

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Peleg

Report Number COA2024-040

Public Meeting

Meeting Date: April 25, 2024

Time: 1:00 pm

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

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the construction of a sunroom addition on an existing park model home seasonal trailer, as well as recognize an existing deck.

Relief sought:

1. Section 17.2.1.12.a. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not increase the floor area of such vehicle by more than 30 square metres. The proposed addition and deck will increase floor area by 50.16 square metres.
2. Section 17.2.1.12.b. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend beyond the dimensions of the longest walls of the existing trailer. The existing deck extends 2.13 metres into the front yard beyond the longest walls of the trailer.
3. Section 17.2.1.12.c. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend more than 3.0 metres from the trailer. The proposed sunroom and existing deck extends 3.05 metres into the side yard from the trailer.
4. Section 17.2.1.3.e. of the Zoning By-law requires a 30 metre water setback. The existing water setback from the deck is 19.20 metres. The proposed water setback from the sunroom addition is 29.26 metres.

The variance is requested at **433 Beaver Road (Lot 166)** (File D20-2024-030).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-040 – Peleg, be received;

That minor variance application D20-2024-030 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 COA2024-040 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 COA2024-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of sunroom addition and recognition of existing deck.
Owners:	Chris Rhodes (Owner/Manager of Parkbridge Resorts) Daniel Peleg (Tenant)
Applicant:	Howard Janes
Legal Description:	Part Lot 8, Concession 5 (being Part 1 of Reference Plan 57R2979)
Official Plan ¹ :	Rural (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Campground Commercial (C4) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	"Lot 166": 372 square metres (4,004 square feet) Property Size: 48.52 acres (19.64 hectares)
Site Access:	Year-round maintained road (Beaver Road)
Site Servicing:	Individual water well system and holding tank
Existing Uses:	Trailer Park/Camp

¹ See Schedule 1

² See Schedule 1

Adjacent Uses: Agricultural and Residential

Rationale

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

The subject property, Beaver Narrows Cottage & RV Resort, is situated along the shore of the Pigeon River, with access from Beaver Road. The area the property is located in is primarily agricultural in use with residential dwellings. The subject property itself is a trailer park/camp that contains multiple trailer lots and camping sites for rent on a seasonal basis. The park/camp is open from May to October and offers seasonal sites to tenants for vacation and recreational purposes. According to the Municipal Property Assessment Corporation (MPAC), the property contains various styles of trailers, with the most common additions being for a new sunroom and/or deck.

The variance is for Lot 166 (hereinafter referred to as 'the site') of the trailer park, which currently contains a park model seasonal trailer with uncovered deck. The proposal seeks to construct a sunroom addition on the existing trailer, as well as recognize an existing deck. A portion of the deck will also be covered.

Considering the recreational use of the land, it can be expected for tenants to redevelop their properties to strive to achieve the highest and best use for its seasonal use. Additionally, through the addition of a sunroom and a partially covered deck tenants will be provided with additional shelter from the elements for added enjoyment of the space.

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 'Rural' and 'Environmental Protection' under the City of Kawartha Lakes Official Plan (2012). The 'Rural' designation permits various uses including but not limited to: active and passive recreation uses and facilities; public parks; and, low-density residential.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. The variance is not seeking an expansion of the existing building footprint within the water setback. Moreover, the proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline.

The site (i.e. Trailer Lot 166) is not located within the 'Environmental Protection' designation.

Performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variances are 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 Campground Commercial (C4) Zone under the Township of Emily Zoning By-Law 1996-30. The C4 Zone permits multiple uses including but not limited to trailer camp and/or parks. The proposal complies with all provisions of the Zoning By-law with the exception of the requirements with respect to decks and enclosed structure additions, and the water setback. Section 17.2.1.12. states a deck and/or enclosed structure may be added to a tourist trailer provided it complies with specific requirements mentioned below.

Section 17.2.1.12.a. of the Zoning By-law states an enclosed structure and/or deck must not increase the floor area of such vehicle by more than 30 square metres. The intention of this provision is to maintain the visual harmony and aesthetic appeal of the area, ensuring that any modifications do not overwhelm or detract from the surrounding environment. By regulating the size of additions to tourist trailers, the by-law promotes a sense of consistency and order within the neighborhood. The added floor area of the deck and sunroom is 50.16 square metres. It is important to mention, no additional coverage is being added and this is already existing. A portion of the deck is being enclosed to allow for the sunroom addition. The addition of a sunroom and deck is a common pattern within the trailer park. As a result, by enclosing the existing deck into a sunroom and covering a portion of the deck as well, this modification will not disturb the visual harmony and aesthetic appeal of the park. Moreover, the proposed lot coverage of the trailer site complies with the maximum permitted coverage inclusive of all decks, trailers, and additions.

