

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report - Marinier

Report Number COA2025-001

Public Meeting

Meeting Date: January 30, 2025

Time: 1:00 pm

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

Ward 5 – Former Town of Lindsay

Subject: The purpose and effect is to recognize two (2) existing storage containers.

Relief sought:

1. Section 5.2.b.i. of the Zoning By-law requires accessory structures to be located in a side or rear yard; the two (2) storage containers are currently located in the front yard; and,
2. Section 6.2.c. of the Zoning By-law requires a front yard setback of 7.5 metres; the two (2) storage containers are currently set back 6.8 metres from the front lot line.

The variance is requested at **209 Angeline Street North** (File D20-2024-073).

Author: Ahmad Shahid, Planner II

Signature:



Recommendations

That Report COA2025-001 – Marinier, be received;

That minor variance application D20-2024-073 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2025-001, which shall be attached to and form part of the Committee's Decision;
- 2) **That** the shed identified in Appendix C, be removed within a period of eight (8) 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 Secretary-Treasurer.

This approval pertains to the application as described in report COA2025-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Recognition of two (2) existing storage containers.
Owners:	Dennis Marinier
Applicant:	Owner
Legal Description:	Lots 23 and 24, Concession 4, Plan 292 (Parts 2 and 3 of Reference Plan 57R4476)
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan ² :	Residential (Lindsay Secondary Plan, 2023)
Zone ³ :	Residential One (R1) Zone (Town of Lindsay Zoning By-Law 2000-75)
Site Size:	1,942.49 square metres (0.48 acres)
Site Access:	Year-round maintained road
Site Servicing:	Full municipal water and sewer servicing
Existing Uses:	Residential
Adjacent Uses:	Residential, Institutional

Rationale

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

The subject property is located in a low-density residential area in the former Town of Lindsay. The surrounding neighbourhood is primarily residential, with built-form consisting of single-detached dwellings with various accessory structures. Abutting the subject property to the north is a vacant undeveloped lot. East of the subject

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

property is a place of worship with an onsite residence in the form of a single detached dwelling. Along the western side of Angeline Street North, there is no established uniform building line, with built form setback from the street at varying distances.

The subject property currently contains a single-detached dwelling with an attached garage, two (2) storage containers and a shed. The proposal seeks to recognize the two (2) existing storage containers, which were placed on the property in 2024. The shed will be removed as part of this application. The storage containers are used for additional enclosed storage space for the tenants residing within the dwelling.

The storage containers, each measuring 14.88 square metres, are situated within the front yard of the subject property. As the structures are under 15 square metres in size, a building permit is not required but they must still comply with applicable Zoning By-law requirements. Their visibility from the public realm is minimal, as they are screened by a dense hedge that runs along the street frontage. The use of an accessory structure for personal storage is common on many low-density residential lots.

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 Urban Settlement Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation aims to provide general broad policies that are applicable to all urban settlements within the City. The Lindsay Secondary Plan provides more specific policies directed towards the former Town of Lindsay. Under the Secondary Plan, the property is designated Residential. The Residential designation under the Secondary Plan allows for low-density residential uses. 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 Official Plan.

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

The subject property is zoned Residential One (R1) Zone under the Town of Lindsay Zoning By-Law 2000-75. The R1 Zone permits the use of a single detached dwelling and accessory structures. Relief is required from the following provisions of the Zoning By-law:

- Location of Accessory Structure: Section 5.2.b.i. of the Zoning By-law requires accessory structures to be located in a side or rear yard; the two (2) existing storage containers are currently located in the front yard.
- Front Yard Setback: Section 6.2.c. of the Zoning By-law requires a front yard setback of 7.5 metres; the two (2) storage containers are currently setback 6.8 metres from the front lot line.

Limiting the location of accessory structures to the side or rear yard ensures accessory uses remain subordinate to the primary use by being located in less visible areas on the property. Similarly, the intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street and to maintain features such as the character of the streetscape. Both the provisions requiring relief aim to ensure the property is cohesive with surrounding properties and area.

The subject property is bordered by vegetation on all sides, except along the southern lot line. As a result, the view of the storage containers from public or neighbouring views is very limited. The closest neighboring property to the subject structures is the northern abutting neighbour which is a vacant lot separated by a dense row of trees and hedges. Along the western side of Angeline Street North, there is no existing uniform setback from the street with built form consisting of varying setbacks.

The placement of structures is restricted due to the lot's built form configuration, particularly the dwelling and existing vegetation. Placing the storage containers in the side yard would result in a constrained fit and necessitate the removal of existing trees. Similarly, relocating the storage containers to the rear yard would also require the removal of side yard trees, which the owner has expressed a desire to preserve.

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

The subject application was advertised as relief being required to recognize two (2) existing storage containers and a shed. After notice was circulated and consultation with the applicant was conducted, the applicant decided to remove the existing shed from the subject property. As a result, the shed has not been included as a point of relief in this report.

Furthermore, the circulation of this application did not include the required relief from the front yard setback. Since the application was circulated, the review of the application has progressed and it has been determined the relief is required from Section 6.2.c. of the Zoning By-law. The setback is not being reduced from what currently exists and was illustrated on the sketch circulated.

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

Agency Comments:

DS – Building and Septic (Building): “No comments.”

ECA – Development Engineering: “From a Development engineering perspective, we have no comments or objections 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

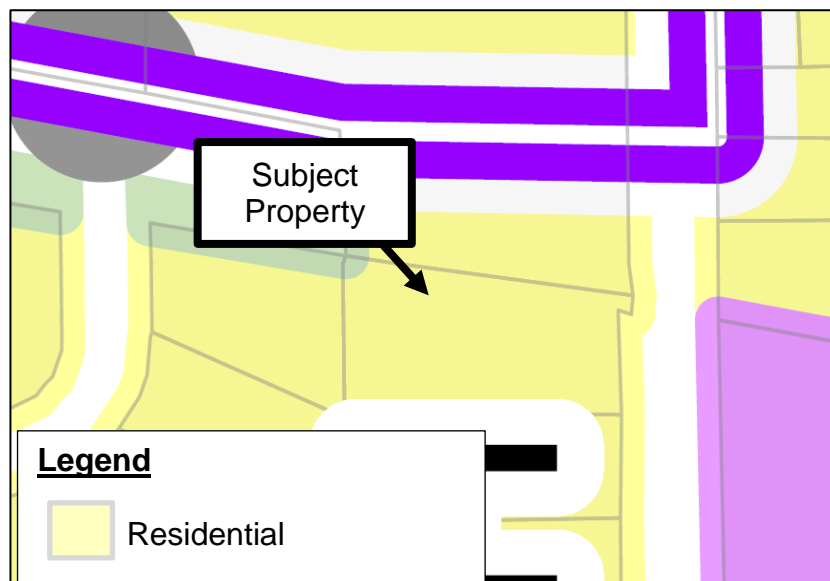
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-073

