

**The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Rexton Developments
Limited**

Report Number COA2018-001

Public Meeting

Meeting Date: January 18, 2018
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 11 – Lindsay

Subject: The purpose and effect is to request relief from the following provisions in order to permit the construction of a one (1) storey commercial building:

1. Section 5.5 to reduce the minimum front yard setback from 9 metres to 7.5 metres;
2. Section 5.12(k)(ii) to reduce the number of required parking spaces from 21 to 20; and
3. Section 5.12(j)(xi) to permit an accessible parking space within the front yard.

The property is located at 97 Albert Street South, former Town of Lindsay (File D20-2018-001).

Author: David Harding, Planner II

Signature: 

Recommendation:

RESOLVED THAT Report COA2018-001 Rexton Developments Limited, be received;

THAT minor variance application D20-2018-001 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 Appendix "C" of Report COA2018-001, which shall be attached to and form part of the Committee's Decision; and,

- 2) **THAT** the Site Plan Agreement for the subject property be executed and secured within eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused

This approval pertains to the application as described in report COA2018-001. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: The variances proposed in this application were previously granted by the Committee on November 10, 2016 via application D20-16-046. The variances lapsed as the site plan agreement was not executed and secured within the required twelve (12) month time frame. The resubmission was deemed complete October 31, 2017.

Proposal: To reduce the minimum front yard, permit a parking space within the front yard, and reduce the maximum number of required parking spaces by one (1) in order to permit the construction of a commercial building.

Owner: Rexton Developments Limited

Applicant: Wes Surdyka Architect – Wes Surdyka

Legal Description: Registered Plan 8P, Part Park Lot D1, 57R-9184, Part 26, former Town of Lindsay, City of Kawartha Lakes.

Official Plan: “Local Commercial” – Town of Lindsay Official Plan

Zone: “Mixed Residential Commercial (MRC) Zone” – Town of Lindsay Zoning By-law 2000-75

Site Size: 2,369.29 square metres (25,502.83 square feet)

Site Servicing: Municipal sanitary sewer, storm sewer & water supply

Existing Uses: Vacant Land

Adjacent Uses: North: Commercial
East: Multi-Residential, Commercial
West: Vacant Land, Townhomes

Rationale:

1) Are the variances minor in nature? Yes

The proposed variances will facilitate the construction of a commercial building and the associated parking lot. As the property is L-shaped, the narrow length of the lot provides limited opportunity to accommodate all parking within the interior side and rear yards while maintaining adequate spatial separation between the parking lot and the abutting residentially-zoned lots. Through site design, only a portion of one parking space is proposed within the front yard.

Therefore, 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 in a developing residential neighbourhood. As a single storey building is proposed, no adverse massing impacts are anticipated by reducing the front yard setback by 1.5 metres. Permitting half of a parking space within the front yard is also not anticipated to adversely impact the character of the primarily residential neighbourhood, or the character of the subject property once developed. The elimination of one parking space is not expected to cause any parking difficulties with the development or the neighbourhood. Should additional parking be required, on-street parking is available in the immediate vicinity. No adverse impacts to the function on the subject property, or that of the neighbouring properties are anticipated through the granting of the variances.

As such, the requested variance is considered 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 “Mixed Residential Commercial (MRC) Zone”. The intent of the special setback requirements is to ensure adequate spatial separation between buildings and the travelled portion of the City’s high traffic roads. The proposal complies with the minimum setback requirements of the MRC Zone, and reduced spatial separation assists in creating a more cohesive streetscape.

Only half of one parking space will be within the front yard of the subject property. The balance of the parking area is located within the permitted interior side and rear yards. There will also be over three metres of space between the paved parking space within the front yard and the front lot line. Therefore, the majority of the front yard will remain landscaped, in keeping with the intent of the zoning by-law.

The total number of permitted parking spaces is proposed to be reduced by one (1), and no concerns have been identified through the review of the draft site plan.

The proposal maintains the general intent and purpose of the Zoning By-Law.

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

This lot is designated “Local Commercial” within the Lindsay Official Plan, which anticipates commercial uses that serve the daily needs of the community. The proposed variance maintains the general intent and purpose of the Lindsay Official Plan.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Servicing Comments:

This lot is within the Lindsay municipal service area.

Consultations:

Notice of this application was circulated in accordance with the requirements of the *Planning Act*. Comments have been received from:

Agency Comments:

Building Division (November 20, 2017 & January 7, 2018): No concerns.

Engineering and Corporate Assets Department (December 20, 2018): No concerns.

Public Comments:

No comments as of January 9, 2018.

Attachments:

Appendices A-D to
Report COA2018-001.

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

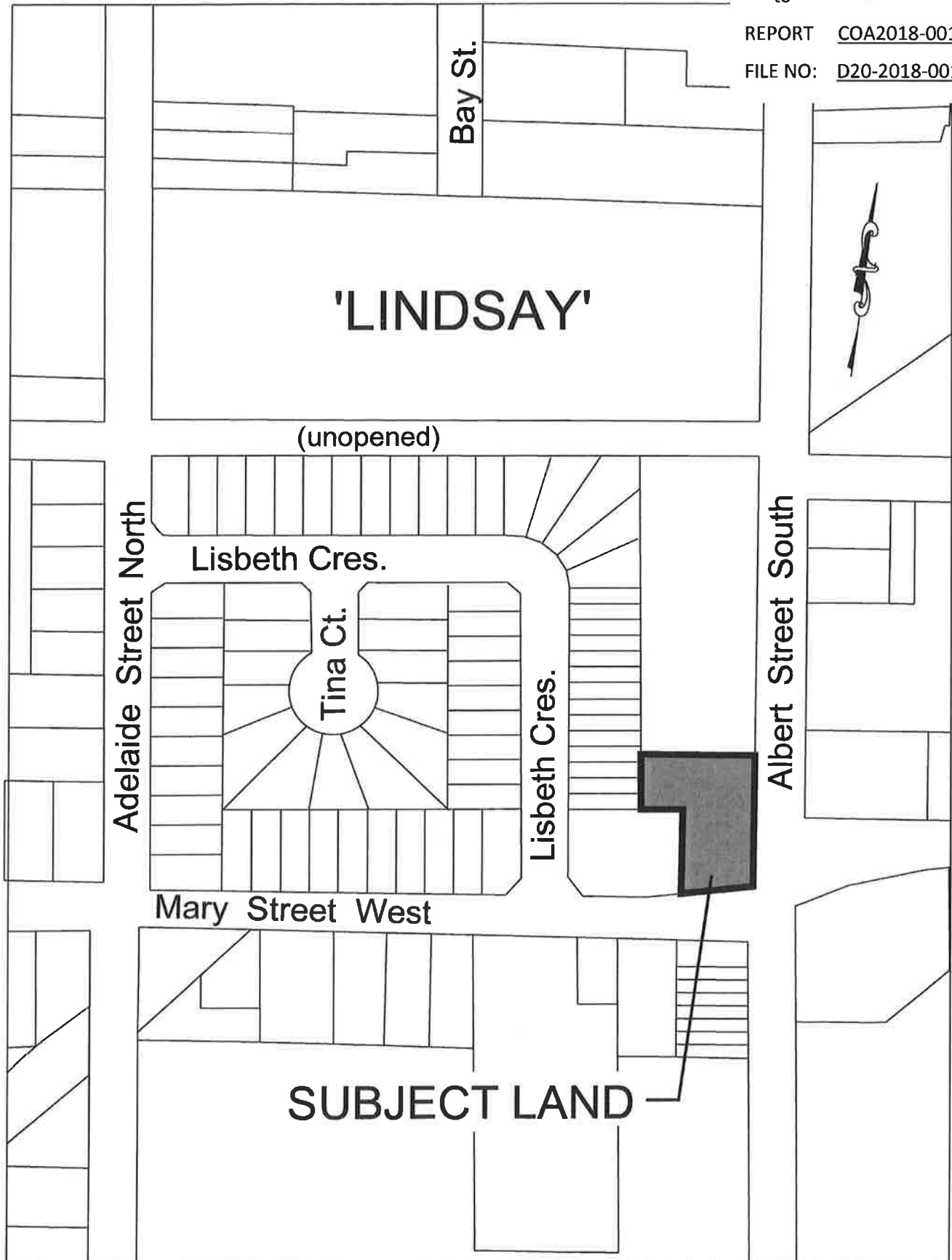
Appendix "D" – Department and Agency Comments

Phone:	705-324-9411 ext. 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Chris Marshall
Department File:	D20-2018-001

to

REPORT COA2018-001

FILE NO: D20-2018-001





APPENDIX " B "

to

REPORT COA2018-001

FILE NO: D20-2018-001

This map is a user generated static output from an internet mapping site is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.07 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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SITE STATISTICS:

ZONING: MRC

LOT AREA: 2,369.29 m²

BUILDING AREA COVERAGE:

MAX. ALLOW'D: 30%

PROV'D: 507.23 m² (21.41%)

BUILDING GFA:

GROUND FLOOR: 507.23 m²

SETBACKS:

Front Yard (South):

Interior Side Yard (West):

Exterior Side Yard (East):

Rear Yard (North):

MIN. REQ'D:

9.0 m

3.0 m

4.0 m

7.5 m

PROV'D:

7.5 m

17.54 m

4 m

9.48 m

PARKING:

REQUIRED (Office: 1 per 25 m² GFA): 21 spaces

PROVIDED (Incl. Accessible parking): 20 spaces

ACCESSIBLE PARKING:

1 space

LOADING SPACE:

REQUIRED: 0 space

PROVIDED: 1 space

BUILDING HEIGHT:

MAX. ALLOW'D: 10.5 m

PROVIDED: 7.3 m

LANDSCAPE PROVIDED:

3 m strip along property line.

1 m strip + 1.8 m opaque wood fence.



KEY PLAN NTS

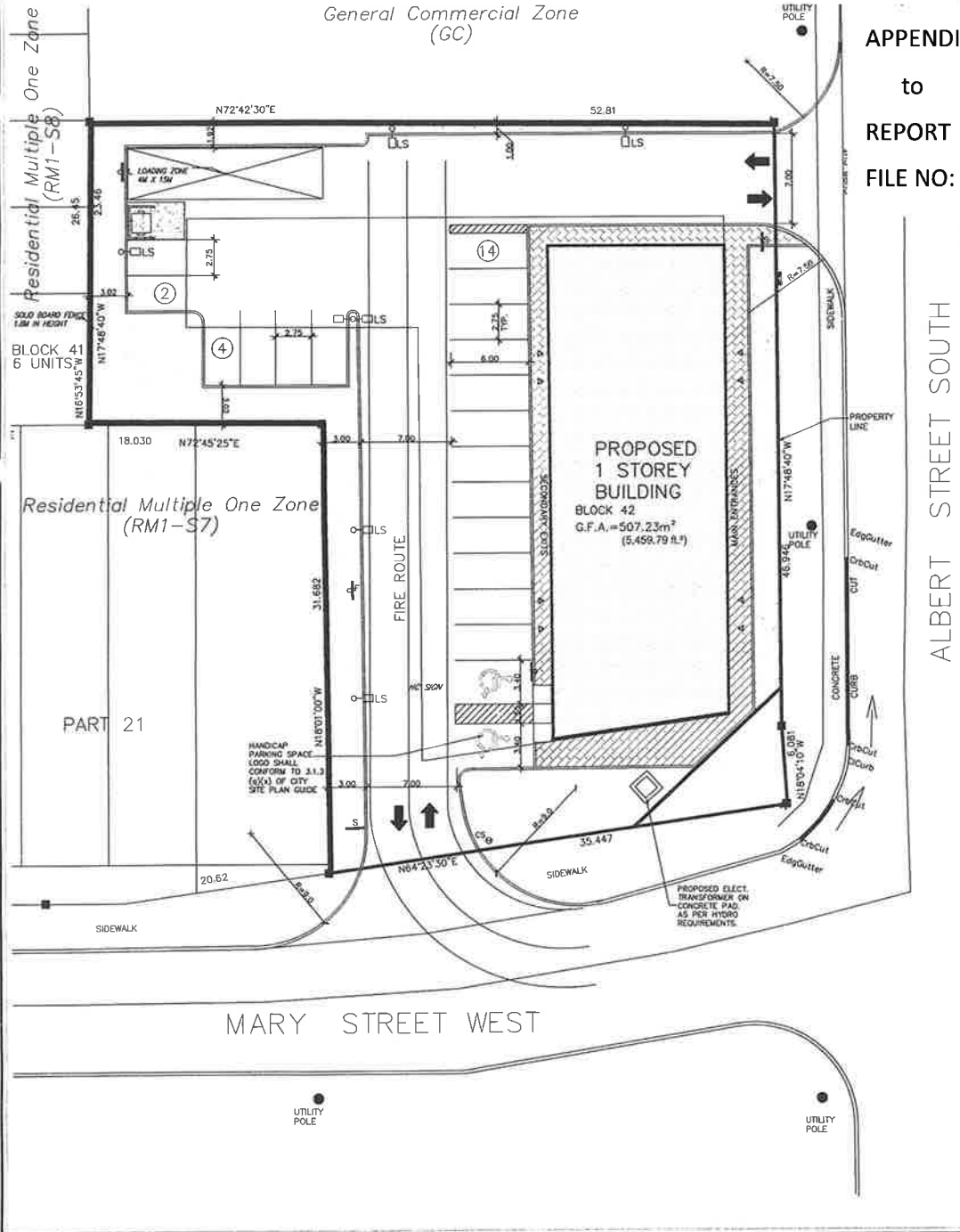
LEGAL DESCRIPTION
PART OF PARK LOT T AND
PART OF PARK LOT D'
REGISTERED PLAN No. 8p
TOWN OF LINDSAY
CITY OF KAWARTHA LAKES

