

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

COA2022-005
Thursday, May 19, 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 S. Strangway, B. Archer, J. Robinson, S. Richardson and Councillor Yeo 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 in attendance via electronic participation.

Absent: D. Marsh.

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2022-005.2.1.1.

May 19, 2022

Committee of Adjustment Agenda

CA2022-044

Moved By B. Archer

Seconded By J. Robinson

That the agenda for May 19, 2022 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 COA2022-004.2.3.1.

April 21, 2022

Committee of Adjustment Minutes

CA2022-045

Moved By S. Strangway

Seconded By S. Richardson

That the minutes of the previous meeting held April 21, 2022 be adopted as printed.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2022-001

Leah Barrie, Manager of Planning

File Number: D20-2021-043

Location: 4953 Monck Road

Part Block K on Plan 105, being Part 4 on

RP 57R9973 and Part 1 on RP 57R9694

Geographic Township of Somerville

Owners: Julie and Andrew Austin

Applicant: Kent Randall, EcoVue Consulting Services Inc.

Ms. Barrie, Manager of Planning summarized Report COA2022-001. The purpose and effect is to provide relief from Section 9.2(h) to increase the maximum lot coverage from 5% to 8.24% in order to recognize an existing +/- 1,176.76 square metre horse stable.

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

The Committee had the following questions:

1. Were land title issues (2018) and zoning deficiencies resolved?

Ms. Barrie responded yes they are resolved.

2. Does the Zoning By-law permit a horse stable in a hamlet area?

Ms. Barrie responded yes it is permitted under the RG (Rural General) Zone, with livestock limited to 5 horses to be housed in a structure.

3. Was an explanation given by the property owners as to why they ignored the building permit cancellation?

Ms. Murchison, Chief Building Official replied indicating no response from the property owner. It was brought to the attention of the Building Division from Kawartha Conservation.

As a result of building a structure without a permit, the fee was tripled.

4. At what stage is the fee required and has it been received?

Ms. Murchison replied the fee is required at the point of submitting the building permit application. Both fee and penalty fee have been paid.

The applicant Ms. Saunders on behalf of Mr. Randall of EcoVue Consulting was present via electronic participation. Ms. Saunders explained the series of events and advice the property owner was given and they contacted EcoVue Consulting to work on their behalf to resolve the issue.

No further questions from the Committee or other persons.

CA2022-046

Moved By Councillor Yeo

Seconded By J. Robinson

That minor variance application D20-2021-043 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the horse stable related to this approval shall be recognized generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-001, 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 four (4) 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 COA2022-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2022-030

Leah Barrie, Manager of Planning
File Number: D20-2022-023
Location: 111 Cameron Drive
Lot 34 on Plan 416, Part of Lot 7, Concession 8
Geographic Township of Fenelon
Owners: Lindsay and Shawney Murray

Ms. Barrie, Manager of Planning summarized Report COA2022-030. The purpose and effect is to provide relief from Section 3.1.2.1 that requires the siting of accessory structures in the interior side yard or rear yard, in order to permit an above-ground swimming pool in the front yard.

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

The Committee had the following questions:

1. What is designated as Waterfront?

Ms. Barrie responded indicating that 'Waterfront' is a land use designation identified on Schedule 'A' to the City of Kawartha Lakes Official Plan (2012) that includes shoreline lands as well as adjacent lands to lakes and rivers.

2. Is there a front driveway?

Ms. Barrie replied no.

3. As Kawartha Conservation noted a permit be required, should a condition be added?

Ms. Murchison, Chief Building Official stated the difference between a Building Permit (Applicable Law) and a Municipal By-law permit for a pool. KRCA permits are identified through the Building Permit process and therefore do not require a condition as part of a minor variance. However pool permits are different to Building Permits, and to ensure the KRCA permit is obtained, a condition should be added as part of the minor variance.

4. Is there an issue with boundary lines referencing Appendix B of the report showing a blue line through the garage?

Ms. Barrie clarified that Appendix B is an aerial photo taken through GIS and not indicative of a survey. Appendix C is more accurate.

The applicants Mr. and Mrs. Murray were not present.

The Committee motioned to approve the minor variance as amended to add a third condition requiring a KRCA permit.

No further questions from the Committee or other persons.

CA2022-047

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2022-023 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 COA2022-030, which shall be attached to and form part of the Committee's Decision;
2. **That** pursuant to Ontario Regulation 182/06 the building construction related to this approval proceed following issuance of the applicable permit by Kawartha Conservation; and
3. **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 COA2022-030. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2022-031

Leah Barrie, Manager of Planning

File Number: D20-2022-024

Location: 32 Nook Street

Part Lot 30, Concession 11, being Part 3 on RP 57R3510

Geographic Township of Fenelon
Owner: Travis Bedwell
Applicant: Susanne Murchison, Chief Building Official

Ms. Barrie, Manager of Planning summarized Report COA2022-031. The purpose and effect is to provide relief from Sections 3.1.3.1 and 3.1.5.3 to 1) increase the maximum lot coverage from 225 square metres to 316 square metres and to, 2) recognize the upper level of an existing +/- 1,176.76 square metre boathouse.

