

**The Corporation of the City of Kawartha Lakes**  
**Minutes**  
**Committee of Adjustment Meeting**

**COA2020-001**  
**Thursday, January 23, 2020**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett**  
**Yeo**  
**David Marsh**  
**Andre O'Bumsawin**  
**Sandra Richardson**  
**Lloyd Robertson**

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**1. Call to Order**

The Acting Secretary-Treasurer, Mr. LaHay called the meeting to order at 1:00 p.m. Councillor E. Yeo and Members L. Robertson, D. Marsh, A. O'Bumsawin and S. Richardson were in attendance.

Recording Secretary - C. Crockford-Toomey.

**1.1 Election of the Chair**

Mark LaHay, Acting secretary-Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of the Chair for 2020.

**CA2020-001****Moved By** A. O'Bumsawin**Seconded By** D. Marsh

**That** Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried**

## 1.2 Election of the Vice Chair

Lloyd Robertson assumed the role of Chair and requested nominations for a Vice Chair.

**CA2020-002****Moved By** S. Richardson**Seconded By** A. O'Bumsawin

**That** David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried****2. Administrative Business**

## 2.1 Adoption of Agenda

## 2.1.1 COA2020-01.2.1.1

January 23, 2020

Committee of Adjustment Agenda

**CA2020-003****Moved By** D. Marsh**Seconded By** A. O'Bumsawin

**That** the agenda for the January 23, 2020 meeting be approved.

**Carried**

## 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

## 2.3 Adoption of Minutes

### 2.3.1 COA2019-12.2.3.1

November 28, 2019

Committee of Adjustment Minutes

#### **CA2020-004**

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** the minutes of the previous meeting held November 28, 2019 be adopted as circulated.

**Carried**

## 3. New Applications

### 3.1 Minor Variances

#### 3.1.1 COA2020-001

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-055

Location: 1022 Highway 7

North Part Lot 17, Concession 8

Geographic Township of Mariposa

Owners: Earl Marks and Linda Ward

Applicants: Earl Marks and Linda Ward

Mr. Harding summarized Report COA2020.001, to request relief to increase the maximum permitted footprint of all residential accessory buildings to permit the construction of a 223 square metre storage building. Extra comments were received from the Ministry of Transportation January 21, 2020, stating no permits required.

The Committee asked staff if the storage building could be used for commercial use in the future. Staff responded it is zoned for residential use only. The Committee suggested a condition be added. Staff replied a condition is not necessary, as it is prohibited to be used commercially.

The Committee stated the Ministry of Transportation does not require permits. Staff replied that is correct however the Building Division require permits through a minor variance.

The applicant, Earl Marks was present but had no questions.

No further questions from the Committee or other persons.

#### **CA2020-005**

**Moved By** Councillor Yeo

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-055 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

#### **Conditions:**

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-001, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2020-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

#### 3.1.2 COA2020-002

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-056

Location: 76 Kozy Kove Road

Part Lot 16, Concession 4, Lot 17, Plan 399  
Geographic Township of Somerville  
Owner: Donald Sellers  
Applicant: Donald Sellers

Mr. Harding Summarized Report COA2020-002, to request relief to reduce the minimum water setback to permit the raising of a dwelling to add a full basement, to reduce the minimum water setback to permit the construction of a raised deck and stairs; and to reduce the minimum rear yard to permit the construction of a raised deck and stairs.

Mr. Harding brought to the Committee's attention an amendment to the report COA2020-002 to the relief which read "1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement" to now read" be amended to read "1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to provide for a reinforced foundation"

Mr. Harding noted comments received from the Ministry of Transportation, 21 January, 2020 after the writing of the report, had no concerns. Also public comments received from Marie-Elise Street, January 20, 2020 were addressed and do not impact the proposal.

The Committee questioned the water level as to whether the property is prone to flooding and if so will the City assume responsibility if we accept the decision. Staff replied we cannot be found at fault, the lot is a third of an acre, it cannot be moved out of the floodplain. This is not an option or a concern.

The Committee stated we would be more liable if we turned down the improvement. Ms. Murchison, Chief Building Official, agreed.

The Committee asked if raising the floor by 1 meter would it be sufficient. Staff replied I would like the applicant to respond.

The applicant, Don Sellers was present and spoke to the Committee. There is a designated high water level set by the surveyors. I have raised it by a third over the suggested requirement.

No further questions from the Committee or other persons.

**CA2020-006****Moved By** D. Marsh**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-056 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-002, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2020-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

## 3.1.3 COA2020-003

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-057

Location: Birch Glen Drive

Lots 9 and 10, Concession 7, Part Lot 16, Plan 184

Geographic Township of Somerville

Owners: Bruce and Andrew Gibson

Applicant: Bruce and Andrew Gibson

Mr. Harding summarized Report COA2020-003, to request relief to construct a detached garage. The minor variances meet the four tests. Mr. Harding also stated that comments were received from the Ministry of Transportation, Jan 21, 2020 after the writing of the report, with no concerns.

The Committee asked if staff would support the application if the lot was separate from the adjoining lot. Staff replied no.

The Committee asked if the garage was buildable closer to the road. Staff replied two thirds down the slope is more suitable due to flood ground.

The Committee asked if 50 Birch had space to build garage. Staff replied yes on existing parking space. Committee continued by saying why support application when they do have an existing parking lot. Staff responded the garage is likely to be used for other storage.

The Committee questioned staff as to relief 4. increasing setbacks. Staff confirmed by saying that standards are set to construct a detached garage, if they propose to construct a cottage, these provisions would not apply.

The Committee also question staff with the garage built on vacant lot, in the future can they build a cottage. Staff replied they could as there is sufficient room to build with sewage system. The Committee continued, if we approve the garage should a condition be added stating that an accessory structure may not be used for habitable use. Staff responded by say the Zoning By-law is sufficient.

The applicant, Dr. Bruce Gibson was present and spoke to the Committee, he stated that he was the owner of 50 Birch Glen Road and the vacant lot and that his intent was to build a garage on his vacant lot with access from 50 Birch Glen.

The Committee asked the applicant as to merging the lots. The applicant replied, from an economical view, I do not see an advantage or need.

The Committee asked for clarification as to road access (Building Code). Ms. Murchison, Chief Building Official spoke to the Committee and requested time to review small building, year round/three season use.

The Committee continued with there line of questioning to staff, If we approve this application, should there be an agreement for an easement. Staff replied an easement agreement is not required as the owner owns both lots. The Committee asked if the two stand alone lots are owned by the same owner. Staff reiterated again that in this instance the owner owns both lots. Should the owner decide to sell vacant lot with proposed garage, the new owner would have to apply for a new driveway or easement. The Committee asked if there is room for a driveway if the lot sells. Staff replied based on neighbouring characteristics, they are all the same size.

Richard Holy, Planning Manager spoke to the Provisions Policy.

The Chair stated that the intent of this application is noble and straight forward, the owner would like to build garage on adjoining lot which they own, access will be from 50 Birch Glen Road and that they have no intention of selling the lot.

At 2.15pm, Member, Mr. O'Bumsawin left the meeting.

The Committee questioned the purpose and effect for 1. Section 19 and requested that it be removed.

At 2:40pm - Break. At 2:47pm meeting called to order.

The Committee questioned whether a garage could be built without a driveway entrance. Discussions ensued.

After listening to Ms. Murchison's explanation, staff are prepared to amend Section 19 which read "Definitions to vary the definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property" be amended to read "Definitions to vary the definition of 'Accessory Building' to include one detached building".

No further questions from the Committee of other persons.

**CA2020-007**

**Moved By** Councillor Yeo

**Seconded By** L. Robertson

**That** minor variance application D20-2019-057 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the requested variances shall only apply to Lot 9, Plan 184 unless the owner applies to subject both Lots 9 and 10 to a deeming by-law and the by-law is in effect;



2. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-003, which shall be attached to and form part of the Committee's Decision; 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 COA2020-003. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

- The Chair wished everyone a Happy New Year.
- The Chair politely requested that once the meeting is called to order that all cell phones be turned off.
- The Chair requested that all members notify the recording secretary if attendance prior to each meeting.
- Mr. Holy requested that all members renew there OACA memberships for 2020.

## 6. **Correspondence**

## 7. **Next Meeting**

The next meeting will be Thursday, February 20, 2020 at 1:00pm in Council Chambers, City Hall.

## 8. **Adjournment**

**CA2020-008**

**Moved By** D. Marsh

**Seconded By** Councillor Yeo

**That** the meeting be adjourned at 3:03pm.

**Carried**

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Mark LaHay, Acting Secretary-Treasurer