

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – MacMillian
Report Number COA2018-039

Public Meeting

Meeting Date: July 19, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis Street, Lindsay

Ward: 11 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 7.2 (f) to reduce the minimum rear yard setback from 7.5 metres to 5.8 metres in order to permit the construction of a sunroom as an addition to a house.

The property is located at 8 Marsh Court, former Town of Lindsay (File D20-2018-027).

Author: Lydia (Cho Laam) Wong, Student Planner **Signature:**

Recommendations:

RESOLVED THAT Report COA2018-039 Jack and Sandra MacMillian, be received;

THAT minor variance application D20-2018-027 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 in accordance with the sketch in Appendix “D” and elevations in Appendix “F” submitted as part of Report COA2018-039, 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** the building construction related to the minor variance shall be completed within a period of eighteen (18) 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 COA2018-039
Fulfillment of all conditions is required for the Minor Variance to be
considered final and binding.**

Background: The property contains a single detached dwelling with a garage, garden shed, and a patio deck located in the urban area of Lindsay. The application proposes to install a 15.6 square metre (168 square foot) three-season sunroom on the patio deck located at the rear of the property. This application was deemed complete May 23, 2018.

A revised site plan and elevations were added on July 9, 2018 during the process of application. A garden shed was not recorded in the original site plan, and the location of the side door has been changed.

Proposal: To construct an approximately 15.6 square metre (168 square feet) three-season sunroom.

Owner: Jack and Sandra MacMillian

Applicant: Garry Newhook

Legal Description: Plan 57M748, Lot 35, former Town of Lindsay, City of Kawartha Lakes

Official Plan: Residential – Town of Lindsay Official Plan

Zone: Residential Two (R2) Zone – Town of Lindsay Zoning By-law 2000-75

Site Size: 590 square metres (6350 square feet)

Site Servicing: Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Residential

Adjacent Uses: North: Residential

East: Residential

South: Marsh Court/ Residential

West: Residential

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. The application proposes a built form and scale consistent with that found on the surrounding properties. In terms of scale, it will blend in with the general rear yard character of the neighbouring residential dwellings to the north of the subject site. In addition, the proposed design of the sunroom matches with the existing sunrooms in abutting properties. Due to the pie shaped nature of surrounding properties, the subject lot and abutting lots have wide rear yard amenity spaces. Thus, construction of the sunroom will have little impacts on neighbours' light from their rear yards. Therefore, no land use compatibility issues are anticipated.

Likewise, elevation drawings and observations from the site visit also suggest that a proposed setback of 5.8 metres will not create any negative impacts as there will still be sufficient room in the rear yard to enable its functioning as a naturalization space that can retain and infiltrate surface water. The proposed sunroom is one-storey, which has a low-profile nature with no substantial massing impacts. The moderate reduction in rear yard setback is not anticipated to impact the amount of rear yard amenity space available to the dwelling as the proposed sunroom is contained upon the existing patio deck.

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 subject property is zoned Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75. The rear yard setback serves as a buffer between residential buildings to avoid land use conflicts. The proposed reduction will not impact adversely the use of the property, and the intent of the By-law is still achieved through existing gardening and landscaping. The side door for access to the sunroom is located on the west side of the structure, facing the greater rear and side lot lines. This aids in minimizing the potential of land use conflicts.

The scale of the reduction, which is 1.7 metre relief from the 7.5 metres rear yard setback required, is not anticipated to impact the function of the rear yard. Sufficient space remains within the rear yard to facilitate access to the side yard. The sunroom is proposed to have one storey, a height of 2.5 metres. It is considered low profile as it is less than the maximum permitted height of 10.5 metres permitted in a Residential Two (R2) Zone. Additionally, the proposal has not fully exercised the zoning provision privileges, utilizing a lot coverage of 27.8% from a possible 35% maximum. Therefore, the variance maintains 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.

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

Other Alternatives Considered:

No alternatives have been considered.

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 (July 6, 2018): No concerns.

Engineering and Corporate Assets Department (July 10, 2018): No objection.

Public Comments:

No comments as of July 9, 2018.

Attachments:



2018.07.19
Appendices A-D to Re

- Appendix "A" – Location map
- Appendix "B" – Air photo
- Appendix "C" – Applicant's original sketch
- Appendix "D" – Applicant's revised sketch
- Appendix "E" – Original elevations
- Appendix "F" – Revised elevations
- Appendix "G" – Department and Agency comments

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