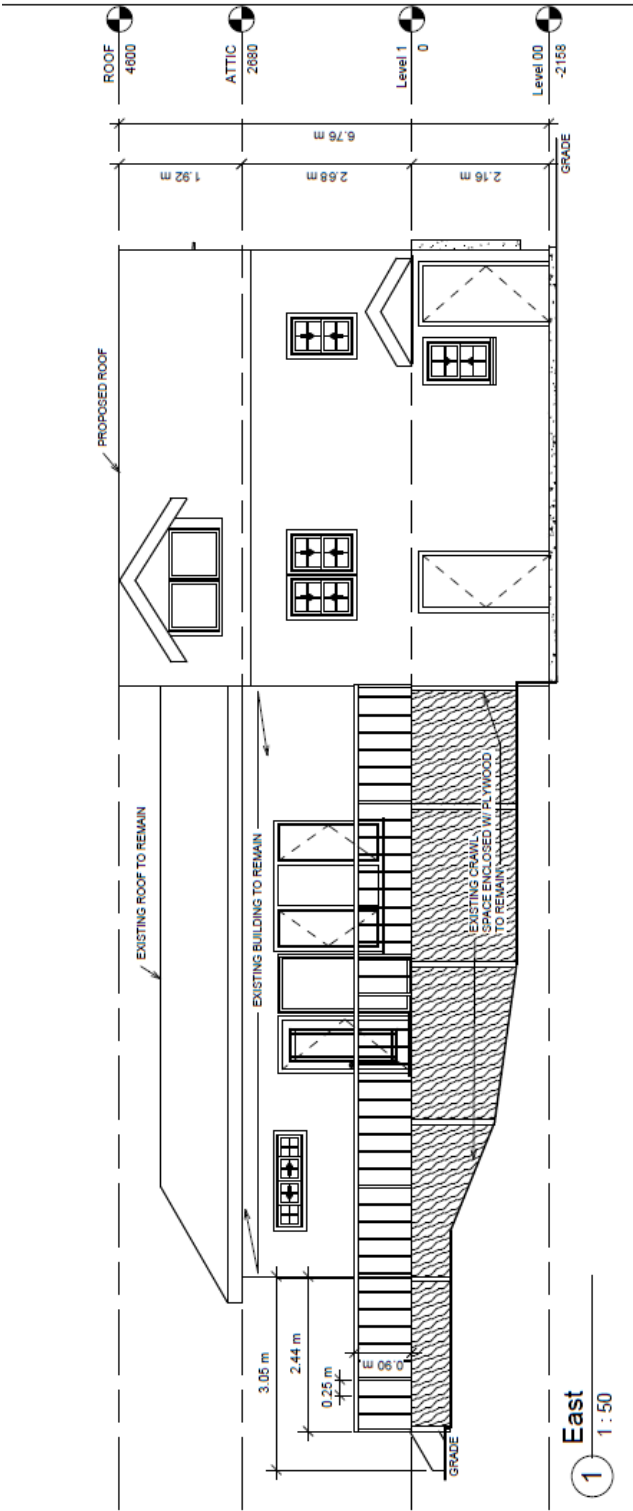
CONSTRUCTION DRAWINGS

APPENDIX " D "

to

REPORT COA2024-033

FILE NO: D20-2024-023





**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Reel**  
Report Number COA2024-034

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**Public Meeting**

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

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

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**Ward 6 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to facilitate the demolition of the existing sunporch and the construction of a new sunporch.

**Relief sought:**

1. Section 13.2.1.3 a) of the By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 7.1 metres.

The variance is requested at **251 Snug Harbour Road** (File D20-2024-024).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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**Recommendations**

**That** Report COA2024-034 – Reel, be received;

**That** minor variance application D20-2024-024 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 COA2024-034, 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 COA2024-034. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Demolition of the existing sunporch and the construction of a new sunporch
Owners:	Marie and Brian Reel
Applicant:	Brian Reel
Legal Description:	Part Lot 4, Concession 8 (being Part 1 on Reference Plan 57R3164)
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:	1,300 sq. m. (13,993.08 sq. ft.)
Site Access:	Snug Harbour is a year round municipal road; Property accessed via right-of-way registered on title
Site Servicing:	Private individual well and holding tank
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 property is located within an established residential neighbourhood located on the eastern shore of Sturgeon Lake. The property is irregular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1960 (according to Municipal Property Assessment Corporation) and a detached garage.

It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The proposal is to demolish the existing sunporch, and construct a new sunporch. The existing sunporch is approximately

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

20 square metres in size, while the new sunporch is to be approximately 27 square metres in size.

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. Performance and siting criteria is implemented through the Zoning By-Law.

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

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

The subject property is zoned Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory 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 13.2.1.3 a) of the By-law, a minimum front yard setback of 7.5 metres is required. The proposed setback is 7.1 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 as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The subject property fronts onto a private right of way that is used by approximately 11 property owners, limiting the traffic that will pass by the subject property. Additionally, the 7.1 metre setback between the front lot line and the sunporch is not anticipated to result in any adverse impacts to traffic flow, maintenance, or sight lines. The proposed sunporch is to maintain the same setback as the existing sunporch, and it appears that there are other dwellings in the area that have similar reduced front yard setbacks. As such, the proposal is not out of character with the existing built form.

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.”

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

### **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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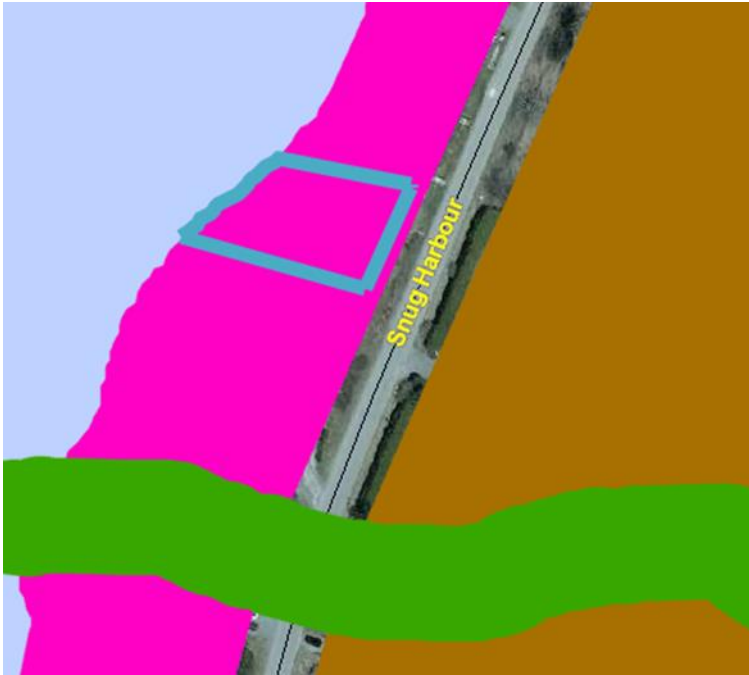
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-024

## Schedule 1

### Relevant Planning Policies and Provisions

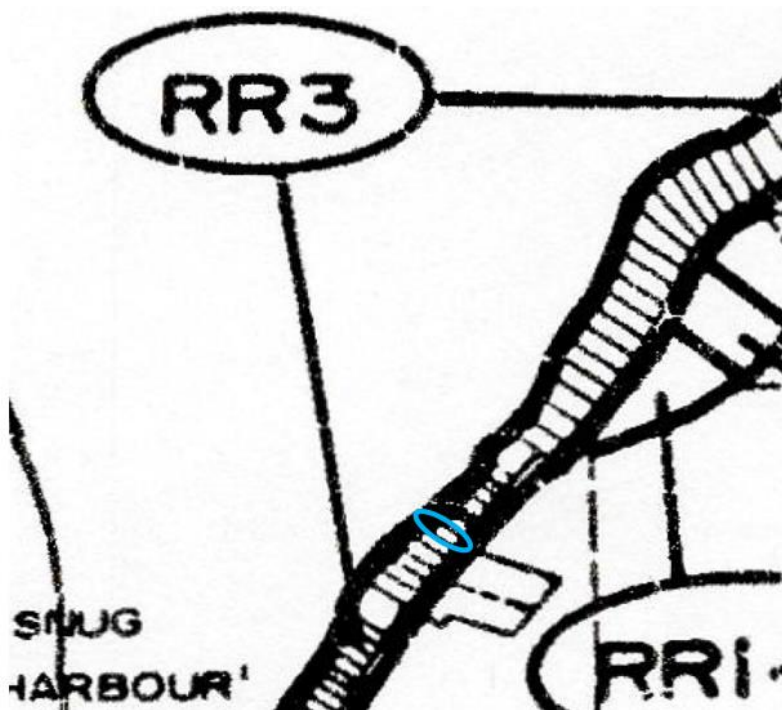
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#### City of Kawartha Lakes Official Plan



#### 20. Waterfront Designation

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



### Part 13 Rural Residential Type Three (RR3) Zone

#### 13.1 Uses Permitted

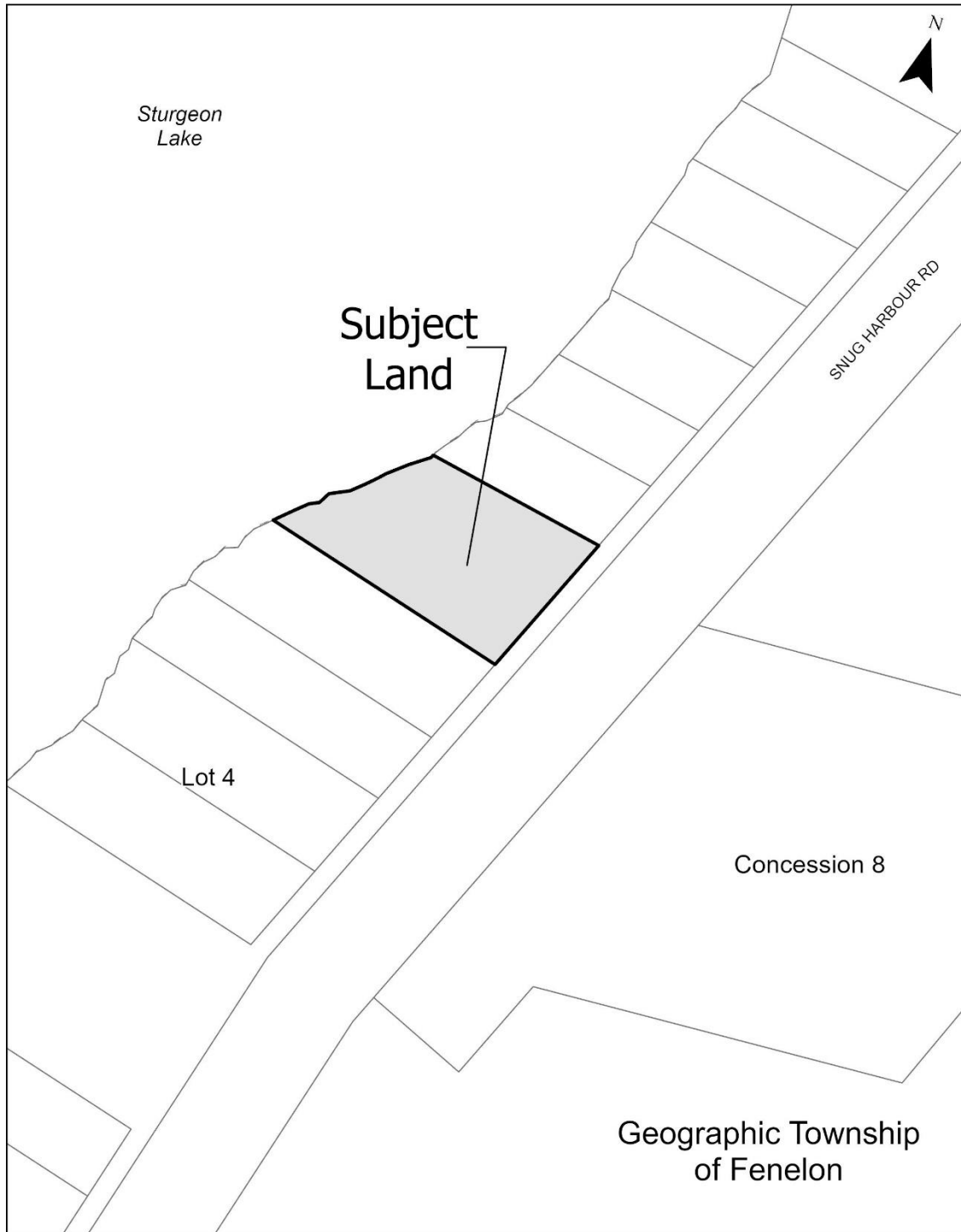
#### 13.2 Zone Provisions

##### 13.2.1.3 Yard Requirements (min.)

- |          |       |
|----------|-------|
| a) Front | 7.5 m |
|----------|-------|

**LOCATION MAP**

**D20-2024-024**



to

REPORT COA2024-034

FILE NO: D20-2024-024

**AERIAL PHOTO**



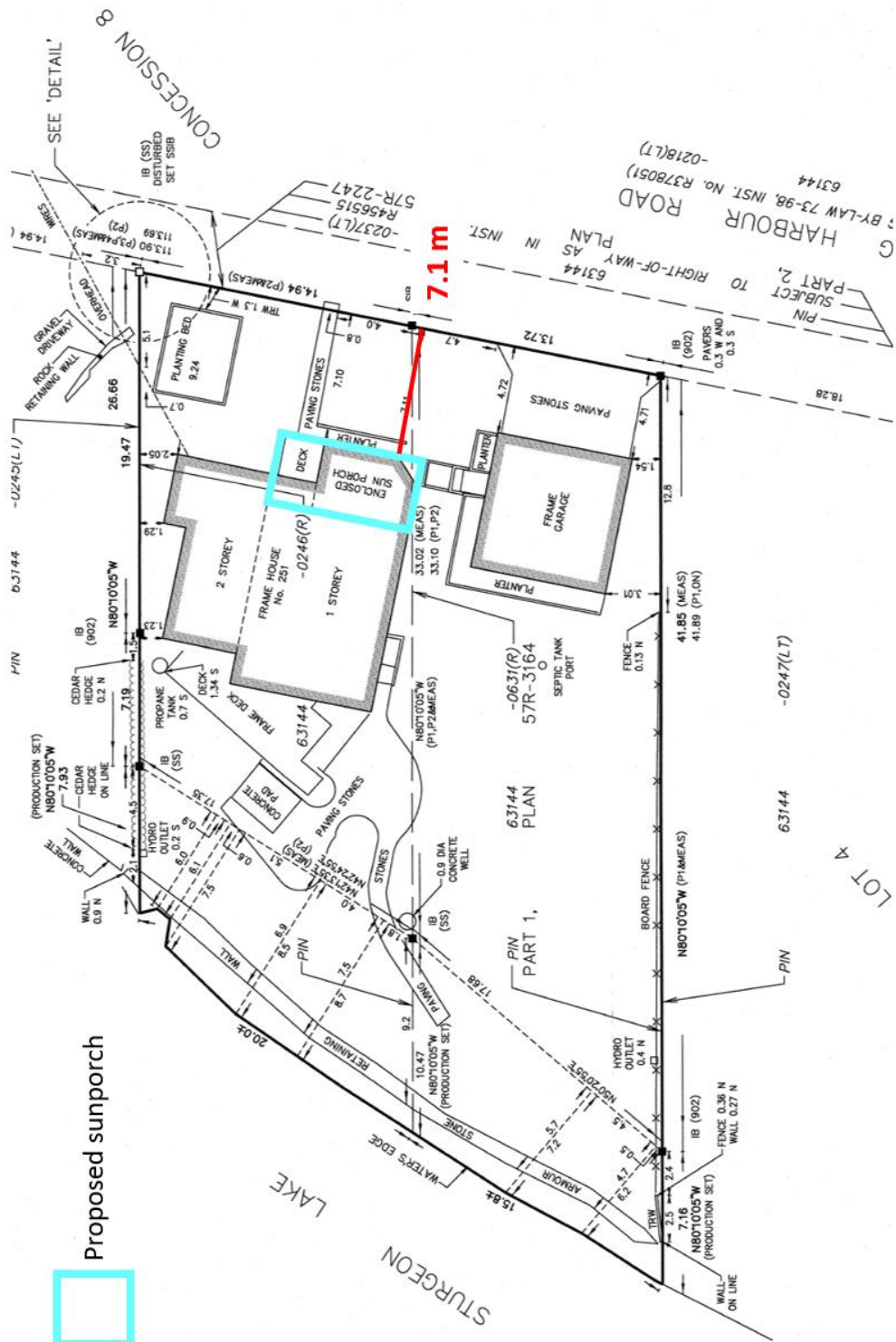


to

REPORT COA2024-034

FILE NO: D20-2024-024

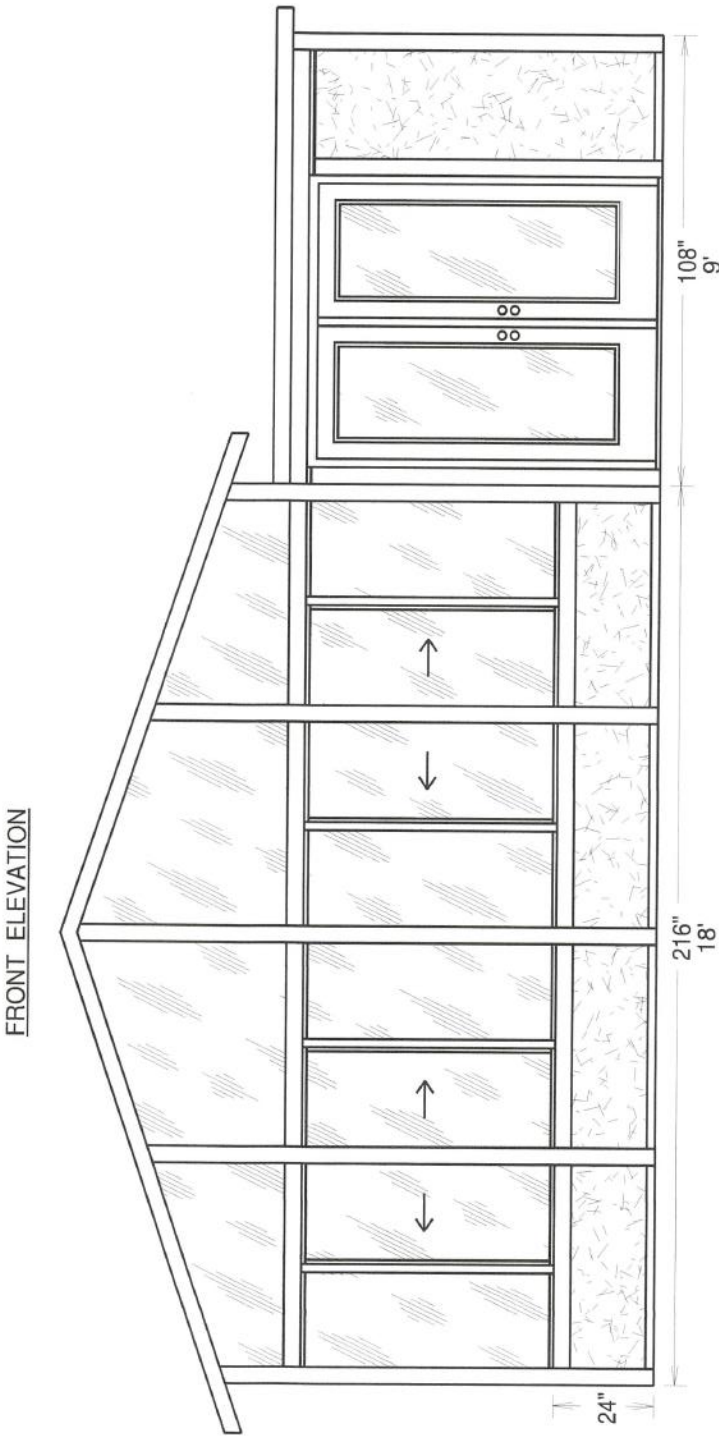
# APPLICANT'S SKETCH



Proposed sunporch



CONSTRUCTION DRAWINGS



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Grech**  
Report Number COA2024-036

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**Public Meeting**

**Meeting Date:** April 25, 2024  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 2 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to facilitate the construction of an addition to the dwelling, a new screened porch, and new attached deck.

**Relief sought:**

1. Section 4.3.7 a) ii) of the By-law requires a minimum rear yard setback of 30 metres; the proposed setbacks are 27 metres from the dwelling and screened porch, and 24.7 metres from the attached deck.

The variance is requested at **65 Hemlock Drive** (File D20-2024-026).

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

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**Recommendations**

**That** Report COA2024-036 – Grech, be received;

**That** minor variance application D20-2024-026 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 COA2024-036, 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 COA2024-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of an addition to the dwelling, a new screened porch, and new attached deck
Owners:	Frank Grech and Margaret Alder-Grech
Applicant:	Frank Grech
Legal Description:	Part Lot 13, Concession 9 (Being Lot 9 on Plan 563)
Official Plan <sup>1</sup> :	Waterfront, Environmental Protection, and Four Mile Lake Special Policy Area (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three Exception Seven (RR3-7) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	0.64 ha. (1.58 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual septic system and lake draw water
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 property is within an established residential neighbourhood located on the northeastern shore of Four Mile Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1987 (according to Municipal Property Assessment Corporation) and a detached garage.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The proposal is to construct an addition to the dwelling, a new screened porch, and new attached deck. A new addition is to be constructed on the northwest side of the dwelling. This addition will allow for an interior staircase to be constructed. Currently, the dwelling is accessed via an exterior staircase, which is difficult to maintain in the winter months.

Additionally, the western wall of the dwelling will be extended approximately 4 feet towards the water. This will provide additional living space, and the extension will allow the new footing to be located an adequate distance away from the existing footing. The new deck is to be slightly smaller than the existing, and will include a new screened porch. This will enhance the enjoyment of the outdoor space on the property by providing a space for the property owners to enjoy the deck while being sheltered from the elements and insects.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The property is designated Waterfront and Environmental Protection within the City of Kawartha Lakes Official Plan (2012). The existing dwelling and the proposed additions are located outside of the Environmental Protection designation. Low density residential uses are permitted within the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

The subject property is also within the Four Mile Lake Specific Lake Policy Area. Single detached dwellings and associated accessory uses and structures are permitted within this policy area. The policies of the Official Plan recognize that this shoreline residential community is 'at capacity' and the ecological diversity of this area may be threatened by new development. As the proposal is to renovate the existing dwelling, no additional new development is proposed. Also, the proposal maintains the existing setback from the water.

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

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

The subject property is zoned Rural Residential Type Three Exception Seven (RR3-7) Zone under the Township of Somerville Zoning By-law 78-45. 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 rear yard setback.

As per Section 4.3.7 a) ii) of the By-law, a minimum rear yard setback of 30 metres is required. The proposed setbacks are 27 metres from the dwelling and screened porch, and 24.7 metres from the attached deck. The purpose of the larger rear yard setback required in this exception zone appears to be to establish an enhanced

water setback. It also implements Official Plan policies requiring a 30 metre setback from the water. The intent of the minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff. The purpose of a minimum rear yard setback on a waterfront lot is to provide sufficient amenity space in the rear yard.

Though the dwelling is to be expanded, the attached deck is to decrease in size, resulting in the overall existing setback from the shoreline being maintained. As such, no impacts to the existing shoreline conditions are anticipated, and no increased risk from natural hazards beyond what exists today is anticipated. Additionally, the rear yard is adequately sized to accommodate infiltration and provide outdoor amenity space.

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 to or comment for this Minor Variance application.”

**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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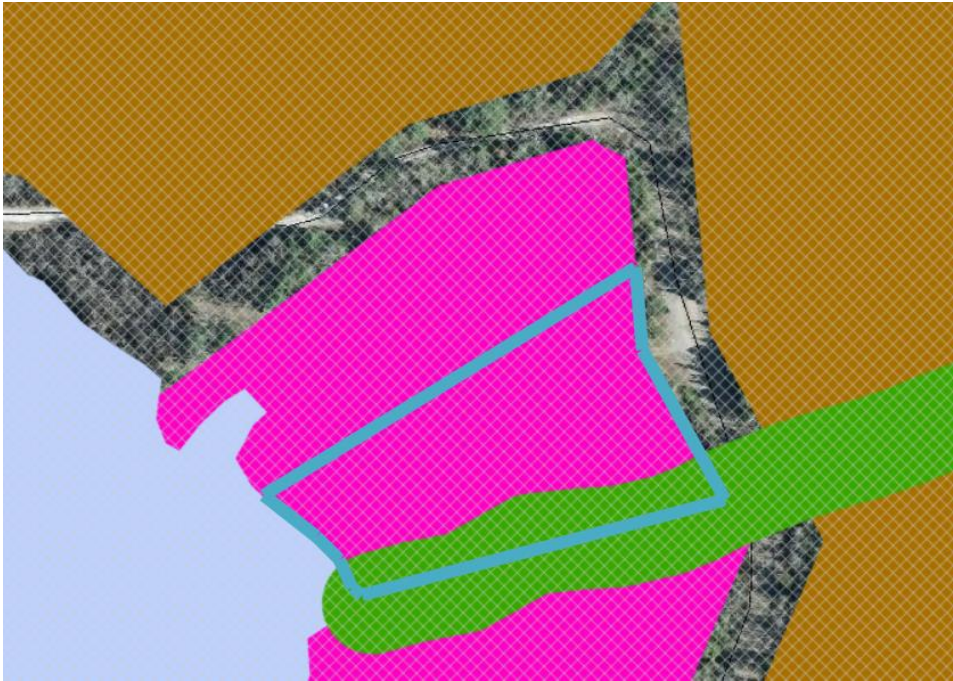
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-026

## **Schedule 1**

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

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



#### **17. Environmental Protection Designation**

#### **20. Waterfront Designation**

#### **31.3. Four Mile Lake – Specific Lake Policy Area**

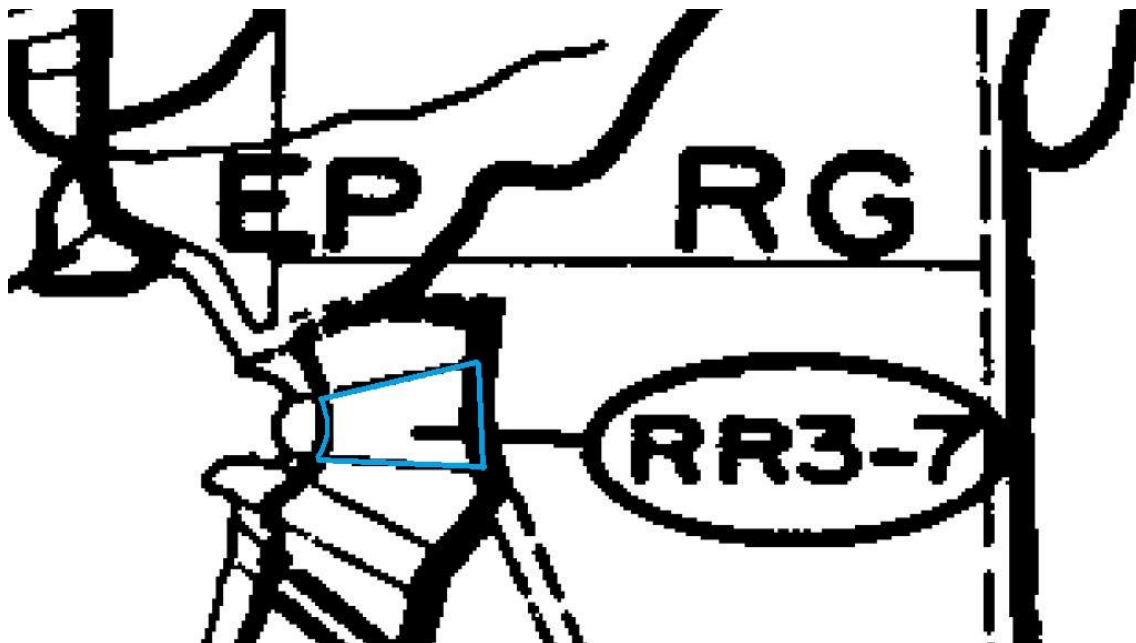
#### **31.4. Four Mile Lake Objectives**

#### **31.5. Scope of Four Mile Lake Policies**

#### **31.6. Specific Policies**



## Township of Somerville Zoning By-law 78-45



### Section 4 Rural Residential Type Three (RR3) Zone

#### 4.1 RR3 Uses Permitted

#### 4.2 RR3 Zone Requirements

#### 4.3.7 Rural Residential Type Three Exception Seven (RR3-7) Zone

a. Notwithstanding articles 4.2 a., d., i. and j., land zoned "RR3-7" shall be subject to the following zone requirements:

- i. Minimum lot area 4,000 sq.m (1 ac)
- ii. Minimum rear yard 30 m (100 ft)
- iii. Minimum side yard 3 m (10 ft)
- iv. Minimum dwelling unit floor area 55 sq.m (595 sq.ft)

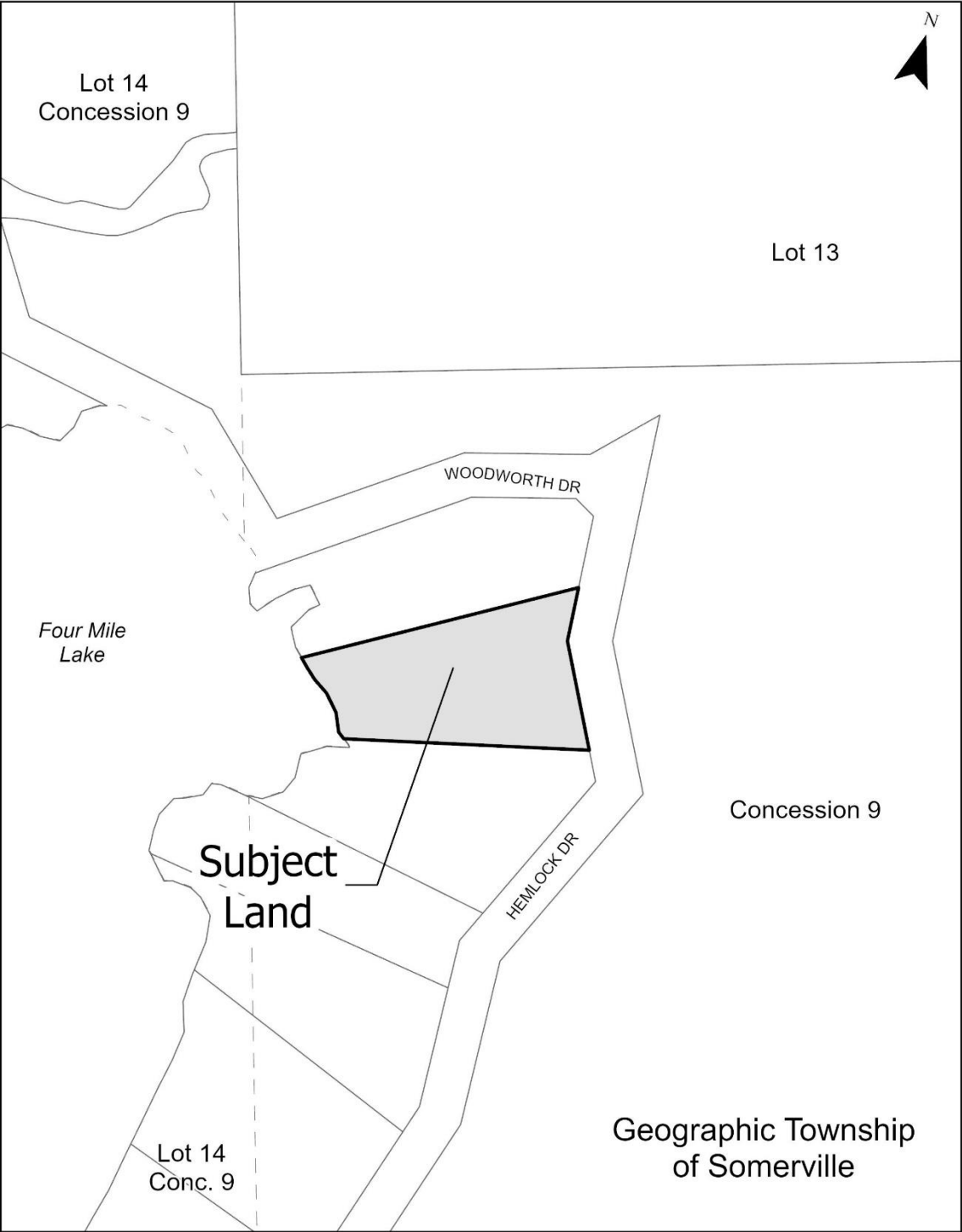
to

REPORT COA2024-036

FILE NO: D20-2024-026

**LOCATION MAP**

**D20-2024-026**



to

REPORT COA2024-036

FILE NO: D20-2024-026

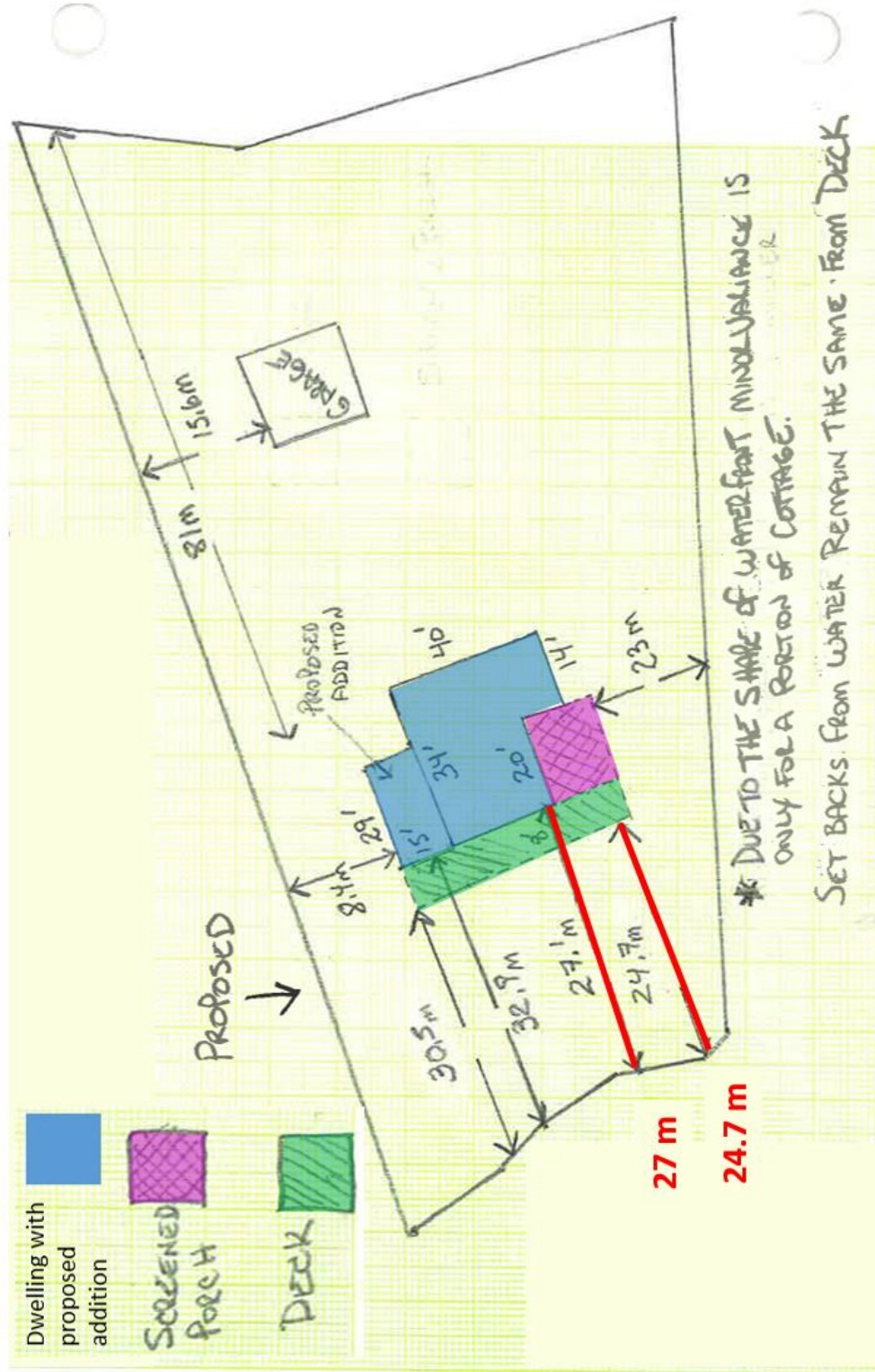
**AERIAL PHOTO**



to

REPORT COA2024-036FILE NO: D20-2024-026

## APPLICANT'S SKETCH



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gray**  
Report Number COA2024-037

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**Public Meeting**

**Meeting Date:** April 25, 2024

**Time:** 1:00 pm

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

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**Ward 2 – Geographic Township of Somerville**

**Subject:** The purpose and effect is to facilitate an addition to the existing one-storey dwelling.

**Relief sought:**

1. Section 5.2.f. of the Zoning By-law requires a 15 metre water setback. The proposed water setback from the addition is 5.2 metres

The variance is requested at **11 Corby Crescent** (File D20-2024-027).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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**Recommendations**

**That** Report COA2024-037 – Gray, be received;

**That** minor variance application D20-2024-027 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 COA2024-037 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 COA2024-037. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of addition to existing one-storey dwelling.
Owners:	Jillian and Ken Gray
Applicant:	TD Consulting Inc.
Legal Description:	Lot 12, Plan 36
Official Plan <sup>1</sup> :	Waterfront (Four Mile Lake – Specific Lake Policy Area) (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Limited Service Residential (LSR) Zone (Township of Somerville Zoning By-Law 78-45)
Site Size:	2,488.60 square metres (0.61 acres)
Site Access:	Public unmaintained road
Site Servicing:	Private individual water 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 situated on the northern shore of Four Mile Lake, with access from Corby Crescent. The neighbourhood is primarily residential, comprised mainly of one to two storey dwellings with varying proximities to the road and shoreline. According to the Municipal Property Assessment Corporation (MPAC), the majority of the dwellings within the neighbourhood were constructed in the mid-1900s, many with various extents of renovation, additions, and/or assorted accessory structures constructed more recently.

The property itself is irregular in shape, resulting in a rear yard that is largely surrounded by a body of water. The property currently contains a one-storey dwelling (1965), uncovered deck, boathouse, frame storage building, and a shed.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1



The proposal seeks to construct a one-storey addition with an enclosed deck to the existing dwelling.

Given the age of the existing dwelling and the overall locality, it is expected and considered reasonable for property owners to redevelop their properties striving to achieve the highest and best use. As per MPAC, this is evident as many of the property owners have altered, renovated, and redeveloped their properties seeking the highest and most optimal land utilization. Overall, the proposal will provide additional living area while promoting efficient land use.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, single detached dwellings and accessory uses are permitted within the designation.

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. One of the criterion is that there is no alternative to the expansion or construction. Due to the irregular lot configuration, the proposed addition regardless of location would likely encroach into the water setback. In this instance, an encroachment to the water setback is existing on the west side of the property, and the proposal impacts the east side of the property which also abuts the lake.

Additionally, the property is located within the 'Four Mile Lake – Specific Lake Policy Area'. The Four Mile Lake Waterfront designation aims to preserve the unique character of Four Mile Lake. This designation allows for single detached dwellings and accessory structures.

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

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

The subject property is zoned Limited Service Residential (LSR) Zone within the Township of Somerville Zoning By-Law 78-45. The LSR Zone permits the use of 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.

Section 5.2.f. of the Zoning By-law requires a 15 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 is 5.1 metres from the existing west-side deck which will remain unchanged. The addition is on the east-side of the property, which currently has an unenclosed uncovered deck attached to the dwelling. As part of the addition, the existing east-side deck will be enlarged and enclosed. As a result, the proposed water setback from the addition is 5.2 metres. Although the proposed water setback is greater than the existing water setback, relief is required as enclosed habitable space is being proposed within the deficient water setback. Due to the irregular lot configuration and the existing location of the dwelling, the addition is limited by its surrounding context and would likely be within the water setback regardless of its location relative to the existing dwelling. Overall, the existing dwelling is deficient in its water setback but the addition does not encroach further into the property's existing water setback of 5.1 metres.

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:**

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

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**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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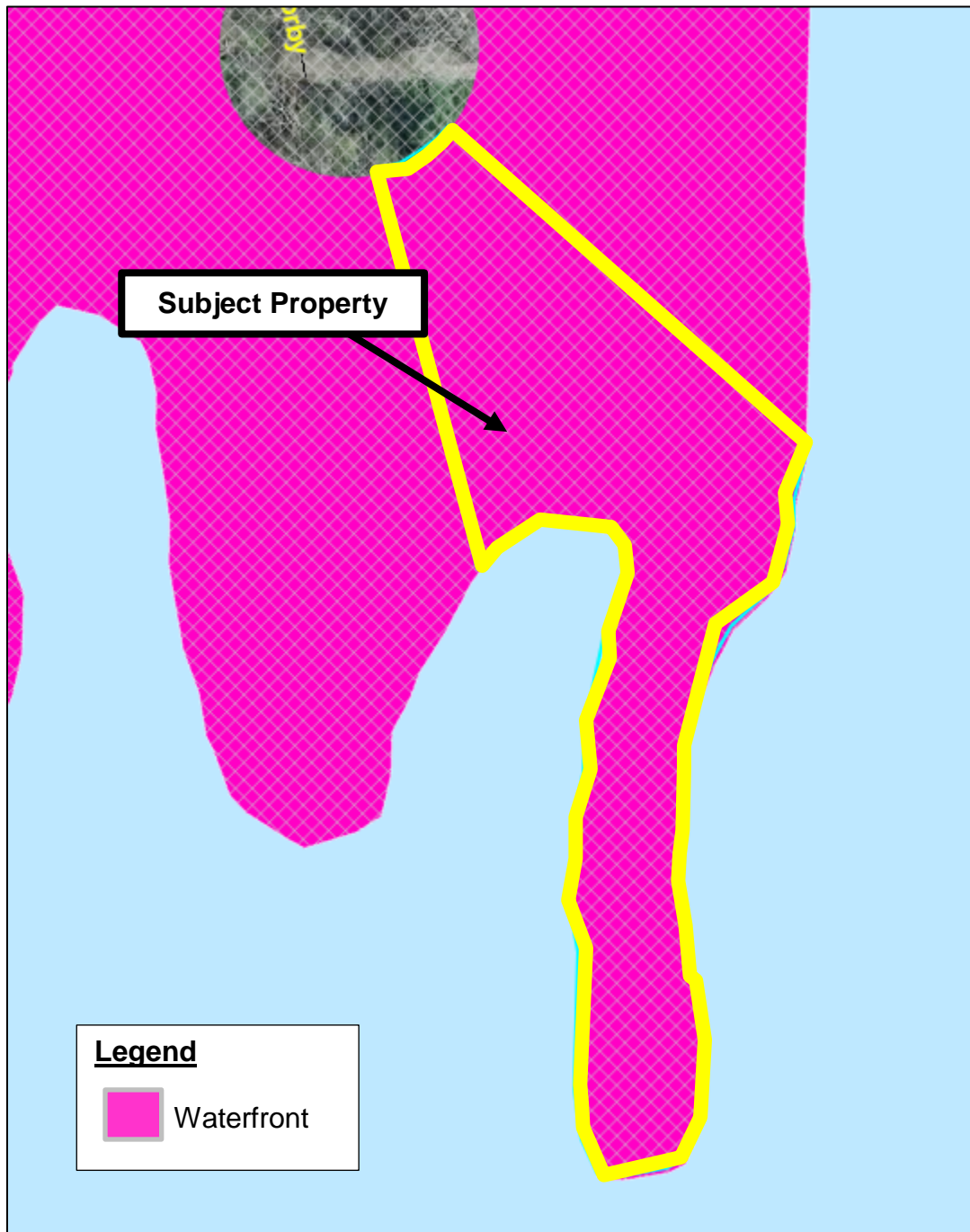
**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-027

## Schedule 1

### Relevant Planning Policies and Provisions

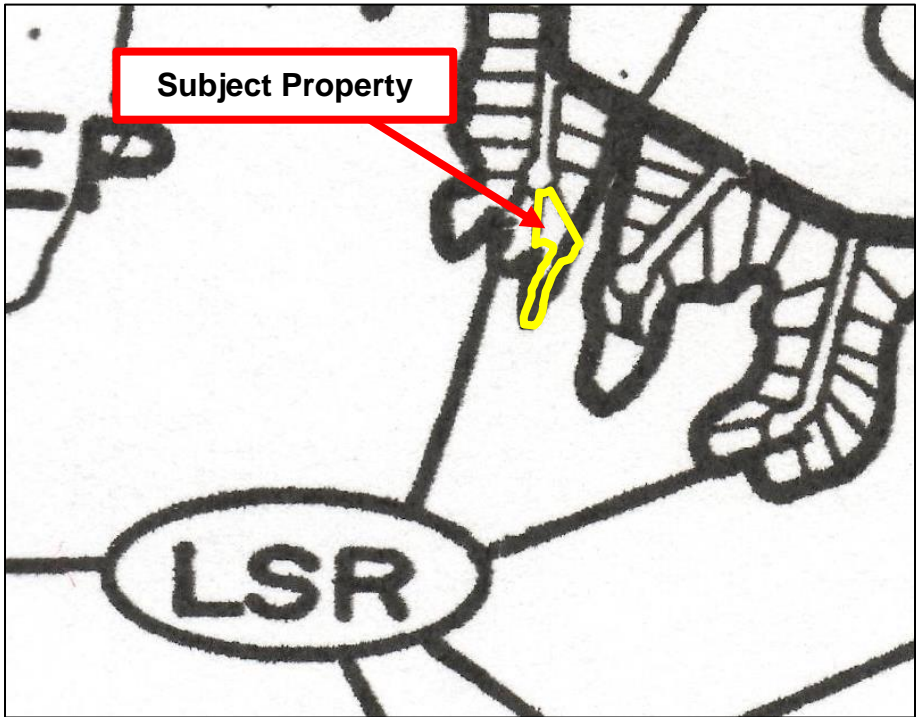
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#### City of Kawartha Lakes Official Plan



#### Section 20. Waterfront Designation

**Township of Somerville Zoning By-Law 78-45**



**SECTION 5**

**LIMITED SERVICE RESIDENTIAL (LSR) ZONE**

**5.1 LSR USES PERMITTED**

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Limited Service Residential (LSR) Zone, except for one of the following uses:

