

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Kapsalakis

Report Number COA2024-028

Public Meeting

Meeting Date: March 28, 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 existing boathouse and the construction of a new larger boathouse.

Relief sought:

1. Section 3.1.2.2 of the By-law requires a minimum side yard setback of 1.2 metres from the side lot line for accessory structures; the existing setback of 1.1 metres is to be maintained;
2. Section 3.1.5.3 of the By-law provides that a boathouse shall be limited to one storey; the proposed boathouse has a second storey;
3. Section 3.1.5.3 of the By-law permits a maximum height of 4.5 metres for a boathouse; the proposed height is 6.9 metres; and,
4. 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 boathouse constitutes the fifth accessory structure.

The variance is requested at **80 Romany Ranch Road** (File D20-2024-018).

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

Recommendations

That Report COA2024-028 – Kapsalakis, be received;

That reliefs 1 and 4 sought for in the minor variance application D20-2024-018 be **GRANTED**, provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), as these reliefs meet the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval of Relief 1 and Relief 4 shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-028, 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 COA2024-028. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

That reliefs 2 and 3 sought for in the minor variance application D20-2024-018 be **DENIED**, as these reliefs do not meet the tests set out in Section 45(1) of the Planning Act.

Application Summary

Proposal:	The demolition of the existing boathouse and the construction of a new larger boathouse
Owners:	1850874 Ontario Inc. c/o Chris Kapsalakis
Applicant:	Keji Planners and Builders c/o Joe McCool
Legal Description:	Part Lot 27, Concession 4 (being Lot 6 #182 on Plan 214)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Fenelon Zoning By-law 12-95)
Site Size:	3,571 sq. m. (38,437.92 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

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.

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

The variance is minor in nature.

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

The subject property is within an established residential neighbourhood located on the southeastern shore of Balsam Lake. The property is rectangular in shape and is a waterfront lot. It currently contains a single detached dwelling constructed in 1968, a boathouse constructed in 1975 (according to Municipal Property Assessment Corporation), a detached garage, two sheds, and structure for wood storage.

The proposal is to tear down the existing boathouse and construct a new boathouse with a roof top patio and second storey. The second storey is to cover approximately 34% of the roof area of the storey below, and is to be used for shade as well as the storage of furniture. Strong winds are common in this location, so the enclosed second storey is intended to protect the furniture.

- i) Side yard setback
- ii) Number of accessory structures

The existing side yard setback of the boathouse is 1.1 metres, and the proposed setback of the new boathouse is to maintain this setback. It is not anticipated that the continuation of this reduced setback for the construction of a new one storey boathouse will result in adverse impacts to neighbouring properties. Additionally, as the boathouse is to be removed and replaced, there is no increase in the number of accessory structures on the property beyond what exists today.

Given the above analysis, these reliefs are considered desirable and appropriate for the use of land and are minor in nature.

- iii) Two storey boathouse
- iv) Height of boathouse

The existing boathouse is approximately 3.2 metres in height, and the proposed boathouse is to be 6.9 metres in height. As such, the new boathouse would be approximately twice the height of what exists today. Additionally, the typical built form for boathouses in this area is a single storey.

There are 54 residential waterfront properties along Romany Ranch Road. Through a desk top exercise, 28 boathouses were identified. Using information from MPAC, it was found that 24 boathouses are single storey, including the boathouse on the abutting property to the west.

The proposed two storey boathouse is anticipated to be visually imposing when compared to the design and built form of the majority of the existing boathouses along this portion of the lake. Additionally, the proposed 6.9-metre-high boathouse will result in the shoreline of the subject property appearing overbuilt.

Given the above analysis, these reliefs are not considered desirable and appropriate for the use of land and are not minor in nature.

The variance maintains the general intent and purpose of the Official Plan.

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

- i) Side yard setback
- ii) Number of accessory structures

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.

Therefore, these reliefs are considered to maintain the general intent and purpose of the Official Plan.

- iii) Two storey boathouse
- iv) Height of boathouse

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. This policy states that a boathouse is permitted within this setback.

The Official Plan contains objectives for the Waterfront designation, which includes protecting the established residential character. Additionally, policy 20.3.3 provides that development design will respond directly to the natural shoreline character and shall not significantly alter shoreline character. Policy 20.3.11 provides that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. As the typical built form of boathouses in this area is one storey, the proposal is not in keeping with the existing character of the area. The proposed height and massing of the boathouse would dominate the shoreline and detract from the view of the property from the water, significantly altering the shoreline character.

As per policy 20.3.10., provisions such as building and structure height limits are implemented to ensure buildings and structures do not exceed the height of the tree canopy or break the skyline horizon. Building heights should be measured from the lakeside, maintain a low profile, and blend with the natural surroundings.

The boathouse is to be located directly along the shoreline, and its height will result in the structure standing out starkly against the horizon when viewing the property from the water as well as from other vantage points including neighbouring properties. The boathouse does not maintain a low profile or blend with the natural surroundings.

Therefore, these reliefs are not 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.

- i) Side yard setback - **Yes**
- ii) Number of accessory structures - **Yes**
- iii) Two storey boathouse – **No**
- iv) Height - **No**

The property is zoned Rural Residential Type Three (RR3) Zone under the Township of Fenelon Zoning By-law 12-95. A single detached dwelling as well as 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 interior side yard setback for an accessory structure, the maximum

number of accessory structures, the maximum number of storeys for a boathouse, and the maximum height for a boathouse.

- i) Side yard setback
- ii) Number of accessory structures

Section 3.1.2.2 of the By-law requires a minimum side yard setback of 1.2 metres from the side lot line for accessory structures. The existing setback of 1.1 metres is to be maintained. The purpose of establishing a minimum interior side yard 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.

Provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), it is not anticipated that maintaining the existing reduced setback will result in any impacts to massing, privacy, or drainage. Additionally, the existing setback provides adequate space for any required building maintenance to this side of the proposed boathouse.

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 boathouse constitutes the fifth accessory structure. 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. Provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola), the dispersed arrangement of the accessory structures provides balance and maintains the dwelling as the visually predominant structure when viewing the property from the street. Additionally, the proposal complies with the maximum lot coverage for accessory structures.

Therefore, these reliefs are considered to maintain the general intent and purpose of the Zoning By-Law.

- iii) Two storey boathouse
- iv) Height of boathouse

Section 3.1.5.3 of the By-law provides that a boathouse shall be limited to one storey. The proposed boathouse has a second storey. Section 3.1.5.3 of the By-law permits a maximum height of 4.5 metres for a boathouse. The proposed height is 6.9 metres. The intention of establishing a maximum height for a boathouse 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 Zoning By-law's definition of boathouse excludes habitation and any other use in conjunction with human habitation. The By-law's definition of habitable room includes a room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.

The proposed second storey is fully enclosed and can be accessed from the exterior of the boathouse, being the staircase from grade to the second level. Although the current proposal does not indicate this intention, this configuration could be easily converted to habitable space. The intention to use the enclosed second storey for shade and the presence of windows and a glass door suggest that this is to be an extension of indoor amenity space on the property.

The proposed second storey is setback from the shoreline, keeping some of the building's bulk farther back from the water. However, at 6.9 metres in height with a fully enclosed second storey, the boathouse will be visually dominant when viewing the property from the water and when viewing the water from dwellings on neighbouring properties.

Therefore, these reliefs are not considered to maintain the general intent and purpose of the Zoning By-Law.

Other Alternatives Considered:

Through the process of reviewing the application, staff suggested to the proponent that the proposal could be altered to have an open pergola on the roof top patio instead of a fully enclosed second storey, which would provide the desired shade while reducing the bulk and massing of the boathouse and eliminating the need for relief for a second storey. This alternative was not accepted by the proponent.

In consideration of the above analysis, if the proposal was changed to a one storey boathouse with a pergola on the roof top patio, Planning staff would be in a position to support the application.

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 the construction of an accessory structure, boathouse, with a reduced site yard setback, a 2nd storey with a height exceedance, and more accessory structured than permitted. A sewage system installation report has been issued for this property under file SS2015-0693. The sewage system is located in the roadside yard of the property. The construction of a larger boathouse in the water yard will not impact the existing sewage system as

the minimum clearance distances will be maintained. Additionally, the space over the boathouse is not proposed to contact any plumbing fixtures or habitable space. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to private on-site sewage disposal.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection or comment for this proposed Minor Variance.”

