

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Nagel

Report Number COA2025-011

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 facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling.

Relief sought:

1. Section 6.2 b) of the Zoning By-law requires a minimum lot frontage of 15 metres; the proposed frontages are 12.8 metres for the severed lot and 14 metres for the retained lot.

The variance and consent are requested at **88 Pottinger Street** (File D20-2024-114 and D03-2024-072).

Author: Katherine Evans, Acting Development Supervisor

Signature: 

Recommendations

That Report COA2025-011 – **Nagel**, be received;

That minor variance application D20-2024-114 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

That consent application D03-2024-072 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Conditions

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

COA2025-011, 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 COA2025-011. 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 COA2025-011. Fulfillment of all conditions is required for the consent to be completed.

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:	Cheryl and Robert Nagel
Applicant:	Robert Nagel
Legal Description:	Part Lot 1, Block Q on Plan 1
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012); Residential (Lindsay Secondary Plan, 2023)
Zone ² :	Residential One (R1) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	2,195.36 sq. m. (23,630.66 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewers
Existing Uses:	Residential
Adjacent Uses:	Residential

¹ See Schedule 1

² 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 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 in the northern central portion of the Town of Lindsay. The property is rectangular in shape and has frontage on a road that is assumed and maintained year round by the Municipality. 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 1946 (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 proposal is to sever the property to create one (1) new residential lot to contain a future single detached dwelling. Relief is required through the Minor Variance process to permit the retained and 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 Urban Settlement Area under the City of Kawartha Lakes Official Plan. The Urban Settlement Area designation provides 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. 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 9 units per net hectare, bringing it into closer conformity with the density targets for Lindsay through gentle intensification.

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 One (R1) 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 6.2 b) of the Zoning By-law requires a minimum lot frontage of 15 metres. The proposed frontages are 12.8 metres for the severed lot and 14 metres for the retained lot. 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 retained lot requires a larger frontage in order to ensure the existing dwelling continues to comply with the minimum interior side yard setback from the proposed lot line, and to accommodate the driveway. The existing garage is to be removed as per Proposed Condition of Provisional Consent 3 because the proposed lot line would otherwise intersect the garage.

The minimum lot area within the R1 Zone is 450 square metres. The proposed area of the severed lot is to be 1,048.06 square metres and the proposed area of the retained lot is to be 1,147.3 square metres, both exceeding the minimum. The proposal complies with the minimum parking requirements under the Zoning By-law, and it appears that the proposed lot is wide enough for a future dwelling to be able to comply with the minimum interior side yard setback of 1.25 metres. Additionally, as both the severed and retained lots are approximately 81 metres deep, sufficient amenity space will be available in the rear yard. Stormwater infiltration issues are not anticipated as both the severed and retained lots comply with the maximum lot coverage provision.

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:

Public Works – Roads Division: “The proposed severance will need to obtain an entrance permit/letter.”

Engineering and Corporate Assets Division: “From a Development engineering perspective, we have no comments or objections for the Minor Variance and Consent applications.”

Building and Septic Division (Building): “No 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 – Proposed Conditions of Provisional Consent

Phone: 705-324-9411 extension 1883

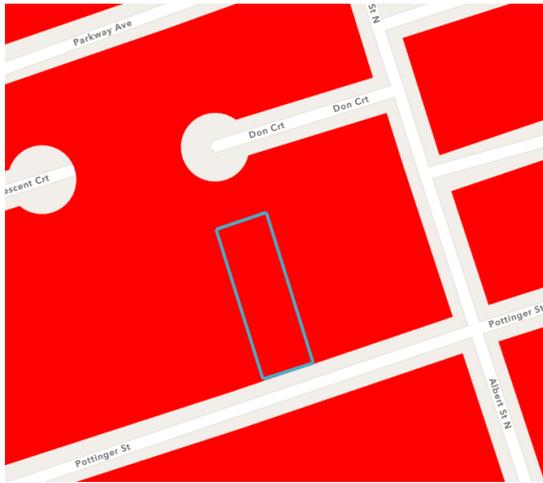
E-Mail: kevans@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Division File: D20-2024-114 and D03-2024-072

Schedule 1 Relevant Planning Policies and Provisions

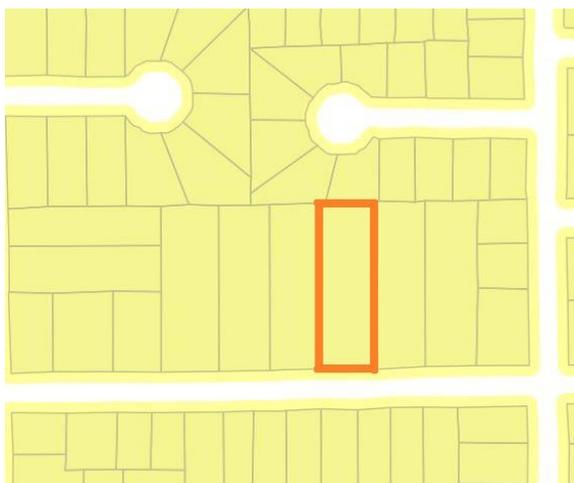
City of Kawartha Lakes Official Plan, 2012



 Urban Settlement Area

18. Urban Settlement Designation

Lindsay Secondary Plan, 2023



 Residential

31.2.3. Land Use Policies

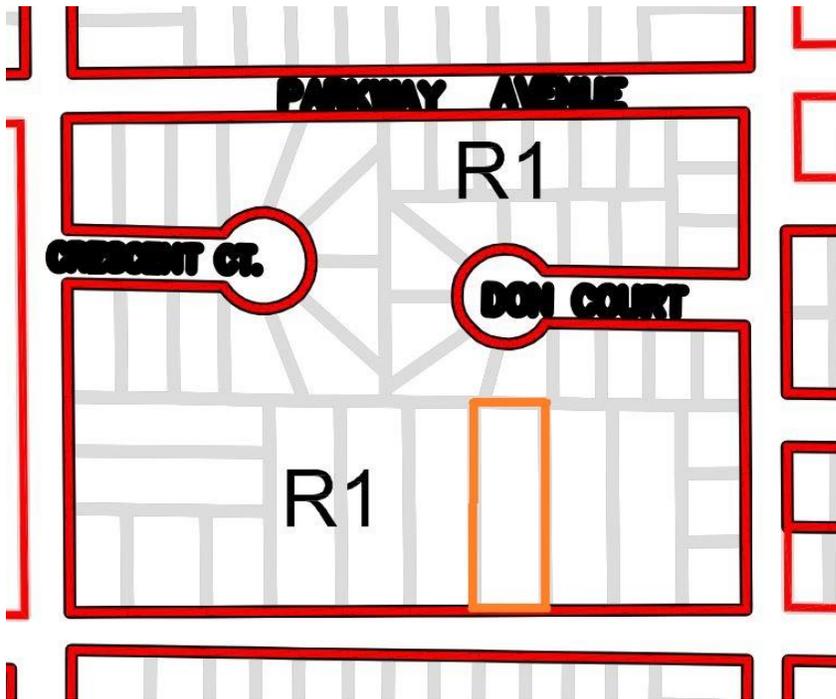
31.2.3.1. Residential

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 6 Residential One (R1) Zone

