

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Lamsee and Rotem
Report Number COA2022-080

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate a residential addition to the existing house. Relief sought:

1. Section 4.2 g. and 14.21 require a minimum water setback of 20 metres; the non-complying setback of 7.22 metres (dwelling) will remain unchanged, and the addition of a deck is proposed at 11.3 metres.
2. Section 4.2 d. requires a minimum side yard setback of 3 metres on one side and 2.2 metres on the other; the proposed setbacks are 2.55 metres on one side and 0.73 metres on the other.

The variance is requested at **195 Campbell Beach Road** (File D20-2022-072).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-080 – Lamsee and Rotem, be received;

That minor variance application D20-2022-072 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 Appendices C and D submitted as part of Report COA2022-080, 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; and,

- 3) **That** approval under the OBC pertaining to waste disposal be obtained 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 a Septic Review.

This approval pertains to the application as described in report COA2022-080. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate a residential addition with an attached deck within the water setback, and with a reduced side yard setback
Owners:	Troy Lamsee and Golan Rotem
Applicant:	re:placement design inc. (Mike De Oliveira)
Legal Description:	Part Lot 12 and Part Shore Road Allowance, Concession 1
Official Plan:	Waterfront (City of Kawartha Lakes Official Plan, 2012) ¹
Zone:	Rural Residential Type Two 'RR2' (Township of Carden Zoning By-Law 79-2) ¹
Site Size:	+/- 1,793.41 sq m (0.44 ac)
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, woodlands, agricultural

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 endeavor to redevelop their property to achieve its highest and best use. The existing one-storey single detached dwelling (circa 1967) is +/- 89.37 sq m and in need of substantial repairs. The home pre-dates the By-law (1979) and is located within the current water setback requirement. An existing shed and privy within the west side yard setback are to be demolished to accommodate the new construction.

The proposed +/- 112.86 sq m addition is intended to increase functionality and living space, while an additional +/- 49.92 sq m of attic space provides a new storage area. An attached deck with stairs is proposed on the north / water side of

¹ See Schedule 1

the house, to include a sunken pool within the exterior decking. The proposed deck and stairs provide +/- 118.36 sq m outdoor living space.

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

The residential use is permitted in the Waterfront designation; performance and siting criteria are implemented through the Zoning By-law.

The subject property is located along the south-west shore of Lake Dalrymple, at the end of Campbell Beach Road. Adjacent residential properties are similar in size; backlot development consists of larger wooded areas and agricultural properties to the east. Environmentally protected lands are located north of the subject property, encompassing an unevaluated wetland.

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. Reuse of the existing building envelope limits disturbance of existing vegetation and natural features.

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

The residential use is permitted in the RR2 zone and complies with all applicable zone provisions, with the exception of the water and side yard setbacks. The existing setbacks are non-complying and are in part a function of the angled shoreline.

The resulting reduced water setback provides for an unenclosed deck minimizing hazard risks, and improves the existing non-compliance. Though scheduled for demolition, the existing shed and privy held compatible, long-standing side yard encroachments of at least two feet, to be maintained by the new deck. Substantial vegetation buffers the proposed outdoor living space from the adjacent neighbour to the west.

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:

None applicable.

Consultation Summary

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

Agency Comments:

DS-Building and Septic Division (Septic): "The applicant indicates that a new sewage disposal system will be installed to accommodate the dwelling with

additions. The sewage system is being proposed on the roadside of the dwelling due to proximity to the lake. A full evaluation has not been conducted on the proposal to determine the requirements under the Ontario Building Code for the sewage system. As such, the Building and Septic Division would request a condition be placed on the minor variance should it be endorsed to move forward through Committee."

ECA-Development Engineering Division: "There is no concern or comment from an engineering perspective."

Public Comments:

No comments received as of the writing of the staff report.

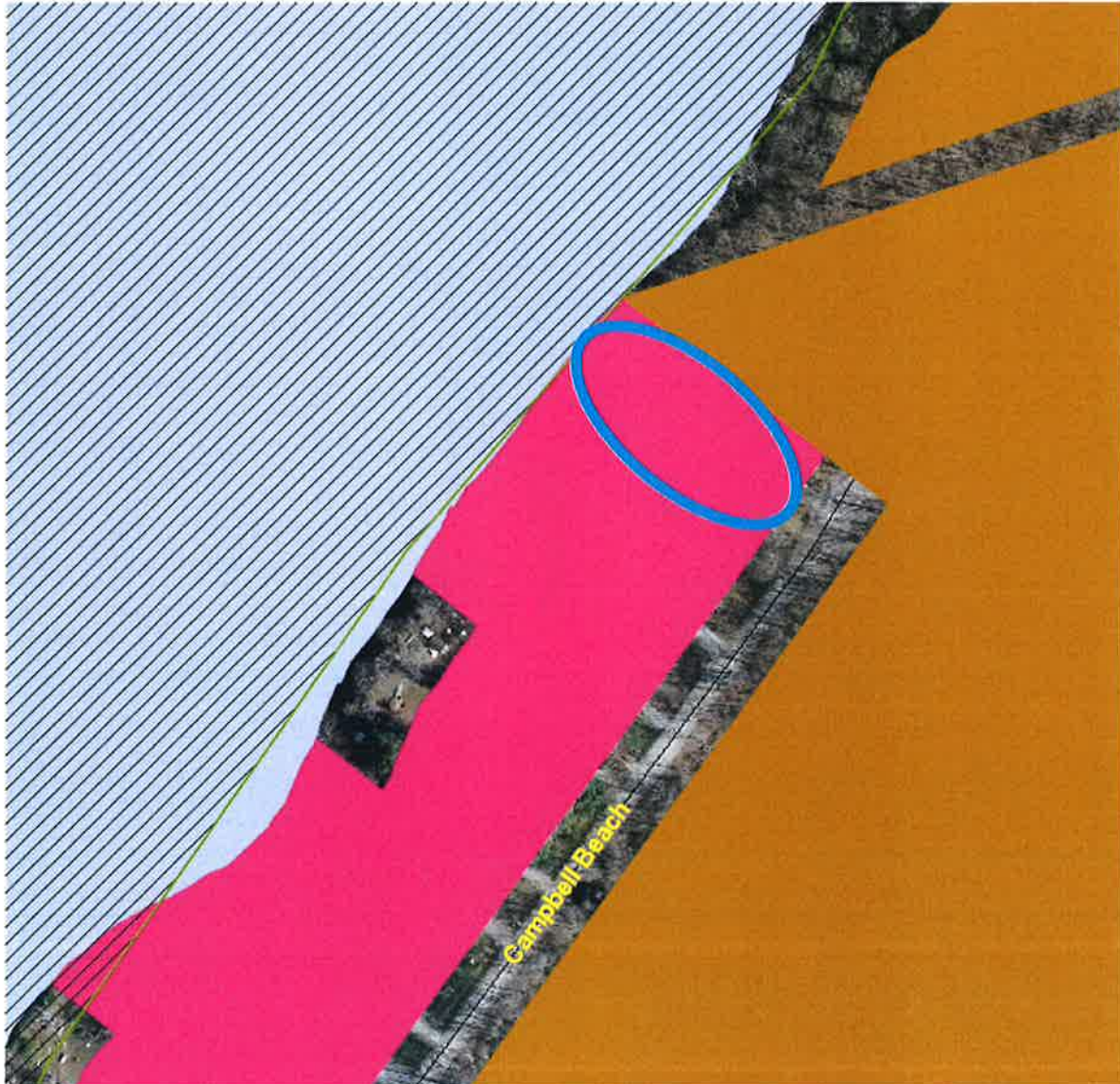
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Elevations

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-072

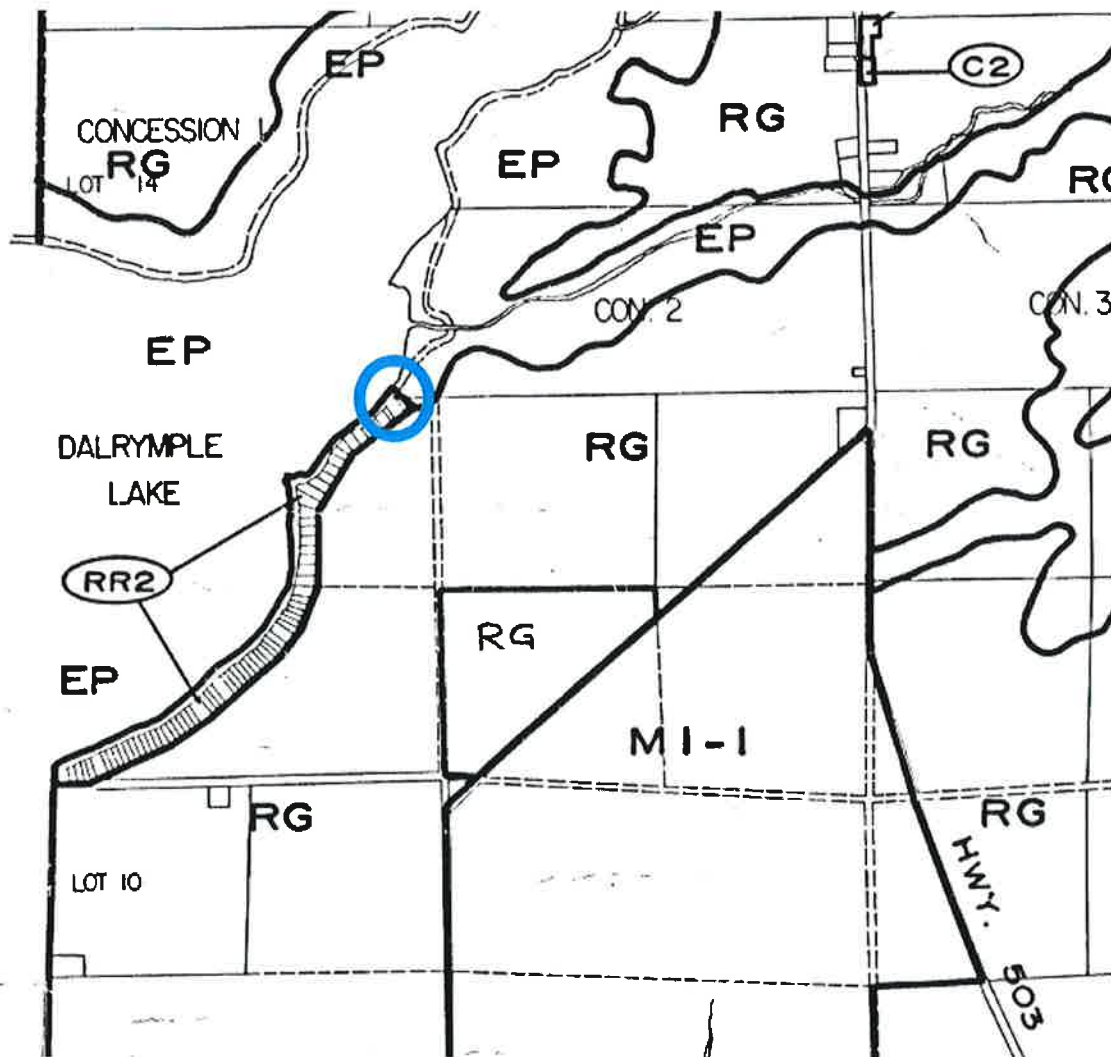
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront

Township of Carden Zoning By-Law 79-2



Section 4 Rural Residential Type Two (RR2) Zone

4.2 RR2 Zone Requirements

- | | | |
|----|---------------------------|--|
| d. | Minimum side yard setback | 3 metres on one side and 1.2 metres on the other |
| g. | Minimum water setback | 20 metres |

Section 14 General Provisions

14.21 Water Setback Requirement

- | | | |
|----|---|-----------|
| a. | The minimum water setback for all zones | 20 metres |
|----|---|-----------|

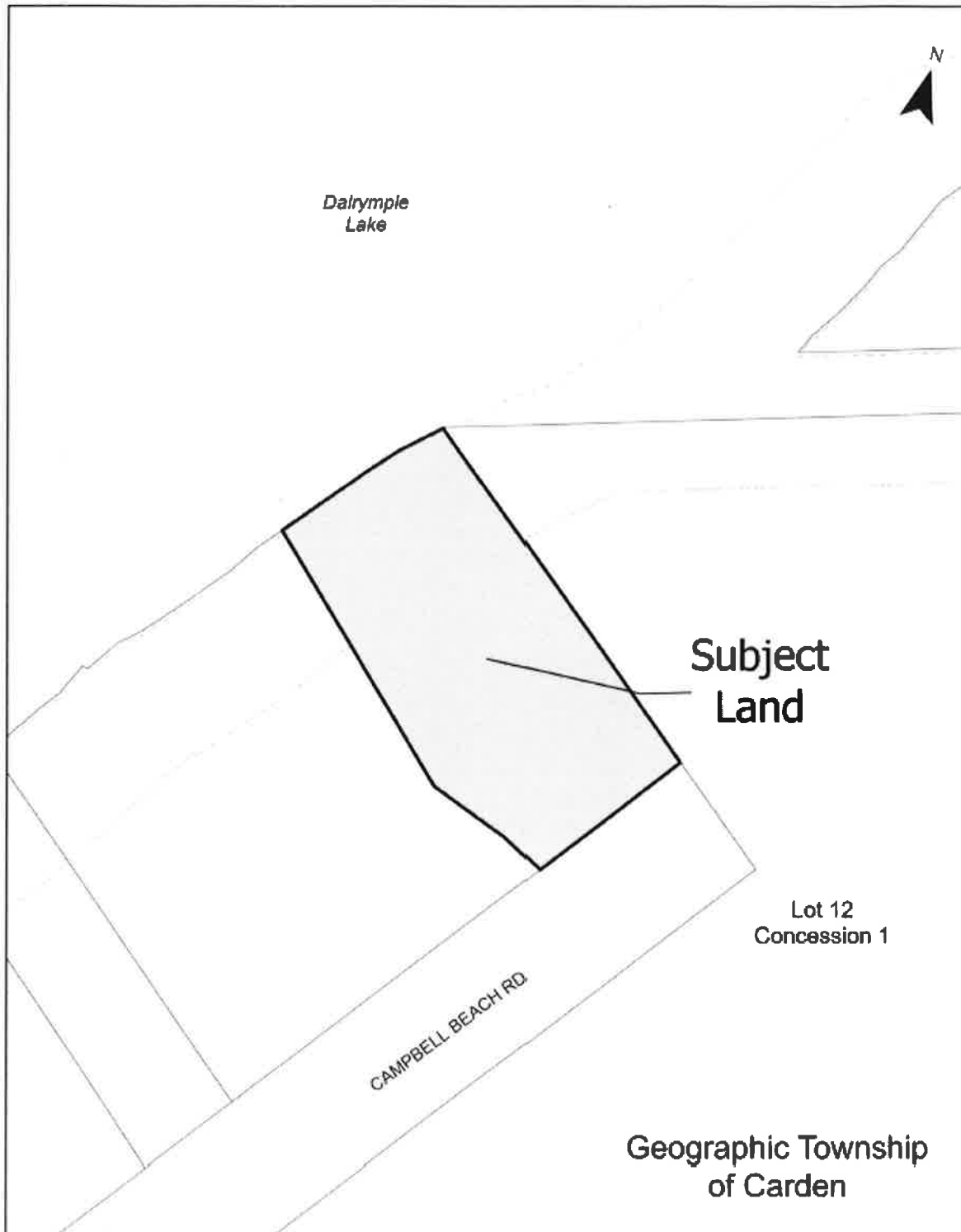
to

REPORT COA2022-080

FILE NO: D20-2022-072

LOCATION MAP

D20-2022-072

