

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2023-010
Thursday, October 26, 2023
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Betty Archer
Gerald Erickson
Sandra Richardson
Lloyd Robertson
Stephen Strangway

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To see the full proceedings of the public meeting, go to the City of Kawartha Lakes YouTube Channel.

1. **Call to Order**

Chair Robertson called the meeting to order at 1:00pm. Members, B. Archer, S. Richardson, S. Strangway and G. Erickson were in attendance in person.

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

Staff, Mathew McKinnon, Plans Examiner, in attendance via electronic participation.

Absent: Councillor Yeo.

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2023-010

October 26, 2023

Committee of Adjustment

The Chair called for a motion to amend the agenda, under "Section 3.1 New Applications", to bring forward Report COA2023-086, to be presented first.

CA2023-112

Moved By G. Erickson

Seconded By S. Strangway

That the agenda for October 26, 2023 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 COA2023-009

September 28, 2023

Committee of Adjustment Minutes

CA2023-113**Moved By** B. Archer**Seconded By** S. Richardson

That the minutes of the previous meeting held September 28, 2023 be adopted as printed.

Carried**3. New Applications****3.1 Minor Variances****3.1.7 COA2023-086**

Katherine Evans, Planner II

File Number: D20-2023-078

Location: 1437 Killarney Bay Road

Part Lot 26, Concession 4 (being Lot 8 on Plan 176)

Geographic Township of Fenelon

Owner: David and Karen Rowe

Applicant: TD Consulting Inc.

Ms. Evans spoke to the reliefs circulated to the public and agencies and added that since the circulation, the application had progressed and that additional reliefs are required as it was determined that the existing deck is to remain. Staff are of the opinion that the application can proceed without re-circulation and asked the Committee for their consideration to proceed. Due to a supporting vote at the commencement of the presentation, the Committee agreed to proceed with the application without further advertising of the minor variance revision raised by the planner.

Ms. Evans summarized Report COA2023-086. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new larger dwelling. Relief sought: Section 15.2.1.3 b) ii) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side for a two storey dwelling; the existing setback from the north lot line is 4.6 metres and is proposed to remain the same and the proposed setback from the south lot line is 2.1 metres; Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the existing non-complying setback of 11 metres for the dwelling is proposed to remain unchanged and the existing non-complying setback of 9 metres for the attached deck is proposed to remain

unchanged; and, Section 15.2.1.4 of the By-law permits a maximum lot coverage of 30% of the lot area; the proposed lot coverage is 32%.

The applicant, Mr. deBoer was present in person and was available for questions.

There were no questions from the Committee or other persons.

CA2023-114

Moved By S. Strangway

Seconded By S. Richardson

That due to a supporting vote at the commencement of the presentation, the Committee agreed to proceed with the application as amended without further advertising of the minor variance issue raised by the planner.

Carried

CA2023-115

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2023-078 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 the drawings in Appendix D submitted as part of Report COA2023-086, 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 COA2023-086. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.1 COA2023-080

Katherine Evans, Planner II

File Number: D20-2023-072

Location: 80 Wakeford Road

Part Lot 14, Concession D (Being Lots 8, 9, and Part Lot 10
on Plan 124 and Parts 4 and 5 on Reference Plan 57R5034)

Geographic Township of Mariposa

Owner: Matthew and Angela Hannon

Applicant: Matthew Hannon

Ms. Evans drew the Committee's attention to an amendment to change the wording of Condition 4, which was distributed to the Committee prior to commencement of today's meeting. Ms. Evans summarized Report COA2023-080. The purpose and effect is to facilitate the demolition of the existing dwelling and detached garage, and the construction of a new dwelling and attached garage. Relief sought: Section 15.2.1.3 a) of the By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 5.6 metres; and, Section 15.2.1.4 of the By-law requires a minimum water setback of 30 metres; the proposed setback is 18.3 metres.

Committee had questions regarding the reason for removing the small shed that doesn't require a permit. Ms. Evans responded. Mr. McKinnon, Plans Examiner provided clarification for timelines for the building permit and private sanitary waste disposal permit.

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

The Committee made a motion to approve the application as amended.

CA2023-116

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2023-072 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 Appendix C, the drawings in Appendix D, and the photo in Appendix E submitted as part of Report COA2023-080, which shall be attached to and form part of the Committee's Decision;
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 Ontario Building Code (OBC) pertaining to private sanitary 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 review of the sewage system requirements; and,
4. **That** the shed identified in Appendix E be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the shed has been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2023-080. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2023-081

Katherine Evans, Planner II

File Number: D20-2023-073

Location: 27 Leaside Street

Part Lot 31, Concession 7 (being Part 1 on Reference Plan 57R3107)

Geographic Township of Fenelon

Owner: Eric Kemp

Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2023-081. The purpose and effect is to facilitate the construction of a boathouse. Relief sought: Section 3.1.3.1 of the

By-law permits a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres; the resulting lot coverage is 278.4 square metres or 5.2% of the lot area; and, Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed boathouse constitutes the fifth accessory structure on the lot.

The Committee requested clarification as to why this application can have 5 accessory structures as opposed to the previous application that cannot. Ms. Evans indicated that the owner of the previous application, 80 Wakeford Road requested to remove the small structure whereas the owner of this application, 27 Leaside Street, the owner wishes to keep all structures as per relief requested.

The applicant, Mr. deBoer of TD Consulting Inc. was present in person and available for questions.

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

CA2023-117

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2023-073 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 Appendix C and the drawings in Appendix D submitted as part of Report COA2023-081, 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.

This approval pertains to the application as described in report COA2023-081. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.3 COA2023-082**

Katherine Evans, Planner II

File Number: D20-2023-074

Location: 19 Kenhill Beach Road (back lot)

Part Lot 10, Concession 3 (being Part 1 on Reference Plan 57R10815)

Geographic Township of Verulam

Owner: Lois and Brett Richards

Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2023-082. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 8.3.27.3 c) of the By-law requires a minimum front yard setback of 12 metres, plus an additional 10 metres from the centreline of the road allowance, required by Section 5.18.3 of the By-law; the proposed setback is 2 metres from the front lot line and 12 metres from the centreline of the road allowance.

The Committee indicated that there was an accessory structure on the back lot and asked if it is permitted to remain there. Staff responded yes.

The applicant, Mr. deBoer of TD Consulting Inc. was present in person and spoke to the application.

The Committee asked staff if the City are encouraging applicants to build residential units on back lots. Ms. Evans responded that ARU's are possible if they meet the criteria.

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

CA2023-118

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2023-074 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 COA2023-082, 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 COA2023-082. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2023-083

Katherine Evans, Planner II
 File Number: D20-2023-075
 Location: 72 Mason Lane
 Part Lot 10 Front Range
 Geographic Township of Somerville
 Owner: John and Mary McLachlan
 Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2023-083. The purpose and effect is to facilitate the construction of a boathouse. Relief sought: Section 18.1.3 a) of the By-law permits a maximum lot coverage for accessory structures of 8% of the lot area to a maximum of 225 square metres; the resulting lot coverage is 80.7 square metres, being 9.8% of the lot area.

After the writing of the report, public comments were received from Roland Herman of 70 Mason Lane with concerns relating to the sloped roof, size and height of proposed boathouse and impact to water views. Ms. Evans responded to concerns.

The Committee asked if Mr. Herman had been advised of the boathouse height limitations. Ms. Evans replied yes.

The applicant, Mr. deBoer of TD Consulting Inc. was present in person, thanked staff and was available for questions.

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

CA2023-119

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2023-075 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 and the drawings in Appendix D submitted as part of Report COA2023-083, 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 COA2023-083. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2023-084

Katherine Evans, Planner II

File Number: D20-2023-076

Location: 91 Brook Road

Part Lot 18, Concession 3 (being Lot 30 on Plan 281)

Geographic Township of Somerville

Owner: Steve and Cindy Cozier

Applicant: Steve and Cindy Cozier

Ms. Evans summarized Report COA2023-084. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 18.1.3 b) of the By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 6.5 metres; and, Section 18.1.3 c) of the By-law permits a maximum of 3 accessory structures; the proposed garage constitutes the fifth accessory structure on the lot.

