

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – John and Dana Kaminski**  
Report Number COA2018-062

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**Public Meeting**

**Meeting Date:** October 18, 2018  
**Time:** 1:00 pm  
**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

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**Ward: 13 – geographic Township of Verulam**

**Subject:** The purpose and effect is to request relief from Section 8.2(f) to reduce the minimum interior side yard width from 3 metres to 2.2 metres to permit a covered deck addition to a single detached dwelling.

The variance is requested at 18 Hills Road, former Township of Verulam (File D20-2018-048).

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**Author: David Harding, Planner II**

**Signature:**

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**Recommendations:**

**RESOLVED THAT** Report COA2018-062 John and Dana Kaminski, be received;

**THAT** minor variance application D20-2018-048 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 covered deck related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices “C” and “D” submitted as part of Report COA2018-062, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** the owners conduct to the satisfaction of the Kawartha Region Conservation Authority an elevation (topographic) survey conducted by an Ontario Land Surveyor (OLS) of the subject lands illustrating the location of the floodplain elevation of Pigeon Lake (246.9 mASI) in relation to the location of the proposed covered deck;
- 3) **THAT** the owners apply for, pay the required fee and obtain a permit from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06 for the proposed covered deck; and
- 4) **THAT** the building construction related to the minor variances 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 COA2018-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** This application is the result of an enforcement matter with the Building Division. The applicant is working with the division to bring the addition of the rear addition to the dwelling into compliance with the zoning by-law through the demolition of part of the building. A variance is being sought for the covered deck construction which occurred to the south of the new addition.

This application was last amended October 1, 2018.

**Proposal:** To permit a covered deck addition to an existing single detached dwelling.

**Owners:** John and Dana Kaminski

**Applicant:** John Kaminski

**Legal Description:** Lot 4, Plan 206, geographic Township of Verulam, City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan

**Zone:** Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

**Site Size:** 502.5 square metres (5,411 square feet)

**Site Servicing:** Private individual well and holding tank.

**Existing Uses:** Shoreline Residential

**Adjacent Uses:** North: Shoreline Residential  
East: Pigeon Lake  
South: Shoreline Residential  
West: Rural

**Rationale:** Unauthorized construction is considered proposed development under the Planning Act. As such the report will use future tense when referring to the covered deck and/or addition.

**1) Is the variance minor in nature? Yes**

**And**

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

The subject property is situated in an established shoreline residential neighbourhood. The neighbourhood is characterized by lots which are long and narrow. Nearly all dwellings within this portion of the neighbourhood are single storey. A single storey covered deck is proposed.

The dwelling on the subject property is constructed at a slight angle to the road, causing the dwelling to run closer to the north lot line the further east the dwelling runs. In turn, this means that the spatial separation between the dwelling and south lot line increases the further east the dwelling runs. As such, a fair degree of spatial separation (2.2 metres) is maintained between the proposed covered deck and south lot line.

The covered deck will provide sheltered amenity space and function as a secondary access to the dwelling from both the front and rear yards. The stairs to the deck are to be placed away from the space that remains between the deck and the south lot line, allowing for travel between the front and rear yards without walking up onto the deck.

The covered deck is proposed to the rear of the dwelling, and therefore the appearance of the property does not change significantly when viewed from the road.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes**

The subject property is zoned Residential Type One (R1) Zone within the Township of Verulam Zoning By-law. The R1 Zone provisions have a separate requirement for each of the two interior side yards: 3 metres on one side and 1.8 metres on the other. The side the covered deck is proposed upon is the wider of the two interior side yards.

The intent of the Zoning By-law is likely to ensure one of the interior side yards is large enough to provide for a parking area beside the dwelling and/or for vehicular/watercraft passage between the front and rear yards. The parking for the subject property is located within the front yard, and as the proposed covered deck is to be located to the rear of the dwelling, a large portion of the interior side yard remains open for the parking of additional vehicles if necessary. The reduction of the interior side yard width does not adversely impact the function of the property.

There are also no concerns with respect to lot grading and drainage with the proposed reduced setback.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

4) **Does the variance maintain the intent and purpose of the Official Plan?**

**Yes**

The property is within the Waterfront designation of the City of Kawartha Lakes Official Plan (Official Plan). Within this designation, residential uses are anticipated.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by a private individual well and holding tank.

**Consultations:**

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

**Agency Comments:**

Kawartha Region Conservation Authority (September 7, 2018): Permits from their office must be obtained for the unauthorized construction. Conditions requested.

Building Division (October 4, 2018): No concerns.

Trent Severn Waterway (October 5, 2018): No concern with this proposal. Unauthorized works appear to have taken place in and around the shoreline. Please contact their office.

Engineering and Corporate Assets Department (October 9, 2018): No concerns.

**Public Comments:**

No comments as of October 10, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-062.

- Appendix "A" – Location Map
  - Appendix "B" – Aerial Photo
  - Appendix "C" – Applicant's Sketch
  - Appendix "D" – Elevations
  - Appendix "E" – Department and Agency Comments
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**Department Head:** Chris Marshall  
**Department File:** D20-2018-048