

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT**

**MINUTES 15:11
DECEMBER 10, 2015**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Ron Sleeth (Storrington District-C)
Pat Barr (Bedford District-C)
Larry Redden (Portland District)
Bill Robinson (Portland District-C)
David Hahn (Bedford District)
Mark Schjerning (Loughborough District-C)
John Sherbino (Loughborough District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

Table of Contents

Item # 1: Call to Order	1
Item # 2: Adoption of Agenda.....	1
Item # 3: Declaration of Pecuniary Interest.....	1
Item # 4: Approval of Minutes	1
Item # 5: S-48-15-B, S-49-15-B, S-50-15-B (Campbell).....	2
Item # 6: MV-25-15-B (Burrows).....	5
Item # 7: S-66-15-B (Amacher)	5
Item # 8: S-67-15-P (Allan).....	5
Item # 9: S-68-15-P, S-69-15-P (Kerr).....	7
Item # 10: S-70-15-P (Simmons)	9
Item # 11: S-71-15-L (Snider)	10
Item # 12: S-72-15-S (Miller).....	11
Item # 13: S-73-15-B, S-74-15-B (Riley).....	12
Item # 14: S-74-15-L (Colson).....	12
Item # 15: MV-30-15-L (Noreau).....	12
Item # 16: MV-31-15-S (Stricelj)	12
Item # 17: Other Business.....	14
Item # 18: Adjournment	17

Item # 1: Call to Order

RESOLUTION: C of A: 15:11:01

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the December 10, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Larry Redden in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared.

Item # 4: Approval of Minutes

RESOLUTION: C of A: 15:11:02

Moved by: M. Schjerning

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the November 12, 2015 meeting of the Committee, as circulated.

Carried

Item # 5: S-48-15-B S-49-15-B, S-50-15-B (Campbell)

Speaking to the Application: James Campbell, Reg. Genge

Discussion:

This application was originally brought to the committee in September 2015, but was deferred until concerns regarding ownership of beach access could be verified via survey and parkland vs. road widening issue was brought to council for consideration and decision.

The subject lands consist of 6.0 +/- hectares (14.8 acres) with 683 m. frontage on Canoe Lake. The applicant has requested to sever three waterfront lots. The proposal for Lot 1 is for a 1.6 +/- hectare (4.0 acre) lot with 230 m. of frontage on Canoe Lake. The proposal for Lot 2 is for a 1.8 +/- hectare (4.5 acre) lot with 91 m. of frontage on Canoe Lake. The proposal for Lot 3 is for a 1.4 +/- hectare (3.4 acre) lot with 91 m. of frontage on Canoe Lake. Access to the proposed lots and the retained will be via the existing entrance for 1125 James Wilson Road. The applicant will bring the existing driveway up to Township lane standards in order to facilitate this access. As Canoe Lake is a Moderately Sensitive Trout Lake (Not at Capacity) the applicant provided a preliminary environmental impact assessment, completed by Ontario Lake Assessments, as part of his application. This preliminary EIA indicated no concerns with respect to flooding or erosion.

Conservation has requested an increased setback of 60 metres for applications S-48-15-B, S-49-15-B and S-50-15-B due to concerns with water quality of Canoe Lake and its Trout Lake status.

Public health has no objections.

J. Sherbino and M. Schjerning were asking about the council’s decision regarding the beach access and road widening and whether any conditions from that decision were to be included in the decision of the committee. Also, was councillor Revill aware of the varying setbacks when he made his comments?

Reg. Genge of Ontario Lake Assessments said in visiting the site he found appropriate building envelopes on each of the proposed lots at a distance of approximately 45m to 50m from the high water mark, and that at a distance of 60m from the HWM you began to encounter challenges with terrain on the downslope. As such he recommended that the committee keep with the standard 30m HWM setback plus 15m top-of-bank setback on the proposed lots rather than the 60m HWM setback proposed by the conservation authority.

D. Hahn initially stated that he would not support a 30m setback as proposed in the resolution if the conservation authority was recommending a greater setback. After listening to the comments from R. Genge he said that he could indeed support the standard 30m plus 15m setback requirements as he agreed on the location of suitable flat building envelopes he viewed when visiting the sites, but had been unable to accurately measure the distances at that time.

P. Barr agreed with the position of D. Hahn regarding the appropriate setbacks.

L. Mills also confirmed that the trailers and cabin on the property will be removed prior to stamping the deeds.

RESOLUTION: C of A: 15:11:03

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-48-15-B by James Campbell, to create a new lot, in Concession 5, Part Lot 6, James Wilson Road, District of Bedford, subject to conditions.

Carried

RESOLUTION: C of A: 15:11:04

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-49-15-B by James Campbell, to create a new lot, in Concession 5, Part Lot 6, James Wilson Road, District of Bedford, subject to conditions.

Carried

RESOLUTION: C of A: 15:11:05

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-50-15-B by James Campbell, to create a new lot, in Concession 5, Part Lot 6, James Wilson Road, District of Bedford, subject to conditions.

Carried

Application No: S-48-15-B, S-49-15-B & S-50-15-B
Owner: James Campbell
Location of Property: Concession 5, Part Lot 6, 1125 James Wilson Road, Canoe Lake, District of Bedford, Township of South Frontenac
Purpose of Application: Creation of three new waterfront lots, together with a right-of-way
Date of Hearing: June 11, 2015
Date of Decision: November 12, 2015

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The land to be severed by Consent Application S-48-15-B shall be for a 1.8 +/- hectare lot with a minimum of 91 m. of frontage on Canoe Lake and a minimum of 76 m. frontage on James Wilson Road.
3. The land to be severed by Consent Application S-49-15-B shall be for a 1.8 +/- hectare lot with a minimum of 91 m. of frontage on Canoe Lake and a minimum of 76 m. frontage on the proposed right-of-way.
4. The land to be severed by Consent Application S-50-15-B shall be for a 1.4 +/- hectare lot with a minimum of 91 m. of frontage on Canoe Lake and a minimum of 76 m. frontage on the proposed right-of-way.
5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
6. In the event that there are abandoned wells located on the property being severed, and the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work is accomplished prior to the stamping of the deeds.
7. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
9. The proposed right-of-way from James Wilson Road shall be surveyed and constructed according to the Township's standards for Private Lanes. The lane access shall be recognized on the deeds of the lots to be accessed and the properties over which it passes.
10. The applicant shall enter into a development agreement to be registered on title to each of the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the

owner to contact the Cataraqui Conservation Authority prior to any development on the property, to determine the need for a permit.

- 11. Prior to the stamping of the deeds, the applicant shall remove all trailers on the property in addition to either bringing into compliance with the Building Code and Zoning Bylaw, or removing, the illegally constructed building located on the land to be severed by Consent Application S-48-15-B.**

Item # 6: MV-25-15-B (Burrows)

Speaking to the Application: John Burrows

Discussion:

This application was originally brought to the committee in November 2015, but was deferred until more committee members could visit the site and evaluate the proposal.

The subject land consists of 6.35 +/- acres with 94 m of frontage on Bobs Lake. The land is currently developed with a newly constructed single family dwelling approximately 31 from the HWM of Bobs Lake along with an older cottage located approximately 20m from the HWM of Bobs Lake. The proposal involves retaining the older cottage on its existing site but removing the front (water-side) screened porch to increase the setback from the water, along with an interior conversion and change of use of the cottage into a storage building. The applicant was given a building permit for the new dwelling on the condition of obtaining a demolition permit for the existing structure. The applicant was granted permission to retain the existing structure until completion of the new dwelling in order to have a place to stay/store things during construction. Approximately three years ago the applicant had explored this option prior to obtaining any building permits but it was not approved at Council; only the temporary use permit allowing the retention of the original cottage during construction was approved.

The zoning by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. Also, no accessory structures are permitted forward of any principle building. The proposed location of the accessory building is more than 1km from the public road, behind the existing dwelling and surrounded by trees.

CBO has no objections.

As submitted L. Mills recommends denial as there are two issues that need to be varied, the structure is within the 30m setback from water and in front of the principal dwelling. Additionally, there has already been a demolition permit issued as part of the construction permit for the new cottage.

D. Hahn says that allowing this to stand as is, sets a dangerous precedent with regards to structures close to the water.

P. Barr agrees, saying that initially she was in favour but after further evaluation is unable to support the application.

R. Sleeth says he has discussed this matter with council and they agree that the only options are to either demolish or move the structure farther from the water.

J. Burrows said there was never any formal agreement between himself and the Township regarding the demolition of the existing structure as a condition of the construction permit. In face the construction permit was issued prior to the demolition permit and it was only after the building department required the demolition permit stating that it was an error on their part that the construction permit had been issued without the demolition permit. J. Burrows went on to say he has spent a lot of time and money cleaning up the site since it was purchased, in addition to planting over 350 new trees on the lot. He said he and his wife are very conscious of the environmental concerns within the 30m setback. He was willing to move the existing cottage back as far as possible on the lot, taking into account the large rock ridge which would prevent a move totally beyond the 30m setback. He estimated he could likely get almost 29m from the HWM.

L. Mills said at that distance the front yard issue would be negated and the variance would then indeed be minor.

Discussion amongst the committee resulted in a new resolution which permitted the retention of the existing structure, with the front porch removed, and relocated to a minimum of 25m from the HWM.

RESOLUTION: C of A: 15:11:06

Moved by: D. Hahn

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-25-15-B by Johanna Burrows, to permit construction within the 30 metre setback from water, in Concession 7, Part Lot 35, Driftwood Lane, District of Bedford, subject to conditions.

Carried

Application No:	MV-27-15-L
Owner:	Johanna Burrows
Location of Property:	Concession 7, Part Lot 35, Driftwood Lane, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary Section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30 m of the HWM and Section 5.24.2 to permit an accessory building in front of a principal structure
Date of Hearing:	November 12, 2015

Date of Decision: December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

- 1. The variance is for the conversion of an existing 29 ft. by 22 ft. cottage located 19.8 metres from the HWM into a 20 ft. by 20 ft. storage building (no living space permitted) relocated to a minimum of 25 metres from the HWM of Bobs Lake.
- 2. Minor variance MV-25-15-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
- 3. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
- 4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit may be required from the Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 7: S-66-15-P (Amacher)

Speaking to the Application: Dennis Amacher, Reg. Genge

Discussion:

The subject lands consist of 2.0 +/- acres fronting on Perth Road and Devil Lake. The land is developed with three single family dwellings and two accessory buildings. The application is for the creation of a 1.0 +/- acre parcel and 1.0 +/- acre retained parcel which aims to rectify the issue of multiple dwellings on a single property. This property currently shares an entrance with the abutting property to the south and shares an entrance with the property to the north. A large rock ridge along Perth Road would make the creation of a new entrance challenging; as such the applicant wishes to continue to use the existing accesses for both the severed lot and the retained parcel. A survey was completed in August 1981 (RP 13R4686) that delineates this lot as separate parts. The applicant wishes to use this existing survey to create the lot line between the severed and retained parcels. Devil Lake is a highly sensitive trout lake so a preliminary Environmental Impact Assessment and approval from MOECC is required prior to approval from the Committee. An EIA has been completed by Reg Genge of Ontario Lake Assessments. This EIA states that there are several options the committee could consider to address the various environmental concerns but that overall the majority of the negative impact has already occurred. It also states that the redevelopment of the sites could lead to an increased setback from the lake for both the structures and sewage systems through the minor variance process.

The conservation authority recommends denial of the application as submitted. They were concerned about creating two undersized lots that would then require minor variances in order to complete construction. They stated there is limited opportunity to increase the setback from water for future development on the lots, contrary to what was stated in the independent EIA, due to the rock ridge along the east side of the proposed lots. Additionally, the potential for two larger scale developments on the smaller, undersize lots increased the potential for an increased impact on an at-risk lake.

The roads department is ok with the proposed new entrance but has conditions including brush clearing required prior to entrance approval.

Victor Castro from the MOECC has no objections to the severance and site specific rezoning to address the deficiencies in the proposed new lots.

D. Hahn visited the site and has no objections to the proposal, but is concerned about the new entrance location proposed by the roads department, and wonders whether the northern lot could use the driveway that already exists at 9143 Perth Road as a shared access point.

The committee members agree with the benefits of having a site plan agreement on the lots to aid on controlling future uses and locations of structures.

RESOLUTION: C of A: 15:11:07

Moved by: D. Hahn

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-66-15-B by Dennis Amacher, to create a new lot, in Concession 13, Part Lot 9, Perth Road, District of Bedford, subject to conditions.

Carried

Application No: S-66-15-B
Owner: Dennis Amacher

Location of Property: Concession 13, Lot 9, 9107A Perth Road, District of Bedford, Township of South Frontenac
Purpose of Application: Creation of a new lot
Date of Hearing: December 10, 2015
Date of Decision: December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The land to be severed by Consent Application S-66-15-B shall be for a minimum 1.0 acre lot with a minimum 73 m frontage on Perth Road and a minimum 65 m frontage on Devil Lake.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [*Planning Act, s. 51(1)*].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, including the setback requirement from the tributaries, and wetlands, and which requires that the owner shall contact the Cataraqui Region Conservation Authority prior to any construction, including roads, on the severed parcel to determine the need for a permit.

Item # 8: S-67-15-P (Allan)

Speaking to the Application: Douglas Allan

Discussion:

The subject lands consist of 36 +/- hectares (90 acres) fronting on Verona Lake, Hambly Lake, Little Mud Lake and Hinchinbrooke Road. The land is currently vacant. The application is for the creation of an 8.4 +/- acre lot addition to an existing 1.3 acre lot on Silver Rock Lane. This would bring the existing lot into conformity with the zoning bylaw with

respect to lot size and road frontage. The lot addition portion will have to be rezoned from Rural to Limited Service Residential to bring it into conformity with the lot it is being added to.

CBO has no objections. Comments were not required from public health or conservation.

RESOLUTION: C of A: 15:11:08

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-67-15-P by Douglas Allan, to create a lot addition, in Concession 10/11, Part Lot 6/7, Hinchinbrooke Road, District of Portland subject to conditions.

Carried

Application No: S-67-15-P
Owner: Douglas Allan
Location of Property: Concession 10/11, Lot 6/7, Hinchinbrooke Road, District of Portland, Township of South Frontenac
Purpose of Application: Creation of a lot addition
Date of Hearing: December 10, 2015
Date of Decision: December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].**
2. **The land to be severed by Consent Application S-66-15-B shall be for an 8.4 +/- acre lot addition only to 2245 Silver Rock Lane.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive a \$100 payment in lieu of parkland [*Planning Act, s. 51(1)*].**

Item # 9: S-68-15-P, S-69-15-P (Kerr)

Speaking to the Application: Chris Kerr

Discussion:

The subject lands consist of 6.4 +/- hectares (15.9 acres) fronting on both Petworth Road and German Road. The land is currently vacant except for the remains of the Petworth Mill, abutting Petworth Road and the Napanee River. The application is for the creation of two new lots with water frontage along the Napanee River. The proposal for lot one is 3.5 acre parcel with 137 metre frontage on the Napanee River and 85m frontage on Petworth Road. The proposal for Lot 2 is for a 4.5 acre lot with 137 metre frontage on the Napanee River and a right-of-way over lot one from Petworth Road.

Public health has visited the site. For the lot created through consent application S-68-15-P (the southern lot), they have a site specific recommendation of the northwest corner of the lot where the agricultural field is located currently but no other objections. For the lot created through consent application S-69-15-P (the northern lot) the site is flexible for septic purposes.

CBO stated that the old Petworth mill appears to be half on the applicant's property and half on the road allowance. The planner has indicated a preference for obtaining parkland instead of cash in lieu for lot one in order to retain the Petworth mill on Township property for the purposes of historical conservation and potential restoration; a condition requesting either parkland or cash shall be included for this consent application. Should Council decide to take the parkland option, the mill property encompasses the current property access from Petworth Road. Access to the retained parcel shall need to be from German Road.

Conservation has no objections. Roads department says private lane must be constructed to private lane standards and must access both lots. Additionally, all brush in ditch must be removed.

