

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Rotem & Lamsee
Report Number COA2025-042

Public Meeting

Meeting Date: April 23, 2024

Time: 1:00 pm

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

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new two storey dwelling with an attached deck

Relief sought:

1. Section 4.2 d) of the Zoning By-law requires a minimum interior side yard setback of 3 metres one side and 1.2 m other side plus 1 metre for each additional or partial storey above the first; the proposed dwelling is two storeys and the proposed setback from the southwest lot line is 1.7 metres from the dwelling and 0.7 metres from the deck;
2. Section 4.2 e) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setbacks are 7.2 metres from the dwelling and 4.8 metres from the deck; and,
3. Section 4.2 g) of the Zoning By-law requires a minimum water setback of 20 metres; the proposed setbacks are 16.3 metres from the dwelling and 12.2 metres from the deck.

The variance is requested at **195 Campbell Beach Road** (File D20-2025-029).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2024-042 – Rotem and Lamsee, be received;

That minor variance application D20-2025-029 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 COA2025-042, 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 COA2024-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The demolition of the existing house and the construction of a new dwelling with an attached deck.
Owners:	Rotem Golan and Troy Lamsee
Applicant:	Same as owners
Legal Description:	Part Lot 12 and Part Shore Road Allowance, Concession 1 (being Part 1 on Reference Plan 57R7312 and Part 1 on Reference Plan 57R4255)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Two (RR2) Zone (Township of Carden Zoning By-law 79-2)
Site Size:	1,793.4 sq. m. (19,304.1 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

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.

The subject property is within an established residential neighbourhood located on northeastern shore of Dalrymple Lake. The property is irregular in shape and is a waterfront lot. The property currently contains a detached dwelling constructed in 1967 (according to Municipal Property Assessment Corporation) and a shed. The shed is to be removed.

The proposal is to demolish the existing dwelling and to construct a new two storey dwelling with an attached deck. The new dwelling will provide additional habitable space and the deck will provide additional recreational amenities for the home owners. Many properties along Campbell Beach Road have multistory homes with extended waterside decks, therefore, the proposal is in keeping with the existing built form in the area.

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). 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.

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 the expansion or reconstruction of existing dwellings may be considered within the permitted setback. The dwelling maintains a significant portion of the footprint of the existing dwelling, and the new dwelling will not be closer to the water than what exists today, only the deck will encroach further. As such, the proposal is not creating a new hazard by introducing habitable space into the water setback where it does not already exist. It is not anticipated that the proposal will impact the existing shoreline conditions.

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 Rural Residential Type Two (RR2) Zone under the Township of Carden Zoning By-Law 79-2. 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 side yard setback, rear yard setback, and water setback.

Section 4.2.d of the Zoning By-law requires that the dwelling and an attached accessory structure (deck) is required to have 3 metre setback on one side, and 1.2 metre on the opposite side while adding an additional 1 metre setback for each additional storey. As the proposal is for a two storey dwelling, the required setbacks are a 3 metre setback on one side and a 2.2 metre setback on the opposite side. The proposed setback is 0.7 metre for the deck and 1.7 metre for the dwelling from the southwestern lot line. The purpose of a side yard is to manage massing and privacy issues, and to provide sufficient space for lot drainage and building maintenance.

There is ample room to walk around the dwelling while staying within the property lines. Additionally, the proposed 1.7 metre setback between the dwelling and the side lot line is adequate for using a ladder to perform any required building maintenance on that side of the dwelling. The proposed 0.7 metre setback is for the deck, which will not require a ladder for maintenance purposes. Also, the dwelling on the neighbouring property is closer to the road and the proposed dwelling will not abut the neighbouring dwelling, mitigating massing and privacy impacts. Furthermore, neighboring properties appear to contain structures that are situated in close proximity to their respective property lines, reflecting a consistent pattern of development in the area.