Section 17.2.1.12.b. of the Zoning By-law states that a deck and/or enclosed structure must not extend beyond the dimensions of the longest walls of the existing trailer. Additionally, Section 17.2.1.12.c. of the Zoning By-law states that a deck and/or enclosed structure must not extend more than 3.0 metres from the trailer. By limiting the size of additions to the dimensions of the existing trailer, the by-law ensures that the overall footprint of the trailer remains within specified limits. This helps preserve open space between sites and promotes a sense of order within the trailer park. Additionally, as there is no formal lot line these provisions prevent the encroachment of structures onto neighbouring trailer sites or access routes. The existing deck extends 2.13 metres into the front yard beyond the longest walls of the trailer. Also, the proposed sunroom and existing deck extends 3.05 metres into the side yard from the trailer.

Although the existing deck extends beyond the longest walls of the trailer into the front yard, the minimum front yard setback requirement of 10 metre is exceeded and complied with (15.28 metre front yard setback). As a result, the access route for the trailer site are not encroached upon or disturbed. Furthermore, the discrepancy between the Zoning By-law's permitted 3.0 metre extensions in comparison to the existing 3.05 metre extension is negligible. Nonetheless, the 3.05 metre extension continues to comply with the minimum distance requirement

(1.5 metres) between trailer park units. Also, the deck and sunroom align with the character of other trailer sites within the park.

Section 17.2.1.3.e. of the Zoning By-law requires a 30 metre 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 and preservation of vegetation. The existing water setback from the deck is non-compliant at 19.20 metres. The proposed water setback from the sunroom addition is 29.26 metres. It is important to mention, the existing trailer is within the required minimum water setback. As both the deck and sunroom addition utilize the existing non-complying trailer, options are limited and would require relief from water setback regardless of placement. The proposed sunroom addition will not expand further into the water setback than the existing deck or trailer. Furthermore, all of the adjacent trailer sites share the same distance with regards to water setback.

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 access route with respect to access, drainage, or and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

The circulation of this application did not include the required relief from the water setback. Since the application was circulated, the review of the application has progressed and it was determined that the trailer site is within the water setback of Pigeon River. As a result, relief is required from the sunroom addition and existing deck. It is important to note, the water setback will not be reduced than what is currently existing, and that the entirety of the trailer exists within the water setback.

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

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

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

Public Comments:

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

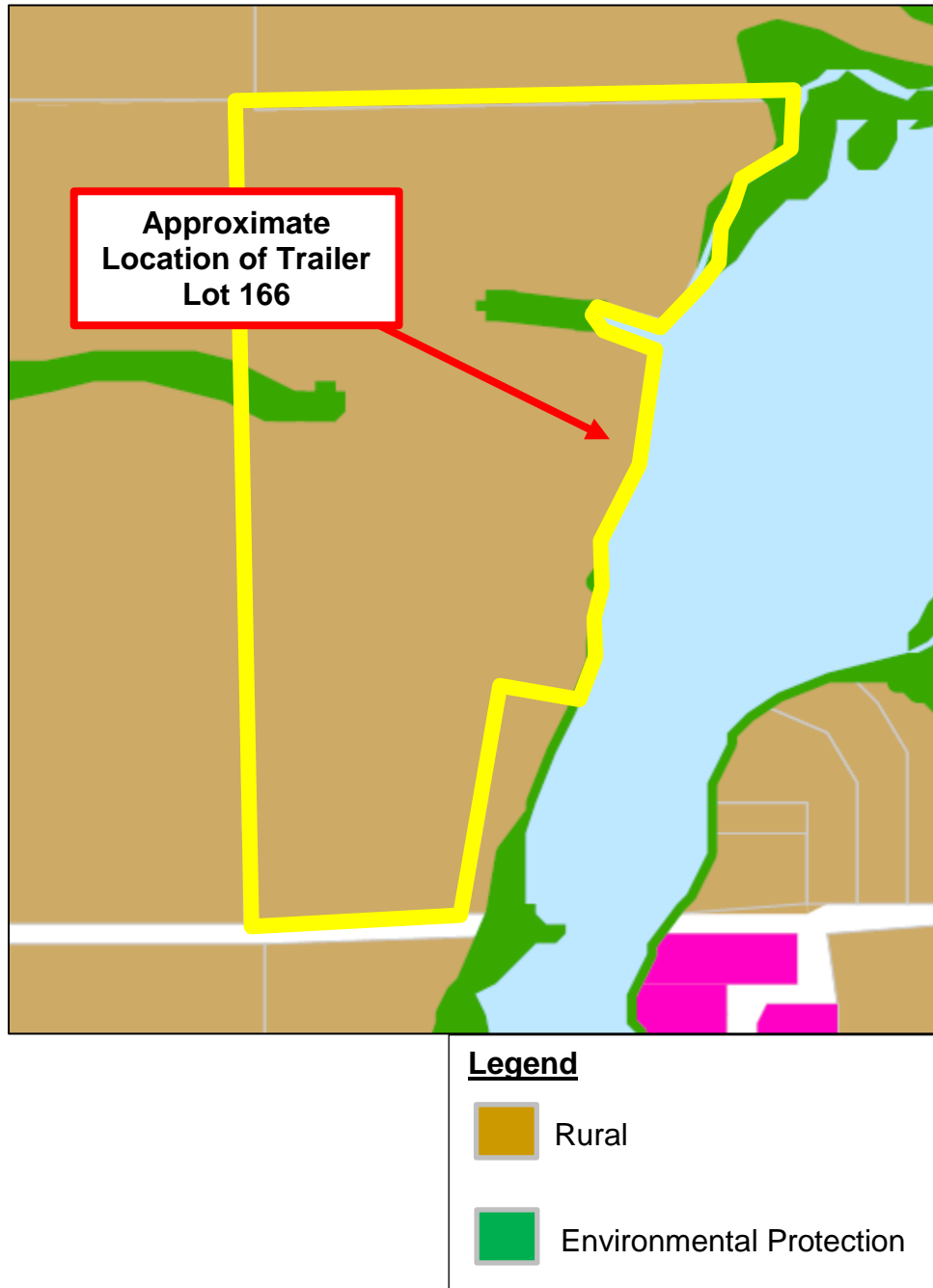
Attachments

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

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-030

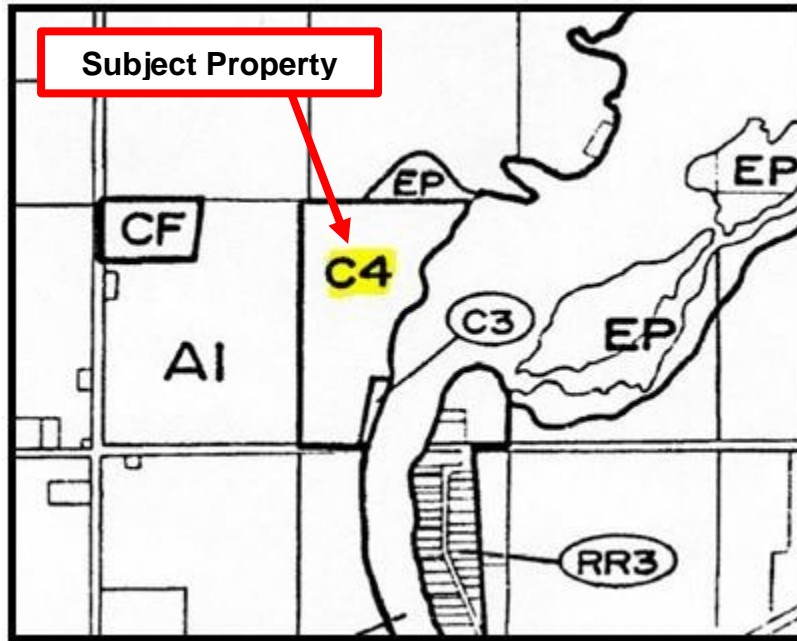
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 16. Rural Designation
Section 17. Environmental Protection Designation

Township of Emily Zoning By-Law 1996-30



TOWNSHIP OF EMILY
COMPREHENSIVE ZONING BY-LAW 1996-30

17-1

OFFICE CONSOLIDATION
MARCH 2022

PART 17 - CAMPGROUND COMMERCIAL (C4) ZONE

17.1 USES PERMITTED

17.1.1 No person shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Campground Commercial (C4) Zone except for one or more of the following uses:

17.1.1.1 Trailer camp or park

17.1.1.2 Private or public park

17.1.1.3 Ancillary retail uses

17.1.1.4 A dwelling unit accessory to the above-noted permitted uses provided that the setback and yard requirements of the RR2 Zone are met.

17.2.1.9 Camping Site Requirements

- | | |
|---|--|
| (a) area (min.) | 200 sq. m |
| (b) frontage (min.) | 10 m |
| (c) front yard (min.) | 3 m |
| (d) side yard (min.) | minimum distance between units
no less than 1.5 m |
| (e) rear yard (min.) | 1.5 m |
| (f) coverage (max.) inclusive of all
trailers, additions, decks,
porches and accessory
buildings | 93 sq. m |

- | | | |
|-----------|--|----------|
| 17.2.1.10 | Accessory Structures exclusive of deck or attached enclosed structure per camping site (max.) | 1 |
| 17.2.1.11 | Size of accessory structure on camping site (max.) | 10 sq. m |
| 17.2.1.12 | A deck and/or enclosed structure may be added to a tourist trailer, provided it: | |
| | (a) does not increase the floor area of such vehicle by more than 30 sq. m; | |
| | (b) does not extend beyond the dimensions of the longest walls of the existing travel trailer; | |
| | (c) does not extend more than 3.0 metres from the tourist trailer; and | |
| | (d) does not exceed the height of the tourist trailer by more than 0.3 metres. | |

