

Minutes of Committee Of Adjustment  
April, 8, 2021

Time: 7:00 PM

Location: Council Chambers/Virtual via Zoom

Meeting # 03

Present: Randy Ruttan, Mike Howe, Ken Gee, Norm Roberts, Doug More, Tom Bruce, Pat Barr & Mike Nolan

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

1 Call to Order

2 Electronic Meeting Information

- a) The meeting will be live streamed at the following link:  
<http://www.facebook.com/SouthFrontenacTwp/>

Please visit the Virtual Committee of Adjustment Meetings page on the Township website for the link to register to be a participant in this meeting:

<https://www.southfrontenac.net/en/open-for-business/virtual-committee-of-adjustment-meetings.aspx>

Instructions about participating via Computer, Laptop, Smartphone, Tablet and Telephone can be found at the above noted link as well.

- b) During the Committee of Adjustment meeting staff will be following a PowerPoint Presentation, this presentation will be live-streamed on Facebook at the above noted link, but can also be viewed in the attached document.

3 Adoption of Agenda

- a) Resolution

Resolution No. 2021-03-2

Moved by Doug Morey Seconded by Norm Roberts

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the April 8, 2021 Committee of Adjustment meeting.

Carried

4 Declaration of pecuniary interest

5 Approval of Minutes – March 11, 2021

- a) Resolution

Resolution No. 2021-03-3

Moved by Ken Gee Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the March 11, 2021 meeting of the Committee.

Carried

6 Introduction for New Committee Members

- a) Discussion with respect to Disputed and Undisputed Consent process.
- b) Discussion with respect to Committee of Adjustment Powers under Section 45(1) and 45(2) of the *Planning Act*.

7 New Consent Applications:

- a) S-10-20-S (K. Mulrooney Trucking Ltd.) (Beach)  
**Location of Property:** Part Lots 37, 38 and 39, Concession 7 being Part 1 on Plan 13R10403, municipally known as 2965 Battersea Road  
**Purpose of Application:** Consent to create one new residential lot consisting of 0.8 hectares (2 acres) with approximately 89 metres (292 feet) of frontage on Mount Chesney Road.

The Planner delivered her report to the Committee.

Committee member Morey inquired about a lot grading and draining plan on both parcels as it was not stipulated in the conditions for both, just one of the new lots.

The Planner advised that the parcel on the left is being required to complete a lot grading and drainage plan prior to the signing of the Certificate of Official because there is a limited building envelope, whereas the parcel on the right is still required to, however, it will be at the building permit stage and is in the Development Agreement registered on title which is standard for our current conditions of Severance.

Resolution No. 2021-03-4

Moved by Pat Barr Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-10-20-S by K. Mulrooney Trucking Ltd., located at Part Lots 37, 28 and 29, Concession 7, District of Storrington, municipally known as 2965 Battersea Road. to create one new residential lot consisting of approximately 0.8 hectares (2 acres) of land, with approximately 89 metres (292 feet) of road frontage on Mount Chesney Road, subject to conditions.

Carried

- b) S-11-20-S (K. Mulrooney Trucking Limited) (Beach)  
**Location:** Part Lots 38, Concession 7 being Part 1 on Plan 13R10403, municipally known as 2989 Battersea Road.  
**Purpose of Application:** Consent for the creation of one new residential lot consisting of a minimum of 0.8 hectares (2 acres) of land from the subject property with a minimum of 76 metres (250 feet) of road frontage located on Mount Chesney Road. The retained lands will be approximately 37.7 hectares (93 acres) in area with approximately 256 metres (840 feet) on Battersea Road.

The Planner delivered her report to the Committee.

Committee member Morey inquired about a lot grading and draining plan on both parcels as it was not stipulated in the conditions for both, just one of the new lots.

The Planner advised that the parcel on the left is being required to complete a lot grading and drainage plan prior to the signing of the Certificate of Official because there is a limited building envelope, whereas the parcel on the right is still required to, however, it will be at the building permit stage and is in the Development Agreement registered on title which is standard for our current conditions of Severance.

Resolution No. 2021-03-5

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-11-20-S by K. Mulrooney Trucking Ltd., located at Part Lots 37, 28 and 29, Concession 7, District of Storrington, municipally known as 2965 Battersea Road. to create one new residential lot consisting of

approximately 0.8 hectares (2 acres) of land, with a minimum of 76 metres (250 feet) of road frontage on Mount Chesney Road, subject to conditions.

Carried

c) S-45-20-S (Freeman)

**Location:** 4994 Battersea Road, Battersea, Storrington District

**Purpose:** Consent for the creation of one new residential lot consisting of 0.82 hectares (2 acres) and approximately 144 metres (472.4 feet) of frontage on Battersea Road. The retained lands will consist of approximately 3.3 hectares (8.3 acres) with approximately 81 metres (265.7 feet) of frontage on Battersea Road.

The Senior Planner delivered her report to the Committee.

Committee Member Howe inquired about the lack of Planning Report on the Agenda package, he also wondered about the sewage from the farm property with respect to the residential property.

