

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Fraser
Report Number COA2023-087

Public Meeting

Meeting Date: November 23, 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 construction of a boathouse.

Relief sought:

1. Section 3.1.3.1 of the By-law permits a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres; the proposed lot coverage is 476.1 square metres or 6%; and,
2. Section 3.1.5.3 of the By-law permits a maximum height for boathouses of 4.5 metres; the proposed height is 7.6 metres as measured from the normal water level.

The variance is requested at **102 Sugar Bush Trail** (File D20-2023-079).

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

Recommendations

That Report COA2023-087 – Fraser, be received;

That minor variance application D20-2023-079 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 COA2023-087, which shall be attached to and form part of the Committee's Decision;

- 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** the shed identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the shed has been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2023-087. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a boathouse
Owners:	Bonnie Fraser
Applicant:	TD Consulting Inc.
Legal Description:	Part Lot 25, Concession 10 (being Part 1 on Reference Plan 57R1232)
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:	0.8 ha. (2 ac.)
Site Access:	Private road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

¹ See Schedule 1

² See Schedule 1

The subject property is within an established residential neighbourhood located on a peninsula on the eastern shore of Cameron Lake. The property is irregular in shape and is the last property on the peninsula. The property currently contains a single detached dwelling (originally constructed in 1924 with an addition in 1987 according to Municipal Property Assessment Corporation), two sheds, a detached garage, and a boathouse.

The proposal is to demolish the existing boathouse and construct a new larger boathouse. The boathouse will contain a boatlift that is approximately 6.2 metres in height, so the proposed height of the boathouse will accommodate the height of the lift plus a buffer to account for boats that may exceed the upper level of the lift when stored. The boathouse is to provide storage for four boats, two seados, as well as storage for accessory equipment and materials. The external staircase will allow access to the upper portion of the boathouse, which will have no usable floor space. A catwalk that constitutes a portion of the boatlift would be used to access boats stored in the upper portion of the lift.

The proposed boathouse will allow the property owner to store their watercrafts as well as boating accessories and materials in one location on the property. The proposed boathouse floorplan in no way lends itself to accommodating habitable space, and the increased height is proposed in order to accommodate the large boatlift.

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. This policy states that a boathouse is permitted within this setback.

As per policy 20.3.10., provisions such as building and structure height limits are implemented to ensure buildings and structures do not exceed the height of the tree canopy or break the skyline horizon. Building heights should be measured from the lakeside, maintain a low profile, and blend with the natural surroundings.

The subject property contains a stand of tall mature trees, so the boathouse will not exceed the height of the tree canopy. The boathouse is to be located amongst this stand of trees, so this proposed location allows the best opportunity for the boathouse to blend with the natural features that exist on the property. The mature trees and the two storey dwelling, which is located at a higher grade, will provide

balance and ensure the boathouse is not a feature which starkly stands out against the horizon when viewing the property from the water or from across the lake.

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 (LSR) 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 maximum lot coverage for accessory structures, and the maximum height for a boathouse.

As per Section 3.1.3.1 of the By-law, a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres is permitted. The resulting lot coverage is 476.1 square metres or 6% of the lot area. The intent of establishing a maximum lot coverage for accessory structures is to control built form in order to maintain the residential character of the property, manage massing, reduce visual clutter, and to ensure that accessory uses remain subordinate to the primary (residential) use.

The By-law's provision for managing the total lot coverage for accessory structures uses both a percentage of lot area and a maximum number of square metres. Though the total ground floor area of the existing and proposed accessory structures exceeds the maximum of 225 square metres by 251.1 square metres, the portion of the lot covered by accessory structures is only 6%.

For comparative purposes, other rural residential Zoning By-laws regulate lot coverage using only a percentage, on average ranging from 8% to 10% of the lot area. If the By-law managed lot coverage only through a percentage, 8%, the subject property would be permitted to have a total ground floor area for accessory structures of 649 square metres. The proposed lot coverage complies with the maximum percentage of the lot that can be covered by accessory structures, and the increased square footage is not anticipated to negatively impact the character of the area.

The existing and proposed accessory structures are dispersed throughout the subject property, providing balance. Additionally, the single detached dwelling is located at a higher grade than the majority of the property. The arrangement of the accessory structures on the property and the higher elevation of the dwelling ensure the residential use remains visually predominant, despite the increased accessory structure lot coverage.

