

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Milroy
Report Number COA2022-081

Public Meeting

Meeting Date: October 27, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 6 – Geographic Township of Emily

Subject: The purpose and effect is to facilitate the construction of an attached garage with a loft space above. **Relief sought:**

1. Section 12.2.1.3.b. of the By-law requires a minimum interior side yard setback of 3 metres for 1- and 1½ -storey buildings; the addition proposes to extend the non-complying setback at +/- 1.8034 m [5'11"] (existing south corner) to 1.8288 [6'] (proposed north corner) with no further encroachment.

The variance is requested at **7 Charlotte Crescent** (File D20-2022-073).

Author: Leah Barrie, RPP, Manager of Planning

Signature: 

Recommendations

That Report COA2022-081 – Milroy, be received;

That minor variance application D20-2022-073 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 Appendices C and D submitted as part of Report COA2022-081, 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; and,

- 3) **That** approval under the OBC pertaining to waste disposal be obtained 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 a Septic Review.

This approval pertains to the application as described in report COA2022-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the construction of a +/- 51.3 sq m attached garage with upper loft space
Owners:	John Milroy
Applicant:	Britney Milroy
Legal Description:	Part Lots 12 and 13, Concession 7 (being Lot 19, Plan 387)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Rural Residential Type Three 'RR3' (Township of Emily Zoning By-law 1996-30)
Site Size:	+/- 1,618.74 sq m (0.4 ac) at the
Site Servicing:	Private individual well and septic system
Site Access:	Year-round municipal road
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The existing dwelling (circa 1985) was constructed with an attached garage that has since been converted to habitable space to accommodate the applicant's mother. Two existing sheds, a temporary shelter and a shipping container cannot accommodate the family's storage needs. A garage with additional habitable loft space is proposed to provide a ground floor workshop area and additional storage.

¹ See Schedule 1

² See Schedule 1

The design choices complement the existing dwelling, and remain sensitive to the abutting residential use with limited new window treatments on the east wall.

The siting of the addition is appropriate given the location of the existing driveway and interior floor layout. The reduced setback accommodates alignment of the addition with the existing east wall of the dwelling.

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

The proposed residential addition is permitted in the Waterfront 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 proposed residential addition complies with all RR3 zone provisions, with the exception of the interior side yard setback. The existing east side wall is not precisely parallel with the east lot line and holds non-complying setbacks ranging from +/- 2.4384 m [8'] at the existing south corner to +/- 1.8034 m [5'11"] at the existing north corner. Due to the angle of the east lot line, aligning the addition with the existing dwelling improves/increases the non-complying setback.

The reduced yard provides sufficient passage between front and rear yards, although a spacious west side yard serves this purpose as well. At the proposed +/- 1.83 m adequate space is available to perform maintenance on the east side of the proposed addition. The reduced side yard is not anticipated to impact the lot drainage function. The siting of the addition does not encroach on the front yard setback leaving a large area to accommodate upgrades to the septic system, if needed.

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.

Other Alternatives Considered:

None applicable.

Consultation Summary

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

Notice indicated an existing setback of +/- 1.56 m (5.1181'), which is less than what exists at +/- 1.8034 m (5'11"); because the result is permission for 'less relief' needed as opposed to 'more relief' needed, staff is of the opinion that adequate Notice has been provided.

Agency Comments:

DS-Building and Septic Division (Septic): “The applicant indicates that dwelling with additions will include a loft area. This area will potentially constitute a change to the total daily sewage flow for the property. A full evaluation has not been conducted on the proposal to determine the requirements under the Ontario Building Code for the sewage system. As such, the Building and Septic Division would request a condition be placed on the minor variance should it be endorsed to move forward through Committee.”

ECA-Development Engineering Division: “There is no concern or comment from an engineering perspective.”

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
Appendix D – Construction Drawings

Phone:	705-324-9411 extension 1240
E-Mail:	lbarrie@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2022-073

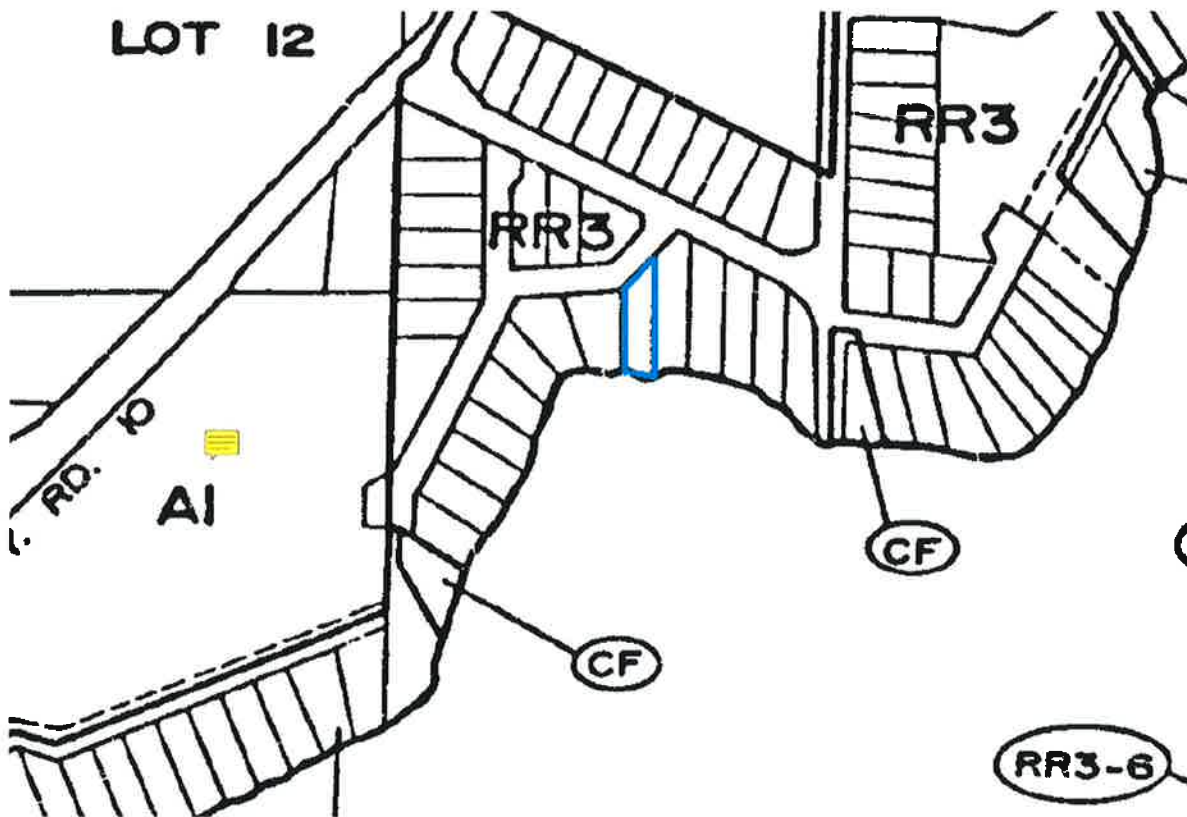
Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

Township of Emily Zoning By-law 1996-30



Part 12 Rural Residential Type Three (RR3) Zone

12.2.1.3 Yard Requirements (min.)

- (b) interior side
 - (i) one and one and a half storey buildings 3 m
 - (ii) two storeys or greater 5.5 m

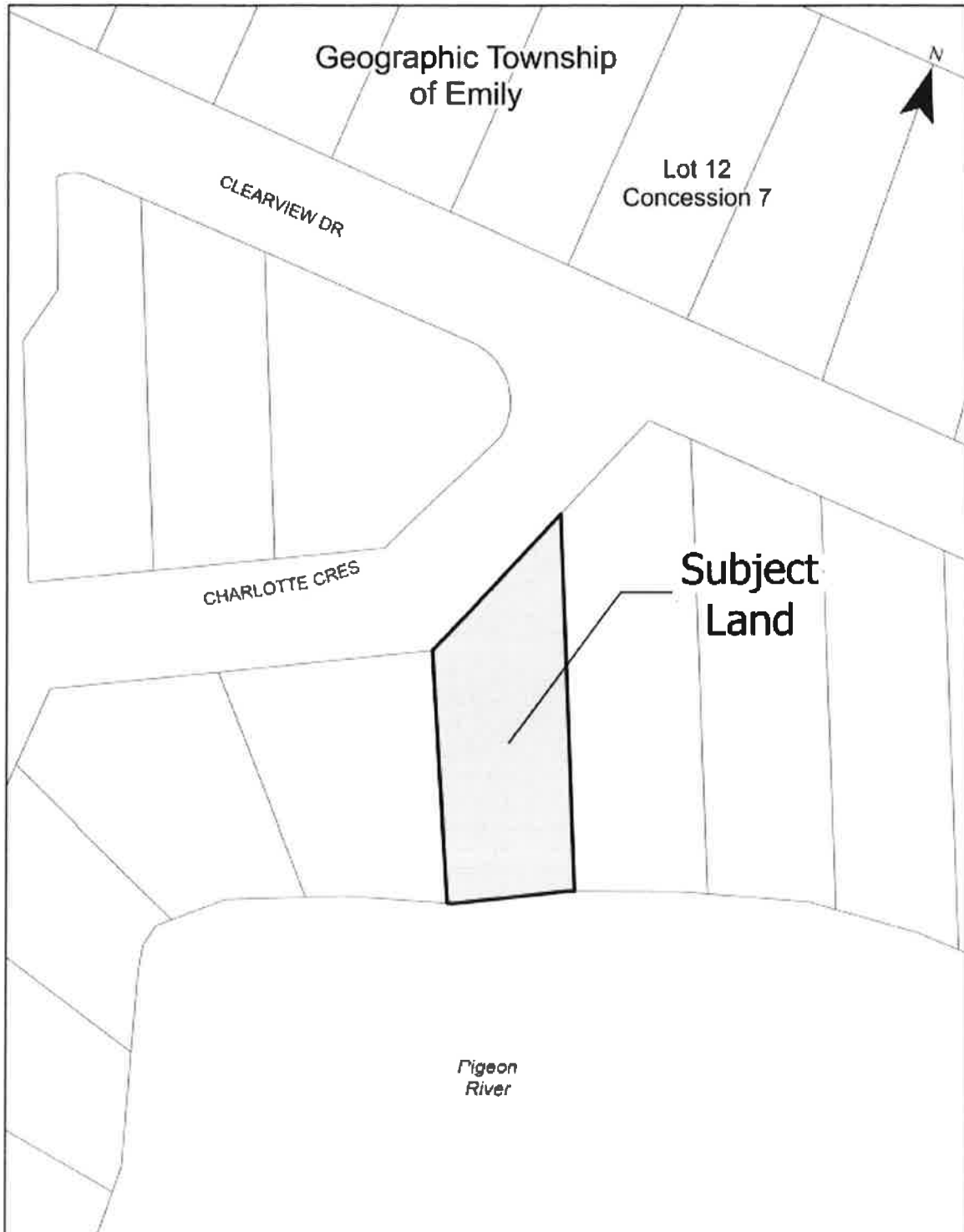
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LOCATION MAP

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to

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AERIAL PHOTO



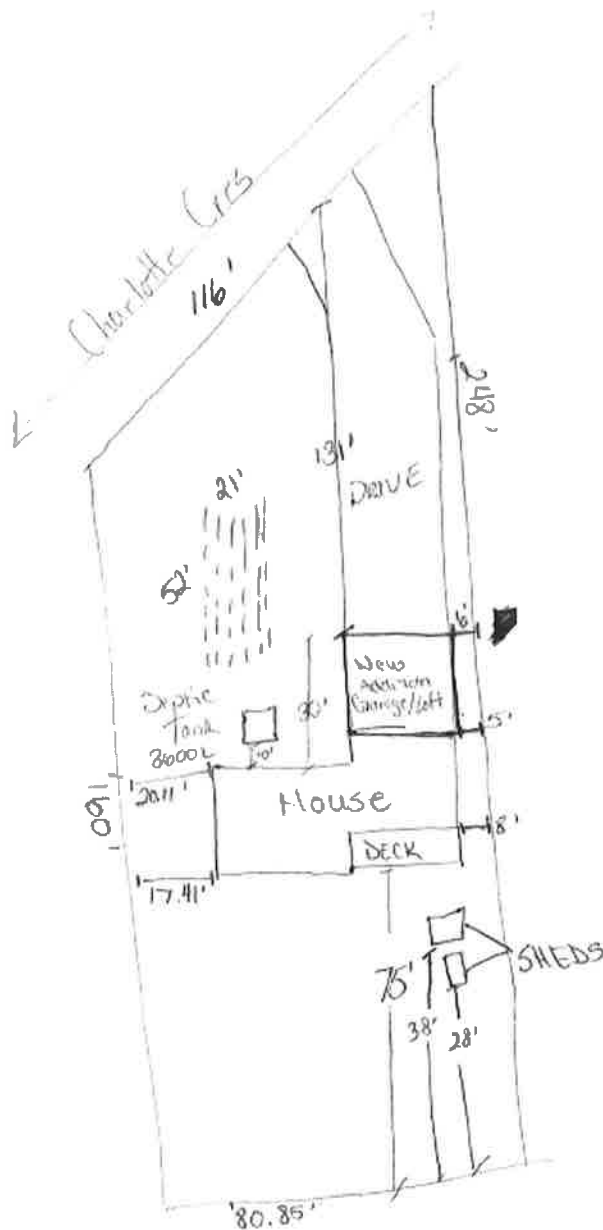
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APPLICANT'S SKETCH

Sketch

John & Britney
Milroy7 Charlotte Cres
Ormemee

RECEIVED

JUL 21 2022

City of Kawartha Lakes
Development Services
Planning Division

to

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CONSTRUCTION DRAWINGS



