

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2018-08
Thursday, August 16, 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 12:59 p.m. Councillor K. Seymour-Fagan and Members S. Richardson and S. Strathdee were in attendance.

Secretary-Treasurer - Sherry L. Rea

Recording Secretary - Charlotte Crockford-Toomey

Absent: D. Marsh and B. Archer. Acting Secretary-Treasurer - M. LaHay

Councillor K. Seymour-Fagan left the meeting at 2:24 p.m.

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2018-08

August 16th, 2018

Committee of Adjustment Meeting Agenda

Moved By S. Strathdee

Seconded By S. Richardson

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 COA2018-07

July 19, 2018.

Committee of Adjustment Meeting Minutes.

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes for the previous meeting held July 19, 2018 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2018-052

David Harding, Planner II
 File Number: D20-2018-030
 Location: 21 Colonel William Lane
 Part Lot 23, Concession 4, Part of Part 2, 9R-1200
 Geographic Township of Manvers
 Owners: Gerry Fuller and Bobbi Cornish
 Applicant: Ben McKelvie - B and M Contracting

Mr. Harding summarized Report COA2018-052, requesting relief in order to permit the construction of a detached garage and recognize two existing accessory buildings (sheds). Mr. Harding also cited comments received from the Engineering and Corporate Assets Department after the report was written identifying no concerns.

The Committee questioned why Appendix C-2 had two different distances between the garage and the flankage lot line. Staff replied that one distance represented the perceived spatial separation and the 1.3 metre distance represented the actual distance once tolerance was taken as the precise location of the flankage lot line is not known.

The applicant, Mr. Ben McKelvie was present but did not speak.

Moved By Councillor Seymour-Fagan

Seconded By S. Strathdee

That minor variance application D20-2018-030 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 substantially in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-052, which shall be attached to and form part of the Committee’s Decision; and
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 COA2018-052. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2018-045

Lydia Wong, Student Planner
 File Number: D20-2018-034
 Location: 1 Loraine Drive
 Lot 1, Plan M714
 Geographic Township of Manvers
 Owners: Tyler Cook and Julie Menard
 Applicants: Tyler Cook and Julie Menard

Ms. Wong summarized report COA2018-045, to permit the construction of an attached garage by requesting relief to reduce the minimum front yard setback and to reduce minimum interior side yard setback.

The Committee asked why is there is a need to trade off the removal of the shed and why couldn't it be relocated. Staff replied that the septic location required the removal of the shed.

The Committee granted the application with an added condition. Condition 4, **That** no habitable space be permitted within the proposed garage.

Moved By S. Strathdee

Seconded By S. Richardson

That minor variance application D20-2018-034 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 attached garage related to this approval shall proceed in accordance with the site plan in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-045, 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 final inspection for the proposed garage, the shed located in the rear yard be removed from the property; and,
3. **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.
4. **That** no habitable space be permitted within the proposed garage.

This approval pertains to the application as described in report COA2018-045. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2018-046

David Harding, Planner II
 File Number: D20-2018-035
 Location: 57 West Bay Boulevard
 Bexley Range West Bay, Part Lots 4 and 5
 Geographic Township of Bexley
 Owners: Diane Bruce, Romy Burns and Isla Steinberg
 Applicant: Diane Bruce

Mr. Harding summarized Report COA2018-046, to request relief to permit the construction of a detached garage. Mr. Harding also cited comments received from the Engineering and Corporate Assets Department, Isla Steinberg (owner) and Romy Burns (owner), noting no concerns.

The Committee requested clarification on relief number six (6). Staff clarified that Section 7.2.1.7 (b) made reference to the Rural Residential Type One (RR1) zone provision. The Committee also noted in Anne Elmhirst's comments regarding no living space, fixtures or bedrooms for the proposed detached garage.

The committee asked who Isla and Romy, being the two letter writers, are. Staff clarified that they are also owners of the subject property.

The applicant, Diane Bruce was present and explained that a tenants in common agreement entitles each of the three shoreline residential lots to the exclusive use of one third of the subject lot. The owner of 58 West Bay Boulevard has exclusive use of the centre third of the lot where construction of the detached garage is proposed.

The Committee asked the applicant why they didn't sever the property. The applicant replied that it would cost too much money. If in the future any of the three owners wish to sell their third, the other two owners would have first option to buy.

The Committee asked the applicant if the second level of the garage would be habitable space. The applicant responded that it was only for storage.

The Committee granted the application with an added condition. Condition 3, **That** no habitable space be permitted within the proposed garage.

Moved By Councillor Seymour-Fagan

Seconded By S. Richardson

That minor variance application D20-2018-035 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 garage related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-046, 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 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.
3. **That** no habitable space be permitted within the proposed garage.

This approval pertains to the application as described in report COA2018-046. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2018-047

Lydia Wong, Student Planner
 File Number: D20-2018-036
 Location: 258 Moorings Drive
 Part Lot 32, Concession 10
 Geographic Township of Fenelon
 Owners: Gary and Rhonda Fairhurst
 Applicant: Gary Fairhurst

Ms. Wong summarized Report COA2018-047, to request relief in order to recognize the location of a detached garage and single detached house. Ms. Wong cited that there were no concerns from the Building Division, KRCA and Engineering.

The applicants Gary and Rhonda Fairhurst were not present. The Committee had no questions.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-036 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

This approval pertains to the application as described in report COA2018-047. No conditions are required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2018-048

Quadri Adebayo, Planner II
 File Number: D20-2018-037
 Location: 85 St. Peter Street
 Lot 17 to 18, Plan 377
 Former Town of Lindsay
 Owners: 2083359 Ontario Inc. c/o David Blackwood and
 Terry Yates
 Applicant: Terry Yates

Mr. Adebayo summarized Report COA2018-048 to request relief to add a mini-storage warehouse as a permitted use within the General Employment (GE) Zone. Three out of the four tests were met. Mr. Adebayo recommended that the application be denied a rezoning was required.

Mr. Doug Carroll, D.C. Planning Services Inc. spoke on behalf of the applicant Terry Yates.

The Committee asked Mr. Carroll if the applicant had considered applying for rezoning. Mr. Carroll replied yes however, they opted to wait for the outcome of a similar application for mini-storage passed by the Committee a few months ago.

The Committee agreed to grant the application with a condition which would require the owner to enter into a site plan agreement with the City.

Moved By Councillor Seymour-Fagan

Seconded By S. Richardson

That minor variance application D20-2018-037 be GRANTED, as the application meets the tests as set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the owner enters into a site plan agreement with the City within three years of the date of approval of this decision.

This approval pertains to the application as described in report COA2018-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2018-049

Daniel Hahn, Student Planner

File Number: D20-2018-038

Location: 19 Cedar Dale Drive

Range NWB, Part Lot 16, Plan 170, Part Lot 16, Part Lot 17

Geographic Township of Bexley

Owners: Randy and Judi Smith

Applicant: Randy Smith

Mr. Hahn summarized Report COA2018-049, requesting relief to permit the construction of an enlarged addition to an existing single detached dwelling.

The Committee questioned staff as to conditions 2 and 3 and as to whether the property is within the KRCA regulated area. Staff replied that the applicant would have to pay for an elevation survey to determine this. The Committee disagreed with the conditions 2 and 3 as written.

The applicant, Mr. Randy Smith was present and asked how to proceed with KRCA.

The Committee granted the application with the removal of conditions 2 and 3.

Moved By Councillor Seymour-Fagan

Seconded By S. Strathdee

That minor variance application D20-2018-038 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 addition 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 COA2018-049, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2018-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2018-050

Daniel Hahn, Student Planner
 File Number: D20-2018-039
 Location: 812 Monarch Road
 Part Lot 24, Concession 3
 Geographic Township of Ops

Owners: Andrew and Susan Tummonds

Applicant: Andrew Tummonds

Mr. Hahn summarized Report COA2018-050, requesting relief to increase the permitted height of an accessory structure.

The applicant, Mr. Andrew Tummonds was present.

Speaking in opposition to the application, Mr. Sid Ballik was present. Mr. Ballik stated that he is against the application as Mr. Tummonds is going to install a hoist, which means he would be running a business from his home.

The Chair asked the applicant to respond. Mr. Tummonds replied that he was installing a hoist but for personal use as he has 5 vehicles in his family.

The Committee had no further questions. The application was granted with an added condition. Condition 3, **That** no habitable space be permitted within the proposed garage.

