

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Filipczak

Report Number COA2024-022

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### Public Meeting

**Meeting Date:** March 28, 2024

**Time:** 1:00 pm

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

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### Ward 3 – Geographic Township of Verulam

**Subject:** The purpose and effect is to fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new lot

### Relief sought:

1. Section 8.3.9 a) of the By-law requires a minimum lot area of 0.9 hectares; the resulting lot area is 0.6 hectares for the severed parcel and 0.58 hectares for the retained parcel;
2. Section 8.3.9 b) of the By-law requires a minimum lot frontage of 47 metres; the resulting lot frontage is 25 metres for the severed parcel and 25 metres for the retained parcel;
3. Section 4 of the By-law defines 'Accessory' as, when used to describe a use, building or structure, as a use, building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. The existing boathouse on the severed parcel would temporarily remain as a stand-alone structure without a main use until a new dwelling is constructed; and,
4. Section 5.1.3 c) of the By-law provides that a boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade. The existing boathouse is located within the water setback and is 4.5 metres in height.

The variance is requested at **653 Hickory Beach Road** (File D20-2024-012).

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

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## Recommendations

**That** Report COA2024-022 – Filipczak, be received;

**That** minor variance application D20-2024-012 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

## Conditions

- 1) **That** the lot configuration and boathouse related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-022, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** the lot configuration and boathouse use related to this approval shall be in force for 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 approval pertains to the application as described in report COA2024-022. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	To fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new lot
Owners:	Zbigniew and Edyta Filipczak
Applicant:	DC Planning Services Inc.
Legal Description:	Part Lot 12 Concession 2 (being Part 1 on Reference Plan 57R6090)
Official Plan <sup>1</sup> :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Residential Type One Exception Nine (R1-9) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	1.18 ha. (2.94 ac.)
Site Access:	Year round municipal road

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

Site Servicing: Private individual well and 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 within an established residential neighbourhood located on the northeastern shoreline of Sturgeon Lake. The property is rectangular in shape and is a waterfront lot. The property currently contains a single detached dwelling with attached garage constructed in 2002, and a boathouse constructed in 2000 (according to Municipal Property Assessment Corporation).

The purpose of the application is to fulfil a recommended condition of approval pertaining to consent application D03-2023-030 to facilitate the creation of one (1) new residential building lot. The existing dwelling would remain on the retained lot, and the existing boathouse would remain in its current location on the severed lot.

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.

For new lot creation in the Waterfront Designation, infilling residential lots are permitted provided the lots are not less than 3,000 square metres in area with a minimum lot frontage of 30 metres. Shoreline frontage shall be consistent with the established character of the adjacent shoreline.

Both the severed and retained lots exceed 3,000 square metres. The shoreline frontage of both lots will remain consistent with the water frontages of the surrounding lots. While the proposed lot frontage for the severed and retained parcels are less than 30 metres, the frontage will remain consistent with the frontages of the surrounding existing lots. The average frontage of the six properties to the east of the subject property is approximately 25.2 metres.

Furthermore, policy 33.3.5 provides that the size of any parcel of land created by consent should be appropriate for the proposed uses and the services available. The proposed sizes of both the severed and retained lots are appropriate for residential uses with private individual services.

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 Residential Type One Exception Nine (R1-9) Zone under the Township of Verulam Zoning By-law 6-87. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The R1-9 Zone contains specific provisions regarding minimum lot area, minimum lot frontage, minimum water setback, and minimum exterior opening elevations of dwelling units. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot area, minimum lot frontage, definition of 'Accessory', and maximum height for a boathouse located within the water setback.

As per Section 8.3.9 a) of the By-law, a minimum lot area of 0.9 hectares is required. The resulting lot area is 0.6 hectares for the severed parcel and 0.58 hectares for the retained parcel. As per Section 8.3.9 b) of the By-law, a minimum lot frontage of 47 metres is required. The resulting lot frontage is 25 metres for the severed parcel and 25 metres for the retained parcel. The intent of the minimum lot frontage and area requirements is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, private services (when required), and stormwater infiltration. The minimum lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The proposed lot area and frontage of the severed and retained parcels are sufficient for stormwater infiltration and for the accommodation of development within a building envelope that complies with the provisions of the Zoning By-law. Adequate amenity space will be maintained, and it is not anticipated that the proposed reduced frontage and lot area would impact the ability to install private services on the severed parcel in the future.

