

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Chris and Angela Alderson
Report Number COA2018-068

Public Meeting

Meeting Date: October 18, 2018

Time: 1:00 pm

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

Ward: 16– geographic Township of Manvers

Subject: The purpose and effect is to request relief from Sections 13.2(c) and (e) to reduce the minimum front yard from 15 metres to 8 metres and the minimum flankage yard from 15 metres to 12.4 metres to permit a covered porch inclusive of its eaves and gutters.

The variances are requested at 13 Benson Street, geographic Township of Manvers (File D20-2018-052).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-068 Chris and Angela Alderson, be received;

THAT minor variance application D20-2018-052 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 covered porch related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices “C” and “D” submitted as part of Report COA2018-068, which shall be attached to and form 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 COA2018-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: Construction on the covered porch was largely completed without building permits. After correspondence with the Building Division, the owners have applied for variances in order to obtain a building permit.

This application was last amended September 26, 2018.

Proposal: To permit the construction of a covered porch.

Owners: Chris and Angela Alderson

Legal Description: Part Lot 10, Concession 2, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: Natural Linkage Area – Oak Ridges Moraine Policy Area

Zone: Oak Ridges Moraine Linkage Area (ORMLA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133

Site Size: 2,042.7 square metres (0.5 acres)

Site Servicing: Private individual well and septic system.

Existing Uses: Residential

Adjacent Uses: North: Rural Residential
East: Highway 35, Rural
South: Rural Residential
West: Rural 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 subject property is situated in an established residential neighbourhood consisting primarily of older homes. The dwellings facing Pacific Street all appear to be century homes and have a fair degree of spatial separation from the travelled portion of the road. The subject property is located at the crest of a hill, is to the immediate left of the neighbourhood entrance off of Highway 35, and is also a corner lot due to the presence of Benson Street to the south. Benson Street provides access to five other rural residential lots located west, away from Highway 35. The combination of road locations and site topography causes the dwelling on the subject property to function as a local landmark.

15 Pacific Street and 14 Benson Street also contribute more significantly to the neighbourhood's character than the rest of the dwellings due to their proximity to the subject property and the crest of the hill. These three dwellings together create a separate and distinct feel within the neighbourhood's overall rural character. Of the three lots, the dwelling on the subject property is located the

furthest away from the travelled portion of Pacific Street. Therefore the covered porch will not create any adverse massing impacts in relation to Pacific Street. There is also a great degree of spatial separation between the dwelling on the subject property and the travelled portion of Benson Street. The spatial separation on Benson Street appears greater through a combination of the proximity of the century frame shed and frame garage to the travelled portion of the road and the dwelling's higher elevation.

Additionally, the proposed covered porch compliments the dwelling's design as the dwelling's recessed east wall was designed in a way that accommodates the construction of a porch. The proposed covered porch also adds increased visual interest to the neighbourhood as a flat two storey wall is no longer presented to either streetscape.

Furthermore, the covered porch offers a sheltered amenity and covered entry space, increasing the function of the dwelling and abutting yards.

Due to the above analysis, the variances are minor in nature and 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 Oak Ridges Moraine Linkage Area (ORMLA) Zone within the Oak Ridges Moraine Zoning By-law 2005-133. Within the ORMLA Zone, dwelling units are required to comply with the Rural Residential Type One (RR1) Zone provisions.

The intent of the RR1 Zone provisions appear to be to maintain sizeable front and rear yards since a rural setting would typically require increased setbacks to maintain sightlines and provide an adequate spatial separation from rural roads where vehicles are travelling at a faster pace and/or disturbing gravel. In this situation, the neighbourhood consists of a small cluster of rural residential lots, there are no through streets, and the road segments are short. Therefore, the increased setbacks are not warranted because there is little traffic and the traffic that does travel through the neighbourhood is not anticipated to do so at a high speed.

Additionally, the dwelling maintains spatial separations from the travelled portions of Benson and Pacific Streets that are similar to or exceed the required flankage and front yard setbacks.

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

This property falls within the Oak Ridges Moraine Policy Area (ORMPA) of the City of Kawartha Lakes Official Plan (Official Plan). Within the ORMPA the property is designated Natural Linkage Area.

The purpose of the Natural Linkage Area is to maintain and where possible improve the ecological integrity of the moraine, including the spaces between areas with the Natural Core Area designation. In consideration of the above the variances do not conflict with the general intent and purpose of the ORMPA and thus the Official Plan as the proposal is for a covered porch addition to an existing dwelling.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

The property is serviced by a private individual well and septic system.

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 (October 4, 2018): No concerns.

Building Division – Part 8 Sewage Systems (October 4, 2018): No concerns.

Engineering and Corporate Assets Department (October 9, 2018): No concerns.

Public Comments:

No comments as of October 9, 2018.

Attachments:



Appendices A-E to
Report COA2018-068.

Appendix "A" – Location Map
Appendix "B" – Aerial Photo
Appendix "C" – Applicant's Sketch
Appendix "D" – Applicant's Supporting Drawings
Appendix "E" – Department and Agency Comments

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