



TOWNSHIP OF SOUTH FRONTENAC
Committee of Adjustment Meeting
Minutes



Meeting # 06

Time: 7:00 pm

Location: Council Chambers, Virtual via Zoom

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

Absent: None

Staff: Christine Woods, Senior Planner, Anna Geladi, Planner, Michelle Hannah, Planning Assistant

1 Call to Order

Resolution No. 2022:05:1

THAT the June 9, 2022 meeting of the Township of South Frontenac Committee of Adjustment is hereby called to order at 7:01 p.m.2 Adoption of Agenda

a) Resolution

Resolution No. 2022:05:2

Moved by Doug Morey

Seconded by Norm Roberts

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the June 9, 2022, 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

a) None Declared

5 Approval of Minutes – May 12, 2022

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a) Resolution

Resolution No. 2022:05:3

Moved by Norm Roberts

Seconded by Doug Morey

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the May 12, 2022, Committee of Adjustment meeting.

Carried

6 New Consent Applications:

a) S-90-21-P (MacKay) (Mills)

Location: 3911 Harrowsmith Road, District of Portland

Proposal: To create one new commercial lot consisting of 0.8 hectares (2 acres) and 76 metres (250 feet) of frontage on Harrowsmith Road in the settlement area of Harrowsmith.

The Planner delivered her report to the Committee.

Committee member Roberts inquired about the 2% cash in-lieu of parkland as opposed to the usual 5%.

The Planner advised that because this property is zoned Commercial, the parkland is 2%, but on residential properties it is 5%.

Committee member Revill asked for clarification about a condition of re-zoning.

The Planner advised that no re-zoning is proposed, the new lot creation will be the same Urban Commercial, special zone 26 zoning as the subject property is now.

Committee member Morey asked if there is somewhere that he can find the permitted uses for the UC-26 zone. He advised that given some of the sensitive uses that are on the property he is curious as to the permitted uses with respect to the cars.

The Planning Assistant advised that the UC-26 special provision is found on page 205 of the Comprehensive Zoning By-Law 2003-75.

The Planner advised what the permitted uses for this property would be including: a retail store, a convenience retail store, a service shop including a personal service shop, a lawn, garden and farm equipment and supplies sales outlet, a laundry and/or dry cleaning shop, a bank and/or trust company, a business and/or professional office, a commercial recreational establishment such as a bowling or billiard establishment or other similar use, a funeral home, a medical clinic, a post office, a bake shop, a private or commercial club, a restaurant, take-out, a gift shop, a nursery school, a veterinary establishment, a public or private parking area, including parking facilities associated with the principal use(s) permitted under this section, an automobile sales agency, one dwelling unit in the form of an apartment accessory to the commercial use and accessory buildings or uses to the above uses. A site plan is also required prior to the development of the lands.

Committee member Revill asked if it is within the authority of the Committee to impose a re-zoning condition that may limit some of the permitted uses on the site if that were the wish of the Committee or Council.

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The Planner advised that the Site Plan will further specify the permitted uses, especially with the restricted building envelope on the property.

Committee member Revill asked how the Site Plan restricts the uses that are permitted on the property.

The Planner advised the Site Plan will help determine what uses could fit onto the property and if they are appropriate for the site, the zoning and the uses that were just read would be permitted on the property. She inquired if there was a specific use that they would like deleted?

Committee member Revill advised he is not specifically looking for something to be not permitted but wondered if it lies within this Committee's authority in terms of considering the severance to require a zoning that could in turn have the ability to limit the site-specific zoning.

The Planner advised that it is always within the Committee's rights to add any condition they would like, but to do a site-specific zone it would have to be known what type of uses the site-specific zone would permit so it would have to be known what use is being proposed on the severed parcel.

Committee member Revill asked that the Committee could make a decision or defer this initially to evaluate what proposed uses might be relevant for that particular site, that would lie within the abilities of the Committee.

The Senior Planner added that it is within the prevue of this committee that if they have concerns with the permitted uses, they could require a further review of the permitted uses on the severed parcel and require re-zoning.

Committee member Nolan added that one of the permitted uses on the current property is an auto dealership and this permitted use has the neighbours upset, and it could continue like this. He inquired how the committee picks what is acceptable through a condition of site-specific zoning.

The Senior Planner advised that it is true, without knowing who is going to purchase the property and what they are going to do with this property it is very hard to determine what may or may not be acceptable. The planner was trying to say that the property is restricted by a wetland and a 30-metre setback from that wetland, so although there is a list of permitted uses the practicality of the use fitting on the property and being appropriate development will be restricted and certain uses that may be listed, will not practically fit on the property.

Committee member Revill noted that the Committee should be practical when considering the uses on the property and there are some responsible business owners and some not so responsible business owners, some uses that raised concerns at the beginning could be well managed and work out beautifully or a use that was thought to be no issue may have issues depending on the owner and how it is managed. He noted that the Committee and the Community have some concerns about the permitted uses and therefore he believes that it may be appropriate to defer the application and give some time for thought about the permitted uses because once the severance is approved there is no way to change the zoning and it will be permitted as of right to whatever the zoning by-law currently says.

The Planning Assistant advised the chair that the applicant is on the line but noted that the message the applicant had sent through Zoom was not seen by the Committee members and they do not know what he was trying to convey in that message.

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The applicant advised that concerning the automobile dealership is going to be located on the retained portion and he wondered what the concerns are from the community regarding a used car dealership.

The chair advised that there were several concerns that were raised regarding this property and not being in favour of going forward with this proposal. The concerns were of the nature of the protection of the wetlands and environmental impacts and contamination.

The applicant advised that he had an environmental scope done on the property and he has the acreage and the frontage and he meets all of the conditions regarding a severance so he does not understand why it is being questioned.

The chair advised that the community has the right to express concerns in writing and verbally with respect to any severance.

The Senior Planner suggested that the planner is familiar with the comments received and perhaps she could go into detail about these.

The planner advised there were concerns with respect to the use of the property as a used car dealership and respect within the neighbourhood and respect for the property, concerns about privacy and trespassing as well as contaminants which the contamination was resolved with the submittal of the site record, the most concerns were with how the property is being used, noise, privacy and the respectful use of neighbouring areas.

The applicant advised he wanted to make it clear that the auto dealership is already operating on this property so to change the UC-26 guidelines on what it can be used for, it has already been approved.

The chair advised that the lot that he has already has that zoning, but the new lot creation may not have that zone if the Committee was to not approve the severance or that it needed to be re-zoned that may not be the permitted use of the severed piece.

The applicant also inquired about the slip lane requirement, road widening at the front of the severed portion.

The planner advised that yes, the road widening is a condition of every severance and if the width is less than 30 metres of Harrowsmith Road, it will be a requirement that the extra width is deeded to the Township.

The applicant advised that it was his understanding that because it was in the hamlet and in a 50 km zone, a road widening would not be required.

The planner advised that all severances require road widening.

The Senior Planner advised that there is a difference between a slip lane and road widening. A slip lane is the physical widening and addition of a lane for when people are turning into the property, it is safe. Road widening is the transferring of a portion of land for the further use of the township if the road needed to be widened.

Committee member Morey asked if there was a more current study than the 2012 Ground Water and Surface Water Sampling Report.

The Planner advised that was the latest report she received and that in 2010 MECP advised the water monitoring could be discontinued, the applicant decided to continue it for an extra 2 years and then discontinued.

Committee member Revill noted that based on the sketch it appears that the new lot has a greater amount of useable space than the retained lands. He noted the Committee could choose to defer the application to hear a further staff report that may speak to appropriate permitted uses on the property that would enable the Committee to make a decision about re-zoning and what specific uses could be used on the property.

Resolution No. 2022:05:4

Moved by Ken Gee

Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-90-21-P by Todd McKay for the creation of one new commercial lot consisting of 0.8 hectares (2 acres) with 76 metres (250 feet) of road frontage on Harrowsmith Road, subject to conditions.

Carried

- b) PL-BDJ-2022-0022 (Mancino) (ZanderPlan Inc.)
Location: Between Westport Road and Gardner Lane, District of Bedford
Assessment Roll Number: 102901001021415
Proposal: To create one new rural residential lot with an area of 0.7 hectares (1.74 acres) and 144 metres (472 feet) of frontage on Westport Road.

The Planning Consultant for the application prepared a presentation and delivered it to the Committee with respect to the proposal. The slideshow can be found as part of this record.

The Planning Consultant advised that there was title issue on the property when it was sold to the applicant and if the title issues were cleared up prior to the sale, the lands would conform with the zoning by-law with respect to the size.

Parts 4 and 5 have several constraints and would not add to the developable area of the parcel and by waiting to add them it would only unnecessarily delay the process.

The planning consultant advised that it is the intention to have the entrances to the new lots located on the public road.

The planning consultant advised that he believes that the four tests of a minor variance could easily be justified based on the official plan and zoning by-law for the reduced area.

The Planner delivered her report to the committee.

Committee member asked if there is room on lot 1 to put a reasonable size home and still maintain the 30-metre setback and have a sewage system in the appropriate location.

The planner asked the planning assistant to look in the folder for a map of the proposal.

Committee member Revill questioned whether the road widening would impact the area of the lot due to the utility poles.

The planner advised that it would be up to the surveyor to determine the road widening.

Committee member Revill asked if there are two new lots created, could the new lots could meet the requirements for separation of driveways under the County Roads policy.

The planner advised that she believes that Public Services looked at the applications and they have no concerns, and she does not believe that the policy was passed in a South Frontenac by-law, so it is not applicable.

Committee member Morey asked about the applicants moving forward with parts 4 & 5 to clean up title.

The planning consultant advised that this is correct, Parts 4 & 5 are still in the old land registry, and they have engaged the services of a lawyer in Perth to assist with the title of clean up and she advised that a road closing would be required, but it can be done however it is unclear as to how long this will take.

The planning consultant advised that the survey does also show that the road was 100 feet wide so any road widening would be minimal.

The planner advised that the building envelope would be approximately 1 acre in response to Mr. Nolan's question.

Ms. Phillips advised that she submitted a question with respect to the proposed uses for the property as it relates to the entrance. She believes that the entrance should be from the public road and not the lane as the lane is inadequate.

The planner explained that Gardiner Lane was never stopped up and closed properly as it once was a municipally owned road. She advised that the application was for a Rural property and the planning assessment was undertaken based on the access being from the public road and not the private lane.

Ms. Phillips asked if there was any thing that would prevent the owner from giving an access over Gardiner Lane if they were granted such.

The Planner advised that she was correct in this assumption.

Ms. Phillips advised that it would be nice to defer the application so that the individuals on the lane could have conversations with respect to the lane.

The planning consultant advised that it has been discussed that Gardiner Lane would not be suitable for accessing the property and that is why the assessment has been completed to ensure the properties would be accessible from Westport Road.

Committee member Nolan advised that based on the information received tonight, he does not see an issue with the properties being severed at a reduced lot area and he does not see any issues with the use of Gardiner Lane based on pat 4 & 5 being dealt with at a future date.

Committee member Morey advised he shares the view of Committee member Nolan as there seems to be no particular benefit of adding parts 4 & 5. He wanted to make sure that the applicant and the consultant are aware of the additional burden of the additional two conditions.

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The chair advised that the committee has tried to be consistent with following the by-law, and this particular application does not meet by-law.

Committee members forwarded a motion to approve the severance.

Resolution No. 2022:05:5

Moved by Norm Roberts

Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby defers consent application PL-BDJ-2022-0022 by Michael Mancino to allow the applicant an opportunity to consider amending their application to propose severed and retained parcels that would comply with the minimum lot area required by the Official Plan and Zoning By-Law 2003-75.

Defeated

c)

Resolution No. 2022:05:6

Moved by Doug Morey

Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application PL-BDJ-2022-0022 by Michael Mancino for the creation of one new residential lot consisting of 0.7 hectares (1.74 acres) with 144 metres (472 feet) of road frontage on Westport Road, subject to conditions including a Minor Variance to recognize the reduced lot area.

Carried

d) PL-BDJ-2022-0023 (Mancino) (ZanderPlan Inc.)

Location: Between Westport Road and Gardner Lane, District of Bedford

Assessment Roll Number: 102901001021415

Proposal: To create one new rural residential lot consisting of 0.7 hectares (1.77 acres) with 76 metres (250 feet) of frontage on Westport Road.

See the discussion for agenda item b) as they were both dealt with together.

Resolution No. 2022:05:7

Moved by Tom Bruce

Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby defers consent application PL-BDJ-2022-0022 by Michael Mancino to allow the applicant an opportunity to consider amending their application to propose severed and retained parcels that would comply with the minimum lot area required by the Official Plan and Zoning By-Law 2003-75.

Defeated

e)

Resolution No. 2022:05:8

Moved by Mike Nolan

Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application PL-BDJ-2022-0023 by Michael Mancino for the creation of one new residential lot consisting of 0.7 hectares (1.77 acres) with 76 metres of road frontage on Westport Road, subject to conditions including a minor variance to recognize the reduced lot area.

7 Minor Variance Applications from Previous Meetings:

a) PL-ZNA-2022-0034 (Klassen)

Location: 73 Mill Bay Lane, Bobs Lake, District of Bedford

Proposal: to permit a dwelling with attached garage to be setback a minimum of 9.3 metres (30 feet) from the top of bank whereas the Zoning By-law requires a minimum 15 metre (49.2 feet) setback. And to permit a dwelling with attached garage to have a maximum lot coverage of 12%, whereas the Zoning By-law permits a maximum of 5% lot coverage for the principal building.

The planner delivered her report to the committee.

The senior planner took over the delivery of the report due to the planner's illness.

Committee member Morey inquired about the lot coverage with respect to the concerns, because there could be a possibility of additional accessory structures to further increase the lot coverage, however if the garage was detached the garage would count towards the accessory coverage and therefore there would be no opportunity to increase the lot coverage unless a minor variance or zoning by-law amendment application was made and approved.

The Senior planner advised that this is correct, the principal building is allowed 5% and accessory buildings are allowed 5% and so by allowing a lot coverage of 12% for the principal building, especially when there is opportunity on the property to construct a 5% accessory structure, although 12% is similar to the 5% plus 5% the 12% coverage for the principal building would also allow for a 5% accessory coverage for a total of 17% which is significantly over what is the intent of the Official Plan and Zoning By-Law.

Committee member Morey asked if the applicant is interested in deferral in order to take a look at the application.

The chair advised that this application has already been deferred once and the applicant has come back with this same proposal. He asked if the applicant proposes to put this application forward at 12% coverage.

The applicant advised that time was given to separate his plan. RVCA has given their comments that they do not support the application and reading their report, they have advised that the total lot coverage does not meet the by-law, he asked to go back to the site plan and advised that the shed is getting demolished because it does not comply with current by-law and it is too close to the top of bank, the line to the south is where the 30 metre setback is, and where the red line is there will be a three foot high retaining wall. There is actually a natural rock structure, and the retaining wall will go from there to where the structure is proposed and over to the neighbouring property. The possibility of building another structure on this property simply isn't possible because that is the only yard, anything within the 30-metre setback would get denied. The only acceptable septic system is the only acceptable location for the detached garage as it would need 10 feet separation due to the by-law. Although the by-law says another 5% could be applied for with respect to the lot coverage, but another building is not feasible due to the constraints and the fact that the home is supposed to be accessible makes it impossible.

The chair advised that we are dealing with an undersized lot and the application is asking for 5% plus 5% but is actually asking for 12% which is over what the allowable percentage would be without the consideration for the additional 5% that could possibly be constructed.

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The applicant asked about the recommended site-specific zoning, and he advised that they are open to doing that, if that is the only way to construct what they wish, but they wanted to know if they would still run into the issue of it being too big.

The senior planner advised that the recommendation for a site-specific zone would not have been made if it was not supportable by staff and a high chance of Council approving the application. By prohibiting accessory buildings, it would lock in place the acceptable amount over lot coverage.

The planning assistant advised that Sarah from RVCA was on the line.

Sarah advised that their concern of the additional 5%, however, if this was to move forward as a zoning by-law amendment, this is something the RVCA could support.

Committee member Revill advised that the committee is seeing large drawings that may skew the committee's opinion, but if the building was detached the concerns would be placated. He advised that realistically, he does not believe an accessory structure could be built. He advised that from his perspective he would not want to live in a home without an attached garage.

Committee member Morey questioned how the committee would make an amendment to the motion to proceed with a zoning by-law amendment or amend the minor variance to proceed with a cap of lot coverage,

The chair advised that it would not be possible as per his understanding. The application would have to be denied and then the applicant would bring forward an application to re-zone the property.

Committee member Nolan advised that he does believe that there is opportunity to do other things on the lot, although it is not the current applicant's intention, there is no way to predict the future.

The chair advised that the committee has tried very hard to be consistent and previously there was a denial with a property that the committee believed there was too much lot coverage.

The applicant advised that the garage is a two-car garage with a small accessory door for the workshop, the door and workshop could be removed, but there is a mechanical room because it is a single-story dwelling. Even if the accessory door was removed, there would only be a 4- or 5-foot separation and then it would be too close to the septic system.
predict the future.

Resolution No. 2022:05:9

Moved by Alan Revill

Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby denies Minor Variance Application PL-ZNA-2022-0034 for the property located at 73 Mill Bay Lane as the application fails to meet the four tests of a minor variance, the proposed 12% lot coverage for the dwelling with an attached garage does not maintain the general intent and purpose of the Official Plan nor Zoning By-Law 2003-75.

Carried

8 New Minor Variance Applications:

a) PL-ZNA-2022-0046 (Liota)

Location: 2263 Green Bay Road, Bobs Lake, District of Bedford

Proposal:

This application is requesting permission to enlarge the residence (Dwelling #2) by increasing its footprint within the required setback from the highwater mark, and within the required front yard (roadside).

The application is also requesting zoning relief for the highwater mark for a shed.

The planner delivered her report to the Committee.

Committee member Nolan asked what the percentage of the principal dwelling and accessory buildings compared to the proposed.

The planner advised that it is under the allowable lot coverage.

Committee member Nolan inquired about the stakes that go to the left of the building.

The planner advised that the applicant is on the line but believed that the stakes were for the proposed garage that were removed from the application.

The applicant addressed concerns about lot coverage and advised that the land in the staff report was listed as 1 acre and the survey that was submitted shows 1.5 acres. 3 main buildings and 6 accessory buildings and a compacted soil boat launch existed when he bought the property which was a total lot coverage of 6.79% inclusive. 4 storage structures have been removed and the boat launch will also be removed with the approval that was recently received from RVCA. With the garage he would be at 6.7 % and therefore would be neutral, he would be less than that and it would be 1.1% with the garage.

The stakes that are in between the house and the old business is where the garage was proposed. He is disabled and doing transfers out of the weather is ideal, the proposed garage is 26 by 28 and is big enough for a vehicle with some storage shelves. He advised that contrary to the staff report there are three docks, not two and the existing shed that was re-built is part of the application as well.

The applicant advised that he had one final comment and would like to publicly thank the individuals that have provided support with respect to the application.

The chair advised that the committee cannot change what the resolution is as presented.

Resolution No. 2022:05:10

Moved by Tom Bruce

Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0046 for the property located at 2263, Green Bay Road, Bobs Lake. To permit the demolition and replacement of a dwelling with an attached deck and porch to be located a minimum 15 metres from the highwater mark of Bobs Lake. And to permit an already existing shed to have a setback of 10.5 metres from the highwater mark of Bobs Lake, subject to conditions.

Carried

b) PL-ZNA-2022-0063 (Lachance)

Location: 5511 Rideau Road, Little Cranberry Lake, District of Storrington

Proposal: To permit a single detached dwelling to be setback a minimum 15.3 metres from the highwater mark of Little Cranberry Lake. And to have a setback of 16.7 metres from the front lot line and to permit a maximum 5/8% lot coverage for the principle building.

The senior planner delivered her report to the committee.

Committee member Roberts advised that he agrees with the planner, and he has no concerns.

Committee member Gee asked if there was a demolition permit previously issued.

The senior planner advised that yes, there was a demolition permit issued.

The chair asked if the deck staying counts toward the lot coverage.

The senior planner advised that yes it counts towards accessory structures and would be approximately 4.6 % for accessory structures.

Resolution No. 2022:05:11

Moved by Alan Revill

Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0063 for the property located at 5511 Rideau Road, Little Cranberry Lake. To permit a single detached dwelling to be setback a minimum 15.3 metres from the highwater mark of Little Cranberry Lake, and 16.7 metres from the front lot line and to permit a maximum 5.8% lot coverage for the principal building, subject to conditions.

Carried

c) PL-ZNA-2022-0074 (Knapp)

Location: 4788 Carrying Place Road, Cranberry Lake, District of Storrington

Purpose: To permit the lot coverage of all accessory buildings on the property to be 6.5%, Also, to permit the lot coverage of the accessory buildings to exceed that of the principal building.

And to permit an accessory building to be located in front of the projected front wall of the dwelling.

The senior planner delivered her report to the Committee.

Resolution No. 2022:05:12

Moved by Mike Howe

Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0074 for the property located at 4788 Carrying Place Road, Cranberry Lake. To permit an accessory building to be located within the projected front yard of an existing dwelling and to allow the accessory building lot coverage to exceed the lot coverage of the principal building, subject to conditions.

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Carried

9 Other Business

- a) Delegated Consent Authority - Report

10 Adjournment

- a) Resolution

Resolution No. 2022:05:13
Moved by Mike Nolan

Seconded by Mike Howe

THAT the June 9, 2022 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 9:13 p.m., to reconvene on Thursday, July 14, 2022, at 7:00 p.m. or at the call of the Chair.

Carried



Randy Ruttan, Chair