

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

COA2024-007
Thursday, July 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
Eric Finn

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. **Call to Order**

Chair Robertson called the meeting to order at 1:00pm. Members S. Strangway, G. Erickson, E. Finn, S. Richardson and B. Archer were in attendance in person.

Councillor Yeo attended via electronic participation.

Staff, J. Connolly, Manager of Planning, K. Evans, Planner II, A. Shahid, Planner II, S. Murchison, Chief Building Official, M. LaHay, Secretary-Treasurer and C. Crockford, Recording Secretary.

2. **Administrative Business**

2.1 Adoption of Agenda

July 25, 2024

Committee of Adjustment Agenda

CA2024-081

Moved By B. Archer

Seconded By S. Strangway

That the agenda for July 25, 2024 meeting be approved.

Carried

2.2 Declaration of Pecuniary Interest

Member Finn declared a pecuniary interest for Section 3.1.8 D20-2024-060, 52 Laxton Township 4th Line.

2.3 Adoption of Minutes

June 27, 2024

Committee of Adjustment Minutes

CA2024-082

Moved By E. Finn

Seconded By G. Erickson

That the minutes of the previous meeting held June 27, 2024 be adopted as printed.

Carried

3. New Applications

3.1 Minor Variances

3.1.1 COA2024-062

Katherine Evans, Planner II
File Number: D20-2024-052
Location: 73 Lakeview Crescent
Lot 10 on Plan 57M808
Geographic Township of Emily
Owner: 259441 Ontario Inc. c/o Paul Charron
Applicant: TD Consulting Inc.

Before proceeding with the evaluation of the report, Ms. Evans provided some background information regarding the public sign posted on the property under the Planning Act. Ms. Evans confirmed that the sign was posted on July 12th and photographic proof of posting was provided. On July 22nd, it was brought to staff's attention that the sign was no longer posted on the property. The applicant was alerted and a new sign was prepared and posted by 12.45 pm on July 22nd.

Comments were received from the public indicating the sign was seen. In staff's opinion the requirements of the Planning Act pertaining to public notification have been satisfied. The matter was discussed with the Manager of Planning and the Director of Development Services and both felt comfortable proceeding. The Committee deliberated, Chair Robertson, Councillor Yeo, Members S. Richardson, S. Strangway and B. Archer were in favour and Members G. Erickson and E. Finn were opposed. The Committee agreed to proceed with the application.

Ms. Evans summarized Report COA2024-062. The purpose and effect is to facilitate the addition of an attached garage to the existing dwelling. Relief sought: Section 12.2.1.3 b) ii) of the Zoning By-law requires a minimum interior side yard setback of 5.5 metres for a dwelling that is two storeys or greater; the proposed setback is 3 metres; and, Section 12.3.10.1 of the Zoning By-law provides that the rear face of a dwelling shall not be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road; the proposed attached garage is 144 metres

from the livestock building.

Comments were received from three members of the public, which were provided to the Committee prior to the meeting. Concerns relating to the development of the subdivision, not specific to the minor variance or proposed garage. The Chair asked the Committee if they had read the public comments and reminded them that we are not dealing with enforcement issues only the minor variance requested.

Committee had the following questions:

1) What is the building located beside the dwelling?

Staff advised the building is a sales office trailer for the subdivision.

2) Is there a time line for when the trailer will be removed?

Staff deferred to the applicant.

3) What is the intended use of the second level of the garage?

Staff deferred to the applicant.

The applicant, Mr. deBoer of TD Consulting Inc. was present in person. Mr. deBoer stated that the house was the original house of a subdivision and was left when the subdivision was created. They subdivided lots around the house, which fronted on to Pigeon Lake Road. The developer intends to change the entrance to the property so it is off of Lakeview Crescent instead of Pigeon Lake Road which is required as part of the subdivision agreement. Mr. deBoer went on to discuss the challenges of where to locate the garage due to the location of the septic system and that the second level of the proposed garage is strictly for storage. There is no intention of adding another dwelling unit and if that were to change in the future, it would be required to go through an ARU process. The sales trailer is actually a construction trailer for the subdivision as this is still an active subdivision, which is not fully assumed by the municipality with building permits outstanding. Mr. deBoer is aware of the public comments and indicated that they are not related to the variance being requested.

The Committee asked the applicant if plumbing facilities would be roughed in. Mr. deBoer replied no.

