

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Allen

Report Number COA2024-052

Public Meeting

Meeting Date: June 27, 2024

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 2 – Geographic Township of Somerville

Subject: The purpose and effect is to facilitate the construction of an attached sunroom.

Relief sought:

1. Section 18.26.4 e) of the Zoning By-law permits a maximum extension of 18 square metres for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) Symbol; the proposed sunroom is habitable space and is 36 square metres; and,
2. Section 18.26.4 e) of the Zoning By-law permits the extension of a building or structure containing habitable space to be located on the downstream side of the existing building or structure for properties with zoning that is subject to the Floodplain (F) Symbol; the proposed sunroom is located on the upstream side of the existing dwelling.

The variance is requested at **146 Brook Road** (File D20-2024-042).

Author: Katherine Evans, Planner II **Signature:** 

Recommendations

That Report COA2024-052 – Allen, be received;

That minor variance application D20-2024-042 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report

COA2024-052, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** 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 COA2024-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of an attached sunroom
Owners:	Mike Allen
Applicant:	Same as owner
Legal Description:	Part Lot 17, Concession 3
Official Plan ¹ :	Environmental Protection (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential Floodplain (LSR-F) Zone (Township of Somerville Zoning By-law 78-45)
Site Size:	2,752 sq. m. (29,622 sq. ft.)
Site Access:	Unassumed road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located in an established area east of the Burnt River comprised of residential and agricultural uses. The property is irregular in shape and is not a waterfront lot. The property currently contains a single detached

¹ See Schedule 1

² See Schedule 1

dwelling constructed in 2017 (according to Municipal Property Assessment Corporation), a shed, and a treehouse.

The proposal is to construct a sunroom attached to the existing dwelling. The sunroom will provide additional habitable space and will allow the property owner to enjoy the outdoors while being protected from insects and the elements.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The property is designated Environmental Protection under the City of Kawartha Lakes Official Plan (2012).

As per policy 34.1., nothing in the Official Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law. The property is zoned to permit residential uses and accessory structures, and this residential zoning has been in place since at least 1978.

As per policy 17.6, existing buildings and structures located in the floodplain can be expanded, enlarged, or altered subject to specified criteria. The proposed sunroom is not introducing new (rather additional) habitable space, as there is already a dwelling present. The sunroom is not anticipated to alter the displacement of flood water in a manner than would result in unacceptable off-site impact. The dwelling was constructed in 2017 in accordance with the floodplain policies of the Zoning By-law including compliance with the minimum elevation, and the sunroom is to be constructed at the same elevation as the dwelling.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Limited Service Residential Floodplain (LSR-F) Zone under the Township of Somerville Zoning By-law 78-45. The floodplain provision identifies properties that may be susceptible to flooding during a Regulatory Flood. Regulatory Flood is based on lands that would be flooded as a result of a storm event equivalent to the Timmins Storm of 1961. The By-law provides information on the expected level of flooding, as well as provisions for floodproofing habitable buildings and structures. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the location of the proposed sunroom in relation to the flow of the Burnt River, and the maximum size of an addition for habitable space for properties subject to the Floodplain provisions.

As per Section 18.8.2 of the By-law, development is permitted on a lot zoned Limited Service Residential Zone which does not have frontage on a public street.

As per Section 18.26.4 e) of the Zoning By-law, a maximum extension of 18 square metres is permitted for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) Symbol. The proposed sunroom is habitable space and is 36 square metres. Additionally, as per Section 18.26.4 e) of the Zoning By-law, the extension of a building or structure containing habitable space is permitted to be located on the downstream side of the existing building or structure for properties with zoning that is subject to the Floodplain (F) Symbol. The proposed sunroom is located on the upstream side of the existing dwelling. The intent of these provisions is to protect habitable space from the impact of a flood event and to limit the amount of habitable space that may be subject to flooding.

The subject property is located on the south side of Brook Road, separated from the Burnt River by the road and the properties fronting on the river. Additionally, the dwelling is located at a higher elevation on the subject property, with the land sloping away from the structure. The location of the dwelling and proposed sunroom could mitigate the impact of a flood event. Additionally, the dwelling was recently constructed in compliance with the Floodplain provisions, and the sunroom will be built at the same elevation. As the property already contains a dwelling, the proposed sunroom is not introducing new habitable space where it does not already exist and as such the sunroom is not creating a new hazard.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “No comments.”

Public Comments:

No comments received as of the writing of the staff report.

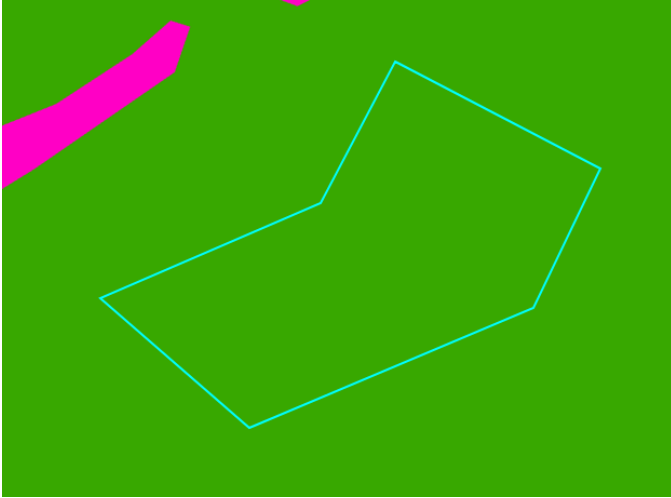
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Construction Drawings

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E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-042

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



17. Environmental Protection Designation

17.6. Existing Buildings or Structures

17.6.1. An existing non-conforming building or structure located in a floodplain may be enlarged, expanded or altered subject to:

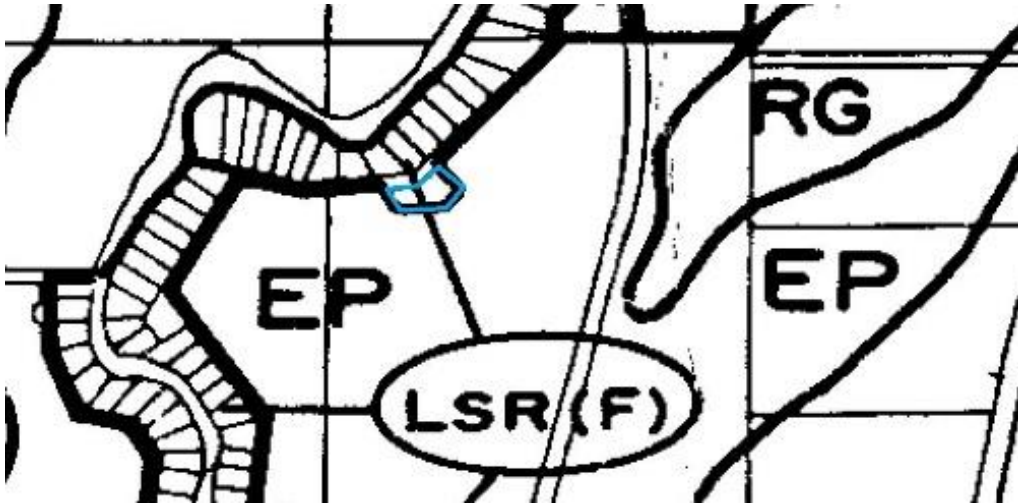
- a) the determination that there will not be an unacceptable off-site impact due to the displacement of the flood water,
- b) the enlargement to the building is appropriately flood proofed;
- c) New or existing hazards are not created or aggravated;
- d) The Conservation Authority has been satisfied;
- e) The development is not a threat to public health and safety or property;
- f) Vehicles and people must have a way of safely entering and exiting the area during floods; and
- g) Satisfactory water supply and subsurface sewage disposal servicing.

34. Development Control

34.1. Existing Uses

Nothing in this Plan or the implementing Zoning By-law prevent the use of any land, building or structure for a purpose prohibited by the is Plan, if the land, building or structure was lawfully used for that purpose on the date this Plan was adopted by Council. The City may recognize the existing use of land in an implementing zoning by law.

Township of Somerville Zoning By-law 78-45



Section 5 Limited Service Residential (LSR) Zone

5.1 LSR Uses Permitted

5.2 LSR Zone Requirements

Section 18 General Provisions

18.26 Flood Plain

18.26.4 Where the zone symbol shown on Schedules A and A1 is followed by the flood plain symbol (F) new buildings or structures with habitable rooms and enlargements or extensions to existing ones with habitable rooms shall only be permitted if the following special provisions are adhered to:

- e. The extension or enlargement of existing buildings or structures is permitted provided that such extensions or enlargements are not over 18 square metres (194 sq.ft) in floor area. In addition, such enlargements or extensions shall be located on the downstream side (based on the flow of the Burnt River) of the existing building or structure unless such location contravenes any other applicable zone requirement and no building openings, being windows or doors, shall be installed below the Level of Flooding identified for each lot as shown on Schedule 'B' plus 0.3 metres (1 ft). Such extensions or enlargements are based on the building or structure as it existed on June 27, 1994.

Expected Level of Flooding (FDR Elev) during a Regulatory Flood expressed in metres above sea level based on the Canadian Geodetic Datum for 165131006017800 under the Township of Somerville Zoning By-Law 78-45

Poll	Roll No	Con	Lot	Plan	Lot1	FDR Elev	Spot Elev	Est Fld
2	38800	3	17			258.74	257.5	1.24

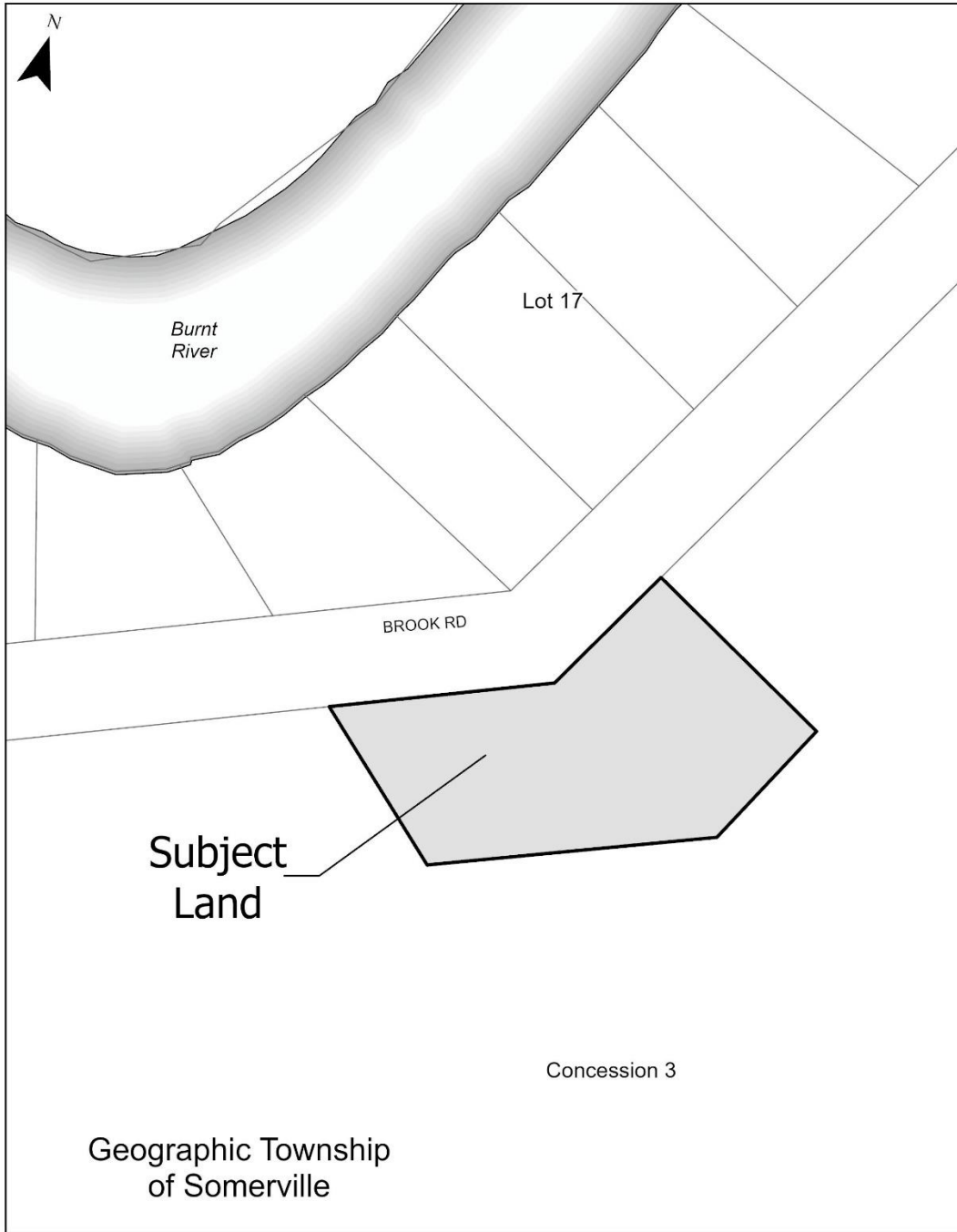
to

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LOCATION MAP

D20-2024-042



APPENDIX " B "

to

REPORT COA2024-052

FILE NO: D20-2024-042

AERIAL PHOTO

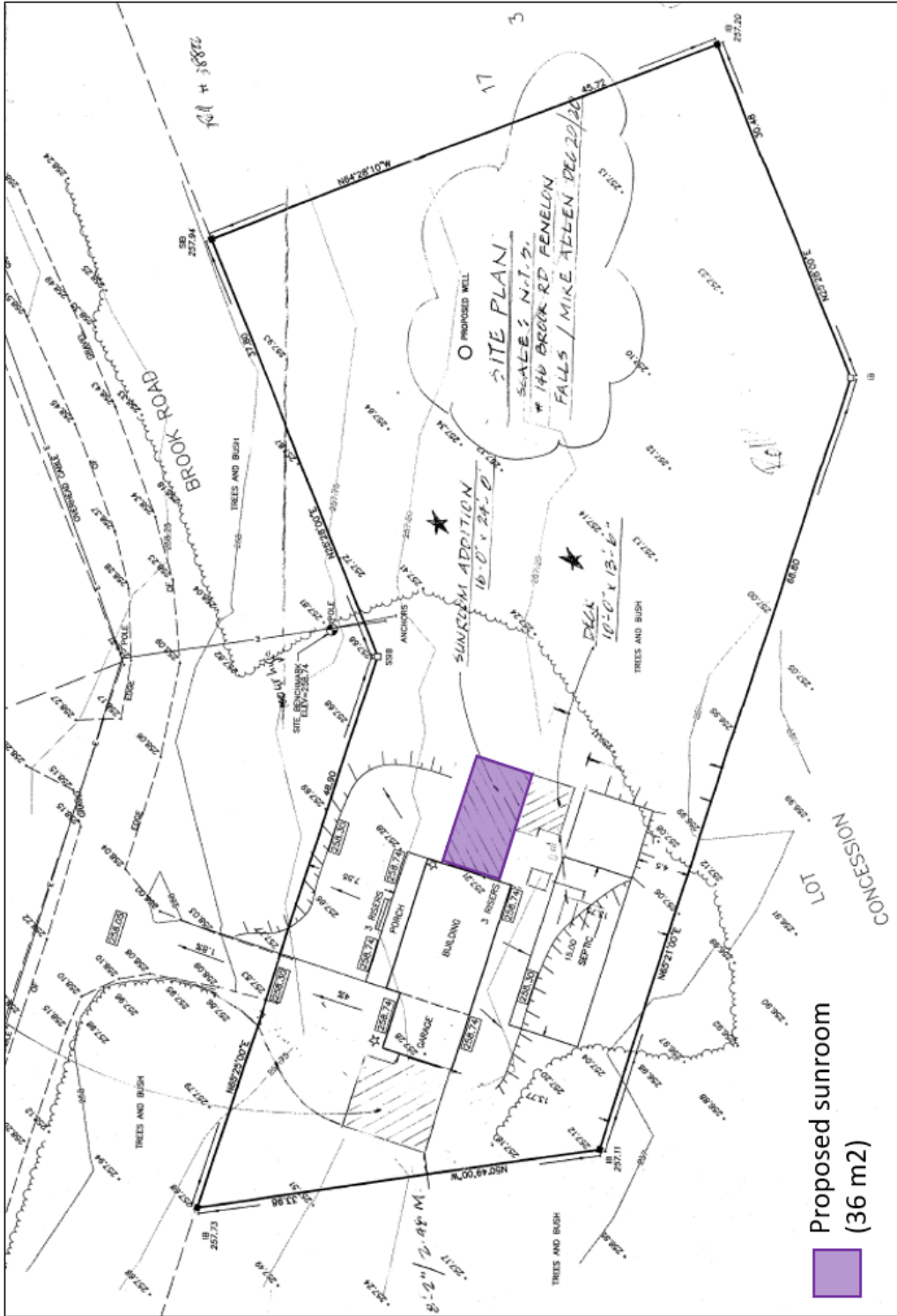


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APPLICANT'S SKETCH



CONSTRUCTION DRAWINGS

APPENDIX " D "

to

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