

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2022-009
Thursday, September 22, 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, S. Richardson and J. Robinson were in attendance in person.

Councillor Yeo attended via electronic participation.

Staff, L. Barrie, Manager of Planning, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and K. Evans, Planner II attended in person.

Staff, Susanne Murchison, Chief Building Official attended via electronic participation.

Absent: D. Marsh

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2022-009

September 22, 2022

Committee of Adjustment Agenda

CA2022-095

Moved By B. Archer

Seconded By S. Richardson

That the agenda for September 22, 2022 meeting 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 COA2022-008

August 18, 2022

Committee of Adjustment Minutes

CA2022-096**Moved By** J. Robinson**Seconded By** S. Strangway

That the minutes of the previous meeting held August 18, 2022 be adopted as printed.

Carried**3. New Applications****3.1 Minor Variances****3.1.1 COA2022-065**

Leah Barrie, Manager of Planning

File Number: D20-2022-056

Location: 28 Treewood Lane

Part Lot 1, West Bay Range (being Lot 4 and Part Block D, Plan 175)

Geographic Township of Bexley

Owner: Stephanie Lange

Ms. Barrie summarized Report COA2022-065. The purpose and effect is to facilitate replacement of a residential dwelling. Section 12.2.1.3 of the By-law requires a minimum water setback of 15 metres; the existing reduced setbacks of +/- 13 metres (dwelling) and +/- 10.13 metres (deck) are proposed to remain.

There were no concerns from the public or agencies.

The applicant, Ms. Lange was present via electronic participation.

Question raised by the Committee to the applicant:

1) How will the deck be accessed if the stairs are being removed? Ms. Lange responded.

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

CA2022-097**Moved By** S. Strangway**Seconded By** S. Richardson

That minor variance application D20-2022-056 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 and D submitted as part of Report COA2022-065, 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 COA2022-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2022-066

Leah Barrie, Manager of Planning
 File Number: D20-2022-058
 Location: 95 Lakeview Cottage Road
 Lot 38, Plan 179
 Geographic Township of Bexley
 Owners: Maureen Harradine and Victoria Dymont
 Applicant: Colin Darling

Ms. Barrie summarized Report COA2022-066. The purpose and effect is to facilitate a second storey residential addition. Section 12.2.1.3 of the By-law requires a minimum water setback of 15 metres; the existing reduced setbacks of +/- 11.54 metres (dwelling) and +/- 8.26 metres (deck) are proposed to remain.

There were no concerns from the public or agencies.

Questions raised by the Committee:

- 1) The Committee referred to past applications whereby a condition was included to make sure a structure be removed. As there is not a condition included in this

application who will be responsible to make sure they comply? Ms. Murchison responded that it would be dealt with through the Building Permit Process.

Ms. Barrie spoke to the Building and Septic, Part 8 Sewage System comments. The Supervisor of Part 8 Sewage Systems reviewed the proposal noting the additional space as a result of the second floor addition will add to the capacity of the sewage system. The existing sewage system does not have the capacity to proceed with the current proposal. A third condition has been included of which the owner is aware.

2) Does the property have sufficient space on the lot for a Class 4 system? Ms. Barrie responded yes.

The applicant, Mr. Darling was present via electronic participation. Clarification was provided regarding the storage shed. Although the shed does not require to be removed to comply with the zoning by-law, the owner has elected to remove it. Mr. Darling confirmed he is aware and agreed to the condition to include a Class 4 Sewage System.

CA2022-098

Moved By B. Archer

Seconded By Councillor Yeo

That minor variance application D20-2022-058 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 and D submitted as part of Report COA2022-066, 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** building construction related to this approval shall proceed provided the Supervisor – Part 8 Sewage Systems is satisfied that a Class 4 Sewage System can be accommodated on the property, in compliance with the Ontario Building Code, to service the dwelling.

This approval pertains to the application as described in report COA2022-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2022-067

Leah Barrie, Manager of Planning
 File Number: D20-2022-059
 Location: 32 Leslie Frost Lane
 Part Lot 7, Concession 9 (being Lot 15, Plan 143)
 Geographic Township of Fenelon
 Owner: Drew Coombs
 Applicant: Garry Newhook

Ms. Barrie summarized Report COA2022-067. The purpose and effect is to facilitate replacement of a former detached accessory building (garage). Section 3.1.2.4 of the By-law requires a minimum front yard setback of 7.5 metres; the former existing reduced setback of +/- 4.8 metres is proposed.

