

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2018-012**  
**Thursday, November 29, 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 1:01pm. Councillor K. Seymour-Fagan and Members D. Marsh, S. Richardson, and S. Strathdee were in attendance.

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

Absent: B. Archer

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

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

**Moved By** D. Marsh

**Seconded By** S. Strathdee

**That** the agenda for the November 29, 2018 meeting be approved.

**Carried**

## 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

## 2.3 Adoption of Minutes

November 8, 2018

Committee of Adjustment Meeting Minutes

**Moved By** D. Marsh

**Seconded By** Councillor Seymour-Fagan

**That** the minutes for the previous meeting held November 8, 2018 be adopted as circulated.

**Carried**

## 3. New Applications

### 3.1 Minor Variance

#### 3.1.1 COA2018-065

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

Mr. Adebayo summarized Report COA2018-065, to request relief to increase the maximum floor area enlargement or extension permitted for a building with habitable rooms in the Burnt River Floodplain Zone in order to permit an addition to a single detached dwelling. On October 18, 2018 the Committee deferred the

application in order to allow the applicant enough time to address issues identified by the commenting agencies, and to ensure that the proposal can be adequately reviewed for supportability by staff. Mr. Adebayo also stated a revision was made to condition 3.

The applicant has revised the proposal to the satisfaction of the Kawartha Region Conservation Authority and to the Sewage Systems Supervisors requirements. The revised addition to the dwelling has reduced the footprint area, is directed further away from the Burnt River shoreline and at a satisfactory distance from the weeping lines of the septic bed.

The Committee asked if the Zoning By-Law were specific regarding the maximum addition of 18 square metres permitted. Staff replied yes due to the floodplain nature of the area, and that the Official Plan provides for an expansion to the cap provided such expansion can satisfy both Conservation Authority and servicing requirements.

The Committee also questioned the Septic Review comments. Staff replied that the structure of the comment is due to the fact that a replacement septic system has been approved for the property.

The applicant was not present.

The Committee motioned to grant approval with the amendment to condition 3.

**Moved By** S. Richardson

**Seconded By** D. Marsh

**THAT** minor variance application D20-2018-049 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 generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2018-065, 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 for the proposed dwelling, the shed located on the property be removed or relocated on the property in a compliant manner at a minimum water setback of 15 metres to the satisfaction of the Chief Building Official;
3. **That** notwithstanding the definition of rear yard, the granting of the variance for the proposed dwelling will not be interpreted to permit the placement of any other accessory structure between the rear wall of the dwelling and the water's edge in a non-compliant manner below the minimum water setback requirement of 15 metres;
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 COA2018-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.2 COA2018-071

Quadri Adebayo, Planner II  
 File Number: D20-2018-054  
 Location: 4284 Highway 7  
 Part Lot 12, Concession 3, RP 57R-7726, Parts 1 to 3  
 Geographic Township of Emily  
 Owners: Grant and Nancy Calberry  
 Applicant: Nancy Calberry

Mr. Adebayo summarized Report COA2018-071, to recognize the school portable building in its current location, in conjunction with five other accessory buildings. This application originated from a building enforcement issue in 2017 when the school portable building was flagged by the Building Division as being sited in a non-compliant manner with the Emily Zoning By-Law. A minor variance process was recommended. The water setback, lot coverage and number of accessory buildings formed part of the necessary relief upon review of the application by planning staff. A new condition was added, with original condition 6 now becoming condition 7. The minor variance meets the four tests. Additional comments were received from the Ministry of Transportation and Engineering &

Corporation Assets Department.

The Committee questioned the KRCA Permit No. 2016-269 and KRCA Permit No. 2018-264 for non-habitable accessory structures being less than the 71.3 square metres reviewed for variance relief. Staff confirmed the renewed permit for current site is 24 feet x 30 feet (66 square metres) and consistent in both permits. Staff is satisfied with either permits because the same drawings submitted for the variance application is what was approved by KRCA.

The owner, Grant Calberry, was present but did not speak.

The Committee motioned to grant the application with the addition of condition 6.

**Moved By** S. Strathdee

**Seconded By** Councillor Seymour-Fagan

**That** minor variance application D20-2018-054 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the accessory buildings related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2018-071, 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 shall remove the shed located adjacent to the main dwelling in the front yard to the satisfaction of the Chief Building Official. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the said shed has been removed to his/her satisfaction under the Ontario Building Code;
3. **That** notwithstanding the definition of front yard, the granting of the variance for the location of the school portable will not be interpreted to permit the placement of any other accessory building or structure between the front yard depth established by the nearest front wall of the dwelling and the front lot line;
4. **That** the owner acknowledge through the granting of the approval that the accessory structure (school portable) 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;

5. **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 accessory building situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
6. **That** as part of the building permitting process, the owners shall enter into an agreement with Ministry of Transportation (MTO) current entrance to the property being brought up to MTO standard. This condition will be considered fulfilled once the owners submits to the Secretary-Treasurer written confirmation from MTO advising that the entrance agreement has been established to their satisfaction.
7. **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 COA2018-071. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2018-075

David Harding, Planner II  
 File Number: D20-2018-058  
 Location: 62 Woods Avenue  
 Block A, Plan 358  
 Geographic Township of Emily  
 Owners: Lance and Jennifer Harford  
 Applicant: Jennifer Harford

Mr. Harding summarized Report COA2018-075, to recognize the four existing accessory buildings, to permit the issuance of a building permit for a proposed fifth accessory building (garage) and to permit its construction within the front yard. The applicant has advised once the garage is constructed that two of the buildings, being a shed and canvas shelter, will be removed, bringing the total number of accessory buildings back down to three. A fourth condition has been

included in the decision to reflect this.

The owners, Jennifer and Lance Harford were present but did not speak.

The Committee asked if the timeline of six months proposed in condition 4 was discussed with the applicants. Staff replied that it was not, but it was discussed with the Building Division. Six months would provide sufficient time to enclose and protect the timber frame from the weather.

The Committee also asked why proposed condition 4 was not included in the paragraph in bold at the bottom of the proposed decision. Staff advised that the last sentence of this section, without the proposed modification, states that all conditions must be fulfilled for a variance to be permanently in effect. As the purpose of proposed condition 4 is to specify criteria for a variance to cease, a rewording was required.

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**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** minor variance application D20-2018-058 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 and recognition of the existing accessory buildings related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices C and D submitted as part of Report COA2018-075, which shall be attached to and form part of the Committee's Decision;
2. **That** the southwestern wall of the garage contain at least one window;
3. **That** prior to the issuance of a Building Permit, the Chief Building Official or his/her designate shall submit written confirmation to the Secretary-Treasurer that the accessory building (Lean To) titled Building 5 in Appendix C to Report COA2018-075, has been demolished or removed from the property;
4. **That** six (6) months after the date of the framing inspection for the detached garage, the variance from Section 3.1.3.3 permitting a total of five accessory buildings on the property shall lapse. When the variance lapses, the buildings identified as Building 4 (Shed) and Building 6 (Canvas Shelter) in Appendix C to Report COA2018-075 are no longer permitted. The owners shall submit to the Secretary-Treasurer photographic evidence of the removal of Buildings 4 and 6 on or before the lapsing date to ensure conformity with the zoning by-law; 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 COA2018-075. Fulfillment of conditions 1-3 and 5 are required for the Minor Variances to be considered final and binding.**

**Carried**

#### 3.1.4 COA2018-076

David Harding, Planner II  
 File Number: D20-2018-059  
 Location: 340 St. Luke's Road  
 Part of Lot 6, Concession 9  
 Geographic Township of Emily  
 Owner: Roman Catholic Episcopal Corporation  
 Applicant: Wilcox Architects Inc. - Glenn Wilcox

Mr. Harding summarized Report COA2018-076, to permit an addition to the parish hall to facilitate improved barrier-free access to the main level of the building and also provide it to the lower level. The addition will also contain a barrier-free washroom.

The applicant, Mr. Glenn Wilcox, was present and spoke. He said the owner is installing a small lift which he did not mention previously, to accommodate the elderly. He stated that the congregation was fundraising for the proposed construction.

The Committee asked the applicant if the twenty four month timeline in proposed condition 2 was reasonable considering the group is fund raising. The applicant replied, yes, twenty four months is acceptable.

**Moved By** Councillor Seymour-Fagan  
**Seconded By** S. Richardson

**That** minor variance application D20-2018-059 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 addition related to this approval shall proceed substantially in accordance with the sketch and drawings in Appendices C and D submitted as part of Report COA2018-076, 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 COA2018-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

3.1.5 COA2018-077

David Harding, Planner II  
 File Number: D20-2018-060  
 Location: 118 Shadow Lake Road 3  
 Lot 22, Plan 455  
 Geographic Township of Laxton  
 Owner: Kenneth Banderk

Mr. Harding summarized Report COA2018-077, to permit an addition to a single detached dwelling. Staff is concerned over the potential and massing impacts that are likely to result from the application as proposed. The owner has agreed to investigate amending their proposal to address these concerns. Therefore staff recommend the Committee defer the application for a period not to exceed four months to provide the owner sufficient time to supply the City with a revised proposal, and if needed, re-advertise the amended proposal.

The Committee did not have questions.

**Moved By** D. Marsh

**Seconded By** S. Richardson

**That** minor variance application D20-2018-060 be DEFERRED for a period not to exceed four months to provide the owner sufficient time to supply the City with a revised proposal, and if needed, re-advertise the amended proposal.

**Carried**

### 3.1.6 COA2018-079

Quadri Adebayo, Planner II  
 File Number: D20-2018-062  
 Location: 18 Golden Road  
 Part Lot 19, Concession 6, Plan 368, Lot 1  
 Geographic Township of Somerville  
 Owner: Nichole Begg  
 Applicant: Michael Begg

Mr. Adebayo summarized Report COA2018-079, to request relief to permit the construction of a single detached dwelling. The proposed development will be replacing a demolished house with a larger and reconfigured footprint. The rear wall limits of the proposed dwelling will be further away from the waters edge than the water setback established by the demolished house. Mr. Adebayo also cited public comments received from concerned neighbour's, Mr. and Mrs. Condon on November 27th.

The Committee asked if the neighbour's concerns were addressed. Staff replied, yes, they are satisfied with the new conditions added. The Committee also requested confirmation as to how to ensure the road allowance is not encroached upon. Staff replied that conditions are placed in the building permit.

The Committee stated that the neighbour's have concerns with the road allowance. The applicant, Michael Begg replied he had moved the trailer.

Mr. Ed Condon, concerned neighbour was present and spoke. He confirmed he was satisfied with the new conditions.

The Committee motioned to grant the minor variance with the addition of conditions 4, 5, 6 and 7, with original condition 4 now being condition 8.

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**THAT** minor variance application D20-2018-062 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 COA2018-079, 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 rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory building or structure between the rear wall of the dwelling and the water's edge;
3. **That** prior to the issuance of a building permit for the proposed dwelling, the applicant shall initiate the permitting process for the septic system installation and obtain necessary approvals accordingly. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Part 8 Sewage System Supervisor advising that proposed location of the septic system installation meets the spatial separation requirements from the limits of the proposed dwelling location;
4. **That** as part of the building permitting process for the proposed dwelling, there be a requirement that the owner shall relinquish the use of parts of the gravel driveway/parking that encroaches within the northerly abutting road allowance between Concessions 6 and 7. Similar wording shall be placed on the required building permit;
5. **That** prior to the issuance of a building permit for the proposed dwelling, the trailer and boat located on the northerly abutting road allowance between Concessions 6 and 7 be removed and relocated onto the property being 18 Golden Road;
6. **That** notwithstanding the definition of street, street access, street line, or lot line, the granting of the variance for the reduced flankage yard will not be interpreted to permit the placement or storage of any item (personal and vehicular) or structure between the flankage lot line of the property being 18 Golden Road and the road allowance between Concessions 6 and 7;
7. **That** regardless of Conditions 4, 5, and 6, should the applicant at anytime decide to utilize any part(s) of the northerly road allowance between Concessions 6 and 7, the owner shall register a licensing agreement through the Land Management Committee. In the absence of a licensing agreement, Conditions 4, 5, and 6 shall continue to apply; and
8. **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 COA2018-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.2 Consent

#### 3.2.1 COA2018-080

David Harding, Planner II  
 File Number: D03-2018-010  
 Location: 1561 Kirkfield Road  
 Part Lots 39 to 42, Concession South of Portage Road  
 Geographic Township of Eldon  
 Owners: Kevin and Jennifer Leach  
 Applicant: Alan Webster

Mr. Harding summarized Report COA2018-080. The application to sever approximately 3 hectares of agricultural land and consolidate it with an abutting vacant landlocked lot, described as Part South, Part of Lot 39, Concession South of Portage Road, Part 1, 57R-9057 in order to give the lot frontage on Kirkfield Road. Approximately 97 hectares of agricultural land will be retained.

The Committee asked for clarification as to the locations of the three Official Plan designations, Rural, Development Plan Area Nine (DP9) and Environmental Protection (EP).

The applicant, Mr. Alan Webster was present and spoke to the Committee as to his concerns with the 18 acre wood lot containing Maple, Oak and Ash. He said he did not like the fact that he has to obtain permission to cut trees on his own private property. He continued to say that there are no water features, and since there are no water features it should not be zoned Environmental Protection. He also clarified that a 10 metre wide access strip to the woodlot is proposed as the northernmost 3 metres of the proposed lot is forested. The lower 6 metres is field that is not as viable because it is close to the woodland edge. A driveway could be constructed in this location.

The Committee asked why a condition proposes to rezone the woodlot EP. Staff replied that woodlands of a certain size may be classified as significant woodlands by the Ministry of Natural Resources and Forestry. Significant woodlands offer habitat to wildlife, and do not have to be wet or have water features. The Provincial Policy Statement, 2014 and Lake Simcoe Protection Plan (LSPP), 2009 do not permit development within significant woodlands.

The Committee asked what would occur should they choose to exclude the proposed condition to rezone the benefitting lot EP.

Ms. Barrie, Supervisor of Policy Planning, further clarified that the Building Division has new protocols to consult with the Lake Simcoe Region Conservation Authority prior to issuing building permits within the LSPP area. For this reason, a building permit would now not be issued within the woodland regardless of how it is zoned.

The Committee asked why they should contemplate granting an application to provide land to a lot which cannot be built upon.

Staff clarified that the portion of land to be severed that is within the DP-9 designation is of sufficient size to contain a building envelope. The land to be severed will allow the owner of the benefitting lot, which currently does not have the ability to develop on their own property, the potential to develop on the land they acquire.

Staff further clarified that subsections (a) and (c) of condition 1 are no longer needed in light of Mr. Webster's comments about the need to remove woodland if the strip linking the benefitting lot with the front portion of the proposed severed lands were reduced in width from 10 metres to 6.1 metres.

The Committee believed that condition 1(b) should also be removed to avoid a diagonal lot line.

The Committee motioned to grant the consent with amendments to condition 1.

**Moved By** D. Marsh

**Seconded By** S. Strathdee

**That** Consent application D03-2018-010 being the application to sever approximately 3 hectares of agricultural land and consolidate it with an abutting vacant landlocked lot, described as Part South Part of Lot 39, Concession South of Portage Road, Part 1, 57R-9057 in order to give the lot frontage on Kirkfield Road and retain approximately 97 hectares of agricultural land, be GRANTED.

**Conditions:**

1. This approval applies to the transaction applied for.
2. The applicant shall apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting:
  - a. The land to be added, such that it be rezoned from Agricultural (A1) Zone to Rural Residential Type One (RR1) Zone and the By-law be in effect; and
  - b. The benefitting lot, such that it be rezoned from Agricultural (A1) Zone to Environmental Protection (EP) Zone and the By-law be in effect.
3. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Roads Operations that an entrance permit application and applicable fee has been submitted in accordance with the City's Public Works Entrance By-law to the Manager's satisfaction to demonstrate that an entrance, respecting the land to be severed, is possible.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the land to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The applicant shall pay all costs associated with the preparation and registration of the required documents.
7. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
8. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$440.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
9. Subsection 50(3) of the Planning Act shall apply to ensure the consolidation of the severed parcel with the abutting lot. The applicant's solicitor shall certify that the land owners registered on title of the subject parcel will be identical to the land owners registered on title of the land with which the severed parcel is being consolidated.
10. The applicant's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land

registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.

11. The applicant's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the *Planning Act*, this consent shall be deemed to be refused.

**Carried**

#### **4. Deferred Applications**

- 4.1 Minor Variances
- 4.2 Consents

#### **5. Correspondence**

#### **6. Other Business**

Mr. Harding attended the LPAT hearing as an expert witness for the Appeal of 1109 Meadowview Road, Emily, D03-17-027 on August 16, 2018. He spoke to the Committee as to the terms of the settlement.

The dates for the Committee of Adjustment meetings for 2019.

**Moved By** D. Marsh

**Seconded By** Councillor Seymour-Fagan

**That** the Committee of Adjustment meetings for 2019 were confirmed.

**Carried**

#### **7. Next Meeting**

The next meeting will be Thursday January 17, 2019 at 1:00pm in the Council Chambers, City Hall.

The next meeting will be Thursday, \_\_\_\_ at 1:00 p.m. in Council Chambers, City Hall.

**8. Adjournment**

**Moved By** D. Marsh

**Seconded By** S. Strathdee

**That** the meeting adjourned at 3:13pm.

**Carried**

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Mark LaHay, Secretary-Treasurer