

The Corporation of the City of Kawartha Lakes
Minutes
Committee of Adjustment Meeting

COA2022-003
Thursday, March 17, 2022
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Lloyd Robertson
David Marsh
Sandra Richardson
Betty Archer
Stephen Strangway
Janice Robinson

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1. **Call to Order**

Chair Robertson called the meeting to order at 1:04pm.

Chair Robertson and Members D. Marsh, S. Richardson, S. Strangway and B. Archer were in attendance in person.

Member, Councillor Yeo was in attendance via electronic participation.

Staff, L. Barrie, Manager of Planning and C. Crockford, Recording Secretary were in attendance in person.

Staff, D. Harding, Planner II, M. LaHay, Secretary-Treasurer and S. Murchison, Chief Building Official were in attendance via electronic participation.

Absent: J. Robinson, Member and K. Stainton, Planner II.

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2022-03.2.1.1.

March 17, 2022

Committee of Adjustment Agenda

CA2022-023

Moved By B. Archer

Seconded By S. Richardson

That the agenda for March 17, 2022 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 COA2022-02.2.3.1.

February 17, 2022

Committee of Adjustment Minutes

CA2022-024**Moved By** S. Strangway**Seconded By** D. Marsh

That the minutes of the previous meeting held February 17, 2022 be adopted as printed.

Carried**3. New Applications****3.1 Minor Variances****3.1.1 COA2022-016**

Kent Stainton, Planner II

File Number: D20-2021-077

Location: Vacant Lands, Logie Street

Block 39, Plan 57M-798

Former Town of Lindsay

Owner: Skyline Real Estate Holdings Inc.

Applicant: Michael Bissett, Bousfields Inc.

Ms. Barrie, Manager of Planning presented Report COA2022-016 on behalf of Mr. Stainton, Planner II.

The purpose and effect is to request relief from zoning by-law provisions to reduce the minimum number of parking spaces from 228 to 218 spaces; to allow 22 parking spaces to be located within the front yard; and to reduce the minimum amount of landscaped open space from 40% of the lot area to 34.2% in order to facilitate the construction of a 6-storey apartment building.

Ms. Barrie noted that since the writing of the report, public submissions were received from the following in opposition to the application:

Eric and Margaret Finn, 43 Primeau Crescent

Don and Margaret Hughes, no address

Emil and Wyn Remark, Primeau Crescent

Jeff Van Ginkel, 37 Primeau Crescent

Rosemary and Howie LeBlanc, 35 Primeau Crescent

Brian Gallagher, retired Planning Consultant, representing residents of Primeau Crescent.

The Committee asked Ms. Barrie the following questions:

1. What type of housing?
2. How many Senior Homes do we require in Lindsay?
3. Did a discussion take place to suggest underground parking?

Ms. Barrie responded and also deferred to the applicant for further additional comment.

The applicant, Mr. Bissett of Bousfields Inc. was present via electronic participation. Mr. Bissett gave a brief overview of the proposed 6-storey apartment building with 168 rental units geared towards seniors, containing 98 (875 Square feet -1100 square feet) two bedroom units and 70 (575 square feet) single bedroom units.

Mr. Bissett spoke to the public concerns.

The Committee asked the applicant the following questions:-

1. Did a public meeting take place?
2. Is there a reason for not deferring the application for a month?
3. What would stop the owner from turning apartments into condominiums?
4. What is the distance in the drive aisle width?
5. Provisions to make it a senior apartment as opposed to low income/student units.
6. Did a discussion take place with individuals to negotiate changes?
7. Was underground parking discussed?

Mr. Bissett responded.

In opposition to the application, Mr. Gallagher, retired Planning Consultant representing the residents of Primeau Crescent, made a presentation to the Committee via electronic participation. Presentation attached to Minutes.

The Committee asked Mr. Gallagher what he would like to achieve if the application is deferred for one month. Mr. Gallagher responded.

In opposition to the application, Mr. Finn of 43 Primeau Crescent continued with Mr. Gallagher's presentation referencing the Zoning By-Law, Lindsay Official

Plan and the 2017 Secondary Plan via electronic participation.

