

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2022-006
Thursday, June 16, 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

For further details of the meeting please view the Committee of Adjustment webcast through the City's YouTube www.youtube.com/c/CityofKawarthaLakes

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 1:01pm.

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

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

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

Absent: Councillor Yeo, D. Marsh and J. Robinson.

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2022-006

June 16, 2022

Committee of Adjustment Agenda

CA2022-052

Moved By S. Strangway

Seconded By B. Archer

That the agenda for June 16, 2022 be approved as printed.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 COA2022-005

May 19, 2022

Committee of Adjustment Minutes

CA2022-053**Moved By** S. Richardson**Seconded By** B. Archer

That the minutes of the previous meeting held May 19, 2022 be adopted as printed.

Carried**3. New Applications****3.1 Minor Variances****3.1.1 COA2022-034**

Leah Barrie, Manager of Planning

File Number: D20-2022-027

Location: 21 Response Street

Part Lot 22, Concession 7

Geographic Township of Fenelon

Owners: Alison and Gregory Porter

Applicant: EcoVue Consulting Services Inc. (Ashlyn Kennedy)

Ms. Barrie summarized Report COA2022-034. The purpose and effect is to recognize existing reduced setbacks and acknowledge the status of existing lot frontage to facilitate the reconstruction and addition to a single detached dwelling. The By-law requires a minimum front yard setback of 7.5 metres; the existing setback is 0.48 metres, and the proposed setback is 3.27 metres. In addition, a minimum 15.0 metre setback is required to the adjacent Environmental Protection 'EP' Zone; the existing setback is proposed to remain at 9.9 metres. Lastly, lot frontage is required on an improved public street; the lot is bounded by unassumed municipal rights-of-way.

Since the writing of the report agency comments were received from the Plans Examiner-Building and Septic Division stating there is an outstanding permit BP2017-0106 for a boathouse, no other concerns.

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

The Committee had the following concerns:

1. Gravel driveway extending across the right-of-way.
2. Is the boathouse attached to the house?
3. What safeguards are in place to ensure a Kawartha Conservation permit is obtained?

Staff responded.

Ms. Kennedy of EcoVue Consulting Services Inc. was present via electronic participation and available for questions.

The Committee finished by asking the following questions:

1. Will an outstanding building permit impact the issuance of future building permits?
2. Are there safeguards in place to ensure the applicant applies for a permit through the Kawartha Region Conservation Authority?

Ms. Murchison, Chief Building Official responded.

No further questions from the Committee or other persons.

CA2022-054

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2022-027 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-034, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2022-034. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2022-035

Leah Barrie, Manager of Planning
File Number: D20-2022-028
Location: 32 Oriole Road
Lot 33, Plan 190 (Part Lot 23, Concession 9)
Geographic Township of Fenelon
Owners: Wendy and Roger Severn

Ms. Barrie, Manager of Planning summarized Report COA2022-035. The purpose and effect is to permit reduced setbacks to facilitate the reconstruction and addition to a single detached dwelling. The By-law requires minimum interior side yard setbacks of 3.0 metres on one side and 2.3 metres on the opposite side; the existing setbacks are 2.34 metres and 2.59 metres (east side), and, 0.82 metres and 1.12 metres (west side).

Agency comments received after the writing of the report from the Plans Examiner, Building and Septic Division noting spatial separation could be a potential issue, no other concerns.

Public concerns received from Barbara and Robert Barclay of 44 Oriole Road, Gary Colgan of 30 Oriole Road:

1. Impact access during construction.
2. Lot Coverage exceeded.
3. Second floor prevents natural sunlight.
4. Second floor addition not compatible with the neighboring properties.

Ms. Barrie addressed the above concerns.

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

The Committee had the following questions:

1. With respect to By-law setbacks, do they change when increasing from a 1 storey to a 2 storey dwelling?
2. Is there additional setback room to allow a second floor?
3. Does the current septic system have the capacity to deal with additional washrooms?

4. Does the RR3 zone permit full time residential?
5. Is there sufficient room for machinery to access for maintenance due to the placement of the septic system?

Ms. Barrie responded.

The applicants, Wendy and Roger Severn were present via electronic participation.

The Committee asked the applicants if they are aware of comments received from neighbours. Ms. Severn replied yes.

Opposed to the application, Mr. Colgan of 30 Oriole Road was present via electronic participation and spoke to his concerns previously submitted for Committee to review.

Ms. Barrie noted due to the time of receiving the submission and responding, a printed copy of the submission was not provided to the Committee and requested that it be read to the Committee for their information for the record. Ms. Barrie responded to Mr. Colgan's concerns stating that the height of the structure in the RR3 zone is a max of 11 metres (36ft) and is permitted in the zoning by-law.

Barbara and Robert Barclay of 44 Oriole Road were not present. Ms. Barrie read their submission to the Committee.

The Chair asked Ms. Severn if she would respond to Mr. Colgan's concerns. Ms. Severn replied she had sent her response to staff yesterday evening. Ms. Barrie requested that the owner read the response due to the information pertaining to other properties and not just 32 Oriole Road. Ms. Severn proceeded. Discussion ensued.

The Committee finished by asking if the lack of sunlight is not part of the Committees' decision. Ms. Barrie responded.

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

CA2022-055

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2022-028 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendices C and D submitted as part of Report COA2022-035, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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; and,
3. **That** the owner obtains a Section 59 Notice from the Risk Management Official at Kawartha Conservation.

This approval pertains to the application as described in report COA2022-035. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2022-036

Leah Barrie, Manager of Planning
 File Number: D20-2022-029
 Location: Vacant Lot, Springdale Drive
 Lot 8, Plan 57M-802
 Former Town of Lindsay
 Owners: Squires Built Homes Inc.
 Applicant: TD Consulting Inc. (Tom deBoer)

Ms. Barrie summarized Report COA2022-036. The purpose and effect is to permit an increased lot coverage to facilitate the construction of a covered deck. The By-law permits a maximum lot coverage of 40%, the roof cover over the deck results in 41.5%.

Ms. Barrie noted agency comments received after the writing of the report from the Plans Examiner-Building and Septic Division with no concerns.

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

The applicant, Vanessa Archer of TD Consulting Inc. on behalf of Mr. deBoer was present via electronic participation and available for questions.

There were no questions from the Committee or other persons.

CA2022-056

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-029 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-036, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2022-036. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2022-037

Leah Barrie, Manager of Planning

File Number: D20-2022-030

Location: Vacant Lot, Ivy Street

Part Lot 15, Concession 7

Geographic Township of Emily

Owners: C4 Construction Inc. (Paul Brier)

Applicant: Black Point Construction Services (Holly Richards-Conley)

Ms. Barrie summarized Report COA2022-037. The purpose and effect is to provide relief from Section 3.6 'Frontage on Public Street' to facilitate construction of a new single detached dwelling. The By-law requires a minimum lot frontage of 38 metres, of which a minimum of 5 metres abuts an improved public street, or, has access by existing right-of-way in an eligible zone.

The following public concerns were received from Mr. and Mrs. Scrimshaw of 171 Yankee Line and Mr. Telentso of 81 Shelter Bay Street:

1. Distinction of lot lines/survey required.
2. How approving a minor variance next door may negatively impact the ability to redevelop neighbouring lots in the future?

Ms. Barrie responded.

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

The Committee had the following questions:

1. How much footage of waterfront does the subject lot have access to?
2. What access and winter maintenance does Ivy Street receive?

Ms. Barrie responded.

3. Which permit is required first, Building or Septic?

Ms. Murchison, Chief Building Official replied.

The applicant, Ms. Richards-Conley was present via electronic participation and was available for questions.

The Committee asked why the lot was an odd shape.

Ms. Barrie spoke to the past history of the area and that it was part of an RD38 Plan from 1968.

Member of the public, Ms. Scrimshaw was present via electronic participation. Although she is in full support of the minor variance she wanted to stress that there be a clear distinction of lot lines.

Ms. Barrie read into the record written comments received from a member of the public, Mr. Telentso who was present electronically at the beginning of the meeting but lost connection.

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

CA2022-057

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2022-030 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-037, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2022-037. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2022-038

Leah Barrie, Manager of Planning

File Number: D20-2022-031

Location: 112 Russell Street West

Part Lot 21, Plan 1

Former Town of Lindsay

Owners: Colleen Young and Bryan Grzelak

Ms. Barrie summarized Report COA2022-038. The purpose and effect is to recognize existing setbacks to facilitate the reconstruction of a single detached dwelling through repairing the foundation, constructing a basement and raising the dwelling. The By-law requires minimum front yard and exterior side yard

setbacks of 7.5 metres and 3.0 metres, respectively; the existing setbacks are 1.03 metres and 1.25 metres (front yard), and 2.12 metres (exterior side yard).

Ms. Barrie noted an error on page 3 of the report. Decision File: D20-2022-029 should read D20-2022-031.

Since the writing of the report, agency comments received from the Plans Examiner-Building and Septic Division noting no concerns.

Staff respectfully recommends the application be approved subject to the conditions contained within the report.

The Committee asked staff why the application was brought before the Committee if the footprint has not changed. Ms. Barrie replied referring to the Planning Act and the evolution of the By-laws.

The applicant, Ms. Grzelak was present via electronic participation. She noted that they want to repair the foundation which will fix any issues they are experiencing.

The Committee noted the front step and asked if there would be a problem if in the future they wanted to replace with a concrete step. Ms. Barrie referred to the By-law for encroachments and suggested Condition 2. be amended to include existing step.

The Committee motioned to approve the application as amended.

No further questions from the Committee or other persons.

CA2022-058

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2022-031 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendices C, including existing stairs, and D submitted as part of Report COA2022-038, which shall be attached to and form part of the Committee's Decision; and,

2. **That** 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 COA2022-038. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

The Chair called for a break at 2:43pm. The Chair called the meeting to order at 2:52pm.

3.1.6 COA2022-039

Leah Barrie, Manager of Planning
 File Number: D20-2022-032
 Location: 131 Kenedon Drive
 Part Lot 17, Concession 7
 Geographic Township of Emily
 Owners: Jodi Gienow and Robert Berry

Ms. Barrie summarized Report COA2022-039. The purpose and effect is to recognize the existing lot area to facilitate the construction of an Additional Residential Unit (ARU). The By-law requires a minimum lot area of 4,000 square metres for private services; the existing lot area is +/- 2,873.27 square metres.

Agency comments received since the writing of the report from the Plans Examiner-Building and Septic Division stating an outstanding permit BP2020-0931 for a single detached dwelling.

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

The Committee referenced the Plans Examiners comments and asked if the residential addition was built without a permit. Ms. Barrie responded the residential addition is built according to the permit, but a separate entrance and

kitchen convert the residential addition into an ARU.

The Committee continued by saying they were on the understanding that an ARU was not permitted on waterfront lots and that ARU's are supposed to be secondary to the main residence, but in this case it's larger. Ms. Barrie clarified the difference between lots along the shoreline of water bodies versus lots within the more extensive 'Waterfront' land use designation in the City's Official Plan, and highlighted other policies that render lots eligible for ARUs, including for example road status and servicing requirements. The Committee put the same question to Ms. Murchison, CBO, who replied it is a zoning issue.

No further questions from the Committee or other persons.

CA2022-059

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-032 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-039 including existing lot area, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2022-039. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2022-040

Leah Barrie, Manager of Planning
File Number: D20-2022-033
Location: 28 Parkhill Drive
Lots 13 and 14, Plan 218
Geographic Township of Verulam
Owners: Miranda and Robert Rusnak
Applicant: Andrew Chudy Carpentry Inc. (Andrew Chudy)

Ms. Barrie summarized Report COA2022-040. The purpose and effect is to recognize the existing lot area to facilitate the construction of an Additional Residential Unit (ARU); and, to permit an increased height for a detached garage in an exterior side yard. The By-law requires a minimum lot area of 4,000 square metres; the existing lot area is +/-2,267.0 square metres. The By-law permits a maximum height of 5.0 metres in an interior side or rear yard; the proposed height is 5.4 metres.

Ms. Barrie noted that the subject property is comprised of two abutting whole lots on a plan of subdivision, and recommended to the applicant that they apply for a deeming by-law going forward so that the lots are treated as a single lot of record for zoning standards and Ontario Building Code. The applicant has filed the deeming by-law application with the City.

Staff respectfully recommends that the application be approved subject to the conditions contained within the report.

The Committee had the following concerns:

1. Incompatibility with ARU's/Zoning By-law and at what point do you decide a reduction in lot area is too low?
2. Is there a concern with regards to three entrances to this lot?
3. How do ARU's differ from Granny Suites?

Ms. Barrie responded, Discussions ensued.

The applicant, Mr. Chudy and owner Mr. Rusnak were present via electronic participation.

No further questions from the Committee or other persons.

CA2022-060**Moved By** S. Richardson**Seconded By** B. Archer

That minor variance application D20-2022-033 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendices C and D submitted as part of Report COA2022-040 including existing lot area, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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; and,
3. **That** the owners apply for and obtain a Deeming By-law, as required.

This approval pertains to the application as described in report COA2022-040. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2022-041

Leah Barrie, Manager of Planning

File Number: D20-2022-034

Location: 81 Kenrei Road

Part Lot 1, Concession 4

Geographic Township of Fenelon

Owners: Ken Louie and Phyllis Wells

Ms. Barrie summarized Report COA2022-041. The purpose and effect is to provide relief for the yard location to facilitate the construction of a detached garage. The By-law permits accessory buildings in interior side and rear yards; the garage is proposed to be sited in the front yard.

Agency comments received since the writing of the report from the Plans Examiner-Building and Septic Division noting no concerns.

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

The Committee had the following questions:

1. What direction are the garage doors facing?
2. Is the garage close to the property line?

Ms. Barrie responded.

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

CA2022-061

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2022-034 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendices C and D submitted as part of Report COA2022-041, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 COA2022-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.9 COA2022-042

Leah Barrie, Manager of Planning
 File Number: D20-2022-035
 Location: 4246 Highway 7
 Part Lots 11 and 12, Concession 3
 Geographic Township of Emily
 Owners: Terry and Judy Turner
 Applicant: Molly Conlin Design and Drafting (Molly Conlin)

Ms. Barrie summarized Report COA2022-042. The purpose and effect is to provide relief for the yard location to facilitate the construction of an Additional Residential Unit (ARU). The By-law permits accessory buildings in interior side and rear yards; the ARU is proposed to be sited in the front yard.

Agency comments received since the writing of the report from the Plans Examiner-Building and Septic Division noting no concerns.
 KRCA noting that the applicant will be required to obtain permits from Kawartha Conservation for the construction of the Additional Residential Unit.

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

The Committee had questions regarding the regulations pertaining to ARU's and suggested going forward that more information is given, e.g. size of lot, setbacks, kitchens, washrooms, etc. Ms. Barrie responded and suggested the future preparation of an informative memo for the members of the Committee.

The applicant, Ms. Conlin was present via electronic participation and was available for questions.

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

CA2022-062

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2022-035 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-042, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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; and,
3. **That** the owner provides written confirmation to the Chief Building Official that necessary entrance approvals have been obtained from the Ministry of Transportation and the City of Kawartha Lakes, as required.

This approval pertains to the application as described in report COA2022-042. 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 Memorandum D20-2021-029

Leah Barrie, Manager of Planning

File Number: D20-2021-029

Location: Vacant Lot, Baseline Road (Unassumed)

Part Lots 16 and 17, Concession 10

Geographic Township of Somerville

Owner: Steve Harjula

CA2022-063

Moved By S. Strangway

Seconded By B. Archer

That Minor Variance Application D20-2021-029 be deferred for a period of not more than two (2) months, returning at the latest to the August 18, 2022 meeting

in order to review public and Council comments resulting from the City Solicitor's update on the review at the July 19, 2022 Council meeting.

Carried

4.2 Consents

5. Other Business

Staff to provide a future information memo on ARU's
Staff to provide updated report format.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, July 21, 2022 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

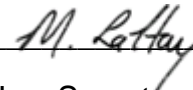
CA2022-064

Moved By S. Strangway

Seconded By S. Richardson

That the meeting be adjourned at 3:56pm.

Carried



Mark LaHay, Secretary-Treasurer