The Committee raised the following questions:

- 1) Clarification of the yellow structure on the slide 37 of the PowerPoint being a Carport.
 - 2) Comments received from Kawartha Conservation stating a permit is not required. Is it because the property is not within the regulated conservation area?
 - 3) Is the Burnt River within the Kawartha Conservation regulated area?
- Ms. Evans responded.

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

CA2023-120

Moved By G. Erickson

Seconded By S. Strangway

That minor variance application D20-2023-076 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, the drawings in Appendix D, and the floodplain provisions and expected level of flooding in Appendix E submitted as part of Report COA2023-084, 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 COA2023-084. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2023-085

Katherine Evans, Planner II
File Number: D20-2023-077
Location: 95 Birch Point Drive
Lot 105 on Plan 467
Geographic Township of Emily
Owner: Jessica Harvey
Applicant: Jessica Harvey

Ms. Evans summarized Report COA2023-085. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 3.1.2.1 of the By-law permits accessory structures in the interior side or rear yard; the garage is proposed to be located in the front yard; and, Section 3.1.3.2 of the By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 6.5 metres.

Ms. Evans summarized public comments received from Mr. Loughran, the owner of 97 Birch Point Drive regarding property value, sight lines of an eyesore, privacy concerns as well as concerns regarding other work previously completed at the subject property.

The Committee had the following concerns:

- 1) A pool being placed over a septic system.
- 2) Internal staircase/tunnel from the garage to the dwelling.
- 3) Placement of proposed garage.
- 4) How many parking spaces will be lost due to the proposed built garage.

The applicant, Ms. Harvey was present via electronic participation and responded to the Committee's concerns.

Opposed to the application, Mr. Loughran of 97 Birch Point Road was present via electronic participation. Mr. Loughran reiterated concerns summarized by Ms. Evans. Mr. Loughran also spoke to the pool constructed over the septic bed without a permit and that he has filed a complaint through the Building and Septic Division.

The applicant, Ms. Harvey, responded to Mr. Loughrans concerns.

The Committee asked staff that if at any time the septic systems fails will there be access to the rear of the property if the proposed garage is built? Ms. Evans responded.

A deferral was suggested to review how the pool was built over the septic system but the Committee declined as this is not part of the minor variance being requested. Ms. Barrie, Manager of Planning spoke to the Committee regarding the minor variance being considered today and that the concern be addressed through the Building and Septic Division or the Municipal Law Enforcement Office. Ms. Barrie finished by confirming that the Plans Examiner has been in contact during the meeting and confirmed there is a current enforcement file open.

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

CA2023-121

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2023-077 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 the drawings in Appendix D submitted as part of Report COA2023-085, 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**, prior to the issuance of a Building Permit, the owner obtain a Section 59 Notice from Kawartha Region Conservation Authority's Risk Management Official. This condition will be considered fulfilled upon the

provision of a copy of Kawartha Region Conservation Authority's approval to the Secretary Treasurer.

This approval pertains to the application as described in report COA2023-085. 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

4.2 Consents

5. **Other Business**

The Committee asked for an explanation to KRCA comments where they state no concerns with the minor variance however a permit is required from their office. Ms. Evans explained.

6. **Correspondence**

Ms. Barrie spoke to the recent resignation received from Member Scarr and thanked her for her participation on the Committee of Adjustment and wished her well.

7. **Next Meeting**

The next meeting will be Thursday, November 23rd at 1:00pm in Council Chambers, City Hall.

8. **Adjournment**

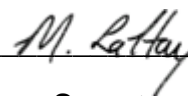
CA2023-122

Moved By S. Strangway

Seconded By B. Archer

That the meeting be adjourned at 2:40pm.

Carried

A handwritten signature in black ink, appearing to read "M. LaHay", is positioned above a horizontal line.

Mark LaHay, Secretary-Treasurer