6.1 R1 Uses Permitted

6.2 R1 Zone Requirements

b) Minimum lot frontage 15 m

to

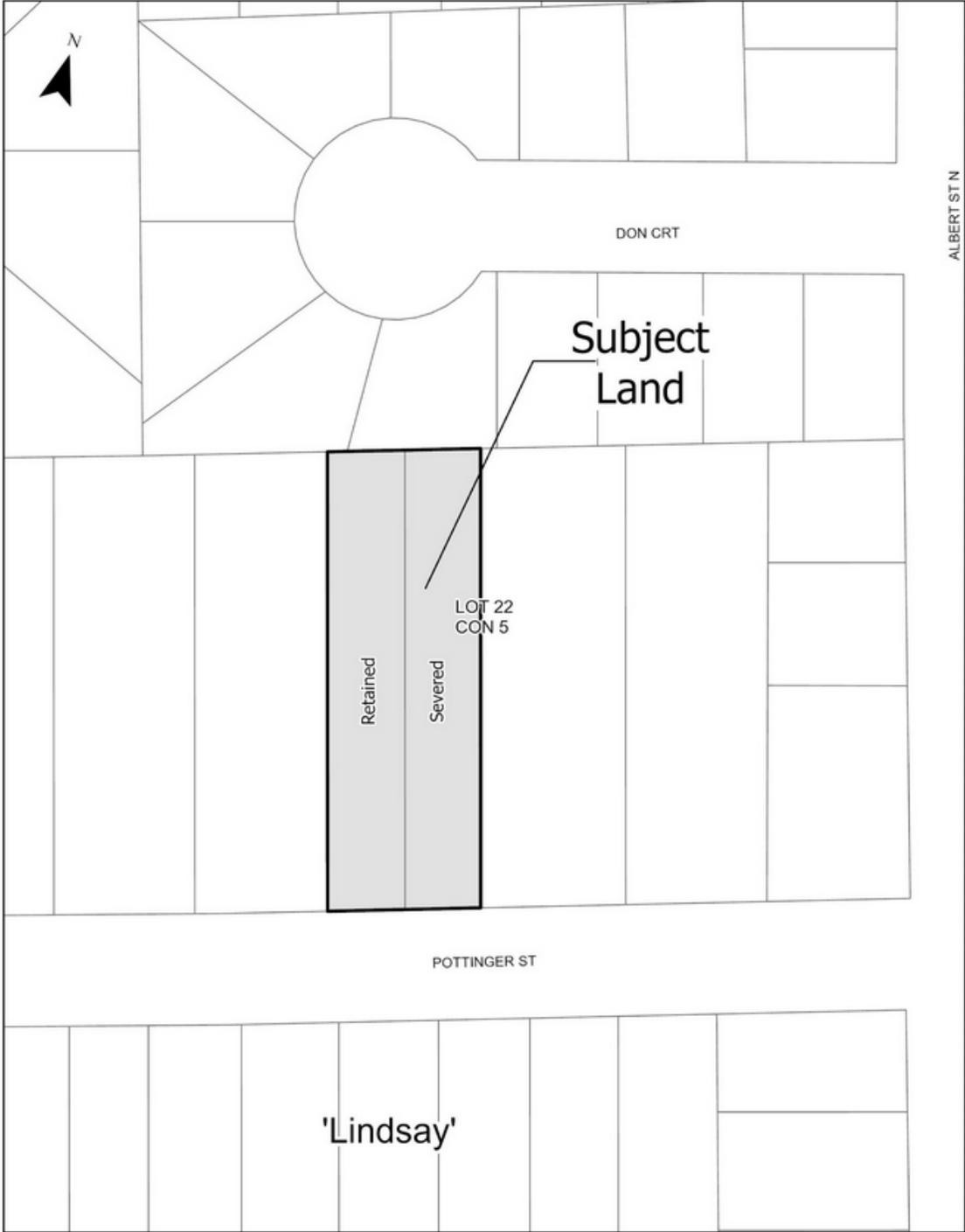
REPORT COA2025-011

FILE NO: D20-2024-114

D03-2024-072

LOCATION MAP

D20-2024-114 & D03-2024-072



APPENDIX " B "

to

REPORT COA2025-011

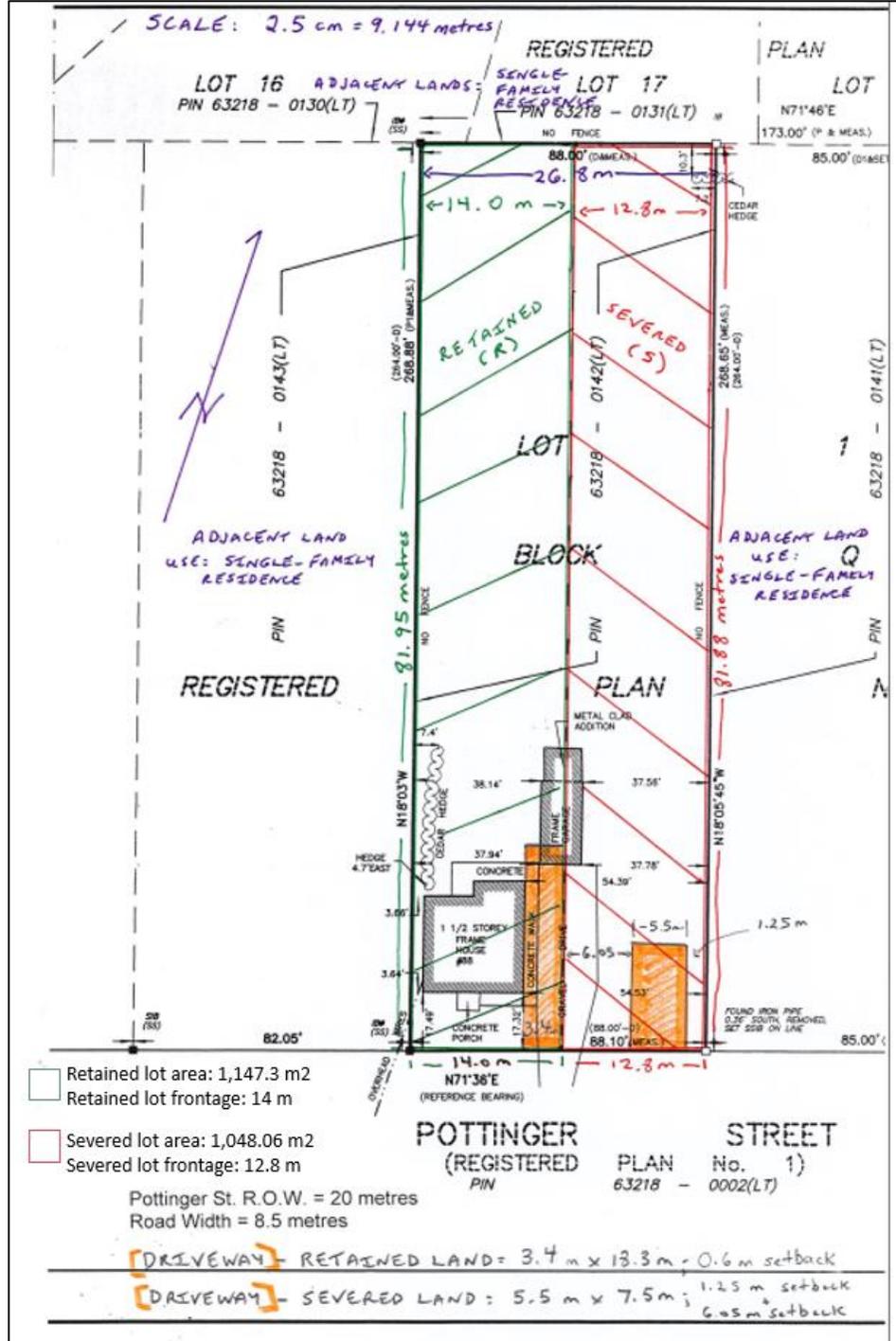
FILE NO: D20-2024-114

D03-2024-072

AERIAL PHOTO



APPLICANT'S SKETCH



to

PROPOSED CONDITIONS OF PROVISIONAL CONSENTREPORT COA2025-011FILE NO: D20-2024-114D03-2024-072

1. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and 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 (D20-2024-114) be in force and effect.
3. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and 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.
4. 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.
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.