

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2019-06**  
**Thursday, June 20, 2019**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor E. 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 1:01pm. 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**

##### **2.1.1 COA2019-06.2.1.1**

June 20, 2019  
Committee of Adjustment Agenda

**Moved By** D. Marsh

**Seconded By** A. O'Bumsawin

**That** the agenda for June 20, 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 COA2019-05.2.3.1

May 16, 2019

Committee of Adjustment Minutes

**Moved By** S. Strathdee

**Seconded By** Councillor E. Yeo

**That** the minutes of the previous meeting held May 16, 2019 be adopted as circulated.

**Carried**

## 3. New Applications

### 3.1 Minor Variances

#### 3.1.1 COA2019-034

Quadri Adebayo, Planner II

File Number: D20-2019-023

Location: 467 Sandhills Road

Part Left-North Half Lot 8, Concession 8, Part 1, 57R-5396

Geographic Township of Eldon

Owners: Patricia and William White

Applicant: Patricia White

Mr. Adebayo summarized Report COA2019-034, to request relief to permit the construction of a detached garage/shop building. Mr. Adebayo also noted that a new condition, Condition 3 was added after the writing of the report. Previous Condition 3 now being Condition 4 and other subsequent conditions follow numerically. Also agency comments were received after the writing of the report from Engineering and Corporate Assets and Part 8 Sewage Systems stating they had no objections.

The Committee asked if by adding Condition 3, will that make Condition 2 redundant. Staff replied no, Condition 2 remains. The Committee continued, if water is connected there would need to be a septic system in place. Staff responded no, referring to Condition 3, hot water for heating, which is a closed loop system and cold water for fire suppression. No sink or gray water drain component is involved.

The Committee questioned Condition 4, the sugar shack. Are the owners aware they have to relocate or remove it? Staff replied yes, the owners are aware they have to relocate in a compliant manner or remove it. Only one building in the front yard is supportable by staff. It is not a fixed structure, which allows the option to relocate.

Mr. Carroll of DC Planning Services Inc., acting on behalf of the applicant, Patricia White was present and spoke. He said he had no objection to the report. Mr. Carroll confirmed there is no intent for human habitation, no kitchen, simply hot and cold water into garage/shop. These are the requirements of the insurance company. And that the applicant may need water for washing too. Mr. Carroll also confirmed the sugar shack is used in the tapping process in the front yard to make syrup. It is moved year to year depending on location of trees to be tapped.

The Committee asked if there is a negative effect to two buildings in the front yard. Mr. Carroll replied no and wanted the Committee to consider including it as the sugar shack is portable and if the owners are agreeable to storing it in the appropriate location when the boiling season is over, this should satisfy the requirement. The Committee suggested adding a condition regarding the sugar shack to this effect.

The Committee commented that they are not there to discuss water issues and septic systems, solely to deal with minor variances in this case a garage/shop. Mr. Holy, Planning Manager said these issues are brought up because they are

part of the minor variance; which is why Condition 2 has been put in place.

The Committee or other persons had no further questions.

**Moved By** Councillor E. Yeo

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-023 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/shop 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 COA2019-034, 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 accessory structure 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** notwithstanding Condition 2 hot water for heating and cold water for fire suppression may be connected to the proposed detached garage/shop building;
4. **That** as part of the building permitting process for the proposed detached garage/shop, the sugar shack located in the front yard between the front (eastern) wall of the dwelling and the front lot line be relocated in a compliant manner or removed from the property to the satisfaction of the Chief Building Official upon the complete construction of the detached garage/shop building;
5. **That** notwithstanding Condition 4 the sugar shack be permitted in the front yard during the boiling season and be relocated to a compliant location on the property for the remainder of the year;
6. **That** as part of building permitting process, there be a requirement that the steel storage container and the sawmill cover structure located in the front yard between the front (eastern) wall of the dwelling and the front lot line, including the ice hut located in northerly side yard between the north wall of the dwelling and the northerly side lot line shall be removed from the property

to the satisfaction of the Chief Building Official upon the complete construction of the detached garage; and

7. That the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of 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 COA2019-034. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.2 COA2019-035

David Harding, Planner II  
 File Number: D20-2019-024  
 Location: 202 Moorings Drive  
 Part West Half of Lot 24, Concession 1, Part 1, 57R-5054  
 Geographic Township of Somerville  
 Owners: Wayne and Brian Alldridge  
 Applicant: Doug Van Halteren

Mr. Harding summarized Report COA2019-035, to request relief to permit an addition to a single detached dwelling.

The Committee questioned why a condition had not been included to ensure the removal of the frame shed that was over the southern lot line. Staff replied that a discussion had been had with the applicant regarding its location and the applicant had advised that due to its deteriorating condition, it would be removed. The applicant, Mr. Van Halteren, was present and confirmed that this was the case.

The Committee questioned Rationale 3, "F" symbol in the report, and why the Kawartha Region Conservation Authority's (KRCA) flood proofing recommendations were not included as a condition. Staff replied that the "F" symbol denoted a floodplain area, and that the zoning by-law already established the flood proofing requirements the KRCA recommended.

The Committee asked why the flankage yard reduction did not seek to recognize the southeast corner of the dwelling, which was closer to the south lot line than the proposed addition. Staff responded that the existing dwelling was legal non-complying, and there is no modifications proposed to this portion of the dwelling. Therefore, a variance is not needed to recognize a legal condition.

The Committee also asked if the development of the municipal road allowance to provide shoreline access would alter staff's opinion on the appropriateness of the flankage yard reduction. Staff clarified that it would not, as the road segment would only be the depth of the subject property and would not function as a neighbourhood road as there would be no through traffic since no properties would use the road segment to gain access to their lots.

Mr. Van Halteren spoke to the Committee.

The Committee or other persons had no further questions.

**Moved By** S. Richardson

**Seconded By** D. Marsh

**That** minor variance application D20-2019-024 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 to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C of Report COA2019-035, 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 COA2019-035. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

David Harding, Planner II  
 File Number: D20-2019-025  
 Location: 80 McLeish Drive  
 Part Lot 17, Plan 313, Part Shore Road Allowance, Part 1, 57R-10642  
 Geographic Township of Dalton  
 Owners: Shane and Barbara Sherar

Mr. Harding summarized Report COA2019-036, to request relief to reduce the minimum water setback and to reduce minimum flankage yard setback to permit the construction of a new single detached dwelling.

The applicant, Mr. Sherar was present and spoke. He stated that he agreed with the report and the conditions and had been working for many years to bring the application forward.

The Committee asked staff to clarify whether the by-law required a 30 metre setback or the Official Plan. Staff responded, stating that the Official Plan does specify a 30 metre water setback on new development where feasible, and water setbacks in the different zoning by-laws range from 15 metres to 30 metres. The zone category on the subject property specifies a 30 metre water setback.

The Committee or other persons had no further questions.

**Moved By** D. Marsh

**Seconded By** Councillor E. Yeo

**That** minor variance application D20-2019-025 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 substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-036, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a building permit, the owners shall submit written confirmation from the Building Division – Part 8 Sewage Systems that an on-site sewage system can be installed to accommodate the proposed construction; and

3. **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 COA2019-036. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 3.1.4 COA2019-037

Quadri Adebayo, Planner II  
 File Number: D20-2019-026  
 Location: 64 Sturgeon Crescent  
 Part Lot 3, Concession 8, Plan 593, Lot 12  
 Geographic Township of Fenelon  
 Owners: Charlotte and William Hastie  
 Applicant: Garry Newhook

Mr. Adebayo summarized Report COA2019-037, to request the relief to reduce the minimum side yard requirement in order to permit the construction of an addition (attached garage) onto a two storey dwelling.

Mr. Adebayo also noted an amendment to the report. The Ward should read Ward 6 not Ward 1.

The applicant, Mr. Newhook was present and spoke. A three car garage is proposed as currently Bay 1 is partly used as a laundry room. Also the owner's wife is disabled and needs the extra garage space.

The Committee or other persons had no further questions.

**Moved By** A. O'Bumsawin

**Seconded By** S. Strathdee

**That** minor variance application D20-2019-026 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 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 COA2019-037, 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** 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 COA2019-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.5 COA2019-038

David Harding, Planner II  
 File Number: D20-2019-027  
 Location: 15 Courtney Lane  
 Part Lot 15, Concession 8  
 Geographic Township of Verulam  
 Owners: Sergey and Elena Bogdanets  
 Applicant: Sergey Bogdanets

Mr. Harding summarized Report COA2019-038, to request relief to reduce the minimum rear yard depth to permit the construction of an attached garage and screened porch.

The Committee asked staff if a condition should be added for KRCA for a permit. Staff replied that it is not necessary; it already states in the agency comments that a permit is required from KRCA. The applicant, Mr. Bogdanets was present and clarified that he had already obtained a permit from the KRCA.

The Committee also asked staff to clarify whether there was a need to include a condition to remove the freestanding carport type structure. Staff replied that the

building would be removed to construct the garage and covered deck as the footprints overlapped.

The Committee asked if relief was required to recognize the shed to remain by the north lot line. Staff responded, stating that a conversation with the applicant had determined that the shed predated Verulam's first zoning by-law. As such, it had legal non-complying status. A variance is not necessary to permit a legal condition.

Mr. Bogdanets was present and spoke to the Committee.

The Committee or other persons had no further questions.

**Moved By** Councillor E. Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2019-027 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 additions to the dwelling 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 COA2019-038, 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 COA2019-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.2 Consents

## 4. Deferred Applications

### 4.1 Minor Variances

#### 4.1.1 COA2019-010

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 summarized Report COA2019-010 to request relief in order to permit an accessory building (a hot tub room) in its current location.

The application originated from an enforcement notice through the Building Division. The Committee deferred the application for 3-4 months at the March 21, 2019 public meeting in order to allow applicant time to address issues from commenting agencies and to ensure the proposal would be supportable by staff.

The Committee questioned the KRCA comments from 2014. Staff responded although the location was not appropriate regarding the setbacks required for the zone, KRCA permits were issued based on the location of the structure being outside the flood plain. However the applicant has agreed to remove the shed located in the rear yard within the 30 metre water setback to the satisfaction of the Chief Building Official.

The Committee also questioned the size discrepancies between what is shown in the sketch in comparison with what is written in the report. Staff responded that the size of the structure entered in the report is reliable as it was supplied by the applicant in their application form.

The applicant was present but did not speak.

The Committee or other persons had no further questions.

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-003 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 COA2019-010, 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 in the rear yard within the 30 metre water setback 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 shed has been removed to his/her satisfaction under the Ontario Building Code;
3. **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;
4. **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
5. **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 COA2019-010. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 4.1.2 COA2019-040

Quadri Adebayo, Planner II  
 File Number: D20-2019-009  
 Location: 20 Griffin Drive

Part of Lot 19, Concession 7, Lot 4 on Plan 327  
Geographic Township of Somerville  
Owner: Frank Danek  
Applicant: Phillip Danek

Mr. Adebayo summarized Report COA2019-040, to request relief to increase the maximum height of a building or structure adjacent to or within 3 metres of a lake to permit a two-storey boathouse and the deferral made by the Committee at the April 18, 2019 public meeting to allow the applicant time to come up with a compromise that could be supportable by staff. Mr. Adebayo explained and showed the Committee what is supportable. However the applicant stated they would like to keep to the original design which was submitted in April. Staff cannot support the desired option of the applicant as it does not meet any of the tests for minor variance and recommend that the Committee deny the application. Mr. Adebayo also noted that he had received three new letters in support from neighbours after the report was written but that the objection from the neighbour at 24 Griffin Drive and the Four-Mile Lake Association still stands.

The applicant Mr. Danek was present and spoke to the Committee. He also had hand outs which he claims showed other boathouses on the lake. He gave the history of the property and his family's ownership. He also stated that the property is very unique and that the location he chose was due to lack of options because of the two cliffs on the property. Mr. Danek also stated there is no intention of habitation, that the second storey is strictly storage.

Mr. Danek stated that their chosen boathouse design fits with the characteristics of other boathouses and that the extra height is not a whole lot, and would not block the view of the neighbour at 24 Griffin Drive.

The Committee suggested pushing back the boathouse by 3 metres but the applicant said it would be too costly and have more impact to the environment due to digging and tree cutting. The Committee asked staff that if the applicant was agreeable to move back 3 metres would this application be supportable by staff. Staff replied if they complied the owner still couldn't have a two storey boat house but that the context and merits of such proposal will be reviewed at the time such is brought forward.

In support of the application, Mr. McCool was present and spoke. He stated that the boathouses along the lake are 2 storey and that a height by-law was put into

effect in 1999, restricting 2 storey boathouses.

The Committee wanted it noted that the boathouse shall not be used for human habitation and that necessary approvals and/or permits be obtained from external agencies.

The Committee took into consideration all the information put forward and motioned to grant the original application with conditions.

**Moved By** D. Marsh

**Seconded By** Councillor E. Yeo

**That** minor variance application D20-2019-009 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 boathouse building related to this approval shall proceed generally in accordance with the sketch in Appendix B submitted as part of Report COA2019-040 and elevations in Appendix D submitted as part of Report COA2019-017, 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 boathouse 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** necessary approvals and/or permits be obtained from any required external agencies in relation to the construction of the boat house; 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 reports COA2019-017 and COA2019-040. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

4.2 Consents

**5. Other Business**

**6. Correspondence**

**7. Next Meeting**

The next meeting will be Thursday, July 18, 2019 at 1:00pm. in Council Chambers, City Hall.

**8. Adjournment**

**Moved By** D. Marsh

**Seconded By** Councillor E. Yeo

**That** the meeting be adjourned at 3:28pm.

**Carried**

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Mark LaHay, Acting Secretary-Treasurer