

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Hewkin

Report Number COA2022-028

Public Meeting

Meeting Date: April 21, 2022

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 the following provisions in order to construct an addition to the single detached dwelling, and permit the construction of an additional residential unit (ARU) in a portion of the addition:

1. Section 13.2(c) to reduce the minimum front yard from 15 metres to 13.7 metres,
2. Section 13.2(e) to reduce the minimum flankage yard from 15 metres to 7.1 metres; and
3. Section 5.31(iv) to reduce the minimum lot area for an ARU from 4,000 square metres to 3,300 square metres.

The variances are requested at 5 Homestead Road, geographic Township of Manvers (File D20-2022-022).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2022-028 Hewkin, be received;

That minor variance application D20-2022-022 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 generally in accordance with the elevations in Appendix D submitted as part of Report COA2022-028, 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 COA2022-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: This application was deemed complete March 22, 2022.

Proposal: To permit an addition to a single detached dwelling, and to permit an additional residential unit (ARU) within a portion of the addition.

The addition will contain living space for the primary dwelling unit, combine and expand an existing detached garage into larger garage space, and include ARU over a portion of the expanded attached garage.

Owner: Lori Hewkin

Legal Description: Lot 3, Plan M-721, geographic Township of Manvers

Official Plan: Rural Settlement within the Oak Ridges Moraine Policy Area

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

Site Size: 3,300 square metres (0.82 acre)

Site Servicing: Private individual well and sewage system

Existing Uses: Residential

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

Rationale:

1) Are the variances minor in nature? Yes

The subject property is located within a residential subdivision in the eastern portion of the community of Pontypool. The subdivision is of an estate residential nature as it is characterized by rectangular-shaped lots where there is a greater degree of spatial separation between the single detached dwellings. The dwellings are buffered from one another by trees, lawn, or garden. Also, the road contains no sidewalks or curbs.

The property is a corner lot, being bordered on the south and east sides by Homestead Road. The existing dwelling is located closer to the south and west lot lines, with its well in the front yard and sewage system in the rear yard. There is a detached garage, carport, and storage canopy to the east. The garage will be incorporated into the new addition and the car port and canopy will be removed.

The addition is proposed in a L-shape configuration to the east of the dwelling. The portion of the addition the furthest east will also be in-line with the south wall of the existing dwelling. Relief from the minimum front yard is sought due to the curvature of the lot where Homestead Road bends. As the built form is proposed to be in-line with the front wall of the existing dwelling, no adverse impacts to the character of the western segment of Homestead Road are anticipated.

The northern segment of Homestead Road that runs to the east of the property up to Pontypool Road is relatively short. There are two lots that border each side of the road. There are no dwellings on the west side of this segment facing Homestead Road. Of the two dwellings on the east side of this segment, only one faces Homestead Road. Flankage yards are side yards which face a road. Flankage yards make up two of the three yards that abut the northern segment. The flankage yards are characterized by vegetative buffers to provide privacy and built form closer to the road. The vegetation along the east lot line of the subject property is proposed to be maintained. The projection of built form into the flankage yard is not anticipated to adversely impact the character of the northern segment of Homestead Road.

The existing dwelling is proposed to be enlarged. The lot is sufficiently sized to absorb the larger built form.

The variances are minor in nature.

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

The addition proposes to repurpose and reorganize a portion of the lot used primarily for covered and outdoor storage.

The addition will provide additional garage space, storage space, living space for the primary dwelling and add secondary living space in the form of an ARU. A small addition to the primary dwelling will link it to the existing detached garage so that it becomes an attached garage. The garage will be expanded east and west to provide additional storage opportunity for the items currently kept on the property. The ARU is primarily proposed above part of the expanded garage. ARU access will be provided via a stairway and foyer on the first floor of the expanded garage.

The expansion provides increased utilisation of the property and ensures minimal disruption to the yards of the abutting residential lots to the north and west that contain residential uses.

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

As noted in test 1, the by-law provisions assist in maintaining an estate residential character to the neighbourhood through larger lot sizes and greater yard setbacks. These greater setbacks provide greater spatial separation to buffer the dwellings from one another.

The by-law establishes a maximum lot coverage of 25% for privately serviced property. This requirement further indicates that the intent of the by-law is to create a neighbourhood where it is the landscape rather than the built form that is to be most prominent. The dwelling will remain well under the maximum coverage, proposing about 8%. This coverage in conjunction with the minimal impacts to the existing vegetative buffers to the east lot line ensures character is maintained.

Part of the intent of a front yard and flankage yard setback is to ensure sufficient spatial separation is maintained for sightlines on abutting front yards. In this case, there are no abutting front yards on the north segment of Homestead Road, and the built form to the north at number 80 is closer to the road. As a result, there is no need to maintain a greater flankage yard for sightline purposes. The built form along the west portion of the road remains well back from the corner of the intersection, and is in-line with the existing built form on the lot. Sightlines nor character are anticipated to be impacted by the reduction.

The minimum lot size listed for an ARU identifies a lot size where the ability to support an ARU on private services is likely. Lots under this threshold require a review to determine the appropriateness of the lot to support an ARU. The Building and Septic Division has determined that there is sufficient space on the property to construct a new sewage system that can support the proposal.

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 addition enhances the residential function of the property.

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 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:

Ministry of Transportation (April 6, 2022): No concerns.

Building and Septic Division – Plans Examiner (April 7, 2022): No concerns.

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

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

Building and Septic Division – Supervisor Part 8 Sewage Systems (April 13, 2022): No concerns. A replacement system can be installed to accommodate the proposal.

Public Comments:

No comments as of April 12, 2022.

Attachments:



Appendices A-E to
COA2022-028

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

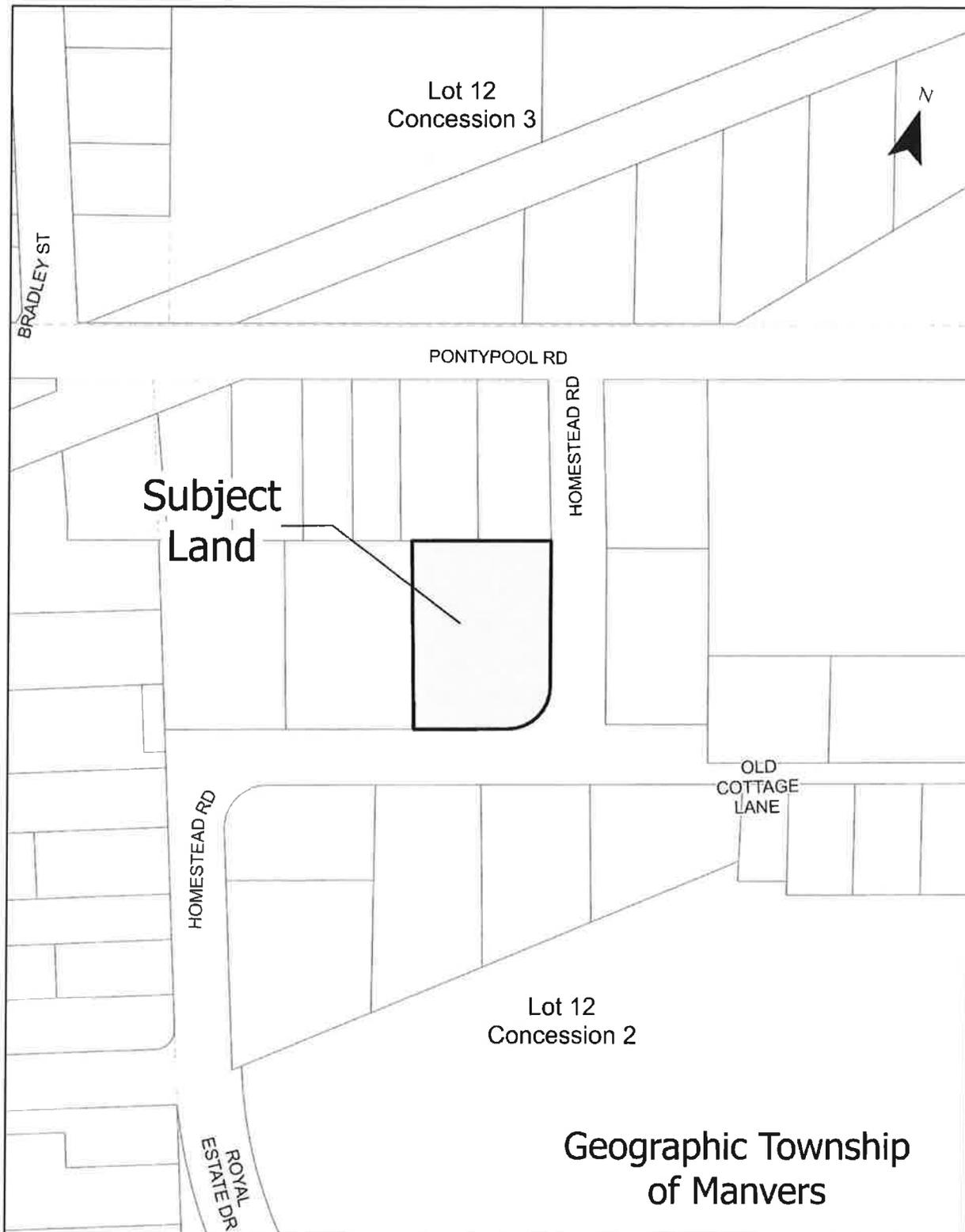
Department File: D20-2022-022

to

REPORT COA2022-028

FILE NO: D20-2022-022

D20-2022-022



43 Chemongview Street, geographic Twp. of Emily



0.11 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

APPENDIX " B "
to
REPORT COA2022-028
FILE NO: D20-2022-022

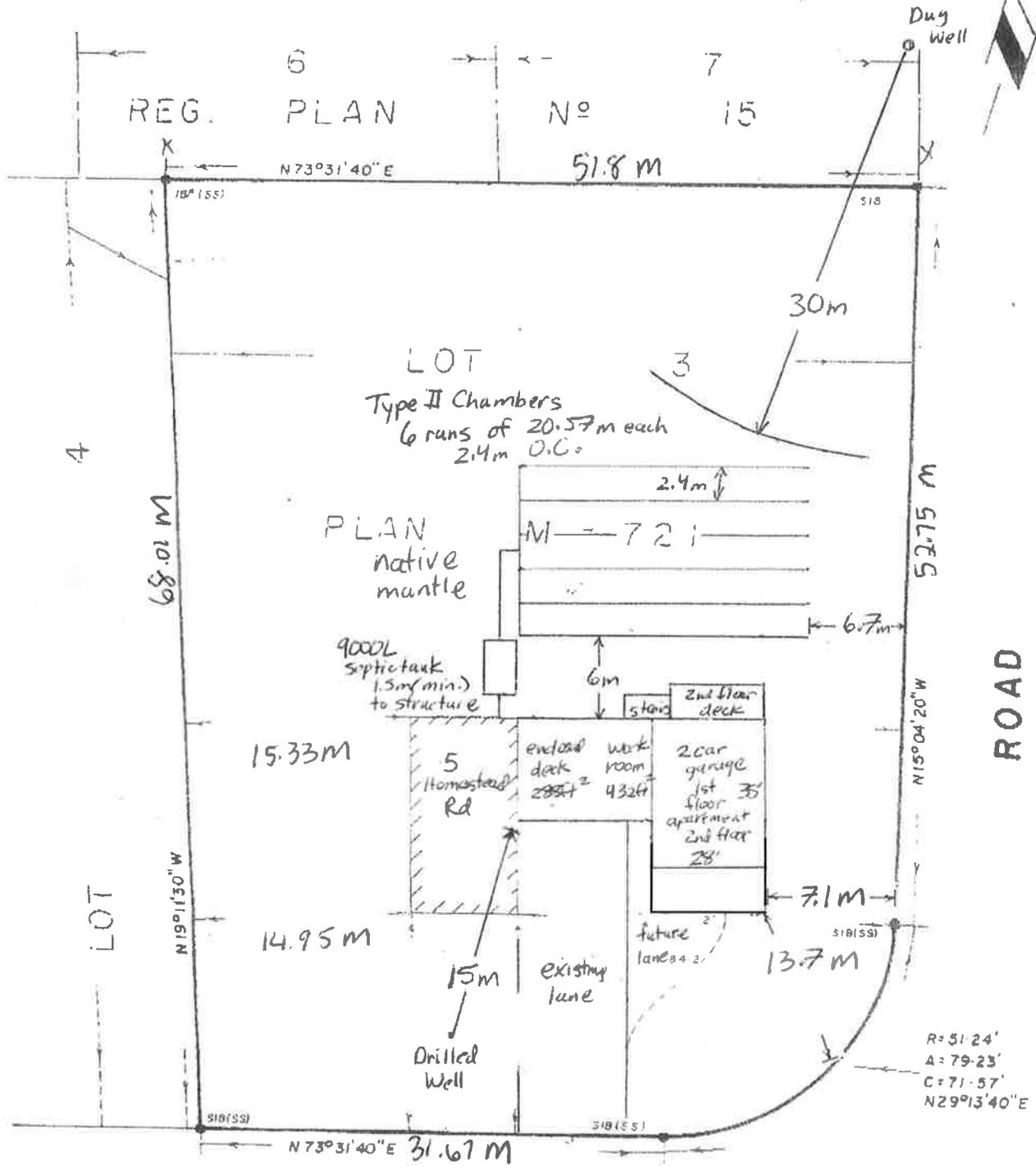
APPENDIX " C "

to

REPORT COA2022-028

FILE NO: D20-2022-022

COUNTY OF VICTORIA
(FORMERLY COUNTY OF DURHAM)
SCALE



HOMESTEAD

SURVEYOR'S CERTIFICATE

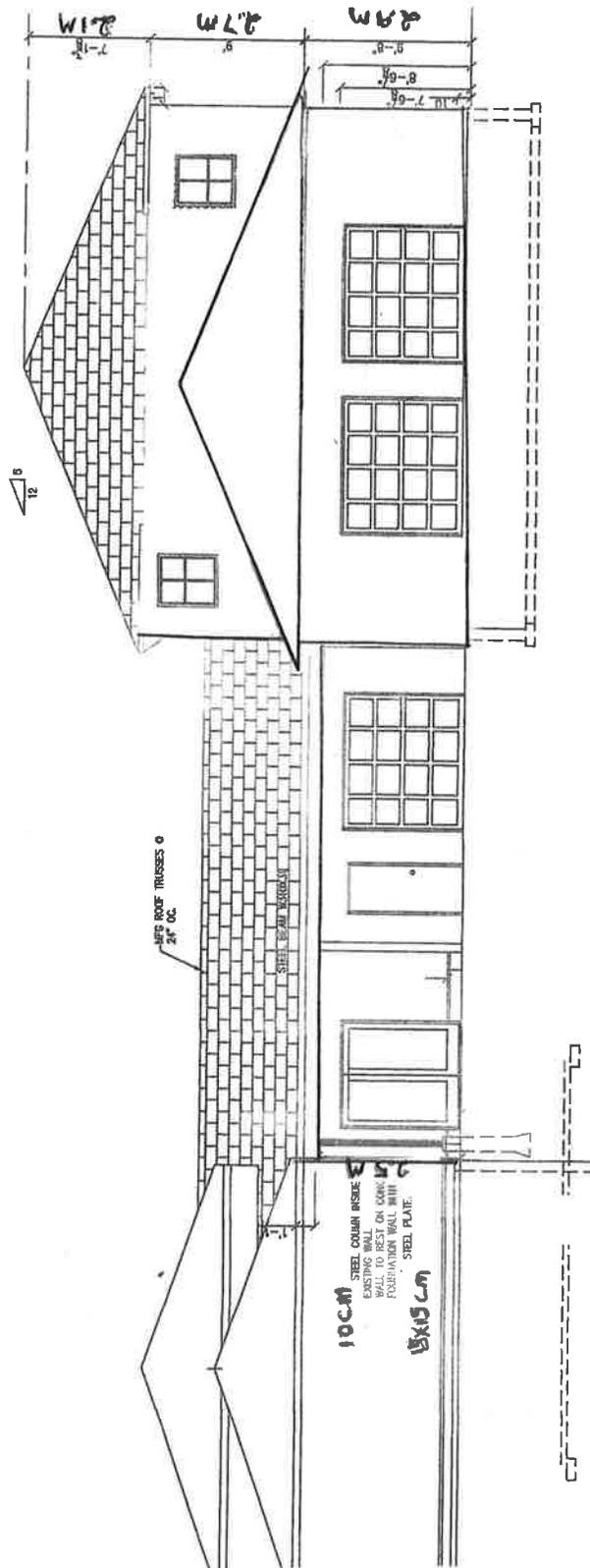
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APPENDIX " D "

to

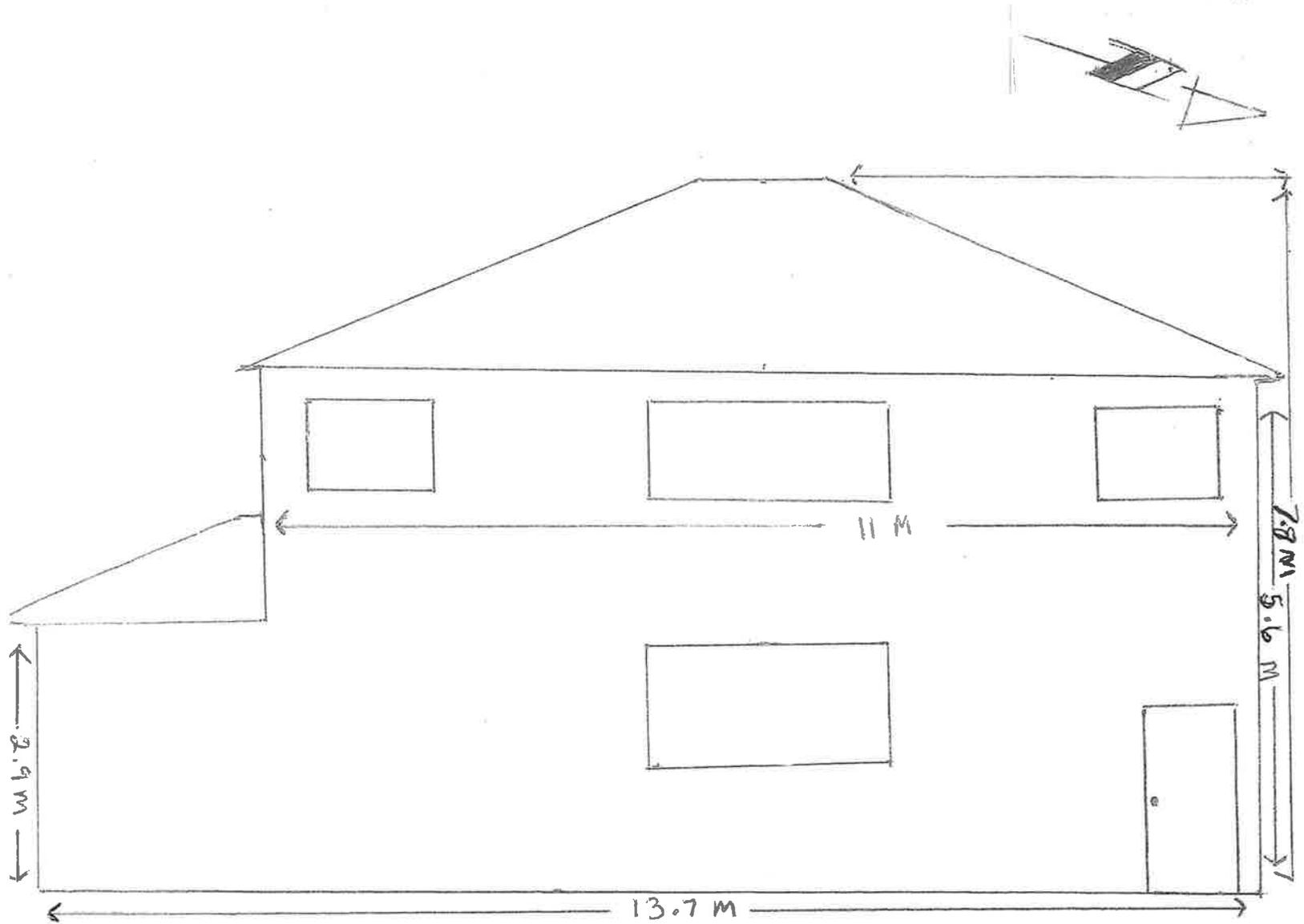
REPORT COA2022-028

FILE NO: D20-2022-022



PRELIMINARY design

SIDE VIEW (FROM THE EAST) OF NENGARAGE & ARU



David Harding

From: Mark LaHay
Sent: Thursday, April 7, 2022 3:47 PM
To: David Harding
Cc: Nancy Ord; Charlotte Crockford
Subject: FW: 20220407 D20-2022-022 - Engineering Review

APPENDIX E
to
REPORT COA2022-028
FILE NO. D20-2022-022

FYI - file

From: Lisa Peimann <lpeimann@kawarthalakes.ca>
Sent: Thursday, April 7, 2022 9:43 AM
To: Mark LaHay <MLaHay@kawarthalakes.ca>
Cc: Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>
Subject: 20220407 D20-2022-022 - Engineering Review

Please see the message below from Christina Sisson:

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

Minor Variance – D20-2022-022
5 Homestead Road
Lot 3, Plan M-721
Geographic Township of Manvers, Ward 8, 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 construct an addition to the single detached dwelling, and permit the construction of an additional residential unit (ARU) in a portion of the addition:

1. Section 13.2(c) to reduce the minimum front yard from 15 metres to 13.7 metres;
2. Section 13.2(e) to reduce the minimum flankage yard from 15 metres to 7.1 metres; and
3. Section 2.31(iv) to reduce the minimum lot area for an ARU from 4,000 square metres to 3,300 square metres

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

David Harding

From: Mathew McKinnon
Sent: Thursday, April 7, 2022 10:23 AM
To: Nancy Ord
Cc: Susanne Murchison
Subject: RE: Committee of Adjustment Notice of Public Hearing for Minor Variance Application D20-2022-022, 5 Homestead Road, Manvers

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, 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 2:32 PM
To: Christina Sisson <csisson@kawarthalakes.ca>; Kim Rhodes <krhodes@kawarthalakes.ca>; Tracy Richardson <trichardson@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 Application D20-2022-022, 5 Homestead Road, Manvers

Please find attached the Notice of Public Meeting for Minor Variance Application D20-2022-022 with application and sketch, to be heard at the April 21, 2022 Committee of Adjustment meeting. It is noted that despite how the applicant has represented the addition in some of the images, it will be in line with the south wall of the existing dwelling.

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: Nancy Ord
Sent: Wednesday, April 6, 2022 9:44 AM
To: David Harding
Cc: Charlotte Crockford
Subject: FW: Committee of Adjustment Notice of Public Hearing for Minor Variance D20-2022-022, 5 Homestead Road, Manvers

Hi David:

The following comments have been received from the Ministry of Transportation regarding the D20-2022-022.

A copy has been added to the Sharepoint and hard copy files.

Nancy H. Ord
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 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.

From: Miller, Amanda (MTO) <Amanda.Miller3@ontario.ca>
Sent: Wednesday, April 6, 2022 8:42 AM
To: Nancy Ord <nord@kawarthalakes.ca>
Cc: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Subject: RE: Committee of Adjustment Notice of Public Hearing for Minor Variance D20-2022-022, 5 Homestead Road, Manvers

Good Morning Nancy,

Thank you for circulating the Committee of Adjustment Notice of Public Hearing for Minor Variance to MTO for review. Please accept this as a formal response from the Ministry of Transportation. MTO has reviewed the application in accordance with the Public Transportation and Highway Improvement Act (PTHIA) and Highway Access Management Guideline and offers following comments:

The ministry has reviewed the applications for 5 Homestead Road and has determined that the subject lands are not within MTO jurisdiction, therefore MTO has no comments to offer these applications.

Thank you for the opportunity to comment.

Kind Regards,

Amanda Miller
Planning Intern
Corridor Management Section | East Operations
Ministry of Transportation
1355 John Counter Blvd
Kingston, ON K7K 0E5
Amanda.Miller3@ontario.ca

From: Nancy Ord <nord@kawarthalakes.ca>

Sent: April 5, 2022 2:48 PM

To: Cathie Ritchie <[critchie@kawarthalakes.ca](mailto:critchier@kawarthalakes.ca)>; Kathy Lewis <klewis@kawarthalakes.ca>; Craig Shanks <cshanks@kawarthalakes.ca>; LeAnn Donnelly <LDonnelly@kawarthalakes.ca>; 'municipalplanning@enbridge.com' <municipalplanning@enbridge.com>; 'ashley.crites@endbridge.com' <ashley.crites@endbridge.com>; Miller, Amanda (MTO) <Amanda.Miller3@ontario.ca>; Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>

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

Subject: FW: Committee of Adjustment Notice of Public Hearing for Minor Variance D20-2022-022, 5 Homestead Road, Manvers

CAUTION – EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Further to the email circulation below for the Minor Variance application D20-2022-022, please note that despite how the applicant has represented the addition in some of the images, it will be in line with the south wall of the existing dwelling.

Thank you.

Nancy H. Ord
Administrative Assistant
Planning Department, City of Kawartha Lakes
705-324-9411 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.

David Harding

From: Anne Elmhirst
Sent: Wednesday, April 13, 2022 1:17 PM
To: David Harding
Subject: D20-2022-022 - 5 Homestead Rd

Hello David,

RE: Minor Variance Application D20-2022-022
5 Homestead Rd, Former Manvers Township
Conc. 2, Part Lot 12, Plan M721, Lot 3
Roll No. 165100801021103

I have received and reviewed the minor variance request to add a garage with Accessory Residential Unit (ARU) to the existing dwelling at the above-noted property.

The proposal will cause an increase in the daily sewage flow for the property beyond the capacity of the existing system. To accommodate the existing dwelling and ARU proposal, a replacement sewage system has been indicated. The property has been evaluated to ensure the replacement system can be installed in accordance with the Ontario Building Code. It has been determined that the property can support the proposed ARU and existing dwelling through private sewage disposal.

As such, the Building and Septic Division has no concerns with the proposal for 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

