

Minutes of Committee Of Adjustment
July, 13, 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, Steve Pegrum, Randy Ruttan, Alan Revill, Brett Moreland,
Kevin Fox, Mike Howe

Absent: Doug Morey

Staff: Christine Woods, Senior Planner, Noah Perron, Planner, Michael Kelly, Planning
Intern, Kate Kaestner, Secretary-Treasurer & Planning Clerk

1 Call to Order

a) Resolution.

Resolution No. 2023-06-01

Moved by Kevin Fox

Seconded by Brett Moreland

That the July 13, 2023 Township of South Frontenac Committee of Adjustment
Meeting is called to order at: 7:00pm.

Carried

2 Adoption of Agenda

a) Resolution.

Resolution No. 2023-06-02

Moved by Kevin Fox

Seconded by Brett Moreland

That the Committee of Adjustment adopts the Agenda for the July 13th, 2023
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](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) A PowerPoint Presentation was displayed on the screen of the meeting.

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4 Declaration of pecuniary interest

- a) None declared.

5 Approval of Minutes – June 08, 2023

- a) Resolution.

Resolution No. 2023-06-03
Moved by Kevin Fox

Seconded by Brett Moreland

That the Committee of Adjustment approves the minutes of the June 8th, 2023
Committee of Adjustment Meeting.

Carried

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

- a) There are none.

7 New Consent Applications:

- a) PL-BDJ-2023-0029 (Itterman)

Property Address: 2348 Sands Road (Storrington District)

Purpose and Effect of the Application:

The applicant is requesting consent for the creation of one new residential lot. The severed parcel is vacant and would be approximately 4.8 acres in area with 69 metres of frontage. The retained parcel contains a house and would be approximately 1.6 acres in area with 76 metres of frontage

Christine Woods, Senior Planner, delivered her presentation to the Committee with a staff recommendation that the application be approved.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Members of the Committee wished to speak to the Application.

Committee Member Revill spoke to the need for additional housing and the importance of allowing some minor variations to allow for residential lot creation. He voiced his support for the application.

Chair Ruttan inquired as to whether any other Members of the Committee wished to speak to the application. (None heard).

Resolution No. 2023-06-04
Moved by Kevin Fox

Seconded by Brett Moreland

That The Committee of Adjustment hereby approves Consent Application PL-BDJ-2023-0029 for the creation of one new residential lot, being 1.9 hectares in area, subject to conditions.

Carried

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b) PL-BDJ-2023-0051 (Hand)

Property Address: 2181 Sands Road (Storrington District)

Purpose and Effect of the Application:

The applicant seeks to create one new residential lot that is to be 3.4 hectares in area and have 68.6 metres of frontage on Sands Road. The detached garage would be on the severed parcel and would be demolished if the application is approved. The retained parcel would be 6.6 hectares in area with 133 metres of frontage. The retained parcel would consist of the majority of the cultivated field and would contain the dwelling.

Christine Woods delivered her presentation to the Committee with respect to this Agenda item along with Agenda Item # 9, f), being Minor Variance Application PL-ZNA-2023-0051 as the applications are related. The presentation concluded with a staff recommendation of approval for both applications.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether there were any comments or questions from Committee Members. (None heard).

Resolution No. 2023-06-05

Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Consent Application PL-BDJ-2023-0051 for the creation of one new residential lot being 3.4 hectares in area, with a minimum road frontage of 67 metres, subject to conditions.

Carried

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

a) PL-ZNA-2023-0037 (Johnston)

Property Address: 332 Pineshores Lane (Bedford District)

Purpose and Effect of the Application:

The subject application seeks zoning relief to permit a 232 square foot detached garage and a 152 square foot carport with a setback of 14.6 metres from the highwater mark of Bob's Lake instead of the required 30 metres.

Christine Woods, Senior Planner, delivered her report to the Committee with respect to Minor Variance Applications PL-ZNA-2023-0037 and PL-ZNA-2023-0073, being Agenda items 8. a) and 9. k) as they share the same applicant and subject property. The presentation concluded with a staff recommendation of approval for Application # PL-ZNA-2023-0037 and a recommendation of denial for Application # PL-ZNA-2023-0073.

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Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Michael Johnston, the Applicant, spoke to the applications. Mr. Johnston stated that when he purchased the house in 2019, the footings for the new deck were already constructed and he assumed that the proper permissions were already in place.

He acknowledged his error in expanding the deck without any approvals.

Mr. Johnston spoke to the size of the lot and the difficulty in complying with current By-laws on a constrained property, and spoke to having received supporting feedback regarding the deck from his neighbours on Bobs Lake.

Mr. Johnston spoke to the deck being constructed behind an already existing shorewall that was constructed in the 1970s, and as such it is already not a natural shoreline. He opined that the deck does not hinder the appearance of the shoreline.

Mr. Johnston made reference to section 5.9.1 of the Zoning By-Law and spoke to there already being a deck on the dwelling when he purchased it and as such the use of the is simply being continued. He spoke to the importance of safe exit from the dwelling.

Mr. Johnston expressed that he was not sure if, should the application be denied, he would need to remove the entire structure, or remove it all except for the 75 square foot deck that existed when he purchased the cottage.

Chair Ruttan inquired (2nd and 3rd time) as to whether there were any further comments from the applicant, the agent or the public. None heard.

Chair Ruttan asked if any Committee Members would like to comment on the application.

Committee Member Pegrum commented that he visited the property and it was clear that the deck is not in compliance with the Ontario Building Code, and is concern that approving the application would thereby be approving a structure that is not in compliance with the OBC and as such he opined that it should not be an option.

Committee Member Revill asked Ms. Woods about one of the recommended conditions regarding the detached garage, being that the applicant would not be able to alter or Park on the Township owned Road Allowance.

Ms. Woods acknowledged that the cottage property has been accessed over the private lane and the Township road allowance for as long as the property has been there, however, this does not mean that the property owner has free reign over the road allowance. It is Township property, not their property. As such it needs to be recognized that the property owner wishes to use the road allowance for any purpose other than just accessing their property, they would need to enter into a License Agreement.

With respect to the deck, Committee Member Revill stated that because it has been altered, no Staff or Committee members had the benefit of knowing what existed before in an effort to substantiate what the applicant is claiming. He spoke to the difficulty in supporting the application given the sensitive location and proximity to the water.

Chair Ruttan spoke to the concern that adding the detached garage would increase the permitted lot coverage.

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Ms. Woods advised that there is 5 percent allowed for the dwelling and an additional 5 percent allowable for accessory structures. The cottage already exceeds the lot coverage maximum by today's standard which is very typical of older dwellings on small waterfront lots that have existed for decades. The deck would increase the lot coverage by 2.5 percent but, the dwelling is legal non-conforming, so consideration needs to be given as to what is appropriate as an increase. The proposed garage would not exceed the allowable lot coverage for accessory structures.

Committee Member Roberts wanted it to be on record that he was not able to participate or vote on this application as he was not present at the June 08, 2023 Committee of Adjustment meeting at which this application was originally presented.

Resolution No. 2023-06-07
Moved by Brett Moreland

Seconded by Kevin Fox

That The Committee of Adjustment Approves Minor Variance Application PL-ZNA-2023-0037 for property municipally known as 332 Pine Shores Lane, to permit a detached garage and carport with a maximum square footage of 376 square feet, setback of 14.6 metres from the highwater mark of Bob's Lake, and an interior side yard setback of 1.4 metres, subject to conditions.

Carried

9 New Minor Variance / Permission Applications:

a) PL-ZNA-2022-0159 (Lyman)

Property Address: 212 Brooks Lane (Bedford District)

Purpose and Effect of Application:

The applicant seeks relief from Zoning By-Law 2003-75 as follows:

The applicant proposes to construct a 1200 square foot single detached dwelling with a walkout basement and an attached 132 square foot deck. The proposed dwelling would be setback 22 metres from the highwater mark and 8.3 metres from the top of bank. The proposed sewage system would be setback 17.3 metres from the highwater mark and 4.7 metres from the top of bank. The sewage system would also be setback 0 metres from the right-of-way. The existing mobile home, deck and gazebo would be removed from the property.

Christine Woods delivered her report to the committee, with a staff recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to this application. (None heard).

Chair Ruttan asked if any Committee members wished to speak regarding the application.

Committee Member Revell states he had been to the site and it is constrained. He expressed his support of the application.

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Committee Member Roberts stated that he has also been to the site and he has no issues with the application.

Chair Ruttan expressed his initial concern with the lot size with respect to housing a sewage system but was satisfied that the applicant and the septic inspectors had come to a resolution on this matter. He inquired about the setback of 0 metres from the Right of Way.

Ms. Woods responded that the septic system that is now being proposed in an advanced treatment system that can minimize the area required for the system. The 0 metre setback is from the surveyed edge of the Right of Way, not the travelled portion, and as such there would be some distance between the system and the travelled lane.

Resolution No. 2023-06-09

Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Minor Variance Application PL-ZNA-2022-0159 for property municipally known as 212 Brooks Lane. To permit a 1200 square foot dwelling with walkout basement and attached 132 square foot deck, to be setback 22 metres from the highwater mark and 8.3 metres from top of bank; and to permit a sewage system to be setback 17.3 metres from the highwater mark, 4.7 metres from the top of bank and 0 metres from the right-of-way, subject to conditions.

Carried

b) PL-ZNA-2023-0050 (Young) (ZanderPlan)

Property Address: 79A Granite Lane (Bedford District)

Purpose and Effect of the Application:

The applicant is proposing to construct a new one-storey dwelling with walkout basement and attached deck and screened-in room on the subject property. The existing dwelling is currently located 10.1m from Devil Lake. The proposed dwelling would have a gross floor area of 258.6sqm and would be setback 20.2m from Devil Lake. Further the height of the dwelling will be increased to 10m. The proposal would result in an increase in lot coverage to 6.7%. The proposed dwelling is also to be located within a slope, and therefore cannot comply with the 15m setback from the top of bank. As such, this proposal is seeking permission from the Committee of Adjustment to permit the proposed dwelling to be located 20.2m from the lake, 0m from the top of bank and to result in 6.7% lot coverage.

Noah Perron delivered his report to the Committee with a recommendation of approval.

Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Andrew Young (Applicant) spoke and stated that he had no comments.

Chair Ruttan inquired (2 more times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members would like to comment on this application. (None heard).

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Resolution No. 2023-06-10
Moved by Kevin Fox

Seconded by Brett Moreland

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0050 for property municipally known as 79A Granite Lane, to permit a 258.6 square metre one-storey dwelling with walkout basement and attached deck to be constructed 20.2 metres from the highwater mark of Devil Lake and 0 metres from top of bank, subject to conditions.

Carried

c) PL-ZNA-2023-0052 (McGillivray) (Alec Ring Architecture)

Property Address: Ridge Lane (Storrington District)

Purpose and Effect of the Application:

The Owner proposes to construct a 1316 square foot dwelling with a 460 square foot attached deck and screened porch. The proposed dwelling would be setback a minimum of 7.6 metres from the top of bank. A variance is being requested to allow the dwelling to be setback less than 15 metres from the top of bank. The dwelling would comply with all other zoning requirements including the setback from the highwater mark of Cranberry Lake.

Christine Woods delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired 2 times as to whether the Applicant, Agent or members of the public wished to speak to the application.

Alec Ring (Agent) spoke and stated he was happy to answer any questions that Committee Members had.

Chair Ruttan inquired for a 3rd time as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on this application. (None heard).

Resolution No. 2023-06-11
Moved by Mike Howe

Seconded by Alan Revill

That the Committee of Adjustment approves Minor Variance Application PL-ZNA-2023-0052 for property on Ridge Lane to permit a single detached dwelling to be constructed 7.6 metres from top of bank, subject to conditions.

Carried

d) PL-ZNA-2023-0053 (Lovegrove)

Property Address: 6607 Craig Road (Portland District)

Purpose and Effect of Application:

This proposal seeks relief from Zoning By-law No. 2003-75 to permit an accessory structure in a Rural zone to be located less than 20m from the front lot line. The applicant is proposing to construct a 74.3sqm (800sqft) car shelter on the subject property. The proposed garage is to be setback 11.3m from the

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front lot line. Further, this proposal seeks permission to locate within 30m of the highwater mark of the existing wetland on the subject property. The proposed car shelter would be located 10m from the wetland.

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

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Committee Members wished to comment on this application.

Committee Member Revill expressed his support for the application and was satisfied that the existing trees would act as a buffer between the proposed carport and the road.

Chair Ruttan asked if any other Committee Members wished to comment on the application (Non heard).

Resolution No. 2023-06-12

Moved by Mike Howe

Seconded by Alan Revill

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0053 for property municipally known as 6607 Craig Road, to permit a 74.3 square metre accessory structure to be constructed 10 metres from the highwater mark of a wetland and 11.3 metres from the front lot line, subject to conditions.

Carried

e) PL-ZNA-2023-0055 (Nelder)

Property Address: 4635 Deer Run Way (Loughborough District)

Purpose and Effect of Application:

The Applicant is proposing to construct a 30 foot by 30 foot (9.14 metre by 9.14 metre), 900 square foot (83.54 square metre), detached garage. The garage would be located 9 metres from the front lot line, placing it in front of the front wall of the dwelling, to the north of the existing house. The garage would meet or exceed all other setback requirements.

An application for minor variance was received to permit the location of the accessory structure to be placed to the front of the front wall of the primary structure.

Michael Kelly, Planning Intern, delivered his report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on the application.

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Committee Member Howe stated that had visited the property and was supportive of the application.

Chair Ruttan asked if any other Committee Members wished to speak regarding the application. (None heard).

Resolution No. 2023-06-13

Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0055 for property municipally known as 4635 Deer Run Way to permit an 83.5 square metre detached garage to be constructed 9 metres from the front lot line, subject to conditions.

Carried

f) PL-ZNA-2023-0059 (Hand)

Property Address: 2181 Sands Road (Storrington District)

Purpose and Effect of Application:

The applicant seeks to create a new residential lot that would be 3.4 hectares in area and have 68.6 metres of frontage on Sands Road.
Zoning relief is requested to permit the severed parcel to have 68.6 metres of lot frontage whereas a minimum lot frontage of 76 metres is required for single detached residential uses in the Rural zone.

This application was presented with Agenda item # 7. b).

Details above.

Resolution No. 2023-06-06

Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0059 for property municipally known as 2181 Sands Road to permit the creation of one new 3.4 hectare residential lot with a minimum of 67 metres of frontage on Sands Road, subject to conditions.

Carried

g) PL-ZNA-2023-0060 (Thompson) (Stokes)

Property Address: 1490 Thompson Lane (Storrington District)

Purpose and Effect of the Application:

The owner proposes to construct a 2287 square foot single detached dwelling on the property. The existing 484 square foot seasonal dwelling was demolished in 2023. It was setback approximately 40 metres from the highwater mark of Dog Lake. The proposed dwelling would be set back 4 metres from Thompson Lane and 20 metres from the highwater mark. Variances are being requested to allow the dwelling to be set back less than the minimum required 5 metres from Thompson Lane, and less than the minimum required 30 metres from the highwater mark. The dwelling would

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comply with all other zoning requirements. A new sewage system is also proposed for the dwelling. It would be located on the south side of Thompson Lane.

The variance is being requested to accommodate the design of the proposed dwelling.

Christine Woods, Senior Planner, presented her report to the Committee with a recommendation of approval.

Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Rod Stokes (Agent) stated that he reviewed the recommended conditions with the property owner and they were agreeable.

Chair Ruttan inquired (2 more times) as to whether there were any further comments from the applicant, agent or the public.

Chair Ruttan asked if any Committee Members wished to comment on the application. (None heard).

Resolution No. 2023-06-14
Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0060 for property municipally known as 1490 Thompson Lane to permit a single detached dwelling to be set back 4 metres from Thompson Lane and 20 metres from the highwater mark of Dog Lake, subject to conditions.

