



# Committee of Adjustment Minutes

1:00 PM - Monday, November 27, 2023  
Council Chambers

**Present:** Carl Tooley, Member; Garry Wood, Member (Electronic Participation); and Jim Ogilvie, Alternate Member (Electronic Participation)

**Also Present:** Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager (Secretary); Sonia McLuckie, Administrative Assistant to the Clerk/Planning Manager; Sonya Bolton, Manager of Community Planning, County of Frontenac (Electronic Participation); Dmitry Kurylovich, Community Planner, County of Frontenac (Electronic Participation); and Councillor Roy Huetl, Council Liaison

## 1. Call to Order

The meeting was called to order at 1:00 p.m. The Secretary read the opening remarks.

## 2. Appointment of Chair

*The Committee appointed Carl Tooley as Chair for the meeting.*

## 3. Approval of Agenda

### a) *November 27, 2023*

56-23

Moved by Committee of Adjustment Member Garry Wood

Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee approves the Agenda dated November 27, 2023, as circulated.

**Carried**

## 4. Disclosure of Pecuniary Interest and General Nature Thereof

None declared.

## 5. Delegations

None.

## 6. Adoption of Minutes

### a) *Minutes of Meeting held September 25, 2023*

57-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee adopts the Minutes of a Meeting held on September 25, 2023 as circulated.

**Carried**

## **7. Business Arising Out of Minutes**

- a) ***Resolution #51-23: Severance Application File #B12/23 - Virginia and Melvin Schnupp, 15178 Road 509 - Creation of One New Lot***

Virginia and Melvin Schnupp, applicants, were present for the meeting.

Dmitry Kurylovich, Community Planner, provided an overview of the proposed application for the creation of one new lot. He advised the application was deferred at the meeting on September 25, 2023 due to issues identified in the peer review of the required D Series study. He noted the issues have been rectified and the Committee can proceed with consideration of the application.

Kurylovich advised the proposed new lot will have an area of 10 acres with 500 feet of frontage on Road 509 and has an approved building permit for a Secondary Dwelling Unit. He noted Mississippi Valley Conservation Authority advised the proposed lot is large enough to support development outside of any Natural Hazard area; and that South Frontenac, as the Septic Approval Authority at the time, had no objections to the proposed new lot. Kurylovich recommended approval of the application subject to the conditions in the planning report.

Tooley advised he attended the property on September 8, 2023 and that the required marking signs were posted. He noted an entrance and civic address were installed on the proposed new lot. Tooley recommended approval of the application.

58-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Whereas**, at their meeting on September 25, 2023, the Committee passed Resolution #51-23 deferring Planning Application File #B12-23– Severance Application – Schnupp – 15178 Road 509 until the issues associated with the Land Compatibility Study prepared by Pinchin Ltd. As identified in the Peer Review by Northern Applied Sciences Inc. are rectified; and if the additional noise study is required; and Township staff provide information regarding the building permit;  
**Therefore Be It Resolved That**Severance Application File #B12/23 – Virginia and Melvin Schnupp, 15178 Road 509 - for the creation of one New Lot shall be

approved subject to the conditions included in the Planning Report;  
**And That** the Secretary shall issue the Notice of Decision by December 11, 2023;  
**And That** the Secretary shall forward the Notice to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed;  
**And That** all conditions shall be completed within a period of two year after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

**Carried**

## **8. Zoning By-law Amendment Application (Recommendation to Council)**

None.

## **9. Consent Applications**

- a) ***File #B16-23 - Creation of One New Lot - Part of Lots 28 and 29, Concession 4; and Part of Lot 29, Concession 3, Geographic Township of South Canonto (1160 Parsons Lane)***

Mr. Ward, applicant, was present for the meeting. Tracy Zander, Agent, participated electronically in the meeting.

