

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Sadler

Report Number COA2024-004

Public Meeting

Meeting Date: January 25, 2024

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 the current non-complying deck and the construction of a new wrap-around deck, as well as lifting the cottage to allow for a full-basement walkout.

Relief sought:

1. Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The proposed interior side yard setback from the southern side yard is 0.75 metres from the wrap-around deck and an unchanged setback of 2.01 metres from the raised dwelling.
2. Section 15.2.1.3.d. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 3.5 metres (from the deck) and 7.08 m (from the dwelling).
3. Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The proposed water setback is 3.5 metres (from the deck) and 7.08 m (from the dwelling).

The variance is requested at **34 Birchwood Lane** (File D20-2023-089).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-004 – Sadler, be received;

That minor variance application D20-2023-089 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 Elevation Drawings in Appendix D submitted as part of Report COA2024-004 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 COA2024-004. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of current non-complying deck and the construction of a new-wrap around deck, as well as lifting the existing cottage to allow for a full-walkout basement.
Owners:	Barbara Sadler
Applicant:	Barbara Sadler
Legal Description:	Part Lot 26, Concession 3 (being Lot 5 on Plan 149)
Official Plan ¹ :	Waterfront and Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	688.00 square metres
Site Access:	Birchwood Lane (private road)
Site Servicing:	Private Holding and Potable Water Collected from Lake
Existing Uses:	Residential
Adjacent Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Rationale

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

The subject property is situated in the Birch Point residential neighbourhood of the former Township of Fenelon, with waterfront onto Balsam Lake. The property is similar to a parallelogram in shape and has frontage and access onto Birchwood Lane (private road). The residential built form along Birchwood Lane is primarily comprised of 1-storey dwellings with varying proximities to the street and Balsam Lake's shoreline. Based on data provided by the Municipal Property Assessment Corporation (MPAC), many of the dwellings within this neighbourhood were constructed in the 1900's, many with various levels of renovations and alterations since their construction. The property currently contains a dwelling with a side deck, rear deck, and lower lake side deck all constructed in 1981. Additionally, two small sheds constructed in 2018 and 2023 are also present.

The proposal seeks to demolish and replace the current non-complying deck on the property with a new wrap-around deck. Moreover, the existing dwelling will be raised to allow for a full-storage basement walkout.

Considering the age of the existing dwelling, decks, and overall neighbourhood, it can be expected for property owners to redevelop their properties to strive to achieve the highest and best use. The proposed wrap-around deck provides a greater rear yard and water setback in comparison to the existing setbacks of the decks. Additionally, the proposed wrap-around deck will not interfere with the southern neighbouring property as their dwelling is not directly adjacent to the location of the proposed deck. The raising of the existing dwelling is minimal, with an increase in 1.5 metres, no alteration to grade, and no expansion of the existing building footprint of the dwelling. Furthermore, the raising of the current dwelling will not interfere with the surrounding property heights or massing, as the neighbouring property to the north contains a large tall two-storey dwelling constructed in 2007.

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 property is primarily designated Waterfront with a portion alongside the shoreline designated Environmental Protection.

Residential uses and accessory structures are anticipated within the Waterfront designation. The proposed wrap-around deck better supports the objectives and policies of the Waterfront designation as it results in a greater setback from the shoreline while preserving the existing shoreline. Furthermore, the raising of the dwelling does not involve any alteration to grade nor does it expand the existing building footprint of the dwelling. The minimal change in height does not greatly

alter the density and/or massing of the property, maintaining a low profile blending in with the neighbouring properties and surroundings.

The portion of the property along the shoreline of Balsam Lake contains Provincially Significant Wetlands (PSW) as identified through the Environmental Protection designation under the Official Plan. The Environmental Protection designation allows for the expansion, enlargement or alteration of existing buildings and structures dependent on various criteria. The proposed wrap-around deck supports this designation as it provides a larger buffer between built-form and the shoreline in comparison to the current environmental buffer between the existing decks and the shoreline. Moreover, the applicant has indicated to the Kawartha Regional Conservation Authority that although there will be no change to the shoreline, a riprap will be installed to provide shoreline maintenance and protection. Lastly, the Official Plan supports the alteration of structures if the change makes the use more compatible with surrounding uses, as well as if the use existed prior to the adoption of the Official Plan. As a result, based on the aforementioned reasons, the proposed wrap-around deck and raised dwelling supports the policies of the Environmental Protection designation.

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. The LSR Zone permits a single detached dwelling as well as accessory structures. The proposal complies with all provisions of the Zoning By-law except the minimum interior side yard setback, the minimum rear yard setback, and the minimum water setback.

Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). As per the definition of storey in the Zoning By-law, a walkout basement is considered an additional storey. As a result, the proposed raised dwelling to allow for a walkout basement would be required to comply with provisions applicable to a two-storey dwelling. With respect to the proposed wrap-around deck, Section 3.1.2.3. states that 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. As a result, the proposed wrap-around must comply with the same provisions as the primary building.

The northern side yard setback remains unchanged (3.58 metres) and exceeds the minimum requirement. The proposed southern (opposite side) side yard setback is 0.75 metres from the proposed wrap-around deck, while the setback from the dwelling remains unchanged at 2.01 metres. The intent of this provision is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and support privacy for all neighbouring residents. The existing side yard deck (0.97 metre side yard setback) is currently deficient in complying with

this requirement, and the proposed wrap-around deck is 0.22 metres closer to the side yard lot line. However, there is privacy provided by a fence between the proposed wrap-around deck and the neighbouring property to the south. Furthermore, the proposed wrap-around deck is not located directly adjacent the dwelling of the neighbouring dwelling, ensuring overcrowding and/or shadowing issues are avoided. Lastly, the existing building footprint of the dwelling will remain unchanged, meaning the existing side yard setback (2.01 metres from the dwelling) will be maintained. Wider access is also available from the northern side yard, providing ample space to move equipment between the front and rear yards.

Section 15.2.1.3.d. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. Additionally, Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The proposed rear yard setback and water setback is 3.5 metres (from the deck), and the unchanged 7.08 metres (from the dwelling). The existing dwelling (rear yard/water setback of 7.08 metres) and current decks (rear yard/water setback of 1.52 metres) were constructed prior to the adoption of the Zoning By-law, and do not meet the required minimum rear yard setback and/or water setback. The intent of the rear yard setback and water setback is to protect built form from natural hazards, and protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment of vegetation. Although the setback from the dwelling remains unchanged, the proposed setback from the wrap-around deck provides a greater rear yard and larger buffer between the shoreline and built-form. Overall, the proposed rear yard setback and water setback from the wrap-around deck will provide more area for vegetation and a larger environmental buffer.

Therefore, the variances 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:

E&CA – Development Engineering: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

DS – Building & Septic (Septic): “A sewage system use permit has been located for this property. The property is serviced by a Class 5 Holding Tank located in the roadside yard. The existing foundation for the cottage will be increased to permit a full height basement. The established clearance distance from the structure to the holding tank will not change as a result of these modifications. The deck construction is proposed on the lakeside and south side of the dwelling. With the holding tank in the roadside yard, the minimum required clearance distances for the tank will be maintained. Additionally, the modifications to the dwelling will not cause a change to the approval granted under the sewage system use permit. As such, the Building and Septic Division have no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

Public Comments:

No comments received as of the writing of the staff report.

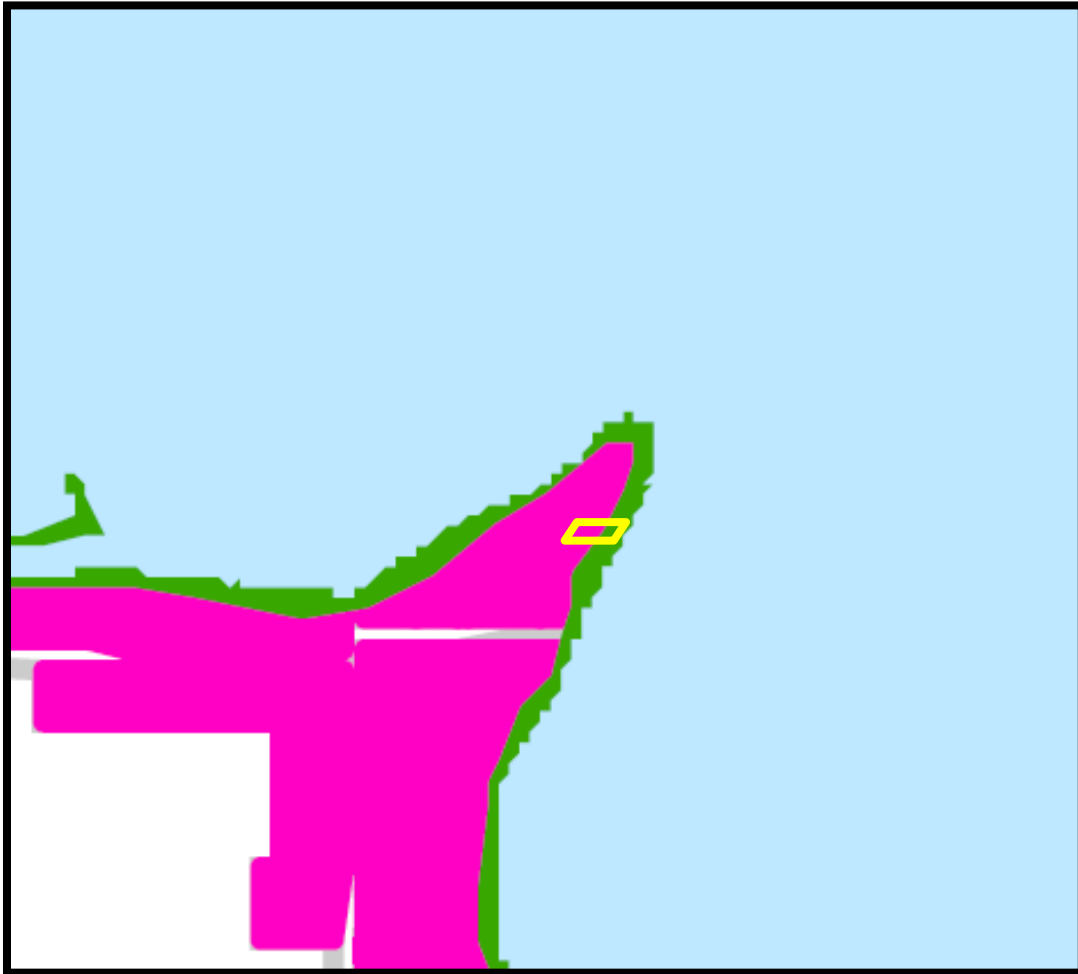
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Elevation Drawings

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2023-089

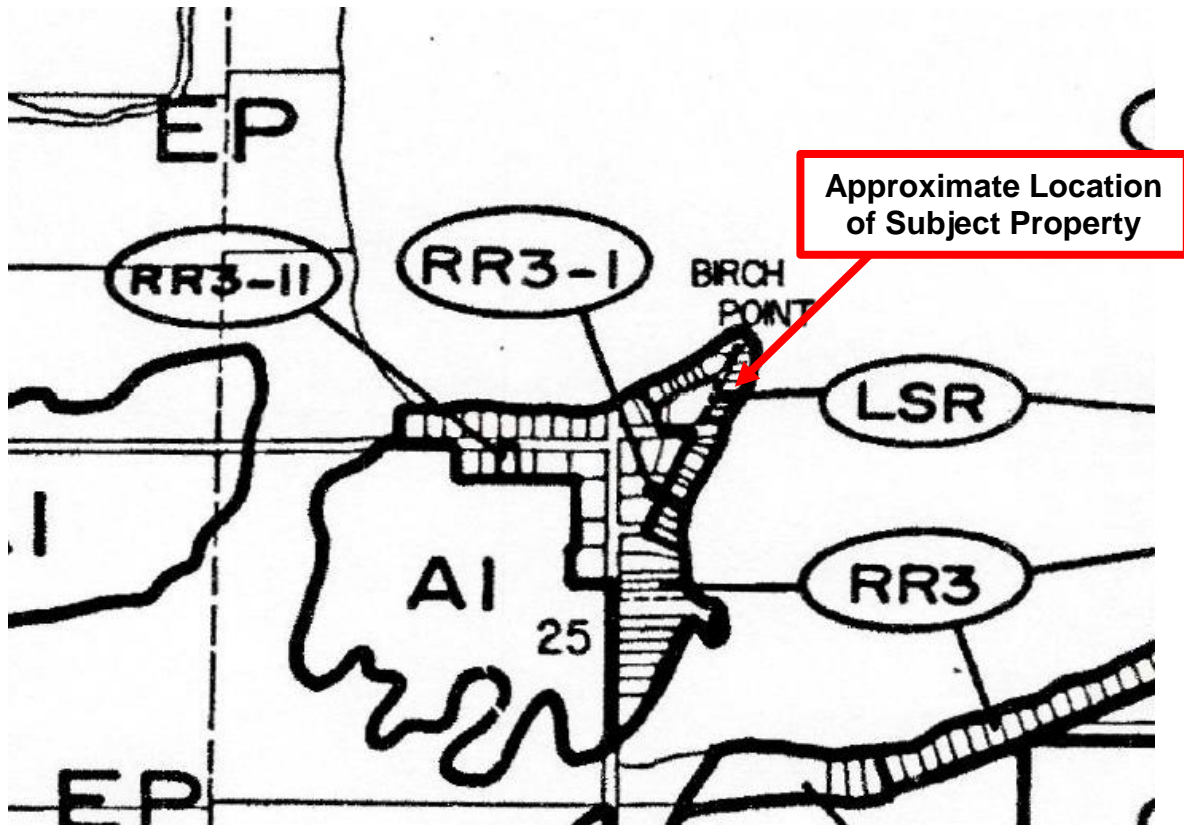
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 17 – Environmental Protection Designation
Section 20 – Waterfront Designation

Township of Fenelon Zoning By-law 12-95



SECTION 2 – DEFINITIONS

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A storey shall include a walk-out basement

SECTION 15 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

15.2 ZONE PROVISIONS

15.2.1.3 Yard Requirements (min.)

- (a) front 7.5 m
- (b) interior side 3 m on one side
 - (i) one storey 1.3 m on opposite side
 - (ii) all others 2.3 m on opposite side
- (c) exterior side 7.5 m
- (d) rear 7.5 m
- (e) water setback 15 m

