

Minutes of Committee Of Adjustment
December, 9, 2021

Time: 7:00 PM

Location: Council Chambers/Electronic Participation

Meeting # 11

Present: Norm Roberts, Mike Nolan, Doug Morey, Ken Gee, Alan Revill, Randy Ruttan

Absent: Mike Howe, Tom Bruce

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

- 1 Call to Order
- 2 Adoption of Agenda
 - a) Resolution

Resolution No. 2021:11:2

Moved by Alan Revill Seconded by Ken Gee

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the December 9, 2021 Committee of Adjustment Meeting.

Carried

- 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) Staff has 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.

- 4 Declaration of pecuniary interest

- 5 Approval of Minutes – November 11, 2021

- a) Resolution

Resolution No. 2021:11:3

Moved by Ken Gee Seconded by Alan Revill

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the November 11, 2021 Committee of Adjustment meeting.

Carried

- 6 New Consent Applications:

- a) S-04-21-L (Shepherd)
Location: Part Lot 16, Concession 10 being Part 1 on Plan 13R13419 ; Lot 17, Concession 11 Part Road Allowance Between Concession 10 and 11 ; Part Lot

18, Concession 11, being Part 1 on Plan 13R7404, District of Loughborough, Township of South Frontenac, municipally known as 1646 Shales Road

Purpose of Application: Consent for the creation of one new residential lot consisting of approximately 1.3 hectares (3.3 acres) of vacant land from the subject property with approximately 55 metres (180 feet) of road frontage on Shales Road. The retained lands will be approximately 34 hectares (80 acres) in area with a minimum of 55 metres (250 feet) of road frontage on Shales Road.

The Planner delivered her report to the Committee.

Resolution No. 2021:11:4

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-04-21-L to create one new residential lot located on Shales Road, District of Loughborough consisting of approximately 1.33 hectares (3.3 acres) with approximately 76 metres of frontage on Shales Road, subject to conditions.

Carried

b) S-77-21-S (Moreland)

Property Address: 3195 Sunbury Road (Roll No. # 102906004001400)

Purpose and Effect of the Application

Consent for the creation of one new residential lot.

The severed parcel consists of approximately 1.95 acres (0.78 hectares) with a 123 metres (405 feet) of frontage on Battersea Road.

The retained lands will be approximately 46 acres (18.6 hectares) with approximately 556 metres (1824 feet) of frontage on Battersea Road and Sunbury Road.

The Planner delivered her report to the Committee.

Committee member Roberts inquired about the road widening requirement and if it is at the applicants expense.

The Planner answered that, yes, the surveyor who provides a survey for the new parcel would also survey any required portion to widen the road at the same time.

The applicant spoke to advise that he is creating this lot for infill, creating a straight line along all of the current parcels of land which will leave a 30 acre parcel of land behind which he believes eventually would be a good property to be developed as a subdivision in the future. Mr. Moreland advised that the lot size he is proposing is larger than many of the existing lots in the surrounding area. He also noted that the road widening is inconsistent with what is in the surrounding area, and he is unsure why this wasn't completed when the Sunbury upgrades were completed last year. Mr. Moreland mentioned that he has a current buyer for the property right now, he noted that the potential buyer has no intention of touching the northern area as he would like it to remain flooded for a skating rink for his kids. He noted that he does not have a problem paying for a Minor Variance to reduce the lot area. He also noted that across from the Storrington Centre in 2009 a lot was approved under the current official plan that was deficient in lot area so that the lot line could be a straight line. He added that he does not want anything special, he is simply looking for something that someone else was given.

Mr. Moreland also inquired about the payment of MDS calculations within the Settlement Area.

The Planner advised that staff would look into this matter.

Committee member Revill noted that Mr. Moreland had raised a number a questions and he appreciates becoming aware of them, but the motion before the committee tonight is for deferral.

The chair of the Committee asked Committee members if the current motion for deferral is the motion they would like to see tabled. There was no opposition to this.

Resolution No. 2021:11:5

Moved by Ken Gee Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby defers Consent Application S-77-21-S to provide the applicant time to revisit the minimum lot area proposed to comply with the Official Plan and Zoning By-Law 2003-75.

Carried

7 New Minor Variance Applications:

a) MV-46-21-B (Walberg & Lobb)

Location: 454 Steele Road

Purpose of Application: To request permission to allow an addition to the rear of a cottage and to allow an addition to the deck to the west of a cottage.

The Planner delivered her report to the Committee.

Committee member Nolan inquired about the total lot coverage of the building with the addition added.

The Planner answered that the total lot coverage after the addition would be 14.5%.

Committee member Nolan mentioned that the existing buildings cover approximately 11.2% and the addition to building one would take it to 12.7%.

The Planner advised that the existing is 12.8% and the addition will take it to 14.5%.

Committee member Nolan said he does not see any issue with the development and deck on cottage one, but there is already quite an occupancy on the lot already and that is being increased. Member Nolan advised he just wanted to state his concern.

Committee member Revill advised that he is aware of the lot coverage issue, but when he visited the site, he noted it is quite isolated and the minor additions make it something that he can support.

The Planner noted that the application is being considered under 45(2) of the Planning Act which does not take into consideration the Zoning By-Law or Official Plan, but only looks at the appropriateness to grant permission for the addition.

Committee member Roberts noted that the Staff Report states the District is Storrington, not Bedford.

The applicant spoke to the Committee about why they have applied for this minor variance as they bought the property and now have a family who have grown up there and now they would like a little more space.

Resolution No. 2021:11:6

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-46-20-B at the property municipally known as 454 Steele Road, Bobs Lake, District of Bedford. To permit the enlargement of a legal non-conforming building, being an increase in area of 25 square metres for the dwelling and an increase of 6 square metres for the deck, subject to conditions.

Carried

b) MV-47-21-S (Smith & Hahn)

Location: 3035 Hilltop Lane, Perth Road

Purpose of Application: To vary section 10.3.2 of the Zoning By-law to permit the construction of an accessory structure (being a garage) to have a height of 8.3 metres (27 feet 3 inches) whereas the Zoning by-law permits a maximum height of 6 metres (19.7 feet).

The Planner delivered her report to the Committee.

Committee member Roberts advised that he visited the site and the location looks ok, and the height will match the other buildings on the property.

Committee member Gee advised that the location proposed is really the only spot, and the height will match the other buildings and not obstruct any views.

Resolution No. 2021:11:7

Moved by Ken Gee Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-47-21-S for the property at 3035 Hilltop Lane, District of Storrington, To allow a detached garage to have a maximum height of 8.3 metres, subject to conditions.

Carried

c) MV-48-21-B (Doelman) (KB Homes Ltd.)

Location: Roll Assessment Number 102902002045000 (71 Pine Lane)

Purpose of Application: To vary section 10.3.2 of the Zoning By-law to permit the construction of an accessory structure (being a garage) to have a height of 7.3 metres (24 feet) whereas the Zoning by-law permits a maximum height of 6 metres (19.7 feet).

The Planner delivered her report to the Committee.

Committee member Nolan advised that he visited the property and the building will be blocked by large trees on one side, a rock on the other and a house on the front, the only way to see the garage is from the road which is a road not travelled by many.

Committee member Revill advised that he agrees, he does not see any adverse impact on the surrounding properties.

Resolution No. 2021:11:8

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-48-21-B for the property located at 71 Pine Lane, District of Bedford. To allow an accessory building, being a detached garage to have a maximum height of 7.3 metres, subject to conditions.

Carried

- d) MV-49-21-S (Forman & Schouten)

Location: 5343 Rideau Road

Purpose of Application: To vary section 7.3.2 of the Zoning By-law to permit the construction of an accessory structure (being a garage) to have a height of 6.7 metres (22 feet) whereas the Zoning by-law permits a maximum height of 6 metres (19.7 feet).

The Planner delivered her report to the Committee.

Committee member Gee advised that it is far enough back from the water and the septic, and he agrees with the Planning report.

Committee member Roberts advised he also agrees with the Planning report.

Resolution No. 2021:11:9

Moved by Ken Gee Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-49-21-S at the property located at 5343 Rideau Road, District of Storrington. To allow a detached garage to be a maximum 6.7 metres in height, subject to conditions.

Carried

- e) MV-50-21-B (Bernal)

Location: 51A Guthrie Lane

Purpose of Application: To vary section 5.8.2a) and 10.3.1 of Zoning By-law No. 2003-75 to permit a wrap-around deck & front porch to have a 8.13 metre setback from the highwater mark, whereas a minimum 30 metre setback is required. This application is also seeking relief from section 5.8.2(b) of Zoning By-law No. 2003-75 to permit the same wrap-around deck & front porch to have a 0 metre setback from the top of bank, whereas a minimum 15 metre setback is required.

The Planner delivered her report to the Committee.

Committee member Nolan asked if they are being asked to agree to the deck that is already constructed, less 4 inches which is the additional encroachment onto the lake. He asked if the deck can be modified or would have to be re-built.

The Planner advised that the applicant has not provided building plans, but it will be expected that the deck meet building code and a thorough review of the application and the deck will be completed at the time of application for a building permit.

Committee member Revill asked if staff would support if the deck was reduced by 4 inches to what is believed is the original structure?

The planner advised that yes, the conditions have been written that the 4 inches is not approved, the 8.3 metres excludes the 4 inches.

Committee member Revill asked for clarification with respect to what is being approved and how the conditions could be written so that the 4 inches is excluded.

The planner advised that if the Committee so wished, that could be added to the resolution and conditions.

The chair asked the applicant about the construction of the deck prior to approvals and in the absence of a building permit.

The applicant spoke and addressed the 4 inches that are resulting in a further encroachment into the setback from the water, he advised they have no issues with scaling back the deck, removing one deck board will achieve the reduction of 4 inches.

The chair advised that this was not his question, and he would like to know why the applicant went ahead and built the deck without the permission of the Committee of Adjustment and asked for clarification as to what happened.

The applicant advised they are relatively new owners of the property, and they assumed, obviously incorrectly, that if they were replacing an existing deck that it wouldn't be a big deal and they had no idea that something like 4 inches would be such a big deal. He advised that they have learned a lot through this process, stopped construction immediately when they found out about it and have gone through the process and provided an Ecological Report as requested. He assured the committee that it will not happen again, it was a mistake on their part.

The chair thanked the applicant for his response and asked one more question with respect to the lack of vegetation in front of the deck, between the lake, he inquired if it had been all removed.

The applicant advised that the trees that were there were poor quality and created a liability to the structure, as you can see it is on Canadian Shield rock and there is no soil. The trees were removed by a tree expert and they confirmed that they were not sustainable, it was mostly shrubs. He advised that they are committed to working with the Township and the Conservation Authority to re-vegetate.

The Chair thanked the applicant for his comments on that and that a vegetative buffer is very important to Council and Committee.

Committee member Revill asked for the motion to be read and then if an amendment is required, he would ask to do so.

The Planning Assistant read the motion.

Committee member Revill advised he was satisfied with the resolution as it was read.

Resolution No. 2021:11:10

Moved by Norm Roberts Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-50-21-B at the property located at 51A Guthrie Lane, District of Bedford. To allow a 1081 square foot attached deck to establish a minimum front yard of 8.3 metres and to be setback a minimum of 8.3 metres from the highwater mark, and to be setback 0 metres from the top of bank, subject to conditions.

Carried

f) MV-51-21-L (McKay) (Snelgrove)

Property Address: 82 Labelle Lake Lane, Big Clear Lake

Purpose and Effect of the Proposed Variance:

The applicant proposes to construct a 55 square metre deck on the waterside of a single detached dwelling. This deck would replace the approximately 150 square metres of decking on the north and south sides of the dwelling, approved for construction through a building permit. The purpose of the proposed variance is to seek relief from section 5.8.2(a) of Zoning By-law No.

2003-75. This section requires a minimum 30 metre setback from the highwater mark. The effect is to permit an attached deck on a single detached dwelling to be set back a minimum of 26 metres from the highwater mark of a wetland connected to Big Clear Lake.

The Senior Planner delivered her report to the Committee.

Committee member Revill asked what the proposed width of deck is, he asked to go back to the picture showing the house and to show where the deck would be.

The Senior Planner advised that the dimension for the proposed deck was 5 metres by 11 metres. Therefore the deck would extend 5 metres out from the cottage.

Committee member Revill advised that perhaps reducing the size of the deck would be something that could be supported, but was unsure of the need for such a large deck encroaching into the setback.

Resolution No. 2021:11:11

Moved by Mike Nolan Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-51-21-L at the property located at 82 Labelle Lake Lane, District of Loughborough. To provide time for agencies to review the property and to provide comment, and for Planning staff to consider those comments in making a recommendation to the Committee.

Carried

g) MV-52-21-S (Foley)

Location: Vacant property on Pine Point Lane – Roll Assessment Number: 102907006025909

Purpose of Application: To vary section 10.3.1 of Zoning By-law No. 2003-75 to permit a dwelling to have a 23 metre setback from the high water mark, whereas a minimum 30 metre setback is required and to permit a setback of 1 metres from the interior side yard and road allowance whereas a minimum 3 metre side yard and 5 metre road allowance setback is required.

The Planner delivered her report to the Committee.

Committee member Morey commented that he is supportive of deferral in order to try to create the building envelope at 30 metres from the highwater mark.

The applicant, Ms. Foley spoke asking that the committee re-consider and approve the application and not defer. She provided background information with respect to purchasing the parcel of land and their intent for the property. Ms. Foley advised that the property, when they purchased, was incorrectly marked and upon a survey of the property it was discovered their property was 33 feet less due to the unopened road allowance. There is also a wet-like creek area that would be unbuildable, that is why they are asking for a 1 metre setback from the road allowance. Ms. Foley summarized comments she had received from the neighbours and Conservation Authority staff who were in general support of the application. She advised that they are trying to protect the natural state of the property and to stay true to the Conservation regulations which is why there is a need for a variance from the high water mark of Cranberry Lake and the unopened road allowance. Ms. Foley advised that the well was drilled in an area near the road and up on the top of the rock outcropping which is a spot that is not able to be developed with a home. She

noted that all of the constraints on the lot they had no choice but to seek a variance, the footprint of the home has been changed and a tertiary sewage system is being installed to take up the least amount of space as possible. She clarified that the proposed development would be 2,045 square feet, 2,926 square feet with the garage and deck, not 5,000 square feet as it had been mentioned before. She apologized that a small portion of the temporary access was placed over a portion of the neighbouring property and it has been promised to be removed as soon as possible.

The chair thanked the applicant for their comments, as the committee does take all comments seriously. He noted that the motion they expect will be for deferral but that can change to a denial or approval if the committee sees fit.

Mr. Bermel spoke to the matter to clarify some misquotes and clarified some of the comments. He noted that the GIS mapping identifies the unopened road allowance. He also noted that the wetland is a swale. Mr. Bermel also advised that the mound between the properties is important to note as it provides a buffer zone.

Committee member Revill asked what is anticipated from the deferral. He also asked if it would be appropriate for all Committee members to visit the property.

The Director of Development Services advised that if the committee defers the matter she would approve all members visiting the property. She also spoke to what the deferral is seeking to achieve, would be that time and consideration would be afforded to the Conservation Authority, especially on the Rideau Canal when Parks Canada is involved. From a staff perspective the concerns and questions from the Conservation Authority need to be taken into consideration.

Committee member Revill asked about the conditions being proposed and would it be appropriate for the committee to grant approval now or in February.

The planner advised that if the matter was approved in February, the building permit could be applied for and the 20 day appeal period would take them into March.

Committee member Nolan asked for confirmation that the property is staked out to give the committee members a clear picture of where everything will be.

Committee member Roberts agreed, he was out to the site and did not know where anything was going and asked for the site to be staked out prior to approving anything.

Committee member Nolan asked how we could move forward with this and ensure everything is staked out and visible on the property.

The Director of Development Services advised that she believes that it would be as simple as requesting the applicant and agent stake everything out on-site.

Ms. Foley advised that they are very willing to go to the property and stake it out.

Mr. Charette (agent) advised that the surveyor will be out in the new year, it is a very complex site and their goal is to have it all staked out. The Township will be notified by the applicant and agent when the property is ready for viewing.

The Planner recommended that they also stake out the location of the proposed sewage system.

Mr. Charette advised the lot lines, building and sewage system will all be staked out.

Committee member Revill advised that he would like to ensure that the lane and site are accessible.

The chair asked if they are still waiting for the Conservation Authority comments.

The Planner advised that yes, they recommended deferral so that the applicants could consider reconfiguring their proposal, and updated comments would be expected.

The Director of Development Services advised that an amendment may be appropriate to include the staking out of the building and sewage system.

The Chair asked the committee if they were okay with the amendments proposed by the Director.

Committee member Roberts said he was in favour of the amendment.

The Chair asked if a new motion was needed.

Committee member Roberts advised that an amendment could be made and the mover and seconder needed to agree to it which is why he agreed.

The Planning Assistant read the amended motion.

Committee member Nolan asked if the road allowance would be staked out as well.

The Planning Assistant advised that Mr. Charette had noted the survey company was going to come out and the property lines would be marked which would include the unopened road allowance.

Resolution No. 2021:11:12

Moved by Norm Roberts Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-52-21-S at a vacant property located on Pine Point Lane, District of Storrington. To provide time for the applicant to address comments received by the Conservation Authority and the public, and to provide time for the applicant and their agent to stake out the building and sewage system locations.

Carried

h) MV-54-21-S (Kaur & Kandsamy)

Property Address: 0 Beach Lane

Legal Description: Parts 1 and 2 on 13R21496, Part of Lot 30, Concession 10, Storrington District

Purpose and Effect of the Proposed Variance:

The applicant proposes to construct a single detached dwelling on the vacant waterfront property. The purpose of the proposed variance is to seek relief from sections 5.8.2(a) and 10.3.1 of Zoning By-law No. 2003-75. These sections require a minimum 30 metre front yard and setback from the highwater mark. The effect is to permit a single detached dwelling to establish a minimum 25

metre front yard and to be set back a minimum of 25 metres from the highwater mark of Cranberry Lake.

The Senior Planner delivered her report to the Committee.

Committee member Revill noted that in the sketch there is an arrow showing from the house to the waterfront, that appears to not be the closest point to the water.

The Senior Planner advised that she agrees, the sketch is not 100% accurate, but she is confident that 25 metres is where the building will go.

Committee member Gee advised that this is the best spot for it, there aren't a lot of options and at 25 metres it is something he could support.

Committee member Roberts advised he visited the site and he agrees with Committee member Gee, there is no other room for it.

Resolution No. 2021:11:13

Moved by Mike Nolan Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-54-21-S located at a vacant property on Beach Lane, District of Storrington. To permit a single detached dwelling to be set back a minimum of 25 metres from the highwater mark of Cranberry lake and to permit the detached dwelling to establish a 25 metre front yard, subject to conditions.

Carried

i) MV-55-21-S (Windle)

Location: Vacant property on Pine Point Lane – Roll Assessment Number: 102907006025912

Purpose of Application: To vary section 10.3.1 of Zoning By-law No. 2003-75 to permit a dwelling to have a 27 metre setback from the highwater mark, whereas a minimum 30 metre setback is required and to permit a setback of 4 metres from the road allowance whereas a minimum 5 metre setback is required. The application is also seeking relief from Section 10.3.2 for an increase of 2 metres from the 6 metre maximum building height for accessory structures to permit an 8 metre height for a detached garage.

The Planner delivered her report to the Committee.

Committee member Revill asked if this was the same property that Council had recently heard a Licence Agreement application for.

The Senior Planner confirmed, yes this is the same property.

Resolution No. 2021:11:14

Moved by Norm Roberts Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-55-21-S at a vacant property located on Pine Point Lane, District of Storrington. To allow a single detached dwelling with attached deck to establish a minimum 27 metre front yard and to be set back a minimum of 27 metres from the highwater mark of Dog Lake, and to allow a maximum height of 8 metres for the accessory building, being a detached garage, subject to conditions.

Carried

j) MV-56-21-P (Wehrle)

Location: 1121 Willy's Lane

Purpose of Application: To vary 10.3.1 of Zoning By-law No. 2003-75 to permit seasonal dwelling with attached deck to have 10.5 metre setback from the highwater mark, whereas a minimum 30 metre setback is required.

The Planner delivered her report to the Committee.

The applicants spoke and advised that they purchased the property with the intent of using the existing cottage, but upon further review they could not do this. They also cleaned up a large amount of garbage. After they determined that they could not use the cottage as they originally intended, they decided to re-build instead of renovate. They have acknowledge the comments of the building department and are looking for a way to fit a Class 4 swage system on the property, but it may have to be a Class 5 as there would be no other option.

Resolution No. 2021:11:15

Moved by Mike Nolan Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-56-21-P for the property located at 1121 Willy's Lane, District of Portland. To provide time for the applicant to engage the services of a licensed sewage installer to determine if they can accommodate a Class 4 sewage system on the property.

Carried

k) MV-27-21-S (Murphy & Kool)

Location: 3813 Maple Hill Way

Purpose of Application: To vary section 5.24.2 of the Zoning By-law to permit the construction of a carport being located in the projected front yard whereas the Zoning by-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

The Planner delivered her report to the Committee.

Committee member Roberts advised that he visited the site and agrees, there is no other place to put it.

Resolution No. 2021:11:16

Moved by Norm Roberts Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-57-21-S at the property located at 3813 Maple Hill Way, District of Storrington. To allow an accessory building to be erected in the projected front yard of the property, subject to conditions.

Carried

8 Other Business

a) Report to Committee - Delegated Approvals of Consent Applications

9 Adjournment

a) Resolution

Resolution No. 2021:11:17

Moved by Mike Nolan Seconded by Norm Roberts

Minutes of Committee Of Adjustment
December, 9, 2021

THAT the December 9, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 9:17 p.m., to reconvene on Thursday, February 10, 2022, at 7:00 p.m. or at the call of the Chair.

Carried