

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

COA2018-07
Thursday, July 19, 2018
1:00 P.M.
Victoria Room
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 1:00 p.m. Members D. Marsh, B. Archer, S. Richardson, and S. Strathdee were in attendance.

Absent: Councillor K. Seymour-Fagan.

Recording Secretary - Charlotte Crockford-Toomey

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2018-07

July 19th, 2018

Committee of Adjustment Meeting Agenda.

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 COA2018-06

June 21st, 2018.

Committee of Adjustment Meeting Minutes.

The minutes from the June 21st, 2018 meeting, COA2018-06 were amended for item 3.1.4 on page 6, condition 3. A number was changed from 5 to 1.5

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes for the previous meeting held June 21, 2018 be adopted as amended.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2018-039

Lydia Wong, Student Planner
 File Number: D20-2018-027
 Location: 8 Marsh Court
 Lot 35, Plan 57M748
 Former Town of Lindsay
 Owners: Jack and Sandra MacMillian
 Applicant: Garry Newhook

Ms. Wong summarized report COA2018-039, requesting relief to reduce the minimum rear yard setback in order to permit the construction of a sunroom as an addition to the house. Ms. Wong cited that there were no concerns from agencies and that the application be granted as the application meets the tests set out in section 45(1) of the Planning Act.

The applicant, Garry Newhook was present to answer questions. The Committee had no questions.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-027 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 in accordance with the sketch in Appendix "D" and elevations in Appendix "F" submitted as part of Report COA2018-039, 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** the building construction related to the minor variance shall be completed within a period of eighteen (18) 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 COA2018-039. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2018-040

Daniel Hahn, Student Planner
 File Number: D20-2018-028
 Location: 35 Rainbow Ridge Road
 East Part Lot 17, Concession B
 Geographic Township of Mariposa
 Owners: Larry and Marian Read
 Applicant: Larry Read

Mr. Hahn summarized report COA2018-040, requesting relief to reduce the minimum front yard setback in order to construct a single detached dwelling. The minor variance was determined to be necessary during the course of a building inspection. It was noted during the site visit that the property has two entry points, a gated entry located at the terminus of Rainbow Ridge Road and a second at the terminus of Oakdene Crescent. Staff confirmed the minor variance meets the four tests.

The Committee asked staff for clarification as to when the issue occurred. Staff confirmed at point of routine inspection.

Mr. Augusto Nalli was present on behalf of the applicant to answer any questions. The Committee asked Mr. Nalli who made the error. Mr. Nalli responded, it was through the building permit process.

The Committee asked staff as to when condition 2 will be completed. Staff replied, the dwelling has to be inspected. The condition has not been met. Mr. Holy, Planning Manager also confirmed that there is one more inspection for condition 2.

The Committee stated if the City is at fault for the minor variance required, then the applicant should be encouraged to receive a refund.

Moved By D. Marsh

Seconded By B. Archer

That minor variance application D20-2018-028 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 single detached dwelling related to this approval shall proceed in accordance with the sketch in Appendix “C” and elevations in Appendix “D” submitted as part of Report COA2018-040, 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** 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 COA2018-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2018-041

Quadri Adebayo, Planner II

File Number: D20-2018-029

Location: 65 Fox Road

Concession 6, Part Lot 4

Geographic Township of Emily

Owners: Adam Lean and Marsha Norris

Applicants: Adam Lean and Marsha Norris

Mr. Adebayo summarized report COA2018-041, requesting relief to increase the maximum height for an accessory building in order to permit the construction of a detached garage.

The Committee requested clarification from staff as to the “installed” garage and “proposed” garage being the same building. Staff replied yes. The Committee asked staff regarding the height discrepancy of the accessory building, and whether the error was confirmed through the building process. Staff answered yes.

The applicant, Mr. Lean was present but did not speak.

No further questions from the Committee.

