

Minutes of Committee Of Adjustment
August, 12, 2021

Time: 7:00 PM

Location: Council Chambers/Virtual via Zoom

Meeting # 07

Present:

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

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

Resolution No. 2021:07:2

Moved by Norm Roberts Seconded by Tom Bruce

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the August 12, 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 – July 8, 2021
 - a) Resolution

Resolution No. 2021:07:3

Moved by Doug Morey Seconded by Pat Barr

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the July 8, 2021 Committee of Adjustment meeting.

Carried

- 6 New Minor Variance Applications:

- a) MV-19-21-P (Thomas & Riehl)
Location: Part Lot 6, Concession 13, District of Portland, Township of South Frontenac, municipally known as 1128 High Falls Lane.
Purpose of Application: To vary section 5.8.2a) and 10.3.1 of the Zoning By-law to permit the construction of a second storey addition to an existing 38.7 square metre (416.6 square foot) principal dwelling to be located 14 metres (46

feet) from the highwater mark of Howes Lake whereas the Zoning by-law requires a minimum setback of 30 metres from the highwater mark. The applicants are proposing to move the existing dwelling further back from the highwater mark, raise the principal dwelling and add a second storey addition. This application will also need relief from section 10.3.2 for the construction of a new 48 square metre (516 square foot) accessory structure being a detached garage to be located at 23 metres from the highwater mark whereas the Zoning By-law requires a minimum setback of 30 metres from the highwater mark for all structures.

The Planner delivered her report to the Committee of Adjustment.

Committee member Roberts inquired with respect to the holding tank, and asked if in most cases a septic system is preferred, but in this case a holding tank is acceptable.

The Planner advised that this is correct.

Committee member Roberts advised that he was told the Township does not allow holding tanks on waterfront property, and now we are going to.

The Planner advised that the building department requires the owner and their septic designer to exhaust all other options before they will consider permitting a holding tank, but it was determined that this is the only possible option. On all properties, it is not permitted except when there is no other option.

The Committee of Adjustment rescinded the resolution that was approved and proposed an amendment with respect to allowing the accessory building, being a detached garage to have a greater footprint than the primary dwelling.

Committee member Bruce moved the motion and Committee member Barr seconded it to rescind the previous resolution.

The previous motion was amended to include the above and was passed by Committee of Adjustment.

Resolution No. 2021:07:4

Moved by Mike Nolan Seconded by Pat Barr

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-19-21-P by Anthony Thomas and Kathy Riehl located at Part Lot 6, Concession 13, District of Portland, Township of South Frontenac, municipally known as 1128 High Falls Lane. To permit a single detached dwelling to be located at 14 metres (46 feet) from the highwater mark and front lot line and to permit an accessory building, being a detached garage to be located at 23 metres (75 feet from the highwater mark, subject to conditions.

Carried

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

Location: 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 single detached dwelling with an attached deck to be set back 7.9 metres from the highwater mark of Sydenham Lake, whereas a minimum 30 metre setback is required. Also, to permit the dwelling to be set back 6 metres from the rear lot line, whereas a minimum 10 metre setback is required. Also, to permit the dwelling to have a maximum lot coverage of 14.9% whereas a maximum of 5% for the principal building is permitted.

The Senior Planner delivered her report to the Committee.

Committee member Howe advised that he was surprised how small the property is and what they can do there is very limited. He advised he is confused why Cataraqui Conservation is seeking a deferral and added that he is not okay with the lot coverage proposed.

The Senior Planner advised that the existing lot coverage is 13.2% and the proposal would increase lot coverage to 14.9%, she added that the property is being considered with respect to what is existing and what is proposed, and this increase in lot coverage is fairly minor. The request for a deferral from the Conservation Authority is something they had discussions with the agent on the file and this proposal is what they decided to go with. She advised that the Township staff need to consider several different factors in relation to the property, and Conservation consideration is only one of those factors. The septic location will meet the requirements of the Ontario Building Code, it cannot meet the requirements in the zoning bylaw, but the Official Plan allows a replacement of the system without needing a Minor Variance.

Committee Member Howe advised that he wondered the difference because it is something different from what they have been seeing lately.

The Committee Chair asked the Director of Development Services to speak to the difference between a new build and a renovation of an existing building that is getting bigger slightly.

The Director advised that it is hard to compare each Minor Variance that comes forward to each other. Each property and its characteristics are different. In this instance the focus is on what is changing and what the increase is. The department opinion is that this increase that is proposed is minor. The replacement of the decking is important to add into the approval to ensure the applicants do not need to come back to committee for a subsequent approval.

Committee member Nolan asked what the benefit is to adding roughly 130 square feet. He advised that member Nolan raises a fair point, because it is difficult to allow an already overbuilt lot to overbuild more.

The Senior Planner advised that it would be best to allow the applicant or their agent to provide their input.

Committee member Gee advised that he does not think an increase should be allowed, and Cataraqui Conservation is asking for the building to move back, so perhaps a holding take would be appropriate in this instance.

The agent spoke to the intent of the application, and advised that they are asking to add 1.7% to the lot coverage, being 130 square feet, which will be a hallway and a laundry room. The intent is to design a functional house to age in place. The proposal is not moving the building any closer to the water. He advised that although Conservation objects to the proposal, they still will issue a permit if it is approved as applied for. He advised that with respect to the septic system, the system has been designed by an engineer and is a treatment system and will put less phosphates into the lake, and is far better than having a holding tank.

Committee member Roberts advised that he was confused because they have said that even though the Conservation Authority doesn't agree they will still issue a permit.

The Senior Planner advised that is correct, the Conservation Authority staff do not like the proposal because it is a larger building on a small lot, but they can still issue a permit under their regulation because their regulations are concerned with flooding and not with how much of a lot is covered.

Committee member Nolan advised he does not have a problem with the replacement of the deck, but advised that he is not keen to add more square footage to an already existing over built lot.

The agent added that concept drawings were included for the building, the dwelling is re-designed and reconfigured to accommodate his clients needs to age in place including wider hallways and an accessible laundry room. The addition is on the road side, not the water side. The size is just a comparison, it wasn't just added, the building was re-configured. He advised that the dwelling still falls within Conservation guidelines, and a permit can still be issued even if they are opposed.

Committee member Barr advised that she believes a higher efficiency septic system is much more important than an extra 1.9% lot coverage and she believes that this mitigates the development request.

The agent thanked member Barr for the comment and advised that the building on the property is only increasing minimally, and the new dwelling will be more energy efficient reducing the carbon footprint.

Committee member Gee asked what the increase of square footage is.

The Senior Planner advised the increase is 17 square metres or 183 square feet.

The applicant agreed, that is the increase proposed, his previous 130 square feet statement was a mistake.

The committee of adjustment asked for a Motion to be put forward to defer the application.

Resolution No. 2021:07:5

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 single detached dwelling with an attached deck to have a 7.9 metre setback from the highwater mark and front lot line, and a 6.0 metre setback from the rear lot line, and to permit a maximum 14.9% lot coverage for the principal building, being the dwelling with an attached deck, subject to conditions.

Carried

c) MV-30-21-L (Martin)

Location: Part Lot 21, Concession 6, being Parts 1 – 4 on Plan 13R4508, District of Loughborough, Township of South Frontenac, municipally known as 1028 Wildflower Lane.

Purpose of Application: To vary section 5.6.1, 5.8.2a) and 10.3.1 of the Zoning By-law to permit the construction of a 143 square metre (1536 square foot) principal dwelling to be located 20 metres (66 feet) from the highwater mark of Loughborough Lake and 1.5 metre (4.9 feet) from Wildflower Lane whereas the Zoning by-law requires a minimum setback of 30 metres from the highwater mark and a setback of 5 metres (16.4 feet) from all private lanes. The 143 square metre (1536 square foot) principal dwelling will be two storeys a total height of 9 metres (29.5 feet), with a walk out basement. The total size for the dwelling includes a 31.2 square metre (336 square foot) screened in porch, a 31.2 square meter (336 square foot) deck being located on the second storey and a carport being 62.4 square meters (672 square feet) in size located below the deck and the screened in porch.

The Planner delivered her report to the Committee.

Committee member Howe advised he attended the property and noted it is confusing how it will fit in. It may work but it is going to take some engineering.

Committee member Gee asked what the lot coverage is for this proposal.

The planner advised lot coverage is 4% and meets the zoning by-law criteria.

The applicant advised that for the original application, there was an engineering study completed and a soil stability study done, so the work has been completed in that regard.

Resolution No. 2021:07:6

Moved by Norm Roberts Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application MV-30-21-L by Jason Martin, located at Part Lot 21, Concession 6, being Parts 1 – 4 on Plan 13R4508, District of Loughborough, Township of South Frontenac, municipally known as 1028 Wildflower Lane. To permit a minimum setback of 1.5 metres from the travelled portion of a private lane and a minimum setback of 20 metres from the highwater mark for a single detached dwelling, subject to conditions.

Carried

7 Other Business

a)

8 Adjournment

a) Resolution

Resolution No. 2021:07:7

Moved by Mike Howe Seconded by Tom Bruce

THAT the August 12, 2021 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:15 p.m., to reconvene on Thursday, September 9, 2021, at 7:00 p.m. or at the call of the Chair.

Carried