

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Richard Kearney

Report Number COA2018-072

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### Public Meeting

**Meeting Date:** November 8, 2018

**Time:** 1:00 pm

**Location:** Victoria Room, City Hall, 26 Francis St., Lindsay

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### Ward: 13 – Geographic Township of Verulam

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit the construction of a second floor addition to a single detached dwelling:

1. Section 5.1.4(c) – to reduce the minimum spatial separation between an accessory building and a main building from 1.2 metres to 1.0 metre;
2. Section 5.14.1 - to reduce the minimum parking requirement for a residential use property from two (2) to one (1); and
3. Section 8.2(d) – to reduce the minimum front yard depth from 7.5 metres to 1.1 metres.

The variance is requested at 61Kenhill Beach Road, geographic Township of Verulam (File D20-2018-055).

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**Author:** Quadri Adebayo, Planner II

**Signature:**

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### Recommendations:

**RESOLVED THAT** Report COA2018-072 Richard Kearney, be received;

**THAT** minor variance application D20-2018-055 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 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 COA2018-072, 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 for the proposed addition, the applicant shall obtain all necessary permits required from the Kawartha

Region Conservation Authority (KRCA) prior to construction. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the permitting process have been initiated to its satisfaction;

- 3) **THAT** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard depth will not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; 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 COA2018-072. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

<b>Background:</b>	This application proposes to construct a second floor addition to an existing two-storey single detached residential dwelling comprising an extra storey of living space, a balcony, and a main-level archway. The proposed development will maintain the limits of the existing front wall of the house. This application was deemed complete August 16, 2018.
Proposal:	To construct an approximately 25.04 square metre (269.43 square foot) addition to a two-storey detached dwelling consisting of a supplementary living space, a balcony, and a main-level archway. The existing dwelling is approximately 151.43 square metres (1,629.38 square foot) in size.
Owners:	Richard Kearney
Applicant:	Joe Hood – Pro Home Solutions Limited
Legal Description:	Part Lot 10, Concession 3, Lot 29, Plan 192, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	Waterfront in 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:	0.15 acres (606.89 square metres)
Site Servicing:	Lake water system and private holding tanks for sewage
Existing Uses:	Residential

Adjacent Uses: North: Sturgeon Lake  
East & West: Residential  
South: Residential Backlot and Agricultural

**Rationale:**

**1) Are the variances minor in nature? Yes**  
**And**

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

The proposed front yard setback measurement accounts for the measurement between the front lot line and the existing building line established by the front wall of the house. Notwithstanding that the west-end of the established building front wall is 2.5 metres from the front lot line, the slanted alignment of the front wall of the house from west to east contributes to the more reduced front yard depth at 1.1 metres for the proposed addition at the east end of the front wall. Observations from site visit suggests that sufficient amenity space will remain in the front yard as the limits of the proposed addition appears to be further back from the front lot line than the existing detached garage in the easterly side yard.

With respect to the reduced spatial separation between the proposed addition and the detached garage in the easterly side yard, staff is of the opinion that the reduction will not be perceptible at human scale due to open concept of the archway proposed on the main level and that the massing of the addition will be on the second level of the house. The existing vegetation along the easterly side lot line also ensures that the scale of development is masked. As such no land use compatibility issues are anticipated.

Regarding the reduction in parking spaces from two (2) to one (1), the uniqueness of the residential use pattern on Kenhill Beach Road neighbourhood ensures that a second parking can be adequately provided on the backlot portion of the subject property. There is a zoning by-law provision in place that ensures that each backlot parcel on Kenhill Beach Road is accessory to adjacent residential use parcel. As such, only accessory buildings are permitted to be built on the backlots. Therefore, the second parking space being proposed to be provided on the backlot is in keeping with the residential character of the neighbourhood.

Based on the above analysis, the variances are minor as well as 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 6.4 metre front yard depth reduction from the 7.5 metres required, and the 0.2 metres reduction in the 1.2 metres spatial separation required, proposed for the second floor addition, if granted, are not anticipated to be perceptible. Sufficient space remains within the said yards to facilitate access to the rear yard.

The property is constrained in terms of size, having a legal non-conforming lot area of 606.89 square metres where the minimum required in a Residential Type One (R1) Zone is 2,050 square metres. The existing detached dwelling was built circa 1932 (MPAC). With the zoning by-law provisions for the adjacent backlot in place (i.e. Residential Type One Exception Twenty-one), it is evident that a second parking space can satisfactorily be provided on the backlot.

Considering the fact that the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of approximately 25.13% from a possible 33% maximum, an approximately 23 metre water setback where 15 metres minimum is permitted, and an approximately 13 metre road centreline setback from the front lot line where 10 metres minimum is permitted, the applicant has reasonably demonstrated that it is possible to develop the undersized lot.

Therefore, the variances maintain 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 designated Waterfront in the City of Kawartha Lakes Official Plan, which permits residential uses.

The proposal follows Section 20.5.1 of the Official Plan regarding density and massing in the Waterfront designation. The proposed building will presumably blend with the natural surrounding residential character.

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

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

Lake water system and private holding tanks for sewage

**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 (October 25, 2018): No concerns.

Kawartha Region Conservation Authority – KRCA (October 25, 2018): No objections, but applicant is required to obtain necessary permits prior to commencing construction. See comments.

Engineering & Corporate Assets (October 29, 2018): No objections. See comments.

**Public Comments:**

No comments as of October 29, 2018.

**Attachments:**



Appendices A-E to  
Report COA2018-072

- Appendix A – Location Map
  - Appendix B – Aerial Photo
  - Appendix C – Applicant’s Sketch
  - Appendix D – Elevation Drawings
  - Appendix E – Department and Agency Comments
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**Department File:** D20-2018-055