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2018-029 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 accessory 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 COA2018-041, 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** the applicant acknowledge through the granting of this approval that the accessory structure shall not be used for human habitation, nor shall it be connected to water or septic facilities. Similar wording shall be placed on the required building permit; and
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 COA2018-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2018-042

Quadri Adebayo

File Number: D20-2018-031

Location: 92 Lambs Lane

Concession 7, Part Lot 30 and 31, RP 57R-7800, Parts 1 to 3

Geographic Township of Fenelon

Owners: Joanne and Andrzej Knaz

Applicant: Joanne Knaz

Mr. Adebayo summarized report COA2018-042, requesting relief to reduce the interior side yard and reduce the minimum water setback to permit an addition to the residential dwelling/attached garage. Also to request relief to permit four (4) accessory buildings where maximum of three (3) is permitted in a residential zone.

The Committee asked the Planning Manager regarding encroachments on 15 metre water setbacks, when site visits are made are the setbacks maintained. The Planning Manager replied, there are many properties that are shallow or very close to the water. We do try to maintain the 15 or 30 metre setbacks wherever possible.

The Committee asked if there were six accessory buildings. Staff responded no, there are five but this is being reduced to four. The Committee also had concerns as to the sewage system, following initial comments by the sewage system supervisor that there is not sufficient capacity to service the addition. Staff replied that they had reached an agreement with the owner regarding the installation of a new septic system. Condition 2 was added.

The applicant, Joanne Knaz was present but did not speak.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-031 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 detached residential 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 COA2018-042,

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 satisfying the requirements of the Building Division - Sewage System Program which demonstrates that the replacement sewage system will bring the property up to code requirements for on-site disposal. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Supervisor - Part 8 Sewage Systems advising that the replacement sewage system will be maintained at an appropriate setback distance from the proposed addition and garage as approved in relation to the minor variance.
3. **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;
4. **That** prior to the issuance of a building permit for the proposed dwelling, the wooden shed located in the northerly interior side yard be relocated on the property in the southerly interior side yard in a compliant manner at a minimum setback of 1.2 metres from the southerly side lot line. The wooden shed shall also be located between the storage shed and the front yard abutting the private right-of-way (Lambs Lane) at a minimum spatial separation distance of 1.2 metres from the existing storage shed in the southerly interior side yard; and
5. **That** the building construction related to the minor variance shall be completed 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 condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2018-043

David Harding, Planner II
 File Number: D20-2018-032
 Location: 18 Ellis Crescent
 Lot 9, Plan 57M-770
 Former Town of Lindsay
 Owner: William and Karen Bates
 Applicant: Lifestyle Sunrooms Inc. - Ivars Kulitis

Mr. Harding summarized report COA2018-043, requesting relief to reduce the minimum rear yard setback and increase the maximum lot coverage in order to permit the construction of a sunroom and deck with stairs. Mr. Harding also cited that there were no concerns received from circulated department or agencies.

The applicant, Ivars Kultis, Lifestyle Sunrooms was present but did not speak. The Committee had no questions.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-032 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 and deck with stairs 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 COA2018-043, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2018-043. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 COA2018-044

David Harding, Planner II
File Number: D20-2018-033
Location: 64-66 Helen Street
Part of Lot 10 West of Helen Street, Plan 70, Part 1,
57R-10004
Former Village of Bobcaygeon
Owner: Tom Grimes Construction Limited

Mr. Harding summarized report COA2018-044, requesting relief to reduce the minimum lot area to facilitate the creation of a residential lot. The variance also affects the proposed retained residential lot. The proposed severed and retained lots each contain a semi-detached dwelling. Staff clarified that the application was for 64-66 Helen Street, and did not include 68 Helen Street as 64-68 Helen Street was advertised. Staff cited comments from the Engineering and Corporate Assets Department that were received after the writing of the report noting no concerns.

The Committee asked staff what the building permit was issued for. Staff replied that a permit would have been issued for the construction of a semi-detached dwelling. The Committee also asked why a variance was being pursued to create the lots after the buildings were nearing completion. Staff clarified that the consent application was likely submitted before construction started. The Committee asked for clarification on the differences between semi-detached and duplex dwelling units. Staff clarified that a duplex is one dwelling unit on top of the other and a semi-detached is two dwelling units side by side sharing a common wall.

The Committee questioned whether the larger lot area requirement was an issue unique to Bobcaygeon, as it appears to be a relief sought through variance whenever two semi-detached dwellings are proposed to be severed from one another within that community. Richard Holy, Manager of Planning responded that Bobcaygeon has an older zoning by-law (1978) as opposed to Lindsay (2000), and that the lot area issue is unique to Bobcaygeon. Bobcaygeon requires larger lot areas than Lindsay.

The Committee had no further questions.

Moved By S. Strathdee

Seconded By B. Archer

That minor variance application D20-2018-033 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the variance shall apply to the proposed severed and retained portions of the subject property; and
2. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-031, lapses.

This approval pertains to the application as described in report COA2018-044. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. **Deferred Applications**

4.1 Minor Variances

4.1.1 COA2018-037

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

Mr. Harding summarized report COA2018-037. Relief is requested from the front yard, water setback and Environmental Protection (EP) Zone setback to permit the construction of a single detached dwelling. Staff cited comments from the Community Service Department and Engineering and Corporate Assets Department received after the report was written noting no concerns.

The Committee asked staff a series of questions around why additional encroachment into the water and environmental protection setback was supportable, and around the necessity, implementation and phrasing of the planting plan conditions. The Committee also asked for clarification as to whether the Kawartha Region Conservation Authority (KRCA) would require a permit for the proposed works and shoreline naturalization.

Staff clarified that the existing house was narrow, having a depth of about 8 metres, and that a depth of 11 metres was proposed, below the average depth of today's typical single detached dwelling. The lot is also extremely narrow, and is within an urbanized area where many buildings do not comply with the water setback provisions. Staff further clarified that no deck was proposed within the rear yard, that compensation in the form of a planting plan was being recommended and clarified the planting plan requirements, and identified that some form of site plan control would be needed to implement and protect shoreline naturalization efforts. No KRCA permit was required as the property is not within the agency's jurisdictional area; they are providing comment on the City's natural heritage policies.

John Harlow, the owner's son and representative, was present at the meeting and clarified that the current dwelling is used seasonally, that a new year-round

dwelling is proposed for his uncle, and that the additional space is needed for visiting relatives. Mr. Harlow was supportive of the shoreline naturalization requirements.

The Committee asked why option (iv) of the KRCA's comments was not included in proposed condition 2, and whether the City has used the site plan control process to ensure the implementation of a planting plan before.

Staff responded that the fourth option is not viable as it would be for improvements on land the property owner does not own and further clarified that while the City has not used the site plan control process for a planting plan before, other municipalities do. A registered agreement on title makes the planting plan enforceable should the vegetation be removed by others in the future.

The Committee voiced concern over permitting naturalized vegetation in an urbanized area and with reducing the water setback. They asked the applicant if the matter was time sensitive, as they felt a deferral was best to allow the City, KRCA, and owner time to scope this issue and find a different solution.

Mr. Harlow said the matter was time sensitive and it had been deferred once before. He expressed an interest to start building so that his uncle can move in to be nearer to his parents.

The Committee asked why a condition was not included to require the owner to obtain a permit from the Ministry of Transportation (MTO) as per their comments. Staff clarified that the condition was unnecessary as the Building Division was aware of this requirement.

The Committee made a motion to omit conditions 2 and 3. The Committee made a friendly amendment to add an MTO permit condition. The Chair called for a recorded vote.

Moved By D. Marsh

Seconded By B. Archer

The Committee in support of the application, moved to omit conditions 2 and 3 and add an MTO permit condition.

Recorded	For	Against
L. Robertson		X
D. Marsh	X	
B. Archer		X
S. Richardson		X
S. Strathdee	X	
Results	2	3

Defeated

The Committee discussed the merits of requiring shoreline re-naturalization as a measure to mitigate the reduced water setback, and whether the reduction was appropriate.

Moved By D. Marsh

Seconded By S. Strathdee

The Committee motioned to deny the application. The Chair called for a second recorded vote.

Recorded	For	Against
L. Robertson		X
D. Marsh	X	
B. Archer		X
S. Richardson		X
S. Strathdee		X
Results	1	4

Defeated

The Committee asked staff if other buildings maintain similar water setbacks. Staff replied that many properties in this area do, but that the setback improves further to the southwest as the shoreline moves further away from the road. The subject property is one of the narrowest properties on North Water Street.

Moved By S. Richardson

Seconded By B. Archer

The Committee in support of the original application recommended by staff, with two amendments: Condition 2 to read (i) and (iii) or (ii) and (iii) to add further clarification, and to also add a condition (condition 3) for an MTO permit.

That minor variance application D20-2018-003 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 substantially in accordance with the sketch in Appendix C and generally in accordance with the elevation and plan in Appendix D submitted as part of Report COA2018-037, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a Building Permit, the owner shall obtain an appropriate form of site plan approval to establish additional vegetation between the dwelling and Gull River through approval of a planting plan. The planting plan shall be created in accordance with options (i) and (iii), or (ii) and (iii) identified in Kawartha Region Conservation Authority's comments dated May 10, 2018 in Appendix E to Report COA2018-037, which shall be attached to and form a part of the Committee's Decision. The planting plan must be to the satisfaction of the Kawartha Region Conservation Authority and the City;
3. **That** prior to the issuance of a building permit, the owner shall submit to the Secretary Treasurer a copy of the building and land use permit from the Ministry of Transportation (MTO);
4. **That** the planting plan shall be completed, planted and inspected for release of securities 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 condition will be considered fulfilled upon the successful completion of the Planning Inspection; and
5. **That** the building construction related to the minor variances shall be completed 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 condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2018-037. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.2 COA2018-038

Quadri Adebayo, Planner II
 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 COA2018-038, to request relief to permit a two storey residential dwelling and shed.

The Committee questioned the water setback required from the house. Staff replied 15 metres but the applicant has requested 9.45 metres based on the existing building footprint that is proposed to be maintained.

The owner, Scott Meier was present and spoke. He stated he was unaware of being too close to the road. The Committee noted in Appendix C, the distance from the porch to the road is 7 feet and questioned the front yard setback for the house. Staff confirmed this was not included in the application as it should be 7.5 metres front yard setback. Staff confirmed it was a Planning error.

Moved By S. Richardson
Seconded By S. Strathdee

That the Committee defer the application to the August 16, 2018 meeting to allow re-advertising to include the front yard deficiency.

Carried

4.1.3 Memo Re-D20-2018-023

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 the deferral memo dated July 19, 2018 for application D20-2018-023, 196 St Albans Road. The owners have agreed with planning staff that a supporting decision cannot be reached at this time by staff per minor variance reliefs until more information is received from the building division confirming that the owners have initiated the permitting process to its satisfaction.

Moved By D. Marsh

Seconded By S. Strathdee

That the Committee agreed to defer the application to the August 16, 2018 meeting to enable the applicant sufficient time to amend the application to include more information pertaining to the building permitting process.

Carried

4.2 Consents

5. **Correspondence**

6. **Other Business**

7. **Next Meeting**

The next meeting will be Thursday, August 16th, 2018 at 1:00 p.m. in the Victoria Room, City Hall.

8. Adjournment**Moved By** B. Archer**Seconded By** D. Marsh**That** the meeting adjourned at 3.43 p.m.**Carried**

Mark LaHay, Acting Secretary-Treasurer