Section 4.2.e of the Zoning By-law requires a minimum setback of 7.5 metres from the rear yard. The proposed rear yard setback is 7.2 metres from the dwelling and 4.8 metres from the deck. The intent of the rear yard setback is to ensure privacy and provide open space.

In this case, the rear lot line does not abut another property. As such, impacts to privacy will not occur. Furthermore, the proposal ensures that ample open space is maintained between the deck and the rear lot line.

Section 4.2.g of the Zoning By-law requires a minimum water setback of 20 metres. The proposed water setback is 12.2 metres from the deck and 16.3 metres from the dwelling. 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 forms and water from the establishment of vegetation.

The existing dwelling is within the water setback and was constructed prior to the adoption of the current Zoning By-law. Furthermore, several neighboring properties also have structures located within the water setback area. The proposal will maintain a distance from the water that will ensure that the intended buffer between built form and vegetation will be kept. The existing dwelling has preserved the established buffer, and the proposed expansion is not anticipated to impact existing shoreline conditions. The dwelling is not to encroach any further into the water setback beyond what exists today, and the deck does not create habitable space within the water setback.

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 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:

Building and Septic Division (Septic): “An application for a sewage system permit has been submitted for the proposed rebuild. The design indicates a sewage system is being proposed in the south, roadside corner of the property. The sewage system requirements for the proposed single detached dwelling have been met by the proposed system design in this location. The proposal will require the reduction of the existing gravel driveway. As such, the Building and Septic Division has no concerns with the minor variance as it relates to private on-site sewage disposal.”

Building and Septic Division (Building): “No comments.”

Engineering and Corporate Assets Division: “The proposed setback from the southwest lot line is +/- 0.7 metres from the deck, the minimum width of a swale (0.15m in depth with 3:1 side slopes) to self-contain drainage is 0.9m. Constructability of the swale within the limits of proposed deck will need to be confirmed.”

Public Comments:

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

Attachments

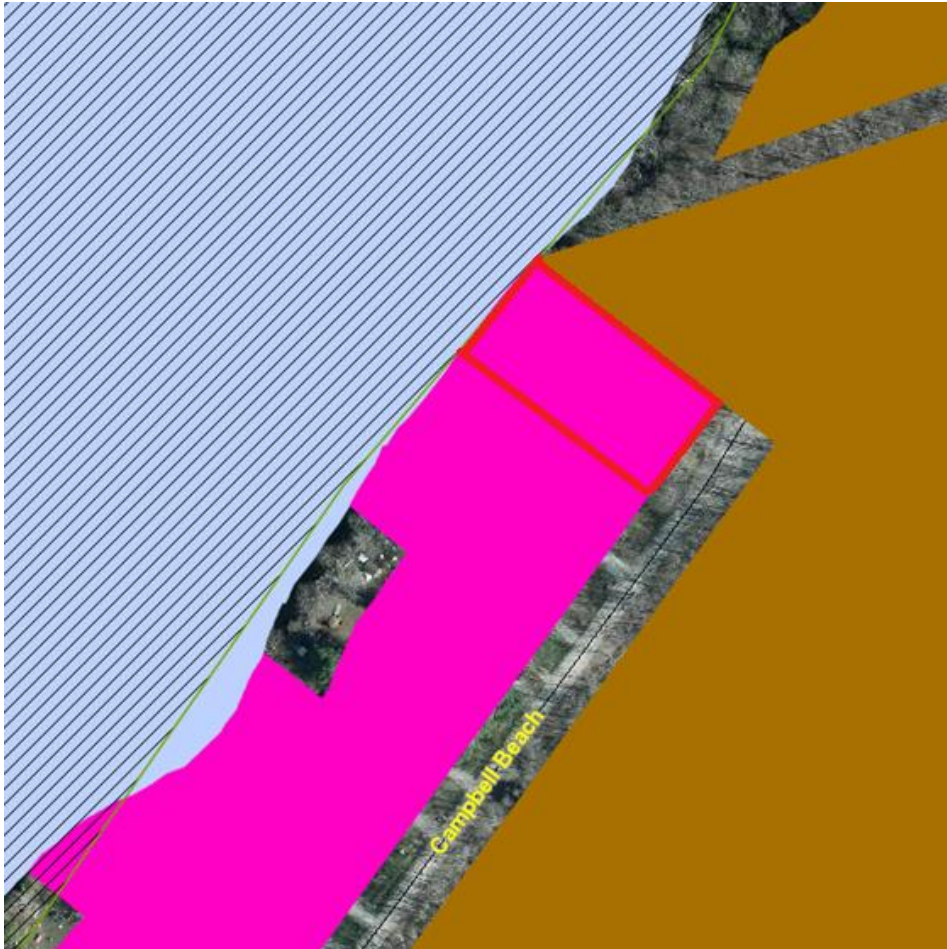
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 2156
E-Mail: sokhowat@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2025-029

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan

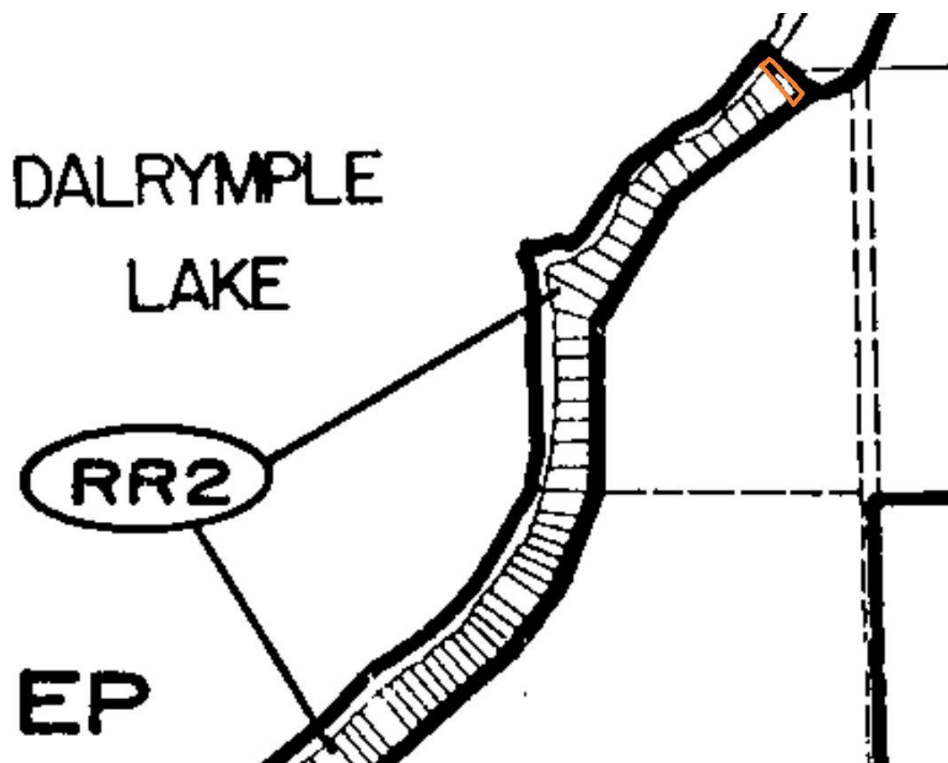


3.11. Water Setback and Accessory Uses

- 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

Township of Carden Zoning By-law 79-2



Section 4 Rural Residential Type Two (RR2) Zone

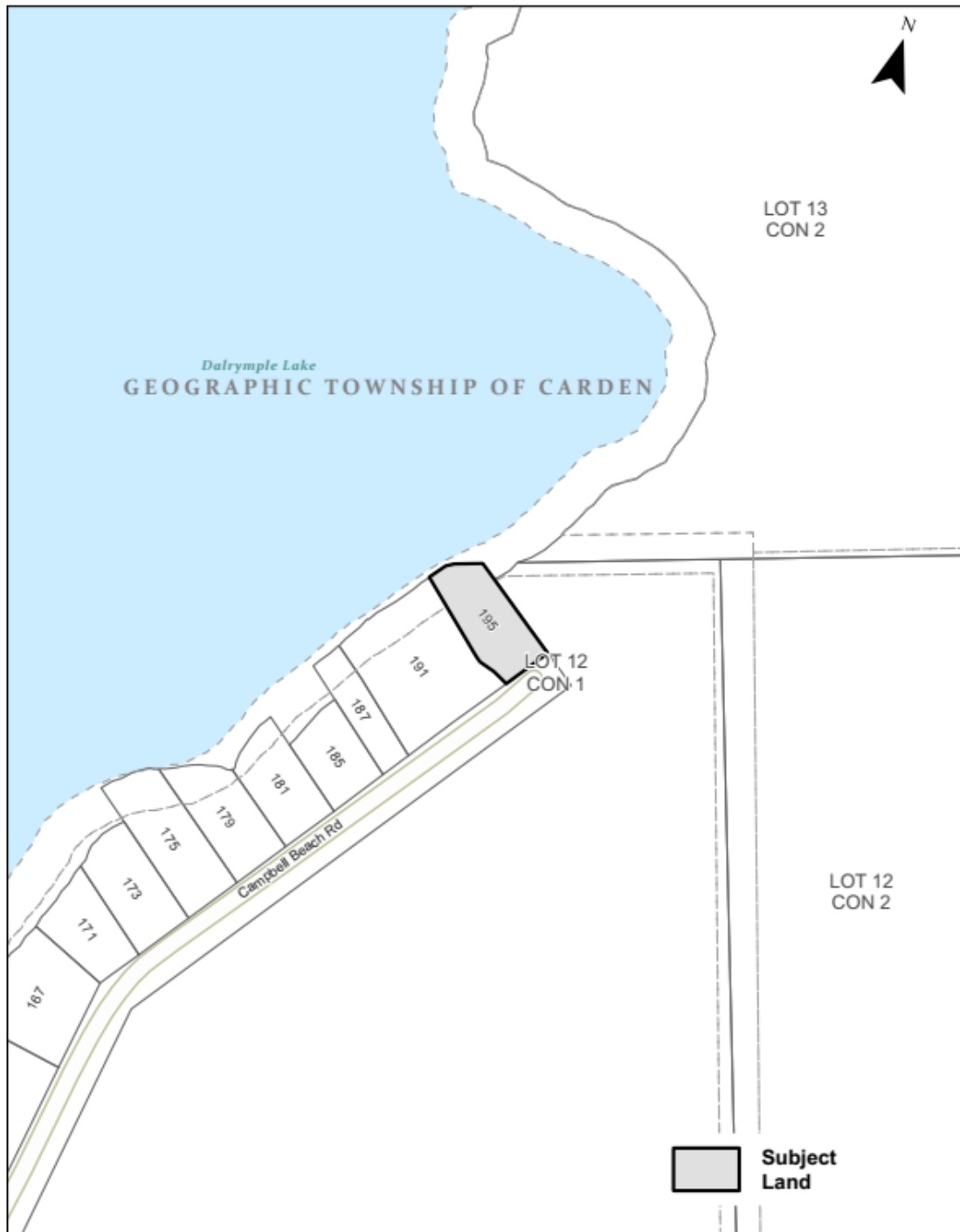
- 4.1 RR2 Uses Permitted
- 4.2 RR2 Zone Requirements
 - e. Minimum rear yard setback 7.5 metres
 - d. Minimum side yard setback 3 metres on one aide and 1.2 metres on the other
 - g. Minimum water setback 20 metres

Section 14 General Provisions

- 14.21 Water Setback Requirement
 - a. The minimum water setback for all zones 20 metres

LOCATION MAP

D20-2025-029



APPENDIX " B "

to

REPORT COA2025-042

FILE NO: D20-2025-029

AERIAL PHOTO



APPLICANT'S SKETCH

