

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Neufeld
Report Number COA2018-002

Public Meeting

Meeting Date: January 18, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 13 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from:

1. Section 19.2(f) to reduce the minimum rear yard setback from 10 metres to 6.4 metres;
2. Section 5.1.4(b) to reduce the rear yard setback from 1.2 metres to 1.1 metres;
3. Section 5.1.4(c) to reduce the spatial separation between a dwelling and an accessory building (shed) from 1.2 metres to 1.1 metres; and
4. Section 19.2(h) to increase the maximum permitted lot coverage from 10% to 20.5%.

The relief requested in bullet points 1 and 4 are to permit an addition to a single detached dwelling. The relief requested in bullet points 2, 3, and 4 are to permit a shed.

The property is located at 11 Pavillion Road, geographic Township of Verulam (File D20-2018-002).

Author: David Harding, Planner II

Signature: 

Recommendation:

RESOLVED THAT Report COA2018-002 John and Kathleen Neufeld, be received;

THAT minor variance application D20-2018-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-002, which shall be attached to and form part of the Committee's Decision;

- 2) **THAT** prior to the issuance of a Building Permit for the proposed addition, the owners shall obtain a building permit from the Building Division for the recently constructed shed that lies directly north of said proposed addition; and,
- 3) **THAT** the building construction related to the minor variances shall be completed within a period of twelve (12) 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 COA2018-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background:	The application proposes to construct an addition to the existing dwelling, which was constructed circa 1940 (MPAC). This application was deemed complete December 19, 2017.
Proposal:	To construct an approximately 15.63 square metre (168.24 square foot) single storey addition to a single detached dwelling. The addition is proposed to enlarge a bedroom.
Owners:	John & Kathleen Neufeld
Applicant:	John Neufeld
Legal Description:	Registered Plan 156, Part of Lots 57 & 58, geographic Township of Verulam, City of Kawartha Lakes
Official Plan:	"Waterfront" – City of Kawartha Lakes Official Plan
Zone:	"General Rural (A1) Zone" – Township of Verulam Zoning By-law 6-87
Site Size:	663.36 square metres (7,140.3 square feet)
Site Servicing:	Private individual holding tank and well
Existing Uses:	Residential
Adjacent Uses:	All Sides: Residential

Rationale: A portion of the relief sought to the maximum lot coverage provision is to address the encroaching structure belonging to a neighbour. The requested relief from the lot coverage provision would recognize the existing sheds.

1) Are the variances minor in nature? Yes

The subject property is situated in the community of Greenhurst-Thurstonia. The addition is proposed within what may be considered a utility and access space between the side deck and two sheds in the southwestern corner of the

rear yard. The construction of the addition is not anticipated to generate any adverse impacts to the use of the rear yard. The addition is located on the southwestern side of the dwelling, well back from the front wall of the dwelling. Therefore, the location of the addition ensures it will blend in with the existing dwelling rather than become a more prominent feature. The proposed built form is compatible with the built character of the neighbourhood.

The three existing sheds located entirely would not adversely impact the function of the rear yard or contribute to adverse massing impacts on the abutting residential lots.

Therefore, the variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

The proposed variances will recognize the existing built form on the lot in addition to facilitating the construction of an enlarged bedroom. The addition will not impede the function of the rear yard or side yard as an amenity space. The accessory buildings provide for the storage of items which cannot be or would be difficult to locate within the dwelling.

Based on the above analysis, the variances are minor as well as desirable and appropriate for the use of the land.

3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes

The subject property is zoned "General Rural (A1) Zone" in the Township of Verulam Zoning By-law 6-87. Two blocks within the Greenhurst-Thurstonia community are zoned A1, while the balance is zoned "Residential Type One (R1) Zone". The subject property is within one of those two blocks. The lots across the street from the subject property are zoned R1. The A1 Zone contains a separate list of lesser setback requirements for smaller lots with residential uses; however, the maximum lot coverage provision remains the same regardless of property size or proposed use.

The intent of the zoning by-law is maintained, as the smaller lot is only used for residential purposes, and the lot coverage proposed is similar to that found on the surrounding lots that are within the A1 and R1 Zones. The proposed lot coverage of 20.5% is also less than the 33% permitted within the R1 Zone.

The intent of the accessory building spatial separation requirements within the General Provisions is to ensure adequate separation for maintenance purposes. The reductions sought from the rear yard and dwelling setbacks are so minimal that they are nearly imperceptible. As the reductions are nearly imperceptible (10 centimetres), there remains adequate spatial separation to perform building maintenance.

The addition to the dwelling will comply with the setback requirements to the lot lines.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The property is designated "Waterfront" within the City of Kawartha Lakes Official Plan. The designation anticipates low density residential uses.

In consideration of the above the variances maintain the general intent and purpose of the Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual well and holding tank.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division (November 20, 2018): No concerns.

Engineering and Corporate Assets Department (December 20, 2017): No concerns.

Kawartha Region Conservation Authority (January 4, 2018): No concerns.

Building Division – Part 8 Sewage System (January 8, 2018): No concerns.

Public Comments:

No comments as of January 9, 2018.

Attachments:



Appendices A-D to
Report COA2018-002.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Elevations

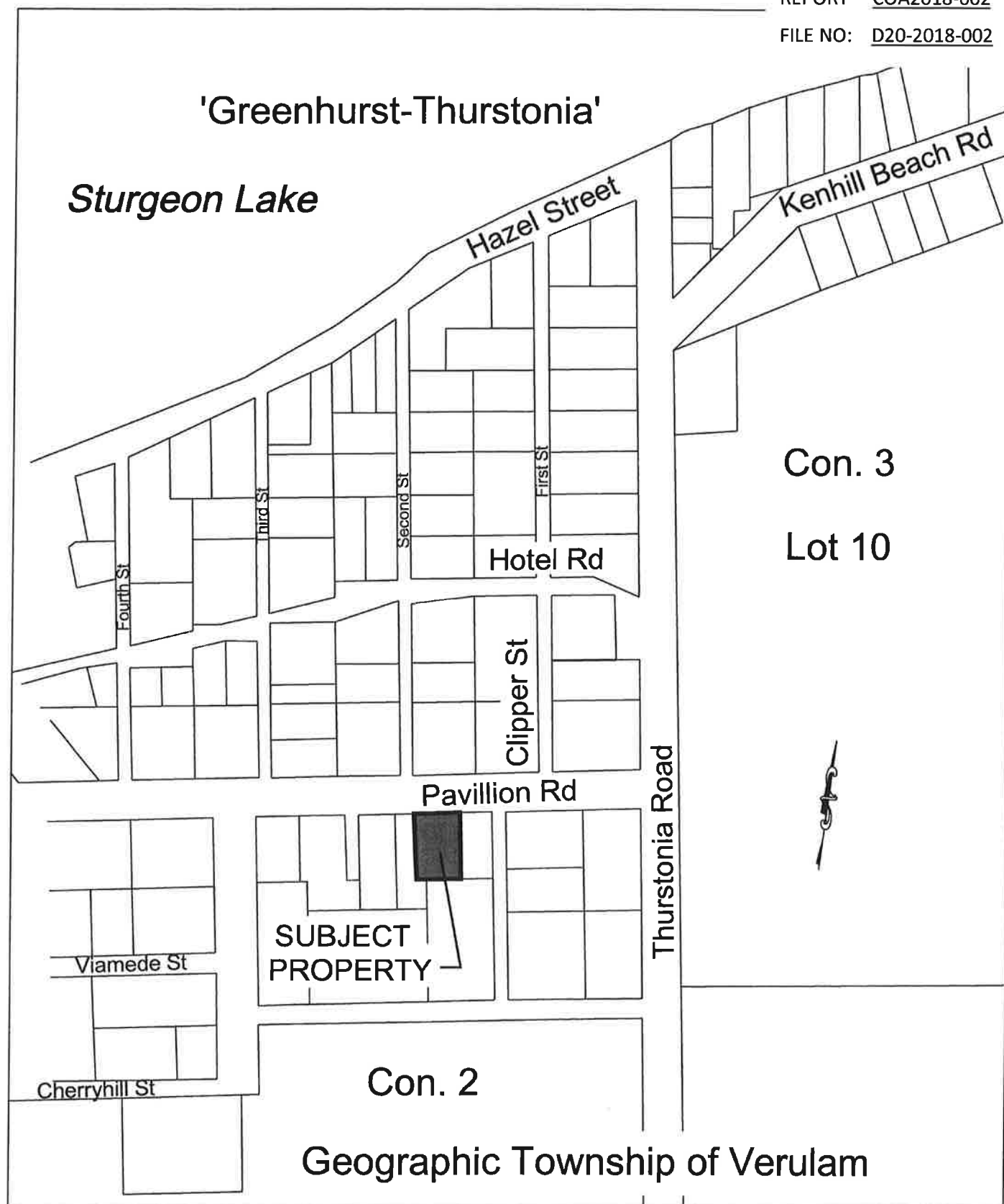
Appendix "E" – Department and Agency Comments

Phone: 705-324-9411 ext. 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-002

to

REPORT COA2018-002

FILE NO: D20-2018-002





This map is a user generated static output from an internet mapping site a is for reference only. Data layers that appear on this map may or may not accurate, current or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSE

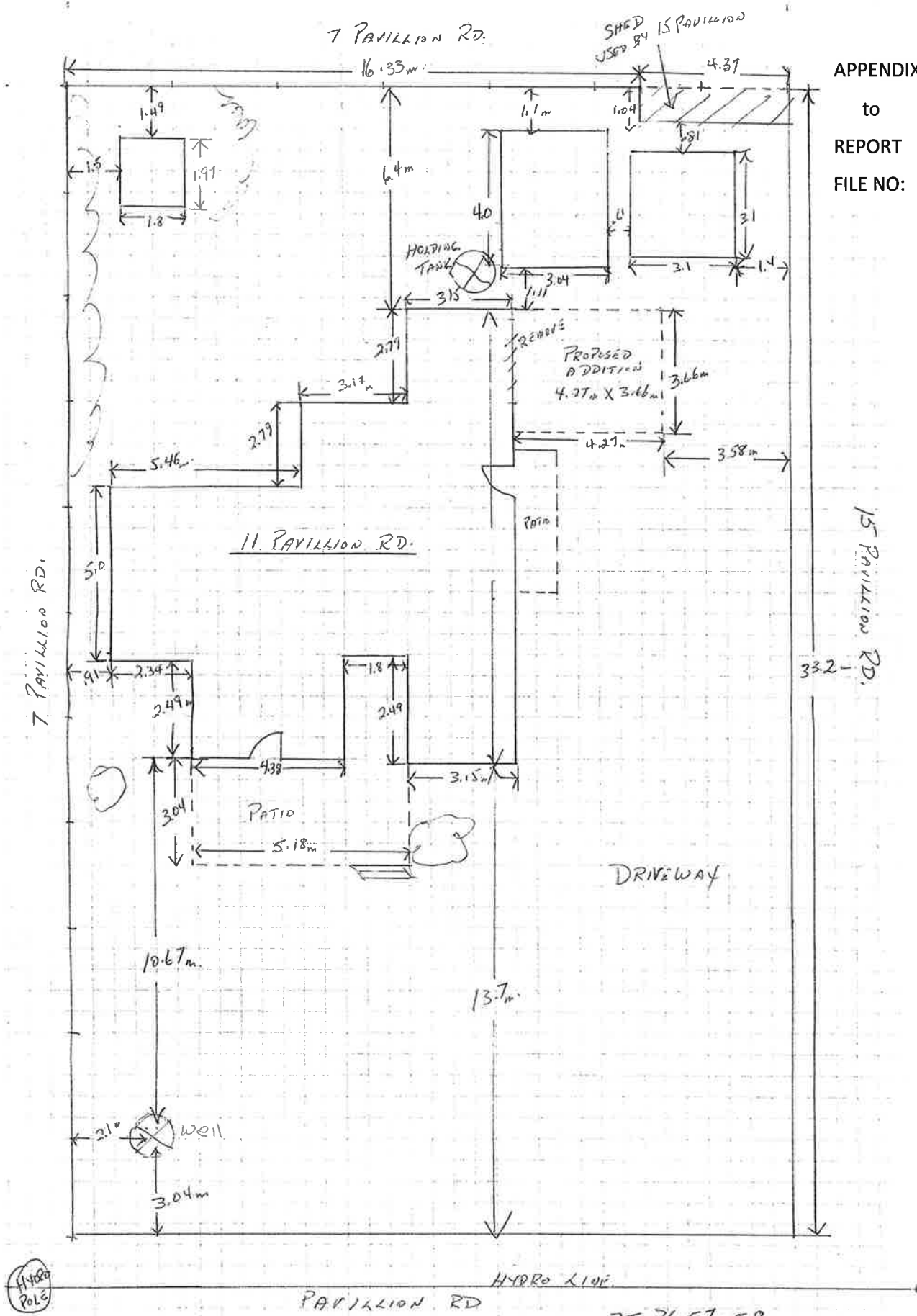


APPENDIX " C "

to

REPORT COA2018-002

FILE NO: D20-2018-002



PT PL 57+58
 VERULAM R 26723.9
 KAWARTHA LAKES

David Harding

From: Anne Elmhirst
Sent: Monday, January 08, 2018 3:53 PM
To: Erica Hallett
Subject: D20-2018-002 - 11 Pavillion

FILE NO. D20-2018-002

Hello Erica,

I have received and reviewed the application for minor variance (D20-2018-002) to allow for an addition onto an existing building that will cause an increase in lot coverage and require reduced setbacks.

The property is currently serviced by a Class 5 Holding Tank for sewage disposal. The holding tank has been noted at the rear of the residential dwelling and it has been confirmed by John Neufeld to be located outside of any building footprint.

As such, the Building Division – Sewage System Program has no objection to the proposed minor variance.

Should you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca



David Harding

From: Susanne Murchison
Sent: Sunday, January 07, 2018 6:47 PM
To: Mark LaHay
Cc: Erica Hallett; Derryk Wolven; Anne Elmhirst
Subject: MV comments

Follow Up Flag: Follow up
Flag Status: Flagged

The Building Division has the following comments regarding the noted files, save and except those related to sewage systems which will be provided under separate submission:

D20-18-001 - no concerns

D20-18-002 - no concerns

D20-18-003 - no concerns

D20-18-004 - no concerns

D20-18-005 - no concerns

D20-18-007 - no concerns

D20-18-008 - no concerns

D20-18-010 - no concerns

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON
K9V 2Y6
(705)-324-9411 ext. 1200
fax (705)-324-5514
1-888-822-2225



January 4, 2018
KRCA File No. 16039

Via Email

Erica Hallett, Administrative Assistant
Committee of Adjustment, City of Kawartha Lakes
Lindsay Service Centre
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Minor Variance D20-2018-002
11 Pavillion Road
Geographic Twp. of Verulam
City of Kawartha Lakes

Dear Ms. Hallett:

Kawartha Region Conservation Authority staff have now completed our review of Minor Variance application D20-2018-002 for the purposes of relief from Zoning By-law 6-87 to permit an increase in maximum lot coverage from 10% to 19.4% and reduce the rear yard setback from 10m to 6.4m in order to permit an addition of a room.

Ontario Regulation 182/06

Upon review of the regulation mapping, staff can confirm that while the subject property is within Kawartha Conservation watershed, it is not within a regulated area, and therefore does not require a Permit from this office.

Summary

Based on our review of the natural hazards and natural heritage features, Kawartha Conservation does not object to this minor variance.

I trust this meets your information requirements at this time. Should you require any additional information, please do not hesitate to contact this office.

Yours truly,

Katie Jane Harris, Resources Planner

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



David Harding

From: Kirk Timms
Sent: Wednesday, December 20, 2017 9:19 AM
To: Erica Hallett
Cc: Christina Sisson; Susanne Murchison; Anne Elmhirst; Lisa Peimann; Kim Rhodes
Subject: D20-18-002 - 11 Pavillion, Verulam

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Erica,

Further to our review of the above noted application, Development Engineering confirms we have no objection to the proposed minor variance for Zoning By-Law;

- Section 19.2. f) to reduce the minimum rear yard depth from 10.0 m to 6.4 m
- Section 19.2. h) to increase the maximum lot coverage from 10.0% to 19.4%

We respectfully request that if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Thanks,

Kirk Timms, C.E.T.

Engineering Technician
Engineering & Corporate Assets Department
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