

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Murphy and Halsall
Report Number COA2022-018

Public Meeting

Meeting Date: March 17, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 - Geographic Township of Emily

Subject: The purpose and effect is to request relief from Section 3.1.2.1 to permit an accessory building (pool shed) within the front yard and Section 12.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 5.3 metres to permit said pool shed.

The variances are requested at 37 Woods Avenue, geographic Township of Emily (File D20-2022-011).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2022-018 Murphy and Halsall, be received;

That minor variance application D20-2022-011 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 COA2022-018, 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 eight (8) 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 COA2022-018. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The application has come forth as part of a municipal law enforcement matter. The applicant is seeking to recognize the existing pool shed on the property.
This application was last amended February 24, 2022.

Proposal: To permit a pool shed within the front yard and within the front yard setback.

Owners: James Murphy and Gillian Halsall

Applicant: James Murphy

Legal Description: 37 Woods Avenue, Lot 112, Plan 358, Geographic Township of Emily

Official Plan: Waterfront within the City of Kawartha Lakes Official Plan

Zone: Rural Residential Type Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30

Site Size: 1,463 square metres (15,748 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North, South, and East: Residential
West: Municipal Forest

Rationale:

1) Are the variances minor in nature? Yes

The subject property is situated within the shoreline residential neighbourhood of Cowan's Bay.

The application seeks to permit a pool shed to accompany an in-ground pool. The majority of lots on the west side of Woods Avenue contain dwellings set well back from the road, creating long front yards and short rear yards. The lots gradually rise from the road, and, on the lots to the north, rise sharply in the rear yards to meet the forest edge.

Due in part to the sloping topography, the majority of residential activity is contained on the relatively level front yards. This is supported by the existence of a pool within the front yard on a lot to the north, 49 Woods Avenue. The use of front yards for residential amenity space may have influenced the planting of coniferous buffers along the front lot lines of most lots on the west side of Woods Avenue. The subject property, while it does not have the topographic constraint, follows the configuration of the sloped lots to the north, with a deep front yard where most residential amenity activities are conducted and shallow rear yard.

and as such is well screened from the road and the north lot. The building contributes to the established pool use and does not adversely impact the character of the neighbourhood.

The variances are minor in nature.

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

The pool shed will add to the function and use of the in-ground pool. It will provide additional space to carry out functions related to the pool (pool, equipment, dressing room, etc.) without the need to store those items in the dwelling and move back and forth to retrieve them.

The placement of the pool creates space to the east that cannot function as recreational amenity space, though it may provide landscaped amenity space. The pool shed location does not impact the function of the larger contiguous portion of the front yard to act as a recreational amenity space, and makes use of an underutilised area of the yard to provide additional functionality to the pool.

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 Three (RR3) Zone within the Township of Emily Zoning By-law 1996-30.

A pool is permitted within the front yard provided it complies with the yard provisions of the zone. The pool shed to accompany the pool is not permitted as of right, as it is an accessory building.

A function of the minimum front yard is to provide sufficient space for snow storage, sufficient spatial separation between residential and road uses, maintain sightlines, and regulate character through the placement of built form. There is vegetative buffering along the front lot line in the form of a cedar hedge and side lot line to the north in the form of coniferous trees. These buffers screen the front yard from the road. Vegetation along the front lot line is maintained on the lots to the north and south. The vegetation assists in establishing the character of the neighbourhood. The pool shed will not alter the character of the streetscape as it is not interfering with the established screening. Snow storage is not being impacted as a result of building placement. The hedge also provides a suitable buffer between the pool-related use and the road to mitigate adverse impacts.

It is the intent of the by-law's General Provisions to relegate accessory buildings to the side and rear yards to avoid land use conflicts by moving accessory residential uses to more private areas and ensure the dwelling maintains visual prominence.

However, the lots on the west side of Woods Avenue function differently, with their primary amenity spaces within the front yard. It is appropriate to permit a

pool shed to support the pool use. The front lot line is heavily screened by a cedar hedge. The pool shed is located to the north. As a result, the pool shed is not visible from the break in the hedge where the driveway leads into the property.