The Senior Planner advised that the file was corrupted and was not able to be seen, and was uploaded just before the meeting in a format that was not corrupt. With respect to the agricultural uses, they are no longer in operation and the owner intends to remove buildings with respect to the previous farming operation. There is therefore no impact on the residential uses in the area.

The Director of Development Services inquired to the Senior Planner with respect to the removal of the structures where the new lot lines will be created, and as part of the resolution could a condition be added to require the removal of the structures prior to the finalization of the consent.

The Senior Planner answered that this was a great idea and she would add this condition.

The agent on the file advised that the condition that the Director proposed with respect to the removal of the buildings was acceptable as this was the intention of the application anyway.

Resolution No. 2021-03-6

Moved by Mike Howe Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent application S-45-20-S by Walter Freeman, located at 4994 Battersea Road, Battersea, District of Storrington. To create one new residential lot consisting of 0.82 hectares (2 acres) of land, with approximately 144 metres (472.4 feet) of frontage on Battersea Road, subject to conditions.

Carried

8 New Minor Variance Applications:

a) MV-07-21-S (Romatowski) (Strachan) (Loughborough Inn)

**Location of Property:** 2318 Loughborough View Lane, Loughborough Lake, Storrington District

**Purpose of Application:** To vary Section 18.3.7 of Zoning By-law No. 2003-75 to permit an 83.6 square metre (900 square foot) accessory detached structure on the subject property and will have a minimum 27 metre setback from the highwater mark.

The Senior Planner delivered her report to the Committee.

Committee Member Morey asked if the Applicant has any preference that the Committee could take into consideration.

The Director advised that we could now move to the agent on the matter for their comments.

The Agent asked for clarification of the question.

Committee member Morey clarified that there were two options presented, one being 27 metre setback, but the Conservation Authority has advised that the structure could be attached to the primary building and be 30 metres setback.

The Agent advised that the 30 metre setback is okay with the Agent and Applicant.

The Senior Planner advised that her recommendation was for deferral for the Applicant and Agent to discuss the matter with the Conservation Authority to come to an agreeable solution. The Agent and Conservation Authority have had this discussion and come to a 30 metre setback agreement with the structure being attached to the principal building. At this time, if the Committee wishes to approve the application based on this, that is within their rights.

The Director of Development Services asked the Senior Planner for clarification with respect to if her recommendation could shift and if there are conditions that she could recommend that could be attached so that the Committee could be in a position to approve the matter.

The Senior Planner outlined her recommended conditions in the case of approval by the Committee.

Member Nolan inquired as to why the 3 metre separation exists in the by-law?

The Senior Planner advised that it exceeds what is required in the Ontario Building Code, and if she had to guess it would be to keep a separation between buildings on the same lot as well on adjacent lots to ensure there is separation.

Member Nolan asked for clarification with respect to the original proposal being a detached structure located 27 metres from the water, and now it is an addition to the building located 30 metres from the water?

The Senior Planner advised that this was a correct summary.

Chair Ruttan advised that there was a recent decision that an accessory building had to be removed for a different file, and we need to have consistency.

Committee Member Morey advised that he believes that it is best to keep with the 30 metre setback to ensure we are being consistent and fair in relation to the previous decision to require the removal of an accessory building within the 30 metre setback.

The Senior Planner advised that the 3 metre setback between building is in the general provisions and applies to every zone, not just this particular zone. Having the structures be attached negates the need to have a separation between buildings. They will probably need to change the design of the structure. To clarify what she believes the direction of the Committee, they are seeking to pass a resolution that allows a 900 square metre addition to the reception and dining room building, and that addition would have a 30 metre setback from the highwater mark, instead of the 50 metre setback that is required in the RRC Zone.

The Agent advised that he appreciated all of the questions on the application and it seems like we have a resolution and they are agreeable to this.

Committee Member Gee advised that he thinks this is important to approve so the owner can carry on business during COVID if they cannot dine in the dining room.

Resolution No. 2021-03-7

Moved by tom Bruce    Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-07-21-S for the Loughborough Inn, located at 2318 Loughborough View Lane, Loughborough Lake, Storrington District. To allow the applicant time to consider opportunities to meet a 30 metre setback.

Carried

b) MV-08-21-P (Van Allen)

**Location of Property:** Part Lot 9, Concession 11, being Part 1 on Plan 13R12843, District of Portland, Township of South Frontenac, municipally known as 6082 Cemetery Road

**Purpose of Application:** To vary section 14.3.1 and 5.8.2a) of the Zoning By-law to permit the reconstruction of a single detached dwelling to be located 1.4 metres (4.5 feet) from the interior side lot line and 9.2 metres (30 feet) from the highwater mark, whereas the Zoning By-law requires a minimum of 2.5 metres (8.2 feet) from the interior side lot line and 30 metres (98.4 feet) from the highwater mark.

The Planner delivered her report to the Committee.

The Applicant raised their hand but was unable to speak.

Resolution No. 2021-03-8

Moved by Mike Nolan    Seconded by Pat Barr

THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on application MV-08-21-P made by Cory, Katherine and Rachel Van Allen located at 6082 Cemetery Road, District of Portland. To provide additional time for the applicant to provide information to the Quinte Conservation Authority as requested and to allow time for Planning Staff to review the application with consideration for Section 45(2).