Opposed to the application, Mr. Larrivee was present in person and spoke to the subdivision agreement and was advised that the original dwelling would be demolished. Mr. Larrivee disagreed that the minor variance meets the four tests.

The Committee asked Mr. Larrivee if his objection was the location of the garage

and where would he suggest the location. Mr. Larrivee replied yes, there is plenty of space and does not need to be attached to the dwelling. The Committee followed up by asking if his site plan shows the location of the garage. Mr. Larrivee replied yes.

The Committee asked staff, if the site plan shows the location of the garage, can this be enforced. Staff deferred to the applicant for a response.

The Chair advised the public wishing to speak in opposition to the application that the Committee is not an enforcement entity and that general questions regarding the subdivision are not part of this Committees purview and encouraged the public to contact the City and Planning Division directly.

Opposed to the application, Ms. Parker of 35 Lakeview Crescent was present in person and noted for the record that she did not receive notification either by mail or email regarding the variance. She became aware of the minor variance when walking past the subject property and noticed the public sign. Ms. Parker spoke to the original plan of subdivision, which she felt, was not adhered to and that the Building Code has not been enforced.

Opposed to the application, Mr. de Vos of 53 Lakeview Crescent stated he also did not receive notification of the variance. He asked Committee if there is a penalty for removing the public notice sign from the property. He went on to reiterate to the Committee concerns previously received by email and circulated to the Committee. Mr. de Vos continued in length regarding the breach of the subdivision agreement and the four tests of the minor variance.

The Chair thanked the members of the public and acknowledged their concerns; however, the Committee cannot address subdivision agreement issues and again advised them to contact the City and Planning Division directly.

The applicant, Mr. deBoer spoke to two items that came up from the public:

- 1) MDS curve.
- 2) Location of the dwelling.

The Committee had the following questions:

- 1) Is there a list of requirements for a site plan?

Staff replied that there is not set requirements for a site plan. If a relief were required for lot coverage, measurements would be noted in the sketch within a

text box.

2) Why were no other alternatives considered?

Staff replied that the goal is to attach the garage to the dwelling and to get it further away from the livestock building and avoid issues with the septic system.

Mr. deBoer provided dimensions of the garage being 13 metres x 6.7 metres.

3) Is it possible to relocate the garage with different dimensions towards the front of the dwelling as this is a large property in a new subdivision?

Staff responded. Mr. deBoer noted other alternatives were considered however, this appeared to be the only feasible solution for an attached garage.

4) If the addition were only a one-storey garage what would be the required side yard setbacks?

Staff replied 3 metres, which is being proposed.

5) The City is required to mail notices to the public within a certain radius. For those members of the public who did not receive notice, can we assume they were not within the radius, is that correct?

Staff replied that is correct. The circulating radius is 60 metres. By circulating to the 60 metre radius and posting a sign, it has been demonstrated today that the sign was seen and served its purpose.

The Committee finished by acknowledging the public of their concerns and felt that staff have listened and encourage them to look into deficiencies of the subdivision agreement.

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

CA2024-083

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2024-052 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 COA2024-062, 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 COA2024-062. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.2 COA2024-063

Ahmad Shahid, Planner II
File Number: D20-2024-053
Location: 66 King Street East
Part Block B, Plan 11 (Part 2 of Reference Plan 57R10602)
Former Village of Bobcaygeon
Owner: 1447147 Ontario Inc.
Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-063. The purpose and effect is to facilitate the recognition of an existing single-detached dwelling with an additional residential unit (ARU). A previous Minor Variance application (D20-2020-042) was approved that provided relief from various provisions. Relief is now required as a result of a revised survey report. Further relief is required from the following provisions: Section 5.2.c. of the Zoning By-law requires a 7.5 metre front yard setback. The existing front yard setback is 4.6 metres from the deck and 5.9 metres from the dwelling; Section 5.2.e. of the Zoning By-law requires a 7.5 metre rear yard setback. The existing rear yard setback is 4.4 metres from the deck and 5.7 metres from the dwelling.

After the writing of the report agency comments were received from the Building and Septic Division, Supervisor, Plans Review and Inspections and Development Engineering stating no concerns or objections to the proposed minor variance.

The applicant, Ms. Archer of TD Consulting Inc. was present in person and thanked the Committee and Staff. Ms. Archer spoke to the application and was available for questions.

