


<b>TITLE:</b> <b>VARIANCE</b> <b>29 KIRKHAM CRESCENT</b> <b>OWNER: JOHN AND SHIRLEY LAMPORT</b> <b>APPLICANT: JOHN (TED) LAMPORT</b>		
<b>MEETING DATE:</b> August 7 <sup>th</sup> , 2019		<b>Page 1 of 3</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Letter of objection	
<b>PRESENTER:</b> Sonikile Tembo, Community Planner	<b>MANAGER:</b> Ryan Nickel, RPP, Chief Planner	

### **RECOMMENDATIONS:**

That Variance Application V-09-19-B to vary Section 51, Table 10 of the Zoning By-law to decrease the minimum required rear yard setback for an accessory use from 0.6m to 0m clear of all projections in the Residential Single Detached (RSD) Zone be approved at 29 Kirkham Crescent (Parcel "A" Plan 46729 BLTO in NE ¼ 26-10-19 WPM) in accordance with the letter of intent "Attachment A-2" and the site plan "Attachment B-2".

### **BACKGROUND:**

#### ***Request***

The applicant, Ted Lamport is applying to vary Section 51, Table 10 of the Zoning By-law to decrease the minimum required rear yard setback for an accessory use from 0.6m to 0m at 29 Kirkham Crescent in the RSD Zone. Approval of this application will allow for a garage to be built within the required rear yard.

#### ***Development Context***

The site has a single detached house, and is located on the southeast corner of Dufferin Ave and Kirkham Crescent, in the Kirkcaldy Heights neighbourhood. Uses surrounding the site are mainly residential single detached dwellings with some higher density housing, a school and park space within 300m of the site. Kirkham Crescent provides vehicle access.

### **ANALYSIS:**

The property owner is proposing a 18ft x 34ft garage in the rear yard between the house and the property line to the east and needs the variance to maintain some space between their deck and garage (Attachment B-2). A permit was issued for this garage in September 2018 but when the owner went to survey and build, they realized their property was 10ft short of what they were told they bought. The property was advertised as 120ft deep when the owner bought it but turned out to be 109ft deep, reducing the space available for the garage.

### ***Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:***

#### ***1. Will be compatible with the general nature of the surrounding area;***

The shed is located in the rear yard of the site visible from Dufferin Avenue. This is compatible with the surrounding area since other houses in the area also have structures such as decks and sheds in their rear yard, visible from the street.

***2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;***

The proposal will not be detrimental to the neighborhood because the property owner will build the structure entirely within his property clear of all projections to avoid encroachment into the back lane. The city has no plans to formally establish the unimproved lane currently used for hydro services so a 0m rear yard setback is supportable. The proposal is consistent with the area and will not negatively impact the welfare of people and development potential in the surrounding area.

***3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and***

Maintaining the minimum 0.6m setback is not injurious, however allowing additional land for construction adjacent to an unimproved public lane that is not planned to be developed is supportable.

***4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law***

Apart from the reduction to the rear yard, the proposal complies with all other provisions of the development plan and zoning by-law.

***Commenting Agencies***

The 0m rear yard setback should be clear of all projections. No portion of the structure shall encroach into the adjacent back lane.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

In accordance with Section 169 of The Planning Act, notice of the Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, no additional public outreach effort is required, as the variance to the Zoning By-law is not resulting in the increase of intensity or density of the use of the site. As of the writing of this report, the Planning & Buildings Department has received one representation in opposition to this application (Attachment C).