

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2018-07**  
**Thursday, July 19, 2018**  
**1:00 P.M.**  
**Victoria Room**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Lloyd Robertson**  
**David Marsh**  
**Councillor Kathleen Seymour-Fagan**  
**Betty Archer**  
**Sandra Richardson**  
**Steve Strathdee**

**Accessible formats and communication supports are available upon request.**

#### **1. Call to Order**

Chair L. Robertson called the meeting to order at 1:00 p.m. Members D. Marsh, B. Archer, S. Richardson, and S. Strathdee were in attendance.

Absent: Councillor K. Seymour-Fagan.

Recording Secretary - Charlotte Crockford-Toomey

#### **2. Administrative Business**

##### **2.1 Adoption of Agenda**

### 2.1.1 COA2018-07

July 19th, 2018  
Committee of Adjustment Meeting Agenda.

**Moved By** D. Marsh  
**Seconded By** S. Strathdee

**That** the agenda for the meeting be approved.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2018-06

June 21st, 2018.  
Committee of Adjustment Meeting Minutes.

The minutes from the June 21st, 2018 meeting, COA2018-06 were amended for item 3.1.4 on page 6, condition 3. A number was changed from 5 to 1.5

**Moved By** S. Richardson  
**Seconded By** S. Strathdee

**That** the minutes for the previous meeting held June 21, 2018 be adopted as amended.

**Carried**

## 3. New Applications

### 3.1 Minor Variances

#### 3.1.1 COA2018-039

Lydia Wong, Student Planner  
File Number:D20-2018-027  
Location: 8 Marsh Court  
Lot 35, Plan 57M748

Former Town of Lindsay  
 Owners: Jack and Sandra MacMillian  
 Applicant: Garry Newhook

Ms. Wong summarized report COA2018-039, requesting relief to reduce the minimum rear yard setback in order to permit the construction of a sunroom as an addition to the house. Ms. Wong cited that there were no concerns from agencies and that the application be granted as the application meets the tests set out in section 45(1) of the Planning Act.

The applicant, Garry Newhook was present to answer questions. The Committee had no questions.

**Moved By** D. Marsh  
**Seconded By** S. Richardson

**That** minor variance application D20-2018-027 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the sunroom related to this approval shall proceed in accordance with the sketch in Appendix "D" and elevations in Appendix "F" submitted as part of Report COA2018-039, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the building construction related to the minor variance shall be completed within a period of eighteen (18) 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 COA2018-039. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.2 COA2018-040

Daniel Hahn, Student Planner  
File Number: D20-2018-028  
Location: 35 Rainbow Ridge Road  
East Part Lot 17, Concession B  
Geographic Township of Mariposa  
Owners: Larry and Marian Read  
Applicant: Larry Read

Mr. Hahn summarized report COA2018-040, requesting relief to reduce the minimum front yard setback in order to construct a single detached dwelling. The minor variance was determined to be necessary during the course of a building inspection. It was noted during the site visit that the property has two entry points, a gated entry located at the terminus of Rainbow Ridge Road and a second at the terminus of Oakdene Crescent. Staff confirmed the minor variance meets the four tests.

The Committee asked staff for clarification as to when the issue occurred. Staff confirmed at point of routine inspection.

Mr. Augusto Nalli was present on behalf of the applicant to answer any questions. The Committee asked Mr. Nalli who made the error. Mr. Nalli responded, it was through the building permit process.

The Committee asked staff as to when condition 2 will be completed. Staff replied, the dwelling has to be inspected. The condition has not been met. Mr. Holy, Planning Manager also confirmed that there is one more inspection for condition 2.

The Committee stated if the City is at fault for the minor variance required, then the applicant should be encouraged to receive a refund.

**Moved By** D. Marsh

**Seconded By** B. Archer

**That** minor variance application D20-2018-028 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the single detached dwelling related to this approval shall proceed in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-040, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the building construction related to the minor variance shall be completed within a period of twelve (12) 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 COA2018-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2018-041

Quadri Adebayo, Planner II  
 File Number: D20-2018-029  
 Location: 65 Fox Road  
 Concession 6, Part Lot 4  
 Geographic Township of Emily  
 Owners: Adam Lean and Marsha Norris  
 Applicants: Adam Lean and Marsha Norris

Mr. Adebayo summarized report COA2018-041, requesting relief to increase the maximum height for an accessory building in order to permit the construction of a detached garage.

The Committee requested clarification from staff as to the "installed" garage and "proposed" garage being the same building. Staff replied yes. The Committee asked staff regarding the height discrepancy of the accessory building, and whether the error was confirmed through the building process. Staff answered

yes.

The applicant, Mr. Lean was present but did not speak.

No further questions from the Committee.

**Moved By** B. Archer

**Seconded By** S. Richardson

**That** minor variance application D20-2018-029 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the accessory garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix "D" submitted as part of Report COA2018-041, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the applicant acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
3. **That** the building construction related to the minor variance shall be completed within a period of twelve (12) 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 COA2018-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.4 COA2018-042

Quadri Adebayo

File Number:D20-2018-031

Location: 92 Lambs Lane

Concession 7, Part Lot 30 and 31, RP 57R-7800, Parts 1 to 3  
 Geographic Township of Fenelon  
 Owners: Joanne and Andrzej Knaz  
 Applicant: Joanne Knaz

Mr. Adebayo summarized report COA2018-042, requesting relief to reduce the interior side yard and reduce the minimum water setback to permit an addition to the residential dwelling/attached garage. Also to request relief to permit four (4) accessory buildings where maximum of three (3) is permitted in a residential zone.

The Committee asked the Planning Manager regarding encroachments on 15 metre water setbacks, when site visits are made are the setbacks maintained. The Planning Manager replied, there are many properties that are shallow or very close to the water. We do try to maintain the 15 or 30 metre setbacks wherever possible.

The Committee asked if there were six accessory buildings. Staff responded no, there are five but this is being reduce to four. The Committee also had concerns as to the sewage system, following initial comments by the sewage system supervisor that there is not sufficient capacity to service the addition. Staff replied that they had reached an agreement with the owner regarding the installation of a new septic system. Condition 2 was added.

The applicant, Joanne Knaz was present but did not speak.

**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** minor variance application D20-2018-031 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the detached residential dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-042, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;

2. **That** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits satisfying the requirements of the Building Division - Sewage System Program which demonstrates that the replacement sewage system will bring the property up to code requirements for on-site disposal. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Supervisor - Part 8 Sewage Systems advising that the replacement sewage system will be maintained at an appropriate setback distance from the proposed addition and garage as approved in relation to the minor variance.
3. **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge;
4. **That** prior to the issuance of a building permit for the proposed dwelling, the wooden shed located in the northerly interior side yard be relocated on the property in the southerly interior side yard in a compliant manner at a minimum setback of 1.2 metres from the southerly side lot line. The wooden shed shall also be located between the storage shed and the front yard abutting the private right-of-way (Lambs Lane) at a minimum spatial separation distance of 1.2 metres from the existing storage shed in the southerly interior side yard; and
5. **That** the 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 COA2018-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.5 COA2018-043

David Harding, Planner II  
 File Number: D20-2018-032  
 Location: 18 Ellis Crescent  
 Lot 9, Plan 57M-770  
 Former Town of Lindsay  
 Owner: William and Karen Bates  
 Applicant: Lifestyle Sunrooms Inc. - Ivars Kulitis



Mr. Harding summarized report COA2018-043, requesting relief to reduce the minimum rear yard setback and increase the maximum lot coverage in order to permit the construction of a sunroom and deck with stairs. The minor variance meets the four tests. There were no privacy concerns. Mr. Harding also cited that there were no concerns from agencies.

The applicant, Ivars Kultis, Lifestyle Sunrooms was present but did not speak. The Committee had no questions.

**Moved By** S. Richardson  
**Seconded By** S. Strathdee

**That** minor variance application D20-2018-032 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the sunroom and deck with stairs related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-043, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variances shall be completed within a period of twelve (12) 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 COA2018-043. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.6 COA2018-044

David Harding, Planner II  
 File Number: D20-2018-033  
 Location : 64-66 Helen Street  
 Part of Lot 10 West of Helen Street, Plan 70, Part 1,  
 57R-10004  
 Former Village of Bobcaygeon

Owner: Tom Grimes Construction Limited  
 Applicant: Tom Grimes Construction Limited

Mr. Harding summarized report COA2018-044, requesting relief to reduce the minimum lot area to facilitate the creation of a residential lot. The variance also affects the proposed retained residential lot. The proposed severed and retained lots each contain a semi-detached dwelling.

The Committee asked staff what the building permit was issued for. Staff replied for the construction of a semi-detached dwelling. Mr. Holy, Planning Manager also confirmed the permit is for a semi-detached so that they can put the foundation down and then add line down the middle (Part Lot Control). The Committee questioned the difference between semi-detached and duplex. The Planning Manager replied, a duplex is one dwelling on top of the other and a semi-detached is side by side. The Committee also asked if it was common to request a building permit for a semi-detached and then shoot the line down the middle of the foundation. Staff replied, yes.

The Committee stated zoning does permit semi-detached dwellings, however Lot area is not sufficient as Bobcaygeon has restrictions. The Planning Manager responded by saying Bobcaygeon has an older zoning by-law(1978) as opposed to Lindsay(2000). Bobcaygeon require longer Lot area than Lindsay.

Staff confirmed that the variance meets all 4 tests.

The Committee had no further questions.

**Moved By** S. Strathdee

**Seconded By** B. Archer

**That** minor variance application D20-2018-033 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the variance shall apply to the proposed severed and retained portions of the subject property; and
2. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-031, lapses.

**This approval pertains to the application as described in report COA2018-044. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.2 Consents

## **4. Deferred Applications**

### 4.1 Minor Variances

#### 4.1.1 COA2018-037

David Harding, Planner II  
 File Number: D20-2018-003  
 Location: 17 North Water Street  
 Part Lot 15, GRR, Lot 5, Plan 46  
 Geographic Township of Bexley  
 Owner: Josie Harlow  
 Applicant: Josie Harlow

Mr. Harding summarized report COA2018-037, to request relief to permit the construction of a single detached dwelling. Mr. Harding went on to say that the KRCA have recommended a condition for a shoreline vegetation planting plan.

The Committee asked what if the house is built and no vegetation planted. Staff replied a site plan agreement would be put in place. 100% perpetuity would be taken. When conditions are met the applicant would receive a full refund. The Committee asked staff if a further permit is required from the KRCA. Staff replied no. The Committee asked for clarification on planting, is it strictly trees, can they cut grass etc. Staff responded by referring to condition 2 and KRCA comments, appendix E. Two options (i) and (iii) or (ii) and (iii). The Committee asked staff if they have registered a site plan with vegetation. The Planning Manager responded no but other municipalities have. The Committee stated there were four options. Staff responded the fourth option is not viable for the city. We cannot request the owner to conduct works that they do not own.

The applicant, John Harlow was present on behalf of Josie Harlow. The Committee asked if this was time sensitive. Mr. Harlow said yes, it has been deferred once before. We want to start building so that my uncle can move in to

be nearer my parents.

The Committee made a motion to omit condition 2 and 3. Staff replied this cannot be enforced.

The Chair stated that he is opposed to waterfront encroachments, by increasing the footprint closer to the water with no vegetation buffer. The Committee asked staff if other properties are close to the water. Staff replied.

The Committee made a friendly amendment to add an MTO condition. The Chair called for a recorded vote.

**Moved By** D. Marsh

**Seconded By** B. Archer

The Committee in support of the application, moved to omit conditions 2 and 3 and add an MTO condition.

<b>Recorded</b>	<b>For</b>	<b>Against</b>	
L. Robertson		X	
D. Marsh	X		
Councillor Seymour-Fagan			
B. Archer		X	
S. Richardson		X	
S. Strathdee	X		
<b>Results</b>	<b>2</b>	<b>3</b>	
			<b>Defeated</b>

**Moved By** D. Marsh

**Seconded By** S. Strathdee

The Committee motioned to deny the application. The Chair called for a second recorded vote.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
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L. Robertson		X
D. Marsh	X	
Councillor Seymour-Fagan		
B. Archer		X
S. Richardson		X
S. Strathdee		X
<b>Results</b>	<b>1</b>	<b>4</b>

**Defeated**

**Moved By** S. Richardson

**Seconded By** B. Archer

The Committee in support of the original application recommended by staff, with two amendments. Condition 2 to read (i) and (iii) or (ii) and (iii). Also to add condition 3 for an MTO requirement.

**That** minor variance application D20-2018-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act..

**Conditions:**

1. **That** the construction of the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevation and plan in Appendix D submitted as part of Report COA2018-037, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit, the owner shall obtain an appropriate form of site plan approval to establish additional vegetation between the dwelling and Gull River through approval of a planting plan. The planting plan shall be created in accordance with options (i) and (iii), or (ii) and (iii) identified in Kawartha Region Conservation Authority's comments dated May 10, 2018 in Appendix E to Report COA2018-037, which shall be attached to and form a part of the Committee's Decision. The planting plan must be to the satisfaction of the Kawartha Region Conservation Authority and the City;
3. **That** prior to the issuance of a building permit, the owner shall submit to the Secretary Treasurer a copy of the building and land use permit from the Ministry of Transportation (MTO);

4. **That** the planting plan shall be completed, planted and inspected for release of securities 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 the successful completion of the Planning Inspection; and
5. **That** the building construction related to the minor variances 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 COA2018-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 4.1.2 COA2018-038

Quadri Adebayo, Planner II  
 File Number: D20-2018-019  
 Location: 15 Manor Road  
 Part Lot 9, Concession 8, Plan 164, Part Lots 9 and 10  
 Geographic Township of Fenelon  
 Owner: Scott Meier  
 Applicant: Scott Meier

Mr. Adebayo summarized report COA2018-038, to request relief to permit a two storey residential dwelling and shed.

The Committee questioned the setback required from the house. Staff replied 15 metres but the applicant has requested 9.45 metres based on the existing building footprint that is proposed to be maintained.

The owner, Scott Meier was present and spoke. He stated he was unaware of being too close to the road. The Committee noted in Appendix C, the distance from the porch to the road is 7 feet and questioned the front yard setback for the house. Staff confirmed this was not included in the application as it should be 7.5 metres front yard setback. Staff confirmed it was a Planning error.

**Moved By** S. Richardson  
**Seconded By** S. Strathdee

**That** the Committee has deferred the application to the August 16, 2018 meeting to allow re-advertising to include the front yard deficiency.

**Carried**

#### 4.1.3 Memo Re-D20-2018-023

Quadri Adebayo, Planner II  
 File Number: D20-2018-023  
 Location: 196 St. Albans Road  
 Part Lot 20, Concession 8  
 Geographic Township of Verulam  
 Owners: Dean Junkin and Liana Patterson  
 Applicant: Dean Junkin

Mr. Adebayo summarized the deferral memo dated July 19, 2018 for application D20-2018-023, 196 St Albans Road. The owners have agreed with planning staff that a supporting decision cannot be reached at this time by staff per minor variance reliefs until more information is received from the building division confirming that the owners have initiated the permitting process to it's satisfaction.

**Moved By** D. Marsh  
**Seconded By** S. Strathdee

**That** the Committee agreed to defer the application to the August 16, 2018 meeting to enable the applicant sufficient time to amend the application to include more information pertaining to the building permitting process.

**Carried**

#### 4.2 Consents

5. **Correspondence**
6. **Other Business**
7. **Next Meeting**

The next meeting will be Thursday, August 16th, 2018 at 1:00 p.m. in the Victoria Room, City Hall.

**8. Adjournment**

**Moved By** B. Archer

**Seconded By** D. Marsh

**That** the meeting adjourned at 3.43 p.m.

**Carried**

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Mark LaHay, Secretary-Treasurer