

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Lukasik

Report Number COA2025-005

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### Public Meeting

**Meeting Date:** January 30, 2025

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward 8 – Geographic Township of Manvers

**Subject:** The purpose and effect is to facilitate the construction of an addition (garage with second-storey bedroom), new deck, and mudroom. Existing porch to be removed.

### Relief sought:

1. Section 13.2.c. of the Zoning By-law requires a minimum 15 metre front yard setback, the proposed front yard setback is 12.1 metres;
2. Section 13.2.e. of the Zoning By-law requires a minimum 15 metre flankage yard setback, the proposed flankage yard setback is 4.7 metres; and,
3. Section 6.4.b.ii. of the Zoning By-law permits a maximum net developable area that has impervious surfaces of 20 percent, the proposed area of impervious surfaces is 20.1 percent.

The variance is requested at **32 Erin Drive** (File D20-2024-108).

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**Author:** Ahmad Shahid, Planner II

**Signature:**



### Recommendations

**That** Report COA2025-005 – Lukasik, be received;

**That** minor variance application D20-2024-108 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 COA2025-005, 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 COA2025-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of an addition (garage with second-storey bedroom), new deck, and mudroom. Existing porch to be removed.
Owners:	Veronica Lukasik
Applicant:	TD Consulting Inc.
Legal Description:	Part of Lot 24, Concession 7, (being Lot 12 of Plan M714)
Official Plan <sup>1</sup> :	Rural Settlement – Oak Ridges Moraine Policy Area, 2004 (Amendment #104, Victoria County Official Plan)
Zone <sup>2</sup> :	Rural Residential Type One (RR1) Zone (Oak Ridges Moraine Zoning By-Law 2005-133)
Site Size:	1,488.30 square metres (16,019.93 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Municipal water servicing and private septic system
Existing Uses:	Residential
Adjacent Uses:	Residential, Vacant Land

## Rationale

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

The subject property is located in the in the former township of Manvers, with access from Erin Drive (year-round maintained public road). The neighbourhood is primarily characterized by low-density residential uses in the form of single-

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

detached dwellings. According to the Municipal Property Assessment Corporation (MPAC), the majority of the built form within the neighbourhood was constructed in the 1990s, some with renovations completed more recently in the last 10 years. To the north of the subject property is a large vacant parcel of land. The subject property abuts an unopened road allowance to the west. The property is guarded by fencing and vegetation on its east and west side lot lines.

The property currently contains a one-storey single-detached dwelling (1990) with an attached garage, and two sheds. The proposal seeks to facilitate the construction of an addition (garage with second-storey bedroom), new deck, and mudroom. In total, the development will create approximately 100 square metres of new built form. The existing porch will be removed.

It can be expected of property owners to upgrade their living spaces and properties in order to achieve the property's most optimal use. The proposed development does not change the use of the lot, nor does it create incompatibility in terms of land use with nearby properties or disrupt the character of 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 subject property is designated as Rural Settlement under the City of Kawartha Lakes Oak Ridges Moraine Policy Area (Amendment #104, Victoria County Official Plan). This designation permits residential uses and associated accessory structures. The proposed addition enhances the residential function of the property.

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 Rural Residential Type One (RR1) Zone under the Oak Ridges Moraine Zoning By-Law 2005-133. The RR1 Zone permits various uses including single detached dwellings and various associated accessory structures. Relief is required from the following provisions of the Zoning By-law:

- Front Yard Setback: Section 13.2.c. of the Zoning By-law requires a minimum 15 metre front yard setback, the proposed front yard setback is 12.1 metres;
- Flankage Yard Setback: Section 13.2.e. of the Zoning By-law requires a minimum 15 metre flankage yard setback, the proposed flankage yard setback is 4.7 metres; and,
- Impervious Surface Maximum: Section 6.4.b.ii. of the Zoning By-law permits a maximum net developable area that has impervious surfaces of 20 percent, the proposed area of impervious surfaces is 20.1 percent.

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 the character of the streetscape. This also ensures the property is cohesive with surrounding properties and area. The front yard setback of 12.1 metres is measured from the proposed new front deck; in comparison, the addition is proposed at 13.5 metres from the front lot line. The existing setback from the porch is 13.4 metres. Existing ingress and egress will not be negatively impacted, nor will neighbouring properties be interrupted with their use of the road.

With respect to the flankage yard, the intention of this setback requirement is to regulate the distance between a building and the property line abutting a street, maintaining the existing streetscape, preventing overshadowing issues and creating a buffer of space between the street and built form similar to an exterior side yard. The subject property abuts an unopened road allowance to the west, and is separated by a row of tall trees that runs along the lot line. Visually, the unopened road allowance is not visible from the subject property nor can the property be seen from the road allowance. Additionally, as the road allowance is currently unopened, there is no existing streetscape. Regardless, the property is appropriately buffered from the unopened road allowance and does not negatively impact views or introduce land use incompatibility.

Lastly, the Zoning By-law prescribes a maximum area taken up by impervious surfaces within landform conservation areas. The requirement is similar to lot coverage, but also takes into account surfaces that do not allow for infiltration in addition to structural footprints. Landform conservation areas are identified as having significant landscape character. The intention of this provision is to protect these areas, as stated in the Official Plan and the Oak Ridges Moraine Conservation Plan (ORMCP). The proposed impervious surface area rate is a minimal discrepancy (0.1 percent) from what is permitted. The proposed lot coverage remains compliant, mitigating concerns regarding drainage and increased runoff.

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:**

DS – Building and Septic (Building): “No comments.”

ECA- Development Engineering: “From a Development engineering perspective, we have no comments or objections for 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
- Appendix D – Elevation Drawings

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**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-108

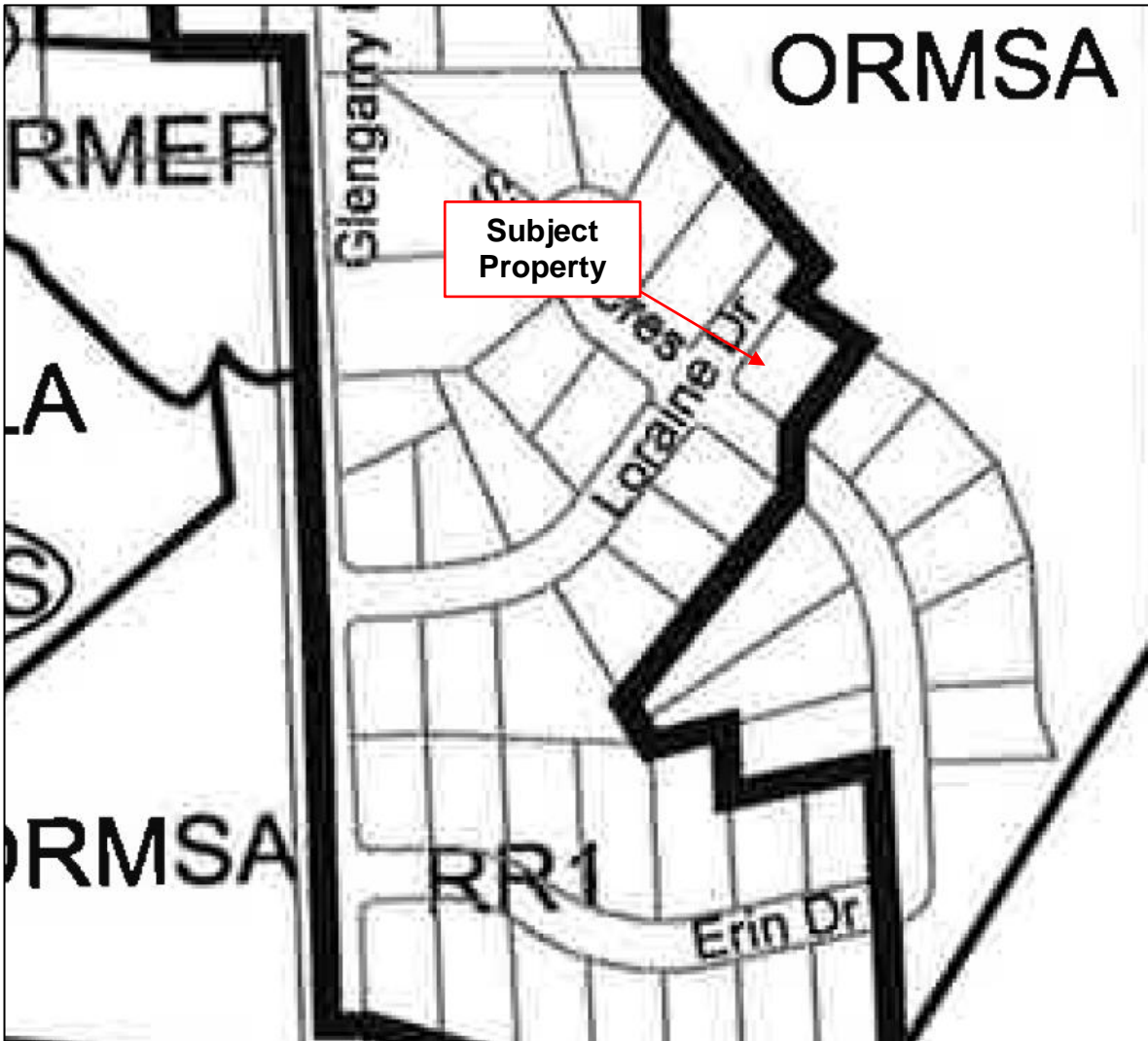
## Schedule 1 Relevant Planning Policies and Provisions

