

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-09
Thursday, September 19, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Lloyd Robertson
Councillor E. Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair Robertson called the meeting to order at 1:08pm. Members D. Marsh, S. Richardson and S. Strathdee were in attendance.

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

Absent: Councillor E. Yeo and A. O'Bumsawin

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-09.2.1.1

September 19, 2019
Committee of Adjustment Agenda

Moved By D. Marsh
Seconded By S. Richardson

That the agenda for September 19, 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 COA2019-08.2.3.1

August 15, 2019
Committee of Adjustment Minutes

Moved By S. Strathdee
Seconded By S. Richardson

That the minutes of the previous meeting held August 15, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-054

Ian Walker, Planning Office - 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 spoke to the Committee regarding previous Report COA2019-050 (563 County Road 121) to defer to allow the applicant time to amend application to add two or three variances. Since the writing of Report COA2019-054, the applicant has requested a further deferral to work through concerns raised by staff. A Site Plan application has been submitted to the City. As part of the review there may be additional changes to the proposed variances. Staff suggested a deferral and that the application return to the Committee at such a time that is supportable by staff.

There were no questions from the Committee or other persons.

Moved By D. Marsh

Seconded By S. Richardson

That Minor Variance Application D20-2019-034 be further deferred for six months 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. Re-advertise if required.

Carried

3.1.2 COA2019-055

Quadri Adebayo, Planner II

File Number: D20-2019-038

Location: 788 Indian Point Road

Range North West Bay, Part Lot 3, Plan 378, Lot 29

Geographic Township of Bexley

Owner: Bruce Brock

Applicant: RWH Construction, Ryan Hayter

Mr. Adebayo summarized Report COA2019-055, to permit the construction of a detached garage including additions to a single-storey waterfront dwelling that will comprise of a walkout basement, a covered front porch an attached garage, a sunroom and an elevated deck at the rear with stairs. Mr. Adebayo stated there are two variances and suggested that the first variance be denied as it does not meet the tests set out in Section 45(1) of the Planning Act.

Agency comments received since the writing of the report from Community Services and Part 8 Sewage Systems have no concerns. Kawartha Region Conservation Authority require permits prior to the issuance of a building permit.

Mr. Adebayo also stated a new condition be added, Condition 2 as follows: "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". Former Condition 2 to become Condition 3 with subsequent conditions to follow in numerical order.

The Committee asked staff if the applicant had obtained permits for the house renovations originally. Staff replied yes, however not for the deck which is yet to be issued a building permit until the minor variance process is finalized.

The Committee questioned the depth of the deck that makes it too close to the lake. Staff responded 3 metres, but suggest a depth of up to 1.8 metres in order to meet the 15 metre setback.

The Committee also questioned the size of the garage doors, shown in the presentation, stating that they appear to look like regular size doors, not for large vehicles as requested. Staff replied these are conceptual drawings which makes the actual size difficult to discern, however they are larger doors. The Committee asked what type of vehicles are intended to be stored in the garage. Staff requested that the applicant answer this question.

The applicant, Mr. Adam Hayter was present and spoke. He confirmed the garage would be used to store boats with tall masts. The garage doors are 10 feet tall.

The Committee asked staff if the elevated deck is drawn out of perspective to extend the blue line shown on the presentation screen and not to the red line proposed by the applicant. Staff replied yes.

The Committee suggested a condition be added referencing Kawartha Region Conservation Authorities comments. Condition 4 was added, reading as follows: "That permits and approvals required by the Kawartha Region Conservation Authority be obtained prior to the issuance of a building permit". Previous Condition 4 now becomes Condition 5.

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

Moved By S. Strathdee

Seconded By D. Marsh

1. **That** minor variance application D20-2019-038 seeking relief from Section 13.2.1.3(e) to reduce the minimum water setback from 15 metres to 13 metres, be DENIED, as this portion of the application does not meet the tests set out in Section 45(1) of the Planning Act; and
2. **That** minor variance application D20-2019-038 seeking relief from Section 3.1.3.2 to increase the maximum height requirement for an accessory building from 5 metres to 6 metres, be GRANTED, as this portion of the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction of the dwelling and detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C2 and the elevations in Appendix D submitted as part of report COA2019-055, 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;
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** the depth of the elevated deck proposed within the rear yard area shall be located at a minimum water setback of 15 metres from the water's edge;
4. **That** permits and approvals required by the Kawartha Region Conservation Authority be obtained prior to the issuance of a building permit; 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 COA2019-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2019-056

David Harding, Planner II

File Number: D20-2019-039

Location: 344 Lindsay Street South, Part Lot 16, Concession 6

Geographic Township of Ops

Owner: Moynes Leasing Ltd.

Applicant: MVW Construction and Engineering Inc.

Mr. Harding summarized Report COA2019-056, to request relief to permit an addition to a legal non-conforming body shop use.

Mr. Harding brought to the attention of the Committee an affidavit included in the amended agenda package. He noted that there was a typo in the report. Within proposed Condition 1, Appendices C and D were intended to be referenced, not Appendices D and E. Proposed Condition 2 is recommended to be removed as a Section 59 Notice for the application has since been received. Proposed Conditions 3 and 4 would be re-labelled 2 and 3. The content of the new proposed Condition 3 would be deleted and replaced with the following: "That prior to the issuance of a Building Permit the owner shall submit to the Secretary - Treasurer written approval from the Building Division - Part 8 Sewage Systems. As part of this approval the owner shall submit to the Building Division - Part 8 Sewage System a satisfactory drawing denoting the location of the sewage system and applicable setbacks and pay the applicable sewage system review fee" in light of recent comments received from Building Division - Part 8 Sewage Systems.

Mr. Harding noted that agency comments received since the writing of the report from Community Services, Kawartha Region Conservation Authority and the Building Division noted no concerns.

The Committee asked if a Kawartha Region Conservation Authority (KRCA) condition should be added. Staff replied that it was not necessary as a party acting on behalf of the applicant had advised that a KRCA permit was already applied for.

The applicant, Mark Wilson, MVW Construction and Engineering Inc. was present, but had no questions for the Committee.

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

Moved By S. Richardson

Seconded By D. Marsh

That permission/minor variance application D20-2019-039 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 related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D of report COA2019-056, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems. As part of this approval the owner shall submit to the Building Division – Part 8 Sewage Systems a satisfactory drawing denoting the location of the sewage system and applicable setbacks, and pay the applicable sewage system review fee; and
3. **That** the building construction related to the permission/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 COA2019-056. Fulfillment of all conditions is required for the Permission/Minor Variance to be considered final and binding.

Carried

3.1.4 COA2019-057

David Harding, Planner II

File Number: D20-2019-040

Location: 726 Balsam Lake Drive

Range North West Bay, Part Lot 16

Geographic Township of Bexley

Owner: Julia Farewell

Applicant: RWH Construction, Ryan Hayter

Mr. Harding summarized Report COA2019-057, to request relief to reduce the minimum side yard setback for an accessory building in order to permit the construction of a new boathouse.

Mr. Harding noted that agency comments received since the writing of the report from the Kawartha Region Conservation Authority and Building Division - Part 8 Sewage Systems noted no concerns.

The owner, Ms. Farewell was present but did not speak.

There were no questions from the Committee or other persons.

Moved By D. Marsh

Seconded By S. Strathdee

That minor variance application D20-2019-040 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 substantially in accordance with the sketch in Appendix C-2 and elevations in Appendix D submitted as part of report COA2019-057, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit the Secretary-Treasurer receive written confirmation from the Chief Building Official that the surface runoff generated by the boathouse is managed to their satisfaction; 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 COA2019-057. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2019-058

Quadri Adebayo, Planner II
File Number: D20-2019-041
Location: 18 Church Street
Part Lot 9 and 11, Plan 42
Geographic Township of Mariposa
Owner: Ruth Currie
Applicant: Arturs Bergs

Mr. Adebayo stated by bringing the Committees' attention to a typo on page 3 of the Report, second paragraph, line 7 which reads 4.5 metres (40% deficiency), whereas it should read 4.3 metres (57.3% deficiency).

Mr. Adebayo summarized Report COA2019-058, to permit the replacement of a derelict single-storey dwelling with a new single-storey detached bungalow on a reconfigured footprint that will comprise of a basement area and a covered deck on the main level.

Agency comments received since the writing of the report from Community Services had no concerns. Public comments received from Michael and Carol Loughlin of 105 Robmar Crescent, Manilla, in support of the application.

The Committee asked if the sewage system was decommissioned. Staff replied that the application process is ongoing with Anne Elmhirst, Supervisor - Part 8 Sewage Systems to ensure the existing sewage system has capacity for the new build proposed.

The applicant, Mr. Bergs was present and spoke to the Committee. He noted that the block map was incorrect, that George Street is in actual fact Edward Street.

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

Moved By S. Richardson

Seconded By D. Marsh

That minor variance application D20-2019-041 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 C2 and generally in accordance with the elevation in Appendix D submitted as part of report COA2019-058, 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; 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 COA2019-058. 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**

Mr. Holy, Planning Manager announced that Robyn Carlson, City Solicitor will be attending the Council Meeting September 24, regarding the appeal filed against 45 Marsh Creek Road, Mariposa. The Chair requested an update.

The Chair requested that the planners add a condition in future to applications where permits are required from KRCA, MTO and Part 8 Sewage Systems.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, October 17, at 1:00pm in Council Chambers, City Hall.

8. Adjournment

Moved By D. Marsh

Seconded By S. Strathdee

That the meeting be adjourned at 2:08pm.

Carried

Mark LaHay, Acting Secretary-Treasurer