

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Sider

Report Number COA2023-077

Public Meeting

Meeting Date: September 28, 2023

Time: 1:00 pm

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

Ward 3 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the demolition of portions of the existing dwelling, with reconstruction resulting in a larger dwelling.

Relief sought:

1. Section 15.2.1.3 b) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the opposite side; the existing setback from the southern property line is 2.3 metres and the proposed setback from the northern property line is 2.7 metres; and
2. Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the proposed setbacks are 7.2 metres from the proposed deck and 9.7 metres from the dwelling.

The variance is requested at **1449 Killarney Bay Road** (File D20-2023-069).

Author: Katherine Evans, Planner II

Signature: 

Recommendations

That Report COA2023-077 – Sider, be received;

That minor variance application D20-2023-069 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 the drawings in Appendix D submitted as part of Report COA2023-077, 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 COA2023-077. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of the existing front porch, waterside deck, and a portion of the existing dwelling. A new porch and waterside deck will be constructed, and the demolished portion of the dwelling will be reconstructed with a larger footprint. A second storey will also be constructed.
Owners:	Don and Sue Sider
Applicant:	TD Consulting Inc. c/o Vanessa Archer
Legal Description:	Part Lot 26, Concession 4 (being Lot 15 on Plan 176)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	961 sq. m. (10,344.1 sq. ft.)
Site Access:	Private road
Site Servicing:	Private holding tank and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is within an established residential neighbourhood located on the southeastern shore of Balsam Lake. The property is rectangular in shape and

¹ See Schedule 1

² See Schedule 1

has frontage on the water. The property currently contains a single detached dwelling (constructed in 1940 according to Municipal Property Assessment Corporation) and a shed located on a back lot on the east side of Killarney Bay Road.

The proposal is to tear down a portion of the existing dwelling and rebuild with a larger footprint. The existing front porch and waterside deck will be demolished. A new front porch will be constructed, as well as a larger waterside deck. Additionally, approximately 2/3 of the northern portion of the dwelling will be demolished and replaced with a footprint that extends approximately 0.9 metres closer to the northern lot line than the original dwelling. A second storey will also be constructed.

It can be expected that over time, owners may improve their property resulting in its highest and best use. The bedrooms in the existing dwelling are quite small, and the proposal will result in larger bedrooms that better meet the property owners' needs, and will also add living space to better accommodate the owners as well as family and friends. The area contains a mixture of one and two storey dwellings, and therefore the proposal will not be out of character with the surrounding properties.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). Low-density residential uses and buildings and structures accessory to residential uses are permitted in the Waterfront designation. Performance and siting criteria is implemented through the Zoning By-Law.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. This vegetation provides the following benefits to the waterbody: attenuation of stormwater runoff, trapping of sediments and nutrients carried by stormwater runoff, enhancement to water quality, and habitat enhancement in the riparian area. The closest built form to the shoreline is the existing attached deck, and the proposal maintains the existing non-complying water setback. No further encroachment is proposed, and as such no negative impacts are anticipated.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Limited Service Residential under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as accessory structures are permitted within this zone. The proposal complies with all provisions of the By-law with the exception of the minimum interior side yard setback and the minimum water setback.

As per Section 15.2.1.3 b) of the By-law, the required minimum interior side yard setback is 3 metres on one side and 2.3 metres on the opposite side. The existing setback from the southern property line is 2.3 metres and the proposed setback from the northern property line is 2.7 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The proposal is to expand the footprint of the dwelling towards the northern lot line, reducing the existing 3 metre setback and resulting in a 2.7 metre setback. This expansion of the existing footprint is not anticipated to impact lot drainage or result in a negative massing impact. Additionally, the proposed setback will allow for unimpeded access between the front and rear yard and room for carrying out any required building maintenance on this side of the dwelling. Existing vegetation along the property line will reduce visibility between the subject dwelling and the dwelling on the neighbouring property.

As per Section 15.2.1.3 e) of the By-law, the required minimum water setback is 15 metres. The proposed setbacks are 7.2 metres from the proposed deck and 9.7 metres from the dwelling. The intent of the minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposed deck is the built form that is closest to the water. The current deck has a setback of 7.2 metres, and the new deck will maintain this setback with no further encroachment proposed. The existing setback between the northwest corner of the dwelling and the water is approximately 10.4 metres. The proposed expansion of the dwelling 0.7 metres towards the north lot line will result in a 9.7 metre setback between the northwest corner of the dwelling and the water. It is not anticipated that the proposal's reduced water setback will negatively impact infiltration or alter the existing shoreline conditions.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns with this Minor Variance application.”

