

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-01

Thursday, January 17, 2019

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Lloyd Robertson

David Marsh

Emmett Yeo

Andre O'Bumsawin

Sandra Richardson

Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

M. LaHay, Acting Secretary-Treasurer called the meeting to order at 1:00pm. Councillor E. Yeo and Members D. Marsh, S. Richardson, L. Robertson, and S. Strathdee were in attendance.

Recording Secretary - C. Crockford-Toomey

Absent: A. O'Bumsawin

1.1 Election of the Chair

M. LaHay, Acting Secretary Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of a Chair for 2019.

Moved By S. Richardson

Seconded By E. Yeo

That Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2019.

Carried

1.2 Election of the Vice Chair

L. Robertson assumed the role of Chair and requested nominations for a Vice Chair.

Moved By S. Strathdee

Seconded By S. Richardson

That David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2019.

Carried

2. Administrative Business

2.1 Adoption of Agenda

January 17, 2019

Committee of Adjustment Agenda.

Moved By D. Marsh

Seconded By S. Strathdee

That the agenda for the January 17, 2019 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 COA2019-01.2.3.1

November 29, 2018

Committee of Adjustment Meeting Minutes.

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes for the previous meeting held November 29, 2018 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-001

Quadri Adebayo, Planner II

File Number: D20-2018-063

Location: 14 Bradley Street

Part Lot 11, Concession 3, RP 9R-1322

Geographic Township of Manvers

Owners: Ian Barrett and Rebecca Belbeck

Applicant: Ian Barrett

Mr. Adebayo summarized Report COA2019-001, to request relief in order to permit the construction of a detached garage on an undersized and landlocked lot of record and to recognize the location of an existing shed on the property.

Staff cited no concerns from the Building Division, Engineering and Corporate Assets and Community Services Department. Also no concerns were received

from the Building Division - Part 8 Sewage Systems Program which were part of the amended agenda package. No agency concerns were raised.

The Committee had no questions.

The applicant, Ian Barrett was present but did not speak.

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2018-063 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the accessory buildings 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 COA2019-001, 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 owners acknowledge through the granting of this approval that the detached garage shall not be used for human habitation, nor shall it be connected to water or sanitary services. Similar wording shall be placed on the required building permit;
- 3) **That** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other accessory structures or buildings between the front wall of the dwelling and the front lot line; and
- 4) **That** the Building Permit process 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 COA2019-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2019-002

Quadri Adebayo, Planner II

File Number: D20-2018-064

Location: 94 Queen Street

Plan 100 East, Part Lot 12, North Queen and Part Lot 12 South Princes; West Colborne

Former Village of Fenelon Falls

Owner: Blanche Hepburn

Applicant: Gerald Hickson, OLS

Mr. Adebayo summarized Report COA2018-002. The application requests relief in order to facilitate the requirements of a provisional condition of consent, to recognize the deficiency in the reconfigured lot frontages for a newly created residential lot and a retained residential lot respectively and to ensure that the development envelope for the severed lot is set back 30 metres from the limits of a wetland feature identified by the conservation authority thus warranting an increase to the minimum front yard requirement as part of the reliefs. No agency concerns were raised.

The applicant/owner was not present.

The Committee did not have questions.

Moved By S. Richardson

Seconded By E. Yeo

That minor variance application D20-2018-064 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.
- 2) **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-043, lapses.

This approval pertains to the application as described in report COA2019-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2019-003

Quadri Adebayo, Planner II
 File Number: D20-2018-065
 Location: 110 Jasper Drive
 Part Lot 29, Concession 3, Plan 213, Lot 3
 Geographic Township of Fenelon
 Owner: Amy Stoddart
 Applicant: Tom deBoer

Mr. Adebayo summarized Report COA2019-003, to request relief in order to permit the construction of two accessory buildings being a detached garage and a work/storage building. Staff also added a new condition, condition 3, which requires that as part of the building permitting process, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) before the construction of both the detached garage and the workshop/storage building. As a result, previous condition 3 now becomes condition 4 and the subsequent conditions follow numerically. There were no concerns from commenting agencies during the report period. The KRCA comment received in the amended agenda package cited no concerns.

The Committee asked staff whether the two structures were the same size following the values written in the report. Staff replied that they are different, it was a typo. The sketch is accurate.

The applicant, Tom deBoer of TD Consulting Inc. was present and available for questions.

The Committee had no further questions. The Committee acknowledged the amendment to add a new condition 3. A motion was made to accept the recommendation as amended.

Moved By E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2018-065 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 buildings 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 COA2019-003, 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 accessory buildings, the applicant shall through a site plan sketch delineate the limits of the sewage system leaching bed from the limits of the proposed accessory buildings. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Part 8 Sewage System Supervisor advising that location of the proposed detached garage and workshop/storage buildings meets the spatial separation requirements from the limits of the septic system respectively;
- 3) **That** as part of the building permitting process, the owner shall obtain all necessary permits required by the Kawartha Region Conservation Authority (KRCA) before the construction of both the detached garage and the workshop/storage building;
- 4) **That** the owner acknowledge through the granting of this approval that the neither the detached garage nor the workshop/storage building shall be used for human habitation, and that both structures shall not be connected to water or septic facilities. Similar wording shall be placed on the required building permit;
- 5) **That** notwithstanding the definition of front yard, the granting of the variance for the reduced front yard setback will not be interpreted to permit the placement of any other accessory buildings or structures between the front wall of the dwelling and the front lot line;
- 6) **That** as part of building permitting process, upon the complete construction of the detached garage and the workshop/storage building, there be a requirement that the shed located in the rear yard between the eastern wall of the dwelling and the water's edge shall be removed from the property or relocated in a compliant manner to the satisfaction of the Chief Building Official at a minimum water setback of 15 metres and at a minimum set back of 1.2 metres from the southerly interior side lot line; and
- 7) **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 COA2019-003. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.4 COA2019-004**

David Harding, Planner II

File Number: D20-2018-066

Location: Vacant Land on Mary Street

Part of Lot 19, Concession 4, Parts 5-7, 57R-6634

Former Town of Lindsay

Owner: 564650 Ontario Inc.

Applicant: Stephen Woodcock - Woodcock and Tomlinson

Mr. Harding summarized Report COA2019-004. The application requests relief to reduce the minimum lot frontage to facilitate the creation of a new lot. On September 27, 2018 the Director of Development Services, as delegated by Council, granted provisional consent for file D03-2018-005 which severed an approximately 5.2 hectare parcel and retained an approximately 2.13 hectare parcel. Condition 7 of the provisional consent application required a variance to the proposed severed parcel to recognize the reduced frontage for the lot being created. No agency concerns were raised. The application meets the four tests for minor variance.

The Committee asked for clarification regarding the survey document. Staff responded.

The applicant, Stephen Woodcock of Woodcock and Tomlinson was present but had no comments.

The Committee asked whether the Ministry of Transportation (MTO) owned the lands at the northwest corner of the proposed severed lot. Staff clarified that these lands had been surveyed by the MTO for a future cul-de-sac, but not yet expropriated. Staff further clarified that the MTO would not permit access from that cul-de-sac to the proposed severed lot.

Moved By S. Strathdee

Seconded By E. Yeo

That minor variance application D20-2018-066 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the variance shall come into effect once the 0.3 metre reserve separating the subject property from the Mary Street West road allowance is lifted,
- 2) **That** this minor variance shall be deemed refused if the related Application for Consent, D03-2018-005, lapses; and
- 3) **That** should the proposed severed land within Consent Application D03-2018-005 be proposed to be further subdivided, this variance shall not apply to the parcel or parcels to be created.

This approval pertains to the application as described in report COA2019-004. Fulfillment of the conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2019-005

David Harding, Planner II
 File Number: D20-2018-067
 Location: 155 Hazel Street
 Part Lot 9, Concession 2
 Geographic Township of Verulam
 Owners: Paul and Kimberley Travers
 Applicant: Paul Travers

Mr. Harding summarized Report COA2019-005, to request relief from provisions in order to permit a dwelling to be raised and construct an uncovered porch and stairs to access the raised main level. The application meets the four tests for minor variance.

Since the writing of the report, Staff identified that several comments had been received from the public and an agency. A letter of support from neighbour, Steve Lennox of 157 Hazel Street, was received January 9, 2019. He stated that the proposal would improve the neighbourhood. A letter in opposition from Ira Stuchberry on behalf of Liana and Horea Trifu of 71 Birchcliff Avenue, was received. They were opposed to raising the dwelling and felt it would obstruct their view of the lake and devalue their property. A letter of support from John Travers of 4 Hollyville Boulevard, a property within Greenhurst-Thurstonia beyond the required circulation area, was received just prior to the commencement of the meeting. He stated that the proposal would better the

community. Comments were received from the Kawartha Region Conservation Authority, and they had no concerns with the proposal. No concerns were raised by other agencies.

The Committee asked whether a height increase was being sought as relief from height had not been applied for. Staff clarified that the variances were being requested to increase height and permit the construction/placement of a new access to the main door.

The Committee asked if the variance was for a full or half basement. Staff responded that the building contained a crawl space which proposed to be upgraded to a full basement. The Committee questioned whether the letter of objection affected staff's evaluation of the application. Staff replied that it did not, as it is a well established principle that a landowner doesn't have the right to the protection of a view.

