

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

**COA2021-006**  
**Thursday, June 17, 2021**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett Yeo**  
**Betty Archer**  
**David Marsh**  
**Sandra Richardson**  
**Lloyd Robertson**  
**Stephen Strangway**

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## 1. **Call to Order**

Chair Robertson called the meeting to order at 1:03pm.

Chair Robertson and C. Crockford, Recording Secretary were in person in the Council Chambers.

Members, B. Archer and S. Strangway were in attendance via electronic participation.

Staff, K. Stainton, Planner II, D. Harding, Planner II, M. LaHay, Acting Secretary-Treasurer, L. Barrie, Acting-Manager of Planning and S. Murchison, Chief Building Official were in attendance via electronic participation.

Absent: Councillor Yeo, D. Marsh and S. Richardson.

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2021-006.2.1.1

June 17, 2021

Committee of Adjustment Agenda

#### **CA2021-052**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** the agenda for June 17, 2021 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 COA2021-005.2.3.1

May 20, 2021

Committee of Adjustment Minutes

**CA2021-053****Moved By** B. Archer**Seconded By** S. Strangway

**That** the minutes of the previous meeting held May 20, 2021 be adopted as printed.

**Carried****3. New Applications****3.1 Minor Variances****3.1.1 Memorandum D20-2021-029**

Kent Stainton, Planner II

File Number: D20-2021-029

Location: Vacant Land on an unassumed road allowance

Part Lots 16 and 17, Concession 10

Geographic Township of Somerville

Owner: Steven Harjula

Applicant: Steven Harjula

Mr. Stainton summarized the application requesting relief from Section 18.8.1 of the Township of Somerville Zoning By-law 78-45 in order to construct a new single detached dwelling and an agricultural building upon a lot which does not have a lot line abutting an improved public street as defined. The access point to the subject lands is approximately 450 metres (1,476 feet) west of a section of assumed and fully maintained municipal road (Woodcock Line).

While Planning staff were able to access the property, the ability for Emergency Management Services (EMS) to obtain access/egress to and from the property is imperative. Moreover, the standards and requirements needed to upgrade the section of road allowance from Woodcock Line to the subject lands are to be provided. Both the Roads Division and EMS Divisions were circulated on the application; however, comments remain outstanding.

In the absence of comments from the EMS and Roads Divisions, Planning staff recommend deferring the application until such time as all of the requisite information pertaining to the requirements associated with emergency vehicle accessibility, road widening and upgrades as well as road maintenance are identified, provided, and analyzed. The requirements will form the basis of a

recommendation on the file as well as all appropriate and necessary conditions of approval.

Planning staff is requesting the Committee consider deferring the application for a period of not more than three (3) months, returning at the latest to the September 2021 meeting.

The Committee asked as to the current condition of the road. Staff replied the current state of the road is an unopened road allowance being used as an ATV trail running east to west. During the site visit staff were able to access the property driving slowly. The concern was for larger vehicles such as EMS and Sewage Haulage being able to enter and turn around. In the absence of those agency comments, this deferral is being requested.

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

**CA2021-054**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** the minor variance application D20-2021-029 be deferred for a period of not more than 3 months, returning at the latest to the September 16, 2021 meeting, to allow EMS and the Roads Division to comment on the application to enable the Committee to make an informed decision.

**Carried**

3.1.2 COA2021-039

Kent Stainton, Planner II

File Number: D20-2021-030

Location: 68 Cedartree Lane

Lot 89, Plan 626

Former Village of Bobcaygeon

Owner: Barbara King and Bela Albert

Applicant: Barbara King and Bela Albert

Mr. Stainton summarized Report COA2021-039, to request relief in order to increase the maximum lot coverage to facilitate the construction of a new single detached dwelling and attached deck.

The applicant underwent a pre-screening associated with the application for

which a meeting was held to discuss the proposal on April 1, 2021.

Agency comments were received from Engineering and Corporate Assets and the Building and Septic Division noting no concerns.

