

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Knaz, Joanna and Andrzej
Report Number COA2018-042

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 6 – Geographic Township of Fenelon

Subject: The purpose and effect is to request relief from the following in order to permit:

Addition to Residential Dwelling/Attached Garage

1. Section 15.2.1.3(b)(ii) to reduce the interior side yard from 2.3 metres to 1.2 metres; and
2. Section 15.2.1.3(e) to reduce the minimum water setback from 15 metres to 10 metres.

Accessory Buildings

3. Section 3.1.3.3 to permit four (4) accessory buildings, where a maximum of three (3) is permitted in a residential zone.

The property is located at 92 Lambs Lane, geographic Township of Fenelon (File D20-2018-031).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-042 Joanna and Andrzej Knaz, be received;

THAT minor variance application D20-2018-031 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 detached residential dwelling 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 COA2018-042, 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** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge;
- 3) **THAT** prior to the issuance of a building permit for the proposed dwelling, the wooden shed located in northerly interior side yard be relocated on the property in the southerly interior side yard in a compliant manner at a minimum setback of 1.2 metres from the southerly side lot line. The wooden shed shall also be located between the storage shed and the front yard abutting the private right-of-way (Lambs Lane) at a minimum spatial separation distance of 1.2 metres from the existing storage shed in the southerly interior side yard; and
- 4) **THAT** the 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 COA2018-042. 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 two-storey detached house, a detached garage, a boathouse, an accessory frame cottage/bunkie (built circa 1950 - MPAC), a storage shed, and a wood shed respectively. The application proposes a two-storey living space addition that will facilitate the joining of the detached house and the detached garage into one building unit, resulting in a larger and reconfigured building footprint. This application was deemed complete June 20, 2018.
Proposal:	To construct an approximately 278.36 square metre (2,995.15 square foot) two-storey residential dwelling with an attached garage.
Owner:	Joanne and Andrzej Knaz
Applicant:	Joanne Knaz
Legal Description:	Part Lot 30 & 31, RP 57R-7800, Parts 1 to 3, geographic Township of Fenelon, City of Kawartha Lakes
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone – Township of Fenelon Zoning By-law 12-95

Site Size: 1.72 acres (6,913.92 square metres)
Site Servicing: Private individual septic and lake water systems
Existing Uses: Residential
Adjacent Uses: North: Residential
East: Agricultural
South: Residential
West: Balsam 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

(i) Addition to Residential Dwelling/Attached Garage:

The interior side yard relief requested for the proposed addition is not anticipated to impact the function of the yard, as sufficient space will remain between the proposed structure and the northerly interior side lot line for maintenance and drainage purposes. Notwithstanding the fact that the addition will be blocking off the existing 6.7 metres amenity space access to the water on the northerly side yard, the southerly side yard space compensates for this with an 8.6 metres amenity space. The relocation of the existing woodshed away from the proposed location for the addition would also enhance the functioning of the northerly interior side yard accordingly.

Regarding the relief for the reduced water setback, it is considered an improvement because the rear of the building boundary for the proposed addition appears to be further back at 10 metres than the 9.14 metres water setback established by the existing detached dwelling on the property. There is also sufficient vegetation between the proposed location of the addition and the shoreline that functions as naturalization space to retain and infiltrate surface water run-off before discharging it into the abutting water body. As such, no negative land use impacts are anticipated.

In terms of scale, the proposed massing of the increased dwelling size is not anticipated to present a negative visual impact as it will be screened off by vegetation from the abutting neighbouring property to the north, and the shoreline respectively.

(ii) Accessory Buildings:

Although the conversion of the existing detached garage counts towards the reduction in the number of accessory buildings on the property from five (5) to four (4), the removal of the wooden shed which is in the current location of the proposed building addition area is a perfect candidate for removal to achieve a compliance by a further reduction in the number of accessory buildings to the maximum three (3) permitted in the By-law.

However, discussions with the applicant substantiated with observation from site visit revealed that a removal of the wooden shed from the property may cause the owner undue hardship as the structural feature of the existing house appears to be an uninsulated type that requires heating in cold weathers. As such it will be appropriate to relocate the wooden shed to the southern interior side yard for easy access to firewood when needed. The suggested location also ensures that the wooden shed is indiscernible at human scale as it will be adequately screened by vegetation, and that any potential negative accessory use impacts are mitigated. This is also enabled by the existing accessory cottage/bunkie location behind a heavily treed vegetation.

Based on the above analysis, the variances are 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

(i) Addition to Residential Dwelling/Attached Garage:

The 5 metre water setback reductions from the 15 metres required, and the 1.1 metre interior side yard reduction, proposed for the building addition, if granted, is not anticipated to be perceptible. Sufficient space remains within the said yards to facilitate access to the rear yard. The proposed woodshed relocation in conjunction with conditions 2, and 3, will also ensure compliance with water setback requirements.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 2.16% from a possible 30% maximum, a 7.92 metre building height from a possible 11 metre maximum, and a compliant southerly interior side yard and front yard than the minimum required, the applicant has reasonably demonstrated that it is possible to develop the lot through theses requested variances.

(ii) Accessory Buildings:

An accessory structure 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, none of the four (4) accessory buildings is being proposed to be above the maximum permitted height of 5 metres (16.4 feet).

Section 15.2 in conjunction with Section 3.1 of the Township of Fenelon 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 2.42%, where 8% maximum is permitted; while the total lot area for accessory uses is below the maximum permitted 225 square metres at 167.73 square metres.

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.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

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 residential uses, and accessory uses as secondary to a single detached dwelling.

The proposal follows the Official Plan policy regarding density and massing in the Waterfront designation as it will presumably blend with the natural surroundings whilst providing an opportunity to retain the naturalization space between the rear of the building and the water's edge as reasonably possible.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

None.

Servicing Comments:

The property is serviced by water drawn from the lake and a private septic system.

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 (July 6, 2018): No concerns.

Public Comments:

No comments as of July 10, 2018.

Attachments:



Appendices A-E to
Report COA2018-042

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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