There were no concerns received from agencies.

Ms. Barrie indicated there were two public concerns from Mr. Ferguson of 36 Leslie Frost Lane and Mr. and Mrs. Flett of 30 Leslie Frost Lane.

Concerns:

- 1) Property used as Airbnb or Short Term rental.
- 2) Numerous cars parked on the property causing constraints.
- 3) Garage - Potential to convert to habitable space in the future.
- 4) Shed missing from the site plan.
- 5) Proposed garage too large and may decrease the value of neighbouring properties.
- 6) Concerns if application approved will set a precedent.
- 7) There are 4 buildings on the property not three.

Ms. Barrie summarized a submission by the owner in response to the neighbours concerns.

Questions raised by the Committee:

- 1) Reference appendix D showing a side view of a set of stairs to a landing. Is the floor additional storage space? Ms. Barrie responded.
- 2) Is access to the second floor level within the garage? Ms. Barrie provided a response.

The applicant, Mr. Newhook was present via electronic participation. Mr. Newhook clarified there is loft space in the garage. The garage has enough space for a car with storage space above and not for habitation. He also spoke to the neighbours concerns.

The owner, Mr. Coombs was present via electronic participation. Mr. Coombs spoke to the neighbours concerns.

In opposition, Mr. Flett was present via electronic participation and stated his concerns with short term rentals and the size of the garage. Mr. Flett's submission was previously circulated to the Committee.

The Committee asked for confirmation from Mr. Flett if Mr. Coombs has advertised rentals online. Mr. Flett replied yes.

Mr. Coombs spoke to the nature of rentals that took place in the past 6 years.

Questions raised by the Committee:

- 1) Is the shed used as a Bunkie or is it intended to be in the future? Mr. Coombs responded.
- 2) Does a Bunkie require septic and washroom facilities? Ms. Murchison replied the Ontario Building Code looks at three criteria; Square footage of living space, number of bedrooms and number of plumbing fixtures. If a previously constructed shed or garage is converted to a Bunkie and deemed living space, a change of use permit is required and evaluation of the building is required to see if the sewage system can accommodate the additional living space.
- 3) Can a property owner convert a shed to a Bunkie without washroom facilities? Ms. Murchison provided a response.
- 4) The Committee noted that there are two issues which are not related to the

application being brought before the Committee. The Chair responded the reason for the discussion is because it was part of a public submission with concerns which need to be addressed.

5) Clarification from the Planner that the application is before the Committee because the proposed garage is too close to the front lot line. If the owner was to build to the required front yard setback, it wouldn't need to be brought before the Committee. Is that correct? Ms. Barrie replied.

No further questions from the Committee or other persons.

CA2022-099

Moved By S. Strangway

Seconded By J. Robinson

That minor variance application D20-2022-059 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 and D submitted as part of Report COA2022-067, 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 COA2022-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2022-068

Leah Barrie, Manager of Planning
 File Number: D20-2022-060
 Location: 138 Shrike Road
 Part Lot 3, Concession 9
 Geographic Township of Carden
 Owner: Irwin Kandelsdorfer

Ms. Barrie summarized Report COA2022-068. The purpose and effect is to facilitate a new dwelling. The existing dwelling is proposed to be converted into an accessory building. Section 14.1.b. of the By-law permits accessory buildings in side or rear yards only; the existing building is in the front yard. A second accessory building (shipping container) is also located in the front yard. Section 7.2.c. requires a minimum front yard setback of 30 metres; the existing setback is +/- 21.6 metres.

No concerns or issues from the public and agencies.

Questions raised by the Committee:

- 1) Are there rules and regulations for the placement of shipping containers? Ms. Barrie and Ms. Murchison provided a response.
- 2) How many accessory structures are permitted on a property? Ms. Barrie asked the Chair for the opportunity to review the provisions for the Carden Zoning by-law.

The Chair called for a break at 2:24pm to allow Ms. Barrie time to review the Carden Zoning by-law. The Chair called the meeting to order at 2:30pm.

Ms. Barrie noted that in the Carden Zoning by-law, accessory structures are not measured by number of structures but a percentage of the lot, in this case 8% of a 100 acre lot.

The agent acting on behalf of the applicant, Mr. Leblanc was present via electronic participation and spoke to the Committee.

Member Archer noted that she was opposed to the second relief sought and proposed that the shipping container be moved to the rear of the dwelling from the front yard.

No further questions from the Committee or other persons.

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2022-060 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 and D submitted as part of Report COA2022-068, 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 COA2022-068. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Moved By B. Archer

Seconded By J. Robinson

That the motion be amended so that the relief sought in section 1 'that the accessory building only pertained to the initial dwelling and that the relief sought in section 2', be removed.

Carried

The Original Motion was put back on the floor as amended.

CA2022-100

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2022-060 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 and D submitted as part of Report COA2022-068, 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 COA2022-068. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2022-069

Leah Barrie, Manager of Planning
 File Number: D20-2022-061
 Location: 14 Cornwall Street
 Part Lot 9, Concession 4 (being Lot 8, Plan 537)
 Geographic Township of Emily
 Owners: James and Constance Ellison

Ms. Barrie summarized Report COA2022-069. The purpose and effect is to facilitate a residential addition. Section 11.2.1.3(b) of the By-law requires a minimum interior side yard setback of 3 metres; the proposed setback is +/- 1.25 metres.

Ms. Barrie noted that a public submission was received from Ms. Mitchell of 16 Cornwall Street with a concern to additional water drainage.

The applicant, Mr. Ellison was present via electronic participation and available for questions.

Question raised by the Committee:

1) Will there be any tree removal due to the addition? Mr. Ellison responded.

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

CA2022-101

Moved By J. Robinson

Seconded By Councillor Yeo

That minor variance application D20-2022-061 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 and D submitted as part of Report COA2022-069, 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** building construction related to this approval shall proceed provided the Supervisor – Part 8 Sewage Systems is satisfied that the Class 4 Sewage System existing on the property can accommodate the proposal and will be in compliance with the Ontario Building Code or any predecessor legislation.

This approval pertains to the application as described in report COA2022-069. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2022-070

Leah Barrie, Manager of Planning
 File Number: D20-2022-062
 Location: 232 Glenarm Road
 Part Lot 10, Concession 2 (being Part 1, RP 57R404)
 Geographic Township of Eldon
 Owner: Charles Poley
 Applicant: Geoff Graves

Ms. Barrie summarized Report COA2022-070. The purpose and effect is to facilitate the enlargement of the legal non-conforming single detached dwelling (est. 1974), whereby its residential use predates the Zoning By-law adopted in 1994, that zones the lot General Industrial 'M2', and Section 18.1 does not otherwise permit residential uses.

Ms. Barrie noted that there were no concerns received from the public or agencies.

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

There were no questions from the Committee or other persons.

CA2022-102

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2022-062 be GRANTED, as the application satisfies Section 45(2) of the Planning Act.

Conditions

1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and D submitted as part of Report COA2022-070, 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 COA2022-070. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2022-071

Leah Barrie, Manager of Planning

File Number: D20-2022-063

Location: 49 Cedar Road

Part Lot 19, Concession 6 (being Lot 7, Plan 431)

Geographic Township of Somerville

Owners: Colin and Cindy Chisholm

Ms. Barrie summarized Report COA2022-071. The purpose and effect is to facilitate a deck addition. Section 5.2.f. of the By-law requires a minimum water setback of 15 metres; the existing reduced setback is +/- 11.6 metres (deck), proposed to remain for the deck addition, and with a further encroachment for the stairs at +/- 10.7 metres.

Ms. Barrie noted that there were no concerns or objections from the public or agencies.

Question raised by the Committee:

1) Clarification as to the direction of the deck addition? Ms. Barrie provided a response.

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

No further questions from the Committee or other persons.

CA2022-103

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2022-063 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 and D submitted as part of Report COA2022-071, 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 COA2022-071. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 Memorandum

Leah Barrie, Manager of Planning
 File Number: D20-2022-064
 Location: 10 Leaf Street
 Lot 7, Plan 234
 Geographic Township of Fenelon
 Owners: Kevin Decooman and Doreen MacPherson

Ms. Barrie summarized the memorandum included in the Members report packages and recommended a deferral to allow further evaluation and discussion amongst the Planning, Building and Septic staff together with the owners.

The Committee agreed the application be deferred to a subsequent meeting scheduled for December 1, 2022 or sooner pending outcome of inspection.

CA2022-104

Moved By J. Robinson

Seconded By S. Strangway

That Minor Variance Application D20-2022-064 be deferred for a period of not more than two months, returning at the latest to the December 1, 2022 meeting.

Carried

Councillor Yeo left the meeting at 3:06pm.

3.1.9 COA2022-073

Leah Barrie, Manager of Planning
 File Number: D20-2022-065
 Location: 63 Charlore Park Drive
 Part Lot 14, Concession 7 (being Part 1, RP 57R9126)
 Geographic Township of Emily
 Owners: Daniel and Shauna Keeler

Ms. Barrie brought to the Committee's attention the Planning Act requirements for circulating notice. The reason being is that the sign to be posted on the

property was prepared but not picked up and posted due to a clerical error. As a result of the circulation no concerns or issues were received from the public or agencies. However, staff felt that sufficient notice was given via the 60 metre circulation mailed to surrounding neighbours and the notice advertised on the City's website. The Committee took a vote in favour to continue with the application which was carried.

Ms. Barrie summarized Report COA2022-073. The purpose and effect is to facilitate construction of a detached accessory building (workshop/garage). Section 3.1.2.2 provides that an accessory building may be erected no closer to a street than the required front yard setback for the zone in which it is located, that being 7.5 metres; the proposed setback is +/- 5.5 metres.

The Committee raised the following questions:

- 1) Appendix C, location of second driveway? Ms. Barrie provided a response.
- 2) Is the setback sought behind the garage to the lot line? Ms. Barrie responded.
- 3) Can a condition to obtain a permit for the additional driveway be added? Ms. Barrie agreed.

The applicants, Mr. and Mrs. Keeler were not present.

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

The application was granted approval as amended.

CA2022-105

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-065 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 COA2022-073, 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.

3) **That** building construction related to this approval shall proceed provided the owner obtains an entrance permit for the additional driveway intended to serve the proposed detached accessory building (workshop/garage).

This approval pertains to the application as described in report COA2022-073. 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 COA2022-064

Leah Barrie, Manager of Planning
 File Number: D20-2021-029
 Location: Vacant land, Unassumed Road Allowance
 Part of Lot 16 and 17, Concession 10
 Geographic Township of Somerville
 Owner: Steven Harjula

Ms. Barrie summarized the recommendation for deferral at the August 18, 2022 Committee of Adjustment meeting to allow the owner and the Committee time to review the Council Policy CP2017-010, Assumption of Private and Unassumed Roads Policy. The Report COA2022-064 was prepared however not presented and noted that the information within the report had not changed. Ms. Barrie also spoke to the Management Directive. The purpose and effect is to facilitate construction of a new dwelling and agricultural building in support of a nursery business on a lot absent frontage on an improved public street. Section 18.8.1 provides that no building or structure shall be erected in any zone unless the lot upon which such building or structure is to be erected has a lot line which abuts an improved public street, where access can be obtained off such street; the existing lot abuts a municipal unassumed road.

Questions raised by the Committee:

1) Clarification that the recommendation put forward is the original report? Ms. Barrie provided a response.

2) If the Committee approve the recommendation will this allow the applicant to obtain a building permit to build a dwelling and accessory building to house the trees and in two years then enter in to a license agreement with the City to construct a road at the owner's expense? Ms. Barrie responded that the proponent will first submit a proposal which will define how they will achieve compliance with the Council Policy and then be eligible for a building permit.

3) Concerns to time lines. Ms. Barrie suggested that the owner speak to his priorities.

Discussions ensued.

The applicant, Mr. Harjula was present via electronic participation and spoke to the Committee.

No further questions from the Committee or other persons.

CA2022-106

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2021-029 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1) **That** the owner submit to the City a proposal to assume the unnamed road by service, in accordance with Council Policy CP2017-010 within 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 receipt of the proposal.

This approval pertains to the application as described in report COA2022-064. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, October 27th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2022-107

Moved By B. Archer

Seconded By J. Robinson

That the meeting be adjourned at 4:12pm.

Carried

Mark LaHay, Secretary-Treasurer