The Chair referred to Ms. Barrie, Manager of Planning to speak to the Planning issues. Ms. Barrie referenced Mr. Finn's comment to the 2017 Secondary Plan and stated that it is not in force and effect and that the Secondary Plan is under appeal with the Ontario Land Tribunal.

In opposition to the application, Jeff Van Ginkel, 37 Primeau Crescent finished the remainder of the presentation as well as his own additional concerns via electronic participation.

In opposition to the application, Mr. and Mrs. Remark spoke to the Committee regarding the environmental impact and reduction of green space, aesthetics and insufficient parking spaces via electronic participation.

The Committee asked for an explanation from Ms. Murchison, Chief Building Official referring to Building and Septic comments contained in the report that stated "spatial separation could be a potential issue".

Mr. Bissett spoke to concerns of the residents of Primeau Crescent.

The Chair asked Ms. Barrie if the Committee would be offending legislation if the Committee were to consider a deferral. Ms. Barrie replied the Committee would not be offending any legislative requirements and that they have three options, to defer, approve or refuse.

The Chair asked Mr. Bissett, if the Committee were to consider a deferral would it cause any hardship. Mr. Bissett replied that instruction from his client is to proceed. It is the Committees' decision.

Mr. Marsh motioned to defer the application to May 19, 2022.

Ms. Archer asked to amend the motion to add that the applicant also meet with the residents before it returns to the Committee.

Ms. Barrie stated that adding a condition to consult with residents is not advisable but a discussion is encouraged between Applicant, Planning Staff and Residents.

CA2022-025

Moved By D. Marsh

Seconded By B. Archer

That Minor Variance Application D20-2021-077 be deferred for a period of not more than two (2) months, returning at the latest to the May 19, 2022 meeting.

The deferral is to encourage further discussion between the applicant, planning staff and abutting property owners. The deferral would also allow the objection by the abutting property owners to be further considered prior to a decision being rendered.

Carried

3.1.2 COA2022-017

Kent Stainton, Planner II

File Number: D20-2022-010

Location: 285 Omega Road

Lot 2 Base of Long Point, Plan 557, Part Lot A, Concession 2

Geographic Township of Bexley

Owners: Glenn Lundrigan and Susan Berghuis

Applicant: Tom deBoer, TD Consulting Inc.

Ms. Barrie, Manager of Planning presented Report COA2022-017 on behalf of Mr. Stainton, Planner II, in his absence.

The purpose and effect is to request relief from Section 3.1.3.2 to increase the maximum allowable height for an accessory building (detached garage) in a residential zone from 5 metres to 6.5 metres.

The Committee had the following question:

Was the garage constructed without a building permit and brought forward as a result of a complaint? Ms. Barrie, Manager of Planning responded.

Ms. Murchison, Chief Building Official stated that a garage permit was issued and that the garage was constructed, then brought to the Building and Septic Division's attention that the garage was taller than permitted by the Zoning By-Law. An investigation commenced to work with the property owner to correct the deficiency. The outstanding building permit mentioned in the report refers to the dwelling.

The Committee noted a letter of objection received by Mr. and Mrs. Barbosa,

referencing their minor variance application for 15 Rockway Trail filed in 2020, was denied and asked on what grounds. Now a similar application is brought to the Committee looking for approval. The Committee asked staff to comment.

Ms. Barrie welcomed the member of public who raised the issues to articulate them and Staff will clarify and answer to the best of their knowledge during the meeting. Ms. Barrie brought to the Committees' attention that each application is evaluated on its own merits with policies as well as site specific circumstances of that property.

The applicant, Mr. deBoer of TD Consulting Inc. was present via electronic participation and summarized events, noting that the garage was constructed through a building permit. Mr. deBoer confirmed that the outstanding building permit on the property is for the dwelling and are dealing with the issues to rectify the deficiencies.

The Committee asked the applicant if there is habitable space in the upstairs of the proposed garage and was the gym and washroom addressed on the original applications. Mr. deBoer responded.

