

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

COA2020-007
Thursday, July 16, 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
Betty Archer
Stephen Strangway

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1. Call to Order

Chair Robertson called the meeting to order at 1:02pm. Councillor E. Yeo and Members D. Marsh, A. O'Bumsawin, S. Richardson, B. Archer, and S. Strangway were in attendance.

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

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2020-003.2.1.1

July 16, 2020
Committee of Adjustment Agenda

CA2020-014

Moved By D. Marsh

Seconded By S. Strangway

That the agenda for the July 16, 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 COA2020-002.2.3.1

February 20, 2020
Committee of Adjustment Minutes

CA2020-015

Moved By D. Marsh

Seconded By S. Richardson

That the minutes of the previous meeting held February 20, 2020 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2020-008

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-004

Location: 6 Cowans Crescent

Lot 58, Plan 358

Geographic Township of Emily

Owners: Patrick and Lori Brick

Applicant: Patrick Brick

Mr. Harding summarized Report COA2020-008, to request relief to reduce the minimum lot frontage to permit the construction of a detached garage and addition to the single detached dwelling and to reduce the minimum interior side yard to permit a detached garage.

Agency comments received from Development Engineering Division (July 6, 2020), Community Services Department (March 17, 2020), Kawartha Region Conservation Authority (March 6, 2020), Building Division – Part 8 Sewage Systems (March 6, 2020) and Building Division (March 5, 2020) cited no concerns.

There were no questions from the Committee or other persons.

CA2020-016

Moved By D. Marsh

Seconded By Councillor Yeo

That minor variance application D20-2020-004 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 garage and addition 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 COA2020-008, 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 COA2020-008. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2020-009

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-005

Location: 9 Moynes Court

Lot 11, Plan 57M-796

Former Town of Lindsay

Owner: Monica Andrus

Applicant: Kyle Statten - Northern Touch Landscape Construction

David Harding summarized Report COA2020-009, to request relief to reduce the minimum rear yard setback to permit a deck above a walk-out basement. Staff respectfully recommends that the application be granted approval subject to the conditions in the report.

Agency comments received from the Building Division (March 5, 2020) and Development Engineering Division (March 6, 2020) had no concerns at the time of writing the report.

The applicant, Mr. Statten of Northern Touch Landscape Construction was present via Zoom and spoke to the Committee.

There were no questions from the Committee or other persons.

CA2020-017

Moved By S. Strangway

Seconded By A. O'Bumsawin

That minor variance application D20-2020-005 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 deck 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 COA2020-009, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-009. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2020-010

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-006

Location: 63 North Taylor Road

Lot 16, Plan 224

Geographic Township of Eldon

Owners: Ahsan Ullah and Fahmida Nutan

Applicant: Jim Even - C.T. Strongman Survey

Mr. Harding cited the deferral memo distributed to members: On July 15, 2020 the Building Division – Part 8 Sewage Systems provided staff with a letter requesting the application be deferred in order to complete a site visit to assess the proposed changes to the dwelling. The dwelling has been constructed in a location inconsistent with a previous approval granted in 2017, and the dwelling

appears to be constructed with a larger living space footprint than what was approved in the 2017 sewage system permit.

Planning staff is supportive of this request and requests the Committee consider deferring the application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting.

There were no questions from the Committee or other persons.

CA2020-018

Moved By D. Marsh

Seconded By B. Archer

That further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee has deferred this application to allow the Building Division - Part 8 Sewage Systems time to complete a site visit to assess the proposed changes to the dwelling. The dwelling has been constructed in a location inconsistent with a previous approval granted in 2017, and the dwelling appears to be constructed with a larger living space footprint than what was approved in the 2017 sewage system permit.

The Committee motioned to defer the application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting.

Carried

3.1.4 COA2020-011

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-007

Location: Vacant Land, Chadwin Drive

Block 13, Plan 57M-782

Former Town of Lindsay

Owner: 2607226 Ontario Inc.

