

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

COA2021-010
Thursday, October 21, 2021
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

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

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1. Call to Order

Chair Robertson called the meeting to order at 1:00pm.

Chair Robertson, Councillor E. Yeo and Members D. Marsh, S. Richardson, B. Archer and S. Strangway were in attendance in person.

M. LaHay, Acting Secretary-Treasurer, L. Barrie, Acting Manager of Planning and C. Crockford, Recording Secretary were in attendance in person.

Staff, K. Stainton, Planner II, D. Harding, Planner II and S. Murchison, Chief Building Official were in attendance via electronic participation.

2. Administrative Business**2.1 Adoption of Agenda**

October 21, 2021
Committee of Adjustment Agenda

CA2021-096

Moved By B. Archer

Seconded By S. Richardson

That the agenda for October 21, 2021 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

September 16, 2021
Committee of Adjustment Minutes

CA2021-097

Moved By D. Marsh

Seconded By S. Strangway

That the minutes of the previous meeting held September 16, 2021 be adopted as printed.

Carried

3. Deferred Applications

3.1 Minor Variances

3.1.1 COA2021-076

Kent Stainton, Planner II
File Number: D20-2021-038
Location: 25 Manor Road
Part of Lakeview Park, Plan 152, Part Lot 9, Concession 8
Geographic Township of Fenelon, Ward 3
Owners: Bradley and Isobel Campkin
Applicant: Glenn Wilcox - Wilcox Architects Inc.

Mr. Stainton summarized Report COA2021-076. The purpose and effect is to request relief in order to permit the construction of an attached garage and partial addition to an existing two-storey dwelling and a front entrance.

Mr. Stainton noted that staff could not support reliefs 3, Section 13.2.1.3 (b)(i) to reduce the minimum interior side yard setback from 1.3 metres to 0.3 metres and relief 5, Section 13.2.1.4 to increase the maximum lot coverage from 30% to 47% which is sought for the garage addition, as the application is not minor in nature, desirable and appropriate for the use of the land, or in keeping with the general intent and purpose of the zoning by-law. Staff offered an alternative.

The alternative suggested for relief 3, interior side yard setback from 1.2 metres to 0.36 metres and relief 5, to increase the maximum lot coverage from 30% to 44.3% as well as requested reliefs 1, 2 and 4 be granted subject to the conditions identified in the report.

The Committee stated in the applicants submission that they note a deeded easement on the neighbouring property and requested to the planner to show this on the presentation. The Committee also asked if there was anything on the property that would impede the back lot owners from accessing the waterfront.

Staff responded by saying they are aware of a potential easement on 23 Manor Road to the North, however details are unknown. Staff could confirm the easement was not on the subject property.

The Committee noted on Appendix C showing a dotted line and asked if this referred to the front property line. Staff replied that is correct.

The owners, Brad and Isobel Campkin were present via electronic participation and introduced Glenn Wilcox, architect and applicant representing the Campkins. Mr. Wilcox spoke to the Committee stressing the importance of the storage area required within the proposed garage and that the projections of the addition will not project over the property line as mentioned in the letter of opposition from the neighbour of 23 Manor Road.

The owner, Mr. Campkin brought to the attention of the Committee that within Mr. Stainton's report he stated that the application requested relief from 30% to 47% coverage of the property. Mr. Campkin mentioned that the existing coverage is 45.8% and they are requesting 46.2%. The current carport limits equipment and access to the backyard. The new addition will contain full length garage doors at either end which will make access to the backyard easier. Mr. Campkin also noted that 29 Manor Road adjacent to 25 Manor Road has an aluminum shed and propane tank. The distance between 25 and 29 Manor Road is 8 feet which is sufficient space to pass through in an emergency. Mr. Campkin finished by mentioning the easement, which is not on 25 Manor Road but in fact is on 23 Manor Road and is being obstructed by the adjacent landowner. The same owners contacted Mr. Campkin to ask if they could have access through 25 Manor Road to access the shoreline of 23 Manor Road while not addressing the obstruction.

Staff clarified the reasoning for the relief from the lot coverage component as the development standard of the By-law for lot coverage is 30% not the existing lot coverage.

The Committee questioned staff as to whether they were supporting all reliefs except the storage compartment. Staff replied that is correct.

The Committee asked the applicant, Mr. Wilcox how important is the triangular shape compartment and what was the size. Mr. Wilcox replied precluding the through access, the purpose of the garage doors at both ends is to gain access to the back yard. If the storage area is reconfigured to the end of the garage it would encroach onto the water setback and further cover the remaining open space on the lot.

The Chair asked staff if they had any response to the comments heard as this has been a very involved discussion. Staff added that they did consider moving the storage to the east side of the garage, as an alternative; however, Staff

identified that the same rationale employed by Mr. Wilcox was considered when deciding against the alternative configuration.

Member Marsh motioned to approve the application as printed, seconded by member Richardson.

The Committee asked Mr. Stainton and the Acting Manager of Planning for their comments due to the Committee motioning to approve the application as originally applied for and not proposed by staff.

Staff acknowledged the Committee and stated that an alternative resolution was prepared and read out to the Committee.

The owner and the applicant agreed to the alternative resolution read by Mr. Stainton.

Mr. Marsh withdrew his initial motion and motioned to approve as amended by staff.

No further questions from the Committee or other persons.

CA2021-098

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2021-038 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-D and generally in accordance with Appendix E submitted as part of Report COA2021-076, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variance for the attached garage and addition shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which the variance pertaining to the addition 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 COA2021-076. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2 Consents

4. New Applications

4.1 Minor Variances

4.1.1 COA2021-067

David Harding, Planner II, RPP MCIP
File Number: D20-2021-046
Location: 12 Lorraine Drive
Lot 13, Plan M714
Geographic Township of Manvers, Ward 8
Owners: Brenda and Stephen Alderton
Applicant: Marnie Saunders - D.M. Wills Associates Ltd.

Mr. Harding summarized Report COA2021-067. The purpose and effect is to request relief to reduce the minimum setback requirement between an accessory building and dwelling from 1.3 metres to nil to recognize a shed and to reduce the minimum flankage yard from 15 metres to 3.6 metres to permit the construction of a swimming pool.

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

The applicant, Ms. Saunders of D.M. Wills Associates Ltd., was present via electronic participation and spoke to the Committee. Ms. Saunders has reviewed the report and agrees with the recommendation with the exception of Condition 2, with regards to the timing of the construction of the pool and did not feel it was appropriate to have a timeline of 24 months to finish construction as it does not have an impact on the surrounding area or the public. Ms. Saunders stated due to the pandemic the owner has spoken to contractors and the demand for pools is high and was advised that the waiting list could take several summers. It was requested that this condition be removed or extended to 5 years or 60 months to allow sufficient time to complete.

Staff stated that 60 months is a substantial increase from 24 months and acknowledged the difficulties obtaining orders through contractors. It was advised that the pool could be constructed around the summer of 2023, which would be within the 24-month timeline. Staff suggested 40 months to provide a buffer.

The Committee asked staff if we are required to put a timeline on a pool. Staff replied that the City's approach to variance applications is that construction follow the approval within a reasonable time.

Ms. Barrie, Acting Manager of Planning was present and stated that although the Planning Act does not have a specific time frame for construction, the municipality has demonstrated minimums of less than 24 months and more. Ms. Barrie reminded the Committee that the longer the timeline granted, the greater the risk of the Zoning By-Law that the variance is granted from could be repealed and replaced with a new Zoning By-Law. Should that happen, the Committee's decision would have no effect on the new by-law. She reminded Committee that the Planning Division is currently working on a 2 stage program for consolidating zoning by-laws.

The Committee was concerned that if the timeline was extended to 40 months it would run into the winter months.

The Committee motioned to approve the application as amended to complete construction in 48 months.

No further questions from the Committee or other persons.

CA2021-099

Moved By D. Marsh

Seconded By B. Archer

That minor variance application D20-2021-046 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 COA2021-067, 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 forty-eight (48) 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 COA2021-067. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.2 Deferral Memorandum

Kent Stainton, Planner II
File Number: D20-2021-048
Location: 2220 Elm Tree Road
Part Lot 4, Concession 2
Geographic Township of Fenelon, Ward 3
Owners: Charles and Elizabeth Riches
Applicant: Colleen Riches

Mr. Stainton read the deferral memorandum to the Committee which was also emailed to the Committee, owner and applicant October 20, 2021. Details to be attached to the minutes.

The Committee motioned to defer consideration of the application to a subsequent meeting. It was noted that Member Yeo opposed the motion for a deferral.

CA2021-100

Moved By B. Archer

Seconded By S. Richardson

That Minor Variance Application D20-2021-048 be deferred for a period of not more than two months, returning at the latest to the November 25, 2021 meeting.

Carried



Development Services – Planning Division
180 Kent St. West, 2nd Floor
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1367
Fax: (705) 324-4027
E-mail: kstainton@kawarthalakes.ca
Website: www.kawarthalakes.ca

MEMORANDUM

TO: Committee of Adjustment

FROM: Kent Stainton, Planner II - Development Services – Planning Division

DATE: October 20th, 2021

SUBJECT: Minor Variance Application File No. D20-2021-048
2220 Elm Tree Road, Part of Lot 4, Concession 2
Geographic Township of Fenelon

On October 7th, 2021, the above-referenced application was circulated. The application is requesting relief from Section 3.1.2.1 of the Township of Fenelon Zoning By-law 12-95 in order to construct a new Accessory Residential Unit (ARU) which is not part of the main building within the front yard of the subject lands. The property is adjacent to McLaren Creek, which traverses the western portion of the property. An Environmental Protection Exception One (EP-1) Zone category follows the Creek and the floodplain associated with the watercourse. The Creek is also designated Environmental Protection within the City of Kawartha Lakes Official Plan (2012).

On October 12th, upon conducting analysis associated with the preparation of the report, Planning Staff noticed discrepancies in the location of the Regulatory Floodplain from reviewing the Approximate Regulated Limit (ARL) mapping available to Planning Staff. When compared to detailed floodplain mapping prepared by Kawartha Conservation as part of the McLaren's Creek Flood Plain Mapping Study (April 2021), the extent of the flood hazard depicted in the Study was more extensive with both the location of the driveway and (potentially) the location of the ARU being within the hazard.

In addition to the recently adopted Zoning By-law Amendments authorizing ARUs within the City of Kawartha Lakes (By-law 2021-160), which prohibit the location of ARUs within floodplains, Section 3.18.1.1 of the Township of Fenelon Zoning By-law requires an additional 15-metre setback from any class of Environmental Protection Zone, which includes the EP-1 Zone. Without a Topographic Survey of the area illustrating the precise elevation and location of the Regulatory Flood Elevation, the location of the ARU may have been within the flood hazard or the proposal would have required additional relief from Section 3.18.1.1 of the Zoning By-law requiring the application to be re-advertised and recirculated accordingly.

Through receipt of comments from Kawartha Conservation and subsequent conversations with its staff members, Planning Staff determined that in lieu of the provision of elevation measurements, revisions to the existing site plan by relocating the ARU further to the east and utilizing the existing driveway running parallel to and outside of the flood elevation would result in the development being entirely outside of lands Regulated by Kawartha Conservation and in-conformity with Section 3.18.1.1 of the Zoning By-law. The information was promptly conveyed to the applicant, who has agreed to revise the proposal based on the aforementioned requirements;

however, once the revisions to the proposal were made and resubmitted, the deadline had passed for the subsequent review and submission of the report.

As the application has been advertised, Planning staff recommend the application be deferred to no later than the November 25th 2021 meeting. As the revisions are minor, risk is mitigated and no additional reliefs are required, the application does not require re-advertisement and the application may be brought back to the Committee ahead of that time.

Planning staff is requesting the Committee consider deferring the application for a period of not more than two (2) months, returning at the latest to the November 25th, 2021 meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kent Stainton', written in a cursive style.

Kent Stainton, Planner II

cc: Colleen Riches - Applicant
Mark LaHay, Acting Secretary-Treasurer for the Committee of Adjustment
Leah Barrie, Acting Manager of Planning
Charlotte Crockford, Administrative Assistant

4.1.3 COA2021-069

Kent Stainton, Planner II
File Number: D20-2021-049
Location: 855 Post Road
Part of Easterly Half of Lot 14, Concession 8
Geographic Township of Ops, Ward 7
Owner: James Callaghan
Applicant: Doug Carroll - D.C. Planning Services

Mr. Stainton summarized Report COA2021-069, to request relief to reduce the minimum lot frontage requirement from 38 meters to 13 metres in order to fulfill a condition of provisional Consent associated with a surplus farm dwelling severance and farm consolidation as part of Consent File D03-2020-012.

Mr. Stainton noted an error in the report, under Background, page 2, first paragraph, should read "The resultant severed lands are approximately...." and not "The resultant retained lands..."

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

The Committee questioned staff as the consent staff recommendation letter referred to Condition 1, Surveyors' sketch dated March 23, 2021 and a second survey in Appendix C is dated August 19, 2021. Staff identified discrepancies through the consent application, which resulted in a refinement of the lot boundary to the flag configuration it is today and to achieve separation from a metal clad building to the west of the subject lands. The Committee stated that the consent refers to one survey and asked if the applicant is going to use a different survey. Staff replied no, the Reference Plan had to be prepared and submitted to the Secretary Treasurer. The first staff recommendation was revised to reflect the R-Plan provided. The Committee questioned staff as to why a flag configuration was proposed and not a rectangle. Staff explained it was to conserve as much agricultural land as possible and be less than 1 hectare in size.

The Committee finished by noting the red clad building and asked if it had to be removed or demolished. Staff responded that it was decommissioned and that there was a condition imposed through the provisional consent to have the barn demolished and that proof has been provided by the applicant.

Mr. Carroll of DC Planning Services was present via electronic participation and spoke to the Committee and was available for questions.

No further questions from the Committee or other persons.

CA2021-101

Moved By S. Strangway

Seconded By Councillor Yeo

That minor variance application D20-2021-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Condition:

1. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-012, lapses.

This approval pertains to the application as described in report COA2021-069. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.4 COA2021-070

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-058

Location: Vacant Lot, Sunset View Road and Shadow Lake Road #4

Part Lot 68 Front Range

Geographic Township of Somerville, Ward 1

Owner: Darrell Marsh - 1703579 Ontario Inc.

Applicant: Doug Carroll - D.C. Planning Services Inc.

Mr. Harding summarized Report COA2021-070 to request relief from the frontage and access provisions in order to permit the construction of a dwelling and related buildings and structures.

Since the writing of the report, public comments were received from:

David Cassels of 45 Sunset View Road
Dimitry Bandura of 36 Sunset View Road
Richard Radu and Debra Sandomirsky of 10 Sunset View Road
Debra Renkema of 42 Sunset View Road
Julio Henrique of 40 Sunset View Road

The main points of concern are grouped into:

1. Tree clearing and other environmental impacts of construction.
2. Studies needed to build on the property.
3. Uses permitted within the Rural General (RG) Zone.
4. Driveway placement

Mr. Harding identified that the full comments are in Committee's amended agenda package and offered the following in response to each point:

Point 1. The City does not have a tree by-law.

Point 2. There is no environmental study required on land which is zoned for development. The property is also outside of the regulated area of Kawartha Region Conservation Authority. There are no features of environmental significance being reported in the City's Natural Heritage Features mapping.

Point 3. The RG Zone is the former Town of Somerville's version of what other township bylaws have as an agricultural zone. The RG Zone does not offer environmental protection.

Point 4. Driveway placement is not part of this application. Driveway entrances off private roads do not require municipal approval.

Staff reiterated to Committee that the principle of development has already been established through the current zoning in place on this parcel.

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

The Committee asked staff if rezoning the property was an option. Staff replied it is an option. However, in this case because a portion of the parcel is zoned LSR (Limited Service Residential), a minor variance application is the first avenue to be examined. If the entire parcel was zoned RG (Rural General), it may be a different conversation.

The applicant, Doug Carroll of DC Planning Services Inc., was present via electronic participation and agreed with Mr. Harding's report.

The owner, Mr. Darrell Marsh was also present via electronic participation and was available for questions.

In opposition to the application, Ms. Renkema of 42 Sunset View Road was present via electronic participation. Ms. Renkema noted there was a member of the Committee with the same surname as the owner and asked if there was any conflict of interest. Member Marsh replied that he was not aware of any relation.

Ms. Renkema asked for clarification as to Mr. Carroll's involvement. The Chair responded that Mr. Carroll is a professional planner hired by clients to represent them as it relates to applications.

Mr. Renkema spoke to her submission which was previously circulated to the Committee members for review, relating to by-laws, natural heritage, single detached dwelling verses seasonal dwelling use, and various other concerns.

The Chair asked if staff wish to respond to comments made.

Staff replied that the points of concern were covered in the presentation. Staff also noted the driveway placement is not part of this application. If the owner, Mr. Marsh, wanted to install a driveway into the parcel without a building, he could do so. The driveway construction is independent of the Committees' approval. There is no tree by-law and no zoning in place which would prevent the clearing of trees. The property has LSR zoning in the front portion and RG zoning in the back parcel. If Mr. Marsh wished to clear cut and bulldoze the entire back portion of this property tomorrow, he is within his rights to do so.

The Committee asked staff to clarify the RG Zone and LSR Zone differences in their approach to permitting seasonal and permanent dwelling use. The RG Zone permits a year round residential dwelling. LSR zone permits year round residential use or seasonal residential use.

The Committee finished by asking if a condition should be added to address any damage construction vehicles may make to the private road. Staff responded that as this is a private road, maintenance would be a civil matter. The City cannot impose a condition in this case.

The Chair thanked Ms. Renkema for her comments which were duly noted.

No further questions from the Committee or other persons.

CA2021-102

Moved By Councillor Yeo

Seconded By D. Marsh

That minor variance application D20-2021-058 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 COA2021-070, 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 COA2021-070. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

The Chair called for a break at approximately 3:05pm. The meeting resumed at approximately 3:11pm.

4.1.5 COA2021-071

Kent Stainton, Planner II

File Number: D20-2021-059

Location: 93 Paradise Road

Part of North Part of Lot 11, North of Portage Road

Geographic Township of Eldon, Ward 1

Owners: Brandon Hack and Lauren Downie

Applicant: Yaso Somalingam - Cantam Group Ltd.

Mr. Stainton summarized Report COA2021-71, to request relief to reduce the minimum interior side yard setbacks from 3 metres on one side and 2.2 metres on the other side to 2.51 metres and 1.27 metres on the other side. The relief is required to facilitate the construction of a second-storey addition to a vacation dwelling.

Staff brought to the attention of the Committee that it was important to note that the map shown in the presentation on Appendix A should include the back lot on the south side of Paradise Road, however it will be shown in the following slide and in Appendix B.

Public comments were received after the writing of the report in opposition to the application from Gary Hanna, Co-Trustee of the Estate of Gwen Hanna, and registered owner of 95 Paradise Road. Staff had discussions with Jennifer Hanna, Gary's wife before the meeting and clarified the proposal and, in turn, Ms. Hanna no longer had concerns.

Staff acknowledges the application meets the four tests of the minor variance. Staff respectfully recommends the application be granted approval subject to the conditions identified in the report.

The applicant, Yaso Somalingam of Cantam Group Ltd. spoke to the Committee and confirmed that there would be no impact to the neighbour's property and that they are building on the existing structure.

There were no questions from the Committee or other persons.

CA2021-103

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2021-059 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 drawings in Appendix D submitted as part of

Report COA2021-071, 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 COA2021-071. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.6 COA2021-072

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-060
 92 Alcorn Drive
 Lot 72, Plan 57M-802
 Former Town of Lindsay, Ward 5
 Owner: Kelly Novis
 Applicant: Mark Wilson - MVW Construction

Mr. Harding summarized Report COA2021-072, to request relief to reduce the minimum rear yard setback from 7.5 metres to 3.4 metres in order to construct an uncovered deck with stairs.

Staff acknowledges the application meets the four tests of the minor variance. Staff respectfully recommends that the application be approved subject to the conditions identified in the report.

The Committee noted to staff that they have previously heard applications for Alcorn Drive to request permission to construct decks in the rear yard and it appears all the houses will have to apply for a variance. Committee asked if there had been any discussions to avoid each property owner coming to Committee of Adjustment.

Staff replied that they are not aware of any discussions. The best approach would have been for the developer to file a zoning by-law amendment as has

been done in other areas of this subdivision. Staff deferred the question to Ms. Barrie, Acting Manager of Planning. Ms. Barrie acknowledged that an option is for Planning staff to initiate a by-law amendment due to the number of lots. However depending on the resources available to work on the zoning amendment, it is in the best interest of the owners to pursue a minor variance as it would move more efficiently than on a broader scale.

The applicant, Steve Curtis of MVW Construction was present via electronic participation and available for questions.

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

CA2021-104

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2021-060 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 elevation in Appendix D submitted as part of Report COA2021-072, 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 COA2021-072. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.7 COA2021-073

Kent Stainton, Planner II
 File Number: D20-2021-061
 Location: 233 Long Beach Road
 Part Lot 7, Concession 7

Geographic Township of Fenelon, Ward 3
Owners: John and Tonia Mason

Mr. Stainton summarized Report COA2021-073, to request relief to permit the construction of a detached garage which is not part of the main building within the front yard.

Staff drew attention to the site plan of the property pointing out the location of the septic bed north east of the dwelling and noted to the west of the dwelling is an underground cistern associated with the well, which prevents the garage being located beside or attached to the dwelling.

Staff made the Committee aware of a garden shed located north west of the dwelling. The report provided did not include a condition regarding the relocation of the garden shed as is typically recommended within the property to comply with the zoning by-law. Staff recommended to Committee that a condition be added in order to address any non compliant issues presented by the garden shed and would be happy to craft a condition at the end of the presentation. Staff continued with presentation.

Staff acknowledges the application meets the four tests of the minor variance. Staff respectfully recommends that the application be approved subject to the conditions identified in the report.

The Committee was curious as to the size of the shed and how far back it was required to be moved. Staff replied it is less than 100 square feet and a building permit was not required; however, the shed is still considered as a structure in accordance with the zoning by-law and is required to comply with the interior side yard setbacks of the Agricultural zone which is a 9 metre setback. It has to be moved or relocated 9 metres from both property lines to the west and north of which the applicant has agreed.

The Committee asked if it was in the Committees' jurisdiction to leave it where it is as it is in a practical place. Staff responded by saying they would not be doing their job by overlooking this matter, unless the relief was sought through the application and the relief was properly advertised and circulated.

The applicant, Mr. Mason was present via electronic participation and was available for questions.

The Committee deferred to Staff for the suggested additional condition. Staff added Condition 3, referring to the relocation of the garden shed. Previous Condition 3 now becomes Condition 4.

The Committee motioned to approve the application as amended by staff.

No further questions from the Committee or other persons.

CA2021-105

Moved By Councillor Yeo

Seconded By D. Marsh

That minor variance application D20-2021-061 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 Appendix D submitted as part of Report COA2021-073, which shall be attached to and form part of the Committee's Decision;
2. **That** notwithstanding the definition of front yard, the granting of the variance will not be interpreted to permit the placement of any other structure or accessory building between the front wall of the dwelling and the front lot line;
3. **That** within twenty-four (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 COA2021-073 as 'Garden Shed' has been relocated to comply with the applicable development standards for the property, and;
4. **That** the building construction related to the minor variance for the detached garage shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which the variance pertaining to the detached garage 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 COA2021-073. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried**4.1.8 COA2021-074**

David Harding, Planner II
File Number: D20-2021-062
Location: Lot 3, Elm Street
Lot 3, Plan 109
Former Village of Omemee, Ward 6
Owner: Jeremy Kraemer - Waxwing Properties Ltd.
Applicant: Ashlyn Kennedy - EcoVue Consulting Services

Mr. Harding noted to the Committee that he will cover both applications D20-2021-062 and 063 in the same presentation, putting more emphasis on the first presentation and keeping the second presentation brief as the reports are nearly identical. The Committee will still review each application separately.

Mr. Harding summarized Report COA2021-074, to request relief to reduce the minimum lot area from 830 square metres to 736.7 square metres in order to construct a single detached dwelling, showing Lot 3 on the western side which pertains to this application and Lot 4 on the eastern side on Appendix A of the presentation.

Since the writing of the report, public comments in opposition to the application were received from:

Michelle Bonnetta of 35 George Street North, Omemee
Nick Lasch of 11 Victoria Street, Omemee
John and Glenna Murray of 30 George Street North, Omemee

Staff referred to the full comments in Committee's amended agenda package. Staff summarized the concern as being able to have a private sewage system whereas the objectors were required to connect to the municipal sewer system.

Staff stated that the Engineering Division has issued an exemption to the connection by-law for the two lots based on the high cost to extend the sewer line to service the two properties.

Staff respectfully recommends approval of the application subject to the conditions identified in the report.

The Committee noted the report made reference to the minimum lot area provision for private services and asked what it meant. Staff replied most of the City's by-laws require a lot to be of a certain area of frontage to permit development. Lots that do not meet the criteria are to be evaluated by variance. In the case of Omemee, the minimum lot size depends on how the lot is serviced. If there is access to municipal services, the lot can be smaller. For private services, the lot has to be larger. The applicant is seeking relief from a larger lot size provision because they cannot meet the 830 square metre requirement that the provisions identifies.

The Committee questioned whether lots were being created. Staff replied that the lots have existed since 1896, and have remained vacant.

The Committee questioned staff as to the location of the sewer. Staff stated the Sanitary Services runs along Sturgeon Road North and also travels up George Street North, terminating somewhere in-front of 35 George Street according to the mapping system. Staff clarified that the Engineering Division would have more detailed information about where the sewer lines are.

It was the understanding of the Chair who noted back when he sat on Council that large amounts of municipal monies were spent there. When municipal services were available in front of properties the City would require owners to connect. Member Yeo confirmed that the City does enforce the mandatory connection by-law. It states if services run in front of your property you must connect. The services do not run in front of these two lots. The owner would have to go a minimum of 170 feet to get to the nearest connection which would be very costly.

The Committee asked if the Waterloo Biofilter System was an upgrade from the traditional septic system. Ms. Murchison, Chief Building Official explained the Waterloo System.

The applicant, Ashlyn Kennedy of EcoVue Consulting Services Inc. was present via electronic participation and agreed with Mr. Harding's report except for Condition 2. She felt that 24 months to complete the building construction was unreasonable and suggested 36 months.

In opposition to the application, Mr. Murray of 30 George Street North was present via electronic participation. He stated that he represented all three

objectors that had filed letters. He stated his concerns and asked why the applicants were exempt from hooking up to services whereas the other neighbours did not have a choice.

The Committee referenced Mr. Murray's suggestion and asked what analysis had taken place to grant the exemption.

Staff responded by saying that the exempt request was granted before the application was submitted to the Planning Division. Staff stated they could only offer speculation. Staff speculated that in order for Engineering to grant an exemption the applicant would have had to submit preliminary designs and criteria to make a financial case. Staff referred the more detailed financial questions to the applicant. Ms. Kennedy stated that she was retained after the exemption had been granted and did not have any financials available.

The Committee motioned to approve the application as amended.

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

CA2021-106

Moved By Councillor Yeo

Seconded By D. Marsh

That minor variance application D20-2021-062 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 COA2021-074, 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 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 COA2021-074. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Member Yeo left the meeting at 4:14pm

4.1.9 COA2021-075

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-063

Location: Lot 4, Elm Street

Lot 4, Plan 109

Former Village of Omemee, Ward 6

Owner: Jeremy Kraemer - Waxwing Properties Ltd.

Applicant: Ashlyn Kennedy - EcoVue Consulting Services Inc.

Mr. Harding summarized Report COA2021-075, to request relief to reduce the minimum lot area from 830 square meters to 810.5 square metres in order to construct a single detached dwelling. He noted that Lot 4 is slightly larger than Lot 3.

Staff respectfully recommends approval of the application subject to the conditions identified in the report as amended by staff.

Member Marsh stated although he does not support the rationale, we have asked all the right questions and there appears to be no alternative. Member Marsh thanked the planners and staff.

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

CA2021-107

Moved By D. Marsh

Seconded By B. Archer

That minor variance application D20-2021-063 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 COA2021-075, 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 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 COA2021-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.2 Consents

5. **Other Business**

The Committee brought up an issue with garden sheds of up to 100 square feet and asked what the justification was to request owners to remove or relocate them. Ms. Barrie, Manager of Planning spoke to the Planning Act regulating land, buildings and structures. Ms. Barrie also noted at such times when looking at the zoning by-law in the future, to review the "definitions" of structures.

The Committee inquired about the Reconciliation Education Course and if and when work space would be provided. It was left with Ms. Barrie to respond.

The Chair asked members if they would like to continue with electronic signatures. Members were in agreement to continue.

The Chair finished the meeting by saying he will be attending the November 4th meeting.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, November 4th at 1:00pm. in Council Chambers, City Hall.

8. Adjournment

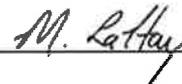
CA2021-108

Moved By B. Archer

Seconded By S. Richardson

That the meeting be adjourned at 4:28pm.

Carried



Mark LaHay, Acting Secretary-Treasurer