

Minutes of Committee Of Adjustment
June, 13, 2019

Time: 7:00 PM

Location: Council Chambers

Meeting # 05

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

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

1. Call to Order
2. Adoption of Agenda
- a)

Resolution No. 19:05:2

Moved by Tom Bruce Seconded by Ray Leonard

THAT the Township of South Frontenac Committee of Adjustment hereby adopts the agenda for the June 13, 2019 Committee of Adjustment meeting.

Carried

3. Declaration of pecuniary interest
4. Approval of Minutes – May 9, 2019
- a)

Resolution No. 19:05:3

Moved by Ray Leonard Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the May 9, 2019 meeting of the Committee.

Carried

5. Consent Applications:
- a)

S-07-19-S Campbell

Location: Part Lot 16, Concession 2, being Parts 1 & 2 on Plan 13R18546, municipally known as 4258 Davidson Road, District of Storrington, Township of South Frontenac.

Purpose of Application: Consent to create one lot consisting of approximately 0.8208 ha (2 acres) with 76 metres (250 feet) of frontage along Davidson Road which contains an existing single detached dwelling with an existing shed. The retained vacant lot will consist of 3.489 ha (8.6 acres) with 83 metres (272 feet) of frontage along Davidson Road.

The Planner delivered her report on the application.

Resolution No. 19:05:4

Moved by Mike Nolan Seconded by Ray Leonard

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-07-19-S by Rod Campbell to create one new lot approximately 0.8208 ha (2 acres) in size with 76 metres (250 feet) of frontage along Davidson Road which contains an existing single detached dwelling with an existing shed located in Part Lot 16, Concession 2, being Parts 1 & 2 on Plan 13R18546, municipally known as 4258 Davidson Road, District of Storrington, Township of South Frontenac, subject to conditions.

Carried

6. Minor Variance Applications:

a) MV-10-19-L Zanetti

Location: Part Lot 1, Concession 13, being Lot 1, Plan 1901, municipally known as 2359 Meredith Lane, Mink Trap Lake, District of Loughborough, Township of South Frontenac.

Purpose of Application: To permit the demolition and reconstruction to an existing cottage within the 30 metre (98.4 ft) setback to the highwater mark from 30 metres (98.4 ft) to 22 metres (72.18 ft) to permit the construction of the living room and den at the north side of the cottage and main floor bedroom and rear foyer at the southeast corner of the cottage. The applicant is seeking relief from Section 5.8.2a Flooding and Shoreline Erosion Hazards and Section 8.3.3 of the Waterfront Residential (RW) Zone.

The Planner delivered her report to the Committee.

A Committee Member noted that the septic system needing upgrading is concerning as the roadway to the property is very narrow and this should be taken into consideration before approval.

The Applicant spoke to the matter and noted that the roadway had recently been upgraded and that the septic tank had been pumped last year and there were no problems with accessing it.

Resolution No. 19:05:5

Moved by Ray Leonard Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-10-19-L by Claire & Dan Zanetti, located at Part Lot 1, Concession 13, being Lot 1 on Plan 1901, municipally known as 2359 Meredith Lane, Mink Trap Lake, District of Loughborough, Township of South Frontenac. To permit the demolition and reconstruction of an existing cottage within the 30 metre (98.4 ft) setback to the highwater mark from 30 metres (98.4 ft) to 22 metres (72.18 ft), subject to conditions.

Carried

b) MV-26-18 Koenig

Location: Part Lot 32, Concession 6, being Part 3 on Plan 13R186, 92 Nightingale Lane, Bob's Lake, District of Bedford, Township of South Frontenac.

Purpose of Application: To reduce the waterbody setback from 30 metre (98.4 ft) to 25.5 metres (83.66 ft) And to reduce the 15 metre horizontal setback of the top of bank of any embankment the slope of which is greater than 30 degrees from horizontal to 6 metres to permit the construction of a seasonal cottage with deck on the subject property. 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 both require a 30 metre setback from the highwater mark and Section 5.8.2b which requires a setback of 15 metres (49.2 ft) horizontal of the top of bank.

The Planner delivered her report to the Committee.

A Committee Member noted that the site is tight because of the lane which seems to run through the middle of the property and therefore, he cannot see any other spot to place the structure with the constraints of the property.

Resolution No. 19:05:6

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves minor variance application MV-26-18-B by John & Lisa Koenig at Part

Lot 32, Concession 6, being Part 3 on Plan 13R186, municipally known as 92 Nightingale Lane, Bobs Lake, District of Bedford, Township of South Frontenac to reduce the waterbody setback from 30 metres (98.4 ft) to 25.5 metres (83.66 ft) and to reduce the top of bank setback from 15 metres (49.2 ft) to 6 metres (19.7 ft) to permit the construction of a seasonal cottage with deck on the subject property, subject to conditions.

Carried

c) MV-12-19-B Williams

Location: Part Lot 17, Concession 2, being Part 1 on Plan 13R7513, 53B Bessey Lane, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application: Reduce the waterbody setback from 30 metre (98.4 ft) setback to 3.66 metres (12 ft) to permit the reconstruction of a seasonal cottage with deck and detached garage on the subject property. 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 both require a 30 metre setback from the highwater mark.

The Planner delivered her report to the Committee.

A Committee Member asked for clarification that there are two parts to this particular application, the first being a rebuild of the cottage and the second a rebuild of the garage. He noted that he had concerns with the garage if it does not go on the exact footprint and is getting larger in size or closer to the water. The Applicant spoke to the matter and confirmed that the Committee Member was correct, there are two parts to the application as he suggested. He advised that the increase in size was just to square the corners of the garage, as currently, for some reason they are not square and this is where the slight increase in size to the garage comes from. He also noted that he is currently working with the Rideau Valley Conservation Authority to implement a planting plan on the property to minimize the impact on the lake and aide in the shoreline erosion along with controlling the sediment from the property into the waterbody.

Resolution No. 19:05:7

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-12-19-B by Chris & Cheryl Williams located at part Lot 17, Concession 2, being Part 1 on Plan 13R7513, municipally known as 53B Bessey Lane, Bobs Lake, District of Bedford, Township of South Frontenac to reduce the waterbody setback from 30 metre (98.4 ft) setback to 3.66 metres (12 ft) to permit the reconstruction of a seasonal cottage with deck and detached garage on the subject property, subject to conditions.

Carried

d) MV-13-19-L Done

Location: Part Lot 12, Concession 3, being Parts 37, 38 & 39 on Plan 13R288, 1091 Cliffside Drive, District of Loughborough, Township of South Frontenac.
Purpose of Application: To permit the construction of a garage with an increase in the allowable height of an accessory building from 6 metres (19.7 ft) to 7.77 metres (25.5 ft) at the northeast corner of the subject property. The applicant is seeking relief from Section 7.3.2 of the Rural (RU) Zone which permits a maximum height of 6 metres (19.7 ft) for an accessory building.

The Planner delivered her report to the Committee.

Resolution No. 19:05:8

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-13-19-L by Stephen & Kathleen Done located at Part Lot 12, Concession 3, being Parts 37, 38 & 39 on Plan 13R288, municipally known as 1091 Cliffside Drive, District of Loughborough, Township of South Frontenac, to permit the construction of a garage with an increase in the allowable height of an accessory building from 6 metres (19.7 ft) to 7.77 metres (25.5 ft) at the northeast corner of the subject property, subject to conditions.

Carried

e) MV-14-19-B Olson

Location: Part Lot 28, Concession 7, being Part 1 on Plan 13R3661, 662 Dewitt Lane, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To reduce the 30 metre (98.4 ft) setback from the highwater mark to 10.67 metres (35 ft) to permit the demolition and re-construction of an existing cottage with an increase in floor area of 225ft² (20.9m²) and an increase in height by 1 metre (3 ft). A small building on the property that currently sits at 36 ft (10.97m) from the highwater mark will also be demolished and re-constructed at 76 ft (23.2m) from the highwater mark using the consistent dimensions and an increase in height by 2 metres (6 ft). 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 both require a 30 metre setback from the highwater mark.

The Planner delivered her report recommending deferral to the Committee.

Resolution No. 19:05:9

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance application MV-14-19-B by Anne-Marie Olson to allow staff and agencies time to review the revised application and plans.

Deferred

f) MV-15-19-B Amsden

Location: Part Lot 11 & 12, Concession 3, being Parts 6 – 12 on Plan 13R7178, 38 Warbler Lane, White Lake, District of Bedford, Township of South Frontenac.

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 8.2 metres (26.9 ft) to permit the demolition of an existing cottage and construction of a new cottage and decking. 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 both require a 30 metre setback from the highwater mark.

The Planner delivered her report to the Committee.

A Committee Member noted that he visited the site and although it is a large piece of property it is mostly a cliff and it seems reasonable to replace the building where it is as long as it meets all other requirements and conditions stipulated.

A Committee Member questioned the change from the Application that was brought forward and approved in December pertaining to the same property and structure.

The Applicant spoke to the matter and advised that the plan with the application that was approved in December had a jog in the cottage design, and this application does not as his designer advised that it would be easier without the jog, which would mean that the cottage would be square, however, any change in the plan of a Minor Variance requires a new Minor Variance to be approved.

Resolution No. 19:05:10

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-15-19-B by Brian & Sharon Amsden, located at Part Lot 11 & 12, Concession 3, being Parts 6 – 12 on Plan 13R7178, 38 Warbler Lane, White Lake, District of Bedford, Township of South Frontenac to reduce the waterbody setback from 30 metres (98.4 ft) to 8.2 metres (26.9 ft) to permit the demolition of an existing cottage and construction of a new cottage and decking, subject to conditions.