Applicant: Martin Lariviere - API Architecture and Planning Initiatives

Mr. Harding summarized Report COA2020-011, to permit the seventh storey of the apartment building to be added along with the associated servicing and to permit additional variation in the arrangement and composition of the landscape buffers surrounding the property and between the parking lot and ground floor

units.

Agency comments received from Development Engineering Division (July 6, 2020) and Building Division (July 14, 2020) noting no concerns.

Public comments were received from Geoff Burrow of 116 Colborne Street West (July 14, 2020), concerning building height, unit density, landscape requirements, as well as entrance placement onto Chadwin Drive and associated traffic concerns. Comments were also received from Bryan Reynolds (July 14, 2020), which presented a petition signed by owners residing at 24 separate addresses on Chadwin Drive. The petition also raised concern over the landscaping requirements, entrance placement onto Chadwin Drive and associated traffic concerns, and building height.

The Committee questioned staff as to the public comments received concerning height, density, landscape and proposed entrance location.

Staff responded by saying the City had extensive discussions with the developer to outline the preliminary requirements of the site plan process. The zoning by-law permits a maximum number of units, and the proposal will not exceed that maximum; a taller, skinnier building is proposed instead of a lower, longer one. The height of the building is not a concern for the Fire Department. The by-law calls for a row of cedar plantings to ring the property. The applicant proposes to use higher quality plantings in more appropriate locations. Staff further clarified that Engineering staff would not permit access onto Colborne Street West and a traffic study was submitted in support of the site plan application, which justified the Chadwin Drive entrance.

Mr. Lariviere of API Architecture & Planning Initiatives was present and spoke to the Committee. He clarified the Fire Code requirements for taller buildings and stated that this building would remain low enough that the seventh storey could be accessed by firetruck ladder. He further clarified that his office is working on enhanced vegetative buffering along Chadwin Drive that he believes will be satisfactory to the City to accomplish the screening and buffering desired.

No further questions from the Committee or others persons.

CA2020-019

Moved By A. O'Bumsawin

Seconded By Councillor Yeo

That minor variance application D20-2020-007 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 generally in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2020-011, which shall be attached to and form part of the Committee's Decision;
2. **That** the landscaping form sought by requesting variances from Section 5.14(f) shall be generally in accordance with drawings L1-01, L1-02 and L1-03 submitted in support of site plan application D19-2019-010 subject to the revisions required in the City's post circulation comments dated March 20, 2020, and addendum comments dated March 24, 2020, and May 5, 2020. This condition shall be considered fulfilled when the applicant submits revised landscaping drawings to the satisfaction of the Planning Division and Community Services Department in support of application D19-2019-010; and
3. **That** the site plan agreement shall be registered 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 approval pertains to the application as described in report COA2020-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 COA2020-012

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-008

Location: 27 McGill Drive

Lot 16, Plan 33

Geographic Township of Manvers

Owners: Nicole Swartz and Tyrone Pereira

Applicant: Holly Richards-Conley - Black Point Construction Services

Mr. Harding summarized Report COA2020-012, to request relief in order to permit the construction of a single detached dwelling inclusive of eaves, rear deck with stairs and a shed.

Agency comments received from Development Engineering Division (July 7, 2020), and Kawartha Region Conservation Authority (March 6, 2020) had no concerns. Comments received after the writing of the report from Community Services Department (July 7, 2020), and Building Division (July 14, 2020) had no concerns.

The applicant, Holly Richards-Conley of Black Point Construction Services was present and spoke to the Committee.

There were no questions from the Committee or other persons.

CA2020-020

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2020-008 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 and elevations in Appendix D submitted as part of Report COA2019-012, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of the permit for the shed, the Chief Building Official or his/her designate shall provide written confirmation to the Secretary-Treasurer that the temporary shed within the front yard has been removed from the property;
3. **That** notwithstanding the definition of front yard and the granting of the variances to reduce the minimum front yard and permit the shed within the front yard, the variances will not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
4. **That** the building construction related to the minor variances for the shed shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

5. **That** the building construction related to the minor variances for the dwelling and deck with stairs shall be completed within a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the next Building Inspection. **This approval pertains to the application as described in report COA2020-012. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

Carried

3.1.6 COA2020-013

David Harding, Planner II, RPP, MCIP
File Number: D20-2020-009
Location: 26 Evergreen Street
Part Lot 12, Block 4, Concession 7
Geographic Township of Emily
Owner: Yunmei Ye and Honghua Wu
Applicant: Joe Kezar - Joe's Masonry and Son Limited.

Mr. Harding summarized the Report COA2020-013, to request relief to reduce the minimum interior side yard setback to permit the raising of a dwelling to add a full walk-out basement.

Agency comments received from Development Engineering Division, Kawartha Region Conservation Authority and the Building Division at the time of writing the report had no concerns. Mr. Harding noted that since the writing of the report, agency comments received from Community Services Department (July 7, 2020) noting no concerns. Public comments were received from Dave and Tammy Scott of 24 Evergreen Street (July 13, 2020) in opposition to the application.

The Committee asked staff as to the height of the basement and what the difference was from a crawl space to a full basement. The Chief Building Official, Susanne Murchison, replied the difference would be 3 feet. The Committee referred to concerns from the public regarding the renting of the property whether the number of people present could impact the septic system. Staff replied that it is up to the owner who they rent to. However, the owner can only rent the whole single-detached dwelling; they cannot create apartments as per the by-law. The Committee also asked if the privacy issues were addressed. Staff confirmed that

there would be no impact to privacy as the abutting dwelling at 24 was behind the dwelling on the subject property and the vegetation between the two lots is being retained.

No further questions from the Committee or other persons.

CA2020-021

Moved By D. Marsh

Seconded By Councillor Yeo

That minor variance application D20-2020-009 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction to the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-013, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2020-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2020-014

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-010

Location: 87 Marsh Creek Road

Part Lot 22, Concession C

Geographic Township of Mariposa

Owner: Heather Curtis

Applicant: Dan Furlani

Mr. Harding presented a memo outlining that on July 9, 2020, staff received correspondence from the owner wishing to revise the application and appoint a new applicant to carry out the alterations. She along with her newly appointed applicant are requesting a deferral of the application in order to make the necessary revisions.

There were no questions from the Committee or other persons.

CA2020-022

Moved By S. Richardson

Seconded By Councillor Yeo

That further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee has deferred your application for a period of not more than three months, returning at the latest to its October 15, 2020 meeting, to allow the owner and newly appointed applicant sufficient time to revise the application.

Carried

3.1.8 COA2020-015

Kent Stainton, Planner II

File Number: D20-2020-011

Location: 74 Colborne Street East

Part Lot 1, Block PP, Plan 1, Parts 1 and 3, 57R-2210

Former Town of Lindsay

Owner: Steve Corley - 1853896 Ontario Inc.

Applicant: Beverly Saunders - EcoVue Consulting Services Inc.

Kent Stainton summarized Report COA2020-015, to request relief to permit the construction of a new bank of storage units associated with an existing mini-storage establishment and recognize the location of existing mini-storage units.

Agency comments received from Kawartha Region Conservation Authority (March 6, 2020) and Engineering and Corporate Assets Department (July 6, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 7, 2020), had no concerns.

The Committee questioned Page 3 of 5 of the report regarding Kawartha Region Conservation Authority having no concerns provided permits are obtained prior to

the issuance of a building permit. Ms. Murchison, Chief Building Official confirmed it is applicable law that if a permit is required prior to the issuance of a building permit then it is required.

The applicant, Beverly Saunders of EcoVue Consulting Services Inc. was present via zoom and spoke to the Committee.

