

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Grydko and Gratchev
Report Number COA2025-025

Public Meeting

Meeting Date: **March 27, 2025**

Time: 1:00 pm

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

Ward 1 – Geographic Township of Laxton (LDL)

Subject: The purpose and effect is to facilitate the recognition of two (2) existing gazebo's and an existing sauna. The existing shed and storage container are to be removed.

Relief sought:

1. Section 5.2.g. of the Zoning By-law requires a minimum 15 metre water setback; the existing structures have a water setback of 12.1 metres (Gazebo 'B') and 10.3 metres (Sauna);
2. Section 18.1.b. of the Zoning By-law requires a minimum 1.3 metre side yard setback for accessory structures; the existing side yard setbacks are 0.31 metres (Gazebo 'A') and 0.58 metres (Sauna).

The variance is requested at **171 Sunset Beach Road** (File D20-2025-012).

Author: **Ahmad Shahid, Planner II** **Signature:**



Recommendations

That Report COA2025-025 – Grydko and Gratchev, be received;

That minor variance application D20-2025-012 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 COA2025-025, which shall be attached to and form part of the Committee's Decision;

- 2) **That** prior to proceeding with the building permit process, the owner/applicant shall address the non-ownership of the shoreline road allowance by either an encroachment agreement or through the purchase of the shoreline road allowance (Property Identification Number: 632730525) by applying for an application through the City's Realty Services Division;
- 3) **That** prior to proceeding with the building permit process and if the shoreline road allowance requires purchase, the owner shall apply for a deeming by-law to ensure that the shoreline road allowance (Property Identification Number: 632730525) will be consolidated with the subject property (171 Sunset Beach Road), and the by-law be in effect;
- 4) **That** the storage container and shed identified in Appendix C, submitted as part of Report COA2025-025, be removed prior to the issuance of a building permit. This condition will be considered fulfilled upon the owner providing photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and Secretary-Treasurer;
- 5) **That** photographic evidence be provided to show that the downspouts on Gazebo 'A' and the Sauna (as shown on Appendix C of COA2025-025) are not directed towards any of the neighbouring properties. This condition will be considered fulfilled upon the owner providing photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and Secretary-Treasurer; and,
- 6) **That** this approval shall be in effect 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 COA2025-025. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal: Recognition of two (2) existing gazebo's and an existing sauna. The existing shed and storage container are to be removed.

Owners: Valery Grydko and Oksana Gratchev

Applicant: Emmett Yeo

Legal Description: Part Lot 10, Concession 6, (being Lot 27 of Plan 182)

Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (United Townships of Laxton, Digby, and Longford Zoning By-law 32-83)
Site Size:	1,860.5 square metres (0.46 acres)
Site Access:	Private 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 on the shoreline of Head Lake with access from Sunset Beach Road (private road). The surrounding area is primarily seasonal residential (according to the Municipal Property Assessment Corporation), with built form consisting of single-detached dwellings and assorted accessory structures with varying proximities and locations in relation to the road and shoreline. The subject property is separated from the shoreline by a shoreline road allowance, to which a condition has been added to ensure the non-ownership of the shoreline road allowance is resolved through a purchase or encroachment agreement, as it appears the existing Sauna and Gazebo 'B' are wholly encroaching the lands.

The subject property is heavily vegetated at the front of the property with tall trees, and has a fluctuating topography as it slopes down towards the shoreline. The property currently contains a single detached dwelling, detached garage, storage container, shed, two gazebos, and a sauna. The application seeks to facilitate the recognition of the two gazebo's (Gazebo 'A' and 'B', as per Appendix C) and a sauna. The existing storage container and shed will be removed (Condition #4).

The applicant has indicated that the current property owners purchased the property with these existing structures. The subject structures are typical of a seasonal residential waterfront property and do not conflict with the subject property or neighbouring land uses.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

¹ See Schedule 1

² See Schedule 1

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 accessory uses 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 application is not seeking an expansion of any of the existing structures within the water setback. Moreover, the application does not change the existing land use, maintains a low profile and preserves the existing shoreline.

Policy 20.3.11. states that preservation of social values including landscapes, aesthetics, and recreational opportunities to the waterfront will be supported. The Waterfront designation states that shoreline character shall be retained by encouraging non-intrusive use of the waterfront. With respect to density and massing, Section 20.5 states all building and structures within the Waterfront designation shall maintain a low profile and blend with the natural surroundings without exceeding the height of the tree canopy. Furthermore, the Waterfront designation establishes policies regarding shoreline activity areas. As per Policy 20.5.2., the shoreline activity areas are meant to serve as an appropriate balance of natural and built form along the shoreline, and include but are not limited to docks, boathouses, and other structures.

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 United Townships of Laxton, Digby and Longford Zoning By-Law 32-83. The LSR Zone permits multiple uses, including a vacation dwelling or a single detached dwelling and, as well as accessory structures. In order to recognize the existing structures, relief is required from the interior side yard setback and water setback.

Section 18.1.b. of the Zoning By-law requires a minimum 1.3 metre side yard setback for accessory structures; the existing deficient side yard setbacks are 0.31 metres (Gazebo 'A') and 0.58 metres (Sauna). The intention of a side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, maintaining privacy, and a space for maintenance and access. Gazebo 'A' is unenclosed and is used as a shelter for a sitting area. As a result of being unenclosed, this reduces the visual impact on the neighbouring property owners. Furthermore, there is some vegetation between Gazebo 'A' and the neighbouring property, mitigating privacy concerns. With regards to the Sauna, the structure is located on a slope where passageway between the structure and side lot line isn't easily accessible due to the topography. The Sauna is not directly

located beside any neighbouring structure and is buffered by vegetation. A condition has been added to ensure any of the downspouts on the Sauna and Gazebo 'A' are directed away from the neighbouring property.

Section 5.2.g. of the Zoning By-law requires a minimum 15 metre water setback; the existing structures have a water setback of 12.1 metres (Gazebo 'B') and 10.3 metres (Sauna) from the shoreline. The intent of the minimum water setback is to protect built form from natural hazards, 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 subject accessory structures within the water setback do not contain habitable space nor is habitable space being introduced within these structures, as such, there is no concern with water hazards and dangers to habitable space. Although the structures are within the water setback, they are situated at a higher elevation due to the sloped topography, reducing the concern from natural hazards. No changes to the shoreline are anticipated.

For comparative purposes, the Rural Zoning By-law (RZBL) that was adopted by Council although not currently in effect, takes a different view of the existing subject accessory structures. The RZBL, in support of the City of Kawartha Lakes Official Plan, has introduced a "Shoreline Activity Area" which dedicates a portion of the land along the shorelines to serve as a "Shoreline Naturalization Buffer". The RZBL states that the "Shoreline Activity Area" may contain shoreline structures, pathways, and native vegetation. Shoreline structures, as defined by the RZBL, include any building or structure such as a dock, hot tub, outdoor sauna, storage shed, and gazebos, within any yard abutting a waterbody. The RZBL excludes shoreline structures from being subject to the minimum water setback requirement. As a result, the subject accessory structures may be considered shoreline structures under the RZBL and not subject to the minimum water setback. However, as the RZBL is under appeal, its policies are not in effect.

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): “Accessory structures located less than 0.6m from the property line, the exposing building face shall have a fire resistance rating of not less than 45 minutes. No other comments.”

DS – Building and Septic (Septic): “A sewage system installation report was located for the property. The sewage system report indicates the system is constructed on the roadside of the property, adjacent to the property south-east property line. The gazebo’s and sauna have been located to ensure the minimum required clearance distances have been provided to the sewage system components. Additionally, the structures will not cause an increase to the capacity requirements of the system. As such, the Building and Septic Division have no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

Public Comments:

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

Attachments

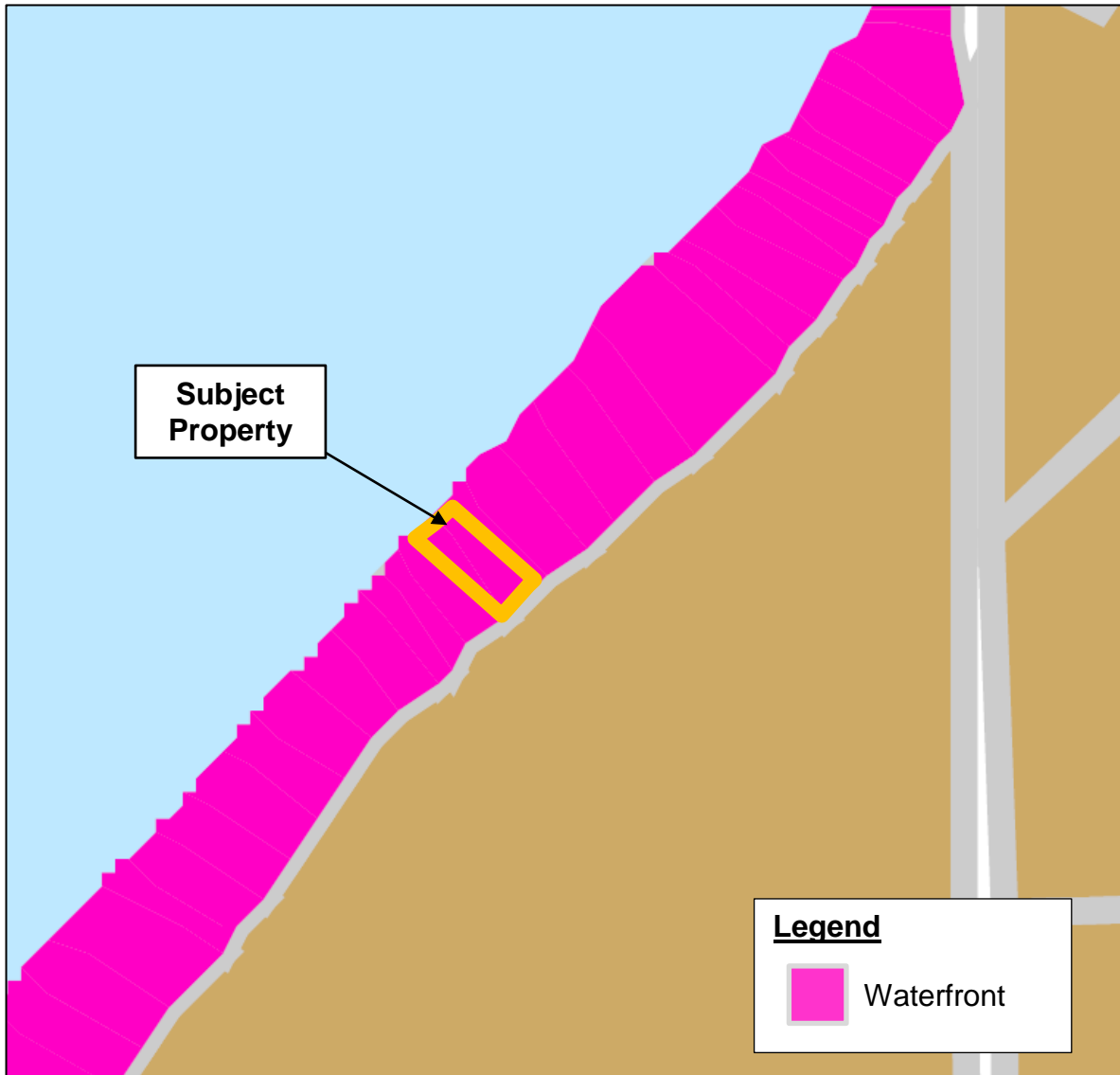
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-012

Schedule 1

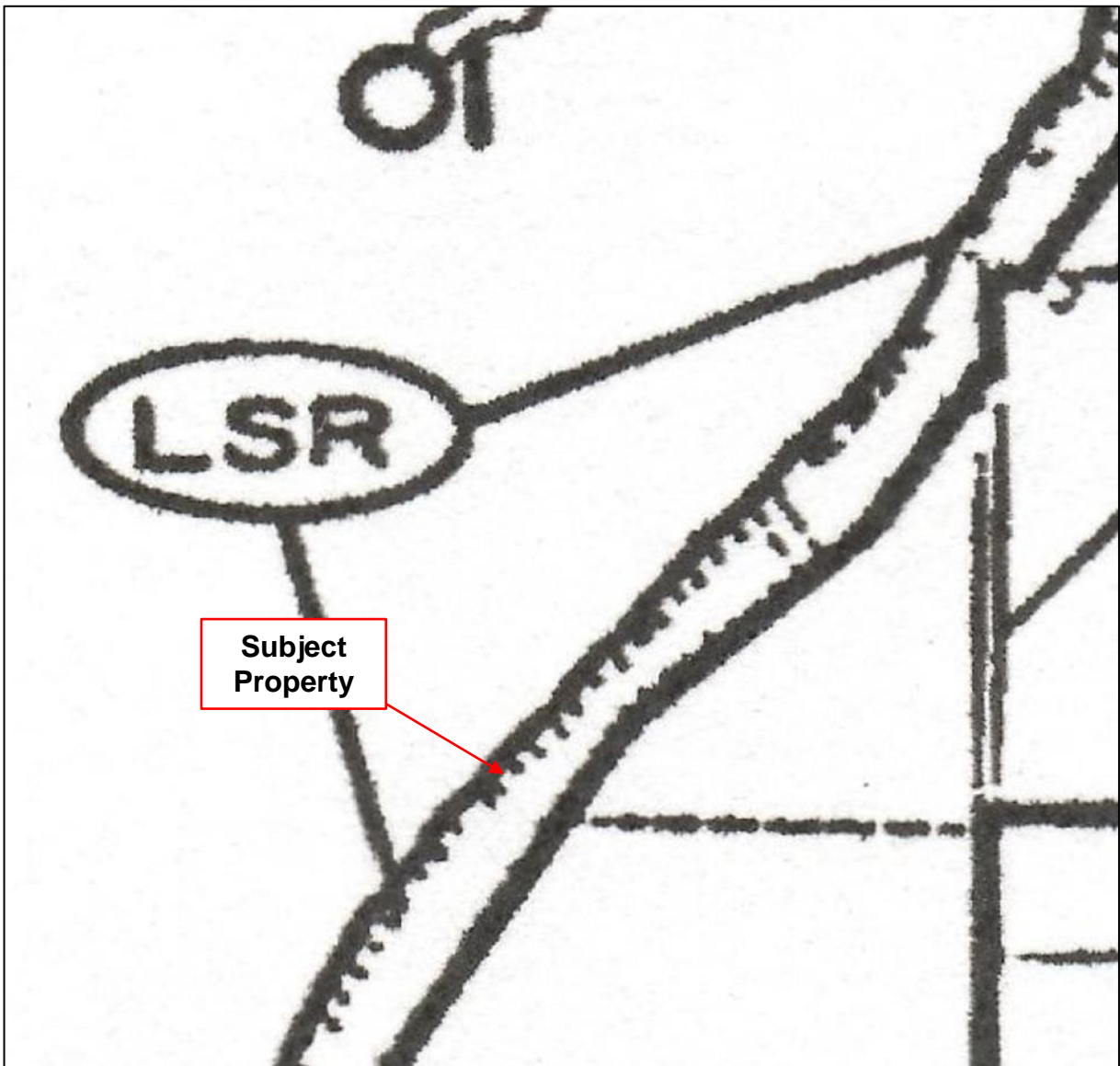
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Section 20. Waterfront Designation

