

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – 1000561448 Ontario Limited**  
Report Number COA2024-026

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**Public Meeting**

**Meeting Date:** March 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 single detached dwelling.

**Relief sought:**

1. Section 7.3.23 i) of the By-law requires a minimum front yard setback of 6 metres; the proposed setback is 2.3 metres from the stairs and 4.7 metres from the front porch.

The variance is requested at vacant **Lot 48 Fisher Road** (File D20-2024-016).

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**Author:** Katherine Evans, Planner II

**Signature:** 

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**Recommendations**

**That** Report COA2024-026 – 1000561448 Ontario Limited, be received;

**That** minor variance application D20-2024-016 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 COA2024-026, 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 COA2024-026. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a single detached dwelling
Owners:	1000561448 Ontario Limited c/o Mark Milani
Applicant:	Cayla Milani
Legal Description:	Lot 48 Plan 57M813
Official Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan, 2017)
Zone <sup>2</sup> :	Residential Two Special Eighteen (R2-S18) Zone (Town of Lindsay Zoning By-law 2000-75)
Site Size:	516 sq. m. (5,554.18 sq. ft.)
Site Access:	Road under construction – to be assumed at later date in accordance with subdivision agreement
Site Servicing:	Lot will be serviced with municipal water and sanitary sewers
Existing Uses:	Residential (dwelling under construction)
Adjacent Uses:	Residential

## Rationale

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

The subject property is located in a new subdivision in the southeastern portion of the former Town of Lindsay. The subdivision contains new development at varying stages of completion, with some completed dwellings to the west of this property, vacant lots, and dwellings that are partially constructed. The subject property contains a dwelling that has been partially constructed.

The purpose of the application is to facilitate the construction of a new single detached dwelling. Due to the change in grade of this lot, stairs are required to access the dwelling from the driveway. Additionally, a front porch is proposed,

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

which will provide visual interest to the front of the dwelling while providing shelter from the elements while entering and exiting the dwelling.

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.**

As the Town of Lindsay Official Plan has recently been repealed by the Minister of Municipal Affairs and Housing, the Lindsay Secondary Plan is now in effect. 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.

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 Special Eighteen (R2-S18) 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 front yard setback.

As per Section 7.3.23 i) of the By-law, a minimum front yard setback of 6 metres is required. The proposed setback is 2.3 metres from the stairs and 4.7 metres from the front porch. The intent of the minimum front yard setback is to ensure adequate spatial separation between built form and the travelled portion of the street as to not impede traffic, snow removal, and streetscaping maintenance, as well as to maintain features such as sight lines and the character of the streetscape.

Section 5.24 of the Zoning By-law contains a provision which allows stairs to extend 0.9 metres into a required minimum setback. As the proposed stairs exceed this allowed encroachment, this provision does not apply to allow the stairs at the proposed setback and relief is required. Additionally, the Zoning By-law contains a provision which allows an open porch to extend 1.8 metres into a required minimum setback. The proposed porch is covered and is primarily enclosed. As such, this provision does not apply to allow the porch at its proposed setback and relief is required.

This side of the street is to have a side walk and grass boulevard, providing visual and physical separation between the porch and stairs and the travelled portion of the road. It is not anticipated that the proposed reduced setback will impact street maintenance or sight lines. As the majority of the lots on this street are currently

vacant, the character of the streetscape has yet to be established. However, the completed portion of the subdivision to the west contains a variety of dwelling models with varying front yard setbacks, and it is not anticipated the dwelling on the subject property will be out of character with the existing and future development in the area.

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 objection/no comment.”

**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

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<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-016

## Schedule 1

### Relevant Planning Policies and Provisions

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#### Lindsay Secondary Plan



#### 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**

**5.24 Yard and Setback Encroachments Permitted**

- ii) an open platform or stairway (excluding a fire escape) may extend a distance of not more than 0.9 m into a front, rear or side yard setback area;
- iv) In a Residential Zone
  - an open balcony or porch may extend a distance of not more than 1.8 m into a front, side or rear yard setback area.

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

**7.1 R2 Uses Permitted**

**7.2 R2 Zone Requirements**

**7.3 Special R2 Zone Requirements**

**7.3.23 R2-S18 Zone**

- i) The minimum front yard setback shall be 6.0 m.

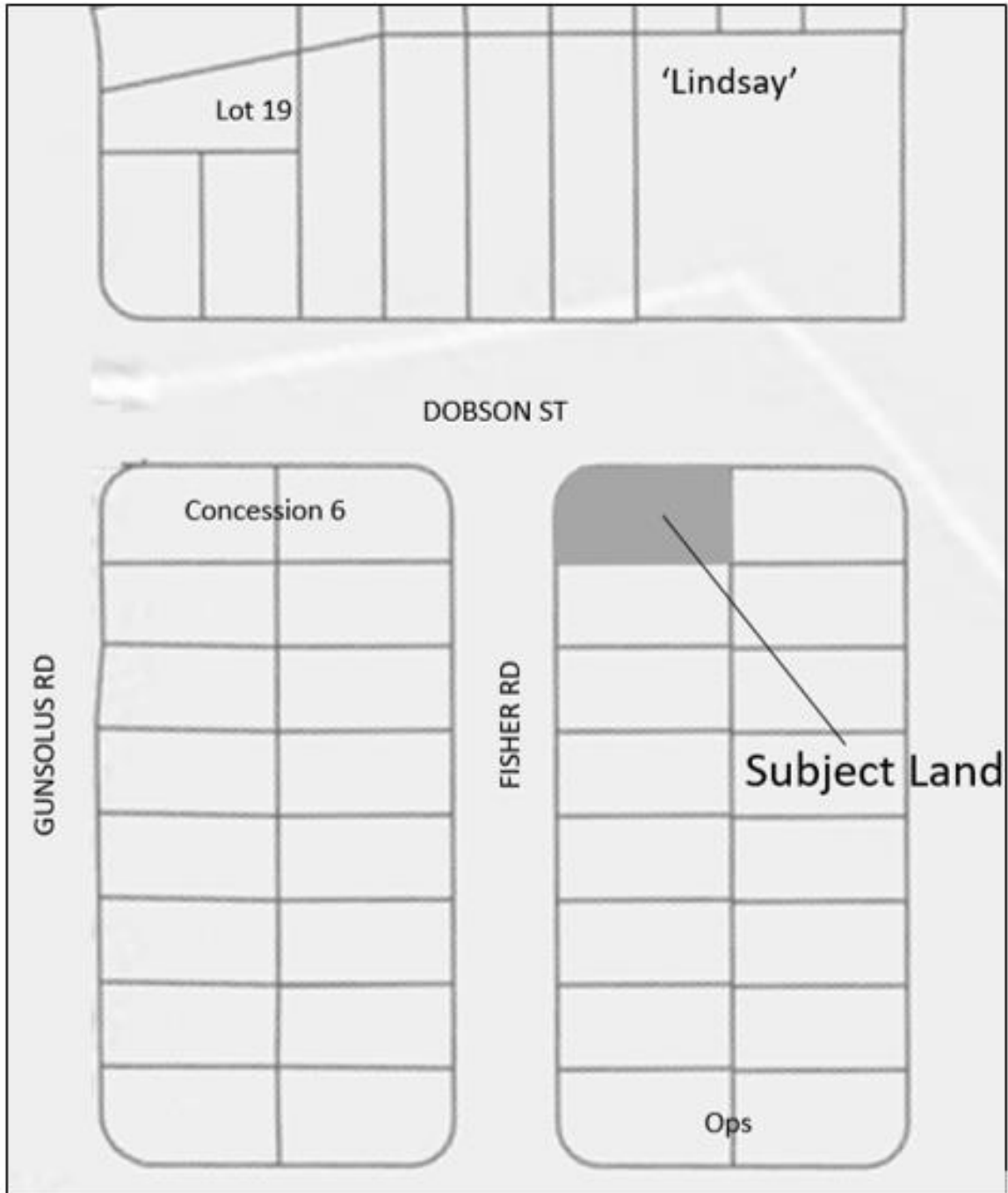
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LOCATION MAP

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APPENDIX " B "

to

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## AERIAL PHOTO





to

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## APPLICANT'S SKETCH

