

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Johnson
Report Number COA2020-006

Public Meeting

Meeting Date: February 20, 2020
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to request from Section 5.12(j)(vi) to reduce the driveway setback requirement from a side lot line from 0.6 metres to nil in order to permit a shared driveway between two abutting lots.

The variance is requested at 84-86 Queen Street, former Town of Lindsay (File D20-2020-002).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendations:

Resolved That Report COA2020-006 Jamol Johnson be received;

That minor variance application D20-2020-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

- 1) **That** the variance related to this approval shall be applied in accordance with the sketch in Appendix C-2 which depicts shared driveway access between 84 and 86 Queen Street.
- 2) **That** should the related application for consent, file number D03-2018-018 lapse, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2020-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Background: On April 23, 2019 the Director of Development Services as delegated by Council granted provisional consent to files D03-2018-018 and D03-2018-019. The application ending in 018 proposes to separate two residential buildings, addressed as 84 and 86 Queen Street, from one another.

The application ending in 019 proposes to create an easement for a right-of-way to allow each lot to continue to use the

mutual driveway that provides access from the road to the parking area behind the buildings. A condition of provisional consent approval requires the owner to apply for a variance to permit a driveway to abut the lot line to be created.

The application was deemed complete January 21, 2020.

- Proposal: To create two residential lots with shared driveway access.
- Owner: Jamol Johnson
- Applicant: Doug Carroll, DC Planning Services
- Legal Description: Part Lot 25, Lot 26, Part Park Lot 32, N/S Queen Street, Plan 15P; and Parts 5 and 6, 57R-4585
- Official Plan: Residential within the Town of Lindsay Official Plan
- Zone: Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75
- Site Size: Proposed Severed – 607 square metres
Proposed Retained – 1,571.4 square metres
- Site Servicing: Municipal Water and Wastewater Services
- Existing Uses: 84 Queen Street – Fourplex
86 Queen Street – Duplex
- Adjacent Uses: North: Park, Residential
South, East West: Residential

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 located on Queen Street, which is an established neighbourhood with older housing stock. The buildings on the subject property date to circa 1920 according to MPAC.

There is a single driveway that runs between the two buildings, providing access to two of the fourplex units with entries along the eastern building wall. The driveway also provides access to a communal parking area behind 86 Queen Street. A condition of provisional consent for file D03-2018-018 is for the parking spaces dedicated to the residents of 84 Queen Street be relocated from behind 86 Queen Street to the rear of 84 Queen Street. As such, the mutual driveway will provide access from Queen Street to the separate parking areas for each building and lot.

The use of the communal driveway is appropriate due to the City's approval of application D03-2018-019 to create easements over the driveway so that each lot will continue to be able to use it to access the parking areas once the lot line is created.

The variance is minor and desirable and appropriate as it permits a mutual driveway between two lots. Additionally, there is no perceived adverse impact to the neighbourhood character or use of either building as the driveway is an existing condition and the variance will not change how the driveway functions.

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

Yes

The property is zoned Residential Two (R2) Zone within the Town of Lindsay Zoning By-law 2000-75. The provision from which relief is being sought is contained within the General Provisions section.

The intent of the General Provision regulating the placement of the driveway with respect to a mutual lot line is to ensure that the driveway, any vehicles which park upon it, and any swinging vehicle doors are fully contained upon the subject property. Another function of this required spatial separation is to ensure that there is space for stormwater runoff and snow storage.

However, this provision is established with the intent of separating the functions of driveways on abutting properties from one another. In this case, the intent of the consent applications which have received provisional consent is for the properties to share mutual driveway access. Therefore, the General Provision need not be in effect because the circumstance which it is controlling for is not being created.

The separation of the two lots meets all other provisions of the zoning by-law.

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

As the Lindsay Secondary Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies. The subject property is within the Residential designation of the Official Plan. The Official Plan supports the use of the consent process to create residential infill lots.

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 is on full municipal water and wastewater services.

Consultations:

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

Agency Comments:

Development Engineering Division (February 7, 2020): No concerns.

Building Division (February 6, 2020): No concerns.

Public Comments:

No comments received as of February 10, 2020.

Attachments:



Appendices A-D to
Report COA2020-006.