Dmitry, Kurylovich, Community Planner, provided an overview of the proposed development. He advised the applicants would like to create one new waterfront lot with an area of 0.83 hectares and 78 metres of frontage on Parsons Lane; and that the retained parcel will have an area of 74 hectares with frontage on Parsons Lane. He noted the applicants are in the process of purchasing the 66 foot Shore Road Allowance from the Township. Kurylovich advised the property currently has a split zoning designation of Residential Waterfront (RW) and Rural (RU). He noted a condition of the severance will be to rezone the subject parcel to Limited Service Waterfront (LSW).

Kurylovich advised Mississippi Valley Conservation Authority (MVCA) determined there were no natural hazards on the proposed lot. He advised the Township has a new process for septic review with severance applications. A qualified person with a BCIN number will provide a report to be included in the application advising of the septic capability. A report was provided from Charles Tooley Construction advising the severed parcel is suitable for an on-site sewage system.

Kurylovich advised the Township's Official Plan required an applicant to upgrade a private lane to specific standards for access by Emergency vehicles. He noted Parsons Lane is in excellent condition and appears to require no upgrades. Kurylovich recommended approval of the application subject to the conditions included in the planning report.

Wood advised he attended the site on October 22, 2023. He noted Parsons Lane is well maintained. He asked for clarification regarding the condition to increase the width of the Right-of-Way along the property. Kurylovich advised as per the Private Land standards, the frontage must be a surveyed width of 66 feet along the proposed lot line. Wood advised the lot is fairly flat and appears to have a suitable building envelope. He recommended approval of the application.

59-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** Severance Application File #B16/23 – Michael Ward and Greg Ward, 1160 Parsons Lane- for the creation of one New Lot shall be approved subject to the conditions included in the Planning Report;

**And That** the Secretary shall issue the Notice of Decision by December 11, 2023;

**And That** the Secretary shall forward the Notice to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed;

**And That** all conditions shall be completed within a period of two year after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

**Carried**

- b) ***File #B17/23 and #B18/23 - Creation of Two New Lots - Part of Lot 23, Concession 12, Geographic Township of Clarendon (1258 South Road)***

Arnold Miller, applicant, was present for the meeting.

Dmitry Kurylovich, Community Planner, provided an overview of the application. He advised the applicants are proposing to create two new lots. The first proposed lot is vacant and will have an area of 1.87 hectares with 136 metres of frontage on South Road. The Official Plan designation of the lot is Rural and Organic Soils; however the Organic Soils should not impact future development. The second proposed lot is 1.16 hectares with 150 metres of frontage on South Road. Both proposed lots are adjacent to a wetland area. Kurylovich advised the retained lot will have an area of 12 hectares with 380 metres of frontage on South Road.

Kurylovich advised the initial proposed development showed the lot lines fragmenting the wetland area. He noted, based on comments received from Mississippi Valley Conservation Authority (MVCA), the applicant revised the proposed lot lines to keep the wetland with the retained parcel. He advised MVCA is supportive of the revised lot lines. Kurylovich advised a report was provided by Ken Cuddy, Septic System installer, stating the proposed lots are suitable to support a Class 4 on-site sewage system.

Kurylovich recommends approval of the applications subject to the conditions

included in the planning report. He noted application B17/23 must be completed prior to the completion of application B18/23 to avoid an unintentional severance.

Ogilvie advised he attended the site on October 17, 2023 and the required marking cards were posted. He noted the terrain on the lots were quite hilly. He advised the use of the proposed lots is consistent with neighbouring uses and recommended approval.

60-23

Moved by Committee of Adjustment Member Jim Ogilvie

Seconded by Committee of Adjustment Member Garry Wood

**Be It Resolved That** Severance Application Files #B17/23 and #B18/23 – Arnold and Shirley Miller, 1258 South Road - for the creation of two New Lots as amended shall be approved subject to the conditions included in the Planning Report;

**And That** the Secretary shall issue the Notice of Decision by December 11, 2023;

**And That** the Secretary shall forward the Notice to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed;

**And That** all conditions shall be completed within a period of two year after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

**Carried**

## 10. Minor Variance Applications

- a) ***File #A15/23: Minor Variance and Request for Permission to Expand Legal Non-Complying Structure - Concession 10 & 11, Part of Lot 23, Geographic Township of Miller (3763B Mountain Road)***

Carol and Roger Free, applicants, were present for the meeting.

Dmitry Kurylovich, Community Planner, provided an overview of the proposed development. He advised the applicants are proposing the following expansions to a legal non-conforming structure;

- Construction of a 19 square metre covered porch on the waterside, reducing the setback to the high water mark to 16 metres;
- Rebuild an addition of the west wide of the existing structure with an increase in the footprint of 116 square feet;
- Construction of a wooden walkway on the waterside connecting the covered porch to the addition.

Kurylovich advised the lot is currently developed with a dwelling, shed and outhouse. He advised a new septic system was recently installed outside the 30

metre setback. He noted it does not appear that any vegetation will be removed during construction. He advised there is a slope to the water with an intact shoreline and riparian area.

Kurylovich advised formal comments were not required for septic suitability as the system was newly installed outside the required setback. He noted the property is outside the jurisdiction of a Conservation Authority; therefore Township staff provided the application to the Ministry of Natural Resources and Forestry (MNRF) for review. As MNRF did not provide any comments, Mississippi Valley Conservation Authority (MVCA) reviewed the information collected by the applicants and the contractor and advised the slope is shallower than 3:1 and does not appear to require a slope stability assessment.

Kurylovich advised, as Mackie Lake is deemed at capacity, any new development typically requires an Environmental Impact Statement (EIS). He noted the newly installed septic system is a net benefit to the property. He advised the proposed covered porch provides main access to the dwelling, with no other decks or porches on the dwelling. Kurylovich advised the shoreline provides an ecological and visual buffer. He noted the Ministry of Environment, Conservation and Parks (MECP) had no objections to the proposed development; therefore Kurylovich advised he does not anticipate any negative impacts and will not request an EIS. He recommended approval of the application subject to the conditions included in the planning report.

Tooley advised he attended the site on November 3, 2023. He noted the application appears to meet the four tests of a Minor Variance and recommends approval.

61-23

Moved by Committee of Adjustment Member Garry Wood

Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** Planning Application File #A15/23 – Application for Minor Variance and Permission to Expand Non-Complying Structure – Roger and Carol Free, 3763B Mountain Road- shall be approved subject to the conditions included in the Planning Report;

**And That** the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed by December 7, 2023.

**Carried**

## 11. Other Business

### a) **2024 Meeting Dates**

62-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee receives for information the Administrative Report from the Clerk/Planning Manager entitled "Proposed 2024 Meeting Dates and Time";

**And That** the Committee approves the Committee Meeting Schedule with all Meetings being held at 1:00 p.m. as follows:

Monday, January 22, 2024  
Monday, February 26, 2024  
Monday, March 25, 2024  
Monday, April 22, 2024  
Monday, May 27, 2024  
Monday, June 24, 2024  
Monday, July 22, 2024  
Monday, August 26, 2024  
Monday, September 23, 2024  
Monday, October 28, 2024  
Monday, November 25, 2024  
Monday, December 16, 2024

**Carried**

b) ***2023 Ontario Association of Committee of Adjustment & Consent Authorities (OACA) Seminar***

63-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee of Adjustment receives for information an Administrative Report from the Deputy Clerk/Assistant to the Planning Manager entitled "2023 Ontario Association of Committee of Adjustment & Consent Authorities (OACA) Seminar".

**Carried**

c) ***New Process for Septic Review for Planning Applications***

64-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee receives for information the Deputy Clerk/Assistant to the Planning Manager's Administrative Report entitled "New Process for Septic Review for Planning Applications".

**Carried**

d) ***Appointment of Chair***

65-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the Committee appoints Carl Tooley to act as Chair until November 2024.

**Carried**

## 12. Adjournment

a) ***Adjournment of the Committee Meeting***

66-23

Moved by Committee of Adjustment Member Garry Wood  
Seconded by Committee of Adjustment Member Jim Ogilvie

**Be It Resolved That** the meeting adjourns at 2:17 p.m. until December 18, 2023, at 1:00 p.m. or at the call of the Chair.

**Carried**

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Chair

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Secretary-Treasurer