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### City of Kawartha Lakes Official Plan



Oak Ridges Moraine Zoning By-Law 2005-133



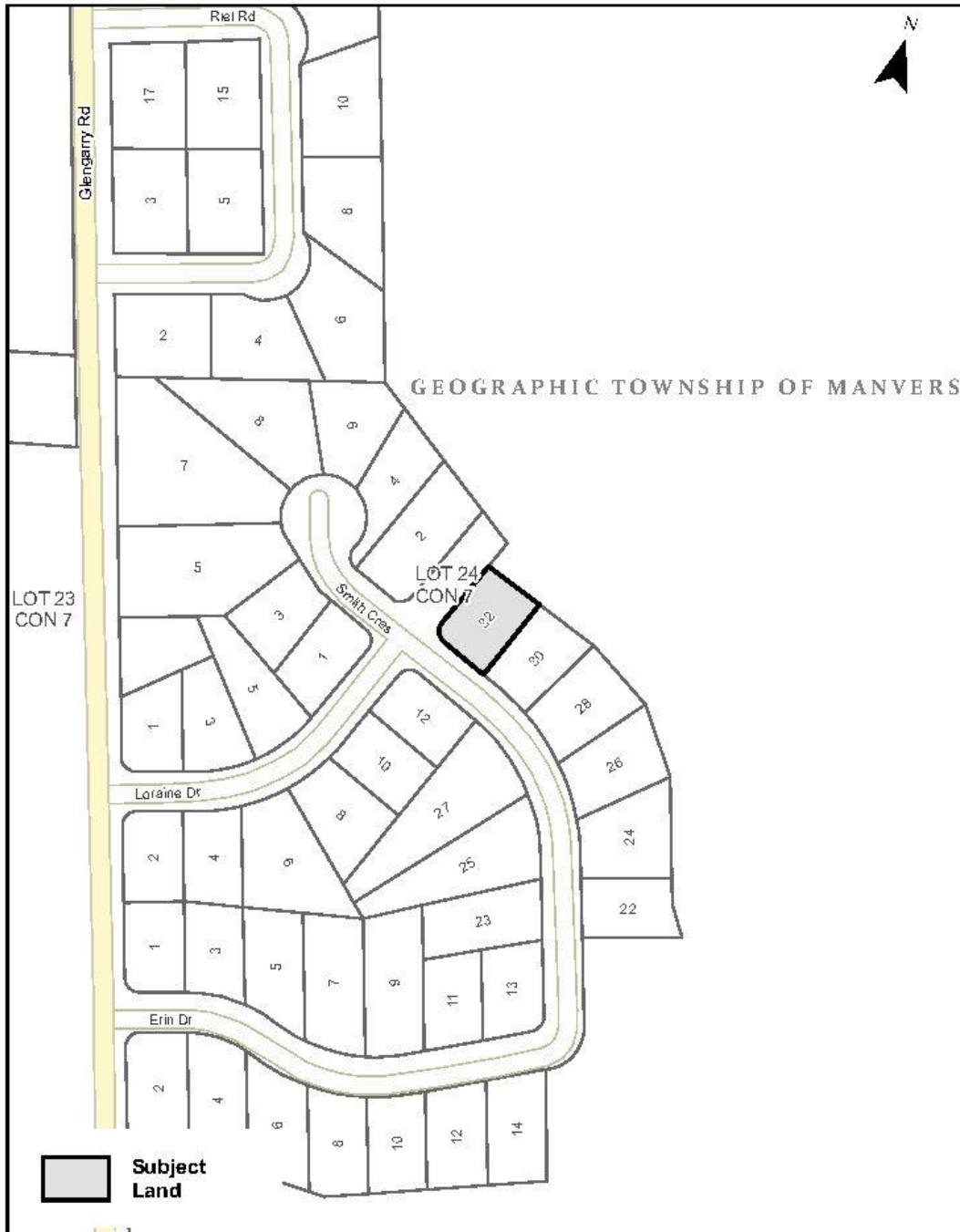
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**LOCATION MAP**

