

The Corporation of the City of Kawartha Lakes

Minutes

Committee of Adjustment Meeting

COA2022-002
Thursday, February 17, 2022
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Lloyd Robertson
David Marsh
Sandra Richardson
Betty Archer
Stephen Strangway
Janice Robinson

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1. Call to Order

Chair Robertson called the meeting to order at 1:08pm.

Chair Robertson and Members S. Richardson, S. Strangway and B. Archer were in attendance in person.

Members Councillor Yeo and J. Robinson were in attendance via electronic participation.

Staff, L. Barrie, Manager of Planning and C. Crockford, Recording Secretary, were in attendance in person.

Staff, D. Harding, Planner II, K. Stainton, Planner II, M. LaHay Secretary-Treasurer and S. Murchison, Chief Building Official were in attendance via electronic participation.

Absent: Member D. Marsh.

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2022-02.2.1.1.

February 17, 2022

Committee of Adjustment Agenda

The Chair asked for a motion to amend the agenda to change the sequence of reports to be heard first under New Application for Minor Variance being Report Item 3.1.3.COA2022-011 and Report Item 3.1.4 COA2022-012 to be heard, then continue with Item 3.1.1 onward.

CA2022-013

Moved By S. Strangway

Seconded By S. Richardson

That the agenda for February 17, 2022 meeting be approved as amended.

Items 3.1.3 COA2022-001 and 3.1.4 COA2022-012 be the first applications to be heard consecutively at the beginning of the meeting.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 COA2022-01.2.3.1.

January 20, 2022

Committee of Adjustment Minutes

CA2022-014**Moved By** B. Archer**Seconded By** J. Robinson

That the minutes of the previous meeting held January 20, 2022 be adopted as printed.

Carried**3. New Applications**

3.1 Minor Variances

3.1.3 COA2022-011

Kent Stainton, Planner II

File Number: D20-2022-005

Location: 26 Murray Street (retained)

Lot 111, Plan 25

Former Village of Fenelon Falls

Owner: Nathaniel Stinson-James

Applicant: Tom deBoer, TD Consulting Inc.

Mr. Stainton summarized Report COA2022-011, to request relief in order to fulfill a condition of provisional Consent associated with the creation of a new lot as part of Consent File D03-2020-039: Section 4.3.2 (b) to reduce the minimum lot frontage requirement from 18 metres to 15.18 metres. Section 4.3.2. (c)(iii) to reduce the minimum interior side yard requirement from 5.2 metres to 3.5 metres.

The application is associated with Minor Variance File D20-2022-006.

Since the writing of the report, comments were received from Community Services Division stating no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Applicant, Mr. deBoer, TD Consulting Inc. was present via electronic

participation and spoke to the Committee.

Member of the public, Mr. Steve Brown, was present in person.

There were no questions from the Committee or other persons.

CA2022-017

Moved By S. Strangway

Seconded By B. Archer

That minor variance application D20-2022-005 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the variance shall apply solely to the proposed retained portion of the subject property;
2. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-039, lapses;
3. **That** the building construction related to this approval shall proceed substantially in accordance with the sketches in Appendices C-D submitted as part of Report COA2022-011, which shall be attached to and form part of the Committee's Decision;
4. **That** the 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 COA2022-011. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.4 COA2022-012

Kent Stainton, Planner II

File Number: D20-2022-006

Location: 26 Murray Street (severed)

Lot 111, Plan 25
Former Village of Fenelon Falls
Owner: Nathaniel Stinson-James
Applicant: Tom deBoer, TD Consulting Inc.

Mr. Stainton briefly summarized Report COA2022-012, to request relief in order to fulfill a condition of provisional Consent associated with the creation of a new lot as part of Consent File D03-2020-039: Section 4.3.2 (b) to reduce the minimum lot frontage requirement from 18 metres to 15.18 metres. Section 4.3.2. (c)(iii) to reduce the minimum interior side yard requirement from 5.2 metres to 3.5 metres.

The application is associated with previous Minor Variance File D20-2022-005.

Since the writing of the report, comments were received from Community Services Division stating no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Applicant, Mr. deBoer, TD Consulting Inc. was present via electronic participation and spoke to the Committee.

Member of the public, Mr. Steve Brown, was present in person.

There were no questions from the Committee or other persons.

Mr. Brown left the meeting at 1:29pm.

CA2022-018

Moved By Councillor Yeo

Seconded By J. Robinson

That minor variance application D20-2022-006 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the variance shall apply solely to the proposed severed portion of the subject property;

2. **That** this minor variance shall be deemed to be refused if the related Application for Consent, D03-2020-039, lapses;
3. **That** the building construction related to this approval shall proceed substantially in accordance with the sketches in Appendices C-D submitted as part of Report COA2022-012, which shall be attached to and form part of the Committee's Decision;
4. **That** the 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 COA2022-012. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.1 COA2022-009

David Harding, Planner II, RPP, MCIP
 File Number: D20-2022-001
 Location: 71 Wychwood Crescent
 Part of Lot 2, Plan 181
 Former Village of Fenelon Falls
 Owner: Benjamin Ferguson
 Applicant: Jason Marshall

Mr. Harding summarized Report COA2022-009, to request various reliefs in order to permit a two storey addition to the dwelling.

