

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Farquhar
Report Number COA2021-022

Public Meeting

Meeting Date: April 15, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 5 – Former Town of Lindsay

Subject: An application as revised proposes to sever an approximately 320 square metre lot to permit the construction of a single detached dwelling and retain an approximately 564 square metre lot (as amended by St. David Street widening) containing a single detached dwelling addressed as 114 Queen Street.

The property is addressed as 114 Queen Street, former Town of Lindsay (File D03-2020-006).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2021-022 Michael and Jeffery Farquhar be received; and

That consent application D03-2020-006, being an application as revised to sever an approximately 320 square metre residential lot and retain an approximately 564 square metre lot with the conditions of provisional consent substantially in the form attached as Appendix 'F', be **Granted**.

Background: The original application proposed to sever an approximately 560 square metre residential lot on the norther portion of the subject property to contain two semi-detached dwellings, and retain an approximately 450 square metre residential lot with a single detached dwelling. Another consent application was anticipated to be filed at a later date to separate the ownership of each constructed semi-detached dwelling so that each one was on its own lot.

Staff report COA2021-011 was prepared for the Committee of Adjustment's February 18, 2021 meeting. The report identified challenges with the proposal and recommended the denial of the application.

At the meeting, the applicant and staff requested the Committee consider deferring the application to allow the parties more time to discuss a compromise.

The Committee agreed and deferred the application for a period of up to two months. As a result of the discussions between the City and applicant, the application was revised, shrinking the size of the proposed severed and thus enlarging the proposed retained. A single detached dwelling is now proposed for the severed lands.

The subject property is located at the northwest corner of Queen Street and St. David Street. There is an older, modestly sized 1.5 storey red brick dwelling on the southwest side of the property, with a two-door detached garage directly north of it. The driveway leads out from the garage onto St. David Street.

After further discussion with the applicant, the City received a revised proposal on April 7, 2021, which shows a 320 square metre severed lot for the purposes of a one single detached dwelling and a retained 564 square meter lot containing an existing single detached dwelling and a garage. See Appendix 'C'. A 3.0 metre road widening is shown along St. David Street along with a sight triangle at the intersection. The drawing does not show a road widening along Queen Street, which together with the sight triangle would further reduce the retained lot size.

Proposal:	<p>To create one lot containing a single detached dwelling and retain one lot containing a single detached dwelling.</p> <p>Both lots are proposed to have driveway access from St. David Street.</p>
Owners:	Michael and Jeffery Farquhar
Applicant:	Jeffery Farquhar
Legal Description:	Part Lot 35, Lot 36, North Side of Queen Street, Plan 15P
Official Plan:	"Residential-Commercial" with "Mixed Use Corridor Policy Area" in the Town of Lindsay Official Plan
Zone:	"Mixed Residential Commercial (MRC) Zone" within the Town of Lindsay Zoning By-law 2000-75
Site Size:	<p>Existing: 1,011.835 square metres</p> <p>Proposed Revised Severed (as amended by St. David Street road widening): 320 square metres</p> <p>Proposed Revised Retained (as amended by St. David Street road widening): 564 square metres</p>

Site Servicing: Municipal water, storm water, and sewer.

Existing Uses: Residential

Adjacent Uses: North: Residential
South: Commercial, Mixed Commercial-Residential
East: Commercial, Residential
West: Residential, Mixed Commercial-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.

Section 1.3 directs the protection and promotion of lands for a variety of uses, including employment and areas of mixed uses in order to meet long term needs. Subsection 1.3.1 further lays out that a range of suitable sites should be preserved to support a wide range of economic activities and accessory uses. In addition to preserving the sites for existing and future businesses, the act of preservation provides businesses with a selection of sites to choose from based upon their specific needs. This subsection also encourages mixed-use development to support liveable, diverse, and resilient communities.

Section 1.4 direct 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 provides additional housing and increases density by proposing a smaller severed lot with a single detached dwelling along with a single detached dwelling on the retained lands. The retained lands will retain some opportunity to establish a commercial or mixed commercial-residential use.

This proposal is consistent with the overall intent of the PPS when considering mixed-use sites and intensification goals within urban areas. The full analysis is contained in the staff analysis section.

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.

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. The same section highlights that complete communities require more than housing in order to be complete. Complete communities are to be achieved through a diverse mix of land uses, including employment uses, and are to have convenient access to local stores and services. Compact built form is also encouraged. A smaller severed lot containing a residential use is proposed. The retained lands are situated in a location, have buildings arranged in such a way, and is sized to allow for the establishment of a mixed commercial-residential use.

Section 2.2.5 requires municipalities to plan for sufficient land in suitable locations for a variety of employment uses. Retail and office uses are directed to areas where all forms of transportation are available, including vehicular, transit and active transportation modes. The subject property is a corner lot that abuts an arterial road, Queen Street, and a collector road, St. David Street, so designated within the Official Plan, and the Blue Route bus loop runs by the property.

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 proposal does add residential intensification, and makes allowance for the future establishment of a mixed commercial-residential use on the retained lands.

The proposal conforms to the overall intent of 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-Commercial" designation and is also within the "Mixed Use Corridor Areas" policy area.

The designation identifies that the dominant form of development is to be a mix of low rise commercial and residential uses either in the same building or separate buildings. Commercial uses are anticipated to be in the form of restaurants, offices, service and convenience retail and other similar types of uses. While there is to be a mixture of commercial and residential use, built form is to be of a residential character in keeping with the dominant built form. Parking is to be directed to the rear or side yards and development is to be subject to site plan control.

The policy area identifies corridors along major roads that lead to the Lindsay Downtown Area. These corridors are generally comprised of older residential areas that are in transition to mixed commercial-residential use areas. This property is located within the Queen Street corridor between the Downtown Area and CKL Road 36.

While the proposal does propose additional a residential lot, and the designation and policy area recognizes residential use as the dominant built form and character, emphasis is placed on retaining commercial potential along Queen Street. The retained lot is set up and sized in such a way as to retain the potential to have a commercial component introduced. As such, it is appropriate to permit the severance of the subject property's rear yard as the rear yard does not border Queen Street.

There are also policies contained within Section 5.1.3.3 and 5.1.3.4 that direct road widening to occur to ensure arterial and collector road allowances are of suitable width for their designed function and allow for future infrastructure upgrades. In Appendix 'D', Engineering Division has requested the dedication of land to widen the road allowances and provide for a sight triangle in accordance with the City's Transportation Master Plan. This request is incorporated as Condition 2 in Appendix 'F'. The staff report analysis takes the dedication of land into consideration when considering final lot sizes of the severed and retained lands.

The proposal does conform to the Town of Lindsay Official Plan as a whole.

Lindsay Secondary Plan

While the Lindsay Secondary Plan (Secondary Plan) is appealed to the Local Planning Appeal Tribunal and is not in effect, conformity with this document is reviewed to determine whether the proposal is consistent with Council's direction for the area. Within the Secondary Plan the property is designated "Mixed-Use Residential". The "Mixed-Use Residential" designation contains much the same policies as the "Residential-Commercial" designation within the Town of Lindsay Official Plan. There is an additional section, which adds that commercial-residential uses are to have sufficient off-street parking in order to permit the use. As will be analysed in the zoning by-law section below, potential commercial parking space on the proposed retained is accounted for.

The "Mixed Use Corridor Areas" policy area found within the Official Plan is brought forward into the Secondary Plan with no significant changes. The subject property remains within the same policy area and regime.

The road widening policies contained within the Official Plan are brought forward into the Secondary Plan.

The proposal does conform to Council's direction for the Secondary Plan.

Town of Lindsay Zoning By-law 2000-75

The property is zoned "Mixed Residential Commercial (MRC) Zone" within the Zoning By-law.

The zone category permits a variety of service-oriented commercial and some retail uses along with an assortment of residential uses including: single detached, semi-detached, units above permitted commercial uses, and lodging/boarding/rooming houses.

The single detached uses are permitted. A revised proposed layout of the site including the dedication of land, setbacks and area calculations was submitted on March 7 and is included in Appendix 'C'.

The owners are not seeking to change the zone category, which would likely require an Official Plan Amendment, but seek variances to facilitate lot creation. Staff is supportive of variances, which are recommended in Condition 3 of Appendix 'F'.

The MRC Zone requires a minimum lot frontage of 18 metres and area of 600 square metres.

The retained lot, should the dedication of land occur, will not meet the lot frontage and area requirements of the MRC Zone by proposing approximately 10 metres of frontage on Queen Street, and an area of about 564 square metres. However, relief from the zoning by-law is not required as Section 5.29 grants legal non-complying status to any zone provision that no longer met on an existing lot when the City acquires lands from said lot.

The intent of the MRC Zone is to provide sufficient frontage and area in order to ensure a lot in that zone category may be used for future commercial-residential operations. A large component of any business outside the Downtown Area is to ensure the adequate provision of on-site parking to accommodate any commercial use that may be established on the site. The revised consent divides the property in such a way as to provide on-site parking for the retained lands to establish a commercial or commercial-residential use. As Appendix 'C' shows, there are 6 spaces (2 within the detached garage and 4 on the driveway) currently provided for should the dedication of lands occur. While the lands to the north of the driveway and garage provide landscaped open space and recreational space for the dwelling's occupants, additional parking may be accommodated on these lands if it is needed for customer parking. The north yard is also the logical direction to expand the existing parking area. The dedication of land to the City, while reducing the overall area of the retained lot, most impacts the south side of the property. As such, the dedication of land to the City does not impact the ability for the property to provide on-site parking due to where the parking currently takes place or could be expanded into. The suitability of the proposed retained for future mixed commercial-residential use is examined in the staff analysis section.

The severed lot is proposed in a wide-shallow configuration, owing to the fact that the subject property, which is rectangular, has more frontage along St. David Street than Queen Street. Any proposed dwelling will require relief from the zone provisions, and the dedication of land will not change this need. The proposal complies with the minimum lot frontage requirement of the MRC Zone by proposing about 18.6 metres along St. David Street. The lot will not meet the minimum lot area requirement by proposing about 320 square metres. However, the proposed lot area is in excess of the 300 square metre requirement needed for a lot within the R3 Zone, and the R3 Zone requirements are permitted to be applied to a building within the MRC Zone. Some relief from building setbacks are needed.

Further discussion is contained in the staff analysis section.

The proposal is in keeping with the intent of the zoning by-law.

Servicing Comments

The property is serviced by municipal water, sanitary, and storm water systems.

Consultations

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

Agency Comments

Community Services Department (June 30, 2020): The appropriate 5% cash-in-lieu of parkland against the value of each lot to be created is requested.

Building Division (January 19, 2021): No concerns provided the detached garage on the retained lands complies with the setback provisions for an accessory building from the proposed lot line.

Economic Development Division (February 5, 2021): It is important the retained property maintain the ability to function with a commercial use, such as providing sufficient parking. In particular, functional ability to convert the existing building to a commercial use should be maintained on the retained lands.

Development Engineering Division (March 9, 2021): See Appendix 'D'. Road widening off of St. David Street and Queen Street, along with a sight triangle requested.

Public Comments

John and Lynda McCauley (July 20, 2020): The commenters own the abutting property to the north, addressed as 27 St. David Street. See Appendix 'E' for their full comments.

Planning Division Analysis

The subject property is a corner lot located at the northwest corner of the intersection of Queen Street and St. David Street. These roads experience higher traffic volumes and have Arterial (Queen Street) and Collector (St. David Street) road classifications within the Town of Lindsay Official Plan to reflect this function. This intersection links the north residential and employment lands, the lands to the east of the Scugog River, and the Lindsay Downtown Area together.

Queen Street has a distinct character and function from the surrounding established residential neighbourhoods to the north and south. This portion of Queen Street is characterized by a variety of commercial, residential-commercial establishments, and residential uses. Lots used solely for residential use are presently further away from this intersection. The lands immediately around this intersection are primarily commercial in nature. The application proposes to maintain this established commercial nature to this portion of Queen Street by

proposing a residential lot to the north, away from the intersection and retain a lot at the intersection that may be used for future commercial or commercial-residential uses.

The lands to the northeast of the intersection are commercial in nature, containing a mechanic's shop operating as T&B Automotive at 118-122 Queen Street. Residential uses are found to the north and east of this establishment.

The lands to the southeast of the intersection contain the operations and showroom of Doan's Overhead Doors at 121 Queen Street and Hometown Appliance at 125 Queen Street. Residential uses are found to the south and east of these establishments.

The lands to the southwest on the intersection contain the offices and parking area for Poppa Ed's Taxi with a residence on the second floor and Duke's Car Clean Auto Service garage at 117 Queen Street, offices of C.A. Sellers Cleaning Services Ltd. at 109 Queen Street, and other commercial uses further west along Queen Street. Residential uses are to the south.

The lands to the northwest of the intersection contain a building at 112 Queen Street where the first floor appears to have been converted to residential use, Ruff Cuts Professional Dog Grooming with residential above at 110 Queen Street, a convenience store at 108 Queen Street, and a mix of residential and commercial-residential uses further west along Queen Street. The buildings much further west are residential. The buildings at the addresses noted are commercial in nature, but are all contained within built forms that range between 1 to 2.5 storeys.

The MRC Zone category was not applied to the entire section of Queen Street, nor is the "Residential-Commercial" designation found along the entire street. Instead, the designation and zone category is placed upon those lots with a history of commercial-residential or commercial use as evidenced by the existing uses or building appearance, or on lots in close proximity to those established uses. Along the Queen Street corridor where the "Residential-Commercial" designation is present, there is only one continuous strip of that designation and MRC Zone, and it is found between St. Peter Street and St. David Street. The subject property is within that block, and is arguably within what functions as the business centre of commercial-residential uses along Queen Street due to the Queen Street and St. David Street intersection. Due to its size and location, the proposed severed lot will not impact the commercial nature of the Queen Street corridor.

The retained lands receive more road exposure than other commercial or commercial-residential lots along Queen Street as it borders two roads. This provides the site with more exposure to passing traffic. The dwelling on the subject property, constructed circa 1875 according to MPAC along with its detached garage, constructed circa 1975 according to MPAC, are located to the extreme southwest in close proximity to the south and west lot lines. The location of the building currently allows sufficient space to the east and north to accommodate parking for clients should the building be used at some point in the future for a commercial business. Given the floor area of the building, which MPAC records at approximately 123 square metres, it is likely the building would be used for light retail or office uses. A conversion of the entire building for an office use would

result in approximately 5 parking spaces being required. The property can accommodate this parking requirement.

Lindsay has only three Mixed Use Corridor Policy Areas. The other two are along Kent Street West between the hospital and Downtown Area, and along Lindsay Street South between Mary Street West and the Downtown Area. The MRC Zone is not a very common zone. There are few corner lots within this zone category, and there are few lots where the existing dwelling is positioned off to the side in such a way as to allow for a commercial or commercial-residential use to be added outside the existing dwelling but still visible from the street. The direction within the Secondary Plan is that the potential for the establishment of mixed uses along the corridors leading to the Downtown Area is to be maintained, and the revised proposal is consistent with this direction.

The proposed severed lands propose a use and built form consistent with the residential neighbourhood along St. David Street north of the intersection with Queen Street. The applicant has submitted a conceptual building footprint in Appendix 'C' of the single detached dwelling. The dwelling, while requiring variances due to the wide-shallow nature of the proposed lot, appears to propose sufficient rear yard and side yard amenity space for its occupants. It also provides a garage set back from the front lot line, which provides for 1 full parking space to be contained between the garage door and the road allowance. It is understood that the applicant will be constructing the dwelling on the property. As such, Condition 3 is structured to include the variances required to permit the proposed building footprint. This way, the variances for lot creation and built form may be dealt with concurrently and comprehensively.

It is acknowledged that the retained lands, shown to have an area of 564 square metres will likely have a smaller area with the Queen Street road widening and revised sight triangle configuration imposed. Notwithstanding the smaller retained lot area, staff are still of the opinion that this lot represents a viable opportunity for future conversion purposes to mixed uses.

Conclusion

Given the character of the immediate area along Queen Street to trend towards a commercial nature, it is appropriate to retain the potential to establish a commercial use on the proposed retained lands as this property is within the functioning centre of the Queen Street Mixed Use Corridor Policy Area. The revised proposal is consistent with the PPS, conforms to the Growth Plan, Official Plan, Secondary Plan, and in keeping with the intent of the Zoning By-law. For the reasons outlined above, staff respectfully recommends the application be granted as the proposal represents good planning.

Attachments



Appendices A-F to
Report COA2021-02.

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Amended Sketch
Appendix D – Department and Agency Comments
Appendix E– Public Comment
Appendix F – Proposed Conditions of Provisional Consent

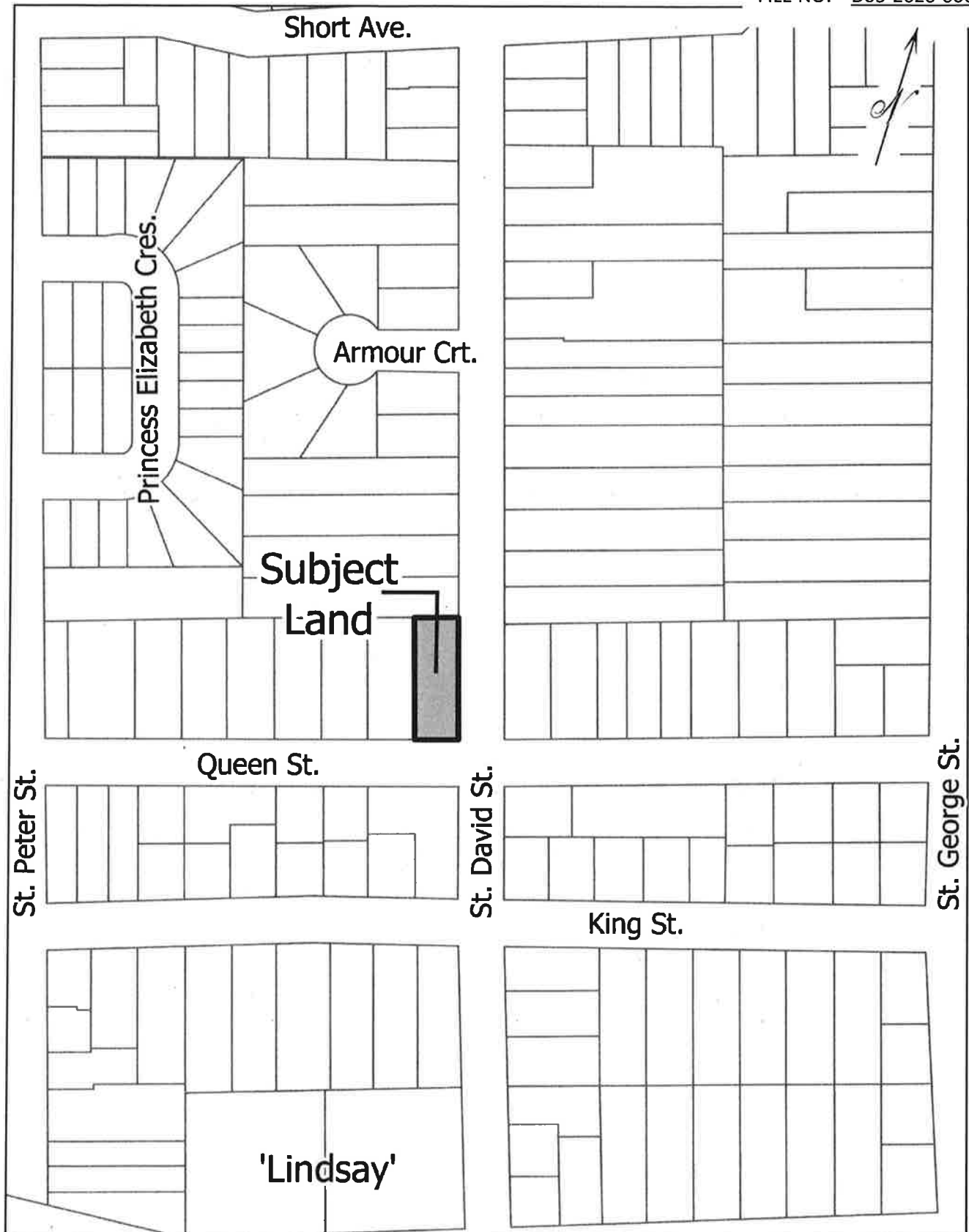
Phone:	705-324-9411 extension 1206
E-Mail:	dharding@kawarthalakes.ca
Department Head:	Richard Holy, Acting Director of Development Services
Department File:	D03-2020-006

to

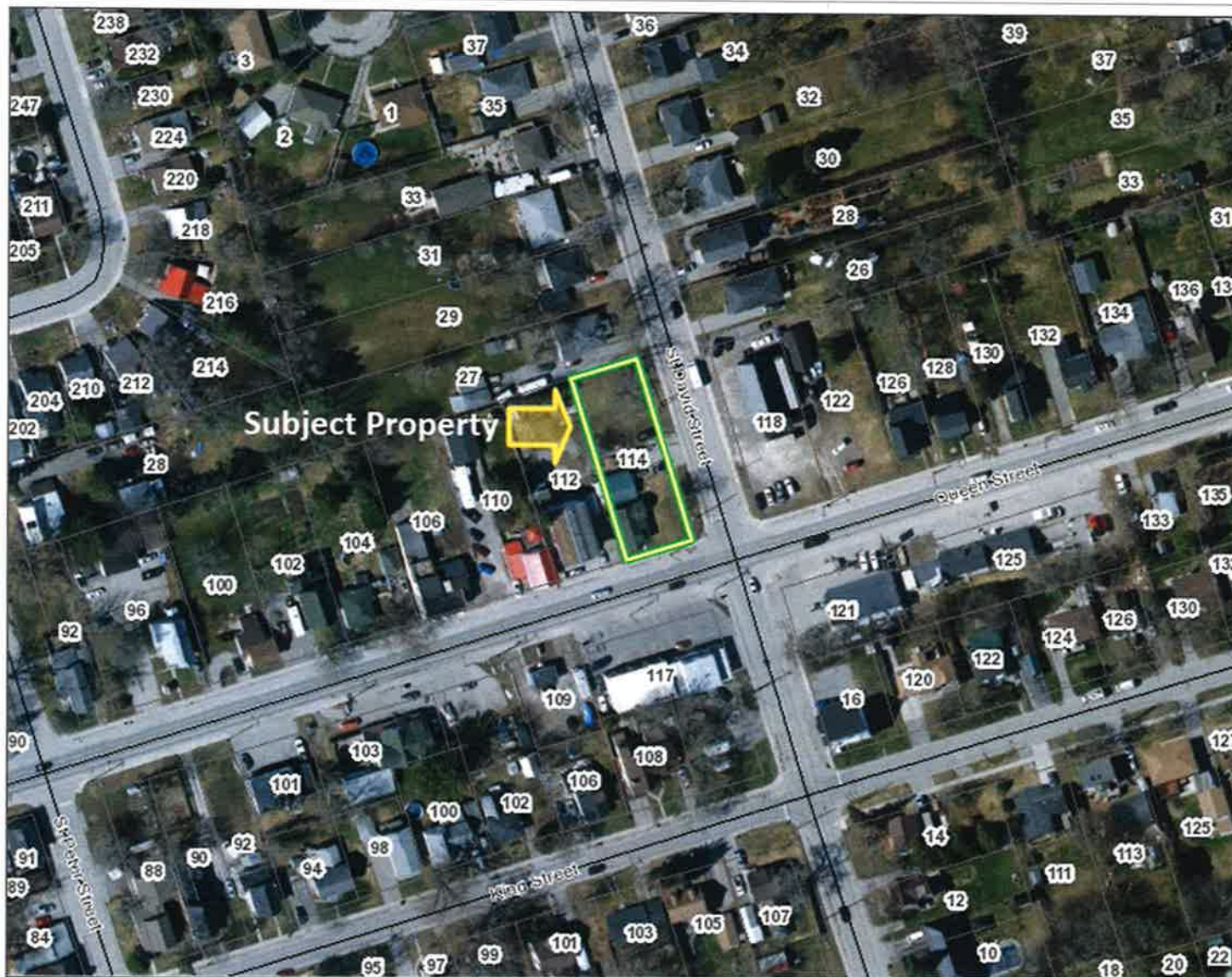
REPORT COA2021-022

FILE NO: D03-2020-006

D03-2020-006



114 Queen Street, former Town of Lindsay



0.11

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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FILE NO: D03-2020-006

REPORT COA2021-022

APPENDIX " B "

Figure 2 - Severance Sketch
 114 Queen Street
 RP 15p, Lot 36, Part 3
 City of Kawartha Lakes



APPENDIX " C "

to

REPORT COA2021-022

FILE NO: D03-2020-006

Z:\4117- 114 Queen Stre

Date: September 2017

David Hardingto
**REPORT
FILE NO.****COA2021-022
D03-2020-006**

From: Christina Sisson
Sent: Tuesday, March 9, 2021 9:00 AM
To: David Harding; 'Bob Clark'; 'Jeff Farquhar'; Rebecca Mustard; Richard Holy
Cc: Juan Rojas; Kirk Timms; Robyn Carlson
Subject: RE: 114 Queen Street Discussion - D03-2020-006
Attachments: 114 queen st

Importance: High

Good morning,

Further to our meeting last week and various emails provided through the planning applications, we have provided confirmation of the City's requirements. We acknowledge receipt of the attached email from the Owner, Mr. Jeff Farquhar. Therefore, for clarification, the City confirms the following:

- The Lindsay Official Plan (2000 and earlier) and City Official Plan (2012) and the Transportation Master Plan (2012) provide for the collector and arterial roads to be a minimum of 26.0 metre width. The Lindsay Official Plan (2015) states that:

31.2.2.7.13. Schedule "H-1" identifies the existing road pattern and future arterial and collector road network for Lindsay. The following road classification applies in Lindsay: Local roads provide access to lots and serve low volumes of traffic and shall have a minimum right of way width of 20 metres. Collector roads provide for medium volumes of traffic and shall have a minimum right of way width of 26 metres. iii. Arterial roads provide for medium to high volumes of traffic and shall have a minimum right-of-way width of 26 metres.

- The transportation corridor has been established in these documents and is to be protected. As per the Lindsay Official Plan:

5.1.2 Road Pattern The roads within the Town, both existing and proposed, are classified according to their anticipated ultimate function. Where additional land is required for widening and extensions, such land shall be obtained wherever possible, in the course of approving subdivisions, consents or site plan agreements, without amendment to this Plan.

- From the Transportation Master Plan:
Table 1-1: Transportation Solutions Solution Description Structural New roads Widen roads (auto and cycle lanes) Improve road geometry

1.6.5.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.6.6.2 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

- As per Section 31(6) of the *Municipal Act*, 2001 and Section 51(25) (Subdivision/Condominium) or Section 53(12) (Consent) of the *Planning Act*, R.S.O. 1990, as amended, the City has the legislative authority to request road widenings including daylight (sight) triangles and full right of way widths for municipal roads. The widening of collector and arterial roads is consistent with the City's road guidelines (26.0 metre road cross-sections). Full right of way roads are necessary to ensure the ultimate future use which includes future road maintenance, snow storage, road improvements, turning lanes, sidewalks, multi-use pathways, stormwater management, and other uses as per the specific components of the transportation system. The Transportation Master Plan outlined the existing road infrastructure and future/forecasted transportation demands on the collector and arterial roads. The established road widths were included in the City's Official Plans (before and after the TMP).
- Queen Street is classified as an arterial, and St. David Street is classified as a collector. These classifications have been consistent throughout the City's documents.
- The proposed Schedule "A+" for the proposed intersection works was an assumption at the time of the writing of the Transportation Master Plan. The Director has confirmed that this would have to be reviewed through an Environmental Assessment prior to the intersection works proceeding ("All Municipal Class EA Requirements subject to "Bump Up" if necessary").

Therefore, the City is confirming the Official Plan and the Transportation Master Plan implementation in requesting a widening of 3.0 metres on the arterial road and a widening of 3.0 metres on the collector road and a sight triangle of 12 metres by 12 metres.

Thank you,
Christina

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office)
705-878-3186 (mobile)
www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

-----Original Appointment-----

From: David Harding

Sent: Friday, February 26, 2021 4:12 PM

To: David Harding; Christina Sisson; 'Bob Clark'; 'Jeff Farquhar'; Rebecca Mustard; Richard Holy

Subject: 114 Queen Street Discussion - D03-2020-006

When: Wednesday, March 3, 2021 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Zoom

David Harding is inviting you to a scheduled Zoom meeting.

Topic: D03-2020-006

Time: Mar 3, 2021 01:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://kawarthalakes.zoom.us/j/97133142076?pwd=SWpiejZlMkFLWFZsYTRQK3FKSk14dz09>

Meeting ID: 971 3314 2076

Passcode: 521754

One tap mobile

+16473744685,,97133142076#,,, *521754# Canada

+16475580588,,97133142076#,,, *521754# Canada

Dial by your location

+1 647 374 4685 Canada

+1 647 558 0588 Canada

Meeting ID: 971 3314 2076

Passcode: 521754

Find your local number: <https://kawarthalakes.zoom.us/j/aARW1uu6a>

David Harding

From: Rebecca Mustard
Sent: Friday, February 5, 2021 4:29 PM
To: David Harding
Subject: Re: D03-2020-006 - 114 Queen Street, former Town of Lindsay

Hi David,

As both properties will retain the MRC zoning, it is important that they still have the ability to function as a commercial use (e.g. meet parking requirements to actively use the commercial use).

For this application as the MRC use is the zoning for properties along Queen Street, a functional commercial use should be maintained in the retained parcel.

Rebecca

Rebecca Mustard
Manager, Economic Development
Development Services, City of Kawartha Lakes
705-324-9411 ext. 1395 www.kawarthalakes.ca



From: David Harding
Sent: Tuesday, January 19, 2021 10:10:50 AM
To: Derryk Wolven; Rebecca Mustard
Subject: D03-2020-006 - 114 Queen Street, former Town of Lindsay

Hello Rebecca and Derryk,

Please find attached the planning justification report for the above-noted file. Derryk, the two attachments I was trying to send before are a table on page 9 and sketch on page 13.

David Harding RPP, MCIP
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

Due to COVID-19, service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19



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David Harding

From: Derryk Wolven
Sent: Tuesday, January 19, 2021 10:47 AM
To: David Harding
Subject: RE: D03-2020-006 - 114 Queen Street, former Town of Lindsay

Thanks David,

Can you have a look at the sketch? They show 1.25m setback for proposed building both ends and 1.25m existing garage to proposed lot line. Although dimensioned equally they do not appear to be the same visual offset. I guess I am confused why we don't see a surveyors sketch as we do with even some farm consolidations that have buildings in proximity to the proposed line. As a garage accessory to the house, .6m is the OBC cutoff so I suppose we have no concern.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes
705-324-9411 ext 1273
www.kawarthlakes.ca



From: David Harding
Sent: Tuesday, January 19, 2021 10:11 AM
To: Derryk Wolven ; Rebecca Mustard
Subject: D03-2020-006 - 114 Queen Street, former Town of Lindsay

Hello Rebecca and Derryk,

Please find attached the planning justification report for the above-noted file. Derryk, the two attachments I was trying to send before are a table on page 9 and sketch on page 13.

David Harding RPP, MCIP
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027



The Corporation of the
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
www.kawarthalakes.ca

LeAnn Donnelly, Executive Assistant, Community Services

MEMORANDUM

DATE: June 30, 2020
TO: Mark LaHay
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:

D03-2020-001	1491 Glenarm Road
D03-2020-002	1491 Glenarm Road
D03-2020-006	114 Queen Street

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services

to

REPORT

COA2021-022

FILE NO:

D03-2020-006

July 20, 2020

Development Services – Planning Division
180 Kent St W.
Lindsay, On K9V 2Y6

RECEIVED
JUL 22 2020
City of Kawartha Lakes
Development Services
Planning Division

Attn: Mark LaHay ✕ *DAVID HARDING*

Re: File No D03-2020-006
114 Queen Street
Part Lot 35, Lot 36, N/S Queen St. Plan 15P
Former Town of Lindsay, Ward 5

To Whom This May Concern:

This letter is in response to your letter dated June 25, 2020 regarding the above file No D03-2020-006.

We currently live at the property located on Park Lot 34 or 27 St. David Street and have owned the property since 2006. For the most part we have enjoyed a quiet life here.

When it comes to allowing a severance on the property located at 114 Queen Street, we have to say that we have some strong thoughts as to why this should not be allowed to proceed.

- The proposed semi-detached will be located close to the front of the property due to the depth and therefore will block our view from the south.
- Loss of privacy and it will create a higher density of persons living in the area.
- The possibility of these builds would be used as rental properties is a strong possibility. Especially with the shortage of rentals
- Already a busy corner and will increase the traffic as well as safety of pedestrians.
- Added noise of an already noisy corner

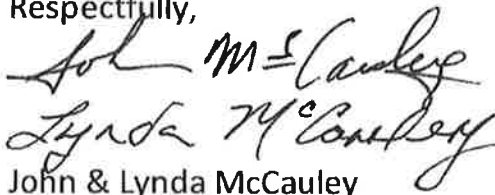
- With having a sidewalk and most households having a min of 2 vehicles and the street parking I am sure will be used along with parking across the sidewalks. This has proved to be an issue in many parts of Lindsay and then the owners/tenants park on the front lawns during the parking restriction months
- Not knowing the proposed building type is also difficult. If a 2-storey building is to be built the height would certainly not fit in with the street scape.
- If this building(s) can be constructed on this location we strongly feel that it will affect the value of our home.
- Wondering how the drainage would work on this property as well if allowed 2 severances.

If a severance is allowed, we would strongly suggest that a single-family home would be better suited in this situation.

I have attached an overview of the lot severance proposal as well and you can see for yourself our concerns.

Thank you for allowing us to submit our views on the proposed severance.

Respectfully,

Handwritten signatures of John and Lynda McCauley. The signature for John is on the left, and the signature for Lynda is on the right, both in cursive script.

John & Lynda McCauley
27 St. David Street
Lindsay, ON K9V 1N2
705-878-0690



to

REPORT COA2021-022

Proposed Conditions – Application D03-2020-006

FILE NO: D03-2020-006

1. This approval applies to the transaction applied for as amended by the sketch prepared by Clark Consulting Services Inc. received March 7, 2021.
2. The owner shall convey the following lands specified by the Development Engineering Division in Appendix 'D' to Report COA2021-022 to the City of Kawartha Lakes across the subject property, 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." The lands to be conveyed are:
 - a. A 3.0 metre road widening across the entire St. David Street frontage of the lands to be severed,
 - b. A 3.0 metre road widening across the entire St. David Street frontage of the lands to be retained,
 - c. A 3.0 road widening across the entire Queen Street frontage of the lands to be retained and enter into a license with the City for the portion of the dwelling to occupy the lands dedicated to the City OR a road widening across the entire Queen Street frontage of a depth and shape satisfactory to the Development Engineering Division; and
 - d. A sight triangle on the retained lands at the corner of Queen Street and St. David Street measuring 12 metres by 12 metres and enter into a license with the City for the portion of the dwelling to occupy the lands dedicated to the City OR a sight triangle at the corner of Queen Street and St. David Street with a depth and shape satisfactory to the Development Engineering Division.
3. The owners shall apply for, pay the prescribed fee and obtain variances for the lot to be severed:
 - a. From the MRC Zone minimum area requirement of 600 square metres in Section 12.2(a),
 - b. From the R3 minimum front yard setback requirement of 7.5 metres in Section 8.2(c),
 - c. From the R3 minimum rear yard setback requirement of 7.5 metres in Section 8.2(f); and
 - d. If applicable, the R3 maximum gross floor area requirement as a percentage of lot area of 40% in Section 8.2(f); and

The variances be in effect. A reference plan satisfactory to the Secretary-Treasurer shall accompany the application to verify the extent of the reliefs required.

4. Payment to the City of Kawartha Lakes of a tree levy of \$500.00 for the residential lot.

5. The owners 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 owners shall pay all costs associated with the registration of the required documents.
12. The owners' 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 owners' 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.