Carried

h) PL-ZNA-2023-0067 (Kililins & Blinn)

Property Address: 14 Phoebe Lane (Bedford District)

Purpose and Effect of Application:

The owner proposes to construct a 128 square foot sleeping cabin with a 127 square foot attached deck. The structure would be setback 24 metres from the highwater mark, and more than 15 metres from the top of bank. A variance is being requested to allow the sleeping cabin to be setback less than the minimum required 30 metres from the highwater mark of Desert Lake.

Christine Woods, Senior Planner, delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on the application.

Committee Member Roberts inquired as to why Cataragui Conservation commented on the application as he was under the impression it would be Quinte Conservation.

Ms. Woods clarified that Desert Lake is in the Cataragui River Watershed and as such, the property is under the jurisdiction of CRCA.

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Chair Ruttan asked if any other Committee Members wished to comment on the application. (None heard).

Resolution No. 2023-06-15

Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application number PL-ZNA-2023-0067 for property municipally known as 14 Phoebe Lane, to permit a 128 square foot sleeping cabin with 127 square feet of decking to be setback a minimum of 24 metres from the highwater mark of Desert Lake, subject to conditions.

Carried

i) PL-ZNA-2023-0068 (Boston)

Property Address: 615 Frye Lane (Loughborough District)

Purpose and Effect of Application:

The application is seeking permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark of the Buck Lake. The enlargement would consist of a 527 square foot one storey addition to the rear of the dwelling. The addition would be setback 16 metres from the highwater mark, and 7 metres from the top of bank.

Christine Woods, Senior Planner, delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Committee members wished to comment on the application. (None heard).

Resolution No. 2023-06-16

Moved by Mike Howe

Seconded by Alan Revill

That application number PL-ZNA-2023-0047 for property municipally known as 615 Frye Lane is granted permission to enlarge the legal non-conforming dwelling with a 527 square foot one story addition and a 81 square foot utility room to be setback 16 metres from the highwater mark of Buck Lake and 7 metres from the top of bank.

Carried

j) PL-ZNA-2023-0069 (Itermann) - **WITHDRAWN**

Property Address: 2348 Sands Road (Storrington District)

Purpose and Effect of Application:

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This application has been withdrawn, as a change to the corresponding Consent application PL-BDJ-2023-0029 will now require a Zoning By-Law Amendment application as opposed to a Minor Variance application.

k) PL-ZNA-2023-0073 (Johnston)

Property Address: 332 Pineshores Lane (Bedford District)

Purpose and Effect of Application:

The applicant is requesting a minor variance to permit an existing deck which fronts onto Bobs Lake.

Due to the undersized lot, the existing dwelling results in a total lot coverage of 7.5%, which exceeds the permitted lot coverage for residential use (5%). The existing deck was constructed without planning or building approval and increases the lot coverage to 10%.

The existing deck is 32.5 square meters and is setback 1.2 metres (4 feet) from the high water mark of Bobs Lake. The existing dwelling is 99 square metres and the existing deck increases the dwelling from 99 metres to 131.5 metres, an increase of 33%. This increase further reduces the existing setback from the high water mark of Bobs Lake from 5.49 metres to 1.2 metres. While an enlargement of the gross floor area or increase in height of a legal non-conforming structure within 30 metres of a waterbody can be permitted with a decision by the Committee of Adjustment, expansion of a legal non-conforming structure is not permitted to further encroach upon the 30 metre setback.

Agenda Item 9. k) was presented with Agenda Item # 8 a), the details of which are above.

Resolution No. 2023-06-08

Moved by Steve Pegrum

Seconded by Kevin Fox

That the Committee of Adjustment denies Minor Variance Application PL-ZNA-2023-0073 for property municipally known as 332 Pine Shores Lane.

Carried

10 Other Business

a) Consent Granting Authority Report

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

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11 Adjournment

a) Resolution.

Resolution No. 2023-06-17

Moved by Alan Revill

Seconded by Mike Howe

That the July 13th, 2023 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:49 pm to reconvene on Thursday, August 10th, 2023 or at the call of the Chair.

Carried



Randy Rutan, Chair