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 – Construction Drawings

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Department Head: Richard Holy, Director of Development Services
Division File: D20-2023-069

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 15 – Limited Service Residential (LSR) Zone

15.1 Permitted Uses

15.2 Zone Provisions

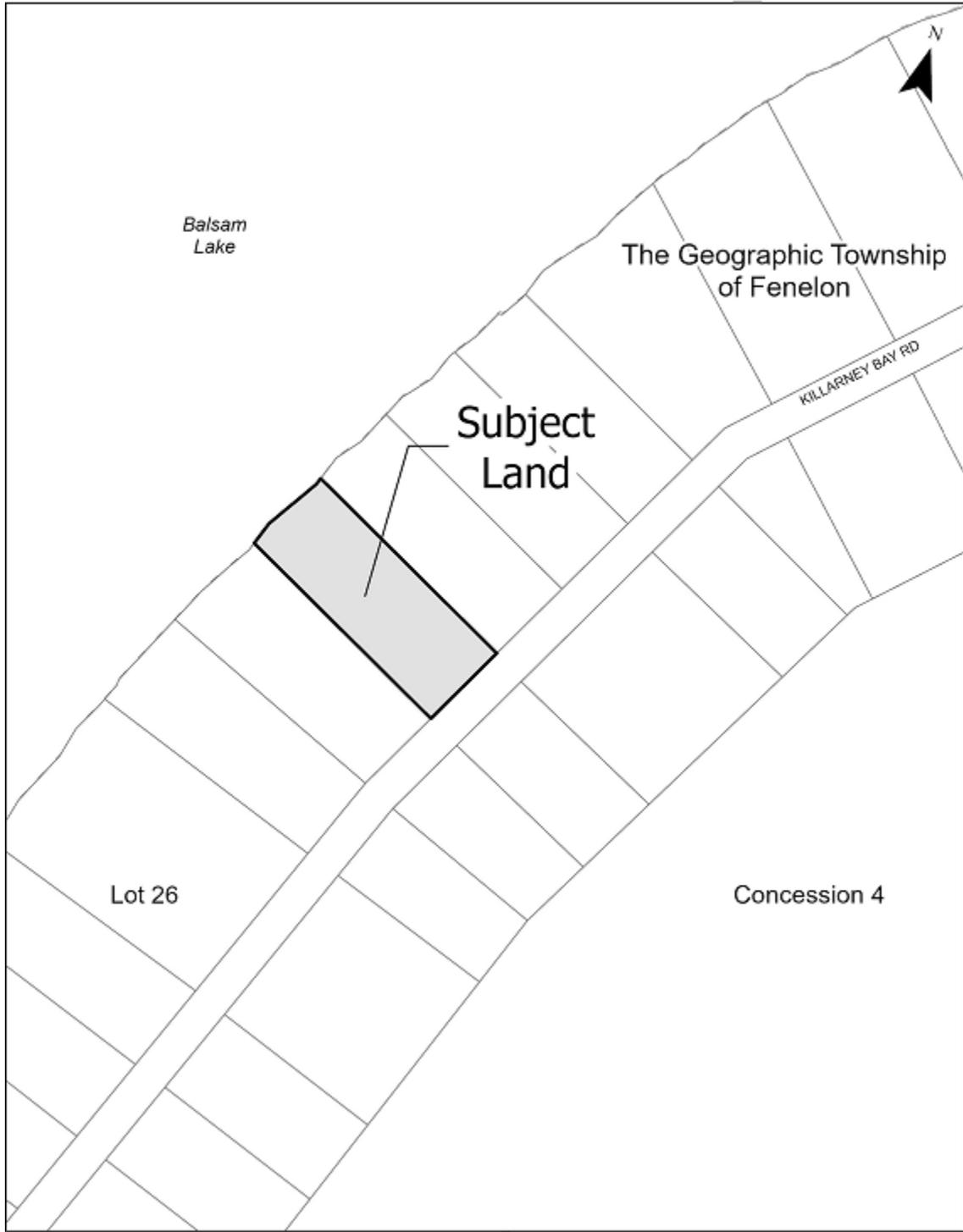
15.2.1.3 Yard requirements (min.)

- | | |
|----------------------|--|
| b) ii) interior side | 3 m on one side and 2.3 m on opposite side |
| e) water setback | 15 m |

to

LOCATION MAP

D20-2023-069



APPENDIX " B "

to

REPORT COA2023-077

FILE NO: D20-2023-069

AERIAL PHOTO



APPENDIX " D "

to

REPORT COA2023-077

FILE NO: D20-2023-069

CONSTRUCTION DRAWINGS

