

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Bogdanets
Report Number COA2019-038

Public Meeting

Meeting Date: June 20, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 2 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from Section 8.2(g) to reduce the minimum rear yard depth from 7.5 metres to 3 metres to permit the construction of an attached garage and screened porch.

The variances are requested at 15 Courtney Lane, geographic Township of Verulam (File D20-2019-027).

Author: David Harding, Planner II

Signature:

Recommendation:

Resolved That Report COA2019-038 Bogdanets, be received;

That minor variance application D20-2019-027 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 additions to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-038, which shall be attached to and form part of the Committee's Decision; and
- 2) **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 COA2019-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was deemed complete May 21, 2019.

Proposal: To construct an attached garage and a screened porch.

Owners: Sergey and Elena Bogdanets

Applicant: Sergey Bogdanets

Legal Description: Part Lot 15, Concession 8, geographic Township of Verulam, now 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: 1,915 square metres

Site Servicing: Private individual well and sewage system.

Existing Uses: Shoreline Residential

Adjacent Uses: North, West: Vacant Forested Land
South, East: Sturgeon Lake, Shoreline Residential

Rationale:

1) Is the variance minor in nature? Yes

And

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

The lot is located within an established shoreline residential neighbourhood on the north shore of Sturgeon Lake at the end of Courtney Lane.

The lot is wide and shallow. Due to the configuration of the lot in relation to the road, the dwelling does not face the road, but is oriented towards the water to the east. Due to the orientation of the dwelling, the north lot line functions as an interior side yard rather than the rear yard it is by definition.

An interior side yard functions primarily as a place to store/place items to assist in the function of the home and/or lot, provide for passage between the front and rear yards, and serve as a space where maintenance can be conducted on the dwelling. There remains sufficient space for the yard to provide for these more utilitarian functions. The east yard, which is the interior side yard by definition, serves the role as the rear yard by providing for larger landscaped recreational amenity space.

The northerly expansion of the dwelling will convert the existing paved surface parking area to covered vehicle storage, and will add a screened porch off of the existing east deck, which faces the shoreline. The screened porch will add additional amenity space to the area which functions as the rear yard.

The additions are proposed to increase the functionality of the lot by providing for additional built amenity features in a clustered area where built form is already present.

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 property is zoned Residential Type One (R1) Zone within the Township of Verulam Zoning By-law.

In this circumstance, the rear yard functions as an interior side yard and the east interior side yard functions as the rear yard.

The intent of the rear yard setback is to provide adequate recreational amenity space to the occupants of a dwelling, and avoid adverse land use conflicts (use, massing, privacy) between abutting rear yards. The intent of the by-law is being maintained as there is another amenity space on the lot: the east interior side yard, which provides adequate recreational amenity space for the occupants.

There are also no adverse massing, privacy or land use conflicts anticipated from the northern expansion of the dwelling as the building is oriented towards the shoreline in the east. As such, activity within the remaining rear yard is anticipated to be minor and utilitarian in function. This minor activity is not anticipated to impact the use of the northern lot, once developed.

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 designated Waterfront within the City of Kawartha Lakes Official Plan. Residential uses are anticipated within this designation. 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 septic system.

Consultations:

Agency Comments:

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

Building Division (June 5, 2019): No concerns.

Kawartha Region Conservation Authority (June 7, 2019): No concerns. A permit is required. No basement is permitted. Finished floor elevation for the additions should be 248.7 mASL.

Building Division – Part 8 Sewage Systems (June 9, 2019): No concerns.

Engineering and Corporate Assets Department (June 10, 2019): No concerns.

Community Services Department (June 10, 2019): No concerns.

Public Comments:

No comments received as of June 10, 2019.

Attachments:



Appendices A-E to
Report COA2019-038.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation Drawings

Appendix E – Department and Agency Comments

Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-027