Committee asked staff if accessory buildings permit washrooms. Ms. Murchison replied a bathroom is permitted in an accessory structure.

In opposition to the application, Ms. Tracy Barbosa representing her parents, Mr. and Mrs. Barbosa of 15 Rockway Trail was present and spoke to the Committee via electronic participation. Ms. Barbosa asked the Committee to provide comment on the following:

1. How did the permit inspection department overlook the height of the structure of 285 Omega Road that is already built?
2. What are the ethical standards that the City departments have to meet and uphold for approving processing and denying these applications?

Ms. Barbosa requested that the application for 285 Omega Road be denied because of the incorrect message it sends to the public.

Ms. Barbosa finished by saying should this Committee approve this variance, her parents will exercise their legal rights in relation to their application being denied.

Ms. Barrie, Manager of Planning responded to Ms. Barbosa in terms of

exercising the legal rights on denial of their application. The opportunity to exercise their rights on that refusal was through the 20 day appeal period following the decision made by the Committee of which no appeal was filed.

When reviewing minor variance applications, the planners are required to assess the circumstances as though the structure was not yet built. Various considerations are taken into account, geography, environment impact, municipal function, surrounding land uses and neighbours as well as is the proposal desirable and appropriate, maintaining the intent of the Zoning-By-Law and the Official Plan.

The Committee questioned comments from the Supervisor of Part 8 Sewage Systems, Building and Septic Division, asking if the septic system is adequate to include the washroom. Ms. Murchison advised she would speak with Ms. Elmhirst, Supervisor of Part 8 Sewage Systems for clarification.

Ms. Barbosa noted to the Committee that when her parent's minor variance application was brought before the Committee, it was noted that the use for upstairs in the garage was for storage and without plumbing and was denied. The balcony was used to hang para-sails to dry.

The applicant, Mr. deBoer stated that speaking with the owner and contractor that the extra bathroom was discussed at the time with the Health Unit in order to accommodate the structure.

The Chair called for a break at 2:55pm.
The Chair resumed the meeting at 3:06pm.

The Chief Building Official spoke with Ms. Elmhirst, Supervisor of Part 8 Sewage Systems and reviewed the nature of her comments. Two points to note, whether the Planning Staff deem the upper floor habitable space or whether it remains as accessory space. That will dictate the route to address the plumbing question.

The applicant has to go through the application process with the septic team to recognize the plumbing and if this is considered habitable space, a full review may impact on the sewage system. If it is considered accessory space then a quick review of the system on site will accommodate it, but would have to go through the record update by going through a septic review.

The Committee asked the applicant and Chief Building Official if the height of the garage was included in the original plan.

Ms. Murchison replied that is correct.

Ms. Archer motioned to approve the application as amended to include a Condition 2.

That the Secretary-Treasurer receive confirmation from Building and Septic Division-Supervisor, Part 8 Sewage Systems that should a septic approval be required, that it be obtained.

Member Marsh spoke in opposition to the application. Member Strangway concurred with Member Marsh.

Councillor Yeo spoke in support of the application. The Chair agreed.

CA2022-026

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2022-010 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 generally in accordance with the sketches in Appendix D submitted as part of Report COA2022-017, which shall be attached to and form part of the Committee's Decision.
2. **That** the Secretary-Treasurer receive confirmation from Building and Septic Division-Supervisor, Part 8 Sewage Systems that should a septic approval be required, that it be obtained.

This approval pertains to the application as described in report COA2022-017. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 COA2022-018

David Harding, Planner II, RPP, MCIP
 File Number: D20-2022-011
 Location: 37 Woods Avenue
 Lot 112, Plan 358
 Geographic Township of Emily
 Owners: James Murphy and Gillian Halsall
 Applicant: James Murphy

Mr. Harding summarized report COA2022-018, to request relief to permit an accessory building (pool shed) within the front yard and to reduce the minimum front yard to permit said pool shed.

This application is a result of a Municipal Law Enforcement issue.

Mr. Harding stated that the application meets the four tests for minor variance.

The Committee asked staff if a member of the public lodged a complaint with the Municipal Law Enforcement Office (MLEO). Mr. Harding replied that it was his understanding that MLEO works on a complaint basis. He further stated that the property owner is working with MLEO to address the non compliance issue.

There were no further questions from the Committee or other persons.

CA2022-027

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-011 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 submitted as part of Report COA2022-018, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variances shall be completed within a period of eight (8) 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 COA2022-018. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2022-019

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-012

Location: 76 West Bay Boulevard

Lot 5, Plan 364

Geographic Township of Bexley

Owners: Grant Cripps and Judy Chan

Applicants: Joe Hood and John Barkey, Pro Home Solutions Ltd.

Mr. Harding summarized Report COA2022-019, to request various reliefs to accessory building yard placement, coverage, number, and the minimum front yard in order to permit a boathouse and cabin.

Mr. Harding stated that the application meets the four tests of the minor variance.

Public comments were received from Lorne Langfeld, Divina Imbrogno and Jamie Anderson, which were included in the Committee's amended agenda package.

Mr. Harding summarized the comments into the following four points:

1. Concern for environmental impacts
2. Concern of past, present, and future compliance
3. Concerns of setting precedent
4. Concerns for sewage system capacity

Mr. Harding responded, addressing matters related to environment, compliance, setting precedent and sewage system capacity. He stated the concerns did not change his recommendation, but did provide opportunity to include an additional proposed condition to ensure the shed is being used as permitted.

Mr. Harding amended his report, stating that Condition 2 would become Condition 3 and a new Condition 2 be inserted to read: "That prior to the issuance of the building permit for the cabin, the owner shall submit photographic evidence to the satisfaction of the Secretary-Treasurer demonstrating the building identified as "Shed" in Appendix C to Report COA2022-019 is used as a shed."

Staff respectfully recommends that the application be granted approval subject to the conditions identified within the report as amended.

The Committee asked if a KRCA permit is required and asked if a condition should be added to require approval from that office as comments were not referenced in the report. Staff responded that KRCA was circulated, but did not comment. The boathouse falls within the KRCA's Regulated Area. KRCA is required to issue a permit for the boathouse expansion work as part of the building permit process. Therefore, a condition is not required.

The Committee noted frustration with not receiving commentary back from KRCA, and questioned circulating to the agency if a permit would be required. Ms. Barrie, Manager of Planning, commented that the circulation serves more than one purpose and allows review and comment under different policies. Discussion ensued.

The applicant, Mr. Hood, Pro Home Solutions Ltd., was present via electronic participation. He confirmed that he is in receipt of a permit for the shoreline work and boathouse. He thanked staff for responding to the concerns raised and had no further comments.

There were no further questions from the Committee or other persons.

CA2022-028

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2022-012 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 elevations in

Appendix D submitted as part of Report COA2022-019, which shall be attached to and form part of the Committee's Decision;

2. **That** prior to the issuance of the building permit for the cabin, the owner shall submit photographic evidence to the satisfaction of the Secretary-Treasurer demonstrating the building identified as "Shed" in Appendix C to Report COA2022-019 is used as a shed; and
3. **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 COA2022-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 COA2022-020 (Report to Follow)

Kent Stainton, Planner II
 File Number: D20-2022-013
 Location: 29 Odessa Road
 Part Lot 10, Concession 9
 Geographic Township of Verulam
 Owners: David Allen and Gevona Marcellin-Allen
 Applicant: Susanne Murchison, Chief Building Official

Ms. Barrie, Manager of Planning summarized the memorandum for deferral on behalf of Mr. Stainton, Planner II pertaining to 29 Odessa Road.

The purpose of the application is to request relief from various zoning provisions in order to acknowledge the location of an above-ground swimming pool, to permit the construction of a deck attached to the swimming pool, and, to permit an addition to the single detached dwelling.

New information is being considered as part of the staff analysis and overall evaluation of the application. Staff have discussed with the owner and applicant our preferred approach, and they are agreeable.

