

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

COA2018-03
Thursday, March 15, 2018
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Kathleen Seymour-Fagan
Betty Archer
David Marsh
Sandra Richardson
Lloyd Robertson
Allan Smelko
Steve Strathdee

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1. **Call to Order**

Chair L. Robertson called the meeting to order at 1:00 p.m. Councillor K. Seymour-Fagan and Members D. Marsh, A. Smelko and S. Strathdee were in attendance. B. Archer and S. Richardson were absent.

Recording Secretary, C. Crockford-Toomey

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2018-03 2.1.1

Moved By D. Marsh

Seconded By S. Strathdee

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 COA2018-03

February 15, 2018

Committee of Adjustment Meeting Minutes

Moved By S. Strathdee

Seconded By D. Marsh

That the minutes of the previous meeting held February 15, 2018 be adopted as circulated.

Carried

3. **New Applications**

3.1 Minor Variances

3.1.1 COA2018-013

Janet Wong, Planner II
 File Number: D20-17-049
 Location: 152 Island Drive, Island N Four Mile Lake
 Lot 5 Plan 453
 Geographic Township of Somerville
 Owner: John and Susan Cook
 Applicant: Valerie Farrell

Ms. Wong summarized report COA2018-013 - J and S Cook to request relief to reduce the minimum required water setback and to increase the maximum projection of a cantilevered floor area to permit construction of a two storey and a one storey addition on the existing dwelling. Also relief is requested to permit an accessory building in the front yard and to reduce the required front yard to allow an accessory building (shed) to be constructed.

The Committee requested clarification on the water setback measurement to the piers when the cantilevered floor will be closer to the water. Ms. Wong replied water setbacks are always to the foundation. Recognizing the actual physical build, conditions will limit the footprint to the existing east face projection line.

The Applicant Valerie Farrell was present and stated that the existing cottage doesn't meet the water setback and continued to say that this was the only suitable location to build on site due to a rock outcrop, hydro poles and septic system. The shed and parking area are existing. The owner would like to keep as many trees as possible.

The Owner John Cook was present. He expressed his respect for the land and trees as well as consideration for neighbours.

The Committee thanked Ms. Wong and Applicant for an excellent presentation. They had no further questions.

Moved By D. Marsh

Seconded By Councillor Seymour-Fagan

That minor variance application D20-17-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the construction of the additions and shed related to this approval shall proceed generally in accordance with the sketch in Appendix "C" and supplementary drawings in Appendices "D4", "D7", "D8", "D9" and "D10"

submitted as part of Report COA2018-013, which shall be attached to and form part of the Committee's Decision;

- **That** the west face of the southerly one-storey dwelling addition not extend west beyond the projection line of the east face of the existing dwelling with no facade projection through the living area as illustrated on Appendix "D4";
- **That** roof drainage from the additions be directed to discharge on the east side of the building;
- **That** the foundation for at least the addition section south of the entry area be of a pier system that remains open on the sides;
- **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a tree location plan, prepared by an Ontario Land Surveyor or other qualified person, that identifies all existing trees greater than 10 centimetres d.b.h. (diameter at breast height) and indicate which trees are to be removed as a result of the proposed development. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a site restoration plan. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit.
- **That** the Owner submit to the Secretary-Treasurer confirmation from Hydro One Networks Incorporated that the overhead hydro conductor clearances over the proposed building is/will be adequate prior to the issuance of a building permit.
- **That** prior to the issuance of a building permit for the dwelling, that it be demonstrated through a survey prepared by a qualified Ontario Land Surveyor to the satisfaction of the Chief Building Official that the existing shed is a minimum of 2.5 metres from the south property line and outside the right-of-way providing access to 154 Island Drive, or alternatively that the shed be demolished or relocated to the satisfaction of the Chief Building Official; 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 COA2017-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2018-014

David Harding, Planner II

File Number: D20-2018-011

Location: 25-27 Helen Street

Part Lot 5 East of Helen Street, Plan 70, Part 1 57R-10544,

Former Village of Bobcaygeon

Owner: Tom Grimes Construction Ltd.

Mr. Harding summarized report COA2018-014 - Tom Grimes Construction. The purpose and effect is to request relief from Section 6.2 (a) to reduce the minimum lot area in order to facilitate the creation of a residential lot. On February 5, 2018, the Director of Development Services as delegated by Council, granted provisional consent to file D03-17-030 to create an approximately 512 square metre residential lot with semi-detached dwelling and retain an approximately 512 square metre residential lot with a semi detached dwelling.

The owner was not present

The Committee had no questions.

Moved By S. Strathdee

Seconded By Councillor Seymour-Fagan

That minor variance application D20-2018-011 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- **That** the variance shall apply to the proposed severed and retained portions of the subject property.
- **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-030, lapses.

This approval pertains to the application as described in report COA2018-014. Fulfillment of all conditions are required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2018-015

Quadri Adebayo, Planner II
 File Number: D20-2018-012
 Location: 25 Westview Drive
 Part Lot 17, Concession 8
 Geographic Township of Emily
 Owner: Joan MacGillivray
 Applicant: Ryan McKnight

Mr. Adebayo summarized report COA2018-015 - Ryan McKnight. The purpose and effect is to permit the construction of a single detached dwelling with garage and deck on the property by requesting relief to reduce the water setback and reduce the required interior side yard on both sides, in order to permit the construction of a two storey single detached dwelling and deck on the property.

The Committee questioned why Staff are requesting a tree planting plan as a condition of approval when there is no by-law in place. Mr. Adebayo replied, the KRCA requested a planting plan of native, non invasive species which demonstrates no negative impact to the fish habitat buffer, therefore KRCA will be notified accordingly when the applicant is due for building permits.

The Applicant, Ryan McKnight was present, he stated that this has been a family cottage for 30 years and that they would like to build something new. Hydro wires have been a problem. We want to keep far from the lake as possible.

The Committee requested Condition 2 be amended, also Condition 3 replaced and Condition 8 replaced to add Condition to reflect tree planting plan. The original Condition 8 now becoming 9. The Committee had no further questions.

Moved By D. Marsh

Seconded By S. Strathdee

That minor variance application D20-2018-012 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 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 COA2018-015, 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;

- **That** prior to the issuance of a Building Permit the owner shall submit to the Secretary-Treasurer a confirmation from Hydro One Networks Incorporated that no part of the proposed development is upon or overhangs onto the registered/unregistered easement for the overhead hydro line to the east of the proposed building or otherwise would interfere with said hydro line. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the Hydro line swing allowance and setback are appropriate for the proposed development;
- **That** prior to the issuance of a Building Permit the owner shall obtain a permit and develop a planting plan of native, non-invasive species to the satisfaction of the Kawartha Region Conservation Authority (KRCA) which demonstrates no negative impact to the fish habitat buffer. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that all requirements have been completed to its satisfaction.
- **That** the proposed septic system maintain a minimum water setback of 30 metres;
- **That** notwithstanding the yard requirements within 3.1.4.1(c), a deck or unenclosed porch of not more than 1.2 metres in height shall comply with the 15 metre water setback established by this variance;
- **That** prior to the issuance of an Occupancy Permit for the proposed dwelling, the accessory structure (shed) be removed from the property;
- **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water's edge; and
- **That** prior to the issuance of an Occupancy Permit for the proposed dwelling, the owner shall obtain a permit from Kawartha Region Conservation Authority (KRCA) which demonstrates that they have implemented the planting plan on the property. This condition will be considered fulfilled once the owner submits to the Secretary Treasurer written confirmation from the KRCA advising that all requirements have been completed and/or met to its satisfaction.
- **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 and/or upon the issuance of an Occupancy Permit.

This approval pertains to the application as described in report COA2018-015. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2018-016

Quadri Adebayo
 File Number: D20-2018-009
 Location: 154 Ball Point Road
 Part Lot 18, Concession C, Plan 425 Lot 37
 Geographic Township of Marisposa
 Owner: Serge and Catheryn Dugas
 Applicant: Serge and Catheryn Dugas

Mr. Adebayo summarized report COA2018-016 - S and C Dugas. The purpose and effect is to permit the construction of a single detached dwelling with a garage and deck on the property. Requesting relief to reduce the minimum water setback and to reduce minimum gross floor area of a dwelling unit. Mr. Adebayo continued saying there were public comments opposed to the minor variance from 149 Ball Point Road and 150 Ball Point Road. The Staff response clarified the minor variance met the four tests prescribed under the planning act.

The Applicant/Owner, Mr. Dugas was present and said he bought the property in 2016. The existing minor variance conditions on the property is close to expiration and requested it be reviewed. The Committee asked Mr. Dugas if twelve months would be sufficient to complete. Mr. Dugas replied yes, if the application is accepted it would start after the half load restrictions were removed.

The Committee requested clarification on last sentence in Condition 5. Mr. Adebayo responded amendment to read - The Condition will be considered fulfilled upon completion of the first Building Inspection.

Committee had no further questions.

Moved By D. Marsh

Seconded By A. Smelko

That minor variance application D20-2018-009 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 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 COA2018-016, 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;
- **That** prior to the issuance of a Building Permit for the proposed dwelling, the shed located on the property be relocated and stored on the property in a compliant manner at a minimum water setback of 30 metres;
- **That** the proposed holding tank maintain a minimum water setback of 30 metres;
- **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced water setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the water’s edge; 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 COA2018-016. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2 Consents

3.2.1 COA2018-017

David Harding, Planner II
 File Number: D03-17-033
 Location: 791 and 795 Cottingham Road
 Lot 21, Concession 3
 Geographic Township of Emily
 Owners: Shirley and Hugh Fife
 Applicant: Hugh Fife

Mr. Harding summarized report COA2018-017 - Hugh and Shirley Fife. This application proposes to sever an approximately 0.72 hectare residential lot (791 Cottingham Road) containing a single detached dwelling along with an accessory building and retain an approximately 39.75 hectare agricultural lot (795 Cottingham Road) containing a single detached dwelling. Mr. Harding request the application be denied.

The Committee asked if the owners currently have a farming operation. Staff replied that the owners do not have a farm operation and therefore the proposal cannot be viewed as an application to sever a dwelling surplus to a farm operation as a result of a farm consolidation. It must be treated as a rural lot creation within a prime agricultural area. Staff further advised that the owners did not own another agricultural lot.

The Applicant/Owner Mr. Fife was present and said my family had farmed the land for decades. The family acquired the property back in the 1920's. In 1960 a second dwelling, 795 Cottingham Road was built for his parents. 791 Cottingham Road was where his grandparents lived. It was rented out in 1978 after his Grandfather passed away. His Mother lives in 795 Cottingham Road and he stated that it is her intention to live out the rest of her life there. She does not wish to remain a landlord, and would like 791 to be owned by those that are able to continue to upkeep the property. Mr. Fife said that the land has been rented to farmers for the last 25 years. The Committee asked Mr. Fife if adjoining properties are farmed. Mr. Fife replied the property to the East is.

The Committee asked Staff for clarification what defines a Bona-Fide farmer and farming operation. Staff replied a minimum farm income must be claimed and a farm Business Registration Number (FBR) obtained. This F.B.R. must be current, and the bona-fide farmer must hold sole title to another agricultural lot that the farmland will consolidate with.

The Committee stated that it believed this proposal is a unique circumstance and if we were to support this application, who would appeal. Staff replied that the Ministry of Municipal Affairs may as the proposal does not comply with the P.P.S. The Committee asked Staff if there are any hardship provisions for situations like this. Staff replied no.

After discussions the Committee agreed to defer the application to the next Committee of Adjustment Meeting on April 19th, 2018 in order to provide staff sufficient time to draft proposed conditions for provisional consent.

Moved By D. Marsh

Seconded By S. Strathdee

That the application be deferred to the next Committee of Adjustment Meeting April 19th, 2018, so that staff has sufficient time to draft proposed conditions for provisional consent.

Carried

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

The Chair Lloyd Robertson announced that Allan Smelko has resigned from the Committee for personal reasons and that this was his last meeting.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, April 19th 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 2.40 p.m.

Carried

Sherry L. Rea, Secretary-Treasurer