

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Clark

Report Number COA2022-088

Public Meeting

Meeting Date: December 1, 2022

Time: 1:00 pm

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

Ward 8 – Geographic Township of Emily

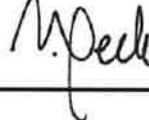
Subject: The purpose and effect is to reconstruct and enlarge an existing non-conforming boathouse

Relief sought:

- 1) As per By-law Section 3.1.5.2, a boat house or dock located within the water setback shall not be permitted to project beyond the shore lot line, the boathouse reconstruction and enlargement maintains the existing (non-complying) encroachment +/- 4/7 metres beyond the shore lot line;
- 2) By-law Section 5.1 permits conservation uses, bird or wildlife sanctuaries, flood and erosion control works and docks and forestry uses in the 'EP' zone, a residential accessory use (boathouse) will remain in the 'EP' zone
- 3) By-law Section 5.2 permits only the construction of flood and erosion control works or docks in the 'EP' zone, the boathouse reconstruction and enlargement takes place in the 'EP' zone.

The relief is requested at **7 Lila Court** (File D20-2022-079).

Author: Megan Peck, Planner II

Signature: 

Recommendations

That Report COA2022-088 – Clark, be received;

That application D20-2022-079 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 COA2022-088, 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.
- 3) **That** the applicant/owner provide written authorization for the proposed works approved by The Trent Severn Waterway as part of their Building Permit submission.

This approval pertains to the application as described in report COA2022-088. Fulfillment of all conditions is required for the decision to be considered final and binding.

Application Summary

Proposal:	Reconstruction and enlargement of existing non-conforming boathouse
Owner:	Esther Miriam Clark
Applicant:	Kawartha Lakes Construction Company Ltd. c/o Mike Forth
Legal Description:	Lot 14, Concession 7 (being Lot 3 on Plan 243)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential Exception Four 'LSR-4' Zone (land area) and Environmental Protection 'EP' Zone (waterbody) (Township of Emily Zoning By-law 1996-30)
Site Size:	+/- 1,537.8 sq. m (0.38 ac)
Site Access:	Lila Court (improved road)
Site Servicing:	Individual private well and individual private septic system
Existing Uses:	Residential
Adjacent Uses:	Residential; park/open space

Rationale

The application satisfies the provisions of the Planning Act³

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

In accordance with section 45(2)(a)(i) if a structure was used for a purpose prohibited by the By-law as of October 15, 1996 (By-law date of passage), the committee may permit its enlargement if its use has continued to the date of application to committee.

The owner has provided documentation to support the contention that the existing boathouse, located in the 'Environmental Protection (EP) Zone' adjacent to the property, has existed on the property since 1958. The 'EP' zone limits the use of the property to conservation uses, bird or wildlife sanctuaries, flood and erosion control works and docks and forestry uses; therefore, the zone category's permitted uses prohibits the construction of a new boathouse as of right. Furthermore, in the 'EP' zone provisions state no person shall erect any building or structures, except structures for flood and erosion control of docks authorized by a Conservation Authority, and the By-law's General Provisions indicate a boat house or dock located within the water setback is not permitted to project beyond the shore lot line.

Evaluation of impact

The existing in-water boathouse, which extends beyond the property's shoreline, is in a state of disrepair; the concrete piers are crumbling, and the exterior cladding appears to have rot. The roof has a low, flat design and, at present, is only protected by a rubber roofing membrane. The existing dock that surrounds the boathouse is only moderately stable and portions appear to be decaying. The existing boathouse is proposed for demolition, replacement and moderate enlargement. The existing docks are proposed for removal, and no additional/new docks are proposed; removing the docks has brought the proposal into compliance with the Trent Severn Waterway shoreline development. The proposed boathouse will be accessed via the existing stairs that lead from the existing house's upper deck down to the proposed decking that extends off the boathouse's west side.

The existing boathouse is approximately 2.6 metres tall and 52.49 square metres in size. Its proposed reconstruction and enlargement will result in a boathouse 4.5 metres tall and 62.04 square metres in size. This reconstruction/enlargement will accommodate a 4.87 metre (16 foot) in-water 'boat bay'.

