

The Corporation of the City of Kawartha Lakes
Committee of Adjustment

Minutes

Thursday, January 18, 2018

Meeting Commencing at 1:00 p.m.

Council Chamber

City Hall

26 Francis Street, Lindsay, Ontario, K9V 5R8

Members

Chair L. Robertson

Chair D. Marsh

B. Archer

S. Richardson

K. Seymour-Fagan

A. Smelko

S. Strathdee

Recording Secretary C. Crockford-Toomey

Accessible formats and communication supports are available, upon request.

1. Call to Order

The meeting commenced at 1:00 p.m.

Mark LaHay, Acting Secretary-Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of a Chair for 2018.

Moved By: A. Smelko
Seconded By: S. Strathdee

THAT Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2018.

Carried

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

Moved By: S. Strathdee
Seconded By: S. Richardson

THAT David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2018.

Carried

2. Adoption of Agenda

Moved by: S. Richardson
Seconded by: S. Strathdee

RESOLVED THAT the agenda for the meeting be approved.

Carried

3. Disclosure of Pecuniary Interest

None declared

4. Adoption of Minutes of Previous Meeting

Moved by: B. Archer
Seconded by: A. Smelko

RESOLVED THAT the minutes of the previous meeting held November 30, 2017 be approved as circulated.

Carried

5. Review of New File Material

6. Deferred Applications – Minor Variances and Consents

7. New Business – Minor Variances

File Number: D20-2018-001
Location: 97 Albert Street South
Plan 8P, Part Park Lot D1, 57R-9184, Part 26
Former Town of Lindsay
Owner: Rexton Developments Ltd.
Applicant: Wes Surdyka Architect Inc.

Mr. Harding summarized Report COA2018-001. The owner proposes to construct a one storey commercial building. Relief from the minimum front yard, and the maximum number of parking spaces is sought, along with a request to permit an accessible parking space within the front yard.

The Committee questioned whether a Site Plan had been submitted to the City for review, and whether the design had changed from the previous 2016 Variance Application. Mr. Harding confirmed that a Site Plan had been submitted to the City for review, and the reliefs requested had not changed. The Committee also enquired as to how many commercial units would be within the building, and whether “no parking” signs were present along Mary Street West and Albert Street South close to this property.

The Applicant, Wes Surdyka of Wes Surdyka Architect Inc. was present at the meeting. He clarified that there would be four units, and that he did not observe any signs prohibiting parking on either street.

The Committee had no further questions.

Moved by: A. Smelko
Seconded by: D. Marsh

RESOLVED THAT Report COA2018-001 Rexton Developments Limited, be received;

THAT minor variance application D20-2018-001 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 Appendix “C” of Report COA2018-001, which shall be attached to and form part of the Committee’s Decision; and,

- 2) **THAT** the Site Plan 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

This approval pertains to the application as described in report COA2018-001. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

File Number: D20-2018-002
Location: 11 Pavillion Road
Lot 9, Concession 2, Plan 156, Part of Lots 57 & 58
Geographic Township of Verulam
Owner: John & Kathleen Neufeld
Applicant: John Neufeld

Mr. Harding summarized Report COA2018-002. The owner proposes to construct an addition to a dwelling, and recognize the existing sheds. Relief is sought from the maximum lot coverage provision, and the setback requirements for accessory buildings.

The Committee questioned why proposed condition 2 did not address the other two sheds. Mr. Harding replied that building permits are not required for the two smaller sheds because they are not large enough to require one.

The Committee enquired whether additional information was needed on page 3 of the report after the word “entirely”. Mr. Harding clarified that the words “on the lot” should have followed that word. The Committee asked why a condition had not been included to rectify the encroachment of the fourth shed. Mr. Harding clarified that it was likely legal non-complying due to its age, and imposing a condition would not be reasonable as the encroachment is a civil issue.

The Committee enquired whether the addition would have a basement. Mr. Harding clarified that it would not, as the existing dwelling did not. The Committee also asked how the septic tank would be pumped after the addition was constructed. Mr. Harding responded that Anne Elmhirst (Building Division- Part 8 Sewage Systems) had reviewed application and had not raised any concerns. The Applicant/Owners were not present.

Moved by: B. Archer
Seconded by: D. Marsh

RESOLVED THAT Report COA2018-002 John and Kathleen Neufeld, be received;

THAT minor variance application D20-2018-002 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" and elevations in Appendix "D" submitted as part of Report COA2018-002, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the issuance of a Building Permit for the proposed addition, the owners shall obtain a building permit from the Building Division for the recently constructed shed that lies directly north of said proposed addition; and,
- 3) **THAT** the building construction related to the minor variances 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.

This approval pertains to the application as described in report COA2018-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

File Number:	D20-2018-003
Location:	17 North Water Street Part Lot 15, GRR, Lot 5, Plan 46 Geographic Township of Bexley
Owner:	Josie Harlow
Applicant:	John Harlow

Mr. Harding summarized Report COA2018-003. Relief is sought from the water, Environmental Protection Zone, and front yard setback provisions to permit the construction of a new dwelling. The Applicant, John Harlow (son) was present. Mr. Harlow requested that the application be brought to the next Committee of Adjustment meeting, February 15th, as they would like to start construction this summer. The Committee replied by saying the length of deferral depends on such time as Planning Division deems appropriate. Mr. Harding confirmed it would be 2-3 months.

The Committee had no further questions.

Moved by:	D. Marsh
Seconded by:	S. Strathdee

RESOLVED THAT Report COA2018-003 Josie Harlow, be received;

THAT minor variance application D20-2018-003 be DEFERRED until such time as the owner/applicant provides sufficient documentation to the City and/or the Kawartha Region Conservation Authority so that the variance application may be fully analyzed, and if necessary, re-advertised.

Carried

File Number: D20-2018-004
Location: 642 The Glen Road
Part Lot 11, Concession 13, Part 1, 57R-5625
Geographic Township of Mariposa
Owners: Aaron & Lindsay Smith
Applicant: Aaron Smith

Ms. Wong summarized Report COA2018-004. The purpose of application is to request relief to permit construction of detached garage in the front yard where it was only permitted in the side or rear yard on property.

The Committee questioned the requirement to remove the existing shed. Ms. Wong replied it is the Applicant's intention to remove the shed. The Committee asked if there would be a washroom in the garage. Ms. Wong indicated the Zoning By-law does not permit a washroom in an accessory structure.

The Applicant/Owner, Aaron Smith was present. He confirmed he had no intention of including a washroom.

The Committee had no further questions.

Moved by: A. Smelko
Seconded by: S. Richardson

RESOLVED THAT Report COA2017-004 Aaron & Lindsay Smith, be received;

THAT minor variance application D20-2018-004 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 related to this approval shall proceed generally in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-004, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** as part of issuance of the building permit, there be a requirement that the 12.67 square metre garden shed be demolished or removed from the property to the satisfaction of the Chief Building Official;
- 3) **THAT** the building construction related to the minor variance 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.

This approval pertains to the application as described in report COA2018-004. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

File Number: D20-2018-005
Location: 57 Lakeview Cottage Road
Lots 16 & 17, Plan 179
Geographic Township of Bexley
Owners: Fernando & Regina Rocchetta
Applicant: Anthony Camposeo

Ms. Wong summarized Report COA2018-005. The Owner proposed to relocate the entire garage which is partially located on 55 & 57 Lakeview Cottage Road to the front yard.

The Committee questioned the requirement for a deeming by-law as the cottage crosses the lot boundary. Ms. Wong replied while the cottage was built in 1956 the property is two legally separate lots and the building would not meet the Zoning By-law requirements. The Committee also asked if a topographical survey is required. Ms. Wong replied it is not necessary.

The Applicant, Anthony Camposeo, was present. He asked if it is required to amalgamate Lots 16 & 17. Ms. Wong confirmed it is required.

Moved by: A. Smelko
Seconded by: S. Strathdee

RESOLVED THAT Report COA2018-005 Rocchetta, be received;

THAT minor variance application D20-2018-005 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 garage related to this approval shall proceed generally in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-005, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** prior to the submission of a Building Permit application, the owners apply for and pay the prescribed fee to have Lots 16 and 17, Plan 179, geographic Township of Bexley be the subject of a Deeming By-law in accordance with

Subsection 50(4) of the Planning Act and the By-law be in effect; or, it be demonstrated that the lots have been deemed not to be part of a Registered Plan to the satisfaction of the Secretary-Treasurer;

- 3) **THAT** the building construction related to the minor variance 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.

This approval pertains to the application as described in report COA2018-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

File Number: D20-2018-007
Location: 871 Highway 7A
Part Lot 14, Concession 8, 57R-6828, Part 1
Geographic Township of Manvers
Owner: Scott Saunders

Mr. Harding summarized Report COA2018-006. The purpose of the application is to permit the construction of a detached garage of approximately 133.8 square metres.

The Committee questioned whether the comments from Building Division – Part 8 Sewage Systems impacted the variance application. Mr. Harding clarified that the letter stated the proposed garage did not impact the septic system. The letter contained additional content unrelated to the requested variances that was between the Building Division – Part 8 Sewage Systems and owner to resolve.

The Committee also asked if the requested reliefs were solely to permit a garage, as a dwelling was noted in proposed condition 1. Mr. Harding clarified that it was just a garage, and that the recommended condition 1 should be amended to remove reference to a dwelling should the Committee grant the variances.

The Committee noted that they did not recall a proposed condition like condition 2 before, and wished to know more about why it was included. Mr. Harding replied that it was to better tie in the front façade of the garage with the dwelling. As the owner had not settled on a final garage design, final elevations were not prepared. Condition 2 ensures these design elements are included.

The Owner, Scott Saunders was present but did not speak.

Moved by: B. Archer
Seconded by: S. Richardson

RESOLVED THAT Report COA2018-006 Scott Saunders, be received, as amended;

THAT minor variance application D20-2018-007 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 related to this approval shall proceed substantially in accordance with the sketch in Appendix “C” and generally in accordance with the elevation in Appendix “D” submitted as part of Report COA2018-006, which shall be attached to and form part of the Committee’s Decision;
- 2) **THAT** further to condition 1, the southern wall of the garage shall contain a person door and at least one window;
- 3) **THAT** the garage be a single storey building;
- 4) **THAT** prior to the request for final Building Inspection, the Chief Building Official or his/her designate shall confirm, in writing to the Secretary-Treasurer, that the portable shelter depicted on the sketch in Appendix “C” has been removed; and
- 5) **THAT** the building construction related to the minor variances 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.

This approval pertains to the application as described in report COA2018-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

File Number: D20-2018-008
Location: 138 Queen Street
Part Lots 9 & 10 ES Queen St., Plan 37,
Part 1, 57R-5868
Former Village of Fenelon Falls

Owner: David Muir
Applicant: David Muir

Ms. Wong summarized Report COA2018-007. The application was to authorize minor variances to reduce rear yard from 12 metres to 5 metres, increase maximum lot

coverage for all buildings and structures from 30% - 30.5%, and to decrease the setback from the centreline of the street from 17.6 metres to 12.6 metres, to permit construction of a dwelling with attached garage on property located at 138 Queen Street. The application was previously heard by the Committee of Adjustment on May 18th, 2017. A decision was rendered granting the application with conditions. A correction is required to amend the minimum rear setback.

The Committee questioned how this error occurred if the application was for the same building in the same location. Ms. Wong replied, when the application was revised to an attached garage, Staff incorrectly identified the closest corner to the rear lot line.

The Applicant, David Muir, was present to answer questions. The Committee had no questions for Mr. Muir.

Dana Hewson, representing the neighbours Mr. & Mrs. Nicholls, indicated while the Nicholls did not object to the application and the building as a whole, they were disappointed with the height of the foundation and had concerns with drainage. The Nicholls expected the first floor to be at or near grade and wished an explanation. Ms. Wong indicated the property is currently below the road elevation and Nicholls property. The front yard would need to be filled to provide positive drainage to the road. This establishes the first floor elevation along with Building Code requirements. The finished ground elevation on the Muir property is anticipated to be lower than the Nicholls property and there will be a drainage swale on the Muir property to ensure run off follows current patterns to the rear from the side yards. Based on the foundation height and grading plan, the exposed foundation will be standard by current construction practices.

Moved by: K. Seymour-Fagan
Seconded by: S. Strathdee

RESOLVED THAT Report COA2018-007 David Muir, be received;

THAT minor variance application D20-2018-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-007, which shall be attached to and form part of the Decision.
- 2) **THAT** the building construction related to these 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 COA2018-007. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

File Number: D20-2018-010
Location: 25 Doble Drive
Lot 16, Concession 8, Lot 41, Plan 570
Geographic Township of Mariposa
Owners: Chris & Julie Fairbairn
Applicant: Chris Fairbairn

Staff Report COA2018-008 Attached.

Ms. Wong summarized Report COA2018-008 for the construction of a detached garage. Relief is sought from the exterior yard setback from a flanking street, to increase maximum lot coverage for all accessory buildings and structures and increase the maximum number of accessory buildings and structures from two to three. The owner has made significant effort to design a building in keeping with the residential neighbourhood.

The Committee asked Ms. Wong to clarify use of garage and access to the garage. Ms. Wong confirmed the garage would be used to store a boat and vintage cars, along with a workshop area. Also access would be from Doble Drive not Bruce Street.

The Applicant, Chris Fairbairn, was present. The Committee had no questions.

Moved by: D. Marsh
Seconded by: A. Smelko

RESOLVED THAT Report COA2018-008 C & J Fairbairn, be received;

THAT minor variance application D20-2018-010 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 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 COA2018-008, which shall be attached to and form part of the Committee's Decision;
- 2) **THAT** the cladding be in a red-tone colour similar to the dwelling;
- 3) **THAT** there be two windows similar to those illustrated on Appendix "D" spaced within 7 metres from the front of the garage on the south facade;
- 4) **THAT** prior to the issuance of a building permit for the proposed garage, a building permit be obtained for the shed with porch to the satisfaction of the Chief Building Official; and

- 5) **THAT** the building construction related to the minor variances 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.

This approval pertains to the application as described in report COA2018-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

8. New Applications – Consents

9. Correspondence

Requiring Action: None

Information: None

10. Other Business

B. Archer commented that she had not yet received payment for mileage for Committee of Adjustment. Staff assured Ms. Archer that Mr. Holy was looking into this.

D. Marsh made a motion for the Chair to communicate with the CAO to discuss remuneration for Committee members

Moved by: D. Marsh

Seconded by: A. Smelko

Further, L. Robertson stated he would email R. Holy on the same matter.

A. Smelko commented that Committee members were paid in other municipalities.

11. Next Meeting

The next meeting of the Committee of Adjustment will be held on February 15, 2018 at 1:00 p.m., in the Council Chambers, City Hall.

12. Adjournment

Moved by: S. Richardson
Seconded by: B. Archer

RESOLVED THAT this meeting adjourns at 3:09 p.m.

CARRIED

Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment