

Minutes of Committee Of Adjustment
November, 9, 2023



**SOUTH
FRONTENAC**

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



Meeting #

Time: 7:00 PM

Location: Council Chambers/Virtual Via Zoom

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

Absent:

Staff: Christine Woods, Senior Planner, Tom Fehr, Planner, Noah Perron, Planner, Kate Kaestner, Planning Clerk & Secretary-Treasurer

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

Resolution No. 2023-10-02

Moved by: Norm Roberts

Seconded by: Kevin Fox

THAT The Committee of Adjustment adopts the agenda for the November 09, 2023 Committee of Adjustment meeting.

Carried

- 3 Electronic Meeting Information
- a) The meeting was live streamed at the following link:
<http://www.facebook.com/SouthFrontenacTwp/>
- b) A PowerPoint Presentation, prepared by Township Staff, was displayed on the screen of the meeting.
- 4 Declaration of pecuniary interest
- a) None declared.
- 5 Approval of Minutes – October 12, 2023 Meeting
- a) Resolution.

Resolution No. 2023-10-03

Moved by Kevin Fox

Seconded by: Norm Roberts

THAT the Committee of Adjustment approves the minutes of the October 12, 2023 Committee of Adjustment meeting.

Carried

6 Consent Applications from a Previous Meetings: (if applicable)

7 New Consent Applications:

a) PL-BDJ-2023-0103 (Deroche) - Loughborough

Property Address: 1048 Shallow Lane

Purpose & Effect of the Application:

Consent for the creation of one new limited-service residential lot, being 2.0 acres in area, with frontage on Shallow Lane. The retained property would be 2.5 acres in area with frontage on Dusty Lane and Sydenham Lake.

Noah Perron, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Randy Ruttan, Chair, inquired as to whether there were any questions from the applicant, heir agent or members of the public regarding this application.

Gay Beckwith, neighbouring property owner, stated that he had no objections to the proposed severance, however, he was concerned that the survey sketch that was circulated for the application was not the most up-to-date version and did not accurately depict the existing easements.

Mr. Perron replied that should the application be approved, a new survey would be a required condition, and that survey would portray the most current information with respect to property lines and any easements. He stated that the Planning Department does not require the application sketch to be a plan of survey.

Chair Ruttan inquired, 2 more times as to whether there were any further comments from the applicant, their agent or members of the public surrounding this application. None heard.

Chair Ruttan inquired as to whether the members of the Committee had any questions or comments regarding this application. (None heard).

Resolution No. 2023-10-04

Moved by: Alan Revill

Seconded by: Steve Pegrum

THAT the Committee of Adjustment approves Consent application PL-BDJ-2023-0103 for property municipally known as 1048 Shallow Lane for the creation of one new limited-service residential lot, to be a minimum of 2.0 acres in area and fronting on Shallow Lane, subject to conditions.

Carried

8 Minor Variance / Permission Applications from a Previous Meetings: (if applicable)

a) PL-ZNA-2023-0046 (Sheridan) - Bedford District

Property Address: 144 Timmerman Road

Purpose & Effect of the Application:

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To permit a 98.2 sqm detached accessory structure to be setback 3.4 metres from the front lot line, whereas the Zoning By-Law requires 20 metres.

Noah Perron, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or members of the public regarding the application. (None heard).

Chair Ruttan asked members of the Committee whether they had any comments or questions regarding this application. (None heard).

Resolution No. 2023-10-05

Moved by: Steve Pegrum

Seconded by: Alan Revill

THAT the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0046 for property municipally known as 144 Timmerman Road, to permit a 98.2 square metre detached accessory structure to be setback 3.4 metres from the front lot line, subject to conditions.

Carried

9 New Minor Variance / Permission Applications:

- a) PL-ZNA-2023-0105 (Todd) - Loughborough District

Property Address: 5970 Bedford Road

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge an existing 40.1sqm single storey legal non-conforming dwelling located within 30m of the highwater mark of Cronk Lake. The existing dwelling is also non-conforming as it is one of three dwellings currently on the property. The existing building will be raised and a new foundation and ground floor storey will be added underneath the existing structure. The footprint of the structure will also be expanded with an addition with a ground floor area of 10.4sqm. The addition will extend closer to the water than the existing dwelling. The gross floor area of the structure will increase from 40.1sqm to 101sqm and the height of the structure will increase from 4.3m to 6.6m

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent or the public regarding the application. (None heard).

Chair Ruttan inquired as to whether there were any questions or comments from Committee Members regarding the application.

Committee Member Mike Howe stated that he had attended the property and noted that it was quite small and constrained. He referenced a written comment from a neighbouring land owner, and questioned the suitability of the septic system on the property with respect to serving the proposed development.

Mr. Fehr replied that the Township was able to locate the septic permit records for all 3 septic systems on the property, confirming that they were installed with

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permits, and confirmed that the suitability of the septic system in relation to the proposed development would be addressed by the Building department at the building permit stage.

Chair Ruttan inquired again as to whether there were any further questions from Committee members regarding the application. (None heard).

Resolution No. 2023-10-06

Moved by: Alan Reville

Seconded by: Steve Pegrum

THAT application PL-ZNA-2023-0105 for property municipally known as 5970 Bedford Road is granted permission to enlarge the existing legal non-conforming dwelling to have 101 square metres in gross floor area, 50.5 square metres in ground floor area, and a height of 6.6 metres; subject to conditions.

Carried

b) PL-ZNA-2023-0110 (Wilson) - Storrington District

Property Address: 20500 Bearberry Island

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge a legal non-conforming use. The subject property contains a seasonal dwelling with a gross floor area of 134.5sqm and a height of 4.8m, setback 6.3m from Loughborough Lake. The applicant is proposing a new enlarged seasonal dwelling with a gross floor area of 251.5sqm and a height of 8.2m, setback 9.7m from Loughborough Lake. The proposed dwelling would occupy a lesser footprint but would include an additional storey.

Noah Perron, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or the public. (None heard).

Chair Ruttan asked Committee members as to whether they had any questions or comments with respect to the application. (None heard).

Resolution No. 2023-10-07

Moved by: Doug Morey

Seconded by: Kevin Fox

THAT application PL-ZNA-2023-0110 for property municipally known as 20500 Bearberry Island be granted permission to enlarge the legal-non conforming dwelling to have a gross floor area of 251.5 square metres and a height of 8.2 metres, and to be setback 9.7 metres from the highwater mark of Loughborough Lake; subject to conditions.

Carried

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c) PL-ZNA-2023-0122 (Pritchard) - Bedford District

Property Address: 55 Oak Shores Crescent

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge an existing 70.6sqm deck attached to an existing dwelling. The existing deck and dwelling are legal non-conforming due to being located within 30m of the highwater mark of Bob's Lake. The existing deck is set back 16.7m from the lake and wraps around the dwelling on three sides. The deck attached to the west side of the dwelling has been expanded. The new overall area of the deck is 91.7sqm and it is set back 15.2m from Bob's Lake. The deck has been reconstructed and expanded prior to the granting of the required approvals and building permits

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, whether there were any comments from the applicant, their agent or members of the public with respect to the application. (None heard).

Chair Ruttan inquired as to whether there were any questions or comments from Committee members.

Steve Pegrum, Councillor and Committee Member, noted that the Committee does not like to see development that has taken place prior to obtaining the appropriate approvals and permits, and inquired as to what recourse there has been for this occurrence. He also inquired as to whether any of the concerns of the neighbouring property owner had been addressed.

Mr. Fehr replied that one of the conditions of approval of the application is that the applicant would be required to obtain the appropriate building permits for the construction, and that there would be recourse under the building Code Act should be not obtain those permits.

Mr. Fehr stated that with respect to the concerns raised by the neighbour, the Township is working with the property owner to ensure that the property is brought into compliance with the zoning by-law. He also stated that the subject application was circulated in accordance with the provisions outlined in the Planning Act.

Chair Ruttan inquired why the applicant is only now asking for permission when the work has already been completed.

Mr. Fehr stated that in order to obtain he required building permit, the property owner first has to receive permission from the Committee so that the proposal would be in compliance with all applicable law and the permit could be issued.

Chair Ruttan inquired as to whether there would be the required inspections on the deck with respect to it's safe construction.

Mr. Fehr confirmed that once the building department would be inspecting the deck and ensuring it's compliance with the Ontario Building Code.

Committee Member Alan Revill echoed his frustration with the fact that the construction had taken place prior to obtaining the proper approvals, however,

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with the department recommending approval, it may not be fruitful to deny the application.

Committee Member and Councillor Norm Roberts inquired as to whether the applicant would be forced to remove the deck should the application be denied.

Christine Woods, Senior Planner, stated that the construction was originally discovered by a Building Inspector. When this occurs, the property owner is issued an order and given two options: either apply for and obtain all required approvals and permits, or to remove the structure. It is up to the owner how to proceed. If they wish to keep the deck, then there is a process that needs to be followed. There was already an existing deck on the dwelling which was rebuilt, and this application is for the small extension of the deck. If approved, they will then need to prove to the building department that it was constructed in compliance with the OBC.

Mr. Pegrum inquired as to whether there was any sort of penalty for doing construction without the required approvals or permits.

Ms. Woods stated that the application fee and the building permit fees are both increased when development occurs prior to obtaining the proper approvals.

Mr. Howe expressed his hope that there are consequences and that the public hears and understands that the rules must be followed, and permits must be obtained prior to commencing construction.

Resolution No. 2023-10-08

Moved by: Steve Pegrum

Seconded by: Mike Howe

THAT application PL-ZNA-2023-0122 for property municipally known as 55 Oak Shores Lane is granted permission to enlarge the existing deck to be 91.7 square metres in area and to be setback 15.2 metres from the highwater mark of Bob's Lake; subject to conditions.

Carried

d) PL-ZNA-2023-0123 (Kaack) - Loughborough District

Property Address: 7248 Perth Road

Purpose & Effect of Application:

The applicant proposes to construct a 97.7sqm single detached dwelling, a new septic system, a 32sqm detached garage, and relocate two existing 9sqm sheds on the property. Minor variances are being requested for relief from the 15m top of bank setback as well as from the 30m setback from a watercourse that runs through the property. The proposed setbacks from the watercourse are 22m for the single detached dwelling, 21m for the septic system, 22m for the detached garage, and 18m for the sheds. The proposed setbacks from top of bank are 6m for the single detached dwelling, 6.5m for the septic system, 22m for the detached garage, and 10m for the sheds.

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Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or members of the public regarding the application. (None heard).

Chair Ruttan inquired as to whether there were any comments or questions from members of the Committee.

Mr. Howe stated that he had visited the property and noted that it was very narrow. He inquired as to how concerns regarding the contamination from runoff during construction.

Mr. Fehr stated that the Development Agreement, which would be a condition of approval, would speak to the requirements surrounding runoff and protection of the waterbody.

Committee member and Councillor Doug Morey stated that while he appreciated that a Development Agreement was going to be put into place, he inquired as to how the Agreement is enforced, and whether it is purely complaint based or whether there is active monitoring that occurs at the site during construction by someone who is knowledgeable on the protection of watercourses.

Ms. Woods stated that there isn't active monitoring of the requirements of the Agreement(s) but that the Building Inspectors are aware that the Agreement is in place and what the Agreement speaks to. When they are on site and they observe something that is of concern they will raise that concern with the Planning Department. One of the requirements under the Agreement is for sediment and erosion control, which usually requires a silt fence at the top of the ridge so that no materials enter into the watercourse.

Mr. Pegrum stated that when he attended the site, he noticed a rock ridge between the proposed development area and the waterbody and he suspects that this ridge will help to act as a buffer during construction.

Resolution No. 2023-10-09

Moved by: Mike Howe

Seconded by: Steve Pegrum

THAT the Committee of Adjustment approves minor variance application PL-ZNA-2023-0123 for property municipally known as 7248 Perth Road to permit a 97.7 square metre single detached dwelling to be located 22 metres from the highwater mark and 6 metres from the top of bank, a septic system to be located 21 metres from the highwater mark and 6.5 metres from the top of bank, to permit a 32 square metre detached garage to be located 22 metres from the highwater mark, and to permit two (2) 9 square metre accessory buildings, being storage sheds, to be located 10 metres from the top of bank and 18 metres from the watercourse; subject to conditions.

Carried

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10 Other Business

a) Consent Granting Authority Report

Kate Kaestner, Planning Clerk, delivered her report to the Committee.

11 Adjournment

a) Resolution.


Resolution No. 2023-10-010

Moved by: Kevin Fox

Seconded by: Doug Morey

THAT the November 09, 2023 meeting of the Committee of Adjustment for the Township of South Frontenac is hereby adjourned at :02 pm to reconvene on Thursday, December 14, 2023 at 7:00pm or at the call of the Chair.

Carried



Randy Ruttan, Chair