

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Hussey and Komarnycky
Report Number COA2022-047

Public Meeting

Meeting Date: July 21, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 5 – Geographic Town of Lindsay

Subject: The purpose and effect is to facilitate the construction of an elevated deck. **Relief sought:**

- 1) By-law Section 6.2 requires a minimum rear yard setback of 7.5 metres (dwelling); Section 5.24 permits open decks over 1.8 m in height to encroach a further 1.8 m (resulting in a setback of 5.7 m), and, permits stairs to encroach a further 0.9 m (resulting in a setback of 4.8 m); the proposed setbacks are +/- 4.27 m (deck) and +/- 2.74 m (stairs).

The variance is requested at **90 Alcorn Drive** (File D20-2022-040).

Author: Leah Barrie, RPP, Manager of Planning **Signature:** 

Recommendations

That Report COA2022-047 – Hussey and Komarnycky, be received;

That minor variance application D20-2022-040 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-047, which shall be attached to and form part of the Committee's Decision; and,
- 2) **That** 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 COA2022-047. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an elevated +/- 26.76 sq m (288.0 sq ft) deck attached to the rear of the proposed new dwelling
Owner:	Allen Hussey and Catherine Komarnycky
Applicant:	Same as Owner
Legal Description:	Lot 71, Plan 57M-802
Official Plan ¹ :	Residential (Town of Lindsay Official Plan, 2000)
Zone ² :	Residential One Special Seventeen 'R1-S17' (Town of Lindsay Zoning By-law 2000-75)
Site Size:	480.0 sq m (5,166.68 sq ft)
Site Servicing:	Municipal water and sewers (proposed)
Existing Uses:	Vacant
Adjacent Uses:	Residential

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The deck enables a kitchen walk-out and provides an enhanced outdoor amenity area for greater use of the space. The nature of the upper level deck leaves amenity area at grade.

The variance maintains the general intent and purpose of the Official Plan.

The proposed single detached dwelling and deck comply with the policies of the Residential designation; performance and siting criteria are implemented through the Zoning By-law.

The variance maintains the general intent and purpose of the Zoning By-law.

The use of the proposed deck is permitted in the zone, and complies with all provisions save for the rear yard setback.

¹ See Schedule 1

² See Schedule 1

Based on the sloping topography of the lot from front to rear (south to north), the design of the dwelling offers front yard access to the main level at street grade, while rear yard access is from the basement level walk-out. The proposed deck extends from the main level kitchen, and is elevated above the basement level walk-out.

Elevated decks and stairs are permitted to encroach into the required rear yard 0.3 m further than decks under 1.8 m in height, because of the resulting usable space underneath. The dwelling proposes an increased rear yard setback of +/- 7.74 m, which further contributes to the rear yard amenity area.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Notwithstanding a number of lots in this area of the Woods of Jennings Creek subdivision that have like-layouts, adjacent uses are compatible and maintain a sense of privacy with rear yards that abut the ravine lands and open space around Jennings Creek.

Other Alternatives Considered:

No alternatives applicable.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

CKL Development Engineering: "We have no objection to the proposed Minor Variance. Engineering advises the property is within an unassumed subdivision and the location of the structure, grading and increased coverage is to be confirmed with the Engineer of Record for the development, Greck and Associates Limited prior to the Minor Variance being granted."

Public Comments:

No comments received as of the writing of the staff report.

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch



COA2022-047
Appendices_Hussey

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E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-040

Schedule 1

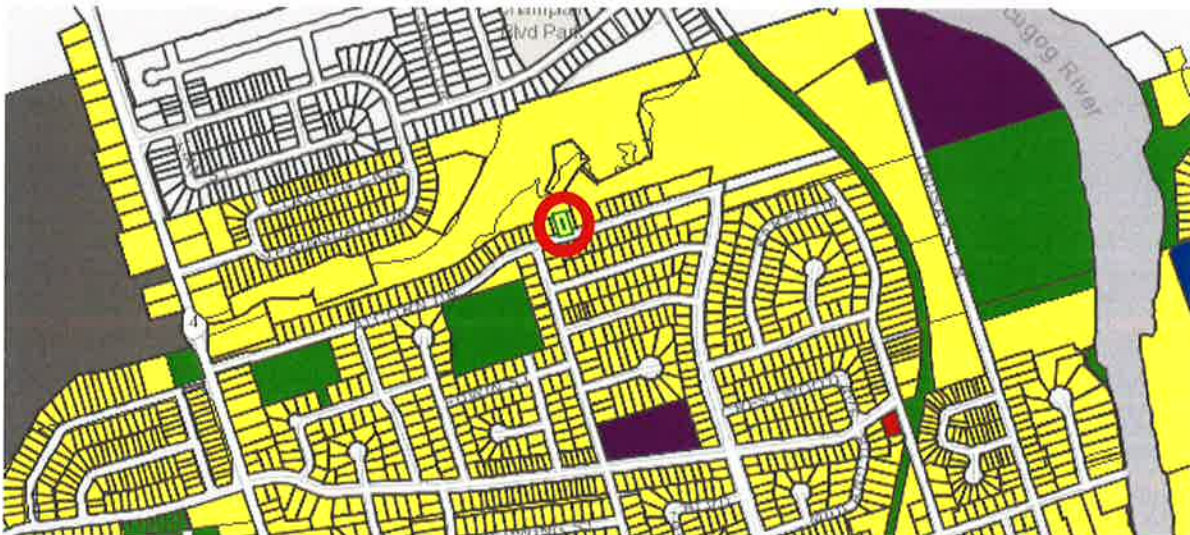
Relevant Planning Policies and Provisions

Town of Lindsay Official Plan



- Section 4. Urban Structure and Land Use
 - 4.1 Residential Designation
 - 4.1.1 Permitted Uses
 - 4.1.2 Density
 - 4.1.2.1 Low Density

Town of Lindsay Zoning By-law 2000-75



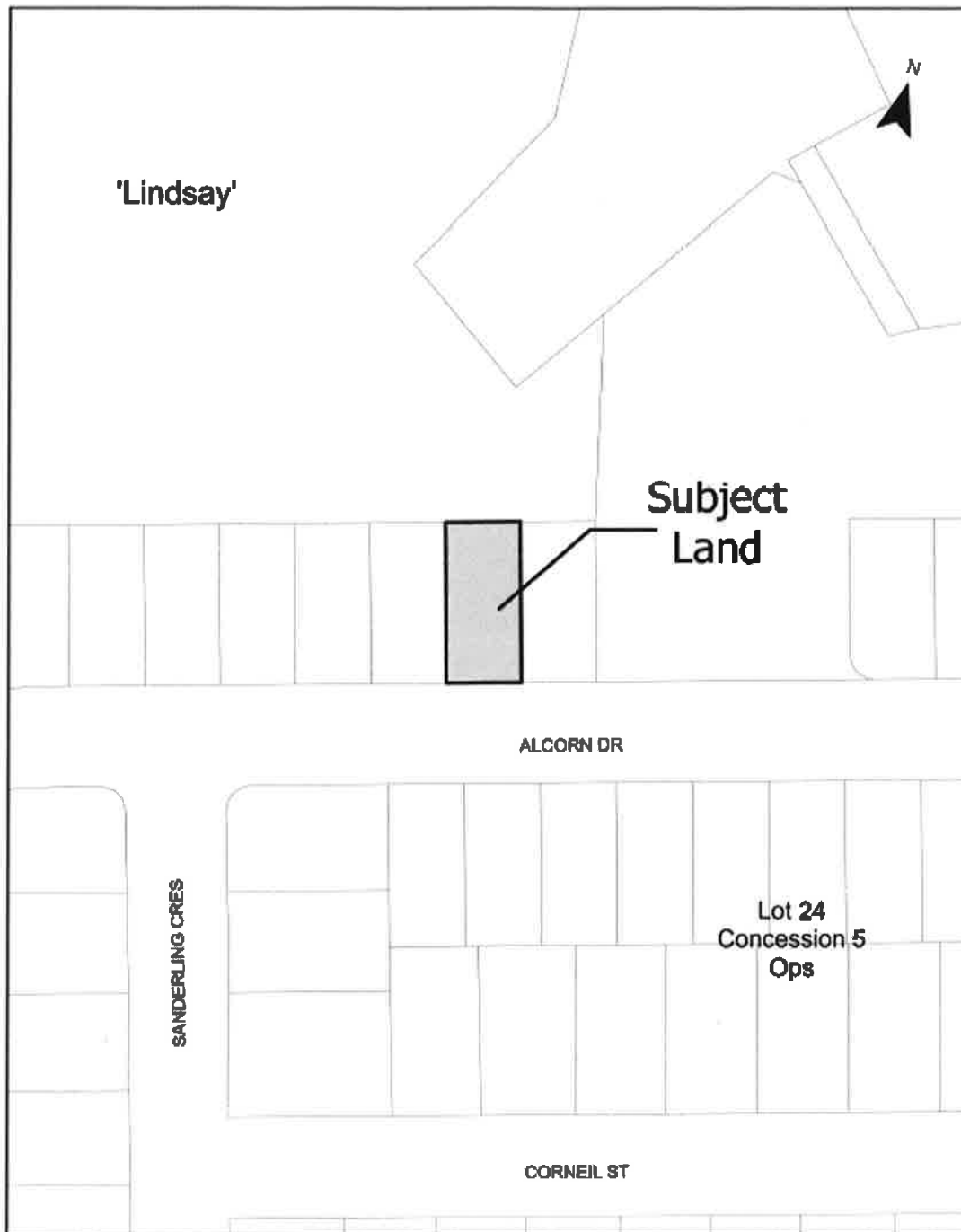
- Section 5: General Provisions for All Zones
 - 5.24 Yard and Setback Encroachments Permitted
- Section 6: Residential One (R1) Zone
 - 6.3.22 R1-S17 Zone

to

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LOCATION MAP



to

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AERIAL PHOTO



