

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Lindsay 2017

Report Number COA2024-086

Public Meeting

Meeting Date: September 26, 2024

Time: 2:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to facilitate the construction of a single detached dwelling.

Relief sought:

1. Section 8.2 f) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 1.2 metres.

The variance is requested at **Lot 70 Randal Street** (File D20-2024-078).

Author: Katherine Evans, Senior Planner

Signature: 

Recommendations

That Report COA2024-086 – Lindsay 2017, be received;

That minor variance application D20-2024-078 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 COA2024-086, 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 thirty-six (36) 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 COA2024-086. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	The construction of a single detached dwelling
Owners:	Lindsay 2017
Applicant:	DG Biddle and Associates
Legal Description:	Part East ½ and Part West ½ of Lot 22, Concession 4 Ops
Official Plan ¹ :	Residential (Lindsay Secondary Plan, 2017)
Zone ² :	Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes
Site Size:	592.5 sq. m. (63,77.6 sq. ft.)
Site Access:	Development under construction – road to be constructed and assumed at later date in accordance with subdivision agreement
Site Servicing:	Lot will be serviced with municipal water and sanitary sewers
Existing Uses:	Vacant
Adjacent Uses:	Residential and vacant

Rationale

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

The subject property is located in a new subdivision at the western boundary of the former Town of Lindsay, at the intersection of Colborne Street West and Highway 35. The subdivision contains new development at varying stages of completion, with some completed dwellings closer to Highway 35 and dwellings that are partially constructed. The subject property is located in a portion of the development that is currently vacant.

The purpose of the application is to facilitate the construction of a single detached dwelling. While the majority of the other lots in this development are more narrow

¹ See Schedule 1

² See Schedule 1

and deep, this lot is wider and not as deep. This configuration results in larger side yard setbacks and a narrow rear yard setback, which requires relief.

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 under the Lindsay Secondary Plan. This designation permits a variety of dwelling types and three levels of residential density.

The permitted density is based on the availability of services, compatibility with surrounding uses, and locational factors. The proposal would be considered low density residential development, which includes single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings.

Therefore, the variance is considered to maintain the general intent and purpose of the Secondary Plan.

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

Section 47 of the Planning Act authorizes the Minister of Municipal Affairs and Housing to issue Minister's Zoning Orders (MZO) that regulate the use of land in Ontario. An MZO is similar to a Zoning By-law, as they can permit the use of land, prohibit the use of land, and regulate location, use, height, size, and spacing of buildings and structures. The MZO prevails over the local Zoning By-law. The property is subject to Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes.

Ontario Regulation 355/20 provides that the zoning requirements of the Residential Three (R3) Zone under the Town of Lindsay Zoning By-law 2000-75 apply to a single detached dwelling, apart from unique provisions for front yard setback, interior side yard setback, maximum gross floor area, and maximum lot coverage established by the MZO. As there is no unique provision for rear yard setback, the minimum rear yard setback of 7.5 metres as per Section 8.2 f) of the Town of Lindsay Zoning By-law 2000-75 applies. The proposed setback is 1.2 metres.

The intent of establishing a minimum rear yard setback is to reduce land use and privacy conflicts between abutting properties, address massing impacts, and provide sufficient rear yard amenity space. The rear lot line of the subject property abuts 5 Charles Street, which contains a two storey single detached dwelling. The dwelling on 5 Charles Street also has a reduced rear yard setback, so the proposal is in keeping with the built form of the surrounding area. Land use and privacy conflicts and massing issues are not anticipated. While the amenity space available in the rear yard would be limited, amenity space would be provided in the southern interior side yard, which has a setback of 7.5 metres.

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 future 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:

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no objection to or comment for this Minor Variance application.”

Building and Septic Division (Building): “Spatial separation could be a potential issue (can be dealt with at the permit stage). No further 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

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Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-078

Schedule 1 Relevant Planning Policies and Provisions

Lindsay Secondary Plan



31.2.3. Land Use Policies

31.2.3.1. Residential

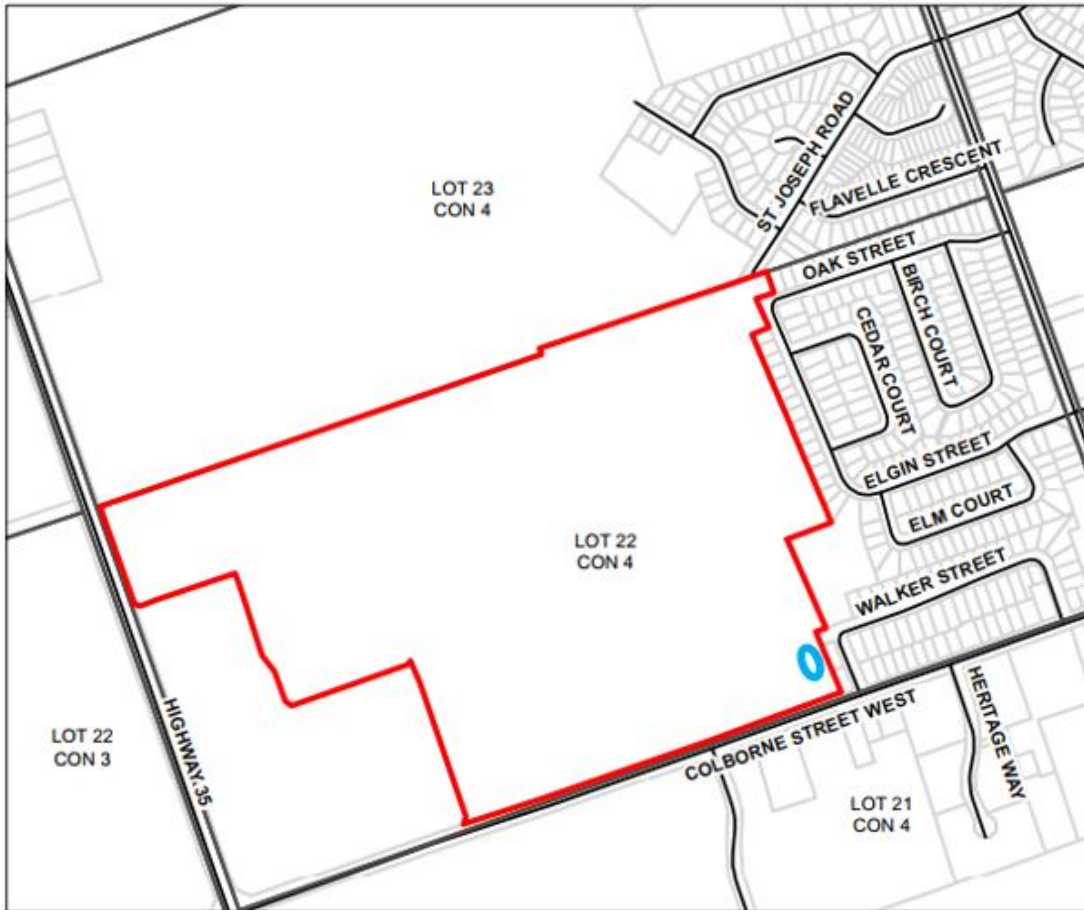
31.2.3.1.1. Permitted Uses

31.2.3.1.2. Residential Densities

31.2.3.1.2.1. Low Density Residential Development

Ontario Regulation 355/20 Zoning Order – City of Kawartha Lakes

Part Lot 22, Concession 4,
City of Kawartha Lakes



MAP No. 255

Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario,





Planning Act

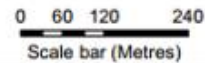
Ontario Regulation: 168/21

Date: March 5, 2021

Original Signed By: Minister of Municipal Affairs and Housing

LEGEND

-  Subject Lands
-  Lot & Concession
-  Roads
-  Assessment Parcel



Map Description:
This is map no. 255 referred to in a Minister's Zoning Order. It shows lands which are located in Part Lot 22, Concession 4, City of Kawartha Lakes.

THIS IS NOT A PLAN OF SURVEY
Information provided by the Ministry of Municipal Affairs and Housing, under licence with the Ministry of Natural Resources.
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ONTARIO REGULATION 355/20
ZONING ORDER - CITY OF KAWARTHA LAKES

Consolidation Period: From April 29, 2022 to the [e-Laws currency date](#).

Last amendment: 457/22.

Legislative History: 168/21, 457/22.

This Regulation is made in English only.

Definition

1. In this Order,

“Zoning By-law” means the Town of Lindsay Comprehensive Zoning By-law No. 2000-75.

