

Minutes of Committee Of Adjustment
August, 8, 2019

Time: 7:00 PM

Location: Council Chambers

Meeting # 07

Present: Alan Revill, Mike Nolan, Ray Leonard, Tom Bruce, Mike Howe, Randy Ruttan, Ken Gee & Norm Roberts.

Staff: Claire Dodds, Director of Development Services, Trudy Gravel, Planner, Michelle Hannah, Planning Assistant & Emily Stanley, Planning Student.

1 Call to Order

2 Adoption of Agenda

a)

Resolution No. 2013-14-2

Moved by Mike Nolan Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby adopts the agenda for the August 8, 2019 Committee of Adjustment meeting.

Carried

3 Declaration of pecuniary interest

4 Approval of Minutes – July 11, 2019

a)

Resolution No. 2013-14-3

Moved by Ray Leonard Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the July 11, 2019 meeting of the Committee.

Carried

5 New Consent Applications:

a) S-13-19-L (Babcook)

Location: Part Lot 4, Concession 6, District of Loughborough, Township of South Frontenac, municipally known as 2833 Freeman Road.

Purpose of Application: Consent for conveyance of a lot addition consisting of approximately 2.23 hectares (5.5 acres) with approximately 45.72 metres (150 feet) of frontage along Freeman Road to be merged with the property addressed as 2799 Freeman Road which contains an existing residential dwelling. The retained lot, consists of approximately 17.6 hectares (43.5 acres) and approximately 20.12 metres (66 feet) of frontage along Freeman Road and contains an existing residential dwelling and barn.

The Planner delivered the planning report to the committee.

A committee member noted that the application seemed to be an unusual set-up, but that he spoke with the Director of Development Services and she assured him that it falls within the guidelines for a lot addition.

A committee member noted that it seemed to be an awkward configuration for the property but after he read the conditions of the severance approval it made sense.

Resolution No. 2013-14-4

Moved by Tom Bruce Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-13-19-L by Dale & Rhonda Babcock to convey a lot addition consisting of approximately 5.5 acres (2.23 ha) of vacant rural land with 150 feet (45.72 metres) of frontage along Freeman Road from an existing farm property at Part Lot 4, Concession 6, District of Loughborough, Township of South Frontenac, municipally known as 2833 Freeman Road, to an abutting developed rural property municipally known 2799 Freeman Road, subject to conditions.

Carried

b) S-14-19-B (Bandler)

Location: Part Lot 6, Concession 5, Parts 1-3 on Plan 13R-21341 & Part 1 on Plan 13R21687, District of Bedford, Township of South Frontenac, municipally known as 1125 James Wilson Road, Canoe Lake.

Purpose of Application: Consent for the creation of a right-of-way consisting of a width of 60 feet (18.29 metres) by 300 feet (91.44 metres) with an area of approximately 0.7 acres (0.28 ha). The location of the new right-of-way will be along the southern interior lot line in the location of the closed road allowance.

The Planner delivered the planning report to the committee.

A committee member advised that he had visited the site and he sees no issue with moving the Right-of-Way as the current Right-of-Way is particularly windy and tough to navigate, would be wise to make it straight.

Resolution No. 2013-14-5

Moved by Ray Leonard Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-14-19-B by Andrew Bandler & Andrea Sorichetti to create a Right-of-Way consisting of a width of 66 feet (20 metres) and length to be determined by an Ontario Land Surveyor located at Part Lot 6, Concession 5, subject to conditions.

Carried

6 New Minor Variance Applications:

a) MV-11-19-B (Kimmitt)

Location: Part Lots 23 & 24, Concession 10, being Parts 1-3 & 8 on Plan 13R20629, District of Bedford, Township of South Frontenac, municipally known as 966 Lee Road, Wolfe Lake.

Purpose of Application: To alter and enlarge a building or structure located within the 30 metre setback from the highwater mark and within 120 metres of the Provincially Significant Wetland, said building is located at 18 metres (60 feet) from the highwater mark/Provincially Significant Wetland. The height of the building will increase as will the overall footprint of the seasonal dwelling. The applicant is seeking relief from Section 5.10.2, Existing Buildings within 30 Metres (98.4 feet) of a Waterbody or Watercourse, 8.3.3 Waterfront Residential Zone (RW) Regulations, and Section 8.5 Special RW – Waterfront Residential Zones (RW-35).

The Planner recommended deferral until agency comments can be obtained.

A committee member advised that he visited the site and he agrees with the deferral as he would like Conservation Authority comments before making a decision and asked that perhaps the sketch be re-submitted for the application noting where the building is going to be in relation to the waterbody and wetlands on the property.

Resolution No. 2013-14-6

Moved by Mike Nolan Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance application MV-11-19-B by Tony & Michele Kimmett to allow staff and agencies time to review the application and property.

Carried

b) MV-21-19-P (Thompson)

Location: Part Lot 1, Concession 14, being Part 1 on Plan 13R9142, District of Portland, Township of South Frontenac, municipally known as 3318 Desert Lake Road, Desert Lake.

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 feet) to 1.8 metres (5.9 feet) to permit a deck with cover located at the waterfront on the subject property. The applicant is seeking relief from Section 5.8.2 a. Flooding and Shoreline Erosion Hazards and Section 8.3.3 Waterfront Residential (RW) Zone which both require a 30 metre (98.4 feet) setback from the highwater mark. And to reduce the rear yard minimum setback from 3 metres (9.8 feet) to 1.8 metres (5.9 feet), the applicant is seeking relief from section 8.3.2 For Accessory Buildings not Attached to the Principal Building which requires a setback of 3 metres (9.8 feet).

The Planner delivered the planning report to the committee.

A committee member noted that after reviewing Quinte Conservation staff comments he agrees with denying the application.

A committee member added that he agrees with the denial and with the Quinte Conservation staff because if we allow this to be left in place and approve a minor variance application after the individual has been caught building without a permit it will happen often that people build first and ask for forgiveness after which could land 'us' in a lot of hot water.

Resolution No. 2013-14-7

Moved by Ray Leonard Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby denies Minor Variance Application MV-21-19-P by Glenn Thompson & Jennifer McCallum, located at Part Lot 1, Concession 14, District of Portland, Township of South Frontenac for an already constructed covered deck located at 1.8 metres (5.9 feet) from the highwater mark, subject to conditions.

Carried

c) MV-22-19-L (Spafford)

Location: Part Lot 13, Concession 4, being Part 1 on Plan 13R7065, municipally known as 1666 Keeley Road, District of Loughborough, Township of South Frontenac

Purpose of Application: The applicant is seeking relief from Section 5.24.2 of the Township of South Frontenac Zoning By-law to permit an accessory building, being a detached garage, in the front yard of a property that contains an existing single detached dwelling and shed located in the Rural (RU) Zone.

The Planning Student delivered the planning report to the committee.

A committee member advised that he had attended the property and it seems to be pretty straight forward, although there is a hydro line running through the property but it has been addressed so he was fine with moving forward with the request.

Resolution No. 2013-14-8

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance MV-22-19-L by Karl & Michelle Spafford, located at Part Lot 13, concession 4, being Part 1 on Plan 13R7065, municipally known as 1666 Keeley Road, District of Loughborough, Township of South Frontenac to permit an accessory building, being an attached garage, in the front yard of a property, subject to conditions.

Carried

- d) MV-23-19-S (Hassefrass)
Location: Part Lots 12 & 13, Concession 8, Lot 28 Plan 1782, municipally known as 3855 Hideaway Lane, Dog Lake, District of Storrington, Township of South Frontenac.
Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 20.42 metres (67 ft) to permit the construction of a new two storey cottage with enclosed porch and attached garage. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and Section 10.3.1 of the Limited Service Residential – Waterfront (RLSW) Zone which requires a 30 metre setback from the highwater mark. Relief from Section 5.8.4 is required for a natural vegetative buffer to be maintained within 30 metres (8.4 ft.) of the highwater mark in order of accommodating for the construction of a driveway.

The Planner delivered the planning report to the committee.

A committee member advised that he agrees with the planner and the location chosen is probably the best location, although erosion and sediment in the lake is a concern, but it is addressed in the conditions and Development Agreement so there should be no issues with it if completed properly.

A committee member mentioned that it seems to be the best spot on the already existing lot and sees no issues with the application.

Resolution No. 2013-14-9

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-23-19-S by Richard & Jacqueline Hassefras, located at Part Lots 12 & 13, Concession 8 being Lot 28 on Plan 1782, municipally known as 3855 Hideaway Lane, Dog Lake, District of Storrington, Township of South Frontenac, to allow construction of a new two-storey dwelling with attached garage and enclosed porch at 67 (20.42 metres) from the highwater mark of Dog Lake, as well as the construction of a proposed driveway within the 30 metre setback of the highwater mark, subject to conditions.

Carried

- e) MV-24-19-P (Solymar)
Location: Part Lots 5 & 6, Concession 13, being Part 2 on Plan 13R21492, municipally known as Hinchinbrooke Road North, Howes Lake, District of Portland, Township of South Frontenac.
Purpose of Application: The applicant is seeking relief from Section 5.24.2 of the Township of South Frontenac Zoning By-law to permit an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing dwelling located in the Rural (RU) Zone.

The Planner delivered the planning report to the committee.

A committee member advised he visited the site and sees no issues with the application as presented.

A committee member advised that he also visited the site and due to the sheer rock to the one side of the property and the 30 metre setback from the highwater mark if they were to locate the garage to the rear of the dwelling it seems that this is the best place on the property.

Resolution No. 2013-14-10

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-24-19-P by Gabor & Shelley Solymar, located at Part Lots 5 & 6, Concession 13, being part 2 on Plan 13R21492, municipally known as Hinchinbrooke Road North, Howes Lake, District of Portland, Township of South Frontenac. To permit an accessory building, being a detached garage, in the front yard of a waterfront property, subject to conditions.

Carried

f) MV-25-19-B (Atkinson & Smith)

Location: Part Lot 4, Concession 13, Being Part 1 on Plan 13R20032, municipally known as 467 MacComish Lane, Buck Lake, District of Bedford, Township of South Frontenac

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 15.24 metres (50 ft) to permit the construction of a 384 ft² addition at the west side of the one storey cottage with deck. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and Section 10.3.1 of the Limited Service Residential – Waterfront (RLSW) Zone which requires a 30 metre setback from the highwater mark and section 5.10.2 which does not allow for enlargement of the gross floor area of an existing building with 30 metres (98.4 feet) of a waterbody or watercourse.

The Planner delivered the planning report to the committee.

A committee member advised that he visited the site and he does not support this application as he does not see it as minor because the addition is going to be about 44% of the current building. He noted that the the five by eight building does not exist and there is a deck but no building. He noted that when he was there it had just stopped raining and a lot of water was running off of the property into the water as the ground is hard packed. He noted that to remove the deck is an option but there is no where for people to sit if you take that away. He does not support this application.

The Committee chair noted that it was not raining when he attended but he thought they had done as well as they can with the lot location and the addition is not getting closer to the waterfront compared to what they have now.

A committee member added that he did not visit but asked if it would it be appropriate that the committee defer the application and have the rest of the committee go and view the property?

The Committee Chair asked if anyone in the committee feels like they should go to the property.

A Committee member noted that it should be up to the discretion of the Director of Development Services.

A Committee member noted that the applicants seem to have met all of the requirements and from that stand point he seems that it should be approved; however, he listens to the comments of the committee members and appreciates them but he would not be in support of this application being deferred.

A Atkinson, the applicant advised that the net floor space as part of the proposal will move it away from the lake and reduce the over all square footage.

The Planner advised that the applicant is required to go through the Site Plan Control process, in which additional conditions from the Conservation Authority and the Ministry of Environment, Conservation and Parks can be implemented if necessary.

A committee member said that he appreciate the committee members comments but that the committee members knowledge base is not as great as the planing staff, they raise questions and have them answered and always defer to the staff for their knowledge. He would recommend to follow directions of the planning staff.

Resolution No. 2013-14-11

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-25-19-B by Andrew Atkinson & Elizabeth Smith, located at Part Lot 4, Concession 13, being Part 1 on Plan 13R20032, municipally known as MacComish Lane, Buck Lake, District of Bedford, Township of South Frontenac. To reduce the waterbody setback from 30 metres (98.4 feet) to 15.24 metres (50 feet) to permit the construction of a 384 square foot addition to the west side of the one-storey cottage, subject to conditions.

Carried

g) MV-26-19-S (Mercer)

Location: Part Lot 4, Concession 10, being Part 13 on Plan 13R3744, municipally known as 4833B Alex McLean Lane, District of Storrington, Township of South Frontenac.

Purpose of Application: The applicant is seeking relief from Section 5.24.1 and Section 10.3.2. of the Township of South Frontenac Zoning By-law to permit an accessory building, being a detached garage, to exceed the lot coverage of the principal building and to exceed the maximum permitted height of 6 metres for a property that contains a seasonal dwelling located in the Limited Service Residential Waterfront (RLSW) Zone.

The Planner delivered the planning report to the Committee.

A committee member noted he had no issues with the application.

A Committee member asked why the garage needs to be so tall.

J Mercer, the applicant spoke to the question and advised that his residence is just around the corner from the cottage and there was a small barn on the property of the house that burnt down and this was where they stored all of their winter items in the summer and their summer items in the winter. He and his wife are looking towards retirement and will sell their house at this time but will keep the cottage; therefore, it makes sense to build the garage on the cottage property so they still have somewhere to store their items once they sell their house. They have a lot of items to store and the height increase will allow for a solid second storey floor to allow for smaller items to be stored upstairs.

The Committee member commented that he was mindful of a second storey dwelling unit, but the applicant's answer was perfect.

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August, 8, 2019

Resolution No. 2013-14-12

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-26-19-S by John Mercer, located at Part Lot 4, Concession 10, being Part 13 on Plan 13R3744, municipally known as 4833B Alex McLean Lane, District of Storrington, Township of South Frontenac. To permit an accessory building, being a detached garage, to exceed the lot coverage of the principal building and to exceed the maximum permitted height of 6 metres, subject to conditions.

Carried

7 Other Business

8 Adjournment

a)

Resolution No. 2013-14-13

Moved by Ken Gee Seconded by Norm Roberts

THAT the August 9th, 2019 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 7:47 p.m. to reconvene on Thursday, September 12, 2019 or at the call of the chair.

Carried