No further questions from the Committee or other persons.

CA2020-023

Moved By D. Marsh

Seconded By A. O'Bumsawin

That minor variance application D20-2020-011 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 COA2020-015, which shall be attached to and form part of the Committee's Decision;
2. **That** the Site Plan Amending Agreement for the subject property be executed and secured within eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused;
3. **That** the building construction related to this 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 COA2020-015. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.9 COA2020-017

Kent Stainton, Planner II

File Number: D20-2020-013

Location: Vacant Lot, Part of Lot 7, North of Church Street, East of George

Street, Plan 109
Former Village of Omemee
Owner: Joe Ferrara - Napa Valley Contracting Inc.
Applicant: Tom deBoer - TD Consulting

Mr. Stainton cited the memo presented to the members requesting a deferral. On July 7, 2020, Planning Division staff received a previously conducted Survey of the property (19 Church Street) abutting the lands subject to this application. The information provided by the resident of 19 Church Street contradicts the locations of the eastern and front (south) lot lines of the survey provided in support of the application. The discrepancies directly influence all reliefs.

There were no questions from the Committee or other persons.

CA2020-024

Moved By S. Richardson

Seconded By S. Strangway

That further to the consideration of your application by the Committee of Adjustment on July 16, 2020. The Committee motioned to defer the application for a maximum of 3 months (no later than the October 2020 meeting) until such time as the survey discrepancies can be resolved and a revised application be submitted for consideration.

Carried

3.1.10 COA2020-018

Kent Stainton, Planner II
File Number: D20-2020-014
Location: 134-136 Lake Dalrymple Road
Part Lots 16 and 17, Plan 173, Parts 1 and 2, RP57R-8723
Geographic Township of Carden
Owners: Craig and Caroline Rendall
Applicant: Craig Rendall

Kent Stainton summarized Report COA-2020-018, to request relief to permit the construction of an accessory building (detached garage) in the front yard of the subject property.

Agency comments received from Development Engineering Division (July 6, 2020), and Building Division, Part 8 Sewage Systems (May 19, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 6, 2020) noted no concerns.

The applicant Mr. Rendall was present and spoke to the Committee.

There were no questions from the Committee of other persons.

CA2020-025

Moved By Councillor Yeo

Seconded By B. Archer

That minor variance application D20-2020-014 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the detached garage related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2020-018, 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** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line; 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 COA2020-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.11 COA2020-019

Kent Stainton, Planner II
File Number: D20-2020-015
Location: 23 Kenhill Beach Road
Part Lot 10, Concession 3, Lot 9, Plan 145
Geographic Township of Verulam
Owners: Douglas and Ida Robson
Applicant: Holly Richards-Conley - Blackpoint Construction Services

Kent Stainton summarized Report COA2020-019, to request relief to construct a new two-storey single detached dwelling with walk-out basement and a deck. The new construction requires relief from the setbacks from Centreline of Kenhill Beach Road and a reduced front yard setback as well as a reduction in the water setback to allow encroachment from the main level deck.

Agency comments received from Kawartha Region Conservation Authority (May 21, 2020), Development Engineering Division (July 6, 2020) and Building Division - Part 8 Sewage System (May 26, 2020), had no concerns. Agency comments received after the writing of the report from Community Services (July 7, 2020) and Building Division - Plans Examiner (July 14, 2020) had no concerns.

The applicant, Holly Richards-Conley was present via zoom and spoke to the Committee.

There were questions from the Committee or other persons.

CA2020-026

Moved By S. Richardson

Seconded By A. O'Bumsawin

That minor variance application D20-2020-015 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 and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted

as part of report COA2020-019, 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; 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 COA2020-019. 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, August 20, 2020 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2020-027

Moved By S. Strangway

Seconded By A. O'Bumsawin

That the meeting be adjourned at 2:28pm.

Carried

Mark LaHay, Acting Secretary-Treasurer