

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

## **Minutes**

### **Committee of Adjustment Meeting**

**COA2024-02**  
**Thursday, February 22, 2024**  
**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**

**Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact [AgendaItems@kawarthalakes.ca](mailto:AgendaItems@kawarthalakes.ca) if you have an accessible accommodation request.**

**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 1:01 pm. Chair Robertson, Councillor Yeo and members S. Richardson, B. Archer and G. Erickson were in attendance in person.

Staff, K. Evans, Planner II, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and S. Murchison, Chief Building Official were in attendance in person.

Staff, L Barrie, Director of Development Services and A. Shahid, Planner II were in attendance via electronic participation.

Absent: Member S. Strangway.

## 2. **Administrative Business**

### 2.1 Adoption of Agenda

#### 2.1.1 COA2024-02

February 22, 2024

Committee of Adjustment Agenda

**CA2024-016**

**Moved By** B. Archer

**Seconded By** G. Erickson

**That** the agenda for February 22, 2024 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 COA2024-01

January 25, 2024

Committee of Adjustment Minutes

**CA2024-017**

**Moved By** G. Erickson

**Seconded By** S. Richardson

**That** the minutes of the previous meeting held January 25, 2024 be adopted as printed.

**Carried**

### **3. New Applications**

#### **3.1 Minor Variances**

##### **3.1.1 COA2024-020**

Katherine Evans, Planner II  
 File Number: D20-2024-010  
 Location: 506 King's Wharf Road  
 Part Lot 9, Concession 13  
 Geographic Township of Emily  
 Owner: Troy and Emelda Coates  
 Applicant: TD Consulting Inc.

Ms. Evans summarized the memorandum previously distributed to the members stating that new information was presented after the writing of the report, which required further evaluation and recommended a deferral until such time as the application can return to the Committee.

TD Consulting Inc. Nick Fegan was present and spoke to the Committee.

The Committee made a motion on the deferral time.

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

##### **CA2024-018**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** the application be deferred no later than two (2) months returning at the latest April 25, 2024 to allow the planning staff more time to review and evaluate new information.

**Carried**

##### **3.1.2 COA2024-011**

Ahmad Shahid, Planner II  
 File Number: D20-2024-001

Location: 112 Lindsay Street South  
 Lot 23E, Lindsay Street  
 Former Town of Lindsay  
 Owner: Anthony and Roger Crowder  
 Applicant: Duane Visneskie

Mr. Shahid summarized Report COA2024-011. The purpose and effect is to facilitate the removal of an existing detached garage and shed, and construction of a new detached garage. Relief sought: Section 12.2.h. of the Zoning By-law permits a maximum lot coverage of 30% for all structures and buildings. The proposed lot coverage is 34.9%. Section 5.2.b.i. of the Zoning By-law requires a 4-metre setback from the exterior side lot line. The proposed exterior side yard setback of the detached garage is 3.69 metres. Section 5.2.c. of the Zoning By-law permits a 10% maximum lot coverage for all accessory structures. The proposed accessory structure lot coverage is 19.1%.

Agency comments were received after the writing of the report from Engineering and Corporate Assets stating they have no objections to the application.

The Committee asked staff if there is a storage container on the property. Staff replied yes, the storage container is recognized as the shed. The shed and existing garage are being removed and replaced by a new detached garage.

The owner, Mr. Crowder was present in person.

The Committee asked the owner what would the new larger proposed garage be used for. Mr. Crowder replied that it would be used for personal storage and parking.

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

**CA2024-019**

**Moved By** Councillor Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2024-001 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 COA2024-011 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 COA2024-011. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.3 COA2024-012

Katherine Evans, Planner II

File Number: D20-2024-002

Location: 124 Bond Street East

Part Lot 11 South Bond Street East and East Colborne Street, Plan 100

Former Village of Fenelon Falls

Owners: Nathanael Plamondon and Tynisha Forde

Applicant: Nathanael Plamondon

Ms. Evans summarized Report COA2024-012. The purpose and effect is to facilitate the recognition of an existing covered front porch addition. Relief sought: Section 4.3.2 c) i) of the By-law requires a minimum front yard setback of 7.6 metres; the existing setback is 6.1 metres; and, Section 4.3.2 f) of the By-law requires a minimum setback from the street centreline of 17.6 metres; the existing setback is 16.1 metres.

Agency comments were received from the Building and Septic Division, Plans Examiner stating that this is part of an enforcement matter.

The Committee asked staff if there is an established building line. Staff responded that the established building line provision speaks to the construction of a dwelling.

The Committee asked Ms. Barrie, Director of Development Services, if staff's comments satisfy the requirements of the Secondary Plan and Official Plan with respect to the Environment Impact Study (EIS). Ms. Barrie responded.

The owner, Mr. Plamondon was present via electronic participation and available for questions.