Schedule 1 Relevant Planning Policies and Provisions

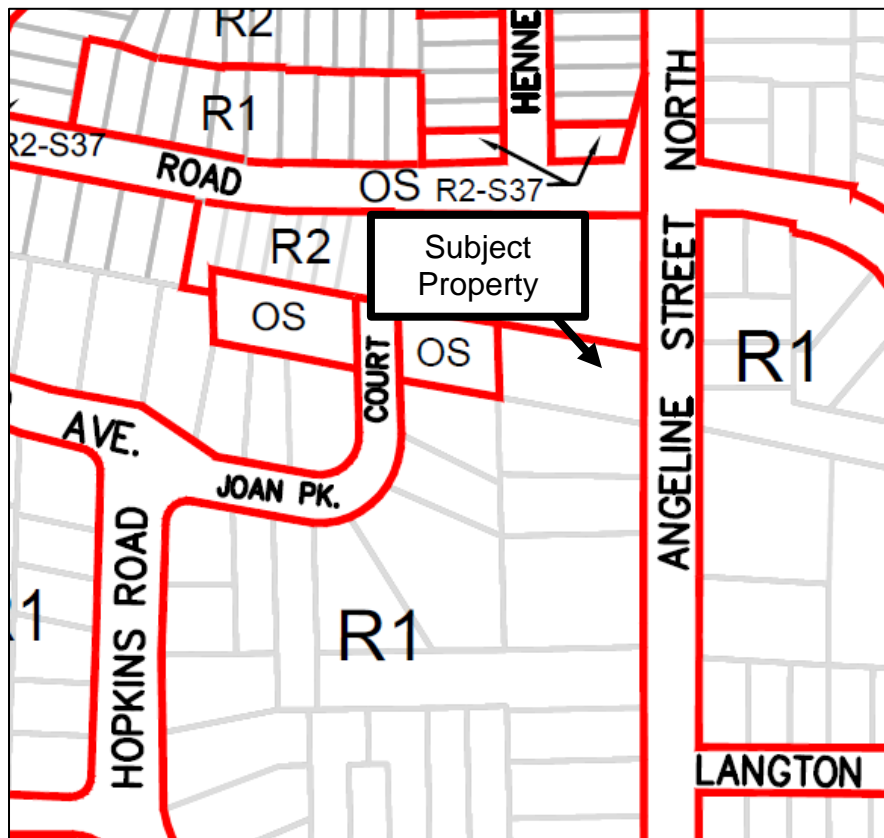
City of Kawartha Lakes Official Plan



Lindsay Secondary Plan



Town of Lindsay Zoning By-Law 2000-75



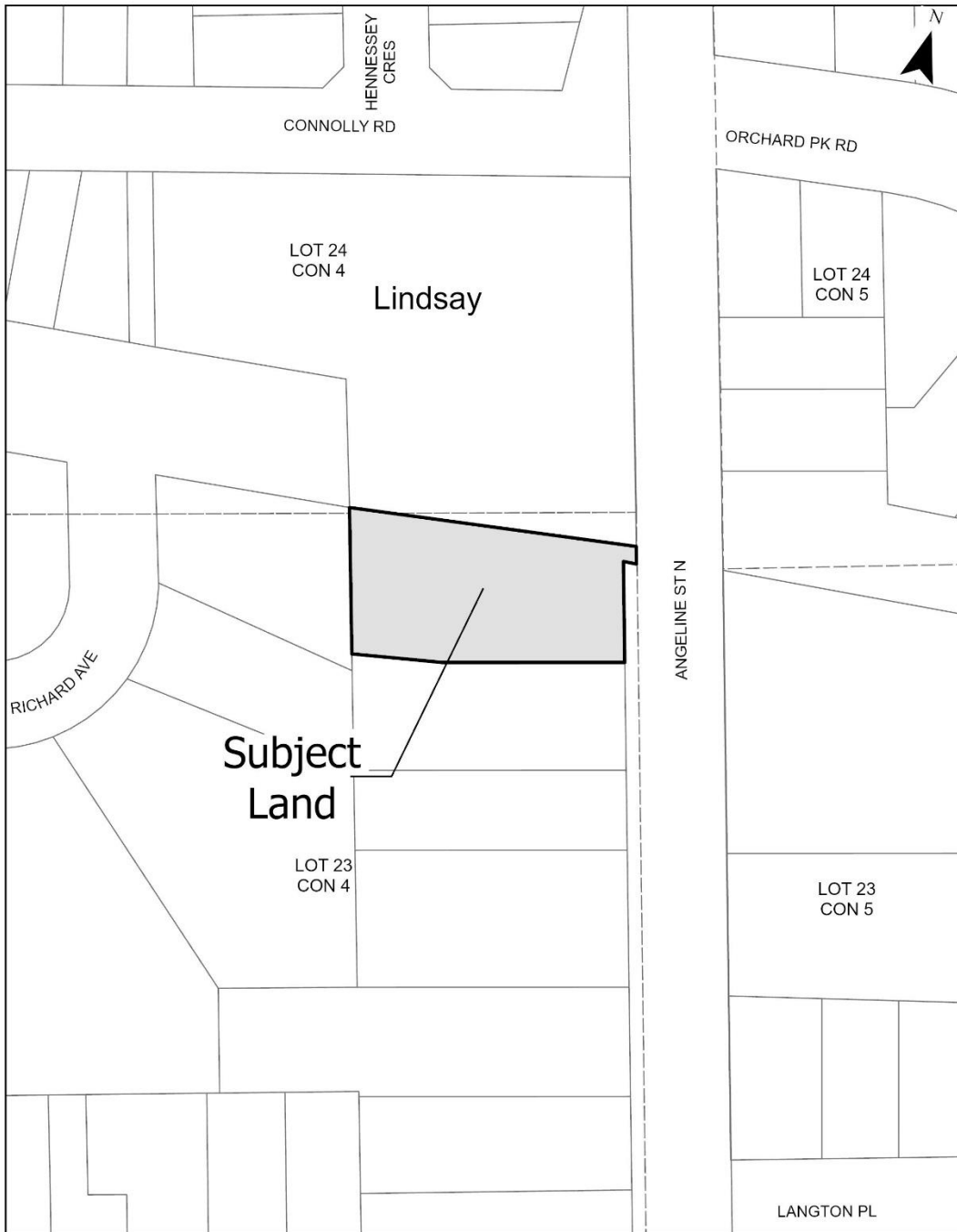
to

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LOCATION MAP

D20-2024-073



APPENDIX " B "

to

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AERIAL PHOTO (2023)



to

APPLICANT'S SKETCH

