

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Pearson
Report Number COA2023-075

Public Meeting

Meeting Date: September 28, 2023
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 extension of the existing front porch.

Relief sought:

1. Section 7.2 c) of the By-law requires a minimum front yard setback of 7.5 metres; the existing non-complying setback of 2.76 metres is to be maintained; and
2. Section 7.2 e) of the By-law requires a minimum interior side yard setback of 1.25 metres; the proposed setback from the southern lot line is 0.81 metres and will be consistent with the existing non-complying setback of the dwelling.

The variance is requested at **34 Victoria Avenue North** (File D20-2023-067).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2023-075 – Pearson be received;

That minor variance application D20-2023-067 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 COA2023-075, 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 COA2023-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Background:	The proposed porch extension has been partially constructed. Building and Septic Division staff observed the work being done and the proponent was contacted and informed that a Building Permit was required. The proponent then provided a site plan that showed non-compliant setbacks. Building and Septic Division staff then informed the proponent of this non-compliance and provided that they could either reduce the size of the proposed porch to comply with setbacks, or submit a Planning Act application to the Planning Division.
Proposal:	The extension of the existing front porch
Owners:	Carol Pearson
Applicant:	Mike Pearson
Legal Description:	Part Lot 13, North of Wellington Street (being Part 1 on Reference Plan 57R5555)
Official Plan ¹ :	Residential (Town of Lindsay Official Plan, 2000)
Zone ² :	Residential Two (R2) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	351 sq. m. (3778.13 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential
Adjacent Uses:	Residential

¹ See Schedule 1

² See Schedule 1

Rationale

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

The subject property is within an established residential neighbourhood located north of Wellington Street. The property is rectangular in shape and contains a two storey single detached dwelling constructed in 1910 (according to Municipal Property Assessment Corporation) and a shed.

The proposal is to extend the existing front porch. Though the porch extension is currently partially constructed, for the purposes of this report the original porch will be referred to as the existing, and the new extension will be referred to as proposed. The extension will be the same depth as the existing porch, and will be the same width of the existing dwelling. The existing porch is covered by a roof and is proposed to remain covered, while the proposed extension is to be uncovered.

It can be expected that over time, owners may improve their property resulting in its highest and best use. The existing covered porch provides shelter from the elements when entering and exiting the dwelling. However, due to its size there is very limited space for seating. The extension will provide opportunities for seating and will add to the owner's enjoyment of the property. It will also add visual interest and dimension to the front of the dwelling. Additionally, several other dwellings in the immediate vicinity have front porches. Some are uncovered while others are fully enclosed spaces. As such, the proposed porch extension is in keeping with the existing built form in the area.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

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

The property is designated Residential within the Official Plan. Residential uses, as well as buildings and structures accessory to residential uses are permitted. Performance and siting criteria are implemented through the Zoning By-law.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Residential Two (R2) Zone under the Town of Lindsay Zoning By-law 2000-75. A single detached dwelling and accessory structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum front yard setback and the minimum interior side yard setback.

As per Section 7.2 c) of the By-law, the required minimum front yard setback is 7.5 metres. The non-complying setback of 2.76 metres between the existing front porch and the front lot line is to be maintained. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the

travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

The proposed porch extension will be aligned with the existing front porch, and as such no further encroachment than what currently exists is proposed. While the porch extension is proposed to be 2.76 metres from the front lot line, it is to be approximately 7.3 metres from the sidewalk. The front lawn continues past the front lot line of the subject property, extending to the sidewalk. There is also a small grassy boulevard between the travelled portion of the road and the sidewalk, providing further visual and physical separation between the porch and the road. Due to the separation between the road and the porch, it is not anticipated that the extension will impact site lines, the function of the roadway, or snow storage.

As the proposed porch extension is uncovered, the new porch will not result in adverse massing issues. Additionally, as several dwellings in the area have front porches with similar non-complying setbacks, the proposal is not contrary to the existing built form of the area.

As per Section 7.2 e) of the By-law, the required minimum interior side yard setback is 1.25 metres. The proposed setback from the southern lot line is 0.81 metres. The purpose of an interior side yard setback is to manage massing and privacy issues, and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

The proposed porch extension will be the same width as the existing dwelling, which has a non-compliant side yard setback. The presence of the proposed porch will not impact the access that currently exists to the south side of the dwelling or between yards. As the porch extension is uncovered, impacts to drainage are not anticipated. Additionally, the uncovered porch extension limits the massing impact to neighbouring properties. As there is no window on the neighbouring dwelling directly facing the proposed porch extension, impacts to privacy are not anticipated.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

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:

No alternatives considered.

