

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – D'Silva

Report Number COA2021-081

Public Meeting

Meeting Date: November 25, 2021

Time: 1:00 pm

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

Ward: 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a semi-detached boathouse, detached garage, and shed:

Semi-Detached Boathouse

1. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to nil,
2. Section 3.1.2.2 to reduce the minimum separation between an accessory building and dwelling from 1.2 metres to 0.5 metres,

Detached Garage

3. Section 15.2.1.3(c) to reduce the minimum exterior side yard from 7.5 metres to 7.0 metres,
4. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to 0.8 metres,

Shed

5. Section 3.18.1.1 to reduce the minimum EP Zone setback from 15 metres to 14.7 metres,
6. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 6.5 metres; and
7. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to 1.0 metre.

The variances are requested at 1405 Killarney Bay Road, geographic Township of Fenelon (File D20-2021-068).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2020-081 D'Silva, be received;

That relief 4 of minor variance application D20-2021-068 be DENIED as applied for, as the application is not minor in nature, not desirable and appropriate for the use of the land, and does not meet the general intent and purpose of the zoning by-law tests as set out in Section 45(1) of the Planning Act .

That an increased side yard setback of 1.0 metre for relief 4 be GRANTED, as the application does meet the tests set out in Section 45(1) of the Planning Act.

That reliefs 1-3, and 5-7 of minor variance application D20-2021-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C as amended by the Committee's Decision as applicable, elevations in Appendix B submitted as part of Report COA2021-081, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** prior to the issuance of a building permit for the detached garage, the owner shall confirm to the satisfaction of the Building and Septic Division that the existing building identified as garage on Appendix B to Report COA2021-081 has been demolished.
- 3) **That** the building construction related to the minor variances 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 COA2021-081. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:

The subject property shares a semi-detached boathouse with the abutting lot, addressed as 1415 Killarney Bay Road. The semi-detached boathouse is in a state of disrepair, having sunk so that the roof is approximately 1-2 metres above the water level.

A portion of the application seeks to construct a new semi-detached boathouse. The applicant advises that the construction of the boathouse will be coordinated with the

owners of 1415 Killarney Bay Road. A detached garage and shed are also proposed.

The property contains an existing storage building, identified as a garage on Appendix C, which sits on the south lot line and is of insufficient depth to accommodate a vehicle. The garage is proposed to be demolished.

This application was deemed complete October 12, 2021.

- Proposal: To permit the construction of one half of the semi-detached boathouse, a shed, and a detached garage.
- Owners: Rebecca and Ryan D'Silva
- Applicant: Ryan D'Silva
- Legal Description: 1405 Killarney Bay Road, Part Lot 26, Concession 4, geographic Township of Fenelon, City of Kawartha Lakes
- Official Plan: "Waterfront" within the City of Kawartha Lakes Official Plan
- Zone: "Limited Service Residential (LSR) Zone" within the Township of Fenelon Zoning By-law 12-95
- Site Size: 749.7 square metres (8,069.7 square feet)
- Site Servicing: Private individual well and holding tank
- Existing Uses: Shoreline Residential
- Adjacent Uses: North: Shoreline Residential
South: Rural Residential, Agriculture
East: Rural Residential
West: Balsam Lake, municipal road allowance

Rationale:

- 1) **A – Are the variances with the exclusion of relief 4 minor in nature? Yes**
B – Is relief 4 as applied for minor in nature? No
And
- 2) **A – Is the proposal, excluding relief 4, desirable and appropriate for the use of the land? Yes**
B – Is relief 4 desirable and appropriate for the use of the land? No

The subject property is situated in a shoreline residential area on the south side of Balsam Lake. The parcel is at the northwest corner of the intersection of the privately owned portion of Killarney Bay Road, which runs north-south and the municipal road allowance that runs east-west. The east side of the road allowance is White Tail Road, and the west side of the road allowance is

Killarney Bay Road. There is a vegetative buffer of trees along the south and a portion of the west lot lines.

The by-law defines a front lot line as the shortest lot line abutting a municipal road allowance. The east lot line abuts a private road. The south lot line abuts a municipal road allowance. The west lot line is a municipal road allowance that leads to water and is also the shortest lot line. Therefore, the front lot line is the west lot line.

The proposal will allow for the construction of a new semi-detached boathouse, providing on-site covered boat storage, a detached garage, and a shed.

The property is a shoreline parcel with limited shoreline frontage due to the configuration of the abutting lot, number 1415 Killarney Bay Road, and the municipal road allowance that leads to water to the west. The lot is also a corner lot, having public road frontage on the west and south sides, and private road frontage on the east side.

A semi-detached boathouse design is needed to accommodate a building near the shoreline with sufficient width for a boat. The boathouse proposes a gable roof design with the ridge running down the mutual lot line. The proposed building design minimizes the need for the owner of one side of the building to trespass onto the other lot to carry out maintenance on the portion they own. Should the owner of each side find that, despite a building design that minimizes need to trespass for maintenance purposes, that trespass is needed to address maintenance issues, it is recommended they consult a solicitor to determine what form of legal agreement will best suit their needs.

The dwelling is at an angle to the shoreline but parallel to the south lot line while the existing boathouse is perpendicular to the shoreline. As a result of the difference in footprint orientation between the two buildings, the southeastern corner of the boathouse comes closest to the dwelling. Passage between the front and rear yards in this area is achieved by using the deck that is between the dwelling and boathouse. Proximity of the boathouse to the deck is not anticipated to present maintenance issues to the building as only a corner of the boathouse requires the full relief sought and access between the front and rear yards on the north side of the house via the deck is being maintained.

The shed will provide additional storage space for various items. The positioning of the buildings in this location keeps all the buildings with a storage function to one side of the property, being the north side. This allows the remainder of the lot to be used for landscaping, recreational space, and amenity space. The proposed 1.0 metre setback to the north lot line will continue to provide sufficient room to carry out maintenance to the shed and the land between the building and north lot line.

The existing garage sits on the south lot line, has a door on the south wall, and is positioned close to the intersection of the private and public portions of Killarney Bay Road. The existing garage, due to its size and condition, is used as a storage shed.

The new garage location moves the footprint, as well as the activity of vehicles pulling into and out of the building, away from the intersection, providing increased safety through the spatial separation of functions. The new location also allows for the parking of vehicles between the garage and the road. The reduced setback to the north lot line also allows for additional room for vehicles to make the turn into the property and onto the proposed parking pad to the south of the garage if approaching from the west.

In terms of storage opportunity, the new garage allows for the storage of at least 1 vehicle in addition to providing other storage opportunities on the main level and storage loft on the second level.

The detached garage proposes a gable design that directs water to the north and south walls of the building. As water and debris are directed to these sides, it is anticipated that maintenance efforts to the building as well as to the land near the building, will be directed to the north and south areas. At 0.8 metres, it is anticipated that frequent maintenance of the north wall and adjacent north yard will be more challenging. A setback of 1.0 metre would allow increased opportunity to carry out more frequent maintenance.

Due to the above analysis, variances 1-3, and 5-7, and variance 4 as amended are minor in nature and desirable and appropriate for the use of the land. Variance 4 as applied for is not minor in nature and desirable and appropriate for the use of the land.

- 3) A - Do the variances excluding relief 4 maintain the intent and purpose of the Zoning By-law? Yes**
B – Does relief 4 maintain the intent and purpose of the Zoning By-law? No

The subject property is zoned Limited Service Residential (LSR) Zone. Residential uses along with their accessory uses are permitted within this zone category.

The building setbacks within the General Provisions appear to have been written on the premise that all accessory buildings are to be detached buildings. The merits of a semi-detached accessory building are to be reviewed through the variance process. By previous design, the site can accommodate a semi-detached boathouse, and the applicant has submitted a design that will minimize or remove the need for trespass in order to carry out maintenance on their side of the building.

The shed will provide additional storage space on the property that cannot be accommodated in the new garage and/or is better accommodated at ground level. A function of the setback to the shoreline and Environmental Protection (EP) Zone is to ensure there are no adverse impacts to Balsam Lake. As the shed is proposed directly behind (east of) the boathouse, no adverse impacts with respect to drainage and massing to the shoreline are anticipated.