As per Section 3.1.5.3 of the By-law, a maximum height for boathouses of 4.5 metres is permitted. The proposed height is 7.6 metres as measured from the normal water level. The intention of establishing a maximum height for a boathouse is to prevent human habitation from occurring in the upper level of these buildings, and to manage the bulk and massing of built form along the shoreline.

While the boathouse exceeds the maximum height, based on the built form, the definition of a storey in the Zoning By-law, and provisions from the Ontario Building Code, the proposal constitutes a single storey boathouse. This is because there is no usable floor space in the upper area of the boathouse; it is completely open to the space below. The additional height is proposed to accommodate boat storage and a tall boatlift, not human habitation. Additionally, there is no plumbing proposed within the boathouse.

The boathouse was designed in a way that accommodates the height of the boatlift, while keeping much of the bulk of the building further away from the shoreline. The portion of the boathouse at the water's edge is approximately 3.8 metres in height. The tallest portion of the boathouse begins approximately 4 metres back from the shoreline. This configuration allows for the accommodation of the boatlift, while keeping the tallest portion of the building further back from the water's edge, allowing it to blend more with its surroundings. Additionally, the proposed storage area is stepped back from the water's edge, located towards the rear of the boathouse. This design again keeps some of the building's bulk away from the shoreline, decreasing building mass located directly at the water's edge.

Across the lake, the opposite shoreline is approximately 400 metres away from the subject property. As such, the proposed boathouse will not overwhelm the shoreline or appear imposing from properties across the lake. Additionally, the subject property is the last property on the peninsula and the boathouse is proposed 81.8 metres from the closest neighbouring lot. As such, the boathouse will not stand out when viewing the lake from adjacent properties.

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 (Septic): "The boathouse is being proposed on the southeast side of the existing single detached dwelling. The sewage system use permit indicates the septic tank and leaching bed is located on the west side of the

existing single detached dwelling. Based on the proposed location of the boathouse, the minimum required clearance distances to the sewage system components will be maintained. Additionally, the boathouse is not being proposed with any plumbing fixtures or habitable living space as part of the construction.

As such, the Building and Septic Division has no concerns with the minor variance application as it relates to private on-site sewage systems.”

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

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

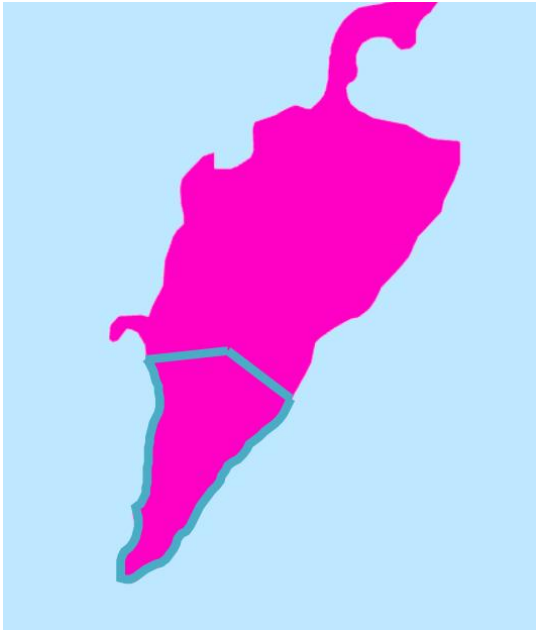
Appendix E – Photo of Existing Shed to be Removed

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-079

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

- 3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

20. Waterfront Designation

- 20.3.10. Density limits will be developed to establish acceptable social and aesthetic qualities. Provisions such as building and structure height limits will be implemented so as not to exceed the height of the tree canopy or to break the skyline horizon. Therefore, building heights should be measured from the lakeside, maintain a low profile and blend with natural surroundings. Provisions to address lot coverage will ensure proportionality; examples include relating lot coverage to the buildable area adjacent to the shoreline.

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.3 Lot Coverage and Height

3.1.3.1 Except as otherwise provided for herein, the total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area to a maximum of 225 square metres.

