

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

COA2025-01
Thursday, January 9, 2025
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

Councillor E. Yeo and Members B. Archer, G. Erickson, E. Finn, L. Robertson, S. Strangway were in attendance.

Absent: S. Richardson

Staff in attendance were L. Barrie (Director of Development Services), M. LaHay (Secretary-Treasurer), K. Evans (Acting Development Supervisor), A. Shahid (Planner II), M. McKinnon (Supervisor, Plans Review and Inspections, Building and Septic Division), N. Ord (Administrative Assistant).

Mr. LaHay called the meeting to order at 1:00 p.m.

1.1 Appointment of the Chair

M. LaHay, Secretary-Treasurer called for nominations for the position of Chair explaining that at the first meeting of the year for the Committee of Adjustment, the first order of business was to elect the Chairperson to conduct today's meeting and subsequent meetings for 2025. Mr. LaHay also outlined the role and responsibilities of the Chairperson.

Mr. LaHay called for nominations.

Member Robertson was nominated by Member Strangway. Mr. LaHay asked Member Robertson if he wished to let his name stand for the Chair of the Committee of Adjustment and Member Robertson consented to the nomination.

Mr. LaHay called a second and third time for nominations for the position of Chair and after hearing none or seeing none, declared the nominations closed. Mr. Robertson stated he wished to stand in the position of Chair.

Mr. LaHay declared that Lloyd Robertson was appointed by acclamation as Chair of the Committee of Adjustment. The Chair was then invited to assume the position and conduct the meeting including the appointment of the Vice-Chair.

CA2025-001

Moved By S. Strangway

Seconded By E. Finn

That Member L. Robertson assume the position of Chair of the Committee of Adjustment.

All in favour.

Carried

1.2 Appointment of the Vice-Chair

After thanking the Committee, Chair Robertson called for nominations for the position of Vice-Chair.

Member Strangway was nominated by Member Finn. Chair Robertson asked Member Strangway if he wished to let his name stand for the position of Vice-Chair and Member Strangway consented to the nomination.

Chair Robertson called a second and third time for nominations for the position of Vice-Chair and, after hearing none and seeing none, declared the nominations closed for the position of Vice-Chair of the Committee of Adjustment. Member Strangway agreed to sit as Vice-Chair.

CA2025-002

Moved By E. Finn

Seconded By B. Archer

That Member S. Strangway assume the position of Vice-Chair of the Committee of Adjustment.

All in favour.

Carried

2. Administrative Business

The Chair provided an overview of the meeting procedures as required under The Planning Act, introduced members and staff in attendance and informed that the meeting would be recorded.

The Chair also directed the Recording Secretary to record voting by individual members.

2.1 Adoption of Agenda

2.1.1 COA2025-01

January 9, 2025

Committee of Adjustment Agenda

E. Finn requested confirmation that the “New Applications” listed in Section 3 of the Agenda are those deferred at the meeting of November 28, 2024. L. Barrie confirmed that Resolution CA2024-134 deferred the applications to the January 9, 2025 Agenda.

CA2025-003**Moved By** B. Archer**Seconded By** S. Strangway**That** the agenda for January 9, 2025 be approved.**All in favour.****Carried**

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 COA2024-11

November 28, 2024

Committee of Adjustment Minutes

E. Finn requested correction of an error on page 10 of the November 28, 2024 minutes, which duplicated S. Richardson's name.

CA2025-004**Moved By** S. Strangway**Seconded By** Councillor Yeo**That** the minutes of November 28, 2024 meeting be adopted as amended to remove the duplication of S.Richardson's name on page 10.**All in favour.****Carried****3. New Applications**

The Chair explained the order of the meeting would start with details of each application provided by staff followed by comments of the applicant or agent, questions of clarification, indications of support or opposition to approval and response by applicant or agent to questions.

3.1 Minor Variances

3.1.1 COA2024-097

Katherine Evans, Acting Development Supervisor

File Number: D20-2024-089

Location: 47 Sugar Bush Trail

Part Lot 26, Concession 10

Geographic Township of Fenelon

Owner: David Ryan

Applicant: TD Consulting Inc.

