

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 2083359 Ontario Inc.
Report Number COA2018-048

Public Meeting

Meeting Date: August 16, 2018
Time: 1:00 pm
Location: Victoria Room, City Hall, 26 Francis St., Lindsay

Ward: 7 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 20.2 to add “mini-storage warehouse” as a permitted use within the General Employment (GE) Zone.

The variance is requested at 85 St. Peter Street, former Town of Lindsay (File D20-2018-037).

Author: Quadri Adebayo, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2018-048 2083359 Ontario Inc., be received;

THAT minor variance application D20-2018-037 be DENIED, as the application does not meet the general intent and purpose of the zoning by-law as set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: The application was deemed complete June 18, 2018.

Proposal: To construct a mini-storage warehouse operation on the property.

Owner: 2083359 Ontario Inc.

Legal Description: 85 St. Peter Street, Lot 17 to 18, Plan 377, former Town of Lindsay, City of Kawartha Lakes

Official Plan: General Employment - Town of Lindsay Official Plan

Zone: General Employment (GE) Zone - Town of Lindsay Zoning By-law 2000-75

Site Size: 1.23 hectares (3.07 acres)

Site Servicing: Municipal sanitary sewer and water supply

Existing Uses: Industrial

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

Rationale:

1) Are the variances minor in nature? Yes
And

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

The determination of whether or not an application is minor is not based on the degree of variation requested, but rather on whether the impact of granting the request is minor. This includes considering how the application could impact the existing or planned functionality of the subject lands or of adjacent lands. Impacts can include, but are not limited to: environmental, nuisance (noise, vibration, dust, etc.), visual, and functional attributes.

Although the subject property directly abuts residential use lands to the west, it is bounded by other compatible medium-heavy industrial uses to the north, south and east respectively. As the impact of having these uses side by side already exists, the creation of a mini-storage warehouse on-site would permit the establishment of a light industrial land use that would function as a buffer between the sensitive residential land uses and medium-heavy industrial land uses. The proposed fencing along the westerly lot boundaries is also anticipated to facilitate the buffering between the residential and industrial use.

The subject land is intended to be reserved for medium-industrial uses and select commercial uses that are considered compatible with medium-heavy industrial uses as they have an industrial component to their operation. Since the property is already being used for a tire warehouse operation, a mini-storage warehouse which could be considered a commercial-like industrial use or light industrial use, at the scale it is being proposed is not anticipated to present any negative impacts. As the proposed mini-storage structures are proposed to be sufficiently setback from the lot lines accordingly and having a total lot coverage of 15.23%, the proposed 1.8 metre planting area along the property boundaries, as well as the 1.8 metre high fencing proposed on the east and west of the property lot lines, are anticipated to minimise any potential visual impacts at human scale.

Therefore, based on the above analysis, the variance is minor as well as desirable and appropriate for the use of the land.

3) Does the variance maintain the intent and purpose of the Zoning By-law?

No

The subject property is zoned General Employment (GE) Zone within the Town of Lindsay Zoning By-law 2000-75. Warehousing is a permitted use in the GE Zone, but mini-storage is a defined use, and only permitted in the Prestige Employment (PE) Zone.

The PE Zone is generally contemplated to act as a transitional buffer area between the larger commercial/industrial buildings (e.g. Shopping Centre Commercial Zones, General Commercial Zones or GE Zones) and residential areas, rather than in situations where these zone categories abut each other directly.

Warehousing is only permitted as an ancillary use to a medium-heavy operation that manufactures and /or processes product, or as a separate function for a larger industrial warehousing. The Zoning By-law does not contemplate many light industrial (commercial-like industrial uses) uses within the context of the medium-heavy industrial uses, as none of the industrial uses permitted within the PE Zone category, with the exception of light manufacturing, are permitted within the GE Zone.

Likewise, the Zoning By-law also intends for commercial-like industrial uses and industrial-like commercial uses that are typically permitted in the PE Zone to be grouped together on smaller lot fabrics rather than the larger grained parcel fabric found in the GE Zone.

Therefore, the variance does not maintain the general intent and purpose of the Zoning By-Law as commercial-like industrial uses have been purposefully excluded in the GE Zone.

4) Does the variance maintain the intent and purpose of the Official Plan?

Yes

As the Lindsay Secondary Plan is under appeal, the Lindsay Official Plan remains in effect. The property is designated General Employment in the Town of Lindsay Official Plan. The designation contemplates a wide range of businesses and industrial activities to be clustered together and separated from sensitive land uses. The open storage of goods and services, and the warehousing of materials amongst other uses are anticipated in the General Employment designation

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

Other Alternatives Considered:

Rezoning the lot to Prestige Employment Zone category is the appropriate course of action given that Warehousing is a permitted use in the GE Zone, whereas a mini-storage is a defined use, and only permitted in the Prestige Employment (PE) Zone. Also, a zoning by-law amendment will ensure the merits of the proposal can

be fully analyzed beyond the analytical parameters required for the four (4) tests under a minor variance.

Servicing Comments:

Full municipal services are available for the property.

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 (August 2, 2018): No concerns.

Kawartha Region Conservation Authority (August 2, 2018): No objections. See comments

Public Comments:

No comments as of August 7, 2018.

Attachments:



Appendices A-D to
Report COA2018-037

Appendix "A" – Location Map

Appendix "B" – Aerial Photo

Appendix "C" – Applicant's Sketch

Appendix "D" – Department and Agency Comments

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Department File: D20-2018-037