There were no questions from the Committee or other persons.

CA2024-084**Moved By** S. Strangway**Seconded By** E. Finn

That minor variance application D20-2024-053 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-063, which shall be attached to and form part of the Committee's Decision; and,
2. **That** 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 next pending Building Inspection after the Notice of Decision.

This approval pertains to the application as described in report COA2024-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2024-064

Katherine Evans, Planner II

File Number: D20-2024-054

Location: 106 Cowans Crescent

Lot 12, Plan 358

Geographic Township of Emily

Owners: Lawrence and Helen Cook

Applicant: Lawrence Cook

Ms. Evans summarized Report COA2024-064. The purpose and effect is to recognize an existing shipping container. Relief sought: Section 12.2.1.3 e) of the Zoning By-law requires a minimum water setback of 30 metres; the existing setback is 6.7 metres.

After the writing of the report agency comments were received from Building and Septic Division, Supervisor, Plans Review and Inspections stating there are outstanding permits for the property but unrelated to this application being

considered today.

The Committee had the following questions:

- 1) Is the shipping container permanent or temporary and are there requirements for keeping a shipping container?
- 2) Questioned the location of the shed and dwelling being close to the water.
- 3) If the shed, dwelling and shipping container are pre-existing, why not ask for relief for the shed and dwelling as well as the shipping container?
- 4) Were the owners given the option to include the shed should they want to make changes in the future?
- 5) Were the shed and dwelling an existing non-conforming use?

Ms. Evans responded. The shipping container is intended to be permanent. Under the Zoning By-law, a shipping container is considered an accessory structure, similar to a shed. The shed on the property is existing and is not the subject of the minor variance application.

The applicant. Mr. Cook was present in person and spoke to the history of the property over the last 20 years and the reasons for using a shipping container for storage purposes.

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

CA2024-085

Moved By S. Richardson

Seconded By G. Erickson

That minor variance application D20-2024-054 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-064, 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 COA2024-064. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2024-065

Ahmad Shahid, Planner II

File Number: D20-2024-055

Location: 912 Monck Road

Part Lot 13, Concession 3, Part of Original Shore Road Allowance (Parts 1 and 2 of Reference Plan 57R11099)

Geographic Township of Dalton

Owner: Steven Ledoucer

Applicant: Design by Bobbi

Mr. Shahid summarized Report COA2024-065. The purpose and effect is to facilitate the construction of an addition onto the existing dwelling. Relief sought: Section 5.2.g. of the Zoning By-law requires a minimum 30 metre water setback; the proposed water setback is 10.9 metres.

After the writing of the report agency comments were received from Kawartha Region Conservation Authority stating they have no concerns with the application and that the applicant will not require a permit from their office. The Building and Septic Division, Supervisor of Plans Review and Inspections stated spatial separation from the storage container could be a potential issue (can be dealt with at the building permit stage). The Supervisor of Part 8 Sewage Systems stated; a site visit was conducted to review the location of the sewage system. Through the site visit, the sewage system was observed to be located in the roadside yard of the existing dwelling. The placement of the proposed addition will ensure the minimum clearance distances to the sewage system are maintained. However, new information was presented during the visit that indicated the addition would contain an additional bedroom and plumbing fixtures. As well, the owner was able to provide information that allowed us to locate a sewage system use permit for the property. A further review of the proposal has shown that the existing sewage system would not be adequate to support a proposal that would constitute an increase in total daily sewage flows and the sewage system would be required to be upgraded to accommodate the addition. As such, the Building and Septic Division would request a condition be

placed on a minor variance endorsement to satisfy the Supervisor – Part 8 Sewage Systems for servicing through private on-site septic disposal for the proposal. As a result, a condition has been placed to ensure on-site septic is suitable to accommodate the proposal. A copy of the revised condition was provided to the Committee today.

The applicant, Bobbi Leppington of Design by Bobbi was present via electronic participation. The applicant spoke to the proposal and was available for questions.

There were no questions from the Committee or other persons.

The Committee motioned to approve the application as amended to add Condition 2.

