

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Habitat for Humanity Peterborough and District

Report Number COA2019-060

Public Meeting

Meeting Date: October 17, 2019

Time: 1:00 pm

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

Ward 7 – Former Town of Lindsay

Subject: The purpose and effect is to request relief from the following in order to fulfill a condition of provisional consent that will enable a property containing a newly constructed single storey semi-detached dwelling to be established as two separate residential lots sharing a common wall in accordance with the Residential Three Special Thirteen (R3-S13) Zone permissions:

Retained Lot (41 Hamilton Street)

1. Section 8.3.16(a) to reduce the minimum lot area requirement from 300 square metres to 253.9 square metres.

Severed Lot (39 Hamilton Street)

2. Section 8.3.16(a) to reduce the minimum lot area requirement from 300 square metres to 196.8 square metres; and
3. Section 8.3.16(e) to reduce the minimum lot interior side yard setback requirement from 1.25 metre to 1.24 metre.

The variance is requested at 39-41, former Town of Lindsay (File D20-2019-043).

Author: Quadri Adebayo, Planner II

Signature:



Recommendations:

Resolved That Report COA2019-060 Habitat for Humanity Peterborough and District be received;

That minor variance application D20-2019-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variances shall apply to the proposed severed and retained portions of the subject property;

- 2) **That** notwithstanding the minimum lot frontage and exterior side yard setback provisions of the R3-S13 Zone, for clarity, for the retained lot, the minimum lot frontage requirement that is applicable along Hamilton Street shall be that of an interior lot, while the interior side yard setback requirement shall be applicable along Devan Court; and
- 3) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2019-010, lapses.

This approval pertains to the application as described in report COA2019-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background:	<p>This application is predicated by a decision of provisional consent to file D03-2019-010 on September 4, 2019, granted by the Director of Development Services, as delegated by Council to create an approximately 196.8 square metres residential lot with a semi-detached dwelling unit and retain an approximately 253.9 square metres residential lot with a semi-detached dwelling unit.</p> <p>This minor variance application was deemed complete September 3, 2019.</p>
Proposal:	<p>To ensure the two semi-detached dwelling units of approximately 72 square metres (774.7 square foot) are each contained on their own residential lot.</p>
Owners:	<p>Habitat for Humanity Peterborough and District</p>
Applicant:	<p>Habitat for Humanity Peterborough and District</p>
Legal Description:	<p>Part Park Lot E1, Plan 8P, Part 5 on RP 57R-10375, former Town of Lindsay, now City of Kawartha Lakes</p>
Official Plan:	<p>Residential within the Town of Lindsay Official Plan</p>
Zone:	<p>Residential Three Special Thirteen (R3-S13) Zone within the Town of Lindsay Zoning By-law 2000-75</p>
Site Size:	<p>Retained: 253.9 square metres (2,732 square feet) Severed: 196.8 square metres (2,118 square feet)</p>
Site Servicing:	<p>Municipal sanitary and water services</p>
Existing Uses:	<p>Residential</p>
Adjacent Uses:	<p>North and West: Residential South: Residential, Mary Street West, Industrial East: Hamilton Street, Industrial (Cutting Edge Counter Tops)</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 an established urban area at the fringe of residential block that buffers the nearby industrial uses to the east and south respectively. The residential block was established through rezoning file D06-18-137 in 2014 in a joint initiative between Kawartha Lakes-Haliburton Housing Corporation (KLHCC) and Habitat for Humanity to provide a total of 34 affordable housing options in Lindsay that is composed of a mix of dwelling types such as single detached, semi-detached, row townhouses, and stacked townhouses. Habitat for Humanity championed five (5) of these units along Hamilton Street in the format of three (3) single detached dwellings and one (1) semi-detached dwelling – Addresses Number 33, 35, 37 and 39-41.

Although there is some degree of variation in the lot frontages along Hamilton Street, the lots developed by the applicant all have the same depth. The proposed severed and retained lots maintain this depth. No negative land use compatibility impacts are anticipated to the established character of the neighbourhood by the reduction in lot area.

Further, a 0.01 metre reduction in the interior side yard requirement for the severed lot is considered minor and not anticipated to be discernible. Sufficient room would still be available in the portion of the yard for maintenance and drainage. The scale and design of the development on the proposed lots is also considered to add aesthetic vibrancy to the residential character of the neighbourhood.

Therefore, the variances are considered minor in nature and 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 are zoned Residential Three Special Thirteen (R3-S13) Zone in the Town of Lindsay Zoning By-law 2000-75. The zoning by-law intends for residential development within R3-S13 Zone in a single or semi-detached dwelling, a home occupation, a duplex dwelling, or an accessory use ancillary to the permitted uses.

Notwithstanding the deficiency in the minimum lot area for both lots and that of the minimum interior side yard setback for the severed lot, the proposed lots each have sufficient area to accommodate the two required parking spaces, and there is sufficient rear yard amenity space.

The proposed severed and retained lots exceed the minimum frontage requirement of 6.7 metres for an interior lot in the R3-S13 Zone with lot frontages of 6.79 metres (severed) and 8.76 metres (retained) respectively.

Staff's position on the lot frontage interpretation is that the Lindsay Zoning By-law defines an exterior side yard as the yard immediately adjacent to a street whereas the By-law defines street as public roads or roads to be assumed by the City. As Devan Court to the south of the retained lands is a private road and not assumed by the City, the exterior side yard provision would not apply on that side of the yard and would automatically revert back to the interior side yard requirement.

In all other respects, as the proposed severed and retained lots comply with all other zone provisions for setback, building height and lot coverage, it is appropriate to separate the ownership of both semi-detached dwelling units from one another.

Therefore, the variances maintain 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 lands are designated Residential in the Town of Lindsay Official Plan (OP). The application complies with the low density residential designation. Low-profile semi-detached residential buildings are contemplated within this designation. Likewise the proposal meets Policy 2.4 (Healthy Community) objectives by presenting alternative housing options.

In addition, consent policy 6.6 provides that consents shall only be granted when the land fronts onto a maintained assumed public road, or have the effect of infilling existing areas and not extending development unduly. The proposal meets the general intent and purpose of 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 property will be developed on full municipal services.

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 (October 7, 2019): No concerns.

Public Comments:

No comments received as of October 8, 2019.

Attachments:



Appendices A-D to
Report COA2019-060

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments

Phone:	705-324-9411 extension 1367
E-Mail:	qadebayo@kawarthalakes.ca
Department Head:	Chris Marshall, Director of Development Services
Department File:	D20-2019-043

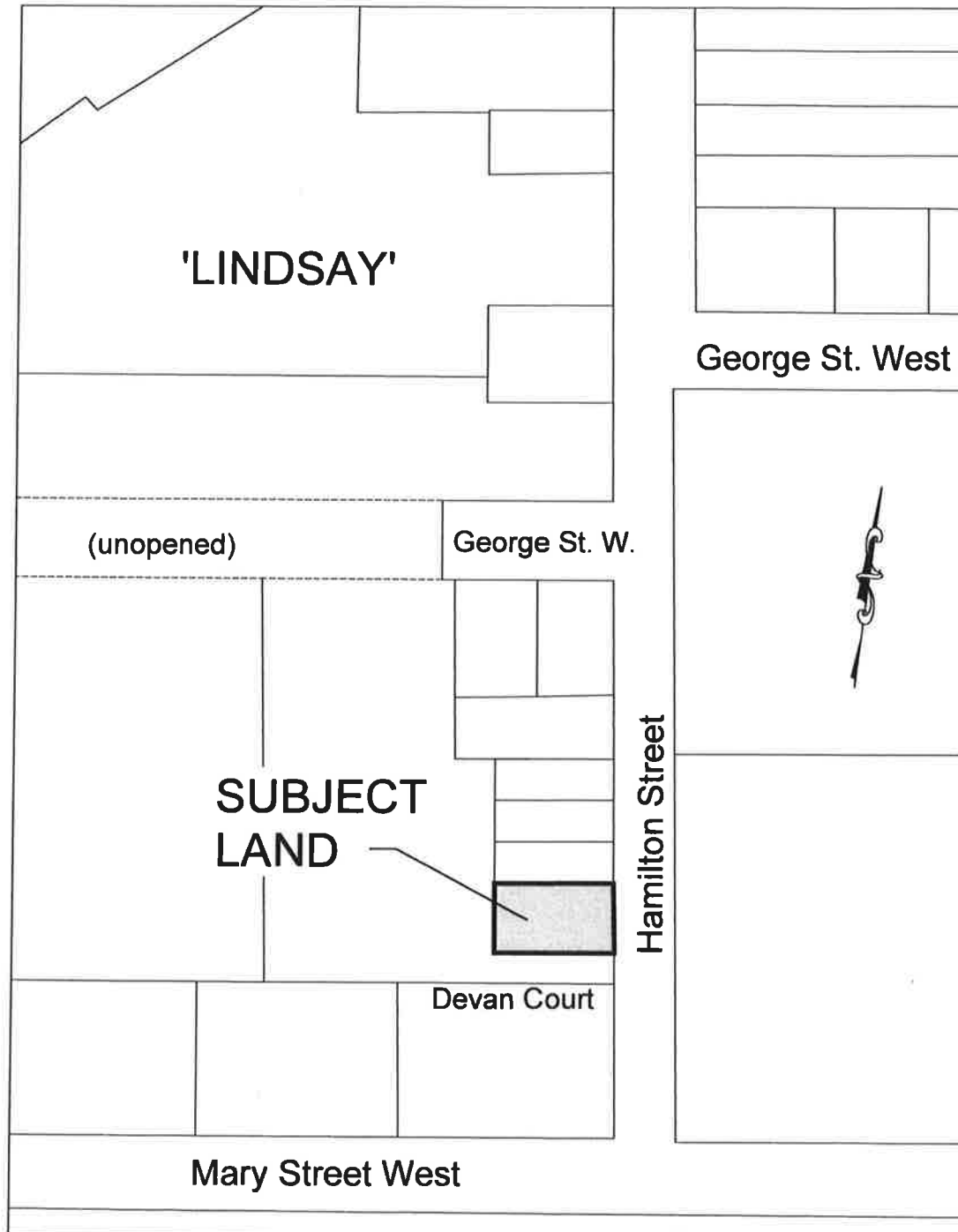
APPENDIX: A

to

REPORT COA2019-060

FILE NO: D20-2019-043

D20-2019-043



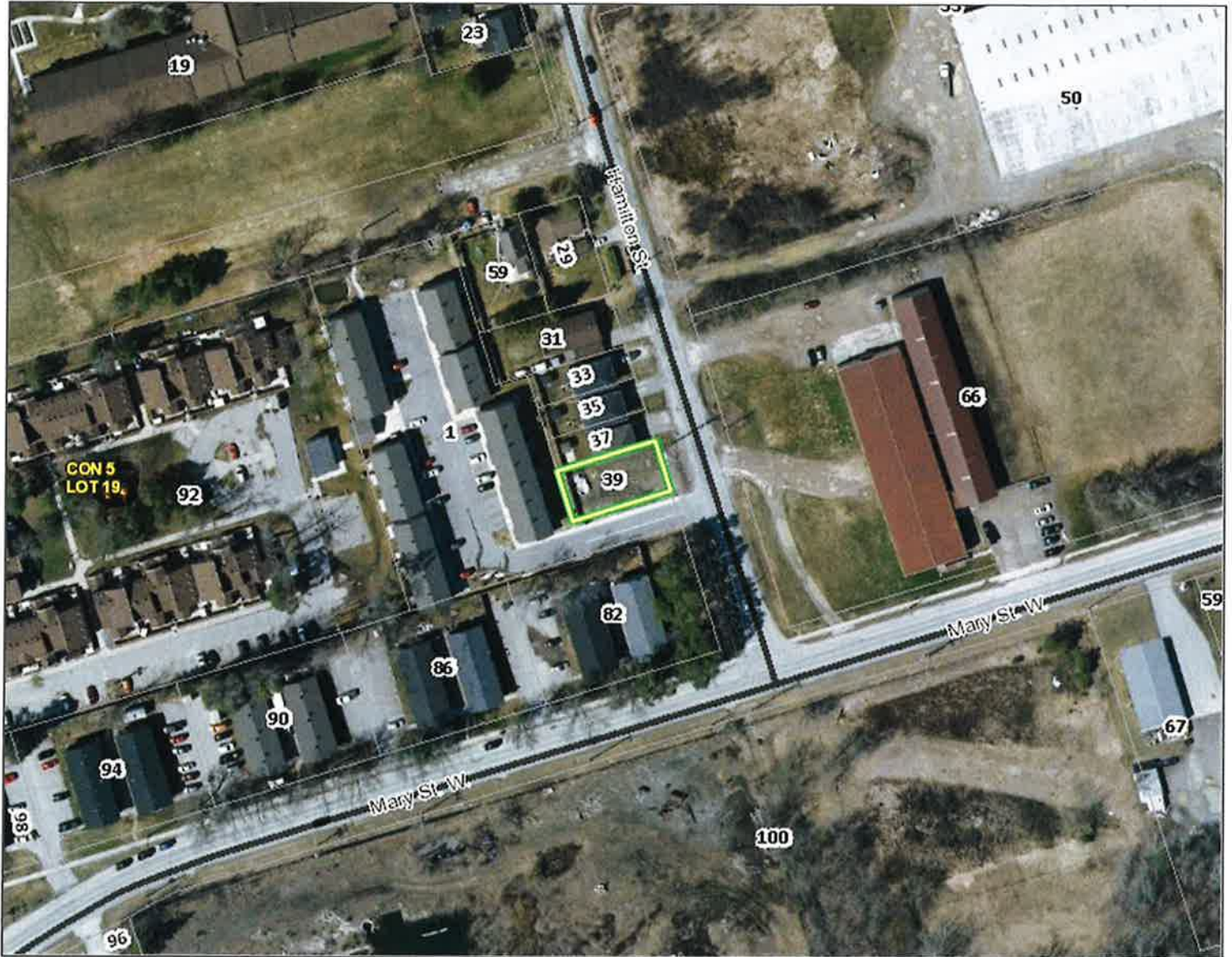
APPENDIX: B

to

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39-41 Hamilton Street, former Town of Lindsay



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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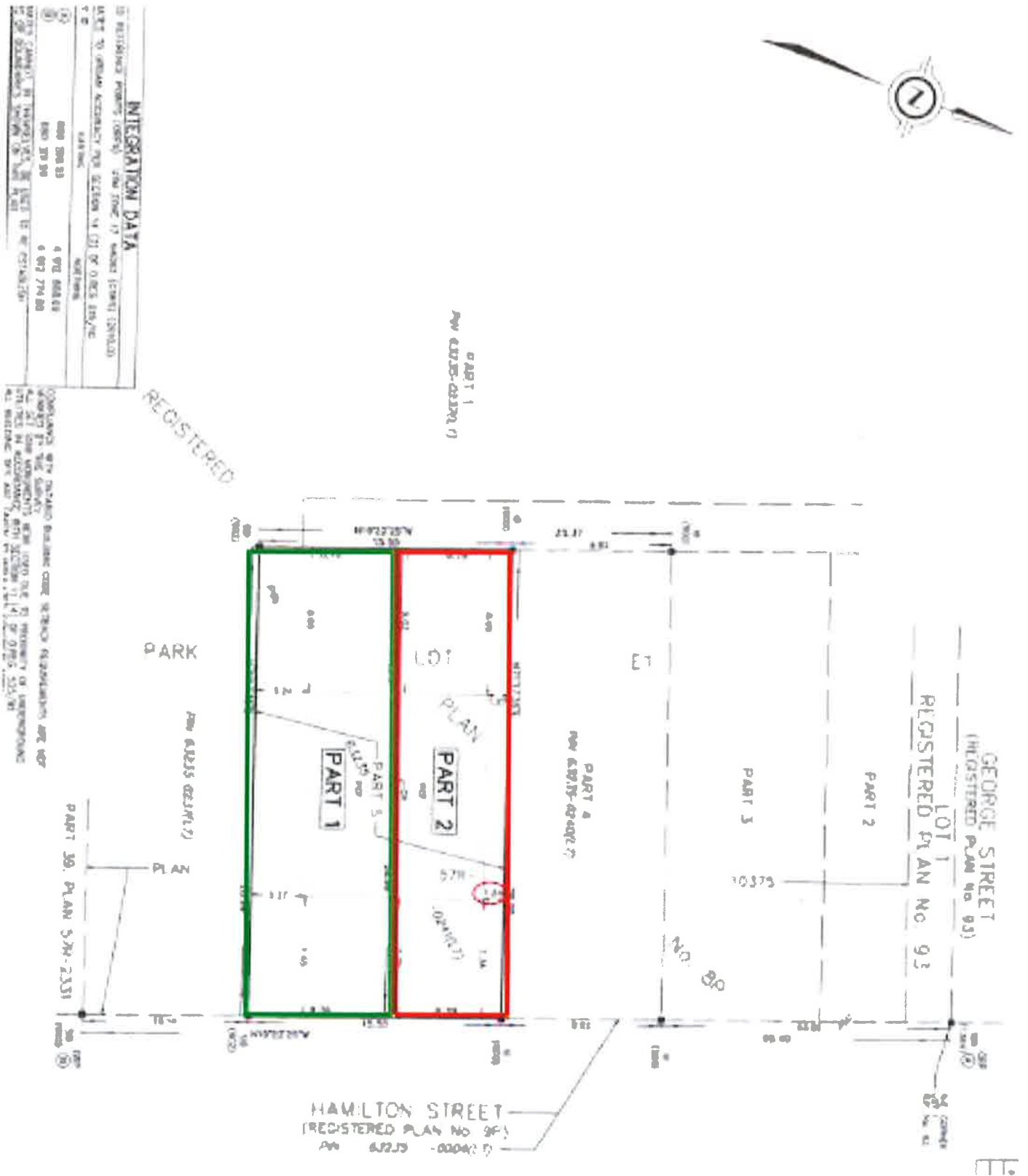
APPENDIX: C

to

REPORT COA2019-060

FILE NO: D20-2019-043

Site Plan Sketch



APPENDIX: D

to

REPORT COA2019-060

FILE NO: D20-2019-043

From: Derryk Wolven
To: Charlotte Crockford-Toomey
Cc:
Subject: D20-2019-043

Please be advised building has no concerns with this application.

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca

