

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Pandelidis and Peters
Report Number COA2024-014

Public Meeting

Meeting Date: February 22, 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 rear deck, and the construction of a new rear deck.

Relief sought:

1. Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The existing non-complying setback is 7.5 metres. The proposed water setback is 8.2 metres.

The variance is requested at **49 Potts Shore Road** (File D20-2024-004).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2024-014 – Pandelidis and Peters, be received;

That minor variance application D20-2024-004 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 COA2024-014, 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 COA2024-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Demolition of existing rear deck, to construct a new deck.
Owners:	David Peters and Susan Pandelidis
Applicant:	Jean Pandelidis
Legal Description:	Part Lot 25, Concession 8, Lot 7 and Part ROW, Plan 191 (being Part 5 of Reference Plan 57R5497)
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:	1,133.12 square metres (0.28 acres)
Site Access:	Municipal year-round maintained road
Site Servicing:	Potable water collected from Cameron Lake with individual 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.

The subject property is situated in a residential neighbourhood on the southwestern shore of Cameron Lake. The residential neighbourhood consists primarily of single-storey dwellings, with varying proximities to Cameron Lake. Based on data provided by the Municipal Property Assessment Corporation (MPAC), the majority of the built form in the neighbourhood was constructed in the mid-to-late 1900's, many with various extents of renovations and alterations since their construction. The property is relatively rectangular in shape with access from Potts Shore Road and waterfront onto Cameron Lake. The property currently contains a single storey dwelling (1991), attached garage (1991), rear deck (1991), and boathouse (2002).

¹ See Schedule 1

² See Schedule 1

The proposal seeks to demolish and replace the current non-complying deck on the property with a new rear deck.

Considering the age of the built form within the neighbourhood, it can be expected for property owners to redevelop their properties for maintenance and to achieve the highest and best use. The proposed deck will serve as an upgrade to the existing deck, by providing a newer built form that will serve to improve the aesthetic of 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 under the City of Kawartha Lakes Official Plan (2012). Residential uses and accessory structures are anticipated within the Waterfront designation.

Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of an building or structure into a water setback to be considered. The proposed deck is a permitted use and better supports this policy as it provides a greater space for vegetation in the rear yard, and increases the buffer between built-form and the existing shoreline.

Overall, the proposed deck better supports the objectives and policies of the Waterfront designation as it results in a substantially greater setback from the shoreline while preventing any change to the existing 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 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 water setback.

Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The current water setback from the existing deck is 7.4 metres. The proposed water setback improves the non-compliance setback to 8.2 metres. The current deck was constructed prior to the adoption of the Zoning By-law, and does not meet the required minimum rear yard setback and/or water setback. However, the proposed deck complies with the rear yard setback and provides a greater water setback than the existing deck. The intent of the 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. As a result, the proposed deck better supports the

intention of the Zoning By-law as it provides a greater water setback, allowing for a larger buffer between the shoreline and built-form.

Therefore, the variance maintains 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:

DS – Building and Septic (Septic): “A sewage system use permit was located for the property. The report indicates that the sewage system is constructed in the roadside yard of the dwelling. The deck is proposed to be reconstructed in the water yard. The placement of the deck in this yard will ensure appropriate clearance distances are maintained to the existing system.

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

DS – Building and Septic (Building): “No comments.”

Public Comments:

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

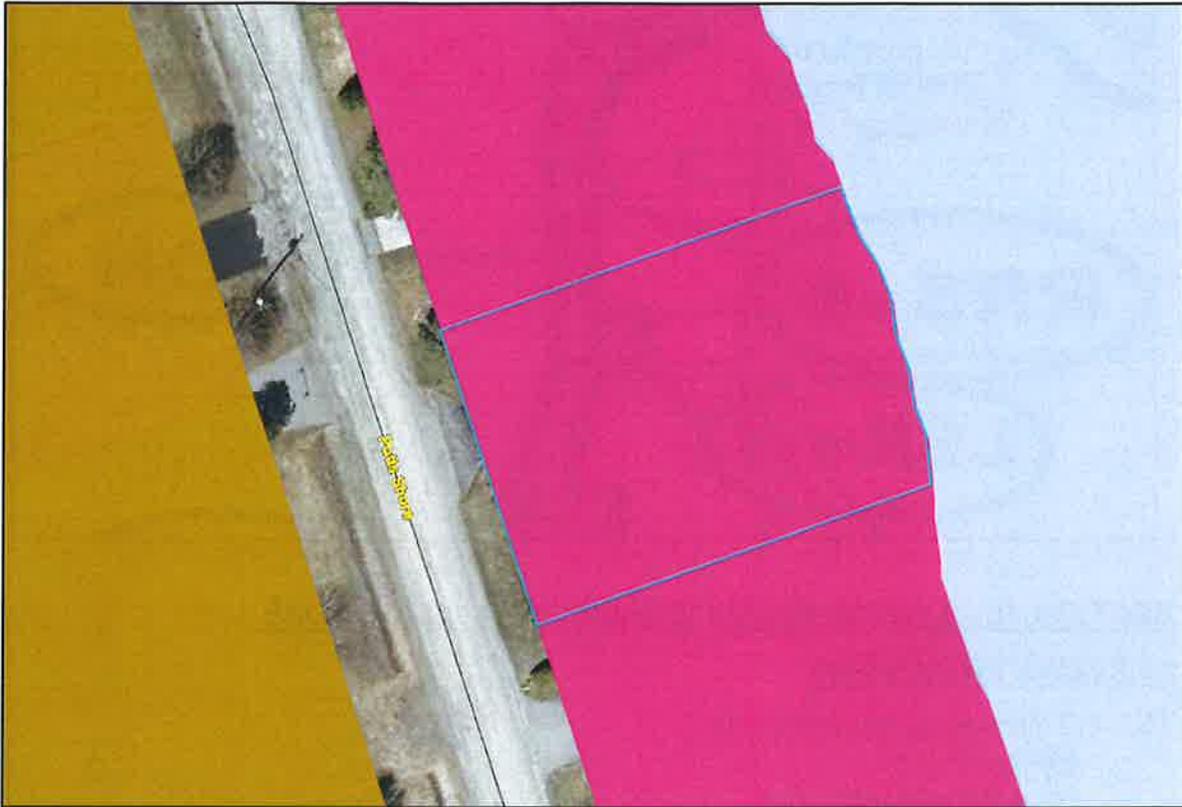
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Site Plan of Existing Structures

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-004

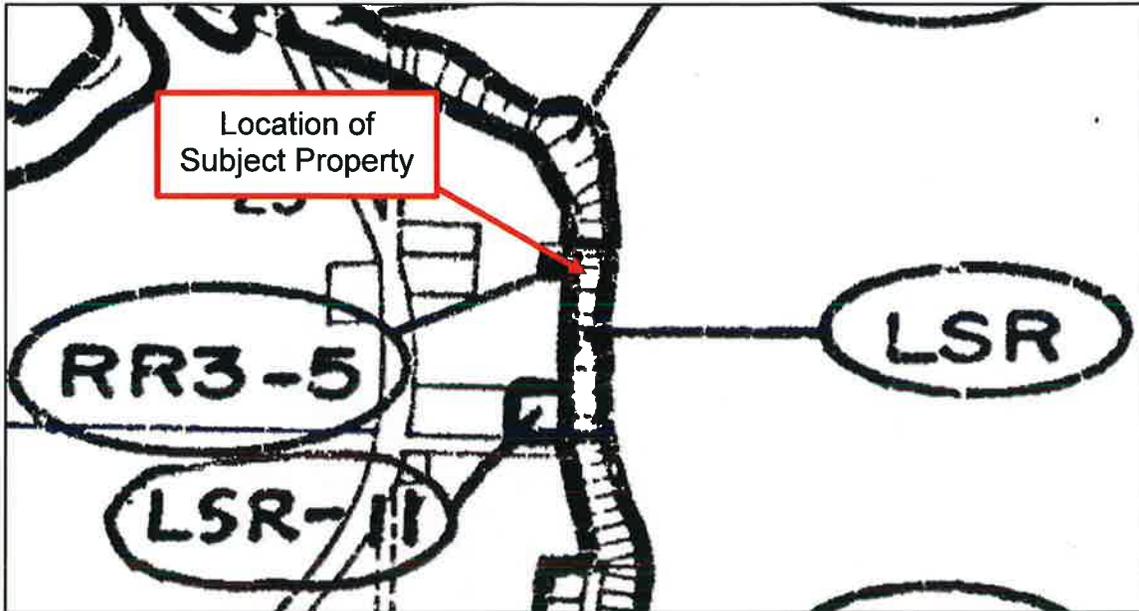
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



