

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2020-008
Wednesday, August 19, 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 1:00pm. Councillor E. Yeo and Members D. Marsh, S. Richardson, and S. Strangway were in attendance.

Secretary-Treasurer - S. Rea

Recording Secretary - C. Crockford-Toomey

Absent: A. O'Bumsawin and Mark LaHay

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2020-004.2.1.1

August 19, 2020

Committee of Adjustment Agenda

CA2020-028

Moved By S. Richardson

Seconded By B. Archer

That the agenda for August 19, 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 COA2020-003.2.3.1

July 16, 2020

Committee of Adjustment Minutes

CA2020-029

Moved By S. Strangway

Seconded By Councillor Yeo

That the minutes of the previous meeting held July 16, 2020 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2020-007

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-003

Location: Vacant Lot, Sugar Bush Trail, Part Lot 26, Concession 10

Geographic Township of Fenelon

Owners: Darren and Gillian Wilkinson

Applicant: Doug Carroll - DC Planning Services Inc.

Mr. Harding summarized Report COA2020-007, to request provisions in order to permit the construction of an unenclosed deck with stairs and a single detached dwelling.

Mr. Harding continued to say that the applicant had revised the proposal since the original advertisement for the March Committee of Adjustment meeting. The revision provided a slightly increased water setback.

Mr. Harding cited letters of objection received from the public, Ron Allinson of 27 Sugar Bush Trail and Peter and Carol Davies of 41 Sugar Bush Trail after the writing of the report and that they were similar to comments received from the public which were included in the report. A common element of the public concerns are whether the reduced water setback is completely unavoidable. Mr. Harding stated that he is not convinced all other design alternatives have been exhausted. Further discussion is required with Kawartha Region Conservation Authority and Part 8 - Sewage Systems to consider whether it is possible to move the tile bed beside the dwelling to free up more space to move the building envelope back further.

Mr. Harding would like to revise his recommendation to request a deferral to allow further review with Kawartha Region Conservation Authority and Part 8 - Sewage Systems.

The Chair asked Staff if they are looking at a timeframe for the deferral. Staff replied 2-3 months, no later than November 5th, but if the applicant would like to return sooner, October 15th would be acceptable to reach a solution.

A motion to defer the application for no more than 3 months returning the latest November 5th was carried.

The Chair apologized to the applicant, Mr. Carroll, due to audio difficulties, which didn't allow the applicant to speak before the motion was made.

The Chair allowed Mr. Carroll to speak briefly to the deferral. Mr. Carroll spoke to the Committee. The Chair reminded Mr. Carroll to keep to the deferral topic only.

The Committee asked for a follow motion to change the timeframe to October 15th, as only a couple of agency comments are required which will not take 3 months. The Chair asked Mr. Marsh if he would withdraw his motion to defer. Mr. Marsh denied.

The Committee stated that due to audio difficulties a lot of important information was lost and asked if some improvements could be made before we move on to the next application. The deputy clerk suggested to the planners not to use the Share screen option while presenting and to allow the recording secretary to control the PowerPoint slides. Alternatively call in by phone for the audio.

CA2020-030

Moved By D. Marsh

Seconded By S. Richardson

That the Committee has deferred your application for a period of not more than three months, returning at the latest to its November 5, 2020 meeting pending further review with Kawartha Region Conservation Authority and Building Division – Part 8 Sewage Systems.

Carried

3.1.2 COA2020-020

David Harding, Planner II, RPP MCIP

File Number: D20-2020-016

Location: 17 Gardiner Shore Avenue

Concession 8, Part Lot 23, Plan 294, Lot 12

Geographic Township of Fenelon

Owners: Valdis Martinsons and Catharine Turylo

Applicant: Gerald Hood - Integrity Home and Cottage

Mr. Harding summarized Report COA2020-020, to request relief in order to permit the construction of a detached garage. Staff respectfully recommends that the application be granted approval subject to the conditions in the report.

Agency comments received from Development Engineering Division (August 11, 2020) had no objections. Kawartha Region Conservation Authority (August 7, 2020) had no concerns. Building Division, Part 8 - Sewage Systems (July 1, 2020) had no concerns. The proposed Class 4 sewage system cannot be placed in an alternative location and maintain the required clearance distance to the lake. No public comments received as of August 11, 2020.

The owner, Mr. Martinsons was present.

The applicant, Mr. Hood was also present for questions.

There were no questions from the Committee or other persons.

CA2020-031

Moved By Councillor Yeo

Seconded By D. Marsh

That minor variance application D20-2020-016 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 C and elevation in Appendix D submitted as part of Report COA2020-020, 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 COA2020-020. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 COA2020-021

Kent Stainton, Planner II
File Number: D20-2020-017
Location: 216 Hickory Beach Road
Part Lot 20, Concession 1, Part 1, 57R-3042
Geographic Township of Verulam
Owner: Brent Duff
Applicant: Brent Duff

Mr. Stainton summarized Report COA2020-021, to request relief to propose the construction of a detached garage within a front yard. Staff respectfully recommends that the application be granted approval subject to the conditions in the report.

Agency comments received from Kawartha Region Conservation Authority, Permit No. 2019-377 issued on November 14, 2019 for the proposed garage. Development Engineering Division (August 11, 2020) and the Building Division (August 11, 2020) had no concerns. Building Division - Part 8 - Sewage Systems (January 20, 2020). The garage will be established with the required clearance distances to the sewage system and will not impede the ability of the system to be located on the property. No concerns. No comments received from the public, before or after the writing of the report.

The Committee asked staff for clarification as to if the proposed garage were to be constructed inline with the dwelling, a minor variance would not be required and they could in fact build and comply. Staff replied yes you are correct. The Committee continued to ask the necessity of the minor variance and if it was purely esthetic. Staff replied that the applicant cannot build over the septic system and that the drawing is deceptive as it is not to scale. The proposed garage is situated closer to the dwelling than portrayed. The applicant is looking for spatial separation between the dwelling and garage. Staff recommended that the applicant speak to the necessity of the minor variance.

The applicant, Teresa Jenkinson was present and spoke to the Committee. The minor variance was requested as we do not want the driveway north to south, as that would entail paving 40 feet of front yard. The minor variance is requested so

that the existing driveway be used with minimal paving which would reduce the impact of paving more grassed area and look esthetically pleasing. The Committee had concerns that it did not meet the intent of the zoning by-law. Discussions ensued. The applicant, Ms. Jenkinson finished by saying that a septic review advised that should anything happen to the septic system and need replacing it could not go back in the current position and would have to be placed in the back yard.

No further questions from the Committee or other persons.

CA2020-032

Moved By Councillor Yeo

Seconded By B. Archer

That minor variance application D20-2020-017 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 sketches in Appendices C and D submitted as part of Report COA2020-021, 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 COA2020-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2020-022

Kent Stainton, Planner II

File Number: D20-2020-018

Location: 8 Edward Road

Part Lot 11 Church Street, Part Lots 16 and 17F Simcoe Street, Plan 78

Geographic Township of Mariposa

Owners: Timothy Deegan and Leah Speers

Applicants: Timothy Deegan and Leah Speers

Mr. Stainton summarized Report COA2020-022, to seek relief to replace a derelict shed with an enclosed porch to the rear of a recently reconstructed residential dwelling. Staff respectfully recommends that the application be granted approval subject to the conditions of the report.

Agency comments received from Engineering and Corporate Assets Department (August 11, 2020) and Building Division (August 11, 2020) had no concerns. Public comments received after the writing of the report from Anne Hardy (August 13, 2020) had no concerns.

The Committee asked if the derelict shed was part of the porch. Staff confirmed yes and that it would be removed.

The owners, Timothy Deegan and Leah Speers were present.

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

CA2020-033

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2020-018 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 COA2020-022, 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 COA2020-022. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 COA2020-024

Kent Stainton, Planner II
 File Number: D20-2020-020
 Location: 93 Cresswell Road
 South Part Lot 2, Concession 7
 Geographic Township of Mariposa
 Owners: Scott and Elizabeth Beacock
 Applicants: Scott and Elizabeth Beacock

Mr. Stainton summarized Report COA2020-024, to request relief to reduce the minimum front yard setback to permit the construction of a covered porch.

The Chair interrupted the planner due to audio difficulties. At 2:12pm the Chair called for a 5 minute break. At 2:19pm the chair called the meeting to order. Mr. Stainton continued with his presentation.

Agency comments received from Engineering and Corporate Assets Department (August 11, 2020), Building Division (August 11, 2020) and Building Division - Part 8 - Sewage Systems (August 17, 2020) had no concerns. There were no comments received from the public.

There were no questions from the Committee or other persons.

CA2020-034

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2020-020 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 sketches in Appendices C & D submitted as part of Report COA2020-024, 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 COA2020-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 COA2020-025

Kent Stainton, Planner II
 File Number; D20-2020-021
 Location: 15 Rockway Trail
 Part Lot A, Concession 2, Part Lot 11, Plan 557
 Geographic Township of Bexley
 Owners: Cidalia and Manuel Barbosa
 Applicants: Cidalia and Manuel Barbosa

Mr. Stainton summarized Report COA2020-025, to permit an accessory structure (detached garage) and associated deck in a residential zone that is greater than 5 metres in height at 6.6 metres.

Agency comments received at the time of writing the report from Kawartha Region Conservation Authority (August 7, 2020): No concerns. Permit No.2019-333 was issued to facilitate the construction of the garage on October 23, 2019. Development Engineering Division (August 11, 2020) and Building Division (August 11, 2020) had no concerns. Agency comments received after the writing of the report from the Building Division, Part 8 - Sewage Systems (August 17, 2020): No concerns.

Public comments received at the time of writing the report from Gloria Sharples (Dumond) of 8 Rockway Trail (August 10, 2020): Letter of objection.

Public comments received after the writing of the report:-

Rico Sirizzoti of 20 Rockway Trail (August 17, 2020): No objection to the construction of the garage, however has concerns with drainage.

W. Kawzenuk of 18 Rockway Trail (August 16, 2020): Letter of objection.

Sue and Wayne Rapp of 17 Otter Road, Kirkfield (August 16, 2020): Letter of objection.

Arlene and Dan O'Neill-MacLellan of 10 Rockway Trail (August 15, 2020): Letter of objection.

Harold and Suzie Rapp of 15 Otter Road, Kirkfield (August 15, 2020): Letter of objection.

Emilio and Agostina Aceti of 22 Rockway Trail (August 14, 2020): Letter of objection.

Anne and Vern Harding of 16 Rockway Trail (August 13, 2020): Letter of objection.

Anthony Penna of 24 Rockway Trail (August 15, 2020): Letter of objection.

Dave Nighswander on behalf of Jeanine, Dave and Reg Nighswander of 26 Rockway Trail (August 18, 2020): Letter of objection.

The Committee questioned the rationale of Condition 2. Staff replied to eliminate any privacy concerns. We recommend no sliding doors and allow a window form to prevent people entering and exiting. The Committee also questioned the size, height and use of the garage. Staff replied that it will be used for storage as well as water sports items and drying sails.

The Committee asked if Condition 2, where it states "No sliding doors on the north wall", be replaced with "No ingress or egress on the north wall". Staff responded, yes this can be revised to reflect that.

The Committee asked staff as to the reasoning for a wrap around deck. Staff replied, through discussions with the applicant there was no reasoning for the three quarter wrap around deck. The Committee continued by asking if the height of the proposed garage was considered a 2-storey. Staff replied it is a 1 1/2-storey. Mr. Holy, Planning Manager also confirmed it was a 1 1/2 storey. The Committee commented on the Cape Cod style and asked staff, due to the height would it lend itself in the future to be habitable. Mr. Holy replied it would require a building permit, plumbing and a change to the septic system. Mr. Holy also reminded the Committee that the Planning department are working on accessory dwelling units, however not at a stage where they can say this meets the requirements. It may apply to cottage situations and will be available to all residential situations.

The Chair reminded the Committee and staff that they were advised several meetings ago to not add the condition regarding no habitable space permitted in the garage or boathouse.

Mr. Holy stated that the Planning Act Legislation has changed regarding more affordable housing in urban, hamlets and rural areas.

The Committee mentioned the elevation of the garage compared to the house and also the lot coverage and if there was anything to stop the owner down the road adding another bay. Staff replied that would require further discussion.

The Committee asked for clarification as to the City and the Committee having no jurisdiction over the flooding of this area as it is an unassumed road. Staff replied correct, we have had discussions with Public Works to see if there had been a limited service agreement. There were none and that this is a private matter.

The Committee stated that a building permit was denied 2 years ago and then 2 years later allowed and asked if staff had any information. Staff were aware of a building permit that was cancelled by owner around 2014-2016.

The applicant was not present.

No further questions from the Committee or other persons.

The Committee motioned to deny the application as it is not minor in nature, not desirable for the use of the land or appropriate due to the massing of the building. Also does not meet the intent of the zoning by-law.

CA2020-035

Moved By D. Marsh

Seconded By Councillor Yeo

That minor variance application D20-2020-021 be DENIED, as the application does not meet the tests as set out in Section 45(1) of the Planning Act.

Specifically:

1. **That** the application does not meet the intent and purpose of the zoning by-law as the property is not large enough to accommodate the development proposal; and
2. **That** the application is not desirable due to the proposed massing of the building.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

The Committee discussed with staff and the deputy clerk connectivity issues experienced during the meeting and ways to improve audio and visual presentations for the next meeting. Solution is to have planners present in the Council Chamber or to have them present from within City Hall or a City building.

The Committee also discussed the first application D20-2020-003, Sugar Bush Trail and the processes. The Chair once again apologized to Mr. Carroll.

6. Correspondence**7. Next Meeting**

The next meeting will be Thursday, September 17, 2020 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2020-036

Moved By Councillor Yeo

Seconded By D. Marsh

That the meeting be adjourned at 3:18pm.

Carried

Sherry Rea, Secretary-Treasurer