

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Kelemen

Report Number COA2024-006

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### Public Meeting

**Meeting Date:** January 25, 2024

**Time:** 1:00 pm

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

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### Ward 6 – Geographic Township of Emily

**Subject:** The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling and detached garage

#### Relief sought:

Attached waterside deck

1. Section 12.2.1.3 b) ii) of the By-law requires a minimum interior side yard setback of 5.5 metres; the proposed setback of the deck is 3.6 metres on the east side and 3.4 metres on the west side;

Detached garage

2. Section 3.1.2.2 of the By-law provides that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Three (RR3)' Zone and the minimum front yard setback is 7.5 metres; the proposed setback is 1.8 metres; and,
3. Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed detached garage constitutes the sixth accessory structure on the lot.

The variance is requested at **44 Charlore Park Drive** (File D20-2023-091).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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### Recommendations

That Report COA2024-006 – Kelemen, be received;

**That** minor variance application D20-2023-091 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 COA2024-006, 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 COA2024-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	The demolition of the existing dwelling and the construction of a new dwelling and detached garage
Owners:	Glen and Diane Kelemen
Applicant:	TD Consulting Inc.
Legal Description:	Part Lots 14 and 15, Concession 7 (being Lot 34 on Plan 331)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-law 1996-30)
Site Size:	1,623.8 sq. m. (17,478.4377 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **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 north shore of the Pigeon River. The property is rectangular in shape and is a waterfront lot. The property contained a single detached dwelling which was constructed in 1955 (according to Municipal Property Assessment Corporation). The dwelling was demolished in November, 2023 (BP2023-0765). The property now contains a wood storage structure, three sheds, and a boathouse.

It can be expected that over time, owners may improve their property in an attempt to achieve its highest and best use. The proposal is to construct a new single detached dwelling with an attached waterside deck, and to construct a detached garage. The previously existing dwelling had a gross floor area of approximately 90.9 square metres. The gross floor area of the proposed dwelling is approximately 138.1 square metres. The new dwelling will be larger and better able to accommodate the property owners as well as family and friends, and the new garage will provide additional storage opportunities on the property.

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 designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses and buildings and structures accessory to residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

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 Emily Zoning By-law 1996-30. A single detached dwelling and accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum side yard setback, the minimum front yard setback, and the maximum number of accessory structures.

As per Section 12.2.1.3 b) ii) of the By-law, a minimum interior side yard setback of 5.5 metres is required for a two storey dwelling. As per Section 3.1.4 c) of the By-law, an unenclosed deck that is 1.2 metres above the adjacent finished grade shall comply with the yard requirements of the applicable zone for a main building. The proposed deck is approximately 3 metres in height and is located above the walkout basement, level with the second storey of the proposed dwelling. As such, the interior side yard setbacks required for a two storey dwelling apply to the

proposed attached deck. The proposed setbacks of the deck are 3.6 metres on the east side and 3.4 metres on the west side. 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 deck is predominantly uncovered and is supported by posts below. The lack of roof coverage and open area under the deck reduce the massing of the structure. The dwelling, which complies with the side yard setbacks, remains visually predominant. Additionally, the enlargement of the dwelling compared to what previously existed will result in the new deck being further south than the dwelling on the neighbouring property to the east. The deck not being aligned with the neighbouring dwelling will reduce impacts to privacy between the deck and the dwelling to the east. To the west, there is a stand of mature vegetation along the property line, reducing privacy impacts between the proposed deck and the neighbouring dwelling to the west.

As the proposed deck is not to be constructed at grade, its impact to lot drainage would be negligible. Adequate space on each side of the deck remains to allow for unimpeded access between the front and rear yard as well as space to carry out any required building maintenance. The property is long and narrow in shape, resulting in extensive front and rear yards that provide adequate amenity space. The area under the proposed deck will provide covered outdoor amenity space in addition to the existing lawn space.

As per Section 3.1.2.2 of the By-law, an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The minimum front yard setback in the RR3 Zone is 7.5 metres and the proposed setback is 1.8 metres. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as sight lines and the character of the streetscape.

Between the front lot line of the subject property and the travelled portion of the road allowance there is an approximately 6-metre-wide grassy boulevard, adding visual and physical separation between the proposed garage and the road. With this separation, in addition to the proposed 1.8 metre setback, it is not anticipated that the proposed garage will impact the function of the roadway with respect to maintenance or sight lines. The proposed driveway is to the west of the garage. As such, vehicles will not be exiting the garage and immediately entering the travelled portion of the road, preventing impacts to sightlines and the flow of traffic. Additionally, there appear to be other buildings and structures in the area with reduced front yard setbacks. As such, the setback of the proposed garage will not be out of character with the existing built form.

Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed detached garage constitutes the sixth accessory structure on the lot. The intent of establishing a maximum number of 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 existing and proposed structures are dispersed throughout the property, reducing visual clutter and massing impacts. The dispersed arrangement of the accessory structures provides balance and maintains the dwelling as the visually predominant structure on the property. Additionally, the proposal complies with the maximum lot coverage for accessory structures.

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 municipal 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 a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

**Building and Septic Division (Septic):** “A sewage system installation report has been issued for this property. The sewage system was assessed for the proposed new build and garage placement. The structures are proposed to be maintained the required minimum clearance distances from the sewage system components. Additionally, the proposed dwelling will not exceed the allowable capacity of the sewage system. As such, the Building and Septic Division has 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**

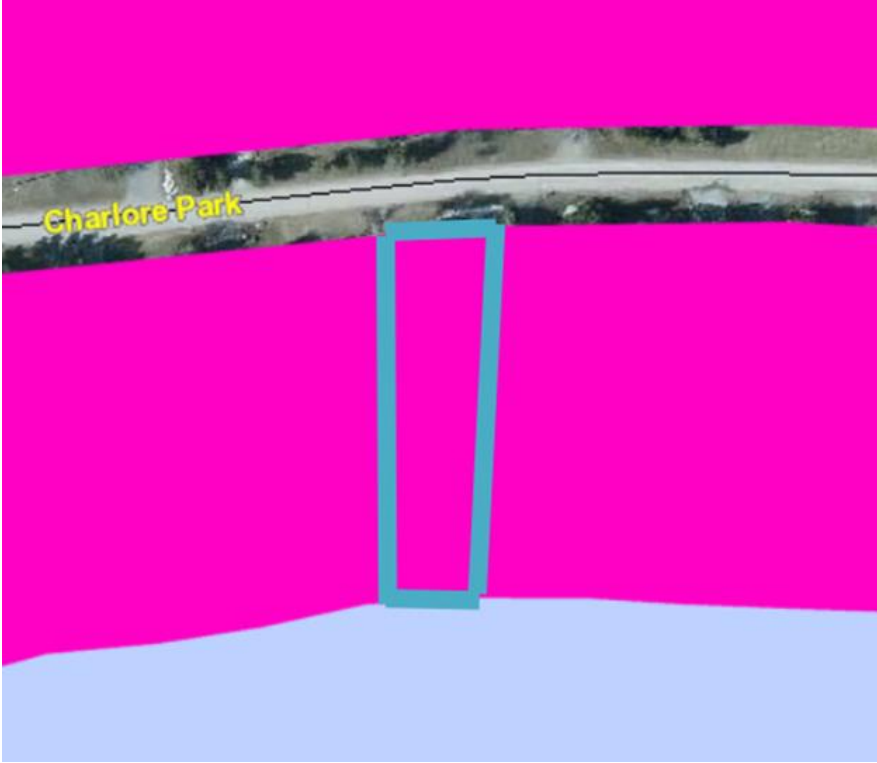
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2023-091

## Schedule 1 Relevant Planning Policies and Provisions

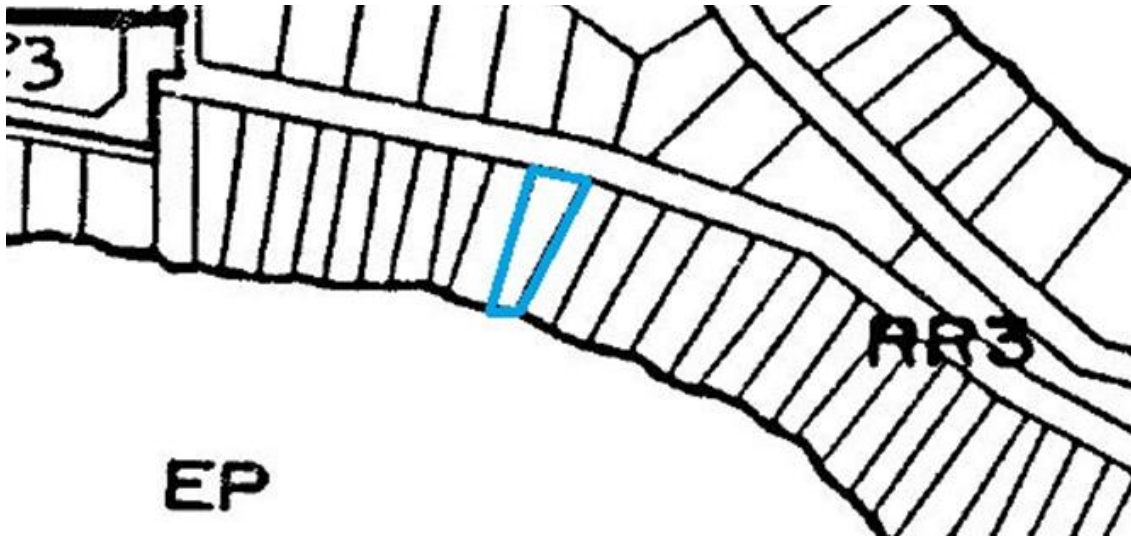
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### City of Kawartha Lakes Official Plan



### 20. Waterfront Designation

## Township of Emily Zoning By-law 1996-30



### Part 3 General Provisions

#### 3.1.2 Location

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

3.1.2.2 An accessory building may be erected not closer than 1.0 metre from a rear lot line and 1.0 metre from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 2 metres to a residential building located on the same lot.

3.1.2.3 Where a lot abuts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

#### 3.1.3 Lot Coverage and Height

3.1.3.3 A maximum of three accessory buildings or structures, excluding outdoor swimming pools, shall be permitted on a lot in any class of residential zone.

#### 3.1.4 Yard Requirements

(c) balconies, canopies, unenclosed porches or decks, steps or patios may project into any yard a distance of not more than 1.5 metres provided that a required side yard is not reduced to below 1.5 metres and further provided that a porch or deck which is, at any point, more than 1.2 metres above the



adjacent finished grade shall comply with the yard requirements of the applicable zone for a main building;

### **Part 12 Rural Residential Type Three (RR3) Zone**

#### 12.1 Uses Permitted

#### 12.2 Zone Provisions

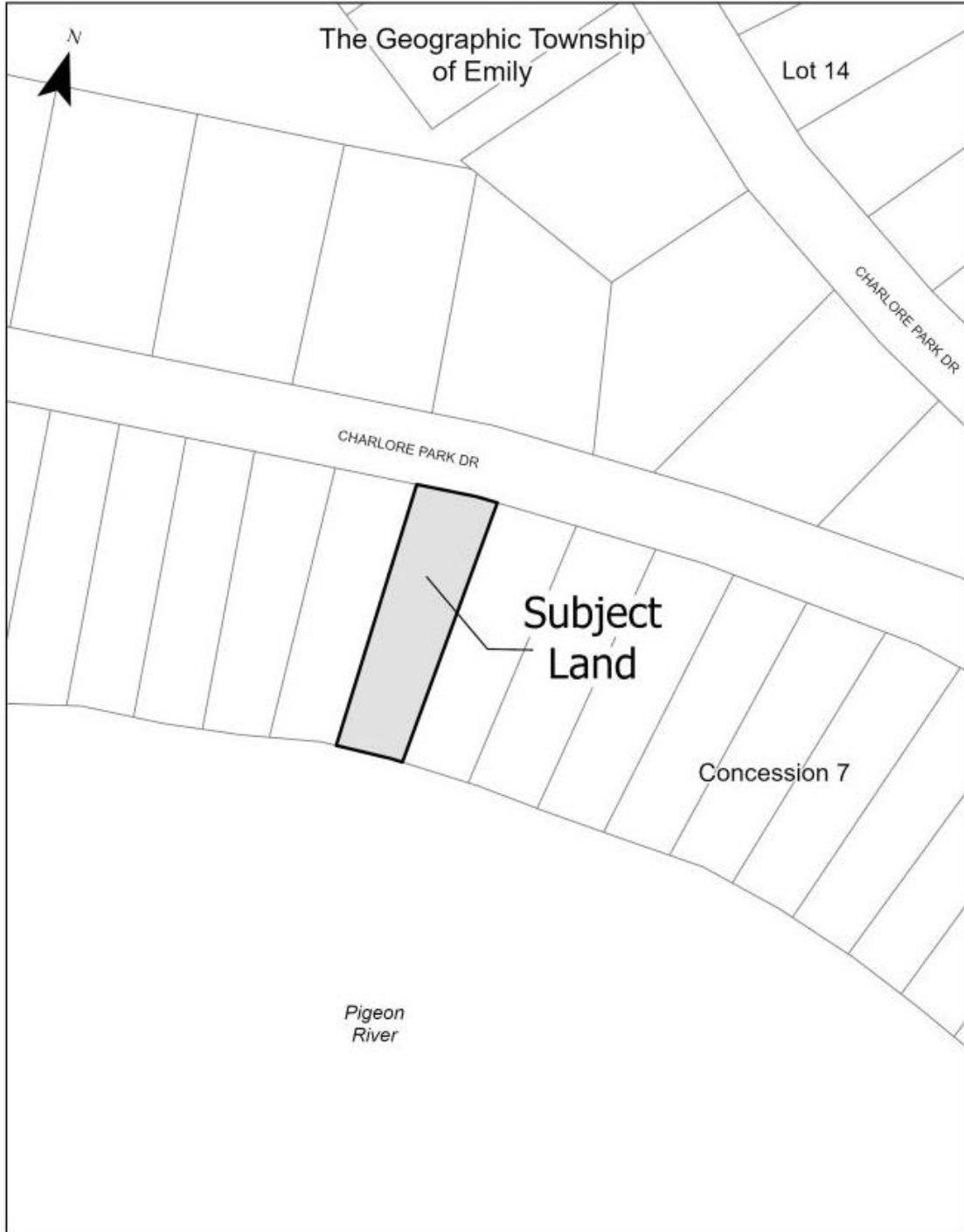
##### b) interior side

(i) one and one and a half storey buildings 3 m

(ii) two storeys or greater 5.5 m

**LOCATION MAP**

# D20-2023-091



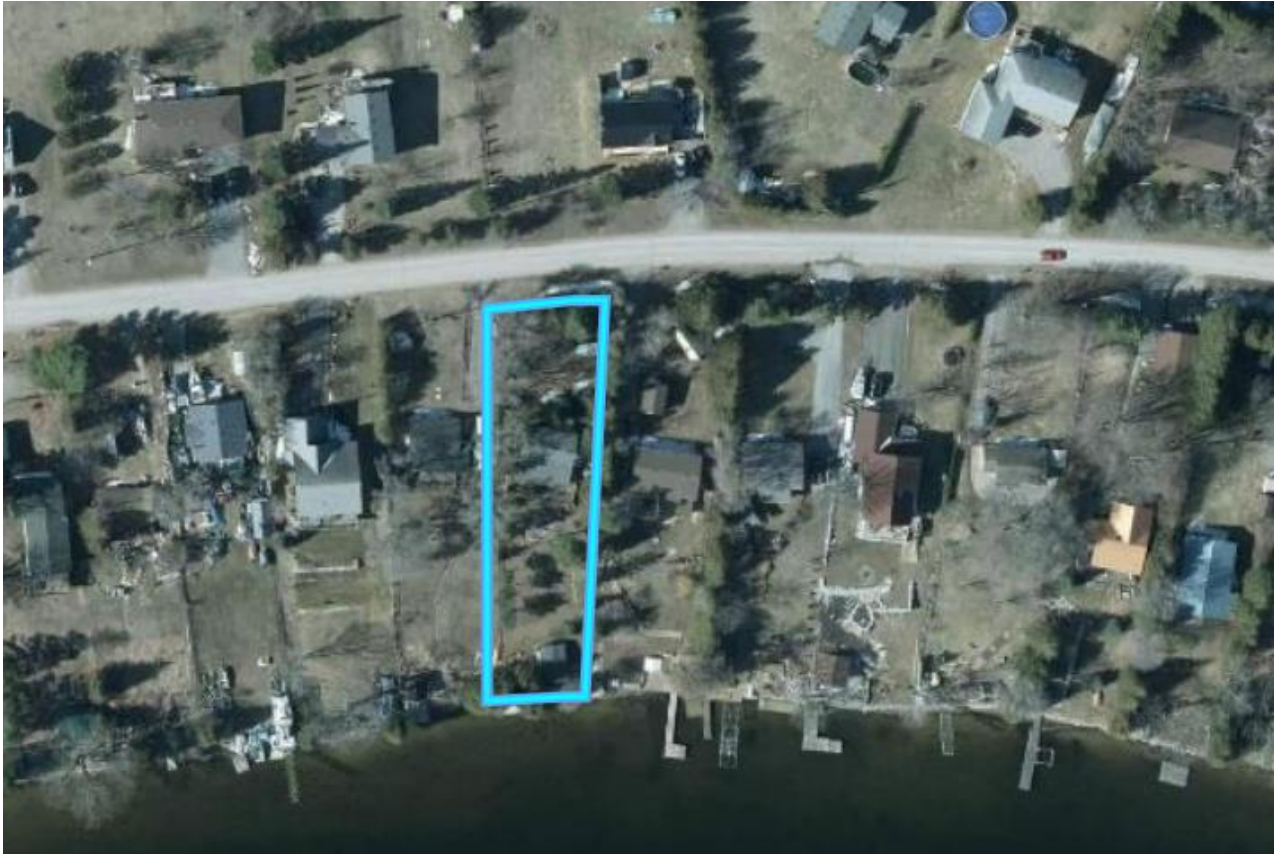
APPENDIX " B "

to

REPORT COA2024-006

FILE NO: D20-2023-091

**AERIAL PHOTO**



to

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**APPLICANT'S SKETCH**



- Proposed detached garage
- Proposed dwelling
- Proposed attached deck
- Existing boathouse
- Existing shed
- Existing shed
- Existing wood storage structure
- Existing shed