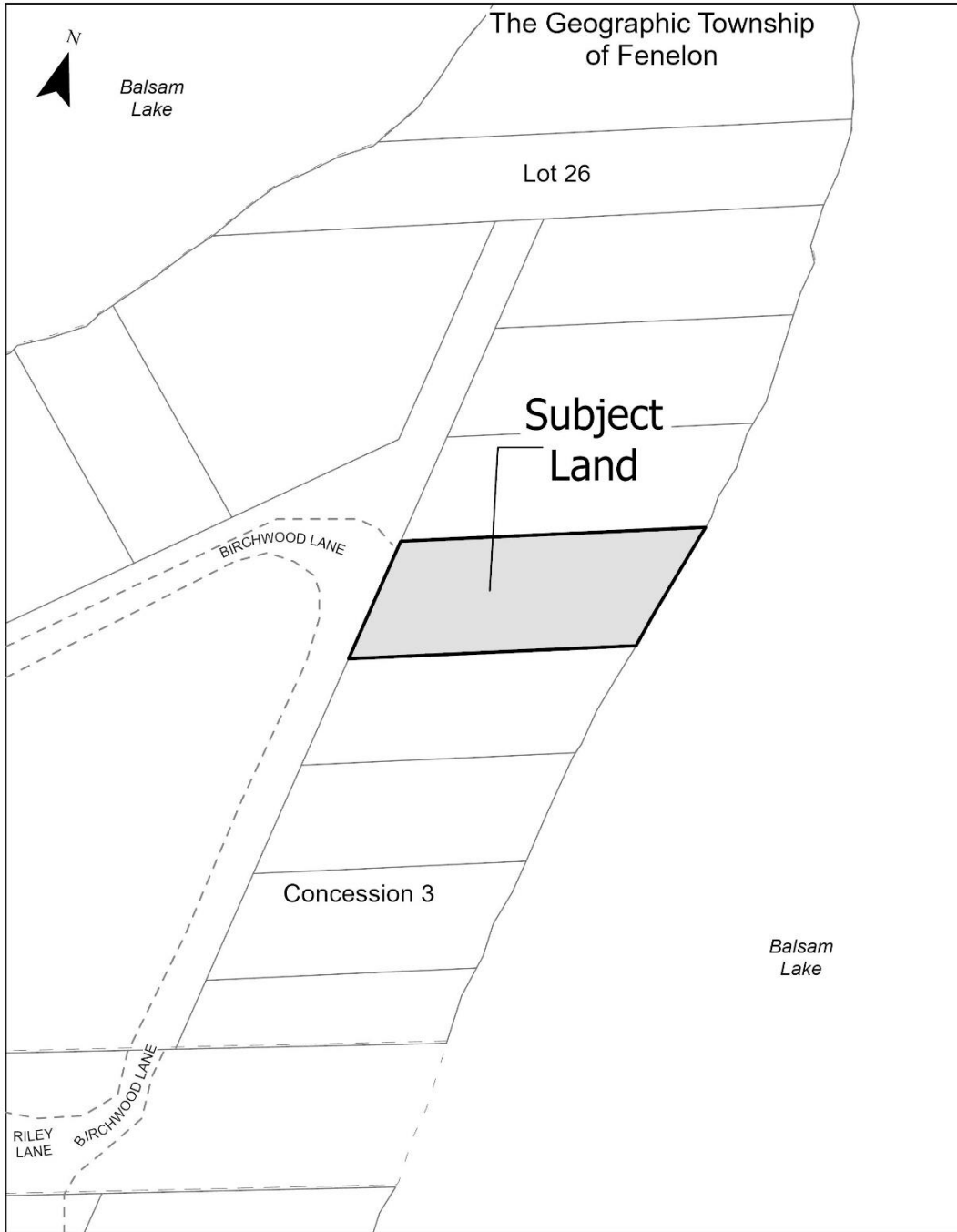
to

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FILE NO: D20-2023-089

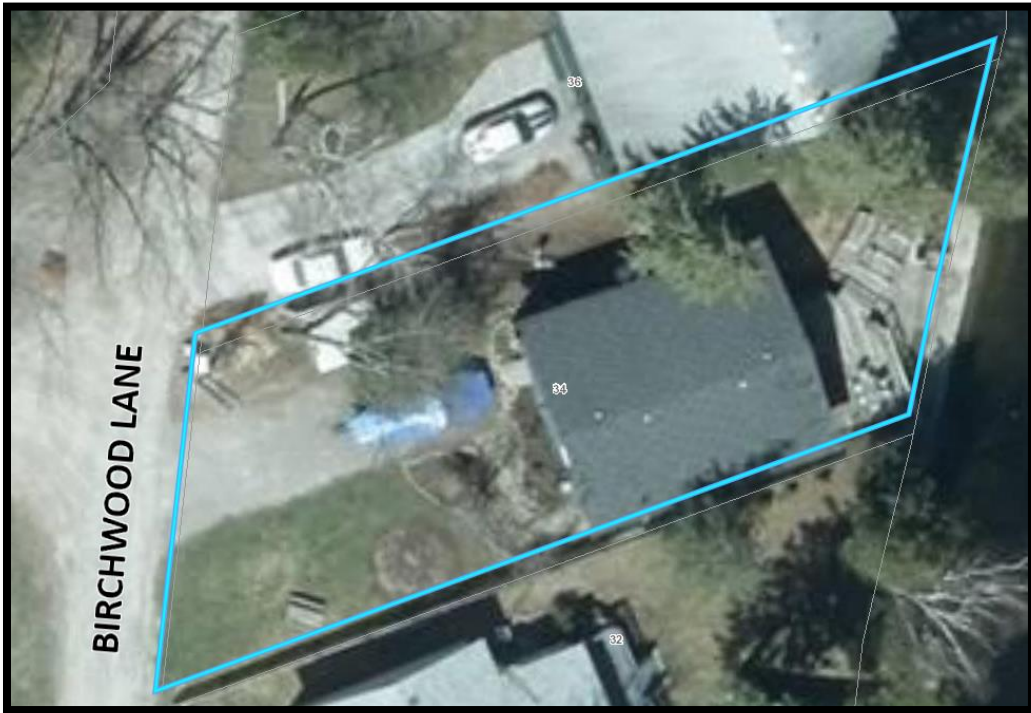
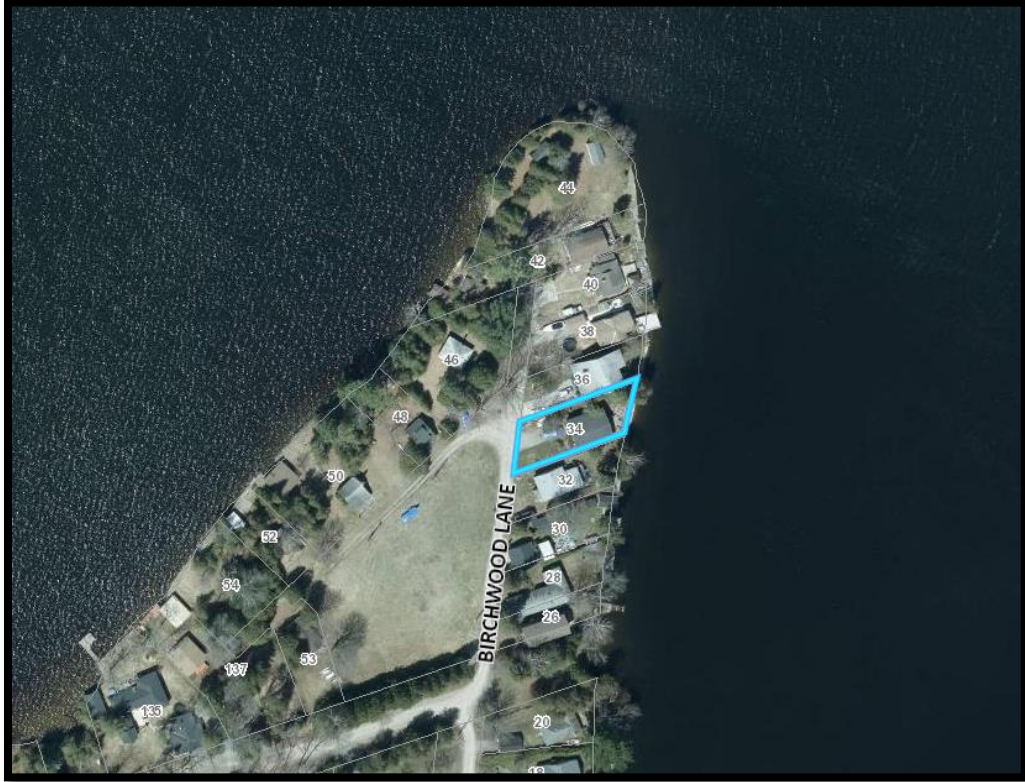
LOCATION MAP

D20-2023-089



to

AERIAL IMAGERY

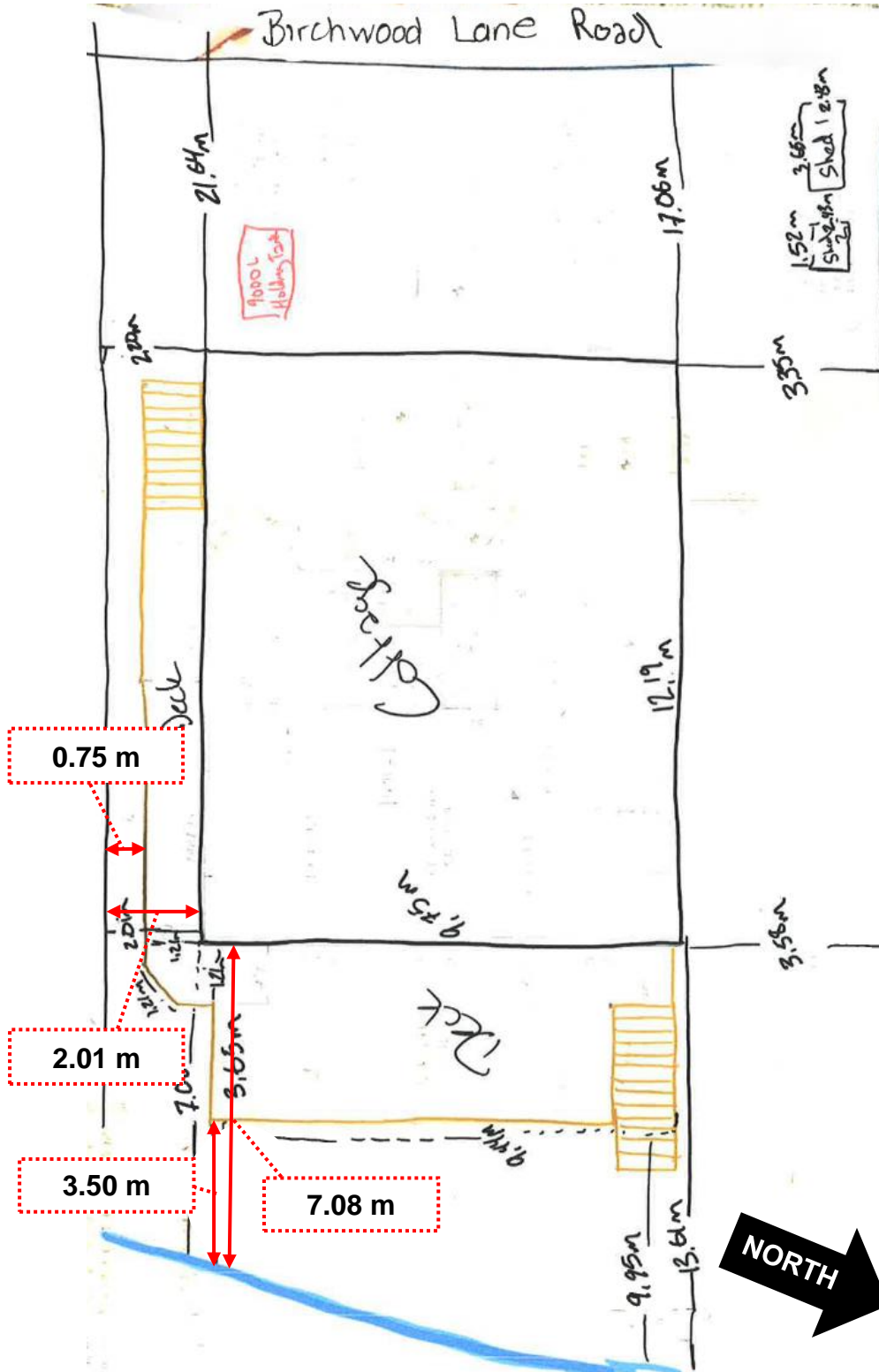


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REPORT COA2024-004

FILE NO: D20-2023-089

APPLICANT'S SKETCH



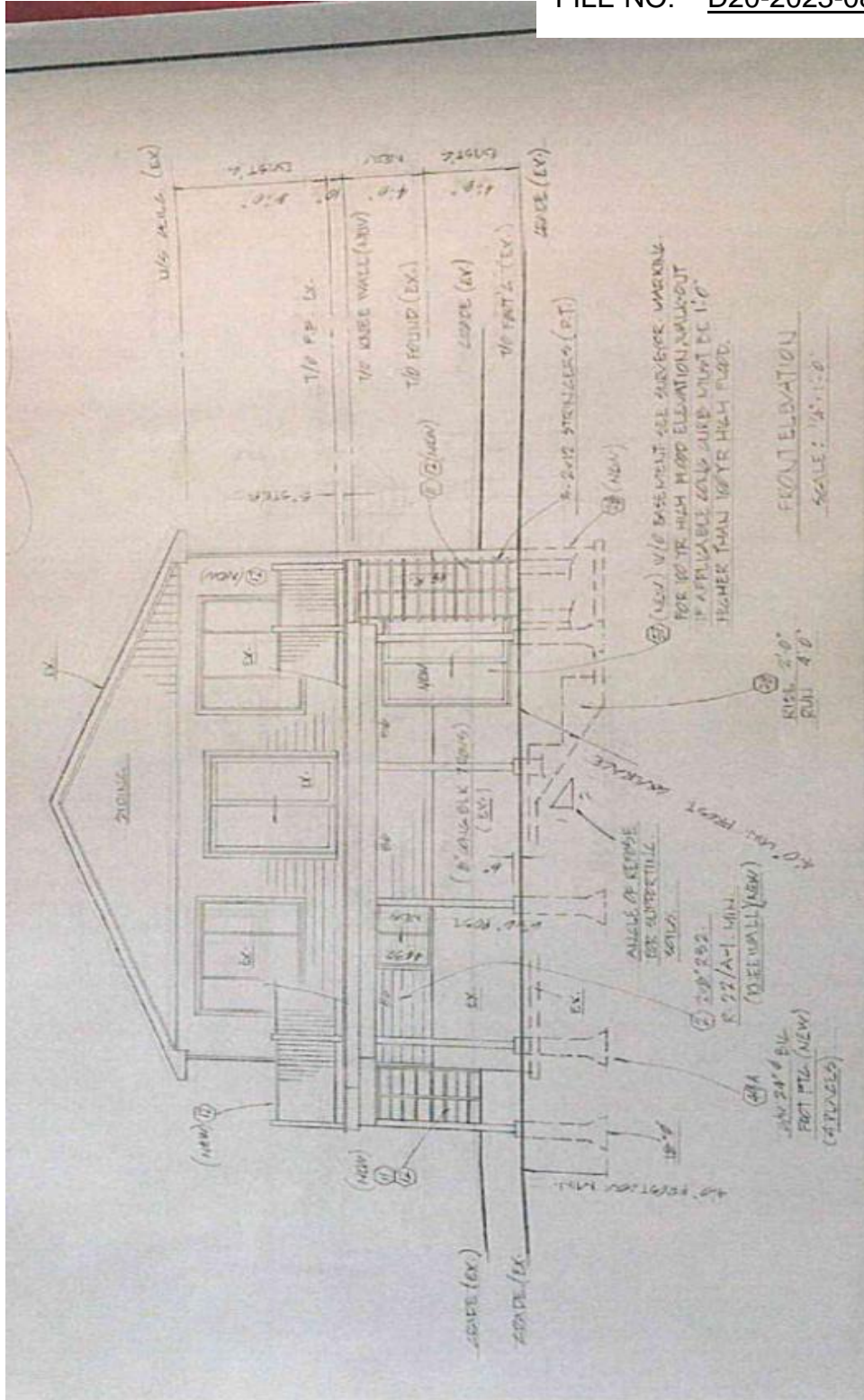
APPENDIX " D "

