

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 974660 Ontario Inc.**  
Report Number COA2024-095

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**Public Meeting**

**Meeting Date:**      **October 24, 2024**  
**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 facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling.

**Relief sought:**

1. Section 7.2 b) of the Zoning By-law requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.3 metres.

The variance and consent are requested at **25 Melbourne Street East** (File D20-2024-087 and D03-2024-002).

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**Author:**   **Katherine Evans, Senior Planner**

**Signature:** 

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**Recommendations**

**That** Report COA2024-095 – 974660 Ontario Inc., be received;

**That** minor variance application D20-2024-087 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** consent application D03-2024-002 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

**Conditions of Approval for Minor Variance**

- 1) **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-095, which shall be attached to and form part of the Committee’s Decision; and,

- 2) **That** development 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 approval pertains to the minor variance application as described in report COA2024-095. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Conditions of Provisional Consent

See Appendix D

This approval pertains to the consent application as described in report COA2024-095. Fulfillment of all conditions is required for the consent to be fulfilled.

## Application Summary

Proposal:	To facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling
Owners:	974660 Ontario Inc.
Applicant:	Miller Planning Services c/o Roger Miller
Legal Description:	Lot 8, Plan 15P
Official Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan, 2023)
Zone <sup>2</sup> :	Residential Two (R2) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	Total: 1,007.5 sq. m. (10,844.6 sq. ft.); Severed lot: 412.8 sq. m. (4,443.3 sq. ft.); Retained lot: 594.7 sq. m. (6,401.3 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential
Adjacent Uses:	Residential

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

## **Rationale**

### **Provincial Planning Statement 2024**

The Provincial Planning Statement (PPS), 2024 provides policy direction on matters of provincial interest related to land use planning and development. The PPS also classifies the Town of Lindsay as a settlement area. Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. This direction ensures the more efficient use of land, existing urban services and infrastructure. Additionally, Section 2.3.1.3 provides that Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options. The proposal is consistent with the applicable policies of the PPS.

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

The subject property is within an established residential neighbourhood, located east of Lindsay Street South and west of the Scugog River. The property is rectangular in shape and has frontage on a road that is assumed and maintained year round. The existing lot pattern in the area consists of deep rectangular lots with more narrow frontages. The property currently contains a single detached dwelling constructed in 1890 (according to Municipal Property Assessment Corporation) and a detached garage. The detached garage is to be demolished (as per the third proposed condition of provisional consent).

The dwelling on the subject property is listed on the City's Heritage Register. The dwelling is proposed to remain on the retained lot. The Economic Development Officer – Heritage Planning has provided that apart from restrictions on demolition (which is not proposed), there are no further restrictions on the dwelling or property resulting from its heritage status.

The proposal is to sever the property to create one (1) new residential lot to contain a future single detached dwelling. The proposed dwelling on the severed lot appears to comply with the provisions of the Zoning By-law. Relief is required through the Minor Variance process to permit the severed lot to have less lot frontage than required under the Zoning By-law.

The Province of Ontario has launched the 'More Homes, More Choice: Ontario's Housing Supply Action Plan' (2019), the goal of which is to build 1.5 million homes by 2031 to address the housing supply crisis in Ontario and to encourage the development of housing that meets the needs and budgets of all Ontarians. As per the Municipal Housing Pledge, the Province has established a housing target in the City of Kawartha Lakes of 6500 new housing units by 2031, and the City has committed to work to achieve this target locally. Through the severance of the property and the construction of a new dwelling, this proposal can contribute to meeting the City's housing target.

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. The minimum density for low density residential uses is 15 dwelling units per net hectare and the maximum is 25 units per net hectare. The resulting density is approximately 20 units per net hectare.

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.**

The subject property is zoned Residential Two (R2) Zone under the Town of Lindsay Zoning By-law 2000-75. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum lot frontage.

Section 7.2 b) of the Zoning By-law requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.3 metres. The intent of the minimum lot frontage requirement is to ensure lots are large enough to accommodate development while ensuring there is adequate space for amenity uses, and stormwater infiltration. The minimum lot frontage also ensures that properties are wide enough to support a building envelope that could comply with the minimum side yard setbacks.

