

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT**

**MINUTES 16:02  
MARCH 10, 2016**

**LOCATION:** South Frontenac Municipal Offices, Sydenham

**IN ATTENDANCE:** Ken Gee (Storrington District)  
Ron Sleeth (Storrington District-C)  
Alan Revill (Bedford District-C)  
Larry Redden (Portland District)  
Mark Schjerning (Loughborough District-C)  
John Sherbino (Loughborough District)

**ABSENT WITH REGRETS:** Bill Robinson (Portland District-C)  
David Hahn (Bedford District)

**STAFF:** Lindsay Mills – Secretary-Treasurer/Planner  
Jennie Kapusta – Deputy Secretary Treasurer

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**Item # 1: Call to Order**

**RESOLUTION:** C of A: 16:02:01

Moved by: M. Schjerning

Seconded by: A. Revill

**THAT the March 10, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Larry Redden in the Chair.**

Carried

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**Item # 2: Adoption of Agenda**

Approved as circulated

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**Item # 3: Declaration of Pecuniary Interest**

None declared

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**Item # 4: Approval of Minutes**

**RESOLUTION:** C of A: 16:02:02

Moved by: M. Schjerning

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the February 11, 2016 meeting of the Committee, as circulated.**

Carried

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**Item # 5: S-11-16-S (Tripp)**

Speaking to the Application: None

Discussion:

The subject lands consist of 2.73 +/-acres fronting on Loughborough Lake (west basin). The land is developed with two (2) detached dwellings and two (2) boathouses. The application is for the creation of one new 1.0 +/-acre lot with 45.7m of frontage on Loughborough Lake. The new lot will encompass the smaller of the two dwellings and one of the boathouses. There is currently a right-of-way across this property (Sandpiper Lane) which facilitates access to several properties. This right-of-way shall be surveyed and constructed to meet the Townships standard for private lanes along the length of the severed and retained parcels.

The by-law does not permit the creation of lots smaller than 2.5 acres in size for waterfront lots, and the west basin of Loughborough Lake is a highly sensitive trout lake. The applicant has provided an Environmental Impact Assessment completed by Mr. Reg Genge of Ontario Lake Assessments in support of this application given the fact there are currently two (2) dwellings on a single property; something which is also not permitted under the current by-law.

Conservation has no objections to the proposal as submitted. However they recommend placing a site specific zone onto the severed parcel to ensure there will be no further expansion of the living space (upward or outward) of the existing dwelling; this is in agreement with the recommendations is the EIA submitted.

Comments have yet to be received from public health.

Comments were not required from Roads.

K. Gee and R. Sleeth supported the application provided health unit report comes back in favour, and there is no expansion of the existing structure in any way.

**RESOLUTION: C of A: 16:02:03**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application S-11-16-S by Rosemarie Tripp, to create a new lot in Concession 1, Part Lot 11, Sandpiper Lane, District of Storrington until comments are received from public health.**

Carried

**Item # 6: MV-02-16-S (Campeau)**

Speaking to the Application: None

Discussion:

The subject land consists of a 5.2 +/-acre lot at the end of Beach Lane with frontage on Cranberry Lake. The land is currently developed with a four seasonal rental dwellings and accessory buildings. The proposal is for the demolition of one of the existing seasonal dwellings and an addition to another seasonal dwelling on the property. The structure to be added to is located 17.7m (58 ft.) from the high water mark of Cranberry Lake. The proposed addition is to be 30 ft. by 47 ft. and at a minimum distance of 22m (72ft.) will not encroach any further on the lake than the existing structure.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The CBO has no objections to the application.

Comments were not required from Roads. Comments from Public Health have yet to be received.

**RESOLUTION: C of A: 16:02:04**

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-02-16-S by Robert & Marlane Campeau, to permit construction within the 30m setback from water, in Concession 10, Part Lot 30, Beach Lane, District of Storrington, until comments are received from public health.**

Carried

**Item # 7: S-03-16-B (Soberman)**

Speaking to the Application: None

Discussion:

This application is an amendment to a previously approved minor variance application (MV-24-14-B).