3.1.5 Boat House, Pump House or Docking Facilities

3.1.5.3 A boat house shall be limited to one storey and shall not exceed a height of 4.5 metres. For the purposes of this article, height shall be measured as the vertical distance from:

- (a) the normal water level for a building or structure constructed, in whole or in part, adjacent to or within 3 metres of a lake or river; or,
- (b) the finished grade for a building or structure all of which is constructed more than 3 metres from a shore lot line

Part 15 Limited Service Residential (LSR) Zone

15.1 Permitted Uses

15.2 Zone Provisions

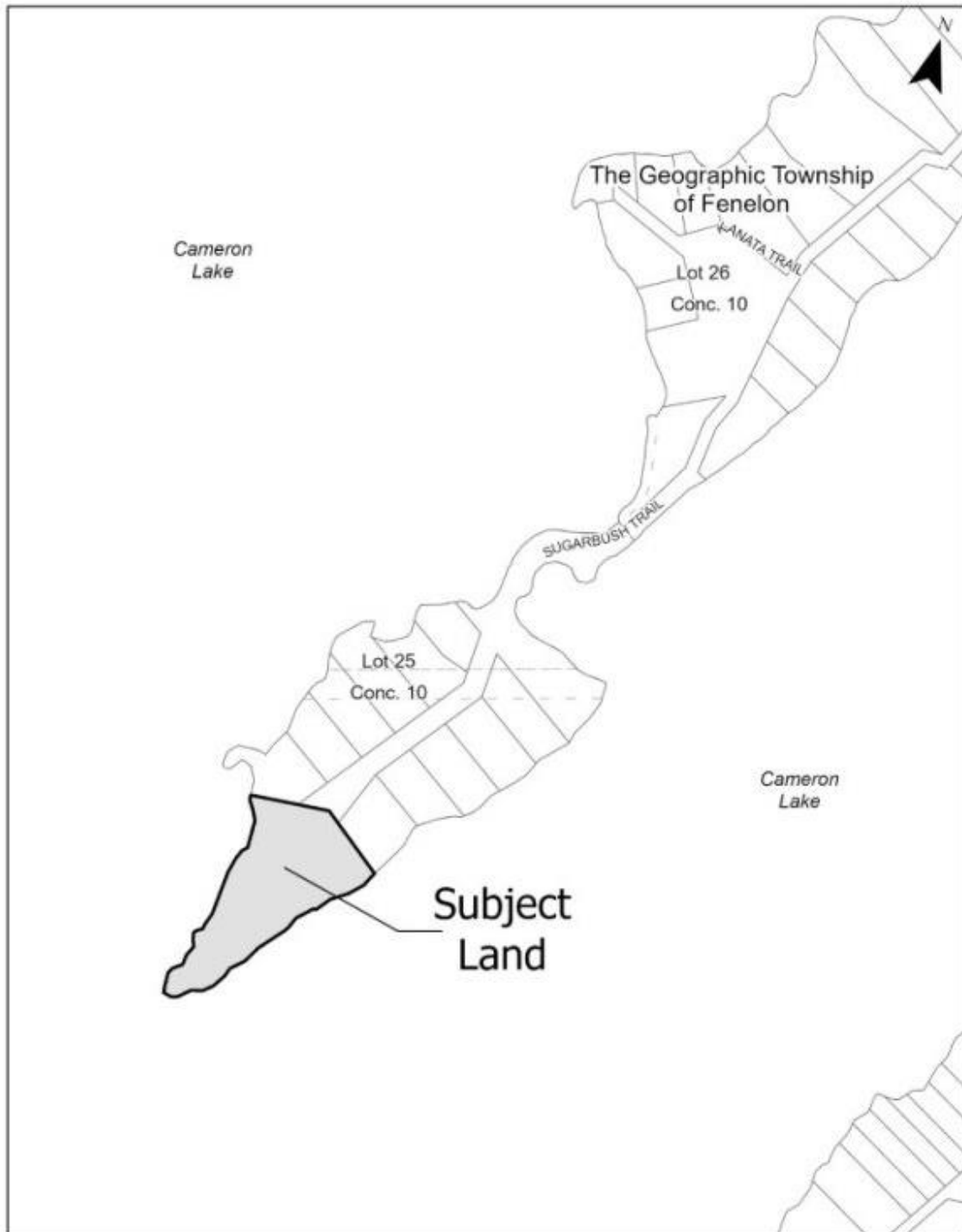
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LOCATION MAP

