

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Dulberger and Kotcher
Report Number COA2024-109

Public Meeting

Meeting Date: November 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 construction of an addition and deck onto the existing single-detached dwelling.

Relief sought:

1. Section 15.2.1.3.e. which requires a minimum 15 metre water setback; the proposed water setback is 8.5 metres.

The variance is requested at **86 Finch Street** (File D20-2024-101).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2024-109 – Dulberger and Kotcher, be received;

That minor variance application D20-2024-101 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 COA2024-109, 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 COA2024-109. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

| | |
|------------------------------|--|
| Proposal: | Construction of an addition and deck onto the existing dwelling. |
| Owners: | Guy Dulberger & Elizabeth Kotcher |
| Applicant: | TD Consulting Inc. |
| Legal Description: | Part Lot 28, Concession 8 (being Lot 1, Plan 210; Part 2 of Reference Plan 57R-3688) |
| Official Plan ¹ : | Waterfront (City of Kawartha Lakes Official Plan, 2012) |
| Zone ² : | Limited Service Residential (LSR) Zone (Township of Fenelon Zoning By-law 12-95) |
| Site Size: | 647.50 square metres (6,969.63 square feet) |
| Site Access: | Private road |
| Site Servicing: | Private individual well and holding tank |
| 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 on the shoreline of Cameron Lake, with access from Finch Street (private road). The area in which the property is located is predominantly residential comprised of built-form characterized by low-density residential dwellings and assorted accessory structures with varying proximities from both the road and shoreline. According to data from the Municipal Property Assessment Corporation (MPAC), numerous properties have undergone complete redevelopment over the past 25 years, while others have experienced various extents of renovations, alterations, and additions since their original construction.

The subject property is screened on both the northern and southern sides by an existing dense line of trees and hedges. The property currently contains a single-

¹ See Schedule 1

² See Schedule 1

detached dwelling (1920), and a shed. The application seeks to facilitate the construction of an addition onto the existing dwelling, as well as a new deck.

The proposed development aligns with the existing low-density residential built-form character of the neighbourhood. Given the age of the existing dwelling and many of the other surrounding dwellings, it is deemed suitable for property owners to undertake redevelopment of their property with the aim of realizing the most optimal utilization.

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). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and related accessory structures are permitted within the designation.

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.

The proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. Moreover, the proposal does not bring built form any closer than the existing water setback. The proposed development retains and makes use of the existing dwelling, limiting the ability to move further from the shoreline.

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 (LSR) Zone under the Township of Fenelon Zoning By-law 12-95. The LSR Zone permits vacation dwellings, single-detached dwellings, and various assorted accessory structures. Relief is required from the required minimum water setback.

Section 15.2.1.3.e. requires a minimum 15 metre water setback; the proposed water setback is 8.5 metres from the proposed addition. 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 and preservation of vegetation.

The irregular configuration of the lot and the positioning of the existing dwelling present challenges in situating any development while maintaining appropriate setbacks and distance from the shoreline. The current water setback between the dwelling and the shoreline is approximately 2.2 meters. As the proposed addition is integrated with the existing dwelling, placement options are constrained. The

addition is positioned on the side of the dwelling opposite the shoreline, with the closest point to the shoreline being the proposed uncovered deck. The proposed development does not seek to bring habitable space any closer than what is existing.

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:

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

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

Public Comments:

