

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Reel
Report Number COA2023-091

Public Meeting

Meeting Date: November 23, 2023
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to facilitate the demolition of the existing attached deck and the construction of a new attached deck.

Relief sought:

1. Section 13.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the setback of the existing deck is 11.4 metres, and the setback of the proposed deck is 11 metres.

The variance is requested at **251 Snug Harbour Road** (File D20-2023-083).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2023-091 – Reel, be received;

That minor variance application D20-2023-083 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 COA2023-091, 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 COA2023-091. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Demolition of the existing attached deck and the construction of a new attached deck
Owners:	Marie and Brian Reel
Applicant:	iHome Prestige Luxury c/o Kayla Chunga
Legal Description:	Part Lot 4, Concession 8 (being Part 1 on Reference Plan 57R3164)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,300 sq. m. (13,993.08 sq. ft.)
Site Access:	Snug Harbour is a year round municipal road; Property accessed via right-of-way registered on title
Site Servicing:	Private individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

Rationale

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

The subject property is located within an established residential neighbourhood located on the eastern shore of Sturgeon Lake. The property is irregular in shape and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1960 (according to Municipal Property Assessment Corporation) and a detached garage.

¹ See Schedule 1

² See Schedule 1

It can be expected that over time, owners may improve their property resulting in its highest and best use. The proposal is to remove the existing attached waterside deck, and construct a new deck. The new deck will be larger than the existing, providing more space for outdoor recreation.

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 existing deck has a water setback of 11.4 metres, and the new deck is to have a setback of 11 metres. It is not anticipated that this additional encroachment will impact the existing condition of the shoreline.

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 Rural Residential Type Three (RR3) Zone 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 Zoning By-law with the exception of the minimum water setback.

As per Section 13.2.1.3 e) of the By-law, a minimum water setback of 15 metres is required. The setback of the existing deck is 11.4 metres, and the setback of the proposed deck is 11 metres. 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 new deck is to be located 0.4 metres closer to the shoreline than what exists today. It is not anticipated that this proposed encroachment will result in negative impacts or alter the shoreline conditions that exist today. Additionally, the proposed deck is to be approximately 1.6 metres above the ground. The height of the deck could potentially mitigate impacts from flooding if it were to occur.

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:

Building and Septic Division (Building): “No comments.”

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns or comments on 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

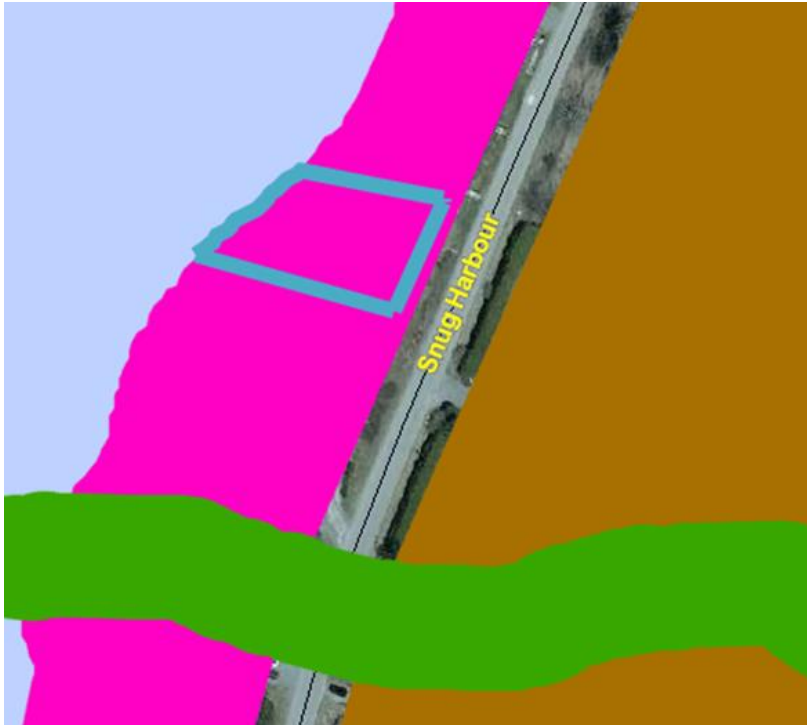
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-083

Schedule 1

Relevant Planning Policies and Provisions

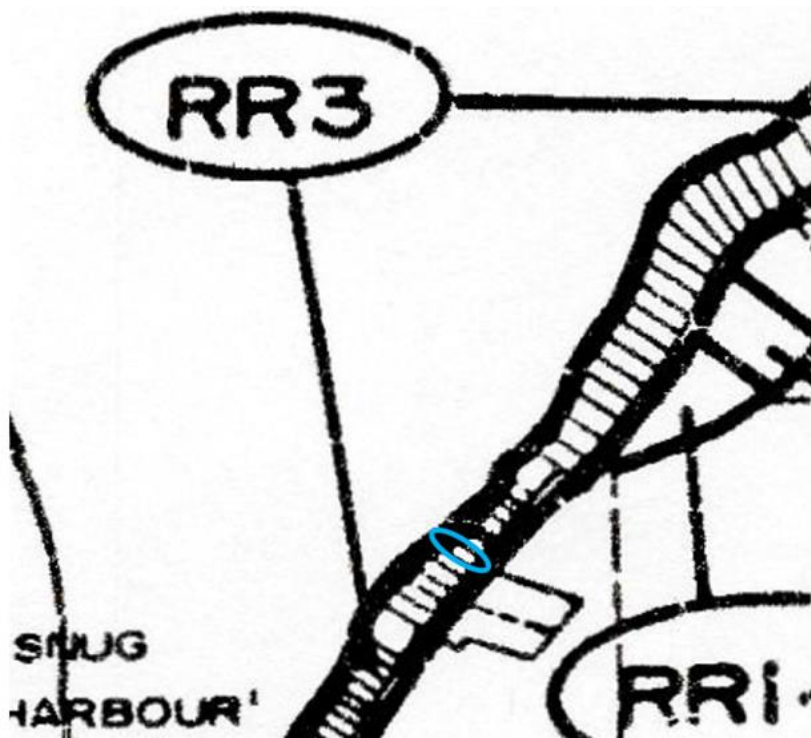
City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.2 Location

