

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2019-011
Thursday, November 7, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor E. Yeo
David Marsh
Andre O'Bumsawin
Sandra Richardson
Lloyd Robertson

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1. Call to Order

Vice Chair Marsh called the meeting to order at 1:00pm. Councillor E. Yeo and Members A. O'Bumsawin, S. Richardson were in attendance.

Acting Secretary-Treasurer M. LaHay
Recording Secretary - C. Crockford-Toomey

Absent: L. Robertson

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2019-11.2.1.1

November 7, 2019
Committee of Adjustment Agenda

Moved By S. Richardson
Seconded By Councillor E. Yeo

That the agenda for November 7, 2019 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

2.3.1 COA2019-10.2.3.1

October 17, 2019
Committee of Adjustment Minutes

Moved By S. Richardson
Seconded By A. O'Bumsawin

That the minutes of the previous meeting held October 17, 2019 be adopted as circulated.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2019-067

Quadri Adebayo, Planner II
File Number: D20-2019-050
Location: 436 Lifford Road
Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276
Geographic Township of Manvers
Owner: Gregory Gauthier
Applicant: Gregory Gauthier

Mr. Adebayo summarized Report COA2019-067, to request relief to recognize an above-ground swimming pool built in the front yard where it is only permitted in either a side or rear yard. Mr. Adebayo advised there were no comments from the public. Comments received from the Building Division and Engineering and Corporate Assets had no concerns or objections. Comments received after the writing of the report from Community Services and Part 8 Sewage Systems had no concerns or objections.

The applicant, Mr. Gauthier was not present.

Ms. Murchison, Chief Building Official responded to questions from the Committee regarding the building enforcement issue, stating that it was actually a follow up to a pool permit and not an enforcement because the applicant is working with the City to rectify the matter.

The Committee questioned Condition 2. Ms. Murchison replied that the original drawings submitted with the application implied the pool would be beside the house but in fact it was built in front of the house. This was because the property owner misconstrued the shape of their property as being a perfect square whereas the shape of the lot is actually irregular and slanted.

An amendment to Condition 2, first line, was made: "That the applicant shall complete the Building Permit process" be amended to read "That the applicant shall complete the Pool Permit process".

No further questions were posed by the Committee or other persons.

Moved By Councillor E. Yeo

Seconded By A. O'Bumsawin

That minor variance application D20-2019-050 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the swimming pool related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2019-067, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;

2. **That** the applicant shall complete the Pool Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the pool permit situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
3. **That** the Pool Permit process 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

This approval pertains to the application as described in report COA2019-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2019-068

David Harding, Planner II, RPP, MCIP

File Number: D20-2019-051

Location: 15 Manchester Trail

Part Lot 14, Concession 9, Part Lot 10, Plan 283

Geographic Township of Verulam

Owners: Laura and Dawson Young

Applicant: TD Consulting Inc. - Tom deBoer

Mr. Adebayo summarized Report COA2019-051 on behalf of Mr. Harding, to request relief in order to permit the raising of a dwelling to add a crawlspace and to add a deck to the north side of the dwelling. The application was the result of a building enforcement matter. Comments were received from Engineering and Corporate Assets with no concerns. Building Division had no concerns but noted the proposal is an enforcement file as it was built without permit. The Building Division-Part 8 Sewage Systems advised that the owners will be applying to install a new on-site sewage disposal system. As no application has yet been filed, a condition was requested. Kawartha Region Conservation Authority had no concerns. A permit for the works has been issued.

Ms. Murchison, Chief Building Official responded to a Committee question stating it was built without a permit. A site visit by the building inspector in November

2018 identified that a minor variance was required but the property owner went ahead and built and the minor variance application was filed in August 2019.

The applicant, Mr. Tom deBoer was present and spoke to the Committee. He advised that he was retained after the fact and that his client has worked with staff regarding outstanding permits.

No further questions were posed from the Committee of other persons.

Moved By A. O'Bumsawin

Seconded By S. Richardson

That minor variance application D20-2019-051 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the construction of the dwelling and deck related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-068, which shall be attached to and form part of the Committee's Decision;
2. **That** prior to the issuance of a building permit the owner shall submit to the Secretary-Treasurer written approval from the Building Division – Part 8 Sewage Systems; and
3. **That** the building construction related to the minor variances shall be completed within a period of six (6) 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 COA2019-068. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.1.1 COA2019-069

David Harding, Planner II, RPP, MCIP
File Number: D20-2019-004
Location: 221 Francis Street East
Part Lot 21, Concession 11, Part 2, 57R-2234
Geographic Township of Fenelon
Owners: Nancy and Shirley MacDonald
Applicant: RWH Construction - Adam Hayter

Mr. Holy spoke on behalf of Mr. Harding and briefly summarized the timeline of events as referenced in his November 7, 2019 memorandum to Committee. When Staff wrote the report for today's meeting recommending denial of the application, we were aware that plantings had been planted but not that the faux windows had been added or that the foundation had been parged. The owner had not paid for or entered into the site plan agreement or paid past application deferral fees. Staff have since received photographs as proof of installation of windows and planting of six trees and two shrubs. Staff have also received as of November 7, 2019, cheques for the site plan agreement, securities and deferral fees.

Mr. Holy stated that the Committee has two alternatives:

1. Deny the application in which case the applicant has to remove the building or file an appeal with the Local Planning Appeal Tribunal (LPAT); or
2. Defer the application to the November 28 meeting. The applicant, Mr. Adam Hayter was present and answered questions.

The Committee asked the applicant why this process has taken so long. The applicant replied that the trees were planted in September, presented a planting plan at the previous meeting, and then he was advised it was not satisfactory. The applicant was also told yesterday that the owner did not pay security fees. Discussion ensued.

The Committee stated to the applicant that the Committee has done everything to accommodate him.

Not further questions were posed from the Committee or other persons.

Moved By S. Richardson

Seconded By Councillor E. Yeo

That Minor Variance Application D20-2019-004 be deferred till the November 28th meeting to allow the owner sufficient time to address the issues identified in the memorandum (November 7, 2019).

Carried

4.2 Consents

5. Other Business

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, November 28, 2019 at 1:00pm in Council Chambers, City Hall.

8. Adjournment

Moved By Councillor E. Yeo

Seconded By S. Richardson

That the meeting be adjourned at 1:26pm.

Carried

Mark LaHay, Acting Secretary-Treasurer