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

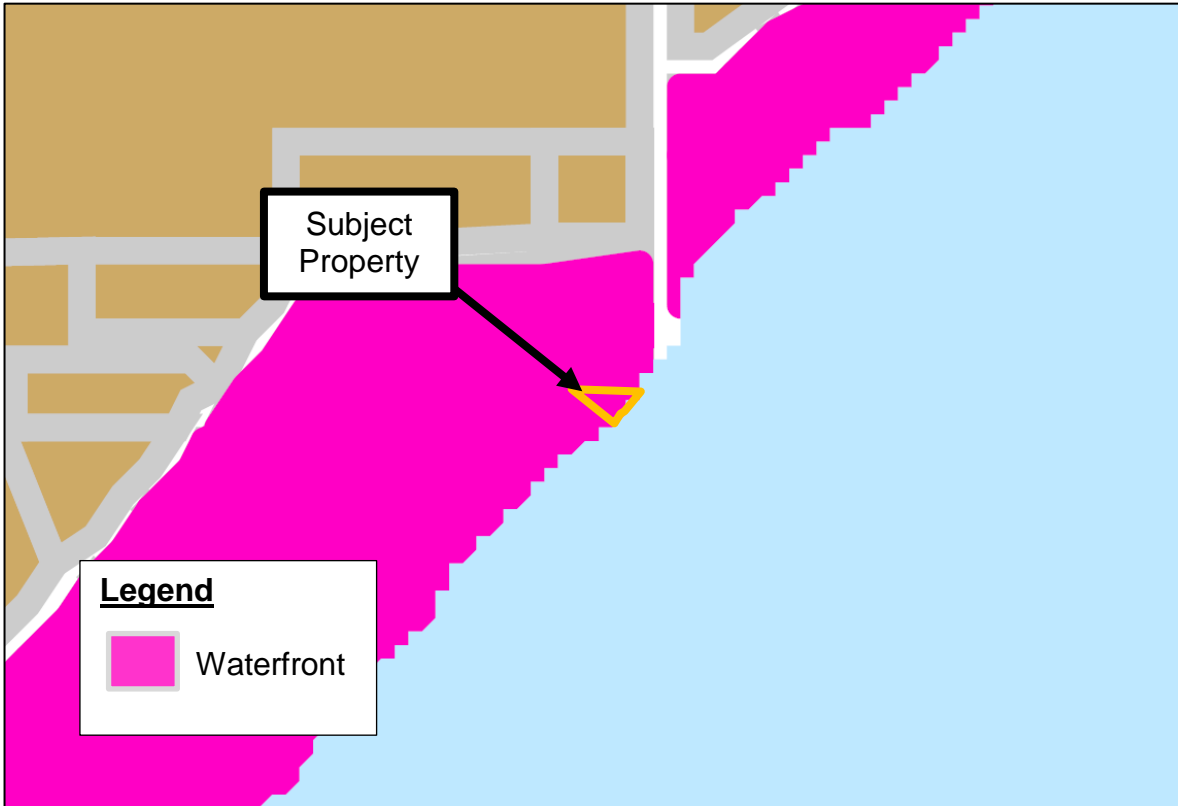
Attachments

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

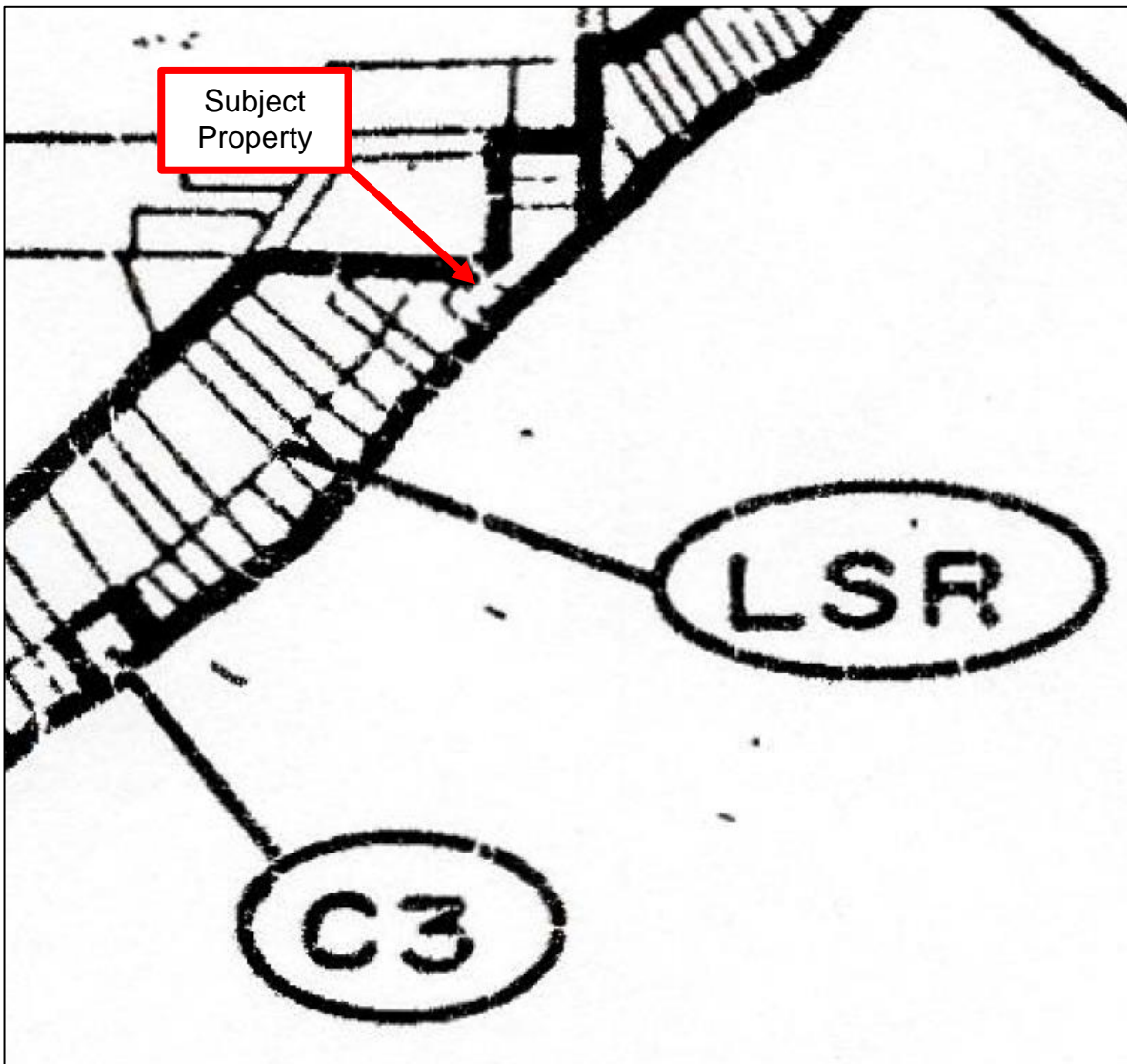
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-101

