

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

**COA2018-05**  
**Thursday, May 17, 2018**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

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

**Accessible formats and communication supports are available upon request.**

## 1. **Call to Order**

Chair L. Robertson called the meeting to order at 1:02 p.m. Councillor K. Seymour-Fagan and Members D. Marsh, B. Archer, S. Richardson and S. Strathdee were in attendance.

Recording Secretary - Charlotte Crockford-Toomey

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2018-05

**Moved By** S. Strathdee

**Seconded By** S. Richardson

**That** the agenda for the meeting be approved as amended. Report COA2018-027 be moved to the end of the Minor Variance applications.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2018-04

April 19th, 2018

Committee of Adjustment Meeting Minutes.

**Moved By** S. Richardson

**Seconded By** Councillor Seymour-Fagan

**That** the minutes of the previous meeting held April 19th, 2018 be adopted as circulated.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 COA2018-025**

David Harding, Planner II  
File Number: D20-2018-015  
Location: 66 Shelter Bay Street  
Lot 15, Concession 7, Lot 2, Plan 369  
Geographic Township of Emily  
Owners: Richard and Margaret Barbe  
Applicant: Richard Barbe

Mr. Harding summarized report COA2018-025. The application seeks to recognize the locations of the constructed vacation dwelling with attached deck, two sheds, and accessory building lot coverage. Relief is sought to also permit the construction of a fifth residential accessory building (shed).

The Committee questioned whether the variances granted in application D20-10-019 on May 13th, 2010 were in effect since the dwelling and deck were cited in the wrong location. Staff replied that the owner had met the required conditions of the 2010 decision, so the variances granted then were in effect, however the house does not comply with the variances from the water and interior side yard setbacks. Also the two sheds that were identified within the 2010 application sketch to be removed, remained.

The Committee had questions over whether the building identified as a "boathouse" in the application was converted to a boathouse. The owner, Mr. Barbe, was present and replied that he applied for and received the change of use permit, but the building has not been fully converted yet. He went on to say that the building did not and does not contain any running water or a sewage disposal system. The lot used to have a privy.

Marie Ann Martin, neighbour was present and spoke also on behalf of other neighbours. Ms. Martin stated that the original building permit granted to build the dwelling shows the two sheds were to be removed and they were not. She also stated that the two sheds cannot be easily relocated because they are dug in, and that the building by the lake is a cottage, and has not been converted to a boathouse. She stated further that a sliding door and deck were recently added to that building, and half of the building sits over the Pigeon River rather than on the property. She stated that a dock was built on the water and a fence alongside it extending out into the water. Ms. Martin suggested that if the building near the water was to be used for storage there would be no need for additional sheds.

Mr. Barbe replied that he paid \$200 to change use from cottage to boathouse. The Committee asked what was in the building. Mr. Barbe replied there were life jackets, paddles a tin boat, and futon, but continued to say that most of the building was used for non-marine storage. The Committee asked how a canoe could be stored in the building without a proper bay door. Mr. Barbe replied that the person door on the east side is sufficient for the tin boat.

The Committee asked staff if conditions could be attached to the decision to ensure the timely conversion for the building by the shoreline into a boathouse. Staff responded that as the construction of the dwelling is so far along, any conditions tied to the building permit process would not likely be enforceable.

The Committee asked Mr. Barbe why the two sheds were not removed, and why they were needed. Mr. Barbe responded that he believed he had more time to remove them. He continued to say that he was willing to remove shed 1, would be willing to relocate shed 2 elsewhere on the lot and would like to construct shed 3 so that it will have a similar architectural character to the dwelling.

The Committee asked the owner if he had a permit for the dock. The owner replied no. No further questions from the Committee.

**Moved By B. Archer**

**Seconded By S. Richardson**

**That** Report COA2018-025 Richard & Margaret Barbe, be received;

**That** the variances requesting relief from Sections 3.1.2.2, 3.1.3.1, 3.1.3.3, 3.18.1.1(a), 13.2.1.3(e), to reduce the water and Environmental Protection Zone setbacks from 30 and 15 metres respectively down to a total minimum of 8 metres to permit three residential accessory buildings (Sheds 1-3), reduce the interior side yard setback of a residential accessory building (Shed 1) from 1 metre to 0.3 metres, reduce the spatial separation between a residential accessory building (Shed 1) and deck attached to a dwelling to 1.6 metres, increase the accessory building lot coverage to 11%, and increase the number of permitted accessory buildings to 5 within minor variance application D20-2018-015 be DENIED, as the variances do not meet the four tests set out in Section 45(1) of the Planning Act; and

**That** the variances requesting relief from Sections 13.2.1.3(b)(ii) to reduce the interior side yard setback from 5.5 metres to 3.7 metres for the vacation dwelling and deck, 13.2.1.3(e) to reduce the water setback from 30 metres to 24.2 metres (vacation dwelling) and 20.5 metres (attached deck), and 3.1.3.1 to increase the maximum accessory building lot coverage from 8% to 10.2% within minor variance application D20-2018-015 be GRANTED, as the variances meet the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the construction of the vacation dwelling and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix “C-1” and “C-2” submitted as part of Report COA2018-025, which shall be attached to and form part of the Committee’s Decision; and,
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 Occupancy Permit for the vacation dwelling.

**This approval pertains to the application as described in report COA2018-025 approved by the Committee. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.1.2 COA2018-026

Quadri Adebayo, Planner II  
 File Number: D20-2018-018  
 Location: 123 Oakdene Crescent  
 Part Lot 17, Concession C, Plan 354, Lot 6  
 Geographic Township of Mariposa  
 Owner: Barry Bahm  
 Applicant: Anthony Ronco

Mr. Adebayo summarized report COA2018-026 to request relief to permit the addition of an attached garage, an auxiliary storey of living space and a main level deck, to an existing one storey single detached dwelling. Mr. Adebayo also added conditions 5 and 6. Previous condition 5 now being condition 7.

The Committee questioned rationale 2, page 4 and rationale 3, page 4 as to the conditions. Staff replied it's a typo and should read condition 4 not 5.

The owner, Mr. Barry Bahm was present and spoke. The play house (Bunkie) is used for storage. No water or septic connected just electricity. The boathouse has never flooded in 22 years. The Committee also questioned the relevance of KRCA's requirements for a flood plan topographic survey. Staff replied it will help address any safety concerns and guard against potential liability issues in the future. No further questions from the Committee.

**Moved By S. Strathdee**

**Seconded By D. Marsh**

**That** minor variance application D20-2018-018 for 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 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 COA2018-026, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** prior to the issuance of a building permit for the proposed dwelling, the shed and bunkie located on the property be relocated on the property in a compliant manner at a minimum water setback of 30 metres. The bunkie shall also be located at a minimum distance of 7 metres from the vicinity of the new sewage system area;
3. **That** prior to the issuance of an occupancy permit for the proposed dwelling, the shed located on the property be removed from the property;
4. **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
5. **That** prior to the issuance of a building permit the owner shall submit a floodplain topographic survey prepared by a Registered Ontario Land Surveyor to the satisfaction of the Kawartha Region Conservation Authority (KRCA) which delineates the flood plain limit on the property. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the topographic survey has been completed to its satisfaction.
6. **That** prior to the issuance of a building permit, the owner shall obtain all necessary permits required by the KRCA related to mitigating the floodplain

hazard associated with Lake Scugog. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the KRCA advising that the applicant has demonstrated that the proposed development and variances will comply with their conditions.

7. **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 COA2018-026 Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.3 COA2018-027

David Harding, Planner II

File Number: D20-2018-020

Location: St. David Street

Part East 1/2 Lot 24, Concession 6, Parts 1 and 2, 57R-5517

Former Town of Lindsay

Owner: James Head

Applicant: James Head

Mr. Harding summarized report COA2018-027. The application seeks to consider relief to add a mini-storage warehouse as a permitted use within the General Employment Special Two (GE-S2) zone.

The owner James Head was present. He said that he agreed with staff on variance test 2 and 4 but not 1 and 3. He stated that no one from the adjacent properties are opposed to the application. Mr. Head presented letters to support this.

The committee asked staff whether any negative impacts are anticipated. Staff replied that the proposal is in keeping with the general intent and purpose of the official plan but not the zoning by-law.

The Committee moved to approve the application as the official plan permits the use and to add a condition to register a Site Plan Agreement within 2 years.

**Moved By** S. Richardson

**Seconded By** B. Archer

**That** minor variance application D20-2018-020 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Condition:**

1. **That** a Site Plan Agreement for the proposed mini-storage warehouse use on the subject property be registered 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 approval pertains to the application as described in report COA2018-027. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.**

**Carried**

#### 3.1.4 COA2018-028

Quadri Adebayo, Planner II

File Number: D20-2018-021

Location: 400 Kent Street West

Part Lot 21, Concession 4

Former Town of Lindsay

Owner: CP Reit Ontario Properties Limited

Applicant: Heather Garrett - Zelinka Priamo Limited

Mr. Adebayo summarized report COA2018-028 to request relief to reduce the minimum required parking spaces from 391 to 333 to permit temporary garden centre from April 1st to July 31st, annually.

The Committee asked why does the Site Plan Agreement have to be amended. Staff replied, to ensure that the seasonal garden centre is taken care of and so that the minor variance requested for the reduced parking is not repeated every year. The Committee questioned why the Westerly vacant land was included in the Site Plan. Staff replied the amendment is to cover the entire property so as not to cause problems in the future. The Committee noted that the Site Plan was refused in March 28th, 2017.

The applicant, Zelinka Priamo Limited - Rob MacFarlow was present to answer questions. The Committee had no further questions.



**Moved By** Councillor Seymour-Fagan

**Seconded By** D. Marsh

**That** minor variance application D20-2018-021 for be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the operation of the seasonal garden centre. The parking reduction related to this approval shall proceed substantially in accordance with the sketch in Appendix "C" submitted as part of Report COA2018-028, 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; and
2. **That** a Site Plan Amendment 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 registration of an amending Site Plan Agreement.
3. **That** the applicant amend the existing Site Plan Agreement with the City of Kawartha Lakes to address the merger with the vacant lands 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 registration of an amending Site Plan Agreement.

