



Committee of Adjustment Minutes

1:00 PM - Monday, July 22, 2024
Council Chambers

Present: Carl Tooley (Chair), Garry Wood, Jim Ogilvie, and Brent Smith (Electronic Participation)

Also Present: Tara Mieske, Secretary/Treasurer; Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; Sonya Bolton, Manager of Community Planning, County of Frontenac (Electronic Participation); Dmitry Kurylovich, Project Manager/Senior Planner, County of Frontenac; and Jennie Kapusta, Community Planner, County of Frontenac

1. Call to Order

The Chair called the meeting to order at 1:00 p.m.

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

a) *July 22, 2024*

22-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee approves the Agenda dated July 22, 2024, 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***

23-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the Minutes of a Meeting held on June 24, 2024, as circulated.

Carried

7. Business Arising Out of Minutes

a) ***Resolution #16-24 and #17-24 - Severance Application File #B08/24 and Minor Variance File #A04/24 - Ben Thompson and Greg Thompson - Deferred at the June 24, 2024 Meeting***

Ben Thompson and Greg Thompson attended the meeting electronically.

Jennie Kapusta, Community Planner, provided an overview of the application to create one new lot with an approximate area of 1.52 acres and 77 metres of road frontage on Gull Lake Road. She noted the applicants are proposing a water frontage of 61 metres, requiring a Minor Variance application (File #A04/24) for reduced frontage. She advised the retained parcel will have an area of approximately 3.31 hectares with 100 metres (+/-) of frontage on Gull Lake Road, 59 metres (+/-) of frontage on Thompson Road and 167 metres of water frontage.

Kapusta reviewed the decision by North Frontenac Council for the proposed land exchange between the Township and the property owners. She advised a neighbouring property owner expressed concerns at the meeting on June 24, 2024, with the land exchange and the Minor Variance for reduced water frontage, as well as the impact of increased density on waterfront lots and setting a precedent for future requests for reduced water frontage. She noted the neighbour no longer has objections to the planning applications.

Kapusta advised the parcel is developed with five structures, which will be removed and replaced with a single dwelling on each lot and appropriate septic system. She noted there are no anticipated impacts to the waterbody or wetland; and, in this case, there is a benefit to permitting the reduced frontage. Kapusta advised Mississippi Valley Conservation Authority (MVCA) had no objections or concerns with the proposed new lot. She noted the septic report confirmed the severed and retained lots are suitable for septic installation.

Kapusta recommended approval of the applications, subject to the conditions included in the planning report.

Carl Tooley noted the proposed land exchange is between the Township and property owners; and is not a matter for the Committee to consider. He advised he attended the site on June 12, 2024 and the required marking cards were posted. He noted the

proposed lots are large, with useable waterfront. Tooley noted there appeared to be suitable building envelopes outside the 30 metre setback. He recommended approval of the applications, subject to the conditions included in the planning report.

24-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Whereas, at the meeting on June 24, 2024, the Committee of Adjustment passed Resolution #17-24 deferring Planning File #A04-24 - Application for Minor Variance – Ben Thompson and Greg Thompson, Thompson Road (Big Gull Lake) – until comments provided at the meeting were addressed by Township staff, Council or the solicitor;

Therefore Be It Resolved That, as the comments have been addressed in the Planning report, the Committee approves Planning Application File #A04/24 subject to the conditions noted 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 August 2, 2024.

Carried

25-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Whereas, at the meeting on June 24, 2024, the Committee of Adjustment passed Resolution #16-24 deferring Severance Application File #B08/24 – Ben Thompson and Greg Thompson, Thompson Road (Big Gull Lake) – until comments provided at the meeting were addressed by Township staff, Council or the solicitor;

Therefore Be It Resolved That, as the comments have been addressed in the Planning report, the Committee approves Planning Application File #B08/24 for the creation of one new lot subject to the conditions noted in the planning report;

And That the Secretary shall issue the Notice of Decision by August 2, 2024;

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

None.

10. Minor Variance Applications

- a) ***File #A07/24 - Minor Variance for Reduced Setback of Accessory Structure from the High Water Mark - Part of Lot 29, Concession 2, Geographic Township of***

Palmerston (1076 Goudge Drive)

Giles and Shannon Leo, applicants, were present for the meeting.

Dmitry Kurylovich, Senior Planner, provided an overview of the Minor Variance application to permit a sleep cabin with a reduced setback from the high water mark of Palmerston Lake. He advised the applicants are proposing a sleep cabin with an area of 10 square metres and a setback of 12 metres from the waterbody. He noted Palmerston is a Lake Trout Lake Not at Capacity. Kurylovich advised the sleep cabin was built without planning approval or a building permit.

Kurylovich advised the Official Plan designation of the property is Hamlet/Waterfront Area and is partly within an Area of Scientific Interest (ANSI). He noted the property is developed with a one storey dwelling, garage and septic system. He advised the property is constrained as to where development can occur due to steep slopes and heavy vegetation. He noted, as the property is part of an ANSI system, it is important to protect the existing vegetation.

Kurylovich advised the sleep cabin is proposed to be located at the toe of a steep slope; therefore Mississippi Valley Conservation Authority (MVCA) has been involved from the beginning of the application process. He advised a Steep Slope Assessment was completed and peer reviewed, with the study demonstrating the proposed development will not impact the integrity of the slope and providing recommendations to ensure the stability of the slope will not be impacted. He advised the Ministry of Environment, Conservation and Parks did not provide comments.

Kurylovich advised the Chief Building Official for North Frontenac had no comments; and that planning staff are of the opinion the minimum distance setback between the structure and septic system have been met.

Kurylovich noted two members of the public provided comments, one in support and one in opposition; and that the concerns were addressed in detail in the Planning Report. He noted Ontario courts have established the course of action to address non-compliance issues with structures and the Township cannot take away the right of a property owner to submit an planning application to remedy the situation. He advised the Zoning By-law is a rigid document; however the Planning Act provides avenues for flexibility when required.

Kurylovich noted there were a number of considerations when reviewing the proposed development:

- The property is narrow, with no available development envelope without excavation of slope;
- The Steep Slope Assessment was supportive of the proposed development;
- The sleep cabin will provide additional accommodation space for growing family;
- There are no anticipated negative impacts on the waterfront and ANSI area;

- No vegetation removal is proposed; and
- The proposed building is clustered with existing development and is below the permitted lot coverage of five percent (5%).

Kurylovich recommended approval of the application, subject to the conditions included in the Planning Report.

Jim Ogilvie advised he attended the site, which is a shallow property with a rock wall. He noted the proposed site for the sleep cabin appears suitable. He noted the development appears consistent with neighbouring residential use. He recommended approval of the application, subject to the conditions included in the Planning Report.

Tooley asked how the sleep cabin will be serviced. Mr. Leo advised there will be no servicing; however he may install a solar panel. Tooley asked how large the existing septic system was and when it was installed. Mr. Leo advised he was unsure about the age of the system, but the system had been inspected by MVCA.

Tooley asked about the ANSI system. Kurylovich advised the province designates areas with natural features that need to be protected by the Township. He noted the Ministry may not publicly identify what needs to be protected within the ANSI area; however with mitigation measures in place, this development will have little to no impact on the ANSI.

Tooley advised he would like a condition included that requires the property owners to have the septic system pumped, inspected and maintained if necessary.

26-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A07/24 – Application for Minor Variance – Giles Leo, 1076 Goudge Drive - shall be approved subject to the conditions noted in the planning report;

And That the septic be pumped and inspected to ensure it is functioning properly;

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 August 2, 2024.

Carried

11. Other Business

a) 2024 Ontario Association of Committee of Adjustment (OCA) Conference

27-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee receives for information the Deputy Clerk/Assistant to the Planning Manager's Administrative Report entitled "2024 Ontario Association of Committee of Adjustment (OCA) Conference"

Carried

b) ***Upcoming OACA Events***

28-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee receives for information the date and location of the 2024 OACA Seminar and the 2025 OACA Conference;

And That Committee Members interested in attending the 2024 OACA Seminar and/or the 2025 OACA Conference will advise the Secretary.

Carried

12. Adjournment

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

29-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the meeting adjourns at 2:31 p.m. until August 26, 2024, at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary/Treasurer