

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2018-081

Date: November 7, 2018

Time: 1:00 p.m.

Place: Victoria Room

Public Meeting

Ward Community Identifier: Ward 11 - Lindsay

Subject: A Request to Refund Minor Variance Application Fees for applications D20-2017-002 and D20-2018-041 respecting 76 Chadwin Drive, Harry and Alwine Groeger

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2018-081, respecting the request to refund minor variance application fees pertaining to 76 Chadwin Drive, geographic Township of Lindsay, be received; and

That the request to refund the minor variance application fees be refused.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

On October 3, 2018, Harry and Alwine Groeger submitted a request to the Clerk's Office to request their minor variance application fees be refunded, see Appendix "A". This staff report analyses that request.

Owners:	Harry and Alwine 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:

By-law 2013-037 prescribed the fees for the processing of planning applications when application D20-2017-002 was submitted. By-law 2016-206 prescribes the fees for the processing of planning applications when application D20-2018-041 was submitted. The first minor variance application was accompanied by the required fee of \$1,000 and the advertisement fee of \$200.00. The second minor variance application was accompanied by the required fee of \$1,100 and the advertisement fee of \$220.00.

As a result of a Building Division enforcement matter, Harry and Alwine Groeger applied for a minor variance application December 5, 2016 to recognize the hard-topped canopy that had been constructed upon the majority of the deck within the rear yard. The application was last amended August 22, 2017. The canopy measures approximately 4.2 metres x 3.7 metres. The north and south sides of the canopy had been walled with a fence fitted with translucent plastic sheeting to prohibit the passage of air with additional timbers above fitted with clear plastic panels. The clear plastic panels bridge the gap between the fence and the underside of the canopy. The east side of the canopy abuts the townhouse and the west side of the canopy is open to the rear yard.

Due to the way in which the structure was constructed and its function as a sheltered outdoor amenity space; staff classified the canopy and walls as a partially enclosed sunroom.

Variances were requested to increase the maximum lot coverage, reduce the rear yard setback, and reduce the interior side yard setback zone provisions to permit the partially enclosed sunroom.

On October 19, 2017, the Committee of Adjustment approved Mr. and Mrs. Groeger's variance application at its public meeting.

In spring of 2018, Mr. and Mrs. Groeger advised staff that they wished to extend the canopy to just beyond the edge of the rear yard deck. As the deck was longer than the canopy, snow would collect on the deck and rain would reach into the covered sitting area. The length of the proposed extension was approximately 1.1 metres. They were advised that their 2017 variance application recognized what had been constructed, and that another variance application would be needed to request relief from the interior side yard setback, rear yard setback, and maximum lot coverage zone provisions to permit the extension.

On July 5, 2018, Mr. and Mrs. Groeger applied for a minor variance application to extend the canopy of their partially enclosed sunroom. Variances were requested from the interior side yard setback, rear yard setback, and maximum lot coverage zone provisions to permit an approximately 4.2 metre x 1.1 metre extension to the partially enclosed sunroom.

On September 20, 2018 the Committee of Adjustment held a public meeting to make a decision upon the requested variances. The Groegers requested at the public meeting that Committee of Adjustment consider refunding them one of their two variance application fees. The Committee of Adjustment stated that it wished the Groegers had been advised by staff to extend the canopy when the 2017 minor variance application was being processed. The Committee suggested that the owners take this issue to Council and ask for reimbursement for fees.

The Committee of Adjustment approved Mr. and Mrs. Groeger's variance application.

Conclusion:

Application fees are collected to cover a portion of the City's costs incurred to process development applications. Staff is of the opinion that a refund is not warranted as the original variance application sought to recognize a structure which had already been constructed. Additionally, the structure had already experienced winter, spring, and summer conditions and the owners did not seek to amend their application to extend the roof canopy prior to the Committee's decision on the first minor variance application.

Attachments:

Appendix 'A' – Refund Request



Appendix A to Report
PLAN2018-081.pdf

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Department Head: Chris Marshall