**This approval pertains to the application as described in report COA2018-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.5 COA2018-029

Quadri Adebayo, Planner II

File Number: D20-2018-022

Location: 21 Prince Street East

Part Lot 8, West Helen Street, Part 2, Plan 70

Former Village of Bobcaygeon

Owner: Elmdale Developments Limited

Applicant: Elmdale Developments Limited

Mr. Adebayo summarized report COA2018-029 to permit the construction of a two dwelling detached house with garage and deck.

The Committee asked if there were sufficient parking spaces. Staff replied yes. The zoning by-law does not house provisions for extra parking. The parking provision will be addressed in the future consolidation of the city's zoning by-law.

The applicant, Shane Quibell was present and spoke. The driveway is 22 feet wide and fits two cars side by side.

The Committee asked to amend condition 3 from, and/or to either/or.

**Moved By** Councillor Seymour-Fagan

**Seconded By** B. Archer

**That** minor variance application D20-2018-022 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 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 COA2018-029, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
2. **That** prior to the issuance of a Building Permit, the owner shall obtain all necessary permits required by Engineering. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from Engineering advising that the Municipal Service Connection Application process has been initiated and/or completed to its satisfaction; 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 either/or upon the issuance of an Occupancy Permit.

**This approval pertains to the application as described in report COA2018-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.2 Consents

#### 3.2.1 COA2018-030

David Harding, Planner II

File Number: D03-17-027

Location: 1109 Meadowview Road

Part of Lot 21, Concession 2

Geographic Township of Emily

Owner: 2324784 Ontario Limited c/o Dr. Dagmar Teubner

Applicant: David McKay - MHBC Planning Urban Design and Landscape Architecture

Mr. Harding summarized report COA2018-030 to sever 1 hectare of residential land containing a dwelling deemed surplus to a farming operation as a result of a farm consolidation and consolidate 37 hectares of agricultural land with a non abutting agricultural operation.

The applicant, David McKay, was present and spoke about the property, and the value in preserving agricultural buildings to preserve the character of the landscape. He also spoke about the larger residential lots in the area that had been historically created. The owner, Dagmar Teubner, was present and spoke about her background, history of farming, and the importance of hedgerows. The Committee asked Ms. Teubner if she leaves hedgerows on all her properties and whether they stay within residential properties. The owner replied yes they are retained on the residential lot as every square metre is important for the farming operation. The Committee asked Ms. Teubner what was wrong with the Staff proposal, and why the rear lot line changed. She responded that straight lines do not work as hedgerows are not straight.

The Committee asked staff why the barn is being retained, and if it was retained, and later demolished, what type of building could be rebuilt instead.

Staff responded that it was proposed to be retained to maintain character, and as a site specific zoning by-law amendment was proposed to permit the increased accessory building lot coverage, a new building of the same footprint could be constructed, but its height would be restricted to the accessory building requirements. For that reason, it may not be possible to construct such a large building again.

**Moved By D. Marsh**

**Seconded By Councillor Seymour-Fagan**

The Committee in support of the application, moved to Demolish the Barn and to keep the Easterly Boundary and the Northerly Boundary indicated by the dashed lines as referenced in Appendix E.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
L. Robertson		X
D. Marsh	X	
Councillor Seymour-Fagan		X
B. Archer		X
S. Richardson	X	
S. Strathdee		X
<b>Results</b>	<b>2</b>	<b>4</b>

**Defeated**

**Moved By** B. Archer

**Seconded By** S. Strathdee

**THAT** consent application D03-17-027, being an application to sever approximately 1 hectare of residential land containing a dwelling and consolidate approximately 37 hectares of agricultural land with a non-abutting agricultural operation, be DENIED.

**THAT** consent application D03-17-027, being an application to sever approximately 0.72 hectares of residential land containing a dwelling and consolidate approximately 37.28 hectares of agricultural land with a non-abutting agricultural operation, be GRANTED, approval subject to the standard provisional conditions for the consent as indicated in the Staff Report COA2018-030.

The Committee has considered all written and oral submissions made to the Committee before making its decision to grant the provisional consent.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
L. Robertson	X	
D. Marsh		X
Councillor Seymour-Fagan		X
B. Archer	X	
S. Richardson	X	
S. Strathdee	X	
<b>Results</b>	<b>4</b>	<b>2</b>

**Carried**

#### **4. Deferred Applications**

4.1 Minor Variances

4.2 Consents

#### **5. Correspondence**

#### **6. Other Business**

Local Planning Appeal Tribunal Presentation.

The Local Planning Appeal Tribunal Presentation by Anna Kalnina was well received by The Committee and Staff.

#### **7. Next Meeting**

The next meeting will be Thursday, June 21st at 1:00 p.m. in Council Chambers, City Hall.

**8. Adjournment**

**Moved By** D. Marsh

**Seconded By** B. Archer

**That** the meeting adjourned at 4.19 p.m.

**Carried**

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Mark LaHay, Acting Secretary-Treasurer