

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Alderton

Report Number COA2021-067

Public Meeting

Meeting Date: October 21, 2021

Time: 1:00 pm

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

Ward: 8 – Geographic Township of Manvers

Subject: The purpose and effect is to request relief from Section 5.1(b)(i) to reduce the minimum setback requirement between an accessory building and dwelling from 1.3 metres to nil to recognize a shed and Section 13.2(e) to reduce the minimum flankage yard from 15 metres to 3.6 metres to permit the construction of a swimming pool.

The variances are requested at 12 Loraine Drive, geographic Township of Manvers (File D20-2021-046).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2021-067 Alderton, be received;

That minor variance application D20-2021-046 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 COA2021-067, 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 COA2021-067. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application proposes to construct a pool and recognize a shed.

A Planning Justification Letter dated September 3, 2021 prepared by DM Wills Associates Limited was submitted in support of the application.

This application was last amended October 4, 2021.

Proposal: To construct a pool and recognize a shed.

Owners: Brenda and Stephen Alderton

Applicant: Marnie Saunders – DM Wills Associates Ltd.

Legal Description: Lot 13, Plan M714, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: "Rural Settlement" within the City of Kawartha Lakes Oak Ridges Moraine Policy Area

Zone: Rural Residential Type One (RR1) Zone within the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133

Site Size: 1,300 square metres (13,993 square feet)

Site Servicing: Private individual septic system and municipal water.

Existing Uses: Residential

Adjacent Uses: North, South, East, 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 subject property is within a residential neighbourhood within the southern portion of the Bethany Settlement Area. The lot is a corner lot, with frontage on Loraine Drive to the west and Erin Drive to the north. The dwelling faces Loraine Drive and is situated well back from Erin Drive. The yard bordering Erin Drive contains lawn and has no vegetative screening.

The pool is proposed to the northeast of the dwelling, and is within the rear yard. A fence screens the rear yard from Loraine Drive (west) and Erin Drive (north). A vegetative buffer in the form of spruce trees screens the rear yard from the east. The pool is proposed behind the fence and trees. Privacy for the pool is maintained by the screening in place.

Sufficient space remains within the rear yard to accommodate the sewage system and for landscaped open space for recreational and amenity purposes. The pool itself will provide a form of outdoor recreational opportunity, and makes use of an area of the rear yard that is otherwise unused.

The storage shed abuts the attached garage. The storage shed and the garage both have storage functions. The garage also contains a person door leading into the rear yard at a point very close to the shed. The arrangement allows for the clustering of storage uses on the property and does not adversely impact the function of the rear yard or the dwelling.

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 property is zoned "Rural Residential Type One (RR1) Zone" within the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133.

The by-law's location requirements for accessory buildings and structures relegates accessory uses away from the front yard and from yards abutting roads that function as front yards. The by-law appears to have been written on the premise that those front yard spaces are to be maintained so that the primary use remains the most visually prominent use of the property, restrict uses that may conflict with abutting primary uses to other yards, and ensure sufficient space for snow storage/road maintenance works.

The pool is proposed within a rear yard that does not function as a front yard due to the screening already in place. Also the pool is situated well away from the road, and is not anticipated to affect road operations. The pool will be subject to additional requirements, such as enclosure requirements, at the building permit stage under the City's By-law Respecting Pools and Swimming Pool Fences.

The by-law also appears to have been written on the premise that accessory buildings should be adequately spaced from a residential building to avoid adverse massing impacts and ensure sufficient spatial separation between accessory uses and the primary building for access and maintenance purposes.

The shed is proposed away from lot lines. As such, there is no impact with respect to lot grading and drainage around the perimeter of the property. Due to its modest height and location, the shed will not be visible from either road. The closest uses on the abutting lot to the south, 10 Loraine Drive, is an attached garage and shed. As such, no adverse massing impacts are anticipated to the neighbourhood or to the abutting lot. Should the owner need to maintain the portion of the east garage wall abutting the shed, or maintain the west shed wall, the shed will need to be moved to provide access to the wall surface.

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

The property is designated "Rural Settlement" within the City of Kawartha Lakes Oak Ridges Moraine Policy Area of the City of Kawartha Lakes Official Plan. This designation permits residential uses and associated accessory structures. The proposed development enhances the residential function of the property.

In consideration of the above, 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 Municipal water and private 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:

Development Engineering (October 8, 2021): No concerns.

Building and Septic Division - Supervisor of Part 8 Sewage Systems (August 4, 2021): No concerns.

Public Comments:

No comments as of October 12, 2021.

Attachments:



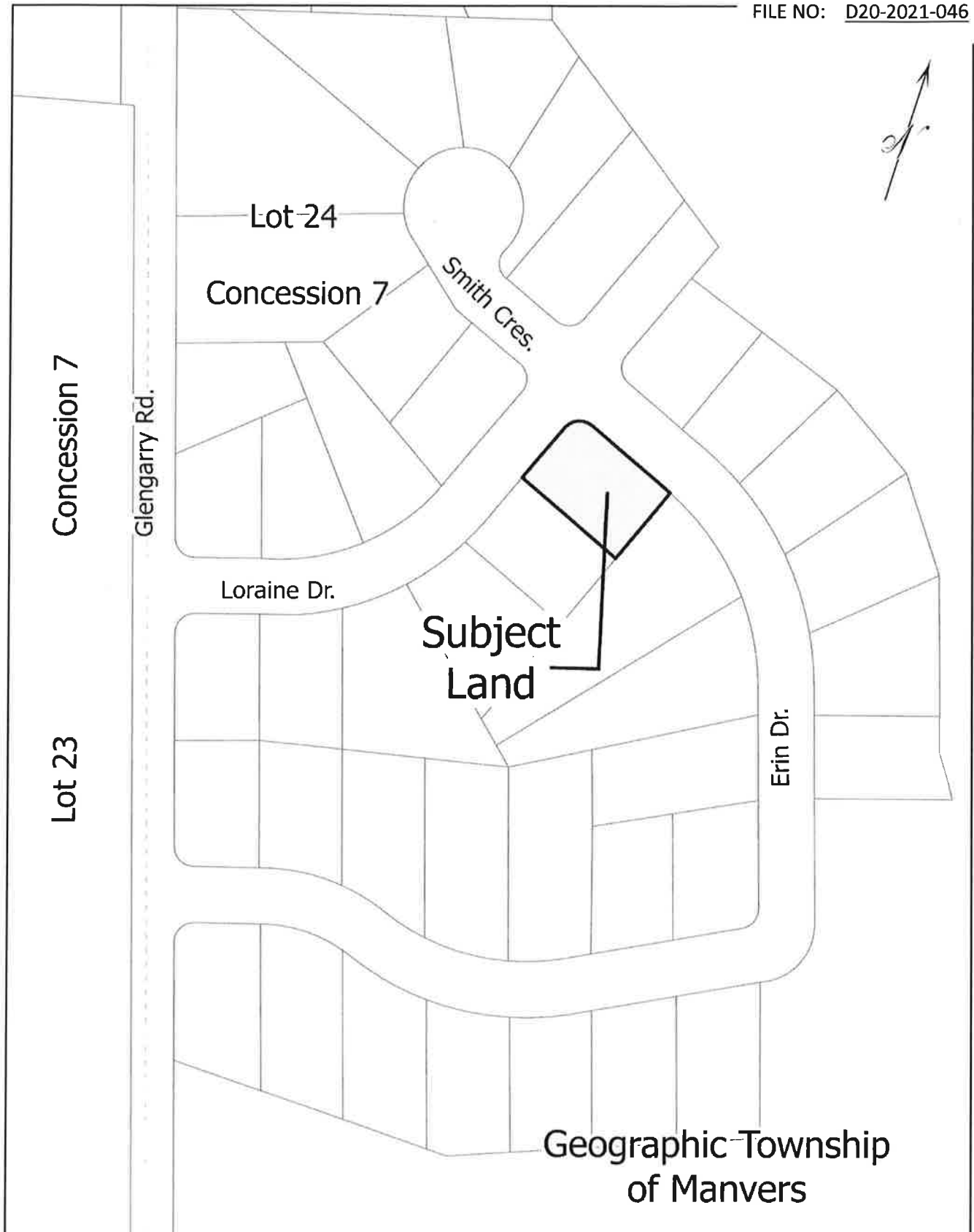
Appendices A-D to
COA2021-067.pdf

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:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Acting Director of Development Services
Department File:	D20-2021-046

D20-2021-046

to
REPORT COA2021-067
FILE NO: D20-2021-046



to

REPORT COA2021-067

FILE NO: D20-2021-046

12 Loraine Drive, geographic Township of Manvers



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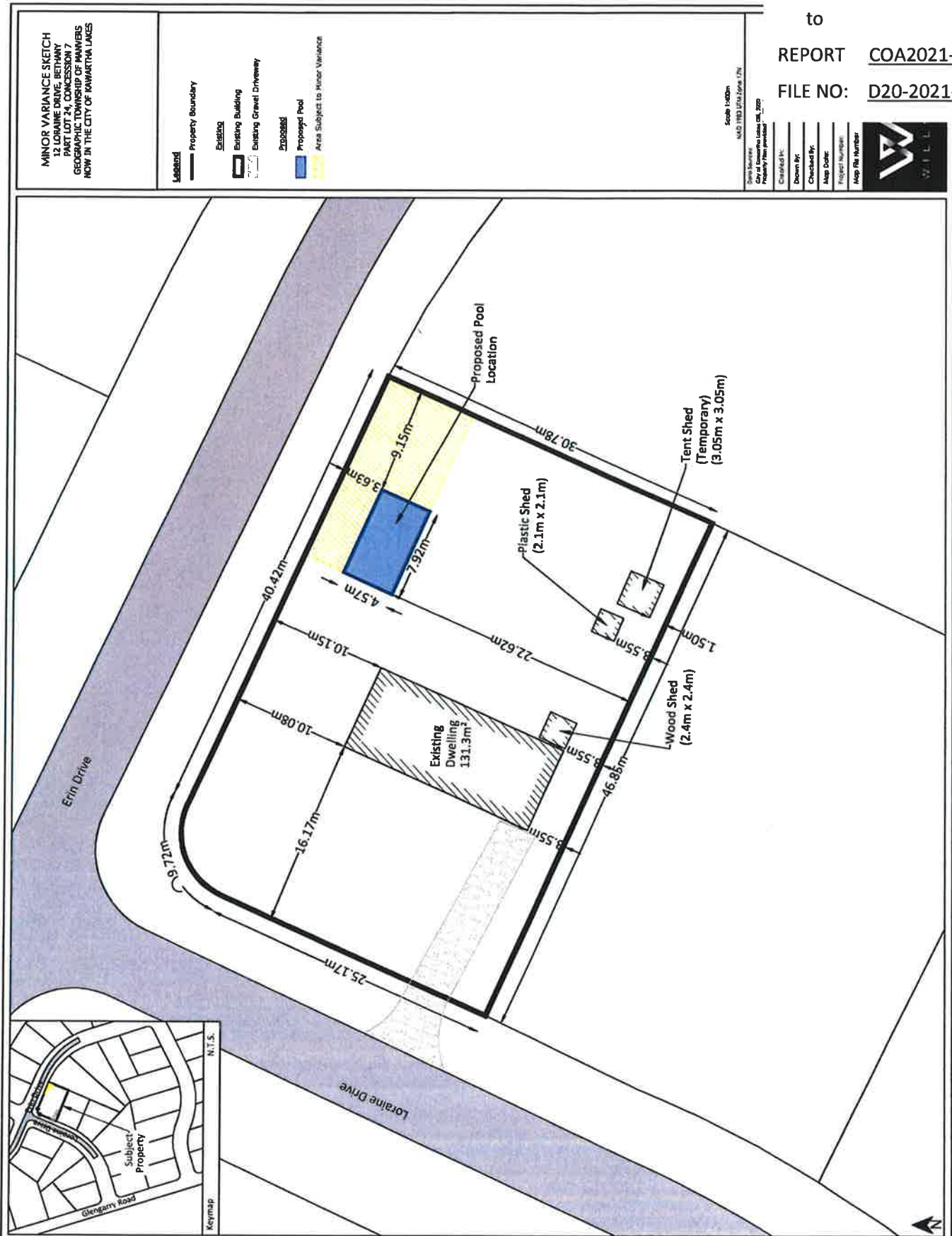
0.06 Kilometers
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APPENDIX " C "

to

REPORT COA2021-067

FILE NO: D20-2021-046



David Harding

From: Charlotte Crockford
Sent: Friday, October 8, 2021 1:39 PM
To: David Harding
Subject: FW: 20211008 D20-2021-046 - Engineering review

APPENDIX "D"
to
REPORT COA2021-067
FILE NO. D20-2021-046

fyi

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



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

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: Kim Rhodes <krhodes@kawarthalakes.ca>
Sent: Friday, October 8, 2021 10:43 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Charlotte Crockford <ccrockford@kawarthalakes.ca>; Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>
Subject: 20211008 D20-2021-046 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2021-046
12 Lorraine Drive
Lot 13, Plan M714
Geographic Township of Manvers

It is the understanding by Engineering that the purpose and effect is to request relief from Section 5.1(b)(i) to reduce the minimum setback requirement between an accessory building and dwelling from 1.3 metres to nil to recognize a shed and Section 13.2(e) to reduce the minimum flankage yard from 15 metres to 3.6 metres permit the construction of a swimming pool.

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,

Christina

Christina Sisson, P.Eng.

Manager, Development Engineering

Lean Six Sigma Black Belt

Engineering & Corporate Assets, City of Kawartha Lakes

705-324-9411 ext. 1152 (office) 705-878-3186 (mobile) www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

David Harding

From: Anne Elmhirst
Sent: Wednesday, August 4, 2021 10:43 AM
To: Charlotte Crockford
Subject: D20-2021-046 - 12 Loraine Dr

Hello Charlotte,

I have received and reviewed the minor variance application D20-2021-046 to request relief to the side yard setback for the construction of a pool.

The submitted diagram indicates the proposed pool placement to be adjacent to the existing sewage disposal system. A file was located for the sewage system (MA-7-90) which represents the construction of the system. Based on the information provided and the observations from site, the pool is proposed to be located 6 metres from the distribution lines. This does meet the minimum requirements for clearance separations under the Ontario Building Code.

As such, the Building and Septic Division has no issues with the proposed minor variance as it relates to on-site sewage disposal.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.

Supervisor – Part 8 Sewage Systems

Development Services - Building and Septic Division, City of Kawartha Lakes

705-324-9411 ext. 1882 www.kawarthalakes.ca



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