

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Conlon**  
Report Number COA2022-054

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**Public Meeting**

**Meeting Date:** August 18, 2022  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 6 – Geographic Township of Verulam**

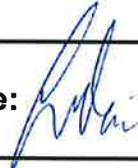
**Subject:** The purpose and effect is to permit construction of an unenclosed deck.

**Relief sought:**

- 1) Section 8.2.n. requires a minimum water setback of 15 metres; the proposed setback is 9.91 metres (deck) and 7.01 metres (stairs).
- 2) Section 8.2.f. requires a minimum interior side yard setback of 1.8 metres; the deck proposes to uphold the existing 0.94 metre setback.

The variance is requested at **37 Kenhill Beach Road** (File D20-2022-047).

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

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**Recommendations**

That Report COA2022-054 – Conlon, be received;

That minor variance application D20-2022-047 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 D submitted as part of Report COA2022-054, 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 COA2022-054. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To permit construction of an enclosed deck
Owners:	Dianne and Michael Conlon
Applicant:	Michael Conlon
Legal Description:	Part Lot 10, Concession 3
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:	919 sq m (0.23 ac)
Site Access:	Municipal, maintained road
Site Servicing:	Private individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential

## Rationale

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

Over time, it can be expected that property owners may endeavour to redevelop their lots to achieve a higher and better use. Due to the sloped topography of the lot, the 68 sq m dwelling (circa 1921) is a single storey at street level with a walk-out to the rear yard at the lower level. The addition of an elevated 27.9 sq m deck from the upper level living space increases the interior/exterior usable space, without removing the amenity space of the patio at grade. The existing dwelling and patio hold non-complying rear/water and side yard setbacks.

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

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The proposed deck is an extension of a permitted residential use; performance and siting criteria are implemented through the Zoning By-law.

The Plan permits expansion to existing dwellings, that are permitted uses, within the water setback provided certain criteria are met: given the floorplan of the adjacent interior living space, there is no alternative to site the deck elsewhere; the expansion is away from the high water mark; the rear yard, including the shoreline, has been previously developed and includes steps and a concrete seawall within 15 metres of the high water mark; and, the expansion is elevated and unenclosed to minimize the extent of its impact to the shoreline.

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

The proposed deck is an extension of a permitted residential use. Extension of the non-complying east side yard setback is screened from the adjacent property by a mature cedar hedge. The elevated, unenclosed design of the deck minimizes the hazard risk of damage to property and life within the water setback; the existing enclosed habitable space of the dwelling within the water setback remains unchanged.

**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:**

Not applicable.

**Consultation Summary**

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

**Agency Comments:**

No concerns or objections received as of the writing of the staff report.

KRCA: "We will not be issuing formal comments on this Minor Variance due to the location of the property and the nature of the proposed development. In this specific case, all natural hazard and natural heritage considerations have been captured in the natural hazard evaluation undertaken to issue the permit."

**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 – Elevation and Deck Plan  
Appendix E – Applicant's Supplementary Photos

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**E-Mail:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Division File:** D20-2022-047

## Schedule 1 Relevant Planning Policies and Provisions

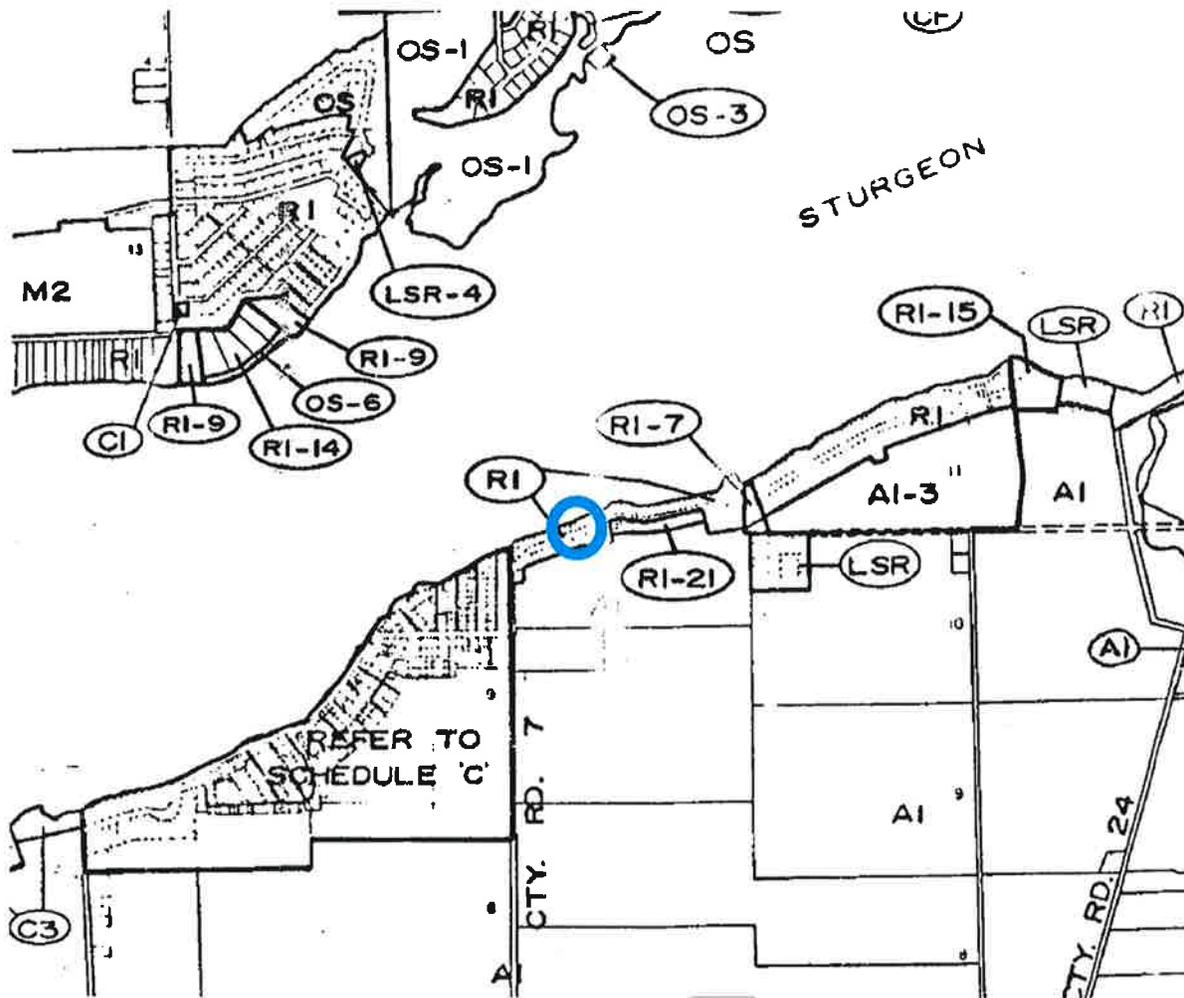
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### City of Kawartha Lakes Official Plan



3.11 Water Setback and Accessory Uses  
20 Waterfront Designation

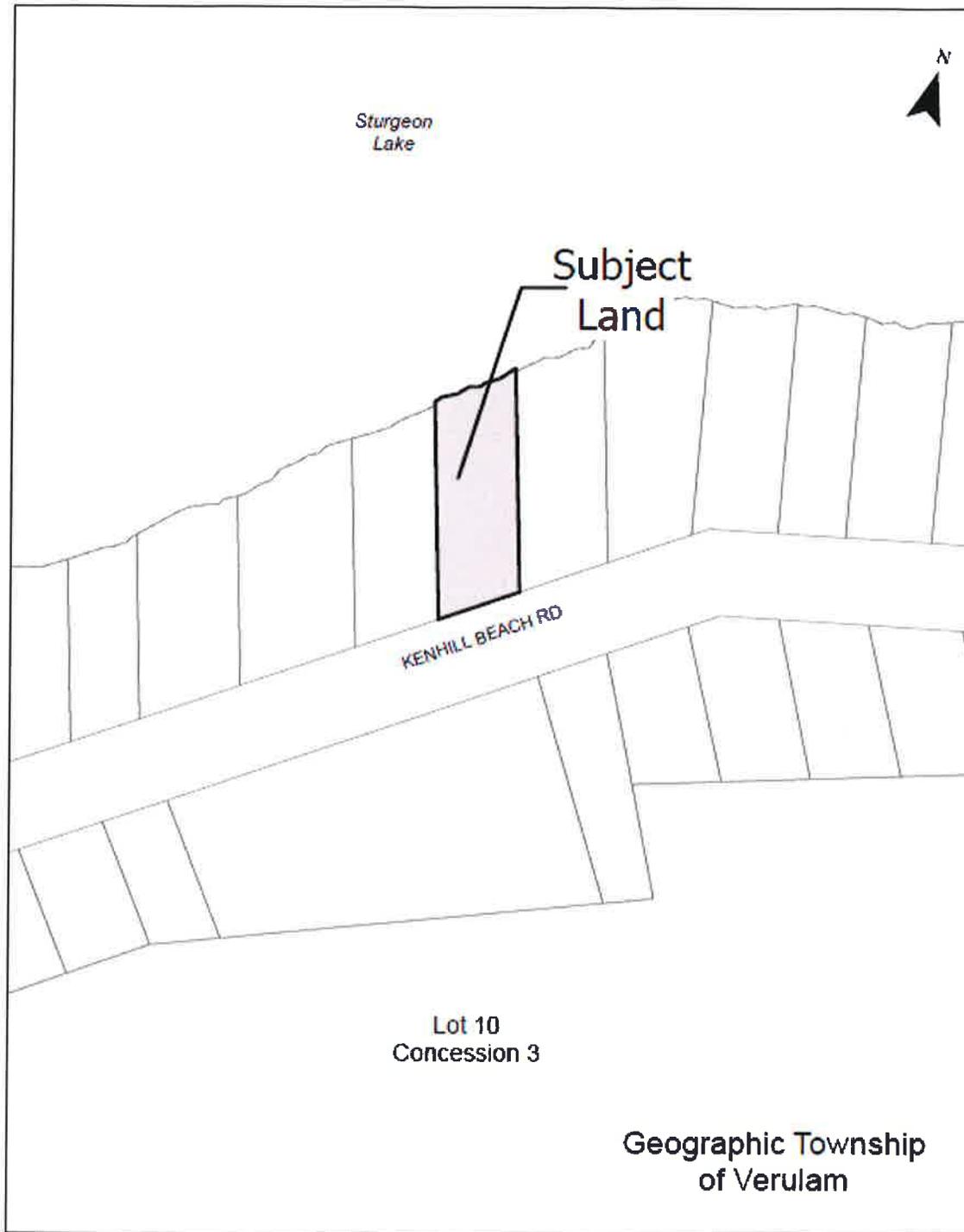
### Township of Verulam Zoning By-law 6-87



Section 8 Residential Type One (R1) Zone

to

**LOCATION MAP**

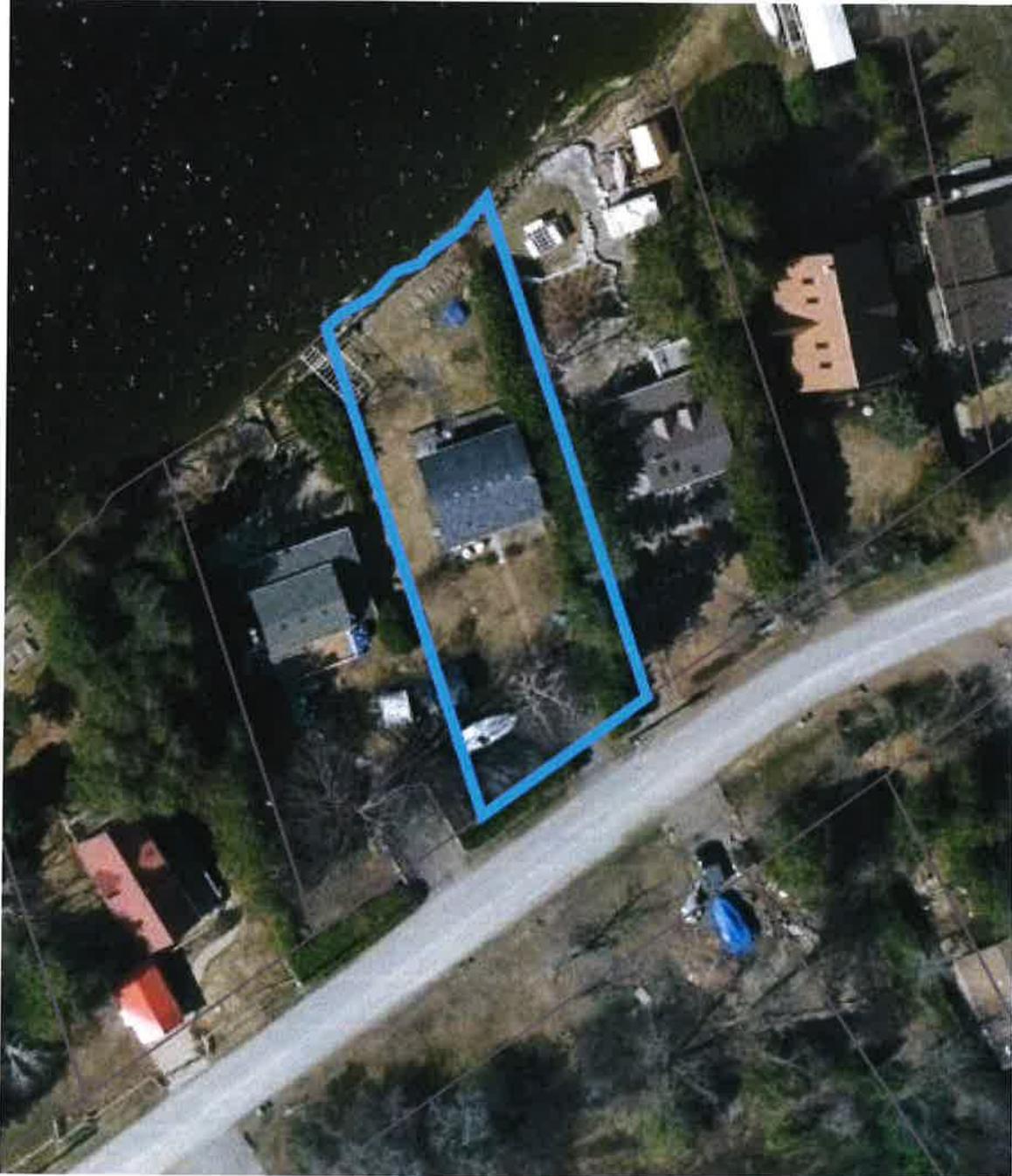


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**AERIAL PHOTO**



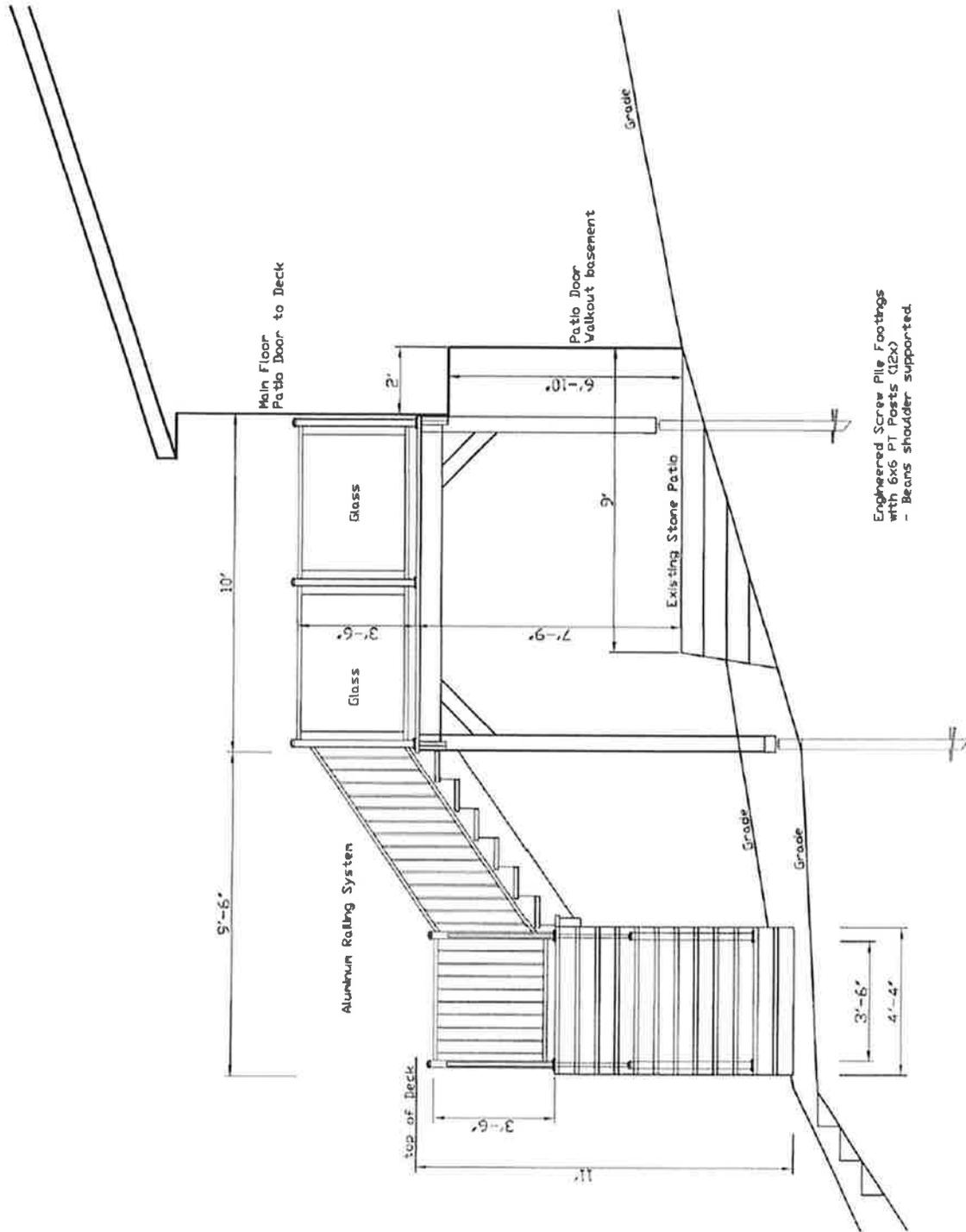


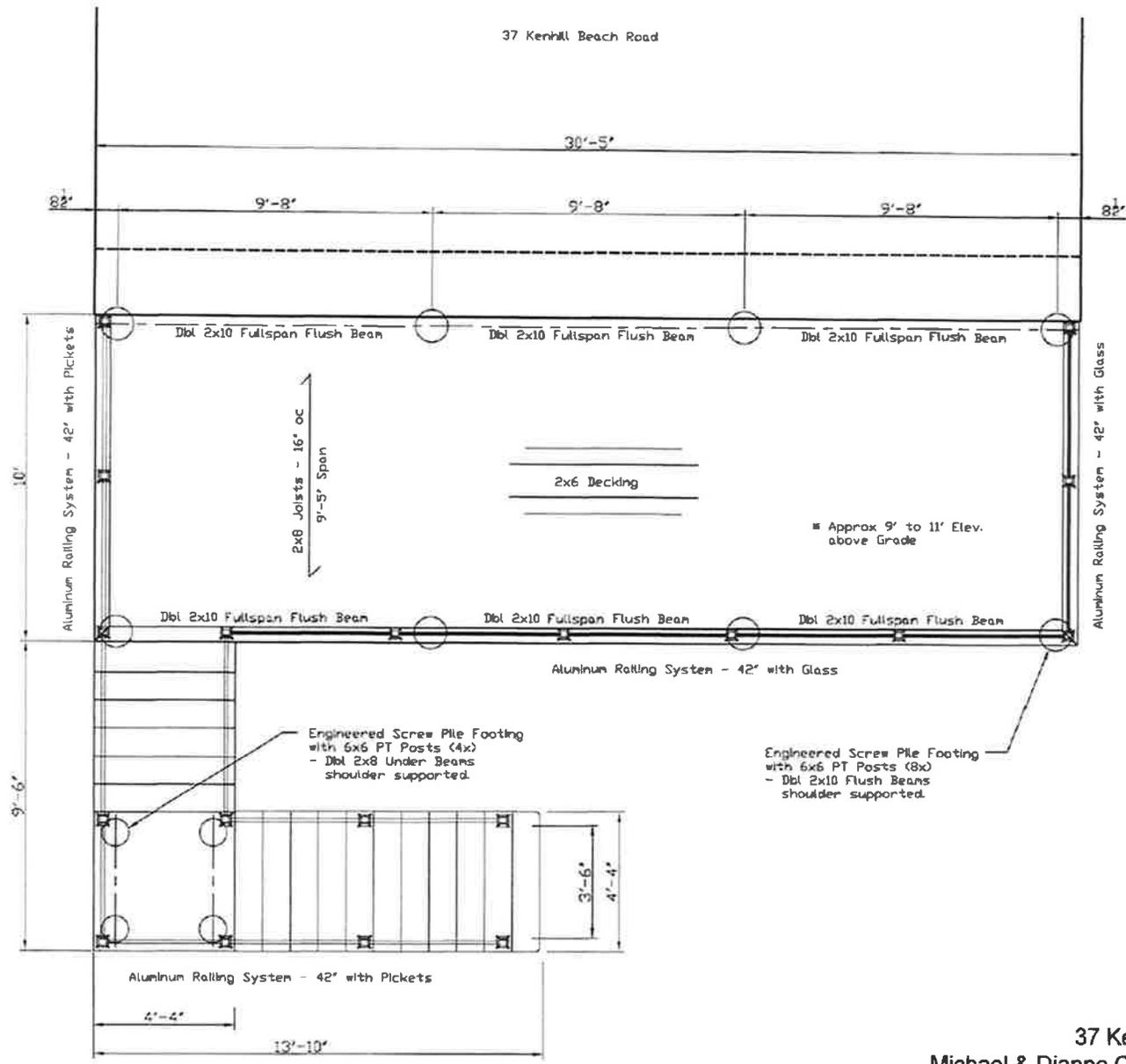
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# ELEVATION & DECK PLAN





37 Kenhill Beach Road  
 Michael & Dianne Conlon - Apr 02/22  
 Cottage Deck Plan - 02

to

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**APPLICANT'S SUPPLEMENTARY PHOTOS**