# D20-2024-108





APPENDIX " B "

to

REPORT COA2025--005

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**AERIAL PHOTO (2023)**

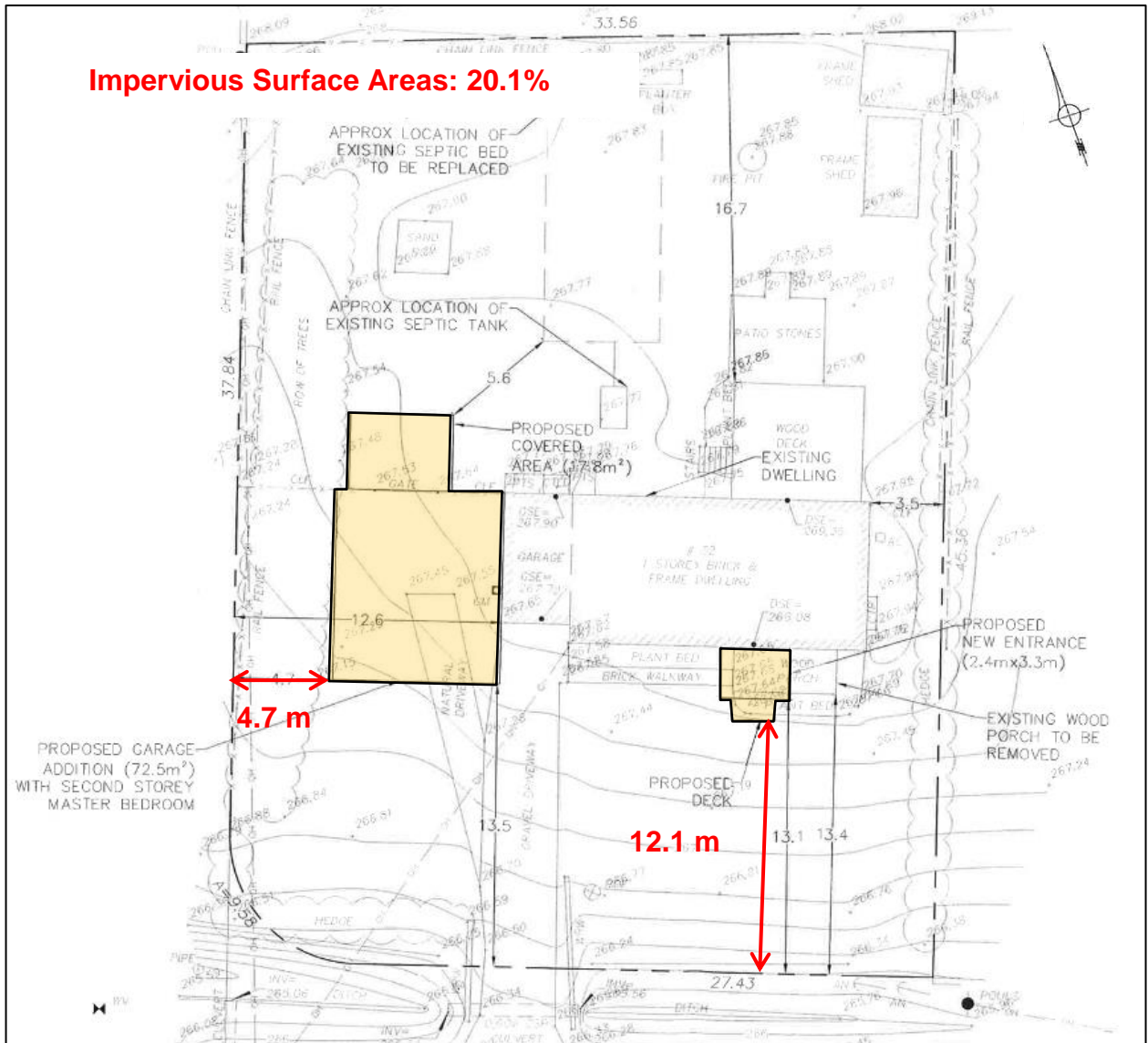


to

APPLICANT'S SKETCH

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to

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**ELEVATION DRAWINGS**



Exterior Elevation Front



Exterior Elevation Back