Kawartha Region Conservation Authority indicated that a permit is required for the proposal and that there were no concerns from a watershed management, natural heritage and natural hazards perspective.

Staff acknowledges the application meets the four tests of a minor variance. Staff respectfully recommended the approval of the application subject to the conditions identified within the report.

There were no questions from the Committee or other persons

**CA2021-055**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2021-030 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 sketch in Appendix C and generally in accordance with the elevations in Appendix D submitted as part of Report COA2021-039, 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 COA2021-039. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.3 COA2021-040

Kent Stainton, Planner II  
File Number: D20-2021-031  
Location: 88 Alcorn Drive  
Lot 70, Plan 57M-802  
Former Town of Lindsay  
Owner: Donna Banks  
Applicant: Mark Wilson of MVW Construction

Mr. Stainton summarized Report COA2021-040, to request relief in order to reduce the rear yard setback to permit the construction of a deck attached to a single detached dwelling.

Mr. Stainton also noted that the incorrect Appendix B showing 68 Cedartree Lane was incorporated into the report. However, the correct Appendix B is on the presentation before the Committee.

Agency comments were received from Engineering and Corporate Assets and the Building and Septic Division noting no concerns.

Kawartha Region Conservation Authority recently provided comments indicating the applicant has obtained a permit for the deck and that there are no concerns from a watershed management, natural heritage or natural hazards perspective.

Staff acknowledges the application meets the four tests of a minor variance. Staff respectfully recommended the approval of the application subject to the conditions identified within the report.

The Committee noted that a few of the homes have patio doors, which is a clear indication that there is intention for a deck, and questioned why this application has to come to the Committee of Adjustment. Staff responded by saying we can only speculate how the lots were configured given the shallow depths, perhaps to address the environmental concerns to the north; hence shallow lots. If a person wants a more functional amenity space to the rear yard, as a result of the shallow rear yard, you will see further requests for relief from the zoning by-law. Staff anticipates several more applications along this reach in the near future.

The Committee followed up by asking when the builder was installing patio doors with the intention of a deck, could they have addressed it then rather than

constant applications coming to Committee of Adjustment. Staff responded by saying we can only speculate the builders intentions. However, our first concern is that applicants do comply with the zoning by-law. There is still an ability to construct a deck here; the builder had that in mind but perhaps not with the level of foresight to address mobility issues or other extenuating circumstances that require a large space.

The Chair questioned with regards to the KRCA, if there was intention to build to the north of the residents or is that adjacent to the woods. Staff replied that is it adjacent to the woods and that there will be no development to the north of this lot. That was one of the considerations when designing the plan of subdivision to give an adjacent buffer from the limit of the flood plain or regulated feature. Also to facilitate access to the storm water management facility to the immediate north east. The Chair followed up by asking if all the properties will require permits from Kawartha Region Conservation Authority to build a deck. Staff noted that there maybe some form of expedited review that is involved along this reach of Alcorn Drive as a result of the review conducted through the Plan of Subdivision. A permit was issued for the deck for 88 Alcorn Drive and KRCA did provide comment. Moving forward staff will consider an expedited review and determine the overall cost associated with it and explore avenues that will lessen the impact to the public. As of yet, staff have not received this level of comment from the Conservation Authority as to how to address the issue. The Committee enquired as to the cost of a permit. Staff could not comment.

No further questions from the Committee or other persons.

#### **CA2021-056**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** minor variance application D20-2021-031 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 generally in accordance with the elevation in Appendix D submitted as part of Report COA2021-040, 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 COA2021-040. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

#### 3.1.4 COA2021-041

Kent Stainton, Planner II

File Number: D20-2021-032

Location: 19 Clover Court

Lot 32, Plan 494, Part Lot 9, Concession 14

Geographic Township of Somerville

Owners: Erik Orava, Sarah Benn-Orava, Marshall Henkle, Ellie Benn

Applicant: Erik Orava

Mr. Stainton summarized Report COA2021-041, to request relief from Section 5.2 (c) in order to reduce the front yard setback from 7.5 meters to 3.75 metres to facilitate the construction of an addition to an existing vacation dwelling. It is important to note that the advertisement for this application inadvertently made reference to Sections 5.2 (d) minimum rear yard setback of the zoning by-law.

