

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Davidson and Stacheruk**  
Report Number COA2024-113

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**Public Meeting**

**Meeting Date:**       **November 28, 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 construction of a detached garage.

**Relief sought:**

1. Section 5.2 c) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area; the proposed accessory structure lot coverage is 18%.

The variance is requested at **89 Durham Street West** (File D20-2024-105).

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**Author:**   **Katherine Evans, Acting Development Supervisor**

**Signature:** 

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**Recommendations**

**That** Report COA2024-113 – **Davidson and Stacheruk**, be received;

**That** minor variance application D20-2024-105 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 COA2024-113, which shall be attached to and form part of the Committee's Decision;
- 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; and,

- 3) **That** the two storage structures identified in Appendix D be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the storage structures have been removed.

This approval pertains to the application as described in report COA2024-113. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a detached garage
Owners:	Jessica Stacheruk and Blaine Davidson
Applicant:	Jessica Stacheruk
Legal Description:	Part Lots 6 and 7 on Plan 140
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:	371.6 sq. m. (3,999.9 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential
Adjacent Uses:	Residential and general commercial

## Rationale

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

The subject property is within an established neighbourhood located south of the centre of the Town of Lindsay, east of the intersection of Durham Street West and Albert Street South. The area contains residential and commercial uses. The

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

subject property contains a one storey single detached dwelling constructed in 1910 (according to Municipal Property Assessment Corporation), a shed, and two storage structures. The storage structures are temporary and are to be removed.

The purpose of the application is to facilitate the construction of a detached garage. The garage is to be 53.6 square metres in size. The existing storage structures on the property are full, and items that are traditionally stored in a garage are currently being stored in the dwelling due to lack of accessory storage space. The proposed garage will replace the two storage structures and will provide much needed storage space in a manner that is more permanent and aesthetically pleasing.

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 Lindsay Secondary Plan is in effect and applies to the subject property. A Secondary Plan is a freestanding official plan that covers a geographic area that has its own land use designations and policies completely separate but complimentary to the City Official Plan. The subject property is designated Residential under the Lindsay Secondary Plan. This designation permits a variety of dwelling types as well as accessory buildings and structures. Performance and siting criteria is implemented through the Zoning By-law.

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. The zone permits a single detached dwelling as well as accessory buildings and structures. The proposal complies with all provisions of the Zoning By-law with the exception of the maximum lot coverage for accessory structures.

Section 5.2 c) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area. The proposed accessory structure lot coverage is 18%. This includes an existing shed and the proposed detached garage. The intent of establishing a maximum lot coverage for accessory structures is to maintain the residential character of the property and to ensure that accessory uses remain subordinate to the primary (residential) use.

While the proposed garage is to be approximately 3 square metres larger than the dwelling, it is not anticipated that the garage will alter the character of the property or make the residential use appear subordinate. The proposed garage is to be located in the rear yard, and would be minimally visible from the road if at all. The proposed garage complies with the maximum height and minimum side and rear yard setbacks.

The proposed garage would not abut the dwellings on the neighbouring lots, as such impacts to the adjacent residential uses are not anticipated. The rear lot line of the subject property abuts a commercial property which includes an auto parts store, an electrical, plumbing, and HVAC business, and a property maintenance business. The area directly behind the subject property appears to be used for outdoor storage.

Though the proposal exceeds the maximum accessory structure lot coverage, it complies with the total maximum lot coverage permitted in the R2 Zone, being 35%. The total lot coverage including the dwelling, shed, and proposed garage would be 31%. Adequate outdoor amenity space would be maintained. For comparative purposes, the neighbouring property to the west appears to have a total lot coverage of approximately 31%. The neighbouring property to the east appears to have a total lot coverage of approximately 42%.

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 a Development engineering perspective, we have no concerns or comments for this Minor Variance application.”

**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 – Storage Structures to be Removed

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**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-105

## Schedule 1 Relevant Planning Policies and Provisions

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### Lindsay Secondary Plan



 Residential

#### 31.2.3. Land Use Policies

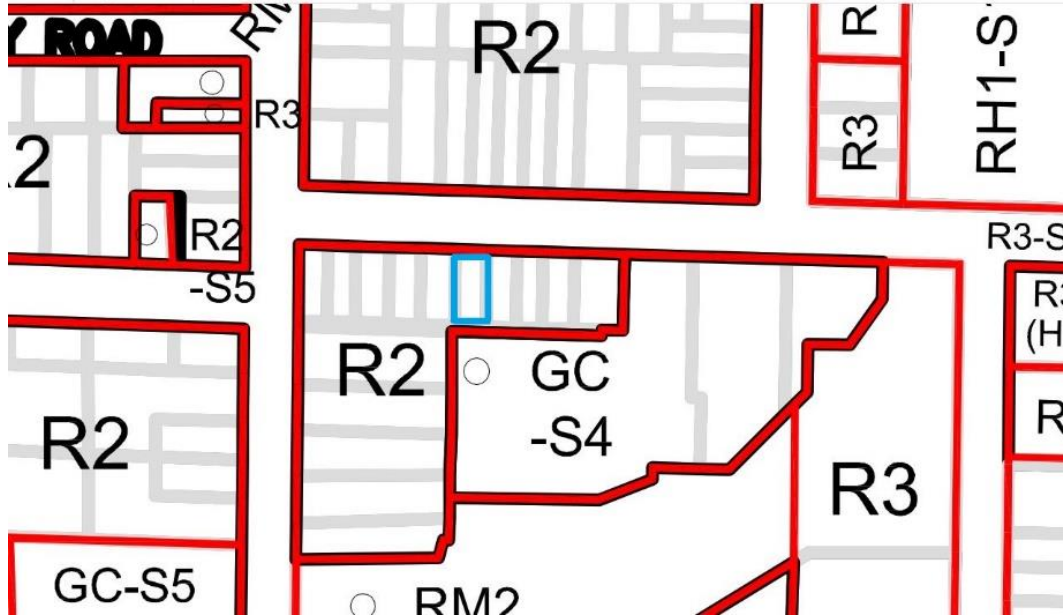
##### 31.2.3.1. Residential

##### 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 5 General Provisions for All Zones

#### 5.2 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. The lot coverage of all accessory buildings on a lot shall be added to the lot coverage of all main buildings to determine the total lot coverage, as regulated by the zone requirements of each particular Zone defined within this By-Law. Porches and/or decks covered by a roof supported by posts extending one or more storeys shall be added to the lot coverage of all main buildings.

### Section 7 Residential Two (R2) Zone

#### 7.1 R2 Uses Permitted

#### 7.2 R2 Zone Requirements

to

**LOCATION MAP**

# D20-2024-105





APPENDIX " B "

to

REPORT COA2024-113

FILE NO: D20-2024-105

**AERIAL PHOTO**

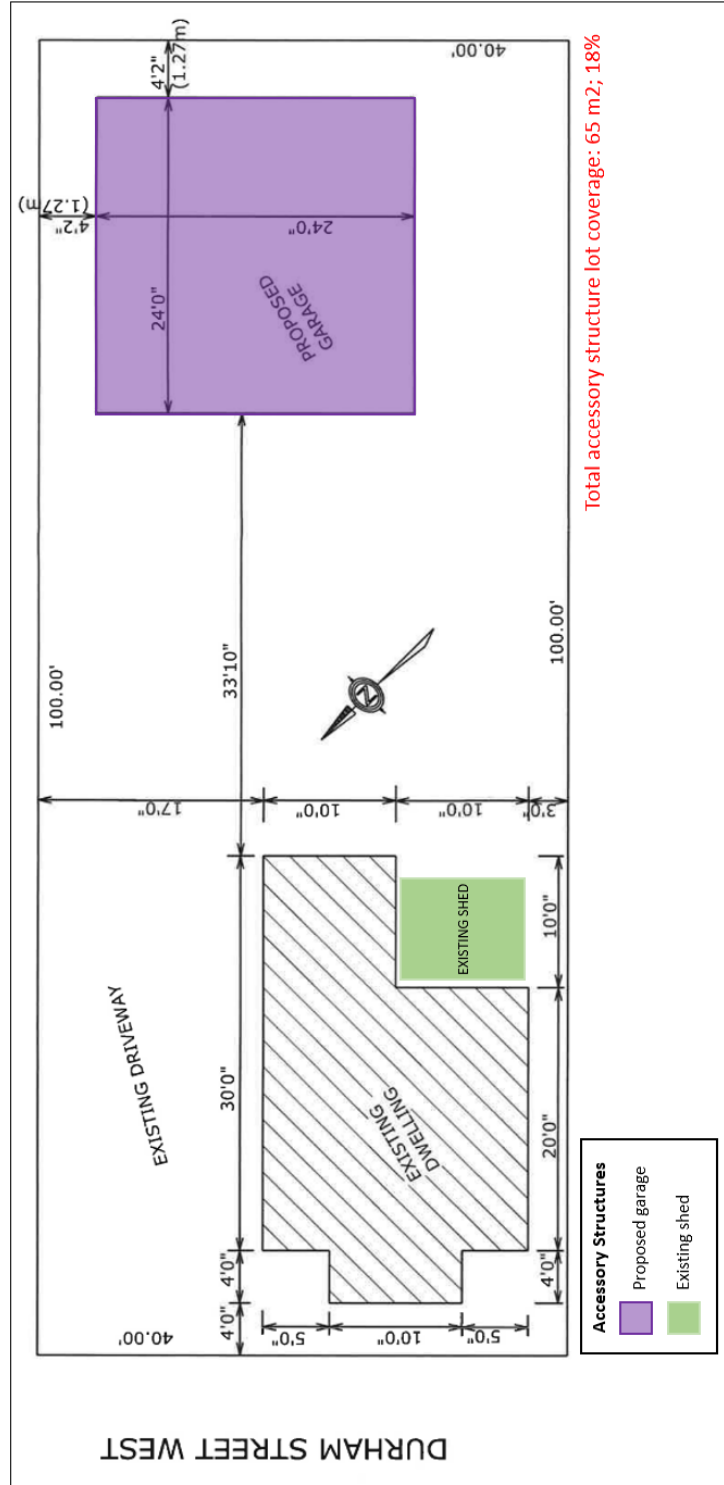


to

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**APPLICANT'S SKETCH**



APPENDIX " D "

to

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**STORAGE STRUCTURES TO BE REMOVED**