The Committee further asked for clarification regarding the protection of a view and staff's examination of sightlines within the report. Staff replied that the sightline examination pertained to the operation of Hazel Street and the road allowance, not the protection of a view.

The owners, Paul and Kimberley Travers were present but did not speak.

Moved By S. Richardson

Seconded By E. Yeo

That minor variance application D20-2018-067 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-005, which shall be attached to and form part of the Committee's Decision.
- 2) **That** prior to the issuance of a building permit, the location of the sewage system's distribution lines shall be confirmed. To fulfill this condition the owners shall:
 - a. Submit a report from a professional scoping company to the satisfaction of the Building Division – Part 8 Sewage Systems; or
 - b. Excavate the distribution lines for visual inspection by Building Division – Part 8 Sewage Systems staff.
- 3) **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 COA2019-005. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 COA2019-006

David Harding, Planner II
 File Number: D20-2018-068
 Location: 587 Scotch Line Road
 Part Lot 11, Concession 5
 Geographic Township of Verulam
 Owner: Susan Vigh

Mr. Harding summarized Report COA2019-006. The application requests relief to recognize two accessory buildings (Cabin and Shed). The cabin is not proposed to contain washroom or kitchen facilities. This will not alter the appearance of the property.

The Committee asked if there were any services proposed for the cabin. Staff replied that aside from hydro, no water or sanitary services are intended. The Committee asked whether a condition should be added to prohibit the installation of water and sanitary services. Staff responded that they did not deem it necessary as the condition would in essence require the owners to comply with the zoning by-law. The Committee asked the owner if she was agreeable to having the condition added. The owner, Susan Vigh, stated that she was agreeable to the condition.

The Committee questioned the sketch showing the new septic tank. Staff responded that the owner is working with the Building Division-Part 8 Sewage Systems to replace the existing septic system with a holding tank and one of the two wells is to be decommissioned to permit its placement.

The Committee motioned to add a condition, condition 2, that the cabin shall not contain kitchen and/or bathroom facilities.

Moved By S. Richardson
Seconded By S. Strathdee

That minor variance application D20-2018-068 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2019-006, which shall be attached to and form part of the Committee's Decision,
- 2) **That** the cabin shall not contain kitchen and/or bathroom facilities; and
- 3) **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 COA2019-006. 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 COA2019-007

David Harding, Planner II
 File Number: D20-2018-060
 Location: 118 Shadow Lake Road 3
 Lot 22, Plan 455
 Geographic Township of Laxton
 Owner: Kenneth Banderk

Mr. Harding summarized Report COA2019-007, to request relief to reduce the minimum water setback to permit an addition to a single detached dwelling. This application was deferred at the November 29, 2018 meeting by the Committee of Adjustment to allow the owner time to revise the design of the addition to minimize its prominence. The applicant provided revised drawings.

The Committee asked whether the elevations included in Appendix D are the revised elevations. Staff replied that that are.

The Committee asked why comments from the Building Division - Part 8 Sewage Systems were absent. Staff responded that no comments were received, but that if there had been significant obstacles there would have been a response.

The Committee asked whether a condition should be inserted that requires the owner obtain written approval from the Building Division – Part 8 Sewage Systems. Staff advised that this condition was not needed as that office would be involved in the review of any building permit application on this property.

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

The Committee motioned to add a condition, condition 2. That prior to the issuance of a building permit the owner shall submit to the secretary treasurer written approval from the Building Division - Part 8 Sewage System that the proposed addition does not adversely impact the existing septic system.

Moved By E. Yeo

Seconded By D. Marsh

That minor variance application D20-2018-060 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **That** the building construction 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 COA2019-007, 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 submit to the Secretary Treasurer written approval from the Building Division - Part 8 Sewage Systems that the proposed addition does not adversely impact the existing septic system; and
- 3) **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 COA2019-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**4.2 Consents****5. Correspondence****6. Other Business**

The Committee raised the question as to the number of members required to sit on the Committee of Adjustment. Richard Holy said he would look into it.

Clarification from the Clerks department is seven members maximum required to sit on the Committee of Adjustment. However six members are acceptable. A minimum of 3 members required for a quorum.

The Committee asked Richard Holy, if there were any proposed changes to governance from the Province. The Manager of Planning responded indicating that there are Regional governance reviews, changes to the Growth Plan, policies for intensification and greenfield densities, and ongoing Secondary Plan reviews. The Committee asked if they are going to open land in the Oak Ridges Moraine. Staff replied no.

7. Next Meeting

The next meeting will be Thursday, February 21, 2019 at 1:00pm in Council Chambers, City Hall.


8. Adjournment

Moved By S. Richardson

Seconded By D. Marsh

That the meeting be adjourned at 2:37pm.

Carried



Mark LaHay, Acting Secretary-Treasurer