CA2024-086

Moved By B. Archer

Seconded By E. Finn

That minor variance application D20-2024-055 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 COA2024-065, which shall be attached to and form part of the Committee's Decision;
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 achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems; and,
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 COA2024-065. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.5 COA2024-066

Katherine Evans, Planner II
File Number: D20-2024-056
Location: Vacant Lot, Pigeon Lake Road
Part Lot 21, Concession 12 (being Lot 6 on Plan 308)
Geographic Township of Emily
Owner: Garnet Perdue
Applicant: Garnet Perdue

Ms. Evans brought to the Committees attention a discrepancy between the advertisement and the current proposal. The advertisement circulated to the public was showing an attached deck to the proposed dwelling. The current proposal which is reflected in the report does not include a deck. Although the proposal has slightly changed, the relief requested is now less. It is the staff's opinion that the application can proceed however allowed the Committee to make the decision. The Committee agreed to proceed.

Ms. Evans summarized Report COA2024-066. The purpose and effect is to facilitate the construction of a single detached dwelling. Relief sought: Section 12.2.1.3 d) of the Zoning By-law requires a minimum rear yard setback of 7.5 metres; the proposed setback is 4.5 metres.

The Committee had the following questions and concerns:

- 1) If they decide to construct a deck later would they be able to install a door at the rear of the dwelling?
- 2) Being vacant land was any consideration given to moving the structure forward towards the frontage or would this affect the front setback?
- 3) Were there comments from Part 8 Sewage Systems?

Ms. Evans indicated that if a deck were constructed later and a door installed the applicant would have to seek relief. The applicant considered moving the structure forward but the intention of the proposed setback was to keep the dwelling farther away from the busy road, as well as to have the dwelling be

located at a similar setback to the existing dwellings on neighbouring properties. . Comments were received from Part 8 Sewage Systems and that a site visit was conducted as a result they had no issue with the proposal as it relates to a private on site sewage disposal.

The applicant, Mr. Perdue was present in person and spoke to the proposal and why a deck was no longer required.

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

The Chair called for a break at 2:32pm. The Chair called the meeting back to order at 2:40pm.

CA2024-087

Moved By G. Erickson

Seconded By S. Strangway

That minor variance application D20-2024-056 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 COA2024-066, 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 COA2024-066. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2024-067

Katherine Evans, Planner II

File Number: D20-2024-057

Location: 310 Pinery Road
Part of Lots 7 and 8, Concession 9 (being Part of Part 5 on Reference Plan 57R2522)
Geographic Township of Somerville
Owners: Karen and David Miller
Applicant: Karen Miller

Ms. Evans summarized Report COA2024-067. The purpose and effect is to: recognize existing and proposed accessory structures; and to facilitate the demolition of the existing legal non-conforming single detached dwelling (circa 1948) and detached accessory structure (garage, circa 1950); and the construction of a new larger dwelling and detached garage, whereby residential uses and residential accessory uses predate the Zoning By-law adopted in 1978, that zones the lot Environmental Protection 'EP', and Section 7.1 does not otherwise permit residential uses. Reliefs Sought: Section 18.1.2 a) of the Zoning By-law provides that an accessory structure shall only be erected in the interior side or rear yard; the existing shipping container is located in the front yard; and, Section 18.1.3 of the Zoning By-law permits a maximum of three accessory structures; the proposed detached garage constitutes the fourth accessory structure.

The Committee had the following questions and concerns:

- 1) Number of existing structures.
- 2) Was consideration given to removing shipping container?
- 3) Noted a power supply to the shipping container.
- 4) Did Part 8 Sewage Systems comment on the application?
- 5) Water setbacks.
- 6) Are they permitted to build in this zoning area?

Ms. Evans responded. The existing garage is to be demolished, and the proposed garage would constitute the fourth accessory structure on the property. The original proposal was for the shipping container to be temporary, but the owners found it useful and now wish to keep it in its existing location. The Supervisor of Part 8 Sewage Systems Building commented that she has no concerns with the minor variance proposal as it relates to private on-site sewage disposal. The property is zoned Environmental Protection (EP) Zone, which does not permit buildings or structures. The purpose of the application under Section

45(2) of the Planning Act is to permit the extension and enlargement of the legal non-conforming residential use.

The applicant, Ms. Miller was present in person and gave a brief overview of the previous minor variance, the reason for the current one being heard today and also addressed the power supply situated next to the shipping container. Hydro One was doing work in the area, and to take advantage of the timing of that work the decision was made to connect the hydro to the shipping container until the work on the dwelling is completed, after which the connection will be made to the dwelling.

The Committee asked the applicant if she intends to keep the shipping container. Ms. Miller responded yes to store tools and kayaks.

