

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

COA2020-009
Thursday, September 17, 2020
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Lloyd Robertson
David Marsh
Councillor Emmett Yeo
Andre O'Bumsawin
Betty Archer
Sandra Richardson
Stephen Strangway

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1. **Call to Order**

Chair Robertson called the meeting to order at 1:00pm. Councillor E. Yeo and Members A. O'Bumsawin, B. Archer and S. Strangway were in attendance.

Acting Secretary-Treasurer - M. LaHay

Recording Secretary - C. Crockford-Toomey

Absent: S. Richardson and D. Marsh

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2020-09.2.1.1

September 17, 2020

Committee of Adjustment Agenda

CA2020-037

Moved By Councillor Yeo

Seconded By S. Strangway

That the agenda for September 17, 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 COA2020-004.2.3.1

August 19, 2020

Committee of Adjustment Minutes

Amend Page 13, Specifically, to read as follows;

1. **That** the application does not meet the intent and purpose of the zoning by-law as the property is not large enough to accommodate the development proposal.

CA2020-038

Moved By B. Archer

Seconded By Councillor Yeo

That the minutes of the previous meeting held August 19, 2020 be adopted as amended.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2020-023

David Harding, Planner II, RPP, MCIP
 File Number: D20-2020-019
 Location: 101 Juniper Street
 Lot 6, Plan 345
 Former Village of Fenelon Falls
 Owner: Richard Michael D.E. Chartier
 Applicant: Richard Michael D.E. Chartier

Mr. Harding summarized Report COA2020-023, to request relief to reduce the minimum interior side yard setback from 4 metres to 1.80 metres in order to permit an addition to a single detached dwelling.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee noted the Kawartha Region Conservation Authority's comments stated the new proposed setback was 2.01 metres rather than the advertised 1.80 metres. They asked whether this discrepancy would affect the comments. Staff replied that there is no problem as the proximity to the natural feature is not changing; the typo error of 2.01 metres would not impact their statement at all.

The applicant, Mr. Chartier was present and thanked the Committee and staff.

No further questions from the Committee or other persons.

CA2020-039

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2020-019 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction for the addition related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of Report COA2020-023, which shall be attached to and form part of the Committee's Decision; and
2. **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 COA2020-023. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2020-026

David Harding, Planner II, RPP, MCIP
 File Number: D20-2020-022
 Location: 95 Kenedon Drive
 Lot 14, Plan 6
 Geographic Township of Emily
 Owner: Lisa Selke
 Applicant: Holly Richards-Conley - Black Point Services

Mr. Harding summarized Report COA2020-026, to request relief to reduce the minimum water setback in order to permit an addition to a single detached dwelling and to permit a shed within the front yard whereas an interior side yard or rear yard location is currently permitted.

Mr. Harding noted comments received after the writing of the report from the Building Division, Part 8 Sewage Systems (September 16, 2020). The Division had reviewed the proposal and had a further conversation with the applicant this morning. The Division has no concerns with the proposal.

Public comments were received from Sandra Twiselton of 93 Kenedon Drive and Wayne Gardner and Karen Allain of 97 Kenedon Drive in support of the application.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked for clarification as to the size of the shed. Staff clarified that the application records it as 30.5 square metres, but from their site visit believes the measurement is likely in square feet. Staff deferred to the applicant for clarification. The Committee asked, if the shed is less than 108 square feet, does the applicant require relief from the zoning by-law? Staff replied that a building permit is not required for buildings under a certain size, but size does not exempt them from compliance with the zoning by-law.

Ms. Richards-Conley was present and confirmed the shed size was a typo and should in fact be 30.5 square feet.

There were no further questions from the Committee or other persons.

CA2020-040

Moved By Councillor Yeo

Seconded By A. O'Burnsawin

That minor variance application D20-2020-022 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction of the dwelling and shed 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 COA2020-026, 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 COA2020-026. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 COA2020-027

David Harding, Planner II, RPP, MCIP
 File Number: D20-2020-023
 Location: Vacant Lot, Burnt River Road
 Part Lot 13, Concession 6, Lot 10, Plan 104
 Geographic Township of Somerville
 Owner: Marty Sheehey
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Harding summarized Report COA2020-027, to request relief to recognize the size of the lot and to permit a single storey dwelling with a 57.4 square metre footprint.

Agency comments received from the Building Division (September 8, 2020), no concerns.

Mr. Harding made an amendment to report COA2020-027, Condition 1, where it refers to Report COA2020-023, to now read COA2020-027.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report as amended.

The Committee questioned Page 3, Rationale 3, paragraph 2, line 2. Provided the Building Division, Part 8 Sewage System has no concerns with the proposed servicing. Have we received a report from the Building Division? Staff replied no. The Committee suggested that a condition be added.

The applicant, Tom deBoer was present and confirmed that he had completed a septic design for the property. Mr. deBoer sought clarification on the proposed staff amendment to condition 1.

No further questions from the Committee or other persons.

CA2020-041

Moved By B. Archer

Seconded By A. O'Bumsawin

That minor variance application D20-2020-023 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 COA2020-027, which shall be attached to and form part of the Committee's Decision; and
2. **That** prior to issuance of a building permit, the owner shall submit to the Secretary-Treasurer confirmation from the Part 8 Sewage Systems that the sewage system can be accommodated on the property.
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 COA2020-027. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2020-029

Kent Stainton, Planner II
 File Number: D20-2020-025
 Location: 231 Corbett Drive
 Lot 11, Concession 3, Lot 31, Plan 9M-725
 Geographic Township of Manvers
 Owners: James Brown and Nicole Gilliland
 Applicants: James Brown and Nicole Gilliland

Mr. Stainton summarized Report COA2020-029, to request relief to construct a detached garage.

Agency comments received from the Building Division, Engineering Corporate Assets and Building Division, Part 8 Sewage Systems with no concerns.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

There were no questions from the Committee or other persons.

CA2020-042

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2020-025 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 sketches in Appendices C - E submitted as part of Report COA2020-029, 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; and
3. **That** prior to the request for final Building Inspection, the owner shall confirm to the Secretary-Treasurer, that the portable shelter located to the northwest of the existing dwelling has been removed.

This approval pertains to the application as described in report COA2020-029. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.5 COA2020-030

David Harding, Planner II, RPP, MCIP
File Number: D20-2020-026
Location: 152 Island Drive
Island N, Four Mile Lake, Lot 5, Plan 453
Geographic Township of Somerville
Owners: John and Susan Cook
Applicant: Tom deBoer - TD Consulting Inc.

Mr. Harding summarized Report COA2020-030 to request relief in order to permit an addition to a single detached dwelling and permit an accessory building (shed).

Since the writing of the report, staff noted public comments received from Mr. Cutts (September 16, 2020) seeking clarifications on the nature of the application and existing parking situation. Staff responded to questions and comments as per email provided.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked if staff would like to speak to the eight conditions in the report. Staff replied that all the conditions were identified through discussions with Planning, Kawartha Region Conservation Authority and the owner/applicant in 2018 and were approved at that time as a result. They are being brought forward again as the application is unchanged.

The Committee asked why the application lapsed. Staff replied that the applicant stated it was due to contractor availability, but deferred to the applicant for further clarification.

The applicant, Tom deBoer of TD Consulting Inc. was present and spoke to the Committee. He confirmed that the application lapsed due to finances and the availability of the contractor.

No further questions from the Committee or other persons.

CA2020-043**Moved By A. O'Bumsawin****Seconded By Councillor Yeo**

That minor variance application D20-2020-026 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 drawings and plans in Appendices D and E submitted as part of Report COA2020-030, which shall be attached to and form part of the Committee's Decision;
2. **That** the west face of the southerly one-storey dwelling addition not extend west beyond the projection line of the east face of the existing dwelling as illustrated on Appendices D2 and E1;
3. **That** roof drainage from the additions be directed to discharge on the east side of the building;
4. **That** the foundation for at least the addition section south of the entry area be of a pier system that remains open on the sides;
5. **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a tree location plan, prepared by an Ontario Land Surveyor or other qualified person, that identifies all existing trees greater than 10 centimetres d.b.h. (diameter at breast height) and indicate which trees are to be removed as a result of the proposed development. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit;
6. **That** the Owner submit to the City of Kawartha Lakes and Kawartha Region Conservation Authority a site restoration plan. The plan will be prepared to the satisfaction of the KRCA and the Building Division be advised prior to issuance of a building permit;
7. **That** the Owner submit to the Secretary-Treasurer confirmation from Hydro One Networks Incorporated that the overhead hydro conductor clearances over the proposed building is/will be adequate prior to the issuance of a building permit; and
8. **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 COA2020-030. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 Memorandum - D20-2020-027

Kent Stainton, Planner II
 File Number: D20-2020-027
 Location: 144 Ball Point Road
 Part Lot 18, Concession C
 Geographic Township of Mariposa
 Owner: Gary Cowan
 Applicant: Scottie Eisemann - Cottage Life Construction

Mr. Stainton spoke to the requested deferral. It was understood that the applicant is to install an appropriately sized septic system. Staff have requested a deferral of a period of not more than 4 month but believe the application can be brought back sooner.

The Committee asked staff if the applicant has been included in discussions regarding the deferral. Staff replied yes the applicant is aware and is confident they are able to bring back a product that can be brought forward in the future.

There were no further questions from the Committee or other persons.

CA2020-044

Moved By A. O'Bumsawin

Seconded By B. Archer

That Minor Variance Application D20-2020-027 be deferred for a period of not more than four months, returning at the latest to its first meeting in January 2021.

Carried

3.1.7 COA2020-032

Kent Stainton, Planner II
 File Number: D20-2020-030
 Location: 106 French Settlement Road
 Part Lot 8, Concession 8
 Geographic Township of Bexley
 Owner: Gary Quinn
 Applicant: Gary Quinn

Mr. Stainton summarized Report COA2020-032, to request relief to reduce the minimum front yard setback in order to permit the construction of a new single detached dwelling.

Agency comments received from Building Division (September 8, 2020) No concerns.

Agency comments received after the writing of the report from Development Engineering (September 15, 2020) had no objections.

The supervisor Anne Elmhirst of Part 8 Sewage Systems had no concerns with the proposed development with Part 8 approvals included as part of the building permit process.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

No questions from the Committee or other persons.

CA2020-045

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2020-030 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 sketches in Appendices C-E submitted as part of Report COA2020-032, 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 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 COA2020-032. 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

4.1.1 COA2020-033

Kent Stainton, Planner II

File Number: D20-2020-013 (Revised)

Location: Vacant Lot, Church Street

Part Lot 7, North of Church Street, East of George Street

Plan 109

Former Village of Omemee

Owner: Joe Ferrara - Napa Valley Contracting Inc.

Applicant: Tom deBoer - TD Consulting Inc.

Mr. Stainton summarized report COA2020-033 previously deferred at the July 16, 2020 meeting, to request relief in order to permit the construction of a new single detached dwelling with a deck and attached garage.

Agency comments received from the Building Division (September 8, 2020). Spatial separation required if the Ontario Building Code will govern Fire Resistance Ratings and cladding.

Development Engineering Division (August 31, 2020). A lot drainage and grading

plan will be required to be submitted and reviewed by the Engineering Division to ensure drainage is self-contained prior to being satisfied with the 0.89 metre interior side yard setback.

Letters of opposition received from:

Kate Rousseau and Ryan Stevenson of 19 Church Street.

John Trennum and Jane Byers of 56 Mary Street East.

Shelley Ferguson of no fixed address in Omemee.

A petition was provided through Shelley Ferguson with 29 signatures again with no addresses provided in opposition to the application. No specific concerns were identified. Survey issues have been resolved. Major concerns-

1. Infilling on undersized lots within the village of Omemee.
2. Lot creation within the village of Omemee.
3. Drainage concerns and storm water conveyance to the adjacent properties.

Ms. Ferguson is the contact for the petitioners. Staff had an extensive talk with her regarding the issues. The conversation was cordial and that she was satisfied with the recommendation that the lot drainage and grading plan condition be imposed.

Staff respectfully recommends that the application be granted approval subject to the conditions identified in the report.

The Committee asked where the well would be or have they drilled it. Staff replied that the well is situated in the front of the dwelling and that it has been drilled already. The Committee asked if a drainage plan be put in place for this lot and will it meet the needs of the residents on the lot and neighbouring homes. Staff replied that the expertise of the Engineering Division review is satisfactory. The Committee asked at what point is the drainage plan developed. Staff replied that because this is a vacant lot of record, a lot drainage and grading plan would be required at the building permit process stage, before building starts.

The Committee questioned Page 5 of 6 under servicing comments. As part of the building permit process the applicant will be required to obtain a connection to the municipal sanitary system. The Committee proposed to add a condition as a red flag to the building division that the applicant is required to connect to the municipal sanitary system and asked if staff have an objection to that. Staff replied that there is no harm in doing so; they will also need to obtain an entrance permit as well as part of the building process.

The applicant, Tom deBoer of TD Consulting Inc. was present and thanked staff. He had no objection to the additional condition.

There were no further questions from the Committee or other persons.

The Committee motioned to grant approval of the application with the addition of a condition that requires the hook up to the municipal sanitary system.

CA2020-046

Moved By S. Strangway

Seconded By A. O'Bumsawin

That minor variance application D20-2020-013 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 Appendices C - E submitted as part of Report COA2020-033, 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 a lot grading and drainage plan to the satisfaction of the Engineering and Corporate Assets Department. The owner shall provide to the Secretary-Treasurer written confirmation from the Engineering and Corporate Assets Department that the lot grading and drainage plan is satisfactory;
3. **That** prior to the issuance of a building permit, the owner will be required to obtain a connection to the municipal sanitary system; 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 COA2020-033. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.2 Consents

5. **Other Business**

The Chair thanked everyone regarding how well the meeting went with no technical issues. Special thanks to Mr. Holy, Manager of Planning. Mr. Holy noted that the IT Department supplied webcams for everyone in the Planning department as they are in short supply. This will improve Committee of Adjustment, Planning Advisory Committee and Council meetings.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, October 15, 2020 at 1:00pm in Council Chambers, City Hall.

8. **Adjournment**

CA2020-047

Moved By B. Archer

Seconded By Councillor Yeo

That the meeting be adjourned at 2:18pm.

Carried



Mark LaHay, Acting Secretary-Treasurer