

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2025-06
Thursday, May 22, 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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To see the full proceedings of the public meeting, go to the City of Kawartha Lakes YouTube Channel.

1. **Call to Order**

Chair Robertson called the meeting to order at 1:01pm.

Chair Robertson and Members, S. Strangway, B. Archer, S. Richardson, G. Erickson and E. Finn were in attendance in person.

Councillor Yeo attended via electronic participation.

Staff, L. Barrie, Director of Development Services, K. Evans, Acting Development Supervisor, A. Shahid, Planner II, S. Okhowat, Planner II, M. McKinnon, Supervisor of Plans Review and Inspections, M. LaHay, Secretary-Treasurer and C. Crockford, Recording Secretary were in attendance in person.

2. **Administrative Business**

2.1 Adoption of Agenda

2.1.1 COA2025-06

Committee of Adjustment Agenda
May 22, 2025

CA2025-078

Moved By S. Strangway

Seconded By G. Erickson

That the agenda for May 22, 2025 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 COA2025-05

Committee of Adjustment Minutes
April 23, 2025

CA2025-079

Moved By B. Archer

Seconded By S. Richardson

Carried

3. New Applications

3.1 Consents

3.1.1 COA2025-058

Leah Barrie, Director of Development Services

File Number: D03-2022-010

Location: 26 Edgewood Drive

Part Lot 12, Concession 2, Part Lot 95, Registrar's Compiled Plan 551, and Part Lot 8, Plan 57M-739 (being Part 6 on RP 57R-6090; and, Part 1 on RP 57R-9410 [benefitting lands])

Geographic Township of Verulam

Owner: Amy Lynn Famme

Applicant: DC Planning Services Inc. c/o Doug Carroll, (MCIP, RPP)

Ms. Barrie, Director of Development Services noted that the consent is being brought to Committee of Adjustment due to the proponent not accepting one or more draft conditions of the provisional consent included in the staff recommendation report. Ms. Barrie continued to summarize Report COA2025-058, the purpose of the application of which is to facilitate a lot addition that will create a new residential building lot.

Public comments were received from two neighbouring properties in Pleasant View Drive with concerns to future use of the land, should a large building be placed near their shared lot line, drainage, contamination impacts on their wells, impacts to air pollution, noise as well as construction noise, over crowding, loss of privacy and a loss of trees. Ms. Barrie considered concerns raised and had previously spoken with neighbours. Ms. Barrie concluded that the Zoning By-Law and the Ontario Building Code contain safeguards and provisions to buffer the new development from existing surrounding residential uses.

The Committee had the following questions and concerns:

- 1) Confirm area of the retained parcel and is the 5% Cash-in-lieu (CIL) required for the retained land?
- 2) Can the appraiser value the retained lands up to a value of 15%?

- 3) Legislation states that no appeal be permitted if base rate used being 5%, is that correct?
 - 4) Is the proposal to create a new lot or is there still the same number of lots and if the same number of lots remain why is the City requesting 5% CIL?
 - 5) Did the subdivision originally set aside money for parkland?
- The Chair brought the Committee back to the minor variance being sought and stated that the Committee cannot make decisions on CIL and that the applicant would have to go through Council to address their concerns pertaining to CIL.
- 6) Is this a standard way for municipalities to collect Cash-in-lieu or is there a flat fixed rate?
 - 7) Regarding Condition 5, should the two parcels be consolidated and a new deed registered on title and would there be two deeds?
 - 8) Is the benefiting lot a buildable lot?
 - 9) Regarding the letter of concern related to newly constructed house close to neighbours dug well. Is there any impacts?
 - 10) Is there a Right-of-way north of the retained lot?
 - 11) Is the severed parcel going to the benefiting parcel and is this a cleaning up exercise from 2005?

The applicant, Mr. Carroll attended in person, Reviewed and agreed with the staff recommendation except for Condition 4 and Condition 5. Mr. Carroll spoke to Conditions 4 and 5 and offered alternatives for the Committee's consideration.

The Committee had the following questions for the applicant and staff:

- 1) Did you have an opportunity to communicate with staff and was the City's solicitor involved?
- 2) Is there a benefit to staff and applicant meeting again for a resolution? The Committee cannot amend the content of the CIL condition; however, they have three options, 1. Accept the condition as is, 2. Remove the condition if not required to obtain Cash-In-Lieu of parkland on a new building lot, or 3. Deny the application.