The proposed +/- 9.55 square metre boathouse addition intends to extend the existing non-complying distance beyond the shore lot line of +/- 7.4 metres without further encroachment. In other words, the proposal recognizes the existing boathouse's location, which is located within the water setback and projects beyond the shore lot line. The proposal will enlarge the existing boathouse footprint in the south, east and west directions, making the structure closer to the shore lot line and interior side lot lines. The location of the proposed boathouse will remain compliant with the By-law's permitted side yard setbacks, distance from the main dwelling, and height requirements.

The continuation and modest enlargement of the boat house is not anticipated to impact the nearest neighbours to the east and west, environmental features, or the

function of the Trent Severn Waterway with respect to access, view-shed or maintenance. Kawartha Region Conservation Authority has already issued a permit for the proposed work which addressed the matters related to natural hazard and natural heritage features.

The site is heavily treed and has an undulating shoreline with steep topography. These lot characteristics provide ample visual screening from neighbouring lots. Furthermore, the lot located due east is currently vacant, and appears to be used as a park/open space, further reducing the impact of the proposal.

The proposed boathouse reconstruction/expansion is considered desirable, as it improves the overall safety and structural condition of the existing structure. A portion of the shoreline will be dredged to reconstruct the degraded concrete piles into a steel pile and beam foundation. Extending the boathouse towards the south will better affix/anchor the building into the hill that slopes towards the shoreline, limiting undue erosion.

Surrounding lands are used for residential purposes, as well as rural uses south towards Yankee Line. The majority of shoreline lots in the vicinity of the property contain residential uses with boathouses and/or docks. For instance, the property three doors down to the east (13 Lila Court) also has an in-water boathouse that projects beyond the shore lot line. The increase in building height will change the boathouse's roofline, from flat to pitched roofline. This change in roofline will better align with the character and massing of other boathouses in the vicinity of the subject property.

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 'EP' or 'LSR-4' zone and General Provisions, or, further relief may be required.

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:

DS-Building, Plans Examiner: "Building permit required, foundation may be required to be design by a Professional Engineer"

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 – Applicant's Supplementary Elevations

Appendix E – Applicant's Supplementary Perspective Elevations

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Department Head: Richard Holy, Director of Development Services

Division File: D20-2022-079

Schedule 1

Relevant Planning Policies and Provisions

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,

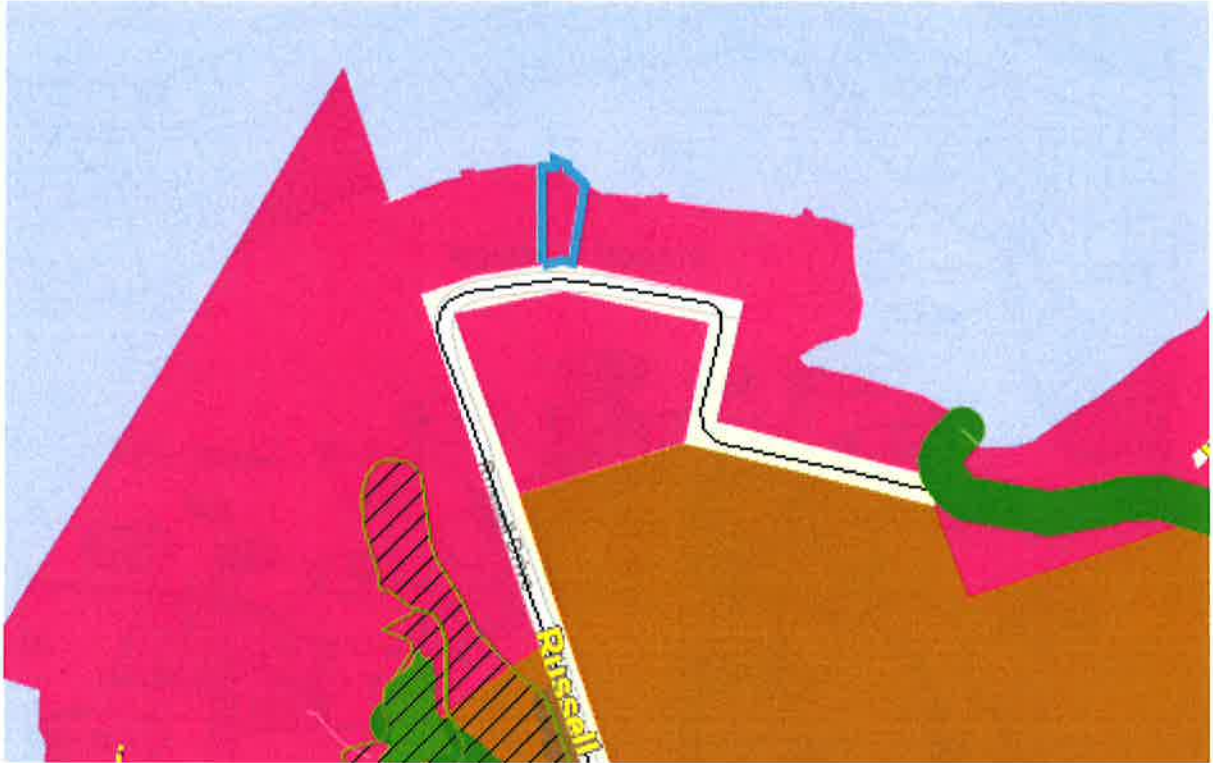
(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(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