One of the functions of a side yard setback for accessory buildings is to ensure adequate separation is maintained between the building and lot line to carry out

maintenance on the building as well as the area between the building and lot line. The shed proposes a setback of 1.0 metre, which remains sufficient to carry out maintenance. A setback of 0.8 metre for the detached garage is anticipated to make regular maintenance more challenging. A similar setback of 1.0 metre would provide additional space in order to ensure adequate access for maintenance is possible.

Front yards and dwellings are typically oriented towards the street. Three of the functions of an exterior side yard are to: ensure sufficient spatial separation between the road and built form to establish a building line consistent with the front yards on abutting and adjacent lots, to provide sufficient spatial separation between residential and road uses to minimize land use conflicts, and maintain sightlines. There are no other front yards to the west of the subject property on the same side of the road, and the dwelling at the northeast corner of Killarney Bay Road and Whitetail Road is oriented towards Killarney Bay Road and has no relation with Whitetail Road. Therefore, there is no established building line on the east-west road allowance that the garage needs to address. The garage is to be relocated as far away from the south lot line as is possible while still accommodating covered parking on the lot. This will move the vehicle functions associated with the garage further away from the intersection, increasing safety and reducing conflict. The south lot line is heavily vegetated, and the front of the dwelling faces east. Therefore, sightlines where they exist through the vegetative buffer, have the potential to be increased with the relocation of the garage by removing a building close to an intersection.

Therefore, variances 1-3, 5-7 and 4 as amended maintain the general intent and purpose of the Zoning By-Law. Variance 4 as applied for does not meet the intent of the by-law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses are anticipated within this designation.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

A detached boathouse option was reviewed, but the residual footprint was determined to be unsuitable and would require additional earthworks on the partially flooded land. Allowing the new garage in a similar location to the existing was considered, but in order to increase safety and function of the site, the currently proposed location was determined to be a more appropriate site.

Servicing Comments:

The property is serviced by a private individual well and holding tank.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Development Engineering (November 12, 2021): No concerns.

Building and Septic Division – Part 8 Sewage System Supervisor (November 12, 2021): No concerns.

Public Comments:

No comments received as of November 16, 2021.

Attachments:



