

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-02
Thursday, February 21, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Emmett Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Lloyd Robertson
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair Robertson called the meeting to order at 1:02pm. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin, S. Richardson, and S. Strathdee were in attendance.

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

2. Administrative Business

2.1 Adoption of Agenda

February 21, 2019
Committee of Adjustment Agenda.

Moved By S. Richardson

Seconded By E. Yeo

That the agenda for the February 21, 2019 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 COA2019-01.2.3.1

January 17, 2019

Committee of Adjustment Meeting Minutes

Moved By E. Yeo

Seconded By S. Strathdee

That the minutes for the previous meeting held January 17, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-008

Quadri Adebayo, Planner II

File Number: D20-2019-001

Location: 379 Ballyduff Road

Part Lot 7, Concession 6, Part 1, RP 57R-8068

Geographic Township of Manvers

Owners: Adam and Amanda Milson

Applicant: Brandon Cambareri

Mr. Adebayo summarized Report COA2019-008, to request to reduce the minimum rear yard setback in order to permit an accessory structure (a steel framed storage building) in its current location. The application originated from an

enforcement notice through the Building Division. The application meets the four tests set out in Section 45(1) of the Planning Act.

The Committee asked staff if the owner's are aware of the prohibited storage uses for the accessory building. Staff replied no I am not aware if they know. The Committee also questioned Condition 2, regarding the accessory building situation. Staff replied it was built without a permit. The decision made today will close the enforcement file. If the application is granted, the applicant will take the decision to the building official for confirmation.

The applicant, Brandon Cambareri was present.

The Committee asked the applicant as to why the accessory structure was built in the first place. Mr. Cambareri responded by saying it was intended as a temporary structure. However, the building inspector advised it was too large to be a temporary building. The applicant also added that they do not intend to concrete the floor of the building. The building will only function as a storage use.

The Committee had no further questions for the applicant.

Jane Marnoch of 351 Ballyduff Road spoke and advised she was in support of the application.

No other persons spoke to the application.

Moved By D. Marsh

Seconded By S. Strathdee

That minor variance application D20-2019-001 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 COA2019-008, 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 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

3) **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 COA2019-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2019-009

David Harding, Planner II
 File Number: D20-2019-002
 Location: 132 Charlore Park Drive
 Lot 2, Plan 331
 Geographic Township of Emily
 Owners: Mary Shephard and Timothy Deel

Mr. Harding summarized Report COA2019-009. The purpose and effect is to permit the construction of an addition to a single detached dwelling inclusive of a deck and to recognize the construction of two cabins and recognize the construction of a pool and deck.

The Committee asked if permits were issued for the two cabins. Staff replied permits were issued for two sheds; however two cabins were built instead and not placed in conformity with the zoning by-law.

The Committee questioned if the cabins were inspected by the Building Division. Staff replied that inspection did not occur as it was the responsibility of the applicant to contact the Building Division to schedule inspections.

One of the owners, Timothy Deel was present and spoke to the Committee.

Through their recent conversations with City staff, they have realized that the cabins are not complying have applied for variances to legalize them. He stated that it would be difficult to move them. He stated that he is willing to remove the beds and use them as storage sheds. He further stated that neither cabin have septic or water connections. The cabins have been there for 14 years and no one has complained, and there are many buildings constructed since 1963 that are close to the water.

In support of the application, Ron Booth, property owner adjacent to 132 Charlore Drive, spoke to the Committee regarding how beautiful the property is kept and that he had no problems with the cabins.

No other persons spoke to the application.

The Committee asked staff if there were any encroachment issues, what would be needed to approve the current placement of the cabins as sheds instead.

Staff responded that there were no encroachment issues, and that as sheds are subject to different zone provisions than cabins, that cabin 2 would need to be relocated to comply with the 1 metre interior side yard setback required of other accessory buildings.

The Committee motioned to approve the application with revisions to Conditions 1, 2, 3 and 5, and that the minor variance application meets the four tests.

Moved By D. Marsh

Seconded By E. Yeo

That minor variance application D20-2019-002 be GRANTED, as the application as determined by the Committee of Adjustment meets the tests set out in Section 45(1) of the Planning Act:

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-009, which shall be attached to and form part of the Committee's Decision,
2. **That** the owners acquire the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the buildings and structures granted by this variance approval,
3. **That** the applicant obtain any requisite Remediation Agreements from Kawartha Conservation Compliance staff,

4. **That** as part of the permissions process pursuant to Ontario Regulation 182/06, the owners work with Kawartha Conservation Compliance and Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer as compensation for the encroachment into the 30 metre fish habitat buffer,
5. **That** prior to the issuance of a building permit for the addition to the single detached dwelling, the owners shall submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate that any outstanding building permit issues with Cabin 1 and Cabin 2 have been rectified; and
6. **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 COA2019-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 Memorandum D20-2019-003

Quadri Adebayo, Planner II
 File Number: D20-2019-003
 Location: 23 Westview Drive
 Part Lot 17, Concession 8
 Geographic Township of Emily
 Owner: Betty Ann Oliver

Mr. Adebayo spoke to a Memorandum provided to the Committee of Adjustment recommending deferral. This was with respect to application D20-2019-003 to request relief to reduce the minimum side yard setback for an accessory structure in order to permit a hot tub room in its current location. On February 11, 2019 during preparation of staff report, it was discovered that a second relief for a water setback was missed when the application was advertised.

Moved By S. Richardson

Seconded By E. Yeo

That Minor Variance application D20-2019-003 be deferred until the next Committee meeting on March 21, 2019, in order to enable the application to be properly advertised with the inclusion of the water setback relief.

Carried

3.1.4 COA2019-011

David Harding, Planner II

File Number: D20-2019-004

Location: 221 Francis Street East, Part Lot 21, Concession 11, Part 2, 57R-2234

Geographic Township of Fenelon

Owner: Nancy MacDonald

Applicant: Adam Hayter

Mr. Harding summarized Report COA2019-011. The purpose and effect is to permit the construction of a detached garage. The application is a result of a Building Division enforcement matter. In June of 2017, the applicant applied for a building permit; however it could not be issued because the zoning by-law does not permit the construction of accessory buildings in a front yard. On February 20, 2019, the Building Division became aware that the garage was constructed without a permit. A pre-screening application was submitted March 2018. The Planning Division's request for a meeting in May 2018 went unanswered, resulting in the Building Division placing a compliance order in November 2018. The pre-screening meeting took place in December 2018.

The applicant, Mr. Adam Hayter was present.

The Committee asked the applicant if he had a permit for the garage. Mr. Hayter replied, that it was not in his possession but that he thought one had been issued. He stated that his office had called for an inspection and an inspector had attended the site.

The Committee stated that a meeting was arranged last May of which neither applicant nor owner replied, and the Building Division had clarified that no permit had been issued.

Mr. Hayter asked Committee if the treatments being sought to the building were necessary.

The Committee asked staff if the building treatments being sought now would have been the same treatments sought if the building had not been constructed.

Staff replied that the treatments being sought now would have been sought prior to the building's construction.

The Committee took into consideration the information and discussed deferring the application to permit additional communication between staff, the applicant, and owner.

In opposition of the application, Judy Currie was present and spoke. She expressed surprise that a prominent local company built without permits.

No other persons spoke to the application.

Moved By D. Marsh

Seconded By S. Strathdee

That Minor Variance application D20-2019-004 be deferred for a period not to exceed three months to provide the owner sufficient time to communicate with the Building Division regarding the timeline of events and also to contact the Planning Division to discuss a visual concept plan.

Carried

3.1.5 COA2019-012

David Harding, Planner II

File Number: D20-2019-005

Location: 31 Peel Street

Part Lot 8, South of Peel Street, Plan 1, Parts 1 and 2, 57R-5220

Former Town of Lindsay

Owner: John Howard Society

Applicant: Lois Powers - Executive Director, JHSCKL

Mr. Harding summarized Report COA2019-012, to permit a Crisis Care Residence use on the same floor as a commercial use. The effect is to permit the partial conversion of a main floor commercial use (office) to a Crisis Care

Residence use. Two accessible bedrooms and an accessible washroom on the main floor.

The Committee questioned the 24 month timeline to complete the minor variance. Staff replied timelines are decided through direction with the Building Division.

The applicant, Shannon Speir, assistant executive director, JHSCKL, was present and spoke. Ms. Speir went on to say they propose to put two bedrooms on the main floor as they currently have stairs.

The Committee had no further questions. No other persons spoke to the application.

Moved By S. Strathdee

Seconded By A. O'Bumsawin

That minor variance application D20-2019-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the variance proceeds generally in accordance with the plans submitted in Appendix D to Report COA2019-012 which show that the office and crisis care uses are able to interact with one another through their use of common spaces. This appendix shall be attached to Committees' Decision.
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 COA2019-012. Fulfillment of all the conditions are required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2019-013

Quadri Adebayo, Planner II

File Number: D20-2019-006

Location: 17 King Street East

Part Lots 10 and 11, Range 6E, Plan 70

Former Village of Bobcaygeon

Owner: George and Gail Leaver Holdings Inc.

Applicant: TD Consulting Inc. - Tom deBoer

Mr. Adebayo summarized Report COA2019-013, to request relief to reduce the parking requirement from 46 parking spaces to 18 parking spaces in order to facilitate additions to an exiting restaurant business, consisting of two seasonal patios (front and rear of building), and supplementary seating in a banquet room on the lower level of the building.

The Committee questioned the current parking situation on the property, on street parking and accessible parking.

The applicant, Mr. Tom deBoer of TD Consulting Inc. was present and spoke to the Committee. There is no accessible parking space on the property as the By-law does not have provision for it. The restaurant will be accessible with the two seasonal patios at the front and rear of the building. The lower level of the building will also be accessible. The owner has an agreement with the neighbour for extra parking as well as an agreement with other businesses for offsite parking during the busy season. There is a ramp at the front of the restaurant and an accessible parking space on the main street in front of the restaurant. It is possible to put an accessible parking space by the storage building on the property. Portions of the existing parking stalls encroach on the adjacent property, 77 William Street.

The Committee questioned the easement agreement and offsite parking.

Neighbour, Chetay Kumar Patel, owner of the dry cleaners, 77 William Street, was present. He stated he had one conversation with the owner of the restaurant and did not enter into an agreement.

No other persons spoke to the application.

The Committee motioned to defer the application after discussing the issues with parking and arrangements with the adjacent property owner.

Moved By D. Marsh

Seconded By A. O'Bumsawin

That Minor Variance application D20-2019-006 be deferred for a period not to exceed two months to provide the owner sufficient time to supply the City with supplementary information including an amended proposal, and to ensure the amended proposal can be adequately received for supportability by staff.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, March 21, 2019 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

Moved By D. Marsh

Seconded By S. Strathdee

That the meeting be adjourned at 3:54pm.

Carried

Mark LaHay, Acting Secretary-Treasurer