

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – McIlroy

Report Number COA2022-025

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 Section 5.18.3 to reduce the street centreline setback from 17.5 metres to 10.5 metres along Alfred Street and to 10.3 metres along Silver Birch Street in order to permit the construction of a single detached dwelling.

The variances are requested at 4 Alfred Street and 42 Silver Birch Street, geographic Township of Verulam (File D20-2022-014).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2022-025 McIlroy, be received;

That minor variance application D20-2022-014 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 COA2022-025, 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 COA2022-025. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The property is comprised of two consolidated lots, each with a municipal address. 4 Alfred Street (Lot 36, Plan 125) has a derelict single detached dwelling that is proposed to be demolished, and 42 Silver Birch Street (Lot 35, Plan 125) is vacant. The lots were one of many subject to deeming by-law 16-92, passed in 1992. This application was last amended March 28, 2022.

Proposal: To demolish the existing single detached dwelling and construct a new single detached dwelling.

Owners: Nuala and Donald McIlroy

Applicant: Kevin Duguay – Kevin M. Duguay Community Planning and Consulting Inc.

Legal Description: Lots 35 and 36, Plan 125, geographic Township of Verulam

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

Zone: Residential Type One (R1) Zone within the Township of Verulam Zoning By-law 6-87

Site Size: 1,278.4 square metres (13,760.6 square feet)

Site Servicing: Private individual well and septic system

Existing Uses: Residential

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

Rationale:

1) Are the variances minor in nature? Yes

The subject property is a corner backlot within the shoreline residential community of Greenhurst-Thurstonia. Greenhurst-Thurstonia is distinctly unique in its lot and road composition. The lots are very modest in frontage and depth for privately serviced properties, and the road allowances are narrow. Most of the lots within the immediate area are around 590 square metres (0.15 acre), though there is one lot that is about 2,387 square metres (0.59 acre). The owner has acquired two lots for their development proposal. Silver Birch Road and Alfred Street are each 6.04 metres wide. Given the lot and road fabric of the community, the built form developed close to the lot lines.

The proposed built form proposes yard depths from the south and east lot lines similar to or greater than the yard depths established by the other dwellings in the surrounding area. Therefore, no adverse impacts to neighbourhood character are anticipated.

The variances are minor in nature.

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

The subject property is located at the intersection of Albert Street and Silver Birch Street. The variances, if granted, will facilitate the construction of a dwelling on the east side of the lot, close to the intersection and facing Silver Birch Street. This placement will allow for the siting of a sewage system within the rear yard. The proximity of wells on nearby lots prevents a reverse configuration. A reverse configuration, were it possible, would not have maintained as much rear yard as private amenity space. The current proposal maximizes the amount of private rear yard space and minimizes the depth of the more exposed, less private front and exterior side yards.

Due to the above analysis, the variances are 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 Residential One (R1) Zone within the Township of Verulam Zoning By-law 6-87. The R1 Zone permits a single detached dwelling, park, and related accessory uses. The proposal complies with the R1 Zone provisions.

The General Provisions contains provisions establishing minimum setbacks from the centre of a road allowance. The street centreline setback, as it is called, varies depending on the classification of road. The higher the classification (more major the road), the greater the setback. These setbacks are in addition to the yard requirements applied to lot lines. The street centreline setback appears 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.

Local roads would typically be 20 metres wide, and the by-law identifies this requirement for the roads abutting the subject property. However, Greenhurst-Thurstonia is distinctly unique in its lot and road composition. For privately serviced properties, the lots are very modest in frontage and depth. The road allowances are also narrow. Given the lot and road fabric of the community, the built form developed close to the lot lines. As a result, little to none of the built form observed in the immediate area and within the greater community complies with the street centreline setback. It is unlikely the municipality would pursue road widenings within the community given the further reduction such widenings would have to lot sizes, and due to the fact that there are buildings and structures within the street centreline setback area.

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, such as single detached dwellings, are anticipated within this designation. A single detached dwelling is proposed.

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 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:

Development Engineering Division (April 7, 2022): No concerns.

Building and Septic Division – Plans Examiner (April 7, 2022): Demolition permit required. Building permit required. Entrance permit may be required.

Community Services Department (April 7, 2022): No concerns

Building and Septic Division – Supervisor Part 8 Sewage Systems (March 3, 2022): No concerns. Sewage system permit SS22019-0031 has been submitted for review.

Public Comments:

No comments received as of April 12, 2022.

Attachments:



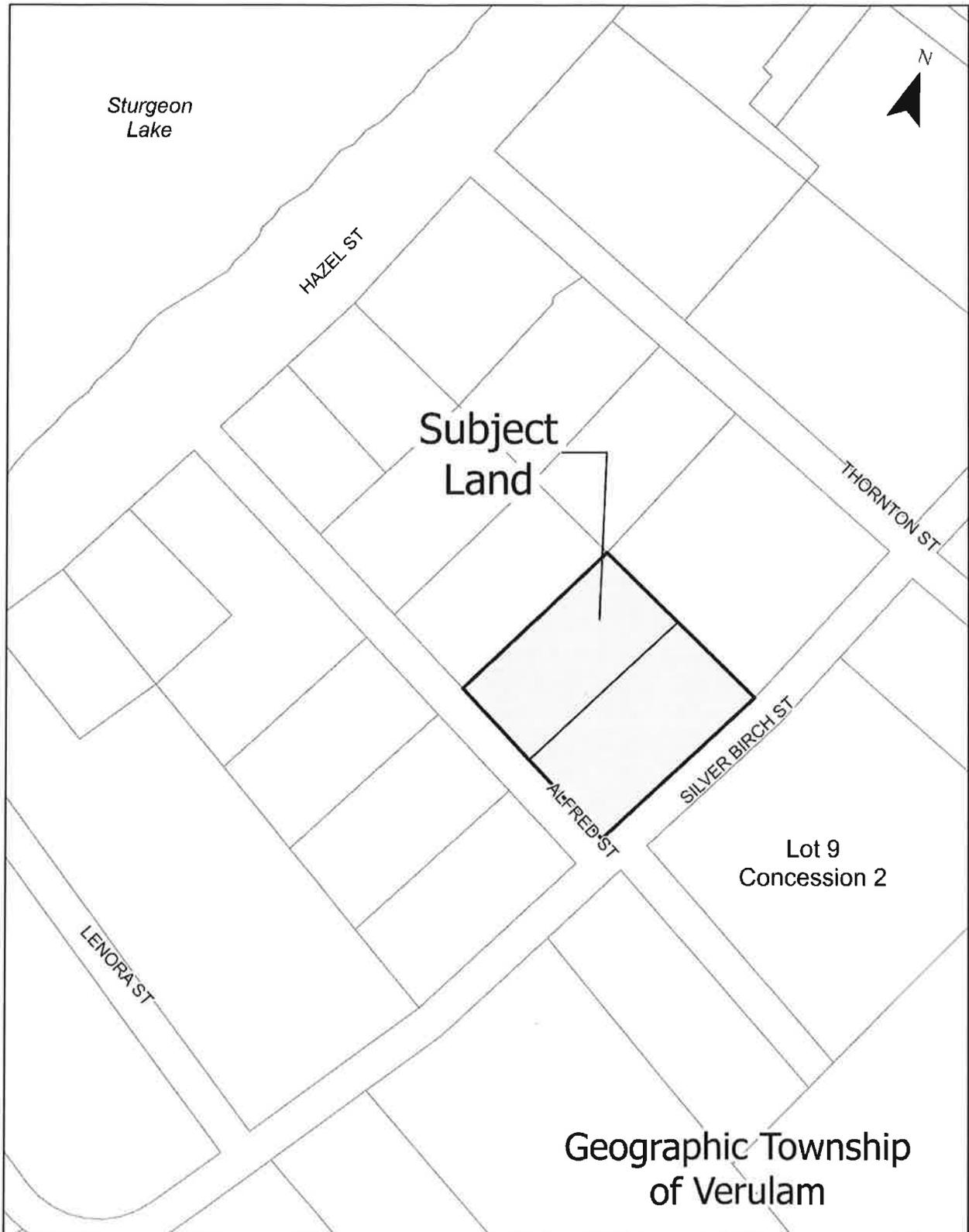
Appendices A-E to
COA2022-025

- 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 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Director of Development Services
Department File: D20-2022-014

to

D20-2022-014



4 Alfred Street, geographic Twp. of Verulam



0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

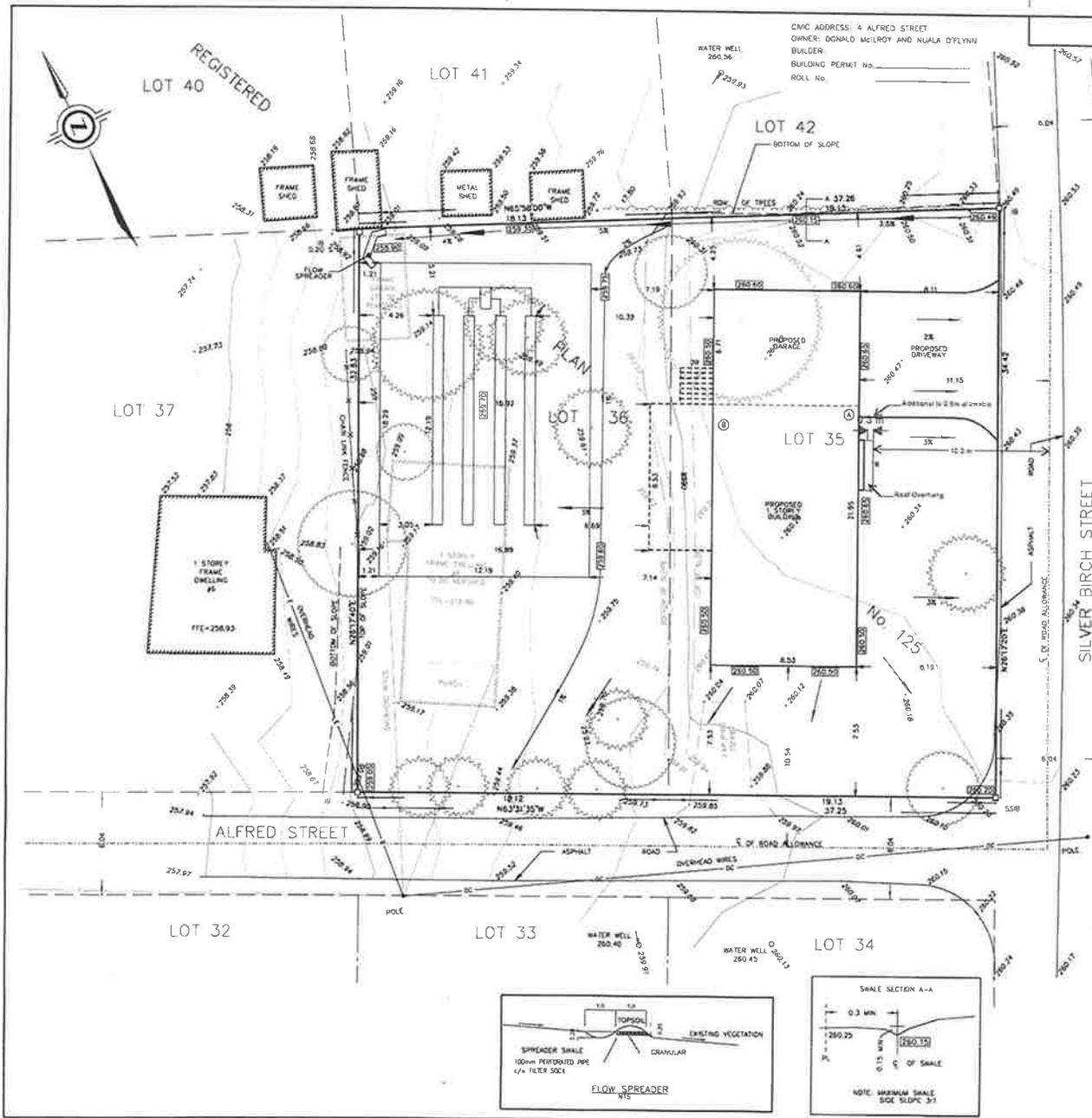


This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

REPORT COA2022-025
FILE NO: D20-2022-014

APPENDIX " B "



FOR CONSTRUCTION PURPOSES ONLY

**SITE GRADING PLAN OF
LOTS 35 AND 36
REGISTERED PLAN No. 125**
GEOGRAPHIC TOWNSHIP OF VERULAM
CITY OF KAWARTHA LAKES

SCALE 1 : 150
0 10 metres

COE FISHER CAMERON, A DIVISION OF J.D. BARNES LIMITED
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METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND:

- ⊕ - FOUND SURVEY MONUMENT
- ⊙ - STANDARD IRON BAR
- ⊖ - IRON BAR
- SSIB - SHORT STANDARD IRON BAR
- 250.507 - PROPOSED ELEVATION
- 319.34 - ORIGINAL GROUND
- SLOPE
- SWALE
- - SET SURVEY MONUMENT
- F.F.E. - FIRST FLOOR ELEVATION
- T.B.W. - TOP OF BASEMENT WALL
- T.B.S. - TOP OF BASEMENT SLAB
- T.C.S. - TOP OF GARAGE SLAB
- T.O.W. - TOP OF GARAGE WALL
- U.F. - UNDERSIDE OF FOOTING
- HP - HIGH POINT

GENERAL NOTES:

1. DRAINAGE SHALL BE SELF-CONTAINED ON SITE BY THE CONSTRUCTION OF SWALES OR DRAIN TO A PROTECTED OUTLET. DRAINAGE SHALL NOT IMPACT ADJACENT PROPERTIES.
2. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT MOVATION OF SOIL AND SEDIMENT FROM THE SUBJECT LOT TO ANY ADJACENT LOT, INCLUDING MUNICIPAL RIGHT-OF-WAY. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT SOIL AND SEDIMENT LAIDEN SURFACE WATER DOES NOT ENTER ANY WATERCOURSES OR ENVIRONMENTALLY SENSITIVE AREA, EITHER OVERLAND OR THROUGH THE STORM DRAINAGE SYSTEM. THE OWNER/BUILDER SHALL COMPLY WITH ALL DIRECTIVES ISSUED BY ANY OF THE ENVIRONMENTAL AGENCIES.
3. INTERIM GRADING MEASURES MAY BE REQUIRED DURING BUILDING CONSTRUCTION TO ENSURE THAT DRAINAGE DOES NOT ADVERSELY AFFECT THE NEIGHBOURING PROPERTIES. ROUGH GRADING OF THE PROPERTY SHALL BE COMPLETED SUCH THAT DRAINAGE IS CONTAINED ON SITE OR CONTROLLED TO A PROTECTED OUTLET.
4. ALL DOWNSPOUTS AND OTHER DRAINAGE DISCHARGE POINTS SHALL DISCHARGE ONTO A SPLASH PAD OR APPROVED EQUIVALENT.
5. THE OWNER/BUILDER IS RESPONSIBLE FOR OBTAINING UTILITY AND SERVICES LOCATES PRIOR TO ANY WORKS.
6. ALL DISTURBED AREAS ARE TO BE SOODED OR SEEDED OVER A MINIMUM OF 15MM OF TOPSOIL OR APPROVED EQUIVALENT.
7. THE OWNER/BUILDER MUST OBTAIN A ROAD OCCUPANCY PERMIT FROM PUBLIC WORKS PRIOR TO ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE.
8. A COPY OF THE REVIEWED BY ENGINEER LOT GRADING AND DRAINAGE PLAN IS TO BE ON SITE FOR REFERENCE AT ALL TIMES DURING CONSTRUCTION.
9. BUILDER TO ENSURE MINIMUM OVERBURDEN FOR FROST PROTECTION ON FOOTINGS.
10. SWALES WITH LESS THAN 2% SLOPE HAVE POTENTIAL FOR PONDING WATER.
11. FOUNDATION TO BE STEPPED FROM REAR WALKOUT AROUND SIDES OF HOME. NO ELEVATIONS WILL BE LESS THAN 0.15M BETWEEN GROUND AND T.B.W.

ZONING	RR3	F.F.E.	262.16
LOT AREA	1252.91 SQ. m.	A T.B.W.	260.90
BUILDING AREA	197.20 SQ. m.	B T.B.W.	261.86
		T.B.S.	259.49
		T.C.S.	260.65
		U.F.	259.19

No.	DATE	DESCRIPTION
REVISIONS		
SHEET 1		

ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE GEODETIC OR ARE REFERRED TO THE TOP OF WATER WELL HAVING AN ELEVATION OF 260.40m (CGVD88-1978)

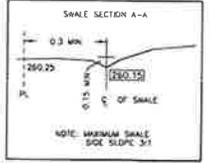
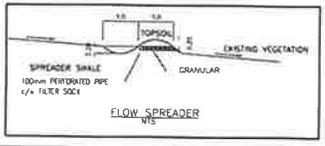
April 27, 2021
DATED:

COE FISHER CAMERON
A wholly owned subsidiary
255 KENT STREET WEST, #7
T: (705) 224-4152 F: (705) 324-4152

DRAWN BY:	RMW	CHECKED BY:	G.C.M.
FILE:	S:\17-17-2021\17-256-02.dwg		

REPORT COA2022-025
FILE NO: D20-2022-014

APPENDIX " C "

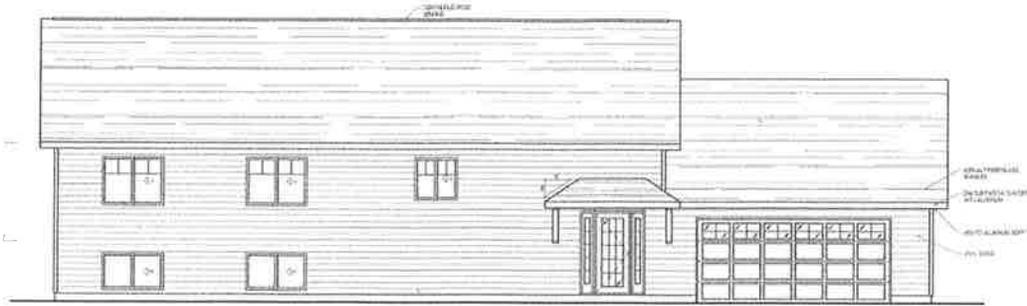


APPENDIX " D "

to

REPORT COA2022-025

FILE NO: D20-2022-014



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION



NORTH-EAST ELEVATION



SOUTH-WEST ELEVATION

David Harding

From: Anne Elmhirst
Sent: Thursday, March 3, 2022 4:11 PM
To: Charlotte Crockford
Subject: D20-2022-014 - 4 Alfred St

APPENDIX E
to
REPORT COA2022-025
FILE NO. D20-2022-014

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Charlotte,

I have received and reviewed the application for minor variance D20-2022-014 for 4 Alfred Street to accommodate the construction of a new dwelling.

An application for a sewage system permit has been submitted for review under file SS22019-0031. The application incorporates a proposal for a new sewage system to service a new dwelling. The property has been evaluated for the placement of the sewage system and it has been determined that there is adequate space for this proposal. Based on the minor variance submission, the proposal is consistent with the sewage system submission.

As such, the Building and Septic Division has no issues 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.

David Harding

From: Mathew McKinnon
Sent: Thursday, April 7, 2022 9:29 AM
To: Nancy Ord
Cc: Susanne Murchison
Subject: RE: Committee of Adjustment Notice of Public Hearing for Minor Variance D20-2022-014, 4 Alfred Street, Verulam

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:

- Building permit required, demolition permit required, entrance permit may be required, no other concerns

Mathew McKinnon

Plans Examiner

Development Services, City of Kawartha Lakes

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



From: Nancy Ord <nord@kawarthalakes.ca>

Sent: Tuesday, April 5, 2022 12:12 PM

To: Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Ron Ashmore <rashmore@kawarthalakes.ca>; Susanne Murchison <smurchison@kawarthalakes.ca>; Mathew McKinnon <mmckinnon@kawarthalakes.ca>; Anne Elmhirst <aelmhirst@kawarthalakes.ca>

Cc: David Harding <dharding@kawarthalakes.ca>; Charlotte Crockford <ccrockford@kawarthalakes.ca>

Subject: Committee of Adjustment Notice of Public Hearing for Minor Variance D20-2022-014, 4 Alfred Street, Verulam

Please find attached the Notice of Public Meeting for Minor Variance Application D20-2022-014, with application and sketch, to be heard at the April 21, 2022 Committee of Adjustment hearing. (Attached as well is the April 7, 2022 Ad which includes other applications to be heard by the Committee on April 21, 2022).

Thank you and **please respond with comments by Monday, April 11, 2022** to allow Planners to include your comments in their reports.

Nancy H. Ord

Administrative Assistant

Planning Department, City of Kawartha Lakes

705-324-9411 www.kawarthalakes.ca

Staff Memo

LeAnn Donnelly, Executive Assistant, Community Services

Date: April 6, 2022
To: Committee of Adjustment
From: LeAnn Donnelly, Executive Assistant, Community Services
Re: Minor Variance – Various Applications

This memorandum confirms receipt of various applications to the Community Services Department and is intended to advise that our Department has no comments or concerns to offer the Committee with respect to the following minor variance applications:

D20-2022-004	43 Chemongview Street, Emily
D20-2022-014	4 Alfred Street, Verulam
D20-2022-015	19 Royal Estate Drive, Manvers
D20-2022-020	50 River Bend Drive, Somerville
D20-2022-021	31 Logie Street, Lindsay
D20-2022-022	5 Homestead Road, Manvers

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services
705-324-9411 ext. 1300

David Harding

From: Mark LaHay
Sent: Thursday, April 7, 2022 3:49 PM
To: David Harding
Cc: Nancy Ord; Charlotte Crockford
Subject: FW: 20220407 D20-2022-014 - Engineering Review

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Thursday, April 7, 2022 3:30 PM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220407 D20-2022-014 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-014
4 Alfred Street
Lot 36, Plan 125, Part Lot 9, Concession 2
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 Section 5.18.3 to reduce the street centreline setback from 17.5 metres to 10.5 metres along Alfred Street and to 10.3 metres along Silver Birch Street in order to permit the construction of a single detached dwelling.

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