

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – 564650 Ontario Inc.
Report Number COA2019-004

Public Meeting

Meeting Date: January 17, 2019
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward: 3 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from Section 20.2(b) to reduce the minimum lot frontage from 45 metres to 20 metres to facilitate the creation of a new lot.

The variance is requested on vacant land, former Town of Lindsay (File D20-2018-066).

Author: David Harding, Planner II

Signature:

Recommendations:

RESOLVED THAT Report COA2019-004 564650 Ontario Inc., be received;

THAT minor variance application D20-2018-066 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall come into effect once the 0.3 metre reserve separating the subject property from the Mary Street West road allowance is lifted,
- 2) **THAT** this minor variance shall be deemed refused if the related Application for Consent, D03-2018-005, lapses; and
- 3) **THAT** should the proposed severed land within Consent Application D03-2018-005 be proposed to be further subdivided, this variance shall not apply to the parcel or parcels to be created.

This approval pertains to the application as described in report COA2019-004. Fulfillment of the conditions is required for the Minor Variance to be considered final and binding.

Background:	<p>On September 27, 2018, the Director of Development Services, as delegated by Council, granted provisional consent for file D03-2018-005 to create an approximately 5.2 hectare parcel and retain an approximately 2.13 hectare parcel. Condition 7 of the provisional consent approval requires a variance to the proposed severed parcel to recognize the reduced frontage for the lot being created.</p> <p>This application was deemed complete on December 7, 2018.</p>
Proposal:	To create a new vacant industrial land parcel for a place of worship.
Owner:	Vera Staples, 564650 Ontario Inc.
Applicant:	Stephen Woodcock, Woodcock & Tomlinson
Legal Description:	Part of Lot 19, Concession 4, Parts 5-7, 57R-6634, former Town of Lindsay, now City of Kawartha Lakes
Official Plan:	<p>Severed – Parks and Open Space, Institutions and Community Facilities, and Local Commercial within the Town of Lindsay Official Plan</p> <p>Retained - General Employment within the Town of Lindsay Official Plan</p>
Zone:	<p>Severed – Open Space Special One (OS-S1) Zone, Community Facility Special Four (CF-S4) Zone and Local Commercial Special Four (LC-S4) Zone within the Town of Lindsay Zoning By-law 2000-75</p> <p>Retained – General Employment - Holding One (GE(H1)) Zone within the Town of Lindsay Zoning By-law 2000-75</p>
Site Size:	<p>Severed – 5.2 hectares (12.8 acres)</p> <p>Retained – 2.13 hectares (5.2 acres)</p>
Site Servicing:	None
Existing Uses:	Vacant Land
Adjacent Uses:	<p>North: Industrial/Employment, Commercial, Open Space</p> <p>South: Vacant Residential Lands</p> <p>East: Commercial, Residential</p> <p>West: Industrial, Agriculture</p>

Rationale:

1) Is the variance minor in nature? Yes

And

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

The subject property is situated in a developing neighbourhood consisting of a mix of industrial, commercial, and residential uses, and is an unusual shape due to the land division which has occurred within this area to facilitate the new development.

The lot to be severed, which requires the frontage reduction in order to be created, contains all of the lands on the property zoned General Employment (GE) Zone. If the subject property was not proposed to be severed, the land within the GE Zone could be built upon subject to the permitted uses, zone provisions and requirements since the property as a whole has sufficient frontage on McLaughlin Road.

The variance, if granted, does not change the principal of development established on the lot by the existing GE Zone category nor the area of land where the GE Zone applies. For these reasons, the reduction in frontage is not anticipated to adversely impact the character of the neighbourhood.

Mary Street West currently terminates at the property and no new lot line is being created where access is proposed. No change to the streetscape is anticipated should the variance be granted.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

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

The proposed lot is zoned General Employment - Holding One (GE(H1)) Zone. That zone category permits a wide assortment of employment, institutional, and community facility uses once the holding provision is lifted. The holding provision remains in effect until such time as there is adequate supply of municipal water and sewer servicing available to service development on the subject land. A lot within the GE Zone is required to have a minimum frontage of 45 metres. The function of the frontage provision is to provide for: a lot of sufficient width to construct a building of sufficient size, sufficient area for delivery vehicles to maneuver, and sufficient spatial separation between driveway entrances on nearby lots.

The frontage provision appears to have been written on the premise that a lot within the GE Zone would be rectangular in nature and have the whole of a lot line abut a municipal road allowance. In this case, the road terminates at the proposed parcel, causing only a small portion of a lot line to abut the municipal road allowance.

The property is of sufficient area to accommodate a sizeable building and its operational requirements and access can be achieved from Mary Street West.

The City will take additional lands during the site plan control stage to provide for a proper turnaround at the terminus of Mary Street West.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

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

Yes

The General Employment designation anticipates that the lands will be used primarily for business and industrial activities, but institutional and community facility uses are also permitted provided they are adequately buffered from uses that produce potential nuisances. The proposed lot is of sufficient size to accommodate a variety of permitted uses.

The prospective purchaser of the proposed severed lands is the Fairview Baptist Church, which would be considered a permitted institutional use by the Official Plan.

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 subject property is within the Lindsay Municipal Service Area and can be serviced by municipal water, sanitary and storm services.

Consultations:

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

Agency Comments:

Engineering and Corporate Assets Department (January 8, 2019): No concerns.

Community Services Department (January 8, 2019): No concerns.

Building Division (January 7, 2019): No concerns.

Public Comments:

No comments as of January 8, 2019.

Attachments:



Appendices A-D to
Report COA2019-004.

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:	D20-2018-066