K. Evans summarized Report COA2024-097 referring to updated condition of approval for Kawartha Region Conservation Authority permit and showing a series of slides/photos. The purpose and effect is to recognize an existing detached garage for the purpose of obtaining a Building Permit. Relief from the Zoning By-law included:

1. Section 3.1.2.2 which requires a minimum interior side yard setback for accessory buildings of 1.2 metres and the existing setback is 0.68 metres from the southwest corner and 0.8 metres from the southeast corner.
2. Section 3.1.2.2 requires a minimum setback for an accessory structure from a residential building on the same lot of 1.2 metres and the existing setback is 1.1 metres
3. Section 15.2.1.3 a) requires a minimum front yard setback of 7.5 metres and the existing setback is of 2.6 metres from the southwest corner and 2.9 metres from the northwest corner.

Responses to Notices of the Hearing from Engineering and Corporate Assets and the public indicated no comments on the application. The Building and Septic Division commented that spatial separation and wall rating would be addressed at the construction stage.

B. Archer questioned the location of a downspout shown on one of the photos and slanting of the land to ensure drainage does not go onto the neighbour's property. M. McKinnon responded by referring to Ontario Building Code requirement for no adverse affect on the neighbouring property also noting there is a drainage swale.

S. Strangway questioned the purpose of the existing small concrete pad on the side of the building towards the road. The applicant Tom deBoer advised he had no information on the existing pad which had been installed by a previous property owner.

There were no further questions from the Committee or other persons either in attendance or on line.

CA2025-005**Moved By** B. Archer**Seconded By** G. Erickson

That the minor variance application D20-2024-089 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 COA2024-097, which shall be attached to and form part of the Committee's Decision;
2. **That** this approval shall be in effect for a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused;
3. **That** the direction of the downspouts located on the south side of the garage be reconfigured so they are not directed towards the interior side lot line within a period of three (3) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the provision of satisfactory photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the downspouts have been reconfigured; and,
4. **That**, prior to the issuance of a Building Permit, the applicant provide written confirmation from Kawartha Region Conservation Authority staff to the Secretary-Treasurer confirming whether a permit is required from Kawartha Region Conservation Authority and that any required permits/approvals from Kawartha Region Conservation Authority is obtained.

This approval pertains to the application as described in report COA2024-097. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.**Carried**

3.1.2 COA2024-104

Ahmad Shahid, Planner II

File Number: D20-2024-096

Location: 145 Queen Street

Lots 7 to 8 South of Queen Plan 100
Former Village of Fenelon Falls
Owners/Applicants: Bonnie Druery and Andrew Harrison

A. Shahid summarized Report COA2024-104 referring to slide presentation with a series of plans and photographs. The purpose and effect is to facilitate the construction of a roof-covered patio onto an existing detached garage. Relief is requested from Section 5.1.4 of the Zoning By-law, which permits a maximum 5% accessory structure lot coverage; the proposal is for an accessory structure lot coverage of 10.1%.

In response to invitation by the Chair, no comments were made by the applicants or persons other than Committee members.

Discussion followed B. Archer's question on the appropriateness of adding a condition which would require Kawartha Region Conservation Authority approval. Staff indicated any permit requirement would be covered as part of the building permit process.

The Chair received no response to invitation for anyone in attendance, on line to raise questions, speak in support of, or opposed to the application.

CA2025-006

Moved By S. Strangway

Seconded By Councillor Yeo

That the minor variance application D20-2024-096 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 COA2024-104, 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 COA2024-104. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.3 COA2024-105

Katherine Evans, Acting Development Supervisor

File Number: D20-2024-097

Location: 37 Parkhill Drive

Part Lot 13, Concession 2 (being Lot 22 on Plan 218)

Geographic Township of Verulam

Owner: Gladys Haines

Applicant: Duane Visneskie

K. Evans summarized report COA2024105 and referred to a series of slides, photographs, building elevations and highlighted the comments of the Building and Septic Division. The purpose and effect is to facilitate the conversion of an existing detached garage to an Additional Residential Unit (ARU). Relief is sought to Section 5.27 vi) of the Zoning By-law which requires a minimum lot area of 4,000 square metres for a lot that is privately serviced to have an ARU; the existing lot area is 1,093 square metres.

No other comments of concern were received from agencies and the public.

