

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

COA2019-010
Thursday, October 17, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor E. Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Lloyd Robertson
Steve Strathdee

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair Robertson called the meeting to order at 1:01pm. Councillor E. Yeo and Members, A. O'Bumsawin, S. Richardson and S. Strathdee were in attendance.

Acting Secretary-Treasurer, M. LaHay

Absent: David Marsh

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-10.2.1.1

October 17, 2019

Committee of Adjustment Agenda

Moved By S. Strathdee

Seconded By Councillor E. Yeo

That the agenda for October 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 COA2019-09.2.3.1

September 19, 2019

Committee of Adjustment Minutes

Moved By S. Richardson

Seconded By S. Strathdee

That the minutes of the previous meeting held September 19, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-016

David Harding, Planner II, RPP, MCIP
File Number: D20-2019-008
Location: 2149 and 2155 Little Britain Road
Part of East Half of Lot 16, Concession 4
Geographic Township of Ops
Owners: John and Linda Mark
Applicant: David Mark

Mr. Harding summarized Report COA2019-016, to reduce the minimum lot frontage, reduce minimum side yard, building separations to reduce the required building setback for shipping/storage containers and to eliminate the requirement for a planting strip in order to facilitate the severance of a lot containing a dwelling from a commercial lot containing Race Toyota. Mr. Harding advised of the comments received from the Building Division - Part 8 Sewage Systems after the report was written, noting no concerns.

Mr. Harding advised that the proposed reductions will not impact future agricultural support uses and the removal of the setback requirement for the shipping containers for Race Toyota is appropriate for the clustering of the storage use.

Mr. Harding responded to questions the Committee asked regarding engineering requirements for a topographic and legal survey and an entrance permit and also the difference between agricultural support and highway commercial uses.

The owners John and Linda Mark were present and Ms. Mark authorized Doug Carroll of DC Planning Services to speak on their behalf. Mr. Carroll advised he had no objection with the Staff recommendation and condition.

No further questions were posed by the Committee or other persons.

Moved By S. Richardson

Seconded By A. O'Bumsawin

That minor variance application D20-2019-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

1. **That** if the related provisional consent decision for application D03-2019-006 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-016. Fulfillment the condition is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2019-059

Quadri Adebayo, Planner II
 File Number: D20-2019-042
 Location: 14 Wakeford Road
 Part Lot 14, Concession D, Parts 1-2, 57R-8321
 Geographic Township of Mariposa
 Owners: Paul and Fiona Sullivan
 Applicant: Paul and Fiona Sullivan

Mr. Adebayo summarized Report COA2019-059, to request relief in order to permit the construction of a detached garage and to permit the current location of an accessory shed within the water setback buffer.

Mr. Adebayo advised the massing of the garage and location is acceptable as it is screened by vegetation and there are no impacts on the septic bed. The location is based on topographical constraints of the site. In addition, garages are typically in the front yards of other properties in the neighbourhood.

Mr. Adebayo responded to questions the Committee had with respect to the accessory shed and the location of the house. He said the shed was discovered during the site inspection and relief was required to recognize the location of the shed while the house is legal non-complying, and as part of the review process it was necessary to request a review fee for Kawartha Conservation (KRCA) planning act comments for the shed that was discovered after the fact.

Given there were no comments received from the Building Division – Part 8 Sewage Systems, Mr. Adebayo suggested that a new condition be added, Condition 3 as follows: "That confirmation be provided to the Secretary-Treasurer

that the boundaries of the septic bed conform with the requirements of the Part 8 Sewage System Program ". Former Condition 3 to now become Condition 4.

Committee also asked about the location of the well in the garage. The owner, Paul Sullivan responded that the well is exposed in the far corner and raised about 12 inches above grade and will meet Ministry requirements.

No further questions were posed by the Committee or other persons.

Moved By Councillor E. Yeo

Seconded By A. O'Bumsawin

That minor variance application D20-2019-042, 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 garage related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevation in Appendix D submitted as part of report COA2019-059, which shall be attached to and form part of the Committee's Decision;
2. **That** the owners make a payment of \$500.00 (minor variance application review fee) to Kawartha Conservation (KRCA) within a period of one (1) month after the date of the Notice of Decision. Confirmation of the payment shall also be provided to the Secretary Treasurer to clear this condition;
3. **That** confirmation be provided to the Secretary-Treasurer that the boundaries of the septic bed conform with the requirements of the Part 8 Sewage System Program; and
4. **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 COA2019-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2019-060

Quadri Adebayo, Planner II

File Number: D20-2019-043

Location: 39-41 Hamilton Street

Part Park Lot E1, Plan 8P, Part 5 on RP 57R-10375

Former Town of Lindsay

Owner: Habitat for Humanity Peterborough and District

Applicant: Habitat for Humanity Peterborough and District - Sarah Burke

Mr. Adebayo summarized Report COA2019-060, to request relief in order to fulfill condition of provisional consent that will enable a property containing a newly constructed single storey semi-detached dwelling to be established as two separate residential lots sharing a common wall in accordance with the Residential Three Special Thirteen (R3-S13) Zone permissions.

The Committee asked whether the semi isn't already severed. Staff replied it was not and that the zoning permits a semi-detached dwelling.

Susan Zambonin, Chief Operating Officer from Habitat for Humanity advised she concurred with the recommendation and wants to proceed to facilitate the severance application so that the units can be sold to separate homeowners.

Tara Sorenson, one of the prospective home owners, also spoke in favour of the application.

No further questions were posed by the Committee or other persons.

Moved By S. Strathdee

Seconded By A. O'Bumsawin

That minor variance application D20-2019-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the variances shall apply to the proposed severed and retained portions of the subject property;
2. **That** notwithstanding the minimum lot frontage and exterior side yard setback provisions of the R3-S13 Zone, for clarity, for the retained lot, the minimum lot frontage requirement that is applicable along Hamilton Street shall be that of

an interior lot, while the interior side yard setback requirement shall be applicable along Devan Court; and

3. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2019-010, lapses.

This approval pertains to the application as described in report COA2019-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2019-061

David Harding, Planner II, RPP, MCIP
 File Number: D20-2019-044
 Location: 126 Maple Avenue
 Part of Block A, Plan 187
 Former Township of Bexley
 Owner: Elizabeth Cross
 Applicant: Gowling WLG (Canada) - Brian Parker

Mr. Harding summarized Report COA2019-061, to request relief to reduce the minimum lot area for the proposed lot to be retained, reduce the minimum front yard in order to permit a deck and to reduce the minimum water and EP Zone setbacks in order to permit a deck. Mr. Harding advised of the comments received from the Building Division - Part 8 Sewage Systems after the report was written, noting no concerns.

Mr. Harding advised the variance is required to facilitate separating two former existing properties: 126 Maple Avenue from 130-131 Maple Avenue. The Committee asked where the front yard was located and Parks Canada's position on the filled land. Staff explained the zoning provisions and stated that Parks Canada had no comment with respect to the consent or variance applications.

The Committee asked how the lots became merged. Staff explained they were advised that it was an estate planning issue.

The Committee asked about requiring a Kawartha Region Conservation Authority permit as a condition. Staff stated that it was not necessary because necessary

permissions would have been covered under the building permit application in 2014.

A representative of the applicant, Julia Sjarda, was present and did not wish to speak.

No further questions were posed by the Committee or other persons.

Moved By S. Richardson

Seconded By Councillor E. Yeo

That minor variance application D20-2019-044 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the deck construction and lot creation related to this approval shall proceed substantially in accordance with the sketch in Appendix C of report COA2019-061, which shall be attached to and form part of the Committee's Decision;
2. **That** the reliefs sought shall apply solely to the proposed retained parcel identified in consent application D03-2019-027; and
3. **That** if the related provisional consent decision for application D03-2019-027 lapses, this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2019-061. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 Memorandum - D20-2019-045

Quadri Adebayo, Planner II
 File Number: D20-2019-045
 Location: 276 Moorings Drive
 Part Lot 32, Concession 10
 Geographic Township of Fenelon
 Owner: Bartt Barber
 Applicant: Bartt Barber

Mr. Adebayo provided his reasoning for the deferral of Minor Variance Application D20-2019-045 to permit existing installations on a waterfront property, including a detached boat port, and additions to a single storey dwelling comprised of an attached garage with living space above and a sunroom at the rear. The recommended deferral time frame is strict due to a building infraction.

Ms. Murchison, Chief Building Official stated that some portions of development were done through a permit (attached garage and with living space) but further portions were not done by permits (the sunroom). The actual build for the portions with permit did not match what was submitted for approval, so a stop work order was issued.

There were no questions from the Committee or other persons.

Moved By S. Strathee

Seconded By S. Richardson

That Minor Variance Application D20-2019-045 be deferred for a period of two (2) months in order to provide the owner sufficient time to address the issues identified by the commenting agencies, and to ensure the proposal can be adequately evaluated for supportability by staff.

Carried

3.1.6 COA2019-063

Quadri Adebayo, Planner II

File Number: D20-2019-046

Location: 121 Southcrest Drive

Lot 106, Plan M747

Geographic Township of Mariposa

Owners: Nancy Marto and James Duncan

Applicants: Nancy Marto and James Duncan

Mr. Adebayo summarized Report COA2019-063, to request relief from the accessory use provisions in order to permit the construction of an in-ground pool at the rear of the dwelling on a residential property.

The Committee asked about the need for a building inspection. Ms. Murchison advised that the City's pool by-law will be enforced for fences and decks.

The applicant, Nancy Marto was present and did not wish to speak.

No further questions were posed by the Committee or other persons.

Moved By A. O'Bumsawin

Seconded By S. Strathdee

That minor variance application D20-2019-046 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 swimming pool related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-063, which shall be attached to and form part of the Committee's Decision; and
2. **That** the 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 COA2019-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2019-064

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-047

Location: 6 Bass Street

Part Lot 23, Concession 9, Part Lot 58, Plan 190

Geographic Township of Fenelon

Owners: Corrado and Anita Giordanella

Applicants: Anita Giordanella

Mr. Harding summarized Report COA2019-064, to request relief to reduce the minimum front yard in order to permit the construction of a single detached dwelling. Mr. Harding advised that the proposed reduction is not noticeable and does not impact parking in front of the garage.

The Committee asked whether established building line provision would apply. Staff stated that this matter would have been reviewed by the Building Division through the building permit process, and it would have been determined through that process that it could not be used. Staff speculated that there may not have been enough homes on the same side of the street to apply the provision.

The Committee asked about the wording of the notice referring to the dwelling as proposed. Staff stated that all applications are treated as proposed.

The applicant, Anita Giordanella, was present and did not wish to speak.

No further questions were posed by the Committee or other persons.

Moved By S. Richardson

Seconded By A. O'Bumsawin

That minor variance application D20-2019-047 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 submitted as part of report COA2019-064, 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; 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 COA2019-064. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2019-065

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-048

Location: 71 Perfectus Drive

Part Lot 15, Plan 245, Part 1, 57R-7233

Former Village of Bobcaygeon

Owner: Kimberly Walsh

Applicant: W. E. Oughtred and Associates Inc. – Bill Oughtred

Mr. Harding summarized Report COA2019-065, to permit relief to reduce the minimum rear yard setback and to reduce the minimum water setback. The reliefs sought will permit renovations to the existing dwelling, which include the expansion of the footprint, construction of a second storey over part of the footprint and creation of cathedral ceilings. Mr. Harding advised that the property has an abundance of tree cover and that the tall trees will provide effective screening to the water to mitigate the massing impact of the height increases.

The Committee asked about a Section 59 Notice from Kawartha Region Conservation Authority. Staff clarified why the Section 59 Notice was required. The Committee also asked who the Risk Management Official is. Staff advised it is Jenna Stephens at KRCA.

The applicant, Bill Oughtred advised he concurred with the Staff recommendation.

No further questions were posed by the Committee or other persons.

Moved By Councillor E. Yeo

Seconded By S. Strathdee

That minor variance application D20-2019-048 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction work on the dwelling related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix E submitted as part of report COA2019-065, which shall be attached to and form part of the Committee's Decision;

2. **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer the written approval of the Kawartha Region Conservation Authority that all new additions are floodproofed 0.3 metres above the regulatory flood elevation;
3. **That** prior to the issuance of a building permit the owners shall submit to the Secretary-Treasurer the written approval of the Risk Management Official in the form of a Section 59 Notice for this variance application; and
4. **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 COA2019-065. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2 Consents

4. **Deferred Applications**

4.1 Minor Variances

4.2 Consents

5. **Other Business**

Mr. Holy, Manager of Planning advised that David Harding has received his professional accreditation and now holds the professional designation of Registered Professional Planner. Mr. Holy congratulated him on his accomplishment.

Mr. Holy also advised that Council direction was to support Staff's position on the 45 Marsh Creek Road appeal to the Local Planning Appeal Tribunal.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, November 7, 2019 at 1:00pm. in Council Chambers, City Hall.

8. Adjournment

Moved By A. O'Bumsawin

Seconded By Councillor E. Yeo

That the meeting be adjourned at 2:26pm.

Carried

A handwritten signature in dark ink, appearing to read "M. LaHay", is written over a horizontal line.

Mark LaHay, Acting Secretary-Treasurer