

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Timothy Deegan and Leah Speers

Report Number COA2020-022

Public Meeting

Meeting Date: August 19, 2020

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 4 – Geographic Township of Mariposa

Subject: The purpose and effect is to seek relief from Section 10.2.1.3 (d) to reduce the minimum rear yard setback from 7.5 metres to 5.11 metres to permit the construction of an enclosed porch.

The variance is requested at 8 Edward Street (Manilla), in the former Township of Mariposa (File D20-2020-018).

Author: Kent Stainton, Planner II

Signature: 

Recommendations:

Resolved That Report COA2020-022 Deegan and Speers, be received;

That minor variance application D20-2020-018 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-022, 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 twenty-four (24) 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 COA2020-022. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application is proposing to replace a derelict shed with an enclosed porch to the rear of a recently reconstructed residential dwelling. A new unenclosed deck is also proposed abutting the porch; however, the deck is only 0.46 metres in height and considered landscaping under the Zoning By-law.

This application was deemed complete on July 3, 2020.

Proposal: To construct a 17.84 square metre (192 square feet) enclosed porch that is 4.27 metres (14 feet) in height.

Owner: Timothy Deegan and Leah Speers

Legal Description: 8 Edward Street, Manilla, Part Lot 11 Church St., Part Lots 16 and 17F Simcoe Street, Plan 78 geographic Township of Mariposa, City of Kawartha Lakes

Official Plan: Hamlet within the City of Kawartha Lakes Official Plan (2012)

Zone: Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07

Site Size: 1,177.44 square metres (12,673.86 square feet)

Site Servicing: Private individual well and sewage system.

Existing Uses: Residential

Adjacent Uses: North: Edward Street, Residential, Community Facility (Manilla Cemetery)
East: Church Street, Residential
South: Residential, Commercial
West: Residential, Simcoe Street (Durham Region Boundary Road)

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 located within the hamlet of Manilla in an established residential neighbourhood that contains a mix of historic and modern residential buildings. The previous dwelling was constructed in 1865 and was recently replaced with a new single detached dwelling, which was designed to preserve the general character of the neighbourhood.

As the existing driveway and septic system locations occupy the eastern and western side yards of the property respectively, the placement of the enclosed porch to the rear of the dwelling is the most practical option. The proposal will provide increased amenity space for the existing dwelling and will considerably

improve the aesthetics of the rear yard over the existing derelict shed. Together with the proposed abutting deck to the east, the porch will revitalize rear yard space providing an entertainment area to an otherwise unusable space in its current condition. The encroachment into the rear yard setback still provides for utilization and access to the greater rear yard portion to the southwest of the proposed porch, improving the overall setback from the property line adjacent to the existing attached shed.

Due to the above analysis, the variance is minor in nature and 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 property is zoned Hamlet Residential (HR) Zone within the Township of Mariposa Zoning By-law 94-07.

The intent of the rear yard setback is to provide sufficient rear yard amenity space, address massing impacts, and reduce land use and privacy conflicts between abutting properties. The property is an irregular L-shaped lot, which presents a reduction in rear yard space for any development south of the existing dwelling unit. The proposed 2.39 metre reduction of the rear yard requirement is also not anticipated to pose any land use compatibility issues with the neighbouring properties to the south. The proposed location of the enclosed porch represents a near 1 metre improvement of the rear yard setback, as the previous attached shed was located 4.12 metres from the rear property line.

The rear wall of the dwelling faces south. The dwelling on the lot to the southeast (addressed as 18 Church Street) is not located immediately behind the dwelling at 8 Edward Street, nor do the rear walls of either dwelling face one another. There is a significant distance between the rear of the dwelling located at 16971 Simcoe Street and the proposed enclosed porch of the subject lands. No massing, land use or privacy impacts are anticipated due to the location and orientation of the proposed enclosed porch.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

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

The property is designated Hamlet within the City of Kawartha Lakes Official Plan, which permits residential development. The variance maintains the general intent and purpose of the Official Plan

Other Alternatives Considered:

None 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:

Engineering and Corporate Assets Department (August 11, 2020): No Concerns

Building Division (August 11, 2020): No concerns.

Public Comments:

No comments received as of August 11, 2020.

Attachments:

Appendices A-D for
Report COA2020-02.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Department and Agency Comments

Phone: 705-324-9411 extension 1367

E-Mail: kstainton@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D20-2020-018

