Minutes of Committee Of Adjustment
February, 11, 2021

Time: 7:00 PM
Location: Virtual via Zoom

Meeting # 01

Present: Alan Rvill, Mike Nolan, Tom Bruce, Doug Morey, Norm Roberts, Ken Gee, Randy Ruttan and Mike Howe

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

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 (to be posted closer to the meeting date).

3 Adoption of Agenda

a) Resolution

Resolution No. 2020:01:2
Moved by Ken Gee Seconded by Norm Roberts
THAT the Township of South Frontenac Committee of Adjustment hereby adopts the agenda for the February 11, 2021 Committee of Adjustment meeting.
Carried

4 Declaration of pecuniary interest

5 Approval of Minutes – December 10, 2020

a) Resolution

Resolution No. 2020:01:3
Moved by Tom Bruce Seconded by Doug Morey
THAT the Township of South Frontenac Committee of Adjustment hereby approves the minutes of the December 10, 2020 meeting of the Committee.
Carried

6 Minor Variance Applications from Previous Meetings:

a) MV-43-20-L (Headrick)
Location: Part of Lot 10, Concession 8, District of Loughborough, Township of South Frontenac, municipally known as 1023 Leadbeater Lane.
Purpose of Application: To vary sections 5.8.2 a) and 8.3.1 of the Zoning By-

law to permit the demolition and re-construction of an existing seasonal dwelling and attached deck with a new addition to the rear of the seasonal dwelling within the 30 metre setback from the high water mark. The re-construction of the seasonal dwelling and deck would be located in the same general footprint as the existing seasonal dwelling, maintain the current setback of 7 metres (23.7 feet) from the cottage and 3 metres (10 feet) from the deck to the high water mark. The applicant is also seeking additional relief from section 8.3.1 with respect to lot coverage for an increase of 1.9 % from the existing lot coverage.

The Planner delivered her report to the Committee.

Committee member Ruttan advised he does not see anything wrong with this proposal.

Committee member Howe agreed.

Resolution No. 2020:01:4
Moved by Tom Bruce Seconded by Norm Roberts
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-43-20-L by David and Lisa Headrick, located at Part of Lot 10, Concession 8, District of Loughborough, municipally known as 1023 Leadbeater Lane, Eel Bay of Sydenham Lake. To permit a dwelling to be set back a minimum of 9.4 metres (30.8 feet) from the highwater mark and 3.2 metres (10.5 feet) from the top of bank. The principal building is permitted to establish a front yard setback of 9.4 metres (30.8 feet) and a maximum of 6% lot coverage, subject to conditions.

Carried

b) S-47-20-B (Orr)
Location: Lot 6, Concession 3, District of Bedford, Township of South Frontenac, being Part 1, 2 and 3 on Plan 13R8565, municipally known as 111 Second Heaven Lane, Thirty Island Lake
Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a seasonal dwelling with attached screen porch and deck located 16.8 metres (55 feet) and 14.3 metres (47 feet) respectively from the front yard and the high water mark of Thirty Island Lake.

The Planner delivered her report to the Committee.

Committee member Nolan advised that he believes this is a constrained lot, but does believe there is room for emergency vehicles if needed, and he supports the planning recommendation.

Resolution No. 2020:01:5
Moved by Ken Gee Seconded by Randy Ruttan
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-47-20-B by Ralph Orr and Lynne Wilson Orr, located at Part of Lot 6, Concession 3, District of Bedford, municipally known as 111 Second Heaven Lane, Thirty Island Lake. To permit a 75 square metre dwelling, inclusive of attached decks, being a minimum 15.5 metres from the front lot line and high water mark, and a minimum 4.8 metres from the rear lot line, subject to conditions.

Carried

7 New Minor Variance Applications:

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.

The Senior Planner delivered her report to the Committee.

Committee member Gee advised he agrees with the recommendation from the planning department to facilitate a site visit and review of the sewage system.

Committee member Roberts advised he also supported the deferral.

The Applicant advised that they are in the process of re-building the cottage they lost to a fire, and a few days prior to the meeting hand found out that the sewage system was not big enough to support the addition to the cottage. The applicant advised they have plans to enlarge the sewage system to support the addition once the snow melts. The applicant asked the Committee members if it was possible to make a decision at this meeting subject to the sewage system enlargement.

The Senior Planner advised that her recommendation was for deferral based on the Building Staff assessment, but it is up to the Committee members to make a decision.

The Director of Development Services commented that there are a few applications that have run into the challenges of seasonal weather and the Building staff are unable to proceed with a review of the sewage systems. Generally, the Planning recommendation is that the reviews should occur before the Committee of Adjustment members give their blessing to a particular type of planning application, especially when there are circumstances that the variance would be impacted by the assessment around sewage systems. It is the Committee members call to make, but planning staff do take the assessment and comments of all commenting agencies very seriously.

Committee member Nolan inquired about missing data with respect to the size of the existing building. His calculations show that the lot coverage exceeds the 5% maximum.

Committee member Ruttan advised he is not sure how the committee can approve moving the minor variance forward without the septic approval because then there is a building without a septic. He advised that he has to agree and supports moving forward with a deferral and waiting for the building department comments.

Chair Revill advised that prior, Public Health Staff and now Township building staff are unable to comment on sewage systems when there is snow cover and they cannot see the topography and characteristics of the property. Although the building is underway, it is typical that the septic system will be approved, but until such time they are able to provide all specifics of the application including space requirements, it is difficult to approve anything.

Resolution No. 2020:01:6
Moved by Mike Nolan Seconded by Doug Morey
THAT the Township of South Frontenac Committee of Adjustment hereby defers making a decision on Minor Variance MV-10-20-S by Dana Brown, located at 4811 Noble Lane, East Basin of Loughborough Lake, Storrington District, to

provide time and suitable weather conditions for the Building Department to review the property to determine if there is sufficient area and appropriate conditions on the property to upgrade the septic system.

Carried

b) MV-48-20-P (Kulchitskaya) (The Boulevard Group)
Location: Lot 8, Concession 11, District of Portland, Township of South Frontenac, Being Parts 1 and 2 on Plan 13R10944, municipally known as 2353 Silver Rock Lane, Verona Lake.
Purpose of Application: To reduce the minimum 30 metre setback from the highwater mark, the maximum permitted lot coverage and the minimum separation distance between accessory structure and principal structure to permit the construction of a single detached dwelling with attached deck and a detached garage. The proposed development will require the following variances:

Section from Zoning By-Law requiring Relief	Required / Permitted	Proposed
Front Yard	30 metres minimum (98.4 feet minimum)	House: 25.2 metres (82.7 feet) Deck: 21.5 metres (70.5 feet)
Setback from Highwater mark (principal) • house • attached deck	30 metres minimum (98.4 feet minimum)	House: 25.2 metres (82.7 feet) Deck: 21.5 metres (70.5 feet)
Setback from Highwater mark (accessory) • detached garage	30 metres minimum (98.4 feet minimum)	27.1 metres (88.9 feet)
Lot Coverage for house and deck (Principal)	5% (maximum permitted)	10.9%
Distance between house and garage	1.2 metres minimum(3.9 feet minimum)	3.0 metres (9.8 feet)

The Planner delivered her report to the Committee.

Committee member Bruce advised that he agrees with the recommendation for deferral and would like to see the rest of the information before making a decision.

The Agent of the Application, Mr. Sands advised that he agrees with the recommendation to defer the application and they are aware of the outstanding matters for the application.

Member of the Public, Ms. Heggadorn on behalf of Ms. Purvis, the previous owner read a letter with respect to her concerns with the proposal, as outlined in the letter attached to the Agenda for this matter she advised that she does not believe the application is minor, it is not desirable, there would be a loss of sunlight to surrounding properties and loss of privacy for surrounding properties. There would be a loss of views of surrounding properties and there are also parking issues on the subject property and surrounding properies. She believes that the proposal is not modest and does not meet the intent of the Official Plan or Zoning By-Law.

Member of the Public, Mrs. Kleiber advised that she wished to reiterate the points in her letter, attached to the agenda for this meeting. She feels that this proposal is too large and too tall for the property. She advised that she does not believe this proposal is minor, and previous staff had told her that they

would be able to build a very modest cottage on the property, nothing near the size that is proposed.

Resolution No. 2020:01:7
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-48-20-P by Margarita Kulchitskaya, located at Part of Lot 8, Concession 11, District of Portland, Silver Rock Lane, Verona Lake. To provide additional time for the applicant to dig test pits and consult with a sewage system installer, consult with Hydro One with respect to the lines on the property, to provide an updated sketch and to consider an alternative design and size for the proposal.

Carried

c) MV-49-20-S (Waters)
Location: Lot 26 and 27, Concession 10 and 11, District of Storrington, Township of South Frontenac, being part Road Allowance between Concession 10 and 11 and being Parts 2, 3, and 4 on Plan 13R3094, municipally known as 1109 Burnt Hills Road, Dog Lake
Purpose of Application: To vary section 18.3.2, 5.24.1 and 5.24.2 of the Zoning By-law to permit the construction of an accessory building, being a storage shed, with a maximum height of 5.8 metres (19 feet) where the by-law permits 4.5 metres (14.8 feet) in the Recreational Resort Commercial Zone and for the accessory building being larger than the principal cabins on the building and to be located in the front yard of the subject property.

The Planner delivered her report to the Committee of Adjustment. She added a condition with respect to a Development Agreement being registered on title to address the implementation of a 3 metre buffer strip along the abutting property line.

The applicant inquired with respect to the involvement of the buffer strip with respect to options for directing water.

The Planner advised that it would be a requirement to have a buffer strip between the uses of the Recreational accessory building and the residential uses of the neighbouring property. The setbacks would remain the same. Some buffer items would include planting trees or shrubs between the properties.

d) MV-50-20-S (Rutledge & Shanks)
Location: Lot 40, Part Block A on Plan 544, District of Storrington, Township of South Frontenac, being Parts 49 and 50 on Plan 13R16884, municipally known as 1111 Heron Lane, Loughborough Lake.

Purpose of Application: To vary section 5.10.2, 5.8.2, 10.3.1 of the Zoning By-law to permit the construction of a screened-in porch, a carport and a second story addition to a legal non-complying structure within the required 30 metre setback from the highwater mark of Loughborough Lake.

Section from Zoning By-Law requiring Relief	Required / Permitted	Proposed
Front Yard	30 metres minimum (98.4 feet minimum)	Screened-in porch: 6 metres (20.7 feet) Carport: 11 metres (36 feet) Second story addition: 16 metres (52.7 feet)

Setback from Highwater mark (principal)	30 metres minimum (98.4 feet minimum)	Screened-in porch: 6 metres (20.7 feet) Carport: 11 metres (36 feet) Second story addition: 16 metres (52.7 feet)

The Planner delivered her report to the Committee.

The applicant, Mr. Rutledge advised that they wished to eliminate the variances for the car port and screened in porch due to the comments received, they plan to address that at a later point in time once a survey is completed. He advised that they have had conversations with a septic installer and found a suitable place for the sewage disposal system.

Committee member Gee advised he agrees with Conservation comments and he agrees with the second storey addition as the inside of the dwelling is being re-modeled and the approval of a second storey will facilitate the re-configuration.

Committee member Roberts advised that he agrees with committee member Gee and agrees with the proposal for the second storey.

Committee member Nolan raised concerns with respect to concerns over the septic system situation.

The Planner advised that the current septic system is not appropriate to service the second storey and they are proposing to install a brand new system and this permit would be issued at the same time as they would be issued a building permit for the second storey.

Member Nolan asked if this was the same situation as previous applications that had just been deferred.

The Director of Development Services advised that there have been discussions with the applicant and building staff, the second story addition is not going to take up any additional area of the lot, there has been an evaluation and there is appropriate space south of the dwelling on the lot further from the water that would be able to support a new sewage disposal system. The applicant understands they will have to design a system to be able to be placed on the available area. What makes this a little bit different than the earlier proposal is there is no lot area being built on that would take away from the ability to expand or place a new sewage system on the property.

Resolution No. 2020:01:8
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 Application MV-50-20-S by Shawn Rutledge and Katie Shanks, located at Lot 40, Part Block A on Plan 544, District of Storrington, municipally known as 1111 Heron Lane, Loughborough Lake. To provide additional time for the applicants to review their proposal, address concerns raised by Cataraqui Consecration, and to provide Cataraqui Conservation additional time to assess the erosion hazard on the property, and to provide additional time for the Building Department to assess the property for the suitability for the installation of an on-site sewage disposal system.

Carried

e) MV-51-20-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 section 5.8.2, 10.3.1 of the Zoning By-law to permit the construction of a one and a half storey dwelling with attached porches located within the 30 metres (98.4 feet) highwater mark setback from Sand Lake.

Section from Zoning By-Law requiring Relief	Required / Permitted	Proposed
Front Yard	30 metres minimum (98.4 feet minimum)	Dwelling: 27 metres (88.5 feet) Closest porch to front yard: 24.9 meters (81.5 feet)
Setback from Highwater mark (principal)	30 metres minimum (98.4 feet minimum)	Dwelling: 27 metres (88.5 feet) Closest porch to water: 24.9 meters (81.5 feet)
Rear Yard	10 metres minimum (32.8 feet minimum)	Dwelling: 6.62 metres (21.7 feet) Closest porch to rear yard: 6.22 (20.4 feet)

The Planner delivered her report to the Committee.

Committee Member Nolan advised that he believes that reducing the size of the building and moving it back, it significantly improves the development of the property and he supports the application.

The agent for the application reviewed the proposal and advised he believes it is an appropriate development for the property.

Resolution No. 2020:01:9
Moved by Mike Nolan Seconded by Tom Bruce
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-51-20-B by Daniel and Debra Mulrooney, located at Part Lot 4, Concession 3, District of Bedford, municipally known as 33A Swain Lane, Sand Lake. To permit a 134.5 square metre (1445 square feet) dwelling including three attached covered porches. The principal building (dwelling and porches) is permitted to establish a 24.9 metre (81 foot) front yard and a 6.2 metre rear yard, and to be setback a minimum 24.9 metres (81 feet) from the highwater mark, subject to conditions.

Carried

f) MV-52-20-L (McNichols) (Dacosta)
Location: Lot 4, Concession 3, District of Loughborough, Township of South Frontenac, being Part1 on Plan 13R20414, municipally known as 2880 Railton Road.
Purpose of Application: To vary section 5.24.2 and 7.3.2 of the Zoning By-law to permit the construction of a detached garage located in the front yard and within the minimum required setback from the exterior lot line being Stage Coach Road.

Section from Zoning By-Law requiring Relief	Required / Permitted	Proposed
Accessory Building in Front Yard	Any accessory building which is not part of the main building shall be erected to the rear of the projected front or	Proposed in Front Yard

	exterior side wall of the main building	
Setback from Exterior Lot Line (Stage Coach Road)	20 metres minimum (65.6 feet minimum)	10 metres (32.8 feet)

The Planner delivered her report to the Committee.

Committee member Howe and Ruttan concurred with the recommendation.

Resolution No. 2020:01:10
Moved by Norm Roberts Seconded by Ken Gee
THAT the township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-52-20-L by Katie McNichols and Brady DaCosta located at Lot 4, Concession 3, District of Loughborough, municipally known as 2880 Railton Road. To permit an accessory building, being a detached garage located in the projected exterior side yard and set back a minimum 10 metres (32.8 feet) from the exterior lot line, which abuts Stage Coach Road, subject to conditions.

Carried

g) MV-01-21-B (Arbeau & Westlake)
Location: 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 vary section 10.3.1 to reduce interior side yard setback to 1.5 metres (4.9 feet) whereas the Township of South Frontenac Zoning By-law requires 3 metres (9.8 feet).

The Planner delivered her report to the Committee.

Committee member Nolan advised he agrees with the Planning recommendation.

Resolution No. 2020:01:11
Moved by Randy Ruttan Seconded by Mike Howe
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-01-21-B by Chris Arbeau and Carrie Westlake located at Part Lots 33 & 34, Concession 7, municipally known as 98 Mill Bay Lane, Bobs Lake, District of Bedford. To permit a 29.2 square metre (314 square foot) addition including a 28.5 square metre (306 square foot) attached deck. The addition and deck are permitted establish a 1.5 metre (4.9 foot) west interior side yard, subject to conditions.

Carried

h) MV-02-21-B (Milne)
Location: Lot 9, Concession 12, District of Bedford, Township of South Frontenac, municipally known as 84A Loon Lane, Devil Lake.
Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of an addition (building + deck) to the west of an existing dwelling with the building addition being located 26 metres (88 feet) and the deck addition being located 21 metres (72 feet) from the front yard and the high water mark of Devil Lake.

The Planner delivered her report to the Committee.

Committee member Nolan and Committee Chair Revill both advised they were unable to attend the property due to weather and site conditions, but based on the information and pictures provided could support the planning recommendation.

Resolution No. 2020:01:12
Moved by Mike Howe Seconded by Randy Ruttan
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-02-21-B by Jeffery and Deborah Milne, located at Lot 9, Concession 12, District of Bedford, municipally known as 84A Loon Lane, Devil Lake. To permit a 55.7 square metre (600 square foot) building addition and a 41.8 square metre (450 square feet) attached deck. The building addition is permitted to be setback 26 metres (88 feet) from the highwater mark of Devil lake and the deck addition is permitted to be setback 21 metres (72 feet) from the highwater mark, subject to conditions.

Carried

i) MV-03-21-L (Soucie)
Address: 1135 Georgia Lane, Sydenham Lake, Loughborough District
Purpose of Application: To permit an accessory 233 square metre (2500 square foot) detached garage that would be 8.12 metres high, instead of the maximum 6 metres allowed in the RLSW zone.

The Senior Planner delivered her report to the Committee.

Committee member Ruttan advised he visited the site and he has some concerns with the building, but he would like to be assured that the future use of the building could not become a dwelling.

The Senior Planner advised that in order to change the accessory building to another dwelling unit, the owner would have to apply to change the current zoning to allow a second dwelling on the property.

Committee member Ruttan asked if there was something that could be implemented to buffer the visual.

Chair Revill advised that this request could be completed by way of requesting an amendment to the resolution.

Committee member Howe advised that he would support the recommendation with some landscaping due to the terrain.

The agent, Mr. Sands advised that they appreciate the comments that have been received and the overview of the Senior Planner. He advised that the proposed development is entirely proposed for an accessory building only, from his understanding habitable space in an accessory building is prohibited. He spoke to the design of the building, there is high architecture detail proposed to match the dwelling proposed on this property. This accessory building will be used to aesthetically compliment the property and hide the unsightly storage of recreational vehicles. Mr. Sands advised that if this building was being used for the primary use, the height would conform with the zoning height restriction. He believes a 200 foot setback from the accessory building to the dwelling on adjacent property is more than sufficient, but he understands it is the applicant's intention to plant trees and shrubs as a buffer from abutting properties.

The applicant, Mr. Soucie advised he has not spoken directly with the neighbours.

The Senior Planner advised she has not recommended a tree planting condition.

The Director of Development Services asked member Ruttan and Howe if they would like any additions to the resolution.

Member Ruttan asked that it be added to the resolution that there be a tree planting plan.

Chair Revill asked if memmber Ruttan had an recommendations with respect to height and depth etc.

Member Ruttan asked for some wording clarification from the Planning staff, and to ensure that the sight lines are protected.

The Senior Planner recommended that the tree planting plan be implemented through a Development Agreement and offered wording for the Development Agreement.

Chair Revill asked for a seconder to member Ruttan's motion Committee member Howe offered himself to second Committee member Ruttan's motion.

The Senior planner advised she was only changing the recommendations for a condition for a Development Agreement to be added.

The Director of Development Services advised that the resolution could be amended to include the recommendation of a Development Agreement being implemented.

The agent, Mr. Sands asked for clarification with respect to the condition of the proposal of a Development Agreement, and he asked if the Committee of Adjustment would have any appetite to implement the planting plan as a condition on its own instead of the need for a Development Agreement.

The Director of Development Services noted that the Development Agreement is the preferred approach because if it was a condition of the Minor Variance the planting would be required to be complete before the building permit was able to be issued which could have significant constraints on timelines due to the seasonality. The Development Agreement would allow the Township to ensure the plantings were maintained and the Development Agreement signing is a delegated authority which streamlines the process.

Resolution No. 2020:01:13
Moved by Randy Ruttan Seconded by Mike Howe
THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-03-21-L by Paul Soucie, located at 1135 Georgia Lane, Sydenham Lake, Loughborough District. To permit an accessory building, being a detached garage to establish a maximum 8.12 metre building height, subject to conditions to include a Development Agreement inclusive of the wording recommended by Senior Planner Woods.

Carried

8 Other Business

a) Consents Approved by Delegated Authority

b) Committee member Gee asked about the appeals that were received for applications.

The Director of Development Services advised that the Fraser matter that was appealed was set for a hearing on March 17th, 2021 and Anna will be helping defend the Committee of Adjustments position for that file.

Ms. Dodds also advised that there had been some discussion with Council with respect to the two MacKay severances and Council provided direction to the

Township solicitor to seek a settlement on those applications.

c) The Director of Development Services advised that KFL&A had moved into the Green Status of the emergency order, and on Tuesday of next week the doors will be open to the public and all staff will be back in the office. Hopefully the green status will be maintained and committee members will be able to attend in person.

d) The Director of Development Services advised that next meeting we will be seeking recommendations and motions for Chairperson and Vice-Chairperson, and if members could think about who they would like to appoint.

9 Adjournment

a) Resolution

Resolution No. 2020:01:14
Moved by Tom Bruce Seconded by Doug Morey
THAT the February 11, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 9:17 p.m., to reconvene on Thursday, March 11, 2021 at 7:00 p.m. or at the call of the Chair.

Carried

~~Alan Revill~~, Chair
Randy Ruttan