Ms. Barrie indicated that the City solicitor has reviewed the legislation and submissions and is fully confident with proposal.

3) The Committee referred to Mr. Carroll's letter dated May 9, 2025 and the staff recommendation report, under proposed conditions of provisional consent, Condition 5 relating to Cash-In-Lieu, which term is the Committee making a decision on?

4) Has the land registry office been consulted and was an historical error made?

5) The suggestion of the applicant going to council for consideration, can you elaborate?

6) If the Committee makes a decision today, does it affect the applicant's decision to go to Council?

7) If the Committee agrees with the applicant's recommendation, will the City be exposed to past applications that Cash-In-Lieu was required?

8) If we agreed with Mr. Carroll, would it set a precedent for the future?

Public member, Mike Perry, Councillor for Ward 3 was present on behalf of Ms. Famme the owner. Mr. Perry spoke to the Cash-In-Lieu requirement and was agreeable for the application to be deferred for more discussions.

The Committee - to Mr. Perry suggested a deferral. Any reason to believe there is something coming to Council, which would have an effect or could clarify what we are discussing here today?

Staff and applicant responded. Detailed responses can be obtained from the YouTube recording and from the staff report COA2025-058.

A motion was made to approve the application as printed.

The Committee confirmed that the strikeouts within the proposed conditions of provisional consent mean those items are to be removed.

The Chair spoke to the report and supported the motion.

CA2025-080

Moved By B. Archer

Seconded By Councillor Yeo

That consent application **D03-2022-010** be **GRANTED** as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Fulfillment of all conditions is required for the consent to be completed.

Notes:

The owner shall pay all costs associated with the registration of the required documents.

Condition clearances are to be filed through the Planning Administration (planningadmin@kawarthalakes.ca) with copy to the Secretary-Treasurer.

Conditions of Provisional Consent for File No. D03-2022-010

1. The owner shall request the City of Kawartha Lakes to issue a cancellation certificate for the deed that created Part 1, 57R-9410 (Consent Application D03-05-076), per changes to the Planning Act as a result of Bill 276, Supporting Recovery and Competitiveness Act, 2021.
2. The owner shall apply for, pay the prescribed fee prevailing at the time of submission and obtain an amendment to the applicable Zoning By-law to rezone the land to be severed from R1-9 to R1-14, to address the lot area and frontage issue; and, to rezone the land to be retained from R1-9 to "R1-14" with further exception, such that the existing accessory buildings and structures (i.e. boathouse and docks) are permitted to stand-alone as accessory buildings and structures until such time that a primary use be established, upon the registration of the consent, and the By-law be in effect.
3. The owner shall provide payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the retained parcel 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 lawyer's trust account.
4. The owner's solicitor shall certify that the landowner registered on title of the severed parcel subject of this application (Amy Lynn Famme) is

identical to the landowner registered on title of the abutting parcel with which the severed parcel is to be consolidated (Part 1, RP 57R-9410).

5. That should the Registry Office require a reference plan of survey for the new legal description(s), the owner shall submit to the Secretary-Treasurer one copy of that reference plan of survey prior to its registration, and the subsequent registered reference plan of survey.
6. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming payment arrangements of all past due taxes and charges added to the tax roll, if any.
7. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds for the severed parcel are stamped, for the review and clearance of these conditions. The fee is \$476.00. Payment shall be by certified cheque, money order, or from a lawyer's trust account. A second stamping fee, in accordance with the prevailing fee at the time of submission, is required to stamp the deeds for the retained parcel, should these be submitted.
8. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a description of the parcel of land described in the decision, in accordance with the requirements of the Registry Office.
9. The owner's solicitor shall provide a written undertaking to 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 Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. All of these conditions shall be fulfilled within a period of two 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.

Carried

The Chair called for a break at 2:34pm. Meeting brought back to order at 2:44pm.

3.2 Minor Variances

3.2.1 COA2025-046

Katherine Evans, Acting Development Supervisor

File Number: D20-2025-033

Location: 29 Riverside Drive

Part Lot 27, Concession 5 (being Lot 12 on Plan 444 and Right of Way over Lot 2 Plan 391)

Geographic Township of Ops

Owners: Michael and Joeline Riddell

Applicant: Michael Riddell

Ms. Evans summarized Report COA2025-046. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Ops Zoning By-law 93-30, as amended. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 6.2 of the Zoning By-law requires a minimum rear yard setback for accessory structures of 6 metres; the proposed setback is 1 metre; Section 6.2 of the Zoning By-law requires a minimum interior side yard setback for accessory structures of 2 metres; the proposed setback is 1 metre; and, Section 6.2 of the Zoning By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 5.2 metres.

Comments were received from neighbours from the north, south and west of the subject property, all in support of the minor variance application.

The owner, Mr. Riddell attended in person and available for questions.

There were no questions from the Committee or other persons.

CA2025-081

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2025-033 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 COA2025-046, 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 COA2025-046. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.2 COA2025-047

Ahmad Shahid, Planner II

File Number: D20-2025-034

Location: 433 Beaver Road (Lot A99)

Part Lot 8, Concession 5 (being Part 1 of Reference Plan 57R-2979)

Geographic Township of Emily

Owners: Nicholas McCabe and James Fudge (Managers of Parkbridge Beaver Narrows Cottage and RV Resort; Mina Famiglietti (tenant of subject trailer lot)

Applicant: Mina Famiglietti

Mr. Shahid summarized Report COA2025-047. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Emily Zoning By-Law 1996-30 as amended. The purpose and effect is to facilitate the recognition of an existing deck and sunroom, attached to an existing park model home seasonal trailer. Relief sought: Section 17.2.1.9.f. of the Zoning By-law permits a maximum camping site coverage of 93 square metres inclusive of all trailers, additions, decks, porches and accessory buildings, the proposed camping site coverage is 102.32 square metres; Section 17.2.1.12.a. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not increase the floor area of such vehicle by more than 30 square metres, the existing sunroom and deck are 58.94 square metres; Section 17.2.1.12.b. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend beyond

the dimensions of the longest walls of the existing travel trailer, the existing deck extends 1.66 metres beyond the longest walls of the trailer; and, Section 17.2.1.12.c. of the Zoning By-law states that a deck and/or enclosed structure may be added to a tourist trailer, provided it does not extend more than 3.0 metres from the tourist trailer, the existing sunroom/deck extends 3.19 metres from the trailer.

The applicant, Mina Famiglietti was present via electronic participation and available for questions.

There were no questions from the Committee or other persons.

CA2025-082

Moved By S. Richardson

Seconded By G. Erickson

That minor variance application D20-2025-034 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 COA2025-047, which shall be attached to and form part of the Committee's Decision; and,
2. **That** this approval shall be in effect 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 COA2025-047. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.3 COA2025-048

Katherine Evans, Acting Development Supervisor

File Number: D20-2025-035

Location: 331 Logie Street

Part Lot 18, Concession 6 (being Part 1 on 57R-3509, Part 1 on Reference Plan 57R-10306, Part 1 and Part of Part 2 on 57R-10755, and Part Block 74 on 57M-

797

Former Town of Lindsay

Owners: 2358403 Ontario Inc.

Applicant: KLM Planning Partners Inc. c/o Alyssa Woods

Ms. Evans summarized Report COA2025-049. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Town of Lindsay Zoning By-law 2000-75, as amended. The purpose and effect is to facilitate the construction of six townhouse dwellings in the draft-approved development. Relief sought: Section 5.12 g) of the Zoning By-law requires a minimum aisle width of 7 metres; the proposed width of Private Road C is 6 metres; and, Section 10.3.24 g) of the Zoning By-law permits a maximum building height of 10.5 metres; the proposed height is 11.5 metres.

The Committee had questions relating to the purple shaded lots on slide 23 of the presentation and would the narrow road width have any impact on emergency service access? Ms. Evans responded. The purple shaded area on the slide was the six townhouses that were the subject of the Minor Variance. The aisle that needed relief for width was to access visitor parking, not the townhouses, which are to be accessed via a street that complies with the minimum width, so issues with emergency vehicles accessing the townhouses are not anticipated.

The applicant, Ms. Van West of KLM Planning was present via electronic participation and available for questions.

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

CA2025-083

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2025-035 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 and the drawings in Appendix D submitted as part of Report COA2025-048, 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 thirty-six (36) 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 COA2025-048. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.4 COA2025-049

Ahmad Shahid, Planner II
 File Number: D20-2025-036
 Location: 35 Peace Road
 Part Lot 11, Concession 10, Plan 111 (LE)
 Geographic Township of Ops
 Owners: Conor Maltwood and Tara Tilford
 Applicant: Jordan Kewell

Mr. Shahid summarized Report COA2025-049. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Ops Zoning By-Law 93-30, as amended. The purpose and effect is to facilitate the construction of an addition and new porch onto an existing two-storey dwelling. Relief sought: Section 5.2. of the Zoning By-law requires a minimum 9 metre front yard setback, the proposed front setback is 5.97 m (new porch) and 6.93 m (proposed addition); Section 5.2. of the Zoning By-law requires a minimum building separation of 2 metres, the existing dwelling and in turn, the proposed second-storey addition is 1.52 m from the existing detached garage.

The Committee had concerns with respect to the septic system. Mr. Shahid responded that the Supervisor of Part 8 Sewage Systems was circulated and stated no concerns.

The applicant, Jordan Kewell attended in person and did not speak.

No further questions from the Committee or other persons.

CA2025-084**Moved By** S. Richardson**Seconded By** Councillor Yeo

That minor variance application D20-2025-036 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 COA2025-049, 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 COA2025-049. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.2.5 COA2025-050**

Ahmad Shahid, Planner II

File Number: D20-2025-037

Location: 58 Sugar Bush Trail

Part Lot 26, Concession 10, (being Part 10 on Reference Plan 57R-304, Parts 10 and 11 on Reference Plan 57R-3360, and Part 1 on Reference Plan 57R-6754)

Geographic Township of Fenelon

Owners: Gary Leung and Lisa Vincent

Applicant: B. Armstrong Contracting Inc.

Mr. Shahid summarized Report COA2025-050. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Fenelon Zoning By-Law 12-95, as amended. The purpose and effect is to facilitate the construction of an addition to an existing one-storey dwelling. The property currently contains two dwellings, one of which will be demolished, along with an

existing shed. Relief sought: Section 15.2.1.3.a. of the Zoning By-law requires a 7.5 metre front yard setback, the proposed addition maintains the existing deficient front yard setback of 4.75 metres.

The Committee referred to Appendix C and asked staff if the pool shed is to remain on the property and their timeline for removal? Mr. Shahid indicated that two sheds including the pool shed are to be demolished within two years, as per the conditions.

The applicant, Bryan Armstrong attended in person and confirmed that the two sheds would be demolished before building commences. Mr. Armstrong finished by saying there is plenty of room for the sewage system of which he has been working with the Building and Septic division.

No further questions from the Committee or other persons.

CA2025-085

Moved By S. Strangway

Seconded By E. Finn

That minor variance application D20-2025-037 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 COA2025-050, 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 COA2025-050. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.6 COA2025-051

Katherine Evans, Acting Development Supervisor
 File Number: D20-2025-038
 Location: 199 Black School Road
 Part Lot 4, Concession 13 (being Part 1 on 57R-6322)
 Geographic Township of Mariposa
 Owners/Applicants: Darryl and Bonnie Patterson

Ms. Evans summarized Report COA2025-051. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Mariposa Zoning By-law 94-07, as amended. The purpose and effect is to facilitate the construction of a detached storage building. Relief sought: Section 3.1.3.1 b) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area to a maximum of 150 square metres; the resulting accessory structure lot coverage is 317 square metres, being 2.3% of the lot area; Section 3.1.3.2 of the Zoning By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 6 metres; and, Section 3.1.3.3 of the Zoning By-law permits a maximum of two accessory structures per lot; the proposed detached storage building constitutes the fourth accessory structure on the property.

The Committee asked staff if a condition be added to remove the trailer and photographic evidence be provided. Planner agreed.

No further questions from the Committee or other persons.

A motion was made to approve the application as amended to add a condition.

CA2025-086

Moved By Councillor Yeo

Seconded By G. Erickson

That minor variance application D20-2025-038 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 and the drawings in Appendix D submitted as part of Report COA2025-051, 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 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 truck trailer be removed from the property 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 Secretary-Treasurer and Planning Administration (cofa@kawarthalakes.ca) that the truck trailer has been removed.

