

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

**COA2020-012**  
**Thursday, November 26, 2020**  
**1:00 P.M.**  
**Council Chambers**  
**City Hall**  
**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**  
**Councillor Emmett Yeo**  
**David Marsh**  
**Andre O'Bumsawin**  
**Sandra Richardson**  
**Lloyd Robertson**  
**Betty Archer**  
**Stephen Strangway**

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## 1. **Call to Order**

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

M. LaHay - Acting-Secretary Treasurer.

C. Crockford-Toomey - Recording Secretary – Remotely.

Absent D. Marsh, Councillor Yeo and A. O'Bumsawin.

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2020-12.2.1.1

November 26, 2020

Committee of Adjustment Agenda

**CA2020-067**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** the agenda for November 26, 2020 meeting be approved.

**Carried**

### 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

### 2.3 Adoption of Minutes

#### 2.3.1 COA2020-11.2.3.1

November 5, 2020

Committee of Adjustment Minutes

**CA2020-068**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** the minutes of the previous meeting held November 5, 2020 be adopted as printed.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 COA2020-044**

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-028

Location: 31 Riverview Road

Part Lot 6, Plan 100

Former Village of Fenelon Falls

Owner: Evan Bombino

Applicant: Evan Bombino

Mr. Harding summarized Report COA2020-044, to request relief from the minimum exterior side yard, street centreline setback and maximum accessory building lot coverage provisions in order to construct a single detached dwelling and detached garage.

Staff respectfully recommended the application be granted subject to the conditions identified in the report.

The Committee asked staff for clarification as to what the green area on the site plan represented. Staff replied the green area will be turned into wetlands as a result of the wetland compensation plan required by the Kawartha Region Conservation Authority (KRCA) through its permitting approvals process. The Committee continued to ask questions regarding the green and red colours and the purpose of the wetland compensation plan. Staff replied the red area represents wetlands to be removed to site the sewage system, and as a result is required to recreate the wetlands lost to development.

The Committee enquired whether the KRCA's comments be added as a condition to the decision. Staff replied that such a condition is not necessary, as the comments are informing the owner that the lands are regulated and that a wetland compensation plan is required. As the lands are regulated, KRCA must be satisfied before a building permit may be issued. The Committee asked if the Building Division would benefit from having the KRCA condition added. Ms. Murchison, Chief Building Official responded by stating the KRCA's permitting process is applicable law to the Building Code Act that a property within a conservation authority's regulated area is required to have an approval from a conservation authority before issuing a building permit.

Applicant, Mr. Bombino was present and thanked staff. He spoke to the Committee to clarify questions posed. Mr. Bombino purchased the property without wetland mapping being done. He hired an extensive team through the guidance of the Kawartha Region Conservation Authority to delineate the wetland and establish a building envelope. Mr. Bombino continued by saying that he bought the property so that he could keep the ecological value of the land. He further added that the wetland compensation would be installed on his property, rather than on another site. While he was provided the option to build off site, he felt that the added wetland would add a nice feature to the land. It is his intention to create a net gain of wetland. In addition, a lot of clean up on this land is required, which will increase the ecological value. A wetland compensation plan was submitted to the KRCA for final comments. Mr. Bombino finished by saying he is constructing a modest cottage for his family with a detached garage and wants to keep high and dry out of the flood plain as well. The building envelope has shrunk due to creating wetlands on this parcel of land and this is why he is asking for relief.

The Chair thanked the applicant for a thorough explanation.

The Committee spoke to staff regarding Condition 2 for an amendment for a correction where it states, "...Part 8 Sewage Systems stating that is satisfied with the proposed sewage system..." should now read, "...Part 8 Sewage Systems stating they are satisfied with the proposed sewage system...". Staff supported the amendment.

No further questions from the Committee or other persons.

**CA2020-069**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** minor variance application D20-2020-028 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 and generally in accordance with the elevations in Appendix D submitted as part of Report COA2020-044, which shall be attached to and form part of the Committee's Decision;

2) **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written confirmation from the Building Division – Part 8 Sewage Systems stating they are satisfied with the proposed sewage system; and

3) **That** the building construction related to the minor variances 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 COA2020-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.2 COA2020-035

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-029

Location: 93 Kenedon Drive

Part Lot 16, Concession 7, North Half of Lot 15, Plan 16

Geographic Township of Emily

Owner: Sandra Twiselton

Applicant: Ron Freer - Prestige Sunrooms

Mr. Harding summarized Report COA2020-035, to request relief to reduce the minimum water setback in order to permit the construction of a sunroom.

Staff respectfully recommended the application be granted subject to the conditions identified in the report.

The Committee asked what the reason was to remove and relocate the shed. Staff replied that when an application is received a comprehensive zoning review of the parcel is conducted to insure compliance with the zoning by-law. The owner/applicant are aware of the zoning issue and are agreeable to including a condition to make sure it is addressed.

The Committee asked if the zoning compliance issue was due to the shed being too close or because of too many accessory buildings. Staff replied it was too close.

Applicant, Mr. Freer was present and spoke to the Committee stating the staff have been thorough and that he had nothing to add. He thanked Mr. Harding for his help through the application process.

No further questions from the Committee or other persons.

**CA2020-070**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2020-029 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 and elevations in Appendix D submitted as part of Report COA2020-035, which shall be attached to and form part of the Committee's Decision;

2) **That** prior to the issuance of a building permit the owner shall submit photographs and measurements to the satisfaction of the Secretary-Treasurer demonstrating the smaller of the two sheds on the property has been removed or relocated in accordance with the zoning by-law; and

3) **That** the building construction related to the minor variances 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 COA2020-035. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

3.1.3 COA2020-045

Kent Stainton, Planner II  
 File Number: D20-2020-037  
 Location: 18 Westlake Court  
 Lot 20, Plan 57M775  
 Geographic Township of Fenelon  
 Owner:  
 Applicant:

Mr. Stainton spoke to the Committee regarding the deferral memo for 18 Westlake Court in relation to the operation of a home occupation.

The applicant/owners were not present.

**CA2020-071**

**Moved By** S. Richardson

**Seconded By** S. Strangway

**That** Minor Variance Application D20-2020-037 be deferred for a period of not more than four months, returning at the latest to the March 18, 2021 meeting until such times as all of the requisite information pertaining to the criteria of a Home Occupation is identified, provided and analyzed. The analysis will determine if additional relief from the Zoning By-Law is needed.

**Carried**

**3.1.4 COA2020-046**

Kent Stainton, Planner II  
 File Number: D20-2020-038  
 Location: 8 Shield's Lane  
 Lots 33, 34, Block D, Part Block C, Plan 378, Part Lot A,  
 Part Lot 1 of RP 57R-9058  
 Geographic Township of Bexley  
 Owner: David and Anna Smith  
 Applicant: Tom deBoer - TD Consulting Inc.

Mr. Stainton summarized Report COA2020-046 to seek relief in order to permit the construction of a detached garage. Mr. Stainton noted a typo in the first relief of the report. "1. Section 3.1.3.1... buindings". Should read "buildings".

Agency comments received from the Building Division, Engineering and Corporate Assets Division and Part 8 Sewage Systems had no concerns. Kawartha Region Conservation Authority received today identified that a permit is required. They have since cancelled the requirement for a Geotech assessment, which was originally proposed, which is no longer required to facilitate the permit.

The Committee asked staff if they could elaborate on the lot line adjustment. Staff replied lots between the two lots subject at 812 Indian Point and 8 Shields Lane are to be shared. The proponent is in the process of enlarging the two respectful lots to include those lots in between. Due to the lengthy process of the consent application, the applicant wished to proceed with the minor variance in the mean time.

The Committee questioned Appendix A, illustrating the unopened road allowance going through the middle of the property and wanted to know where is the garage in relation to this and will it cause a problem. Staff replied that the unopened road allowance does not exist in that location.

The Committee also questioned Rationale 3, wherein it makes reference to “as of right, a private garage is permitted in the front yard...” and wanted to know if that means two or more private garages are permitted in the front yard. Staff replied yes, multiple are permitted within the front yard.

The applicant, Mr. deBoer was present.

No further questions from the Committee or other persons.

**CA2020-072**

**Moved By** B. Archer

**Seconded By** S. Strangway

**That** minor variance application D20-2020-038 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 COA2020-046, 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 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 COA2020-046. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.1.5 COA2020-047

Kent Stainton, Planner II

File Number: D20-2020-039

Location: 12 Lake Street

Part Lot 9 North West Bay Range, Lot 7, Plan 134

Geographic Township of Bexley

Owner: Nancy Gusche

Applicant: Michael Gusche

Mr. Stainton summarized Report COA2020-047, to request relief to permit the construction of a new two-storey cottage, attached deck and a garden shed. Staff noted that Rationale 2, second sentence the word "neighbourhood" was omitted from the end of the sentence. This should now read, "The lots on the stretch of Lake Street are narrow with smaller cottages and shoreline residences occupying the neighbourhood".

Agency comments received after the writing of the report from Kawartha Region Conservation Authority, stating that a permit is required prior to undertaking works on the property. There were no comments received from the public.

Staff respectfully recommend that the application be granted approval subject to the conditions identified in the report.

The Committee had questions regarding page 5 of 7, first paragraph, last sentence "In fact, the existing one-storey cottage is partially situated within the unopened road allowance; therefore, the variance drastically improves the overall situation of the cottage". The Committee wanted confirmation that the cottage is being removed entirely away from the road allowance. Staff replied yes, 1.2

metres from limit of the road allowance.

The applicant, Mr. Gusche was present and spoke to the Committee and thanked staff.

No further questions from the Committee or other persons.

**CA2020-073**

**Moved By** S. Strangway

**Seconded By** S. Richardson

**That** minor variance application D20-2020-039 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 sketches in Appendices C-E submitted as part of Report COA2020-047, which shall be attached to and form part of the Committee's Decision;
- 2) **That** The Owner enter into a merger agreement within four (4) months, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the resultant parcels addressed as 12 Lake Street, identified as PINs 63116-0714 (LT) & 63116-0715 (LT) will henceforth be dealt with as one lot. The agreement shall be registered against both parcels;
- 3) **That** within eighteen (18) months after the date of the Notice of Decision the owners shall submit to the Secretary-Treasurer photographic evidence confirming that the building identified on Appendix C to Report COA2020-047 as 'Existing wood shed to be removed' has been removed, and;
- 4) **That** the building construction related to the minor variances 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 COA2020-047. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried****3.1.6 COA2020-048**

Kent Stainton, Planner II

File Number: D20-2020-040

Location: 19 Naylor Road

Part of Lot 7, East of Highway 35, Concession 5

Geographic Township of Fenelon

Owner: Matt Naylor - W.M.T. Naylor Holdings Inc.

Applicant: Emma Drake - D.M. Wills Associates Limited

Mr. Stainton summarized Report COA2020-048, to request relief in order to permit the construction of a one-storey boat storage building. Mr. Stainton noted that page 4 of 5 of the report, first paragraph where it reads "of the 50 parking spaces proposed, 25 are regular parking spaces..." should now read, " 22 are regular parking spaces".

Agency comments received from Engineering and Corporate Assets Division and Building Division noted no concerns. In addition, Part 8 Sewage Systems Supervisor was also satisfied, as no impacts to septic system will result, as no office space proposed within the storage facility.

Staff respectfully recommend the application be granted approval subject to the conditions identified in the report.

The Committee asked if there is a limit to the number of buildings put on this property. Staff replied that in terms of the overall limits to buildings, what regulates this is the lot coverage component based on the highway commercial zone portion of the property, this proposed building will not exceed. The lot coverage provisions would address such concerns.

The Committee questioned the reduction of parking spaces from 233 to 50. Fifty spaces still seems excessive when all vehicles will eventually be parked inside. Staff responded by saying that the calculation was based the parking requirements of a similar sized building involving a light industrial use that would provide for 47 spaces. The 50 spaces took this into consideration and also accommodate the three accessible sites. However, the applicant can better clarify this.

The applicant, Emma Drake of D.M. Wills Associates Limited was present and spoke to the Committee regarding the reduction in parking spaces.

The owner, Mr. Naylor was also present for any questions.

No further questions from the Committee or other persons.

**CA2020-074**

**Moved By** S. Strangway

**Seconded By** B. Archer

**That** minor variance application D20-2020-040 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 COA2020-048, which shall be attached to and form part of the Committee's Decision; and

2) **That** the Site Plan Amending Agreement for the subject property be executed and secured within twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

**This approval pertains to the application as described in report COA2020-048. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

**3.1.7 COA2020-049**

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-041

Location: 71 Perfectus Drive

Part Lot 15, Plan 245, Part 1, 57R-7233

Former Village of Bobcaygeon

Owner: Kimberley Walsh

Applicant: Meagan Sanderson - W.E. Oughtred and Associates Inc.

Mr. Harding summarized Report COA2020-049, to request relief to reduce the minimum water setback to permit a screened porch addition. Staff noted that agency comments were received shortly before the meeting from Kawartha Region Conservation Authority noting no concerns.

Staff respectfully recommend the application be granted subject to the conditions identified in the report.

The applicant, Meagan Sanderson of W.E. Oughtred and Associates Inc. was present and spoke to the Committee and thanked staff.

There were no questions from the Committee or other persons.

**CA2020-075**

**Moved By** S. Richardson

**Seconded By** B. Archer

**That** minor variance application D20-2020-041 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 and elevations in Appendix D submitted as part of Report COA2020-049, 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 COA2020-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

**Carried**

**3.1.8 COA2020-050**

David Harding, Planner II, RPP, MCIP

File Number: D20-2020-042

Location: Vacant Land on King Street East

Part of Block B, Plan 11, Part 2, 57R-10602  
Former Village of Bobcaygeon  
Owner: 1447147 Ontario Inc.  
Applicant: Tom deBoer - TD Consulting Inc.

Mr. Harding summarized Report COA2020-050, to request relief to permit the construction of a single detached dwelling and accessory dwelling unit.

Staff received public comments from Sue K. Rasksen of 68 Need Street, Bobcaygeon, expressing concerns with respect to bringing the rear dwelling wall closer to the lot line and the anticipated loss of privacy as a result. Staff requested that a condition be added to construct a privacy fence. The condition be added as Condition 2 to read, "**That** the owner shall construct a privacy fence along the rear lot line and submit to the Secretary-Treasurer's satisfaction photographic evidence of its construction. This condition shall be completed within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused". The previous Condition 2 is recommended to become Condition 3. Within Condition 3, the last sentence is recommended to be amended to read: "This condition will be considered fulfilled upon completion of the first Building Inspection and the clearance of Condition 2."

Staff respectfully recommend the application be granted subject to the conditions noted in the report as amended by staff.

The Committee asked for clarification between a dwelling with an accessory dwelling unit and a duplex. Staff replied a duplex is situated one on top of the other. For the purpose of this application, we have a back to front situation, which is also a side-by-side like a semi detached.

The Committee asked whether an accessory dwelling unit (ADU) is considered another dwelling for the purposes of applying the permitted uses within the zoning by-law. Staff replied the Province has come out with policy requiring municipalities to create opportunities to add additional dwellings to the primary dwelling within their zoning by-laws. The lot is zoned R1, which permits a single detached dwelling. The ADU provisions do not technically count the ADU as another dwelling for the purposes of applying the dwelling unit maximums within the zoning by-law.

Mr. Holy, Manager of Planning confirmed that Mr. Harding's explanation was correct. There are provisions in the City's urban-area zoning by-laws that allow for ADUs. ADUs can be within an existing dwelling or built with a new dwelling.

Soon the City will be amending its by-laws to re-label ADUs as additional residential units (ARUs) and permit ARUs on the second floor of accessory buildings. The provincial policy requires a primary dwelling when considering the creation of an ADU. The primary dwelling cannot be larger than the primary dwelling, but can be of equal size.

The Committee asked if there are two separate entrances for the primary dwelling and the ADU. Staff replied that each dwelling will have its own entrance but the dwellings will share a common wall.

Mr. Murchison, Chief Building Official requested planning staff consider a condition be added that the owner be required to register the ADU to ensure that it is captured as an accessory residential unit. Planning staff were supportive of adding the condition.

New condition 2 to read: "**That** prior to the issuance of a building permit the owner shall apply to register and pay the registration fee for the second residential unit as an accessory residential unit with the Registrar through the Building Division".

The previous Condition 2 now becomes Condition 3. The previous Condition 3 now becomes Condition 4.

The Committee asked for clarification as to the parking arrangements. Mr. Holy responded, that the driveway, which is two spaces wide and two spaces deep would likely be divided down the middle so that the occupants of each dwelling have immediate access to the road.

The applicant, Mr. deBoer of TD Consulting Inc. was present and confirmed the parking space arrangements. Parking spaces 1 and 2 go to unit 1, and parking spaces 3 and 4 go to unit 2. Each unit will have a separate entrance. Mr. deBoer referenced a similar layout last year at 56 Need Street. The homeowner may live in one unit and rent the other or rent both units, as they cannot be for individual sale. He continued to say that he has been working with Mr. Harding and approves of the additions made today.

No further questions from the Committee or other persons.

**CA2020-076**

**Moved By** S. Richardson

**Seconded By** B. Archer

**That** minor variance application D20-2020-042 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 COA2020-050, which shall be attached to and form part of the Committee's Decision;

2) **That** prior to the issuance of a building permit the owner shall apply to register and pay the registration fee for the second residential unit as an accessory residential unit with the Registrar through the Building Division;

3) **That** the owner shall construct a privacy fence along the rear lot line and submit to the Secretary-Treasurer's satisfaction photographic evidence of its construction. This condition shall be completed within a period of eighteen (18) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused; and

4) **That** the building construction related to the minor variances 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 the clearance of Condition 2.

**This approval pertains to the application as described in report COA2020-050. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Carried**

### 3.2 Consents

## 4. **Deferred Applications**

### 4.1 Minor Variances

### 4.2 Consents

## 5. **Other Business**

The Chair asked for a motion to approve the 2021 Committee of Adjustment meeting dates.



**CA2020-078****Moved By** S. Strangway**Seconded By** S. Richardson**That** the 2021 Committee of Adjustment meeting dates be approved as printed.**Carried**

The Committee asked Mr. Holy if there are any indications to the implications with regards to changes that the Ontario government is making related to the role of Conservation Boards as we move forward. Mr. Holy responded by saying he had a meeting with the Environmental Advisory Committee last week and it was brought up. Mr. Holy said he would speak with the Director of Development Services, Chris Marshall to see if we can put forward something corporately with that matter.

The Chair spoke to the Committee and Staff regarding the process of a deferral motion during a meeting.

The Committee thanked Staff for their professionalism. Mr. Holy thanked the Committee for their support through out the year.

**6. Correspondence****7. Next Meeting**

The next meeting will be Thursday, January 21, 2021 at 1:00pm in Council Chambers, City Hall.

**8. Adjournment****CA2020-079****Moved By** S. Richardson**Seconded By** B. Archer**That** the meeting be adjourned at 2:48pm**Carried**



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 Mark LaHay, Acting Secretary-Treasurer

