

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

COA2021-003
Thursday, March 18, 2021
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Betty Archer
David Marsh
Sandra Richardson
Lloyd Robertson
Stephen Strangway

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1. **Call to Order**

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

M. LaHay - Acting Secretary- Treasurer

C. Crockford - Recording Secretary

Staff attending remotely - Mr. Holy, Manager of Planning, Mr. Harding, Planner II, Mr. Stainton, Planner II, Ms. Murchison, Chief Building Official and Ms. Turner, Economic Development Officer - Heritage Planning.

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2021-003.2.1.1

March 18, 2021

Committee of Adjustment Agenda

CA2021-016

Moved By B. Archer

Seconded By S. Richardson

That the agenda for March 18, 2021 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 COA2021-002.2.3.1

February 18, 2021

Committee of Adjustment Minutes

CA2021-017**Moved By** D. Marsh**Seconded By** S. Strangway

That the minutes of the previous meeting held February 18, 2021 be adopted as printed.

Carried**3. New Applications****3.1 Consents****3.1.1 COA2021-012**

David Harding, Planner II, RPP, MCIP

File Number D03-2020-034

Location: 170 William Street North

Block J, Part Lot 1 and 2, Plan 1

Former Town of Lindsay

Owners: Patricia Jarvie and Roger Beamish

Applicant: Roger Beamish

Mr. Harding summarized Report COA2021-012, the application proposes to sever off the yard between the dwelling addressed as 170 William Street North and 174 William Street North to create an additional lot.

Mr. Harding noted that due to the nature of the application he will be combining the analysis of both Consent and Minor Variance applications, even though the Committee will be dealing with them separately.

Mr. Harding noted that the Heritage Officer did comment on the application which is included in the report and the officer has no concerns to the proposal which has been presented today. In light of Cameron Clark and Grant Walcot comments, which was received as a result of the circulation of the consent application. The comments were forwarded to the Municipal Heritage Committee. The Committee did review this proposal and voted to receive the proposal for information and provide no further comment. By providing no further comment, the Heritage Committee is letting the Heritage Officer's comments stand. Mr. Harding has invited the Heritage Officer to the meeting to comment on additional aspects should there be questions.

Since the writing of this report additional comments were received from the owners of 155 William Street North which is included in the amended agenda package. Staff would like to reiterate that the Municipal Heritage Committee and Heritage Officer have considered the matter and there is no objection to the proposal.

In the submissions there are questions referring to the apparent frontage of the smaller lots in the neighbourhood and how they compare with what is being proposed now. Mr. Harding reiterated that the submissions note the built form spans the width of some of the lots, and what is being proposed will also span the width of the lot. This is possible as site parking will be on a pad at the front.

Mr. Harding noted that he had additional conversations with the owners, and they were agreeable to adding a condition to the variance to better tie the proposed built form to the property. He stated that the amendment to the recommendation will be presented when Committee deals with the variance application.

The submissions of the owners of 155 William Street North also contained concern over Enbridge's presence at the site. Mr. Harding stated he had a conversation with the owners of 170 William Street North and they clarified that Enbridge were upgrading the HVAC system for the existing dwelling.

Staff respectfully recommended that the application be granted approval subject to the conditions identified in Appendix G of the report.

The Committee stated that normally they do not take into consideration the width of the lots in the neighbourhood when dealing with consents. Staff replied that it is very rare for Committee to have a consent application brought before them. Whilst the Committee has not seen it before, it is commonly analyzed for many residential infill applications that are not dealt with by the Committee.

The Committee noted the plan submitted to build on that lot and suggested that it be a condition to guarantee that it would be built. Staff suggested the best guarantee is to not attach a condition to the consent but to attach a condition to the minor variance should the consent be granted.

The Committee asked staff if the Heritage Officer normally reviews severances and variances. Staff responded by saying that they are circulated when in close proximity to a heritage resource.

The Committee referred to Condition 1. The Committee sought clarification whether the mutual side lot line would need to jog to the south if the City decides to take a road widening for William Street North. Staff replied the owner has been proactive and has had a surveyor look at the road allowance and determine the road width is insufficient, so a widening is needed. Therefore, the property will in fact have a jog. The exact depth of land to be dedicated is something the owner will have to work with Development Engineering.

The Committee asked if the Heritage Officer would make comment on the application. Ms. Turner spoke to the Committee and explained the process when applications for variance are received that directly impact a designated heritage property or adjacent to a designated property. This property is adjacent to a designated property. She reviewed the application when it came to the City's Pre-consultation Committee. She mentioned to the owners that the design would have to conform in general to the heritage and character of the area, for example the porch on the front, the single detached built form, and two storey general massing. Ms. Turner provided comments to planning staff which were generally in support of the application. Ms. Turner stated that infill housing in mature neighbourhood is usually supported from a heritage perspective as a good way of increasing density and generally keeps with the character of the existing neighbourhood and maintains our heritage properties. In terms of the heritage property across the road, there is little to no impact on the heritage attributes of that property. She explained that the application was also taken to the Heritage Committee under the cover of a staff report with elevations and site plans. The Heritage Committee discussed the application at its meeting and decided not to provide comment on it as in general they are supportive of this infill application.

