

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Scandiffio
Report Number COA2023-093

Public Meeting

Meeting Date: **November 23, 2023**

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 recognize an existing Additional Residential Unit (ARU)

Relief sought:

1. Section 5.1.3 b) of the By-law permits accessory structures in the interior side or rear yard; the ARU is located in the front yard;
2. Section 5.27 i) of the By-law permits a maximum of two additional residential dwelling units, one within the same building as the primary dwelling unit and one within an accessory building or structure; the ARU is within the second detached accessory structure on the property; and,
3. Section 8.2 d) of the By-law requires a minimum front yard setback of 7.5 metres, plus an additional 10 metres from the centreline of the road allowance, required by Section 5.18.3 of the By-law; the existing setback is 4.4 metres from the front lot line and 14.4 metres from the centreline of the road allowance.

The variance is requested at **22 Lakeland Road** (File D20-2023-085).

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

Recommendations

That Report COA2023-093 – Scandiffio, be received;

That minor variance application D20-2023-085 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2023-093, which shall be attached to and form part of the Committee's Decision;
- 2) **That** this approval shall be in effect for a period of twenty-four (24) months after the date of the Notice of Decision, after which this application shall be deemed to be refused;
- 3) **That** the second Additional Residential Unit be registered in accordance with the Registration By-law 2020-162 within a period of twenty-four (24) months after the date of the Notice of Decision; and,
- 4) **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary 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 review of the sewage system requirements.

This approval pertains to the application as described in report COA2023-093. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognize an existing Additional Residential Unit (ARU)
Owners:	David Scandiffio and Susan Scandiffio
Applicant:	Celeste Phillips Planning Inc. c/o Celeste Phillips
Legal Description:	Lot 1, Plan 277
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Residential One (R1) Zone (Township of Verulam Zoning By-law 6-87)
Site Size:	0.61 ha (1.51 ac)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system

¹ See Schedule 1

² See Schedule 1

Existing Uses: Residential

Adjacent Uses: Residential and agricultural

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 on the northern shore of Sturgeon Lake. The property is irregular in shape, and is a waterfront lot. The property currently contains a single detached dwelling constructed in 1999 (according to Municipal Property Assessment Corporation), a detached garage with a registered Additional Residential Unit (ARU) on the second storey, a second detached ARU, a boathouse, two sheds, a gazebo, an in ground pool, and a tennis court.

The proposal is to recognize an existing ARU in a second detached accessory structure. Previously, a park model trailer had been used as a dwelling unit on the property for approximately 20 years. A Building Permit was issued to enclose the trailer converting it to a structure and enabling its use for a permanent dwelling unit. This structure now constitutes the third dwelling unit on the property, and the second detached ARU. While a legal ARU is permitted to be used as a full time residence, the subject ARU and the ARU located above the detached garage are used as extra living space to accommodate the property owner's family and friends.

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 Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-Law.

An ARU is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in an accessory building or structure on lots associated with these dwelling types.

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 One (R1) Zone under the Township of Verulam Zoning By-law 6-87. 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 accessory structure location, front yard setback, and number of detached ARUs.

As per Section 5.1.3 b) of the By-law, accessory structures are permitted in the interior side or rear yard. The ARU is located in the front yard. The intent of limiting the location of accessory structures to the interior side or rear yard is to ensure accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Locating accessory structures in the interior side or rear yard also ensures there is adequate amenity space in the front yard, and the property is in keeping with the character of the rest of the neighbourhood.

As the primary dwelling is larger than the ARU and the other existing accessory structures on the property, the dwelling remains visually predominant. Additionally, due to the size of the property there is a significant amount of amenity space in all yards, and as such the location of the ARU does not detract from the property's amenity areas. In addition, due to the mature vegetation that separates the property from the road, the view of the ARU from the road allowance is very limited. Other properties in the area have accessory structures in the front yard, so the location of the ARU is in keeping with the existing built form.

As per Section 8.2 d) of the By-law, a minimum front yard setback of 7.5 metres is required, plus an additional 10 metres from the centreline of the road allowance, required by Section 5.18.3 of the By-law. The existing setback is 4.4 metres from the front lot line and 14.4 metres from the centreline of the road allowance. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as sight lines and the character of the streetscape.

The General Provisions section of the By-Law contains provisions establishing minimum setbacks from the centre of a road allowance. The required setback varies depending on the classification of road. The higher the classification (higher order the road), the greater the setback. These setbacks are in addition to the yard requirements applied to lot lines. The street centreline setback appears to have been written on the premise that, should a road allowance be of a non-standard width for its classification, built form will be adequately set back from it in the event the municipality decided to take a road widening.

As Lakeland Road is not a Provincial Highway or County Road, for the purposes of the centreline setback provision it is classified as 'Other Street'. The required setback from the centreline of the road allowance is 10 metres plus the minimum front yard setback (being 7.5 metres). The ARU is setback 14.4 metres from the centre of the road allowance, and the road allowance is currently approximately 20 metres wide. It is unlikely the municipality would pursue road widenings in this vicinity given the existing width of the road allowance.

In addition to the existing 4.4 metre setback from the front lot line, there is an approximately 6-metre-wide grassy boulevard which separates the property from the travelled portion of the road allowance, creating visual and physical separation

between the ARU and the road. Additionally, between the ARU and the front lot line there is a grouping of mature vegetation. It is not anticipated that the ARU in its current location will result in impacts to sight lines or the travelled portion of the road with respect to traffic or road maintenance.

As per Section 5.27 i) of the By-law, a maximum of two additional residential dwelling units is permitted, one within the same building as the primary dwelling unit and one within an accessory building or structure. The subject ARU is one of two ARUs on the property located within accessory structures. The intent of permitting only one ARU to be within a detached accessory structure is to promote gentle intensification within residential neighbourhoods whilst maintaining the lower density character of existing development.

Three dwelling units are permitted as of right within the R1 Zone, as such this property does not exceed the permitted number of units. The accessory structures on the property comply with the maximum lot coverage for accessory structures, and are dispersed throughout the property so there is no issue with visual crowding. Due to the property's size and the visual screening from the street provided by mature vegetation, the two detached ARUs in their existing arrangement on the property do not contribute to a level of intensification that detracts from the low density character of the area. Additionally, the property contains an abundance of parking space in addition to what is provided in the existing garage, so no issues associated with the parking of vehicles are 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:

Building and Septic Division (Septic): "The ARU in the second detached accessory structure has been constructed without the benefit of a sewage system permit or approval. The ARU has been connected to an existing sewage system on the property. However, this sewage system does not have the available

capacity to support the ARU and will not provide appropriate waste treatment for this connection. In order to consider the ARU for permanency on the property, a new sewage system to support the structure would be necessary.

As such, the Building and Septic Division would request a condition to satisfy the Supervisor – Part 8 Sewage Systems be added to the minor variance if endorsed.”

Building and Septic Division (Building): “No comments.”

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

Public Comments:

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

Attachments

Appendix A – Location Map

Appendix B – Aerial Photo

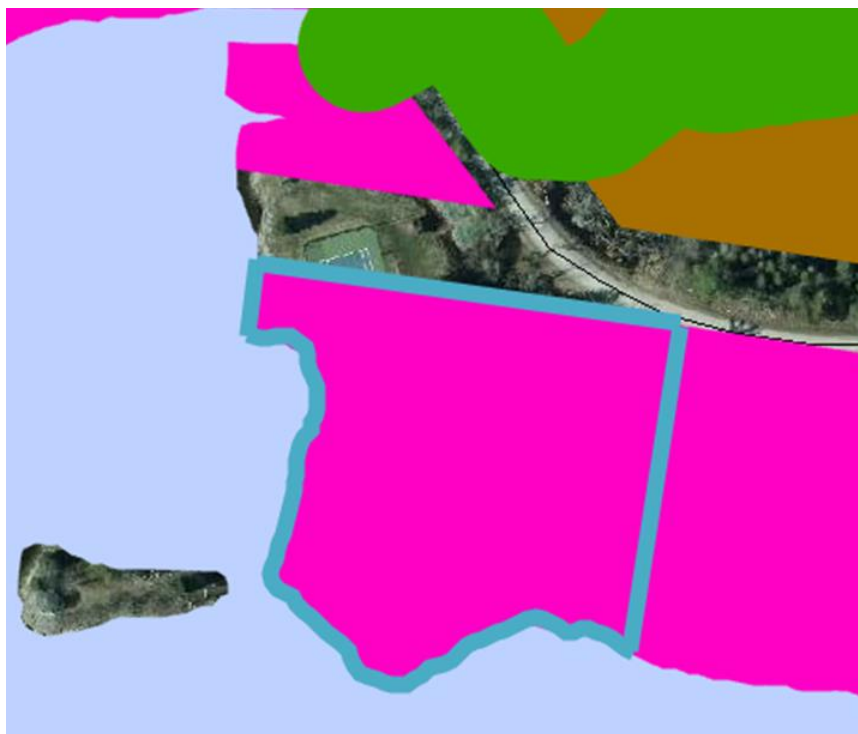
Appendix C – Applicant’s Sketch

Phone:	705-324-9411 extension 1883
E-Mail:	kevans@kawarthalakes.ca
Department Head:	Richard Holy, Director of Development Services
Division File:	D20-2023-085

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



20. Waterfront Designation

The Corporation of The City of Kawartha Lakes Amendment No. 39 to The City of Kawartha Lakes Official Plan

E. Details of the Amendment

The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

1. **Section 5. Housing Goal is amended by adding subsection 5.7 Additional Residential Units as follows:**

5.7 Additional Residential Units

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 An additional residential unit is permitted as of right, in addition to the primary residential unit, in single detached, semi-detached or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions.

Township of Verulam Zoning By-law 6-87



Section 5 General Provisions

5.1 Accessory Uses

5.1.3 Location

b) Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.

5.18 Setbacks

No person shall erect any building or structure in any zone unless such building or structure conforms to the following setback requirements from the centre of the road allowance:

5.18.3 Other Street - 10 metres, plus the minimum exterior side or front yard depth required for such use in the zone where it is located.

5.27 Additional Residential Dwelling Units

Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached, semi-detached, or town house dwelling units, subject to the following provisions:

- i. A maximum of two (2) additional residential dwelling units, one (1) within the same building as the primary residential dwelling unit and one (1) within an accessory building or structure to the primary residential dwelling unit.

Section 8 Residential Type One (R1) Zone

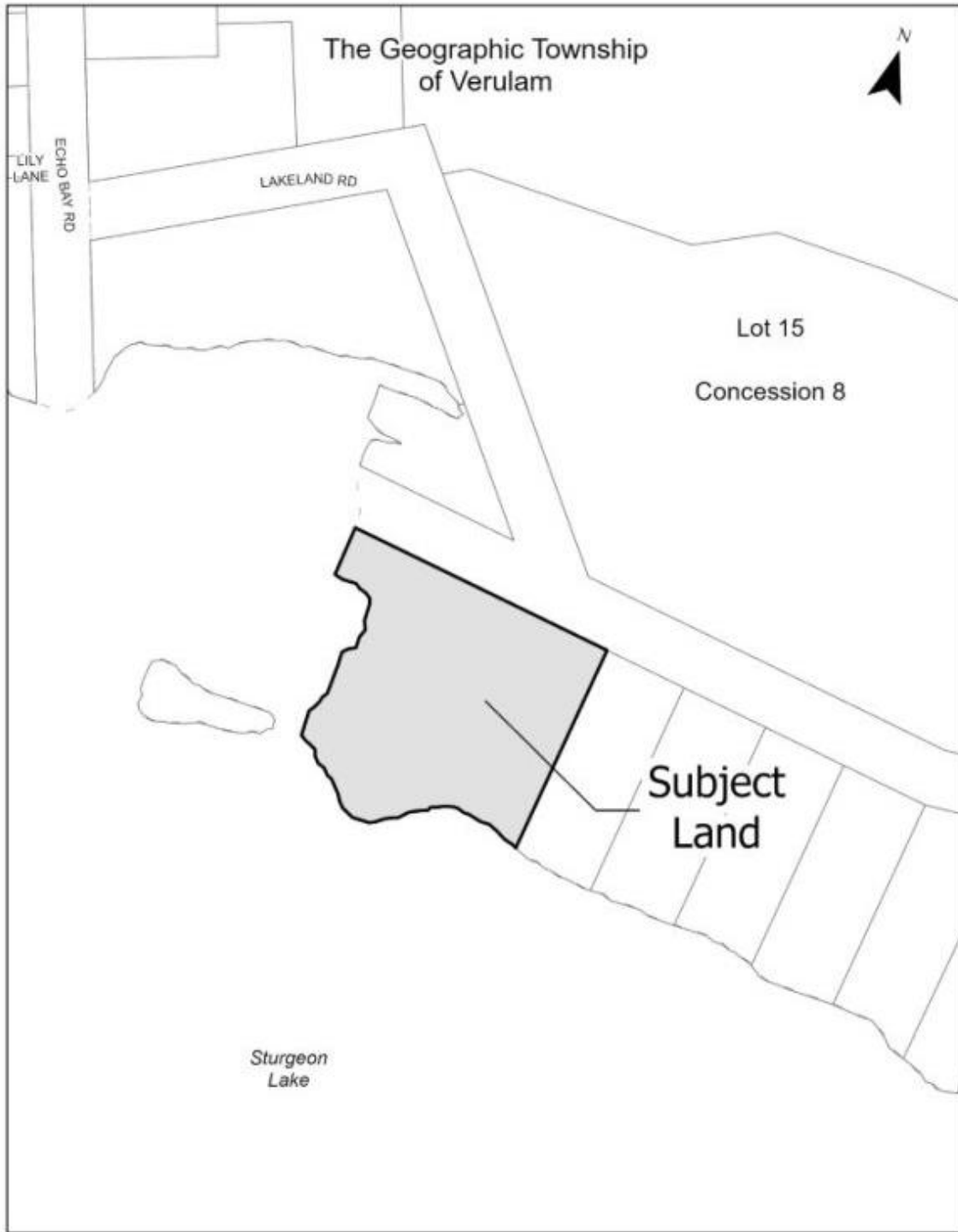
8.1 R1 Uses Permitted

8.2 R1 Zone Provisions

- d) Minimum front yard depth (see also Section 5.18) 7.5 m

LOCATION MAP

D20-2023-085



APPENDIX " B "

to

REPORT COA2023-093

FILE NO: D20-2023-085

AERIAL PHOTO



to

REPORT COA2023-093

FILE NO: D20-2023-085

APPLICANT'S SKETCH

