

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – D'Alessandro

Report Number COA2025-018

Public Meeting

Meeting Date: February 27, 2025

Time: 1:00 pm

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

Ward 6 – Geographic Township of Verulam

Subject: The purpose and effect is to recognize an existing first storey deck and detached garage. A second storey deck is proposed.

Relief sought:

1. Section 5.1.3. of the Zoning By-law requires accessory structures to be located in a side or **rear yard**; the garage is currently located in the front yard;
2. Section 5.1.4.c. of the Zoning By-law governs **setbacks between the primary building and accessory structures**, and requires a minimum 1.2 metre setback from any detached accessory building to the main building. The setback from the garage to the existing deck is 0.62 metres;
3. Section 5.18. of the Zoning By-law requires a minimum **street centreline setback** of 17.5 metres; the existing street centreline setbacks are 12.5 metres (existing garage) and 10.58 metres (existing 1st storey deck);
4. Section 8.2.d. of the Zoning By-law requires a minimum **front yard setback** of 7.5 metres; the existing front yard setbacks are 3.5 metres (existing garage) and 1.58 metre (existing 1st storey deck);
5. Section 8.2.f. of the Zoning By-law requires a minimum **interior side yard setback** of 3 metres on one side and 1.8 metres on the other; side yard setbacks are as follows:
 - a. Existing 1st Storey Deck: 0.42 m (west) and 0.54 m (east);
 - b. Proposed 2nd Storey Deck: 1.22 m (west); and,
 - c. Existing Garage: 1.03 m (west).
6. Section 8.2.g. of the Zoning By-law requires a minimum **rear yard setback** of 7.5 metres; the rear yard setbacks are 1.4 metres (existing 1st storey deck) and 1.44 metres (proposed 2nd storey deck); and,

7. Section 8.2.j. permits a maximum **lot coverage** of 33%; the existing lot coverage is 37.3%.

The variance is requested at **42 Pavillion Road, Verulam** (File D20-2025-005).

Author: A. Shahid, Planner II **Signature:**



Recommendations

That Report COA2025-018 – **D’Alessandro**, be received;

That minor variance application D20-2025-005 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 COA2025-018, 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 COA2025-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal: Recognition of an existing first storey deck and detached garage. A second storey deck is proposed.

Owners: Lorenzo and Maria D’Alessandro

Applicant: Lorenzo D’Alessandro

Legal Description: Part Lot 10, Concession 2 (being Part of Lots 89 and 90, Plan 128)

Official Plan¹: Waterfront

¹ See Schedule 1

(City of Kawartha Lakes Official Plan, 2012)

Zone ² :	Rural Type One (R1) Zone (Township of Verulam Zoning By-Law 6-87)
Site Size:	364.22 square metres (3,920.40 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Individual well and holding tank
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is located in a well-established low-density residential neighbourhood with access from Pavillion Road. The neighbourhood is primarily characterised by single-detached dwellings and assorted accessory structures. The Municipal Property Assessment Corporation (MPAC) states that the majority of the built form within the neighbourhood was constructed in the 1930s and onwards, many having gone through various extents of renovations and additions since their construction. The neighborhood lot fabric consists of rectangular lots arranged in irregular blocks, with lot sizes varying from approximately 240 square metres to 4,000 square metres. The subject property itself is quite small in size for a lot with private individual servicing, and also has an irregular lot shape.

The property currently contains a two-storey single detached dwelling with an attached first storey deck and a detached garage. The proposal seeks to facilitate the recognition of the existing first storey deck and detached garage. A second storey deck is also proposed.

According to the property owners, the first storey deck has existed since 2016. The proposed second-storey deck will allow the property owners to enjoy an improved unobstructed view of Sturgeon Lake. The existing garage is used to store various items including a motorcycle, an ATV, and general household storage. These structures are typical on residential properties, and in general it is deemed suitable for property owners to modify their properties with the aim of realizing the most optimal utilization.

Given the above analysis, the variances are considered desirable and appropriate for the use of land.

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

² See Schedule 1

The subject property is designated Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use. The designation permits the use of single detached and vacation dwellings. Performance and siting criteria is implemented through the Zoning By-law.

Therefore, the variances are 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 Type One (R1) Zone under Township of Verulam Zoning By-Law 6-87. The R1 Zone permits various uses including single detached dwellings and accessory structures. Relief is sought as described on page 1 of the report.

Due to the lot's irregular configuration and location of the existing dwelling, siting any structure whether attached or detached in compliance with zoning requirements is very difficult. The existing sewage holding tank is located in the rear yard of the subject property, limiting the possibility of placing any structure within that yard. Additionally, with respect to lot coverage, the small lot area creates a difficult situation of constructing any structure while remaining compliant. The property continues to comply with the minimum required landscaped open space, even with the exclusion of the driveway from this zone provision.

