



Committee of Adjustment Minutes

1:00 PM - Monday, July 28, 2025

Council Chambers

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

Also Present: Tara Mieske, Secretary/Treasurer, Dmitry Kurylovich, Project Manager/Senior Planner, County of Frontenac; Councillor Roy Huettl (Council Liaison); Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; and Marnie Geerlinks, Administrative Assistant to the Clerk's Department

1. Call to Order

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

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 28, 2025**

27-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That the Committee approves the Agenda dated July 28, 2025, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

None.

5. Delegations

None.

6. Adoption of Minutes

a) **Minutes of Meeting**

28-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the Minutes of a Meeting held on June 23, 2025, as circulated.

Carried

7. Business Arising Out of Minutes

None.

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

None.

9. Consent Applications

a) ***File #B08/25 - Part Lot 25, Concession 8, Geographic Township of Barrie - Lot Addition***

The Applicant and/or Agent were not present for the hearing.

Dimitry Kurylovich, Senior Planner, provided an overview of the lot addition application to correct an encroachment of a structure onto the abutting property. He advised the area of the proposed lot addition parcel is approximately half an acre, shown as Part 5 on [RP 13R 23307](#). He noted the Official Plan designation of the subject property is Waterfront Area and the Zoning designation is Limited Service Waterfront. He advised the benefitting lot is approximately 2.6 acres and located at the end of Cannon Trail, being a private Right-of-Way. He noted the subject property is developed with a dwelling and an accessory structure, which is the cause of the request for a lot addition.

Kurylovich advised the subject property is a large, water access only lot, with no road frontage or legal deeded access to Cannon Trail or Salmonberry Lane. He noted the subject parcel is developed with two dwellings and an accessory structure. He advised the Official Plan designation is Waterfront Area with an Area of Natural and Scientific Interest (ANSI) layer located outside of the impacted area; and the Zoning designation is split between Limited Service Waterfront along the lake and Limited Service Rural on the interior portion.

Kurylovich noted the area being dealt with through this application is shown as Part 5 on Registered Plan 13R-23307, with the encroachment reflected on the survey. He advised the proposed lot addition will bring the benefitting lot into compliance with the required side yard setback.

Kurylovich advised the application was provided to Mississippi Valley Conservation Authority (MVCA) for review and comment. MVCA noted as there was no new development proposed; they had no objections. He advised the Chief Building Official did not require a septic inspection. No public comments were received regarding the

application.

Kurylovich recommended approval of the application subject to the conditions included in the planning report. He noted the proposal will have no impact on the adjacent property; will bring the existing structure into compliance with the Zoning By-law; and will enlarge a waterfront lot with no change to the shoreline frontage on the retained or benefitting lot.

Carl Tooley attended the site on June 30, 2025 and noted the required marking signs were posted. He advised the proposed lot addition will solve the existing encroachment issue. Tooley advised he agrees with the planning report and recommended approval with conditions

Geerlinks advised there were no public comments.

29-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Consent Application File #B08/25 for a Lot Addition shall be approved subject to the conditions noted in the Planning Report;

And That the Secretary shall issue the Notice of Decision by August 11, 2025;

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 #09/25 - Part Lot 25, Concession 8, Geographic Township of Barrie - Creation of Right-of-Way Easement

The Applicant and Agent were not present for the hearing.

Dmitry Kurylovich, Senior Planner, provided an overview of the application to create a Right-of-Way (ROW) easement across 1429 Cannon Trail for the benefit of the large parcel to the south. He advised the proposed ROW will only provide the large parcel access across 1429 Cannon Trail; permission to access or travel Cannon Trail or Salmonberry Lane will not be granted through this application.

Kurylovich advised the application is proposed to settle an estate matter. He noted under the Planning Act, linkages or connections to established road networks must be considered for all land division applications. He noted County Planning staff advised the applicant's agent that the proposal creates a ROW that leads nowhere; however the applicant advised the purpose of this application is not to resolve the existing access but only provide legal deeded access across 1429 Cannon Trail. Kurylovich advised if the application is approved, the applicant will still be required to obtain easements from property owners along Cannon Trail and Salmonberry Lane.

Kurylovich advised a condition was included in the decision for the applicant to enter into a development agreement advising that the benefitting lot has no legal deeded access to Cannon Trail, Salmonberry Lane leading to Head Road. He noted the property is currently water access only and this will continue. Kurylovich advised that for the lot to gain access to Head Road, a ROW easement across all the lots bisected by Cannon Trail and Salmonberry Lane must be obtained by the property owner. He advised the ROW extension must comply with the policies of the Township's Private Land Standards. Kurylovich advised the development agreement includes a provision stating no improvements that will allow vehicular access from 1429 Cannon Trail to the benefitting lands are permitted until the applicant receives consent for a ROW easement across all the properties on Cannon Trail and Salmonberry Lane.

Kurylovich advised there were no issues from technical agencies. He noted Mississippi Valley Conservation Authority was circulated for information purposes, as there appeared to be no obvious natural hazards. He advised two public comments were received, as well as a letter of response from the Applicant's agent.

Kurylovich advised the proposed development agreement will prevent upgrades to the ROW, prior to the access across Cannon Trail and Salmonberry Lane being established by the applicant. He noted the agreement also makes it clear no permission is being granted across Cannon Trail and Salmonberry Lane through this planning application. He advised planning applications do not set precedent; decisions regarding applications are determined on individual merits and how the applications comply with relevant rules and policies. Kurylovich noted this is not a typical application. He noted the purpose of the development agreement is to potentially mitigate improper use of Cannon Trail and Salmonberry Lane.

Carl Tooley advised he attended the site on June 30, 2025 and the required marking signs were posted. He advised the ROW location is shown as Part 3 on [13R 23307](#). He noted the proposed ROW is well laid out with no wetland area or natural hazards in the area. He advised the proposed ROW has no access to the Township road; and that Committee does not have the authority to establish connections to the Township Road. Tooley recommended approval subject to the conditions included in the Planning Report.

Jim Ogilvie asked how the applicant currently accesses the benefitting property. Kurylovich advised the only legal way to access the parcel is by water. Ogilvie noted if the subject parcel was planning to develop the large parcel, they could open a marina to provide access to the retained parcel. Kurylovich advised the subject parcel would have to be zoned to permit a marina. He noted the retained parcel is already developed.

Garry Wood asked if the Committee denies the ROW application, would this impact the settlement of the estate or the encroachment of the garage. Kurylovich advised the Committee has already approved the lot addition which dealt with the encroachment.

Nauni Parkison, neighbouring property owner at 1428 Cannon Trail, advised she

provided a letter of objection for the ROW application. Ms. Parkinson noted the first application submitted to the Township stated the intent of the application was to "provide access to adjacent property to Cannon Trail". She noted the language in the application changed to "estate planning". Ms Parkinson advised the estate has existed for approximately 25 years. She noted the change in terminology appeared tactical. She noted the proposed ROW will create an access along their property line to connect with Cannon Trail.

Ms. Parkinson advised the Planning Act sets criteria when applications are being considered. She noted the proposed ROW does not provide access to anything; and that if the application is approved, this will put pressure on landowners along Cannon Trail and Salmonberry Lane to permit legal access through their property. She noted the property owner had several opportunities to contribute to the construction of Cannon Trail and enter into the original ROW agreement, but has consistently refused. She advised access to the lots has always been by boat. She advised their estate planning should not be detrimental to other property owners along Cannon Trail.

Kurylovich advised the survey provided with the application shows a clear a connection to Cannon Trail. Planning staff noted the connection and advised the applicant/agent that creation of the ROW will not permit access over Cannon Trail or Salmonberry Lane. Kurylovich advised it is important to consider what the development agreement will do by adding an additional layer of protection to other land owners.

Woods advised this appears to be an estate planning issue of 26 acres with the future development or use of the property unclear; therefore it's difficult to know what the best access to the property should be. If the Committee approves a ROW, this may not be the best access to the land. He advised it seems premature to grant the ROW without knowing what the future uses might be. Woods noted a development agreement may be difficult for the Township to enforce.

Ogilvie asked if a gate could be put up to prevent access to Cannon Trail from 1429 Cannon Trail. Ms. Parkinson advised 1429 Cannon Trail has a legal deeded access so it could not be gated. It is only the large parcel which does not have access. She advised the Township By-law requires newly created water access lots to have deeded parking which is accessed by a road to service the new lots.

Kurylovich advised, from a planning perspective, it is not uncommon to get ROW access over a length of time. He noted the intent may be to eventually gain access to Head Road. However; he advised future use shouldn't be the basis of the Committee's final decision. Wood noted future use could have an impact on the use of the ROW, which may make a bad situation worse.

Joan Hayes, resident, advised approval of the ROW application will result in an excessive increase of traffic. She noted the neighbours have a right to the enjoyment of their property and this application will have a negative impact.

Tooley advised the applicant wants to give a ROW to the adjacent property to provide access over their property to Cannon Trail. They will still need to get permission from the neighbours to get access. He advised access over Cannon Trail is not a matter for the Committee to consider. He also noted the Committee cannot speculate on what the owner is going to do with the property; the application for consideration is only for a ROW across 1429 Cannon Trail with a development agreement in place.

Kurlylovich advised the Township does not have a Site Alteration By-law to regulate the clearing of trees or grading on a property. He noted the subject property could build of driveway to provide the large parcel illegal access. He advised the development agreement would be in place to address and mitigate risks. He advised he does not support a ROW that doesn't connect to anything; however if there is an eventual connection to Head Road, the development agreement will ensure the Private Lanes Policy is enforced.

Ogilvie asked if the proposed shape of the ROW along the property line is the only shape that works. Ms. Parkinson advised the location of the existing garage makes it impossible for Cannon Trail to continue straight through the property. She asked if a different access could be created in the future if the ROW is approved as proposed. Kurylovich advised Part 3 could be relinquished and a new access be determined.

Ms. Hayes asked if a ROW is permitted to run along a property line, with no setback. Kurylovich advised it is a common occurrence for a ROW to run along a property line.

Woods noted the application seems premature when it is unknown what the future use of the large property will be. He noted a better solution may present itself when the use of the large property has been established.

Kurylovich advised if the Committee considers this application within the context of linkages, this application will not establish a connection to Head Road. He noted the development agreement will involve the Township in this situation. Wood noted the administration of the development agreement could be difficult to monitor.

30-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Consent Application File #B09/25 for the creation of a Right-of-Way Easement shall be approved subject to the conditions noted in the Planning Report;

And That the Secretary shall issue the Notice of Decision by August 11, 2025;

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*.

Defeated

31-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That Consent Application File #B09/25 for the creation of a Right-of-Way Easement shall be denied;

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 11, 2025.

Carried

10. Minor Variance Applications

None.

11. Other Business

None.

12. Adjournment

a) *Adjournment of the Committee Meeting*

32-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That the meeting adjourns at 3:07 p.m. until August 28, 2025, at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary/Treasurer