Application

2. This Order applies to lands in the City of Kawartha Lakes, in the Province of Ontario, being the lands identified on a map numbered 255 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street. O. Reg. 355/20, s. 2; O. Reg. 168/21, s. 1.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 2, except for,

- (a) single detached dwellings;
- (b) semi-detached dwellings;
- (c) duplex dwellings;
- (d) triplex dwellings;
- (e) fourplex dwellings;
- (f) townhouse dwellings;
- (g) home occupations in a dwelling;
- (h) day nurseries and day care centres;
- (i) accessory uses to a dwelling;
- (j) a model home to be used as a temporary sales office;
- (k) community parks, parks and recreation trails;
- (l) stormwater management facilities;
- (m) public utilities, including a pump station;
- (n) an elementary school;
- (o) accessory uses to an elementary school;
- (p) maisonette dwellings;
- (q) apartment buildings;
- (r) multiple attached dwellings; and
- (s) senior citizens’ homes. O. Reg. 355/20, s. 3; O. Reg. 168/21, s. 2.

Zoning requirements

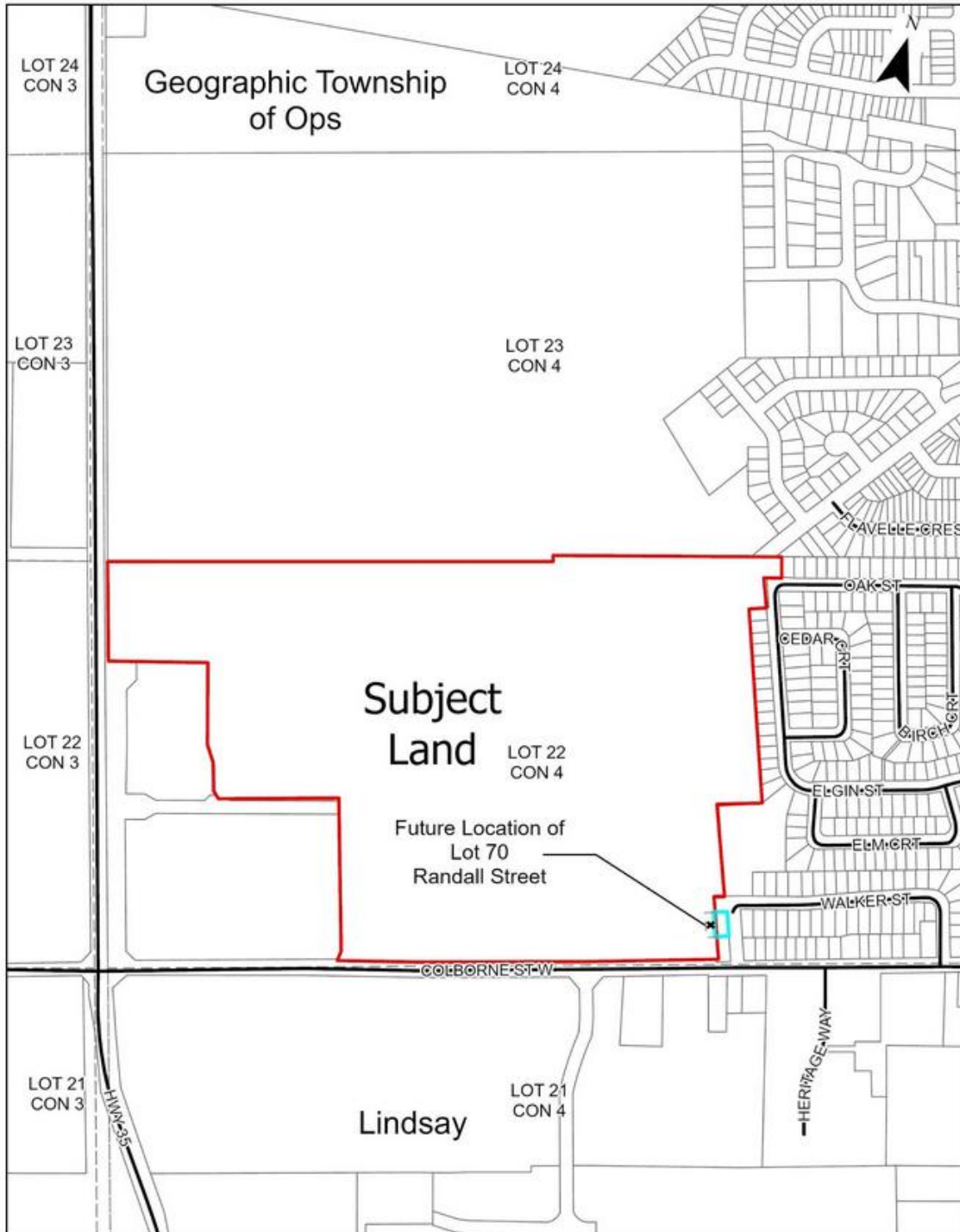
4. The zoning requirements for the uses set out in the Residential Three (R3) Zone in the Zoning By-law shall apply to the uses described in clauses 3 (a), (b), (c) and (j) with the following exceptions:

1. The minimum front yard setback is 4.0 metres to the main front wall of a building or covered porch and 6.0 metres to a garage.
2. The minimum interior side yard setback is 1.2 metres on one side and 0.6 metres on the other side, but this requirement shall not apply to the common wall between semi-detached dwelling units.
3. There is no maximum gross floor area as a percentage of lot area.
4. The maximum lot coverage for all buildings is 55 per cent. O. Reg. 355/20, s. 4; O. Reg. 457/22, s. 1.

to

LOCATION MAP

D20-2024-078



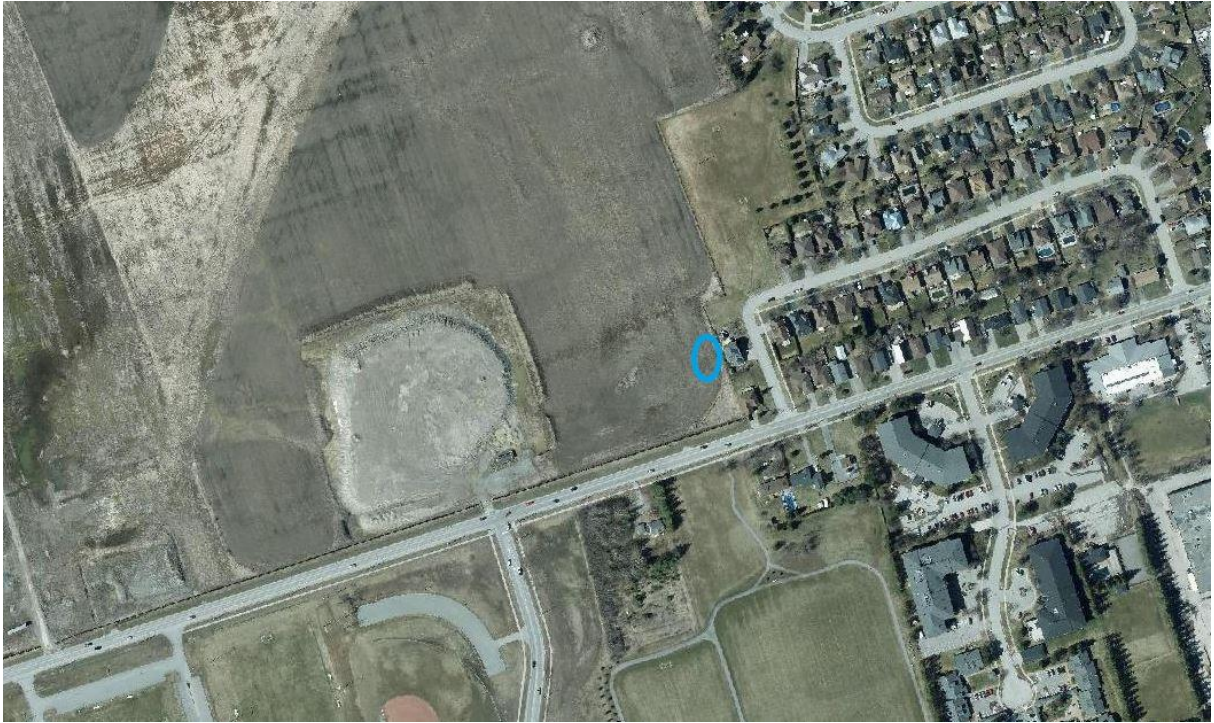
APPENDIX " B "

to

REPORT COA2024-086

FILE NO: D20-2024-078

AERIAL PHOTO



to

REPORT COA2024-086

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APPLICANT'S SKETCH

