



Committee of Adjustment Minutes

1:00 PM - Monday, November 25, 2024
Council Chambers

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

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

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) *November 25, 2024*

40-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee approves the Agenda dated November 25, 2024, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

None.

5. Delegations

None.

6. Adoption of Minutes

- a) **Minutes of a Meeting held September 23, 2024**
41-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee adopts the Minutes of a meeting held September 23, 2024, as circulated.

Carried

7. Business Arising Out of Minutes

- a) **Resolution #37-24: Deferral of Application - File #A10/24 - Plan 1044, Lot 265, Geographic Township of Barrie (1122 Shoepack Lane) - Request for Permission to Expand Legal Non-Complying Structure**

Darnell Rubio, applicant, attend the meeting electronically.

Jennie Kapusta, Community Planner provided overview of the request for permission to expand a legal non-complying structure with the following additions:

- a covered screened in porch on water side with area of 22.3 sq m, and a setback of 19.8 metres from the high water mark; and
- an addition of a bedroom and bathroom at the east end of the existing dwelling with an area of 29.7 square metres and a setback of 23.5 metres to the high water mark.

Kapusta noted the septic system will be upgraded to accommodate the proposed increase in fixtures and interior living space.

Kapusta advised a slope stability assessment was provided by the property owner and peer reviewed by Mississippi Valley Conservation Authority (MVCA). Kapusta advised, during the initial peer review, MVCA requested additional information to support the assessment. The information was provided to the satisfaction of MVCA, who have no concerns or objections with proposed development. Kapusta noted the shoreline is vegetated and well screened, making it difficult to see the existing structure from the shoreline due to the vegetative buffer.

Kapusta advised no public comments had been received at this time. She recommended approval of the application subject to the conditions included in the planning report.

Wood advised he attended the site and the required notice was posted. He noted the slope is very steep from the cottage to the lake, but the slope stability assessment supports the proposed development. He advised the proposed development is appropriate with neighbouring development and recommended approval subject to the conditions included in the planning report.

Drechsler advised there were no public comments.

42-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Whereas at the meeting on September 23, 2024, the Committee passed Resolution #37-24 deferring the application for File #A10/24 – Request for Permission to Expand Legal Non-Complying Structure until the issues identified by Mississippi Valley Conservation Authority (MVCA) in the Slope Stability Assessment had been resolved;

Therefore Be It Resolved That Planning Application File #A10/24 – Request for Permission to Expand Legal Non-Complying Structure – 1122 Shoepack Lane - shall be approved as the issues have been resolved to the satisfaction of MVCA;

And That the conditions noted in the planning report will be provided in the Notice of Decision;

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 5, 2024.

Carried

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

None.

9. Consent Applications

None.

10. Minor Variance Applications

a) *File #A12/24 - Part of Lot 24, Concession 7, Geographic Township of Barrie (1095D Eastview Lane) - Request for Permission to Expand Legal Non-Complying Structure*

John and Margaret Bingeman, applicants, were present for the hearing.

Dmitry Kurylovich, Senior Planner, provided an overview of request to demolish the existing dwelling and rebuild a larger dwelling within the same footprint while maintaining the existing setback of 20 metres from the shoreline to the edge of the proposed building. The area of the dwelling will increase from 2504 square feet to 2555 square feet with the following:

- Main floor footprint – 141 square metres (1,514 square feet)
- Covered Porch (road side) – 21.2 square metres (228 square feet)
- Screened room area – 14.4 square metres (155 square feet)
- Covered deck (water side) – 24 square metres (256 square feet)
- Uncovered deck area – 36.8 square metres (396 square feet)

Kurylovich advised the property is developed with a one storey dwelling, an existing sewage system and one accessory structure. He noted the new development will mostly expand towards the rear of the property, with a shift in the footprint. He advised the proposed deck will not encroach into the 20 metre setback.

Kurylovich advised Mississippi Valley Conservation Authority had no objections to the proposed development and noted there were no slope stability concerns. He advised no public comments were received regarding the proposed development. He noted the shoreline is mostly vegetated with a decent visual buffer; and that the existing waterbody setback will be maintained. Kurylovich recommended approval of the application subject to conditions included in the planning report.

Ogilvie attended the site on October 29, 2024. He advised the required marking cards were posted. He noted the property is not a large property with the existing dwelling located within the required setback; however the current septic system is located outside the 30 metre setback from the high water mark. He noted the proposed development is consistent with development on the neighbouring properties and recommended approval subject to the conditions included in the planning report.

Drechsler advised there were no public comments.

43-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A12/24 – Request for Permission to Expand Legal Non-Complying Structure – 1095D Eastview Lane - shall be approved 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 December 5, 2024.

Carried

- b) ***File #A13/24 - Lot 14, Concession 6, Geographic Township of Barrie (100 Hog Island) - Application for Minor Variance for Reduced Setback from High Water Mark***

John Disano and Ann Sheppard, applicants, attended the meeting electronically.

Dmitry Kurylovich, Senior Planner, provided an overview of the Minor Variance application to permit a Class 4 sewage disposal system within the 30 metre setback. He noted the location for the proposed system is 22 metres (74 feet) from the northern edge of the island and 23.7 metres (78 feet) from the southern edge of the island. Kurylovich advised the property is developed with a one storey dwelling with an area of 104 square metres located approximately 16.7 metres (55 feet) from the highwater mark of Kashwakamak Lake; a one storey accessory structure with an approximate footprint of 37.1 square metres (400 square feet), located approximately 14 metres (47 feet) from the highwater mark; and a privy.

Kurylovich advised the proposed location of the septic field appears to be the only flat area on the island suitable to support the installation of the system. He noted some trees may have to be removed during the installation. He advised the location is within the travelled path from the existing dwelling to the accessory structure.

Kurylovich advised Mississippi Valley Conservation Authority (MVCA) had no objections to the proposed sewage system and included a recommendation in their report for standard vegetation retention to increase shoreline resiliency. Kurylovich noted the Applicant's will need to obtain a septic permit from the Township's Chief Building Official. He noted no comments were received from the public. He further noted a Class 4 sewage system is a more robust method of sewage treatment than the existing privy.

Kurylovich advised the application meets the four tests of a minor variance; and recommended approval of the application subject to the conditions included in the planning report.

Ogilvie attended the water access site on October 25, 2024. He noted the marking cards were not posted at the time of inspection, however the applicant provided photos of the posted marking cards after the site visit, within the 10 day required period. He noted his concerns with the topsoil and possible bedrock at the proposed location of the sewage system.

Tooley ask if test holes had been dug to ensure appropriate soil. Mr. Disano advised the septic installer dug test holes and determined the system could be installed in the location indicated on the site plan provided with the application.

Wood asked how the system could be installed if topsoil was not available. Kurylovich noted granular soil could be brought on site as part of installation process.

Tooley noted the property is water access only and asked if there is an appropriate landing site for the boat with the required equipment without causing damage to shoreline vegetation. Mr. Disano advised he consulted with the septic installer who identified three potential areas to bring in equipment with minimal impact to existing vegetation.

Drechsler advised there were no public comments.

44-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A13/24 – Minor Variance for Reduced Setback from high water mark – 100 Hog Island - shall be approved 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 December 5, 2024.

Carried

- c) ***File #A14/24 - Part of Lot 40, South West Range, Geographic Township of Clarendon (7598 Road 509) - Application for Minor Variance for Oversized Secondary Dwelling Unit***

Kathleen McInall, applicant, was present for hearing

Dmitry Kurylovich, Senior Planner, provided an overview of the application to permit an oversized Secondary Dwelling Unit (SDU). He advised the gross floor area of the principle dwelling is 980 square feet, the Zoning By-law permits an SDU to be 45% of the gross floor area of the principle dwelling which equals 441 square feet. He noted the area of the proposed SDU is 480 square feet; and will be serviced with an independent septic system and drilled well.

Kurylovich advised the property is developed with a one storey dwelling, a Class 4 septic system, drilled well and storage shed. He advised the location of the proposed SDU is on the western side of the property; and that the site is flexible enough to support the SDU in various locations. Kurylovich noted there is a sloped area near the proposed location and the SDU may need to be shifted towards the middle of the property to make access easier. He advised the most appropriate location is away from the southwestern lot line.

Kurylovich advised Mississippi Valley Conservation Authority had no objections, and no slope stability concerns were identified. He noted planning staff had no objections to the proposed size or location of the proposed SDU.

Kurylovich advised the issue with SDUs in the Hamlet designation is the lots are typically smaller and more susceptible to well interference. He noted a new well is proposed to be located approximately 50 metres from the neighbouring well. He advised the Township currently has no requirements for well testing at the building permit or occupancy permit stage. Kurylovich recommended approval of the application with a condition for a well test in accordance with Provincial Guideline D-5-5. He provided an outline of the well test procedure including:

- a pump test for a minimum period of 6 hours;
- water levels monitored and observation of the well at appropriate frequency;
- water level recovery period;
- a qualified well driller to conclude in writing the well yield is adequate to support proposed use and neighbouring well is not impacted; and
- a water quality test

Wood advised he attended the site on November 4, 2024, and agrees that the application meets the four tests of a minor variance. He asked the applicant how the SDU would be accessed. Mrs. McInall advised the existing driveway will be extended toward the rear of the property where the SDU will be located. Ogilvie asked if access to the SDU could be provided from Road 506. Kurylovich advised the property owner would have to contact Public Works to determine if an additional driveway could be installed.

Drechsler advised there were no public comments.

45-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A14/24 – Minor Variance for Oversized Secondary Dwelling Unit – 7598 Road 509 - shall be approved 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 December 5, 2024.

Carried

11. Other Business

a) ***Proposed 2025 Meeting Dates and Time for Committee of Adjustment***

46-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee receives for information the Administrative Report from the Clerk/Planning Manager entitled “Proposed 2025 Meeting Dates and Time for Committee of Adjustment”;

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

Monday, January 27, 2025

Monday, February 24, 2025

Monday, March 24, 2025

Monday, April 28, 2025

Monday, May 26, 2025

Monday, June 23, 2025

Monday, July 28, 2025

Monday, August 25, 2025

Monday, September 22, 2025

Monday, October 27, 2025

Monday, November 24, 2025

Monday, December 15, 2025

Carried

12. Adjournment

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

47-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 2:17 p.m. until December 16, 2024 at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary