

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Needs

Report Number COA2024-068

Public Meeting

Meeting Date: July 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 replacement of the existing rear deck with a new attached rear deck.

Relief sought:

1. Section 12.2.1.3.b) of the Zoning By-law requires a 5.5 metre interior side yard setback for a building two-stories or greater. The existing dwelling is a one-storey dwelling with a basement walkout, which is considered an additional storey. The proposed side yard setback from the deck is 3.93 metres; and,
2. Section 12.2.1.3.e) of the Zoning By-law requires a 30 metre water setback. The proposed water setback from the deck is 23.6 metres.

The variance is requested at **86 Clearview Drive** (File D20-2024-058).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-068 – Needs, be received;

That minor variance application D20-2024-058 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 COA2024-068, 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 COA2024-068. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Replacing attached rear deck
Owners:	Mark Neads and Penny Lam
Applicant:	Mark Neads
Legal Description:	Part Lot 12 and 13, Concession 7 (being Lot 60 of Plan 387)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three (RR3) Zone (Township of Emily Zoning By-Law 1996-30)
Site Size:	1,803 square metres (0.45 acres)
Site Access:	Year-round maintained road
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 situated in a residential neighbourhood with waterfront onto the Pigeon River. The property is similar to a parallelogram in shape and has frontage and access onto Clearview Drive. The residential built-form along Clearview Drive is primarily comprised of one- and- two- storey dwellings with varying proximities to the street and Pigeon River. The property currently contains

¹ See Schedule 1

² See Schedule 1

a one-storey dwelling (1962), rear deck (1970s), detached garage, and a boathouse.

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

The proposed deck includes a landing and stairs at 27.88 square metres. The proposed deck is proposed at the same height of the existing deck at 3.2 metres above finished grade (including the railings). According to the applicant, the deck was considered unsafe and in need of replacement by an engineer. Considering the age of the existing deck, it can be expected for a property owner to replace the structure aiming for a structure with improved safety and aesthetics.

Given the above analysis, the variances are 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. The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designation permits the use of single detached and vacation dwellings. The proposed development does not change or alter the low-density residential use of the property.

The Official Plan prescribes a 30 metre setback for all buildings, structures and septic systems. Policy 3.11.2. of the Official Plan prescribes various criteria that would allow for the construction and/or expansion of a building or structure into a water setback to be considered. The criterion applies to existing lots of record where there is not sufficient area to accommodate the applicable water setback. Given the existing non-compliant setback of the existing dwelling and existing deck, the proposed rear deck is limited in its location. The proposed location of the rear deck is the furthest point of the dwelling from the shoreline. As a result, the proposed deck aims to avoid construction near the shoreline and preserve as much of the existing buffer as possible.

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 Rural Residential Type Three (RR3) Zone under the Township of Emily Zoning By-Law 1996-30. The RR3 Zone permits various uses including a single detached dwelling, vacation dwelling, and accessory structures. The proposed rear deck requires relief from the interior side yard and minimum water setback.

Section 12.2.1.3.b) of the Zoning By-law requires a 3 metre setback for a one-storey (and one and a-half storey) building and a 5.5 metre interior side yard

setback for a building two-stories or greater. The existing dwelling is a one-storey dwelling with a basement walkout, which is considered an additional storey. As a result, the existing dwelling must comply with provisions applicable to a two-storey dwelling. The intent of this provision is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, and support privacy for all neighbouring residents. The existing interior side yard setback of the dwelling is non-compliant at 4.85 metres (west), from the existing deck is 5.5 metres, and the proposed interior side yard setback from the deck is 3.93 metres. The eastern side yard remains unchanged as the proposed deck is to be located on the western side of the dwelling. The proposed deck provides adequate space for passageway between the front and rear yards. The proposed deck will be constructed at the same height of the existing deck ensuring massing isn't altered. Additionally, there is a dense hedge of vegetation between the proposed deck and the neighbouring property to the west which will aid in limiting the change in view.

Section 12.2.1.3.e) of the Zoning By-law requires a 30 metre water setback. 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. The current water setback from the existing deck is deficient at 24.1 metres. The proposed water setback from the deck is 23.6 metres. The change in distance to the shoreline is minimal, considering the limited options for placement as the existing dwelling is also deficient in its water setback. Therefore, the proposed deck would necessitate a variance from the water setback regulation, irrespective of its position at the rear of the dwelling. Nonetheless, the planned site for the rear deck is the farthest point of the existing dwelling from the shoreline.

Therefore, the variances are 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:

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

Public Comments:

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

Attachments

Appendix A – Location Map

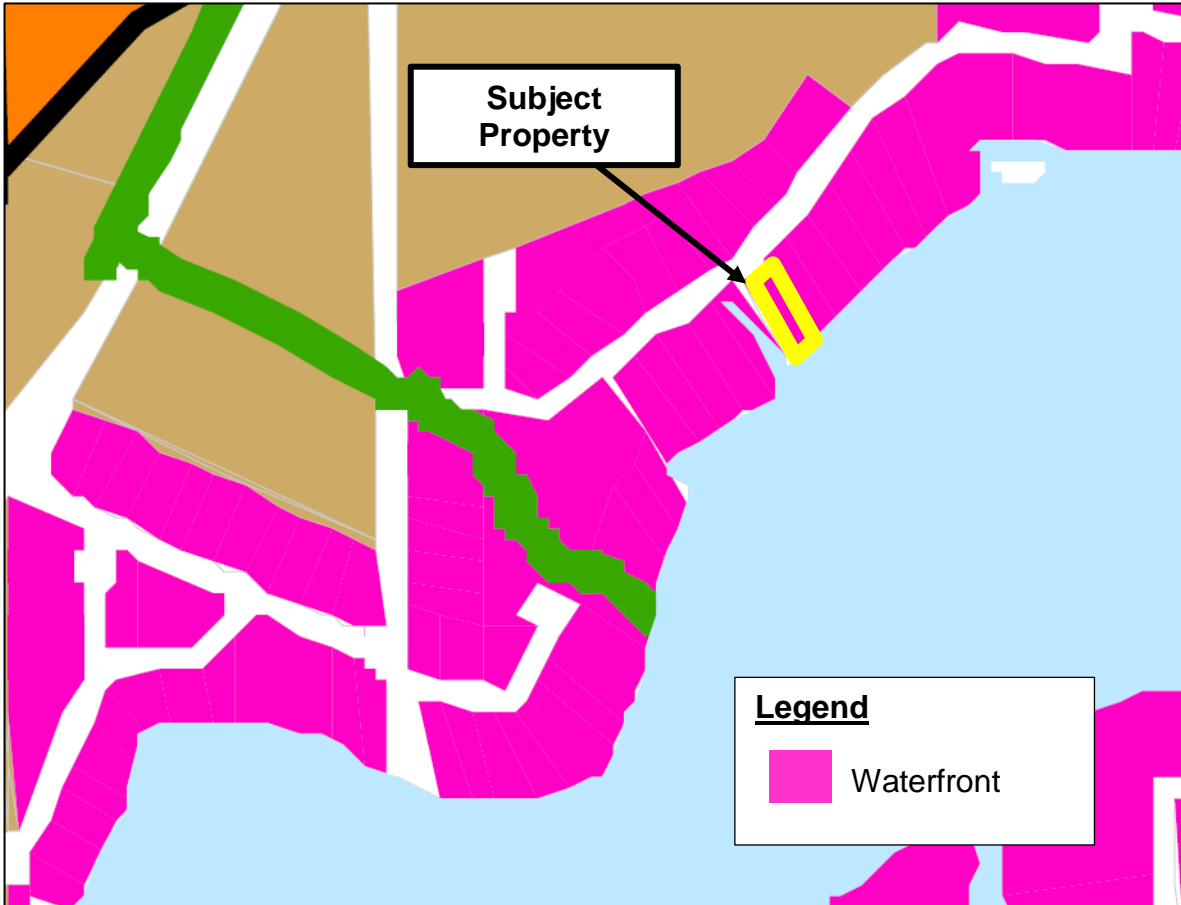
Appendix B – Aerial Photo

Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-058

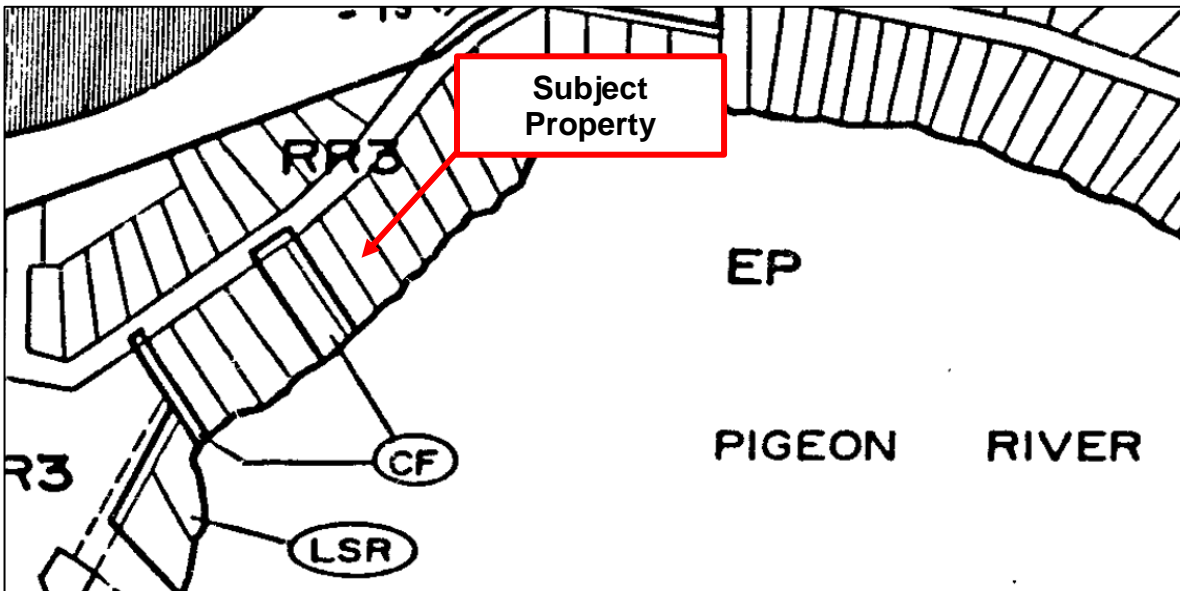
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

Township of Emily Zoning By-Law 1996-30



PART 12 – RURAL RESIDENTIAL TYPE THREE (RR3) ZONE

12.2 ZONE PROVISIONS

12.2.1.3 Yard Requirements (min.)

(b) interior side

- | | | |
|------|---------------------------------------|-------|
| (i) | one and one and half storey buildings | 3 m |
| (ii) | two storeys or greater | 5.5 m |

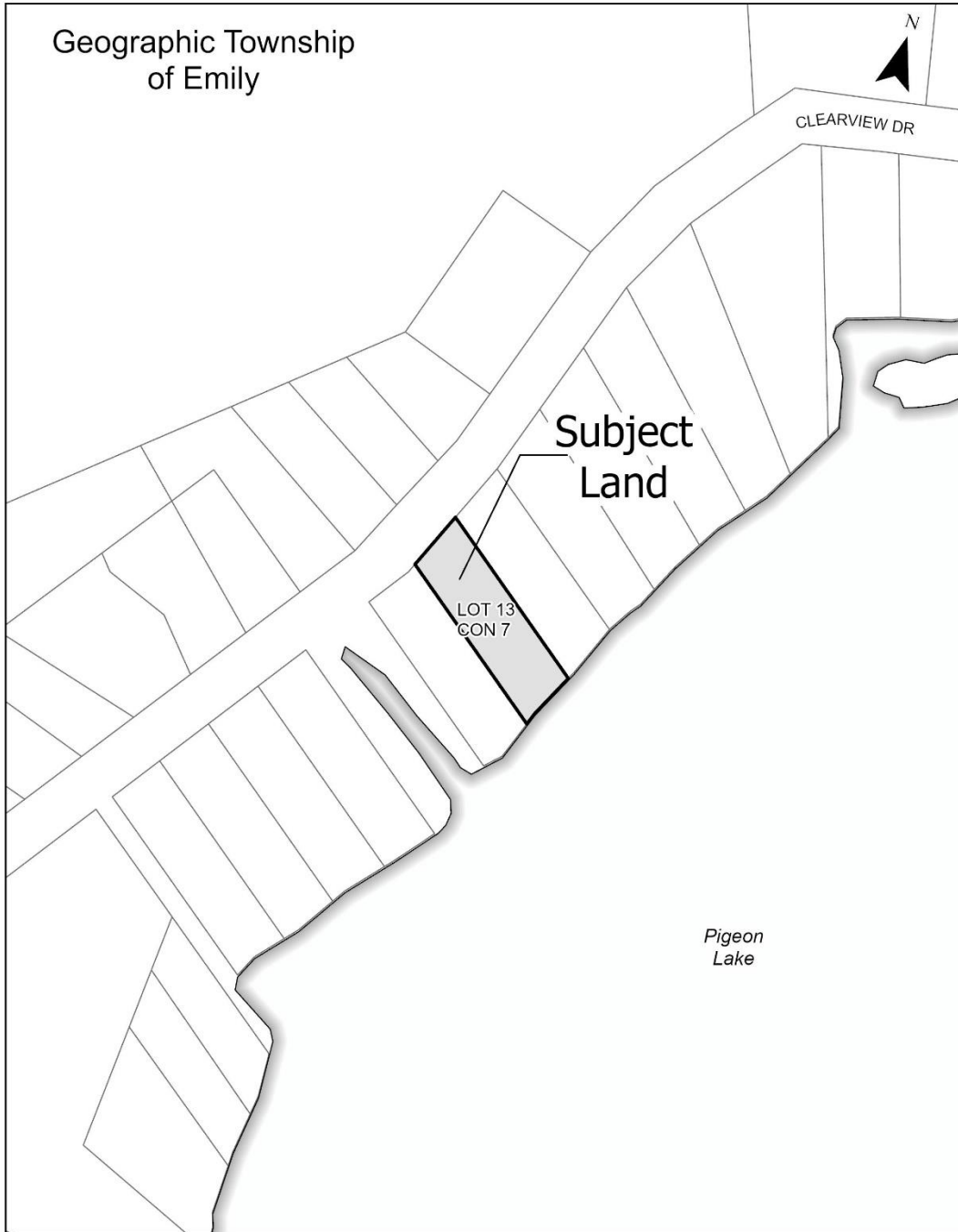
(e) water setback

30 m

to

LOCATION MAP

D20-2024-058



APPENDIX " B "

to

REPORT COA2024-068

FILE NO: D20-2024-058

AERIAL PHOTO



to

REPORT COA2024-068

FILE NO: D20-2024-058

APPLICANT'S SKETCH

