



**Township of South Frontenac
Committee of Adjustment Meeting
Minutes**



**SOUTH
FRONTENAC**

Meeting # 02

Time:7:00 pm

Location: Council Chambers / via Zoom

Present: Randy Ruttan, Mike Howe, Steve Pegrum, Alan Revil, Doug Morey, Brett Moreland, Norm Roberts, Kevin Fox

Absent: n/a

Staff: Christine Woods, Senior Planner, Tom Fehr, Planner, Michelle Hannah,
Secretary-Treasurer / Deputy Clerk

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

Resolution No. 2022:01:2
Moved by Kevin Fox

Seconded by Norm Roberts
THAT the Committee of Adjustment adopts the agenda for the March 9, 2023
Committee of Adjustment meeting, with the addition of site visit discussion.

Carried

- 3 Electronic Meeting Information
- a) The meeting was live streamed at the following link:
<http://www.facebook.com/SouthFrontenacTwp/>

The link to register for virtual attendance was at the following:
<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 prepared a PowerPoint Presentation that was be displayed on the screen
of the meeting, you could 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 – February 9, 2023
- a) Resolution
Resolution No. 2022:01:3

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Moved by Kevin Fox

Seconded by Doug Morey

THAT the Committee of Adjustment approves the minutes of the February 9, 2023 Committee of Adjustment meeting.

Carried

6 Consent Applications from Previous Meetings:

a) S-13-21-P (500675 Ontario Ltd) (Beach)

The Senior Planner delivered her report to the Committee.

Committee member Pegrum inquired about the recommended build location for the retained lot, which is not one of the other two severances. He asked how do we know a septic system could be placed in that specific location further than 300 metres from the highwater mark, without doing test holes.

Ms. Woods noted that the Ministry of Environment took the image from the July 2021 Environmental Impact Assessment and put it in their memo to show the location of the severed parcels on the property. The area that has the star was the area identified by the consultant who completed the assessment, it is not what was recommended by the Ministry, it is within 300 metres of the lake and it is on a ridge, therefore, it is not the area that staff would want considered.

Committee member Pegrum added he was unsure why that was used in the letter from the ministry if it was not accurate.

Ms. Woods noted that the ministry can use whatever resources they wish, but it may not be labeled well enough for the public to understand.

Committee member Revill thanked the Senior Planner for her extensive presentation, but noted that the application is complex and he was not sure if all members had the opportunity to visit the site without snow cover and he moved to defer the matter until such time as the site visits without snow cover can take place, Committee member Roberts seconded the motion.

Ms. Hannah asked for clarification of the motion, that it is to allow time for the Committee members to visit the site when it is free and clear of snow cover.

Committee member Revill advised that was correct.

Ms. Hannah advised the Chair that Mr. Beach, the agent on the matter had his hand raised to speak.

Chair Ruttan advised that he did have an opportunity to speak earlier and he would not allow it at this time.

Resolution No. 2022:01:4

Moved by Alan Revill

Seconded by Norm Roberts

THAT the Committee of Adjustment defers consent application S-13-21-P to allow the Committee of Adjustment Members to visit the site free and clear of snow cover.

Carried

7 New Consent Applications:

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a) None

8 Minor Variance Applications from Previous Meetings:

a)

Senior Planner Woods delivered her report to the Committee.

Committee member Pegrum noted the Development Agreement condition mentioned the wrong lake.

Resolution No. 2022:01:5

Moved by Doug Morey

Seconded by Kevin Fox

THAT the Application PL-ZNA-2022-0140 is approved to grant the request for permission to enlarge the legal non-conforming dwelling within 30 metres of the highwater mark under section 45(2) of the *Planning Act*, subject to conditions.

Carried

9 New Minor Variance Applications:

a) PL-ZNA-2023-0007 (Lindsay & Nakonechny)

Application Details:

Property Address: 3094 Ernie Lane

Applicant: Judy R Gilbert Lindsay & David J Nakonechny

Agent: Ashley Osmar

Purpose and Effect of the Proposed Variance:

To request permission under section 45(2) of the *Planning Act* to enlarge a legal non-conforming dwelling located within 30 metres of the highwater mark of Loughborough Lake and within the 10 metre rear yard of the RLSW zone and within the 5 metre setback from Earnie Lane. The existing 94.5 metre single storey dwelling with attached deck is set back 28 metres from the lake and 4.7 metres from the rear lot line / Ernie Lane. This building will be replaced with a two storey dwelling that have a 114.7 square metre ground floor area and a 145.2 square metre gross floor area. The new dwelling will be set back 27.5 metres from the lake and 1.8 metres from the rear lot line / Ernie Lane. The height of the new dwelling will also be increased to 7.5 metres. The applicant is also proposing to construct a complying 66 square metre detached garage.

Planner Fehr delivered his report to the Committee.

Committee member Morey commented that it sounds like an undersized lot that is quite busy, but that there is a proposed garage on the drawing and he encourages the owners to honour the lot coverage allowances.

Committee member Roberts inquired as to the placement of the proposed garage.

Mr. Fehr advised that the proposed garage complies with all setbacks and lot coverage for accessory buildings and no relief is required.

Resolution No. 2022:01:6

Moved by Kevin Fox

Seconded by Doug Morey

THAT approval of application PL-ZNA-2023-0007 is granted for permission to enlarge a legal non-conforming dwelling under section 45(2) of the *Planning Act*, subject to conditions.

Carried

b) PL-ZNA-2023-0015 (Buchanan)
Application

Property Address: 1251 Retreat Lane
Applicant: Natasha Buchanan

Purpose and Effect of the Proposed Variance

The Owner proposes to construct a 32.6sqm deck attached to a 113.2sqm single detached dwelling. With the attached deck lot coverage of the principal building on the property will be 5.6%. A minor variance is being requested to allow the principal building to exceed 5%.

Mr. Fehr delivered his report to the committee.

Committee member Morey asked how far the structure is back from the high water mark.

Mr. Fehr advised it is well back, about 60 metres.

Resolution No. 2022:01:7
Moved by Norm Roberts

Seconded by Doug Morey

THAT application PL-ZNA-2023-0015 is granted approval for zoning relief to permit lot coverage for the principal building to be 5.6% to allow a 32.6 square metre deck attached to the dwelling, subject to conditions.

Carried

c) PL-ZNA-2023-0016 (Morgan) (Dick)
Application Details:

Property Address: 5323 Cranes Nest Lane

Applicant: Ronald Morgan

Agent: John Dick

Purpose and Effect of the Proposed Variance:

The Owner proposes to construct a 62.1sqm addition onto an existing 78.5sqm detached garage. A minor variance is being requested as the lot coverage of accessory buildings on the property exceeds the lot coverage of the existing principal building (single detached dwelling). The area of the single detached dwelling is 164.8sq and the total area of all accessory buildings is proposed to be 395.2sqm.

Mr. Fehr delivered his report to the committee.

The applicant advised he was available to answer any questions.

Committee member Revill noted that it does not appear that it will impede any visuals from the neighbours and he was happy to support it.

Resolution No. 2022:01:8
Moved by Doug Morey

Seconded by Norm Roberts

THAT application PL-ZNA-2023-0016 is approved to grant approval for relief from the zoning by-law to permit the total lot coverage for an accessory building to exceed the lot coverage of the existing principal building, subject to conditions.

d) PL-ZNA-2023-0017 (Doerksen) (Tolles - Laframboise Construction)

Application Details:

Property Address: Lot 36, Plan 1951; Maple Hill

Applicant: Cameron Doerksen

Agent: Brian Tolls – Laframboise Construction

Purpose and Effect of the Proposed Variance:

The Owner proposes to construct a two storey single detached dwelling and a septic system on the property. The dwelling will have a ground floor area of 137.4sqm including attached deck and a gross floor area of 193.7sqm. The single detached dwelling will be set back 22.5m from the highwater mark and the septic system will be set back 15.5m from the highwater mark. The property was previously subject to minor variance decision MV-13-05-2 which approved a dwelling on the property to constructed a minimum of 24.5m from the highwater mark and 6.5m from the front lot line. The proposed dwelling is located closer than 24.5m to the highwater mark and the previous decision did not provide any relief for the septic system. Minor variances are being requested to allow the dwelling and septic system to be set back less than 30m from the highwater mark.

Mr. Fehr delivered his report to the committee.

Ms. Galasso advised that she is concerned about the location of the proposed septic system, she advised that this bay is extremely eutrophic and loaded with algae, it is pretty stagnant most of the year and she would be pretty concerned with a septic system being allowed to be built that close to the lake. She also noted she is concerned with the wetland and she is wondering what has been analyzed with respect to species at risk as it is loaded with turtles, amphibians and birds and wondered if the runoff from the house will be managed in terms of it's impact on the wetland. She asked if there is any other type of wastewater management systems that would not require the sewage system to not be that close to the highwater mark.

Mr. Fehr advised that the sewage system, he believes, has a secondary treatment unit on it. The setback from the water has been maximized. Staff are requiring retention of vegetation and direction of runoff to infiltration areas so it is not running off directly to the waterbody or wetland.

Ms. Galasso inquired if a composting toilet was considered.

Mr. Fehr advised he does not believe that has been considered as it will be constructed as a year-round home and he does not believe that would meet the intent of the Building Code.

Committee member Fox inquired about the original Minor Variance file and the Conservation Authority and Parks Canada comments from that file.

Mr. Fehr advised it is a file from 2013 and he does not have the comments available.

Committee member Revill inquired if the committee should be considering postponing a decision on this matter until comments are received. He inquired if there were other options available and if all of the septic proposed is on the backside of the ridge and the road side or if any of it is on the water side.

Mr. Fehr advised that it is certainly an option to defer the matter to await comments. He noted the sewage system meets Ontario Building Code setbacks as it will be setback 15.5 metres from the water. He also noted it is proposed to be an EcoFlo system which is a tertiary treatment system.

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Mr. Tolles, the agent for the matter advised the septic system is on the side of a ridge, away from the lake there is a ridge between it and the lake, it will be on the road side and not the lake side. He also noted they plan to mitigate the runoff to the lake by creating a drainage ditch along the driveway to make sure the runoff from the home is away from the wetland.

Chair Ruttan advised he realizes there is a hand up from the public but once the public portion of the meeting is closed it is not re-opened to the public unless there is a specific question from Committee members to the applicant or their agent.

Committee member Morey asked if it would be appropriate in the Development Agreement to ask for the tertiary septic system, because if we are to move forward as it is now they could put in any system they want.

Mr. Fehr advised that it is his understanding that with the area available it has to be this specific system to fit.

Committee member Revill advised it does note on the sketch that it is an EcoFlo system.

Mr. Fehr advised that is certainly an option to do so.

Committee member Revill asked if the Committee is comfortable proceeding without comments from the Conservation Authority.

Committee member Roberts asked when it was originally approved.

Mr. Fehr advised it was approved in 2005, which is in the current zoning by-law.

Mr. Roberts asked if there were any rules that changed since then.

Mr. Fehr advised that the current Zoning By-Law is from 2003, so that was the by-law that was approved.

Committee member Morey asked that the Development Agreement be amended to include that the EcoFlo system must be used for this development.

Committee member Pegrum asked that the ditch for runoff be included in the Development Agreement as well.

Mr. Fehr noted the standard condition is for runoff to be directed away from the waterbodies and wetlands.

Resolution No. 2022:01:9
Moved by Steve Pegrum

Seconded by Alan Revill
THAT application PL-ZNA-2023-0017 is approved to grant zoning relief from the zoning by-law to permit a single detached dwelling to be a minimum of 22.5 metres from the highwater mark of Dog Lake and to permit a septic system to be a minimum of 15.5 metres from the highwater mark of Dog Lake, subject to conditions, with the added clause in the Development Agreement that the sewage system will be a tertiary system.

Carried

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e) PL-ZNA-2023-0019 (O'Brien) (Ireland)

Application Details:

Property Address: 328 Koen Road

Applicant: Patrick Edmund O'Brien

Agent: Paul Ireland

Purpose and Effect of the Proposed Variance:

The Owner proposes to construct a 178.8sqm detached garage on the property. A minor variance is being requested to locate the detached garage in the front yard of the property, between the existing single detached dwelling and Koen Road. A minor variance is also being requested to allow the height of the garage to be more than the 6m permitted for accessory buildings in the RLSW zone.

Mr. Fehr delivered his report to the committee.

Committee member Pegrum asked for clarification with respect to the revised page 6, it indicated the setback from the highwater mark is 25 metres, but the plot plan and planning report indicate more than 30 metres. And he asked what it will be and asked about all documentation saying the same thing.

Mr. Fehr advised that the original application did have the garage within the 30 metre setback, it was revised to have the setback more than 30 metres, but that section in the application was missed.

Chair Ruttan advised that it can be changed, and with the number of applications dealt with by the planning department sometimes every detail cannot be as it should be.

Ms. Hannah advised that the Decision does have the updated sketch attached to it as Schedule "A" and the Decision being signed will be the correct location of more than 30 metres from the highwater mark.

Committee member Morey noted that the only setback noted in the conditions is from Koen road, nothing else is mentioned, but as long as it is in the decision he is comfortable with it.

Ms. Woods clarified that because it does not say anything about the setback in the decision, it means it needs to meet the setback from the highwater mark. It is noted there is a discrepancy between the application and the sketch, and from experience it is very difficult to get the application and sketch absolutely perfect especially when there is a lot of bank and forth, so sometimes staff do miss something but we appreciate being made aware.

Resolution No. 2022:01:10

Moved by Alan Revill

Seconded by Steve Pegrum

THAT application PL-ZNA-2023-0019 is approved to grant the request for relief from the zoning by-law to permit an accessory building to be located in front of the projected front wall of the dwelling and to permit an accessory building to be 8.6 metres high, subject to conditions.

Carried

f) PL-ZNA-2023-0020 (Rutledge)

Application Details:

Property Address: 1111 Heron Lane

Applicant: Shawn Rutledge & Katie Shanks

Purpose and Effect of the Proposed Variance:

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To request permission under section 45(2) of the Planning Act to enlarge a legal non-complying dwelling within 30m of the highwater mark of Loughborough Lake. The existing 204.4sqm single detached two storey dwelling is to be expanded with a 83sqm single storey addition attached to the side of the existing dwelling. The addition contains a breezeway, carport, storage area, and screened in porch. The property was previously subject to minor variance decision MV-50-20-S which permitted a 13.4sqm second storey addition to be added onto the dwelling.

Mr. Fehr delivered his report to the Committee.

Mr. Rutledge spoke and advised that their engineer and the CRCA have worked out the details but have not received confirmation from the Conservation Authority, it is pending as soon as possible. He also noted that the tile bed has been moved away from the lake, they have provided a turn around and provided access to the lake for emergencies. The carport is where it is because there is a steep slope behind the lot and it cannot go there. It is now up to the engineer and CRCA to work out the stability details. There was some missing information which will be addressed.

Chair Ruttan advised that it would be unusual to move forward without the documentation of slope stability required.

Resolution No. 2022:01:11
Moved by Steve Pegrum

Seconded by Alan Revill
THAT Application PL-ZNA-2023-0020 is deferred until such time as the slope stability and erosion hazard issues raised by Cataraqi Conservation is addressed to the satisfaction of Township and Cataraqi staff.

Carried

g) PL-ZNA-2023-0021 (Hanschmann)
Application Details:

Property Address: 1211 White Lake Road
Applicant: Nancy Hanschmann

Purpose and Effect of the Proposed Variance:

The property contains two dwellings, whereas the Rural (RU) zone only permits one dwelling. The purpose of the application is to request permission under section 45(2) of the *Planning Act* to enlarge one of the dwellings on the property. The effect would be to permit a 1200 square foot addition to the western dwelling.

Ms. Woods delivered her report to the committee.

Committee member Pegrum inquired as to the future intention with the property and the addition.

Ms. Hanschmann advised that she is close to retirement and what she has always wanted is to build her retirement home on the water. She has owned the property since 1996 and is about 3 years off from retirement and would like to complete the work while she is still working so she can move there once retired.

Resolution No. 2022:01:12

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Moved by Alan Revill

Seconded by Steve Pegrum
THAT Application PL-ZNA-2023-0021 is granted approval for permission to enlarge a legal non-conforming building per section 45(2) of the *Planning Act*, subject to conditions.

Carried

10 Other Business

a) Decisions on Delegated Consents

b)

Committee members discussed the difficulties they have been having with Site Visits and access issues such as snow and ice covered lanes and driveways and gates.

Resolution No. 2022:01:13

Moved by Councillor X

Seconded by Councillor Y

THAT

Carried

11 Adjournment

a) Resolution

Resolution No. 2022:01:14

Moved by Steve Pegrum

Seconded by Alan Revill

THAT the March 9th, 2023 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:40 p.m., to

reconvene on Thursday, April 13, 2023 at 7:00p.m. or at the call of the Chair.

Carried



Randy Ruttan, Chair