Planning staff recommend deferral of the hearing by one (1) month to complete review of the application, with subsequent presentation of the application to the Committee at its next meeting scheduled for April 21, 2022. No further Notice is required.

CA2022-029

Moved By D. Marsh

Seconded By B. Archer

That Minor variance Application D20-2022-013 be deferred for a period of not more than one (1) month, returning at the latest to the April 21, 2022 meeting. The deferral is to allow staff time to review and consider new information and make an overall evaluation of the application prior to a decision being rendered.

Carried

3.1.6 COA2022-021

Kent Stainton, Planner II

File Number: D20-2022-016

Location: 33 Victoria Avenue South

Plan 1, Lots 14 and 15, N of Melborne, S of Glenelg W

Former Town of Lindsay

Owner: 1185512 Ontario Ltd.

Applicants: Mark Wilson and Don Wilson, MVW Construction.

Ms. Barrie, Manager of Planning summarized Report COA2022-021 on behalf of Mr. Stainton, Planner II, the purpose and effect of which is to request various reliefs in order to facilitate the construction of a 6-storey condominium building. Ms. Barrie also noted that should the approval be granted today, a Site Plan Agreement will be entered into within two years of the decision.

The Committee questioned page 5 of the report, comments received March 3, 2022, Building and Septic Division-Plans Examiner, noting an outstanding building permit BPH2013-0357 on the subject property and asked if construction has started. Ms. Murchison, Chief Building Official confirmed the outstanding permit is for the sales trailer to facilitate the second tower they constructed.

The owner, Mr. Don Wilson was present via electronic participation.

There were no further questions from the Committee or other persons.

CA2022-030**Moved By** S. Richardson**Seconded By** S. Strangway

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.

Carried

3.1.7 COA2022-022

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-017

Location: 11 Cedar Tree Road

Part Lot 27, Concession 2

Geographic Township of Verulam

Owners: Stewart and Kristen MacDonald

Applicant: Tom deBoer, TD Consulting Inc.

Mr. Harding summarized Report COA2022-022, to request relief to increase the maximum permitted lot coverage from 10% to 10.6% to construct a detached garage.

Staff respectfully recommends that the application be granted subject to the conditions identified within the report.

The Committee asked if the lot was vacant, noting the appearance of what

appeared to be a building on Appendix B. Staff replied that the aerial photography is older, and the photos taken last month show there are no buildings on the lot.

The Committee continued by seeking confirmation as to the approvals being sought today. Staff stated that the variance requested to increase the maximum permitted lot coverage to construct a detached garage as it is slightly larger. The garage is intended for storage and home occupation.

The Committee followed up by asking who will oversee to make sure the home occupation does not exceed 25% of the dwelling unit area. Staff replied at the stage of filing the Building Permit, the applicant will have to confirm the workspace in the garage does not exceed 25% of the dwelling.

Mr. deBoer was present via electronic participation and spoke to the Committee relating to the travel trailer on Appendix B and to the outstanding Building Permit. He stated that the owner will have no difficulty confining the home occupation to the required space within the garage, as the storage and workshop space will be modest given the nature of the business.

There were no further questions from the Committee or other persons.

CA2022-031

Moved By S. Strangway

Seconded By D. Marsh

That minor variance application D20-2022-017 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 elevations in Appendix D submitted as part of Report COA2022-022, 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 COA2022-022. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2022-023

David Harding, Planner II, RPP, MCIP
File Number: D20-2022-018
Location: 1420 Highway 7A
Part Lot 23, Concession 7
Geographic Township of Manvers
Owner: Jamie Leith

Mr. Harding summarized Report COA2022-023. The purpose and effect is to request relief to reduce the minimum front yard in order to permit an addition to the dwelling.

The application meets the four tests of the minor variance.

Since the writing of the report comments were received from Mike Smith of 1424 Highway 7A concerning well water issues. Staff noted that well water issues are deemed a civil matter.

Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The applicant, Mr. Leith, was present via electronic participation and available for questions.

