

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2018-010**  
**Thursday, October 18, 2018**  
**1:00 P.M.**  
**Victoria Room**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Kathleen Seymour-Fagan**  
**Betty Archer**  
**David Marsh**  
**Sandra Richardson**  
**Lloyd Robertson**  
**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. Councillor K. Seymour-Fagan and Members D. Marsh, B. Archer and S. Richardson were in attendance.

Acting Secretary-Treasurer - M. LaHay  
Recording Secretary - C. Crockford-Toomey

Absent: S. Strathdee

## **2. Administrative Business**

### **2.1 Adoption of Agenda**

October 18th, 2018

Committee of Adjustment Meeting Agenda.

**Moved By** B. Archer

**Seconded By** S. Richardson

**That** the agenda for the October 18, 2018 meeting be approved

**Carried**

### **2.2 Declaration of Pecuniary Interest**

There were no declarations of pecuniary interest noted.

### **2.3 Adoption of Minutes**

September 20, 2018

Committee of Adjustment Meeting Minutes

**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** the minutes for the previous meeting held September 20, 2018 be adopted as circulated.

**Carried**

## **3. New Applications**

### **3.1 Minor Variances**

#### **3.1.1 COA2018-062**

David Harding, Planner II

File Number: D20-2018-048

Location: 18 Hills Road

Lot 4, Plan 206

Geographic Township of Verulam  
 Owners: John and Dana Kaminski

Mr. Harding summarized the Report COA2018-062. The application requests, relief to reduce the minimum interior side yard width to permit a covered deck addition to a single detached dwelling.

The application was the result of an enforcement issue with the Building Division. The applicant is working with the Division to remove a northern portion of the constructed addition to bring it into compliance with the zoning by-law. The variance is being sought for the covered deck construction which occurred to the south of the new addition.

The applicant, John Kaminski was present and thanked the staff for being so helpful and professional to deal with.

The Committee asked staff whether the storage building within the rear yard complies with the applicable setback provisions. Staff stated that it did not, but that the information provided demonstrated that the building was in existence prior to the Township's first zoning by-law.

**Moved By** Councillor Seymour-Fagan  
**Seconded By** B. Archer

**That** minor variance application D20-2018-048 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 covered deck related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices "C" and "D" submitted as part of Report COA2018-062, which shall be attached to and form part of the Committee's Decision;
2. **That** the owners conduct to the satisfaction of the Kawartha Region Conservation Authority an elevation (topographic) survey conducted by an Ontario Land Surveyor (OLS) of the subject lands illustrating the location of the floodplain elevation of Pigeon Lake (246.9 mASI) in relation to the location of the proposed covered deck;
3. **That** the owners apply for, pay the required fee and obtain a permit from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06 for the proposed covered deck; and

4. **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 COA2018-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.2 Memo Re: D20-2018-049

Quadri Adebayo, Planner II  
 File Number: D20-2018-049  
 Location: 105 Brook Road  
 Lot 25, Part Lot 18, Concession 3, Plan 281  
 Geographic Township of Somerville  
 Owners: Christine and Eric Van Allen  
 Applicant: Christine Van Allen

Mr. Adebayo spoke to a Memorandum provided to the Committee of Adjustment recommending deferral. Comments were received from Sewage Systems Supervisor whom expressed concerns as to the undetermined location of the weeping lines and the clearance distance from the limits of the proposed addition to the dwelling. Also KRCA comments expressed that the proposed addition was not minor, and that it would encroach further towards the Burnt River.

**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** Minor Variance application D20-2018-049 be deferred for a maximum period of four (4) months in order to provide the applicants enough time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately reviewed for supportability by staff.

**Carried**

### 3.1.3 COA2018-066

Quadri Adebayo, Planner II  
File Number: D20-2018-050  
Location: 10039 Simcoe Street  
Part Lot 1, Concession 1, RP 57R-605, Part 1  
Geographic Township of Mariposa  
Owners: Joy and Brian McKay

Mr. Adebayo summarized Report COA2018-066, to request relief to increase the maximum lot coverage permitted for a building accessory to a dwelling unit in the Agricultural (A1) Zone in order to permit the construction of a detached garage. There were no concerns from the agencies and the public at the time report was written. The minor variance meets the four tests.

The applicants, Joy and Brian McKay were present and thanked staff for being so helpful and professional to deal with.

The Committee supported the application with an amendment to the maximum lot coverage from 196.4 to 197 square metres.