The minimum lot area within the R2 Zone is 360 square metres, and the severed lot is to exceed this minimum. The proposed dwelling complies with all other provisions of the Zoning By-law, including minimum parking requirements and minimum setbacks. Additionally, stormwater infiltration issues are not anticipated as both the severed and retained lots comply with the maximum lot coverage provision. The proposed dwelling on the severed lot is to have a rear yard setback of 11.92 metres, allowing for sufficient amenity space.

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:**

**Building and Septic Division (Building):** “No comments.”

**Engineering and Corporate Assets Division:** “From an engineering perspective, we have no objection to the consent and advise that the new lot will require a future Municipal Service Connection application for municipal water and sanitary servicing.”

**Public Works (Roads Division):** “Severed property will require an entrance permit/letter.”

**Enbridge:** “Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. Please always call before you dig. It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner.”

**Hydro One:** “We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.”

**Public Comments:**

The Consent was originally circulated in February 2024, and the Consent was circulated again with the Minor Variance in October 2024. Comments were received from several residents in the area. The comments received at the time of the preparation of the staff report have been summarized below, and have been included in the Appendix.

The concerns include the proposed new dwelling being a rental property, impacts to community safety, traffic and parking, impacts to mature trees, privacy and light issues, impacts during the construction process. Concerns also include increasing the density of the population, impacts to infrastructure, environmental impacts, the proposal not being in keeping with the character of the area, impacts to property values, noise, and the size of the proposed lot.

## **Attachments**

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant’s Sketch  
Appendix D – Proposed Conditions of Provisional Consent  
Appendix E – March 2024 Public Petition  
Appendix F – Public Comments

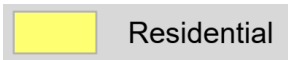
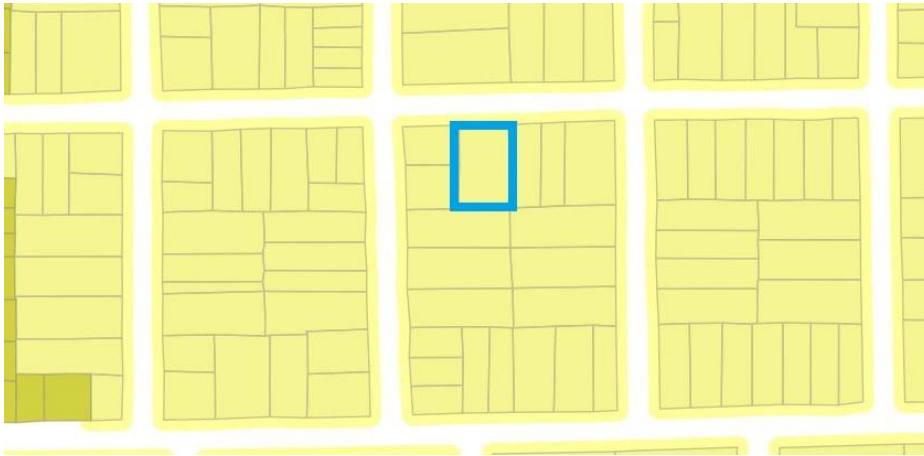
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**Phone:** 705-324-9411 extension 1883  
**E-Mail:** [kevans@kawarthalakes.ca](mailto:kevans@kawarthalakes.ca)  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-087 and D03-2024-002

## Schedule 1 Relevant Planning Policies and Provisions

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### Lindsay Secondary Plan, 2023



#### 31.2.3. Land Use Policies

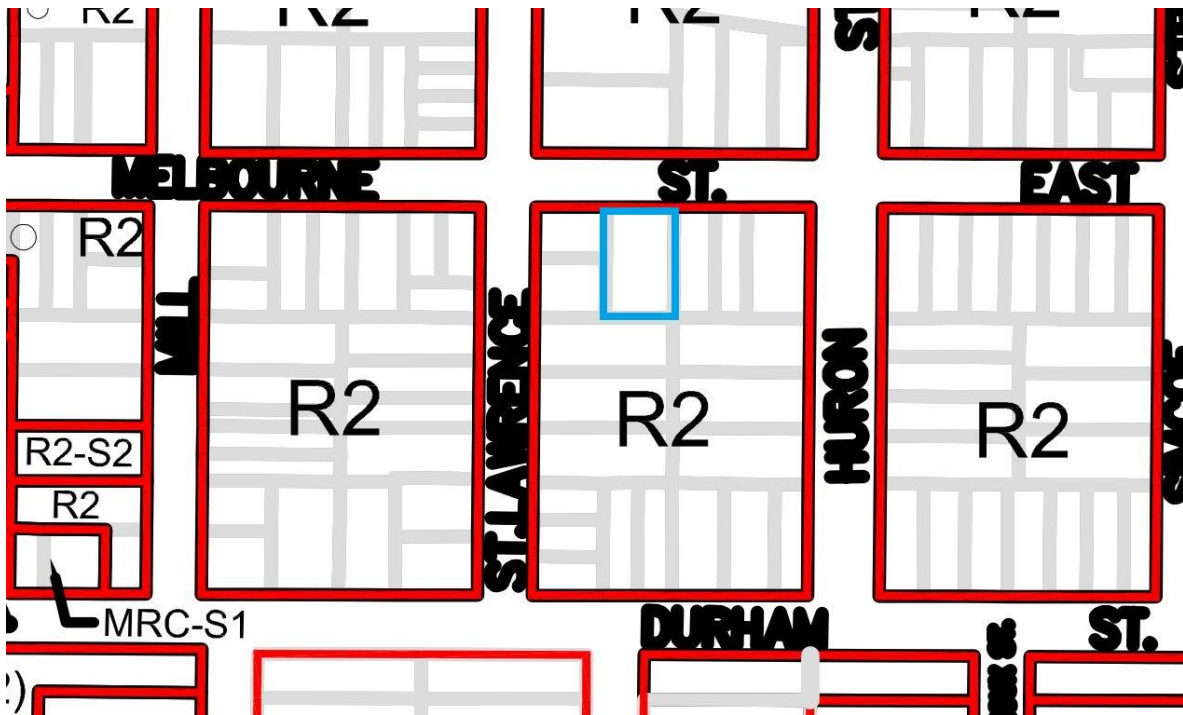
##### 31.2.3.1. Residential

##### 31.2.3.1.1. Permitted Uses

##### 31.2.3.1.2. Residential Densities

##### 31.2.3.1.2.1. Low Density Residential Development

**Town of Lindsay Zoning By-law 2000-75**



**Section 7 Residential Two (R2) Zone**

7.1 R2 Uses Permitted

7.2 R2 Zone Requirements

b) Minimum lot frontage 12 m



to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**LOCATION MAP**

# D03-2024-002 and D20-2024-087



APPENDIX " B "

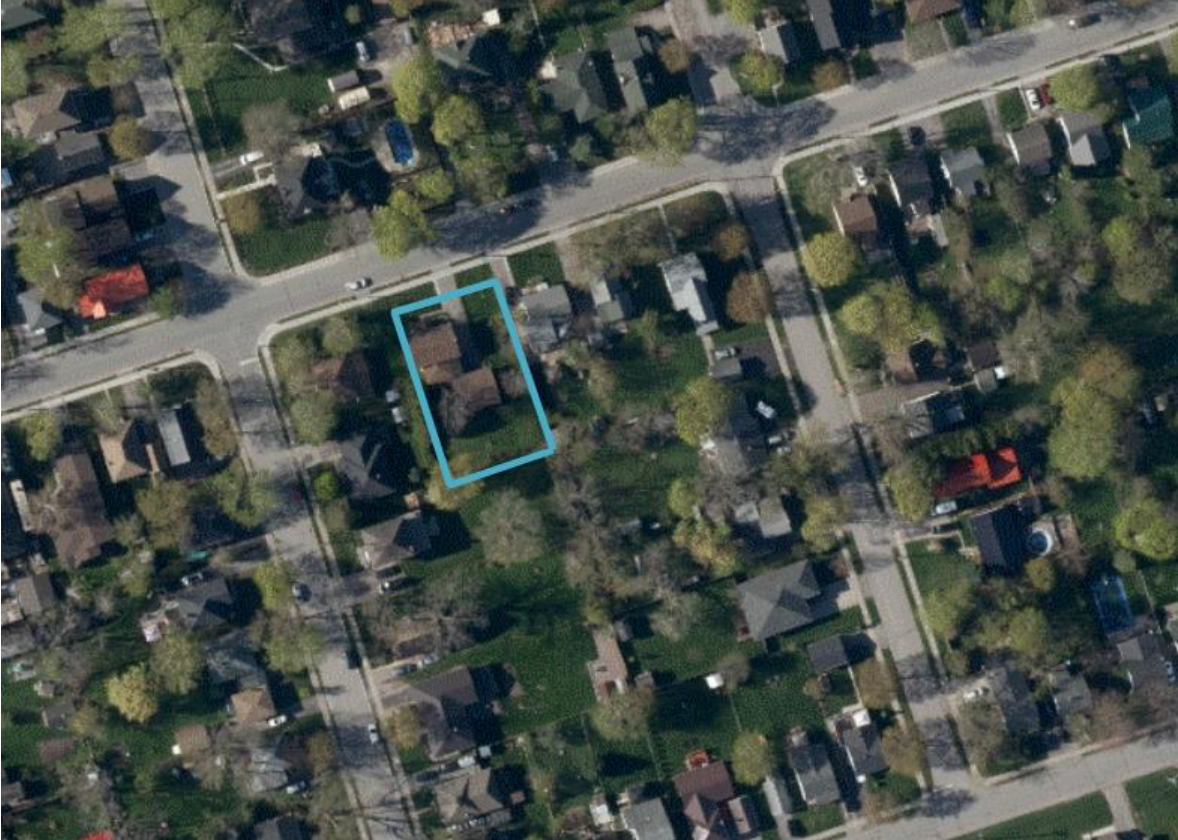
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REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**AERIAL PHOTO**



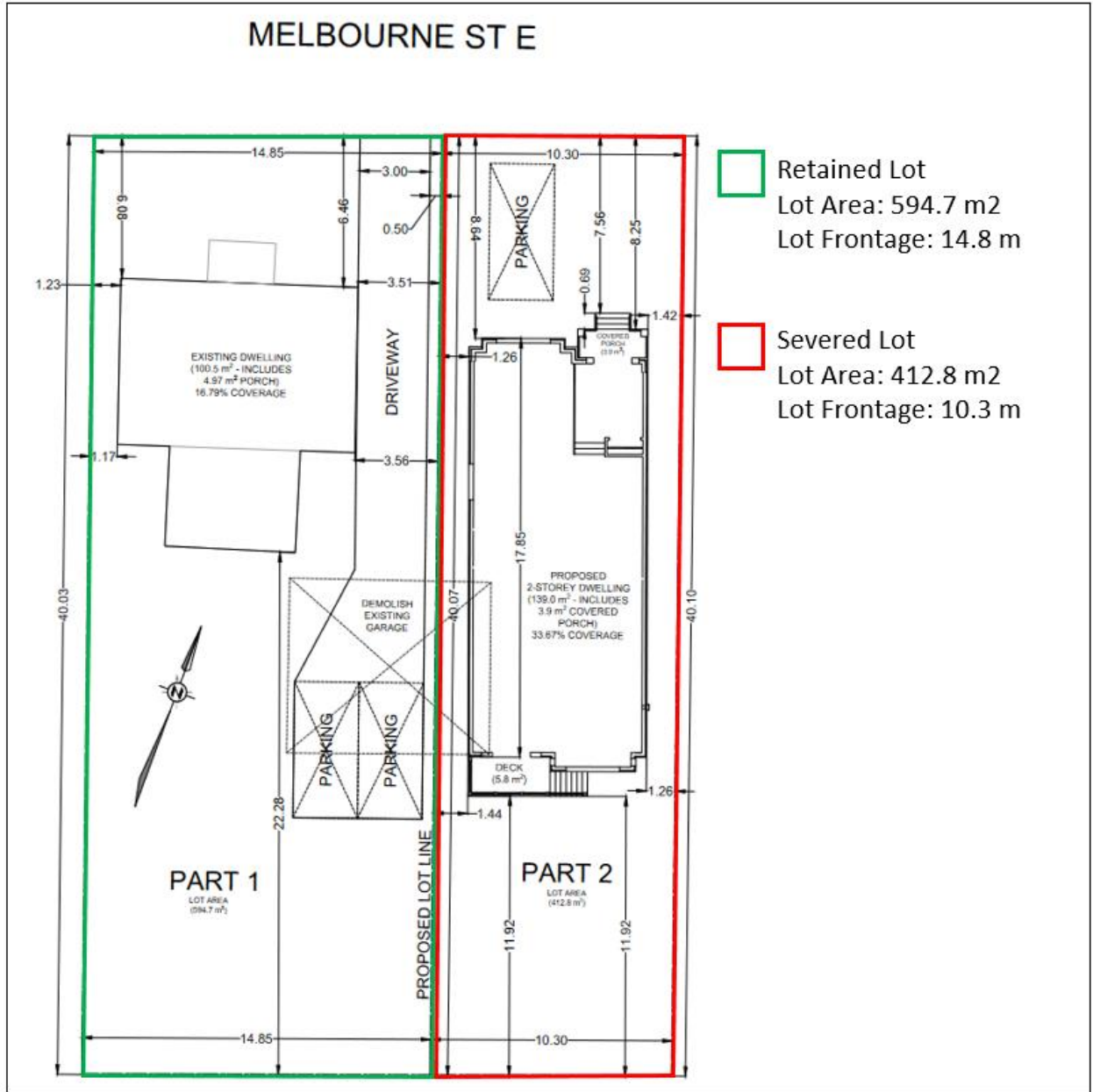
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REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

**APPLICANT'S SKETCH**



to

REPORT COA2024-095FILE NO: D20-2024-087D03-2024-002**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. The owner shall submit to the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel to be severed, for review and endorsement, and the subsequent registered reference plan of survey; or, alternatively, the applicant’s solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. That the Minor Variance (D20-2024-087) be in force and effect.
3. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Secretary-Treasurer as written confirmation from the City’s Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lot to be severed.
4. Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate, that the existing garage and foundation have been removed from the property or demolished and that the Chief Building Official or his/her designate shall confirm, in writing to the Planning Division, when such removal and/or demolition has been satisfactorily completed.
5. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall submit to the Secretary-Treasurer written confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. The owner shall submit payment to the City of Kawartha Lakes the stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer’s trust account.

8. The owner's solicitor shall provide a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
9. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
10. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

REPORT COA2024-095

FILE NO: D20-2024-087

D03-2024-002

MARCH 2024 PUBLIC PETITION

① STOP SIGN PETITION FORM FOR

CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

RECEIVED

Mar 15 2024  
MAR 19 2024

OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

WHEREAS:

RESIDENTS AGAINST SEVERANCE  
SOME REASONS #1 - OWNER IS ALREADY AN ABSENTEE  
LANDLORD/ PLANS TO BUILD RESIDENCE FOR MULTI-UNIT/  
ROOMING- HOUSE RENTAL. #2 DESTRUCTION OF MATURE TREES  
#3 PRIVATE RIGHTS TO LIGHT #4 PRIVATE RIGHTS TO ROAD ACCESS

Name	Signature	Phone Number
① STACY MEENAN	[REDACTED]	[REDACTED]
② HOWARD WILLIAMS	[REDACTED]	[REDACTED]
③ JIM LYNCH	[REDACTED]	[REDACTED]
④ SHARLEY LYWOOD	[REDACTED]	[REDACTED]
⑤ Charlotte Freig	[REDACTED]	[REDACTED]
⑥ Corrie Lee	[REDACTED]	[REDACTED]
⑦ Dustin Lee	[REDACTED]	[REDACTED]
⑧ Murray Lee	[REDACTED]	[REDACTED]
⑨ Wesley Paterson	[REDACTED]	[REDACTED]
⑩ Jake Paterson	[REDACTED]	[REDACTED]

CONTINUED  
PAGE 2

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(2)

11	Diane Pearson	[REDACTED]	[REDACTED]
12	Colleen Meenan	[REDACTED]	[REDACTED]
13	Desmond Meenan	[REDACTED]	[REDACTED]
14	Susan Zarkens	[REDACTED]	[REDACTED]
15	Phelan Meenan	[REDACTED]	[REDACTED]
16	Wynne O'Sullivan	[REDACTED]	[REDACTED]
17	Paul O'Keefe	[REDACTED]	[REDACTED]
18	CR Dickerson	[REDACTED]	[REDACTED]

Continued from Page 1

#4 (road traffic in the pocket will dramatically increase)

#5 Design of new build beside and in century neighbourhood.

#6 Fear of crime with multiple tenants - Owner lives in Oshawa / wants property strictly for profit. When approached by residents about rental plans he stated "I don't live here - I don't care!" Already does not maintain property or tenants - At one point he had drug trafficking in home

#7. Noise and Environmental pollution/Capacity & strain on drains

#8. Loss of Privacy

Most residents in this area have owned properties for over 15 years - Our community here is close - please help us keep an absentee landlord from destroying it. → continues on back

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CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

WHEREAS: *Continued*

	Name	Signature	Phone Number
19	Jason Pelletier	[REDACTED]	[REDACTED]
20	STEVE KEENAN	[REDACTED]	[REDACTED]
21	MICHAEL FORA	[REDACTED]	[REDACTED]
22	Sim LAMB	[REDACTED]	[REDACTED]
23	KRISTA PREIK COLLINS	[REDACTED]	[REDACTED]
24	CHRIS COLLINS	[REDACTED]	[REDACTED]
25	Joanne Shaw	[REDACTED]	[REDACTED]
26	William Shaw	[REDACTED]	[REDACTED]
27	PRITVI RATTI	[REDACTED]	[REDACTED]
28	JASLEEN RATTI	[REDACTED]	[REDACTED]



4

# STOP SIGN PETITION FORM FOR

CONSENT APPLICATION FILE # D03-2024-002

25 MELBOURNE ST E

WHEREAS:

	Name	Signature	Phone Number
29	Piper Wiste	[REDACTED]	[REDACTED]
30	Sarah Quinnell	[REDACTED]	[REDACTED]
31	RIKER ALVATZKA	[REDACTED]	[REDACTED]
32	Courtney Thaxler	[REDACTED]	[REDACTED]
33	Jillian O'Connell	[REDACTED]	[REDACTED]
34	Hush Yeehen	[REDACTED]	[REDACTED]

to

REPORT COA2024-095FILE NO: D20-2024-087D03-2024-002**PUBLIC COMMENTS**

**From:** [REDACTED]  
**Sent:** Monday, March 4, 2024 1:32 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** Consent application.file D03-2024-002

Hello I am contacting you in my objection against this property being torn down .This property is in fixable condition currently being rented to a nice couple and is one of the oldest properties in this area with a great deal of history tied to the old mill.I along with several other neighbors do not want this demolished and will protest as such .Thank you.[REDACTED]

**From:** [REDACTED]  
**Sent:** Monday, March 4, 2024 1:39 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** 25 Melbourne street


I also am in disagreement with the land being severed...they want to build new home to rent out to large groups .students etc.i have been told this by the owners relatives currently renting the property



Mon 3/4/2024 2:17 PM

Re: 25 Melbourne street

To: Committee of Adjustment

 You forwarded this message on 3/4/2024 3:13 PM.

Thank you , just so you are aware several of the neighbours are elderly and not able to use a computer to respond .They are opposed to this happening

**From:** [REDACTED]  
**Sent:** Wednesday, March 6, 2024 12:09 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>; Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** Consent application- file no.D03-2024-002 attention Mark LaHay and Bruce Strickney

To Mr.Mark LaHay and Mr.Bruce Stickney.I am address my concern to you over this application for 25 Melbourne street east,Lindsay.The severance of this land with intention to build is very upsetting to several residents in this area.The owner of the current property has been renting the current property and is an absentee landlord to say the least.Never checking on current property.I spoke with him personally and his plan is to build a house used for multiple tenants..I asked him if he cared about area and how that could affect neighborhood where several long term residents live and have formed a great sense of community and safety.His response ,I don't care - I don't live here I live in Oshawa.This area which had issues before is now a safe and happy community,most of the residents were born in their homes and others have lived in area for 19 plus years.An absentee landlord which he has already displayed for many years with more rentals is not what we need.At one point he rented to known drug users and dealers.Building a new build amongst older homes would be out of place.Traffic will be another issue with the amount of parking he intends.There are mature trees that need to be destroyed to build .A loss of light and privacy to neighbours.A fear of crime to the elderly residents and younger as well having a strictly rental property.The mental health affect on neighbours from the building ( construction machines,etc)the hazards involved,pollution,noise etc.These things will directly affect the surrounding neighbours and their life for several months.these are just a few concerns among many more.Residents are rallying together and will be petitioning against this approval.Most residents cannot even work a computer and unable to do cursive writing.This community will be protesting this proposed dwelling that is purely being used from the owners words as a rental to several people.He is not a resident of this beautiful town and has clearly expressed from his lack of care with current property that he rents ,he surely will not care about the future property.Its only about money! We have contacted our councillor and hope you as well will help us in stopping this pass.Thank you very much,I look forward to hearing from you [REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, March 5, 2024 4:38 PM  
**To:** Committee of Adjustment <cofa@kawarthalakes.ca>  
**Subject:** 25 Melbourne St E Appeal  
To whom it may concern,

I am writing to express my strong opposition to the proposed housing development at 25 Melbourne St E, Lindsay Ontario. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community. First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting residents at risk. Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates, drug use and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, eye sore of a building. Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere. In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. I live at [REDACTED] Melbourne St E, and we just got rid of our next door neighbour who was a known drug dealer. Our road is already safer and cleaner now that the drug addicts aren't filtering to our street. Thank you for your attention to this matter.  
Sincerely, [REDACTED]

**From:** [REDACTED]  
**Sent on:** Thursday, March 14, 2024 6:47:13 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>  
**Subject:** D03-2024-002 25 Melbourne St. E.

**From:** [REDACTED] owner and resident of [REDACTED] St.lawrence St. Lindsay since 1983.  
The entirety of 25 Melbourne St. E. backs onto my property.  
There is no indication that the proposed building is going to be owner occupied and rumor has it that it is likely to be three floors of tenants with an absentee landlord. Maybe the structure will be in the shape of the trojan horse that it may turn out to be?  
Unmonitored tenants crammed together can become a volatile and upsetting experience for the whole neighborhood. For example; loud disturbance inside a unit, battles between units, conflicts between occupants and other neighbors, more unattended barking dogs, campfires, and there is always one or two that feel it is their duty to play screaming music for ALL to hear ALL the time.  
We do not want to participate in or witness a local live episode of "Fear Thy Neighbor"  
Unfortunately I was not around to sign the 35 plus name petition, which must be a very large percentage of affected residents considering a 60 meter circumference was used.  
Could it be that someone is trying to take advantage of the complacency of a peacefully passive community of loyal neighbors and faithful taxpayers to satisfy an absentee landlord?  
What does knowingly instigating an unwanted action that will have a profoundly negative impact on so many lives do for one's karma?  
Thanks for the opportunity to express a few of my concerns. [REDACTED]

**From:** [REDACTED]  
**Sent on:** Thursday, March 14, 2024 7:17:46 PM  
**To:** Bruce Stickney <bstickney@kawarthalakes.ca>  
**Subject:** D03-2024-002

From: [REDACTED] St.Lawrence St. Lindsay  
I am 88 years old and have lived in an adjoining property to 25 Melbourne St.E.  
for over 40 years and have enjoyed a peaceful and friendly neighborhood. My fear now is that a multi tenant building will take away all of the calm security that I  
have become accustomed to.  
Please prevent my quiet safety zone from becoming loud and dangerous.I don't want to live in fear. Thank you.  
[REDACTED]

Summary of comments received from resident via phone call October 15, 2024:

The member of the public's backyard connects with 25 Melbourne Street East. The individual objects to the application. Their concerns are the new dwelling being too close to their property, being able to see the new dwelling when they look out the window, concerns about noise associated with tenants, the lot not being large enough to build on, the new house being located between existing houses, and a new house being in an older area. The individual provided that they feel there are other places to build houses.