



Committee of Adjustment Minutes

1:00 PM - Monday, August 26, 2024
Council Chambers

Present: Carl Tooley (Chair), Garry Wood, Jim Ogilvie, and Brent Smith
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) *August 26, 2024*

30-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee approves the Agenda dated August 26, 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 held July 22, 2024*

31-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the Minutes of a Meeting held on July 22, 2024, as circulated.

Carried

7. Business Arising Out of Minutes

None.

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

None.

9. Consent Applications

None.

10. Minor Variance Applications

- a) ***File #A08/24 - Plan 522, Lot 1; and Plan 699, Lot 5, Geographic Township of Barrie (1125 Rekrview Lane) - Request for Permission to Expand Legal Non-Complying Structure***

Dan Hayhurst, property owner, attended the meeting electronically on behalf of the applicant.

Jennie Kapusta, Community Planner, provided an overview of the request for permission to expand a legal non-complying structure. She advised the Applicant is proposing the following:

- Demolish a portion of the existing dwelling and construct an addition;
- Demolish and rebuild a portion of the existing uncovered and unenclosed deck along the water side of the existing dwelling, with a minimum waterbody setback of 10 metres (33 feet);
- Demolish an existing uncovered and unenclosed deck located along the south side of the portion of the existing dwelling that is to be removed;
- Construct a screen room addition to be attached to the proposed craft room addition with no further encroachment into the waterbody setback than the existing dwelling structure; and
- Construct an uncovered and unenclosed deck that wraps around the proposed screen room with a minimum waterbody setback of 11.8 metres (39 feet).

Kapusta advised the property is developed with a one storey dwelling, plus attached uncovered and unenclosed decks; a woodshed; a boathouse; and a Class 4 septic system and Class 1 septic system. She noted the property was two separate properties that have merged on title and cannot be sold independent of each other. The existing structure was originally 2 cottages that have merged over time into one structure.

Kapusta advised Mississippi Valley Conservation Authority were formally circulated and had no objections to the proposed development;. She advised the site visit by MVCA determined there were no steep slopes on property and does not meet criteria for an erosion hazard.

Kapusta advised the Township's Chief Building Official confirmed there is no need to upgrade the existing septic services to accommodate the proposed expansion. She noted no public comments received and recommended approval of the application subject to the conditions included in the Planning Report.

Garry Wood advised he attended the site on August 8, 2024. He noted the lot is well treed and well vegetated. He noted the existing structure is locate 15-20 feet up a relatively steep slope. Wood noted there are other accessory structures on the property; however they have little impact on the application. Wood recommended approval of the application subject to the conditions included in the Planning Report.

Drechsler advised there were no questions or comments from members of the public.

32-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A08/24 – Request for Permission to Expand Legal Non-Complying Structure – Michele Hayhurst, 1125 Rekrview 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 September 16, 2024.

Carried

- b) ***File #A09/24 - Part of Lot 33, Concession 10, Madawaska River - Request for Permission to Expand Legal Non-Complying Structure***

Jim Millar, Applicant, was present for the hearing.

Dmitry Kurylovich, Senior Planner, provided an overview of the request to expand a legal non-conforming structure. He advised the Applicant is proposing the following:

- Demolish the existing structure and rebuild within the same footprint;
- Expand the footprint of the existing one storey non-complying dwelling with the expansion located to the west and south of the existing footprint.
- Reduce the waterbody setback on the western side of the dwelling from 14.31 metres (46.98 feet) to 12.5 metres (41.0 feet)
- Raise the height of the building to comply with the Ontario Building Code.

Kurylovich advised the property is developed with a one storey dwelling and privy. He

noted some vegetation may need to be removed to allow the proposed expansion, however the trees are considered hazardous due to proximity to dwelling and health of trees. He advised the removal of the trees has been approved by the Ministry of Natural Resources and Forestry (MNRF).

Kurylovich advised a Work Permit has been issued by MNRF for the proposed development. He advised the Township's Chief Building Official (CBO) advised a class 2 system (grey water pit) will be required if the structure contains any plumbing or drains; and that the system must be setback 30 metres from the high water mark. Mr. Millar advised he has no intention of installing plumbing or fixtures in the proposed structure.

Kurylovich noted the shoreline is well vegetated; and that, due to shape of parcel, any increase in the width of the dwelling would result in a reduced setback. He advised there is no anticipated impact on the quality of the river or the shoreline aesthetic. Kurylovich recommended approval of the application subject to the conditions included in the Planning Report.

Carl Tooley attended the site on August 15, 2024;. He noted the required marking cards were posted. He advised the structure is located on Crown Land on Madawaska River and is an older structure which needs to be replaced. He noted MNRF is supportive of the proposed structure and recommended approval of the application subject to the conditions included in the Planning Report.

Jim Ogilvie asked if there is location for the parking of a barge along the shoreline. Mr. Millar advised there is an adequate location.

Mr. Millar noted the Ontario Building Code (OBC) sets out a 15 metre setback from the high water mark for a septic system and asked for clarification regarding the Township's requirement for a 30 metre setback. Kurylovich advised the OBC sets out the bare minimum for requirements and the Planning Act allows for more restrictive measures.

Mr. Millar advised the work permit from MNRF allows for a 15 metre setback for a privy. he asked if information regarding grey water filters had been considered as there have been many upgrades to the systems.

Kurylovich advised if there is a future proposal for a grey water pit within 30 metres, a Minor Variance would be required. He noted Mr. Millar can meet with the CBO to discuss potential locations and setbacks of a grey water pit; and amend the application to include a reduced setback. Mr. Millar advised he does not want to defer the decision on the application and will not install any fixtures, but will discuss with the CBO to see about future options for a system.

Wood asked if the applicant would be able to apply for a Minor Variance in the future for a septic system. Kurylovich advised an application could be submitted; however planning staff may not support a reduced setback from the high water mark if the 30 metre setback

is achievable. Tooley asked Mr. Millar how the grey water will be disposed of. Mr. Millar advised it will be disposed of in the yard. Kurylovich advised there are established best practices for the disposal of grey water in a responsible manner.

Mr. Millar advised that, as there is no shower or sink in place, the grey water will be disposed of outside; and that he would like to proceed with a decision on the application in front of the Committee with no amendments. Ogilvie noted, based on the provided site plan, there appears to be space at the rear of the property for a grey water pit. Tooley advised there is a slope towards the rear of the property with rock out crops.

Drechsler advised there were no questions or comments from members of the public.

33-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That Planning Application File #A09/24 – Request for Permission to Expand Legal Non-Complying Structure – Ministry of Natural Resources and Forestry (Applicant: Jim Millar) - shall be approved subject to the conditions noted in the Planning Report and the MNRF Work Permit;

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 September 16, 2024.

Carried

11. Other Business

None.

12. Adjournment

a) Adjournment of the Committee Meeting

34-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 1:48 p.m. until September 23, 2024, at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary