

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Domenico & Melissa Salciccia
Report Number COA2018-023

Public Meeting

Meeting Date: April 19, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 7 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from the following in order to permit the construction of a garage with an attic on the upper level:

1. Section 5.1.3(b) to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard;
2. Section 5.1.5 to increase the maximum height of an accessory building or structure allowed in a residential zone from 5 metres to 5.7 metres; and
3. Section 5.2(d) to reduce the front yard depth allowed from 7.5 metres to 6 metres.

The property is located at 110 Crescent Drive, geographic Township of Verulam (File D20-2018-016).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-023 Domenico & Melissa Salciccia, be received;

THAT minor variance application D20-2018-016 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the accessory garage related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-023, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;

- 2) **THAT** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer a revised proposal sketch and elevations showing the proposed garage as maintaining a maximum height of 5 metres in accordance with the by-law definition as “the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof”; and showing the Hydro line being relocated to a safer unobstructing location. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the revised Hydro line location, and the revised building height respectively, are appropriate for the proposed development;
- 3) **THAT** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits required by the KRCA;
- 4) **THAT** the owner acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
- 5) **THAT** the building construction related to the minor variance shall be completed within a period of twelve (12) 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 COA2018-023
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background:	The property is a lot of record containing a cottage dwelling and a detached garage, both built in 1962. The existing detached garage, which is already located in the front yard, is proposed to be replaced through this minor variance application with a larger structure and a reconfigured footprint. This application was deemed complete March 20, 2018.
Proposal:	To construct an approximately 82.12 square metre (884 square foot) detached garage with storage loft.
Owner:	Domenico & Melissa Salciccia
Applicant:	Garry Newhook
Legal Description:	Part Lot 15, Concession 7, Plan 348, Lot 12, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	“Waterfront” – City of Kawartha Lakes Official Plan
Zone:	“Limited Service Residential (LSR) Zone” – Township of Verulam Zoning By-law 6-87

Site Size: 0.41 acres (1,700 square metres)

Site Servicing: Private individual septic and well systems

Existing Uses: Residential

Adjacent Uses: North: Residential
East: Residential
South: Residential
West: Sturgeon Lake

Rationale:

1) Are the variances minor in nature? Yes
And

2) Is the proposal desirable and appropriate for the use of the land? Yes

Although the existing garage on the property was constructed as far back as 1962, it is worth noting that the property is an undersized lot of record, as it is 350 square metres smaller than the minimum lot area of 2,050 square metres permitted in a "LSR Zone". Likewise, the northerly interior side yard is already occupied by a septic bed, and it will not be a suitable location to install an accessory structure.

While the dormers are proposed to face the rear of the property (west side or water side), the footprint of the proposed structure will maintain a complying distance from the cottage dwelling, the shoreline, and the southerly interior side lot line respectively. The front yard relief requested for the proposed garage is not anticipated to impact the function of the yard, as sufficient space remains between the proposed structure and the front lot line for maintenance and drainage purposes.

In terms of scale, the proposed height of the replacement garage is anticipated to present a negative visual impact and appear functionally incompatible with the existing character of the surrounding uses, especially in comparison with the height of the existing cottage on the property, including the adjacent accessory buildings to the north, east and south of the subject property respectively.

The height of the existing detached garage is 4 metres, which approximately matches the height of the existing dwelling on the property. In terms of appearance, elevation drawings and observations from site visit suggests that a proposed building height of 5.7 metres resulting from the incorporation of an attic/loft space in the garage design will translate into the perception of a habitation space above the main level of the proposed garage, resulting in an

elaborate structure, which would appear taller than the cottage dwelling on the property.

There is a Hydro line that traverses the property east to west, sagging close to the roof of the existing detached garage. This presents a safety concern if the height of the structure proposed will be higher than the 4 metres already established on the property by the existing accessory building.

Provided the proposed garage is revised to maintain a maximum height of 5 metres, and provided the Hydro line is relocated to a safer unobstructing location, the variances are considered minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law?
Yes

An accessory garage is permitted as a devoted use to a main use in a residential zone, and thus, permitted in the “Limited Service Residential (LSR) Zone”. Overall, the building being proposed to be above the maximum permitted height of 5 metres (16.4 feet) is considered not to be low profile, but rather, an overdevelopment, as reflective of a design where an accessory use is proposed to be bigger than a primary use, a deviation from what would normally be anticipated in a “LSR Zone”.

Unquestionably, the existing garage is an old structure, Section 10.2 in conjunction with Section 5.13.2 of the Township of Verulam Zoning By-law exists to ensure that a review is done when development is proposed upon lots of record to ensure the proposed construction is appropriate for the use. The total lot coverage for accessory uses is 4%, where 8% maximum is permitted; and the upper level space also corresponds with the definition of an attic because it is less than 50% of the main floor area.

These same sections also contemplate relief where the by-law provisions are regarded as practicably possible, and where inability to comply results from undue hardships presented by the physical characteristics of a property.

Consequentially, it is very clear that the applicant is requesting the increased height part of this variance out of preference, as they have not demonstrated any hardship to justify why the proposed garage cannot be built to the maximum 5 metres permitted for an accessory structure.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law, provided the proposed garage is revised to maintain a maximum height of 5 metres in accordance with Section 5.1.5 of the corresponding zoning by-law, defined as “the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof”; and provided that the Hydro line traversing above the structures on the property is relocated to a safer unobstructing location.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan. The “Waterfront” designation permits accessory uses as secondary to a single detached dwelling.

Section 20.5.1 of the Official Plan is very clear regarding density and massing in the “Waterfront” designation. It states that “all buildings and structures shall maintain a low profile and blend with the natural surroundings”.

Section 34.1 also acknowledges the extension or enlargement of existing uses in instances of unnecessary hardship. This is recognizable through the location of the existing garage in the front yard, and reasonably demonstrated through the reconfiguration of the footprint of the proposed structure further into the front yard depth by 1.5 metre, in order to ensure a future replacement cottage dwelling can comply with the 15 metre minimum water setback requirement.

In consideration of the above, the applicant has not demonstrated any hardship to justify that the proposed garage cannot be built to comply with the maximum 5 metres permitted for an accessory structure.

Therefore, the variances maintain the general intent and purpose of the Official Plan, provided the proposed garage is revised to maintain a maximum height of 5 metres as defined in the by-law, and provided the Hydro line is relocated to a safer unobstructing location.

Other Alternatives Considered:

Discussions with the applicant suggests the height of the proposal is to create additional storage room, and that the protruding attic windows are to enable adequate lighting and ventilation into the accessory structure. The applicant also suggested a future reconstruction of the existing house on the property.

Considering the fact that the property is an undersized lot of record, the applicant has not demonstrated where the footprint of the future dwelling (which is the primary use of the property) will be placed on the property, nor has it been demonstrated whether the size or location of both the existing well and septic system would be of sufficient capacity for such future development. Since it is unclear how this approach qualifies as practicable, the recommendations throughout this report have been proposed with revisions to the requested variances that Staff can support.

Moreso, it has been clarified that the comments of the KRCA apply to the height variance requested. As part of the building permit process, a permit from the KRCA will be required to be obtained prior to the issuance of a building permit.

Servicing Comments:

The property is serviced by private well and septic systems. The proposed accessory use will not be connected to water or septic facilities.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division – Building Inspection/Plans Examiner (April 5, 2018): No concerns.

Kawartha Region Conservation Authority (KRCA - April 6, 2018): No objection. See comments.

Building Division – Sewage System Program (April 9, 2018): No concerns.

Engineering & Corporate Assets (April 10, 2018): No objections.

Public Comments:

No comments as of April 10, 2018.

Attachments:

Appendices A-E to
Report COA2018-023

Appendix “A” – Location map

Appendix “B” – Air photo

Appendix “C” – Applicant’s sketch

Appendix “D” - Elevations

Appendix “E” – Department and Agency comments

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