

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Jarvie and Beamish**  
Report Number COA2021-012

---

**Public Meeting**

**Meeting Date:** March 18, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

---

**Ward 7 – Former Town of Lindsay**

**Subject:** An application to sever an approximately 316.13 square metre residential lot and retain an approximately 697.44 square metre residential lot with a dwelling addressed as 170 William Street.

The property is addressed as 170 William Street North, former Town of Lindsay (File D03-2020-034).

---

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

**Signature:**



---

**Recommendations:**

**Resolved That** Report COA2021-012 Patricia Jarvie and Roger Beamish be received;

**That** consent application D03-2020-034, being an application to sever an approximately 316.13 square metre residential lot and retain an approximately 697.44 square metre residential lot with the conditions of provisional consent substantially in the form attached as Appendix G, be GRANTED.

**Background:** The owners are proposing to sever off the yard between the dwelling addressed as 170 William Street North and 174 William Street North to create an additional residential lot.

**Owners:** Patricia Jean Jarvie and Roger Lee Beamish

**Applicant:** Roger Lee Beamish

**Legal Description:** Plan 1, Part Lots 1 and 2, Block J

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

**Zone:** "Residential Three" (R3) Zone" within the Town of Lindsay  
Zoning By-law 2000-75

**Site Size:** Severed – 316.13 square metres  
Retained – 697.44 square metres

**Site Servicing:** Municipal water and wastewater

**Existing Uses:** Residential

**Adjacent Uses:** North, South, West: Low-rise Residential  
East: Mid-Rise Residential

## **Rationale:**

### **Policy Conformity**

#### **Provincial Policy Statement, 2020 (PPS)**

Sections 1.1.1(a) and (b) encourage the efficient development of land use patterns through accommodating an affordable range of housing types, employment, institutional, recreational, and other uses to meet the long term needs of municipalities.

Section 1.1.3 states that settlement areas shall be the primary focus of growth and development in order to ensure their long term vitality and economic prosperity. Land uses within settlement areas are to be of a range of densities that are to efficiently use land and resources. Opportunities for intensification and redevelopment are encouraged to establish efficient land use patterns. Intensification facilitates opportunities for transit-supportive development and the better utilization of infrastructure and public service facilities.

Section 1.4 directs municipalities to provide for a broad range and mix of housing options to meet the needs of a wide range of household incomes at all stages of life. The proposal does provide additional forms of housing and increasing density by proposing an additional single detached dwelling on a smaller lot.

The application proposes intensification with an existing residential neighbourhood on full municipal services.

The application is consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

The Growth Plan provides a framework to plan for growth and development in urban areas. The Growth Plan provides that growth, including intensification, should be directed towards settlement areas, and utilize existing or planned infrastructure. The subject property is located within the Lindsay settlement area. The Growth Plan contains settlement area policies to facilitate the development of settlement areas as complete communities. Complete communities are intended to provide a wide assortment of uses to support the daily needs of residents of all ages. Additional growth within settlement areas assists in achieving complete communities through items such as providing for a more compact built form, which in turn optimizes the use of infrastructure.

Section 2.2.1.4 of the Growth Plan encourages a range and mix of housing options in order to assist in the creation of complete communities.

Section 2.2.6 encourages the provision of diverse housing stock in order to accomplish the PPS's direction to establish and maintain complete communities.

The application conforms to the Growth Plan.

### **Town of Lindsay Official Plan (Official Plan)**

As the Lindsay Secondary Plan is appealed to the Local Planning Appeal Tribunal, the policies of the Town of Lindsay Official Plan remain in effect. The subject property is within the "Residential" designation. This neighbourhood would be considered a low density residential area.

Low density residential areas are classified as single detached, semi-detached, duplex, or other similar low profile residential buildings. Due to the proposed lot size and variance sought in the concurrent variance application, a single detached dwelling is the most intensive use permitted on the site. The neighbourhood contains older single detached and some semi-detached dwellings.

The application proposes intensification in a built form found in a low density residential area.

William Street North is identified as a collector road. Section 5.1.3.4 of the Official Plan identifies the width of a collector road allowance should be 26.0 metres. Development Engineering has provided comment in Section E identifying the need to confirm the width of the road allowance and request the dedication of land if it is not found to be of the appropriate width.

The application conforms to the Official Plan.