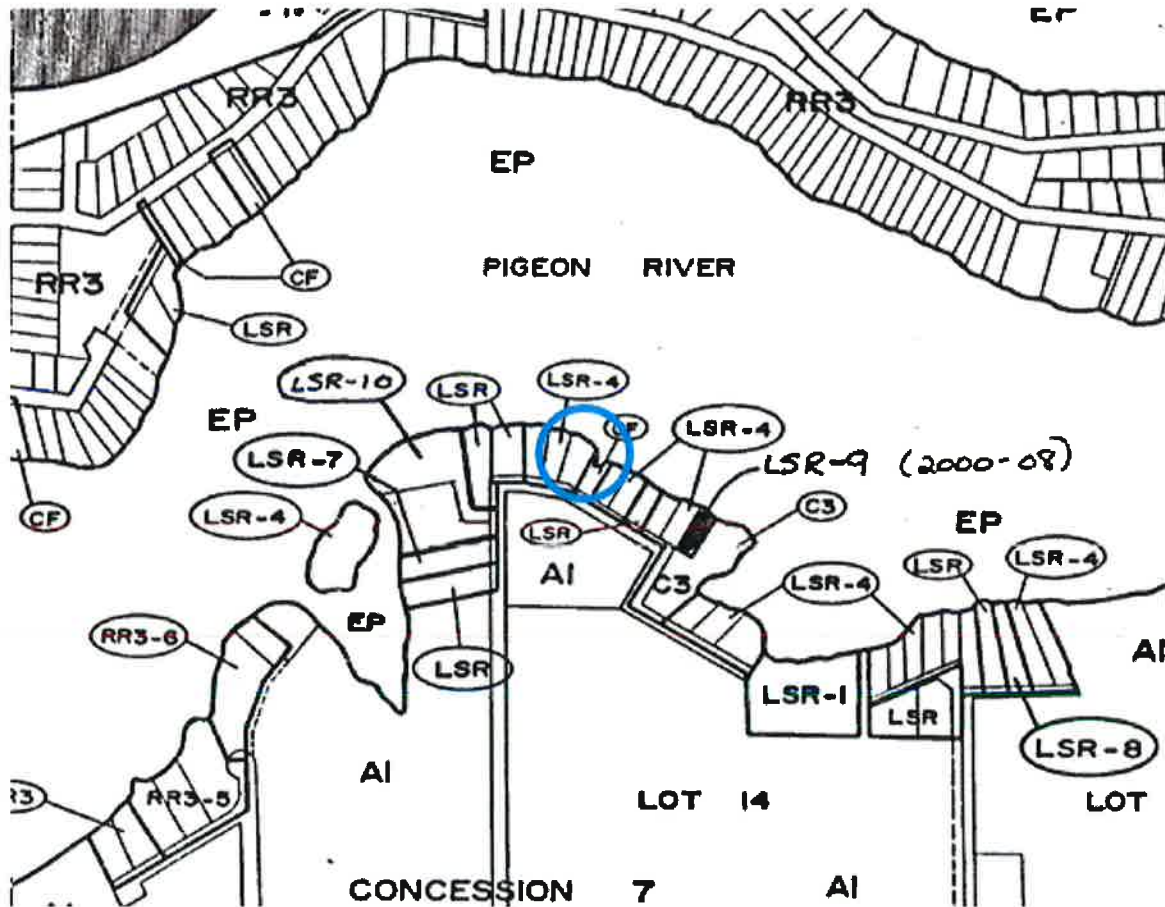
(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c.P.13, s.45(2).

City of Kawartha Lakes Official Plan



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

Township of Emily Zoning By-law 1996-30

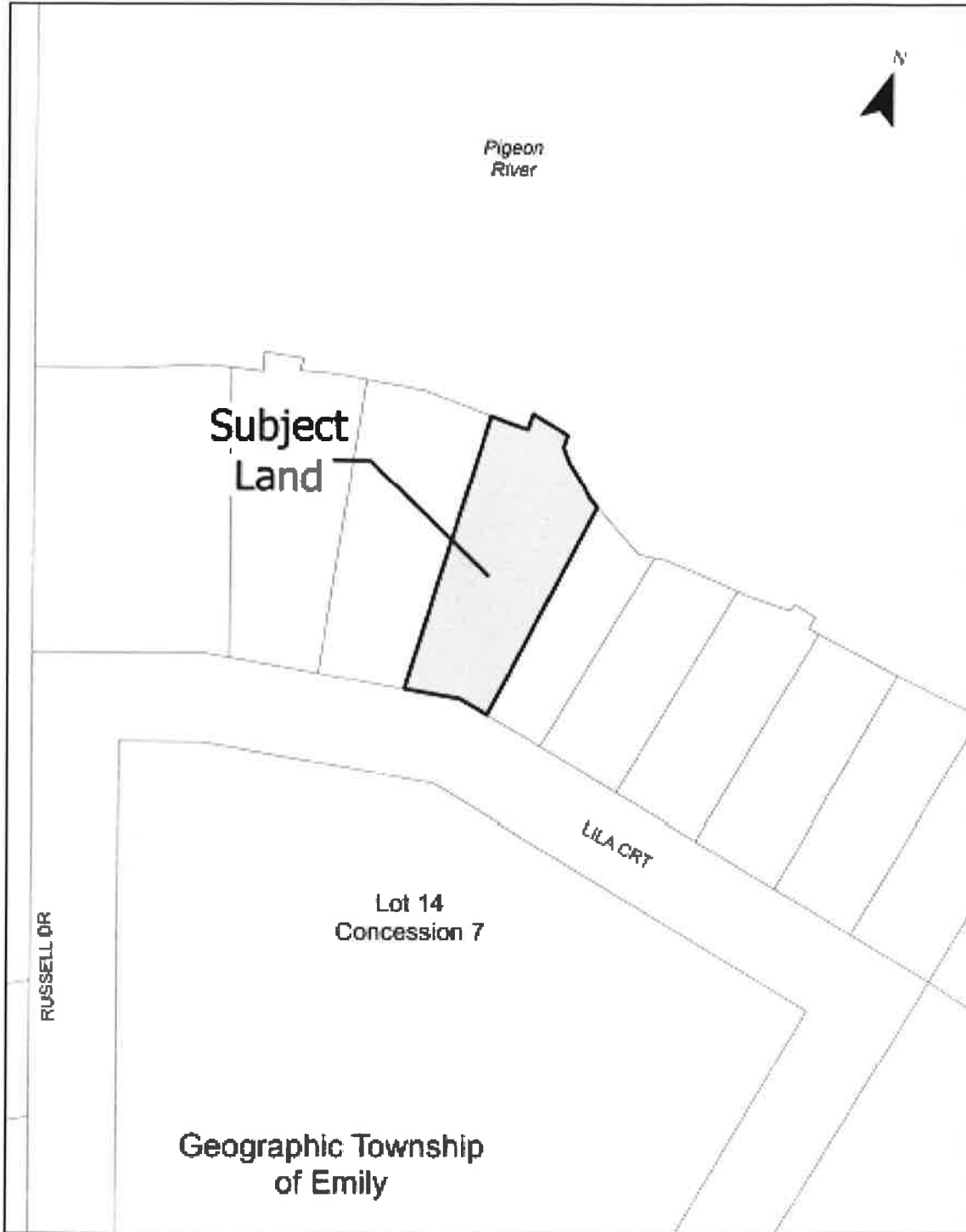


- Part 2 Definitions
- Part 3 General Provisions
 - 3.1 Accessory Buildings, Structures and Uses
 - 3.1.5 Boathouse, pump house or docking facilities
 - 3.4 Existing Buildings, Structures and Uses
- Part 5 Environmental Protection (EP) Zone
- Part 13 Limited Service Residential (LSR) Zone

to

Location Map

D20-2022-079



to

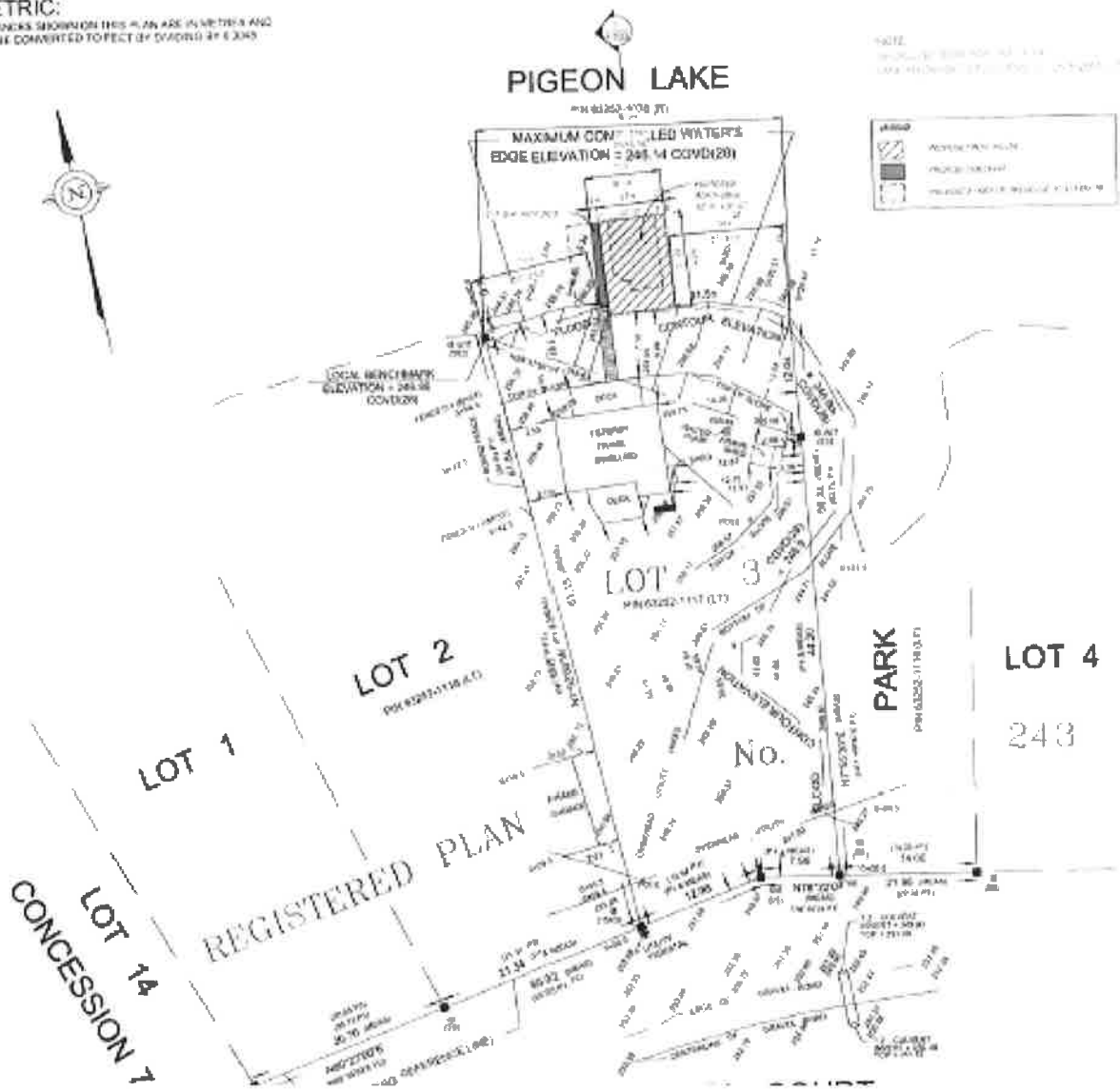
Aerial Photo



to

Applicant's Sketch

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



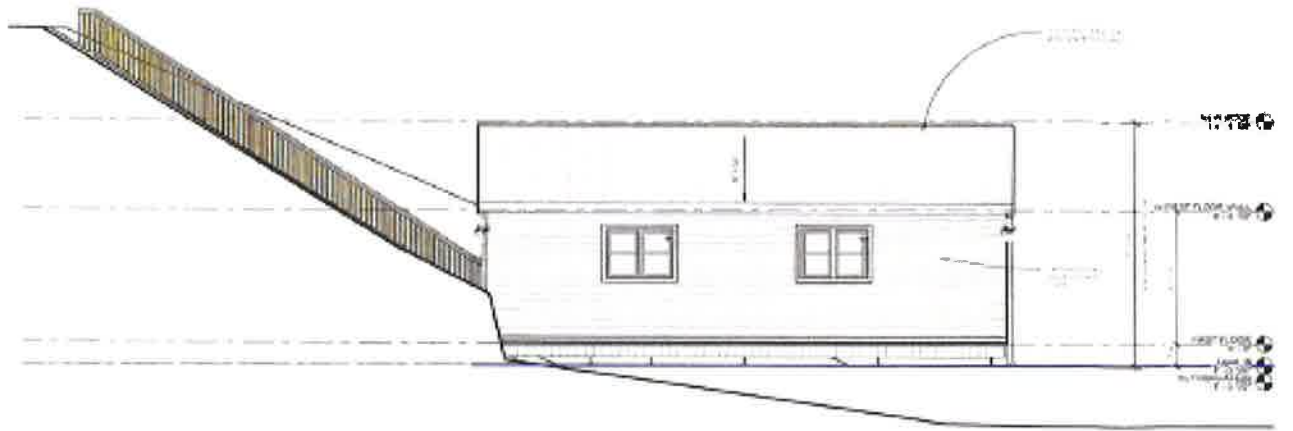
APPENDIX " D "

to

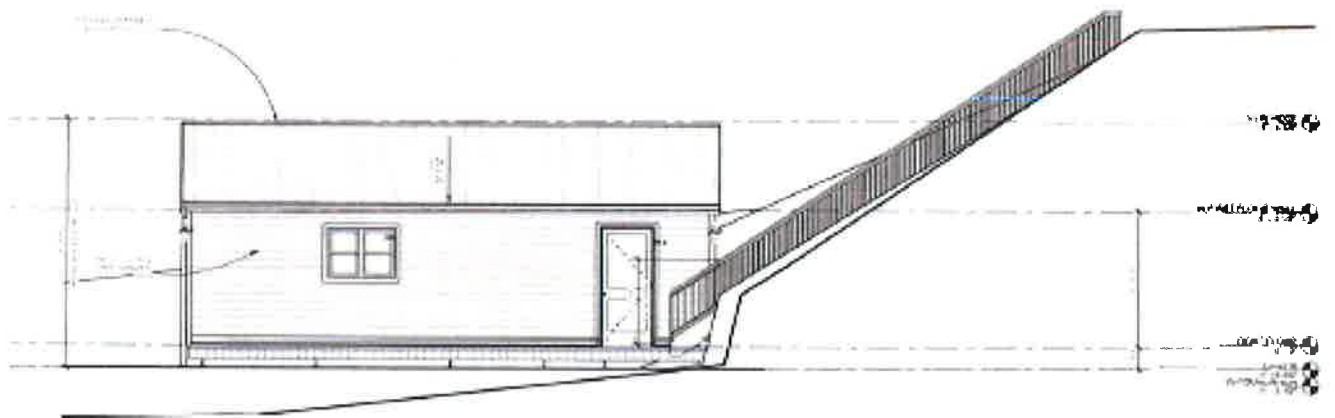
REPORT COA2022-088

FILE NO: D20-2022-079

Applicant's Supplementary Elevations



North Arrow



North Arrow

APPENDIX " E "

to

REPORT COA2022-088

FILE NO: D20-2022-079

Applicant's Supplementary Perspective Elevations