Section 20 – Waterfront Designation

Township of Fenelon Zoning By-Law 12-95



SECTION 15 – LIMITED SERVICE RESIDENTIAL (LSR) ZONE

15.2 ZONE PROVISIONS

15.2.1.3 Yard Requirements (min.)

- (d) rear 7.5 m
- (e) water setback 15 m

APPENDIX " A "

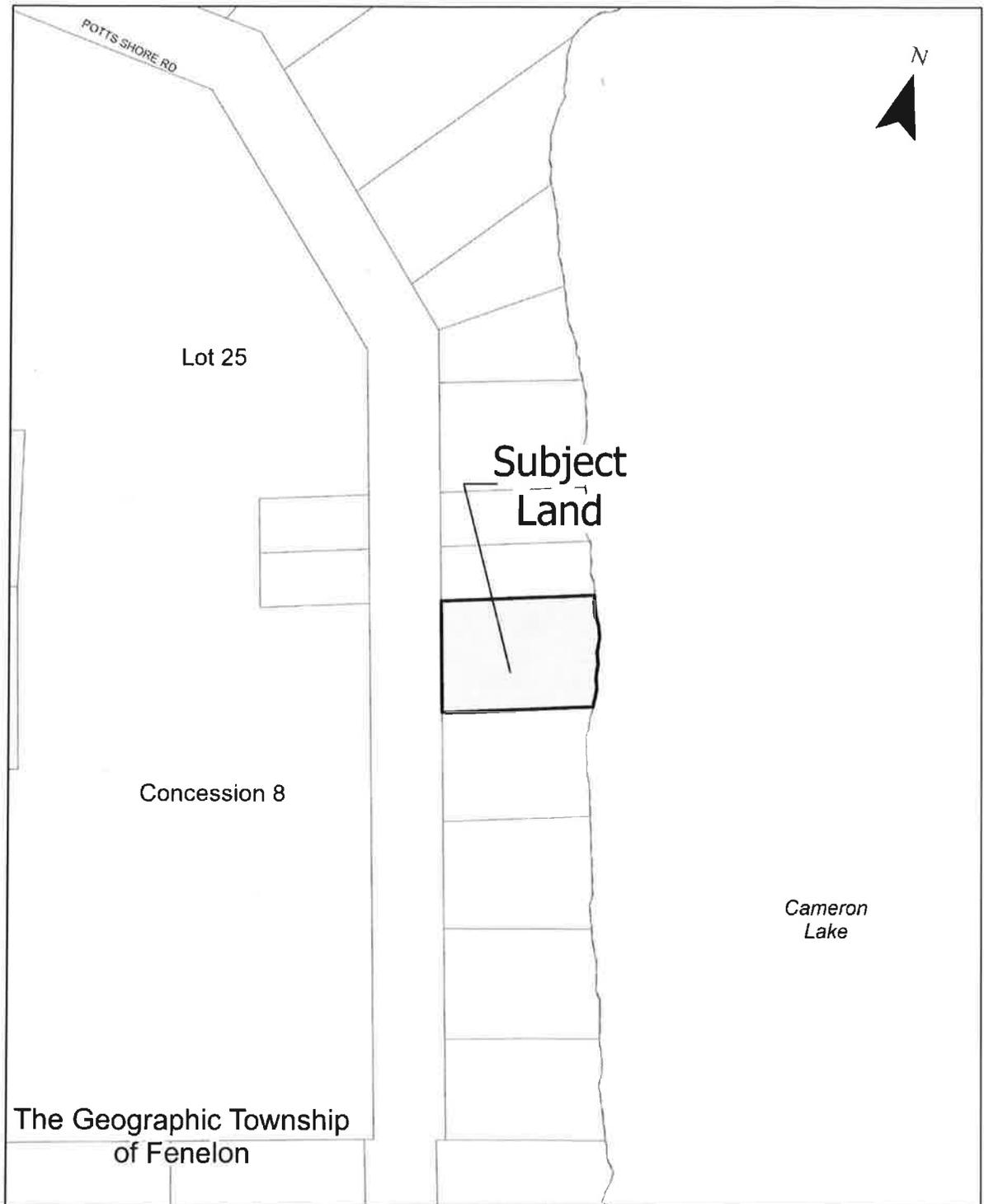
to

REPORT COA2024-014

FILE NO: D20-2024-004

LOCATION MAP

D20-2024-004



APPENDIX " B "

to

REPORT COA2024-014

FILE NO: D20-2024-004

AERIAL IMAGERY (2018)



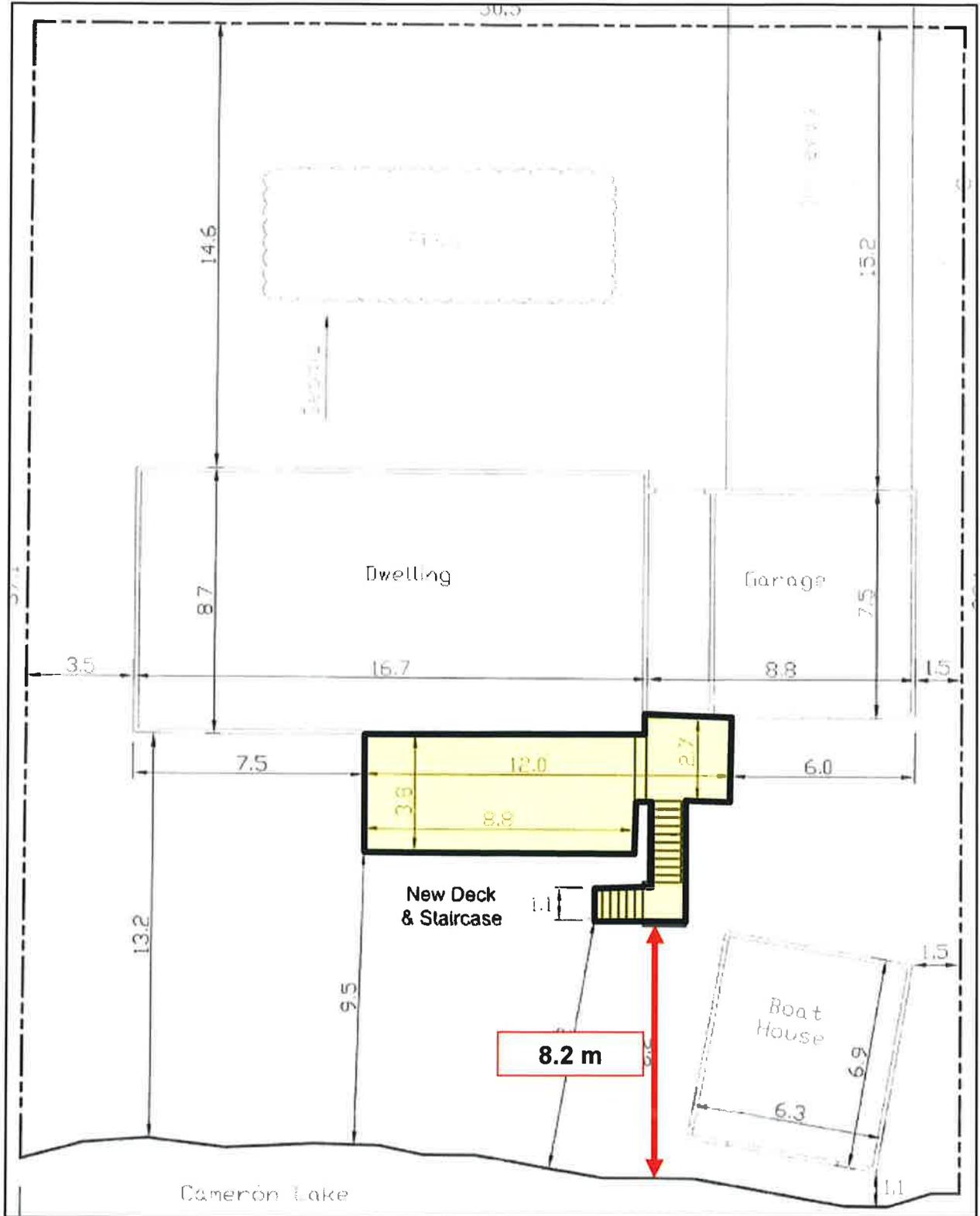
APPENDIX " C "

to

REPORT COA2024-014

FILE NO: D20-2024-004

APPLICANT'S SKETCH



APPENDIX " D "

to

SITE PLAN OF EXISTING STRUCTURES

REPORT COA2024-014

FILE NO: D20-2024-004

