

# **The Corporation of the City of Kawartha Lakes**

## **Committee of Adjustment Report – Allen**

Report Number COA2021-064

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### **Public Meeting**

**Meeting Date:** September 16, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### **Ward: 7 – Geographic Township of Lindsay**


**Subject:** The purpose and effect is to permit the approximately 1,160 square metre expansion of the legal non-conforming mini-storage use and Section 5.14(c), (e) and (f) to provide relief from the requirements to provide a continuous hedgerow of evergreens and shrubs, not less than 1.2 metres high at the time of planting situated immediately adjacent to the front, rear, and side lot lines, instead allowing for more variation in the vegetation, placement, and length/location of the required landscape strips.

The permission/variance is requested at 50 Greenfield Road, former Town of Lindsay (File D20-2021-055).

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

**Signature:**



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### **Recommendation:**

**Resolved That** Report COA2021-064 Allen, be received;

**That** minor variance application D20-2021-055 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### **Conditions:**

- 1) **That** the building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2021-064, which shall be attached to and form part of the Committee's Decision,
- 2) **That** a landscaping plan in the form sought by requesting variances from Section 5.14(c)(e) and (f) shall be submitted to the satisfaction of the Planning Division as part of the site plan application; and

- 3) **That** the amended site plan agreement shall be registered within a period of thirty-six (36) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

**This approval pertains to the application as described in report COA2021-064. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The owner proposes an approximately 1,160 square metre expansion to the existing mini-storage use operating as Kawartha Mini-Storage. The expansion, proposed in two phases, will establish the mini-storage use across the entire site and facilitate the demolition of the existing residential use. An example of the type of storage unit proposed is contained within Appendix D.

This application was last amended August 30, 2021.

**Proposal:** To recognize two accessory buildings (cabin and shed). The cabin is not proposed to contain washroom or kitchen facilities.

**Owner:** Brian Allen

**Applicant:** Tom deBoer – TD Consulting

**Legal Description:** Part Lot 20, Concession 4, Part 1, 57R-7536, former Town of Lindsay, City of Kawartha Lakes

**Official Plan:** General Employment within the Town of Lindsay Official Plan

**Zone:** General Employment (GE) Zone within the Town of Lindsay Zoning By-law 2000-7

**Site Size:** 7,021.67 square metres (1.73 acre)

**Site Servicing:** Private individual well and septic system

**Existing Uses:** Residential/Industrial

**Adjacent Uses:** North, South, East: Vacant Land, Commercial (Peavy Mart, Plaza)  
West: Commercial (Rona), Agriculture

**Rationale:** Section 45(2)(a)(i) of the Planning Act permits the Committee of Adjustment to consider an expansion to a legal non-conforming use. The tests of 45(1) of the Planning Act are not prescribed for applications considered under 45(2). However, the application must be analysed to determine whether the proposal meets good planning principles. The four tests for minor variance shall be used as a guide to establish good planning principles.

Prior to examining the tests, the circumstances must be established to lay the foundation upon which legal non-conforming use may be demonstrated.

Within By-law 45-78, the property was zoned General Industrial (M2) Zone. Mini-storage use, as a form of warehousing, was a permitted use within the M2 Zone. A site plan agreement was registered March 27, 1997 to permit the development of the site for mini-storage use.

On October 23, 2000, the Town of Lindsay repealed By-law 45-78 and adopted comprehensive by-law 2000-75. The subject property was zoned General Employment (GE) Zone in By-law 2000-75 (the current by-law). The current by-law created a definition for mini-storage warehouse use and listed it as a permitted use in the Prestige Employment (PE) Zone. The GE Zone does permit a mini-storage warehouse use.

An affidavit was provided to demonstrate the continuity of the use from the date the use became non-conforming. The factual information is established for the Committee of Adjustment to find the use legal non-conforming.

Part of the below analysis is provided to examine the appropriateness of the expansion should the Committee deem it legal non-conforming.

**1) Is the permission sought and are the variances minor in nature? Yes**

**And**

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

The subject property contains a mini-storage warehouse use since approximately 1997 along with a dwelling which has existed since about 1946 according to MPAC. The dwelling is located to the north of the mini-storage use. The mini-storage use is set back a bit from the road and is surrounded by a fence.

The subject property is nearly triangular in nature, decreasing in width as it progresses east. There is vacant land abutting the north, east and south lot lines, with commercial uses further along in those directions (commercial plaza on Kent Street, Peavy Mart). To the west is the Rona lumber yard. There are also industrial operations further south where Greenfield Road connects with Highway 7. The built environment along Greenfield Road is characterized by large buildings surrounded by large paved and/or gravelled areas. There are also large parcels in the immediate area that are either vacant or being farmed. Therefore, Greenfield Road has a distinctly more rural industrial nature given the form of businesses and uses established along the road.

The expansion will allow the subject property to be fully converted to mini-storage warehouse use. While a mini-storage warehouse use is no longer permitted on the property, the use is of a more industrial nature given its similarities to warehousing. The expansion of the mini-storage use is in keeping with the rural industrial character of Greenfield Road.

Current landscaping zoning standards require continuous buffers of coniferous trees and/or shrubs. The applicant is seeking to alter the City's minimum landscaping requirements to provide for a more visually appealing site by

having greater flexibility in the placement and type of landscaping. The landscaping variances, if granted, will allow the City and applicant to register a site plan agreement with enhanced landscaping.

Due to the above analysis, the expansion and the variances are minor in nature and desirable and appropriate for the use of the land.

**3) Does the permission sought and do the variances maintain the intent and purpose of the Zoning By-law? Yes**

Non-conforming uses by their nature cannot comply with the zone category because the use is not permitted. However, analysis may be performed to determine whether the request for expansion is a substantial deviation from the direction the zoning by-law intends.

The subject property is zoned General Employment (GE) Zone within the Town of Lindsay Zoning By-law 2000-75. The GE Zone permits an assortment of commercial, industrial, institutional and community facility uses. While mini-storage warehouse is not specifically listed as a permitted use, the GE Zone does permit warehousing. Therefore, the proposed use is similar to what the by-law permits and as a result is not anticipated to cause a land use conflict with the abutting commercial and industrial uses.

While the proposed use will expand in all directions from the current storage building on the south side of the property, the proposed use will continue to meet the yard and parking requirements of the GE Zone, ensuring minimal impact to abutting properties.

The vegetative buffering around the south, east and north edges of the site are wild trees and shrubs. It is anticipated most of this natural vegetation will be removed as part of the transformation of the entire site to a mini-storage warehouse use. Therefore, additional landscaping will be required. The intent of the landscaping provisions of the zoning by-law is to provide minimum landscaping requirements in the form of continuous coniferous vegetative plantings around the immediate perimeter of the property and parking areas to buffer the property from surrounding uses. In this case, the applicant is seeking flexibility in applying the landscaping requirements. The flexibility will allow for items such as interruptions in the landscape buffers, the placement of the buffers in some locations that are not immediately abutting the lot line, and adjusting their composition to include items such as perennials and deciduous shrubs and trees in addition to coniferous plantings. As landscape drawings have not been submitted or approved under the amended site plan review process at this time, but are anticipated to be a vast improvement over the current lack of landscaping, Condition 2 is requested to permit staff the flexibility to work with the owner to develop a more favourable landscape design.

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

**4) Does the permission sought and do the variances 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. The property is designated General Employment within this Official Plan.

The General Employment designation anticipates uses that require the open storage of goods and materials, such as manufacturing, processing, and warehousing. The designation also sets out the objective for adequate landscaping and other forms of buffering to enhance all parking lots and storage areas.

In consideration of the above the expansion and variances maintain the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is on a private individual well and private individual sewage system.

**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 (September 2, 2021): No objection.

Building and Septic Division (September 8, 2021): No concerns at this stage. Further comments to be provided through the site plan approval process. Building permits required, and development is subject to the development charges by-law. See Appendix E for additional comments.

**Public Comments:**

No comments received as of September 7, 2021.

**Attachments:**



Appendices A-E to  
COA2021-064.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch

Appendix D – Elevation

Appendix E – Department and Agency Comments

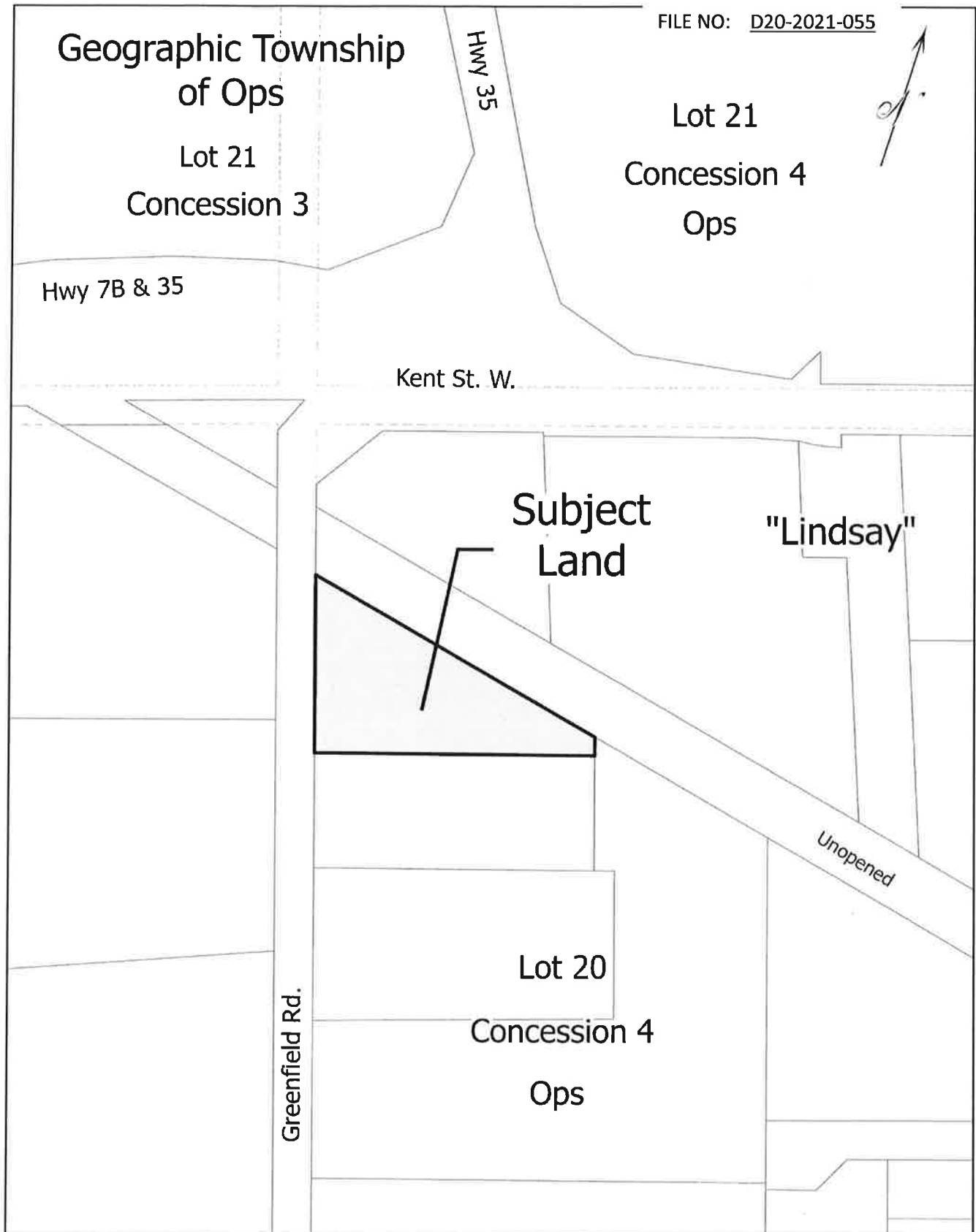
**Phone:** 705-324-9411 extension 1206  
**E-Mail:** dharding@kawarthalakes.ca  
**Department Head:** Richard Holy, Acting Director of Development Services  
**Department File:** D20-2021-055

# D20-2021-055

to

REPORT COA2021-064

FILE NO: D20-2021-055





# 50 Greenfield Road, former Town of Lindsay



0.14

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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

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APPENDIX " B "

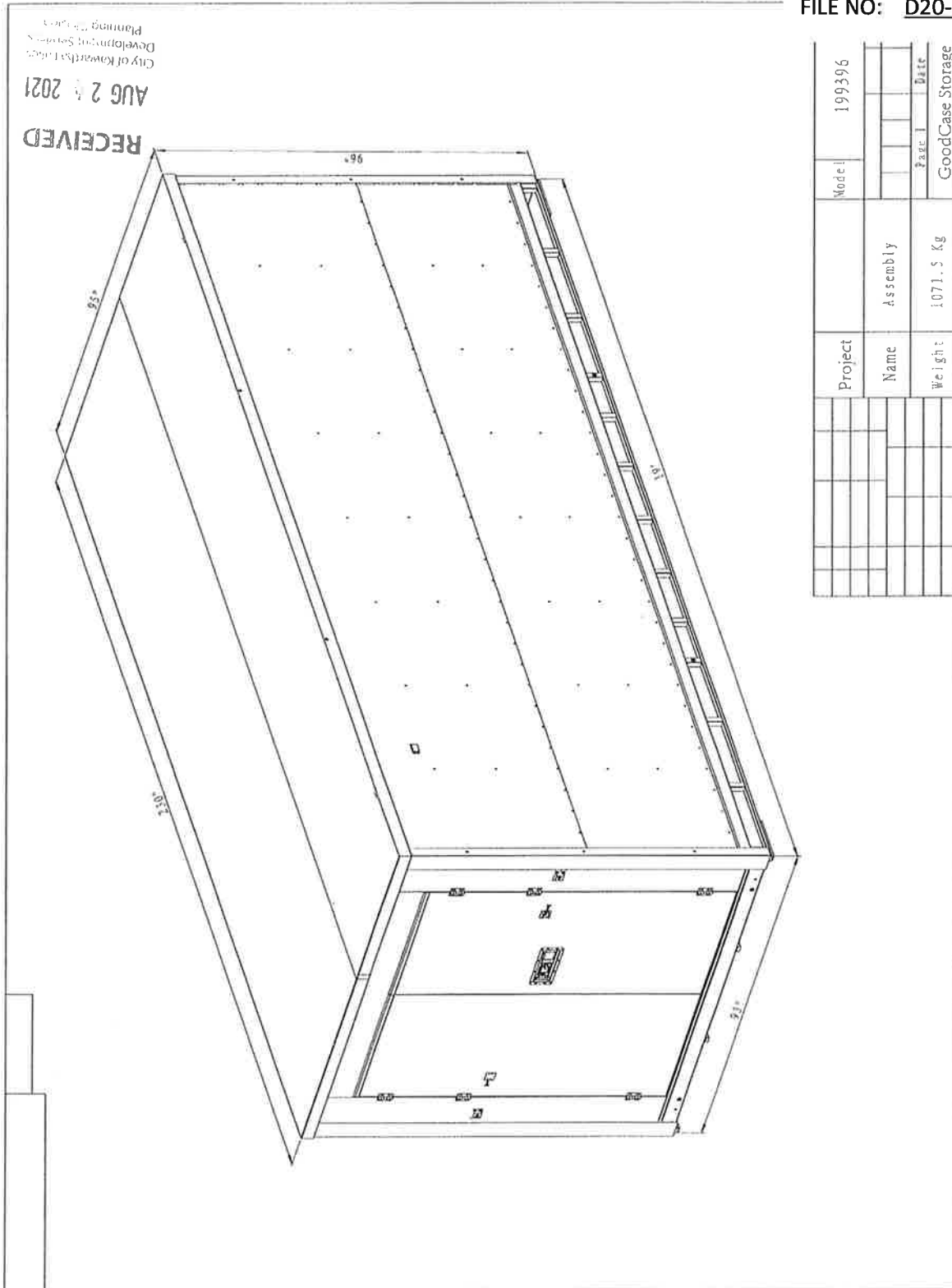
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REPORT COA2021-064  
FILE NO: D20-2021-055





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## David Harding

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**From:** Susanne Murchison  
**Sent:** Tuesday, September 7, 2021 7:08 PM  
**To:** Charlotte Crockford  
**Cc:** David Harding; Kent Stainton  
**Subject:** MV comments

APPENDIX " E "  
to  
REPORT COA2021-064  
FILE NO. D20-2021-055

The following reflect the Building and Septic Division comments, save and except those relating to on-site sewage systems which will be provided under separate email by Part 8 Supervisor:

D20-2021-047: no concerns at this stage, further comments will be provided through the site plan approval process, building permit required for proposed hotel building, development is subject to development charges bylaw

D20-2021-050: no concerns, structure built without benefit of building permit but owner is working with staff to correct issues, building permit required for proposed dwelling, development charges apply to this development

D20-2021-051: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-052: no concerns, applications have already been filed for building permits relating to this replacement dwelling and detached garage

D20-2021-053: no concerns, applications have already been filed for building permits relating to this proposed detached garage, outstanding building permit relating to construction of a deck BPH2015-0576 requires final inspection

D20-2021-054: no concerns, building permit required for the proposed detached garage, outstanding building permit relating to construction of the single detached dwelling BPH2007-0325 requires final inspection

D20-2021-055: no concerns at this stage, further comments will be provided through the site plan approval process, building permits required for proposed self-storage buildings, development is subject to development charges bylaw, the following are some of the major building code items that may affect the placement and size of the proposed self-storage buildings: design of on-site supply of water for fire fighting, spatial separation and related construction materials, fire route design – these items will be reviewed at site plan approval stage

D20-2021-056: no concerns, application has already been filed for building permit relating to the construction of this proposed foundation

D20-2021-057: no concerns, building permit required for proposed dwelling, development charges apply to this development

Susanne Murchison, CBCO  
Chief Building Official

## David Harding

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**From:** Kim Rhodes  
**Sent:** Thursday, September 2, 2021 1:18 PM  
**To:** Mark LaHay  
**Cc:** Charlotte Crockford; Christina Sisson; Kirk Timms  
**Subject:** 20210902 D20-2021-055 - Engineering review

**Importance:** High

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

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

Minor Variance – D20-2021-055  
50 Greenfield Road  
Part Lot 20, Concession 4 (Formerly Ops), Part 1, 57R-7536  
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to permit the approximately 1,160 square metre expansion of the legal non-conforming mini-storage use and Section 5.14(c), (e) and (f) to provide relief from the requirements to provide a continuous hedgerow of evergreens and shrubs, not less than 1.2 metres high at the time of planting situated immediately adjacent to the front, rear, and side lot lines, instead allowing for more variation in the vegetation, placement, and length/location of the required landscape strips.

*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  
Engineering & Corporate Assets, City of Kawartha Lakes  
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**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.**