

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Allen & Marcellin-Allen
Report Number COA2022-020

Public Meeting

Meeting Date: April 21, 2022
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 6 – Geographic Township of Verulam

Subject: The purpose and effect is to request relief from the following provisions in order to recognize the location of an above-ground swimming pool, permit the construction of a deck attached to the swimming pool and permit an addition to the single detached dwelling:

Swimming Pool

1. Section 5.1.3 b) to permit the location of an above-ground swimming pool and deck not attached to the main building within the exterior side and front yards;
2. Section 5.18.2 to reduce the setback from centreline of a County Road (CR 36) from 25 metres (15 metres plus 10 metres for the exterior side yard) to 18.3 metres;
3. Section 5.18.3 to reduce the setback from the centreline of a road (Odessa Road) from 20 metres (10 metres plus 10 metres for the front yard) to 14.88 metres;
4. Section 19.2.c) (ii) to reduce the minimum exterior side yard setback from 10 metres to 3.3 metres (CR 36);
5. Section 19.2.(c) (ii) to reduce the minimum front yard setback from 10 metres to 4.88 metres (Odessa Road);

Addition to Dwelling

6. Section 19.2 (h) to increase the maximum allowable lot coverage from 10% to 12.77%.

The variance is requested at 29 Odessa Road, geographic Township of Verulam (File D20-2022-013).

Author: Leah Barrie, Manager

Signature:



Recommendations:

Resolved That Report COA2022-020 Allen & Marcellin-Allen, be received;

That minor variance application D20-2022-013 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 and elevations in Appendix D submitted as part of Report COA2022-020, which shall be attached to and form part of the Committee's Decision; and
- 2) That an opaque fence be constructed in compliance with Sections 5.15.6 Fencing and 5.19.2 Sight Triangles; and
- 3) That the building construction related to the minor variance 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 COA2022-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was deemed complete on February 4, 2022.

On review of a Building Permit application to construct a deck attached to the pool and an addition to the single detached dwelling, the deficient location and setbacks of the pool were identified.

Proposal: To recognize the location of a 55.18 sq m (594 sq ft) pool, construct a 61.13 sq m (658 sq ft) wooden deck attached to the pool, and construct a 35.95 sq m (387 sq ft) addition to the existing single detached dwelling.

Owners: David Allen and Gevona Marcellin-Allen

Legal Description: 29 Odessa Road, Part Lot 10, Concession 9, geographic Township of Verulam, City of Kawartha Lakes

Official Plan: "Rural" within the City of Kawartha Lakes Official Plan

Zone: "General Rural (A1)" Zone within the Township of Verulam
Zoning By-law 6-87

Site Size: 0.45 hectares (1.12 acres) [MPAC]

Site Servicing: Private individual well and septic system

Existing Uses: Residential

Adjacent Uses: North: CR 36, Agricultural
East: Odessa Road, Rural Residential
South: Odessa Road, Agricultural
West: Rural Residential

Rationale:

1) Are the variances minor in nature? Yes

The subject property is located east of Kenstone Beach Road and southwest of the community of Bobcaygeon in a predominantly rural neighbourhood. Though bounded by CR 36 abutting the north lot line, and a curved Odessa Road abutting the east and south lot lines, the corner lot has primary access to Odessa Road from its east lot line and secondary access to Odessa Road from the south lot line. The area is predominantly agricultural, comprised of hobby farms, agricultural operations and rural residential uses.

When evaluating the possible impacts of the variance, an assessment of environmental features, municipal functions and neighbouring properties is warranted. The site is outside of any known natural hazards; is not within 120 metres of any known key hydrological or natural heritage features of significance; is outside of the Conservation Authority's regulated areas; and is not located in a vulnerable area per the Revised Trent Source Water Protection Plan. There are no anticipated impacts on the function of the municipal rights of way with respect to access, drainage or maintenance activities. Further, there are no anticipated impacts to neighbouring properties as a result of the proposed deck and residential addition.

As such, the variances are minor in nature.

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

The proposed deck will provide an opportunity to maximize use and enjoyment of the swimming pool as well as the yard space amenity. The residential addition will offer a larger bedroom with ensuite bathroom and a new mudroom with access to the exterior side yard functioning as the traditional rear yard space.

The pool was sited and permitted for installation in the exterior side and front yards in August 2020. The pool location was understood to comply with the relevant zone provisions at that time. The location was further determined to be the most suitable

site given the topography of the lot, the presence of the dwelling, detached garage and shed, and to ensure appropriate clearances between the septic system and well serving the property. To accommodate the sewage system for sizing requirements it will need to be placed between the existing dwelling and detached garage.

Maples, spruces and a screen of Brandon cedars have been planted adjacent to CR 36 that are both hardy and deemed to be a suitable selection for a privacy hedge and wind break at maturity.

Under ideal circumstances, the regular use of the right of way would not impact residential uses on adjacent private property; and, accidents are difficult to predict. There is no guardrail within the CR 36 right of way at this location, and since the trees offer limited protection to debris or other materials (snow, salt, gravel, litter, etc.) a fence is recommended to be constructed through Condition 2 in keeping with like-scenarios at other locations along CR 36.

As such, the proposal is 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 subject property is zoned "General Rural (A1)" Zone within the Township of Verulam Zoning By-law 6-87. The provisions regulate uses, establish character and are intended to minimize land use conflicts to achieve compatibility, with primary uses holding visual prominence. On occasion established provisions do not necessarily translate well across all development scenarios and lotting patterns, i.e. residential uses on undersized agriculturally-zoned lots.

In residentially-zoned areas, coverage increases to 33% as opposed to 10%. Given the size and functional use of the lot, the modest increased coverage of 2.77% allows for sufficient landscaped open space, necessary spatial separation between services, infiltration and drainage, and is well under the maximum coverage provisions of like-functioning lots in residential zones. As an accessory structure, the pool would be required to site in an interior side or rear yard; neither are practical options given the existing constraints including road configuration.

Likewise in residentially-zoned areas, exterior side and front yards reduce to 7.5 metres as opposed to 10 metres. Centreline setbacks vary depending on road classification. As a County road, CR 36 requires a 15 metre setback (in addition to the required yard) while as a local road, Odessa Road requires a 10 metre setback (in addition to the required yard). Centreline setback provisions appear to have been written on the premise that, should a road allowance be of a non-standard width for its classification, built form will be adequately set back from it in the event the municipality decided to take a road widening. The adjacent segments of CR 36 and Odessa Road are not deficient, and widenings are not required. The existing structures (i.e. carport, residential deck and shed) encroach into their respective yards resulting in similar setbacks and have demonstrated their compatibility with surrounding uses.

As such, the variances maintain the intent and purpose of the Zoning By-law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

The subject property is designated "Rural" within the City of Kawartha Lakes Official Plan (2012). Low density residential uses, along with accessory uses are permitted within this designation.

The Transportation policies identify that in the rural areas, a right of way of 26 metres will be required. The right of way width translates to 13 metres from centreline, and CR 36 exceeds this requirement by 2 metres.

As such, the variances maintain the intent and purpose of the Official Plan.

Other Alternatives Considered:

The owners considered relocating the pool elsewhere on the property; site constraints, compromising its structural integrity and sturdiness, and exorbitant costs associated with disassembling, reassembling or possible replacement rendered the option not feasible or practical.

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:

Building and Septic Division – Building and Zoning Clerk: Building permit required for proposed addition, no other concerns.

Building and Septic Division – Supervisor of Part 8 Sewage Systems: An addition is being proposed to the residential dwelling that will increase the total daily sewage flow beyond the capacity of the existing system. The owner is pursuing a sewage system upgrade that will be located on the west side of the property. No concerns with the proposed minor variance request as it relates to private on-site sewage disposal.

Development Engineering Division – Manager: No objection.

Public Comments:

No comments received as of April 11, 2022.



Adobe Acrobat
Document

Attachments:

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

Phone: 705-324-9411 extension 1240
E-Mail: lbarrie@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-013

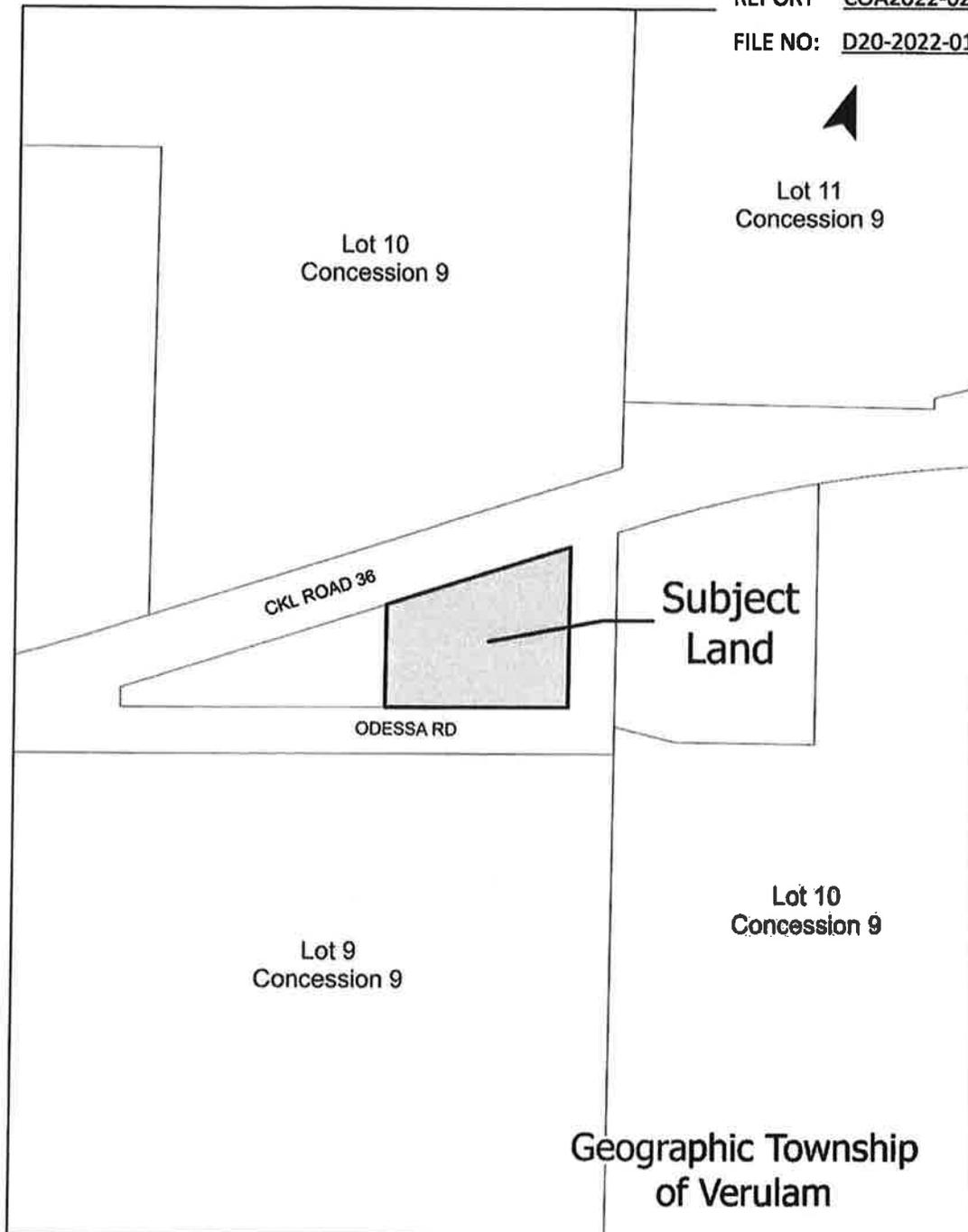
D20-2022-013

APPENDIX " A "

to

REPORT COA2022-020

FILE NO: D20-2022-013





Legend

- Property Roll Number

Notes

Notes

APPENDIX " B "

to

REPORT COA2022-020

FILE NO: D20-2022-013

0.10

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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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.

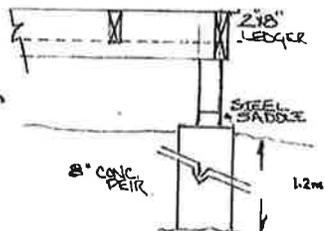
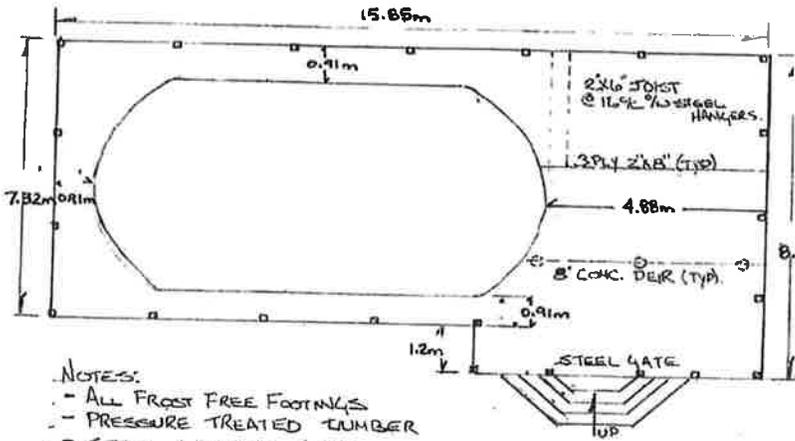
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APPENDIX " D "

to

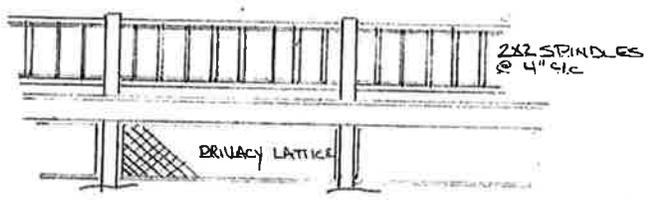
REPORT COA2022-020

FILE NO: D20-2022-013

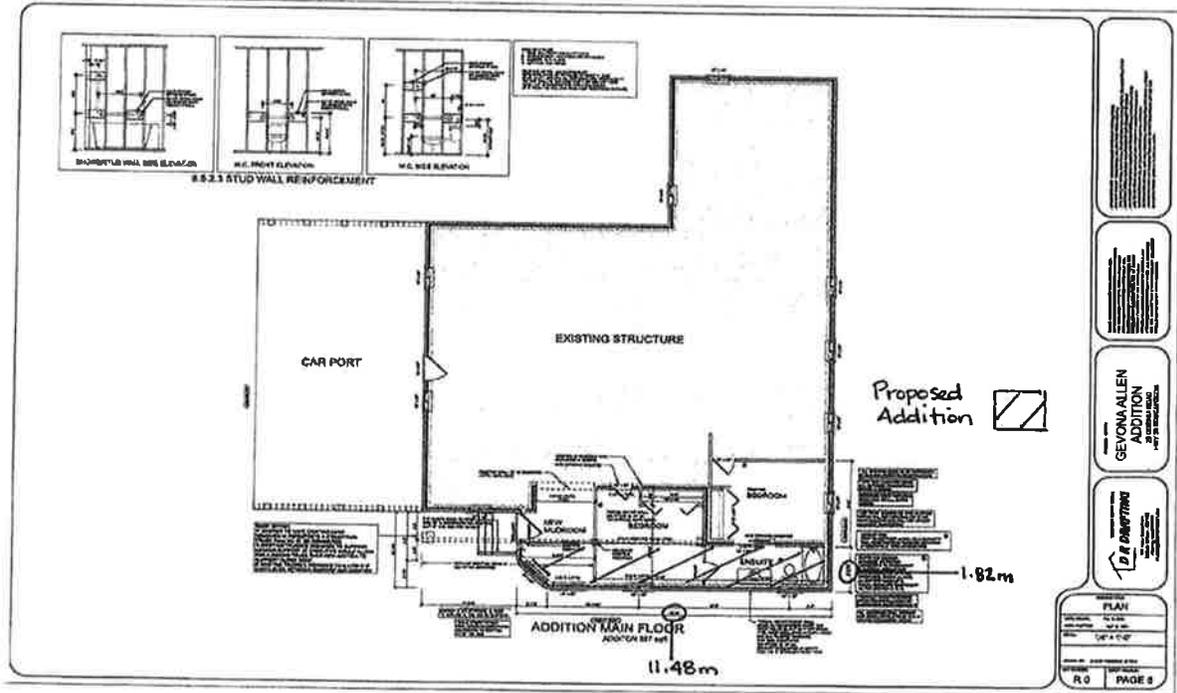


- NOTES:
- ALL FROST FREE FOOTINGS
 - PRESSURE TREATED LUMBER
 - STEEL LOCKING GATE
 - RECESS FOR HOT TUB?
 - ACCESS TO FILTER & PUMP

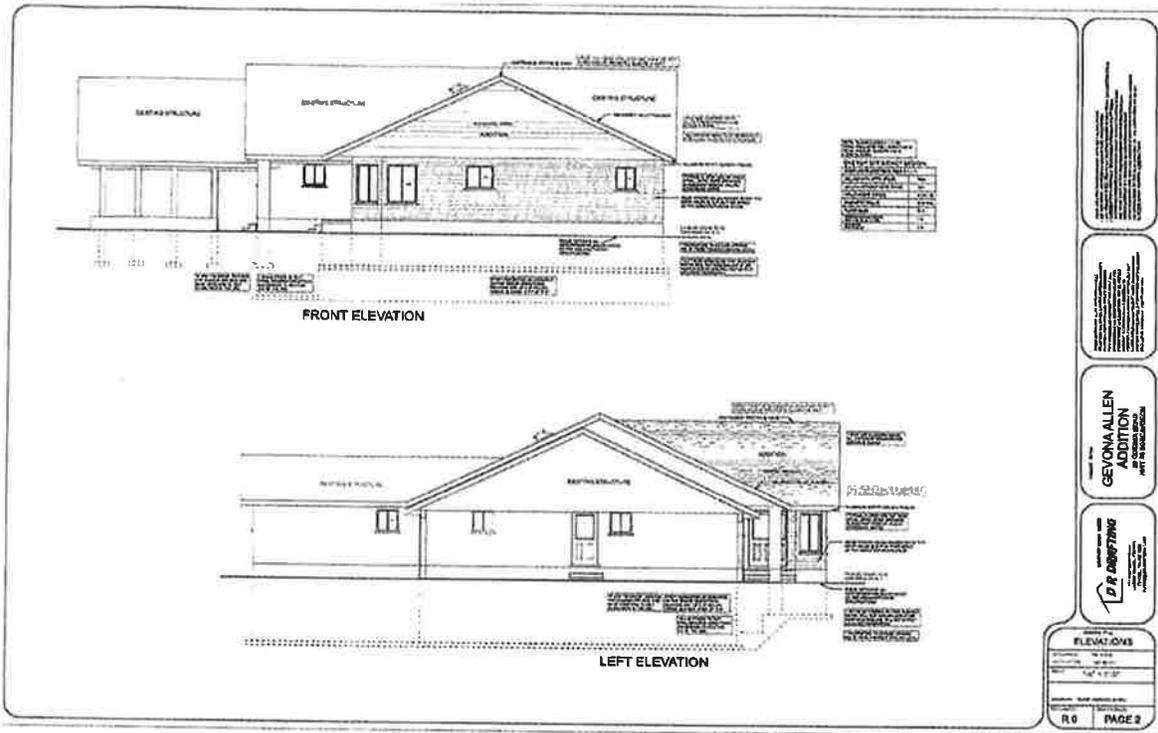
MR & MRS ALLEN (705) 313-5931



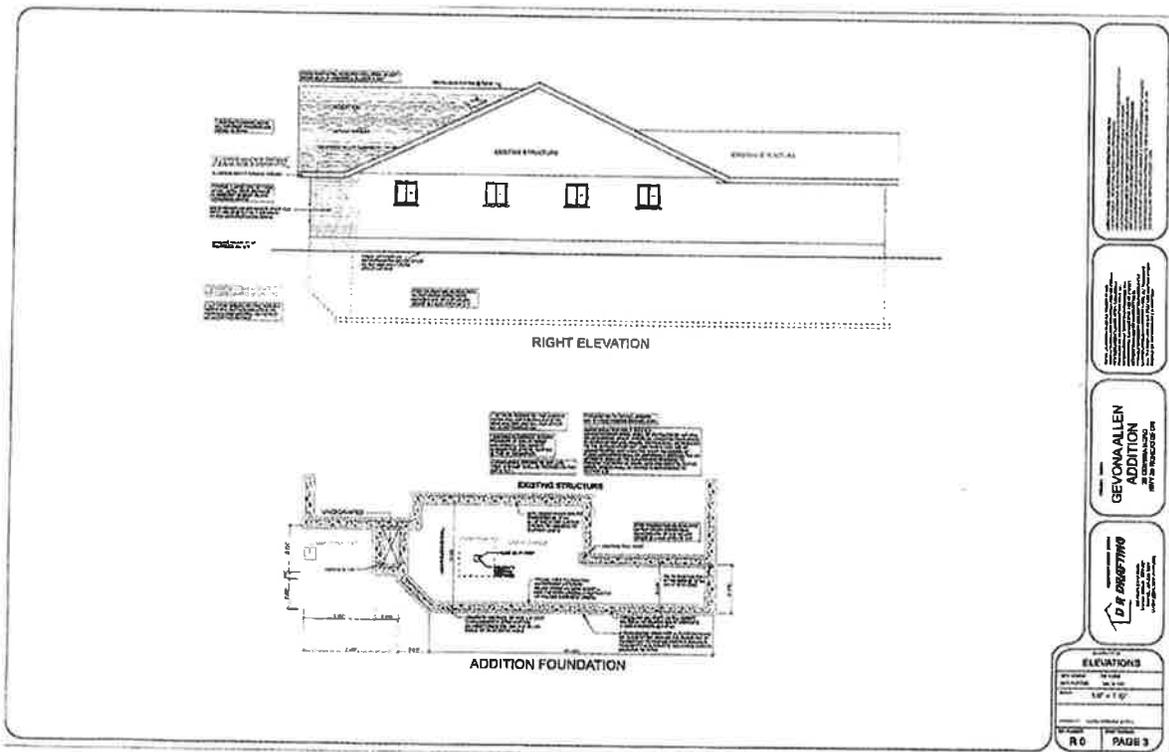
Location of Addition to Dwelling



North & East Elevations



West Elevation and Foundation Plan



APPENDIX " E " to

Kent Stainton

REPORT COA2022-020

From: Anne Elmhirst
Sent: Monday, March 7, 2022 2:17 PM
To: Charlotte Crockford
Subject: RE: Notice of Public Hearing for Minor Variance D20-2022-013, 29 Odessa Road, Verulam

FILE NO. D20-2022-013

Hello Charlotte,

I have received and reviewed the minor variance proposal for 29 Odessa Road to request relief for the setbacks associated with the construction of a pool and the associated decking. In addition, the residential dwelling is proposed to be expanded which will increase the lot coverage beyond allowable levels.

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 to be located on the west-south side of the dwelling. The pool is located on the north east side and clearance distances can be maintained. An addition is being proposed to the residential dwelling that will increase the total daily sewage flow beyond the capacity of the existing system. The owner is pursuing a sewage system upgrade that will be located on the west side of the property.

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 2:51 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 D20-2022-013, 29 Odessa Road, Verulam

Kent Stainton

From: Jamie-Lee Wiltshire
Sent: Friday, March 4, 2022 11:16 AM
To: Charlotte Crockford
Subject: FW: Notice of Public Hearing for Minor Variance D20-2022-013, 29 Odessa Road, Verulam

Hi Charlotte,

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:

D20-2022-013 – building permit required for proposed addition, no other concerns

Kind regards,

Jamie-Lee Wiltshire
Building and Zoning Clerk

City of Kawartha Lakes
Building and Septic Division
180 Kent St. W.
Lindsay, On K9V 2Y6
705-324-9411 x 1392
www.kawarthalakes.ca



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Cc: Kim Rhodes <krhodes@kawarthalakes.ca>
Subject: Notice of Public Hearing for Minor Variance D20-2022-013, 29 Odessa Road, Verulam

Good afternoon

Kent Stainton

From: Mark LaHay
Sent: Friday, March 4, 2022 11:57 AM
To: David Harding; Kent Stainton
Cc: Charlotte Crockford
Subject: FW: 20220304 D20-2022-013 - Engineering Review

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Friday, March 4, 2022 11:27 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <cssisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220304 D20-2022-013 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-013
29 Odessa Road
Part Lot 10, Concession 9
Geographic Township of Verulam, 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 the following provisions in order to acknowledge the location of an above-ground swimming pool and permit an addition to the single detached dwelling:

Swimming Pool

1. Section 5.1.3 b) to permit the location of an above-ground swimming pool and deck not attached to the main building within the front yard;
2. Section 5.18.2 to reduce the setback from centreline of a County Road (City of Kawartha Lakes Road 36) from 25 metres (15 metres plus the 10 metres for the front yard) to 18.3 metres (3.3 metres + 15 metres) from the centreline of the road;
3. Section 5.18.3 to reduce the setback from the centreline of a road (Odessa Road) from 20 metres (10 metres plus the 10 metres for the front yard) to 14.88 metres (4.88 metres + 10 metres);
4. Section 19.2.c)(ii) to reduce the minimum front yard setback from 10 metres to 3.3 metres (City of Kawartha Lakes Road 36) required;
5. Section 19.2.c)(ii) to reduce the minimum front yard setback from 10 metres to 4.88 metres (Odessa Road);

Addition to Dwelling

6. Section 19.2 (h) to increase the maximum allowable lot coverage from 10% of the lot area to 12.77%.

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.