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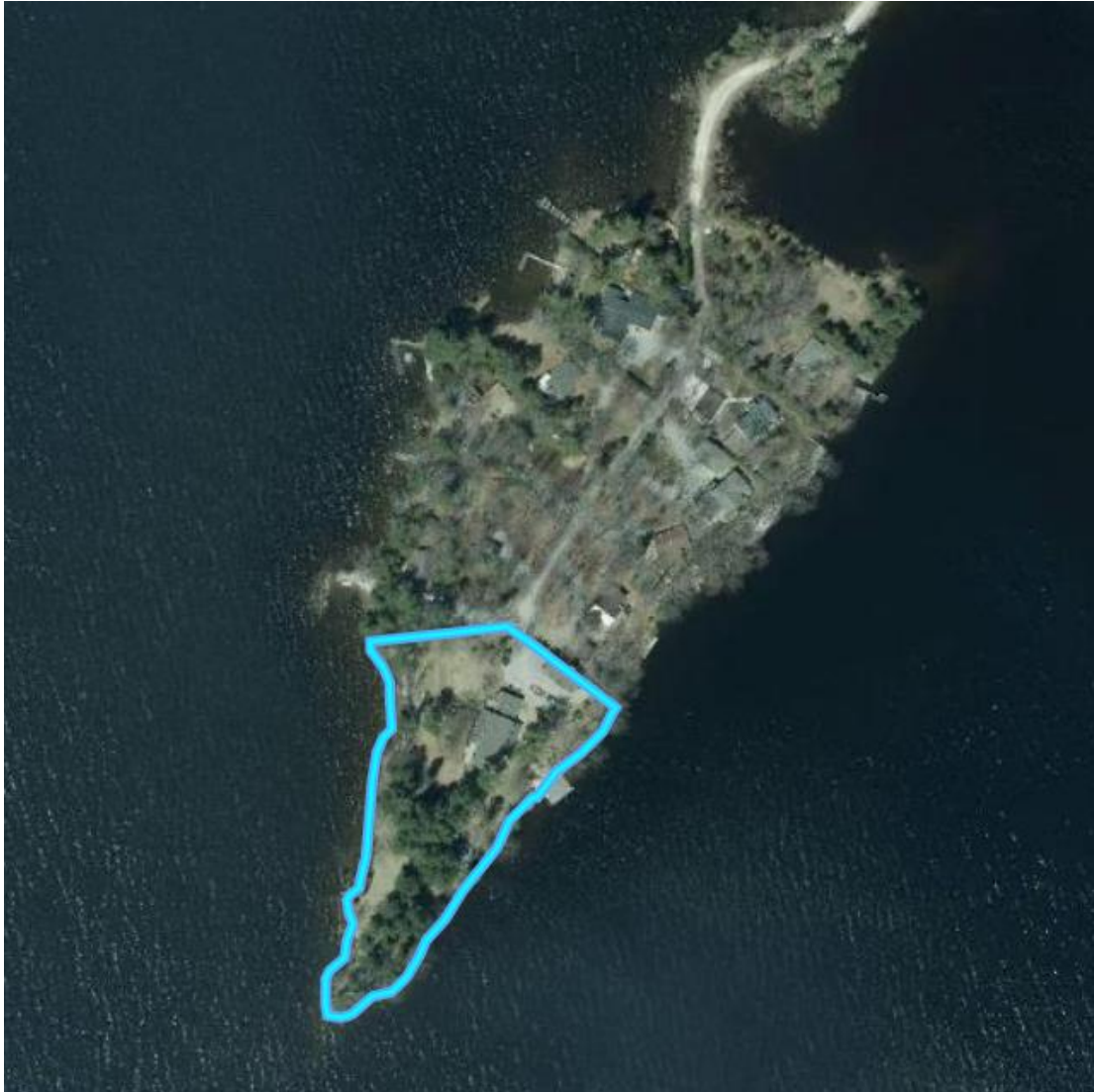
APPENDIX " B "

