

Minutes of Committee Of Adjustment
November, 14, 2019

Time: 7:00 PM

Location: Council Chambers

Meeting # 10

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

Staff: Trudy Gravel, Planner & Michelle Hannah, Planning Assistant

1 Call to Order

2 Adoption of Agenda

a)

Resolution No. 2019:10:2

Moved by Mike Nolan Seconded by Ray Leonard

THAT the Township of South Frontenac Committee of Adjustment hereby adopts
the agenda for the November 14, 2019 Committee of Adjustment meeting.

Carried

3 Declaration of pecuniary interest

4 Approval of Minutes – October 10, 2019

a)

Resolution No. 2019:10:3

Moved by Tom Bruce Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby
approves the minutes of the October 10, 2019 meeting of the committee.

Carried

5 New Consent Applications:

a) S-20-19-P (Granlund) (Cotnam)

Location: Part Lot 12, Concession 11, District of Portland, Township of South
Frontenac, municipally known as 4708 Verona Sand Road

Purpose of Application: Consent for conveyance of a lot addition of
approximately 28.3 hectares (70 acres) of vacant land from the subject
property to enlarge a developed lot municipally known as 4710 Verona Sand
Road. The retained lands at 4708 Verona Sands Road will be approximately
8.9 hectares (22 acres) in area and the road frontage will be maintained.

The Planner delivered the planning report.

A Committee Member advised that he visited the property and he sees no
concerns.

A Committee Member asked for clarification that conditions will be applied as
the PowerPoint did not show "subject to conditions".

The Planner advised that the approval will be subject to conditions and the
resolution and decision both indicate such.

Resolution No. 2019:10:4

Moved by Mike Howe Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby
approves consent application S-20-19-P by Randy & Tracy Granlund to convey a
lot addition located at Part Lot 12, Concession 11, District of Portland, Township

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of South Frontenac, municipally known as 4708 Verona Sand Road, consisting of approximately 28.3 hectares (70 acres) of vacant land to be merged with an adjacent property municipally known as 4710 Verona Sand Road, subject to conditions.

Carried

b) S-21-19-S (Sleeth)

Location: Part Lot 14, Concession 9, being parts 2-4 on Plan 13R6237, District of Storrington, Township of South Frontenac, municipally known as 1978 Wellington Street

Purpose of Application: Consent for the creation of a new residential lot consisting of approximately 0.81 hectares (2 acres) with approximately 94.5 metres (310 feet) of frontage on Wellington Street and a depth of 66.75 metres (219 feet) from a developed lot municipally known as 1978 Wellington Street. The retained lands will retain the single family dwelling and accessory buildings and will be approximately 0.81 hectares (2 acres) in area with approximately 94.5 metres (310 feet) of frontage on Wellington Street.

The Planner delivered the planning report.

A Committee Member stated that with the recommended conditions he has no objection to the proposal and he thinks that it is nice that the new lot will be staying in the family.

A Committee Member asked why a lot grading and drainage plan is required when the new home on the lot will be located on a hill.

The Planner advised that it is a standard condition that has been implemented to be applied at the building permit stage and dealt with through a Development Agreement.

The Committee Member asked if it still needs to apply even though the home is on a hill.

The Planner advised that although it is on a hill, Township staff need to ensure side swales comply and have proper drainage, it is a standard condition that will be implemented for every consent approval moving forward.

Resolution No. 2019:10:5

Moved by Tom Bruce Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-21-19-S by Jeff & Paul Sleeth, to create one new residential lot located at Part Lot 14, Concession 9, being parts 2-4 on Plan 13R6237, District of Storrington, Township of South Frontenac, municipally known as 1978 Wellington Street consisting of approximately 0.81 hectares (2 acres) with approximately 94.5 metres (310 feet) of road frontage, subject to conditions.