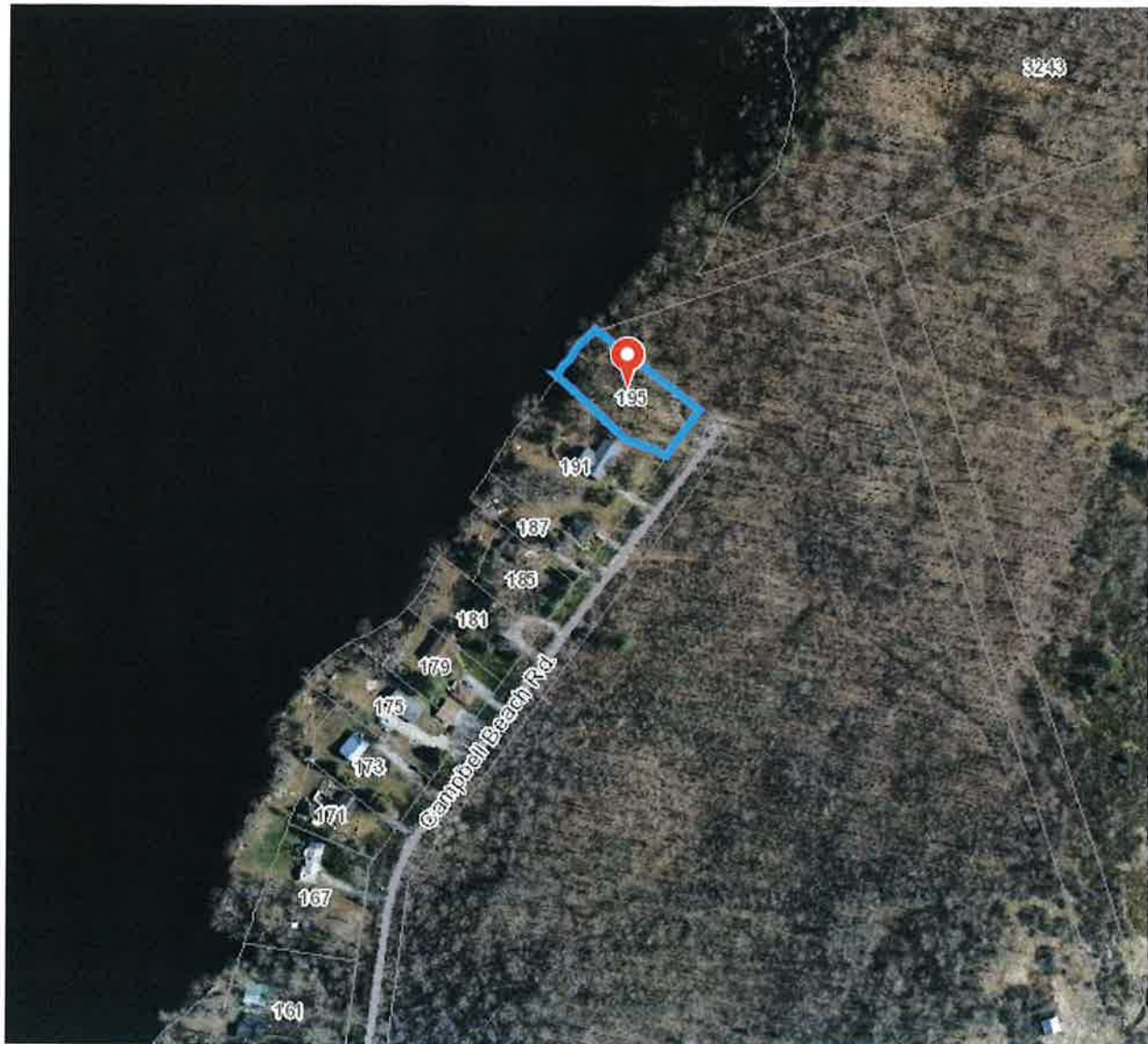


to

REPORT COA2022-080

FILE NO: D20-2022-072

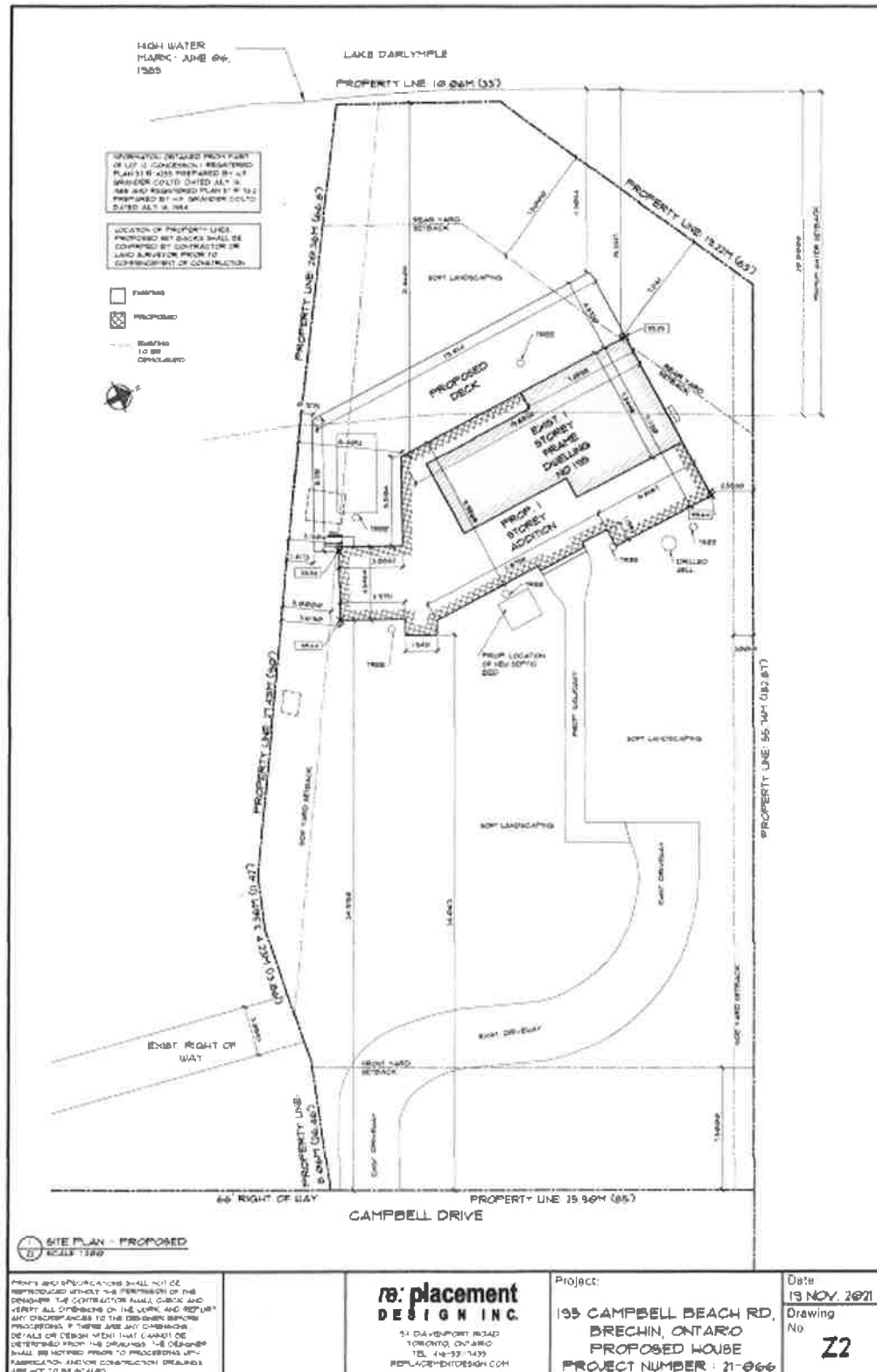
AERIAL PHOTO



to

REPORT COA2022-080FILE NO: D20-2022-072

APPLICANT'S SKETCH



ELEVATIONS

