

Minutes of Committee Of Adjustment
May, 9, 2024



Township of South Frontenac
Committee of Adjustment Meeting
Minutes



Meeting # 2024-04

Time: 7:00 PM

Location: Council Chambers/Virtual Via Zoom

Present: Norm Roberts, Doug Morey (via Zoom), Steve Pegrum, Randy Ruttan, Alan Revill, Brett Moreland, Kevin Fox (Via Zoom), Mike Howe

Absent:

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

1 Call to Order

- a) Resolution.

Resolution No. 2024-04-01

Moved by: Norm Roberts

Seconded by: Steve Pegrum

THAT the May 09, 2024 meeting of the Committee of Adjustment for the Township of South Frontenac is hereby called to order at 7:00 pm

2 Adoption of Agenda

- a) Resolution.

Resolution No. 2024-04-02

Moved by: Steve Pegrum

Seconded by: Mike Howe

THAT the Committee of Adjustment adopts the agenda for the May 09, 2024 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) PowerPoint Presentation: Staff prepared a PowerPoint Presentation that was displayed on the screen of the meeting.

4 Declaration of pecuniary interest

- a) There are none.

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- 5 Approval of Minutes – April 11, 2024
- a) Approval of Minutes - April 11, 2024

Resolution No. 2024-04-03

Moved by: Mike Howe

Seconded by: Alan Revill

THAT The Committee of Adjustment approves the minutes of the April 11, 2024 Committee of Adjustment meeting.

Carried

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

- 7 New Consent Applications:

- a) PL-BDJ-2024-0011 (Wiley) (ZanderPlan) - Storrington

Subject Property Address: 848 Burnt Hills Road

Purpose & Effect of Application:

The applicant is seeking consent to sever for the purpose of creating two new rural residential lots. Severance 1 (PL-BDJ-2024-0011) would have 11.94Ac of area and 76m of frontage on Burnt Hills Road.

Noah Perron, Planner delivered a brief summation of the application to the Committee with a staff recommendation that the application be approved with conditions.

Chris Clarke, Agent for the application, delivered a PowerPoint presentation to the Committee outlining the purpose and effect of the application as well as their proposed conformance to Township policies.

Mr. Clarke spoke to there being ample building envelope on (almost 1.5 acres) on the property.

Mr. Perron presented his report to the Committee noting that the application is in conformance with Township standards. Mr. Perron stated that a required condition of approval would be placing a Holding Symbol on the newly created parcel in order to protect the 120m buffer surrounding the Provincially Significant Wetland in the Northern portion of the proposed severed parcel.

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

Mr. Ruttan inquired as to whether there were any questions from Committee members on the application. (None heard).

Mr. Clarke asked about the necessity for the Holding zone that is recommended by planning staff.

Mr. Perron responded that the holding symbol was necessary to ensure that a building permit could not be issued for any area within 120m of the wetland without having an EIS.

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Ms. Kaestner read the resolution for approval of the application.

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

Resolution No. 2024-04-04

Moved by: Steve Pegrum

Seconded by: Mike Howe

THAT The Committee of Adjustment approves consent application PL-BDJ-2024-0011 for property municipally known as 848 Burnt Hills Road, to allow for the creation of one new rural residential lot, being 11.9 acres in area and having 76 metres of frontage along Burnt Hills Road, subject to conditions.

Carried

b) PL-BDJ-2024-0012 (Wiley) (ZanderPlan) - Storrington

Subject Property Address: 848 Burnt Hills Road

Purpose & Effect of Application:

The applicant is seeking consent to sever for the purpose of creating two new rural residential lots. Severance 2 (PL-BDJ-2024-0012) would have 8Ac of area and 76m of frontage on Burnt Hills Road. The retained parcel would have 120.98Ac of area with and 78.2m of frontage on Burnt Hills Road. The proposal would also involve the creation of a new easement over the severed parcel, to access the dwelling on the retained lands.

Noah Perron, Planner delivered a brief summation of the application to the Committee with a staff recommendation that the application be approved with conditions.

Chris Clarke, Agent for the application, delivered a PowerPoint presentation to the Committee outlining the purpose and effect of the application as well as their proposed conformance to Township policies.

Mr. Clarke spoke to there being ample building envelope on (almost 1.5 acres) on the property.

Mr. Clarke showed that there were other properties in the area of the subject property that have shared entrances.

He spoke to Mr. Wiley being agreeable to sharing an entrance with the new property and noted that a joint maintenance agreement would be used to mitigate any issues that could arise as a result of the shared laneway.

Mr. Perron presented his report to the Committee noting topography constraints and road curvature along the front lot line of the proposed retained lands would make it unable to have an independent safe entrance point along Burnt Hills Road.

Mr. Perron asserted that Official Plan policies stipulate that all new rural residential severances and retained lands should be capable of having a safe entrance on their own frontages. For this reason, the application is deemed to be not in conformance with Township policy, and it is recommended that the application be denied by the Committee.

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

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

Committee member Norm Roberts inquired about Mr. Perron's reference to a Township of South Frontenac Roads policy from 1996 when the Township wasn't established (amalgamated) until 1998.

Christine Woods, Senior Planner, noted that is is definitely odd that the title of the document was Township of South Frontenac and 1996, but confirmed that is what the title of the document stated. She asserted that if she had to guess how this occurred, it would be that the Township likely took the County of Frontenac policy from 1996, and put their name on it without changing the date.

Committee member Revell stated that it was his understanding that the County policy for entrances was set in place so that as new development occurred, there was sufficient distances between entrances, did not specifically address shared entrances.

Mr. Perron confirmed that the document did speak specifically to shared entrances and to when it would and would not be appropriate to use them.

Mr. Revell stated that he had visited the site and stated that he was unclear as to where the separation point would be between the severed and retained lands and what the topography was like where the laneway intersects with proposed lot line.

He stated that in his practice as a Building Official he recognizes the need for clarity when it comes to civic addressing. In his experience, there would be a blade at the road that would identify the two properties as A & B, and then a 2nd set of address blades where the properties split, which would identify which property was which. He stated that he believed that it would be an open field area where the laneways would diverge and as such it would be simple to place the civic address blades in that location.

Committee member Steve Pegrum asked Mr. Perron to specify the situations where shared entrances would be permitted.

Mr. Perron stated that in terms of residential use, they are by no means prohibited but that context matters and the use of shared entrances needs to be appropriate. Township Staff would be more satisfied if the common entrance was along the shared lot line, where it was very clear which way to go to enter each property.

Another situation where it would be appropriate to have a shared entrance would be in a scenario where there are many access points in close succession along a roadway.

Mr. Pegrum stated that because the retained lot in this application was unable to have a safe entrance due to the topography and curvature of the road, he deemed the application to be a perfect example of where having a shared entrance makes good sense. He echoed Mr. Revill's sentiments with respect to using the address blades to make it clear where each property began.

Committee member Howe stated that he was impressed by the quality and quantity of information provided related to this application, but given his lack of experience in the realm of entrance policy he wasn't sure how best to proceed.

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Kate Kaestner read the resolution for denial of the application.

Chair Ruttan asked Committee members if there was any comments with respect to the resolution.

Mr. Revill stated while that he appreciated staff's concern for allowing a shared entrance, he believed that there was a very clear way to delineate between the two parcels for emergency services using address blades, and as a result he could not support the resolution on the floor.

Mr. Pegrum stated that although the preference is not to have shared entrances, they are not in fact prohibited. Given the circumstances of this application, it would be an appropriate time to allow for a shared entrance.

Mr. Roberts echoed this sentiment, and stated that a shared entrance would be fine.

(Motion defeated)

Committee member Revill motioned for the application to be approved, so long as the entrances were clearly identified.

Mr. Perron outlined what conditions would be required should the application be approved.

Chair Ruttan asked the Agent, Chris Clarke, as to whether he was agreeable to the proposed conditions.

Mr. Clarke responded that he again felt the requirement for Holding symbol was unnecessary, but if its the difference between approval and denial then they would be open to re-zoning.

Resolution No. 2024-04-05(a)

Moved by: Alan Revill

Seconded by: Mike Howe

THAT the Committee of Adjustment hereby denies consent application PL-BDJ-2024-0012 for property municipally known as 848 Burnt Hills Road.

Defeated

Resolution No. 2024-04-05(b)

Moved by: Allan Revill

Seconded by: Norm Roberts

THAT the Committee of Adjustment hereby approves consent application PL-BDJ-2024-0012 for property municipally known as 848 Burnt Hills Road, , to allow for the creation of one new rural residential lot, being 8 acres in area and having 76 metres of frontage along Burnt Hills Road, and for the creation of one new easement, subject to conditions.

Carried

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9 New Minor Variance / Permission Applications:

a) PL-ZNA-2024-0030 (Bissonnette) (Jacobs) - Bedford

Subject Property Address: 443 Shipton Lane

Purpose & Effect of the Application:

The applicant proposes to construct a 14.4sqm accessory building on the property. A minor variance is requested to allow the accessory building to be set back less than 30m from the highwater mark of Devil Lake. The accessory building is proposed to be set back 11m from Devil Lake.

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation that the application be approved, subject to conditions.

Chair Ruttan inquired as to whether the applicant or agent wished to speak to the application.

Margot Jacobs, Agent on the application, expressed her gratitude to the Committee for hearing the application and stated that she was available to answer any questions should they arise.

Chair Ruttan inquired (3 times) as to whether there were any comments or questions from members of the public surrounding the application. (None heard).

Chair Ruttan asked Committee members if they had any questions for the agent or staff regarding the proposal.

Committee member Brett Moreland inquired as to who would be confirming the setback of the structure as it would not require a building permit for it's construction.

Mr. Fehr stated that the onus is on the applicant to ensure that the shed is placed in a location that would be compliant with the decision.

Ms. Kaestner read the resolution for approval of the application.

Chair Ruttan inquired as to whether there were any comments from Committee members on the resolution. (None heard).

Resolution No. 2024-04-06

Moved by: Steve Pegrum

Seconded by: Norm Roberts

THAT the Committee of Adjustment hereby approves Minor Variance application PL-ZNA-2024-0030 for property municipally known as 443 Shipton Lane, to permit a 14.4 square metre accessory building to be located 11 metres from the highwater of Devil Lake, subject to conditions.

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. 2024-04-07
Moved by: Norm Roberts

Seconded by: Steve Pegrum

THAT the May 09, 2024 meeting of the Committee of Adjustment for the
Township of South Frontenac is hereby adjourned at 8:04pm to reconvene on
Thursday, June 13, 2024 at 7:00pm or at the call of the Chair.

Carried



Randy Rutan, Chair