The Committee noted on the north east side of William Street North and Elgin Street (16 Regent Street) is a new bungalow, and asked when that was built. Staff replied they recalled a consent process for that parcel was granted around 6 years ago.

The owners, Patricia Jarvie and Lee Beamish, were present and requested that Mr. Carroll, their Planning Consultant, speak on their behalf. Mr. Carroll spoke to the application. He agreed with Mr. Harding's analysis of the Growth Plan, Lindsay Official Plan and heritage conservation.

The owners, Wylita Clark and Cameron Clark of 155 William Street North, also known as the Carew House, were present and spoke in opposition to the application. Before addressing the Committee with submissions Ms. Clark stated that the procedural process was not followed and that she was not provided with the addendum by the planner in advance of the meeting. She received the initial

report and based her submissions on that and that from the presentation today. She stated that there was more information in the report than was provided to her. Staff replied there was no additional information provided to Committee and that the only additional comments were from the Clarks, which was in the amended agenda packages provided to members.

Ms. Clark stated she was referring to the photos presented in the PowerPoint presentation. One photo in particular was inaccurate and did not match with the photos she has filed. She stated that if they were submitted to her in advance she could have corrected it in advance. Ms. Clark asked for confirmation from the Committee if they have a copy of the seven page comments she had submitted. Committee confirmed they did. Ms. Clark said she disputed the statement staff made that there were no comments from the Heritage Committee. She cited an email from Councillor Ashmore, March 15, 2021 quoting "the matter was discussed briefly at the February meeting". He was under the understanding that it had gone back to Planning and said he is not on that Committee and not sure when it will be returning for further consideration. Ms. Clark stated there is some misunderstanding on staff's behalf that no comments were received from the Heritage Committee. The Heritage Committee member said they made no decision at that meeting. The process was not followed.

The Chair asked Ms. Turner, Heritage Officer, if the circulation to the Heritage Committee was still in process. Ms. Turner responded by saying the application is not in process. She stated that she was not sure what Councillor Ashmore's understanding of the matter was. The Heritage Committee received the application and reviewed it at the February 4th meeting. After review, they decided not to make comments and that was communicated back to the planners.

Ms. Clark confirmed that she had read the minutes of that meeting and noted another proposal was put forward on a different property that was voted on by the Committee and voted to approve it. She stated that there is a difference between an approval and receiving for information, and that the application must be still in process because the Heritage Committee had not made a decision. Ms. Clark went on to say that it's not up to Ms. Turner to make the decision. There is a Heritage Committee with specific mandates and they have not been permitted to follow the mandate. She stated that the Committee has confirmed her receipt of her submissions, which are evidence and she will give that evidence now. She reiterated again that she was under the belief that this matter would be returning to the Heritage Committee. The statement that there were no comments from the Heritage Committee is inaccurate and misleading and that it is not appropriate to proceed without their input. Ms. Clark continued by saying she was not notified

that the application was being circulated to the Heritage Committee thus denying her the opportunity to make submissions. Not only did the Heritage Committee not get to do their job, she did not get the opportunity to present her position to the Heritage Committee. Ms. Clark continued by saying she would give evidence that she heard from the Heritage Committee and that her position would have been considered, and they were very interested in the extensive submission she had on historical relevance of the property and the block.

The Chair asked Ms. Turner if she would like to further comment. Ms. Turner addressed the Committee and made them aware that the Heritage Committee when it comments on planning applications essentially comments as a third party commenting agency. When there are objections to a planning matter those objections come forward to the Committee of Adjustment. The Municipal Heritage Committee does not address third party objections, they simply provide comments on the review of the application as well as the heritage policy framework at the City. Ms. Turner wished to follow up on Ms. Clark's comments on approval versus providing comments. The other application that was reviewed at the February 4th meeting was actually a heritage permit application, which is why the Heritage Committee made a decision on that file. It was not related to a planning application, it was related to an alteration application to a heritage property.

The Chair requested that Ms. Clark move on from the heritage position.

Ms. Clark continued to point out the procedural fairness and natural justice should be the primary concern of the Committee of Adjustment. Ms. Clark also noted that she was unaware that the applicant has their own planning consultant, Mr. Carroll and that Mr. Harding had written the report in the perspective of the applicant and had not provided an unbiased opinion or protected heritage, as is his personal responsibility to the municipality.

The Chair noted that the Committee does not get into personal attacks or the operations of the Heritage Committee and requested Ms. Clark move on with other points she may have and afforded her five more minutes.

Ms. Clark replied she is not criticizing Mr. Harding personally and that she is just pointing out the legal duty that exists. Ms. Clark questioned the planner's use of comparable properties and that they are as far away as can be from the subject property. Ms. Clark noted that the photos she has provided are showing dwellings in the immediate area in excess of 100 years old with red brick from local Fox Brick works in Lindsay. The proposed dwelling is not in keeping with the neighbourhood, either lot size and design. It is of a modern construction with

vinyl siding, in spite of the porch in front it doesn't meet the historical character of this section of William Street North. There should be red brick on the building. The owners are not residents of this property and will not be impacted by the development. The owners' desire for financial gain and not on any personal need they may have.

Mr. Walcot, of 174 William Street north spoke in opposition to the application. He stated that he purchased the property 2 years ago and was under impression that 170 William Street North could not be severed, which was a feature for him and his wife. Mr. Walcot stated that if a dwelling is built it would enclose his side garden, and would literally be able to touch the neighbour's wall. He was looking for space on either side of his house.

The Committee asked staff what radius was the application circulated. Staff replied 60 metres is required by the Planning Act.

The Chair asked Mr. Carroll, Planning Consultant, for the owners of 170 William Street, if he had further comment with respect to the comments made by the previous deputant. Mr. Carroll indicated that he agreed with the evaluation provided by Ms. Turner, Heritage Officer and the action taken by the Heritage Committee both appropriate and comply with the policies and procedures put in place by Council. It is appropriate to identify and make the distinction as Ms. Turner identified, with the Heritage Committee decision-making process. The Heritage Committee was dealing with two types of applications under the Heritage Act under their role and responsibility assigned by Council. There is no indication that discharge of that duty has been flagrant or inaccurate. He noted that the Committee attempts to not give weight to comments about where persons live, as this is not relevant to a planning matter. Whether someone presumes a motive for an application is for financial or otherwise is also not appropriate or relevant to the planning evaluation. Finally, the proposed side yard setback, noted on the survey sketch abutting the residential lot to the north is 1.25 metres, which complies with the side yard setback in the established Lindsay zoning By-Law.

The Committee commended the Clarks for preserving their property. However, there was nothing brought forward that applies to this consent application. The Committee stated they are here to look at the facts and the facts are they can sever and build a dwelling.

The Committee asked staff to clarify the motion on the floor in respect to amending the conditions. Staff replied there is no proposed changes for the consent conditions but should the consent be approved there will be an amendment to add a condition to the minor variance.

The Chair thanked staff for the detailed report and respect the fact that the Clarks and Mr. Walcot took the time to speak to this issue.

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

CA2021-018

Moved By D. Marsh

Seconded By Councillor Yeo

That consent application D03-2020-034, being an application to sever an approximately 316.13 square metre residential lot and retain an approximately 697.44 square metre residential lot with the conditions of provisional consent substantially in the form attached as Appendix G, be GRANTED.

Conditions of Provisional Consent:

1. This approval applies to the transaction applied for, subject to any minor alterations to the mutual lot line within the rear yards required as a result of exercising option b of Condition 2 to maintain the minimum lot area requirement of the R3 Zone.
2. The owner shall submit surveyor confirmation to the satisfaction of the Development Engineering Division the width of the William Street North road allowance. The owner shall carry out or cause to be carried out one of the following:
 - a. If the road allowance is at least 26.0 metres wide, the owner shall submit written confirmation from the Development Engineering Division that it is in agreement that the road allowance is at least 26.0 metres wide; or
 - b. If the road allowance is not 26.0 metres wide, a road widening of the width specified by the Development Engineering Division be conveyed to the City of Kawartha Lakes across the entire frontage of the lot to be severed, free and clear of all encumbrances. The legal description shall include the words "RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway."
3. The owner shall apply for, pay the prescribed fee and obtain a variance for the lot to be severed such that the minimum lot frontage be reduced, and possibly the lot area be reduced depending on the outcome of condition 2, and the variance(s) be in effect.
4. Payment to the City of Kawartha Lakes of a tree levy of \$500.00 for the residential lot.

5. The Owner submit to the Secretary-Treasurer written confirmation from the Roads Operations Division that an entrance permit would be available for the lot to be severed.
6. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
7. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
8. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$458.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
9. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
10. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

Carried

3.2 Minor Variances

3.2.1 COA2021-013

Mr. Harding, Planner II, RPP MCIP
 File Number: D20-2020-044
 Location: 170 William Street North
 Block J, Part Lot 1, Part Lot 2, Plan 1
 Former Township of Lindsay
 Owners: Patrica Jarvie and Roger Beamish
 Applicant: Roger Beamish

Mr. Harding gave a brief presentation and summary of Report COA2021-013, to request relief to reduce the minimum lot frontage requirement in order to facilitate the creation of a residential lot proposed in consent application D03-2020-034. He brought the Committee's attention to page 3 of the Staff Report. He did not go through the slides as they were a mirror image of what has just been shown. The proposed amendment is to formally tie the proposed building facade to the building approval process by adding a condition to the proposed conditions. The proposed condition is:

2) That the building construction of the dwelling related to this approval shall proceed substantially in accordance with the elevation in Appendix D submitted as part of Report COA2021-013, which shall be attached to and form a part of the Committee's Decision.

Staff respectfully recommends that the application be granted subject to the conditions identified in the report as amended.

Some of the comments previously received from 155 and 174 have been attached to the application as they referenced the minor variance specifically. The comments have been addressed.

The Committee asked staff if it is common to add a condition regarding the appearance and style of the building. Staff replied it is common to include facades which have been agreed by the owner, staff and Committee, as a condition of approval.

Mr. Carroll, Planning Consultant for the owners, spoke to the Committee and agreed with staff's report. The development will be in keeping with the character

of the neighbourhood and would continue to keep the amenity space and parking in accordance with the established character in the existing close smaller neighbourhood as well as broader neighbourhood.

Ms. Clark of 155 William Street spoke in opposition to the application and stated that she would not like to repeat the submissions that were made to the last application but would like those comments to be applied to this matter in addition to further comments. Ms. Clark spoke to her concerns with regard to the cultural significance and the history of the Carew House and neighbouring homes. Ms. Clark asked that the cultural significance be respected in decisions for the official plan and the provincial policy. The comments made by Ms. Turner indicates that the home is in keeping with the character of the local area and will not have a negative impact on the adjacent designated properties. Ms. Clark stated there is no basis for that decision. Ms. Clark referenced Ms. Turner's last representation that the matter did not have to be considered by the Heritage Committee and that it was only presented to them for information. Therefore, it was Ms. Turner's decision about the historical impact which Ms. Clark disputes along with not being given the opportunity to make her submissions to Ms. Turner regarding the historical and cultural impact of this immediate neighbourhood, not just their property, the Carew House, but the block. Ms. Clark finished by saying the proposed minor variance to allow a construction of a proposed dwelling is not in keeping with the character of the neighbourhood or maintaining cultural and historical significance of the Carew House and the neighbourhood.

Mr. Walcot of 174 William Street spoke in opposition to the Committee. He stated that he had nothing more to add from his previous comments.

The Committee stated that they appreciate the time and effort the residents put into preserving their properties. It stated that, unfortunately, it does not have the ability to control what goes on in the neighbourhood as long as it meets the Planning Act and provincial policy. Our decision is based on the facts.

The Committee questioned staff as to the appearance of the proposed dwelling and if a discussion took place with the owner to propose red brick on the front of the house. Mr. Harding replied that he did not have that discussion with the owners. The application initially went through the Pre-Consultation Committee and that's when the discussion with the Heritage Officer took place. Mr. Harding deferred to the Ms. Turner for additional comments to see how the facade design was arrived at. He did note that 16 Regent Street, a new build to the south, has a combination of siding and stone.

Ms. Turner noted that the conversation regarding building appearance was more about design features rather than materials. The original application discussed

an attached garage which Ms. Turner said was inappropriate and not keeping with the historic character we are looking for when looking at infill proposals in historic neighbourhoods. We did not have a discussion on siding versus stone as there were other houses in the neighbourhood that have siding.

The Chair thanked the public for expressing their opinions.

There were no further questions of the Committee or others persons.

CA2021-019

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2020-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

1) **That** this application shall be deemed to be refused if consent application D03-2020-034 lapses; and

2) **That** the building construction of the dwelling related to this approval shall proceed substantially in accordance with the elevation in Appendix D submitted as part of Report COA2021-013, which shall be attached to and form a part of the Committee's Decision.

This approval pertains to the application as described in report COA2021-013. Fulfillment of the conditions are required for the Minor Variance to be considered final and binding.

Carried

3.2.2 COA2021-014

Kent Stainton, Planner II

File Number:D20-2021-007

Location: 21 Propp Road

Lot 50, Plan 9M-725, Part Lot 11, Concession 3

Geographic Township of Manvers

Owner:Maurice and Beverley Gauthier

Applicant: John Kenthol

Mr. Stainton summarized Report COA2021-014, to request relief to reduce the minimum flankage yard requirement of 15 metres to 3.35 metres in order to facilitate the construction of an addition to the existing residential dwelling,

consisting of an expansion to the existing living space and an attached two bay garage fronting on the Propp Drive with a storage loft. Please note there is no habitable space proposed within the storage loft of the garage.

Engineering and Corporate Assets Division has no concerns the proposal with respect to the lot drainage and grading, road and surface expansion and drainage swales along Corbett Drive.

Public comments received since the writing of the report from Ken and Susan Brough of 243 Corbett Drive north of 21 Propp Drive in support of the application. Public letters of opposition were received from Alan Armstrong of 255 Corbett Drive, dated March 10th and 16th, respectively as well as a similar letter from Ms. Shannon Ruiter of 247 Corbett Drive, received March 17th. Her concerns were view obstruction and precedent-setting. She also cited her inability to construct a garage on her property. Mr. Armstrong expressed concerns in opposition to the application for various reasons such as precedent setting, maintaining the intent of the Zoning By-Law and design similar to a commercial building (fire hall).

In response, planning staff offered the following; obstruction of view, using GIS mapping software, the north east limit of the addition will be over 40 metres from the front face of 247 Corbett Drive and over 70 metres from the corner of 255 Corbett Drive. The proposal is also divided by the width of Corbett Drive including the road allowance. No shadow casting is created that would impact either property as the height of the addition is in compliance with the Zoning By-law and enhanced exterior treatments are proposed through the application that blend in with existing single detached dwelling. Also, the landscape plantings proposed assist in melding the character of the addition with the rest of the residential subdivision. In regard to precedent-setting, the lot is one of the largest in the neighbourhood, possibly the only property that could absorb the proposed addition. Staff noted that precedent cannot be considered as a determining factor and each application has to be examined on site-specific characteristics and individual merits. In regard to height and lot coverage; the addition is in compliance with the lot coverage provisions as mentioned at 22% of the RR1 zoning category within the zoning by-law. Decks and patios are not factored into this calculation, as defined by the zoning by-law. Height concerns; the proposed difference in the height from the existing single detached dwelling and the proposed addition will be 1.43 metres which is less than the height provisions of the RR1 zone of 11 Metres. Concerns relating to Non-residential site characteristics; as the property possesses a residential zone category, the lands are not subject to the City's Site Plan Control By-law in terms of influencing the overall design and layout of the property. Through the pre-screening process,

larger windows and a stone brick skirt were added to enhance the appearance of the addition. A large bay window was also added to the face of the garage in order to increase the appeal of the addition by giving it a rural residential appearance. Noteworthy is the fact that an automotive repair shop nor a fire hall are permitted uses within the RR1 zoning category. Finally, maintaining the intent of the zoning by-law/street scape dominance was addressed through treatments, increasing the initially proposed setback and the landscape treatments proposed. It was mentioned in the report and presentation that the purposes of the flankage yard requirements are to maintain site lines, reserve space for road widening maintaining land for installation, expansion of services by regulating the placement of buildings.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee questioned the increased flankage yard requirements of the Oakridge's Moraine Zoning By-law. Staff replied as speculation only, the intent is to create a rural residential feel through an enhanced side yard setback or flankage/side yard set back as to give an 'estate-like appearance'.

The Committee asked if there was a concern that the garage projects into the front yard. Staff replied 17.71 metre setback is ample and that because the garage is attached to the main dwelling, projection is permitted into the front yard. Through pre-screening and site visits, the addition was pushed back in comparison to the projection that was proposed. Consideration was given to site lines and the established building line to the east on Corbett Drive as well as any visual impacts that posed to traffic as a result of a projections to the east. The applicant was able to move the eastern extent of the addition further west as a result.

The Committee noted that many by-laws do not permit garages in the front yard and asked if this not applies here. Staff replied this is an attached garage as opposed to a detached accessory structure and not subject to the general provisions of the zoning by-law which in many by-laws prohibit the situation of a garage within the front yard and because this is attached it is allowed. The Committee asked what the square footage of the addition. Staff replied total space including living space and garage is approximately 4,000 square feet. The Committee continued to question the addition space and why so large. Committee also asked why a detached configuration into the rear yard was not explored. Staff replied that the new septic system footprint would not permit the establishment and accessibility with the removal of the mature spruce trees may be difficult.

The applicant, Mr. Kenthol was present and spoke to the Committee to clarify the footage of proposed addition. Staff noted that the owner is the collector of automobiles. He reiterated that this lot is the only lot within the Plan of Subdivision that could accommodate this size in terms of addition and not concerned that other properties would construct something of a similar nature. The Committee asked if there were alternatives. Staff replied no due to the location of the septic bed. Discussions ensued as to the size of the garage.

Ms. Murchison, Chief Building official spoke to the Committee. Following up on the question of possibly relocating the detached structure to the backyard. In reviewing the file submitted for the sewage system upgrade, the future sewage system is of a size that it starts 5 metres of the deck and takes up the majority of the backyard. Not possible to allow structure in the backyard with sewage system and direction of flow.

The Committee asked staff as to the necessity of the addition upstairs. Staff did pose the question to the applicant and was intended for storage purposes; however, it would be best for the owner to speak to this. Mr. Gauthier was present and stated that there is a lack of storage space for general and seasonal items and would prefer to have possessions stored away. The Committee continued with their line of questioning.

Mr. Holy, Manager of Planning spoke to the Committee regarding the rationale behind the larger flankage yard setback. The zoning regulations were carried over from the previous Township of Manvers zoning by-law. They had 15 metre flankage yard setback, which moved over to the Oakridges Moraine zoning by-law and that the 15 metre setback is one of the wider flankage/exterior yards that we are accustomed to.

Councillor Yeo motioned to grant the application and noted that the garage is not in fact 60 x 75 feet but 35 x 60 feet. 250 square feet is included in the bedroom addition. The upstairs is for storage. The applicant stated there is next to no basement. Looking at the plans as a builder and a Committee member, he liked the esthetics and the approach taken looks good. The lot will suit the building.

The Committee asked if a condition could be imposed to make sure the landscape vegetation is planted. Staff said an Agreement (Site Plan) would have to be put in place, but Staff takes the owners word that they will do as they have said. If they changed the vegetation to another type, the more permanent treatments such as the window size and configuration do an adequate job of breaking up the face of the wall and providing the rural residential look to the addition.

There were no further questions from Committee or other persons.

CA2021-020

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2021-007 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 substantially in accordance with the sketches in Appendices C & D submitted as part of Report COA2021-014, which shall be attached to and form part of the Committee's Decision;

2) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structure identified as 'Exist. Shed' on Appendix C has been removed, 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 COA2021-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.3 COA2021-015

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-008

Location: 11 Manor Road

Part Lots 8 and 9, Plan 152, Part Lot 9, Concession 8

Geographic Township of Fenelon

Owner: Trudy Worsley

Applicant: Trudy Worsley

Mr. Harding summarized Report COA2021-015, to request relief to permit the construction of a two storey addition to a single detached dwelling and recognize an existing shed. Mr. Harding clarified that the addition would come out a bit further than the existing covered deck area.

The Committee stated that looking at the property to the south, it appears to be closer to the water. Would it be in line with the property to the north if the addition was allowed? Staff replied referring to the photo that in fact the house to the north is set back slightly.

The Committee asked if the intent to extend the floor area out and use the existing roof or extend the roof also. Staff again referred to the photo of the dwelling and clarified the owners are extending the roof, but that the footprint will not extend beyond the deck on the first level. The Committee also asked whether the proposed roof will be extended 4 feet further as it already protrudes 1.8 metres. Staff confirmed that was correct. The Committee followed up by asking if the addition would not take up any more space than the footprint of the deck on the first floor. Staff replied, yes, it would extend to the edge of the light gray deck on the first floor.

The Committee noted that this would appear to be pushing habitable space closer to the water, and wanted confirmation if this was correct. Staff replied that this was correct.

The Committee asked staff if the owners of 11 Manor Road owned 13 Manor Road. Staff confirmed there is no 13 only 12 and 14 Manor Road. The committee referred to the parking area to the side of the dwelling. Staff confirmed that the parking area is part of their parcel. The Committee stated if they were to deny this application, could they extend sideways instead. Staff said yes and that this matter was discussed through a pre-screening process of which there has been a change of staff since the application was submitted. The preference when dealing with extreme water setback reductions like this is to use the existing

habitable wall as a minimum setback boundary and build in-line with that. The Committee followed up by asking do they have an option if we deny this. Staff replied yes. This is not their preference as they have an A frame building. It would require structural changes.

Applicant, Ms. Worsley, was present and spoke to the Committee. The Worsley's own the cottage and it has been in the family since 1950. It is small but special to us the children and grandchildren. Ms. Worsley is looking for more interior space. What is concerning is the neighbours to the north applied a few years ago to raise the bungalow and add a crawl space, which was granted, which is on her property line. She stated she doesn't have an issue as its cottage country and they get on great with them. The neighbours to the south at 13 Manor Road, they applied and were able to build a 2 storey permanent home on the property. The person to the south of him again applied and approved to pull down a small cottage and build a larger cottage. Ms. Worsley stated that the neighbours are closer to the water. She continued by saying that she simply wants to make the deck surface into floor space and enclose it to make a larger living area for the family.

Mr. Worsley was present and added that this proposal initially stemmed from the two barn beams that support the second storey deck. One of the beams is infected with carpenter ants. They need to be replaced with steel beams. Although an alternative was suggested to build to the south side of the cottage to allow more space this does not help with the fact that the beams have to be replaced. He stated that they are building in the same footprint. They are two and a half feet from water level, and never likely to flood. The deck is currently on nine concrete pillars which would support the new floor. Mr. Worsley is frustrated that the cottages in the area are getting support to build larger cottages and he is having a hard time not getting permission to enclose the deck.

The Chair stated that decisions made by the Committee are not precedent-setting. Each case is based on its own merits as we are doing with this application.

The Committee asked the owners whether the cottage to the south of 11 Manor is closer to the water and more in line with your cottage. The owner replied that was correct. The Committee continued to ask if it went down the shoreline would it find a number of cottages closer to the water than preferred because of the nature of the lots in the area? The owner replied that it would.

The Committee asked staff if the concern with the water reduction was that becomes habitable space or is it the built form itself? Staff replied there are two components here. 1. We are expanding built form on a very small lot and 2.

Enclosing the deck results in the loss of outdoor amenity space that is already in short supply. This is something to be concerned about.

The owner, Ms. Worsley, stated that she had received letters from Kawartha Region Conservation, Engineering Division and Ministry of Transportation with no concerns.

The Committee expressed concern over the proximity of the shed to the lot line.

Ms. Worsley stated that they can relocate the shed to the property they own across the road if it is a problem.

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

The Committee motioned to deny reliefs 4-7 and to replace Condition 1 with new wording reflecting its approval of reliefs 1-3. Condition 2 is to be rephrased to relocate the shed to the lot across the road, which is also owned by the owner.

CA2021-021

Moved By D. Marsh

Seconded By S. Strangway

That reliefs 4-7 sought for the shed in minor variance application D20-2021-008 be DENIED, as the reliefs do not meet the four tests set out in Section 45(1) of the Planning Act.

That reliefs 1-3 sought for the addition to the dwelling in minor variance application D20-2021-008 be GRANTED, as the reliefs do meet the tests set out in Section 45(1) of the Planning Act.

Conditions:

1) **That** the building construction for the addition to the dwelling 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 COA2021-015, 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 photographic evidence satisfactory to the Secretary-Treasurer that the shed identified in Appendix C to Report COA2021-015 has been relocated to the lot across the road, which is also owned by the owner, and sited in compliance with the Zoning By-law; 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 COA2021-015. Fulfillment of the conditions are required for the Minor Variances to be considered final and binding.

Carried

3.2.4 Memorandum - D20-2021-009

Kent Stainton, Planner II
 File Number: D20-2021-009
 Location: 39 Elliot Street
 Part Lot 106, Plan 100
 Former Village of Fenelon Falls
 Owner: Allan and Deborah Wilcox
 Applicant: Allan and Deborah Wilcox

The Chair stated that memorandum received dated March 9, 2021 to defer application D20-2021-009 until the May 2021 meeting was self explanatory and asked staff if they had anything further to add. Staff replied if the memorandum is sufficient in terms of explaining the rationale behind the deferral and to return to the May meeting, there is nothing more to add and suggested the decision be accepted as printed.

There were no questions from the Committee or other persons.

CA2021-022

Moved By D. Marsh

Seconded By B. Archer

That Minor Variance application D20-2021-009 be deferred for a period of not more than two months with the applications returning concurrently at the latest to the May 20, 2021 meeting.

Carried

3.2.5 COA2021-017

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-010
 Location: 121 Island Drive
 Lot 8, Island M Four Mile Lake, Plan 423
 Geographic Township of Somerville
 Owners: Christine Brown and John Lydford
 Applicant: Christine Brown

Mr. Harding summarized Report COA2021-017, to request relief to reduce the minimum water setback to permit an unenclosed deck and stairs and to permit a shed.

He noted the comments received from the KRCA after the report was written.

The applicants, Mr. Lydford and Ms. Brown were present. Mr. Lydford spoke to the Committee and noted that the shed is purely for toys and fishing rods.

There were no questions from the Committee or other persons.

CA2021-023

Moved By S. Richardson
Seconded By Councillor Yeo

That minor variance application D20-2021-010 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 COA2021-017, 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 six (6) 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 COA2021-

017. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.6 COA2021-018

Kent Stainton, Planner II
 File Number: D20-2021-011
 Location: 28 Liberty Lane
 Lot 65, Plan 6, Part Lot 18, Concession 7
 Geographic Township of Emily
 Owners: Paul and Patti Stringer
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Stainton summarized Report COA2021-018, to request relief to permit the construction of an accessory building (detached garage with attached carport) in the front yard of the subject property.

Comments received from Engineering and Corporate Assets as well as Building and Septic Division stating no concerns with the proposal.

Staff respectfully recommends the application be granted approval subject to the conditions identified in the report.

The applicant, Mr. deBoer of TD Consulting Inc. was present and thanked staff and was available to answer any questions.

There were no questions from the Committee or other persons.

COA2021-024

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2021-011 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 COA2021-018, which shall be attached to and form part of the Committee's Decision;

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 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 COA2021-018. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.7 COA2021-019

Kent Stainton, Planner II
 File Number: D20-2021-012
 Location: 2 Ripple Street
 Part Lot 27, Concession 10
 Geographic Township of Fenelon
 Owners: John and Sheila Speirs
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Stainton summarized Report COA2021-019, to request relief to reduce the minimum rear yard requirement in order to permit the construction of a new two storey single detached vacation dwelling.

Engineering and Corporate Assets has raised no concerns with respect to lot grading and drainage, Building Division has requested a lot grading and drainage plan be proposed as part of the building permit process. Septic notes that an application will need to be completed for a Sewage System Permit for the new proposal but there are no concerns with the minor variance proposal related to the septic requirements.

Since the writing of the report Kawartha Region Conservation Authority have noted that a permit under their Regulation is required; however, they have no concerns with the proposal.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked staff how do you access 2 Ripple Street? Staff replied it's a shared driveway, access is between 2 and 3 Ripple Street. The Committee asked staff if 2 Ripple Street fronts on to a municipal road. Staff replied that it is a private road.

The applicant, Mr. deBoer of TD Consulting Inc. was present and available for questions.

The Committee asked staff if a condition be added in respect to lot grading and drainage? Staff replied its part of the Building Permit process and covered under that condition.

Not further questions from the Committee or other persons.

CA2021-025

Moved By D. Marsh

Seconded By Councillor Yeo

That minor variance application D20-2021-012 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 COA2021-019, 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 apply for and complete an Application for a Sewage System Permit with the Building Division – Part 8 Sewage Systems;
- 3) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structures identified on Appendix C to Report COA2021-019 as 'Pumphouse' and 'Shed' have been removed,
- 4) **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the structure identified on Appendix C to Report COA2021-019 as 'Relocated sauna

to be located a minimum 1.2m from property line' has been relocated; and,

5) **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 COA2021-019. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2.8 COA2021-020

David Harding, Planner II, RPP, MCIP
 File Number:D20-2021-013
 Location:146 Brook Street
 Part of Lot 17, Concession 3
 Geographic Township of Somerville
 Owner: Michael Allen
 Applicant: Michael Allen

Mr. Harding summarized Report COA2021-020, to request relief to reduce the minimum front yard setback to recognize the construction of a single detached dwelling.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

There were no questions from the Committee or other persons.

CA2021-026

Moved By S. Strangway

Seconded By Councillor Yeo

That minor variance application D20-2021-013 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 elevation in Appendix D submitted as part of Report COA2021-020, 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 six (6) 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 COA2021-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.9 COA2021-021

Kent Stainton, Planner II

File Number: D20-2021-014

Location: 35 Westview Drive

Part of Lots 1 to 3, Plan 413, Part Lot 17, Concession 8

Geographic Township of Emily

Owner: Loretta Wong

Applicant: Bill Tai

Mr. Stainton summarized Report COA2021-021, to seek relief to reduce the minimum exterior side yard setback to recognize the existing construction of a wooden deck.

Comments were received from Engineering and Corporate Assets and Building Division stating no objections. Since the writing of the report, comments were received from Septic Division stating the site visit was conducted to confirm the location of the sewage system. A fill based area located as per diagram. Concrete tank noted. The deck for the dwelling is not encroaching and is within the required septic system clearance. No concerns.

Staff respectfully recommends the application be granted approval subject to the conditions identified in the report.

The applicant, Bill Tai was present and spoke to the Committee and thanked staff.

There were no questions from the Committee or other persons.

CA2021-027

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2021-014 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 COA2021-021, 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 COA2021-021. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

Mr. Holy, Manager of Planning to provide a brief overview of the new Accessory Residential Units policy and Zoning and Sourcewater Protection for Committee members.

Mr. Holy, Manager of Planning was to provide a brief overview of the new Additional Residential Units policy and Zoning and Sourcewater Protection for Committee members.

Due to the time taken on minor variance applications, the presentation by Mr. Holy on Additional Residential Units policy and Zoning and Sourcewater Protection has been postponed until the May meeting.

The Chair thanked staff.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, April 15, 2021 at 1:00pm in Council Chambers, City Hall.

The next meeting will be Thursday, ____ at 1:00 p.m. in Council Chambers, City Hall.

8. Adjournment

CA2021-028

Moved By D. Marsh

Seconded By S. Richardson

That the meeting be adjourned at 4:49pm.

Carried

Mark LaHay, Acting Secretary-Treasurer