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



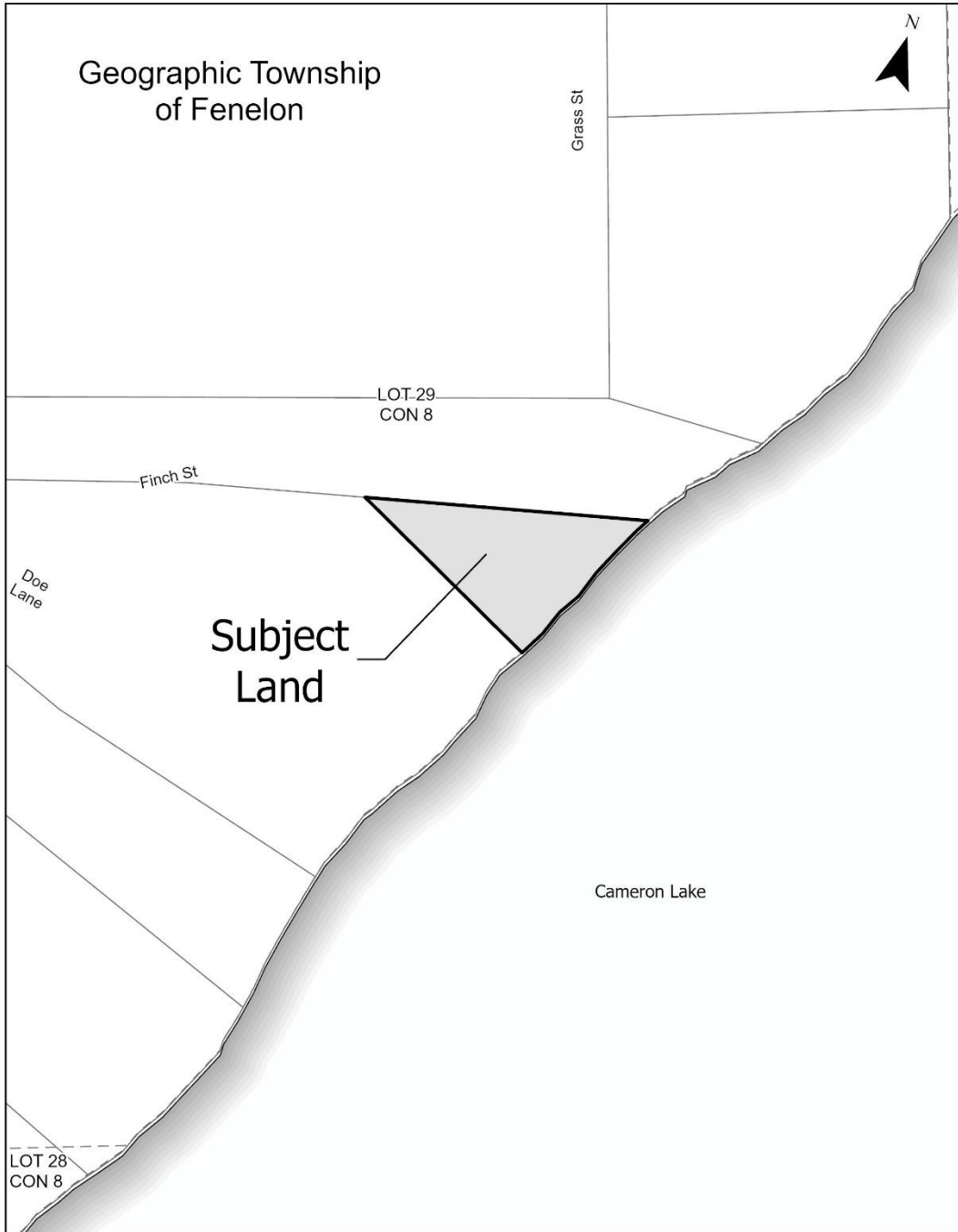
Township of Fenelon Zoning By-law 12-95



to

LOCATION MAP

D20-2024-101



APPENDIX " B "

to

REPORT COA2024-109

FILE NO: D20-2024-101

AERIAL PHOTO



to

REPORT COA2024-109

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APPLICANT'S SKETCH

