

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2019-004**  
**Thursday, April 18, 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 1:00pm. Members S. Richardson and S. Strathdee were in attendance.

Acting Secretary-Treasurer - M. LaHay

Recording Secretary - C. Crockford-Toomey

Absent - Councillor Yeo, Dave Marsh and Andre O'Bumsawin.

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

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

##### **2.1.1 COA2019-04.2.1.1**

April 18, 2019

Committee of Adjustment Meeting Agenda

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

**That** the agenda for April 18, 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 COA2019-03.2.3.1

March 21, 2019

Committee of Adjustment Meeting Minutes

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

**That** the minutes for the previous meeting held March 21, 2019 be adopted as circulated.

**Carried**

## 3. New Applications

### 3.1 Minor Variances

#### 3.1.1 COA2019-017

Quadri Adebayo, Planner II

File Number: D20-2019-009

Location: 20 Griffin Drive

Part Lot 19, Concession 7, Plan 327, Lot 4

Geographic Township of Somerville

Owner: Frank Danek

Applicant: Phillip Danek

Mr. Adebayo summarized Report COA2019-017, to request relief in order to permit the construction of a boat house. Staff suggested to the Committee that the application be deferred until such time when the applicant brings forward a revised application supportable by staff as parts of the application does not meet the tests set out in Section 45 (1) of the Planning Act.

Comments received from agencies: Kawartha Region Conservation Authority (KRCA - April 4, 2019), were opposed to the proposed minor variance; Building-Part 8 Sewage System (March 1, 2019), no concerns; and Building Division - Plans Examiner (April 4, 2019), no concerns. Comments received from the public: Marg and Ken Inglis, 16 Griffin Drive (April 2, 2019), in support of the application. Agency comments received after the written report from Engineering and Corporate Assets (April 9, 2019), no objections. Additional Public comments received from Ross and Corrine Sander, 24 Griffin Drive, in opposition to the application. Ron Osborne – President, Four Mile Lake Association, in opposition to the application. Also, a letter from Mr. Danek's surveyor confirming the boat house does not cantilever over the water.

The Committee asked staff, why recommend deferral and not deny. Staff replied deferral is suggested to see if the applicant is willing to compromise and work with staff. If this cannot be achieved then it will be denied.

The Chair asked if the applicant was present and if he wished to speak.

The applicant, Phillip Danek was present and spoke to the Committee. Mr. Danek expressed his concerns and the unique situation and why he had chosen the location for the boat house as lack of options due to the two cliffs on the property. He also stated there is no intention of habitation, strictly storage.

The Chair asked Mr. Danek if he was agreeable to a deferral to enable a compromise. Mr. Danek replied yes.

No further questions from the Committee or other persons.

The Committee took into consideration the information brought forward and recommended a deferral of up to two (2) months.

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

**That** the Minor Variance application D20-2019-009 be DEFERRED for a period of up to two (2) months in order to provide the applicant sufficient time to supply the City with an amended proposal and to ensure the amended proposal can be adequately received for supportability by staff.

**Carried**

### 3.1.2 COA2019-023

David Harding, Planner II  
 File Number: D20-2019-015  
 Location: 36 Stinson's Bay Road  
 Part Lot 16, Concession 5, Part 1, 57R-1631  
 Geographic Township of Verulam  
 Owners: Stephen and Cynthia Wallis  
 Applicant: Garry Newhook

Mr. Harding summarized Report COA2019-023, which requests relief to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted.

The Committee suggested that a condition be added to prohibit habitable space since a second level was proposed. Staff replied that such a condition was not necessary as the by-law states no habitable space is permitted within accessory buildings.

The Committee also asked about how the owner would comply with the Migratory Bird Act and the Fish and Wildlife Conservation Act, which was a concern noted by the Kawartha Region Conservation Authority (KRCA).

The applicant, Mr. Garry Newhook was present to answer any questions. He responded that the Migratory Bird Act and the Fish and Wildlife Conservation Act was applicable law under the building permit process.

Mr. Newhook thanked staff for their presentation.

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

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** minor variance application D20-2019-015 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 proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-023, which shall be attached to and form part of the Committees' decision
2. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line 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 COA2019-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2019-024

David Harding, Planner II  
 File Number: D20-2019-016  
 Location: 3 Ripple Street  
 Part Lot 27, Concession 10  
 Geographic Township of Fenelon  
 Owners: Gregory and Sandra Scott  
 Applicant: TD Consulting Inc. - Tom deBoer

Mr. Harding summarized Report COA2019-024, to request relief from water setback, EP Zone setback, and side yard setback provisions to permit the construction of a two storey single detached vacation dwelling.

Staff cited comments that had been received from the Trent Severn Waterway (TSW) since the report had been written. The TSW noted no concerns.

The Committee asked for clarification in what the dotted line in Appendix C, represented. Staff responded that the dotted line represents the regional flood elevation on Cameron Lake.

The applicant, Tom deBoer - TD Consulting was present and thanked staff for the report and was available for questions.

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

**Moved By** S. Richardson

**Seconded By** S. Strathdee

**That** minor variance application D20-2019-016 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 proceed substantially in accordance with the sketch in Appendix D to Report COA2019-024, which shall be attached to and form part of the Committees' decision;
2. **That** prior to the issuance of a building permit, the owner shall apply for and complete an Application for a Sewage System Permit with the Building Division – Part 8 Sewage Systems;
3. **That** prior to the issuance of a building permit the owner acquires the necessary permissions from Kawartha Region Conservation Authority, pursuant to Ontario Regulation 182/06, as amended for the replacement dwelling, attached garage and associated septic system;
4. **That** as part of the permitting process pursuant to Ontario Regulation 182/06, the owner works with Kawartha Region Conservation Authority Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30 metre fish habitat buffer and that Kawartha Region Conservation Authority provides confirmation that the planting plan has been implemented to their satisfaction within a period of twenty-four (24) months; 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 COA2019-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 3.1.4 COA2019-025

David Harding, Planner II  
 File Number: D20-2019-017  
 Location: 23 Helen Drive  
 Part Lot 7, Concession 3, Part 4, 57R-7741  
 Geographic Township of Emily  
 Owners: Frank and Tera Keenan

Mr. Harding summarized Report COA2019-025, to request relief to permit a detached garage within a front yard whereas only an interior side and/or rear yard location is permitted. Mr. Harding also brought to the Committee's attention an amendment to Condition 1. In the report Appendix D should read C and Appendix E should read D.

The Committee questioned why Condition 2 had been included to address the shed. Staff replied the accessory building adjacent to the garage does not comply with the zoning by-law, and they are working with the owners to bring the property into compliance.

The Committee asked if it was possible to relocate the shed. Staff responded that this topic had been discussed, and it had been determined that it would be very difficult to relocate the shed.

The applicant, Mr. Frank Keenan, was present. He thanked staff and the Committee.

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

The minor variance was approved as amended.

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** minor variance application D20-2019-017 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 proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-025, which shall be attached to and form part of the Committees' decision;
2. **That** within 24 months after the date of the Notice of Decision the owner shall submit to the Secretary-Treasurer written confirmation from the Building Division that the building identified on Appendix C to Report COA2019-025 as Shed has been removed;
3. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
4. **That** prior to the issuance of a building permit the owner acquires the necessary permissions from the Kawartha Region Conservation Authority pursuant to Ontario Regulation 182/06, as amended for the detached garage; 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 COA2019-025. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**



Quadri Adebayo, Planner II  
 File Number: D20-2019-018  
 Location: 52 McGill Drive  
 Part Lot 1, Concession 14, Plan 46, Lot 40  
 Geographic Township of Manvers  
 Owners: Scott Davidson and Avril Walker  
 Applicant: Bartlett Family Construction

Mr. Adebayo summarized Report COA2019-026, to request relief to reduce the minimum side yard requirement in order to permit the construction of an attached garage to a dwelling.

Comments received from agencies were: the Building Division - Plans Examiner (April 4, 2019), no concerns; Engineering and Corporate Assets (April 8, 2019), no objections; Community Services Department (April 9, 2019), no comments or concerns; and Kawartha Region Conservation Authority (KRCA- April 4, 2019), no objections provided the proposal is constructed as per the plans submitted under requisite permit P2018-355.

The Committee questioned Condition 2 as to what stage will the framed shed be relocated. Staff replied the shed will be relocated as part of the building permit process at the final inspection stage.

The Committee also asked as to why there were no concerns from KRCA. The Committee continued to ask staff if the applicant had a permit. Staff replied yes the applicant has a permit from KRCA, Permit P2018-355.

The applicant, Mr. Alan Bartlett, Bartlett Family Construction was present and thanked staff for their assistance during the process.

No further questions from the Committee or other persons.

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

**That** minor variance application D20-2019-018 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 to 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 COA2019-026, 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** as part of the building permitting process for the proposed attached garage, the frame shed located in the rear yard directly behind the location of the proposed development be relocated on the property in a compliant manner at a minimum setback of 1.3 metres from the southerly lot line to the satisfaction of the Chief Building Official; 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 COA2019-026. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.6 COA2019-028

Quadri Adebayo, Planner II  
 File Number: D20-2019-019  
 Location: 19 Snake Point Road  
 Lot 13, Plan 257  
 Former Village of Bobcaygeon  
 Owners: Stanley and Kathryn Dunstan

Mr. Adebayo summarized Report COA2019-028, to request relief in order to permit the construction of a replacement detached garage.

Comments received from agencies were: the Building Division - Plans Examiner (April 4, 2019), no concerns; Kawartha Region Conservation Authority (KRCA- April 5, 2019), no objections provided the proposed works are constructed as per the plans provided through the application; Engineering and Corporate Assets (April 8, 2019) not supportive, see comments; and Community Services

Department (April 9, 2019) no comments or concerns.

The Committee asked staff as to the recommendation to deny the request seeking relief to reduce minimum side yard request for an accessory building from 1.2 metres to 0.6 metres. Staff replied that Engineering and Corporate Assets do not support a 0.6 metres side yard setback proposed as it is not considered sufficient should any drainage issues arise from the proposed garage replacement.

The Committee suggested adding a condition stating 1.2 metres be the minimum setback from the easterly side lot line.

The applicant Mr. Stan Dunstan, was present and he explained he had met with his neighbour and that there was an 8 foot space between the two cottages and that there is a 1 foot deep ditch filled with gravel. He said he has never experienced drainage issues. He asked if the 1.2 metre setback was mandatory. Staff replied yes.

Staff confirmed to add Condition 2 and the original Condition 2 now becoming Condition 3.

No further questions from the Committee or other persons.

The Committee motioned to grant the minor variance as amended to add Condition 2.

**Moved By** S. Strathdee

**Seconded By** S. Richardson

1. **That** minor variance application D20-2019-019 seeking relief from Section 5.2(c) to reduce the minimum front yard requirement from 7.5 metres to 1.1 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-019 seeking relief from Section 3.1(b) to reduce the minimum side yard requirement for an accessory building from 1.2 metres to 0.6 metres, be DENIED, as this portion of the application does not meet 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 C and

elevations in Appendix D submitted as part of Report COA2019-028, 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; and

2. **That** notwithstanding the sketch in Appendix C the construction of the detached garage shall be located at a minimum setback of 1.2 metres from the easterly side lot line.
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 COA2019-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.7 COA2019-029

David Harding, Planner II  
 File Number: D20-2019-020  
 Location: 78 Logie Street  
 Park 2, E Logie Street, Plan 8P  
 Former Town of Lindsay  
 Owners: Calvin and Sarah Joss

Mr. Harding summarized Report COA2019-029, which requested relief to permit the construction of a detached garage within a front yard and to reduce the front yard setback. A further relief is requested to permit the parking or storage of two commercial motor vehicles in excess of one ton capacity on a residential lot being a boom truck and a one ton truck, whereas such vehicles are not permitted as-of-right on residential lots.

The Committee asked staff if the applicant was aware that he cannot park commercial vehicles on the lot without the variance. Staff replied that they had made the applicant aware through the pre-screening process.

The applicant, Mr. Calvin Joss was present and thanked staff.

Mr. Tom deBoer, representing the owner of two vacant residential lots across the street, one of which is addressed as 75 Logie Street spoke in support of the application.

Councillor Patrick O'Reilly was also present and spoke in support of the application.

Ms. Sharon Quirion of 11 Moynes Court was present and spoke to the Committee in objection to the application. She stated her deck looked straight at Mr. Joss's property and asked if there was a plan to plant trees and vegetation to screen the garage from view. She also asked what the total height of the building would be. Staff replied that there is existing vegetation, additional trees will be planted, and provided her with the proposed total height of the building.

No further questions from the Committee or other persons.

