

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT**

**MINUTES 15:01
FEBRUARY 12, 2015**

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: Mark Schjerning (Loughborough District-C)

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

Resolutions & Business

Item # 1: Call to Order.....	1
Item # 2: Motions to Elect a Chairperson	1
Item # 3: Motions to Elect a Vice-Chairperson	1
Item # 4: Adoption of Agenda.....	1
Item # 5: Declaration of Pecuniary Interest.....	2
Item # 6: Approval of Minutes	2
Item # 7: S-79-14-L (Atherton).....	2
Item # 8: S-01-15-P (Babcock).....	3
Item # 9: S-04-15-P (Babcock).....	3
Item # 10: S-02-15-B (Tucker)	4
Item # 11: S-03-15-B (Tucker)	4
Item # 12: S-05-15-P (O’Sullivan)	5
Item # 13: MV-24-14-B (Soberman).....	6
Item # 14: MV-01-15-S (Sonneveld).....	7
Item # 15: Other Business.....	8
Item # 16: Adjournment.....	8

Item # 1: Call to Order

RESOLUTION: C of A: 15:01:01

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the February 12, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:07 p.m. by Lindsay Mills.

Carried

Item # 2: Motions to Elect a Chairperson

RESOLUTION: C of A: 15:01:02

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby appoints Larry Redden as Chairperson of the Committee.

Carried

Item # 3: Motions to Elect a Vice-Chairperson

RESOLUTION: C of A: 15:01:03

Moved by: R. Sleeth

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby appoints Ken Gee as Vice-Chairperson of the Committee.

Carried

Item # 4: Adoption of Agenda

Approved as circulated

Item # 5: Declaration of Pecuniary Interest

None declared.

Item # 6: Approval of Minutes

RESOLUTION: C of A: 15:01:04

Moved by: K. Gee

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the December 11, 2014 meeting of the Committee, as circulated.

Carried

Item # 7: S-79-14-L (Atherton)

Speaking to the Application:

Discussion:

The subject lands consist of 44.3 +/- hectares (110 acres) with 600 m. (1970 ft.) frontage on Morrison Road. The applicant has requested to sever one new lot. The proposal for this lot is for a 21.8 ha (54 acre) lot with 295 m. (970 ft.) frontage on Morrison Road. Neither Public Health nor Cataraqui Region Conservation Authority has any objection.

RESOLUTION: C of A: 15:01:05

Moved by: P. Barr

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves Consent application S-79-14-L by Joanna Atherton, to create a new lot, in Concession V, Part Lot11, Morrison Road, District of Loughborough, subject to conditions.

Carried

Application No:	S-79-14-L
Owner:	Joanna Atherton & David Atherton
Location of Property:	Concession V, Part Lot 11, Morrison Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of one new lot
Date of Hearing:	February 12, 2015
Date of Decision:	February 12, 2015

DECISION: PROVISIONAL CONSENT BE 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-79-14-L shall be for a 21.8 +/- ha (54 acre) lot with 295 m. (970 ft.) frontage on Morrison 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 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.**
5. **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.**
6. **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, as well as the requirement for the owner to contact the Cataraqui Region Conservation Authority prior to any development on the property, to determine the need for a permit.**

Item # 8: S-01-15-P (Babcock)

Speaking to the Application: Terry Babcock

Discussion:

The subject lands front on Hinchinbrooke Road, in Hartington. The applications are for the additions onto the north sides of two lots in order to correct a boundary issue. There are no sewage disposal systems near the lot addition parcels. Therefore a report was not required from Public Health. The Roads department has no issues with the entrances.

RESOLUTION: C of A: 15:01:06

Moved by: D. Hahn

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-01-15-P by Terry Babcock, to create a lot addition, in Concession X, Part Lot 6, Hinchinbrooke Road, District of Portland, subject to conditions.

Carried

Item # 9: S-04-15-P (Babcock)

Speaking to the Application: Terry Babcock

Discussion:

The subject lands front on Hinchinbrooke Road, in Hartington. The applications are for the additions onto the north sides of two lots in order to correct a boundary issue. There are no sewage disposal systems near the lot addition parcels. Therefore a report was not required from Public Health. The Roads department has no issues with the entrances.

RESOLUTION: C of A: 15:01:07

Moved by: B. Robinson

Seconded by: David Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-01-15-P by Terry Babcock, to create a lot addition, in Concession X, Part Lot 6, Hinchinbrooke Road, District of Portland, subject to conditions.

Carried

Application No:	S-01-15-P & S-04-15-P
Owner:	Terry Babcock
Location of Property:	Concession X, Part Lot 6, Hinchinbrooke Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of two lot additions
Date of Hearing:	February 12, 2015
Date of Decision:	February 12, 2015

DECISION: PROVISIONAL CONSENT BE 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-01-15-P shall be for 1,400 sq. metre +/- (0.35 acre) lot addition to 5506 Hinchinbrooke Road.
3. The land to be severed by Consent Application S-04-15-P shall be for 4,800 sq. metre +/- (1.2 acre) lot addition to the vacant property fronting on Hinchinbrooke Road Road (Roll number: 102908004016015).
4. The lot addition created through S-04-15-P must be finalized and the deed registered prior to the Township stamping the deed for the lot addition created through application S-01-15-P.
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 \$100 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 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 # 10: S-02-15-B (Tucker)

Speaking to the Application: Tina Tucker (Agent)

Discussion:

The subject lands consist of 6 +/- hectare (15 acres) with 591 m. frontage on Bob's Lake. The applicant has requested to sever two new waterfront lots. The proposal for Lot 1 is for a 2.3 +/- ha (5.7 acre) lot with 91 m. of frontage on Bob's Lake. The proposal for Lot 2 is for a 1.9 +/- ha (4.7 acre) lot with 91 m. of frontage on Bob's Lake. Conservation, Public Health and CBO have requested deferral of the application until such time a full inspection of the subject property can be made. The required signage was not posted in advance of the February 12, 2015 meeting; as such the advertising requirement was not met.

An additional public meeting shall be held. There were several comments and questions from neighbours enquiring as to whether the proposed lots met all the minimum requirements for size, frontage, allowed severance numbers as well as the potential environmental impact of increased development along Dewitt Lane.

RESOLUTION: C of A: 15:01:08

Moved by: B. Robinson

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-02-15-B by Trevor Tucker, to create a new lot, in Concession VII, Part Lots 27 & 28, Bobs Lake, District of Bedford, until agency comments have been received or at the call of the Chair.

Carried

Item # 11: S-03-15-B (Tucker)

Speaking to the Application: Tina Tucker

Discussion:

The subject lands consist of 6 +/- hectare (15 acres) with 591 m. frontage on Bob's Lake. The applicant has requested to sever two new waterfront lots. The proposal for Lot 1 is for a 2.3 +/- ha (5.7 acre) lot with 91 m. of frontage on Bob's Lake. The proposal for Lot 2 is for a 1.9 +/- ha (4.7 acre) lot with 91 m. of frontage on Bob's Lake. Conservation, Public Health and CBO have requested deferral of the application until such time a full inspection of the subject property can be made. The required signage was not posted in advance of the February 12, 2015 meeting; as such the advertising requirement was not met. An additional public meeting shall be held. There were several comments and questions from neighbours enquiring as to whether the proposed lots met all the minimum requirements for size, frontage, allowed severance numbers as well as the potential environmental impact of increased development along Dewitt Lane.

RESOLUTION: C of A: 15:01:09

Moved by: B. Robinson

Seconded by: J. Sherbino

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-02-15-B by Trevor Tucker, to create a new lot, in Concession VII, Part Lots 27 & 28, Bobs Lake, District of Bedford, until agency comments have been received or at the call of the Chair.

Carried

Item # 12: S-05-15-P (O'Sullivan)

Speaking to the Application: Shirley O'Sullivan

Discussion:

The subject lands front on McConnell Road, in Harrowsmith. The application is for an 1.8 +/- hectare (4.6 acre) addition onto the east side of 3691 McConnell Road. This lot addition would serve to help regularize the shapes of both 3701 McConnell Road and 3691 McConnell Road. There are no sewage disposal systems near the lot addition parcels, and no new entrance required. Therefore reports were not required from Public Health or Roads.

RESOLUTION: C of A: 15:01:10

Moved by: P. Barr

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-05-15-P by Shirley O'Sullivan, to create a lot addition, in Concession II, Part Lot 12, McConnell Road, District of Portland, subject to conditions.

Carried

Application No:	S-05-15-P
Owner:	Shirley O'Sullivan
Location of Property:	Concession II, Part Lot 12, McConnell Road, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a lot addition

Date of Hearing: February 12, 2015
 Date of Decision: February 12, 2015

DECISION: PROVISIONAL CONSENT BE 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-05-15-P shall be for 1.8+/- hectare (4.6 acre) addition onto the east side of 3691 McConnell 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 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.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.

Item # 13: MV-24-14-B (Soberman)

Speaking to the Application:

Discussion:

The subject land consists of 4,700 +/- sq. metres (1.16 acres) with frontage on Crow Lake. The proposal involves the construction of a 12 by 22 ft. addition, within the 30 metre setback from the high water mark of Crow Lake. Both Public Health and Conservation have sent a letters of deferral until suitable weather conditions allow for proper site inspection. Environmental report has not been received due to weather conditions preventing accurate site inspection.

RESOLUTION: C of A: 15:01:11

Moved by: D. Hahn

Seconded by: B. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers minor variance application MV-24-14-B by David Soberman, to permit an addition to an existing dwelling within 30 metres of the high water mark of Crow Lake, in Concession IV, Part Lot 27, Crow Lake, District of Bedford, until agency comments have been received or at the call of the Chair.

Carried

Item # 14: MV-01-15-S (Sonneveld)

Speaking to the Application: Arie Sonneveld, Brian Sonneveld

Discussion:

The subject land consists of 384,450 +/- sq. metres (95 acres) with frontage on Sunbury Road. The proposal involves the construction of a dairy barn and a manure storage pit, within the normally required Minimum Distance Separation (MDS II) for Agriculture. The MDS II calculation was done by Karen Davis a representative from OMAFRA based on discussions with Arie Sonneveld regarding details about livestock in the barn along with a site visit. It was determined that the minimum setback for the dairy barn should be 219 metres from the nearest neighbour and the manure storage pit should be 297 metres from the nearest neighbour.

Several neighbours (Sarah Seitz, William Greenough, Mary-Anne Zikakis) spoke and questioned whether odours from the manure storage pit would affect their properties. The applicant said that he needed the Minor variance to locate the manure storage in a lower area where it would be visually hidden from the neighbours. He added that the manure storage will be completely contained within the storage facility. Both Ron Sleeth and Larry Redden confirmed that these storage facilities contained the odours very well.

RESOLUTION: C of A: 15:01:12

Moved by: B. Robinson

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby approves minor variance application MV-01-15-S by Arie & Deborah Sonneveld, to permit the construction of agricultural facilities within the normally required Minimum Distance Separation, in Concession VII, Part Lots 17 & 18, Sunbury Road, District of Storrington, subject to conditions.

Carried

Application No: MV-01-15-S
Owner: Arie & Deborah Sonneveld
Location of Property: Concession VII, Part Lots 17 & 18, District of Storrington, Sunbury Road, Township of South Frontenac
Purpose of Application: To vary section 5.35 of the Comprehensive Zoning By-law to permit development within the normally required Minimum Distance Separation (MDS II) for Agriculture
Date of Hearing: February 12, 2015
Date of Decision: February 12, 2015

DECISION: **VARIANCE GRANTED, subject to conditions**

CONDITIONS

1. **The minor variance MV-01-15-S is for the construction of an 80 ft. by 160 ft. dairy barn to be located a minimum of 203 metres from the nearest neighbour at 1744 Sunbury Road and for a 12 ft. by 100 ft. manure storage pit to be located a minimum of 252 metres from the nearest neighbour at 1744 Sunbury Road.**
2. **No other structures shall be permitted within the normally required Minimum Distance Separation (MDS II) for agriculture.**
3. **Minor variance MV-01-15-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
4. **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.**

Item # 15: Other Business

Discussion on possibility of only sending out agenda packages via email rather than paper copies everyone has to pick up at the office would still send out detailed paper information packages. Mixed opinions from the Committee; it was decided that each member will make a decision as to whether or no they wish an email or hard copy individual.

- K. Gee –hard copies
- L. Redden – hard copies
- D. Hahn – email
- J. Sherbino – email
- R. Sleeth –
- P. Barr – email
- M. Schjerning – absent
- B. Robinson –

Ken Gee – Trout Lake Designation questions—follow up to questions from December meeting

1. Loughborough West Basin now only stocking rather than a breeding lake, but still has a Highly Sensitive Designation, why?
2. Is there a way to change the designation of lakes? Lindsay please check into designations and how they are done/changed.
3. Who is in charge of the designations? Ministry of Environment?

Adding more lakes as Highly Sensitive Lakes: Crow Lake and Desert Lake in the next year.

Lindsay to follow up with the Ministry regarding concerns.

Item # 16: Adjournment**RESOLUTION: C of A: 15:0:16**

Moved by: B. Robinson

Seconded by: P. Barr

THAT the February 12, 2015 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:25 p.m. to reconvene at 7:00 p.m. on Thursday, March 12, 2014 or at the call of the Chair.

Carried

Larry Redden
Chair

Lindsay Mills
Secretary-Treasurer