

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2021-012
Thursday, November 25, 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
Janice Robinson
Stephen Strangway

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1. **Call to Order**

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

Chair Robertson and Members D. Marsh, S. Richardson, B. Archer, S. Strangway and J. Robinson 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, D. Harding, Planner II and S. Murchison, Chief Building Official were in attendance via electronic participation.

Absent: Councillor Yeo.

The Chair introduced Ms. Robinson, the new member of the Committee, Ms. Robinson spoke to the Committee and Staff.

2. **Administrative Business**

2.1 Adoption of Agenda

November 25, 2021

Committee of Adjustment Agenda

CA2021-115

Moved By D. Marsh

Seconded By S. Richardson

That the agenda for November 25, 2021 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

November 4, 2021

Committee of Adjustment Minutes

CA2021-116

Moved By B. Archer

Seconded By S. Strangway

That the minutes of the previous meeting held November 4, 2021 be adopted as printed.

Carried

3. Deferred Applications

3.1 Minor Variances

3.1.1 COA2021-038

Kent Stainton, Planner II
 File Number: D20-2021-029
 Location: Vacant Lands
 Part of Lots 16 and 17, Concession 10
 Geographic Township of Somerville, Ward 2
 Owner: Steven Harjula

Member Marsh motioned to defer application D20-2021-029 until such time that the City has completed its review of the corporate procedures for obtaining access to private lots by means of unassumed public right-of-ways and that staff are able to provide a copy of any Development Agreement imposed as part of the application.

Mr. Harjula did not have an issue with the deferral.

CA2021-117

Moved By D. Marsh

Seconded By S. Strangway

That Minor Variance Application D20-2021-029 be deferred for a period of not more that seven (7) months, returning at the latest to the June 16, 2022 meeting.

The deferral is until such time to ensure the Committee of Adjustment has the benefit of the outcome of the review in its decision-making as it pertains to this application. Should a resolution to the process arise before that time, the application may be brought back to the Committee ahead of that time.

Carried

3.2 Consents

4. New Applications

4.1 Minor Variances

4.1.1 COA2021-079

Kent Stainton, Planner II
 File Number: D20-2021-066
 Location: 31 Westview Drive
 Part Lot 17, Concession 8
 Geographic Township of Emily, Ward 8
 Owner: Aaron Thompson
 Applicant: Holly Richards-Conley

Mr. Stainton summarized Report COA2021-079, to request relief in order to permit the construction of a single detached dwelling and attached deck. Mr. Stainton noted an error on page 1 of the report. The name of the street should read Westview Drive not Westview Street.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison of the Building and Septic Division, noting a building permit is required for the proposed construction and Kawartha Region Conservation Authority stating no concerns with the proposal.

Staff stated that the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The applicant, Ms. Richards-Conley of Blackpoint Services was present and available for questions.

There were no questions from the Committee or other persons.

CA2021-118

Moved By S. Strangway

Seconded By D. Marsh

That minor variance application D20-2021-066 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 COA2021-079, 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 COA2021-079. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.2 COA2021-080

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-067
 Location: 552 Fleetwood Road
 Part Lot 10, Concession 11
 Geographic Township of Manvers, Ward 8
 Owners: Wesley Langmaid and Amy-Sue Ironside

Mr. Harding summarized Report COA2021-080, to request relief from the maximum height, minimum front yard setback, and O1 Zone setback provisions to permit an addition to a detached garage.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison of the Building and Septic Division, stating the completion of a building permit application BP2020-0794 is required for the proposed construction of the addition to the detached garage.

Public comments were received from Ms. Flintoff and Mr. Hudson of 530 Fleetwood Road outlining some concerns after the report was written. Staff stated that the concerns did not alter the staff recommendation.

Staff stated that the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The applicant, Mr. Langmaid, was present and spoke to the Committee regarding the rear garage door. He stated that the door would allow recreational vehicle access, and that he was agreeable to removing the garage door if the Committee required it to be removed.

There were no questions from the Committee or other persons.

CA2021-119

Moved By D. Marsh

Seconded By S. Richardson

That minor variance application D20-2021-067 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 elevations in Appendix D submitted as part of Report COA2021-080, 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 COA2021-080. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.3 COA2021-081

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-068

Location: 1405 Killarney Bay Road

Part Lot 26, Concession 4

Geographic Township of Fenelon, Ward 3

Owners: Rebecca and Ryan D'Silva

Applicant: Ryan D'Silva

Mr. Harding summarized Report COA2021-081, to request relief from water setback, EP Zone setback, exterior side yard, interior side yard, and spatial separation between the dwelling and an accessory building in order to permit the construction of a semi-detached boathouse, detached garage and shed.

Mr. Harding noted an error on page 2 of the report within Condition 1. Where it reads "...elevations in Appendix B", it should read "Appendix D".

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison, Building and Septic Division stating building permits are required for the proposed construction of the boathouse and detached garage; completion of outstanding building permit BPH2011-0011 for the construction relating to repairs to the dwelling is required.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report as amended by staff.

The Committee asked whether Parks Canada - Trent Severn Waterway (TSW) was aware of and willing to approve a semi-detached boathouse design.

Staff responded that TSW was aware of the proposal to replace the old semi-detached boathouse with a new one and had verbally advised that they did not have concerns with the proposal provided the Committee granted the application.

The Committee also asked if a condition could be tied to the variance approvals in order to resolve the outstanding building permits.

Mr. Harding responded that he did not believe this was possible. Ms. Murchison responded that the Ontario Building Code does not require one permit to be closed to issue another.

The applicant, Mr. D'Silva was present and thanked staff and the Committee. Mr. D'Silva stated he was unaware of the outstanding permit and would make a point of closing it.

The Committee asked Mr. D'Silva if he was agreeable to staff's recommendation to increase the detached garage's interior side yard setback.

Mr. D'Silva responded that he was agreeable to the change should Committee grant it.

No further questions from the Committee or other persons.

CA2021-120**Moved By** J. Robinson**Seconded By** S. Strangway

That relief 4 of minor variance application D20-2021-068 be DENIED as applied for, as the application is not minor in nature, not desirable and appropriate for the use of the land, and does not meet the general intent and purpose of the zoning by-law tests as set out in Section 45(1) of the Planning Act.

That an increased side yard setback of 1.0 metre for relief 4 be GRANTED, as the application does meet the tests set out in Section 45(1) of the Planning Act.

That reliefs 1-3, and 5-7 of minor variance application D20-2021-068 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 as amended by the Committee's Decision as applicable, elevations in Appendix D submitted as part of Report COA2021-081, which shall be attached to and form part of the Committee's Decision; and
2. **That** prior to the issuance of a building permit for the detached garage, the owner shall confirm to the satisfaction of the Building and Septic Division that the existing building identified as garage on Appendix B to Report COA2021-081 has been demolished.
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 COA2021-081. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-069
 Location: 1415 Killarney Bay Road
 Part Lot 26, Concession 4
 Geographic Township of Fenelon, Ward 3
 Owners: Maurizio and Maria Polera

Mr. Harding briefly summarized Report COA2021-082, to request relief in order to construct a semi-detached boathouse as it relates to the previous Report COA2021-081. Relief is sought from the maximum lot coverage, interior side and rear yard setbacks.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison, Building and Septic Division, stating a building permit is required for the proposed construction of the boathouse; completion of outstanding building permit BPH2006-0848 for the construction relating to repairs to the dwelling is required.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

There were no questions from the Committee or other persons.

CA2021-121

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2021-069 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 elevations in Appendix D submitted as part of Report COA2021-082, 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 COA2021-082. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.5 COA2021-083

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-070
 Location: 65 Wellington Street
 Part of Lots 15 and 16, Town Plan
 Former Town of Lindsay, Ward 5
 Owner: Paul Cosburn

Mr. Harding summarized Report COA2021-083, to request relief from the front and interior side yard setbacks in order to permit the construction of a detached garage.

Since the writing of the report, commentary was received from the Chief Building Official, Ms. Murchison, Building and Septic Division noting a building permit is required for the proposed construction of the detached garage.

Since the writing of the report, public comments in support of the application were received from Mr. Kraemer and Ms. King of 66 Wellington Street.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

There were no questions from the Committee of other persons.

CA2021-122

Moved By S. Richardson

Seconded By J. Robinson

That minor variance application D20-2021-070 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 elevations in Appendix D submitted as part of Report COA2021-083, 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 COA2021-083. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.6 COA2021-084

David Harding, Planner II, RPP, MCIP
 File Number: D20-2021-072
 Location: 2 Newry Road
 Part Lot 1, Concession 8
 Geographic Township of Manvers, Ward 8
 Owner: Ely Silva-Neto
 Applicant: Nikole McCulloch

Mr. Harding summarized Report COA2021-084, to request relief from the front yard setback in order to permit a covered porch with stairs.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison, Building and Septic Division, noting completion of building permit applications BP2020-0842 and BP2020-0846 is required for the proposed construction of the addition to the dwelling and relocated garage respectively; this application is the subject of a building code enforcement file.

Since the writing of the report, Kawartha Region Conservation Authority commented that it had no concerns with the proposal and stated that a permit

has been issued by their office.

Staff stated the application meets the four tests of the minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Chair made a request to the Chief Building Official to go through the process taken when construction has taken place without a building permit. Ms. Murchison responded.

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

CA2021-123

Moved By S. Richardson

Seconded By D. Marsh

That minor variance application D20-2021-072 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 COA2021-084, 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 six (6) 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 COA2021-084. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.7 COA2021-085

Kent Stainton, Planner II

File Number: D20-2021-073

Location: 205 Snug Harbour Road

Part Lot 4, Concession 8 being Lot 6, Plan 129
 Geographic Township of Fenelon, Ward 6
 Owners: Gregory Earle and Sheila Beach

Mr. Stainton summarized Report COA2021-085, to request relief in order to recognize the location of an existing single detached dwelling and to permit the construction of a new attached deck.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison, Building and Septic Division, noting the completion of building permit application BP2021-0373 is required for the proposed construction of the deck.

Public comments were received in support of the application from Mr. and Mrs. Heaslip of 201 Snug Harbour Road and Mr. and Mrs. Harlos of 207 Snug Harbour Road.

Staff stated that the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

There were no questions from the Committee or other persons.

CA2021-124

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2021-073 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 COA2021-085, 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 COA2021-085. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.1.8 COA2021-086

Kent Stainton, Planner II
 File Number: D20-2021-074
 Location: 358 Drum Road
 Part Lot 6, Concession 2, Part 1, RP 9R2697
 Geographic Township of Manvers, Ward 8
 Owner: Jennifer and Bryant Trowsse
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Stainton summarized Report COA2021-086, to request relief to increase the maximum allowable height for accessory buildings or structures in a residential zone or to a residential use from 5 metres to 6.4 metres.

Commentary was received after the writing of the report from the Chief Building Official, Ms. Murchison, Building and Septic Division, stating a building permit is required for the proposed construction of the detached garage.

Staff stated the application meets the four tests of the minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The applicant, Mr. deBoer of TD Consulting Inc. was present and spoke to the Committee.

There were no questions from the Committee or other persons.

CA2021-125

Moved By S. Strangway

Seconded By J. Robinson

That minor variance application D20-2021-074 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 COA2021-086, 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 COA2021-086. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.2 Consents

5. Other Business

- Memorandum, Appointments - Secretary Treasurer and Acting Secretary Treasurer, Committee of Adjustment.
- Committee of Adjustment meeting dates for 2022.

Ms. Barrie, Acting Manager of Planning spoke to the meeting dates for 2022.

CA2021-0126

Moved By D. Marsh

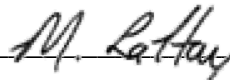
Seconded By S. Richardson

That Mr. LaHay be appointed as Secretary Treasurer.

Carried

CA2021-127**Moved By** S. Richardson**Seconded By** S. Strangway**That** Ms. Rea be appointed as Acting Secretary Treasurer.**Carried****CA2021-128****Moved By** S. Strangway**Seconded By** J. Robinson**That** the Committee of Adjustment meeting dates for 2022 be approved.**Carried****6. Correspondence****7. Next Meeting**

The next meeting will be Thursday, January 20, 2022 at 1:00pm in Council Chambers, City Hall.

8. Adjournment**CA2021-128****Moved By** S. Richardson**Seconded By** S. Strangway**That** the meeting be adjourned at 2:48pm.**Carried**

Mark LaHay, Secretary-Treasurer