

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Silva-Neto

Report Number COA2021-084

Public Meeting

Meeting Date: November 25, 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 10.2(c) to reduce the minimum front yard from 30 metres to 16.1 metres to permit a covered porch and to 15.3 metres to permit stairs.

The variance is requested at 2 Newry Road, geographic Township of Manvers (File D20-2021-072).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2021-084 Silva-Neto, be received;

That minor variance application D20-2021-072 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 COA2021-084, 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 six (6) 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 COA2021-084. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The dwelling on the subject property is undergoing renovations. A covered porch that encircles the whole first

storey of the dwelling was in the process of being constructed without building permits when it was discovered by the Building Division.

The application was deemed complete October 27, 2021.

Proposal: To recognize a covered porch with stairs.

Owner: Ely Silva-Neto

Applicant: Nikole McCulloch – Sampson Contracting

Legal Description: 2 Newry Road, Part Lot 1, Concession 8, geographic Township of Manvers, City of Kawartha Lakes

Official Plan: “Prime Agricultural” and “Environmental Protection” within the City of Kawartha Lakes Official Plan

Zones: “Rural General (A1) Zone” and “Open Space (O1) Zone” within the Township of Manvers Zoning By-law 87-06

Site Size: 37.8 hectares (93.5 acres)

Site Servicing: Private individual well and septic system

Existing Uses: Agricultural

Adjacent Uses: North, West: Agricultural, Wetland
South: Agricultural
East: Agricultural, Rural Residential

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is an agricultural property situated in an agricultural area at the western terminus of the publicly maintained portion of Newry Road. Immediately after the driveway entrance to the property, the travelled portion of Newry Road narrows to an un-assumed dirt trail. The dwelling, which is to the immediate west of the driveway, faces this transitional road area.

The road in-front of the dwelling experiences no vehicular through traffic except for recreational vehicles.

The covered porch is proposed as an addition to the existing dwelling, constructed circa 1900 according to MPAC. The location of the dwelling in relation to the road is legal non-complying, as the dwelling’s construction predates the first comprehensive zoning by-law for Manvers Township.

The covered porch along with the stairs provides sheltered access to the front of the dwelling, and facilitates access between the dwelling and front yard. The

covered porch wraps around the dwelling, providing outdoor covered amenity space on all sides.

The introduction of a covered porch provides no notable increase to structural massing along the street. The covered porch acts to reduce the mass of the dwelling's two storey wall facing the road by adding a visible break to and visual interest in the wall face.

A function of the front yard setback is to maintain consistent neighbourhood character. In this case, the rural landscape, not the built form, defines the character of the neighbourhood. The covered porch along with the dwelling, while closer to the road, does not present sufficient mass to alter the rural character of the neighbourhood.

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 subject property is zoned "Rural General (A1) Zone" and "Open Space (O1) Zone" within the Township of Manvers Zoning By-law 87-06. The development is proposed within the A1 Zone. The A1 Zone permits a variety of rural uses, including single detached dwellings.

One of the functions of the front yard setback in the A1 Zone is to provide sufficient spatial separation to mitigate land use conflicts between the property, road, and land uses across the road. In this circumstance, the proposed use on the property is an expansion to the dwelling in the form of a covered porch, not an intensive agricultural use. The covered porch, as an extension to an existing residential use, is not anticipated to generate new intensive activity that requires increased spatial separation from the road and buffering to mitigate impacts to surrounding properties. There is a cultivated field across the road and a hedgerow on the south side of the road screens the dwelling from said field. The low road activity on this portion of Newry Road also reduces the potential for use conflict between the dwelling and road.

Another function of the front yard is to accommodate snow storage and parking. Parking takes place behind the dwelling. The reduced yard setback does not adversely impact snow storage or parking.

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 "Prime Agricultural" and "Environmental Protection" within the City of Kawartha Lakes Official Plan. The development is proposed within the "Prime Agricultural" designation. Low density residential uses accessory to agricultural operations are anticipated within this designation. The dwelling is on a lot under cultivation.

In consideration of the above the variance maintains 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 a private individual sewage system and private individual well.

Consultations:

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

Agency Comments:

Building and Septic Division – Part 8 Sewage Systems Supervisor (November 12, 2021): No concerns.

Development Engineering Division (November 12, 2021): No concerns.

Public Comments:

No comments received as of November 16, 2021.

Attachments:



Appendices A-D to
COA2021-084.pdf

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Department and Agency Comments

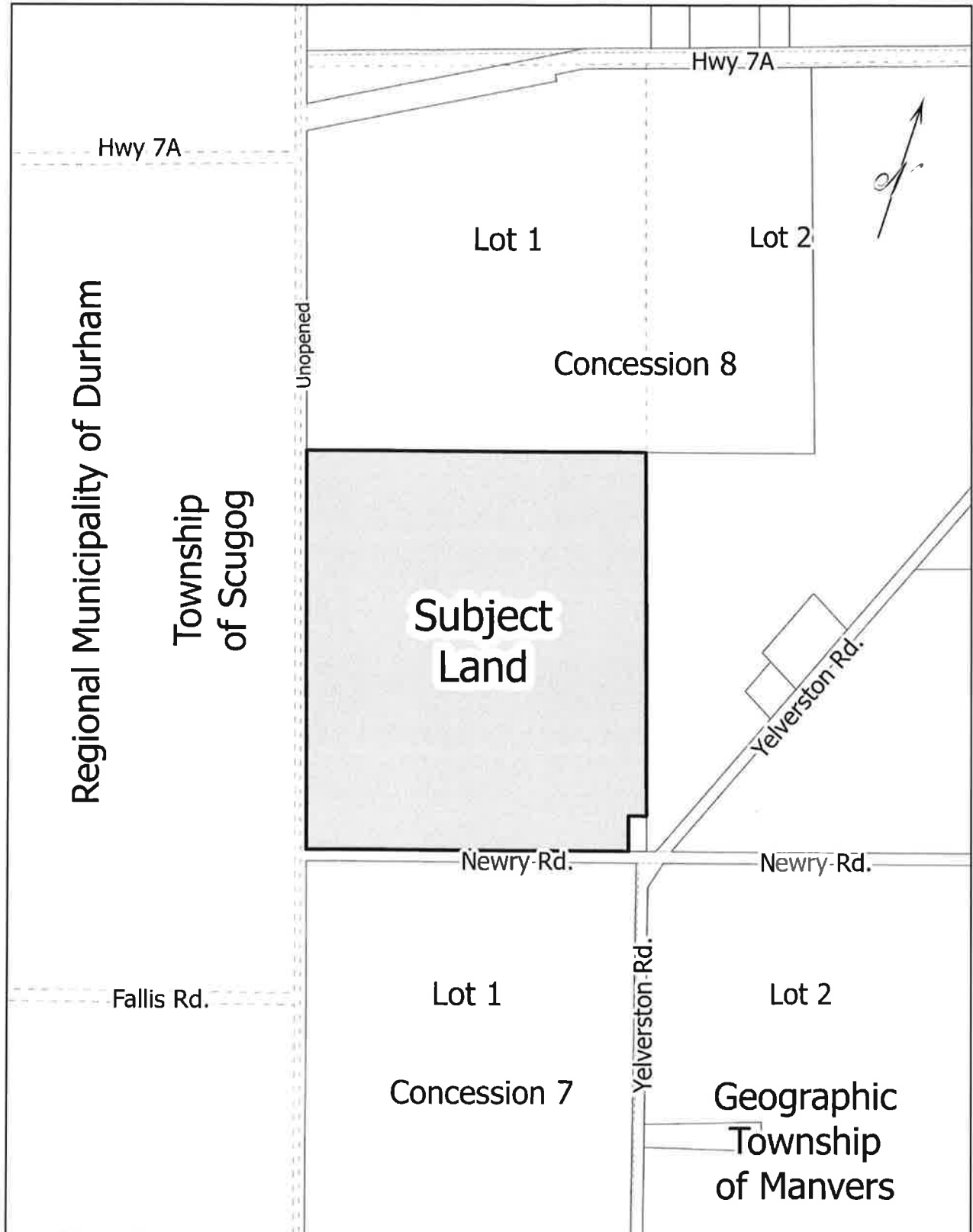
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-072

to

REPORT COA2021-084

FILE NO: D20-2021-072

D20-2021-072



to

REPORT COA2021-084

FILE NO: D20-2021-072

2 Newry Road, geographic Township of Manvers



Subject Property

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

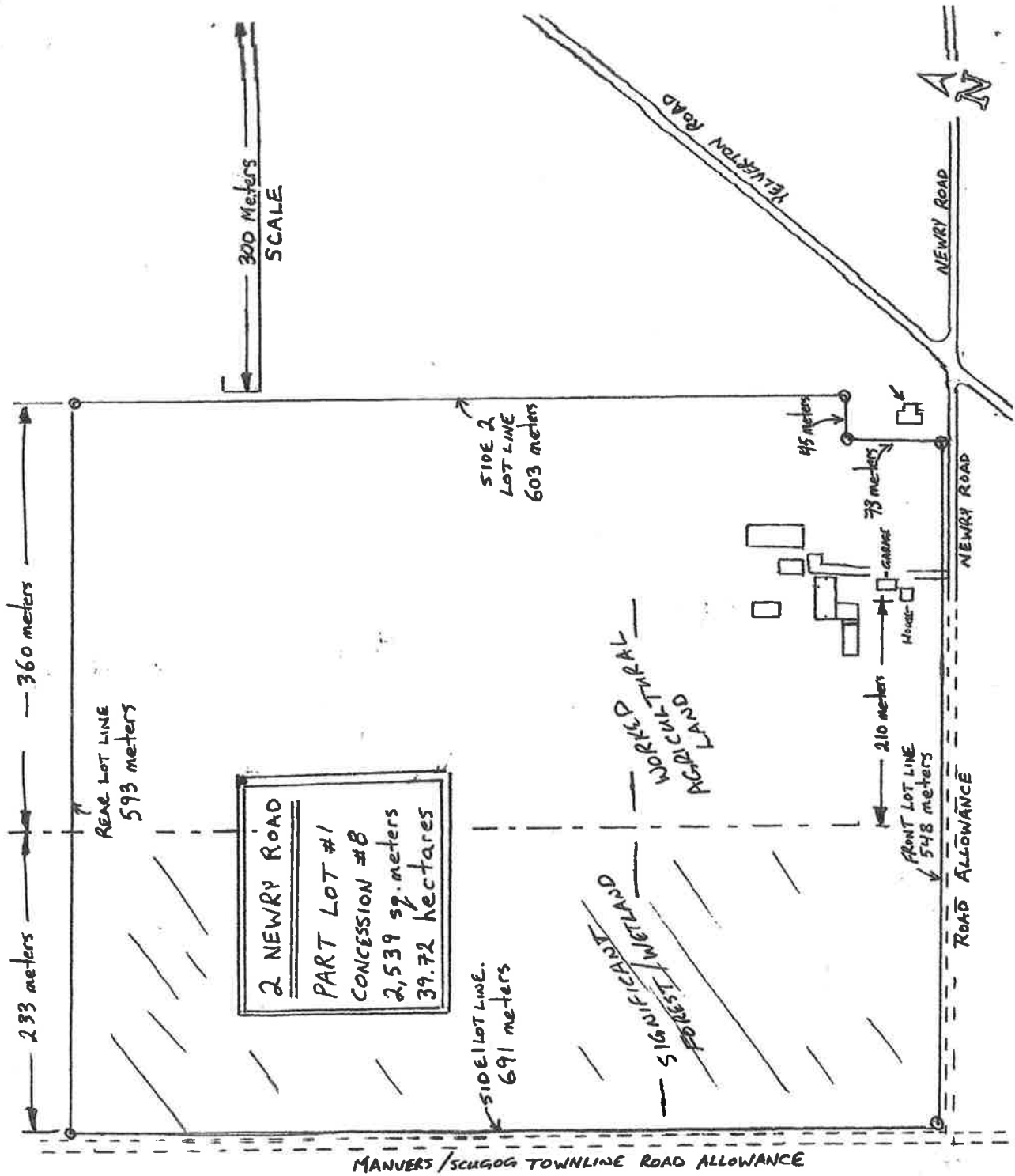


0.46 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

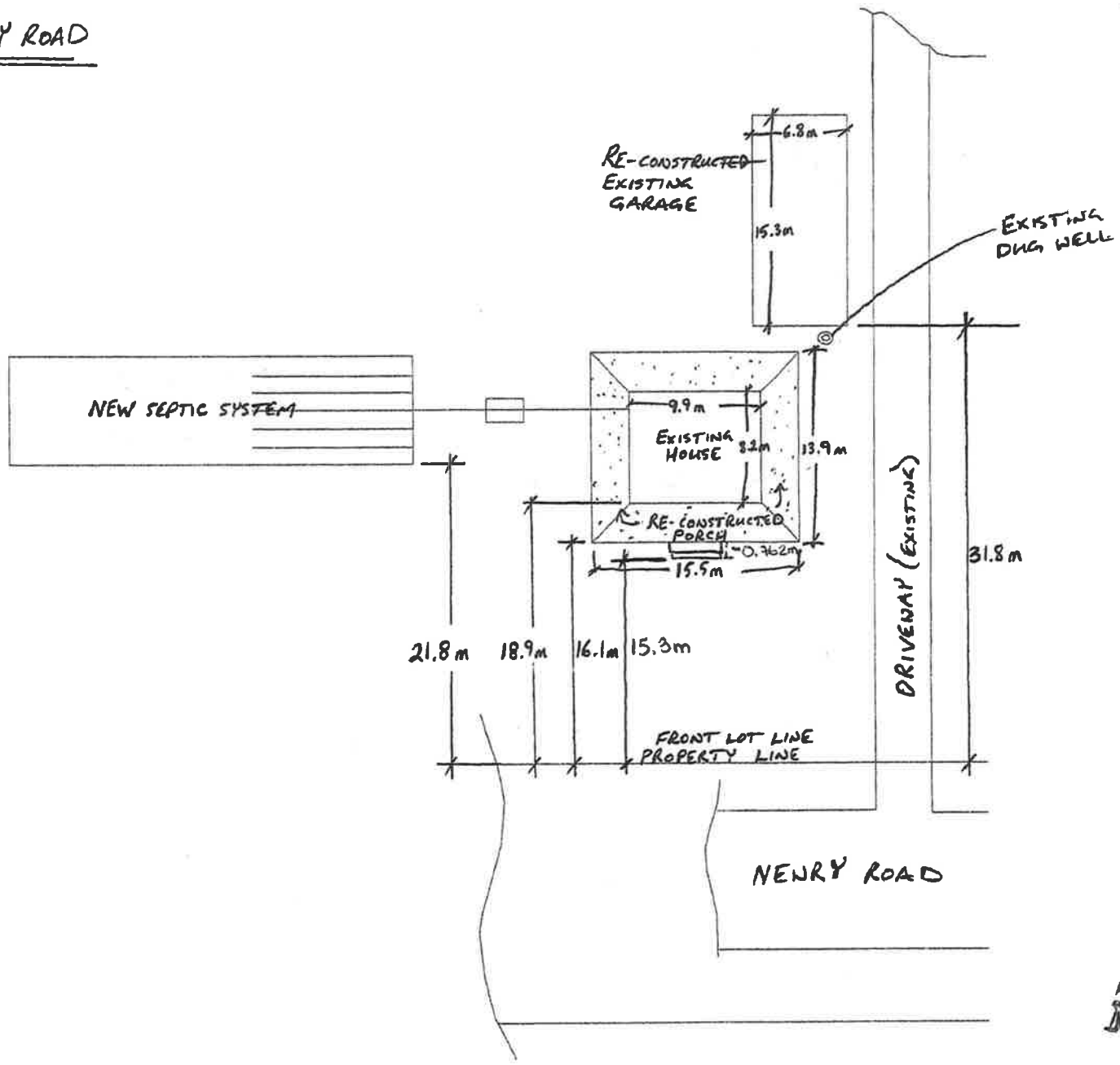
to

REPORT COA2021-084

FILE NO: D20-2021-072



2 NEWRY ROAD



David Harding

to

From: Kim Rhodes
Sent: Friday, November 12, 2021 10:03 AM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20211112 D20-2021-072 Engineering review

REPORT COA2021-084FILE NO. D20-2021-072**Importance:** High**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2021-072
2 Newry Road
Part Lot 1, Concession 8
Geographic Township of Manvers

It is the understanding by Engineering that the purpose and effect is to request relief from Section 10.2(c) to reduce the minimum front yard from 30 metres to 16.1 metres to permit a covered porch and to 15.3 metres to permit stairs.

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: Friday, November 12, 2021 10:42 AM
To: Charlotte Crockford
Subject: D20-2021-072 - 2 Newry Rd

Good Morning Charlotte,

RE: D20-2021-072 Minor Variance
2 Newry Rd, Former Manvers Township
Roll No. 165100802017000

I have received and reviewed the application for minor variance for 2 Newry Road to request relief to reduce the minimum front yard to permit a covered porch with stairs.

A sewage system installation report has been issued under file SS2021-0188 for the construction of replacement sewage system. The sewage system, when installed, did take into consideration the porch construction and adequate clearance distances were established.

As such, the Building and Septic Division has no concerns for the minor variance.

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



Please note: The Building Division 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.