to

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AIR PHOTO

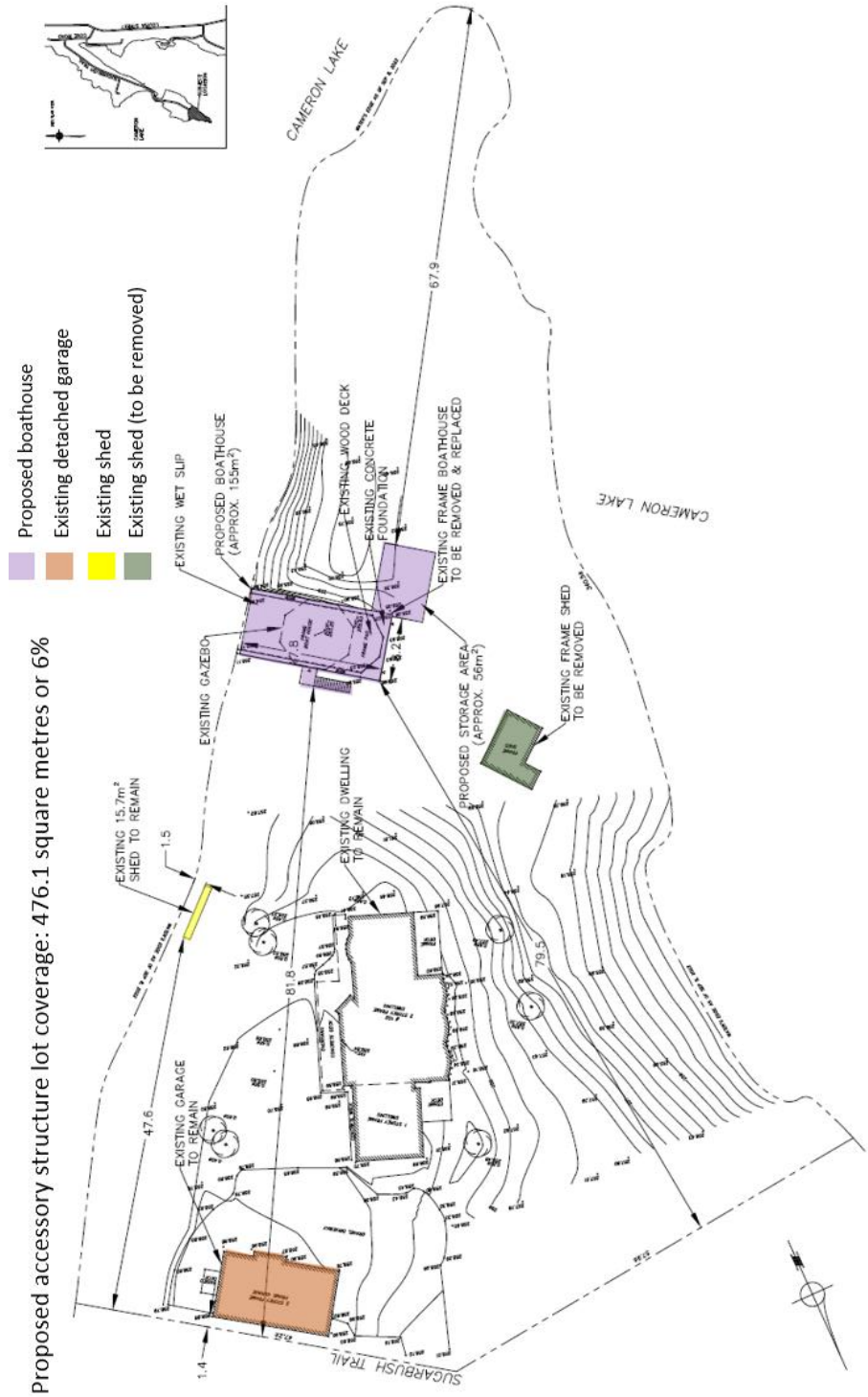


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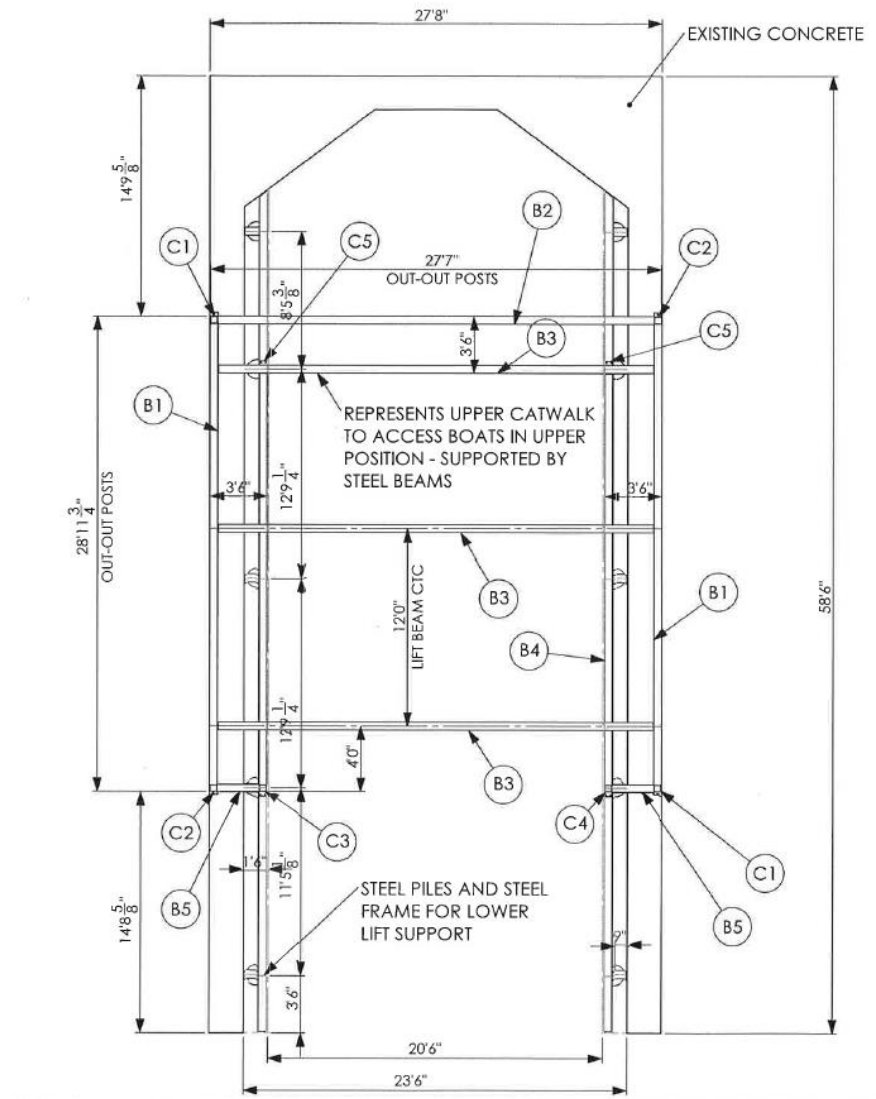
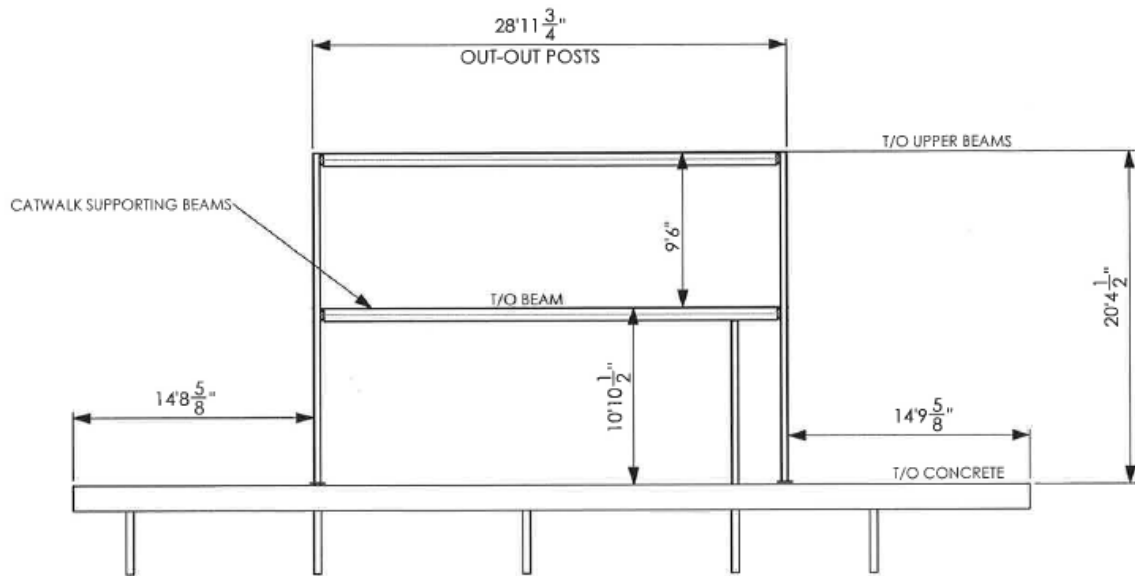
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APPLICANT’S SKETCH



FILE NO: D20-2023-079

1
A5.1
FRONT ELEVATION
1/4" = 1'-0"



APPENDIX “ E ”

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PHOTO OF EXISTING SHED TO BE REMOVED