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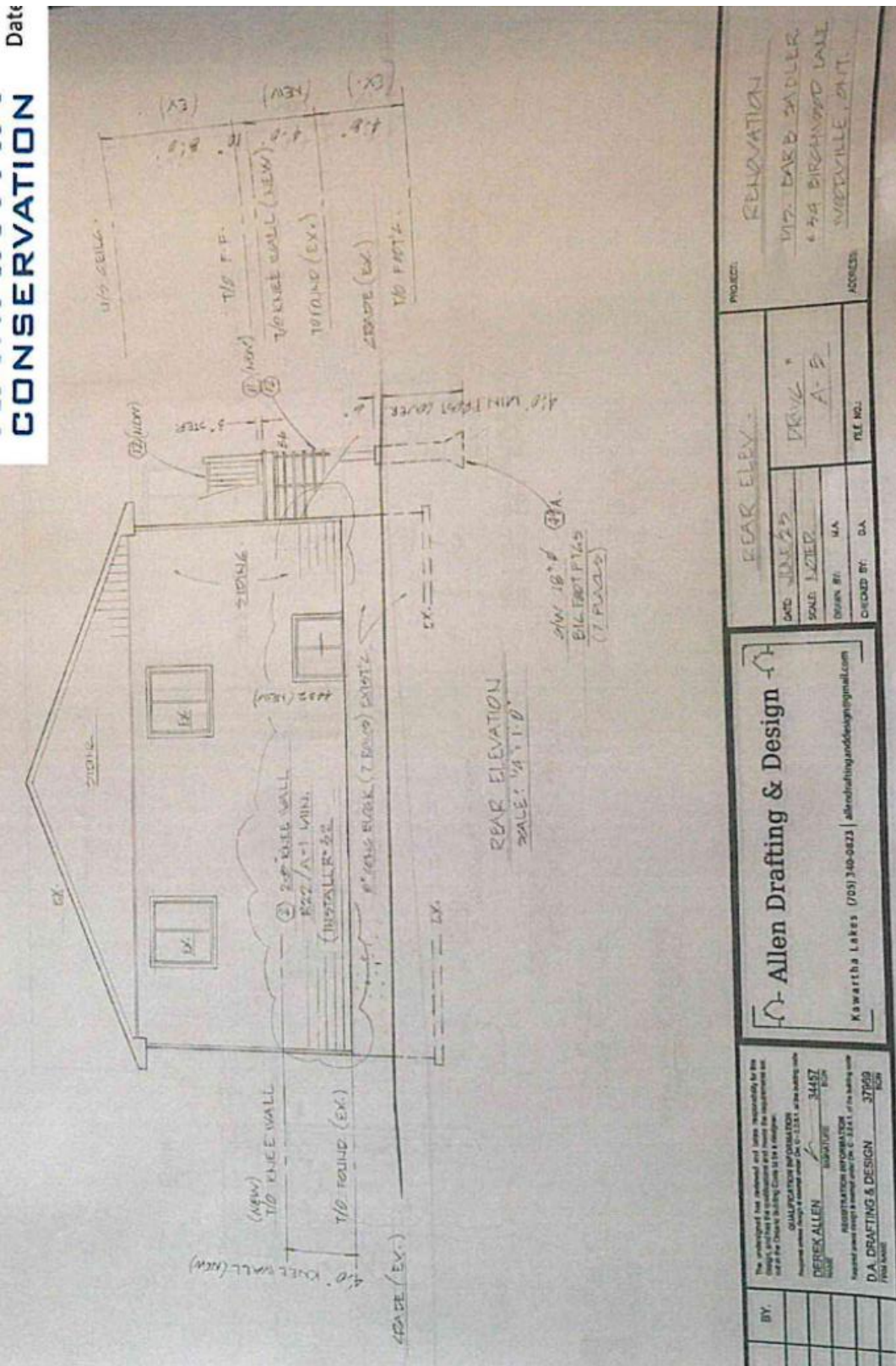
REPORT COA2024-004

FILE NO: D20-2023-089

ELEVATION DRAWINGS



Elevation - Rear Viewpoint (lakeside)



