

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Barrese**  
Report Number COA2021-008

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**Public Meeting**

**Meeting Date:** February 18, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 3 – Geographic Township of Fenelon**

**Subject:**

The purpose and effect is to request relief from the following zone provisions in order to recognize the construction of the three storey dwelling and two storey deck:

**Three Storey Dwelling - Two levels with walkout basement**

1. Section 3.18.1.1 to reduce the Environmental Protection Zone setback from 15 metres to 10.8 metres,
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 10.8 metres,
3. Section 15.2.1.3(b) to reduce the minimum interior side yard from 3 metres to 2.5 metres,

**Two Storey Deck**

4. Section 3.18.1.1 to reduce the Environmental Protection Zone setback from 15 metres to 8.4 metres,
5. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 8.4 metres; and
6. Section 15.2.1.3(b)(ii) to reduce the minimum interior side yard from 2.3 metres to 1.1 metres.

The variances are requested at 1419 Killarney Bay Road, geographic Township of Fenelon (File D20-2021-003).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:**



**Recommendation:**

**Resolved That** Report COA2021-008 Teresa Barrese be received;

**That** minor variance application D20-2021-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2021-008, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the 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 COA2021-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The Committee of Adjustment previously considered and approved variance file D20 02/014 on April 11, 2002. The variances sought were from the shoreline and side yard setbacks in order to permit the construction of a second storey onto the existing single detached dwelling.

While not requested nor approved by the Committee, the owner proceeded to construct a second storey deck to serve the second floor.

In early 2020, the owner sought to construct a new boathouse and rebuild the two storey deck. A new deck shape was needed to accommodate the boathouse.

At that time that staff determined the second floor of the deck was not permitted.

Approvals were issued to construct the boathouse and first floor of the deck. Upon subsequent building inspection it was identified that the second floor of the deck had been constructed, and that the project was now in violation.

Through the pre-screening process, staff identified that most of the proposed setback distances sought in the 2002 application were insufficient. For example, that application requested and granted a water setback of 14.1 metres for the dwelling when it has been determined to be 10.8 metres. As a result, the applicant is re-applying with the correct relief values to recognize the dwelling as constructed.

**Proposal:** To recognize the existing three storey dwelling, including walk-out basement, and two storey deck.

**Owner:** Teresa Barrese

Applicant: Frank Barrese

Legal Description: Part of Lot 26, Concession 4, Part Block B, Part Lot 59, Plan 176, Part 1, 57R-10685

Official Plan: 'Waterfront' within the City of Kawartha Lakes Official Plan

Zone: 'Limited Service Residential (LSR) Zone' within the Township of Fenelon Zoning By-law 12-95

Site Size: 1,194 square metres

Site Servicing: Private individual sewage system and lake-based water supply

Existing Uses: Shoreline Residential

Adjacent Uses: North, South, East: Shoreline Residential  
West: Balsam Lake

**Rationale:** As variances are sought to authorize construction since the works have not been authorized, the report has been structured such that all built form that requires relief is proposed rather than constructed.

As Killarney Bay Road is a private road and the Township of Fenelon Zoning By-law does not recognize private roads as streets, the shoreline frontage is considered the front lot line.

The zoning by-law identifies walkout basements as a storey. Therefore, the dwelling is classified as a three storey dwelling even though only two stories are visible from the road.

**1) Are the variances minor in nature? Yes**  
**And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The subject property is within a neighbourhood accessed by the private road known as Killarney Bay Road. The lands on the west side of the road have narrow frontages, are not overly deep, and have development concentrated near the water. As a result, the development on the west side is highly concentrated with little vegetation between dwellings. The lands on the east side provide additional outdoor amenity, parking, and storage space for some of the west lands.

The subject property has a smaller shoreline parcel with a backlot of similar area for accessory uses.

The lot has a gentle downwards slope that runs east to west. Raising the dwelling is not anticipated to generate any additional massing impacts as the building is remaining on the same footprint.

The front yard consists of patio, and a boathouse with rooftop patio. Access to the yard is obtained either from the basement of the dwelling or a walkway that

runs to the south of the dwelling. The two storey deck is proposed to run along most of the dwelling's front wall, but will be of lesser depth where it runs between the boathouse and dwelling.

The decks will provide direct access to outdoor amenity space from the two fully above-ground levels of the dwelling. Stairs are not proposed to link the decks to ground level or each other.

The two storey deck structure, while imposing, is set behind and to the side of the boathouse. The boathouse occupies about half (7.55 metres) of the front yard's total 15.4 metre frontage and covers a similar yard area. As a result, the boat house is a very prominent shoreline building. Therefore, the deck proposed behind the boathouse is not quite as prominent. Adding the second deck level does not substantially add to the prominence of the deck due to the prominence of the boathouse. Keeping the deck structure unenclosed allows the front wall of the dwelling to become the second most visible feature aside from the boathouse

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**

**Yes**

The property is zoned 'Limited Service Residential (LSR) Zone' within the Township of Fenelon Zoning By-law 12-95. The zone category is used for property that does not abut a municipally maintained road, and seasonal or year-round residential use is permitted.

One of the purposes of setbacks is to maintain adequate spatial separation for maintenance purposes and to avoid land use conflicts. The depth of the front and interior side yards are not being further reduced as a result of adding the second (third) storey to the dwelling, and the north side of the deck is inline with the north wall of the dwelling.

The front yard is completely hardened and occupied by the built form of the boathouse. As such, built form characterizes this lot. The encroachment of the decks into the front yard is not very perceptible due to the prominence of the boathouse, absence of vegetation, and the fact that the front of the deck is set back slightly from the rear wall of the boathouse. The hardened shoreline also reduces the ability for storm water infiltration and prevents shoreline naturalization. As the ability of the water yard setback to perform these two roles is hindered by the development, which has already taken place, the proposed development does not further aggravate the established circumstances.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

**4) Do the variances maintain the intent and purpose of the Official Plan?**

**Yes**

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. The designation anticipates the predominant built form to be low rise residential development, and a single detached dwelling and deck is proposed.

While the Official Plan directs development away from the shoreline where possible to encourage naturalization, the size of the lot and location of the existing dwelling limits opportunities to place development in other locations.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by a lake-based water supply and private individual sewage system.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

Building Division – Part 8 Sewage Systems (February 8, 2021): The proposed development is in the opposite yard from the sewage system. No concerns.

**Public Comments:**

No comments received as of February 8, 2021.

**Attachments:**



Appendices A-E to  
COA2021-008.pdf

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Applicant's Elevations
- Appendix E – Department and Agency Comments

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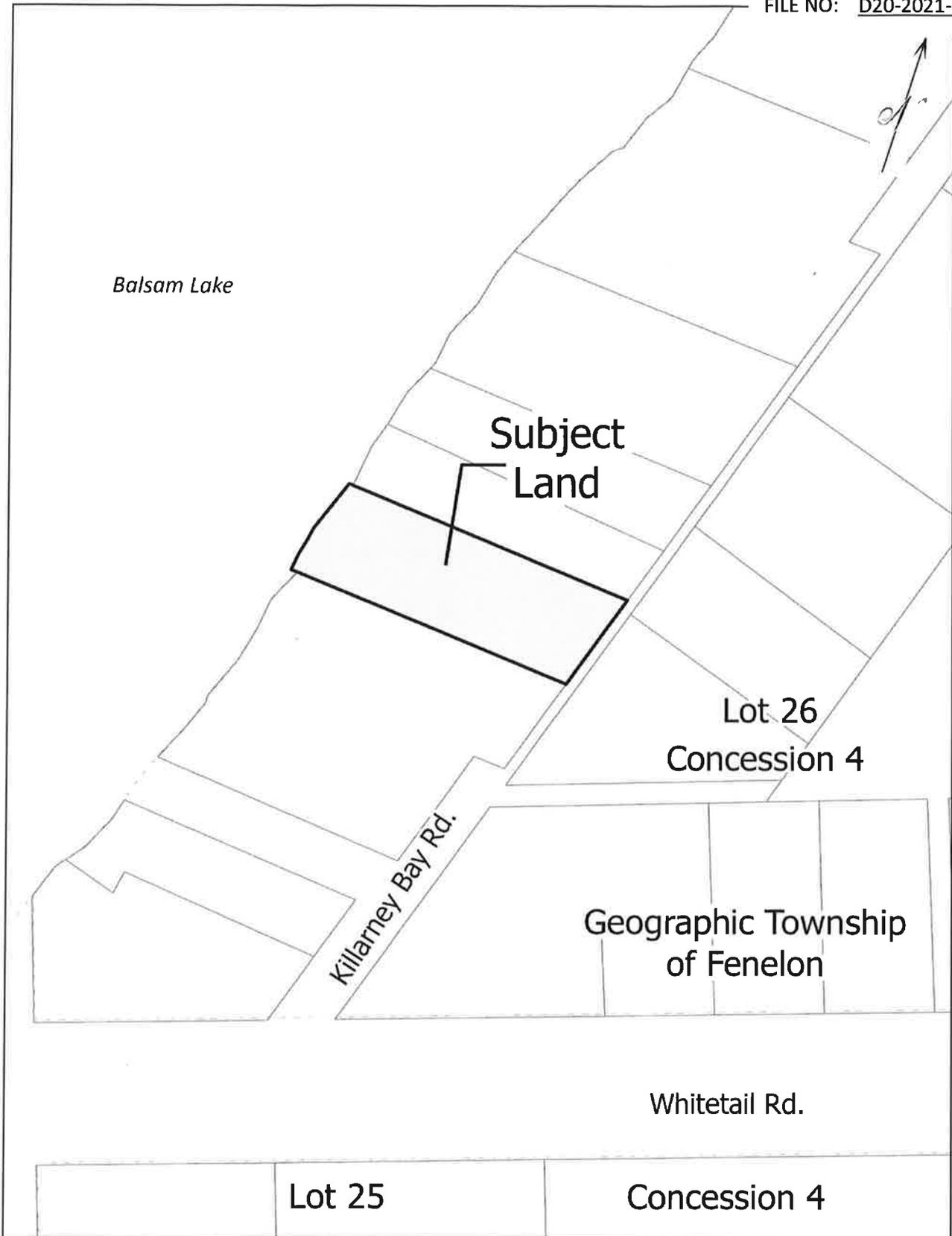
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2021-003

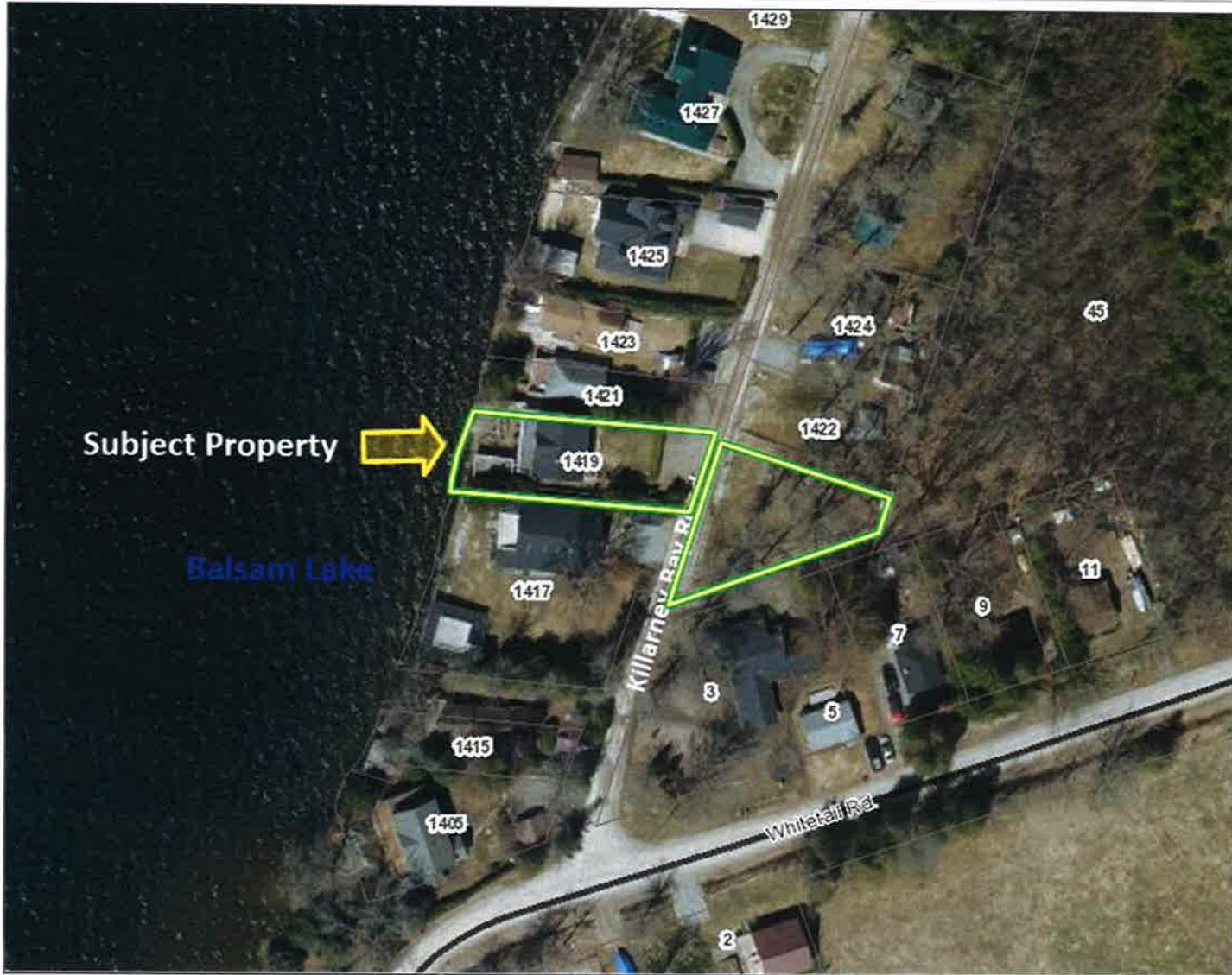
to

# D20-2021-003

REPORT COA2021-008

FILE NO: D20-2021-003





Subject Property →

Balsam Lake

Killarney Bay Rd

Whitetail Rd

0.07 Kilometers  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

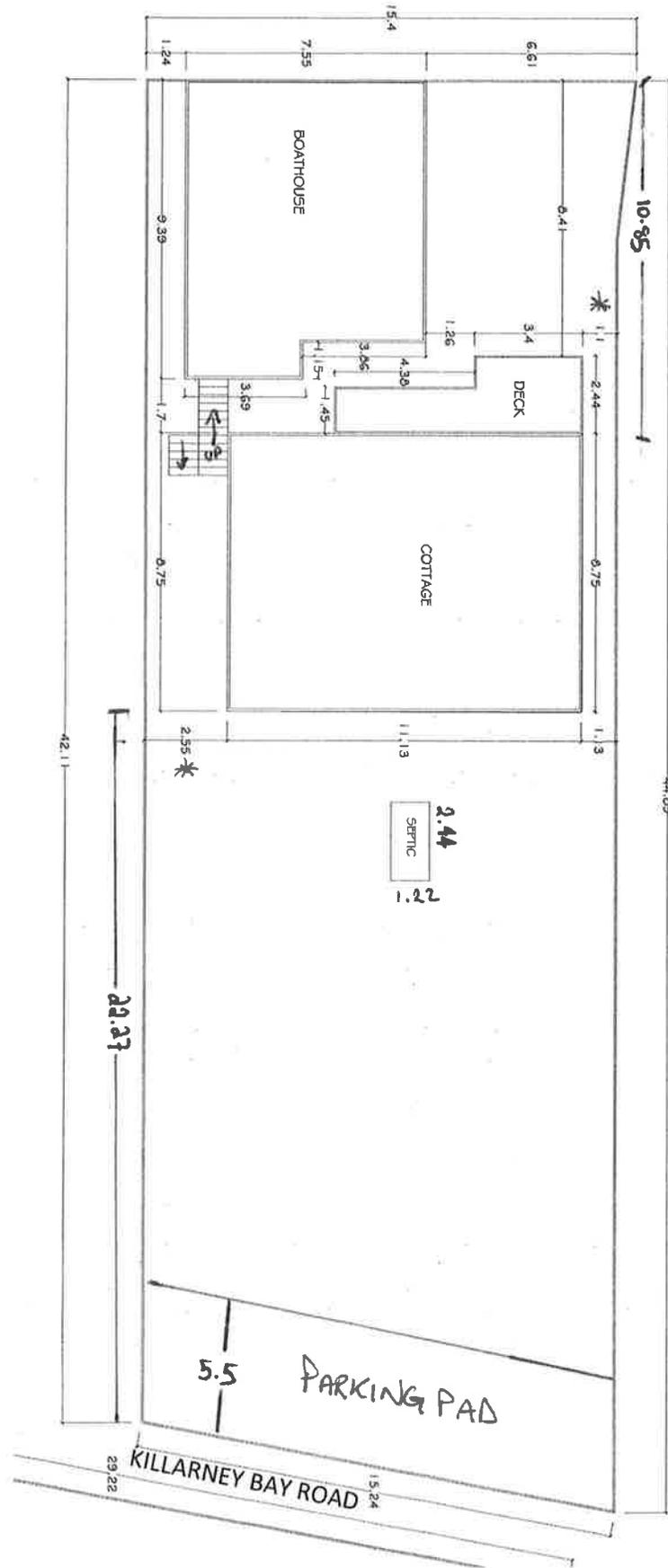
REPORT COA2021-008  
 FILE NO: D20-2021-003

APPENDIX " B "



DETAIL

BALSAM LAKE



APPENDIX " D "

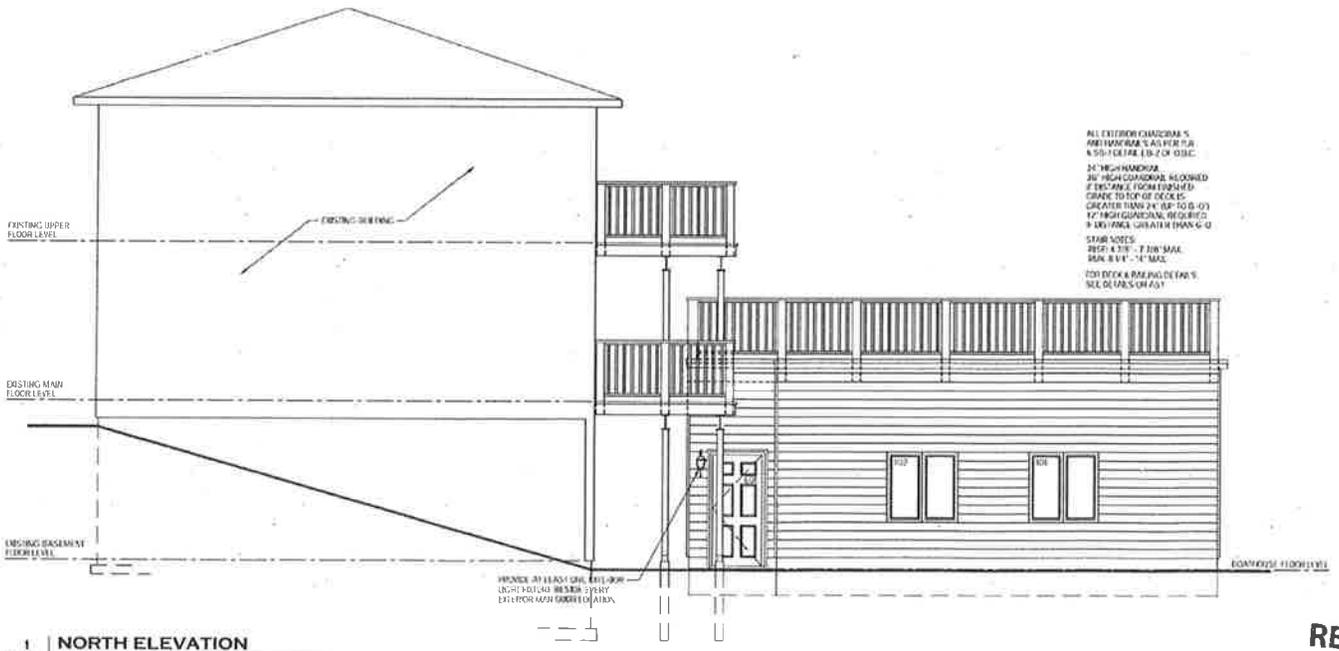
to

REPORT COA2021-008

FILE NO: D20-2021-003



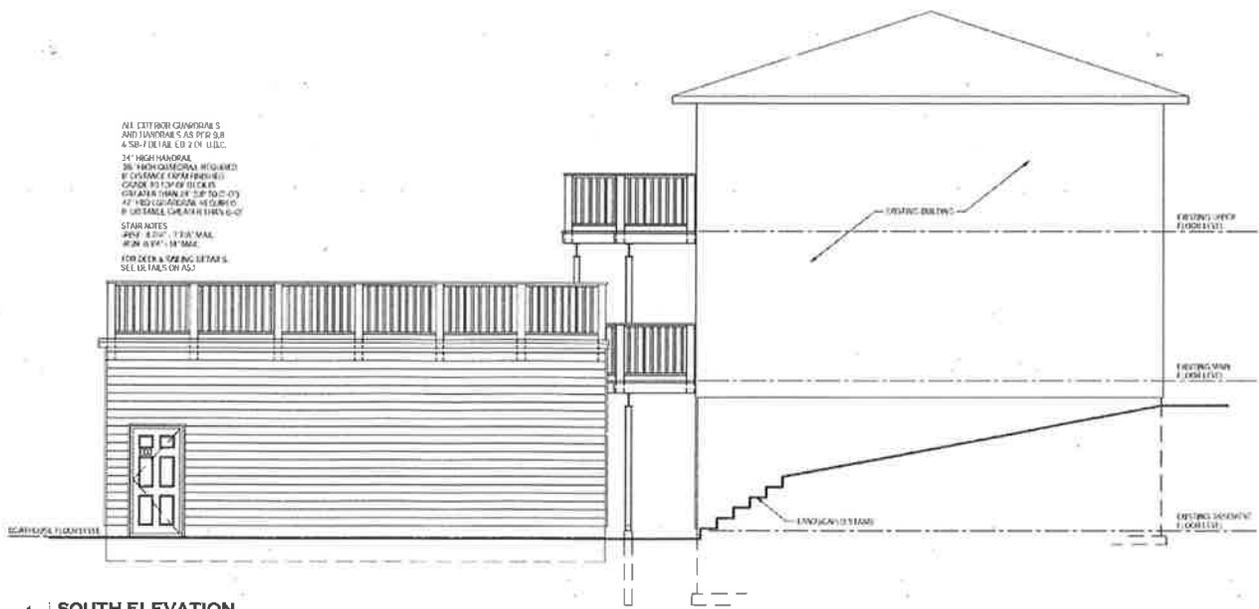
1 | WEST ELEVATION  
A3.1 | SCALE: 1/4" = 1'-0"



1 | NORTH ELEVATION  
A3.3 | SCALE: 1/4" = 1'-0"

RE  
JAN

ALL EXISTING GUARDRAILS  
 AND HANDRAILS AS PER S.B.  
 & S.B. DETAIL CD 2 IN 0.1.1.C.  
 34" HIGH HANDRAIL  
 36" HIGH GUARDRAIL (REQUIRED)  
 IF EXISTENCE (EXCEPT WHERE)  
 COLOR IS 1 1/2" OR BLACK  
 GUARDRAIL SHALL BE 2" X 4" OR 2" X 6"  
 AT ALL LOCATIONS AND SHALL BE  
 IF EXISTENCE (EXCEPT WHERE S.B.)  
 STAIR NOTES  
 OPEN 4:00" TYPICAL  
 HEAD 8:00" MINIMUM  
 FOR DECK & STAIRING DETAILS  
 SEE DETAILS ON PG. 3



1 | SOUTH ELEVATION  
 A3.2 | SCALE: 1/4" = 1'-0"

RE

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**Charlotte Crockford**

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**From:** Anne Elmhirst  
**Sent:** Monday, February 8, 2021 2:18 PM  
**To:** Charlotte Crockford  
**Subject:** D20-2021-003 - 1419 Killarney Bay Road

APPENDIX " E "  
to  
REPORT COA 2021 - 008  
FILE NO. D20-2021-003

Hello Charlotte,

I have reviewed the proposal for minor variance D20-2021-003 for 1419 Killarney Bay Road to permit a second storey deck on the lakeside of the dwelling.

I can confirm that the sewage system serving the dwelling is located in the roadside yard of the property. The deck is proposed on the opposite side of the dwelling to the sewage system.

As such, the Building and Septic Division has no concerns with the proposal.

Best Regards,

**Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.**  
Supervisor – Part 8 Sewage Systems  
Development Services - Building Division, City of Kawartha Lakes  
705-324-9411 ext. 1882 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Please note: The Building Division offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.