

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Easton's Muffler Centres Ltd.
Report Number COA2025-079

Public Meeting

Meeting Date: August 28, 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 construction of two commercial buildings, which includes a drive-through quick service restaurant and a drive-through automotive lube shop.

Relief sought:

1. Section 5.12 of the Zoning By-law requires 1 parking space per 11 square metres of gross floor area for an eating establishment (restaurant) which equals 27 parking spaces based on the size of the proposed restaurant; 22 parking spaces are proposed for the restaurant;
2. Section 5.12.h. of the Zoning By-law requires a minimum width of 3.6 metres for accessibility parking spaces, there are two accessibility parking spaces proposed, one of which is 2.7 metres in width;
3. Section 5.14 of the Zoning By-law requires a minimum landscaped buffer based on the subject applicable zone and abutting zone:
 - a. Section 5.1.4.b. states where a Commercial Zone abuts a Community Facility Zone, a landscaped strip of land not less than 1.8 metres in width with an opaque wood fence not less than 1.8 metres in height, shall be situated adjacent to the landscaped strip. The applicable yard (rear yard) provides 0.18 metres of landscaping buffer with an opaque wood fence;
 - b. Section 5.14.c. states in a Commercial Zone, a landscaped strip of a minimum width of 1.8 metres shall be required in yards that do not abut a Residential or Community Facility Zone. The applicable yards landscaped buffer is 1.63 metres (east side yard) and is 1.12 metres (west side yard).
4. Section 16.2.c. of the Zoning By-law requires a minimum 15 metre front yard setback, the proposed front yard setback from the restaurant is 10.4 m; and,
5. Section 16.2.e of the Zoning By-law requires a minimum 4.5 metre interior side yard setback, the proposed interior side yard setback is 2.0 metres (east) and 7.0 metres (west).

The variance is requested at **344 – 348 Kent Street West** (File D20-2025-065).

Author: Ahmad Shahid, Planner II **Signature:**



Recommendations

That Report COA2025-079 – Easton's Muffler Centres Ltd., be received;

That minor variance application D20-2025-065 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 COA2025-079, 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 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.

This approval pertains to the application as described in report COA2025-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of two commercial buildings, which includes a drive-through quick service restaurant and a drive-through automotive lube shop.
Owners:	Easton's Muffler Centres Ltd. c/o Don Macpherson
Applicant:	EcoVue Consulting
Legal Description:	Part Lot 21, Concession 4 (formerly Ops), being Part of Part 1 of Reference Plan 57R-4940
Official Plan ¹ :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)

¹ See Schedule 1

Secondary Plan ² :	Urban Settlement Area (Lindsay Secondary Plan, 2023)
Zone ³ :	General Commercial (GC) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	3,519.77 square metres (0.87 acres)
Site Access:	Year-round maintained road
Site Servicing:	Full municipal servicing
Existing Uses:	Commercial/Industrial
Adjacent Uses:	Commercial, Institutional

Rationale

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

The subject property is located in the former Town of Lindsay, with access from Kent Street West. The area surrounding the property is primarily characterized by commercial uses. Many of the surrounding lands contain commercial plaza's, malls, restaurants and drive-throughs, and institutional buildings.

The subject property currently contains several structures, all of which are to be demolished. The proposal seeks to facilitate the construction of two commercial buildings, which includes a drive-through quick service restaurant and a drive-through automotive lube shop. The proposed buildings and their intended uses are similar to and align with the surrounding area and lands along Kent Street West.

The property is also currently undergoing and subject to a site plan control process (D19-2024-008), for this same proposal.

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 General Commercial. This designation permits a wide range of retail establishments and commercial uses such as food stores, service commercial, and automobile service stations.

² See Schedule 1

³ See Schedule 1

The proposed development aligns with the permitted uses of the General Commercial designation. 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 General Commercial (GC) Zone under the Town of Lindsay Zoning By-law 2000-75. The GC Zone permits various uses including but not limited to motor vehicle repair establishment and an eating establishment. Relief is requested from the minimum required parking spaces, minimum width for an accessible parking space, landscape buffer requirements, front yard setback, and interior side yard setback.

Section 5.12 of the Zoning By-law requires 1 parking space per 11 square metres of gross floor area for an eating establishment (restaurant) which equals 27 parking spaces based on the size of the proposed restaurant; 22 parking spaces are proposed for the restaurant. The intention of minimum parking requirements in zoning by-laws is to ensure that developments provide sufficient on-site parking to meet the anticipated demand generated by their specific use. In this case, the proposed reduction is considered reasonable given the site's urban context, potential availability of shared or nearby parking, and opportunities for pedestrian or transit access. The proposed parking supply is anticipated to sufficiently meet operational needs while supporting efficient land use and site design. Sufficient parking is proposed for the drive-through automotive lube shop.

Section 5.12.h. of the Zoning By-law requires a minimum width of 3.6 metres for accessibility parking spaces, there are two accessibility parking spaces proposed, one of which is 2.7 metres in width. The intent of requiring increased parking space widths for accessible spaces is to ensure sufficient room for persons with disabilities to safely enter and exit vehicles, including the use of mobility aids, thereby promoting accessibility and compliance with human rights standards. The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) contains Ontario Regulation 191/11 which pertains to accessibility standards. Section 80.34 prescribes two types of accessible parking spaces: Type A (minimum 3.4 metres in width) and Type B (minimum 2.4 metres in width). In this case, two accessible parking spaces are required, one of each Type under the AODA. Two accessible parking spaces are provided, one being 3.6 metres in width and the other being 2.7 metres in width. The reduced parking space width complies with the Type B requirements of the AODA, and therefore, achieves the intent of the Zoning By-law provision by ensuring sufficient room for persons with disabilities.

In regards to landscape buffers, Section 5.14 of the Zoning By-law requires a minimum landscaped buffer based on the subject applicable zone and abutting zone:

- a. Section 5.1.4.b. states where a Commercial Zone abuts a Community Facility Zone, a landscaped strip of land not less than 1.8 metres in width with an opaque wood fence not less than 1.8 metres in height, shall be

situated adjacent to the landscaped strip. The applicable yard (rear yard) provides 0.18 metres of landscaping buffer with an opaque wood fence;

- b. Section 5.14.c. states in a Commercial Zone, a landscaped strip of a minimum width of 1.8 metres shall be required in yards that do not abut a Residential or Community Facility Zone. The applicable yards landscaped buffer is 1.63 metres (east side yard) and is 1.12 metres (west side yard).

Landscape buffers are intended to mitigate land use conflicts, enhance visual screening, reduce noise and light intrusion, and protect the privacy and character of adjacent properties. When commercial uses abut sensitive uses such as residential areas or community facilities, buffers serve to minimize adverse impacts, support a compatible interface, and maintain the amenity and livability of the surrounding environment. Despite the minor reductions, the proposal maintains an opaque wood fence along the rear yard and provides functional landscaped strips on both side yards. Additionally, the abutting property to the north, zoned Community Facility (CF) Zone, is heavily treed along the shared lot line. Given the primarily commercial context of the area, the reduced buffers are considered appropriate and still support the general intent of the Zoning By-law.

Section 16.2.c. of the Zoning By-law requires a minimum 15 metre front yard setback, the proposed front yard setback from the restaurant is 10.4 m. The proposed front yard setback of drive-through automotive lube shop complies with the Zoning By-law. 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. The proposed reduction is not significant, as the site design incorporates elements that enhance traffic circulation and safety, including an internal stop sign and directional road markings. These features help manage on-site vehicle movement and mitigate potential impacts of the reduced setback, thereby maintaining the overall functionality and compatibility of the site with its surroundings.

Section 16.2.e of the Zoning By-law requires a minimum 4.5 metre interior side yard setback, the proposed interior side yard setback is 2.0 metres (east) and 7.0 metres (west). The intention of a side yard setback is to ensure there is sufficient space between neighbouring properties, avoiding overcrowding, maintaining privacy, and a space for maintenance and access. It should be noted that the existing commercial building on the subject lands has a side yard setback of 0.66 metres (west side yard) and that the subject proposal will improve this requirement by proposing an increased side yard setback (7.0 metres). The side yard will include landscaping to prevent any potential visual impact from the proposed building. As such, there will be no negative impacts anticipated on neighbouring uses. Interior side yards may be reduced in urban areas to support compact, efficient land use, promote infill development, and reinforce a continuous urban streetscape.

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:

No comments received as of the writing of the staff report.

Public Comments:

No comments received as of the writing of the staff report.

Attachments

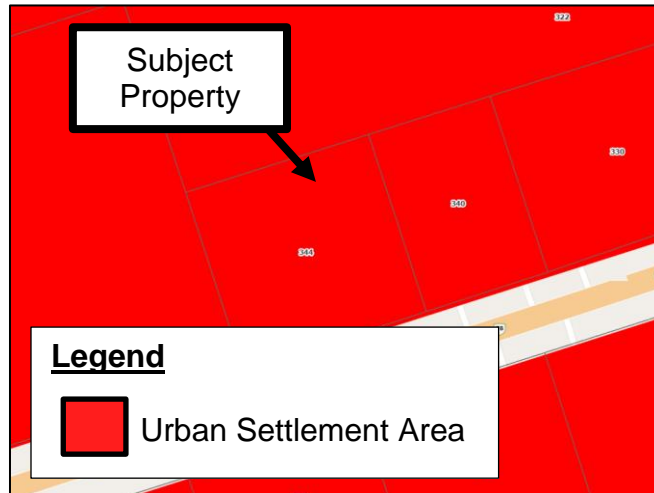
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch

Phone:	705-324-9411 extension 1367
E-Mail:	ashahid@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D20-2025-065

Schedule 1

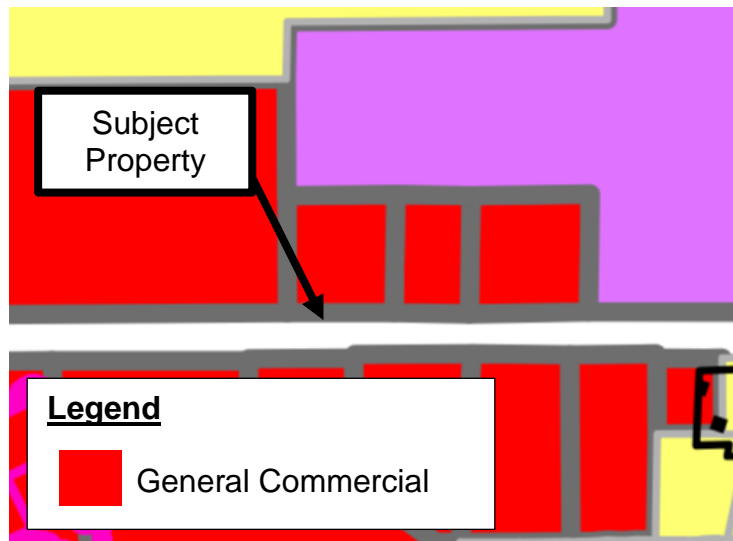
Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan (2012)



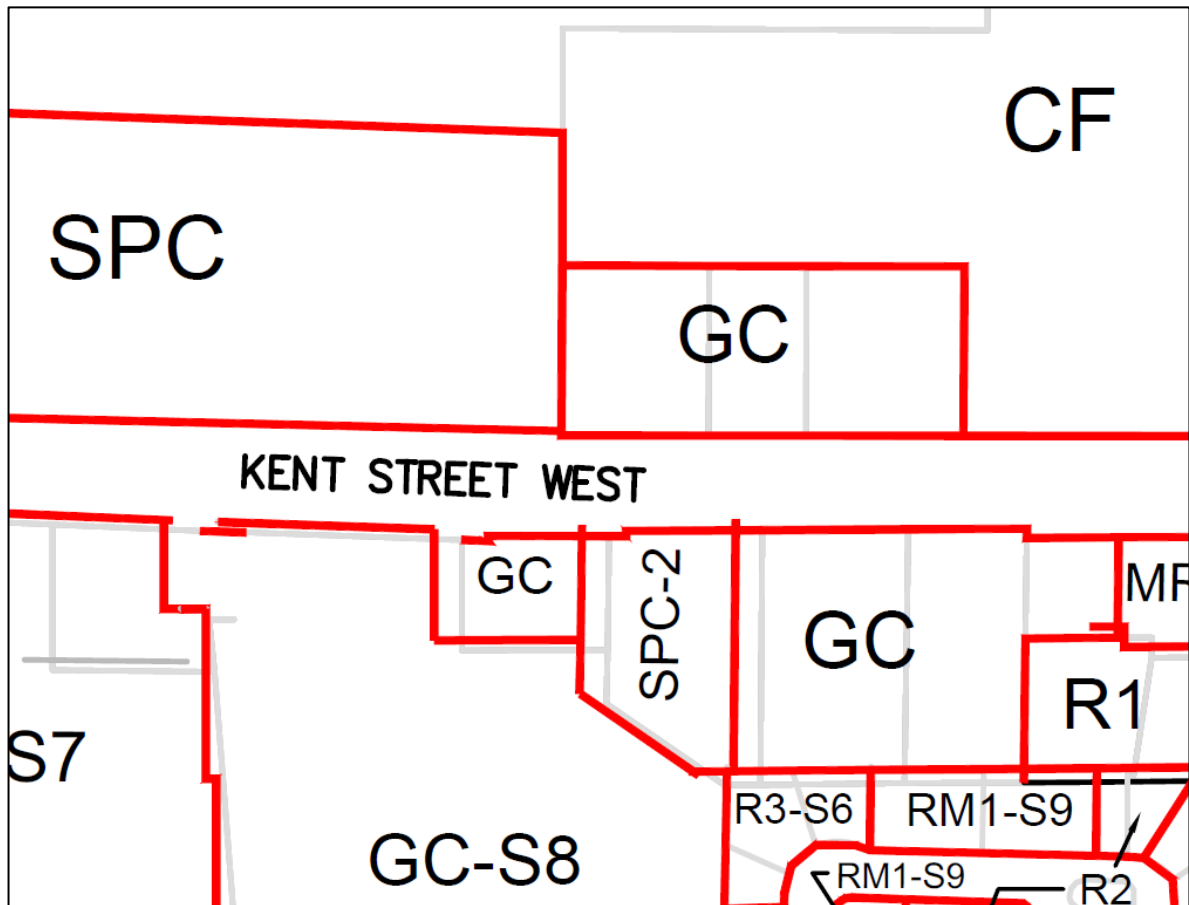
Section 18. Urban Settlement Designation

Lindsay Secondary Plan (2023)



Section 31.2.3.2.3. General Commercial

Town of Lindsay Zoning By-law 2000-75



Section 5. General Provisions

Section 5.12 Parking and Loading Requirements

Section 5.14 Landscaping and Buffer Requirements

Section 16. General Commercial (GC) Zone

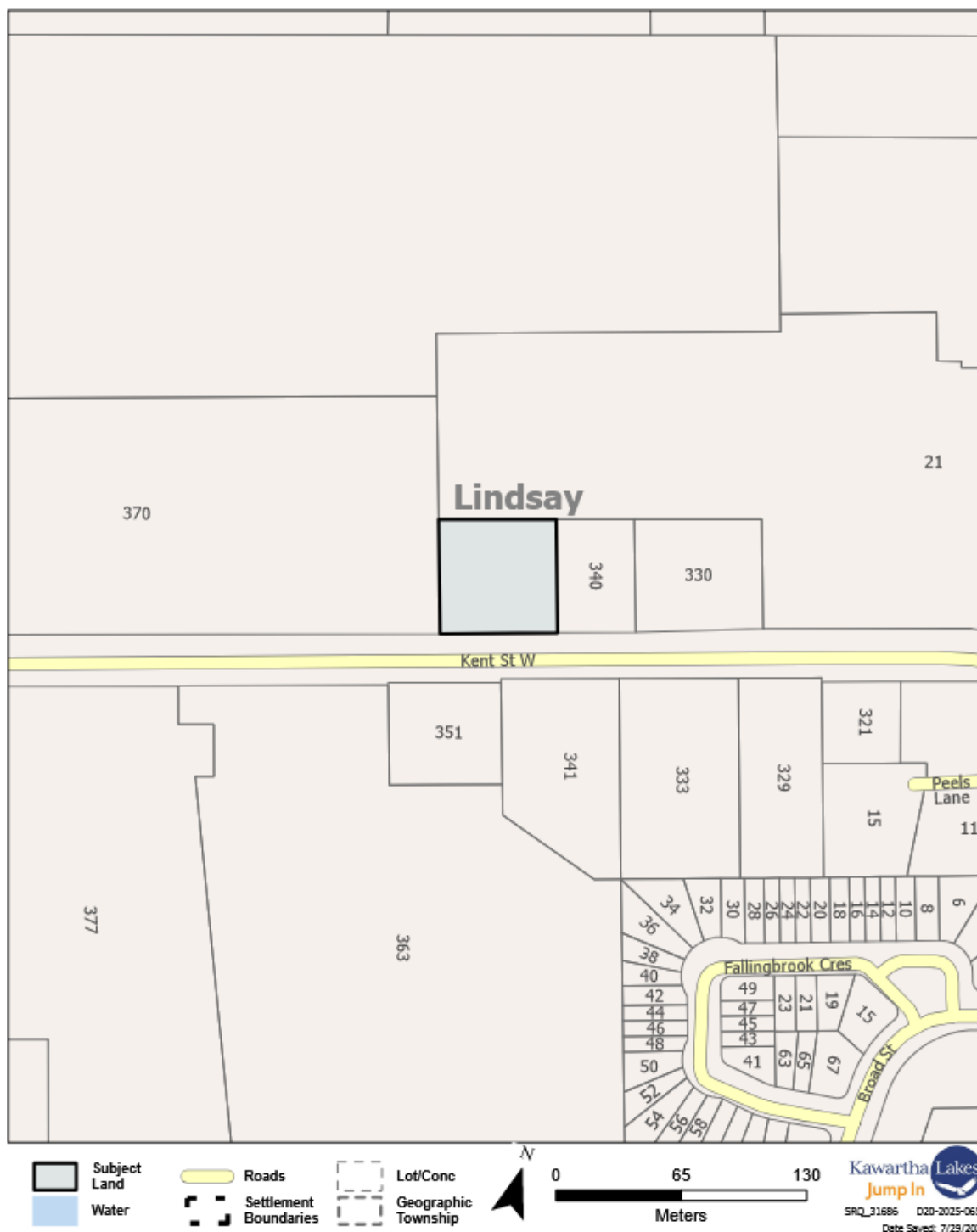
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LOCATION MAP

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APPENDIX " B "

to

AERIAL PHOTO (2023)

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to

APPLICANT'S SKETCH

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