The subject land consists of 1.16 +/-acres with frontage on Crow Lake. The proposal for MV -24-14-B was for the construction of a 12 by 22 ft. addition along with an 8 ft. by 26 ft. deck, within the 30 metre setback from the high water mark of Crow Lake. The proposal for MV-03-16-B is to extend the roofline of the cottage to cover the top of the addition

which is planned to be used as a deck; along with the construction of an upper level deck to connect this addition to an existing upper level door and landing. This upper level deck will cover the exact same footprint as the lower level deck approved in MV-24-14-B. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

Comments were not required from Roads or Public Health.

**RESOLUTION:** C of A: 16:02:05

Moved by: R. Sleeth

Seconded by: K. Gee

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-03-16-B by David Soberman, to permit construction within the 30m setback from water, in Concession 4, Part Lot 27, Hipwell Lane, District of Bedford, subject to conditions.**

Carried

|                                |  |
|--------------------------------|--|
| <b>Application No:</b>         | MV-03-16-B   |
| <b>Owner:</b>                  | David Soberman   |
| <b>Location of Property:</b>   | Concession 4, Part Lot 27, Hipwell Lane, District of Bedford, Township of South Frontenac              |
| <b>Purpose of Application:</b> | To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30 m of the HWM |
| <b>Date of Hearing:</b>        | March 10, 2016   |
| <b>Date of Decision:</b>       | March 10, 2016   |

**DECISION:** VARIANCE APPROVED, subject to conditions

CONDITIONS

1. The variance is for the construction of a 12 by 22 ft. roofline extension, along with an 8 ft. by 26 ft. upper deck to be located a minimum of 24.5 metres from the high water mark of Crow Lake.
2. No other structures shall be permitted within the 30m setback from the high water mark of Crow Lake.
3. Minor variance MV-03-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
5. The owner shall contact Rideau Valley Conservation Authority to determine the requirement for a permit.
6. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit will be required from the Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

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Item # 8: MV-03-16-B (Mikkelsen)

Speaking to the Application: Preben Mikkelsen

Discussion:

The subject land consists of 1.35 +/- acres with frontage on Canoe Lake Road and on Kingsford Lake. The proposal is for the construction of an 18 ft. by 26 ft. single story garage to be located a minimum of 4 ft. from the side property line and 66 ft. from the front property line. The by-law does not permit the construction of any accessory building in front of the main building or within 3m (9.8 ft.) of a side property line. While the garage will be in front of the main building and closer to the side lot line than permitted in the by-law, it will be in a natural rock depression and well screened by trees from both the road and neighbouring property.

The building department raised a concern regarding the location of the hydro service line to the existing structure. There was a question as to how close this line would be to the proposed development and whether it would infringe on required setbacks from hydro lines. It was noted there are several ways to address this during construction. Comments were not required from Roads, Conservation or Public Health.

L. Mills said after a site inspection he could support the application as submitted given the proposed location was well screened from the road and the neighbour’s property in a natural depression in the topography.

R. Sleeth confirmed the reduced side yard setback was sufficient.

**RESOLUTION: C of A: 16:02:06**

Moved by: A. Revill

Seconded by: M. Schjerner

**THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-04-16-B by Preben Mikkelsen, to permit construction of an accessory building in front of the primary building, in Concession 6, Part Lot 4, Canoe Lake Road, District of Bedford, subject to conditions.**

Carried

**Application No:** MV-04-16-B  
**Owner:** Preben Mikkelsen  
**Location of Property:** Concession 6, Part Lot 4, Canoe Lake Road, District of Bedford, Township of South Frontenac  
**Purpose of Application:** To vary section 5.24.2 of the Comprehensive Zoning By-law to permit construction of an accessory building in front of a main building  
**Date of Hearing:** March 10, 2016  
**Date of Decision:** March 10, 2016

**DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions**

**CONDITIONS**

1. **The variance is for the construction of an 18 ft. by 26 ft. accessory building to be located a minimum of 1.2m (4 ft.) from the side property line and a minimum of 20.1m (66 ft.) from the front property line of 8884 Canoe Lake Road.**
2. **No other structures shall be permitted in front of the main building.**
3. **Minor variance MV-04-16-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
4. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**

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**Item # 9: MV-05-16-B (Kirk)**

Speaking to the Application: Matthew Kirk

Discussion:

The subject land consists of 0.36 +/- acres with frontage on Garter Lake. The lot is currently developed with a seasonal dwelling and an accessory building. The proposal is for the demolition of the existing seasonal dwelling and the construction of a new 32 ft. by 24 ft. seasonal dwelling a minimum of 15m (50 ft.) from the high water mark of Garter Lake. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The small size of the lot along with the locations of the existing accessory building and proposed location for the new septic system make it challenging for the applicant to meet all setbacks outlined in the by-law for the RLSW zone.

Comments were not required from Roads.

Conservation has no objections to the proposal as submitted and despite the highly sensitive designation of Garter Lake do not see the need for an additional Environmental Impact Assessment given the fact the proposed development will be farther from the lake than the existing structure and only modestly larger.

Comments have yet to be received from public health.

**RESOLUTION: C of A: 16:02:07**

Moved by: A. Revill

Seconded by: J. Sherbino

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-05-16-B by Matthew Kirk, to permit construction within the 30m setback from water, in Concession 6, Part Lot 13, Garter Lake Lane, District of Bedford, until comments have been received from public health.**

Carried

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**Item # 10: MV-06-16-L (7607093 Ontario Ltd.)**

Speaking to the Application: Bob Pickering

Discussion:

The subject land consists of 0.41 +/- acres with frontage on Loughborough Lake (east basin). The lot is currently vacant. The proposal is for the construction of a 20 ft. by 44 ft. dwelling up to a minimum of 21m (70 ft.) from the high water mark of Loughborough Lake. The proposed construction will also vary the front yard setback from 20m (65.6 ft.) to as little as 2.7m (8.9 ft.). The location determined as appropriate for a septic system will greatly influence the final location and has not yet been determined due to current weather conditions.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The small size of the lot along with the topography of the land and the potential location for the new septic system make it challenging for the applicant to meet all setbacks outlined in the by-law for the RW zone. The Roads Department has specific requirements for the entrance location, but say an entrance would be possible. Conservation has requested deferral until a proper evaluation of the slope stability can be completed by their staff, once weather conditions permit; or a geotechnical report is provide from the applicant that addresses these concerns. Public Health has requested deferral of this application until such time a suitable inspection of the lot can be made; once the weather conditions permit.

Some concerns from the neighbour abutting the subject property have been raised, including potential impact on his existing well and distance to a potential septic system; along with questions over permitted shorelines uses/alterations.

A letter from Mr. Edward Ryan M.D. was read out in the meeting, concerns raised were: increased development on Loughborough Lake including construction and how it will impact water quality, the precedent this could set for future development along the lake, and the view from his existing cottage will be impacted.

J. Sherbino had concerns over construction impact on the lake.

M. Schjerning said there would be significant challenges regarding topography on the lot and questioned whether public health would be able to find a suitable location for a septic system at all.

A. Revill had concerns over setback from top of bank given the topography, and wanted the applicant to speak to the size of the proposed structure.

Bill McIlroy wanted to know about the proposed building site location with regards to the property line and his cottage.

Bill Ritchie questioned location for septic and driveway given that the site is all rock.

Bob Pickering said the plan was a multi-level structure with walkout basement and a maximum footprint of 830 square feet as per the 5% lot coverage rules. That he and his wife wanted to work with whomever they needed to make this a viable option and that they were willing to spend extra if needed to satisfy all requirements.

**RESOLUTION: C of A: 16:02:08**

Moved by: J. Sherbino

Seconded by: M. Schjerning

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-06-16-L by 7607093 Ontario Ltd., to permit construction within the 30m setback from water, in Concession 5, Part Lot 19, Northshore Crescent, District of Loughborough, until agency reports have been recieved.**

Carried**Item # 11: MV-07-16-B (Hambly)**

Speaking to the Application: Ian Hambly

Discussion:

The subject land consists of 1.22 +/- acres with frontage on Bobs Lake. The lot is currently developed with a seasonal dwelling. The proposal is for the demolition of the existing 6 ft. by 6 ft. pump house, and the construction of 10 ft. by 20 ft. screen porch, a 6 ft. by 10 ft. pump house and a 6 ft. by 65 ft. rear deck to be located a minimum of 26.8m (88 ft.) from the high water mark of Bobs Lake.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The proposed construction will not encroach on the water any more than the existing structure does as it is to be located on the side and rear of the existing dwelling.

There is some question as to whether or not the applicant's dwelling is in fact located on their property, as the parcel boundaries provided by MPAC, show it to be on the neighbours property. The applicant has been requested to provide proof of location but has yet to submit this documentation.

Comments were not required from Roads or Public Health.

Conservation has no objections.

I. Hambly said the property was resurveyed after he bought the lot but neither his lawyer nor the land registry office has any records or copies of this survey and he will have the entire property resurveyed to satisfy the township. Additionally, the screen porch is an uninsulated 3 season room similar to the rest of the cottage and he has no intention of ever changing that.

**RESOLUTION: C of A: 16:02:09**

Moved by: A. Revill

Seconded by: M. Schjerner

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-09-16-B by Ian & Patricia Hambly, to permit construction within the 30m setback from water, in Concession 4, Part Lot 22, West Point Lane, District of Bedford, subject to conditions.**

Carried

**Item # 12: MV-08-16-B (Thorp-Levitt)**

Speaking to the Application: None

Discussion:

The subject land consists of a 0.8 +/- acre island in Bobs Lake. The lot is currently developed with a seasonal dwelling. The proposal is for the construction of a 4 ft. by 38 ft. deck extension on the east side of the cottage and a 1.5 ft. by 24 ft. deck extension on the west side of the cottage, along with stairs to a lower 8 ft. by 8 ft. deck platform to be located a minimum of 2.4m (8 ft.) from the high water mark of Bobs Lake.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The location of the existing dwelling and the constraints of the island property make it challenging for the applicant to meet the setbacks in the by-law.

Comments were not required from Roads or Public Health.

Conservation has requested deferral until a proper site inspection can be performed; once the weather conditions improve to facilitate access to the island.

J. Sherbino wanted to add a French drain condition to this application as a condition.

A. Revill agreed that in this case there was no rear of property away from the lake as it was an island.

**RESOLUTION: C of A: 16:02:10**

Moved by: A. Revill

Seconded by: M. Schjerner

**THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-08-16-B by Peter Thorp-Levitt, to permit construction within the 30m setback from water, in Concession 3, Part Lot 20, Round Island, District of Bedford, until comments from conservation have been received.**

Carried

**Item # 17: Other Business**

J. Sherbino had questions over drainage for water on properties requiring a minor variance for water setback. Could we now add as a regular condition for all structures and variances closer than 15m to the water a drainage condition such as the installation of a French drain to control runoff?

**Item # 18: Adjournment**

**RESOLUTION: C of A: 16:02:11**

Moved by: M. Schjerner

Seconded by: J. Sherbino

**THAT the March 10, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:05 p.m. to reconvene at 7:00 p.m. on Thursday, April 14, 2016 or at the call of the Chair.**

Carried

\_\_\_\_\_  
Larry Redden  
Chair

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Lindsay Mills  
Secretary-Treasurer