Since the writing of the report, comments were received from Kawartha Region Conservation Authority and Community Services Department noting no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Committee asked staff for clarification as to parking space relief sought. Staff confirmed the relief is to reduce the parking space requirement from 2 to 1.

The Committee had additional questions:

- 1) Where would additional vehicles park?
- 2) Should a condition be imposed to require an entrance permit?
- 3) Is a license required for the encroachment?

Staff responded to Committee's questions, clarifying that the parking situation is existing. The other matters were outside the boundaries of the lot and concerned pre-existing development, and therefore could not have a condition reasonably imposed. Staff stated other City departments were in a position to deal with the various concerns and the owner had been connected with Realty Services Division to address the encroachment. Ms. Barrie, Manager of Planning concurred with Mr. Harding's response, stating that the Committee has to keep within the parameters of Section 45 of the Planning Act, which empowers the Committee to attach conditions to Minor Variance decisions. The best mechanism is to educate the proponent and other departments about matters within the jurisdiction of other municipal departments. Councillor Yeo agreed with the Manager of Planning.

Ms. Barrie assured the Committee that Realty Services is aware of the encroachment through staff connecting with their office as well as the applicant connecting with them.

The applicant, Mr. Jason Marshall, was present via electronic participation and thanked staff.

No further questions from the Committee or other persons.

CA2022-015

Moved By S. Strangway

Seconded By Councillor Yeo

That minor variance application D20-2022-001 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in

Appendix D submitted as part of Report COA2022-009, which shall be attached to and form part of the Committee's Decision; and

2. **That** the building construction related to the minor variances 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 COA2022-009. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.

Carried

3.1.2 COA2022-010

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-003

Location: 3 Francis Street West

Part of Lot 1 and 2, South Side of Francis Street, West Side of Colborne Street, Plan 100

Former Village of Fenelon Falls

Owner: Greig Group Ltd.

Applicant: Tom deBoer, TD Consulting Inc.

Mr. Harding summarized Report COA2022-010, the purpose and effect is to request relief to reduce the parking requirement from 33 to 17 to permit an addition to an eating establishment.

Since the writing of the report, comments were received from Community Services Department noting no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Committee had the following questions:

- 1) Is the payment refundable if the intensity of use decreases?
- 2) Is this a one time payment?

3) Are other establishments in Fenelon Falls subject to the parking payment?

Staff replied that it is a one-time non-refundable payment that is triggered within the Fenelon Falls Central Business District whenever a change of use and/or building expansion results in the need for additional parking.

The applicant, Mr. deBoer of TD Consulting Inc. was present via electronic participation.

No further questions from the Committee or other persons.

CA2022-016

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2022-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the floorplans in Appendix D submitted as part of Report COA2022-010, 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 enter into an agreement with the City respecting the payment of cash-in-lieu of the provision of required parking spaces in the sum of \$36,000, which is the equivalent of nine (9) new off-site parking spaces; and
3. **That** the 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 COA2022-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2022-013

Kent Stainton, Planner II
File Number: D20-2022-007
Location: 145 Queen Street
Plan 100, Lots 7 and 8 South Queen
Former Village of Fenelon Falls
Owners: Andrew Harrison and Bonnie Druery
Applicant: Susanne Murchison, Chief Building Official

Mr. Stainton noted for the record that within the notice of public hearing for this application an incorrect geographic area was referenced as 'Geographic Township of Fenelon Falls' with the correct title being the 'former Village of Fenelon Falls.' The correct legal description and key map of this property were provided along with the correct section of the Village of Fenelon Falls Zoning By-Law and relief being sought.

Mr. Stainton summarized report COA2022-013, to request relief to increase the maximum allowable lot coverage for all accessory buildings and structures in order to permit the construction of a detached garage.

Mr. Stainton noted a minor modification to Condition 1 of the report. The Sketches in Appendix D do not match the construction of the detached garage to date and suggested the wording of the recommendation be amended to reflect this.

Since the writing of the report, comments were received from Community Services Division stating no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report as amended.

The Committee questioned page 2 of 5 "Background", of the report and asked how this application came before the Committee. Staff deferred the question to Ms. Murchison, Chief Building Official. Ms. Murchison noted that she is the applicant for this application and stated that a building permit was issued for the

garage. The area inspector then realized after the work had started. It was noted he missed the lot coverage for the accessory building and brought it to the CBO's attention. The Building Division are working with the owner to proceed to this point to obtain a variance to address the lot coverage.

The Committee followed up on page 2 of 5, paragraph 2 of the Background section, noting the applicant has agreed to enter into a Deeming By-Law to consolidate the existing lots. Committee asked for confirmation that indeed it should be the owner not the applicant. Staff clarified it should be the owner.

The Committee finished by asking for a review of proposed amended condition 1. Staff read the amendment to Condition 1.

No further questions from the Committee or other persons.

CA2022-019

Moved By S. Strangway

Seconded By Councillor Yeo

That minor variance application D20-2022-007 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and generally in accordance with the sketches in Appendix D submitted as part of Report COA2022-013, which shall be attached to and form part of the Committee's Decision;
2. **That** owner shall apply for a deeming by-law for Lots 7 & 8 of Plan 100, and the by-law be in effect;
3. **That** the building construction related to the minor variances 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 COA2022-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.6 COA2022-014**

David Harding, Planner II, RPP, MCIP

File Number: D20-2022-008

Location: 228 Hilton's Point Road

Part of Lots 8 and 9, Concession 9, and Part of Road Allowance Between Lots 8 and 9

Geographic Township of Laxton

Owners: Kevin Chynoweth and Dietra Chynoweth (McLean-Parfitt)

Applicant: Kevin Chynoweth

Mr. Harding summarized Report COA2022-014, to request relief to increase the maximum permitted height of an accessory building to permit the construction of a detached garage.

Since the writing of the report, comments were received from Community Services Department stating no concerns with the proposal.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Committee asked about the height of the garage, if the hoist was to become part of a home occupation, and if a condition was required to remove the existing detached garage and temporary shelter.

Staff stated that a condition to remove the buildings was not necessary as they would be removed to permit the new garage.

The owners, Dietra and Kevin Chynoweth were present via electronic participation and spoke to the height of the garage and the removal of existing structures. The owners thanked staff for the report.

No further questions from the Committee or other persons.

CA2022-020

Moved By Councillor Yeo

Seconded By J. Robinson

That minor variance application D20-2022-008 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

- 1) That the building construction related to this approval shall proceed substantially in accordance with the sketch in Appendix C and elevations in Appendix D submitted as part of Report COA2022-014, which shall be attached to and form part of the Committee's Decision,
- 2) That the detached garage shall not exceed one (1) storey; and
- 3) That the 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 COA2022-014. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2022-015

Kent Stainton, Planner II
File Number: D20-2022-009
Location: 24 Flint Street
Part Lot 14, Concession 10
Geographic Township of Fenelon
Owner: Laura Nigro, 707811 Ontario Inc.

Mr. Stainton noted for the record that the notice of public hearing for minor variance referenced the 'Town of Lindsay' instead of the 'Geographic Township of Fenelon'. However the legal description, map, section of the Zoning By-law and reliefs were correct.

Mr. Stainton summarized Report COA2022-015, to request relief to reduce the minimum rear yard setback in order to permit the construction of a detached garage with storage loft.

Since the writing of the report, comments were received from Community Services and the Supervisor of Part 8 Sewage Systems of the Building and Sewage Division noting no concerns. The Resources Planner at the Kawartha Region Conservation Authority noted the entire property is regulated and that a permit would be required.

Staff stated the application meets the four tests for minor variance. Staff respectfully recommends the application be granted subject to the conditions identified within the report.

The Committee had the following questions:-

- 1) What is the permitted height of a garage without a minor variance within the Fenelon Zoning By-Law - Allowable height is 5 metres from grade to mid point of the rafter of an accessory structure. The proposal is within the height provision.
- 2) What is the definition of storage loft within the Fenelon Zoning By-Law - There is not a definition, however for this garage, it is not eligible for an ARU as it is on a private road and the lot is too small based on being located on private servicing.
- 3) Is there a condition required to obtain a permit from KRCA - It is applicable law to obtain a 182/06 permit. Ms. Murchison, CBO confirmed that when in a regulated area of mapping they will require a 182/06 permit from KRCA before they can obtain a building permit.

The applicant was not present at the meeting.

No further questions from the Committee or other persons.

It was noted that Member Robinson left the meeting at 3:02pm.

CA2022-021

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2022-009 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions:

1. **That** the building construction related to this approval shall proceed substantially in accordance with the sketches in Appendices C - D submitted as part of Report COA2022-015, which shall be attached to and form part of the Committee's Decision; and
2. **That** the building construction related to the minor variances 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 COA2022-015. 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

4.2 Consents

5. Other Business

Ms. Barrie spoke to the delay in commencing the meeting.

There appeared to be a miscommunication with a member of the public. The gentleman was made aware of proceedings and was under the misunderstanding that he was authorized to enter both City Hall as well as Council Chambers, and was not aware of the City's protocol for electronic participation. Chair Robertson and Staff gathered details and consulted with both Deputy Clerk as well as CAO's office and concluded under the circumstances it was reasonable and appropriate to permit the gentleman to remain in Council Chambers. The gentleman confirmed his vaccination status and answered/signed the screening questions.

The Chair suggested that the agenda be amended to accommodate the two matters at the outset of the meeting so that the gentleman could promptly leave when that part of the public meeting was over. Staff agreed and took additional steps to prevent a like-occurrence in the future.

The Committee was impressed with the way it was handled and glad the gentleman was not turned away due to the misunderstanding and as he had traveled a distance.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, March 17th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

CA2022-022

Moved By S. Strangway

Seconded By Councillor Yeo

That the meeting be adjourned at 3:09pm.

Carried

Mark LaHay, Secretary-Treasurer