

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

COA2024-01
Thursday, January 25, 2024
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Betty Archer
Gerald Erickson
Sandra Richardson
Lloyd Robertson
Stephen Strangway

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1. Call to Order

Mr. LaHay, Secretary-Treasurer called the meeting to order at 1:00pm.

Councillor Yeo attended via electronic participation.

Members, L. Robertson, S. Richardson, S. Strangway, B. Archer and G. Erickson attended in person.

Staff, L. Barrie - Director of Development Services, M. LaHay - Secretary-Treasurer, K. Evans -Planner II, A. Shahid - Planner II, C. Crockford - Recording Secretary and M. McKinnon - Plans Examiner, Building and Septic Division attended in person.

1.1 Appointment of the Chair

M. LaHay - Secretary-Treasurer called for nominations for position of Chair. As this is the first meeting of the year for Committee of Adjustment, the first order of business was to elect the Chair Person to conduct today's meeting and subsequent meetings for 2024. Nominations were requested.

Member Robertson was nominated by Member Strangway. Mr. LaHay asked Member Robertson if he wished to let his name stand for Chair of Committee of Adjustment. Member Robertson consented to the nomination. Mr. LaHay called a second and third time for nominations for the position of Chair. Mr. LaHay declared nominations for the position of Chair closed and declared Member Robertson as Chair of the Committee of Adjustment. Member Robertson assumed the position as Chair.

CA2024-001

Moved By S. Strangway

Seconded By G. Erickson

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

Carried

1.2 Appointment of the Vice-Chair

Chair Robertson called for nominations for the position of Vice-Chair. Member Strangway was nominated by Member Richardson. Chair Robertson asked Member Strangway if he wished to let his name stand for Vice-Chair of the

Committee of Adjustment. Member Strangway consented to the nomination. Chair Robertson called a second and third time for nominations for the position of Vice-Chair. Chair Robertson declared nominations for the position of Vice-Chair for the Committee of Adjustment closed. Chair Robertson declared Member Strangway as Vice-Chair of the Committee of Adjustment.

CA2024-002

Moved By S. Richardson

Seconded By B. Archer

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

Carried

2. Administrative Business

2.1 Adoption of Agenda

2.1.1 COA2024-01

January 25, 2024

Committee of Adjustment Agenda

CA2024-003

Moved By B. Archer

Seconded By G. Erickson

That the agenda for January 25, 2024 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 COA2023-011

November 23, 2023

Committee of Adjustment Minutes

CA2024-004**Moved By** S. Strangway**Seconded By** B. Archer

That the minutes of the previous meeting held November 23, 2023 be adopted as printed.

Carried**3. New Applications**

3.1 Minor Variances

3.1.1 COA2024-001

Ahmad Shahid, Planner II

File Number: D20-2023-086

Location: 24 Sturgeon Glen Road

Part Lot 3 on Plan 211, Part Lot 20, Concession 10 (being Parts 2 and 3 on Reference Plan 57R-2319)

Geographic Township of Fenelon

Owners: Mike and Stephanie Allen

Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-001. The purpose and effect is to facilitate the demolition of all existing structures, and the construction of a new single-storey dwelling with attached garage and deck. Relief sought: Section 13.2.1.3.e. of the Zoning By-law which requires a minimum 15 metres water setback. The existing setbacks are deficient. The proposed water setback is 7.52 metres from the deck and 8.80 metres from the dwelling. Section 3.6.1. of the Zoning By-law which requires frontage onto an improved public street and which is maintained to provide year-round access to allow for the erection of any building or structure. Sturgeon Glen Road is a combination of public and private ownership, maintained year-round. The portion of the road the subject property fronts on is privately owned and maintained year-round by the City.

Agency comments were received after the writing of the report from Kawartha Conservation stating no concerns with the proposed minor variance and that a permit is required from their office.

The Committee questioned Slide 11 of the PowerPoint presentation regarding

the red spots on the road and was it to indicate which parts were privately or City owned. Staff replied that the road is both privately and City owned. The portion the lot fronts on to is privately owned, however the City maintains it. This has been flagged for Public works and they are looking at options for ownership.

Committee asked what is the existing and proposed lot coverage. Staff replied that the existing lot coverage is 9.08% and the proposed coverage is 18.25%. In addition, staff stated that the maximum lot coverage under the Township of Fenelon Zoning By-law is 30%, which the property is well within.

Mr. deBoer of TD Consulting Inc. was present in person and thanked staff. He was available for questions.

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

CA2024-005

Moved By S. Strangway

Seconded By S. Richardson

That minor variance application D20-2023-086 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 COA2024-001 which shall be attached to and form part of the Committee's Decision; and,
2. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.
3. **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 COA2024-001. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2024-002

Katherine Evans, Planner II

File Number: D20-2023-087

Location: 171 Kenedon Drive

Part Lot 17, Concession 7 (being Lot 10 on Plan 384 and Part Lakeshore Drive includes Parts 5 and 8 on Reference Plan 57R-4799)

Geographic Township of Emily

Owners: Kimberly and Andrew Brazier

Applicant: Kimberly Brazier

Ms. Evans brought the Committee's attention to page 4, paragraph 7 and page 5, top of the page, where it reads "proposed garage", instead should read "existing tent storage structure".

Ms. Evans summarized Report COA2024-002. The purpose and effect is to facilitate the construction of a second storey over the existing attached garage and to recognize an existing tent storage structure. Relief sought: Second storey addition. Section 12.2.1.3 b) ii) of the By-law requires a minimum side yard setback of 5.5 metres; the existing setback of 5.34 metres from the northwest corner is to be maintained; Tent storage structure. Section 3.1.2.1 of the By-law permits accessory structures to be located in the interior side or rear yard; the tent storage structure is located in the front yard; and, Section 3.1.2.2 of the By-law provides that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Three (RR3)' Zone and the minimum front yard setback is 7.5 metres; the existing setback is 6 metres.

The Committee asked the planner if a permit is required for the tent structure. Ms. Evans deferred to the Plans Examiner, Mr. McKinnon. Mr. McKinnon responded.

The Committee asked the planner if the downspout showing on slide 18 would be required to be moved as it is directed to the adjacent property. Ms. Evans stated

that this is not a requirement of the minor variance today.

The applicant, Ms. Brazier was present via electronic participation and available for questions.

The Committee sought clarification from the planner as to page 5, paragraph 3 of the report "There are no anticipated impacts on environmental features; neighboring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance". Where is the municipal right-of-way? Ms. Evans responded, it is the travelled portion of the road as well as the sides.

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

CA2024-006

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2023-087 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 COA2024-002, 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 COA2024-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2024-003

Ahmad Shahid, Planner II
File Number: D20-2023-088
Location: 32 Rockside Lane
Lot 13 on Plan 334
Geographic Township of Carden
Owners: Mark and Laura Knapp
Applicant: Mark Knapp

Mr. Shahid summarized Report COA2024-003. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 14.1.b. of the Zoning By-law requires accessory structures to be located in a side or rear yard. The proposed location of the detached garage is in the front yard.

The Committee had the following questions:

1. Are the two shipping containers to remain?
2. How does a shipping container differ from a tent structure?
3. How many accessory structures are permitted in the Township of Carden Zoning By-law?
4. Do grandfathered shipping containers require a permit?
5. How can a shipping container be considered a permanent structure when it could be moved at anytime?
6. Once the Consolidated By-law is completed, will there be a maximum number of accessory structures throughout the City?
7. What is the function of the municipal right-of-way to this application?

Staff responded.

The applicant Mr. Knapp was present via electronic participation and available for questions.

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

CA2024-007

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2023-088 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 elevation drawings in Appendix D submitted as part of Report COA2024-003 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 COA2024-003. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2024-004

Ahmad Shahid, Planner II
 File Number: D20-2023-089
 Location: 34 Birchwood Lane
 Part Lot 26, Concession 3 (being Lot 5 on Plan 149)
 Geographic Township of Fenelon
 Owner: Barbara Sadler
 Applicant: Barbara Sadler

Mr. Shahid summarized Report COA2024-004. The purpose and effect is to facilitate the demolition of the current non-complying deck and the construction of a new wrap-around deck, as well as lifting the cottage to allow for a full-basement walkout. Relief sought: Section 15.2.1.3.b. of the Zoning By-law requires a minimum interior side yard setback of 3 metres on one side, 1.3 metres on the opposite side for a single storey or 2.3 metres (if greater than one storey). The proposed interior side yard setback from the southern side yard is 0.75 metres from the wrap-around deck and an unchanged setback of 2.01 metres from the raised dwelling. Section 15.2.1.3.d. of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The proposed rear yard setback is 3.5 metres (from the deck) and 7.08 m (from the dwelling). Section 15.2.1.3.e. of the Zoning

By-law requires a minimum water setback of 15 metres. The proposed water setback is 3.5 metres (from the deck) and 7.08 m (from the dwelling).

Agency comments were received from Kawartha Conservation after the writing of the report, stating they have no concerns with the proposed minor variance and that a permit has already been acquired from their office.

Public comments were received from Elizabeth Hicks of 20 Birchwood Lane stating no objections to the proposed minor variance.

The Committee drew attention to the south side yard of the property and asked if there would be sufficient room to fit a lawn mower through. Mr. Shahid replied yes and that there is more than sufficient access from front to rear provided on the northern side yard.

The applicant, Ms. Sadler was present via electronic participation and thanked staff. Ms. Sadler confirmed that there is sufficient access to fit a lawn mover along the southern side yard.

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

CA2024-008

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2023-089 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 Elevation Drawings in Appendix D submitted as part of Report COA2024-004 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 COA2024-004. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2024-005

Katherine Evans, Planner II
File Number: D20-2023-090
Location: 51 Woodworth Drive
Part Lot 14, Concession 9 (being Lot 42 on Plan 363)
Geographic Township of Somerville
Owner: Paul Northgrave
Applicant: Paul Northgrave

Ms. Evans summarized Report COA2024-005. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling. Relief sought: Section 5.2 d) of the By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback from the northwest shoreline is 5.1 metres from the dwelling and 7.2 metres from the attached deck; Section 5.2 f) of the By-law requires a minimum water setback of 15 metres; the proposed setback from the northwest shoreline is 5.1 metres from the dwelling and 7.2 metres from the attached deck; the proposed setback from the southwest shoreline 12 metres from the attached deck; and, the proposed setback from the south shoreline is 14.5 metres from the dwelling; and, Section 5.2 j) of the By-law requires a minimum interior side yard setback of 3 metres on one side, 1.2 metres on the other side plus 1 metre for each additional or partial storey above the first. As 3 storeys are proposed, the required setback is 3.2 metres on the other side; the proposed setback from the northern interior side lot line is 2.5 metres.

Ms. Evans summarized concerns received from the neighbouring property owner to the south, Mario Fortino and Penny Cookson as follows:

Impact of the construction process on the property, time frame, clean up of debris from construction, how will damages to the road be addressed, will the proposed work encroach on their property and if a survey has been completed. Ms. Evans addressed the concerns and the neighbour is aware.

The Committee asked for clarification as to the location of the septic system on the site plan and if the Supervisor of Part 8 Sewage Systems is satisfied. Ms. Evans confirmed that the Supervisor of Part 8 Sewage Systems was circulated and that there were no concerns with the proposed minor variance.

The applicant, Mr. Northgrave was present via electronic participation; he thanked staff and was available for questions.

Mr. Fortino and Ms. Cookson were present via electronic participation and reiterated their concerns summarized earlier by Ms. Evans.

Mr. Northgrave spoke to their concerns and welcomed a meeting with the neighbours to discuss their concerns further.

The Committee asked staff, in the event that there may be potential damage to the road, is there a requirement to post a letter of credit by the owner or contractor? Mr. McKinnon replied that this is not a requirement through the building permit process and that the Building division only regulate what is on private properties. The applicant followed up by saying that it is normal for a contractor to clean up after work is completed.

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

CA2024-009

Moved By G. Erickson

Seconded By S. Strangway

That minor variance application D20-2023-090 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 COA2024-005, 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 COA2024-005. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2024-006

Katherine Evans, Planner II
File Number: D20-2023-091
Location: 44 Charlore Park Drive
Part Lots 14 and 15, Concession 7 (being Lot 34 on Plan 331)
Geographic Township of Emily
Owners: Glen and Diane Kelemen
Applicant: TD Consulting Inc.

Ms. Evans summarized Report COA2024-006. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling and detached garage. Relief sought: Attached waterside deck. Section 12.2.1.3 b) ii) of the By-law requires a minimum interior side yard setback of 5.5 metres; the proposed setback of the deck is 3.6 metres on the east side and 3.4 metres on the west side; Detached garage. Section 3.1.2.2 of the By-law provides that an accessory structure may not be erected closer to a street than the required front yard setback for the zone in which it is located. The subject property is within the 'Rural Residential Type Three (RR3)' Zone and the minimum front yard setback is 7.5 metres; the proposed setback is 1.8 metres; and, Section 3.1.3.3 of the By-law permits a maximum of 3 accessory structures on a lot in any class of residential zone; the proposed detached garage constitutes the sixth accessory structure on the lot.

Agency comments were received from Kawartha Conservation stating that they have no concerns with the proposed minor variance and that a permit has already been acquired from their office.

The Committee referred to Appendix C of the report and indicated that there are a lot of structures. Committee asked if it was possible to move the woodshed as it appears to be encroaching on the neighbour's property. Staff deferred to the applicant.

The applicant, Mr. deBoer of TD Consulting Inc. was present and agreed that if required there would be no problem to have it moved.

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

The Chair called for a break at 2:30pm. The Chair called the meeting back to order at 2:35pm.

CA2024-010

Moved By S. Richardson

Seconded By Councillor Yeo

That minor variance application D20-2023-091 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 COA2024-006, 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 COA2024-006. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2024-007

Katherine Evans, Planner II

File Number: D20-2023-092

Location: 138 Coldstream Road

Part Lot 32, Concession 9 (being Lot 10 on Plan 306)

Geographic Township of Fenelon

Owner: Gerda Weilandt

Applicant: Vulcan Design Inc. c/o Dan Berry

Ms. Evans summarized Report COA2024-007. The purpose and effect is to facilitate the demolition of the existing dwelling and the construction of a new dwelling with a walkout basement. Relief sought: Section 15.2.1.3 b) ii) of the By-law requires a minimum interior side yard setback of 3 metres on one side and 2.3 metres on the other side; the proposed setback is 1.3 metres on the north side.

Agency comments were received after the writing of the report from the following:

Building and Septic Division, Plans Examiner; spatial separation may be an issue and will be dealt with through the building permit process.

Supervisor of Part 8 Sewage Systems; concerns with the proposed size of the septic system and potential restrictions of installing the sewage system for the proposed dwelling. The Supervisor has therefore requested a condition be added as follows: **“That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.”

Kawartha Region Conservation Authority; a permit has been obtained from their office.

Public comments were received from Ms. Catibog of 136 Coldstream Road with a concern as to closeness in proximity of the proposed dwelling to her home. Ms. Evans confirmed the proposed dwelling is closer to the neighbour’s dwelling than the dwelling that exists today but that the setback complies with the Zoning By-law. The relief sought for this minor variance is for the opposite lot line to the north.

The Committee had the following questions:

Purpose of photo on slide 59, right hand side and is the owner intending to have a home occupation? Ms. Evans responded.

The applicant, Mr. Berry was present via electronic participation. He confirmed that no home occupation is being proposed and is aware of all the conditions.

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

CA2024-011

Moved By B. Archer

Seconded By S. Strangway

That minor variance application D20-2023-092 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 COA2024-007, 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** the shed identified in Appendix E 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 that the shed has been removed to the Secretary-Treasurer.
4. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained 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 a review of the sewage system requirements.

This approval pertains to the application as described in report COA2024-007. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Ahmad Shahid, Planner II
File Number: D20-2023-093
Location: 16 Aino Beach Road
Part Lot 22, Concession B (being Lot 5 on Plan 539)
Geographic Township of Mariposa
Owners: Kara Lynn Browne and Jordan Ancil Browne
Applicant: Debbie Wright

Mr. Shahid summarized Report COA2024-008. The purpose and effect is to facilitate the acquisition of a building permit for a roof-covered pergola constructed in 2022. Relief sought: Section 3.1.2.2. of the Zoning By-law requires a 4 metre setback from an accessory structure to a residential dwelling. The existing setback of the roof-covered pergola from the residential dwelling is 3.02 metres. Section 14.2.1.4. of the Zoning By-law requires a 30 metre water setback. The existing water setback is 26.9 metres. Section 3.1.3.1. permits a maximum lot coverage of 10% of the lot area to a maximum of 100 square metres for all accessory structures; the existing lot coverage is 107.3 square metres (5.4% of total lot area).

After the writing of the report comments were received from the Building and Septic Division, Plans Examiner, This is an enforcement file (area inspector discovered this work) – fees will be addressed as per the Building By-Law.

Kawartha Region Conservation Authority had no concerns and that the applicant must obtain a Compliance Permit or Remediation Plan from their office.

The Committee had the following questions:

1. How does a wooden pergola differ from a shop bought metal pergola, is it the size and type of materials?

Mr. McKinnon, Plans Examiner responded.

2. What is the definition of an accessory structure? Mr. Shahid responded.

3. Is there a required setback between propane tank and barbeque area for safety reasons and is the Pergola roof within the environmental protection area?

Mr. Shahid responded.

The owner, Mr. Browne was present via zoom and confirmed that the barbeque is at the far end of the pergola from the tank.

The former owner, Mr. Sibbald was present in person and also stated that the propane tank is further away from the pergola than it is from the dwelling.

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

CA2024-012

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2023-093 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 and engineering drawings in Appendix D submitted as part of Report COA2024-008, 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 eight (8) months after the date of the Notice of Decision, after which this application shall be deemed to be refused.

This approval pertains to the application as described in report COA2024-008. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.9 COA2024-009

Ahmad Shahid, Planner II

File Number: D20-2023-094

Location: 938 Zion Road

Part Lot 16, Concession 2, (being Part 1 on Reference Plan 57R-1212)

Geographic Township of Mariposa

Owners: Sara and Ian Etherington

Applicant: Ian Etherington

Mr. Shahid summarized Report COA2024-009. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 3.1.3.2. of

the Zoning By-law permits a maximum height of 5 metres for accessory structures. The proposed height is 5.17 metres.

As part of the Notice of Public Hearing circulation, relief was requested from Section 3.1.3.1. of the Zoning By-law that permits a maximum lot coverage of 10% of the lot area to a maximum of 150 square metres for all accessory structures. Since then it was determined that this relief was no longer required.

Agency comments were received after the writing of the report stating that Kawartha Conservation had no concerns with the proposed minor variance and that a permit has already been acquired from their office.

Public comments were received from 930 Zion Road with no objections to the minor variance. In addition, comments received from Andrew Tymon of 968 Zion Road with no issue and in support of the minor variance.

The Committee asked how many accessory structures are permitted in the Township of Mariposa. Mr. Shahid replied that with this property specifically, a maximum number of accessory structures does not apply. The requirement is 10% of a lot area to a maximum of 150 square metres.

The applicant, Mr. Etherington was present via electronic participation, thanked staff and was available for questions.

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

CA2024-013

Moved By Councillor Yeo

Seconded By S. Strangway

That minor variance application D20-2023-094 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 structural drawings in Appendix D submitted as part of Report COA2024-009 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 COA2024-009. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.10 COA2024-010

Katherine Evans, Planner II
File Number: D20-2023-095
Location: 213 John Street
Block D, Lot 23 and Part Lot 22 West of John Street, and Part Lot 22 East of Amelia Street on Plan 14
Geographic Township of Manvers
Owners: James and Margaret Vitek
Applicant: Abby Steele

Ms. Evans summarized Report COA2024-010. The purpose and effect is to recognize an addition that was constructed onto an existing shed. Relief sought: Section 5.1 b) i) of the By-law requires a minimum rear yard setback for accessory structures of 1.3 metres; the existing setback of 0.76 metres is to be maintained.

Ms. Evans received a phone call from two property owners asking for clarification of the proposal and both were in support of the minor variance.

The Committee asked the planner how this minor variance was brought to the municipality. Ms. Evans replied that she believes it was through a building inspector. A shed requires a permit if it is larger than 15 square metres. The original shed was 20.3 square metres and the addition made it 41 square metres.

The Committee referred to page 4, paragraph 9, comments received from Otonabee Conservation and asked what the acronyms stand for. Ms. Evans replied PPS - Provincial Policy Statement and SPP - The Sourcewater Protection Plan.

The applicant, Ms. Steele was present via electronic participation and available

for questions.

Mr. Stephenson of 10 Amelia Street was present in person in support of the minor variance. Mr. Stephenson then continued with an issue to another property. The Committee advised him that he could contact the Planning Division as well as the Building and Septic Division regarding this issue.

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

CA2024-014

Moved By S. Richardson

Seconded By S. Strangway

That minor variance application D20-2023-095 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 construction drawings in Appendix D submitted as part of Report COA2023-010, 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 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 COA2024-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. Deferred Applications

4.1 Minor Variances

4.2 Consents

5. Other Business

The Chair thanked Mr. Shahid for presenting at his first Committee of Adjustment meeting.

The Chair congratulated Ms. Barrie on her new position as Director of Development Services.

The Committee had the following questions for Ms. Barrie:

1. Update on the Consolidated Zoning By-laws and would it affect the number of applications to be brought before the Committee.
2. Ministry Zoning Orders update.
3. Has a solution been reached where new homeowners in new subdivisions do not have to apply for a variance to build a deck?

Ms. Barrie responded.

6. Correspondence

7. Next Meeting

The next meeting will be Thursday, February 22, 2024 at 1:00pm. in Council Chambers, City Hall.

8. Adjournment

CA2024-015

Moved By S. Strangway

Seconded By B. Archer

That the meeting be adjourned at 3:38pm.

Carried

Mark LaHay, Secretary-Treasurer