

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Crowder
Report Number COA2024-011

Public Meeting

Meeting Date: February 22, 2024
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 7 – Former Town of Lindsay

Subject: The purpose and effect is to facilitate the removal of an existing detached garage and shed, and construction of a new detached garage.

Relief sought:

1. Section 12.2.h. of the Zoning By-law permits a maximum lot coverage of 30% for all structures and buildings. The proposed lot coverage is 34.9%.
2. Section 5.2.b.i. of the Zoning By-law requires a 4 metre setback from the exterior side lot line. The proposed exterior side yard setback of the detached garage is 3.69 metres.
3. Section 5.2.c. of the Zoning By-law permits a 10% maximum lot coverage for all accessory structures. The proposed accessory structure lot coverage is 19.1%.

The variance is requested at **112 Lindsay Street South** (File D20-2024-001).

Author: Ahmad Shahid, Planner II **Signature:** 

Recommendations

That Report COA2024-011 – Crowder, be received;

That minor variance application D20-2024-001 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report

COA2024-011 which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** 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 COA2024-011. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate the construction of a detached garage
Owners:	Anthony and Roger Crowder
Applicant:	Duane Visneskie
Legal Description:	Lot 23E, Lindsay Street
Official Plan ¹ :	Residential – Commercial (Town of Lindsay Official Plan, 2000)
Zone ² :	Mixed Residential Commercial (MRC) Zone (Town of Lindsay Zoning By-Law 2000-75)
Site Size:	607.03 square metres (0.15 acres)
Site Access:	Year-round municipal road
Site Servicing:	Municipal water and sewer systems
Existing Uses:	Residential
Adjacent Uses:	Residential and commercial

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is located on the northeastern intersection of Lindsay Street South and Durham Street East. The area is a mix of residential and commercial properties, with many of the residential properties containing dwellings constructed

¹ See Schedule 1

² See Schedule 1

as early as the late 1800's (according to the Municipal Property Assessment Corporation).

The subject property is rectangular in shape with access from both Lindsay Street South and Durham Street East. The property currently contains a single detached dwelling (1890), a detached frame garage (1940), and a shed.

The proposal is to remove the existing detached garage and shed from the rear yard, and construct a new detached garage in its place. The proposed garage can be seen as a consolidation of the existing rear yard accessory structures, as it will allow for both parking and storage opportunities. The existing garage from 1940 is visible from the street, as a result, the new proposed garage will create a more aesthetically pleasing street view.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Residential – Commercial under the Town of Lindsay Official Plan (2000). The Town of Lindsay Official Plan (2000) remains in effect until its repeal, to which then the Lindsay Secondary Plan shall be applicable.

The Residential – Commercial designation allows for a mix of low profile commercial and residential uses, including single detached dwellings and accessory structures. Performance and siting criteria is implemented through the Zoning By-Law.

Therefore, the variances are considered to maintain the general intent and purpose of the Official Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Mixed Residential Commercial (MRC) Zone under the Town of Lindsay Zoning By-Law 2000-75. The MRC Zone permits residential uses and accessory structures. The proposal complies with all provisions of the Zoning By-law with the exception of lot coverage for accessory structures, total lot coverage for all buildings and structures, and the exterior side yard setback.

As per Section 12.2.h. of the Zoning By-law, the MRC Zone permits a maximum lot coverage of 30% for all structures and buildings. The proposed lot coverage is 34.9% (212.10 square metres). The intention of regulating lot coverage is to maintain a balance between built form and open space, ensuring there is space for greenspace, landscaping, and other open space amenities. Furthermore, limiting lot coverage prevents overcrowding, contributing to a more aesthetically pleasing environment. The discrepancy between the minimum lot coverage and the proposed lot coverage is minimal, with a difference of only 4.9%. In contrast, if this property were within any other of the low density residential zones that permit the

use of single detached dwellings (i.e., the R1, R2, R3 Zones), relief would not be required for this provision.

