

The Corporation of the City of Kawartha Lakes
Committee of Adjustment

Minutes

Thursday, November 9, 2017

Meeting Commencing at 1:00 p.m.

Council Chamber

City Hall

26 Francis Street, Lindsay, Ontario, K9V 5R8

Members

Chair L. Robertson (absent)

Chair D. Marsh

B. Archer

S. Richardson

K. Seymour-Fagan (absent)

A. Smelko

S. Strathdee

Recording Secretary E. Hallett

Accessible formats and communication supports are available, upon request.

1. Call to Order

The meeting commenced at 1:00 PM.

2. Adoption of Agenda

Moved by: S. Richardson
Seconded by: B. Archer

RESOLVED THAT the agenda for the meeting be approved.

CARRIED

3. Disclosure of Pecuniary Interest

None declared

4. Adoption of Minutes of Previous Meeting

Moved by: S. Strathdee
Seconded by: S. Richardson

RESOLVED THAT the minutes of the previous meeting held October 19, 2017 be approved as circulated.

CARRIED

5. Review of New File Material

6. Deferred Applications – Minor Variances and Consents

7. New Business – Minor Variances

File Number: D20-17-039
Location: Caroline and King Street
Concession 6, Part Lot 21
Plan 57R-8539 Part 3, 57R-7664 Part 1
Former Town of Lindsay
Owner: 1982395 Ontario Inc.
Applicant: EcoVue Consulting Services – Sean Yilmaz

Mr. Harding summarized Report COA2017-044, and cited comments received after the report was written from the Community Services Department, which had no concerns with the proposed variances. The owner, 1982395 Ontario Inc., proposes to construct a private parking lot with 14 parking spaces. Relief is sought to permit an entrance to the

property and relief is sought from the landscape buffer requirements to permit the parking lot on the unusually-shaped lot. The property is oddly shaped as it used to be a part of the rail corridor. The site was previously used for parking for the group home in the immediate area.

The applicant, Sean Yilmaz of EcoVue Consulting Services Inc. was present for the meeting. He stated that the property would primarily be used for residents and guests of the Pyjama Factory condominium site across the road.

The Committee questioned if the parking area would be private and gated, and if the property would be owned by the condominium corporation. Mr. Yilmaz responded that it would be private parking, but not gated. Staff clarified that they were advised that the entity which owns the parking lot will be separate and distinct from the condominium corporation.

The Committee asked if accessible parking spaces were required. Staff clarified that since there was no use on the property triggering the need to provide parking for a specific purpose, the owner is not required to construct accessible parking spaces.

The Committee also asked whether proposed condition 3 was sufficient to serve as a lapsing provision for their decision given there was no building permit mentioned. Staff clarified that a building permit is not required to construct a parking lot, and that tying the approval to a Site Plan Agreement is sufficient to secure for the orderly development of the site as approved by the Committee.

Moved by: S. Richardson
Seconded by: S. Strathdee

RESOLVED THAT Report COA2017-044 1982395 Ontario Inc. be received;

THAT minor variance application D20-17-039 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance from Section 5.14 (c) shall only apply to parking spaces 3-5 identified in the Concept Sketch prepared by EcoVue Consulting Services Inc. dated October 23, 2017, and that an opaque wood fence not less than 1.8 metres in height shall be constructed upon the landscaped strip of land which abuts parking spaces 3-5;
- 2) **THAT** with the exception of the modification noted in Condition 1 to the proposed parking lot layout, the configuration of the parking lot spaces and parking lot access shall proceed substantially in accordance with the Concept Sketch prepared by EcoVue Consulting Services Inc. dated October 23, 2017; and
- 3) **THAT** the Site Plan Agreement for the subject property be executed and secured within 18 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 COA2017-044. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

CARRIED

File Number: D20-17-045
Location: 76 Cambridge Street S.
Plan 40, Lot 25
Former Town of Lindsay
Owner: Clarkwood Park Developments – Ken Sherwood

Mr. Harding summarized Report COA2017-051 and cited a comment received after the report was written from the Community Services Department, which had no concerns with the proposed variance. The owner, Clarkwood Park Developments, proposes to create a new residential infill lot and relief is sought to reduce the minimum lot frontage requirement. The subject property is located in an established residential neighbourhood with varying lot frontages.

The Committee had questions regarding the shed noted on the sketch and the size of home that could be built. Mr. Harding clarified that the shed had since been removed, and that the lot coverage provision would permit a footprint of approximately 157.9 square metres.

The Committee asked whether the dwelling on the retained lot required relief. Staff advised that the dwelling maintained a legal non-complying front yard setback, so no relief was necessary.

The owner, Ken Sherwood, president of Clarkwood Park Developments, was present for the meeting, but did not speak.

Moved by: B. Archer
Seconded by: A. Smelko

RESOLVED THAT Report COA2017-051 Clarkwood Park Developments, be received;

THAT minor variance application D20-17-045 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the variance shall apply solely to the proposed severed portion of the subject property.

- 2) **THAT** this minor variance shall be deemed to be refused if the related Application for Consent, D03-17-010, lapses.

This approval pertains to the application as described in report COA2017-051. Fulfillment of the condition is required for the Minor Variance to be considered final and binding.

CARRIED

File Number: D20-17-046
Location: 63 North Taylor Road
Lot 54 NPR, Lot 16 Plan 224
Geographic Township of Eldon
Owners: Ahsan Ullah & Fahmida Nutan
Applicant: Ahsan Ullah

Ms. Wong summarized Report COA2017-052. The owners, propose to construct a two storey dwelling with attached garage and deck on the property where the old cottage had been demolished. The owners sought relief to reduce the minimum lot area.

Comments from TSW, LSRCA and Community Services were received after the report was written, but there were no concerns.

The owner, Mr. Ullah was present for the meeting, but did not speak.

The Committee had no questions or comments for Mr. Ullah or Staff.

Moved by: A. Smelko
Seconded by: S. Richardson

RESOLVED THAT Report COA2017-052 Ullah & Nutan, be received;

THAT minor variance application D20-17-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) **THAT** the construction of the dwelling related to this approval shall proceed generally in accordance with the sketch in Appendix "C" submitted as part of Report COA2017-052, which shall be attached to and form part of the Committee's Decision; and
- 2) **THAT** the building construction related to the minor variance shall be completed within a period of 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 COA2017-052. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

CARRIED

8. New Applications – Consents

9. Correspondence

Requiring Action: None

Information: None

10. Other Business

Committee Vice Chair, Mr. Marsh confirmed that the proposed dates for the Committee of Adjustment meetings for 2018 were included with the Agenda packages.

Mr. Holy, Manager of Planning requested that Committee members provide him with their mileage calculations.

11. Next Meeting

The next meeting of the Committee of Adjustment will be held on November 30, 2017 at 1:00 p.m., in the Council Chambers, City Hall.

12. Adjournment

Moved by: S. Strathdee
Seconded by: B. Archer

RESOLVED THAT this meeting adjourns at 1:45 p.m.

CARRIED

Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment