

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Thrasher**  
Report Number COA2022-061

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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 3 – Geographic Township of Fenelon**

**Subject:** The purpose and effect is to facilitate the re-construction of a residential dwelling.

**Relief Sought:**

- 1) Section 15.2.1.3(a) requires a minimum front yard setback of 7.5 metres; the proposed setback is 6.87 metres.

The variance is requested at **1469 Killarney Bay Road** (File D20-2022-054).

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

**Signature:**



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**Recommendations**

**That** Report COA2022-061 – Thrasher, be received;

**That** minor variance application D20-2022-054 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 submitted as part of Report COA2022-061, 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 COA2022-061. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

|                              |   |
|------------------------------|---|
| Proposal:                    | To facilitate the re-construction of a residential dwelling                       |
| Owner:                       | Bonnie Thrasher   |
| Applicant:                   | RWH Construction (Ryan Hayter)  |
| Legal Description:           | Part Lot 26, Concession 4 (being Part Lot 29, Plan 176)                           |
| Official Plan <sup>1</sup> : | Waterfront, Environmental Protection (City of Kawartha Lakes Official Plan, 2012) |
| Zone <sup>2</sup> :          | Limited Service Residential 'LSR' (Township of Fenelon Zoning By-law 12-95)       |
| Site Size:                   | 1,256 sq m (0.31 ac)  |
| Site Access:                 | Private, municipally-maintained road  |
| Site Servicing:              | Lake water draw, individual and septic system                                     |
| Existing Uses:               | Residential   |
| Adjacent Uses:               | Residential, woodlands  |

## 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. The redevelopment of the lot achieves optimal siting overall, moving the new dwelling towards the road to maintain the high water setback. Though the SW corner of the attached garage exceeds the minimum front yard setback, the road allowance widens to the NE, creating an irregular front lot line and resulting in a partially reduced front yard. The irregular lot line is not discernable from the road.

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

The reconstructed dwelling is permitted in the Waterfront designation and upholds the objectives to maintain the high water mark and protect the shoreline; the

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Environmental Protection designation to the north captures the adjacent floodplain and treeline.

According to Kawartha Conservation, the property is adjacent to the Balsam Lake shoreline/fish habitat and within the 120 m buffer of a significant woodland (Natural Heritage Features), flooding and/or erosion hazards may be present on the property (Natural Hazard Feature), and, is within the boundary of the Balsam and Cameron Lake Management Plan (Water Resources). KRCA has determined that the proposal poses a low risk to the 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. As the proposal is entirely outside of the significant woodland feature, KRCA will not require an EIS as there will be no impacts to the feature as a result of the development.

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

The dwelling is a permitted use, and is sited parallel with the road at the southwest segment of the front lot. Instead of being sited on a diagonal line to comply with the front yard setback, the dwelling achieves a regular building line with the adjacent dwelling, and upholds the streetscape character.

**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.

Kawartha Conservation: "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 Balsam Lake. A permit is required pursuant to Ontario Regulation 182/06, prior to any onsite works being completed [and] our records indicate that a permit has already been issued."

**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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**Phone:** 705-324-9411 extension 1240  
**E-Mail:** lbarrie@kawarthalakes.ca  
**Department Head:** Richard Holy, Director of Development Services  
**Division File:** D20-2022-054

## Schedule 1 Relevant Planning Policies and Provisions

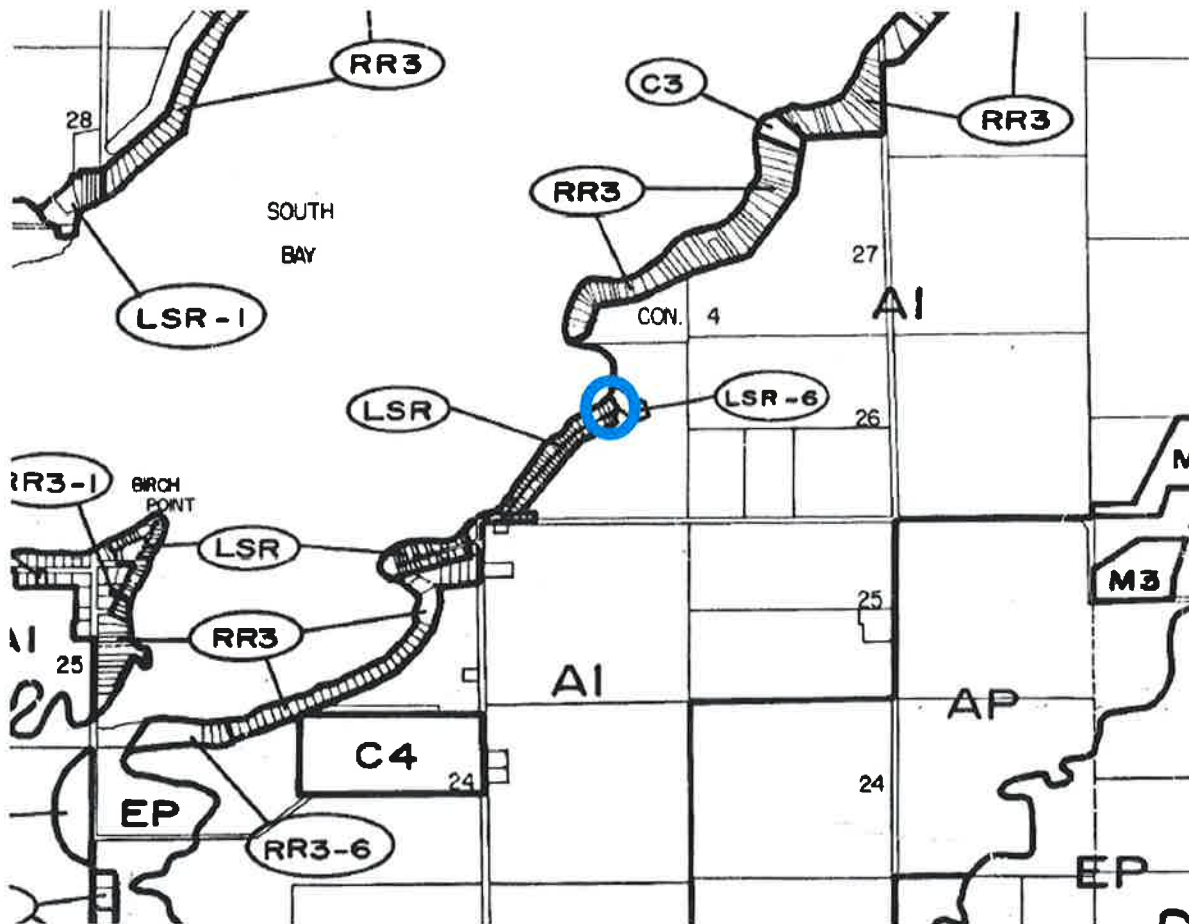
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### City of Kawartha Lakes Official Plan



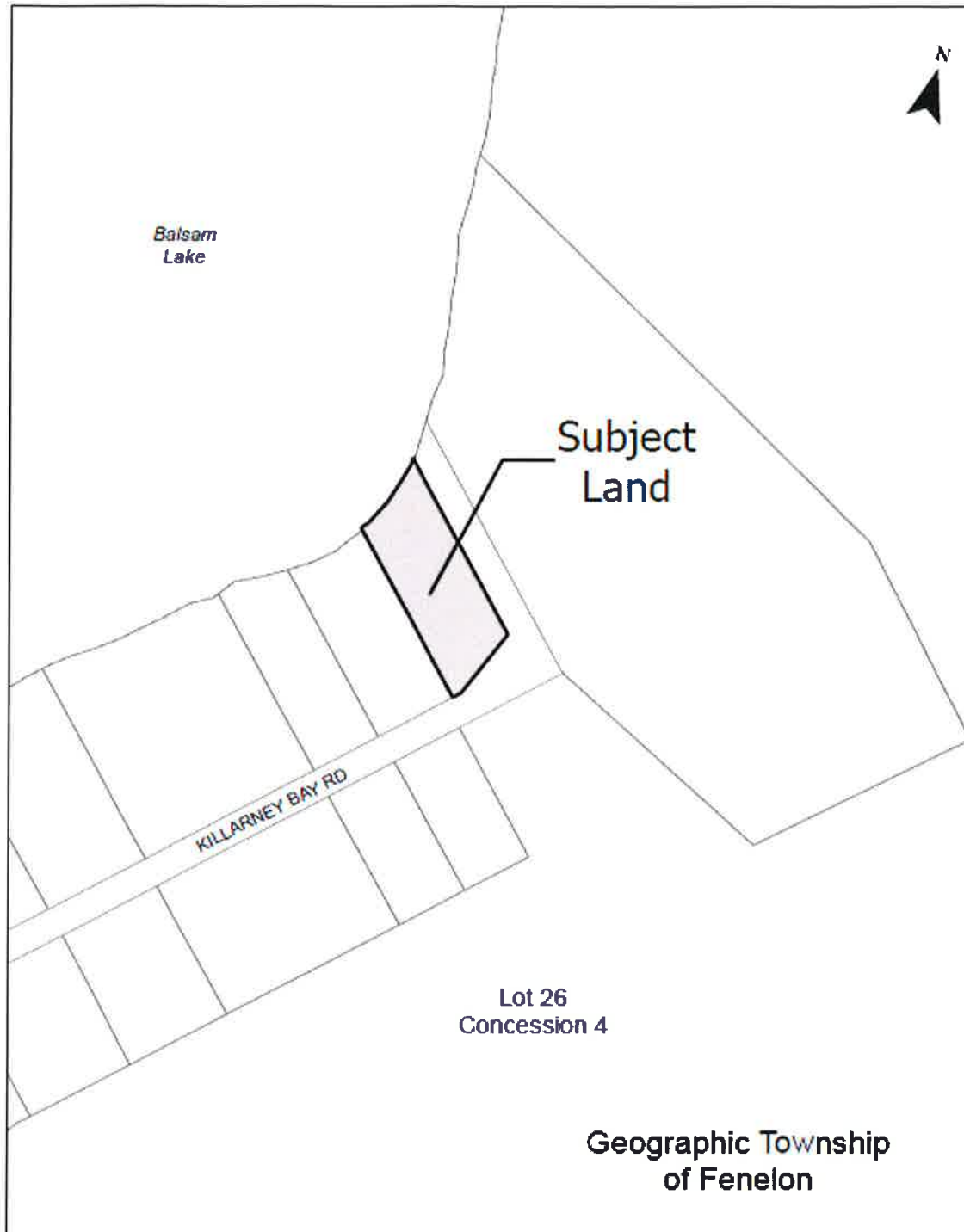
|      |                                  |
|------|----------------------------------|
| 3.5  | Natural Heritage System          |
| 3.11 | Water Setback and Accessory Uses |
| 17   | Environmental Protection         |
| 20   | Waterfront Designation           |

## Township of Fenelon Zoning By-law 12-95



Part 15      Limited Service Residential (LSR) Zone

**LOCATION MAP**



to

REPORT COA2022-061

FILE NO: D20-2022-054

## AERIAL PHOTO



\*2018 Aerial Imagery depicting former dwelling, prior to current re-construction



to

REPORT COA2022-061FILE NO: D20-2022-054

## APPLICANT'S SKETCH