Carried

g) MV-16-19-B Frost & Rottine

Location: Part Lot 4, Concession 4, being Part 1 on Plan 13R716585, 138 Timmerman Road, Sand Lake, District of Bedford, 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 a seasonal dwelling located in the Limited Services Residential Two (RLS2) Zone.

The Planner delivered her report to the Committee.

A Committee Member noted that there was no reasonable place to put the garage in the rear of the lot, and even though it is in the front yard it will not be seen from Timmerman Road.

Resolution No. 19:05:11

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-16-19-B by Sandra Frost & Harold Rottine, located at Part Lot 4, Concession 4, being Part 1 on Plan 13R16585, municipally known as 138 Timmerman Road, Sand Lake, District of Bedford, Township of South Frontenac to permit an accessory building, being a detached garage, in the front yard of a waterfront property that contains a seasonal dwelling located in the Limited Services Residential Two (RLS-2) Zone, subject to conditions.

Carried

h) MV-17-19-P Ottenhof

Location: Part Lots 21 & 22, Concession 11, being Part 1 on Plan 13R19586, 5536 Bellrock Road, 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 property that contains an existing single detached dwelling located in the Rural (RU) Zone.

The Planner delivered her report to the Committee.

Resolution No. 19:05:12

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-17-19-P by Jeff & Kristi Ottenhof, located at Part Lots 21 & 22, Concession 11, being Part 1 on Plan 13R19586, 5536 Bellrock Road, District of Portland, Township of South Frontenac, to permit an accessory building, being a detached garage, in the front yard of a property that contains an existing single detached dwelling located in the Rural (RU) Zone, subject to conditions.

Carried

i) MV-18-19-S Carmichael

Location: Part Lot 15, Concession 8, being Part 1 on Plan 13R13059 & Parts 1 to 3 on Plan 13R21500, 4004 Hiawatha Lane, Dog Lake, District of Storrington, 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 single detached dwelling located in the Limited Services Residential Waterfront (RLSW) Zone.

The Planner delivered her report to the Committee.

A Committee Member advised that upon a visit of the site he believes it is the perfect spot, there is a large vegetative buffer and he thinks it should be approved as applied for.

Resolution No. 19:05:13

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-18-19-S by Jeremy & Sarah Carmichael, located at Part Lot 15, Concession 8, being Part 1 on Plan 13R13059 & Parts 1 to 3 on Plan 13R21500, municipally known as 4004 Hiawatha Lane, Dog Lake, District of Storrington, Township of South Frontenac to permit an accessory building, being a detached garage, in the front yard of a waterfront property that contains an existing single detached dwelling located in the Limited Services Residential Waterfront (RLSW) Zone, subject to conditions.

Carried

7. Other Business

Application Appealed

a) Application Appealed

The Director of Development Services spoke to the Committee to advise that we have received an appeal against an application that was heard at the May 9, 2019 Committee of Adjustment Meeting, being the Noble Consent Application S-06-19-S.

A Committee Member requested clarification with respect to where the appeal originated from - public appeal? And if it was the Consent Application that was on the Lane in the District of Loughborough?

The Director of Development Services confirmed that the appeal was filed by one of the individuals who attended the meeting and spoke to the application, and that the application was on a lane in Loughborough District. She noted that she would be reaching out to council to obtain direction if we would be defending the position of the Committee of Adjustment. She also advised that she had reached out to the Applicants to advise the appeal had been filed.

b) Grading and Drainage Issues

A Committee Member had concerns with the Report provided by the Public Service Department as to why they had indicated that there were no special drainage or grading issues, but then the report indicated in conditions that a lot grading and drainage would be required.

The Planner indicated that the Township had recently brought a report to

Council pertaining to the issues of lot grading and drainage and Ainley has been obtained as an agent to the Township for Engineering Services.

A Development Agreement will be a condition for the retained lot on the Campbell Application. David Holliday, CET from Public Services attends the property for consents to provide us a report and the recommendation for a lot grading and drainage plan will be implemented into the Development Agreement and will be sent to Ainley to review.

The Committee Member asked if this would be imposed on everything.

The Planner noted that the lot grading and drainage plan will be imposed on every new lot.

The Committee Member noted that it is concerning as if this is the case, it will get expensive for applicants.

A Committee Member noted that he shares some of the concerns, but as a Chief Building Official, he has experienced lots where this should have been implemented and it was not, and now basements are flooding and the Township is now going through the process to impose these procedures to ensure everyone is protected. He noted he has every confidence in the Township Staff to identify areas that this may not be required.

The Planner noted that these are standard requirements for surrounding areas.

8. Adjournment

a)

Resolution No. 19:05:14

Moved by Norm Roberts Seconded by Ken Gee

THAT the June 13, 2019 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 7:56 p.m. to reconvene on Thursday July 11, 2019 at 7:00 p.m. or at the call of the Chair.

Carried

Alan Revill, Chair