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

#### **CA2024-020**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** minor variance application D20-2024-002 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 COA2024-012, 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 eight (8) 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 COA2024-012. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.4 COA2024-013

Katherine Evans, Planner II

File Number: D20-2024-003

Location: 3 Short Street

Part Lots 10, 11, 12, Block B, Plan 100

Former Village of Fenelon Falls

Owners: Alaina Pascoe and Justin Jones

Applicant: Justin Jones

Ms. Evans summarized Report COA2024-013. The purpose and effect is to facilitate the construction of a swimming pool. Relief sought: Section 5.1.11 b) of the By-law provides that where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3 metres to the side or rear lot; the proposed setback from the side lot line is 0.8 metres; and, Section 5.1.3 of the By-law provides that an accessory building or structure shall not be erected closer than 2 metres to the principal or main building; the proposed pool is to be setback 1.8 metres from the deck attached to the dwelling, and 1.6 metres from the screened porch attached to the dwelling.

The owner, Mr. Jones was present via electronic participation and available for questions.

There were no questions from the Committee or other persons.

#### **CA2024-021**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**That** minor variance application D20-2024-003 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 COA2024-013, 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 COA2024-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried****3.1.5 COA2024-014**

Ahmad Shahid, Planner II

File Number: D20-2024-004

Location: 49 Potts Shore Road

Part Lot 25, Concession 8, Lot 7 and Part ROW, Plan 191 (being Part 5 of Reference Plan 57R5497)

Geographic Township of Fenelon

Owners: Susan Pandelidis and David Peters

Applicant: Jean Pandelidis

Mr. Shahid summarized Report COA2024-014. The purpose and effect is to facilitate the demolition of the current rear deck, and the construction of a new rear deck. Relief sought: Section 15.2.1.3.e. of the Zoning By-law requires a minimum water setback of 15 metres. The existing non-complying setback is 7.5 metres. The proposed water setback is 8.2 metres.

Agency comments were received from Engineering and Corporate Assets, stating they have no objections and Kawartha Region Conservation Authority stating no concerns with the proposal and that a permit has already been obtained from their office.

The applicant Mr. Pandelidis was available via electronic participation and available for questions.

There were no questions from the Committee or other persons.

**CA2024-022****Moved By** Councillor Yeo**Seconded By** S. Richardson

**That** minor variance application D20-2024-004 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



COA2024-014, 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 COA2024-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

Councillor Yeo left the meeting at 1:37pm and returned 1:40pm.

### 3.1.6 COA2024-015

Ahmad Shahid, Planner II  
 File Number: D20-2024-005  
 Location: 101 Springdale Drive  
 Lot 10, Plan 57M802  
 Former Town of Lindsay  
 Owners: Robert and Joan Connors  
 Applicant: Syed Ahmed

Mr. Shahid summarized Report COA2024-015. The purpose and effect is to facilitate the addition of a sunroom. Relief sought: Section 6.2.f. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 5.5 metres. Section 6.3.25. of the Zoning By-law permits a maximum 40% lot coverage for all buildings and structures. The proposed lot coverage is 40.5%.

Agency comments were received from Engineering and Corporate Assets stating they have no objection to the minor variance and Kawartha Region Conservation Authority stating they have no concerns with the proposal and that a permit is required from their office.

The Committee asked if the Fire Department was circulated on this application due to an elevated structure with no staircase. Staff replied the Fire Department was circulated and they had no comments. Ms. Murchison, Chief Building Official

also responded by saying this would fall under the Building Code and not the Fire Code. Ms. Murchison advised under the Building Code for a single/two unit dwelling, a staircase is not required from the balcony.

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

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

### **CA2024-023**

**Moved By** Councillor Yeo

**Seconded By** B. Archer

**That** minor variance application D20-2024-005 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 elevation drawings in Appendix D submitted as part of Report COA2024-015, 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 COA2024-015. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.7 COA2024-016

Ahmad Shahid, Planner II

File Number: D20-2024-006

Location: 42 Walnut Street

Part Lot 31, Concession 11 (being Parts 6 to 9 of Reference Plan 57R8852)

Geographic Township of Fenelon

Owner: Frances Platten

Applicant: Scott Platten

Mr. Shahid summarized Report COA2024-016. The purpose and effect is to facilitate raising the existing one-storey cottage and deck to allow for a basement walkout. Relief sought: Section 15.2.1.3.a. of the Zoning By-law requires a minimum front yard setback of 7.5 metres. The proposed front yard setback, from Walnut Street, is 4.5 metres. Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The proposed interior side yard setback is 2.37 metres (north side) and 2.59 metres (south side).

Agency comments were received from Engineering and Corporate Assets stating they have no objection with the proposed minor variance and Kawartha Region Conservation Authority stating they have no concerns with the approval of the minor variance and that a permit is required from their office.

The Committee referred to Appendix A and asked if the road is municipally owned or privately owned and the location of the Right-of-Way along the shoreline. Staff responded.

The applicant, Mr. Platten was available in person on behalf of the owner.

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

#### **CA2024-024**

**Moved By** Councillor Yeo

**Seconded By** G. Erickson

**That** minor variance application D20-2024-006 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 COA2024-016 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 COA2024-016. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

### 3.1.8 COA2024-017

Ahmad Shahid, Planner II  
 File Number: D20-2024-007  
 Location: 55 Glassford Road  
 Part Lots 21 and 22, Concession C (being Lot 4 of Plan 394)  
 Geographic Township of Mariposa  
 Owners: Tina and Giuseppe Speciale  
 Applicant: Giuseppe Speciale

Mr. Shahid summarized Report COA2024-017. The purpose and effect is to facilitate raising the existing dwelling to allow for a basement walkout, additions to the existing dwelling, a new deck, and a detached garage. Relief sought: Section 14.2.1.4. of the Zoning By-law requires a 30 metre minimum water setback. The proposed water setback from the deck is 15.0 metres and 18.05 metres from the dwelling.

Agency comments were received from Engineering and Corporate Assets stating they have no objection with the proposed minor variance and Kawartha Region Conservation Authority stating they have no concerns with the approval of the minor variance and that the applicant will require a permit from their office.

Mr. Curtis was present via electronic participation on behalf of the applicant and the owner.

There were no questions from the Committee or other persons.

### **CA2024-025**

**Moved By** S. Richardson

**Seconded By** G. Erickson

**That** minor variance application D20-2024-007 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 COA2024-017, 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 COA2024-017. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

#### 3.1.9 COA2024-018

Katherine Evans, Planner II  
 File Number: D20-2024-008  
 Location: 236 Francis Street East  
 Part Lot 21, Concession 11 (being Lot 7 on Plan 253)  
 Geographic Township of Fenelon  
 Owner: John Miller  
 Applicant: John Miller

Ms. Evans summarized Report COA2024-018. The purpose and effect is to facilitate the raising of the existing dwelling in order to construct a walkout basement. Relief sought: Section 3.18.1.1 of the By-law requires a minimum setback from the Environmental Protection Zone of 15 metres; the proposed setback is 10 metres.

Ms. Evans brought to the Committee's attention on Page 6 of the report stating the heading where it reads "City of Kawartha Lakes Official Plan" should now read "Fenelon Falls Secondary Plan".

Agency comments were received after the writing of the report from Kawartha Region Conservation Authority stating they have no concerns with the proposed minor variance and that the applicant will require a permit from their office.

Councillor Yeo asked what the rationale was for this application being heard today when it previously went through a minor variance which was approved in November, 2023. Ms. Evans responded saying that this application is to raise the dwelling for an expansion of living space to an existing foundation, which has to comply within the provisions of the Fenelon Township Zoning By-law. The previous minor variance was for a detached garage.

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

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

#### **CA2024-026**

**Moved By** B. Archer

**Seconded By** Councillor Yeo

**That** minor variance application D20-2024-008 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 COA2024-018, 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 COA2024-018. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

**Carried**

Katherine Evans, Planner II  
 File Number: D20-2024-009  
 Location: 165 Fell's Point Road  
 Part Lot 31, Concession 10 (being Part 6 on Reference Plan 57R7315)  
 Geographic Township of Fenelon  
 Owner: Karen and Gordon Pike  
 Applicant: Karen and Gordon Pike

Ms. Evans summarized Report COA2024-019. The purpose and effect is to facilitate the raising of the existing single detached dwelling to construct a walkout lower level. Relief sought: Section 15.2.1.3 b) 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; the existing setback from the southeast lot line is 1.75 metres; and, Section 15.2.1.3 e) of the By-law requires a minimum water setback of 15 metres; the existing setback is 1.75 metres.

The Committee had the following questions:

1) At what point does a structure become a two-storey?

Ms. Murchison stated the definition falls under the Zoning By-Law not the Ontario Building Code. Ms. Evans responded by saying the definition of a two-storey dwelling depends on the Zoning By-law, which varies across the former Townships.

2) Has the definition changed in the rural Zoning By-law?

Ms. Evans replied that she doesn't have that information at hand but will look into it after the meeting and respond by email if the Committee wishes.

The applicants Gordon and Karen Pike were present in person and available for questions.

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

**CA2024-027**

**Moved By** Councillor Yeo

**Seconded By** S. Richardson

**That** minor variance application D20-2024-009 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 COA2024-019, 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 COA2024-019. 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 Chair thanked staff for their presentations.

## 6. **Correspondence**

## 7. **Next Meeting**

The next meeting will be Thursday, March 28th at 1:00pm in Council Chambers, City Hall.

## 8. **Adjournment**

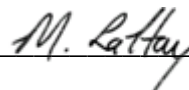
**CA2024-028**

**Moved By** Councillor Yeo

**Seconded By** B. Archer

**That** the meeting be adjourned at 2:17pm.

**Carried**



Mark LaHay, Secretary-Treasurer