

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Nigh

Report Number COA2024-027

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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 5 – Former Town of Lindsay

**Subject:** The purpose and effect is to facilitate the construction of a new detached garage.

### Relief sought:

1. Section 5.2.b.i. of the Zoning By-law requires a 1.25 metre setback from an interior side lot line for accessory structures; the proposed side yard setback is 0.51 metres.
2. Section 5.24 of the Zoning By-law permits the encroachment of roofs and other overhanging projections up to a maximum of 0.6 metres into any yard. The proposed encroachment into the side yard from the overhang of the roof's eave is 1.20 metres.

The variance is requested at **11 Albert Street South** (File D20-2024-017).

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

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### Recommendations

**That** Report COA2024-027 – Nigh, be received;

**That** minor variance application D20-2024-017 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 COA2024-027, 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 COA2024-027. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of a detached garage in the side yard
Owners:	David Nigh
Applicant:	David Nigh
Legal Description:	Part of Park Lot 6, West of Albert Street, Town Plan
Official Plan <sup>1</sup> :	Urban Settlement Area (City of Kawartha Lakes Official Plan, 2012)
Secondary Plan <sup>1</sup> :	Residential (Lindsay Secondary Plan)
Zone <sup>1</sup> :	Residential One (R1) Zone (Town of Lindsay Zoning By-Law 2000-75)
Site Size:	526.09 square metres (5,662.78 square feet)
Site Access:	Year-round maintained road
Site Servicing:	Municipal water and sewage system
Existing Uses:	Residential
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 west of the intersection of Russell Street West and Albert Street South in the former Town of Lindsay. The neighbourhood is

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<sup>1</sup> See Schedule 1

predominantly residential in the form of single detached dwellings. However, the neighbouring property to the north contains a six-storey apartment complex.

The subject property is rectangular in shape with access from Albert Street South. The property currently contains a single detached dwelling, and a temporary tent-canopy car shelter.

The proposal is to remove the existing temporary tent-canopy car shelter and construct a detached garage in the side yard. The existing car shelter will be removed immediately prior to construction of the proposed detached garage. The proposed garage is slightly larger than the existing car shelter and will promote better use of the land as it will allow for a permanent place of shelter for a single vehicle. Additionally, the proposed garage will offer increased privacy for the vehicle and homeowners and store the vehicle out of sight from the street.

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 permits a variety of residential dwelling types and accessory structures. Policy 31.2.3.1.2.1. of the Secondary Plan states garages should not project more than one metre beyond the front face of the dwelling or covered front porch, in order to foster an attractive streetscape. The proposed detached garage is situated in the side yard and will not be situated closer to the street than the existing dwelling and/or covered porch. Furthermore, the proposed garage provides a more aesthetically appealing style of built form in comparison to the existing temporary tent-canopy car shelter. Performance and siting criteria is implement through the Zoning By-law.

Therefore, the variances are 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. The proposal complies with all provisions of the Zoning By-law with the exception of the interior side yard setback and the maximum encroachment of an overhang into a setback area.

Section 5.2.b.i. of the Zoning By-law requires a 1.25 metre setback from an interior side lot line for accessory structures. The intention of this provision is to ensure

there is sufficient space for lot drainage, access between front and rear yards, building maintenance, as well as providing privacy for neighbouring properties. The proposed interior side yard setback is 0.51 metres from the northern side lot line. The proposed garage will be situated on an existing paved area, which in turn will not create any anticipated impacts to the existing lot drainage pattern. Furthermore, despite the insufficient setback in the interior side yard, the proposed 0.51 metres remains adequate to accommodate passageway for maintenance purposes. Additionally, there is still 1.74 metres of space between the proposed garage and the existing dwelling for access between the front and rear yard. Regarding privacy, the proposed garage is not directly adjacent to any neighboring structure or dwelling, as the adjacent property to the north features an apartment complex with a large front yard green space.

Section 5.24. of the Zoning By-law permits the encroachment of roofs and other overhanging projections up to a maximum of 0.6 metres into any yard. As such, the resulting interior side yard setback is permitted to be reduced to 0.65 metres for any roof or other overhanging projections. The intention of this provision is to accommodate architectural and functional features (e.g., eaves, roofs), while ensuring a balance between building aesthetics and property line regulations. It allows for more flexible building designs without violating setback requirements or impeding neighbouring properties. The proposed encroachment from the eave of the roof is 1.20 metres, meaning the interior setback from the eave of the roof the northern side lot line is 0.05 metres. Although deficient, the proposed garage follows the intent of this provision by avoiding encroachment into the neighbouring property. Furthermore, the eave of the roof will not restrict passageway in the interior side yard as the roof is approximately 2.7 metres from finished grade.

In consideration of the above, the variances 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:**

**DS – Building and Septic (Building):** “Spatial separation could be a potential issue (will be addressed at building permit stage)”

**ECA – Development Engineering:** “From a Development engineering perspective, we have no objection to this proposed Minor Variance and provide the following comment:

- Given that the proposed side yard setback will be less than 1.0 metre to the north, the applicant must confirm that the proposed downspouts are directed to the subject property at 11 Albert Street South (i.e. to the rear yard/rear of the garage and not to the side yard on the north side) to mitigate any drainage issue.”

**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 – Elevation Drawings

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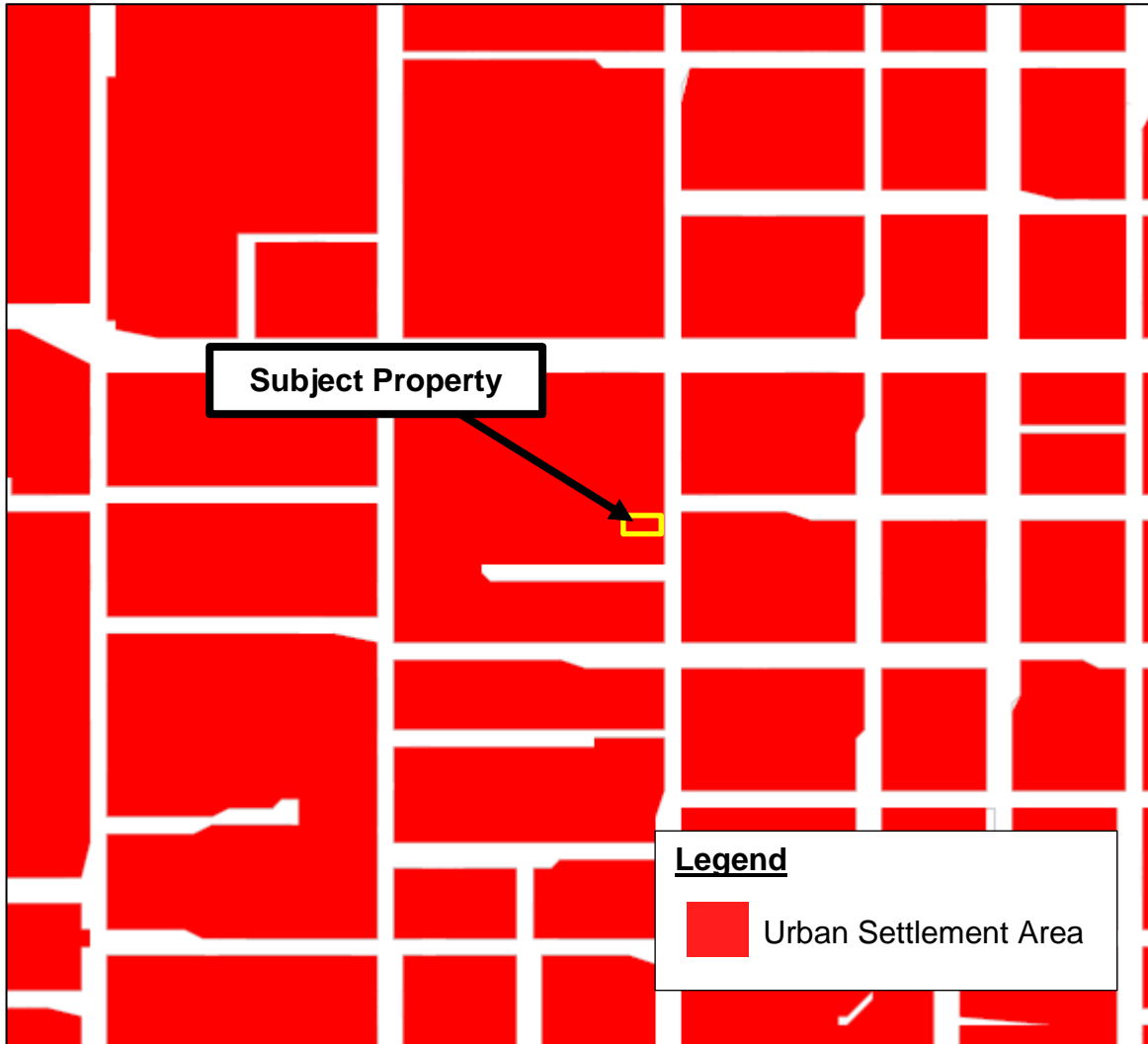
<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	ashahid@kawarthalakes.ca
<b>Department Head:</b>	Leah Barrie, Director of Development Services
<b>Division File:</b>	D20-2024-017