Since the writing of the report, public comments were received from Mr. Robert Poulson of 387 Northline Road and Lynn Reed regarding concerns which Ms. Barrie spoke to.

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

The Committee had the following questions:

1. Was the original boathouse 1 or 2-storey?
Ms. Barrie replied single storey.

2. The new boathouse has 2 storeys with a potential of habitable space other than storage with an entrance door on the second level and asked if this is permissible?

Ms. Barrie acknowledged the Zoning By-law's terminology of "replacement" does not mean identical. Ms. Murchison followed up and advised in the Building Department, "replacement" is purely a label and does not indicate a replica but to notify the department that a boathouse was there previously.

3. Do owners require a permit from Trent Severn Waterway?

Ms. Murchison stated the boathouse is considered a dry land boathouse and not in contact with the shoreline, which is not in TSW jurisdiction. KRCA have jurisdiction and issued a permit for the replacement. Ms. Murchison confirmed a site plan was attached to the permit showing the footprint was increasing.

Discussion ensued.

Councillor Yeo brought to the attention of the Committee that the questions regarding the boathouse are beyond the realms of the minor variance brought

before the Committee.

The applicant, Ms. Murchison, CBO was present.

No further questions from the Committee or other persons.

CA2022-048

Moved By Councillor Yeo

Seconded By S. Richardson

That minor variance application D20-2022-024 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the boathouse related to this approval shall be recognized generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-031, 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 four (4) 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 COA2022-031. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2022-032

Leah Barrie, Manager of Planning

File Number: D20-2022-025

Location: 23 Sparrow Court

Lot 11 on Plan 572

Geographic Township of Mariposa

Owner: Angela Dinham

Applicant: Tom deBoer, TD Consulting Inc.

Ms. Barrie summarized Report COA2022-032. The purpose and effect is to provide relief from Section 3.23 vi) that requires a minimum lot area of 4,000 square metres for an Additional Residential Unit (ARU) on private services, in order to permit a new ARU on the existing lot area +/- 2,031.2 square metres on partial services.

Since the writing of the report verbal comments were received and addressed from a surrounding property owner.

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

The Committee had the following questions:

1. Where is the location of the municipal right-of-way on Appendix B of the report?

Ms. Barrie indicated the roadway of the Cul-de-sac.

2. Questioned ARU's and do they apply to waterfront properties?

Ms. Barrie explained the difference between lands designated 'Waterfront' in the Official Plan, which can include lots abutting the shoreline, backlots and lots adjacent to the shoreline further inland. ARU's can be sited in the Waterfront designation provided they comply with the ARU policies of the Official Plan and the ARU provisions of the applicable Zoning By-law.

3. Appendix B, aerial photo showing a collection of structures close to the proposed ARU. What are they and are they too close to the proposed building?

Ms. Barrie deferred to the applicant.

Mr. deBoer was present via electronic participation. He agreed that the photo presented by Ms. Barrie was taken in 2018. He further noted the new owners purchased the property June 2021. The previous owner had removed the structure and stated the structure has to be removed to facilitate the proposed septic system.

Mr. deBoer spoke to the parking concern and noted the driveway is in a cul-de-sac and has a long, double wide driveway that could fit 6 vehicles.

Councillor Yeo stated that he fully supports the application and the good use of an ARU.

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

CA2022-049

Moved By J. Robinson

Seconded By B. Archer

That minor variance application D20-2022-025 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 COA2022-032 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 COA2022-032. 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 D20-2021-077 Memorandum

Leah Barrie, Manager of Planning

File Number D20-2021-077

Location: Vacant Lands, Logie Street

Block 39, Plan 57M-798

Former Town of Lindsay

Owner: Skyline Real Estate Holdings Inc.

Applicant: Michael Bissett, Bousfields Inc.

Ms. Barrie summarized the memorandum regarding the applicant's withdrawal of application due to revising the site plan and comments received from the public.

The Committee had the following questions:-

How many storeys will be built and will there be a follow up public meeting?

Ms. Barrie replied the site plans are with the developer for revision and it is on going. The maximum height as governed by the zoning provisions are being met. The developer will share plans with the public who showed concerns. There will not be another public meeting as this is not a statutory requirement of a site plan application process. Ms. Barrie finished by saying she can update the Committee as the site plan application process proceeds should the Committee be interested. The public can contact the developer directly with questions, or development planning staff assigned to the site plan application.

CA2022-050

Moved By S. Strangway

Seconded By S. Richardson

That the Committee receive the memorandum with respect to the withdrawal of the minor variance application.

Carried

4.2 Consents

5. **Other Business**

Ms. Barrie received accolades from the Chair for bringing numerous applications forward to the meeting due to short staff. Ms. Barrie thanked the Chair and noted it is a team effort.

The Chair commented on complaints in the past regarding the slow process with applications and acknowledged the issue with short staff and asked Ms. Barrie if this will impede the applications moving forward. Ms. Barrie spoke to the streamlining application process being reviewed and also staff recruitment currently in process and will have more news at the next meeting.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, June 16 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

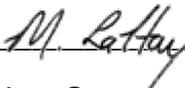
CA2022-051

Moved By S. Richardson

Seconded By Councillor Yeo

That the meeting be adjourned at 2:33pm.

Carried



Mark LaHay, Secretary-Treasurer