

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

**COA2020-001**  
**Thursday, January 23, 2020**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett Yeo**  
**David Marsh**  
**Andre O'Bumsawin**  
**Sandra Richardson**  
**Lloyd Robertson**

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## 1. Call to Order

The Acting Secretary-Treasurer, Mr. LaHay called the meeting to order at 1:00 p.m. Councillor E. Yeo and Members L. Robertson, D. Marsh, A. O'Bumsawin and S. Richardson were in attendance.

Recording Secretary - C. Crockford-Toomey.

### 1.1 Election of the Chair

Mark LaHay, Acting secretary-Treasurer, chaired the meeting for the purposes of accepting nominations for the appointment of the Chair for 2020.

#### **CA2020-001**

**Moved By** A. O'Bumsawin

**Seconded By** D. Marsh

**That** Lloyd Robertson, be appointed as Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried**

### 1.2 Election of the Vice Chair

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

#### **CA2020-002**

**Moved By** S. Richardson

**Seconded By** A. O'Bumsawin

**That** David Marsh, be appointed as Vice Chair for the City of Kawartha Lakes Committee of Adjustment for 2020.

**Carried**

## 2. Administrative Business

### 2.1 Adoption of Agenda

#### 2.1.1 COA2020-01.2.1.1

January 23, 2020

Committee of Adjustment Agenda

**CA2020-003****Moved By D. Marsh****Seconded By A. O'Bumsawin**

**That** the agenda for the January 23, 2020 meeting be approved.

**Carried****2.2 Declaration of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

**2.3 Adoption of Minutes****2.3.1 COA2019-12.2.3.1**

November 28, 2019

Committee of Adjustment Minutes

**CA2020-004****Moved By S. Richardson****Seconded By A. O'Bumsawin**

**That** the minutes of the previous meeting held November 28, 2019 be adopted as circulated.

**Carried****3. New Applications****3.1 Minor Variances****3.1.1 COA2020-001**

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-055

Location: 1022 Highway 7

North Part Lot 17, Concession 8

Geographic Township of Mariposa

Owners: Earl Marks and Linda Ward

Applicant: Earl Marks

Mr. Harding summarized Report COA2020-001, to request relief to increase the maximum permitted footprint of all residential accessory buildings to permit the construction of a 223 square metre storage building.

Mr. Harding noted that since the writing of the report comments were received from the Ministry of Transportation, Building Division – Part 8 Sewage Systems, and Kawartha Region Conservation Authority noting no objections to the proposal.

The Committee asked staff if the storage building could be used for commercial use in the future. Staff responded that it is zoned for residential use only. The Committee suggested a condition be added. Staff replied a condition is not necessary, as the zoning prohibits the building from being used commercially.

The Committee asked whether the owner was aware that a building permit was still required even though the Ministry of Transportation does not require a permit. Staff replied that the applicant is aware as it was through the building permit application process that it was identified that a minor variance was required.

The applicant, Earl Marks, was present but had no questions.

No further questions from the Committee or other persons.

#### **CA2020-005**

**Moved By** Councillor Yeo

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-055 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 COA2020-001, 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 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 COA2020-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

### 3.1.2 COA2020-002

David Harding, Planner II, RPP, MCIP  
File Number: D20-2019-056  
Location: 76 Kozy Kove Road  
Part Lot 16, Concession 4, Lot 17, Plan 399  
Geographic Township of Somerville  
Owner: Donald Sellers  
Applicant: Donald Sellers

Mr. Harding summarized Report COA2020-002, to request relief to reduce the minimum water setback to permit the raising of a dwelling, to reduce the minimum water setback to permit the construction of a raised deck and stairs; and to reduce the minimum rear yard to permit the construction of a raised deck and stairs.

Mr. Harding brought to the Committee's attention an amendment to the requested relief in report COA2020-002, which read "1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to add a full basement" be amended to read "1. Section 5.2(f) to reduce the minimum water setback from 15 metres to 7.9 metres to permit the raising of a dwelling to provide for a reinforced foundation". This amendment to the requested relief was the result of further clarification from the owner on the scope of the proposed works.

Mr. Harding noted that since the writing of the report comments were received from the Ministry of Transportation, noting no concerns. Also public comments received from Marie-Elise Steele of 72 Wildflower Road, which were addressed and do not impact the proposed recommendation.

The Committee asked whether the City would be liable for approving development within a flood-prone area. Ms. Murchison, Chief Building Official, responded that the City would be able to effectively defend itself in such a

situation as the proposal is for flood-proofing measures to improve an existing situation.

The Committee stated we would be more liable if we turned down the improvement. Ms. Murchison, Chief Building Official, agreed.

The Committee asked if raising the floor by 1 meter would it be sufficient to flood-proof the building.

The applicant, Don Sellers, was present and spoke to the Committee. He stated that the water flooded to the level of the deck last year and that there is a designated high water level set by the surveyors. He proposes to raise the foundation by a third over the 100 high water level.

No further questions from the Committee or other persons.

**CA2020-006**

**Moved By** D. Marsh

**Seconded By** A. O'Bumsawin

**That** minor variance application D20-2019-056 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 COA2020-002, 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 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 COA2020-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.3 COA2020-003

David Harding, Planner II, RPP, MCIP  
File Number: D20-2019-057  
Location: Birch Glen Drive  
Lots 9 and 10, Concession 7, Part Lot 16, Plan 184  
Geographic Township of Somerville  
Owners: Bruce and Andrew Gibson  
Applicant: Bruce Gibson

Mr. Harding summarized Report COA2020-003, to request relief to construct a detached garage as the only building on an existing lot.

Mr. Harding also stated that since the writing of the report comments were received from the Ministry of Transportation noting no concerns.

The Committee asked whether merging the lots via a deeming by-law was an option. Staff replied that this was an available option to the owner.

Bruce Gibson, applicant, was present and stated that from an economical view, he did not see an advantage or need to merge the lots.

The Committee had questions regarding the relationship of the vacant lot to 50 Birch Glen Drive was important in considering the proposal, whether the garage could be constructed in other locations on the lot, how the property would be accessed, and whether driveway access was required from the road on the same lot in order for development to proceed.

Mr. Harding replied that the relationship between the vacant lot and 50 Birch Glen Drive and the steep topography were key considerations in supporting the variances. He further stated that the topography on the lot restricted development to the location where the garage was proposed. He further clarified that the zone category for the property did not require the lot to have access to a road for development to proceed, and that access is proposed from 50 Birch Glen at this time since the owner of that lot would be utilizing the garage. Should ownership of the lot containing the garage change, then a separate driveway access would need to be applied for or an easement for a right-of-way would be required over 50 Birch Glen Drive.

Mr. Gibson stated that he is the owner of 50 Birch Glen Drive and the vacant lot and that his intent is to build a garage on his vacant lot with access from 50 Birch Glen Drive.

The Committee asked if 50 Birch Glen Drive had space to build garage. Staff replied yes on existing parking pad area, but that is where vehicles can also maneuver to navigate the steep driveway.

The Committee questioned what the requested reliefs in bullet point 4 accomplished. Staff responded that this point established standards to construct a detached garage on the lot as the primary building. If a cottage were to be constructed at a later date, these reliefs would no longer apply.

The Committee asked if a cottage could be constructed on the lot in the future. Staff replied they could as there is sufficient room to build with a sewage system as per comments received from the Building Division – Part 8 Sewage Systems Branch.

Further discussion ensued.

The Committee asked for clarification as to whether the Building Code stipulated road access in order to issue a building permit. Ms. Murchison, Chief Building Official spoke to the Committee and stated that the Code did not require direct access to a road. However, she also stated that access is in the property owner's best interests in order to bring building materials to the building site.

The Committee asked whether a condition of approval should be that an application for easement for a right-of-way be filed.

Staff replied that an easement agreement is not required at this time as the owner owns both lots. Should the owner decide to sell the vacant lot with the proposed garage, the new owner would have to build a new driveway or apply for an easement over 50 Birch Glen Drive.

The Committee asked if there is room for a driveway to be installed on the vacant lot if it sells. Staff replied that it is up to a contractor to design a suitable driveway, but that the vacant lot is of the same size and topography as the other nearby developed lots.

At 2.15pm, Member, Mr. O'Bumsawin left the meeting.

The Committee asked if a condition be included that would prohibit human habitation within the garage.

Richard Holy, Planning Manager spoke to the province's direction on accessory dwelling units.



Further discussion ensued.

The Chair stated that the intent of this application is noble and straight forward. The owner would like to build a garage on an adjoining lot which they own, access will be from 50 Birch Glen Road, and that they have no intention of selling the lot at this time.

The Committee asked about the intent of proposed Condition 1. Staff replied that the vacant lot was actually two vacant lots and the garage was proposed entirely on one of those two. The condition was constructed to ensure that each lot was not entitled to utilize the variances if they are granted.

The Committee questioned the purpose and effect for the relief requested in bullet point 1 and asked that it be rephrased or removed.

At 2:40pm - Break. At 2:47pm meeting called to order.

Staff stated that they are prepared to amend Section 19, which read:  
"...Definitions to vary the definition of 'Accessory Building' to include one detached building ancillary to a developed residential lot that abuts the subject property;" to: "...Definitions to vary the definition of 'Accessory Building' to include one detached building;".

No further questions from the Committee or other persons.

#### **CA2020-007**

**Moved By** Councillor Yeo

**Seconded By** L. Robertson

**That** minor variance application D20-2019-057 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

#### **Conditions:**

1. **That** the requested variances shall only apply to Lot 9, Plan 184 unless the owner applies to subject both Lots 9 and 10 to a deemed by-law and the by-law is in effect;
2. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part

of Report COA2020-003, which shall be attached to and form part of the Committee's Decision; 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 COA2020-003. 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**

- The Chair wished everyone a Happy New Year.
- The Chair politely requested that once the meeting is called to order that all cell phones be turned off.
- The Chair requested that all members notify the recording secretary of attendance prior to each meeting.
- Mr. Holy requested that all members renew their OACA memberships for 2020.

## 6. **Correspondence**

## 7. **Next Meeting**

The next meeting will be Thursday, February 20, 2020 at 1:00pm in Council Chambers, City Hall.

## 8. **Adjournment**

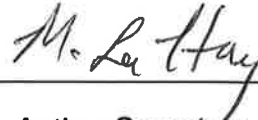
**CA2020-008**

**Moved By D. Marsh**

**Seconded By Councillor Yeo**

**That the meeting be adjourned at 3:03pm.**

**Carried**

A handwritten signature in cursive script, reading "Mark LaHay", positioned above a horizontal line.

Mark LaHay, Acting Secretary-Treasurer