Carried

c) S-22-19-B (1995926 Ontario Limited) (Greenslade & Black)

Location: Part Lot 23 East, Part Lot 24 and Part Lot 25 South, Concession 9, District of Bedford, Township of South Frontenac

Purpose of Application: Consent for conveyance of a lot addition of approximately 28.33 hectares (70 acres) of vacant land from the subject property to enlarge a developed lot municipally known as 642 Burrige Road. The retained lands will be approximately 81 hectares (200 acres) in area with property frontage along McNeil Road, Lee Road, Belknap Lane & Maynard Lane.

The Planner delivered the planning report.

A Committee Member advised that although he did not visit the location but given the documents and the work completed by the planning department staff he has no concerns with approval.

A Committee Member advised that he walked the property and he has no concerns.

Resolution No. 2019:10:6

Moved by Norm Roberts Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-22-19-B to convey a lot addition from property located at Part Lot 23 East, Part Lot 24 and Part Lot 25 South, Concession 9, District of Bedford, Township of South Frontenac, consisting of approximately 28.33 hectares (70 acres) of vacant farm land from the subject property to be merged with an adjacent property municipally known as 642 Burrigge Road, subject to conditions.

Carried

- d) S-23-19-S (1974658 Ontario Limited) (Card & Garrison)
Location: Part Lots 32-34, Concession 7, District of Storrington, Township of South Frontenac, Collins Lake
Purpose of Application: Consent for conveyance of a lot addition of approximately 0.31 hectares (0.76 acres) of vacant land from the subject property to enlarge a lot located at Part Lot 12 on Plan 1713. The retained lands will be approximately 27.59 hectares (68.18 acres) in area.

The Planner delivered the planning report.

Resolution No. 2019:10:7

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-23-19-S by 1974658 Ontario Limited to convey a lot addition from property located at Part Lots 32-34, Concession 7, District of Storrington, Township of South Frontenac consisting of approximately 0.31 hectares (0.76 acres) of vacant land to merge with an existing vacant lot at Part Lot 12 on Plan 1713, Lyons Landing, subject to conditions.

Carried

6 New Minor Variance Applications:

- a) MV-33-19-S (Chamberlain)
Location: Part Lots 19 & 20, Concession 10, municipally known as 1671 Burnt Hills Road, Battersea, Dog Lake, District of Storrington, Township of South Frontenac
Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 ft) to 27 metres (88.6 ft) to permit the construction of a garage 768 ft² in the front yard. 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 which requires a 30 metre setback from the highwater mark. The applicant is also seeking relief to Section 5.24.2 Accessory Buildings for an accessory structure being a garage located in the front yard.

The Planner delivered the planning report.

A Committee Member advised that the application looks fine to him.

A Committee Member noted that he visited the property before the snow and the owner had the garage location all marked out. The property appears to be a constrained site and the proposed location looks to be the best spot on the

property.

Resolution No. 2019:10:8

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-33-19-S by Lee Chamberlain, located at Part Lots 19 & 20 Concession 10, District of Storrington, Township of South Frontenac, municipally known as 1671 Burnt Hills Road, Dog Lake to permit the construction of a one storey garage in the front yard consisting of 768 square feet to be constructed 27 metres from the highwater mark of Dog Lake, subject to conditions.

Carried

b) MV-34-19-P (Caird)

Location: Part Lot 9, Concession 11, being Part 5 on Plan 13R3431, District of Portland, Township of South Frontenac, municipally known as 6097 Carlton Drive, Verona Lake.

