



Committee of Adjustment Minutes

1:00 PM - Monday, May 27, 2024
Council Chambers

Present: Carl Tooley, 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); and Councillor Roy Huetl, Council Liaison

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) *May 27, 2024*

8-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee approves the Agenda dated May 27, 2024, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

Carl Tooley declared a pecuniary interest in Item 9(b) and 10(a).

5. Delegations

None.

6. Adoption of Minutes

a) *Minutes of Meeting*

9-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the following Minutes as circulated:

1. A Meeting held February 26, 2024; and
2. A Meeting held March 25, 2024.

Carried

7. Business Arising Out of Minutes

None.

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

None.

9. Minor Variance Applications

- a) ***File #A02/24 - Part of Lots 4 and 5, Concession 11, Part 6 on Registered Plan 13R-12020, Geographic Township of Miller (2035 Grindstone Lake Road) - Request for Permission to Expand Legal Non-Complying Structure***

Peter Hagerman and Jody Hagerman were present for the hearing.

Jennie Kapusta, County Planner, provided an overview of the application which includes the demolition, relocation and reconstruction of existing structures. She noted there are structures located on the Township owned Shore Road Allowance; and that the applicants have submitted an application to purchase the Road Allowance. She advised a building permit can't be issued if any portion of the proposed dwelling is located within the Road Allowance. A condition has been included within the Notice of Decision to address this.

Kapusta advised the current septic system is suitable for the proposed development. She noted if there are any changes to the proposed development, a septic assessment may be required. She advised there is a slope on the property; however Mississippi Valley Conservation Authority screened the application out of it's formal review process.

Kapsuta recommended approval of the application subject to the conditions included in the planning report.

Tooley advised he attended the site on May 4, 2024 and the required marking cards were posted. He recommended including a condition to have the septic system pumped out, inspected and replaced (if required). He advised he is supportive of the application as the existing cottage is close to the water and the proposed dwelling is as far back as possible.

Drechsler advised there were no comments from the public.

10-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A02/24 – Application for Minor Variance – Peter Hagerman, 2053 Grindstone Lake Road - 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 June 7, 2024;

And That a condition be added that the septic system be pumped and inspected; and replaced, if necessary.

Carried

- b) ***File #A01/24 - Part of Lot 34, Concession 14, Geographic Township of Clarendon (1628C Beach Road) - Request to Expand Legal Non-Complying Structure***

Report found under Item 10.a.

10. Appointment of Chair

- a) ***Appointment of Chair for Items 9 b) and 10 a).***

11-24 Moved by Jim Ogilvie, Seconded by Garry Wood

Be It Resolved That the Committee appoints Garry Wood to Chair in the absence of Carl Tooley.

Carried

11. Consent Applications

- a) ***File #B02/24, #B03/24 & #B04/24 (Creation of New Lots); #B05/24 (Creation of ROW and Boat Launch) - Part of Lot 1, Concession 13, Geographic Township of Barrie (Shawenogog Lake)***

Note: Carl Tooley declared a pecuniary interest and left the meeting at this time.

Lewis Gaylord, Applicant, was present for the hearing.

Planner Comments

Jennie Kapusta, County Planner, provided an overview of the consent applications which consist of:

- Creation of three water access lots
- Right of Way for deeded parking area and boat launch on main land property

Kapusta advised the proposed lots were between 2 and 4 hectares, with steep slopes and wetland areas identified on the proposed severed lots and the retained lot. She noted the water access lots require deeded parking access and boat launching access to ensure the new lots will have access on Sand Lake in perpetuity. Kapusta noted a septic review of the proposed lots was performed by Matt Doyle from South Frontenac (approval authority at the time the applications were received) and no concerns or

objections were identified.

Kapusta advised the main land property is a peninsula with a steep slope. She noted there is a cleared area at the top of the peninsula, with a large rock in the centre. She advised the parking area will consist of 4 parking areas, with 2 spots each; and that the parking area and boat launch will be surveyed and identified. The parking area and boat launch will be registered to the new lots if approved.

Kapusta provided an overview of the Minor Variance application for the expansion of the legal non-complying structure currently used for storage on the main land property. She advised the applicant is proposing to add porches to the east and west sides of the structure; and rebuild the porch on the water side of the structure under the existing overhang. Kapusta noted there is no septic system on site and, as there is no indication of an increase in living space, servicing is not required.

Kapusta advised a septic review was not required for the creation of the Right-of-Way and was not completed for the expansion of the mainland structure, as there were no changes in the servicing. Kapusta advised Mississippi Valley Conservation Authority (MVCA) expressed concerns regarding potential building envelopes including the placement of septic systems on the proposed lots due to the steep slopes and potential erosion hazards.

Kapusta noted public comments were received regarding the following issues:

- Overburdening of the private portion of Beach Road
- Impact increased travel will have on the condition of the existing road
- If the proposed development meets the minimum requirements for emergency services vehicle access
- Steepness of the slope on the driveway accessing the parking area
- Erosion concerns into the wetland area
- Potential water navigation concerns
- Archaeological potential due to historic Indigenous travel routes
- Reduction in useable lot area on the mainland parcel

Kapusta recommended deferral of the applications until technical and public comments are addressed.

Public Comments

Jeff O'Reilly expressed concerns the proposed boat launch will become a public boat launch, as there is no boat launch on Sand Lake or Shawenogog Lake. Mr. Gaylord advised signs can be posted to indicate the boat launch is for private use only. He advised there is a public boat launch down the road. Mr. O'Reilly asked if the road could be gated and locked to prevent public access. Mr. Gaylord advised the proposed lots are for family members; and there is no intent to increase the use of the road or number of boats accessing the lakes.

Evangelos Rigakis, resident, advised he is concerned about the navigation route to Shawenogog Lake. He noted water levels change throughout the year and there is a marshy area adjacent to the mainland property where the boat launch is proposed. Mr. Rigakis advised he is also concerned about the size and number of docks; the large slope on the Shawengog site; and the placement of septic systems. Kapusta advised the Zoning By-law only permits one dock per property and establishes the maximum size permitted. She noted docks cannot be a navigation hazard.

Jason Tooley, resident, advised there is a large, unmarked rock outcrop in front of the existing dock, which creates a hazard when navigating from Shawenogog Lake to Sand Lake. He noted if a dock comes out from the boat launch, it will cause people to navigate towards the rock. Mr. Gaylord advised he is aware of the rock; however the dock on the mainland parcel does not create a navigation hazard. He noted there is no intention to increase the size of the dock.

Mieske read aloud two public comments received after the agenda had been posted.

Malcolm Leith, resident, expressed concerns regarding the number of properties using the docking facilities; the elevation of the proposed lots on the Shawenogog Lake side; and the potential impacts of the septic systems on the lakes.

Applicant Comments

Mr. Gaylord advised the proposed lots are large, with many buildable areas away from the steep slopes. He noted there is approximately 1400 feet of water frontage. Kapusta advised, based on the septic review from South Frontenac and comments from a previous site visit, it was her opinion the slopes were not an issue. She advised MVCA is asking for a slope stability assessment or topographical survey to determine suitable building areas. She noted if an alternative proposal is being considered, it must be presented to MVCA for consideration. Mr. Gaylord noted the cost of an assessment is expensive. He advised County Planning staff attended the site and the septic review from South Frontenac stated there were no concerns. Kapusta advised the Committee is the approval authority and can include the assessment as a condition of approval. Mr. Gaylord asked if another site visit was a possibility prior to the slope stability assessment being completed. Kapusta advised she would speak with MVCA to see if they would consider an additional site visit.

Committee Comments

Garry Wood attended the site on May 8, 2024. He advised he saw no issues with the proposed new lots, as all the lots were large with suitable frontage. He noted he cannot comment on the erosion hazard or soil stability with respect to the steep slopes.

Wood advised the property with the existing dwelling has a legal Right-of-Way (ROW) off Beach Road, with the proposed lots having access to the ROW to get to the parking area. Wood noted he has concerns with the grade of the driveway to the parking area as it may

be a safety issue. He noted a survey may be required to determine the grade of the driveway.

Wood noted the turn around area is located near the boat launch area and expressed concern that the area is too small to make the turn. Wood advised the existing structure appears to be close to the proposed ROW.

Wood advised the four proposed lots (three severed plus one retained) will have access to the dock and boat launch. He noted this could increase the amount of traffic at the dock and could potentially create a safety hazard.

Mr. Gaylord advised he would consider paving the driveway or using alternative materials on the driveway to reduce safety concerns. He noted the parking area is already laid out; and there hasn't been any issues with launching boats from the existing boat launch and dock in the past.

Jim Ogilvie noted there appears to be approximately 180 feet of open water from the mainland to the proposed lots. He asked if there was a possibility of multiple slips at the docking area. Kapusta advised the Zoning By-law provides that a dock can be a maximum of 25 square metres, with a length of 10 metres and a width of 4 metres. She noted the dock can be any configuration provided it does not create a navigation hazard.

Ogilvie asked if the existing structure on the mainland parcel will be used as a cottage with the increase in space. Mr. Gaylord advised they may install hydro and a holding tank in the future.

Brent Smith asked if there was a timeline for development on the proposed lots. Mr. Gaylord advised there are no immediate plans for development.

Wood advised he would like to include a condition requiring a survey of the mainland property, showing the topography. Mieske advised the Public Works Manager and Fire Chief could attend the property; and provide a report regarding the grade of the driveway, the size of the turn around area and emergency vehicle access.

12-24 Moved by Jim Ogilvie, Seconded by Brent Smith

Be It Resolved That Severance Application File #B02/24, #B03/24 and #B04/24 (Creation of three new lots); Severance File #B05/24 (Creation of Right-of-Way and Boat Launch); Planning Application File #A01/24 (Request for Permission to Expand Legal Non-Complying Structure) shall be deferred until all outstanding technical concerns have been addressed. including:

- survey
- turning radius confirmation by Public Works and Fire Chief
- Conservation site visit or satisfactory option for steep slopes on new lots.

Carried

Note: Carl Tooley, rejoined the meeting at this time and assumed the position of

Chair.

12. Other Business

None.

13. Adjournment

a) *Adjournment of the Committee Meeting*

13-24 Moved by Garry Wood, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 2:52 p.m. until June 24, 2024 at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Clerk