PART 2 - DEFINITIONS

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

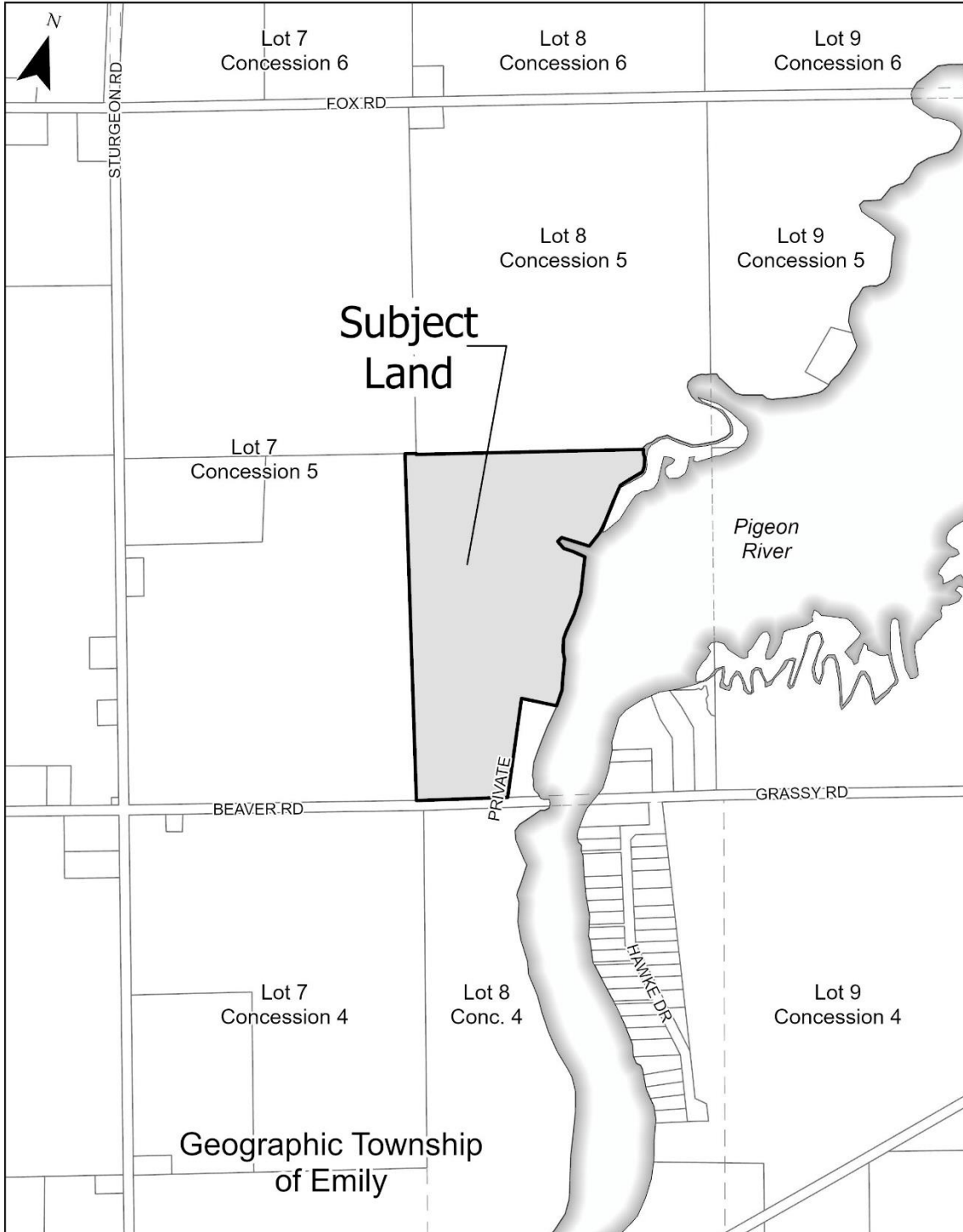
CAMP means one or more buildings used for sleeping accommodation, the preparation and serving of food, and/or sport or recreation facilities, operated under single ownership and intended for recreation purposes on a temporary or seasonal basis.

CAMPING SITE means a parcel of land within a trailer camp or park and is for the exclusive seasonal use of the lessee or tenant of such area for vacation and recreational purposes.

to

LOCATION MAP

D20-2024-030



to

REPORT COA2024-040

FILE NO: D20-2024-030

AERIAL IMAGERY (2018)



to

REPORT COA2024-040

FILE NO: D20-2024-030

APPLICANT'S SKETCH