Consultation Summary

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

Agency Comments:

Engineering and Corporate Assets Division: “From an engineering perspective, we have no concerns with this Minor Variance application.”

Building and Septic Division (Building): “Outstanding building permit BPH2008-0933 (sunroom addition – not applicable to this application). No other comments.”

Public Comments:

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

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

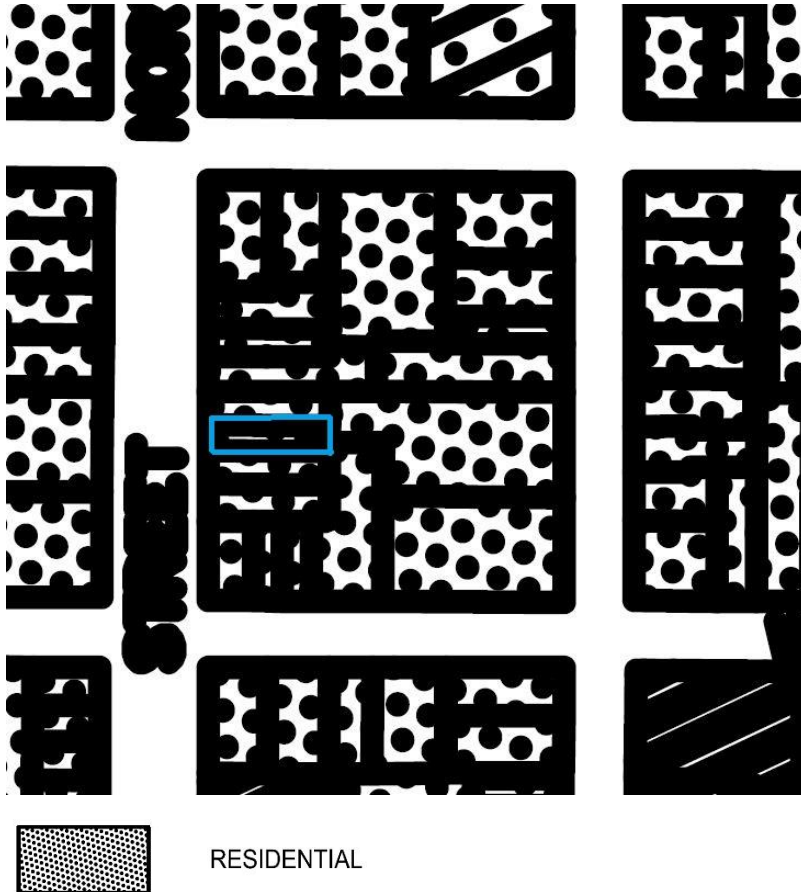
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-067

Schedule 1

Relevant Planning Policies and Provisions

Town of Lindsay Official Plan



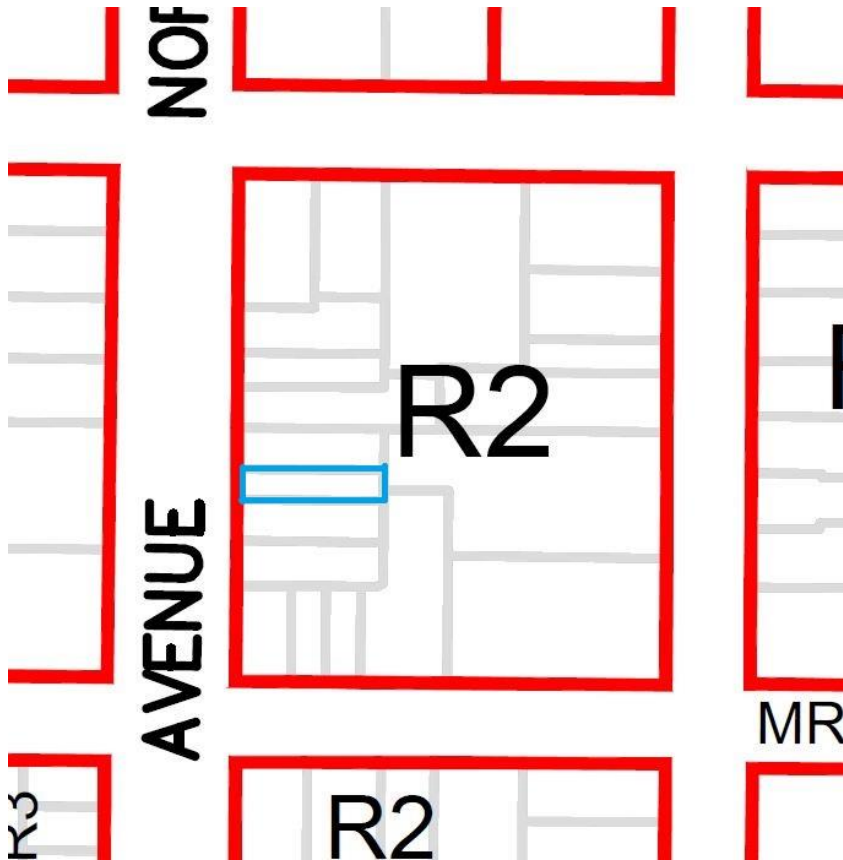
4.1 Residential Designation

4.1.1 Permitted Uses

4.1.2 Density

4.1.2.1 Low Density

Town of Lindsay Zoning By-law 2000-75



Section 7 Residential Two (R2) Zone

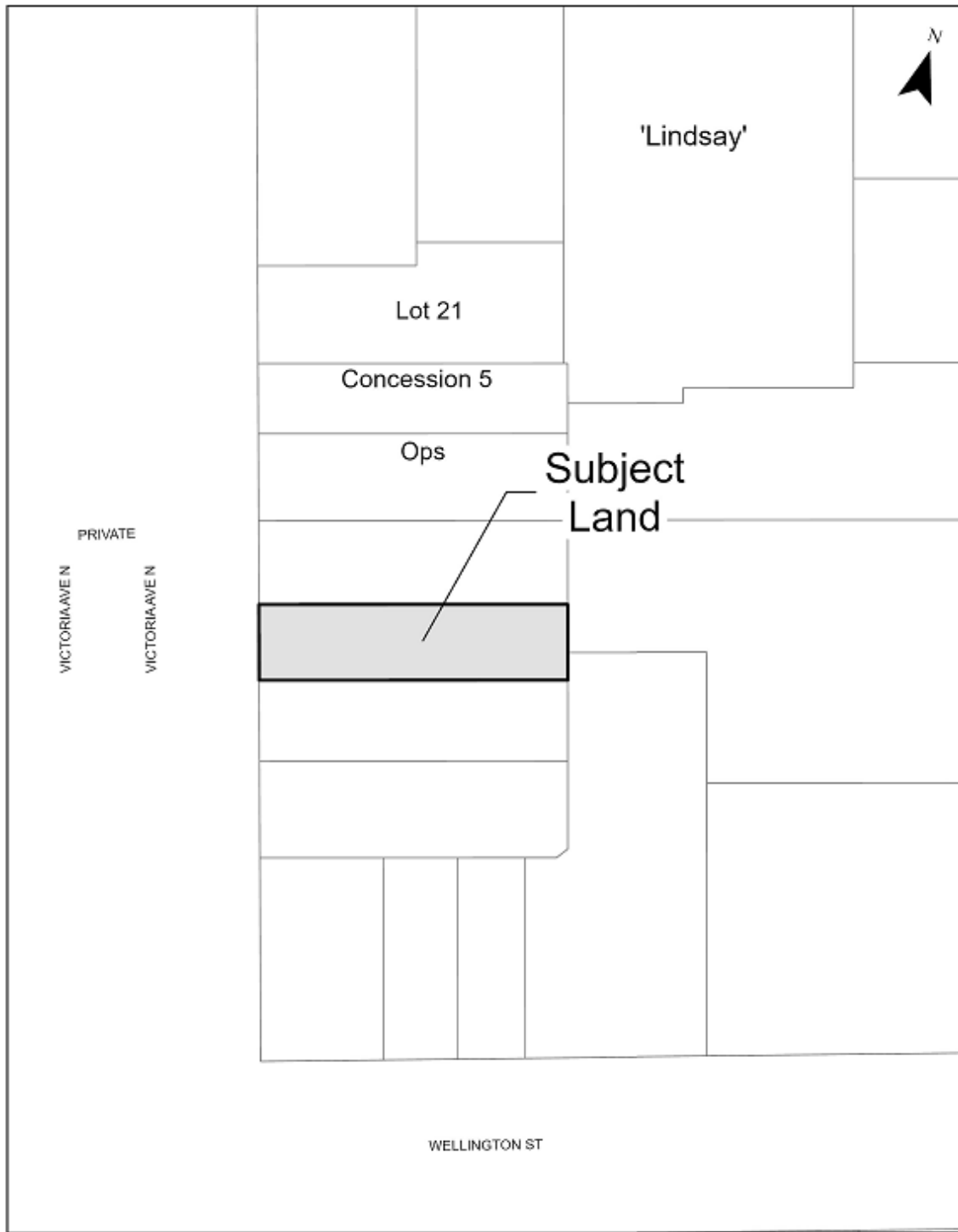
7.1 R2 Uses Permitted

7.2 R2 Zone Requirements

- | | |
|---------------------------------------|--------|
| c) Minimum front yard setback | 7.5 m |
| e) Minimum interior side yard setback | 1.25 m |

LOCATION MAP

D20-2023-067



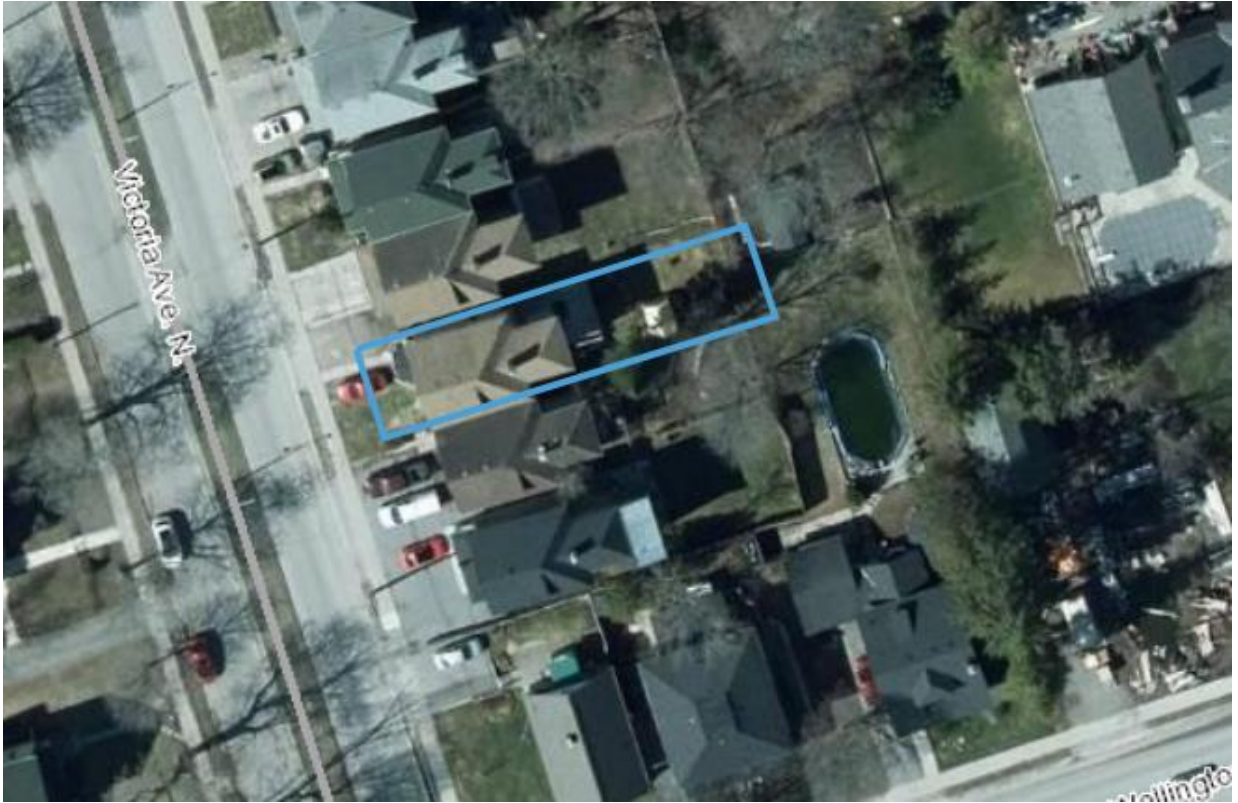
APPENDIX " B "

to

REPORT COA2023-075

FILE NO: D20-2023-067

AERIAL PHOTO



to

REPORT COA2023-075

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APPLICANT'S SKETCH