Purpose of Application:

Official Plan Designation: Settlement Area	Zoning: Urban Density – First Density Zone (URI Zone)
Section 5.6.2.2: Setback from Private Lanes and Public Roads	Relief: 10m from the centre of the right-of-way to 0.91m (3 ft) from the front yard
Section 5.8.2a.: Setback for the Building or Structure – 30m setback to the highwater mark	Relief: 30m from the highwater mark to 9.75m (32 ft) to the highwater mark of Verona Lake
Section 5.10.2: Existing building erected prior to the date of passing of the By-law and the building is less than 30m from the HWM, the building may be repaired, but no increase in floor area or height.	Relief: Increase in gross floor area by 200ft ² , and an increase to the height of the building.
Section 5.24.2: An accessory building not part of the main building is to be located to the rear or exterior of the main building.	Relief: Permit an accessory building to be constructed in the projected front yard of a property.
Section 14.3.1: Lot coverage for the principal building for waterfront lots shall be a maximum of 5%, principal buildings shall be setback 7.5 m (24.6 ft) from the rear lot line.	Relief: Principal building coverage of 14.2% (increase of approximately 200ft ² for the dwelling and an increase in approximately 330ft ² for the deck) and a setback from the rear lot line of 7.3m (24 ft).

The Planner advised that a deferral is recommended to allow time for the applicant to work with agencies to work with the site for the best plan that can be supported by staff and agencies.

A Committee Member asked when agencies will be engaged.

The Planner advised that Quinte Conservation Authority provided comments and the Planner spoke to them further and they will be going out to do a site inspection as the lay of the land is different than what they originally thought. Also, the Public Services Department recommended a further setback for the garage from the road.

A Committee Member asked if KFL&A Public Health will be involved.

The Planner advised that yes, they are also working with the applicant to

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modify the submitted plans.

Resolution No. 2019:10:9

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance application MV-34-19-P by Dale & Florence Caird to allow staff and agencies additional time to undertake a site inspection and work with the applicants to modify the submitted plans.

Carried

c) MV-35-19-P (Gee)

Location: Part Lot 16, Concession 14, being Part 2 on Plan 13R8370, District of Portland, Township of South Frontenac, municipally known as 4732 Snider Road

Purpose of Application: To permit the construction of an accessory building, being a detached garage in the projected front yard of a developed rural property (19.2 metres) 63 feet from front property line. The application is seeking relief from section 5.24.2 which requires accessory buildings to be located to the rear of the projected front or exterior side wall of the main building and section 7.3.2 which requires a minimum setback of 20 metres (65.6 feet) from the front lot line.

The Planner delivered the planning report.

A Committee Member advised that they looked at the site and as long as they meet the requirements, they don't see an issue.

A Committee Member advised that they agreed with this.

Resolution No. 2019:10:10

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-35-19-P by Brooks and Michelle Gee, located at Part Lot 16, Concession 14, being Part 2 on Plan 13R8370, District of Portland, Township of South Frontenac, municipally known as 4732 Snider Road to permit construction of a one storey garage in the projected front yard of the property, 6 metres in height, consisting of 1200 square feet to be constructed 20 metres from the front yard setback from Snider Road, subject to conditions.

Carried

d) MV-36-19-L (Peck & Baxter)

Location: Lot 5, Plan 1986 being Parts 22-24 on Plan 13R14914, District of Loughborough, Township of South Frontenac, municipally known as 4586 Fox Ridge Trail, Sydenham Lake

Purpose of Application: To permit the construction of an accessory building, being a detached garage in the projected front yard of a developed residential property. The applicant is seeking relief from section 5.24.2 which requires accessory buildings to be located to the rear of the projected front or exterior side wall of the main building.

The Planner delivered the planning report.

A Committee Member advised that he attended the property and it looks to be a good place for a garage.

Resolution No. 2019:10:11

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance MV-36-19-L by Jeff Peck and Stephanie Baxter, located at Lot 5, Plan 1986 being Parts 22-24 on Plan 13R14914, District of

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Loughborough, Township of South Frontenac, municipally known as 4586 Fox Ridge Trail, Sydenham Lake, to permit the construction of a one storey garage consisting of 1400 square feet in the projected front yard of a developed residential property, to comply with the minimum front yard setback, subject to conditions.