B. Robinson visited the site and has no objections to the application as submitted.

M. Schjerner confirmed that the entrances to both proposed lots will come from the new private lane as indicated by roads and neither will have direct access to Petworth Road.

RESOLUTION: C of A: 15:11:09

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-68-15-P by Chris Kerr, to create a new lot, in Concession 7, Part Lot 35, Driftwood Lane, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 15:11:10

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-69-15-P by Chris Kerr, to create a new lot, in Concession 7, Part Lot 35, Driftwood Lane, District of Portland, subject to conditions.

Carried

Application No:	S-68-15-P, S-69-15-P
Owner:	Chris Kerr
Location of Property:	Concession 6, Lot 19, Petworth, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of two new lots together with a right-of-way
Date of Hearing:	December 10, 2015
Date of Decision:	December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

Conditions

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-68-15-P shall be for a 4.5 +/- acre lot with a minimum 76 m frontage on Petworth Road and 91 m frontage on the Napanee River.
3. The land to be severed by Consent Application S-69-15-P shall be for a 4.5 +/- acre lot with a minimum 91 m frontage on the Napanee River and 76 m frontage on the newly created right-of-way access.
4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive parkland encompassing the Petworth Mill in lieu of cash or 5% of the value of the severed parcel in lieu of parkland [*Planning Act*, s. 51(1)] for the lot created through consent application S-68-15-P.
7. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [*Planning Act*, s. 51(1)] for the lot created through consent application S-69-15-P.
8. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - f) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - g) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;

- h) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- i)
- j) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
- k) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

- 9. The newly created lane will be surveyed and constructed according to the Township's standards for private lanes. The lane access shall be recognized on the deed of the lots to be accessed and the property over which it passes. This new lane shall serve as the access for both lots created, with no direct access from Petworth Road for either lot.
- 10. Prior to the stamping of the deeds, the lots created through Consent Applications S-68-15-P and S-69-15-P must be rezoned to Limited Service Residential Waterfront (RLSW). Please see Planner Lindsay Mills to begin this process.
- 11. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, including the setback requirement from the tributaries, and wetlands, and which requires that the owner shall contact the Quinte Region Conservation Authority prior to any construction, including roads, on the severed parcel to determine the need for a permit.

Item # 10: S-70-15-P (Simmons)

Speaking to the Application: Perry Simmons

Discussion:

The subject lands consist of 0.31 +/- acres fronting on Notre Dame Street. The land is developed with a commercial auto service facility. The application is for the creation of an 8 foot wide right-of-way along the northern edge of the property to facilitate access into the rear yard of 4378 Notre Dame.

CBO has no objections.

Comments were not required from public health, conservation or roads.

RESOLUTION: C of A: 15:11:11

Moved by: B. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-70-15-P by Sandra Simmons, to create a right-of-way, in Concession 5, Part Lot 7, Notre Dame Street, District of Portland, subject to conditions.

Carried

Application No:	S-70-15-P
Owner:	Sandra Simmons
Location of Property:	Concession 5, Lot 7, 4375 Notre Dame Street, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a right-of-way
Date of Hearing:	December 10, 2015
Date of Decision:	December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

- 1. An acceptable reference plan or legal description of the right-of-way in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the right-of-way shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].

- 2. The right-of-way shall be a minimum of 8 feet wide by 103 feet deep.
- 3. The right-of-way access shall be recognized on the deed of the lots to be accessed and the property over which it passes.
- 4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
- 5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
- 6. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].

Item # 11: S-71-15-L (Snider)

Speaking to the Application: Percy Snider

Discussion:

The subject lands consist of 50 +/- acres fronting on Lambert Road. The land is developed with a single family dwelling and several accessory/agricultural buildings. The application is for the creation of 3.2 +/- acre industrial lot. The proposed industrial use is a storage facility. This application will require the new lot to be rezoned from Rural to Rural Industrial.

Public health initially visited the site and found no suitable location for a potential septic system. The applicant has re-examined the proposed lot lines and adjusted them to find a location with septic potential. Public health agreed to re-visit the site. Upon the re-visit public health has no objections to the application.

Roads department has no objections. CBO has no objections.

Comments were not required from conservation.

A couple of public submissions from neighbours asking questions about the precise industrial uses proposed on the site, building sizes, impact on surrounding wells/water table, visual impact of site and associated property devaluation.

L. Mills stated that as part of the rezoning required for this application, the site plan control agreement would detail concerns such as buffering from neighbours, building locations, parking, storm water flow etc.

J. Sherbino and M. Schjerning have no objections provided rezoning addresses public concerns.

D'Arcy Snider spoke against the application. He stated that Percy Snider is illegally parking his vehicles on the township road allowance at the end of Lambert Road; that there appears to be no accountability for P. Snider to clean up what D. Snider described as a total mess on his property; he questioned whether or not P. Snider was exempt from the bylaws of the Township; he expressed concerns over the way the proposed lot slopes into the neighbouring properties with regards to potential runoff and impact on water quality; and questioned the potential for land devaluation as a result of the continued actions of P. Snider. He also asked why P. Snider had to use this part of his property as he has lands in other locations that would be, in his opinion, a better location.

Christine Bliss asked why, if the proposed use was storage, there was any mention or discussion regarding hazardous material storage/use/disposal.

J. Sherbino replied that large machinery needs to be serviced and as such controls over these things should be addressed in the site plan control as part of the rezoning.

L. Mills confirmed again that these concerns are related to the rezoning of the proposed lot rather than the creation of the lot and would be addressed during the rezoning and site plan control process.

RESOLUTION: C of A: 15:11:12

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-71-15-L by Percy Snider, to create a new lot, in Concession 3, Part Lot 8, Lambert Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-71-15-L
Owner:	Percy Snider
Location of Property:	Concession 3, Lot 5, Lambert Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of a new industrial lot
Date of Hearing:	December 10, 2015.
Date of Decision:	December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The land to be severed by Consent Application S-71-15-S shall be for a 3.2 +/- acre lot with a minimum of 76 m. of frontage on Lambert Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [*Planning Act, s. 51(1)*].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - f. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - g. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - h. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - i. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - j. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating potable water pumping capacity of 3.5 gallons per minute sustained over a six-hour pump test.
8. Prior to the stamping of the deeds, the lot created through Consent Application S-71-15-L must be rezoned to Rural Industrial (RU). Please see Planner Lindsay Mills to begin this process.

Item # 12: S-72-15-S (Miller)

Speaking to the Application: Judith Miller

Discussion:

The subject lands consist of 50 +/- acres fronting on Lambert Road. The land is developed with two single family dwellings and an accessory building. The application is for the creation of a 1.0 +/- acre lot addition to 5032 Battersea Road. This lot addition would correct the issue of having 2 dwellings on a single lot which is not permitted under the current zoning bylaw. Additionally this proposal will increase the road frontage of 5032 Battersea from 15m to approximately 60m which, while still deficient, is more in line with the zoning requirements.

Public health visited the site and requested a slight increase to the size of the lot addition in order to facilitate a potential location for a new septic system as the current installation is quite old. The applicant at the time of submission had indicated they were ok with an adjustment such as this in order to increase the chances of approval.

CBO has no objections. The Public Works department has no objections.

Comments were not required from conservation.

R. Sleeth and K. Gee visited the site. They said that entrances for both residences are already in existence and this application makes sense on addressing the concerns of deficient road frontage and two dwellings on a single property; neither had any objections to the application.

RESOLUTION: C of A: 15:11:13

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-72-15-S by Judith Miller, to create a lot addition, in Concession 9, Part Lot 8, Battersea Road, District of Storrington, subject to conditions.

Carried

Application No: S-72-15-S
Owner: Judith Miller
Location of Property: Concession 9, Lot 8, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application: Creation of a lot addition
Date of Hearing: December 10, 2015
Date of Decision: December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The land to be severed by Consent Application S-72-15-S shall be for a 1.0 +/- acre lot addition.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [*Planning Act, s. 51(1)*].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

Item # 13: S-73-15-B, S-74-15-B (Riley)

Speaking to the Application: None

Discussion:

The subject lands consist of 48.5 +/- hectares (120 acres) fronting on both Steele Road and Pineshores Lane. The land is currently vacant with a new single family dwelling in the process of being constructed, which gains its access from Pineshores Lane. The application is for the creation of two 12 +/- hectare (29.8 acre) lots each with 149m frontage along Steele Road. Steele Road is a Township maintained road that has recently been upgrade to year-round maintenance which now permits these severances as one of the requirements is frontage along a fully maintained public road if not waterfront. The retained portion will require rezoning from Rural to Limited Service Residential Waterfront as it fronts on Pineshores Lane, a privately maintained lane in addition to having waterfrontage.

Public health has no objections. CBO has no objections. Public Works department has no objections.

Comments were not required from conservation.

P. Barr and D. Hahn visited the site and neither have any objections to the application.

RESOLUTION: C of A: 15:11:14

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-73-15-B by Craig Riley, to create a new lot, in Concession 3, Part Lot 25, Steele Road, District of Bedford, subject to conditions.

Carried

RESOLUTION: C of A: 15:11:15

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-74-15-B by Craig Riley, to create a new lot, in Concession 3, Part Lot 25, Steele Road, District of Bedford, subject to conditions.

Carried

Application No:	S-73-15-B, S-74-15-B
Owner:	Craig Riley
Location of Property:	Concession 3, Lot 25, Steele Road, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of a two new lots
Date of Hearing:	December 10, 2015
Date of Decision:	December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The land to be severed by Consent Application S-73-15-B shall be for a 12.0 +/- hectare lot with a minimum of 76m frontage along Steele Road.
3. The land to be severed by Consent Application S-74-15-B shall be for a 12.0 +/- hectare lot with a minimum of 76m frontage along Steele Road.
4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [*Planning Act, s. 51(1)*] for each of the lots created through consent applications S-73-15-B and S-74-15-B.
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:

- k. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- l. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner’s expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- m. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of “The Corporation of the Township of South Frontenac”, and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

- n. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner’s expense;
 - o. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The applicant shall submit a well driller’s report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for each of the lots created through consent applications S-73-15-B and S-74-15-B.
9. Prior to the stamping of the deeds, the retained parcel from consent applications S-73-15-B and S-74-15-B must be rezoned from Rural (R) to Limited Service Residential Waterfront (RLSW) to recognize the private lane access and waterfrontage. Please see Planner Lindsay Mills to begin this process.

Item # 14: S-75-15-L (Colson)

Speaking to the Application: Eric Colson

Discussion:

The subject lands consist of 12.1 +/- hectares (30 acres) fronting on Stagecoach Road. The land is developed with a single family dwelling and accessory buildings. The application is for the creation of one new 2.0 acre residential building lot with 76 metres of frontage on Stagecoach Road.

Public health has no objections. CBO has no objections.

Public works department has no objections to the application, but stated that the new entrance is required to be located towards the north end of the proposed lot.

Comments were not required from conservation.

RESOLUTION: C of A: 15:11:16

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-75-15-L by Eric Colson, to create a new lot, in Concession 3, Part Lot 3, Stagecoach Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-75-15-L
Owner:	Eric Colson
Location of Property:	Concession 3, Lot 25, Stagecoach Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of a new lot
Date of Hearing:	December 10, 2015
Date of Decision:	December 10, 2015

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

- 1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].

2. The land to be severed by Consent Application S-75-15-B shall be for a 2.0 acre lot with a minimum of 76m frontage along Stagecoach Road.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - p. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - q. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - r. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - s. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - t. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.

Item # 15: MV-30-15-L (Noreau)

Speaking to the Application: Lee Noreau

Discussion:

The subject land consists of a 1.5 +/- acre island in Sydenham Lake. The land is currently vacant. The proposal involves the construction of a 24ft. by 30ft. off-grid seasonal dwelling a minimum of 15 m from the high water mark of Loughborough Lake. The applicant has indicated that there is to be no plumbing in the dwelling, only a composting toilet. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

Public health has no objections to the proposal as submitted. Should the applicant wish to retrofit the seasonal dwelling to include plumbing at a future date they will re-evaluate the property.

The CBO has no objections to the application.

The conservation authority is recommending deferral until the applicant can satisfy several conditions including having a qualified surveyor prepare a detailed plot plan that demonstrates the proposed dwelling can be 6m from the flood plain, along with undertaking a preliminary Environmental Impact Assessment to ensure no impact to the water or nearby Provincially Significant Wetland.

L. Mills noted that this application was only dealing with the minor variance on the island itself and was not addressing the issue of requiring parking prior to a building permit being issued. He was in support of the application as submitted.

J. Sherbino questioned where the rainwater runoff from the roof would be directed if there was no planned water treatment for the property.

D. Hahn suggested deferring the application until the CRCA conditions were satisfied. The committee was in agreement with this suggestion.

RESOLUTION:

C of A: 15:11:17

Moved by: J. Sherbino

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS consent application MV-30-15-L by Lee Noreau, to create a new lot, in Concession 11, Part Lot 12, District of Loughborough, until the conditions from CRCA have been satisfied.

Carried

Item # 16: MV-31-15-S (Stricelj)

Speaking to the Application: none

Discussion:

The subject land consists of a 1.5 +/- acre parcel with frontage on Don Moore Lane and Dog Lake. The land is currently developed with a single family dwelling, a boathouse and a sleeping cabin. The proposal involves the construction of a 550 square foot (footprint) 1 ½ story addition to the rear of the cottage. While an “existing addition” to the front (water-side) of the cottage is shown on the plans submitted, this two-storey addition was constructed without a minor variance or any building permits issued from the Township. This addition is currently the subject of a Building without a Permit investigation. The applicant was instructed to apply for a minor variance for this addition in order to obtain zoning relief as this is required prior to the issuance of a building permit for the addition. However, this application is ONLY for the rear addition to the cottage and does not serve to address or legitimize the illegal rear addition. Either this application needs to be amended or a separate application needs to be submitted to address

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The conservation authority (Rideau Waterway Development Review Team) is recommending denial of the application as submitted based on their consideration for natural hazards, natural and cultural heritage, and water quality and quantity protection policies. The CRCA is concerned with the proximity of the front of the cottage to the water. At 5 metres the front is well within the 12 metre erosion hazard allowance. Additionally, they noted that the construction of the addition on the front of the cottage was not permitted by the CRCA and is not in compliance with the Conservation Authorities Act and the enforcement staff will be investigating.

Parks Canada-Rideau Canal Office noted that while there were no permits for any in-water works there were two docks shown on the plans; only one dock is permitted.

Public health has no objection to the application, provided the applicant apply for a permit and completes the installation of a new septic system as the existing system is unable to handle the proposed increase in building size. They noted that at this point the applicant had not submitted an application for this septic work.

K. Gee and R. Sleeth said that on the basis of the reports from public health and conservation that they recommended deferral of the application. As the CRCA was launching an enforcement investigation they felt it was appropriate to defer consideration until that investigation was completed. The remaining committee members agreed.

Mr. Gerry Deanike and Ms. Mary-Anne Deanike who are neighbours along Don Moore Lane attended the meeting and made the following comments. They stated that Mr. Stricelj knew full well that he needed permits from the Township and Conservation authority in advance of any demolition or construction taking place but that he never intended to obtain any permits. They stated he was of the attitude that if he was caught he would ask for forgiveness rather than for permission; that he asked three contractors who commonly did work in the area to complete the front and rear additions without any permits, all of whom said no; that he had to obtain the services of a contractor from Perth who was willing to complete this work without any permits.

RESOLUTION: C of A: 15:11:18

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby DEFERS minor variance application MV-31-15-S by Don Stricelj, to permit construction within the 30m setback from water, in Concession 9, Part Lot 20/21, Don Moore Lane, District of Storrington, until the CRCA investigation is complete.

Carried

Item # 17: Other Business

S-72-14-B, S-73-14-B, S-75-14-B—Snelgrove—Concession 4, Part Lots 2/3, Big Clear Lake, District of Bedford—consent to create three new lots—needs a condition changed with regards to the new lane creation to reflect access on the retained parcel.

Item # 18: Adjournment

RESOLUTION: C of A: 15:11:19

Moved by: D. Hahn

Seconded by: P. Barr

THAT the December 10, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 9:10 p.m. to reconvene at 7:00 p.m. on Thursday, February 11, 2016 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer