

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Groeger**

Report Number COA2018-055

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### **Public Meeting**

**Meeting Date:** September 20, 2018

**Time:** 1:00 pm

**Location:** Victoria Room, City Hall, 26 Francis Street, Lindsay

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### **Ward: 10 – former Town of Lindsay**

**Subject:** The purpose and effect is to request relief from the following provisions in order to permit an addition to a partially enclosed sunroom:

1. Section 9.3.12(f) to reduce the interior side yard setback from 2 metres to 0.3 metres;
2. Section 9.3.12(g) to reduce the minimum rear yard setback from 4.5 metres previously granted by variance to 3.4 metres; and
3. Section 9.3.12(i) to increase the maximum lot coverage from 59.03% previously granted by variance to 61%.

The variance is requested at 76 Chadwin Drive, former Town of Lindsay (File D20-2018-041).

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**Author:** David Harding, Planner II

**Signature:**

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### **Recommendations:**

**RESOLVED THAT** Report COA2018-055 Harry and Alwine Groeger, be received;

**THAT** minor variance application D20-2018-041 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **THAT** the building construction to extend the partially enclosed sunroom related to this approval shall proceed substantially in accordance with the sketch in Appendix 'C' submitted as part of Report COA2018-055, which shall be attached to and form a part of the Committee's decision; and
- 2) **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 COA2018-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** On October 19, 2017, the Committee of Adjustment considered variance file D20-17-002 and granted variances to rear and side yard setbacks and the maximum lot coverage requirement to recognize the townhouse, shed and partially enclosed sunroom on the property.

The current roof structure identified on the submitted sketch in Appendix 'C' as "canopy" does not cover the entirety of the existing deck below. The owners advise that this has resulted in snow and ice sliding off the canopy and onto the deck. The owners wish to extend the canopy so that the deck is fully covered from the elements.

This application was deemed complete May 25, 2018.

**Proposal:** To permit an approximately 1.1 metre x 4.2 metre (3.6 foot x 13.8 metre) extension to an existing partially enclosed sunroom.

**Owners:** Harry and Alwine Groeger

**Applicant:** Harry Groeger

**Legal Description:** Part Block 11, Plan 57M-782, Parts 6 to 8, 57R-10386, former Town of Lindsay, City of Kawartha Lakes

**Official Plan:** Residential – Town of Lindsay Official Plan

**Zone:** "Residential Multiple One Special Eleven (RM1-S11) Zone" – Town of Lindsay Zoning By-law 2000-75

**Site Size:** 279 square metres (3,003.13 square feet)

**Site Servicing:** Municipal sanitary sewer, water, and stormwater

**Existing Uses:** Townhouse Residential

**Adjacent Uses:** North, South and East: Townhouse Residential  
West: Vacant Commercial Land

**Rationale:** Staff classifies the structure constructed upon most of the rear deck and immediately abutting the townhouse as a sunroom. Its north and south walls consist of fence material fitted with translucent plastic sheeting to prohibit the passage of air with additional timbers above fitted with clear plastic panels. A canopy provides the overhead covering. The west side is open. For the purposes of this report, staff considers the canopy extension to be an addition to the partially enclosed sunroom.

**1) Are the variances minor in nature? Yes**

**And**

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

The subject property is situated within a developing residential neighbourhood consisting of freehold townhouse dwellings on the former Lindsay Fairgrounds property. The subject property is within the centre of a 6-dwelling townhouse block.

The deck on the subject property is low enough to be considered a landscape feature. All lots within the townhouse block contain similarly-sized decks, and as a result have similarly-sized areas of landscaped open space. Two of those lots have pergola structures upon their decks to provide some shelter. The sunroom extension is proposed to cover the remainder of the existing deck, to offer the same form of sheltered, amenity space present within the partially enclosed sunroom.

Therefore, the variances are minor in nature as well as desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes**

The subject property is zoned “Residential Multiple One Special Eleven (RM1-S11) Zone”. The zone provisions only permit a townhouse dwelling and have unique zone requirements to permit this type of dwelling unit.

The proposed sunroom addition does not hinder the ability of the rear yard to provide amenity space and landscaped open space, as the deck which it is covering already exists.

Through the examination of the function of the rear yards upon this townhouse block, it is evident that a large portion of the rear yards are dedicated to low deck structures in order to provide elevated amenity spaces. The partially enclosed sunroom has a similar type of amenity space that is sheltered. The extension will cover the remainder of the existing amenity area upon the deck, and will not substantially change the mass of the existing partially enclosed sunroom.

While a minimal setback is proposed for the sunroom extension, it matches the setback granted by Committee in its previous decision.

In the previous staff report when the 0.3 metre setback to the north interior side lot line was proposed to permit the partially enclosed sunroom, it was noted that concerns were not raised over the ability to provide adequate drainage within that yard. Maintenance concerns were also addressed, as one of the sunroom’s northern wall panels functions as a door, to permit access to this area and the dwelling’s exhaust pipes.

As such, no adverse impacts are anticipated by permitting a 1.1 metre extension to the sunroom roof 0.3 metres from the northern interior side lot line.

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

**4) Does the variance maintain the intent and purpose of the Official Plan?**

**Yes**

As the Lindsay Secondary Plan is under appeal, the property is designated “Residential” within the Town of Lindsay Official Plan, which permits medium density residential uses such as townhouse dwellings.

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 full municipal services.

**Consultations:**

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

**Agency Comments:**

No comments as of September 10, 2018.

**Public Comments:**

No comments as of September 10, 2018.

**Attachments:**



Appendices A-D to  
Report COA2018-055.

Appendix “A” – Location Map  
Appendix “B” – Developer’s Plan  
Appendix “C” – Applicant’s Sketch  
Appendix “D” – Elevations

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**Department Head:** Chris Marshall  
**Department File:** D20-2018-041