B. Archer and E. Finn questioned whether the neighbouring properties contained any ARUs and whether there was any intention to change the parking. K. Evans indicated being not aware of any intention to change the parking and that the properties are zoned to permit ARU. Further research would be required to determine the existence of any neighbouring ARUs.

Chair Robertson questioned the zoning by-law requirement for minimum lot area of 4,000 square metres when the proposal can be accommodated within a 1,093 square metre lot area.

The applicant in attendance did not wish to speak when invited by the Chair. No further questions or comments in support of or opposed to the application were made in response to the Chair's invitation.

CA2025-007

Moved By B. Archer

Seconded By S. Strangway

That the minor variance application D20-2024-097 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 COA2024-105, 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 COA2024-105. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.4 COA2024-106

Katherine Evans, Acting Development Supervisor

File Number: D20-2024-098

Location: 137 Royal Oak Road

Part Lot 3, Concession 5

Geographic Township of Mariposa

Owners: Webster Farms Ltd.

Applicant: Dianne Webster

K. Evans summarized report COA2024-106 with slide presentation of aerial photographs, site plan and existing uses. The purpose and effect is to facilitate the recognition of an existing porch for the purposes of obtaining a Building Permit. Relief is sought from Section 8.2.1.3 a) of the Zoning By-law which requires a minimum front yard setback of 30.0 metres; the existing setback is 17.0 metres from the porch and 16.0 metres from the stairs.

In response to the Chair's invitation for any person to speak in support of or in opposition to the application, Ward 4 Councillor Joyce addressed the Committee,

complimented Staff on the report and indicated no concerns with the neighbours on the application or with sight line issues.

CA2025-008

Moved By B. Archer

Seconded By E. Finn

That the minor variance application D20-2024-098 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 COA2024-106, 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 twenty-four (24) 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 COA2024-106. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.5 COA2024-107

Ahmad Shahid, Planner II

File Number: D20-2024-099

Location: 752 County Road 46

Part Lot 6, Concession 14 (being Part 1 of Reference Plan 57R-6032)

Geographic Township of Mariposa

Owners/Applicants: Wesley and Kelly Dayment

A. Shahid summarized report COA2024-107 referring to a slide presentation with photographs on the proposal, existing and surrounding uses including two barns on the neighbouring farm property. The purpose and effect is to facilitate the construction of a detached garage. Relief is sought to Section 3.1.3.2 of the Zoning By-law, which permits a maximum height of 5.0 metres for any accessory structure (as accessory to a residential zone or use); the proposed height of the detailed garage is 6.59 metres.

No comments of concern had been received from commenting agencies or the public.

No response was made to the Chair's invitation for questions of clarification or comments in support of or in opposition to the application.

CA2025-009

Moved By S. Strangway

Seconded By E. Finn

That the minor variance application D20-2024-099 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 Appendix D submitted as part of Report COA2024-107, 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 COA2024-107. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.6 COA2024-108

Ahmad Shahid, Planner II

File Number: D20-2024-100

Location: 322 Front Street West

Lot 20, Plan 133

Former Village of Bobcaygeon

Owner: 1000329376 Ontario Inc.

Applicant: Groundswell Urban Planners Inc.

A. Shahid summarized report COA2024-108 referring to a revised site plan and supported by a slide presentation with series of photographs and plans of the existing and surrounding uses. The purpose and effect is to facilitate the redevelopment of an existing cottage establishment, through construction of eight (8) new two-storey cottages, as well as second-storey additions on six (6) of the existing buildings. Six (6) existing cottages are to be demolished in place of the eight (8) new cottages. Relief is sought to the Zoning By-law (the numbered cottages correspond to the numbers shown on the site plan):

1. Section 13.2.c. of the Zoning By-law requires a minimum front yard setback of 9 metres; the proposed front yard setbacks of the five (5) new two-storey cottages are 3 metres; the existing front yard setback of Cottage #1 is 0.93 metres;
2. Section 13.2.d. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the existing rear yard setback of Cottage #5 is 5.08 metres; and
3. Section 13.2.e. of the Zoning By-law requires a minimum interior side yard setback of 2.5 metres; the existing deficient side yard setbacks of Cottages #5, 13, 14, and 15 range between 0.92 metres to 1.27 metres (site plan identifies individual setbacks). Cottage #12 currently extends beyond the property boundaries and is proposed with a 1.53 metre side yard setback.

The Planner made reference to a revised site plan that improved compatibility by removing the need for relief of Cottages #2, 3 and 4. By demolishing these structures, and constructing new cottages in a different compliant location, the need for variances is removed.

Agency comments indicated no concerns but public comments were received from various individuals including a petition signed by twenty-one (21) persons. Concerns pertained to parking, neighbourhood built-form character, spatial separation, privacy, and the increased number of cottages being proposed. In response, Staff indicated parking will meet zoning by-law requirements, fire safety will be addressed at the building permit stage, trees will be maintained and the development will be subject to site plan approval.

Questions from Committee members included the following:

B. Archer asked why Cottage #5 is not treated in the same manner as Cottages # 2, 3 and 4. The response by A. Shahid referred to minimal impact due to separation distances and no neighbouring structures.

E. Finn questioned if the new Cottages # 6 to #10 with a proposed 3.0 metre front yard setback can be moved back from the road. A. Shahid reported the location avoids placement of five new cottages within the floodplain.

The applicant, Joanna Fast made presentation to the Committee on the revised proposal with a series of slides detailing the existing uses and proposed improvements intended to upgrade the existing cottage resort known as Ambleside Cottage Resort. The resort is accessed from Front Street in an area with three other cottage resorts, will not increase density or the number of bedrooms, does not change the use of the property and does not increase incompatibilities. On the concerns of residents, the original proposal has been revised, a functional servicing report has confirmed the site has capacity and parking and the proposal would allow for year-round use as permitted by the Official Plan and Zoning By-law.

In response to question by L. Robertson, M. McKinnon indicated the addition of second storeys to the existing one-storey buildings would be required to comply with the Ontario Building Code and would be reviewed to ensure structural integrity at the time of building permit issuance.

M. Zukov, the neighbouring property owner, spoke in opposition and referred to correspondence submitted in opposition. Mr. Zukov stated the application did not meet with Planning Act tests for approval of the variance and did not comply with the Official Plan and Secondary Plan policies. Mr. Zukov indicated he had not viewed the revised site plan until today and referred to the requirements of the Ontario Building Code in defining the proposed second storey additions as extensive new construction and not renovation. Reference was made to the impact on trees with the additional building height and that Cottages #1 and #5 will directly impact his property due to separation distances and lack of screening and buffers. Comment was added on the lack of parking for boats and trailers that currently park on the street shoulder.

E. Finn indicated second-storey addition on Cottage # 5 is not desirable due to the lack of screening/buffering, proximity to the property line with windows and side yard less than 1.0 metre away.

S. Strangway requested the neighbour to confirm his property was zoned Tourist Commercial but is currently used for seasonal residence and has been in the family since 1966.

In response, the applicant clarified the distinction between the Ontario Building Code and the planning regulation regarding renovations, that two storeys were permitted by the zoning by-law and will be no different to other properties in the

area. It was noted there is not a significant change of usability and Cottage #5 has a number existing trees/vegetation that will contribute to screening. Parking for boats and trailers will be required to be elsewhere as no parking for that purpose is proposed and is not permitted on the road.

S. Strangway posed that the location of the cottages and parking for Cottages #6 to #10 be reversed with the applicant indicating the proposed location was revised at the City's recommendation to avoid multiple driveways and have internal parking and access to preserve the streetscape.

In response to a question by B. Archer, the applicant referred to each dwelling proposed to have one parking space per cabin with additional visitor parking in the centre of the site in conformity with the zoning by-law.

In response to further questioning by Councillor Yeo, M. McKinnon indicated the application of the Ontario Building Code is not in question and the application before the Committee relates to zone regulations. A. Shahid added the existing buildings predate the zoning by-law and with the renovations to existing buildings are additions according to the zoning by-law. In response to question by G. Erickson, A. Shahid indicated the property is subject to the site plan agreement approval process.

The Chair invited anyone on line to speak in support of or opposition to the proposal with no response.

CA2025-010

Moved By E. Finn

Seconded By G. Erickson

That subject to the deletion of approval for Cottage # 5, the minor variance application D20-2024-100 be GRANTED, as the application meets the tests set out in Section 45 (1) of The Planning Act.

