

Committee of Adjustment Minutes

1:00 PM - Monday, June 22, 2026

Council Chambers

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

Also Present: Brooke Drechsler, Secretary/Treasurer; Tara Mieske, Clerk/Planning Manager; Marnie Geerlinks, Administrative Assistant to the Clerk's Department; Councillor Roy Huetl, Council Liaison; Sonya Bolton, Manager of Community Planning, County of Frontenac; Dmitry Kurylovich, Community Planner, County of Frontenac (Electronic Participation); Jennie Kapusta, Community Planner, County of Frontenac; and Lauren Breen, Planning Student 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) *June 22, 2026*

25-26 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That the Committee approves the Agenda dated June 22, 2026, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

Carl Tooley declared a Pecuniary Interest in item 10a under Business Arising.

5. Delegations

None.

6. Adoption of Minutes

- a) ***Minutes of Meeting held May 25, 2026***
26-26 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That the Committee adopts the Minutes of a Meeting of the Committee of Adjustment/Planning Advisory Committee held on May 25, 2026, as circulated.

Carried

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

None.

8. Consent Applications

None.

9. Minor Variance Applications

- a) ***File #A08/26: Lot 8, Plan 13M53, Geographic Township of North Canonto (1303A Heron Way) - Minor Variance Application***

Lee and Nicole James, Applicants, were present for the hearing.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application for a Minor Variance to permit an oversized gazebo and a boathouse with no opening to the water. He advised the application proposes to construct an open-sided Gazebo with an area of 22.3 square metres (240 square feet), setback 5 metres (16.4 feet) from the highwater mark of Norcan Lake. He noted the Zoning By-law provides that a gazebo shall not exceed 13 square metres (140 square feet) and is permitted with a minimum setback of 5 metres (16.4 feet) from the high water mark. He advised the Zoning By-law also provides that waterfront structures which are unattached to a main building shall not exceed a combined footprint of more than 20 square metres (215 square feet) for all structures within the 30 metre (98.4 foot) setback from the high watermark.

Kurylovich advised the applicant also proposes to construct a Boathouse with a maximum area of 15 square metres (161 square feet) setback 3 metres (9.8 feet) from the highwater mark of Norcan Lake. He advised the Zoning By-law defines a Boathouse/Boat Port as "a one storey accessory building with a maximum height of 4.5 metres (14.8 feet) that does not contain habitable living space or plumbing, has an opening to the water body of an appropriate size to accommodate a boat and is connected to the water body by a boat slip, boat lift, or marine railway". Kurylovich advised that the proposed variance seeks to construct a boathouse that is not located directly on the shoreline and is not connected to the waterbody for the purpose of storing canoes, kayaks and related equipment.

Kurylovich advised the property is currently developed with the following:

- a two storey 166 square metre (1,787 square foot) dwelling setback approximately 31.6 metres (104 feet) from the highwater mark of Norcan Lake;
- a one storey 112 square metre (1,206 square foot) garage setback approximately 54 metres (177 feet) from the highwater mark; and
- a Class 4 septic system setback approximately 60 metres (197 feet) from the high watermark.

The property is zoned Residential Waterfront Exception Zone 3d (RW-X3d), noting this zoning designation was created for the development of the subdivision.

Kurylovich advised that the application meets the four tests of a Minor Variance and recommended approval of the Minor Variance, subject to the conditions included in the planning report.

Jim Ogilvie advised he attended the site and met with the applicant on June 16, 2026. He stated the proposed development area was staked; however the overgrowth of vegetation made seeing signs from the waterfront difficult. He noted the property is a mixed forest of pine, birch and poplar; and that the proposed area had many trees knocked down during a windstorm and is now overgrown with raspberry bushes. Ogilvie advised that no neighbours would be impacted and recommended approval, subject to the conditions included in the planning report.

Geerlinks advised there were no comments from the public.

27-26 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That Planning Application File #B08/26 - Minor Variance - 1303A Heron Way - 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 July 3, 2026.

Carried

b) *File #A09/26: Lot 2, Plan 417, Geographic Township of Miller (1056A Kerr Lane) - Request Permission to Enlarge a Legal Non-Conforming/Non-Complying Structure*

Paul Burke, Applicant was present for the hearing.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application to expand a legal non-conforming/non-complying structure with the following additions:

- Construct a two storey 3.7 square metre (40 square foot) dwelling addition on the southwest corner of the existing dwelling;

- Conversion of an existing 14.86 square metre (160 square foot) sunroom to dwelling space;
- Excavate a portion of the basement to increase ceiling height and reinforce current dwelling foundation; and
- Interior alterations to the existing dwelling.

Kurylovich advised that the property is zoned Limited Service Waterfront (LSW) and the existing dwelling is considered to be legal non-conforming due to the deficient waterbody setback. Based on measurements taken by County planning staff, the closest point of the dwelling (deck) is located approximately 8 metres (26 feet) from the highwater mark of Grindstone Lake whereas 30 metres (98 feet) is required by the current Zoning By-law. Kurylovich explained the proposed development is located on the non-waterside of the dwelling and will not result in any further encroachment into the waterbody setback. He noted the proposed addition will square off the existing dwelling, minimally increasing the footprint.

Kurylovich advised the application meets the criteria under section 45(2) of the Planning act and recommends approval subject to the conditions included in the planning report.

Garry Wood advised he attended the site on May 31, 2026 and noted that the required signs were posted at this time. Wood advised the property is relatively flat with easy vehicular access from the road to the dwelling and garage. He added there are 5 existing buildings on the property, including an outhouse. Wood advised that there are no trees around the area of the cottage that would be affected and recommended approval of the application subject to conditions included in the planning report.

Geerlinks advised there were no comments from the public.

28-26 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A09/26, a Request for Permission to enlarge a Legal Non-Conforming/Non-Complying Structure, 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 July 3, 2026.

Carried

- c) ***File #A10/26: Lot 9, Plan 1007, Geographic Township of Clarendon (1198A Helen Lane) - Request Permission to Enlarge a Legal Non-Conforming/Non-Complying Structure***

Branko and Diane Racki, Applicants, were present for the hearing.

Dmitry Kurylovich, Senior Planner, provided an overview of the application for permission to expand a legal non-conforming structure. Kurylovich advised that the application

proposes to:

- Replace an existing unenclosed, uncovered deck with a 6.69 square metre (72 square foot) screened in porch and 37.9 square metre (408 square foot) covered deck on the east side of the existing dwelling.

Kurylovich advised the subject property is developed with the following:

- A one storey dwelling with a footprint of 154 square metres setback 13.7 metres (45 feet) from the high water mark of Big Gull Lake;
- A sleep cabin with a footprint of 28 square metre (304 square foot) setback approximately 2.4 metres (8 feet) from the high water mark;
- A shed with a footprint of 11 square metre (120 square foot) shed located approximately 18.3 metres (60 feet) from the high water mark; and
- A privy located approximately 36 metres (120 feet) from the high water mark.

Kurylovich advised that planning staff attended the property on May 29, 2026 and identified a number of discrepancies between the submitted site plan and on-site observations. Kurylovich noted it appeared a significant amount of demolition and construction activity had already occurred at the time of the site visit, making it difficult to determine the extent of the footprint of the original dwelling.

Kurylovich advised Municipal Property Assessment Corporation (MPAC) records indicate that the property is developed with a 695 square foot dwelling constructed in 1975. However, the submitted application form and site plan identify the existing dwelling as having a floor area of 1,664 square feet. He advised aerial imagery captured in 2020 indicates that the southwestern corner of the dwelling did not exist at that time. However, based on observations from within the partially constructed dwelling, together with the existing foundation, it appears this area has been enclosed and represents approximately 320 square feet of additional floor area.

Kurylovich advised that the satellite imagery available to planning staff does not confirm the existence of a deck on the east side of the dwelling, where the development considered by this application is proposed. He added the submitted site plan identifies the area to the west and southwest of the dwelling as "woods." This does not accurately reflect existing site conditions, as Big Gull Lake is located directly west and southwest of the dwelling. He explained that the site measurements obtained during the property inspection confirmed that the distance between the dwelling and the water's edge is less than that shown on the submitted site plan.

Kurylovich advised that because of these discrepancies, County staff have concerns regarding the accuracy of the submitted plans and the ability to verify the extent of the pre-existing development. He recommended deferral of the application to provide time for the applicant to either submit additional information that addresses the discrepancies or revise the application.

Mr. Racki advised the dwelling was constructed in 1966 with a footprint of approximately

700 square feet; however the footprint is now 1600 square feet.

Carl Tooley attended the site on May 26, 2026 and noted that the required signs were posted at this time. Tooley agrees with the recommendation to defer the application until more information is provided by the applicant. Ogilvie advised that the motion be amended to reflect providing applicant one year from the date of this meeting to provide the information requested.

Geerlinks advised there were no comments from the public.

29-26 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A10/26, a Request for Permission to enlarge a Legal Non-Conforming/Non-Complying Structure, shall be deferred until the applicant provide the information requested in the Planning Report within one year from June 22, 2026.

Carried

Note: Carl Tooley, Member, left the meeting at this time as he declared a pecuniary interest.

10. Business Arising Out of Minutes

a) *Resolution #08-26: Severance Application File #B02/24, #B03/24, #B04/24 (Creation of Three New Lots) and File #B05/24 (Creation of Right-of-Way)*

Mark Pederson, Solicitor for the applicant, attended the meeting electronically.

Jennie Kapusta, Community Planner with the County of Frontenac advised there is no formal presentation as there has been no changes in the planning report provided to the Committee at the meeting on [April 27, 2026](#).

Jim Ogilvie requested clarification on the definition of a parking lot or an easement, and asked Kapusta to confirm if the proposed Right-of-Way will provide pedestrian access to the boat launch area. Kapusta explained that the terms "Right-of-Way" and "Easement" are interchangeable; and that the Right-of-Way will be used for pedestrian access.

Ogilvie advised he attended the site and reviewed the property on Frontenac Maps. He stated that the grade point of 16 percent indicated in the report from the Public Works Manager (PWM) and the Director of Emergency Services/Fire Chief (DESFC) appears to be incorrect. Ogilvie advised the percent grade is 30% or higher. Kapusta stated she cannot provide comments on the information provided in the report prepared by the DESFC and the PWM.

Jason Tooley, Neighbour, attended the meeting electronically and provided a

presentation to the Committee entitled "Proposed Sand Lake Development" outlining his concerns with the proposed development as follows;

- Dock location and size comparison from 2020 and 2024 with comments on the possible increase of number of boats that will need to be docked.
- Navigation and safety concerns for the corridor between Sand Lake and Shawenegog Lake.
- Launching and parking area size not adequate to accommodate the level of proposed development.
- Erosion comparison from 2014 to 2020.
- Negative environmental impacts at launching area.
- By-law #55-19 discrepancies.
- Waterfront proposed lots Lot 2 and Lot 3
 - natural vegetation buffer depletion
 - concern with docking size and location on Lot 2 and Lot 3
- legal access to properties.

Brian Card, attended the meeting electronically and provided comments as an observer. Mr. Card read comments submitted to the Committee June 19, 2026, indicating that the planning applications remain technically incomplete; raise significant concerns regarding access and public safety; and have not demonstrated that the proposed lots can be safely and appropriately developed. The concerns included the following:

- Steep slopes, shoreline constraints, wetland proximity, emergency access, road grades, legal access rights, and the functionality of the proposed boat launch and turnaround area
- Inadequate and unsafe access
- Boat launch and turning area are not functional and below acceptable standards
- Township private lane standards are not met
- Environmental and Natural hazard concerns
- Legal access has not been demonstrated
- The proposal should be considered through a plan of subdivision
- The applications remain premature and incomplete

Mr. Pederson, asked if Mr. Card was presenting as a representative of any interested parties, as his comments appeared to be identical to a letter provided by Carl Tooley. Mr. Card advised he was not representing any interested parties and has no land holdings in North Frontenac; however is an interested observer of development in North Frontenac and Council's activities.

Brent Smith, Alternate Member, advised he attended the site. He stated that he has a safety concern with the docking area, turning radius and the slope of the driveway to the parking area. He also stated he has some issues with the report from the DESFC and the PWM.

Jim Ogilvie advised he tried to find a provincial standard for grade percent. He stated

that there could be more issues during early spring or late fall due to weather conditions (i.e. ice and snow).

Ogilvie asked Mr. Pedersen if he had enough time to review the presentation from Jason Tooley. Mr. Pedersen noted he had received the presentation in advance of the meeting. He advised it was important for the Committee to understand where the applicant is coming from. He explained there has been substantial effort put into the proposed development. If the application is denied the applicant is prepared to appeal the decision. Mr. Pederson noted this would place the municipality in the difficult position of defending the Committee's decision as the applications have been supported by planning staff, Township staff and applicable agencies. Ogilvie also asked if Mr. Pedersen wanted more time to form a rebuttal to the comments provided by the public. Mr. Pedersen advised the applicant is seeking a decision on the proposed development at this meeting.

Jim Ogilvie advised he is recommending denial of the applications for the following reasons:

- Issues with water access as this could be a liability to North Frontenac;
- Parking lot dimensions are too small for turning around a vehicle with boat and trailer;
- The grade/steepness of the slope to the parking area;
- The parking area cannot accommodate the amount of parking needed for vehicles and trailers;
- Proposed development will result in needing a total of seven (7) dock slips not four (4); however the docking area can't accommodate seven boats;
- Environmental issues (docks and gravel added without permission from MVCA);
- Public safety issue;
- Legal use of Beach Road to access Right-of-Way has not been shown by the applicant.

30-26 Moved by Jim Ogilvie, Seconded by Brent Smith

Whereas, at the meeting held April 27, 2026, the Committee passed Resolution #08/26 deferring the applications to create three new lots and a Right-of-Way to provide the Applicant time to provide additional technical information;

Therefore Be It Resolved That the following Planning Applications shall be denied:

- File #B02/24 Creation of New Lot
- File #B03/24 Creation of New Lot
- File #B04/24 Creation of New Lot
- File #B05/24 Creation of Right-of-Way

for the following reasons:

1. Issue with water access
2. Size, dimension and turn around area for vehicles/boats/trailers is inadequate
3. Grade/steepness of slope up to parking area
4. Number of parking spots within the parking area
5. Environmental issues

6. Potential enforcement issues and By-law infractions
7. Public safety issues
8. Legal access to Beach Road not established
9. Width of the proposed ROW

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 July 3, 2026.

Carried

Note: Carl Tooley returned to the meeting at this time.

11. Other Business

a) Secretary/Treasurer: 2026 Ontario Association of Committee of Adjustment (OACA) Report

Brooke Drechsler and Garry Wood attended the 2026 Ontario Association of Committee of Adjustment (OACA) Conference held on May 10-13, 2026 in Ottawa and provided an overview of the sessions they attended over the course of two days;

Wood advised that the conference was very well attended and provided great content.

Drechsler discussed the different processes conducted by Committee of Adjustment members from other Municipalities.

Key items from sessions at the Conference were;

- The difference of a Judicial Review of decision regarding a planning application through the court as opposed to the Ontario Land Tribunal.
- Training schedule for the Committee members.
- Addressing Public Concerns.
- Ethical obligations of Land Use Planners within the municipal planning process.

31-26 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That the Committee of Adjustment/Planning Advisory Committee receives for information the 2026 OACA Conference Report prepared by the Secretary/Treasurer.

Carried

12. Adjournment

a) Adjournment of the Committee Meeting

32-26 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 3:11 p.m. until July 27, 2026, at 1:00 p.m. or at the call of the Chair.

Carried

Chair

Secretary