In opposition to the application, Mr. Smith was available via electronic participation and noted that Mr. Harding had spoken to his concern. Mr. Smith also asked if the property falls within the Kawartha Region Conservation Authority's regulated Area. Staff replied that the proposed building footprint does not fall within the regulated area.

There were no further questions from the Committee or other persons.

CA2022-032**Moved By** D. Marsh**Seconded By** B. Archer

That minor variance application D20-2022-018 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 submitted as part of Report COA2022-023, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2022-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

The Chair noted the restrictions have been removed for wearing masks and asked the Manager of Planning for any further updates.

Ms. Barrie said she will update members as information comes forward.

It was noted that two members are still waiting to complete their Truth and Reconciliation Course.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, April 21st at 1:00pm in Council Chambers, City Hall.

8. Adjournment


CA2022-033

Moved By D. Marsh

Seconded By S. Richardson

That the meeting be adjourned at 4:27pm.

Carried



Mark LaHay, Secretary-Treasurer

OVERVIEW OF PRESENTATION

to the CITY OF KAWARTHA LAKES COMMITTEE OF ADJUSTMENT

re **REPORT NO. COA2022-016 (LOGIE ST., LINDSAY)**

MARCH 17, 2022

by BRIAN GALLAUGHER, PLANNING CONSULTANT

on behalf of THE RESIDENTS of 33 to 43 PRIMEAU CRES.

SUMMARY

- Residents respectfully request a one-month deferral of consideration of this matter to allow time to work with the applicant and developer toward resolving differences
- None of the three variances meet any of the four tests of the Planning Act and therefore should be refused
- City of Kawartha Lakes' planner's report does not consider the impact or interests of surrounding neighbourhoods and residents
- The proposed development will have a significant negative impact on the neighbours and community through lack of privacy, shadowing, noise, visual intrusion and negative contribution to the public realm and streetscape
- The owner has good alternatives to permit reasonable and appropriate development on this site, including conforming to the general intent and purpose of the Zoning By-law, which would permit a development of up to approximately 115 units on the site without need for variances

DEFERRAL

- Residents have only become aware of this proposal through the C of A notice as Site Plan Approval is not a public process.
- The zoning by-law governing this site was approved in 2000
- There has been no engagement with community by the applicant or the City.
- I have reached out to owner's planning consultant, Mr. Mike Bissett who works for the planning consultant Bousfields, who has been helpful and communicative
- I asked Mr. Bissett if his client would agree to a one-month deferral to permit discussion and possible resolution of the issues
- Skyline Real Estate Holdings Inc. refused to agree to a one-month deferral
- Despite the owner's refusal, we respectfully ask the Committee to grant a one-month deferral to allow for consultation and a proper discussion of the issues.

CITY OF KAWARTHA LAKES PLANNING REPORT

- Report recommends approval of variances as they meet the four tests

- Report all but ignores the impacts of the proposed building on the neighbours and community
- Report references the removal of parking from the part of the lot abutting the Primeau residences as the only impact. It assumes residents would rather have the 6 storey building close to the Primeau property than parking. No consultation on this issue or any other took place.
- There is no mention of the visual, overlook, privacy, noise and streetscape impacts that are greatly exacerbated by the scale of development that would be permitted if the variances are granted
- The report relies on percentages to justify the variances as minor. This is not a numbers game. What counts is the impact these variances will have on the neighbours and the community, which are not minor.
- In addition, the numbers cited in the report are seriously misleading, as explained below.

DO THE VARIANCES MAINTAIN THE INTENT AND PURPOSE OF THE ZONING BY-LAW

- Many elements of the Zoning By-law work together to create a reasonable development that will fit with the existing context and be a desirable place to live and an asset to the community: height, density, setback and footprint maximums, parking and landscaping minimums
- There is no intention that maximums must be achieved, but minimum are important
- Melding of the criteria should produce a desirable development that will be an asset to the community and those who will live in the development
- By varying one or more of these criteria the balance is upset and the general intent and purpose of the by-law is not maintained.
- It appears that the developer has decided that he requires 168 units in his development.
- Even with a 6 storey building, the maximum permitted by the By-law, there is not enough room on the lot to provide the number of parking spaces required (228)
- Rather than decreasing the number of units to allow adequate room for parking and landscaping, the developer has decided to sacrifice landscaping and visitor parking to provide resident parking to support his desire for 168 units.

Visitor Parking

- He has asked for a variance to reduce the parking requirement by 10 units. These will be taken from visitor parking. Although, as the city planner notes, the reduction is 4.39% in the total parking requirement, it is a 29% reduction in visitor parking requirement (42 to 30). Where will the visitors park when more than 30 come by to be with their friends and family enjoy the beautiful park across the street? In the park parking lot? On Logie and the neighbouring streets? This will create a major negative impact, perhaps even a safety issue, for the neighbours and community. It is neither appropriate or minor and not in

keeping with the intent of the Zoning By-law which aims to contain parking on the development lot.

Front-yard parking

- However, even the elimination of 10 spots the parking supply still falls well short of the requirement in the Zoning By-law
- The owner has then requested that he be permitted to move 22 spots, which the Zoning By-law says should be located to the rear or side of the building, to a location in front of the building.
- This contravenes a basic urban design and streetscape principle. It creates a cluttered, negative visual impact on the streetscape, to be seen by the residents, park users and all those driving down Logie every time they pass, for the life of the building. This is not a minor impact or appropriate and certainly not the intention of the By-law, which is designed to provide a beautiful, uncluttered, desirable public realm for all.

Landscaped Open Space

- Finally, as there is still insufficient room for parking, the owner has asked the Committee to allow a reduction in the amount of landscaped open space by 913 square meters (just under 10,000 square feet) so that it can be converted to parking. This is a 14.5% reduction (not 5.8% as reported by City planner) in the amount of landscaped open space to be provided.
- There are parks nearby but on-site landscaping is for more than recreation that can be had in parks. It softens and moderates the impact of the building. It can provide outdoor amenity space, BBQ, picnic area, etc. which are not suitable for parks. The landscaping left in the current plan is little more than required buffer strips and setbacks.
- The amount of landscaping required by the Zoning By-law (40% of the lot) is the same regardless of the density of the development, in order to provide a pleasant environment and permit outdoor activities that are best done on-site. This variance proposes to significantly decrease the amount of landscaping by converting it to parking while at the same time significantly increasing the number of units which would otherwise be permitted

Impacts Driven by Number of Units

- Granting these variances would provide the parking required to permit approximately 168 units which is 50 units more than the ZBL contemplates, resulting in a 6 storey building rather than 4. Shadow, noise and overlook/privacy impacts on the neighbours, especially on Primeau Cres., will be severe, along with the other significant negative impacts on future residents and neighbours mentioned above
- This zoning was put in place long before Primeau was designed. Prospective buyers could expect a max. 4 storey building if they had checked the zoning. Now we have a proposal for a 6 storey slab.

- Fact that variances are required is telling the applicant and the City that this is overdevelopment and will not be an asset to the community. These variances will create significant negative impacts on the community and are not minor, appropriate for the development of the lot or in keeping with the intent of the Zoning-Bylaw

DO THE VARIANCES MAINTAIN THE INTENT AND PURPOSE OF THE ZONING BY-LAW

Town of Lindsay Official Plan (2000)

- The Town of Lindsay Official Plan from 2000 is in effect
- It requires high-density developments (Section 4.1.2.3) to be in conformity with the development criteria for medium density developments (Section 4.1.2.2)
- Four of these criteria are:
 - (a) The density, height and character of the development is in keeping with adjacent uses;
 - (b) The height and massing of the buildings at the edge of the ... residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area;
 - (f) on-site recreational facilities or amenities such as playground equipment may be required to service the development;
 - (g) The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized.
- A 6 storey apartment with a flat unrelieved wall and 60 balconies set back 16.6 meters from the rear lot line of 1 storey single family houses is not in keeping with or have regard for adjacent uses. The landscaping plan shows minimal buffering.
- The height and scale of this proposed building is a product of the excess parking permitted by the requested variances. The variances will result in a development which clearly does not conform to the intent and purpose of the Lindsay Official Plan.

City of Kawartha Lakes - Lindsay Secondary Plan (2017)

- In 2017 the City of Kawartha Lakes enacted by By-law the Lindsay Secondary Plan.
- It is not in effect as it is under appeal to the Local Planning Appeal Tribunal (LPAT)
- However, it is instructive to see what Council's intentions are for this type of development, given that the Secondary Plan is only five years old.
- Section 31.2.3.1.2.3 (High Density Residential) states
 - High Density Residential lots may accommodate medium-rise and high-rise apartments where the issues of casting of shadows, obstruction of views, and privacy for adjacent lots need to be managed and potential negative impacts minimized.

- Generally, High Density Residential buildings should be between 5 and 8 stories. Density and building heights are intended to decrease as the distance of the building from activity nodes increases.
 - High Density Residential uses will generally be located close to, or within, existing and future activity nodes, along arterial roads, along existing or planned transit corridors, or on brownfield sites, where the intensity of residential development supports commerce and transit ridership and generates pedestrian traffic to enliven neighbourhood streets.
 - High Density Residential will be encouraged to have a covered entrance which is aligned with the street and main building entrance. Buildings should incorporate a built form, architectural articulation, exterior materials, and window design which prevent large continuous "slab" walls. Large at-grade or above-grade parking shall not dominate the site. At-grade parking will be provided as multiple landscaped parking areas distributed throughout the site with a logical circulation pattern.
- The Secondary Plan also requires the development criteria for medium-density sites to apply to high density developments. These criteria are substantially the same as the former Town of Lindsay Official Plan with one important addition:
 - Parking areas should be located to minimize their negative visual impact on adjacent low density residential uses, such as in the side or rear yard, the interior of a site, and/or underground or structured parking.
 - This speaks directly to the variance permitting parking in the front yard.
 - Again, a 6 storey apartment with a flat unrelieved wall and 60 balconies set back 16.6 meters from the rear lot line of 1 storey single family houses is not in keeping with or have regard for adjacent uses. The landscaping plan shows minimal buffering.
 - In addition, the high-density development is not located in proximity to activity nodes or on an arterial road (Logie St. is a collector road). The site is a somewhat isolated low-density section of Lindsay.
 - The height and scale of this proposed building is a product of the excess parking permitted by the requested variances. The variances will result in a development which clearly does not conform to the intent and purpose of the Lindsay Secondary Plan

ARE THE VARIANCES APPROPRIATE FOR THE DEVELOPMENT OF THE LAND?

- The variances, if granted, will result in a 6 storey building with 168 units, deficient parking and landscaped open area adjacent to low-rise development in a part of town distant from activity nodes
- It will create significant negative impacts on the neighbours, community and the future residents of the site
- This style of development is not appropriate for the development of this lot.

ARE THE VARIANCES MINOR?

- The question of whether or not the variances are minor is not conditioned by percentages or numbers. The question is one of impact on the neighbours, community, and future residents.
- The variances are intended to permit a 168 unit, 6 storey apartment building.
- The impacts will be significant in loss of privacy, noise, visual impacts, shadowing, insufficient room for outdoor activities on site, overflow parking clogging adjacent areas, deficient streetscape and undesirable urban design.

ALTERNATIVES

- The owner has several reasonable alternatives to achieve the proposed development without the granting of these variances:

Underground Parking or Parkade

- The lack of space on the lot to achieve the parking requirement for 168 units would be eliminated by placing all or a portion of the parking underground.

Rezoning

- The owner may apply to Kawartha Lakes City Council for a zone change to permit that use. In essence he would be asking Council to approve his variances. This would be a better way to proceed as zone changes involve extensive public consultation and a full review of the impacts of the proposal.
- Should the owner not wish to take advantage of these avenues for the development of a 6-storey, 168 unit apartment development he could consider developing the property in the form that the Zoning By-law and Official Plan intended for this property, without the need for any variances. This would involve reducing the project by about 50 units which would result in a corresponding reduction of height to 4 stories.