The existing dwelling that predates the Zoning By-law is considered undersized when compared to the minimum dwelling unit floor area requirement. The existing footprint of the dwelling is non-compliant, and therefore siting any deck within any of the yards would create an additional deficiency. The existing side yard setback deficiencies continue to allow for passageway between the front and rear yard. Moreover, the side yard setback from the proposed second-storey deck is greater than that of the existing first storey deck and its impact to the yard's usage is minimal with the proposed deck being located above grade approximately 2.6 metres from grade.

The rear yard setback from both the proposed second storey deck and existing first storey deck are greater than the existing rear yard setback of the dwelling (1.05 metres). The footprint of the garage is minimal (12.8 square metres) and does not negatively impact the aesthetic of the property or neighbourhood. The garage is also set back further than the existing first storey deck. The first storey deck is less than 2 feet above grade in the front yard, and serves as a platform to access the entrance of the dwelling. Additionally, although a deficient front yard setback is presented this is a typical setback in the neighbourhood due to the existing lot restrictive lot fabric.

Overall, although there are multiple deficiencies on the property, these deficiencies are present due to the irregular lot configuration, comparatively small lot size, and location of the dwelling.

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

The circulation of this application did not include the required relief from Section 5.1.4.c. of the Zoning By-law which governs setbacks between the primary building and accessory structures. Since the application was circulated, the review of the application has progressed and it has been determined the relief is required. The setback is not being reduced or increased from what currently exists. This was flagged with the Building Division’s Supervisor of Plans Review and Inspections who indicated that their comments remain the same.

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

Agency Comments:

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

DS – Building and Septic Division (Septic): “A sewage system installation report was located for the property. The holding tank has been installed in the rear yard of the property. The deck is being proposed in the roadside yard of the dwelling. The deck has been proposed to ensure the minimum required clearance distances are maintained. As such, the Building and Septic Division has no concerns with the minor variance proposal as it relates to a private on-site sewage disposal.”

ECA – Development Engineering: “From a Development engineering perspective, we have no comments for or objection to 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

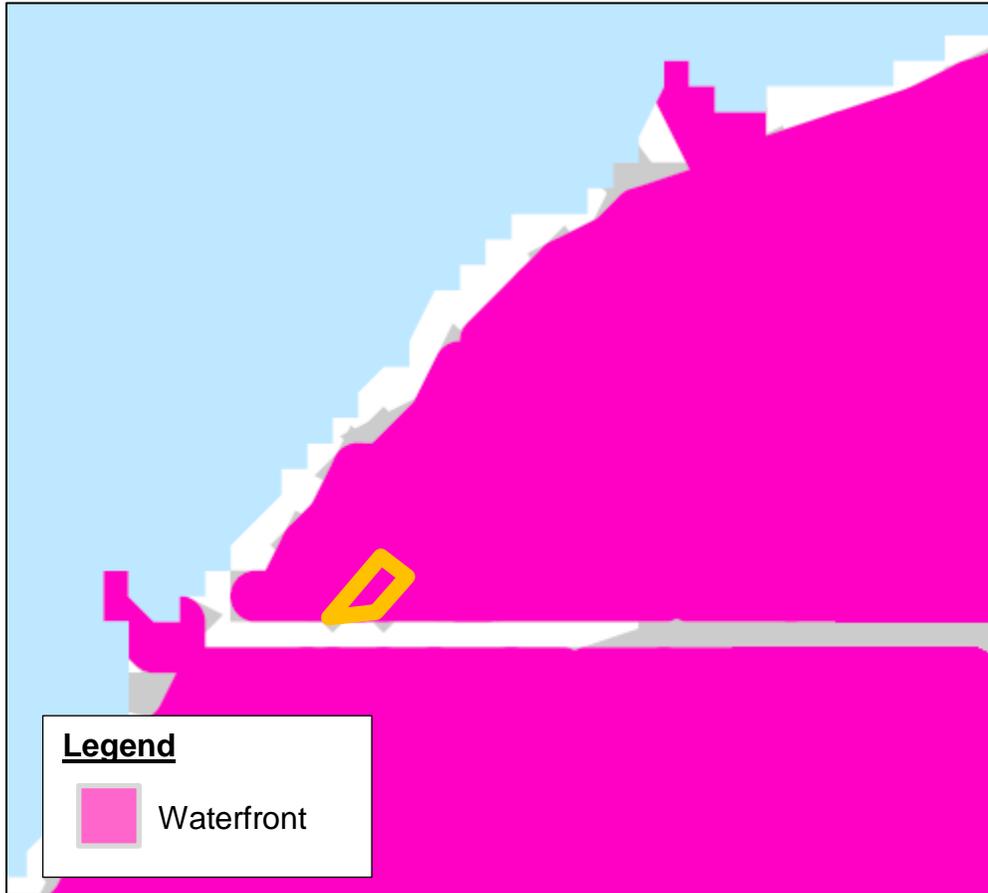
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services

Division File: D20-2025-005

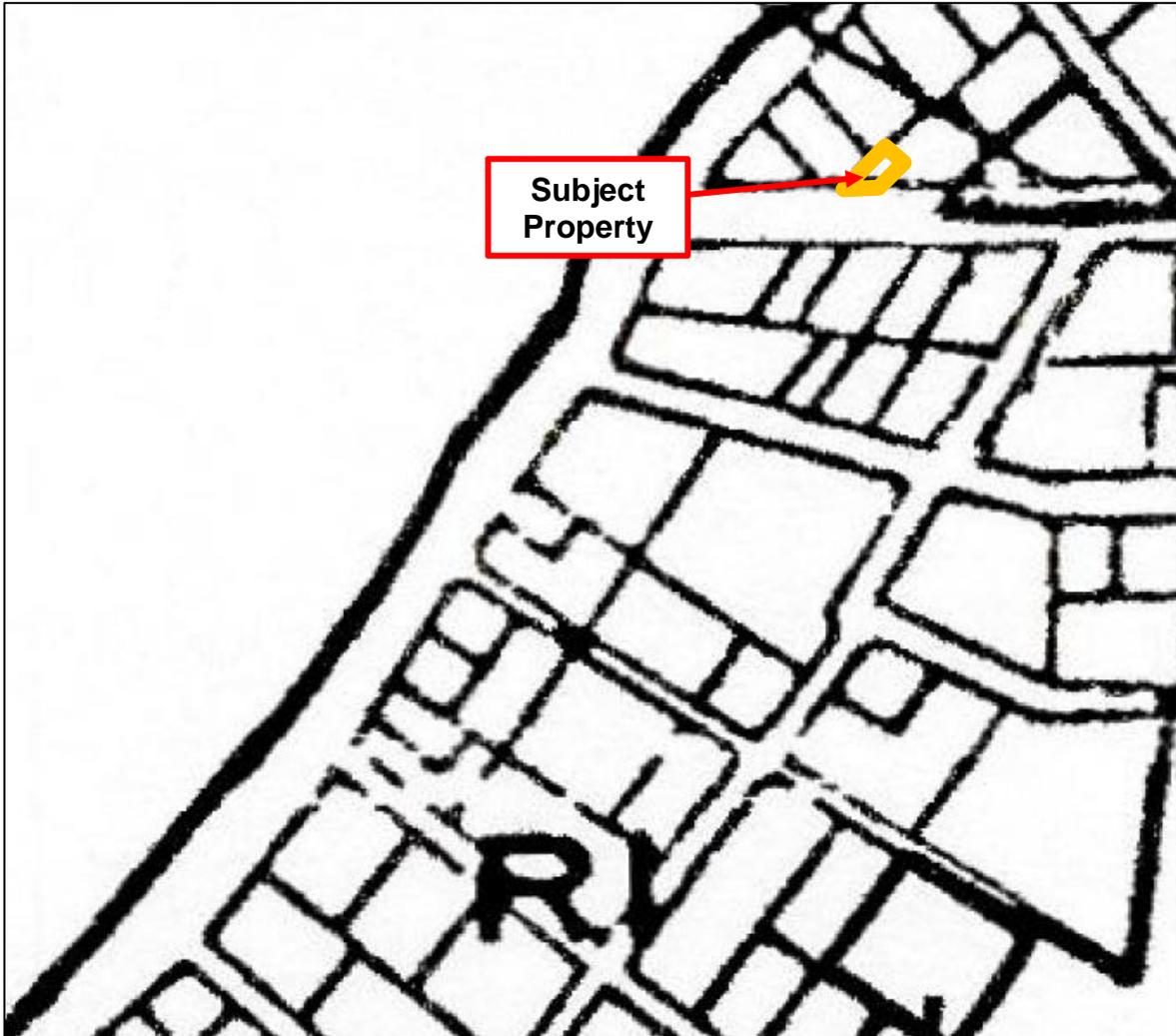
Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Verulam Zoning By-Law 6-87



to

REPORT COA2025--018

FILE NO: D20-2025-005

LOCATION MAP

D20-2025-005



APPENDIX " B "

to

REPORT COA2025--018

FILE NO: D20-2025-005

AERIAL PHOTO (2023)



