

Minutes of Committee Of Adjustment
September, 9, 2021

Time: 7:00 PM

Location: Council Chambers/Virtual via Zoom

Meeting # 08

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

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. 2021:08:2

Moved by Pat Barr Seconded by Mike Nolan

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the September 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) PowerPoint Presentation
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 – August 12, 2021

- a) Resolution

Committee member Roberts asked that the Minutes for the August 12th meeting be amended to show the Staff and Committee members present and that the resolution for the resolution for deferral be changed from Doug More and Tom Bruce to Norm Roberts and Mike Howe.

Resolution No. 2021:08:3

Moved by Mike Howe Seconded by Ken Gee

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the August 12, 2021 Committee of Adjustment meeting.

Carried

- 6 Minor Variance Applications from Previous Meetings:

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

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

Purpose of Application: To vary Sections 5.8.2(a) and 5.8.2(b) and 10.3.1 of Zoning By-law No. 2003-75 to construct a 100 square metre (1075 square foot) single detached dwelling located 16 metres (53 feet) at its closest point to the highwater mark of Bobs Lake which is on the south east side of the property. A sewage system is also proposed to be installed setback a minimum of 15 metres (49 feet) from the highwater mark of Bobs Lake.

The Planner delivered her report to the Committee.

Committee member Nolan advised that the site is tight and the allowance is going to be on all three sides of the peninsula, he advised that he has never seen a septic system go in front of the building closer to the lake. The lands are sheer rock and the sewage system will need to be very good to filter out everything before it reaches the lake. He advised he is very happy that the Engineering Company completed a thorough review. He also noted that the Conservation Authority advised that they would not want to see a dock on the property. He advised that from what he can see, there already is a dock on the property and he would like to see a condition that there is not a dock on the property and the reason for that would be because there are three sides open to the lake and a sewage system between the house and the lake to ensure that effluent does not make it to the lake. He would like to see this to ensure there is not anymore runoff than there already is because there would be a path to the dock.

The Director of Development Services asked for clarification of what Committee member Nolan was asking for as a condition.

Committee member Nolan advised that he would like to see a condition in the Development Agreement that there are no further structures on the property.

The Director of Development Services advised that with a Minor Variance any conditions must be able to be fulfilled prior to a building permit being issued. A condition that says there are to be no further structures on the property would not be able to be fulfilled prior to the issuance of a building permit.

Chair Ruttan inquired about an agreement with the Conservation Authority for waterfront properties.

The Director of Development Services advised that the Conservation Authority will require a permit prior to the building permit being issued, they do not have a separate agreement.

Committee member Roberts inquired about putting a sewage system on rock and facilitating that through bringing in fill.

The Planner advised that the applicant has worked very closely with the building department to ensure that there are suitable soils, they are also working with a licensed installer and engineer. She also addressed the dock that was already in existence when the property was purchased and this dock will be utilized, but any alterations they propose to the shoreline will require a permit from Conservation Authority and will be regulated by them.

Committee member Barr advised that she visited the property and she noticed the dock but noted that there would be a challenging to get down to the dock and some alterations may be required to make it convenient, she asked for confirmation that this would come under the regulation of the Conservation Authority.

The Planner advised that the Conservation Authority and Building Department would both require permits for stairs and/or landings to the dock.

Resolution No. 2021:08:4

Moved by Norm Roberts Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-16-21-B by Glen and Jeffrey Byles, located at Part Lot 25, Concession 4, being Part 90 on Plan 13R80, District of Bedford, Township of South Frontenac, municipally known as 26 Marina Lane. To permit a 100 square metre (1075 square foot) single detached dwelling to have a minimum 16 metre (53 foot) highwater mark setback and front yard setback and 3 metre (9.8 foot) setback from the top of bank. And to permit a minimum 15 metre (49 foot) highwater mark setback and front yard setback for a sewage system, in accordance with drawings submitted with the application, subject to conditions.

Carried

b) MV-28-21-L (Gannon) (Concord Homes)

Location of Property: 1088 Perry Lane, Sydenham Lake, Loughborough District

Purpose of Application: To vary Sections 5.8.2 a) and 10.3.1 of Zoning By-law No. 2003-75 to permit a dwelling with a 139 square metre total floor area that would consist of 109 square metres of dwelling and 30 square metres of deck with a setback of 8.2 metres from the highwater mark and front lot line, 6 metres from the rear lot line and will be premitted to have a maximum lot coverage of 14.5% for the principal building.

