

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Monica Andrus**  
Report Number COA2020-009

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**Public Meeting**

**Meeting Date:** July 16, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 7 – former Town of Lindsay**

**Subject:** The purpose and effect is to seek relief from Section 7.2(f) to reduce the minimum rear yard setback from 7.5 metres to 4.5 metres to permit a deck above a walk-out basement.

The variance is requested at 9 Moynes Court, former Town of Lindsay (File D20-2020-005).

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**Author:** David Harding, Planner II, RPP, MCIP

**Signature:**



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**Recommendation:**

**Resolved That** Report COA2020-009 Monica Andrus, be received;

**That** minor variance application D20-2020-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of report COA2020-009, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2020-009. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The application was deemed complete January 24, 2020.

**Proposal:** To construct a deck that is approximately 12.5 metres by 3.68 metres over a walkout basement.

**Owner:** Monica Andrus

**Applicant:** Kyle Statten, Northern Touch Landscape Construction

**Legal Description:** Lot 11, Plan 57M-796, former Town of Lindsay, now City of Kawartha Lakes

**Official Plan:** Residential within the Town of Lindsay Official Plan

**Zone:** Residential Two Special Twenty-Five (R2-S25) Zone within the Town of Lindsay Zoning By-law 2000-75

**Site Size:** 485 square metres

**Site Servicing:** Municipal water and sanitary services

**Existing Uses:** Residential

**Adjacent Uses:** 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 a lot in a newer plan of subdivision located in a developing neighbourhood.

The proposal will provide outdoor access and amenity space for the main floor. No stairs are proposed to link the deck to the landscaped amenity space within the rear yard. The land over which the deck is proposed is hardscaped with a patio that abuts the walkout basement. The proposal will add additional amenity area above the patio and is not anticipated to affect the patio's function. As stairs are not proposed none of the lawn abutting the patio will be covered.

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 subject property is zoned Residential Two Special Twenty-Five (R2-S25) Zone within the Town of Lindsay Zoning By-law 2000-75. As per the General Provisions, decks exceeding a height of 1.8 metres (5.9 feet) are not permitted as-of-right to project into the minimum rear yard, but are instead subject to the

same setbacks as a dwelling. The intent of the rear yard setback is to provide sufficient rear yard amenity space, address massing impacts, and reduce land use and privacy conflicts between abutting properties.

The dwelling's rear wall faces southwest. The dwelling on the lot to the south, addressed as 66 Logie Street, is not located immediately behind the dwelling at 9 Moynes, nor do the rear walls of either dwelling face one another. 9 Moynes overlooks the landscaped rear yard of 66 Logie Street, and Holtom Street Road beyond.

No massing, land use or privacy impacts are anticipated due to the location and orientation of the dwelling and proposed deck.

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 remains in effect. Within this document, the property is designated Residential. Low rise residential uses and their accessory uses are anticipated within this designation.

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 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 (March 5, 2020): No concerns.

Development Engineering Division (March 6, 2020): No concerns.

**Public Comments:**

No comments have been received as of July 2, 2020.

**Attachments:**



Appendices A-E to  
Report COA2020-009.

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

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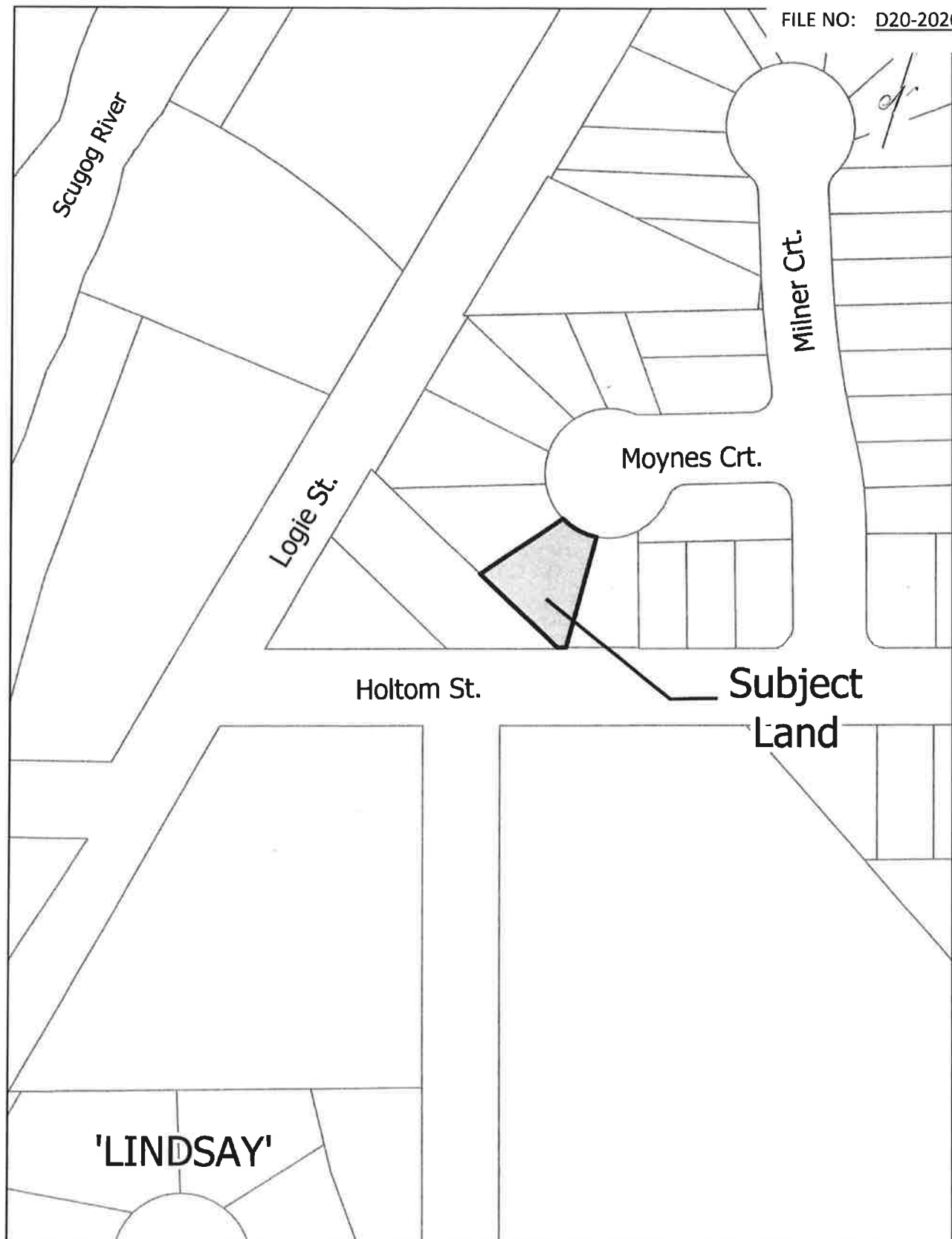
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2020-005

to

REPORT COA2020-009

FILE NO: D20-2020-005

D20-2020-005



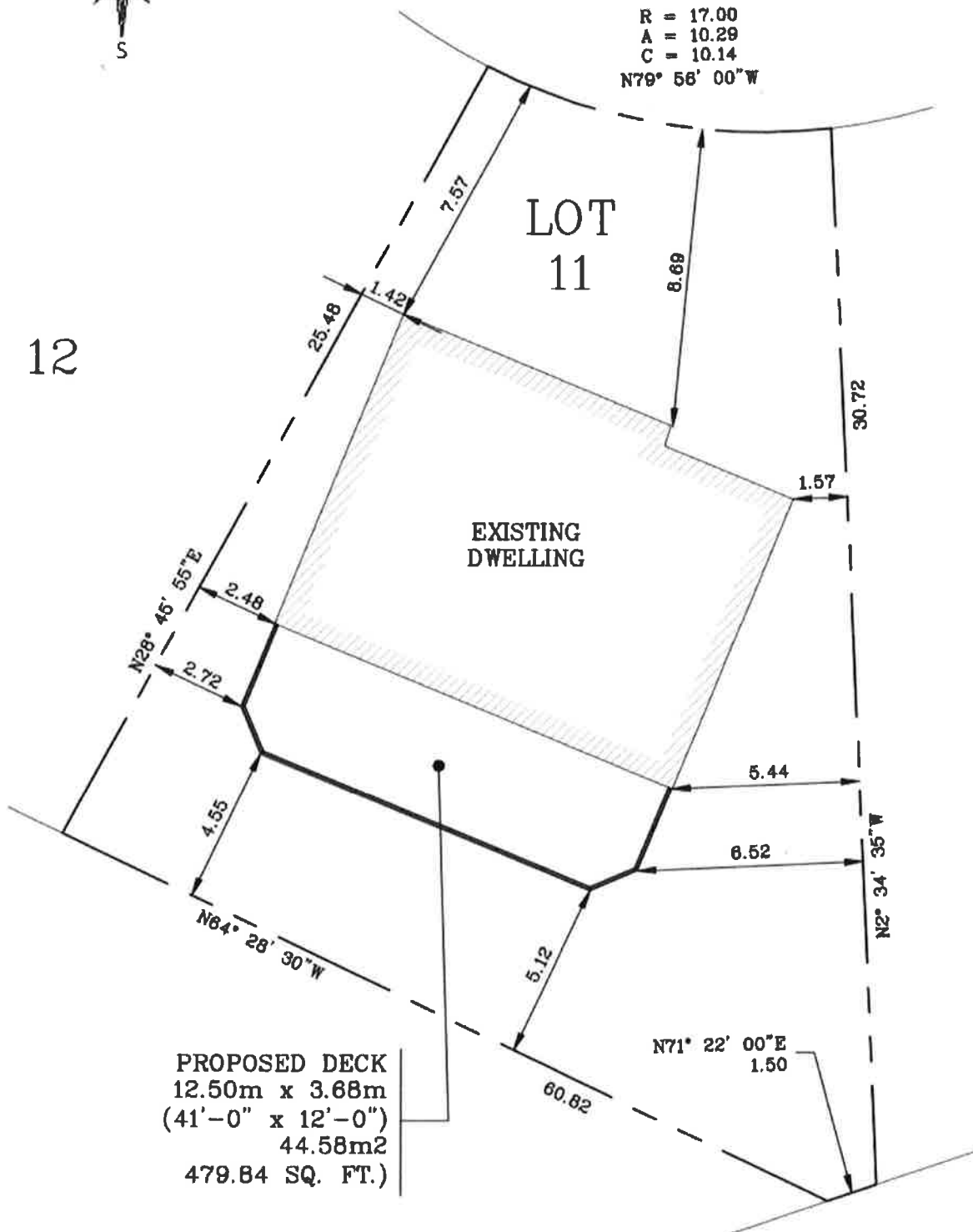
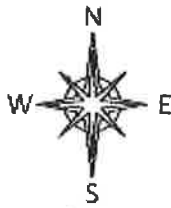


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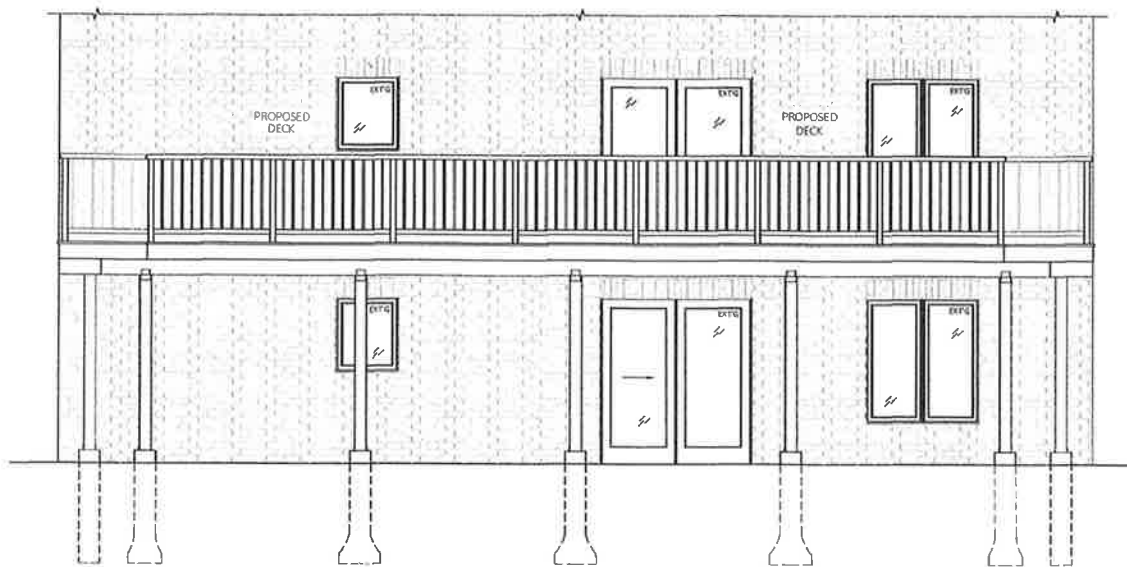


APPENDIX " D "

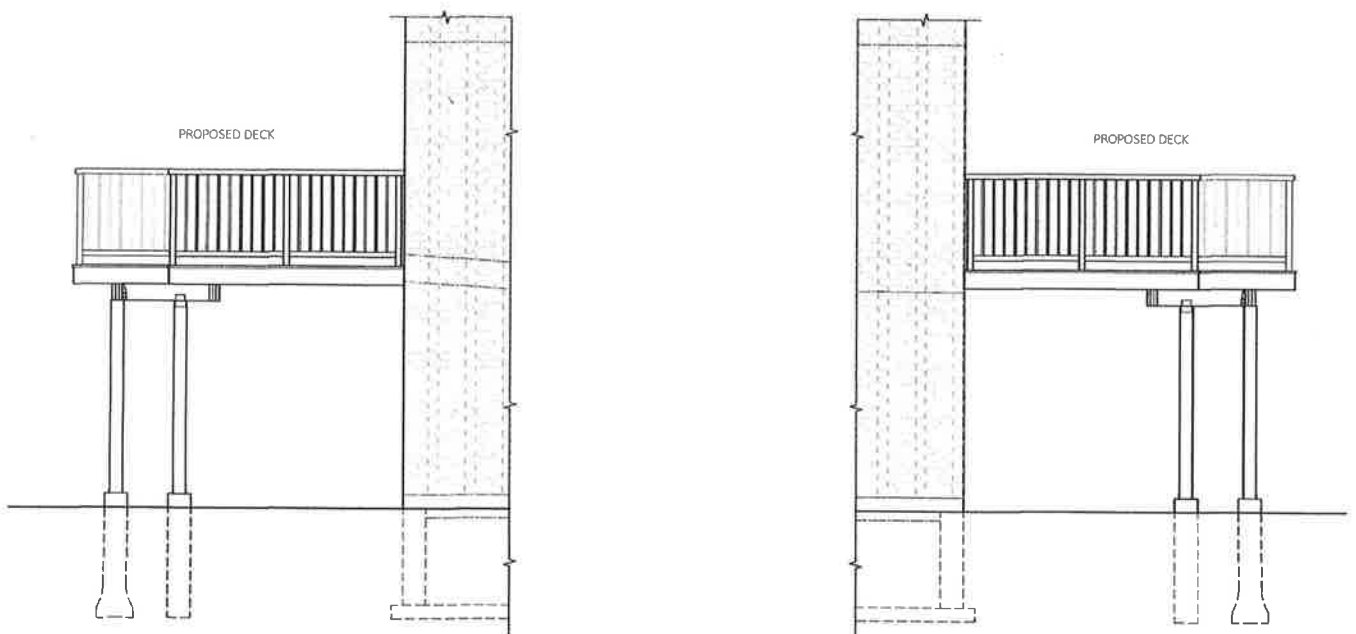
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○ Front Elevation



○ Left Side Elevation



## Kent Stainton

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**From:** Derryk Wolven  
**Sent:** Thursday, March 5, 2020 1:54 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D20-2020-005

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

APPENDIX " E "  
to

REPORT COA2020-009

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Building division has the following comments:

No concerns.

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



## Kent Stainton

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**From:** Kim Rhodes  
**Sent:** Monday, July 6, 2020 1:34 PM  
**To:** Mark LaHay  
**Cc:** Christina Sisson; Kirk Timms  
**Subject:** 20200706 D20-2020-005 - Engineering review

**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2020-005  
9 Moynes Court  
Lot 11, Plan 57M-796  
Former Town of Lindsay, Ward 7

It is the understanding by Engineering that the purpose and effect is to consider relief to reduce the minimum rear yard setback from 7.5 metres to 4.5 metres to permit a deck above a walk-out basement.

*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](http://www.kawarthalakes.ca)

