

a) File #A11/23 - Part of Lot 19, South West Range, Geographic Township of Clarendon (1230D Austris Road) - Minor Variance for Reduced Setback from Waste Management Facility (Leptick)

Spencer Leptick, Applicant, attended the meeting electronically.

Jennie Kapusta, Community Planner, provided an overview of the proposal. She advised the property owner is proposing to construct a new dwelling within the 500 metre influence area of a waste management facility which is currently temporarily closed. The dwelling is also located a minimum of 18.3 metres from the high-water mark of Malcolm Lake. The dwelling is proposed to be 93.6 square metres and 1.5 storey high. The property is developed with a dry boathouse, grey water system and a storage shed.

Kapusta advised the applicant submitted a compatibility study prepared by McIntosh Perry to support the dwelling being constructed within the 500 metre influence area of the waste site demonstrating no negative impacts with development of the property. She advised the study was peer reviewed by Cambium Inc. who agreed with McIntosh Perry's findings with the waste site in its current state. However, Kapusta advised the peer review noted the site has the potential to be reopened as there is significant capacity left and the potential reopening should be addressed

Kapusta noted the application was not circulated to South Frontenac for comments as there is a septic system on site located outside the 30 metre setback.

Kapusta advised the application was circulated to Mississippi Valley Conservation Authority (MVCA); however formal comments have not been received. She advised MVCA noted there are potential concerns due to a slope on the subject property.

Kapusta recommended the Application be deferred until concerns raised regarding the potential reopening of the waste site have been addressed; and formal comments are received from MVCA.

Tooley advised he completed a site inspection on August 17, 2023. He recommended deferral until the site is staked to show the proposed location of the dwelling; comments are received from MVCA ;and the concerns regarding the waste site are addressed.

Mr. Leptick advised there is no other suitable location for the dwelling as it will be located on a rock bench parallel to the shore approximately 65-68 feet from the lake. He also advised the neighbouring property was approved to build a dwelling within the influence area of the waste site between 2006-2008. He advised the property is zoned Waterfront Residential and this should not be the case if he can't build. He also noted the Township reached out in 2012 regarding a potential purchase of the property. He wondered if the buffer area between the two properties could be expanded and if further studies are required who would pay and when would they be completed.

There were no public comments regarding the application.

Resolution #: 45-23 Moved By: Carl Tooley

Seconded By: Garry Wood

Be It Resolved That Planning Application File #A11/23 – Minor Variance – Leptick – 1230D Austris Road- shall be deferred until the concerns raised through the Peer Review by Cambium regarding the impact of the potential re-opening of the Austris Waste Management Facility have been addressed; and formal comments have been received from Mississippi Valley Conservation Authority regarding potential concerns with slope stability.

Carried

6. Business Arising from the Minutes (con't)

a) Resolution #38-23: File #A10/23 – Application for Minor Variance – 9489C Road 509 - Minor Variance for Reduced Setback from Licenced Boundary of Aggregate Pit (Poulin)

Note: Barb Sproule, Chair, declared a Pecuniary Interest and left the meeting. Carl Tooley chaired the meeting in her absence.

Joseph Poulin, Applicant, attended the meeting electronically.

Jennine Kapusta, Community Planner, provided an overview of the application. She advised the property owner constructed a 1200 square feet dwelling with no planning or building approvals. She advised the 70 metre setback is measured from the lot line of the licensed pit to the lot line of the subject property. She noted as the lot line of the subject property and the neighbouring pit abut one another, the setback is zero, with the setback of the dwelling at 20 metres from the lot line of the pit.

Kapusta advised the application was considered by the Committee on July 24, 2023 and deferred pending peer review of the D Series study. She advised the peer review concurred with the procedures and guidelines used to estimate values. However; the peer review noted mitigation measures can only be the responsibility of the applicant and not the owner of the pit and agreed with mitigative measures set-out in the study.

Kapusta advised the application was not provided to Mississippi Valley Conservation Authority (MVCA) as there are no natural features and the dwelling is outside the 15 metre setback from the slope on the property. She advised the application was provided to South Frontenac for septic review who advised a septic permit application has been submitted but has not been approved at this time.

There was one public comment received in favour of the application and comments were received from Darwyn Sproule, adjacent pit owner.

Kapusta advised a development agreement is recommended to be registered on title to protect the health and safety of the residents and to ensure the operation of the pit can continue.

Wood advised he attended the site on June 9, 2023. He noted there is a steep slope from Road 509 to access a relatively flat and open area. He noted there is a dwelling and two outbuilding constructed on the property. He noted the slope is well treed; however the slope makes it challenging to access the site. He noted two orders were

