



**TOWNSHIP OF SOUTH FRONTENAC**  
**Committee Of Adjustment Meeting**  
**Minutes**



**Meeting #**

**Time:** 7:00 PM

**Location:** Council Chambers

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

**Absent:**

**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. 2022:01:2  
Moved by Tom Bruce

Seconded by Norm Roberts

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the November 10, 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 – October 13, 2022
  - a) Resolution

Resolution No. 2022:01:3

Moved by Norm Roberts

Seconded by Tom Bruce

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the October 13, 2022, Committee of Adjustment meeting.

Carried

6 New Consent Applications:

a) PL-BDJ-2022-0070 (Anghelescu)

**Property Address:** Vacant Land on Murton Road - District of Portland

**Purpose and Effect of the Application:**

Consent for the creation of one new rural residential lot consisting of 2 acres with 76 metres of frontage on Murton Road.

The Planner delivered her report to the Committee.

The Chair asked for comments from the applicant, their agent of the public.

Neil Hunter spoke to the application, he thanked staff for reviewing the MDS calculations and considering them, he noted the staff calculations and the ones he had were the same. He noted that he had sent staff MDS II calculations for the next step of their dairy business and asked if they could be viewed on the screen so that they could be discussed.

Mr. Hunter noted that with his written statement to staff, he had provided an MDS II calculation for their proposed expansion and what it will be in the near future. He asked for the MDS II calculation to be pulled up on the screen so everyone can see it.

The chair asked for clarification on what Mr. Hunter was asking for.

Mr. Hunter asked that his comments that were sent in be pulled up to show how the new lots would affect their business expansion.

The Senior Planner projected the MDS calculations.

Mr. Hunter advised that he sent in the comments because when they made their application a year and a half ago, which they have completed the foundation for this afternoon, the capacity for the building they are putting up is much larger than the existing manure storage that is on the property and they sought approval for the existing manure storage as that would allow them to get started, but knowing that an expansion of the business would be required to make the business economically feasible, meaning a larger building, more cows, and now the next step is a larger manure storage which will follow to meet the needs of the increase of numbers of cows.

Mr. Hunter advised that it is his understanding that the applications received are reviewed in order that they come in. He noted that it is his understanding that any future applications will be subject to MDS II. So, that is why he sent in the MDS calculations, and as you can see from the calculations, it is required to be 339 metres from that storage. Mr. Hunter noted that typically, the manure storage will go as close to the barn as possible to minimize the size of pumps required and the cost of them. So, if the new manure storage is at the same distance from behind the barn, and assuming that the barn wall is where the calculation is completed, the distance is 265 metres. If these calculations were correct he believes that it would go through at least one lot and into the second lot possible.

Mr. Hunter noted that he has heard from staff that only current applications for development are considered and future things that may happen are not taken

into consideration. He stated that he would understand if nothing was there on the lot currently and said that he would just like to build a barn, he understands why the committee would not consider it, but because there is a farm there it should matter. He also noted that the amount of cattle that he currently has is the maximum approved for the current manure storage, so based on the 2% increase of the quota per year, he will expand by more than one cow by next year and this will require him to build the new manure storage very soon.

Mr. Hunter noted that they are a new growth business and came here with his family to start something new and he would hate his new investment and business to be stymied because they cannot complete what it would take to maximize the facility. He noted that if the new lot is created and a house is developed, he does not know how far back the manure storage would have to go and there is a cost related to ever metre that it is moved back from where it would normally go from the barn. Mr. Hunter noted that he knows what his next step is and it is clear through his business plan and in his planning in his facilities and he believes that there needs to be some room for that discussion. Mr. Hunter asked that if the Committee did not agree with him, he asked that the matter be deferred so that he could do calculations to see what the cost implications would be for him.

The Chair asked for further comments from the applicant, their agent of the public.

As there were none, the Chair asked for comments and questions from the Committee members.

Committee member Revill spoke and advised that hearing the comments from Mr. Hunter, his expansion appears to be more than hypothetical and that it is part of a very clear plan moving forward and asked the Committee to be cognizant of this situation and suggested maybe a deferral of the applications until it is know what the implications will be on his business.

Committee member Bruce noted that the other part to that is that he is sure that these pieces of property would be put up for sale, and the opportunity would be there for the abutting farm owners to purchase the property to protect their expansion because the applicant who submitted these applications also has a business plan to sever the lots and have that financial gain as well.

Committee member Nolan asked if staff have done the math and have taken a look if the farm is expanded in the way described, what is their notion of covering these pieces of property.

The Senior Planner advised that she had completed the calculations for the application and she had looked at the expansion. She noted that as the Planner had explained in her report when staff calculated MDS, it is based on what is currently existing or what has a building permit, but that does not mean that the Committee cannot consider other factors as well in making a decision. She noted Mr. Hunter had provided MDS II calculations for the proposed change of use or expansion of the barn and a new manure storage, if those were applied after the lots are created then it would be affected by Lot 2, so the manure storage could not be placed where they intend to put it in the future, it would have to be moved away from Lot 2. If she expansion had happened and the new manure storage had been put in place before the severance applications came in, staff would have to take those into consideration and calculate MDS I setbacks. So to clarify, MDS II setbacks are used when you are building or expanding a new livestock facility or manure storage and MDS I is applied to new lot creation, and residential buildings or development and other types of uses that is not agriculture. So if the expansion had happened and the severance applications then came in, the MDS I setbacks required would be 288 metres from the barn and 360 metres from the manure storage

and so Lot 2 would not be viable in that situation, staff could not support creating it and Lot 1 would be partially impacted by that setback.

Committee member Nolan said so that what that means is that we are looking at current situation, but we are not looking at the future situation based on the data today.

Committee member Bruce asked about deferral and about it being the final meeting of this Committee before it is the new term, is that even possible?

The Secretary-Treasurer advised that deferral is always a possibility, the difference with this meeting, being it the last of this term, the process would begin again. The applicant would not have to re-apply but staff would have to go through the circulation process, write new reports and the next Committee meeting is February.

The Chair advised that there were no further comments or questions and asked the Secretary-Treasurer to read the resolutions.

The Secretary-Treasurer clarified that there are two resolutions, the first one read would be for application 0070, and she asked the Senior Planner to show the map slide for clarity so the Committee members could see which application they were making a decision on.

Committee member Revill asked for clarification, if the Committee approves the application and then Mr. Hunter applies for the new manure storage, there will be some impact on this lot, would it make the lot still viable, or in the alternative would it restrict the manure storage where he proposes to place it.

The Senior Planner advised that for Lot number 1, based on the MDS II calculations provided by Mr. Hunter, the manure storage would be the greatest distance at 339 metres and right now, Lot 1 is 361 metres, so Lot 1 would not be impacted if there was an expansion.

The Chair advised that there was a motion on the floor for Lot 1, the motion was carried.

The Secretary-Treasurer read the resolution for application 0071, the motion was defeated.

Resolution No. 2022:01:4  
Moved by Tom Bruce

Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application PL-BDJ-2022-0070 for the creation of one new residential lot approximately 2 acres in size with approximately 76 metres of road frontage, subject to conditions.

Defeated

b) PL-BDJ-2022-0071 (Anghelescu)

**Property Address:** Vacant Land on Murton Road - District of Portland

**Purpose and Effect of Application:**

This application is a consent application for the creation of two new rural residential lots on Murton Road consisting of 2 acres with 76 metres of frontage on Murton Road.

Please see application PL-BDL-2022-0070 for the minutes as the applications were presented together.

Resolution No. 2022:01:5  
Moved by Norm Roberts

Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application PL-BDJ-2022-0071 for the creation of one new residential lot approximately 2 acres in size with approximately 76 metres of road frontage, subject to conditions.

Carried

7 New Minor Variance Applications:

a) PL-ZNA-2022-0129 (Bercier)

**Property Address:** 340 Devil Lake Road - District of Bedford

**Purpose and Effect of the Application:**

The applicant is requesting relief to locate a single detached dwelling (50' x 28') within 30 metres of the high water mark of a waterbody (wetland) on the property. The proposed single detached dwelling will be 27 metres to the highwater mark, whereas the Zoning Bylaw requires a minimum 30 metres setback from the highwater mark. The applicant is also requesting to place a carport (12' x 16') in the front yard of the property. The carport will be 22 metres to Devil Lake Road.

The Planner delivered her report to the Committee.

Committee member Revill advised he agrees with the staff recommendation.

Resolution No. 2022:01:6  
Moved by Mike Howe

Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application to permit a single detached dwelling to be located 27 metres from the highwater mark of the wetland, and to permit a car port to be located in the projected front yard of the property, to be set back a minimum of 22 metres from the front lot line, subject to conditions.

Carried

b) PL-ZNA-2022-0134 (Gurr)

**Property Address:** 2006 Charlie Green Road - District of Loughborough

**Purpose and Effect of the Proposed Variance:**

The applicant is requesting permission as per section 5.24.2 of the Township Zoning Bylaw to permit a detached garage (40' x 60') to be located in the front yard whereas the Zoning Bylaw requires an accessory building which is not part of the main building to be erected to the rear of the projected front or exterior side wall of the dwelling. The property is zoned Waterfront Residential Zone (RW).

The Planner delivered her report to the Committee.

Committee member Howe advised he concurs with the staff recommendation.

Committee member Revill inquired with respect to the size of the principal building, to ensure the accessory building does not exceed the size of the principal dwelling, and if it is to add that to the resolution.

The applicant advised that the principal dwelling with the decks and attached garage is close to 3,000 square feet and is larger than the proposed accessory building.

Resolution No. 2022:01:7

Moved by Ken Gee

Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance application PL-ZNA-2022-0134 to permit an accessory building, being a detached garage, in the projected front yard of the property, subject to conditions.

Carried

c PL-ZNA-2022-0137 (Bobs Lake Coop) (Fretts)

) **Property Address:** 27 and 38 Co-Op Lane - District of Bedford

**Purpose and Effect of the Proposed Variance:**

27 and 38 Co-op Lane are part of the Bob's Lake Co-operative. The Co-op's properties are zoned RLSW-3. The RLSW-3 zone requires that the replacement of any existing trailers on

the properties be subject to a minor variance application to determine the appropriateness of the size and location of the replacement trailer.

The application is to replace the existing trailers at 27 and 38 Co-op Lane. At 27 Co-op Lane, the existing 18.5 foot by 8 foot trailer would be replaced with a new 18.5 foot by 8 foot trailer. The new trailer would be placed in the same location as the existing trailer, beside the existing sunroom. At 38 Co-op Lane, the existing 18 foot by 8 foot trailer would be replaced with a new 39 foot by 8.5 foot trailer. This new trailer would be placed in the same location

as the existing trailer. Both trailers would be setback more than 30 metres from the high water mark of Bob's Lake, and are far removed from any property lines.

The Senior Planner delivered her report to the Committee.

Committee member Nolan raised a concern about lot 27 and inquired if there is a building permit for the structure that is in place today.

The Senior Planner advised that she cannot answer that question, but she suspects no.

Committee member Nolan inquired why it would not be a condition that a building permit be obtained for that structure.

The Senior Planner noted that the structure is built over the trailer, so in order to get the trailer out they would have to do something to that structure and then they would be required to get a building permit.

Committee member Nolan asked that a condition be added so that a building permit must be obtained to do what they want to do to get the trailer in there.

Committee member Roberts asked if this was a motion to make that be in there?

Committee member Nolan asked that an amendment could be made to ensure a building permit is obtained for that structure.

The Secretary-Treasurer read the conditions of the decision to allow the committee to make a decision about the conditions.

Committee member Nolan advised the conditions do not satisfy his concerns because he believes that the trailer could be removed without removing any part of the structure. And he believes that the trailer to be replacing the current trailer is roughly the same size as the existing trailer.

The agent spoke to the question of if the structure will need to be adjusted to remove and replace the trailer and advised that whatever is to be done with the structure will be very minor.

Committee member Revill advised that the building department will be on site for the sewage system and the replacement of the trailer and it would be okay to leave it up to their discretion to advise if the structure needed a permit. He does recall from his work in the area that there were a number of structure and additions without necessarily having permits for them.

The agent added that this particular structure was constructed approximately 21 years ago.

Committee member Revill added that it would be up to the building officials judgement to advise if a building permit was required.

The Chair asked if this satisfied Committee member Nolans' concerns.

Committee member Nolan advised it did satisfy his concerns.

Resolution No. 2022:01:8  
Moved by Mike Howe

Seconded by Ken Gee

THAT the South Frontenac Committee of Adjustment hereby approves application PL-ZNA-2022-0137 to permit the replacement of trailers at 27 Co-op Lane and 38 Co-op Lane, subject to conditions.

Carried

d PL-ZNA-2022-0139 (Mitro)

) **Property Address:** Vacant Land Sperling Lane - District of Bedford

**Purpose and Effect of the Proposed Variance:**

The Owner proposed to construct a 1350 square foot dwelling, including an attached deck, on the property. The dwelling would be setback 21m from the highwater mark of Thirty Island Lake and 6m from the top of bank. A minor variance is being requested to allow the dwelling to be setback less than the 30m from the highwater mark of the lake and less than the 15m from the top of bank required by the Zoning By-law.

The Senior Planner delivered her report to the Committee.

Committee member Revill advised he supports the staff recommendation.

Resolution No. 2022:01:9  
Moved by Ken Gee

Seconded by Mike Howe

THAT the Township of South Frontenac Committee of Adjustment hereby approve Minor Variance application PL-ZNA-2022-0139 to permit a seasonal dwelling on the property to be setback a minimum of 21 metres from the highwater mark and front lot line and to be set back a minimum of 6 metres from the top of bank, subject to conditions.

Carried

- e PL-ZNA-2022-0140 (Murphy) (Sands)
- ) **Property Address:** 1003 Island View Lane - District Loughborough

**Purpose and Effect of the Application:**

To request permission under section 45(2) of the Planning Act to enlarge a legal non-conforming dwelling within 30m of the highwater mark of Knowlton Lake. The existing 1056

square foot dwelling with 295 square foot attached deck is setback 9.7m from the highwater mark. A 720 square foot second storey addition would be added to a portion of the dwelling that is setback 14m from the highwater mark.

The Senior Planner delivered her report to the Committee.

Committee member Roberts asked if the lot was created before 2000 because the lot size is one acre.

The Senior Planner advised that it was created before 2000.

Resolution No. 2022:01:10

Moved by Alan Revill

Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby defers permission application PL-ZNA-2022-0140 until such time as the shoreline erosion hazard issue raised by Cataraqui Conservation is addressed to the satisfaction of Township and Cataraqui Conservation staff.

Carried

- f) PL-ZNA-2022-0141 (Smallman-Tew)
- Property Address:** 179 Beatrice Lane - District of Bedford

**Purpose and Effect of Variance:**

The applicant is seeking permission to enlarge a legal non-conforming dwelling and increasing living space within 30 metres of the highwater mark of Bobs Lake (Green Bay). The dwelling is setback 16 metres from the high water mark. An addition would be constructed to the rear of the dwelling, 22 metres to the high water mark. The height of the dwelling will also be increasing from 20 feet to approximately 25 feet. The property is zoned Limited Service Residential Waterfront (RLSW).

The Planner delivered her report to the Committee.

Committee member Nolan advised that he agrees with the planners position, the building does need repair and putting the back piece on is going to make it better and they will also have to make adjustments to the sewage system, which will also make it better.

Resolution No. 2022:01:11

Moved by Mike Nolan

Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approve permission application PL-ZNA-2022-0141 to permit the enlargement of a legal non-conforming dwelling, subject to conditions.

Carried

- g) PL-ZNA-2022-0142 (Kobus) (Kimmatt)
- Property Address:** 6154 McMullen Drive - District of Portland

**Purpose and Effect of the Application:**

The subject property is developed with a dwelling and a small shed. The dwelling is setback 6.31 metres from the highwater mark of Verona Lake. The applicant is seeking permission to add a deck to the dwelling. The deck (3m x 6.5m & 3m

x 2m) would be setback 3.9 metres from the highwater mark and would extend over the top of bank. The applicant is also seeking a variance for a new shed (7.3 m x 3.7m) to be setback 16.8 metres from the high water mark and 9.5 metres from the top of bank.

The Senior Planner delivered her report to the Committee.

Committee member Revill advised he has known the family for a little bit of time and he added that he knows they are aware of the recommendation for denial of the deck application. He advised that he attended the site to consider some other options and he will be putting forward an amendment to the recommendation to approve the deck structure. If the committee considers the waterfront to be the north south orientation, the doorway at the front of the house does not have any means of access for ingress or egress and it would require a minor variance or permission to put a landing and stairs there for that access, to propose that there be a four foot walkway which is the narrowest section, and then at the north east side a 10 x 12 deck where the top of bank is the widest.

Committee member Bruce advised that he agrees with the Staff recommendation and he would like to put a motion forward to defer the entire application as it seems that the applicants have some more work to do with respect to getting the application to a come back.

Committee member Revill asked if the motion was debatable.

The Chair advised that it is not, if the motion is defeated it can come back for a new motion.

Resolution No. 2022:01:12

Moved by Tom Bruce

Seconded by Norm Roberts

THAT the Township of South Frontenac Committee of Adjustment approves a portion of the application made under section 45 (1) of the Planning act to permit an accessory building, being a detached garage to be located a minimum of 16.8 metres from the highwater mark and 9.5 metres from the top of bank, subject to conditions.

AND THAT the Township of South Frontenac Committee of Adjustment denies the portion of the application made under section 45 (2) of the Planning Act to enlarge the legal non-conforming dwelling in the form of an attached deck.

Carried

h) PL-ZNA-2022-0143 (Flohr & O'Shea)

**Property Address:** 81 Maple Drive Lane - District of Bedford

**Purpose and Effect of the Application:**

The applicant is requesting relief to place a shed (12' x 30') in the front yard of the property on the existing driveway on the property, whereas, Section 5.24.2 of the Township Zoning Bylaw states any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building. The property is zoned LIMITED SERVICE RESIDENTIAL ZONE (RLS) in the Township Zoning Bylaw.

The secretary-treasurer delivered the Planners report to the Committee in her absence.

Resolution No. 2022:01:13

Moved by Mike Nolan

Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application to permit an accessory building, being a storage shed to be located in the projected front yard of the property and to permit the accessory building to have a 16 metre setback from the highwater mark of a watercourse, subject to conditions.

Carried

8 Other Business

- a) Appointment of Deputy Secretary-Treasurer, Sarah Cadue  
Resolution

Resolution No. 2022:01:14

Moved by Alan Revill

Seconded by Mike Nolan

THAT the Township of South Frontenac Committee of Adjustment hereby appoints Sarah Cadue as a Deputy Secretary-Treasurer of the Committee of Adjustment.

Carried

- b) Delegated Consent - Report

9 Adjournment

- a) Resolution

Resolution No. 2022:01:15

Moved by Mike Nolan

Seconded by Alan Revill

THAT the November 10, 2022 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:59 p.m., to reconvene on Thursday, February 9, 2023 at 7:00 p.m. or at the call of the Chair.

Carried

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Randy Ruttan, Chair