Similarly, relief is required from Section 5.2.c. of the Zoning By-law which permits a maximum 10% lot coverage for all accessory structures. As previously mentioned, the subject property currently has two (2) accessory structures being a shed and detached garage, at 8.02% lot coverage. The proposed accessory structure lot coverage is 19.13% (116.13 square metres). The intention of this provision is similar to the reasons mentioned in the aforementioned paragraph with the addition that there is an intention to ensure any accessory use or structure remains subordinated to the principal use or main building. Although there is a discrepancy between the maximum permitted lot coverage, it is important to mention that the number of accessory structures is being reduced as two accessory structures are being replaced by a single accessory structure. Furthermore, the existing dwelling is two-storeys (6.10 metres in height) in comparison to the proposed single storey (4.84 metre in height) detached garage. As a result, the existing dwelling will remain as the visually predominant building on the property. The existing shed and garage will be consolidated into a new single detached garage, allowing the continuation of storage and parking while improving the street view by the construction of an upgraded structure.

Lastly, relief is required from Section 5.2.b.i. of the Zoning By-law which requires a 4 metre setback for all accessory structures from the exterior side lot line. As the subject property is a corner lot, the front lot line is the portion of the property abutting Lindsay Street South and the exterior side lot line is the portion of the property abutting Durham Street East. The current setback from the exterior side yard lot line to the detached garage is 0.75 metres. The proposed exterior side yard setback improves the existing setback to 3.69 metres. The intention of the exterior side yard setback requirement is to regulate the distance between a building and the property line abutting a street, maintaining the existing streetscape, preventing overshadowing issues and creating a buffer of space between the street and built form. The proposed exterior side yard setback discrepancy is minimal, with a difference of only 0.31 metres. Additionally, the proposed side yard setback (3.69 metres) provides a greater setback from the street than the existing setback (0.75 metres) by a substantial amount (3 metres). As a result, the proposed exterior side yard setback greater supports the intention of the Zoning By-law in contrast to the existing setback.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

DS – Building and Septic Division (Building): “Spatial separation could be a potential issue (can be addressed at building permit stage). No other comments.”

Public Comments:

No comments received as of the writing of the staff report.

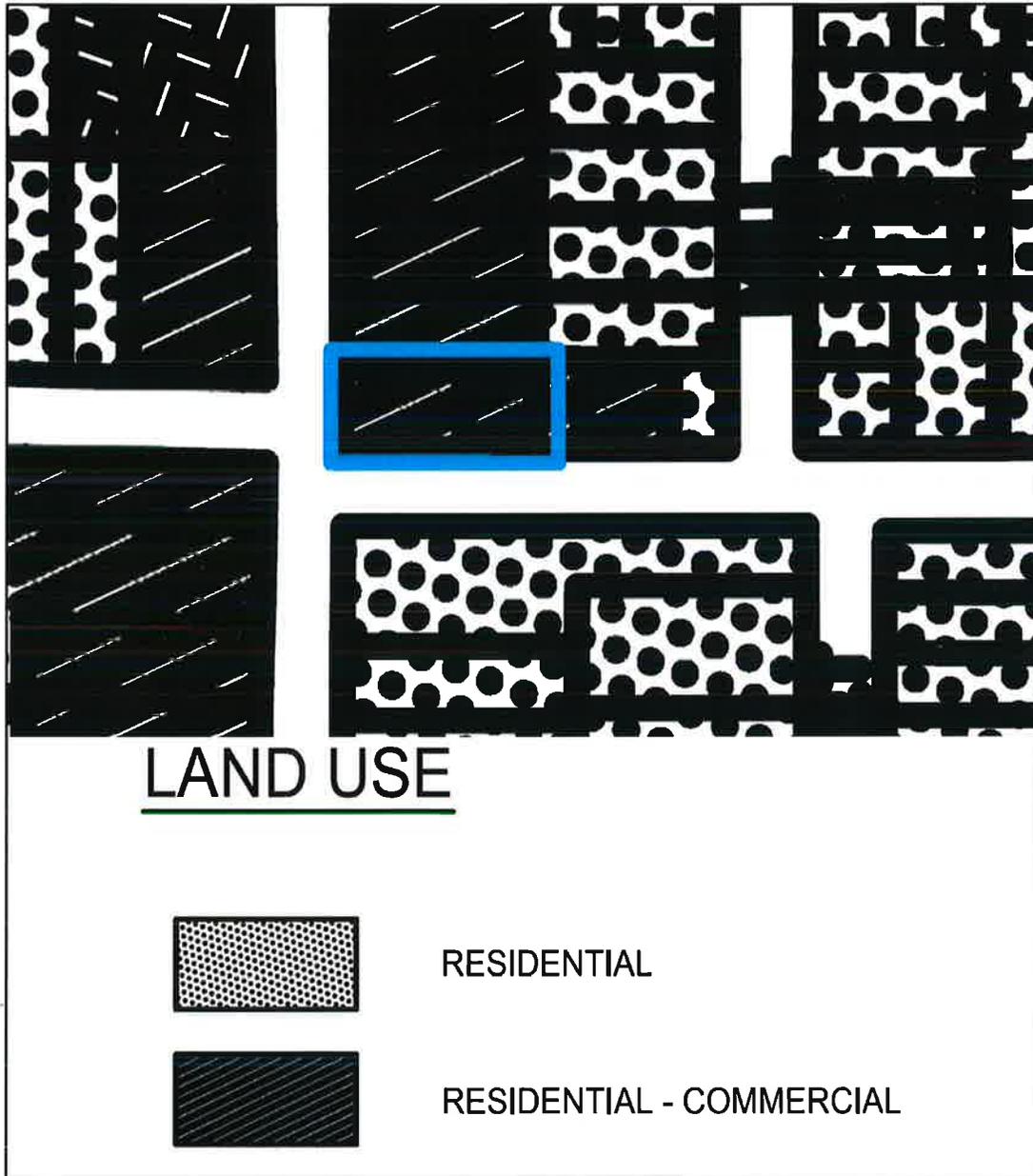
Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Elevation Drawings
- Appendix E – Site Plan of Existing Structures

