

Minutes of Committee Of Adjustment  
May, 12, 2022

Time: 7:00 PM

Location: Council Chambers



Meeting # 04

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
- 2 Adoption of Agenda
  - a) Resolution

Resolution No. 2022:01:2

Moved by Norm Roberts Seconded by Doug Morey

THAT the South Frontenac Committee of Adjustment hereby adopts the agenda for the May 12, 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
- 5 Approval of Minutes – March 10, 2022 & April 14, 2021

- a) Resolution

Resolution No. 2022:01:3

Moved by Tom Bruce Seconded by Mike Nolan

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the March 10, 2022, Committee of Adjustment meeting.

Carried

- b) Resolution

Resolution No. 2022:01:4

Moved by Tom Bruce Seconded by Mike Nolan

THAT the South Frontenac Committee of Adjustment hereby approves the minutes for the April 14, 2022, Committee of Adjustment meeting.

Carried

6 Consent Applications from Previous Meetings:

a) S-15-19-S (Sands & Weatherby)

**Property Address:**

1206 Burnt Hills Road, Unit B, District of Storrington

**Purpose and Effect of the Application**

Consent for the creation of one new waterfront residential lot. The severed parcel consists of 6.7 acres of land with 76 metres of road frontage on Burnt Hills Road and 91.4 metres of waterfrontage on Cranesnest Lake.

The Planner delivered her report to the Committee.

Committee member Roberts advised that he visited the site and that he agrees with the planner.

Resolution No. 2022:01:5

Moved by Doug Morey Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves consent application S-15-19-S by Heather Sands and Craig Weatherby for the creation of one new residential lot consisting of 2,7 hectares (6.7 acres) with 76 metres (250 feet) of road frontage on Burnt Hills Road and 91 metres (300 feet) of water frontage on Cranesnest Lake, subject to conditions.

Carried

7 New Minor Variance Applications:

a) PL-ZNA-2022-0020 (Shea) (Andrews)

**Property Address:**

13 Fawn Brook Drive, District of Storrington

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

To vary section 12.3.2 of Zoning By-Law 2003-75 to permit the detached garage to have a maximum building height of 6.9 metres whereas the Zoning By-Law permits a maximum height of 6 metres for accessory structures.

The Planner delivered her report to the Committee.

Resolution No. 2022:01:6

Moved by Mike Nolan Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0020 for the property located at 13 Fawn Brook Drive. To permit the current structure to have a maximum height of 6.9 metres as per the drawings received on March 30, 2022, subject to conditions.

Carried

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

**Property Address:**

73 Mill Bay Lane, District of Bedford

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

To vary section 5.8.2(b) and section 10.3.1 of Zoning By-law No. 2003-75 to permit a principal dwelling with an attached garage to be setback 9.2 metres from the top of bank and have a maximum lot coverage of 12% and whereas the Zoning By-law requires a 15 metre setback from the top of bank and permits a maximum lot coverage of 5% for the principal dwelling.

The Planner delivered her report to the Committee.

Committee member Nolan noted that a significant portion of the lot coverage issue is because the garage is joined to the house, and if the garage was separate it would be better with respect to lot coverage numbers. Mr. Nolan noted that the lot coverage isn't really doubling, it is only 2% greater but it is because of the design and the garage being attached that it makes the numbers so large.

The Planner advised this is correct, and she could provide more specific numbers, the cottage would account for approximately 8% lot coverage and the garage approximately 4%.

Committee member Revill asked to consider the feelings of the members of the committee, as he is fairly concerned with the lot coverage, but if we are inclined to allow that kind of lot coverage for the principal building, the applicant could in the future apply to build an addition accessory building up to 5% lot coverage. However, he does not believe that this would be possible due to the topography of the lot, it is a very steep driveway up, there is a plateau in front of the building, and a steep bank to the water. He noted that if the Committee agrees to the 12% lot coverage, he would be concerned with the lot coverage, he feels the best way to deal with it is through a site specific zoning by-law which is a time consuming process. He noted in the plans that there is no exterior decks and so a reduction of the footprint by simply removing decks is not an option, the whole plan for the structure would need to be redone.

Committee member Nolan added that he agreed with Committee member Revill that the site is difficult to work with, the accessory structure could be between the building and the lane. With one building at 12%, it does make allowances for other structures.

The applicant advised that he spoke with all of the neighbours in the area about his plans and the only concerns raised was the possibility of blasting. He checked with his builder and they confirmed that no blasting would be required, it would all be done by an excavator. With respect to the walk down to the water front, there are 87 stairs down the cliff, there is zero opportunity to build any structures any closer to the water. The only possible place to build a structure would be on the lawn where the original septic system was proposed and would eliminate any lawn. Nothing can be built by the road. The applicant advised that they have no intent of building anything else, and noted that if there is anything the Committee would like changed or moved he would be happy to look at that.

The Chair noted that the Committee has to ensure, that although there is no intent, that nothing else is built as there is already a large overage of lot coverage. He noted that they are trying to be consistent with the decisions that have been made in the past.

Committee member Gee agreed that the site is very challenging and he noted that he saw the test holes for the new septic, but he agrees that the matter should be deferred until all information is received.

Committee member Revill advised that there is no basement and no second story on the building and they would like access directly from the garage. The alternative is to separate the garage from the home, but it does create some complexities with respect to accessibility.

Committee member Morey inquired with respect to how costly and time consuming would it be to create a site specific lot to ensure no additional accessory buildings were allowed.

The Planner advised a re-zoning takes approximately 3 months.

Committee member Nolan advised that he would feel more comfortable if the home and the garage were separated to deal with the 5% and 5% separately.

The Chair inquired about the impending Slope Stability study.

The Planner advised that the Slope Stability Study had already been completed and RVCA was peer-reviewing the study which was why they asked for deferral. She advised she is unsure of their processing times to review the study.

Resolution No. 2022:01:7

Moved by Mike Nolan Seconded by Tom Bruce

THAT the Township of South Frontenac Committee of Adjustment hereby defers Minor Variance Application PL-ZNA-2022-0034 for the property located at 73 Mill Bay Lane, Bobs Lake to provide the applicant time to work with their sewage system installer to provide a revised design of the sewage system to the Building Department, to allow RVCA time to peer-review the slope stability study, and to allow the applicant time to consider revising their application to reduce the proposed lot coverage.

Carried

- c) PL-ZNA-2022-0038 (MacDonald, Radley & Webb)

**Property Address:** 1 Younge Lane, Unit: A, District of Bedford

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

The proposal is to demolish the existing deck that is attached to the cottage and to replace it with a larger deck in order to facilitate the safe maintenance of the front of the cottage. The new deck would be closer than the existing deck to the highwater mark of White Lake. The following variances are being requested from Zoning By-law No. 2003-75: (1) to vary section 5.8.2 and 10.3.1 to permit a minimum 26.7 metre setback from the highwater mark, whereas a minimum 30 metres is required, and (2) to vary section 10.3.1 to permit 5.29% lot coverage, whereas a maximum of 5% is permitted.

The Senior Planner delivered her report to the Committee.

Committee member Nolan inquired as to why the deck was created so small in front of the residence knowing the building would need to be maintained?

The applicant advised the existing deck was there before they purchased the property and the previous owner advised them that the deck was constructed sometime in the mid '70s, but he does not know why it was, if it was a setback issue or not. He advised he had completed a freedom of information request

and there was no record of a prior Minor Variance either approved or denied for the property.

Committee member Revill advised he supports the application, the deck is already no compliant and he can appreciate the need to extend the deck for maintenance and no trees will be removed, it is a reasonable request.

Resolution No. 2022:01:8

Moved by Ken Gee Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0038, for the property located at 1 Younge Lane, Unit: A. To permit a deck attached to a seasonal dwelling to be set back a minimum of 26.7 metres from the highwater mark of White Lake, and to permit a maximum 5.29% lot coverage for the principal building, subject to conditions.

Carried

d) PL-ZNA-2022-0041 (Rombouts)

**Property Address:**

unassigned (located between 3301 and 3327 Wilton Road), District of Portland

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

The proposal is to construct a dwelling and sewage system on the property. The following variance is being requested from Zoning By-law No. 2003-75: to vary section 7.3.2 to permit the dwelling to be setback a minimum of 15 metres from the front lot line, whereas a minimum of 20 metres is required. The variance would allow the dwelling to be built into the slope on the property.

The Senior Planner delivered her report to the Committee.

The chair asked for clarification with respect to the amount of work that had been done on the property prior to applying and receiving approval for a Minor Variance and building permit.

The applicant advised that they had to do exploring on the parcel of land to determine where the house could be built and could be placed on solid ground and there will be less fill required. With the way the limestone is stepped, the requirement of a Minor Variance will facilitate the build perfectly by allowing them to use the limestone stepping.

The chair asked if the building is a one story and the walkout does not count as a story.

The Senior Planner advised that the Township does not consider a walkout basement a story.

The chair asked about the drainage issues and the large amount of water on the property, if that will be addressed at the building stage.

The Senior Planner advised that the house will be built on the slope, instead of the low lying wet area, which will allow for better management of the runoff from Wilton Road. The sewage system will be built in the low lying area and will be required to be built to Building Code to ensure there is no impact on the system from the water.

Resolution No. 2022:01:9

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0041 for vacant land known as roll number 1029-080-010-04108. To permit a single detached dwelling to establish a minimum 15 metre front yard depth, subject to conditions.

Carried

- e) PL-ZNA-2022-0044 (Batson)

**Property Address:**

4396 Sills Bay Road, District of Loughborough

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

To vary section 5.24.2 and 8.3.2 of the Zoning By-law to permit an accessory structure (detached garage) to be located in front of the projected front wall of the dwelling and have a height of 6.5 metres, and to permit the existing accessory structure (detached garage) to continue to be located in front of the projected front wall of the dwelling and have a height of 7 metres, whereas 6 metres is permitted for accessory structures in the Residential Waterfront zone and 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 Nolan inquired as to the lot coverage for the property.

The Planner advised that the lot coverage is unsure of the exact lot coverage, but it is under the 5% as the lot is quite large.

Committee member Howe agreed that the lot is quite large and it is indeed minor.

Resolution No. 2022:01:10

Moved by Ken Gee Seconded by Alan Revill

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0044 for the property located at 4396 Sills Bay Road. To permit two accessory structures to be in front of the projected front wall of the dwelling, and to permit an accessory structure to have a height of 6.5 metres, and to permit the existing accessory structure to continue to have a height of 7 metres, subject to conditions.

Carried

- f) PL-ZNA-2022-0045 (Milligan)

**Property Address:**

1037 Roost Lane, District of Loughborough

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

To vary section 10.3.2 of Zoning By-law No. 2003-75 to permit the detached garage to have a maximum building height of 7.3 metres whereas the Zoning By-law permits a maximum height of 6 metres for accessory structures.

The Planner delivered her report to the Committee.

Committee member Howe advised that it is a very long narrow property and inquired about the lane leading to the property as he does not believe a fire truck could get down and the laneway is a concern he has.

The Senior Planner advised that as a private lane the Township has no responsibility for maintenance of the lane or improvements, it is entirely up to the individuals who use the lane. The Township has standards for creating new private lanes and improvements to private lanes. She noted that the Township does have a grant program that can be applied for to assist with the costs of improving the lane.

Resolution No. 2022:01:11

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0045 for the property located at 1037 Roost Lane. To permit an accessory building to have a maximum building height of 7.3 metres, subject to conditions.

Carried

g) PL-ZNA-2022-0047 (Barker)

**Property Address:**

6060 First Lake Road, District of Portland

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

To permit an accessory structure (detached garage) to be located in front of the projected front wall of the dwelling, approximately 12 metres from First Lake Road and to have a height of 7 metres (23 feet) 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 and permits a maximum height of 6 metres (19.7 feet) for accessory buildings in the Residential Waterfront zone.

The Planner delivered her report to the Committee.

Committee member Revill inquired with respect to the sketch that is updated.

The Planner advised that the sketches in front of the Committee members and on the PowerPoint are the new revised sketches.

Committee member Revill inquired as to whether the new sketches show a compliant location with respect to the Building Department comments.

The Planner advised that the applicant listened to the Building Department and the new sketch conforms with their concerns. She added that if the Committee chooses to approve the Minor Variance, the Building Department recommends that the area between the proposed location of the garage and the mantle be restored and re-sanded to an original condition.

Committee member Morey asked about 80.54 feet, if that was the distance between the proposed accessory building and the house or the septic.

The Planner advised that is the distance between the house and the garage, the distance between the property line and the garage is what is being considered.

Committee member Nolan inquired as to the need for the increased height of the garage, if there is any living space intended.

The applicant advised that he has no intention of living space, it is only for storage for the winter to store their water items. He also advised that the drawing of the garage is just an idea, it is not the building plan.

Committee member Bruce asked if the matter of the sewage system could be clarified prior to approval of the matter.

The planner advised that the building department's only request is that a condition be added that the area between the structure and the mantle be revitalized.

The applicant added that the proposed placement of the garage has been revised and will be compliant with the sewage system and the hydro lines, but will be 36 feet from the front lot line and not the original 40 feet. The applicant requested that the application not be deferred, but approved now that the sketch has been revised.

The planner added that Public Services does not have a problem with the placement of the structure and it will not impede sight lines, but the road is not a standard width at this point and if the road is ever widened the structure will be closer than 36 feet.

Committee member Revill noted that he will be voting against the deferral motion.

Committee member Bruce moved to approve Minor Variance PL-ZNA-2022-0047, Barker, seconded by Committee member Morey.

The Senior Planner noted that the application needed to be approved as amended.

The Chair advised that the Planning Assistant is writing out a new motion for consideration.

Resolution No. 2022:01:12

Moved by Tom Bruce Seconded by Doug Morey

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0047, as amended on May 9, 2022 for the property located at 6060 First Lake Road. To permit an accessory structure to be located in front of the projected front wall of the dwelling and to allow an accessory building to have a maximum height of 7 metres, subject to conditions, with the additional condition that the mantle be revitalized and restored.

Carried

h) PL-ZNA-2022-0059 (Jewitt & Fleming) ( Fretts) (Bobs Lake Co-op)

**Property Address:**

40A Donalds Lane, District of Bedford

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

40A Donalds Lane is 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 property 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 30 foot by 8 foot trailer with a 38 foot by 14 foot trailer at 40A Donalds Lane. The replacement trailer would be placed in the same location as the existing trailer, but would be farther from the rear lot line. The replacement trailer would be setback 3 metres (10 feet) from the rear lot line, whereas a minimum 10 metre (32.8 foot) rear yard is required in the RLSW zone. The replacement trailer would exceed all other required setbacks.

The Senior Planner delivered her report to the Committee.

Committee member Nolan inquired if the current electrical feed is sufficient or if it would be required to be upgraded.

The Senior Planner advised that the trailer does not require a Building Permit and the electrical would fall under the ESA authority, not the Township.

Committee member Nolan noted that although the request is changing out the trailer, but there is a concern about electrical and how would the committee address this matter if the electrical situation is not appropriate.

The Senior Planner advised that she does not have an answer for that.

Committee member Revill advised that generally electrical hookups are governed by HydroOne.

The Chair added that he does not believe that this matter would be under the Committee's prevue to rectify.

Committee member Nolan advised that it is not the cord that is the problem, but the junction box under a pail is of concern and now that he has seen it, is there something that we can do about it?

Committee member Revill advised that the electrical is not something that can be dealt with in relation to a condition or being turned down by the Committee as this is not something the Township has jurisdiction over.

Committee member Nolan advised that he is concerned and he would hate to have something happen, how do we not have something look at it.

Committee member Roberts inquired about the need for a building permit for the trailer.

The Senior Planner advised that it does not need a building permit because a trailer is not a building or structure. She also advised that the Minor Variance is required due to the specific zoning on the property. She advised she is happy to take the concern back to the co-op to see what, if anything they can do about it. They are planning on cleaning up the property and bringing it forward for Site Plan Control.

Committee member Gee advised he visited the site and inquired about the sewage system.

The Senior Planner advised an outhouse is an acceptable form of washroom on a site, the concern with having a trailer with plumbing in it is that if they are using the facilities in the trailer, there needs to be some way to dispose of the material by either incapacitating the plumbing or put in a sewage system.

Resolution No. 2022:01:13

Moved by Alan Revill Seconded by Ken Gee

THAT the Township of South Frontenac Committee of Adjustment hereby approves Minor Variance Application PL-ZNA-2022-0059 for the property located at 40A Donalds Lane. To permit a replacement trailer to be established with a minimum 3 metre rear yard depth, subject to conditions.

Carried

i)

8 Other Business

a)

Committee member Nolan advised that his concern with respect to anything that the members run into dangerous matters or situations on site, how do the members move forward to limit the liability of the Township as well as limit the danger to the public?

The Senior Planner advised that if the Chief Building Official becomes aware of a situation that is unsafe from the perspective of the Building Code, he has the authority to require that situation to be rectified. It is her understanding that electrical does not fall under their authority, it is under separate legislation.

Committee member Revill advised the co-op can be notified, the applicant can be notified, they can also call the Electrical Safety Authority with their concerns. It is a matter of judgement call to see if something is unsafe and staff can be notified and then the professional building staff can deal with it.

Committee member Morey advised that there is also a Property Standards by-law that can be used.

The Chair advised that, for clarity, it is a Safe Properties By-Law that can be utilized and the Clerk and By-Law enforcement should be made aware of this.

9 Adjournment

a) Resolution

Resolution No. 2022:01:14

Moved by Ken Gee Seconded by Alan Revill

THAT the May 12, 2022 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:47 p.m., to reconvene on Thursday, June 09, 2022, at 7:00 p.m. or at the call of the Chair.

Carried

---

Randy Ruttan, Chair