

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Storm

Report Number COA2018-034

Public Meeting

Meeting Date: June 21, 2018

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis St., Lindsay

Ward: 10 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 9.3.12(g) to reduce the minimum rear yard setback from 7.5 metres to 3.84 metres in order to permit the construction of a sunroom as an addition to a house.

The property is located at 88 Chadwin Drive, former Township of Lindsay (File D20-2018-024).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-034 Arthur and Jacqueline Storm, be received;

THAT minor variance application D20-2018-024 for 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 sunroom related to this approval shall proceed generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-034, which shall be attached to and form part of the Committee’s Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **THAT** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer confirmation from the Building Division that the glazing in the west wall of the sunroom has been addressed to comply with the Ontario Building Code (OBC). This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the glazed west wall of the sunroom has been addressed to comply with OBC, and appropriate for the proposed development;

- 3) **THAT** prior to the issuance of a building permit for the proposed sunroom, the shed located on the property be either removed from the property, or relocated on the property in a compliant manner in the northerly interior side yard not closer than: 1.5 metres from the any wall of the main building, 1.25 metres from the boundary limits of the easement closest to the rear wall of the building, and 1.25 metres from the interior side lot line, and in accordance with Section 5.2(b)(i) of the Town of Lindsay Zoning By-law.
- 4) **THAT** notwithstanding the definition of rear yard, the granting of the variance for the reduced setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the boundary limits of the easement closest to the rear wall of the building; and
- 5) **THAT** the building construction related to the minor variance shall be completed within a period of eight (8) 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 COA2018-034
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background:	The property contains a townhouse dwelling with a garage, front porch and patio deck located in the urban area of Lindsay. The application proposes to install a 17.86 square metre (192.18 square foot) glazed three-seasons sunroom on a section of the patio deck located at the rear of the property. This application was deemed complete May 2, 2018.
Proposal:	To construct an approximately 17.86 square metre (192.18 square foot) three-seasons sunroom.
Owner:	Arthur and Jacqueline Storm
Applicant:	Robert Davidson
Legal Description:	Plan 57M782, Part Block 12, RP 57R-10444, Parts 6 and 7, former Town of Lindsay, City of Kawartha Lakes
Official Plan:	“Residential” in the Town of Lindsay Official Plan
Zone:	“Residential Multiple One Exception Eleven (RM1-S11) Zone” in the Town of Lindsay Zoning By-law 2000-75
Site Size:	421.87 square metre (4,539.32 square foot)
Site Servicing:	Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Residential

Adjacent Uses: North: Vacant Residential Lands
East: Open Space Lands
South: Residential
West: Vacant Commercial Lands

Rationale:

- 1) **Are the variances minor in nature? Yes**
And
- 2) **Is the proposal desirable and appropriate for the use of the land? Yes**

The proposed sunroom translates into an addition to the main dwelling as it will be attached to the rear wall of the house. In terms of scale, it is not anticipated to be perceptible as it will blend in with the general rear yard character of the neighbouring residential dwellings to the south of the subject site.

Likewise, elevation drawings and observations from site visit also suggest that a proposed setback of 3.84 metres will not create any negative impacts as there will still be sufficient room in the rear yard to enable its functioning as naturalization space that can retain and infiltrate surface water.

In terms of appearance, staff has responded to the Building Division concerns with condition 2 to ensure any safety or land use compatibility issues can be adequately addressed.

However, staff discovered upon site visit that there is a shed located in the rear yard of the property which was not included in the site plan sketch submitted through this application. The footprint of the accessory structure also appears to be wholly within the drainage easement, which translates into an encroachment. Consequentially, staff has included a condition of approval (condition 3) requiring the shed to be either removed from the property or relocated to a complying location on the property. As such, it appears the only feasible location to relocate the shed to be the northerly interior side yard, and subject to meeting the Ontario Building Code.

Based on the above, the variance is considered 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 3.66 metre relief from the 7.5 metres rear yard setback required, proposed for the sunroom addition is not anticipated to impact the function as the scale of the reduction, if granted, is not anticipated to be perceptible. Sufficient space remains within the rear yard to facilitate access to the side yard. The

recommendation for the shed in conjunction with condition 3 will also ensure compliance with the rear yard setback requirements.

Although the sunroom is proposed to have a height of 3 metres, it is considered low profile as it is less than the maximum permitted height of 10.5 metres permitted in a “Residential Multiple One Exception Eleven (RM1-S11) Zone”.

Also, the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 39% from a possible 50% maximum.

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 lot is designated “Residential” within the Town of Lindsay Official Plan. The designation contemplates low density dwellings with varying amenity space designs.

As such, the proposed variance maintains the general intent and purpose of the Lindsay Official Plan

Other Alternatives Considered:

The above stated feasible location for the shed in rationale 1 and 2 came from observations and measurements taken during site visit. The roof cover of the shed appears to be approximately 3.14 metres wide and 4.35 metres deep (an area of approximately 13.65 square metres or 146.92 square feet). However, staff maintains that the measurements were rough estimates only and not accurate unlike if it were taken by a professional surveyor.

Hence, provided the shed is able to meet the Ontario Building Code in a potential new location, the applicant may be required to apply for a minor variance application to recognize any deficiency (if any) in the revised location of the shed. In consideration of this, the applicant may wish to defer this application at the meeting in order to be able to review the variances comprehensively at a subsequent Committee meeting.

Conversely, if the shed will not be relocated, the applicant will be required to completely remove the shed from the property as a minor variance application to recognize the shed in its current location will not be supported by staff.

Servicing Comments:

The property is serviced by full municipal services within the Lindsay municipal service area.

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 – Building Inspection/Plans Examiner (June 8, 2018): The Plans Examiner expressed that the amount of glazing in the west wall of the sunroom at 3.84 metre setback, as proposed may not comply the Ontario Building Code requirements. See comments.

Public Comments:

No additional comments as of June 11, 2018.

Public Comments:

- 1) Support, 84 Chadwin drive (May 1, 2018): No objection to their neighbour putting a sunroom on their deck.
- 2) Support, 86 Chadwin drive (May 2, 2018): They stated that they have conferred with the property owner and as a result, they have no qualms with the proposal as they consider the type of construction proposed for the sunroom as acceptable.

Attachments:



Appendices A-E to
Report COA2018-034

- Appendix "A" – Location map
- Appendix "B" – Air photo
- Appendix "C" – Applicant's sketch
- Appendix "D" - Elevations
- Appendix "E" – Department and Agency comments

Phone: 705-324-9411 ext. 1367
E-Mail: qadebayo@kawarthalakes.ca
Department Head: Chris Marshall
Department File: D20-2018-024