

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Jeffery and Michael Farquhar
Report Number COA2021-047

Public Meeting

Meeting Date: July 15, 2021
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 relief from the following zone provisions in order to facilitate the creation of a residential lot proposed in application D03-2020-006 and adjust the development standards upon said lot.

Residential Lot Creation

1. Section 12.2(a) to reduce the minimum lot area requirement from 600 square metres to 394 square metres;

Development Standards of Proposed Residential Lot

2. Section 8.2(c) to reduce the minimum front yard setback from 7.5 metres to 2.5 metres to the dwelling's habitable wall and 6 metres to the attached garage wall;
3. Section 8.2(f) to reduce the minimum rear yard setback from 7.5 metres to 3.6 for the proposed attached garage; and

Retained Lot

4. Section 12.2(a) to reduce the minimum lot area requirement from 600 square metres to 376 square metres.

The variances are requested at 114 Queen Street, former Town of Lindsay (File D20-2021-041).

Author: David Harding, Planner II, RPP, MCIP

Signature: 

Recommendation:

Resolved That Report COA2021-047 Farquhar, be received;

That minor variance application D20-2021-041 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the application shall be deemed to be refused if the related consent application D03-2020-006 lapses;
- 2) **That** the variances pertaining to the severed lands shall only apply to said lands once the parcel is divided;
- 3) **That** the variance pertaining to the retained lands shall only apply to said lands once the parcel is divided;
- 4) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix 'D' submitted as part of Report COA2021-047, which shall be attached to and form part of the Committee's Decision; and
- 5) **That** the building construction related to the minor variances 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 COA2021-047. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Background: Consent application D03-2020-006 has been applied for and is being considered concurrently with the submitted variance application.

The variance application, should the consent application be granted, will serve to establish the proposed severed and retained lots and introduce development standards for the proposed severed lot. A single detached dwelling is proposed on the proposed severed lot.

This application was last amended June 22,2021.

Proposal: To divide a corner lot in two and construct a single detached dwelling on the severed lot.

Owners: Jeffery and Michael Farquhar

Applicant: Bob Clark, Clark Consulting Services Inc.

Legal Description: Plan 15P, Parts 2 and 3, 57R-8945, former Town of Lindsay, City of Kawartha Lakes

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: Existing: 1,011.835 square metres
Proposed Revised Severed (as amended by St. David Street road widening): 394 square metres
Proposed Revised Retained (as amended by all municipal land dedication): 376 square metres

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:

1) Are the variances minor in nature? Yes

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.

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.

Due to the placement of the existing dwelling and detached garage, the retained lands contain sufficient space to accommodate customer parking if the existing dwelling were converted to an office use. Therefore, the commercial potential of the retained lot is maintained.

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. In order to provide a dwelling of sufficient depth, relief from the zone provisions is required, and the dedication of land along St. David Street will not change this need. The lots to the north of the subject property are narrow and deep with the dwellings positioned close to St.

David Street. The dwelling's increased proximity to St. David Street is in keeping with the placement of the built form to the north. The dwelling will also appear further away than the value requested in the relief as a 3 metre dedication of land is being requested as part of application D03-2020-006, and the travelled portion of the road is located further east from where the municipal dedication is being sought.

Further, the attached garage is positioned to ensure 1 parking space is contained between the door and front lot line. The built form is proportionate for the size of the lot, as relief from the 40% maximum lot coverage provision is not sought.

The variances are minor in nature.

2) Is the proposal desirable and appropriate for the use of the land? Yes

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.

The 1 car attached garage is offset from the rest of the dwelling's footprint. The offset accommodates 1 parking space between the garage door and front lot line, ensuring vehicles do not overhang onto the road allowance. The offset also ensures sufficient recreational amenity space remains within the rear yard abutting the rest of the dwelling unit.

Due to the above analysis, the variances are 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 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 also permitted. Residential Type Three (R3) Zone requirements are permitted to be applied to a dwelling within the MRC Zone. Some relief from building setbacks are needed in order to permit development on the wide-shallow residential lot to be created.

The intent of the MRC Zone area requirement as it applies to the proposed retained lot is to ensure it is sufficiently sized to have a potential commercial use established on the lot. As has been examined in Test 1 and in Report COA2021-046, the placement of the existing dwelling and detached garage provides for a sufficiently sized parking area outside of the lands proposed for municipal dedication in order to establish a commercial use, should the existing dwelling be converted in the future.

The R3 Zone requires a minimum rear yard of 7.5 metres. The intent of this provision is to protect for sufficient amenity space within the rear yard for recreational purposes, and to serve as a spatial buffer between the built form on abutting residential lots. The 7.5 metre depth is being protected between the habitable space of the proposed dwelling and the rear lot line. The requested relief for the rear yard setback is for the attached garage. Due to the storage use of the garage, no land use conflict is proposed by locating the rear garage wall closer to the rear lot line.

The R3 Zone requires a minimum front yard of 7.5 metres. One of the roles of the front yard is to provide adequate space to contain snow storage and to park a vehicle. The offset nature of the attached garage ensures 1 parking space can be accommodated within the garage and 1 parking space in front of the garage. Therefore the front yard may be reduced as the 2 parking space requirement for a single detached dwelling use is met. Further, no concerns have been raised from Development Engineering with respect to snow storage.

The reduced front yard may result in a slight loss of privacy for the front-facing ground level rooms of the dwelling. However, in an urban residential setting, especially for a lot which borders a sidewalk as is the case here, this is not unusual. It is not anticipated the loss of privacy will be great, as the travelled portion of the road is approximately 7-8 metres from the dwelling's closest wall and the sidewalk is close to the travelled portion of the road.

Therefore, the variances maintain the general intent and purpose of the Zoning By-Law.

4) Do the variances maintain the intent and purpose of the Official Plan?

Yes

As the Lindsay Secondary Plan is appealed to the Ontario Land 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 the dominant form of development 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. These transitional areas present opportunity for the intensification of uses. This property is located within the Queen Street corridor between the Downtown Area and CKL Road 36.

While the proposal does propose an additional 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 and develop it for residential use as the rear yard does not border Queen Street.

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

Other Alternatives Considered:

The proposal, which includes the proposed built form on the severed, has gone through numerous revisions with staff as detailed in Report COA2021-046 in order to arrive at the current proposal, which has the support of staff.

Servicing Comments:

Municipal water and sewer is available for the severed lot. The retained lands are serviced by municipal water and sewer.

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 (June 30, 2021): No concerns. Building permit 2019-1052 is outstanding.

Building and Septic Division – Plans Examiner (July 2, 2021): No concerns.

Public Comments:

No comments received as of July 7, 2021.

Attachments:



Appendices A-E to
COA2021-047

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Sketch with St. David Street Land Dedication
Appendix D – Sketch with all Municipal Land Dedications
Appendix E – Department and Agency Comments

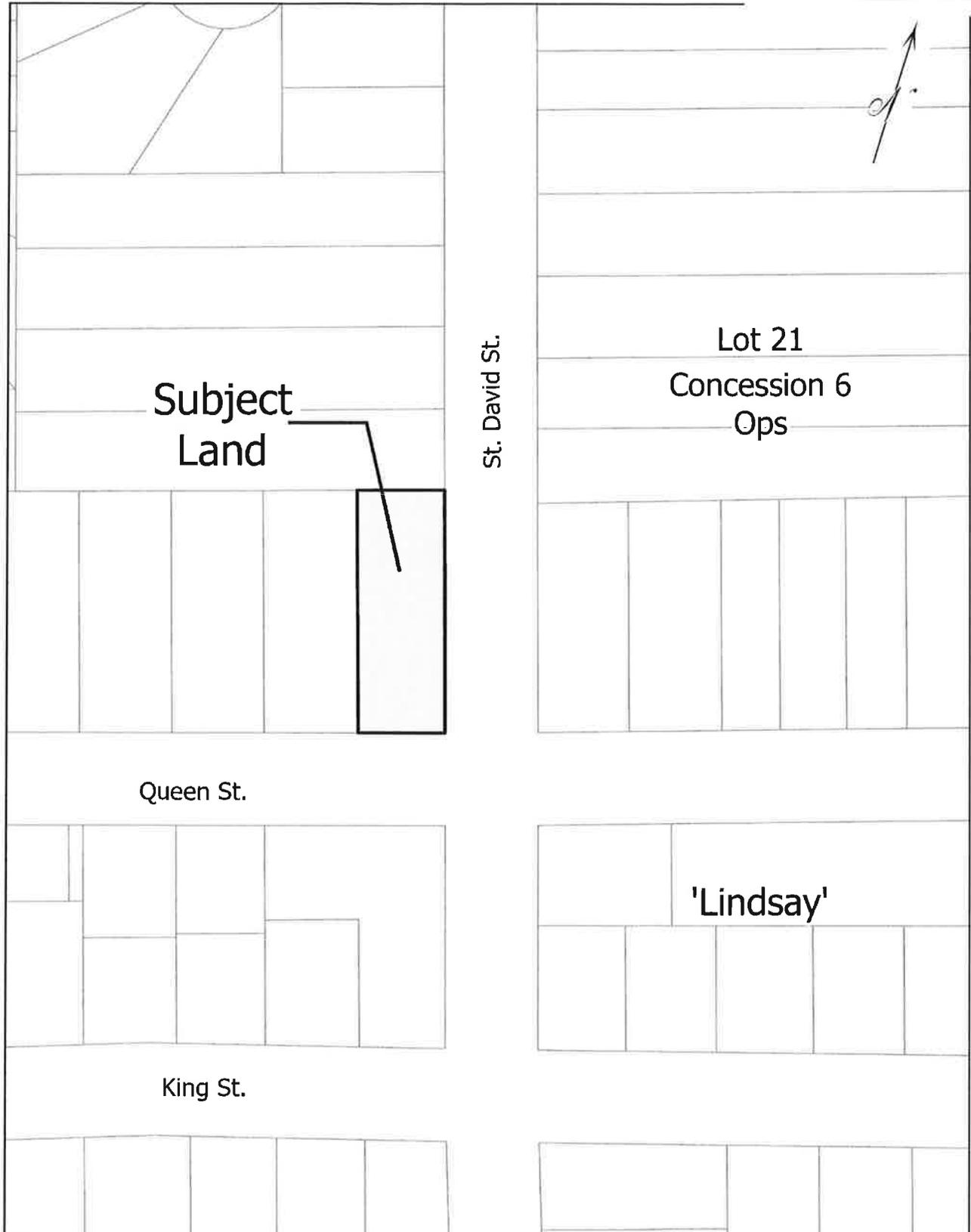
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Acting Director of Development Services
Department File: D20-2021-041

to

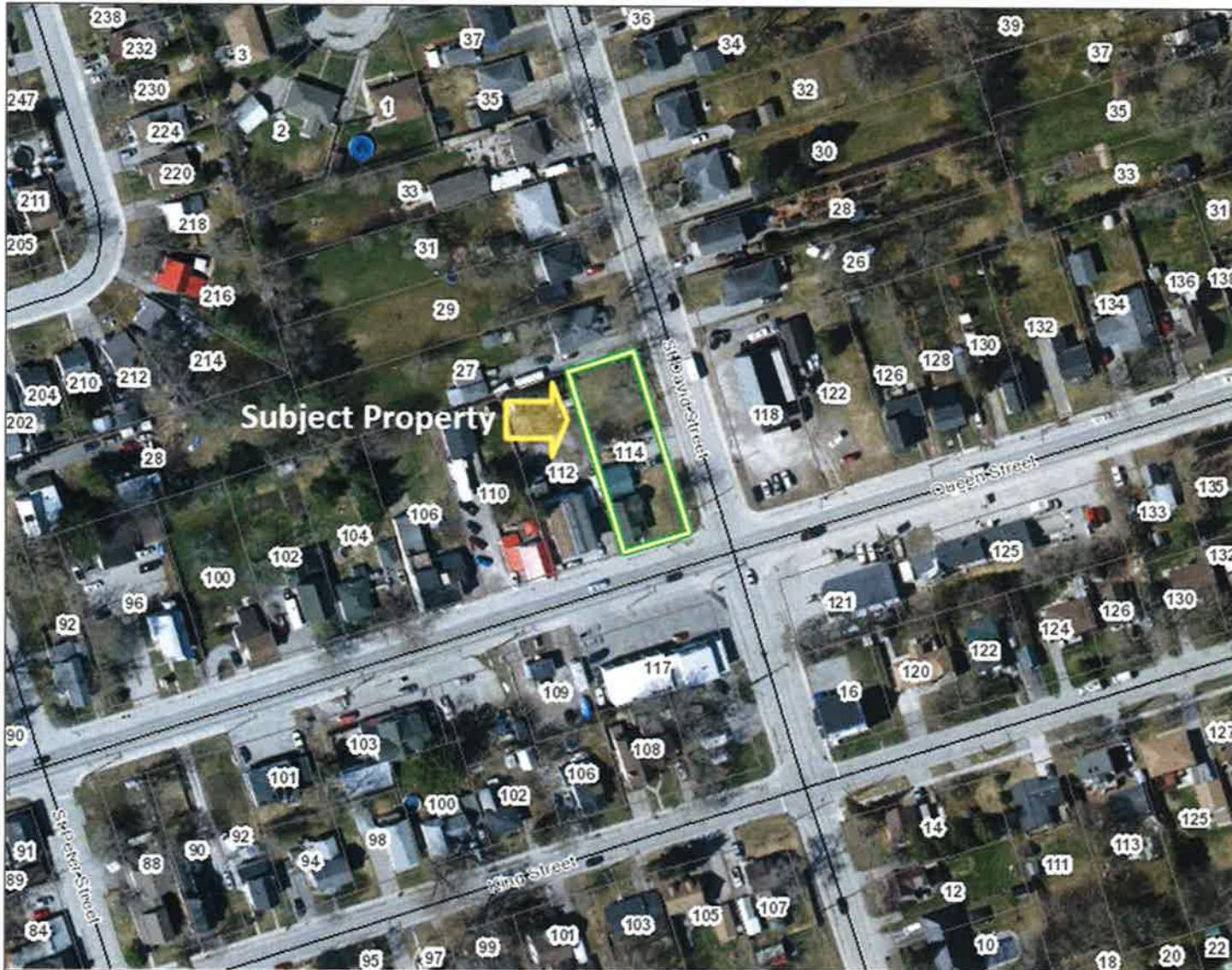
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D20-2021-041



114 Queen Street, former Town of Lindsay



0.11 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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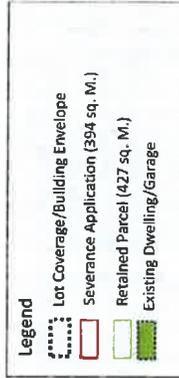
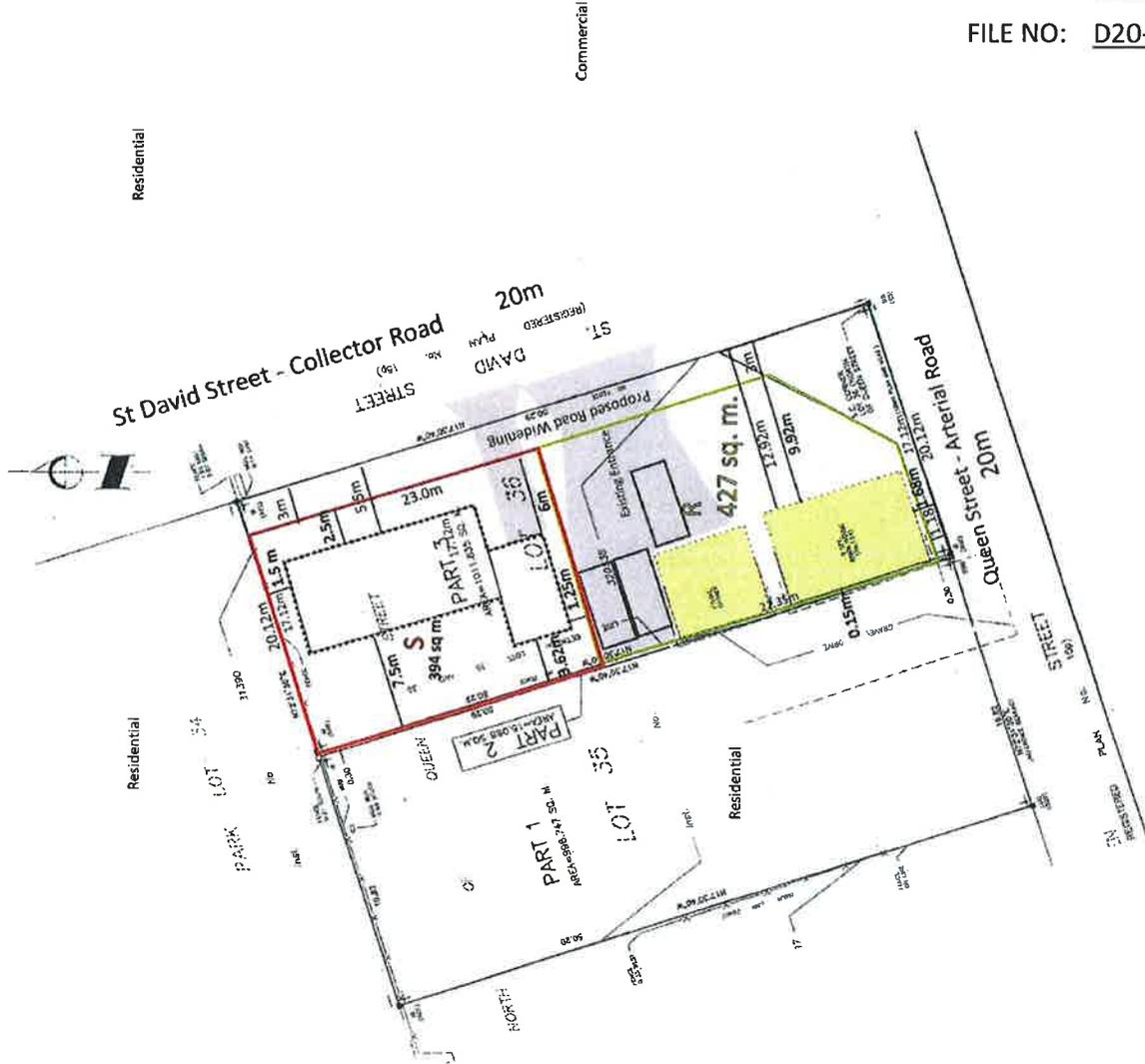
APPENDIX " B "
to
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to

REPORT COA2021-047

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



2/4/21 11:24 Queen Street

Date: April 2021

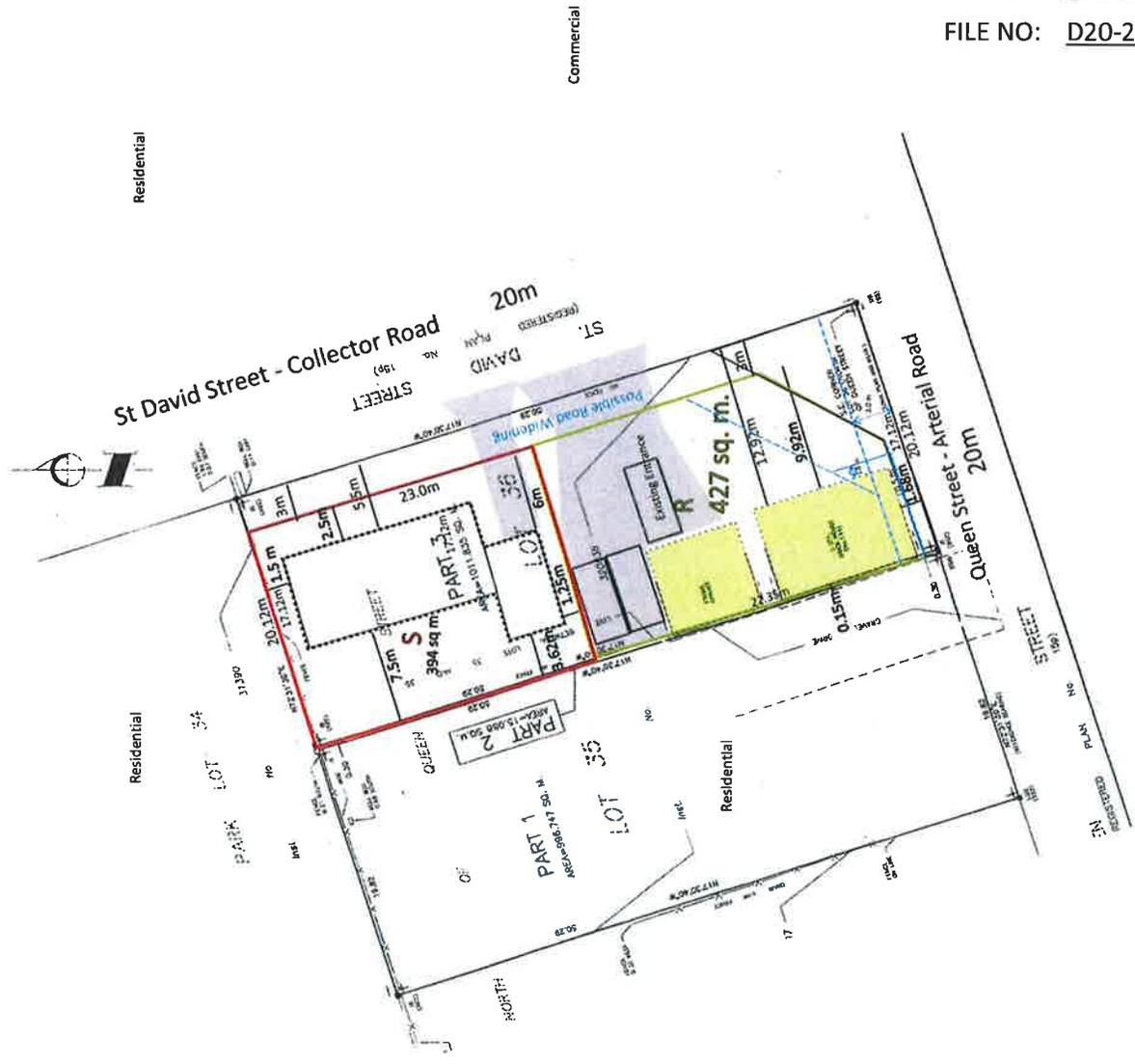
Severance Sketch
 114 Queen Street
 RP 15p, Lot 36, Part 3
 City of Kawartha Lakes

APPENDIX " D "

to

REPORT COA2021-047

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Legend

- Lot Coverage/Building Envelope
- Severance Application (394 sq. M.)
- Retained Parcel (427 sq. M.)
- Existing Dwelling/Garage

ZAV117-114 Queen Street

Date: April 2021

David Harding

to

From: Kim Rhodes
Sent: Wednesday, June 30, 2021 1:25 PM
To: Mark LaHay
Cc: Charlotte Crockford; Christina Sisson; Kirk Timms; Daniel Woodhead
Subject: 20210630 D20-2021-041 - Engineering review

REPORT COA 2021-047FILE NO. D20-2021-041**Importance:** High**Please see the message below from Christina Sisson:**

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

Minor Variance – D20-2021-041
114 Queen Street
Part Lot 35, Lot 36, Plan 15P, Parts 2 and 3, 57R-8945
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to seek relief from the following zone provisions in order to facilitate the creation of a residential lot proposed in application D03-2020-006 and adjust the development standards upon said lot.

Residential Lot Creation

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Retained Lot

4. Section 12.2(a) to reduce the minimum lot area requirement from 600 square metres to 376 square metres.

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
Lean Six Sigma Black Belt

David Harding

From: Derryk Wolven
Sent: Friday, July 2, 2021 10:48 AM
To: Charlotte Crockford
Subject: D20-2021-041 114 Queen

Building would advise there is an outstanding permit 2019-1052. There are no other concerns with the above noted application.

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