Carried

c) MV-09-21-B (Hogan) (Stokes)

**Location of Property:** 57 Attwood Lane, Bobs Lake (Buck Bay), Bedford District

**Purpose of Application:** To vary Sections 5.8.2(a) and 10.3.1 of Zoning By-law No. 2003-75, to permit the raising of an existing dwelling and to permit a two storey addition with a 4.3 metre by 6.1 metre (26.2 square metre) footprint and a 4.3 metre by 2.4 metre (10.3 square metre) attached deck to the dwelling that would be located within the required setback from the highwater mark.

The Senior Planner delivered her report to the Committee.

Committee Member Nolan advised that he supports the proposal especially with the addition of the newest condition with respect to lot grading and drainage.

Committee Member Morey inquired about how the new condition is added, is it something that just happens or something that needs to be amended?

The Planning Assistant advised that she had amended the resolution to note that it was subject to conditions, as it usually says, but that those conditions are as amended by Senior Planner, Christine Woods.

Committee Member Barr advised that she visited the property and it seems like there is a lot on the property, but that's the way it was historically developed and that if the condition is for a lot grading and drainage plan, she supports approving the application.

The Agent advised that the Applicant is agreeable to the changes and addition of the lot grading and drainage. With respect to the neighbour comments about the road, that is a private lane and that any concerns would be up to the Private Lane Committee to handle.

Resolution No. 2021-03-9

Moved by Tom Bruce    Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-09-21-B by Paul & Cathy Hogan, located at 57 Atwood Lane, Bobs Lake, Buck Bay, Bedford District. To permit a two storey addition with a 4.3 metre by 6.1 metre (26.2 square metre) footprint and a 4.3 metre by 2.4 metre (10.3 square metre) attached deck to the dwelling located 25.4 metres from the highwater mark and front yard setback, subject to conditions.

Carried

d) MV-10-21-P (Hughson)

**Location of Property:** Part Lot 3, Concession 4, District of Portland, Township of South Frontenac, municipally known as 3397 Harrowsmith Road

**Purpose of Application:** To vary Section 7.3.2 of Zoning By-law No. 2003-75 to permit a single detached dwelling to establish an 8 metre (26 foot) front yard, which is less than the minimum 20 metre (65.6 foot) front yard required in the Rural Zone.

The Planner delivered her report to the Committee.

Resolution No. 2021-03-10

Moved by Norm Roberts    Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-10-21-P by Hughson Farms, located at 3397 Harrowsmith Road, District of Portland. To permit a single detached dwelling to establish an 8 metre (26 foot) front yard, subject to conditions.

Carried

e) MV-11-21-B (Sheridan)

**Location of Property:** Part Lot 4, Concession 4, District of Bedford, Township of South Frontenac, being Part 2 on Plan 13R16585, municipally known as 144 Timmerman Road.

**Purpose of Application:** To vary Sections 5.24.2 and 9.3.2 of Zoning By-law No. 2003-75, to permit an accessory building (carport) within the projected front yard of the subject property, and situated 0.3 metres (1 foot) from the interior side lot line which is less than the minimum 3 metre (9.8 feet) setback from the interior side lot line required in the RLS zone.

The Planner delivered her report to the Committee.

Committee Member Nolan advised that he visited the site and he sees no problem with the proposal. He inquired with respect to the future of the property and how it is conveyed that this structure went through this approval.

The Planner advised that any subsequent owners could inquire with the Township as the Minor Variance will be on the record, and this is also something that the building officials would take into consideration and note on file when a building permit is issued.

Committee Member Barr advised that she visited the property and it is quite rocky, so there really are limited options for the placement. She advised that she is concerned that the carport will grow into a garage, and wondered if there was any investigation with respect to something more that this structure could be. Is there anything that can be done or check unless there is a complaint?

The Director of Development Services advised that the Township is not resourced for building officials to go around and check on structures. However, upon issuance of the building permit, it is very clear what the structure is for and shall only be built with respect to what the plans are for. If the structure were to evolve into a garage and there is a complaint, staff would ensure that a proper permit was obtained.

The Applicant advised that they have been at the property for 14 years and have changed several things and they always go through the proper way and obtain approvals from the Township to do so.

Resolution No. 2021-03-11

Moved by Norm Roberts      Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-11-21-B by Richard Sheridan, located at 144 Timmerman Road, Sand Lake, District of Bedford. To permit an accessory building, being a carport within the projected front yard of the subject property, and situated 0.3 metres (1 foot) from the interior side lot line, subject to conditions.

Carried

9      Other Business

- a)      Report For Consent Granting Authority Approved Consents.

10     Adjournment

- a)      Resolution

Resolution No. 2021-03-12

Moved by Pat Barr      Seconded by Tom Bruce

THAT the April 8, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:41 p.m., to reconvene on Thursday, May 13, 2021, at 7:00 p.m. or at the call of the Chair.

Carried

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Randy Ruttan, Chair