

Minutes of Committee Of Adjustment
September, 10, 2020

Time: 7:00 PM

Location: Council Chambers

Meeting # 07

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

Staff: Claire Dodds, Director of Development Services, Christine Woods, Senior Planner, Anna Geladi, Planner & Michelle Hannah, Planning Assistant.

1 Electronic Meeting Information

- a) The meeting was live streamed on Facebook and can be found here:

<http://www.facebook.com/SouthFrontenacTwp/>

- b) During the Committee of Adjustment meeting staff followed along with a PowerPoint Presentation the file can be found on the Agenda.

2 Call to Order

3 Adoption of Agenda

- a) Resolution

Resolution No. 2020-07-2

Moved by Ray Leonard Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby adopts the agenda for the September 10, 2020 Committee of Adjustment meeting.

Carried

4 Declaration of pecuniary interest

5 Approval of Minutes – August 13, 2020

- a) Resolution

Resolution No. 2020-07-3

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the August 13, 2020 meeting of the Committee.

Carried

6 Minor Variance Applications from Previous Meetings:

- a) MV-09-20-L (O'Leary)

Location of Property: Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, , District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road

Purpose of Application: To permit the construction of a deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures and to permit an increase in lot coverage for the primary dwelling to 9.4%. To permit the enlargement (height and living space) of a portion of a non-complying structure, in this case a second storey addition to an existing dwelling with a highwater mark setback of 10.36 metres (34 feet).

The Planner gave her report to the Committee.

R. Ruttan noted that he supports the application and would like to note that they are rejigging what they have and although he thinks that it is okay to move forward, he would like it noted that they are not increasing the size of the building.

M. Howe advised that he thinks that as long as the conditions are met, he can live with approving the request.

B. O'Leary advised that through the process he was able to work with everyone and it's been a long process, but if the Committee is happy with the proposal and conclusion, he is happy with it and let's approve this thing!

Resolution No. 2020-07-4

Moved by Mike Howe Seconded by Randy Ruttan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-09-20-L by Bill O'Leary, located at Part Lot 16, concession 3, being Part 1 on Plan 13R3284, District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road, to permit the construction of a 30 square metre (330 square foot) deck with a minimum highwater mark setback of 10.36 metres (34 feet), and to increase the height and living space if a portion of the existing non-complying structure to permit a second storey addition of 23.96 square metres (258 square feet), and to permit the enclosure of a sunroom adding living space to a non-complying structure, and to permit an increase of lot coverage to 9.4% of a property in the Residential Waterfront (RW) Zone, subject to conditions.

Carried

b) MV-11-20-B (Arbeau & Westlake)

Location of Property: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac

Purpose of Application: To permit the construction of an addition and an attached deck with a highwater mark setback of 22 metres and 19 metres respectively, and a top of bank setback of 9 metres and 6 metres respectively and an interior side yard setback of 2.5 metres. And, to permit an increase in allowable lot coverage to 8.3%

The Planner gave her report to the Committee.

M. Nolan advised that he visited the site and has no issues with the matter.

Resolution No. 2020-07-5

Moved by Randy Ruttan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-11-20-B by Chris Arbeau and Carolyn Westlake, located at Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, District of Bedford, Township of South Frontenac, municipally known as 98 Mill Bay Lane, Bobs Lake. To permit the construction of a 29.2 square metre (314 square foot) addition and a 28.5 square metre (306 square foot) deck to a legal non-complying structure with a highwater mark setback of 22 metres (72 feet) and 19 metres (62 feet) respectively, top of bank setback of 9 metres (29.5 feet) and 6 metres (19.7 feet) respectively, and an interior side yard setback of 2.5 metres (8.2 feet) for the addition and the deck, and to permit an increase in maximum lot coverage for the principal building to 8.3% for a property in the Limited Services, Residential - Waterfront (RLSW) Zone, subject to conditions.

7 New Minor Variance Applications:

a) MV-07-20-B (Boville)

Location: Part Lot 25, Concession 5, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Bobs Lake, Green Bay.

Purpose of Application: To vary sections 5.2.8 (a) and 10.3.1 of Comprehensive Zoning By-Law 2003-75 to permit an attached deck to an existing seasonal dwelling that would be setback a minimum 26.2 metres (85.9 feet) from the highwater mark of Bobs Lake instead of the required 30 metres (98.4 feet). Also, to vary sections 5.8.2 (a) and 10.3.2 to permit an accessory building being a sleeping cabin with a minimum 27.5 metre (90 feet) setback from the highwater mark instead of the required 30 metre (98.4 feet). Also, to vary section 10.3.2 to permit an accessory building, being a detached garage with a maximum height of 7 metres (23 feet) instead of the permitted maximum 6 metres (19.7 feet).

