

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2022-010**

**Thursday, October 27, 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 1:01pm.

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

Councillor Yeo and Member J. Robinson attended via electronic participation.

Absent: Member D. Marsh.

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

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

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2022-010

October 27, 2022

Committee of Adjustment Agenda

**CA2022-108**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** the agenda for October 27, 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 COA2022-009

September 22, 2022

Committee of Adjustment Minutes

**CA2022-109****Moved By** S. Richardson**Seconded By** Councillor Yeo

**That** the minutes of the previous meeting held September 22, 2022 be adopted as printed.

**Carried****3. New Applications****3.1 Minor Variance and Consent****3.1.1 COA2022-077**

Leah Barrie, Manager of Planning

File Number: D20-2022-069 and D03-2022-025

Location: 4232 Highway 7

Part Lot 11, Concession 3

Geographic Township of Emily

Owner: Patrick Denham

Applicant: TD Consulting Inc. (Tom deBoer)

Ms. Barrie summarized Report COA2022-077. The purpose of the consent application is for a correction of title. The purpose of the minor variance application is to permit a reduced lot area as a result of the companion consent. Relief sought: Section 15.2.1.1 requires a minimum lot area of 4,000 square metres in the Highway Commercial (C2) Zone; the proposed severed lot is to be 2,727 square metres.

Ms. Barrie gave a brief summary of the agency comments received from DS-Building and Septic Division (Septic), Ministry of Transportation, Engineering and Corporate Assets Division and Hydro One Network. It was noted that the associated building permit application requested reactivation of the convenience store and gas bar, which are permitted uses within the Zoning By-law.

Ms. Barrie indicated there were two public submissions from Mr. and Mrs. Collins of 4230 Hwy 7, west side of the proposed gas bar and Mr. Shannon of 4213 Hwy 7, with the following concerns:

1) Fencing being installed - Impacts from snow fall and snow drifting on to driveway.

- 2) Well, impacted by new uses.
- 3) Traffic, water supply and sewage issues.
- 4) Excessive litter in the ditches.

Ms. Barrie responded to their concerns. Also noting that the Committee were in receipt of the public submissions. Ms. Barrie finished by saying that Mr. Shannon's concerns were forwarded to the Ministry of Transportation for their consideration given their area of jurisdiction.

Questions raised by the Committee:

- 1) The retained and severed lots. Do they share the driveway or are there two separate entrances?

Ms. Barrie replied they have two separate driveways.

- 2) Is there sufficient parking spaces to substantiate the use?

Ms. Barrie noted that if it a reduction in parking was needed for a future use, then it would have to return to the Committee of Adjustment.

- 3) Is there a concern with contamination of soil from former use?

Ms. Barrie replied that there has been no indication of such a concern.

- 4) Page 2 of 7 of the report, last paragraph "The proponent is of the opinion that the lots have merged on title" Is this a true statement?

Ms. Barrie suggested to the owner/applicant to obtain a legal opinion on the status of the lots from performing a title search. From a planning perspective, they appear to be two separate lots of record.

- 5) Appendix C, applicants sketch is showing the island on Highway 7, is this correct?

Ms. Barrie noted that this is not a survey and assured the Committee that the island is not on the highway.

The applicant, Mr. deBoer of TD Consulting Inc. was present and spoke to the concerns with the two separate lots of record. After several discussions with the owner's solicitor, it was of their opinion that the title was inconsistent. Therefore, a consent was applied for to ensure a clean clear title to enable the owners to sell lots individually or collectively. Mr. deBoer finished by saying that the Appendix C was a representation of the property and not a survey.

Questions raised by the Committee to the applicant:

1) Are the sizes shown on the "to be severed" sketch the same as shown on the two deeds?

Mr. deBoer replied yes.

Opposed to the application, Mr. Shannon was present however lost connection via zoom. Ms. Barrie noted for the record that Mr. Shannon's submission was previously circulated to the Committee for review. The Chair noted that should Mr. Shannon have further concerns to speak with the Planning Division.

**CA2022-110**

**Moved By** S. Richardson

**Seconded By** Councillor Yeo

**That** minor variance application D20-2022-069 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**That** consent application D03-2022-025 be GRANTED, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

**Conditions of Approval for Minor Variance**

1. **That** lot configuration related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2022-077, which shall be attached to and form part of the Committee's Decision; and,
2. **That** lot configuration 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 companion consent application D03-2022-025.

This approval pertains to the application as described in report COA2022-077. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Conditions of Approval for Consent**

**That** consent application D03-2022-025, being an application for a correction of title with the conditions of provisional consent substantially in the form attached as Appendix 'D', be **Granted**.

to

REPORT COA2022-077FILE NO: D20-2022-069; D03-2022-025**PROPOSED CONDITIONS OF PROVISIONAL CONSENT****Recommendation:**

**THAT** the +/- 2,727 sq m parcel to be severed at 4232 Highway 7 and the +/- 7,750 sq m parcel to be retained at 4236 Highway 7 be **GRANTED**:

**Proposed conditions of provisional consent: D03-2022-025**

1. This approval applies to the transaction applied for, and is contingent on approval of companion Application **D20-2022-069**.
2. The owner shall obtain a Minor Variance addressing a reduced minimum lot area on the subject lands, and that the variance be in effect.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$476.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
6. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
7. The owner shall pay all costs associated with the registration of the required documents.
8. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

**Carried****3.2 Minor Variances****3.2.1 COA2022-074**

Leah Barrie, Manager of Planning  
File Number: D20-2022-066  
Location: 248 John Street  
Lot 8 and Part Lot 9 on Plan17  
Geographic Township of Manvers  
Owners: David and Marilyn Bartley

Ms. Barrie summarized Report COA2022-074. The purpose and effect is to facilitate the construction of a second-storey residential addition and a new detached garage.

1. Section 5.1 b) iii) requires a minimum side yard setback of 6 metres for an accessory building greater than 60 square metres; proposed is +/- 89 square metres with a side yard setback of +/- 2.7 metres.
2. Section 5.1 b) vi) requires a minimum side yard setback of 6 metres for an accessory building taller than 4.3 metres; proposed is +/- 6.1 metres tall with a side yard setback of +/- 2.7 metres.
3. Section 5.1 c) permits a maximum lot coverage and height for accessory buildings of 8% and 5 metres; proposed is +/- 12.5% with a height of +/- 6.1 metres.
4. Section 5.12 requires a minimum rear yard setback of 15 metres for through lots; proposed is +/- 1.8 metres.
5. Section 13.2 c) permits a maximum lot coverage of 25%; proposed is 27.1%.
6. Section 13.2 h) requires a minimum front yard setback of 15 metres; proposed second storey to align with existing front yard setback of +/- 1.22 metres.

Ms. Barrie indicated there was a concern from Mr. and Mrs. Kimble of 10 Bradley Street regarding increased height of garage creating shadowing on the property of 10 Bradley.

Ms. Barrie noted additional comments received from the owners indicating in the past there were five, 65ft trees surrounding the garage which would have caused shadowing but have since been removed.

Questions raised by the Committee:

1) Where is the location of the new garage in relation to the old garage and which one of the two garages on slide 17 is the old garage?

Ms. Barrie described the cream colour garage being the old garage.

2) Is the building envelope bigger than the existing garage?

Ms. Barrie replied that the new garage is a larger footprint than the existing garage.

The Committee referred to the Part 8 Sewage System comments "The garage on the property is existing" therefore no issue with the placement or size of the garage. The Committee asked for clarification as the comments do not refer to the new proposed placement of the garage. Ms. Barrie noted that the Supervisor of Part 8 Sewage Systems would have received the application and site plan showing the new proposed garage. Ms. Barrie deferred to the Chief Building Official.

Ms. Murchison responded that she could not speak on Ms. Elmhirst's behalf, however can only assume that Ms. Elmhirst had reviewed the paperwork of the footprint on the site plan of the proposed garage which was circulated by planning. If clarification is required then we would need to speak with Ms. Elmhirst. Ms. Barrie suggested that we add a condition of approval that the septic evaluation be confirmed to include the sizing and location of the new garage.

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

**CA2022-111**

**Moved By S. Strangway**

**Seconded By J. Robinson**

**That** minor variance application D20-2022-066 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 COA2022-074, 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** approval under the OBC pertaining to waste disposal be obtained 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 a Septic Review.

This approval pertains to the application as described in report COA2022-074. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.2.2 COA2022-075

Leah Barrie, Manager of Planning  
 File Number: D20-2022-067  
 Location: 131 1/2 King Street West  
 Block 3, Lot 7, Plan 109  
 Former Village of Omemee  
 Owner: Daniel McCuish

Ms. Barrie summarized Report COA2022-075. The purpose and effect is to facilitate construction of a detached accessory building (garage). Relief sought: Section 3.1.3.1 for accessory buildings and structures permits a maximum lot coverage of 40% of the main building gross floor area; the proposed coverage is 52.54%.

Ms. Barrie briefly summarized concerns received from Ms. Coulter of 133 King Street East regarding excess water shed draining onto her property. Drainage issues and no swales. Ms. Barrie responded.

Questions raised by the Committee:

1) Ms. Coulter has legitimate concerns. How can the Committee assist?

Ms. Barrie replied that the Building Division when issuing a building permit are aware of the conditions imposed on the minor variance. Ms. Barrie suggested a condition that all water shed from the immediate location of the proposed garage be directed away from the abutting lot.

The Chair suggested an advisory to read "That the Building Division be advised of the drainage issues associated with the increased size of the yard". Councillor Yeo brought to the Committees' attention that a suggestion to acknowledge the Building Division of the drainage concern. He noted that drainage issues are not new and an on going issue in the Kawartha Lakes and finished by saying that the Building Code of Canada prohibits the shed of water from one property to another. Councillor Yeo suggested that when advising the Building Division also advise the abutting owners so that they can work in conjunction with the proponent.

The applicant, Mr. McCuish was present via electronic participation and mentioned that he has had several conversations with Ms. Coulter and claimed the water was draining from the homes to the rear of their properties during the spring melt. Similarly the neighbour of 131 Kings Street had water issues.

The Committee motioned to approve the application with the amendment to advise the Building Division of the drainage issues associated with the increased size of the yard.

No further questions from the Committee or other persons.

**CA2022-112**

**Moved By** S. Richardson

**Seconded By** B. Archer

**That** minor variance application D20-2022-067 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 COA2022-075, 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 COA2022-075. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.2.3 COA2022-076

Leah Barrie, Manager of Planning  
File Number: D20-2022-068  
Location: 17 King Street East  
Part Lots 10 and 11, Range 6, Plan 70  
Former Village of Bobcaygeon  
Owners: George and Gail Leaver  
Applicant: TD Consulting Inc. (Tom deBoer)

Ms. Barrie summarized Report COA2022-076. The purpose and effect is to facilitate a seasonal (summer) outdoor patio area. Section 3.13 a. requires 39 parking spaces recognizing the existing commercial use (27) and the proposed patio use (12); existing are 18 spaces. The minor variance is to waiver the 12 parking spaces required.

There were no issues from commenting agencies or the public.

The Committee had the following questions:

- 1) Is the shed housing the propane tank occupying a parking space? Ms. Barrie deferred to the applicant for comment.
- 2) The Committee recalled a minor variance back in 2019 whereby the owner made an arrangement with adjacent neighbour to park on abutting lot and asked for confirmation. Deferred to the applicant for comment.
- 3) Previous minor variance requested a patio which the Committee denied. Confirmation requested. Deferred to the applicant.

The applicants Ms. Kirby and Tom deBoer of TD Consulting Inc. were present. Mr. deBoer confirmed the shed housing the propane tank did not occupy a parking space. The patio requested in a previous minor variance was not denied.

Request for front and rear patio were approved. Parking on the adjacent property requested through an easement was approved and registered on title.

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

**CA2022-113**

**Moved By** S. Strangway

**Seconded By** Councillor Yeo

**That** minor variance application D20-2022-068 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 COA2022-076, 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 COA2022-076. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

3.2.4 COA2022-078

Leah Barrie, Manager of Planning

File Number: D20-2022-070

Location: 57 Potts Shore Road

Part Lot 25, Concession 8

Geographic Township of Fenelon

Owner: Santro Martire

Applicant: RWH Construction (Kassie Holtom)

Ms. Barrie summarized Report COA2022-078. The purpose and effect is to facilitate the construction of an accessory building (boathouse). Section 15.2.1.4

of the Zoning By-law permits a maximum lot coverage of 30%; the proposed is +/- 31%. Section 3.1.2.2 requires that the location of an accessory building be no closer than +/- 1.2 metres to a residential building on the same lot; the proposed is zero (0) metres. Section 3.1.2.1 permits a maximum lot coverage for all accessory buildings of 8%; the proposed is +/- 9%. Part 2 - definition of 'Accessory Building' is characterized as being 'detached'; the proposed is 'attached'. Agency comments received after the writing of the report were received from Kawartha Region Conservation Authority indicating that a permit is required with the inclusion of the marine rails would also require a permit from Parks Canada.

The Committee had the following questions:

1) Would there be a concern if a person wanted to build a deck on top of the boathouse and do they require approval from Parks Canada for the boathouse. Ms. Barrie responded that the height of the deck is not a concern. Also that approval is not required from Parks Canada but from the Chief Building Official, Building and Septic Division.

The applicant, Mr. Hayter of RWH Construction was present via electronic participation and also confirmed that approval is not required from Parks Canada for the boathouse.

No further questions from the Committee or other persons.

**CA2022-114**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**That** minor variance application D20-2022-070 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 COA2022-078, 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 COA2022-078. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.2.5 COA2022-079

Leah Barrie, Manager of Planning  
File Number: D20-2022-071  
Location: 4 Greenwood Road  
Part Lot 8, Concession 4  
Geographic Township of Laxton  
Owner: Zahra Alavi  
Applicant: Farid Ghorbani

Ms. Barrie summarized Report COA2022-079. The purpose and effect is to facilitate the construction of a +/- 25.5 square metre residential addition, resulting in the enlargement of the legal non-conforming single detached dwelling (est. 1958) whereby its residential use predates the Zoning By-law adopted in 1983, that zones the lot Open Space 'O1', and Section 7.1 does not otherwise permit residential uses.

There were no concerns from agencies or the public. Since the writing of the report agency comments were received from Kawartha Region Conservation Authority stating no permit is required for the addition.

The Committee drew attention to Page 3 of 7 of the report, second paragraph, referencing the municipal encroachment agreement and asked if this was a new or old agreement. Ms. Barrie replied that it was not new.

The owner, Zahra Alavi was present via electronic participation and spoke to the Committee noting that the brown structure in the presentation was a shed and not a garage.

The applicant, Mr. Ghorbani was present via electronic participation and spoke to the proposed design of the single detached dwelling.

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

The Chair called for a break at 2:46pm. The Chair called the meeting back to order at 2:53pm.

**CA2022-115**

**Moved By** Councillor Yeo

**Seconded By** B. Archer

**That** minor variance application D20-2022-071 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 Appendices C and D submitted as part of Report COA2022-079, which shall be attached to and form part of the Committee's Decision; and,
2. **That** building construction related to this approval 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 COA2022-079. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

**3.2.6 COA2022-080**

Leah Barrie, Manager of Planning

File Number: D20-2022-072

Location: 195 Campbell Beach Road

Part Lot 12 and Part Shore Road Allowance, Concession 1

Geographic Township of Carden

Owners: Troy Lamsee and Golan Rotem

Applicant: re:placement design Inc. (Mike De Oliveira)

Ms. Barrie summarized Report COA2022-080. The purpose and effect is to facilitate a residential addition to the existing house. Relief sought: Section 4.2 g. and 14.21 require a minimum water setback of 20 metres; the non-complying setback of 7.22 metres (dwelling) will remain unchanged, and the addition of a deck is proposed at 11.3 metres. Section 4.2 d. requires a minimum side yard setback of 3 metres on one side and 2.2 metres on the other; the proposed setbacks are 2.55 metres on one side and 0.73 metres on the other.

Member Strangway left the meeting 2:58pm. Returned 3:00pm.

Ms. Barrie noted that agency comments received from the Supervisor of Part 8 Sewage Systems that a septic review was not conducted and suggested a condition be added that a septic review take place before the building permit is issued.

Since the writing of the report, comments were received from KRCA stating that a permit would not be required.

Questions raised by the Committee:

1) The report states that the privy and shed be removed. If a condition is not added to the effect, do we assume it is dealt with through the building permit process?

Ms. Murchison, Chief Building Official responded that she did not recommend a condition be added. If the structures are less than 15 square metres they do not require a permit under the Building Code Act. By adding a condition will delay the issuance of a permit. If there are concerns with the shed and privy it would then be a by-law issue. Discussions ensued.

2) Condition 2 and 3 of the report both note a period of 24 months for completion. Would that cause an issue? Ms. Murchison replied no and that a condition referring to the "building construction related to a minor variance shall be completed within a period of 24 months" refers to the first inspection not complete build.

The applicant, Mike De Oliveira was present via electronic participation and thanked staff and the Committee. Mr. De Oliveira also confirmed that the Privy and shed have to be removed for the new construction to take place.

No further questions from the Committee or other persons.



**CA2022-116****Moved By** B. Archer**Seconded By** S. Richardson

**That** minor variance application D20-2022-072 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 COA2022-080, 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** approval under the OBC pertaining to waste disposal be obtained 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 a Septic Review.

This approval pertains to the application as described in report COA2022-080. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

## 3.2.7 COA2022-081

Leah Barrie, Manager of Planning

File Number: D20-2022-073

Location: 7 Charlotte Crescent

Part lots 12 and 13, Concession 7 (being Lot 19, Plan 387)

Geographic Township of Emily

Owner: John Milroy

Applicant: Britney Milroy

Ms. Barrie summarized Report COA2022-081. The purpose and effect is to facilitate the construction of an attached garage with a loft space above. Section 12.2.1.3.b. of the By-law requires a minimum interior side yard setback of 3 metres for 1- and 1½ -storey buildings; the addition proposes to extend the non-complying setback at +/- 1.8034 m [5'11"] (existing south corner) to 1.8288 [6'] (proposed north corner) with no further encroachment.

Agency comments received from the Supervisor of Part 8 Sewage Systems noted that a septic review had not been conducted and as such that a condition be placed on the minor variance.

There were no concerns from commenting agencies or the public.

There were no questions from the Committee or other persons.

**CA2022-117**

**Moved By** S. Strangway

**Seconded By** J. Robinson

**That** minor variance application D20-2022-073 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 COA2022-081, 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** approval under the OBC pertaining to waste disposal be obtained 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 a Septic Review.

This approval pertains to the application as described in report COA2022-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried****3.2.8 COA2022-082**

Leah Barrie, Manager of Planning

File Number: D20-2022-074

Location: 756 County Road 24

Part Lot 12, Concession 5 (being Lot 2 on Plan 226; Part 6 on RP 57R-2227)

Geographic Township of Verulam

Owner: Paul Cotton

Applicant: Square Root Design (David Rolfe)

Ms. Barrie summarized Report COA2022-082. The purpose and effect is to facilitate the construction of a new house and attached garage. Section 8.2 n. requires a minimum water setback of 15 metres; the proposed setback is +/- 14.44 metres (dwelling) and +/- 9.06 metres (deck).

There were no concerns from the commenting agencies or the public.

Since the writing of the report, comments were received from Kawartha Region Conservation Authority noting the applicant is required to obtain a permit from KRCA which will require the submission of drawings/surveys illustrating the finished floor elevation of the residential building being 0.3m above the Sturgeon Lake high water level of 248.4 masl.

The applicant, David Rolfe was present via electronic participation and thanked Staff and the Committee.

**CA2022-118**

**Moved By** S. Richardson

**Seconded By** Councillor Yeo

**That** minor variance application D20-2022-074 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 COA2022-082, 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 COA2022-082. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.2.9 COA2022-083

Leah Barrie, Manager of Planning  
 File Number: D20-2022-075  
 Location: 115 Gilson Street  
 Lot 19, Plan 57M-764  
 Geographic Township of Mariposa  
 Owners: Ricky Arbour and Nancy Broomfield

Ms. Barrie summarized Report COA2022-083. The purpose and effect is to facilitate the construction of a detached accessory building (shed). Section 3.1.2.2 requires accessory buildings to be 2 metres from the side lot line; the proposed setback is 1 metre.

No concerns were received from agencies or the public.

Since the writing of the report agency comments were received from Building and Septic Division (Building) noting an outstanding permit to raise the cottage BP2017-0056, no other concerns. KRCA noted that a permit will not be required for the placement of the proposed accessory shed. However to confirm with KRCA's permitting staff for other potential development in the future as part of the property is regulated by Kawartha Conservation.

There were no questions from the Committee or other persons.

### **CA2022-119**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2022-075 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 COA2022-083, 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 COA2022-083. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.3 Consents

## **4. Deferred Applications**

### 4.1 Minor Variances

#### 4.1.1 COA2022-060

Leah Barrie, Manager of Planning

File Number: D20-2022-053

Location: 110 Wilkinson Drive

Part Lot 20, Concession 6 (being Lot 2, Plan 335)

Geographic Township of Somerville

Owners: Thomas and Pauline Somogyi and Jordan and Theodore Barker

Applicants: Thomas and Pauline Somogyi

Ms. Barrie gave a brief overview of the deferral granted at the August 18, 2022 meeting to allow Staff, Kawartha Conservation and the Owner time to review and consider information which identified the presence of karst topography (a natural hazard feature of provincial significance) that warrants further evaluation of the application. An assessment was completed by KRCA to allow the application to

return to the October 27th meeting.

Ms. Barrie summarized Report COA2022-060. The purpose and effect is to facilitate the re-construction of a residential dwelling. Section 5.2.f. requires a minimum water setback of 15 metres with a permitted deck and steps encroachment per Section 18.1.4.a.iii. up to 1.5 metres (resulting setback of 13.5 metres); the proposed setback is 10.97 metres (north corner) and 6.93 metres (south corner). Ms. Barrie gave a brief overview of the Karst Topography Assessment.

There were no concerns received from commenting agencies or the public.

The applicant, Ms. Somogyi was present via electronic participation and thanked the Committee and Staff.

There were no question from the Committee or other persons.

**CA2022-120**

**Moved By** Councillor Yeo

**Seconded By** S. Strangway

**That** minor variance application D20-2022-053 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 and information in Appendix C and E submitted as part of Report COA2022-060, 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 COA2022-060. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

4.2 Consents

5. **Other Business**

6. **Correspondence**

7. **Next Meeting**

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

8. **Adjournment**

**CA2022-121**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That the meeting be adjourned at 3:54pm.**

**Carried**



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Mark LaHay, Secretary-Treasurer

