

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Pike

Report Number COA2024-019

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 raising of the existing single detached dwelling to construct a walkout lower level.

Relief sought:

1. Section 15.2.1.3 b) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side; the existing setback from the southeast lot line is 1.75 metres; and,
2. Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the existing setback is 1.75 metres.

The variance is requested at **165 Fell's Point Road** (File D20-2024-009).

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

Recommendations

That Report COA2024-019 – Pike, be received;

That minor variance application D20-2024-009 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 COA2024-019, 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 COA2024-019. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Raising of the existing single detached dwelling for the purpose of constructing a walkout lower level
Owners:	Gordon and Karen Pike
Applicant:	Gordon and Karen Pike
Legal Description:	Part Lot 31, Concession 10 (being Part 6 on Reference Plan 57R7315)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential Exception One (LSR-1) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	1,714.7 sq. m. (18,456.9 sq. ft.)
Site Access:	Combination assumed street and private right of way
Site Servicing:	Private individual septic system and lake draw water
Existing Uses:	Residential
Adjacent Uses:	Residential and Environmental Protection

Background Information

A Minor Variance was granted for this proposal in August, 2023 (D20-2023-063) for relief from the minimum water setback, allowing for a 2.5 metre water setback. This relief was based on a sketch and measurements prepared by the property owner. Since that time, the owners have had a survey prepared, which shows that the closest point between the dwelling and the shoreline is 1.75 metres.

As additional relief from the water setback than what was previously granted is required, relief must be sought through the Minor Variance process. Additionally, as the shoreline functions as an interior side lot line, relief is also required from the minimum interior side yard setback.

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 located on the western shore of Fells Bay, on the northern portion of Cameron Lake. The property is rectangular in shape, is a waterfront lot, and contains a one storey single detached dwelling constructed in 1958 (according to Municipal Property Assessment Corporation), a boathouse, and two sheds. Fell's Point Road is assumed and maintained by the Municipality up until the northeastern boundary of the subject property, after which the road becomes private. The private road goes through the subject property and services the five properties to the south.

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 raise the existing dwelling to construct a walkout lower level. The proposal will add additional living space to accommodate the property owner as well as family and friends. The gross floor area of the existing dwelling is approximately 95 square metres, and with the addition of the lower level the new gross floor area is to be approximately 190 square metres.

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. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. This vegetation provides the following benefits to the waterbody: attenuation of storm water runoff, trapping of sediments and nutrients carried by storm water runoff, enhancement to water quality, and habitat enhancement in the riparian area.

The policies permit existing lots of record where development must be accommodated less than 30 metres from the shoreline to maintain a shoreline setback of 15 metres. The distance between the shoreline and the private road is approximately 14 metres. As such, the property has insufficient depth to comply with the required 15 metre setback. The intent of the policy is not to extinguish the residential use, but to improve upon shoreline setbacks when development or redevelopment occurs. Limited opportunity remains to further enhance the

shoreline setback without impeding on the private road, which neighbouring property owners depend on to access their properties. The raising of the existing dwelling will add living space while maintaining the same footprint, lessening the impact on shoreline conditions.

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 Exception One (LSR-1) Zone under the Township of Fenelon Zoning By-law 12-95. A vacation dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the By-law with the exception of the minimum interior side yard setback and the minimum water setback.

As per Section 15.2.1.3 b) of the By-law, a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side is required for a dwelling that is greater than one storey in height. The existing setback from the southeast lot line (the shoreline) is 1.75 metres. The intent of a minimum interior side yard setback measured from a shoreline is to ensure there is adequate space for access between front and rear yards and building maintenance.

The dwelling is irregular in shape, and a portion extends closer to the shoreline than the rest of the dwelling. While the closest point between the dwelling and the shoreline is 1.75 metres, the rest of the dwelling is between 2.29 metres and 3.62 metres from the shoreline. The existing setback is to be maintained, and there is adequate space to comfortably walk along the narrowest area between the dwelling and the shoreline and to perform any required building maintenance.

Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres and the existing setback is 1.75 metres. The intent of the minimum water setback is to protect built form from natural hazards, provide sufficient space to establish vegetation to improve waterbody health, and to provide sufficient space for the infiltration of stormwater runoff.

The proposal to add living space by raising the existing dwelling rather than constructing an addition preserves as much of the shoreline buffer as possible. The proposal maintains the non-complying setback and no further encroachment is proposed. As such, the proposal is not anticipated to alter the existing shoreline conditions or negatively impact infiltration.

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 (Building): “No comments.”

Building and Septic Division (Septic): “An application for a sewage system permit has been submitted and reviewed for the proposed construction. A permit has been issued for the installation of a Class 5 Holding Tank to service the dwelling. The tank will be located in a side yard location. The lower level/basement construction will be directly below the existing dwelling footprint. The placement of the new foundation/basement in this location will ensure appropriate clearance distances are maintained to the proposed tank. Modifications proposed for the dwelling interior have been taken into consideration through the sewage system permitting process. As such, the Building and Septic Division has no issue 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

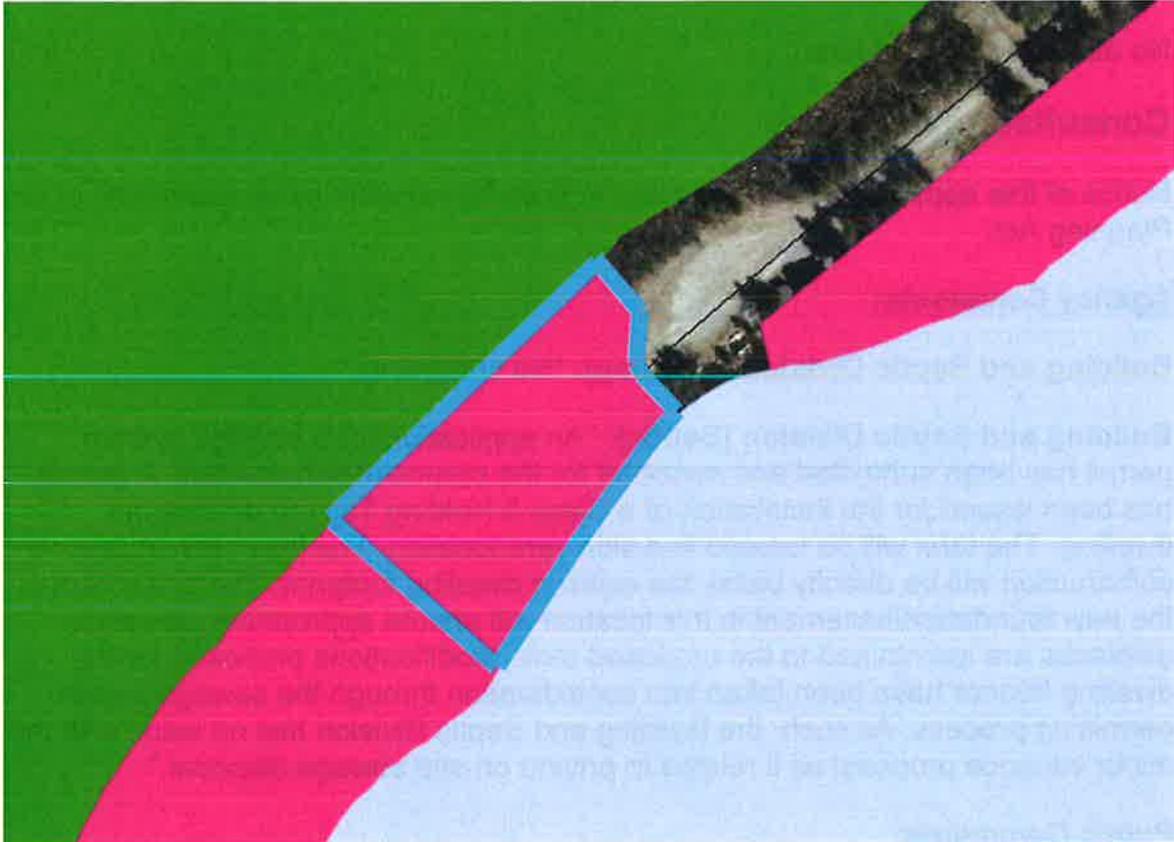
- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Construction Drawings

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E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-009

Schedule 1

Relevant Planning Policies and Provisions

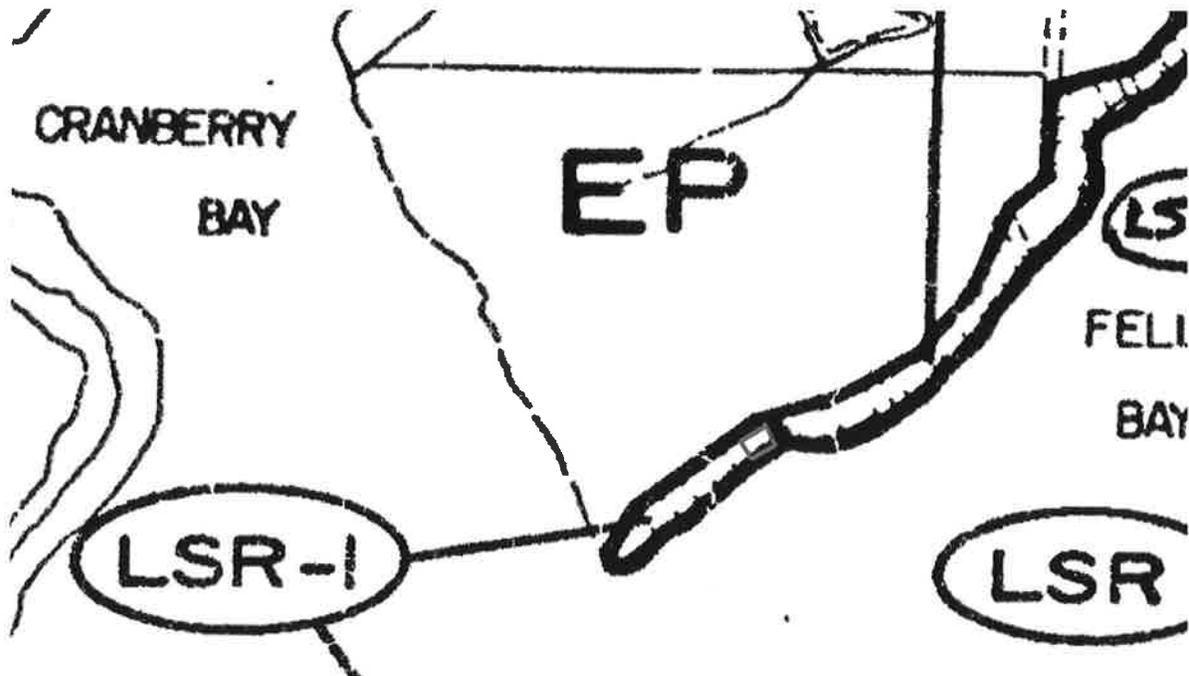
City of Kawartha Lakes Official Plan



3.11. Water Setback and Accessory Uses

20. Waterfront Designation

Township of Fenelon Zoning By-law 12-95



Part 2 – Definitions

DWELLING, VACATION, means a single detached dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.

Part 15 – Limited Service Residential (LSR) Zone

15.1 Permitted Uses

15.2 Zone Provisions

15.2.1.3 Yard Requirements (min.)

b) interior side

- (i) one storey 3 m on one side 1.3 m on opposite side
- (ii) all others 2.3 m on opposite side

e) Water Setback 15 m

15.3.1 Limited Service Residential Exception One (LSR-1) Zone

15.3.1.1 Notwithstanding subsection 15.1.1 land zoned "LSR-1" may only be used for a vacation dwelling.

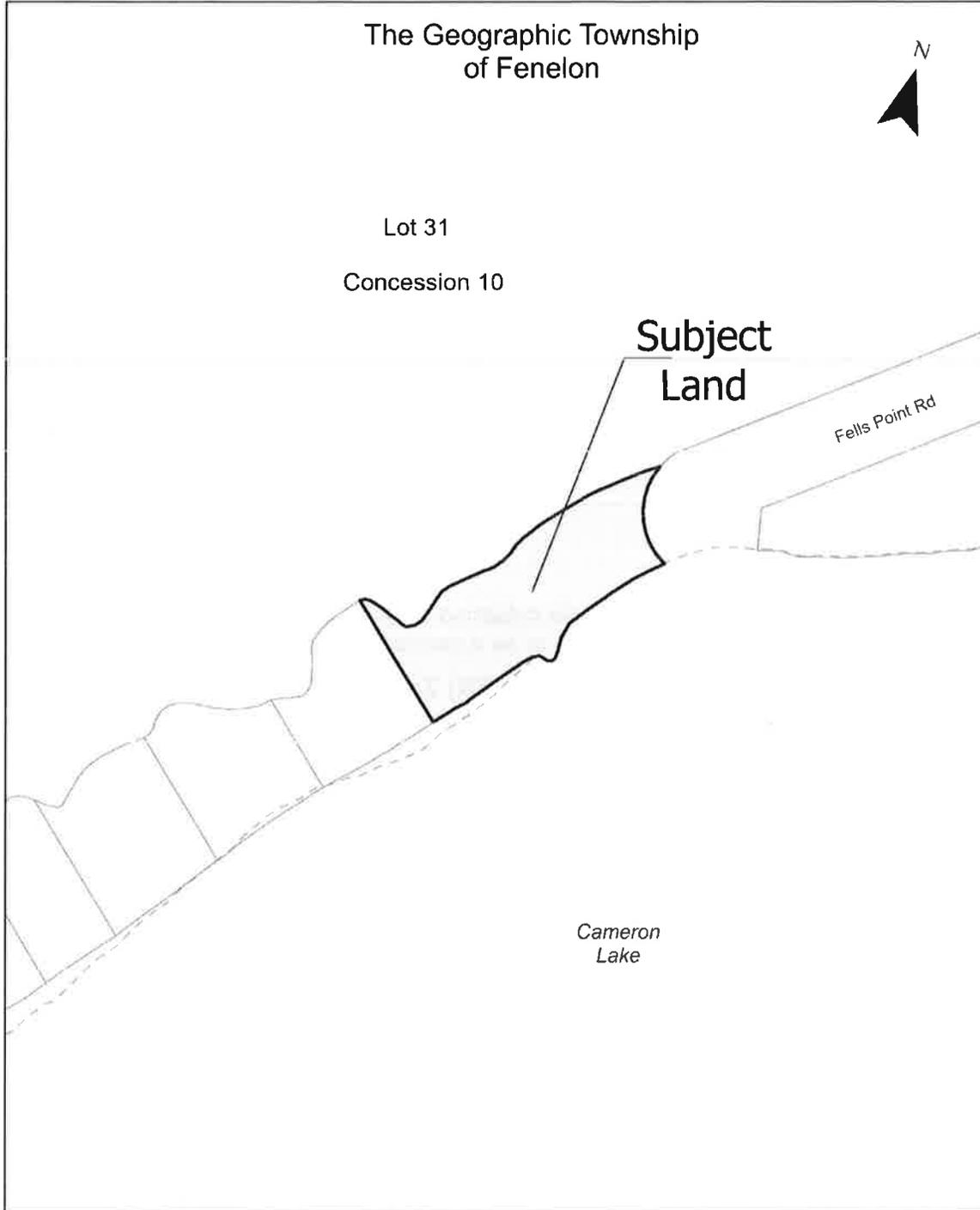
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LOCATION MAP

D20-2024-009



APPENDIX " B "

to

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AERIAL PHOTO

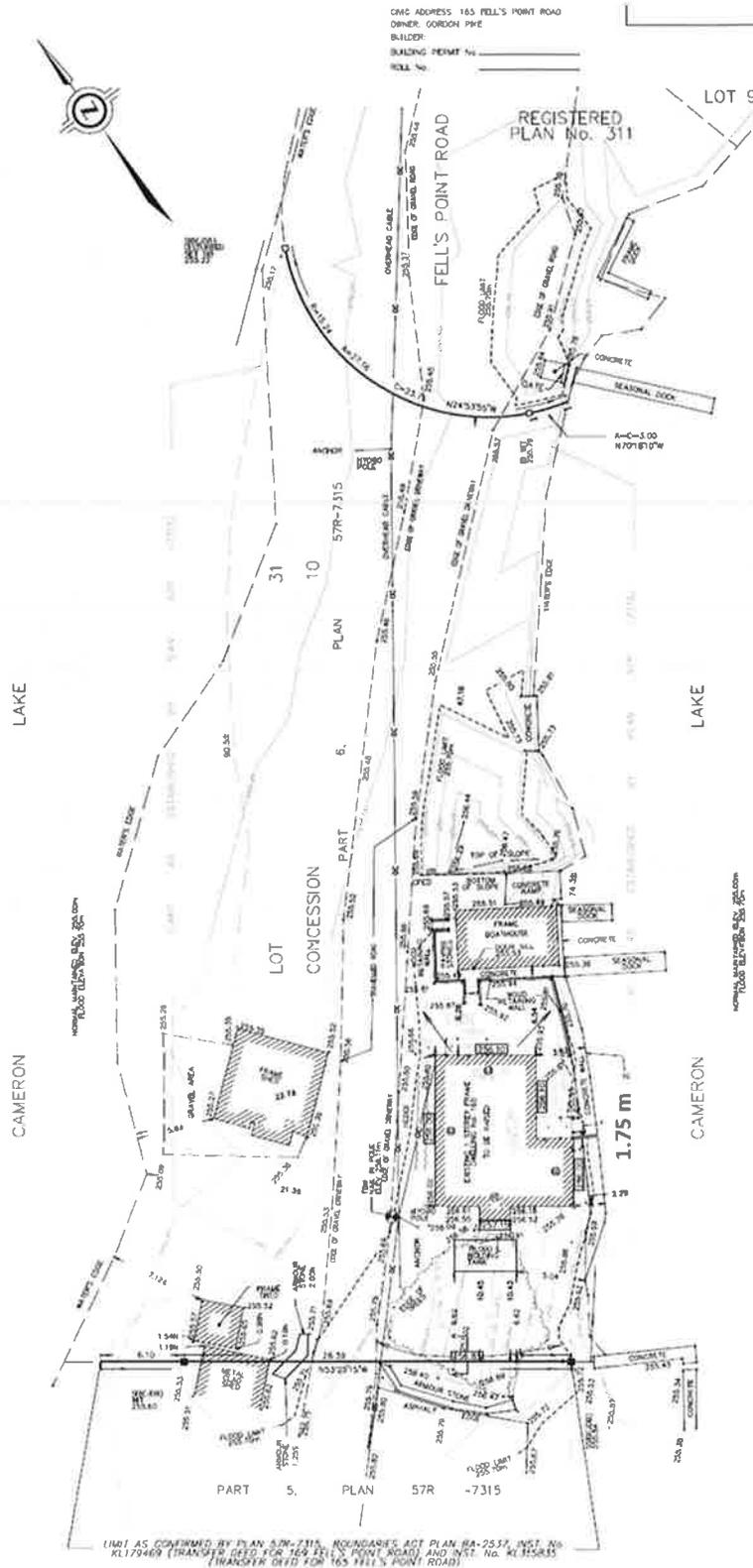


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APPLICANT'S SKETCH

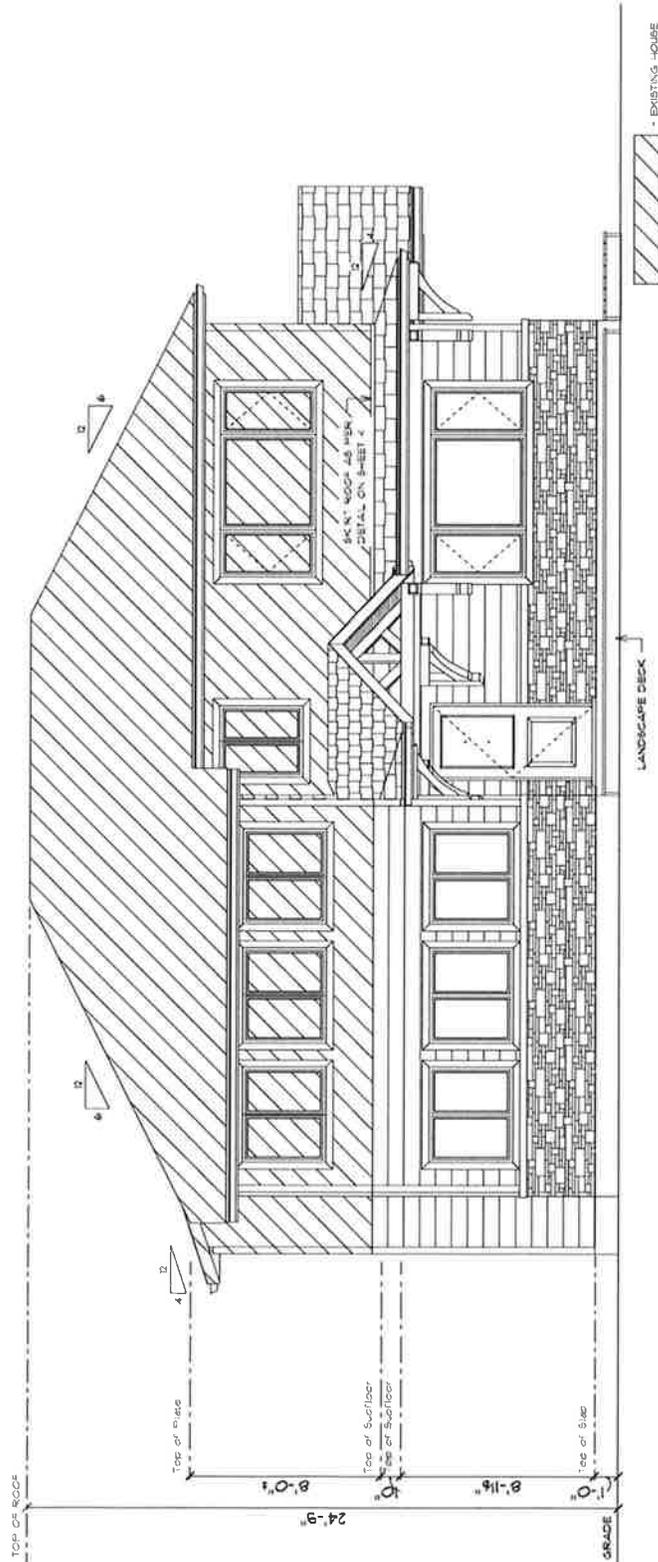


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CONSTRUCTION DRAWINGS



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

