

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

COA2018-02
Thursday, February 15, 2018
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Chair Lloyd Robertson

Vice Chair David Marsh

Councillor Kathleen Seymour-Fagan

Betty Archer

Sandra Richardson

Allan Smelko

Steve Strathdee

Recording Secretary
C. Crockford-Toomey

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER

Chair L. Robertson called the meeting to order at 1:03 p.m. Members D. Marsh, B. Archer, S. Richardson and S. Strathdee were in attendance. Councillor Kathleen Seymour-Fagan and Allen Smelko were absent.

2. ADMINISTRATIVE BUSINESS

2.1 Adoption of Agenda

2.1.1 COA2018-02 2.1.1

Moved By D. Marsh

Seconded By B. Archer

That the agenda for the meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2018-02.2.3.1

January 18th, 2018

Committee of Adjustment Meeting Minutes

Moved By S. Richardson

Seconded By S. Strathdee

That the minute of the previous meeting held January 18, 2018 be adopted as circulated.

Carried

3. NEW APPLICATIONS

3.1 Minor Variances

3.1.1 COA2018-009

Ian Walker, Planning Officer - Large Developments

File Number: D20-2018-006

171-183 Kent Street West, Plan 38 Lots 2-7, Part Lot 8, Plan 57R5785 Part of Part 1, 57R7668 Parts 2 and 3 Part of Part 1

Former Town of Lindsay

Owner: APG Kent Street Properties Corp.

Applicant: Monsey Consulting Group Inc.

Mr. Walker summarized report COA2018-009

The Applicant proposes to construct a new (replacement) commercial building on the subject property by requesting relief to reduce the required parking spaces from 167 to 67, to reduce the accessible parking spaces from six to two spaces, to reduce the number of loading spaces from two to one and to reduce the minimum front yard setback from 4.0 metres to 0.0 metres.

The Committee requested clarification as to whether the existing building was going to be demolished. Mr. Walker confirmed it would be a new construction.

Owner Neil Arbour was present, he commented on surrounding businesses in Downtown Lindsay who have large commercial area and fewer parking spaces. The Committee responded, new construction shouldn't be compared with old.

The Director of Development Services, Chris Marshall suggested an alternative. The Owner could withdraw the Minor Variance for 100 parking spaces and take it to Council and pay Cash in Lieu, which would replace the request for the parking variance. The Owner Neil Arbour replied he would consider this.

Opposition - S. Podoisky, Lindsay B.I.A, J. Found, Linborough Property Corp., J. Garbutt, 31 Kent Street Buy & Sell Shop and E. Hillton, expressed their frustrations with lack of parking and abuse of existing parking in Downtown Lindsay.

The Owner Neil Arbour confirmed he would like to withdraw one minor variance for parking spaces, being relief from Section 5.12 k)ii to reduce the required number of parking spaces from 167 spaces to 67 spaces. The Director of Development Services confirmed the Owner is within his rights to withdraw the minor variance. Should he not follow through with Council for an agreement regarding Cash in Lieu of parking it would need to come back to the Committee of Adjustment as a new variance.

The Committee requested that all comments be brought forward to Council for consideration.

The Chairman confirmed we are dealing only with the other three requests: Section 5.12 c) to reduce accessible parking spaces from six to two. Section 5.13

a) to reduce loading spaces from two to one. Section 14.2 b to reduce minimum front yard setback.

Moved By B. Archer

Seconded By S. Strathdee

That Report COA2018-009 APG Kent Street Properties Corp., be received;

That the variance to request relief from Section 5.12 c) to reduce the required number of accessible parking spaces from 6 spaces to 2 spaces to permit the construction of a new commercial building be DENIED, as the variance does not meet the tests set out in Section 45(1) of the Planning Act.

That the variances to request relief from Section 5.13 a), to reduce the required number of loading spaces from 2 loading spaces to 1 loading space and from Section 14.2 b. to reduce the minimum front yard setback from 4.0 meters to 0.0 meters be GRANTED, as the variances meet the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the construction of the commercial building 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 COA2018-009, which shall be attached to and form part of the Committee’s Decision; and
- **That** the Site Plan Agreement for the subject property be executed and secured within 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 registration of the Site Plan Agreement on title.

This approval pertains to the application as described in report COA2018-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2018-010

Quadri Adebayo, Planner II

File Number: D20-2018-009

Location: 154 Ball Point Road

Concession C, Part Lot 18, Plan 425, Lot 37

Geographic Township of Mariposa

Owners: Serge and Catheryn Dugas
 Applicants: Serge and Catheryn Dugas

Mr. Adebayo summarized report COA2018-010. The Owners proposed to construct a single detached residential dwelling with a walkout basement, deck and garage. .

Moved By D. Marsh

Seconded By S. Strathdee

That the application be deferred until the next scheduled Committee of Adjustment meeting on March 15, so that additional relief sought from Section 14.2.1.7 along with the relief sought from Section 14.2.1.4 may be re-advertised

Carried

3.2 Consents

3.2.1 COA2018-012

David Harding, Planner II

File Number:D03-17-008

Location:31 Main Street, Lot A S/S Front Street, Part Lot B S/S Front Street, Plan 70

Former Village of Bobcaygeon

Owner: Elizabeth Rasmussen

Applicant: Kevin Duguay

Mr. Harding summarized report COA2018-012. The application is to sever 297 square metres of residential land with an existing residential building containing two dwelling units and retain 2,311 square metres of commercial land (Bobcaygeon Inn). Mr. Harding outlined the newly-submitted comments from the KRCA. He also identified that the condition number referenced in proposed condition 2(a) should be 8, not 9.

The Committee questioned where the fence identified in proposed condition 4 would be located. Staff clarified the location. The Committee asked whether the fence between the severed and retained lots would restrict access to the parking lot on the proposed retained lands. The Applicant, Kevin Duguay, stated that he was in agreement with the proposed condition, and that as the parking lot has a

second separate access, should the entrance/exit adjacent to the fence be reduced to a single lane, access to the parking lot will not be impeded.

The Committee questioned why the staff recommendation excluded a cash-in-lieu of parkland payment. Staff responded to Committee's question.

The Committee had no further questions.

Moved By S. Richardson

Seconded By D. Marsh

That Report COA2018-012 Elizabeth Rasmussen, be received;

That consent application D03-17-008, being an application to sever approximately 297 square metres of residential land and retain approximately 2,311 square metres of commercial land, be GRANTED, approval subject to the standard provisional conditions for the consent as indicated in the Staff Report COA2018-012

Carried

4. DEFERRED APPLICATIONS

4.1 Minor Variances

4.1.1 COA2018-011

David Harding, Planner II
 File Number: D20-17-044
 Location: 39 McGill Drive
 Part Lot 1, Concession 14, Plan 33, Lot 22
 Geographic Township of Manvers
 Owner: B.G. Scugog Inc.
 Applicant: Gary Morrison

Mr. Harding summarized report COA2018-011. The owner proposes to construct a single detached dwelling and detached garage on subject property by requesting relief to reduce the minimum lot area and increase the maximum lot coverage as well as seeking relief from front yard and side yard setbacks. Relief is also sought to permit eaves and gutters on both buildings to project 0.6 metres into the front yard, side yard and water setbacks. The Committee asked whether a condition was required to decommission the existing well. Staff responded that

a condition was not necessary, as the well must be decommissioned in order for the holding tank to be placed.

The Applicant, Gary Morrison, was present. He confirmed he had a permit from Kawartha Region Conservation Authority (KRCA) and a demolition permit from the Building Division.

The Committee had no questions.

Moved By S. Strathdee

Seconded By B. Archer

That Report COA2018-011 B G Scugog Inc. be received;

That minor variance application D20-17-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the construction of the dwelling and garage related to this approval shall proceed substantially in accordance with the surveyor's sketch in Appendix "D", and generally in accordance with the elevations in Appendix "E" submitted as part of Report COA2018-011, which shall be attached to and form part of the Committee's Decision;
- **That** notwithstanding the definition of front yard, the granting of the variances to reduce the front yard setback for the garage shall not be interpreted to permit the placement of any other accessory buildings between the front wall of the dwelling and the front lot line; and
- **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 COA2018-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

5. OTHER BUSINESS

There was further discussion by the Committee regarding remuneration. It was acknowledged that this has been discussed with the C.A.O. The Mayor and

C.A.O. are reviewing Boards Appointments, Committee support, resources, etc. The Manager of Planning and Staff will review surrounding Municipalities.

6. CORRESPONDENCE

7. NEXT MEETING

The next meeting will be Thursday, March 15th, 2018 at 1:00 p.m. in Council Chambers, City Hall.

8. ADJOURNMENT

Moved By D. Marsh

Seconded By S. Strathdee

That this meeting adjourned at 3:05 p.m.

Carried

Mark LaHay, Secretary-Treasurer