APPENDIX " C "

to

REPORT COA2018-001

FILE NO: D20-2018-001



<p>PROPOSED ONE STOREY MIXED USE COMMERCIAL BUILDING 97 ALBERT STREET SOUTH LINDSAY, ONTARIO</p>	<p>DRAWING NUMBER AS-1</p> <p>PROJECT NUMBER 15-10</p>	<p>SITE PLAN</p>	<p>SCALE: 1/400</p> <p>SEPT. 8, 2016</p>	<p>NORTH ARROW</p>	<p>WES SURDYKA architect inc</p> <p>3645 KEELE STREET, 2ND FLOOR, STE 100 TORONTO, ONTARIO M3J 1H8 TEL (416) 630-3254 FAX (416) 630-3741 E-mail: surdykaarchitect@bell.net</p>
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David Harding

From: Susanne Murchison
Sent: Sunday, January 07, 2018 6:47 PM
To: Mark LaHay
Cc: Erica Hallett; Derryk Wolven; Anne Elmhirst
Subject: MV comments

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX D
to
REPORT COA2018-001
FILE NO. D20-2018-001

The Building Division has the following comments regarding the noted files, save and except those related to sewage systems which will be provided under separate submission:

D20-18-001 - no concerns

D20-18-002 - no concerns

D20-18-003 - no concerns

D20-18-004 - no concerns

D20-18-005 - no concerns

D20-18-007 - no concerns

D20-18-008 - no concerns

D20-18-010 - no concerns

Susanne Murchison, CBCO
Chief Building Official
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON
K9V 2Y6
(705)-324-9411 ext. 1200
fax (705)-324-5514
1-888-822-2225

David Harding

From: Kirk Timms
Sent: Wednesday, December 20, 2017 9:11 AM
To: Erica Hallett
Cc: Christina Sisson; Kim Rhodes; Susanne Murchison; Lisa Peimann
Subject: D20-18-001 - 97 Albert Street South

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Erica,

Further to our review of the above noted application, Development Engineering confirms we have no objection to the proposed minor variance for Zoning By-Law;

- Section 5.5. to reduce the special setback requirement from a minimum of 9.0 m to 7.5 m
- Section 5.12. j) xi. to allow for accessible parking spaces to be located in the front yard
- Section 5.12. k) ii. to reduce the number of parking spaces from 21 to 20

We respectfully request that if additional information brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning, that Engineering be circulated for technical review on behalf of the City. Please provide Engineering the Notice of Decision for our confirmation.

Thanks,

Kirk Timms, C.E.T.

Engineering Technician
Engineering & Corporate Assets Department
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