United Townships of Laxton, Digby, and Longford Zoning By-law 32-83



Section 5. Limited Service Residential (LSR) Zone

Section 18. General Provisions

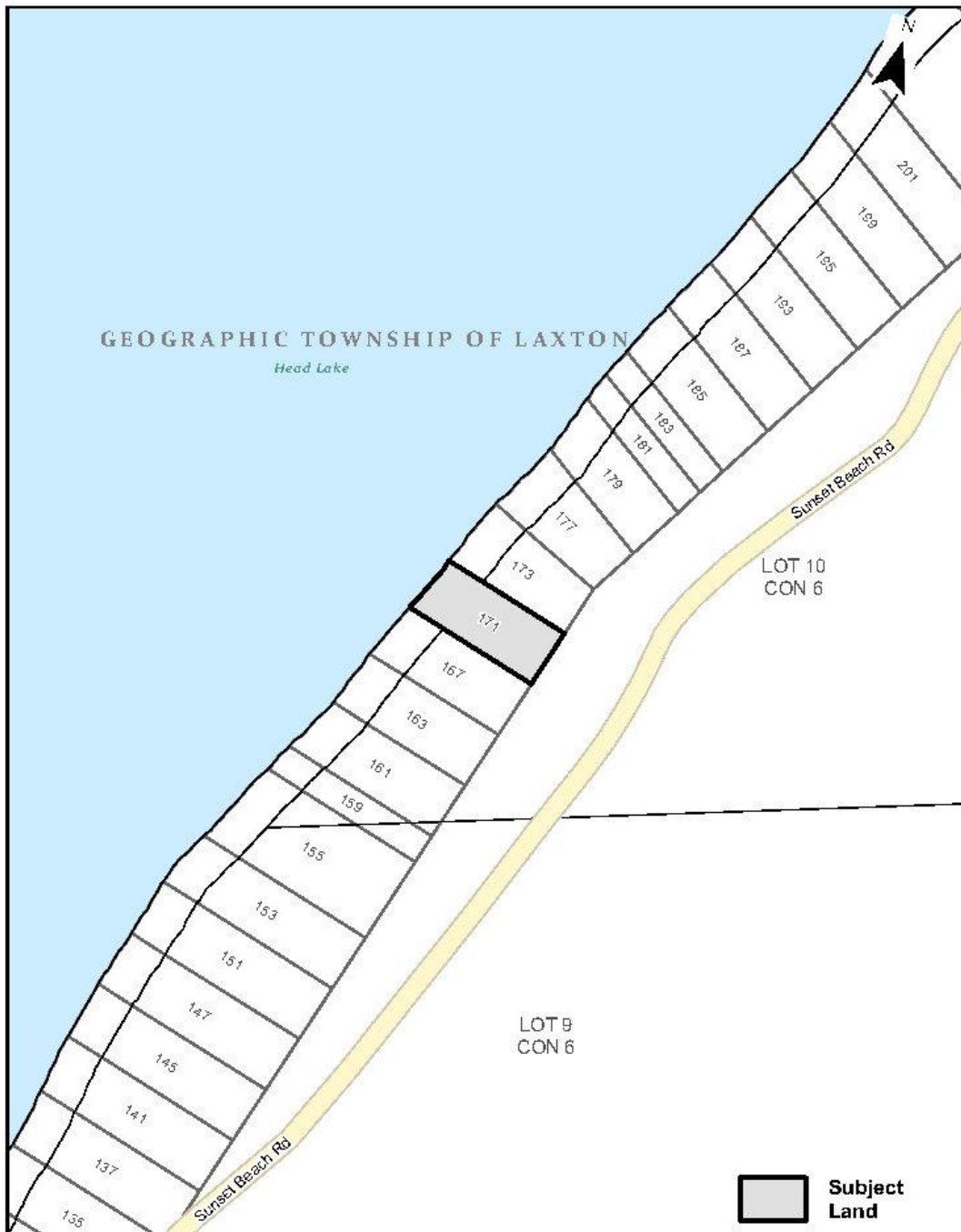
to

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LOCATION MAP

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to

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AERIAL PHOTO (2023)



to

APPLICANT'S SKETCH

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