Relief is required to permit an accessory structure, being the existing boathouse, to be located on a lot without a primary use. The granting of a variance will allow the accessory use to continue without a primary use until the decision of the Committee of Adjustment lapses. After this time, a primary use will need to be established for the accessory structure to be compliant with the Zoning By-law. The boathouse has existed in this location since 2000, and is not proposed to change. It is not anticipated that adverse impacts will result from the boathouse remaining on the severed lot as a stand alone structure until such time as a primary use is established. The intent of the property owners is that the new lot be a residential building lot.

Section 5.1.3 c) of the By-law provides that a boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade. The existing boathouse is located within the water setback and is 4.5 metres in height. The intent of establishing a maximum height for a boathouse located within the water

setback is to prevent more concentrated accessory residential uses in the floodplain, and to manage the bulk and massing of built form along the shoreline.

The existing boathouse is one storey in height, preventing accessory residential uses from occurring in an upper level. Additionally, the lack of second storey prevents the appearance of the shoreline being overbuilt due to increased bulk and massing. For comparative purposes, the maximum height for a boathouse in other rural Zoning By-laws is 4.5 metres. No change to the existing boathouse is proposed, and no adverse impacts are anticipated.

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:**

**Building and Septic Division (Building):** “No comments.”

**Building and Septic Division (Septic):** “I have received and reviewed the minor variance application to request relief for lot size, lot frontage, the existence of an accessory structure “boathouse” as a stand-alone structure until a new single detached dwelling can be erected and accessory structure height. The property was reviewed for sewage system disposal system requirements during the consent application process. The property was found to be acceptable for private on-site sewage disposal during a site visit conducted. The proposed requests for relief will not hinder the ability for private on-site sewage disposal. The current boathouse does not contain any plumbing fixtures or habitable space. As such, the Building and Septic Division does not have any concerns with the proposed minor variance application as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no objection to this proposed Minor Variance and provide the following comment: We understand the provision of a sight triangle is a condition of the consent application and will be required through that application process.”

**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

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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-012

## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



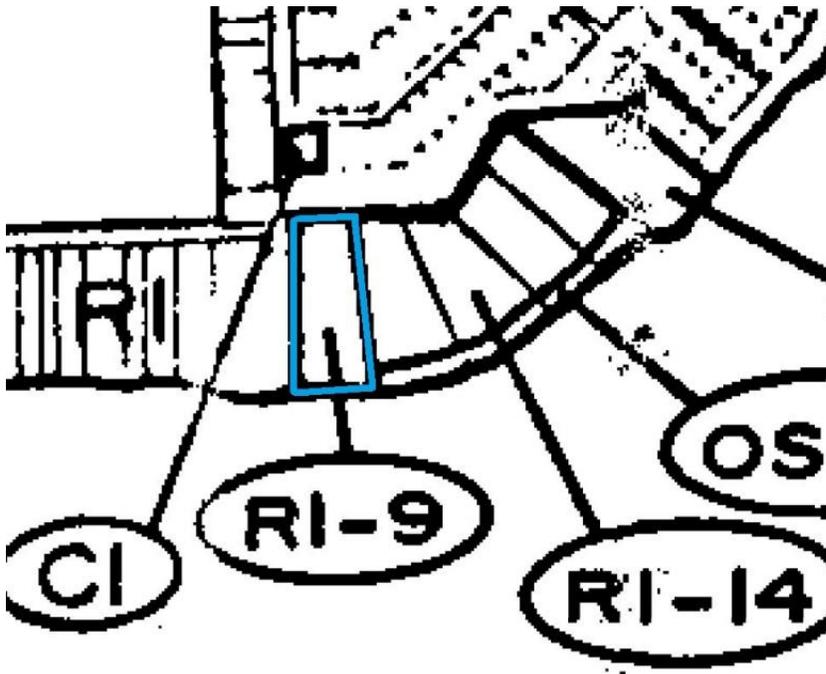
### 20. Waterfront Designation

#### 20.4 Lot Creation

### 33.3 Consents

33.3.5. The size of any parcel of land created by Consent should be appropriate for the proposed uses and the services available.