3.1.2.3 Notwithstanding article 3.1.2.2, an unenclosed, detached deck may be constructed within 1.2 metres of a residential building. Any deck constructed within 0.5 metres of a residential building will be considered an extension of the main building for the purposes of determining yard or setbacks in any zone and shall not constitute a separate accessory structure with respect to the provisions of article 3.1.3.3.

Part 13 Rural Residential Type Three (RR3) Zone

13.1 Uses Permitted

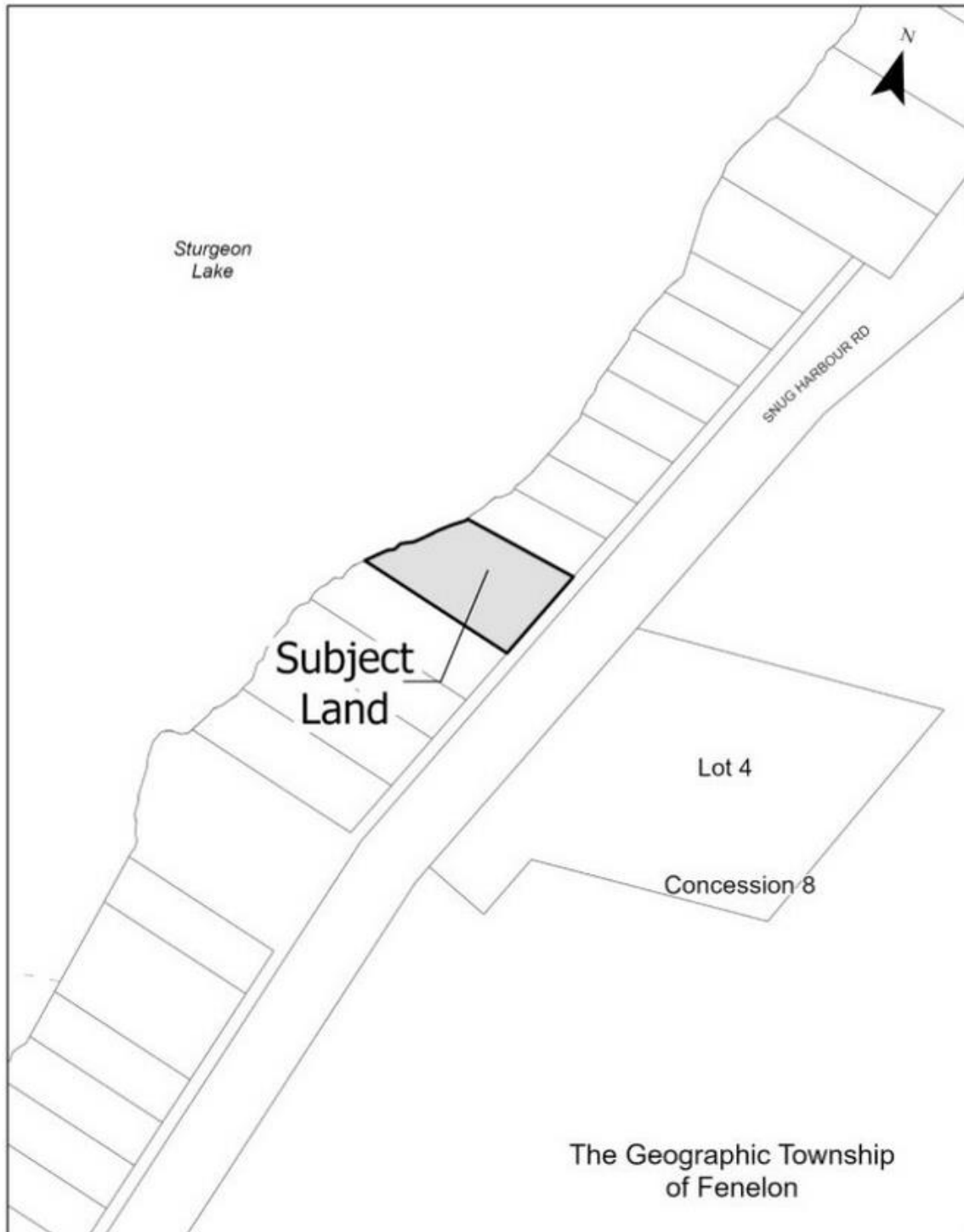
13.2 Zone Provisions

13.2.1.3 Yard Requirements (min.)

e) Water setback	15 m
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LOCATION MAP

D20-2023-083



APPENDIX " B "

to

REPORT COA2023-091

FILE NO: D20-2023-083

AERIAL PHOTO



APPLICANT'S SKETCH

APPENDIX " C "

to

REPORT COA2023-091

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