- a. Vacation dwelling
- b. Single detached dwelling

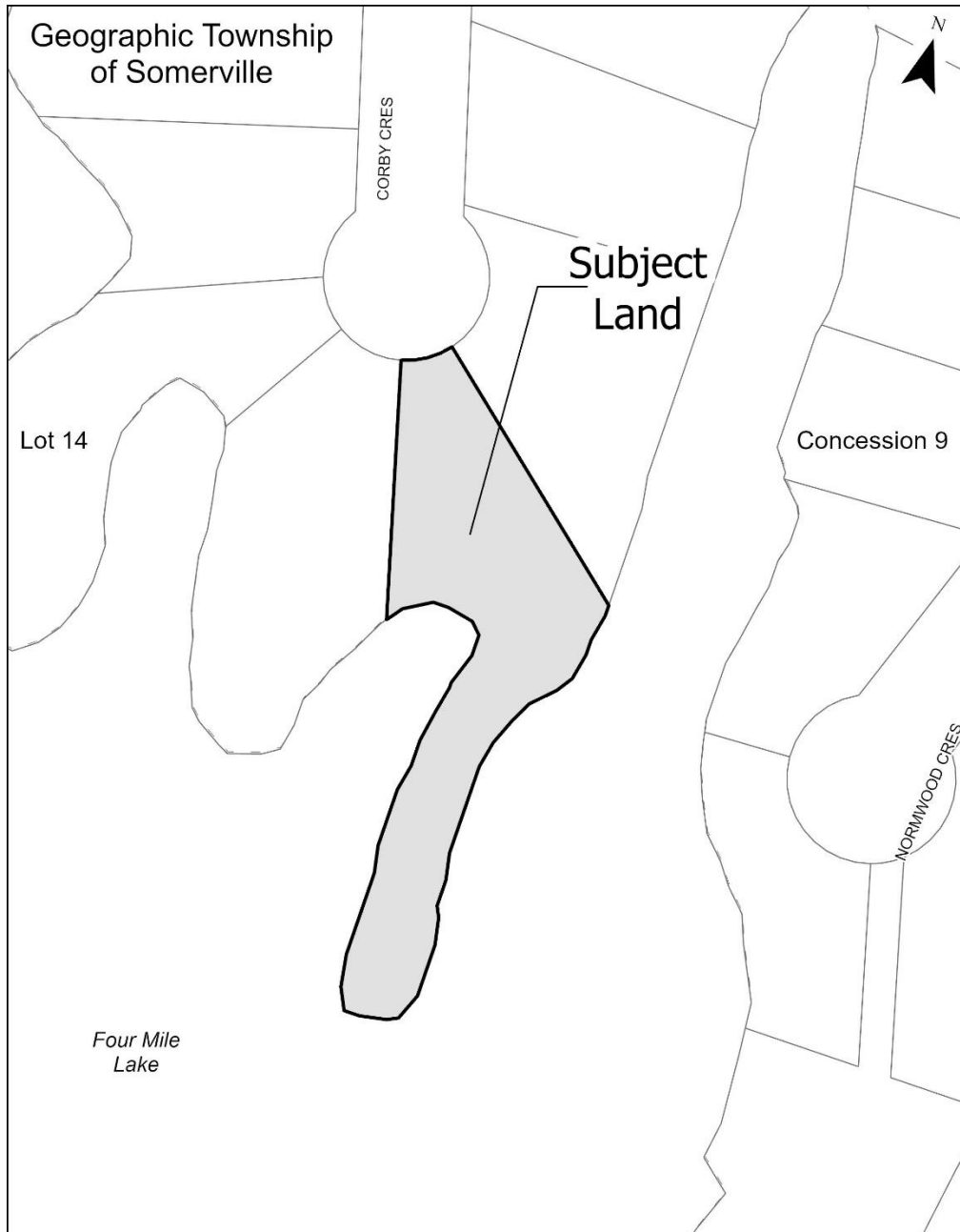
**5.2 LSR ZONE REQUIREMENTS**

In a Limited Service Residential (LSR) Zone, no person shall hereafter erect or use any building except in conformity with the following requirements:

	Communal or Municipal Water Supply Provided	Individual Water Supply & Sewage Disposal
f. Minimum water setback	15 m (50 ft)	15 m (50 ft)

**LOCATION MAP**

**D20-2024-027**



to

**Aerial Imagery (2018)**

REPORT COA2024-037

FILE NO: D20-2024-027



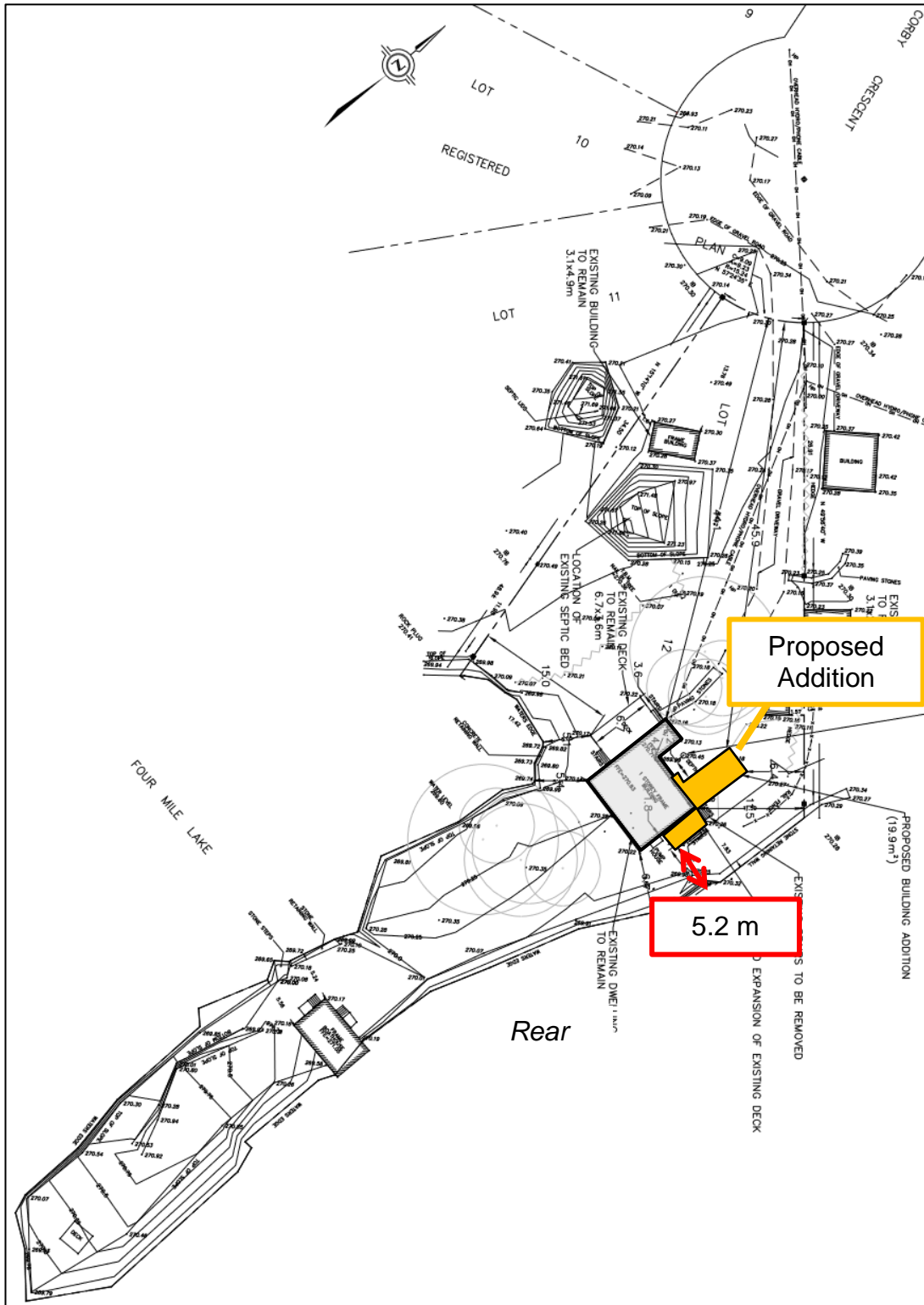
APPENDIX “ C ”

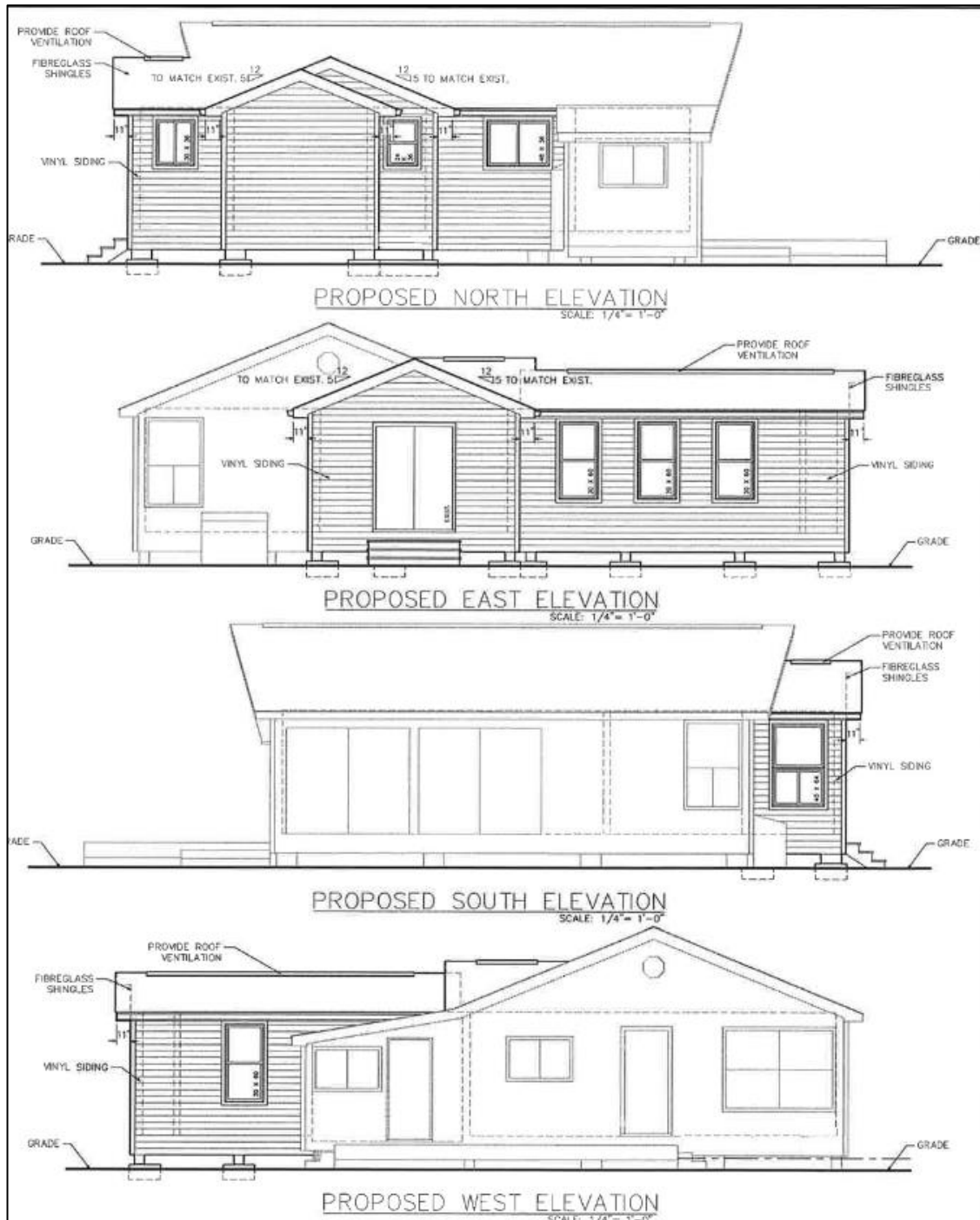
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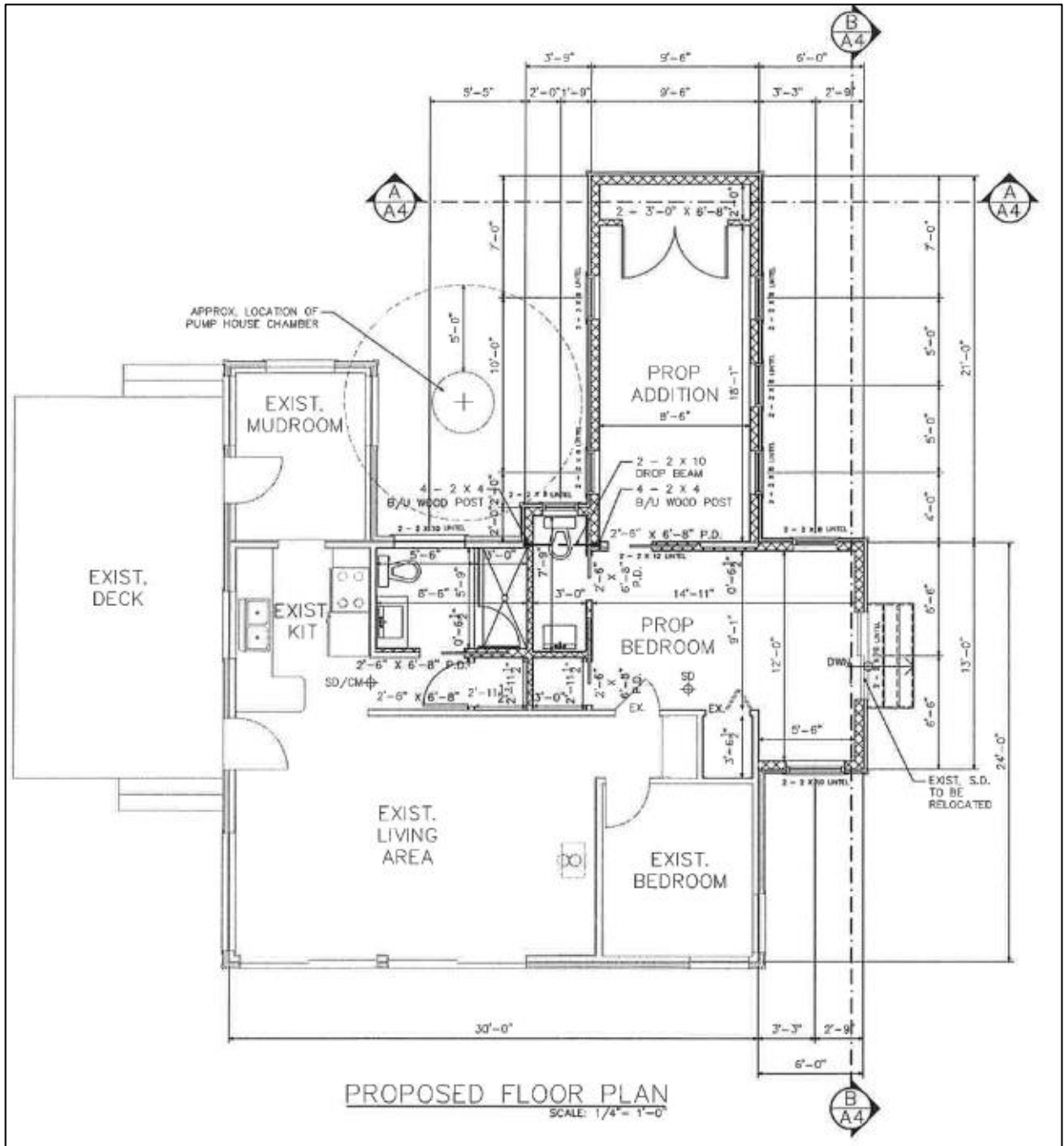
APPLICANT'S SKETCH

REPORT COA2024-037

FILE NO: D20-2024-027









**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Svendsen**  
Report Number COA2024-038

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**Public Meeting**

**Meeting Date:** April 25, 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 construction of a new kennel building.

**Relief sought:**

1. Section 7.2.1.3 d) of the By-law requires a minimum rear yard setback of 25 metres; the proposed setback is 15 metres; and,
2. Section 7.2.1.3 e) of the By-law requires a minimum lot line setback for a kennel of 45 metres; the proposed setback from the rear lot line is 15 metres.

The variance is requested at **146 Yankee Line** (File D20-2024-028).

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

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**Recommendations**

**That** Report COA2024-038 – Svendsen, be received;

**That** minor variance application D20-2024-028 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 COA2024-038, 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 COA2024-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The construction of a new kennel building
Owners:	Amanda Svendsen and Justin Adamson
Applicant:	Amanda Svendsen
Legal Description:	Part Lot 15, Concession 6
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	39.8 ha. (98 ac.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential and agricultural
Adjacent Uses:	Residential and agricultural

## Rationale

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

The subject property is located on the south side of Yankee Line, and is surrounded primarily by large agricultural lots with some smaller residential lots. The property is rectangular in shape and currently contains a single detached dwelling constructed in 1977 (according to Municipal Property Assessment Corporation), two sheds, and a kennel.

The property owners operate Long Lane Pet Resort, which provides services including pet boarding and a dog daycare. The proposal is to construct a new kennel building to replace the existing building. The existing kennel building is

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

approximately 240 square metres in size, and the new kennel is to be approximately 558 square metres in size. The new kennel will provide 22 more animal facilities than the existing building, and the facilities will be more durable and allow for easier disinfecting. The new kennel will also provide increased storage space and will allow for more effective heating and cooling. The new kennel will also contain bathroom facilities. The existing kennel does not contain a bathroom and currently staff and customers have to use the facilities in the owners' private dwelling. The new larger kennel will better accommodate staff and customers, will be better equipped to meet the needs of pets, and will increase the capacity of the operation, allowing the business to grow.

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 Prime Agricultural under the City of Kawartha Lakes Official Plan (2012). Kennels are permitted within this designation, with performance and siting criteria being implemented through the Zoning By-law.

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

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

The subject property is zoned Agricultural (A1) Zone under the Township of Emily Zoning By-law 1996-30. A kennel is a permitted use within the A1 Zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum rear yard setback and the minimum lot line setback for a kennel.

Section 7.2.1.3 d) of the By-law requires a minimum rear yard setback of 25 metres, and Section 7.2.1.3 e) of the By-law requires a minimum lot line setback for a kennel of 45 metres. The proposed setback from the rear lot line is 15 metres. The intent of the rear yard setback is to reduce land use and privacy conflicts between abutting properties, and address massing impacts. The intent of establishing a minimum lot line setback for a kennel is to ensure the kennel is far enough from neighbouring properties as to not cause a noise nuisance.

The neighbouring property to the south, which abuts the rear lot line of the subject property, contains a single detached dwelling and several agricultural buildings. This dwelling is approximately 445 metres away from the rear lot line of the subject property, resulting in a distance of 460 metres between the neighbour's dwelling and the proposed kennel. Due to the separation between the proposed kennel and the neighbouring dwelling, massing, privacy, and land use conflicts are not anticipated. Additionally, it is not anticipated that the location of the proposed kennel will increase the audibility of the kennel from neighbouring properties.

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):** “Outstanding permit BPH2004-1355 for a kennel (not relevant to this application). No other comments.”

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

**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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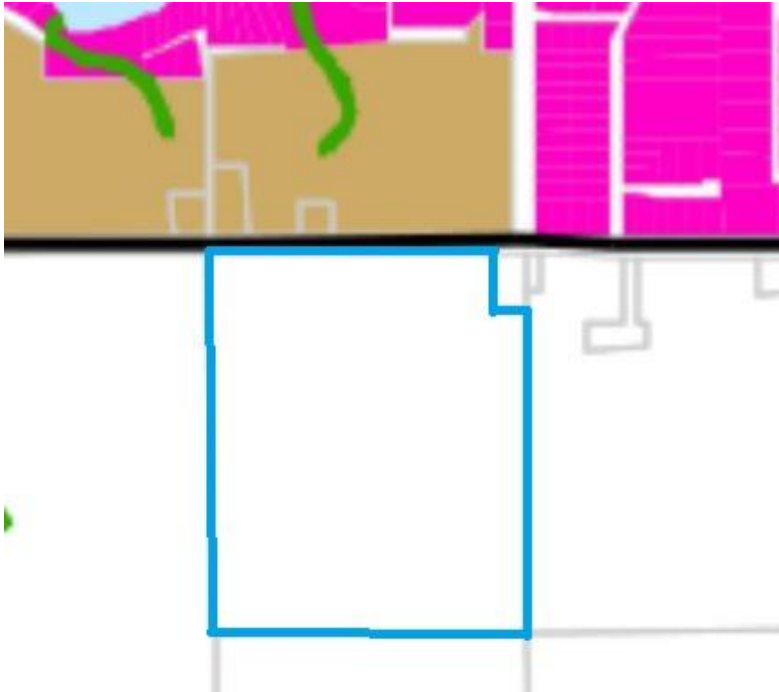
<b>Phone:</b>	705-324-9411 extension 1883
<b>E-Mail:</b>	kevans@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-028


## Schedule 1

### Relevant Planning Policies and Provisions

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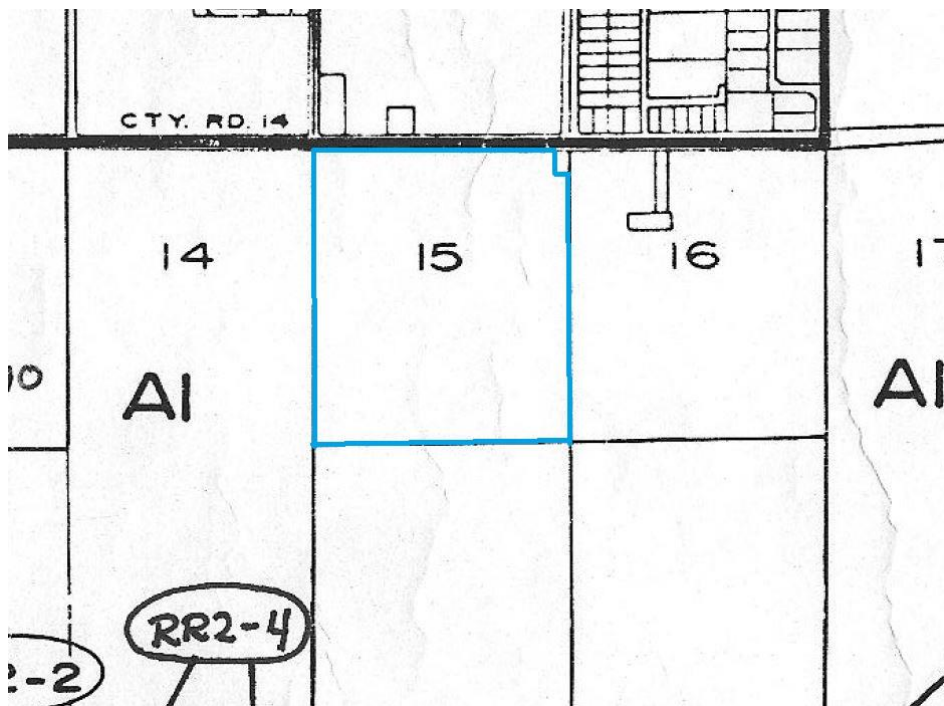
#### City of Kawartha Lakes Official Plan



 Prime Agricultural

#### 15. Prime Agricultural Designation

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



### Part 7 Agricultural (A1) Zone

#### 7.1 Uses Permitted

#### 7.2 Zone Provisions

##### 7.2.1.3 Yard Requirements (min.)

(d) rear 25 m

(e) kennel setback 45 m, and in any case 150 metres from an existing dwelling on a separate lot or 145 metres from a vacant lot for which the principal permitted use is residential.

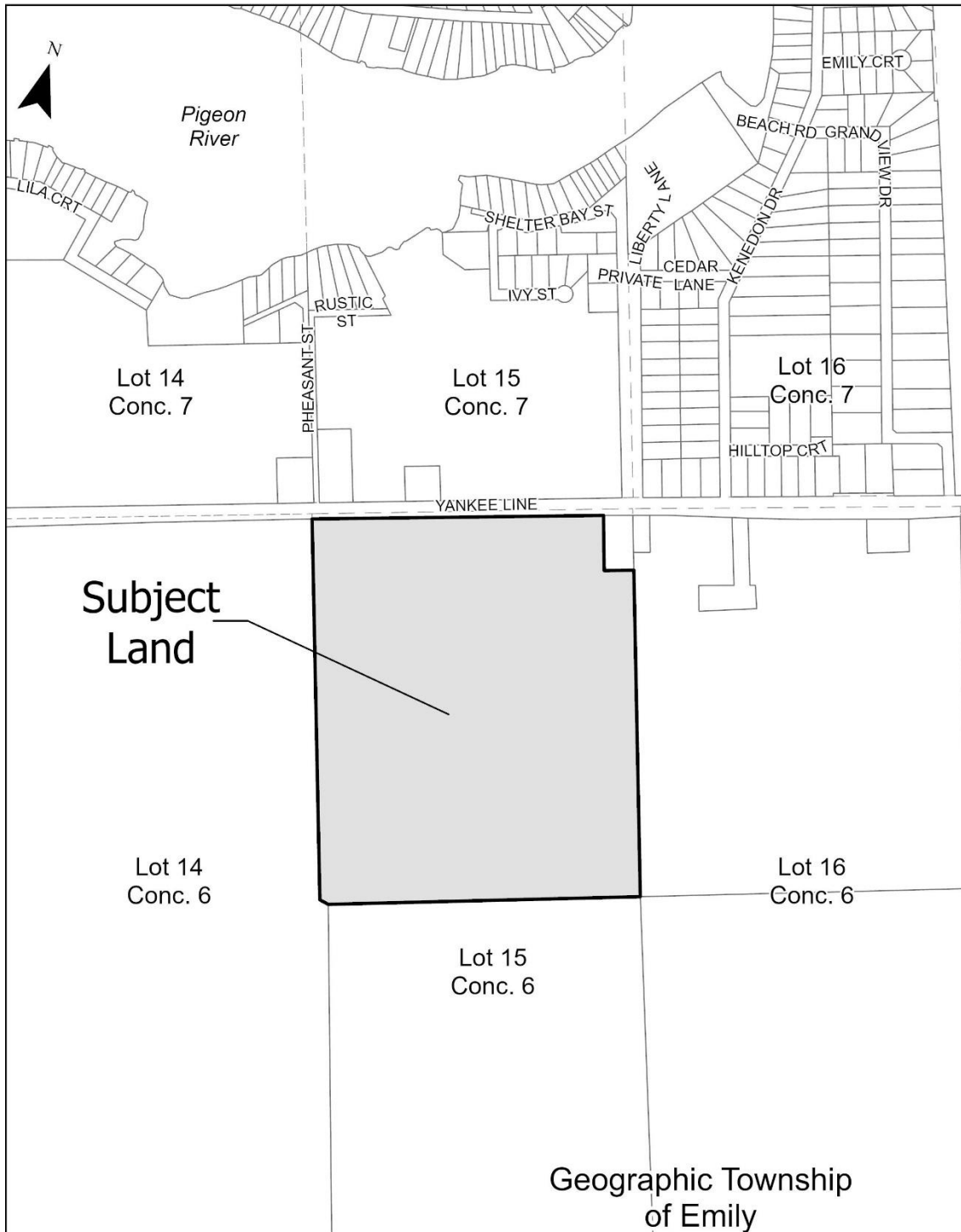
to

LOCATION MAP

REPORT COA2024-038

FILE NO: D20-2024-028

## D20-2024-028



to

REPORT COA2024-038

FILE NO: D20-2024-028

**AERIAL PHOTO**



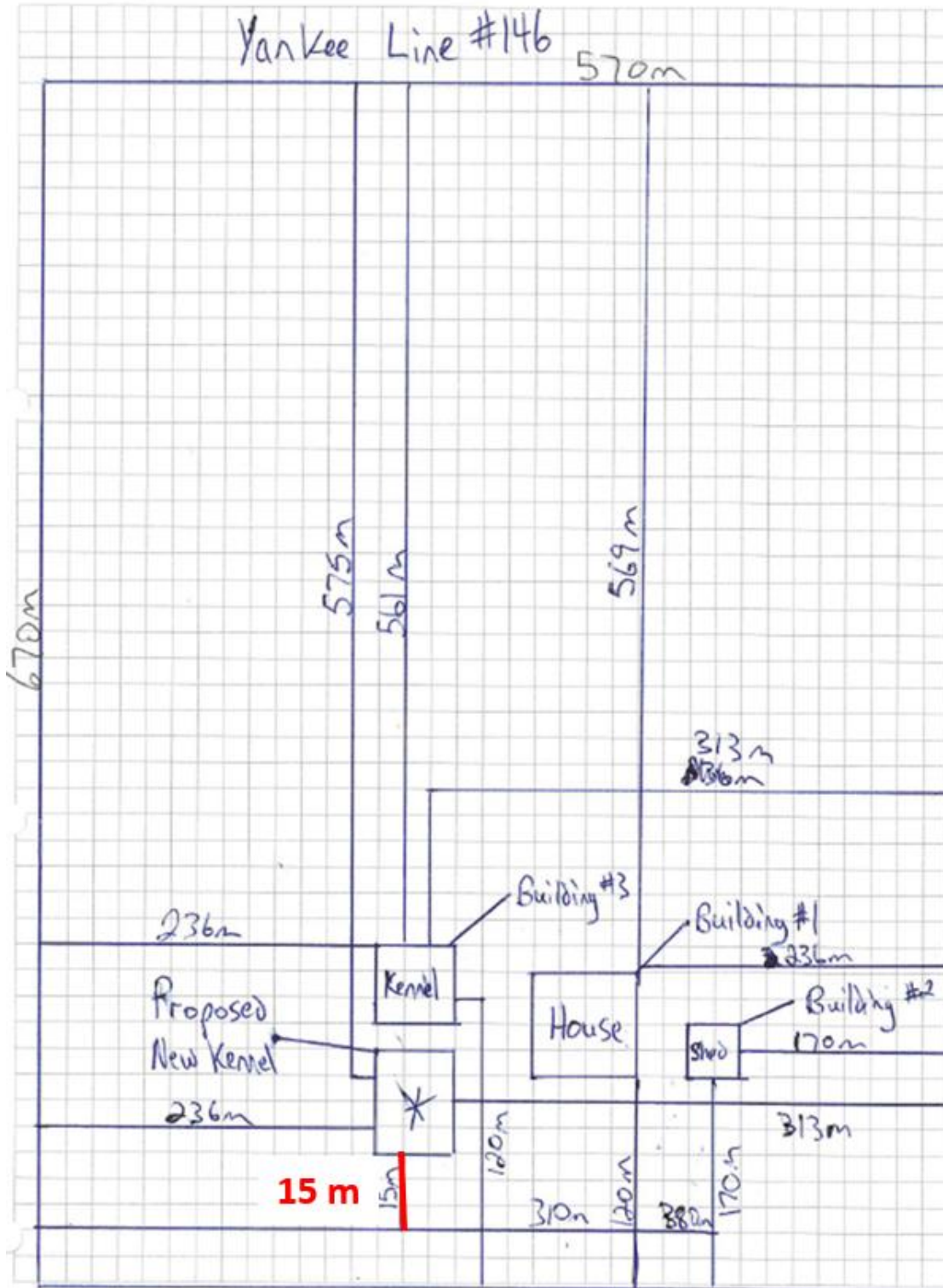


to

REPORT COA2024-038

FILE NO: D20-2024-028

**APPLICANT'S SKETCH**



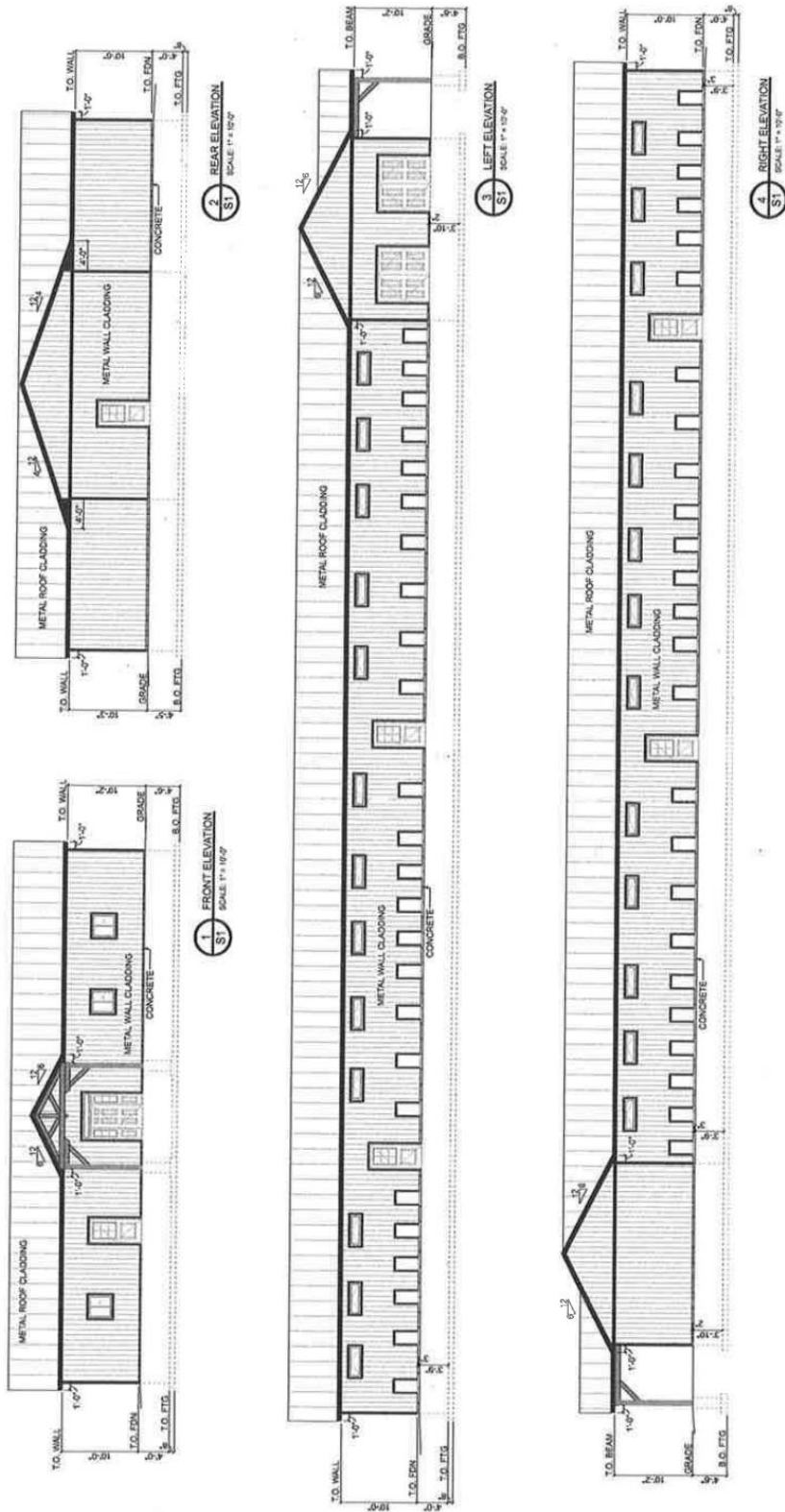
CONSTRUCTION DRAWINGS

APPENDIX " D "

to

REPORT COA2024-038

FILE NO: D20-2024-028



**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gringrich**  
Report Number COA2024-039

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**Public Meeting**

**Meeting Date:** April 25, 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 request permission to enlarge a legal non-conforming use (abattoir) to allow for greater warehousing area for poultry processing. The use of an abattoir from 1992 predates the Zoning By-law adopted in 1996.

The permission is requested at **3711 Highway 7** (File D20-2024-029).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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**Recommendations**

**That** Report COA2024-039 – Gringrich, be received;

**That** permission application D20-2024-029 be GRANTED, as the application meets the tests set out in Section 45(2) 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 COA2024-039, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** building construction related to the application 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 COA2024-039. Fulfillment of all conditions is required for the application to be considered final and binding.

## Application Summary

Proposal:	Enlarge a legal non-conforming use (abattoir)
Owners:	Cleon, Elias, Amsey, and Oscar Gringrich
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 2, Concession 4
Official Plan <sup>1</sup> :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone and Rural General (A2) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	15.38 hectares (38 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential, Agricultural, Abattoir
Adjacent Uses:	Residential, Agricultural, and Industrial/Commercial

## Rationale

### ***Legal non-conforming rights***

Section 34 of the Planning Acts authorizes municipalities to pass zoning by-laws to regulate buildings, structures and land use. Section 34(9) of the Act prevents the retroactive use of a zoning by-law. This section sets out the principle prohibiting zoning by-laws from interfering with the ability to prevent the continued use of lands. These land uses are referred to as legal non-conforming.

This section states:

*34(9) No by-law passed under this section applies,*  
*(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose.*

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The extension and/or enlargement of a legal non-conforming use requires an application under Section 45(2) of the Act. Section 45(2)(a)(i) grants power to Committee to grant permission for the extension or enlargement of legal non-conforming uses. This section states:

*45(2) In addition to its powers under subsection (1), the committee, upon any such application,*

*(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,*

*(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.*

The Township of Emily Zoning By-Law 1996-30 was passed October 15<sup>th</sup>, 1996. The Agricultural (A1) Zone and Rural General (A2) Zone do not permit the use of an abattoir. The applicant has provided documentation from Ontario Ministry of Agriculture, Food and Rural Affairs stating the abattoir was originally licensed on July 2<sup>nd</sup>, 1992. This documentation is used to support the position that the existing abattoir predates the current Zoning By-law, and as such is a legal non-conforming use.

### ***Evaluation of Impact***

The subject property is situated north of Highway 7 in the geographic Township of Emily. The area in which the property is located is primarily agricultural, some with residential dwellings and/or commercial or industrial uses. The property itself currently contains a two-storey dwelling, barn, 3 trailers, a pergola, and an abattoir. The subject property is designated 'Rural' under the City of Kawartha Lakes Official Plan. Additionally, the property is zoned Agricultural (A1) Zone and Rural General (A2) Zone under the Township of Emily Zoning By-Law 1996-30.

The proposal seeks to enlarge a legal non-conforming use (abattoir) to allow for greater warehousing area for poultry processing. The existing abattoir is used for poultry processing; the proposed addition is to accommodate additional poultry processing and will primarily serve as warehousing. The applicant has indicated there is no current intention to provide services for the processing of any other species of animal. The existing abattoir is 358.60 square metres, the proposed addition is 273.0 square metres, proposing a total of 631.60 square metres.

With regards to this application, the existing poultry processing abattoir has continuously existed for an extended period of time serving the needs of the local community. Concern for the enlargement of the building is mitigated as the use is not being intensified in terms of the introduction of processing new species. Furthermore, as indicated by the applicant, the addition is primarily going to be used for warehousing space to allow for greater processing capacity. The abattoir

is distantly located away from Highway 7 and views are guarded by the existing dwelling and an existing tall line of trees along the road. The abattoir is not located directly adjacent to any neighbouring structure or building. The enlargement has no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, streetscaping and maintenance.

The Official Plan considers abattoirs an “agri-business use” referring to agriculture related uses that require proximity to an agricultural operation. Moreover, an abattoir is a permitted use under the ‘Rural’ designation of the Official Plan. Therefore, the use of an abattoir supports the Official Plan’s land use designation.

Furthermore, the abattoir is located entirely within the A2 Zone. The proposed addition complies with all provisions of the A2 Zone including but not limited to setbacks, lot coverage, and building heights. Although an abattoir is not a permitted use under the A1 or A2 Zones, relatively similar uses include: agricultural produce processing; butcher shop; taxidermy establishment; and agricultural uses including poultry and animal husbandry.

Lastly, the City of Kawartha Lakes has undertaken a project to consolidate the City’s 14 Rural Zoning By-laws, including the geographic Township of Emily. Under the current Proposed Draft Rural Zoning By-Law (RZBL), the property is zoned Agriculture (AG) Zone and Agriculture Related (AR) Zone. The abattoir is situated within the AR Zone. Under the proposed draft RZBL, the AR Zone permits the use of an abattoir. Therefore, the abattoir use would be permitted under the current proposed draft RZBL. However, it is important to mention that the proposed draft RZBL is not in effect and may be subject to change.

#### **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:**

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

#### **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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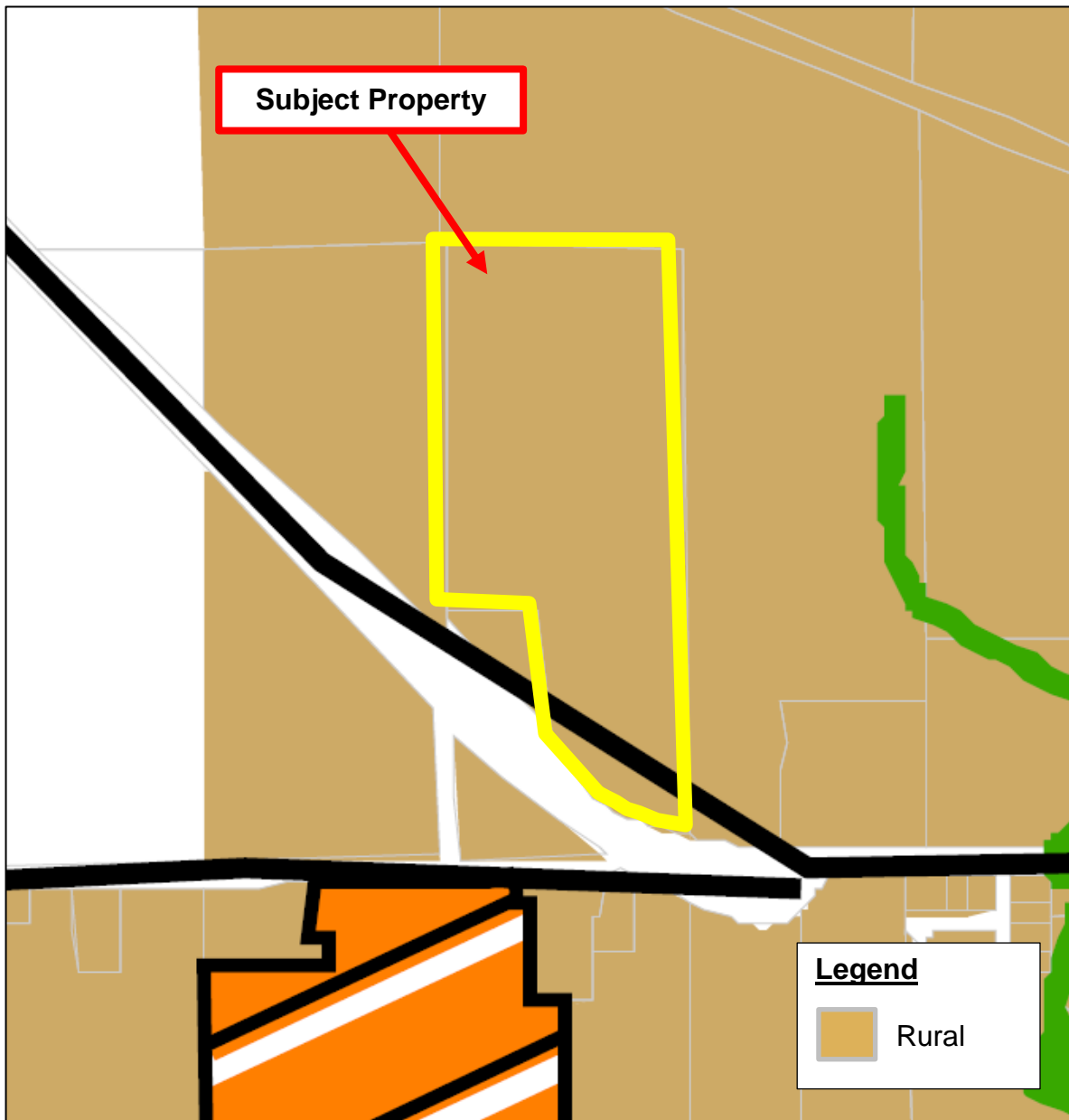
**Phone:** 705-324-9411 extension 1367  
**E-Mail:** ashahid@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-029

## Schedule 1

### Relevant Planning Policies and Provisions

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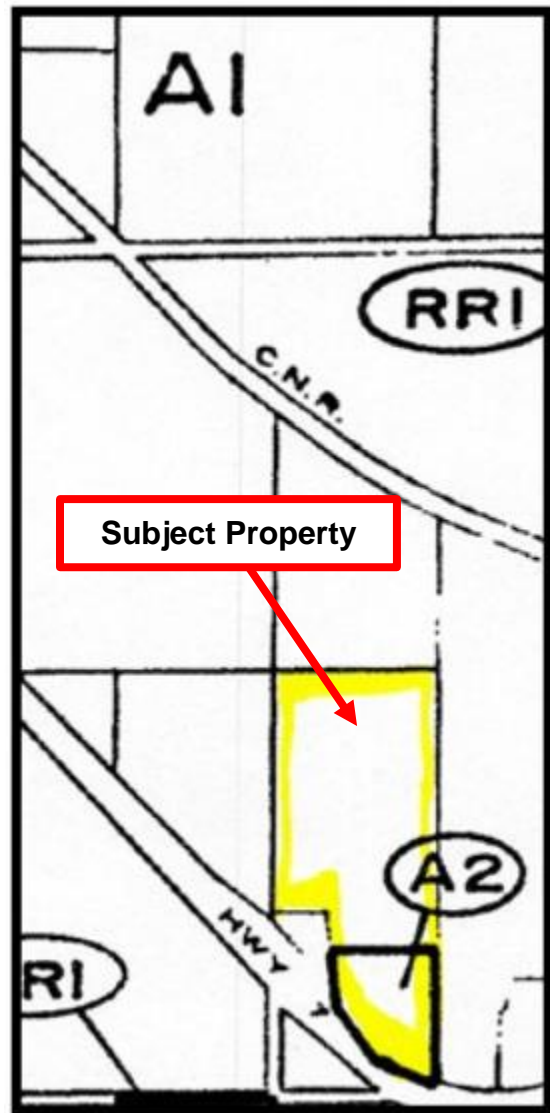
#### City of Kawartha Lakes Official Plan



Section 16. Rural Designation



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



## **PART 7 - AGRICULTURAL (A1) ZONE**

### **7.1 USES PERMITTED**

7.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Agricultural (A1) Zone, except for the following uses:

7.1.1.1 Agricultural Use.

7.1.1.2 Agricultural produce storage facility or seasonal fruit, flower or farm produce outlet for goods grown or produced on the farm.

7.1.1.3 Bed and Breakfast Establishment

7.1.1.4 Existing cemeteries and expansions which increase their size to a maximum lot area equal to twice the existing area.

7.1.1.5 Farm Implement Dealer

7.1.1.6 Home Occupation

7.1.1.7 Kennels

7.1.1.8 Single Detached Dwelling

7.1.1.9 Riding or Boarding Stables

7.1.1.10 Wayside Pit

7.1.1.11 Seasonal Farm Residential Use is subject to Section 3.21 of the General Provisions. B/L 2007-289

7.1.1.12 Cannabis Production and Processing Facilities subject to Section 3.24 of the General Provisions. B/L 2021-057

7.1.2 A sanitary landfill site is not a permitted use in the Agricultural (A1) Zone.

**PART 8 - RURAL GENERAL (A2) ZONE**

**8.1 USES PERMITTED**

8.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural General (A2) Zone except for a maximum of three of the following uses:

8.1.1.1 Agricultural Produce Processing and Packaging

8.1.1.2 Animal Hospital or Veterinary Clinic

8.1.1.3 Any use permitted in the A1 Zone subject to the provisions of subsection 7.2.1

8.1.1.4 Butcher Shop

8.1.1.5 Farm and Heavy Equipment Sales and Service

8.1.1.6 Feedmill

8.1.1.7 Grain Cleaning Plant

8.1.1.8 Grain Drying and Storage Facility

8.1.1.9 Landscaping or Excavating Business

8.1.1.10 Garden and Nursery Supply Outlet

8.1.1.11 Tack Shop

8.1.1.12 Taxidermy Establishment

8.1.1.13 Cannabis Production and Processing Facilities subject to Section 3.24 of the General Provisions. B/L 2021-057

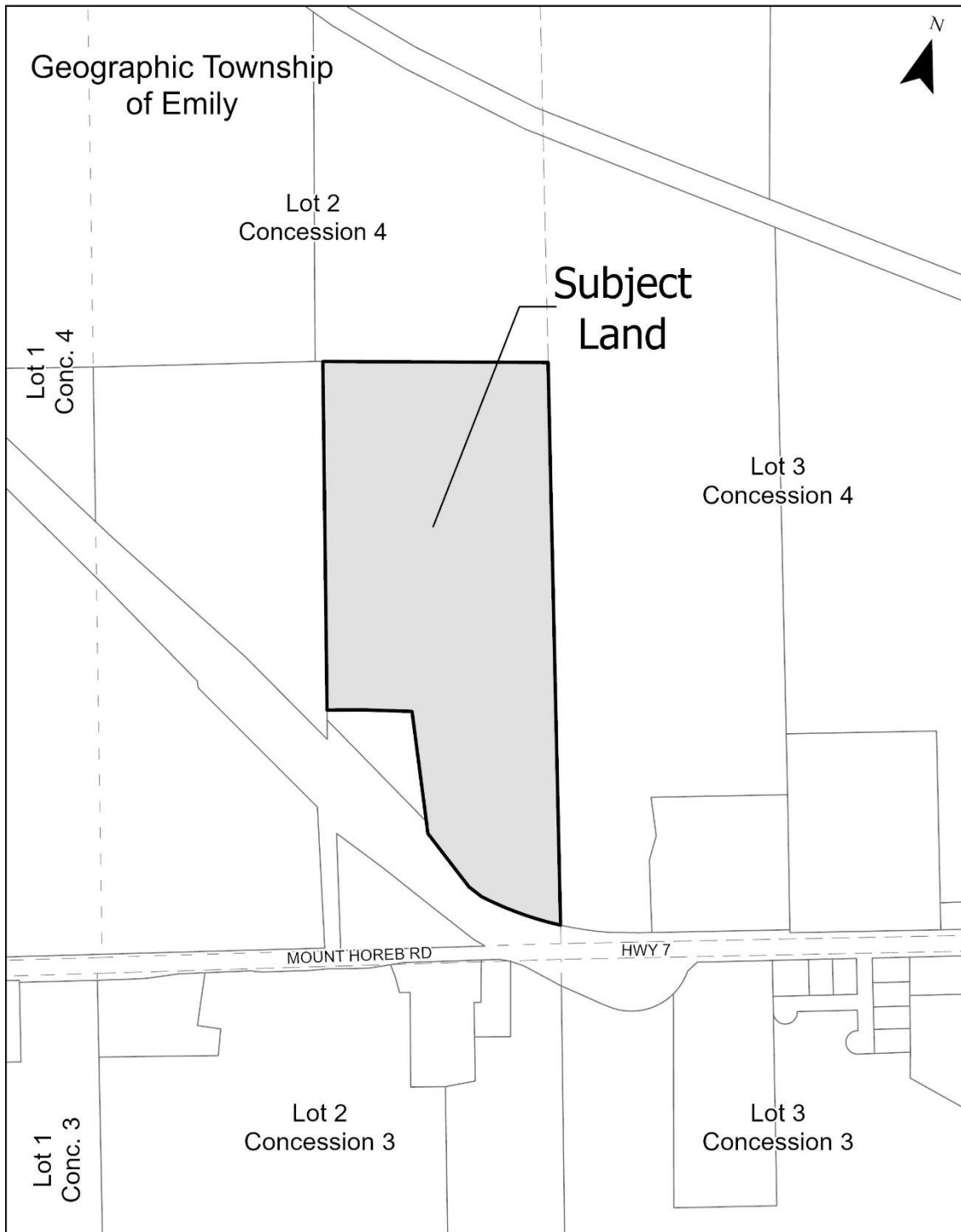
to

REPORT COA2024-039

FILE NO: D20-2024-029

**LOCATION MAP**

## D20-2024-029



to

**AERIAL IMAGERY (2018)**

REPORT COA2024-039

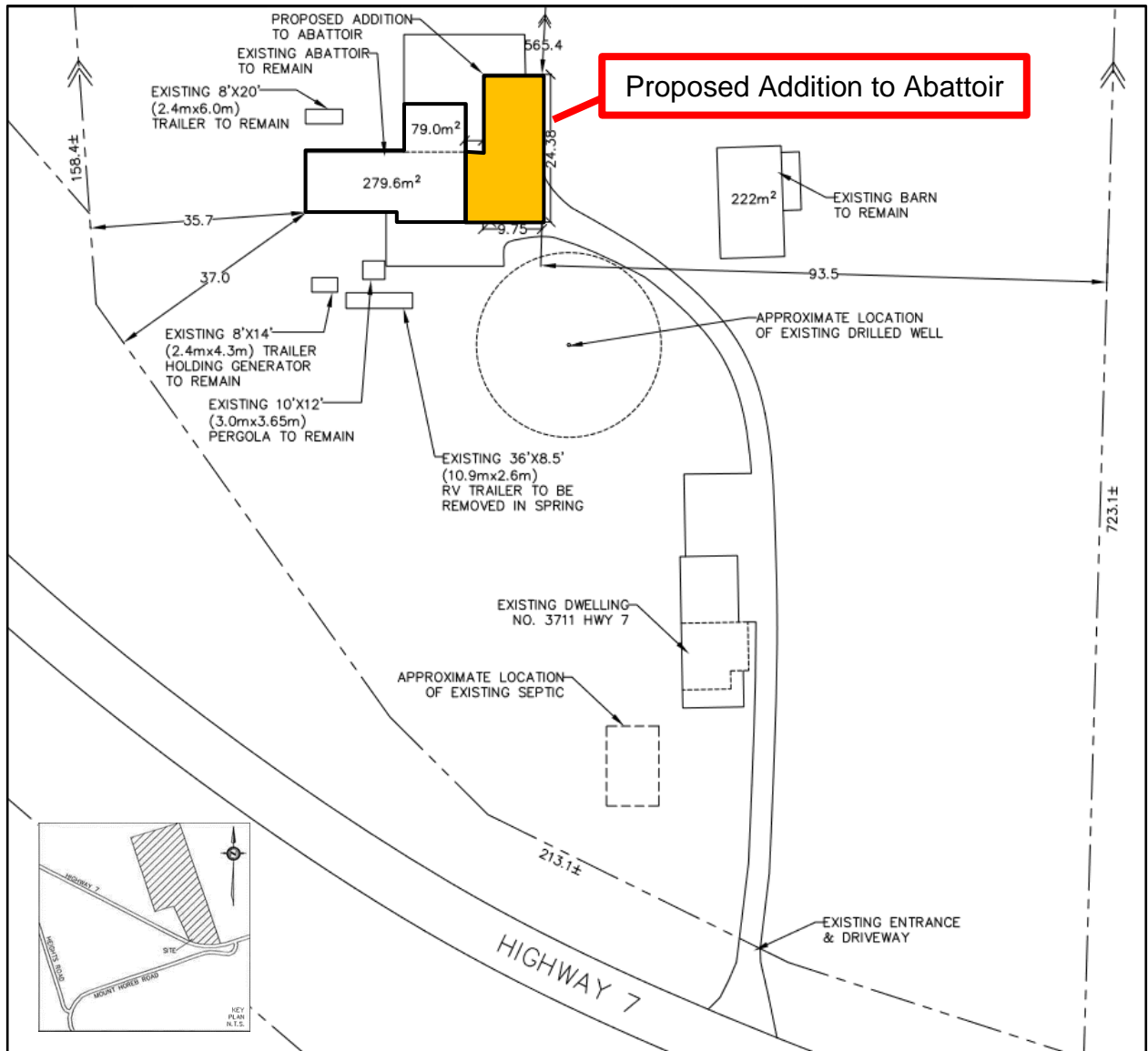
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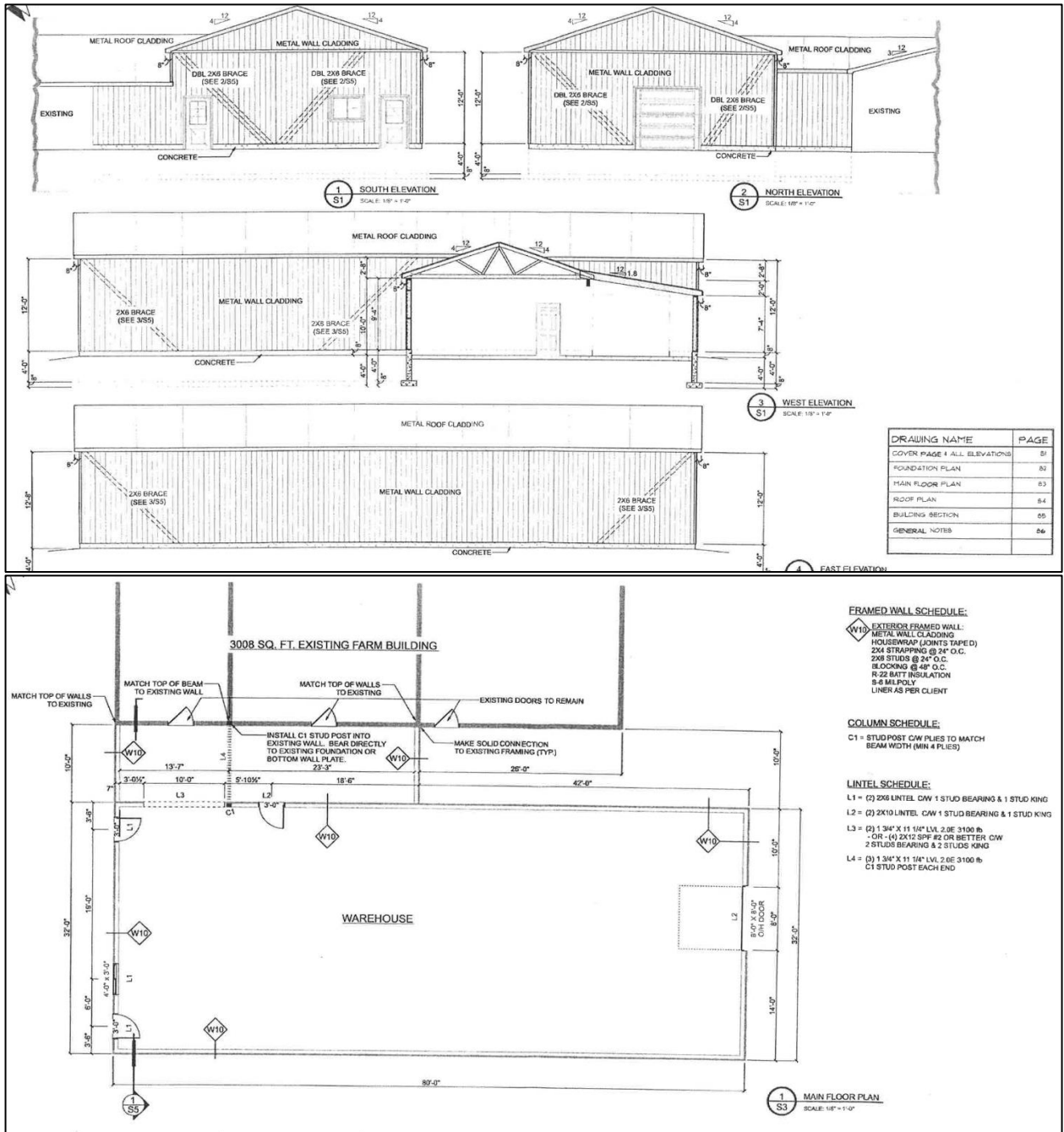


to

REPORT COA2024-039FILE NO: D20-2024-029

## APPLICANT'S SKETCH





# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Peleg

Report Number COA2024-040

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### Public Meeting

**Meeting Date:** April 25, 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 construction of a sunroom addition on an existing park model home seasonal trailer, as well as recognize an existing deck.

### Relief sought:

1. Section 17.2.1.12.a. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not increase the floor area of such vehicle by more than 30 square metres. The proposed addition and deck will increase floor area by 50.16 square metres.
2. Section 17.2.1.12.b. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend beyond the dimensions of the longest walls of the existing trailer. The existing deck extends 2.13 metres into the front yard beyond the longest walls of the trailer.
3. Section 17.2.1.12.c. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend more than 3.0 metres from the trailer. The proposed sunroom and existing deck extends 3.05 metres into the side yard from the trailer.
4. Section 17.2.1.3.e. of the Zoning By-law requires a 30 metre water setback. The existing water setback from the deck is 19.20 metres. The proposed water setback from the sunroom addition is 29.26 metres.

The variance is requested at **433 Beaver Road (Lot 166)** (File D20-2024-030).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



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### Recommendations

**That** Report COA2024-040 – Peleg, be received;

**That** minor variance application D20-2024-030 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 COA2024-040 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 COA2024-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of sunroom addition and recognition of existing deck.
Owners:	Chris Rhodes (Owner/Manager of Parkbridge Resorts) Daniel Peleg (Tenant)
Applicant:	Howard Janes
Legal Description:	Part Lot 8, Concession 5 (being Part 1 of Reference Plan 57R2979)
Official Plan <sup>1</sup> :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Campground Commercial (C4) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	"Lot 166": 372 square metres (4,004 square feet) Property Size: 48.52 acres (19.64 hectares)
Site Access:	Year-round maintained road (Beaver Road)
Site Servicing:	Individual water well system and holding tank
Existing Uses:	Trailer Park/Camp

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Adjacent Uses:      Agricultural and Residential

## **Rationale**

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

The subject property, Beaver Narrows Cottage & RV Resort, is situated along the shore of the Pigeon River, with access from Beaver Road. The area the property is located in is primarily agricultural in use with residential dwellings. The subject property itself is a trailer park/camp that contains multiple trailer lots and camping sites for rent on a seasonal basis. The park/camp is open from May to October and offers seasonal sites to tenants for vacation and recreational purposes. According to the Municipal Property Assessment Corporation (MPAC), the property contains various styles of trailers, with the most common additions being for a new sunroom and/or deck.

The variance is for Lot 166 (hereinafter referred to as 'the site') of the trailer park, which currently contains a park model seasonal trailer with uncovered deck. The proposal seeks to construct a sunroom addition on the existing trailer, as well as recognize an existing deck. A portion of the deck will also be covered.

Considering the recreational use of the land, it can be expected for tenants to redevelop their properties to strive to achieve the highest and best use for its seasonal use. Additionally, through the addition of a sunroom and a partially covered deck tenants will be provided with additional shelter from the elements for added enjoyment of the space.

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 'Rural' and 'Environmental Protection' under the City of Kawartha Lakes Official Plan (2012). The 'Rural' designation permits various uses including but not limited to: active and passive recreation uses and facilities; public parks; and, low-density residential.

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 an expansion of the existing building footprint within the water setback. Moreover, the proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline.

The site (i.e. Trailer Lot 166) is not located within the 'Environmental Protection' designation.

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 Campground Commercial (C4) Zone under the Township of Emily Zoning By-Law 1996-30. The C4 Zone permits multiple uses including but not limited to trailer camp and/or parks. The proposal complies with all provisions of the Zoning By-law with the exception of the requirements with respect to decks and enclosed structure additions, and the water setback. Section 17.2.1.12. states a deck and/or enclosed structure may be added to a tourist trailer provided it complies with specific requirements mentioned below.

Section 17.2.1.12.a. of the Zoning By-law states an enclosed structure and/or deck must not increase the floor area of such vehicle by more than 30 square metres. The intention of this provision is to maintain the visual harmony and aesthetic appeal of the area, ensuring that any modifications do not overwhelm or detract from the surrounding environment. By regulating the size of additions to tourist trailers, the by-law promotes a sense of consistency and order within the neighborhood. The added floor area of the deck and sunroom is 50.16 square metres. It is important to mention, no additional coverage is being added and this is already existing. A portion of the deck is being enclosed to allow for the sunroom addition. The addition of a sunroom and deck is a common pattern within the trailer park. As a result, by enclosing the existing deck into a sunroom and covering a portion of the deck as well, this modification will not disturb the visual harmony and aesthetic appeal of the park. Moreover, the proposed lot coverage of the trailer site complies with the maximum permitted coverage inclusive of all decks, trailers, and additions.

Section 17.2.1.12.b. of the Zoning By-law states that a deck and/or enclosed structure must not extend beyond the dimensions of the longest walls of the existing trailer. Additionally, Section 17.2.1.12.c. of the Zoning By-law states that a deck and/or enclosed structure must not extend more than 3.0 metres from the trailer. By limiting the size of additions to the dimensions of the existing trailer, the by-law ensures that the overall footprint of the trailer remains within specified limits. This helps preserve open space between sites and promotes a sense of order within the trailer park. Additionally, as there is no formal lot line these provisions prevent the encroachment of structures onto neighbouring trailer sites or access routes. The existing deck extends 2.13 metres into the front yard beyond the longest walls of the trailer. Also, the proposed sunroom and existing deck extends 3.05 metres into the side yard from the trailer.

Although the existing deck extends beyond the longest walls of the trailer into the front yard, the minimum front yard setback requirement of 10 metre is exceeded and complied with (15.28 metre front yard setback). As a result, the access route for the trailer site are not encroached upon or disturbed. Furthermore, the discrepancy between the Zoning By-law's permitted 3.0 metre extensions in comparison to the existing 3.05 metre extension is negligible. Nonetheless, the 3.05 metre extension continues to comply with the minimum distance requirement

(1.5 metres) between trailer park units. Also, the deck and sunroom align with the character of other trailer sites within the park.

Section 17.2.1.3.e. of the Zoning By-law requires a 30 metre water setback. The intent of the rear yard setback and 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 water setback from the deck is non-compliant at 19.20 metres. The proposed water setback from the sunroom addition is 29.26 metres. It is important to mention, the existing trailer is within the required minimum water setback. As both the deck and sunroom addition utilize the existing non-complying trailer, options are limited and would require relief from water setback regardless of placement. The proposed sunroom addition will not expand further into the water setback than the existing deck or trailer. Furthermore, all of the adjacent trailer sites share the same distance with regards to water setback.

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 access route with respect to access, drainage, or and maintenance.

**Other Alternatives Considered:**

No alternatives considered.

**Consultation Summary**

The circulation of this application did not include the required relief from the water setback. Since the application was circulated, the review of the application has progressed and it was determined that the trailer site is within the water setback of Pigeon River. As a result, relief is required from the sunroom addition and existing deck. It is important to note, the water setback will not be reduced than what is currently existing, and that the entirety of the trailer exists within the water setback.

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

**Agency Comments:**

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

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**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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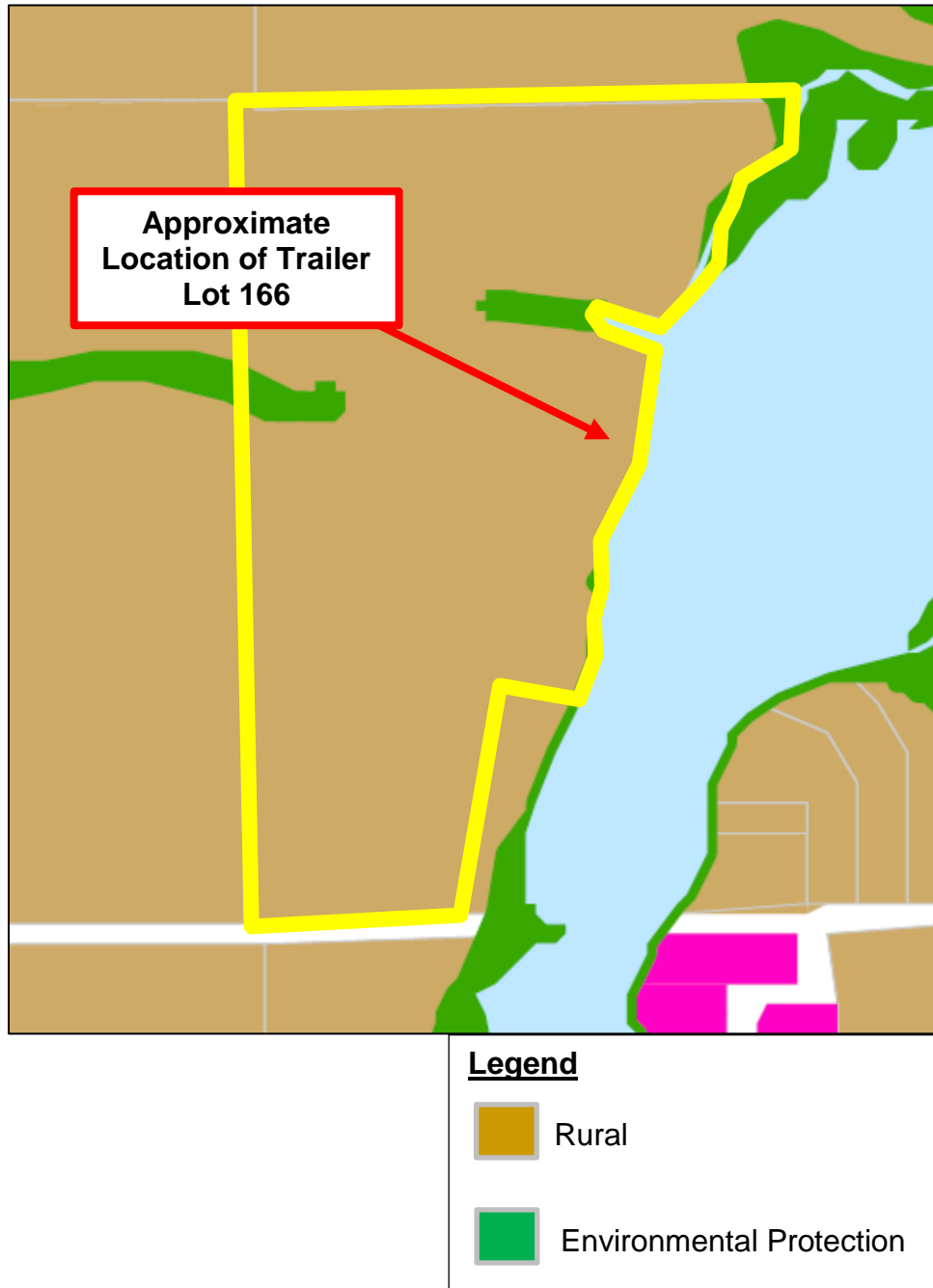
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-030

## Schedule 1

### Relevant Planning Policies and Provisions

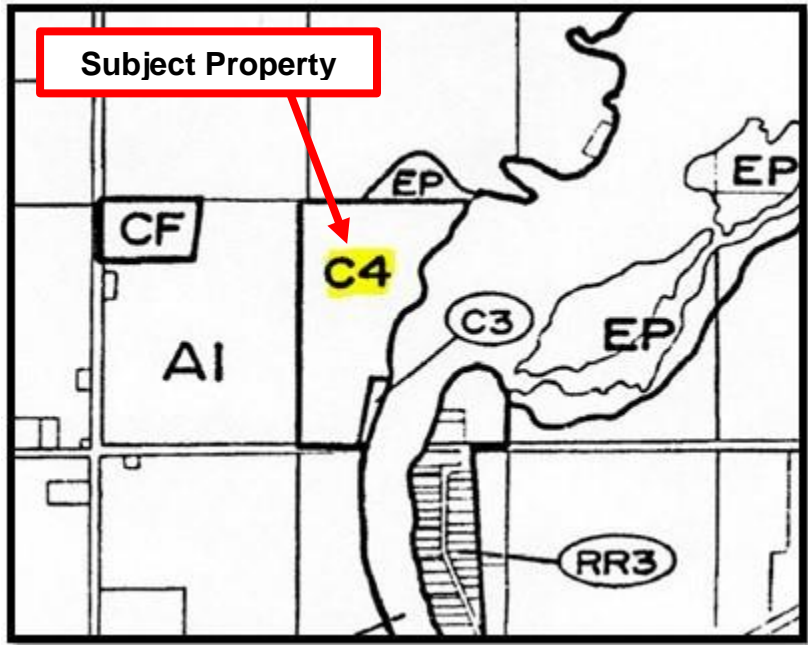
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#### City of Kawartha Lakes Official Plan



Section 16. Rural Designation  
Section 17. Environmental Protection Designation

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



**PART 17 - CAMPGROUND COMMERCIAL (C4) ZONE**

- 17.1            USES PERMITTED**
- 17.1.1            No person shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Campground Commercial (C4) Zone except for one or more of the following uses:
- 17.1.1.1           Trailer camp or park
- 17.1.1.2           Private or public park
- 17.1.1.3           Ancillary retail uses
- 17.1.1.4           A dwelling unit accessory to the above-noted permitted uses provided that the setback and yard requirements of the RR2 Zone are met.
- 17.2.1.9           Camping Site Requirements

(a)    area (min.)	200 sq. m
(b)    frontage (min.)	10 m
(c)    front yard (min.)	3 m
(d)    side yard (min.)	minimum distance between units no less than 1.5 m
(e)    rear yard (min.)	1.5 m
(f)    coverage (max.) inclusive of all trailers, additions, decks, porches and accessory buildings	93 sq. m

- |           |  |          |
|-----------|--|----------|
| 17.2.1.10 | Accessory Structures exclusive of deck or attached enclosed structure per camping site (max.)  | 1        |
| 17.2.1.11 | Size of accessory structure on camping site (max.)   | 10 sq. m |
| 17.2.1.12 | A deck and/or enclosed structure may be added to a tourist trailer, provided it:               |          |
|           | (a) does not increase the floor area of such vehicle by more than 30 sq. m;                    |          |
|           | (b) does not extend beyond the dimensions of the longest walls of the existing travel trailer; |          |
|           | (c) does not extend more than 3.0 metres from the tourist trailer; and                         |          |
|           | (d) does not exceed the height of the tourist trailer by more than 0.3 metres.                 |          |

## **PART 2 - DEFINITIONS**

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

**CAMP** means one or more buildings used for sleeping accommodation, the preparation and serving of food, and/or sport or recreation facilities, operated under single ownership and intended for recreation purposes on a temporary or seasonal basis.

**CAMPING SITE** means a parcel of land within a trailer camp or park and is for the exclusive seasonal use of the lessee or tenant of such area for vacation and recreational purposes.



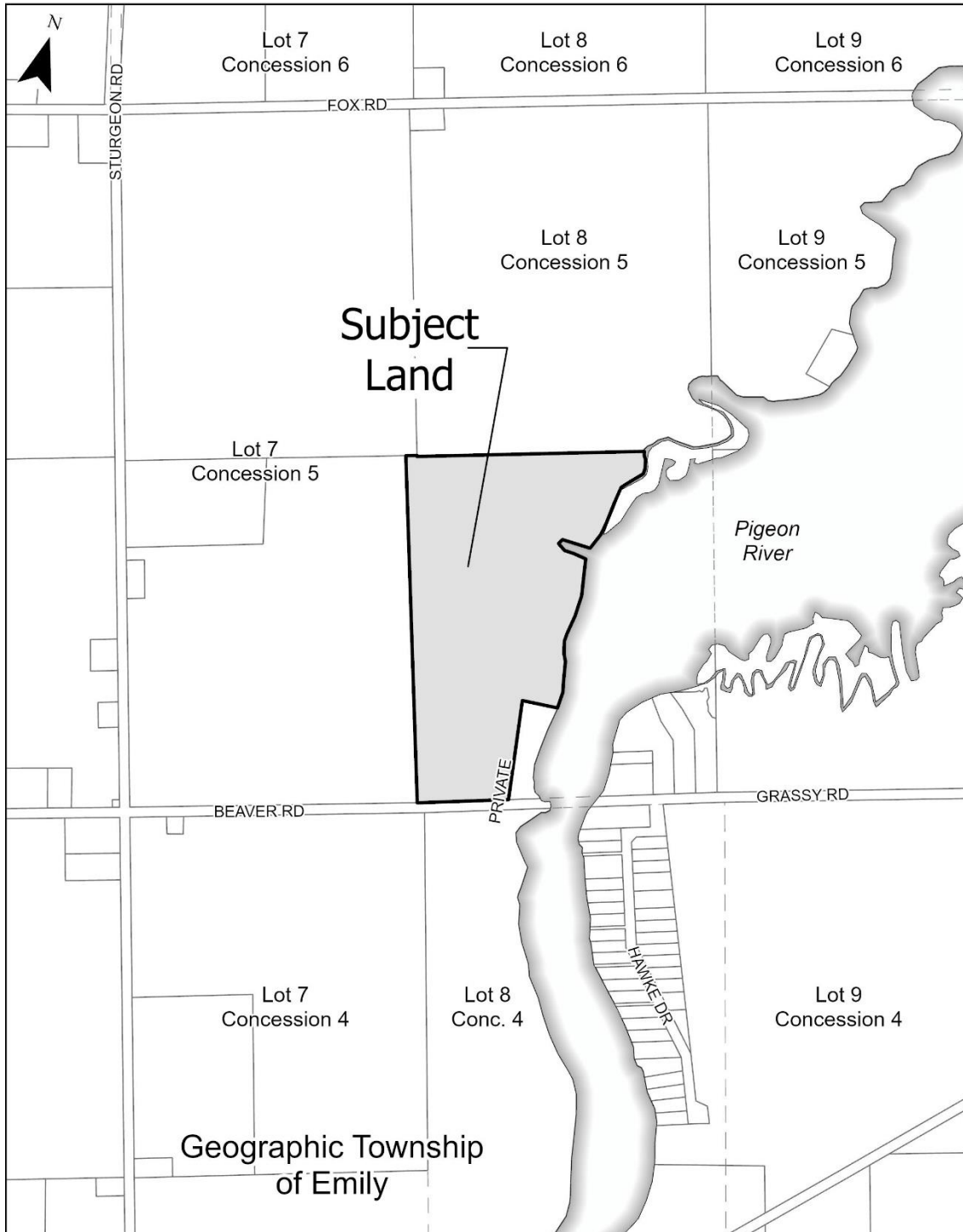
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**LOCATION MAP**

REPORT COA2024-040

FILE NO: D20-2024-030

**D20-2024-030**



to

**AERIAL IMAGERY (2018)**

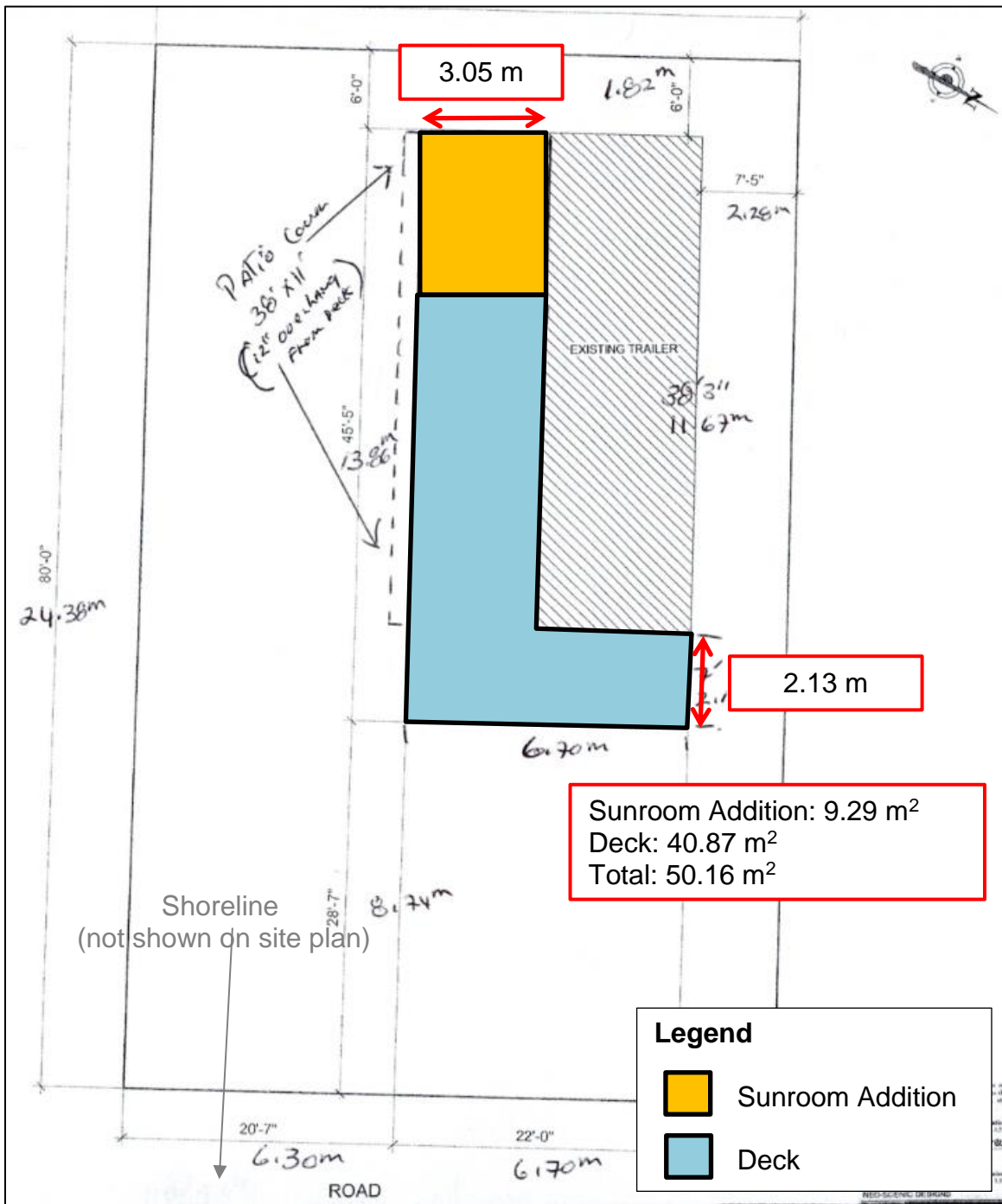
REPORT COA2024-040

FILE NO: D20-2024-030



to

## APPLICANT'S SKETCH

REPORT COA2024-040FILE NO: D20-2024-030

Existing water setback from deck: 19.20 m  
 Water setback from sunroom addition: 29.26 m