

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

COA2018-06
Thursday, June 21, 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
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. **Call to Order**

Chair L. Robertson called the meeting to order at 1:09 p.m. Members B. Archer, S. Richardson, and S. Strathdee and K. Seymour-Fagan were in attendance.

Absent: D. Marsh

Recording Secretary - Charlotte Crockford-Toomey

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2018-06

Moved By B. Archer

Seconded By S. Richardson

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 COA2018-05

May 17th, 2018

Committee of Adjustment Meeting Minutes.

The Minutes from the May 17th, 2018 Meeting, COA2018-05 2.3.1 were amended for item 3.1.4 on page 8. A word was changed from course to cause.

Moved By S. Strathdee

Seconded By Councillor Seymour-Fagan

That the minutes for the previous meeting held May 17, 2018 be adopted as amended.

Carried

3. **New Applications**

3.1 Minor Variances

3.1.1 COA2018-031

David Harding, Planner II
 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: Josie Harlow

Mr. Harding summarized report COA2018-031, requesting that the application be deferred one month to the July 19, 2018 Committee of Adjustment meeting, so that the variance application may be re-advertised to reflect the revised site plan.

The owner, Josie Harlow, was not present.

Moved By S. Richardson
Seconded By Councillor Seymour-Fagan

That the Committee defer minor variance application D20-2018-003 for one month to the July 19, 2018 meeting so that the variance application may be re-advertised to reflect the revised site plan.

Carried

3.1.2 COA2018-032

Quadri Adebayo
 File Number: D20-2018-019
 Location: 15 Manor Road
 Part Lot 9, Concession 8, Plan 164, Part Lots 9 and 10
 Geographic Township of Fenelon
 Owner: Scott Meier
 Applicant: Scott Meier

Mr. Adebayo summarized report COA2018-032, and requested that the application be deferred until such time as the applicant can submit a revised application supportable by staff as the application does not meet all the tests.

The applicant, Mr. Meier was present and spoke. He said that a neighbour had a minor variance similar to his and it was accepted. He went on to say he wants to build on the exact footprint. He didn't want dormers as his neighbours have had problems with ice. Current driveway can accommodate two cars so not an issue.

He stated he is currently replacing Septic system and planting shrubs along shoreline. The Committee looked for confirmation from staff as to the two parking spaces. Staff replied upon observation, there is not enough space for two cars as he must allow for the septic tank. The Committee questioned the applicant, saying that he is restricted for parking and how is it possible to have more parking space. The applicant replied he would move the septic/holding tank toward the shore as there is no weeping tile on the property. The Committee suggested a deferral until the applicant can submit new drawing for the driveway that compliments the size of dwelling.

Mr. Mike Allen was present in support of the application. He stated it is 1200 square feet in total, and couldn't see a problem. He is purely maximizing space, also dormer system is not functional. The applicant also added that he would move holding tank towards the lake to allow for more parking space.

The Committee asked staff if the two storey dwelling would have a height restriction. Staff replied no, that the by-law permits a maximum height of 11 metres but that the proposal doesn't meet the official plan policy which requires low profile dwellings instead. (The Committee wanted to know the difference between the structure proposed compared to another minor variance in the past). Staff responded by saying, the minor variance in the past was a one storey to a one and half storey dwelling. Relief was for the storey and a half. The current minor variance is for a one storey to a two storey. The issue is the increased size of the building and KRCA comments.

Moved By S. Richardson

Seconded By B. Archer

That the Committee defer minor variance application D20-2018-019 to the July 19, 2018 Committee of Adjustment meeting to allow the applicant to bring forward a revised application supportable by staff as parts of the application do not meet the tests set out in Section 45(1) of the Planning Act.

Carried

3.1.3 COA2018-033

Quadri Adebayo, Planner II

File Number: D20-2018-023

Location: 196 St. Albans Road

Part Lot 20, Concession 8

Geographic Township of Verulam

Owners: Dean Junkin and Liana Patterson

Applicant: Dean Junkin

Mr. Adebayo summarized report COA2018-033, to permit an accessory building or structure in a front yard, where it is only permitted in the side or rear yard and to reduce the front yard depth. Mr. Adebayo continued to say that the application originated from an enforcement notice issued to the applicant for compliance on February 26th, 2018, after staff in the Building Division discovered that the accessory structure was built without obtaining a permit. The Committee asked staff if the structure has to be torn down. Staff replied, the applicant would need to contact the Building Division per the appropriate procedure to attain compliance.

Moved By S. Richardson

Seconded By Councillor Seymour-Fagan

That the Committee defer minor variance application D20-2018-023 until the July 19th, 2018 Committee of Adjustment Meeting to enable further discussions with staff per the minor variance reliefs, as the application does not meet all the tests set out in Section 45(1) of the Planning Act.

Carried

3.1.4 COA2018-034

Quadri Adebayo, Planner II

File Number: D20-2018-024

Location: 88 Chadwin Drive

Plan 57M782, Part Block 12, RP 57R-10444, Parts 6 and 7

Former Town of Lindsay

Owners: Arthur and Jacqueline Storm

Applicant: Robert Davidson

Mr. Adebayo summarized report COA2018-034, to request the relief to reduce the minimum rear yard setback in order to permit the construction of a sunroom as an addition to the house.

The owners, Mr. and Mrs. Storm were present but did not speak.

The Committee had no questions.

Moved By B. Archer

Seconded By Councillor Seymour-Fagan

That minor variance application D20-2018-024 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 sunroom 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 COA2018-034, 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 submit to the Secretary-Treasurer confirmation from the Building Division that the glazing in the west wall of the sunroom has been addressed to comply with the Ontario Building Code (OBC). This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Building Division advising that the glazed west wall of the sunroom has been addressed to comply with OBC, and appropriate for the proposed development;
3. **That** prior to the issuance of a building permit for the proposed sunroom, the shed located on the property be either removed from the property, or relocated on the property in a compliant manner in the northerly interior side yard not closer than: 1.5 metres from the rear wall of the main building, 1.25 metres from the boundary limits of the easement closest to the rear wall of the building, and 1.25 metres from the interior side lot line, and in accordance with Section 5.2(b)(i) of the Town of Lindsay Zoning By-law.
4. **That** notwithstanding the definition of rear yard, the granting of the variance for the reduced setback will not be interpreted to permit the placement of any other accessory buildings between the rear wall of the dwelling and the boundary limits of the easement closest to the rear wall of the building; and
5. **That** the building construction related to the minor variance shall be completed within a period of eight (8) 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 COA2018-034. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2018-035

David Harding, Planner II
 File Number: D20-2018-025
 Location: 21 Loon Lane
 Part Lot 8, Concession 1
 Geographic Township of Verulam
 Owners: Joanna and David Gibson
 Applicant: Kevin Duguay

Mr. Harding summarized report COA2018-035, to reduce the interior side yard setback to recognize an addition to a single detached dwelling.

The Committee asked staff regarding how the non-compliance was detected. Staff responded, the survey was done as part of the building permit process which determined that a portion of the addition encroached into the minimum interior side yard setback.

The applicant, Kevin Duguay was present and spoke.

The Committee had no further questions.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-025 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

1. **That** the construction of the addition to the single detached dwelling 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 COA2018-035, which shall be attached to and form part of the Committee's Decision.

This approval pertains to the application as described in report COA2018-035. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Carried**3.1.6 COA2018-036**

David Harding, Planner II
File Number: D20-2018-026
Location: 23 Manor Road
Lot 10 Plus Island, Plan 245
Former Village of Bobcaygeon
Owner: Catherine Gravely
Applicant: Catherine Gravely

Mr. Harding summarized report COA2018-036, to request relief to reduce the water setback to recognize the location of a shed. He requested a condition be added to the prepared recommendation. He cited additional correspondence from the owner and neighbour at 8 Manor Road. The concerns appeared to be resolved.

The Committee asked if the shed was legal and non complying. Staff replied.

The applicant, Catherine Gravely was present and spoke. Mrs. Gravely stated that she called the building inspector, Mr. Phelps prior to the delivery of the shed; he confirmed the shed was too small to require a permit. He did not express any concerns with the location at that time. There is no plumbing and it is used to store outdoor furniture. Mrs. Gravely further stated that it was /is occasionally used as play structure for visiting children. She produced a list of signatures of neighbours in support of the application. Mrs. Mariette Tremblay of 17 Manor Road, spoke in support of the application.

The Committee had no further questions.

Moved By Councillor Seymour-Fagan

Seconded By B. Archer

That minor variance application D20-2018-026 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

1. **That** the approval granted by the Committee for the shed shall be applied substantially in accordance with the sketch in Appendix “C” to Report COA2018-036, which shall be attached to and form part of the Committee’s Decision.

This approval pertains to the application as described in report COA2018-036. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Correspondence

6. Other Business

6.1 Appeal

Richard Holy, Planning Manager notified the Committee the Decision for Consent Application D03-17-027 for 1109 Meadowview has been appealed to the Local Planning Appeal Tribunal (LPAT).

6.2 Recorded Votes

Richard Holy discussed the procedural by-law for recorded votes with the Committee. This matter will need to be further clarified with the Clerk's Department.

The Chair made a motion.

Moved By B. Archer

Seconded By S. Strathdee

That the Committee of Adjustment would respectfully request permission for a recorded vote at the discretion of the Chair.

Carried

6.3 OACA Conference

The Committee requested information from the recent OACA Conference be provided by staff.

7. **Next Meeting**

The next meeting will be Thursday, July 19th at 1:00 p.m. in the Victoria Room, City Hall.

8. **Adjournment**

Moved By S. Richardson

Seconded By S. Strathdee

That the meeting adjourned at 3.11 p.m.

Carried

Mark LaHay, Secretary-Treasurer