

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 1185512 Ontario Ltd.**  
Report Number COA2022-021

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**Public Meeting**

**Meeting Date:** March 17, 2022  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward: 7 – Former Town of Lindsay**

**Subject:** The purpose and effect is to request relief from the following provisions in order to facilitate the construction of a 6-storey condominium building:

1. Section 5.12 (k)(i) to reduce the number of required parking spaces from 162 spaces to 123 parking spaces;
2. Section 5.14 (g) to reduce the minimum allowable width of the landscaping buffer from 1.8 metres to 1.0 metres; and
3. Section 11.3.7 (g) to increase the maximum building height from 18 metres to 22 metres to allow for rooftop mechanical and design features.

The variance is requested at 33 Victoria Avenue South, former Town of Lindsay (File D20-2022-016).

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**Author: Kent Stainton, Planner II**

**Signature:**



**Recommendations:**

**Resolved That** Report COA2022-021 1185512 Ontario Ltd., be received;

**That** minor variance application D20-2022-016 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 landscape plan in Appendix C and elevations in Appendix D submitted as part of Report COA2022-021, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the site plan agreement shall be registered 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 approval pertains to the application as described in report COA2022-021. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The application proposes a 6 storey condominium building at the above-noted address. Site Plan application D19-2018-056 has been reviewed with five (5) circulations of comments provided. The latest round of comments were provided in October of 2021. The applicant had been in discussions with the City prior to submitting the site plan application, where it was noted the relief from the height provisions as well as the parking requirements would be required. Through the review of the minor variance submission, it was also identified that additional relief is required from the landscaping provisions in order to permit the varied landscaping proposed.

This application was last amended February 21, 2022.

**Proposal:** To construct a new 6-storey 2,371 square metre 104 unit condominium building featuring underground and above-ground parking with 123 total parking spaces.

**Owner:** 1185512 Ontario Ltd.

**Applicant:** Mark & Don Wilson

**Legal Description:** 33 Victoria Avenue South, Plan 1 Lots 14 & 15, N of Melborne, S of Glenelg W, former Town of Lindsay, City of Kawartha Lakes

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

**Zone:** Residential High-Rise One Special Six Holding [RH1-S6(H)]  
Zone within the Town of Lindsay Zoning By-law 2000-75.

**Site Size:** 0.96 hectares (2.37 acres)

**Site Servicing:** Full municipal services

**Existing Uses:** Vacant Land

**Adjacent Uses:** North: High and Low Rise Residential (Union Station Condomium) Glenelg Street West  
East: Victoria Avenue South, Mixed Residential and Commercial (Carquest Auto Parts)  
West: Sussex Street South, Low Rise Residential  
South: Melbourne Street West, High Rise Residential

**Rationale:**

**1) 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 is situated on the west side of Victoria Avenue South, just south of Downtown Lindsay. The property is bordered by three roads: Glenelg Street West to the north, Victoria Avenue South to the east and Melbourne Street West to the south. Victoria Avenue is high traffic street, where higher density development exists, as is evidenced by the five-storey condominium building to the north of the subject property (21 Victoria Avenue South - Union Station) and the apartment building to the south (65 Melbourne Street West – Community Care Village Housing). The subject property is suitably zoned for high-rise development.

The building will provide much needed additional residential options. The additional height is required for design elements such as the stone veneers as well as the rooftop mechanical features of the building. The additional height is not anticipated to adversely impact the Victoria Avenue South, Glenelg Street West and Melbourne Street West streetscapes. With similar buildings in terms of built form and design to the north and south of the subject lands, the height increase will be imperceptible.

The decreased parking requirements from 162 parking spaces to 123 parking spaces (1.55 parking spaces per unit to 1.25 spaces per unit) represents a 24% reduction. The majority of those spaces are proposed to be reduced from the underground parking. Similarly, the Union Station condominium building to the north was the subject of a minor variance in 2015 (File D20-15-013), where the number of required spaces was reduced from 66 spaces to 47 spaces, representing a 28.78% reduction in parking spaces. The reduction approved through the application has not resulted in an increase in on-street parking violations. In an effort to offset the reduced parking spaces, the owner is proposing to implement ridesharing vehicles allocated to residents, who wish to utilize a vehicle on-demand. The reduction in parking spaces also encourages active transportation and with the Downtown of Lindsay being located so closely.

In addition to the vegetative landscaped buffer and landscape plantings plan provided for in Appendix C, a privacy fence is being proposed along the entire western lot line. The fence, when combined with the height of the armorstone proposed along the southern section of the property, will result in a higher quality screening for the western units of the building from any visual incompatibilities such as headlights.

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 subject property is zoned Residential High-Rise One Special Six Holding One (RH1-S6(H1)) Zone. The category permits an apartment building that is 6 storeys high. The holding provision pertains to the execution of a site plan agreement.

The intent of the parking requirements is to ensure an adequate number of on-site parking spaces are provided for the residents and visitors of the building on a per unit basis. It is anticipated that many purchasers of condominium units are downsizing and reducing the number of vehicles owned on a per unit basis. When combined with the accessibility of Downtown Lindsay as well as the ridesharing initiatives proposed in lieu of parking spaces, the reduction of 24% is justifiable.

As high-rise development is proposed, the additional height is not anticipated to substantially change the scale of the built form. The current configuration proposes a building height of 18.4 metres to the roof deck, which exceeds the maximum allowable height standard. The relief is being sought to account for the rooftop mechanical features, which will not pose additional massing impacts or additional shadowcasting on adjacent properties. When viewed from street-level, the height increase is negligible when compared to the height of the adjacent high-rise developments.

The intent of the landscaping provisions of the zoning by-law is to provide minimum landscaping requirements in the form of continuous vegetative plantings around the perimeter of the property and around the parking lot to buffer the property from surrounding uses and to buffer the ground level apartments from the surface parking lot (ie. headlights). The landscaping provisions also add aesthetically pleasing, green design and visually distinguishes public and private spaces. The only sections of the property that are reduced by 0.8 metres below the buffering requirements are the southwest and western. As the retaining wall is 0.6 metres wide, the armorstone width accounts for a portion of the 1.8 metre buffer requirement. While the reduction is close to 0.8 metres only in sections along the southern (Melbourne Street West) lot line, the retaining wall height combined with the proposed plantings assists in performing the same function of a thicker shrub or ground-tree species for the purposes of buffering the western units from car lighting. For the smaller reduction along the western property line, a privacy fence is proposed, which will also assist with any privacy or lighting concerns.

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 under appeal, the Town of Lindsay Official Plan remains in effect. The property is designated 'Residential' within the Town of Lindsay Official Plan. High density residential development in the form of apartment and condominium buildings is permitted.

In consideration of the above the 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 development will be on full municipal services once constructed.

**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 Division (March 3, 2022): No objections to the proposed Minor Variance.

Building and Septic Division – Plans Examiner (March 3, 2022): There is an outstanding building permit BPH2013-0357 on the subject property. Development charges are applicable and permit is required for the works. No other concerns

**Public Comments:**

No comments received as of March 9, 2022.

**Attachments:**



- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Site Plan/Landscape Plantings Plan
- Appendix D – Elevations
- Appendix E – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [kstainton@kawarthalakes.ca](mailto:kstainton@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Department File:** D20-2022-016

# D20-2022-016

to  
REPORT COA2022-021  
FILE NO: D20-2022-016



### 33 Victoria Avenue South, Former Town of Lindsay



- Legend**
- Property Roll Number
  - Road Centreline (2016 Needs)

**Notes**  
Notes

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



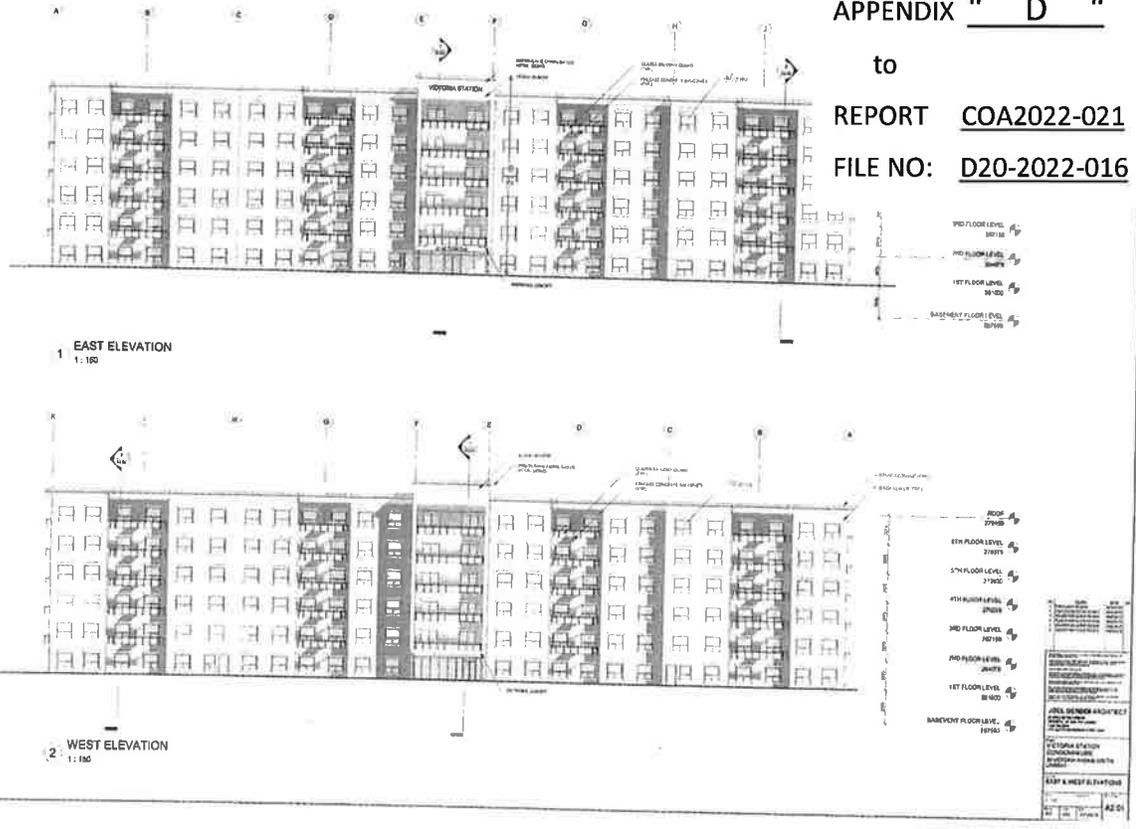
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APPENDIX " B "  
to  
REPORT COA2022-021  
FILE NO: D20-2022-016

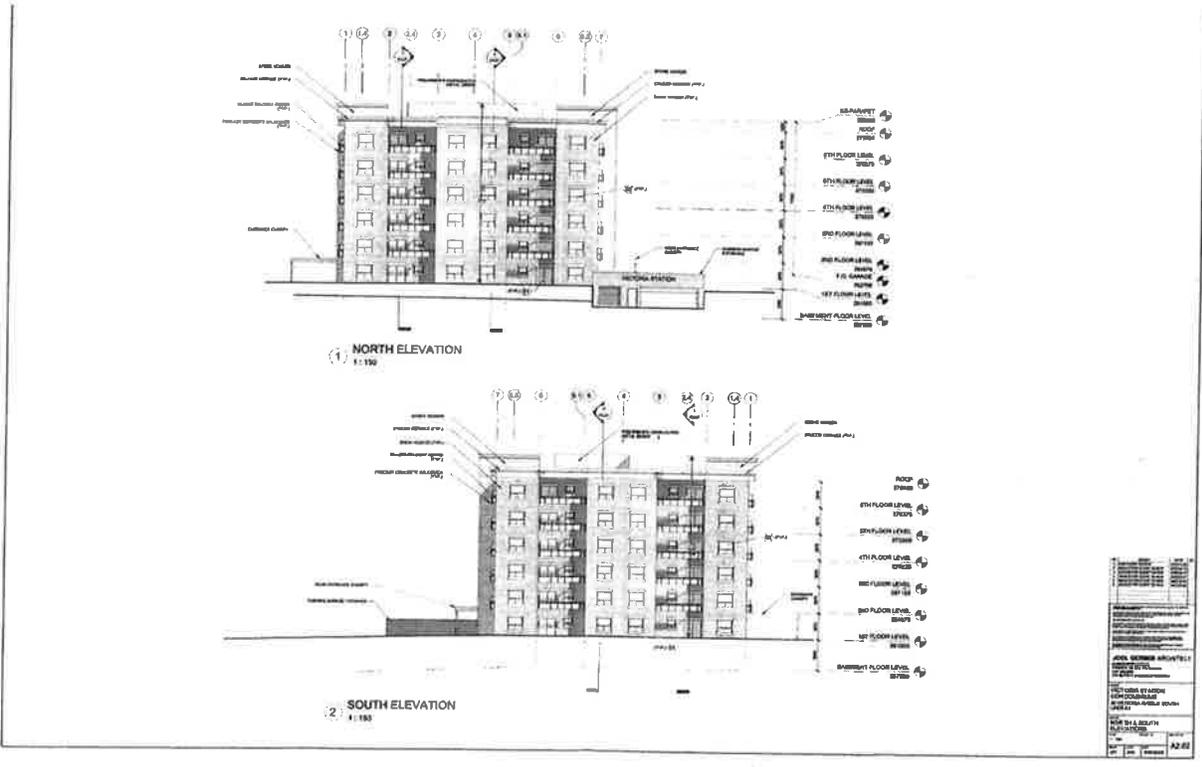


APPENDIX " D "

to  
 REPORT COA2022-021  
 FILE NO: D20-2022-016



North & South Elevations



**Kent Stainton**

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**From:** Mark LaHay  
**Sent:** Friday, March 4, 2022 11:57 AM  
**To:** David Harding; Kent Stainton  
**Cc:** Charlotte Crockford  
**Subject:** FW: 20220304 D20-2022-016 - Engineering Review

APPENDIX E  
to  
REPORT COA 2022-021  
FILE NO. D20-2022-016

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

FYI - file

**From:** Lisa Peimann <lpeimann@kawarthalakes.ca>  
**Sent:** Friday, March 4, 2022 11:25 AM  
**To:** Mark LaHay <MLaHay@kawarthalakes.ca>  
**Cc:** Christina Sisson <csisson@kawarthalakes.ca>; Kirk Timms <ktimms@kawarthalakes.ca>; Daniel Woodhead <dwoodhead@kawarthalakes.ca>  
**Subject:** 20220304 D20-2022-016 - 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 – D20-2022-016  
33 Victoria Avenue South  
Lots 14 and 15, Plan 1  
Geographic Township of Lindsay, Ward 7, now in the City of Kawartha Lakes

It is the understanding by Engineering that the purpose and effect is to request relief from the following provisions in order to facilitate the construction of a 6-storey condominium building:

1. Section 5.12 (k)(i) to reduce the number of required parking spaces from 162 spaces to 123 parking spaces;
2. Section 5.14 (g) to reduce the minimum allowable width of the landscaping buffer from 1.8 metres to 1.0 metres; and
3. Section 11.3.7 (g) to increase the maximum building height from 18 metres to 22 metres to allow for rooftop mechanical and design features.

*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.**

## **Charlotte Crockford**

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**From:** Mathew McKinnon  
**Sent:** Friday, March 4, 2022 10:24 AM  
**To:** Charlotte Crockford  
**Subject:** Notice of Public Hearing for Minor Variances

The following comments are provided from the Building & Septic Division, save and except those comments provided separately by the Supervisor of Part 8 Sewage Systems:

D20-2021-077 – Spatial could be a potential issue, development charges applicable, permit required, no other concerns

D20-2022-010 – outstanding building permit BP2017-1278, no other concerns

D20-2022-011 – outstanding building permit BPH2003-1508, permit required for pool house, no other concerns

D20-2022-012 – completion of issued permits BP2021-1621 & BP2017-0353 required, permits required for boathouse & cabin, no other concerns

D20-2022-016 – outstanding building permit BPH2013-0357, development charges applicable, permit required, no other concerns

D20-2022-017 – building permit required, completion of permit application BP2021-1620 for SDD required prior to issuance of garage permit, no other concerns

D20-2022-018 – no concerns

### **Mathew McKinnon**

Plans Examiner

Development Services, City of Kawartha Lakes

Tel: (705) 324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)



Please note: The Building Department 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.