

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Polera

Report Number COA2021-082

---

### 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 construct a semi-detached boathouse:

1. Section 15.2.1.4 to permit an increase in maximum lot coverage from 34.25% to 35.3%; and
2. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to nil to the south lot line and to reduce the minimum rear yard from 1.2 metres to 0.3 metres to the east lot line.

The variances are requested at 1415 Killarney Bay Road, geographic Township of Fenelon (File D20-2021-069).

---

**Author:** David Harding, Planner II, RPP, MCIP

**Signature:**



---

### Recommendation:

**Resolved That** Report COA2021-082 Polera, be received;

**That** minor variance application D20-2021-069 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 and elevations in Appendix D submitted as part of Report COA2021-082, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variances 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 COA2021-082. 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 1405 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.

The application seeks to construct a new semi-detached boathouse.

This application was deemed complete October 25, 2021.

A previous variance was granted by the committee of Adjustment in 2016, file D20-16-031, to permit an accessory building east of the dwelling. Increased lot coverage was granted and as part of that application. Relief is being sought to further increase the lot coverage requirement in order to construct the semi-detached boathouse.

**Proposal:** To permit the construction of one half of the semi-detached boathouse.

**Owners:** Maurizio and Maria Polera

**Applicant:** Maurizio Polera

**Legal Description:** 1415 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:** 329 square metres (3,541 square feet)

**Site Servicing:** Private individual well and holding tank

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North, South: Shoreline Residential  
East: Rural Residential  
West: Balsam Lake

**Rationale:**

**1) Are the variances minor in nature? Yes**

**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The subject property is situated in a shoreline residential area on the south side of Balsam Lake towards the base of the privately owned portion of Killarney Bay Road.

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

As the boathouse already exists, and is only undergoing a slight footprint expansion, there will be no perceptible increase to total lot coverage.

The property is a small shoreline parcel. A semi-detached boathouse design is needed to accommodate a building of sufficient width for a boat. The boathouse proposes a gable design with the ridge running down the mutual lot line. The proposed building design minimizes the need for the owner of either side of the building to trespass to carry out maintenance on their side of the building. Should the owners of each half 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 property is an L shape, with its shoreline frontage being the bottom of the L. The parcel appears to be shaped this way in order to accommodate the previous semi-detached boathouse to the southwestern side of the dwelling. The location of the current boathouse is partially flooded land. The boathouse is proposed where the property is at its widest. The depth of the boathouse is restricted by the depth of the property. The east wall of the boathouse proposes a setback of 0.3 metres to the east lot line. The eave overhang above this wall is anticipated to be 0.2 metres, leaving 0.1 metres of space between the eave and lot line. The distance, while small, does allow some access to carry out maintenance to the east wall of the boathouse. It is anticipated that less frequent maintenance will be needed to this wall, as the roof is angled to drain to the north.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

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

File D20-16-031, granted on October 20, 2016, increased the lot coverage from 30% to 34.25% to permit a shed on the property. The relief being sought is to increase the lot coverage from 34.25% to 35.3% to facilitate the construction of

the new boathouse. The lot coverage is increasing slightly in order to accommodate a more robust semi-detached boathouse on the same footprint. As the boathouse exists, there will be no perceptible increase to the building mass on the lot.

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 respective side of the building.

A yard setback of 1.2 metres within the General Provisions is stipulated in order to ensure sufficient space remains for maintenance and lot grading and drainage purposes. The depth of the lot where the boathouse is proposed is modest, and the boathouse will be designed to minimize the need for access to the east wall. Sufficient space remains to provide some access to this wall should the need to carry out maintenance arise.

Therefore, the variances maintain the general intent and purpose of the Zoning 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. The boathouse is an accessory use to the residence.

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.

**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 objection.

Building and Septic Division – Part 8 Sewage Systems Supervisor (November 12, 2021): No concerns. The boathouse will not cause any issue for clearance distances for the sewage system.

**Public Comments:**

None received as on November 16, 2021.

**Attachments:**



Appendices A-E to  
COA2021-082.pdf

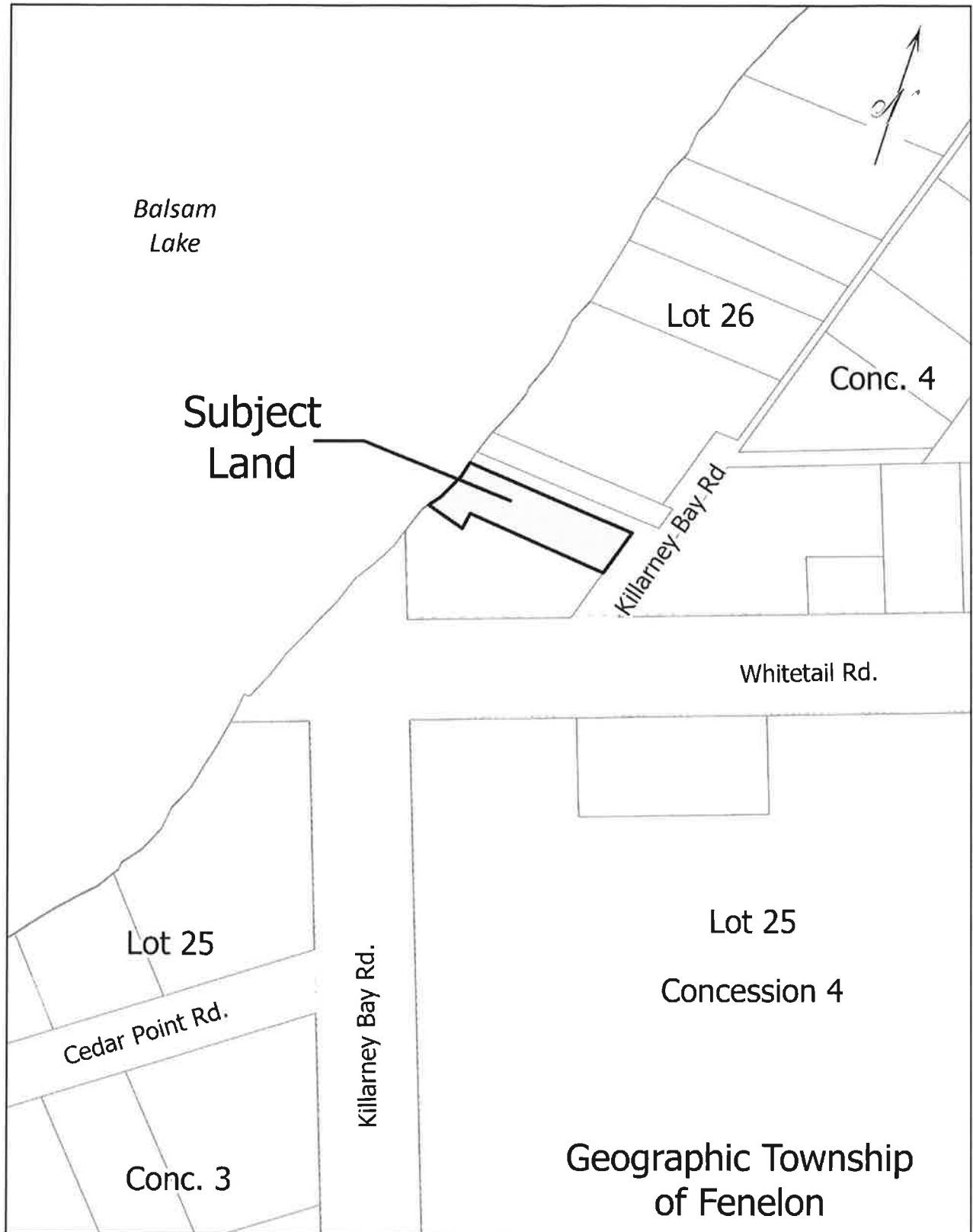
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Elevations
- Appendix E – Department and Agency Comments

---

**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Richard Holy, Acting Director of Development Services  
**Department File:** D20-2021-069

to

# D20-2021-069



# 1415 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.

**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

APPENDIX " B "  
to  
REPORT COA2021-082  
FILE NO: D20-2021-069

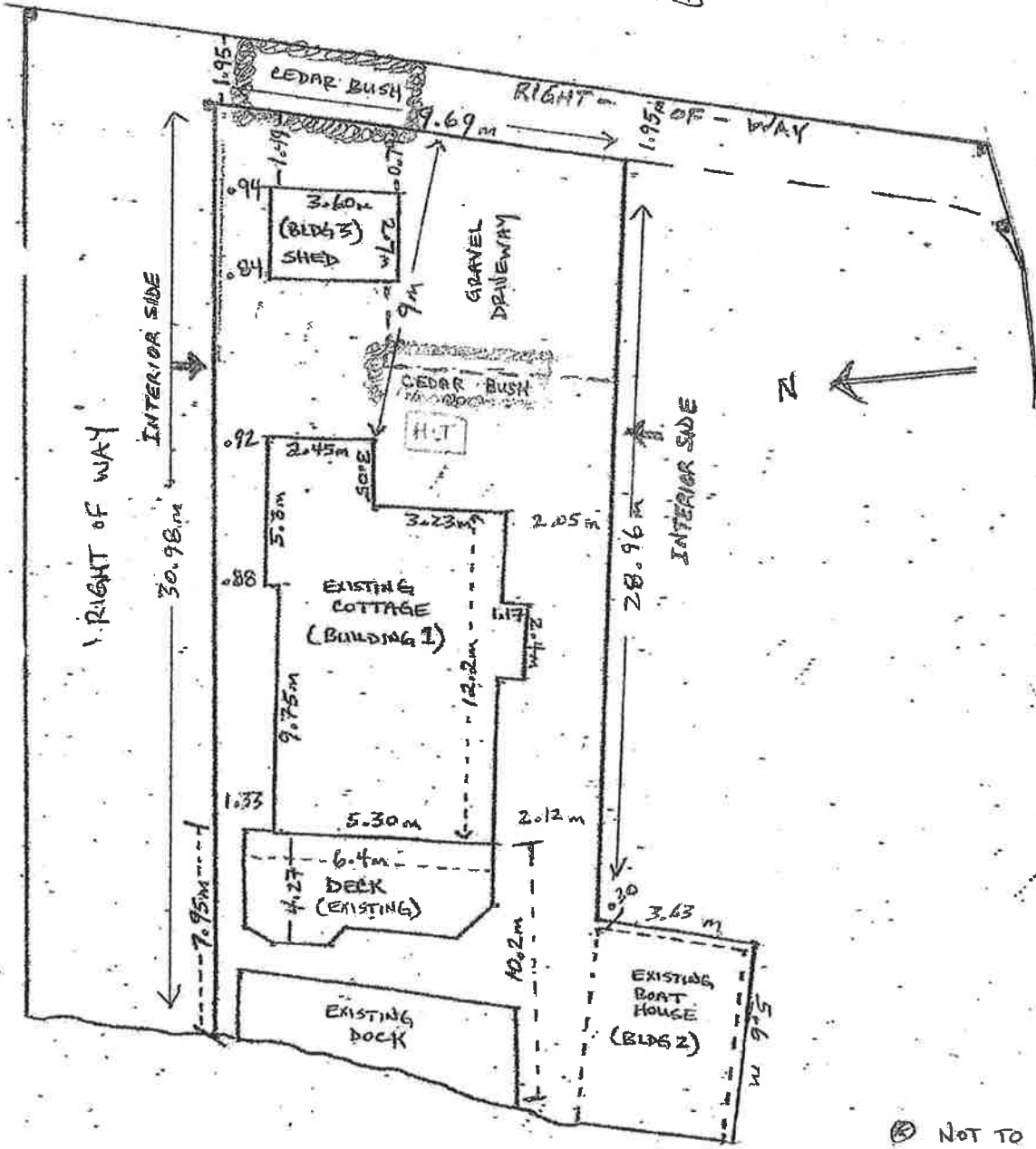
to

REPORT COA2021-082

FILE NO: D20-2021-069

KILLARNEY BAY ROAD

WHITETAIL ROAD



BALSAM LAKE

NOT TO SCALE

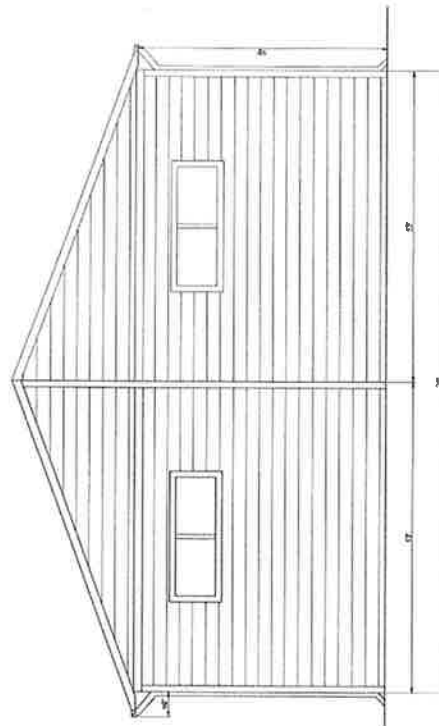


APPENDIX " D "

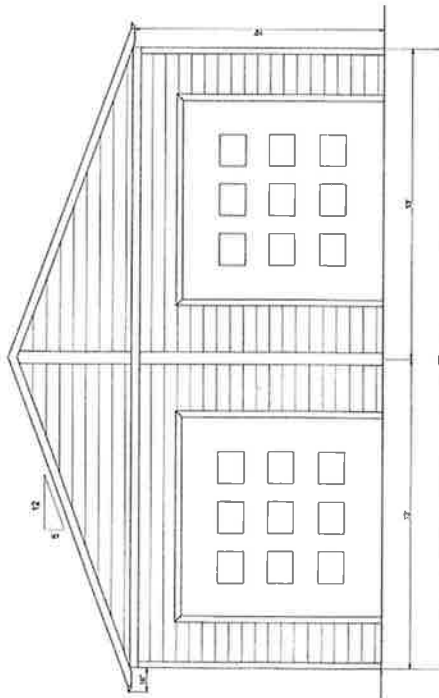
to

REPORT COA2021-082

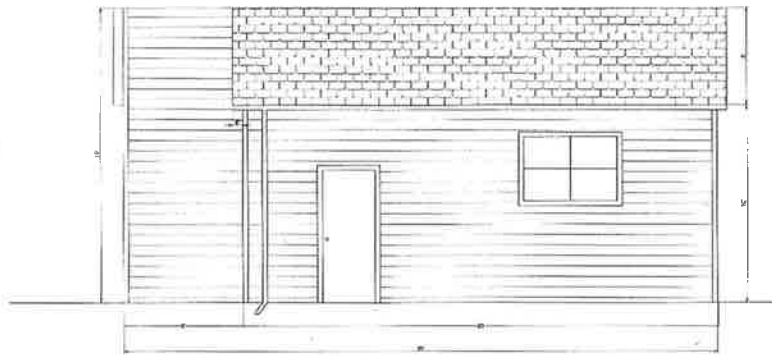
FILE NO: D20-2021-069



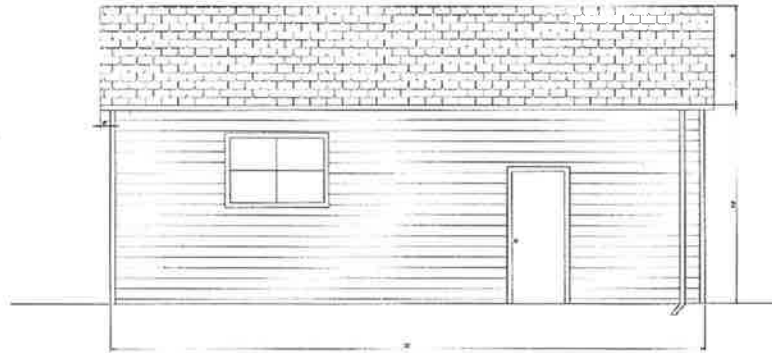
ROADSIDE ELEVATION



WATERFRONT ELEVATION



SIDE ELEVATION 1



SIDE ELEVATION 2

**David Harding**

APPENDIX " E "

**From:** Kim Rhodes  
**Sent:** Friday, November 12, 2021 9:59 AM  
**To:** Mark LaHay  
**Cc:** Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead  
**Subject:** 20211112 D20-2021-069 - Engineering review

REPORT COA-2021-082  
FILE NO. D20-2021-069

**Importance:** High

**Please see the message below from Christina Sisson:**

---

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

Minor Variance – D20-2021-069  
1415 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 is to request relief from the following provisions in order to construct a semi-detached boathouse:

1. Section 15.2.1.4 to permit an increase in maximum lot coverage from 34.25% to 35.3%; and
2. Section 3.1.2.2 to reduce the minimum interior side yard from 1.2 metres to nil to the south lot line and to reduce the minimum rear yard from 1.2 metres to 0.3 metres to the east lot line.

*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  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



**Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.**

**David Harding**

---

**From:** Anne Elmhirst  
**Sent:** Friday, November 12, 2021 12:10 PM  
**To:** Charlotte Crockford  
**Subject:** D20-2021-069 - 1415 Killarney Bay Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Charlotte,

RE: D20-2021-069 Minor Variance Application  
1415 Killarney Bay Rd., Former Fenelon Twp  
Roll No. 165121002045300

I have received and reviewed the minor variance application for 1415 Killarney Bay Road to request relief to permit a semi-detached boathouse reconstruction in the current location.

I have reviewed the historical sewage system files and was unable to locate a copy of a sewage system record. A site visit was conducted to locate the Class 5 Holding Tank within the property. The holding tank was located on the property in the area identified in the site plan submitted. The holding tank is located in the roadside yard of the single detached dwelling. The proposed semi-detached boathouse will be located in water yard of the dwelling. The location of the boathouse will not cause any issue for clearance distances for the sewage system.

As such, the Building and Septic Division has no concerns with the proposed minor variance as it relates to 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](http://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.