The Senior Planner delivered her report to the Committee.

Committee member Morey asked if the current structure is a three season dwelling that they are proposing to turn into a year round home.

The Senior Planner confirmed.

Committee member Morey asked for the clarification with respect to the current dwelling sewage system being sized suitable to service year round versus seasonal.

The Senior Planner advised that it is her understanding that a sewage system design does not take into account if the dwelling is used seasonally or year round, it is sized for the size of the building, the number of bedrooms, bathrooms and fixtures.

Committee member Howe raised concerns about the size of the lot coverage and noted that he is having a hard time visualizing how this will make sense and that he is unsure how this house is going to fit. He also mentioned that the road to the property is not a great road. He doesn't want to fault the owner for wanting to do what he wants to do but he is unsure if it is appropriate for the lot and the lake.

Committee member Roberts asked about adding an extra deck and adding a storey to the home.

The Senior Planner advised that the home will be shifted back a foot and will be 150 square feet larger than it is now.

Committee member Nolan asked if everything is going to be moved 0.3 metres from the water?

The Senior Planner advised that, yes that was correct.

The agent on the file delivered a presentation with respect to the alternate designs they had considered. (See PowerPoint Presentation slides 35-38).

Committee member Roberts asked for clarification that they are not looking for two stories. He asked if there can be a condition to make sure they only build a one storey home not two.

The Senior Planner advised that there is not enough room on the lot for a sewage system that would be needed to accommodate a two storey building.

The Director of Development Services advised that the decision will be conditioned to the specific drawings that were submitted with the application that would limit the applicants to one storey.

Committee member Roberts raised concerns that the drawing of the two storey home is still there, and wants to know if it is going to disappear, he would like clarity as to which option they would prefer.

Committee member Morey noted that the small increase proposed is still quite large due to the size of the property. He mentioned that it is his hope that this would be the end of what would be allowed on this property, no accessory buildings and no extensions of the deck etc.

The applicants advised that they are intending to have a modest home that they can retire in, and they do not want a Muskoka sized home. The applicant advised that her family acquired the land in the '60s when there were no requirements for lot size and setback requirements. She advised that they plan to upgrade the existing holding tank with an engineered sewage system and an energy efficient home which will improve what is there.

Committee member Nolan asked for clarity with respect to lot coverage.

The Senior Planner advised that the applicant wished to show some different options about how the lot could be re-developed using the footprint they have now, but they have identified that there are negative impacts that would be more significant than the slight increase they are requesting now.

Committee members asked for clarification about the two storey versus one storey option.

The Director of Development Services advised that the applicants presentation was just to show what could be done for re-development on the existing lot coverage which would be much more intense than the slight increase of what is currently proposed. She advised that what they are working with is from 1960 and it was a different time than what is now written down in the 2000 Official Plan and 2003 Zoning By-Law.

Resolution No. 2021:08:5

Moved by Doug Morey Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-28-21-L by Steve and Vicki Gannon, located at 1088 Perry Lane, Sydenham Lake, District of Loughborough. To permit a 109 square metre single detached dwelling with a 3 square metre attached deck. The dwelling is permitted to establish a 6.0 metre rear yard and to be set back a minimum of 11.1 metres from the highwater mark, with the deck establish a minimum setback from the highwater mark of 8.2 metres. The principal building is permitted to establish a maximum 14.5% lot coverage, all as per the submitted revised drawings, subject to conditions.

7 New Minor Variance Applications:

a) MV-34-21-B (Owttrim)

Location of Property: Part Lot 20, Concession 3, being Parts 1 – 3 on Plan 13R7915, District of Bedford, Township of South Frontenac, municipally known as Attwood Lane.

Purpose of Application: To vary Sections 5.8.2(a) and 8.3.2 of Zoning By-law No. 2003-75 to permit a single detached dwelling with an attached deck. The proposed dwelling will be 13.2 metres x 10.3 metres (43.3 feet x 32.5 feet for a total size of 136 square metres (1415 square feet) the dwelling will be set back 21.5 metres (71 feet) and the deck will be set back 20 metres (65.6 feet) from the high water mark of Bobs Lake, Buck Bay.

The Planner delivered her report to the Committee.

Committee member Nolan advised that he agrees with the deferral.

Committee member Barr advised that she agrees a deferral makes sense to try to find a location further from the lake.

The applicant advised that they are at a loss as they have had positive feedback from the Conservation Authority, they advised they would make recommendations about planting near the water. She advised that the sewage system is already there. She advised that they looked at building on the other side of Attwood Lane, and they didn't believe it was a good location. They were under the impression that everything was covered but to try to build something on the other side of the lane would be difficult and expensive. She advised that building on the other side of the lane would be counterproductive.

The Applicant asked that the matter not be deferred tonight.

The Committee Chair advised that the motion in front of the Committee is a deferral, and that due to the lack of further information he could support a deferral or denial.

Committee member Nolan advised that he too could only support a deferral until such time that he was provided further information.

Resolution No. 2021:08:6

Moved by Pat Barr Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-34-21-B by Bruce and Patricia Owttrim, District of Bedford, Township of South Frontenac, municipally known as vacant land on Attwood Lane, in order to allow the applicant to complete a joint site visit with Township staff and Conservation staff to consider possible alternative locations for the proposed development.

Carried

b) MV-36-21-P (Van Allen)

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

Purpose of Application: To request permission to expand a legal non-conforming building to recognize a reduced setback from the highwater mark and side lot line.

The Planner delivered her report to the Committee.

Resolution No. 2021:08:7

Moved by Norm Roberts Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application MV-36-21-P by Cory, Katherine and Rachel Van Allen located at 6082 Cemetery Road, Verona, District of Portland.

Carried

c) MV-37-21-L (Ankers & McDonald)

Location of Property: 3220 Railton Road, Loughborough District

Purpose of Application: To vary Section 7.3.2 of Zoning By-law No. 2003-75, to permit an accessory building (detached garage) to have a maximum building height of 7.9 metres.

The Senior Planner delivered her report to the Committee.

Committee member Howe advised that he attended the property and it looked straight forward and he supports the recommendation.

Committee member Nolan inquired about the need for the increased height as he believed a tractor would fit through a regular garage door.

Committee member Barr advised that it would not fit if it has a cab on it.

The Senior Planner advised that the pictures in the PowerPoint show the tractor next to a regular garage door, and it would not be able to fit.

Resolution No. 2021:08:8

Moved by Mike Nolan Seconded by Pat Barr

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-37-21-L by Tim Ankers and Christina McDonald located at 3220 Railton Road, Loughborough District. To permit an accessory building (detached garage) to have a maximum building height of 7.9 metres, subject to conditions.

Carried

d) MV-39-21-S (Arsenault) (McKegney Contracting)

Location of Property: Part Lot 4, Concession 13, Being Part 1 on Plan 13R5601 and Parts 1 – 7 on Plan 13R19657, District of Storrington, Township of South Frontenac, municipally known as 2741 MacGillivray Lane.

Purpose of Application: To vary Section 5.24.1 and Section 7.3.2 of Zoning By-law No. 2003-75 to permit the lot coverage of an accessory building (detached garage) to exceed the lot coverage of the existing principal building; and to permit the height of the accessory building (detached garage) to be 8.8 metres (29 feet).

The Planner delivered her report to the Committee.

Committee member Roberts advised he agrees with the recommendation.

Committee member Gee advised that he also agrees but inquired about the necessity for a minor variance to allow an accessory building to be larger than the principal dwelling.

The Planner advised that yes, this is required.

Committee member Barr asked if this would be a requirement if the zoning was for agriculture.

The Planner advised that it is dependent on the zone and permitted uses, this property is zoned as Rural and the accessory structure will be used as an accessory to the residential use.

The Chair inquired about the reason for the increase in height, and what will be stored in the garage to require this height.

The Agent on the application advised that the building is two storey, they want to put all of their seasonal equipment in the upper portion of the garage and their cars in the lower portion.

Resolution No. 2021:08:9

Moved by Ken Gee Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-39-21-S by James Arsenault located at 2741 MacGillivray Lane, District of Storrington. To permit an accessory building, being a detached garage to exceed the lot coverage of the existing principal building and to permit the high of the building to be 8.8 metres (29 feet), subject to conditions.

Carried

8 Other Business

- a) Report to Committee RE: Consent Granting Authority, consents approved

9 Adjournment

- a) Resolution

Resolution No. 2021:08:10

Moved by Doug Morey Seconded by Norm Roberts

THAT the September 9, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at _____ p.m., to reconvene on Thursday, October 14, 2021, at 7:00 p.m. or at the call of the Chair.

Carried

Randy Ruttan, Chair