Agency comments were received from Engineering and Corporate Assets Division and Building and Septic Division noting no objections.

Recent comments received from Part 8 Sewage Systems noting that the owner will need to upgrade the sewage system to accommodate the proposal. A site visit has taken place, which confirmed that a sewage system can be accommodated but the precise location is unknown as a sewage system application has not been submitted to date.

Kawartha Region Conservation Authority has identified that the property is outside of the permitting jurisdiction and have no concerns with respect to the consideration for natural heritage, watershed management and natural hazards.



Based on the contents of the report staff acknowledges the application meets all four tests of the minor variance. Staff respectfully recommended that the application be approved subject to the conditions identified in the report.

The Committee suggested that a condition be added to obtain a septic permit. Staff responded by saying it was a consideration; however, it is a requirement as part of the building permit process.

No further questions from the Committee or other persons.

**CA2021-057**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2021-032 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 generally in accordance with the elevations in Appendix D submitted as part of Report COA2021-041, which shall be attached to and form part of the Committee's Decision;
2. **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2021-041 as 'Privy' has been removed;
3. **That** within 24 months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2021-041 as 'Building 3' has been removed, 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 COA2021-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried****3.1.5 COA2021-042**

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2021-033  
 Location: 210 and 212 Sturgeon Glen Road  
 Part Lot 18, Concession 10  
 Geographic Township of Fenelon  
 Owners: Gary and Mary Tew  
 Applicant: Paul A. Rabinovitch

Mr. Harding summarized Report COA2021-042. The purpose and effect is to re-create two residential lots that have merged on title by seeking relief from the minimum requirements of the: lot frontage, lot area, interior side yard setback and dwelling gross floor area provisions.

Based on the contents of the report staff acknowledges the application meets all four tests for minor variance. Staff respectfully recommended that the application be approved subject to the conditions identified in the report.

The Committee asked for clarification as to why these lots had merged on title. Staff replied that it is staff's understanding that the error occurred between the owner and their lawyer when the owners decided to acquire the abutting shoreline residential lot. The merger was not detected until the owners were preparing to sell one parcel.

The Committee noted that the lot line to re-separate the two lots had a jog, and asked why it had not moved as a straight line further south to contain the encroachments on 210 Sturgeon Glen Road. Staff explained that the owners and their lawyer preferred minimal change to the former lot fabric. The configuration would correct the encroachments and minimize change to the former lot line.

The applicant, Mr. Rabinovitch, lawyer for HGR, was present and spoke to the Committee.

No further questions from the Committee or other persons.

**CA2021-058**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** minor variance application D20-2021-033 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

1. **That** the application shall be deemed to refused if the related consent application D03-2020-032 lapses;
2. **That** the variances pertaining to 210 Sturgeon Glen Road shall only apply to said address once the lands are divided; and
3. **That** the variances pertaining to 212 Sturgeon Glen Road shall only apply to said address once the lands are divided.

**This approval pertains to the application as described in report COA2021-042. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.1.6 COA2021-043

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2021-034  
 Location: 17 North Water Street  
 Part Lot 15, Gull River Range, Lot 5, Plan 46  
 Geographic Township of Bexley  
 Owner: Josephine Harlow  
 Applicant: Josephine Harlow

Mr. Harding summarized Report COA2021-043, to request relief from the minimum: front yard, water setback and EP Zone setbacks to permit the construction of a single detached dwelling. He noted that this was a re-submission of a lapsed variance application, which Committee had approved in 2018: D20-2018-003.

Staff noted that there had been no change to the proposal and minimal updates had been proposed in the updated recommended conditions.

Based on the contents of the report staff acknowledges the application meets all four tests of the minor variance. Staff respectfully recommend that the application

be approved subject to the conditions identified in the report.

The Committee referenced the photo in the report showing the water frontage as Balsam Lake and in other diagrams as Gull River and asked for clarification as to which is correct. Staff replied that the property is located in the upper reach of the lake where it is narrowing into a river, so both Balsam Lake or Gull River names may be correct. Staff considered the formal line where the lake turns into a river to be at Highway 35, as the dam is located there.

The Committee asked staff if there is sufficient room between the dwelling and the boat launch to avoid land use conflict. Staff responded by saying that the site plan notes an 8.9 metre buffer between the dwelling and the boat launch, which exceeds the minimum requirement for that zone.

The Committee stated that the shoreline is made up of armour stone. They asked whether the Kawartha Region Conservation Authority (KRCA) comments for adding shoreline vegetation would require the removal of the stone. Staff confirmed that KRCA is not suggesting to alter the stone but modify the land between the stone and the dwelling with plantings.

The Committee asked if it was common practice to require shoreline plantings as part of the approval process. Staff replied that it is not an uncommon request when dealing with a new build well within the water setback. The requested condition is rare because few supportable new build proposals with much-reduced water setbacks come to Committee for a decision.

The applicant, Ms. Harlow, was present and requested that the sunset clause condition be extended from 24 months to 36 months to allow her sufficient time to carry out the build. Staff replied, confirming previous discussions with Ms. Harlow regarding the proposed timeline and stated that the request had been included in Condition 3.

No further questions from the Committee or other persons.

**CA2021-059**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2021-034 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 COA2021-043, 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 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) or (ii) and (iii) identified in Kawartha Region Conservation Authority's comments dated May 10, 2018 in Appendix E to Report COA2021-043, 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; and
3. **That** the building construction related to the minor variances shall be completed within a period of thirty-six (36) 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 COA2021-043. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.1.7 COA2021-044

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-035

Location: 123 East Street

Part Block C, Plan 70, Part 1, 57R-1441

Former Village of Bobcaygeon

Owner: City of Kawartha Lakes c/o. Craig Shanks, Director of Community Services

Applicant: Narges Dehghani – AECOM

Mr. Harding summarized Report COA2021-044, to request relief to reduce the minimum rear yard requirement to permit an addition to the building.

Staff recommend that the application be approved subject to the conditions identified in the report.

The Committee stated that they were aware that the Service Centre is undergoing renovations on its second floor. They asked if the proposed addition would be two storeys. Staff deferred to the applicant to provide clarification. The Committee continued by asking staff if the addition will result in the loss of parking spaces. Staff replied that there will be some spaces lost. However, this has been addressed in the site plan review process.

Ms. Dehghani, the architect for AECOM was present and spoke to the Committee. She stated that the existing building has two levels. The addition has one level due to building being on a slope. The addition will be one level which will be added to the second level of the existing building. There will be no basement, and no building entrances. The addition will be accessed using the existing second floor entrance on the east side, which will be upgraded by adding ramps. The entire second floor will become the library.

The Committee requested to look at the slide showing the side wall where the addition was proposed and the surrounding topography for clarification and was satisfied.

The Committee congratulated the City for combining multiple uses of municipal buildings.

James Anderson, CEO of Library Services, was present but did not speak.

No further questions from the Committee or other persons.

#### **CA2021-060**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** minor variance application D20-2021-035 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 COA2021-044, which shall be attached to and form part of the Committee's Decision; and

2. **That** the owner shall provide the Secretary-Treasurer with a letter from the Planning Division declaring that the site plan process is complete 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 approval pertains to the application as described in report COA2021-044. 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

### 4.2 Consents

## 5. **Other Business**

## 6. **Correspondence**

## 7. **Next Meeting**

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

## 8. **Adjournment**

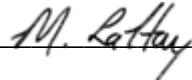
### **CA2021-061**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** the meeting be adjourned at 2:23pm.

**Carried**

  
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 Mark LaHay, Acting Secretary-Treasurer