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

CA2024-088

Moved By E. Finn

Seconded By S. Richardson

That minor variance application D20-2024-057 be GRANTED, as the application meets the tests set out in Section 45(1) and 45(2) 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 COA2024-067, 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 COA2024-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Ahmad Shahid, Planner II
File Number: D20-2024-058
Location: 86 Clearview Drive
Part lot 12 and 13, Concession 7 (being Lot 60 of Plan 387)
Geographic Township of Emily
Owners: Mark Neads and Penny Lam
Applicant: Mark Neads

Mr. Shahid summarized Report COA2024-068. The purpose and effect is to facilitate the replacement of the existing rear deck with a new attached rear deck. Relief sought: Section 12.2.1.3.b) of the Zoning By-law requires a 5.5 metre interior side yard setback for a building two-stories or greater. The existing dwelling is a one-storey dwelling with a basement walkout, which is considered an additional storey. The proposed side yard setback from the deck is 3.93 metres; and, Section 12.2.1.3.e) of the Zoning By-law requires a 30 metre water setback. The proposed water setback from the deck is 23.6 metres.

After the writing of the report agency comments were received from the Building and Septic Division, Supervisor of Part 8 Sewage Systems and the Supervisor of Plans Review and Inspections stated they had no comments or concerns with the proposal. Kawartha Region Conservation Authority had no concerns with the proposal and that the applicant is required to obtain a permit from their office.

The applicant, Mr. Neads was present via electronic participation, spoke to the proposal and thanked staff.

The Committee asked staff if a condition was added after the writing of the report. Staff replied no.

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

CA2024-089

Moved By S. Strangway

Seconded By Councillor Yeo

That minor variance application D20-2024-058 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 COA2024-068, 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 COA2024-068. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.8 COA2024-069

Ahmad Shahid, Planner II

File Number: D20-2024-060

Location: 52 Laxton Township 4th Line

Part Lot 10, Concession 5, Plan 441 (Part 1 of Reference Plan 57R699)

Geographic Township of Laxton

Owner: Shival Ganesh

Applicant: Shival Ganesh

Member Finn excused himself from the Committee and left the room at 3:01pm.

Mr. Shahid summarized Report COA2024-069. The purpose and effect is to recognize an existing cabin. Relief sought: Section 18.1.f.i. of the Zoning By-law permits a maximum 30 square metre cabin in floor area; the existing cabin is 70.42 square metres.

After the writing of the report agency comments were received from the Building and Septic Division, the Supervisor of Part 8 Sewage Systems and the Supervisor of Plans Review and Inspections stating no comments or concerns with the proposal.

Mr. Shahid gave a brief summary of the concerns received from 7 members of the public relating to noise issues, septic capacity, short term rentals and

occupancy capacity. Comments were shared with the Committee and also forwarded to the City's Municipal Law Enforcement and Licensing Office. Mr. Shahid addressed the concerns.

The Chair reminded the Committee to confine their questions to the minor variance that is requested.

The Committee asked staff if the property had been considered for a site specific Zoning By-Law with a site plan agreement. Mr. Shahid responded.

The applicant, Mr. Ganesh was present via electronic participation. Mr. Ganesh spoke to the noise complaint and preventative measures in place.

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

CA2024-090

Moved By S. Strangway

Seconded By G. Erickson

That minor variance application D20-2024-060 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-069, 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 COA2024-069. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.9 COA2024-070

Ahmad Shahid, Planner II

File Number: D20-2024-061

Location: 43 Lagoon Drive
Part Lot 29 and Part Block Y, Plan 253 (Parts 1 to 3 of Reference Plan 57R6863)
Geographic Former Village of Fenelon Falls
Owners: Worrell R. Smith and June M. Smith
Applicant: B. Armstrong Contracting

Member Finn returned to the meeting at 3:10 pm.

Mr. Shahid summarized report COA2024-070. The purpose and effect is to facilitate the demolition of the existing dwelling and construction of a new one-storey single detached dwelling with a basement walkout and attached garage. Relief sought Section 4.3.3.c.iii. requires a minimum 4 metre interior side yard setback; the proposed interior side yard setback is 1.52 metres (south) and 2.74 metres (north).

After the writing of the report agency comments were received from the Building and Septic Division, the Supervisor of Part 8 Sewage Systems and the Supervisor of Plans Review and Inspections stating no comments or concerns with the proposal. Kawartha Region Conservation Authority stated no concerns with the proposal pending receipt of a satisfactory Karst Assessment and that the applicant is required to obtain a permit from their office. The KRCA had indicated to Staff, that they are currently working with the applicant to coordinate the studies.

Public comments were received from neighbouring property of 39 Lagoon Drive stating the proposed southern interior side yard setback 1.52 metres is too close to their property and also commented on the location of the proposed septic system. Mr. Shahid addressed concerns.

The applicant, Mr. Armstrong of B. Armstrong Contracting was present in person and spoke to the proposal.

Ms. Wilson a member of the public was present in person and spoke to concerns of privacy and was advised that the hedge between the neighbouring properties could be removed. Also, she was under the impression that the lot could not be built on, as a septic system is not permitted by the water. Mr. Shahid referred to the legislation when looking at the Zoning By-law and advised that there is no septic setbacks or required locations for septic systems, but would be a building requirement. Comments were received from the Supervisor of Part 8 Sewage Systems stating no concerns with the proposal. Ms. Murchison, Chief Building

Official indicated that the septic system has to work with adjacent neighbouring wells.

Mr. Shahid spoke to the encroachment of over hangs/soffits.

Ms. Murchison added that when they review the Lot Grading and Drainage Plan for a new dwelling, the surveyor measures to the foundation. The Zoning By-law will indicate whether an eve encroachment is permitted and how much. This will not encroach over property lines.

Mr. Armstrong confirmed that the hedge will remain and has no intention of removing it.

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

CA2024-091

Moved By E. Finn

Seconded By B. Archer

That minor variance application D20-2024-061 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 COA2024-070, 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 COA2024-070. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

Katherine Evans, Planner II
File Number: D20-2024-062
Location: 151 Campbell Beach Road
Part Lot 12, Concession 1; Lot 9 and Part Shore Road Allowance on Plan 303;
Part 1 on Reference Plan 57R-7178
Geographic Township of Carden
Owner: Dawn McGuire
Applicant: Felicia Buchholz

Ms. Evans summarized Report COA2024-071. The purpose and effect is to facilitate the construction of a detached garage and a swimming pool. Relief sought: Section 14.1 b) of the Zoning By-law provides that an accessory structure shall only be erected in the side or rear yard; the proposed detached garage is to be located in the front yard; and, Section 4.2 g) of the Zoning By-law requires a minimum water setback of 20 metres; the proposed setback for the pool is 18.5 metres.

After the writing of the report agency comments were received from the Supervisor of Part 8 Sewage Systems stating they have no issue with the proposal.

The Committee had the following questions and concerns:

- 1) Will the dwelling be constructed prior to the accessory structure?
- 2) Referring to the sketch in the presentation showing the distance of 18.5 metres from the shoreline to the pool with a red line.
- 3) Is the pool in ground or above?

Ms. Evans responded that she believes the intention is to construct the dwelling prior to the detached garage. The pool is below ground. The requested relief is for 18.5 metres, measured from the closest portion of the shoreline.

Ms. Buchholz working with the applicant was present via electronic participation and available for questions.

The Committee asked Ms. Buchholz if she could confirm where the distance was measured to the pool. Ms. Buchholz indicated it was measured from the corner of the pool to the corner of the shoreline.

Ms. Murchison stated that for new builds a Lot Grading and Drainage Plan is

required. The pool will be plotted on a survey. If the requirement is 18.5 metres that is what would be recorded.

Councillor Yeo asked Ms. Murchison why a pool is considered a structure. Ms. Murchison responded. The Committee asked if this only applies to in ground pools. Ms. Murchison replied to both in ground and above.

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

CA2024-092

Moved By S. Richardson

Seconded By B. Archer

That minor variance application D20-2024-062 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 COA2024-071, 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 COA2024-071. 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 Committee asked Ms. Murchison where would owners drain their pools, in the road sewage system, their septic system or water body? Ms. Murchison replied that pool water would never be drained into the septic system or municipal sewer. It would most likely be drained over land into storm sewers.

The Committee thanked staff for their presentations.

6. Correspondence

7. Next Meeting

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

8. Adjournment

CA2024093

Moved By Councillor Yeo

Seconded By E. Finn

That the meeting be adjourned at 3:40pm.

Carried

Mark LaHay, Secretary-Treasurer