

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

## **Committee of Adjustment Report – Frank Danek**

Report Number COA2019-040

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### **Public Meeting**

**Meeting Date:** June 20, 2019

**Time:** 1:00 pm

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

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### **Ward: 2 – Geographic Township of Somerville**

#### **Background:**

The statutory Public Meeting was held by the Committee of Adjustment on April 18, 2019 report COA2019-017. The Committee deferred the application to enable the owner and applicant sufficient time to work with the City in order to achieve an amended proposal that can be adequately received for supportability by staff.

#### **Update:**

1. April 20<sup>th</sup> to 24<sup>th</sup>, 2019 – The applicant discussed the option of building a flat-roofed boathouse and a second utility shed more than 3 metres away from the water. Staff advised that it is possible option and that the context of the proposal would determine whether a minor variance would be applicable or not. Following this, no sketch was provided to staff for review (See Appendix A below);
2. April 29<sup>th</sup>, 2019 – Applicant supplied a revised survey showing the correct shoreline which further substantiates the removal of the request for extension of portions of the boathouse beyond the high water mark from the minor variance reliefs (See Appendix B below);
3. May 14<sup>th</sup>, 2019 – Applicant expressed that the boathouse design submitted to staff back in December 2018 including the design presented to Committee in April are the most desirable choices given the constraints presented by the topography of their property. On May 15<sup>th</sup>, 2019, the Director of Development Services advised that the said designs cannot be supported (See Appendix C below);
4. Some direction was provided via email correspondences to the applicant regarding definitions and interpretation of nuances like attic space, finished grade, and door location/storage space in anticipation of an alternative boathouse design;
5. May 17<sup>th</sup>, 2019 - Further direction was also provided to the applicant informing them that KRCA might have a lesser requirement than an Environmental Impact Study if their boathouse is proposed in the same location of the old boathouse since the area has already been disturbed; and
6. May 23<sup>rd</sup>, 2019 – Applicant expressed that they would stick to the boathouse design presented to Committee in April for the June meeting. Staff subsequently advised that the recommendation would be a denial of the proposal (See Appendix D below).

As advised by staff at the April meeting, the recommended boathouse designs in Appendix F of report COA2019-017 can be supported. Staff's position regarding this design are thus:

- It ensures the height measurement is taken from a water level (a midpoint between the unofficial high water level and the unofficial normal water level) that could in essence help limit a potential flood risk for the boathouse due to unpredictable seasonal changes. Although the by-law prescribes the height to be taken from the normal water level, some flexibility can be attained based on the water level data shown in the applicants sketch; and
- Respecting the height determination above, it also enables some flexibility to achieve an attic space or loft above the first storey for storage rather than a flat roof design that would defeat that opportunity. In this instance, an increase over the maximum height permitted by 0.1 metre to 0.3 metres would be evaluated on its own merits and could be supported provided the height determination from the water is followed.

No further changes have been made to report COA2019-017 regarding staff analysis and evaluation; however, the Recommendation no longer stands as staff could not reach an agreement with the owner on a design during the deferral period; and, the following section has been revised to clarify the revised Recommendation:

**Subject:** The purpose and effect is to request relief from the following in order to permit the construction of a boat house:

1. Section 18.1.5(c) to increase the maximum number of storeys allowed from one-storey to two-storeys; and
2. Section 18.1.5(c)(i) to increase the maximum height for a structure adjacent to or within 3 metres of the lake from 4.5 metres to 6.8 metres.

The variance is requested at 20 Griffin Drive, geographic Township of Somerville (File D20-2019-009).

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**Author: Quadri Adebayo, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2019-040 Frank Danek, be received;

**That** minor variance application D20-2019-009 be **DENIED**, as the application does not meet the tests set out in Section 45(1) of the Planning Act.

## Attachments:



Appendices A-D to  
Report COA2019-040



Appendix E to  
Report COA2019-040

Appendix A – Alternative Options Discussed by Applicant

Appendix B – Revised Survey

Appendix C – Applicant's Desired Options

Appendix D – Applicant's Final Desired Option

Appendix E – Report COA2019-017

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<b>Department File:</b>	D20-2019-009