

Minutes of Committee of Adjustment
November 11, 2021

Time: 7:00 PM

Location: Council Chambers/Electronic Participation

Meeting # 10

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

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

1 Call to Order

2 Adoption of Agenda

a) Resolution

Resolution No. 2021:10:2

Moved by Ken Gee Seconded by Alan Revill

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the November 11, 2021, Committee of Adjustment Meeting.

Carried

3 Electronic Meeting Information

a) The meeting was 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

a) Committee member Revill recused himself from application MV-48-20-P due to previous involvement with the property as a staff person.

Committee member Bruce recused himself from S-68-21-P as this property abuts his property and he has had conversations with the land owners outside of the meeting.

5 Approval of Minutes – September 9th & October 14th

a) Resolution - September 9th Minutes

Resolution No. 2021:10:4

Moved by Ken Gee Seconded by Alan Revill

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the September 9th, 2021 Committee of Adjustment meeting.

Carried

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b) Resolution - October 14th Minutes

Resolution No. 2021:10:5

Moved by Mike Nolan Seconded by Tom Bruce

THA the South Frontenac Committee of Adjustment hereby approves the minutes for the October 14, 2021, Committee of Adjustment meeting.

Carried

6 New Consent Applications:

a) S-68-21-P (Hawley)

Location: Part Lot 9, Concession 1, District of Portland, Township of South Frontenac, municipally known as a vacant property on Wilton Road

Purpose of Application: Consent for the creation of a new residential lot consisting of approximately 1 hectare (2.7 acres) with a minimum of 76 metres (250 feet) of frontage on Cummins Road from a property with Roll Assessment Number 102908001003802. The applicants are extending the existing public road known as Cummins Road to provide road frontage for the severed parcel. The public road will be required to be built to Township Public Road Standards. The retained lands will retain the existing development and will be approximately 34.5 hectares (85.2 acres) in area with approximately 99 metres (326 feet) of frontage on Wilton Road.

Committee member Bruce recused himself from the discussion and voting.

The Planner delivered her report to the Committee.

Mr. Bar, City of Kingston Manager of Development Approvals advised that their staff have reviewed the report and associated conditions and they have no concerns with the application.

Resolution No. 2021:10:6

Moved by Mike Nolan Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Consent Application S-68-21-P by Tom and Marlene Hawley to create one new residential lot located on Wilton Road, District of Portland consisting of approximately 1 hectare (2.7 acres) with approximately 76 metres of frontage on Cummins Road, subject to conditions.

Carried

7 Minor Variance Applications from Previous Meetings

a) 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 in order to permit the construction of a single detached dwelling and a detached garage. The proposed development will require the following variances:

Section from Zoning By-Law requiring Relief	Required / Permitted	Proposed
Front Yard + Highwater Mark	30 metres minimum (98.4 feet minimum)	House: 25.2 metres (82.7 feet) Garage: 27.1 metres (89 feet)
Lot Coverage for house (Principal)	5% (maximum permitted)	6%
Distance between house and garage	3 metres minimum (9.8 feet minimum)	2.14 metres (7 feet)

The Planner delivered her report to the Committee.

Joanne and Frank Kleiber spoke to the matter, they advised that they have concerns with respect to the application not being able to meet the 30 metre setback from the highwater mark. They advised that they feel that the applicant could meet the 30 metre setback if they were to build a smaller home. They believe that this setback should not be varied because it is there to protect the shoreline and be a buffer. They do not think that they should be allowed to have a home that towers over their property and takes away their property. They noted that there is a discrepancy with respect to the actual size of the lot, and they would like some clarification as to the actual size of the lot. They also asked for clarification of the size of the buildings being proposed.

Jason Sands, the agent for the applicant addressed the lot area question. He noted that as part of the original application that was submitted in the fall, the application noted a lot area of 1210 square metres based on information received from Teranet through the MPAC system. Since that original submission was made and deemed complete by the municipality, there has been significant work completed, including a survey accurate plot plan and at that time the lot area was confirmed to be 1241.8 square metres, a discrepancy of 30 square metres. This discrepancy favours the application with respect to lot coverage, the lot coverage would actually be reduced based on this new information. With respect to the onsite development and recognizing the concerns of the adjacent landowners, Mr. Sands advised that it is his opinion that the proposal that seeks to construct the dwelling at the top of bank in excess of 25 metres from the highwater mark does conform meet the intent of the Official Plan by ensuring that the vegetation adjacent to the highwater mark is preserved and maintained. The location in which the proposed garage and dwelling are located are locations where significant vegetation does not currently exist. Preserving the vegetation was one of the most driving factors with respect to the placement of the building. The proposed sewage system is a tertiary system which ensures that there is the highest level of treatment with respect to phosphorous and nitrates and is outside the 30 metre setback from the highwater mark. Considering the depth of the parcel and the required setbacks of the sewage system from the lot lines and the dwelling, the proposed setback for the dwelling from the highwater mark as been maximized and is why the dwelling and garage are being proposed in the current location. Concord Engineering has completed a geotechnical study to ensure the proposed setback from the top of bank would not have an adverse effect. There were also multiple meetings onsite with Hydro One to ensure the hydro line setback is achieved and the lines will be moved, at the applicant's expense to be sure these setbacks can be met.

The Kleibers asked about the demolition of the shed and noted that there is no shed noted on the application. Ms. Kleiber also noted that their family was told by former staff that there was only a 600 square foot house allowed, no garage and nothing else. Another family member was advised of the same thing, so

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this is what they expected to see. Now, an application is being made to have a house bigger than 600 square feet and a garage and this is what they have an issue with. Ms. Kleiber also mentioned that Jason Sands was the realtor involved in selling the property when family was trying to sell the property. They noted that the realtor advised that the property price needed to be lowered because there wasn't much that could be done with the lands and so it was sold for a lower price.

The Director of Development Services clarified that Jason Sands on the line is a registered professional planner and works for the Boulevard Group and is agent for the applicants, this is not the same person as Jason Sands the Realtor. She also noted that there is a difference between what is as permitted as of right under the Zoning By-Law, and what the applications are allowed to make application for under the Planning Act. It is planning staff job to present a professional opinion on the matter and that is what the Planner, Anna Geladi has done.

Mr. Allan asked about the hydro infrastructure and if the lines are tying into existing poles or if new poles will be installed.

Mr. Sands advised that there is a requirement for an additional pole to be added and that cost will be absorbed by the owner.

Committee member Morey asked in accordance with the zoning what the maximum height allowable is for the dwelling and the accessory building.

The planner advised that the maximum height allowable for the dwelling is 11 metres or 36.1 feet and the maximum height allowable for an accessory building is 6 metres or 19.7 feet.

Committee member Morey asked the agent if they are amenable to working with the neighbour to try to propose whether they can put in second floor windows more for light to try to preserve the privacy.

The agent Mr. Sands advised that absolutely, on behalf of the owner they are amenable to giving consideration for altered openings to ensure privacy. However, it is his understanding that the drawings that were submitted will be tied to the decision to ensure there is no variation in what is constructed on site, and he asked that staff give consideration to this to ensure amendments can be made. He also advised that they are proposing to maintain and enhance vegetation on the property and throughout the build that provides natural privacy.

Mr. Allan inquired as to the proposed placement of the new hydro pole.

Resolution No. 2021:10:7

Moved by Norm Roberts Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-48-20-P by Margarita Kulchitskaya, municipally known as 2353 Silver Rock Lane, Verona Lake, District of Portland, in order to permit a single detached dwelling and a detached garage to be set back a minimum of 25 metres and 28 metres respectively from the highwater mark, and also to be set back a minimum 9.8 metres and 6.7 metres respectively from the top of bank, and to permit the minimum distance between the single detached dwelling and the attached garage to be 2 metres and to permit the single detached dwelling to have a maximum lot coverage of 6%, subject to conditions.

Carried

8 New Minor Variance Applications:

a) MV-43-21-S (Ackworth-New)

Location: 7100 Billy Green Road, Perth Road, Buck Lake

Purpose of Application: To request permission to increase the height of the existing structure and enlarge gross floor area of the building by adding a second storey and widening and enclosing the front covered porch.

The Planner delivered her report to the committee.

Committee member Roberts advised he does not have any concerns.

Committee member Gee advised he also has no concerns.

Resolution No. 2021:10:8

Moved by Tom Bruce Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-43-21-S by Jane Ackworth-New located at 7100 Billy Green Road, District of Storrington, to permit an enlargement of a single detached dwelling to allow a maximum building height of 9.2 metres, to be expanded for a foyer measuring 4.9 metres long by 1.8 metres wide, subject to conditions.

Carried

b) VMV-44-21-L (Barrett) (Norris)

Location: Property with PIN: 36280-0309 on Senior Lane, Cronk Lake, District of Loughborough.

Purpose of Application: To vary section 5.24.2 of the Zoning By-law to permit the construction of an accessory structure (being a storage shed) 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 Howe advised that he attended the property and it is very rustic, the building envelope and accessibility is a challenge.

Ms. Mack spoke to the application and advised Committee Members that she had outlined her concerns in her document that was sent this week. She inquired about the demolition permit that will be required for the structure that will be required to be taken out with respect to the structure that was constructed without permit. Ms. Mack asked if the demolition could be made to happen before the Minor Variance was approved. She inquired if the demolition could be required and then a permit for the seasonal dwelling and then the building of the seasonal dwelling and then could it be looked at for a Minor Variance for an accessory building in the front yard. She noted that she made sure when she purchased the property she currently owns that nothing could be built on this particular piece of property and she was given assurance that nothing could be built there. She noted that the accessory building is nearly a kilometer away from the main portion of the property that the owner currently uses and could use for the storage of canoes and paddles.

The chair reiterated the previous comments from the Director of Development Services that everyone has a right under the Planning Act to apply for relief under the Zoning By-Law, and it is staff's job to evaluate the proposal with respect to planning guidelines and framework and that is the process we are currently following.

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The planner advised that the application was received in September and staff have had several conversations with respect to the proposal and the proposed uses of the building as well as the proposed location and how the structure will be accessed. She advised that there is an unopened road allowance to the rear of where this structure is being proposed. The applicant has been advised that it is not permitted for him to drive across the unopened road allowance and no structures are to be located on the unopened road allowance. It is planning staff's understanding that the accessory building will be primarily accessed by the water. This was explained in the applicants answers to Ms. Mack previously. It is also staff's understanding that a permit for a primary structure has been received. Once this permit is issued a permit for accessory structures can then be issued subsequently.

The Directory of Development Services asked the planner to clarify that the cabin constructed without permit will be demolished and a new accessory structure will be constructed, and these are not one and the same.

The Planner advised that this is correct, and it is her understanding that the materials will be used from the demolition for the new construction, and the remaining materials will be removed.

The Director asked for further clarity about the timeline recommended for demolition.

The Planner advised that six months was given to demolish or remove the cabin as it is proposed to be demolished over the winter months for easier removal of excess materials over the ice in the winter months.

The applicant advised that the purpose of the application is for him to have the proposed structure be a storage shed for any valuable seasonal items that may be left on the parcel of land that is used as waterfront. The survey shows that the accessible waterfront is nearly a kilometer away from the proposed seasonal dwelling, therefore he would like this to store items. The main access for this part of the property is a walking path that currently exists or the water. He advised that he is currently waiting for his building permit to be issued for the primary seasonal dwelling and then he will apply for the accessory building.

Ms. Mack advised that she is confused why the valuable tools would be kept a kilometer away from the dwelling. She asked if the committee would consider waiting until the illegal dwelling is removed, then the seasonal dwelling is built and then a minor variance application be accepted for an accessory building. She advised that she is confused as to the purpose of the shed and worried. She believes that this is an opportunity to build something else.

The chair advised that there is a process to follow, and the applicant is following the process.

Resolution No. 2021:10:9

Moved by Tom Bruce Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-44-21-L by Joe Barrett located at Senior Lane, Cronk Lake, District of Loughborough. To permit two accessory structures, inclusive of one privy, to be located in the front yard of the dwelling, in accordance with all setbacks, subject to conditions.

Carried

c) MV-45-21-S (Tullett)

Location: 538 Mount Chesney Road

Purpose & Effect of the Proposed Variance: The property contains a detached garage and a shed (under construction). The applicant proposes to

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construct a single detached dwelling on the property. The purpose of the proposed variance is to seek relief from section 5.24.2 of Zoning By-law No. 2003-75 to permit the two accessory buildings in the front yard of the single detached dwelling. The effect is to legalize the location of the accessory buildings between the dwelling and Mount Chesney Road.

The Senior Planner delivered her report to the Committee.

Committee member Roberts advised he is unsure with respect to the shed as to the shed be moved or if it is okay.

The Planner advised that she is recommending that the shed be removed from the property.

The Director of Development Services advised that the applicant is on the line, but no hands were raised to speak.

Resolution No. 2021:10:10

Moved by Doug Morey Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-45-21-S by Andrew Tulett, located at 538 Mount Chesney Road, District of Storrington, to permit the existing garage to be located in the front yard of the proposed dwelling, subject to conditions.

Carried

9 Other Business

- a) Report to the Committee - Delegated Consent Decisions

10 Adjournment

- a) Resolution

Resolution No. 2021:10:11

Moved by Doug Morey Seconded by Norm Roberts

THAT the November 11, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:25 p.m., to reconvene on Thursday, December 9, 2021, at 7:00 p.m. or at the call of the Chair.

Carried


Randy Ruttan, Chair