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketches

Appendix D – Department and Agency Comments

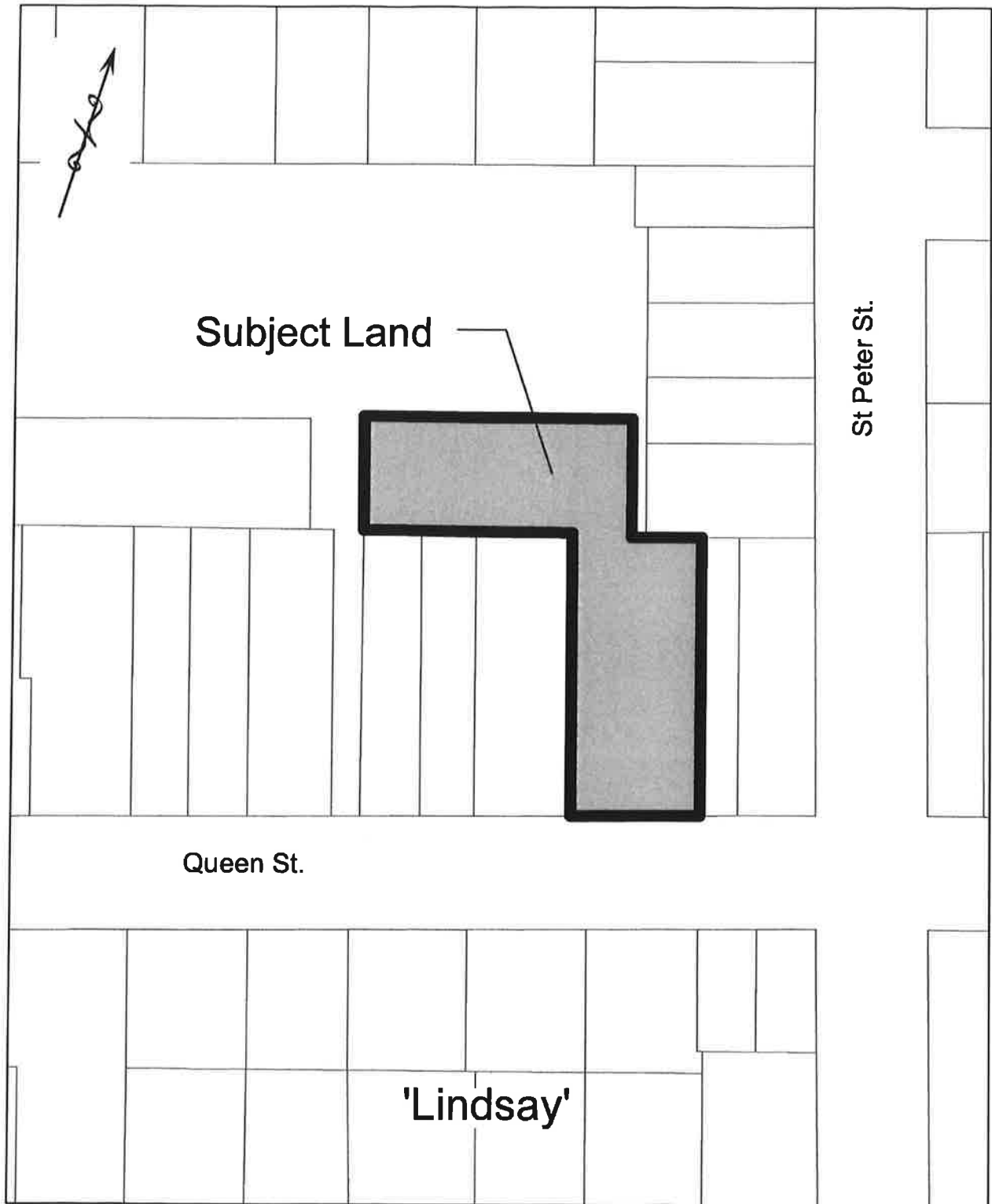
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Chris Marshall, Director of Development Services
Department File: D20-2020-002