The Senior Planner presented her report to the Committee.

M. Nolan advised that he visited the site and he agrees with the motion to defer.

Resolution No. 2020-07-6

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance MV-07-20-B by Doreen Boville, located at Part Lot 25, Concession 5, Part 1 on Plan 13R-10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Bobs Lake, Green Bay to provide additional time for KFL&A Public Health and Rideau Valley Conservation to review the proposal and to provide comment.

Carried

b) MV-22-20-B (Semple & Messenger)

Location: Part Lot 4, Concession 11, being Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake.

Purpose of Application: To vary section 5.8.2 (a) of Comprehensive Zoning By-Law 2003-75 to permit a seasonal dwelling with an attached deck to be setback a minimum of 26.2 metres (86 feet) and 22.5 metres (74 feet) respectively, from the highwater mark of Big Clear Lake instead of the required 30 metres. Also, to vary section 5.8.2 (b) to permit the dwelling and attached deck to be set back a minimum of 11.7 metres (38.4 feet) and 8.8 metres (28.9 feet) respectively from the defined top of bank. The seasonal dwelling and attached deck would replace the existing seasonal dwelling.

The Senior Planner presented her report to the Committee.

M. Nolan advised he attended the site and he fully supports the recommendation for deferral.

Resolution No. 2020-07-7

Moved by Tom Bruce Seconded by Ray Leonard

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance Application MV-22-20-B by Ian Semple and David Messenger, located at Part of Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake, to provide additional time for KFL&A Public Health staff to review the proposal and to provide comment, and for the applicants to consider an alternative design or location for the proposed deck as requested by Cataraqui Conservation Staff.

Carried

c) MV-24-20-P (Blakely)

Location: Part Lot 15, Concession 4, being Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road, Harrowsmith.

Purpose of Application: To vary section 7.3.2 of Comprehensive Zoning By-law 2003-75 to recognize the 0.9 metre (3 foot) interior side yard of the existing accessory building (detached garage), whereas 3 metres (9.8 feet) is required.

The Senior Planner delivered her report to the Committee.

R. Leonard advised he visited the site and believes as long as he meets all of the conditions there is no issue.

N. Roberts asked if there is any rule with respect to shipping containers being on peoples property. Can they have as many as they want?

C. Woods advised that shipping containers are included in the definition of an accessory building in the Zoning By-law and they need to meet all of the specifications of a permanent building and do require a building permit.

R. Blakely advised that he and the neighbour did not know that the property lines were wrong, they assumed they were the fence until they had the property surveyed and realized they were not in compliance and therefore this was the reason for the Application. He also wanted to advise that he has no intentions of moving his business from Kingston to his home.

Resolution No. 2020-07-8

Moved by Mike Nolan Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-24-20-P by Robert Blakely, located at Part of Lot 15, Concession 4, Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road. To permit an accessory building, being a 178.4 square metre (1,920 square foot) detached garage with a minimum 0.9 metre (3 foot) interior side yard, and to permit an increase of maximum lot coverage for accessory buildings to 5.3% in the Rural (RU) Zone, subject to conditions.

Carried

d) MV-25-20-S (Fitzsimmons)

Location: Part Lot 8, Concession 8, being Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, municipally known as 2335 Sands Road, Battersea.

Purpose of Application: To vary section 7.3.2 of the Comprehensive Zoning By-Law to permit an accessory building, being a detached garage with a maximum height of 7.1 metres (23 feet) where the by-law permits 6 metres, (19.7 feet) in the Rural (RU) Zone.

The Planner delivered her report to the Committee.

N. Roberts advised he has no issue with the application.

M. Fitzsimmons advised he had no intentions of building a building too tall and he apologizes and he hopes the Committee is okay with it.

Resolution No. 2020-07-9

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-25-20-S by Michael Fitzsimmons,

located at Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, municipally known as 2335 Sands Road. To permit the construction of an accessory building, being a two-storey detached garage of 75 square metres (800 square feet) with a maximum height of 7.1 metres (23 feet) in the Rural (RU) Zone, subject to conditions.

Carried

e) MV-26-20-S (Howlett)

Location: Part Lot 7, Concession 8, being Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, municipally known as 2472 Sands Road, Battersea.

Purpose of Application: To vary section 5.24.2 of the Township of South Frontenac Comprehensive Zoning By-Law to permit an accessory building, being a detached garage in the projected front yard of a property located in the Urban Residential – First Density (UR1) Zone.

The Planner delivered her report to the Committee.

N. Roberts advised that as long as the conditions are met, he has no issue with the application.

Resolution No. 2020-07-10

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-26-20-S by Barry and Donna Howlett, located at Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, municipally known as 2472 Sands Road. To permit the construction of an accessory building, being a detached garage with dimensions of 8 metres by 8 metres (26 feet by 26 feet) in the projected front yard of a property, to comply with the minimum front yard setback in the Urban Residential (UR-18) Zone, subject to conditions.

Carried

f) MV-27-20-L (Wallace)

Location: Part Lot 23, Concession 12, being Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, municipally known as 1019 Kingfisher Lane.

Purpose of Application: To vary section 8.3.1 of the Township of South Frontenac Comprehensive Zoning By-Law to permit an increase to the total lot coverage from the allowable 5% to 5.65%, to allow a 936 square foot addition, being an attached garage for a property located in the Waterfront Residential (RW) Zone.

The Planner delivered her report to the Committee.

M. Howe advised he attended the property and he concurs with the recommendation.

Resolution No. 2020-07-11

Moved by Ray Leonard Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-27-20-L by Timothy Wallace located at Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, municipally known as 1019 Kingfisher Lane. To permit the construction of a 936 square foot addition to the existing dwelling, being an attached garage resulting in an increase of of maximum allowable lot coverage to 5.65% for the principal building in the Residential Waterfront Zone (RW), subject to conditions.

Carried

g) MV-28-20-B (Mulrooney) (Gervan)

Location: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake.

Purpose of Application: To vary sections 10.3.1 and 5.8.2 of the Township of South Frontenac Comprehensive Zoning By-Law to permit the construction of a one-storey seasonal dwelling located 23.4 metres (76.7 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback and 2.66 metres (8.7 feet) from the rear yard whereas the Zoning By-law requires a setback of 10 metres (32.8 feet). The existing cottage located at 11.64 metres (38 feet) and existing sleeping cabin located at 30.6 metres (100 feet) from the highwater mark will be demolished, the property is located in the Limited Services Residential - Waterfront (RLSW) Zone.

The Planner delivered her report to the Committee.

M. Nolan advised he fully supports the recommendation to defer.

Resolution No. 2020-07-12

Moved by Ray Leonard Seconded by Tom Bruce

THAT the township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance Application MV-28-20-B by Daniel & Debra Mulrooney, located at Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake. To provide additional time for Cataraqui Conservation staff to review the revised proposal and to provide comments.

Carried

h) MV-29-20-L (Dunn)

Location: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake.

Purpose of Application: To vary sections 10.3.1 and 5.8.2 of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the Zoning By-law requires a 30 metre setback from the highwater mark. The existing cottage and deck located at 9.9 metres (32.5 feet) and 8.3 metres (27.2 feet) respectively from the highwater mark will be demolished, the property is located in the Limited Services Residential - Waterfront (RLSW) Zone.

The Planner delivered her report to the Committee.

M. Howe visited the site and he was very surprised how small the lot was and he had some concerns with respect to where the septic is going to be and the letters that have been received also share similar concerns. M. Howe believes that some of the issues presented should be looked at more carefully and he believes more information is required and agreed with the deferral.

R. Ruttan advised he also visited the site and he agrees with M. Howe, he encourages the applicant to submit drawings that are more in line with the actual measurements. In looking at the drawings, it appeared that the new cottage is the same size as the existing one. R. Ruttan also believed there may have been some discrepancies in the lot area, and encouraged a deferral.

K. Dunn apologized for the misunderstanding with respect to the lot coverage, they had believed they had filed the application properly. K. Dunn also advised that they had read the letters from the commenting neighbours and agrees that the lot coverage concerns were relevant, but that the ecological aspects

and aesthetic aspects are close to the applicant's hearts and once the construction is complete they plan to make the property better than it was when they bought it, as it was quite dilapidated when they purchased it. K. Dunn advised that the size of the property that was noted on the application is the size that was given to them by the surveyor when they had the property surveyed recently, it is slightly less than the size on FrontenacMaps. K. Dunn advised they tried hard to squeeze everything in and make it better than the current situation.

J. Tetlow advised that she believed there are a number of individuals along the lane who have concerns with respect to the application and the ecological aspects and they did not feel that these are being addressed. J. Tetlow advised that the biggest concern was the increase in size of the building having a full basement, increased square footage and added decking. J. Tetlow advised that "they" agree that moving the cottage back from the lakeshore is probably preferable for the environment, but increasing the size and adding other buildings would not feel to be that way for anyone. The impact of the environment, the changes, and the height are very concerning. The way that the new structure may be built, in particular, bulldozing and blasting like what happened with the last build was very disconcerting.

Resolution No. 2020-07-13

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-29-20-L by Anita Austin Dunn and Keith Dunn, located at Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake. To allow time for agencies to review the application and provide comments.

Carried

i) MV-30-20-B (Thompson)

Location: Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, municipally known as 59 Oak Shores Crescent.

Purpose of Application: To vary section 10.3.2 of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a an accessory building, being a detached garage with a height of 8 metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) on properties located in the Limited Services Residential - Waterfront (RLSW) Zone.

The Planner delivered her report to the Committee.

M. Nolan advised he visited the site and the location of the garage is below the steep cliff, as described and there are a number of trees around the proposed garage site, the way he pictures it is that it will be inset in an area that will likely be difficult to see the garage from the lake or the abutting properties, with that he did not have any issue supporting the recommendation for approval.

G. Thompson knows that the comments and objections from neighbours; one of which only moved in two days ago, are about the aesthetics of cottage country. Mr. Thompson advised that there are 42 properties on Oak Shores Crescent, on the peninsula and when he first bought his parcel 20 years ago, it was much different and now there are 14 full time residents, 8 garages and a couple of super places being built, so the character is changing a little bit but he has tried to design the garage and where it is going, he is trying to minimize the impacts and maintaining the trees as there are 27 maple sugar trees on the property from which he makes maple syrup for his grandkids and wants to preserve them.

Resolution No. 2020-07-14

Moved by Ken Gee Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-30-20-B by Gordon Thompson located at Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, municipally known as 59 Oak Shores Crescent. To permit the construction of an accessory building, being a detached garage of approximately 84 square metres (896 square feet) with a maximum permitted height of 8 metres (26.5 feet) in the Limited Services Residential - Waterfront (RLSW) Zone, subject to conditions.

Carried

j) MV-31-20-L (Prikker)

Location: Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane.

Purpose of Application: To vary sections 8.3.1 and 5.8.2 (a) of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark and to vary Section 8.3.1 which allows a maximum 5% lot coverage, to allow 14.7% lot coverage on the property located in the Residential Waterfront (RW) Zone.

The Planner delivered her report to the Committee.

M. Howe advised that he attended the property and that although on paper, it looked out of place he agreed that their proposal is an excellent suggestion and what they are doing is just building a room and it is not going to interfere with the actual coverage and he supports the request.

R. Ruttan agrees with M, Howe, it is already there, they are just improving on it and closing it in.

K. Gee asked what the present lot coverage is.

The Planner advised that the current lot coverage is 14.7%, it is not changing.

B. Prikker thanked the Committee of adjustment for the consideration and thanked planning staff for walking them through the process as it was their first time going through the process and they made it easy to go through and their patience was appreciated.

Resolution No. 2020-07-15

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-31-20-L by Brett & Meredith Prikker, located at Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane. To permit the construction of a 15.6 square metre (168 square foot) attached covered deck and 28 metre square (300 square foot) sunroom located 14.6 metres (48 feet) from the highwater mark and to permit an increase in lot coverage to recognize the existing 14.7% lot coverage for the principal dwelling in the Waterfront Residential (RW) Zone, subject to conditions.

Carried

8 Other Business

The Chair asked if the Director of Development Services thought it be appropriate for other members of the Committee to visit the Dunn property.

The Director of Development Services advised that she would be happy to authorize all of the Committee members to go out and visit the Dunn site, with all of the comments received that seems appropriate.

- a) The Chair asked if the Director of Development Services thought it be appropriate for other members of the Committee to visit the Dunn property.

The Director of Development Services advised that she would be happy to authorize all of the Committee members to go out and visit the Dunn site, with all of the comments received that seems appropriate.

- b) S-04-20-S (Harrison) consent for the creation of one new residential lot.

S-21-20-P (McCullough) (Tolles & Hughes) - consent for the creation of one new residential lot.

The Planning Assistant delivered the report to the Committee.

9 Adjournment

- a) Resolution

Resolution No. 2020-07-16

Moved by Randy Ruttan Seconded by Mike Howe

THAT the September 10, 2020 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at _____ p.m., to

reconvene on Thursday, October 8, 2020 at 7:00 p.m., or at the call of the Chair.

Carried

Alan Revill, Chair