**Moved By** S. Richardson

**Seconded By** D. Marsh

**That** minor variance application D20-2018-050 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 generally in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-066, 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 owners acknowledge through the granting of this approval that the detached garage 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;
3. **That** upon completion of the construction of the detached garage, as part of building permitting process, there be a requirement that the storage container, and the garden shed shall be removed from the property to the satisfaction of the Chief Building Official; and
4. **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 COA2018-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

#### 3.1.4 COA2018-067

David Harding, Planner II  
 File Number: D20-2018-051  
 Location: 39 Pleasant View Crescent  
 Lot 140, Plan 499  
 Geographic Township of Mariposa  
 Owners: Bryan and Diana Houston

Mr. Harding summarized Report COA2018-067, to request relief to permit the construction of an accessory building (detached garage) within the front yard. Mr. Harding also cited no concerns from the agencies - Building Division, KRCA and Engineering Authority and Public at the time the report was written. October 11th, comments received from Building - Sewage Systems with no concerns

The applicants, Bryan and Diana Houston were present and thanked the staff for being so helpful and professional to deal with.

There were no questions from the Committee.

**Moved By** B. Archer

**Seconded By** S. Richardson

**That** minor variance application D20-2018-051 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 and drawings in Appendices "C" and "D" submitted as part of Report COA2018-067, 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 COA2018-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.5 COA2018-068

David Harding, Planner II  
 File Number: D20-2018-052  
 Location: 13 Benson Street  
 Part Lot 10, Concession 2  
 Geographic Township of Manvers  
 Owners: Chris and Angela Alderson

Mr. Harding summarized Report COA2018-068. The application requests relief to reduce the minimum front yard and the minimum flankage yard to permit a covered porch. The construction of the covered porch was largely completed without building permits. After correspondence with the Building Division, the owners have applied for variances in order to obtain a building permit.

Staff cited comments received from the MTO after the report was written which

stated that although their office has no concerns with the proposed minor variance they must apply for an MTO building and land use permit.

The applicants, Angela and Chris Alderson, were present. They thanked staff for being helpful and professional throughout the process.

There were no questions from the Committee.

**Moved By** Councillor Seymour-Fagan

**Seconded By** D. Marsh

**That** minor variance application D20-2018-052 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 covered porch related to this approval shall proceed substantially in accordance with the sketch and supporting drawings in Appendices “C” and “D” submitted as part of Report COA2018-068, 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 COA2018-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.2 Consents

## 4. Deferred Applications

### 4.1 Minor Variances

#### 4.1.1 COA2018-069

Quadri Adebayo, Planner II  
File Number: D20-2018-046



Location: 10 Lake Street  
 Range NWB, Part Lot 9, Plan 134, Lots 5 to 6, Poplar Grove  
 Geographic Township of Bexley  
 Owners: William Ball and Heather Clarke-Ball

Mr. Adebayo summarized Report COA2018-069. At the previous meeting the Committee questioned the status of Lake Street and whether the subject lands comprised of a single lot of record or two separate lots. This was deferred to the October 18th meeting to enable further discussions per the title status. Staff have now confirmed the subject lands are identified as a single tax assessment roll number and comprised of two Pin numbers. The Staff report remains the same, and the reliefs were clarified.

The applicant, Heather Clarke-Ball was not present.

The Committee asked for clarification as to the Pin numbers tied together. Staff replied the two Pins are conveyed together following a "together with" clause in the title documents. They cannot be sold separately as they are defined as a single lot of record.

**Moved By** S. Richardson

**Seconded By** Councillor Seymour-Fagan

**That** minor variance application D20-2018-046 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 generally in accordance with the sketch in Appendix "D" and elevations in Appendix "E" submitted as part of Report COA2018-069, 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 owner acknowledge through the granting of this approval that the detached garage 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 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 COA2018-069. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

#### 4.2 Consents

### 5. Correspondence

### 6. Other Business

The Committee asked regarding time frames for fulfilling conditions of Minor Variance versus Consent application and if a condition expires, do they have the authority to extend it.

Chris Marshall, Director of Development Services replied, for Minor Variances, the applicant typically has one year to fulfill conditions. There is no option for extension.

Mark LaHay, Acting Secretary Treasurer also added, Consent conditions are to be fulfilled within are one year; however some circumstances may need additional time to address amended or added conditions, which requires notice and an appeal period be given, which could extend the time frame up to one year. For minor variances that have not been appealed, the Committee's decision is final.

### 7. Next Meeting

The next meeting will be Thursday November 8, 2018 at 1:00pm in the Victoria Room, City Hall.

### 8. Adjournment

**Moved By** S. Richardson

**Seconded By** B. Archer

**That** the meeting be adjourned at 1.46pm.

**Carried**

---

Mark LaHay, Secretary-Treasurer