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

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-018

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



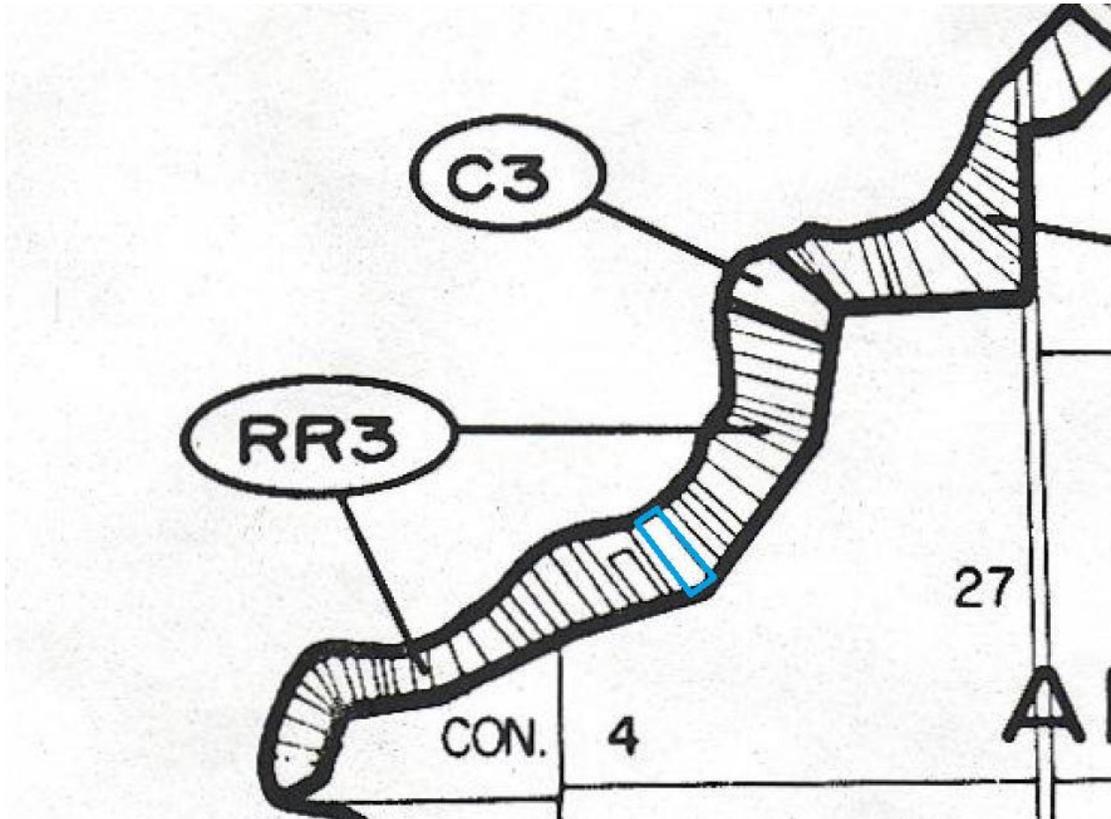
3.11. Water Setback and Accessory Uses

3.11.1. All buildings, structures and septic systems shall be located a minimum of 30 metres from the high water mark and this setback shall be maintained in its natural state with no disturbance of the vegetation and soils (except for at capacity lake trout lakes where the setback will be 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres before reaching the lake or the tile field on each new lot is located such that it would drain into the drainage basin of another waterbody, which is not at capacity). Within the 30-metre water setback, a boathouse and dock will be permitted.

20. Waterfront Designation

20.3.10. Density limits will be developed to establish acceptable social and aesthetic qualities. Provisions such as building and structure height limits will be implemented so as not to exceed the height of the tree canopy or to break the skyline horizon. Therefore, building heights should be measured from the lakeside, maintain a low profile and blend with natural surroundings. Provisions to address lot coverage will ensure proportionality; examples include relating lot coverage to the buildable area adjacent to the shoreline.

Township of Fenelon Zoning By-law 12-95



Part 3 General Provisions

3.1 Accessory Buildings, Structures and Uses

3.1.2 Location

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres 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 1.2 metres to a residential building located on the same lot.

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.

3.1.5 Boat House, Pump House or Docking Facilities

3.1.5.3 A boat house shall be limited to one storey and shall not exceed a height of 4.5 metres. For the purposes of this article, height shall be measured as the vertical distance from:

(a) the normal water level for a building or structure constructed, in whole or in part, adjacent to or within 3 metres of a lake or river; or,

(b) the finished grade for a building or structure all of which is constructed more than 3 metres from a shore lot line

Part 13 Rural Residential Type Three Zone

13.1 Uses Permitted

13.2 Zone Provisions

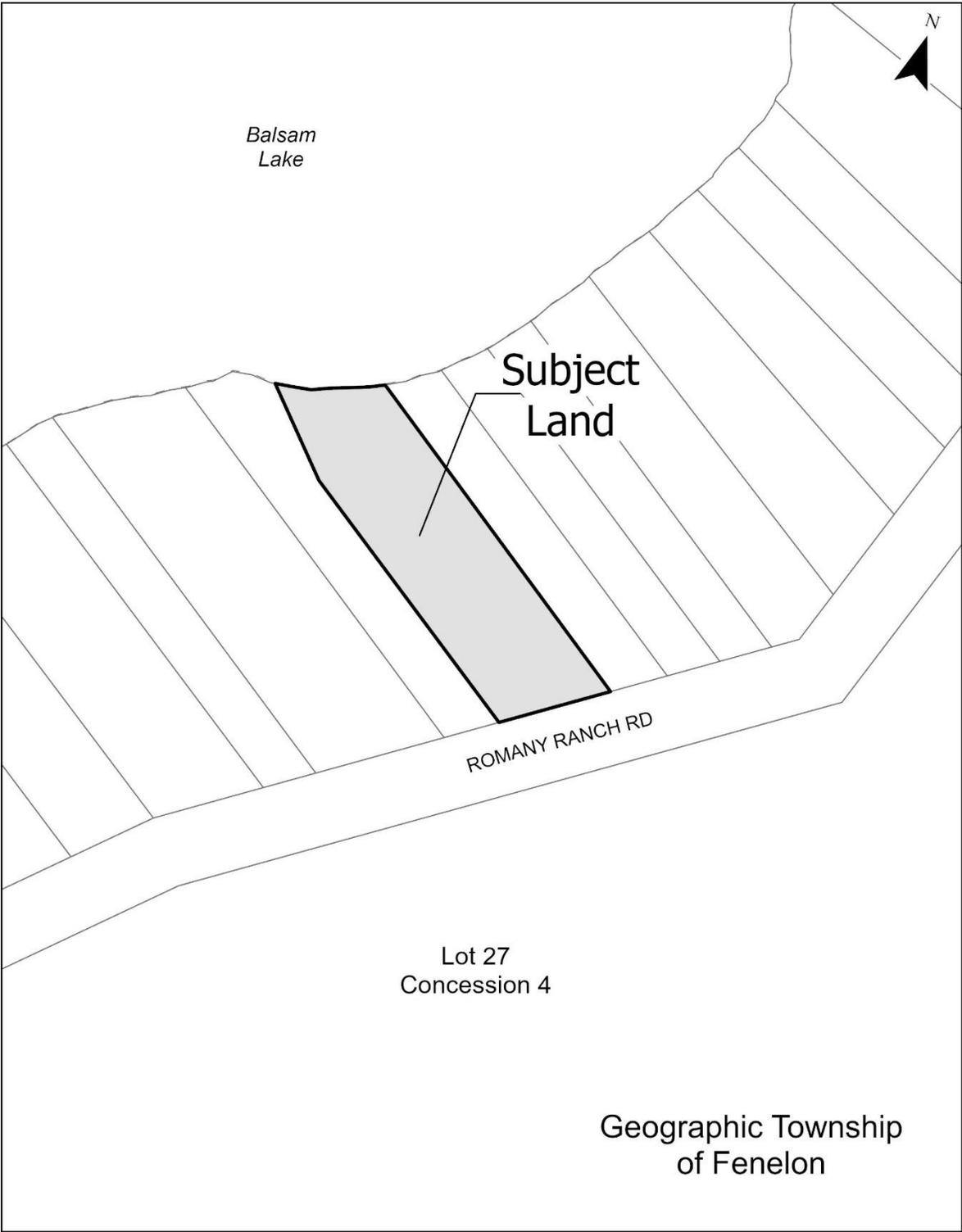
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LOCATION MAP

D20-2024-018



APPENDIX " B "

to

REPORT COA2024-028

FILE NO: D20-2024-018

AERIAL PHOTO



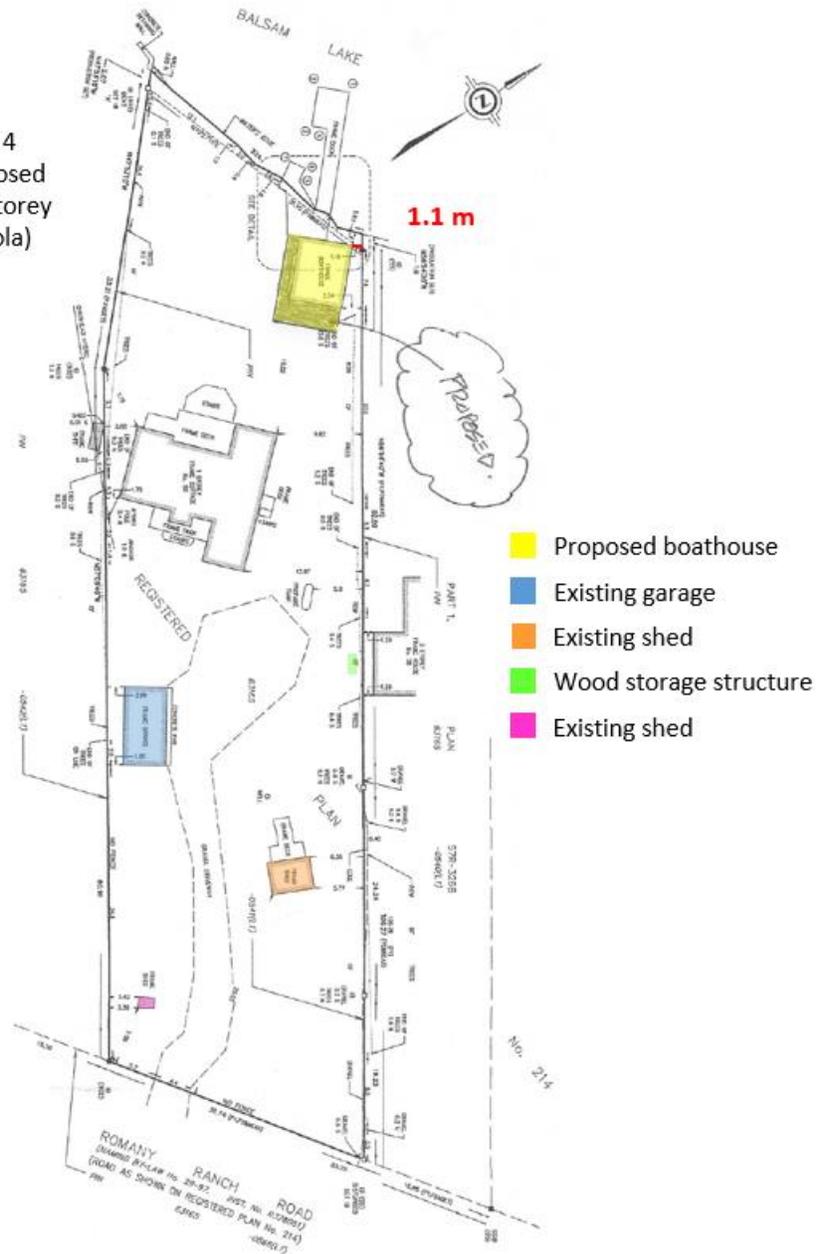
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REPORT COA2024-028

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APPLICANT'S SKETCH

Recommended that reliefs 1 and 4 be **GRANTED**, provided the proposed boathouse is limited to a single storey (and may include a rooftop pergola)



CONSTRUCTION DRAWINGS

APPENDIX " D "

to

REPORT COA2024-028

FILE NO: D20-2024-018