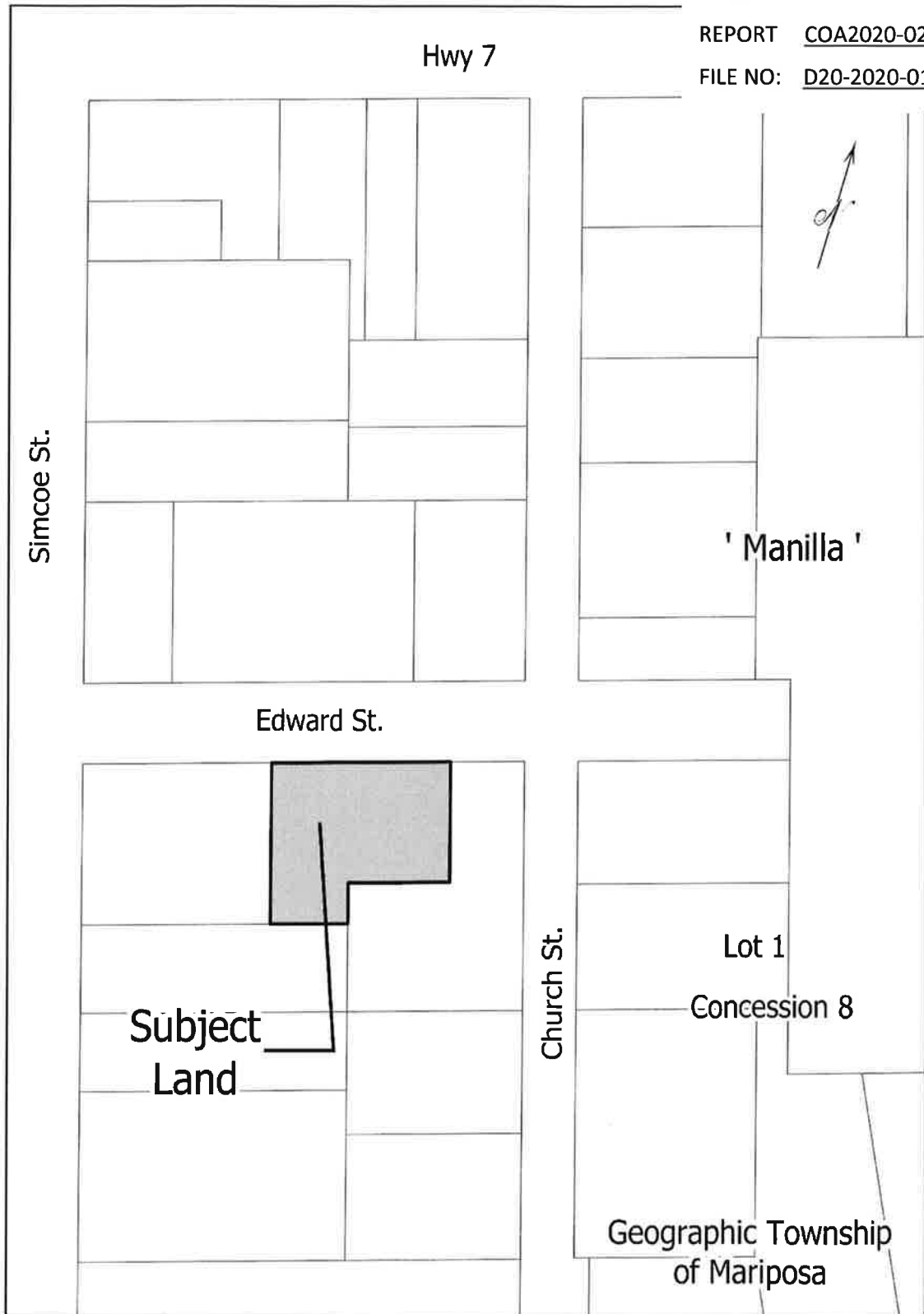
D20-2020-018

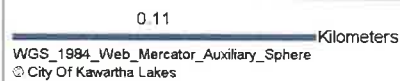
APPENDIX " A "

to

REPORT COA2020-022

FILE NO: D20-2020-018





This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

- ☐ Property Roll Number
- ☒ Lots and Concessions
- ☐ Lower Tier Municipalities

Notes

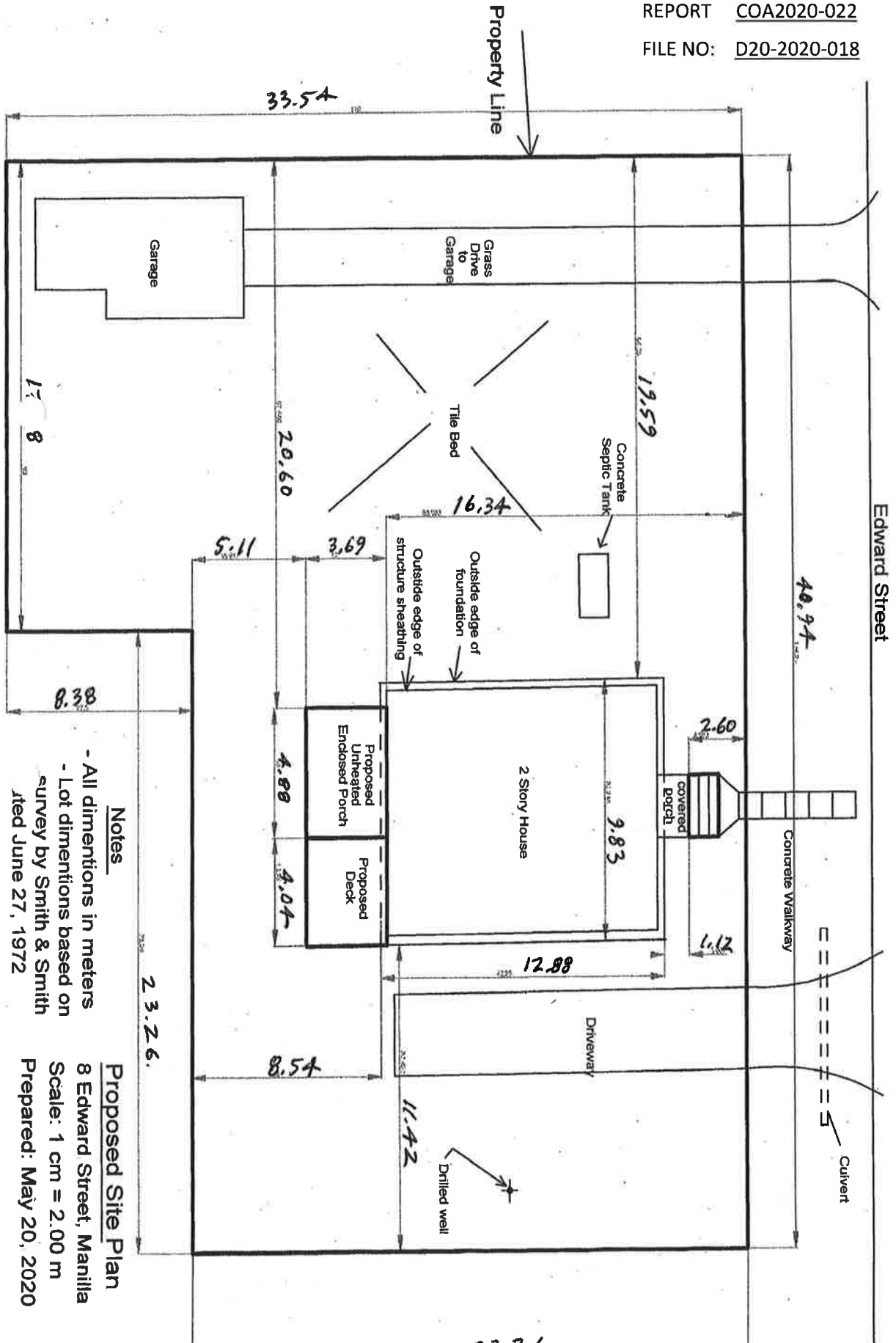
APPENDIX " B "
to
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APPENDIX " C "

to

REPORT COA2020-022

FILE NO: D20-2020-018



Notes

- All dimensions in meters
- Lot dimensions based on survey by Smith & Smith dated June 27, 1972

Proposed Site Plan

8 Edward Street, Manila
Scale: 1 cm = 2.00 m
Prepared: May 20, 2020

Kent Stainton

From: Charlotte Crockford-Toomey
Sent: Tuesday, August 11, 2020 2:06 PM
To: David Harding; Kent Stainton
Subject: FW: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

fyi

Charlotte Crockford-Toomey
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



Due to COVID-19, all City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19

From: Kirk Timms <ktimms@kawarthalakes.ca>
Sent: Tuesday, August 11, 2020 1:00 PM
To: Mark LaHay <mlahay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>
Subject: 20200811 D20-2020-003,016,017,018,019,020,021 Engineering Review

Good Afternoon Mark,

Please see Engineering's comments below for the listed Minor Variance Applications;

D20-2020-003 - From an engineering perspective, we have no objection to the proposed Minor Variance.

D20-2020-016 - From an engineering perspective, we have no objection to the proposed Minor Variance.

D20-2020-017 - From an engineering perspective, we have no objection to the proposed Minor Variance.

D20-2020-018 - From an engineering perspective, we have no objection to the proposed Minor Variance.

D20-2020-019 - From an engineering perspective, we have no objection to the proposed Minor Variance.

D20-2020-020 - From an engineering perspective, we have no objection to the proposed Minor Variance.

APPENDIX "D"

to

REPORT

FILE NO.

COA2020-022

D20-2020-018

D20-2020-021 - From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,
Kirk

Kirk Timms, C.E.T., CAN-CISEC

Senior Engineering Technician

Engineering & Corporate Assets Department, City of Kawartha Lakes

705-324-9411 ext. 1119 www.kawarthalakes.ca



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Kent Stainton

From: Charlotte Crockford-Toomey
Sent: Tuesday, August 11, 2020 4:40 PM
To: Kent Stainton
Subject: FW: D20-2020-018

Follow Up Flag: Follow up
Flag Status: Flagged

fyi

Charlotte Crockford-Toomey

Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 ext. 1231 www.kawarthalakes.ca



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From: Derryk Wolven <dwolven@kawarthalakes.ca>
Sent: Tuesday, August 11, 2020 4:37 PM
To: Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>
Subject: D20-2020-018

Building division has no concerns with the above noted application.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division