## Schedule 1

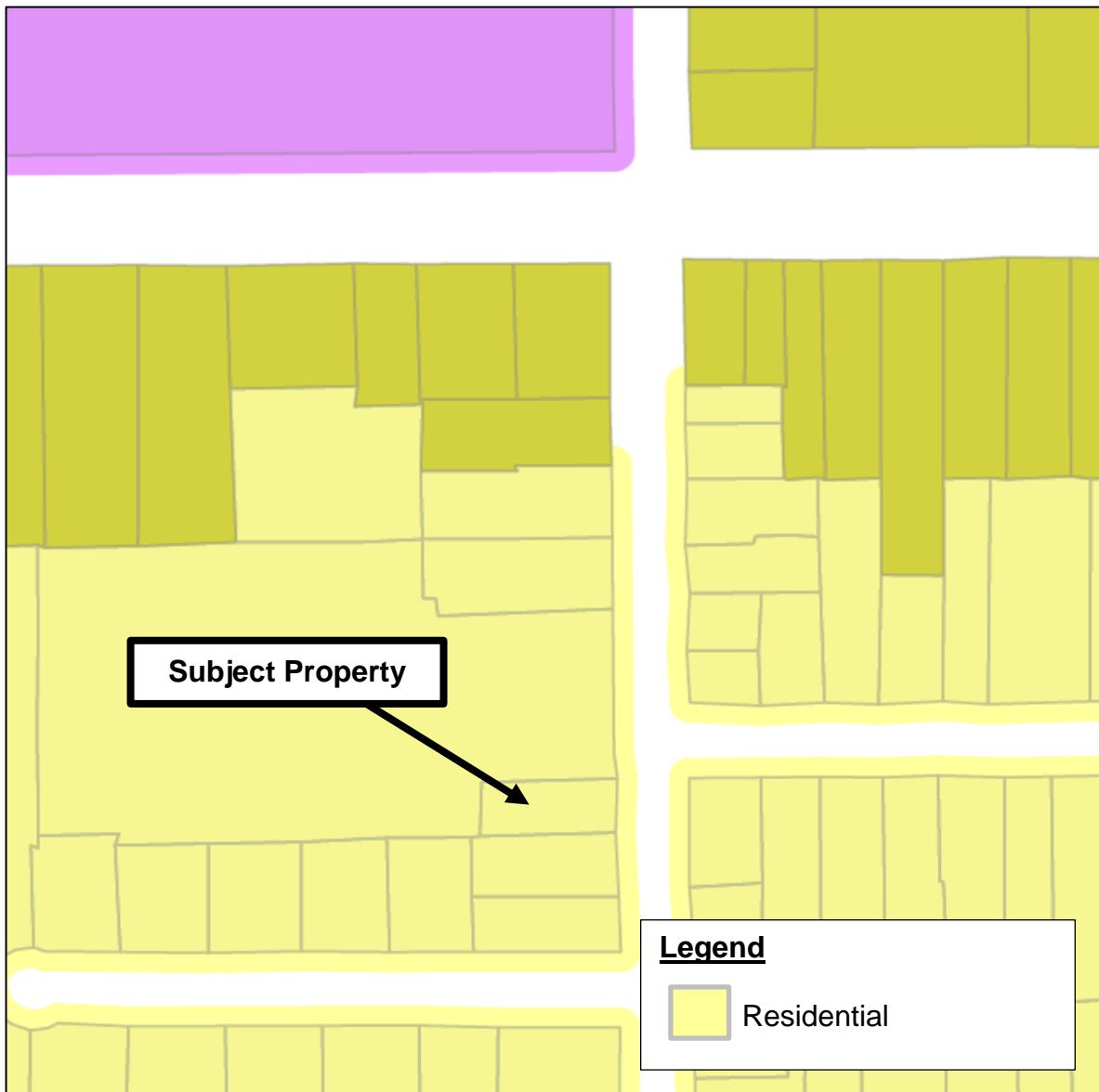
### Relevant Planning Policies and Provisions

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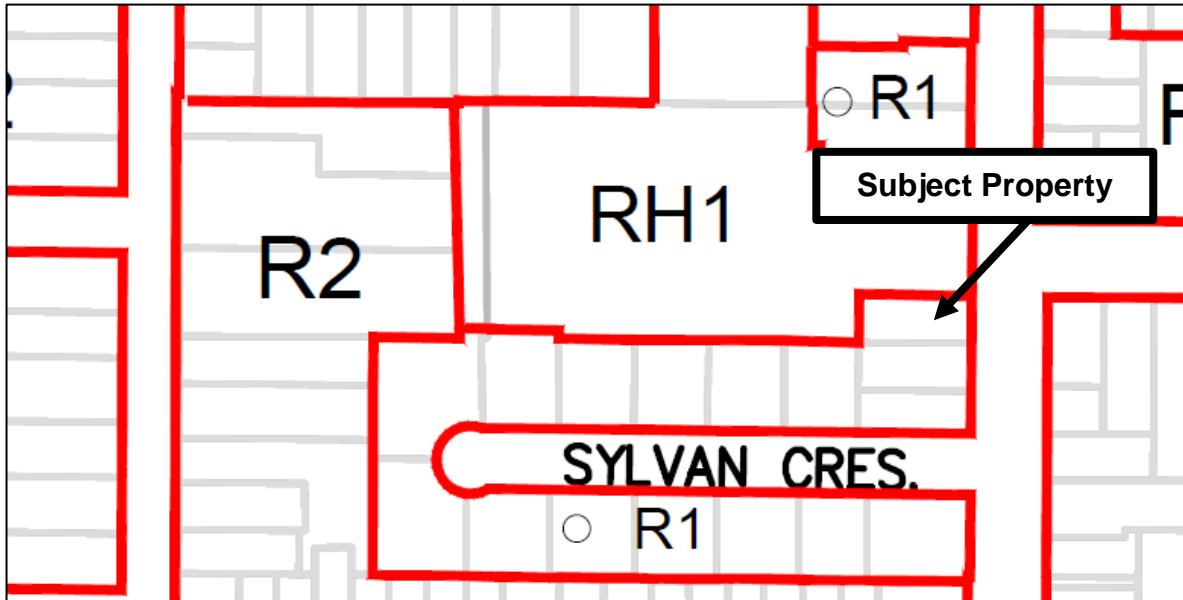
#### City of Kawartha Lakes Official Plan



## Lindsay Secondary Plan



## Town of Lindsay Zoning By-Law 2000-75



### **SECTION 5: GENERAL PROVISIONS FOR ALL ZONES**

#### ***5.2 ACCESSORY BUILDINGS, USES & STRUCTURES***

##### **b) Location Requirements for Accessory Buildings**

- i. In a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than:
  - 1.5 m from any wall of the main building;
  - 1.25 m from the rear lot line;
  - 1.25 m from the interior side lot line; and
  - 4 m from the exterior side lot line.

