

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

COA2024-05
Thursday, May 23, 2024
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

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

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1. Call to Order

Chair Robertson called the meeting to order at 1:06pm. Chair Robertson and Members S. Strangway, S. Richardson, B. Archer, G. Erickson and E. Finn were in attendance in person.

Absent: Councillor Yeo.

Staff, L. Barrie, Director of Development Services, J. Connolly, Manager of Planning, K. Evans, Planner II, A. Shahid, Planner II, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and M. McKinnon, Plans Examiner-Building and Septic Division (Building) were in attendance in person.

The Chair welcomed our new member of the Committee, Mr. Eric Finn. Mr. Finn gave a brief introduction to the Committee.

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2024-05

May 23, 2024

Committee of Adjustment Agenda

CA2024-054

Moved By S. Strangway

Seconded By B. Archer

That the agenda for May 23, 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 COA2024-04

April 25, 2024

Committee of Adjustment Minutes

CA2024-055**Moved By** B. Archer**Seconded By** G. Erickson

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

Carried**3. Deferred Applications****3.1 Minor Variances****3.1.1 COA2024-051**

Katherine Evans, Planner II

File Number: D20-2024-023

Location: 60 Elder Street

Part Lot 8, Concession 11 (being Lot 12 on Plan 246)

Geographic Township of Fenelon

Owners: 2537914 Ontario Inc.

Applicant: Jason Bektas

Ms. Evans summarized Report COA2024-051. The purpose and effect is to facilitate the recognition of an addition constructed onto a single detached dwelling. Relief sought: Section 13.2.1.3 a) of the By-law requires a minimum front yard setback of 7.5 metres; the existing setback of 6.8 metres to the attached deck is to remain; and, Section 13.2.1.3 d) of the By-law requires a minimum rear yard setback of 7.5 metres; the existing setback of 1.2 metres is to remain.

There were no questions from the Committee or other persons.

CA2024-056**Moved By** S. Strangway**Seconded By** S. Richardson

That minor variance application D20-2024-023 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 COA2024-051 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 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; and,
3. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

This approval pertains to the application as described in report COA2024-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. **New Applications**

4.1 Minor Variances

4.1.1 COA2024-041

Ahmad Shahid, Planner II
 File Number: D20-2024-031
 Location: 2173 Pigeon Lake Road
 Part Lot 21, Concession 13
 Geographic Township of Emily
 Owners: Betty and Martha Martin
 Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-041. The purpose and effect is to facilitate an addition to the existing dwelling for the use of a home occupation (bakery). Relief sought: Section 3.9.1.5. of the Zoning By-law states that a home

occupation shall not occupy more than 25 percent of the gross floor area of the dwelling unit or 45 square metres whichever is less, whether or not such home occupation is located within the dwelling or within an accessory structure. The proposed addition is 33.8 square metres, and the total proposed area devoted to the home occupation is 67.62 square metres.

The Supervisor of Part 8 Sewage Systems commented that a site inspection was completed on the property to evaluate the current sewage disposal system for the proposed bakery expansion. With limited information available it was determined that a sewage system upgrade would be required to accommodate the proposal, as such a condition be placed on the endorsement of the minor variance to satisfy the Supervisor – Part 8 Sewage Systems for private on-site servicing demands of the home-based business. A copy of the revised conditions were provided to the Committee.

Mr. deBoer of TD Consulting Inc. was present in person and confirmed that he is working with the Supervisor of Part 8 Sewage Systems.

There were no questions from the Committee or other persons.

A motion was made to approve the application as amended.

CA2024-057

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2024-031 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 COA2024-041, which shall be attached to and form part of the Committee's Decision;
2. **That** approvals and/or permits required by the Haliburton Kawartha Pine Ridge District Health Unit, are applied for and granted prior to the issuance of a Building Permit;
3. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,

4. **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 COA2024-041. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.2 COA2024-042

Katherine Evans, Planner II
File Number: D20-2024-032
Location: 7 Cop's Cove
Part Lot 9, Concession 19
Geographic Township of Verulam
Owners: John and Elizabeth McClelland
Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2024-042. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new single detached dwelling with an attached waterside deck and screened porch. Relief sought: Section 8.2 f) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 1.8 metres on the other side; the proposed setback is 1.3 metres from the north lot line; and, Section 8.2 j) of the Zoning By-law permits a maximum lot coverage of 33%; the proposed lot coverage is 34%.

Committee to Staff: What is the reason for the shed to be removed? Is it something the owner is volunteering to do or is the City requesting it be removed? Staff responded that the removal of the shed is part of the applicant's proposal.

Mr. deBoer of TD Consulting Inc. was present in person. He spoke to the

removal of the shed and was available for further questions.

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

CA2024-058

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2024-032 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 COA2024-042, 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 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 COA2024-042. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.3 COA2024-043

Katherine Evans, Planner II

File Number: D20-2024-033

Location: 68 Riverbank Road

Part Lot 18, Concession 3 (being Lot 22 on Plan 417)

Geographic Township of Somerville

Owners: Keith and Shannon Fowler

Applicant: Keith Fowler

Ms. Evans summarized Report COA2024-043. The purpose and effect is to recognize a detached garage currently under construction and to recognize an existing shed. Relief sought: Section 18.1.3 b) of the Zoning By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 5.3 metres; Section 18.1.3 a) of the Zoning By-law permits a maximum lot coverage for accessory structures of 8% of the lot area or a maximum of 225 square metres, whichever is less. The proposed lot coverage for accessory structures is 134 square metres or 10% of the lot area; and, Section 5.2 f) of the Zoning By-law requires a minimum water setback of 15 metres; the existing setback of the shed is 4.8 metres.

Ms. Evans brought to the Committees attention an amendment to page 5 of 9 of the report, line 1. "Based on the size of the property, 10% of the lot area is 117 square metres". Should now read ".....8% of lot area ...".

The Committee asked staff if consideration was given to remove the shed to deal with lot coverage and deal with the setback issue. Staff responded that originally the shed was going to be removed, but as the garage required a minor variance for its height, it was decided that the shed would be included as part of the minor variance, as it was the desire of the property owners to keep the shed.

Committee asked staff if a building permit was required for the shed. Staff replied that a building permit was not required due to the size of the shed.

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

CA2024-059

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2024-033 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 COA2024-043, 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 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; and,
3. **That** the carport identified in Appendix E be removed within a period of eight (8) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the carport has been removed to the Secretary-Treasurer.

This approval pertains to the application as described in report COA2024-043. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.4 COA2024-044

Ahmad Shahid, Planner II
 File Number: D20-2024-034
 Location: 49 Meachin Drive
 Part Lot 13, Concession 7 (being Lot 4 Plan 159)
 Geographic Township of Verulam
 Owner: Matthew Jackson
 Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-044. The purpose and effect is to facilitate construction of a new two-storey dwelling, new deck, new detached garage, recognition of an existing cabin; and removal of an existing frame dwelling and detached garage. Relief sought: Section 8.2.n. of the Zoning By-law requires a 15-metre water setback. The proposed water setback is 11.1 metres (dwelling) and 10.8 metre (deck); Section 5.1.3. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The proposed detached garage and existing cabin are located in the front yard; Section 8.2.d. of the Zoning By-law requires a minimum 7.5-metre front yard setback. The proposed front yard setback from the detached garage is 4.5 metres; Section 5.18.3. of the Zoning By-law requires a minimum 10-metre setback plus the required front yard setback (7.5 metre) from the street centreline. As such, the required setback from the street centreline is 17.5 metres. The proposed street centreline setback from the proposed detached garage is 10.65 metres; and, Section 5.16 of the Zoning

By-law states that a cabin may be permitted provided the subject lot conforms to the minimum lot area and frontage requirements of the zone. The required minimum lot area and frontage of the applicable zone is 2,050 square metres with 36 metres in frontage. The subject property is 1,618.75 square metres in size with 22.86 metres in frontage.

After the writing of the report, agency comments were received from 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 Supervisor of Part 8 Sewage Systems also commented they have no concerns with the proposed minor variance.

Committee to staff: Do we assume the existing garage will be demolished and was consideration given to locating the new garage where the existing garage is currently located? Staff responded.

Mr. deBoer of TD Consulting Inc. was present in person and spoke to the relocation of the proposed garage to allow for the proper size sewage system.

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

CA2024-060

Moved By B. Archer

Seconded By E. Finn

That minor variance application D20-2024-034 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 COA2024-044, 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 COA2024-044. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.5 COA2024-045

Katherine Evans, Planning II
File Number: D20-2024-035
Location: 190 Sturgeon Glen Road
Part Lot 18, Concession 10 (being Part Lot 35 and 36 on Plan 300)
Geographic Township of Fenelon
Owners: Vincenzo and Sonia Corrao
Applicant: Neil Spivey

Ms. Evans summarized Report COA2024-045. The purpose and effect is to recognize a single detached dwelling under construction. Relief sought: Section 13.2.1.3 b ii) of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side; the proposed setback is 2.9 metres from the southeast corner of the dwelling.

There were no questions from the Committee or other persons.

CA2024-061

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2024-035 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 COA2024-045, 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 twelve (12) 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 COA2024-045. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.6 COA2024-046

Ahmad Shahid, Planner II
File Number: D20-2024-036
Location: Admiral Drive
Part Lot 3, Lot 5, Plan 57M-750
Geographic Township of Fenelon
Owners: Lionel and Sonia Sims
Applicant: Carmella Taccone and Joseph Galea

Mr. Shahid summarized Report COA2024-046. The purpose and effect is to facilitate the construction of a new dwelling, in-ground swimming pool, pool shed, and a boathouse. Relief sought: Section 3.18.1.1. of the Zoning By-law requires a 15 metre setback from any class of Environmental Protection (EP) Zone. The neighbouring land to the south is zoned EP-5 Zone. The proposed setback from the abutting EP Zone is 3.5 metres (dwelling), 4.30 metres (shed), and 9.72 metres (pool).

Agency comments were received after the writing of the report from the Supervisor of Part 8 Sewage Systems stating no concerns with the proposed minor variance and comments were received from Kawartha Region Conservation Authority stating no concerns with the approval of the application and that a permit is required from their office.

Comments of concern were received from the public, which were circulated to the Committee. The concerns were related to rear yard/shoreline water setback, access to the property during construction, structures near the shoreline, subject to flooding, environmental and ecological concerns. Public comments received as recent as today from the owner of Daytonia Beach Road with concerns to the removal of the 15-metre water setback. Mr. Shahid responded.

The Committee asked staff if they could identify Lot 2 on slide 47 of the presentation. Mr. Shahid pointed to the property north of the subject property. The Committee also noted that the neighbours to the north are concerned as to how the applicant would access the boathouse and in ground pool during construction. Mr. Shahid stated that this would be dealt with through the building permit process to make sure construction is contained within the subject property. Mr. Shahid also confirmed that the proposal complies with all setbacks except the setback from the Environment Protection Zone. The Committee followed up by asking how will the owner load and unload the boat, would it be by lake only. Mr. Shahid assumed the boat would access the boathouse by lake however deferred the question to the applicant/owner for a response.

The Chair reminded the Committee to keep questions related to the minor variance requested.

The applicant, Ms. Taccone was present in person and confirmed that the boat would be brought in from the water to the boathouse.

The Committee asked the applicant to identify the location of the septic system on slide 44 of the presentation. Ms. Taccone responded.

CA2024-062

Moved By G. Erickson

Seconded By S. Strangway

That minor variance application D20-2024-036 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 COA2024-046, 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 COA2024-046. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.7 COA2024-047

Katherine Evans, Planner II
File Number: D20-2024-037
Location: 689 Janetville Road
Part Lot 5, Concession 13 (being Lots 1 to 2 on Plan 8)
Geographic Township of Manvers
Owners: Carolyn Dawson and Charles Marsh
Applicants: Carolyn Dawson and Charles Marsh

Ms. Evans summarized Report COA2024-047. The purpose and effect is to facilitate the recognition of an addition constructed onto the existing dwelling as well as the construction of an attached deck. Relief sought: Section 4.2 c) of the Zoning By-law requires a minimum front yard setback of 15 metres; the existing setbacks are 5.6 metres to the dwelling, 3.3 metres to the deck, and 2.5 metres to the stairs.

Comments were received from the Supervisor of Part 8 Sewage Systems stating that the Supervisor was not able to access the property so a site inspection could not be completed. A third condition has been added to ensure the approval under the Ontario Building Code pertaining to private sanitary waste disposal is obtained and a copy of the updated conditions were provided to the Committee.

As a result of comments received from the public, it was confirmed from the Plans Examiner that there is an outstanding building permit for the subject property. On May 22nd, public comments were received from Judy and Peter Ibbotson, residents of 682 Janetville Road, expressing concerns regarding building permits, the deck and addition potentially not meeting the Ontario Building Code standards, a shipping container and a privacy fence. Also comments were received from Judy and Peter Ibbotson on behalf of Robert Wallace, resident of 691 Janetville noting that the fence at the rear of the property encroaches onto the abutting property to the West being 6 Spring Street. Follow up comments were received from Mr. Wallace with concerns about an outstanding building permit related to the raising of the dwelling for foundation

work that occurred 14 years ago. Comments were provided to the Committee. Ms. Evans responded to the public concerns relating to the minor variance before the Committee. As to the matter of the shipping container and the fence, that would be dealt with through the Municipal Law Enforcement Office. Ms. Evans received confirmation from the Plans Examiner that there is a building permit outstanding and that an inspection will be organized so the permit matter could be resolved.

The Chair stated that Ms. Evans has responded to all concerns and that the Committee keep their questions related to the minor variance being requested.

The applicant, Ms. Dawson was present at the meeting via electronic participation and available for questions.

Opposed to the application, Mr. Wallace was present in person. Mr. Wallace spoke to concerns already addressed by Ms. Evans as well as his property being de-valuated due to the state of the subject property.

The Chair thanked Mr. Wallace for his concerns and requested that he follow up with the Planning Division, Building and Septic Division and Municipal Law Enforcement.

Opposed to the application, Mr. Ibbotson spoke to concerns with his property relating to the Creek. Ms. Evans noted that Kawartha Conservation were circulated on the minor variance and provided comment that they do not have any concerns and that the applicant is required to resolve this violation through their permitting process.

The Committee noted that they did not receive comments from KRCA. Ms. Evans replied that comments were received after the writing of the report with no concerns to the minor variance.

The Chair asked Ms. Evans if she was content that the minor variance being requested meets the four tests. Ms. Evans replied yes.

A motion was made to approve the application as amended.

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

CA2024-063

Moved By B. Archer

Seconded By S. Richardson

That minor variance application D20-2024-037 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 COA2024-047, 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 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; and,
3. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

This approval pertains to the application as described in report COA2024-047. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.8 COA2024-048

Ahmad Shahid, Planner II

File Number: D20-2024-038

Location: 107 Pinegrove Road

Part Lots 4 and 5, North West Bay Range (being Part 4 to 6 of Reference Plan 57R2765)

Geographic Township of Bexley

Owner: Emily Griffin

Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-048. The purpose and effect is to facilitate the demolition of the existing dwelling, construction of a new dwelling,

and a barn structure returned to the agricultural use originally granted. Relief sought: Section 3.6.1. of the Zoning By-law requires direct access onto an improved public street that is maintained to provide year-round access to allow for the erection of any building or structure. The subject property is already developed and does not have direct access or frontage onto a year-round maintained public road.

After the writing of the report, comments were received from KRCA noting no concerns with the approval of the minor variance and that a permit will be required from their office. Comments were received from Engineering and Corporate Assets stating they have no objections to the application.

The Committee asked staff for clarification as to the waterfront property being an agricultural area. Mr. Shahid indicated that most of the shoreline has residential lots, however, this part has agricultural lots. This barn is being reverted to agricultural whereby all plumbing features will be removed.

The applicant, Mr. deBoer was present in person and spoke to the application.

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

CA2024-064

Moved By S. Strangway

Seconded By G. Erickson

That minor variance application D20-2024-038 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 COA2024-048, which shall be attached to and form part of the Committee's Decision;
2. **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;

3. **That** prior to the issuance of a building permit, the owner/applicant must demonstrate to the Chief Building Official that all plumbing fixtures, systems and accommodations have been removed from the existing barn structure, and the structure has been returned to the agricultural use originally granted; and,
4. **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 COA2024-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.9 COA2024-049

Ahmad Shahid, Planner II
 File Number: D20-2024-040
 Location: 165 Riverside Drive
 Lots 27 to 28, Plan 205
 Former Village of Bobcaygeon
 Owner: Mary-Ann MacFadyen
 Applicant: Glenn Wilcox

Mr. Shahid brought to the Committees attention that the notice circulated did not include the language for the need for relief for the maximum number of permitted cabins. This was only in the language of the notice, and the site plan circulated did include all the labelled structures, this has been reflected in the report, which included all the required reliefs. It is staffs opinion that the application can proceed.

Committee asked who prepared the advertisement. Mr. Shahid replied that he prepared the advertisement and that it was a clerical error on his part. Mr. Connolly, Manager of Planning gave a brief overview, stating that in his professional opinion he would be comfortable to proceed and confirmed this would not impede the process. The Committee made a unanimous decision to proceed with the presentation.

Mr. Shahid summarized Report COA2024-049. The purpose and effect is to permit the demolition and reconstruction of a boathouse situated within the Open Space Exception One (O1-S1) Zone. Additionally, recognition of an existing cabin is required. Relief sought: Section 3.1.b. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The existing cabin is located in the front yard. Section 3.1.c. of the Zoning By-law permits a maximum 8% lot coverage for accessory structures. The existing accessory structure lot coverage is 11.16% (252.83 square metres). Section 3.1.f. of the Zoning By-law permits only 1 cabin on properties where a cabin would be a permitted accessory use. The subject property is zoned to allow for the accessory use of a cabin, and currently has three existing cabins.

After the writing of the report, comments were received from Kawartha Conservation stating they have no concerns with the approval of the minor variance and that a permit has already been obtained from their office. A letter was received from the public however, it was not signed or contain any contact information, and as a result, the anonymous letter and its contents will not be discussed.

The Committee had the following questions;

1) With three cabins on the property, do the other two contain plumbing and kitchen facilities and why are the owners not applying for an additional residential unit (ARU)?

Staff responded, there is no plumbing or kitchen facilities in the other two cabins as they are used purely for sleeping accommodation. The ARU was discussed with the applicant and this is not their intention. If they wanted to convert to an ARU, reliefs would be required.

2) Under the Bobcaygeon Zoning By-law are there any concerns with the number of accessory structures?

Staff responded, the Bobcaygeon Zoning By-law requires lot coverage not a maximum number of accessory structures.

3) Page 3 of 10 of the report under "The variance maintains the general intent and purpose of the Zoning By-law" - Relief are also required from various provisions regarding the number of cabins, the locations of accessory structures, and accessory structure lot coverage. This is not reflected in the conditions. Committee asked Staff to clarify.

Staff responded, that this is referring to a relief and not a condition. The third

relief noted in on page 1 of the report which was omitted from the notice of circulation as previously discussed.

4) If the reason for the minor variance is the lot coverage, was consideration given to removing the cabin?

Staff responded, lengthy discussion took place with the owner and applicant as a result they wanted to keep the cabin and remove the plumbing to comply with the definition of the Bobcaygeon Zoning By-law.

5) Committee asked staff about the size of the cabins. Staff responded with details.

6) Committee asked for clarification as to Relief 3 of the report as well as question 3 regarding accessory structures and plumbing fixtures not being addressed in the report?

Staff responded, the cabin in question today is the cabin recently constructed, the other two are existing. The third relief would be to allow 3 cabins. The cabin containing plumbing is part of an enforcement matter being addressed as part of this minor variance. The other two cabins are not related to the enforcement and not a part of the minor variance. The Bobcaygeon Zoning By-law has a maximum number of cabins but not a maximum number of accessory structures.

The Committee were still hesitant to approve the application and suggested a deferral for a month for further clarification. Although the application requested is straight forward, Committee found that the report does not clearly reflect the application.

The Chair asked Mr. Connolly, Manager of Planning to speak further to the concerns. Mr. Connolly responded and suggested that they take a five-minute break to allow planning staff to work on amending the wording in the conditions and address the concerns the Committee have. The Chair agreed and called for a break at 2:54pm. The Chair called the meeting back to order at 3:07pm and clarified that the meeting was paused at the request of the Manager of Planning with respect to the application.

Mr. Connolly gave a brief introduction and asked Mr. Shahid to begin by clarify questions asked by the Committee and then Mr. Connolly would summarize at the end.

Mr. Shahid referred to questions 3. "Relief are also required from various provisions regarding the number of cabins, the locations of accessory structures, and accessory structure lot coverage". This should now read "Reliefs are required", not "are also...". Mr. Shahid stated that Condition 2 was added to remove plumbing fixtures, systems and accommodations to be considered just a cabin. Relief number 3, speaks to the number of cabins permitted. The cabin that currently has plumbing, which is situated in the front yard, is the only cabin subject to the minor variance. Mr. Connolly followed up with a brief summary.

The Committee asked if there is a difference between a bunkie and a cabin, which both terms were used in the sketch provided by the applicant. Mr. Shahid responded.

The Chair thanked staff and felt comfortable to proceed.

The Committee asked staff; was the original application to demolish the boathouse and reconstruct a new boathouse? Mr. Shahid replied, the application was initially for a boathouse and then the cabin with plumbing fixtures was added as part of an enforcement file. Mr. McKinnon, Plans Examiner confirmed that the enforcement matter is purely to remove the plumbing in order to create a cabin.

The Committee thanked staff for taking the time to clarify the issues.

Mr. Wilcox was present via electronic participation.

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

CA2024-065

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2024-040 be GRANTED, as the application meets the tests set out in Section 45(1) and 45(2) 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 COA2024-049, 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/applicant must demonstrate to the Chief Building Official that all plumbing fixtures,

systems and accommodations have been removed from the existing cabin labelled in Appendix C; and,

3. **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 COA2024-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.1.10 COA2024-050

Katherine Evans, Planner II
 File Number: D20-2024-041
 Location: 959 Meadowview Road
 Part Lot 18, Concession 2
 Geographic Township of Emily
 Owners: Fowler's Corners and District Lions Club
 Applicant: Bob van Dompsele

Ms. Evans summarized Report COA2024-050. The purpose and effect is to facilitate the demolition of the existing porch and stairs and the construction of a new covered porch with stairs and a ramp. Relief sought: Section 6.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 10 metres; the proposed setback is 7.8 metres; and, Section 6.2.1.3 c) of the Zoning By-law requires a minimum exterior side yard setback of 10 metres; the proposed setback is 9.5 metres.

Comments were received from Councillor Richardson expressing support of the application and proposal.

The applicant, Bob van Dompsele was present in person and available for questions.

The Committee stated that they are glad to see an accessibility ramp being proposed.

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

CA2024-066

Moved By B. Archer

Seconded By E. Finn

That minor variance application D20-2024-041 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 COA2024-050, 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 COA2024-050. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4.2 Consents

5. Other Business

The Committee thanked staff for their presentations.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, June 27th at 1:00pm. in Council Chambers, City Hall.

8. Adjournment

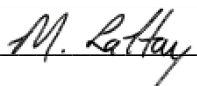
CA2024-067

Moved By S. Richardson

Seconded By S. Strangway

That the meeting be adjourned at 3:24pm.

Carried



Mark LaHay, Secretary-Treasurer