

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Reid

Report Number COA2022-052

Public Meeting

Meeting Date: July 21, 2022

Time: 1:00 pm

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

Ward 2 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the replacement of a single detached dwelling and boathouse. **Relief sought:**

- 1) By-law Section 13.2.1.3 (e) requires a minimum water setback of 15 metres; the proposed setback is +/- 12.18 metres (dwelling) and +/- 8.5 metres (deck).
- 2) By-law Section 3.1.2.2 requires a distance of 1.2 metres from an accessory structure to a residential building; the proposed setback is +/- 0 metres.
- 3) By-law Section 3.1.5.3 permits a maximum height of 4.5 metres; the proposed height is +/- 3.81 metres (boat house roof) and +/- 4.88 metres (boat house roof deck with railing).

The variance is requested at **129 Fell's Point Road** (File D20-2022-045).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-052 – Reid, be received;

That minor variance application D20-2022-045 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 COA2022-052, 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 COA2022-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a replacement single detached dwelling with basement walk-out and attached boathouse
Owner:	Grant and Margaret Reid
Applicant:	Same as Owner
Legal Description:	Part of Lot 4 on Plan 311 (Part Lot 31, Concession 10)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three 'RR3' (Township of Fenelon Zoning By-law 12-95)
Site Size:	775.9 sq m (8,351.72 sq ft)
Site Servicing:	Lake draw and private individual septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, wetland

Rationale

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

Over time it can be expected that owners may redevelop their properties to achieve their highest and best use. The proposal seeks to maintain the existing non-complying setbacks as part of the redevelopment. The proposed redevelopment includes the replacement of the existing 1956 single-storey cottage with a dwelling having a +/- 61.8 sq m larger footprint. The boathouse is proposed to expand by +/- 13.24 sq m and includes a roof-top deck to connect with the wrap-around deck on the rear of the dwelling. The rear deck is proposed to expand, but with no further encroachment.

An existing shed and lean-to for wood storage will be removed.

¹ See Schedule 1

² See Schedule 1

Kawartha Conservation notes the lot is within the boundary of the Balsam and Cameron Lake Management Plan (water resource), may be prone to flooding and/or erosion hazards (natural hazard), is adjacent to fish habitat in Cameron Lake, is within the buffer of a Provincially Significant Wetland, and is within the buffer of a Life Science Area of Natural and Scientific Interest ANSI (natural heritage features).

According to Kawartha Conservation, any potential negative impacts resulting from the development 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, and through following all conditions outlined within the required permit. They determined an EIS is not required as the development does not encroach on the wetland and should not impact its function; and, because it poses a low risk to the ANSI.

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

The proposed single detached dwelling is permitted as-of-right in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law.

The dwelling is a low density housing type with a low building profile to blend with natural surroundings, and to remain below the height of the tree canopy and skyline horizon. Permitting requirements through the redevelopment of the lot provides an opportunity to improve the shoreline condition and ensure surface water quality is maintained or improved.

ANSIs are important because they represent the best examples of vegetation and landform features of the area based on five (5) criteria: representation, diversity, ecological functions, site condition, and special features, and for this reason, should be identified and protected.

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

The proposed single detached dwelling and accessory structures are permitted as-of-right in the RR3 zone. The proposal maintains the non-complying setbacks with no further encroachment. Notwithstanding the larger footprint, the resulting total lot coverage at +/- 27% falls under the permitted maximum of 30%.

Attaching the boathouse to the dwelling is reasonable and doesn't contravene the intent of the By-law; the minimum setback requirement is in place so that should adjacent buildings not be structurally attached, that they be at least 1.2 m apart to ensure necessary separation distance with respect to fire safety. The increased height resulting from the boat house roof deck railing is negligible, as the roof itself complies with the maximum permitted height. The roof deck is designed to flow seamlessly into the rear dwelling deck, which complies with its height requirement.

Notwithstanding By-law Section 13.2.1.3 (a) that requires a minimum front yard setback of 7.5 metres, By-law Section 3.1.4.1 (c) permits a deck encroachment to 6 metres, provided the deck remains below 1.2 metres above the adjacent finished grade.

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:

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: "A permit will be required pursuant to Ontario Regulation 182/06, including an erosion and sediment control plan, prior to any onsite works being completed.

All in water works for the replacement of the boathouse must be done between July 15 and March 31 to ensure the protection of the shoreline and lakebed during fish spawning times.

The permit will require the replacement residential building to have a finished floor elevation of 0.3 m above the Cameron Lake high water level of 255.7 msl.

We recommend the landowner 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 Cameron 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
- Appendix D – Elevations
- Appendix E – Site Grading Plan



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Department Head: Richard Holy, Director of Development Services
Division File: D20-2022-045

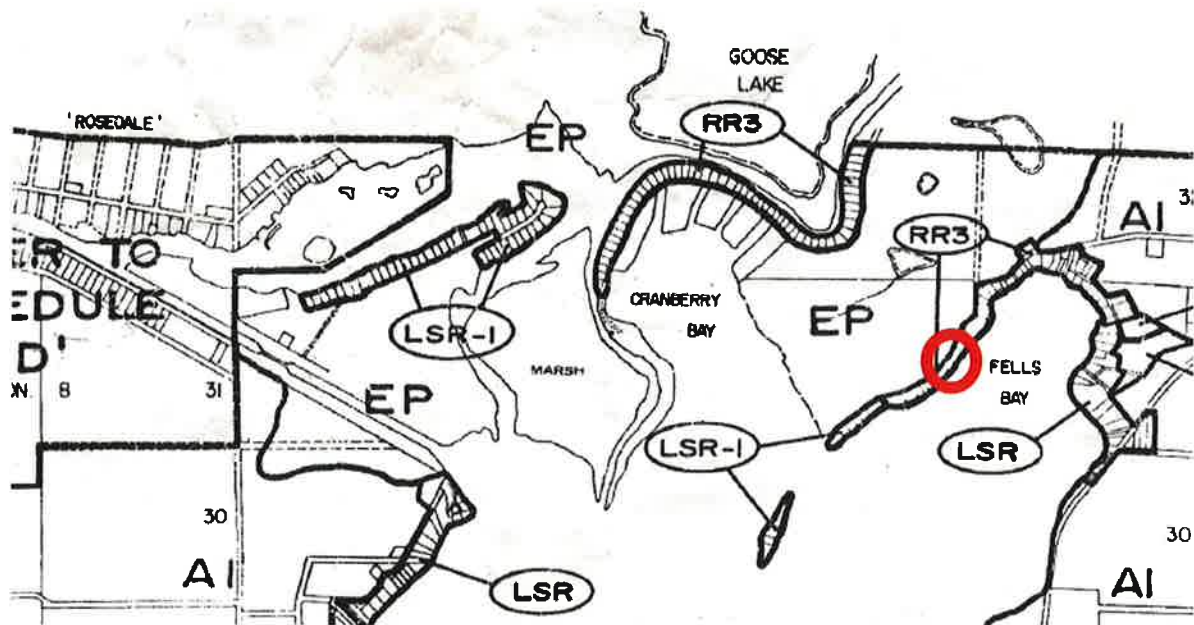
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Part 3	Environment
3.5	Natural Heritage System
Part C	Land Use Designations
20.	Waterfront Designation
20.1.	Goal
20.2.	Objectives
20.3.	Policies
20.5.	Density and Massing

Township of Fenelon Zoning By-law 12-95



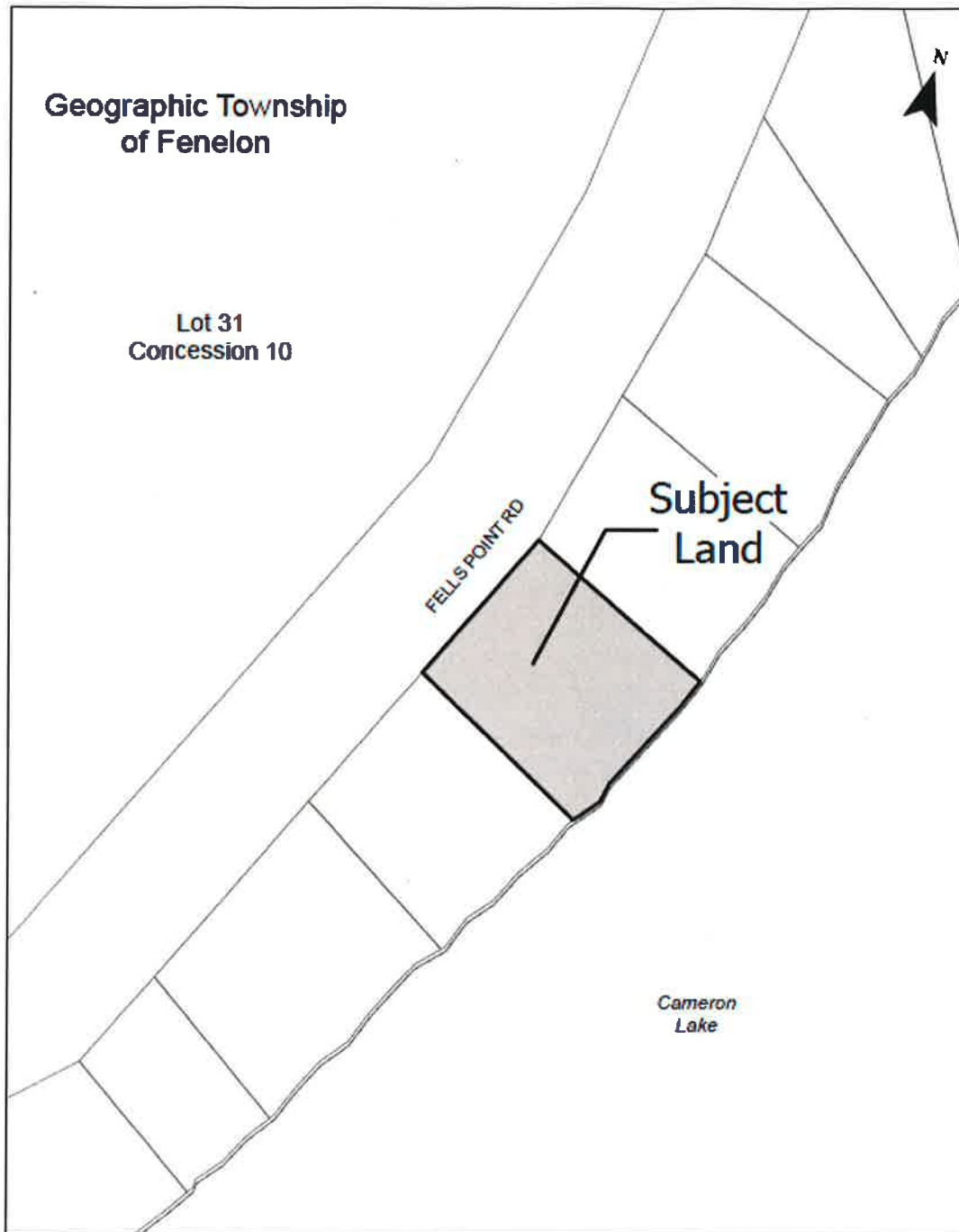
- Part 3 General Provisions
- 3.1.2 Location
- 3.1.5 Boat House, Pump House or Docking Facilities
- Part 13 Rural Residential Type Three (RR3) Zone

to

REPORT COA2022-052

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LOCATION MAP



to

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AERIAL PHOTO

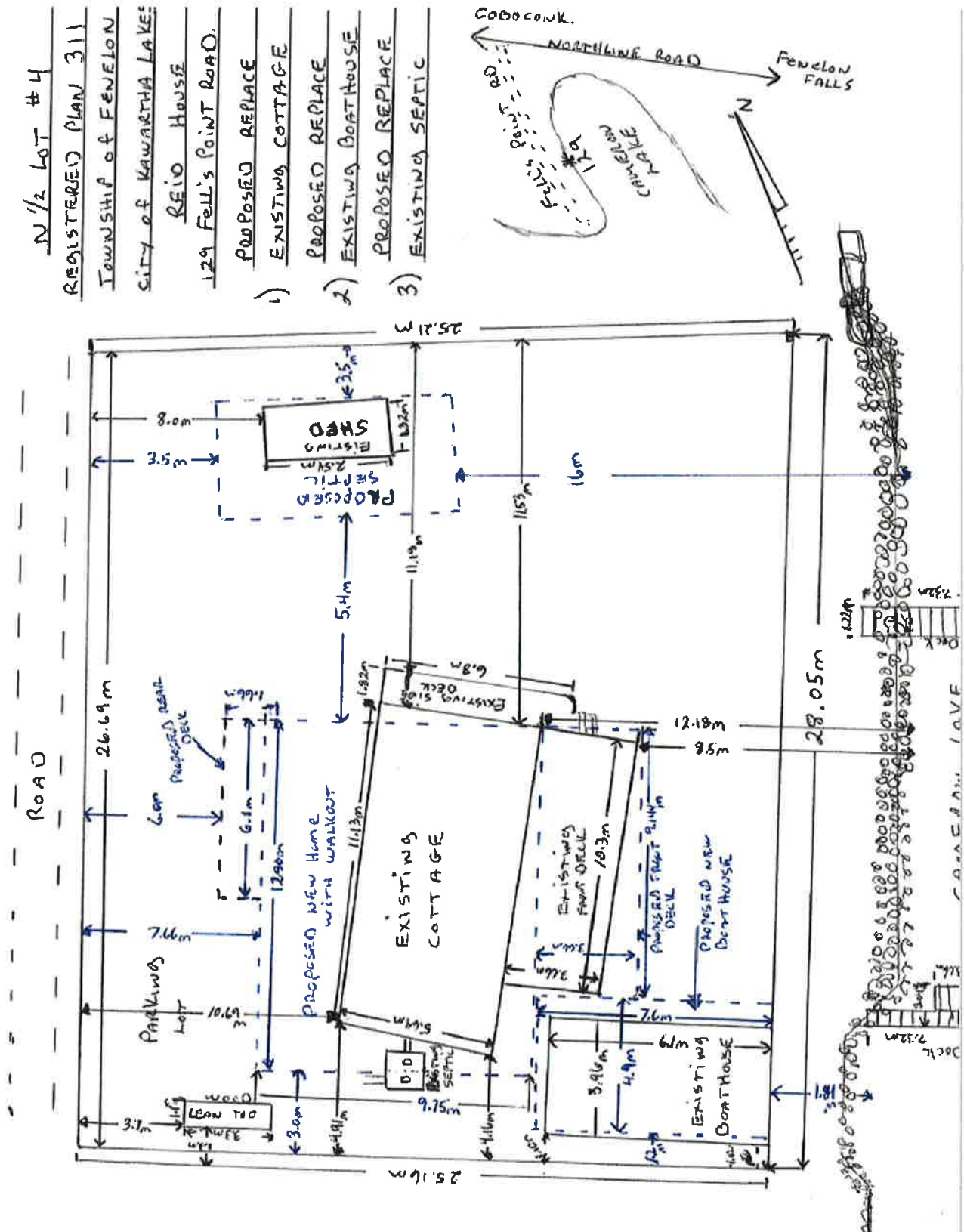


N 1/2 LOT #4
REGISTERED PLAN 311
TOWNSHIP of FENELON
CITY of KAWARTHA LAKES
REIO HOUSE
129 FELL'S POINT ROAD.

1) PROPOSED REPLACE
EXISTING COTTAGE

2) PROPOSED REPLACE
EXISTING BOATHOUSE

3) PROPOSED REPLACE
EXISTING SEPTIC



to

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ELEVATIONS

Lakeside



Roadside



