

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

COA2022-004
Thursday, April 21, 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**

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

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

Member, S. Richardson was in attendance via electronic participation.

Staff, L. Barrie, Manager of Planning, M. LaHay, Secretary-Treasurer and D. Harding, Planner II were in attendance in person.

Staff, S. Murchison, Chief Building Official and C. Crockford, Recording Secretary were in attendance via electronic participation.

Absent: Councillor Yeo

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2022-004.2.1.1

April 21, 2022

Committee of Adjustment Agenda

CA2022-034

Moved By S. Strangway

Seconded By B. Archer

That the agenda for April 21, 2022 meeting be approved as amended.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 COA2022-003.2.3.1.

March 17, 2022

Committee of Adjustment Minutes

CA2022-035

Moved By D. Marsh

Seconded By B. Archer

That the minutes of the previous meeting held March 17, 2022 be adopted as printed.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2022-024

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-004

Location: 43 Chemongview Street

Part of Lot 23, Concession 5

Geographic Township of Emily

Owners: Robert and Helen Savage

Applicant: Dennis Jenkins, Northern Designs.

Mr. Harding summarized Report COA2022-024, to request relief from Section 13.2.1.3(e) to reduce the minimum water setback from 30 metres to 27.9 metres to permit the construction of a vacation dwelling, 23.9 metres to permit the construction of a covered deck, and 23.7 metres to permit the construction of two uncovered decks.

Since the writing of the report a letter of concern was submitted by Charlotte Mustard, owner of the abutting rural lot to the North West of this parcel, with concerns to the compliance of water setbacks. Staff reviewed comments and determined that the comments do not affect the recommendations.

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

The applicant, Mr. Jenkins was present via electronic participation and spoke to a relief sought for setback to the filter bed, which was not recognized in the report. Staff responded that the Zoning By-Law does not regulate the placement of a sewage system infrastructure.

The owner, Mr. Savage was present via electronic participation.

There were no questions from the Committee or other persons.

CA2022-036

Moved By D. Marsh

Seconded By J. Robinson

That minor variance application D20-2022-004 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 COA2022-024, which shall be attached to and form part of the Committee's Decision,
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 COA2022-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2022-025

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-014

Location: 4 Alfred Street and 42 Silver Birch Street

Lots 35 and 36, Plan 125, Part Lot 9, Concession 2

Geographic Township of Verulam

Owners: Nuala and Donald McIlroy
 Applicant: Kevin M. Duguay, KMD Planning

Mr. Harding summarized Report COA2022-025. The purpose and effect is to request relief from Section 5.18.3 to reduce the street centreline setback from 17.5 metres to 10.5 metres along Alfred Street and to 10.3 metres along Silver Birch Street in order to permit the construction of a single detached dwelling.

Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Committee asked the following questions:

1. Is a condition required for the demolition of the existing cottage or will it be dealt with through the building permit process? Ms. Murchison responded.
2. Is there a requirement to consolidate both lots as they are showing as lots on plan? Staff responded.

The applicant, Mr. Duguay, KMD Planning was present via electronic participation. He stated that he had reviewed the report with the property owner and contractor and concluded that the application meets the four tests of the minor variance. He also confirmed the disposition of the existing cottage, which will be demolished.

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

CA2022-037

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-014 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 COA2022-025, 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 COA2022-025. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.3 COA2022-026

David Harding, Planner II, RPP, MCIP
 File Number: D20-2022-020
 Location: 50 River Bend Drive
 Part Lot 4, Plan 310, Part Lot 12, Concession 6
 Geographic Township of Somerville
 Owner: Justin Thorburn

Mr. Harding summarized Report COA2022-026. The purpose and effect is to request relief from Section 5.2(j) to reduce the minimum side yard from 3 metres to 2.6 metres in order to permit the construction of a two storey single detached dwelling. Since the writing of the report, comments were received from Kawartha Region Conservation Authority (KRCA) with no objections to the application.

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

The Committee had the following comments and questions:

1. Concerns with covered porch by the shoreline.
2. Should a condition be added to remove structure?
3. KRCA comments require an amended floodplain elevation and associated drawings. Is a condition required?

Staff responded that the existing structure by the shoreline was identified during a site visit and that the owner is aware it does not comply with the Zoning By-Law. The structure is not tied to the relief being sought.

Ms. Murchison, Chief Building Official responded to question 3. This is not regulated by the KRCA, so not applicable law to the building permit. There is no

way for the Building and Septic Division to tie the KRCA comments unless they are tied through a planning application.

The Chair asked for clarification from the Chief Building Official as to why we ask KRCA to comment on applications. Ms. Murchison deferred to the Manager of Planning. Ms. Barrie responded.

Applicant, Mr. Thorburn was present via electronic participation. He confirmed that the covered porch on the property shoreline will be removed. Regarding the elevation to fit within the Burnt River and floodplain, he has site plans available to raise that up.

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

CA2022-038

Moved By J. Robinson

Seconded By D. Marsh

That minor variance application D20-2022-020 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 COA2022-026, 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 COA2022-026. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2022-027

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-021

Location: 31 Logie Street

Lot 11, Plan 572, part Park Lot 7 w/s Logie Street

Former Town of Lindsay

Owner: Mark Steinhart

Applicant: Tom deBoer, TD Consulting Inc.

Mr. Harding summarized Report COA2022-027. The purpose and effect is to request relief from Sections 6.2(c) to reduce the minimum front yard setback from 7.5 metres to 6.7 metres in order to permit the construction of a single detached dwelling.

Since the writing of the report, comments were received from the Kawartha Region Conservation Authority, noting no concerns to the application.

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

The Committee had the following questions for staff:

1. Are there restrictions to the width of the driveway and is it paved?
2. Is there a Zoning By-Law restriction for the width of a driveway?

Staff confirmed the driveway is paved and that there is a Zoning provision for driveways however deferred to the Chief Building Official for further comment. Ms. Murchison noted that she cannot enforce restrictions through the building permit process. If concerns are raised, the Building and Septic Division would raise the issue with the Engineering Division.

Staff confirmed the Lindsay Zoning By-Law states driveways cannot be smaller than 3 metres and cannot exceed the width of 7.5 metres.

Ms. Murchison stated that the driveway is not in conformance with the original Lot Grading and Drainage Plan approved by staff. The plan indicated a portion of a swale to be brought down in line with the garage. Possible modifications are required to comply, which will be dealt with by the Building and Septic Division.

The Committee requested a condition be added. The Manager of Planning, Ms. Barrie stated the following points for consideration:

1. It is unrelated to the variance being sought.
2. Conditions can be added to cut back the driveway provided the owner is agreeable.
3. Defer the application to revise relief being sought and to re-advertise the application to give the Committee opportunity to hear the evaluation of the merits of the relief required.

The Chief Building Official explained the process and suggested the Committee consider option 2 or 3.

The applicant, Vanessa Archer from TD Consulting Inc. was present via electronic participation. Ms. Archer confirmed she would like to address the driveway concern through a condition of this variance and requested that the building construction be extended from four months to six months for completion.

The Committee motioned to approve the application as printed with a third condition. Staff added that the Zoning By-Law provision should be included.

The Chief Building Official clarified there is no issue with extending the time as long as the owners understand that it prevents occupancy before the 6 months.

No further questions from the Committee or other persons.

CA2022-039

Moved By J. Robinson

Seconded By D. Marsh

That minor variance application D20-2022-021 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 COA2022-027, which shall be attached to and form part of the Committee's Decision;

2. **That** the driveway be revised to conform with the Lot Grading and Drainage Plan and comply with the provisions of the Zoning By-Law Section 5.12 (j) (x); and
3. **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 COA2022-027. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2022-028

David Harding, Planner II, RPP, MCIP
 File Number: D20-2022-022
 Location: 5 Homestead Road
 Lot 3, Plan M-721
 Geographic Township of Manvers
 Owner: Lori Hewkin

Mr. Harding brought to the attention of the Committee an error within the report. The original Appendix B reflected 43 Chemongview Street. The presentation accurately reflects the correct Appendix B for the subject property.

Mr. Harding summarized Report COA2022-028. The purpose and effect is to request various reliefs in order to construct an addition to the single detached dwelling, and permit the construction of an additional residential unit (ARU) in a portion of the addition.

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

The Committee had the following questions:

1. Should a condition be added to remove the carport and canopy?
2. If the owner decided not to remove the carport and canopy, would it be a lot

coverage issue?

Staff responded that the purpose of the proposal is that the canopy will no longer be required once the garage is constructed. Should the canopy be relocated, it will not become a lot coverage issue.

The applicant, Ms. Hewkin was present via electronic participation and confirmed that the canopy has to be removed to build the garage.

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

CA2022-040

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2022-022 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the elevations in Appendix D submitted as part of Report COA2022-028, 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 COA2022-028. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.6 COA2022-029

Leah Barrie, Manager of Planning
 File Number: D20-2022-015
 Location: 19 Royal Estate Drive
 Part 12, Concession 2
 Geographic Township of Manvers
 Owner: John Roka

Ms. Barrie, Manager of Planning summarized Report COA2022-029. The purpose and effect is to request relief from Section 13.4.1(c) to reduce the minimum side yard from 7.6 metres to 4.2 metres to permit the construction of an addition to a single detached dwelling.

The applicant, Ashley Roka was present on behalf of John Roka.

There were no questions from the Committee or other persons.

CA2022-041

Moved By S. Strangway

Seconded By J. Robinson

That minor variance application D20-2022-015 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 COA2022-029, 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 COA2022-029. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2022-020

Leah Barrie, Manager of Planning
File Number: D20-2022-013
Location: 29 Odessa Road
Part Lot 10, Concession 9
Geographic Township of Verulam
Owners: David Allen and Gevona Marcellin-Allen
Applicant: Susanne Murchison, Chief Building Official

Ms. Barrie, Manager of Planning summarized Report COA2022-020. The purpose and effect is to request various reliefs in order to recognize the location of an above-ground swimming pool, permit the construction of a deck attached to the swimming pool and permit an addition to the single detached dwelling.

The Committee asked for clarification as to the requirement of the fence be it around the entire pool or the length of the property line on County Road 36. Staff replied the option is available to owners, however recommended the minimum recommendation is the extent of the pool structure. This is not a necessity in the companion By-Law for fencing.

Ms. Murchison, the Chief Building Official, who is also the applicant representing the owner for this application, referenced the Fence By-Law for the municipality. The document outlines restrictions to height and location. It does not give any requirements for mandatory location for the fences. The Pool By-Law for the fence criteria requires the pool to be protected. If the deck itself has a guard around the entire pool it can act as a fence or the wall of the pool can act as a fence. The minimum for the Pool By-Law is a 4 foot barrier. There are no other requirements to indicate how the fence should look.

Discussions on fencing requirements along County Road 36 and the need for Conditions 2 ensued.

The Committee moved that the recommendation be adopted with the exception of Condition 2.

No further questions from the Committee or other persons.

CA2022-042

Moved By D. Marsh

Seconded By B. Archer

That minor variance application D20-2022-013 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 COA2022-020, 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 COA2022-020. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.2 Consents

5. Other Business

Mr. Harding said his farewells and thanked the Committee for working together over the last eight and half years as he starts his new career with the City of Vaughan.

The Committee and the Manager of Planning thanked Mr. Harding for his contributions and wished him well.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, May 19th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

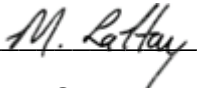
CA2022-043

Moved By D. Marsh

Seconded By J. Robinson

That the meeting be adjourned at 3:02pm.

Carried

A handwritten signature in cursive script, appearing to read "M. LaHay", is written over a horizontal line.

Mark LaHay, Secretary-Treasurer