

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

COA2021-011
Thursday, November 4, 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

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. **Call to Order**

Chair Robertson called the meeting to order at 1:02pm.

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

Staff, 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 and S. Murchison, Chief Building Official were in attendance via electronic participation.

Absent: Councillor Yeo.

2. **Administrative Business**

2.1 Adoption of Agenda

November 4, 2021

Committee of Adjustment Agenda

CA2021-109

Moved By D. Marsh

Seconded By S. Richardson

That the agenda for November 4, 2021 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

October 21, 2021

Committee of Adjustment Minutes

CA2021-110

Moved By B. Archer

Seconded By S. Strangway

That the minutes of the previous meeting held October 21, 2021 be adopted as printed.

Carried**3. Deferred Applications**

3.1 Minor Variances

3.1.1 COA2021-068

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 summarized Report COA2021-068, to request relief in order to construct an accessory building (Additional Residential Unit) which is not part of the main building within the front yard.

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 had the following questions for staff:

- 1) Can an ARU be severed from the property.
- 2) Possibility of the new dwelling having a separate entrance off Elm Tree Road or use existing entrance.
- 3) Are there restrictions as to who can use the ARU's.

Staff responded by stating that specific provisions were included within the Official Plan Amendment adopted by the City which state that accessory structures or buildings cannot be severed from lands containing a primary residential unit.

It is possible to install a new entrance to the ARU, however it was identified through review of the application and in turn the applicant agreed to use the

existing entrance. If in the future they wish to install a separate entrance, a permit from the Kawartha Region Conservation Authority as well as the Roads Division is required.

Staff finished by saying that there are no restrictions in terms of who can be the inhabitant of an additional or accessory residential unit.

The owner, Mr. Riches was present via electronic participation and available for questions.

No further questions from the Committee or other persons.

CA2021-111

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2021-048 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 sketch in Appendix D submitted as part of Report COA2021-068, 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 COA2021-068. 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 COA2021-077

Kent Stainton, Planner II

File Number: D20-2021-064

Location: 125 McKelvey Road

Lot 12, Plan 276, Part Lot 15, Concession North of Portage Road

Geographic Township of Eldon, Ward 1

Owners: Daniel and Heather Bourgeois

Applicant: Joe McCool - Keji Planners and Builders

Mr. Stainton summarized Report COA2021-077, to request relief to increase the maximum allowable size for a one-storey private (detached) garage on a property with a shore lot line from 56 square metres to 66.89 square metres.

Staff noted an error on page 3 of the report, third paragraph, last sentence. It reads, "Moreover, there is no uniform established building line for the front yards along North Taylor Road....". It should now read, "Moreover, there is no uniform established building line for the front yards along McKelvey Road....".

Staff noted that a condition was not included in the report for a Deeming By-law and recommends the applicant pursue a Deeming By-law since the lot is part of a plan of subdivision, being Plan 276. A Deeming by-law is required as it needs to be deemed no longer a part of a plan of subdivision in order for the abutting water side parcel to merge into a whole parcel.

Agency comments were received after the writing of the report from the Chief Building Official of Building and Septic Division stating no concerns.

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 asked staff for clarification if the Building and Septic Division was the same as Engineering and Corporate Assets Division. Staff confirmed they are entirely different. Building and Septic Division deal with Building Code and Part 8 Sewage Systems and Engineering and Corporate Assets Division deal with Capital Assets as well as development engineering which relates to infrastructure, sewers, storm water management, grading, etc.

The owner, Mr. Bourgeois and the applicant, Mr. McCool were present via electronic participation for questions.

Staff read the additional condition to the Committee, being Condition 2 “That the owner shall apply for a Deeming By-law for Lot 12 of Plan 276, and the by-law be in effect”. Previous Condition 2 now becomes Condition 3. Previous Condition 3 now becomes Condition 4.

No further questions from the Committee or other persons.

CA2021-112

Moved By D. Marsh

Seconded By S. Strangway

That minor variance application D20-2021-064 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 sketches in Appendix D submitted as part of Report COA2021-077, which shall be attached to and form part of the Committee’s Decision;
2. **That** the owner shall apply for a deeming by-law for Lot 12 of Plan 276, and the by-law be in effect;
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 COA2021-077 as ‘Shed to be Removed’ has been removed;
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 COA2021-077. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.2 COA2021-078

Kent Stainton, Planner II
File Number: D20-2021-065
Location: 143 Albert Street North
Lot 8, Plan 548
Former Town of Lindsay, Ward 5
Owners: Blake Wilson and Ashleigh Sackett

Mr. Stainton summarized Report COA2021-078, to request relief to reduce the minimum front yard setback from 7.5 metres to 4.45 metres in order to permit an addition to an existing single detached dwelling.

Agency comments received since the writing of the report from the Chief Building Official of the Building and Septic Division stated no 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 within the report.

Owners, Ms. Sackett and Mr. Wilson were present via electronic participation and thanked staff and the Committee.

There were no questions from the Committee or other persons.

CA2021-113

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2021-065 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 COA2021-078, 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 COA2021-078. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.2 Consents

5. Other Business

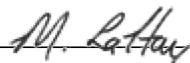
Ms. Barrie, Acting Manager of Planning spoke to the Committee regarding the upcoming Reconciliation Education Course. The City acknowledges to ensure all needs are accommodated to the Members who cannot take part remotely. A deferral to extend the deadline of December 31st is an option until such time to facilitate supports at the City. Members who had completed the course noted it took 8-10 hours to complete. Ms. Barrie acknowledged comments and would follow up at the November 25th meeting.

The Chair noted that he may not be attending the November 25th meeting and asked Vice Chair Marsh to be available.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, November 25th at 1:00pm in Council Chambers, City Hall.

8. Adjournment**CA2021-114****Moved By** D. Marsh**Seconded By** S. Richardson**That** the meeting be adjourned at 1:56pm.**Carried**

Mark LaHay, Acting Secretary-Treasurer