

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-07
Thursday, July 18, 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 1:00 p.m. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin and S. Strathdee were in attendance.

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

Absent: S. Richardson

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-07.2.1.1

July 18, 2019
Committee of Adjustment Agenda

Moved By S. Strathdee
Seconded By A. O'Bumsawin

That the agenda for July 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 COA2019-06.2.3.1

June 20, 2019
Committee of Adjustment Minutes

Moved By A. O'Bumsawin
Seconded By Councillor E. Yeo

That minutes of the previous meeting held June 20, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Consents

3.1.1 COA2019-047

David Harding, Planner II
File Number: D03-2018-012
Location: 41 Shadow Lake Road 16
Part Lot 54, Front Range
Geographic Township of Somerville
Owner: Geoffrey Park
Applicant: Pamela Park

Mr. Harding summarized Report COA2019-047, relating to Consent Application Files D03-2018-012, D03-2018-013 and D03-2018-014 to sever one shoreline access parcel on about 441 square metres of land to be added to the rural backlot; to sever one residential lot on about 15,000 square metres of land and retain approximately 45,000 square metres of vacant rural land (the rural backlot); and, to create an easement over land known as Shadow Lake Road 16 to provide the rural backlot with access to the shoreline access parcel.

The Committee asked staff for clarification as to what is being proposed and how the current configuration was arrived at. Staff clarified the applications, and stated that the owner's discussion with some neighbours had resulted in the proposed cottage lot configuration; there had been a desire to keep ownership of the easement with the cottage lot. Staff further clarified that the proposed cottage lot configuration did not fragment the retained rural backlot since the easement went largely around its perimeter.

Alexander Ryrie was present and acting on behalf of the applicant, but did not wish to speak.

In opposition of the application, Mr. and Mrs. Brand, owners of 31 Shadow Lake Road 16, stated that the shoreline access parcel abuts their lot, and they have a cabin in very close proximity to the lot line. They were concerned that substantial alteration to the landscape would need to occur to provide the proper grade to access the shoreline. This alteration will result in the removal of rock and trees. They were also concerned that the rural backlot would be further subdivided and that all those lots would use the shoreline access parcel to access Silver Lake.

The Committee asked if the shoreline access parcel can currently be built upon. Staff responded that the shoreline access area was zoned the same as the abutting lots, and that an accessory building could be built. The Committee asked if the applicant is planning to build an accessory building on the access parcel.

Staff replied that none are currently proposed, but that the owners wish to retain some potential to build an accessory building for a future purchaser.

The Committee asked what the grade difference is near the shoreline. Staff responded that there is a steady slope about 10-15 feet high down to the water.

Mr. Holy, Manager of Planning, further clarified that as the rural backlot is designated Rural within the City of Kawartha Lakes Official Plan, further

subdivision for the purpose of creating rural residential lots is not possible without an Official Plan Amendment.

No further questions were posed by the Committee or other persons.

Moved By Councillor E. Yeo

Seconded By S. Strathdee

That consent application D03-2018-012, being an application to sever approximately 441 square metres of land, with the conditions of provisional consent substantially in the form attached as Appendix E1 to Report COA2019-047, be **Granted**.

Conditions of Provisional Consent:

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. The owner of the proposed severed parcel and benefitting lot, being the retained lands of Application D03-2018-013, enter into a merger agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the parcel to be severed and the benefitting lot will henceforth be dealt with as one lot. The agreement shall be registered against both the severed and benefitting parcels. The owner shall apply for and pay the prescribed fee for the agreement.
3. The registering solicitor shall undertake to register the agreement specified in Condition 3 on title to both parcels in priority to any other document or security commensurate with the registration of Transfer and shall also undertake to provide a copy of the registered agreement as conclusive evidence of the fulfillment of the undertaking.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to permit residential accessory uses and apply any applicable development standards, and the By-law be in effect.
5. The owner submits to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The owner submits 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.

7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner'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 owner'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

3.1.2 COA2019-047

David Harding, Planner II
 File Number: D03-2018-013
 Location: 41 Shadow Lake Road 16
 Part Lot 54, Front Range
 Geographic Township of Somerville
 Owner: Geoffrey Park
 Applicant: Pamela Park

Mr. Harding summarized Report COA2019-047 to sever 441 square metres of land (D03-2018-012), to sever 15,000 square metres of residential land (D03-2018-013) and to create an easement (D03-2018-014). Refer to item 3.1.1.

Moved By Councillor E. Yeo

Seconded By A. O'Bumsawin

That consent application D03-2018-013, being an application to sever approximately 15,000 square metres of residential land, with the conditions substantially in the form attached as Appendix E2 to Report COA2019-047, be **Granted**.

Conditions of Provisional Consent:

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. That this application be deemed refused if the related application for consent, being file number D03-2018-012, lapses.
3. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to a residential zone category to unify and standardize any applicable development standards, and the By-law be in effect.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned to a Rural General Exception (RG-*) Zone category to permit its reduced lot area and lot frontage, and unify and standardize any applicable development standards, and the By-law be in effect. As part of the zoning by-law amendment application, the owner shall submit surveyor confirmation of the resultant frontage on Baseline Road to remain with the proposed retained lot as well as the area of the proposed retained lot.
5. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to a proposed entrance.
6. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer- review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.

7. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
8. 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.
9. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
10. 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.
11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner'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.
13. The owner'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.
14. 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

3.1.3 COA2019-047

David Harding, Planner II
 File Number: D03-2018-014
 Location: 41 Shadow Lake Road 16
 Part Lot 54, Front Range
 Geographic Township of Somerville
 Owner: Geoffrey Park
 Applicant: Pamela Park

Mr. Harding summarized Report COA2019-047 to sever 441 square metres of land (D03-2018-012), to sever 15,000 square metres of residential land (D03-2018-013) and to create an easement (D03-2018-014). Refer to item 3.1.1.

Moved By Councillor E. Yeo

Seconded By A. O'Bumsawin

That consent application D03-2018-014, being an application to grant an easement over lands known Shadow Lake Road 16 to provide a rural backlot with shoreline access, with the conditions substantially in the form attached as Appendix E3 to Report COA2019-047, be **Granted**.

Conditions of Provisional Consent:

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. This application be deemed refused if the related consent application, being file number D03-2018-013, lapses.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the easement(s) for review and endorsement and the subsequent registered reference plan of survey.
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. 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 \$225.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
6. 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.

7. The owner shall pay all costs associated with the registration of the required documents.
8. The owner'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.
9. The owner'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.
10. 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

3.1.4 COA2019-048

David Harding, Planner II
 File Number: D03-2019-019
 Location: 168 East Street North
 Part Block W, Plan 29
 Former Village of Bobcaygeon
 Owner: Habitat for Humanity Peterborough and District
 Applicant: Habitat for Humanity Peterborough and District, Susan Zambonin

Mr. Harding summarized Report COA2019-048, to sever approximately 507.02 square metres of vacant residential land and retain about 505.35 square metres of vacant residential land in order to construct a single detached dwelling on each parcel. The owner submitted minor variance application D20-2019-022 to be processed concurrently with the consent application. Mr. Harding also summarized COA2019-031 due to the related nature of the applications. The minor variance application seeks to reduce the minimum permitted lot frontage from 15 metres to 11.2 metres. Mr. Harding stated that about 25 letters of support for the variance application were received, but that the content of the letters contained support of the creation of the second lot proposed in the consent application.

The Committee asked questions about how road safety is addressed and why Condition 3 is structured the way it is. Staff responded that Condition 3 addresses road safety concerns and is a standard condition that allows the owner the flexibility to have Road Operations verify that an entrance is available without carrying through with the construction of a driveway entrance.

On behalf of the applicant, Sarah Burke, Executive Chief Officer for Habitat for Humanity Peterborough and District was present and provided the Committee with a brief overview of what the organization does in the community. She stated that her organization proposed two single detached dwellings instead of a semi-detached to fit in with the existing character of the neighbourhood. New single detached houses on nearby Sedona Court to the west have 33 feet (10.05 metres) of frontage. Ms. Burke explained how her agency carries out construction projects and the circumstances of the individuals selected to reside in the homes built. She clarified that there is no evidence that Habitat for Humanity projects depreciate neighbourhood land values. She stated there should not be a stigmatization attached to their projects; the individuals selected for their projects need a hand up, not a hand out. She further stated that they have attempted to set up a meeting with the two objectors to discuss what their concerns are and explain the project, but the objectors did not wish to meet.

In support of the application, Councillor Seymour-Fagan was present and thanked Habitat for Humanity for coming to Bobcaygeon and stated that she has not been approached by the two objectors or received any negative comments about the applications.

In support of the application, Barbara Noble spoke to the Committee saying that she is the mother of the first person selected to receive affordable housing in Bobcaygeon through Habitat for Humanity. She outlined the circumstances of her daughter, explained that she is gainfully employed and not on government assistance and that there would be no increase in traffic because her daughter works during the day.

In support of the application, Beth Gilroy, Realtor, was present and spoke to the Committee. She confirmed the frontages of the homes being constructed on Sedona Court are less than what is being proposed for the subject property. She stated that East Street North is a busy street, but one more driveway should not add to congestion. She also noted that some properties in the area have circular driveways.

In support of the application, Kelly James, Acting President of the Kawartha Lakes Real Estate Association, was present and spoke to the Committee. She

stated that Habitat for Humanity projects do not lower land values, and clarified that Habitat for Humanity builds affordable housing, which does not mean these individuals are on government assistance. Ms. James further explained that there is a 3 year waiting list for affordable housing in this area, the City benefits from the taxes the constructed homes generate and Habitat for Humanity recipients display pride of home ownership.

The Committee or other persons had no further questions.

Moved By D. Marsh

Seconded By S. Strathdee

That consent application D03-2019-019, being an application to sever approximately 507.02 square metres of land, with the conditions substantially in the form attached as Appendix D to Report COA2019-048, be **Granted**.

Conditions of Provisional Consent:

1. This approval applies to the transaction applied for.
2. The owner shall apply for, pay the prescribed fee, and obtain a variance for the lot to be severed and the lot to be retained such that the minimum lot frontage requirement be reduced from 15 metres to the 11.2 metres proposed in the application, and the variance be in effect.
3. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be severed and the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to the two proposed entrances.
4. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer- review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
5. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.

6. 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.
7. 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 \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. 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.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner'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 owner'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

3.2 Minor Variances

3.2.1 COA2019-031

David Harding, Planner II

File Number: D20-2019-022

Location: 168 East Street North

Part Block W, Plan 29

Former Village of Bobcaygeon

Owner: Habitat for Humanity Peterborough and District

Applicant: Habitat for Humanity Peterborough and District, Susan Zambonin

Mr. Harding summarized Report COA2019-031 to request relief to reduce minimum lot frontage in order to create two residential parcels (the severed and retained). The parcel was proposed in consent application D03-2019-019, and heard in the previous application.

Moved By S. Strathdee

Seconded By D. Marsh

That minor variance application D20-2019-022 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the minor variance shall apply to the proposed severed and retained portions of the subject property; and
2. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2019-019, lapses.

This approval pertains to the application as described in report COA2019-031. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.2 COA2019-041

Quadri Adebayo, Planner II

File Number: D20-2019-028

Location: 53 Marsh Creek Road

Part Lot 23, Concession C

Geographic Township of Mariposa

Owner: Yi Xu

Applicant: Y +S International Design

Mr. Adebayo summarized Report COA2019-041, to request relief in order to permit the construction of a two storey detached dwelling.

The Committee stated due to late comments received from the Kawartha Region Conservation Authority (KRCA) regarding no construction prior to obtaining permits, should a condition be added to this effect. Staff replied no as they are

not proposing to build within the 15 metre buffer area from Lake Scugog high water mark.

The Committee asked for clarification on page four of the report, third test, second to last paragraph regarding lot coverage. Staff replied it is capped at 30%, the applicant will be maximizing to 30% lot coverage.

The Committee asked why a sewage system isn't required. Staff responded the septic review showed that the well would be too close to the septic system; therefore, a holding tank was recommended.

The applicant, Y + S International Design was present but did not speak.

In opposition to the application, Ms. Spatafora, 55-57 Marsh Creek Road was present and spoke to the Committee stating that she couldn't speak to the application as she didn't receive a notice of hearing in the mail. Staff responded by saying that we only circulate to neighbours in a 60 metre radius and that her address on file is included in that circulation.

In opposition to the application, Ms. Wieleba, 43 Marsh Creek Road, also didn't receive notification. Staff responded that her address is outside of the 60 metre circulation radius.

The Committee or other persons had no further questions.

Moved By Councillor E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2019-028 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 C1 and elevations in Appendix D submitted as part of Report COA2019-041, 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** part of the Building Permit process, the owner shall obtain all necessary permits required to complete the sewage works. This condition will be

considered fulfilled once the owner submits to the Secretary-Treasurer a Sewage System Permit issued for the proposed dwelling; 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 COA2019-041. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.3 COA2019-042

Hayley Inglis, Student Planner
 File Number: D20-2019-029
 Location: 318 Moorings Drive
 Part Lot 32, Concession 10, Lot 10, Plan 457
 Geographic Township of Fenelon
 Owners: Bryan and Wendy Staal

Ms. Inglis summarized Report COA2019-042, to request relief in order to permit a two storey addition to a dwelling. Ms. Inglis also stated there is an amendment to Condition 3, where it reads, the applicant shall provide photographs showing that the shed has been moved, to now read, two storage structures have been removed or relocated in compliance with the by-law. She outlined comments received from Community Services Department since the writing of the report noting no concerns.

The Committee questioned the KRCA comments regarding the garage must be finished. The Committee suggested that this should be included in the conditions. Staff replied it will be covered in the permit from KRCA.

The Committee asked about sewage and septic upgrades. Staff replied that the applicant has already obtained a septic permit.

The applicant, Mr. Staal was present and confirmed to the Committee that he has a Septic and KRCA permit.

The Committee and other persons had no further questions.

The Committee motioned to approve the application with the amendments to Condition 3.

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Moved By A. O'Bumsawin

Seconded By S. Strathdee

That minor variance application D20-2019-029 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 C submitted as part of Report COA2019-042, which shall be attached to and form part of the Committee's Decision;
2. **That** as part of the building permitting process, upon the complete construction of the addition, the frame shed located in the front yard between the western wall of the dwelling and the western property line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been moved;
3. **That** as part of the building permitting process, upon the complete construction of the addition, the two temporary storage structures located in the front and rear yards between the western wall of the dwelling and the western property line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the two storage structures have been removed or relocated in compliance with the by-law; and

4. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.4 COA2019-043

David Harding, Planner II
 File Number: D20-2019-030
 Location: 45 Marsh Creek Road
 Concessions B and C, Part Lot 23 and Part Road Allowance, Part 1, 57R-8393
 Geographic Township of Mariposa
 Owner: Ahmad Jawad Hadi

Mr. Harding summarized Report COA2019-043, to request relief to permit a detached garage to be converted into a dwelling. He outlined comments received from Community Services Department since the writing of the report noting no concerns.

Mr. Harding identified a wording error in the staff report for the variance to be denied. He recommended the first recommendation be rephrased to read the following:

That relief requested from Section 3.1.4.1 (c) in minor variance application D20-2019-030 be DENIED, as the application is not minor in nature, nor desirable and appropriate for the use of the land, nor in keeping with the general intent and purpose of the zoning by-law, as set out in the tests under Section 45(1) of the Planning Act.

Mr. Harding further recommended the following alterations be made to the conditions within the staff recommendation:

1. To delete condition 5 on the advice of the Chief Building Official since the building exists,

2. The references to a building permit in conditions 3 and 4 be rephrased to a change of use permit, and
3. Condition 4 be restructured to state: That prior to the issuance of the change of use permit the owner shall obtain a demolition permit from the Building Division for the east side porch and stairs.

The Committee asked staff if the garage was converted into a dwelling without a permit. Staff replied, yes.

The Committee asked for clarification as to the building enforcement issue. Ms. Murchison, Chief Building Official, spoke to the Committee. A little over a year ago a foundation for a small addition, including plumbing being roughed in, was added to the side of the existing garage with the intent to create a washroom. Building Division staff attended for enforcement purposes and an additional permit was applied for. This permit application remained inactive while Building Division waited for the property owner to address zoning and encroachment issues. Follow up on the dormant file led to the discovery of other modifications which had occurred without permits on the interior of the structure. Building Division again advised the applicant they required permits. During the last year the interior was completed.

Mr. Harding clarified that the detached garage was constructed prior to the passing of the Township of Mariposa's first zoning by-law in 1978. In around April 2018 Planning Division became aware that the detached garage was being converted into a dwelling without permits when the pre-screening application was filed.

The Committee asked staff if the application would have been supported if a new building was proposed in that location. Staff replied that Realty Services would be engaged first and staff would consider that information when deciding if the application is supportable.

The Committee asked whether portions of the garage encroach on the road allowance. Staff responded that the front wall of the garage is on the road allowance. The Committee also asked when the septic permit was issued. Staff replied 2016. Ms. Murchison added that the permit was originally issued to build a new house not a garage.

The owner was not present, and no representative was sent.

In opposition to the application, Ms. Wieleba, neighbour at 43 Marsh Creek Road spoke to the Committee. Ms. Wieleba stated that the building had previously been a garage with three bay doors: two on the front and one at the back that

had a ramp for a riding lawnmower. She advised that the work started in 2017. She witnessed the building inspector come out and issue a stop work order. The contractor, after a phone discussion with the owner, advised her that the stop work order would be ignored and work continued. The applicant removed the three garage doors and replaced them with windows and doors, removed the ramp and converted a tool shed, which is labelled as a boathouse in the application, into a sauna. Ms. Wieleba advised that the porch area is adjacent to her bedroom and kitchen porch, and that the frequent activity on the porch and side yard on the subject property results in a loss of privacy and generates noise.

Ms. Wieleba also stated that the garage was very close to her home. She outlined a conversation she had with Mr. Harding stating that a new dwelling could be constructed closer to the lot line than the garage. She did not believe a property owner would place a dwelling so close to the lot line given the generous size of the property. She believed a new dwelling would be placed in the centre of the property away from neighbours.

Ms. Wieleba stated her concern that the recently installed drilled well was too close to the subject property's septic system, and enquired as to whom regulates spatial separation between those two features.

Ms. Wieleba produced a copy of a purchase agreement which allowed her the first right to purchase the subject property between 2005 and 2008. She did not purchase the property because she was told that the City would not support the conversion of the garage to a dwelling.

Mr. Harding responded that the by-law does permit a single storey dwelling to be 1.3 metres from the lot line, with each additional half or full storey adding another metre of distance. Therefore, a two storey building could be constructed closer to the side lot line than the existing garage to be converted.

Ms. Murchison clarified that a stop work order was not issued: the owner was instructed to stop construction. The area inspector updated the CBO that there was also an application pending for deck at the rear of the building and that the septic was installed larger than required for the existing change of use to the garage because it was originally applied for with the intent of constructing a new, larger dwelling on the property. However, services can be installed larger than the submitted design will require. She further clarified that, with respect to the well being added to the property, as the sewage system was installed first with permits, responsibility for complying with Ontario Building Code spatial separation falls upon the well driller rather than the City.

The Committee asked if the Ontario Building Code has different requirements for a dwelling as opposed to a garage. Ms. Murchison replied that lots of upgrades are required to convert the garage into a dwelling. Should Committee approve the application, the owner will be required to demonstrate to the Building Division that all required upgrades have been completed.

The Committee questioned the comments from the Kawartha Region Conservation Authority (KRCA) about elevation requirements. Mr. Harding replied that this will be dealt with through the building permit process as a KRCA permit is applicable law.

The Committee asked if there was parking elsewhere on the property aside from the interlock parking pad within the road allowance. Staff replied that there was space to the west of the dwelling which could be accessed through gates in the wrought iron fence.

The Committee motioned to deny the application.

Moved By D. Marsh

Seconded By A. O'Bumsawin

That relief requested from minor variance application D20-2019-030 be DENIED, as the application is not minor in nature, nor desirable and appropriate for the use of the land, nor in keeping with the general intent and purpose of the zoning by-law, as set out in the tests under Section 45(1) of the Planning Act.

Carried

3.2.5 COA2019-044

Quadri Adebayo, Planner II

File Number: D20-2019-031

Location: 44 Riverview Drive

Part Lot 13, Concession 5, Plan RCP 3, Part Lots 18 and 19, Part 2, 57R-3871

Geographic Township of Emily

Owners: Scott and Hollie Lawder

Applicant: Scott Lawder

Mr. Adebayo summarized Report COA2019-044, to request relief in order to permit the construction of a single-storey detached garage.

The Committee asked if the single-storey garage design would have an office

space. Staff replied no just a three car garage. The sample picture in the advertisement is just to show the colour and cladding the proposed structure will have.

The applicant, Mr. Lawder was present but did not speak.

The Committee or other persons had no further questions.

Moved By S. Strathdee

Seconded By A. O'Bumsawin

That minor variance application D20-2019-031 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction of the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2019-044, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** the owner acknowledge through the granting of this approval that the detached garage shall not be used for human habitation. Similar wording shall be placed on the required building permit;
3. **That** prior to the issuance of a building permit, the storage shed located in the front yard between the front (northerly) wall of the dwelling and the front lot line shall be removed from the property to the satisfaction of the Planning Department. The applicant shall provide photographs showing that the shed has been removed; and
4. That the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2019-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.6 COA2019-045

Quadri Adebayo, Planner II

File Number: D20-2019-032

Location: William Street/Snake Point Road

Part Lot 16, 6th Range, Plan 70, Parts 1 and 2 of 57R-8434 and Part 1 of 57R-10649

Former Village of Bobcaygeon

Owners: David Duncan and Susan Edwards

Applicant: David Duncan

Mr. Adebayo summarized Report COA2019-045, to request relief to increase the maximum lot coverage requirement in order to permit the construction of a one-half storey detached dwelling with a attached garage. Mr. Adebayo also noted public comments received from Ms. Campbell, 109 William Street, Bobcaygeon, July 15, 2019 in opposition to the application. Mr. Adebayo responded to the comments thus; that the applicant has advised that no mechanical components will be installed on the north-side of the dwelling to avoid any noise issues that the proposed one-half storey was already approved through the previous variance that established the building envelope in year 2000 whereas the height of the proposed dwelling at 5.2 metres is lesser than the maximum of 11 metres allowed in the R1 zone. As well that the side yard setback on the north-side of the property exceeds the minimum requirement at 3.3 metres where 2.2 metres is the minimum allowed. In response to the concerns about how the City owned drainage pipe within the easement area will be designed, Mr. Adebayo stated that the easement agreement registered on title between the City and the property owner does not contain any drainage design information, but that it is expected that best practice approach will be adapted by the Public Works Department during any modification/maintenance works on the drainage pipe.

The Committee questioned previous Committee decisions. Has the conditions of approval not lapsed? Staff replied that on April 17, 2000 the Committee granted a decision that established the building envelope. Previously on November 8, 2017 a consent approval was also granted for a lot addition to the south-side in order

to enable a bigger building envelope. The conditions were met as it only ties to the lot configuration and building envelope, and not the building construction currently being deliberated upon by Committee.

The applicant, Mr. Duncan was present but did not speak.

The Committee and other persons had no further questions.

Moved By Councillor E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2019-032 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

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 COA2019-045, 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, the owner shall obtain all necessary permits from Engineering. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from Engineering advising that the Municipal Service Connection Application process has been initiated and/or completed to its satisfaction; 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 COA2019-045. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4. Deferred Applications

4.1 Minor Variances

4.1.1 Memo-Re-D20-2019-004

David Harding, Planner II
File Number: D20-2019-004
221 Francis Street East
Part Lot 21, Concession 11, Part 2, 57R-2234
Geographic Township of Fenelon
Owners: Nancy and Shirley MacDonald
Applicant: RWH Construction - Adam Hayter

Mr. Harding summarized the memorandum for application D20-2019-004, 221 Francis Street East, Fenelon. The proposal was previously deferred at the May 16, 2019 Committee of Adjustment meeting to allow the owners and applicant sufficient time to install faux windows and clad the lower portion with stone veneer. The Committee directed the modifications to be completed within two months and then return to the Committee of Adjustment for a decision July 18, 2019.

Staff stated the memorandum was before the Committee as the owner reviewed the Committee's direction and requested staff consider a more cost effective solution. Staff believes the new proposal, a combination of building alterations and landscaping, to be a more effective method of integrating the building into the landscape than building modifications alone.

The Committee recalled this application being a result of building without a permit and questioned if punitive fees have been applied.

Ms. Murchison, Chief Building Official was present and replied that building permit fees are tripled when a variance is required for construction that took place without a permit.

The applicant, Ryan Hayter, RWH Construction was present and spoke to the Committee. He stated that the owners would prefer landscaping instead of the stone veneer that was suggested by staff, and clarified that it is not just the cost that guides this preference. He did ask staff to consider removing the parking requirement, but stated that it would be carried out if the Committee required it.

Staff responded that they had considered the owners' request to remove the parking requirement, but decided that the parking should remain as the trees will

not fully screen the foundation as a combination of deciduous and coniferous trees are proposed, not a hedge. There will therefore be spaces between the trees and spaces through the trees where the foundation will be visible.

The Committee asked why this discussion of alternatives did not occur previously. Staff replied that discussion was originally attempted, but the owner and applicant did not wish to make any alterations to the proposal. It was not until Committee gave clear direction at its May meeting that alterations would be required that discussions started.

A motion to accept the memo and defer the application to no later than the November 7, 2019 meeting failed.

The Chair, Mr. Robertson, requested Mr. Marsh assume the Chair. Mr. Marsh accepted at 4:25pm.

The Committee stated that if the owners landscape the property, what prevents the removal of the trees in six years. Staff replied that the owners will be required to plant 10-12 foot trees. There would already be an expense in securing the trees, and staff are confident that the owners will wish to maintain their investment. Additionally, securities will be taken to ensure the trees are in good health throughout an observation period. At the completion of the period, the securities will be released.

Mr. Holy, Manager of Planning added that there will be a development agreement registered on title, which is legally enforceable. Also, as tall trees will be required, the owners will not wish to remove the trees if they invest thousands of dollars in landscaping.

The Committee motioned to accept the memo which proposes a combination of building alterations and landscaping and to defer the application for reconsideration no later than November 7, 2019.

Moved By Councillor E. Yeo

Seconded By L. Robertson

That this is further to the consideration of your application by the Committee of Adjustment on July 18, 2019. The Committee received the memorandum which proposed alterations to the building and landscape and has further DEFERRED your application for reconsideration no later than November 7, 2019 meeting to provide the owner sufficient time to carry out the actions outlined in the memorandum being to install two faux windows and carry out or cause to be carried out a landscaping plan and to work with the Planning Division to implement the proposed alterations.

Mr. Robertson assumed the Chair at 4:33pm.

Carried

4.2 Consents

5. Correspondence

6. Other Business

Mr. Holy spoke to the Committee regarding Bill 108. Copies of the Council Report were distributed to the members.

The Chair thanked Ms. Murchison for attending the meeting.

7. Next Meeting

The next meeting will be Thursday, August 15, 2019 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

That the meeting be adjourned at 4:35pm.

Moved By Councillor E. Yeo

Seconded By S. Strathdee

Carried

Mark LaHay, Acting Secretary-Treasurer