

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Avedian

Report Number COA2022-050

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### Public Meeting

**Meeting Date:** July 21, 2022

**Time:** 1:00 pm

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

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### Ward 6 – Geographic Township of Verulam

**Subject:** The purpose and effect is to enlarge the existing non-conforming boat house with a 'boatport' addition, and, to repair the existing structure.

**Relief sought:**

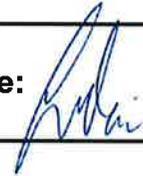
- 1) By-law Section 8.1 permits a boat house as an accessory structure, provided either a single detached dwelling or a seasonal dwelling is present as the primary building on the lot; the boat house is a stand-alone structure on the lot.
- 2) By-law Section 5.1.4 a. requires a minimum interior side yard setback of 1.2 metres; the existing non-complying setback of +/- 0.84 metres is proposed to remain for the proposed 'boatport' addition to the boat house.

The relief is requested at **81 Clifford Drive** (File D20-2022-043).

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**Author:** Leah Barrie, RPP, Manager of Planning

**Signature:**



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### Recommendations

**That** Report COA2022-050 – Avedian, be received;

**That** application D20-2022-043 be GRANTED, as the application satisfies 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 COA2022-050, 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 COA2022-050. Fulfillment of all conditions is required for the decision to be considered final and binding.

## Application Summary

Proposal:	Repair and enlargement of existing non-conforming boathouse
Owner:	Krikor Avedian Bedros
Applicant:	Garry Newhook
Legal Description:	Part Lot 11, Concession 4 (being Part 2 on RP 57R-60 and Part 2 on RP 57R-3356)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One 'R1' (Township of Verulam Zoning By-law 6-87)
Site Size:	3,156.55 square metres (0.78 acres)
Site Servicing:	N/A
Existing Uses:	Residential-accessory
Adjacent Uses:	Residential

## Rationale

### The application satisfies the provisions of the Planning Act<sup>3</sup>

In accordance with section 45(2)(a)(i) if a structure was used for a purpose prohibited by the By-law as of March 2, 1987 (By-law date of passage), the committee may permit its enlargement if its use has continued to present day.

The owner has provided documentation to support the contention that the existing boathouse has existed as a stand-alone accessory structure since 1972. The R1 zone limits use of the property to single detached and seasonal dwellings as well as neighbourhood parks or parkettes only, and therefore would prohibit construction of a new stand-alone accessory structure.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

<sup>3</sup> See Schedule 1

## **Evaluation of impact**

The abutting residential lot at #79 Clifford is held in similar title as #81 Clifford, though the lots have not merged on title; the boat house at #81 is used and maintained by its owners who reside at #79.

The existing boathouse is a concrete building rendering it difficult to move. The roof has a very low, flat design and has caved in. The roof is proposed to be raised and replaced. The proposed +/- 15.68 sq m 'boatport' addition to the boat house intends to extend the existing non-complying interior side yard setback of +/- 0.84 metres without further encroachment. The continuation and modest enlargement of the boat house is not anticipated to impact the nearest neighbour to the east, environmental features, or the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Surrounding lands are used for residential purposes, as well as woodlots and rural uses south towards the interior. The majority of shoreline lots in the vicinity contain residential uses with boathouses and/or docks; continuation of the non-conforming use does not preclude the lot from developing in accordance with the By-law in the future. Should the property be proposed for redevelopment in the future, it would need to comply with the applicable regulations in the R1 zone and General Provisions, or, further relief may be needed.

Kawartha Conservation notes the lot is within the boundary of the Sturgeon Lake Management Plan (water resource), may be prone to flooding and/or erosion hazards (natural hazard), is adjacent to fish habitat in Sturgeon Lake and contains the buffer of a Provincially Significant Wetland (natural heritage features).

Kawartha Conservation has determined that the proposed development poses a low risk to the of fish habitat on adjacent lands. Any potential negative impacts can be mitigated with the use of proper erosion and sediment control measures to ensure that no sediment resulting from construction enters the drainage ditch and nearby watercourse or waterbody. They have determined that an EIS is not required as the development does not encroach on the wetland and should not impact its function.

### **Other Alternatives Considered:**

No alternatives applicable.

## **Consultation Summary**

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

### **Agency Comments:**

CKL Development Engineering: No objection

Kawartha Conservation: "The applicant will be required to obtain a Permit from Kawartha Conservation for the proposed project which will require the submission of an erosion and sediment control plan. We encourage the landowner to take any opportunity to naturalize the shoreline and buffer strip around the shoreline and existing structure to ensure minimal impacts to fish habitat and ecological function of Sturgeon Lake."

**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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Appendices\_Avediar

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<b>Department Head:</b>	Richard Holy, Director of Development Services
<b>Division File:</b>	D20-2022-043

## **Schedule 1**

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

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#### **The Planning Act, R.S.O. 1990**

##### **Powers of committee**

##### **45(1)**

##### **Other powers**

(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, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

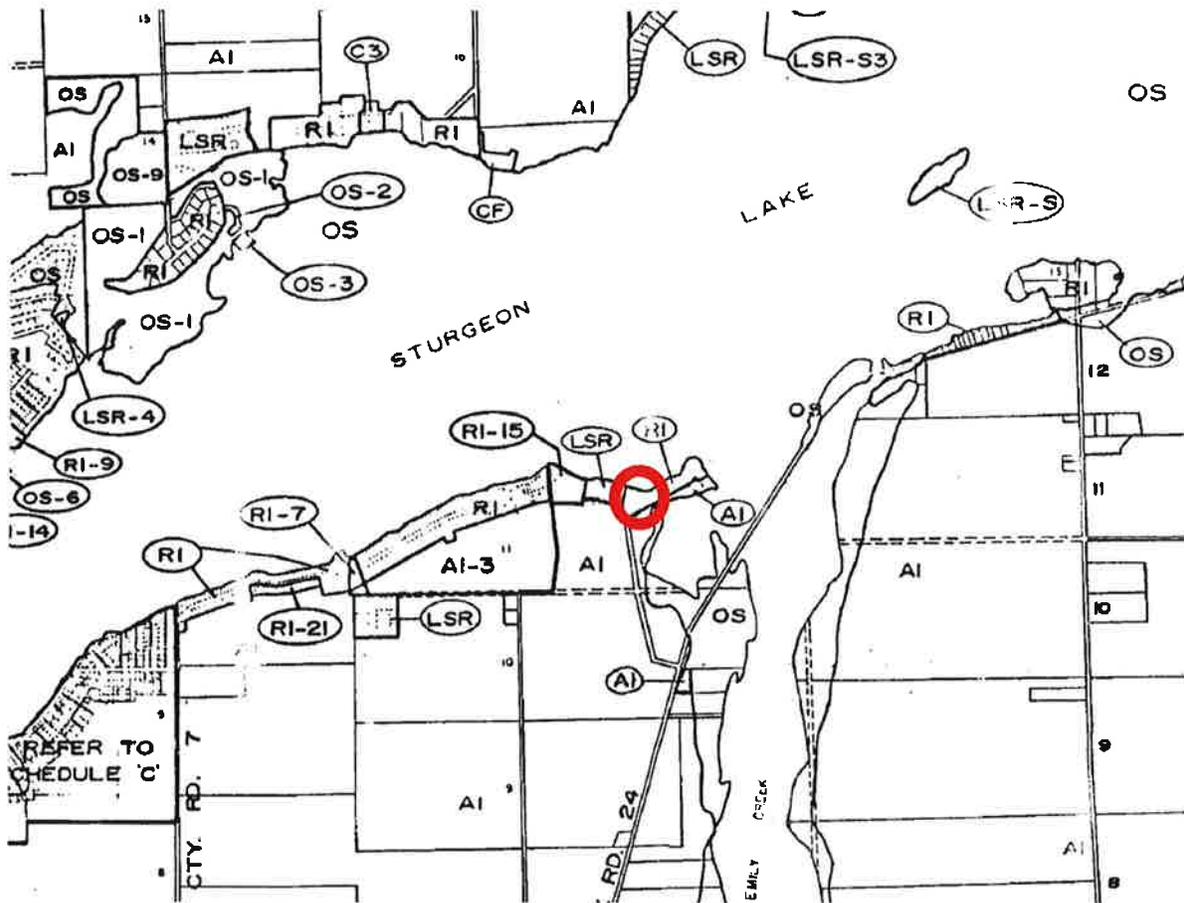
(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

## City of Kawartha Lakes Official Plan



- 20. Waterfront Designation
- 34.1 Existing Uses
- 34.16 Committee of Adjustment

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



- Section 4 Definitions
- Section 5 General Provisions
  - 5.1 Accessory Uses
  - 5.13 Non-Conforming Uses
- Section 8 Residential Type One (R1) Zone

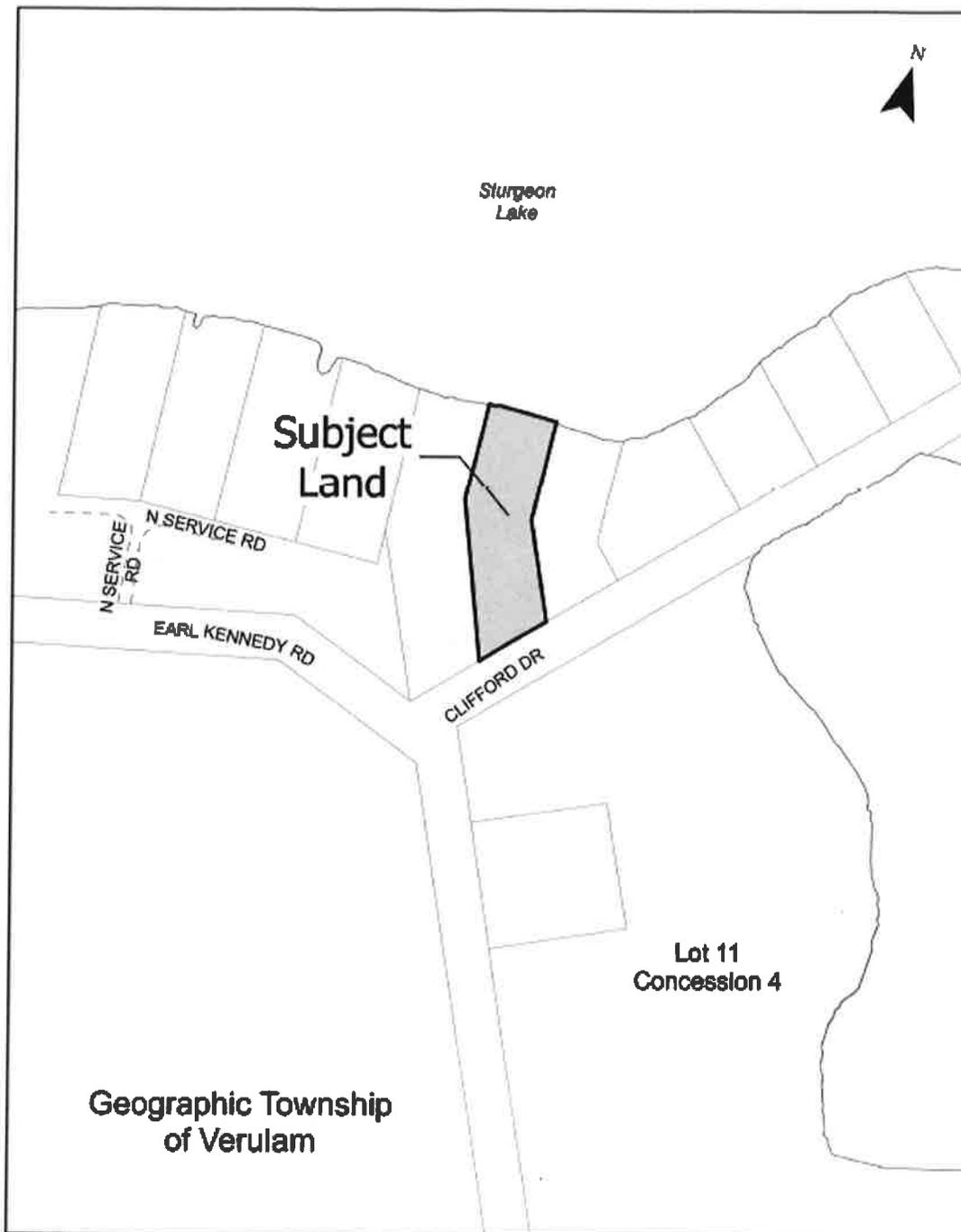


to

REPORT COA2022-050

FILE NO: D20-2022-043

**LOCATION MAP**



APPENDIX " B "

to

REPORT COA2022-050

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**AERIAL PHOTO**