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2024-001

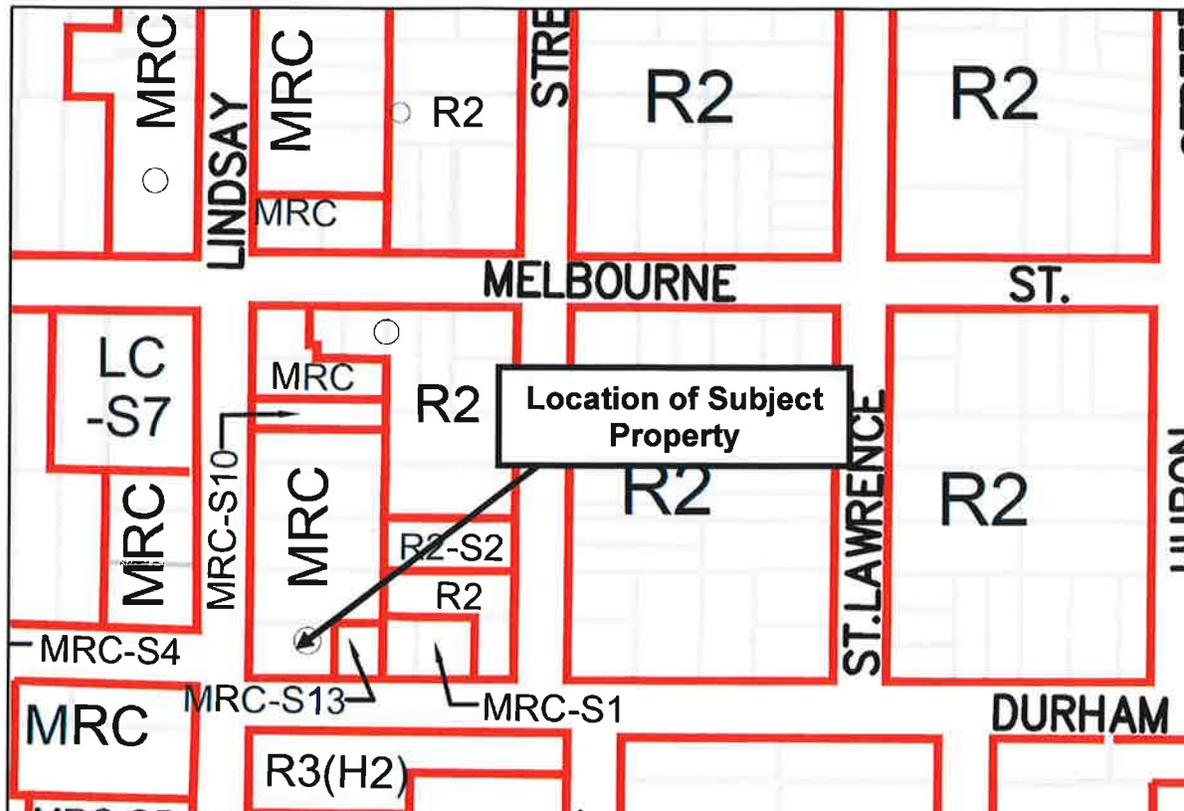
Schedule 1 Relevant Planning Policies and Provisions

Town of Lindsay Official Plan (2000)



Section 4.2 Residential – Commercial Designation

Town of Lindsay Zoning By-Law 2000-75



SECTION 5: GENERAL PROVISIONS FOR ALL ZONES

5.2 ACCESSORY BUILDINGS, USES & STRUCTURES

b) Location Requirements for Accessory Buildings

i. In a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than:

- 1.5 m from any wall of the main building;
- 1.25 m from the rear lot line;
- 1.25 m from the interior side lot line; and
- 4 m from the exterior side lot line.

c) Lot Coverage and Height Requirements for Accessory Buildings and Structures

The total allowable lot coverage of all accessory buildings on a lot shall not exceed 10 percent of the lot area.

SECTION 12: MIXED RESIDENTIAL COMMERCIAL (MRC)

12.1 MRC ZONE REQUIREMENTS

h. Maximum lot coverage: 30%

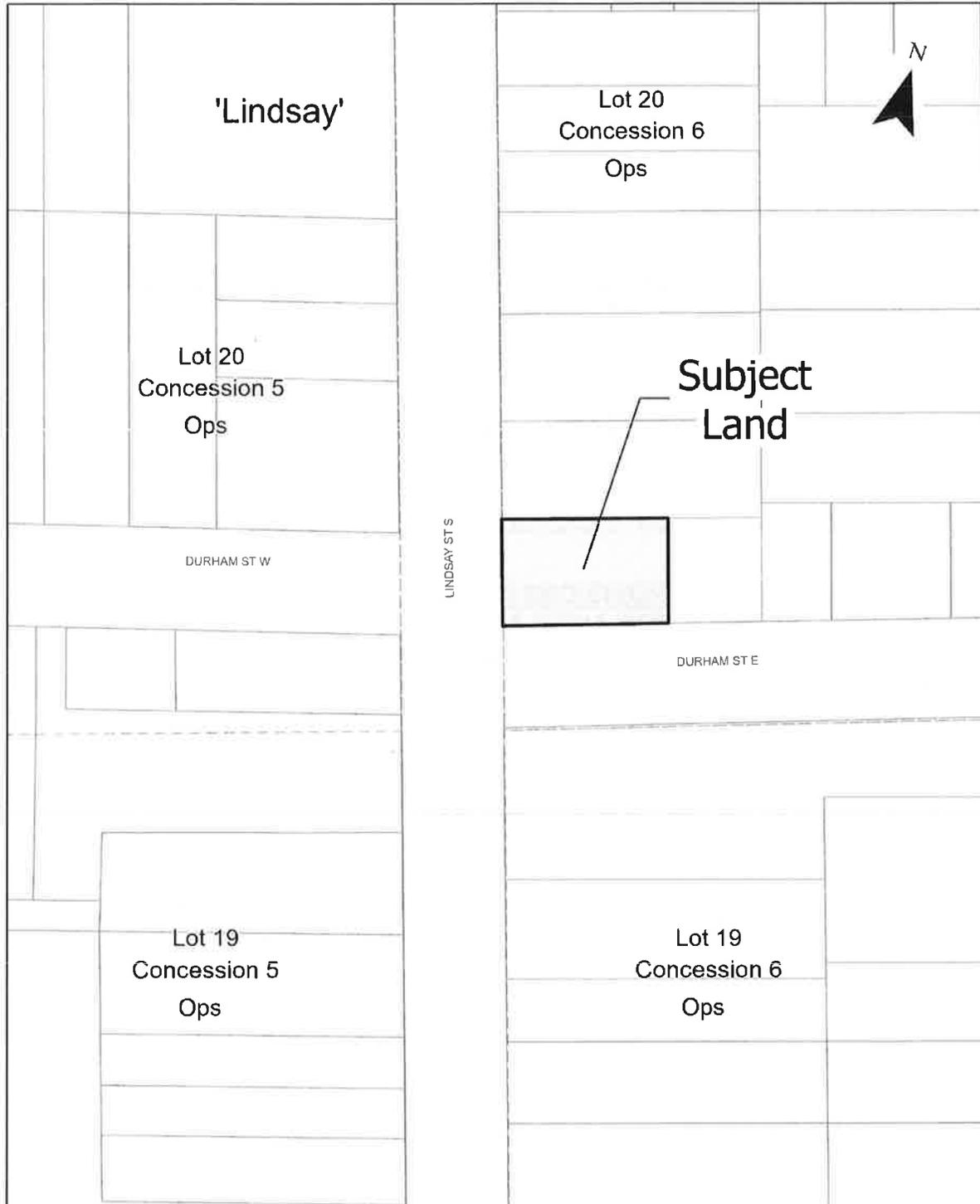
to

REPORT COA2024-011

FILE NO: D20-2024-001

LOCATION MAP

D20-2024-001



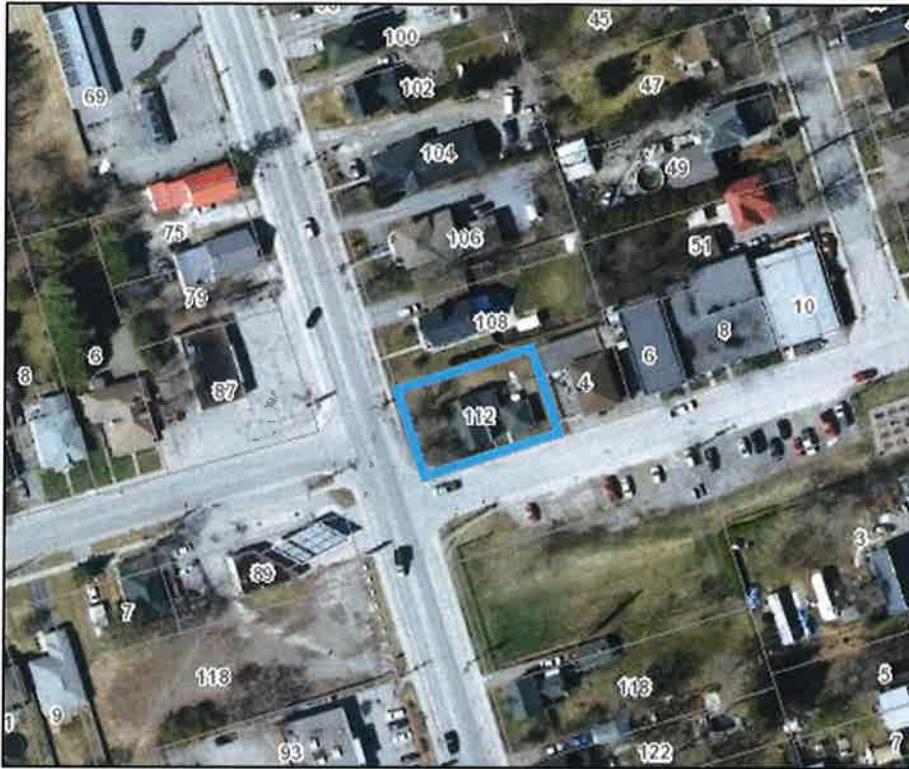
APPENDIX " B "

to

AERIAL IMAGERY (2018)

REPORT COA2024-011

FILE NO: D20-2024-001

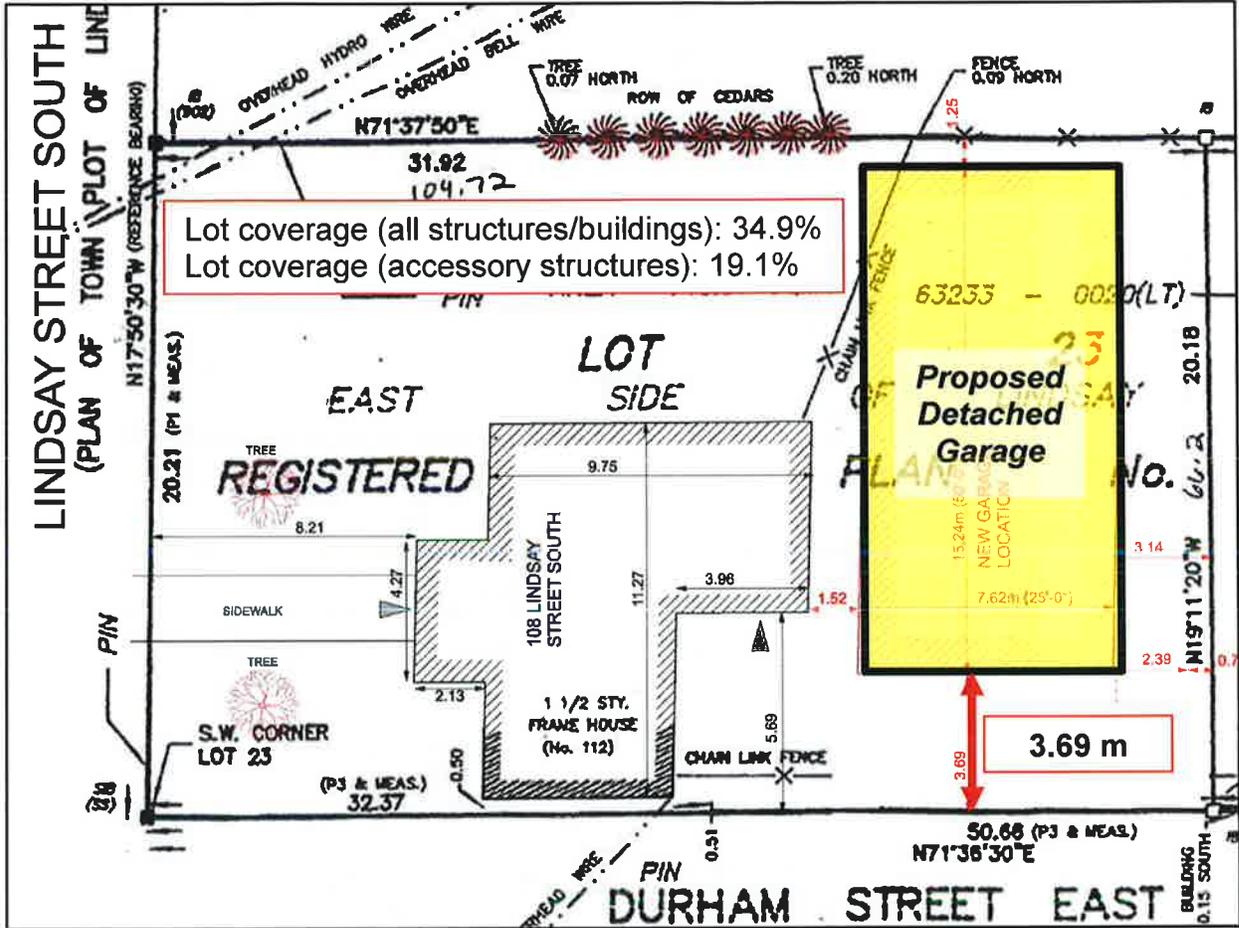


to

APPLICANT'S PROPOSED SKETCH

REPORT COA2024-011

FILE NO: D20-2024-001



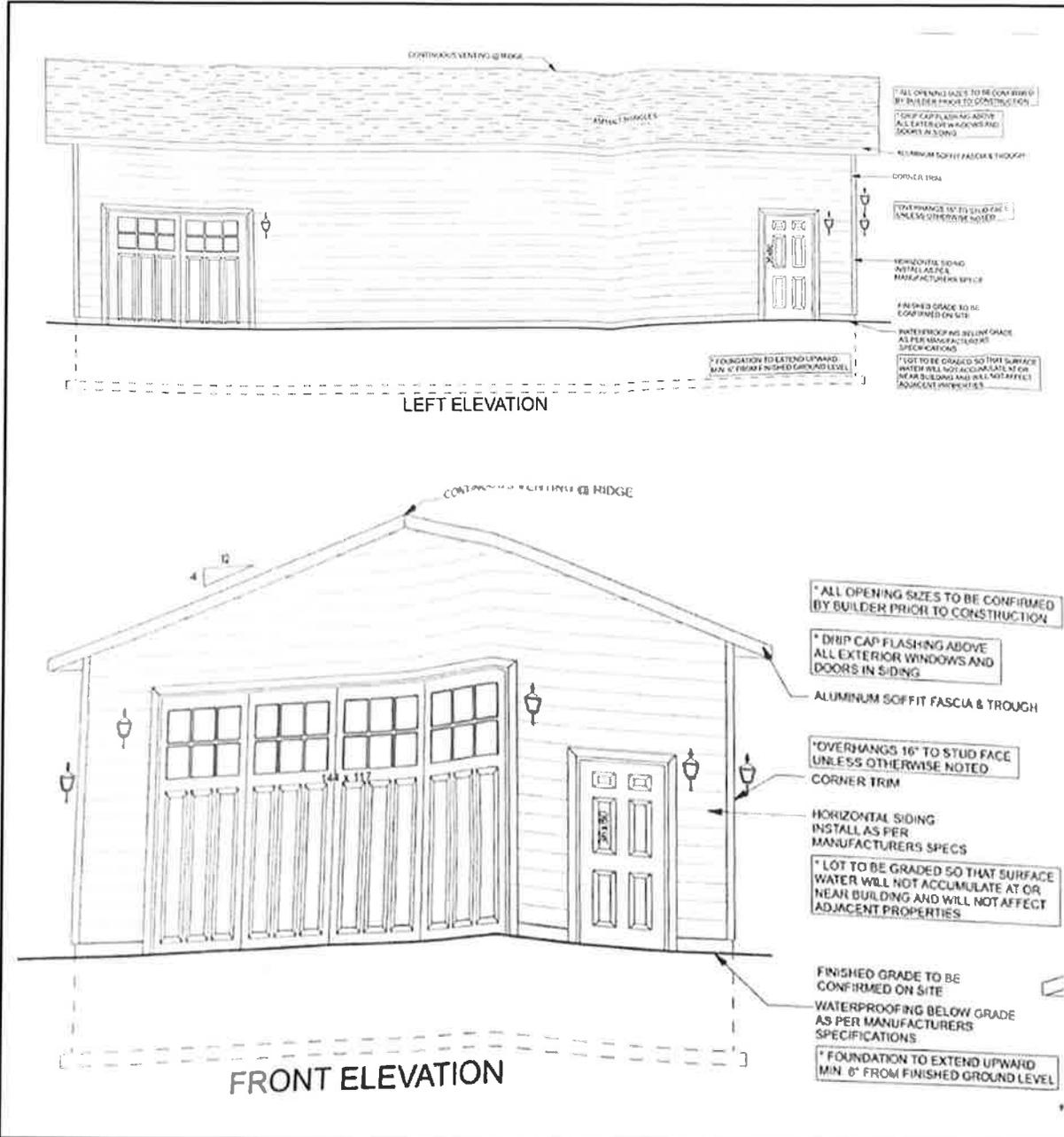
APPENDIX " D "

to

ELEVATION DRAWINGS

REPORT COA2024-011

FILE NO: D20-2024-001

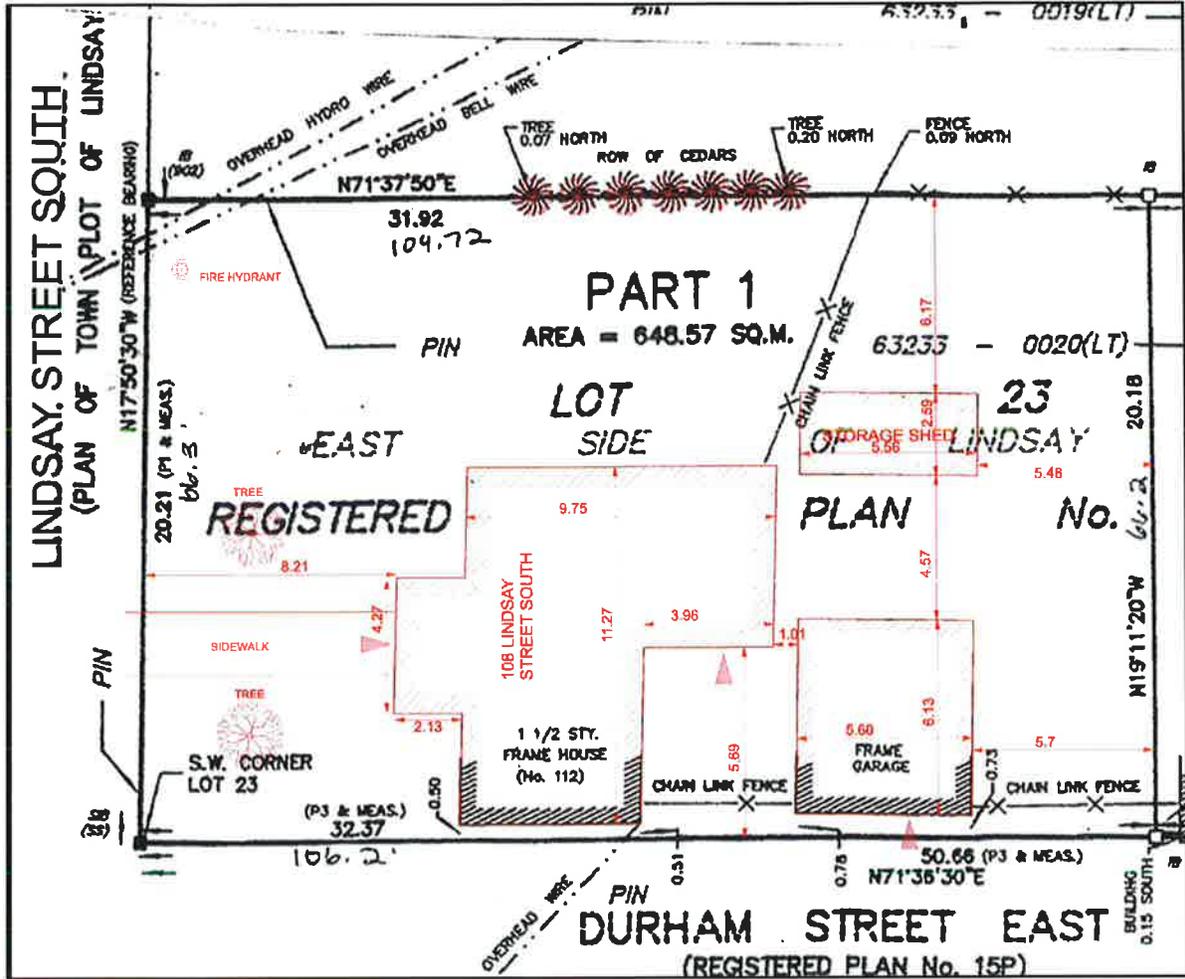


to

REPORT COA2024-011

FILE NO: D20-2024-001

SITE PLAN OF EXISTING STRUCTURES



The shed and detached garage shown in the above image are to be removed.