

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2022-001**  
**Thursday, January 20, 2022**  
**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**  
**Janice Robinson**

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## 1. **Call to Order**

Mr. LaHay, Secretary-Treasurer called the meeting to order at 1:00pm via electronic participation.

Councillor E. Yeo and Members D. Marsh, S. Richardson, B. Archer, S. Strangway and J. Robinson were in attendance via electronic participation.

L. Robertson and C. Crockford, Recording Secretary were in attendance in person.

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

Secretary-Treasurer, M. LaHay called for nominations for position of the Chair. As this is the first meeting of the year for Committee of Adjustment, the first order of business is to elect the Chair Person to conduct today's meeting and subsequent meetings for 2021. Nominations were requested.

Mr. Robertson was nominated. Mr. LaHay asked Mr. Robertson if he wished to let his name stand for Chair of Committee of Adjustment. He consented to the nomination.

Mr. LaHay called a second time for nominations for the position of Chair.

Mr. LaHay called a third and final time for nominations for the position of Chair.

Mr. LaHay declared nominations for the position of Chair for the Committee of Adjustment closed.

Mr. LaHay declared Mr. Robertson as Chair of the Committee of Adjustment.

Mr. Robertson assumed the position as Chair of the Committee of Adjustment.

Mr. Robertson called for nominations for the position of Vice-Chair.

Member D. Marsh was nominated. Chair Robertson asked Member D. Marsh if he wished to let his name stand for Vice-Chair of the Committee of Adjustment. Mr. Marsh consented to the nomination.

Chair Robertson called a second time for nominations for the position of Vice-Chair.

Chair Robertson called a third and final time for nominations for the position of Vice-Chair.

Chair Robertson declared nominations for the position of Vice-Chair for the Committee of Adjustment closed.

Chair Robertson declared Dave Marsh as Vice-Chair of the Committee of Adjustment.

## **2. Administrative Business**

### **2.1 Adoption of Agenda**

#### **2.1.1 COA2022-01.2.1.1**

January 20, 2022

Committee of Adjustment Agenda

**CA2022-003**

**Moved By** D. Marsh

**Seconded By** J. Robinson

**That** the agenda for January 20, 2022 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 COA2022-01.2.3.1.**

November 25, 2021

Committee of Adjustment Minutes

**CA2022-004**

**Moved By** B. Archer

**Seconded By** D. Marsh

**That** the minutes of the previous meeting held November 25, 2021 be adopted a printed.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 COA2022-002**

Kent Stainton, Planner II  
File Number: D20-2021-071  
Location: 145 Fells Point Road  
Part Lot 31, Concession 10  
Geographic Township of Fenelon  
Owners: Michael and Sheila Carey

Mr. Stainton summarized Report COA2022-002, to request relief in order to facilitate the construction of a replacement single detached dwelling and attached deck.

Agency comments were received after the writing of the report from Kawartha Region Conservation Authority, January 19, 2022 noting no concerns. Applicant must obtain a permit for any works not covered under Permit #2021-296.

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

The Committee questioned staff as to Criteria C; to propose the removal of platforms "labeled deck", as opposed to stating a requirement. Staff explained that the platform will have to be removed as a requirement from KRCA to allow for the shoreline works and that a condition is not required.

The applicant, Mr. Carey was present and agreed with staff's report. Mr. Carey noted that the deck will be removed once construction begins and weather permitting. Mr. Carey noted that the decking on the shoreline has been partially removed however waiting for the issuance of a permit before complete removal and replacing with vegetation. Staff clarified that the Carey's mentioned waiting for a shoreline permit, and they were in fact referring to issuance of permit from Parks Canada. A KRCA permit has already been issued.

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

**CA2022-005**

**Moved By** B. Archer

**Seconded By** D. Marsh

**That** minor variance application D20-2021-071 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 drawings in Appendix D submitted as part of Report COA2022-002, which shall be attached to and form part of the Committee's Decision;
2. **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 remaining building identified on Appendix D to Report COA2022-002 as 'frame shed' has been removed; and
3. **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2022-002. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.1.2 COA2022-003

Kent Stainton, Planner II

File Number: D20-2021-075

Location: 6 John Street

Part Lot 10, Concession 1, Lot 1 of Plan 57M781

Geographic Township of Manvers

Owner: 2396559 Ontario Ltd. c/o Harry Schillings

Mr. Stainton summarized Report COA2022-003, to request relief from Section 5.13 b) in order to permit six (6) overhead doors and a loading dock on the wall of a new industrial building facing a street (John Street). The Zoning By-Law does not permit a loading space or platform or loading door in any yard or wall of any building or structure which adjoins or faces a street.

Public concerns were received from Paul and Erica Andruss of 12 John Street, Pontypool, on January 19, 2022. Staff responded to their concerns. There were no further comments from the Andruss's.

Staff noted there were no concerns from MTO and the agency will continue to work with staff through review of the Site Plan approval.

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.

The applicant, Mr. Schillings and his daughter Ms. Ford were present via electronic participation.

In support of the application, neighbour James Carlyle was present via electronic participation.

There were no questions from the Committee or other persons.

#### **CA2022-006**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**That** minor variance application D20-2021-075 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 generally in accordance with the site plan sketch in Appendix C and with the elevations in Appendix D submitted as part of Report COA2022-003, which shall be attached to and form part of the Committee's Decision;

2. **That** the site plan agreement shall be registered 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 COA2022-003. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.3 COA2022-004

Kent Stainton, Planner II  
 File Number: D20-2021-076  
 Location: 527 Cottage Road  
 Part South Half of Lot 24, Concession A  
 Geographic Township of Mariposa  
 Owners: Jeremy Graham and Kailey Flindall

Mr. Stainton summarized Report COA2022-004, to request relief in order to facilitate the construction of a detached garage.

Staff noted a pre-screening application was submitted previously. A pre-screening meeting was held November 4, 2021. During the meeting the overall height of the proposed garage was discussed and reduced. It is important to note that the circulation of the advertisement identified additional reliefs from Section 8.2.1.4 and Section 8.2.1.8 of the Zoning By-law. Due to further analysis, it was determined those reliefs did not apply to the property as subject lands were created through Consent.

During the site visit staff identified a smaller shed not shown on the presentation. A condition is recommended to ensure the removal of the shed entirely from the property.

Since the writing of the report, agency comments were received from Kawartha Region Conservation Authority on January 19, 2022, citing no concerns.

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.

The applicant was not present.

There were no questions from the Committee or other persons.

**CA2022-007**

**Moved By** Councillor Yeo

**Seconded By** J. Robinson

**That** minor variance application D20-2021-076 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 drawing in Appendix D submitted as part of Report COA2022-004, which shall be attached to and form part of the Committee's Decision;
2. **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 COA2022-004 as 'Pool Shed' has been removed;
3. **That** the building construction related to the minor variances shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2022-004. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.1.4 COA2022-005

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-078

Location: 24 Royal Estate Drive

Lot 54, Plan M-731



Geographic Township of Manvers  
 Owners: Aaron Pudlis and Cheryl Green

Mr. Harding summarized Report COA2022-005, to request relief from Section 13.4.4 (d) to reduce the minimum side yard from 7.6 metres to 3.5 metres to permit an addition to the dwelling.

The applicant, Mr. Pudlis, was present via electronic participation.

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.

#### **CA2022-008**

**Moved By** B. Archer

**Seconded By** D. Marsh

**That** minor variance application D20-2021-078 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 COA2022-005, 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 COA2022-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

David Harding, Planner II, RPP, MCIP  
File Number: D20-2021-079  
Location: 69 Pinewood Crescent  
Lot 37, Plan M-715  
Geographic Township of Manvers  
Owners: Jeffrey and Christine Schaafsma  
Applicant: Jeffrey Schaafsma

Mr. Harding summarized Report COA2022-006, to request several reliefs in order to construct a detached garage.

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.

The Committee asked staff if a condition should be added to require the removal of the shed in the general location of the new garage. Staff replied while the owner has expressed a desire to remove the shed from the property as it will be made redundant due to the additional storage space in the garage, a condition is not required as there is not an accessory building coverage issue. If it is not removed it can be sited in another area of the property in compliance with the Zoning By-law.

The Committee also asked is the reduced setbacks allowed for the passage of larger items between the west and east yards. Staff responded that truly large items could come around the south side of the dwelling.

Additionally, the Committee asked if an attached garage would be more advantageous than a detached garage as the side yard is only 1.3 metres and asked if that was sufficient space for accessibility. Staff responded that relief would still be required.

The applicant, Mr. Schaafsma was present and spoke to the Committee via electronic participation. He stated that the natural gas line ran along the north side of the garage, and that moving it was not cost effective.

There were no questions from the Committee or other persons.

**CA2022-009**

**Moved By** S. Strangway

**Seconded By** J. Robinson

**That** minor variance application D20-2021-079 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 COA2022-006, 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 COA2022-006. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.6 COA2022-007

David Harding, Planner II, RPP, MCIP  
 File Number: D20-2021-080  
 Location: 4 Cadillac Blvd  
 Block A, Plan 450, less Part 1, 57R-893  
 Geographic Township of Emily  
 Owner: Ronald Russell

Mr. Harding summarized Report COA2022-007 to request relief to reduce the water setback in order to permit the construction of a second level to the dwelling along with a second level to the covered deck.

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.

The applicant, Mr. Russell was present and thanked staff and the Committee via electronic participation.

There were no questions from the Committee or other persons.

**CA2022-010**

**Moved By** D. Marsh

**Seconded By** B. Archer

**That** minor variance application D20-2021-080 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 COA2022-007, 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 COA2022-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

3.1.7 COA2022-008

David Harding, Planner II, RPP, MCIP

File Number: D20-2021-081

Location: 22 Forest Road

Part Lot 11, Concession 10, geographic Township of Fenelon

Part 4, 57R-7271, former Village of Sturgeon Point

Owners: Howard Gopsill and Antonja Mulder

Mr. Harding summarized Report COA2022-008, to seek various reliefs in order to construct a pool and recognize a shed.

Staff noted the owner originally applied for the shed to have the potential function as a cabin. Due to concerns from the Building and Septic Division with regard to

the existing sewage system capacity, the owner amended the application to remove the relief for a cabin use, proceeding to recognize the shed as a shed. If in the future they wish to use the shed as a cabin, a minor variance would be 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.

The Committee questioned Condition 2, and asked if 24 months for completion of construction was reasonable due to backlog with pool installations expressed by previous applicants. Staff replied that during discussions with the owner, the owner was confident the pool would be installed this year.

The Committee proposed a condition be added to prohibit habitation within the shed. Staff replied it is not necessary as the application proposes the shed to function as a shed/home office.

Ms. Barrie, Manager of Planning concurred with staff and supported the conditions as they stand.

Mr. Gopsill was present via electronic participation.

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

#### **CA2022-011**

**Moved By** S. Richardson

**Seconded By** J. Robinson

**That** minor variance application D20-2021-081 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 COA2022-008, 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 COA2022-008. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

3.2 Consents

**4. Deferred Applications**

4.1 Minor Variances

4.2 Consents

**5. Other Business**

Ms. Barrie spoke to the Committee regarding the reconciliation training and noted that the members who have yet to complete the training will be notified when the next training session will occur.

**6. Correspondence**

**7. Next Meeting**

The next meeting will be Thursday, February 17th at 1:00pm. In Council Chambers, City Hall.

**8. Adjournment**

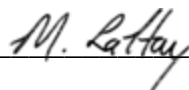
**COA2022-012**

**Moved By D. Marsh**

**Seconded By Councillor Yeo**

**That** the meeting be adjourned at 2:55pm

**Carried**



Mark LaHay, Secretary-Treasurer