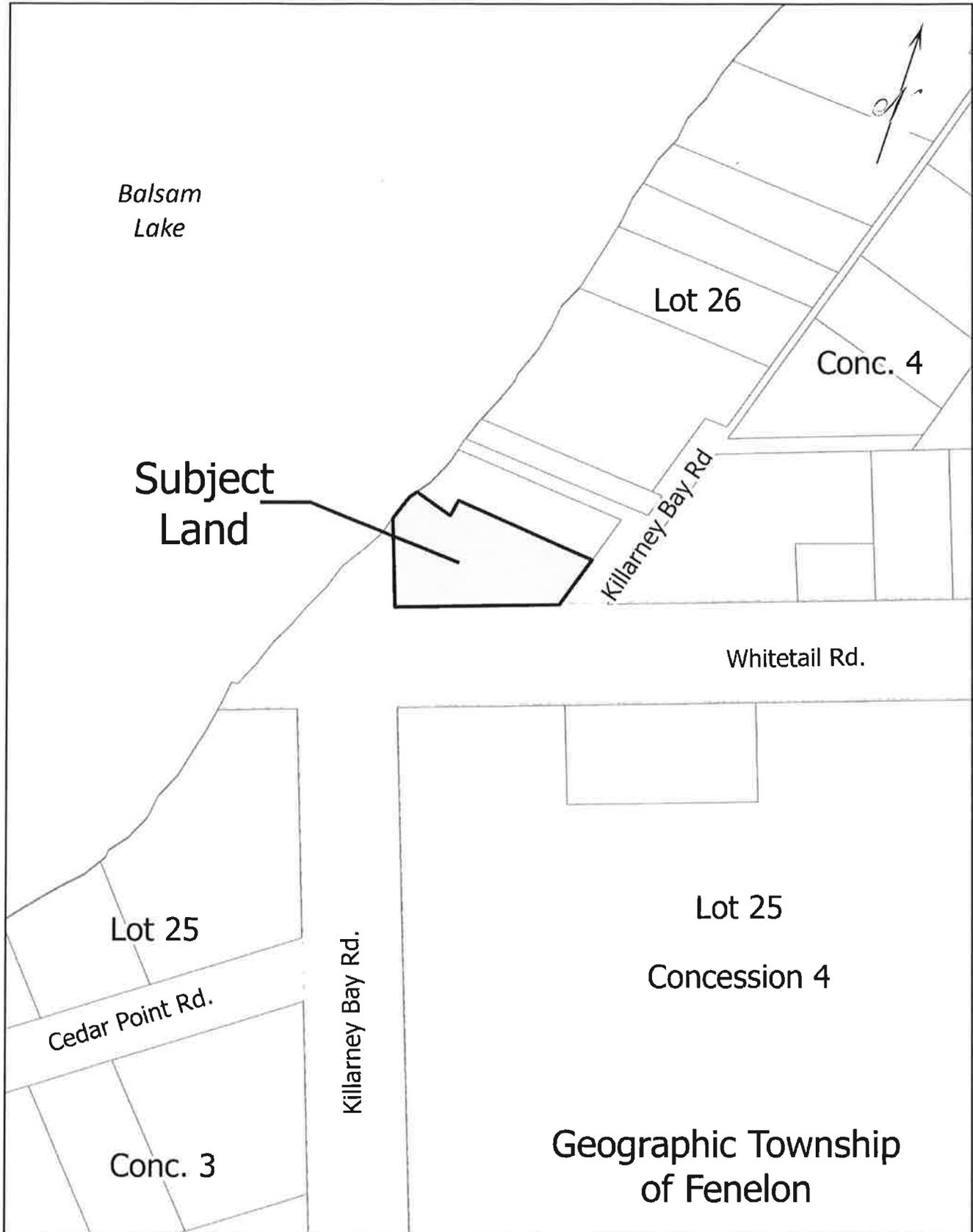
Appendices A-E to
COA2021-081.pdf

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevations
- Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Acting Director of Development Services
Department File:	D20-2021-068

to

D20-2021-068



1405 Killarney Bay Road, geographic Township of Fenelon



0.03 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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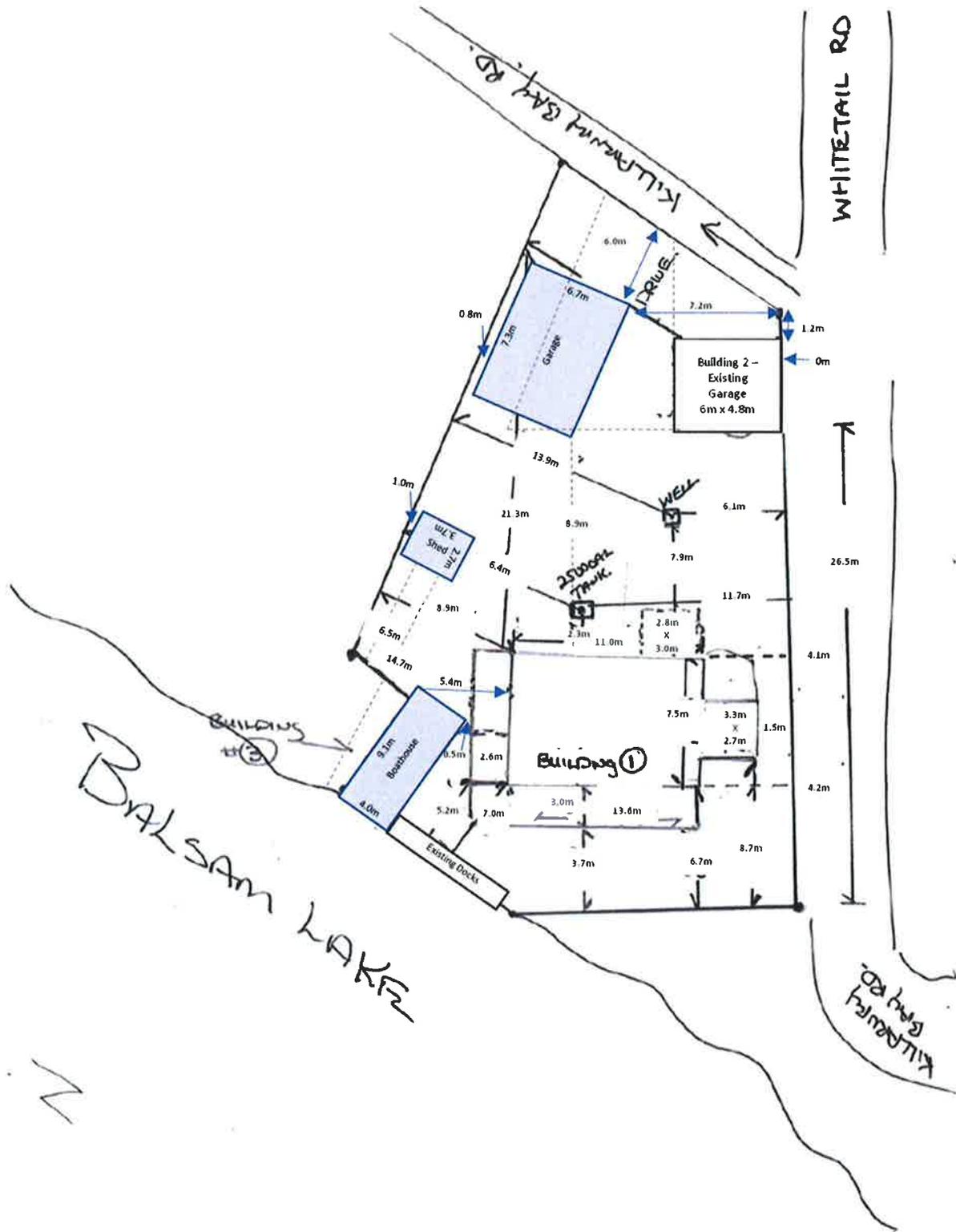
APPENDIX " B "
to
REPORT COA2021-081
FILE NO: D20-2021-068

APPENDIX " C "

to

REPORT COA2021-081

FILE NO: D20-2021-068

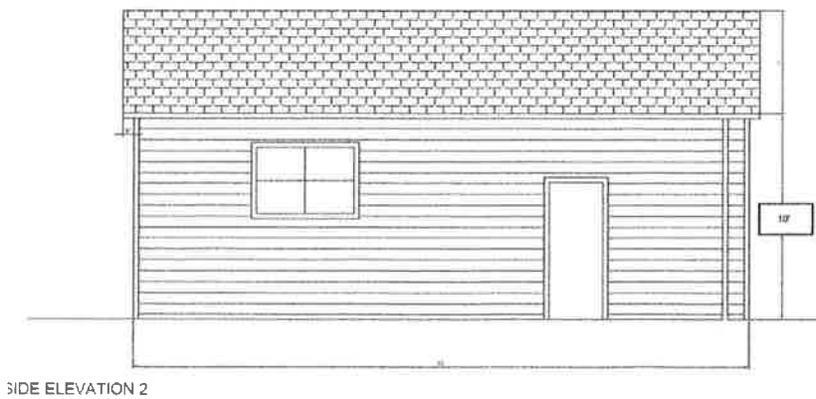
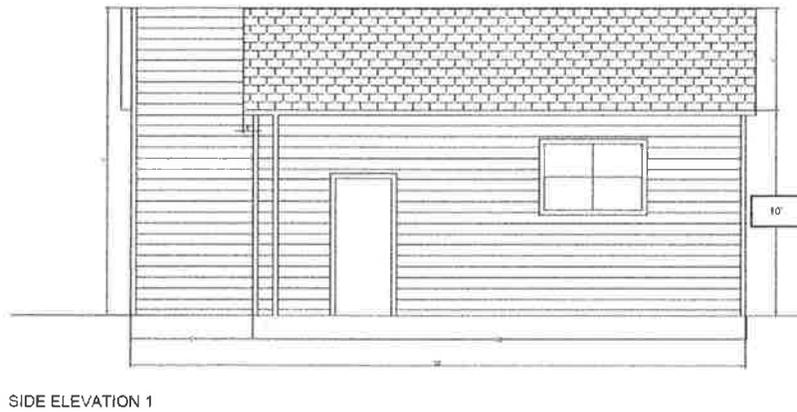
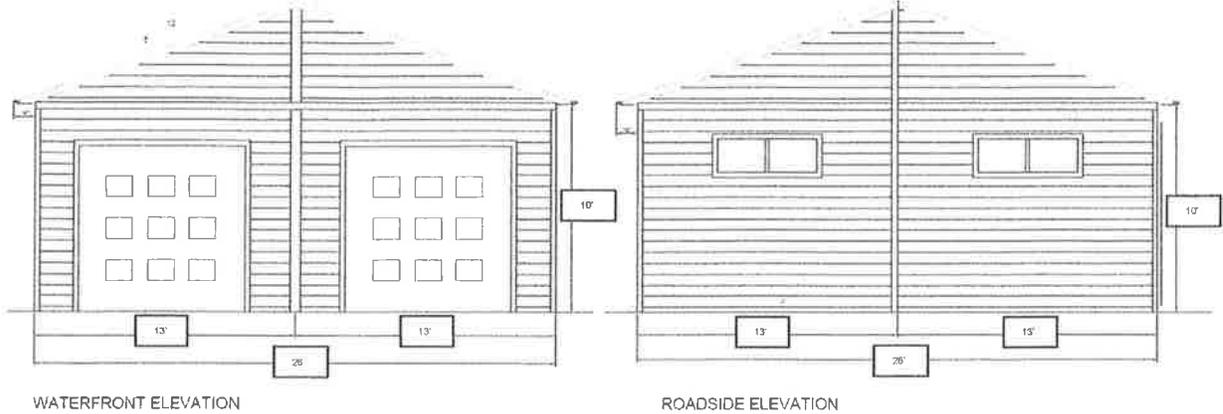


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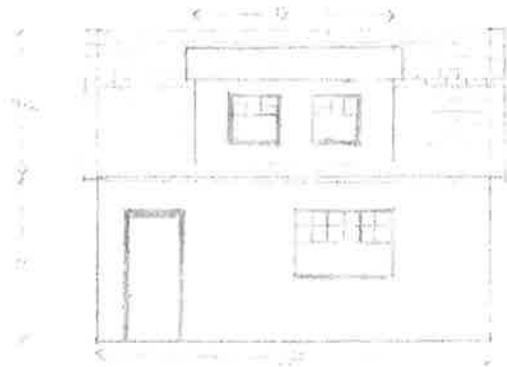
REPORT COA2021-081

FILE NO: D20-2021-068

Elevation Drawing – Proposed Boathouse



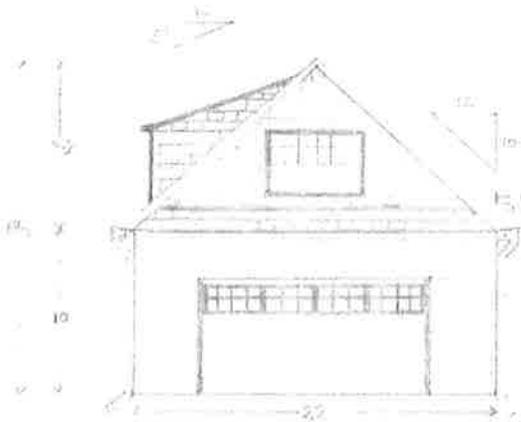
Elevation Drawing – Proposed Garage



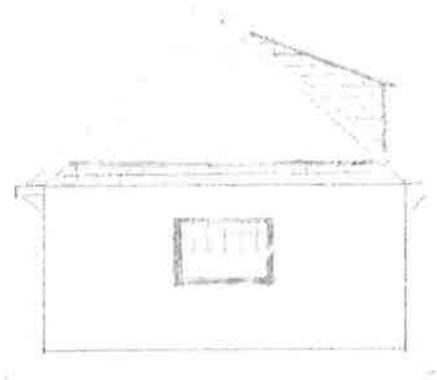
LEFT (EXT) ELEVATION



RIGHT (ISL) ELEVATION



FRONT (ROADSIDE) ELEVATION

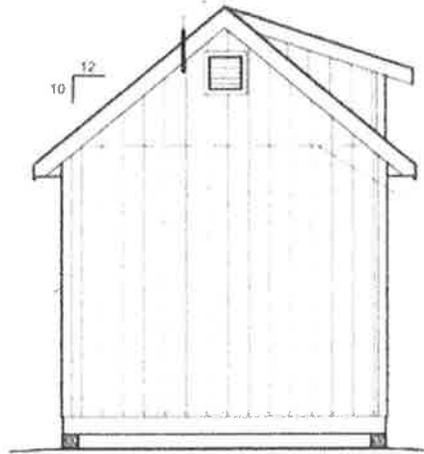


REAR (WATERSIDE) ELEVATION

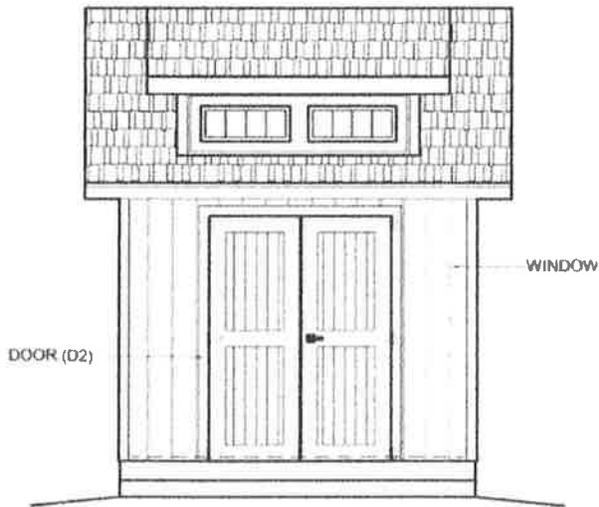
Elevation Drawing – Proposed Shed



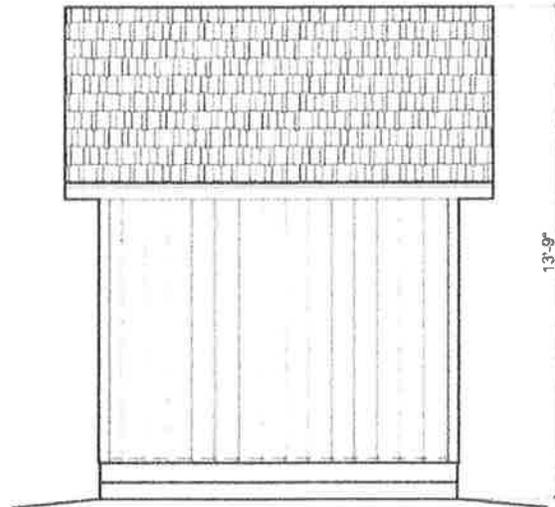
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

David Harding

to

REPORT COA2021-081

From: Kim Rhodes
Sent: Friday, November 12, 2021 9:58 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20211112 D20-2021-068 - Engineering review

FILE NO. D20-2021-068

Importance: High

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2021-068
1405 Killarney Bay Road
Part Lot 26, Concession 4
Geographic Township of Fenelon

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to permit the construction of a semi-detached boathouse, detached garage, and shed:

Semi-Detached Boathouse

1. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to nil,
2. Section 3.1.2.2 to reduce the minimum separation between an accessory building and dwelling from 1.2 metres to 0.5 metres,

Detached Garage

3. Section 15.2.1.3(c) to reduce the minimum exterior side yard from 7.5 metres to 7.0 metres,
4. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to 0.8 metre,

Shed

5. Section 3.18.1.1 to reduce the minimum EP Zone setback from 15 metres to 14.7 metres,
6. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 6.5 metres; and
7. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to 1 metre.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

Christina

Christina Sisson, P.Eng.
Manager, Development Engineering
Lean Six Sigma Black Belt

David Harding

From: Anne Elmhirst
Sent: Friday, November 12, 2021 12:02 PM
To: Charlotte Crockford
Subject: D20-2021-068- 1405 Killarney Bay Rd

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

RE: D20-2021-068 Minor Variance Application
1405 Killarney Bay Rd, Former Fenelon Twp
Roll No. 1651210002045200

I have received and reviewed the minor variance application for 1405 Killarney Bay Road to request relief for property setbacks for a semi-detached boathouse and site visit was conducted.

A sewage system use permit was located for the property under file F-4-79 for a Class 5 Holding Tank. The use permit indicates the holding tank location on the roadside of the existing single detached dwelling. This is consistent with the site plan provided for the minor variance. The construction of a semi-detached boathouse on the water side of the dwelling will not cause issue for clearance distances for the sewage system.

As such, the Building and Septic Division has no concerns with the minor variance application as it relates to the private on-site sewage disposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building and Septic Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.