

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Novis**  
Report Number COA2021-072

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**Public Meeting**

**Meeting Date:** October 21, 2021  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 5 – Former Town of Lindsay**

**Subject:** The purpose and effect is to request relief from Section 6.2(f) to reduce the minimum rear yard setback from 7.5 metres to 3.4 metres in order to construct an uncovered deck with stairs.

The variance is requested at 92 Alcorn Drive, former Town of Lindsay (File D20-2021-060).

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

**Signature:** 

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**Recommendation:**

**Resolved That** Report COA2021-072 Novis, be received;

**That** minor variance application D20-2021-060 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 substantially in accordance with the sketch in Appendix C and elevation in Appendix D submitted as part of Report COA2021-072, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2021-072. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Background:** The owner seeks relief to construct an approximately 4.27 metre x 3.65 metre deck within a portion of the rear yard.  
This application was last amended September 9, 2021.

**Proposal:** To permit an uncovered deck with stairs.

**Owner:** Kelly Suzanne Novis

**Applicant:** Mark Wilson – MVW Construction

**Legal Description:** Lot 72, Plan 57M-802, former Town of Lindsay, City of Kawartha Lakes

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

**Zone:** “Residential One Special Seventeen (R1-S17) Zone” within the Town of Lindsay Zoning By-law 2000-75

**Site Size:** 480 square metres (5,166.7 square feet)

**Site Servicing:** Municipal water, municipal sewer, and municipal stormwater.

**Existing Uses:** Residential

**Adjacent Uses:** North: Forest, Jennings Creek  
South, West, East: Residential

**Rationale:**

**1) Is the variance minor in nature? Yes**

**And**

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

The subject property is situated in a developing residential neighbourhood, known as the Woods of Jennings Creek in the northern end of Lindsay. The property backs onto open space in the form of Jennings Creek, woodland, and stormwater management facility in the form of a naturalized pond, collectively referred to in this report as a ravine. Development in the form of single detached housing is present to the south, east, and west. The majority of the subdivision development is occurring to the east.

The grade of the lots along the north side of Alcorn Drive slopes down from the street before connecting with the ravine lands. The grade change creates an opportunity for larger basement windows along the rear wall and in most cases a walkout basement design. The subject property does not have a walkout basement. However, there is a sliding door on the main level. The deck will facilitate access between the main floor of the dwelling and outdoor amenity space within the rear yard. The approximately 4.6 metre encroachment into the rear yard setback is confined to the western portion of the rear yard. The balance of the rear yard still provides for additional rear yard amenity space. The deck and stairs comply with the minimum side yard setback requirement,

providing sufficient space for maintenance and access between the front and rear yards.

Due to the above analysis, the variance is minor in nature and desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law?**  
**Yes**

The subject property is zoned "Residential Type One Special Seventeen (R1-S17) Zone" within the Town of Lindsay Zoning By-law 2000-75. The special exception allows for an increased 40% maximum lot coverage for all buildings. The R1-S17 Zone permits single detached dwellings and accessory uses. The dwelling on the subject property covers 40% of the lot. As an uncovered deck is proposed, there is no additional increase to lot coverage.

The intent of the rear yard setback is to provide sufficient rear yard amenity space, address massing impacts from abutting lots, and reduce land use and privacy conflicts between abutting properties. The lots along Alcorn Drive have shallow rear yards of similar depths. The rear yard of the subject property has a depth of 7.93 metres, and the minimum rear yard requirement is 7.5 metres. In order to construct a deck, relief from the by-law is required.

The proposed 4.6 metre reduction is not anticipated to pose any land use compatibility issues as the ravine is located to the north rather than the rear yard of another dwelling. The proposed deck will only occupy a portion of the rear yard, being the western portion of the rear yard. The balance of the rear yard remains landscaped open space for recreational and amenity purposes.

The deck and stairs comply with the required minimum interior side yard setback requirement. As the minimum interior side yard setback requirement is met, access between the front and rear yards is maintained for lot grading and drainage, and to carry out property maintenance. The setback also provides better spatial separation between the deck on the subject property and the deck anticipated to be constructed on the abutting property, 90 Alcorn Drive. Number 90 has a sliding door on its main floor located close to the mutual lot line with the subject property. The proposed deck will maintain the same side yard setback as the dwelling. The better spatial separation mitigates future privacy concerns and use conflicts between the two properties.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

**4) Does the variance maintain the intent and purpose of the Official Plan?**  
**Yes**

As the Lindsay Secondary Plan part of the City of Kawartha Lakes Official Plan is under appeal, the Town of Lindsay Official Plan (Official Plan) applies.

The lands are designated "Residential" within the Official Plan. The subject property is within a neighbourhood that would be classified as Low Density

Residential. Low density residential uses and buildings and structures accessory to residential uses are permitted.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

The application originally proposed the deck stairs to the west of the deck. This position brought the stairs very close to the west property line. This posed yard maintenance and access concerns between the front and rear yards. This also brought the deck closer to the deck anticipated to be constructed on the abutting property, 90 Alcorn Drive. The applicant worked with staff to reposition the stairs to the north to avoid the issues a reduced interior side yard posed.

**Servicing Comments:**

The property is serviced by municipal sewer, water, 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:**

Development Engineering (October 8, 2021): No concerns.

**Public Comments:**

No comments received as of October 12, 2021.

**Attachments:**



Appendices A-E to  
COA2021-072.pdf

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

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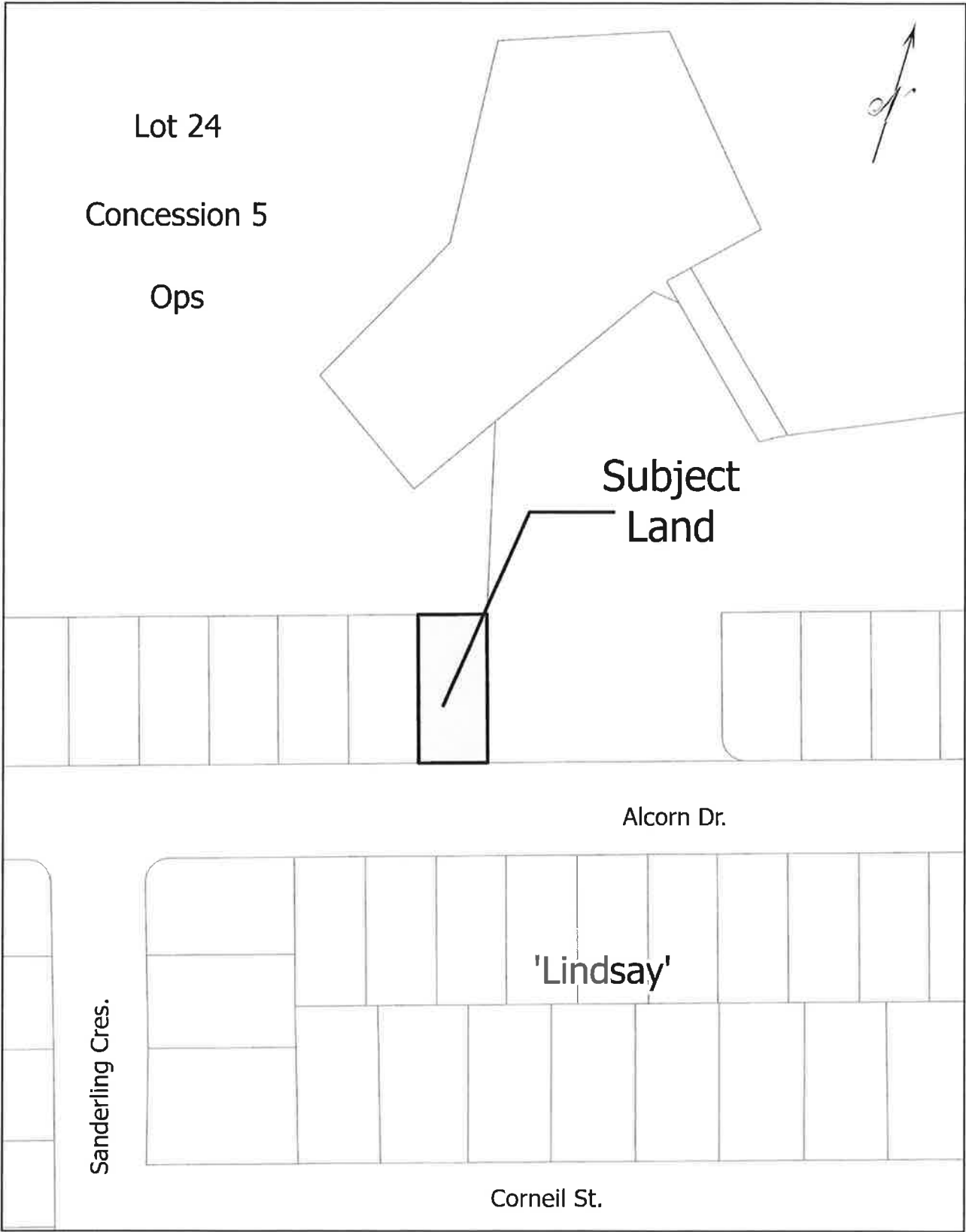
<b>Phone:</b>	705-324-9411 extension 1206
<b>E-Mail:</b>	dharding@kawarthalakes.ca
<b>Department Head:</b>	Richard Holy, Acting Director of Development Services
<b>Department File:</b>	D20-2021-060

to

REPORT COA2021-072

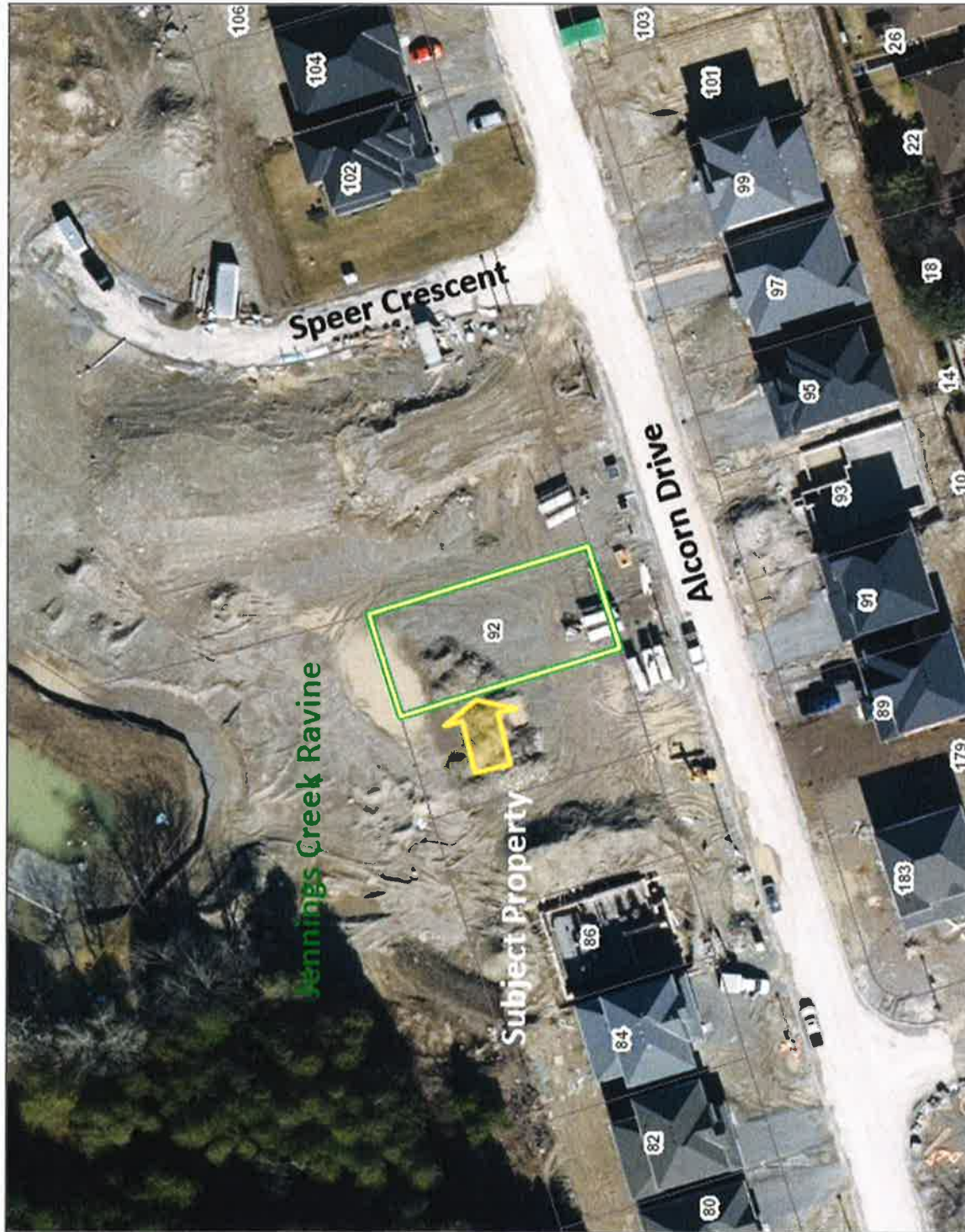
FILE NO: D20-2021-060

# D20-2021-060





## 92 Alcorn Drive, 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. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

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APPENDIX " B "

to

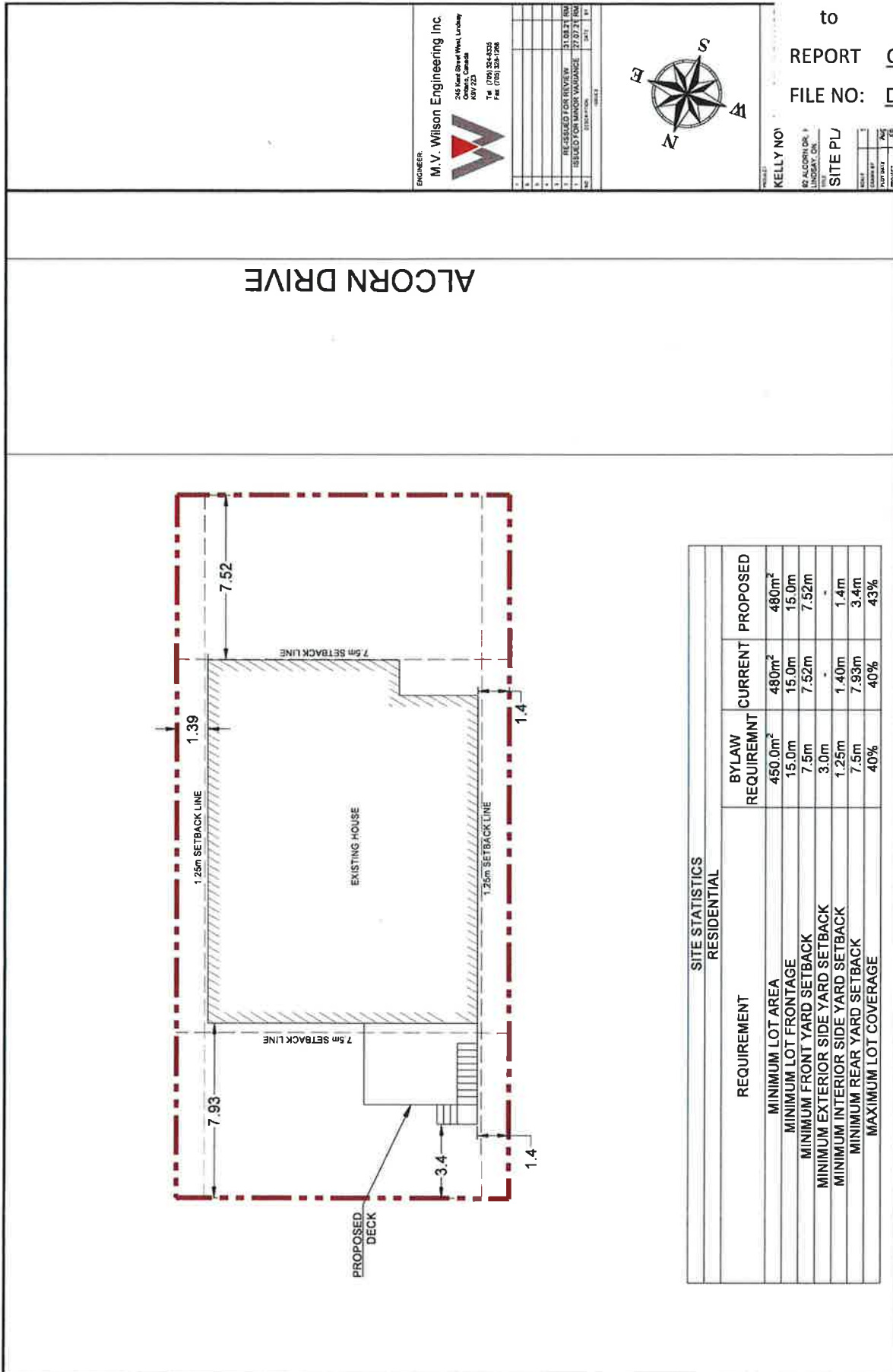
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to

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## David Harding

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**From:** Charlotte Crockford  
**Sent:** Friday, October 8, 2021 1:42 PM  
**To:** David Harding  
**Subject:** FW: 20211008 D20-2021-060 - Engineering review

APPENDIX " E "  
to  
REPORT COA2021-072  
FILE NO. D20-2021-060

fyi

**Charlotte Crockford**  
Administrative Assistant  
Planning Department, City of Kawartha Lakes  
705-324-9411 ext. 1231 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Please note: The Development Services offices at 180 Kent St W, Lindsay remain closed to public access, however, all services continue to be provided and staff are available by telephone or email during regular business hours.

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](http://www.kawarthalakes.ca/covid19)

**From:** Kim Rhodes <[krhodes@kawarthalakes.ca](mailto:krhodes@kawarthalakes.ca)>  
**Sent:** Friday, October 8, 2021 10:51 AM  
**To:** Mark LaHay <[MLaHay@kawarthalakes.ca](mailto:MLaHay@kawarthalakes.ca)>  
**Cc:** Charlotte Crockford <[ccrockford@kawarthalakes.ca](mailto:ccrockford@kawarthalakes.ca)>; Christina Sisson <[csisson@kawarthalakes.ca](mailto:csisson@kawarthalakes.ca)>; Kirk Timms <[ktimms@kawarthalakes.ca](mailto:ktimms@kawarthalakes.ca)>  
**Subject:** 20211008 D20-2021-060 - Engineering review

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

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

Minor Variance – D20-2021-060  
92 Alcorn Drive  
Lot 72, Plan 57M-802  
Former Town of Lindsay

It is the understanding by Engineering that the purpose and effect is to request relief from Section 6.2(f) to reduce the minimum rear yard setback from 7.5 metres to 3.4 metres in order to construct an uncovered deck with stairs.

*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.**

Manager, 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](http://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.**