Carried

e) MV-37-19-B (Potvin)

Location: Part Lot 18, Concession 4, being Parts 2-4 on Plan 13R4656, District of Bedford, Township of South Frontenac, municipally known as 21A Bayshore Lane, Bobs Lake

Purpose of Application: To reduce the waterbody setback from 30 metres (98.4 feet) to 25.9 metres (85 feet) to permit the re-construction of a one storey seasonal dwelling, that was destroyed by a fire, on the subject property. The applicant is seeking relief from Section 10.3.1 Limited Service Residential – Waterfront Zone Regulations and Section 5.8.2 a) Flooding and Shoreline Erosion Hazards which both require a 30 metre (98.4 feet) setback from the highwater mark and Section 5.10.2 which does not permit enlargement of gross floor area, increase in height and does not allow living space to be added below grade for existing buildings within 30 metres (98.4 feet) of a Waterbody or Watercourse.

The Planner advised that a deferral is recommended to give the applicants time to work with Planning Staff and the Rideau Valley Conservation Authority (RVCA).

The Chair asked if there are deficiencies.

The Planner advised that a letter from the RVCA indicated they were concerned that the cottage was moving closer to the highwater mark and it was also getting bigger in size.

The applicant spoke to the matter to advise that the RVCA had given their report and that they had been working for over two years to re-build the cottage. The applicant said "they have their recommendations and we don't know how much more they want us to work with them, as we are 25 year residents on Bobs Lake and there was a devastating fire at their cottage due to rodents". The applicant advised that if you look at the application as to what they had before the fire, there was a loft and it was actually 1200 square feet and they are now building a smaller cottage. He advised they are not changing the location of the cottage and stated that the neighbours built less than a year ago and dug a basement. He would argue that they probably have more runoff into the lake than their property does.

The applicant noted that to accommodate the RVCA request they would have to cut down trees and excavation would be required into the rock cut. They would like to leave the landscape as is and they will be leaving the septic system as it is as the KFL&A Public Health Unit has no concerns. The applicant noted that if they were to achieve the 30 metre setback, they would be required to excavate a lot of rock which is the reason the cottage that burnt was where it was which made sense. Anything can be done but historically this made sense. He advised that right now, they are proposing to put the cottage where no trees would have to be cut down. Where RVCA wants the cottage, 25 trees would have to be cut down.

The co-applicant spoke and state that when the cottage was built the septic location made sense, by moving the cottage back it would mean having to change the cottage. They left the deck intact as it was not affected by the fire to show the placement of the original cottage.

The chair asked if the applicants were planning to use the existing piers.

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The applicant advised that they had no plans to use the existing piers because they were planning on putting in a basement to create a sounder structure that would not disrupt the ecosystem. He advised that RVCA had made a comment about a planting plan and that no one loves planting trees more than his wife (the co-applicant). They have already planted 40 to 50 trees and shrubs on the property and they have no problem planting more.

The Chair asked if the Planner could give the Committee an idea of what would be resolved by deferring.

The Planner indicated that the RVCA has given a report 4 or 5 pages in length indicating that they have looked at the property and the proposal and what they are concluding is that the re-constructed cottage should meet the 30 metre setback from the highwater mark while the deck could project slightly into the 30 metre setback. The RVCA staff have indicated that their office remains open to discussion, and they are of the position that the cottage can meet the setbacks.

A Committee member stated that by deferring the matter, it would give the applicant time to work with the RVCA to determine a better plan as some things in the application are not supportable. He would like to clarify that what the applicant is saying is in their application and proposal is as good as it gets.

The co-applicant advised that a staff member from the RVCA attended at the property and it was her understanding that they would be working with him to see how close they could get the cottage to. It was his idea to leave the deck standing where it was to have a better understanding as to where the cottage originally was. She indicated that what they had was the cottage originally was 25 feet deep by 36 feet wide and they were proposing was 36 feet deep and 25 wide to keep the cottage further from the lake.

A Committee member noted that a basement is not allowed within 30 metres of a lake.

The applicant stated that the Committee Member is correct, and the lake is full of old cottages with a full basement and the neighbours were allowed to re-build a cottage with a basement within the 30 metre setback. A precedent has been set by the Committee of adjustment. He advised that the RVCA staff did not mention any objection to the basement, his objection is that he would like the cottage to be 30 metres back from the lake.

The co-applicant asked if the deferral would be to work with the staff on a compromise.

A Committee Member stated that yes, it does not mean that the application has been denied, it is just to give the applicant and agencies more time to make sure all t's are crossed and i's dotted.

The Chair mentioned that generally the members from the district go to visit the site, but due to the lengthy discussion and by deferring the matter, it will give the Committee Members the chance to review the documents and attend a second site inspection.

The applicant advised he would welcome that.

The co-applicant asked if there would still be a 20 day appeal period that they would have to wait for.

The Chair advised that once the decision is made, there is still an appeal

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period.

A Committed Member noted that we are only talking about 13 feet.

A Committee Member noted that it is in the District of Bedford and he did not visit due to the weather. The fact that he saw the matter would be deferred, he thinks a deferral is advisable.

Resolution No. 2019:10:12

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance application MV-37-19-B by Anna Potvin to provide the applicant with additional time to work with the Rideau Valley Conservation Authority to modify the submitted application and plans.

Carried

7 Other Business

Other Business

a) **Inclement Weather:**

Trudy - spoke to Matt with respect to site visits and the fact that they cannot undertake site visits in the winter. A policy was requested and he advised he will look to Gord and see if this can happen. Trudy noted that it is hard for us to undertake site visits in the snow and Environmental consultants have said Environmental Impact Assessments cannot take place.

Claire - With the weather conditions we appreciate discussion with respect as to how to deal with the winter weather coming upon us. Some applications may be a straight forward deferral and some may be able to be pushed through.

Al - thoughts in terms of safety of staff and practical issues in terms of committee members with respect to Private Lanes etc. Safety measures should be taken into consideration. We cannot technically turn an application down and maybe it would be beneficial to receive some paperwork and let the applicants know that we can't do anything and to submit in April.

Claire - under the *Planning Act* we have to make some sort of decision on Minor Variance within 30 days and Consents within 90 days. The tricky part is that if there are discussions it's only the members who were in attendance that can make a discussion. Staff will have to bring it to you but will be a simplified report stating that staff cannot bring a solid recommendation and will bring it back in the better weather when agencies can comment. Environmental Impact Assessments cannot take place and therefore we can deem the application as not complete. This will allow us to hold on to the applications and no decision is required until a complete application is submitted.

We don't have a meeting in January intentionally for this reason and we could look at not having a February meeting.

Al - should be a stipulation that if they ask the application to be moved forward everything be cleared and gates unlocked etc.

Claire - if it is essential we could arrange a date when the applicant could ensure the site could be attended.

Mike Nolan - people are trying to get things done and it isn't fair to say no - but I think we should leave it to site specific, he can see why some people are frustrated and if we can do it we should

Randy - what did we do in the past?

AI – we proceeded with the applications.

Claire - I have only been here for one winter - if we can do it we do, but KFL&A cannot comment and their assessments are crucial. Trudy has been advising applicants that they should be aware of the weather.

AI - we will leave it in your hands

b) **LPAT Appeal Update:**

Claire - update as to the LPAT appeal yesterday Local Planning Appeals Tribunal - Noble Lane there were objections at the time of the decision and Scott Topping and Leah Weary submitted an appeal. There was a lengthy discussion about planning policies and developing on private lanes Claire was sworn in as the only planner - the decision was reserved and it will be several months before we receive a decision.

Ken - do they sometimes make a decision there on the spot?

Claire - almost never now, optically they decide to reserve

8 Adjournment

a)

Resolution No. 2019:10:13

Moved by Randy Ruttan Seconded by Mike Howe

THAT the November 14, 2019 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:13 p.m. to reconvene on Thursday, December 12, 2019 or at the call of the Chair.

Carried



Alan Revill, Chair