## Township of Verulam Zoning By-law 6-87



### Section 4 Definitions

"ACCESSORY", when used to describe a use, building or structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

### Section 5 General Provisions

#### 5.1 Accessory Uses

##### 5.1.3 Location

c) A boat house, gazebo, dock or pump house may be erected in the front yard or within the water setback on a lot which abuts a lake or river provided it does not have a height greater than 4 metres from the highest point of the building or structure to the finished grade.

### Section 8 Residential Type One (R1) Zone

#### 8.1 R1 Uses Permitted

#### 8.2 R1 Zone Provisions

#### 8.3 R1 Special Requirements

8.3.9 Notwithstanding Sections 8.2 a., 8.2 b., 8.2 g. and 8.2 n. or any other requirement of the R1 Zone to

the contrary, on land zoned the Residential Type One Special (R1-9) Zone, the following requirements shall apply:

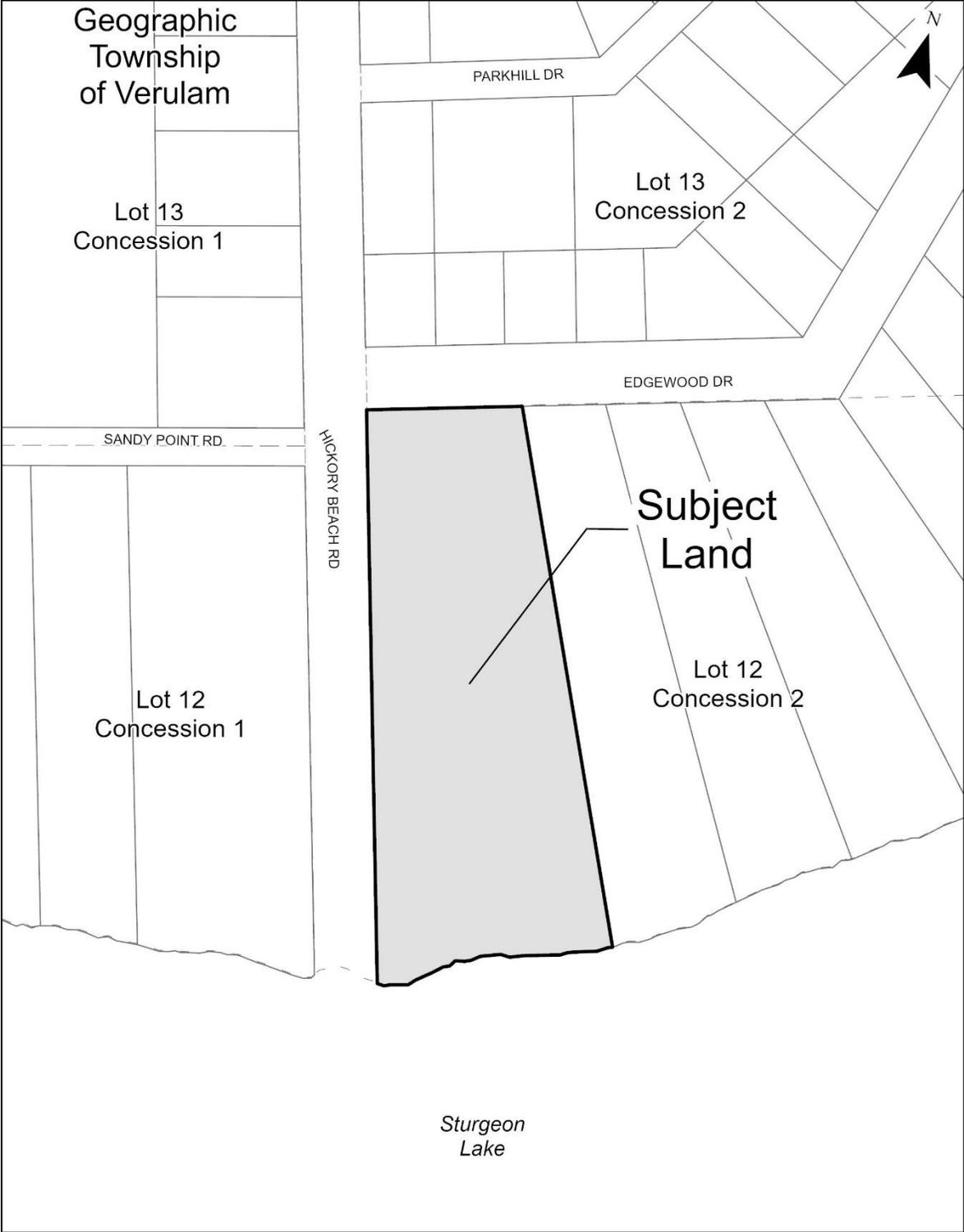
- a. Minimum Lot Area                      0.9 ha
- b. Minimum Lot Frontage                47 m
- c. Minimum Water Setback              30 m
- d. Minimum Exterior Opening Elevation of any dwelling unit shall be a minimum of 248.7 metres CGD

All other provisions of the R1 Zone and this By-law shall apply to land zoned R1-9.

to

**LOCATION MAP**

# D20-2024-012



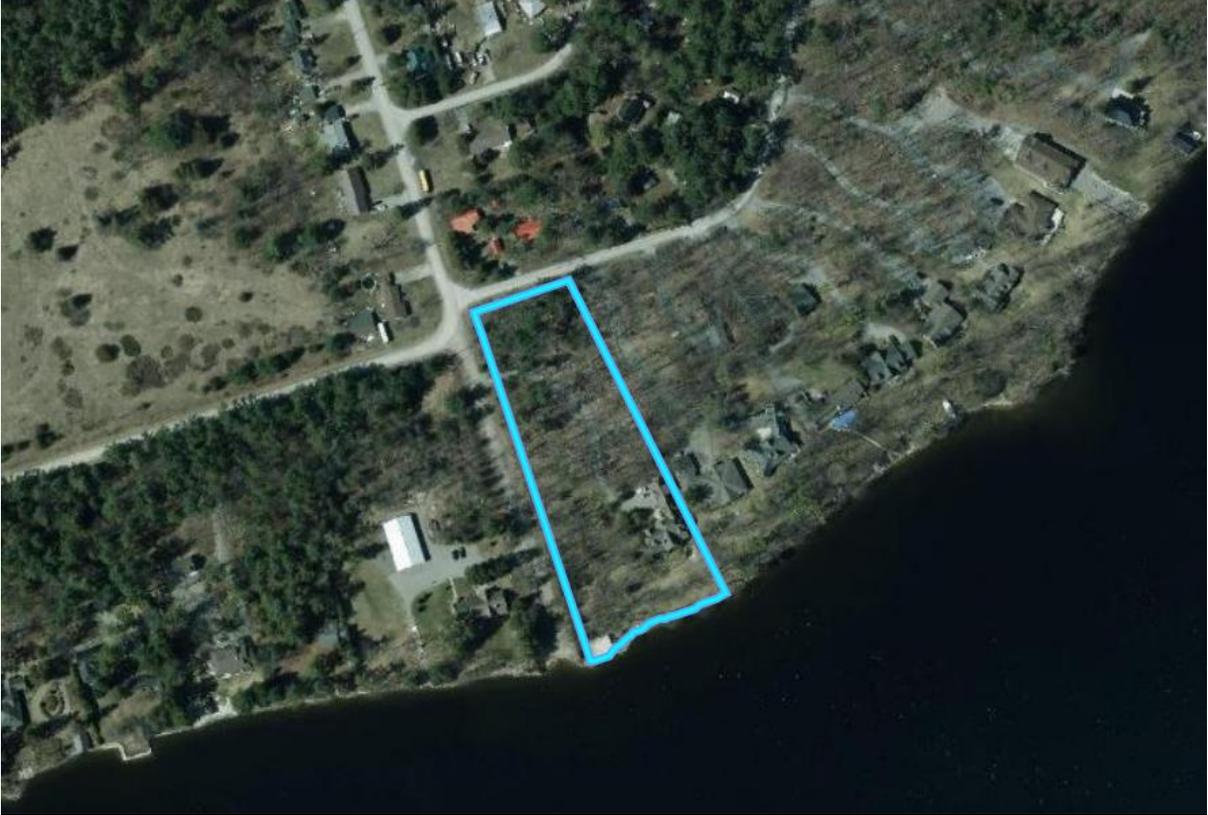
APPENDIX " B "

to

REPORT COA2024-022

FILE NO: D20-2024-012

**AERIAL PHOTO**



to

**APPLICANT'S SKETCH**