Moved By S. Strathdee

Seconded By S. Richardson

That minor variance application D20-2018-039 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 garage 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 COA2018-050, which shall be attached to and form part of the Committee's Decision; and,
2. **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.
3. **That** no habitable space be permitted within the proposed garage.

This approval pertains to the application as described in report COA2018-050. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 Memo Re-D20-2018-040

Quadri Adebayo, Planner II
 File Number: D20-2018-040
 Location: 971 Fleetwood Road
 Concession 12, Part Lots 16 and 17
 Geographic Township of Manvers
 Owners: Ryan and Angela Weiler
 Applicant: Ryan Weiler

Mr. Adebayo requested that the minor variance application D20-2018-040, 971 Fleetwood Road, geographic Township of Manvers be deferred until the September 20, 2018 meeting as the applicant was unable to fulfill the 10 day legislative requirement for the post advisory sign notice as prescribed under the Planning Act. It was noted that the re-advertised cost will be borne by the applicant.

Moved By S. Richardson
Seconded By S. Strathdee

That the minor variance application D20-2018-040 be deferred to September 20, 2018 meeting date so that the application can be properly re-advertised to include the fulfillment of the 10 day advisory sign notice period as prescribed in the Planning Act.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2018-053

Quadri Adebayo, Planner II
 File Number: D20-2018-019

Location: 15 Manor Road
 Concession 8, Part Lot 9, Plan 164, Part Lots 9 and 10
 Geographic Township of Fenelon
 Owner: Scott Meier
 Applicant: Scott Meier

Mr. Adebayo summarized Report COA2018-053, requesting relief to permit a two storey residential dwelling and an accessory structure (shed).

The applicant, Mr. Scott Meier was present and spoke to the Committee.

The Committee questioned condition 2, regarding approval from KRCA in reference to the height of the dwelling. Mr. Meier responded that he had had several conversations with KRCA and they didn't have a problem with the application; they are waiting on a decision from the Committee of Adjustment. They have no concerns.

The Committee noticed that there were no planting plans put in the conditions as seen in previous applications in July. Mr. Holy, Planning Manager responded by saying that the planting plans are still in effect but not for these lands as they are not in the site plan control area, therefore the City has no authority. The planting plan will be handled through the KRCA approval process instead.

No further questions.

The Committee granted the minor variance.

Moved By S. Richardson
Seconded By S. Strathdee

1. **That** the construction of the single detached 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 COA2018-053, 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 required by the Kawartha Region Conservation Authority (KRCA) which demonstrates that the proposed dwelling size and height is

appropriate for the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the proposed dwelling size and height pose no negative impact to the floodplain associated with Sturgeon Lake. Should the owner choose to submit an amended dwelling size and height for approval by KRCA, prior to the issuance of a Building Permit, the owner shall submit to the Secretary-Treasurer a revised proposal sketch and elevations showing the amended dwelling size and height. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the amended dwelling size is appropriate for the proposed development;

3. **That** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer a vegetative shoreline buffer plan to the satisfaction of the KRCA;
4. **That** prior to the issuance of an occupancy permit for the proposed dwelling, the shed located in the northerly interior side yard be removed from the property;
5. **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;
6. **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; and,
7. **That** prior to the issuance of an Occupancy Permit, the owner shall submit to the Secretary-Treasurer and Building Division confirmation from the Kawartha Region Conservation Authority that the vegetative shoreline buffer identified in Condition 3 has been planted to their satisfaction. This condition related to these 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 approval pertains to the application as described in report COA2018-053. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

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 Report COA2018-054, to request relief in order to permit the construction of an accessory building in the form of a garage.

The Committee requested clarification on Condition 2. Staff replied that the zoning by-law has provisions that permit the rebuild of existing non-complying uses.

The applicant, Mr. Dean Junkin was present but did not speak.

No further questions.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-023 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the accessory building 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 COA2018-054, 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** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line;
3. **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from

the Chief Building Official advising that the detached garage has been ratified to his/her satisfaction under the Ontario Building Code; and

4. **That** the Building Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

This approval pertains to the application as described in report COA2018-054. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, September 20 at 1:00 p.m. in the Victoria Room, City Hall.

8. **Adjournment**

Moved By S. Richardson

Seconded By S. Strathdee

That the meeting adjourned at 3:11 p.m.

Carried

Mark LaHay, Secretary-Treasurer