Discussion followed on approval for Cottage #5 being relocated similar to the proposed Cottages #2, #3 and #4 with A. Shahid and the applicant referring to restrictions of the Kawartha Region Conservation Authority not permitting new structures within the floodplain. Committee also discussed that if Cottage #5 is left in the current location that it have no second storey. The applicant proposed the addition of a condition that no windows be added to westerly side of the second storey addition on Cottage #5 and through the site plan approval process, further mitigating details be addressed.

B. Archer preferred a condition is added for cottage #5 relating to having no windows if there is a second storey and providing buffering.

Councillor Yeo and Chair Robertson both spoke in opposition indicating conditions restricting windows and improved buffering can be added to address the neighbour's concern. The Chair called for a recorded vote.

Recorded vote:

For: E. Finn, G. Erickson

Opposed: B. Archer, E. Yeo, S. Strangway, L. Robertson

Defeated

CA2025-011

Moved By S. Strangway

Seconded By B. Archer

That Cottage #5 be included in the approval but that there be no windows facing the neighbour and appropriate screening added to provide privacy.

In response to a question from G. Erickson on the Committee's ability to apply such conditions, L. Barrie indicated the Committee could incorporate conditions when suggested by the applicant. The applicant indicated agreement to planting mature and coniferous trees, to installation of a privacy fence but needed more detail to determine any existing mature trees. Further, the landscape plan can be revised, reviewed by staff as a condition of approval and submitted as part of the site plan approval process. Discussion continued by Committee with respect to not having windows on the west elevation for Cottage #5 for the second storey and the appropriate screening to be provided in consultation with and to the satisfaction of Planning Staff, which resulted in an amended motion.

Amendment:

CA2025-012

Moved By S. Strangway

Seconded By B. Archer

1. **That** Report COA2024-108 - 1000329376 Ontario Inc. be received.
2. **That** minor variance application D20-2024-100 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 Revised Appendix C submitted as part of Report COA2024-108, which shall be attached to and form part of the Committee's Decision;
2. **That** an elevation drawing be submitted as part of the building permit application detailing no windows on the western elevation of the proposed second storey of Cottage #5. This condition will be considered fulfilled upon the owner or applicant providing an elevation drawing of Cottage #5 to the Planning Administration (cofa@kawarthlakes.ca) and including the Secretary-Treasurer;
3. **That** appropriate screening be provided between Cottage #5 and the western neighbouring lot. This condition will be considered fulfilled upon the owner or applicant providing a landscape plan that illustrates an appropriate method of screening between Cottage #5 and the western neighbouring lot to the satisfaction of Planning Staff. The landscape plan shall be provided to the Planning Administration (cofa@kawarthlakes.ca) and the Secretary-Treasurer.
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 COA2024-108. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

CA2025-013

Moved By G. Erickson

Seconded By E. Finn

That Item 3.1.10 COA2024-112 on the Agenda relating to 12 Kirkconnell Road be dealt with next.

All in favour.

Carried**3.1.10 COA2024-112**

Ahmad Shahid, Planner II
File Number: D20-2024-104
Location: 12 Kirkconnell Road
Lot 45, Plan 633
Former Town of Lindsay
Owners: Carol and Greg Murphy
Applicant: Rob Peltenburg

A. Shahid summarized report COA2024-112 with slide presentation containing photographs of the existing and surrounding uses. The purpose and effect is to facilitate the construction of an addition onto an existing single-detached dwelling. Relief is sought from Section 6.2.f of the Zoning By-law which requires a 7.5 metre minimum rear yard setback; the proposed addition seeks a 6.63 metre rear yard setback.

No comments have been received from the agency and public notices of the application and no question were posed to the Planner by the Committee.

The applicant, R. Peltenburg was in attendance and extended a thank you to the Committee and Planning Staff.

No response was made at the Chair's invitation for any further questions from the Committee or for any person attending or on line in support of or in opposition to the application.

CA2025-014

Moved By B. Archer

Seconded By S. Strangway

That the minor variance application D20-2024-104 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 COA2024-112, 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. The condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-112. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.7 COA2024-109

Ahmad Shahid, Planner II

File Number: D20-2024-101

Location: 86 Finch Street

Part Lot 28, Concession 8 (being Lot 1, Plan 210; Part 2 of Reference Plan 57R-3688)

Geographic Township of Fenelon

Owners: Guy Dulberger and Elizabeth Kotcher

Applicant: TD Consulting Inc.

A. Shahid summarized report COA2024-109 with slide presentation showing site plans and photographs of building elevations. The purpose and effect is to facilitate the construction of an addition and deck onto the existing single-detached dwelling. Relief is sought from Section 15.2.1.3.e of the Zoning By-law which requires a minimum 15.0 metre water setback; the proposed water setback is 8.5 metres. The Planner referred to a revised site plan with the only change being the location of the proposed holding tank, to satisfy the Building and Septic Division.

The Planner referred to comment from a southerly property owner on the location of the holding tank and the proposal has been revised to comply with regulations.

The Committee posed no questions of the Planner.

The applicant Tom deBoer attended and indicated no concerns with the revisions after discussion with staff and adjoining neighbours.

The Chair invited any person on line or in person who wished to speak in support of or against the application and received no response.

CA2025-015**Moved By** S. Strangway**Seconded By** Councillor Yeo

That the minor variance application D20-2024-101 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 COA2024-109 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. The condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-109. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.**Carried**

3.1.8 COA2024-110

Katherine Evans, Acting Development Supervisor

File Number: D20-2024-102 and D03-2024-059, 060 and 061

Location: 100 Reid Street

Part Block G on Plan 29

Former Village of Bobcaygeon

Owner: Deondo Corp.

Applicant: TD Consulting Inc.

K. Evans summarized report COA2024-110 referring to concurrent submission of a minor variance the purpose and effect of which is to facilitate the severance of the property to create three (3) new residential lots each to contain a future single detached dwelling. Relief is sought from Section 5.2 b) of the Zoning By-law which requires a minimum lot frontage of 15 metres; the proposed frontage of each new lot is 13.46 metres. The summary was supported by a slide

presentation of application details with reference made to the Provincial Policy Statement and compliance with Official Plan policy on housing targets and intensification. K. Evans indicated the property is not regulated by the Kawartha Region Conservation Authority, servicing is available and as per the new condition of provisional consent the owner shall enter into a consent agreement to confirm the overall grading plan and the individual lot grading and drainage plans for each of the lots (the retained and the three new lots and any shared drainage proposed) and to confirm the drainage outlet and proposed locations for service connections. The new condition was highlighted in yellow on the materials provided to the Committee members at the meeting. Comments from residents at 114 and 125 Reid Streets noted concern with the removal of vegetation, the effect of the new lots on the area and the increase in housing units. In response, K. Evans indicated the applicant will retain existing trees and lot grading will be required to meet municipal requirements.

K. Evans confirmed in response to question by B. Archer that the surrounding properties are zoned R1 Residential.

The applicant Tom deBoer attended to respond to questions.

No response was received on the Chair's invitation for any person on line or in person to speak in support of or in opposition to the applications.

CA2025-016

Moved By G. Erickson

Seconded By E. Finn

That the minor variance application D20-2024-102 be GRANTED as the application meets the tests set out in Section 45 (1) of The Planning Act.

That consent applications D03-2024-059, 060 and 061 be GRANTED, as the applications represent good planning, and are in accordance with Section 53(1) of The Planning Act.

Conditions of Approval for Minor Variance

1. **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-110, which shall be attached to and form part of the Committee's decision; and,
2. That development 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 approval pertains to the application as described in report COA2024-110. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent for each severed lot

1. Approval of consent application D03-2024-059 is contingent on approval of companion applications -060 and -061.
2. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel to be severed, for review and endorsement, and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
3. That the Minor Variance (D20-2024-102) be in force and effect.
4. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lots to be severed.
5. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer- review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer written confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. The owner shall submit payment to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer the

stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer's trust account.

8. The owner's solicitor shall provide to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
9. The owner's solicitor shall provide a written undertaking to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
10. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. The owner shall enter into a consent agreement to confirm the overall grading plan and the individual lot grading and drainage plans for each of the lots (the retained and the three new lots and any shared drainage proposed) and to confirm the drainage outlet and proposed locations for service connections. It is to be noted that the water service connection can not be located within the driveway location. Therefore, the overall and individual lot designs must reflect all municipal guidelines and by-laws, to the satisfaction of the Engineering and Corporate Assets Division.
12. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

This approval pertains to the consent applications as described in report COA2024-110. Fulfillment of all conditions is required for the consents to be completed.

All in favour.

Carried**3.1.9 COA2024-111**

Katherine Evans, Acting Development Supervisor

File Number: D20-2024-103

Location: 43 Brook Road

Part Lot 18, Concession 3

Geographic Township of Somerville

Owner: Cynthia LaCroix

Applicant: Adam LaCroix

K. Evans summarized report COA2024-111 with slide presentation showing aerial photographs, site plans, building elevations and shoreline details. The Planner referred Committee members to an error in the report which referred to a proposed sunroom which should read proposed addition. The purpose and effect is to facilitate the construction of an addition onto the existing single detached dwelling. Relief is sought from Section 18.26.4 e) of the Zoning Bylaw which permits a maximum extension of 18.0 square metres for a building or structure containing habitable space for properties with zoning that is subject to the Floodplain (F) symbol; the proposed addition is 37.2 square metres.

Kawartha Region Conservation Authority provided comments in support of the proposal and no other comments were received from agencies or the public.

In response to a question by B. Archer, K. Evans indicated no concerns had been indicated from the Building and Septic Division.

Chair Robertson requested K. Evans to clarify that the floodplain is based on a 100-year flooding event.

After invitation by the Chair, no response was received from any person on line or in person in support of or opposed to the application.

CA2025-017

Moved By B. Archer

Seconded By G. Erickson

That the minor variance application D20-2024-103 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

COA2024-111 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. The condition will be considered fulfilled upon completion of the first Building Inspection.
3. That building construction proceed in compliance with Section 18.26.4 of the Zoning By-law and that and no building openings, being windows or doors, are installed below the Level of Flooding identified in the table in Appendix D plus 0.3 metres (1.0 ft.). This condition will be considered fulfilled upon Building and Septic Division staff providing confirmation to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the proposal is in compliance with Section 18.26.4 of the Zoning By-law.

This approval pertains to the application as described in report COA2024-111. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.1.11 COA2024-113

Katherine Evans, Acting Development Supervisor
 File Number: D20-2024-105
 Location: 89 Durham Street West
 Part Lots 6 and 7 on Plan 140
 Former Town of Lindsay
 Owners: Jessica Stacheruk and Blaine Davidson
 Applicant: Jessica Stacheruk

K. Evans summarized report COA2024-113 with slide presentation showing photographs, structures to be removed, existing and surrounding buildings. The purpose and effect is to facilitate the construction of a detached garage. Relief is sought from Section 5.2 c) of the Zoning By-law which permits a maximum lot

coverage for accessory structures of 10% of the lot area; the proposed accessory structure lot coverage is 18%.

No questions were posed to the Planner and no responses were made to the Chair's invitation for any person on line or in person to speak in support of or opposed to the application.

CA2025-018

Moved By S. Strangway

Seconded By E. Finn

That the minor variance application D20-2024-105 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 COA2024-113 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. The condition will be considered fulfilled upon completion of the first Building Inspection.
3. That the two storage structures in Appendix D be removed within a period of twenty-four (24) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer that the storage structures have been removed.

This approval pertains to the application as described in report COA2024-113. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

All in favour.

Carried

3.2 Consents

File Numbers D03-2024-059, 060 and 061 were dealt with in Section 3.1.8 of the Agenda.

4. Deferred Applications

4.1 Minor Variances

No deferred applications were noted.

4.2 Consents

No deferred applications were noted.

5. Other Business

The Chair thanked the Director and Staff for their assistance. No other business was presented.

6. Correspondence

No correspondence was presented.

7. Next Meeting

The next meeting will be Thursday, January 30th at 1:00pm in Council Chambers, City Hall.

The next meeting will be Thursday, January 30, 2025 at 1:00 p.m. in Council Chambers, City Hall. The Chair noted that in February Committee of Adjustment meetings would revert to regular scheduling as the last Thursday of the month for the remainder of 2025.

8. Adjournment

CA2025-019

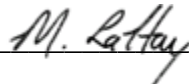
Moved By Councillor Yeo

Seconded By E. Finn

That the meeting be adjourned at 3:43 p.m.

All in favour.

Carried



Mark LaHay, Secretary-Treasurer