#### ***5.24 YARD & SETBACK ENCROACHMENTS PERMITTED***

Notwithstanding the provisions of this By-Law, the only structures permitted to project or overhang into a yard setback area, unless otherwise stipulated by this By-Law, shall be the following:

- i. eaves, cornices, canopies, awnings, roofs or other overhanging projections of a building may extend a distance of not more than 0.6 m into a front, rear or side yard setback area;

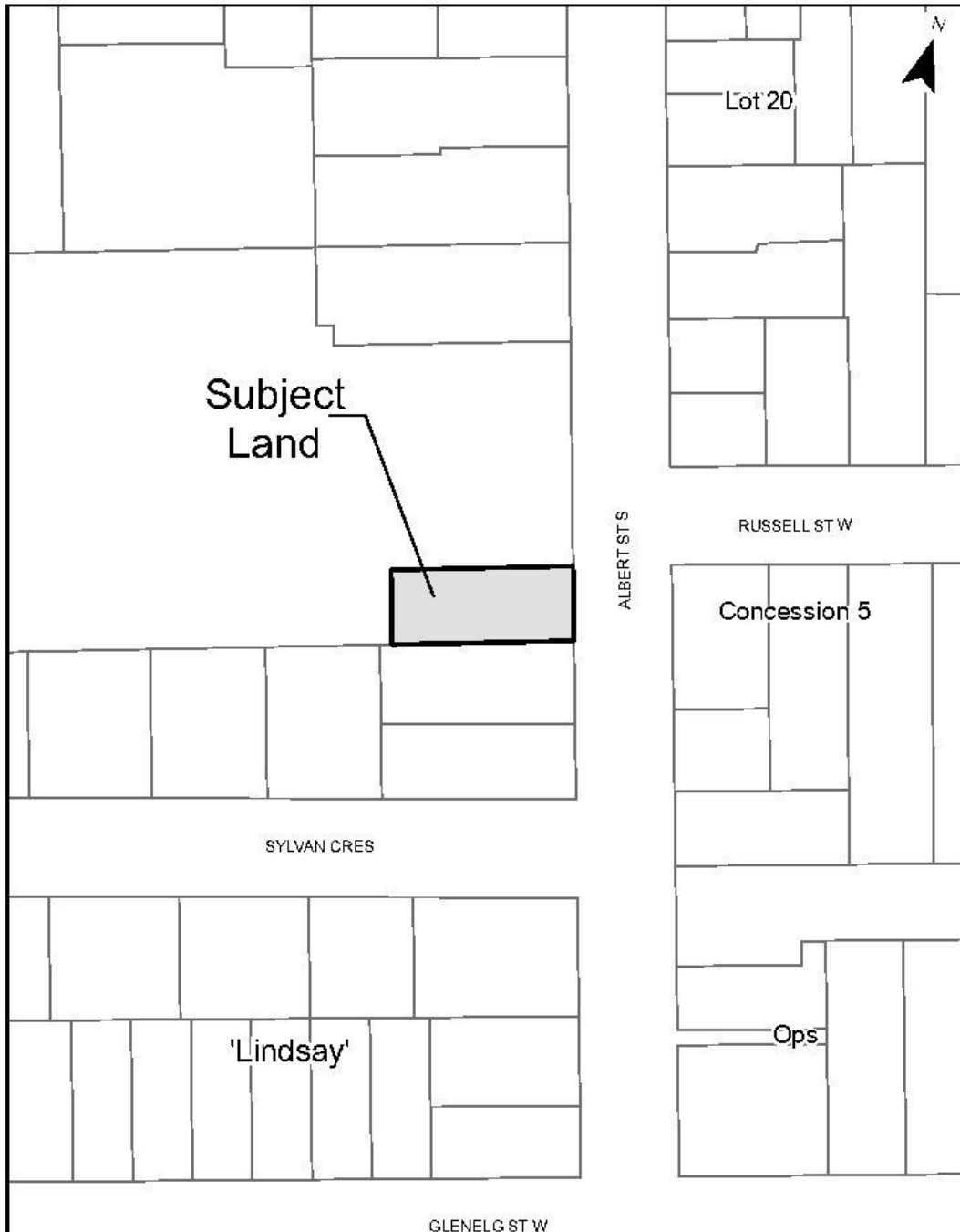
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LOCATION MAP

D20-2024-017



APPENDIX “   B   ”

to

**AERIAL IMAGERY (2018)**

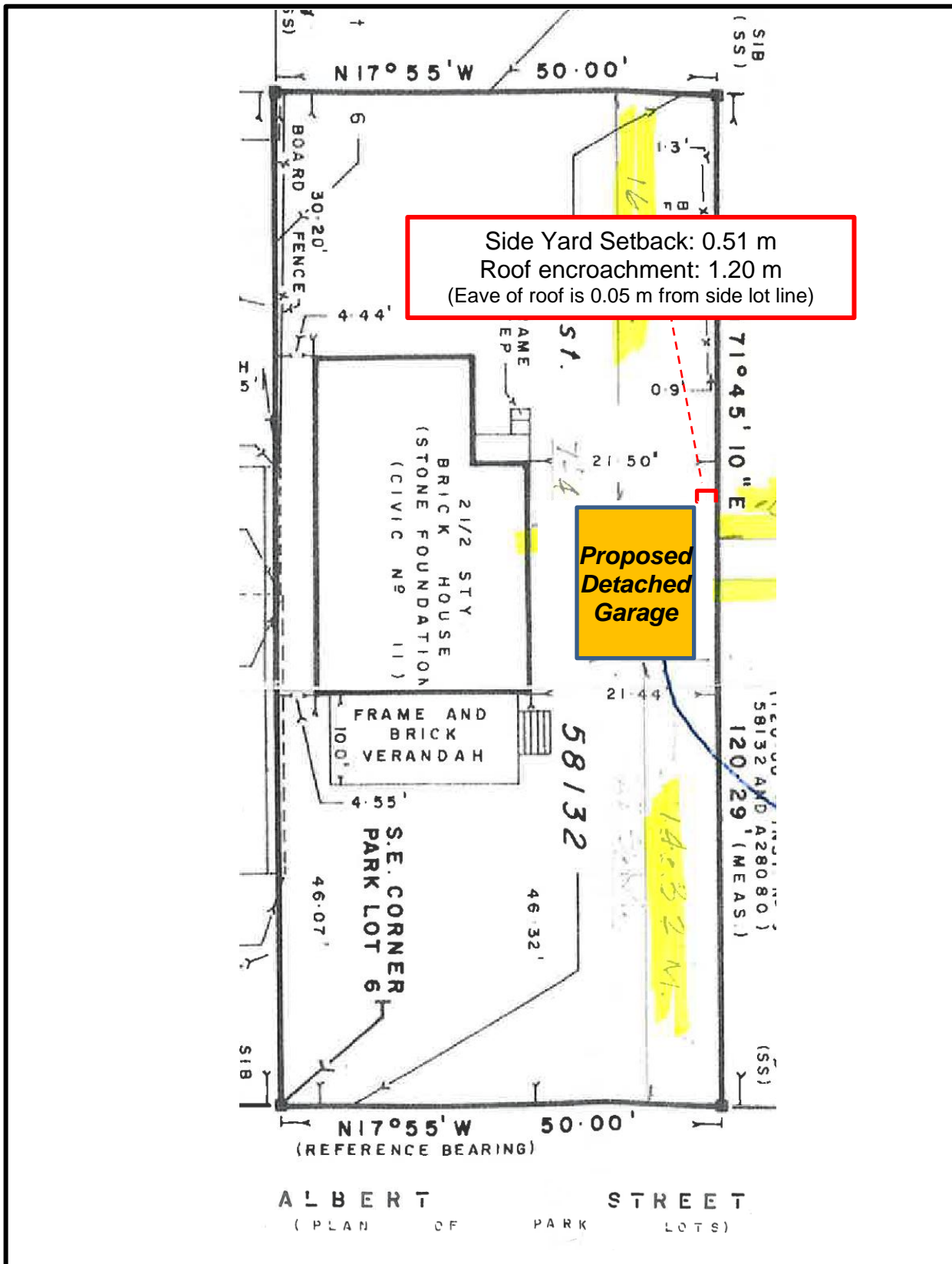
REPORT COA2024-027

FILE NO: D20-2024-017



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## APPLICANT'S SKETCH

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APPENDIX " D "

to

ELEVATION DRAWINGS

REPORT COA2024-027

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