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

**That** minor variance application D20-2019-020 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 proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D to Report COA2019-029, which shall be attached to and form part of the Committees' decision;
2. **That** prior to the issuance of a building permit the owner shall submit a lot grading and drainage plan to the satisfaction of the Engineering and Corporate Assets Department. The owner shall provide to the Secretary-Treasurer written confirmation from the Engineering and Corporate Assets Department that the lot grading and drainage plan is satisfactory; 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 COA2019-029. 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 COA2019-027

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: Leaver Holdings Inc.  
 Applicant: TD Consulting Inc. - Tom deBoer

Mr. Adebayo summarized Report COA2019-027 and previous deferral. Mr. Adebayo continued by saying he received a telephone call April 4, 2019 from Debra Karpenko, 11 King Street East with concerns of noise from the location of 17 King Street East. Mr. Adebayo finished by saying the previous Report COA2019-013 comments remains the same.

The Committee requested typical hours of operation. Staff replied, in the winter months, Wednesday's and Thursday's, 11am - 8pm, Fridays and Saturday's, 11am - 9pm. Closed Sundays, Monday's and Tuesday's. In the summer months, Tuesday's, Wednesday's and Thursday's, 11am - 8 pm. Friday's and Saturday's, 11am - 9pm. Closed Monday's.

The Committee questioned the lack of parking and that the request for reducing parking from 10 to 1 space is not minor and this would be taking parking spaces from competitors. Staff responded stating the parking situation is general and not particular to the subject property. And that the City is undertaking a Parking Study for the area which is anticipated to alleviate some of the insufficient parking concerns in the area to an extent.

The applicant, Mr. Tom deBoer was present and spoke to the Committee. He relayed that the owner requested all staff to park off site and that most customers would be from pedestrian traffic. He also commented that William Street has parking.

The Committee asked the applicant for clarification regarding the neighbouring property owner allowing customers to park on their property. Mr. deBoer replied he has met with the neighbouring property owner and corresponded with them through email. They are in agreement with the easement.

The owner, Mr. Matthew Leaver was present and thanked Staff and the Committee. He reiterated the hours of business and that it is strictly a family restaurant and not a bar, and that there are no extended hours after closure of business at 9pm on Friday and Saturdays, therefore noise should not be a concern.

Julia Kirby, Matthew Leaver's sister was present and spoke to the Committee by saying they support the community and has no intention of competing. Ms. Kirby continued to say their parents have owned the restaurant for 15 years and that Matthew has worked there for 25 years.

No further questions from the Committee or other persons.

The Chair asked for a mover and seconder. Due to a member having difficulty with the parking deficiency being requested where there is no completed parking study to justify their decision, and working with a quorum of 3 members, a motion could not be carried. Chair Robertson requested that Mr. Strathdee assume the Chair. Mr. Strathdee accepted at 3:31pm. Chair Strathdee proceeded to ask for a mover and seconder. The minor variance was granted. Chair Strathdee then requested Mr. Robertson reassume the Chair. Mr. Robertson accepted at 3:32pm.

**Moved By** S. Richardson

**Seconded By** L. Robertson

**That** minor variance application D20-2019-006 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the building construction and parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix D submitted as part of Report COA2019-027, 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** as part of the building permitting process, the owner shall obtain a change of use permit to convert the lower level space of the building from a dwelling use to a restaurant use. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the change of use permitting process has been completed and appropriate for the proposed development;
3. **That** the owner shall apply for an easement with the City of Kawartha Lakes to rectify the area containing the proposed 7 parking stalls abutting the easterly lot line that encroaches onto the neighbouring property at 77 William Street 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; and
4. **That** the applicant shall apply for a Site Plan Exemption with the City of Kawartha Lakes respecting the operation of the restaurant and parking 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 COA2019-027. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 4.2 Consents

#### 5. **Correspondence**

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

Mr. Holy, Planning Manager addressed the Committee to notify them of the upcoming training session, May 16, 2019, Weldon Room, 10am-12pm, with lunch to follow. The Chair suggested that the members be emailed in advance nearer the date.

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



The next meeting will be Thursday, May 16, 2019 at 1:00 p.m. in Council Chambers, City Hall.

**8. Adjournment**

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** the meeting be adjourned at 3:37pm.

**Carried**

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Mark LaHay, Acting Secretary-Treasurer