

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-08
Thursday, August 15, 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 1:00pm. Councillor E. Yeo and Members S. Richardson and S. Strathdee were in attendance.

Absent: D. Marsh and A. O'Bumsawin

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

Chair Robertson called the meeting to order at 1:00pm. Councillor E. Yeo and Members S. Richardson and S. Strathdee were in attendance.

Absent: D. Marsh

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

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-08.2.1.1

August 15, 2019
Committee of Adjustment Agenda

Moved By S. Strathdee
Seconded By Councillor E. Yeo

That the agenda for August 15, 2019 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

Carried

2.3.1 COA2019-08.2.3.1

July 18, 2019
Committee of Adjustment Minutes

Moved By Councillor E. Yeo
Seconded By S. Strathdee

That the minutes of the previous meeting held July 18, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-049

Quadri Adebayo, Planner II
File Number: D20-2018-047
Location: 39 Juniper View Drive
Part Lot 24, Plan 470, Lot 2
Geographic Township of Somerville
Owner: Kevin Hodgins and Donna Lumani
Applicant: Kevin Hodgins

Mr. Adebayo notified the Committee of incorrect directional signs on the PowerPoint presentation. Mr. Adebayo continued by summarizing the Report COA2019-049, to permit the construction of a detached garage and to recognize two other existing accessory buildings (a cabin and a tool shed).

Kawartha Conservation (KRCA) commented on August 2, 2019. Permits are required prior to construction. The Bunkie (Private Cabin) should be raised 0.3 metres above the Balsam Lake regulatory floor elevation. No concerns from other agencies.

The Committee questioned the third relief to permit a private cabin on a residential property with less lot area and frontage than the minimum requirements of the LSR Zone and wanted to know what are these minimum numbers? Staff replied the Somerville by-law permits a minimum area of 2,000 square metres and a minimum frontage of 30 metres within the LSR Zone, whereas the subject property currently has lesser values than the minimum requirements with a lot area of 1,352 square metres and a lot frontage of 21.34 metres.

The applicant, Mr. Hodgins was present and asked staff why Condition 4 was included when he already had permits from Kawartha Conservation. Mr. Hodgins said he acknowledges that the Private Cabin (Bunkie) must be moved 15 metres from the waters edge but he hadn't moved it as yet and asked whether the Bunkie can serve as temporary storage until construction of the detached garage is completed. Staff responded the condition does not affect the temporary use of the Bunkie for storage. The condition is in place so that the applicant provides proof that it has been moved in a manner that satisfies interested agency requirements.

Mr. Walden, neighbour, was present and spoke to the Committee. He stated that in the past he had built a deck at the front of his dwelling and was instructed to build 15 metres from the high water mark. Mr. Walden went on to say if the applicant keeps to the by-law, he would have no issues. Mr. Walden is satisfied a condition has been placed to that effect.

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

Moved By Councillor E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2018-047 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 COA2019-049, 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 for the detached garage, the applicant shall obtain all necessary permits required from the Kawartha Conservation (KRCA) prior to construction. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the permitting process has been initiated to its satisfaction;
4. **That** as part of the KRCA permitting process, the applicant shall provide the Secretary-Treasurer written confirmation from the KRCA advising that the Private Cabin (Bunkie) has been raised to a satisfactory gradient from the

Balsam Lake flood elevation at a minimum water setback of 15 metres from the lake; 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 COA2019-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2019-050

Ian Walker, Planning Officer - Large Developments

File Number: D20-2019-034

Location: 563 County Road 121

Concession 9, Part Lot 22, Plan 49, Part Block E, F and G, Part Lot 19 and 20, Part Dick Street, Part 1, 57R-6559

Geographic Township of Fenelon

Owner: Canadian Tire Corporation Limited - Veronik Manolova

Applicant: IBI Consulting Group - Tracy Tucker

Mr. Walker suggested to the Committee that the application file D20-2019-034, requesting a minor variance at 563 County Road 121 will continue to be recommending deferral to the next meeting as there is another variance required, and a re-advertisement. Mr. Walker summarized Report COA2019-050, relating to minor variance application D20-2019-034 to start a conversation and to listen to any concerns from the public should they be present. Mr. Walker also read revised comments from Kawartha Conservation (KRCA) that were received but not included in the package.

Mr. Walker noted that slides 14-16 of the PowerPoint presentation are not clear and that a full size hard copy was available for members to view.

The Committee asked Mr. Walker if he will go through the presentation again at the September meeting. Mr. Walker responded he would, with the added and modified variance request, and it will be re-advertised.

The applicant, Tracy Tucker, IBI Group was present and addressed the Committee saying she will be submitting site plans and that she was agreeable with the deferral.

No further questions from the Committee or other persons.

Moved By S. Richardson

Seconded By S. Strathdee

That Minor Variance Application D20-2019-034 be DEFERRED for a period not to exceed one month to provide the owner 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

3.1.3 COA2019-051

Quadri Adebayo, Planner II

File Number: D20-2019-035

Location: 798 Cedar Glen Road

Part Lot 11, Concession 3, Plan 209, Lot 1 to 2

Geographic Township of Verulam

Owner: Louis Gorassi

Applicant: Andrew Chudy

Mr. Adebayo summarized Report COA2019-051, to request relief to reduce the minimum interior side yard requirement to permit the construction of an addition onto a boathouse. Mr. Adebayo advised that no negative impacts are anticipated given the applicant has obtained necessary permits from Trent Severn Waterway and Kawartha Conservation with no concerns.

The applicant and owner were present, but did not wish to speak.

There were no questions from the Committee or other persons.

Moved By S. Strathdee

Seconded By Councillor E. Yeo

That minor variance application D20-2019-035 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 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 COA2019-051, 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. Similar wording shall be placed on the required building permit; 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 COA2019-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2019-052

David Harding, Planner II
 File Number: D20-2019-036
 Location: 87 Bethany Hills Road
 Part Lot 12, Concession 11, Part 1, 9R-828
 Geographic Township of Manvers
 Owners: Ian and Carey Titterton
 Applicant: Ian Titterton

Mr. Harding summarized Report COA2019-052, to reduce the minimum side yard setback for an accessory building in order to permit the construction of a

detached garage.

The Committee questioned Rationale 2, fourth paragraph “Condition 2 is recommended to ensure continued compliance...”. Staff replied that all three accessory buildings need to be removed before the issuance of the building permit for the new garage to comply with the maximum accessory building lot coverage requirement. Staff further explained that the two buildings identified in proposed Condition 2(a) would need to be removed anyway as they are proposed upon the footprint of the new garage.

The Committee also questioned whether a variance was needed for the proposed building height. Staff replied that a variance for height was not required, as the building was below the permitted 5 metre height maximum.

The applicant, Mr. Titterton, was present but did not wish to speak.

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

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2019-036 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 substantially in accordance with the sketch in Appendix D and generally in accordance with the elevation in Appendix E submitted as part of report COA2019-052, which shall be attached to and form part of the Committee's Decision;
2. That prior to the issuance of a building permit:
 - a. The owners shall obtain demolition permits for the garage and garden shed to the northeast of the dwelling identified as Existing Garage and B5 Garden Shed on the sketch in Appendix C to report COA2019-052; and
 - b. The Chief Building Official or his/her designate shall verify that the garden shed to the northwest behind the existing shop, identified as B4 Tin Shed on the sketch in Appendix C to report COA2019-052 has been satisfactorily demolished; 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 COA2019-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2019-053

Samantha Willock, Student Planner

File Number: D20-2019-037

Location: 43 Knox Crescent

Lot 8, Plan 194, Part Lot 18 S Louisa Street, Plan 17, Part Water Street, Plan 100, Part 8, 57R-4644

Former Village of Fenelon Falls

Owners: Nancy and John L'Estrange

Applicant: Nancy L'Estrange

Ms. Willock summarized Report COA2019-053, to request relief in order to permit the replacement of a single-storey dwelling with a two-storey dwelling. Ms. Willock also cited comments from Kawartha Conservation.

The Committee questioned Appendix C, showing a shed with an X through it. Staff confirmed that the storage shed is referenced in Condition 2 as located in proximity to the water setback to be completely removed from the property or relocated elsewhere on the property in a compliant manner. The Committee also asked if the shed measuring 3.048 metres has to be removed. Staff replied that the accessory structure is legal non-complying and not attached to the main structure or affecting the minor variance. The Committee asked if Condition 2 is time sensitive. Staff replied no and suggested a textual amendment.

The applicant, Ms. L'Estrange was present and spoke to the Committee relaying two letters of support from her neighbours.

The Committee motioned to amend Condition 2 to add: The condition will be considered fulfilled once the owner submits a picture to the Secretary-Treasurer demonstrating that the storage shed has been completely removed (demolished) from the property or relocated elsewhere on the property in a compliant manner.

There were no further questions from the Committee or other persons.

Moved By Councillor E. Yeo

Seconded By S. Strathee

That minor variance application D20-2019-037 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 COA2019-053, which shall be attached to and form part of the Committee's Decision; and
2. **That** the current storage shed located in proximity to the water setback be completely removed from the property or relocated elsewhere on the property in a compliant manner. The condition will be considered fulfilled once the owner submits a picture to the Secretary-Treasurer demonstrating that the storage shed has been completely removed (demolished) from the property or relocated elsewhere on the property in a compliant manner.
3. **That** prior to the issuance of a Building Permit for the dwelling, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) which demonstrates that the proposed dwelling is appropriate for the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the proposed dwelling meets KRCA policies regarding the flooding hazard associated with Cameron Lake, and that the permitting process has been initiated to its satisfaction; 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 COA2019-053. 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

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, September 19 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

Moved By S. Richardson

Seconded By Councillor E. Yeo

That the meeting be adjourned at 1:56pm.

Carried

Mark LaHay, Acting Secretary-Treasurer