APPENDIX " A "

to

REPORT COA2020-006

FILE NO: D20-2020-002



84-86 Queen Street, former Town of Lindsay



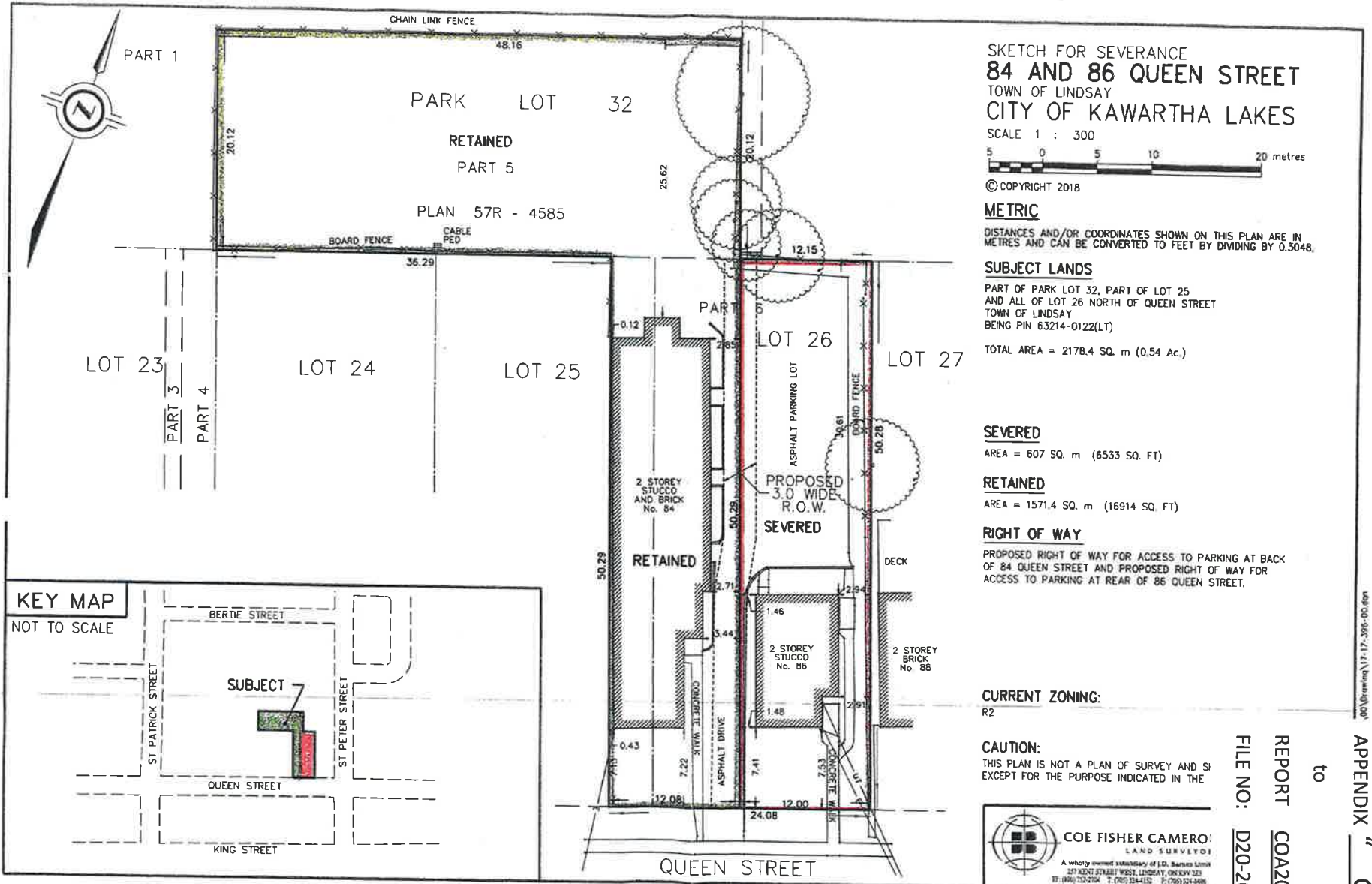
0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "
to
REPORT COA2020-006
FILE NO: D20-2020-002



SKETCH FOR SEVERANCE
84 AND 86 QUEEN STREET
 TOWN OF LINDSAY
 CITY OF KAWARTHA LAKES

SCALE 1 : 300



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METRIC

DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SUBJECT LANDS

PART OF PARK LOT 32, PART OF LOT 25
 AND ALL OF LOT 26 NORTH OF QUEEN STREET
 TOWN OF LINDSAY
 BEING PIN 63214-0122(LT)

TOTAL AREA = 2178.4 SQ. m (0.54 Ac.)

SEVERED

AREA = 607 SQ. m (6533 SQ. FT)

RETAINED

AREA = 1571.4 SQ. m (16914 SQ. FT)

RIGHT OF WAY

PROPOSED RIGHT OF WAY FOR ACCESS TO PARKING AT BACK OF 84 QUEEN STREET AND PROPOSED RIGHT OF WAY FOR ACCESS TO PARKING AT REAR OF 86 QUEEN STREET.

CURRENT ZONING:

R2

CAUTION:

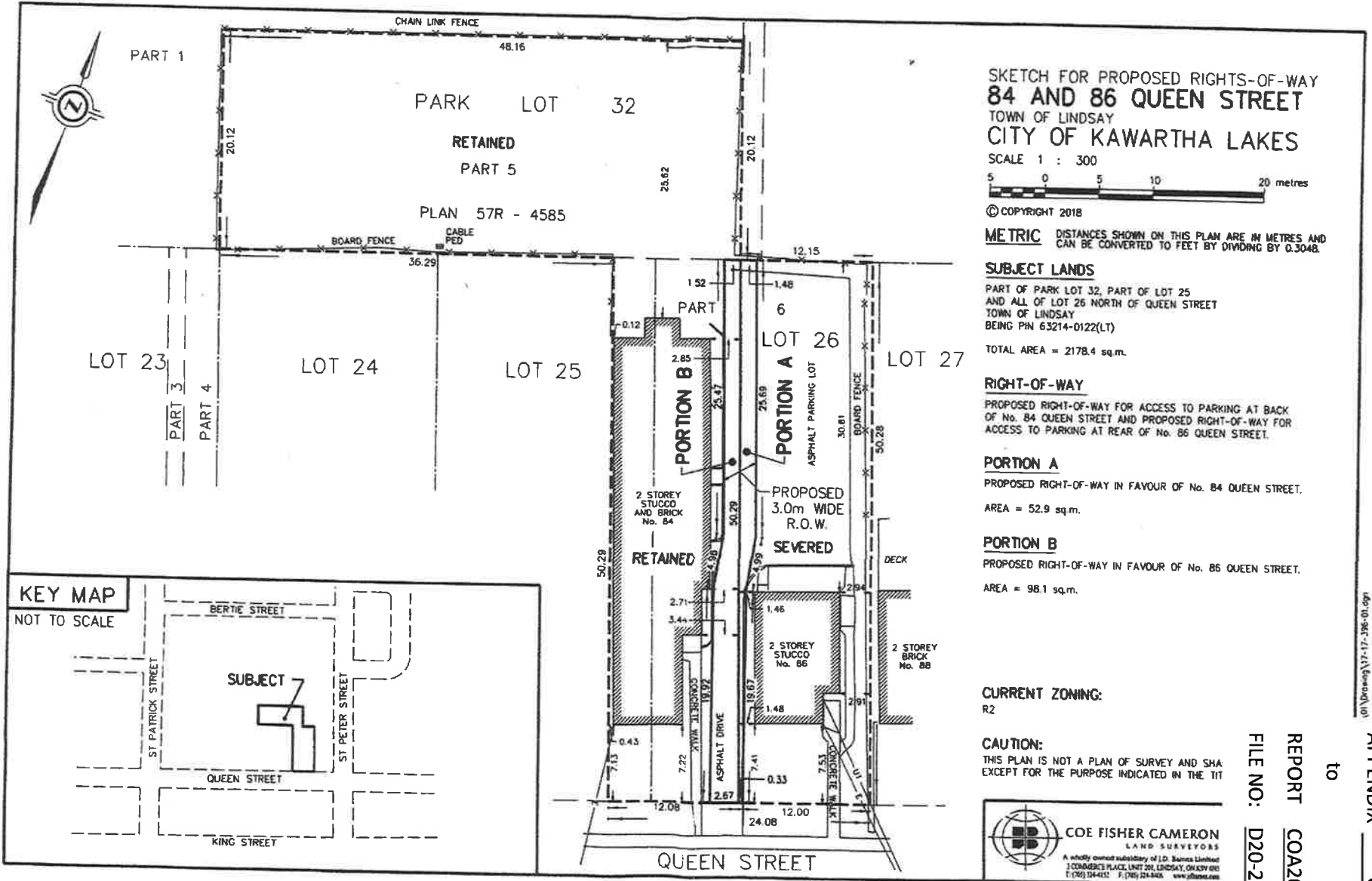
THIS PLAN IS NOT A PLAN OF SURVEY AND IS EXCEPT FOR THE PURPOSE INDICATED IN THE

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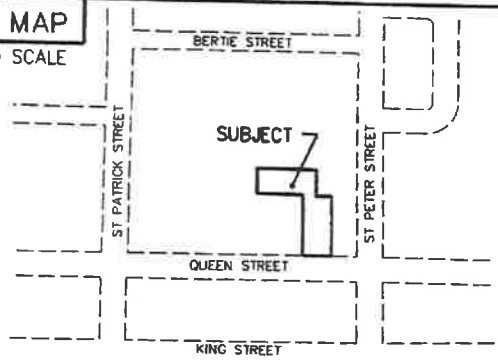
REPORT **COA2020-006**
 FILE NO: **D20-2020-002**

APPENDIX " C-1 "

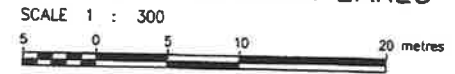
J:\Users\m\0001\Projects\2020\COA2020-006.dwg



KEY MAP
NOT TO SCALE



SKETCH FOR PROPOSED RIGHTS-OF-WAY
84 AND 86 QUEEN STREET
TOWN OF LINDSAY
CITY OF KAWARTHA LAKES



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METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SUBJECT LANDS

PART OF PARK LOT 32, PART OF LOT 25
AND ALL OF LOT 26 NORTH OF QUEEN STREET
TOWN OF LINDSAY
BEING PIN 63214-0122(LT)

TOTAL AREA = 2178.4 sq.m.

RIGHT-OF-WAY

PROPOSED RIGHT-OF-WAY FOR ACCESS TO PARKING AT BACK OF No. 84 QUEEN STREET AND PROPOSED RIGHT-OF-WAY FOR ACCESS TO PARKING AT REAR OF No. 86 QUEEN STREET.

PORTION A

PROPOSED RIGHT-OF-WAY IN FAVOUR OF No. 84 QUEEN STREET.
AREA = 52.9 sq.m.

PORTION B

PROPOSED RIGHT-OF-WAY IN FAVOUR OF No. 86 QUEEN STREET.
AREA = 98.1 sq.m.

CURRENT ZONING:

R2

CAUTION:

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REPORT COA2020-006
FILE NO: D20-2020-002

APPENDIX " C-2 "

d:\p\01-986-17-127-127\lindsay\l01

David Harding

From: Derryk Wolven
Sent: Thursday, February 6, 2020 11:01 AM
To: Charlotte Crockford-Toomey
Subject: D20-2020-002 84-86 Queen St

APPENDIX " D "
to
REPORT COA 2020-006
FILE NO. D20-2020-002

Please be advised building division has no concerns with the above noted application.

Derryk Wolven, CBCO
Plans Examiner
Development Services, Building Division, City of Kawartha Lakes
705-324-9411 ext. 1273 www.kawarthalakes.ca



David Harding

From: Mark LaHay
Sent: Friday, February 7, 2020 9:00 AM
To: David Harding
Cc: Charlotte Crockford-Toomey
Subject: FW: 20200207 D20-2020-002 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Friday, February 7, 2020 8:43 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms
Subject: 20200207 D20-2020-002 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Minor Variance – D20-2020-002
84-86 Queen Street
Part Lot 25, Lot 26, Part Park Lot 32, N/S Queen Street,
Plan 15P, Parts 5 and 6, 5&R-4585
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to request relief from the following Section 5.12(j)(vi) to reduce the driveway setback requirement from a side lot line from 0.6 metres to nil in order to permit a shared driveway between two abutting lots.

From an engineering perspective, we have no objection to the proposed Minor Variance.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca