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 Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses in the form of single detached dwellings, along with accessory uses, are anticipated within this designation.

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 will be serviced by a private individual well and sewage 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 Division (March 4, 2022): No concerns.

Building and Septic Division – Plans Examiner (March 4, 2022): There is an outstanding building permit on the property: BHP2003-1508. A permit is required for the pool house. No other concerns.

Building and Septic Division – Part 8 Sewage Systems Supervisor (March 7, 2022): No concerns

Public Comments:

No comments received as of March 7, 2022.

Attachments:



Appendix A-D to
COA2022-018

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

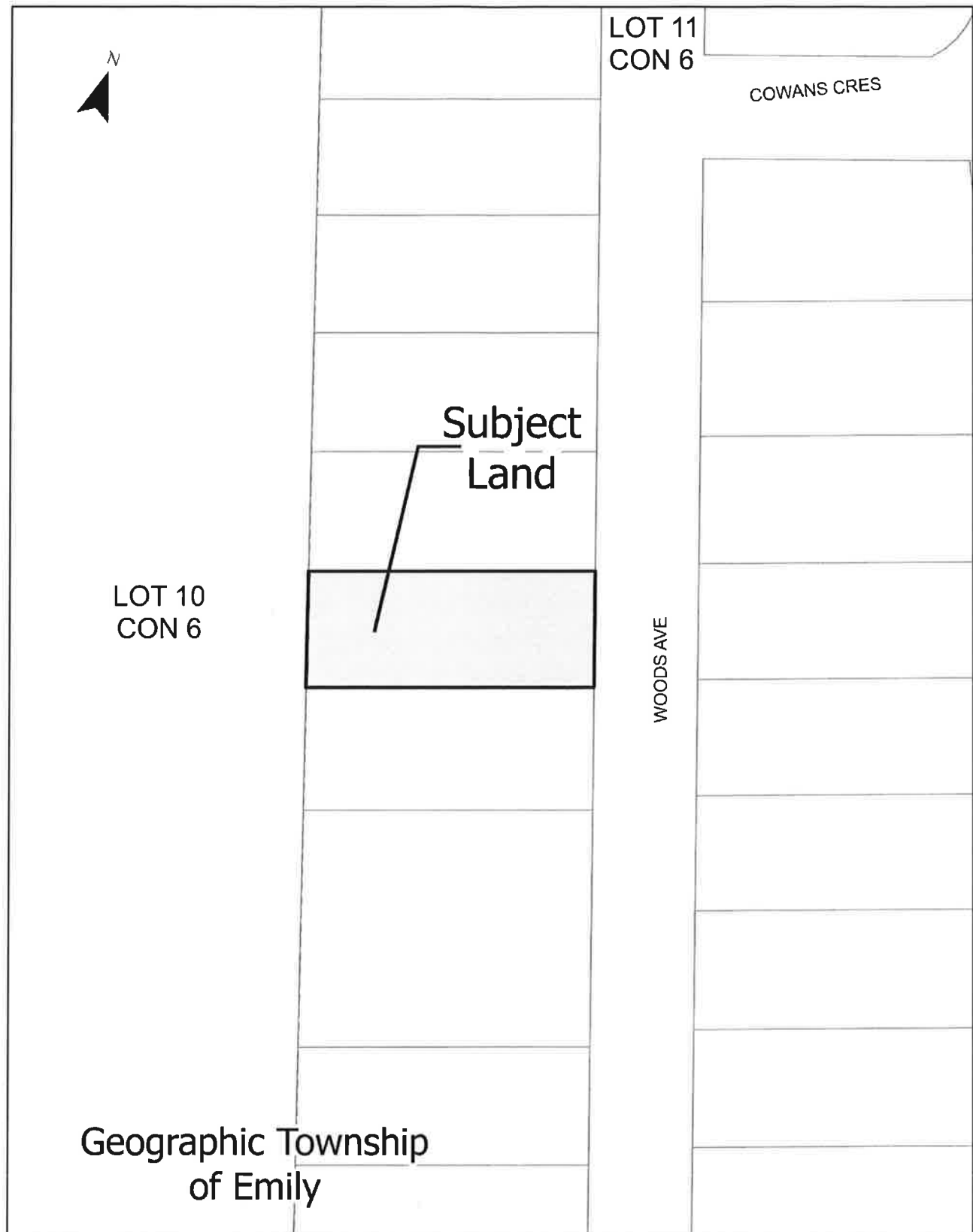
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-011

to

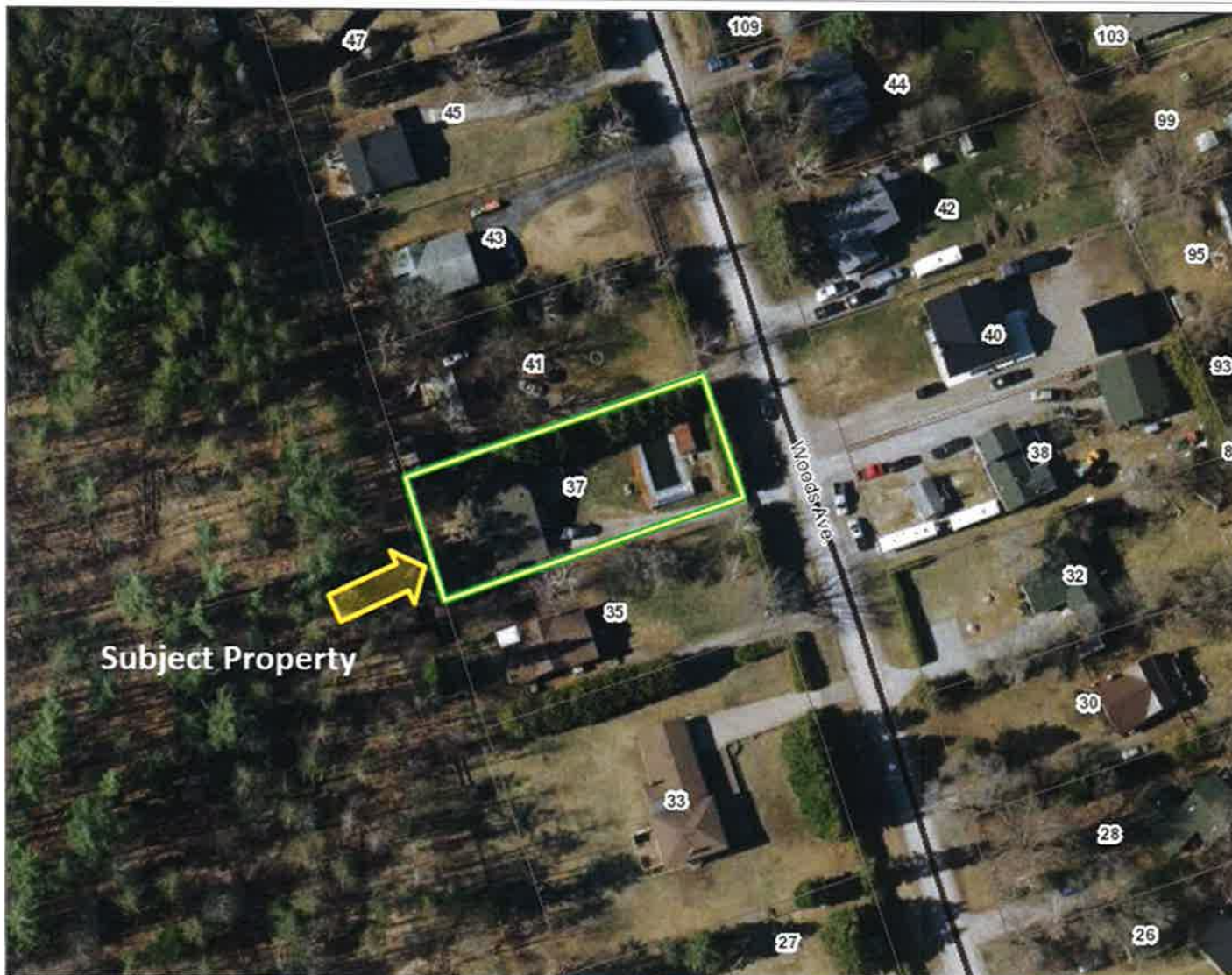
REPORT COA2022-018

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D20-2022-011



37 Woods Avenue, geographic Twp. of Emily



0.07 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



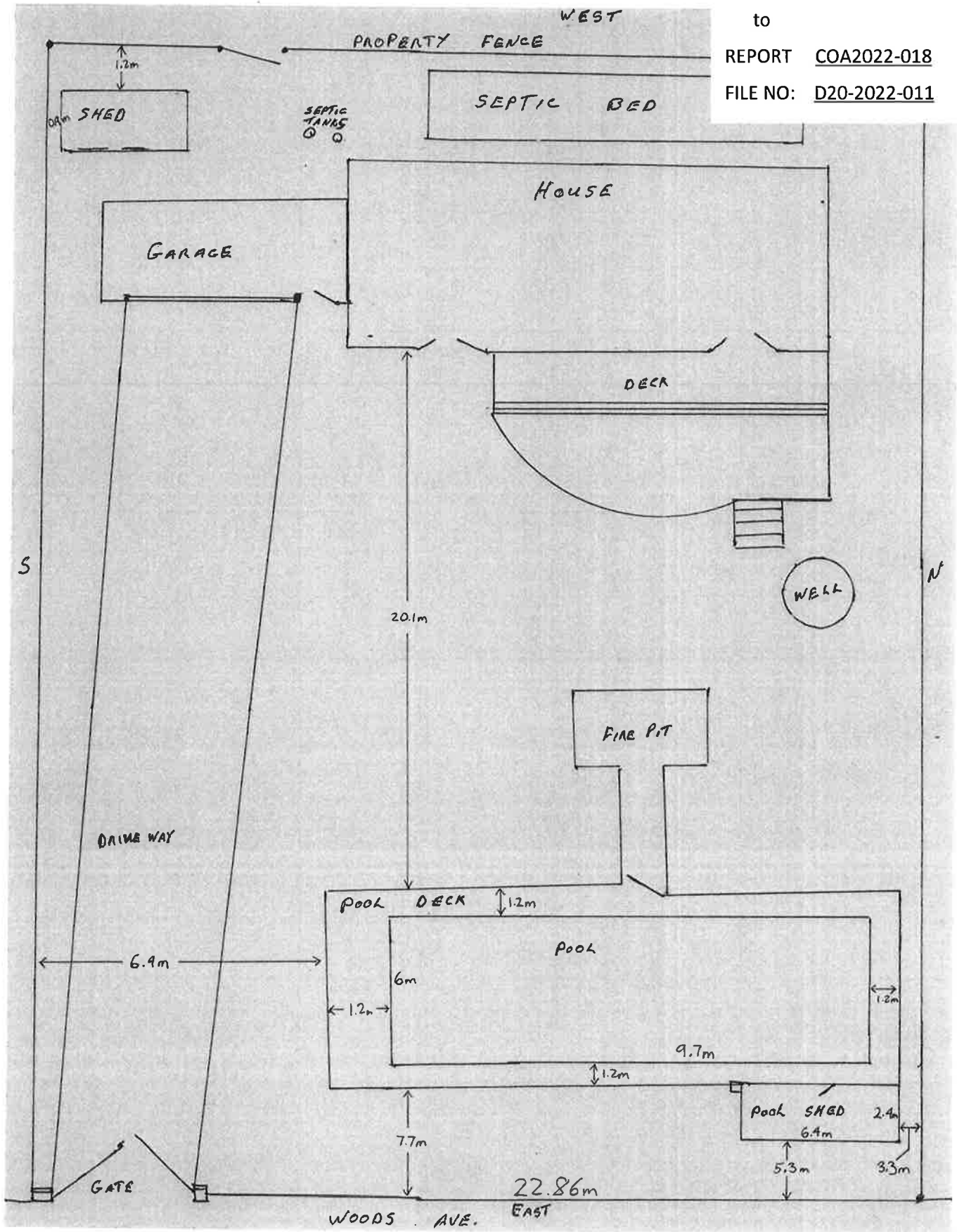
This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " B "
to
REPORT COA2022-018
FILE NO: D20-2022-011

APPENDIX " C "

to
REPORT COA2022-018
FILE NO: D20-2022-011



Charlotte Crockford

From: Mathew McKinnon
Sent: Friday, March 4, 2022 10:24 AM
To: Charlotte Crockford
Subject: Notice of Public Hearing for Minor Variances

APPENDIX D
to
REPORT COA2022-018
FILE NO. D20-2022-011

The following comments are provided from the Building & Septic Division, save and except those comments provided separately by the Supervisor of Part 8 Sewage Systems:

D20-2021-077 – Spatial could be a potential issue, development charges applicable, permit required, no other concerns

D20-2022-010 – outstanding building permit BP2017-1278, no other concerns

D20-2022-011 – outstanding building permit BPH2003-1508, permit required for pool house, no other concerns

D20-2022-012 – completion of issued permits BP2021-1621 & BP2017-0353 required, permits required for boathouse & cabin, no other concerns

D20-2022-016 – outstanding building permit BPH2013-0357, development charges applicable, permit required, no other concerns

D20-2022-017 – building permit required, completion of permit application BP2021-1620 for SDD required prior to issuance of garage permit, no other concerns

D20-2022-018 – no concerns

Mathew McKinnon

Plans Examiner

Development Services, City of Kawartha Lakes

Tel: (705) 324-9411 ext. 1273 www.kawarthalakes.ca



Please note: The Building Department 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.

David Harding

From: Mark LaHay
Sent: Friday, March 4, 2022 11:58 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20220304 D20-2022-011 - Engineering Review

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Friday, March 4, 2022 11:30 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220304 D20-2022-011 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-011
37 Woods Avenue
Lot 112, Plan 358
Geographic Township of Emily, Ward 6, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from Section 3.1.2.1 to permit an accessory building (pool shed) within the front yard and Section 12.2.1.3(a) to reduce the minimum front yard from 7.5 metres to 5.3 metres to permit said pool shed.

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



David Harding

From: Anne Elmhirst
Sent: Monday, March 7, 2022 1:42 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2022-011, 37 Woods Avenue, Emily

Hello Charlotte,

I have received and reviewed the minor variance proposal for 37 Woods Avenue to request relief for the placement of a pool in the front yard.

A site visit was conducted to review the location of the existing sewage disposal system as records were not available. Through the site evaluation, the system was observed in the rear yard of the dwelling as per the lot diagram submitted.

As such, the Building and Septic Division has no concerns with the proposed minor variance request as it relates to private 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



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.

From: Charlotte Crockford <ccrockford@kawarthalakes.ca>
Sent: Thursday, March 3, 2022 2:40 PM
To: Christina Sisson <csisson@kawarthalakes.ca>; Ron Ashmore <rashmore@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Mathew McKinnon <mmckinnon@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>
Cc: Kim Rhodes <krhodes@kawarthalakes.ca>
Subject: Notice of Public Hearing for Minor Variance D20-2022-011, 37 Woods Avenue, Emily

Good afternoon

Please find attached the Notice of Public Hearing for Minor Variance D20-2022-011 to be heard at March 17, 2022 C of A meeting.

Please respond with comments by Monday March 7, 2022 to allow Planners to include in their reports.

Many thanks

Charlotte K. Crockford

Administrative Assistant

Planning Department, City of Kawartha Lakes

705-324-9411 ext. 1231 www.kawarthalakes.ca



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