

Minutes of Committee Of Adjustment
June, 10, 2021

Time: 7:00 PM

Location: Virtual via Zoom

Meeting # 05

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

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

2021:05:1 Call to Order

2021:05:2 Adoption of Agenda

a) Resolution

Resolution No. 2013-14-2

Moved by Norm Roberts Seconded by Ken Gee

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the June 10, 2021 Committee of Adjustment meeting.

Carried

2021:05:3 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) PowerPoint Presentation

Staff have prepared a PowerPoint Presentation that will be displayed on the screen of the meeting, you can also follow along with the PDF version that is in the attachment of this agenda item.

2021:05:4 Declaration of pecuniary interest

2021:05:5 Approval of Minutes – May 13, 2021

a) Resolution

Resolution No. 2013-14-3

Moved by Doug Morey Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the May 13, 2021 meeting of the Committee.

Carried

2021:05:6 Minor Variance Applications from Previous Meetings:

a) MV-10-20-S (Brown)

Address: 4811 Noble Lane, Loughborough Lake, Storrington District

Purpose of Application: To permit a 37.2 square metre (400 square foot) addition to an existing dwelling. The addition would have a minimum 20 metre setback from the highwater mark of Loughborough Lake. Also, to allow a maximum 6.9% lot coverage for the principal building, subject to conditions.

The Senior Planner delivered her report to the Committee.

Committee member Roberts inquired about the eavestrough being directed at the lake.

Chair Ruttan asked the Senior Planner to respond but mentioned that it was his understanding that a plan would be required as a condition of the approval.

The Senior Planner added that the Development Agreement that will be a condition will require that downspouts will need to be directed away from the lake, but this is a challenge on this property as the property is surrounding by a lake and wetland.

Committee member Morey asked if the structure that was being re-built was being re-built as a seasonal dwelling since that is what was lost to the fire.

The senior planner advised that it was her understanding that it was a seasonal dwelling.

The applicant advised that the downspouts will be running toward the vegetation, not the water.

Resolution No. 2013-14-4

Moved by Pat Barr Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-10-20-S By Dana Brown O'Rourke located at 4811 Noble Lane, Loughborough Lake, Storrington District. To permit a 37.2 square metre addition to the north side of the existing seasonal dwelling with a 20 metre setback from the highwater mark of Loughborough lake and to permit a 6.2 % lot coverage for the principal building.

Carried

b) MV-14-21-L (Polywkan)

Location: Part Lot 1, Concession 8, being Parts 1 – 6 on Plan 13R11849 and being Part 1 on Plan 13R17795, District of Loughborough, Township of South Frontenac, municipally known as 5125 Knowlton Lake Road, Knowlton Lake

Purpose of Application: To vary section 5.8.2a) and 10.3.1 of the Zoning By-law to permit the construction of a 12 square metre (130 square foot) addition to the principal building being located 7.3 metres (24 feet) from the highwater mark of Knowlton Lake, and to permit the addition of a current 68.5 square metre (737 square foot) detached existing shed to become attached to the principal building being located 1.8 metres (6 metres) from the highwater mark. The proposal will also increase in lot coverage for the principal building by 0.6% to a total of 7.4% lot coverage whereas the Zoning by-law permits a maximum of 5% for the principal building.

The Planner delivered her report to the Committee.

Committee member Howe advised he concurs with the recommendations.

The Planning assistant advised before reading the resolution that Committee member Bruce was now on the line for the meeting.

Resolution No. 2013-14-5

Moved by Ken Gee Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-14-21-L by Christopher Polywkan, located at 5125 Knowlton Lake Road, Knowlton Lake, District of Loughborough.

To permit an addition, being a 225 square foot breezeway to connect the existing dwelling to the existing shed, having a setback of 1.8 metres from the highwater mark, and to allow an increase in lot coverage to 7.9% for the principal building, subject to conditions.

Carried

2021:05:7 New Minor Variance Applications:

a) MV-16-21-B (Byes)

Location: Part Lot 25, Concession 4, being Part 90 on Plan 13R80, District of Bedford, Township of South Frontenac, municipally known as 26 Marina Lane.

Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a 100 square metre (1075 square foot) dwelling and septic system being located 25 metres (84 feet and 16.5 metres (55 feet) respectively from the front lot line and highwater mark of Bob's Lake.

The Planner delivered her report to the committee.

Committee member Nolan advised with the deferral until some engineering studies are provided to see what makes the property work.

Committee member Morey advised that he is also interested to see how this lot can work. He also noted that there is no request for relief from lot coverage and assumes that the proposed building size is staying within that provision.

The Planner advised that Committee Morey is correct, they are not over their lot coverage allowance.

The applicant advised that he does agree with the Township, that there are more details required to properly design the septic system, specifically the bed, and originally there were two concerns. One is the location which was resolved by the geotechnical report which demonstrated the location was appropriate. The second being the quality of the soils and the percolation rate being appropriate and ensuring that the rate is not too slow which would cause the bed to be too large and prohibitive for the site. The soil test the applicant received was inconclusive. The applicant noted he agrees that more information needs to be produced but his contention is with the requirement of a Professional Engineer to produce this. A licenced installer has reviewed the site and has given his professional opinion and assurance that what is proposed will work. The applicant advised they did engage the services of a Professional Engineer who performed a study which stated that it would be overkill to have a P. Eng provide this service as a licenced installer is qualified to perform this work and much more cost-effective.

Chair Ruttan thanked the applicant and asked if he was okay with the recommendation and the deferral and the need for a report from the engineer.

The applicant advised he is okay with needing more detail but is not okay with it needing to come from a Professional Engineer.

Chair Ruttan advised that the last thing he wants is to get into a position where the only option is to turn down the application. The chair advised that the Director of Development Services was going to speak to the matter.

The Director advised that staff, including the Township Part 8 Inspector has had an extensive review of the application and provided dialogue and the reasons for a Professional Engineer to provide additional detailed design have been outlined and are based on the constraints of the site and not with respect to concerns around installation and that addresses the constraints and meets the Ontario Building Code. This recommendation is consistent with similar applications and similar decisions of the Committee.

Ms Bellenger spoke to the matter advising that she would like to reiterate the applicant's point and to make her comment know that her understanding of the situation was that there were issues with the location of the sewage system that has been addressed by a report from a Professional Engineer and the remaining issues come from the soil characteristics and specifically the percolation rate and her understanding is those issues can be addressed through testing of the percolation rate and through that testing a licenced installer has all of the capacities to provide an adequate design to the Ontario Building Code and she does not believe, specifically on the advice of the Engineer they have consulted that having a firm number for the T time, conducting that test and having a licenced installer provide a design would be an appropriate balance for protecting the costs and the environment.

The Chair asked the Director to clarify the expectations of the Township Staff.

The Director recognized that the cost of this condition does have an impact on time and costs to development plans. The applicant, part 8 specialist and planning staff have had extensive conversations and the comment from the applicant's engineer is appreciated. Staff require a qualified engineer who is experienced in terms of sewage system design to reaffirm the site conditions, the design of the Eco Flo system and verify that the system will work with the unique and challenging conditions on the site. The challenge with moving forward with the application today is that the location may have to be modified and then the process would need to start from the beginning again. It is important for the applicants to work with staff to get the information needed to support the application to allow the application to move forward, and staff recommendation is a detailed design from a Professional Engineer.

The applicant asked to clarify that the location of the system and tank was determined through the geotechnical study. The remaining required details are specifically in regards to the quality of the soils and he advised his only contention is with why a P. Eng is required over a licenced installer in contrast to a P. Eng recommendation.

The chair asked for clarification and advised that there are two options, one being deferral and the second denial.

The Planner advised that the concern is with the design of the system and that it has not been conclusively shown that the EcoFlo system will be able to fit on the property in accordance with the Ontario Building Code. She advised she does believe they are okay with the deferral just not the P. Eng recommendation. And to clarify, the concerns have to do with the soil rate, but also with the design.

The applicant advised that Anna was correct and that they are okay with a deferral.

Resolution No. 2013-14-6

Moved by Pat Barr Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby defers application MV-16-21-B by Glen & Jeffrey Byles, located at 26 Marina Lane, Bobs Lake, District of Bedford. To allow the applicant time to engage the services of a qualified Professional Engineer to attend the site and provide a design that is suitable for the site and is able to meet Ontario Building Code requirements and to provide time for Township staff to complete a review of the additional information that has been requested.

Carried

b) MV-18-21-B (Bilkovski)

Location: Part Lot 32, Concession 9, being Part 5 on Plan 13R3995 and Part 6 and 7 on Plan 13R2371, District of Bedford, Township of South Frontenac, municipally known as Neill Lane.

Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a 159 square metre (1710 square foot) dwelling which includes a 26 square metre (280 square foot) covered porch and a 28.8 square metre (310 square foot) attached deck. The dwelling will be being located 28.4 metres (93 feet) from the front lot line and highwater mark and the deck will be located 25.6 metres (84 feet) from the front lot line and highwater mark of Bob's Lake. The dwelling will also be setback 2.4 metres (8 feet) from the hydro line.

The Planner delivered her report to the Committee.

Committee member Nolan advised that he visited the site and that although the buildings are under the 5%, the lot is split by the lane and therefore all 5% coverage is only on half of the lot. There also appears to be an old septic system that should be conditioned to be decommissioned. He advised that he does not see room for a tile bed, only a tank. Technically as submitted by the planners, he agrees but there are still some questions with respect to the old septic, the new septic, and a large building on a small section of the property.

Committee member Barr advised she also wondered what the tank was. It seems like squishing a lot of things onto one portion of the property, and she is not sure if there is some way to alter where the septic system is going.

The chair asked if the Planner could comment on the old septic tank and the size and location of the new sewage system site.

The Planner advised she agrees it would be a good idea to have the old sewage system decommissioned and removed. They are also working with a licenced septic installer to ensure it fits. The lot coverage conforms with the Zoning By-Law and it takes into consideration the entire property, not just the portion that is being developed.

The applicant is advising they are proposing to decommission the sewage system and remove it.

The chair asked if the sewage system is large enough for the dwelling being proposed.

The Planner advised yes, and all setbacks are being maintained.

The Director added that the voting will be based on the addition of the condition to decommission the sewage system.

Resolution No. 2013-14-7

Moved by Mike Howe Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-18-21-B by Lou and Jennifer Bilkovski, located on Neill Lane, Bobs Lake, District of Bedford. To permit a 159 square metre seasonal dwelling inclusive of an attached covered porch and attached deck, the dwelling and covered porch will be setback 28 metres from the highwater mark and front yard and the attached deck will b setback 25.5 metres from the highwater mark and front yard, subject to conditions.

Carried

c) MV-20-21-B (Major & McCoubrey)

Location: Part Lot 32, Concession 6, being Part 14 on Plan 13R143, District of Bedford, Township of South Frontenac, municipally known as 288 Island Drive Lane.

Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a 150.5 square metre (1620 square foot) dwelling including a sunroom and attached deck. The dwelling will be being located 26 metres (85 feet) from the front lot line and highwater mark and the deck will be located 24.5 metres (80 feet) respectively from the front lot line and highwater mark of Bob's Lake. The subject property will also need a variance for lot coverage of 8.6% for the principal dwelling.

The Planner delivered her report to the Committee.

Committee member Nolan commented that he agrees with the report and conditions.

The applicant inquired about the square footage of the approval in the purpose of application and in the motion it was different.

The Planning Assistant advised that she would ensure that the decision reflected the recommendation in the Planners report.

Resolution No. 2013-14-8

Moved by Tom Bruce Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application MV-20-21-B by Shelley Major and Dave McCoubrey, located at 288 Island Drive Lane, Bobs Lake, District of Bedford. To permit a 140 square metre dwelling with an attached sunroom and decks. The dwelling is to be setback a minimum of 26 metres from the highwater mark and the attached decking is to be setback a minimum of 24.5 metres from the highwater mark, and to permit an 8% lot coverage for the principal building, subject to conditions.

Carried

d) MV-23-21-S (Saulnier)

Location: Part Lot 25, Concession 6, being Parts 1 – 5 on Plan 13R20611, District of Storrington, Township of South Frontenac, municipally known as 3084 Ernie Lane.

Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a 163 square metre (1753 square foot) dwelling which includes a 7.4 square metre (80 square foot) covered porch and a 35.6 square metre (383 square foot) attached deck. The dwelling will be being located 17 metres (55.5 feet) from the front lot line and highwater mark and the deck will be located 13.7 metres (45 feet) from the front lot line and highwater mark of Loughborough Lake.

The Planner delivered her report to the Committee.

Committee member Roberts advised he visited the site and inquired if they can use the existing septic.

The Planner advised the applicants will be able to use their existing septic system for the development being proposed, they will not need a new system.

Resolution No. 2013-14-9

Moved by Pat Barr Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-23-21-S by Suzanne Saulnier,

municipally known as 3084 Ernie Lane, Loughborough Lake, District of Storrington. To permit a 127 square metre dwelling with a covered porch located 17 metres from the highwater mark and a 35.6 square metre attached deck located 13.7 metres from the highwater mark, subject to conditions.

Carried

e) MV-24-21-S (Dawe & Brown) (Lot 9 Architects)

Location: 3045 Hilltop Lane, Buck Lake, Storrington District

Purpose of Application: To vary sections 5.8.2(a), 10.3.1 and 10.3.2 of Zoning By-Law No. 2003-75 to permit a single detached dwelling with an attached deck to be set back 14 metres, and an accessory detached garage to be setback 28.4 metres, from the highwater mark of Buck Lake, whereas a minimum 30 metre setback is required. Also, to permit the dwelling to have a maximum building height of 12 metres (instead of 11 metres), and to permit the garage to have a maximum building height of 7.75 metres (instead of 6 metres). The dwelling and attached deck would be set back farther from the highwater mark than the existing dwelling and deck that they will replace.

The Senior Planner delivered her report to the Committee.

Committee member Roberts advised that he does not see any issues and the building fits in with the ridge.

Resolution No. 2013-14-10

Moved by Mike Howe Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-24-21-S by James Dawe & Sommar Brown, located at 3045 Hilltop Lane, Buck Lake. To permit a 115.65 square metre dwelling with a 61.18 square metre attached deck. The dwelling is permitted to establish a maximum 12 metre height and a minimum 14 metre setback from the front yard and highwater mark. Also, to permit a 70.85 square metre accessory building, being an attached garage with a maximum height of 7.75 metres with a minimum setback of 28.4 metres from the highwater mark, subject to conditions.

Carried

2021:05:8 Other Business

a) Report - Decisions on Delegated Consents

The Director of Development Services advised that the file for MV-20-21-B had been reviewed and the resolution that was read was consistent with the application and sketch that was submitted and the Planning Report that was submitted.

The applicant advised that she trust the staff.

The Director brought the applicant's attention to the slideshow and asked her to ensure that the sketch was consistent with the application.

The applicant advised that yes, the drawing shown in the PowerPoint is consistent with what was submitted.

The Planner added that it is recommended that the house plans be attached to the Decision.

The applicant advised that the house plans are slightly different but still in the same footprint.

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The Director advised that the critical part is the footprint and the drawings will be attached to the Decision.

2021:05:9 Adjournment

a) Resolution

Resolution No. 2013-14-11

Moved by Tom Bruce Seconded by Doug Morey

THAT the June 10, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:37 p.m., to reconvene on Thursday, July 8, 2021, at 7:00 p.m. or at the call of the Chair.

Carried

Randy Ruttan, Chair