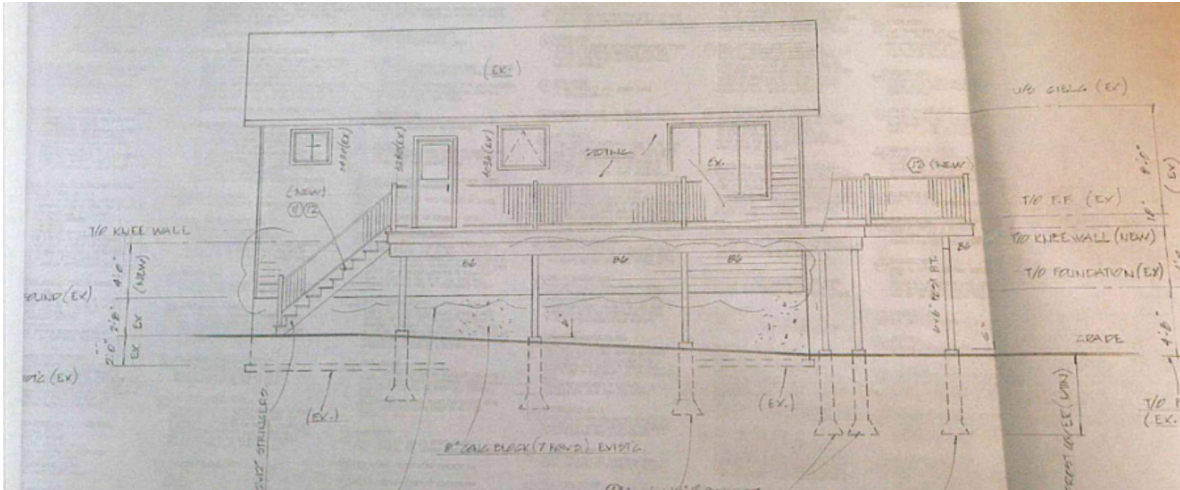
BY: _____
 PROJECT: RENOVATION
 ADDRESS: 117. DARB SADDLER, 6. 24 BIRCHWOOD LANE, WOODVILLE, MA.
 FILE NO.: _____
 DATE: 10/23/23
 SCALE: 1/8" = 1'-0"
 DRAWN BY: MA
 CHECKED BY: DA
 PROJECT: RENOVATION
 ADDRESS: 117. DARB SADDLER, 6. 24 BIRCHWOOD LANE, WOODVILLE, MA.
 FILE NO.: _____

Allen Drafting & Design
 Kawartha Lakes (705) 740-0422 | alledraftinganddesign@gmail.com

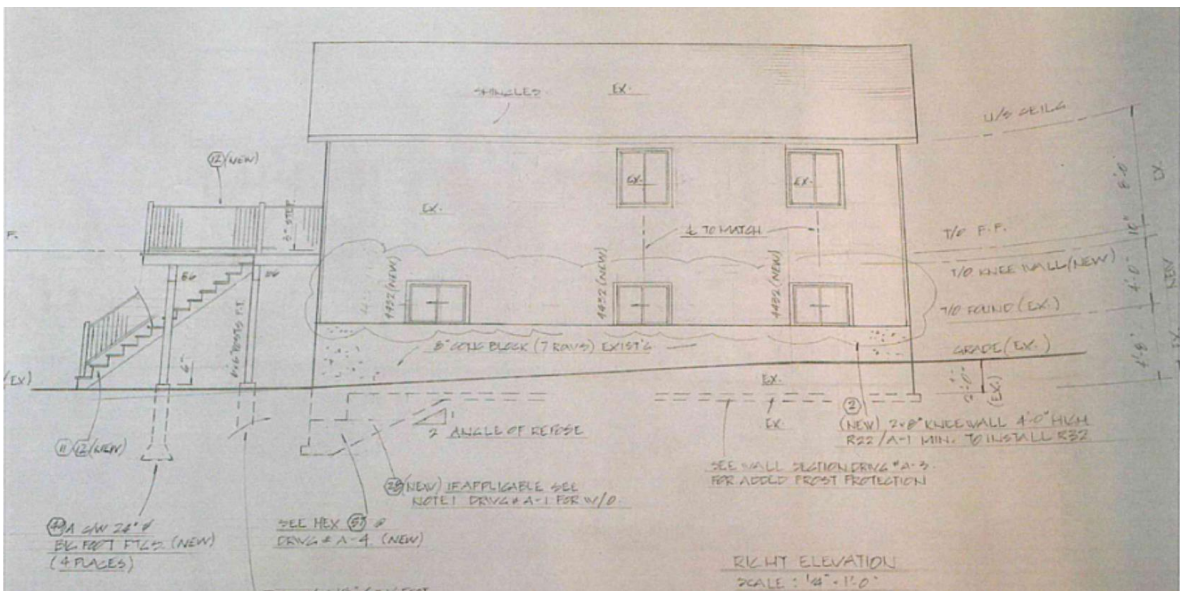
The undersigned has assumed and accepts responsibility for the design, drafting and construction of the improvements to the site and for the building. Code is the designer's responsibility. Code is the designer's responsibility. Code is the designer's responsibility.

PROJECT: RENOVATION
 ADDRESS: 117. DARB SADDLER, 6. 24 BIRCHWOOD LANE, WOODVILLE, MA.
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Elevation - Front Viewpoint (roadside)



Elevation - Southern Side Yard Viewpoint



Elevation - Northern Side Yard Viewpoint