This approval pertains to the application as described in report COA2025-051. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.7 COA2025-052

Shayan Okhowat, Planner II

File Number: D20-2025-039

Location: 51 Trinity Drive

Part Lot 15, Concession 4 (being Part Lot 2 and Part Right of Way on Plan 208 and Parts 10 and 25 on Reference Plan 57R-9731)

Geographic Township of Verulam

Owners/Applicants: Julia and William Scott

Mr. Okhowat summarized Report COA2025-052. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Verulam By-law 6-87, as amended. The purpose and effect is to facilitate the construction of an addition (2nd storey) onto the existing dwelling. Relief sought: Section 10.2 g) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 4.31 metres from the dwelling and 2.14 metres from the deck; and, Section 10.2 h) of the Zoning By-law requires a minimum water setback of 15 metres; the proposed setbacks are 6.31 metres from the dwelling and 3.56 metres from the existing attached deck which is to remain.

After the writing of the report comments were received from Kawartha Region Conservation Authority stating no concerns with the application and that a permit is required from their office.

The applicant, Mr. Scott attended in person.

The Committee asked staff to explain the difference between a rear yard setback and a water setback. Mr. Okhowat responded.

The Committee asked Mr. Scott if he had any concerns regarding the septic system. Mr. Scott indicated he had a brand new septic-installed 10 years ago.

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

CA2025-087

Moved By E. Finn

Seconded By G. Erickson

That minor variance application D20-2025-039 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 COA2025-052, 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 COA2025-052. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.8 COA2025-053

Shayan Okhowat, Planner II

File Number: D20-2025-040

Location: 220 Washburn Island Road

Part Lot 15, Concession C (being Lot 120 on Plan 499)

Geographic Township of Mariposa

Owner: Jiaming Xu

Applicant: Joseph Domb

Mr. Okhowat summarized Report COA2025-053. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Mariposa By-law 94-07, as amended. The purpose and effect is to facilitate the construction of an attached deck. Relief sought: Section 14.2.1.4 of the Zoning By-law requires a 30 metre setback from the water; the proposed deck has a water setback of 18.8 metres.

After the writing of the report comments were received from Kawartha Region Conservation Authority (KRCA) stating there is an active violation on the subject property for the proposed deck. KRCA will support the minor variance provided the violation is resolved by the owner in coordination with KRCA before July 15, 2025. Condition 3 has been added.

Public comments were received from the owners of 228 Washburn Island Road with concerns to the size of the proposed deck and whether the owners have obtained a license to operate as a short-term-rental (STR). Mr. Okhowat addressed the proposed deck and noted that the short-term-rental does not fall under the Committee of Adjustment preview.

The Committee asked staff if there is a suggestion as to why the proposed deck is necessary, as one already exists. Mr. Okhowat replied the existing patio area is landscaped with a deck that is not above grade, the existing deck does not meet accessory deck requirements.

The Committee referred to page 3 of the report - current water set back is 18.8 metres and proposing 11.2. Mr. Okhowat clarified that the set back is 18.8 metres and the deficiency is 11.2 metres.

The applicant, Joe Domb was present via electronic participation and clarified water setbacks, application complies with By-laws and agreed with planning and conservation recommendations.

The owner of 228 Washburn Island Road, Mr. Parander attended in person. Mr. Parander expressed concerns with the deck being close to the water and his frustrations with the subject property being operated as a short-term-rental with strangers on his property.

The Committee asked staff if the deputant could speak with Municipal Law Enforcement (MLE). Mr. Okhowat suggested he would connect Mr. Parander with MLE regarding the short-term-rental concerns.

The Committee had questions relating to structures permitted in the water setback. Mr. Okhowat responded.

The Committee motioned to approve the application as amended to add Condition 3.

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

CA2025-088

Moved By S. Richardson

Seconded By E. Finn

That minor variance application D20-2025-040 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 COA2025-053, 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.
3. **That** prior to the issuance of a Building Permit, the owner provide written confirmation from the Kawartha Region Conservation Authority to the Secretary Treasurer and Planning Administration (cofa@kawarthalakes.ca) demonstrating that the violation on the property has been resolved to the satisfaction of Kawartha Region Conservation Authority and that all permitting fees have been paid by July 15, 2025, failing which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2025-053. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.9 COA2025-054

Ahmad Shahid, Planner II
File Number: D20-2025-042 and D03-2025-019
Location: 3 Bertie Street
Lot 2 and Part Lot 3, Plan 58 (South of Bertie Street)
Former Town of Lindsay
Owners: Brad Vokins and Dana Dello-Mclean
Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2025-054. The minor variance is being processed concurrently with the consent application. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Town of Lindsay Zoning By-law 2000-75, as amended. The purpose and effect is facilitate the severance of the property to create one (1) new residential building lot and retain a lot containing an existing single-detached dwelling. Relief sought: Section 7.2.b. of the Zoning By-law, which requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.68 metres.

Public comments were received from the owners of 8 Bertie Street, which were provided to the Committee members with their agenda packages the previous week.

The Committee had the following questions relating to cash-in-lieu, purpose of 2.5 metre road widening and Engineering comments regarding service location on the retained lands, of which Condition 4 of the Consent has been added. Mr. Shahid responded.

The Committee commented on the member of the public who objected to the current house being an illegal apartment. Mr. Shahid stated the permitted uses of the R2 Zone but mentioned he cannot speak to legality of an apartment building and only to the application sought.

Applicant Ms. Archer of TD Consulting Inc. attended in person and available for questions.

A motion was made to approve application D20-2025-042. A motion was made to approve application D03-2025-019 as amended.

No further questions from the Committee or other persons.

CA2025-089**Moved By** S. Strangway**Seconded By** E. Finn

That minor variance application D20-2025-042 be **GRANTED**, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix D submitted as part of Report COA2025-054, 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 COA2025-054. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**CA2025-090****Moved By** B. Archer**Seconded By** Councillor Yeo

That consent application **D03-2025-019** be **GRANTED**, as the application represents good planning, and is in accordance with Section 53(1) of the Planning Act.

Notes:

The owner shall pay all costs associated with the registration of the required documents.

The owner shall submit as applicable the following conditions to the **DS-Planning Division Administration (planningadmin@kawarthalakes.ca)** including the **Secretary-Treasurer**.

Conditions of Provisional Consent for File No. D03-2025-019

1. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot 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.

2. That the minor variance (D20-2025-042) be in force and in effect.
3. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
4. The owner shall provide field-verified written confirmation of existing service locations to the satisfaction of the ECA – Development Engineering Division; and that the Engineering Division provide written confirmation to the Secretary-Treasurer that this condition has been satisfied.
5. A 2.5 metre road widening be conveyed to the City of Kawartha Lakes across the entire frontage of the parcel to be severed, free and clear of all encumbrances, to the satisfaction of the ECA – Development Engineering Division. The legal description shall include the words “RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway.
6. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$500.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
7. Payment of the 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.
8. 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 Secretary-Treasurer as written confirmation from the Public Works Roads Division that the entrance(s) comply with By-Law 2017-151 or that an entrance compliant with the same would be possible if one does not currently exist. Entrance applications can be completed and submitted through Permit Central from the following page on the City's website: <https://www.kawarthalakes.ca/en/living-here/entrance-permits.aspx>
9. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.

10. The owner's solicitor shall provide a written undertaking to 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.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
12. All of these conditions shall be fulfilled within a period of two 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 application as described in report COA2025-054. Fulfillment of all conditions is required for the consent to be fulfilled.

Carried

3.2.10 COA2025-055

Katherine Evans, Acting Development Supervisor
 File Number: D20-2025-043
 Locations: 55 Coldstream Road
 Part Lot 32, Concession 8 (Being Part Park Lot 2 on Plan 115)
 Geographic Township of Fenelon
 Owners: 1214950 Ontario Limited (Rosedale Marina)
 Applicants: TD Consulting Inc.

Ms. Evans summarized Report COA2025-055. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Fenelon By-law 12-95, as amended. The purpose and effect is to facilitate the demolition of an existing storage building and the construction of a new storage building. Relief sought: Section 18.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 25 metres; the proposed setback is 9.9 metres; and, Section 18.2.1.3 c) of the Zoning By-law requires a minimum exterior side yard setback of 7.5 metres; the proposed setback is 2 metres.

Ms. Archer of TD Consulting Inc. attended in person and available for questions.

There were no questions from the Committee or other persons.

CA2025-091**Moved By** E. Finn**Seconded By** Councillor Yeo

That minor variance application D20-2025-043 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 submitted as part of Report COA2025-055, 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 COA2025-055. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.2.11 COA2025-056**

Katherine Evans, Acting Development Supervisor

File Number: D20-2025-044

Location: 181 Louisa Street

Part Lot 25, Concession 10 (being Part 1 on 57R-4273)

Geographic Township of Fenelon

Owners/Applicants: Teresa Atchison and Michael Trusz

Ms. Evans summarized Report COA2025-056. To consider relief under Section 45(1) of the Planning Act., R. S. O., as amended, from the Township of Fenelon By-law 12-95, as amended. The purpose and effect is to permit the construction of a single detached dwelling (currently under construction). Relief sought: Section 13.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 7.3 metres.

After the writing of the report, agency comments were received from Kawartha Region Conservation Authority (KRCA) confirming that a Section 59 Source Water protection is required. Condition 3 has been added.

The Committee asked staff what is involved in a Section 59 notice for the owners. Ms. Evans replied that the owner contact KRCA for a Section 59 application, which is a free process that does not take a long time to complete.

Mr. Strangway raised concern why the variance is at Committee for 2 inches to allow brick facing. Ms. Evans responded that the Zoning By-law does not allow for any deviations from the minimum setback, no matter how close to compliance a proposal is. While not currently in effect, there is a provision in the new Rural Zoning By-law, which would allow for more flexibility in these types of situations.

The owners, Teresa Atchison and Michael Trusz, attended in person, thanked staff and committee and confirmed that a Section 59 has already been applied for and will turn around in a couple of days.

No further questions from the Committee.

The Committee made a motion to approve the application as amended.

CA2025-092

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2025-044 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 COA2025-056, 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 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; and,
3. **That** 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 and Planning Administration (cofa@kawarthalakes.ca) and is to be completed within a period of three (3 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 COA2025-056. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2.12 COA2025-057

Ahmad Shahid, Planner II

File Number: D20-2025-045

Location: 1413 County Road 121

Part Lot 32, Concession 1 (being Parts 1 to 3 on Reference Plan 57R-10961)

Geographic Township of Verulam

Owner/Applicant: Robert Poulsom

Mr. Shahid summarized Report COA2025-057. The purpose and effect is to facilitate the construction of an addition onto an existing detached garage. Relief sought: Section 5.1.3. of the Zoning By-law requires accessory structures to be located in a side or rear yard, the existing garage and the proposed addition are located in the front yard; and, Section 19.2.e.ii. of the Zoning By-law requires a 3 metre interior side yard setback, the proposed setback from the addition is 1.28 metres.

After the writing of the report, comments were received from Kawartha Region Conservation Authority (KRCA) stating they do not support the application. The existing structure is within the Burnt River floodplain and that the existing structure exceeds their maximum size permission. Concerns related to flood proofing and loss of flood storage. KRCA indicated that this is not within their regulated area and that a permit is not required from their office. Mr. Shahid addressed KRCA comments.

The Committee had the following questions:

1) Can the Committee approve the application without KRCA's approval? Mr. Shahid replied yes, as a permit is not required from their office and that they are only providing comments, however a building permit from the Building Division is required.

2) Is this within the floodplain of the Burnt River and if the Committee approves this application knowing that KRCA do not support the proposal, are we liable? Mr. Shahid replied the Planning Division takes KRCA's comments in to consideration and that the lot is around 600 metres from the Burnt River. However, a permit is not required. KRCA suggested that the structure be moved; if moved to rear yard, it would be in green space. Staff deemed the proposed location is appropriate. Grading is addressed through the building process.

3) What year was the dwelling and garage built? Mr. Shahid noted the garage was built in 1979. Mr. Shahid deferred to the applicant to confirm the year of the dwelling.

The applicant, Mr. Poulson attended in person and noted the dwelling was built in 1977.

No further questions from the Committee or other persons.

CA2025-093

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2025-045 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 COA2025-057, 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 COA2025-057. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

Ms. Barrie addressed the Urban Zoning By-laws - Bill 17 legislation would assign a 10% variation to municipality for setbacks. Legislative changes will be brought to the attention of the Committee.

The Committee to Ms. Barrie. Does the Committee have the ability to waive a minor variance application fee and how much is an application? Ms. Barrie replied that would be at the Director's discretion, if challenged it would go to Council. The current cost of the application is \$1550. It would not be appropriate to go through Committee of Adjustment to waive the fee.

The Chair thanked staff.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, June 26th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

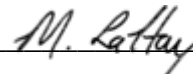
CA2025-094

Moved By S. Richardson

Seconded By E. Finn

That the meeting be adjourned at 4.30pm.

Carried



Mark LaHay, Secretary-Treasurer