

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

COA2023-011
Thursday, November 23, 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 Strangway called the meeting to order at 1:00pm. Chair Strangway, and Members S. Richardson and B. Archer were in attendance in person.

Councillor Yeo was in attendance via electronic participation.

Staff, Ms. Barrie, Manager of Planning, Ms. Evans, Planner II, Ms. Murchison, Chief Building Official, Mr. LaHay, Secretary-Treasurer and Ms. Crockford, Recording Secretary were in attendance in person.

Absent: Mr. Robertson and Mr. Erickson.

2. Administrative Business

2.1 Adoption of Agenda

November 23, 2023

Committee of Adjustment Agenda

CA2023-123

Moved By B. Archer

Seconded By S. Richardson

That the agenda for November 23, 2023 be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

October 26, 2023

Committee of Adjustment Minutes

CA2023-124

Moved By S. Richardson

Seconded By B. Archer

That the minutes of the previous meeting held October 26, 2023 be adopted as printed.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2023-087

Katherine Evans, Planner II

File Number: D20-2023-079

Location: 102 Sugar Bush Trail

Part Lot 25, Concession 10 (being Part 1 on Reference Plan 57R1232)

Geographic Township of Fenelon

Owner: Bonnie Fraser

Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2023-087. 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 proposed lot coverage is 476.1 square metres or 6%; and, Section 3.1.5.3 of the By-law permits a maximum height for boathouses of 4.5 metres; the proposed height is 7.6 metres as measured from the normal water level.

Since the writing of the report, comments were received from Kawartha Conservation stating they have no concerns with the proposed minor variance and that a permit is required from their office along with a Section 59 Notice prior to the issuance of a building permit. As such Condition 4 has been added.

Public comments were received from Charles Tye of 97 Sugar Bush Trail stating no concerns.

The Committee had the following questions:

1) Is the boathouse and gazebo one of the same building? Ms. Evans replied yes they are the same building.

2) Is the boathouse/gazebo being destroyed or removed and relocated? Ms. Evans replied the building is to be demolished.

3) Does the applicant require a permit from Trent Severn Waterway for the boathouse? Ms. Evans stated that a permit is not required as this is not an in water boathouse. However Trent Severn Waterway were circulated as a courtesy but did not respond.

Mr. deBoer of TD Consulting Inc. was present in person and spoke to the history of the property and confirmed that the boathouse/gazebo will be demolished due to disrepair.

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

CA2023-125

Moved By Councillor Yeo

Seconded By B. Archer

That minor variance application D20-2023-079 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 COA2023-087, 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** 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; and,
4. **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 COA2023-087. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.2 COA2023-088**

Katherine Evans, Planner II
File Number: D20-2023-080
Location: 128 Baker Boulevard
Lot 3, Plan 57M741
Geographic Township of Digby
Owners: Victor and Tatyana Davidenko
Applicant: Victor Davidenko

Ms. Evans summarized Report COA2023-088. The purpose and effect is to recognize a recently constructed garage with two attached 'lean-to' structures. Relief sought: Section 18.1 b) of the By-law states that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Two Exception Three (RR2-3)' Zone and the minimum front yard setback requirement is 6 metres; the existing setback is 5.4 metres; and, Section 18.1 b) of the By-law states that a garage may be erected in the front yard provided that it complies with the setback provisions of the specific zone. The garage does not comply with the front yard setback, and is located in the front yard.

There were no questions from the Committee or other persons.

CA2023-126

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2023-080 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2023-088, which shall be attached to and form part of the Committee's Decision; and,
2. **That** this approval shall be in effect for a period of twelve (12) months after the date of the Notice of Decision, after which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2023-088. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2023-089

Katherine Evans, Planner II
File Number: D20-2023-081
Location: 40 McLeish Drive
Part Lot 31, Concession 3 (being Lot 14 on Plan 402)
Geographic Township of Dalton
Owners: Katie and Timothy Bye
Applicant: Katie Bye

Ms. Evans summarized Report COA2023-089. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 14.1 b) of the By-law permits an accessory structure to be located in the side or rear yard; the proposed garage is to be located in the front yard; and, Section 14.1 b) of the By-law states that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Two (RR2)' Zone and the required minimum front yard setback is 7.5 metres; the proposed setback is 4.6 metres.

The Committee drew attention to Appendix C "Existing Shed" being only one and asked if this was to be removed and where are the other two sheds located and are they to be removed? Ms. Evans responded that one of the existing sheds and the lean to structure were not included on the sketch because they are proposed to be removed. After discussions with the owner, it was determined that those structures in addition to the shed that was included on the sketch are all to be removed.

The applicant, Ms. Bye was present in person and available for questions.

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

CA2023-127**Moved By** Councillor Yeo**Seconded By** S. Richardson

That minor variance application D20-2023-081 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 COA2023-089, 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; and,
3. **That** the sheds and wooden lean-to structure identified in Appendix D 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 structures have been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2023-089. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2023-090

Katherine Evans, Planner II

File Number: D20-2023-082

Location: 12 Montgomery Point

Part Lot 72, Front Range (being Part of Lots 12 and 13 on Plan 247 and Parts 1 to 4 on Reference Plan 57R8885)

Geographic Township of Somerville

Owners: Linda and Isaac MacMillan

Applicants: Chandler Homes (Jeff and Nancy Chandler)

Ms. Evans summarized Report COA2023-090. The purpose and effect is to facilitate the replacement of portions of the dwelling that were damaged by flooding, and the addition of a second storey over portions of the dwelling that are currently one storey. Relief sought: Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposal is to maintain the existing setback of 13.5 metres; and, Section 5.2 j) of the By-law requires a minimum side yard setback of 3 metres on one side and 2.2 metres on the other side for a two storey dwelling; the existing setbacks of 4.3 metres from the north property line and 1.75 metres from the south property line are to be maintained.

The Committee asked if the flooding that initially damaged the building was caused from lake water or storm water? Ms. Evans responded and also deferred to the applicant for the history of the building.

The applicant, Ms. Chandler was present in person and spoke to the damage to the building caused by the opening of the lock at Norland which raised the water overnight by 4 to 6 feet.

Councillor Yeo clarified that there are no locks in Coboconk/Norland. The cause of the flood was due to a broken beaver dam on Beaver Lake.

The Committee asked if there would be any implications if Condition 2 and 3 are not completed in a timely fashion. Ms. Murchison responded.

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

CA2023-128

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2023-082 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 COA2023-090, 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; and,

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.

This approval pertains to the application as described in report COA2023-090. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2023-091

Katherine Evans, Planner II

File Number: D20-2023-083

Location: 251 Snug Harbour Road

Part Lot 4, Concession 8 (being Part 1 on Reference Plan 57R3164

Geographic Township of Fenelon

Owners: Marie and Brian Reel

Applicant: iHome Prestige Luxury (Kayla Chunga)

Ms. Evans summarized Report COA2023-091. The purpose and effect is to facilitate the demolition of the existing attached deck and the construction of a new attached deck. Relief sought: Section 13.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the setback of the existing deck is 11.4 metres, and the setback of the proposed deck is 11 metres.

Ms. Evans brought the Committee's attention to Appendix C of the report, noting the label should read 11 metres and not +/- 11 metres. The notice of decision will reflect the amendment.

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

There were no questions from the Committee or other persons.

CA2023-129**Moved By** B. Archer**Seconded By** Councillor Yeo

That minor variance application D20-2023-083 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 COA2023-091, 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 COA2023-091. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2023-092

Katherine Evans, Planner II

File Number: D20-2023-084

Location: 236 Francis Street East

Part Lot 21, Concession 11 (being Lot 7 on Plan 253)

Geographic Township of Fenelon

Owner/Applicant: John Miller

Ms. Evans summarized Report COA2023-092. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 3.1.3.2 of the By-law permits a maximum height of 5 metres for accessory structures; the proposed height is 5.7 metres; 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 garage constitutes the fifth accessory structure on the lot.

Comments were received after the writing of the report from Kawartha Conservation stating they have no concerns with the minor variance proposed and that a permit is required from their office.

The Committee questioned page 4 of the report, paragraph 5 , Section "The variance is minor in nature" and asked where is the municipal 'right-of-way' on this property? Ms. Evans responded that this section referred to the municipal 'road' and that there is no impact to that road.

The Committee asked if the house boat stored on the property was considered an ARU or just stored on the property for the winter? Ms. Evans indicated to her knowledge that it was temporarily stored there for the winter.

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

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

CA2023-130

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2023-084 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 COA2023-092, 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 COA2023-092. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2023-093

Katherine Evans, Planner II
File Number: D20-2023-085
Location: 22 Lakeland Road
Lot 1, Plan 277
Geographic Township of Verulam
Owners: David and Susan Scandiffio
Applicant: Celeste Phillips Planning Inc. (Celeste Phillips)

Ms. Evans summarized Report COA2023-093. The purpose and effect is to recognize an existing Additional Residential Unit (ARU). Relief sought: Section 5.1.3 b) of the By-law permits accessory structures in the interior side or rear yard; the ARU is located in the front yard; Section 5.27 i) of the By-law permits a maximum of two additional residential dwelling units, one within the same building as the primary dwelling unit and one within an accessory building or structure; the ARU is within the second detached accessory structure on the property; and, Section 8.2 d) of the By-law requires a minimum front yard setback of 7.5 metres, plus an additional 10 metres from the centreline of the road allowance, required by Section 5.18.3 of the By-law; the existing setback is 4.4 metres from the front lot line and 14.4 metres from the centreline of the road allowance.

The Committee raised the following questions:

1) Is there a maximum number of accessory units permitted on the property?

Ms. Evans replied no, not in the Township of Verulam zoning by-law just a percentage of lot coverage.

2) Was a building permit issued for the park model trailer ARU but not a septic permit issued?

Ms. Murchison replied that no building permits have been issued for the park model trailer addition.

3) Will the applicant be seeking a building permit for the addition to the park model trailer?

Ms. Murchison replied we have a pending application and registration for the third unit and have been waiting for this minor variance application to be brought

to the Committee.

The applicant, Ms. Phillips was present via electronic participation and spoke to the application and history of the property.

Ms. Murchison spoke to the enforcement file which was started in 2021 and is very comfortable proceeding with the minor variance application.

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

CA2023-131

Moved By B. Archer

Seconded By Councillor Yeo

That minor variance application D20-2023-085 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2023-093, which shall be attached to and form part of the Committee's Decision;
2. **That** this approval shall be in effect for a period of twenty-four (24) months after the date of the Notice of Decision, after which this application shall be deemed to be refused;
3. **That** the second Additional Residential Unit be registered in accordance with the Registration By-law 2020-162 within a period of twenty-four (24) months after the date of the Notice of Decision; and,
4. **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.

This approval pertains to the application as described in report COA2023-093. 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

Committee of Adjustment Meeting Dates 2024

The Chair spoke to the meeting dates for 2024 provided to the Committee in their agenda packages and asked for a motion to approve.

Ms. Barrie recognized Ms. Evans workload with the Committee of Adjustment this year especially the latter part of the year since Ms. Peck departed taking on more than her share of applications as well as training our new Planner II, Ahmad Shahid. Ms. Barrie introduced Mr. Shahid to the Committee.

The Chair thanked staff for the quality of the reports produced. The Chair also thanked the Committee for their commitment this year.

CA2023-132

Moved By S. Richardson

Seconded By B. Archer

That the Committee of Adjustment 2024 meeting dates be approved.

Carried

6. Correspondence

7. Next Meeting

The next meeting is scheduled for Thursday, January 25th, 2024 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

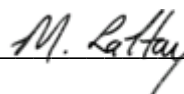
CA2023-133

Moved By S. Richardson

Seconded By Councillor Yeo

That the meeting be adjourned at 2:27pm.

Carried



Mark LaHay, Secretary-Treasurer