### **Zoning By-law Conformity and Planning Staff Analysis**

The lot is zoned "Residential Type Three (R3) Zone" within the Town of Lindsay Zoning By-law 2000-75.

The property is located within a mature residential neighbourhood. The lots within this neighbourhood are of varying sizes and depths. The predominant built form is

single detached dwellings, but there are also semi-detached dwellings and single detached dwellings converted into multiple dwelling units.

The parcel to be severed exceeds the minimum lot area requirement of 300 square metres by proposing 316.13 square metres. The severed parcel proposes a minimum lot frontage of 9.25 metres whereas the by-law requires 10 metres. The lot size and frontage proposed is not substantially different from what is found in some of the smaller lots within the area, a condition is included to ensure a variance is obtained for the deficient lot frontage.

The lot to be retained exceeds the minimum lot area and frontage requirements of the R3 Zone by proposing 697.44 square metres and 20.39 metres respectively.

The subject property is one of the widest lots within the neighbourhood. While the consent, if granted, will increase the parcel fabric density within this neighbourhood, the surrounding lots are of varying frontages, depths, and areas. Therefore, the areas, depths, and frontages proposed are in keeping with the neighbourhood's established lot patterns.

Should a road widening as a result of Condition 2 be deemed necessary, the proposed lot size of the proposed severed will not decrease, as the mutual lot line between the severed and retained lots may be slightly adjusted within the rear yard. Condition 1 has been structured to accommodate this potential adjustment.

Sufficient rear yard space upon the retained lands remains for outdoor recreational purposes whether or not a slight adjustment to the mutual lot line is required. The retained lot would continue to meet the R3 Zone provisions if the slight adjustment to the mutual lot line is needed.

#### **Other Alternatives Considered:**

No other alternatives have been considered. However, the proposal did go through the pre-consultation process. Through conversation with the Economic Development Officer – Heritage Planning, the front face of the dwelling is proposed to not have a garage in order to compliment the established character of the neighbourhood, composed of many older dwellings where garages, if they exist, are often detached and located behind the home.

#### **Servicing Comments:**

The land is within an area that contains 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 (December 11, 2020): No concerns

Development Engineering Division (March 4, 2021): No concerns. A condition is requested that confirms the owners verify the width of the road and provide the

distance needed to achieve the 26.0 metre right of way width if it is not in accordance with the City's Transportation Master Plan.

Community Services Department (December 17, 2020). No concerns. Cash-in-lieu of parkland payment requested.

Economic Development Officer- Heritage Planning (December 22, 2020): The proposed home is in keeping with the character of the local area and will not have a negative impact on the adjacent designated property.

### **Public Comments:**

Cameron Clark (January 10, 2021): Resident of 155 William Street North. Letter of Objection. See Appendix F.

Grant Walcot (January 11, 2021): Resident of 174 William Street North. Letter of Objection. See Appendix F.

### **Planning Division Comments:**

Staff have reviewed the objections the concerns may be broadly classified into:

1. Impact on property values
2. Impact to neighbourhood character
3. Impact to designated heritage properties
4. Appropriateness of permitting a lot that does not comply with the minimum lot frontage requirement.

Staff offers the following in response to those concerns:

The Planning Act contains no mechanism to consider impacts to property values.

The owners attended a pre-consultation meeting with staff in advance of submitting their application in order to examine the development opportunities and challenges on the lot. The owners in consultation with staff, inclusive of the heritage planning officer, developed a built form and façade that is sympathetic to the pre-automobile history that many of the lots within this neighbourhood share. By having a front parking pad, the entirety of the main floor facing the road will contain habitable space. As the front wall contains habitable space rather than a garage, there are more windows than a design with an attached garage would have. A covered porch is also proposed to span the front wall. The additional windows and porch add visual interest and are in character with the older dwellings within the neighbourhood.

The heritage planning officer is satisfied that the proposal will not adversely impact the designated property across the road to the northwest. This item was also taken the City's Heritage Committee for consideration, and the Committee has no further comment to provide on the application.

The staff report along with the staff report for application D20-2020-044 analyses the appropriateness of the proposed lot frontage. These reports identify that the frontage is not out of character with the neighbourhood nor is it substantially different from the minimum requirement of the zone.

**Attachments:**



Appendices A-G to  
COA2021-012.pdf

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Floor Plans & Elevation Sketch  
Appendix E – Department and Agency Comments  
Appendix F – Public Comments  
Appendix G – Proposed Conditions of Provisional Consent

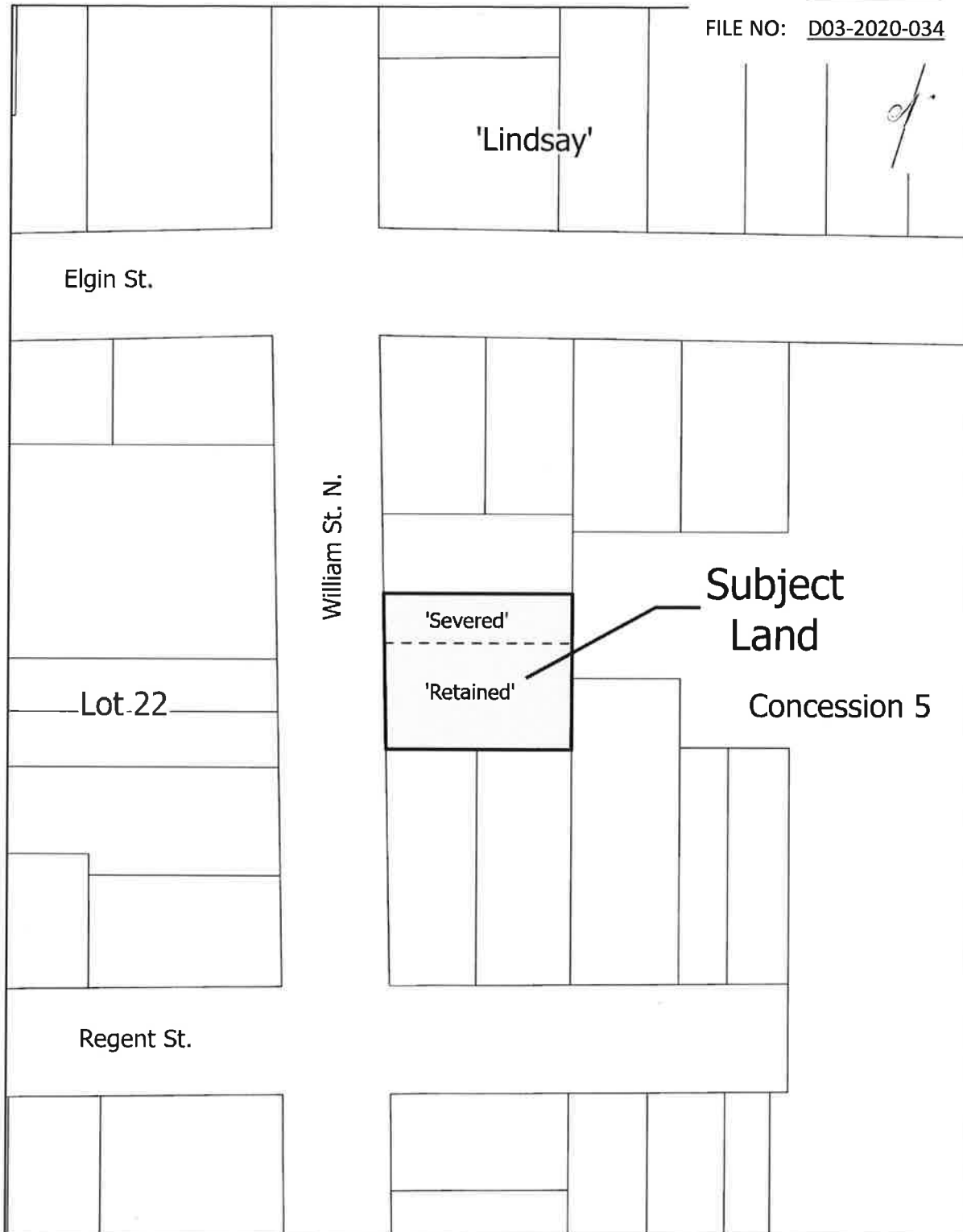
---

**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D03-2020-034

D03-2020-034

to  
REPORT COA2021-012

FILE NO: D03-2020-034



# 170 William Street North, 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  
data, layers and text that appear on this map may or may not be accu  
current, or otherwise reli

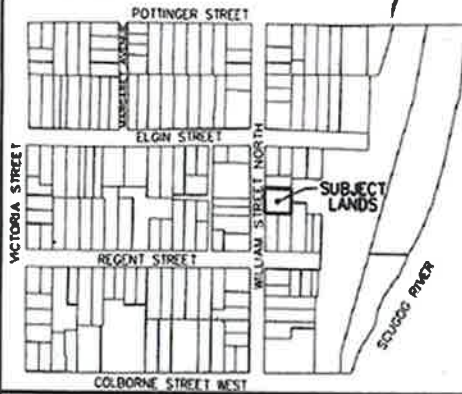
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " B "  
to  
REPORT COA2021-012  
FILE NO: D03-2020-034

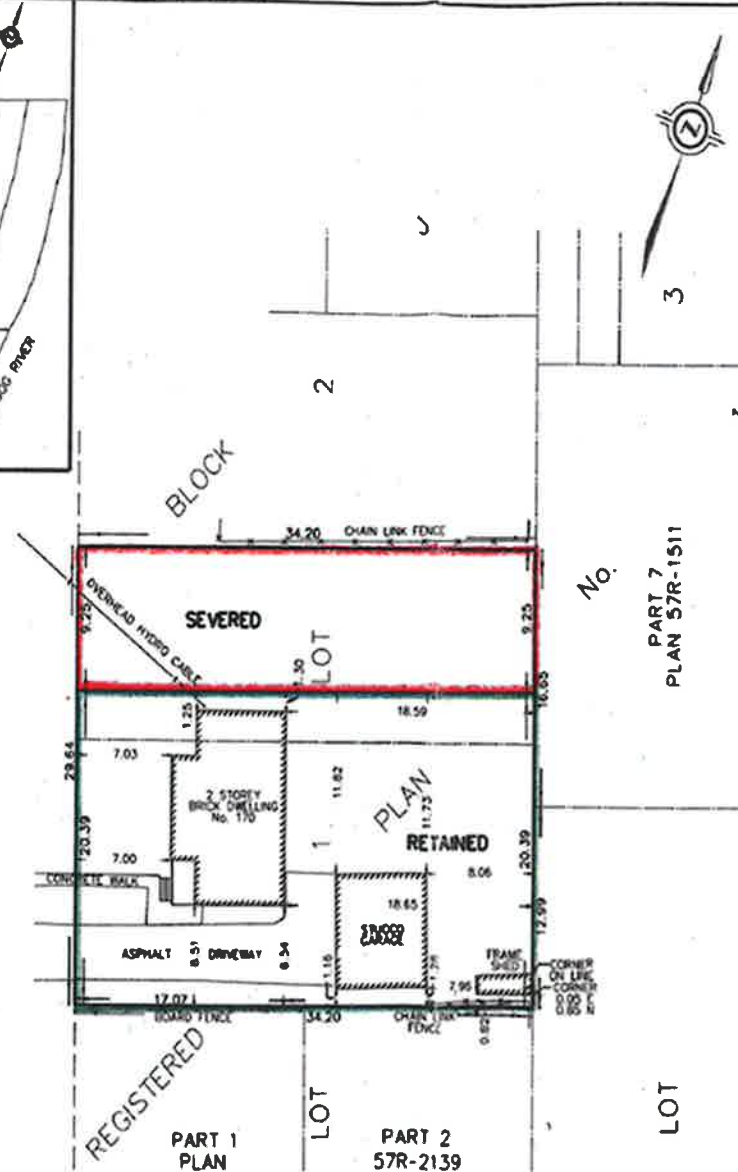


# KEY MAP

NOT TO SCALE



WILLIAM STREET NORTH



## SKETCH FOR SEVERANCE No. 170 WILLIAM STREET NORTH TOWN OF LINDSAY CITY OF KAWARTHA LAKES

SCALE 1 : 300



© COPYRIGHT 2019

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

### SUBJECT LANDS

PART OF LOT 1 AND 2, BLOCK J  
REGISTERED PLAN No. 1  
TOWN OF LINDSAY  
BEING PIN 63216-0037(LT)

TOTAL AREA = 1283.57 sq. m.

### SEVERED

AREA = 316.13 sq. m.

### RETAINED

AREA = 697.44 sq. m.

**CURRENT ZONING:**  
RESIDENTIAL THREE (R3) ZONE

**CAUTION:**  
THIS PLAN IS NOT A PLAN OF SURVEY  
EXCEPT FOR THE PURPOSE INDICATED I



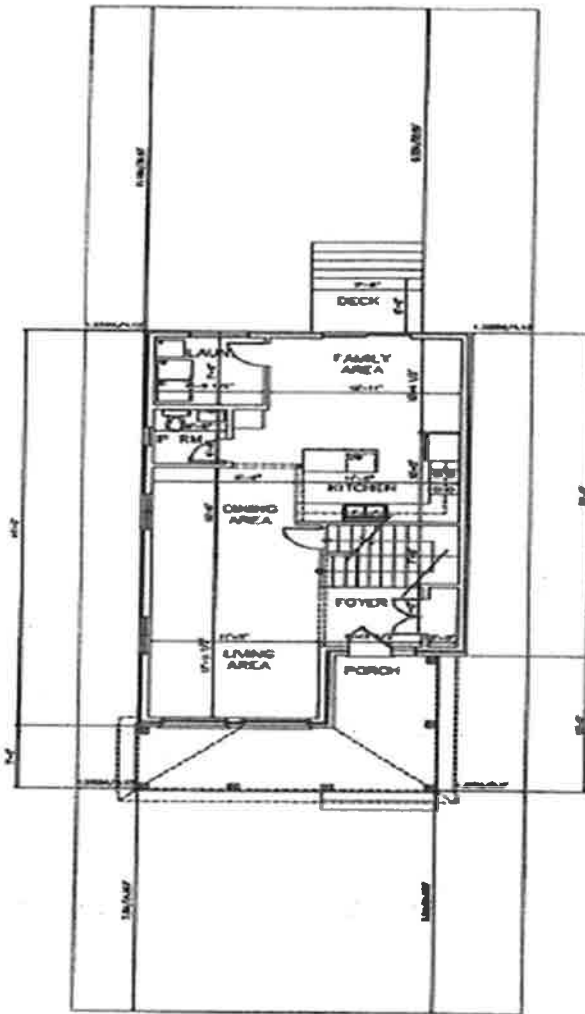
APPENDIX " C "  
to  
REPORT COA2021-012  
FILE NO: D20-2020-034

# APPENDIX " D "

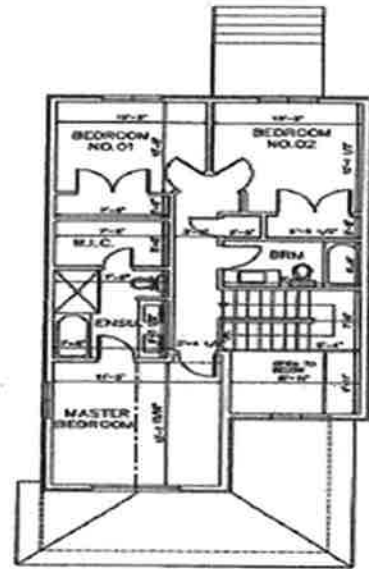
to

REPORT COA2021-012

FILE NO: D20-2020-034



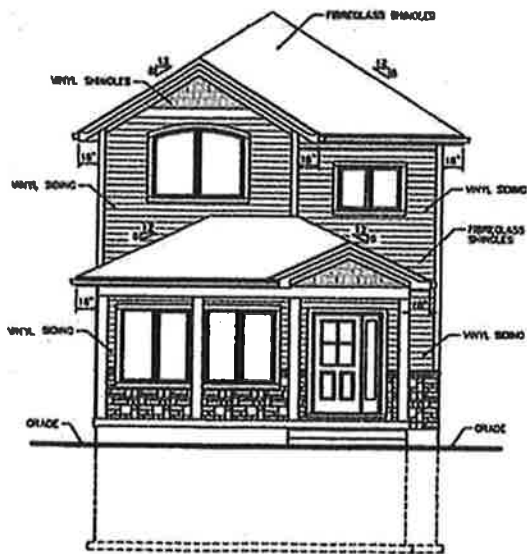
FIRST FLOOR PLAN  
SCALE 1/4" = 1'-0"



FIRST FLOOR 910 SQ. FT.  
SECOND FLOOR 808 SQ. FT.  
DECK 48 SQ. FT.  
PORCH 197 SQ. FT.

3507.3491 sq. ft.  
40% = 1402.93964  
910+808+197+1155 sq. ft.  
247.93964 sq. ft. - left over

SECOND FLOOR PLAN  
SCALE 1/4" = 1'-0"



WEST ELEVATION  
SCALE 1/4" = 1'-0"

## Kent Stainton

---

**From:** Kirk Timms  
**Sent:** Thursday, March 4, 2021 12:57 PM  
**To:** Mark LaHay; David Harding; Charlotte Crockford  
**Cc:** Kim Rhodes; Christina Sisson; Benjamin Courville  
**Subject:** 20210304 D03-2020-034 UPDATED ENG COMMENT

APPENDIX " E  
to

REPORT COA2021-012

FILE NO. D03-2020-034

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

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

Consent – D03-2020-034  
170 William Street North  
Part Lots 1 and 2, Block J, Plan 1  
Former Town of Lindsay

It is the understanding by Engineering that the purpose of the application is to sever an approximately 316.13 square metre residential lot and retain an approximately 697.44 square metre residential lot with a dwelling addressed as 170 William Street North.

*From an engineering perspective, we offer the following;*

*A legal survey is required to confirm the current extents of the City's road allowance and address any requirements for a road widening to achieve the 26.0m right of way for William Street North as per the City of Kawartha Lakes Transportation Master Plan."*

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)



## Kent Stainton

---

**From:** Mark LaHay  
**Sent:** Tuesday, December 22, 2020 4:17 PM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford-Toomey  
**Subject:** FW: D03-2020-034 170 William Street North

FYI - file

**From:** Emily Turner  
**Sent:** Tuesday, December 22, 2020 3:55 PM  
**To:** Mark LaHay  
**Subject:** D03-2020-034 170 William Street North

Hi Mark,

Here are my comments for the above noted file:

The subject property is located adjacent to a individually designated heritage property (155 William Street North) and in a mature, historic neighbourhood. The proposed new home is in keeping with the character of the local area and will not have a negative impact on the adjacent designated property. The severance is supported from a heritage perspective.

Thanks and have a great holiday season,

Emily

**Emily Turner**  
Economic Development Officer – Heritage Planning  
City of Kawartha Lakes  
Tel: 705-324-9411 ext. 1366  
Mobile: 705-878-6850  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)





**City of Kawartha Lakes**  
Community Services  
50 Wolfe Street  
Lindsay, Ontario K9V 2J2  
Tel: 705-324-9411 ext 1300  
Toll Free: 1-888-822-2225  
[ldonnelly@kawarthalakes.ca](mailto:ldonnelly@kawarthalakes.ca)  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

LeAnn Donnelly, Executive Assistant, Community Services

---

## **MEMORANDUM**

**DATE:** December 17, 2020  
**TO:** **Committee of Adjustment**  
**FROM:** LeAnn Donnelly, Executive Assistant, Community Services  
**RE:** Various Applications

---

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-2020-028	14 Lawson Court
D03-2020-030	145 Grasshill Road
D03-2020-034	170 William Street Lindsay
D03-2020-035	1590 Elm Tree Road

*LeAnn Donnelly*

---

LeAnn Donnelly  
Executive Assistant, Community Services

## Kent Stainton

---

**From:** Derryk Wolven  
**Sent:** Friday, December 11, 2020 3:46 PM  
**To:** Charlotte Crockford-Toomey  
**Subject:** D03-2020-034 170 William St N

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Building division has no concerns.

Derryk Wolven  
Plans Examiner  
City of Kawartha Lakes Building Division

## Kent Stainton

---

**From:** Grant Walcot <gwalcot53@gmail.com>  
**Sent:** Sunday, January 10, 2021 4:03 PM  
**To:** David Harding  
**Subject:** Re: Consent Application - File No. D03-2020-034 170 William Street North, Former Town of Lindsay

I am the Owner of 174 William Street North. Hereby Object to the granting of this variance by the following reasons.

1. It does not confirm to the minimum lot frontage.
2. It will not conform to the historic nature of the neighbourhood with LACAC historic protected properties.
3. It could result in the reduction of my property value and the reduction of property values for all surrounding properties by the construction of this proposed tiny home on such a small building lot.

I hereby certify I am the owner of the above listed property impacted by this proposed variance.

Sincerely Grant Walcot

Property Address: 174 William Street North.

January 10 2021

Sent from my iPhone

APPENDIX "F"

to

REPORT

COA2021-012

FILE NO

D03-2020-034

**Kent Stainton**

---

**From:** Clarkwood Properties <clarkwoodproperties@gmail.com>  
**Sent:** Sunday, January 10, 2021 1:56 PM  
**To:** David Harding; Planning Admin; Wylita Clark; Clarkwood Properties  
**Subject:** Consent Application - File No. D03-2020-034 - OBJECTION  
**Attachments:** Severance objection.pdf

January 10, 2021

Mr. David Harding  
Planning Department  
City of Kawartha Lakes.

**OBJECTION:**  
**Consent Application - File No. D03-2020-034,**  
**170 William Street North, Lindsay**

Please find attached below our OBJECTION to this Application to Sever a Building Lot.

If there are any issues or questions of our Objection to this Consent Application please call me at my office at (705) 340-5010.

Sincerely,

Cameron Clark  
Clarkwood Properties Corporation

Offices Located in:

*155 William Street North*  
Lindsay, Ontario K9V4B2  
(705) 340-5010



Email to [dharding@kawarthalakes.ca](mailto:dharding@kawarthalakes.ca)

Mr. David Harding, City of Kawartha Lakes Planning Department

Re: **OBJECTION** to Consent Application – File No. D03-2020-034  
170 William Street North, Former Town of Lindsay

We are the Owners of Historically Protected Property of 155 William Street North, former Town of Lindsay.

We hereby **OBJECT to the granting of this severance** by the following reasons.

1. This Severance does not conform to the minimum lot frontage
2. This Severance will not conform to the historic nature of the neighbourhood, with our LACAC historic protected property directly across the road from this proposed severance of this lot for the purpose of building a tiny home is ridiculous.
3. It is my expert opinion, as one of the City of Kawartha Lakes largest owners of private home rentals (Clarkwood Properties Corporation), and my wife, as a Prominent Lawyer, whose office is located at 155 William Street North, and due to our private residence which we take great pride in as a prominent home in the community both in a historical context as the former home of John Carew, Lumber Baron, Conservative MPP, that this severance will result in the reduction of my property value and the reduction of property values for all surrounding properties by the construction of this proposed tiny home on such a small building lot. It will result in the reduction of the community identifying with the home and its prominence.
4. It is again my opinion that, as the former Chairperson of LACAC reporting to the Town of Lindsay municipal council, and the former board member of the Victoria County Historical Board, that it will negatively impact on my community, prominent property and that of the property values of this neighbourhood.
5. We will seek to Appeal any Acceptance of this Severance, if such a severance is granted to the fullest extent possible. We feel this strongly about this issue.
6. As 155 William Street North is one of the largest Municipally taxed private residences in the City of Kawartha Lakes, if a severance is granted, we will take all necessary steps to apply for an immediate reduction in Property Taxes due to the reduction of property value for our property as caused by this severance.

I hereby certify we are the owner of the above listed property impacted by this proposed severance.

Signed: 

Property Address: 155 William Street North, Lindsay, Ontario, City of Kawartha Lakes

Dated: January 9<sup>th</sup>, 2021

to

REPORT COA2021-012

Proposed Conditions – Application D03-2020-034

FILE NO: D03-2020-034

1. This approval applies to the transaction applied for, subject to any minor alterations to the mutual lot line within the rear yards required as a result of exercising option b of Condition 2 to maintain the minimum lot area requirement of the R3 Zone.
2. The owner shall submit surveyor confirmation to the satisfaction of the Development Engineering Division the width of the William Street North road allowance. The owner shall carry out or cause to be carried out one of the following:
  - a. If the road allowance is at least 26.0 metres wide, the owner shall submit written confirmation from the Development Engineering Division that it is in agreement that the road allowance is at least 26.0 metres wide; or
  - b. If the road allowance is not 26.0 metres wide, a road widening of the width specified by the Development Engineering Division be conveyed to the City of Kawartha Lakes across the entire frontage of the lot to be severed, free and clear of all encumbrances. The legal description shall include the words "RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway."
3. The owner shall apply for, pay the prescribed fee and obtain a variance for the lot to be severed such that the minimum lot frontage be reduced, and possibly the lot area be reduced depending on the outcome of condition 2, and the variance(s) be in effect.
4. Payment to the City of Kawartha Lakes of a tree levy of \$500.00 for the residential lot.
5. The Owner submit to the Secretary-Treasurer written confirmation from the Roads Operations Division that an entrance permit would be available for the lot to be severed.
6. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
7. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
8. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$458.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
9. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-

review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.

10. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.