The Corporation of the City of Kawartha Lakes Minutes

Committee of Adjustment Meeting

COA2024-06
Thursday, June 27, 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
Eric Finn

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1. Call to Order

Chair Robertson called the meeting to order at 1:01pm. Chair Robertson and Members S. Strangway, S. Richardson, B. Archer, G. Erickson and E. Finn were in attendance.

Absent, Councillor E. Yeo.

Staff, J. Connolly, Manager of Planning, K. Evans, Planner II, A. Shahid, Planner II, M. LaHay, Secretary-Treasurer, C. Crockford, Recording Secretary and M. McKinnon, Supervisor, Plans Review and Inspection were in attendance in person.

2. Administrative Business

2.1 Adoption of Agenda

June 27, 2024

Committee of Adjustment Agenda

The Committee amended the agenda to bring forward items 3.1.1, 3.1.2 then 3.1.5, 3.1.8 and 3.1.10.

CA2024-068

Moved By G. Erickson

Seconded By S. Strangway

That the agenda for June 27, 2024 meeting be approved, as amended.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

May 23, 2024

Committee of Adjustment Minutes

CA2024-069

Moved By B. Archer

Seconded By E. Finn

That the minutes of the previous meeting held May 23, 2024 be adopted as printed.

3. New Applications

3.1 Minor Variances

3.1.1 COA2024-052

Katherine Evans, Planner II File Number: D20-2024-042 Location: 146 Brook Road Part Lot 17, Concession 3

Geographic Township of Somerville

Owner: Mike Allen Applicant: Mike Allen

Ms. Evans summarized Report COA2024-052. The purpose and effect is to facilitate the construction of an attached sunroom. Relief sought: Section 18.26.4 e) of the Zoning By-law permits a maximum extension of 18 square metres for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) Symbol; the proposed sunroom is habitable space and is 36 square metres; and, Section 18.26.4 e) of the Zoning By-law permits the extension of a building or structure containing habitable space to be located on the downstream side of the existing building or structure for properties with zoning that is subject to the Floodplain (F) Symbol; the proposed sunroom is located on the upstream side of the existing dwelling.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority stating they have no concerns with the minor variance.

The Committee had the following questions:

- 1) Does the Supervisor of Part 8 Sewage Systems approve the proposal? Ms. Evans indicated the Supervisor of Part 8 Sewage Systems was circulated and confirmed she had no issues with the proposal.
- 2) Will the proposed addition be located further away from the Burnt River than the existing dwelling?

Ms. Evans stated that the addition will be in line with the dwelling, and will be no closer to the Burnt River than the existing dwelling.

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

CA2024-070

Moved By S. Strangway Seconded By S. Richardson

That minor variance application D20-2024-042 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-052, which shall be attached to and form part of the Committee's Decision; and,
- 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 COA2024-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2024-053

Katherine Evans, Planner II File Number: D20-2024-043 Location: 35 Old Mill Road

Part Lot 20 Southeast of North Half, Concession 11

Geographic Township of Manvers

Owner: Kim Piney Applicant: Kim Piney

Ms. Evans summarized Report COA2024-053. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 20.1 c) of the Zoning By-law permits a maximum height for accessory structures of 5

metres; the proposed height is 6 metres.

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

There were no questions from the Committee or other persons.

CA2024-071
Moved By S. Richardson
Seconded By E. Finn

That minor variance application D20-2024-043 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 COA2024-053, 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 COA2024-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2024-056

Katherine Evans, Planner II File Number: D20-2024-046 Location: 2 Marilyn Crescent

Lot 62 on Plan 466

Geographic Township of Emily

Owners: Whitney Gear and Cody Koopmans

Applicant: Whitney Gear

Ms. Evans summarized Report COA2024-056. The purpose and effect is to facilitate the recognition of an existing shed. Relief sought: Section 3.1.2.1 of the Zoning By-law provides that an accessory structure shall only be erected in an interior side or rear yard; the shed is located in the front yard; and, Section 12.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the existing setback is 3 metres.

The Committee asked when was the shed built.

The owner, Mr. Koopmans was present in person and replied that the shed is constructed from a kit and was delivered 5 months ago.

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

CA2024-074

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2024-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-056, 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 COA2024-056. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2024-059

Katherine Evans, Planner II File Number: D20-2024-049 Location: 62 Lagoon Drive Part Block Z on Plan 253

Former Village of Fenelon Falls

Owners: Adam Smith and Alison Gaul

Applicant: Adam Smith

Ms. Evans summarized Report COA2024-059. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling. Relief sought: Section 4.3.3 c) iv) of the Zoning By-law requires a minimum rear yard setback of 15 metres; the proposed setbacks are 12 metres from the screened porch and 14.9 metres from the dwelling.

The applicant, Mr. Smith was present in person and spoke to the Committee.

There were no questions from the Committee or other persons.

CA2024-077 Moved By S. Strangway Seconded By E. Finn

That minor variance application D20-2024-049 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-059, which shall be attached to and form part of the Committee's Decision;
- 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

This approval pertains to the application as described in report COA2024-059. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.10 COA2024-061

Ahmad Shahid, Planner II
File Number: D20-2024-051
Location: 30 South Fork Drive

Front Range Part Lot 26, Broken Front Concession (being Lot 2 of Plan 424)

Geographic Township of Somerville Owners: John and Janet Piper Applicants: John and Janet Piper

Mr. Shahid summarized Report COA2024-061. The purpose and effect is to facilitate the construction of a new detached garage in the front yard. The existing garage will be removed. Relief sought: Section 18.1.3.a. of the Zoning By-law permits a maximum accessory structure lot coverage of 8% or 225 square metres, whichever is less. In this case, the 8% maximum applies. The proposed accessory structure lot coverage is 11.37% (202.4 square metres); and Section 18.1.3.b. of the Zoning By-law permits a maximum height of 5 metres for accessory structures. The proposed height of the detached garage is 7 metres.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority stating no concerns with the proposal and that the applicant has already obtained a permit from their office.

The Committee had the following concerns:

- 1) Size of the garage compared to the primary residence?
- 2) Are there comparable dwellings in the neighbourhood?
- 3) Is the planner content that the primary residence remains primary with respect to lot coverage?

Staff responded. Mr. Shahid stated that based on 2018 aerial imagery, the sizes of the dwellings in the neighbourhood vary. Some properties along the road contain similar sized accessory structures and dwellings. Staff is satisfied that the variance is minor in nature based on the contents of the report.

The applicant, Mr. Piper was present in person and spoke to the proposal.

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

CA2024-079

Moved By S. Richardson **Seconded By** B. Archer

That minor variance application D20-2024-051 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-061, 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 COA2024-061. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2024-054

Ahmad Shahid, Planner II File Number: D20-2024-044 Location: 10 Sunrise Crescent

Lot 28, Plan 474, Part Lot 1, Concession 5

Geographic Township of Fenelon

Owner: Si Wen Applicant: Si Wen

Mr. Shahid summarized Report COA2024-054. The purpose and effect is to recognize an existing detached additional residential unit (ARU). Relief sought: Section 3.22.vi. of the Zoning By-law requires a minimum lot area of 4,000

square metres for lots on private services to be eligible for an ARU. The subject lot is 1,254.53 square metres in size; and, Section 3.1.3.1 of the Zoning By-law permits a maximum accessory structure lot coverage of 8% (to a maximum of 225 square metres). The existing accessory structure lot coverage is 12.57% (157.68 square metres).

Agency comments received after the writing of the report from Kawartha Region Conservation Authority stating they have no concerns with the minor variance and that the applicant is required to obtain a permit from their office.

Public comments were received from the neighbour of 15 Sunrise Crescent stating they have no objection to the proposal.

The Committee had the following questions:

- 1) Is the Additional Residential Unit (ARU) larger than the primary dwelling (referring to Appendix C)?
- 2) Accuracy of certain stated dimensions on Appendix C as they relate to the building versus deck and corresponding configurations?
- 3) What is existing accessory lot coverage?
- 4) Appendix C to be registered on title, should it be revised?
- 5) Fenelon Zoning By-law requirement for ARU is 4000 square metres. The subject property is 1254.53 square metres in size. Would Planning approve such a proposal if this were a proposed new build?

Committee suggested moving forward, that the sketches are proportionate to the measurement and be clearer for members of the Committee. Mr. Connolly agreed.

Mr. Shahid responded that the applicant supplied the sketch, and the size of the structures are not to size and that the applicant included the deck and measurements to the ARU. The correct sizing for the ARU is shown within the red text box. An ARU cannot be larger than the primary residence and assured the Committee this is not the case. Mr. Shahid stated that every application is evaluated on its own merits and does not set a precedent.

The applicant, Mr. Wen was present and spoke to the Committee covering concerns mentioned. Mr. Wen stated that the existing dwelling and primary residence are irregularly shaped, and that the structures were drawn square-shaped.

Committee asked staff why the timeline of 24 months has been amended to 8 months on Condition 3. Mr. Shahid replied that the subject property is existing and not a new build, thus 8 months is a sufficient time to complete the process through various divisions.

Member Strangway noted for the record that he would support the proposal but is uncomfortable with the sketch and sizing.

The Committee asked staff if the ARU with deck could be enclosed at a later date. Mr. Shahid responded.

There were no further questions from the Committee or other persons

CA2024-072

Moved By B. Archer Seconded By G. Erickson

That minor variance application D20-2024-044 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 COA2024-054, 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 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,
- 3. **That** this approval shall be in effect for a period of eight (8) months after the date of the Notice of Decision, after which this application shall be deemed refused.

This approval pertains to the application as described in report COA2024-054. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2024-055

Ahmad Shahid, Planner II File Number: D20-2024-045 Location: 70 Four Points Road

Part Lot 29, Concession 10 (being Part 1 of Reference Plan 57R3567)

Geographic Township of Ops

Owners: Trevor McIntyre, Sharon McIntyre and Elizabeth Polzel Applicants: Trevor McIntyre, Sharon McIntyre and Elizabeth Polzel

Mr. Shahid summarized Report COA2024-055. The purpose and effect is to facilitate construction of a detached garage. Relief sought: Section 5.2 of the Zoning By-law which requires a 9 metre front yard setback; the proposed setback from the detached garage is 5.48 metres.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority stating they have no concerns with the application and that a permit has already been obtained.

The Committee had the following questions and concerns:

- 1) When was the garage built and does it precede the current Zoning By-law?
- 2) What location is the garage to be constructed?
- 3) The new proposed garage appears to be half the size of the existing garage, is this correct?

Mr. Shahid stated the garage was built in 1983 and preceded the current Zoning By-law. The proposed garage is to be located beside the existing garage, 2 metres away. The proposed garage is smaller than the existing garage.

The applicant, Mr. McIntyre was available for questions via electronic participation.

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

CA2024-073
Moved By E. Finn
Seconded By B. Archer

That minor variance application D20-2024-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-055, 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 COA2024-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2024-057

Katherine Evans, Planner II File Number: D20-2024-047 Location: 88 Bolsover Road Part Lots 12 to 15, Plan 15 Geographic Township of Eldon

Owners: Leonard Linton Meyer and Stephanie Meinecke

Applicant: RWH Construction - Ryan Hayter

Ms. Evans summarized Report COA2024-057. The purpose and effect is to recognize an existing rental cottage. Relief sought: Section 16.2.1.3 c) of the Zoning By-law requires a minimum exterior side yard setback of 25 metres; the existing setback is 12.8 metres.

The Committee had the following questions and concerns:

- 1) As the structure already exists, why is the timeline for completion in Condition
- 2, Twenty-Four (24) months?
- 2) Does each cottage have access to their own dock?
- 3) Referring to Appendix A, is this an unopened road allowance?

Ms. Evans indicated that the owner has substantial work to complete to bring it up to code, thus 24 months is required.

The applicant, Mr. Meyer was available via electronic participation and spoke to the Committee to address their questions and concerns, and provided that the situation is that each cottage has a dock they can access.

The Committee followed up by asking if the applicant had a business license in the past. Ms. Evans indicated that this is not a short-term rental and that the property is Zoned Tourist Commercial, which permits a cottage establishment. Ms. Evans indicated that it is an unopened road allowance.

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

CA2024-075

Moved By S. Richardson **Seconded By** S. Strangway

That minor variance application D20-2024-047 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-057, which shall be attached to and form part of the Committee's Decision;
- 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, 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 COA2024-057. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2024-058

Ahmad Shahid, Planner II File Number: D20-2024-048 Location: 91 Fulsom Crescent

Part Lot 20, Concession 1 (being Lot 20 of Plan 360)

Geographic Township of Carden

Owner: Jon Davies

Applicant: Rick Jablonski

Mr. Shahid brought to the Committee's attention during the circulation period that two reliefs were requested for the side yard setback. It was later determined that only one relief was required for the northern side yard setback. Mr. Shahid asked if the Committee wished to proceed with the presentation. The Committee were in favour to proceed.

Mr. Shahid summarized Report COA2024-058. The purpose and effect is to recognize an existing single-storey detached dwelling constructed in 2023. Relief sought: Section 2.2.d. of the Zoning By-law requires a minimum side yard of 3 metres on one side, and 1.2 metres on the opposite side, plus 1 metre for each additional or partial storey above the first. The existing side yard setbacks are 2.12 metres (north) and 1.90 metres (south).

Public comments were received from Robert Lindsay, stating concerns with the southern side yard and property infringement during construction.

The Committee had the following questions and concerns:

1) Was a building permit issued for the construction of the dwelling.

2) Did the applicant seek permission to relocate building?

The Chair reminded the Committee that when an application is part of an enforcement issue the Committee does not have access to that information.

- 3) Confirmation requested as to why the southern side yard setback is not issue.
- 4) Request for update on Rural Zoning By-law.
- 5) The Committee referred to the relief being sought on page one of the report. As the second side yard setback is not required, is this statement incorrect?
- 6) Why wasn't it noted on the first inspection that the foundation was not in the proposed location and why?
- 7) When is the site grading and drainage process to be completed?
- 8) Does the City issue Grading certificates?

Staff responded.

The applicant, Mr. Jablonski was present via electronic participation and addressed the reason why the location of the dwelling was moved from the original location.

Opposed to the application, Mr. Lindsay, the neighbour of 89 Fulsom Crescent was present in person and spoke to his concerns with water run off on to his property.

The applicant, Mr. Jablonski was not aware of this issue and suggested that the owner contact the contractor to provide proper drainage. Mr. McKinnon, Supervisor, Plans Review and Inspections commented that the grading has to be completed as per the lot drainage and grading plan and Ontario Building Code. That grading would not permit water run off to the neighbouring property.

The Chair advised Mr. Lindsay to contact the Building and Septic Division with his concerns.

Mr. Connolly provided a brief update on the status of the Rural Zoning By-law that is approved but currently under appeal.

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

CA2024-076

Moved By E. Finn

Seconded By S. Strangway

That minor variance application D20-2024-048 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-058, 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 eight (8) 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 COA2024-058. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.9 COA2024-060

Ahmad Shahid, Planner II File Number: D20-2024-050 Location: 24 Pigeon Lake Road

Part Lot 21, Concession 7, Part Lot 21 (being Lot 23 of Plan 44)

Geographic Township of Ops

Owners: Jacobus Stomp and Hazel K. Stomp

Applicant: Edwards Property Services

Mr. Shahid summarized Report COA2024-060. The purpose and effect is to facilitate the construction of a new detached garage. The existing shed/garage will be removed. Relief sought: Section 10.2 requires a minimum exterior side yard of 15 metres. The proposed exterior side yard setback is 3.05 metres; and,

Section 10.2 requires a minimum rear yard of 15 metres. The proposed rear yard setback is 9.14 metres.

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems, stating they were unable to complete an evaluation of the proposal, as a result Condition 2 has been added to achieve compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems.

Public comments were received from the owner of 20 Pigeon Lake Road stating no concerns with the proposal.

The applicant, Edwards Property Services was present but did not speak.

There were no questions from the Committee or other persons.

CA2024-078
Moved By S. Strangway
Seconded By G. Erickson

That minor variance application D20-2024-050 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- That building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-060, 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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; 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 COA2024-060. 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

Mr. Connolly, Manager of Planning spoke to the Consolidated Rural Zoning Bylaw.

The Committee complimented Ms. Barrie, Director of Development Services for working with the Committee over the last few years during staff shortages within the Planning Division and wished her well moving forward into her Directorship role.

The Chair thanked staff for their presentations.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, July 25th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2024-080

Moved By S. Richardson

Seconded By B. Archer

That the meeting be adjourned at 2:54pm.

Carried

Mark LaHay, Secretary-Treasurer